



Agenda Item # 6

BOA-002899-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

1016 Belvedere Circle East

Applicant:

Tracy Pritchard

Property Owner:

Tracy Pritchard

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6586

Unified Development Code (UDC) Requirement:

- The UDC requires compliant parking for a home-based daycare in a R-1, Single-Family Suburban District.

Board Consideration:

- Parking Variance to allow non-compliant parking for a home-based daycare in a R-1, Single-Family Suburban District


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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by single family residential units.

APPLICATION NUMBER <u>6586</u> DATE <u>May 6, 2024</u>	
APPLICANT <u>Tracy Pritchard</u>	
REQUEST <u>Parking Variance</u>	

SITE HISTORY

The property was annexed into the City of Mobile in 1956. The lot was created as part of the Belvedere Park Second Unit Subdivision, approved by the Planning Commission at their August 8, 1958 meeting and was subsequently recorded in Mobile County Probate Court.

The Planning Commission recommended approval of a Conditional Use Permit (CUP) for the site at its December 7, 2023 meeting to allow a home-based daycare for 7-12 children in an R-1, Single-Family Residential Suburban District. The CUP was approved by the City Council with four (4) conditions, the first requiring revision of the CUP Site Plan to illustrate compliant parking.

There have been no other applications before the Planning Commission or Board of Zoning Adjustment for the site.

STAFF COMMENTS

Engineering Comments:

No comments for the proposed variance; however; the submitted survey shows an aluminum fence in the Right of Way. The fence must be moved to private property and NOT be located within the public ROW.

Traffic Engineering Comments:

May lead to more on street parking that can cause unforeseen traffic issues.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is proposing to operate a home-based daycare with conditional use approval for 7-12 children with non-compliant parking in an R-1, Single-Family Residential Suburban District.

The applicant states that existing site conditions and layout are such that it is not feasible to construct the number of parking spaces required by the UDC. Additionally, the applicant states that in the past the day care has not had a need for more than two (2) vehicles to be parked on site at the same time.

The entire application packet is available via the link on Page 1.

Based on the proposed use, the parking requirement is one (1) per outside employee, one (1) per three (3) children, and two (2) per dwelling unit. Additionally, all required parking must be of either an approved alternative paving surface, asphalt or concrete, and provide adequate access and on-site maneuvering area.

The existing structure is a single-family dwelling and the approved Conditional Use Permit allows up to 12 children, as such, at least six (6) parking spaces are required. The applicant did not provide information regarding the number of outside employees that may be employed by the daycare, consequently the total required number of parking spaces cannot be completely calculated.

The site plan illustrates two (2) existing concrete driveways; no delineated parking spaces are illustrated. However, based on the dimensional requirements of 64-3-12 and on the current site conditions; six (6) compliant parking spaces cannot be provided.

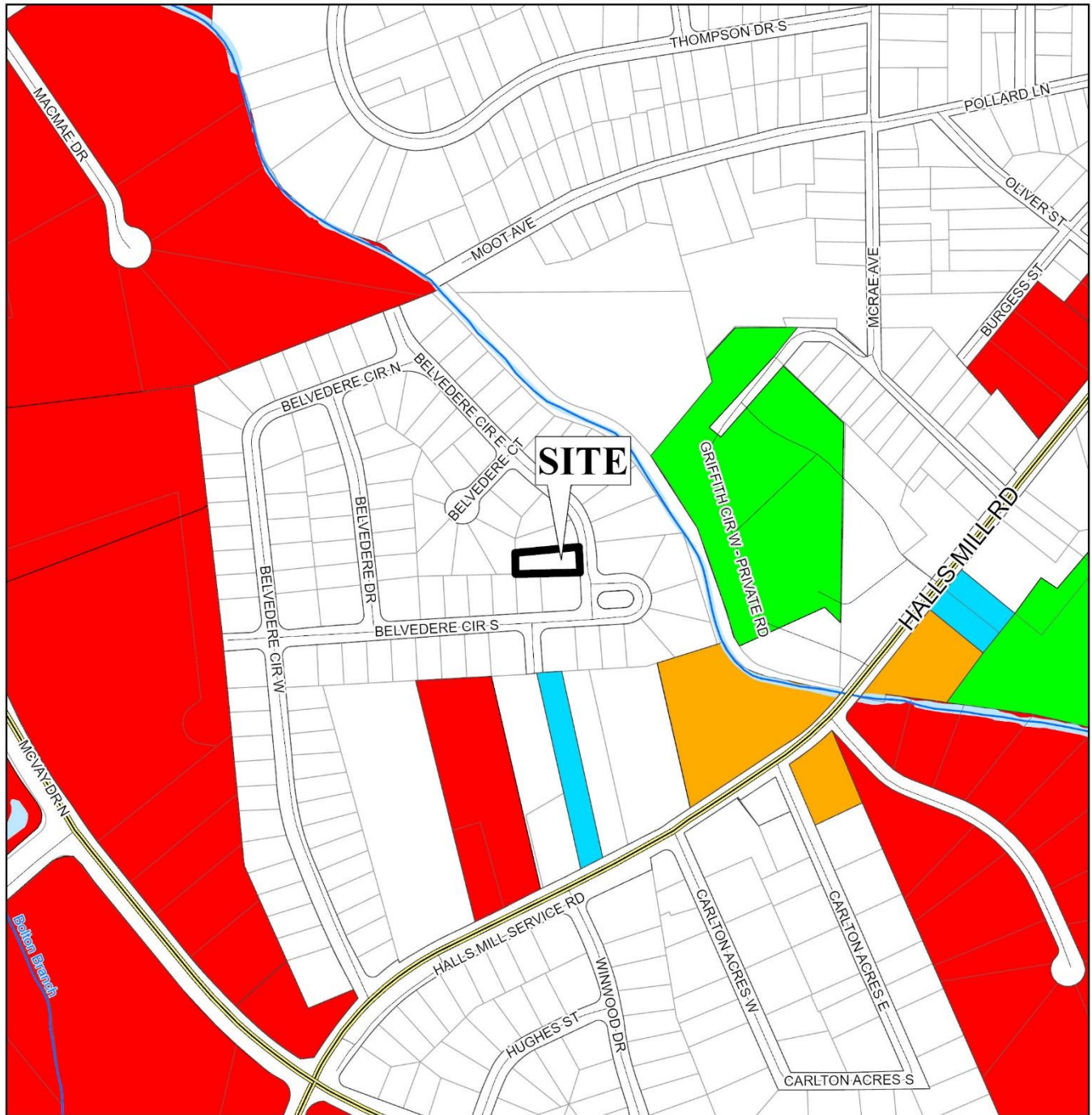
The approved Conditional Use Permit specifically stipulated the provision of compliant parking. Moreover, the CUP standards in Articles 3 and 5 of the UDC specifically stipulate parking requirements for a Conditional Use Permit for a child home day care with 7 to no more than 12 children. The approval by the City Council requires compliant parking; consequently the Board does not have the authority to grant a variance of this requirement.

VARIANCE CONSIDERATIONS

Standards of Review / Consideration:

As the Conditional Use Permit and the City Council approval requires the provision of compliant parking, the Board is without jurisdiction as it relates to this request.

LOCATOR ZONING MAP



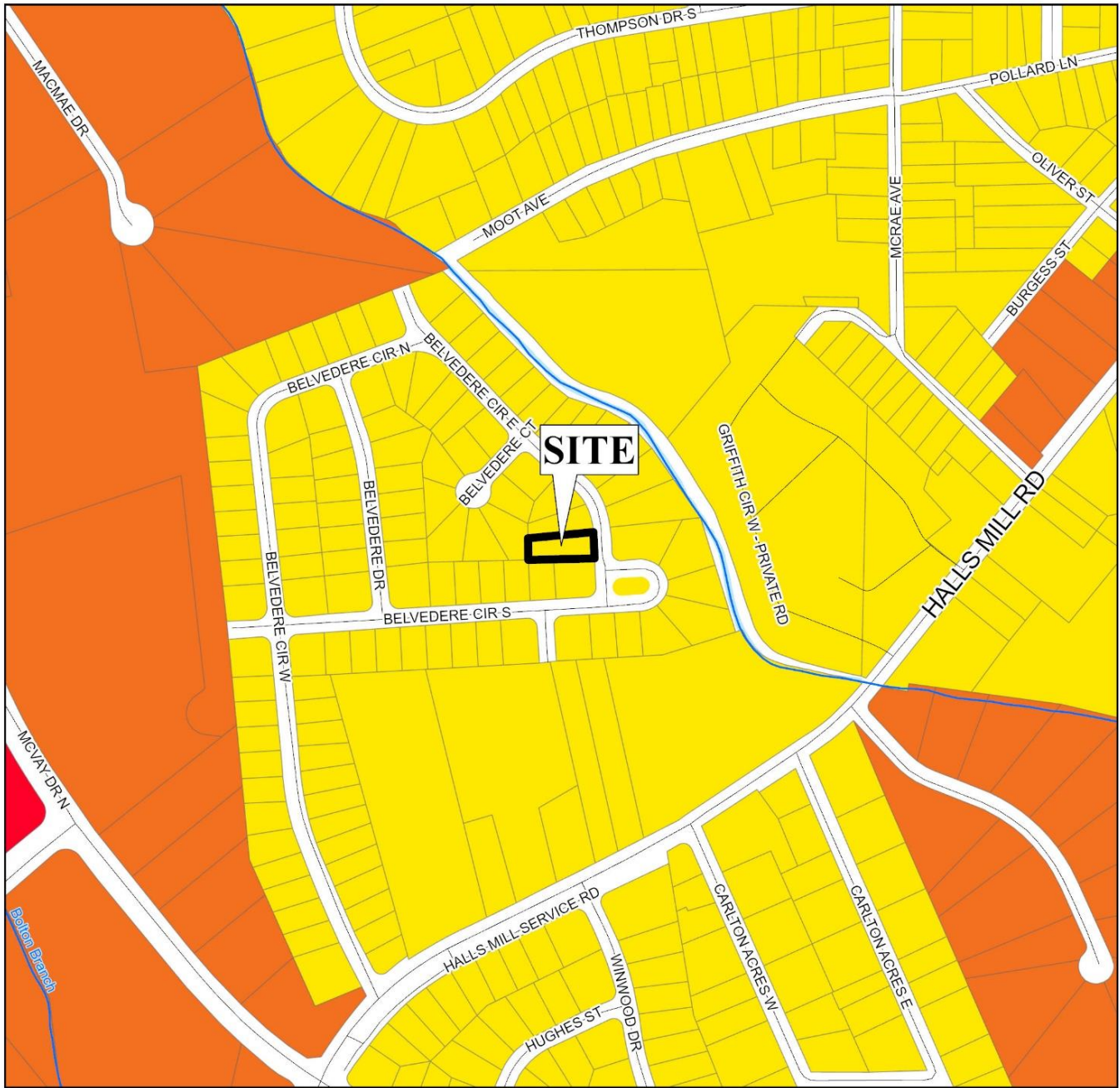
APPLICATION NUMBER 6586 DATE May 6, 2024

APPLICANT Tracy Pritchard

REQUEST Parking Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6586 DATE May 6, 2024

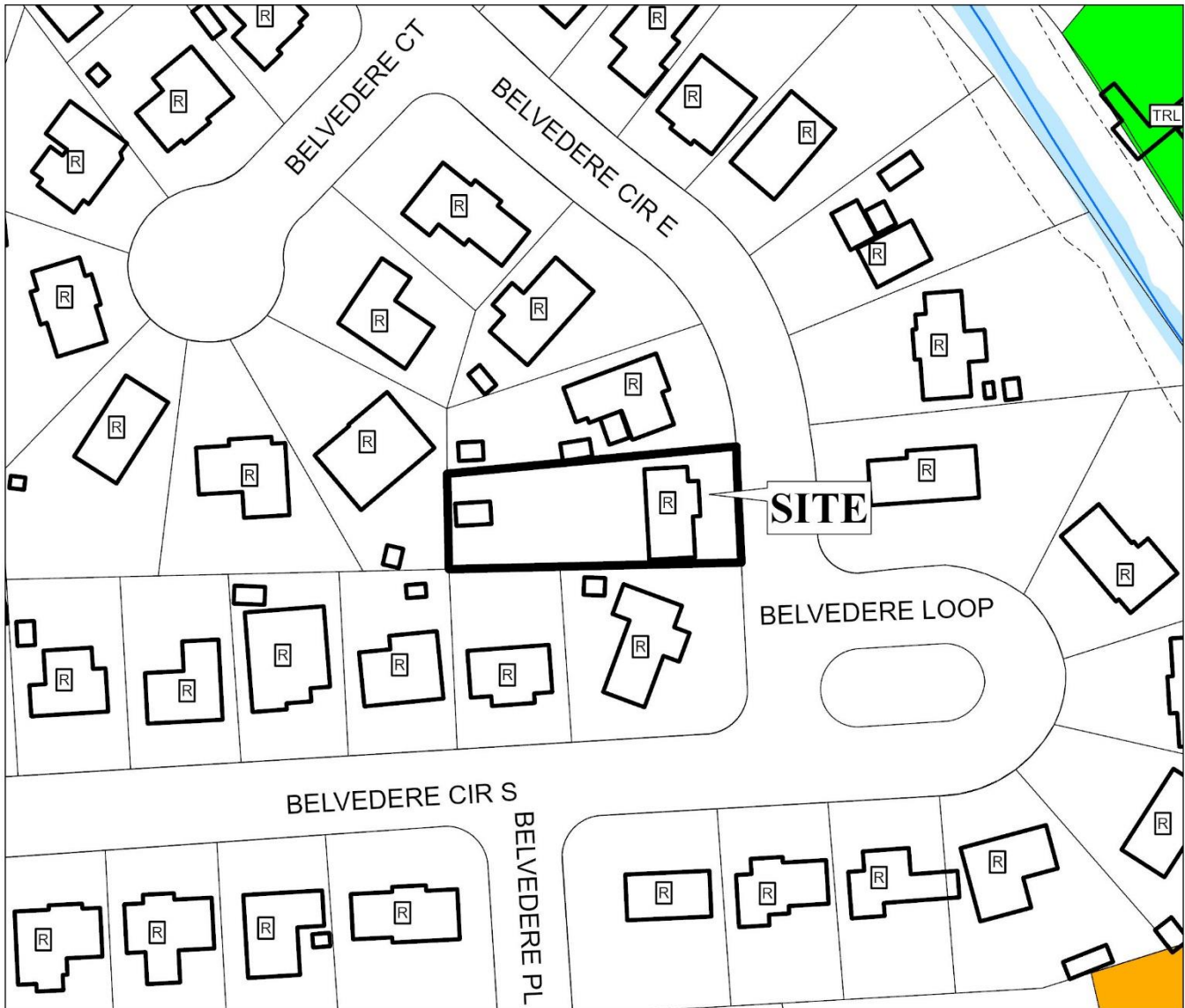
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- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 6586 DATE May 6, 2024

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REQUEST Parking Variance

	R-A		R-3		B-1		B-2		B-5		ML		I-2		OPEN		T-3		T-5.2
	R-1		R-B		T-B		B-3		CW		MH		PD		SD		T-4		T-6
	R-2		H-B		LB-2		B-4		MM		I-1		MUN		SD-WH		T-5.1		



ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■				■		■						□		
TWO-FAMILY RESIDENCE	R-2	■				■		■						□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■						□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■						□		
HISTORIC BUSINESS	H-B			■		■		■						□		
VILLAGE CENTER	TCD					■	■							□		
NEIGH. CENTER	TCD					■	■							□		
NEIGH. GENERAL	TCD					■								□		
DOWNTOWN DEV. DDD	T-6			■										□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□						□		
DOWNTOWN DEV. DDD	T-5.2			■		■								□		
DOWNTOWN DEV. DDD	T-4			■		■		□						□		
DOWNTOWN DEV. DDD	T-3			■		■								□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○			○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■					□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■					□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■					□	○	
COMMUNITY BUSINESS	B-3				■				■				○	□	○	
GEN. BUSINESS	B-4			■					■				○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■				□	□	
LIGHT INDUSTRY	I-1									■				□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Residential Land Use



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.