

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 6, 2019**

<u>CASE NUMBER</u>	6254
<u>APPLICANT NAME</u>	Richard S. Meador Jr. & Kimberly B. Meador
<u>LOCATION</u>	51 Ridgelawn Drive West (West side of Ridgelawn Drive West, at the West terminus of Ridgelawn Drive.)
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow a second kitchen inside a pool house in an R-1, Single Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance limits dwellings to a single kitchen in an R-1, Single Family Residential District.
<u>ZONING</u>	R-1, Single Family Residential
<u>AREA OF PROPERTY</u>	0.5 ± Acres
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments.
<u>URBAN FORESTRY COMMENTS</u>	Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.
<u>FIRE COMMENTS</u>	All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

ANALYSIS

The applicant is requesting a Use Variance to allow a second kitchen inside a pool house in an R-1, Single Family Residential District; the Zoning Ordinance limits dwellings to a single kitchen in an R-1, Single Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

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 semidetached, 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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant states:

"We are planning a pool house/ guest room addition to our home. It will be connected by patio and future pool. It will also potentially house my aging parents as their situation changes. We are asking for the ability to put a full working range for catering and to supplement the existing kitchen in our home. The amenity is not suitable for tenant use as we do not have adequate parking and street parking is not feasible in our location."

As stated, the applicant is seeking relief, after the fact, from the Zoning Ordinance to allow a second kitchen on a single site. Based on the statement from the applicant, the addition will either be a guest room or a pool house. The applicant also states that the addition will not be for tenant use; however, they also mention that the space could potentially house family. Lastly, the narrative mentions that the range in the new kitchen would supplement the existing kitchen and would be for "catering". No additional information was provided in regards to potential catering. If a home occupation is proposed, the applicant must obtain a Zoning Clearance and business license. They must also adhere to the following home occupation conditions: *"The applicant must live at the residence, and persons not living at the residence cannot work at the location. Also, no customers or services provided at the location are allowed. The business activity shall be incidental to the residential use of the premises and shall not: (a) take place in the yard or in a detached building; (b) occupy more than 25% of the floor area of the dwelling; (c) employ anyone who does not live in the dwelling; and (d) include selling or storage of items for sale from this address that are made elsewhere."*

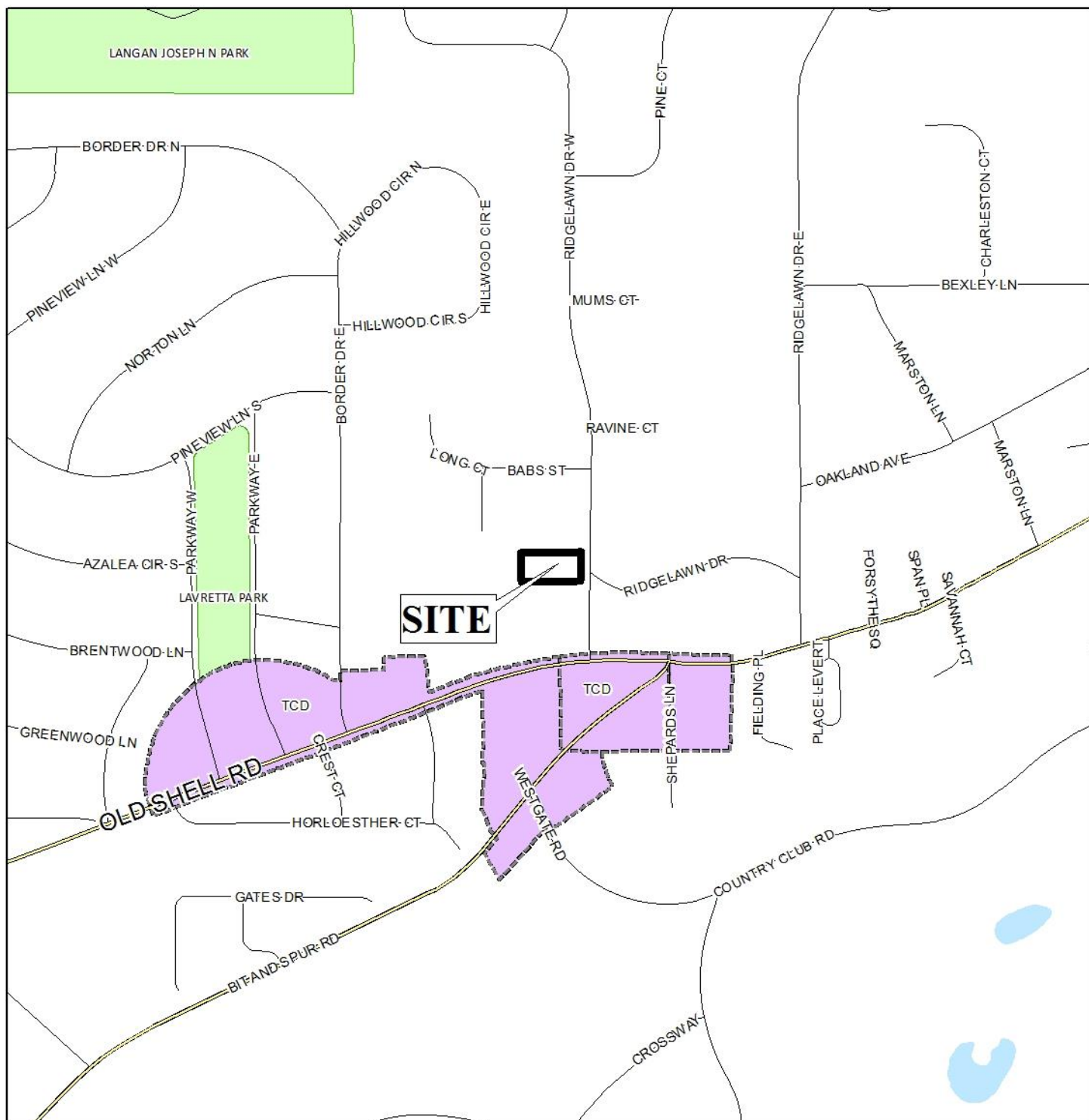
The applicant has not provided justification as to what hardships prevent the property from being used in compliance with the current R-1 zoning classification. There have not been any similar Use Variance requests granted within the immediate area, and the allowance of the proposed second kitchen would be out of character with the surrounding single-family residential uses. It should be noted that the applicant could have an outdoor kitchen without the need for a variance.

The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship. There are no unusual characteristics of the property that satisfy variance standards; therefore, the Board should consider this request for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to the Zoning Ordinance regarding the number of kitchens allowed within an R-1, Single-Family Residential District;
- 2) Special conditions may exist such as the desire to accommodate guests and supplement the existing kitchen, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for variances; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the site can be developed without an additional kitchen.

LOCATOR MAP



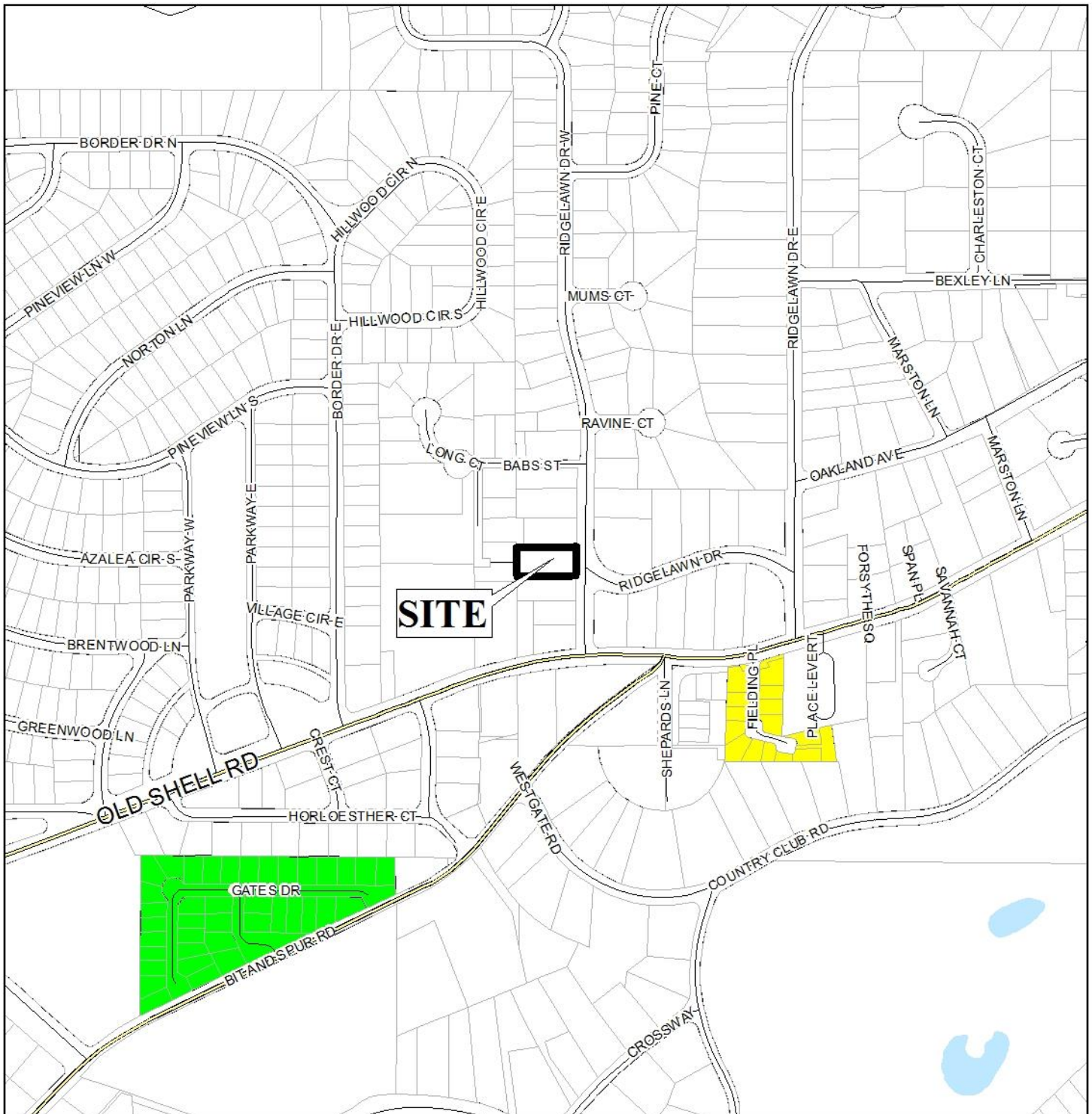
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REQUEST Use Variance



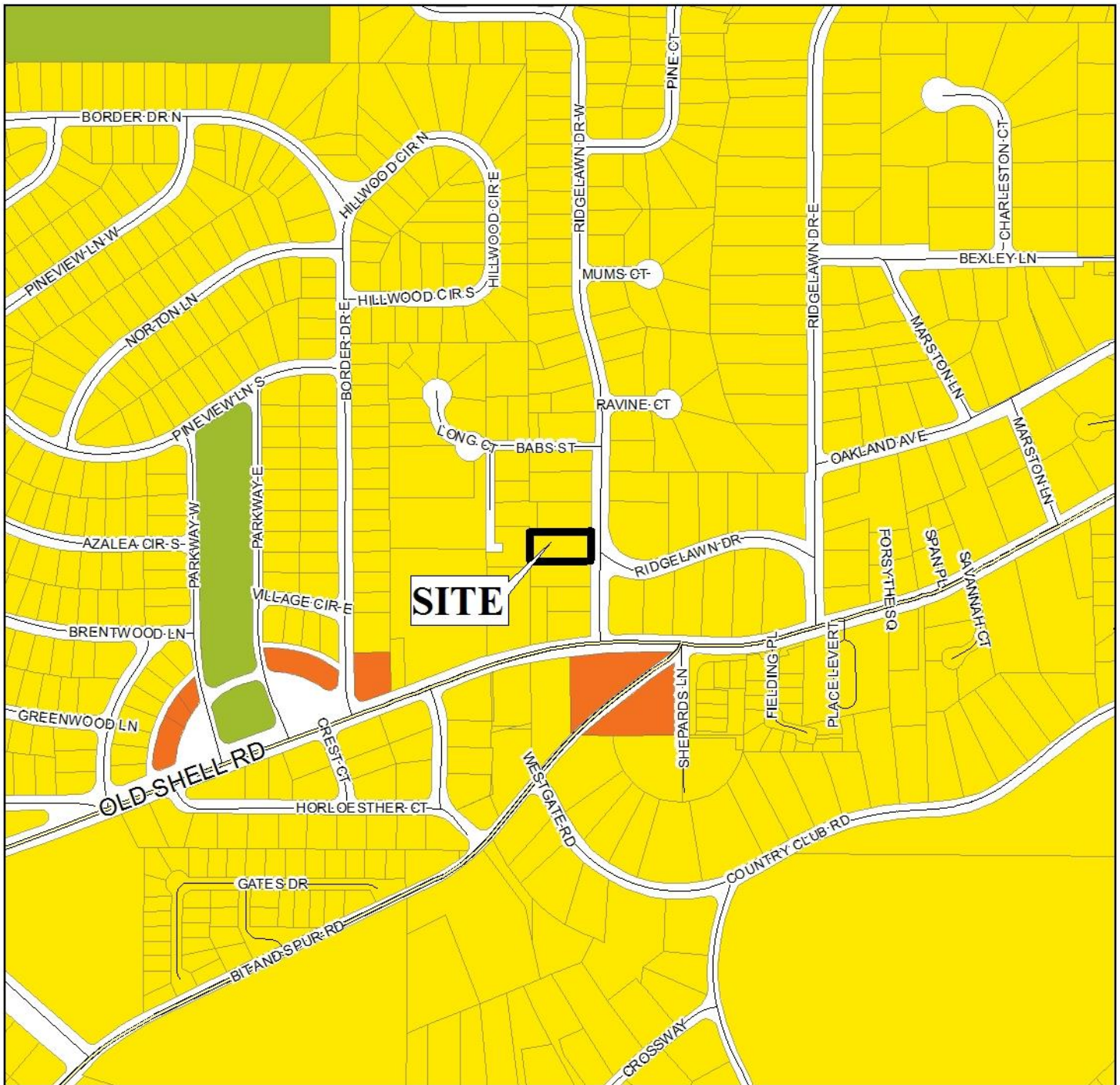
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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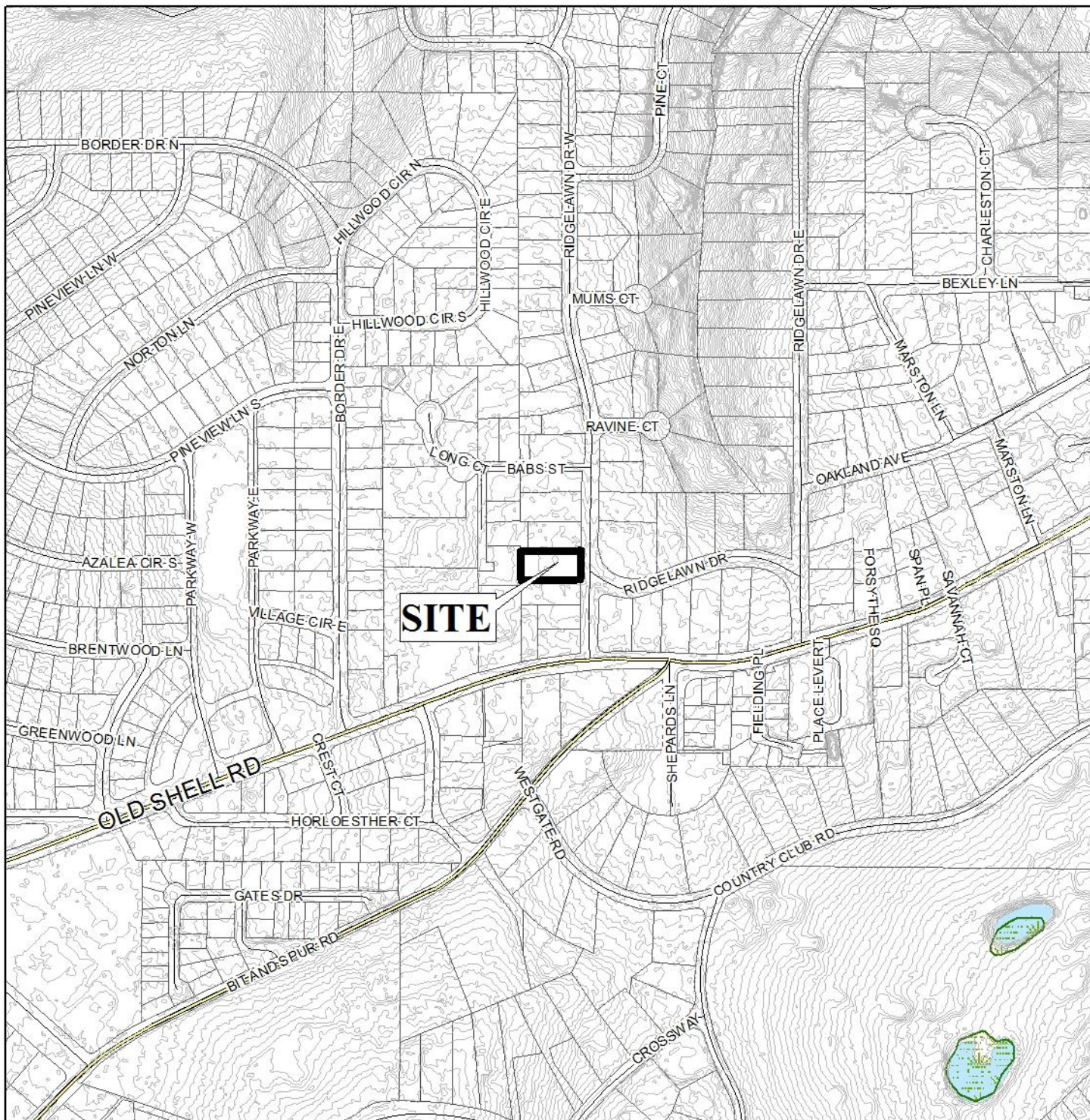
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REQUEST Use Variance

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	



ENVIRONMENTAL LOCATOR MAP



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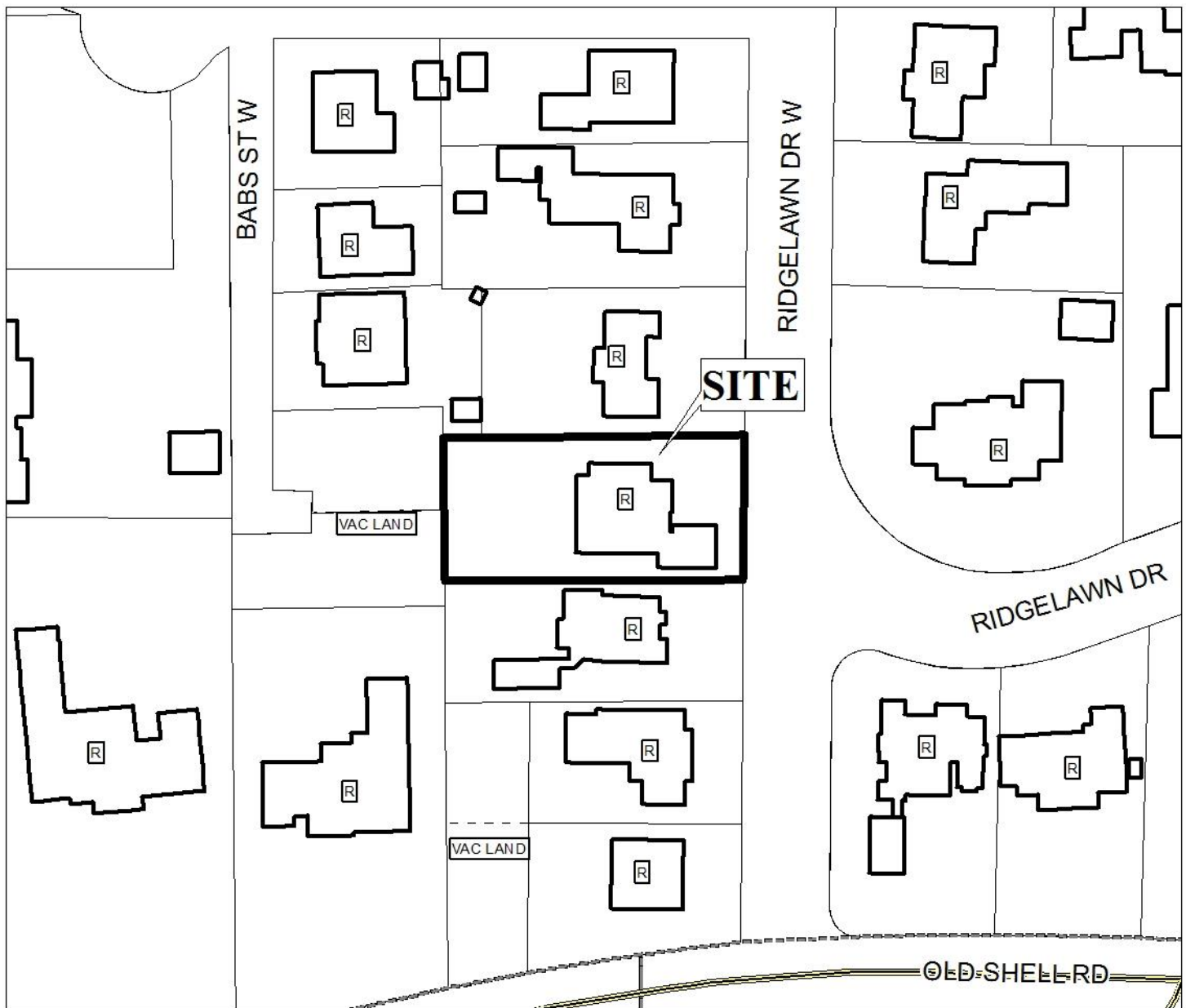
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Site surrounded by single family residential units.

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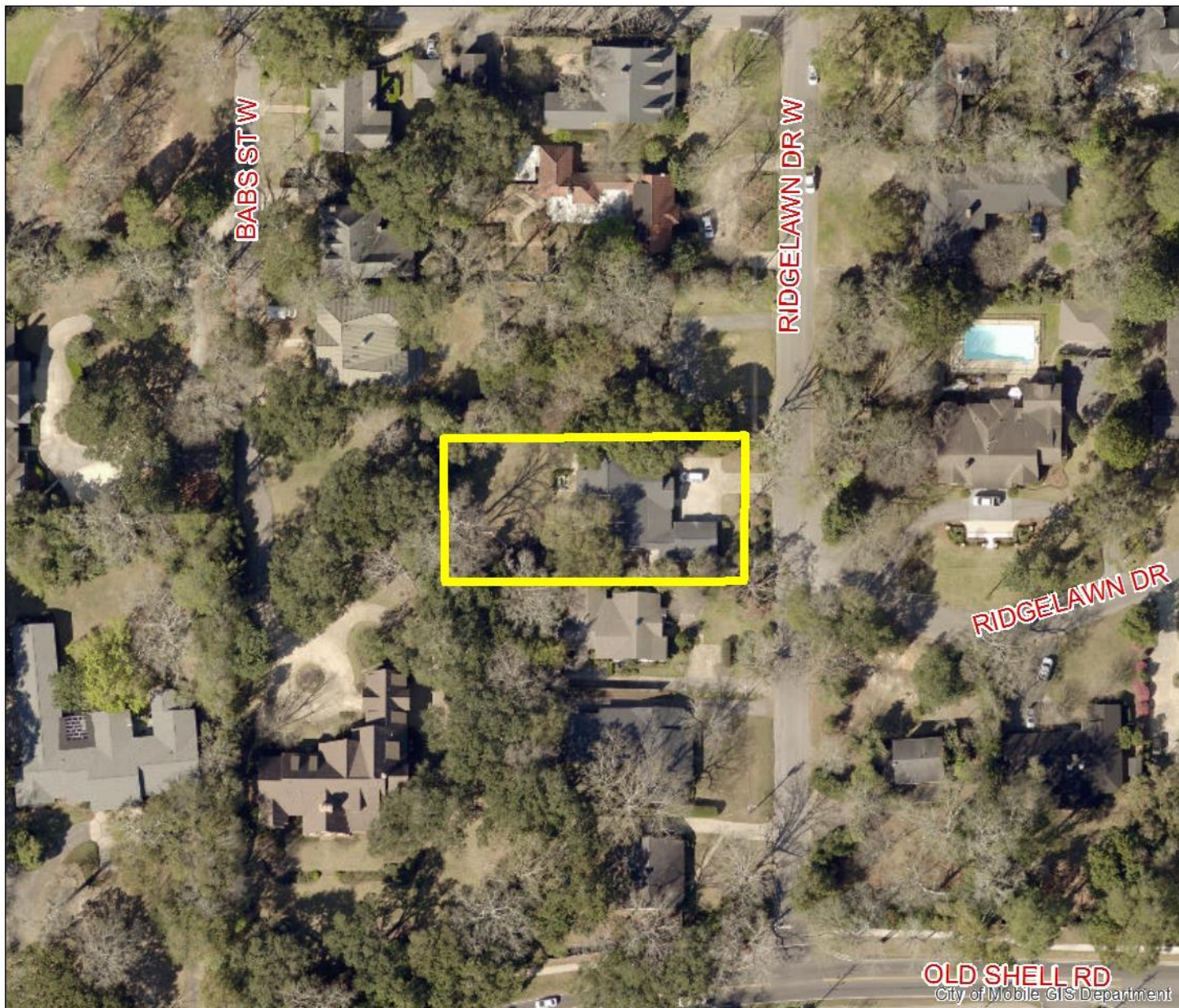
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

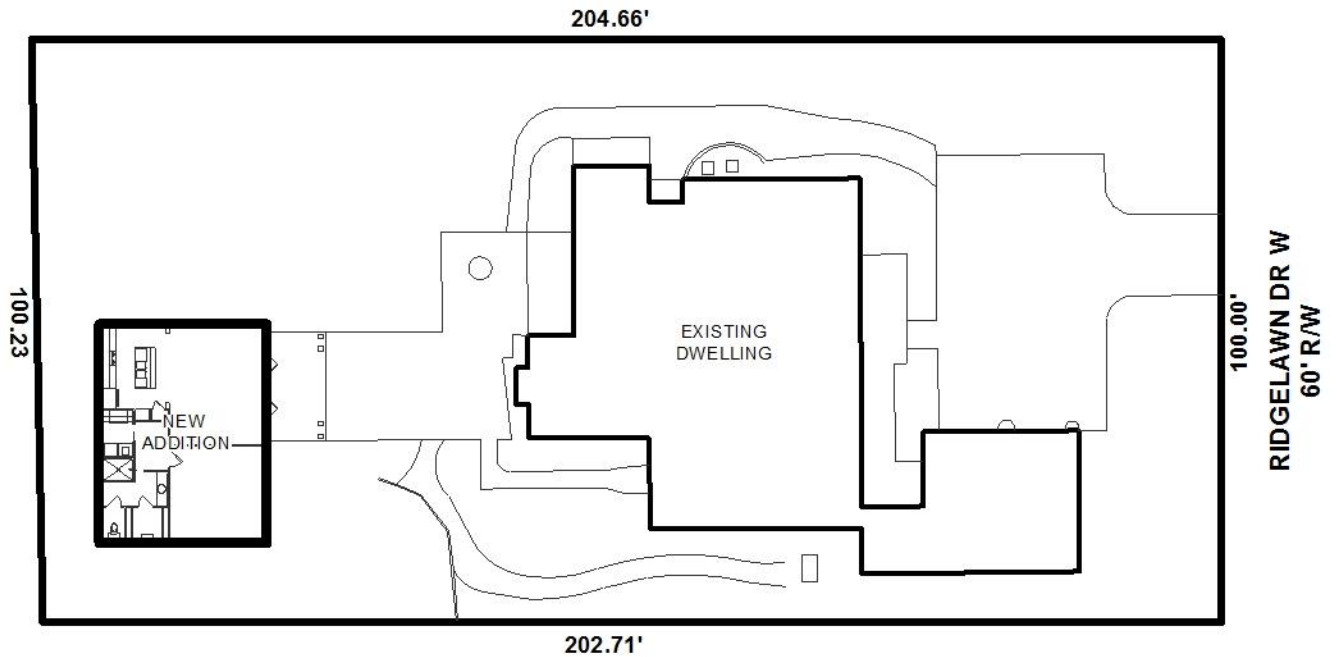


Site surrounded by single family residential units.

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PROPOSED SITE PLAN



The site plan illustrates the existing house and the proposed new additon.

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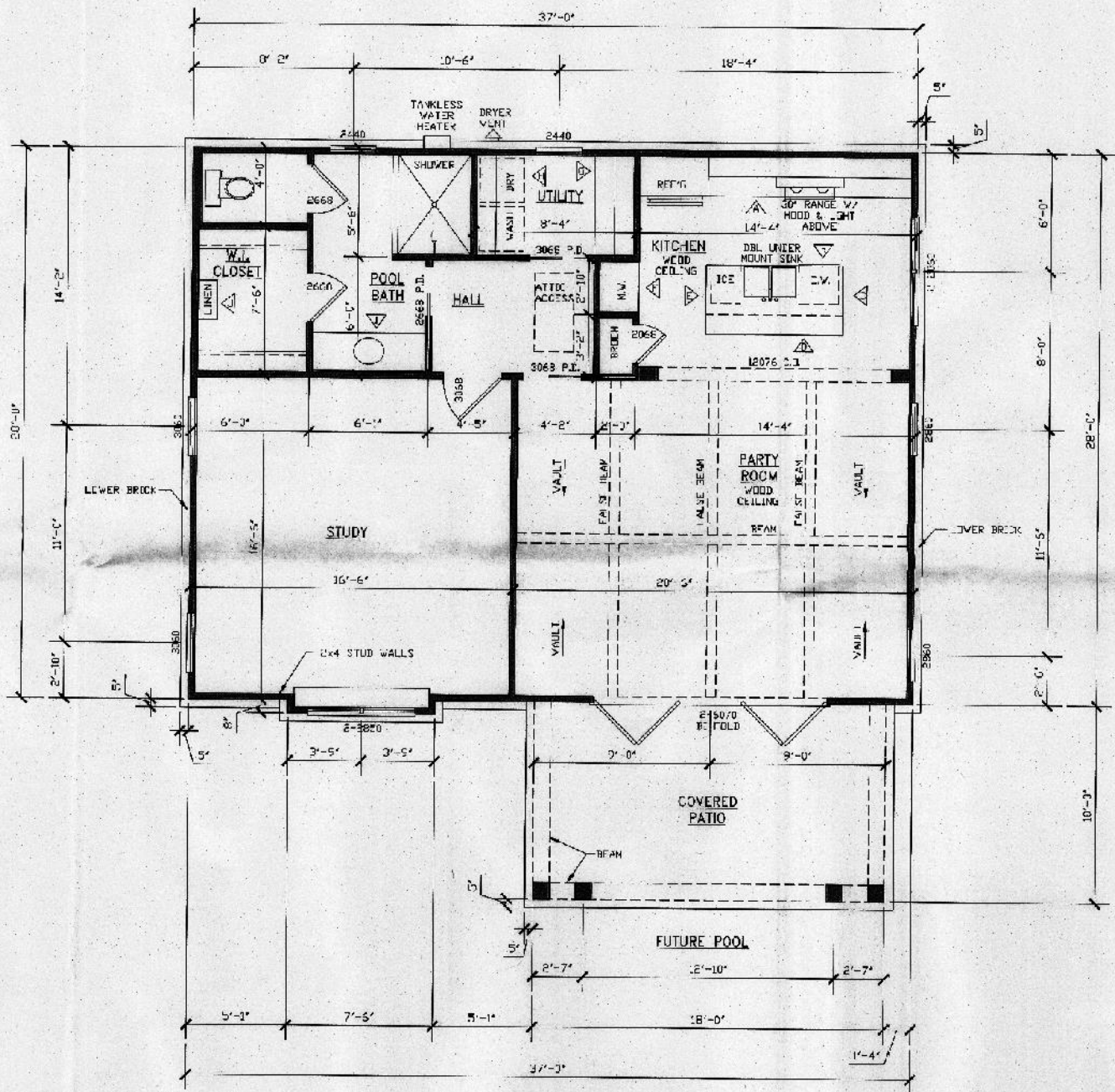
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NTS

DETAIL SITE PLAN



FLOOR PLAN

SCALE: 1/4"=1'-0"

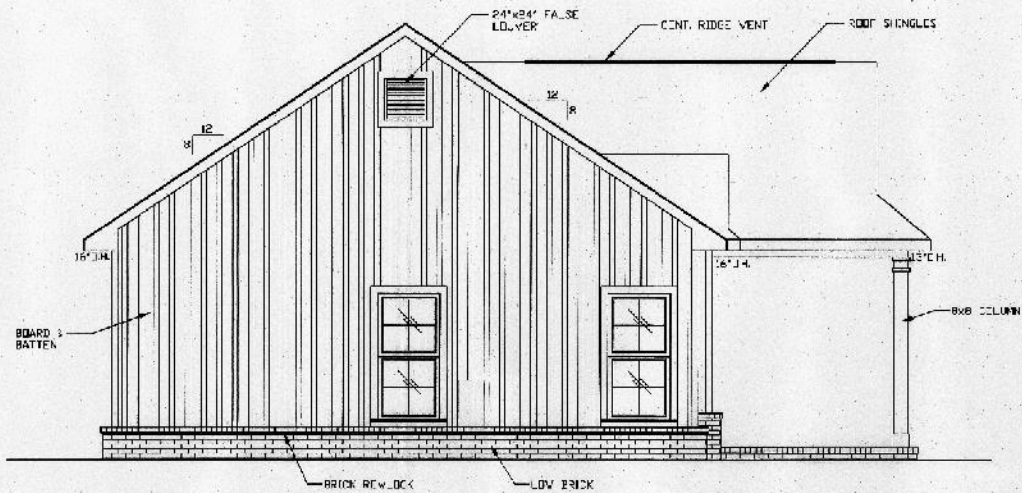
AREA

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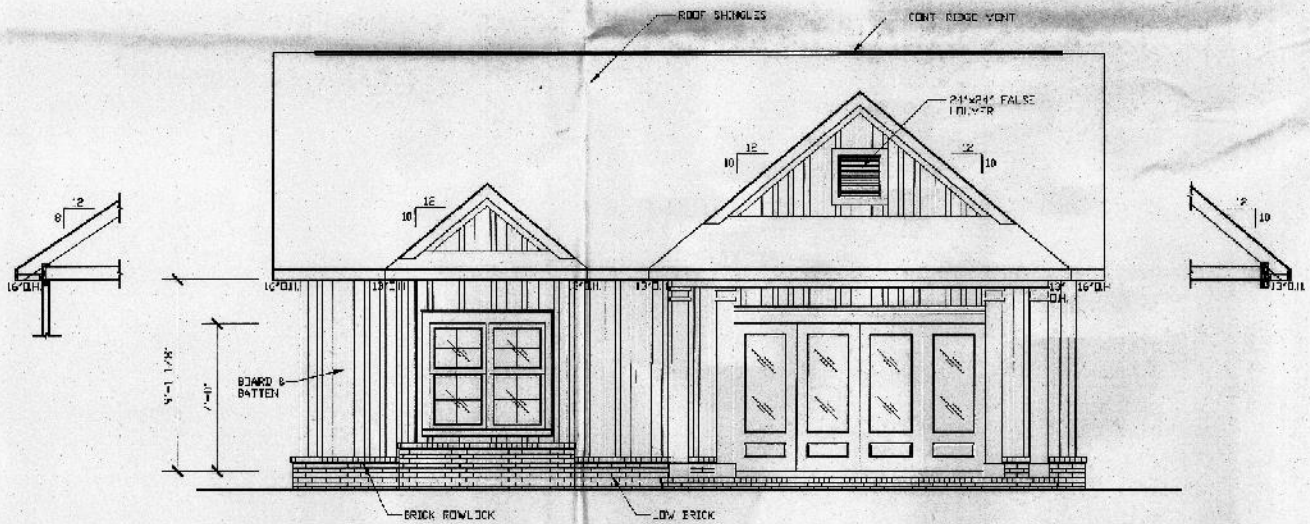
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DETAIL SITE PLAN



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

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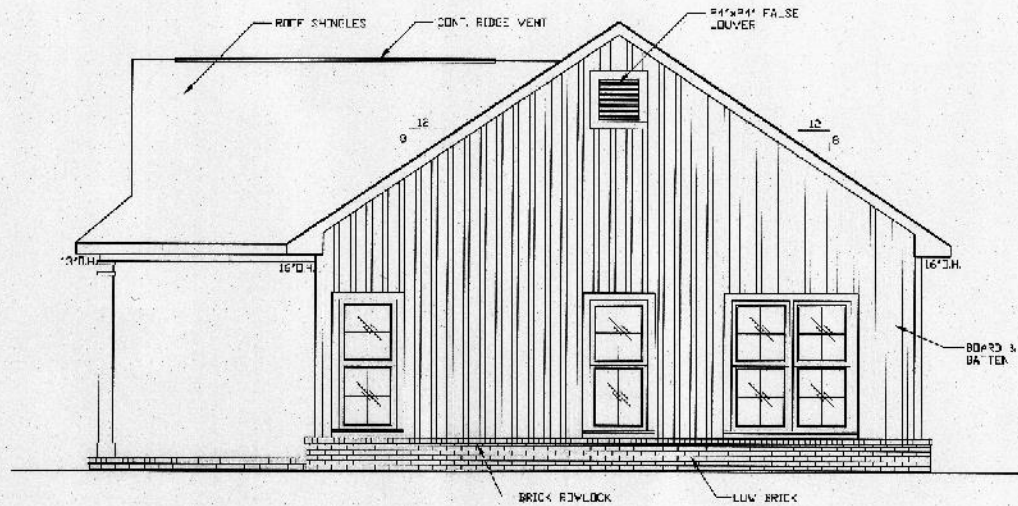
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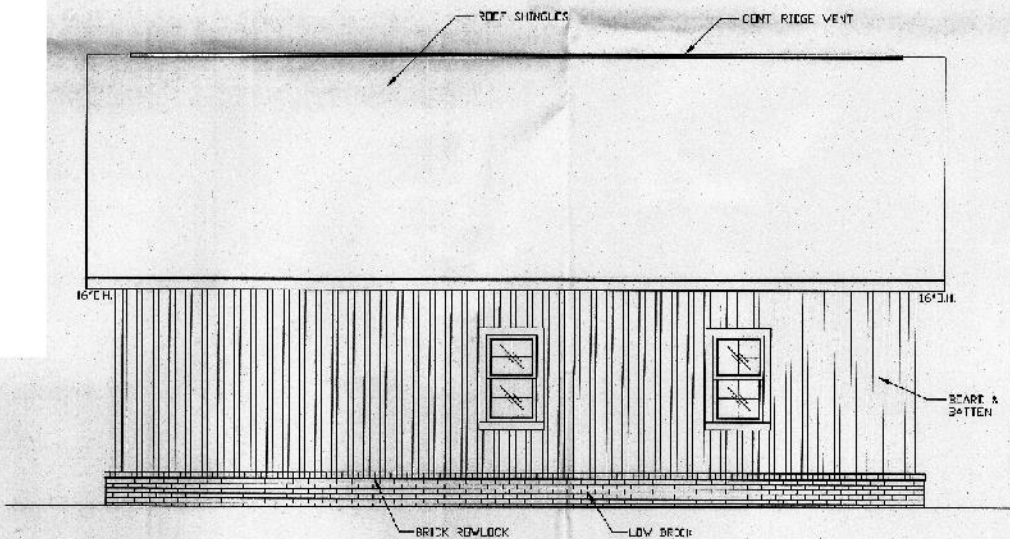
NTS

DETAIL SITE PLAN



RIGHT SIDE ELEVATION

SCALE 1/4\"/>



REAR ELEVATION

SCALE 1/4\"/>

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