



Agenda Item # 9
BOA-003497-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

4519 Cypress Business Park Drive

Applicant / Agent:

Kimmy Care, LLC (Kimberly H. Rea, Agent)

Property Owner:

BB Properties, LLC (c/o Kimberly H. Rea)

Current Zoning:

B-5, Office Distribution District

Future Land Use:

Heavy Industry

Case Number(s):

6712/6643/6468

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) does not allow the operation of a daycare in a B-5, Office-Distribution District.

Board Consideration:

- Use Variance to amend a previously approved Use Variance to allow operation of a daycare in a B-5, Office-Distribution District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	7

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER	6712	DATE	November 3, 2025
APPLICANT	Kimmy Care, LLC (Kimberly H. Rea, Agent)		
REQUEST	Use Variance		



SITE HISTORY

The site was annexed into the City of Mobile in 1993.

In August 1996, the site was rezoned from R-1, Single-Family Residential District to B-5, Office Distribution District.

In August 1999, the site was part of the Creekline Subdivision, Tenth Addition, which was approved by the Planning Commission and recorded in Probate Court.

The site was granted a Use Variance by the Board of Zoning Adjustment on July 11, 2022 to allow a daycare to operate in a B-5 District.

In January 2025, the Board granted an amendment to the 2022 Use Variance to allow the operation of a daycare in a B-5 District, to allow a new 1,500 square-foot structure on the site. An extension was granted on August 4, 2025.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

1. The proposed improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant is requesting a Use Variance to amend a previously approved Use Variance to allow operation of a daycare in a B-5, Office-Distribution District; the Unified Development Code (UDC) does not allow the operation of a daycare in a B-5, Office-Distribution District.

As mentioned previously, the site was granted a Use Variance in January 2025 to allow the construction of a 1,500 square-foot building on the subject site. Plans were submitted for the Land Disturbance review, but the location of the proposed new structure was changed from that approved in the variance. As variance approvals are site-plan specific, a new variance is required to allow the structure in the proposed new location on the site.

The site is adjacent to other B-5 properties to the North, South, and West, with I-1, Light Industry District, across the street to the East. No Use Variances have been granted for any other properties in the area.

The previously approved site plan indicated the proposed new building located approximately ten feet (10') North of the existing daycare building. The proposed amended site plan indicates the new building located approximately seventeen feet (17') West of the existing building.

The proposed new location of the building will not result in the loss of any existing parking spaces. The site plan indicates compliance with the number of parking spaces. One (1) space is required per 350 square feet of gross floor area, and with a total of 3,906 square feet proposed, twelve (12) spaces are required and are provided.

The existing daycare building is 2,406 square feet, and the proposed is 1,500 square feet. As the proposed addition to the site is more than a 50% increase in the building footprint on the site, the property will have to come into compliance with the UDC tree planting and landscape area requirements. Since the site is abutted to the North,

West and South by other B-5 commercial properties, only frontage and parking lot tree planting compliance is required, and the site plan indicates such. However, the landscaping calculations are incorrectly based upon a 12% ratio of total site landscaping required, and the UDC now requires a 15% ratio of total site landscaping. The calculations provided on the site plan only cover the total site landscaping area required and do not continue to calculate the street frontage landscaping area required, which would be 60% of the total area required. Therefore, the site plan should be revised to base the landscaping calculations on 15% of the total site area, with 60% of that area to be the frontage landscaping area required.

A note on the site plan states that the site will use curb side pickup, in lieu of a dumpster. If approved, this note should be retained on the site plan.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

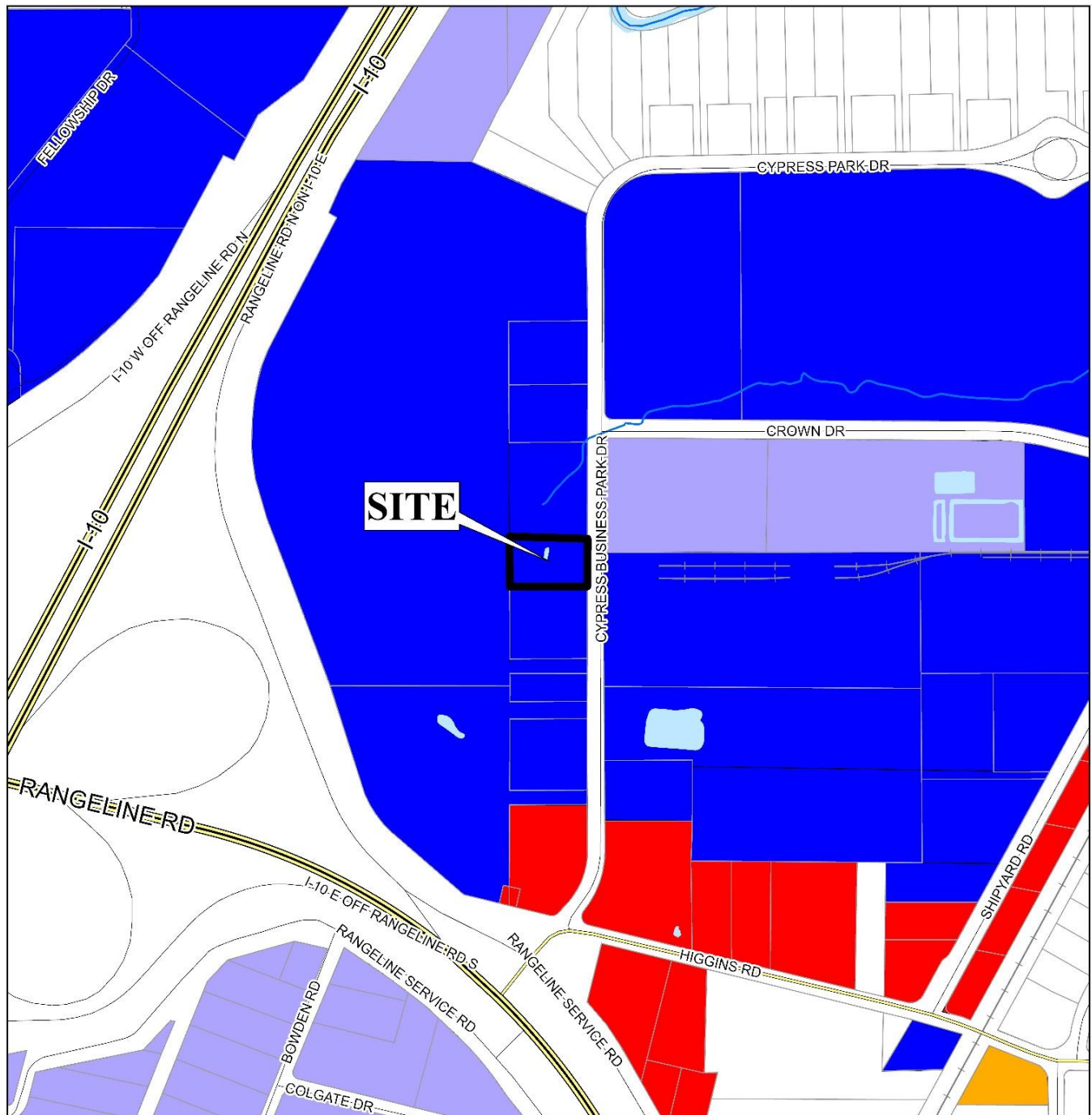
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Revision of the landscaping calculations to be based upon 15% of the total site to be landscaped, with 60% of the total area landscaping to be along the street frontage;
- 2) Revision of the tree planting calculations to delete perimeter tree planting requirements;
- 3) Retention of the note on the site plan stating that curbside pickup will be used;
- 4) Submittal of a revised site plan to Planning & Zoning staff prior to the submission for land disturbance or building permits; and
- 5) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6712 DATE November 3, 2025

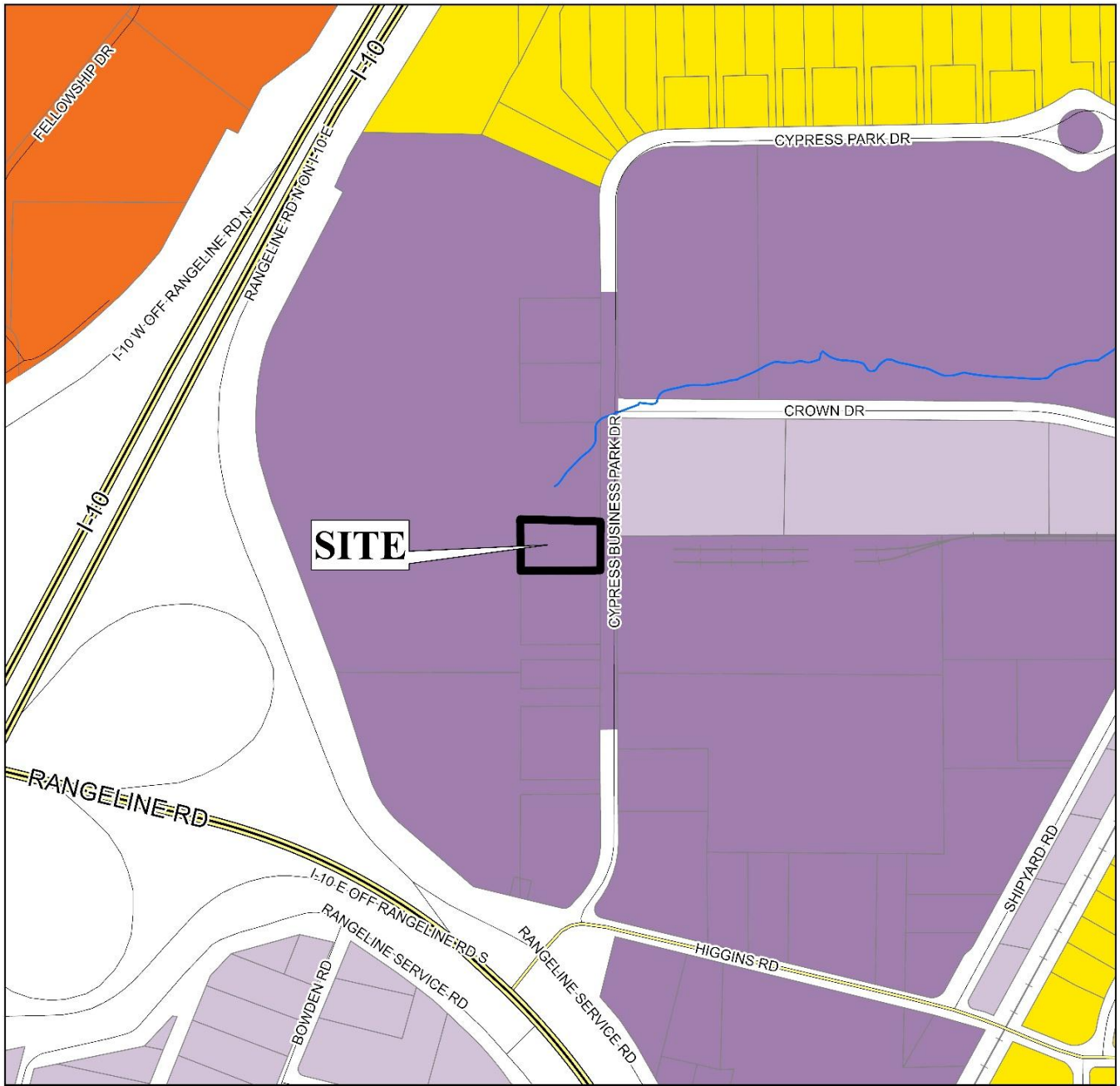
APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)

REQUEST Use Variance



NTS

FLUM LOCATOR MAP

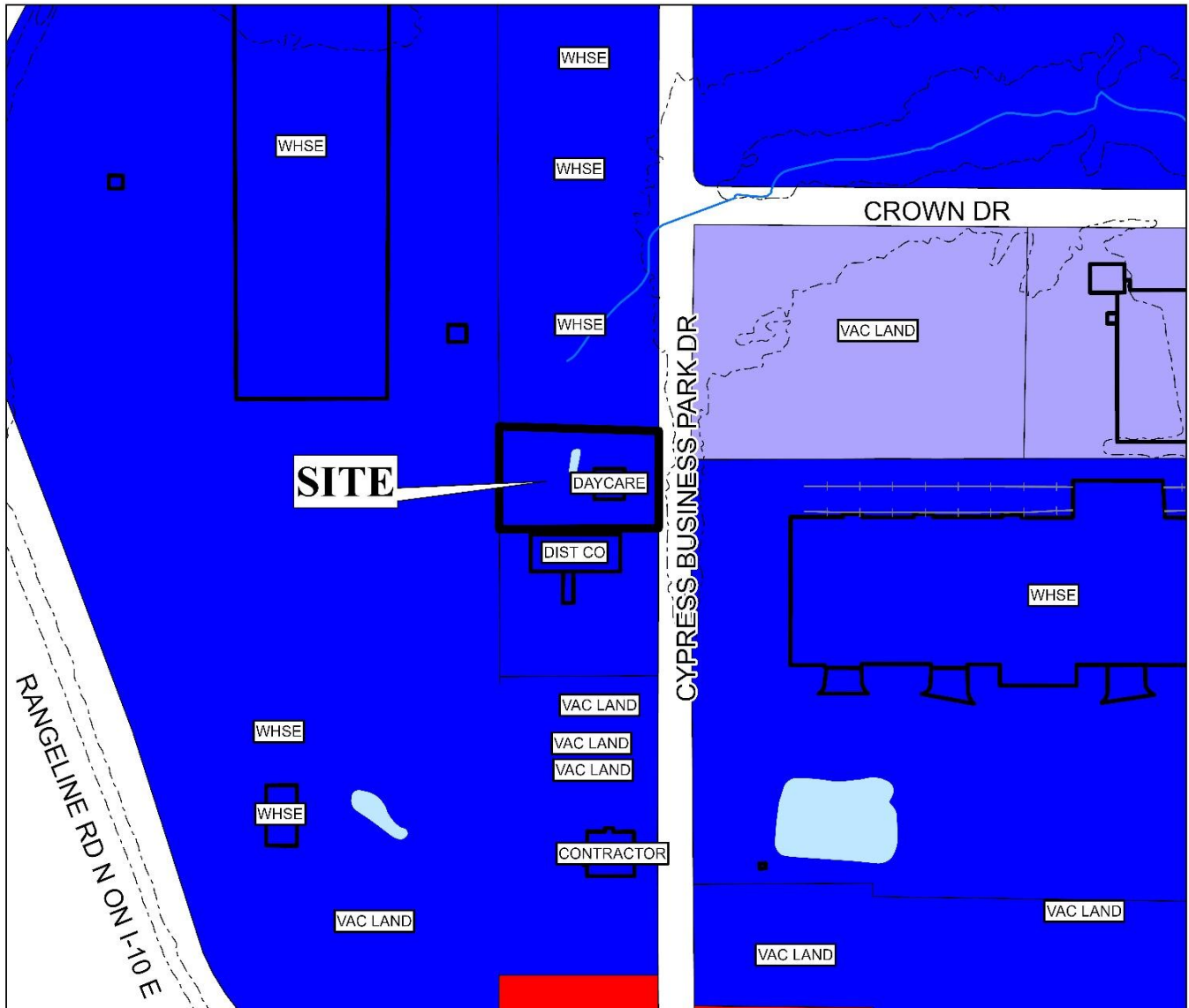


APPLICATION NUMBER 6712 DATE November 3, 2025
APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
REQUEST Use Variance

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

APPLICATION NUMBER 6712 DATE November 3, 2025

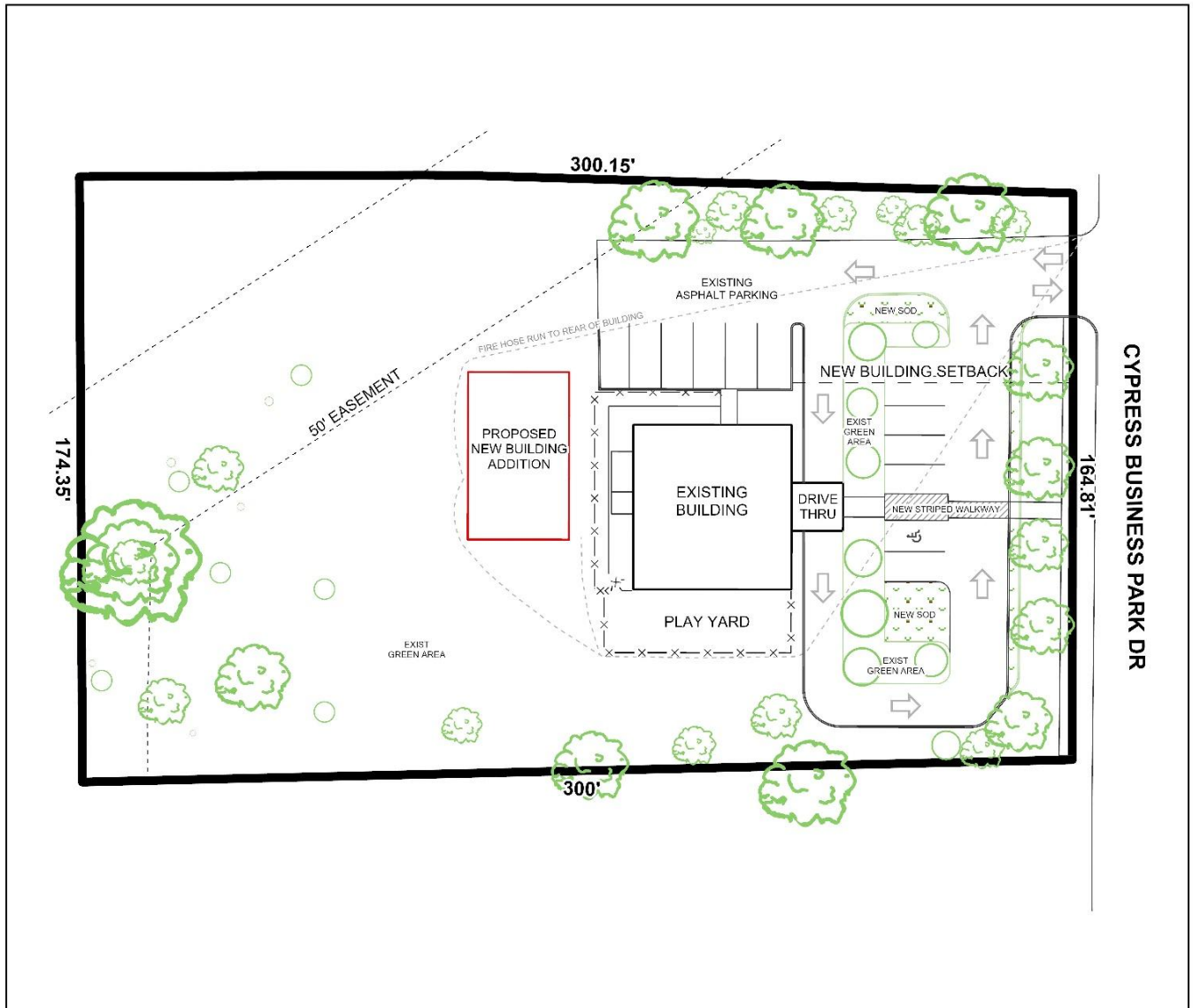
APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)

REQUEST Use 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	



SITE PLAN

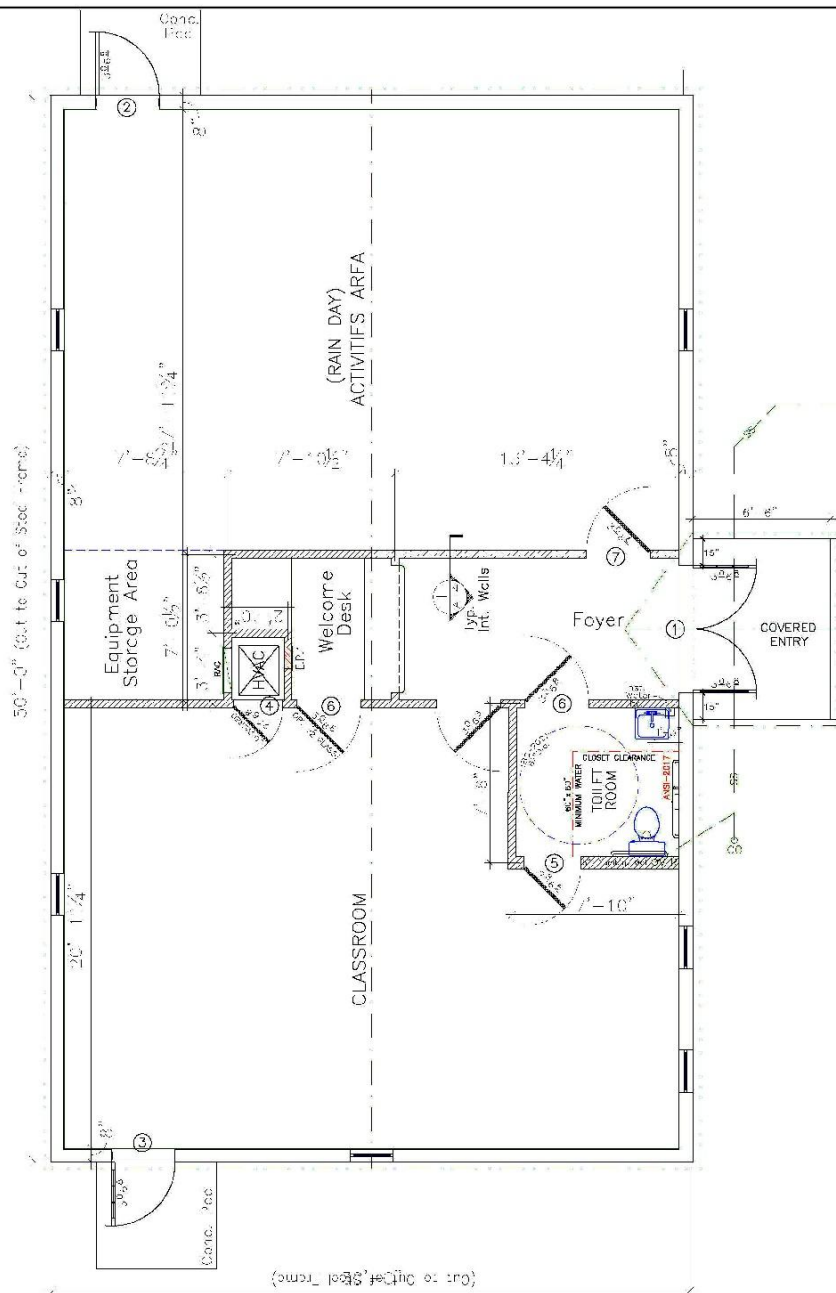


The site plan illustrates the proposed buildings, parking, landscaping, and current buildings.

APPLICATION NUMBER 6712 DATE November 3, 2025
 APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
 REQUEST Use Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6712 DATE November 3, 2025
 APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
 REQUEST Use Variance



NTS

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

HEAVY INDUSTRY (HI)

This designation applies to larger parcels primarily devoted to high-impact industrial activity which is preferably removed from residential and commercial uses. Light industry, industrial business or commercial lands may separate heavy industry from other land uses. Heavy industrial areas are distinguished by the presence of noise, vibration, and/or odors, and benefit from easy access to a multimodal freight transportation network. Some industrial areas along Mobile's waterways are treated separately on the FLUM and classified as Water Dependent Uses.

Development Intent

- › Certain types of heavy industry are characterized by low building coverage and activities that rely on large areas of outdoor storage of raw material stockpiles and/or waste-product disposal areas, storage tanks, pipelines, and transportation yards to handle the transfer of heavy materials.
- › The outdoor storage areas should be screened as much as possible by the nature of the stored materials.
- › Land designated as HI may be underdeveloped due to the presence of wetlands on portions of the parcel. In these cases, the wetlands may serve to buffer surrounding uses from the potential impacts of the heavy industrial use.
- › Undeveloped areas of HI parcels that have tree cover may be used as buffering between the heavy industrial use and other uses. Where buffers do not exist naturally, they should be provided as spelled out in the zoning and subdivision regulations.
- › Open areas reserved for dredge disposal are also designated as HI and may contain wetlands.

Land use mix

Primary Uses

- › Heavy Industrial
- › Mining and Material Storage

Secondary Uses

- › Commercial

Character Example

