

APPLICATION NUMBER

5124/5086

A REQUEST FOR

**USE VARIANCE TO ALLOW A COMMERCIAL
(PRIVATE) DAY CARE IN AN EXISTING CHURCH IN AN
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; DAY
CARES ARE ALLOWED IN B-1, BUFFER BUSINESS
DISTRICTS WITH PLANNING APPROVAL AND BY
RIGHT IN B-2, NEIGHORBORHOOD BUISNESS
DISTRICTS.**

LOCATED AT

2700 FIRST AVENUE

(Northwest corner of First Avenue and Main Street)

APPLICANT

**KATT'S CHRISTIAN DAY CARE & CHILD
DEVELOPMENT CENTER**

BOARD OF ZONING ADJUSTMENT

JULY 2002

The applicant is requesting an Use Variance to allow a commercial (private) day care in an existing church in an R-1, Single-Family Residential District; Day Cares are allowed in B-1, Buffer Business Districts with Planning Approval, and by right in B-2, Neighborhood Business Districts.

The applicant applied for and received approval from the Board in January 2002 subject to the property being established as a legal lot of record. The variance has expired and is now null and void, hence the new application.

The applicant states that the property is zoned residential and in order to be a licensed daycare (from the Alabama Department of Human Resources), the day must receive the appropriate approvals from the City of Mobile.

In addition, the applicant states that the current use of the property is a church and that the daycare would not be in operation at the same time of church activities. The hours of operation would be Monday through Friday, 6:00 AM to 6:00 PM, the maximum number of employees would be 10, and the number of customers/visitors per day would be approximately 60. Also, the applicant states that the church had an existing daycare for a number of years and but is now closed.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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.

RECOMMENDATION 5124**Date: July 8, 2002**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) full compliance with landscaping and trees; and 2) full compliance with all municipal codes and ordinances.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and churches

APPLICATION NUMBER 5124 DATE July 8, 2002

APPLICANT Katt's Christian Day Care & Child Development Center

REQUEST Use Variance

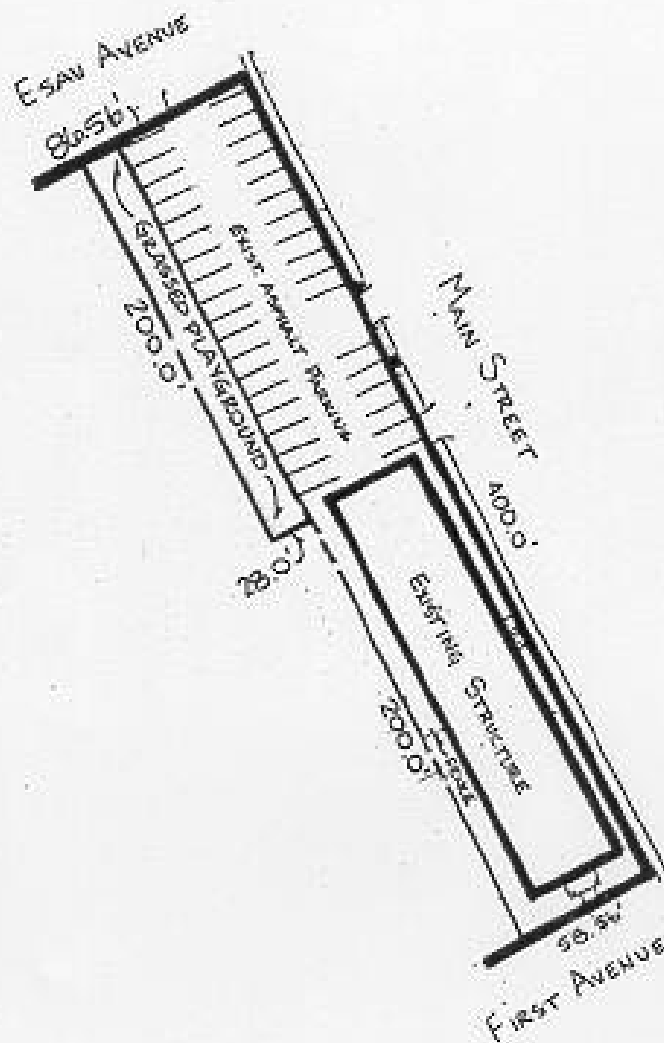
LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



NTS

SITE PLAN



The site is located on the southwest corner of First Avenue and Main Street.
The site plan illustrates the existing structure and parking lot

APPLICATION NUMBER 5124 DATE July 8, 2002
 APPLICANT Kalls Christian Day Care and Child Development Center (Church of God Pentecostal, Owners)
 USE/REQUEST Use Variance

