

TUSCALOOSA ZONING BOARD OF ADJUSTMENT

APRIL 23, 2007

Before addressing the evening's agenda, ZBA chair Joe Romanek explained the ZBA's process to those in attendance, then introduced Julie Love Templeton as a new member of the Board. In addition to Romanek and Templeton, the Board consisted of James Crummie, John Sheffield, and James West.

Romanek then announced that ZBA-24-01 would be continued until the Board's meeting and not be heard at this time.

Finally, Romanek announced that because the May meeting falls on Memorial Day, the Zoning Board of Adjustment would not meet in May, and that the next meeting of the ZBA will take place on June 25.

ZBA-24-07: Earnestine Jackson petitions for a Special Exception to operate a personal care home for adults at 3295 ½ Short 17<sup>th</sup> Street. Zoned R-3. (Council District 1) (CONTINUED FROM LAST MONTH) (CONTINUED UNTIL NEXT MONTH)

ZBA-26-07: Ken Richardson petitions for a Special Exception to allow the operation of a motor vehicle sales agency and a Special Exception to allow the use of a temporary modular building as an office for said use at 2199 Skyland Boulevard East. Zoned BN. (Council District 7) (CONTINUED FROM LAST MONTH)

John McConnell from the Planning Department explained that the property in question is across the street from the Memorial Hills Gardens Cemetery on Skyland Boulevard East. The lot is currently vacant, but was previously the site of Bama Carports & Storage. A similar exception was granted for that business while it was in operation. (I didn't catch which of the two exceptions he meant.) McConnell showed a site map demonstrating the location of the proposed modular building, which would be placed at the rear of the lot.

Ken Richardson then stepped to the podium and explained that the property belongs to Jimmy \_\_\_\_\_, the owner of a concrete company across the street. Richardson owns another auto sales/rental business closer to or on Greensboro Avenue. He noticed this lot, and approached Jimmy, asking if he could rent it to operate a car rental business.

Joe Romanek asked if Richardson plans to close the other lot and put everything at location, if the ZBA were to approve the request.

Richardson replied that he might, but he might also keep it. The other location is a good location, but it's a small lot, which is problematic. He explained that he was planning on a 12 x 36 modular office, adding that he'd like to have one that's 20 x 40, but he doesn't think they come that large.

**Romanek instructed that modular offices are understood to be temporary. If allowed, Richardson would have up to a year to put a permanent construction in place.**

**Richardson asked about a trailer; Romanek explained that a trailer is a modular unit as well.**

**Richardson was then asked about signage. Referring to the photo of the lot which being projected overhead, he indicated that he would prefer to move it back from the location where the Bama Carports and Storage sign still stands.**

**John Sheffield asked if a permit would be required? Not if it complied with codes, McConnell responded.**

**Romanek asked about the parking lot. McConnell pointed out that the parking lot was not a part of this permit. (Harold Skelton added something about legal form and/or codes, but I didn't catch it.)**

**What about junk cars? asked Romanek. It won't be a junk yard, said Richardson. It won't be a garage.**

**John Crummie asked about landscaping.**

**“Oh yeah!” responded Richardson, enthusiastically. He explained that he is also a landscaper and has a vision for the lot. He went on to explain that Mr. Romaine (presumably the owner of the concrete company) wants to get a state permit to re-route the ditch and beautify the area. Richardson repeated that he'd love to landscape the lot. He'd also like to pave the gravel lot, but noted that that is expensive.**

**Returning to the issue of the modular office building, he emphasized that the permit would only be good for a year, and then it would have to go. Richardson agreed to the point.**

**Romanek explained that there would be two votes: the first on permission to operate a business; the second to approve or disapprove the temporary modular office unit. Both measures passed unanimously.**

ZBA-28-07: WITHDRAWN

ZBA-29-07: Giattina Aycock Architecture Studio, Inc. petitions for a Special Exception to allow a reduction of the number of required off-street parking spaces at a property located on the northwest corner of Jack Warner Parkway and 21<sup>st</sup> Avenue. Zoned RD. (Council District 1)

**A very large crowd was assembled for this petition, which concerns the property on Jack Warner Parkway where Jamison, Money, Farmer & Company; the Bank of Tuscaloosa; and Rosen Harwood PA (previously Rosen, Cook, Sledge, Davis, Shattuck & Oldshue) plan to build a new office building. Principles from all three firms were in attendance.**

**John McConnell explained that the plans for the building itself had been approved at the Planning Commission the previous week. The lot is between the U.S. Army Corps of Engineers and the credit union. The riverfront property is currently wooded and undeveloped.**

**Susan Swider of Giattina Aycock Architecture Studio gave a brief overview of the site plan, using materials developed by their firm. She stated that everyone involved in developing the project wants it to be aesthetically-pleasing (“gorgeous”) and completely compatible with the Riverwalk. The building will be 100,000 square feet; it will be a “Class A” office building.**

**The entire lot is below the floodplain. The plan is to raise the parking lot above the 100-year flood level. The lot will be closer to the street than to the river. The building will be closer to the river; it will be raised above the natural grade, which the plan leaves intact. The plan is designed to save the creek which runs across the property, and as many trees as possible. The northwest section of the property is a wetland; it will be maintained and protected. There’s an easement for drainage and for City access to the river(walk?).**

**As proposed, the parking lot will have 345 spaces. The zoning requirement is for 413 spaces, but the developers believe that peak demand will only be for 310 spots.**

**Sheffield asked about occupancy. Swider replied that the owners are a law firm, a financial services company, and a bank. This is an office building, not a retail establishment which would draw a lot of traffic. The fourth floor of the building will be rented by the Hunt Refinery, and the Bank of Tuscaloosa is considering operating a small branch at the site. But there will be no retail business on-site.**

**Romanek requested a copy of all the site studies for the ZBA’s files.**

**John Crummie asked about security. Swider replied that no problems were expected. She added that Rosen Cook Sledge currently has its offices across the street, and have experienced no problems there. No gates are planned for the parking lot.**

**Romanek asked about the Corps site. Swider explained that the Riverwalk plan addresses the Corps’ property. She explained that TDOT wanted to have access (on both sites) built into the plan; that was one of their requirements during the planning process.**

**When asked, she explained that nothing would separate the building property from the Riverwalk. It's supposed to blend into the overall area; the building will be shorter than the trees that are there now.**

**All five members voted to approve the request.**

**[After the meeting I approached Swider and her colleague, Preston Hite, to ask about biofiltration. This is an increasingly popular approach to site development that allows rainwater to filter into the ground where it is gradually purified and replenishes the local aquifer. This is in contrast to the standard methods of paving land, which sends rainwater along with surface contaminants into the stormwater run-off system, contributes to flooding and, occasionally, sewage overflows.**

**Swider and Hite confirmed that the plan does, in fact, incorporate biofiltration, although not with bioswales (a common approach) because the site itself is so spongy, after serving as a floodplain for thousands of years. Instead, (if I understand the nuances correctly) they will be employing a system of vortices, in effect creating a very large septic tank which will gradually filter water and return it to the watershed.]**

**ZBA-30-07: Richard Ellis petitions for a variance from the sign regulations to allow the construction of an off-site sign at 1771 Skyland Boulevard East. Zoned BN. (Council District 7)**

**Representing Richard Ellis, Patrick Agee requested a continuance. As the Board members considered this request, Tom Martin of Birmingham rose to speak. Martin is a co-owner of the Skyland Center, a shopping center near (or at?) the location in question. Martin said that he and his partners were "adamantly opposed" to a large billboard going in front of their own sign. He asked if he would have to come back for the June meeting to register their opposition.**

**Romanek said that his complaint could be added to the record. McConnell pointed out that the ZBA had approved a similar sign in 2003 (the sign for Woods and Water). Martin said they'd purchased the shopping center in December, 2003 and were unaware of this. Nevertheless, he said, this is a different situation, partly because that sign is directing traffic to a location up the hill, not on Skyland itself.**

**The ZBA approved the continuance, and Martin went to speak to the clerk, who made a formal record of his complaint. [Which I didn't hear. Patrick Agee followed Martin out of the chambers, and they were still speaking in a very civil fashion in the hallway after the meeting adjourned.]**

ZBA-31-07: Tant Construction petitions for a variance from setback requirements to allow the construction of a single-family dwelling at 1213 27<sup>th</sup> Place. Zoned R-3. (Council District 2)

**McConnell explained that the property is currently a vacant lot. It is near 28<sup>th</sup> Street. All the adjacent properties are zoned R-3, except West Alabama Electrical. Several of the neighboring properties contain small homes, but one property is an eyesore. (my notes say “trashed” but I don’t remember the details)**

**The petitioner wants to reduce the setbacks at the front and rear of the property, McConnell said. Looking at the schematic site plan showing lot, the legal setbacks and the footprint of the proposed property, it appeared to me that Tant Construction wants to use a more rectangular footprint—longer, but narrower—than standard regulations allow. It also seemed that they aren’t altering the square footage substantially from what is currently allowed.**

**However, no one appeared to represent Tant Construction, and the petition was continued until the Board’s June meeting. The meeting was then adjourned.**