

Zoning Board of Adjustment Report  
Meeting Date: 4/25/06  
Report By: Lisa Rhiney

The Zoning Board of Adjustment consists of 5 board members and two supernumerary members who are called upon if one of the 5 board members can't attend the meeting. The board members in attendance on 4/25/06 were Dan Gibson (chair), Joe Romanek (Vice-Chair), John Sheffield, John Crummie and James West. There were approximately 20 other individuals in the room for this meeting.

As with the last meeting, Dan Gibson called the meeting to order and explained to those in attendance how the meeting would proceed. The following are the petitions that were brought before the board on 4/25/06.

The petitioner (Bill Horn) requests an extension of a special exception to keep using a modular office building at 405 Skyland Blvd. This modular building is across from the antique mall on Skyland Blvd near the K-Mart.

Issues: The first exception was granted for 1 year. Mr. Horn indicated that there have been no changes to the business site since the first exception was granted. His business is doing well. He sells modular storage sheds. The board made it clear that if they voted to extend his exception, it would be for one year only.

Opposition from the floor: None

Vote: 5 to 0 in favor

The petitioners (Mr. & Mrs. Glass) request a variance from setback requirements to build an attached carport to their home on 3815 Willow Lane. Their home is on a corner lot and is set diagonally on that lot. Due to the placement of the original home, the addition will encroach on the setback area. The original garage on the house was closed in and the old concrete drive is still in place.

Issues: The board was most concerned with the addition of a new driveway which would add more concrete to the yard. The board initially stated that they would vote on this request with the understanding that the old driveway would have to be removed in order to reduce the amount of concrete in the front yard. The petitioners were not sure they wanted to do this. Discussion ensued about how the driveway could be rerouted in order to reduce any additional concrete. The board eventually decided to vote on this request with no condition on the driveway.

Opposition from the floor: None

Vote: 3 to 2 against. The petitioners were told that if they would rework the driveway issue, they could come back next month and the board would revisit their request.

The petitioner (Sam Heide) appeals the decision of a zoning officer concerning his property at 409 Caplewood Drive. The board will vote on whether or not to reverse the decision of the zoning officer regarding the petitioner's renovation of an accessory structure (detached garage). The zoning officer has told the petitioner that he has to do such things as remove the shower and some of the countertop and sink from the garage.

Issues: The petitioner apparently started doing some renovation work on a small detached garage on his property. The inspection department found out about it and showed up on the work site because there was no building permit issued for this work. The petitioner then obtained the required building permit which gave him the approval to add a sink and a toilet to the building. The building permit clearly stated that the building was to be used as a garage during the week. Mr. Heide said that the person who he talked with when getting this permit knew that he would be using this space as a party room. Six months later, there had been no call for inspections on the property. The inspection department followed up and discovered that the renovation effectively changed the garage into living quarters. Accessory structures, as per city code, can't be used as living quarters. The garage was now outfitted with a toilet, sinks, shower and was filled with furniture. A car can't be parked in the building now. Mr. Heide argued that a car wouldn't fit in this garage anyway due to its tiny size – it was built around 80 years ago. He only uses the room for Alabama football games. He doesn't live in town. He has not and has no plans on trying to rent it as an apartment. In fact, the room does not have any cooking appliances. The problem is that the ordinance states that an accessory structure can't be so equipped so that you could live in the building.

Opposition from the floor: An individual from Caplewood Drive came forward and asked that the board uphold the zoning officer's decision. She claims that the garage is set up as an apartment and if they allowed Mr. Heide to do this, then it will happen throughout the neighborhood.

Vote: 0 to 5 against. Mr. Heide can appeal this decision to the circuit court.

The petitioner (Annie Hosea) requests a special exception to operate a personal care home for adults at 6535 Johnson Road. This house has been vacant for several years, but has in the past been used for this kind of purpose. The petitioner is going to use the building as a senior day care center in which she will serve meals, snacks and provide supervision to the elderly in her care.

Issues: The board verified with the petitioner that she would have to meet all building codes, fire codes, etc. The petitioner indicated that she has already spoken with the fire marshal and improvements were being made to the building in order to meet code requirements. The home can accommodate 20 individuals but Ms. Hosea wants to limit it to 10 at this time. She indicated that there would be 6 employees working in 3 shifts. She also provided a petition in support for her business from the neighbors surrounding the facility.

Opposition from the floor: None

Vote: 5 to 0 in favor.

The petitioner (Tuscaloosa Realty Partners) requests a variance on height restrictions to build a condominium at 1401 University Boulevard. This location is right next to the Jupiter Bar and was (many years ago) a Krystal's. The current building has been vacant for some time. The height of the planned condominium is approximately 51 feet tall which is about 6 feet taller than allowed. The condo will have a very steep pitched roof instead of a flat roof which is why the problem exists.

Issues: The petitioner has designed a very attractive condominium unit. The design requires a pitched roof which looks aesthetically pleasing. He could change it to a flat

roof, but this would not look as good and flat roofs are problematic. The building would house 21 luxury condos and 1 commercial space on the bottom floor facing University Blvd. Parking would be underneath the building and the building has met the parking requirements for both the residences and the commercial space. Exit from the building would be on the side road and not on University Blvd. These condos will sell for approximately 350K – 500K depending on the square footage of the unit.

Opposition from the floor: One resident from Caplewood Drive had some questions about how many residents would reside in the building. The petitioners gave more details about the unit sizes. A person from the BP gas station asked if the space on University Blvd would be commercial or retail. The petitioner said it was commercial. I am assuming that the BP station was worried that a retail space would compete with them in some way.

Vote: 5 to 0 in favor.

The petitioner (G&R Properties) requests a variance from the setback requirements to build a single family dwelling on lot 79 of the Copeland Square Subdivision.

Issues: The owners of lot 79 also own the adjoining property, lot 78. The home on lot 78 was built very close to the property line of lot 79. This didn't matter at the time the home was built because the owner owned both lots. Now they want to split them and build a new home on lot 78. It sounded as though the home is within just a few inches of being compliant.

Opposition from the floor: None

Vote: 5 to 0 in favor.

The petitioner (Builders Group Development) requests a special exception to allow 57 condos to be built at 919 Greensboro Avenue. This is where Mike and Ed's BBQ is located. Currently, the ½ block area has an old, run-down hotel on it which is being rented out as living space right now.

Issue: The petitioners plan on building a 57 unit condo on this site. It will be a 5 story building. The first floor will be retail and office space. There will also be parking (32 spaces) behind the building which will not be visible from Greensborough as well as parking on the side street. The 2<sup>nd</sup> floor will be parking (96 spaces) for the residents. The code requires 86 spaces. The 3<sup>rd</sup>-5<sup>th</sup> floors will be condominiums (3, 2 and 1 bedroom units). The units will be high end units with between 900 and 1600 square feet. No prices have been set yet but they expect them to sell for around 300 dollars per square foot which equates to about 270K – 480K. One board member asked about security for the building. The builder did not think security would be a problem.

Opposition from the floor: None

Vote: 5 to 0 in favor. What is going to happen to Mike & Ed's? I love that place!

The petitioner (Appliance Parts Inc.) requests an interpretation on whether a small freight transfer facility is a permitted use of his property. The subject property is behind Barnhill's restaurant on 15<sup>th</sup> street. This is not going to be a full fledged freight terminal which is the problem. Apparently we do not have a zoning ordinance to fit this circumstance.

Issue: Currently, the Mayfield Ice Cream Company has a deal with the petitioner which allows them to park three of their regular size delivery trucks on his property. The Mayfield Company would like to add a route to this area which would require that a larger truck come onto the property and load the 3 smaller trucks each day. The petitioner wants permission to use his very large parking area in this manner. The transfer between trucks is done very early in the morning. The large truck would come in off of 15<sup>th</sup> street and turn at the light going towards the petitioner's property. This is not an access road to any neighborhoods. The petitioner noted that his property had been used as a truck driving training school before, so there is plenty of room for these trucks to get in and turn around. The board noted that they would vote based on the business plan as stated – 1 large truck offloading onto 3 smaller trucks. Any plan to expand in the future would have to come before the board for approval.

Opposition from the floor: None

Vote: 5 to 0 in favor

The petitioner (Joseph Wells) petitions a special exception to operate an auto repair shop at 2201 University Blvd East. The property is currently zoned BN. The property had been used as a speedy oil change. The property is across from a Baptist Church and a fire station in the Alberta City Area.

Issues: The petitioner knows that the business can't survive just providing oil change services. He wants approval to expand the services that are offered. Joe Robinson noted that auto repair businesses generally have high storage/parking issues. He wanted to know where the cars would be stored. The petitioner said that he would not be holding cars overnight. The type of work he will be doing will not be done on cars that are inoperable. Customers would have to pick their cars up by the end of the day. The petitioner has worked out a deal with a wreckage service that will tow vehicles that are not picked up. The board indicated that the vote is with the understanding there would be no storage of inoperable vehicles.

Opposition from the floor: None

Vote: 5 to 0 in favor

Please excuse and errors/omissions in this report. Any that exist are my own and were unintentional.