

Zoning Board of Adjustment Report  
Meeting Date: 8/27/07

(\*\*\* These notes are NOT official minutes. They are notes taken by a private citizen and are not to be used or relied on as an official document.\*\*\*) Please excuse any errors/omissions in this report. Any that exist are my own and were unintentional.

The Zoning Board of Adjustment consists of 5 board members and two supernumerary members. The supernumerary members are called upon if one of the 5 board members can't attend the meeting or if one of the board members has a conflict of interest. The board members in attendance were Joe Romanek (Chair), John Sheffield, John Crummie, James West and Dana Keith.

Joe Romanek 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.

**ZBA-57-07:** Michael F. DeVenny petitions for a variance from setback requirements to allow the construction of an addition to an existing single-family dwelling at 3090 Yorktown Drive. Zoned R-1. (Council District 3)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District3.pdf>)

**Issues:** The petitioner wants to add a family room off the back of his garage. His home is at the very back of the Riverchase neighborhood and backs up to a wooded ravine. There are no homes behind his house and it doesn't appear that any homes can be built in the area behind his home. The petitioner spoke with his neighbors and they are not opposed to the addition. There are no neighborhood covenants that restrict this type of addition. The petitioner will have to go before the neighborhood architecture committee once this variance is obtained to receive their approval.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

**ZBA-58-07:** Marie A. Robbins petitions for a Special Exception to the fence regulations to allow an existing six-foot wooden privacy fence to remain in a required front yard at 2010 Fox Ridge Road. Zoned R-4PUD (Council District 3)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District3.pdf>)

**Issues:** The home is in the Fox Ridge neighborhood. The home is on a corner lot so they have 2 front yards. The 6 foot fence has been in place since the home was built more than 16 years ago. The fence encloses a patio and the back of the home which is dominated by windows. The fence affords the homeowner some privacy and security. DOT indicates that the fence does NOT obstruct the view from the road. There are no known accidents caused by sight issues. The Fox Ridge homeowners association has no problem with the fence and also noted that the fence has been in place since the home was built.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

**ZBA-59-07:** Jimmy Welborn petitions for a variance from setback requirements and a Special Exception to the off-street parking regulations to allow the construction of an addition to an

existing grocery store at 2731 University Boulevard East. Zoned BN & BNS (Council District 5)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District5.pdf>)

**Issues:** This is the grocery store that is located in Alberta City on University Boulevard right next to the Durrett Grove neighborhood and across the street from Alberta Elementary School. Apparently Mr. Welborn is gutting the current space, will add on additional space and will improve the overall appearance of this strip mall area. The parking area will also be repaved. The size of the new building will require 243 parking spaces but there are only 114 available. The petitioner believes that 114 spaces are adequate for a grocery store (Piggly Wiggly) of this size. The expansion is 13,000 sq feet and will be built on the vacant lot adjacent to the current building on the Durrett Grove side of the property. Approximately 6,000 sq feet will be new retail space and the rest will be back room storage and delivery space. After the renovation there will be a Grocery store, a dollar store and a furniture store. The parking area will be resurfaced and striped and the lighting will be improved. They said that there would be no new entrances or exits onto Durrett Grove. The loading area is at the front of the building on the left side (part of the new construction). Trucks do not have to go onto the Durrett Grove street in order to reach the loading docks. The Garbage pickup is at the back of the building. There will be no access to this area from Durrett Grove. It was noted by the board that the petitioner will still have to go through the site development process. At that time the city will review the entrance/exit issues. The vote is with the understanding that the exception is only for this petitioner for the purpose stated in the petition.

**Opposition from the floor:** Ms. Davis said that traffic patterns are a problem at this location. There are at least three exit/entrances off of University Boulevard. She indicated that cars avoid going to the traffic light and are constantly cutting across traffic. Additionally, they drive through the Durrett Grove neighborhood to avoid the light and to get around traffic. She indicated that cars were also going behind the building and exiting on the railroad side of the Leland Shopping Center. Lisa Rhiney also addressed the board and noted that she and her husband used to own #9 Durrett Grove. She wanted to make sure that the new construction did not negatively impact the neighborhood. In particular, increased traffic through the neighborhood was discussed and the possibility of adding a fence to block the view of the grocery store and to protect the homes was mentioned. The petitioner said that they have been trying to get in touch with Kip Tyner to discuss some of these issues. They want to be good neighbors and they didn't appear to be opposed to making some changes to improve traffic flow and to protect the neighborhood. Lisa Rhiney spoke with Ms. Tyner (Kips' Mother who still lives in #6 Durrett Grove) on 8/29/07 at 11:30 am to discuss what happened at the board of adjustment meeting. Ms. Tyner is going to contact Kip and perhaps they can set up a meeting with the neighborhood and the petitioner in the near future.

**Vote:** 5-0 in favor

**ZBA-60-07:** H.M Nowlin petitions for a Special Exception to the off-street parking requirements to allow the construction of a car washing facility at 3011 McFarland Boulevard East. Zoned BN. (Council District 6)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District6.pdf>)

**Issues:** This was the location of MJ's auto (Mike's auto) on McFarland Boulevard. The petitioner plans to tear down the buildings on this site and construct a car wash facility. 65% of

the proposed building is the carwash tunnel. The building size requires 36 parking spaces but they will only have 26 spaces (22 for customers and 4 for employees). The petitioner does not believe that the reduction in spaces will be a problem because most of their customers are only there to run their cars through the car wash. Many of them will not stop to have the car vacuumed out. The board did question whether this was a good location for a car wash. The petitioner said the traffic count was good but they did worry about the speed of cars on McFarland Boulevard. Traffic speed might negatively impact the ability of customers to pull into the location. Mr. Sheffield asked if Mr. Nowlin was present. The person who was speaking to the board was Nowlin's business partner, Mr. Mosley. Mr. Nowlin did not attend and it was discovered that there was no designation of agent form on file. Mr. Mosley did not have standing to come before the board. Another individual (Mr. Voltz?) came before the board and argued that the petitioner is spending 2.5 million on this project and that he should not have to wait another month to get this variance approved. The board pointed out that they are bound by law not to address a petition if the petitioner is not present or if the petitioner has not filed the appropriate forms. Mr. Nowlin filed the petition as an individual – he did not file on behalf of the business therefore the business partner has no standing before the board. The board voted to continue this petition until next month.

**Opposition from the floor:** None

**Vote:** 5-0 in favor or the continuance due to lack of standing

**ZBA-61-07:** Lisa E. Friday petitions for a Special Exception to allow a “specialized store dealing with a limited or specialized clientele” (doll shop) at 1924-7<sup>th</sup> Street. Zoned BGOH. (Council District 1)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District1.pdf>)

**Issues:** This is an historic home on the north side of 7<sup>th</sup> street just off of Queen City Blvd. This home and others on this street are used for business purposes. There are 6 parking spaces behind the home and two in front of the home. The historic district allows for this kind of specialized use. It appears that this business will not create a lot of traffic. The business will be open Monday through Saturday from 10 AM until 2 PM. The petitioner expects to be busiest around the Christmas season. The petitioner can't get a business license until she has this special exception. She was planning on opening the store on August 1<sup>st</sup> but that has obviously been delayed.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

**ZBA-62-07:** John T. Fisher, Jr. petitions for variances from minimum setback standards and minimum lot area standards to allow the resurvey of Lot 10 and part of Lots 17-22 of the G.B. Wright Subdivision located on the east side of Jemison Avenue between 19<sup>th</sup> and 20<sup>th</sup> Streets. Zoned R-4. (Council District 2)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District2.pdf>)

**Issues:** Please note – this is a different petitioner bringing forward the petition from last month (ZBA 52-07). The petition was dismissed last month due to a lack of standing. Currently 2 parcels exist at this location. Both parcels are vacant. The builder wants to put 2 lots on each parcel and then build 4 new homes. The parcels are both corner lots. The new lots would be 50 ft by 80 ft or 4000 sq ft. 6500 sq feet is the minimum lot area standard. Mr. Clements originally

proposed a 15 foot front setback, a 10 foot rear setback and a 10 foot side setback. The plans have changed due to the comments made at the last board meeting regarding the small back yards. The petitioner has reoriented the homes and now two of the homes will face the side streets and two of the homes will face the alleyway. The petitioner has agreed pave the entire alleyway (20 feet wide) at his expense for the entire length of the street. These changes will mean that they will have 20 foot front setbacks and 20 foot rear setbacks. The homes would still be 3 bedroom/2 bath homes with approximately 1200 sq. feet of living space which is consistent with the area. At the last board meeting it was noted that no other lots on the block have more than one house per parcel. All other lots have the homes built at the front of the lot leaving very long and large back yards. Even with the changes proposed the new construction would leave very small backyards for these 4 homes. TDOT had no comments. At the last meeting the developer was told that they could build 2 homes (one on each lot) and would need to show hardship to build 4 homes. At this meeting the petitioner did not address the hardship issue. The developer did contact the neighbors and had their support for this plan.

**Opposition from the floor:** There was no opposition from the floor... however, one of the homeowners in the area did speak in favor of the plan.

**Vote:** 3-2 The petition was denied – the petitioner did not address the hardship issue.

**ZBA-63-07:** Wes York petitions for a variance from setback requirements to allow the construction of an addition to an existing single-family dwelling at 132 The Highlands. Zoned R-1. (Council District 5)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District5.pdf>)

**WITHDRAWN**

## ADDITIONAL BUSINESS

### Extension Requests:

1. During the August 22, 2006 board meeting an extension to the January 9, 2006 special exception to setback requirements was approved for a self-service storage facility that was going to be built across from the Publix on New Watermelon Road. The original one year extension (to July 2007) was not adequate and they have requested another extension. The board approved a 90 day extension.
2. Back in 2005 a special exception was granted to allow apartments to be built on the ground floor of a planned development at the old waterworks site on the river. This riverfront site is right next to McFarland Boulevard. The developers want to start building the apartment portion of the development as soon as possible. The board approved the extension of the special exception. **THIS WILL NEED TO GO BEFORE THE PLANNING COMMISSION. We need to watch this closely as it could negatively impact the riverfront area.**