

Zoning Board of Adjustment Report
Meeting Date: 8/22/2006
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 8/22/06 were Dan Gibson (chair), Joe Romanek (Vice-Chair), John Sheffield, John Crummie and James West. There were approximately one dozen 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 8/22/06

ZBA-67-06: Leonard and Kelly Jones petition for an interpretation of the Zoning Officer's decision concerning an accessory structure at 90 The Highlands. Zoned R-1. (Council District 5: <http://www.tuscaloosaneighborhoods.org/pdf/District5.pdf>)

Issues: Chairman Dan Gibson announced that two of the board members determined that they may have a conflict of interest regarding this case. Therefore, it was announced that this particular case would not be heard until next month when two supernumerary members of the board could be present to vote. The Jones' asked why this was not called to their attention prior to the board meeting. The chairman explained that the conflict only became apparent during the pre-meeting of the board.

ZBA-68-06: Robert E. Blake petitions for a special exception to operate a motor vehicle sales agency at 308 Skyland Boulevard. Zoned BN. (Council District 7: <http://www.tuscaloosaneighborhoods.org/pdf/District7.pdf>)

Issues: This location is across Skyland Blvd. from an antique shop and next to a gas station. This property is currently a check cashing business called Money Flash. The property was originally designed as a used car lot. The owner, Robert Blake, wants to lease the property to an individual who will sell late model used cars and work trucks. The only vehicles that will be on the property will be those that are available for sale. There will only be minor repairs and clean up performed on the vehicles that are for sale. This location will not be used as a repair shop. It is estimated that there will be 15 or more cars on the lot at any given time. The hours of operation will be approximately 7AM to 6PM and the business will be open six days per week.

Opposition from the floor: None.

Vote: 5 to 0 in favor.

ZBA-69-06: Andress & Caruthers Properties petitions for variances from setback requirements to allow the construction of a condominium complex at 1401 – 6th street. Zoned RMF-2U. (Council District 4: <http://www.tuscaloosaneighborhoods.org/pdf/District4.pdf>)

Issues: This property is located behind the old Krystal Hamburger property on University Boulevard (condos are currently being constructed on old Krystal's site). The property in question has a house on it that appears to be rented to multiple tenants. The petitioners want to build a three story condo on this space. Parking will be underneath the structure. There will be eight 2 bedroom units. Required open space is a large deck on the top floor that is accessible by all tenants. (Is it true that what is technically the roof of a building can be counted as the required open space? Isn't open space supposed to ensure that we have green space – trees, grass, park areas?) The proposed building will be 6 feet from the west property line, 7 feet from the east property line and 7 feet from the north property line. There is no variance being requested for the south property line. Basically, this property is going to take up almost every square inch of space on this narrow lot. One of the board members asked the petitioners if they have tried to design a building that would actually fit on this lot and meet the city's building setback requirements. The petitioners admitted that they did not. They mentioned that they tried to design an even bigger complex (10 units) on this space but couldn't make it work. Increased density in the area was discussed by the board. They were also concerned about all of these condos and apartments forcing their traffic onto the same small streets. The condos being built on the old Krystal site will have their tenants exit onto a one way street which then forces you onto University Boulevard. The proposed condo traffic will exit onto an alley on 12th street. It then appears that these cars will also end up on University Boulevard. T-DOT apparently did not have anything to say about this potential problem prior to the meeting. A motion was made to postpone the vote on this project until the board can get a traffic feasibility study from T-DOT. The motion was seconded and approved.

Opposition from the floor: None. Individuals from Council District 4 – particularly the surrounding historic district should learn more about this project. While the condo may look better than the house that is currently on the property... the increased density will create new problems for the area. Issues such as landscaping and sidewalks should be considered. Also, visually... how will this part of town look with all of these raised condos and a sea of cars parked under them? It is one thing to approve a variance on one side of a property... but on 3 of 4 sides?

Vote: none

ZBA-70-06: Gary Tucker petitions for variances from front and rear setbacks to allow the construction of a new single-family dwelling at 926 Homewood Drive. Zoned R-4U. (Council District 4: <http://www.tuscaloosaneighborhoods.org/pdf/District4.pdf>)

Issues: This property backs up to a railroad right of way. The lot had a home on it but it was removed. The lot is currently vacant and the owner wants to build a new home. The home will be for rent. Due to the location of this lot, it has a very strange shape. It has 2 rear lot lines and the buildable space is limited due to the required setbacks. The current house plan has a front porch that will encroach four feet into the required front yard. The planned carport is in the rear of the property and encroaches on the required setbacks on two sides. There was a lot of discussion about how many bedrooms will be in the house. The owner is planning on four and also stated that he was planning on renting out all four rooms. This, of course, could be a problem given the rules about unrelated individuals in a home. A four bedroom house must provide for four off street parking spaces. The plan

given to the board did not provide for this. The owner thought that his tenants could park in the front yard or on the street... he was informed that he was wrong on this point.

There was discussion about allowing up to five unrelated individuals in a home if the home had a required, screened parking area that was not in the front yard.

The board chairman told the petitioner that they would vote on two items... but that the vote was subject to the city receiving an acceptable parking plan. The first vote would be on the setback variances. The second vote would be on the parking approval.

Opposition from the floor: Paula Marques came forward with a concern. She owns the property which is downhill from the subject property. She is concerned about all the pavement that is going in around the rental property in this neighborhood. The pavement causes a significant amount of storm runoff to end up on her property. She indicated that there are times when her property has one inch or more of water standing on it. It did not sound as if she was in favor of any plan that required additional paved parking spaces.

Vote: 3 to 2 against. The vote on the setback variances was denied. Therefore... the second vote regarding parking was not taken.

ADDITIONAL BUSINESS

In January of 2006 (see the 1/9/06 report), the board approved a setback variance related to a self-service storage facility that was going to be built across from the Publix on New Watermelon Road. The builders haven't been able to get started on this project due to unforeseen circumstances. They are requesting an extension of this approved variance to July 2007. A motion was made, seconded and approved to extend this variance to July 2007.

The board was asked to give an advisory opinion on a proposed use of the Marmaduke-Williams house. The owners of the property would like to use a small portion of the home for a media company. This property is behind the Alabama Power company building and it is zoned R-2 Historic. The house is 170 years old. The current zoning would allow the building to be used for apartments. However, using the home for this purpose would not help to improve its condition. Using this home as apartments is not in the best interest of the historic district nor does this use support the historic preservation of the property. It was suggested that allowing a media company to conduct business on this site would be a less intensive use of this property than apartments would be. The owners will be restoring the home while it is in use by the media company. The owners plan to start construction and renovation as soon as they have all of the approvals from the various city agencies.

The board voted to recommend that the city council approve the planned use of this home as presented above.

Vote: 5 to 0 in favor.

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