



Tuscaloosa Neighborhoods Together

notes on TUSCALOOSA ZONING BOARD OF ADJUSTMENTS February 25, 2008

(*** 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, John Sheffield (Chair), Louis Barnett, Bill McGuire and Dana Keith.

John Sheffield 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-83-07: Tommy Ray Bozeman petitions for variances from minimum setback requirements and ground coverage ratio standards to allow the construction of an addition to an existing single-family dwelling at 202 Queen City Avenue. Zoned R-1H. (Council District 4) (Continued from last month)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf>)

Issues: Recall from last month that Mr. Bozeman has proposed the addition of a 4 car garage with an apartment on the second floor as well as a pool and a pool house. The concerns of the 3rd Street property owners include scale and character of the addition as well as the apartment addition. Last month Chairman Sheffield asked the neighbors to meet with a mediator to try to come to some agreement on this addition.

New Information: Mr. Bozeman reported to the board that he and his neighbors had reached an agreement. The minimum setback is no longer an issue. The ground coverage has been reduced to 34%. Mr. Bozeman is now requesting a new variance for a fence. This property is on a corner lot with the two front yard restriction. Mr. Bozeman wants a 6 ft. solid fence on the 3rd street side of his property and an 8 ft. solid fence at the rear. The fence will be stucco. The new building plan no longer includes a pool or lanai but it does include an addition to the house. It was noted that if this was approved tonight it would have to go before the historic commission for their approval.

Opposition from the floor: Ms. Fitts spoke as an interested neighbor who lives in the historic district. She was asking for clarification regarding the new plan. She had not seen the new construction plans and was wondering if the public was going to have an opportunity to view them. She attended the first of the two meetings that Mr. Bozeman had with the neighbors and the mediator... but she was concerned that changes were made at the 2nd meeting. Her major concerns were lot coverage and the possibility of an apartment. She questioned whether Mr. Bozeman had shown any hardship on lot coverage issue. Mr. Sheffield pointed out that it is not legal to build an apartment above the garage. Mr. Bozeman had apparently removed the apartment over the garage from his plan... but he added an addition of a great room and master bedroom with a 2nd story “party room” to the existing home structure. Approval for these changes was discussed but ultimately it sounds as though the heritage commission would only be approving the exterior – not interior plans for the home. Ms. Fitts wanted clarification on the process for getting these changes approved. She said that the only reason the great room and master bedroom were being added was to hold up the 2nd story party room which she implied would be used for an apartment.

Mr. Parsons spoke in favor of the plan. He is a 4th street neighbor.

John Keisler is the designer that worked with Mr. Bozeman on the addition and he noted that the plan no longer has a 40 foot curb cut. The garage is being turned 90 degrees (no longer facing 3rd street) and the curb cut is now only 10 feet wide. This will allow for 4 cars in the garage as well as additional off street parking in front of the garage. Setback is no longer an issue as the garage meets the setback requirements. The roof has been reconfigured so that it is 33 feet 3 inches in height. There has also been a 150 foot reduction in square feet. A great room, a master bedroom and a party room/storage will be added to the existing home. These will be located off of the existing kitchen.

At that point the city staff said they had no recommendation for the board.

Vote: 5 to 0 in favor. It was noted again that the new plan would have to be approved by the historic commission.

ZBA-8-08: Chase Adcox petitions for variances from minimum lot width and area standards to allow the conversion of an existing two-family dwelling to the condominium form of ownership at 1419 – 6th Street. Zoned RMF-2U. (Council District 4)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf>)

Issues: An employee from Almon & Associates spoke on behalf of Mr. Adcox. The petitioner is requesting a 13 ft. variance. The property is 61 ft wide and it is required to be 74 ft wide. He is adding a driveway on the side of the existing house that leads to rear parking. He has renovated the existing structure to include new windows, a new roof, and gutters. A ball & chain system will be added to prevent parking in the front yard. The variance is needed because the change in ownership form requires that the property meets the lot width and area standards.

Opposition from the floor: None

Vote: 5 to 0 in favor. The approval is contingent upon the ball & chain system being added.

ZBA-9-08: Moorland Properties, LLC petitions for a variance from minimum lot width standards to allow the construction of a two-family dwelling at 18 Meador Drive. Zoned R-2; proposed rezone to R-4U. (Council District 4)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf>)

Issues. An employee of McGiffert & Associates spoke on behalf of Moorland Properties, LLC. The petitioner is asking for a 4 ft variance. The lot is only 70 ft wide and it is required to be 74 ft wide. The petitioner wants to tear down the existing single story structure to build a two story duplex in the under/over style. There will be a driveway on the side of the house that leads to rear parking. The new structure will be similar to the 2 story duplexes on 13th street. There will be 4 people in each unit.

Opposition from the floor: Charles Sellers owns the property directly behind the property in question. He noted that there are no other two story homes in this neighborhood. He did not want this two story apartment at the rear of his home for several reasons. There is a mutual tree between his lot and the one in question which houses a rare woodpecker. The second story would be looking directly into his backyard and bedroom. The plan shows the grassy backyard will be replaced by a paved parking area with 11 parking spaces to accommodate the increased number of renters. The petitioner is simply trying to put the largest structure possible on the lot in order to increase the density and maximize his own wealth.

It was at this point that it was mentioned that this neighborhood could be rezoned at the next city council meeting which would allow these 2 story duplexes. The rezoning would increase the height restrictions from 35 feet to 45 feet. The homeowner also noted that he believes that Moorland Properties is owned by a Mr. Rumsey who is on the Planning and Zoning board and that he believes there could be a conflict of interest with regard to this rezoning.

The homeowner wants to know where the hardship lies for the petitioner. The petitioner says that the over/under duplex style is not addressed in the city ordinance now and that is their hardship.

John McConnell said that the university and the city want to see reinvestment and redevelopment in the University Area. He also talked about the need for new apartments for the increased number of UA students. Board member Dana Keith noted that she did not believe that reinvestment and redevelopment should be at the expense of homeowners. Mr. Sheffield also pointed out to the petitioner that this neighborhood should not be compared to 13th street.

Meador drive is part of the Cloverdale neighborhood. Board member Barnett said that he would not support squeezing out the little man to help UA. It was mentioned that it is not the University's position to run off permanent residents to accommodate University growth.

Mr. Aston – another property owner – came forward and said that his property is adjacent to the property in question. He said that the reason people rent homes in this neighborhood is because they don't want to live in an apartment complex. They want a home with a yard. An asphalt parking area instead of a backyard is not good for this neighborhood. It was stated again that the reason for this variance request was only to allow the petitioner to generate more revenue for himself at the expense of the other property owners.

At this point the board chairman strongly suggested that the petitioners get together with the concerned neighbors to see if they could come up with some kind of agreement. He indicated that the vote would likely not go the petitioner's way if they voted now. The petitioner requested a continuance until next month.

Continued until next month

ZBA-10-08: Moorland Properties, LLC petitions for a variance from minimum lot width standards to allow the construction of a two-family dwelling at 13 Meador Drive. Zoned R-2; proposed rezone to R-4U. (Council District 4)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf>)

Issues: Same issues as ZBA-9-08. The petitioner requested a continuance until next month.

Continued until next month

ZBA-11-08: Jimmy Adams petitions for a Special Exception to allow the use of a modular building (automated ice vending machine) at 1621 Skyland Boulevard East. Zoned BN. (Council District 7)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District7.pdf>)

Issues: This location is in the parking lot in front of the Beauty Mark on Skyland Blvd next to Walmart. The petitioner did not show up for this meeting. In the petitioner's request he did not include adequate information about landscaping, parking arrangements or a scaled drawings of the site.

Opposition from the floor: None

Vote: 0 to 5 against.

ZBA-12-08: Glenn Banks petitions for a Special Exception to operate an automobile repair shop at 611 – 37th Street. Zoned BN. (Council District 7)

(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District7.pdf>)

Issues: The building the petitioner wants to use as an auto repair shop is an old metal building that is behind Gary's Restaurant on the corner of Greensboro and 37th street. The petitioner is going to do general auto repair – such as oil changes and brake jobs – on cars and trucks. The business would be open 7 days a week from 7AM until 7PM. The petitioner will be leasing the building from its owner. If he receives his business license (contingent on approval of this special exception) he will fix up the property which is currently in disrepair. The building is currently vacant. There was some question as to whether the building would pass inspection given its current condition. There was also some question as to access to this location because you have to cross the restaurants parking lot to get to the building. The board members pointed out that the petitioner would have to put up a fence, improve the parking and would have to meet all city regulations.

Opposition from the floor: None

Vote: 5-0 in favor.

ADDITIONAL BUSINESS

None