

Zoning Board of Adjustment Report  
Meeting Date: 2/26/07

(\*\*\* 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-73-06:** A.E. and Penny Joiner petition for a variance from the residential occupancy restrictions to allow an extension of the deadline to register a property in an historic district as a legal nonconforming use to allow (3) unrelated people to reside together in a single dwelling unit at 61 The Downs. Zoned R-1H (Council District 7) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District7.pdf>)

**(CONTINUED FROM LAST MONTH)**

**Issues:** Recall the following from last month's report... This petition is being continued until the city attorneys can look into the legality of this ordinance.

**NEW INFORMATION – CONTINUED UNTIL NEXT MONTH**

**ZBA-17-07:** Alabama Excavating petitions for a use variance to allow the operation of an excavation/construction company at a property located on the east side of Garner Road and just west of the Peach Grove Subdivision. Zoned R-1. (Council District 6) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District6.pdf>)

**(CONTINUED FROM LAST MONTH)**

**Issues:** Recall the following from last month's report....The property in question has a single family home on it as well as a multi door garage building. The property is currently being used as a staging area for a construction company which is obviously not an approved use for an area zoned R-1. The neighbors in the adjoining neighborhood are opposed to rezoning the property to light industry. The neighbors are OK with the current use as long as the house remains residential. It was noted that this is a use variance and the petitioner has to show some hardship in order to receive approval on the variance.

**NEW INFORMATION:** The property owner met with the adjacent property owners in the Highland Ridge subdivision. A document in support of the variance was produced with the signatures of all but (4) four of the neighbors. The board chairman again noted that the petitioner had to show some hardship in order to receive approval on the variance. The property owner was not at the meeting – but his representative said that the cost of relocating the business would be a hardship. The board requested a listing of

the equipment on the property at the last meeting. This list was requested again... and again the representative for Mr. Tant did not have the list. Adam Tant (petitioner's son) answered some questions for the board and noted that they do bring in loads of gravel to this site. The gravel is used at different job sites over a period of time. Adam Tant could not promise that the company would not expand its operations. The representative for Mr. Tant agreed to not disturb any of the wooded area on the property and they promised to get an equipment list to the board.

**Opposition from the floor:** Lance Hocutt (Highland Ridge homeowner) spoke in opposition. He said that he appreciated the Tant's willingness to work with the neighborhood but that he was still against the variance. Safety & security was his main concern. The road is narrow, curvy and has many elevation changes. The trucks are a danger on this road. Additionally, he said that deterioration of the road is a concern. Some of the deterioration is likely caused by the loaded trucks. He worried about the value of his home and noted that there were (6) six homes for sale in the neighborhood. He stated that he bought his home in February of 2001 and that this problem has been going on for a long time. Mr. Hocutt's property backs up to the main road and he said that materials are constantly coming in and out of the property in question. He noted that he did not see any hardship and that Mr. Tant has other properties from which he could operate this business. Finally, he thought that Mr. Tant should have been present at this meeting. It was noted that Mr. Tant had to go out of town which was why he was not at the meeting.

**Vote:** 1 to 4 Against. I would like to mention that just down the road from this property the city limits end. It sounded as if Mr. Tant was looking at purchasing property down the road and in the County. If he does this... then there is nothing the neighborhood can do to stop the business from operating and the trucks from driving on that road. This points out how unfortunate it is that the county doesn't have any basic zoning ordinances. It appears that the problem will simply move into the county where the population will not have any say in the matter.

**ZBA-18-07:** The Lorna Group petitions for a Special Exception to allow the use of a modular building (automated ice vending machine) and a decision that such is a permitted use at 3100 Greensboro Avenue. Zoned ML (Council District 2) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District2.pdf>)

**Issues:** There have been (3) three previous petitions for this same special exception. All other ice vending machine modular buildings are in BN commercial Zones. This one is in a ML zone. The petitioner is the same person who owns the other ice houses. The board asked about any landscaping improvements he would make to the location. The petitioner said he would do whatever landscaping the board required of him. The business would have the same signage as the other ice houses. The vote was made on the condition that no parking spaces would be removed and that a landscaping plan be approved.

**Opposition from the floor:** None

**Vote:** 5-0 in favor.

**ZBA-19-07:** Amason & Associates petitions for a variance from setback requirements and a Special Exception to the off-street parking requirements to allow the construction

of a condominium complex on Lots 19 & 20 of the Bryce & Friedman Survey (located on the west side of 14<sup>th</sup> Avenue between 8<sup>th</sup> Street and 9<sup>th</sup> Street.) Zoned RMF-2U (Council District 4) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf> )

**Issues:** This location is one block off of Paul Bryant Drive. Two existing apartment complexes are going to be torn down to make way for one new one. The planned condominium development is in an area that is surrounded by apartments and rental homes in various states of repair. This property is being marketed as a Game Day condominium and units will have a starting price of approximately \$500,000.00. There will be 26 units. Under current rules, the planned development would be short (2) two parking spaces. The developer said that they could take care of this problem if they did away with some green space and landscaping... but he would rather not reduce the green space. It was noted that there is a proposed ordinance in front of the city council that would allow only one parking space per unit in the event a property was redeveloped in an RMF2 district. The key to the new ordinance is that the redevelopment would still have to provide MORE parking than was available prior to the redevelopment. If this new ordinance was in place, this condominium would not need a parking variance. Of course, this ordinance is not in place...so the point is moot. I do not recall that any comments were made regarding the variance from the setback requirements.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

**ZBA-20-07:** Pastor Shaun B. Faulkner petitions for a Special Exception to allow an existing single-family dwelling to be converted to a church or house of worship at 212 – 44<sup>th</sup> Court NE. Zoned R-1. (Council District 5)

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

**Issues:** The home in question is on a large parcel of land – 7+ acres. It is currently a single family dwelling and is next to other single family homes on one side. The property backs up to some undeveloped county land. There is a mobile home park on one side of the property. A site development permit has been issued. The proposed parking area will allow cars to enter and exit on 44<sup>th</sup> street. TDOT has no problem with the planned gravel parking area. The petitioner noted that they may upgrade to a concrete parking area. They are planning for 25-30 parking spaces but know that in a year or so they may have to increase the parking area. The house is going to be used for church services and bible study. They plan to build a new sanctuary on the property sometime in the future. They want to avoid cutting down any of the trees on the property.

**Opposition from the floor:** 3 individuals approached the board with questions about this petition. The first individual wanted to know how this would affect the property values in the area. The board could not answer this question. The second person was trying to understand why this use would be allowed in an R-1 Zone. Apparently, a church is a permitted use in an R-1 Zone. The only thing the petitioner needs is an exception to use the house as a sanctuary. If they built a church on the lot they would not need approval at all. The third individual was concerned about traffic on 44<sup>th</sup> street. He asked if it would be possible to have the parking area exit onto King Drive. The petitioner said he was not opposed to this change. The petitioner also noted that

eventually they planned to have the parking traffic exit onto 1<sup>st</sup> street. The vote was taken subject to TDOT approving the parking area.

**Vote:** 5-0 in favor

**ZBA-21-07:** Bard Stuart petitions for a variance from setback requirements to allow the construction of an attached garage at 5505 Tahoe Drive. Zoned R-1. (Council District 3) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District3.pdf>)

**Issues:** The property in question is in the Saddleridge subdivision. The petitioner wants to close in his current garage to expand the usable living space in his home. The new garage will be at the top of the driveway and will face the street. The new garage will be 7ft. from the property line which requires a variance of 3 feet. The structure is a 2 car garage. The neighbor on the garage side of the home does not have a problem with the plan.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

**ZBA-22-07:** Evans Fitts petitions for a variance from open space requirements to allow an existing apartment complex to be converted to condominiums at 824 – 12<sup>th</sup> Avenue. Zoned Rmf-2U. (Council District 4)

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

**Issues:** The apartment complex in question is a 2 story structure that is currently being remodeled. It is surrounded by other apartments and condos in various states of repair. The lot is currently 100% paved. There isn't any green space at all. The proposal will include the addition of a courtyard area that meets the open space square foot requirement. The problem is that the open space is supposed to be a minimum of 20 feet by 20 feet in size. This space is as narrow as 10 feet wide in some areas – but is much longer than 20 feet in length. The exterior of the building will not change much. It appears that they are going to paint it and add the gated courtyard. They are also going to tear up the asphalt and put in a striped concrete parking area. The condos are going to be marketed as “affordable Game Day” condominiums. The approximate cost will be \$175,000 per unit. The upgrades to the property will include the standard granite countertops and stainless steel appliances. Given the current condition of the property – any improvement has got to be a good thing.

**Opposition from the floor:** None

**Vote:** 5-0 in favor

## ADDITIONAL BUSINESS

**ZBA-41-06:** Recall from the May 23, 2006 report that Bruce and Lynn McColl petitioned for and received a variance from setback and ground coverage ratio restrictions to allow the construction of an addition at 520 Avalon Place. They had 90 days to get a building permit once they received the variance from the board. Unfortunately, their project was delayed. They are requesting an extension so they can get started on this project. The board voted to give them a 90 day extension to their variance.

**Vote:** 5-0 in favor

The board voted to amend and adopt their bylaws.

**Vote:** 5-0 in favor