

Zoning Board of Adjustment Report  
Meeting Date: 7/25/06  
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 7/25/06 were Dan Gibson (chair), Joe Romanek (Vice-Chair), Arthur McLin III (in place of 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 7/25/06

**ZBA-59-06:** Debra E. Showell petitions for a special exception to the fencing requirements at 1710 – 29<sup>th</sup> Avenue. Zoned R-4 (Council District 1 – map: <http://www.tuscaloosaneighborhoods.org/pdf/District1.pdf>)

**Issues:** This lot is located near Central West. It is a corner lot. The existing fence is 4 ft tall and chain link. It is in poor condition. The petitioner wants to put in a new, 5-ft tall chain link fence. She wants to do this for security reasons... there have been some recent vandalism incidents in the area.

**Opposition from the floor:** An attorney for one of the neighbors objects to the location of the fence because the boundary line between the two properties is in dispute. It sounds as if the neighbor believes the current fence is on his/her property. The board noted that they are not voting on the location of the boundary. Rather, they are voting on the height and setback of the fence. The board basically said that they will have to solve the boundary issue in another way and that the board was only voting on the special exception as listed above. The lawyer said that he was OK with this... he just wanted to make sure that this vote in now way indicated to Ms. Showell that she had the right to put the fence on the neighbor's property.

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

**ZBA-60-06:** Vernon and Hattie S. Leslie petition for a variance to allow the parking and storage of a single recreational vehicle within a required front yard at 1312-12<sup>th</sup> street East. Zoned R-2 (Council District 5 – map: <http://www.tuscaloosaneighborhoods.org/pdf/District5.pdf>)

**Issues:** This property backs up to the railroad tracks – and is across the railroad tracks from the Highlands. The property owners widened their driveway to accommodate a recreational vehicle. They spoke with no less than three (3) city officials about this project and received approval for this specific purpose. The petitioners noted that they spoke with Joe Robinson specifically. The petitioners did not simply pour some concrete. They put in a curb on the right side of the parking area and tied this curb into the street curb. I have to assume that this is why they spoke to several people at the city... to make sure that they tied the curb in properly to the road. They were only informed after they spent \$2,300.00 on the project that you can't do this in a required

front yard. They can't park this vehicle behind the house because there is very little space between their home and the neighbor's homes. There would be no way to pull the vehicle between the buildings without damaging the homes. The Camper is 24FT long and 10.5 to 11 feet in height.

**Opposition from the floor:** None

**Vote:** 5 to 0 in favor. However, the board said that if approved, this would be subject to TDOT approval. I am guessing this won't be a problem since the petitioner has already worked with Joe Robinson during the planning phase of this project.

**ZBA-61-06:** The Lorena Group, LLC petitions for a special exception to allow the use of a modular building (automated ice vending machine) and an interpretation of whether a retail ice machine is a permitted use at 3014 – 15<sup>th</sup> street. Zoned MG (Council District 1 – map: see link above.)

**Issues:** This property is across 15<sup>th</sup> street from Central West. It is currently an auto detail shop and next to an Alabama Power Substation. This Ice House is like the one at 5-Points and the one in front of the bowling alley on 15<sup>th</sup> street. The petitioners are willing to work with the city regarding landscaping around the building.

**Opposition from the floor:** None

**Vote:** 5 to 0 in favor. This approval is contingent upon the petitioner working with the city to do a landscape plan for the property. The petitioner will not be able to get a building permit until this plan has been approved.

A second item was brought up with regard to the Ice House. Apparently the last Ice House at 5-Points was approved for 1 year (beginning July 27, 2005). The board moved and seconded to make this a permanent special exception.

**Opposition from the floor:** None (although I don't think there was a formal request for opposition – if there was, I didn't hear it.)

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

**ZBA-62-06:** Amason & Associates, Inc. petitions for a special exception to allow the construction of one (1) apartment unit at 504 Greensboro Avenue. Zoned BC (Council District 1 – map: see link above.)

**Issues:** This property is between the Mezzanine Restaurant and the Junior League Thrift Store. The building is currently being gutted. A restaurant will be located on the bottom floor. They want to put an efficiency apartment on the second floor. Access will be from an exterior door on Greensboro. There will also be a stairway that will exit out of the back of the building. The apartment will be around 1200 square feet. The idea is that the owner of the restaurant could stay in this apartment when he is in town. Approval of this variance will be subject to parking being available. It sounded like the owner was trying to secure parking in the parking lot behind the building.

**Opposition from the floor:** None

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

**ZBA-63-06:** Clara Verner Tower Partners, LTD/Amason & Associates, Inc. petitions for a special exception to allow a reduction in the number of required off-street parking spaces at 101 Hackberry Lane. Zoned I (Council District 3 – map:

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

## WITHDRAWN

**ZBA-64-06:** Scott Hudson petitions for a variance from sign regulations at 2321 University Boulevard. Zoned BC (Council District 1 – map: see link above.)

**Issues:** This is the Café Venice property. The owner wants to hang several banners from the balcony above the sidewalk. These banners will have “Café Venice” imprinted on them. This will be the business signage instead of the planned neon sign. The owner believes this will be better looking than the neon sign would be. The banners will be high enough so that people can’t jump up and grab them from the sidewalk below. The bottom of the banners will be about 10 ft above the sidewalk.

**Opposition from the floor:** None

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

**ZBA-65-06:** Address and Caruthers Properties petitions for a variance from setback requirements to allow the construction of a condominium complex at 1401 – 6<sup>th</sup> street.

Zoned RMF-2U (Council District 4 – map:

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

## WITHDRAWN

**ZBA-66-06:** Earnestine Smith petitions for a special exception to operate a night care facility at 2000 – 41<sup>st</sup> Avenue. Zoned R-2 (Council District 1 – map: see link above.)

**Issues:** This appears to be a well-kept neighborhood. The properties surrounding the petitioner’s property are all zoned R-2 and R-3. The petitioner wants to operate a child care facility out of this home. It will be open from 3 pm until 11:30 pm each evening. There will not be more than 6 children being kept at any given time. There will be no signs in the neighborhood associated with this business. The children will play in the backyard which is fenced. The children will all be put to bed at 9:00 pm. DHR has approved this plan. The petitioner has experience in the child care area.

**Opposition from the floor:** The president of the College Hills neighborhood association and one of his members were in attendance and they both oppose this petition. The president said that he was there on behalf of the neighborhood. Both men spoke and they said that this was a residential neighborhood. They were afraid that if this type of business was allowed in College Hills that it would have a domino effect on the neighborhood and more of these types of businesses would pop up. They wanted the board to protect their neighborhood by keeping it residential.

**Vote:** 2-3 against.

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