

Zoning Board of Adjustment Report

Meeting Date: 5/31/07

(*** 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), Arthur McLin, 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-24-07: Earnestine Jackson petitions for a Special Exception to operate a personal care home for adults at 3295 ½ Short 17th Street. Zoned R-3. (Council District 1)

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

(CONTINUED FROM LAST MONTH) (CONTINUED UNTIL NEXT MONTH)

ZBA-30-07: Richard Ellis petitions for a variance from the sign regulations to allow the construction of an off-site sign at 1771 Skyland Boulevard East. Zoned BN (Council District 7)

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

Issues: Mr. Ellis is asking for an off-site sign for Woods & Water. Currently, there is a sign in the Bama Urgent Medical Clinic parking lot (in front of the Beauty Mark on Skyland Blvd). He wants this sign moved but the new location will be too close to the sign that exists for that shopping center. After some discussion it was determined that he is building a mono-pole sign which appears to be more like a billboard. It will be 52 feet above the road grade and tall enough to be above the Buffet City sign (10 feet taller). Also the sign will go from 32 ft wide to 40 ft wide.

Opposition from the floor: Owners of the shopping center are against this sign. Making the sign taller means that the pole will block the view of their sign from the road. It was also noted that this is a billboard that Mr. Ellis is trying to erect not a business sign.

Vote: 0-5 against.

ZBA-31-07: Tant Construction petitions for a variance from setback requirements to allow the construction of a single family dwelling at 1213 – 27th Place. Zoned R-3 (Council District 2)

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

Issues: A representative for Tant Construction did not show up last month which is why this petition was continued. This lot is currently vacant. They want a 20 foot rear setback instead of 30 feet. They want a 20 foot front setback instead of 25 feet. This will allow for a house which is 50ft in depth and about 1500 square feet in size. It was noted that this neighborhood was platted in the 1920's.

Opposition from the floor: None

Vote: 4-1 in favor

ZBA-32-07: BGH 3 LLC petitions for a variance from the requirement that a Lounge Retail Liquor Licensee, Class 1 establishment located in the Downtown Riverfront Overlay District be limited to one per block face and be no closer than fifty (50) feet from a like establishment at 2326 4th Street. Zoned BC, D/R Overlay District (Council District 1)

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

Issues: Bob Monfore was representing BGH (Bo Hines). Mr. Hines wants to put in a Class 1 establishment in the Temmison Square area in the same building as the Copper Top. The new building will not be within 50 feet of a like establishment... but it would be in the same block face. It was noted that the city is looking to change this ordinance. Apparently there was a misunderstanding between the Monfore group and the planning staff. Mr. Hines has already started renovating the space and entered into a long term lease based on the discussions he had with the planning staff. The lease was signed in January when he was under the impression that he could operate the class 1 establishment in this building. Board Chairman Romanek does believe, based on the information he has heard, that the ordinance will change. The change would allow Mr. Hines to open a class 1 establishment in the location we are discussing. This issue is timing... the ordinance will eventually change but the business can't open until the change is in effect or until they get a variance. It was noted by the city attorney that a variance can't be granted based on economic hardship. Mr. Monfore said that the property is unduly burdened by the ordinance. This new bar will be 200 feet away from the others.

Opposition from the floor: None

Vote: 4-1 in favor

ZBA-33-07: WITHDRAWN

ZBA-34-07: Knight Sign Industries petitions for a variance from maximum sign height restrictions to allow the construction of two (2) new pole signs at 701 Skyland Boulevard. Zoned BN. (Council District 2)

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

Issues: This same petitioner came before the board a couple of months ago regarding a sign for the new Ashley Furniture store on Skyland Blvd. This is a new petition with changes. The petitioner took the average height of the signs in the area and made a new sign proposal based on this average. Unfair competition was used to prevent the higher sign last time... which is why they used the average height of signs in the area this time. It is clear that he is trying to put up a sign that is tall enough to be seen from Highway 59/20. The petitioner wants to put one sign up which will be in the parking lot closest to Skyland Blvd. The proposed sign is 96 feet tall which is well above the building height of 55 feet. It was noted by the board that the building is very tall with the store name at the very highest point on all four sides. Nothing is blocking the view of the building. I could not see where there was a hardship for this business.

Opposition from the floor: None

Vote: 0-5 against

ZBA-35-07: Industrial Warehouse Services, Inc. petitions for a Special Exception to allow the use of a temporary modular office at 502 Bear Creek Road Cutoff. Zoned MG. (Council District 7)

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

Issues: This is a trucking operation which has expanded rapidly over the last year or so. They want to place a modular building between their current office and their warehouses. They don't want to relocate completely so this is a temporary fix until they can come up with a plan to expand their current offices. This variance will give them time to start planning and building a new office. It was noted that all buildings are above the 100 year flood plain. This modular will not have any impact on parking. The conditions for this variance are that the exception is for 1 year only and that the modular building has to be tied down properly.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-36-07: Chad Gore petitions for a variance from setback requirements to allow the construction of a new single-family dwelling at 7431 Huntland Drive. Zoned R-2, PUD. (Council District 6)

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

Issues: This location is near the intersection of Buttermilk road and Hargrove Road. It is a corner lot and because of where it is located it technically has 3 front yards. The house they want to build is typical of the other homes in the subdivision. The encroachment into the setback area is only about 1 foot. The house will be the smallest size allowed by the subdivision – 1350 square feet.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-37-07: Tuscaloosa's One Place petitions for a Special Exception to allow the use of two (2) temporary modular offices on a property located at the northwest corner of the intersection of Redmont Drive and Wiley Drive (38th Avenue East). Zoned BGO. (Council District 5)

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

Issues: Tuscaloosa's One Place is a non-profit social service agency. They currently work out of rental houses in the area. They bought this property and they will eventually build a new facility. Right now, they will work out of a modular building until they can build the permanent structure. They are in the process of raising money for this project. They do parent education, parenting and career development classes. Approval is contingent on the following: a one year exception and the modular will have to be properly tied down.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-38-07: LBYD Inc. petitions for a Special Exception to allow a reduction of the number of required off-street parking spaces at 4400 University Boulevard East. Zoned BN. (Council District 5)

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

Issues: This property is located at the corner of University Blvd. and Veterans Memorial Parkway. It is actually 3 parcels that currently house a vacant flower shop, La Fiesta and a storage facility. All of these buildings will be removed and will be replaced with a Walgreens Pharmacy. Based on the square footage of the entire building... they will need 124 spaces. They only have room for 98 spaces (a 20% reduction). The petitioners brought a lot of information about how many cars are normally parked at a pharmacy throughout the day. It was noted that 25% of the building will be for storage and you don't need parking spaces for storage areas. If they used this

reduced square footage number then they would only need 93 parking spaces. It was noted that the petitioners are dedicating some of the lot to help with right of way, curbing and landscaping. They are working with the city to help clean up that corner.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-39-07: Alberta Baptist Church petitions for an extension of a previously granted special exception to allow the use of a temporary modular office at 2210 University Boulevard East. Zoned R-3. (Council District 5)

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

Issues: This variance was originally granted one year ago. The modular building is used as a chapel for their Hispanic ministry. They also use the space for such things as crafting and English language classes. Apparently, their contractor declared bankruptcy. It has taken much longer (18 months) to renovate their current sanctuary than they expected. When asked how long it would be before they could build a permanent structure – the petitioner said “Only God Knows.” The approval for this extension is with the understanding that it is approved for only one additional year.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-40-07: Campus Rentals, LLC petitions for variances from minimum lot width and open space dimensional requirements and a Special Exception to the required off-street parking standards to allow the construction of a two-family dwelling at 1108 8th Avenue. Zoned RMF-2U. (Council District 4)

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

Issues: This is a Steven Rumsey development. This property backs up to the Tutwiler dorm parking lot. The building is an over/under duplex. The petitioner removed a single family home that was being rented to students. The parking in question will be at the rear of the property and will be paved. The zoning ordinance requires 10 spaces (1.25 per bedroom). The petitioner is requesting that this be reduced to 1 per bedroom – or eight in total. Ball and Chain fencing will be put up in the front of the building to prevent parking in the yard.

Opposition from the floor: None

Vote: 4-1 in favor

ZBA-41-07: Moorland Properties, LLC petitions for variances from minimum lot width and open space dimensional requirements and a Special Exception to the required off-street parking standards to allow the construction of a two-family dwelling at 1415 8th Street. Zoned RMF-2U. (Council District 4)

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

Issues: Mr. Rumsey is the developer behind Moorland Properties. The zoning ordinance requires 12 parking spaces for this property and 12 are proposed. The parking will be in the rear and will be paved. Ball and Chain fencing will be put up in the front of the building to prevent parking in the yard. The problem here is the minimum lot width. This new development will look a lot better than what existed previously.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-42-07: R. Harold Horton petitions for a variance from minimum setback requirements to allow the construction of an addition to an existing building and a Special Exception to expand a legal non-conforming automobile repair shop at 4201 Greensboro Avenue. Zoned BN. (Council District 7)

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

Issues: This property has been an auto repair shop for a very long time. It is Horton's Body Shop near the Academy Sports store. The addition does not meet the 20 foot setback. One of the problems is that this property is on a corner lot and has the limitations of the two front yards. The addition will be 22 feet by 46 feet and will be a prefabricated metal building. It was noted that the special exception applies to the usage not to the property.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-43-07: Emanuel Baptist Church petitions for a variance from the sign regulations to allow additional signage to be erected at 4612 Rice Mine Road NE. Zoned R-1. (Council District 3)

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

Issues: This is the church next to the Taco Casa and across from the new Publix near Verner Elementary. It was interesting to note that the church is in the city limits but the Taco Casa is in the county. Old Colony road has a back entrance to the church. The church wants to erect a new sign by this back entrance but they already exceed the sign size limitations due to their current sign at the front of the building. The sign being proposed will be 4 feet by 8 feet, it will be on two legs and it will be about 4 feet above grade. They want more visibility from Old Colony Road.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-44-07: Popeye's Chicken & Biscuits petitions for a variance from the sign regulations to allow additional signage to be erected at 3712 McFarland Boulevard East. Zoned BN. (Council District 7)

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

Issues: This location backs up to Holy Spirit Catholic Church and school and is the vacant Long John Silver's restaurant on McFarland Blvd. The old building will be torn down and a new facility built. They want a variance on the square footage of the sign because the ordinance limits the size based on the linear street frontage of the property. The petitioners claim that visibility is their issue.

Opposition from the floor: None

Vote: 4-1 in favor

ADDITIONAL BUSINESS

NONE