

Zoning Board of Adjustment Report
Meeting Date: 5/23/06
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 5/23/06 were Dan Gibson (chair), Joe Romanek (Vice-Chair), John Sheffield, John Crummie and James West. There were approximately 25 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 5/23/06

ZBA-25-06: Stadium View, L.L.C. petitions for a special exception to reduce the number of required off-street parking spaces for an existing apartment complex. This petition was withdrawn before the meeting

ZBA-38-06: Johnny and Mary Glass petition for a variance from setback requirements to allow the construction of an attached carport at 3815 Willow Lane. This petition is one that was denied at the last meeting. The petitioners were told they could rework their plan and come before the board again.

Issues: The petitioners reworked their driveway plan. They are no longer asking for a second entrance from the street. They will widen their existing driveway and enter the carport from the front of the house. This plan eliminates the need for a significant amount of concrete drive in the yard.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-39-06: Charles Leonard petitions for a special exception to erect a vinyl privacy fence with a required front yard at 6370 Woodland Forrest Drive.

Issues: This home is on a corner lot which means that they technically have two front yards. The zoning ordinance states that fences in the front yard must be no more than 4 ft. tall and 50% open. The petitioner wants to build a fence that is solid and 6 ft. tall on one side of his home... that is technically a front yard... but is actually his side yard. Additionally, he wants to come out from the side of the house about 12 ft so that the fence encloses a larger portion of his back and side yards. He has small children and would like to be able to have a fence for safety and privacy reasons. He spoke with his neighbors and they support his request. TDOT has no sight distance problems with this plan.

Opposition from the floor: None

Vote: 4 to 1 in favor.

ZBA-40-06: Lindsey Macon petitions for a special exception to operate a motor vehicle sales agency at 2820 University Blvd. East. This location is across the street from Durrett Grove in Alberta City. It was an old gas station that is in serious disrepair. The petitioner wants to have a used car lot on this property. The board members noted that this location is in serious disrepair and that in order to get a business license the property will have to be brought up to code. This could be very expensive. The board had a long list of conditions which would have to be met in order for the petitioner to obtain a business license and upon which the vote for this petition would depend. The conditions include the following: repave the parking area, repair the fence and building, add a 6 foot solid fence along the back property line to hide the storage area, add landscaping as per the Alberta beautification plan, agree not to store disabled vehicles, agree that this would not be a repair shop except to repair the vehicles that are for sale. The petitioner agreed to these items. The board also had a question about whether or not this type of business would fit in with the Alberta streetscape project. Darryl Meyer was quoted as saying they would rather not see a used car lot in this spot... however if the property was brought up to code it would be in compliance.

Opposition from the floor: An individual from Tuscaloosa Police Department came forward with some information on the petitioner. Apparently, the police thought the board should know about some past business dealings of Mr. Macon. Mr. Macon owned another business (I think it was called Hollywood Fish & Wings). He failed to pay sales taxes and didn't have a business license. He went to court and came to an agreement with the city that he would pay the license fee, court costs and some back taxes. The check that Mr. Macon wrote to pay for these items then bounced. The officer said that there is currently an outstanding warrant for Mr. Macon's arrest... I am assuming it is associated with the bad check... but they didn't say. In any case, the board chairman didn't think they could take his past business dealings into consideration on this petition. Vote: 0 to 5 against. Mr. Crummie said he was voting no because there were too many conditions associated with this vote. He said that if the petitioner made all of the improvements listed above and returned to the board for approval, he would vote yes. Mr. Macon can appeal this decision to the circuit court... *However, this may be difficult because the Tuscaloosa Police arrested him on his outstanding warrant as soon as he was finished with his petition. When he walked to the door a police officer was waiting to put the handcuffs on this petitioner.* Just another crazy incident at the board of adjustment meeting!

ZBA-41-06: Bruce and Lynn McColl petition for variances from setback and ground coverage ratio restrictions to allow the construction of an addition at 520 Avalon Place. Issues: The addition that has been proposed will be 6 inches from the property line and will include a 4 car garage. The petitioners plan to access this garage from an alley way. This is a significant increase in the size of the home. The building will meet the building codes with respect to such things as a fire wall between the two properties in question. Building officials don't have a problem with this plan. The petitioners hope that this new addition will afford them some privacy. Apparently the home next door is rental property and has several fraternity boys live there. While the petitioners said that the young men were very nice and no problem at all... they did keep late hours. It sounds

like the addition will allow the petitioners to move their bedroom away from the outside porch of the rental home.

Opposition from the floor: None

Vote: 4 to 1 in favor.

ZBA-42-06: First Paramount, LLC petitions for a special exception to allow 306 apartment units to be constructed on the north side of 4th street between 21st Avenue and 23rd Avenue.

Issues: This apartment/hotel facility is off of Jack Warner parkway in a vacant area near the City bus station and the ABC liquor store. The facility will include two parking garages. The developer said that this project fits in with the city's downtown redevelopment plan and it has city council approval. These will be upscale apartment units and an upscale hotel as well as 17,000 sq ft of retail space. They specifically said that there would not be a bar in the retail space area. The board members asked about traffic and security. The petitioners discussed in detail the security plans of the building including: card access to the towers, card access to elevators, video surveillance of all corridors, exits and outside entrances, and a security office in the center of the bldg which will do full time monitoring. The board said that their approval of this special exception was subject to concessions they had discussed with the developer. The concessions were that the building be built in accordance with the site plan provided to them, and that it was in accordance with the urban renewal streetscape plan. I am assuming that this includes landscaping issues. Also, the property would have to be resurveyed as one lot and the developers would have to have approvals associated with the riverfront development plan.

Opposition from the floor: One business/property owner in the area did not oppose the project but did have some issues regarding parking. It sounded like he was concerned that the limited parking at his businesses might be negatively impacted. However, it looked like there would be plenty of parking in the two parking decks for the residents of this new development.

Vote: 5 to 0 in favor.

ZBA-43-06: Wright/Hurd Properties, LLC petitions for a Special Exception to operate a barber shop at 928 25th Avenue East.

Issues: The petitioner wants to operate a barber shop in a building that has only 6 parking spaces. There will be 4 barbers and 2 stylists. Four will be full time and 2 will be part time employees. The special exception did not address parking at all... which is what the board members are most concerned about. They are only supposed to be considering business usage. The board did not seem comfortable with approving the business usage with the parking problems outstanding. The owner of the property said that he owns a day care across the street and that the barber shop employees and customers could park there too. The board said they would need something in writing that addresses this agreement. Ultimately, the board decided that the business usage and parking issues needed to be considered together and so they are going to continue this petition to next month. In the meantime, there will need to be a new advertisement regarding both the property usage and parking.

Opposition from the floor: There was one woman in the room who intended to oppose this petition. She was told that she could either come back next month or she could put her issues in writing to the board so that she would not have to come back again.

Vote: Continued until next month

ZBA-44-06: Alberta Baptist Church petitions for a Special Exception for the use of a modular building as a temporary chapel at 2210 University Boulevard East.

Issue: The church is currently undergoing significant renovations. This has caused space problems. Additionally, they are a growing congregation with a large Hispanic congregation. Apparently a State of Alabama Baptist Organization has a modular temporary chapel that they loan out to people. The Alberta Church will be allowed to use this chapel for up to 3 years. The board then asked them questions regarding the “temporary” nature of this request. It became clear to me that they will need this space even after the renovation is complete. The church will eventually have to expand permanently. The board made it clear that they would only approve this special exception for one year. The petitioner will have to return to get approval for an extension if it is needed. Ultimately, the message was that this temporary modular chapel could not be used permanently.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-45-06: Amason and Associates, Inc. petitions for a special exception to reduce the number of required off-street parking spaces at 820 12th Avenue.

Issue: The petitioner has plans to tear down an old damaged apartment building which is on the road that goes by Pepito’s on the strip toward Bryant Drive. The building had a tree fall on it about a year ago and has been in bad condition since that time. The apartment building will be replaced with game day condos. This will decrease the density by 4 units. There will be gated secure parking underneath the condos. The parking will be on the ground floor and then 3 stories of condos will be above the parking. *The developer says that these condos will be vacant for most of the year. He does not anticipate that these will be used for student housing because of the cost. The condos will sell for between 300K and 500K.* It did not sound like TDOT supported the reduction in parking space requirements.

Opposition from the floor: None

Vote: 5 to 0 in favor

ZBA-46-06: Alabama Power petitions for special exception to allow the expansion of an existing electrical substation at 1212 14th street.

Issues: Alabama Power owns a lot with a vacant single family home on it next to an existing electrical substation. They want to tear down the home in order to expand and upgrade the substation. This will increase the voltage from 44,000 to 115,000. They did a study which indicates to them that this substation needs to be upgraded. It was built in the 40’s or 50’s and does not provide for the current and anticipated growth in the area. The new system will help provide redundancy in the system so that everyone in the area will have fewer problems with power outages. The petitioner also noted that they are purchasing the two homes behind this property for future expansion. They discussed the

fact that they will meet OSHA regulations and that they always take safety issues into consideration. The board had some issues with this substation being in the middle of a neighborhood. One of the board members pointed out that they are regularly approving things related to new and bigger developments and that they should have expected that there would be power needs associated with these developments. Alabama Power made it clear that they have no other alternatives. They really have to increase the size of this substation in order to provide power to the area.

Opposition from the floor: None

Vote: 3 to 2 against. Wow! It didn't sound like Alabama Power had any alternative but to increase the size of the substation. There was no opposition from any citizens. It is likely that Alabama Power will simply appeal this decision.

ZBA-47-06: John T. Fisher petitions for a special exception to reduce the number of required off-street parking spaces at 1406 22nd Avenue.

Issues: The petitioner's property currently has 8 parking spaces. However, the requirement for this location is 10. The petitioner said that if he had to he could pave the back yard of the property to create more parking, but he did not want to do this. He noted that the business was such that they did not need all of these parking spaces during normal 8 to 5 working hours. They had most of their business after 5 when parking is not an issue.

Opposition from the floor: None

Vote: 5 to 0 in favor

There was one item added at the end of the meeting. There is a temporary storage facility behind a Buddy's Food Mart. The builder wants a one-time extension to keep the storage facility in place. He said that the architectural plan was held up but it was now in the inspection dept. and under review. He asked for 45 days...the board said they would vote on a 60 day extension.

Opposition from the floor: I don't think there was a formal request asking if there was opposition... however, I think I was the only citizen left in the room and I did not oppose this.

Vote: 5 to 0 in favor

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