

Zoning Board of Adjustment Report
Meeting Date: 10/22/07

(*** 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, Arthur McLin 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-67-07: Chris Emerson petitions for variances from setback requirements to allow the construction of an apartment building at 710-14th Avenue. Zoned RMF-2U. (Council District 4) (<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District4.pdf>)

Issues: This property currently consists of a parking lot, 2 single family homes and a small apartment building. The developer plans on removing all existing structures in order to build a raised apartment building. This property is very close to the stadium. The front setback should be 35 feet from the center line of the adjacent street (14th avenue). Additionally, the setbacks increase as the height of the building increases. This is a very long and narrow lot and they would not be able to build much of anything if they had to meet the 35 foot setback rule. John Marcum spoke on behalf of JM architects and the petitioner. There were also some issues regarding the entry into the parking area. The plan called for a one way entry and exit with the exit causing the traffic to circulate through the historic district. TDOT requests that the traffic pattern be reversed - the developer has made this change. TDOT also noted that the development did not meet the 30 ft driveway setback. It sounded as if the developer was not willing to fix this problem. The building was going to have 35 bedrooms – a mix of one and two bedroom apartments. This would require between 51 and 70 parking spaces. However, it appeared on the drawing that there would only be 44 parking spaces. The developer was aware of the following amendment to the parking ordinance ... in an RMF-2 zone, if more parking is going to be provided than was available before the development, then it is allowed to have only 1 parking space per bedroom. In this case, they would only be required to have 35 parking spaces. The architect indicated there would be landscaping on 14th street – although... as usual, I'm not sure how they can put much landscaping on the minimal space that is available.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-68-07: Daniel and Ashley Maughan petition for a variance from setback requirements to allow the construction of an addition onto an existing single-family dwelling at 810 Monmouth Drive. Zoned R-2. (Council District 4)

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

Issues: This property is in the Riverchase neighborhood. The petitioner wants to close in an existing garage to make interior space for their home. He will add a new garage at the end of the driveway. The new structure will be 3 feet from the side lot line and 18 feet from the rear lot line. The neighbors have no objection. The architectural board of the neighborhood has indicated to the petitioner that the addition should not be a problem.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-69-07: Keith Dollar petitions for a variance from setback requirements to allow the construction of a screened porch at 9530 Crete Circle (Lot 48, Neptune's Cove). Zoned R-3 PUD. (Council District 4)

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

Issues: Keith Dollar apparently represents the owner of the property and the developer (Westervelt realty). The realty company wants to buy and develop this property if the variance is approved. This lot is currently vacant. The home that is planned for this site has a screened porch that will encroach into the 25 foot rear setback by about 3.5 feet. The structural review board of the neighborhood will have to approve this home design in addition to the board of adjustment approval.

Opposition from the floor: None

Vote: 5-0 in favor

ZBA-70-07: Frank Moultrie petitions for variances from minimum lot width and area standards to allow the resurvey of part of lots 1, 2 and 3 of Block 108 of the TCI&L Survey (1304 & 1308 12th Avenue). Zoned R-3. (Council District 3)

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

Issues: The petitioner represents the owner in this case. Mr. Moultrie wants to buy the property if he can obtain this variance. There are 3 existing parcels. All are zoned R-3. Two of the parcels have non-conforming homes built on them. One parcel is vacant. This property is next to an electrical substation. The petitioner is proposing 3 platted lots for this property. Each platted lot would be 36 feet wide. The petitioner wants to build a single family home on each of the three lots. He can meet all of the required setbacks for the three homes but he can't meet the 75,000 sq ft minimum area standard. The board asked about parking for these homes and mentioned that 2 off-street parking spaces per dwelling are required. They noted to the petitioner that he can't have his parking in the street or in the front yard. The board also reminded the petitioner that the ball and chain fencing must be installed in the front yard. It didn't sound as if the petitioner was aware of these rules. There is an alley way behind this property, but only 2 of the proposed platted lots would have rear access for parking. The board noted that it appears that this property would go from 2 non-conforming homes to 3 non-conforming homes. The petitioner was not able to show hardship. The board asked him if he has considered building 2 homes instead of three. The petitioner had not considered that option.

Opposition from the floor: A home owner in the area came forward and told the board that the alley ways are often blocked. This would make it difficult for owners of the new homes to park in the rear.

Vote: 0-5 against.

ADDITIONAL BUSINESS

At the May 2006 Board of Adjustment meeting, recall the following:

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 the 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

Amason & Associates was granted a special exception to reduce the required off street parking spaces. The variance has expired. The original petitioner is no longer going to build the condos. There is a buyer interested in the development and that buyer wants the special exception extended. The board was told that the building plan was going to remain the same. The parking went from 1.25 parking spaces per unit to 1.1 spaces. The board voted on a 90 day extension.

Vote: 5-0 in favor of a 90 day extension

A special-called meeting of the Tuscaloosa Zoning Board of Adjustment will be held on Nov. 1st. The petitioner could not make it to this meeting.

Chairman Romanek had been elected Chairman of the planning commission so he is resigning as chairman on this board. John Sheffield has been elected as the new Chairman and Arthur Mclin has been elected Vice Chairman.