

Zoning Board of Adjustment Report
Meeting Date: 10/24/06
Report By: Lisa Rhiney

(*** 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 on 10/24/06 were Joe Romanek (Chair), John Sheffield, John Crummie, James West and new board member Dana Keith (replacing Dan Gibson).

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 on 10/24/06.

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. Apparently the petitioner is questioning the constitutionality of the ordinance which limits the number of unrelated people that can live together in an historic district.

NEW INFORMATION – CONTINUED UNTIL NEXT MONTH

Issues: The legal staff recommended to the board that this petition be continued until next month because the legal issue (alleged notification problems) had not been resolved. It was clear that none of the people in the audience were aware that this was going to be continued again. Steve Sikes, a resident of The Downs, approached the podium and asked several questions regarding the reason for the continuance. In particular Mr. Sikes noted that the residents of The Downs were under the impression (as was I) that the legal problem had to do with constitutionality of the ordinance itself not the alleged notification problems. The legal council representative clarified the issue and said that the claim was about the Joiners not being given proper notice. The claim of unconstitutionality was based on the notification process. Apparently there is a case in circuit court right now regarding notification. It sounds as if this petition will be delayed until the case in circuit court is decided. Once it is decided, the city may have to rethink how they handle notification.

Board Member Sheffield asked the attorney if there was any way to notify the residents regarding a continuance **PRIOR** to the next meeting so that they would not have to come

out for a third time only to discover the petition has been continued. The attorney said that if someone would give him the contact information for one of the residents in The Downs, he would get the information to that person to distribute.

ZBA-75-06: LEN Properties petitions for a special exception to reduce the number of off-street parking spaces at 2615 – 11th street. Zoned BGO. (Council District 1)
(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District1.pdf>)

CONTINUED UNTIL NEXT MONTH

ZBA-76-06: Memnon Tierce III petitions for a special exception to operate a motor vehicle sales agency at 3700 Greensboro Avenue. Zoned BN (Council District 2)
(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District2.pdf>)

Issues: This is the old Crimson Nightclub/Bar across from Nu-Floors on Greensboro. The petitioner wants to use this location as a used car lot. He will be resurfacing and striping the parking lot. The business will be open from 8 am until 6 pm. Chairman Romanek noted that the vote would be based on the following conditions: The location would not be used as a repair shop, there would be no storage of derelict vehicles, and there would be no disabled vehicles on the lot.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-77-06: Mr. Albert Lewis Jr. and Dr. Joice Lewis petition for a special exception for the temporary use of a modular building at 3307 Eddins Road. (Lot 1, Hacienda Place Subdivision) Zoned R-1. (Council District 1)
(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District1.pdf>)

Issues: This property is near Fosters Industrial Park. It is largely undeveloped. I believe that there are 30 lots for sale. Two lots have homes on them and have been sold. There did not appear to be any other construction on the rest of the property. The petitioners were using one of the model homes as their sales office. However, they have sold it and now want to put up a modular building. This building will be their sales office until they can sell the rest of the lots. They will skirt the modular building and it will be ADA compliant. Chairman Romanek noted that they will only approve a modular building for one year. If they are unable to sell all of the lots within that time, the petitioners will have to return to the board for an extension.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-78-06: **Withdrawn**

ZBA-79-06: Wiggins & Jones Real Estate petitions for a special exception for the temporary use of a modular building at 2625 – 8th Street. Zoned BGO. (Council District 7)
(<http://www.tuscaloosaneighborhoods.org/Documents/Maps/District7.pdf>)

Issues: This property is one block off of Lurleen Wallace South. The property is currently being used as a law office. The law firm has outgrown the space and is going to expand the building – almost doubling its size – and is going to improve the parking for the property. However, while the improvements are being made, they would like to locate a modular building toward the back of their property to use for office space. The petitioners understand that the modular building has to be skirted, anchored and must be ADA compliant. Chairman Romanek noted that they will only approve a modular building for one year. The petitioner hopes to have the work done in 9-12 months.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-80-06: Dubois Terrace Investments petitions for a special exception to operate wholesale or other specialized store dealing with a limited or specialized clientele, and not with the general public (vintage collectables shop) at 514 Hargrove Road East. Zoned BGO. (Council District 2)

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

Issues: This property is currently under construction. It is just behind the Meadowbrook shopping center and next to J&L Signs on Hargrove Road. This property backs up to a neighborhood. Robert Monfore said that a comic book store owner approached him about renting space in this building. The new building is not zoned for commercial retail sales. Apparently the comic book store is open 11 am to 7 pm on Tuesday through Saturday. They estimate 120 customers per week and 1-2 employees at all times. The property is required to have 26 parking spaces... it will have 27. The petitioner does not think that parking will be an issue as this is not a high traffic business. The comic book store gets shipments via UPS and there is adequate space for these trucks to make deliveries to the back of the building. It was noted by the board that this approval is given for the comic book store only. The petitioner may not use this approval for any other retail business.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-81-06: LaDonnah Roberts petitions for a special exception to reduce the number of required off-street parking spaces and a variance from the parking lot development standards at 907 – 17th Avenue. Zoned RMF-2H. (Council District 4)

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

Issues: Recall the following from the August 22, 2006 report... The board was asked to give an advisory opinion on a proposed use of the Marmaduke-Williams house. The owners of the property want to use a small portion of the home for a media company. This property is behind the Alabama Power company building and it is zoned R-2 Historic. The house is 170 years old. The current zoning would allow the building to be used for apartments. However, using the home for this purpose would not help to improve its condition. Using this home as apartments is not in the best interest of the historic district nor does this use support the historic preservation of the property. It was suggested that allowing a media company to conduct business on this site would be a less intensive use of this property than apartments would be. The owners will be restoring the

home while it is in use by the media company. The owners plan to start construction and renovation as soon as they have all of the approvals from the various city agencies. The board voted to recommend that the city council approve the planned use of this home as presented above.

New Information: The petitioners were given approval to use part of this home for a media company. They are required to develop off-street parking. The square footage of the home requires 11 off-street parking spaces. The home only has space for 8 spaces (one of which is handicap accessible). They don't want to cut down a 100 year old oak tree to make more parking. The petitioner noted that their business has minimal traffic. There are 3 employees. Due to their type of business (video production) their employees usually work with clients at the client's office. The second item has to do with how the parking will be finished. The petitioner is requesting the use of "river rock" instead of concrete or asphalt in order to maintain the "historic appearance" of the property. Chairman Romanek noted that they will vote on this... but that the petitioner will have to gain approval from T-DOT and the historic commission as well.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ZBA-82-06: Bill Lloyd petitions for a special exception to allow the construction of a six foot masonry wall within a required front yard at 25 Audubon Place. Zoned R-3U. (Council District 4)

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

Issues: It appears that this home is toward the back of Audubon Place. The rear of the home and its detached garage are on 7th Street. Even though this is the rear of the home, it appears that the rear of the home is considered another required front yard because of its placement on the lot and street. The petitioner wants to put up a masonry fence to create some privacy on the back side of the property - 7th street has a lot of rental property. Board member West noted that this fence breaks many of the ordinance rules. First, the ordinance states a 4 foot height limitation. The petitioner wants to build a 6 foot fence. Second, the ordinance states that the fence must be 50% opaque. The petitioner wants to build a solid masonry fence. Finally, the ordinance states that the fence has to be 20 feet from the curb. The petitioner wants to bring the fence right up to the sidewalk – clearly on the city right of way. A survey has not been done so there was no way to show us where the fence should be. Another potential problem with the fence is vision obstruction. Anyone backing out of the parking area of the home would have to pull well into the street before they could see around this fence. This seems to be a health and safety issue. Chairman Romanek noted that if approved by the Board of Adjustment, the petitioner would have to get approval from TDOT and the Historic Commission. The petitioner noted that they already had the design approved by the Historic Commission.

Opposition from the floor: None

Vote: 3 to 2 against.

ZBA-83-06: Bobby Moses petitions for a variance from setback requirements to allow the construction of a single family dwelling at 70th Way NE (Lot 5, Deepwood Subdivision.) Zoned R-1. (Council District 5)

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

Issues: The home is technically being built on a corner lot even though the side street has not been developed or paved. This neighborhood has been around for many years, but never fully developed. The front of the home will meet the 35 foot setback required for a front yard. However, the side of the home (on the side where the street has never been built and paved) will only have a 10 foot setback. Chairman Romanek drove by this property and noted that there is a hardship. The property has a very steep slope and the only reasonable area on which to build a home is located on the corner in question. If the builder tries to move the home to meet the setback requirement, the home will end up in a ditch. The petitioner is also concerned about drainage issues related to the location of the home. The petitioner doesn't know if the side street will ever be developed. He has spoken with the neighbors and they do not have a problem with the requested variance.

Opposition from the floor: None

Vote: 5 to 0 in favor.

ADDITIONAL BUSINESS

NONE