

Zoning Board of Adjustment Report
Meeting Date: 9/26/2006
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 9/26/06 were Dan Gibson (chair), Joe Romanek (Vice-Chair), John Sheffield, John Crummie and James West.

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 9/26/06.

ZBA-67-06: Leonard and Kelly Jones petition for an interpretation of the Zoning Officer's decision concerning an accessory structure at 90 The Highlands. Zoned R-1. (Council District 5)

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

(CONTINUED FROM LAST MONTH) (WITHDRAWN THIS MONTH)

Issues: Recall the following from last month's report...Chairman Dan Gibson announced that two of the board members determined that they may have a conflict of interest regarding this case. Therefore, it was announced that this particular case would not be heard until next month (September) when two supernumerary members of the board could be present to vote.

This petition was withdrawn this month.

ZBA-69-06: Address & Caruthers Properties petitions for variances from setback requirements to allow the construction of a condominium complex at 1401 – 6th street. Zoned RMF-2U. (Council District 4)

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

(CONTINUED FROM LAST MONTH)

Issues: Recall the following from last month's report....This property is located behind the old Krystal Hamburger property on University Boulevard (condos are currently being constructed on the old Krystal's site). The property in question has a house on it that appears to be rented to multiple tenants. The petitioners want to build a three story condo on this space. Parking will be underneath the structure. There will be eight 2 bedroom units. Required open space is a large deck on the top floor that is accessible by all tenants. The proposed building will be 6 feet from the west property line, 7 feet from the east property line and 7 feet from the north property line. There is no variance being requested for the south property line. Basically, this property is going to take up almost every square inch of space on this narrow lot. One of the board members asked the petitioners if they have tried to design a building that would actually fit on this lot and meet the city's building setback requirements. The petitioners admitted that they did not. They mentioned that they tried to design an even bigger complex (10 units) on this space but couldn't make it work. Increased density in the area was discussed by the board. They were also concerned about all of these condos and apartments forcing their traffic

onto the same small streets. TDOT apparently did not have anything to say about this potential problem prior to the meeting. A motion was made to postpone the vote on this project until the board can get a traffic feasibility study from TDOT. The motion was seconded and approved.

NEW INFORMATION: TDOT apparently did not have any problem with the additional traffic that would be generated by this 8 unit condo. Ultimately, some members of the zoning board took issue with the developers not trying to design a building that would better suit the space available as well as a design that would work within our zoning ordinances. This did not appear to be a hardship case.

Opposition from the floor: None.

Vote: 3 to 2 against.

ZBA-71-06: Calvary Baptist Church petitions for a special exception for the temporary use of a modular building at 1111 12th Avenue. Zoned R-4 (Council District 4)

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

Issues: This location is off of Paul Bryant Drive. The temporary building will be placed behind the Calvary Baptist Church gymnasium. When the church annex was damaged from the gas explosion several months ago, they lost some teaching space. This temporary building will be used for activities such as Sunday school classes. The church is planning on rebuilding the annex building but it will take some time. The board voted on a one year approval for this modular building.

Opposition from the floor: None.

Vote: 5 to 0 in favor.

ZBA-72-06: Arthur Askew petitions for a variance from front yard setback to allow for the construction of a new open carport at 5824 Teakwood Circle. Zoned R-1. (Council District 7)

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

Issues: This property appears to be located in the Woodland Forrest area. The petitioner owns a ranch style home. He is doing a major expansion/renovation of the home which includes more than doubling the existing square footage of the house. The planned new carport will extend about 5 feet into the required setback.

Opposition from the floor: None.

Vote: 5 to 0 in favor.

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>)

Issues: **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.** No additional information regarding this petition was discussed.

FYI, the board of adjustments has already denied two similar petitions.

Opposition from the floor: N/A

Vote: N/A

ZBA-74-06: Gary Tucker petitions for variances from front and rear setbacks to allow the construction of a new single-family dwelling at 926 Homewood Drive. Zoned R-4U. (Council District 4)

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

Issues: Recall that the original petition for this variance was denied last month. Please see ZBA-70-06. The petitioner has changed his plan in the following manner... he is no longer building a four bedroom home. The home will have three bedrooms and will need three off street parking areas. The carport at the rear of the lot is large enough to park three vehicles. Therefore, parking is no longer an issue. Additionally, the home will be built to one side of the lot to allow for a permeable driveway leading up to the carport. This will help with the drainage issues brought up at the meeting last month. The movement of the home to one side of the lot has fixed the front setback problem and the petitioner no longer needs a variance for the front porch. Therefore the petitioner is only asking for a rear setback variance. The board chairman made it clear to the petitioner that they are voting based on the plan outlined above. The petitioner understands that he must build based on the 3 bedroom plan and the he must build on the location shown on the plan.

Opposition from the floor: None.

Vote: 4 to 1 in favor.

ADDITIONAL BUSINESS

In June of 2006 Alabama Power petitioned for a special exception to allow for the expansion of an existing electrical substation on to properties they purchased on 14th street and 12th Avenue. It has taken longer than expected to move the residents out of the properties they purchased. They are now requesting an extension of their special exception so that they can begin the work.

Vote: 5 to 0 in favor.

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