

BOARD OF ADJUSTMENT STAFF REPORT
January 4, 2017

ZBA-91-16

GENERAL INFORMATION

Property Owner () Petitioner (x)

Kim Roberts

Requested Action and Purpose

Use variance to allow private outdoor events

Location and Existing Zoning

46 Sherwood Drive. Zoned R-1H. (Council District 1)

Size and Existing Land Use

Approximately 0.94 acres, residential (bed and breakfast)

Surrounding Land Use and Zoning

North – Single family dwelling, zoned R-1H

East – Single family dwelling, zoned R-1H

South – Single family dwelling, zoned ML

West – Single family dwelling, zoned R-1H

Applicable Regulations

This use is not listed as permitted by right or by special exception in this zone

Transportation

Frontage on Sherwood Drive, a residential street

Parking

1 per guest room plus 2 for the owner

Physical Characteristics

One irregularly shaped lot

SUMMARY

The applicant is requesting a use variance to allow outdoor events at their bed and breakfast (B&B).

The bed and breakfast was approved by the ZBA on March 30, 2015 and has been operating since the approval (Re: ZBA-11-15). At this time, the petitioner met with city staff concerning the use as it relates to the building and fire codes.

A 40 feet by 70 feet (approximately 2,800 square feet) gravel parking area with eight spaces was approved by the City of Tuscaloosa Historic Preservation Commission on April 8, 2015 (Re: HPC-10-15).

The same use variance that is currently being requested by this petition was approved by the ZBA on February 23, 2015 (Re: ZBA-97-15). The petitioner's approval was granted for a period of one (1) year. Additionally, the approval was attached to the petitioner only and subject to the Bama B&B policies and use agreement as presented to the Board. The petitioner stated that there would be restricted hours of operation for the events as well as valet service to alleviate any parking issues.

The petitioner would like to continue to host weddings and other outdoor events in conjunction with the B&B. They stated that all of the abovementioned conditions were met during this past year.

Tuscaloosa's Non-Emergency 311 Call Center has received anonymous complaints regarding parking within the cul-de-sac and along Sherwood Drive on the yellow curb, and city staff has received comments regarding parking in the front yard.

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Planning: Temporary structure permits are required for tents and/or each outdoor event.

Building and Inspections: No comment

Fire: No comment



PETITION TO THE ZONING BOARD OF ADJUSTMENT ZD 16-2094

DEADLINE FOR SUBMISSION OF PETITION: BY 12:00 NOON ON THE FIRST (1ST) MONDAY OF EACH MONTH. NO PETITION WILL BE ACCEPTED AFTER THE DEADLINE UNDER ANY CIRCUMSTANCES.

MEETING DATE AND TIME: TYPICALLY THE FOURTH (4TH) MONDAY OF EACH MONTH AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE SECOND FLOOR OF CITY HALL

The undersigned appeals to the Zoning Board of Adjustment for:

- Special Exception
 - Commercial
 - Residential

ZONING DISTRICT

- Variance
 - Commercial
 - Residential

Appeal of a decision or ruling of the Zoning Officer

Fee Schedule

Special Exception:

Commercial-----\$200.00
 Residential-----\$ 50.00

Variance:

Commercial-----\$200.00
 Residential-----\$ 50.00

Appeal:-----\$ 10.00

Petitioner Kim Roberts
 Address 46 Sherwood Drive, 35401 ZIP _____
 Phone No. 750-0990

Property owner _____
 Address _____ ZIP _____
 Phone No. _____

Premises affected (street address) same
 Lot No. _____ in (name of subdivision) _____
 If property is not located in a recorded subdivision, Tax Parcel I.D. Number or legal description must be provided)
 Lot size _____ Date purchased May 19, 2015
 Existing buildings _____
 Proposed buildings or construction _____
 Proposed construction (type of materials) _____

A special exception is the allowance of a use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A special exception may not be used as a substitute for a variance in order to avoid the burden of proving an unnecessary hardship.

Describe variance, special exception, or appeal requested:
Requesting a "Use-Variance" to be allowed to hold outdoor weddings & events on our property.

FOR ALL REQUESTS FOR ANY VARIANCE FROM OR SPECIAL EXCEPTION TO A ZONING REQUIREMENT PERTAINING TO A DIMENSIONAL REQUIREMENT OR THE SITE, A SCALED SITE PLAN AND/OR BUILDING ELEVATION PRODUCED BY A REGISTERED LAND SURVEYOR, PROFESSIONAL ENGINEER, OR ARCHITECT SHALL BE REQUIRED. REQUESTS FOR AN EXCEPTION FROM FENCE REQUIREMENTS MUST DEPICT PROPOSED LOCATION AND DESIGN OF FENCE. ANY REQUEST WHICH WILL NOT BE REPRESENTED BY THE PROPERTY OWNER AT THE PUBLIC HEARING MUST BE ACCOMPANIED BY A DESIGNATION OF AGENT FORM.

NOTE: ALL REQUESTS GRANTED HAVE AN EXPIRATION DATE, AFTER WHICH THE REQUEST MUST BE GRANTED AGAIN BY THE BOARD. IF YOU HAVE QUESTIONS ABOUT THE TIME OF EXPIRATION, PLEASE DISCUSS WITH STAFF BEFORE THE HEARING.

THIS PETITION WILL NOT BE ACCEPTED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

ZBA. NO. 91-16 FILED: 11-21-16 HEARING DATE: _____

Describe the reasons for the request and, if requesting a special exception, any extra related information (e.g. number of parking spaces, hours of operation, etc.).

If you are requesting a special exception, not a variance, please skip the next two questions and sign this page.

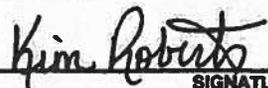
For a variance, the petitioner must *specifically* state a hardship for the variance. If you are requesting a variance, explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

We are requesting that we continue to be allowed to hold weddings & events on our Bama Bed & Breakfast property. The income that this generates for our B&B will help us accomplish several goals we have for maintaining this nearly 200 year old structure. We have structural issues with the old stone supports, the roof must be replaced, and there are several rotted out areas on the board facings of the exterior walls.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

During this past year, we ended all events between 9 & 9:30pm, We monitored the decibel levels of music, always informed the entire neighborhood whenever an event was upcoming, & used off-site parking when necessary. We have also planted bushes around the perimeter of the yard. They will eventually grow to be 12-15 feet in height to help provide a visual & sound barrier. Whenever an event is being held, we are on-site & monitoring the entire time, & security officers are hired as needed.

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located.



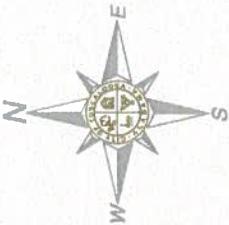
SIGNATURE

2 of 2

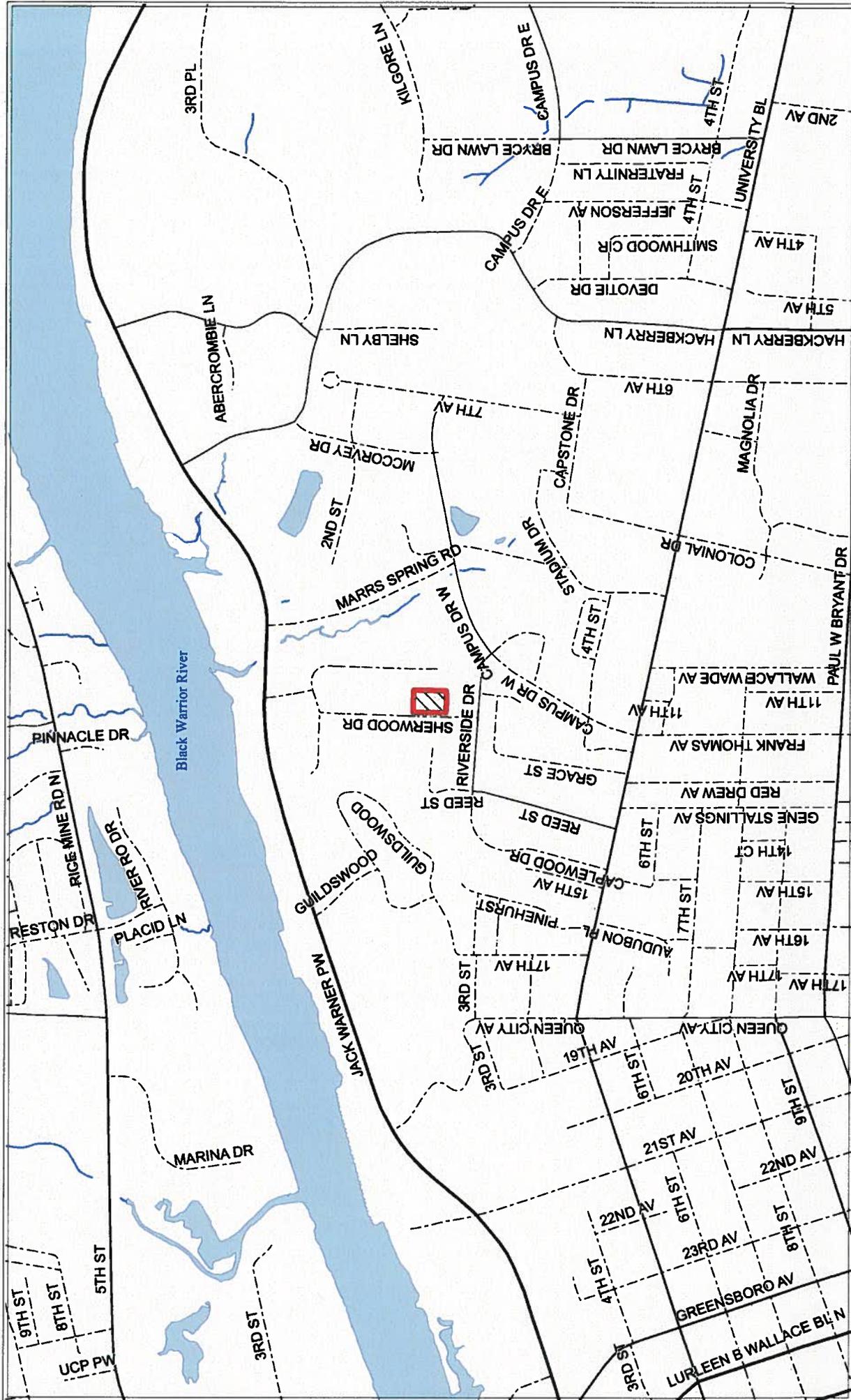
Vicinity Map

ZBA-91-16

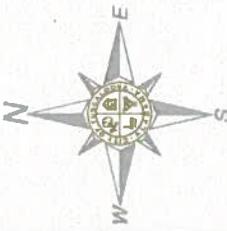
 Subject Property



1 inch = 1,000 feet



ZBA-91-16



 Subject Property

Zoning Legend

-  DRD
-  ELCOD
-  PLOD
-  UAN
-  Historic
-  Historic Buffer
-  R-1
-  R-2

-  R-3
-  R-4
-  RD-1
-  RD-2

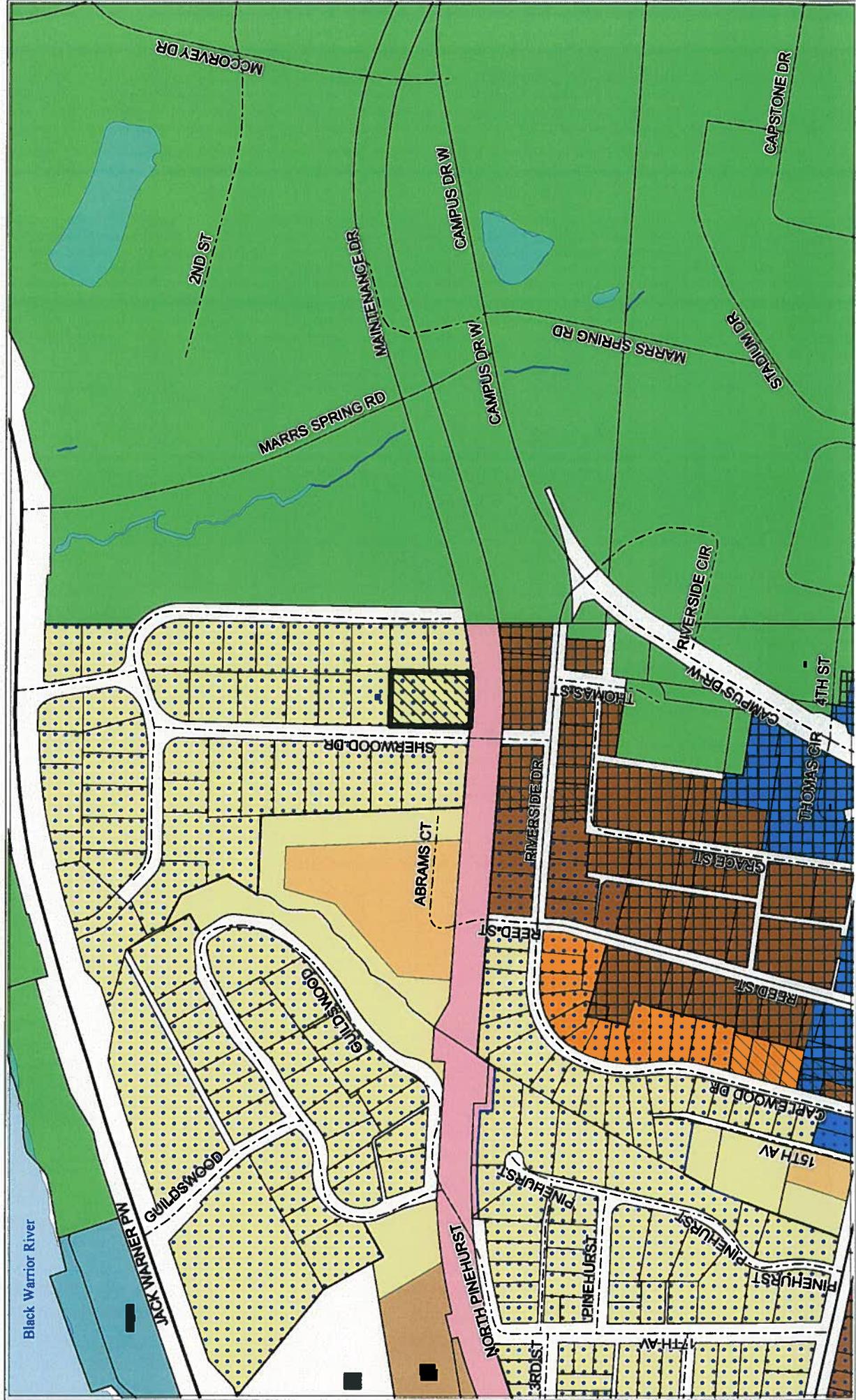
-  RA-1
-  RA-2
-  RMF-1
-  RMF-2

-  RM-3
-  RM-4
-  RMH
-  MX-3

-  MX-5
-  MX-8
-  BC
-  BN

-  MG
-  MH
-  I
-  RD

1 inch = 400 feet

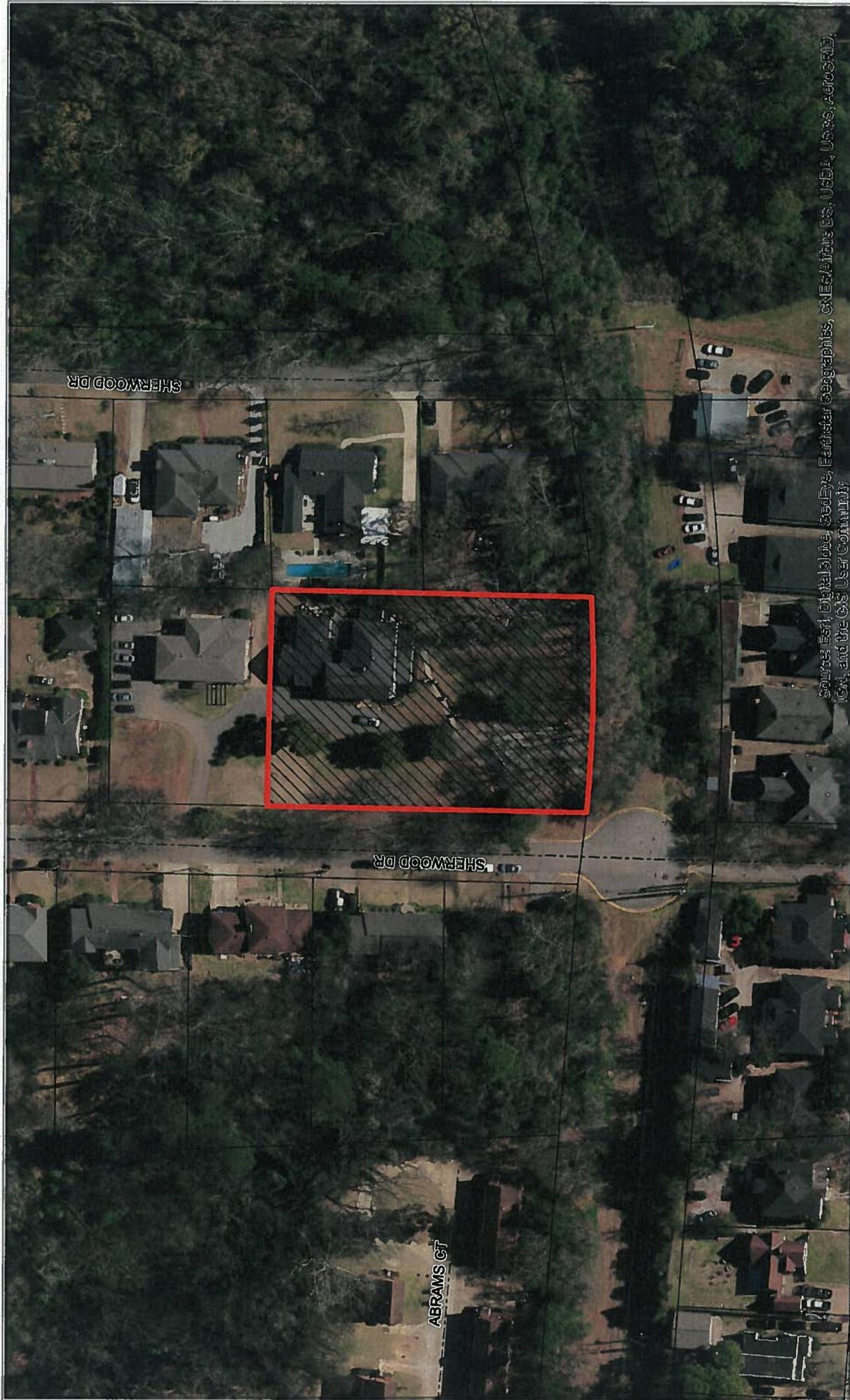




ZBA-91-16



Subject Property



Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



USE VARIANCE REQUEST NOTICE

City of Tuscaloosa

What:

Tuscaloosa Zoning Board of Adjustment to consider request for a variance to the Zoning Ordinance

Where:

City Council Chambers
2201 University Blvd.

When:

January 4, 2017 at 5:00 pm

Case Number:

ZBA-91-16

Applicant:

Kim Roberts
205-750-0990

Subject Property Address:

46 Sherwood Drive

Property Size:

Approximately .94 +/- acres

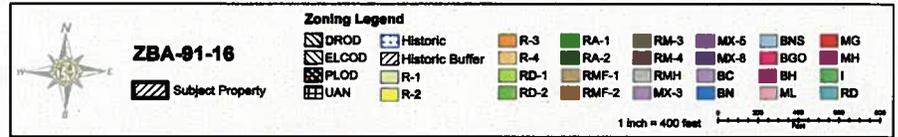
Current Zoning:

R-1H

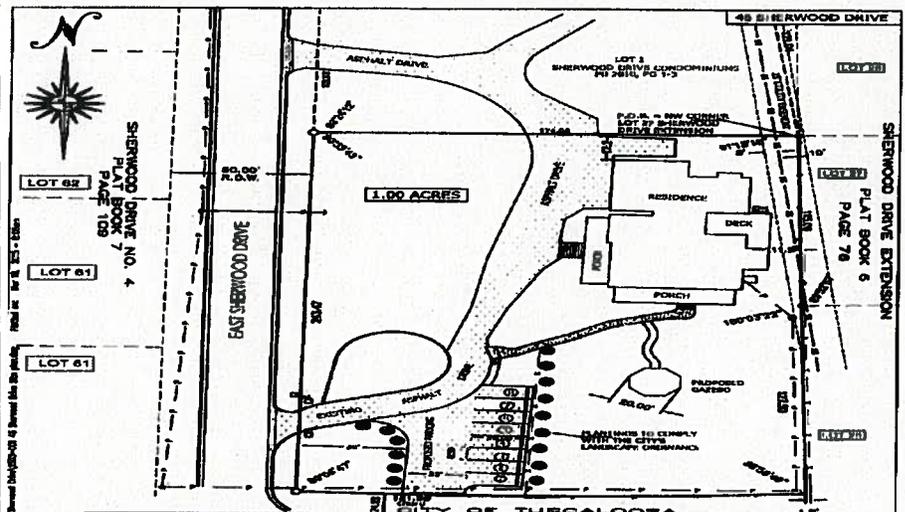
Variance or Special Exception Requested:

Petitions for a use variance to allow private outdoor events at 46 Sherwood Drive. Zoned R-1H. (Council District 1)

<http://www.tuscaloosa.com/zba>



ZONING MAP



SEE ATTACHED DESCRIPTION

STATE OF ALABAMA
TUSCALOOSA COUNTY

I, John Michael Hicks, a Professional Land Surveyor for the firm of Herndon, Hicks and Associates, Inc., do hereby certify that all parts of this survey and drawing have been completed in accordance with the current, legal requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the _____ day of _____, 2016.

John Michael Hicks, P.L.S.
Alabama License No. 18714

LEGEND

- FROM FOUND
- 1/2" GAPPED REBAR SET
- CALCULATED POINT-NOT MONUMENTED
- P.O.B. POINT OF BEGINNING
- () RECORD DIMENSION
- R.O.W. RIGHT-OF-WAY
- FENCE LINE
- UTILITY POLE W/ GUY WIRE
- UTILITY POLE
- COVER LID
- CONCRETE SURFACE

Drawn By: JMH
Scale: 1"=40'
Date: 3-10-16
Survey Type: CLOSING
Job No. 1503-001

Field Notes: 3-10-16
Surveyed By: JMH
Checked By: JMH
2012-15399
Drawing No. 1503-001-001 of the Plan

HERNDON, HICKS & ASSOCIATES, INC.
Professional Land Surveyors
2726 Lakemont Village Blvd., P.O. Box 5081 - Tuscaloosa, AL 35476
Phone (205) 333-0003 • Fax (205) 333-0178
mh@herndonhicks.com

SITE PLAN