BOARD OF ADJUSTMENT STAFF REPORT
January 4, 2017

ZBA-92-16

GENERAL INFORMATION

Property Owner (x) Petitioner (x)
Spiller, LLC

Requested Action and Purpose
Special exception from the off-street parking requirement

Location and Existing Zoning
90 Skyland Boulevard. Zoned BN. (Council District 7)

Size and Existing Land Use
Approximately 1.39 acres, commercial

Surrounding Land Use and Zoning
North – Single family dwellings, zoned R-2
East – Commercial development, zoned BN
South – Commercial development, zoned BN
West – Commercial development, zoned BN and BH

Applicable Regulations
Sec. 24-91. - Special exceptions.
The board of adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for special exceptions. In granting a special exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this chapter. Those warrants and criteria identified as "primary" are conditions which should only be waived by the board in cases where imposition would impose an unnecessary hardship on the applicant or would not promote the public health, safety, and welfare of surrounding area. Those warrants and criteria identified as "discretionary" are indicative of the kind of development desired, but are not binding conditions. There shall be a public hearing on each application for a special exception as required by law.

Sec. 24-91. - Special exceptions.
(8) Decrease in required parking.
DISCRETIONARY
a. The applicant should demonstrate to the satisfaction of the board that, based on the nature of the business and prior experience with such businesses, a reduced number of off-street parking spaces will meet reasonably foreseeable requirements. The board should take into account, however, the possibility that the property concerned might change hands in the future and be used for a purpose requiring more parking.

Sec. 24-122. - Off-street parking requirement.
(a) General. Except in the Central Business District (BC) and Institutional Districts (I), and except for business establishments included in shopping centers, the minimum number of required off-street parking spaces shall be provided as set out in the following table for: (1) new construction; (2) substantial reconstruction; where more than fifty (50) percent of an existing building is destroyed or removed and subsequently built back; and (3) change of use from an industrial or residential use to any commercial use. The board of adjustment may require a greater number of parking spaces as a condition for granting a special exception, or may, as a special exception, grant a reduction in the number of parking spaces required in this section:

Furniture and major appliance store, motor vehicle sales – One per 240 square feet of customer service area, plus one per employee on the most numerous shift

Transportation
Frontage on a service road located parallel to Skyland Boulevard, a major arterial

Parking
One per one hundred twenty (120) square feet of customer service area, plus one per employee

Physical Characteristics
One irregularly shaped lot

SUMMARY
The petitioner is requesting a special exception to reduce the number of required off-street parking spaces to allow the construction of a furniture store. The proposed showroom area is approximately 13,863 square feet which requires 65 parking spaces to accommodate the proposed retail development.

One space per 240 square feet of customer service area plus one space per employee is required. 13,863 square feet of showroom area divided by 240 square feet of customer service area is equal to 58 spaces. One space per employee is equal to seven (7) spaces. This is equal to 65 total required spaces. The petitioner is proposing to construct 51 parking spaces, 14 less than required.

The petitioner's current business model at two other locations in the County has shown a need for no more than 20 parking spaces at peak business hours. This is indicative of the kind of retail development the petitioner is proposing. If the special exception is approved, the petitioner plans to add additional landscaping in the areas where there is reduced parking.

Planning: A building permit will be required, if approved.

Building and Inspections: LDP required.

FIRE: No comment

PETITION TO THE ZONING BOARD OF ADJUSTMENT ZP16-2097

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:

- [x] **Special Exception**
  - [x] Commercial
  - [ ] Residential
- [ ] **Variance**
  - [ ] Commercial
  - [ ] Residential
- [ ] **Appeal of a decision or ruling of the Zoning Officer**

ZONING DISTRICT
BN

Fee Schedule

Special Exception:
Commercial----------$200.00
Residential----------$ 50.00

Variance:
Commercial----------$200.00
Residential----------$ 50.00

Appeal:----------$ 10.00

Petitioner Spiller LLC
Address 200 15th ~~Ave~~ St E Ste 4 ZIP 35401
Phone No. 205-758-5563
Property owner Spiller, LLC
Address 200 15th St E, Ste 4 ZIP 35401
Phone No. 205-758-5563
Premises affected (street address) 90 Skyland Blvd, Tuscaloosa AL
Lot No. 6 in (name of subdivision) Shelton Res 1 & 2
If property is not located in a recorded subdivision, Tax Parcel I.D. Number or legal description must be provided)
Lot size ≈ 1.39 acres. Date purchased 11/10/2016
Existing buildings Existing Commercial Buildings (Vacant and to be Removed)
Proposed buildings or construction Furniture Store
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:
To Reduce the Required parking spaces from 65 to 51 for the furniture store.

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. 92-16 FILED: 12-5-16 HEARING DATE: 1-4-16

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.).

We are requesting a reduction in the parking requirement for the furniture store based on the fact that the reduction will allow us to provide additional landscaping to the site. We also have 2 stores in the county and we never have more than 20 customers parked at the store at any time.

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

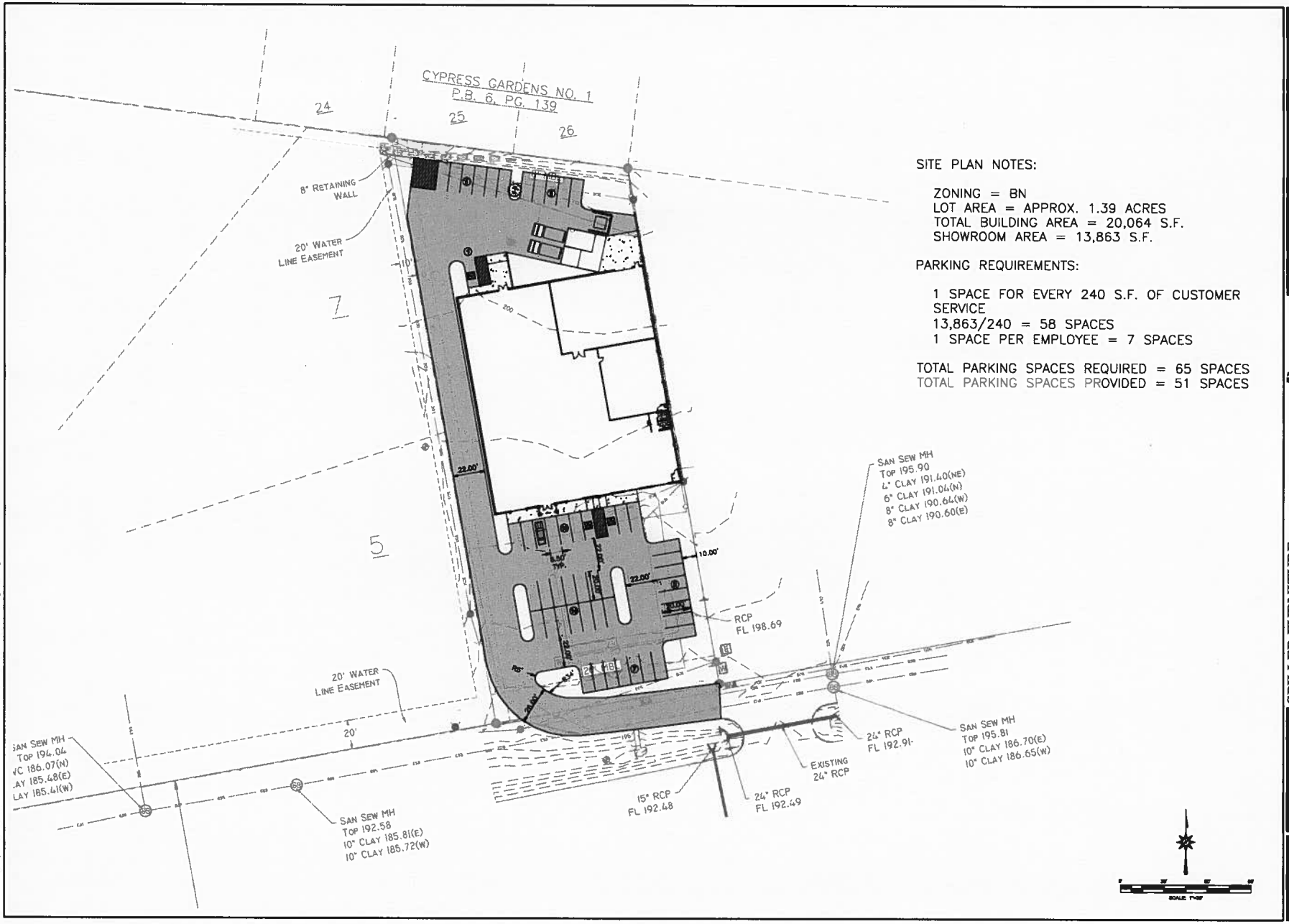
For a variance, the petitioner must *specifically* state a hardship for the variance. If you are requesting a variance, explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning 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.

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.

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.

Shane Miller

SIGNATURE



SITE PLAN NOTES:

ZONING = BN
LOT AREA = APPROX. 1.39 ACRES
TOTAL BUILDING AREA = 20,064 S.F.
SHOWROOM AREA = 13,863 S.F.

PARKING REQUIREMENTS:

1 SPACE FOR EVERY 240 S.F. OF CUSTOMER SERVICE
13,863/240 = 58 SPACES
1 SPACE PER EMPLOYEE = 7 SPACES

TOTAL PARKING SPACES REQUIRED = 65 SPACES
TOTAL PARKING SPACES PROVIDED = 51 SPACES

NEEL-SCHAFFER
Solutions you can build upon

Approved by

SPILLER FURNITURE
SKYLAND BLVD.

PRELIMINARY SITE PLAN
TUSCALOOSA, AL

C-1

NOT RELEASED FOR CONSTRUCTION

PLOT INFORMATION:
12/2/2018
8:24 AM
P:\Job Files\Projects\18122.000 SPILLER FURNITURE - SKYLAND BOULEVARD TUSCALOOSA\Civil\Design\REG.dwg

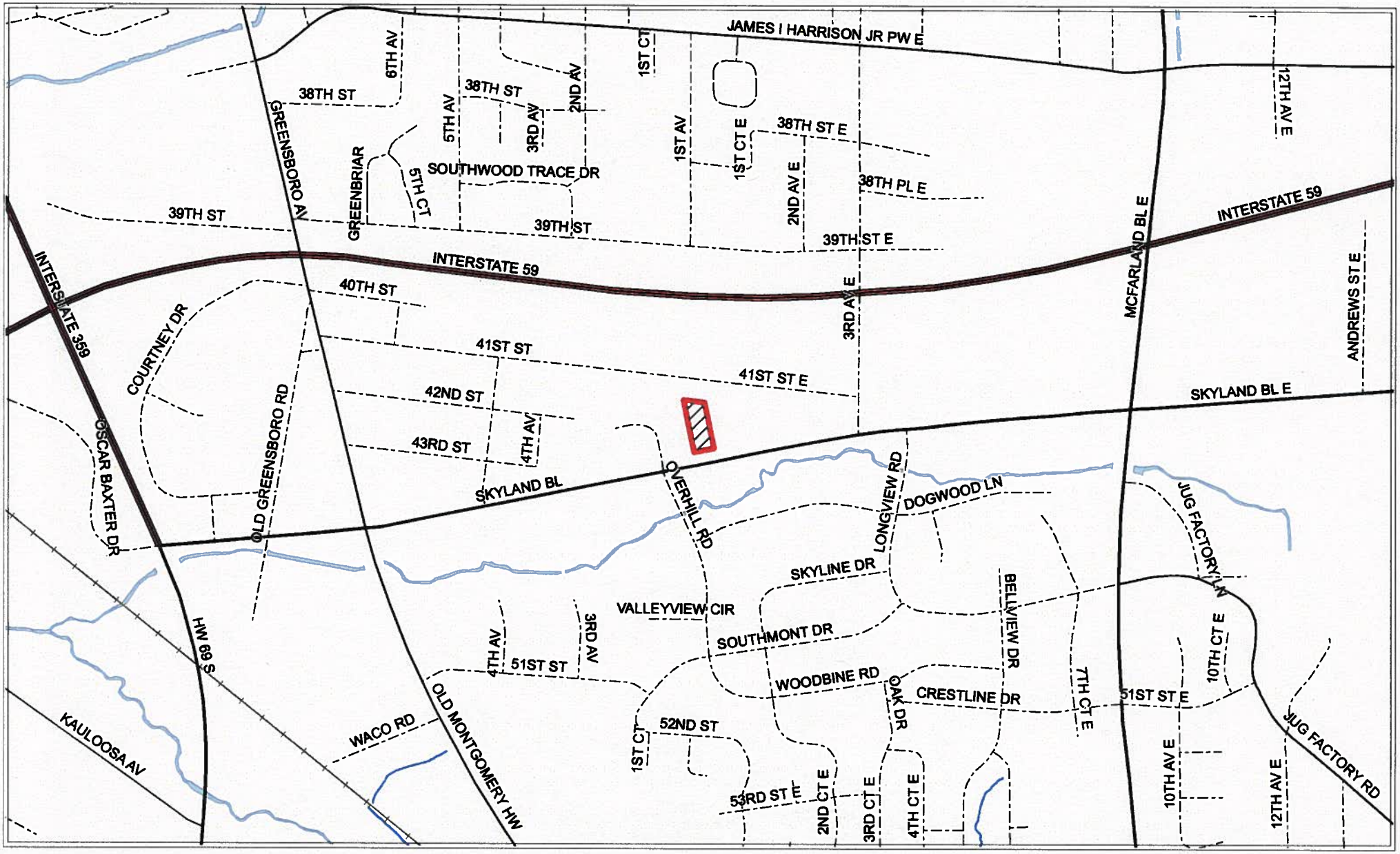
Vicinity Map

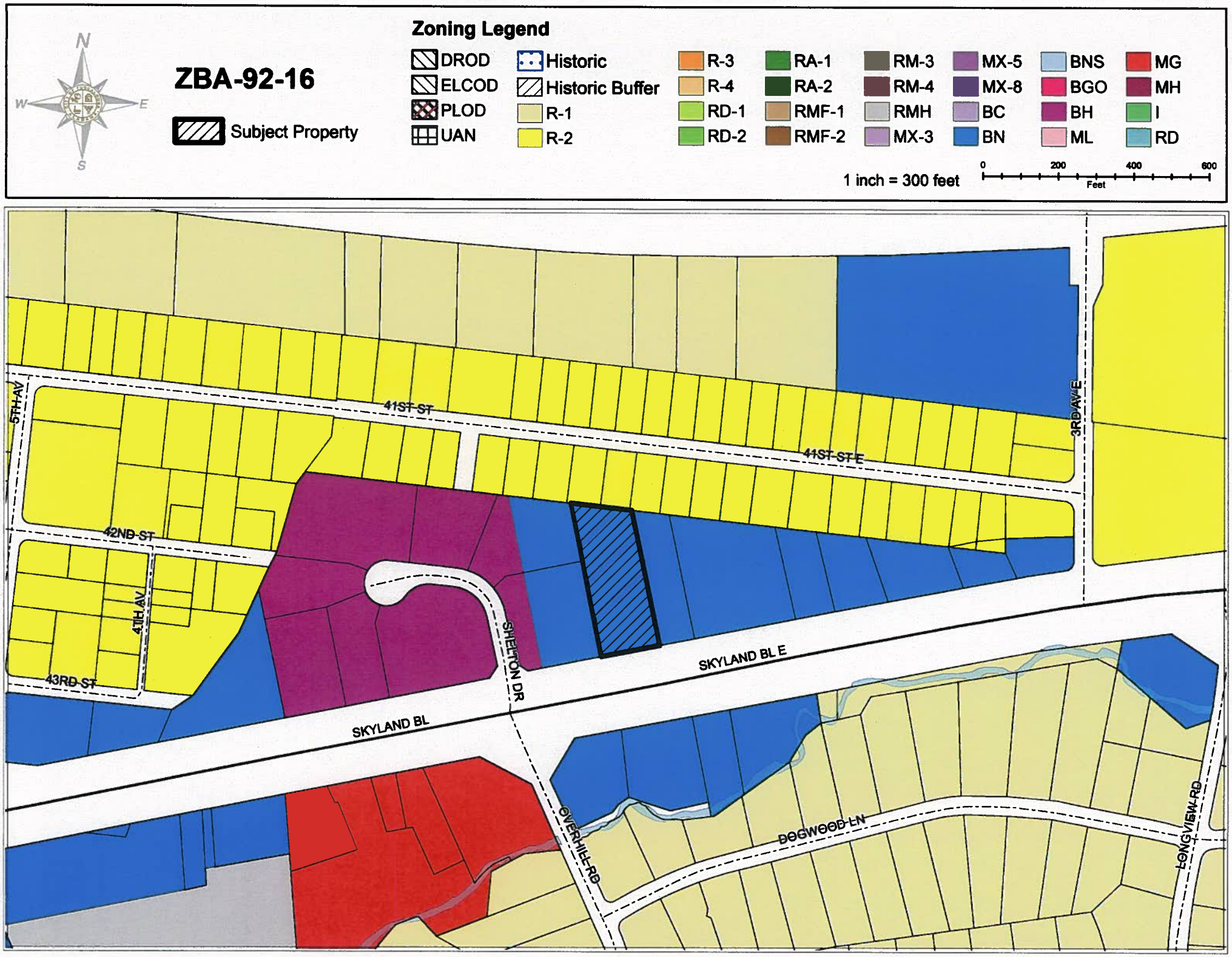
ZBA-92-16

Subject Property

1 inch = 1,000 feet

0 500 1,000 1,500 2,000 Feet




ZBA-92-16
Subject Property
Zoning Legend
DROD
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
BNS
BGO
BH
ML
MG
MH
I
RD
1 inch = 300 feet
0
200
400
600
Feet
N
S
E
W
5TH AV
41ST ST
41ST ST E
3RD AV E
42ND ST
43RD ST
41TH AV
SHELTON DR
SKYLAND BL E
SKYLAND BL
OVERHILL RD
DOGWOOD LN
LONGVIEW RD

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Subject Property

1 inch = 200 feet

0 100 200 300 400
Feet

IF YOU RECEIVED THIS NOTICE BY MAIL, THE SUBJECT PROPERTY IS LOCATED IN YOUR IMMEDIATE AREA

SPECIAL EXCEPTION 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-92-16

Applicant:

Spiller, LLC

205-758-5563

Subject Property Address:

90 Skyland Boulevard

Property Size:

Approximately 1.39 +/- acres

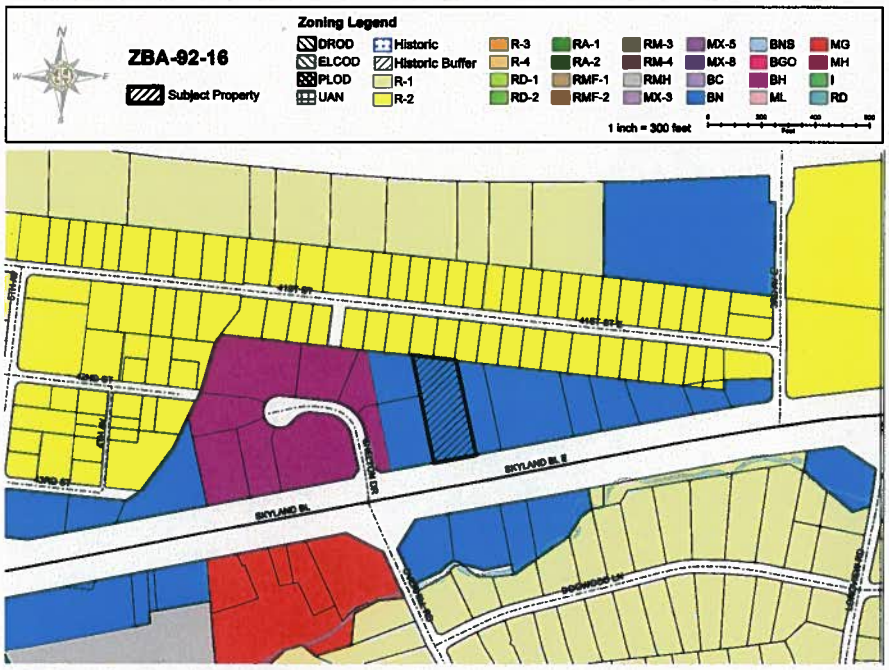
Current Zoning:

BN

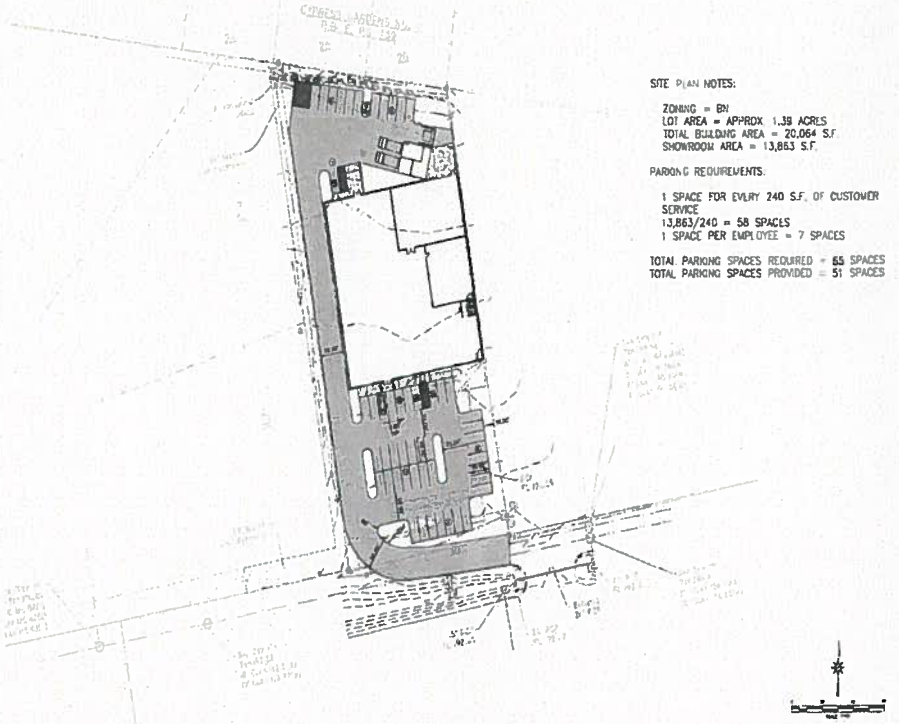
Variance or Special Exception Requested:

Petitions for a special exception from the off-street parking requirement at 90 Skyland Boulevard. Zoned BN. (Council District 7)

http://www.tuscaloosa.com/zba



ZONING MAP



SITE PLAN

Please contact Planning & Development Services at 248-5110 or visit Tuscaloosa.com if you have questions