

BOARD OF ADJUSTMENT STAFF REPORT
January 4, 2017

ZBA-93-16

GENERAL INFORMATION

Property Owner (X) Petitioner (X)
Tuscaloosa City Board of Education

Requested Action and Purpose
Special exception to allow the occupation and placement of a temporary modular building
Variance from the residential front yard setback regulations for a permanent addition

Location and Existing Zoning
6315 Mary Harmon Bryant Drive. Zoned R-1. (Council District 7)

Size and Existing Land Use
Approximately 30 acres, Bryant High School

Surrounding Land Use and Zoning
North – Eastwood Middle School, zoned R-1
East – Vacant land, PJ
South – Single-family dwellings, zoned R-1 and R-3
West – Bryant High School, zoned R-1

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.

(24) Other special exception
DISCRETIONARY

- a. Any application for a special exception specifically authorized in this chapter, but for which no warrants or criteria appear in this section, should be decided by the board of adjustment in accordance with the community development objectives cited in section 24-3.

Sec. 24-3. – Community development objectives.
It is recognized that a zoning ordinance, in addition to fulfilling the purposes set out in section 24-2 above, should be related to a broad vision of the city's future and should subserve carefully considered, cogently stated community development objectives. The community development objectives to which this chapter relates are set out in chapter 6 of the Comprehensive Plan for the City of Tuscaloosa, published by the West Alabama Planning and Development Council in November, 1972, as amended.

Sec. 24-35. - Yards and usable open space.
(a) *Front yard.* For every lot in a residential district abutting on a street, front yards of the following minimum depth shall be provided:

R-1 – 35 feet

Transportation
Frontage on Mary Harmon Bryant Drive, a residential street and Buttermilk Road, a minor arterial

Parking

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Two (2) spaces per dwelling unit

Physical Characteristics

One irregular shaped lot

SUMMARY

The petitioner is requesting a special exception to allow the occupation and placement of a temporary modular building as well as a variance from the residential front yard setback regulations for a permanent addition. The Tuscaloosa City Board of Education is proposing to utilize the modular building during building renovations, necessitating the special exception request. They are also proposing to construct a permanent Science Laboratory Wing that will also serve as a storm shelter, necessitating the variance request.

Special Exception:

The modular classrooms have been proposed in areas that will not interfere with construction while maximizing the functionality of the school grounds. A similar special exception was granted for the Eastwood Middle school on June 26, 2016 (Re: ZBA-42-16).

Variance:

Bryant High School was constructed in 2001. At that time Buttermilk Road had an 80-foot right-of-way. When the road was widened approximately 48 feet of the school's property was acquired for additional right-of-way moving the required setback line by the same distance. Due to the fact that the Science Wing will also serve as a storm shelter, the structure needs to be constructed as close as allowed by the building code to a primary exit of the main structure. The edge of Buttermilk Road is approximately 55 feet from the west right-of-way. If this variance is granted the closest corner of the Science Wing/storm shelter will be approximately 70 feet from the edge of Buttermilk Road.

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

Building and Inspections: LDP required, if approved.

Fire: No comment



PETITION TO THE ZONING BOARD OF ADJUSTMENT

ZP16-2098

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
R-1

- 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 Tuscaloosa City Board of Education
 Address P.O. Box 038991 Tuscaloosa, AL ZIP 35401
 Phone No. _____

Property owner Tuscaloosa City Board of Education
 Address P.O. Box 038991 Tuscaloosa, AL ZIP 35401
 Phone No. _____

Premises affected (street address) 6315 Mary Harmon Bryant Drive (Bryant High School)
 Lot No. N/A in (name of subdivision) 37-01-02-3-001-001.001 and 0.11.000
 If property is not located in a recorded subdivision, Tax Parcel I.D. Number or legal description must be provided)
 Lot size 30 AC. Date purchased 2001
 Existing buildings High School Athletic Facilities
 Proposed buildings or construction Science Wing Addition/Storm Shelter
 Proposed construction (type of materials) Brick Veneer and Asphalt Shingles (Matching existing School)

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:
Request a variance from the setback requirement on Buttermilk Road. Current zoning requires a setback of 23.5 feet (2/3 of 35 feet).

The southeast corner of the proposed Science Wing Addition will extend 12 feet into the setback.
Request a special exception to allow placement of a temporary Modular Classroom.

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. 9211 FILED: 12-5-16 HEARING DATE: 1-11-16

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.).

The Tuscaloosa City Board of Education is proposing to construct a Science Laboratory Wing that will also serve as a storm shelter for the safety of students and faculty. The proposed structure needs to be placed in close proximity to the main building but must be at least 34 feet from the main school structure per building code. The location proposed has been determined to be the best location to satisfy the requirements mentioned above. The Modular Classroom will be utilized during building renovations.
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.

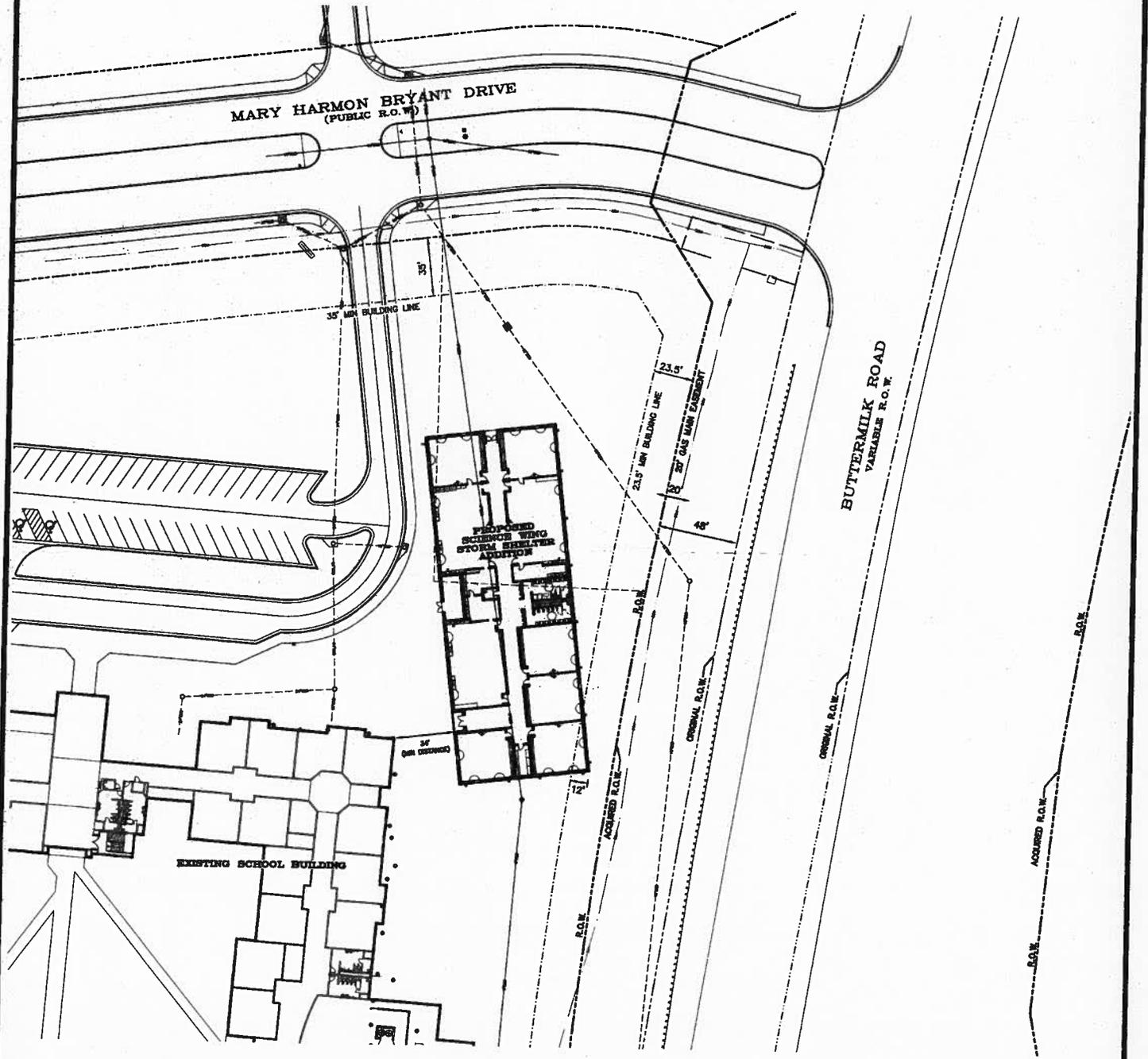
Bryant High School was constructed in 2001. At that time Buttermilk Road had an 80 foot right-of-way. When the road was widened, approximately 48 feet of the school's property was acquired for additional right-of-way moving the required setback line by the same distance. This has created a hardship on the school board's ability to utilize their undeveloped land for future growth. A special circumstance for this case applies because the proposed science wing will also serve as a storm shelter. For this reason the proposed structure needs to be constructed as close as allowed by the building code to a primary exit of the main structure so students and faculty can reach safety as quickly as possible.

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.

The general purpose of setback lines in the R-1 district is to limit the proximity of structures to roadways. Normally edges of roadways are within 10 to 15 feet of the right-of-way. The edge of Buttermilk Road is approximately 55 feet from the West right-of-way. If this variance is granted the closest corner of the Science Wing/Storm Shelter will be approximately 70 feet from the edge of Buttermilk Road and would not be a detriment to the surrounding neighborhoods or 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.


SIGNATURE



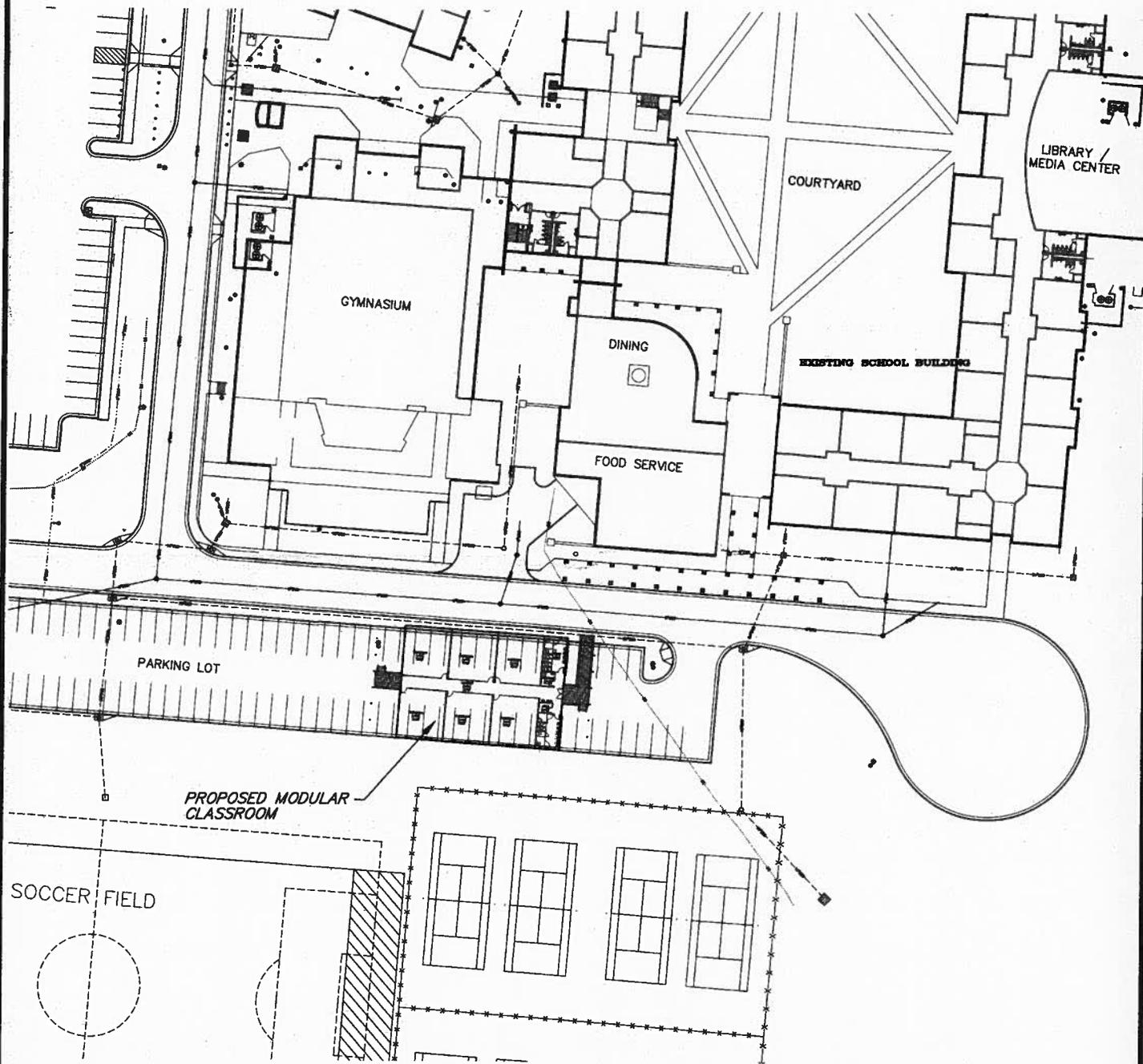
McGiffert
and Associates, LLC
— SINCE 1949 —
CIVIL ENGINEERS

2814 STILLMAN BLVD. • P.O. BOX 20559
TUSCALOOSA, ALABAMA 35402-0559
WWW.MCGIFFERT.COM (205)756-1521 FAX (205)759-1524

SETBACK VARIANCE EXHIBIT		
REVISION		
DATE	DESCRIPTION	BY

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TUSCALOOSA CITY BOARD OF EDUCATION BRYANT HIGH SCHOOL PROPOSED SCIENCE WING/STORM SHELTER			
TUSCALOOSA	FILE NAME: BRYANT Science Wng ZBA EXHIBIT	ALABAMA	
DATE OF FIELD SURVEY: N/A	JOB No. 16-2825	SHEET No. 1 of 2	
FIELD BOOK:	SCALE: 1"=40'	CHECKED BY:	DWG. No.
PAGE:	DRAWN BY: M M J	MWG	492-16



McGiffert
and Associates, LLC
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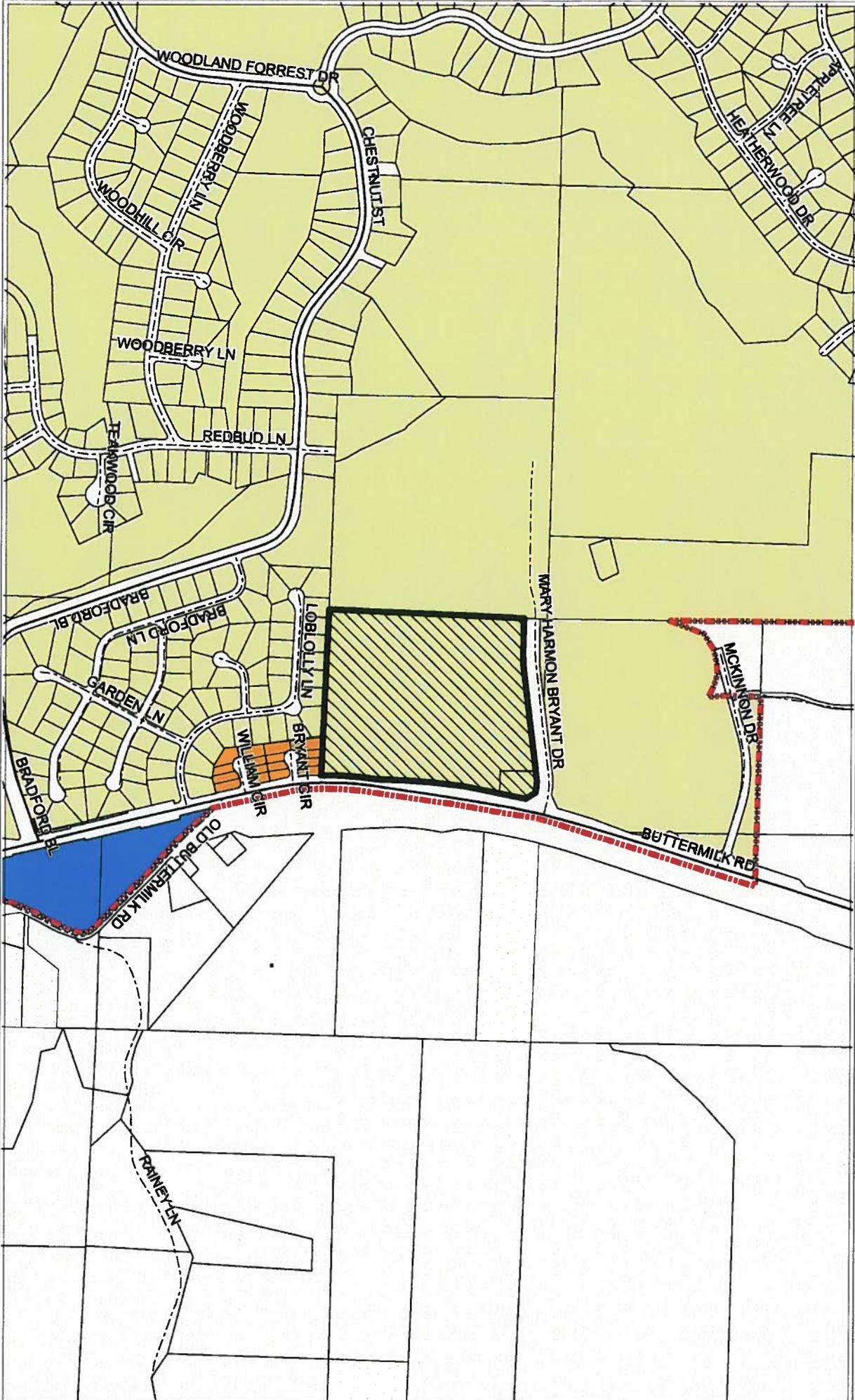
SPECIAL EXCEPTION EXHIBIT

REVISION		
DATE	DESCRIPTION	BY

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**TUSCALOOSA CITY BOARD OF EDUCATION
BRYANT HIGH SCHOOL
TEMPORARY MODULAR CLASSROOM**

TUSCALOOSA	ALABAMA
FILE NAME: BRYANT Science Wing ZBA EXHIBIT	SHEET No. 2 of 2
DATE OF FIELD SURVEY: N/A	JOB No. 16-2325
FIELD BOOK	SCALE: 1"=40'
PAGE	DRAWN BY: M M J
	CHECKED BY: MWG
	DWG. No. 492-16



ZBA-93-16

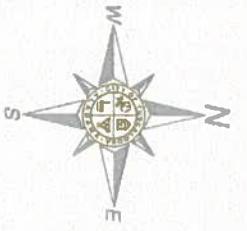
-  Subject Property
-  City Limits

Zoning Legend

- | | | | | | | | |
|---|---|--|---|--|--|---|--|
|  DRD |  Historic |  R-3 |  RA-1 |  RM-3 |  MX-5 |  BNS |  MG |
|  ELCOD |  Historic Buffer |  R-4 |  RA-2 |  RM-4 |  MX-8 |  BGO |  MH |
|  PLOD |  R-1 |  RD-1 |  RMF-1 |  RMH |  BC |  BH |  I |
|  UAN |  R-2 |  RD-2 |  RMF-2 |  MX-3 |  BN |  ML |  RD |

1 inch = 800 feet



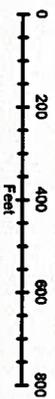


ZBA-93-16



Subject Property

1 inch = 400 feet



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



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-93-16

Applicant:

Tuscaloosa City Board of Education
Contractor/McGiffert & Associates, LLC
205-759-1521

Subject Property Address:

6315 Mary Harmon Bryant Drive

Property Size:

Approximately 30 +/- acres

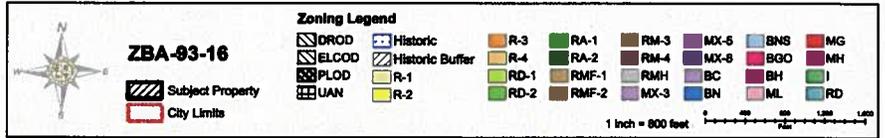
Current Zoning:

BN

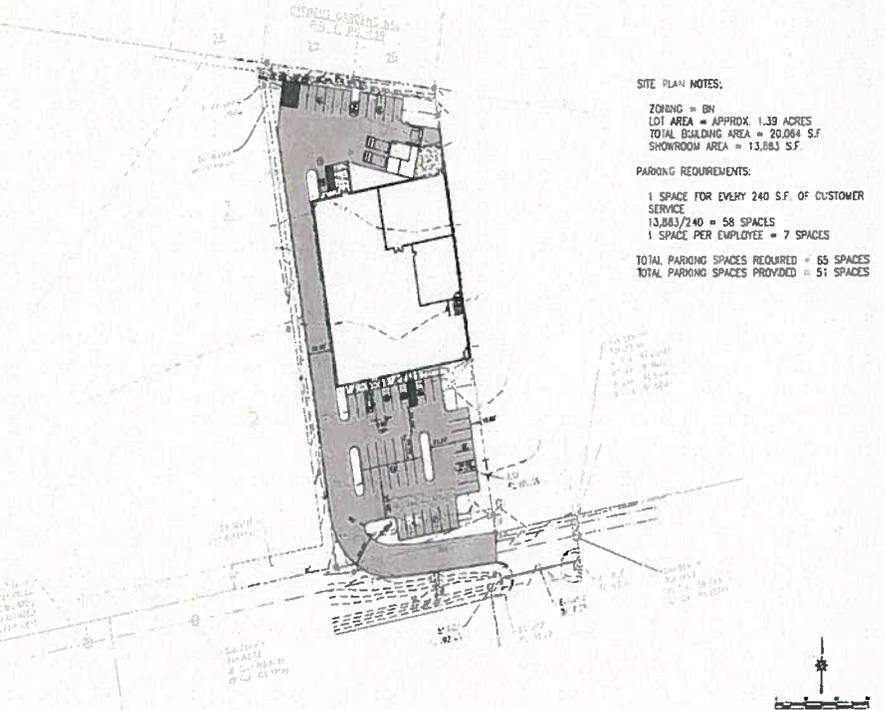
Variance or Special Exception Requested:

Petitions for a special exception to allow the occupation and placement of a modular building as well as a variance from the residential front yard setback regulations at 6315 Mary Harmon Bryant Drive (Bryant High School). Zoned R-1. (Council District 7)

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



ZONING MAP



SITE PLAN