

BOARD OF ADJUSTMENT STAFF REPORT
January 4, 2017

ZBA-94-16

GENERAL INFORMATION

Property Owner () Petitioner (X)

Walker Associates, Inc.

Requested Action and Purpose

Variance from the residential rear yard setback regulations

Location and Existing Zoning

2021 2nd Avenue. Zoned R-1. (Council District 2)

Size and Existing Land Use

Approximately .753 acres, vacant residential lot

Surrounding Land Use and Zoning

North – Single family dwelling, zoned R-1

East – Single family dwelling, zoned R-1

South – Single-family dwelling, zoned R-1

West – Church parking lot, zoned R-1

Applicable Regulations

Sec. 24-35. - Yards and usable open space.

(c) Rear yards. For every principal building in a residence district, other than an RMH Mobilehome District, rear yards of the following minimum depths shall be provided:

R-1- 35 feet

Transportation

Frontage on 2nd Avenue, a residential street

Parking

Two (2) spaces per dwelling unit

Physical Characteristics

One regular shaped lot

SUMMARY

The applicant is requesting a variance from the rear yard setback regulations to allow the construction of a single-family home. This location was impacted by the April 2011 tornado and has had no development on the property since. The petitioner is seeking to build a single-family home that will be similar in size to the other existing homes along this street.

The R-1 zone has a rear yard setback requirement of 35'. The proposed dwelling would be approximately 30' from the rear lot line. If the proposed dwelling was constructed, it would be approximately 5' over the rear lot line.

Similar variances have been granted along this street:

ZBA Case	Date
72-14	08/24/2014
38-11	06/26/2011
71-11	08/07/2011

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

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Building and Inspections: No comment

Fire: No comment



PETITION TO THE ZONING BOARD OF ADJUSTMENT 2016-2099

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
R1

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 Judy Pugh
 Address 2617 Shallow Creek Avenue Northport, Alabama ZIP 35473
 Phone No. (205) 752-8800

Property owner Judy Pugh
 Address 2617 Shallow Creek Avenue Northport, Alabama ZIP 35473
 Phone No. (205) 752-8800

Premises affected (street address) 2021 2nd Avenue
 Lot No. 15 in (name of subdivision) Broadmoor

If property is not located in a recorded subdivision, Tax Parcel I.D. Number or legal description must be provided)
 Lot size +/- 8,153 sf 7,534 Date purchased 12/31/1974

Existing buildings No

Proposed buildings or construction Single Family Dwelling

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:

Variance of front and rear yard minimum depths. Front yard variance of 10' (from 35' to 25'). Rear yard variance of 5' (from 35' to 30').

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. 94-16 FILED: 12-5-16 HEARING DATE: 1-11-17

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.).

Variance is requested in order to rebuild a single-family home on the lot which was previously impacted by the April 2011

tornado. Variance would allow a new house to be rebuilt in a location on the lot similar to its previous location and in-line with other houses existing on the street.

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.

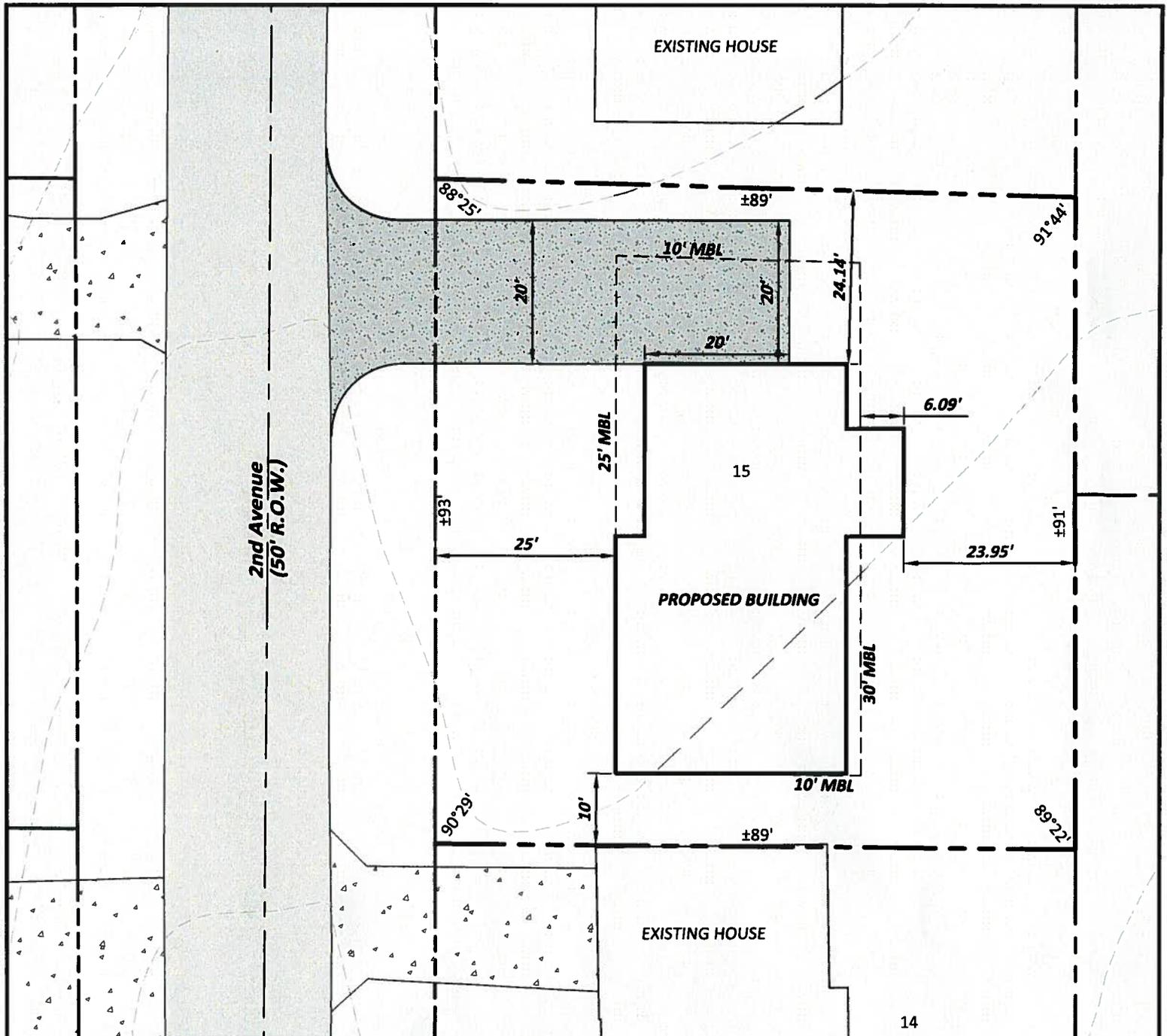
A single-family house existed on this lot prior to the April, 2011 tornado. With current R-1 zoning ordinances that require minimum yard depths of 35' for the front yard, 10' for the side yards, and 35' for the rear yards, the lot's buildable area is too small to rebuild a single-family house on the lot (the depth of the buildable area is only approximately 19' deep). This request is for a variance of the front and rear building setbacks - a front yard variance of 10' to provide a 25' front yard, and a rear yard variance of 5' to provide a 30' rear yard. Such variances to the front and rear yards will allow a single-family home of similar front and rear setbacks to the other homes existing on the street. Additionally, the yard variances will allow a home to be constructed of similar size to the other homes existing on the street.

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.

Variance will allow a single-family home to be reconstructed on a lot zoned for single-family residential. The variance request is in harmony with the general purpose and intent of the regulations and will not be injurious to the neighborhood or otherwise detrimental to 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.

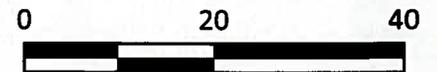
SIGNATURE



GENERAL NOTES

1. THIS DRAWING WAS CREATED WITHOUT THE BENEFIT OF A FIELD SURVEY OR A TITLE SEARCH OR OPINION. THEREFORE, THERE MAY BE EASEMENTS AND RIGHTS-OF-WAYS WHICH ARE NOT SHOWN ON THIS DRAWING.
2. THERE WAS NO REQUEST FOR OR ATTEMPT MADE TO LOCATE ANY UTILITIES OR IMPROVEMENTS DURING THIS SURVEY, INCLUDING SUBSURFACE FEATURES, EXCEPT AS SHOWN.
3. BUILDING SETBACKS AS FOLLOWS:

REQ'D FRONT:	35'
PROVIDED FRONT (W/ 10' VARIANCE):	25'
REQ'D SIDES:	10'
PROVIDED SIDES:	10'
REQ'D REAR:	35'
PROVIDED REAR (W/ 5' VARIANCE):	30'
6. EXISTING LOT AREA: ± 8,153 SF



PRELIMINARY
 (NOT FOR CONSTRUCTION,
 RECORDING PURPOSES
 OR IMPLEMENTATION)

WA WALKER ASSOCIATES, INC.
 ENGINEERING, PLANNING, GIS & SURVEYING

2890 Rice Mine Road NE
 Tuscaloosa, AL 35406 P (205) 561-3778 | F (205) 561-3779
 www.walkercivil.com

ZBA PLAN

2021 2ND AVENUE
 WILLIAM BLAKENEY
 TUSCALOOSA, ALABAMA

No.	Date	Description

File Name: 16269.PlotPlan.dwg

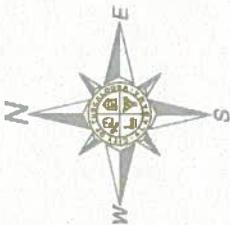
Drawn By: A M T	Checked By: J A M	Sheet No.
Date: 12/5/16	Job No.: 16-269	ZBA

Vicinity Map

ZBA-94-16

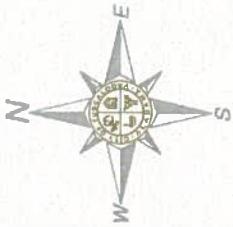


Subject Property



1 inch = 500 feet



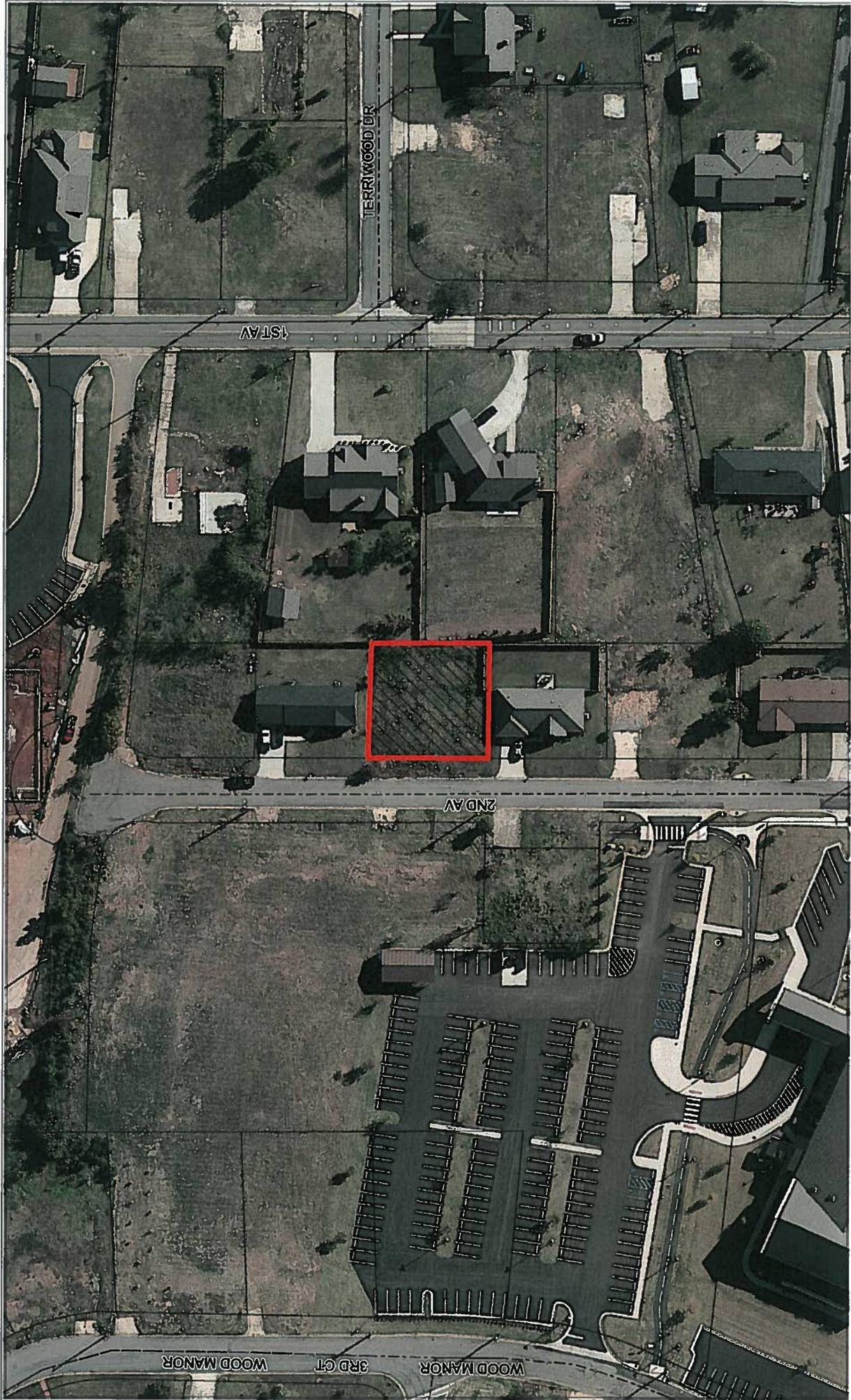


ZBA-94-16



Subject Property

1 inch = 100 feet





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-94-16

Applicant:

Judy Pugh
205-752-8800

Subject Property Address:

2021 2nd Avenue

Property Size:

Approximately .753 +/- acres

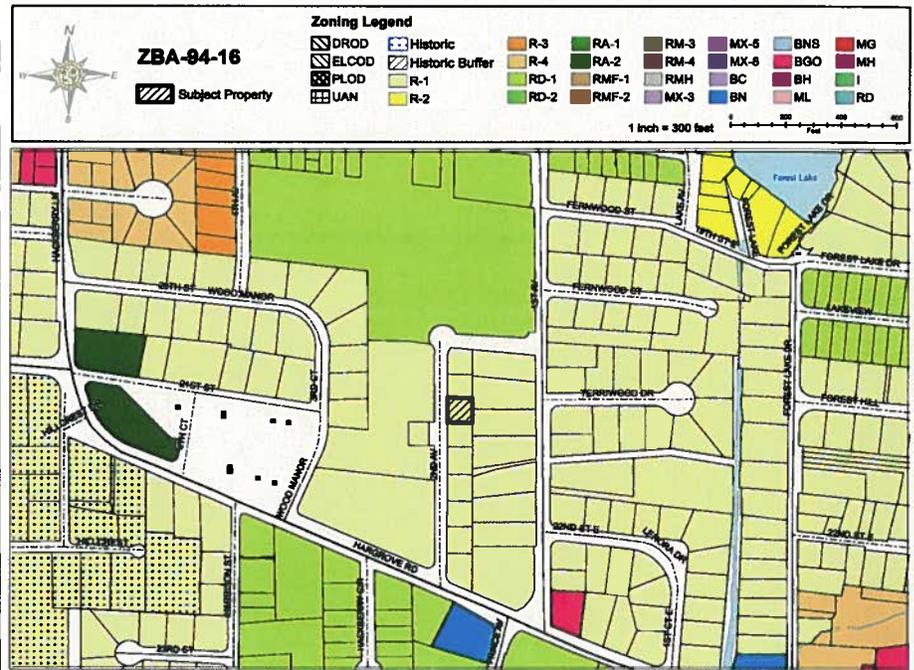
Current Zoning:

R-1

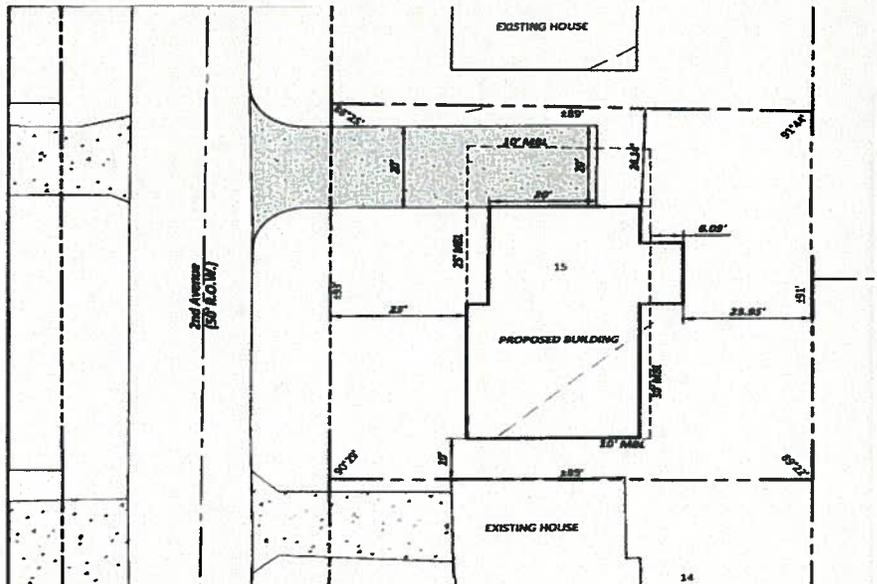
Variance or Special Exception Requested:

petitions for a variance from the residential front and rear yard setback regulations at 2021 2nd Avenue. Zoned R-1. (Council District 2)

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



ZONING MAP



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 REQ'D FRONT: 35'
 PROVIDED FRONT (W/ 10' VARIANCE): 25'
 REQ'D SIDES: 10'
 PROVIDED SIDES: 10'
 REQ'D REAR: 35'
 PROVIDED REAR (W/ 5' VARIANCE): 30'
 EXISTING LOT AREA: ± 8,183 SF



PRELIMINARY
(NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION)

SITE PLAN