

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-56-21

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Robert Saroyan and Jodi Helmuth

Requested Action and Purpose

Petition for a special exception to allow the short-term rental of a property in a historic district

Location and Existing Zoning

1409 Caplewood Drive. Zoned R-3H. (Council District 1)

Size and Existing Land Use

Approximately 0.18 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residence, R-1H

East: Multi-family residence, R-3H

South: Single-family residence, R-3H

West: Single-family residence, R-3H

Applicable Regulations

[Sec. 24-91](#). – Special exceptions.

(35.6) *Short-term rental of dwelling, historic district*

PRIMARY

- a. Property must be part of a locally designated historic district as defined in Section 24-221 and Chapter 30, Article II, Division 1.
- b. A dwelling must be located on the site, able to be occupied.
- c. All building and fire codes must be met.
- d. No commercial events, such as concerts, weddings, or other large events are permitted.
- e. No on-site signage shall be permitted promoting or identifying the short-term rental.
- f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.

DISCRETIONARY

- a. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.
- b. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
- c. The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.
- d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
- e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.

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- f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.

SUMMARY

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. The dwelling has six bedrooms and four bathrooms. The property is owner-occupied. The petitioner is requesting the following:

- 10 adults
- 6 vehicles

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 1409 Capelwood Dr, Tuscaloosa AL

Property Owner

Name: Robert Saroyan + Jodi Helmueth Phone: 559 911 5634

Email: jodihelmueth@yahoo.com

Address: 1409 Capelwood DR, Tuscaloosa AL

ZIP Code: 35401

Petitioner (if different from owner)

Name: Phone: Email:

Address: ZIP Code:

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- Special Exception, Use Variance, Variance, Short-Term Rental, Appeal Zoning Officer's ruling

Briefly describe the variance, special exception, and/or appeal being requested:

Short Term Rental Application for home on Capelwood. Attached are pictures of Large Parking Area Behind home.

Certification of Applicant

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.

- 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.

Print Name: Jodi Helmueth

Signature: [Handwritten Signature]

Date: 6-25-2021

Please complete the applicable fields prior to application submission:

Answer the following for ALL requests:

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.)

3 night stays; Target is 10 Weekends; Parking in Back of home
for 6 Vehicles; Owner Occupied (Daughter) - She will be off the
Premises when Rented/Stay with Friends. Rules Will be given to Renters.
Daughter is Point of Contact within the City.

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the 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.

**PLEASE SUBMIT AN ELECTRONIC COPY OF THIS
APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:**

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com
SUBMIT FORM

FOR OFFICE USE ONLY:

ZBA Case Number: _____ Submission Date: _____
Zoning District: _____ Hearing Date: _____



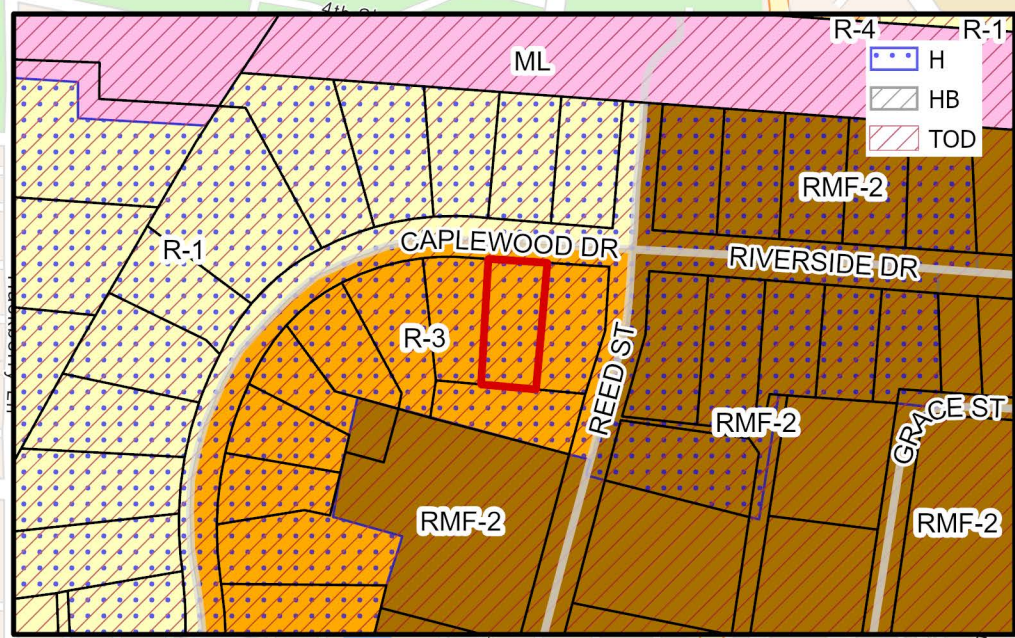
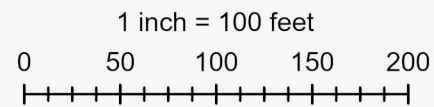






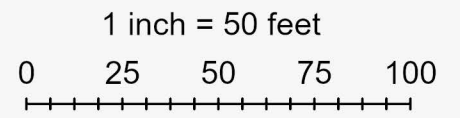


ZBA-56-21: 1409 Caplewood Drive





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N



CAPLEWOOD DR

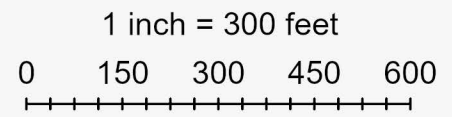
RIVERSIDE DR

REED ST

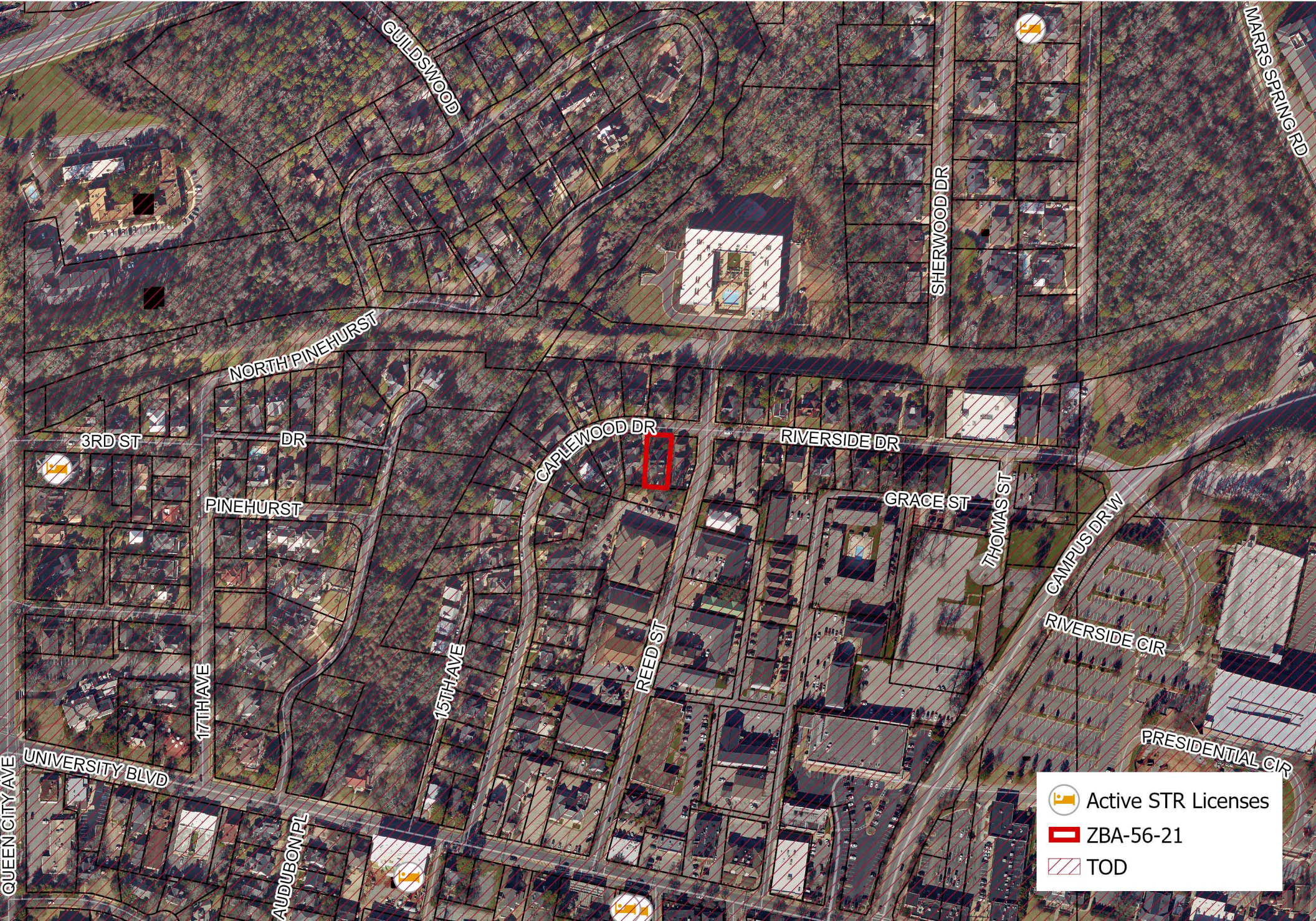
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N



-  Active STR Licenses
-  ZBA-56-21
-  TOD



1409







