

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

**ZBA-58-21**

**GENERAL INFORMATION**

**Property Owner ( ) Petitioner (X)**

George King

**Requested Action and Purpose**

Petition for a special exception from the fence and wall regulations to allow the construction of two fences

**Location and Existing Zoning**

714 and 804 34th Avenue. Zoned R-3. (Council District 1)

**Size and Existing Land Use**

714 34th Avenue:

Approximately 0.14 acres, vacant

804 34th Avenue:

Approximately 0.26 acres, parking lot

**Surrounding Land Use and Zoning**

714 34th Avenue:

North: Single-family residence, R-3

East: Park, R-3

South: Parking lot, R-3

West: Single-family residence, R-3

804 34th Avenue:

North: Vacant lot, R-3

East: Multi-family residence, R-4

South: Single-family residence, R-3

West: Single-family residence, R-3

**Applicable Regulations**

Sec. 24-102. – Fences and walls.

In Business and Industrial Districts, no wall or fence shall exceed a height of ten (10) feet, and in Residence Districts, no wall or fence shall exceed a height of eight (8) feet. No fence or wall in any district shall project into the unobstructed space required at an intersection by section 24-101. In a required front yard, no wall or fence shall be permitted except an open fence, such as chainlink, wrought iron, and picket fences, with no less than fifty (50) per cent of the fence area left unobstructed by opaque materials. No part of a fence in a required front yard shall be within ten (10) feet of the curbline, nor shall it be on the public right-of-way. In a residence district, no fence in a required front yard shall exceed four (4) feet in height. The zoning board of adjustment, as a special exception, may approve exceptions to any of the standards specified in this section upon a finding that the proposed exceptions are desirable from the standpoint of privacy and/or security, will not injure neighborhood appearance or character, and will not pose a traffic hazard.

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**SUMMARY**

714 34th Avenue:

A complaint was received about a fence being located too close to the curblin on this vacant lot. Fences are required to be a minimum of 10' from the curblin. This fence is located 6' from the curblin along 34th Avenue. The fence is also 6' in height, which exceeds the maximum allowed height of 4' in a required front yard. The petitioner is requesting a special exception to allow the fence to be closer to the curblin along 34th Avenue as well as a special exception to exceed the maximum height of 4' in a required front yard to allow the fence to be 6' in height. The petitioner has stated the reason for the special exception is for security purposes on the lot, and that the location of the fence does not deter from the character of the district.

804 34th Avenue:

This property has a parking lot for Friendship Baptist Church, which is located just north. Fences are required to be a minimum of 10' from the curblin. This fence is located 6' from the curblin along 34th Avenue. The petitioner has stated the reason for the special exception is for security purposes for the parking lot, as well as the existing parking lot requiring the fence to be located closer to the curblin.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: 06/15/2021 Neighbor came into the office to speak with a planner about a fence being put up by Friendship Baptist Church. Code Enforcement went to the property and reached out to Mr. King, who then contacted the office and submitted a ZBA petition.

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: The corner of 34th Ave & 8th St

Property Owner

Name: Friendship Church Phone: 205-759-5028

Email: FriendshipChurchSecretary@gmail.com

Address: 3416 8th St Tuscaloosa, AL

ZIP Code: 35401

Petitioner (if different from owner)

Name: George King Phone: 205-826-4893

Email: GeorgeK446@icloud.com

Address: 5400 3rd CTE Tuscaloosa, AL

ZIP Code: 35405

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:

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, appeal or special exception to a zoning requirement pertaining to a dimensional requirement of the site, a site plan and/or building elevation prepared by a registered land surveyor, professional engineer, or architect shall be required.

Print Name: George King Signature: George King Date: 6/20/2021

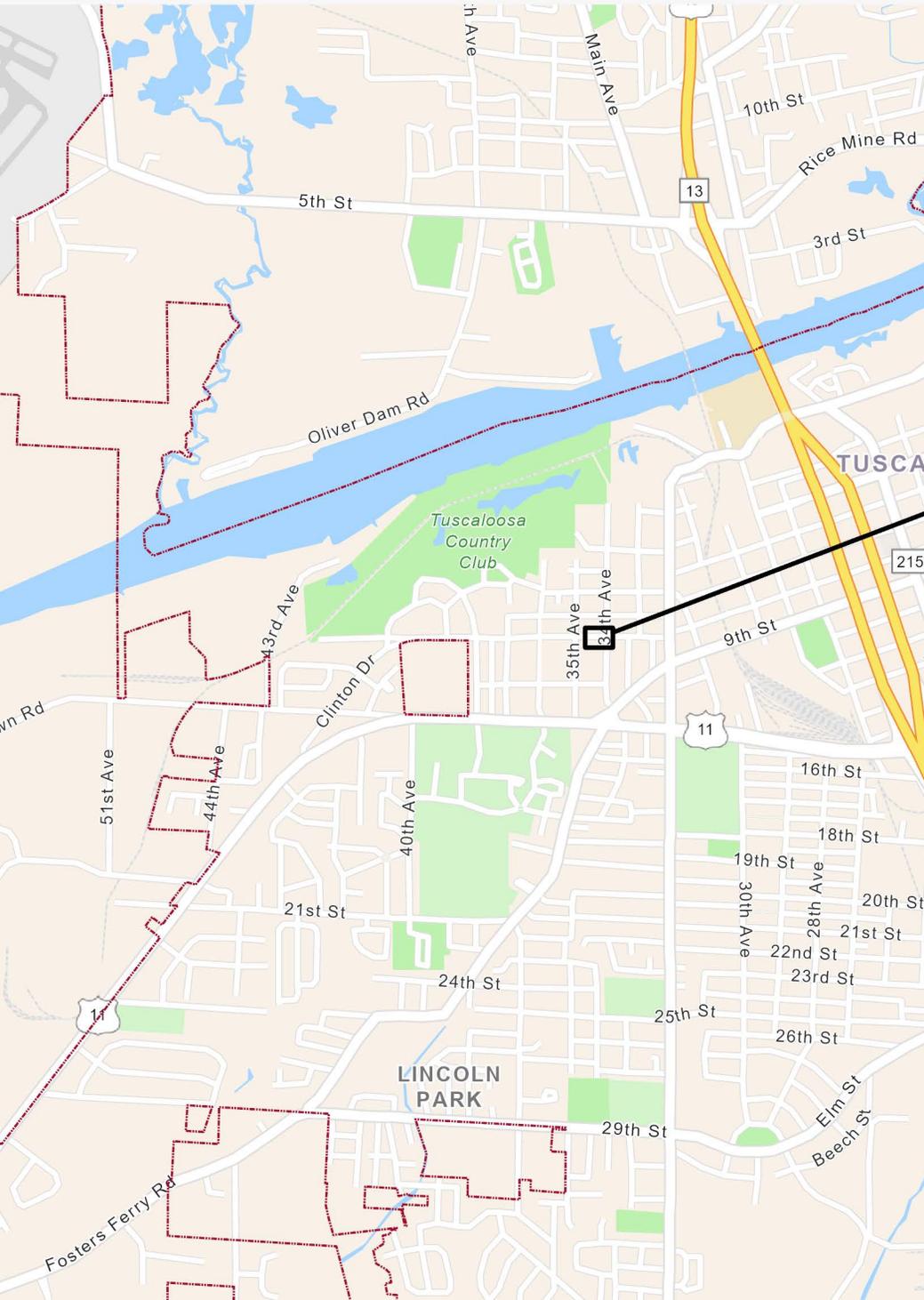
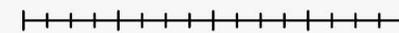




# ZBA-58-21: 714 & 804 34th Avenue

1 inch = 70 feet

0 35 70 105 140



McFarland Blvd E



# ZBA-58-21: 714 & 804 34th Avenue

1 inch = 50 feet  
0 25 50 75 100



8TH ST

34TH AVE

 ZBA-58-21



S000  
BROWN  
6/19  
384.8  
5-40



S060  
BROWN  
K 6/19  
SPR 6  
8-40



DO NOT  
ENTER





5000  
1-6-19  
104.5  
9-40









DO NOT ENTER





STOP





STOP

8th St

