

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-59-21

GENERAL INFORMATION

Property Owner () Petitioner (X)

Black Warrior Surveying

Requested Action and Purpose

Petition for a variance from the residential setback regulations in a Planned Unit Development in order to construct an addition on an existing single-family home

Location and Existing Zoning

1109 Kings Mountain Road. Zoned R-2. (Council District 3)

Size and Existing Land Use

Approximately 0.44 acres, single-family residence

Surrounding Land Use and Zoning

North: Single-family residence, R-2

East: Single-family residence, R-2

South: Single-family residence, R-2

West: Single-family residence, R-2

Applicable Regulations

Sec. 24-34. – Lot standards.

Area Standards	R-2
Per dwelling unit in single-family dwellings	9,000

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:

Residence Districts	Minimum Depth
R-2	30'

- (b) *Side yards.* For every building in a residence district, other than an RMH Mobilehome District, side yards of the following minimum widths (in feet) shall be provided:

Required Side Yards	
	R-2
Single-family dwelling	
Two (2) side yards required. Aggregate width of both yards	18(x)
Least width of either yard	9(x)

(x) If a structure includes a carport, a five (5) foot side yard will be permitted for the carport. A minimum of nine (9) feet would be required for the remaining side yard.

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(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:

Residence Districts	Minimum Depth
R-2	35'

Front setback per Riverchase 8 Subdivision plat: 35'

SUMMARY

The petitioners are requesting a variance from the 35' rear setback in order to allow an addition to the existing two-car garage. They are proposing a 22' x 29' addition to their garage to allow a third vehicle, which will also have room for handicap access. The proposed addition will be 29' from the rear property line and 27' from the side property line. The property is part of the Riverchase Planned Unit Development, which has a setback of 35' for the front yard instead of the typical 30' front yard setback in the R-2 zoning district. The property was platted in 1987.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No comment

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, July 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: _____

Property Owner

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

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.

- | | | |
|---|---|--|
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input type="checkbox"/> Variance |
| Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot |
| Residential \$ 50.00 per lot | Residential \$ 50.00 per lot | Residential \$ 50.00 per lot |
| <input type="checkbox"/> Short-Term Rental \$ 400.00 per lot | <input type="checkbox"/> Appeal Zoning Officer's ruling \$ 10.00 per lot | |

Briefly describe the variance, special exception, and/or appeal being requested. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

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

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.

Mrs. Parton's mother is coming to live at this address. She is a handicap individual. The granting of this variance will allow the expansion of the existing garage to allow for one additional parking space inside and the space needed to construct access for the handicap individual.

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 granting of this variance would result in a 17 percent reduction in the existing 35 foot rear setback.

A 29 foot setback will still allow a spacious back yard and buffer from the adjoining properties. I do not

believe that this proposed construction will have a detrimental effect on the surrounding properties.

Answer the following for SHORT-TERM RENTAL requests ONLY:

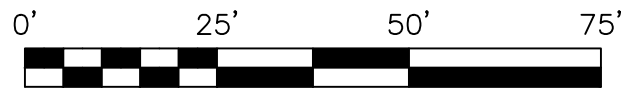
Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and length of your driveway. A typical parking space is 9' wide by 20' deep. Tandem parking (one vehicle behind the other) of not more than two vehicles is allowed, and a garage can be used. Photos can be provided with this application showing the proposed parking.

- 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.

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. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

Print Name: Jason Parton Signature:  Date: 2-6-21



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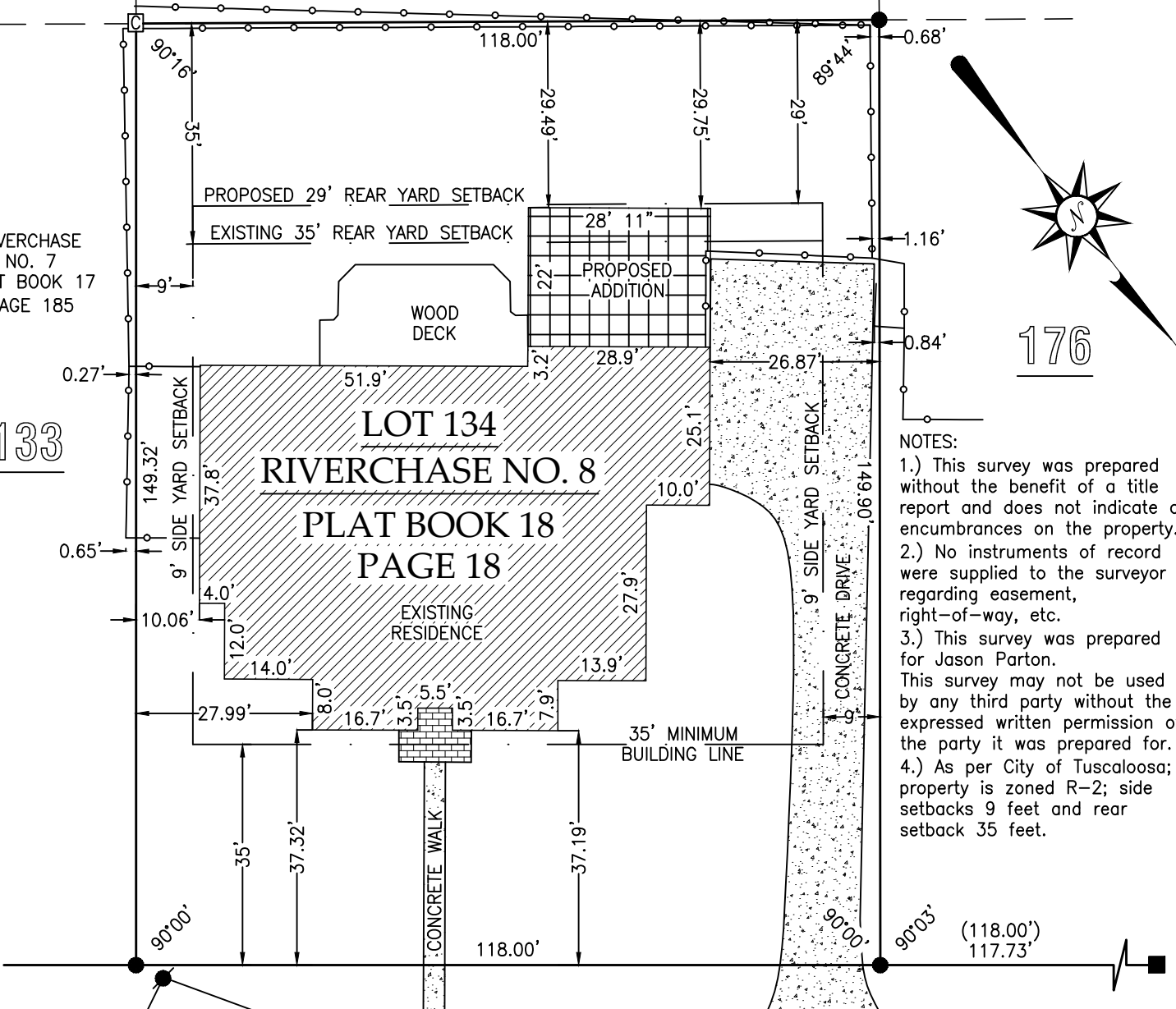
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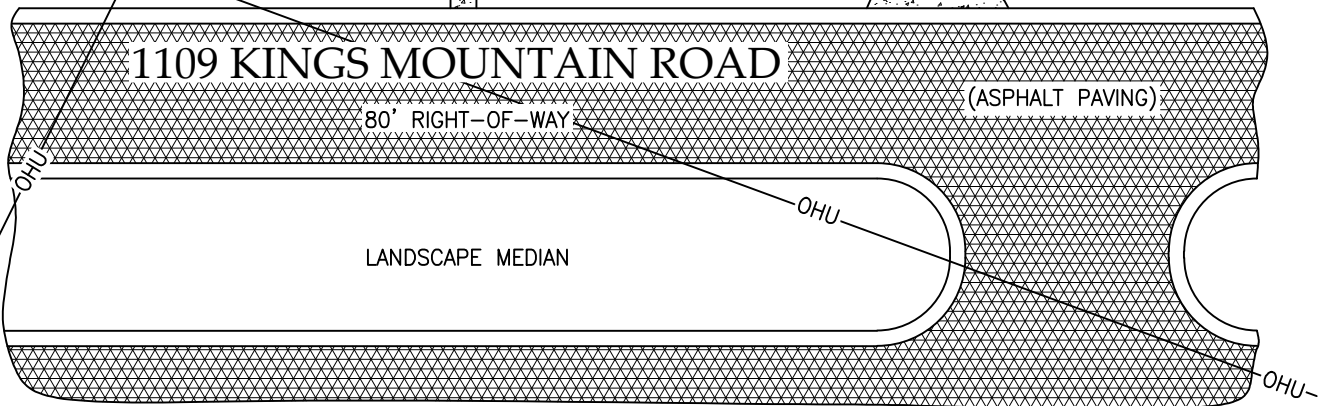
RIVERCHASE NO. 7 PLAT BOOK 17 PAGE 185

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- NOTES:
- 1.) This survey was prepared without the benefit of a title report and does not indicate all encumbrances on the property.
 - 2.) No instruments of record were supplied to the surveyor regarding easement, right-of-way, etc.
 - 3.) This survey was prepared for Jason Parton. This survey may not be used by any third party without the expressed written permission of the party it was prepared for.
 - 4.) As per City of Tuscaloosa; property is zoned R-2; side setbacks 9 feet and rear setback 35 feet.



STATE OF ALABAMA TUSCALOOSA COUNTY

TO WHOM IT MAY CONCERN:

I, James Gary Cobb, a Registered Professional Land Surveyor in the State of Alabama, of the firm of Black Warrior Surveying, LLC, hereby certify that I have surveyed the property shown hereon and that said plat is a true and correct mapping of said survey to the best of my professional knowledge and belief. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama.

Witness my hand on this the 1st day of June, 2021.

James Gary Cobb

REGISTERED PROFESSIONAL LAND SURVEYOR ALABAMA REGISTRATION NO. 30339



LEGEND

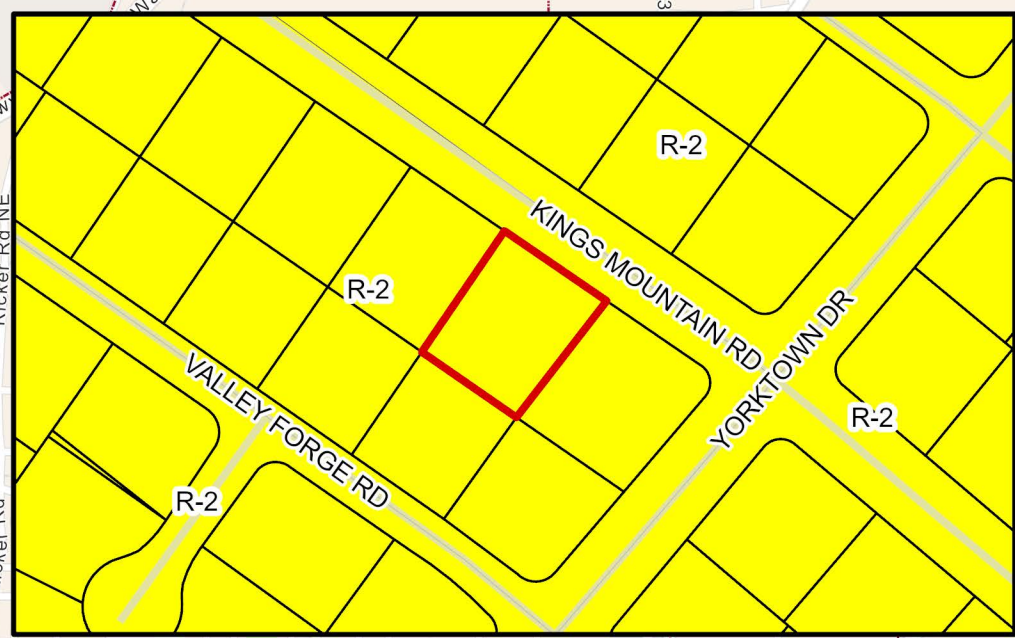
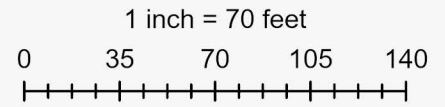
PROPERTY LINE	— — — — —
ADJOINING PROPERTY LINE	— — — — —
MINIMUM BUILDING LINE	— — — — —
OVERHEAD UTILITY LINE	— — — — — OHU — — — — —
PIPE FOUND	●
CAPPED REBAR FOUND	■
UTILITY POLE	⦿

TYPE OF SURVEY: PLOT PLAN
DATE OF SURVEY: 6/1/21
SOURCE OF TITLE: DEED BOOK 2012 PAGE 136
FILE NAME : 21-0525 134RCHASE
SCALE 1" = 25'

BLACK WARRIOR SURVEYING, LLC
949 PIN BROOK LANE
TUSCALOOSA, ALABAMA 35406
205-391-8878 205-393-4264

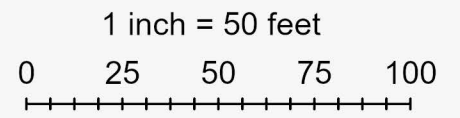


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KINGS MOUNTAIN RD

VALLEY FORGE RD

YORKTOWN DR

 ZBA-59-21



TS
Tanner & Schell, Inc.



