

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-62-21

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Riverwood Classical School/Riverwood Presbyterian Church

Requested Action and Purpose

Petition for a special exception to allow a temporary modular building

Location and Existing Zoning

501 Rice Valley Road North. Zoned R-1. (Council District 3)

Size and Existing Land Use

Approximately 7.95 acres, Church

Surrounding Land Use and Zoning

North: Single-family residences, R-4

East: Single-family residences, R-3

South: Single-family residences, R-1

West: Single-family residences, R-4

Applicable Regulations

Sec. 24-34. – Lot standards.

(7) Temporary mobile or modular office in commercial and industrial sites

PRIMARY

- a. The applicant shall demonstrate to the satisfaction of the board that there are serious practical reasons to use a mobile or modular unit rather than conventional construction.

DISCRETIONARY

- b. Whenever possible, placement of the unit should be tied to a specific length of time or to the occurrence of a specific event. The unit shall be moved promptly after expiration of the allotted time, unless extended by the board.
- c. The unit should blend with nearby structures on the premises or the surrounding area, should have tie-downs and underpinning, and if feasible, not be easily visible from surrounding property or a public street.

SUMMARY

The petitioners are requesting a special exception to allow a temporary modular building for a period of three years. They plan to use this building to operate the Riverwood Classical School, which has outgrown the existing building for the 2021-2022 school year. The proposed timeframe is due to a) planning for a future building, and b) the lease is a three-year contract. The petitioner plans to plant shrubs between Rice Valley Road North and the building in order to screen the building from the right-of-way. The property owners plan to go to the Planning and Zoning Commission to vacate the lot line to create one lot.

Office of Urban Development, Planning Division: No comment

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July 26, 2021

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, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 501 Rice Valley Road

Property Owner

Name: Riverwood Presbyterian Church Phone: 205-758-8706 Email: secretary@riverwoodchurch.org

Address: 501 Rice Valley Road ZIP Code: 35406

Petitioner (if different from owner)

Name: Riverwood Classical School (jointly) Phone: 205-758-5502 Email: mrcanevaro@riverwoodclassical.org

Address: same 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 checked="" type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input checked="" 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:

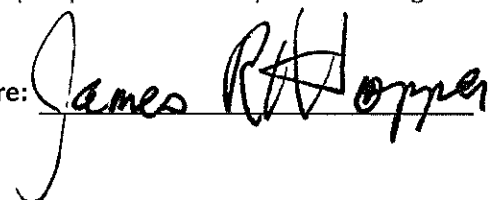
Placement of a modular building to accommodate additional classrooms for the school, together with a (temporary) variance relating to parking.

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.

- 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: Riverwood Presbyterian Church

Signature:  Date: 7/6/21

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.)

See attached.

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.

See attached.

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.

See attached.

**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: _____

ATTACHMENT TO ZBA PETITION

RIVERWOOD PRESBYTERIAN CHURCH & RIVERWOOD CLASSICAL SCHOOL

Riverwood Presbyterian Church (RPC) and Riverwood Classical School, Inc. (RCS) jointly submit the following in support of their application for a special use exception allowing the placement of a modular structure to provide RCS with two additional classrooms.

BACKGROUND

The applicants are RPC (the landowner) and RCS (the entity operating the school). RPC is a church corporation which owns the land in question. The land is owned in two parcels (see attached drawing). The eastern parcel was acquired in 1977 and has been in continuous use by the church since then. The western parcel was acquired in 1983, and until now, has not been developed in any fashion.

RPC is a church corporation formed in 1975 pursuant to Ala. Code § 10-4-20. RCS was incorporated in 2006 as a nonprofit corporation which is under the complete control of RPC. RCS is a church school within the meaning of Ala. Code § 16-28-1, and has been continuously offering Christian education in Tuscaloosa since the fall semester of 2006.

THE SPECIAL EXCEPTION REQUEST

The Special Exception request seeks to allow RCS and RPC to place a modular building behind the currently existing sanctuary as depicted on the drawing submitted herewith. The building would provide two additional classrooms for RCS. Pursuant to Mun. Code § 24-91(38) (a), Petitioners are required to demonstrate serious practical reasons for using a modular building instead of conventional construction.

RCS had, until very recently, grown relatively slowly. The school started out with a kindergarten only, and has gradually added grades every year, and now provides K4-12th grades. RCS matriculated its first graduates in 2018.

Starting with the 2019-20 school year, RCS saw a fairly large increase in student population. The preceding year had 31 students, but in 19-20, enrollment increased to 44 students, which the current campus could accommodate. With the advent of COVID-19, during the spring and summer of 2020, it was difficult to know whether this increase would continue or whether enrollment would remain steady or even decline. RCS committed early in the summer of 2020 to doing everything possible to offer in-class instruction, when it was still unclear if (or how many) other schools could or would do the same. RCS administration was uncertain if enrollment would increase on account of offering in person school, but that did not happen, and enrollment remained relatively consistent at 47 students. Given this fact, the administration expected around the same number of students for the 2021-2022 school year.

As this year's enrollment began, it became clear that holding steady or a decrease in enrollment was not going to happen. Quite the contrary, as the spring progressed, it was evident that instead a much larger enrollment was going to happen. As of this writing, enrollment is currently projected at 62 students.

RCS is the only full-time, in person classical Christian school in Tuscaloosa (in fact, in West Alabama). Petitioners consider it a core mission to serve as many parents who desire to have their children educated in a classical Christian fashion and want to take all steps possible to avoid turning away families.

Petitioners have, quite simply, used all of the available space on the campus. All of the classrooms in the current education building (eight in total) are being used. Also, there are RCS classes that already take place in two rooms in the small building across the parking lot, bringing the school's existing total to ten classrooms. RPC uses the former parsonage at the northeast corner of the property as its administrative offices, and there is no space available there for RCS. Put plainly, there is no alternative for the increased number of students expected than to obtain more space.

Obviously, there is insufficient time to engage in any conventional construction in time for the beginning of school, which is currently scheduled for August 9. In fact, the timing will be just enough to allow for the placement of the modular building, assuming this petition is granted. Though a permanent solution for the increased student body size is desired by both Petitioners, it is simply not possible to have that done for this school year. Thus the Petitioners assert that this situation qualifies as a serious practical reason for using a modular building.

THE TIMING

Mun. Code § 24-91(38)(b) provides that placement of the building should be tied to a particular length of time. Petitioners request a three year placement. There are two reasons for this. First, RCS has just hired a new headmaster and development director, Addison Canevaro and Adam Condra, respectively. The RCS Board has charged these men with developing a plan for the growth of the school. Given their newness in these jobs, and the challenges (especially in the current construction environment) of determining the exact need and extent for whatever new construction should take place, planning the conventional structure to be built, organizing all of the relevant parties needed for support (church, parents, etc.), engaging professionals, and actually having the structure built, all without completely disrupting the current operations of the church and school, three years time will likely prove a minimum time for all of these tasks to be accomplished.

As a secondary reason, in the event that the purchase of the modular building described below cannot be completed for any reason, a similar modular building will be leased, and the minimum lease term on that building will be three years.

THE BUILDING AND SITE

Mun. Code § 24-92(38)(c) provides that the unit should blend with the premises and should not easily be visible. The unit that RCS hopes to acquire has, for some time, been used as a classroom at Rock Quarry Middle School. The Tuscaloosa City School Board recently declared it surplus and is selling it. Assuming that RCS can complete that purchase, the unit will be acquired, together with all surrounding decking, ramps, stairs, and patios, from the City Schools. Given that it has been in service at Rock Quarry and has met the ZBA's standards for placement there, its appearance should be identical at RCS.

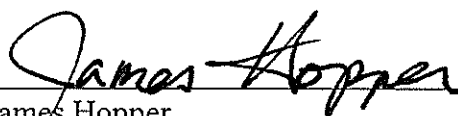
The intent is to place the unit off the back of the existing sanctuary. The color scheme of the units is very similar to that of the sanctuary building. As indicated on the drawing, fast growing plantings will be placed around the unit to obscure its view from adjoining parcels and the street. Given its previous use, the similarity in color, and the landscaping, Petitioners believe these criteria can be easily satisfied.

THE VARIANCE

Petitioners are also requesting a variance relating to the off street parking requirements. This variance will, if all goes according to plan, be temporary. RPC intends to have the two lots subdivided into a single parcel. Unfortunately, given the timing, this could not be accomplished prior to the time this petition had to be submitted to ZBA.

The modular building will be the only structure on the western parcel (assuming the Special Exception is granted). The parking standard for a private elementary school¹ is 3 spaces per classroom, pursuant to Mun. Code § 24-91(29)(a). There are no paved parking spaces on the western parcel at this time. On the eastern parcel, however, there is ample parking on account of RPC's sanctuary. A church is, under Mun. Code §24-122(a), required to have 1 parking space for every 5 seats. There are a maximum of 332 seats in RPC's sanctuary, which requires 67 spaces. There are 85, although all are on the eastern lot. Once the two parcels are re-subdivided into one, this issue will obviously be moot. However, until the subdivision is approved, a (temporary) variance is requested to waive the on-site parking requirement until the subdivision is approved.

Submitted this 6th day of July, 2021.


James Hopper
Trustee, RPC
Chairman of the Board, RCS

¹ The classes RCS intends to place in the modular building are elementary classes.

**RIVERWOOD PRESBYTERIAN CHURCH
ZBA APPLICATION FOR MODULAR BUILDING
FOR USE AS TEMPORARY CLASSROOMS**



EXISTING
PRIVACY
FENCE

LOT LINE:
Subdivision plat to combine
properties into one lot

EXISTING EDUCATION BLDG

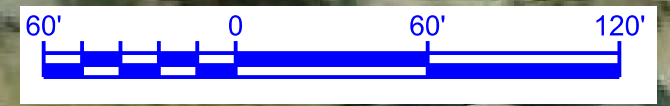
EXISTING PARKING:
85 SPACES

PROPOSED SHRUBBERY

EXISTING SANCTUARY

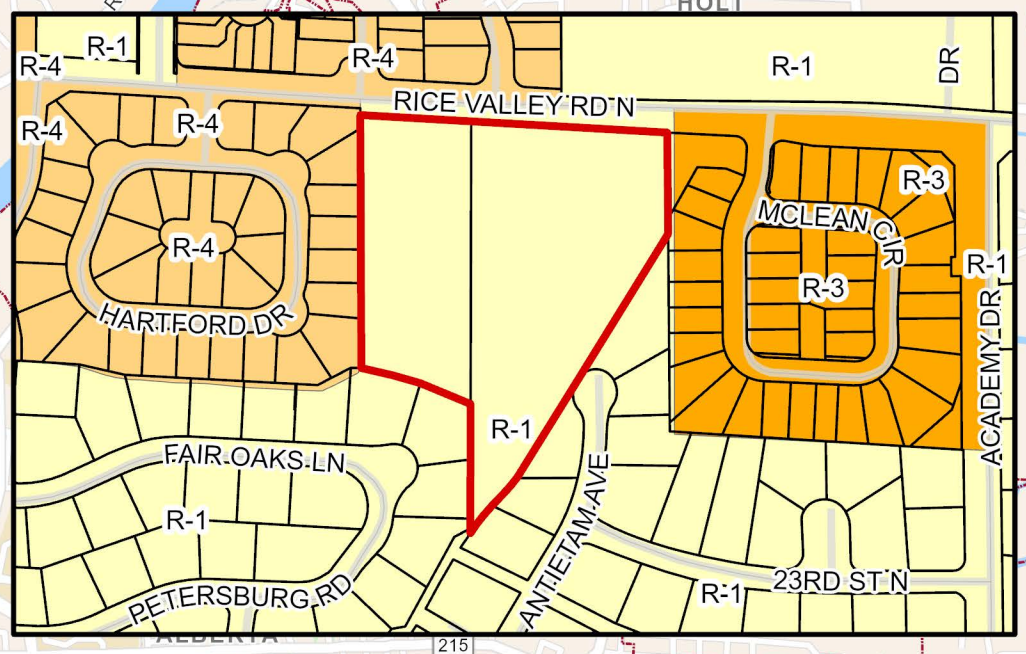
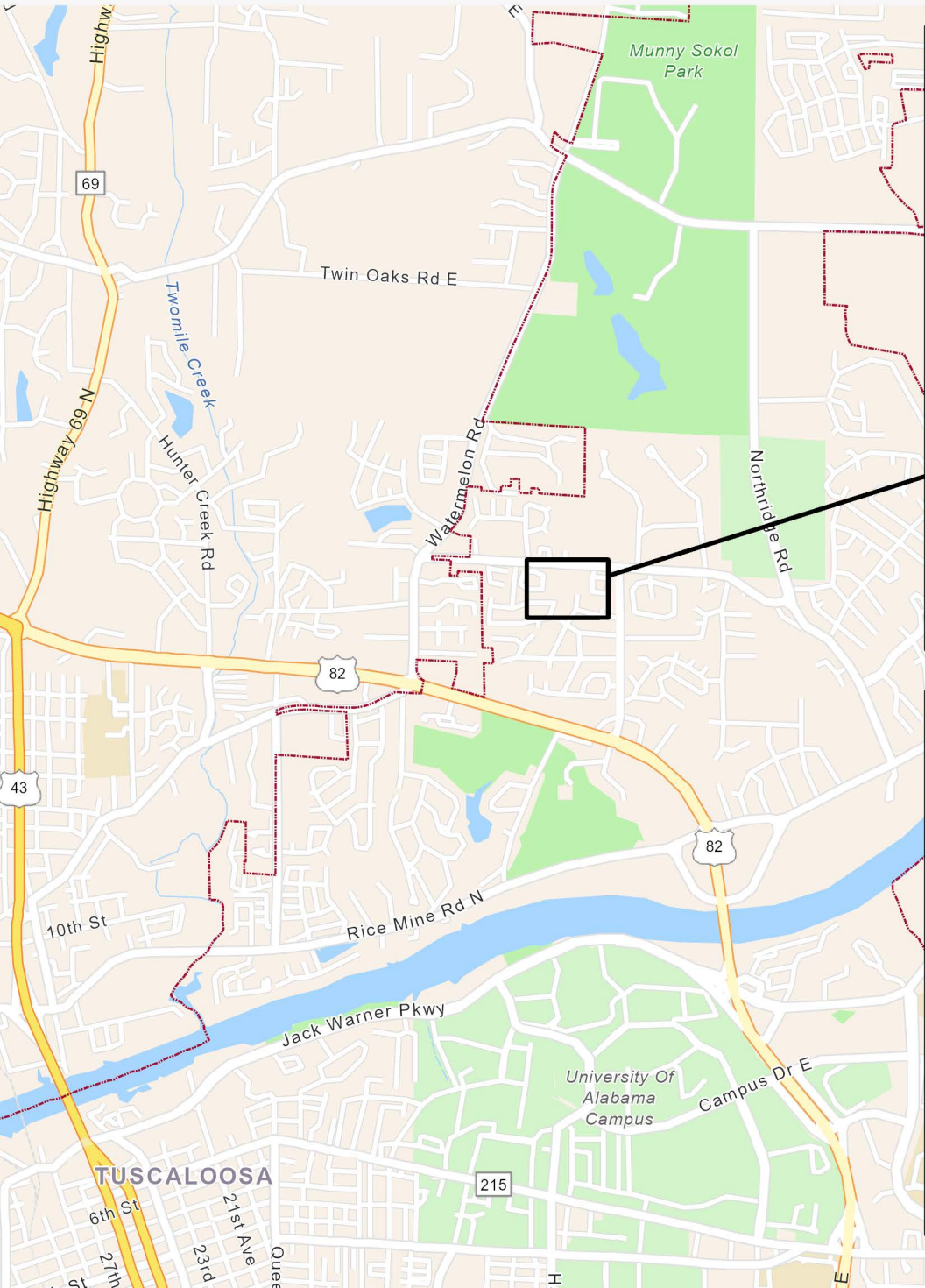
PROPOSED CANOPY
AND PORCH

PROPOSED MODULAR BLDG:
24' X 36'





ZBA-62-21: 501 Rice Valley Road North





ZBA-62-21: 501 Rice Valley Road North

1 inch = 150 feet

0 75 150 225 300



 ZBA-62-21

23RD ST N



















