

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

**ZBA-63-21**

**GENERAL INFORMATION**

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

Jonathan McLelland

**Requested Action and Purpose**

Petition for a variance from the accessory structure regulations to allow an accessory structure to be a dwelling

**Location and Existing Zoning**

1610 Alaca Place. Zoned R-3H. (Council District 4)

**Size and Existing Land Use**

Approximately 0.21 acres, single-family residence

**Surrounding Land Use and Zoning**

North: Vacant, R-3H

East: Single-family residence, R-3H

South: Single-family residence, R-3H

West: Single-family residence, R-3H

**Applicable Regulations**

Sec. 24-39. – Location of accessory structures on residential lots.

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

1. No accessory structure shall be erected in a required front or side yard. An accessory structure shall not cover more than thirty (30) per cent of any required rear yard and shall be not less than five (5) feet from any lot line.
2. On any lot adjoining, along its side lot line, another lot which is in a residential district, no part of any accessory building which is not an integral part of the main building shall be located within sixty (60) feet of any front lot line.
3. Accessory structures shall not be occupied at any time as a dwelling.
4. No single accessory structure shall exceed six hundred (600) square feet or forty (40) per cent of the principal structure's building floor area, whichever is more.
5. No accessory structure exceeding two hundred (200) square feet shall be clad in aluminum or other sheet metal siding.

**SUMMARY**

The petitioner is requesting a variance to allow an accessory structure to be a dwelling. They are also asking for a variance from the percentage allowed for accessory structures in a rear yard and a variance from the 5' setback for accessory structures. The proposed 1,050 square foot structure will replace an existing garage and have a garage, living room, kitchen, bedroom, bathroom, and studio. The location of the proposed accessory dwelling is directly adjacent to the property line on the rear (by the alley) and the eastern lot line, which is not out of character for historic districts. The accessory structure is proposed to take up approximately 47% of the required rear yard, which is 17% more than the allowed 30%. However, this is not uncommon in historic districts. The petitioner has stated that a "ban on ADUs creates an unnecessary hardship by significantly reducing the availability of small-scale housing for extended families. Current zoning allows for the addition of

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July 26, 2021

comparable space as an attached addition, but building in such a way would impose unnecessary cost, as well as unnecessarily eliminated the privacy offered by a separate ADU. The construction of an ADU will allow us to more flexibly inhabit our property, making it much easier for us and future owners' house independently-living family members or to age in place ourselves. Permitting this request will strengthen the resilience and flexibility of our neighborhood, and won't harm it in any way."

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, Feb 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 1610 Alaca Place

Property Owner

Name: Jonathan McLelland Phone: (205)792-3936 Email: jon@mclellandarchitecture.com

Address: 1610 Alaca Place 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:

We seek permission to build an accessory dwelling unit at the rear of our lot for use as a mother-in-law cottage and an architectural design studio.

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.

Print Name: Jonathan McLelland Signature: [Signature] Date: July 6, 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.)

We want to be able to construct a new small residence for my mother-in-law, as well as a small architecture studio for my business.

**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.

Accessory dwelling units are not permitted under current zoning. The ban on ADUs creates an unnecessary hardship by significantly reducing the availability of small-scale housing for extended families. Current zoning does allow for the addition of comparable space as an attached addition, but building on in such a way would impose unnecessary cost, as well as unnecessarily eliminating the privacy offered by a separate ADU.

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.

We have lived on Alaca Place since 1996, and we plan to be here for many years to come. The construction of an ADU will allow us to more flexibly inhabit our property, making it much easier for us and future owners house independently-living family members or to age in place ourselves. Permitting this request will strengthen the resilience and flexibility of our neighborhood, and won't harm it in any way.

**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](mailto:zba@tuscaloosa.com)

[SUBMIT FORM](#)

**FOR OFFICE USE ONLY:**

ZBA Case Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Hearing Date: \_\_\_\_\_



MCLA

McLELLAND ARCHITECTURE

1610 Alaca Place  
Tuscaloosa, AL 35401  
Phone (205) 792-3936

info@mcllellandarchitecture.com  
www.mcllellandarchitecture.com



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**Mother-In-Law Cottage and Design Studio**

1610 Alaca Place  
Tuscaloosa, Alabama 35401

No.	Description	Date

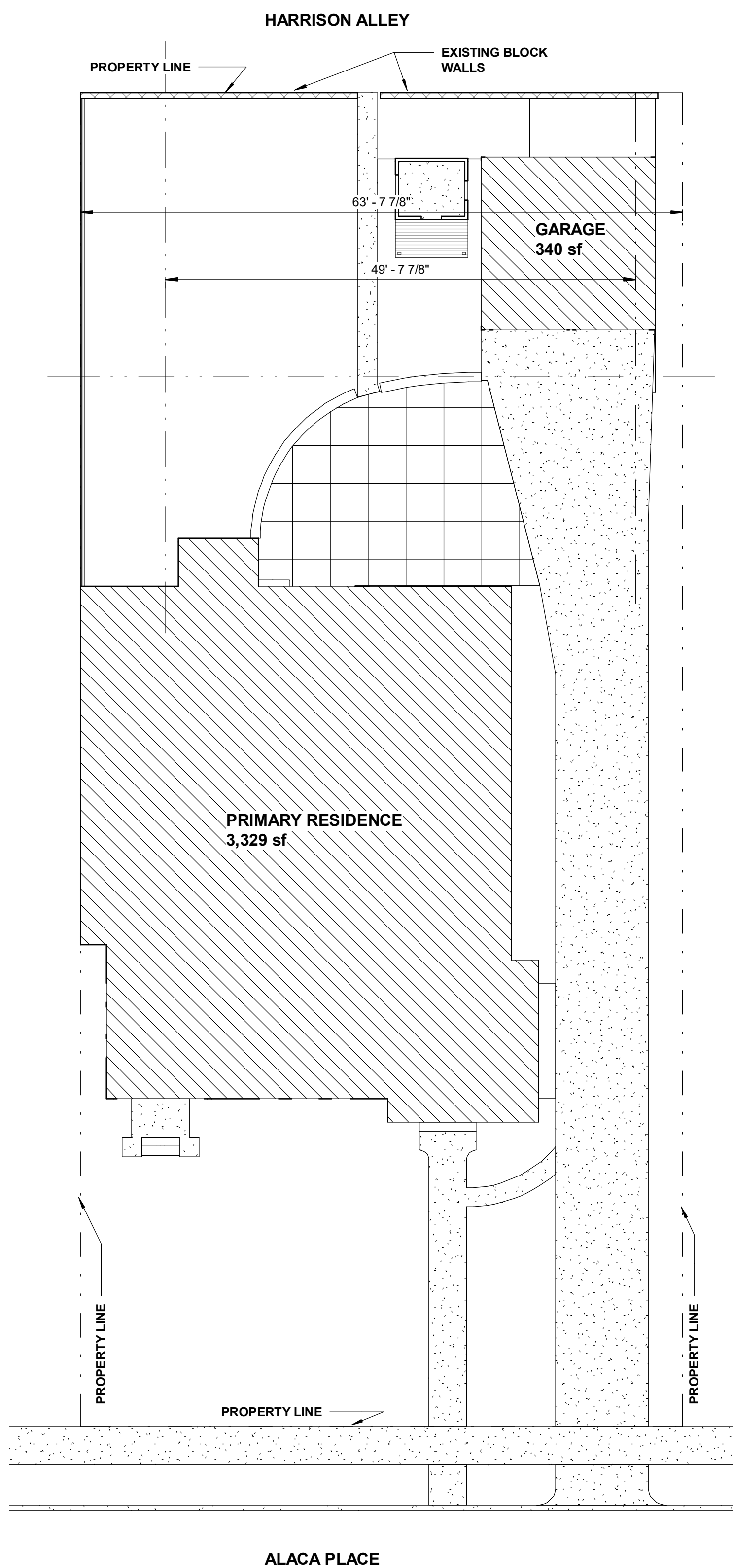
Mother-In-Law Cottage and Design Studio

**Site Plan and Floor Plan**

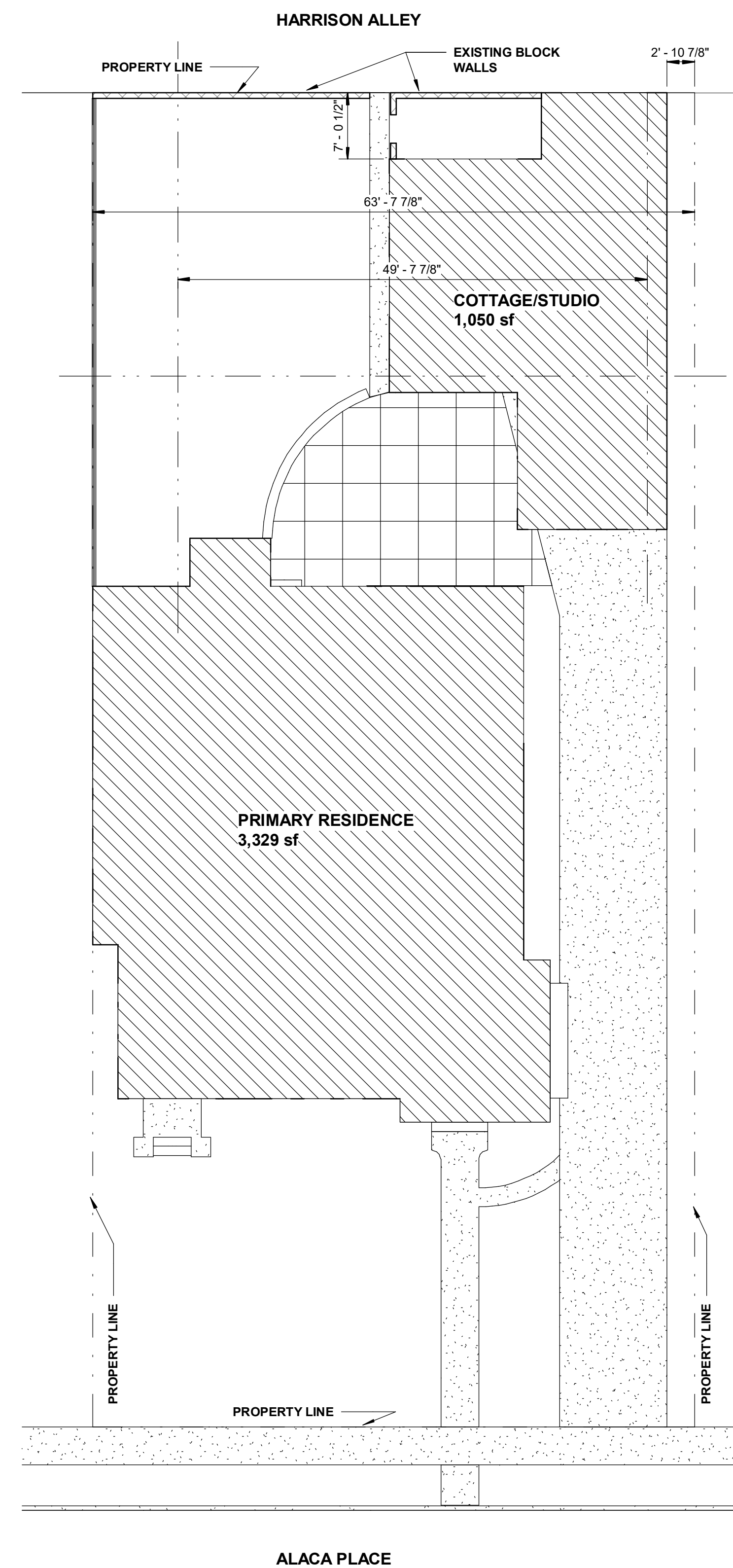
Project number 2105  
Date July 6, 2021  
Drawn by JBM  
Checked by

**A000**

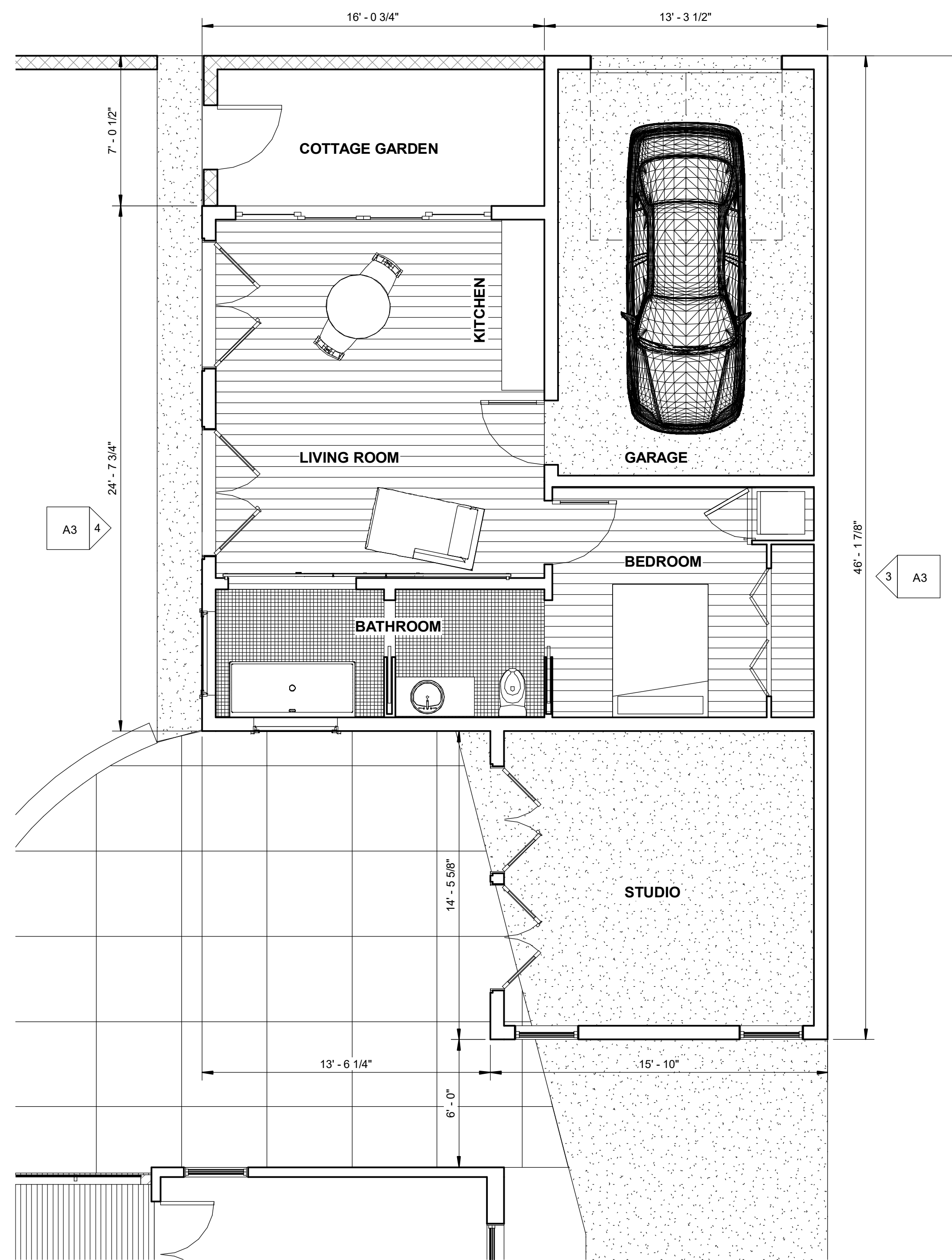
Scale As indicated



① Site, Existing  
1" = 10'-0"



② Site, Proposed  
1" = 10'-0"



③ Cottage Ground Floor  
1/4" = 1'-0"

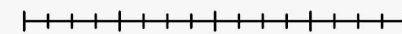




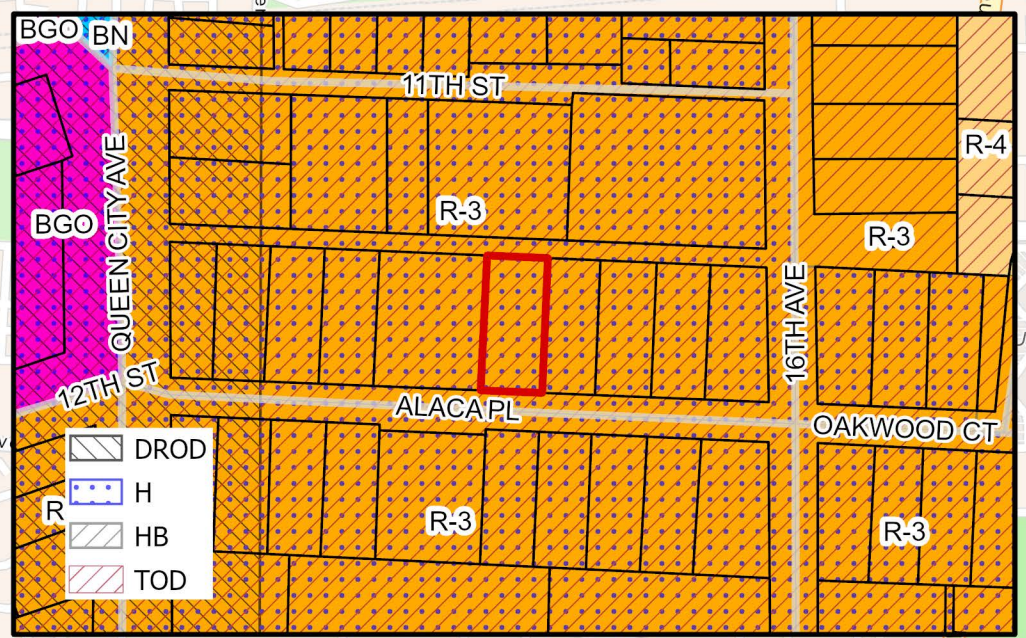
# ZBA-63-21: 1610 Alaca Place

1 inch = 70 feet

0 35 70 105 140



N







# ZBA-63-21: 1610 Alaca Place

1 inch = 50 feet  
0 25 50 75 100

N



ALACA PL

 ZBA-63-21









Alabama  
63GH725

325i





Alabama  
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Property of the City of Toxantness













