

ZONING BOARD OF ADJUSTMENT STAFF REPORT

July 26, 2021

ZBA-64-21

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Greg and Tracy Tucker

Requested Action and Purpose

Petition for a variance from the swimming pool regulations to allow a swimming pool to be less than six feet from the property line

Location and Existing Zoning

5901 Candler Avenue. Zoned R-1. (Council District 3)

Size and Existing Land Use

Approximately 0.24 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residence, R-1

East: Open space, R-1

South: Single-family residence, R-1

West: Single-family residence, R-1

Applicable Regulations

Sec. 24-107. – Swimming pools.

- (a) A swimming pool on private property in a residential district shall be for the noncommercial use of the owner, his family and guests only. A swimming pool, including pumps and filters, accessory to a single-family or two-family dwelling may be located within a required rear yard, but shall not extend closer than six (6) feet from a rear lot line, nor closer to a side lot line than the required side yard depth or six (6) feet, whichever is greater. A swimming pool accessory to a multifamily dwelling or commercial structure shall be located within the buildable area of the lot or parcel.
- (b) Any permanently constructed swimming pool, or any temporary or inflatable pool which can be filled to a depth in excess of eighteen (18) inches, shall be enclosed by a fence or wall meeting the following standards:
 - 1. The barrier shall extend from the surface to a height of at least six (6) feet.
 - 2. Basketweave, split rail, and other decorative fences which can be easily scaled by a child are not permitted. Any braces or frames which could afford a child footholds or handholds will be on the pool side.
 - 3. A self-closing and self-latching gate or door, with the mechanism out of reach of children, will be used.
 - 4. No part of the wall of a multifamily residence which includes a window or door shall be incorporated into the required pool enclosure.

SUMMARY

The petitioner is requesting a variance to construct a 12' x 32' swimming pool in the rear. The pool is required to be 6' from any property line. The proposal is to have the pool 1'1" from the property line due to the area available to place a pool. The home is currently 20' from the property line. The pool will be 7'11" from the home. The area behind the property is designated open space.

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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, July 2021

Please complete all of the following required fields:

Address: 5901 Candler Ave Tuscaloosa, AL 35406 (Highgrove Sub) Lot 415

Name: Greg + Tracy Tucker Phone: 205.310-2803 Email: tsmtucker11@outlook.com

Address: 5901 Candler Ave ZIP Code: 35406

Name: SAME Petitioner (if different from owner) Phone: Email: tsmtucker11@outlook.com

Address: ZIP Code: Millwright 1192@outlook.com

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 (checked), Short-Term Rental, Appeal Zoning Officer's ruling

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.

Requesting installation of pool to be installed by Blue Haven Pools of Central + North AL. for private usage. Overall dimension 12x38 12x32 swimming area. Additional footage on each end of pool to accomodate tanning ledge and spa resulting in overall length of 38 ft in length.

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.

The proposed pool even with only a 12ft width will exceed the min. setback rule of left on back property line due to limited size of backyard because of house placement & size

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 building phase will require a temporary removal of 4 foot property line fence and encroachment of approx. 3ft onto backyard right of way easement behind fence. All fencing & soil to be replaced and follow neighborhood required covenants

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.

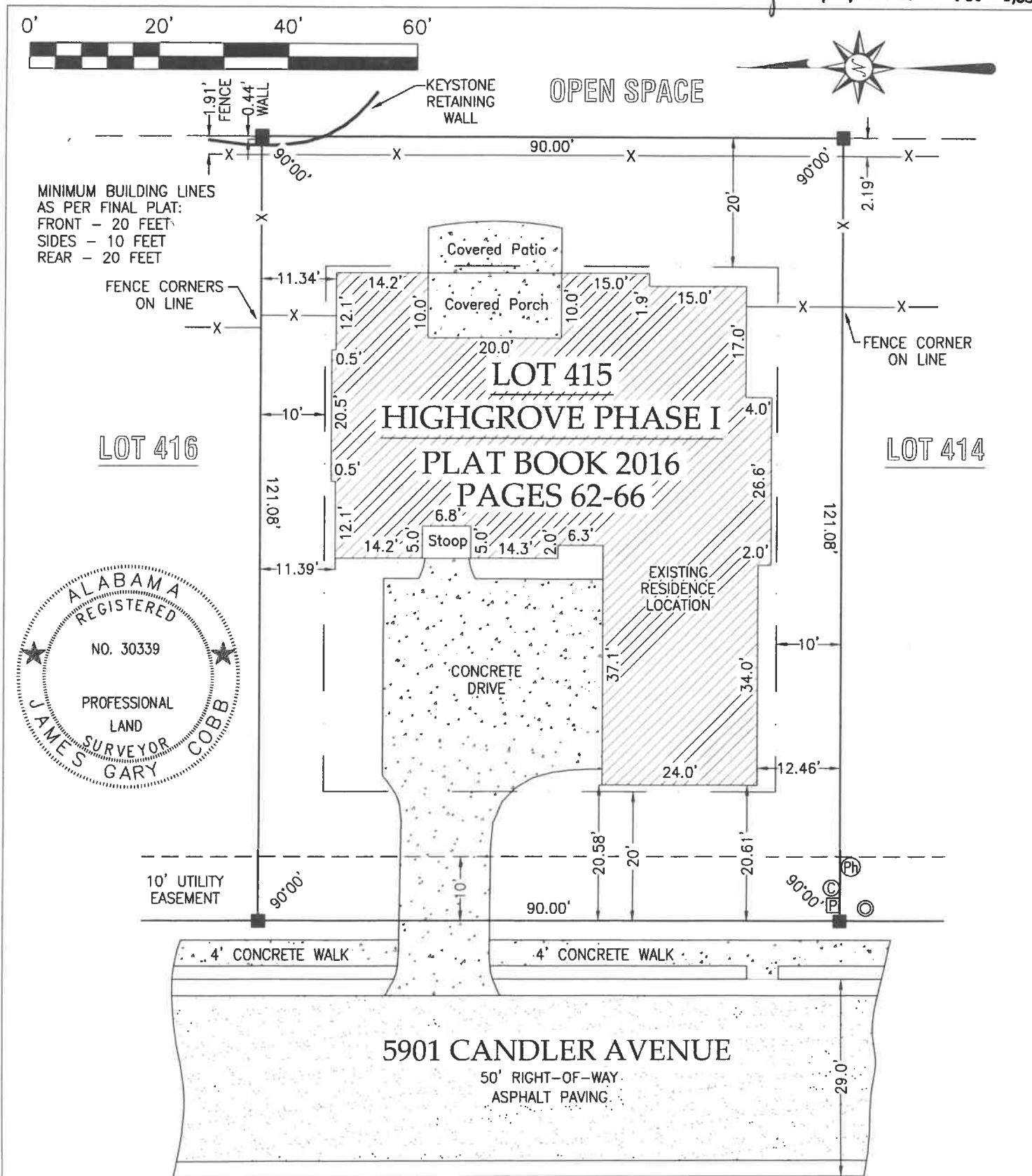
Certification of Applicant

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: Tracy Tucker Signature: Tracy Tucker Date: 7/6/2021

If approved by Zoning board the plan will then be forwarded to Duckworth Morris for Homeowner's Association approval.

Original furnished at closing



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, Tuscaloosa, Alabama hereby certify that the premises shown hereon is a true and correct plat of Lot 415, Highgrove Phase I, as recorded in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 2016 at Pages 62-66; and that the building thereon is located with respect to lot boundaries as shown; that all rights-of-way, easements or joint drives over and across said premises visible on the surface are shown; that there are no electrical or telephone wires (excluding those which serve the premises only) or structures or supports, therefore including poles, anchors and guy wires on or over said premises except as shown; that the premises surveyed does not encroach on the adjoining property and that the adjoining property does not encroach on the premises surveyed except as shown. I hereby 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 to the best of my knowledge, information and belief.

Witness my hand on this the 5th day of March, 2021.

James Gary Cobb
REGISTERED PROFESSIONAL LAND SURVEYOR
ALABAMA REGISTRATION NO. 30339

SHEET 1 OF 1

TYPE OF SURVEY: MORTGAGE
DATE OF SURVEY: 3/5/21
SOURCE OF TITLE: DEED BOOK 2019
PAGE 5025
FILE NAME : 21-0305 415HG
SCALE 1" = 20'

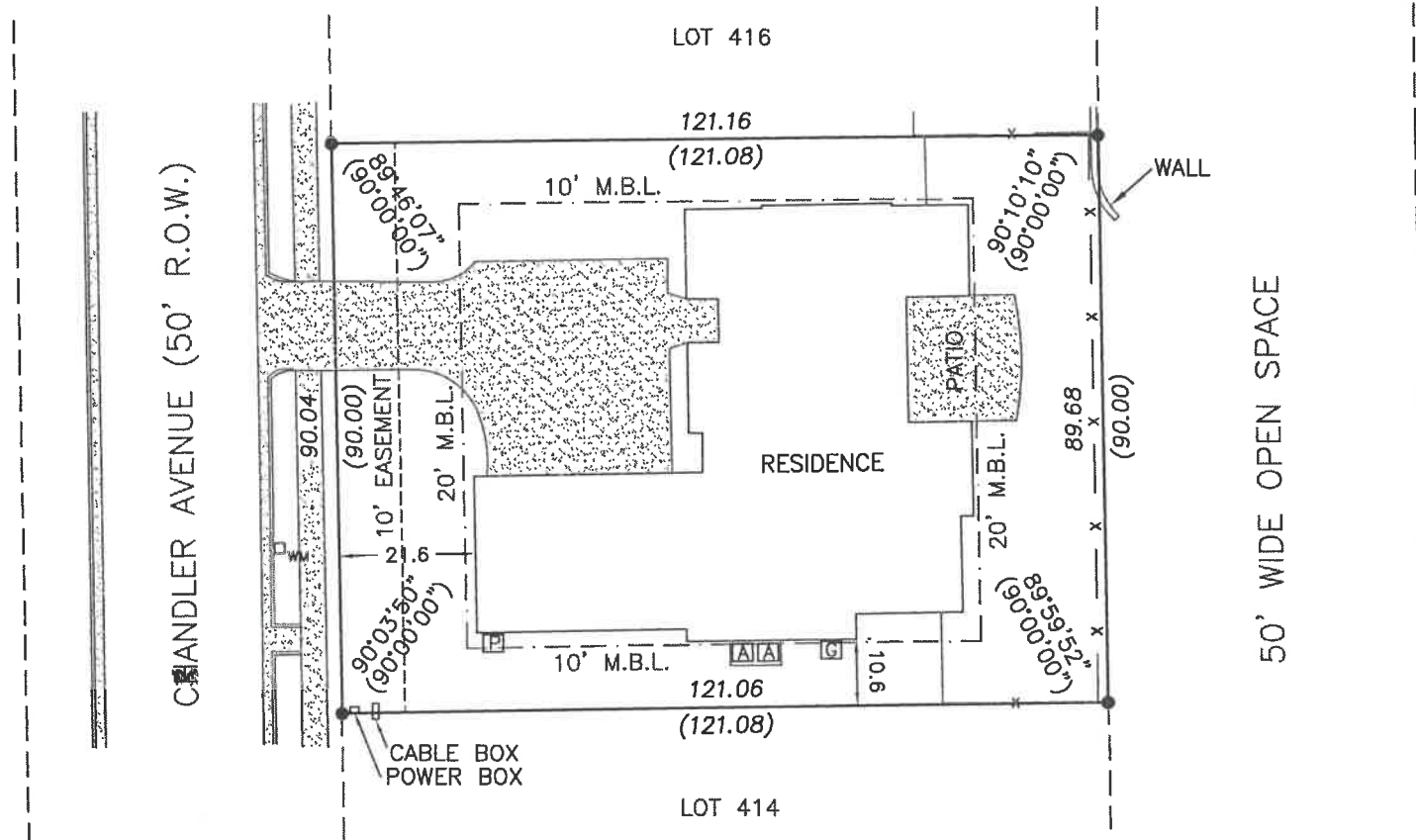
BLACK WARRIOR SURVEYING, LLC
949 PIN BROOK LANE
TUSCALOOSA, ALABAMA 35406
205-391-8878 205-393-4264

LEGEND

PROPERTY LINE	—————
ADJOINING PROPERTY LINE	- - - - -
EASEMENT BOUNDARY	- - - - -
MINIMUM BUILDING LINE	—————
WOOD FENCE LINE	— X —
CAPPED REBAR FOUND	■
POWER BOX	Ⓚ
PHONE BOX	Ⓜ
CABLE TV BOX	ⓐ
LIGHT POLE	Ⓞ

A SURVEY OF LOT 415 HIGHGROVE PHASE 1
 RECORDED IN PLAT BOOK 2016 PAGE 62
 TUSCALOOSA COUNTY, ALABAMA

Survey Redone
 for pool



STATE OF ALABAMA
 TUSCALOOSA COUNTY

I, John Michael Hicks, a Professional Land Surveyor for the firm of Herndon, Hicks and Associates, Inc., do hereby 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 to the best of my knowledge, information and belief.

Witness my hand this the 22nd day of June, 2021.

John Michael Hicks, P.L.S.
 Alabama License No. 15714

LEGEND

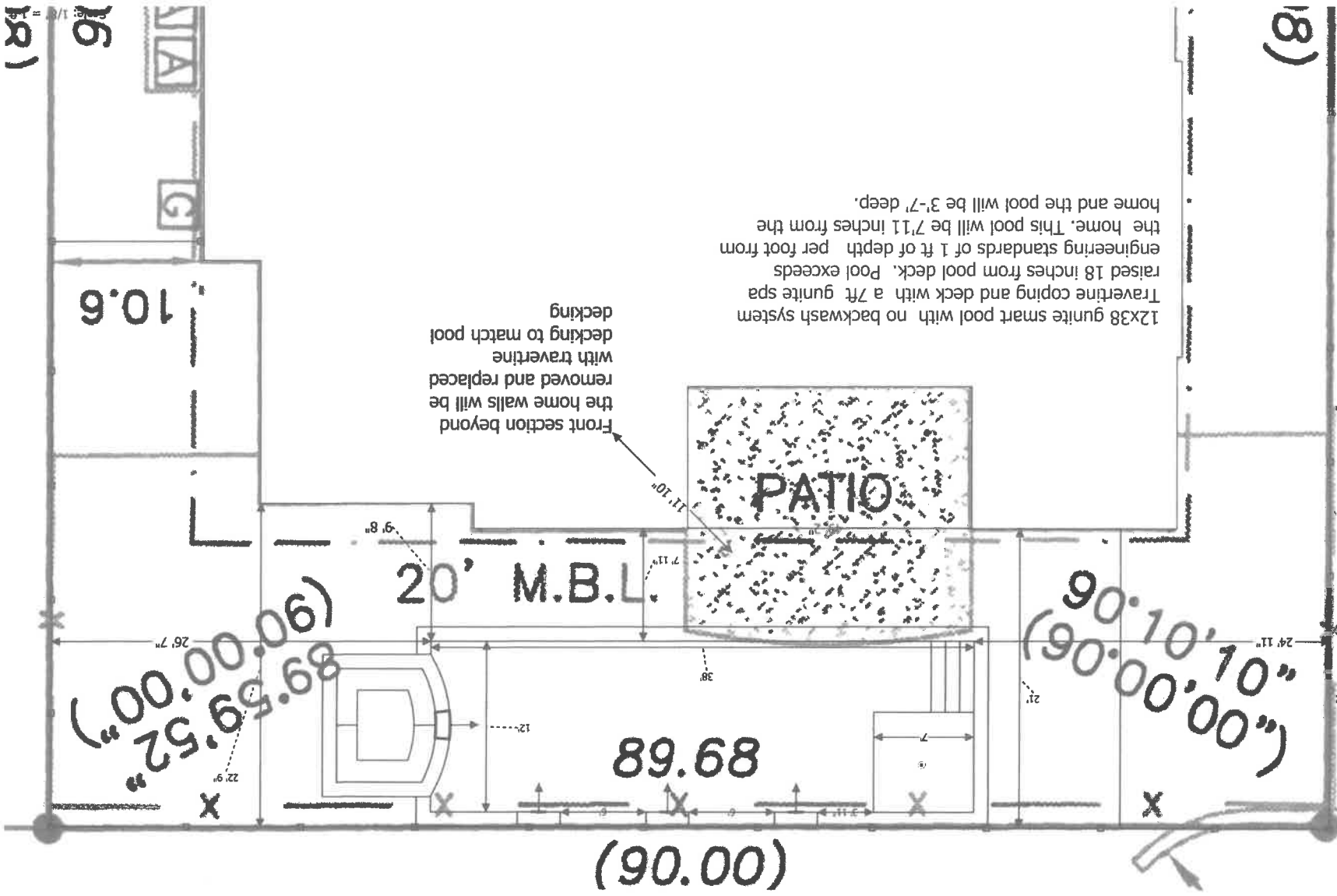
- CRBF FOUND (McGIFFERT)
- () DEED and/or PLAT CALL
- R.O.W. RIGHT-OF-WAY
- X— FENCE
- M.B.L. MINIMUM BUILDING LINE
- ◻ WM WATER METER
- ◻ CONCRETE SURFACE
- ◻ HVAC UNIT
- ◻ POWER METER
- ◻ GAS METER



HERNDON, HICKS & ASSOCIATES, INC.
Professional Land Surveyors

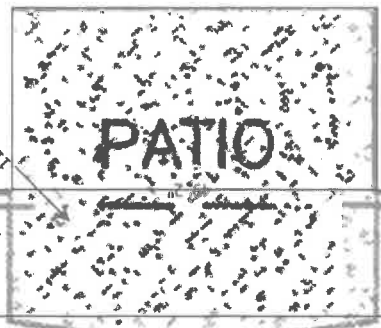
2728 Lurleen Wallace Blvd. (P.O. Box 508) - Northport, AL 35476
 Phone (205) 333-0003 - Fax (205) 333-0178
 mike@hhasurveyors.com

Drawn By JCP	Field Work JCP
Scale 1"=30'	Surveyed By JT
Date 6/22/21	Appd. By JMH
Survey Type TITLE	Source of Information PLAT
Job No. 2106-034	Drawing No. 2106-034



12X38 gunitite smart pool with no backwash system
 Travertine coping and deck with a 7ft. gunitite spa
 raised 18 inches from pool deck. Pool exceeds
 engineering standards of 1 ft of depth per foot from
 the home. This pool will be 7'11 inches from the
 home and the pool will be 3'-7" deep.

Front section beyond
 the home walls will be
 removed and replaced
 with travertine
 decking to match pool
 decking



20' M.B.L.

10.6

89.68

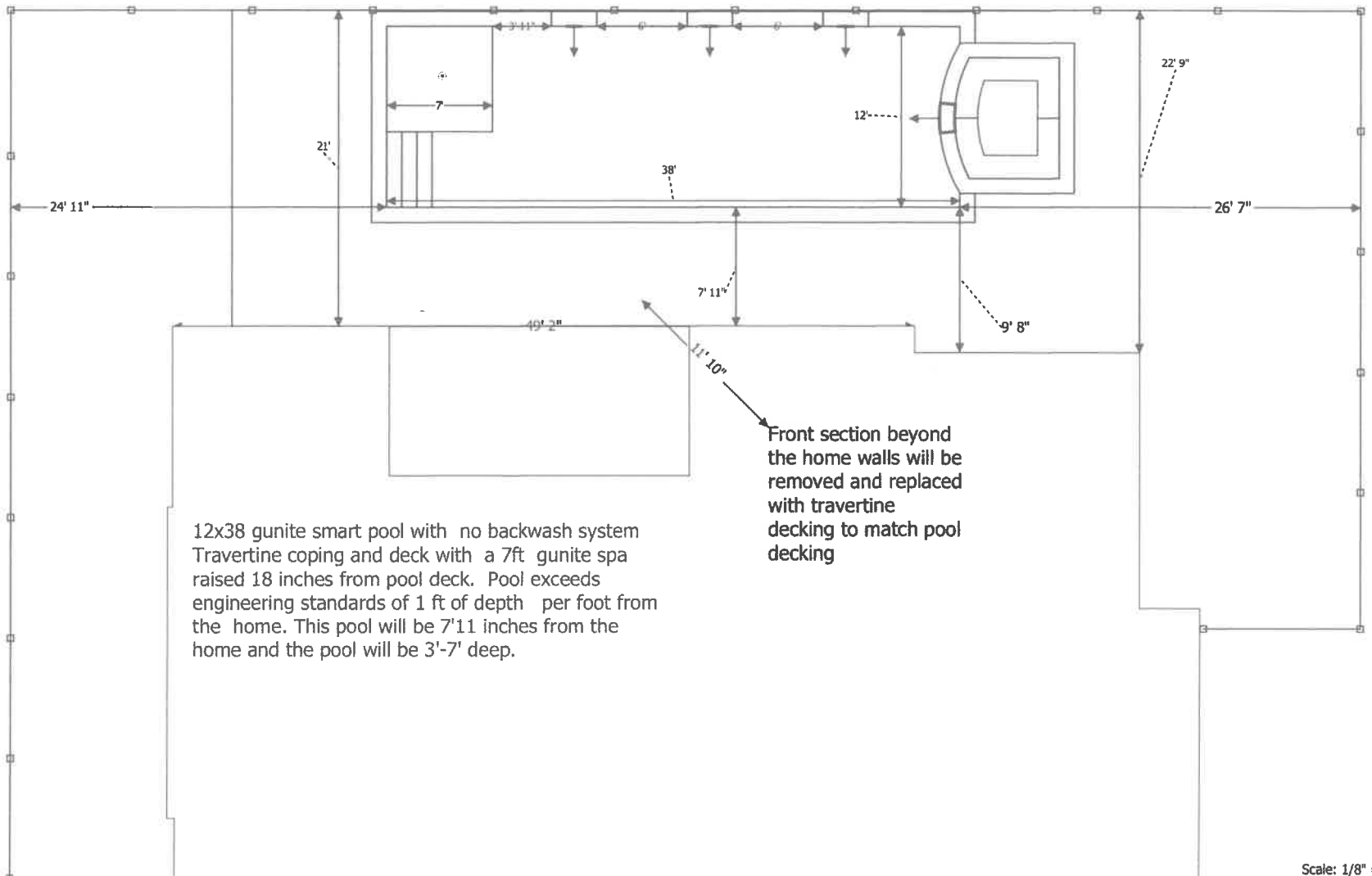
(90.00)

89.59.52"
 (90.00.00")

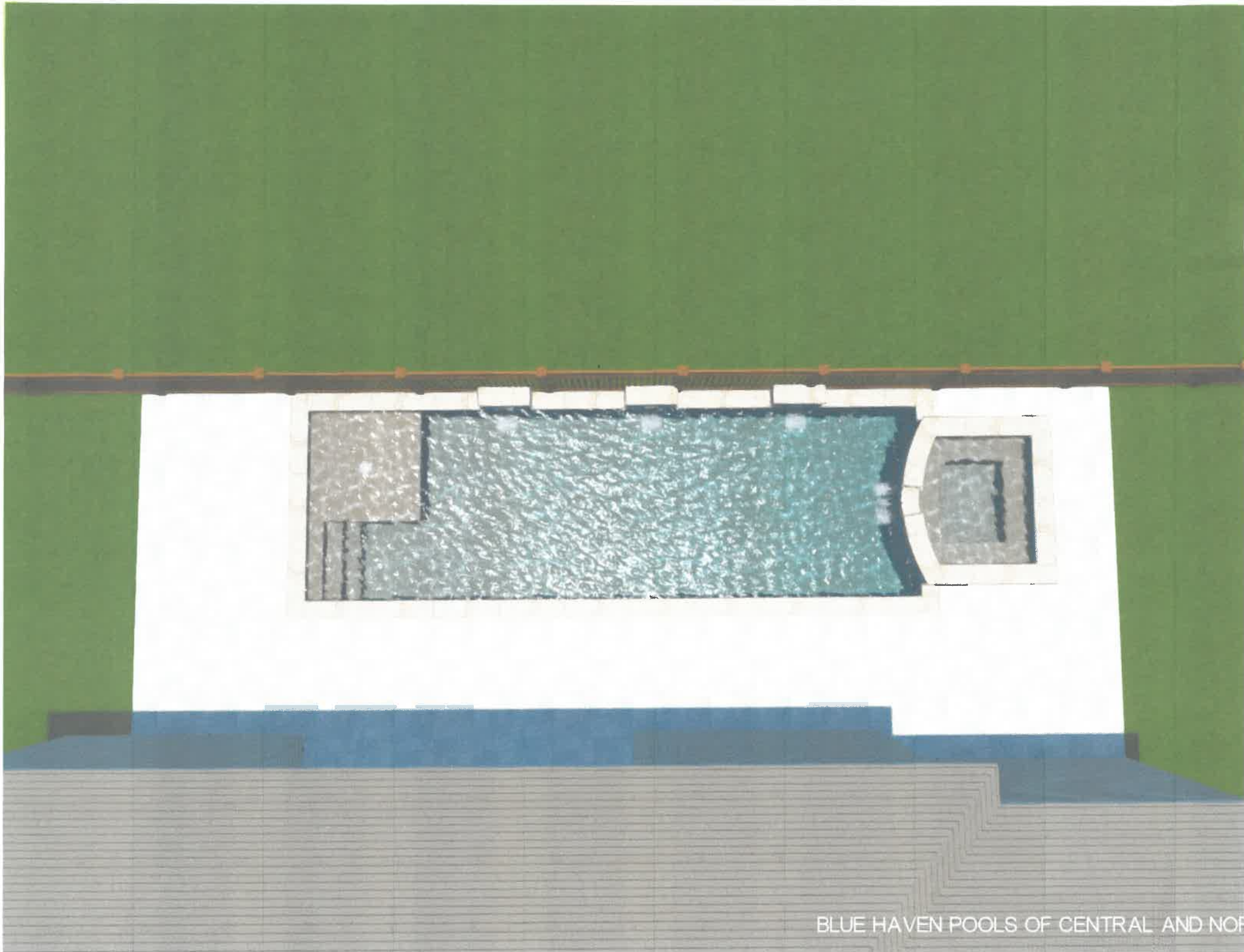
90.10.10"
 (90.00.00")

16
 18)

18)



Scale: 1/8" = 1 ft



BLUE HAVEN POOLS OF CENTRAL AND NOB

artid ©conception

Pool Studio



BLUE HAVEN POOLS OF CENTRAL AND NORTH AL | *Dan Taylor*

initial concept

Pool Studio



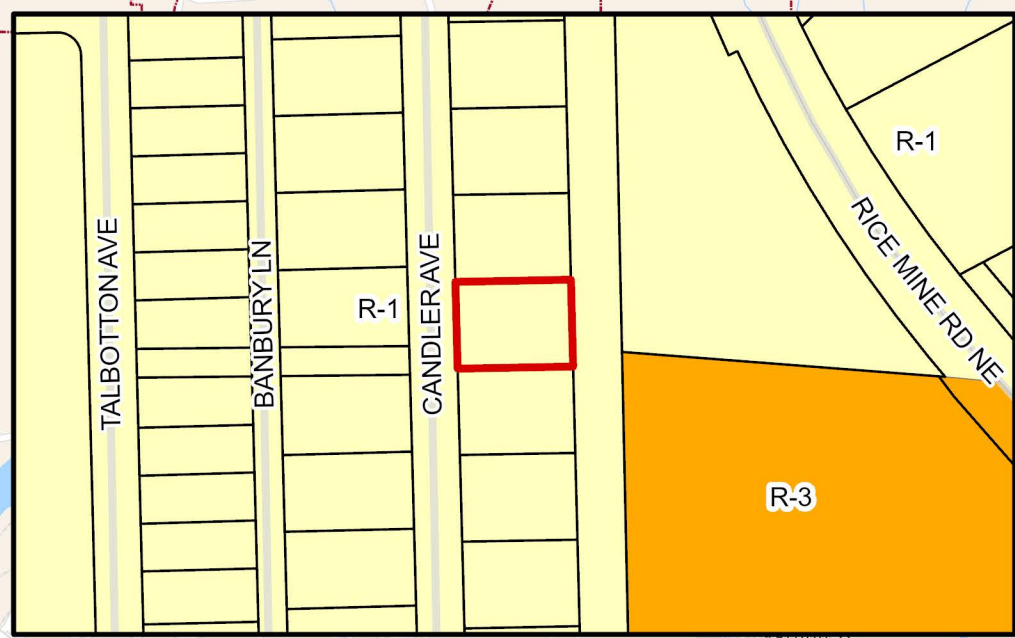
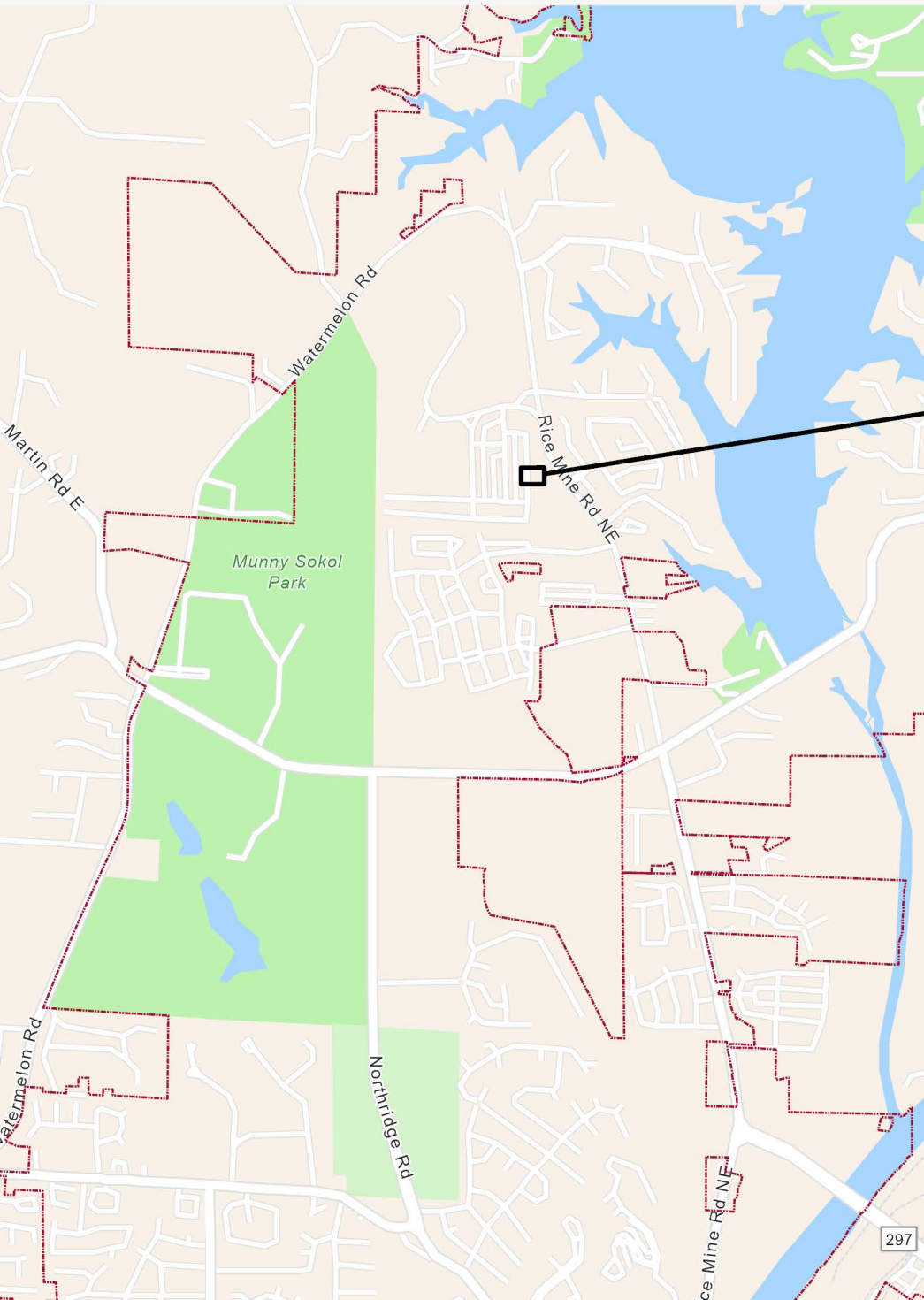
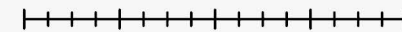
BLUE HAVEN POOLS OF CENTRAL AND NORTH AL | *Dan Taylor*



ZBA-64-21: 5901 Candler Avenue

1 inch = 70 feet

0 35 70 105 140

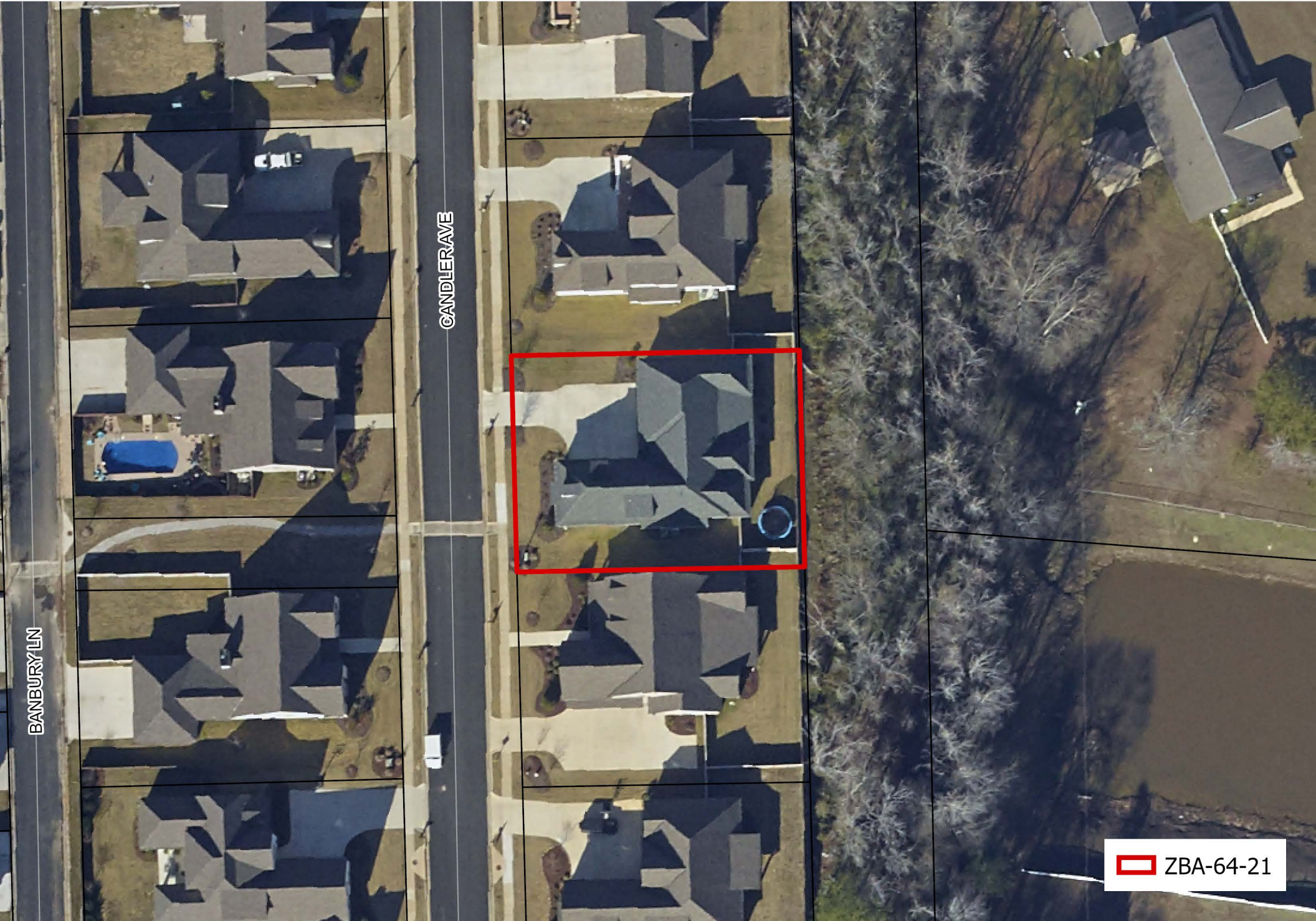


297



ZBA-64-21: 5901 Candler Avenue

1 inch = 50 feet
0 25 50 75 100



 ZBA-64-21





