

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

October 25, 2021

### ZBA-110-21

#### GENERAL INFORMATION

##### **Property Owner (x) Petitioner (x)**

Randall Treglown

##### **Requested Action and Purpose**

Petition for a variance from the residential setback regulations and a variance from the ground coverage ratio in order to re-construct a home on the property

##### **Location and Existing Zoning**

1718 3rd Street. Zoned R-1H. (Council District 1)

##### **Size and Existing Land Use**

Approximately 0.20 acres, Single-family residence

##### **Surrounding Land Use and Zoning**

North: Vacant, ML

East: Single-family residence, R-1H

South: Single-family residence, R-1H

West: Single-family residence, R-1H

##### **Applicable Regulations**

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: 35 feet

(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: 10 feet

(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: 35 feet

Sec. 24-36. - Ground coverage ratio.

In residential areas, the ground coverage ratio on any lot shall not exceed the following percentages: R-1 = 25%

#### **SUMMARY**

The petitioner is requesting the variance in to re-construct a home on the property. They will need variances from the front, rear, and side setback as well as the ground coverage ratio. The petitioner was approved by the Historic Preservation Commission (HPC) for alterations. However, the home was mostly demolished during the work. Because it was over 50% of the home, new construction regulations are required. The lot was platted in 1914 and the home was constructed in 1950. The R-1 lot does not meet the minimum area requirements; it is approximately 8,750 sf and the zoning requires 12,000 sf.

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Office of Urban Development, Planning Division: This property will need to go to the Planning and Zoning Commission to remove interior lot lines, and the Historic Preservation Commission to gain approval.

Office of Urban Development, Code Enforcement: No comment

Office of Urban Development, Building and Inspections Division: The structure is currently under a Stop Work Order, and has been secured until work can begin again.

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: \_\_\_\_\_

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

**Briefly describe the variance, special exception, and/or appeal being requested:**

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#### 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: \_\_\_\_\_ Signature:  Date: \_\_\_\_\_

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.)

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**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.

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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.

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**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)

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**FOR OFFICE USE ONLY:**

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

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

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

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

# ATTACHMENT 'A'

5 October, 2021

Petition for a Variance.  
Zoning Board of Adjustment  
Project: 1718 3<sup>rd</sup> Street  
Tuscaloosa, Alabama

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- #1. This petition is related to previous petition ZBA-25-21, which requested a variance from the rear (north) setback requirement for the renovation/addition to an existing non-conforming residence in the Pinehurst Historic District (1718 3<sup>rd</sup> Street). It was approved at the April 26, 2021 ZBA meeting. (The project was also approved by the HPC (HPC-21-21) at the May 12, 2021 meeting.)

During the approved limited demolition phase of the renovation project, termite damage was discovered, requiring additional demolition. It was determined by the City that this additional demolition exceeded the 50% replacement cost threshold (Sec. 24-144.2), making the previously non-conforming structure subject to current regulations.

Moving forward, the general plan is to continue with the same design concept that was previously approved by the ZBA and the HPC.

As such, the Owner is requesting the following variances:

- A. **Setbacks**: variance to the front (south), rear (north), and side (west) setbacks.
- B. **Ground Coverage Ratio**: variance to the maximum ground coverage ratio.

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- #2. A. **Yards and Useable Open Space** (Setbacks) [Sec.24-35]
- Required Minimum: front (35'), rear (35'), side(w) (10'), side(e) (10').
  - Actual: **front (8.68'), rear (7.89'), side(w) (4.73'), side(e) (23.83')**.
- B. **Ground Coverage Ratio** [Sec.24-36]
- Required Maximum: 25%
  - Actual: **29%**       $(2,556 \text{ sq.ft} / 8,754 \text{ sq.ft.} = 29\%)$

[Reference attached survey.]

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- #3. The existing property cannot meet the current residential lot standard requirements for an R-1H zoning. It has always been a non-conforming property.  
This project proposes to maintain the existing footprint (setbacks, ground floor ratio) of the existing non-conforming structure.

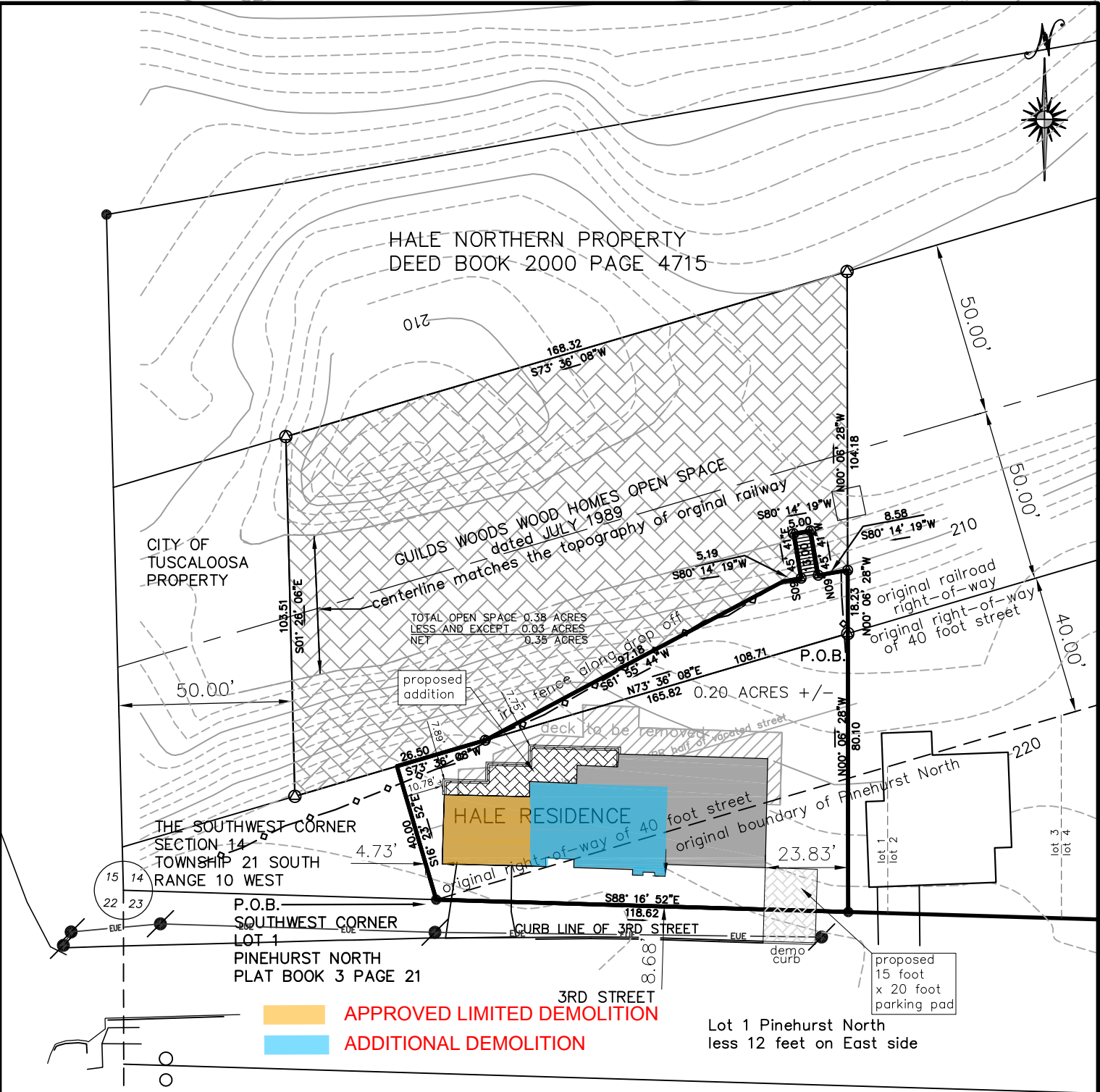
(continued)

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#4. These variance requests should not have any bearing on the harmony and safety of the neighborhood or public. This is a renovation project that is working within the limits of the existing house footprint. The fronts of the existing houses on 3<sup>rd</sup> street are all nicely aligned, none of them meeting current R-1H setback requirements.

There is only one adjacent neighbor to the property, a residence on the east side with a 23.83' setback (10' min. is required).

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THE CITY OF TUSCALOOSA  
WAIVED ITS FIRST RIGHT OF  
REFUSAL RESERVED IN THE  
STATUTORY WARRANTY DEED  
FROM THE CITY OF TUSCALOOSA  
TO GUILDS WOODS HOMES INC.  
IN DEED BOOK 1028, PAGE 128  
BY RESOLUTION OF THE CITY  
COUNCIL ON NOVEMBER 5, 2019.

revised to display  
additions of  
15' x 20' parking  
and  
proposed addition  
to rear of residence  
April 8th, 2021

### LEGEND

- IRON FOUND
- 1/2" REBAR and CAP SET (CA-965-LS)
- CONCRETE MONUMENT FOUND
- △ CALCULATED -NOT MONUMENTED
- ( ) DEED and/or PLAT CALL
- R.O.W. RIGHT-OF-WAY
- ◇— FENCE LINE
- M.B.L. MINIMUM BUILDING LINE
- UTILITY POLE
- EUE— POWER LINE

State of Alabama  
Tuscaloosa County

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 of Land Surveying in the State of Alabama to  
the best of my knowledge, information and belief.

Witness my hand this the 17th day of March, 2021

Kevin Douglas Hinkle, P.L.S.  
Alabama License No. 24024

THIS IS NOT A  
BOUNDARY SURVEY

REVISED 12/19/2019

	Drawn By CVW	Appd. By KDH	Surveyed By TH MB	Field Work 12/19	Date 03/17/2021
	Scale 1" = 40'	Source of Information 1028/248	Survey Type EASEMENT	Drawing No. 2103-060	Job No. 2103-060

Montgomery and Hinkle, inc.  
Professional Land Surveyors  
kevin@mhisurvey.com

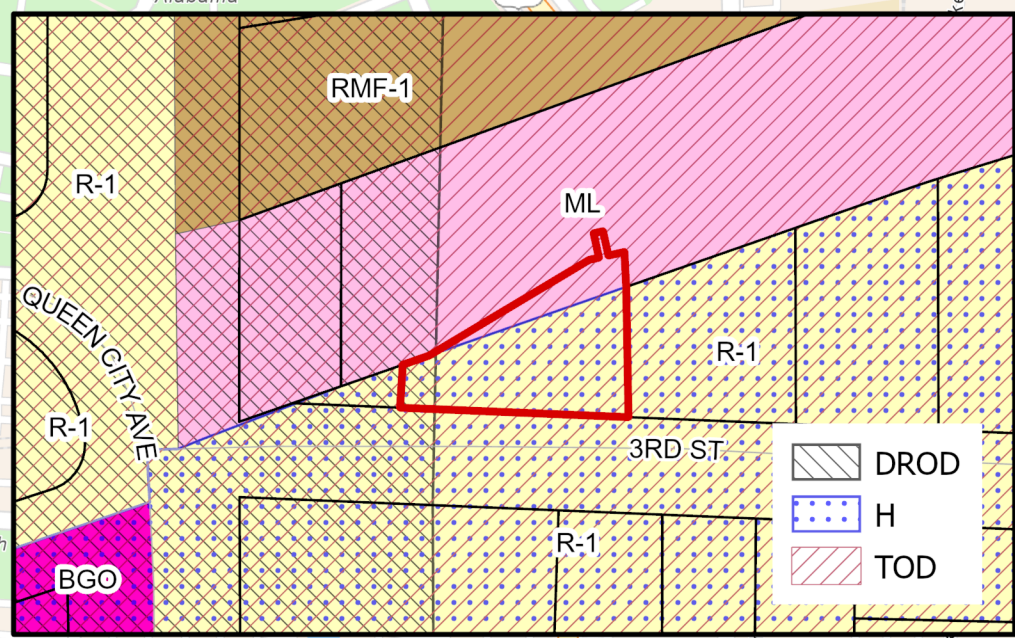
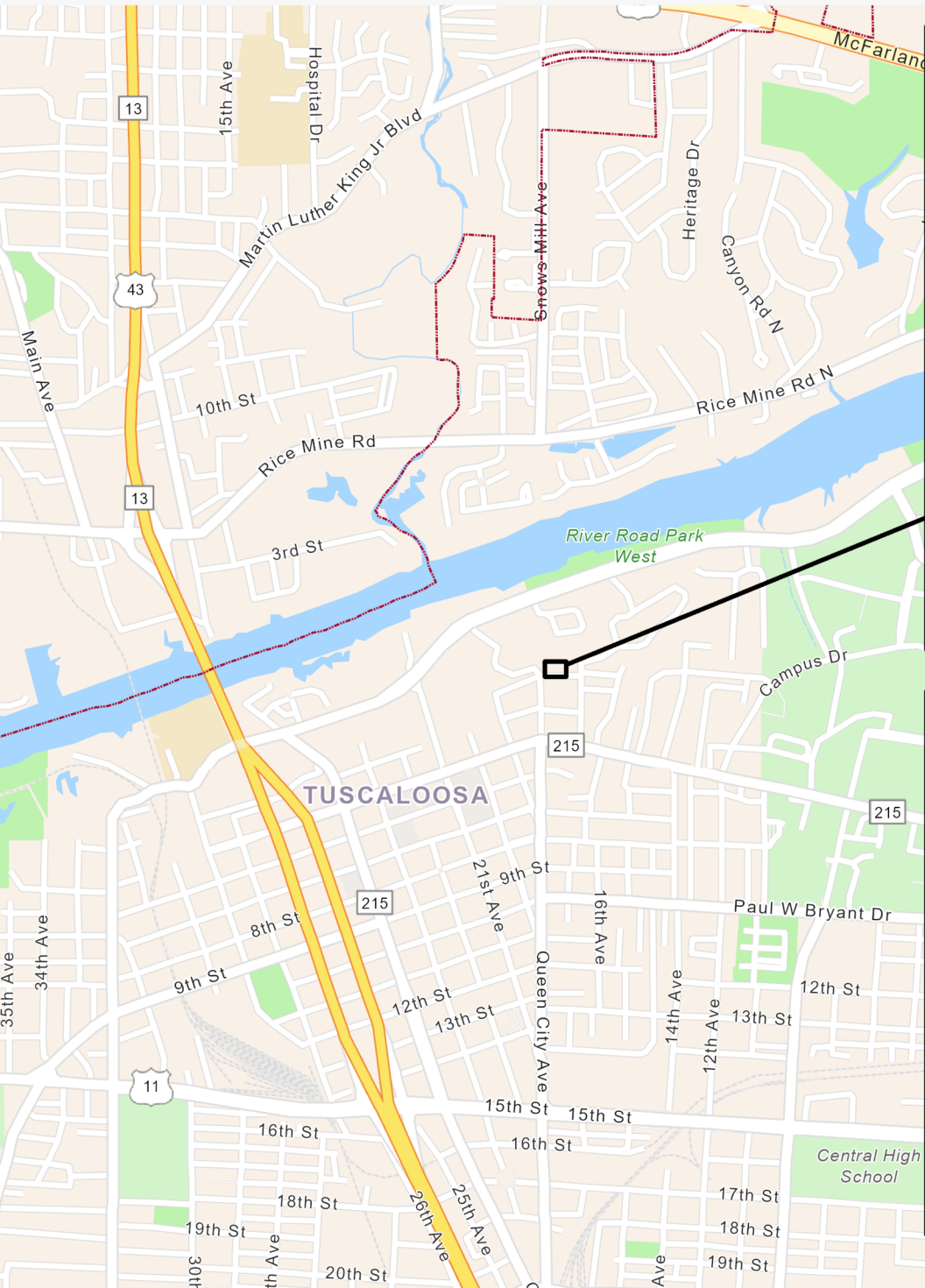
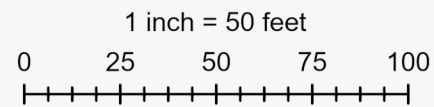
203 Hargrove Road East  
Tuscaloosa, AL 35401  
OFFICE: 205-248-7396  
FAX: 205-248-7398







# 1718 3rd Street







1718 3rd Street

1 inch = 50 feet  
0 25 50 75 100

N

