

ZONING BOARD OF ADJUSTMENT STAFF REPORT

October 25, 2021

ZBA-112-21

GENERAL INFORMATION

Property Owner () Petitioner (x)

Mohammed A. Saleh

Requested Action and Purpose

Petition for a use variance to allow a package liquor store on the property

Location and Existing Zoning

401 21st Avenue. Zoned BC (DROD). (Council District 1)

Size and Existing Land Use

Approximately 0.38 acres, retail building

Surrounding Land Use and Zoning

North: Multifamily residential and commercial, BC (DROD)

East: Multifamily residential, BC (DROD)

South: Commercial, BC (DROD)

West: Vacant, BC (DROD)

Applicable Regulations

Sec. 24-229. - Permitted, conditional and prohibited uses.

(d) In addition to the existing prohibited uses of the underlying zoning districts within the boundaries of the D/R overlay district, the following uses are also prohibited:

(20) Package liquor store

SUMMARY

The petitioner is requesting a use variance to allow a package liquor store in the Downtown/Riverfront Overlay District. Per the petitioner, "without the ability to expand into a package store, the current convenience store will not have sufficient exposure and traffic to maintain operations."

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: 401 21st Ave., Tuscaloosa, AL 35401

Property Owner

Name: Weaver Rentals, LLC Phone: 205-752-1277 Email:

Address: 1918 University Blvd., Tuscaloosa AL ZIP Code: 35401

Petitioner (if different from owner)

Name: Mohammed A. Saleh Phone: 205-396-4686 Email: masaleh2@crimson.ua.edu

Address: 909 University Lane, Tuscaloosa AL ZIP Code: 35401

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. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

We request a variance to allow a package store to be located in a portion of the building at this location. This location was used as a state operated liquor store for many years, and has a history and connection to the community as such. This package store would complement the current convenience store operating on the location, and would be in addition to the current store. There are sufficient parking spaces at the site, and the building is large enough to accommodate both uses.

PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development: 2201 University Boulevard, Annex III Email: zba@tuscaloosa.com
Planning Division Tuscaloosa, AL 35401

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.

Without the ability to expand into a package store, the current convenience store will not have sufficient

exposure and traffic to maintain operations. The establishment of a package store is a natural

enhancement to the current use as a convenience store, and would be utilized by many people.

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 property has a long history of being a liquor store from when the state operated there. Many customers still come in thinking it's a liquor store. The operation of a package store in connection with a convenience store does not significantly alter the operation of the store so as to be a detriment to the community in that they operate the same way, and would have a similar effect on the surrounding area.

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

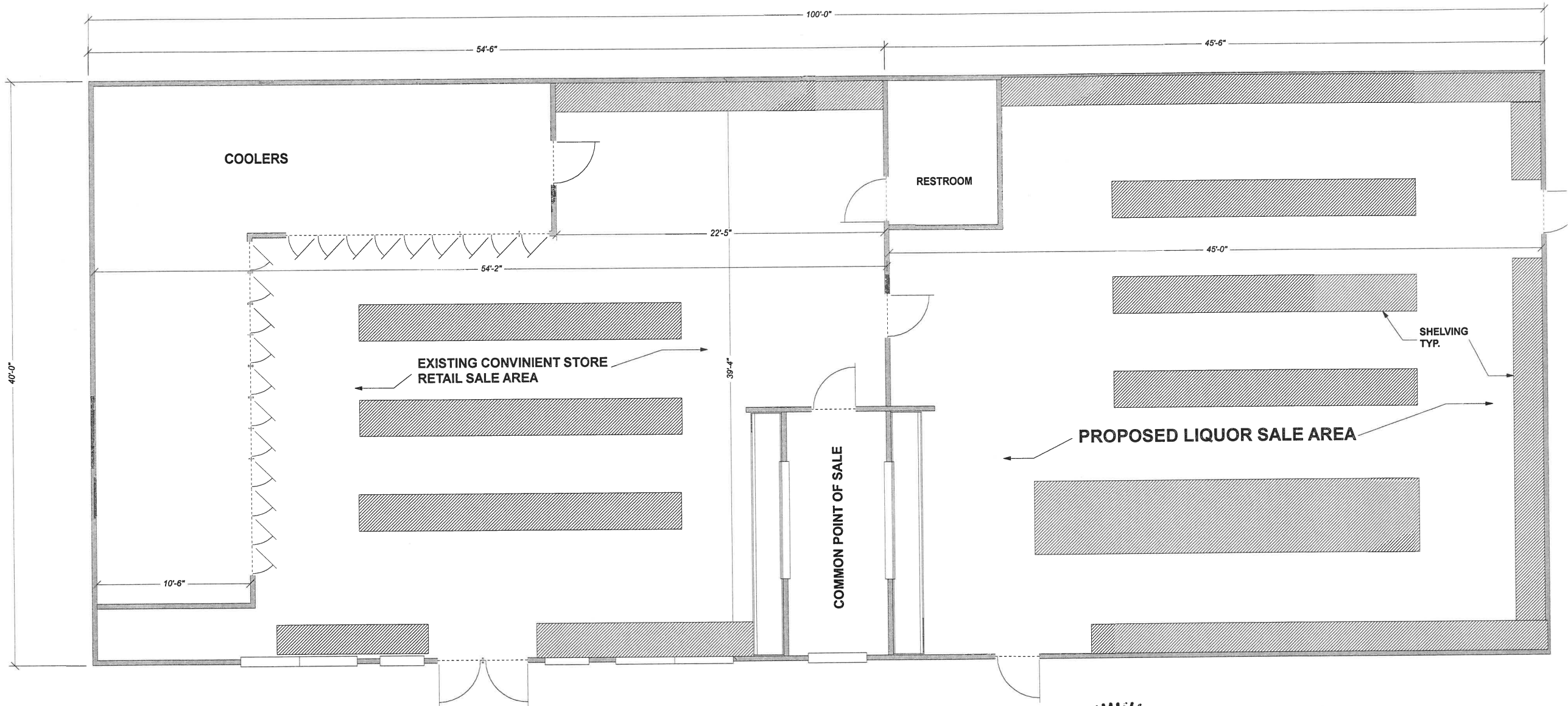
I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize 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: Mohamed A. Saleh

Signature: _____

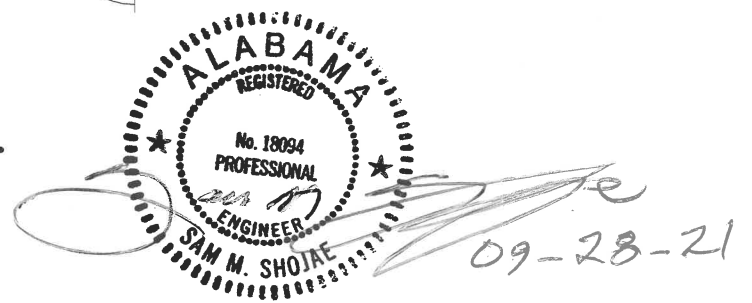


Date: 10-20-21



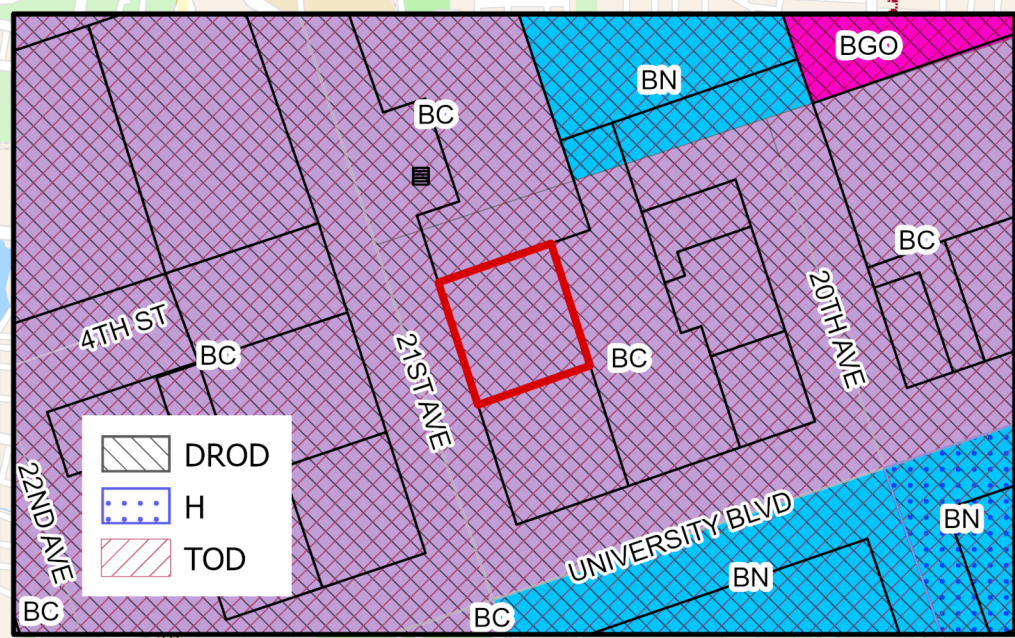
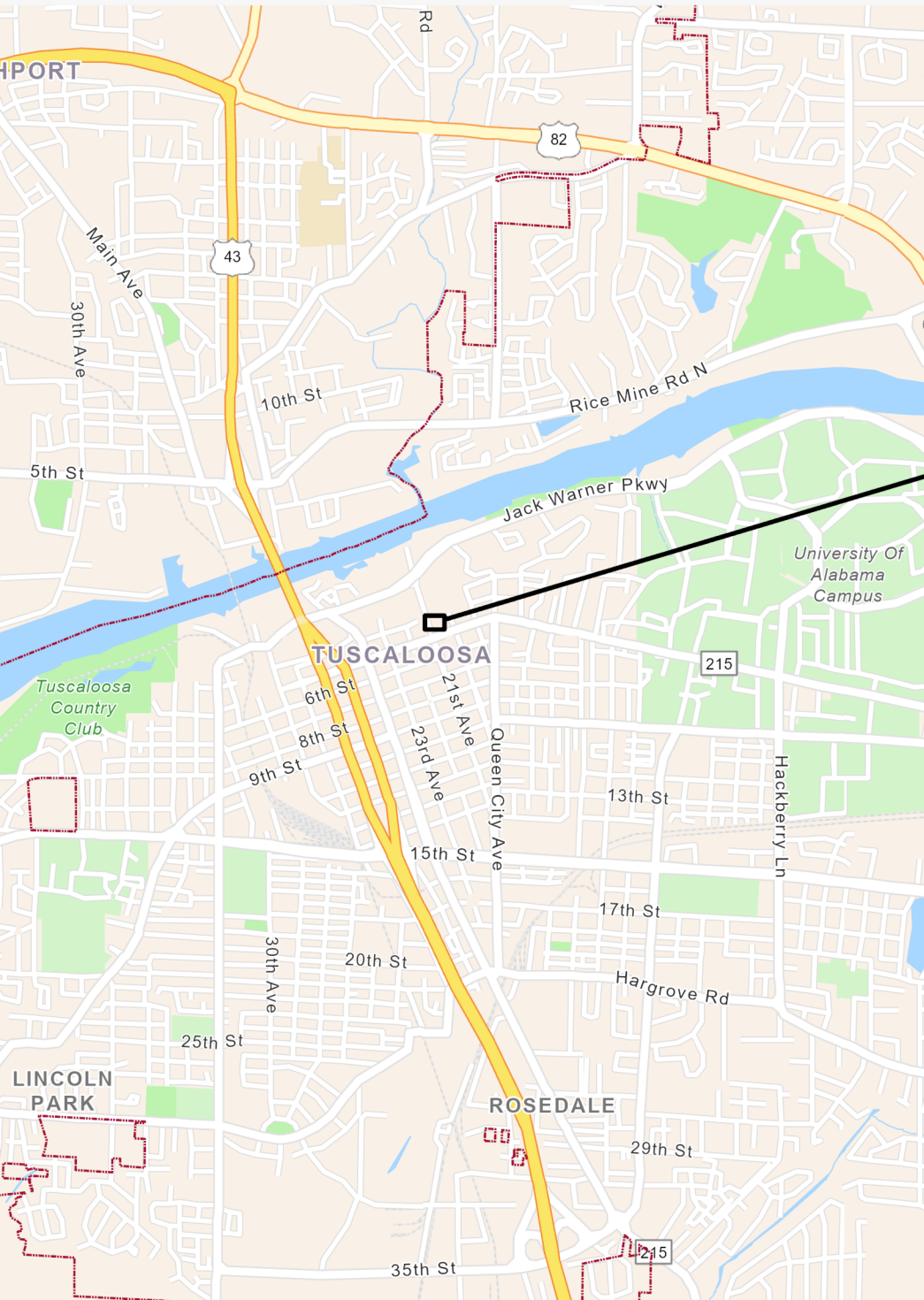
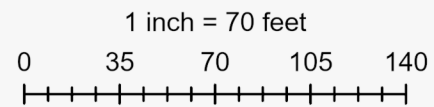
401 21st AVENUE
TUSCALOOSA, AL 35401

1/8" = 1'-0"



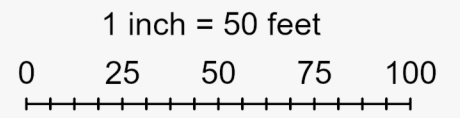


401 21st Avenue





401 21st Avenue



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RIVERSIDE MART

pepsi
NOW OPEN

ICE
ICE

WHITE CLAW
BUSCH
ULTRA

BUD LIGHT

Michelob
ULTRA
2.6 11 95

COOL LIGHT
TRULY
HARD Seltzer

