

ZONING BOARD OF ADJUSTMENT STAFF REPORT

October 25, 2021

ZBA-105-21

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Theresa E. Smith

Requested Action and Purpose

Petition for a special exception to allow the short-term rental of a property in a historic district

Location and Existing Zoning

1427 Dearing Place. Zoned R-3H. (Council District 4)

Size and Existing Land Use

Approximately 0.18 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residence, R-3H

East: Single-family residence, R-3H

South: Single-family residence, R-3H

West: Single-family residence, R-3H

Applicable Regulations

[Sec. 24-91](#). – Special exceptions.

(35.6) *Short-term rental of dwelling, historic district*

PRIMARY

- a. Property must be part of a locally designated historic district as defined in Section 24-221 and Chapter 30, Article II, Division 1.
- b. A dwelling must be located on the site, able to be occupied.
- c. All building and fire codes must be met.
- d. No commercial events, such as concerts, weddings, or other large events are permitted.
- e. No on-site signage shall be permitted promoting or identifying the short-term rental.
- f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.

DISCRETIONARY

- a. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.
- b. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
- c. The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.
- d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
- e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.

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- f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.

SUMMARY

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. The dwelling has four bedrooms and three and a half bathrooms. The petitioner is requesting the following:

- 10 adults
- 5 vehicles

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:

Location of Petitioned Property

Address: 1427 Dearing Place Tuscaloosa, Alabama 35401

Property Owner

Name: Theresa E. Smith Phone: 5042287462 Email: tesmarie33@gmail.com
 Address: 4901 Picone Street Metairie, LA ZIP Code: 70006

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"/> Special Exception | <input type="checkbox"/> Use Variance | <input 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 checked="" 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. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

I am applying to use the property I own on Dearing Place as a short term rental. This property is
uniquely suited for this use because of the amount of offstreet parking on the back of the property.

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.

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.

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.

This is a 3 bedroom 2 1/2 bath house with a large back yard with offstreet parking of 5 - 6 cars. The hoem also has a room below that is one bedroom and one full bath. This property is uniquely suited for a short term rental because of the off street parking and entrance to the back of the property on 15 Avenue. It would be an asset for older graduates of UA during football season because it is a short walk to the stadium and also all of the events held on UA's campus. I am requesting a special provision as a short term rental.

- 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: Theresa E Smith

Signature: 

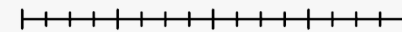
Date: 9-23-2021



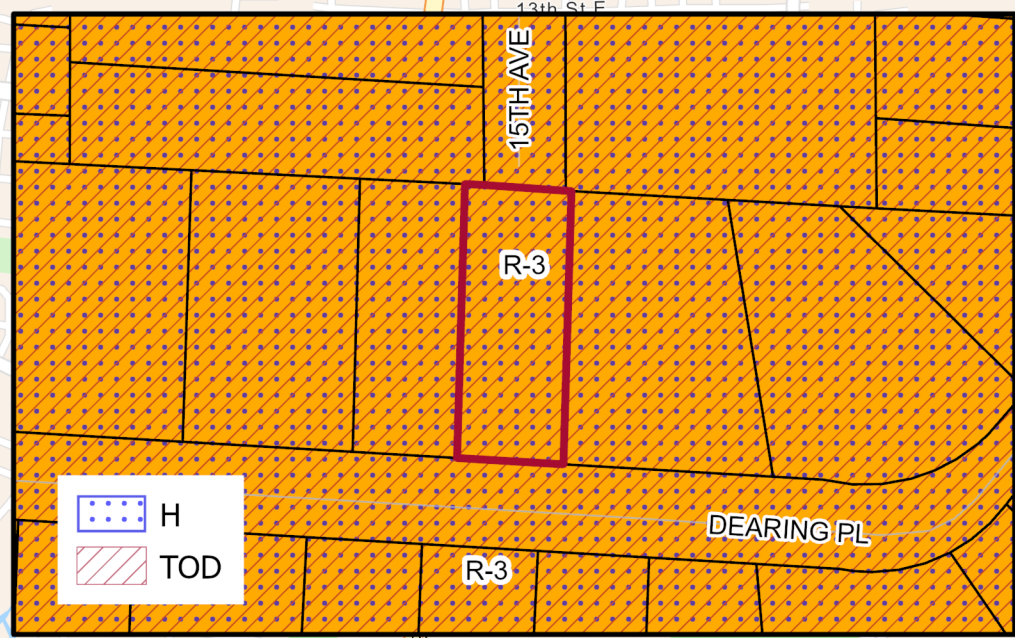
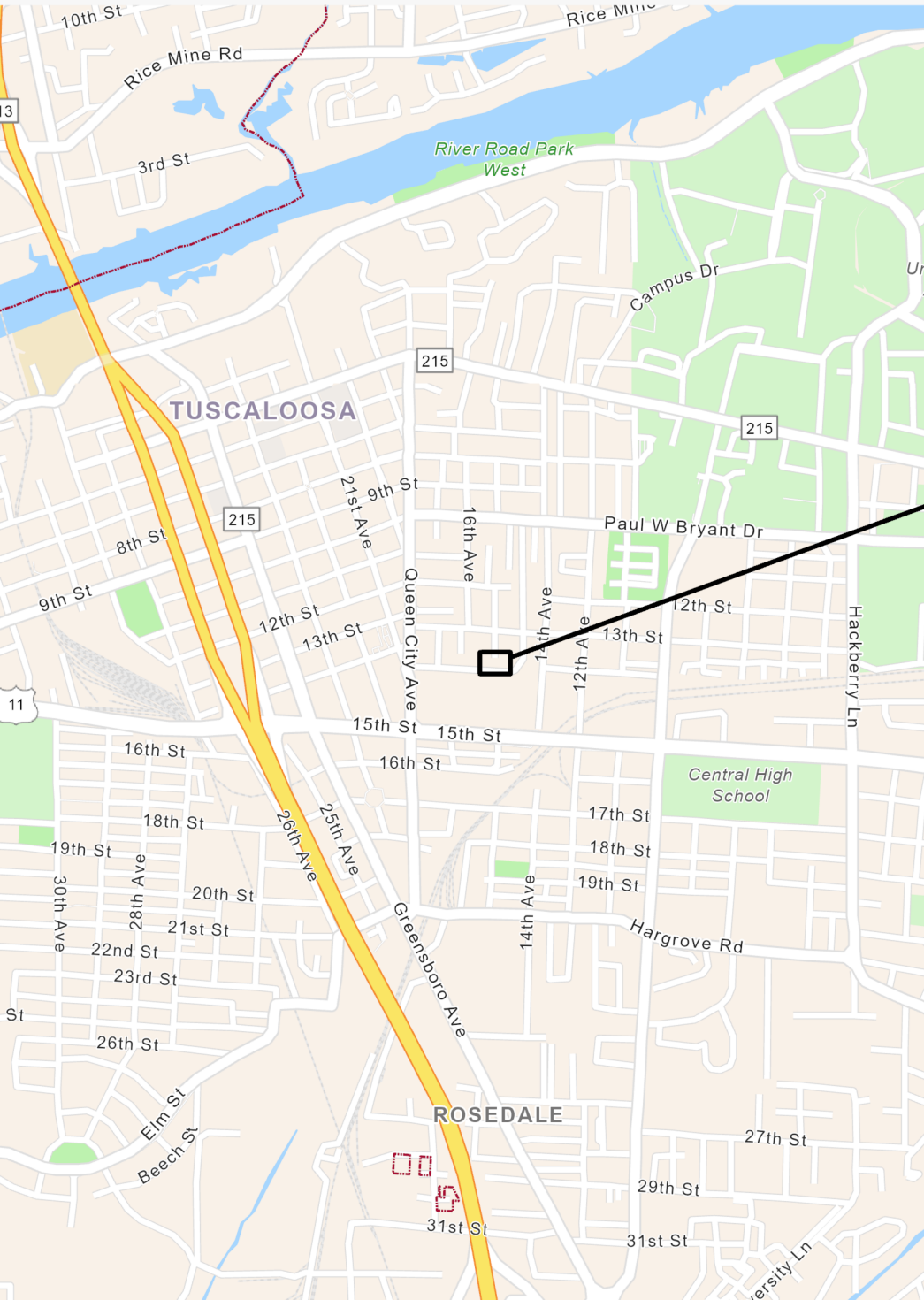
1427 Dearing Place

1 inch = 70 feet

0 35 70 105 140

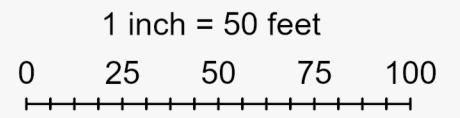


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1427 Dearing Place



N



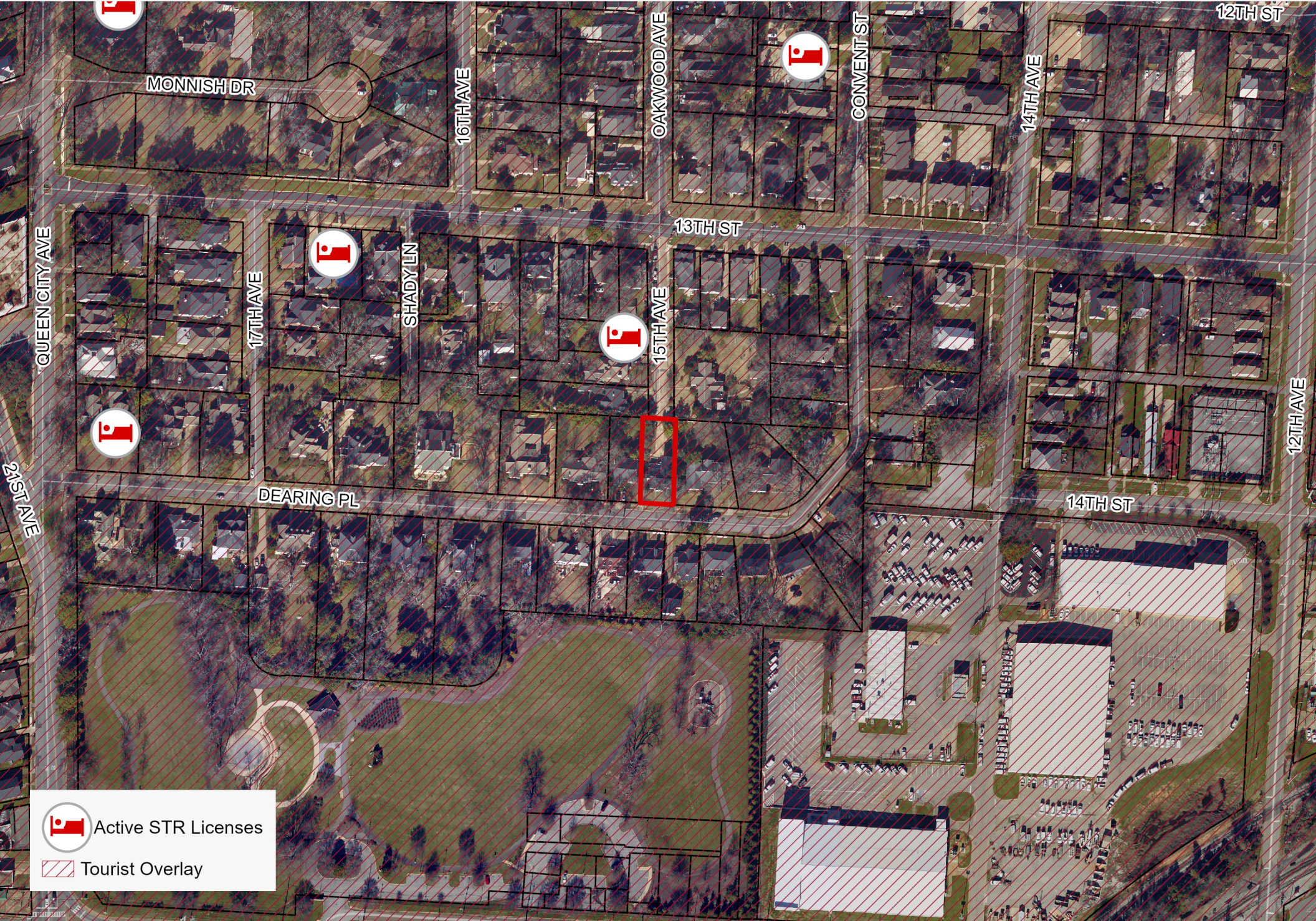
15TH AVE



DEARING PL



1427 Dearing Place

1 inch = 200 feet
0 100 200 300 400



 Active STR Licenses
 Tourist Overlay



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A
2
7

JSS

Facility is Monitored By
Jackson Security Services
jss
5-752-3569
JacksonSecurityServices.com

