

# ZONING BOARD OF ADJUSTMENT STAFF REPORT

March 28, 2022

## ZBA-01-22

### GENERAL INFORMATION

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

Matthew Willits

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

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

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

11 Elmira Drive. Zoned R-2. (Council District 6)

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

Approximately 0.32 acres, Single-family residential

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

North: Single-family residence, R-2

East: Single-family residence, R-2

South: Single-family residence, R-2

West: Single-family residence, R-2

#### **Applicable Regulations**

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

(35.5) *Short-term rental of dwelling*

#### **PRIMARY**

- a. Property must be within the city limits.
- 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.

### Sec. 24-372.B. Conditional Uses:

1. Outside of the TO Downtown-Campus District and for property inside the city limits, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in [Section 24-91](#), approve the short-term rental of a dwelling subject to the following:
  - a. Approvals will be granted for a period of three (3) years unless otherwise specified by the zoning board of adjustment for a shorter period.

### **SUMMARY**

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. The dwelling has three bedrooms and one bathroom. The petitioner states the driveway is 9' in width by 25' in length. The petitioner is requesting the following:

- 6-8 adults
- 4 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: 11 Elmira Dr.

#### Property Owner

Name: Matthew Willits Phone: 260-797-9260 Email: willitsmatthew@gmail.com

Address: 11 Elmira Dr. ZIP Code: 35405

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

House is outside of the TD but within city limits. It  
park four cars while they are only two deep.

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)

**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.

3 bedrooms, 1 bathroom. Would like to rent to 6-8 adults.  
Driveway is roughly 9' wide by 25' long as well as there  
being a garage and a gravel side lot.

- 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.

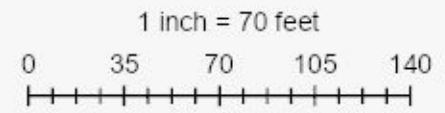
**Certification of Applicant**

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.

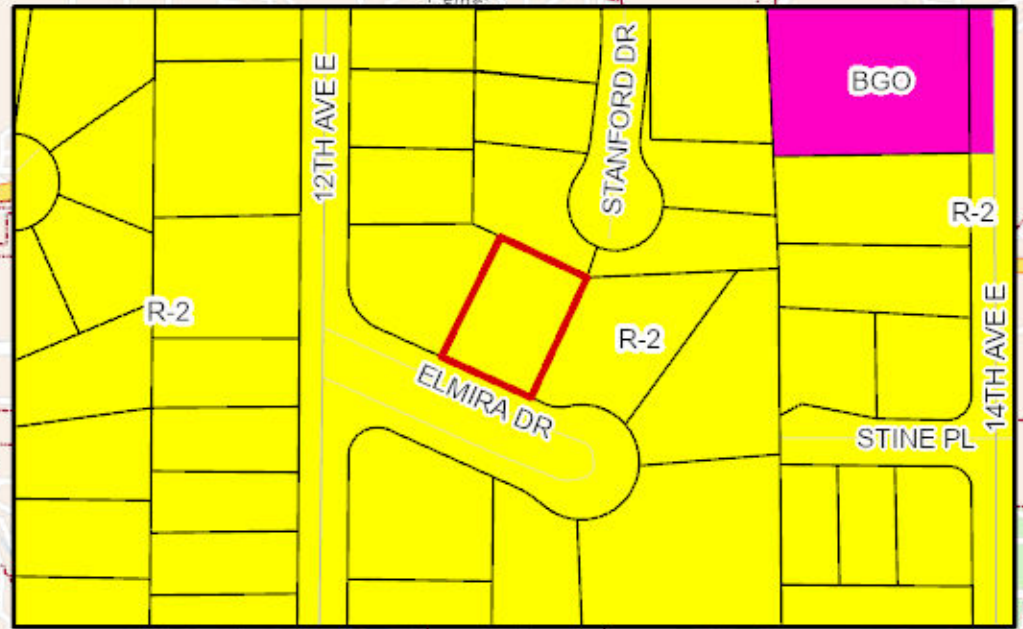
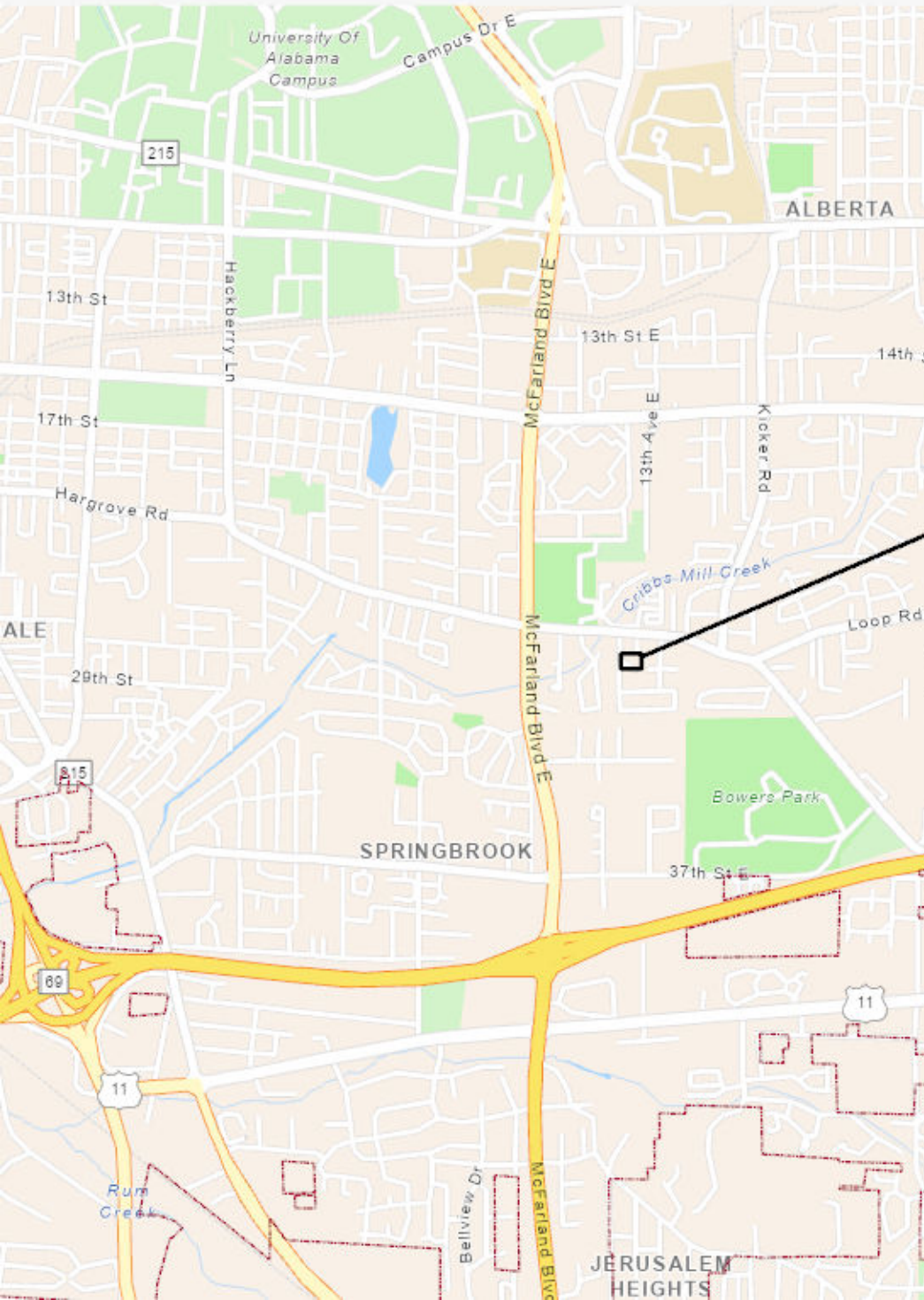
Print Name: Matthew Wilts Signature: Matthew Wilts Date: 3/8/22



# 11 Elmira Drive



N



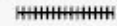




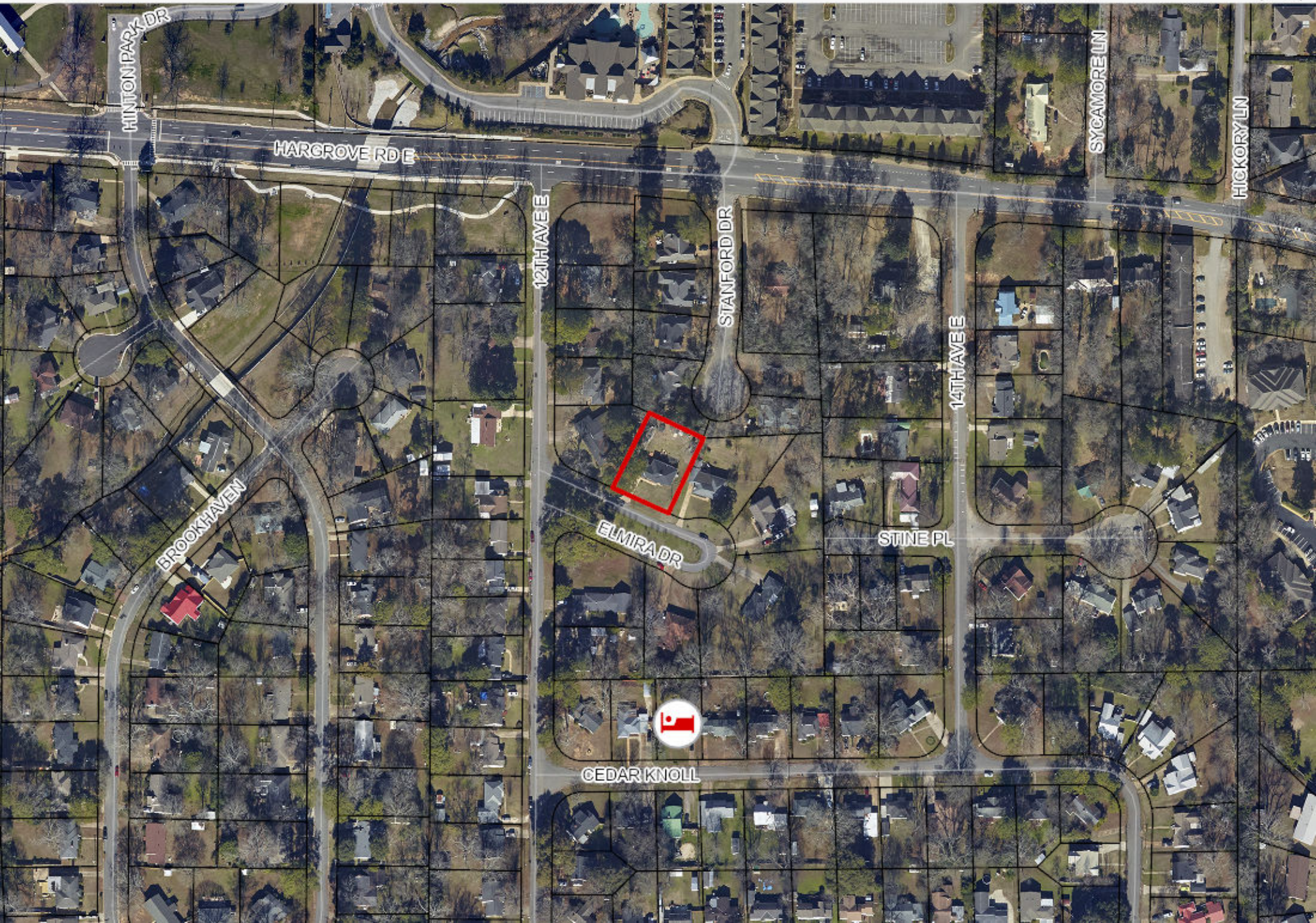
# 11 Elmira Drive

1 inch = 200 feet

02507500



N







# 11 Elmira Drive

1 inch = 50 feet  
0 25 50 75 100

N



12TH AVE E

STANFORD DR

ELMIRA DR





**NOTICE**  
THIS PROPERTY IS BEING  
CONSIDERED FOR  
**VARIANCE/SPECIAL EXCEPTION**  
FROM ZONING REQUIREMENTS  
FOR MORE INFORMATION CALL (202) 248-5100  
Q16  
TAKE AN INFORMATION SHEET FROM THE SIGN WEDNESDAY  
THIS SIGN IS THE PROPERTY OF THE CITY OF TUSCALOOSA  
AND MAY NOT BE REMOVED WITHOUT AUTHORIZATION





