

ZONING BOARD OF ADJUSTMENT STAFF REPORT

May 23, 2022

**ZBA-47-22**

**GENERAL INFORMATION**

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

LAM Investments

**Requested Action and Purpose**

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

**Location and Existing Zoning**

2319 Loop Road. Zoned R-1. (Council District 6)

**Size and Existing Land Use**

Approximately 0.27 acres, Single-family residential

**Surrounding Land Use and Zoning**

North: Single-family residence, R-1

East: Single-family residence, R-1

South: Vacant Lot, R-1

West: Vacant lot owned by petitioner, R-1

**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 and a half bathrooms. The petitioner is requesting the following:

- 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: 2319 Loop Road, Tuscaloosa, AL 35405

Property Owner

Name: LAM Investments Phone: 205-242-8812 Email: mmills@mills-electric.com

Address: 4000 37th Street East, Tuscaloosa, AL 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.

- 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.

This property is located outside the tourist overlay district, but inside the city limits. We are requesting to rent this property as a short-term rental 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.

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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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**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.

The house consists of 3 bedrooms, 1-1/2 bathrms and sleeps up to 8 adults. There is parking available for 4 vehicles and includes a carport for 2 cars with additional parking located on-site.

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- 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: Marc Mills

Signature: \_\_\_\_\_



Date: 4/14/22



Office of Urban Development, Planning Division  
 2201 University Boulevard, Tuscaloosa, AL 35401  
 Phone 205-248-5100

Received by: \_\_\_\_\_

**SHORT-TERM RENTAL APPLICATION (ONE PER PROPERTY)**

APPLICATION TYPE (CHECK ALL THAT APPLY):  
 NEW APPLICATION       PROPERTY OWNER LICENSE  
 RENEWAL APPLICATION       PROPERTY MANAGER LICENSE

APPLICANT INFORMATION		
Applicant Legal and DBA Names: LAM Investments		
Address: 4000 37th Street East		
City: Tuscaloosa	State: AL	Zip Code: 35405
Business Phone: n/a	Cell Phone: 205-242-8812	Email: mmills@mills-electric.com
PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)		
Owner of Record (as shown on most recent deed):		
Address:		
City:	State:	Zip Code:
Business Phone:	Cell Phone:	Email:
PROPERTY INFORMATION		
Property Address: 2319 Loop Road		
City: Tuscaloosa	State: AL	Zip Code: 35405
Responsible Party Name: Marc Mills	Responsible Party Phone: 205-242-8812	
Is this property the owner's primary residence?	<input type="radio"/> NO	<input checked="" type="radio"/> YES
Is this property in city limits?	<input type="radio"/> NO	<input checked="" type="radio"/> YES
Is this property in a historic district? If yes, provide name.	<input type="radio"/> NO	<input checked="" type="radio"/> YES _____
Does the property have Lake Tuscaloosa frontage?	<input type="radio"/> NO	<input type="radio"/> YES, with dock <input type="radio"/> YES, no dock
If you answered "yes" to either of the two questions immediately above and your property is inside city limits, you must make application to the Zoning Board of Adjustment for a special exception to operate as a short-term rental property.		
If you answered "yes" to the Lake Tuscaloosa frontage question, the property is in city limits and the property has access to a dock, you must schedule with the City of Tuscaloosa a current inspection and annual re-inspection of the dock, including electrical work.		

All information contained in this application is subject to disclosure as a matter of public record. Any false statement made or given in this application shall result in the denial of the application or future revocation of this license.

Signature of Owner/Applicant:  Date: 4/14/22

FOR OFFICE USE ONLY	
What is the total number days allowed to rent per year?	
How many parking spaces are allotted for this property?	
Maximum number adults allowed on property?	
What type of residence? ( ) Single Family	( ) Multi-Family--REQUIRES FIRE DEPT INSPECTION/CODE COMPLIANCE
ZBA Case Number:	ZBA Approval: / / ZBA Expiration: / /

Signature of Planning Employee \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_



## SHORT-TERM RENTALS

STR PROVISIONS  
*Last Updated, Oct 2019*

A short-term rental of dwellings is permitted within the City of Tuscaloosa subject to the following provisions:

1. No person or entity shall operate a short-term rental property or advertise a residential property for use as a short-term rental property without the owner of the property first having obtained a Short Term Rental Property License issued by the City of Tuscaloosa. Any owner of more than one short-term rental property shall be required to obtain a license for each short-term rental property.
2. The name and telephone number of a local responsible party shall be conspicuously posted within the short-term rental property unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short-term rental period to address problems or complaints associated with the short-term rental property.
3. No commercial events, such as concerts, weddings, or other large events are permitted.
4. The short-term rental shall adhere to all parking regulations as outlined in Article IX of the Zoning Ordinance.
5. The short-term rental shall comply with all applicable sign regulations as outlined in Article X of the Zoning Ordinance.
6. The short-term rental shall comply with all applicable City regulations regarding garbage and trash, as outlined in Chapter 13, Article IV of the City Code of Tuscaloosa.
7. The short-term rental shall adhere to all applicable noise provisions of Chapter 10.8 of the City Code of Tuscaloosa.
8. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.

Additional restrictions may be placed on properties within the TO Lake District or in TO Downtown Campus District properties that are part of a locally designated historic district by the Zoning Board of Adjustment.

I have reviewed and agree to the Provisions regarding Short-Term Rentals as outlined in Section 24-372(a) of the Zoning Ordinance of the City of Tuscaloosa as well as any additional restrictions placed upon the property in conjunction with a Zoning Board of Adjustment application.

Print Name: Marc Mills

Signature: 

Date: 4/14/20

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

Office of Urban Development: 2201 University Boulevard, Annex III, 3<sup>rd</sup> FL  
Planning Division Tuscaloosa, AL 35401

Email: [str@tuscaloosa.com](mailto:str@tuscaloosa.com)

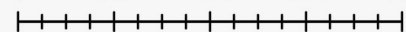
**SUBMIT FORM**



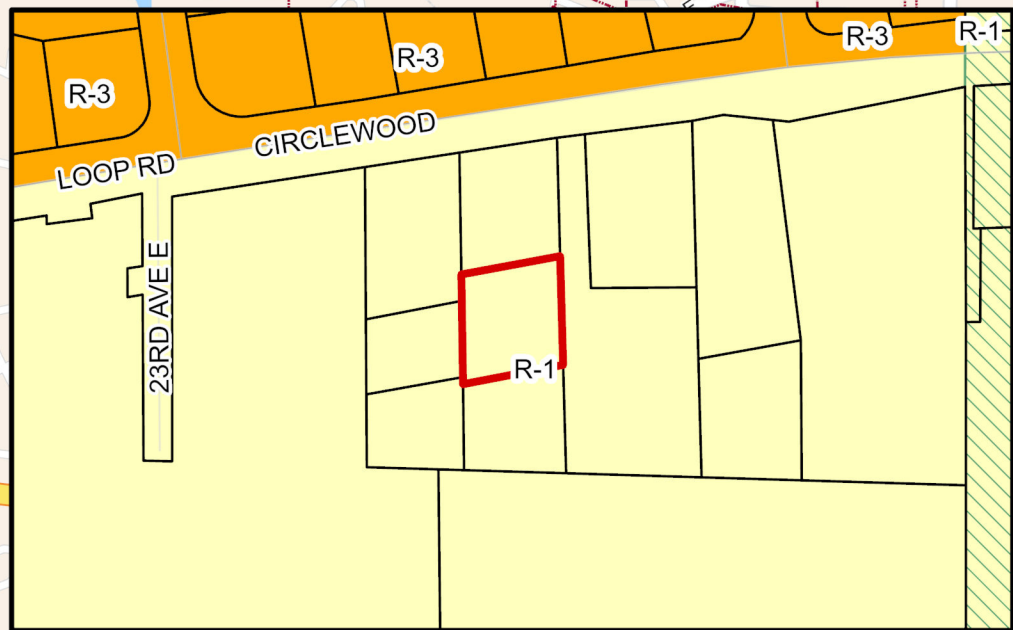
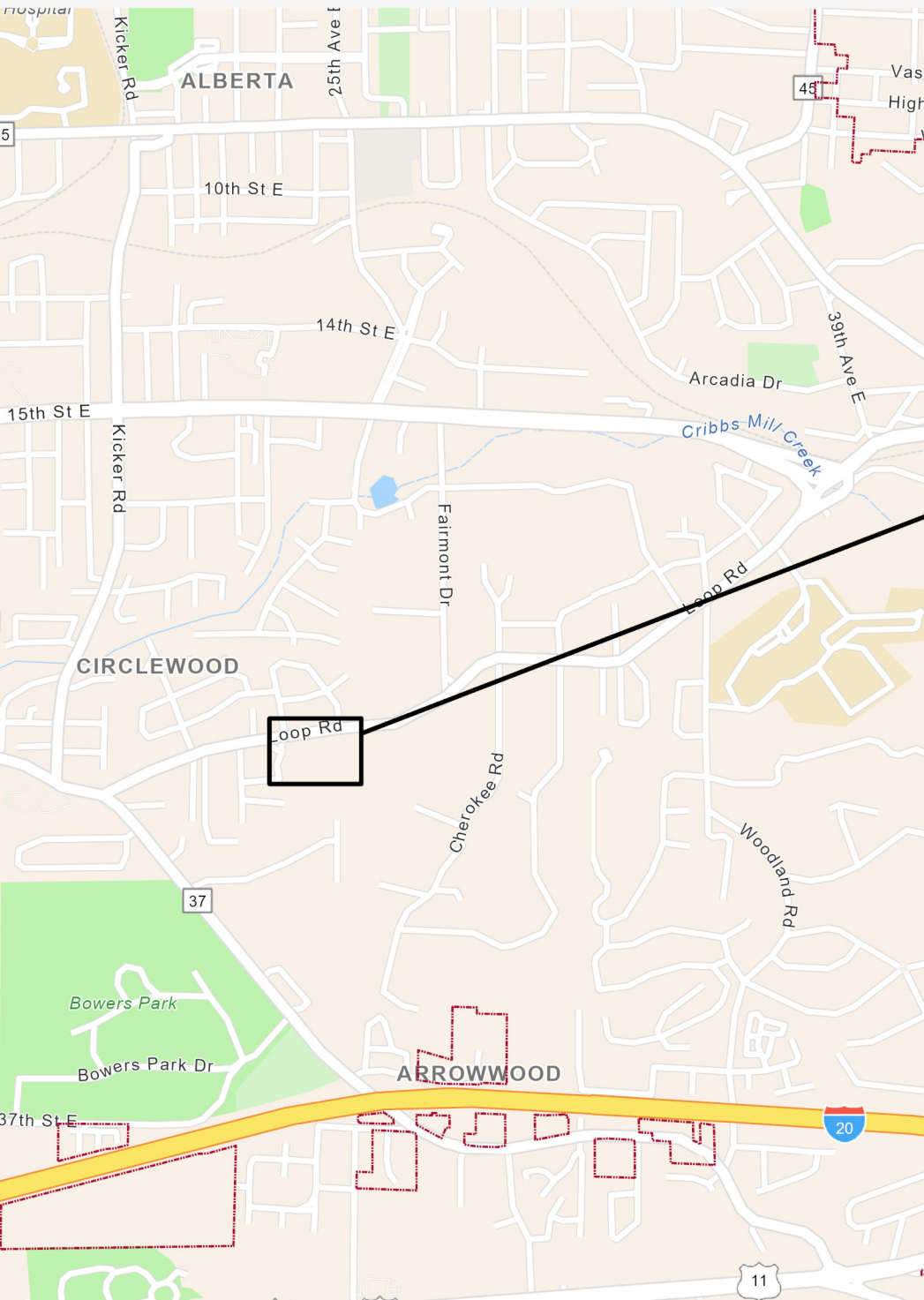
# 2319 Loop Road

1 inch = 200 feet

0 100 200 300 400



N





# 2319 Loop Road

1 inch = 50 feet  
0 25 50 75 100









237

