

ZONING BOARD OF ADJUSTMENT STAFF REPORT

May 23, 2022

ZBA-51-22

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Strange Brew, LLC.

Requested Action and Purpose

Petition for a variance from parking regulations to allow the construction of a coffee house

Location and Existing Zoning

605 14th Place East. Zoned MX-5. (Council District 5)

Size and Existing Land Use

Approximately 0.25 acres, Single-family residential

Surrounding Land Use and Zoning

North: Commercial business, MX-5

East: Vacant Lot, MX-5

South: Commercial Business, MX-5

West: Vacant Lot, RD-1

Applicable Regulations

[Sec. 24-256.](#) - Tree preservation and off-street parking credits.

This section provides incentives for the reduction of impermeable surface through the addition of landscaping. Nonresidential properties subject to this article may reduce off street parking requirements as outlined in subsection (1) and (2); however, in no case shall the combined reduction in parking exceed the following criteria: Ten (10) per cent for parking lots containing one to seventy-four (74) spaces; fifteen (15) per cent for parking lots containing seventy-five (75) to one hundred twenty-five (125) spaces and twenty-five (25) per cent for parking lots containing one hundred twenty-six (126) or more spaces.

[Sec. 24-288.](#) – General building.

Parking Setbacks

Primary street (min)	10'
Side street (min)	10'
Side interior (min)	0' or 5'
Rear (min)	0' or 5'
Rear, alley (min)	0'

[Sec. 24-306.](#) – Parking spaces required.

All other retail sales, service, entertainment	1 per 300 sf of gross floor area
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[Sec. 24-308](#). - Credit for on-street parking.

With approval of the city engineer, one on-street parking space may be substituted for every required parking space, provided that the on-street space is located on a public right-of-way immediately abutting the subject property.

SUMMARY

The petitioner is requesting a variance from parking regulations to allow the construction of a coffee house. This parcel was platted as a residential lot, as part of the Cedar Crest subdivision. Following the 2011 tornado, this property was rezoned to its current zoning, without any change to the existing lot lines, thus providing a small commercial lot. The drive aisle extends 5.81 feet from the property line thus, falling within the required 10 foot setback. The petitioner states the coffee house will cater to clients seeking a quick service drive thru experience. If additional landscaping is placed on the development, the required off-street parking can be reduced by one parking space. In addition, with approval of the city engineer, one on-street parking space may be substituted for one required space. Thus, only 8 off-street parking spaces will be required, and 8 are being proposed. This site plan is similar to the plan approved by the Zoning Board of Adjustment in 2013 that was not carried through to construction.

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: 78 Cedar Crest, Tuscaloosa, AL 35401

Property Owner

Name: Strange Brew, LLC Phone: 662-312-1060 Email: shane@strangebrewcoffeehouse.com
Address: 605A Highway 12, Starkville, MS ZIP Code: 39759

Petitioner (if different from owner)

Name: Strange Brew, LLC Phone: 662-312-1060 Email: shane@strangebrewcoffeehouse.com
Address: 605A Highway 12, Starkville, MS ZIP Code: 39759

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
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
Short-Term Rental \$ 400.00 per lot 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.

Variance from the requirement of a minimum primary street setback from 10' to 5'. Variance from required number of parking spaces from 10 to 8.

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.

The parking setback variance is requested to accomodate the 10 parking spaces required for the site based on building square footage. Only two parking spaces do not meet the minimum setback. The parking lot extends to 5.41 feet from the property line, so a 5' parking setback is requested. Additionally, due to the majority of business being drive thru based for the site and the lack of space for additional parking, a reduction from 10 parking spaces to 8 spaces is requested.

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 parking setback request is made to allow parking to meet the requirements of the zoning ordinance. The additional property will allow the development to meet the intent of the regulations. Additionally, the reduction in parking request will allow for better usage of the site square footage and will be balanced out because the majority of business will be drive thru only, so less parking will be necessary.


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.

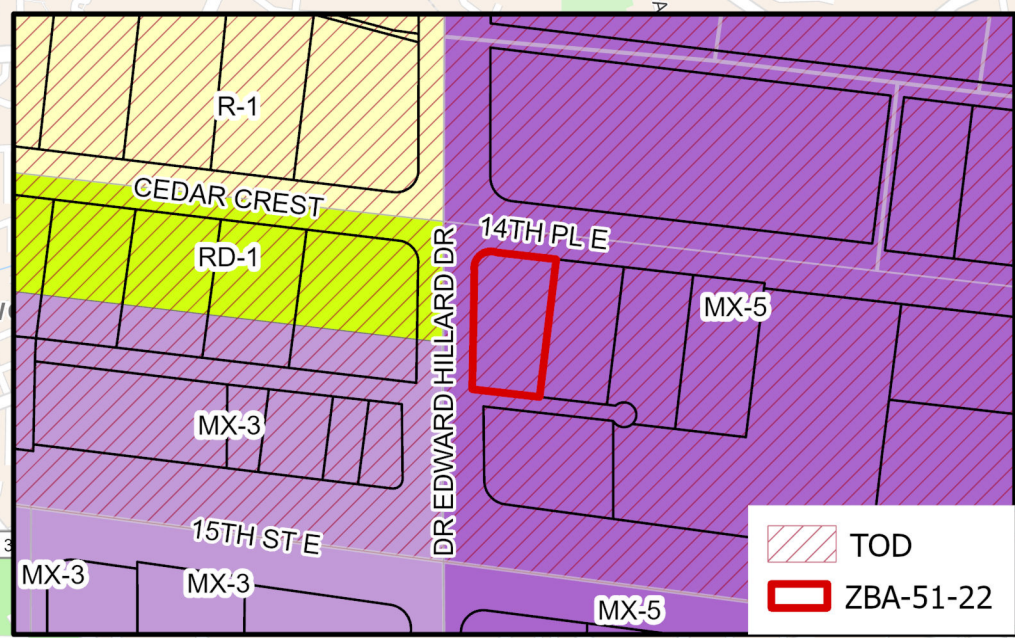
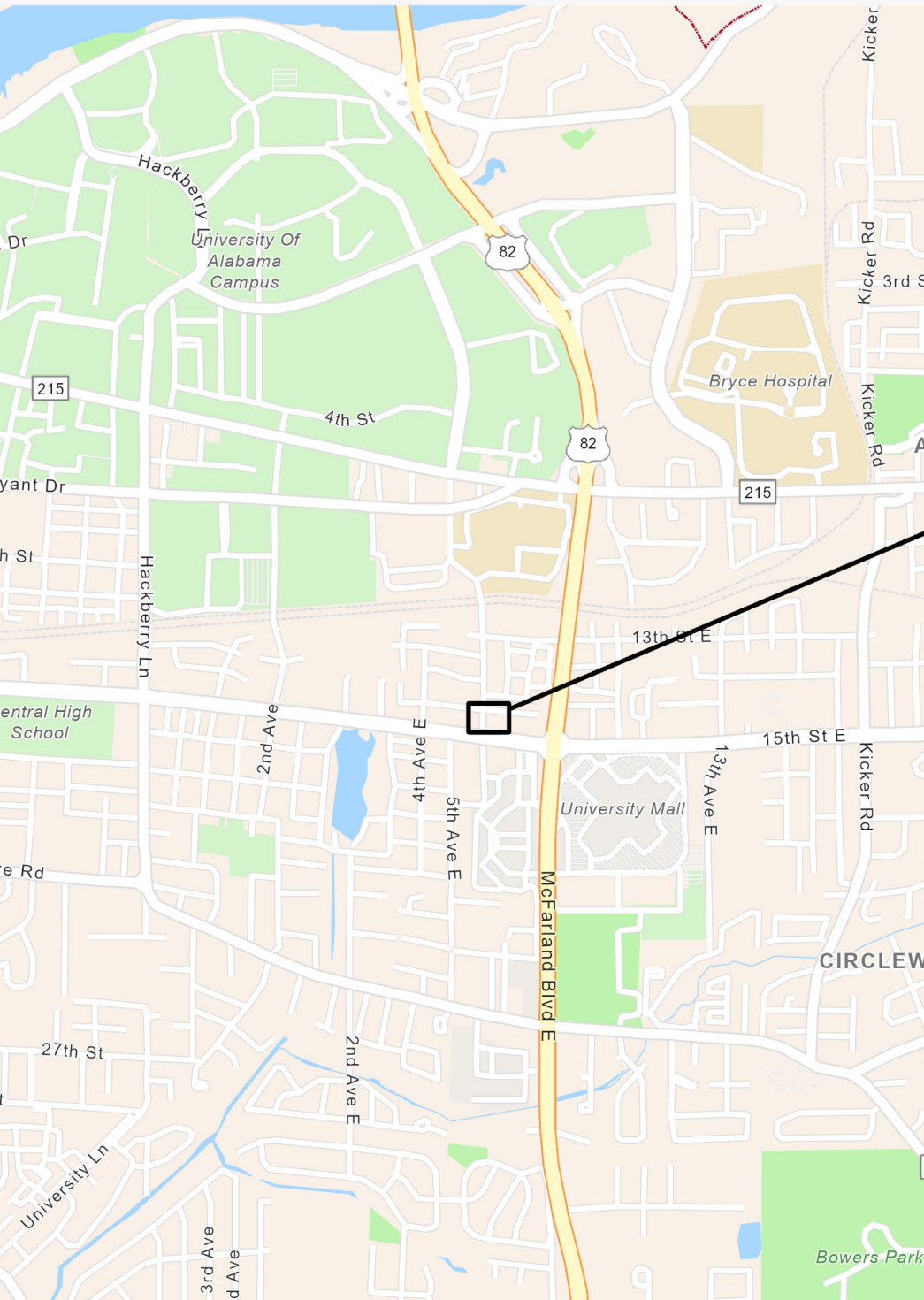
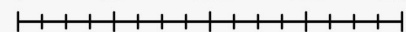
Print Name: Shane Reed Signature:  Date: 5-1-22
Managing member
Strangy Brew LLC



78 Cedar Crest

1 inch = 100 feet

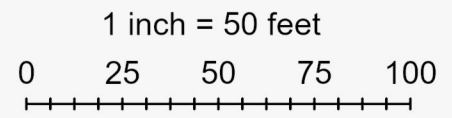
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- TOD
- ZBA-51-22



605 14th Place E



CEDAR CREST

14TH PLACE E

DR EDWARD HILLARD DR



ROUGH ROAD

NO PARKING

CHANGE SERVICE CENTER

14TH PLE

14TH PLE

STOP

illard Dr

ROUGH ROAD

NOTICE

OIL CHANGE SERVICE CENTER



