

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

May 23, 2022

### ZBA-52-22

#### GENERAL INFORMATION

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

Neil and Annie Abbott

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

Petition for a use variance to allow an event space

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

1730 Montrose Drive. Zoned ML. (Council District 2)

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

Approximately 16.9 acres, Single-family residential

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

North: Vacant Land, ML

East: Industrial, ML

South: Single-family residential, R-4

West: Multi-family residential, R-4

##### **Applicable Regulations**

[Sec. 24-72](#). – Permitted uses.

Not a permitted use in the ML zoning district.

[Sec. 24-52](#). – Permitted uses.

Not a permitted use in the BGO zoning district.

[Sec. 24-53](#). – Permitted uses.

Not permitted as a special exception in the BGO zoning district.

#### **SUMMARY**

The petitioner is requesting a use variance to allow an event space in an industrial district. The proposal is for a single-family dwelling in combination with a business use. The petitioner proposes to host small and intimate “farm to table” gatherings and celebrations (i.e. educational workshops, school field trips, birthday parties, weddings, corporate meetings, etc.). This combination of uses is not allowed as a whole in any zoning district, therefore some variances and special exceptions would still be required even if the property is rezoned. This property is buffered well with trees, abuts an industrial park, and is over 600’ from any residential property. The petitioner states the events will be held in the rear of the house with a tent available, and in the air-conditioned stables.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No violations found or complaints received

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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: Tax Parcels 63-36-02-03-4-001-001.000 & 63-36-01-02-3-002-003.000 (1730 Montrose Drive Tuscaloosa, AL 35405)

#### Property Owner

Name: Richard & Kristie Taylor Phone: 205-657-6577 Email: scott@mound.net  
Address: 1730 Montrose Drive Tuscaloosa, AL ZIP Code: 35405

#### Petitioner (if different from owner)

Name: Neil & Annie Abbott Phone: 904-426-9899 Email: annie.abbott@mercedes-benz.com  
Address: 2901 47th Ave East Tuscaloosa, Alabama ZIP Code: 35405

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"/> <b>Special Exception</b>                         | <input checked="" 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 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.

The petitioner requests a use variance to allow for "event space" at the subject property. "Event space" is not allowed outright in any zoning district. The petitioner proposes to host small and intimate "farm to table" gatherings and celebrations such as birthday parties, weddings, corporate meetings and the like on the subject property. The events will be held near the existing dwelling on the Northeastern portion of the property, which is furthest away from the existing neighboring residential areas to the South and West.

**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.

"Event space" is not allowed outright in any zoning district.

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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.

This request is in harmony with the general intent of the regulations imposed by the zoning ordinance. Furthermore, with the subject property lying in a ML zoning district currently, uses much more intense than birthday parties and weddings could be constructed without a variance.

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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.

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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: Annie Abbott

Signature: 

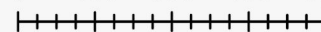
Date: 05/02/22



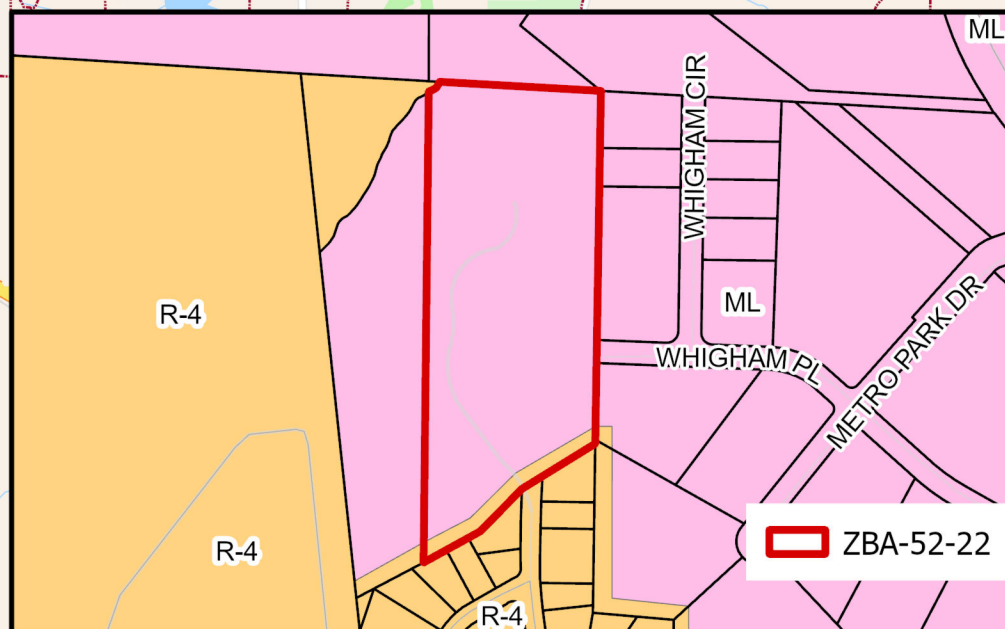
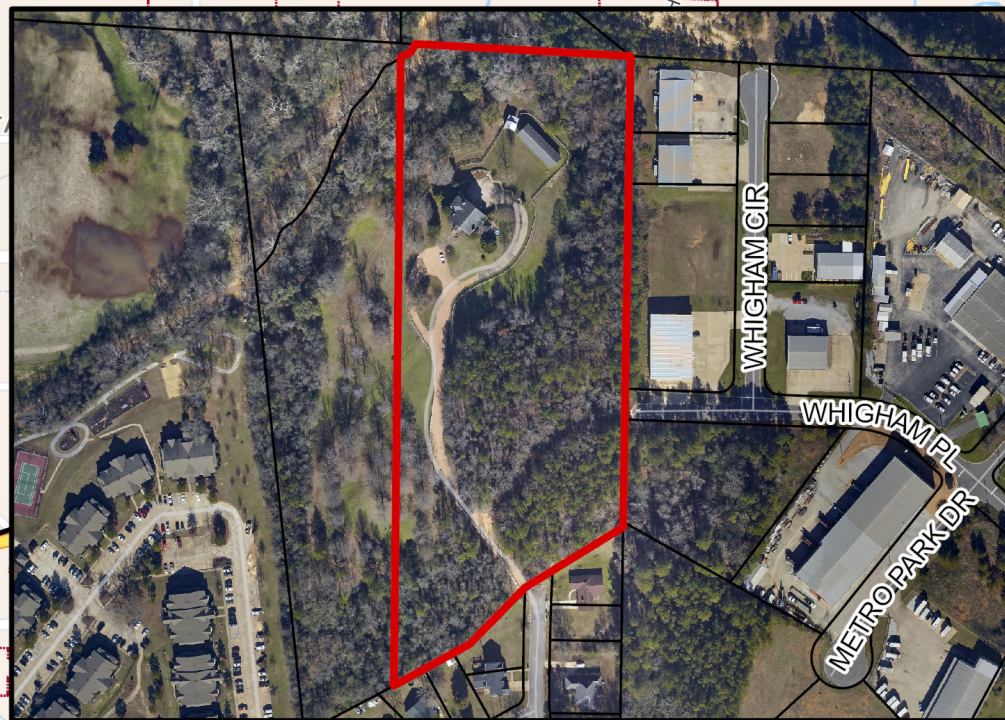
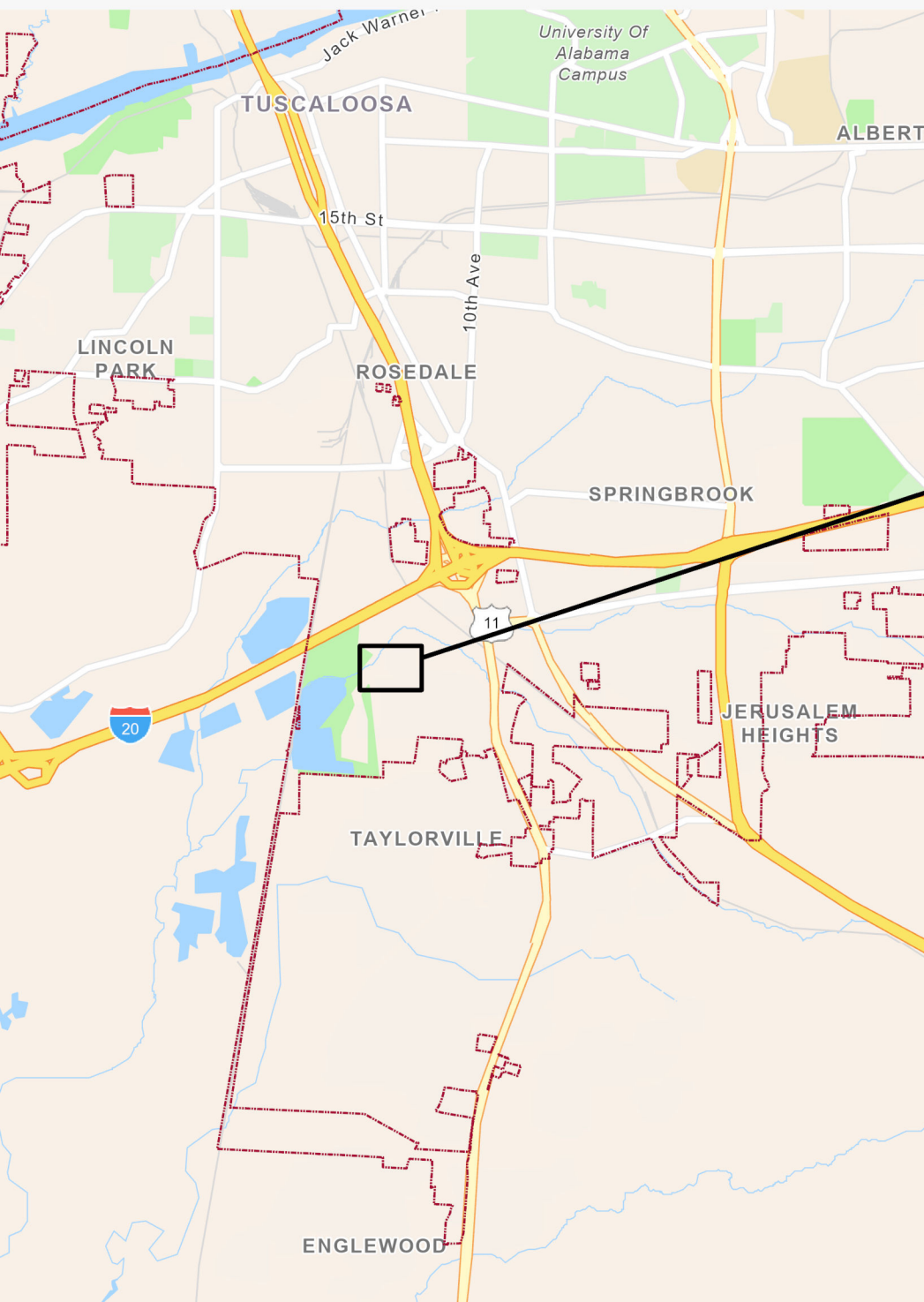
# 1730 Montrose Dr

1 inch = 374 feet

0 150 300 450 600



N







# 78 Cedar Crest

1 inch = 233 feet

0 150 300 450 600

N



































