

ZONING BOARD OF ADJUSTMENT STAFF REPORT

September 26, 2022

**ZBA-108-21**

**GENERAL INFORMATION**

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

Davis and Minda Paxton

**Requested Action and Purpose**

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

**Location and Existing Zoning**

4561 Royale Drive. Zoned R-1. (Council District 3)

**Size and Existing Land Use**

Approximately 0.24 acres, Single-family residential

**Surrounding Land Use and Zoning**

North: Single-family residence, R-1

East: Single-family residence, R-1

South: Single-family residence, R-1

West: Single-family residence, 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 four bedrooms and three bathrooms. The property was previously approved for 8 adults, 4 vehicles, and 30 nights, for 1 year. The petitioner is requesting the following:

- 8 adults
- 4 vehicles
- 45 nights
- 3 years

Office of Urban Development, Planning Division: If approved, staff recommends 4 vehicles/8 adults based on existing driveway/off-street parking and occupancy as it relates to parking. Two cars should be in the garage.

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: 4561 Royale Drive Tuscaloosa, AL 35406

Property Owner

Name: Davis A. and Minda Paxton Phone: 205-799-1820 Email: royaletreatment@gmail.com
Address: 4561 Royale Drive Tuscaloosa AL ZIP Code: 35406

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
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.

I am requesting a Renewal of variance for short-term rental of our home located at 4561 Royale Drive, Tuscaloosa, AL 35406.
Short term rental will not exceed 30 days per calendar year. Rentals will typically be from Friday afternoon at 4:00pm until Sunday morning at 11:00am. Parking will be limited to our garage (2 cars) and our driveway (2 cars)

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.

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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 property has 4 bedrooms and 3 bathrooms. Property will house 8 adults and 2 children. Parking will be available for 4 cars, two in the garage and two in the driveway. Driveway is 21 feet wide and 33 feet long.

- 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**

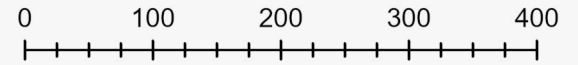
I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize 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: Minda Paxton Signature: Minda Paxton Date: 7/25/2022

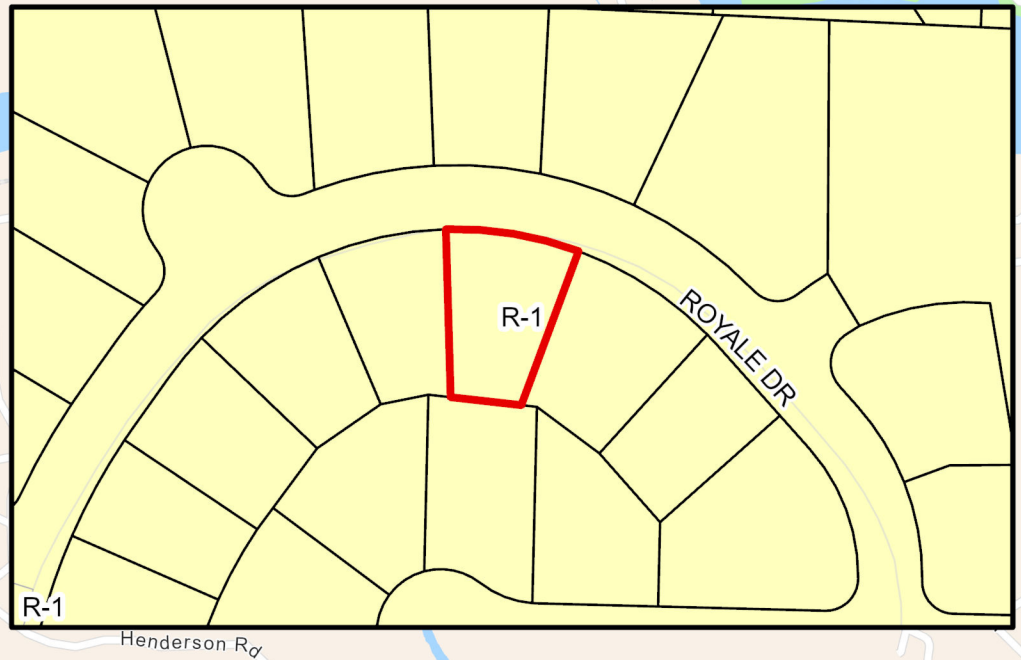
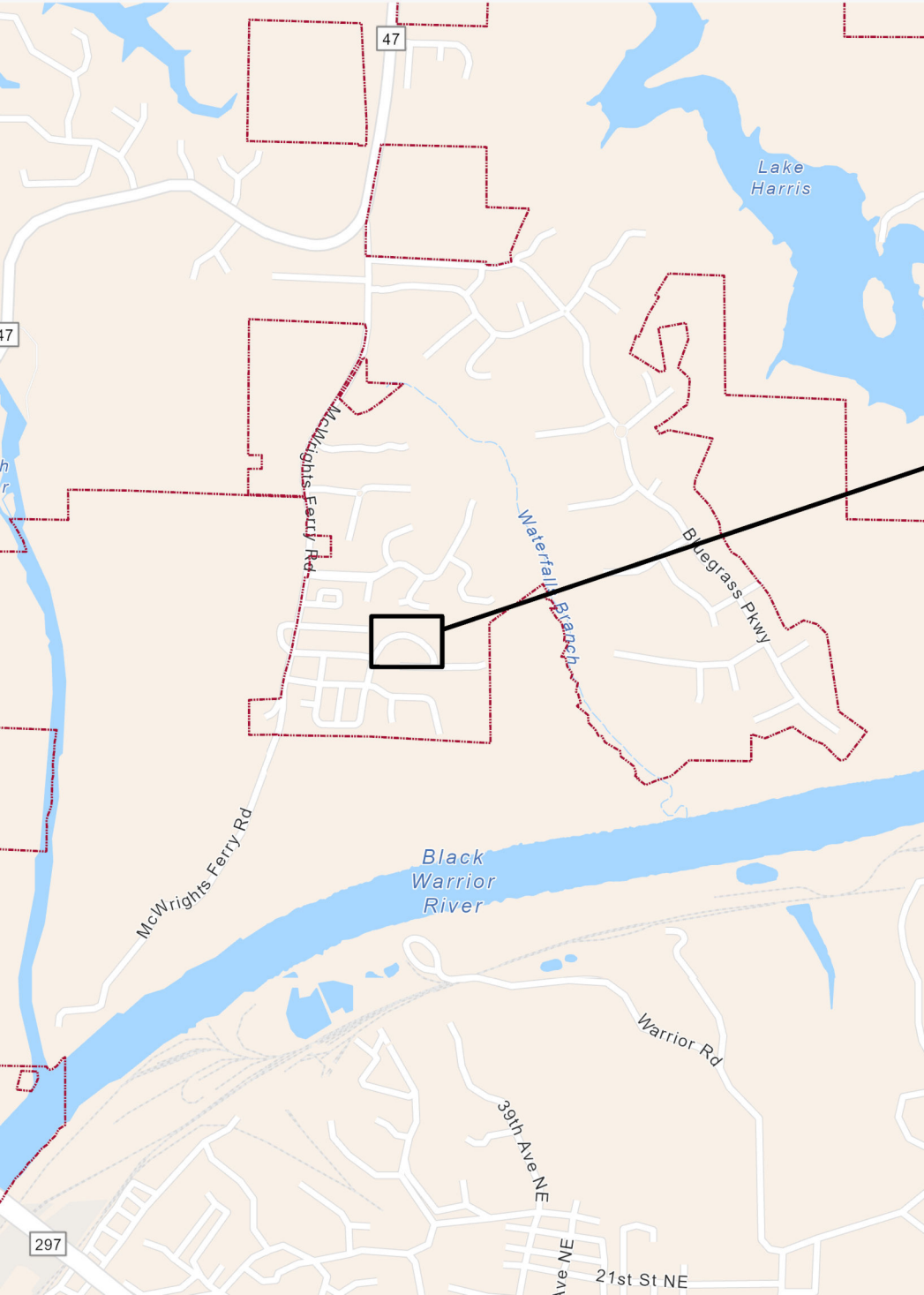


# 4561 Royale Drive

1 inch = 150 feet



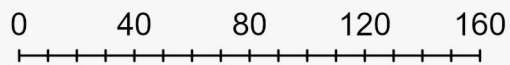
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4561 Royale Drive

1 inch = 67 feet



N





4561