

# ZONING BOARD OF ADJUSTMENT STAFF REPORT

September 26, 2022

## ZBA-116-22

### GENERAL INFORMATION

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

Karl Sodergren

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

Petition for a variance from the residential setback regulations to allow the construction of a single-family home

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

1218 14th Street. Zoned R-3. (Council District 4)

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

Approximately 0.12 acres, Single-family residential

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

North: Single-family residence, R-3

East: Single-family residence, R-3

South: UA Building, I

West: Single-family residence, R-3

#### **Applicable Regulations**

[Sec. 24-35.](#) - Yards and usable open space.

- (a) *Front Yard.* For every lot in a residential district abutting on a street, front yards of the following minimum depth shall be provided:

Residence Districts	Minimum Depth
R-3	25 Feet

[Sec. 24-35.](#) - Yards and usable open space.

- (b) *Side Yards.* For every building in a residence district, other than an RMH Mobilehome District, side yards of the following minimum widths (in feet) shall be provided:

Required Side Yards	
	R-3
Two (2) side yards required. Aggregate width of both yards	14 Feet
Least width of either yard	5

### **SUMMARY**

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

September 26, 2022

The petitioner is requesting a variance to allow the construction of a single-family home within a similar footprint as the current non-conforming structure. The petitioner is requesting to build the home in line with the adjacent structures, which sit approximately 10' from the front property line. In addition, the request is to allow side setbacks of approximately 5' from the Eastern property line, and 4' from the Western property line. The property was previously approved in 2018 for a similar concept, however the petitioner did not pull the building permits in time, and the approval expired. The previous approval had the following conditions:

- Building permit must be obtained, or you must amend the existing building permit
- Must remove HVAC from the public alley
- The building must meet fire codes

Office of Urban Development, Planning Division: If approved, staff recommends the approval be contingent on the same conditions as the previous approval.

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: 1218 14th Street, Tuscaloosa AL 35401

**Property Owner**  
 Name: Karl Sodergren Phone: 423-298-1299 Email: KarlSodergren@gmail.com  
 Address: 312 Hargrove Rd E, Tuscaloosa AL 35401 ZIP Code: \_\_\_\_\_

**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
<u>Residential ..... \$ 50.00 per lot</u>	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.

see attached narrative A/

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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.

see attached narrative B/

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.

see attached narrative C/

**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.

Not Applicable

- 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: KARL Sodergren

Signature: 

Date: 29 August 2022

**Narrative Attachment for Variance Petition** *re: 1218 14<sup>th</sup> St., Tuscaloosa AL 35401*

Karl Sodergren &lt;karlsodergren@gmail.com&gt;

Mon, Aug 29, 12:32 PM

To: Karl Sodergren &lt;karlsodergren@gmail.com&gt;

A/ "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 purpose of this petition is to request a variance that will allow the new construction of a 24' wide by approx 60' long new residence. This petition was granted in 2018 (see attached notification from City of Tuscaloosa); however, we decided not to build at that time. This petition is nearly identical in scope of request with one minor addition.

Attached are two survey drawings we had made for the previous petition in 2018. One drawing, shows the existing structure sitting within inches of the lot line. The other drawing shows a potential 24 x 60 new residential building observing a 5' setback on the East side of the building and a 4 foot setback on the West side of the building which obviously requires a slight variance. Albeit there is no setback as the present house exists. The first request is that that a variance be granted allowing the the side setbacks as shown on the drawing marked "Proposed Residence".

The second request is to allow the "proposed residence" to be built no closer to the front property line than where the present house currently exists. Per the survey drawing the present house sits 14.1' behind the front property line. Note: A variance was granted in the August 2022 meeting to allow a rebuild of 1215 13th Street to exist where the present house sits at approx 12' from the front setback. The recently heard petition involves a lot on the same block as the lot for which I am petitioning for variance herein. *\* See additional comment end of next Pg*

I respectfully submit my two independent requests. The 2018 approval letter from City of Tuscaloosa included three conditions (obtain Building permit, Remove HVAC from public Alley, Must meet Fire Code). I am happy to comply with the these three reasonable conditions.

B/ "The petitioner must clearly state the hardship for the Variance ..."

Without out a variance for the side setback it is impractical to rebuild as 24' wide is minimum needed to build a functional house by today's building and living standards. The request for front setback variance will allow the house to remain in line with the existing neighboring

houses.

C/ "Explain how the variance request is in harmony with the general purpose and intent of the regulation imposed by this ordinance and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare."

I believe the variance if granted will be in keeping with the spirit of the zoning intent of a certain degree of uniformity as well as an economically viable structure. A 19 foot wide residence built within existing strict regulation and by today's standards would have a negative impact on the neighborhood aesthetics and functionality of said house whereas this variance if granted would be a positive impact. To my knowledge there is no known detrimental impact to the general public welfare by granting this variance.

D/ Not applicable

[Quoted text hidden]

\* Additional comment: The immediate house next door (1216) + the house @ 1214 sit approx 10 feet from the front property line. I believe it would aesthetically be more pleasing to keep the houses in line as they are approx 10' in between. I request the option to keep the new build residence in line at 10' behind the front property line.

September 25, 2018

Michael Jacobson  
312 Hargrove Rd E  
Tuscaloosa, AL 35401

RE: ZNA-59-18

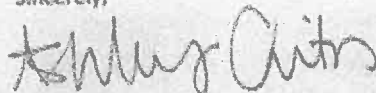
Dear Mr. Jacobson,

The petition for a variance from the side yard setback regulations at 1218 14<sup>th</sup> St. was heard by the Zoning Board of Adjustment on September 24, 2018 and was approved with the following conditions:

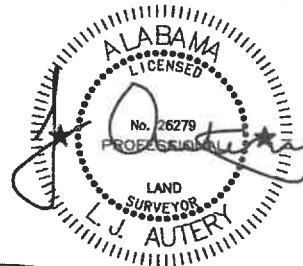
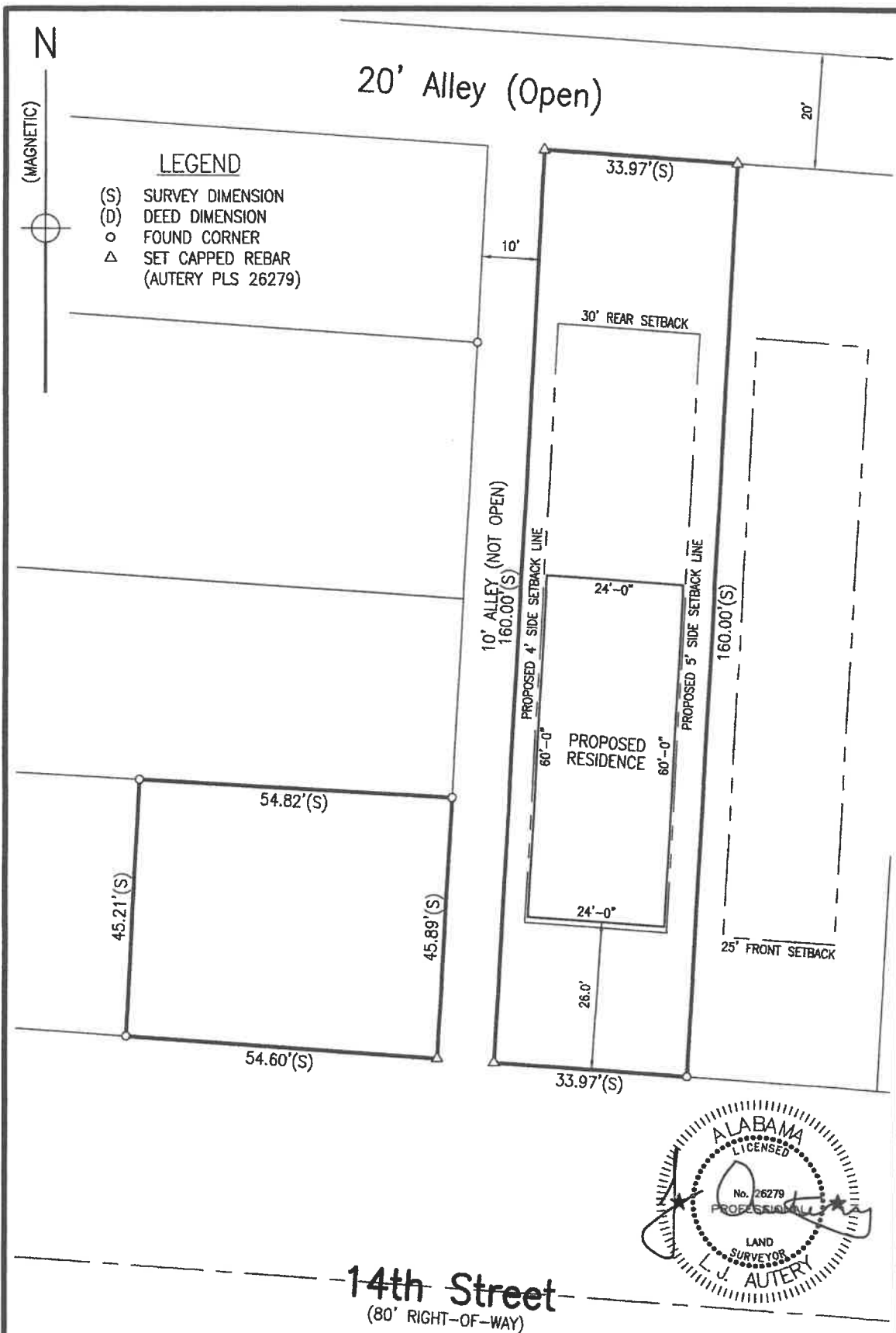
- A building permit must be obtained, or you must amend your existing building permit.
- Must remove HVAC from the public alley.
- The building must meet the Fire Code.

In any case involving construction under a residential building permit, any order or variance granted by the Board of Adjustment shall expire unless such building permit is obtained from the Building Inspector within 180 days from the date of granting of such order or variance by the Board, and unless construction of the structure or structures under said building permit is completed within fifteen (15) months from the date of the granting of the order or variance by the Board.

Sincerely,



Ashley Crites, AICP  
Secretary, Tuscaloosa Zoning Board of Adjustment



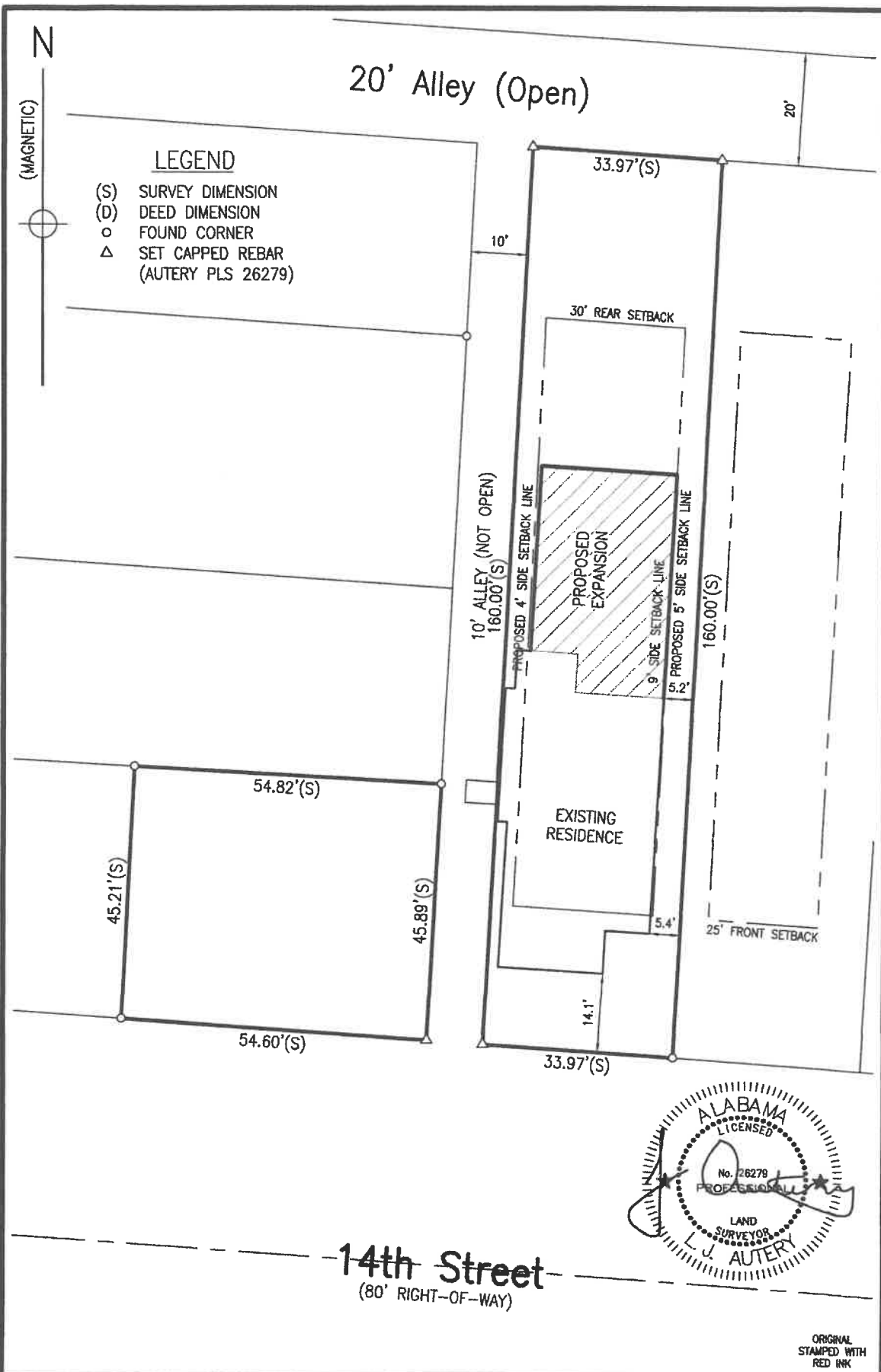
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STAMPED WITH  
RED INK

**LONNIE J. AUTERY**  
PROFESSIONAL ENGINEER  
& LAND SURVEYOR

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NORTHPORT, AL 35476  
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SCALE: 1"=20'  
PAGE 1 OF 1  
JOB NO.: 14THST



**LONNIE J. AUTERY**  
 PROFESSIONAL ENGINEER  
 & LAND SURVEYOR

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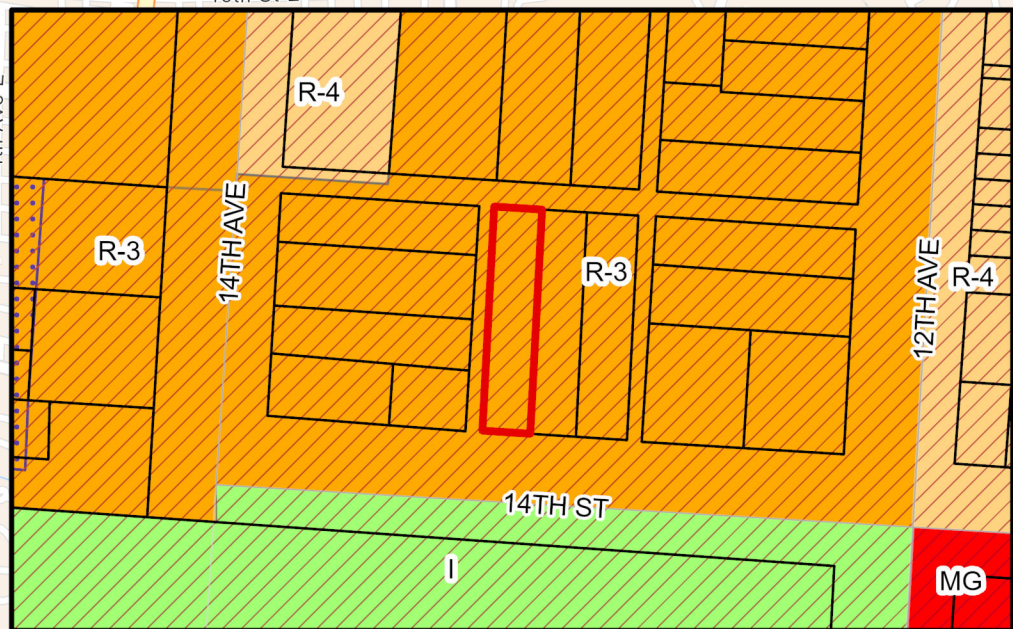
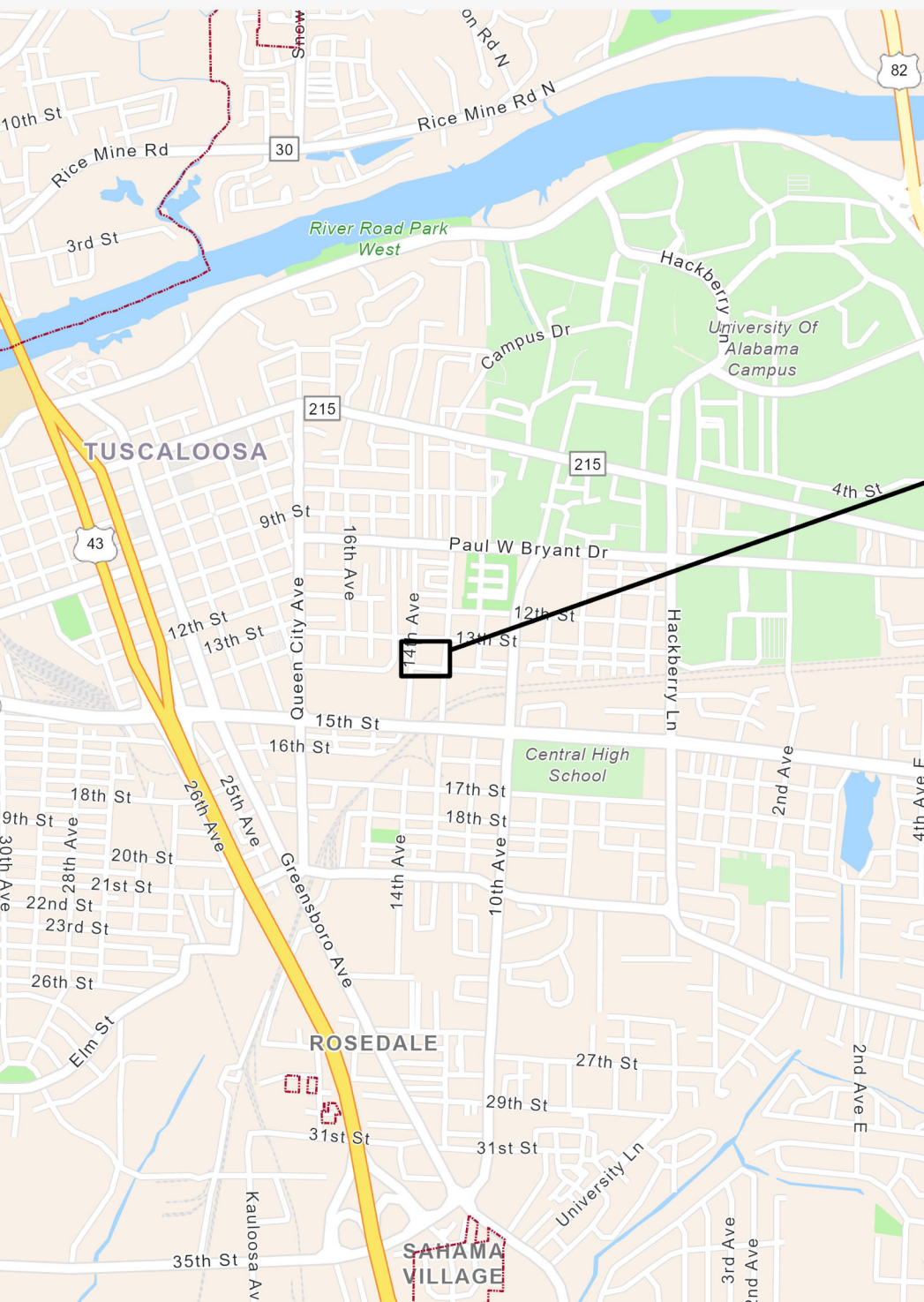
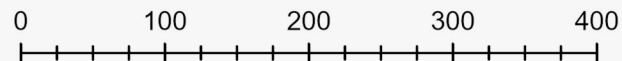
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 PAGE 1 OF 1  
 JOB NO.: 14THST





# 1218 14th Street

1 inch = 133 feet







1218 14th Street

1 inch = 67 feet  
0 40 80 120 160

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