

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
December 28, 2022

**ZBA-138-22**

**GENERAL INFORMATION**

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

Eric Hamner

**Requested Action and Purpose**

Petition for multiple variances from the residential district regulations

**Location and Existing Zoning**

901 and 903 Bedford Place North. Zoned RMF-1. (Council District 3)

**Size and Existing Land Use**

Approximately 0.24 acres and 0.17 Acres, Single-family residential

**Surrounding Land Use and Zoning**

North: Commercial, BH

East: Indian Hills Country Club, R-1

South: Single-family residence, RMF-1

West: North: Commercial, BH

**Applicable Regulations**

Sec. 24-34. – Lot standards.

- (a) *Area.* For every building hereafter erected or used in whole or part as a dwelling in a residential district, other than an RMH Mobilehome Residence District, the following minimum lot area per dwelling unit shall be provided:

Area Standards	RMF-1
Lot area (in square feet):	
Per dwelling unit in single-family dwellings	7,500

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
RMF-1	

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One-family and two-family dwelling	25 feet
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(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	RMF-1
Single-family dwelling	
Two (2) side yards required. Aggregate width of both yards	14
Least width of either yard	5

(c) *Rear Yards.* For every principal building in a residence district, other than an RMH Mobilehome District, rear yards of the following minimum depths shall be provided:

Residence Districts	Minimum Depth
RMF-1	
One-family and two-family dwelling	30 feet

**SUMMARY**

The petitioner is requesting multiple variances from the residential district regulations in order to denote the existing structures on Lots 10 and 11 as “legal non-conforming”. A portion of the request is for a variance from the minimum lot size for Lot 10. Per code, the minimum requirement is 7,500 square feet, and the lot is approximately 7,400 square feet. In addition, the petitioner is requesting variances from the front, rear, and side setbacks for both structures on Lots 10 and 11. Code requires a minimum 25 foot front yard for one single-family dwelling, the request is to allow front setbacks of 15 feet. Code also requires a minimum 30 foot rear yard for single-family dwellings, they are requesting rear setbacks of 10 feet. Finally, code requires 14 foot aggregate side yards, with the least width of either yard being 5 feet, they are requesting 2 foot setbacks for the smaller side yards on each lot.

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



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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: \_\_\_\_\_

Property Owner

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ 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.

- 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.

Four horizontal lines for describing the request.

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.

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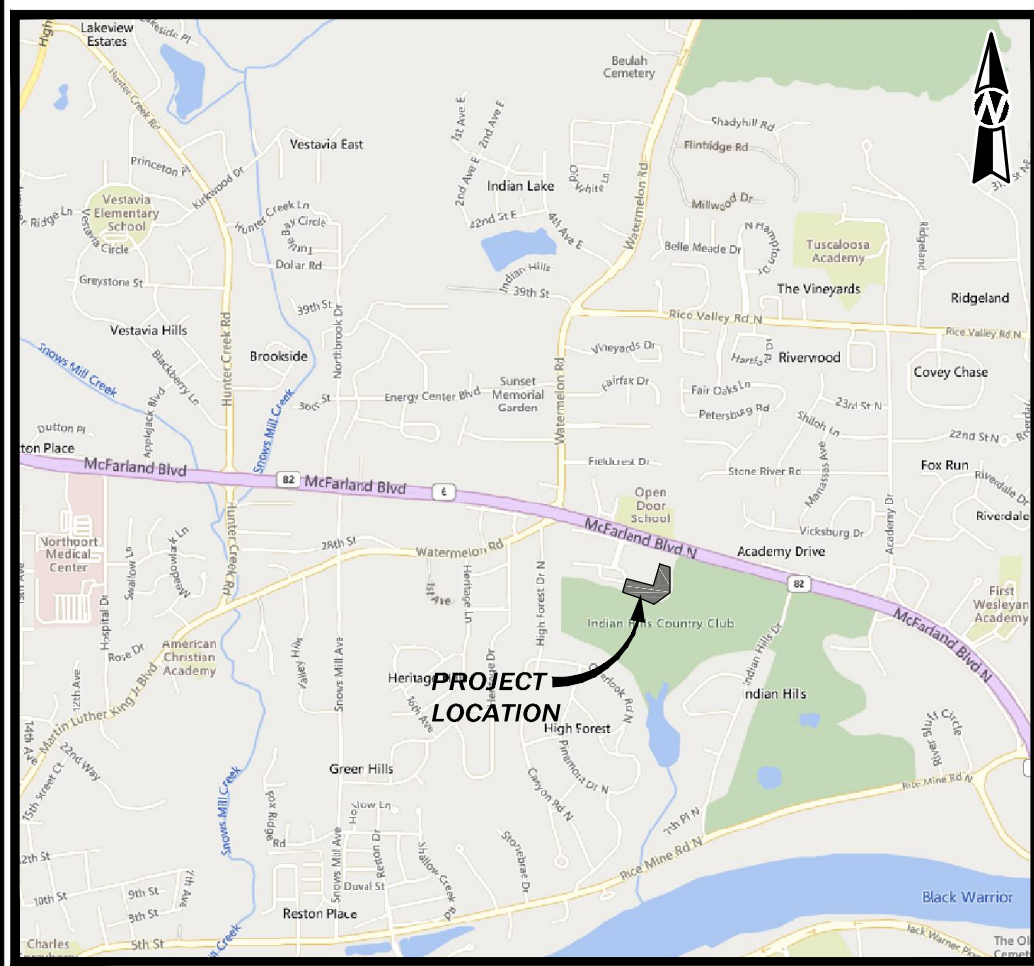
- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception 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:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



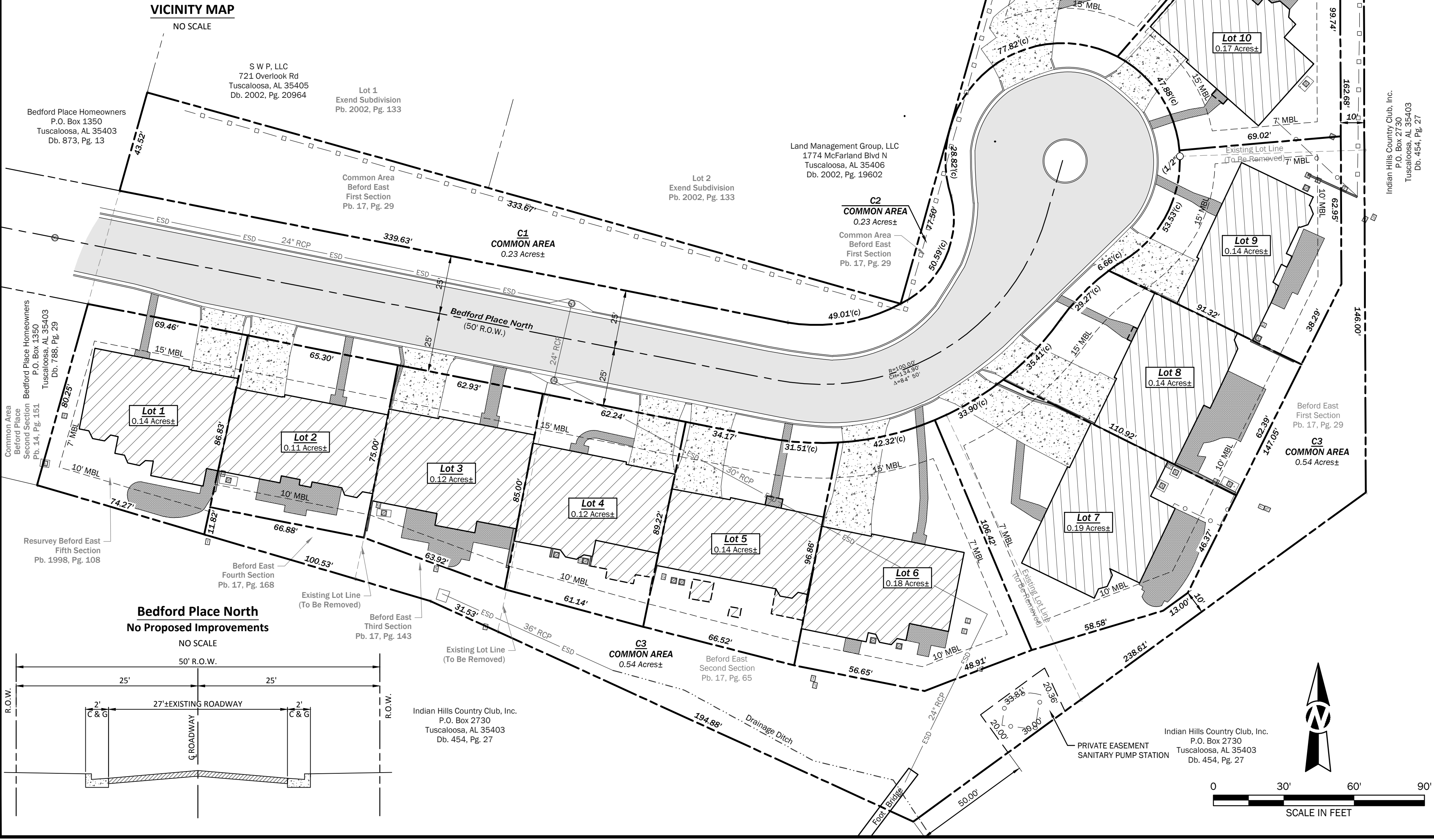


**VICINITY MAP**  
NO SCALE

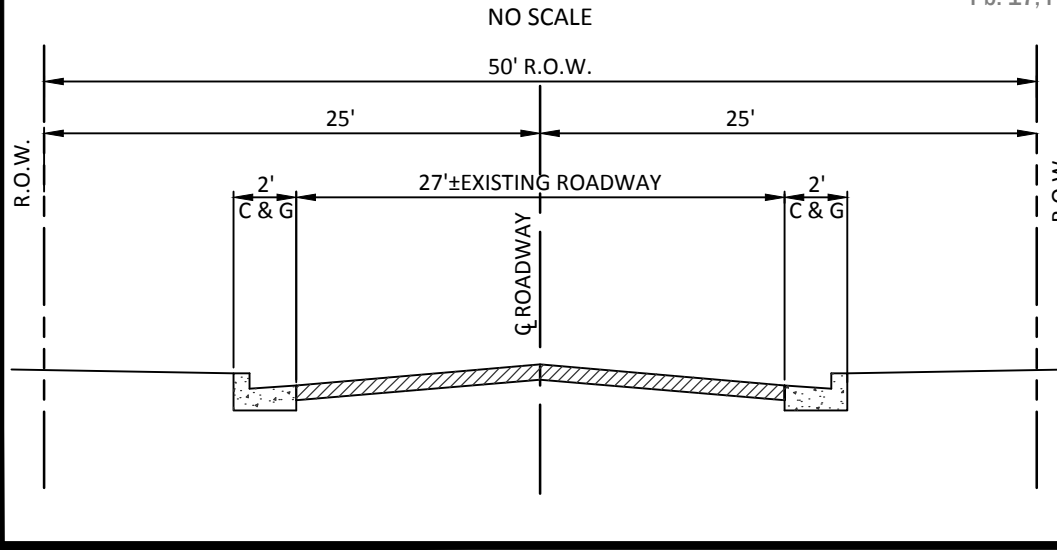
- NOTES:**
- No title search was performed with this survey.
  - All underground utilities may not be shown hereon. Utilities that are shown are approximate from observed evidence. No guarantee or warranty of the accuracy of the location of underground utilities is hereby implied. Utilities should be verified onsite prior to any construction or digging.
  - Sources of Title: Db. 974, Pg. 217  
Db. 2015, Pg. 16544  
Db. 956, Pg. 323  
Db. 1998, Pg. 6355  
Db. 901, Pg. 114  
Db. 995, Pg. 49  
Db. 2012, Pg. 20389  
Db. 2020, Pg. 23649  
Db. 907, Pg. 198  
Db. 908, Pg. 70  
Db. 2019, Pg. 25785  
Db. 2016, Pg. 8183  
Db. 2001, Pg. 8155  
Db. 878, Pg. 433  
Db. 2019, Pg. 8273  
Db. 926, Pg. 38  
Db. 1999, Pg. 1401  
Db. 944, Pg. 361  
Db. 2013, Pg. 6720
  - Current Zoning: RMF-1
  - No part of this property lies in a special flood hazard area, from information taken from FEMA Firm Panel No. 01125C0506 G.
  - Total Area of Property Subdivided is 3.13± Ac.
  - Total Area Under Control of Developer is 3.13± Ac.
  - Variances Requested:  
8.1. Sidewalk
  - Owner/Developer of property being subdivided:  
Bedford East Homeowners  
P.O. Box 1350  
Tuscaloosa, AL 35401  
Multiple Unit Owners
  - Proposed Setback Lines:  
Front: 15'  
Rear: 10'  
Side:  
Townhomes: 0' or 7' (End Row)  
Lot 10: 2' & 7' (9' Aggregate)  
Lot 11: 2' & 10' (11' Aggregate)

**PRELIMINARY**  
**(NOT FOR CONSTRUCTION,**  
**RECORDING PURPOSES**  
**OR IMPLEMENTATION)**

Mims Property, LLC  
1766 McFarland Blvd N  
Tuscaloosa, AL 35404  
Db. 2005, Pg. 27437



**Bedford Place North**  
No Proposed Improvements



Indian Hills Country Club, Inc.  
P.O. Box 2730  
Tuscaloosa, AL 35403  
Db. 454, Pg. 27

Indian Hills Country Club, Inc.  
P.O. Box 2730  
Tuscaloosa, AL 35403  
Db. 454, Pg. 27



3516 Greensboro Avenue | Tuscaloosa, AL 35401  
205.345.0816 | www.ttlusa.com

**RESURVEY OF BEDFORD EAST**  
**A Resurvey of Bedford East Sections 1 through 7**  
**NW 1/4 of the SE 1/4, Sec. 11, T 21 S, R 10 W**  
**Tuscaloosa, Alabama**

Preliminary Subdivision Plat		
No.	Date	Revision Description
1	10/08/22	Revised to Townhome Lots with Rear Open Space
Drawn By: E M H		Checked By: E M H
Date Drawn: 08/22/2022		Date Surveyed: 08/2022
Scale: 1" = 30'		Proj. No.: 22-01-03005.00
File Name: 22-3005.Preliminary Plat Townhomes.dwg		

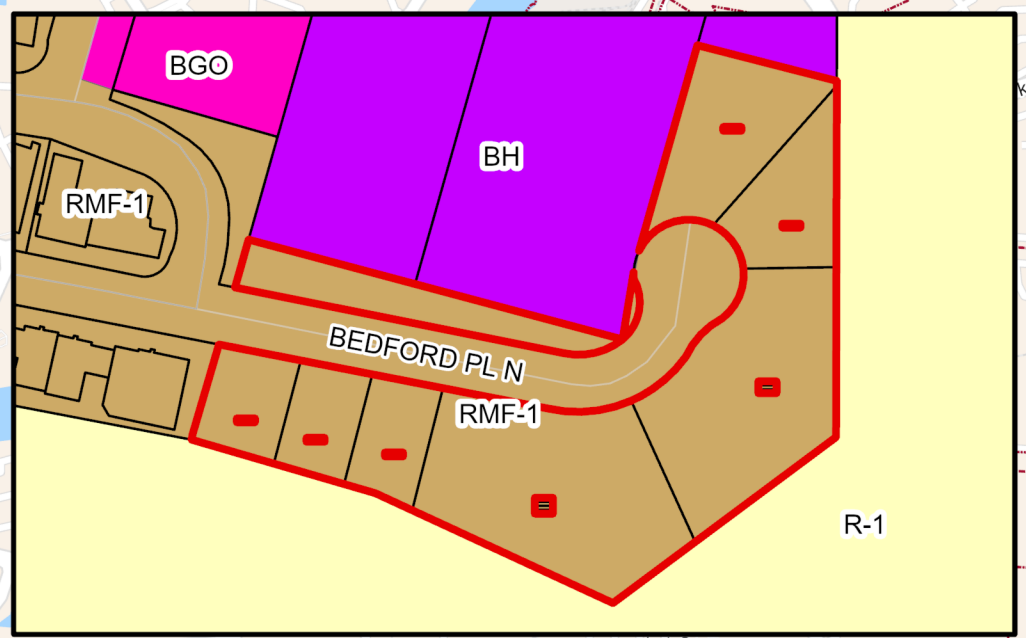
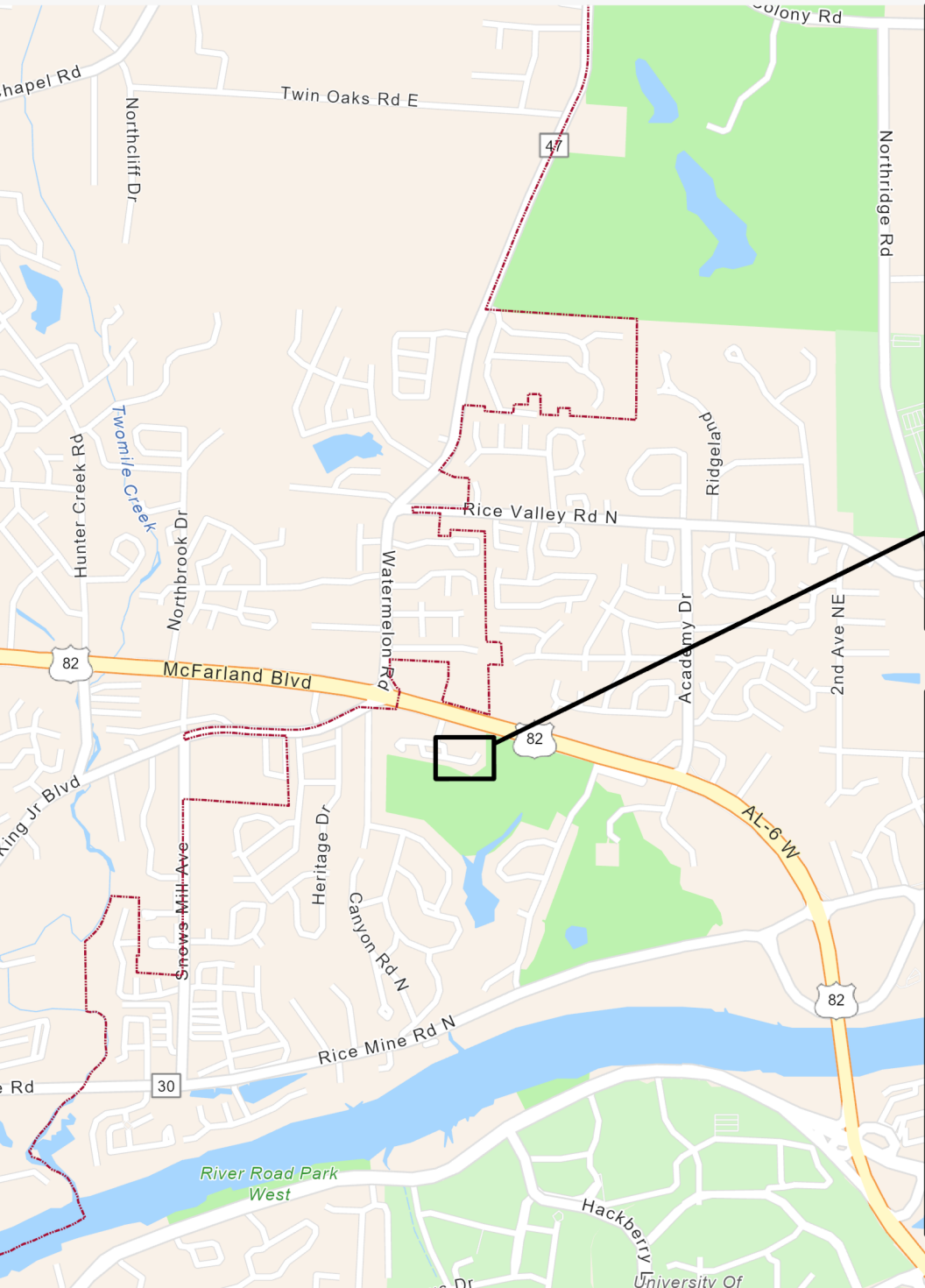
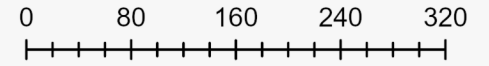
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# 901-921 Bedford Place North

1 inch = 147 feet

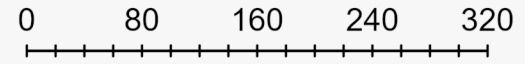






# 901 - 921 Bedford Place North

1 inch = 133 feet



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