

ZONING BOARD OF ADJUSTMENT STAFF REPORT
January 23, 2023

ZBA-05-23

GENERAL INFORMATION

Property Owner (X) Petitioner (x)

Clayton Hudson

Requested Action and Purpose

Petition for a variance from the accessory dwelling unit size regulations

Location and Existing Zoning

405, 407, 413, 419, 421 and 503 30th Avenue East and 400, 408, 422, 426, 500, and 504 31st Avenue East.
Zoned RD-2. (Council District 5)

Size and Existing Land Use

15 lots, all approximately 0.17 acres, vacant

Surrounding Land Use and Zoning

North: Single-family dwelling and vacant lots, R-1 and RD-1

East: Single-family dwellings and vacant lots, RD-1 and RD-2

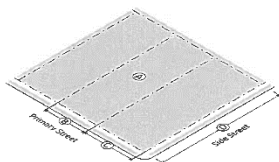
South: Single-family dwellings, RD-1

West: Single-family cottage courts, RD-2

Applicable Regulations

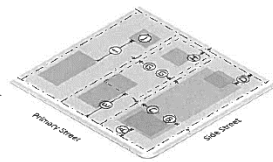
Sec. 24-346. - Detached house and accessory unit.

1. Lot Standards



Lot Dimensions	
① Lot area (min)	7,500 sf
② Lot area - rear loaded (min)	5,000 sf
③ Lot width - interior (min)	50'
④ Lot width - interior rear loaded (min)	40'
⑤ Lot width - corner (min)	60'
⑥ Lot depth (min)	120'
Lot Parameters	
⑦ Dwelling units per lot (max)	2
⑧ Additional on-site parking	1 space

2. Building Placement



Principal Building Setbacks	
① Primary street (min)	15'
② Side street (min)	10'
③ Side interior (min)	5'
④ Rear (min)	20'
⑤ Rear, alley	4' or 20' min
Accessory Structure Setbacks	
① Primary street (min)	50'
② Side street (min)	10'
③ Side interior (min)	5'
④ Rear (min)	5'
⑤ Rear, alley	4' or 20' min
Accessory Structure Limitations	
① Building separation (min)	16'
② Building footprint (max)	450 sf
Parking Location	
⑥ Parking between building and street	No

Accessory structure limitations: Building footprint (max) 450 sf

SUMMARY

The petitioner is requesting variances from the maximum footprint size of accessory structures in the Mixed Residential zones. This exact petition was presented to the Board in October of 2021, and was approved as presented. However, the approval expired before the owner could apply for the required building permits. The proposal is to build two-bedroom single-family homes with a detached one-bedroom accessory unit at 650 sf

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(25'x26'), plus an open carport. Accessory dwelling units are permitted in all RD-2 properties. Per the petitioner, 450 sf is "not functional" for a dwelling unit.

Office of Urban Development, Planning Division: No comment.

Codes and Development Services: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: Engineering requests the applicant be required to apply for a Land Development Permit due to drainage concerns.

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: 419 and 421 30th Ave East

Property Owner
Name: Clayton Hudson Phone: 205-799-7093 Email: Hudson@alliedrealtyinc.com
Address: 3507 Veterans Memorial PKWY, Tusc., AL. 35404 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 type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input type="checkbox"/> 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 |
| <input type="checkbox"/> Short-Term Rental \$ 400.00 per lot | <input type="checkbox"/> 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.

A Variance to be able to have an accessory unit built to 650 sq/ft rather than 420sq/ft.

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.

Text

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.

Answer the following for SHORT-TERM RENTAL requests ONLY:

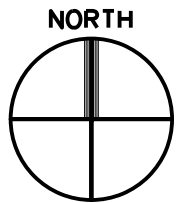
Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and 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.

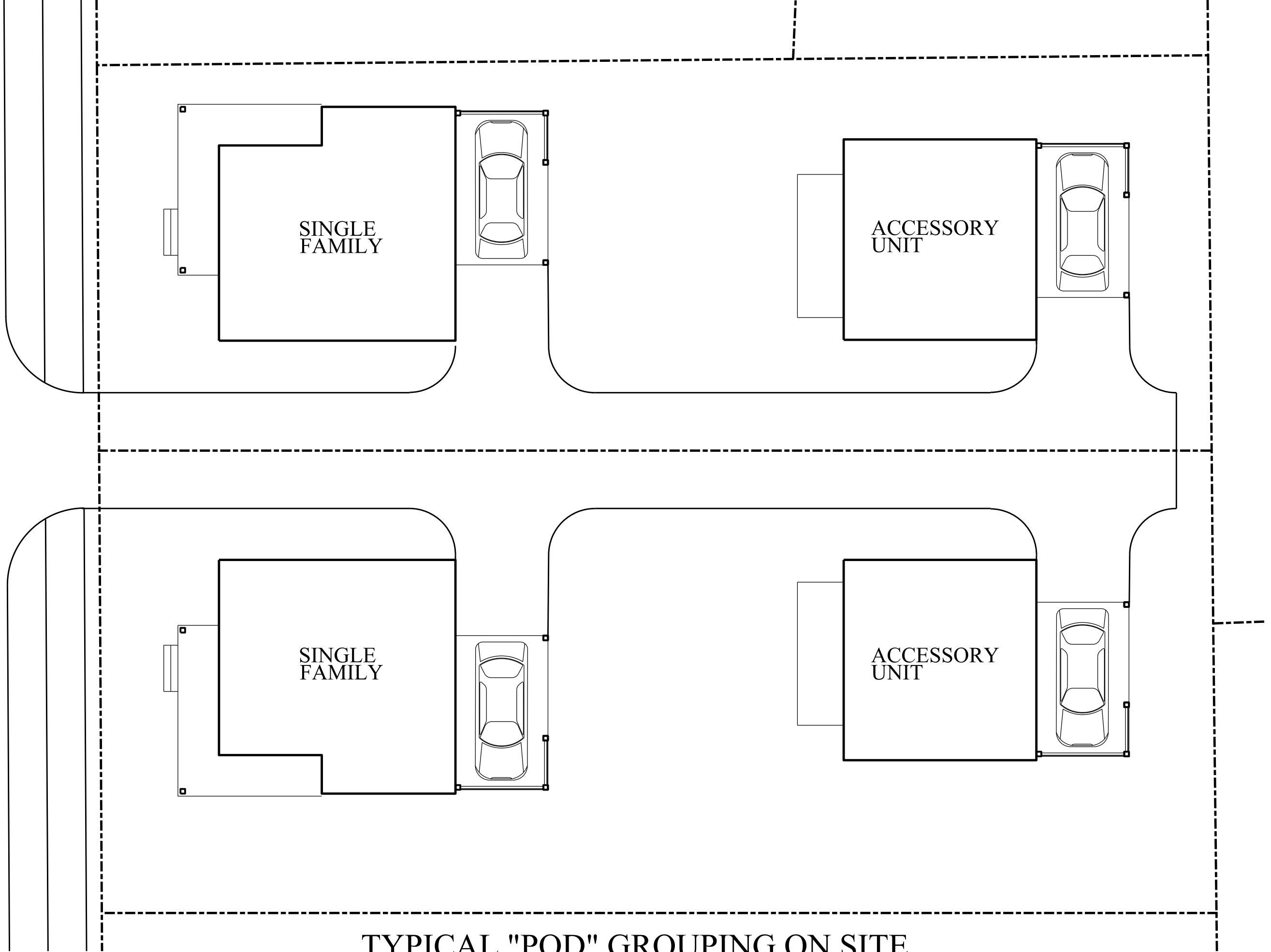
Certification of Applicant

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: Clayton Hudson Signature:  Date: 4/6/2023



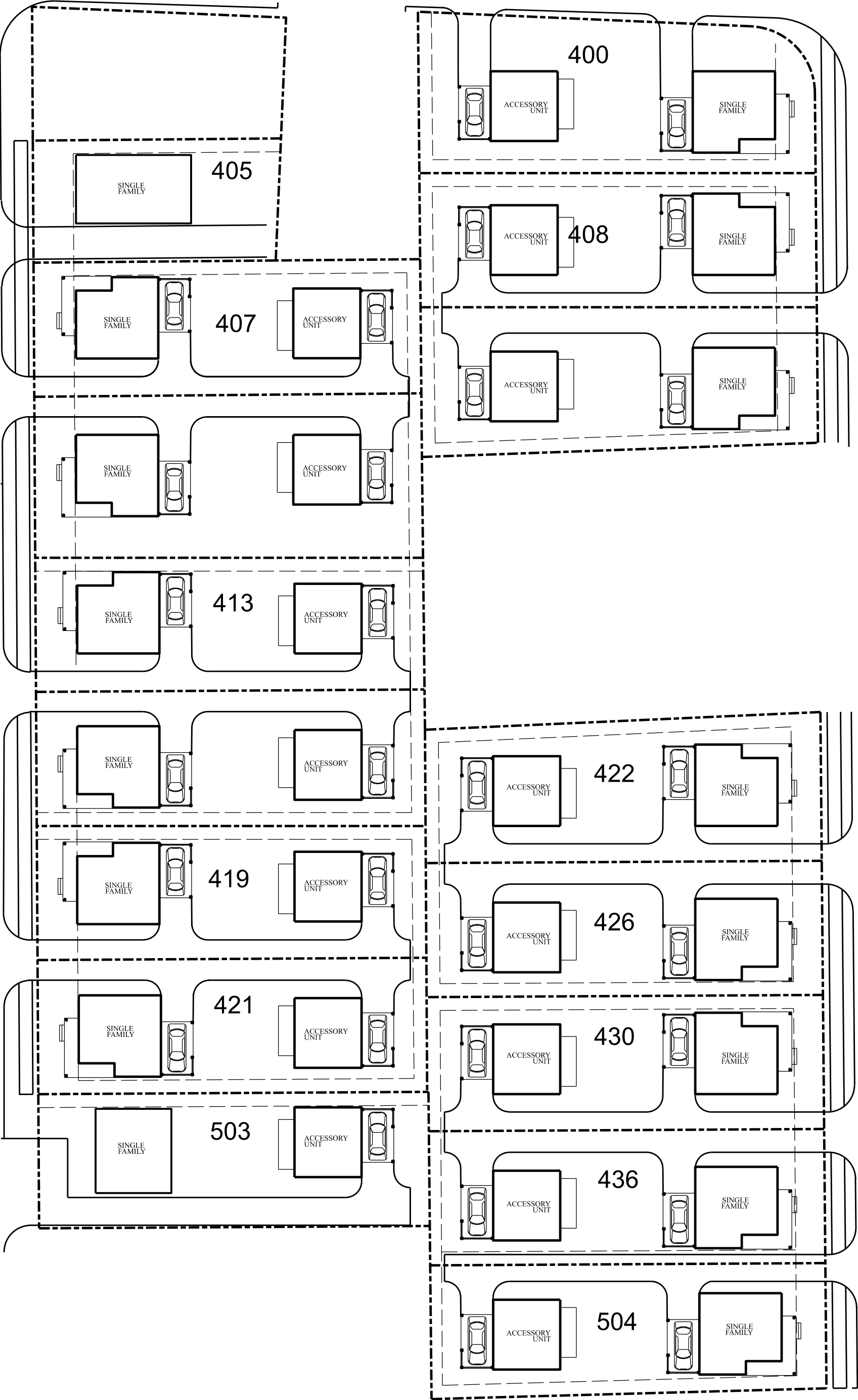
30TH AVE. EAST



TYPICAL "POD" GROUPING ON SITE

4TH ST. E.

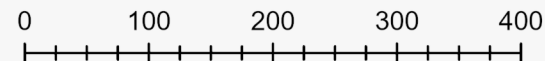
30TH AVE. E.



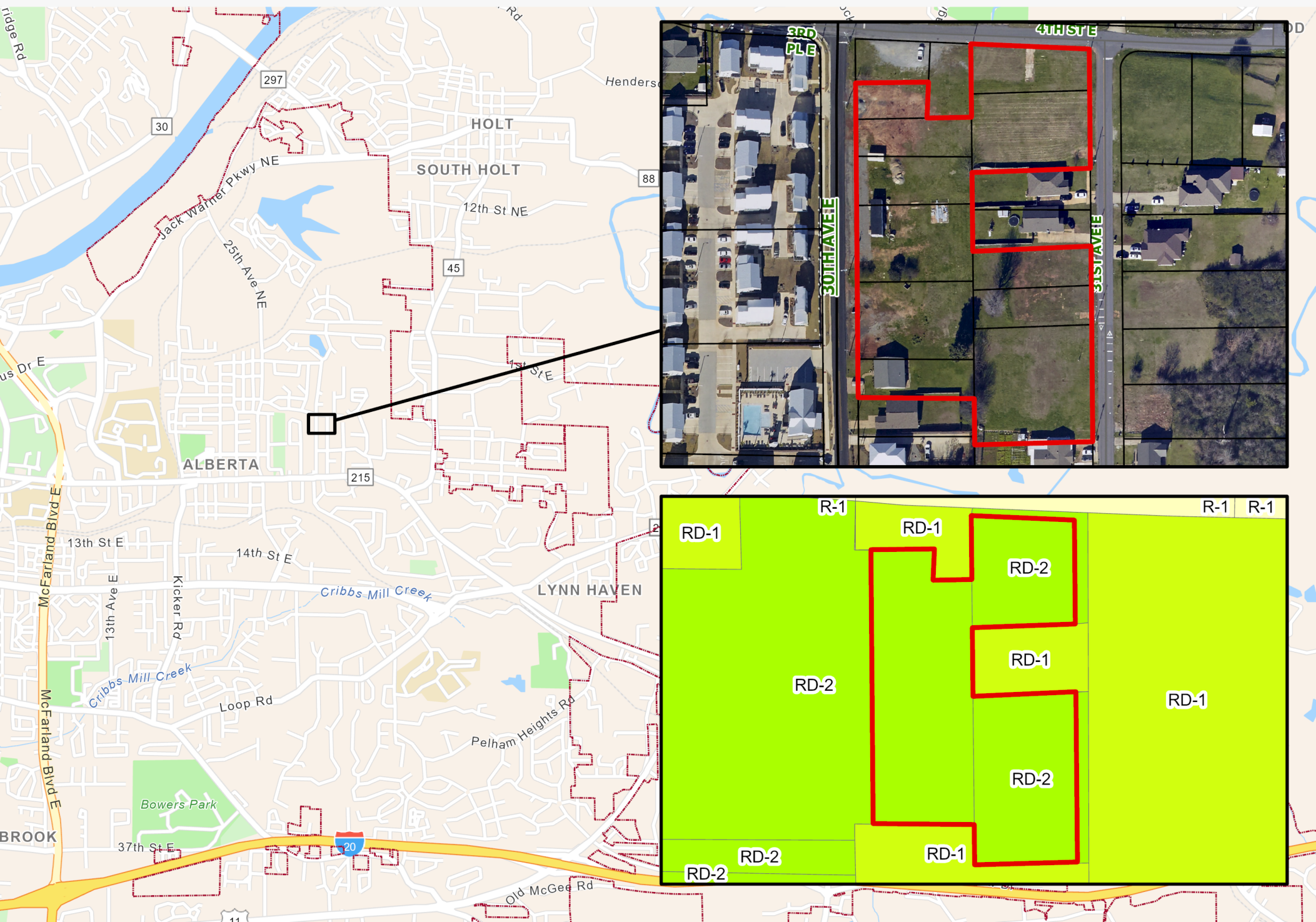


30th Avenue East & 31st Avenue East

1 inch = 155 feet



N





30th Avenue East & 31st Avenue East

1 inch = 100 feet
0 50 100 150 200

