

ZONING BOARD OF ADJUSTMENT STAFF REPORT
January 23, 2023

ZBA-04-23

GENERAL INFORMATION

Property Owner () Petitioner (X)

Al Cabaniss

Requested Action and Purpose

A variance from the University Residential District regulations and a special exception from the off-street parking regulations

Location and Existing Zoning

808 Gene Stallings Avenue. Zoned RMF-2U. (Council District 4)

Size and Existing Land Use

Approximately 0.42 acres, Multi-family Residential

Surrounding Land Use and Zoning

North: Multi-family residential, RMF-2U

East: Multi-family residential (under construction), RMF-2U

South: Multi-family residential, RMF-2U

West: Multi-family residential, RMF-2U

Applicable Regulations

[Sec. 24-91](#). – Special exceptions.

(8) *Decrease in required parking*

DISCRETIONARY

- a. The applicant should demonstrate to the satisfaction of the board that, based on the nature of the business and prior experience with such businesses, a reduced number of off-street parking spaces will meet reasonably foreseeable requirements. The board should take into account, however, the possibility that the property concerned might change hands in the future and be used for a purpose requiring more parking.

[Sec. 24-223](#). – University Residential District (URD) residential district regulations.

(a) *Rules applicable to all development sites.*

(1) Site elements.

a. *Parking.*

1. One parking space per bedroom is required.

d. *Sidewalks.*

1. Sidewalks shall be installed along all street frontages as needed for pedestrian mobility or safety and appropriate to the location, unless deemed impractical or unfeasible by the zoning official.
2. For property zoned RMF-2U no landscaped strip shall be required between the street and sidewalk on property east of Gene Stallings Avenue. Instead, trees shall be placed in grates with tree guards between the sidewalk and street, incorporating the provisions of the right-of-way landscape requirements of subsection (a)(4)b. West of Gene Stallings Avenue, there shall be a landscaped strip at least five (5) feet wide between the street and sidewalk. The landscaped strip shall be grass, landscaping, or trees, and shall incorporate

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the provisions of the right-of-way landscape requirements of subsection (a)(4)b. Additionally, bollards shall be used between the street and sidewalk at intervals of four (4) feet unless deemed impractical or unfeasible by the zoning official.

3. hhh

(c) RMF-2U use and development standards

(3) *Lot Standards.*

d. Townhouse:

1. Definition: A row of three (3) or more dwellings flush against each other at the sides or attached at the sides by party walls, on individual lots, each unit of which is designed as a separate permanent residence for one family, not including U-rowhouses. No single row of townhouses shall exceed three hundred (300) feet in length.
2. Area: Not specified.
3. Width: Lot width per dwelling unit for townhouses shall be determined by the width of the townhouses and the requirement for a seven (7) foot side yard at each end of a row. No minimum width of townhouses is prescribed, provided that no townhouse shall be less than one-third ($\frac{1}{3}$) as wide as it is deep.
4. Setbacks:
 - (i) Front yard: Ten (10) feet. For corner lots, the front yard abutting a secondary street shall be five (5) feet.

SUMMARY

The petitioner is requesting a variance to reduce the required front yard setback on the primary street. The proposed development includes seven townhouses, with five bedrooms in each townhome. The petitioner was able to revise the drawings and is now proposing thirty-six (36) parking spaces, which meets the required thirty-five (35) parking spaces. Therefore, a special exception from the parking is no longer required. The petitioner also proposes to construct three additional spaces in the public right-of-way along 8th street. The petitioner is requesting a variance from the front setbacks along Gene Stallings Ave due to the narrow right-of-way along this portion of the road which prohibits this development from conforming to the code that requires a 5 foot landscaped strip between the street and the sidewalk. The petitioner proposes to dedicate four (4) feet of right-of-way, build a two (2) foot landscaped strip and a seven (7) foot sidewalk, but requests a variance to allow front setbacks of six (6) feet. This will provide ample room for the landscaping, as well as the construction of a standard sidewalk, therefore ensuring public safety is maintained.

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: No comment

Tuscaloosa Fire and Rescue Service: 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: 800 Gene Stallings Avenue

Property Owner

Name: Hampton Callaghan Phone: 205.310.5872 Email: hcallaghan@kw.com

Address: 1490 Northbank Parkway, Suite 180 ZIP Code: 35406

Petitioner (if different from owner)

Name: Al Cabaniss Phone: 205.758.9032 Email: acabaniss@cabanisseng.com

Address: PO Box 020440 ZIP Code: 35402

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.

The Subdivision in which this Property is located, Bryce Friedman, was recorded in the early 1900's, decades before the Zoning Ordinance. The Street Cross Section requirements, from the early 2000's require a sidewalk adjacent to the curb east of Gene Stallings, and a 2' planting strip separating the sidewalk from the curb on the West side of Gene Stallings. The right-of-way does not accomodate the new cross section requirement, and strict interpretation creates an incongruent street scape. The Developer requests a Variance from the current Street Cross Section requirement to allow the sidewalks on both sides of Gene Stallings to be constructed adjacent to the curb, with trees planted in tree grates to create a harmonious and aesthetically pleasing street scape.

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.

This property lies in a subdivision that was platted in the early 1900's, and has a Zoning Overlay from the early 2000's where properties East of Gene Stallings have a specific street cross section, and properties West of Gene Stallings have a different specific street cross section. This Development will mirror a Development under construction immediately across Gene Stallings. The 1900's plat created a right-of-way which cannot accommodate the cross section from the 2000's. Additionally the Developer has the opportunity to create a harmonious and aesthetically pleasing symmetrical street cross section bordered by Townhomes sharing Architectural Design, materials and colors. The character of the subject property is the same as the property immediately to the East, as well as surrounding properties. The Developer requests this Variance due to the hardship of not being able to mathematically accommodate the 2000's street cross section, and also due to the hardship of an incongruence created in the aesthetics and function of pedestrian movement.

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.

The subject property is being developed in accordance with the Zoning and Overlay requirements. This property is being developed with a virtually identical housing product to the ongoing project immediately to the East. Creating a street scape with identical sidewalks and landscaping characteristics establishes an attractive and functional pedestrian movement. This street cross section variance includes correcting a traffic safety issue, by redesigning and reconstructing the intersection of 8th Street with the West side of Gene Stallings Avenue, providing enhanced maneuvering routes for fire and other emergency vehicles, and eliminating an existing confusing intersection which tends to direct traffic in the wrong direction at an intersection one way street.

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.

- 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: _____

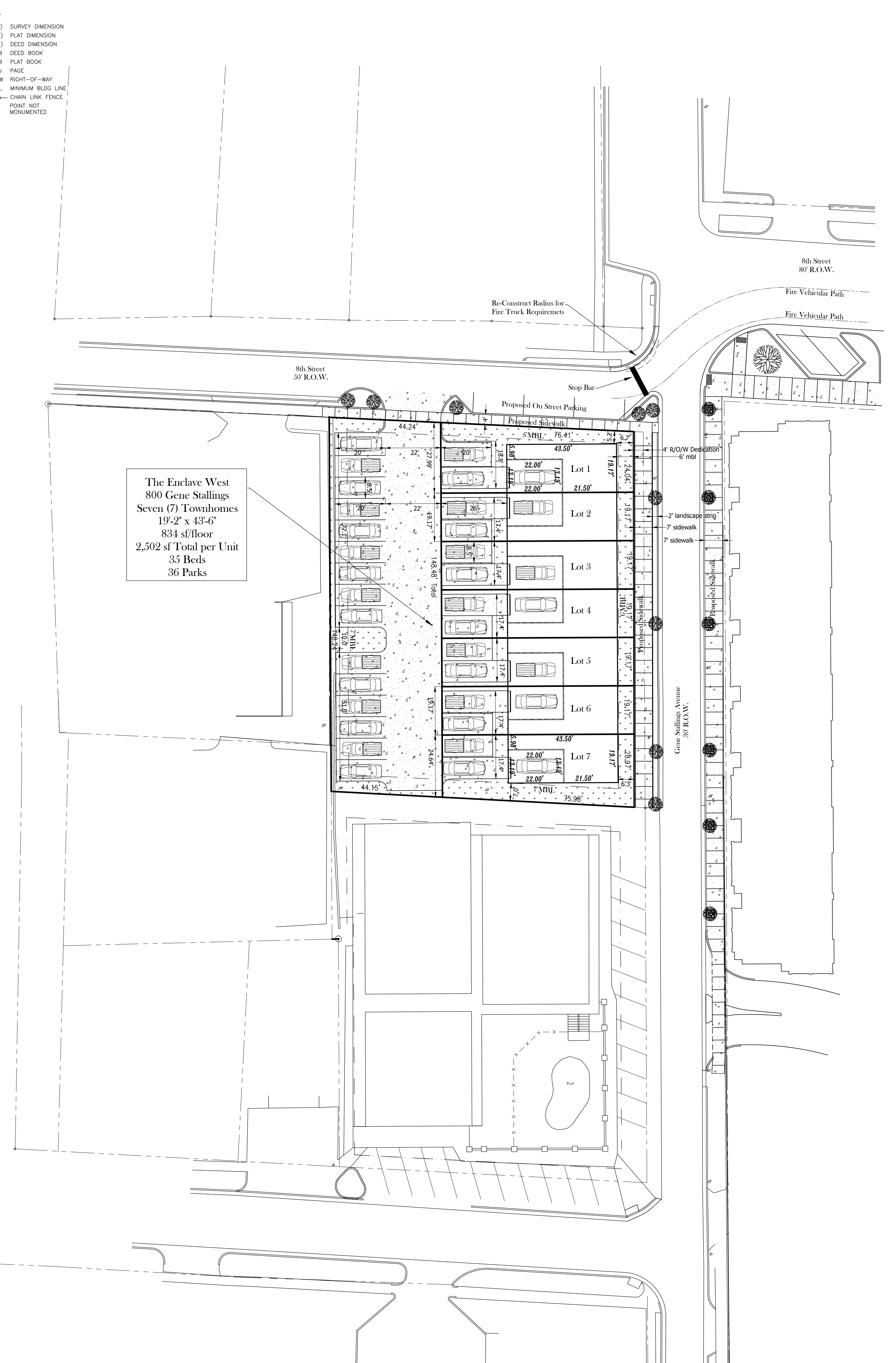
12/20/2022

DL CABANISS

LEGEND

○ IRON PIN FOUND(SIZE)	(S) SURVEY DIMENSION
● 1/2" IRON PIN SET	(P) PLAT DIMENSION
▭ CONCRETE	(D) DEED DIMENSION
⊗ UTILITY POLE	DB DEED BOOK
⊗ UTILITY POLE W/ GUY	PB PLAT BOOK
⊗ LIGHT POLE	Pd PAGE
⊗ BREAK LINE	ROW RIGHT-OF-WAY
◇ CONCRETE MONUMENT FOUND	MBL MINIMUM BLDG LINE
⊗ WOODEN FENCE	⊗ CHAIN LINK FENCE
⊗ OTHER FENCE	△ POINT NOT MONUMENTED
⊗ SANITARY SEWER MANHOLE	
⊗ WATER METER	
⊗ OVERHEAD POWER	
⊗ EXISTING SANITARY SEWER	
⊗ WATER VALVE	
⊗ FIRE HYDRANT	
⊗ PHONE PEDESTAL	
⊗ FLAG POLE	
⊗ TELEPHONE LINE	
⊗ UNDERGROUND POWER	
⊗ LIGHT POLE	

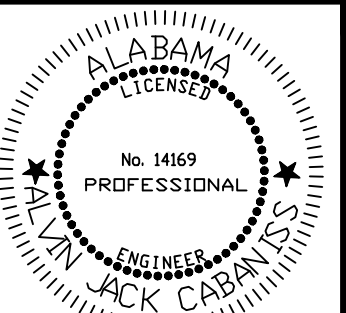
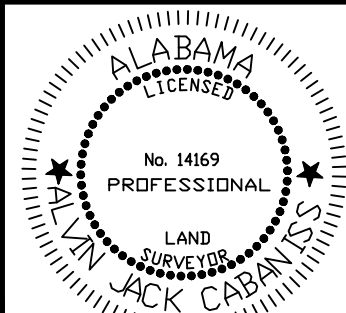
Scale 1" = 20'



JOB NO:
DATE OF SURVEY:
10/09/2019
FB/PG:
DC
FILE NAME:
1706005.DWG
DATE:
12/30/2022
SCALE:
1" = 20'
DWN/CHK BY:
THS/AJC
REVISION:
01/16/2023
SHEET: C 101

Cabaniss Engineering, Inc.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
COURT HOUSE PLAZA 600 LURLEEN WALLACE BLVD. SOUTH, SUITE 140
P.O. BOX 020440 TUSCALOOSA, ALABAMA 35402 (205) 758-9032

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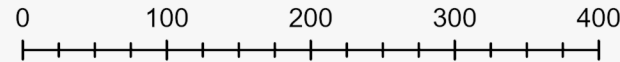


Zoning Board of Adjustment Drawing
Proposed Street Sections & Streetscape
The Enclave West
800 Gene Stallings Avenue
Tuscaloosa, Alabama

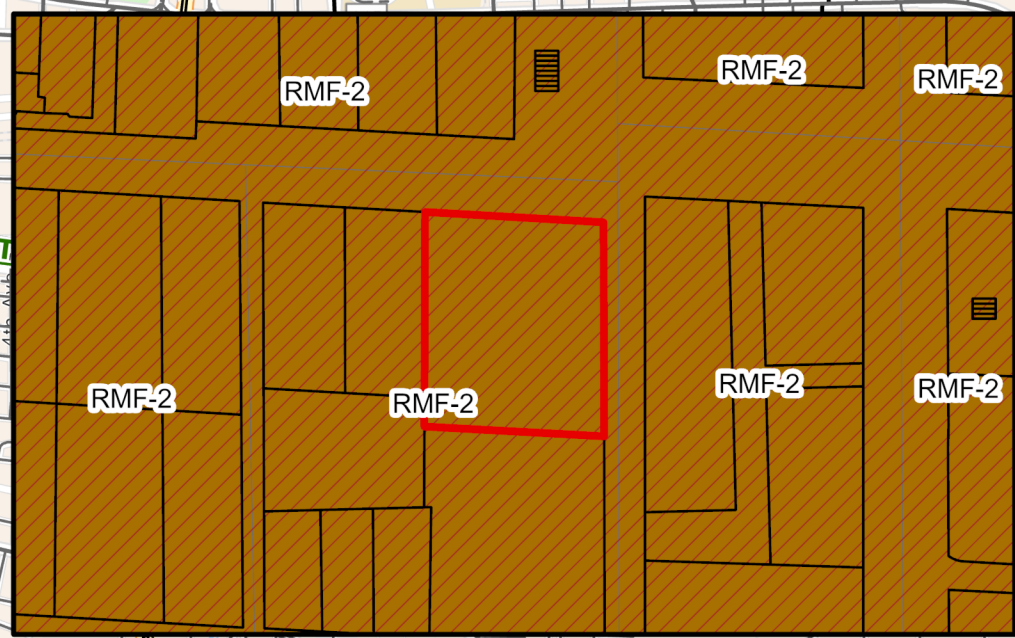
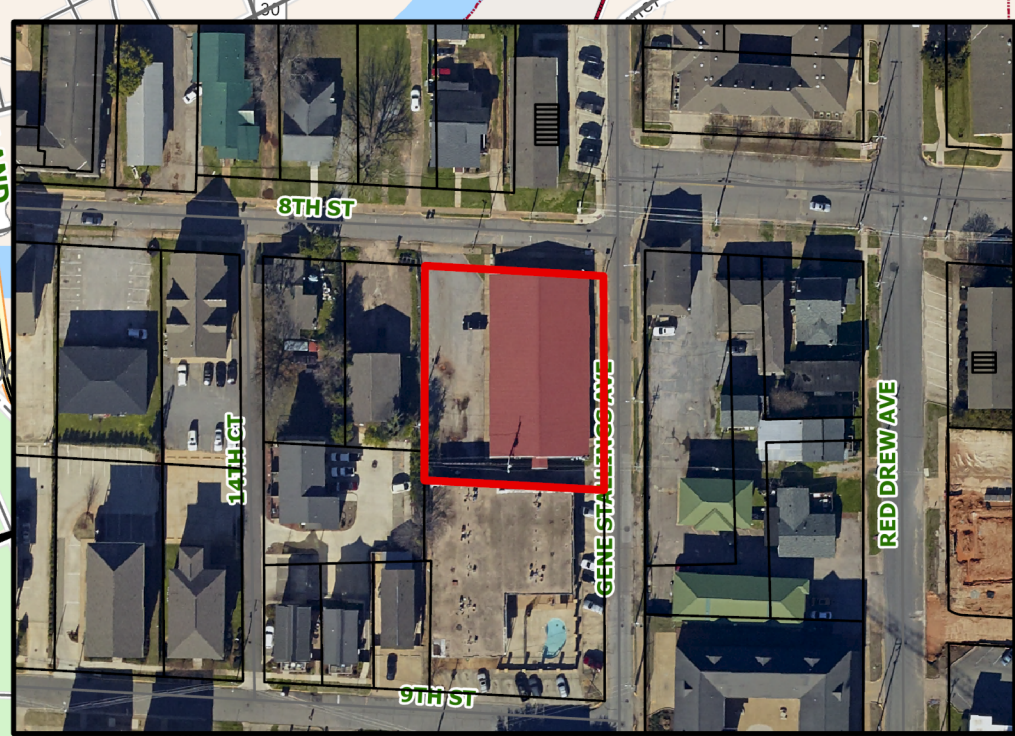
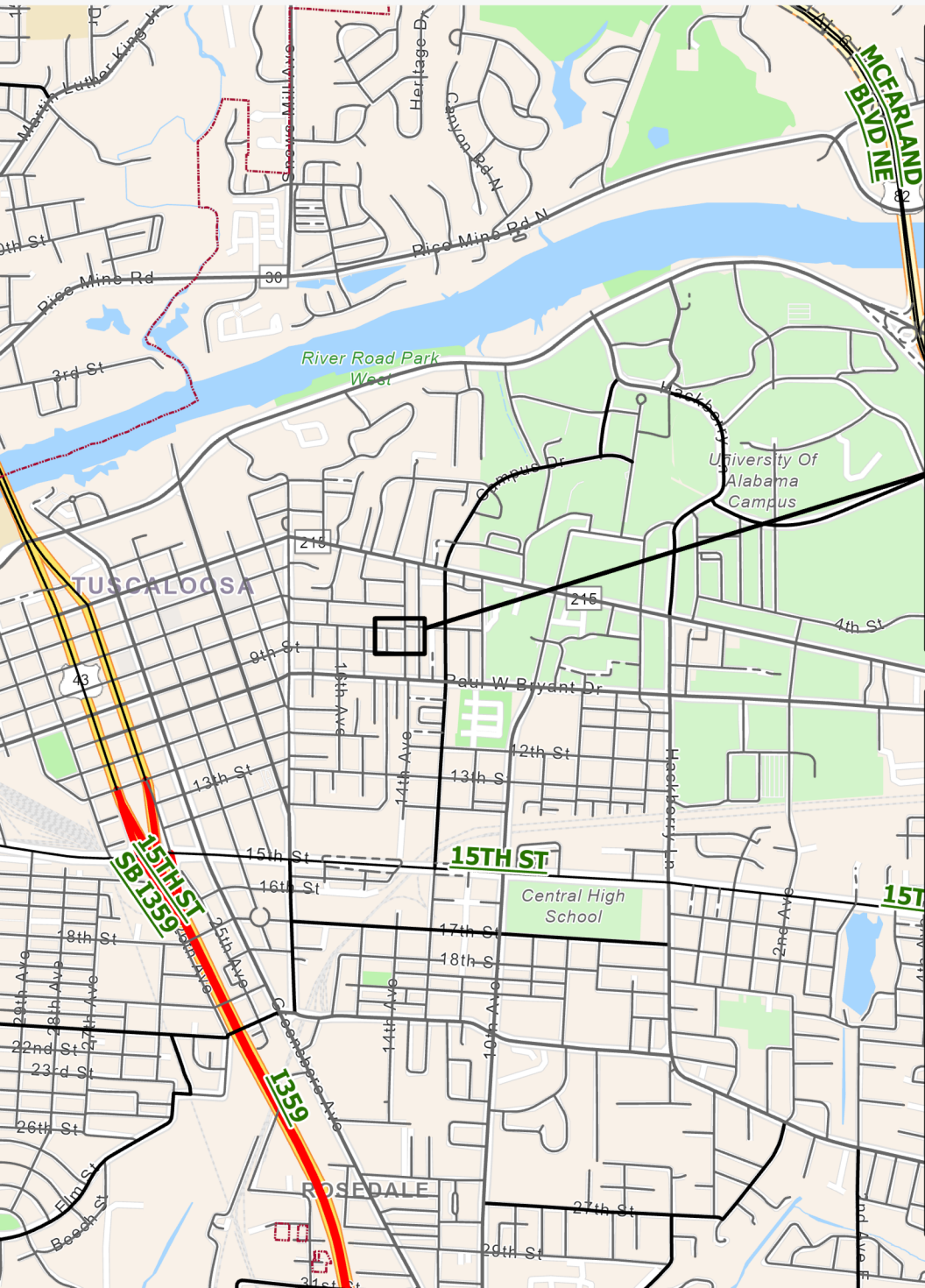


808 Gene Stallings Ave

1 inch = 133 feet



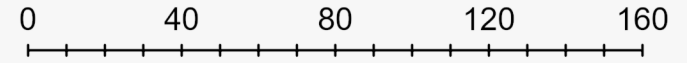
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808 Gene Stallings Ave

1 inch = 50 feet



8TH ST

14TH CT

14TH CT

GENE STALLINGS AVE

GENE STALLINGS AVE

RED DREW AVE

RED DREW AVE



OW LEASING