

ZONING BOARD OF ADJUSTMENT STAFF REPORT

March 27, 2023

ZBA-20-23

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Mark Booth

Requested Action and Purpose

Appealing the ruling of the Zoning Officer regarding a freestanding sign

Location and Existing Zoning

1217 Greensboro Avenue. Zoned BC-DROD. (Council District 4)

Size and Existing Land Use

Approximately 0.5 acres, Multi-family residential

Surrounding Land Use and Zoning

North: Commercial, BC-DROD

East: Commercial, BGO-DROD

South: Jemison-Van De Graaff Mansion, BN-H

West: Commercial, BGO-H

Applicable Regulations

[Sec. 24-135.](#) – Permitted and allowed signs.

- (5) *Freestanding signs in the (BC) Central Business district.* Freestanding signs are prohibited in the (BC) Central Business district.

[Sec. 24-138.](#) – Nonconforming, illegal and abandoned signs.

- (2) *Abandoned signs.* Except as otherwise provided in this article, any sign that is located on property which, for a period of greater than ninety (90) days, becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

SUMMARY

The petitioner is appealing the decision of the Zoning Officer for an abandoned sign on the property. As of November 2022, the sign structure has remained unchanged, and is now considered abandoned. Freestanding signs are not permitted in the BC zoning district, therefore this sign was already considered non-conforming.

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Office of Urban Development, Planning Division: No comment.

Office of Urban Development, Code Enforcement: Urban Development received a complaint about the overall condition of this property. Codes & Development Services found several violations, including the abandoned sign pole. Sec. 24-138 (2) states “in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations... then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.” This property is zoned BC (Central Business). Sec. 24-135 (5) states “Freestanding signs are prohibited in the (BC) Central Business district.” Therefore, the abandoned sign pole is inconsistent with the regulations and must be removed.

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



City of
TUSCALOOSA
URBAN DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, July 2021

Please complete all of the following required fields:

Location of Petitioned Property
Address: 1217 Greensboro Ave, Tusc. 35401

Property Owner
Name: Rustic Inv. Inc. Phone: 205-799-0254 Email: hamakootha@hotmail.com
Address: same ZIP Code: _____

Petitioner (if different from owner)
Name: Mark Booth Phone: 205-799-0254 Email: same
Address: same 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 checked="" 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.

Zoning officer Snider says sign must be removed from property.

**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.

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.

- 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

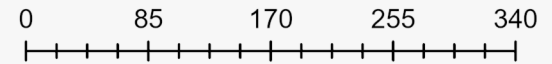
I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize 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: MARK BOOTH Signature: Mark Booth Date: 3/6/23

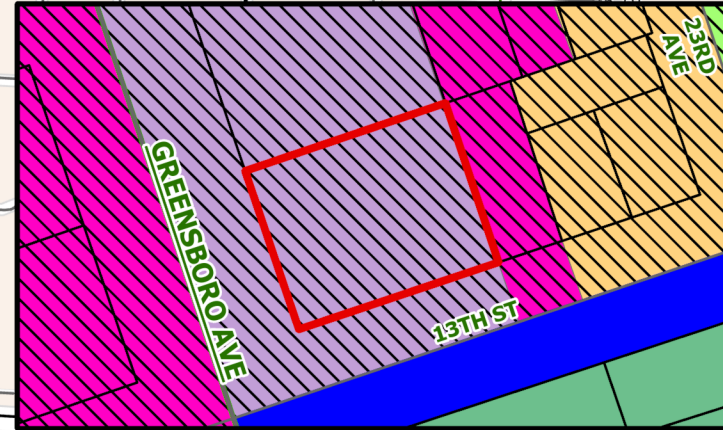
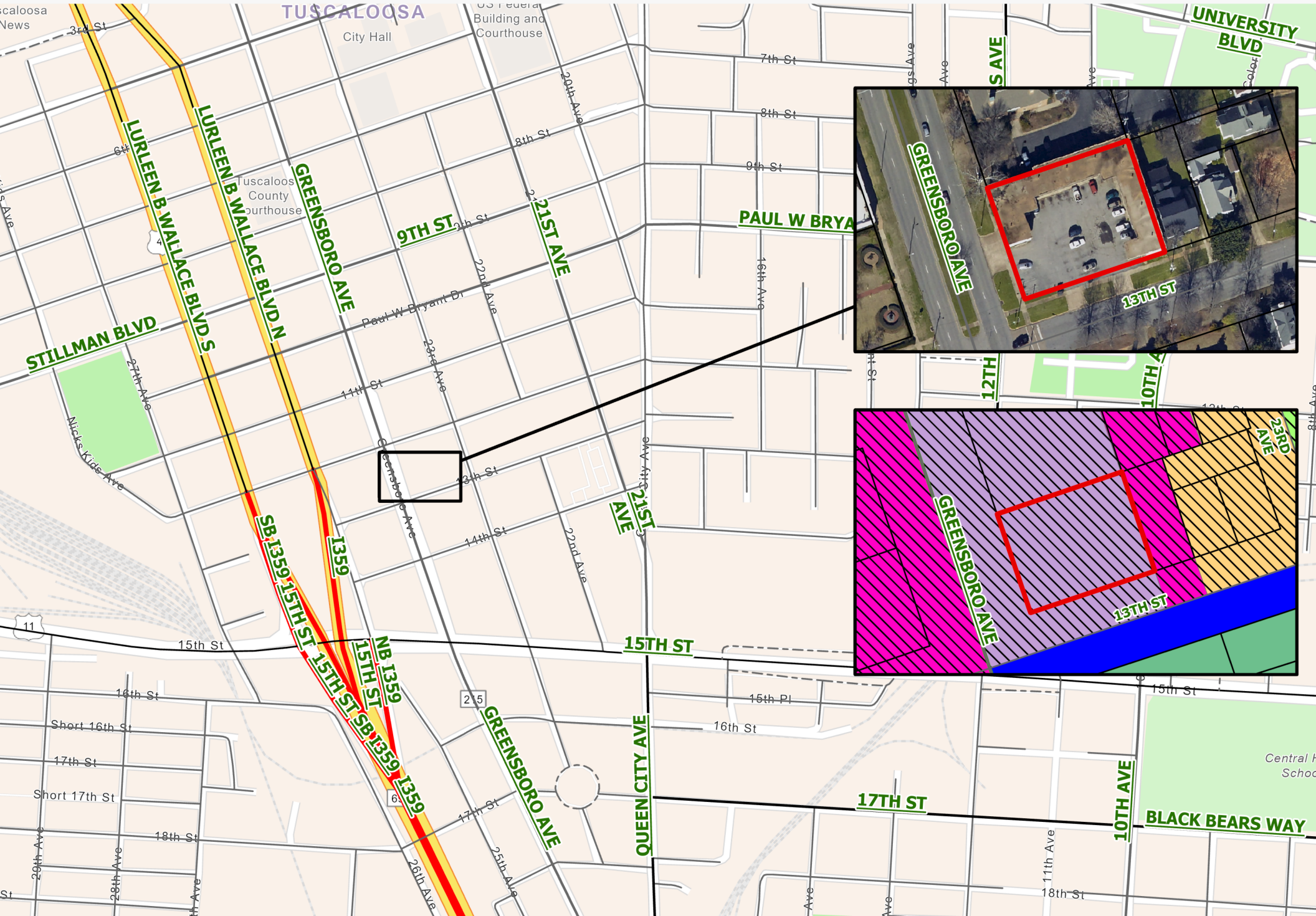


1217 Greensboro Ave

1 inch = 133 feet



N





1217 Greensboro Avenue

1 inch = 50 feet

0 30 60 90 120

N

23RD AVE

13TH ST

12TH ST

GREENSBORO AVE

GREENSBORO AVE





November 18, 2022 8:49 AM



NO PUBLIC
DUMPING

WARRIOR
205-330-2434