

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
March 27, 2023

**ZBA-31-23**

**GENERAL INFORMATION**

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

Devin Jones

**Requested Action and Purpose**

Petitions for a special exception to allow the short-term rental of a property in a historic district

**Location and Existing Zoning**

405 Hargrove Road. Zoned R-1. (Council District 2)

**Size and Existing Land Use**

Approximately 0.41 acres, Single-family residential

**Surrounding Land Use and Zoning**

North: Multi-family residence, RA-2

East: Vacant Lot, R-1

South: Single-family residence, R-1H

West: Church, R-1

**Applicable Regulations**

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

(35.5) *Short-term rental of dwelling*

**PRIMARY**

- a. Property must be within the city limits.
- b. A dwelling must be located on the site, able to be occupied.
- c. All building and fire codes must be met.
- d. No commercial events, such as concerts, weddings, or other large events are permitted.
- e. No on-site signage shall be permitted promoting or identifying the short-term rental.
- f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.
- g. The standards of Section 10.8-13, Noise in residential districts, shall be adhered to.

**DISCRETIONARY**

- a. The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.
- b. The board may consider whether or not short-term rental is the primary or accessory use of the dwelling.
- c. The board may consider the characteristics of the neighborhood and/or surrounding properties (underlying zoning district, surrounding land uses, the number of nearby short-term rental licenses, topography, access, etc.).
- d. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.
- e. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
- f. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.
- g. In cases of renewal, the board may consider the number of verified complaints, violations, and other departures from code that a property has experienced.

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Sec. 24-372. B. Conditional uses:

2. Outside of the TO Downtown-Campus District and for property inside the city limits, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in Section 24-91, approve the short-term rental of a dwelling subject to the following:
  - a. Approvals will be granted on a probationary status for one (1) year, not to exceed thirty (3) nights in the year unless otherwise specified by the Zoning Board of Adjustment. After an initial approval by the Zoning Board of Adjustment, the owner shall submit to an audit by Urban Development Staff of any verified complaints and violations. If there have been no verified complaints and violations, the business license can be administratively renewed for short-term rental without any changes to the limits placed on the number of adults and vehicles assigned to the approval, though the nights per year may be increased to the maximum allowed by code. If there have been verified complaints and violations, the owner shall re-apply to the Zoning Board of Adjustment for a special exception prior to the license being renewed.

**SUMMARY**

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. The dwelling has five bedrooms and seven bathrooms. The petitioner is requesting the following:

- 10 adults
- 5 vehicles

Office of Urban Development, Planning Division: If approved, staff recommends 4 vehicles/ 8 adults based on existing driveway /off-street parking and occupancy as it relates to parking. The accessory dwelling unit cannot be occupied by anyone at any time while the home is being short-term rented.

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

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: 405 Hargrove Road Tuscaloosa AL 35401

#### Property Owner

Name: White legacy LLC (Jeff White) Phone: 801-792-5333 Email: jeff@jeffwhiteinc.com

Address: PO BOX 433 Riverton UT ZIP Code: 84065

#### Petitioner (if different from owner)

Name: Devin Jones Phone: 904-303-9633 Email: djonesproperties@gmail.com

Address: 150 Lenora Dr. ZIP Code: 35401

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"/> <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       |
| Residential ..... \$ 50.00 per lot   | Residential ..... \$ 50.00 per lot  | Residential ..... \$ 50.00 per lot       |
| <input checked="" 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.

Owners built the house for their daughter. Due to sports training and travel she is not currently living in the house. They would like to leverage the property by offering it as a short-term rental for out of town visitors

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.

5 bedrooms, 7 bathrooms, 15 vehicles

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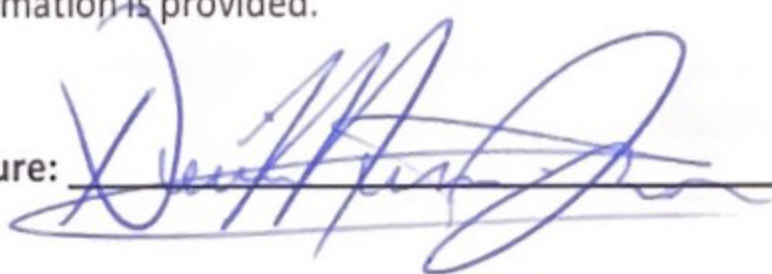
- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception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

Signature:

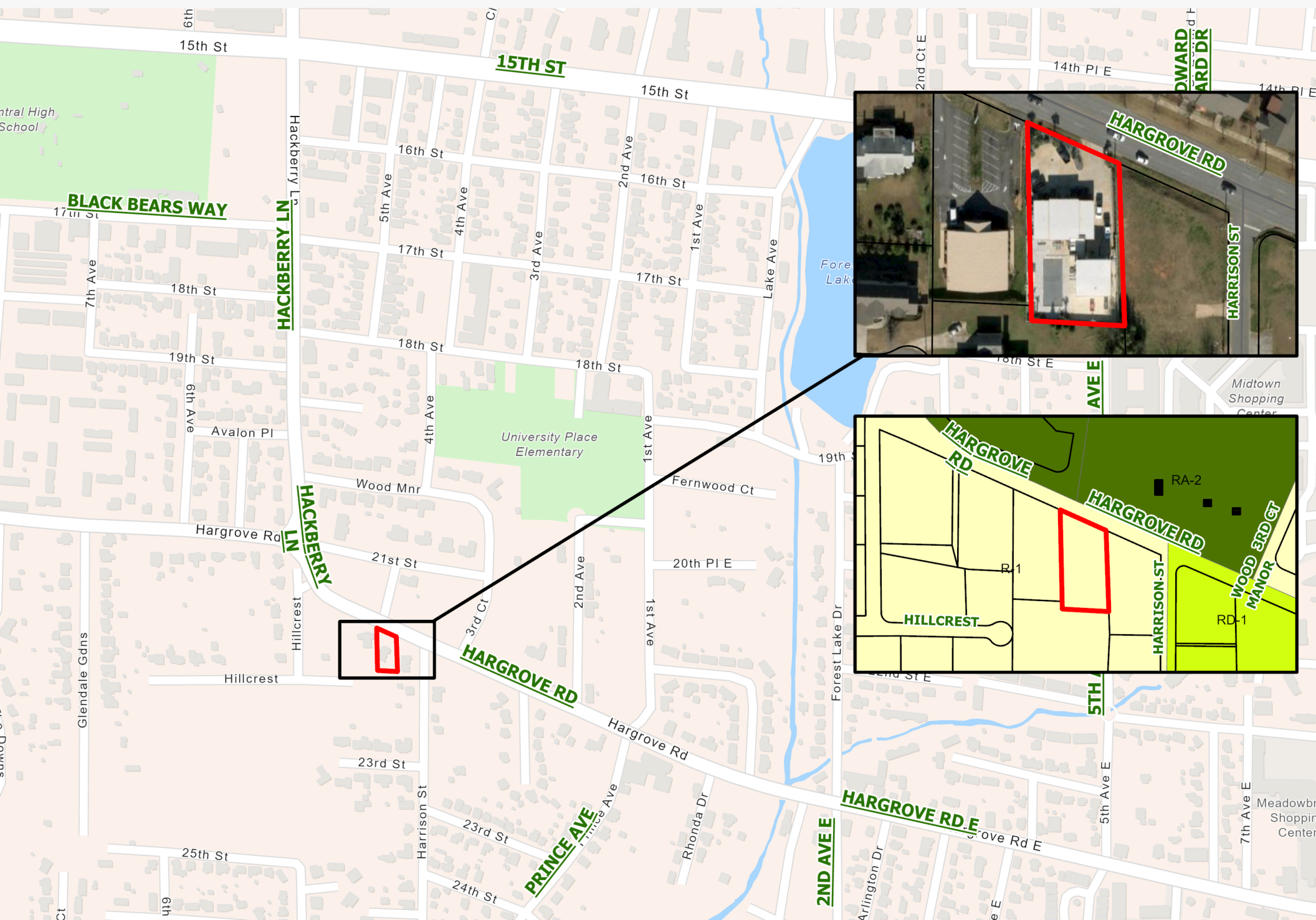
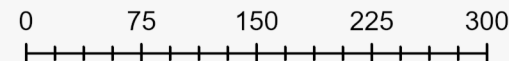


Date: 3/2/2023





1 inch = 125 feet







405 Hargrove Rd

1 inch = 38 feet

0 25 50 75 100

N





















