

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
March 27, 2023

**ZBA-27-23**

**GENERAL INFORMATION**

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

Huey Brannon

**Requested Action and Purpose**

Petition for a special exception to allow for vehicle sales and a special exception to allow for a wholesale store serving a limited or specialized clientele

**Location and Existing Zoning**

246 Skyland Boulevard. Zoned BN. (Council District 7)

**Size and Existing Land Use**

Approximately 1.29 acres, Commercial

**Surrounding Land Use and Zoning**

North: Single-family residence, R-2

East: Commercial, BH

South: Commercial, BN

West: Vacant land, R-2 and Commercial, BN

**Applicable Regulations**

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

(20) *Motor vehicle sales agency*

DISCRETIONARY

- a. Any area used for outdoor storage of automobiles or for a used-car sales lot and which abuts property in a residence district should be enclosed along the property line abutting said district by a solid fence, wall, or hedge not less than six (6) feet in height. Any lighting used to illuminate such storage area or used car lot should be shielded and deflected away from property in a residence district.

(43) *Wholesale store serving a limited or specialized clientele*

PRIMARY

- a. No special exception shall be granted for the wholesaling of alcoholic beverages or perishable foods.
- b. In BGO districts, the board shall require a number of off-street parking spaces adequate, in their opinion, to accommodate the anticipated patronage.

DISCRETIONARY

- c. Warehouse storage space should not exceed two thousand five hundred (2,500) square feet in the BGO district or six thousand (6,000) square feet in the BC district and should be entirely enclosed within a building. Off-street loading space should be provided as necessary.

**SUMMARY**

The petitioner is requesting a special exception to sell used vehicles and manufactured sheds. The petitioner has operated a successful business directly across Skyland Boulevard for years. Due to the impending termination of the lease on that parcel of land, the owner wants to move the operations to the requested location. This property

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was previously approved for a special exception three separate times to allow for automobile sales under three different applicants. There is an existing six (6) foot fence along the property to the west.

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

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: 246 Skyland Blvd.

**Property Owner**

Name: Foster Mathews Jr. Phone: 205-908-9992 Email: \_\_\_\_\_  
Address: 151 Foxfire Circle, Indian Springs, AL ZIP Code: \_\_\_\_\_

**Petitioner (if different from owner)**

Name: Huey Brannon Phone: 2052920809 Email: \_\_\_\_\_  
Address: 246 Skyland Blvd. ZIP Code: 35405

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 checked="" 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 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.**

Currently the property has a use variance for vehicle sales and the owner would like to add manufactured storage sheds. He currently is using 233 Skyland Blvd which is across the street however, he lease is running out. The use of this lot along the Skyland corridor is a very high traffic area and the business will have high exposure. There is an existing lot to the north zoned R-2 that is vacant and vegetative that acts as a natural buffer to this lot and this will remain in place.

**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](mailto: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.

The lot is zoned for commercial use however, storage units are not allowed. Mr. Brannon has been ~~selling these units across the highway for years and his lease is ending. In place of moving outright from this area, he would like to move to his property directly across and continue his business that he has~~ owned for years.

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.

Skyland is a high traffic area that is lined with commercial businesses from end to end and this lot already ~~has commercial sales in place. Nothing will change but adding manufactured storage buildings.~~

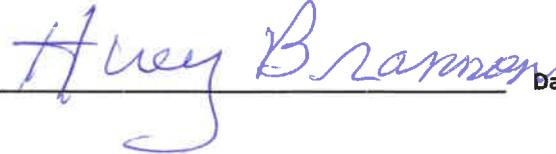
**Answer the following for SHORT-TERM RENTAL requests ONLY:**

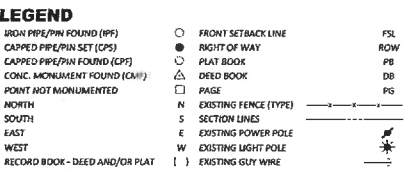
Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and 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: Huey Brannon Signature:  Date: 3/6/2023



Part of Lots 39 & 40 of the Hurks Garden Survey, a map of which is recorded in Plat Book 5, at Page 160, in the Probate Office of Tuscaloosa County, Alabama, as follows: In Lot 39 begin at the Southwest corner of said lot; run thence North along the West line of said lot 45 feet to a point; run thence east parallel with the South line of said Lot 121 feet to a point on the East line of said lot; run thence Southwesterly along the East line of said lot 55 feet, more or less, to the Southeast corner of said lot; run thence West along the South line of said Lot 103 feet to the point of beginning.

**PARCEL #2**

**PARCEL #3**

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 1, Township 22 South, Range 10 West, being more particularly described as follows:

As a point of beginning start at the Northeast Corner of Lot 52 of the Burks Garden Survey, a plat of which is recorded in Plat Book 5, at Page 160, in the Probate Office of Tuscaloosa County, Alabama; thence, Southwardly along the East boundary line of said Lot 52 for a distance of 94.1 feet to an intersection with the North boundary line of U.S. Highway #11 (formerly known as U.S. 11 Bypass) the Eastwardly along the North boundary line of said U.S. Highway No. 11 for a distance of 342.5 feet to a point; thence with an angle of 90°0' to the left, run in a Northerly direction for a distance of 347. feet to a point on the East boundary of Lot 39 of said Burks Garden survey; thence with a deflection angle of 141°13' to the left, run in a Southerly direction along the East boundary line of said Lot 39 for a distance of 128.2 feet to the Southeast corner of said Lot 39; thence, Southwardly along the East boundary line of said Lot 40 of said Burks Garden Survey for a distance of 208.9 feet to the Southeast corner of said Lot 40; thence Southwardly for a distance of 61.5 feet to the point of beginning.

- STATE OF ALABAMA  
TUSCALOOSA COUNTY

WITNESS MY HAND ON THIS THE 2ND DAY OF FEBRUARY, 2023.

CHRISTOPHER G. SENTELL, P.L.S.  
ALABAMA REG. NO. 24028

**HUEY BRANNON**  
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER  
SECTION 1, TOWNSHIP 22 SOUTH, RANGE 40 WEST AND A PART OF LOTS 39 & 40,  
BURK'S GARDEN SUBDIVISION, PLAT BOOK 5, PAGE 160  
TUSCALOOSA COUNTY, ALABAMA

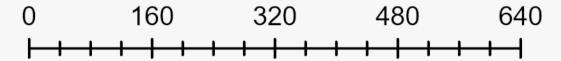
NO.	DATE:	DESCRIPTION:
DRAWN :		CGS
CHECKED :		GLS
DATE :	02/02/2023	
JOB NO :	22-337	
SHEET :		



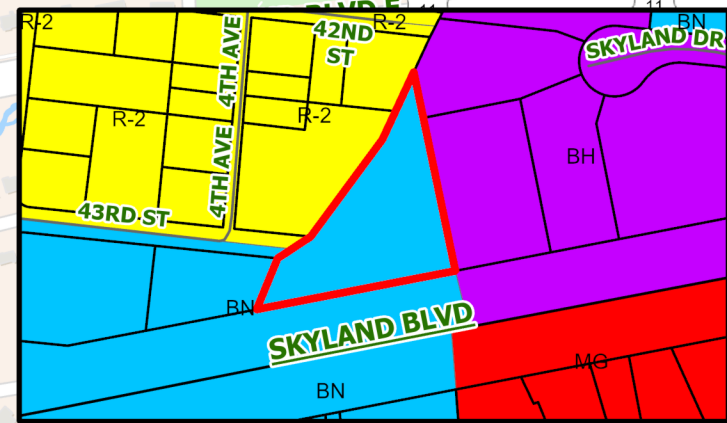
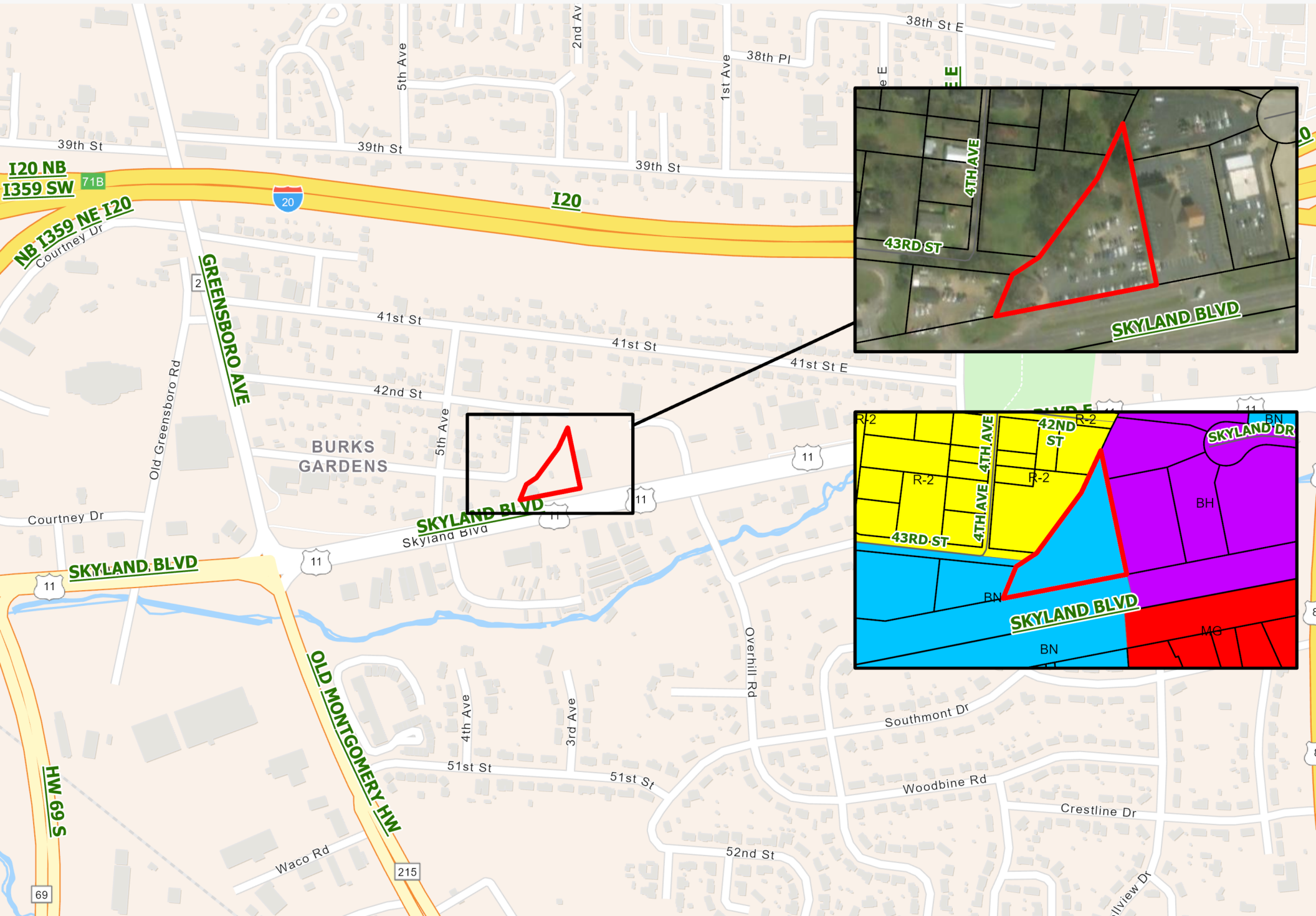


# 246 Skyland Blvd

1 inch = 250 feet



N







# 246 Skyland Blvd

1 inch = 75 feet

0 40 80 120 160

N





**CLYDE'S**  
STORAGE BUILDINGS, CARPORTS & GARAGES

205-310-0452

246











**CLYDE'S**  
**OFFICE**