

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
March 27, 2023

**ZBA-26-23**

**GENERAL INFORMATION**

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

John Johnson

**Requested Action and Purpose**

Petition for a variance from the landscape buffer regulations, a variance from the industrial district setback regulations, and a special exception from the off-street parking regulations, to construct warehouses

**Location and Existing Zoning**

2602 30th Street. Zoned MG. (Council District 2)

**Size and Existing Land Use**

Approximately 0.15 acres, Vacant land

**Surrounding Land Use and Zoning**

North: Cell tower, MG

East: Dome warehouses, MG

South: Industrial, MH

West: Single-family residence, MG

**Applicable Regulations**

[Sec. 24-74.](#) – Yard and height requirements.

- (b) *Minimum front yard depth.* The minimum front yard depth shall be twenty (20) feet in an MG District and thirty (30) feet in ML and MH Districts, provided that where existing permitted structures are set back less than required herein, no new structure shall be required to be set back more than the average of existing structures within one hundred (100) feet on each side thereof.

[Sec. 24-122.](#) – Off-street parking requirement.

- (a) *General.* Except in the Central Business District (BC) and Institutional Districts (I), and except for business establishments included in shopping centers, the minimum number of required off-street parking spaces shall be provided as set out in the following table for: (1) new construction; (2) substantial reconstruction; where more than fifty (50) per cent of an existing building is destroyed or removed and subsequently built back; and (3) change of use from an industrial or residential use to any commercial use. The board of adjustment may require a greater number of parking spaces as a condition for granting a special exception, or may, as a special exception, grant a reduction in the number of parking spaces required in this section:

Minimum Requirement	
Industrial activity, warehouse and the like	Eight-tenths (0.8) per employee on the maximum shift, plus one for each company vehicle stored overnight on the premises

[Sec. 24-255.](#) – Landscaping requirements

- (c) *Buffer planting requirements.*

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(2) *Buffer widths.*

(i) Industrial zoned and/or uses adjacent to residential uses/zones: Fifty (50) feet.

**SUMMARY**

The petitioner is requesting a variance from the landscape buffer requirements and the industrial district setback regulations to construct three dome warehouses. The regulations require a fifty (50) foot landscaped buffer between the residence directly to the west of this property. The lot is approximately fifty-three (53) feet wide, so enforcing the buffer requirement would make the lot unbuildable. The petitioner is also requesting to reduce the required twenty (20) foot front setback, along Southside Drive, to seven (7) feet. These two variances would allow for a suitable building area for the construction of the dome warehouses that are approximately thirty (30) feet in diameter. In addition, due to the small area available to build these warehouses, the parking cannot be fully built on the parcel of land. The petitioner is proposing to build six (6) parking spaces, however, they will be considered on-street, so the request is for an exception from the total parking requirement.

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: Lot 13 JL Maddox

Property Owner

Name: John Johnson Phone: 205-292-7651 Email:

Address: 13288 Domes Ridge Road, Duncanville, AL ZIP Code: 35456

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.

- 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.

We would like to request to reduce the setback along First Street East from 20' to 7'. We would also like to request a variance from the buffer requirement and the off street parking requirement. This lot was platted in January of 1957. This development would include the construction of three (3) dome warehouses. The buffer requirement requires a 50' buffer from residential properties and due to the lots dimensions is unworkable. Also due to the lots dimensions the off-street parking requirement cannot be met.

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.

The current minimum building lines only allow for a twenty (20) foot width of construction. The proposed domes are thirty (30) feet in diameter. This lot was platted in 1957 and the zoning ordinance was begun in 1973. Lot dimension are so small that buffer requirements and off-street parking requirements cannot be met.

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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.

This variance, if allowed, will improve the visual aesthetics of the site and enhance the neighborhood. It will also allow Mr. Johnson to expand his business, currently located across the road from this project.

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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.

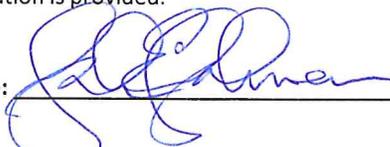
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- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or 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.

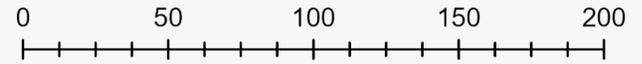
Print Name: John E. Johnson Signature:  Date: 3-5-2023



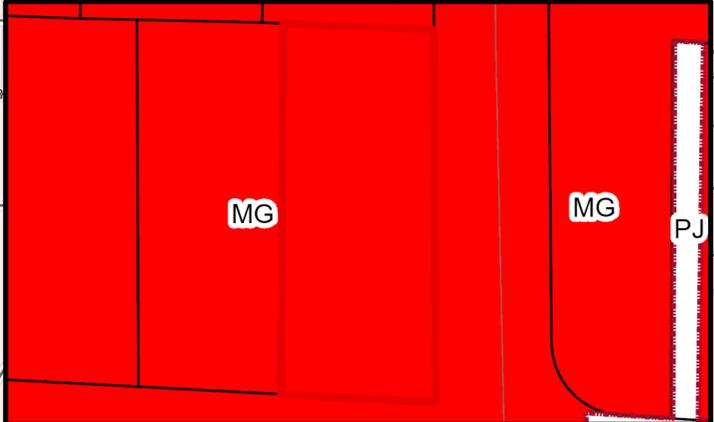
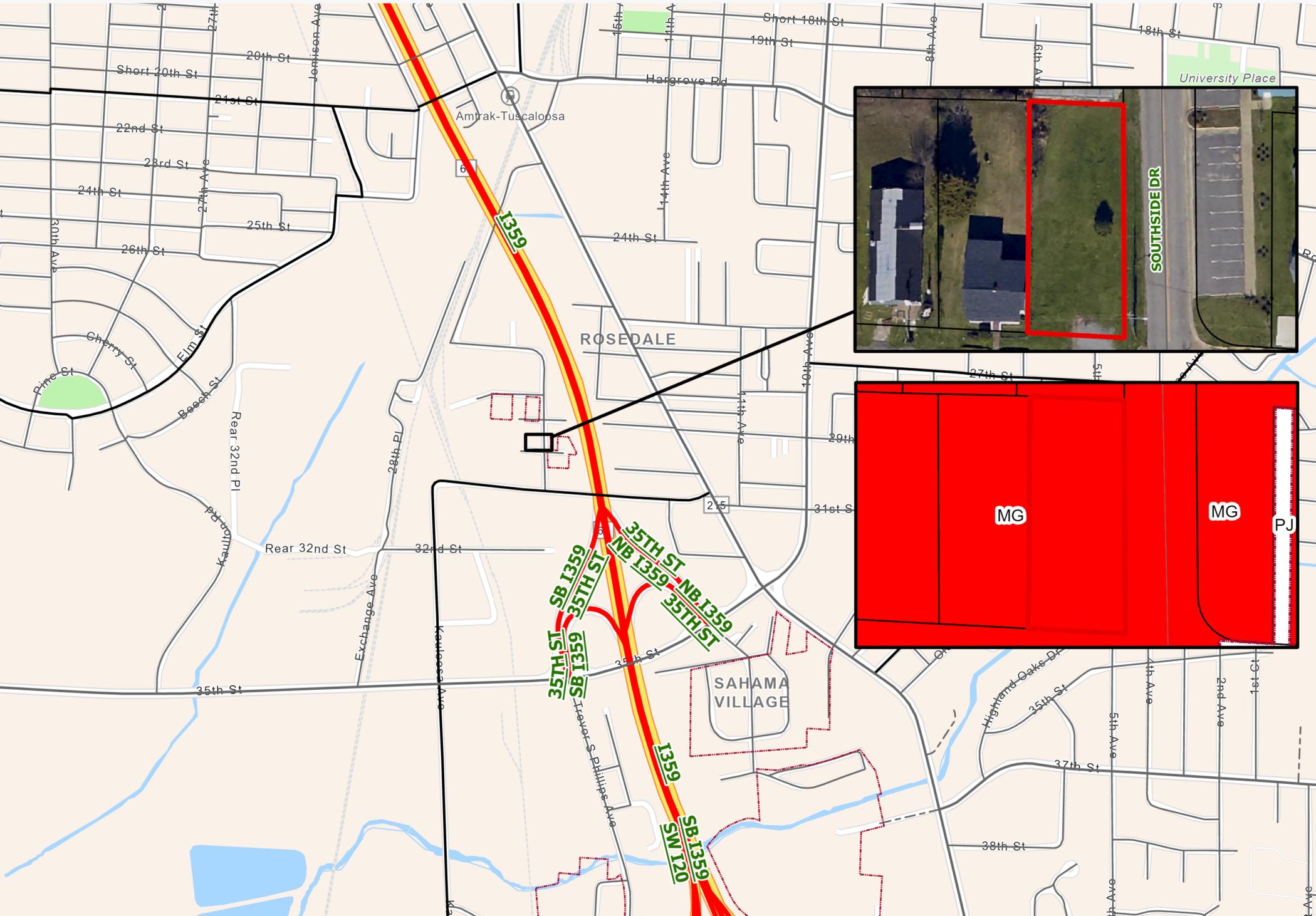


# 2602 30th St

1 inch = 66 feet



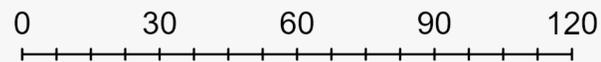
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2602 30th St

1 inch = 42 feet



SOUTHSIDE DR

SOUTHSIDE DR

30TH ST



DEAD  
END



