

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

April 26, 2021

### ZBA-21-21

#### GENERAL INFORMATION

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

Bill Pool

##### **Requested Action and Purpose**

Petitions for a special exception to allow a recreational vehicle park

##### **Location and Existing Zoning**

4700 University Boulevard East. Zoned BH. (Council District 5)

##### **Size and Existing Land Use**

Approximately 3.94 acres, commercial

##### **Surrounding Land Use and Zoning**

North: Single-family dwellings, R-1

East: Vacant, RMF-1

South: Vacant, BN

West: Commercial, BN

##### **Applicable Regulations**

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

(30) *Recreational vehicle park*

##### **PRIMARY**

- a. The proposed park shall comply with applicable regulations of the Alabama Board of Health and with all applicable city ordinances.
- b. Such a park shall be used for the temporary placement and occupancy of recreational vehicles only. No mobile home shall be placed or occupied in such a park. No recreational vehicle shall be occupied by a person or family longer than two (2) weeks.

##### **SUMMARY**

The petitioner is requesting a special exception to allow a recreational vehicle park. The Elks Lodge currently has several RV spaces they rent out for Alabama home football games. They were previously denied by the Zoning Board of Adjustment for a use variance to allow a recreational vehicle park in July of 2020 (ZBA-2020-030). They were approved a rezoning from BN to BH in January of 2021 in order to be able to request a recreational vehicle park as a special exception rather than a use variance (Z-02-21).

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No comment

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
April 26, 2021

Fire and Rescue Department, Fire Administration: No comment



## ZONING BOARD OF ADJUSTMENT

### PETITION APPLICATION

Last Updated, Feb 2021

Please complete all of the following required fields:

#### Location of Petitioned Property

Address: \_\_\_\_\_

#### Property Owner

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

#### 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.

- |   |   |  |
|---|---|--|
| <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 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:**

---

---

#### 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.

- 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.

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please complete the applicable fields prior to application submission:

**Answer the following for ALL requests:**

Describe the reasons for the request and, if requesting a special exception, any extra related information. (e.g. number of parking spaces, hours of operation, etc.)

---

---

---

---

---

**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.

---

---

---

---

---

**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)

---

**FOR OFFICE USE ONLY:**

ZBA Case Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Hearing Date: \_\_\_\_\_





TUSCALOOSA  
PLANNING COMMISSION

REZONING PETITION

Please complete all of the following required fields:

<b>Applicant</b>		
Name: <u>Mike Hicks</u>	Email: <u>mike@hhasurveyors.com</u>	Phone: <u>205-333-0003</u>
Address: <u>2728 Lurleen Wallace Blvd.</u>	City/State: <u>Northport</u> / <u>AL</u>	ZIP Code: <u>35476</u>
<b>Property Owner (If different from applicant)</b>		
Name: <u>Elks Lodge No. 393 c/o Ben Welch</u>	Email: <u>ben.welch@smartbank.com</u>	Phone: <u>205-561-7753</u>
Address: <u>4700 University Blvd. E.</u>	City/State: <u>Tuscaloosa</u> / <u>AL</u>	ZIP Code: <u>35405</u>
<b>Property</b>		
Address: <u>4700 University Blvd. E.</u>	City/State: <u>Tuscaloosa</u> / <u>AL</u>	ZIP Code: <u>35405</u>
Subdivision: _____	Parcel ID: <u>30-08-28-1-001-004.000</u>	Lot Number: _____
Existing buildings or structures: <u>The Elks Lodge</u>	Lot Size: _____	

The petitioner requests a change to the Zoning Map as indicated below:

Current zoning: BN Request zoning change to: BH

Reasons for requesting a zoning change: This application substantially involves a resurvey that would result in a rezoning of one of the resultant parcels to facilitate the use of the rezoned parcel to operate existing recreational facilities and to preserve the current zoning on the resulting parcel whereon the lodge is located.

Proposed buildings or construction: None - electrical and sanitary sewer hookups are already in place

**Certification of Applicant**

I hereby certify that I have read and examined this application and known the same to be true and correct. I understand that consideration of this application is based upon the correctness of the information I have supplied and that any permit(s) granted may be revoked upon finding by the Zoning Official that any relevant information supplied on or with the application is substantially incorrect. I certify that the legal description I have submitted is accurate and understand that I am solely responsible for the accuracy of the description submitted. I further understand that only complete applications including all required exhibits, and fees are received by the City of Tuscaloosa Office of Urban Development, Planning Division by the scheduled deadline in order to be placed on the agenda.

☒ I HAVE REVIEWED, COMPLETED, & AGREE TO ALL SUBMITTAL REQUIREMENTS ON THE BACK OF THIS APPLICATION

Applicant: \_\_\_\_\_ Date: 12/18/20

PLEASE SUBMIT AN ELECTRONIC COPY OF  
PAGE ONE (1) AND ANY NECESSARY SUPPORTING MATERIALS TO:

Office of Urban Development: 2201 University Boulevard, Annex III, 3<sup>rd</sup> FL planningcommission@tuscaloosa.com  
Planning Division Tuscaloosa, AL 35401 **SUBMIT FORM**

Please review the following information prior to application submission:

**2019 Meeting Dates & Deadlines:**

THE THIRD MONDAY OF EACH MONTH  
AT 5:00 P.M.  
IN THE CITY COUNCIL CHAMBER  
(SECOND FLOOR OF CITY HALL)

*UNLESS OTHERWISE ADVERTISED*

**Fee Schedule:**

0 – 5 acres	\$300.00
5.1 – 10 acres	\$400.00
10.1 – 40 acres	\$500.00
More than 40 acres	\$600.00

**REQUIRED Application Materials:**

The Planning Division requires for all zoning applications that the legal description be submitted by email or on a CD or thumb drive as a word document to the planning division. The applicant is solely responsible for the accuracy of the description submitted. The Planning Division will not independently verify the accuracy of the description. The City of Tuscaloosa is not liable for any costs, inconvenience or other damages from errors in the submitted legal description.

All requests must be accompanied by a drawn to scale site plan showing present and proposed lot lines, buildings, and/or parking dimensions. An accurate legal description must be included with the petition.

Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

After any notification has been sent to surrounding property owners, a petitioner or developer may only request to have the petition postponed by appearing at the hearing in person to request a continuance.

All legal advertisement costs must be paid prior to final consideration by the city council





# Z-02-21: 4700 University Boulevard East

1 inch = 200 feet  
0 100 200 300 400







# Z-02-21: 4700 University Boulevard East

1 inch = 100 feet  
0 50 100 150 200



PLANNING COMMISSION STAFF REPORT

January 20, 2021

Z-02-21

**GENERAL INFORMATION**

**Property Owner ( ) Petitioner (x)**

Mike Hicks

**Requested Action and Purpose**

Rezone from BN to BH. The subject property is under a subdivision case to create two lots. Only the eastern is proposed to be rezoned.

**Location and Existing Zoning**

4700 University Boulevard East. BN

**Size and Existing Land Use**

3.94 acres to be rezoned, 5.42 acres total; Elks Lodge, and RV parking spaces

**Surrounding Land Use and Zoning**

North – Residential, Zoned R-1

East – Vacant, Zoned RMF-1

South – Commercial, Zoned BN

West – Commercial, Zoned BN

**Applicable Regulations**

*BH Highway-Related Commercial Districts:* This district is created to provide minimum standards for the development and use of two (2) classes of business:

(a) Commercial establishments serving the needs of highway travelers, and

(b) Auto-related business serving mainly the local market, but which are difficult to incorporate into unified shopping centers.

*See end of report for table of permitted uses in the BH zone.*

**Transportation**

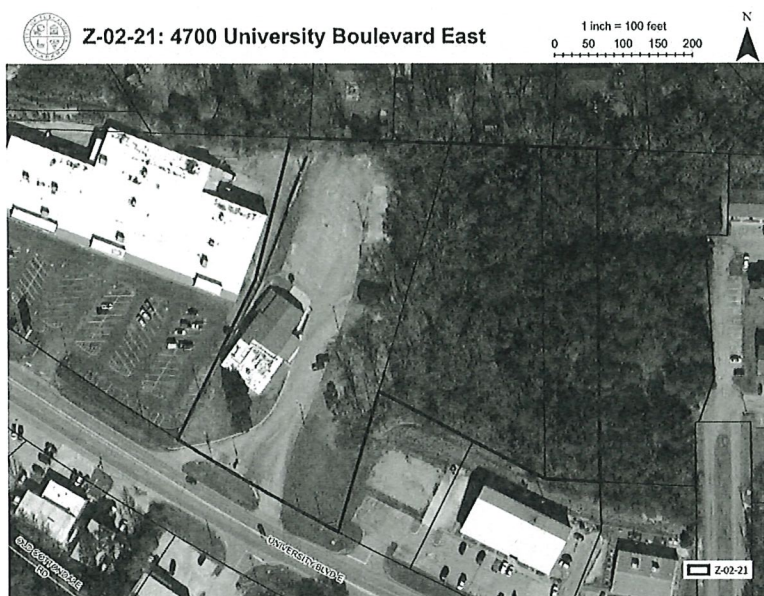
University Boulevard East, a principal arterial

**Physical Characteristics**

Approximately 3.94 acres; existing RV parking and wooded area adjacent to Elks Lodge building



PLANNING COMMISSION STAFF REPORT  
January 20, 2021



SUBJECT PROPERTY

**ANALYSIS**

This property is proposing to subdivide the lot into two, and rezone the eastern lot from BN to BH.

The Elks Lodge currently has several RV spaces they rent out for Alabama home football games, as is permitted in BN. If rezoned to BH, this would allow them to petition the Zoning Board of Adjustment for a special exception to allow an RV park so they can utilize the spaces on a year-round basis. The primary criteria for this special exception includes the requirement that no RV can remain on site for "longer than (2) weeks" per Sec. 24-91 of the Code of Tuscaloosa.

In the 2009 Citywide Future Land Use Plan (Plan), this property is not specifically addressed, but it is just across from a "Commercial Activity Center." The Commercial Activity Center is the Five Points area to the west at the intersection of University Boulevard and Veterans Memorial Parkway.

University Boulevard East is a State Highway. The proposed BH zone, as noted above, states it is intended in part to serve to needs of highway travelers.

Notification was sent via USPS to property owners located within 500 feet of the subject property.

PLANNING COMMISSION STAFF REPORT  
January 20, 2021

**BN Permitted Uses (Sec. 24-52):**

<b>Permitted Uses (24-52)</b>	<b>BN</b>
Accessory use on the same lot with and customarily incidental to any of the below uses permitted in the district concerned	X
Antique shops	X
Apartment	(P)
Appliance repair store, watch or camera repair store and the like	X
Automobile repair shop	
Automobile filling stations with or without convenience store	X
Automobile and truck sales agency, provided that any used car sales lot abutting any residence shall be shielded from such residence by a wall, solid fence, or hedge not less than five (5) nor more than eight (8) feet high, and that any lighting used to illuminate such used car lot shall be deflected away from any residence	
Automobile sales event lasting no longer than ten (10) days in the parking lot of a shopping center, subject to determination of zoning officer that ample space in excess of normal parking requirement is available	X
Automobile/truck parts store	X
Automobile washing facility	X
Brewpub	
Café, coffee house, juice bar	X
Church and other place of worship, religious or philanthropic use	X
Club or lodge organized for fraternal or social purposes	X
Confectionery or bake shop	X
Doctor or dentist office, medical or dental clinic, medical laboratory	X
Drive-in theater, provided that no portion of the premises shall be less than five hundred (500) feet from any residential district	
Editorial offices of newspaper or other publisher, not including a printing plant employing a web-fed press	X
Financial institution, including bank, savings and loan company, credit union, finance company, or mortgage company *	X
Food catering	X
Governmental and quasi-governmental offices	X
Grocery or drug store	X
Group home for mentally retarded/mentally ill	
Indoor theater or auditorium, bowling alley or other recreational facility enclosed within a building	X
Laundry and dry cleaning pickup and delivery establishment, not including a dry-cleaning or laundry plant	X
Marina and related facilities	
Mobile home sales agency	
Motel	(P)



PLANNING COMMISSION STAFF REPORT  
January 20, 2021

Off-site sign	X
On-site sign, subject to regulations set forth in article X	X
Other dwelling, not including a mobile home	(P)
Package liquor store	X
Parking facility, subject to regulations set forth in Section 24-121	X
Passenger station, railway or bus	X
Personal service shop, including tailor, barber, beauty shop, shoe repair, and the like	X
Photographic studio	X
Professional office, i.e., insurance, real estate, lawyer, architect, engineer, and the like	X
Radio or television studio	X
Real estate office, insurance agency	X
Restaurant	X
Restaurant; bistro	X
Restaurant; drive-through/drive-up/walk-up *	X
Restaurant with attached bar	X
Retail sales store, but not including a motor vehicle sales agency, farm implement sales agency, heavy construction equipment sales agency, or mobilehome sales agency, building supply and lumber retail sales store, or package liquor store	X
School of dance, drama, or music	X
Service establishments needed to support the above uses, such as messenger service, answering service, telegraph office, blueprinting and reproducing establishment, and the like	X
Telephone exchange or other switching equipment entirely enclosed within a building	X
Tire recapping plant	
Tradesmen and operatives such as plumbers, electricians and the like with no outside storage of supplies/equipment and with no more than one rollup door, with opening not exceeding ten (10) feet by ten (10) feet	X
Unified shopping center, including miscellaneous retail service uses, provided that overall gross leasable area of the center is forty thousand (40,000) square feet or more	
Unified shopping center, incorporating any of the above uses permitted in the district concerned	X
Vehicle-mounted or tent-sheltered food sales or other retailing, under permit issued by zoning officer, subject to same conditions as apply to a special exception for such uses, for no more than ten (10) days in connection with a special event	X
Wine bar	X
Wireless telecommunication towers and antennas subject to requirements in Sections 24-110 and 24-111	X
Wholesale store without outside storage or exterior tanks in building(s) not exceeding six thousand (6,000) sq. ft. total	X

Limited Permitted Uses	BN
Bar/tavern	(B)(C)
Event space, banquet/reception hall	(C)
Gastropub	(C)
Live entertainment	(C)

Footnotes:

(A) Permitted in this district only in the area platted and known as the original city survey and subject to the same restrictions as in the RMF-2 district.

(B) Permitted in this district provided that the use is limited to one per block face and no closer in proximity than fifty (50) feet to another limited use that is subject to these spacing restrictions.



PLANNING COMMISSION STAFF REPORT  
January 20, 2021

(C) Permitted provided that the standards of Section 10.8-13, Noise in residential districts are adhered to.

(P) Permitted in this district only in a planned unit development, except as provided in Section 24-53.

(\*) Provided that drive-through teller or food pickup windows may be included only if the adequacy and safety of the driveways are approved by the city engineer or his designee, and further provided that any establishment with a drive-thru window located within one hundred (100) feet of a residence shall be screened along the side facing such residence by a wall, opaque fence or compact hedge not less than six (6) feet in height, and that exterior lighting shall be shielded and deflected away from such residence.

**BN Special Exception Uses (Sec. 24-53):**

Off-site sign	X
On-site sign, subject to regulations set forth in article X	X
Other dwelling, not including a mobile home	(P)
Package liquor store	X
Parking facility, subject to regulations set forth in Section 24-121	X
Passenger station, railway or bus	X
Personal service shop, including tailor, barber, beauty shop, shoe repair, and the like	X
Photographic studio	X
Professional office, i.e., insurance, real estate, lawyer, architect, engineer, and the like	X
Radio or television studio	X
Real estate office, insurance agency	X
Restaurant	X
Restaurant; bistro	X
Restaurant; drive-through/drive-up/walk-up *	X
Restaurant with attached bar	X
Retail sales store, but not including a motor vehicle sales agency, farm implement sales agency, heavy construction equipment sales agency, or mobilehome sales agency, building supply and lumber retail sales store, or package liquor store	X
School of dance, drama, or music	X
Service establishments needed to support the above uses, such as messenger service, answering service, telegraph office, blueprinting and reproducing establishment, and the like	X
Telephone exchange or other switching equipment entirely enclosed within a building	X
Tire recapping plant	
Tradesmen and operatives such as plumbers, electricians and the like with no outside storage of supplies/equipment and with no more than one rollup door, with opening not exceeding ten (10) feet by ten (10) feet	X
Unified shopping center, including miscellaneous retail service uses, provided that overall gross leasable area of the center is forty thousand (40,000) square feet or more	
Unified shopping center, incorporating any of the above uses permitted in the district concerned	X
Vehicle-mounted or tent-sheltered food sales or other retailing, under permit issued by zoning officer, subject to same conditions as apply to a special exception for such uses, for no more than ten (10) days in connection with a special event	X
Wine bar	X
Wireless telecommunication towers and antennas subject to requirements in Sections 24-110 and 24-111	X
Wholesale store without outside storage or exterior tanks in building(s) not exceeding six thousand (6,000) sq. ft.	X
total	

PLANNING COMMISSION STAFF REPORT  
January 20, 2021

**BH Permitted Uses (Sec. 24-52):**

Permitted Uses	BH
Accessory use on the same lot with and customarily incidental to any of the below uses permitted in the district concerned	X
Automobile repair shop	X
Automobile filling stations with or without convenience store	X
Automobile and truck sales agency, provided that any used car sales lot abutting any residence shall be shielded from such residence by a wall, solid fence, or hedge not less than five (5) nor more than eight (8) feet high, and that any lighting used to illuminate such used car lot shall be deflected away from any residence	X
Automobile/truck parts store	X
Automobile washing facility	X
Café, coffee house, juice bar	X
Church and other place of worship, religious or philanthropic use	X
Doctor or dentist office, medical or dental clinic, medical laboratory	X
Drive-in theater, provided that no portion of the premises shall be less than 500 feet from any residential district	X
Financial institution, including bank, savings and loan company, credit union, finance company, or mortgage company*	X
Governmental and quasi-governmental offices	X
Grocery or drug store	X
Indoor theater or auditorium, bowling alley or other recreational facility enclosed within a building	X
Marina and related facilities	X
Mobile home sales agency	X
Motel	X
Off-site sign	X
On-site sign, subject to regulations set forth in article X	X
Package liquor store	X
Parking facility, subject to regulations set forth in section 24-121	X
Passenger station, railway or bus	X
Professional office, i.e., insurance, real estate, lawyer, architect, engineer, and the like	X
Radio or television studio	X
Real estate office, insurance agency	X
Restaurant	X
Restaurant; bistro	X
Restaurant; drive-through/drive-up/walk-up*	X
Restaurant with attached bar	X
Telephone exchange or other switching equipment entirely enclosed within a building	X
Tire recapping plant	X
Tradesmen and operatives such as plumbers, electricians and the like with no outside storage of supplies/equipment and with no more than one rollup door, with opening not exceeding 10'x 10'	X
Unified shopping center, including miscellaneous retail service uses, provided that overall gross leasable area of the center is 40,000 square feet or more	X



PLANNING COMMISSION STAFF REPORT

January 20, 2021

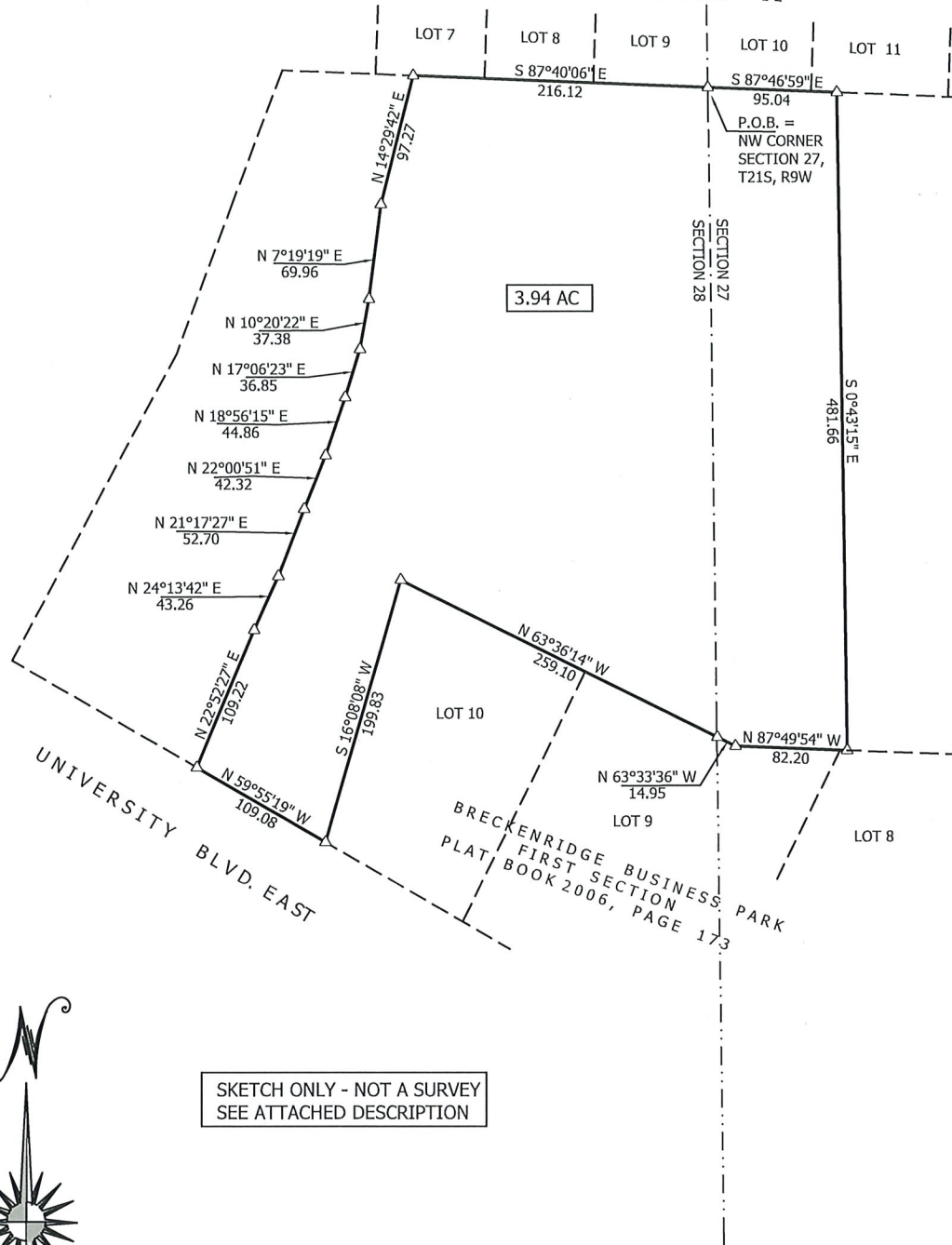
Vehicle-mounted or tent-sheltered food sales or other retailing, under permit issued by zoning officer, subject to same conditions as apply to a special exception for such uses, for no more than ten (10) days in connection with a special event	X
Wireless telecommunication towers and antennas subject to requirements in sections 24-110 and 24-111	X

Limited Permitted Uses	BH
Bar/Tavern	(B)(C)
Event space, Banquet/Reception Hall	(C)
Gastropub	(C)
Live entertainment	(C)

B) Permitted in this district provided that the use is limited to one per block face and no closer in proximity than fifty feet to another Limited Use that is subject to these spacing restrictions.

C) Permitted provided that the standards of Section 10.8-13, Noise in residential districts are adhered to.

LYNN HAVEN RESURVEY BLOCKS 1,2&3  
PLAT BOOK 7, PAGE 12



SKETCH ONLY - NOT A SURVEY  
SEE ATTACHED DESCRIPTION



**HERNDON, HICKS & ASSOCIATES, INC.**

*Professional Land Surveyors*

2728 Lurleen Wallace Blvd. (P.O. Box 508) - Northport, AL 35476

Phone (205) 333-0003

mike@hhasurveyors.com

Drawn By JMH

Scale 1"=100'

Date 12-18-20

Drawing No. 2011-052 REZONING

Job No. 2011-052

David Ewing  
4717 Lynn Haven Drive  
Tuscaloosa, AL 35404

October 19, 2020

Ms. Ashley Crites  
City of Tuscaloosa Director of Planning  
2201 University Boulevard  
Tuscaloosa, AL 35401

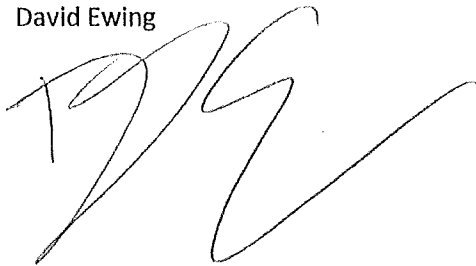
Dear Ms. Crites

The Tuscaloosa Elks Lodge and I have resolved all issues related to the RV campers at their property. I would like to say, for several years prior to this one incident, my neighbors and I had no issues with the RVs at their location. I sincerely thank Tuscaloosa Elks Lodge for being a good neighbor in promptly addressing my concern.

I support the ability of the Tuscaloosa Elks lodge in their endeavor to have RV's on their property. Furthermore, I support the Elks Lodge current and future zoning requests in this regard.

Sincerely,

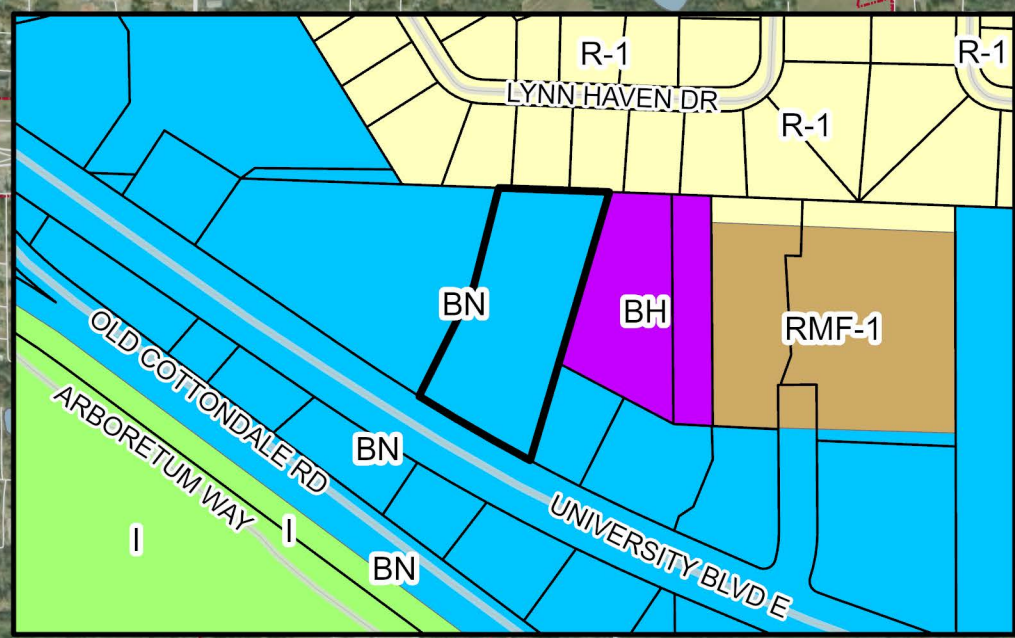
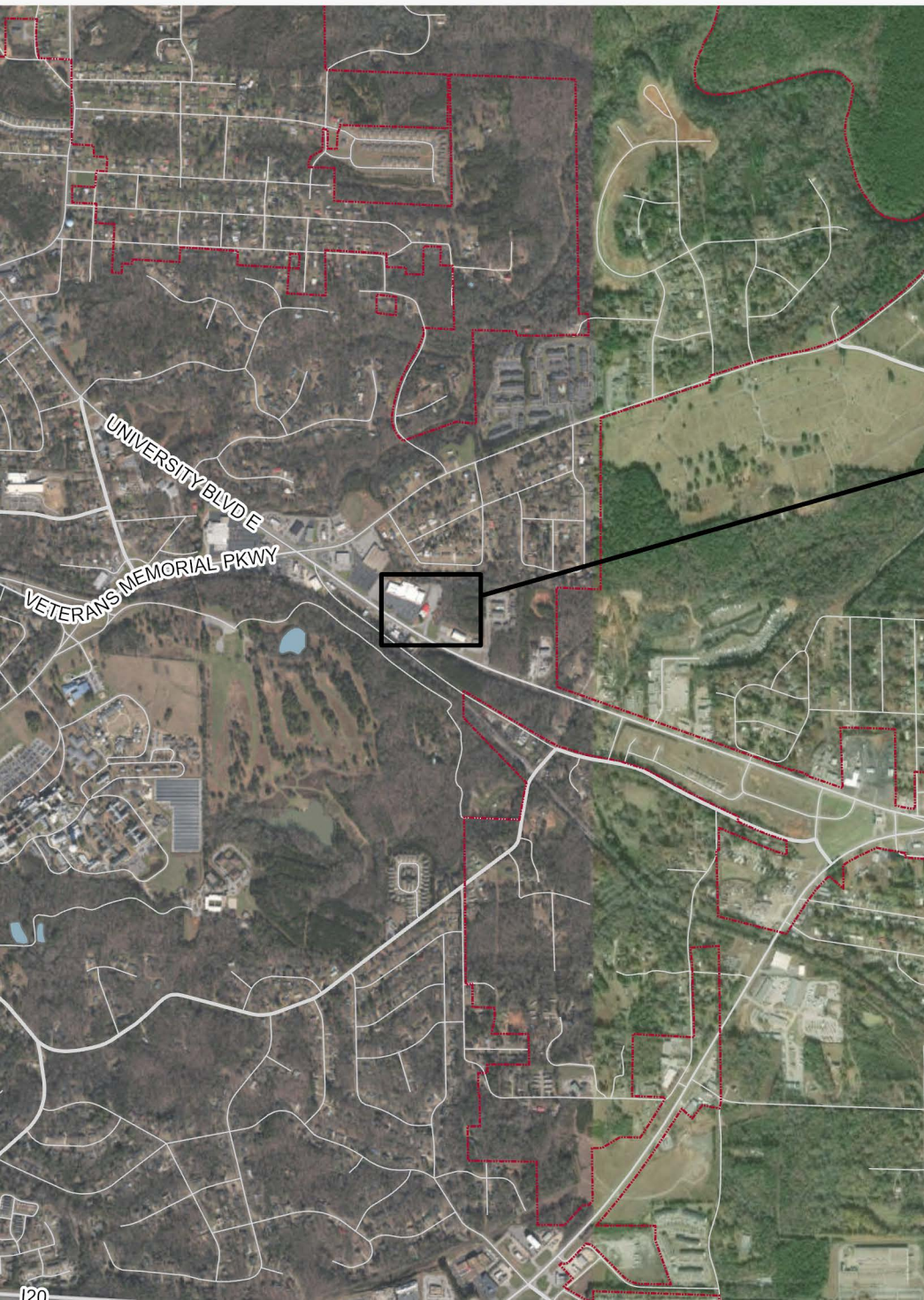
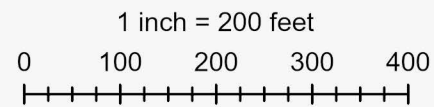
David Ewing

A handwritten signature in black ink, appearing to be 'DE', written over the printed name 'David Ewing'.





# ZBA-21-21: 4700 University Boulevard East








# ZBA-21-21: 4700 University Boulevard East

1 inch = 100 feet  
0 50 100 150 200



 ZBA-21-21























