

TUSCALOOSA ZONING BOARD OF ADJUSTMENT MEETING DRAFT SYNOPSIS
Monday, October 23, 2023, 5:00 p.m.

COMMISSION MEMBERS PRESENT

Chairperson: Rob Steward
Vice-Chair: Michele Coley
Commissioners: Linda Ford, Joseph Eatmon, Sr., and Mary Katherine Holt

ABSENT: Tim Gilliam and Paul Rollins

CITY STAFF PRESENT

Emily Hayes, Associate Director of Planning
Jonathan Bowen, Neighborhood Resources Coordinator
Kim King, Associate City Attorney

Chairman Steward announced that having received a synopsis of the previous meeting, the Board moves to dispense with the reading of the minutes of the same unless there are any deletions, additions, or corrections. Hearing none, Chairman Steward recommended approval of the minutes. Commissioner Ford made a motion to adopt the minutes. Commissioner Eatmon seconded the motion. All Commissioners voted "yes"; no, none.

CITY ATTORNEY UPDATE

There was no update from the City Attorney's office.

CASES TO BE WITHDRAWN

ZBA-112-23

Associate Director of Planning, Emily Hayes, presented the following items to the Commission:

CASES TO BE HEARD

ZBA-107-23 Shanena Lake petitions for a use variance to operate a day care center on the property located at 3309 2nd Avenue. Zoned R-2. (Council District 7).

Shanena Lake represented the petition.

No one spoke in favor of or opposition to the petition.

Vice Chairperson Coley and Commissioners Ford, Eatmon and Holt expressed concerns regarding the remodeling that would have to occur to the structure to allow a childcare center in a residential area. Chairman Steward commented that this use is not allowed in the zoning, so the Petitioner would need to show a hardship. Petitioner stated that she did not have a hardship. Chairman Steward expressed concerns on approving the petition when a hardship has not occurred.

Chairperson Steward read the petition to approve a use variance to operate a day care center on the property at 3309 2nd Avenue.

Chairman Steward, Vice Chairperson Coley and Commissioners Holt, Ford, and Eatmon voted “no”; none, yes. The petition failed.

ZBA-108-23 Knight Sign Industries petitions for a variance from the freestanding sign restrictions to construct a sign on the property located at 401 University Boulevard East. Zoned BN. (Council District 4).

Cal Holt represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward, Vice Chairperson Coley, and Commissioners Holt, Ford, and Eatmon expressed favor for the petition due to the developments along University Boulevard East having similar signs as those presented in the petition and a hardship was present due to the foliage of the trees obstructing the view of the business.

Chairperson Steward read the petition for a variance from the freestanding sign restrictions to construct a sign on the property located at 401 University Boulevard.

The petition was approved by unanimous vote.

ZBA-109-23 Natasha Harris petitions for a special exception to operate a day care center on the property located at 6614 Highway 69 South. Zoned BN. (Council District 2).

Natasha Harris represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward expressed support for the petition due to the facility being equipped to operate as a day care center and the previous owner operating under similar conditions. Vice Chairperson Coley and Commissioners Holt, Ford and Eatmon expressed support for the petition due to the facility being equipped to operate as a day care center as well.

Chairperson Steward read the petition for a special exception to operate a day care center on the property located at 6614 Highway 69 South.

The petition was approved by unanimous vote.

ZBA-110-23 McCurry Van & Car Rental, LLC petitions for a special exception to operate an automobile rental agency on the property located at 405 Skyland Boulevard East. Zoned BN. (Council District 7).

Wes McCurry represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward, Vice Chairperson Coley and Commissioners Holt, Ford, and Eatmon expressed support for the petition due to the facility being equipped to operate as an automobile rental agency and the previous owner operating under similar conditions.

Chairperson Steward read the petition for a special exception to operate an automobile rental agency on the property located at 405 Skyland Boulevard East.

The petition was approved by unanimous vote.

ZBA-111-23 Adolph Wilkinson petitions for a variance from the accessory structure regulations to construct a carport on the property located at 3615 32nd Court. Zoned R-3. (Council District 2).

Adolph Wilkinson represented the petition.

Nancy Wilkinson spoke in favor of the petition due to the damage that could occur from weather related events to their automobiles. There were five written comments in support of the petition. No one else spoke in favor of or in opposition to the petition.

Chairperson Steward, Vice Chairperson Coley and Commissioners Holt, Ford and Eatmon expressed support for the petition due to the unique circumstances of the property abutting the public road on three sides which results in a hardship.

Chairperson Steward read the petition for a variance from the accessory structure regulations to construct a carport on the property located at 3615 32nd Court with the condition that a gravel pathway be constructed to the carport.

The petition was approved by unanimous vote.

ZBA-113-23 Randall Schumacker petitions for a variance from the accessory structure regulations to construct a carport on the property located at 64 Cherokee Hills. Zoned R-1 (ELCOD). (Council District 6).

Randall Schumacker represented the petition.

There were six written comments in support of the petition and four written comments in opposition of the petition. No one else spoke in favor of or opposition to the petition.

Petitioner stated that items falling from his neighbor's tree onto his automobile has caused a hardship. Chairperson Steward and Vice Chairperson Coley stated there were other options, such as tree trimming, so this would not be considered a hardship.

Commissioner Holt stated that she was opposed to the variance due to other options such as the materials used for a carport and landscaping. Chairperson Steward stated there was not a hardship present and the petition goes against the zoning ordinance. Vice Chairperson stated that a financial hardship does not negate the setback requirement for a carport. Commissioners Ford and Eatmon opposed the petition for the same reasons stated above.

Chairperson Steward read the petition for a variance from the accessory structure regulations to construct a carport on the property located at 64 Cherokee Hills.

Chairperson Steward, Vice Chairperson Coley and Commissioners Holt, Ford, and Eatmon voted “no”; none, yes. The petition failed.

ZBA-114-23 Alex Hayslip petitions for a variance from the residential district regulations on the property located at 24 Lakeview. Zoned RD-1. (Council District 2).

Michael McGuire represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward, Vice Chairperson Coley and Commissioners Holt, Ford, and Eatmon expressed support for the variance due to the improvement of the property and characteristics of the neighborhood. Chairperson Steward stated that due to the regulations placed on the property characterizing it as “unbuildable,” this would be considered a hardship.

Chairperson Steward read the petition for a variance from the residential district regulations on the property located at 24 Lakeview.

The petition was approved by unanimous vote.

ZBA-115-23 Gail Weakley petitions for a special exception to allow the short-term rental of a property in a historic district located at 1517 7th Street. Zoned R-3H. (Council District 4).

Gail Weakley represented the petition.

There was one written comment of opposition. No one else spoke in favor of or opposition to the petition.

Chairperson Steward read the petition for a special exception to allow the short-term rental of a property in a historic district located at 1517 7th Street. Zoned R-3H. Chairperson Steward recommended the petition have certain conditions which included the following:

- a. A maximum of six (6) adults,
- b. A maximum of three (3) vehicles,
- c. A maximum of thirty (30) nights for a 1-year probationary period,
- d. Accessory structures cannot be occupied by anyone at any time, and
- e. A City of Tuscaloosa business license must be obtained before operations begin.

The petition was approved by unanimous vote.

ZBA-116-23 YFM Realty, LLC petitions for special exception to allow the short-term rental of a property located at 2820 16th Street. Zoned R-4. (Council District 1).

Leonard Jones represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward read the petition for a special exception to allow the short-term rental of a property located at 2820 16th Street. Zoned R-4. Chairperson Steward recommended the petition have certain conditions which included the following:

- a. A maximum of four (4) adults,
- b. A maximum of two (2) vehicles,
- c. A maximum of thirty (30) nights for a 1-year probationary period,
- d. Accessory structures cannot be occupied by anyone at any time, and
- e. A City of Tuscaloosa business license must be obtained before operations begin.

The petition was approved by unanimous vote.

ZBA-117-23 Ellen Maxwell petitions for a special exception to allow the short-term rental of a property located at 5900 New Watermelon Road. Zoned R-1. (Council District 3).

Ellen Maxwell and Robert McNelly represented the petition.

There was one written comment of opposition to the petition. No one else spoke in favor of or opposition to the petition.

Chairperson Steward read the petition for a special exception to allow the short-term rental of a property located at 2820 16th Street. Zoned R-1. Chairperson Steward recommended the petition have certain conditions which included the following:

- a. A maximum of eight (8) adults,
- b. A maximum of four (4) vehicles,
- c. A maximum of thirty (30) nights for a 1-year probationary period,
- d. Accessory structures cannot be occupied by anyone at any time, and
- e. A City of Tuscaloosa business license must be obtained before operations begin.

The petition was approved by unanimous vote.

ZBA-118-23 Adam Lewis petitions for a special exception to allow the short-term rental of a property located at 19 Brook Meadows Circle. Zoned R-4. (Council District 7).

Adam Lewis represented the petition.

No one spoke in favor of or opposition to the petition.

Chairperson Steward read the petition for a special exception to allow the short-term rental of a property located at 19 Brook Meadows Circle. Zoned R-4. Chairperson Steward recommended the petition have certain conditions which included the following:

- a. A maximum of six (6) adults,
- b. A maximum of three (3) vehicles,
- c. A maximum of thirty (30) nights for a 1-year probationary period,
- d. Accessory structures cannot be occupied by anyone at any time, and
- e. A City of Tuscaloosa business license must be obtained before operations begin.

The petition was approved by unanimous vote.

ZBA-119-23 Chandra Parker petitions for a special exception to allow the short-term rental of a property located at 20 Dogwood Lane. Zoned R-1. (Council District 7).

Chandra Parker represented the petition.

There was one written comment of support and one written comment of opposition to the petition. No one else spoke in favor of or opposition to the petition.

Chairperson Steward read the petition for a special exception to allow the short-term rental of a property located at 20 Dogwood Lane. Zoned R-1. Chairperson Steward recommended the petition have certain conditions which included the following:

- a. A maximum of six (6) adults,
- b. A maximum of three (3) vehicles,
- c. A maximum of thirty (30) nights for a 1-year probationary period,
- d. Accessory structures cannot be occupied by anyone at any time, and
- e. A City of Tuscaloosa business license must be obtained before operations begin.

The petition was approved by unanimous vote.

OTHER BUSINESS

ADJOURN

Chairperson Steward asked whether there was any other matter to be brought before the Zoning Board of Adjustment. Seeing none, the Zoning Board of Adjustment meeting adjourned at 7:33 P.M.

ATTEST:

Zach Ponds
Secretary of Zoning Board of Adjustments

Rob Steward
Chairperson of Zoning Board of Adjustments

Please note: The formal synopsis will be adopted at the next available Board meeting.