

ZONING BOARD OF ADJUSTMENT STAFF REPORT

January 22, 2024

ZBA-10-24

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Brad Elliot

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

1017 Myrtlewood Drive. Zoned R-3H. (Council District 4)

Size and Existing Land Use

Approximately 0.16 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residence, R-3H

East: Multi-family residence, RMF-2U

South: Single-family residence, R-3H

West: Single-family residence, R-3H

Applicable Regulations

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

(35.6) Short-term rental of dwelling, historic district

PRIMARY

- a. Property must be part of a locally designated historic district as defined in Section 24-221 and Chapter 30, Article II, Division 1.
- 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.).

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- 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.

Sec. 24-372. B. Conditional uses:

- 1. Within property part of a locally designated historic district as defined in Section 24-221 and Chapter 20, Article II, Division 1, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlines 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 in a historic district. Tanner Ashcraft will be the primary contact in case of emergency. Tanner, or a team member will be available 24 hours a day. The property has been managed by another company for the last few years. They did not have any issues during that time. The house is equipped with security cameras and keypad locks. The house has three (3) bedrooms and two (2) bathrooms. The house is not owner occupied. According to the petitioner, when the house is not being rented short-term, it will be used by the owner's family periodically. The petitioner also states the accessory structure is not habitable and is used for storage and a workspace. The petitioner is requesting eight (8) adults and four (4) vehicles. The property was previously approved for eight (8) adults and four (4) vehicles.

Office of Urban Development, Planning Division: If approved, staff recommends 8 adults/ 4 vehicles based on existing driveway /off-street parking and occupancy as it relates to parking. No vehicles may be parked on the grass.

Office of Urban Development, Codes and Development Services Division: No violations found or complaints received

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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

SHORT-TERM RENTAL PETITION

Last Updated, May 2023

Please complete all of the following fields:

Location of Property

Address: 1017 Myrtlewood Dr. Tuscaloosa AL 35401

Name: Brad Elliott Petitioner Email: bradleyoelliott@att.net
Phone: 251-586-1811
Address: 4 Buerger RD Mobile AL ZIP Code: 36608

Property Owner (if different from petitioner)

Name: Phone: Email: ZIP Code:

Note: The Special Exception to allow a short-term rental will be granted to the listed petitioner on this application. The approval will be void if the listed petitioner is no longer affiliated with the short-term rental.

The Petitioner requests a Special Exception from the Zoning Board of Adjustment to allow a short-term rental:

Any residential properties located in a historically designated area of the City require a special exception. Any properties that are outside of the Tourist-Overlay District and within Tuscaloosa City Limits that are zoned for residential use, excluding apartments and condominiums, require a special exception.

Who will be the primary contact in case of an emergency? Where are they located in relation to the property? Will they be available 24 hours a day?

Tanner Ashcroft with Tap Away Short-Term Rentals a business located in Tuscaloosa AL. Yes, they will be

available 24 hours a day. 205-860-7829

What is the petitioner's experience managing short-term rentals? (ex. how many properties, location, any issues, etc.)

This property is my only property and has been managed by Kim Roberts with Bama Vacation Rentals

for almost a year with no known issues.

What security measures are in place for renters to prevent violations of City ordinances and protect the neighborhood? (ex. cameras, keypad locks, noise detection systems, etc.) Attach a copy of your rules and regulations for renters along with this petition.

The property is equipped with security cameras and all doors have keypad locks.

**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

Property Information:

Number of Bedrooms: 3 Number of Bathrooms: 2

Note: Multiple beds in a room should not be counted towards the number of bedrooms. Please contact the Building and Inspections Department at 205-248-5110, if you are unsure whether a room meets the IBC requirements for a bedroom.

Is this the owner's primary residence? ☐ Yes ☒ No

If yes, where will the property owner stay when the home is being rented? **If not**, please explain how this property will be used when it is not being rented on a short-term basis.

The property will be used periodically by the owners family but will be unoccupied otherwise.

NOTE: The garage structure has two storage/workrooms in the rear that are NOT habitable. This question was raised during our application process in early 2023.

On-street parking is prohibited while the dwelling is being rented on a short-term basis. Parking must be located on driveways or within a parking area on the property. No more than two vehicles may be parked tandem (one vehicle behind the other). Typically, two adults are allowed per vehicle. Submitting photographs of the parking area is highly encouraged.

How many vehicles are you requesting to park in your driveway or designated parking area during the short-term rental? How many adults are you requesting to rent at one time?

4 vehicles (2 vehicles parked in driveway and 2 vehicles in separate parking pads accessed via

Convent St. The house was approved for 4 vehicles earlier in 2023.

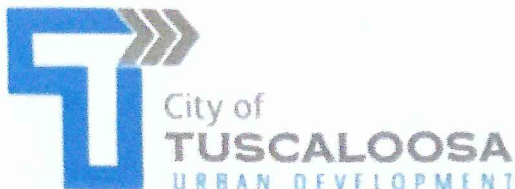
Important Items to Note:

- **A \$400 filing fee must be submitted with this petition. Check is preferred, but an invoice can be sent upon request.**
- **In-person attendance at the ZBA meeting is mandatory for the petitioner.**
- **Any request which will not be represented by the property owner at the public hearing must be accompanied by a notarized designation of agent affidavit.**
- **Approval by the Zoning Board of Adjustment is only ONE of the requirements for short-term rentals. Your must submit a completed packet and receive a City of Tuscaloosa Business License before operating. Required documents can be found here: www.tuscaloosa.com/str**
- **No accessory dwelling (pool house, mother-in-law suite, etc.) may be occupied by anyone at any time during the short-term rental.**

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 requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I also acknowledge that if the Board determines that any of the foregoing information is not accurate, my petition may be denied because it contained false or otherwise incorrect information. 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: Bradley O. Elliott Signature:  Date: 12/28/23



Short Term Rental Inspection
Affidavit Report

COMES NOW, Chad Ezell, being first duly sworn, deposes and says as follows:

I am a Licensed Home Inspector with the State of Alabama have inspected the property at 1017 Myrtlewood Dr. Truss. AL 35101 for the purpose of compliance with §7-204(a) of the Code of Tuscaloosa. I have inspected the subject property and found the property to be in good overall condition, free of any known physical hazards or dangers, and in compliance with §7-204(a). In addition, I have specifically inspected and approved the following items required by §7-204(a) and have found them presently on site, operable, and maintained.

- Smoke alarms and carbon monoxide alarms
- Operable egress windows in sleeping areas
- Proper hand and guardrails
- GFIC protection where required
- Fire extinguisher(s)
- Properly displayed 9-1-1 address
- Emergency lighting egress

I declare that all the statements contained above are true and accurate to the best of my knowledge.

[Signature]
Affiant's Signature
41-41057
State License Number

Chad Ezell
(Print Name)
1967
City of Tuscaloosa Business License Number

SWORN TO AND SUBSCRIBED before me on this the 27th day of December, 2023

Suzanne Craft
Notary Public
My commission expires: 8/23/25

SUZANNE CRAFT
Notary Public, Alabama State At Large
My Commission Expires 08/23/2025

HOUSE RULES

- **NO SMOKING INSIDE THE PROPERTY. IF ANY SIGN OF SMOKING INSIDE THE HOUSE THERE WILL BE A MINIMUM OF A \$500 FINE**
- **NO ROWDY/LOUD EVENETS OR LARGE PARTIES WITHOUT PERMISSION FROM THE OWNER AND PROPERTY MANAGER. OUR VACATION RENTALS ARE FOR FAMILIES AND MATURE ADULTS.**
- **ALL OUTDOOR NOISE NEEDS TO CEASE AT 10 PM**
- **ANY ILLEGAL SUBSTANCES USED AT THE PROPERTY WILL RESULT IN IMMEDIATE EVICTION WITH NO REFUND AND THE LOCAL AUTHORITIES WILL BE NOTIFIED**
- **PLEASE FOLLOW ALL CHECK-OUT INSTRUCTIONS. IF CHECK-OUT INSTRUCTIONS ARE NOT FOLLOWED YOU WILL BE FINANCIALLY RESPONSIBLE**
- **NO MORE OCCUPANTS THAN PROPERTY ALLOWS**
- **NO ON STREET PARKING. ALL VEHICLES MUST BE PARKED IN THE DRIVEWAY OR ON THE TWO PARKING PADS ACCESSED FROM CONVENT STREET.**

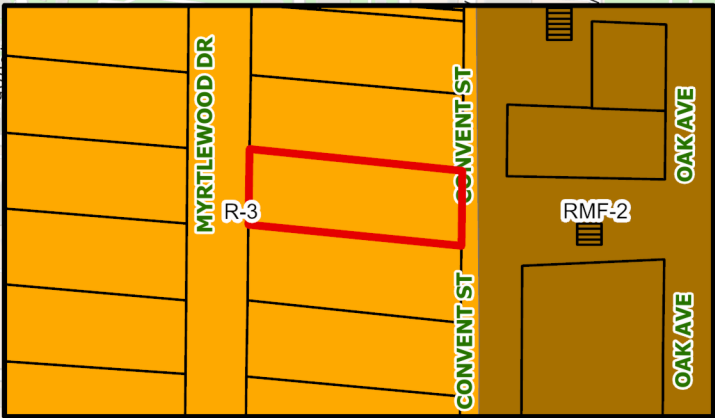
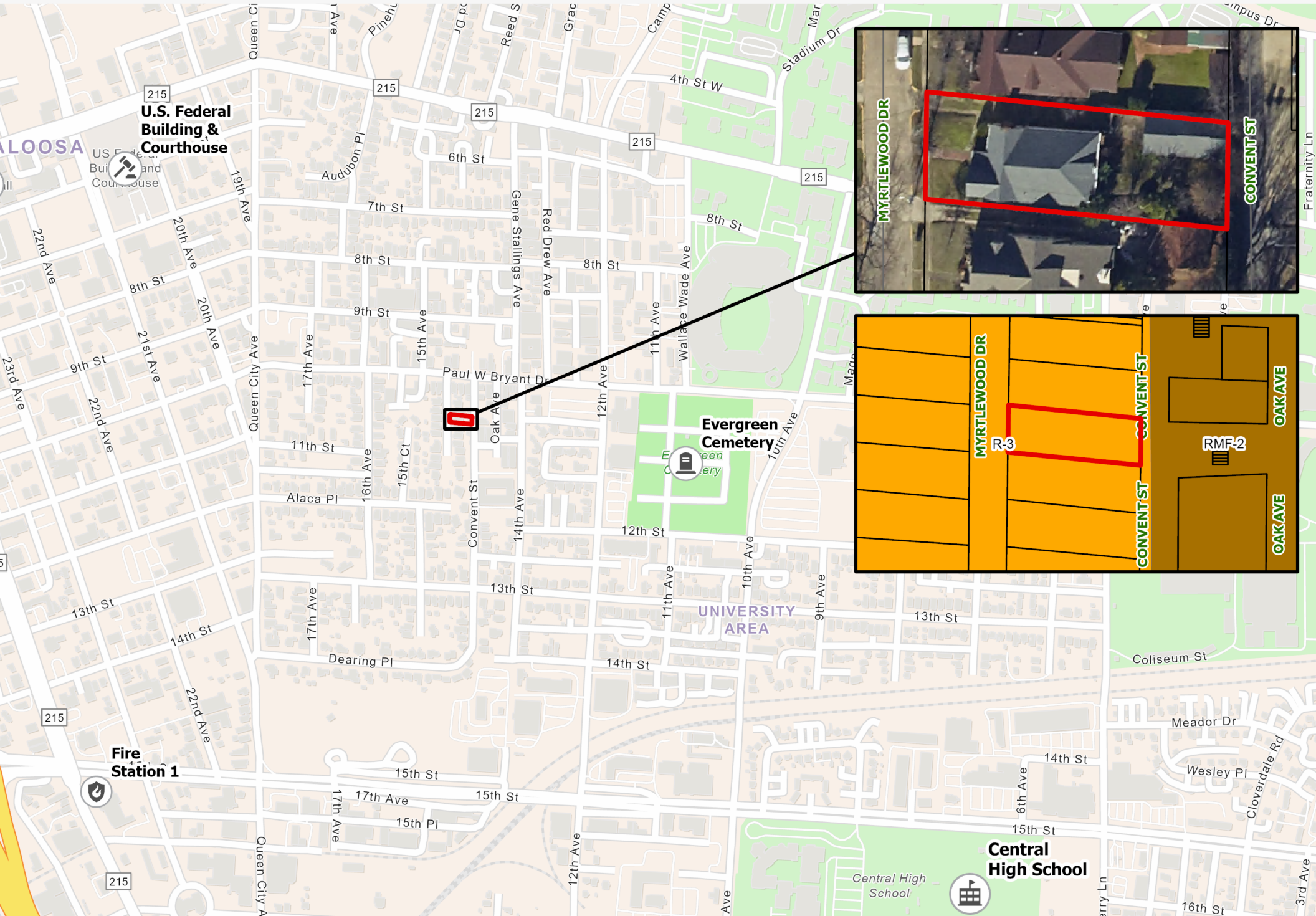
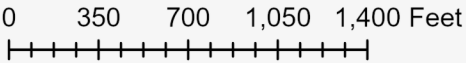
DISRESPECT OR MISUSE OF THIS PROPERTY WILL NOT BE TOLERATED







1017 Myrtlewood Drive





1017 Myrtlewood Drive

0 20 40 60 80 Feet



MYRTLEWOOD DR

CONVENT ST

OAK AVE



1017

VECTOR
COMMUNITY





**PRIVATE
PROPERTY
NO PARKING**

VIOLATORS WILL BE
TOWED AWAY AT VEHICLE
OWNER'S EXPENSE

1-800-555-1234



**PRIVATE
PROPERTY
NO PARKING**

VIOLATORS WILL BE
TOWED AWAY AT VEHICLE
OWNER'S EXPENSE
202-551-1877