

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

January 22, 2024

**ZBA-11-24**

### **GENERAL INFORMATION**

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

Jacqueline McAbee

#### **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**

9 Sherwood Drive. Zoned R-1H. (Council District 4)

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

Approximately 0.46 acres, Single-family residential

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

North: Single-family residence, R-1H

East: Single-family residence, R-1H

South: Single-family residence, R-1H

West: Single-family residence, R-1H

#### **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.).

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

January 22, 2024

- 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. Michelle Jamison, who lives in Tuscaloosa, will be the primary contact in case of emergency. The petitioner has managed several short-term rentals in other cities. The house is equipped with security cameras, a security system, and keypad locks. The house has five (5) bedrooms and three (3) 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 owners periodically. 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

ZONING BOARD OF ADJUSTMENT STAFF REPORT  
January 22, 2024

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: 9 Sherwood Drive Tuscaloosa, AL

**Petitioner**

Name: Jacqueline McAbee Phone: 831-245-6919 Email: jackie@jackiemcabee.co

Address: P.O. Box 1355 Hollister, Ca ZIP Code: 95024

**Property Owner (if different from petitioner)**

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

Address: \_\_\_\_\_ 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?**

Michelle Jamison, Lives in Tuscaloosa, AL

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

Licensed Realtor in California for 20 years. Manage several rentals and Air B and B's

**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.**

See Attached.

**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)



**Property Information:**Number of Bedrooms: 5Number of Bathrooms: 3

*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.

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?

Property sleeps up to 13. Parking allows for up to 4 cars.

**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. You 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](http://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: Jacqueline McAbee

Signature: \_\_\_\_\_

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*Jacqueline McAbee*  
 DocuSigned By: Jacqueline McAbee

Date: 12/28/2023

## COZY HOME HOUSE RULES:

Our home is located in the stunning City of Tuscaloosa Historic District. When staying in the historic district, you will be extremely close to Downtown Tuscaloosa, The University of Alabama Campus/Strip as well as walking trails. The trade off is that there are strictly enforced noise ordinances and rules (Noise-inside after 10:00 pm) , visitor restrictions, and parking restrictions. It is crucial that these rules are adhered to, as the historic district is under a lot of scrutiny. It is important guests are respectful of full-time residents who have made their full-time home in this area.

There are exterior security cameras located at the front and back of property. This includes the pool and or hot tub. These devices may not be tampered with, covered, or unplugged by guests. All reservations made within two weeks of date of arrival are subject to require in person Government Issued ID verification. There is also an extensive security and fire system, and authorities will be contacted immediately in case of an emergency. A keypad system is at the back side door, and code will be issued 24 hours prior to arrival.

As a Super host, we aim to make your stay as comfortable as it can possibly be! Our mission is to help our guests create beautiful family memories in our cozy home. For us to do so, we would truly appreciate it if you could follow these house rules and confirm that it has been reviewed **WITHIN 48 HOURS OF YOUR BOOKING**. This is to ensure that if there is any reason the House Rules cannot be followed, you, our guest, will have the option of cancelling the booking penalty free as we have a Strict Cancellation policy. Thank you in advance and truly appreciate your cooperation!

- No shoes in the house.
- Keep noise to a minimum after 10pm.
- There shall not be smoking inside the home. Extra cleaning fees to remove odor and stains may be applied.
- PLEASE WASH YOUR DISHES after use. If dishes are not washed, extra cleaning fees may be applied.
- PARKING: parking is provided on the driveway side by side. Our driveway is suitable for sedans or smaller SUVs. There is absolutely no on street parking, so cars must be parked tandem.
- Feel free to use the barbecue outside that is set up for our super guests' leisure use only. The BBQ is to be used by the guests who stay at the home and is not to invite others to the home as it will be considered as hosting a party. Please clean up after yourselves and keep the grill clean. If found left dirty and requires extra cleaning, an extra cleaning fee may be required. You will also need to add your own gas to the BBQ as it is not supplied.
- Please acknowledge that from occasionally, we may leave consumables such as condiments or snacks left behind by previous guests if they are not empty. We try our very best to ensure that it is not expired or stale. HOWEVER, ultimately, it is up to the

guests' discretion and inspection to consume these items if they wish. The host does not take any responsibility for the consumables.

- Please do not rearrange our furniture.

- If you would like to host an event (i.e. wedding, graduation, not party), please speak with us about it first.

- If guests are found to have had a party without host permission which results in extra cleaning, guests will be responsible for extra cleaning charges and in the unfortunate event of the disruptions alerting neighbors, GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.

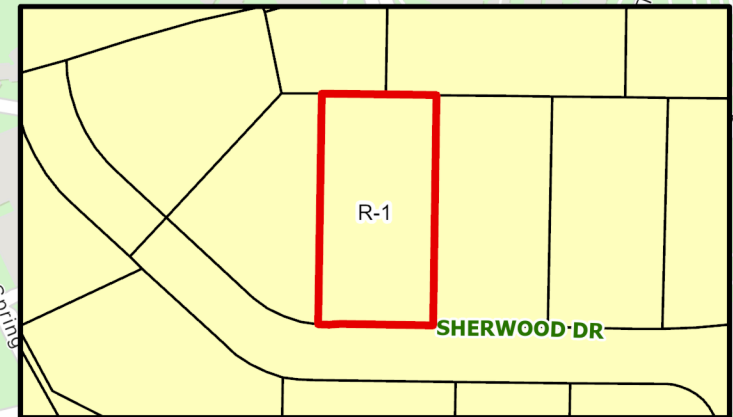
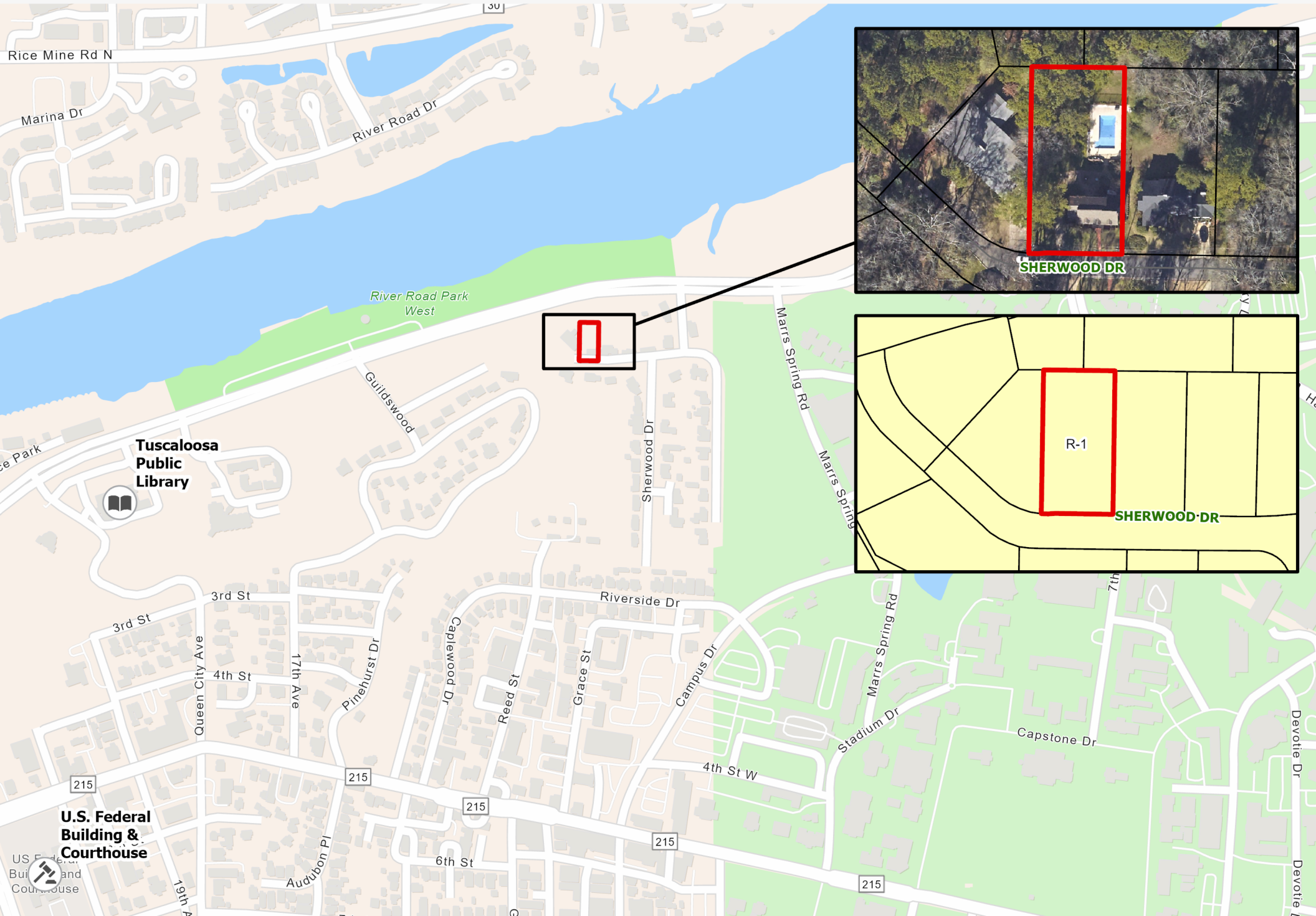
- If guests are suspected of carrying and/or using illegal drugs of any kind, the authorities will be engaged, and GUESTS WILL BE ASKED TO VACATE THE PROPERTY IMMEDIATELY.



# 9 Sherwood Drive

0 300 600 900 1,200 Feet

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# 9 Sherwood Drive

0 30 60 90 120 Feet

