

ZONING BOARD OF ADJUSTMENT STAFF REPORT

March 25, 2024

ZBA-32-24

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Martha Hocutt

Requested Action and Purpose

Petition for a special exception to allow the short-term rental of a property

Location and Existing Zoning

508 23rd Street. Zoned R-1. (Council District 2).

Size and Existing Land Use

Approximately 0.61 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residence, R-1H

East: Single-family residence, R-1

South: Single-family residence, R-1

West: Single-family residence, R-1H

Applicable Regulations

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

(35.5) *Short-term rental of dwelling*

PRIMARY

- a. Property must be within the city limits.
- 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.

DISCRETIONARY

- a. 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.
- b. 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.
- c. 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.

ZONING BOARD OF ADJUSTMENT STAFF REPORT

March 25, 2024

- d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
- e. 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.
- f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.

Sec. 24-372.B. Conditional Uses:

1. Outside of the TO Downtown-Campus District and for property inside the city limits, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in [Section 24-91](#), approve the short-term rental of a dwelling subject to the following:
 - a. Approvals will be granted for a period of three (3) years unless otherwise specified by the zoning board of adjustment for a shorter period.

SUMMARY

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. The petitioner will be the primary contact in case of emergency. The property has been managed by a management company for the last five years. The management company was approved for this location on four separate occasions by the ZBA for six (6) adults and three (3) vehicles. The house is equipped with security cameras and keypad locks. The house has two (2) bedrooms and one (1) bathroom. The house is owner occupied. When the house is being rented short-term, the owner will stay at a neighbor's house or at their second home. The petitioner is requesting four (4) adults and two (2) vehicles.

Office of Urban Development, Planning Division: If approved, staff recommends 4 adults / 2 vehicles based on existing driveway /off-street parking and occupancy as it relates to parking.

Office of Urban Development, Codes and Development Services Division: 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

SHORT-TERM RENTAL PETITION

Last Updated, May 2023

Please complete all of the following fields:

Location of Property

Address: _____

Petitioner

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

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?

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

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.

**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: _____ Number of Bathrooms: _____

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?

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

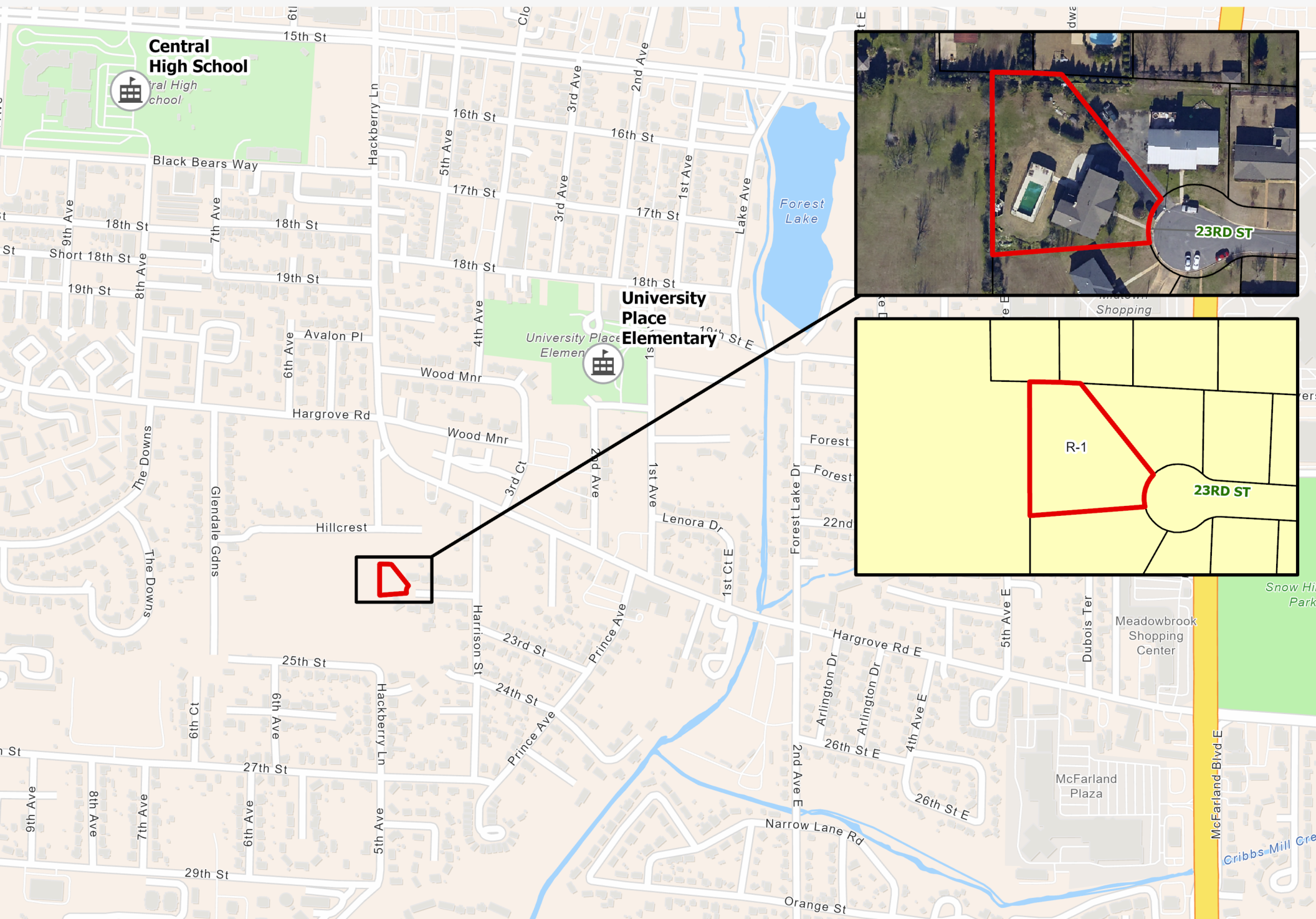
I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I also acknowledge that if the 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: _____ **Signature:** _____ **Date:** _____



508 23rd St

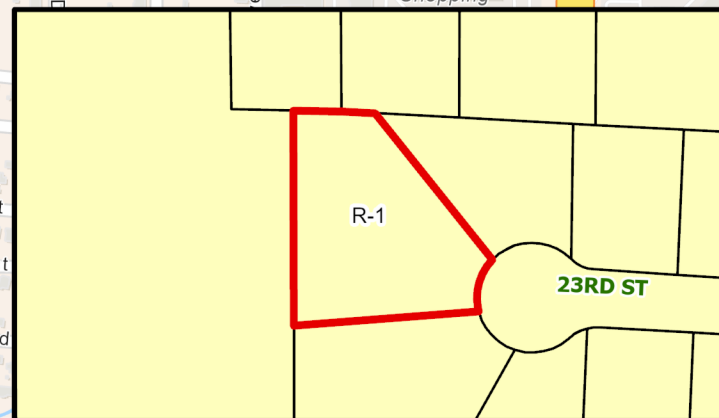
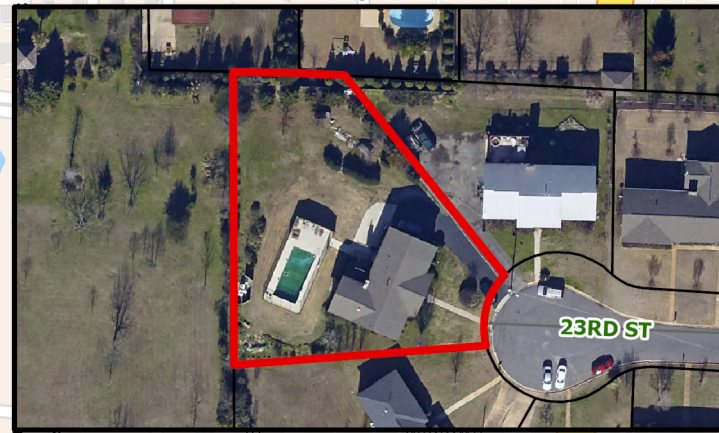
0 375 750 1,125 1,500 Feet



Central High School



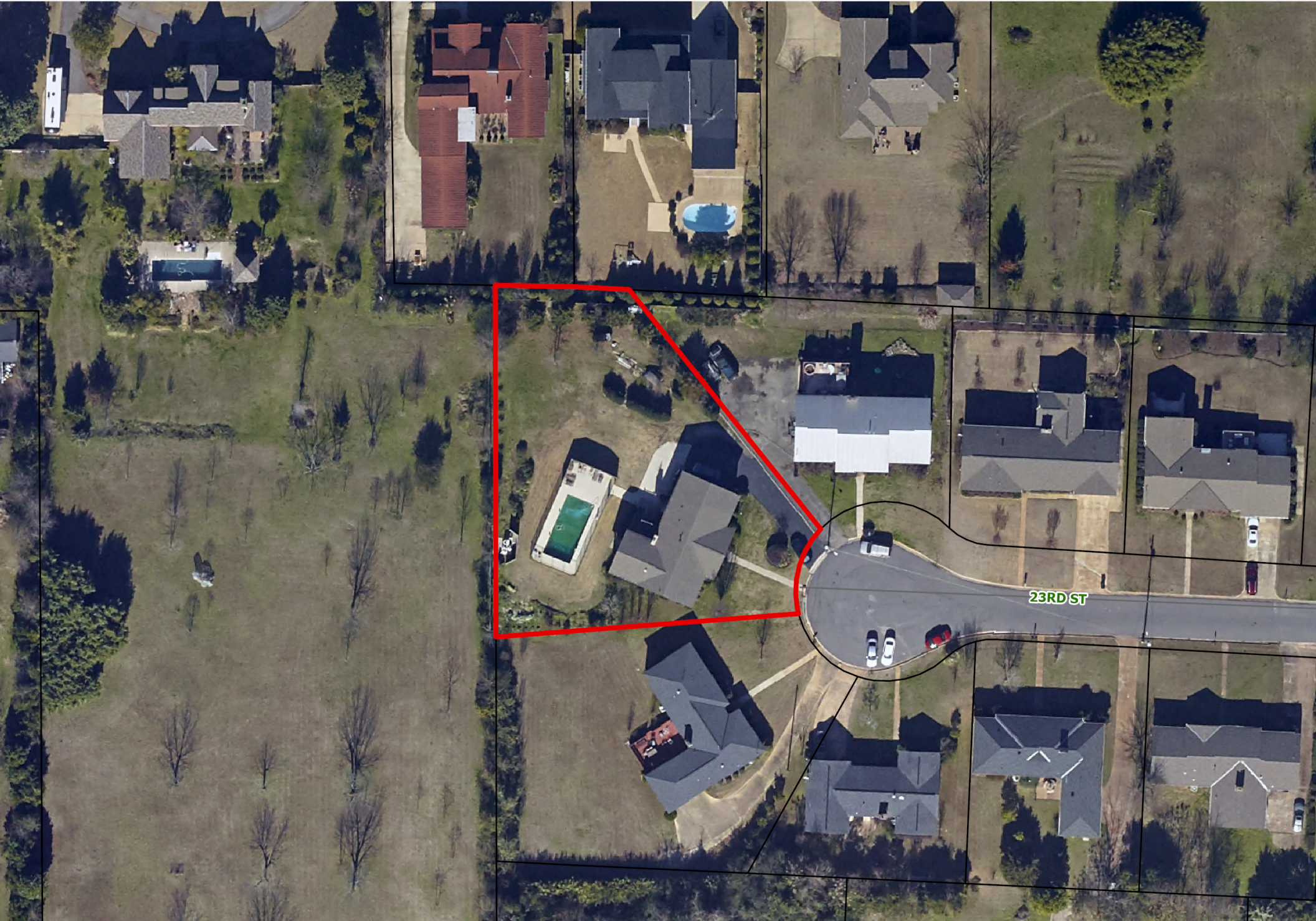
University Place Elementary





508 23rd St

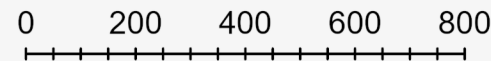
1 inch = 67 feet
0 30 60 90 120 Feet





508 23rd St

1 inch = 350 feet



N

