### ZONING BOARD OF ADJUSTMENT STAFF REPORT

### March 25, 2024

### **ZBA-34-24**

#### **GENERAL INFORMATION**

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

Howard and Lori Berry

### **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**

1508 13th Street. Zoned R-3H. (Council District 4)

### Size and Existing Land Use

Approximately 0.25 acres, Single-family residential

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

North: Single-family residence, R-3H East: Single-family residence, R-3H 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. Bridget Berry will be the primary contact in case of emergency. She has been involved in managing a property in California, as well as with the family business, HOLO Properties. The house is equipped with security cameras. The house has three (3) bedrooms and two and a half (2.5) bathrooms. The house is not owner occupied. The petitioner is requesting six (6) adults and three (3) 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. One vehicle should be parked in the garage.

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

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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**

	Pet	itioner
Name:	Phone:	
		710.0
		(if different from petitioner)
Name:	Phone:	Email:
Address:		<b>-</b> 10.0 l
•	•	will be granted to the listed petitioner on this application ger affiliated with the short-term rental.
The Petitioner reques	ts a Special Exception from the Zoni	ng Board of Adjustment to allow a short-term rental:
properties that are our residential use, excluding	utside of the Tourist-Overlay District ng apartments and condominiums, requy contact in case of an emergency? W	ted area of the City require a special exception. Any and within Tuscaloosa City Limits that are zoned for uire a special exception.  here are they located in relation to the property? Will they
What is the petitioner's	s experience managing short-term ren	tals? (ex. how many properties, location, any issues, etc.)
•		olations of City ordinances and protect the neighborhood? each a copy of your rules and regulations for renters along
	PLEASE SUBMIT AN ELECTRONIC COPY OF	THIS APPLICATION AND ANY NECESSARY

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:
		number of bedrooms. Please contact the Building and er 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 used when it is not being rented on a short		ne is being rented? <b>If not</b> , please explain how this property will be
driveways or within a parking area on the p	roperty. No m	g rented on a short-term basis. Parking must be located on nore than two vehicles may be parked tandem (one vehicle behind Submitting photographs of the parking area is highly encouraged.
rental? How many adults are you requesti	•	Iriveway or designated parking area during the short-term one time?
	Important It	ems to Note:
<ul> <li>A \$400 filing fee must be submitted v request.</li> </ul>	with this petit	tion. Check is preferred, but an invoice can be sent upon
<ul> <li>In-person attendance at the ZBA med</li> <li>Any request which will not be represed by a notarized designation of agent a</li> </ul>	sented by the	atory for the petitioner. property owner at the public hearing must be accompanied
<ul> <li>Approval by the Zoning Board of Adj</li> </ul>	ustment is on ive a City of T	lly ONE of the requirements for short-term rentals. Your must fuscaloosa Business License before operating. Required om/str.
		v suite, etc.) may be occupied by anyone at any time during
	<u>Certifica</u>	ation of Applicant
requested in this petition, the proposed of	construction a	owledge, are true and correct and that except for the exception and use complies with all requirements for the zoning district in if the Board determines that any of the foregoing information

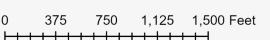
is not accurate, my petition may be denied because it contained false or otherwise incorrect information. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not

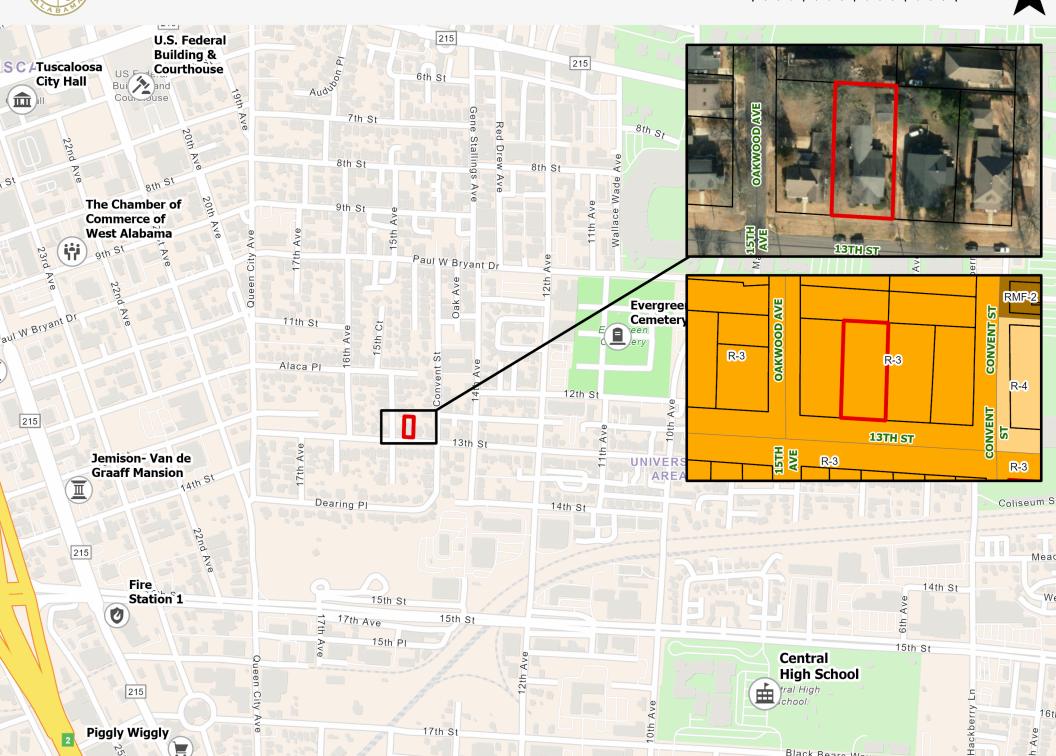
Print Name: \_\_\_\_\_\_ Signature: \_\_\_\_\_\_ Date: \_\_\_\_\_

be accepted until all required information is provided.



### **1508 13th Street**







## **1508 13th Street**

1 inch = 83 feet 0 40 80 120 160 Feet







**1508 13th Street** 

1 inch = 350 feet

200

