

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

August 25<sup>th</sup> 2025

**ZBA-57-25**

### **GENERAL INFORMATION**

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

Kimberly Roberts

#### **Requested Action and Purpose**

Petition for a variance from the accessory structure regulations.

#### **Location and Existing Zoning**

46 Sherwood Drive. Zoned SFR-1H. (Council District 4)

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

Approximately .94 acres, Residential

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

North: Single Family Residential, SFR-1H

East: Single Family Residential, SFR-1H

South: City Owned Property, OS

West: Single Family Residential, SFR-1H

#### **Applicable Regulations**

#### **Sec. 25-43. d. Decision-Making Standards for Variance**

1. A variance may be approved only on finding the applicant demonstrates all of the following:
  - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - ii. Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;
  - iii. Those conditions are not the result of the landowner's or applicant's own actions;
  - iv. Because of those conditions, the application of the standards in this Ordinance to the particular piece of property would result in unnecessary hardship to the applicant; and
  - v. The variance is the minimum necessary to alleviate that hardship and is consistent with the public interest and with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.
2. The following factors do not constitute sufficient grounds for approval of a variance:
  - i. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
  - ii. Hardships resulting from factors other than application of standards of this Ordinance;
  - iii. The fact that land or a structure may be utilized more profitably or be more marketable with a variance permit;
  - iv. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts; or

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- v. Financial hardship.
- 3. A variance shall not be approved if the approval would have the effect of:
  - i. Allowing the establishment of a use not otherwise permitted in a zoning district;
  - ii. Changing the zoning district boundaries shown on the Zoning Map; or
  - iii. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

### **Sec. 25-106. General standards for all accessory uses and structures.**

- a. Except as provided in this section 25-106, in section 25-107, standards specific to accessory uses and structures, or where specifically authorized elsewhere in this ordinance, all accessory structures shall comply with the dimensional standards that apply to the principal use on the site.
- b. All accessory uses and structures shall:
  - 1. Comply with all applicable city, state, and federal regulations;
  - 2. Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
  - 3. Be located on the same lot as the principal use or structure;
  - 4. Comply with the standards for the zoning district in which it is located;
  - 5. Comply with the development standards in article VI, development standards;
  - 6. Be located at least five (5) feet from any lot line in a required side or rear yard;
  - 7. Not cover more than thirty (30) per cent of the required rear yard; and
  - 8. Not be occupied as a dwelling except where specifically permitted by this ordinance.
- c. All proposed uses that extend beyond the acquisition line, such as docks or boat ramps, shall comply with section 18-86 et seq. of the city code and other applicable provisions of this Code.
- d. All proposed uses that impact navigable waterways such as the Black Warrior River shall comply with all federal, state, and city laws and regulations, including requirements established by the Army Corps of Engineers.
- e. In a residential zoning district, no accessory structure shall:
  - 1. Be located closer to a street than the principal structure;
  - 2. Be taller than the principal structure on the site; or
  - 3. Exceed the larger of six hundred (600) square feet of gross floor area, or forty (40) per cent of the principal structure's building floor area, whichever is larger.

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### SUMMARY

The petitioner is requesting a variance from the accessory structure regulations to build a gazebo in the front yard. The petitioner states that the metal gazebo will be shielded by mature bushes planted in front of the property. The petitioner states that they do not have a back yard to use since the house sits close to the rear property line.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: 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

# Variance Application

## Property Information:

**Site Address:**

46 Sherwood Drive, Tuscaloosa, Alabama 35401

**Total Acres:**

1

**Number of Existing Structures:**

2

**Current Zoning:**

Single Family Residential 5 (SFR-5)

**Current Land Use:**

Commercial

## Applicant Information:

**Applicant Name:**

Kimberly Roberts

**Applicant Address:**

46 Sherwood Drive, Tuscaloosa, Alabama 35401

**Is the applicant also the property owner?**

Yes

**The primary consideration for a variance request is whether a literal enforcement of a zoning ordinance will result in an unnecessary hardship. Circumstances that are not hardships include self-inflicted or self-created, inconvenient, financial or personal. The petitioner must specifically state a hardship for the variance.**

**Detailed Description of the Proposed Request, including Hardship:**

We would like to install a small play fort in the front yard, shielded by mature bushes. Since the house sits almost on top of the rear property line, we do not have a back yard to use. We would also like to erect an antique metal garden gazebo as part of our landscaping that will also be shielded by mature bushes from the street.

## Supporting Documents:

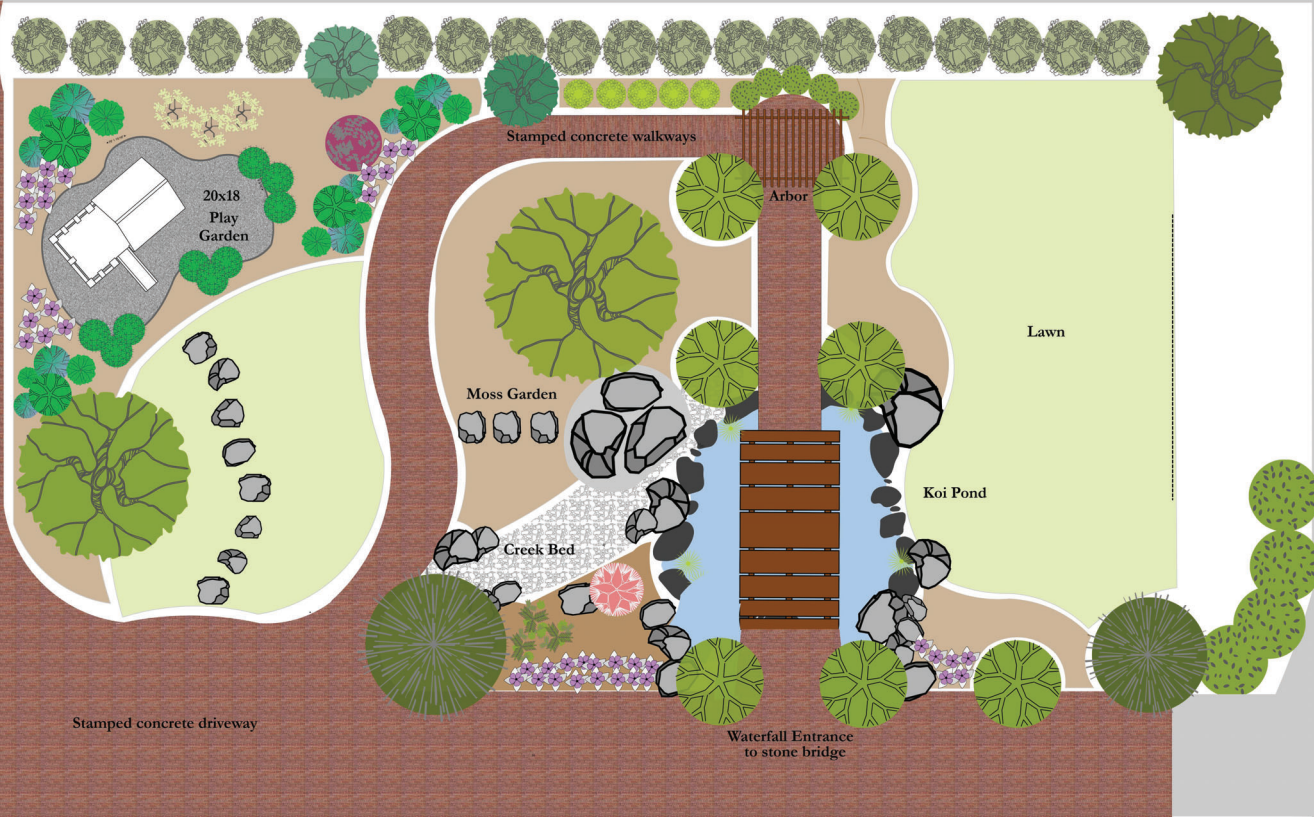
**Site Plan (if applicable):**

**Elevation Drawings (if applicable):**

**Additional Documents:**

Parking

Stamped concrete driveway



Stamped concrete driveway

Stamped concrete walkways

Arbor

Lawn

Koi Pond

Moss Garden

Creek Bed

Waterfall Entrance  
to stone bridge









# 46 Sherwood Drive

1 inch = 100 feet  
0 50 100 150 200 Feet







# 46 Sherwood Drive

0 375 750 1,125 1,500 Feet

