

ZONING BOARD OF ADJUSTMENT STAFF REPORT

August 25th, 2025

ZBA-64-25

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

James and Laura Smeenge

Requested Action and Purpose

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

Location and Existing Zoning

431 Martin Luther King Jr Boulevard. Zoned MR-1. (Council District 1)

Size and Existing Land Use

Approximately 0.51 acres, Single-family residential

Surrounding Land Use and Zoning

North: Single-family residential, MR-1

East: Vacant, MR-1

South: Single-family residential, MR-1

West: Single-family residential, MR-1

Applicable Regulations

Sec. 25-39. Special Exception Use Permit

d. Decision-Making Standards for Special Exception Use Permit

The Zoning Board of Adjustment may approve a special exception use permit application only upon finding the proposed special exception use:

1. Complies with all applicable district-specific standards in Article IV :Zoning Districts;
2. Complies with all applicable standards in Article V : Use Regulations;
3. Complies with all relevant subdivision standards in the Subdivision Regulations;
4. Will not have a substantial adverse impact on vehicular and pedestrian safety;
5. Will not have a substantial adverse impact on vehicular traffic;
6. Is compatible with the character of surrounding development and the neighborhood;
7. Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
8. Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
9. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

Sec. 25-101.c.4.iv.d General Standards

- (1) Short-term rentals shall comply with all building and fire codes, and comply with all provisions of this Ordinance, including Article VI Division 2, Off-Street Parking, Bicycle Parking, and Loading Standards, and Article VI Division 10, Signs and Billboards.

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- (2) Short-term rentals shall comply with the standards in Sec. 10.8-13, Noise in residential districts, of the City Code.
- (3) Off-street parking spaces may be provided on driveways or within a parking area on the property.
- (4) The property shall contain a dwelling able to be occupied.
- (5) Commercial events or other large events such as concerts or weddings are prohibited on the property.
- (6) The rental of units for a period of less than 24 hours is prohibited

Sec. 25-101.c.4.iv.g Decision Criteria

When deciding on an application for a special exception use permit to operate a short-term rental use, the Zoning Board of Adjustment shall consider the following factors, in addition to the general decision-making standards in Sec. 25-39.d:

- (1) Whether the property is permanently occupied and leased in its entirety to one party for periods of at least 30 consecutive nights;
- (2) Whether the short-term rental use is proposed to be or will be the primary or accessory use of the dwelling;
- (3) If a short-term rental is proposed for a site that has been previously used for a short-term rental, the number of complaints, violations, and other departures from the standards of this Ordinance and the City Code that have occurred on the property; and
- (4) As part of its evaluation on the character of surrounding development and the neighborhood and other potentially adverse impacts of the use, the characteristics of the neighborhood and surrounding properties including the underlying zone district, surrounding land uses, the number of nearby short-term rental uses, the topography, access, and similar factors.

SUMMARY

The petitioner is requesting a special exception to allow the short-term rental of a dwelling. James Smeenge will be the primary contact and will be available 24 hours a day in case of an emergency. Jennifer Fuqua will be the local contact and will also be available in case of an emergency. The petitioner does not have experience managing short term rentals. The house is equipped with cameras and keypad locks. The house is not owner occupied. The house will be used by family when it is not being rented short term. The house has 3 bedrooms and 3 bathrooms. The petitioner is requesting 6 adults and 2 vehicles.

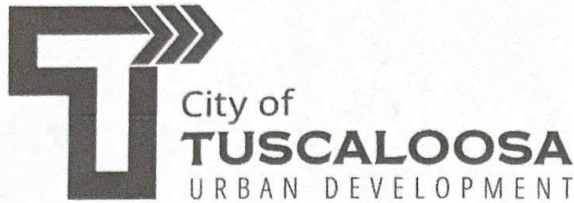
Office of Urban Development, Planning Division: If approved, staff recommends 4 adults / 2 vehicles based on existing driveway /off-street parking and occupancy as it relates to parking.

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

Office of the City Engineer: 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: 431 Martin Luther King Jr Blvd Tuscaloosa, AL 35401

Name: James+ Laura Smeenge Phone: _____

Address: 135 Gregory Place West Palm Beach, FL 33405 ZIP Code: 33405

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?

James Smeenge - located in West Palm Beach Available 24 hrs a day
@ Local contact is Jennifer Fugua

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

New - First time short term rental

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.

Cameras, Key pads,

**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: 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.

When property is not rented, owners will use townhouse as a secondary property.

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?

2 vehicles in garage, 1 vehicle street parking

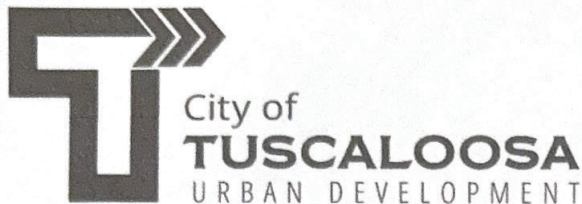
Important Items to Note:

- 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.
- 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: Laura R Smeenge Signature: Laura R Smeenge Date: 7-1-2025



TUSCALOOSA

DESIGNATION OF AGENT

PROPERTY OWNER

I, Laura R. Smeenge, being owner of the property which is the subject of this application
PRINT NAME
431 Martin Luther King Jr Blvd Tuscaloosa AL 35401 hereby authorize
SUBDIVISION NAME, PROPERTY ADDRESS, OR TAX PARCEL ID
Jennifer Fugua to act as my representative with the City of Tuscaloosa's Zoning Board of
PRINT NAME
Adjustment, and/or Planning and Zoning Commission, and/or Historic Preservation Commission, and /or City Council, as
required by the type of request listed hereon.

Such representation shall be for all purposes concerning any manner, right or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Signature Laura R. Smeenge Date 7/6/2025

STATE OF ALABAMA | COUNTY OF TUSCALOOSA

I, _____, a Notary Public in and for said State at Large, hereby certify that
_____, who is named as _____, is
signed to the foregoing document, and:

- ☒ Who is known to me, or
☒ Whose identity I proved on the basis of _____, or
☒ Whose identity I proved on the oath/affirmation of _____, a
credible witness to the signer of the above document

and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, 20____

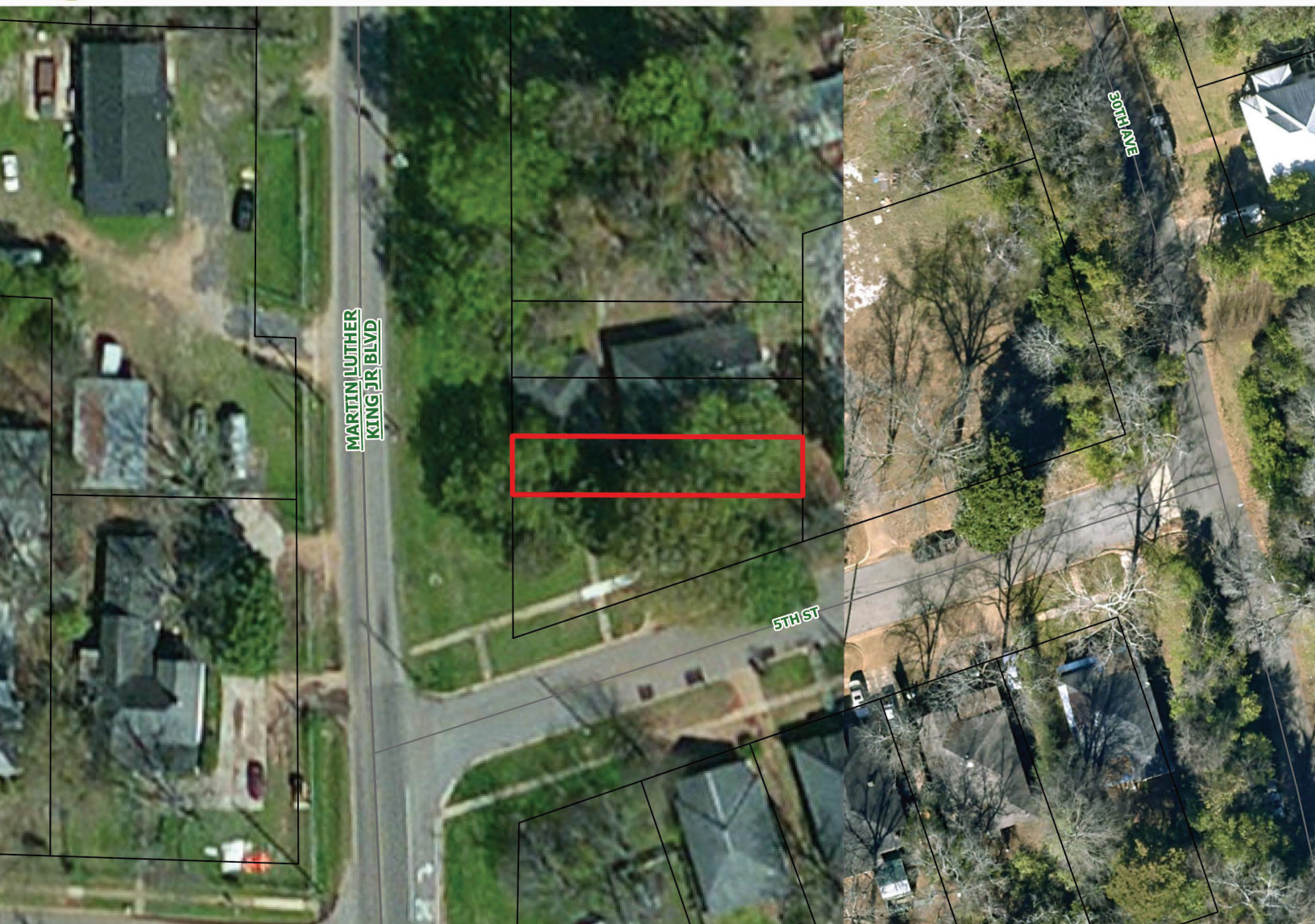
Notary Public

Commission Expiration



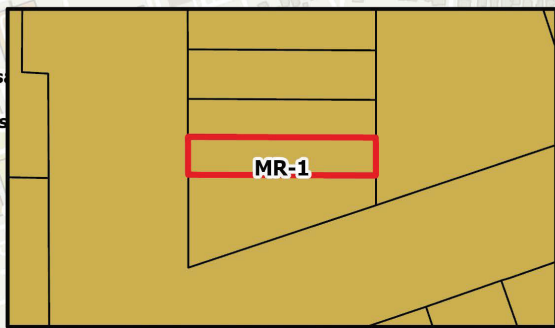
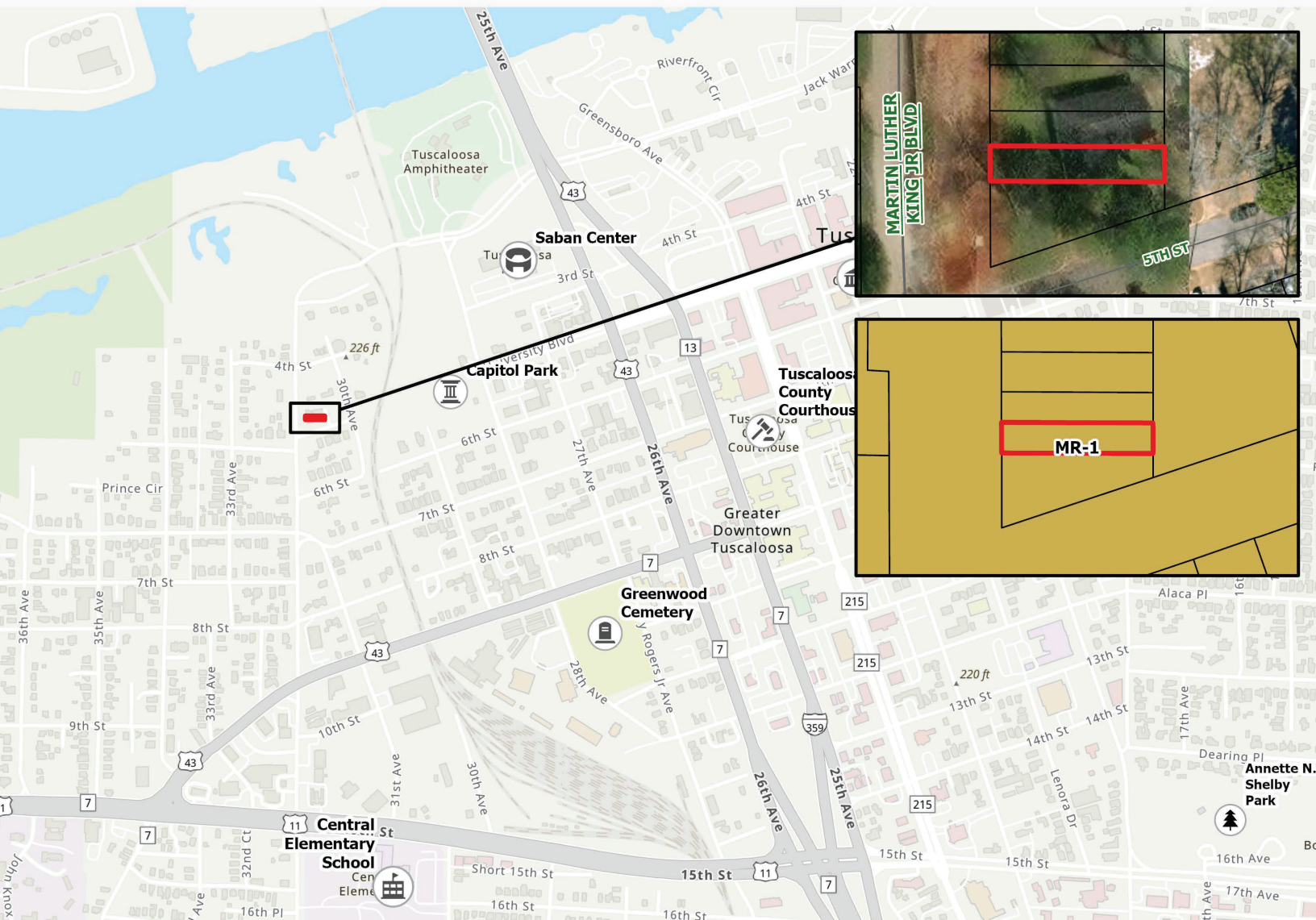
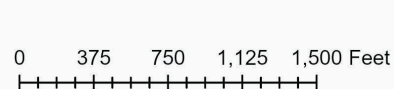
431 Martin Luther King Jr Boulevard

1 inch = 50 feet
0 25 50 75 100 Feet





431 Martin Luther King Jr Boulevard





431 Martin Luther King Jr Boulevard

1 inch = 350 feet
0 200 400 600 800

