

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

December 17<sup>th</sup>, 2025

**ZBA-120-25**

### **GENERAL INFORMATION**

#### **Petitioner**

William McDaniel

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

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

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

1431 Gardenia Ave. GPD. (Council District 5)

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

Approximately 0.06 acres, Single-family residential

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

North: Single-family residential, GPD

East: Single-family residential, GPD

South: Single-family residential, GPD

West: Single-family residential, GC

#### **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.

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

December 17<sup>th</sup>, 2025

- (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. William McDaniel will be the primary contact and will be available 24 hours a day during rental periods in case of an emergency. The petitioner currently manages three long/mid-term rentals in Birmingham and a vacation rental at the beach. The house is equipped with keypad locks and a driveway facing Ring camera. The house is owner occupied. The petitioner will stay with Hotel Capstone for work purposes or another property near Trussville when the property is being rented short-term. The house has 2 bedrooms and 2 bathrooms. The petitioner is requesting 6-7 adults and 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 provided the garage is used.

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

# Short-Term Rental Application

This application is for a request to the Zoning Board of Adjustment to approve a Special Exception to operate a short-term rental.

## Property Information:

**Site Address:**

1431 Gardenia Ave, Tuscaloosa, Alabama 35404

**Property Owner Name:**

William McDaniel

**Property Owner Address (if different than site address):**

**Numer of Bedrooms:**

2

**Number of Bathrooms:**

2

**Total Square Footage of Residence:**

1250

**Is this the Owner's Primary Residence?**

Yes

**If yes, where will the property owner stay when the home is being rented? If no, please explain how this property will be used when it is not being rented on a short-term basis.**

**Untitled**

For football weekends I am with the team at Hotel Capstone for working purposes, other weekends I have a property near my businesses in Trussville where I stay when I'm working in that area.

## Applicant Information:

**Applicant Name:**

William McDaniel

## Supplemental Information:

**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.**

**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 to at one time?**

**Untitled**

3 Parking Spots

7 Adults would be maximum unit could hold (King, Queen, Double, Double, Double Pullout), likely limit for unit would be 6 adults

**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?**

**Untitled**

I will be the contact and am available during all rental periods

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

**Untitled**

I have 3 long/mid term rental houses in Birmingham and manage my own vacation rental at the beach as well.

**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 application at the bottom of the form.**

**Untitled**

All external locks are keypad locks. There is a driveway facing Ring camera as well.

## **Supporting Documents:**

### **Rules and Regulations:**

1431 Gardenia Ave House Rules.docx

### **Photos of Parking Area:**

Parking\_1431.avif

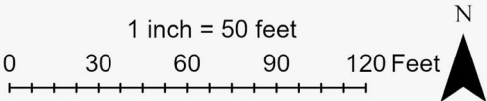
### **Additional Documents:**

Once submitted, a staff member will contact the applicant using the email provided on this form. If more documents are required, the staff member will clarify what is required in that email. By submitting this application, you recognize the city will send public notification and place a sign on the property with information for the public.





# 1431 Gardenia Ave

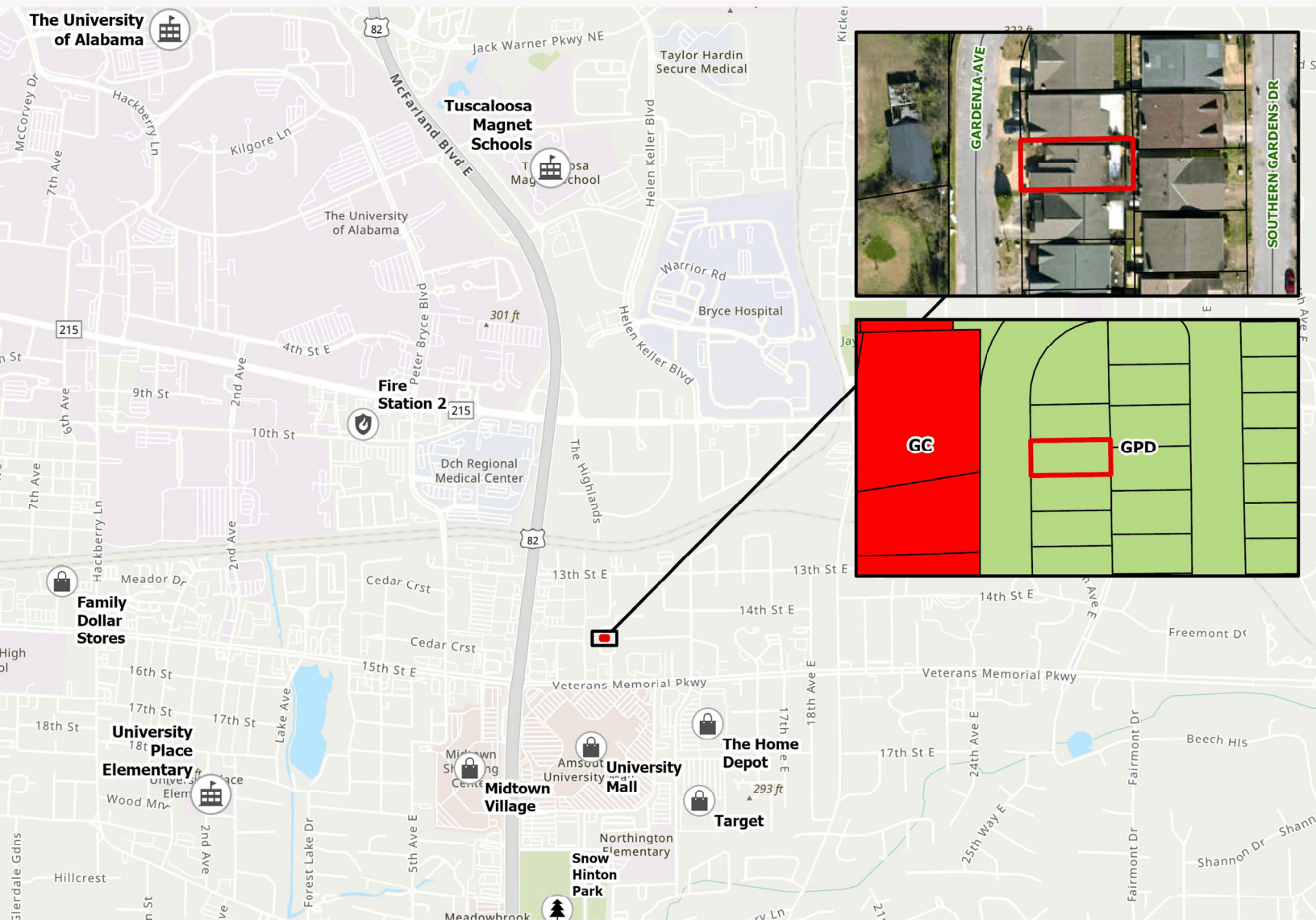






# 1431 Gardenia Ave

0 750 1,500 2,250 3,000 Feet







# 1431 Gardenia Ave

1 inch = 350 feet

0 200 400 600 800

N

