

## ZONING BOARD OF ADJUSTMENT STAFF REPORT

September 28, 2026

**ZBA-79-26**

### GENERAL INFORMATION

#### Petitioner

Etta Noland

#### Requested Action and Purpose

Variance from the nonconforming structures standards to allow a nonconforming structure with a nonconforming use to be repaired

#### Location and Existing Zoning

1225 19<sup>th</sup> Alley. Zoned GC. (Council District 2).

#### Size and Existing Land Use

Approximately 0.08 acres, Residential

#### Surrounding Land Use and Zoning

North: Residential, MR-1

East: Residential, GC

South: Commercial, GC

West: Residential, GC

#### Applicable Regulations

Sec. 25-193 – Nonconforming structures

d. Enlargement, alteration, or extension.

*4. Removal or destruction of a nonconforming structure, except an historical or architectural landmark, as designated by the local, state, or federal government, shall eliminate the nonconforming status of the property. Destruction for the purpose of this subsection is defined as damage to an extent that repair is estimated to cost more than fifty (50) per cent of the structure's assessed value at time of destruction determined by the chief building official according to International Code Council Standards.*

e. Reconstruction or repair.

*1. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.*

*2. If any official charged with protecting the public safety deems emergency repairs to a nonconforming structure or portion of a structure containing a nonconforming use to be necessary and orders such repairs, nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any such structure or portion of a structure.*

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**SUMMARY**

The petitioner is requesting a variance from the nonconforming structures standards to allow a nonconforming structure with a nonconforming use to be repaired. The structure has been placed under condemnation by the Chief Property Maintenance Inspector. Per Sec.25-193, the property cannot be repaired except in conformity with the regulations of the district in which it is located. The property is zoned General Commercial (GC), and the use of a single-family detached dwelling is not permitted in this district. Prior to 2025 Framework, the property was zoned Neighborhood Commercial (BN), which did not permit the use of a single-family detached dwelling. There is an existing lot line running through the structure, and it is likely that the structure doesn't meet the setbacks along the southern and western property lines. 1217 19<sup>th</sup> Alley and 1219 19<sup>th</sup> Alley were placed under condemnation at the same time as 1225 19<sup>th</sup> Alley. 1217 19<sup>th</sup> Alley has been demolished and 1219<sup>th</sup> Alley is awaiting demolition.

The property was posted for condemnation on April 1, 2026. The case was placed on the City Council agenda on August 4, 2026, where it was tabled to the August 11, 2026 meeting. At the August 11, 2026 meeting, it was tabled again for one week due to the absence of the property representative. At the August 18, 2026 meeting, it was tabled for 45 days to allow the property representative the ability to apply for a variance from the Zoning Board of Adjustment.

A scope of work is included as an attachment to this staff report from the Chief Property Maintenance Inspector, listing the repairs required to remove the property from condemnation. Photos taken for the condemnation case are also included as an attachment to this staff report. The required repairs are estimated to cost \$45,220 by the City's Chief Building Official, which is more than 50% of the assessed value of the structure (\$35,600 per the County Tax Assessor).

2007: permit issued to repair the electrical system, sheetrock, floors, siding, and plumbing

- An electrical rough inspection was the only inspection requested under this permit before it expired.

2008: permit issued for repairs

- No inspections were requested under this permit before it expired.

# Variance Application

## Property Information:

**Site Address:**

1225 19th alley, Tuscaloosa, Alabama 35401

**Total Acres:**

3,280 Square Feet

**Number of Existing Structures:**

1

**Current Zoning:**

Single Family Residential Estate (SFR-E)

**Current Land Use:**

Residential

## Applicant Information:

**Applicant Name:**

Etta Noland

**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:**

I am the owner of this property and I am requesting the necessary variance/approval to obtain a building permit to repair and preserve my existing residential home at 1225 19th Alley.

Over the past year, I have been dealing with cancer and other serious health issues that prevented me from being physically able to work on and properly maintain the property. These circumstances were beyond my control and created a hardship that affected my ability to address the repairs needed at my home.

I am now requesting the opportunity to obtain the necessary building permit, complete the required repairs, and bring the property into compliance with the City's requirements. I am willing to work with the City and comply with all applicable requirements to safely maintain and preserve my home.

I respectfully request that the City consider my circumstances and hardship, allow me reasonable time to complete the necessary work, and approve the relief needed for me to obtain the building permit and preserve my residential home rather than have it demolished.

## **Supporting Documents:**

**Site Plan (if applicable):**

**Elevation Drawings (if applicable):**

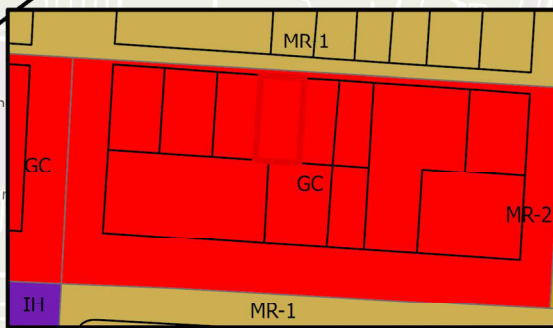
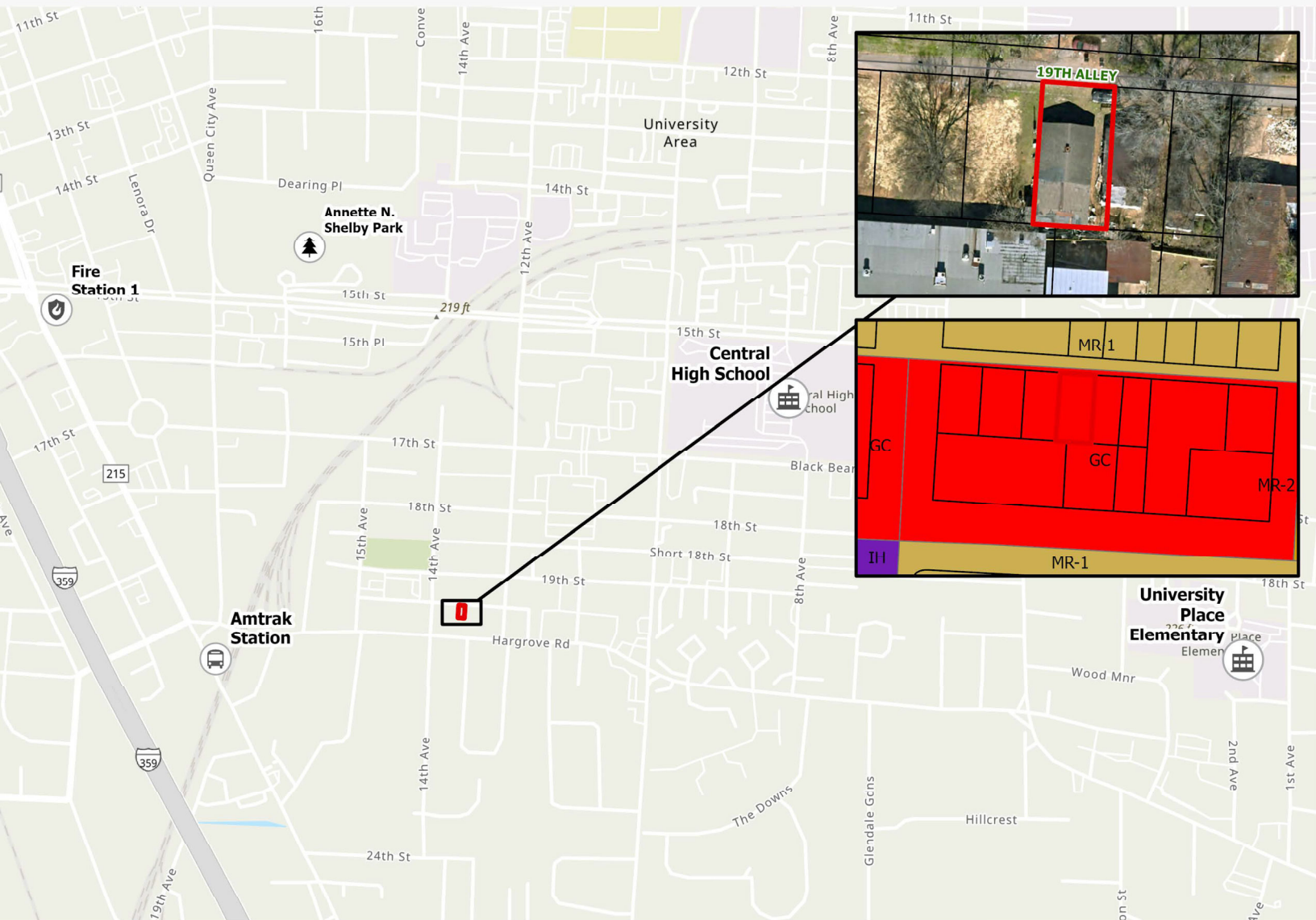
**Additional Documents:**

**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.**



# 1225 19th Alley

0 390 780 1,170 1,560 Feet





1225 19th Alley

