BOARD OF ADJUSTMENT STAFF REPORT
March 26, 2018

ZBA-09-19

GENERAL INFORMATION

Property Owner (x) Petitioner (x)
John B. Thetford

Requested Action and Purpose
Variance from the mixed residential lot dimension standards

Location and Existing Zoning
304 18th Street East. Zoned RD-1. (Council District 2)

Size and Existing Land Use
Approximately 0.31 Acres, Single-family dwelling

Surrounding Land Use and Zoning
North – Vacant land, RD-1
East – Vacant land, RD-1
South – Single-family dwelling, RD-1
West – Vacant land, R-1

Applicable Regulations
Sec. 24-347. - Detached house.

1. Lot Standards

Lot Dimensions	
Ⓐ Lot area (min)	7,500 sf
Ⓐ Lot area - rear loaded (min)	5,000 sf
Ⓑ Lot width - interior (min)	50'
Ⓑ Lot width - interior rear loaded (min)	40'
Ⓒ Lot width - corner (min)	60'
Lot Parameters	
Ⓓ Dwelling units per lot (max)	1

2. Building Placement

Principal Building Setbacks	
Ⓐ Primary street (min)	15'
Ⓑ Side street (min)	10'
Ⓒ Side interior (min)	5'
Ⓓ Rear (min)	20'
Ⓓ Rear, alley	4'or 20' min
Accessory Structure Setbacks	
Ⓔ Primary street (min)	50'
Ⓕ Side street (min)	10'
Ⓖ Side interior (min)	5'
Ⓗ Rear (min)	5'
Ⓗ Rear, alley	4'or 20' min
Accessory Structure Limitations	
Ⓘ Building separation (min)	10'
Ⓙ Building footprint (max)	450 sf
Parking Location	
Ⓚ Parking between building and street	No

BOARD OF ADJUSTMENT STAFF REPORT
March 26, 2018

SUMMARY

The petitioner is requesting a variance from the mixed residential lot dimension standards at 304 18th Street East. The petitioner states that he would like to consolidate three non-conforming lots into two lots. The properties are part of the original Forest Lake Survey, which pre-dates the Zoning Ordinance of Tuscaloosa. One lot has an existing house on it.

The newly created corner lot will meet all RD-1 regulations related to lot standards for detached houses. However, the lot with the existing home on it would only be 6285 square feet in total area instead of the 7500 square foot minimum, 83.8% of the requirement. This is the reason for the variance request; to allow the lot with the existing house on it to be smaller than current requirements.

Planning: No comment

Building and Inspections: No comment

Fire: No comment

OCE: No comment

City of TUSCALOOSA URBAN DEVELOPMENT

PETITION TO THE ZONING BOARD OF ADJUSTMENT

DEADLINE FOR SUBMISSION OF PETITION: BY 12:00 NOON ON THE FIRST (1ST) MONDAY OF EACH MONTH. NO PETITION WILL BE ACCEPTED AFTER THE DEADLINE UNDER ANY CIRCUMSTANCES.

MEETING DATE AND TIME: TYPICALLY THE FOURTH (4TH) MONDAY OF EACH MONTH AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS ON THE SECOND FLOOR OF CITY HALL

The undersigned appeals to the Zoning Board of Adjustment for:

☐ **Special Exception**
- ☐ Commercial
- ☐ Residential

☒ **Variance**
- ☐ Commercial
- ☒ Residential

☐ **Special Exception for Short-Term Rental**
- ☒ TO Lake District*
- ☒ TO Historic District** Historic District: _____

ZONING DISTRICT

☒ **Appeal of a decision or ruling of the Zoning Officer**

Fee Schedule

Special Exception:
Commercial----------$200.00
Residential----------$ 50.00
Short-Term Rental----------$200.00

Variance:
Commercial----------$200.00
Residential----------$ 50.00

Appeal:----------$ 10.00

*The application shall be accompanied by a letter from the Home Owner Association stating that the short-term rental of a dwelling is allowed. (Sec. 24-372(B)(1))
**Short-term rentals in each locally designated historic district will be limited to a 10% cap of the total number of residentially used properties per district. (Sec. 24-372(B)(2)(a))

Petitioner John B. Thetford
Petitioner Address P.O. Box 20735 Tuscaloosa, AL ZIP 35402
Phone No. 205-361-8107

Property Owner John B. Thetford
Property Owner Address P.O. Box 20735 ZIP 35402
Phone No. 205-361-8107

Address of subject property 304 18th Street E Tuscaloosa, AL 35401
Existing buildings on property (#) 1

A special exception is the allowance of a use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A special exception may not be used as a substitute for a variance in order to avoid the burden of proving an unnecessary hardship.

Describe variance, special exception, or appeal requested:
The current lot is 13,785 square feet. Petitioner would like to subdivide the lot into 1 parcels. One parcel would meet the required 7,500 square feet for Zone RD-1 but the other lot would only be 6,285 square feet and currently has an existing residence on it.

FOR ALL REQUESTS FOR ANY VARIANCE FROM OR SPECIAL EXCEPTION TO A ZONING REQUIREMENT PERTAINING TO A DIMENSIONAL REQUIREMENT OR THE SITE, A SCALED SITE PLAN AND/OR BUILDING ELEVATION PRODUCED BY A REGISTERED LAND SURVEYOR, PROFESSIONAL ENGINEER, OR ARCHITECT SHALL BE REQUIRED. REQUESTS FOR AN EXCEPTION FROM FENCE REQUIREMENTS MUST DEPICT PROPOSED LOCATION AND DESIGN OF FENCE. ANY REQUEST WHICH WILL NOT BE REPRESENTED BY THE PROPERTY OWNER AT THE PUBLIC HEARING MUST BE ACCOMPANIED BY A DESIGNATION OF AGENT FORM.

NOTE: ALL REQUESTS GRANTED HAVE AN EXPIRATION DATE, AFTER WHICH THE REQUEST MUST BE GRANTED AGAIN BY THE BOARD. IF YOU HAVE QUESTIONS ABOUT THE TIME OF EXPIRATION, PLEASE DISCUSS WITH STAFF *BEFORE* THE HEARING.

THIS PETITION WILL NOT BE ACCEPTED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

ZBA. NO._____ FILED: _____ HEARING DATE:_____

FEB 04 2019
City of Tuscaloosa

Describe the reasons for the request and, if requesting a special exception, any extra related information (e.g. number of parking spaces, hours of operation, etc.).

The current lot is 13,785 square feet. Petitioner would like to subdivide the lot into 1 parcels. One parcel would meet the required 7,500 square feet for Zone RD-1 but the other lot would only be 6,285 square feet and currently has an existing residence on it. With the exception of the square footage requirement, the lots meet all requirements of lots zoned RD-1 for the City of Tuscaloosa.

If you are requesting a special exception, not a variance, please skip the next two questions and sign this page.

For a variance, the petitioner must *specifically* state a hardship for the variance. If you are requesting a variance, explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

The property listed above was a part of original Lots 8, 9 and 10 of Block 8 of Lake Forest Subdivision No. 1. Prior to subdivision and zoning regulations a portion of the original lots was surveyed out leaving the petitioner a portion of the 3 original lots. These remaining lots do not meet the frontage, square footage or setback requirements currently in place. The only way to make the property usable is to resurvey the tracts and subdivide into 2 new residential lots rather than 3 unusable tracts of land.

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The existing and proposed residence for the resurveyed property has the same architectural look as other residences currently under construction in the neighborhood. The proposed lots meet current building standards, minimum lot frontage, parking requirements and building setbacks for the current zoning.

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located.

John Thetford

PRINT NAME

SIGNATURE

ZBA-09-19 Vicinity Map

1 inch = 400 feet

0 200 400 600 800

N

ZBA-09-19 Aerial Map

1 inch = 100 feet

0 50 100 150 200

N

ZBA-09-19 Zoning Map

Feb 14, 2019 at 12:16:50 PM

Feb 14, 2019 at 12:18:11 PM
Forest Lake Dr

Feb 14, 2019 at 12:17:08 PM

Feb 14, 2019 at 12:17:26 PM
HOMES
LARGE LOTS

N

SPC–AL WEST

GRID NORTH

FOREST LAKE PROPERTIES
1217 GREENSBORO AVENUE
SUITE 100
TUSCALOOSA, AL 35401

Forest Lake Drive

15' ALLEY (OPEN)

15'

Block 8

TINA M. PATRICK
437 MEADOR DRIVE
TUSCALOOSA, AL 35401

ORIGINAL LOT LINE

50.17'

SEE NOTE #5

64.27'

5' SIDE SETBACK LINE

63.25'

CBS 526, LLC
500 TOWNCENTER BLVD.
TUSCALOOSA, AL 35406

LOT 8

ORIGINAL LOT LINE

LOT 9

20' SETBACK LINE

LOT 10

150.08'

LOT 11

LOT 12

100.09'

15' SETBACK LINE

Lot 1
7,500 Sq. Feet

5' SIDE SETBACK LINE

5' SIDE SETBACK LINE

99.92'

Lot 2
6,285 Sq. Feet
(EXISTING RESIDENCE)

99.91'

LAKE FOREST SUBDIVISION NO. 1
P.B. 4, P. 6

8.1'

10' SETBACK LINE

15' SETBACK LINE

26.8'

86.68'

63.25'

PROPOSED SIDEWALK

18th Street

58'

WILLIAM K. BOOTH
306 GENTILLY PLACE
HOUSTON, TX 77024

BOYCE THORNTON
1755 HARRISON DR.
TUSCALOOSA, AL 35405

RICK & JULIE LIPPITT
16060 HENDERSON HEIGHTS DR.
ALPHARETTA, GA 30004

ZACHARY P. LOLLAR
820 21ST AVENUE E
TUSCALOOSA, AL 35404

Vicinity Map
(NOT TO SCALE)

OWNERS INFORMATION: JOHN B. THETFORD
P.O. BOX 20735
TUSCALOOSA, AL. 35402

TOTAL ACREAGE SURVEYED: 0.32 ACRES±
TOTAL ACREAGE OWNED: 0.32 ACRES±

NOTES:

1. Each lot has a closure of not less than 1:5000.

2. Lot corners are monumented by Lonnie J. Autery, or by others.

3. Property is currently Zoned "RD–1" and subject to the following setbacks:

Front: 15 Feet
Back: 20 Feet
Sides: 5 Feet

4. The property shown hereon is not located in a Special Flood Hazard Area and is shown in a Zone "X" on FIRM No. 01125C0508 G dated January 16, 2014 for the City of Tuscaloosa, Alabama.

5. Corner is approximately 731 feet south of and 2045 feet west of the northeast corner of Section 25, Township 21 South, Range 10 West, Tuscaloosa County, Alabama.

VARIANCES:

Owner request variances for the following: 1) Lot Area

ALABAMA LICENSED No. 26279 PROFESSIONAL LAND SURVEYOR L. J. AUTERY

LEGEND

- FOUND CORNER
- SET CAPPED REBAR (AUTERY PLS26279)
- WATER VALVE
- FIRE HYDRANT
- WATER METER
- MANHOLE
- CONCRETE
- —— ss —— ss —— EXISTING 8" SAN. SEWER
- —— w —— w —— EXISTING WATER LINE

40 20 0 20 40
SCALE: 1" = 20'

RIGHT–OF–WAY 50' RIGHT–OF–WAY
12.5' 12.5'
ASPHALT PAVING

18th Street
(NOT TO SCALE)

RIGHT–OF–WAY 50' RIGHT–OF–WAY
14' 14'
ASPHALT PAVING

Forest Lake Drive
(NOT TO SCALE)

THIS DRAWING AND ALL THE INFORMATION SHOWN HEREON IS THE PROPERTY OF LONNIE J. AUTERY AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN CONSENT OF LONNIE J. AUTERY
COPYRIGHT © 2019 LJA

PRELIMINARY PLAT

LONNIE J. "JAMIE" AUTERY
PLS NO. 26279, PE NO. 32716

P.O. BOX 1486
NORTHPORT, ALABAMA 35476
EMAIL: jautery@alsurvey.com

PHONE: (334) 874–8445
PHONE: (205) 333–2477
FAX: (205) 333–5389

SOT: D.B. 1136, P. 439

PAGE 1 OF 1

DRAWN BY: J. AUTERY

SCALE: 1" = 20'

THETFORD DIVISION PLAT NO. ONE

THIS DRAWING AND ALL THE INFORMATION SHOWN HEREON IS THE PROPERTY OF LONNIE J. AUTERY AND MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN CONSENT OF LONNIE J. AUTERY
COPYRIGHT © 2019 LJA

FINAL PLAT

LONNIE J. "JAMIE" AUTERY
PLS NO. 26279, PE NO. 32716

P.O. BOX 1486
NORTHPORT, ALABAMA 35476
EMAIL: jautery@alsurvey.com

PHONE: (334) 874-8445
PHONE: (205) 333-2477
FAX: (205) 333-5389

SOT: D.B. 1136, P. 439	PAGE 1 OF 1	THETFORD DIVISION PLAT NO. ONE
DRAWN BY: J. AUTERY	SCALE: 1" = 20'	