BOARD OF ADJUSTMENT STAFF REPORT
February 25, 2019

ZBA-11-19

GENERAL INFORMATION

Property Owner ( ) Petitioner (x)
Al Cabaniss

Requested Action and Purpose
Variance from the University Area Neighborhood parking regulations at 625 & 701 Gene Stallings Avenue and 528 & 604 Red Drew Avenue

Location and Existing Zoning
625 & 701 Gene Stallings Avenue and 528 & 604 Red Drew Avenue. Zoned RMF-2U. (Council District 4)

Size and Existing Land Use
Approximately 9.15 Acres, Multi-family dwellings

Surrounding Land Use and Zoning
North – Multi-family dwellings, RMF-2U
East – Multi-family dwellings, RMF-2U
South – Satellite parking lot, RMF-2U
West – Multi-family dwellings, RMF-2U

Applicable Regulations
Sec. 24-223. - University area neighborhood (UAN) residential district regulations.

(a) *Rules applicable to all development sites*.
(1) *Site elements*.
a. *Parking*.
2. **Parking is prohibited between the front façade of the structure and the front property line**. On corner lots, the parking may encroach past the front façade along the secondary street, but the parking must be screened from the public right of way through the use of a knee wall, forty-two (42) inches in height, constructed from the primary building material.

SUMMARY
The petitioner seeks a variance from the UAN parking regulations to allow parking between the front façade of the structure and the front property line. The petitioner states that he would like to move the current on-street spaces up so that they will be entirely on his property. This would allow him to make the parking exclusive to the residents of his apartment buildings and not to the general public.

Planning: No comments

Building and Inspections: Speak with Building and Inspections

Fire: Speak with Fire

OCE: No comments

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
RMF-2U

☒ **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 Al Cabaniss
Petitioner Address PO Box 020440 Tuscaloosa AL ZIP 35402
Phone No. (205) 799-3058

Property Owner Harris/ Plott Construction
Property Owner Address P.O Box 21299 Tuscaloosa, AL ZIP 35403
Phone No. (205) 657-3580

Address of subject property 625 & 701 Gene Stallings Avenue and 528 & 604 Red Drew Avenue
Existing buildings on property (#) Four existing apartment buildings

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:
Developer request a variance from the specific requirement in the RMR-2U zoning code address parking between the building and the street

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.).

This property is an older, existing development that was constructed with bay parking, as allowed under the regulations that were current at the time of it's construction. Because the parking is public, tenants do not enjoy dedicated, private parking as required under the current zoning codes.

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.

This property is unique in that it was constructed without private parking. Other multifamily residential developments have on-site private parking. The needs and safety of the tenants of this property are better served by on-site private parking, and improving this proerty to meet current zoning cosed provides a desirable outcome for the city.

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.

Granting this variance, brings this property into complaince with current RMF-2U zoning requirements provides new public sidewalks, and complies with landscaping requirements of this zone. This results in a safer and more aesthetically pleasing public environment.

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.

AL CABANISS

PRINT NAME

SIGNATURE

FEB 04 2019
City of Tuscaloosa

ZBA-11-19 Vicinity Map

ZBA-11-19 Aerial Map

ZBA-11-19 Zoning Map

LDP Site Construction Plans

Red Drew & Gene Stallings Avenue
Lots 7 & 8 & Part Lot 9, Block 4
Tuscaloosa Castle Hill Real Estate and Manufacturing Company

Owner/Developer:
Harris/Plott, LLC
PO Box 21299
Tuscaloosa, AL 35403

Cabaniss Engineering Inc.
Professional Engineers and Land Surveyors
Court House Plaza 600 Lurleen Wallace Boulevard South Suite 140
P.O Box 020440 Tuscaloosa, Alabama 35402 (205) 758-9032

July 2018

07/25/2018

Alvin Jack Cabaniss, P.E., P.L.S.
Alabama Registration No. 14169

Vicinity Map
n.t.s.

Owner/Developer:
Harris/Plott, LLC
PO Box 21299
Tuscaloosa, AL 35403

Engineer/Land Surveyor:
Al Cabaniss, PE, PLS
Cabaniss Engineering, Inc.
P.O. Box 020440
Tuscaloosa, AL 35402

Property Address: 625 & 701 Gene Stallings Avenue & 528 & 604 Red Drew Avenue

Property Zoning: RMF-2U

Notes:
1) Existing Dwellings - No New Buildings are Proposed:
2) Parking: 18 parking spaces required
   18 parking spaces provided.
3) Front Setback is 10'; Sides are 16' aggregate, 6' min.
4) Re-Construction of the Parking Bays requires removal of eight (8) existing Crepe Myrtles. Eight (8) new Crepe Myrtles with a minimum height of twelve (12') at the time of planting shall be planted as shown on the Site Plan. New Trees must be installed with an irrigation bag, and it shall be maintained for a minimum of two (2) summer growing seasons.
5) Approval of this plan requires construction staking for horizontal and vertical control of parking areas, and also inspection of all site work by Cabaniss Engineering, Inc. Finish elevations shall be set so as to achieve surface drainage as shown by drainage arrows and proposed grades as shown hereon.
6) The Developer shall be required to adhere to all requirements outlined in the Driveway Manual, Subdivision Regulations, and City Codes. Because the sidewalk is located adjacent to the curb, a 6' valley gutter may not be used at this application. The driveway shall be constructed as so to meet ADA cross slope requirements. This may require removing a 6' section of existing sidewalk on each side of the proposed driveway to comply with longitudinal and cross slope ADA standards.
7) Any curb and gutter that may be damaged during the construction process will be repaired by the Applicant.
8) Parking Lot Striping shall be Class 1 Type "b" heavy duty white 4" wide traffic paint placed with mechanical equipment capable of straight lines with crisp clean edges at a rate of 15 mils.
9) Any City Infrastructure that is damaged in the construction process must be repaired/replaced by the Applicant, OR the cost of repairing/replacing paid to the City.
10) Contractor shall call 811 prior to commencement of any digging.

Utility Contact Information is as follows:

Alabama Power Company 205.349.2600 or 1-800.245-2244	Alagasco 205.349.1050	AT&T 1.800.288.2020
Comcast Cable 205.345.0424	City of Tuscaloosa Water Distribution 205.248.5380	City of Tuscaloosa Wastewater 205.248.5880
City of Tuscaloosa Transportation 205.248.5380	City of Tuscaloosa Storm Drainage 205.248.5380	City of Tuscaloosa Office of City Engineer 205.248.5380

INDEX TO SHEETS

COVER SHEET, INDEX TO SHEETS, NOTES	i
EXISTING SITE SURVEY	C101
LDP SITE PLAN	C102
LDP SITE PLAN DETAILS	C103
TRAFFIC CONTROL PLAN	C104

SOURCES OF TITLE:
D.B. 2001, PG 10724
D.B. 2002, PG 3529
D.B. 2002, PG 11152

LDP Site Plan & Existing Site Survey
Proposed Parking Bay Re-Construction
Lots 7 & 8 and Part Lot 9, Block 4 TCHREC
523 & 614 Red Drew Ave & 625 & 701 Gene Stallings Ave
Tuscaloosa, Alabama

THIS DRAWING AND ALL INFORMATION SHOWN HEREON REPRESENTS DESIGNS AND OR INFORMATION PREPARED AS INSTRUMENTS OF SERVICE BY CABANISS ENGINEERING, INC. AND IS THE PROPERTY OF CABANISS ENGINEERING, INC. AND MAY NOT BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF CABANISS ENGINEERING, INC.

Cabaniss Engineering Inc.
Professional Engineers and Land Surveyors
Court House Plaza 600 Lurleen Wallace Boulevard South Suite 140
P. O. Box 020440 Tuscaloosa Alabama

JOB NO:	18-06-007
DATE OF SURVEY:	07/02/2018
FB/PG:	331/8
FILE NAME:	1706005.DWG
DATE:	07/18/2018
SCALE:	1" = 10'
DWN/CHK BY:	THS/AJC
REVISION:	
SHEET:	C101

LDP Site Plan
Proposed Parking Bay Re-Construction
Lots 7 & 8 and Part Lot 9, Block 4 TCHREC
523 & 614 Red Drew Ave & 625 & 701 Gene Stallings Ave
Tuscaloosa, Alabama

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JOB NO:	18-06-007
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SCALE:	1" = 10'
DWN/CHK BY:	THS/AJC
REVISION:	
SHEET:	C102

Gene Stallings Avenue
Concrete Parking Bay

Red Drew Avenue
Concrete Parking Bay

Concrete Parking Bay w/ Sidewalk Base and Paving Detail

Concrete Pavement

	Design Component	Existing Design
1	3,500 PSI Concrete Paving	5½-INCH
2	Crushed Aggregate Base ALDOT No. 825 "B"	6 - INCH
3	Scarified Sub- Grade	6 - INCH

PAVING SECTION

NOT TO SCALE

Roadway excavation and embankment ALDOT No. 210.03 compaction requirements to minimum 95% T-99 with moisture range of (+-) 3% of optimum.

T-99 with moisture range of (+-) 3% of optimum.
Roadbed processing layer compaction requirements to minimum 98%

Soil or stone base layers compaction requirements to minimum 100% T-99 with moisture range of (+-) 2% of optimum.

BOTTOM OF FILTER FABRIC MUST BE PLACED IN TRENCH AND SECURED BY EITHER BACKFILLING W/ SOIL MATERIAL AND TAMPING, OR BY PLACING WASHED STONE TO A HEIGHT OF 6" ABOVE GROUND LEVEL.

ISOMETRIC

NOTE:
BOTTOM OF WIRE FENCE & FILTER FABRIC ARE TO BE BURIED IN A 6"X6" EXCAVATED TRENCH.

SECTION

SILT FENCE

NOT TO SCALE

TEMPORARY CONSTRUCTION ENTRANCE

NOT TO SCALE

STAKE DETAILS (NO TRENCH)

NO SCALE

3/4

STAKE DETAIL (WITH TRENCH)

NO SCALE

4/4

NOTE: TRENCH OPTION IS MOST APPLICABLE IN LOOSE, UNCONSOLIDATED SOILS

JOB NO:	18-06-007
DATE OF SURVEY:	07/02/2018
FB/PG:	331/8
FILE NAME:	1706005.DWG
DATE:	07/18/2018
SCALE:	NTS
DWN/CHK BY:	THS/AJC
REVISION:	
PAGE:	C 103

Cabaniss Engineering, Inc.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
COURT HOUSE PLAZA 600 LURLEEN WALLACE BLVD. SOUTH, SUITE 140
P.O. BOX 020440 TUSCALOOSA, ALABAMA 35402 (205) 758-9032

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7/25/2018

ALABAMA LICENSED No. 18000 PROFESSIONAL ENGINEER THOMAS H. SHACK CABANISS

ALABAMA LICENSED No. 18000 PROFESSIONAL ENGINEER THOMAS H. SHACK CABANISS

LDP Site Plan Details
Proposed Parking Bay Re-Construction
Lots 7 & 8 and Part Lot 9, Block 4 TCHREC
523 & 614 Red Drew Ave & 625 & 701 Gene Stallings Ave
Tuscaloosa, Alabama

Figure 6H-11. Lane Closure on a Two-Lane Road with Low Traffic Volumes (TA-11)

Typical Application 11

Feb 14, 2019 at 11:44:06 AM

Feb 14, 2019 at 11:44:28 AM

Feb 14, 2019 at 11:45:27 AM

Feb 14, 2019 at 11:45:45 AM

Feb 14, 2019 at 11:46:26 AM

Feb 14, 2019 at 11:42:56 AM

Feb 14, 2019 at 11:43:03 AM

Feb 15, 2019 at 9:54:03 AM

Feb 14, 2019 at 11:47:11 AM