ZONING BOARD OF ADJUSTMENT STAFF REPORT
October 26, 2020

ZBA-91-20

GENERAL INFORMATION

Property Owner (X) Petitioner (X)
KBM Real Estate LLC

Requested Action and Purpose
A special exception to allow the short-term rental of a dwelling

Location and Existing Zoning
1718 8th Street. Zoned R-3H (TOD). (Council District 4)

Size and Existing Land Use
Approximately 0.09 acres, single-family dwelling

Surrounding Land Use and Zoning
North: Single-family dwelling, R-3H (TOD)
East: Single-family dwelling, R-3H (TOD)
South: Single-family dwelling, R-3H (TOD)
West: Single-family dwelling, R-3H (TOD)

Applicable Regulations
Sec. 24-91. – Special exceptions.
(35.5) *Short-term rental of dwelling*

PRIMARY

a. Property must be within the city limits.
b. A dwelling must be located on the site, able to be occupied.
c. All building and fire codes must be met.
d. No commercial events, such as concerts, weddings, or other large events are permitted.
e. No on-site signage shall be permitted promoting or identifying the short-term rental.
f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.

DISCRETIONARY

a. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.
b. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
c. The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.
d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.
f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.

Sec. 24-372.B. *Conditional Uses:*

1. Within property part of a locally designated historic district as defined in Section 24-221 and Chapter 20, Article II, Division 1, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in Section 24-91, approve the short-term rental of a dwelling subject to the following:
    a. Approvals will be granted for a period of three (3) years unless otherwise specified by the zoning board of adjustment for a shorter period.

SUMMARY

The petitioner is requesting a special exception renewal to allow the short-term rental of a dwelling. The dwelling has three bedrooms, three bathrooms, and is not owner-occupied. The petitioner is requesting the following:

- Host up to four adults
- Off-street parking for two vehicles
- 15 nights per year

The applicant was approved a special exception to allow the short-term rental of the dwelling at the September 23, 2019 ZBA meeting with the following conditions:

- Limit of four adults
- Limit of off-street parking spaces to two vehicles
- Limit of one year
- Limit of 30 nights per year
- Accessory structures cannot be occupied by anyone at any time
- A City of Tuscaloosa Business License must be obtained

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No violations found or complaints received within the past year.

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment

City of TUSCALOOSA
URBAN DEVELOPMENT

ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, Oct 2019

Please complete all of the following required fields:

Location of Petitioned Property

Address: 1718 8th Street

Property Owner

Name: KBM Real Estate LLC Phone: 2054827229 Email: mattwmoore@att.net

Address: one office park cr #206 mtn. brook, al ZIP Code: 35223

Petitioner (*if different from owner*)

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

☐ **Special Exception**	☐ **Use Variance**	☐ **Variance**
Commercial ..... $ 200.00 per lot	Commercial ..... $ 200.00 per lot	Commercial ..... $ 200.00 per lot
Residential ..... $ 50.00 per lot	Residential ..... $ 50.00 per lot	Residential ..... $ 50.00 per lot

☑ **Short-Term Rental** ..... $ 400.00 per lot ☐ **Appeal Zoning Officer's ruling** ..... $ 10.00 per lot

Briefly describe the variance, special exception, and/or appeal being requested:

renewal of short term rental at this location / avoid voiding STR biz license

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, 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. 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.

- 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.

Print Name: KBM Real Estate LLC **Signature:** Matt J. Moore

Please complete the applicable fields prior to application submission:

Answer the following for ALL requests:

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.)

renewal of short term rental at this location / maintain STR biz license (even though we have not ~~rented in over 1 year) 3 beds/ 3 baths. Rent a max of 15 nights per year. 3 cars can park off~~ street.Host 4 adults. No accessory structures.

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the 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.

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.

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

SUBMIT FORM

FOR OFFICE USE ONLY:

ZBA Case Number: _____
Zoning District: _____

Submission Date: _____
Hearing Date: _____

Zach Ponds

From: matt moore <mattwmoore@att.net>
Sent: Tuesday, September 29, 2020 1:14 PM
To: Zach Ponds
Subject: Re: 1718 8th St STR Petition

CAUTION: External email.

Zach,

That is fine (although I disagree that you can't fit 3 cars in that driveway). 3 people live there. It's done from time to time.

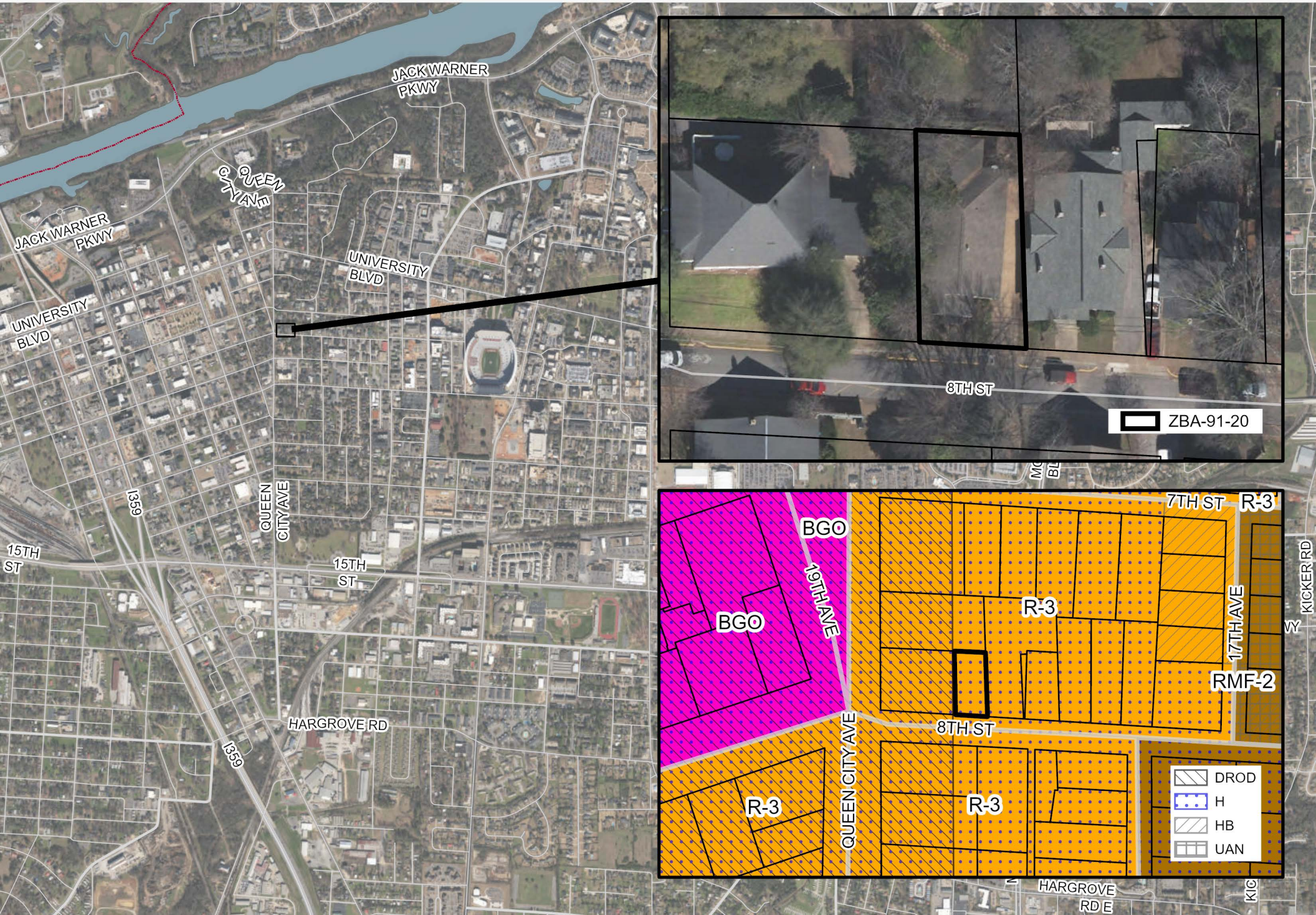
Let's update accordingly to 2/4 and 45. Thanks, Matt

ZBA-91-20: 1718 8th Street

1 inch = 50 feet

0 25 50 75 100

N



ZBA-91-20: 1718 8th Street

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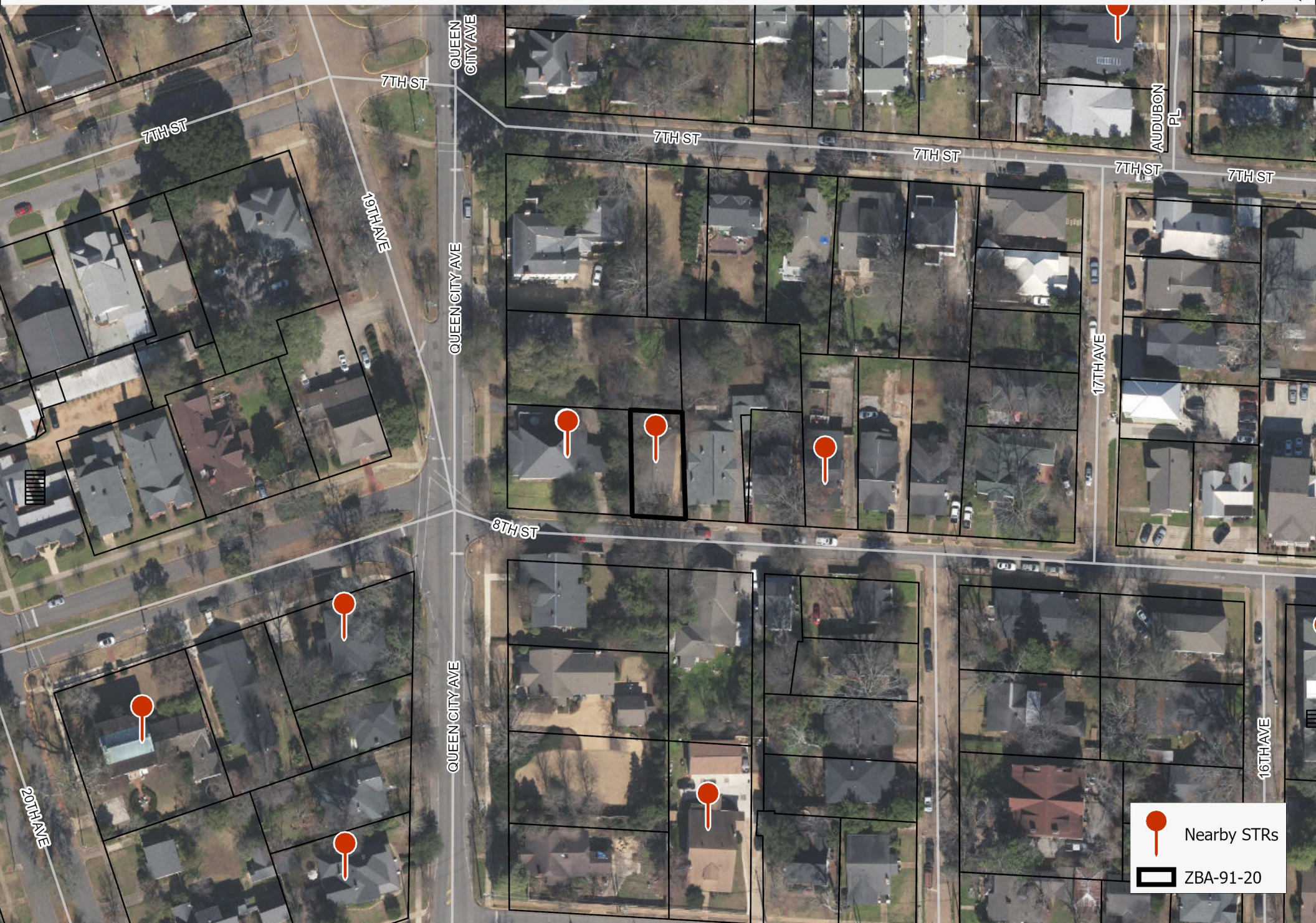
ZBA-91-20: 1718 8th Street



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