

Meeting – July 11, 2019
Location - City Council Chambers, Third Floor, City Hall
Time - 2:00PM
Pre-Meeting - 1:00PM
Department of Planning Engineering & Permits Conference Room, Fifth Floor

Graymont

ZBA2018-00075

Request: Variance
Applicant: Christopher Swain
Owner: Tabernacle Baptist Church
Site Address: 600 Center St
Zip Code: 35204
Description: Variance to allow an approximately 36 SF digital monument sign, illuminated and animated with intermittent light, instead of one name plate, to be lighted with only indirect non-intermittent light, not exceeding 6 SF in area attached to the wall at an entrance pursuant to Title 2, Chapter 1, Article I, Section 7, Subsection 2.10; Variance to allow a sign to be placed in the required front yard with an 18.5 FT front setback instead of the required 25 FT pursuant to Title 2, Chapter 1, Article I, Section 1, Subsection 2.5
Property Zoned: CR5 Contingency Multiple Dwelling District
Parcel Information: Parcel #012200344005014000, SE ¼ of Section 34, Township 17 S, Range 3 W

Variations

The applicant is requesting variations to allow a digital monument sign to be illuminated and illuminated with intermittent light and placed in the required front yard with an 18.5 FT setback.

Neighborhood

The Graymont Neighborhood Association met on January 16th and voted 7-0 in support of these requests.

Applicant's Justification

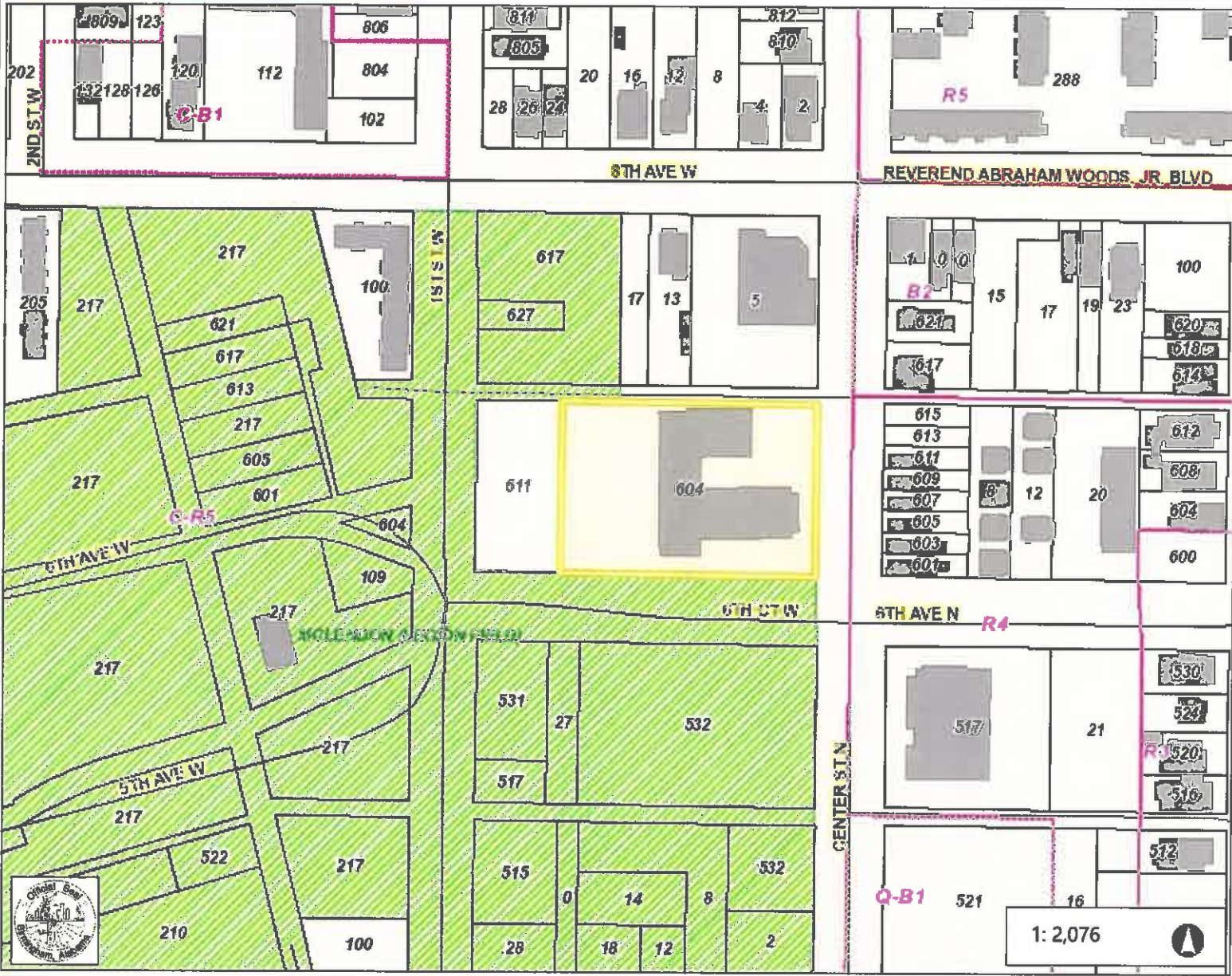
The applicant stated that the sign was permitted and installed in the current location. The applicant also stated that the operation of the sign can be altered to not allow animation or illumination with intermittent light.

Staff Recommendation

Staff does not feel that the applicant provided evidence that meets the variance standards of review demonstrating a hardship and as such these requests should be **DENIED**. If the Board chooses to grant the requests it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.

600 Center St N Zoning Map CR5



Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)

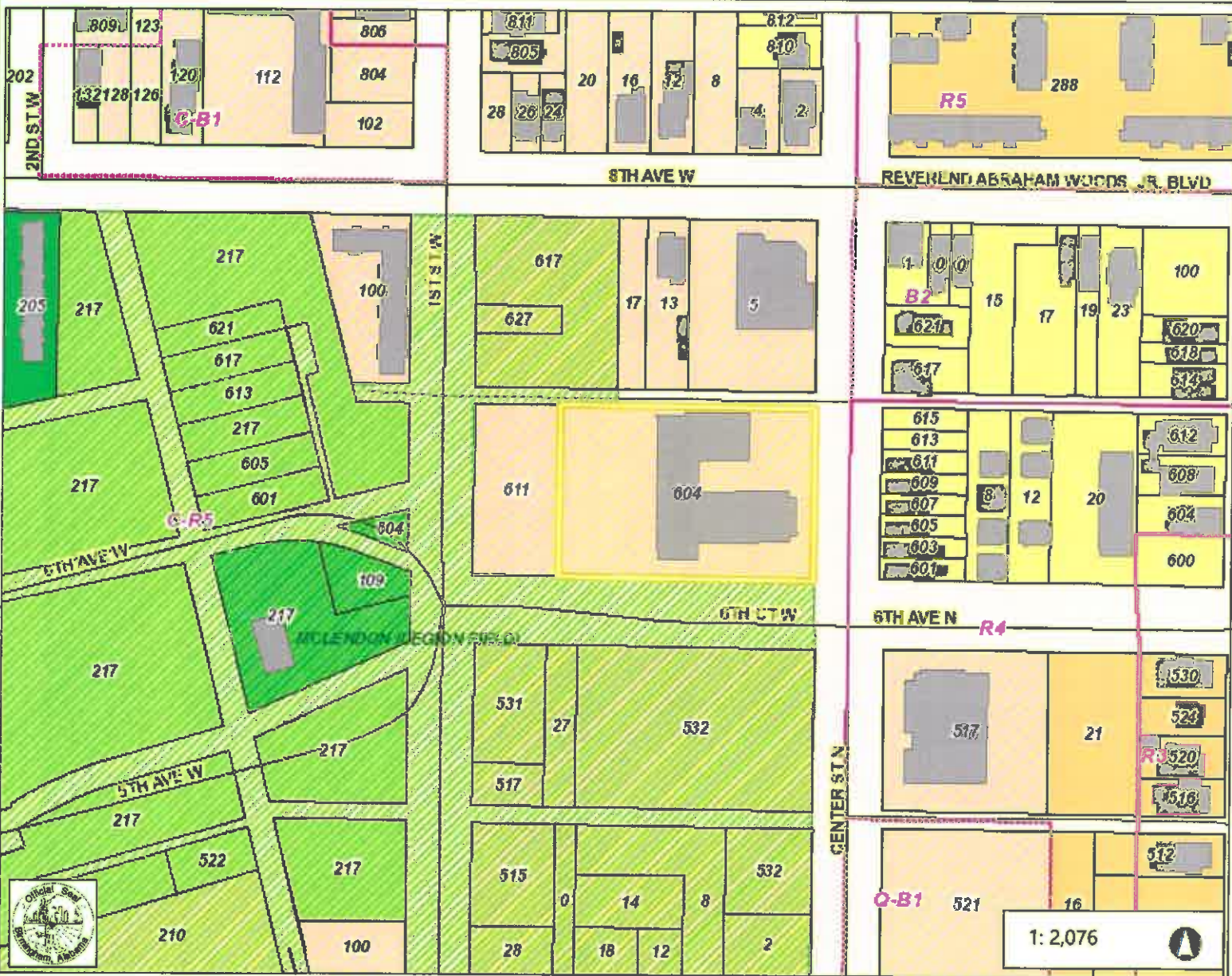
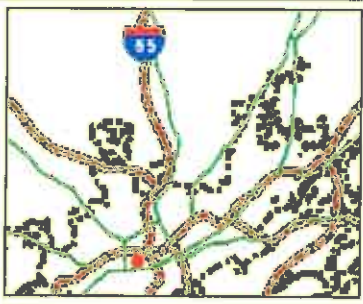


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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

1: 2,076

600 Center St N ALU



Legend

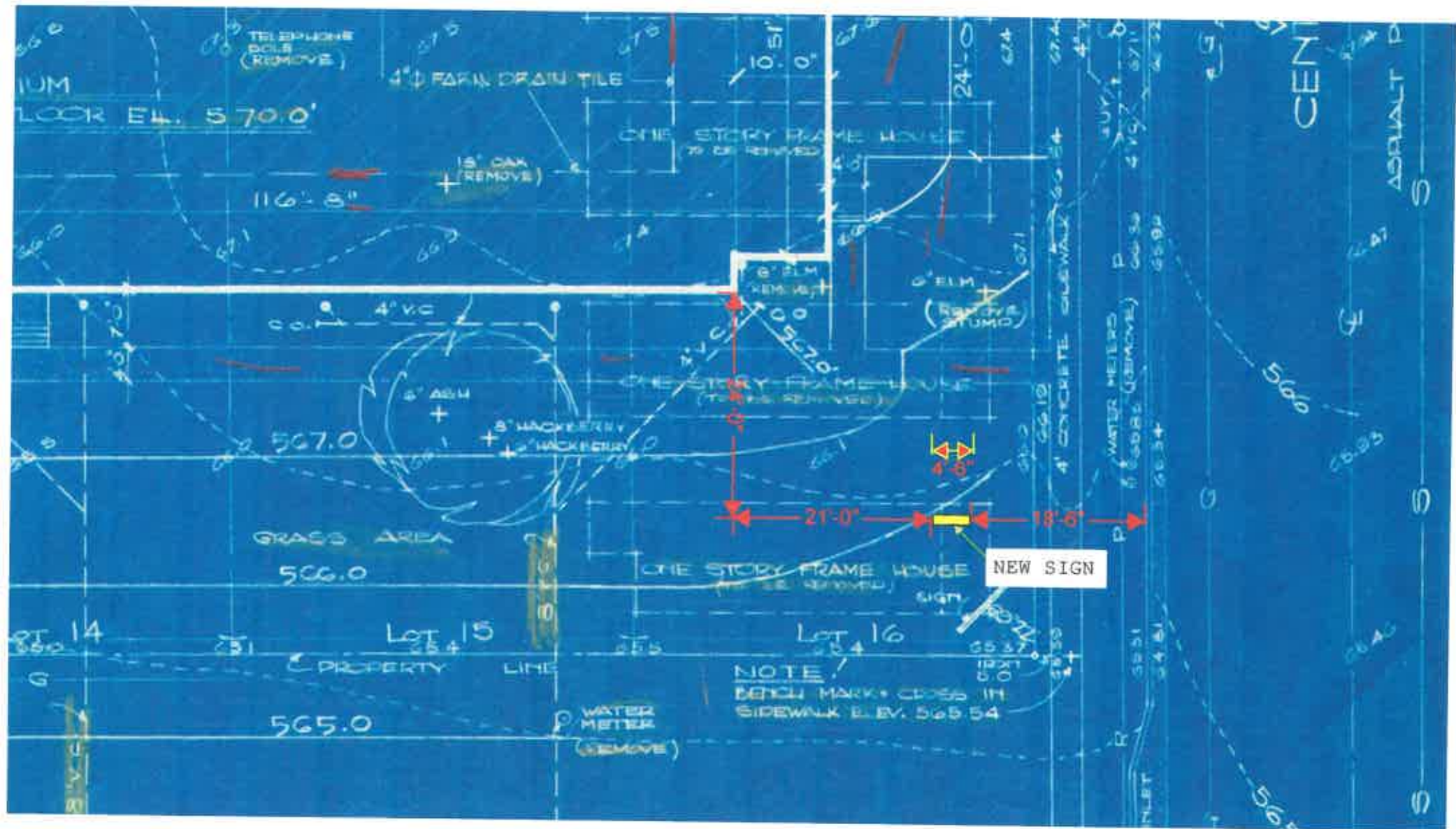
- Centerline Labels
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- Railroad
- Alleys
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- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan**
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



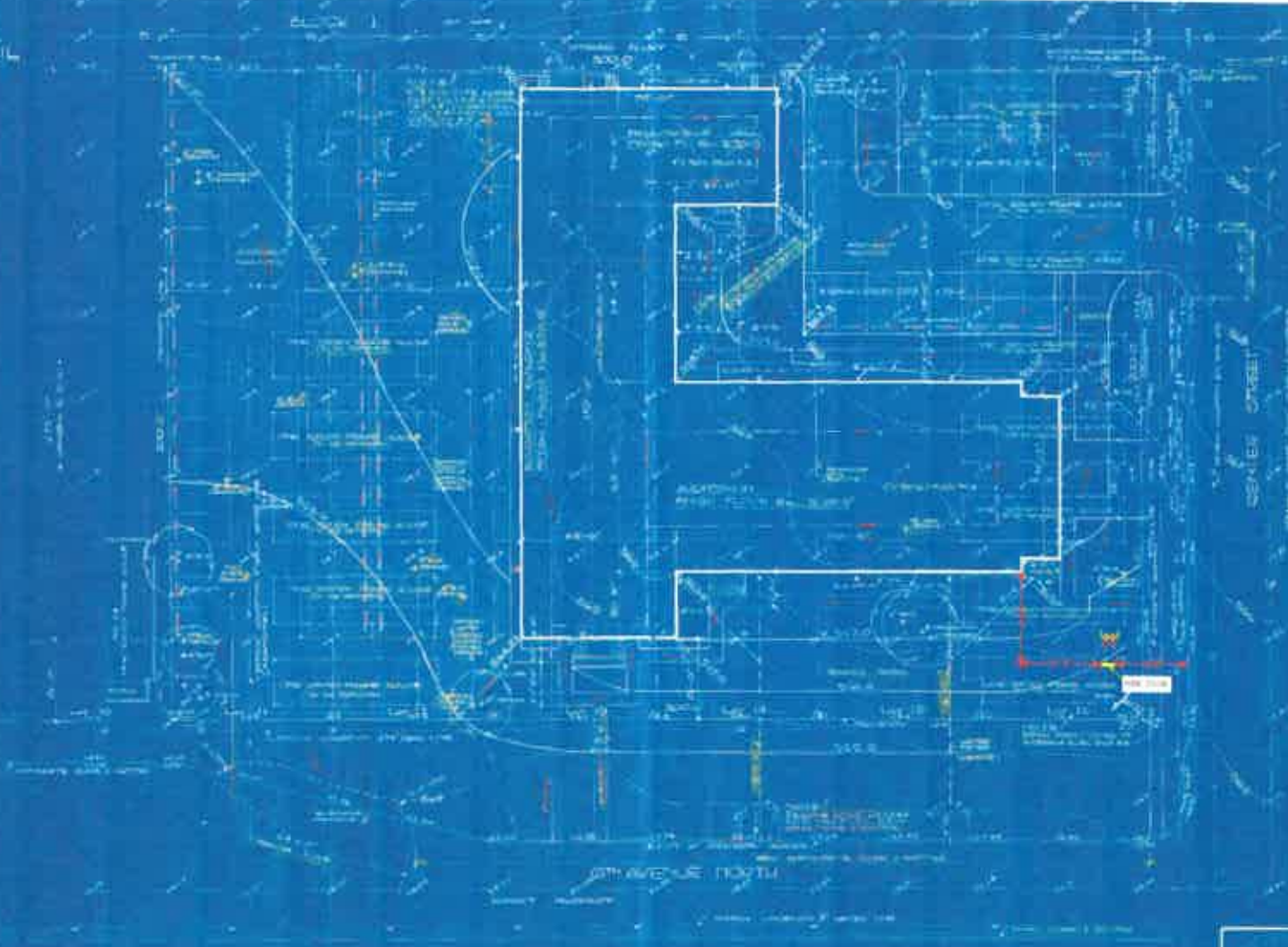
1: 2,076

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Notes



SECTION
TYPICAL SLOPE
GUTTER DETAIL



CONCRETE
BUMPER

CONCRETE
CURB

CONCRETE
CURB



GENERIC SAWY
WILLIAMS BROS. CO. - BRIDGE
ARCHITECTS
1000 N. 10TH ST.
DENVER, CO 80202

PLOT PLAN
10/20/21

LEGEND
CONCRETE CURB
CONCRETE BUMPER
CONCRETE CURB
SERIES CHASE

10/21	TANGIBLE BAPTIST CHURCH
10/21	5TH AVENUE NORTH, DENVER, CO
10/21	6TH AVENUE NORTH, DENVER, CO
10/21	7TH AVENUE NORTH, DENVER, CO

Slaten, Tyler L

From: cswain@monumentalcs.com
Sent: Thursday, February 28, 2019 9:05 AM
To: Slaten, Tyler L
Cc: Carl Harper; Shalonda Smith; cswain@monumentalcs.com; admin@monumentalcs.com
Subject: Tabernacle Baptist Church

Hello Tyler,

Please find attached the photos off Center Street as requested.

Thanks















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Property Zoned: CR5 Contingency Multiple Dwelling District
Parcel Information: Parcel #012200344005014000, SE ¼ of Section 34, Township 17 S, Range 3 W

Variations

The applicant is requesting variations to allow a digital monument sign to be illuminated and illuminated with intermittent light and placed in the required front yard with an 18.5 FT setback.

Neighborhood

The Graymont Neighborhood Association met on January 16th and voted 7-0 in support of these requests.

Applicant's Justification

The applicant stated that the sign was permitted and installed in the current location. The applicant also stated that the operation of the sign can be altered to not allow animation or illumination with intermittent light.

Staff Recommendation

Staff does not feel that the applicant provided evidence that meets the variance standards of review demonstrating a hardship and as such these requests should be **DENIED**. If the Board chooses to grant the requests it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.

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Thanks





















CITY OF BIRMINGHAM
DEPARTMENT OF PLANNING ENGINEERING & PERMITS

710 North 20th Street

Building Inspection: (205)254-2211
Fire Inspection: (205)250-7540

BIRMINGHAM, ALABAMA 35203-2216

Engineering: (205)254-2342
Planning: (205)254-2478

SGN2018-00201

SGN2018-00201

Routing Slip
Route for Sign Review

To: Eric L. Bennett
From: Eric L. Bennett
Date: 5/3/2018
Re: Sign Permit

CITY COPY

Case No.: SGN2018-00201
Master No.: BLD2017-00934
Project No.: PRJ2018-00691
Case Reference: TABERNACLES CHURCH
Site Address: 600 CENTER ST N 35204
Description: INSTALL MONUMENT SIGN

Contractor: MONUMENTAL CONTRACTING SERVICE
P O BOX 8361
BIRMINGHAM AL 35218
(205) 788-6275 (205) 788-6278

Building

EIA - 5-3-18

Fire

Zoning

Approved RDL 5-3-18

Mech/Gas/Plb

Electrical Permit No.

Soil Erosion No.

Fees Due

\$

SGN2018-00201

SGN2018-00201

SGN2018-00201

5/3/2018

5/3/2018

5/3/2018

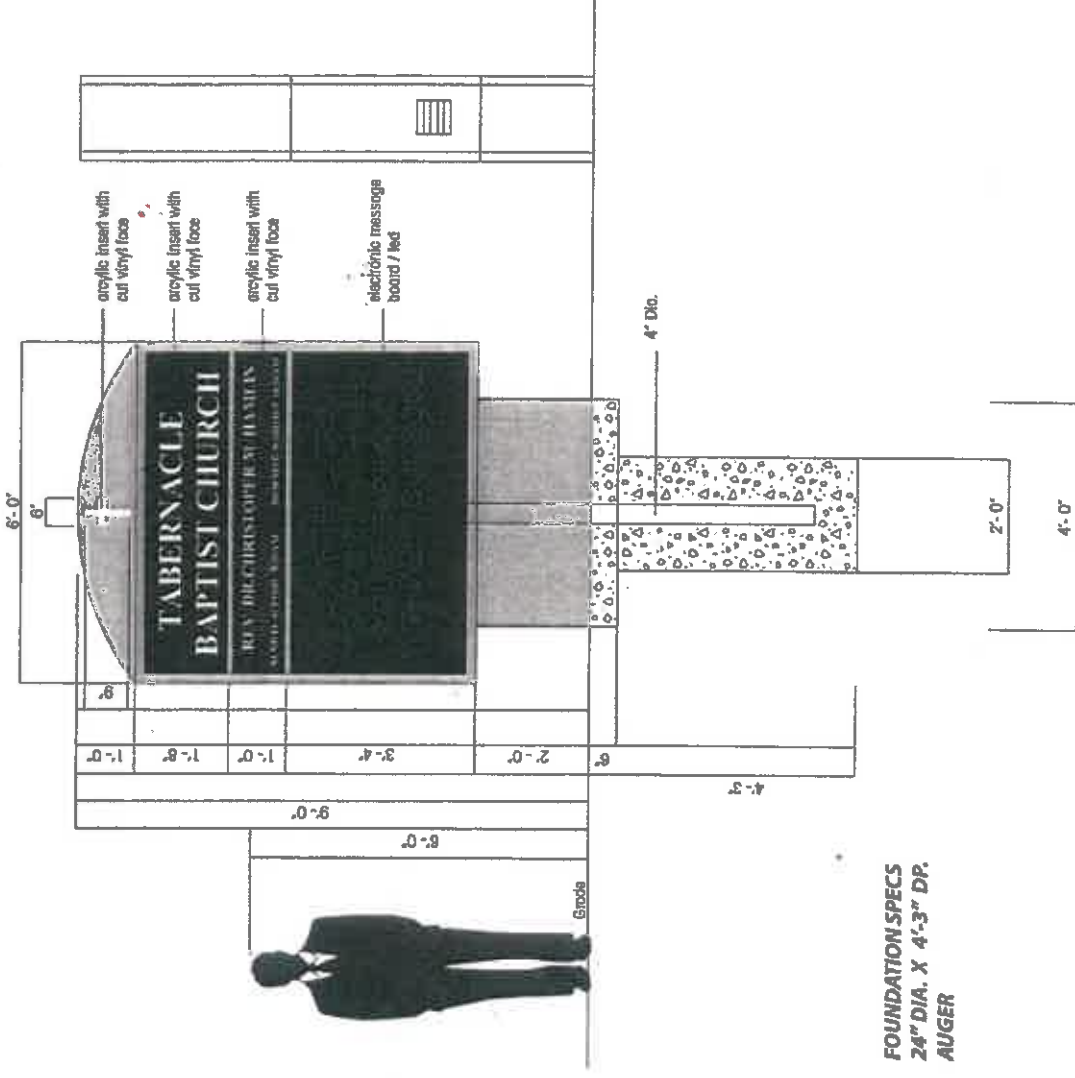
ONE STOP PERMITTING

CITY OF BIRMINGHAM
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS
710 20th Street, North
ROOM 210, CITY HALL
BIRMINGHAM, ALABAMA 35203

Randall L. Woodfin
Mayor

Andre V. Bittles
Director

SIGN PERMIT APPLICATION		Date Case No. Master No. <u>ALD 2017-00934</u> Project No.	
P.I.D. No.: _____ Address Verified By: _____		Modified Address: _____	
Please print or type legibly and fill in all that apply			
Job Site Address: <u>600 Center Street North, Birmingham, Alabama 35204</u>			
Location: (floor, wing, suite, etc.) _____			
Project Name: <u>TABERNACLE BAPTIST CHURCH RENOVATION</u>			
<input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> TENANT NAME: <u>Tabernacle Baptist Church</u> ADDRESS: <u>600 Center Street North</u> CITY/STATE/ZIP: <u>Birmingham, Alabama 35204</u> PHONE: () _____ CELLULAR: () <u>960-2838</u> FAX: () _____ PAGER: () _____ EMAIL: <u>CHARLEY397@AOL.com</u>		<input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Tenant <input type="checkbox"/> Architect <input type="checkbox"/> Designer <input type="checkbox"/> Engineer NAME: <u>CHRISTOPHER L SWANN</u> COMPANY NAME: <u>Monumental Contracting Service, LLC</u> ADDRESS: <u>401 17th Street North, Suite 111</u> CITY/STATE/ZIP: <u>Bessemer, Alabama 35820</u> PHONE: (205) <u>788-6275</u> CELLULAR: (205) <u>365-8493</u> FAX: (205) <u>788-6278</u> PAGER: () _____ EMAIL: <u>corp@monumentalcs.com</u>	
<small>*Applicant is required to be authorized by owner to undertake work</small>			
CONTACT PERSON: <u>CHRIS SWANN</u>		ADDRESS: <u>401 17th St. N. Ste 111</u>	
CITY/STATE/ZIP: <u>Bessemer, AL 35020</u>		PHONE: () <u>788-6275</u> CELLULAR: (205) <u>365-8493</u>	
FAX: () <u>788-6278</u> PAGER: () _____		EMAIL: <u>CSWANN@MONUMENTALCS.COM</u>	
Supply dimensioned plot plan showing placement of proposed sign, placement of all other signs for this premise and dimensions from property lines and building walls.			
PROPOSED USE <input checked="" type="checkbox"/> On-Premise Permanent <input type="checkbox"/> On-Premise Portable <input type="checkbox"/> Off-Premise <input type="checkbox"/> On-Premise Temporary <input type="checkbox"/> On-Premise Roof TYPE OF WORK <input type="checkbox"/> Alterations <input checked="" type="checkbox"/> New <input type="checkbox"/> Large Assembly	FEATURES <input checked="" type="checkbox"/> Electrical <input checked="" type="checkbox"/> Illumination <input type="checkbox"/> Animation CONFIGURATION <input checked="" type="checkbox"/> Monument <input type="checkbox"/> Pole <input type="checkbox"/> Projecting <input type="checkbox"/> Wall <input type="checkbox"/> Window <input type="checkbox"/> Roof Sign <input type="checkbox"/> Other _____	OVERALL HEIGHT OF SIGN <u>9</u> ft. NO. OF FACES <u>2</u> SIGN FACE AREA <u>36</u> sq. ft.	OTHER SIGNS ON PREMISE <u>N/A</u> sq. ft. TOTAL SIGNS ON PREMISE <u>36</u> sq. ft. BUILDING FACADE AREA <u>Ø</u> sq. ft.
DESCRIPTION OF WORK: <u>REPLACE MONUMENT SIGN IN SAME LOCATION</u>			
FOR STAFF USE			
PERMIT FEE WAIVED <input type="checkbox"/> Yes <input type="checkbox"/> No		PENALTY FEE <input type="checkbox"/> Yes <input type="checkbox"/> No	
		PENALTY FEE WAIVED <input type="checkbox"/> Yes <input type="checkbox"/> No	
CERTIFICATION			
I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.			
If the valuation on a commercial project is \$50,000 and over, the contractor must have an Alabama General Contractors license.			
Signature (Applicant): <u>Chris Swann</u>		Date: <u>09/22/18</u>	
FEES BASED ON CURRENT ADOPTED TECHNICAL CODE			
<small>If sign requires electricity, an Electrical permit is required prior to issuance of Sign permit.</small>			



FOUNDATION SPECS
24" DIA. X 4'-3" DP.
AUGER

Scale = 4.187% of finished size
 0.5" = 1'-0"



Signs Installed Plus Inc
 Email rmrigarw@bellsohst.net
 Phone 678-838-9181
 Fax 678-838-7950

Project: Tabernacle Baptist Church
 43 Oak Landing Drive
 Douglasville, GA 30134

Salesman: Michael Semko

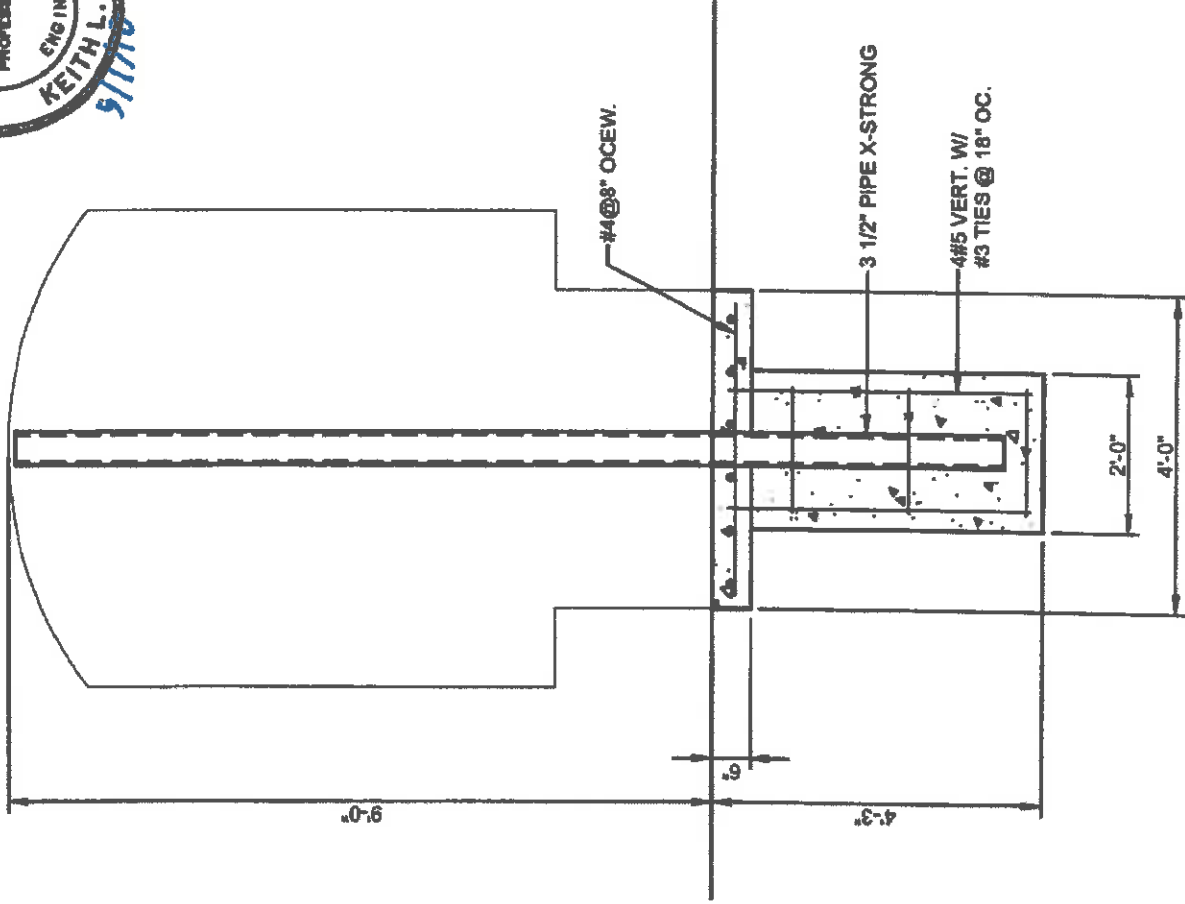
Drawing: 001 83-27-18

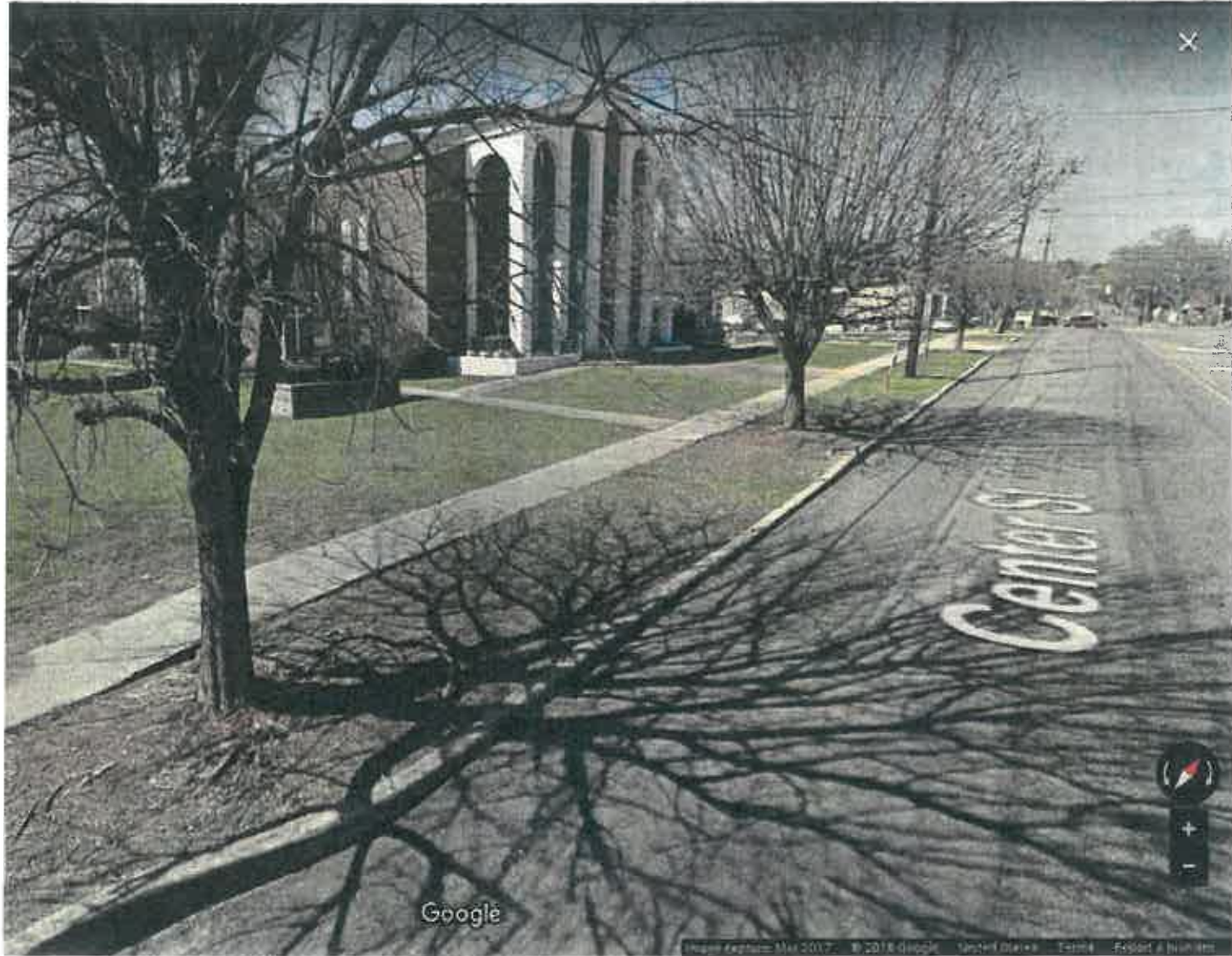
PROJECT TABERNACLE BAPTIST
CHURCH SIGNAGE



MBA ENGINEERS, INC.
CIVIL AND STRUCTURAL ENGINEERS
P(205) 323-4305 F(205) 324-6698

JOB NO 18073 SHEET NO SK1
BY KLO DATE 5/1/18
CHD BY KLO DATE 5/1/18

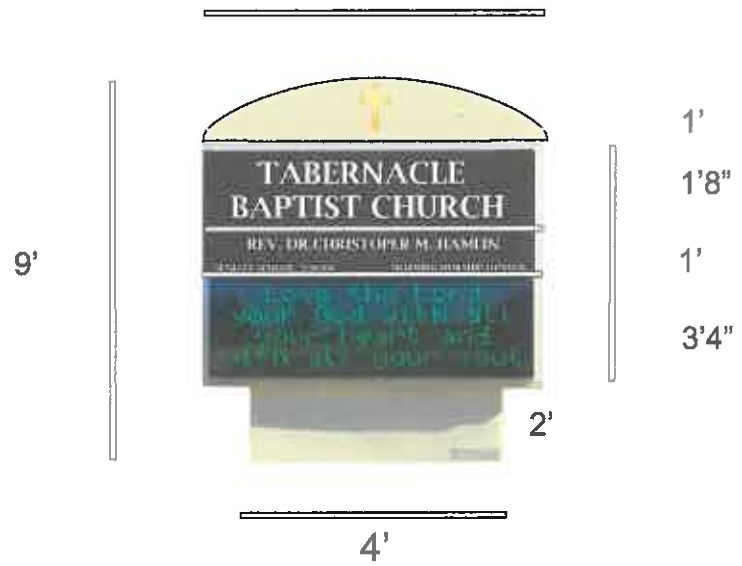








6'



Eastwood

ZBA2019-00027

Request: Variance
Applicant: Kelley Smith
Owner: Warden Storage Madrid LLC
Site Address: 5600 Oporto-Madrid Blvd
Zip Code: 35210
Description: Variance to allow a 6 FT fence in a front yard of a commercially zoned property abutting a residential district pursuant to Title 1, Chapter 4, Article V, Section 5, Subsection 4.A.2; Variance to allow a chain link fence in a yard other than a rear or side yard pursuant to Title 1, Chapter 4, Article V, Section 5, Subsection 7.D.3, Variance to allow a fence to be topped with barbed wire in a yard other than a rear yard only pursuant to Title 1, Chapter 4, Article V, Section 5, Subsection 7.D.4
Property Zoned: CB2 Contingency General Business District
Parcel Information: Parcel #012300233002003000, SW ¼ of Section 23, Township 17 S, Range W

Variances

The applicant requested variances to allow a 6 FT chain link fence in the required front yard and one section of fencing to be topped with barbed wire. The fence is surrounding a new CubeSmart Self-Storage Facility that has been converted from an automobile dealership.

The variances were approved with the added condition that landscaping must be maintained along the I20 side, Sunrise Dr. side and along the portion abutting a residential district. The applicant contacted staff to inform us that they cannot comply with the landscaping requirement. They wish to amend their case and remove the barbed wire request.

Neighborhood

The Eastwood Neighborhood Association met on May 2nd and voted 6-5 in support of these requests.

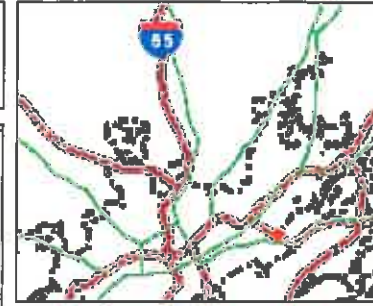
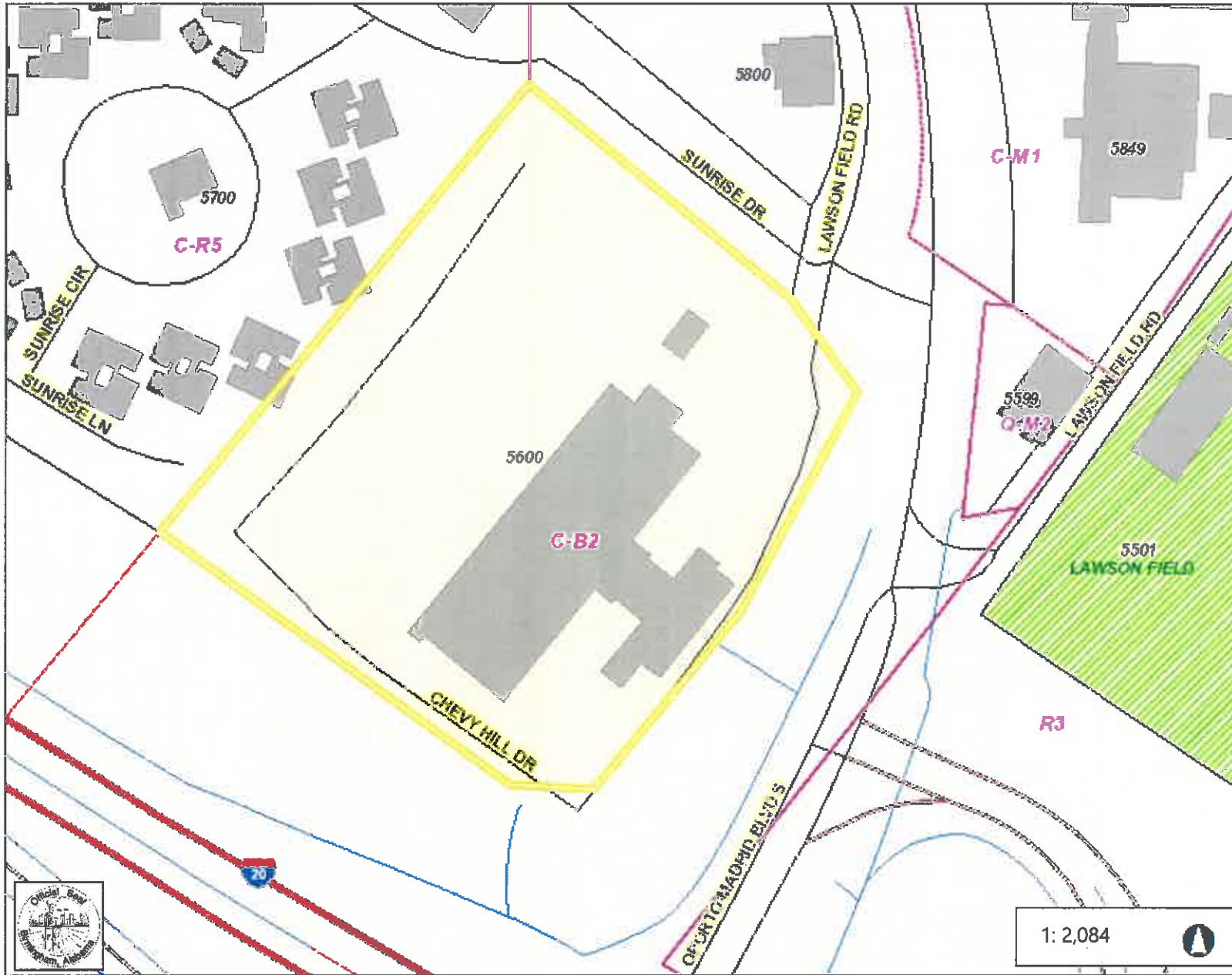
Applicant's Justification

The applicant stated that a large portion of the fence is existing. The majority of the existing fence was rusted and damaged from long use and apparent vandalism and required replacement. The applicant also stated that there are numerous elevation changes on the property that will allow easy access to this secure facility unless adequate fencing is installed.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the requests. There appear to be legitimate topographical challenges to placing secure fencing on the site at the height required by the ordinance. Staff also felt that the fact that a large portion of the fencing had previously existed but simply needed replacing was unique to this particular request. Therefore, staff believes these requests do have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



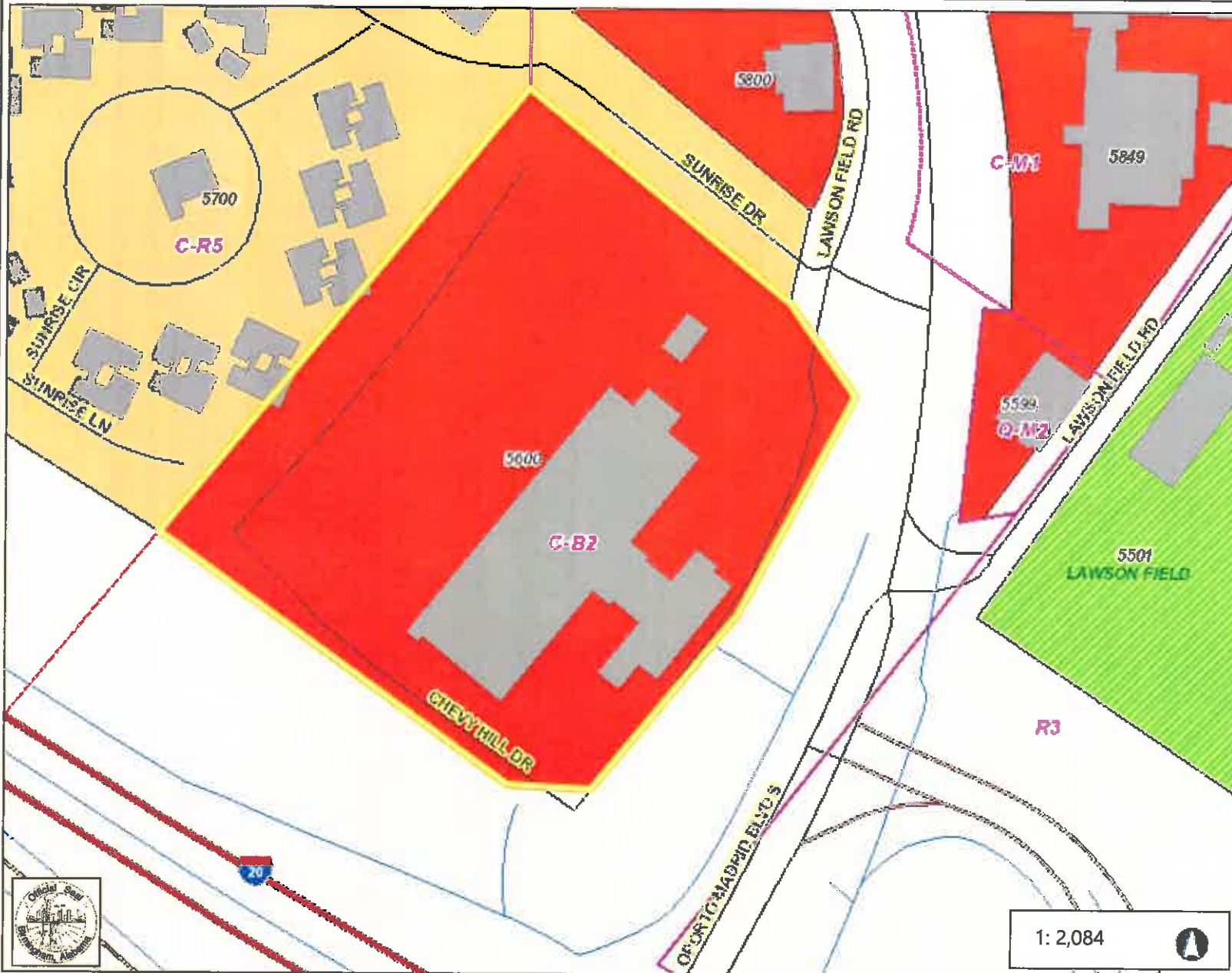
Legend

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- City Parks
- Airport
- City Limits (solid)

Notes



347.3 0 173.66 347.3 Feet



Legend

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 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



1: 2,084



347.3 0 173.66 347.3 Feet

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Notes

SCHEDULE II ITEMS

SCHEDULE II SECTION II EXCEPTIONS CHICAGO TITLE INSURANCE COMPANY FILE NO. 32718-17 DATED SEPTEMBER 15, 2017 AT 8:00 AM
EXCEPTIONS ARE NUMBERED THE SAME AS THE TITLE COMMITMENT
(EXCEPTIONS 1,2,6,7, 9 & 12 ARE NOT A SURVEY MATTER)

- 2 ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCES AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND. ANY ENCROACHMENT OR VIOLATION ON THE TITLE OF THE SUBJECT AND ADJOINING AREAS IS NOTED ON SURVEY.
- 4 RIGHTS OR CLAIMS OF PARTIES BY POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. THIS SURVEYOR HAS NO KNOWLEDGE OF CLAIMS OR PARTIES BY POSSESSION.
- 5 EASEMENTS OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. THIS SURVEYOR IS NOT AWARE OF ANY EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.
- 6 EACH STATE OR FACTS AS SHOWN ON RECORDED SUBDIVISION PLAT, AS APPLICABLE. FACTS AS SHOWN ON RECORDED SUBDIVISION PLAT ARE SHOWN ON SURVEY.
- 13 EASEMENT TO ALABAMA POWER COMPANY RECORDED IN REAL BOOK, PAGE 285, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, REAL BOOK, PAGE 285, ALABAMA POWER COMPANY AND EASEMENT OF OVERHEAD WIRE, WHICH GRANTED THE RIGHT TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN THE NECESSARY WIRE ON THE SURVEY.

TABLE A NOTES

- TABLE A1: ALL MAJOR PROPERTY BOUNDARY CORNERS HAVE BEEN FOUND OR SET AS SHOWN ON SURVEY.
- TABLE A2: THE ADDRESS OF THE PROPERTY IS 5600 OPORTO MADRID BLVD
- TABLE A3: THE ENTIRE PROPERTY IS LOCATED IN ZONE X UNSHADED AREAS (DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODING) AND IS SHOWN ON FEMA FEDERAL INSURANCE RATE MAP (FIRM) 07020D01G EFFECTIVE 08/20/06.
- TABLE A4: THE GROSS LAND AREA OF THE SUBJECT PROPERTY IS 394,082 SQUARE FEET OR 9.02 ACRES.
- TABLE A5: THE SURVEYOR WAS NOT PROVIDED WITH ANY ZONING INFORMATION FROM THE CLIENT.
- TABLE A7(A): THE EXTERIOR DIMENSIONS OF THE BUILDING ARE SHOWN ON THE SURVEY.
- TABLE A7(B): THE GROSS AREA OF THE BUILDING AT GROUND LEVEL, BASED ON THE MOST EXTERIOR WALL OR FINISH IS SHOWN ON THE SURVEY.
- TABLE A7(C): THE HEIGHT OF THE BUILDING IS SHOWN ON THE SURVEY.
- TABLE A8: ALL SUBSTANTIAL FEATURES AS DESCRIBED BY THE ALTA/NPS SURVEYORS ARE SHOWN ON THE SURVEY.
- TABLE A9: ALL PARKING SPACES HAVE BEEN SHOWN ON THE SURVEY. THE SURVEYOR DOES NOT CERTIFY THAT THE PARKING SPACES MEET ZONING CODE OR THAT THE PARKING SPACES ARE AMERICAN DISABILITY ACT COMPLIANT.
- TABLE A10(A): THE CLIENT DID NOT SPECIFY ANY PARTY WALLS TO BE OBSERVED.
- TABLE A11: THE LOCATION OF THE UTILITIES SHOWN ON THIS SURVEY ARE BASED ON OBSERVED EVIDENCE OF ABOVE GROUND APPLIANCES AND EQUIPMENT. THE SURVEYOR WAS NOT PROVIDED A UNDERGROUND UTILITY MAP.
- TABLE A13: THE NAMES OF THE ADJOINING PROPERTY OWNERS SHOWN ON THE SURVEY WERE OBTAINED FROM THE JEFFERSON COUNTY GIS WEBSITE WWW.JEFFCOGLOCAL.GIS ON 09/20/2017.
- TABLE A16: THE SURVEYOR OBSERVED NO EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS, ON THE DATE SHOWN HEREON.
- TABLE A17: THE SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND OBSERVED NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- TABLE A18: THE CLIENT DID NOT INFORM THE SURVEYOR THAT A FIELD DELINEATION OF WETLANDS HAD BEEN PERFORMED ON THE SUBJECT PROPERTY. THE SURVEYOR OBSERVED NO WETLAND DELINEATION MARKERS.
- TABLE A19: THE SURVEYOR WAS NOT PROVIDED WITH ANY DOCUMENTATION OF OFFSITE EASEMENTS OR SERVICES THAT BENEFIT THE SUBJECT PROPERTY.

LEGEND

⊕ GAS VALVE	⊕ UTILITY POLE	— OE — OVERHEAD ELECTRIC	⊕ SANITARY MANHOLE
⊕ GAS REGULATOR	⊕ LIGHT POLE	— UK — UNDERGROUND ELECTRIC	⊕ CLEANOUT
⊕ GAS METER	⊕ FLOOD LIGHT	— TL — TELEPHONE LINE	— SK — SKIN
⊕ GAS MARKER	— DW — DRY WIRE	— FO — FIBER OPTIC LINE	⊕ WATER VALVE
⊕ STORM MANHOLE	⊕ ELECTRIC BOX	— W — WATER LINE	⊕ WATER METER
⊕ GRATE INLET	⊕ ELECTRIC METER	— GL — GAS LINE	⊕ WATER WELL
⊕ YARD INLET	⊕ ELECTRICAL MANHOLE	— SL — SANITARY LINE	⊕ WATER MARKER
⊕ TELEPHONE MANHOLE	⊕ TRAFFIC LIGHT POLE	— CL — CHAIN LINK FENCE	— W — WALL
⊕ TELEPHONE FEEDSAIL	⊕ TRAFFIC SIGNAL BOX	— WF — WOOD FENCE	
⊕ TELEPHONE MARKER	⊕ CROSS WALK SIGNAL	— BF — BARS WIRE FENCE	
⊕ FIBER OPTIC BOX	⊕ FIRE HYDRANT		
▭ BRICK	▭ CONCRETE		

UTILITY STATEMENT

THE EXISTING UNDERGROUND UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE.
AN UNDERGROUND UTILITY SURVEY WAS NOT PERFORMED. THIS ENGINEER/SURVEYOR MAKES NO GUARANTEE THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN EXISTENCE OR ABANDONED. THIS ENGINEER/SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. THE CONTRACTOR SHALL LOCATE ALL UTILITIES IN THE AREA PRIOR TO CONSTRUCTION. THIS LOCATION SHALL INCLUDE NOTIFYING ALL UTILITY COMPANIES AND ALABAMA ONE CALL AT 1-800-255-4622. THIS MAP ALSO INCLUDES EXPLORATORY HAND EXCAVATION TO DETERMINE THE EXACT LOCATION OF THE UTILITIES.

ALTA/NPS LAND TITLE SURVEY OF 5600 OPORTO MADRID BLVD.

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

GRAPHIC SCALE



SURVEY CONTROL

THE BASIS OF BEARINGS AND OR COORDINATED SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, MAGNETIC (M) AND VERTICAL DATUM IS NAVD 83 (GEOID 128) ELEVATION AND POSITION WERE OBTAINED FROM A L.T.K OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.

SURVEYOR'S CERTIFICATION

TO: MERCAD INVESTMENTS LLC, AND ALABAMA LIMITED LIABILITY COMPANY, WARDEN STORAGE MADRID LLC, A DELAWARE LIMITED LIABILITY COMPANY, LAND TITLE COMPANY OF ALABAMA, CHICAGO TITLE INSURANCE COMPANY, ITS SUCCESSORS AND/OR AGENTS AS THEIR INTEREST MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD CEITAL REQUIREMENTS FOR ALTA/NPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 6-11, 13, 15-18, OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON (9-20-2017), SURVEYOR

JEFF D. ARRINGTON
ALABAMA NO. 18584

BEING THE SAME TRACT OF LAND DESCRIBED IN A TITLE REPORT PREPARED BY LAND TITLE COMPANY OF ALABAMA, COMMITMENT NO. 32718-17 DATED SEPTEMBER 15, 2017 AT 8:00 AM

LEGAL DESCRIPTION:
LOT 3-A, ACCORDING TO THE SURVEY OF LOT 3, EAST RIDGE, AS RECORDED IN MAP BOOK 85, PAGE 28, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

NOTES

- 1. ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED(D), MEASURED(M), PLAT(P) RECORDED MAP(MP).
- 2. UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
- 3. THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

THIS SURVEY HAS BEEN PREPARED SOLELY FOR THE BENEFIT OF THE PARTIES SET FORTH IN THIS SURVEYOR'S CERTIFICATION AND MAY NOT BE USED, NOR MAY COPIES BE DELIVERED TO, ANY OTHER PARTY OR USED FOR ANY OTHER PURPOSE, WITHOUT LIMITATION. ARRINGTON ENGINEERING AND LAND SURVEYING INC EXPRESSLY DISCLAIMS ANY DUTY OR OBLIGATION TOWARDS ANY PARTY THAT IS NOT IDENTIFIED IN THE SURVEYOR'S CERTIFICATE.
SURVEYOR'S EMAIL ADDRESS: jeff@arringtonsurveying.com

ARRINGTON ENGINEERING
Civil Engineers - Surveyors - Land Planners

OFFICE: (205) 965-5935
FAX: (205) 965-9958
2032 Valleydale Road
Birmingham AL 35244

<p>TRACING TITLE ALTA/NPS LAND TITLE SURVEY OF 5600 OPORTO MADRID BLVD.</p> <p>LOCATION & DESCRIPTION SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.</p>	<p>DRAWN BY: JDA CHECKED BY: JDA DATE: 9-18-2017 SCALE: 1" = 80' PARTY CHECK: JL, SD, JED PROJECT NO.: 8628 SHEET: 1 OF 1</p>
--	---

ZBA2019-00027



Warden Capital Security Report

Action	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Grand Total
No threat perceived	20	40	16	38	49	197	17	38	12	427
Intruder - Suspicious	0	1	0	3	1	2	3	1	2	13
Police arrived	0	0	0	3	0	3	0	0	0	6
Police/Fire/EMS vehicle or Police Sent	0	1	0	3	1	2	1	1	1	10
Totals	20	42	16	47	51	204	21	40	15	456

No threat perceived is an incident at the site in which human review of the cameras is required and they make a determinant based on what they see at the site, that there is no threat but it can't be categorized into another category like construction workers on site or wildlife. In the case of no threat perceived, something has triggered the security system but there is no obvious cause. This number is a fraction of the number of on-site alarms triggered, which would also include things like false alarms from workers remaining on site past the designated security hours.

City of Birmingham
Department of Planning,
Engineering & Permits
City hall Room 210
710 North 20th St.
Birmingham, AL 35203

Request for Variance

The property Owner request a variance to install chain link fence as indicated on the attached A1.0 Fence Plan. The property has been converted from an automobile dealership to a new CubeSmart Self-Storage Facility.

1. A large portion of the fence indicated on the attached Fence Plan is existing. The majority of the existing fence was rusted and damaged from long use and apparent vandalism and required replacement.
 2. There are numerous elevation changes on the property that will allow easy access to this secure facility unless adequate fencing is installed.
 3. There have been instances of nuisance trespassing, vandalism, and theft of construction equipment and building materials during the planning and construction phase of this project. Replacement of the existing fencing has substantially improvement the security of the property.
 4. The adjacent properties on the east and west sides are heavily wooded. The majority of the property at the rear of this location is located at a considerably higher elevation and is partially wooded, presenting a natural visible barrier to the rear sides of this property.
 5. Replacement of existing fence and installation of new fence will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or diminish or impair property values within the area.
 6. Granting of this variance will cause no harm to public welfare of the surrounding neighbors or the general welfare to the citizens of the City of Birmingham.
 7. The property Owner offers secure storage facilities to the citizens of the City of Birmingham and has future plans to offer secure storage for recreational vehicles at the rear of the property. Adequate fencing is essential for the security of the patron's property.
 8. The property Owner has invested substantial resources in the improvement of this existing facility. The improvements include upgrades to the building roofs, building facades, building interiors, building equipment, and landscaping. The improvements to this property represent and improvement to the general welfare of the neighborhood and the surrounding community.
-

Southside

ZBA2019-00028

Request: Modification
Applicant: David Kraxberger
Owner: Southside Corporate Realty
Site Address: 2401 6th Ave S
Zip Code: 35233
Description: Modification to allow 29 off-street parking spaces instead of the required 50 off-street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: M1 Light Industrial District
Parcel Information: Parcel #012300313030003000, SW ¼ of Section 31, Township 17 S, Range 2 W

Modification

The applicant is requesting a modification to allow 29 off-street parking spaces instead of the required 50 off-street parking spaces for a proposed climate controlled self-storage facility. The 3 story development would have 600 SF of office space and the remainder of the 105,820 SF will be storage area.

Neighborhood

The Southside Neighborhood Association President sent the response form to staff stating that their neighborhood did not meet again until the evening of May 23rd and if the applicants waited to attend that meeting it would delay their action by the Board which the neighborhood did not want. The form stated that the Southside President met with the applicants and she voted to support the request.

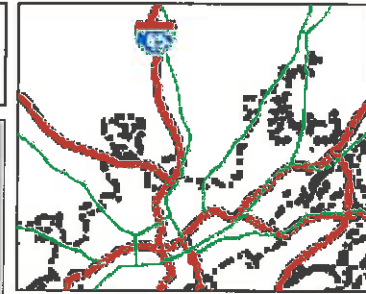
Applicant's Justification

The applicant stated that the required parking is not needed for this facility as the overwhelming majority of the space will not be occupied by people. The applicant also submitted documentation showing the average number of parking spaces for 10 self-storage facilities in Birmingham to be 7.9 spaces.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The applicant seems to be providing above average parking compared to similarly sized self-storage facilities in the Birmingham area. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)



1: 1,098



183.0 0 91.50 183.0 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

ZBA2019-00028



June 14, 2019

Via Hand Delivery and E-Mail (tyler.slaten@birminghamal.gov)

Zoning Board of Adjustment
Attention: Mr. Tyler Slaten, Planner
City of Birmingham
710 20th Street North
Room 210, City Hall
Birmingham, Alabama 35203

Re: ZBA 2019-00028
Request for Parking Modification
Applicant: David Kraxberger
Site Address: 2401 6th Avenue South

Dear Mr. Slaten:

I represent the Applicant in ZBA Case Number 2019-00028. Enclosed is a revised site plan showing 29 on-site parking spaces. The Applicant is now requesting a modification to allow 26 off-street parking spaces instead of the 50 spaces required by Title 1, Chapter 9, Article VI, Section 6.A.3. The Applicant was previously requesting a modification to allow 19 off-street parking spaces.

The basis for the request is the fact that a self-storage facility, which is a permitted use in the present zoning classification of M1 Light Industrial, does not necessitate the full provision of the 50 spaces currently required by the Zoning Ordinance. This conclusion is supported by zoning ordinances from other municipalities, the number of parking spaces for existing self-storage facilities within a 5-mile radius of the subject site, and the previously-provided data from the Institute of Transportation Planners.

Many municipalities have amended their zoning ordinances to include specific parking requirements for self-storage facilities. The proposed self-storage facility in this case will have approximately 800 units and 2 employees. Assuming 800 units and 2 employees, other zoning ordinances would require this facility to have between 4 and 18 off-street parking spaces:

- City of Huntsville, AL: one space per 75 units plus 3 spaces for the office would result in 14 total spaces for the subject facility (Section 70.1.3).

2315791.1

- City of Atlanta, GA: one space per 50 units plus one space for each employee would result in 18 total spaces for the subject facility (Section 16-16.009).
- City of Columbus, GA: one space per 75 units plus 4 spaces for the office would result in 15 total spaces for the subject facility (Section 4.3.11).
- Metro Government of Nashville and Davidson County: 4 spaces for a self-storage facility (Section 17.20.030).

Copies of these code sections are enclosed and may also be found at <https://library.municode.com>.

Also enclosed is a spreadsheet showing the number of parking spaces for 10 existing self-storage facilities within a 5-mile radius of the subject site. All but one of the existing facilities have between 3 and 10 parking spaces. One facility, Morning Star at 1533 Montclair Road, has 25 spaces. The number of spaces at Morning Star is a function of the property's prior use as a Bruno's grocery store, and not because its current use necessitates that many spaces. One can drive by Morning Star at any time of the day and observe that only a few, if any, of its spaces are occupied at any one time.

Finally, the Applicant has previously submitted an article from Inside Self-Storage showing that the demand for parking at a similar facility is well below the 29 spaces being requested: "Based on data from the Institute of Transportation Planners, a 100,000-square-foot self-storage facility would typically have a peak hour trip rate of 14 to 16 cars." <https://www.insideselfstorage.com/facility-design/maximizing-self-storage-land-use-leveraging-zoning-allowances-and-restrictions>.

Based on the actual number of parking spaces at existing self-storage facilities in the City of Birmingham, the number of spaces required by other zoning ordinances that specifically reference self-storage facilities, and data from the Institute of Transportation Planners, it is apparent that the number of parking spaces needed for a self-storage facility on the subject site is well below the requested 29 spaces.

Tyler Slaten
June 14, 2019
Page 3

Please let me know if I can supply you with any additional information in support of the request for a parking modification.

Sincerely,

McGlinchey Stafford



Michael B. Odom

MBO/mjf
Enclosures

**Birmingham Self-Storage
Public Parking Spaces Per Facility**

Operator	Address	Regular Spaces	Handicap Spaces
Mini-Storage Of Birmingham	2626 1st Ave South	5	0
Metro Mini	900 17th St North	4	1
U-Haul	540 Valley Ave	3	0
Iron Guard	320 6th Ave South	4	0
Storage Depot	612 22nd St	7	2
Lakeview Storage	612 32nd St	9	1
Extra Space	501 Palisades	7	1
Green Springs Storage	626 Robert Jemison	9	0
Morning Star	1533 Montclair	25	0
U-Haul	3028 Bessemer Road	6	0

Slaten, Tyler L

From: Jeremy Taylor <jtaylor@gonzalez-strength.com>
Sent: Tuesday, April 16, 2019 1:50 PM
To: Slaten, Tyler L
Cc: Dave Kraxberger; Mike Bell
Subject: FW: Required Parking Spaces
Attachments: Parking Spaces 4.16.19.xlsx

Tyler,

Attached is a spreadsheet of 10 existing self-storage facilities and the existing parking counts. Only one has more parking spaces than we are proposing. Below is a quote from Inside Self-Storage stating they typically only expect max. of 14 to 16 cars. Inside Self-Storage is a leading industry publication for developers in the self-storage industry. I provide a link to the article below.

<https://www.insideselfstorage.com/facility-design/maximizing-self-storage-land-use-leveraging-zoning-allowances-and-restrictions>

In the article, it states:

" Many cities that lack a parking ordinance specific to self-storage will often lump self-storage with another land use like warehousing. The problem is warehousing can be employee-intensive and require considerably more parking than storage. Based on data from the Institute of Transportation Planners, a 100,000-square-foot self-storage facility would typically have a peak hour trip rate of 14 to 16 cars. We've convinced many cities that this data proves specific demand for parking and should be used as a measure of actual parking designated for self-storage."

Jeremy Taylor P.E.
Gonzalez-Strength & Associates, Inc.
2176 Parkway Lake Drive
Hoover, AL 35244
Phone: 205-942-2486
Fax: 205-942-3033
Email: jtaylor@gonzalez-strength.com

Southside

ZBA2019-00032

Request: Modification
Applicant: Randall Minor
Owner: Bizmark LLC
Site Address: 2400 7th Ave S
Zip Code: 35233
Description: Modification to allow 0 off street parking spaces instead of the required 59 off street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: M1 Light Industrial District
Parcel Information: Parcel #012300313030005000, SW ¼ of Section 31, Township 17 S, Range 2 W

Modification

The applicant is requesting a parking modification for 0 off-street parking spaces for the proposed Dread River Distillery. The distillery will have approximately 7,000 SF of manufacturing and bottling space. There will be approximately 5,500 SF of bar and lounge space.

Neighborhood

The Southside Neighborhood Association President sent the response form to staff stating that their neighborhood did not meet again until the evening of May 23rd and if the applicants waited to attend that meeting it would delay their action by the Board which the neighborhood did not want. The form stated that the Southside President met with the applicants and she voted to support the request.

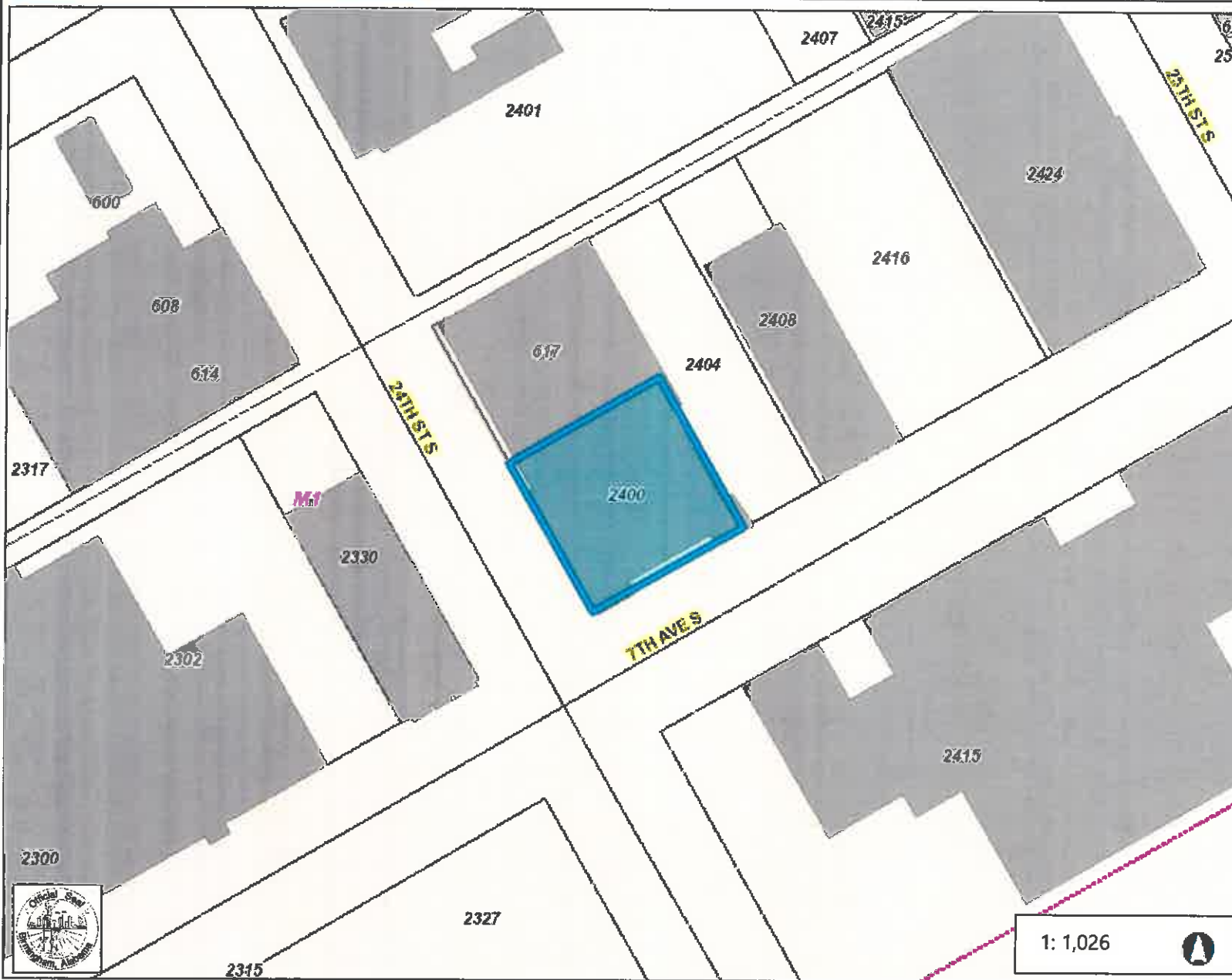
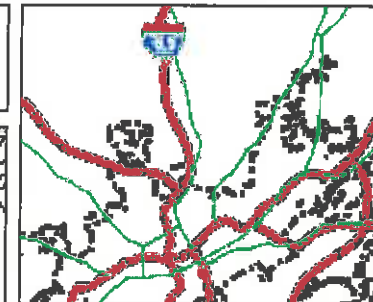
Applicant's Justification

The applicant provided documentation showing 473 marked on-street parking spaces within 1,500 FT of the subject location.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The amount of public on-street parking appears to be enough to support the use. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates**
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)



171.0 0 85.50 171.0 Feet

1: 1,026

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Notes



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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium

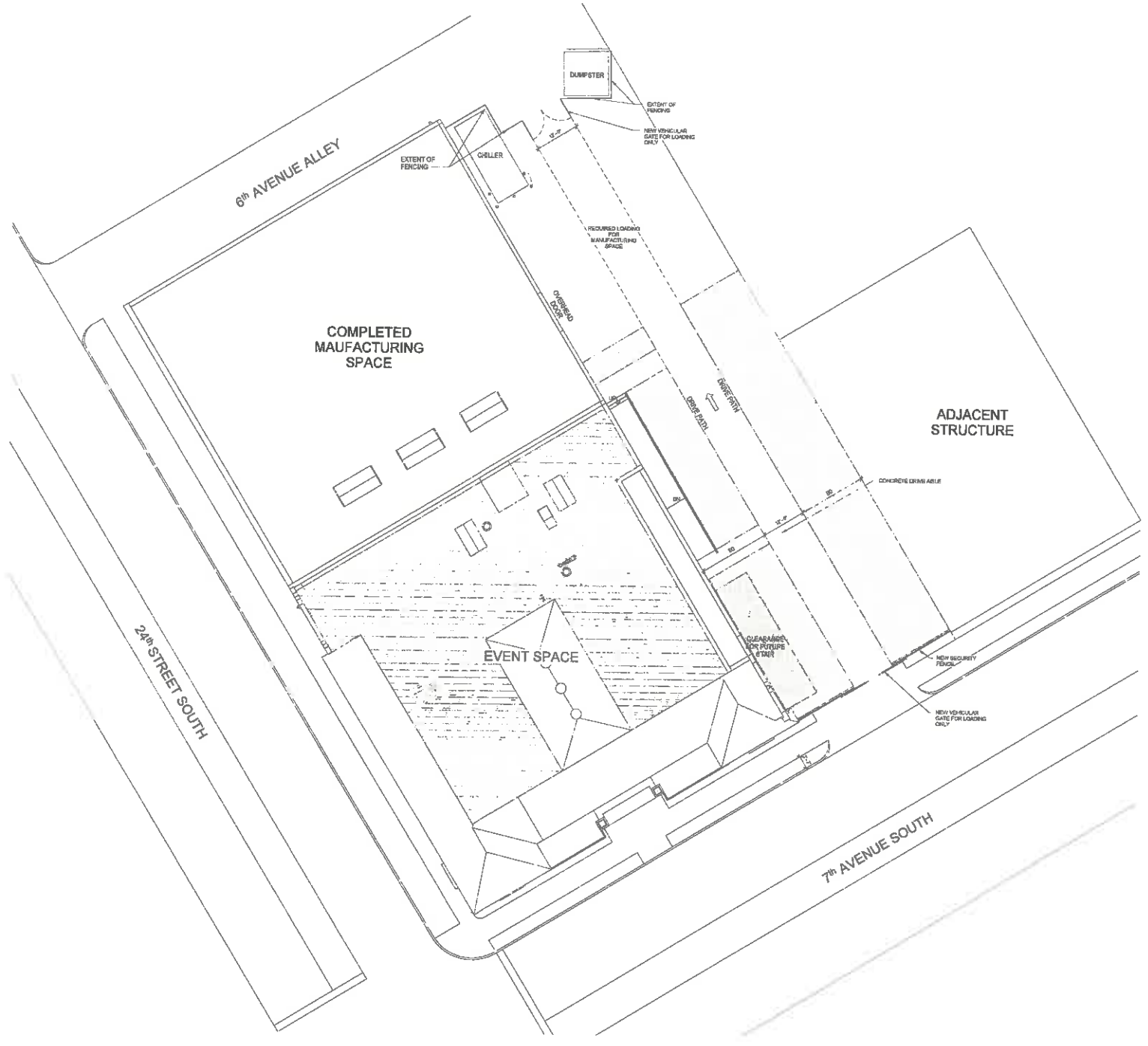
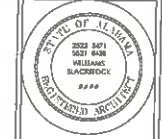


171.0 0 85.50 171.0 Feet

1: 1,026



Notes



DREAD RIVER DISTILLING COMPANY, LLC
PHASE B - CONSTRUCTION DOCUMENTS
 2400 7TH AVENUE SOUTH, BIRMINGHAM, AL 35233
 16-091

ARCHITECT OF RECORD
WILLIAMS-BLACKSTOCK ARCHITECTS
 ARCHITECTURE INTERIOR PLANNING
 SUITE 200
 3204 FIRST AVENUE SOUTH
 BIRMINGHAM, ALABAMA 35203

ISSUE DATE:
11/02/18

REVISIONS		
NO.	DATE	DESCRIPTION
1	11/02/18	CITY RESUBMISSION

PROJECT NUMBER:
16-091

DRAWING TITLE:
ARCHITECTURAL SITE PLAN

SHEET NUMBER:
A0.1 B

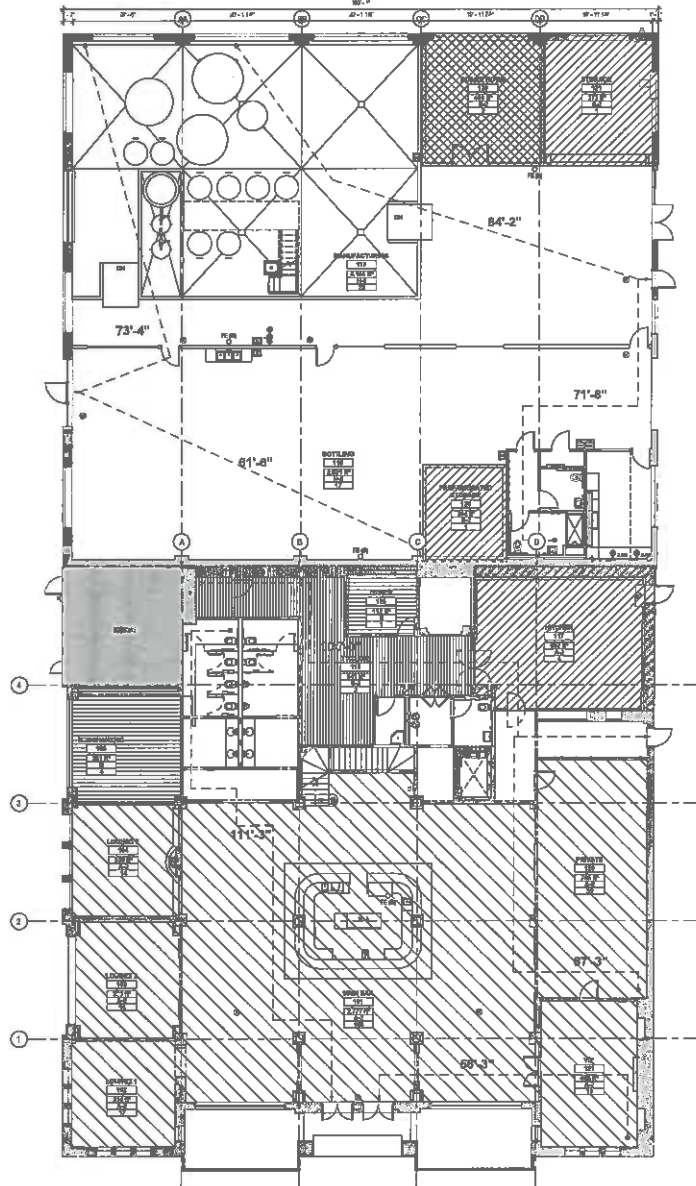
1 SITE PLAN
 3/28" = 1"=0"



WILLIAMS · BLACKSTOCK

ARCHITECTS

2204 FIRST AVENUE SOUTH SUITE 200 BIRMINGHAM, AL 35233-2331 205.252.9811 FAX 205.252.9812

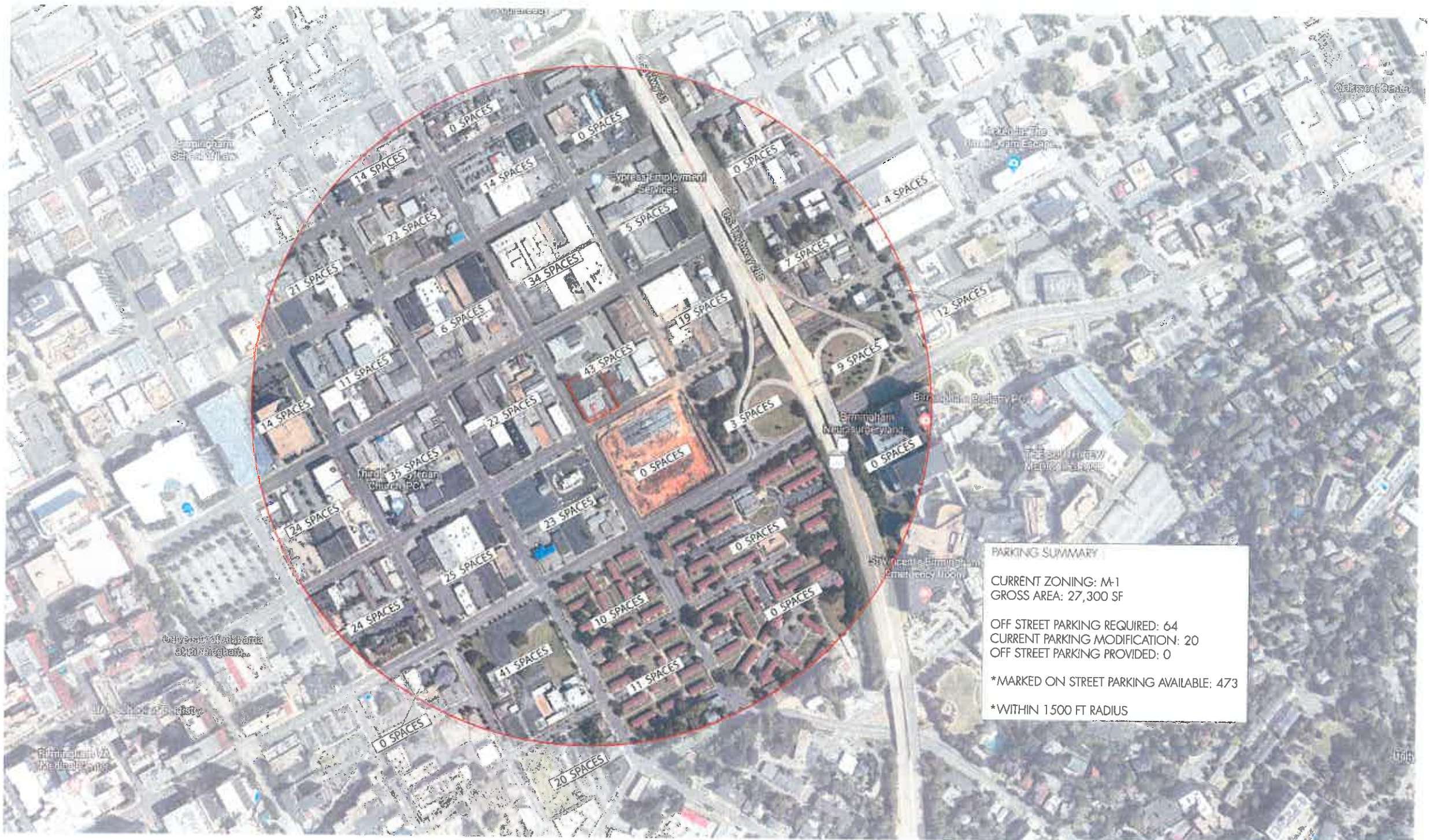


DREAD RIVER DISTILLERY

NUMBER	ROOM	BUILDING	USE	SQFT	OCCUPANTS
101	MAIN BAR	EVENT	A-2	2777	166
102	LOUNGE 1	EVENT	A-2	314	17
103	LOUNGE 2	EVENT	A-2	339	14
104	LOUNGE 3	EVENT	A-2	338	14
117	KITCHEN	EVENT	A-2	602	4
120	PRIVATE	EVENT	A-2	745	39
121	VIP	EVENT	A-2	405	19
TOTAL A-2:				5520	273
105	MERCHANDISE	EVENT	B	351	4
125	OFFICE	EVENT	B	112	1
TOTAL B:				463	5
118	BOTTLING	MANUF.	H-3	2821	17
119	MANUFACTURING	MANUF.	H-3	4195	23
TOTAL H-3:				7016	40
115	STORAGE	EVENT	S-2	541	2
120	BOILER	MANUF.	S-2	400	2
121	STORAGE	MANUF.	S-2	373	1
126	PREFAB STORAGE	MANUF.	S-2	204	1
TOTAL S-2:				1518	6
				14517	324
				SQUARE FEET	OCCUPANTS

ZBA2019-00032





Subject:

FW: Rules and Regs

From: Childers, Summer <Summer.Childers@abc.alabama.gov>
Sent: Wednesday, May 22, 2019 11:59 AM
To: Randall Minor <RMinor@maynardcooper.com>
Cc: John Cubelic <john@dreadriver.com>
Subject: Rules and Regs

Good afternoon –

This is a follow up on our phone conversation and our in person meeting at Dread River Distillery. Due to the fact that your business is manufacturing/distilling, the only ABC license that you all would qualify for is a type 200 Manufacturer license. That license type only allows for the consumption of the products on *one premises where manufactured* (see 28-3A-6(h)(1) below). The other issue is that licenses are issued for one premises. In order for a location to be considered as one premises, there has to be connecting passageways or doors (see 20-X-5-.07 below). Since you all are not able to add a door between the two buildings, so that patrons can walk back and forth between the two, we came up with an alternative solution that would allow your business plan to work while conforming with our rules. That solution is to add a fenced in patio behind your two buildings (distillery and tasting room) and consider that as a passageway that can be used by patrons to access both areas of the business. If you or the zoning administration have any questions for us, please feel free to call me at 334-207-8420.

20-X-5-.07 Separate Facilities/Adjoining Facilities - Licenses Required. (1) Any person applying for a license or operating a place of business pursuant to a license issued by the ABC Board, whose place of business has openings on different streets, or more than one opening on the same street, and which entrances lead into two separate rooms or into rooms which have no connecting passages or doors ordinarily used by patrons, shall be responsible for the procurement of two ABC Board licenses if alcoholic beverages are sold in both parts of the separate facilities. (2) It is not the intent of this regulation to require two licenses when the two entrances lead into one dining room or more than one dining room under the same management, if all areas are connected by passages or doors ordinarily used by patrons who are customarily served from the same stock of alcoholic beverages (when all other requirements of Alabama law are met). Author: ABC Board Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-23(e). Chapter 20-X-5 ABC Board Supp. 12/31/16 5-8 History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

Section 28-3A-6 (h)(1) A manufacturer licensee actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises in the state may conduct tastings or samplings on the licensed premises, as regulated by the board except as to quantity and hours of operation, or as otherwise provided by statute, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only one premises where manufactured. All alcoholic beverages manufactured and retained on the manufacturer's licensed premises for tasting or sampling shall remain on the premises and be dispensed from a barrel or keg or other original containers.

Summer Childers
Alabama Alcoholic Beverage Control Board
Licensing and Compliance Division Director
2715 Gunter Park Drive West
Montgomery, Alabama 36109
Office: 334.213.6300
Fax: 334.213.6322
Summer.Childers@abc.alabama.gov

Glen Iris

ZBA2019-00035

Request: Variance
Applicant: Kee Ming Tan
Owner: Kee Ming Tan
Site Address: 617 19th Ct S
Zip Code: 35205
Description: Variance to allow an accessory structure in a yard other than the required rear yard pursuant to Title 1, Chapter 3, Article 1, Section 6.A.
Property Zoned: R3 Single Family District
Parcel Information: Parcel #012900111006006000, NE ¼ of Section 11, Township 18 S, Range 3 W

Variance

The applicant is requesting a variance to allow an accessory structure in a yard other than the required rear yard to allow an existing carport to remain in its current location. The 19' x 20' carport sits in front of the home setback 14 FT from the front property line.

Neighborhood

The Glen Iris Neighborhood Association has yet to respond to staff regarding this request.

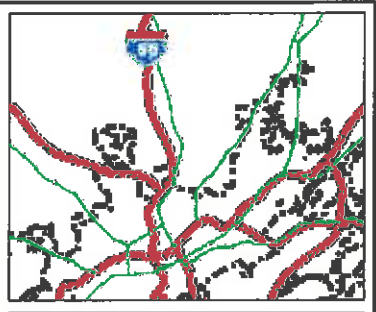
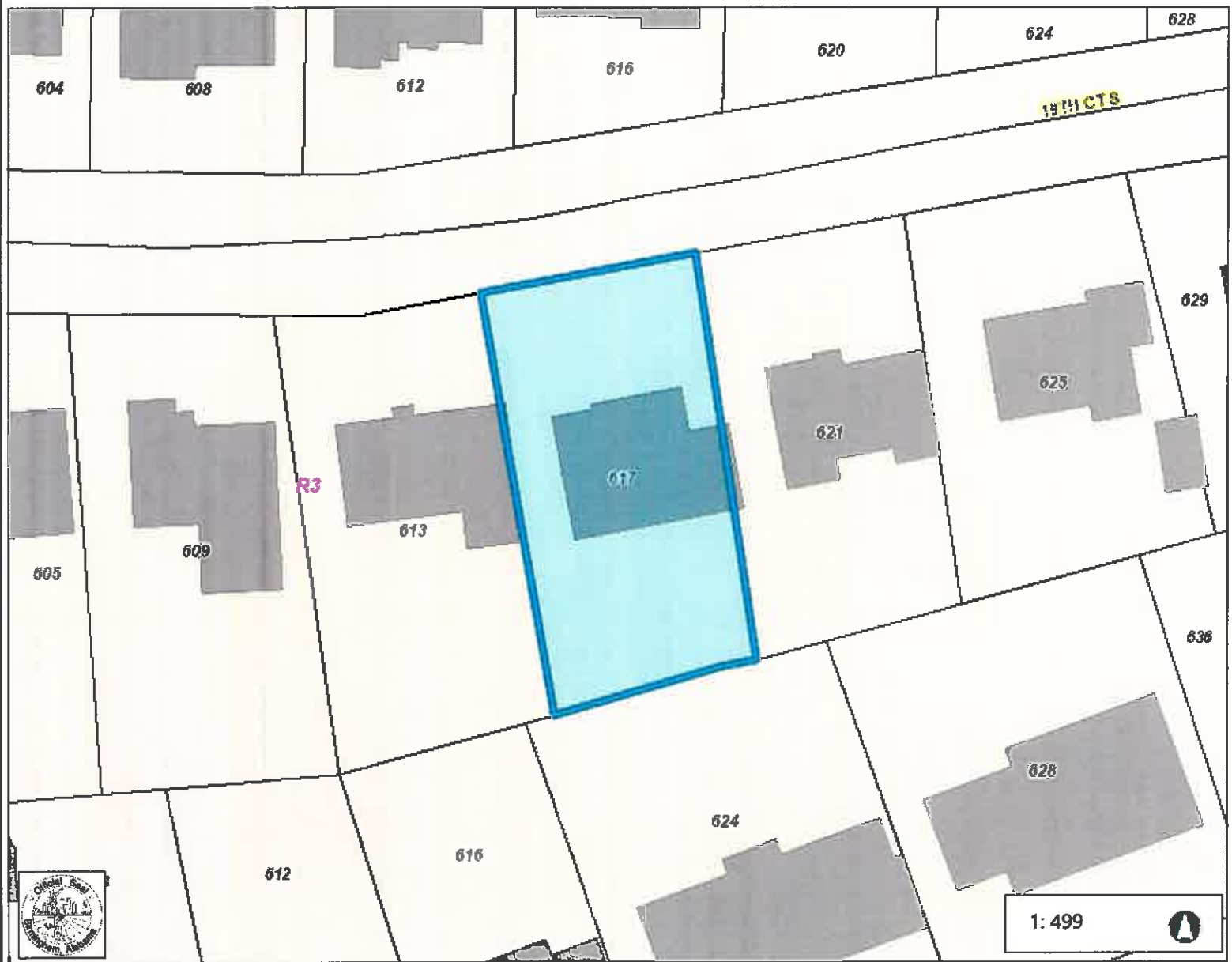
Applicant's Justification

The applicant stated that due to the layout of the house in relation to the property line, it was not possible to build a carport to the side or rear of the home. The applicant also stated that the home was negatively affected by flooding at the front entrance. The gutter attached to the carport has helped to divert rainwater and alleviate the flooding problem.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review. Staff has not seen evidence of a hardship and does not think this property differs from other properties in the general area. Therefore, staff believes this request does not have merit for approval and as such, should be **DENIED**. If the Board chooses to grant this request it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



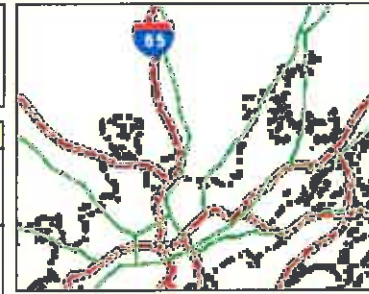
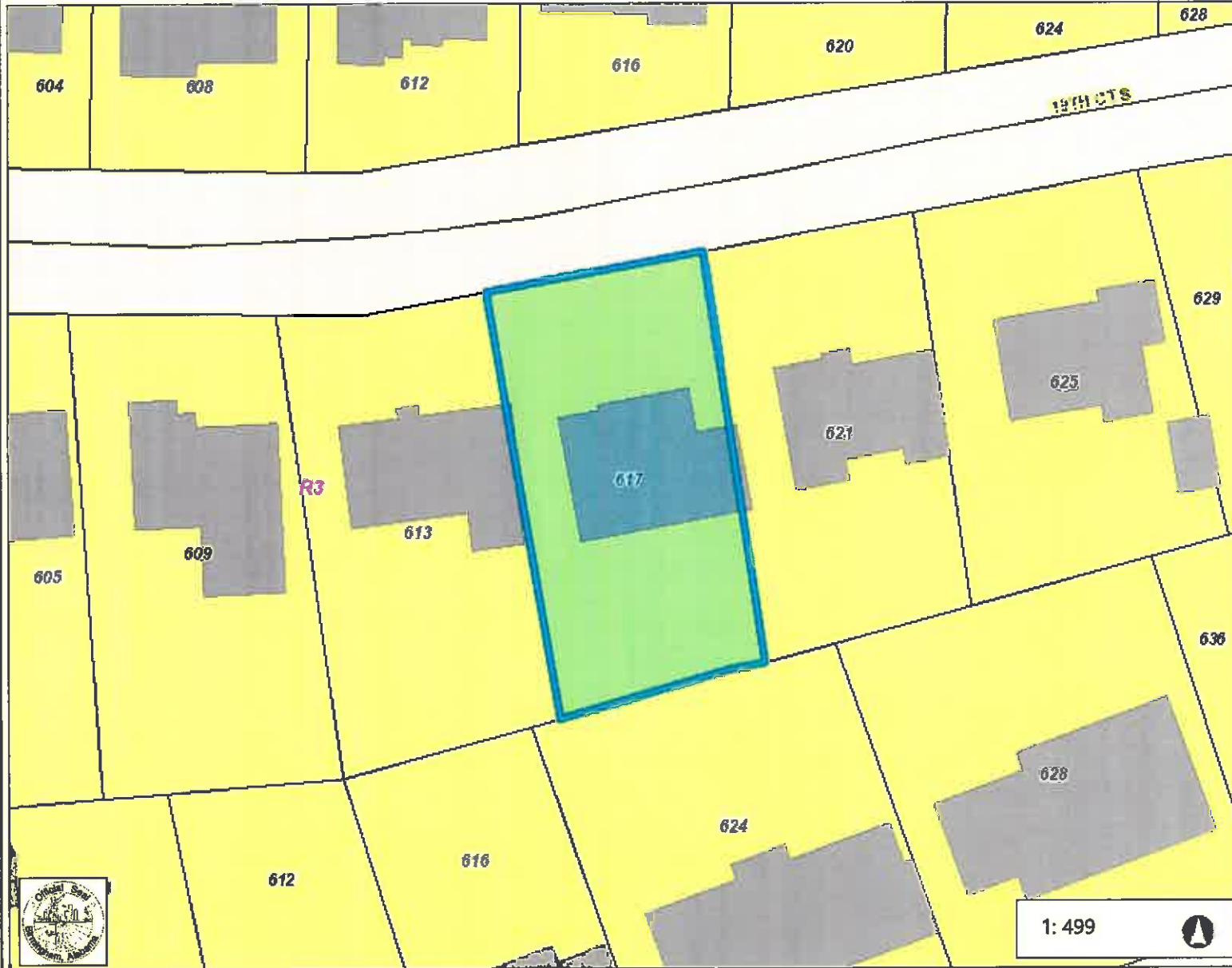
Legend

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- Zoning Outline
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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)

Notes



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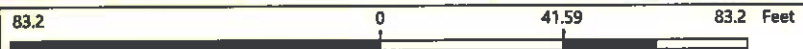


Legend

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- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan**
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



1: 499

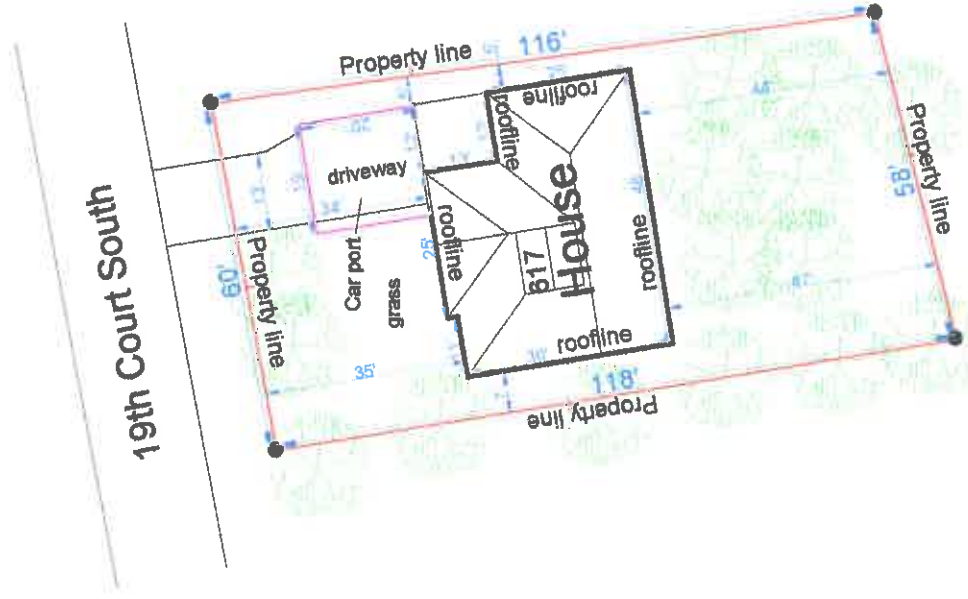
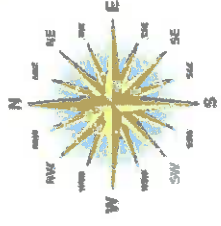


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Notes

SITE PLAN

Address: 617 19th Court South
City, State, ZIP: Birmingham, Alabama, 35205
County: Jefferson
Scale 1"=20'





Slaten, Tyler L

From: Kee Yahoo <keemingt@yahoo.com>
Sent: Tuesday, May 07, 2019 10:50 PM
To: Slaten, Tyler L
Subject: Kee Tan - 617 19th Court South

We have lived in the Glen Iris neighborhood for over 20 years, and in our current home for 15 years. We enjoy every aspect of our neighborhood; however, our current home was built in 1951 and was not built with many features in mind. We were at a point where a decision needed to be made, either to look for a different home or modify the current home to better fit our current needs, so we could continue to be part of the Glen Iris neighborhood.

1. **Physical characteristics of the property/Unique characteristics** - The house was originally built with a driveway on the right side of the house. The driveway was then converted into a den many years ago by the previous owner. The only entrance to the backyard now is through a side gate that is about 5 feet wide. Due to the layout of the house in relation to the property line, it was not possible to build a car port to the side or behind the house. The only ideal location to place the car port was on the existing concrete drive way. Please refer to the site plan
2. **Hardship not self imposed** - The carport does not only protect the vehicles from inclement weather, it also serves as a way to divert rain water away from the house. Our house/property line is located at the lowest part of the street, with a slight slope toward the house. Flooding at our front door entrance is a common problem during heavy rain. A French drain was installed to remove rain water, but it does not working well during heavy downpours, especially when debris carried by rain water blocks the French drain. The gutter attached to the car port is able to collect and divert some of the rain water away from the french drain/the front entrance, thus it helps to alleviate the flooding problem. The car port structure also allows the installation of motion detector lights, which helps increase visibility and safety when entering/ leaving the vehicles.
3. **Financial gain not only basis** - The home and the neighborhood have provided us many good memories and we wish to continue to create new memories with our current home/neighborhood for many more years to come. The process from planning to building the car port was stressful. At times we thought that finding a new, spacious home with a car port or garage on a flat property was an easier option, but we were afraid that we would not be able to find a neighborhood like ours on 19th Court south, where we all know each other and often get together for parties and cooking events.
4. **No injury to neighboring property/No harm to public welfare** - The structure was built within the property line and away from the neighboring homes (please refer to the site plan), and it has not created any issues among my neighbors. On the contrary, our neighbors have complimented the structure and thought it was a good improvement to our street and neighborhood overall. The car port was built to compliment the house esthetically and functionally, thus it will not diminish the property value. The car port is an open structure with no walls, so it does not block the view of the house or the street. Visibility of the house from the street or the visibility of the street from the house are not compromised. Two powerful solar lights were installed to ensure our safety and our neighbors' safety during evening hours. The car port was custom built with the mindset to last for many years, so good quality material, such as treated lumber and high grade shingles were used for construction. One of the reasons for constructing the car port is for the protection of the vehicles so it was build to withstand severe inclement weather, thus its a safe structure.

Woodlawn

ZBA2019-00036

Request: Modification
Applicant: Will Mason
Owner: Silvertron One Properties LLC
Site Address: 5503 1st Ave N
Zip Code: 35212
Description: Modification to allow 0 off street parking spaces instead of the required 32 off street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: CB2 Contingency General Business District
Parcel Information: Parcel #012300213015001000, SW ¼ of Section 21, Township 17 S, Range 2 W

Modification

The applicant is requesting a parking modification for 0 off-street parking spaces instead of the required 32 spaces to allow for a new development featuring space for private music lessons and an event venue. The main use of the space will be a non-profit organization that provides music lessons for kids in the community.

Neighborhood

The Woodlawn Neighborhood Association met on May 13th and voted 15-0 in support of this request. The NA President noted that it would have a great impact on their community.

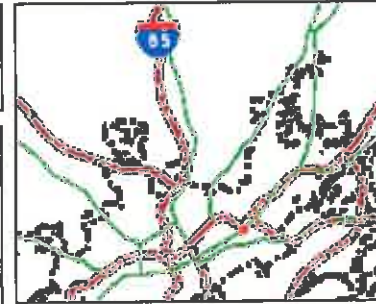
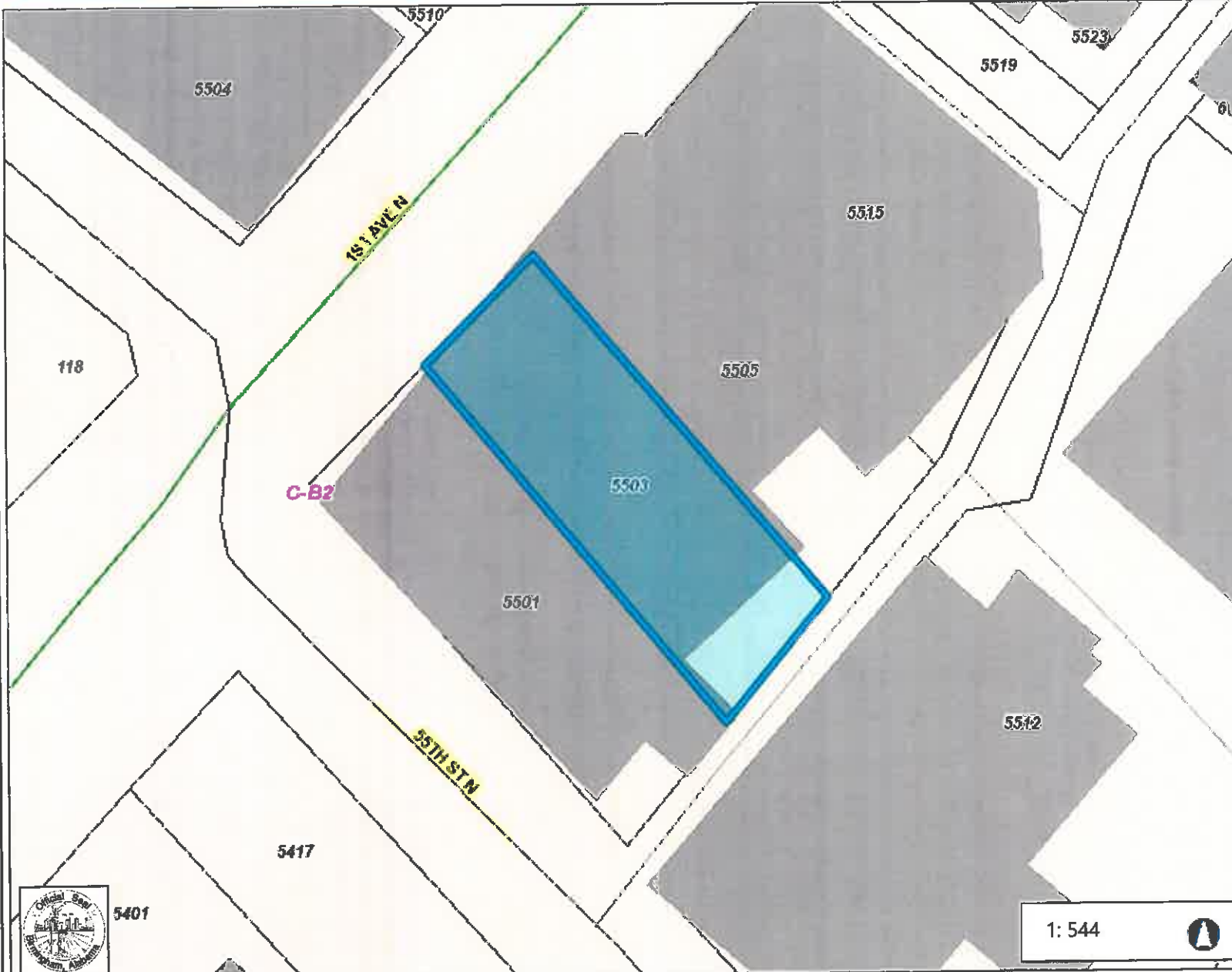
Applicant's Justification

The applicant provided documentation showing 141 existing on street and municipal parking lot spaces within 1,000 FT of the subject location. The applicant also submitted documentation showing the building is built lot line to lot line and off street parking cannot be provided.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The building is built lot line to lot line and the amount of public on-street parking appears to be enough to support the use. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



Legend

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- Interstates
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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)



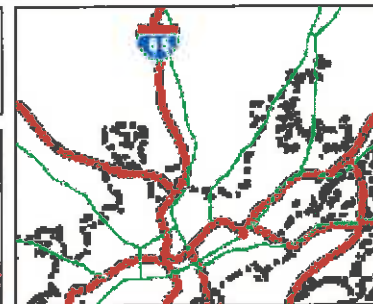
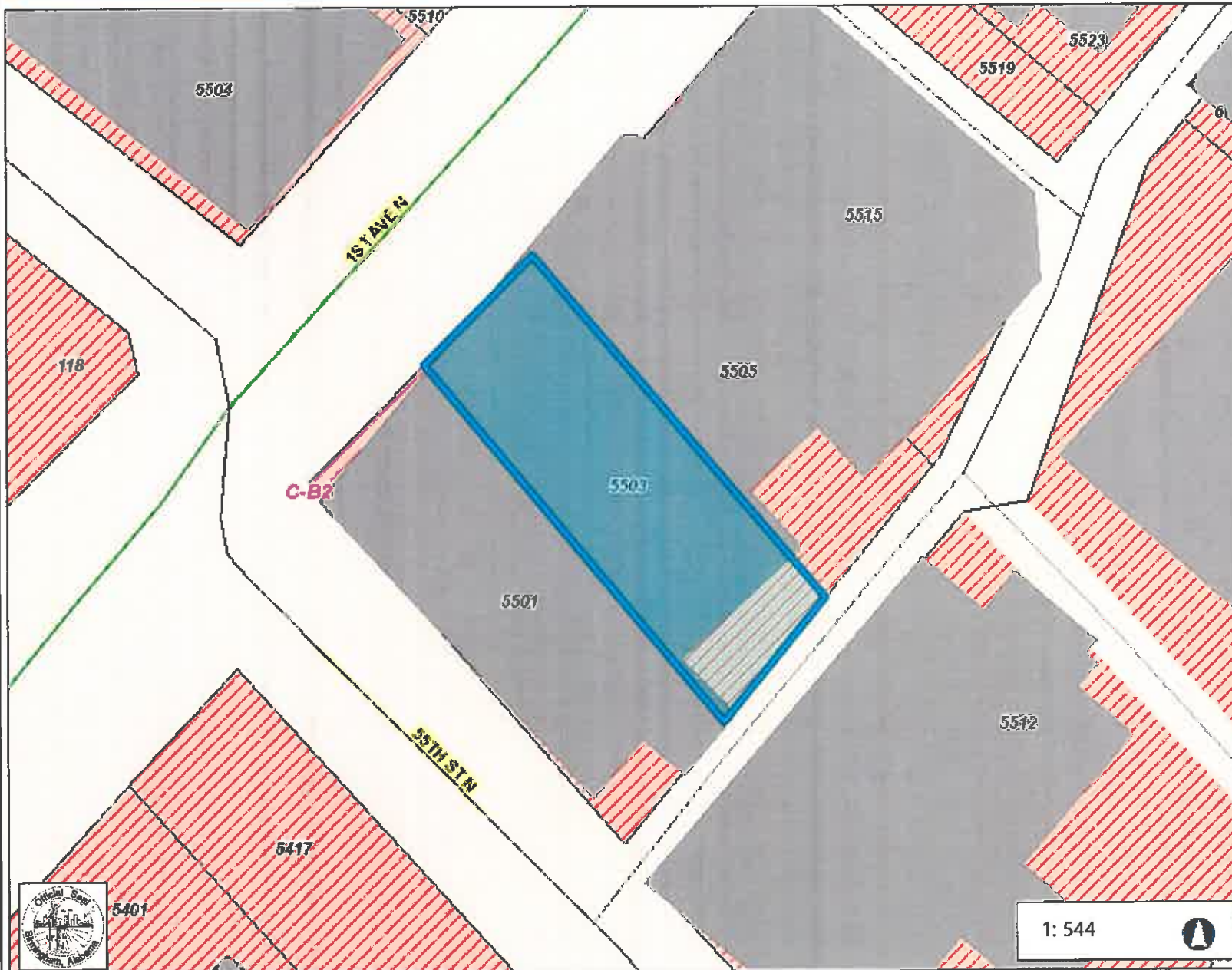
5401

1: 544



90.7 0 45.33 90.7 Feet

Notes



Legend

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- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



1: 544



90.7 0 45.33 90.7 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Parking Availability

5503 1st Ave North
ParcelID: 012300213015001000

This rough sketch demonstrates the proposed use and square footage for each use. This can be used to calculate how many parking spaces will be required for the parking modification.

Dual Use Space:

8 lesson rooms for private music lessons.
Each lesson room has 2 occupants.
Total lesson room footage ~1250ft

Lobby for receiving students and for family members to wait. Will also serve as lobby for concerts and other events.
Lobby footage ~400ft

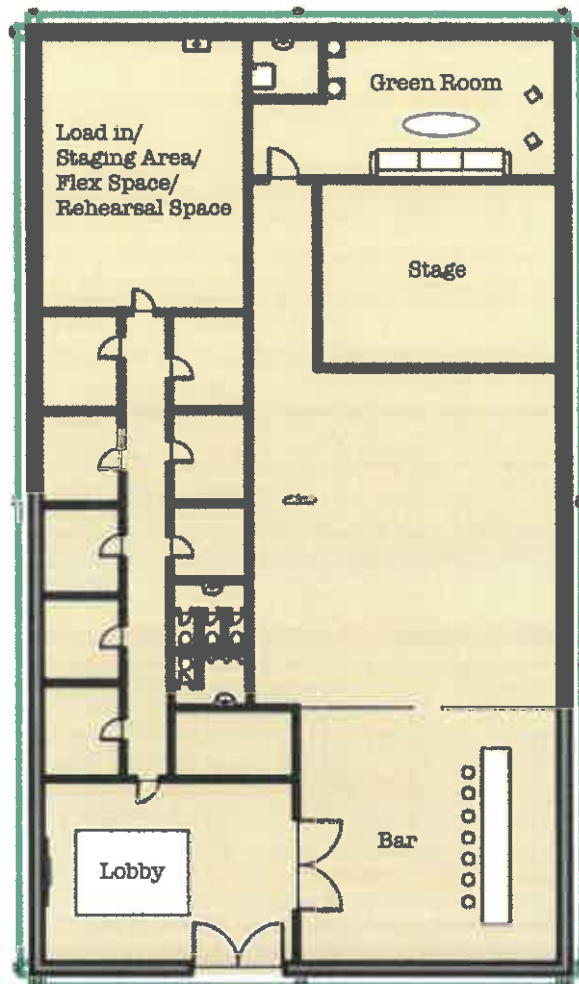
Bar/Lounge area ~750ft

Concert Venue ~1500ft

Stage ~500ft

Green Room ~400ft

Flex Space ~650ft



Parking Availability

5503 1st Ave North
ParcelID: 012300213015001000

Municipal Parking:

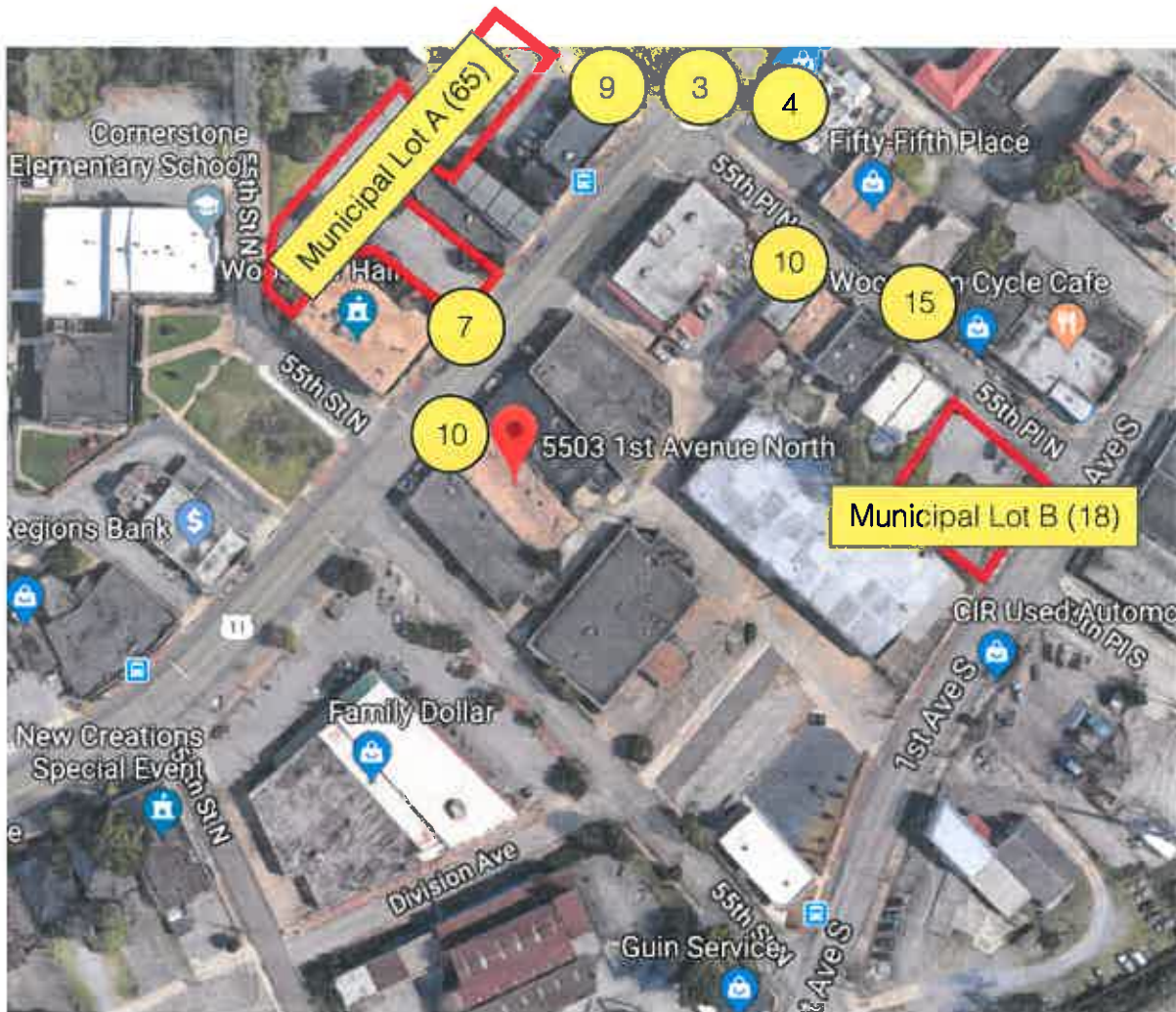
In Municipal Parking A, 65 spaces exist. In Municipal Parking B, there are 18 spaces.

On Street Parking:

On the block immediately surrounding 5503, there are 58 on street parking spaces.

Total Available Parking within 1,000 ft:

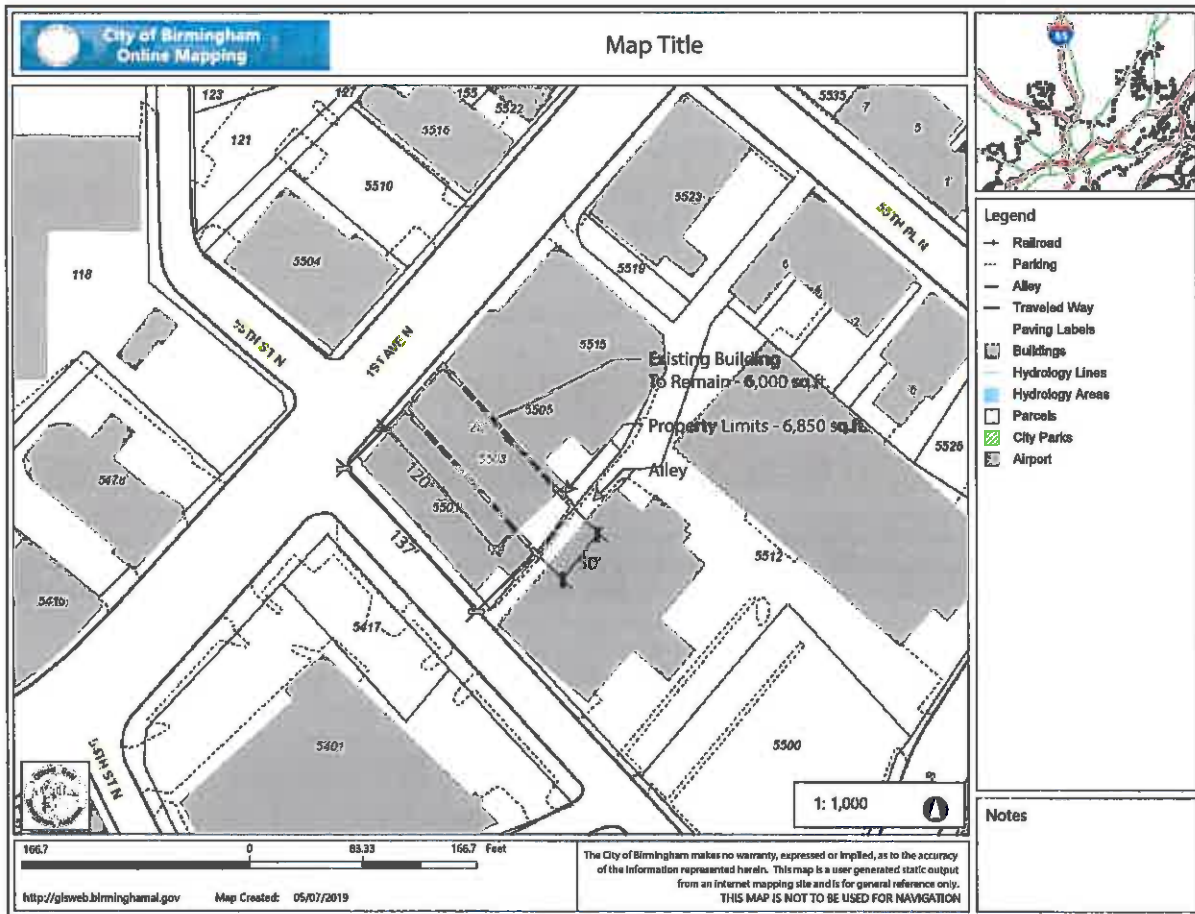
141 Spaces



Parking Availability

5503 1st Ave North
ParcelID: 012300213015001000

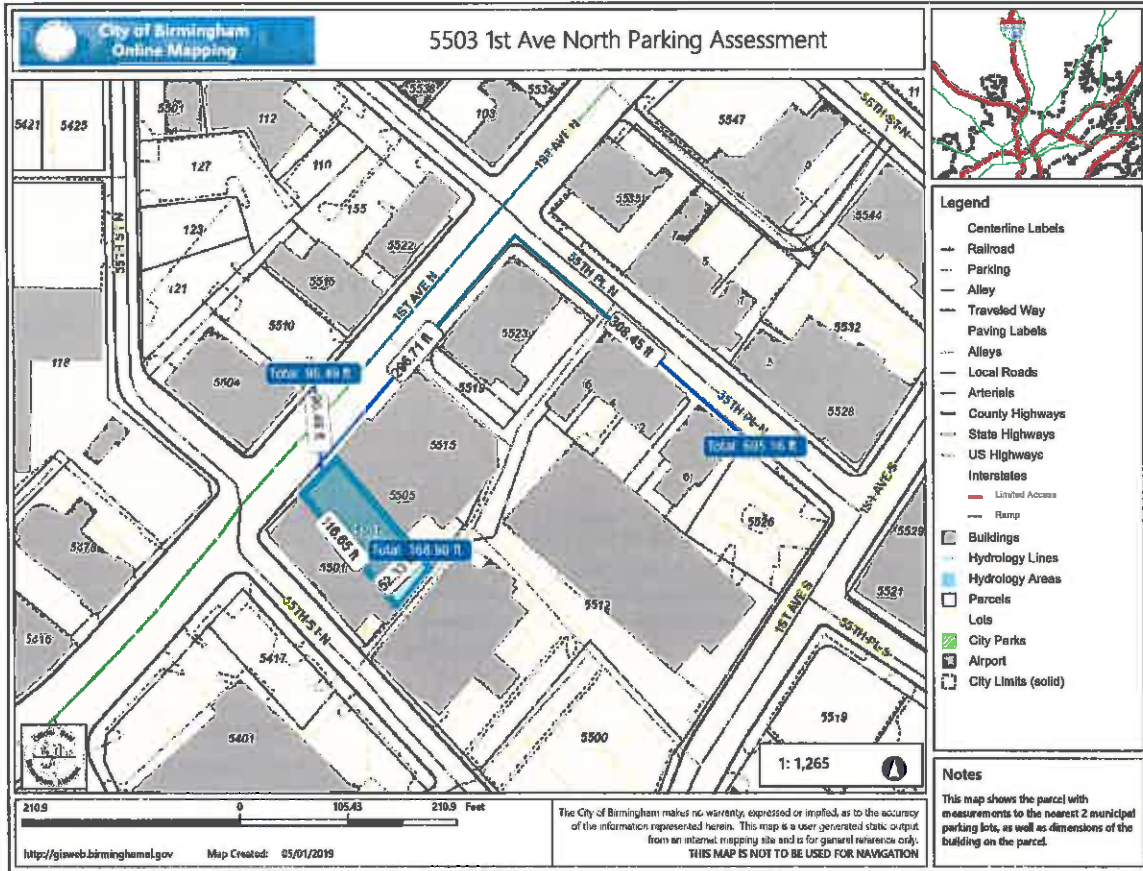
This map shows dimensions of the building on the 5503 lot as well as the lot dimensions. The building is 6,000 square feet.



Parking Availability

5503 1st Ave North
ParcelID: 012300213015001000

This map shows the walking distances from the front entrance to Municipal Lots referenced on the previous page (5510 and 5526 on this map). Distance to Lot A is 96 feet. Walking distance to Lot B is 605 feet.



Crestwood North

ZBA2019-00037

Request: Special Exception
Applicant: Willie Oliver
Owner: Groveland Baptist Church
Site Address: 5437 5th Ave S
Zip Code: 35212
Description: Special exception to allow off-site parking for a place of worship Title 1, Chapter 4, Article III, Section 4.E.3
Property Zoned: CR4A Contingency Medium Density Residential District; R3 Single Family District
Parcel Information: Parcel #012300214012001000, SE ¼ of Section 21, Township 17 S, Range 2 W

Special Exception

The applicant is requesting a special exception to allow off-site parking for Groveland Baptist Church in order to build a new parking lot. The church currently has an existing parking lot with 34 spaces. The new proposed lot would provide another 44 off-street parking spaces for a total of 78. The church provided information that showed the number of seats in the sanctuary to be 360. Based on the member of seats, the required parking would be 60.

Neighborhood

The Crestwood North Neighborhood Association met on May 28th and voted 18-0 in support of this request.

Applicant's Justification

The applicant that this additional parking is needed to support the church.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The current church parking appears to be insufficient and the additional parking would help ease parking congestion on adjacent streets. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

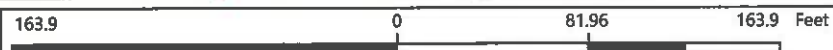
1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



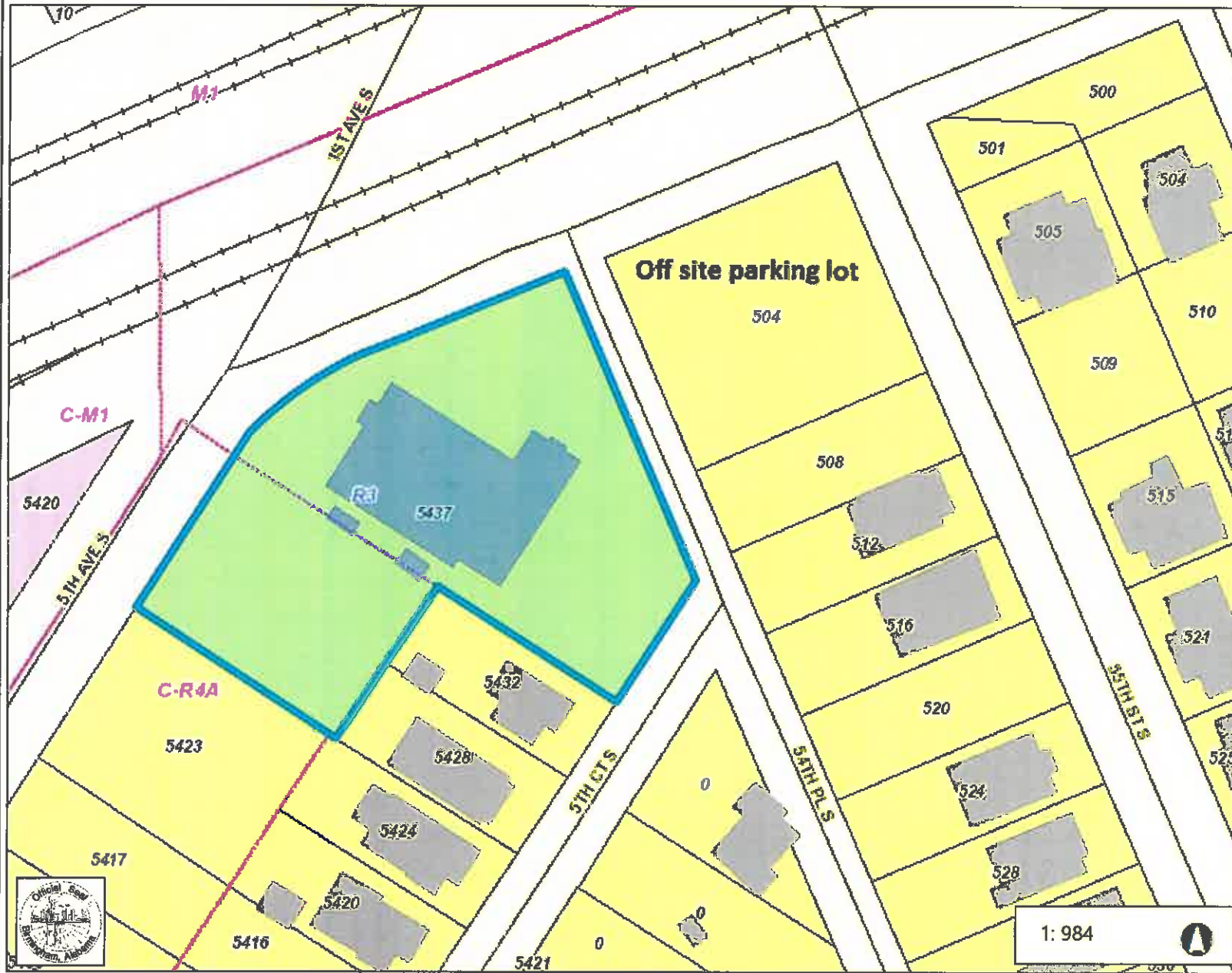
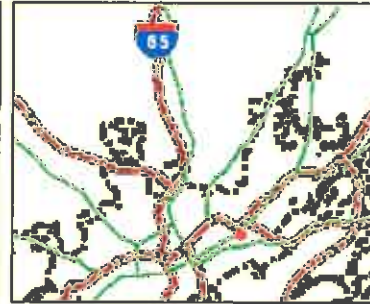
Legend

- Centerline Labels
- Zoning Outline
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- Arterials
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- State Highways
- US Highways
- Interstates
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- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)

Notes



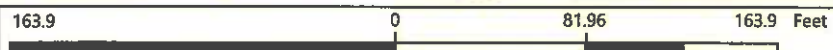
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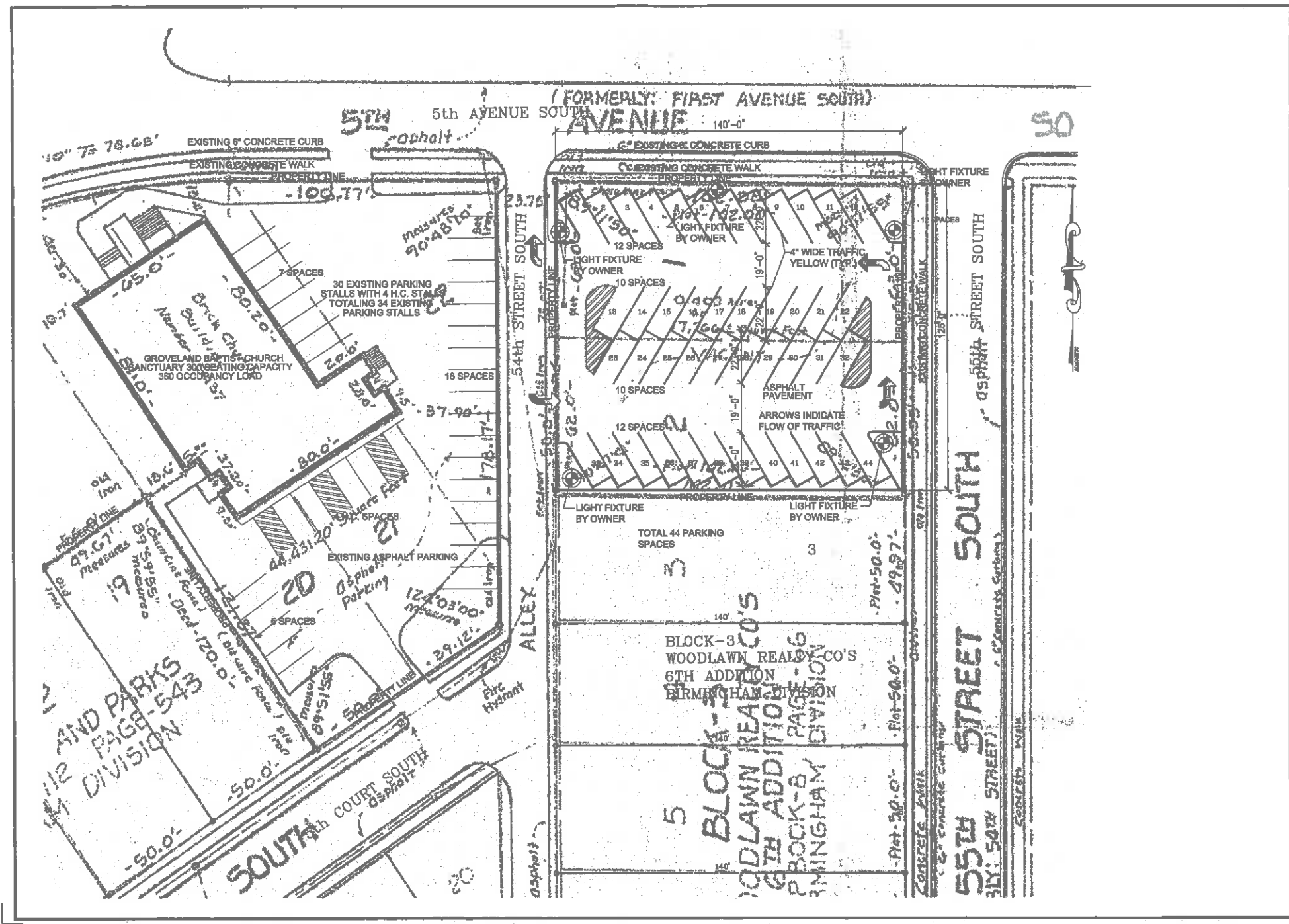
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Notes



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 PROJECT: **GROVELAND BAPTIST CHURCH**
 5437 5th AVENUE SOUTH
 BIRMINGHAM, ALABAMA 35212
 REV. JAMES E. JOHNSON, PASTOR

SHEET TITLE: **SITE PLAN**
 DESIGNED BY: WOO
 DRAWN BY: WOO
 CHECKED BY: WOO
 APPROVED BY: WOO
 DRAWING NUMBER: **A1.0**
 DATE: MAR 15, 2019

Title 1 – Zoning Ordinance
Chapter 4: Land Use Development Standards
Permitted by Special Exception

- D. **Cemetery.** In the D-1, D-2, D-3, D-4, D-5, D-6 and MXD districts a special exception may be granted by the Board provided that the following conditions are met:
1. The minimum site area shall be ten acres. Cemeteries accessory to a religious institution shall be on a one-acre lot, minimum.
 2. For cemetery developments of twenty-five acres or greater, primary access shall be from a collector or arterial street.
 3. Where the perimeter of a cemetery abuts a dwelling zone district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article I, Section 6, Item I of this Ordinance.
 4. The following accessory uses shall be permitted: mausoleums, columbariums, chapels, and other facilities incidental to the cemetery use.
- E. **Place of Worship.** To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L, and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:
1. On the effective date of the Ordinance codified in this Title a pre-existing place of worship, in the dwelling districts listed above, shall be a legal non-conforming use. They may expand if a special exception is granted by the Board subject to demonstrating compliance with the general provisions of Chapter 4, Article III, Section 2 and the **off-site parking** requirements of Chapter 5 of this Ordinance.
 2. Any Place of Worship constructed after the effective date of the Ordinance codified in this Title shall be subject to the following standards.
 - a. **Minimum Site Size.** Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.
 - b. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance.
 - c. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution.
 3. **If Off-Site Parking is requested, approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:**

Title 1 – Zoning Ordinance
Chapter 4: Land Use Development Standards
Permitted by Special Exception

- a. The appellant shall demonstrate by a parking plan, reviewed by the Director, that the minimum number of parking spaces required by Chapter 5, of this Ordinance cannot be developed on the same lot containing the place of worship;
 - b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan;
 - c. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face;
 - d. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;
 - e. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts;
 - f. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship;
 - g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;
 - h. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.
4. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.
 5. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.
- F. Elementary or Middle School.** To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:
1. Screening and buffering in the form of a landscape buffer yard Standard “A” per Chapter 6, Article III, Section 6 of this Ordinance, shall separate all structures and parking areas from all abutting property zoned for dwellings.
 2. Where school structures and outdoor activity grounds abut dwelling districts, there shall be a minimum setback of 25 feet.
 3. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.

Central Park

ZBA2019-00038

Request: Special Exception
Applicant: Dynamic Civil Solutions
Owner: Central Park Baptist Church
Site Address: 1919 43rd St
Zip Code: 35208
Description: Special exception to allow off-site parking for a place of worship Title 1, Chapter 4, Article III, Section 4.E.3
Property Zoned: R3 Single Family District
Parcel Information: Parcel #012900071009001000, NE ¼ of Section 07, Township 18 S, Range 3 W

Special Exception

The applicant is requesting a special exception to allow off-site parking for Rock City Baptist Church in order to build a new parking lot. The church currently has 2 existing parking lots with a total of 155 spaces. The new proposed lot would provide another 96 off-street parking spaces for a total of 251. The church provided information that showed the number of seats in the sanctuary to be 1,000. Based on the member of seats, the required parking would be 167.

Neighborhood

The Central Park Neighborhood Association President met with staff and reviewed the proposed plan. She wrote on the form that “she sees no problem with this request and it should be approved”. She also stated that she thought the neighborhood would benefit from the reduction of on-street parking during church services.

Applicant’s Justification

The applicant stated that the church is currently holding multiple services at various locations. The church is moving into this location and will still be holding multiple services under one roof. The additional parking is needed to help support these services.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The current church parking appears to be insufficient and the additional parking would help ease parking congestion on adjacent streets. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board’s decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



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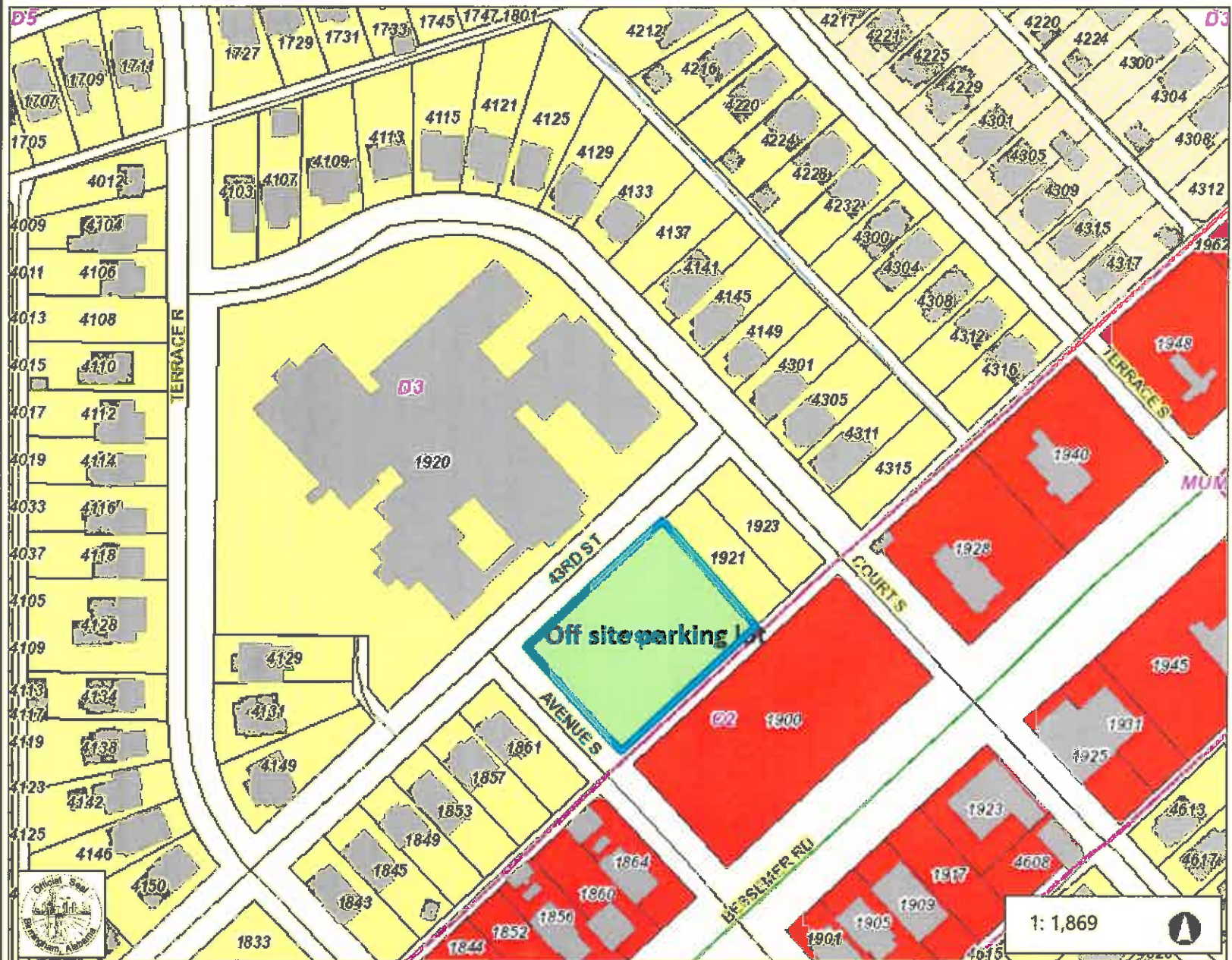


1: 1,869



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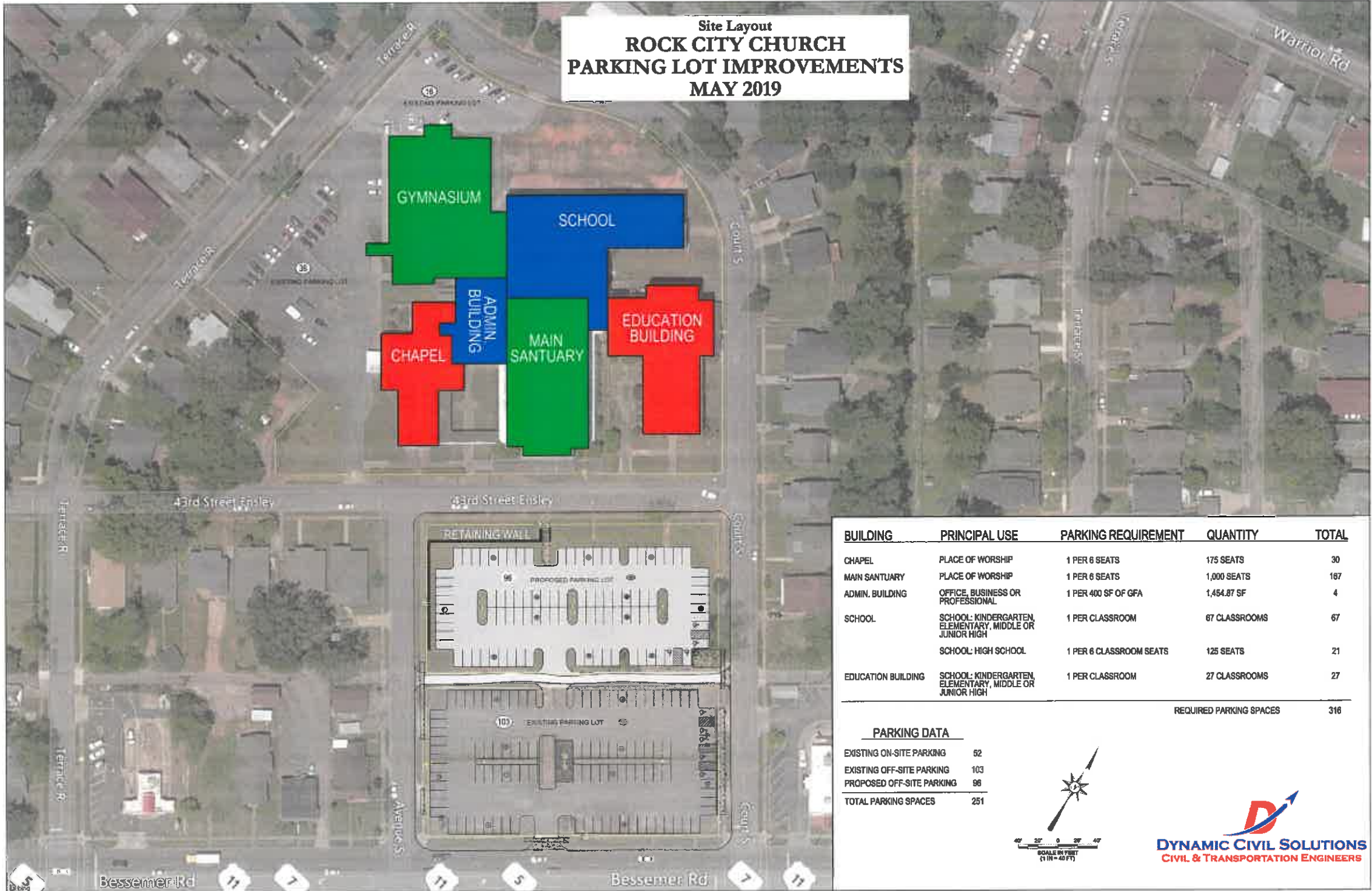


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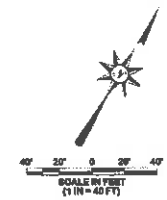
Site Layout
ROCK CITY CHURCH
PARKING LOT IMPROVEMENTS
MAY 2019



BUILDING	PRINCIPAL USE	PARKING REQUIREMENT	QUANTITY	TOTAL
CHAPEL	PLACE OF WORSHIP	1 PER 6 SEATS	175 SEATS	30
MAIN SANCTUARY	PLACE OF WORSHIP	1 PER 6 SEATS	1,000 SEATS	167
ADMIN. BUILDING	OFFICE, BUSINESS OR PROFESSIONAL	1 PER 400 SF OF GFA	1,454.87 SF	4
SCHOOL	SCHOOL: KINDERGARTEN, ELEMENTARY, MIDDLE OR JUNIOR HIGH	1 PER CLASSROOM	67 CLASSROOMS	67
	SCHOOL: HIGH SCHOOL	1 PER 6 CLASSROOM SEATS	125 SEATS	21
EDUCATION BUILDING	SCHOOL: KINDERGARTEN, ELEMENTARY, MIDDLE OR JUNIOR HIGH	1 PER CLASSROOM	27 CLASSROOMS	27
			REQUIRED PARKING SPACES	316

PARKING DATA

EXISTING ON-SITE PARKING	52
EXISTING OFF-SITE PARKING	103
PROPOSED OFF-SITE PARKING	96
TOTAL PARKING SPACES	251



Slaten, Tyler L

From: Bolaji Kukoyi <mokukoyi@dcseng.com>
Sent: Friday, May 17, 2019 1:03 PM
To: Slaten, Tyler L; Lowe, Roderick D.
Subject: RE: Central Park Resurvey

Tyler,

Below is the statement of need:

Statement of Need: The church currently holds multiple services and multiple locations across Birmingham. The church intends to move all its services to the new location, hence the need for additional parking.

Response to Parking Lot Access not being on the same street as church: Due to a substantial difference in elevation that exists between 43rd Street and the parking lot, it is not technically feasible to design a parking lot access from 43rd Street. The site design utilizes a retaining wall to mitigate the elevation difference and includes steps to allow the patrons access from the parking lot.

Let me know if this suffices.

Regarding the payment, please send online link.

Thanks,

Bolaji Kukoyi, P.E.
Dynamic Civil Solutions
www.dcseng.com

From: Slaten, Tyler L <Tyler.Slaten@birminghamal.gov>
Sent: Thursday, May 16, 2019 5:42 PM
To: Bolaji Kukoyi <mokukoyi@dcseng.com>; Lowe, Roderick D. <Roderick.Lowe@birminghamal.gov>
Subject: RE: Central Park Resurvey

Bolaji,

The Board will need a written statement justifying the need for the new parking. One of the required conditions is that you must access the parking lot on the same street as the church. I know you told me that is not possible due to the grade and retaining wall, but that is also something you will want to speak to in writing because the Board is going to want to know why that condition is not being met. The rest of the submittal looks good.

Please feel free to send that at any time. As far as the ZBA fee goes, do you all want to pay with a check or do you want me to send an online payment link?

I do not work on Fridays so it will be Monday before I can process this. If you get everything in by then I can keep you all on the same agenda.

Thanks,

Title 1 – Zoning Ordinance
Chapter 4: Land Use Development Standards
Permitted by Special Exception

- D. **Cemetery.** In the D-1, D-2, D-3, D-4, D-5, D-6 and MXD districts a special exception may be granted by the Board provided that the following conditions are met:
1. The minimum site area shall be ten acres. Cemeteries accessory to a religious institution shall be on a one-acre lot, minimum.
 2. For cemetery developments of twenty-five acres or greater, primary access shall be from a collector or arterial street.
 3. Where the perimeter of a cemetery abuts a dwelling zone district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article I, Section 6, Item I of this Ordinance.
 4. The following accessory uses shall be permitted: mausoleums, columbariums, chapels, and other facilities incidental to the cemetery use.
- E. **Place of Worship.** To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L, and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:
1. On the effective date of the Ordinance codified in this Title a pre-existing place of worship, in the dwelling districts listed above, shall be a legal non-conforming use. They may expand if a special exception is granted by the Board subject to demonstrating compliance with the general provisions of Chapter 4, Article III, Section 2 and the off-site parking requirements of Chapter 5 of this Ordinance.
 2. Any Place of Worship constructed after the effective date of the Ordinance codified in this Title shall be subject to the following standards.
 - a. Minimum Site Size. Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.
 - b. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance.
 - c. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution.
 3. If Off-Site Parking is requested, approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:

Title 1 – Zoning Ordinance
Chapter 4: Land Use Development Standards
Permitted by Special Exception

- a. The appellant shall demonstrate by a parking plan, reviewed by the Director, that the minimum number of parking spaces required by Chapter 5, of this Ordinance cannot be developed on the same lot containing the place of worship;
 - b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan;
 - c. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face;
 - d. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;
 - e. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts;
 - f. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship;
 - g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;
 - h. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.
4. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.
 5. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.
- F. **Elementary or Middle School.** To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:
1. Screening and buffering in the form of a landscape buffer yard Standard “A” per Chapter 6, Article III, Section 6 of this Ordinance, shall separate all structures and parking areas from all abutting property zoned for dwellings.
 2. Where school structures and outdoor activity grounds abut dwelling districts, there shall be a minimum setback of 25 feet.
 3. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.

Southside

ZBA2019-00039

Request: Special Exception
Applicant: Chris Clayton
Owner: Elite Investment LLC
Site Address: 301 24th St S
Zip Code: 35203
Description: Special Exception to allow remote parking for 5 off-street parking spaces for a restaurant pursuant to Title 1, Chapter 5, Article I, Section 8
Property Zoned: M1 Light Industrial
Parcel Information: Parcel #012200364001003000, SE ¼ of Section 36, Township 17 S, Range 3 W

Special Exception

The applicant is requesting a special exception to allow remote parking for 5 off street parking spaces for a new Cook Out restaurant. The required parking for this proposed restaurant is 24 spaces. The proposal includes 19 on-site parking spaces with an additional 23 spaces located on an adjacent lot across an alley. Only 5 of these 23 spaces on the off-site lot are required by the City.

Neighborhood

The Southside Neighborhood Association met on May 23rd and voted 6-0 in support of this request.

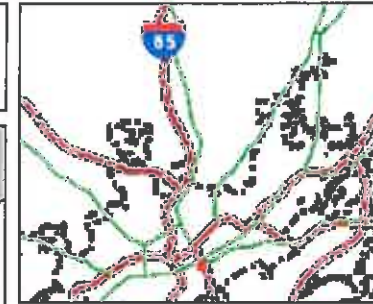
Applicant's Justification

The applicant stated that the Cook Out cannot provide the full complement of City required parking on the principal lot due to the existence of an alley and the additional lot is needed.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the request. The site is constrained by an existing alley in a way that would not allow the full complement of require parking to be placed on the same lot as the restaurant. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.
4. Remote parking agreement must be recorded with Jefferson County.



Legend

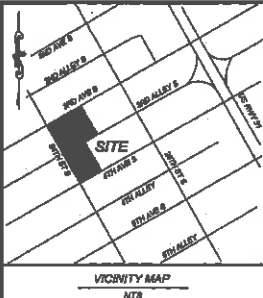
- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 969

Notes



SITE KEYNOTES:

1. CONSTRUCT 1/2" STAINLESS CONCRETE SPALLS CURB AND GUTTER PER DETAIL SHEET
2. CONSTRUCT 1/2" ROLLED CONCRETE SPALLS CURB AND GUTTER PER DETAIL SHEET
3. CONSTRUCT 1/2" STAINLESS CONCRETE CATCHING CURB AND GUTTER PER DETAIL SHEET
4. CONSTRUCT 1/2" ROLLED CONCRETE CATCHING CURB AND GUTTER PER DETAIL SHEET
5. CONSTRUCT CONCRETE MEDIAN PER DETAIL SHEET, CONTRACTOR SHALL COORDINATE STAINING PATTERN AND COLOR OF BELIEVING ISLANDS IDENTICAL WITH OWNER
6. CONSTRUCT CONCRETE MONOPIC RAMP PER DETAIL SHEET
7. HANDICAP PARKING STALL
8. INSTALL HANDICAP PARKING SIGN PER DETAIL SHEET
9. INSTALL "X" ACCESSIBLE HANDICAP PARKING SIGN PER DETAIL SHEET
10. CONCRETE PAVEMENT (COLOR - BLACK), PER DETAIL SHEET
11. ASPHALT PAVEMENT PER DETAIL SHEET
12. CONSTRUCT PERVIOUS CONCRETE PAVEMENT PER DETAIL SHEET
13. TRANSFORMER PAD BY GENERAL CONTRACTOR, PER BIDDING COMPANY SPECIFICATIONS, COORDINATE SIZE & LOCATION WITH UTILITY COMPANY
14. CONSTRUCT DUMPTER PAD, MINIMUM 4" CONCRETE WITH 4" AGG BASE, AND TRUCK CYCLE DRIVE WITH GRATE, SEE ARCHITECTURAL SHEETS FOR DETAIL, MATERIALS TO MATCH BUILDING
15. CONCRETE WHEEL STOP PER DETAIL SHEET
16. POLE MOUNTED AREA LIGHT, SEE LIGHTING PLAN
17. POLE MOUNTED AREA LIGHT, SEE LIGHTING PLAN
18. PAINT 4" WIDE STRIPE, WHITE PAINT, MINIMUM FLOW RATE OF 100 SF PER GALLON (PAINT FEDERAL STANDARD: 17A-1922)
19. PAINT 4" WIDE STRIPE STRIPE, WHITE PAINT, MINIMUM FLOW RATE OF 100 SF PER GALLON (PAINT FEDERAL STANDARD: 17A-1922)
20. PAINT 4" WIDE STRIPE @ 45° 1 FEET APART, MINIMUM FLOW RATE OF 100 SF PER GALLON (PAINT FEDERAL STANDARD: 17A-1922)
21. PAINT TRAFFIC ARROWS PER DETAIL SHEET
22. SITE IDENTIFICATION SIGN, CONTRACTOR SHALL COORDINATE WITH OWNER AND CITY
23. PAINT "X" STOP SIGN PER DETAIL SHEET AND TRAFFIC STANDARDS
24. MATCH EXISTING CURB & GUTTER
25. ASPHALT/CONCRETE TRANSITION PER DETAIL SHEET
26. INSTALL STRIP, PINE BOLLARD PER DETAIL SHEET
27. MATCH EXISTING ASPHALT PAVEMENT
28. MATCH EXISTING CONCRETE SIDEWALK
29. PAINT CROSSWALK PER DETAIL SHEET
30. PREVIEW BOARD, COORDINATE WITH OWNER
31. NEW BOARD, COORDINATE WITH OWNER
32. INSTALL 48" HIGH SAFETY FALING, PINK POWDER COAT FID. 302 DETAIL SHEET
33. INSTALL "STOP" AND "DO NOT ENTER" SIGN PER MUTED AND DOT STANDARDS
34. INSTALL "STOP" SIGN PER MUTED AND DOT STANDARDS
35. CONSTRUCT CONCRETE CURB AND GUTTER TO MATCH EXISTING PER CITY STANDARDS
36. CONCRETE PLUMB PER DETAIL SHEET
37. RETAINING WALL, DESIGN BY OTHERS

SITE INFORMATION	
SITE ADDRESS:	301, 317, 321, 323, 327, 331, 335, 339, 343, 347, 351, 355, 359, 363, 367, 371, 375, 379, 383, 387, 391, 395, 399, 403, 407, 411, 415, 419, 423, 427, 431, 435, 439, 443, 447, 451, 455, 459, 463, 467, 471, 475, 479, 483, 487, 491, 495, 499, 503, 507, 511, 515, 519, 523, 527, 531, 535, 539, 543, 547, 551, 555, 559, 563, 567, 571, 575, 579, 583, 587, 591, 595, 599, 603, 607, 611, 615, 619, 623, 627, 631, 635, 639, 643, 647, 651, 655, 659, 663, 667, 671, 675, 679, 683, 687, 691, 695, 699, 703, 707, 711, 715, 719, 723, 727, 731, 735, 739, 743, 747, 751, 755, 759, 763, 767, 771, 775, 779, 783, 787, 791, 795, 799, 803, 807, 811, 815, 819, 823, 827, 831, 835, 839, 843, 847, 851, 855, 859, 863, 867, 871, 875, 879, 883, 887, 891, 895, 899, 903, 907, 911, 915, 919, 923, 927, 931, 935, 939, 943, 947, 951, 955, 959, 963, 967, 971, 975, 979, 983, 987, 991, 995, 999, 1003, 1007, 1011, 1015, 1019, 1023, 1027, 1031, 1035, 1039, 1043, 1047, 1051, 1055, 1059, 1063, 1067, 1071, 1075, 1079, 1083, 1087, 1091, 1095, 1099, 1103, 1107, 1111, 1115, 1119, 1123, 1127, 1131, 1135, 1139, 1143, 1147, 1151, 1155, 1159, 1163, 1167, 1171, 1175, 1179, 1183, 1187, 1191, 1195, 1199, 1203, 1207, 1211, 1215, 1219, 1223, 1227, 1231, 1235, 1239, 1243, 1247, 1251, 1255, 1259, 1263, 1267, 1271, 1275, 1279, 1283, 1287, 1291, 1295, 1299, 1303, 1307, 1311, 1315, 1319, 1323, 1327, 1331, 1335, 1339, 1343, 1347, 1351, 1355, 1359, 1363, 1367, 1371, 1375, 1379, 1383, 1387, 1391, 1395, 1399, 1403, 1407, 1411, 1415, 1419, 1423, 1427, 1431, 1435, 1439, 1443, 1447, 1451, 1455, 1459, 1463, 1467, 1471, 1475, 1479, 1483, 1487, 1491, 1495, 1499, 1503, 1507, 1511, 1515, 1519, 1523, 1527, 1531, 1535, 1539, 1543, 1547, 1551, 1555, 1559, 1563, 1567, 1571, 1575, 1579, 1583, 1587, 1591, 1595, 1599, 1603, 1607, 1611, 1615, 1619, 1623, 1627, 1631, 1635, 1639, 1643, 1647, 1651, 1655, 1659, 1663, 1667, 1671, 1675, 1679, 1683, 1687, 1691, 1695, 1699, 1703, 1707, 1711, 1715, 1719, 1723, 1727, 1731, 1735, 1739, 1743, 1747, 1751, 1755, 1759, 1763, 1767, 1771, 1775, 1779, 1783, 1787, 1791, 1795, 1799, 1803, 1807, 1811, 1815, 1819, 1823, 1827, 1831, 1835, 1839, 1843, 1847, 1851, 1855, 1859, 1863, 1867, 1871, 1875, 1879, 1883, 1887, 1891, 1895, 1899, 1903, 1907, 1911, 1915, 1919, 1923, 1927, 1931, 1935, 1939, 1943, 1947, 1951, 1955, 1959, 1963, 1967, 1971, 1975, 1979, 1983, 1987, 1991, 1995, 1999, 2003, 2007, 2011, 2015, 2019, 2023, 2027, 2031, 2035, 2039, 2043, 2047, 2051, 2055, 2059, 2063, 2067, 2071, 2075, 2079, 2083, 2087, 2091, 2095, 2099, 2103, 2107, 2111, 2115, 2119, 2123, 2127, 2131, 2135, 2139, 2143, 2147, 2151, 2155, 2159, 2163, 2167, 2171, 2175, 2179, 2183, 2187, 2191, 2195, 2199, 2203, 2207, 2211, 2215, 2219, 2223, 2227, 2231, 2235, 2239, 2243, 2247, 2251, 2255, 2259, 2263, 2267, 2271, 2275, 2279, 2283, 2287, 2291, 2295, 2299, 2303, 2307, 2311, 2315, 2319, 2323, 2327, 2331, 2335, 2339, 2343, 2347, 2351, 2355, 2359, 2363, 2367, 2371, 2375, 2379, 2383, 2387, 2391, 2395, 2399, 2403, 2407, 2411, 2415, 2419, 2423, 2427, 2431, 2435, 2439, 2443, 2447, 2451, 2455, 2459, 2463, 2467, 2471, 2475, 2479, 2483, 2487, 2491, 2495, 2499, 2503, 2507, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543, 2547, 2551, 2555, 2559, 2563, 2567, 2571, 2575, 2579, 2583, 2587, 2591, 2595, 2599, 2603, 2607, 2611, 2615, 2619, 2623, 2627, 2631, 2635, 2639, 2643, 2647, 2651, 2655, 2659, 2663, 2667, 2671, 2675, 2679, 2683, 2687, 2691, 2695, 2699, 2703, 2707, 2711, 2715, 2719, 2723, 2727, 2731, 2735, 2739, 2743, 2747, 2751, 2755, 2759, 2763, 2767, 2771, 2775, 2779, 2783, 2787, 2791, 2795, 2799, 2803, 2807, 2811, 2815, 2819, 2823, 2827, 2831, 2835, 2839, 2843, 2847, 2851, 2855, 2859, 2863, 2867, 2871, 2875, 2879, 2883, 2887, 2891, 2895, 2899, 2903, 2907, 2911, 2915, 2919, 2923, 2927, 2931, 2935, 2939, 2943, 2947, 2951, 2955, 2959, 2963, 2967, 2971, 2975, 2979, 2983, 2987, 2991, 2995, 2999, 3003, 3007, 3011, 3015, 3019, 3023, 3027, 3031, 3035, 3039, 3043, 3047, 3051, 3055, 3059, 3063, 3067, 3071, 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3739, 3743, 3747, 3751, 3755, 3759, 3763, 3767, 3771, 3775, 3779, 3783, 3787, 3791, 3795, 3799, 3803, 3807, 3811, 3815, 3819, 3823, 3827, 3831, 3835, 3839, 3843, 3847, 3851, 3855, 3859, 3863, 3867, 3871, 3875, 3879, 3883, 3887, 3891, 3895, 3899, 3903, 3907, 3911, 3915, 3919, 3923, 3927, 3931, 3935, 3939, 3943, 3947, 3951, 3955, 3959, 3963, 3967, 3971, 3975, 3979, 3983, 3987, 3991, 3995, 3999, 4003, 4007, 4011, 4015, 4019, 4023, 4027, 4031, 4035, 4039, 4043, 4047, 4051, 4055, 4059, 4063, 4067, 4071, 4075, 4079, 4083, 4087, 4091, 4095, 4099, 4103, 4107, 4111, 4115, 4119, 4123, 4127, 4131, 4135, 4139, 4143, 4147, 4151, 4155, 4159, 4163, 4167, 4171, 4175, 4179, 4183, 4187, 4191, 4195, 4199, 4203, 4207, 4211, 4215, 4219, 4223, 4227, 4231, 4235, 4239, 4243, 4247, 4251, 4255, 4259, 4263, 4267, 4271, 4275, 4279, 4283, 4287, 4291, 4295, 4299, 4303, 4307, 4311, 4315, 4319, 4323, 4327, 4331, 4335, 4339, 4343, 4347, 4351, 4355, 4359, 4363, 4367, 4371, 4375, 4379, 4383, 4387, 4391, 4395, 4399, 4403, 4407, 4411, 4415, 4419, 4423, 4427, 4431, 4435, 4439, 4443, 4447, 4451, 4455, 4459, 4463, 4467, 4471, 4475, 4479, 4483, 4487, 4491, 4495, 4499, 4503, 4507, 4511, 4515, 4519, 4523, 4527, 4531, 4535, 4539, 4543, 4547, 4551, 4555, 4559, 4563, 4567, 4571, 4575, 4579, 4583, 4587, 4591, 4595, 4599, 4603, 4607, 4611, 4615, 4619, 4623, 4627, 4631, 4635, 4639, 4643, 4647, 4651, 4655, 4659, 4663, 4667, 4671, 4675, 4679, 4683, 4687, 4691, 4695, 4699, 4703, 4707, 4711, 4715, 4719, 4723, 4727, 4731, 4735, 4739, 4743, 4747, 4751, 4755, 4759, 4763, 4767, 4771, 4775, 4779, 4783, 4787, 4791, 4795, 4799, 4803, 4807, 4811, 4815, 4819, 4823, 4827, 4831, 4835, 4839, 4843, 4847, 4851, 4855, 4859, 4863, 4867, 4871, 4875, 4879, 4883, 4887, 4891, 4895, 4899, 4903, 4907, 4911, 4915, 4919, 4923, 4927, 4931, 4935, 4939, 4943, 4947, 4951, 4955, 4959, 4963, 4967, 4971, 4975, 4979, 4983, 4987, 4991, 4995, 4999, 5003, 5007, 5011, 5015, 5019, 5023, 5027, 5031, 5035, 5039, 5043, 5047, 5051, 5055, 5059, 5063, 5067, 5071, 5075, 5079, 5083, 5087, 5091, 5095, 5099, 5103, 5107, 5111, 5115, 5119, 5123, 5127, 5131, 5135, 5139, 5143, 5147, 5151, 5155, 5159, 5163, 5167, 5171, 5175, 5179, 5183, 5187, 5191, 5195, 5199, 5203, 5207, 5211, 5215, 5219, 5223, 5227, 5231, 5235, 5239, 5243, 5247, 5251, 5255, 5259, 5263, 5267, 5271, 5275, 5279, 5283, 5287, 5291, 5295, 5299, 5303, 5307, 5311, 5315, 5319, 5323, 5327, 5331, 5335, 5339, 5343, 5347, 5351, 5355, 5359, 5363, 5367, 5371, 5375, 5379, 5383, 5387, 5391, 5395, 5399, 5403, 5407, 5411, 5415, 5419, 5423, 5427, 5431, 5435, 5439, 5443, 5447, 5451, 5455, 5459, 5463, 5467, 5471, 5475, 5479, 5483, 5487, 5491, 5495, 5499, 5503, 5507, 5511, 5515, 5519, 5523, 5527, 5531, 5535, 5539, 5543, 5547, 5551, 5555, 5559, 5563, 5567, 5571, 5575, 5579, 5583, 5587, 5591, 5595, 5599, 5603, 5607, 5611, 5615, 5619, 5623, 5627, 5631, 5635, 5639, 5643, 5647, 5651, 5655, 5659, 5663, 5667, 5671, 5675, 5679, 5683, 5687, 5691, 5695, 5699, 5703, 5707, 5711, 5715, 5719, 5723, 5727, 5731, 5735, 5739, 5743, 5747, 5751, 5755, 5759, 5763, 5767, 5771, 5775, 5779, 5783, 5787, 5791, 5795, 5799, 5803, 5807, 5811, 5815, 5819, 5823, 5827, 5831, 5835, 5839, 5843, 5847, 5851, 5855, 5859, 5863, 5867, 5871, 5875, 5879, 5883, 5887, 5891, 5895, 5899, 5903, 5907, 5911, 5915, 5919, 5923, 5927, 5931, 5935, 5939, 5943, 5947, 5951, 5955, 5959, 5963, 5967, 5971, 5975, 5979, 5983, 5987, 5991, 5995, 5999, 6003, 6007, 6011, 6015, 6019, 6023, 6027, 6031, 6035, 6039, 6043, 6047, 6051, 6055, 6059, 6063, 6067, 6071, 6075, 6079, 6083, 6087, 6091, 6095, 6099, 6103, 6107, 6111, 6115, 6119, 6123, 6127, 6131, 6135, 6139, 6143, 6147, 6151, 6155, 6159, 6163, 6167, 6171, 6175, 6179, 6183, 6187, 6191, 6195, 6199, 6203, 6207, 6211, 6215, 6219, 6223, 6227, 6231, 6235, 6239, 6243, 6247, 6251, 6255, 6259, 6263, 6267, 6271, 6275, 6279, 6283, 6287, 6291, 6295, 6299, 6303, 6307, 6311, 6315, 6319, 6323, 6327, 6331, 6335, 6339, 6343, 6347, 6351, 6355, 6359, 6363, 6367, 6371, 6375, 6379, 6383, 6387, 6391, 6395, 6399, 6403, 6407, 6411, 6415, 6419, 6423, 6427, 6431, 6435, 6439, 6443, 6447, 6451, 6455, 6459, 6463, 6467, 6471, 6475, 6479, 6483, 6487, 6491, 6495, 6499, 6503, 6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535, 6539, 6543, 6547, 6551, 6555, 6559, 6563, 6567, 6571, 6575, 6579, 6583, 6587, 6591, 6595, 6599, 6603, 6607, 6611, 6615, 6619, 6623, 6627, 6631, 6635, 6639, 6643, 6647, 6651, 6655, 6659, 6663, 6667, 6671, 6675, 6679, 6683, 6687, 6691, 6695, 6699, 6703, 6707, 6711, 6715, 6719, 6723, 6727, 6731, 6735, 6739, 6743, 6747, 6751, 6755, 6759, 6763, 6767, 6771, 6775, 6779, 6783, 6787, 6791, 6795, 6799, 6803, 6807, 6811, 6815, 6819, 6823, 6827, 6831, 6835, 6839, 6843, 6847, 6851, 6855, 6859, 6863, 6867, 6871, 6875, 6879, 6883, 6887, 6891, 6895, 6899, 6903, 6907, 6911, 6915, 6919, 6923, 6927, 6931, 6935, 6939, 6943, 6947, 6951, 6955, 6959, 6963, 6967, 6971, 6975, 6979, 6983, 6987, 6991, 6995, 6999, 7003, 7007, 7011, 7015, 7019, 7023, 7027, 7031, 7035, 7039, 7043, 7047, 7051, 7055, 7059, 7063, 7067, 7071, 7075, 7079, 7083, 7087, 7091, 7095, 7099, 7103, 7107, 7111, 7115, 7119, 7123, 7127, 7131, 7135, 7139, 7143, 7147, 7151, 7155, 7159, 7163, 7167, 7171, 7175, 7179, 7183, 7187, 7191, 7195, 7199, 7203, 7207, 7211, 7215, 7219, 7223, 7227, 7231, 7235, 7239, 7243, 7247, 7251, 7255, 7259, 7263, 7267, 7271, 7275, 7279, 7283, 7287, 7291, 7295, 7299, 7303, 7307, 7311, 7315, 7319, 7323, 7327, 7331, 7335, 7339, 7343, 7347, 7351, 7355, 7359, 7363, 7367, 7371, 7375, 7379,



COMMERCIAL
SITE DESIGN

8312 Creedmoor Road Raleigh, NC 27613
919.848.6121 Phone 919.848.3741 Fax

www.csitedesign.com

May 15, 2019

Tyler Slaten
City of Birmingham - Department of Planning, Engineering & Permits
City Hall – Room 500
710 North 20th Street
Birmingham, AL 35203

**Re: ZBA Narrative – Request for Special Exception for Remote Parking
Proposed Cook Out Restaurant Site
301, 311, 327, 331 24th Street South & 2411 3rd Avenue South
CSD Project Number: OUT-1905**

Dear Tyler:

This letter serves as our narrative for requesting approval of a Special Exception for remote parking from the Zoning Board of Adjustment for the proposed Cook Out Restaurant site to be located at 301, 311, 327, 331 24th Street South & 2411 3rd Avenue South. A 20-foot wide alley currently exists in the middle of the subject property's that provides access to neighboring properties. Cook Out Restaurant cannot provide the full complement of City required parking on the principal lot due to the existence of this alley.

The five subject properties total 0.80 acres and currently contain commercial structures and associated parking lots. Cook Out Restaurants intends to redevelop the property with a new restaurant building with drive-through facilities. The proposed development will consist of an approximate 2,700 square foot restaurant building with a maximum height of 25'-0". Building materials will predominantly consist of masonry with hardie plank siding accents as well as aluminum accents (for parapet features and window awnings).

Approving this request will not impair the health, safety, convenience, or comfort of the adjoining properties or the surrounding area. Furthermore, the request will not endanger the public safety, or substantially diminish or impair property values within the neighborhood.

We respectfully ask for your approval of this request. Please feel free to contact me with any questions or concerns.

Sincerely,

COMMERCIAL SITE DESIGN, PLLC

Chris S. Clayton
Project Manager

Forest Park

ZBA2019-00040

Request: Variance
Applicant: LBYD Inc
Owner: R & F Properties LLC
Site Address: 4241 3rd Ave S (Site B)
Zip Code: 35222
Description: Variance to allow a multi-family dwelling development to have approximately 731 SF of lot area per family (48 units) instead of the minimum required lot area per family of 1,000 SF (35 unit max for site area) pursuant to Title 2, Chapter 1, Article II, Section 2, Subsection 3
Property Zoned: B2 General Business District
Parcel Information: Parcel #012300293003007000, SW ¼ of Section 29, Township 17 S, Range 2 W

Variance

The applicant is requesting a variance to allow a multi-family dwelling to have approximately 731 SF of lot area per family (unit) instead of the minimum 1,000 SF required. This request is to allow for a proposed 48 unit apartment development.

Neighborhood

The Forest Park Neighborhood Association met on June 11th and voted 52-0 in support of this request. This vote was conditioned on the design of the building being reviewed before the Avondale Park local Design Review Committee.

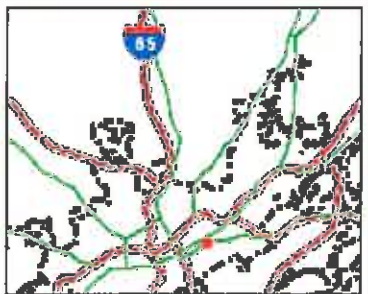
Applicant's Justification

The applicant stated that the variance request is to allow the density to support the demand for updated housing in the growing Avondale area while not asking for parking exceptions. Due to the elevation change of the subject property along the road and the multifamily developments on either side, the proposed roof line should not create a stark contrast. It may be noted the proposed buildings are expected to be approximately 52 FT in height which is significantly below the 75 FT maximum structure height of the B-2 zoning.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review. Staff has not seen evidence of a hardship that would justify an increase in density. Therefore, staff believes this request does not have merit for approval and as such, should be **DENIED**. If the Board chooses to grant this request it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



Legend

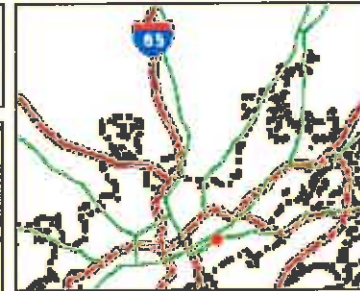
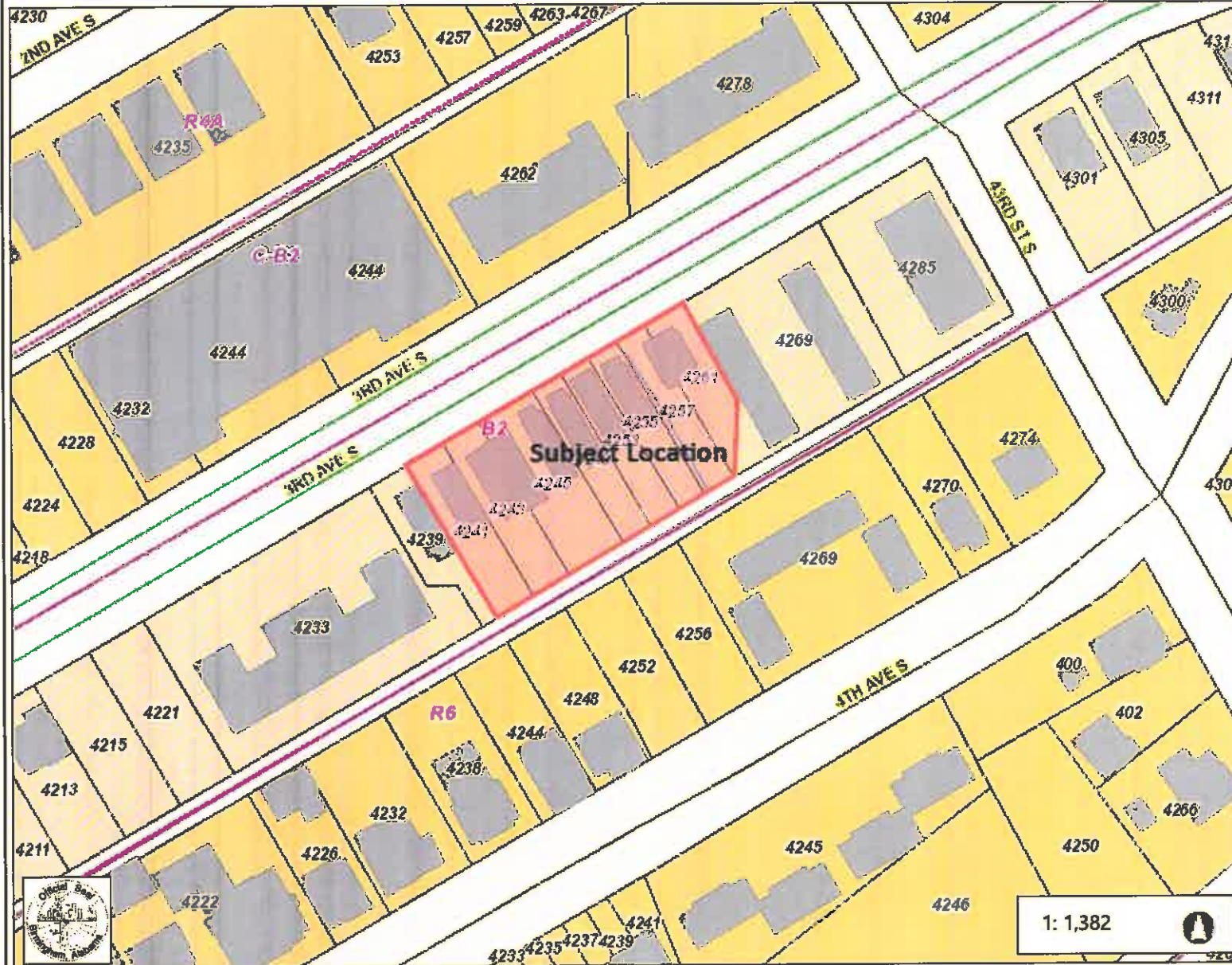
- Centerline Labels
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- City Parks
- Airport
- City Limits (solid)



1: 1,382

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Notes



Legend

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1: 1,382



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Notes

PROJECT DESCRIPTION

Proposed Axel Row Apartments – Site B (4241 3rd Ave S)



The applicant is submitting a variance request for two parcels located along 3rd Ave South beginning at the intersection of 3rd Ave South and 42nd Street South. The intention of the sites is to develop multi-family residential apartments. The properties are composed of 0.93 acres for Site A at the proposed address of 4211 3rd Ave S and 0.81 acres for Site B at the proposed address 4241 3rd Ave S with an existing multifamily development separating the two parcels of interest. The properties are currently zoned B-2 General Business District which allows multi-family uses.

For ease of regulatory processes, the applications for the variance requests for these properties have been split into two separate variance requests. The request below is for Site B (4241 3rd Ave S). The existing site contains 6 uninhabitable houses. These houses have been reviewed by a structural engineer to determine the possibilities for repair and refurbishment and it has been determined that repair is not an option.

The proposed development for 4241 3rd Ave S includes a 4-story multi-family building supporting 48 dwelling units. The proposed site is designed with 48 onsite parking spaces per the City of Birmingham parking requirements for multi-family residential per Zoning Ordinance Title 1, Chapter 5, Table 1.05.101. Furthermore, the site is designed to meet the City of Birmingham's desires to have parking located on primarily at the rear of the property behind proposed buildings or with the required landscape buffer. The property includes an elevation change of 10'± on the western side between 3rd Avenue and the rear alley.

The B-2 density requirements state the minimum lot area per family to be "1,000 square feet for multiple dwellings". This requirement in the current zoning allows for 35 dwelling units. The proposed density represents 731 square foot area per family-dwelling unit. The variance request is to allow these densities to support the demand for updated housing in the growing Avondale area while not asking for parking exceptions. Due to the elevation change of the subject property along the road and the multifamily developments on either side, the proposed roof line should not create a stark contrast. It may be noted the proposed buildings are expected to be approximately 52' in height which is significantly below the 75' maximum structure height of the B-2 zoning.

This proposed multifamily development is not expected to have injury to neighboring parties or harm to the public welfare as the property to the east is currently multifamily and the properties directly across 3rd Avenue and 42nd Street are commercial in nature. The proposed development is intended to continue the revitalization of the area by removing existing dilapidated & defaced structures and provide a transition zone between the commercial properties of Avondale and the single-family residential zone.

Forest Park

ZBA2019-00041

Request: Variance
Applicant: LBYD Inc
Owner: A B R Properties LLC
Site Address: 4211 3rd Ave S (Site A)
Zip Code: 35222
Description: Variance to allow a multi-family dwelling development to have approximately 840 SF of lot area per family (48 units) instead of the minimum required lot area per family of 1,000 SF (40 unit max for site area) pursuant to Title 2, Chapter 1, Article II, Section 2, Subsection 3; Variance to allow a 3 FT front yard setback instead of the required 25 FT front yard setback pursuant to Title 2, Chapter 1, Article II, Section 2, Subsection 3
Property Zoned: B2 General Business District
Parcel Information: Parcel #012300293003012000, SW ¼ of Section 29, Township 17 S, Range 2 W

Variations

The applicant is requesting a variance to allow a multi-family dwelling to have approximately 840 SF of lot are per family (unit) instead of the minimum 1,000 SF required. This request is to allow for a proposed 48 unit apartment development.

The applicant is also requesting a variance to allow a 3 FT front yard setback instead of the required 25 FT along 42nd St. There is an existing house in the 42nd St block face, but its approximate 3.5 FT front setback is non-conforming so the new development cannot be bound by this as an established setback. In this case, the required front setback of 25 FT for the abutting R-6 district must apply.

Neighborhood

The Forest Park Neighborhood Association met on June 11th and voted 52-0 in support of this request. This vote was conditioned on the design of the building being reviewed before the Avondale Park local Design Review Committee

Applicant's Justification

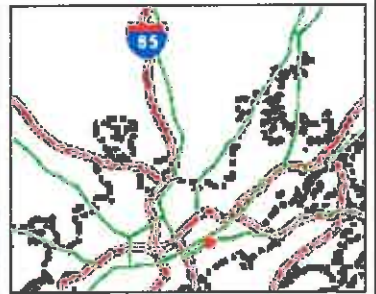
The applicant stated that the variance request is to allow the density to support the demand for updated housing in the growing Avondale area while not asking for parking exceptions. Due to the elevation change of the subject property along the road and the multifamily developments on either side, the proposed roof line should not create a stark contrast. It may be noted the proposed buildings are expected to be approximately 52 FT in height which is significantly below the 75 FT maximum structure height of the B-2 zoning. The applicant stated that the house across the alley along 42nd St is setback approximately 3.5 FT. The request of 3 feet will be in line with the existing block face.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review for the requested lot area per family. Staff has not seen evidence of a hardship that would justify an increase in density. Therefore, staff believes this request does not have merit for approval and as such, should be **DENIED**. If the Board chooses to grant this request it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.

With regard to the requested setback variance, the existing structure in the block face is setback approximately 3.5 FT. The requested 3 FT setback will not be out of character for the established block. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to previously listed conditions.



Legend

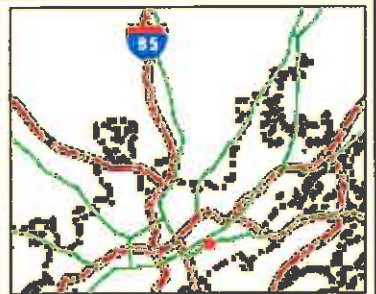
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1: 1,470

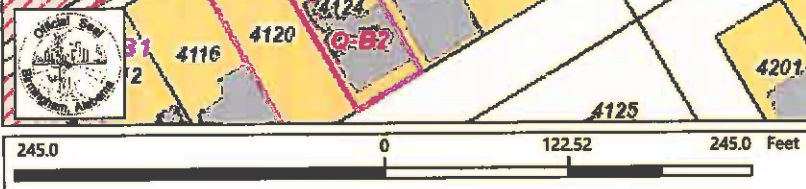
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Notes



Legend

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1:1,470

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Notes

PROJECT DESCRIPTION



Proposed Axel Row Apartments – Site A (4211 3rd Ave S)

The applicant is submitting a variance request for two parcels located along 3rd Ave South beginning at the intersection of 3rd Ave South and 42nd Street South. The intention of the sites is to develop multi-family residential apartments. The properties are composed of 0.93 acres for Site A at the proposed address of 4211 3rd Ave S and 0.81 acres for Site B at the proposed address 4241 3rd Ave S with an existing multifamily development separating the two parcels of interest. The properties are currently zoned B-2 General Business District which allows multi-family uses.

For ease of regulatory processes, the applications for the variance requests for these properties have been split into two separate variance requests. The request below is for Site A (4211 3rd Ave S). The existing site contains 3 uninhabitable houses. These houses have been reviewed by a structural engineer to determine the possibilities for repair and refurbishment and it has been determined that repair is not an option.

The proposed development for 4211 3rd Ave S includes a 4-story multi-family building supporting 48 dwelling units. The proposed site is designed with 53 parking spaces which exceeds the City of Birmingham parking requirements for multi-family residential per Zoning Ordinance Title 1, Chapter 5, Table 1.05.101. Furthermore, the site is designed to meet the City of Birmingham's desires to have parking located on the rear of the property behind proposed buildings.

The required front yard setback for the site along 42nd St is due to the residentially zoned district it abuts to the south. Across the alley along 42nd St, the zoning transitions from B-2 to R6 which includes residential block face meaning the site will be bound by the setback requirements for that residential district. There is an existing home along 42nd St in the R6 district that is set back approximately 3.5' from the property line but that home is not in compliance by the setback requirements (legal non-conforming). The ordinance states that whichever is greater shall apply between the established setback and the standard required setback for the district (25' in R6). There is also an existing home on the 4211 site that is built past the property line (i.e. no front setback whatsoever). Therefore, the variance request along 42nd St will be for 3' instead of the required 25', however it will a physical increase in front setback along 42nd St. due to the conditions of existing homes. The intent of the development will also be to protect, preserve, and repair the existing stone retaining wall located along 3rd Avenue South and 42nd Street South.

The B-2 density requirements state the minimum lot area per family to be "1,000 square feet for multiple dwellings". This requirement in the current zoning allows for 40 dwelling units. The proposed density represents 840 square foot area per family-dwelling unit. The variance request is to allow these densities to support the demand for updated housing in the growing Avondale area while not asking for parking exceptions. Due to the elevation change of the subject property, rear building access on the western side of the property will access the 1st floor while the eastern side of the property will access the 2nd floor.

It may be noted the proposed buildings are expected to be approximately 52' in height which is significantly below the 75' maximum structure height of the B-2 zoning. At the rear of the site, the building height will be an average of 35' above the existing alley elevation.

This proposed multifamily development is not expected to have injury to neighboring parties or harm to the public welfare as the property to the east is currently multifamily and the properties directly across 3rd Avenue and 42nd Street are commercial in nature. The proposed development is intended to continue the revitalization of the area by removing existing dilapidated & defaced structures and provide a transition zone between the commercial properties of Avondale and the single-family residential zone.

Crestwood South

ZBA2019-00044

Request: Variance
Applicant: Lisa Grupe
Owner: Alabama Waldorf School Association
Site Address: 5901 Crestwood Blvd
Zip Code: 35212
Description: Variance to allow a 6 FT fence in the required front yard instead of the 4 FT maximum front yard fence height pursuant to Title 1, Chapter 4, Article V, Section 5, Subsection 3.A.1; Variance to allow a chain link fence in the required front yard instead of the side or rear yard only pursuant to title 1, Chapter 4, Article V, Section 5, Subsection 7.D.3
Property Zoned: R2 Single Family District
Parcel Information: Parcel #012300272010002000, NW ¼ of Section 27, Township 17 S, Range 2 W

Variance

The applicant is requesting variances to allow a 6 FT chain link fence in the required front yard of the Alabama Waldorf School.

Neighborhood

The Crestwood South Neighborhood Association responded that “The neighborhood Advisory Committee OR Neighborhood Association has met and determined this request will not impact the neighborhood beyond the adjacent property owners and, therefore has no position”.

Applicant’s Justification

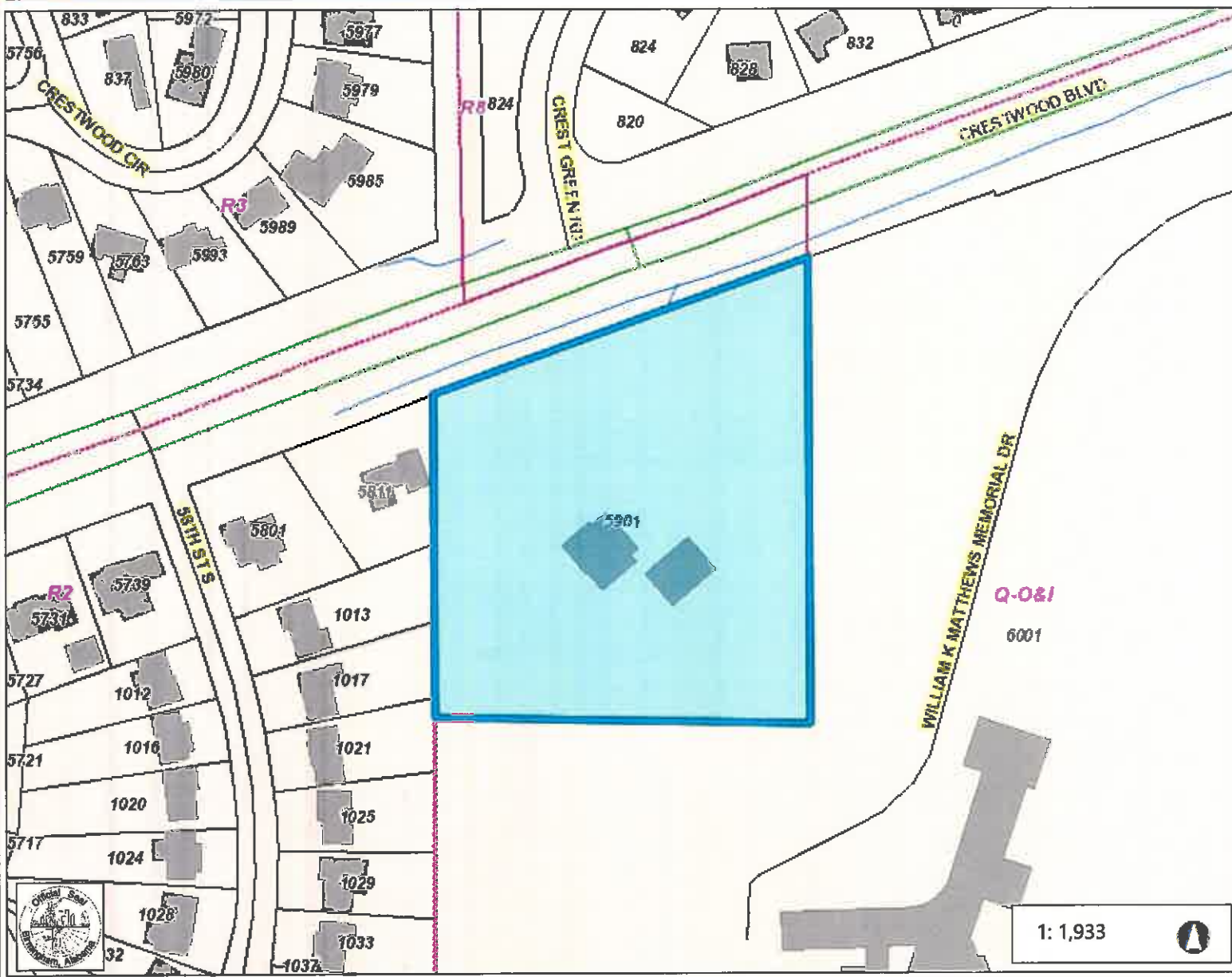
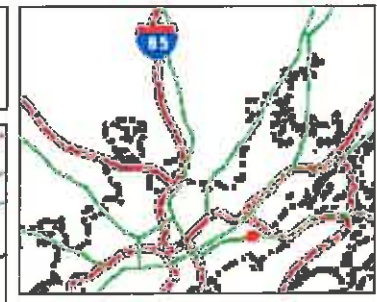
The applicant stated that the fence is needed for safety at the school. The property has been breached by outside persons on more than once occasion. The property is also very hilly making it easy to jump a 4 FT fence in certain places.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review as it pertains to the requested chain link fence in the required front yard. Therefore, staff believes this request does not have merit for approval and as such, should be **DENIED**. If the Board chooses to grant this request it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board’s decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.

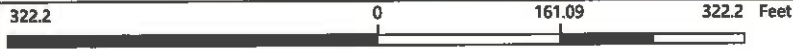
With regard to the requested fence height variance, staff believes the topography of the property would make it such that security would be difficult to achieve with the required 4 FT fence. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the conditions listed above.



Legend

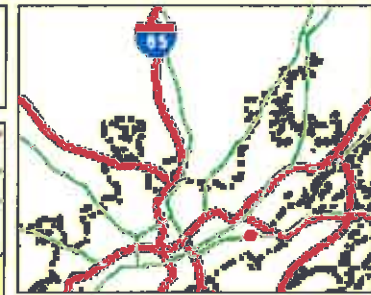
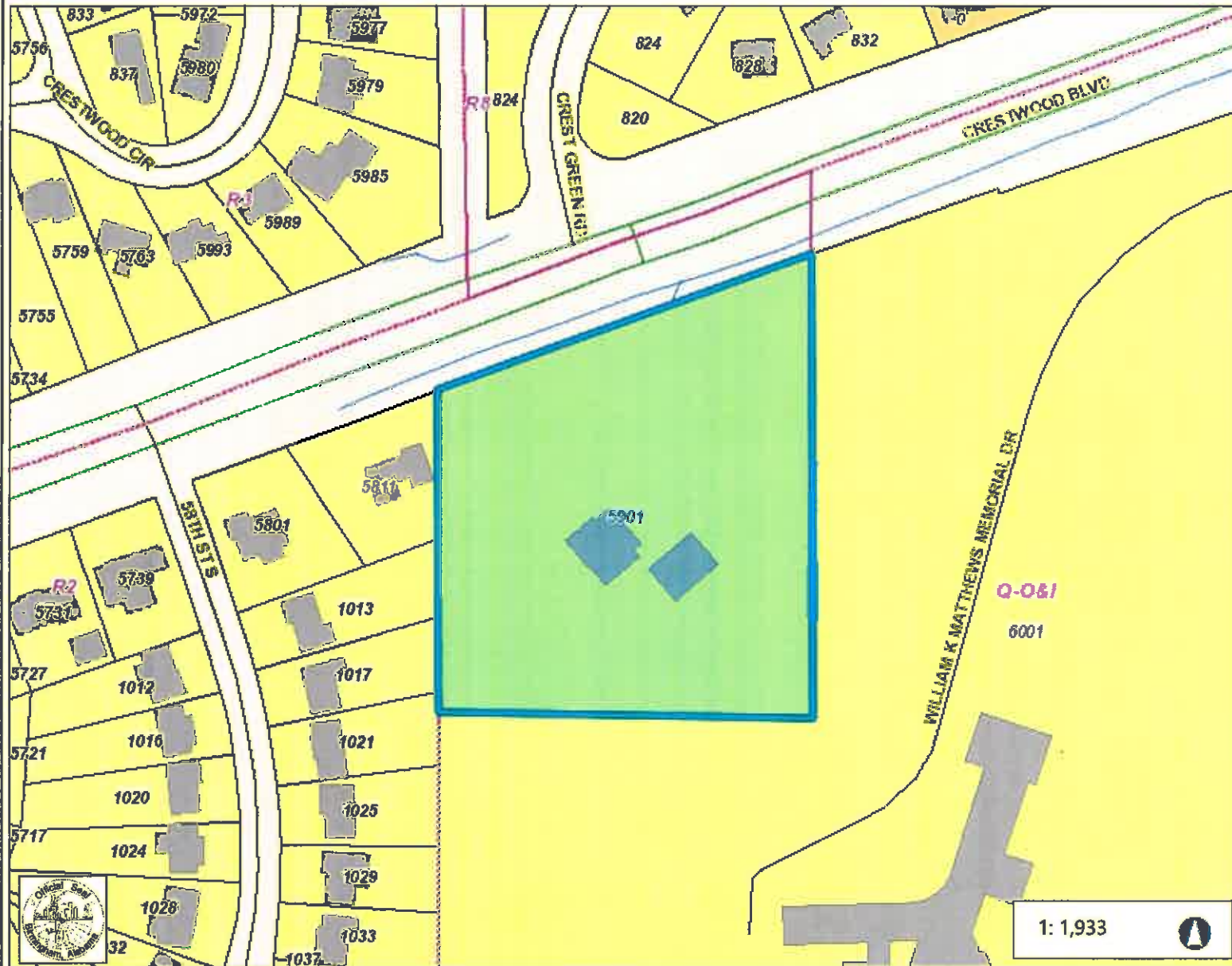
- Centerline Labels
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- Alleys
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- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)

1: 1,933



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1: 1,933

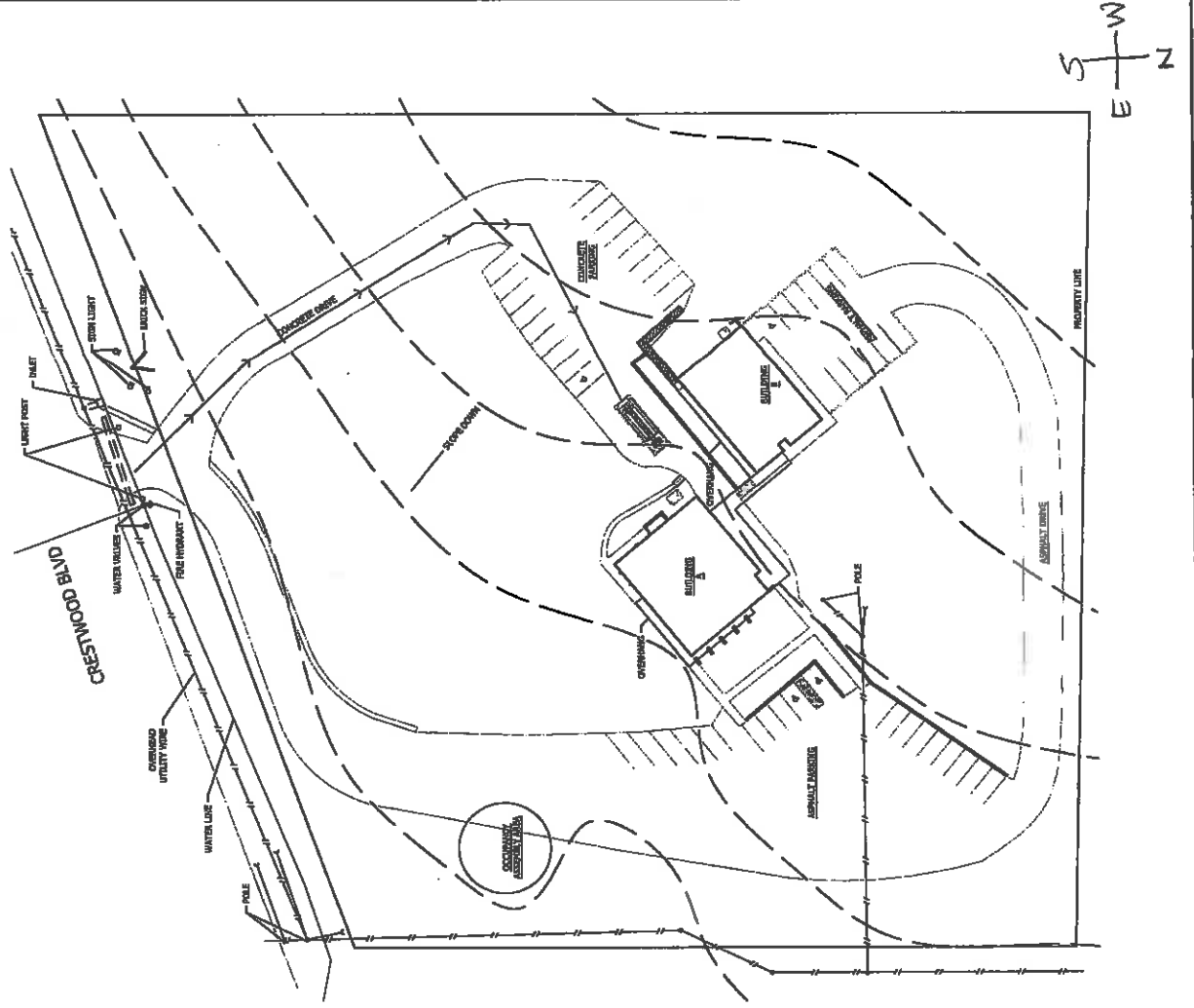


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Notes

ALABAMA WALDORF SCHOOL
5901 Crestwood Blvd, Birmingham AL 35212

SITE PLAN

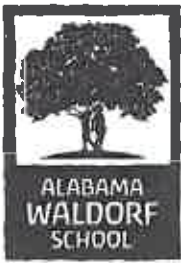




North - Hwy 78 E (bottom of property)



N - Hwy 78E



5901 Crestwood Blvd.
Birmingham, AL 35212
205.592.0541
AlabamaWaldorf.org

Justification Statement – Fence Height

Alabama Waldorf School is located at 5901 Crestwood Blvd., Birmingham, AL in the 35212 zipcode and on the Crestwood South side. It is situated on a 4 acre wooded, hillside property that was formerly Crestwood Christian Church. It has play yards in the front of the lower of 2 buildings that occupy the property and serves children 18 months of age through 8th grade. It is dually accredited by the Association of Waldorf Schools of North America (AWSNA) and the Southeastern Association of Independent Schools (SAIS). It has been in operation since 1987 and was located at the old Comer School from 1995-2016.


Upon moving into the campus in October of 2016, many unforeseen expenses took priority over a desire to repair/extend an existing fence on the property bordered by woods on the East, South, and West sides and by U.S. Hwy 78 to the North. Our neighbor to the Southeast is ARC of Jefferson County with whom we have an amiable relationship. However, one of the day-boarders with mental retardation climbed the existing ARC fence to get onto our property on 1/12/18 and again on 9/12/18, this time entering a classroom and injuring our Admissions Director and a Nursery teacher. After working with ARC, he was relocated to another ARC facility. On another occasion in 2018 (4/18/2018), we arrived at 7:15 am to find a stranger in our school play yard. Police were summoned, and the stranger was taken into custody. These events combined to make extending the fencing a safety priority.

We contacted two fence contractors for quotes and chose Daniel Sims of South Gate Fence. Discussion ensued. He and the Campus Master Planning Committee suggested we match the existing 6' fence height, and because of our experience with the ARC visitor and the stranger in the play yard AND because we have expert climbers in our student body, we agreed! The fact that we are a school with young children serves as a unique characteristic in the variance standards of review as we cannot enjoy our campus if it is not safe. Also, the physical characteristics of our hilly terrain make jumping a 4' fence easy if you stand in the right place (please see photos).

Further, the hardships that have created the need for this variance were not self-imposed, nor is financial gain the sole basis for granting the variance. Lastly, there is no injury to neighboring property as the lot is densely wooded on all three sides with a generous power easement on the west which is the closest to a neighboring house (please see photos). The 6' fence has not caused harm to public welfare and, in fact, has created both a perception and the reality of safety on our school campus.

As novice property owners, I regret to say it never occurred to the school's Director or Board of Trustees to obtain a fence variance, especially since we were repairing/extending an existing 6' fence. We offer our most sincere and humble apologies.

It is our wish to appeal to the ZBA for this variance on fence height on the grounds of safety aforementioned in this justification. Thank you for this opportunity.


Lisa Grupe, Ph.D.
Director

Harriman Park

ZBA2019-00045

Request: Special Exception and Modification
Applicant: William and Linda Patrick
Owner: William and Linda Patrick
Site Address: 3635 42nd Ave
Zip Code: 35207
Description: Special exception to allow the transfer of ownership of a Communal Living Facility pursuant to Title 1, Chapter 4, Article III, Section 3.C; Modification to allow 0 off street parking spaces instead of the required 7 off street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: D3
Parcel Information: Parcel #012300073014012001, SW ¼ of Section 07, Township 17 S, Range 2 W

Special Exception & Modification

The applicant is requesting a special exception to allow the transfer of ownership of a Communal Living Facility and a modification to allow 0 off-street parking spaces instead of the required 7 off-street parking spaces.

Neighborhood

The Harriman Park Neighborhood Association has yet to respond to staff.

Applicant's Justification

The applicant stated that the facility will be geared towards military veterans and will not harm neighboring properties or harm the public welfare. The applicant also submitted documentation that shows 24 available on-street parking spaces within 491 FT of the property. There is also a BJCTA transit stop less than 230 FT from the subject location.

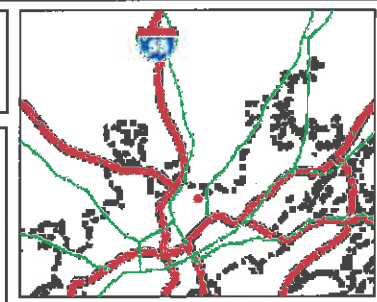
Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support the requests. The public transit stop and amount of on-street parking seems to be adequate to support this use. Therefore, staff believes these requests do have merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



3604 3608 3612 3616 3620 3624 3628 3632 3636 3640



42ND AVE N

36TH PL N

G3

3625 3629 3641 3645 3649 3655

3620 3624 3628 3632 3636 3642 3646 3654



1: 545

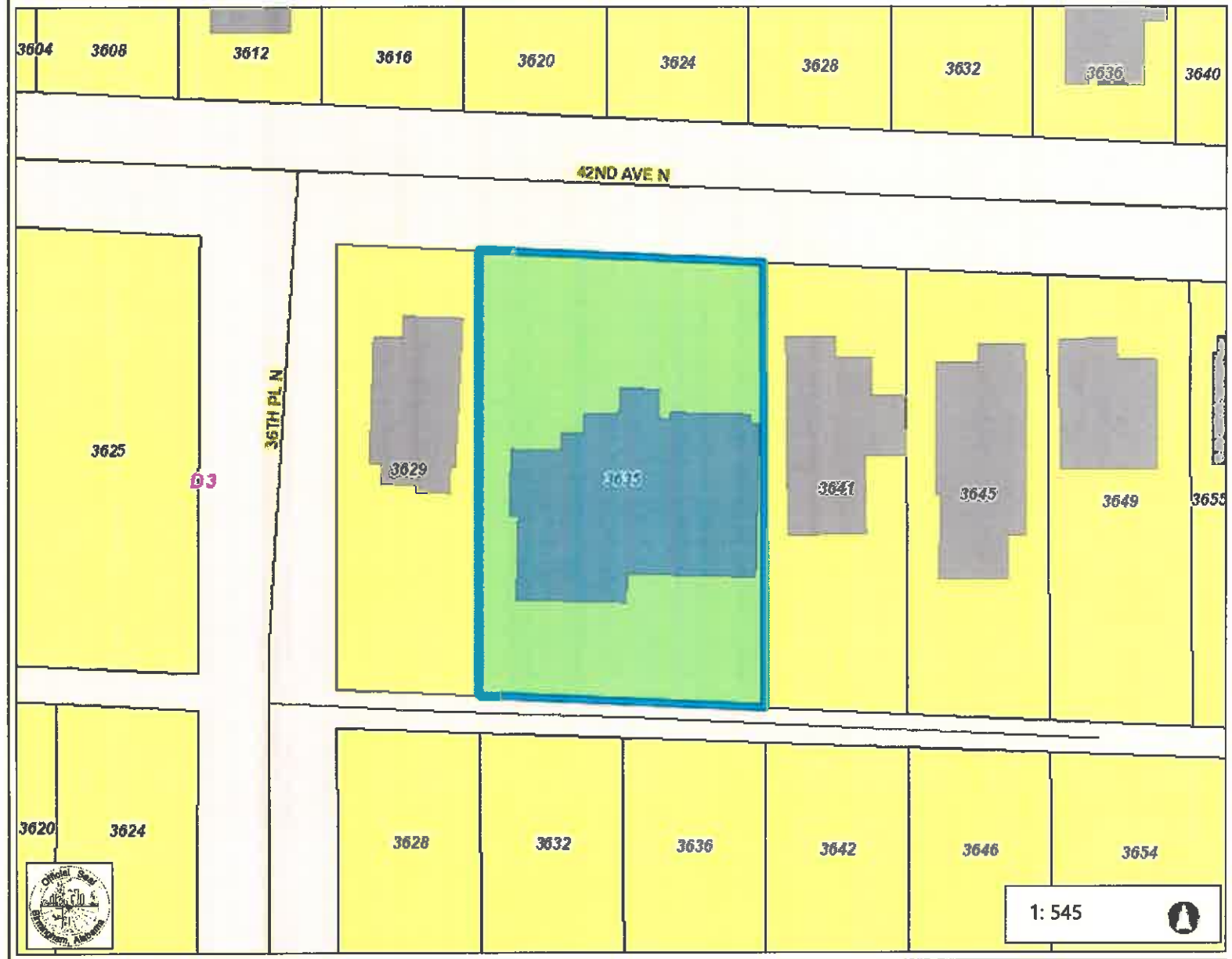
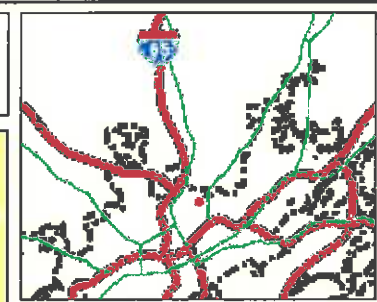
Legend

- Centerline Labels
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Notes



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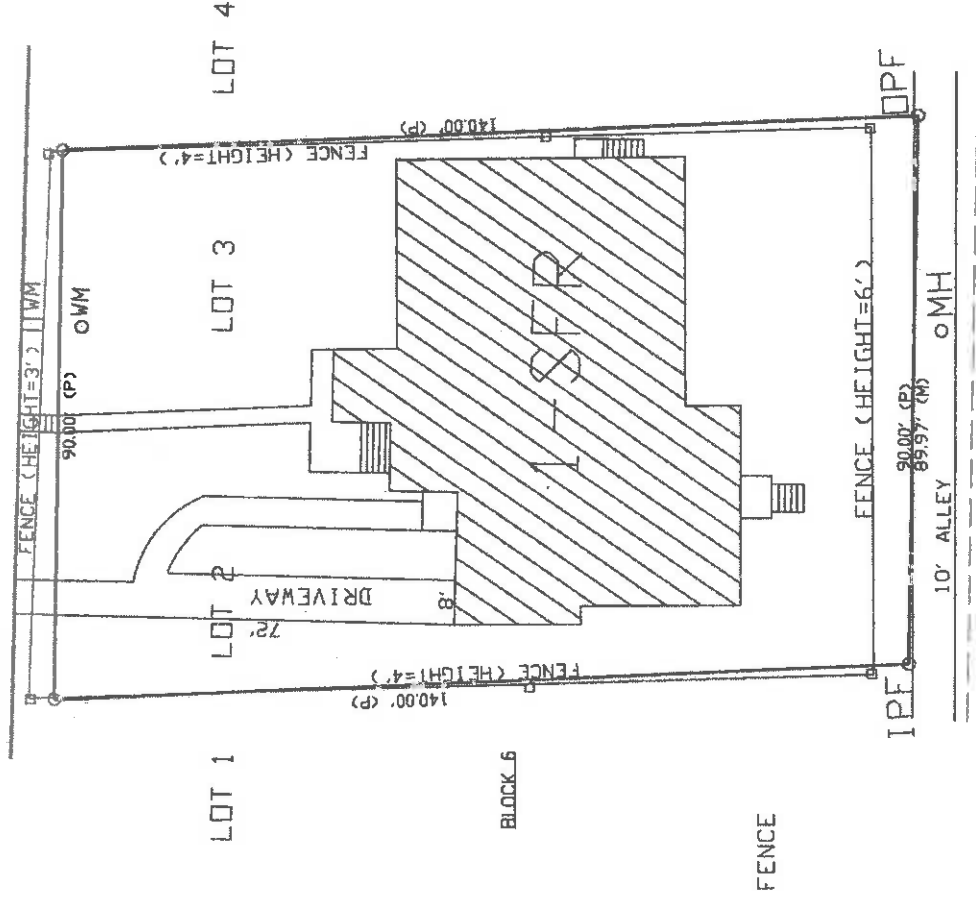
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Notes



ASSUMED
SCALE: 1"=30'

42nd Avenue North (40' R.O.W.)



STATE OF ALABAMA
COUNTY OF JEFFERSON

LOT 2 AND LOT 3, BLOCK 6, ACCORDING TO THE SURVEY OF HARRIMAN PARK, AS RECORDED IN MAP BOOK 16, PAGE 73, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

SOURCE OF TITLE: BOOK 201513 PAGE 9650 (JEFFERSON CO.)

DATE: 7 JUNE 2019

"I hereby (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief."

Surveyor's Signature:

Amos F. Reese

Alabama License No. 31576

Date

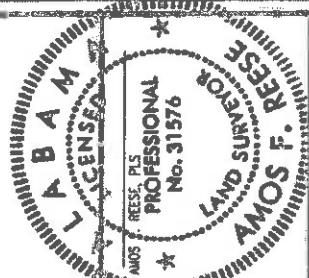
June 12, 2019

TYPE: AS-BUILT

3635 42nd Avenue North
Birmingham, AL 35207

AMOS F. REESE
3656 GREAT OAK LANE
BIRMINGHAM, AL 35223
PHONE: 205.276.6596

- CD - CENTER
- CP - CORNER
- CS - 1/2" IRON CAP
- FF - IRON PIN FOUND
- CALC - CALCULATED
- (P) - PLAT DIMENSION
- (M) - MEASURED DIMENSION
- ROW - RIGHT OF WAY
- MH - MANHOLE
- PP - POWER POLE
- PC - FENCE CORNER
- PEO - PEDESTAL
- PA - PLASTER MARK FOUND
- WA - WATER METER
- MB - MAILBOX
- N - NORTH
- S - SOUTH
- E - EAST
- W - WEST
- POB - POINT OF BEGINNING
- POI - POINT SET
- PF - POINT FOUND
- BE - POINT NOT SET
- FC - FENCE CALC.
- FL - FENCE LINE
- OH - OVERHEAD POWER/TEL
- MH - Manhole



Google Maps



Imagery ©2019 Google, Map data ©2019 100 ft

Measure distance
Total distance: 491.44 ft (149.79 m)

Our property may prevent us from satisfying our parking needs onsite. Therefore, we have a map which shows available on-street parking. This analysis was performed on June 13, 2019 around 5:00 p.m. There were 24 on-street parking spaces available within a 491.44 ft distance of the subject property. Also available is BJCTA stop less than 230 ft of the subject property.

Highland Park

ZBA2019-00046

Request: Variance
Applicant: Jessica Fagan
Owner: Laney Delonge
Site Address: 1120 28th Pl S
Zip Code: 35205
Description: Variance to allow parking in the required front yard pursuant to Title 1, Chapter 5, Article I, Section 7.A.6; Variance to allow off-street parking area to be surfaced with gravel instead of the required parking area permanently surfaced with hard and dust free materials pursuant to Title 1, Chapter 5, Article I, Section 7.C.
Property Zoned: R3 Single Family District
Parcel Information: Parcel #012300314024003000, SE ¼ of Section 31, Township 17 S, Range 2 W

Variance

The applicant is requesting a variance to allow parking in the required front yard and a variance to allow a parking area to be surfaced with gravel. These requests are for proposed parking areas for a home on a corner lot.

Neighborhood

The Highland Park Neighborhood Association has yet to respond to staff.

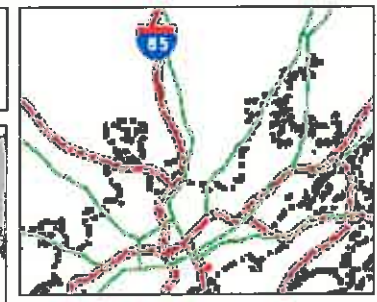
Applicant's Justification

The applicant stated that the requested parking areas are needed due to the difficulty in finding on-street parking in the area at times. The applicant also stated that parking close to the home is needed due to two school age daughters and an elderly mother/mother in law who will live with the homeowners and is unable to walk very far unassisted.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review demonstrating that a hardship exists that would warrant the requested variances. Therefore, staff believes these requests do not have merit for approval and as such, should be **DENIED**. If the Board chooses to grant this request it should be subject to the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted.



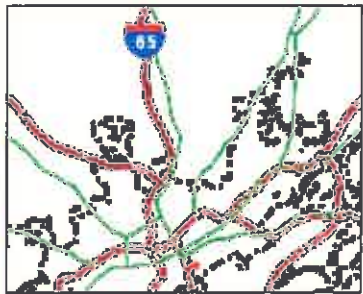
Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates**
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

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- Interstates
- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan**
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



1: 633



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Notes

VARIANCE REQUEST FOR 1120 28TH PLACE SOUTH

1. Physical Characteristics of the Property. The construction of the Pascal-Shook house was completed in approximately 1906, well before automobile ownership and usage was common. As such, the house and surrounding grounds do not have a garage or off-street parking of any kind. The alley that runs behind the house does not allow for parking and because of the existing stone wall perimeter and rising elevation of the rear yard there is no way to create parking off or directly connected to the alley. There is an opportunity for parking in the rear yard due to the existence of a driveway entrance and large operable gates that open into the large backyard area. There is also an opportunity for parking in the right section of the front yard. The creation of a parking area in the front and back yards seems to be a solution utilized by several other historic homes in the immediate vicinity.

Not having any form of off-street poses several difficulties and hardships. Parking near the house is not always available given that it is public parking and there is a lot of activity in the area. This is especially true when social and civic events are taking place at nearby venues such as the Donnelly House and Women's Club House. These events often utilize valet services that park cars directly in front of the house on 28th Place. With two school age daughters and an elderly mother / mother in law who will live with us and who is unable to walk very far unassisted and has difficulties with stairs, having designated parking near the house is essential.

2. Unique Characteristics. The lack of off-street parking for a house of this nature is unique and generally not seen in the houses in the neighborhood. Houses of the same size and era all seem to have created some form of off-street parking either in the front of the house itself and/or have created a parking area behind the house itself. Having off-street parking is essential to ensuring that this house will remain desirable and preserved so that we may pass it on to the coming generations for safekeeping.

3. Hardship Not Self-Imposed. The lack of off-street parking was not created by anyone's previous actions. It is merely the consequence of a house built a hundred and thirteen years ago.

4. Financial Gain Not Only Basis. Financial gain is not the basis for granting this variance.

5. No Injury to Neighboring Property. The granting of this variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

6. No Harm to Public Welfare. The granting of a variance will not be detrimental to the public welfare and will not increase congestion in public streets or increase danger, imperil public safety, or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purposes of this Ordinance.