## Meeting – July 25, 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

#### Glen Iris

### ZBA2019-00035

Request:	Variance
Applicant:	Kee Ming Tan
Owner:	Kee Ming Tan
Site Address:	617 19 <sup>th</sup> 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. The applicant is also requesting a variance to allow parking in the required front yard. The existing driveway does not lead to a legal parking space.

### Neighborhood

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

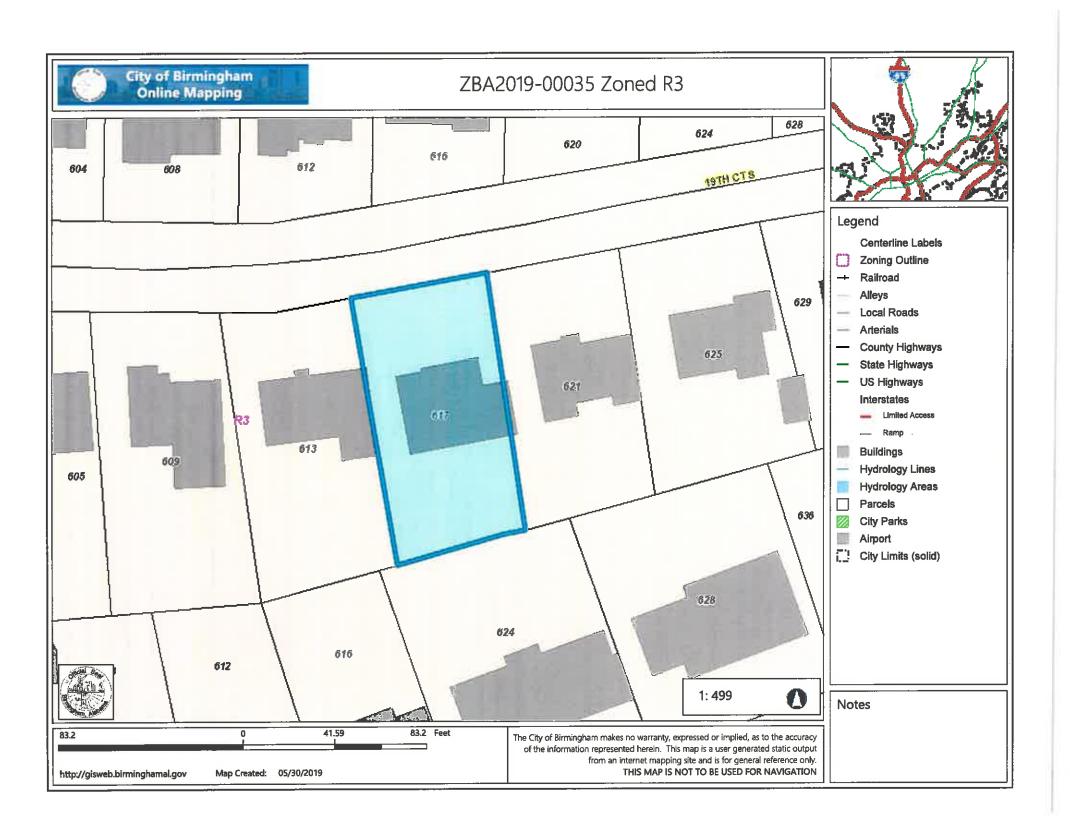
### **Applicant's Justification**

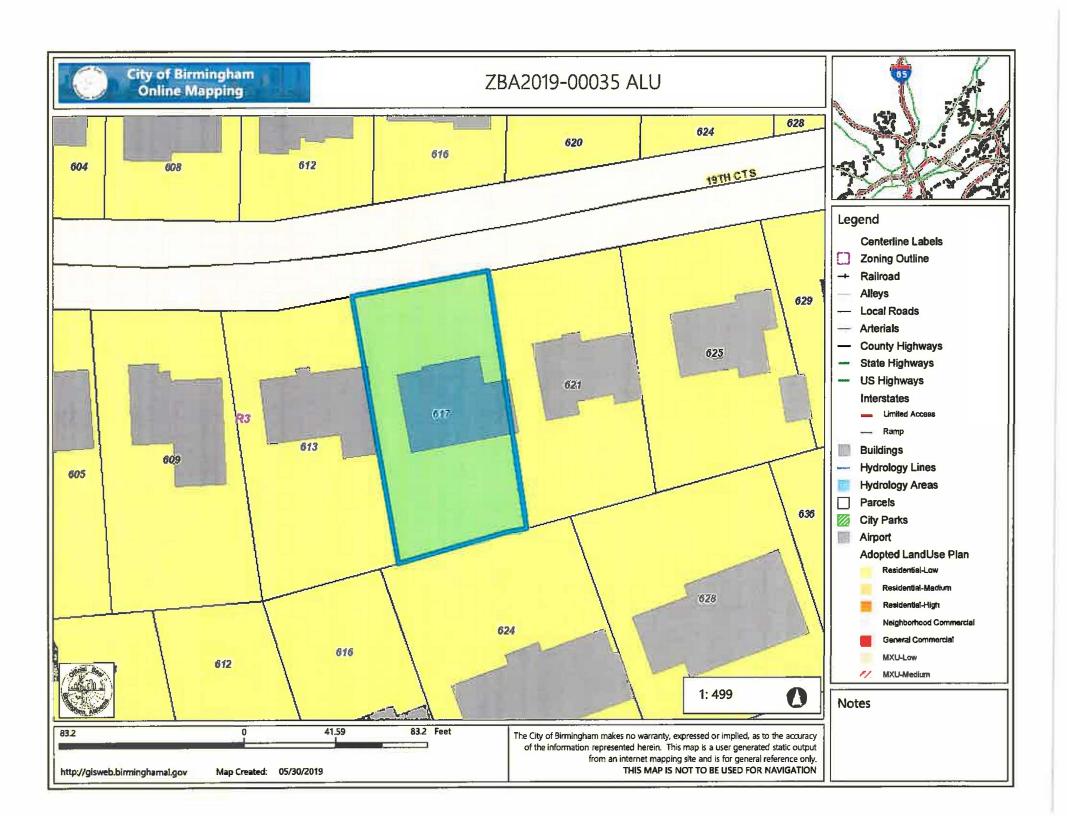
The applicant stated that due to the layout of the house in relation to the property line, it was not possible to build a carport to the side or rear of the home. The applicant also stated that the home was negatively affected by flooding at the front entrance. The gutter attached to the carport has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

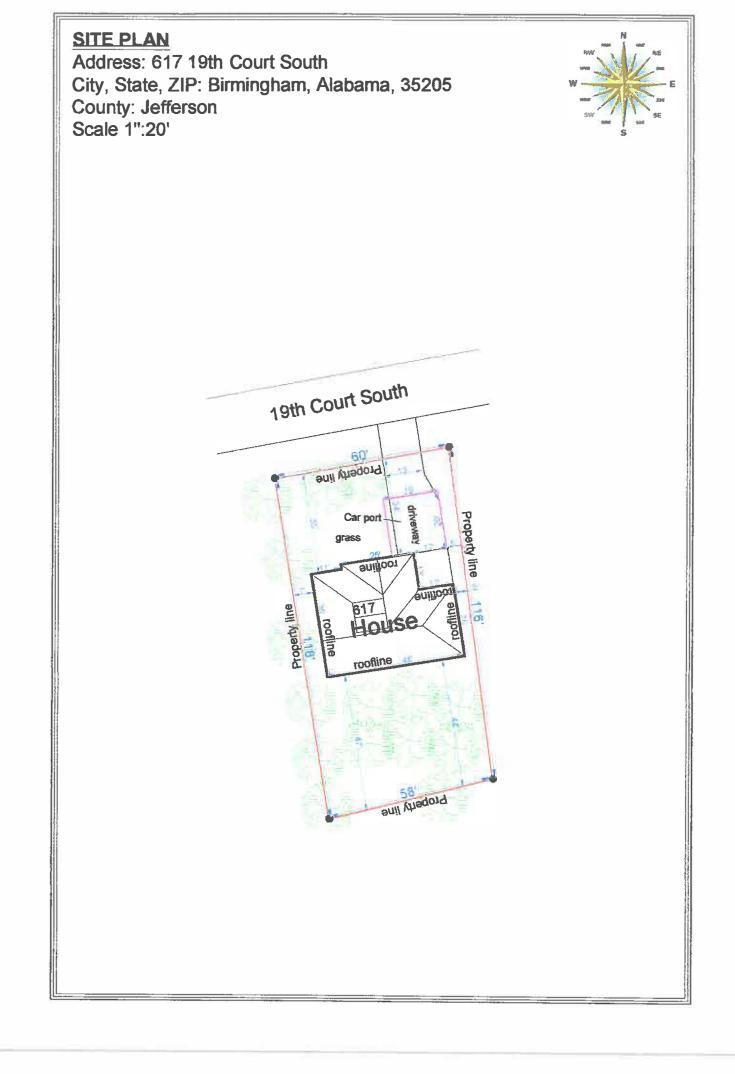
### **Staff Recommendation**

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 these requests do not have merit for approval and as such, should be **DENIED.** If the Board chooses to grant these 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.









From:
Sent:
To:
Subject:

Kee Yahoo <keemingt@yahoo.com> Tuesday, May 07, 2019 10:50 PM Slaten, Tyler L 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.

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## Forest Park

Request:	Variance
Applicant:	Blue Door Company Series LLC
Owner:	Blue Door Company Series LLC
Site Address:	4404 6 <sup>th</sup> Ave S
Zip Code:	35222
Description:	Variance to allow the expansion of a legal non-conforming structure
	(home) pursuant to Title, I, Chapter 9, Article VII, Section 3.A.3
Property Zoned:	R3 Single Family District
Parcel Information:	Parcel #012300294013012000, SE ¼ of Section 29, Township 17 S,
	Range 2 W

ZBA2019-00043

### Variance

The applicant is requesting a variance to allow for the expansion of a legal non-conforming structure to allow for a new addition to the rear of a home. The house currently has side setbacks of 4.2 and 4.8 FT. The proposed expansion would be in the rear yard.

### Neighborhood

The Forest Park Neighborhood Association met on June 11<sup>th</sup> and voted 52-0 in support of this request.

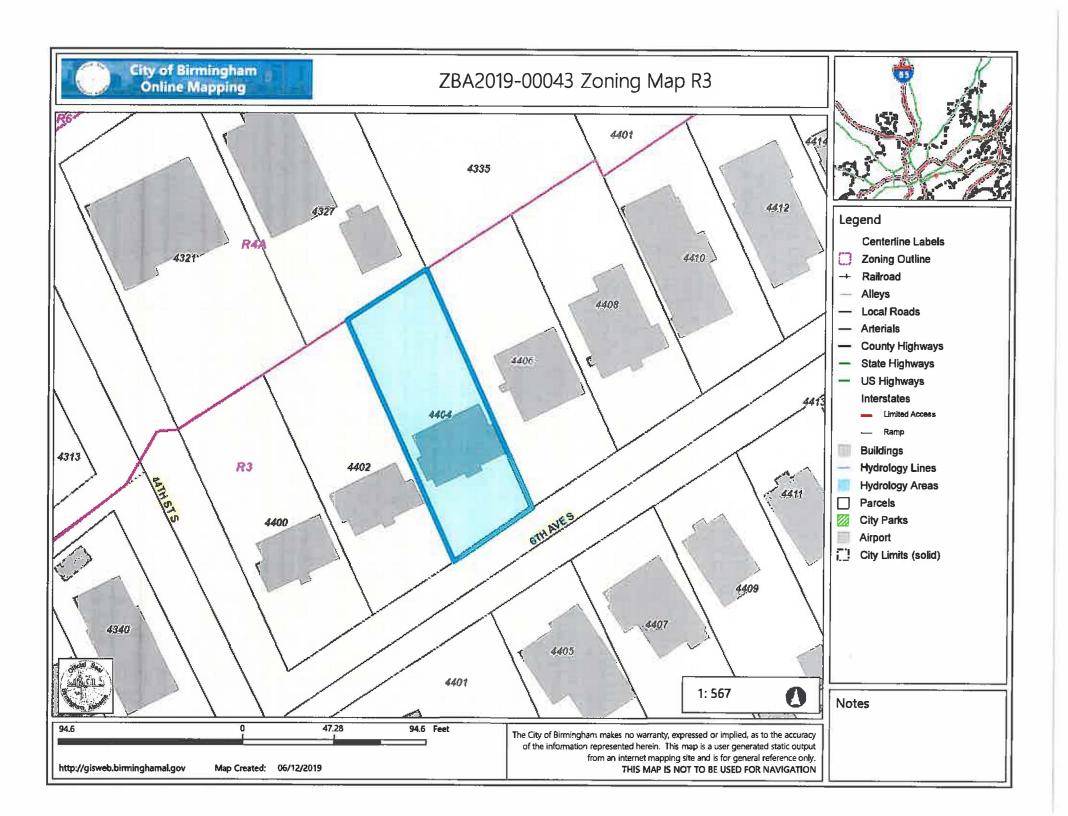
### **Applicant's Justification**

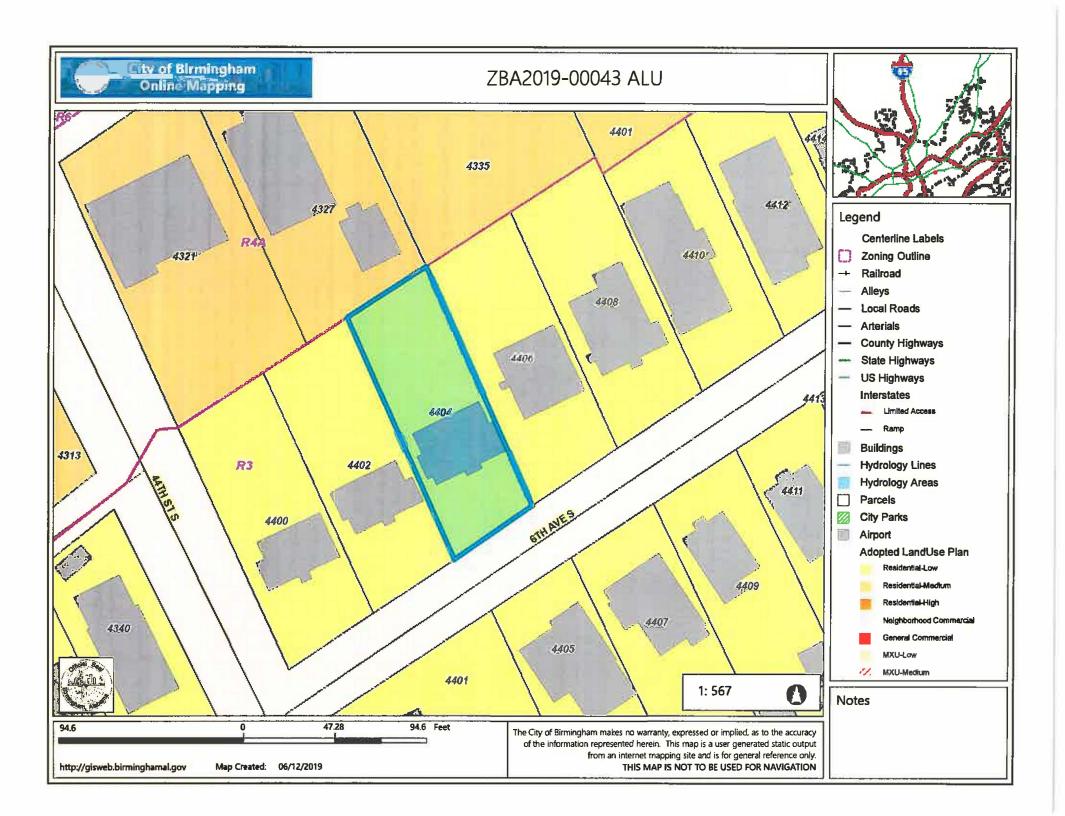
The applicant stated that the home was built in the 1940s as it sits currently in its legal nonconforming state. The proposed addition will not add to the non-conformity or encroach more into the side yard.

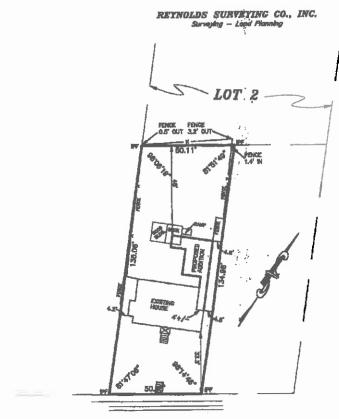
### **Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support the request. The house was built to with its non-conforming side setbacks prior to zoning requirements. The proposed addition would not increase that non-conformity. 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.







**6TH AVENUE SOUTH** 40' B.O.W.

\_\_\_\_\_

SCALE: 1" = 30'

di.

LEGAL DESCRIPTION: WEST HALF OF THE SOUTH HALF OF LOT 2 EXCEPT THE SOUTH 15 FEET THEREOF, AUSTINS SUBDIVISION OF MORROW AND HICKMAN PROPERTY.

STATE OF ALABAMA JEFFERSON COUNTY

"PROPERTY SURVEY & PLOT PLAN"



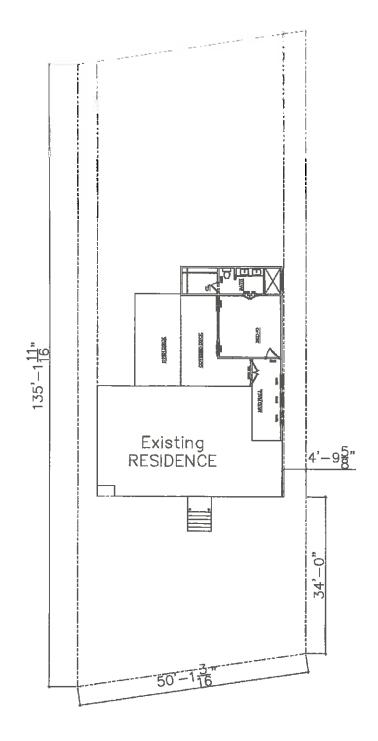
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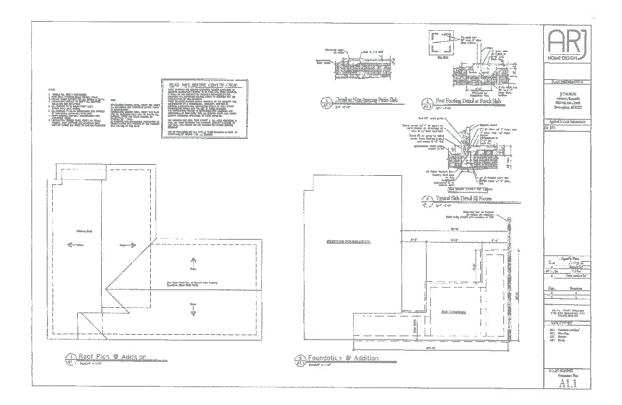
I. Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or man of Lot SE ABOVE, Blook \_\_\_\_\_\_ of SE ABOVE LEGAL DESCRFTION\_\_\_\_\_\_\_ as recorded in Map Book \_\_20, Page \_18\_\_\_ in the Office of the Judge Of Probate in definition\_\_\_\_\_\_ County, Alabema, All parts of this survey and drawing have been completed in accordance with the ourrent requirements of the Standards of Practice of Surveying in the State of Alabamu to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the \_\_\_\_\_ day of \_\_\_\_\_\_ March \_\_\_\_\_\_ 2019\_\_\_\_ NOTE: This survey is not transferable to any additional institutions or subsequent owners. Address 4404 6th Ave. So. B122/28-27

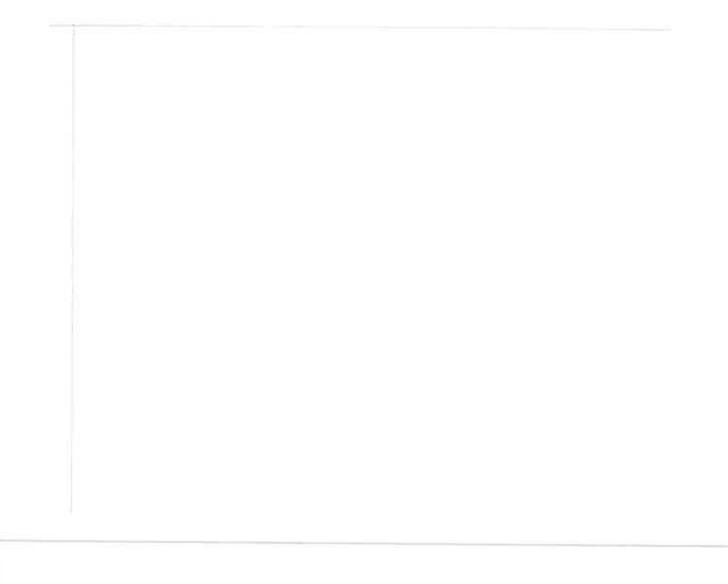
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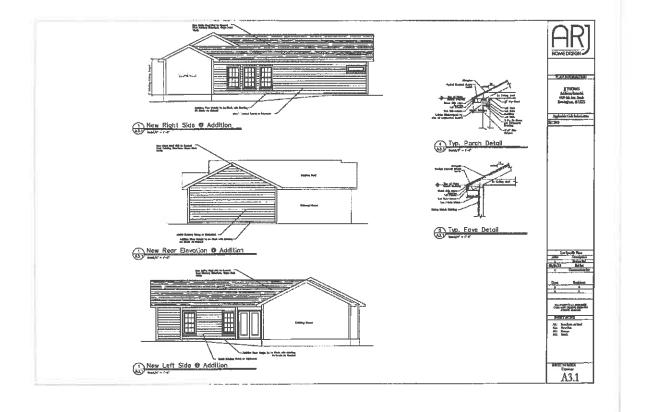
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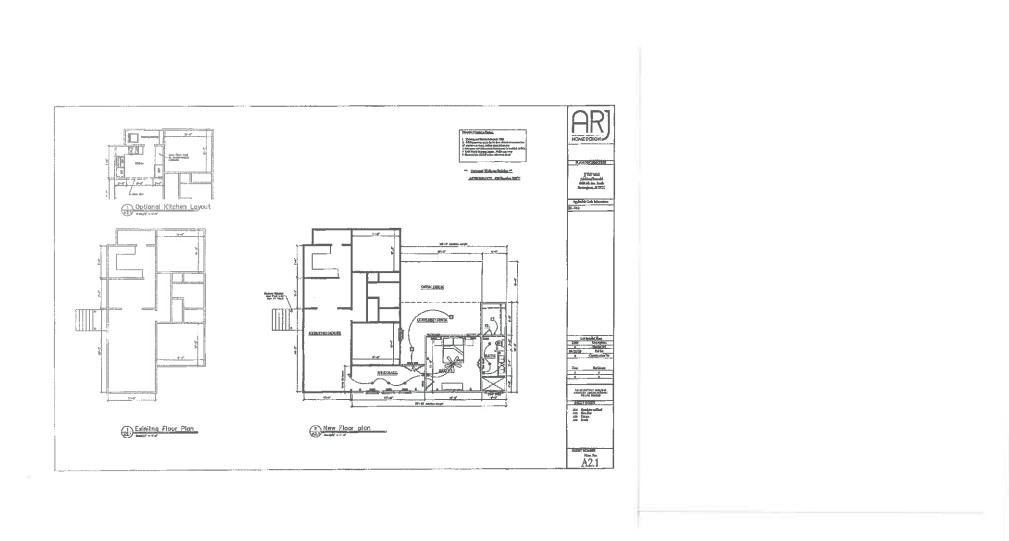
4.191











# Slaten, Tyler L

From: Sent: To: Subject: JJ Thomas <jj@jjthomasesq.com> Wednesday, June 05, 2019 5:02 PM Slaten, Tyler L Hardship for 4404 6th Ave S Addition

Tyler-

Regarding the justification statement for the variance being requested, the issue is the existing home, built in the 1940s, sits as-is legal non-conforming. We are seeking to leave the existing home as-is but add an addition on the back that keeps with the same existing, legal non-conforming, set backs. We are not seeking to increase or expand the non-conformity or encroach further in anyway. We want the proposed addition to match the existing, and that is it. The existing set backs can be best illustrated by the below image, where there is still plenty of space between the homes on either side and, further, the set backs match the other set backs of the nearby homes on the street.



J.J. Thomas, Esq. o (205) 453-1379 c (205) 249-3757 email ji@jjthomasesq.com

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# Harriman Park

Request:	Special Exception and Modification
Applicant:	William and Linda Patrick
Owner:	William and Linda Patrick
Site Address:	3635 42 <sup>nd</sup> Ave
Zip Code:	35207
Description: Special exception to allow the transfer of ownershi	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 4 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

ZBA2019-00045

# **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 4 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.

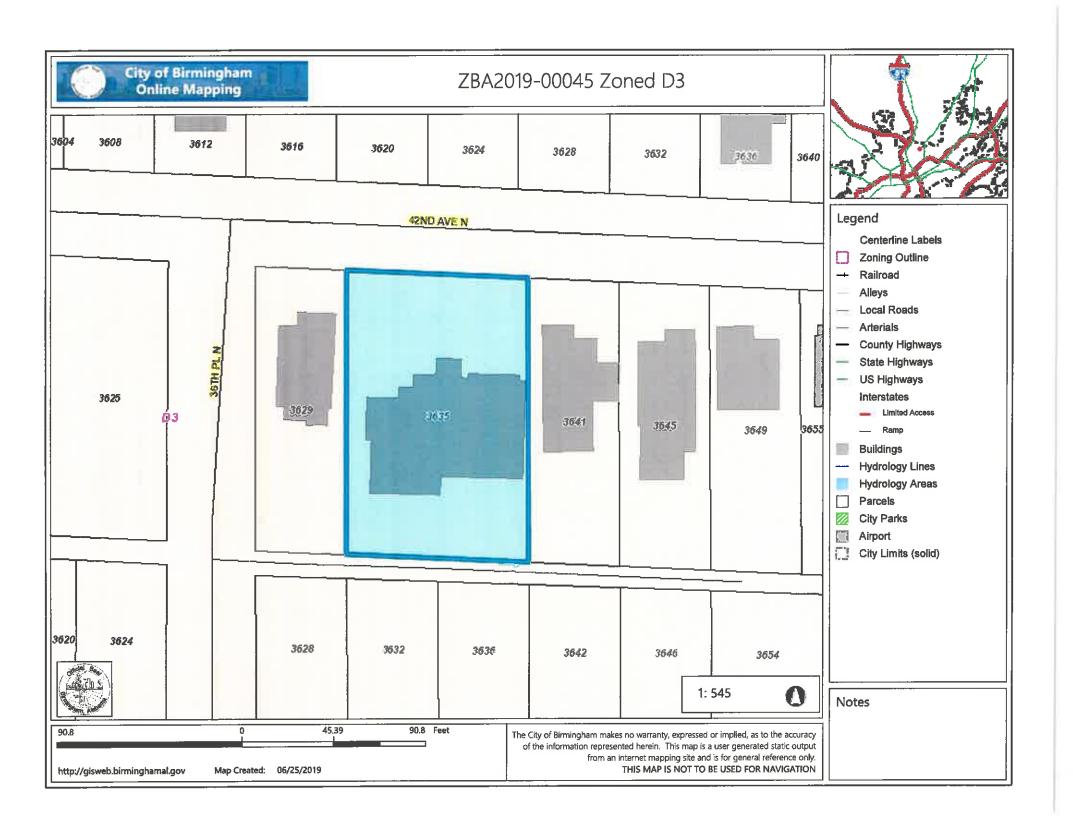
### **Applicant's Justification**

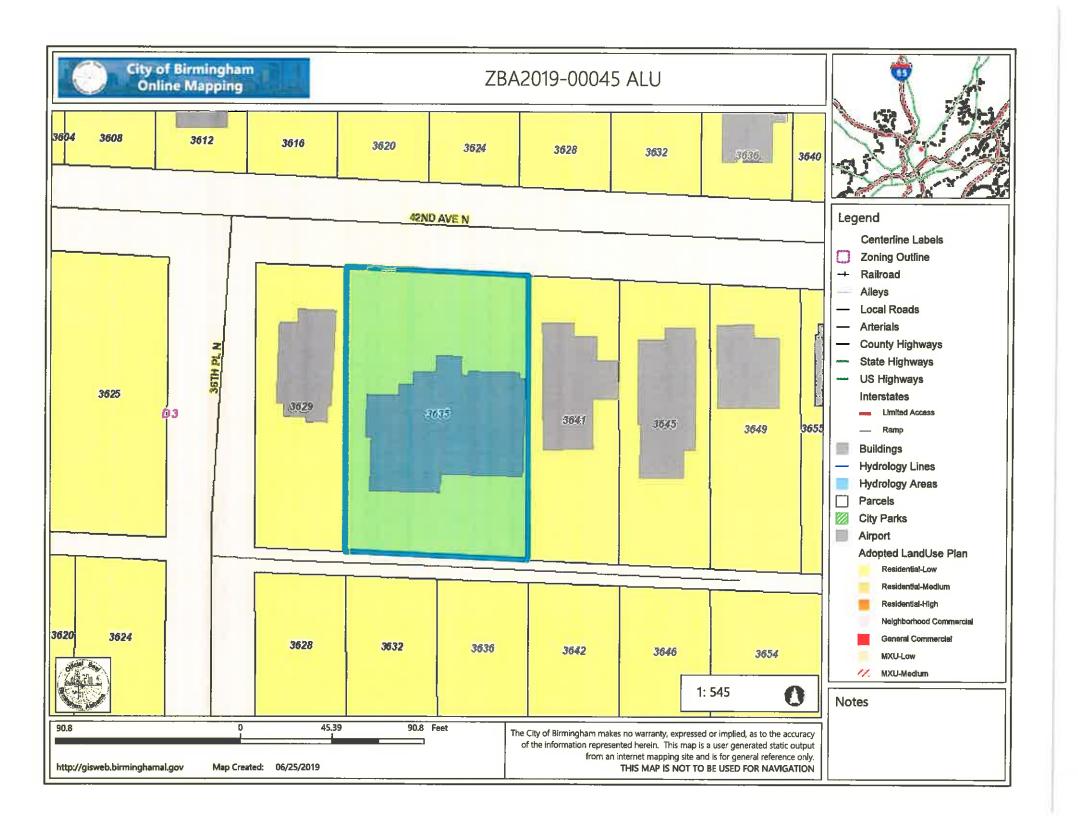
The applicant stated that the facility will be geared towards military veterans and will not harm neighboring properties or harm the public welfare. The applicant also submitted documentation that shows 24 available on-street parking spaces within 491 FT of the property. There is also a BJCTA transit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

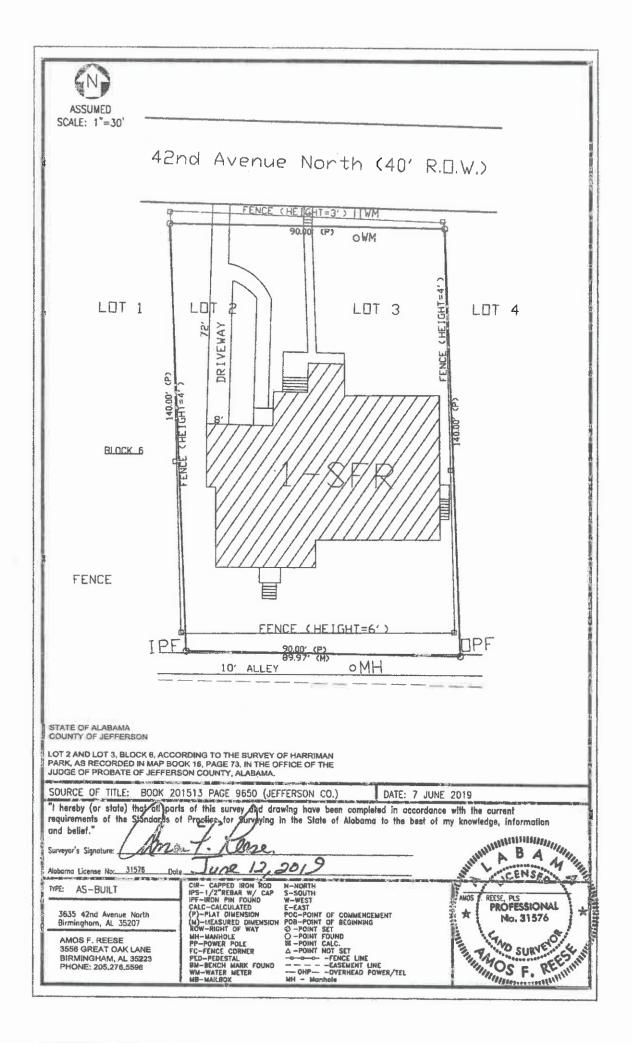
# Staff Recommendation

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.







Go gle 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.

https://www.google.com/maps/@33.5657228,-86.7933557,322m/data=!3m1!1e3

#### Eastwood

Request:	Variance
Applicant:	Gary Wyatt
Owner:	Eddie Lumpkin
Site Address:	7500 Crestwood 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,
Property Zoned:	CB2 General Business District
Parcel Information:	Parcel #012300262000002001, NW ¼ of Section 26, Township 17 S, Range 2 W

### Variance

The applicant is requesting variances to allow a 6 FT chain link fence to remain around the perimeter around the site of the former Century Plaza Mall. The site is currently used as storage for Mercedes Benz.

### Neighborhood

The Eastwood Neighborhood Association has yet to respond to staff.

### **Applicant's Justification**

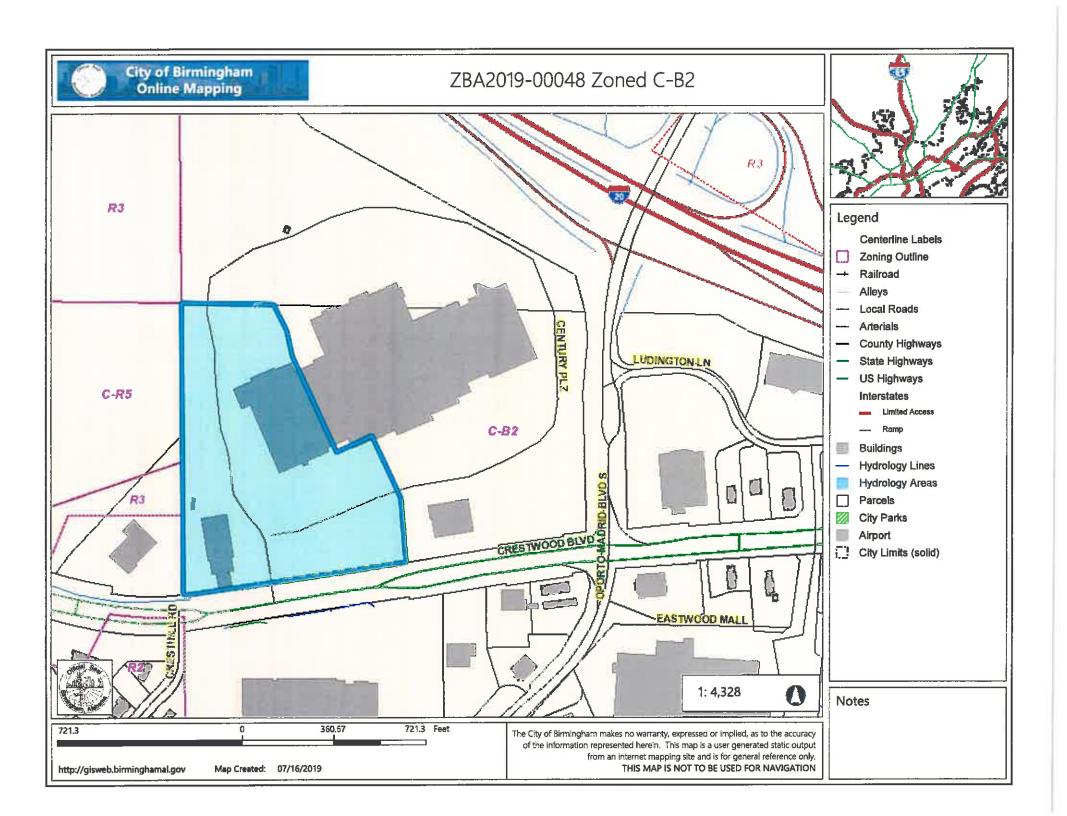
The applicant stated that site is currently used for storing Mercedes Benz vehicles for indefinite periods of time. There are approximately 3,000 vehicles constantly moving in and out of inventory. Keys are left in the ignitions due to the constant flow of vehicles. The parking lot is lighted and has manned 24 hour security, but the fence is needed to secure the large property.

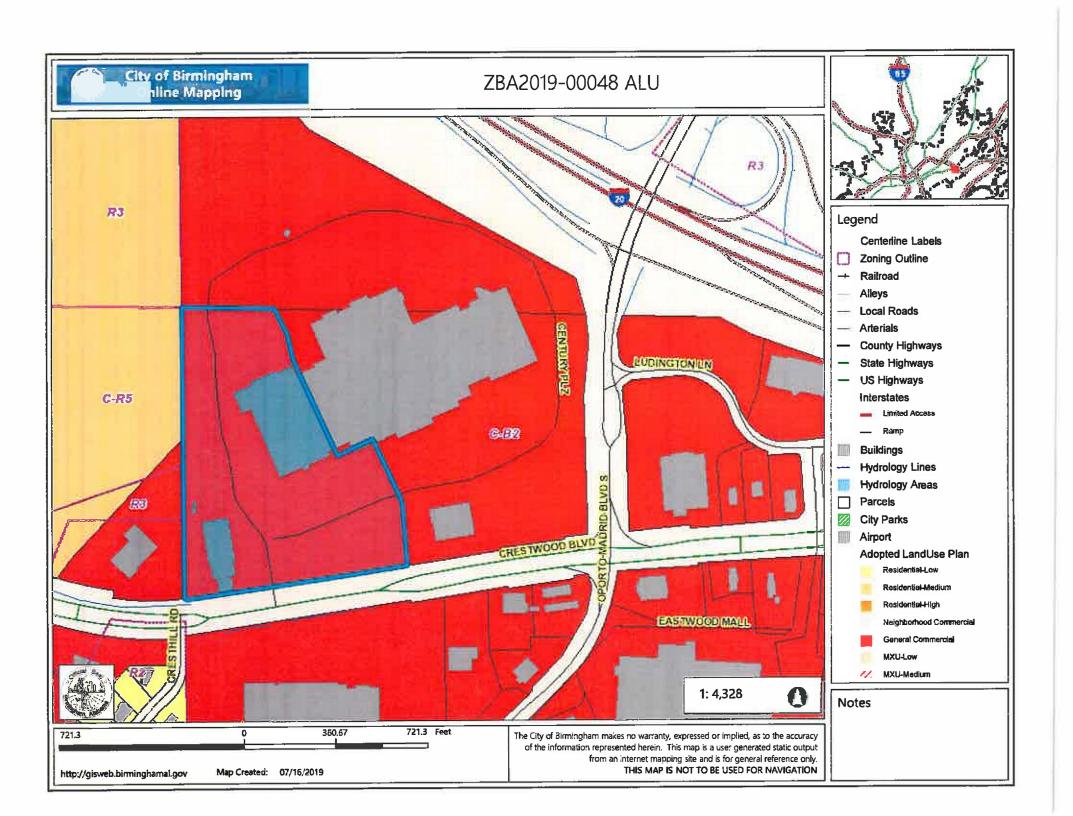
#### **Staff Recommendation**

Staff does not believe the applicant has submitted evidence that meets the variance standards of review. Staff believes the storage of vehicles requiring this type of fencing is a self-imposed hardship. 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.

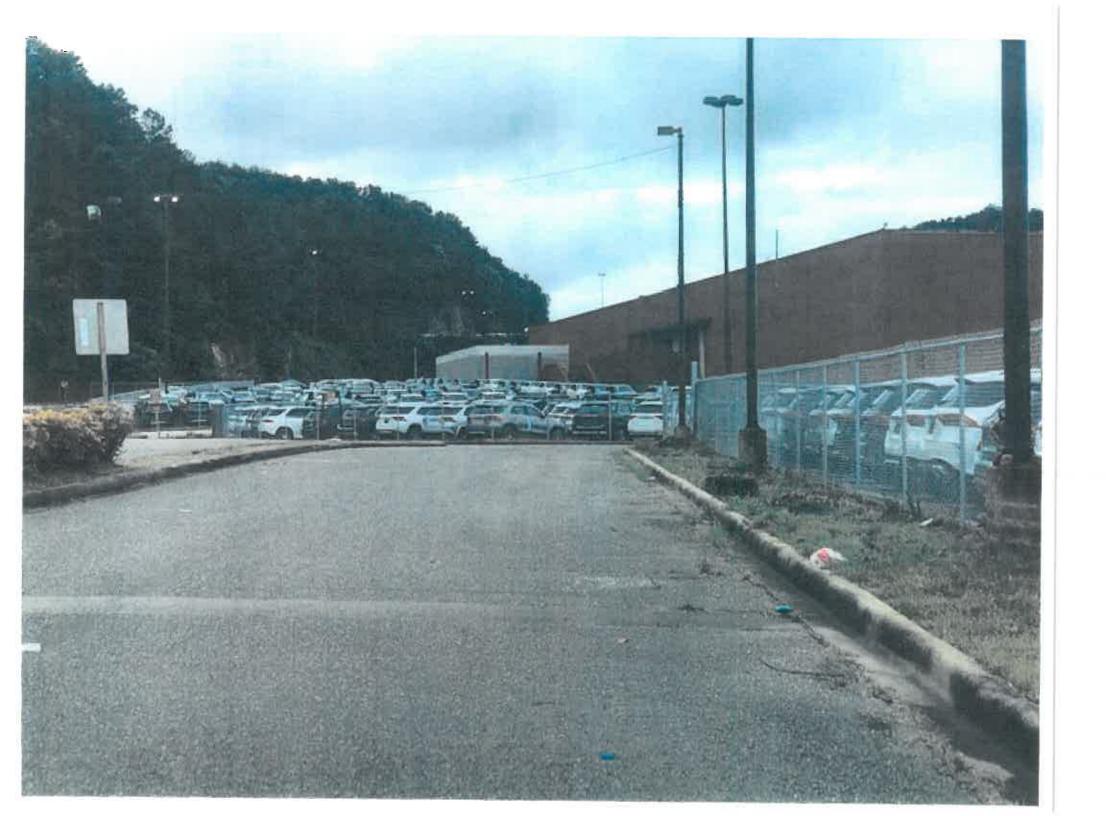
#### ZBA2019-00048



















June 25, 2019

To Whom It May Concern:

I, Edwin B. Lumpkin, Jr., am submitting this fence variance to allow a 6' high chain link fence along sections of Crestwood Boulevard and Oporto Madrid Avenue for security purposes. 11.

The Century Plaza has been dormant for over 10 years. I purchased this property 18 months ago in hopes of revitalizing this property. Our efforts have been extremely difficult but we are moving along diligently to achieve rehabilitation of this property.

In February, we were approached by Mercedes to park new vehicles on this property for an indefinite period of time. These approximately 3,000 vehicles are constantly moved in and out of their inventory. Therefore, the ignition keys are left in the vehicles. The parking area is lighted and has 24-hour manned security.

However, the insurance requirements for these vehicles requires us to have a 6' high fence around the accessible areas of parking. Please see photos of accessible areas.

Thank you for your help in keeping this area active and productive.

Gary Wyatt for Edwin B. Lumpkin, Jr., Owner 205-541-2664

100 METRO PARKWAY, PELHAM AL 35124 PHONE: 205-985-8701 FAX: 205-985-8710

## **Five Points South**

ZBA2019-00049

Request:	Modification
Applicant:	Red Mountain Theater Company LLC
Owner:	Henderson Ivy Wittichen
Site Address:	1600 3 <sup>rd</sup> Ave S
Zip Code:	35233
Description:	Modification to allow 50 off-street parking spaces instead of the required
	98 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 #012200363023004000, SW ¼ of Section 36, Township 17 S,
	Range 3 W

### Modification

The applicant is requesting a modification to allow 50 off-street parking spaces instead of the required 98 spaces for a new theater. The theater will feature 450 seats and have approximately 7,400 square feet of office space.

### Neighborhood

The Five Points South Neighborhood Association meets on July 22<sup>nd</sup>.

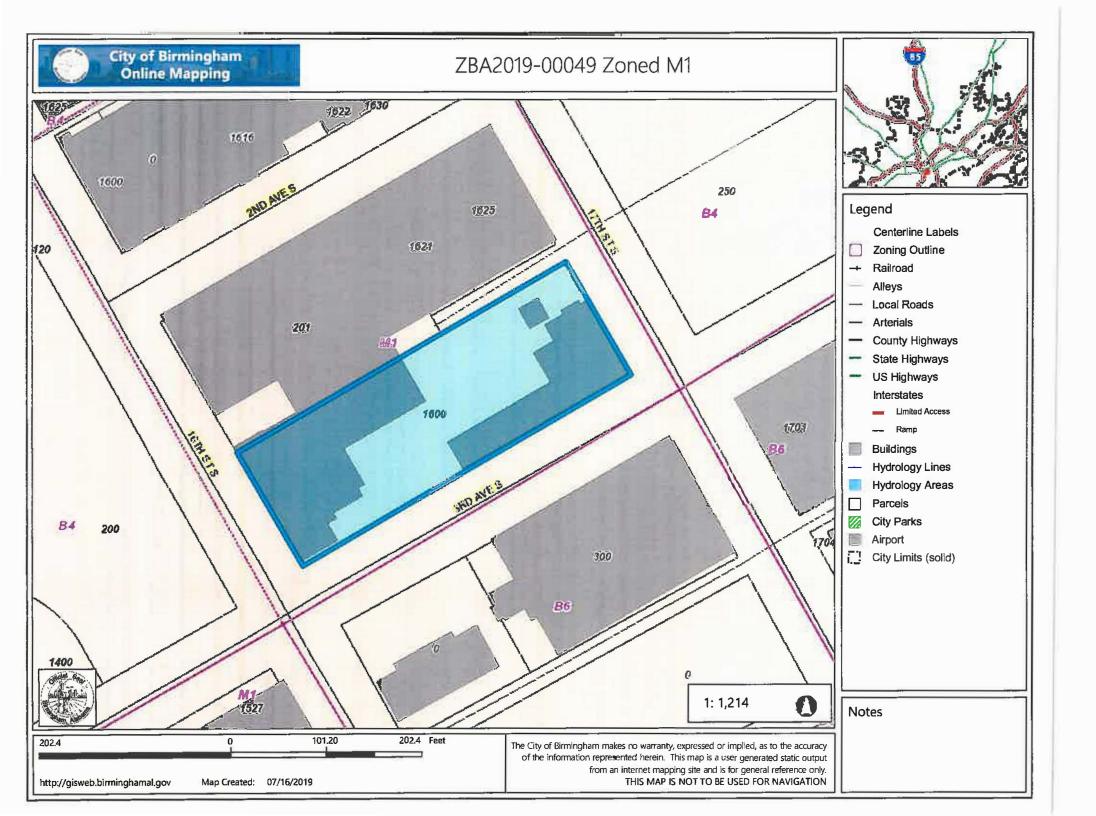
### **Applicant's Justification**

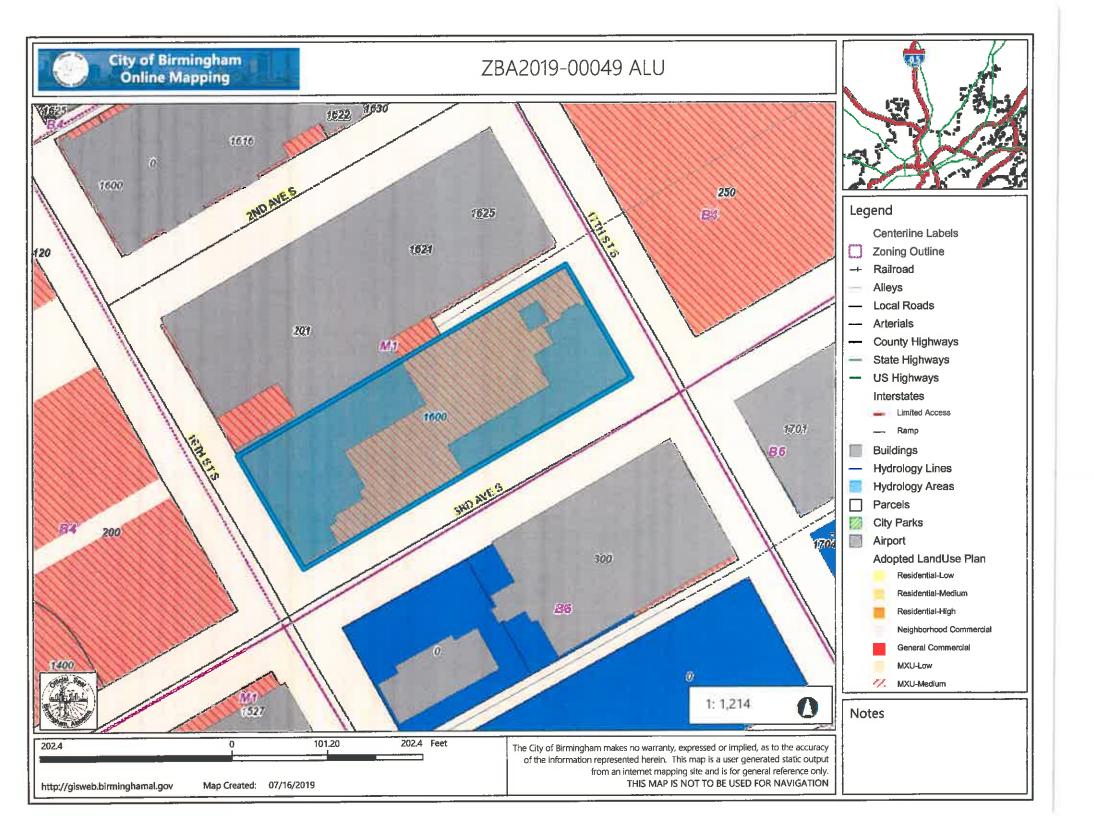
The applicant stated submitted documentation showing 384 public on-street parking spaces exisiting within 1,320 feet of the site. The parking study completed between 6-7 pm, which would coincide with the expected peak usage hours for the development, showed that 138 of the total 384 spaces were available.

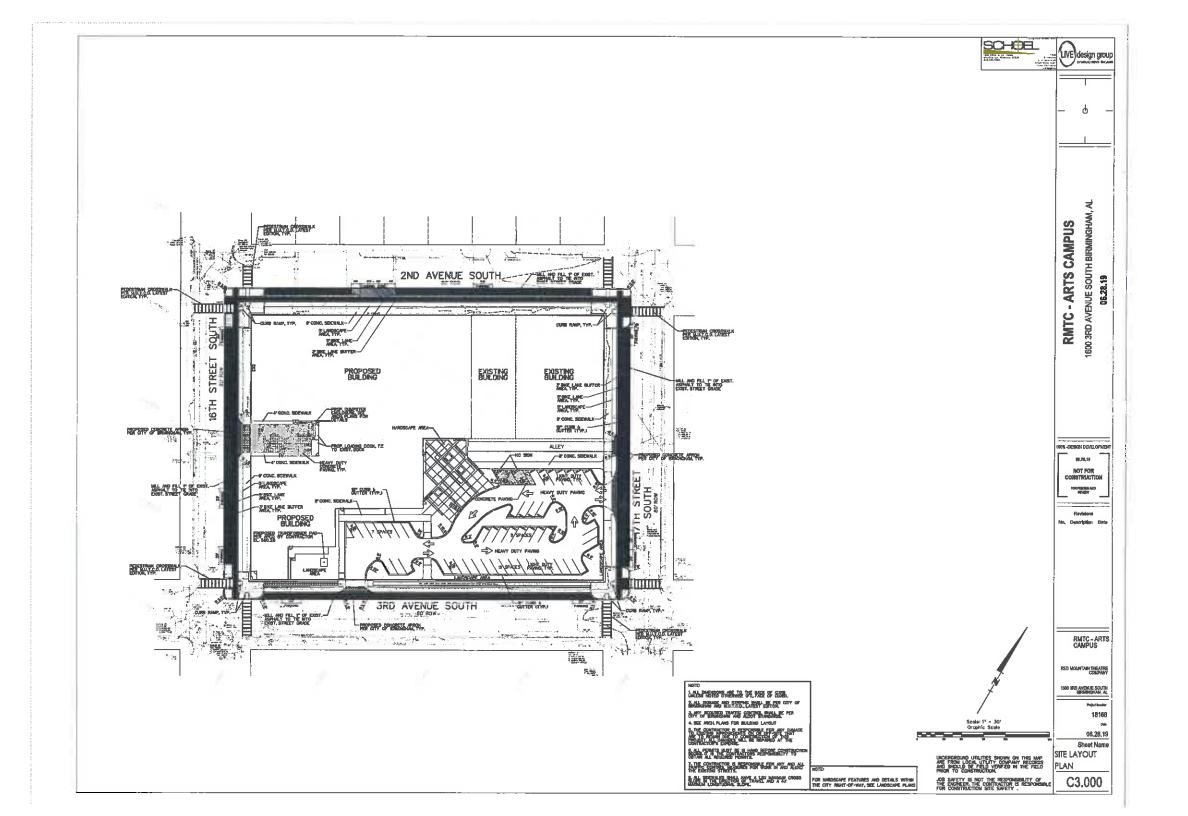
### Staff Recommendation

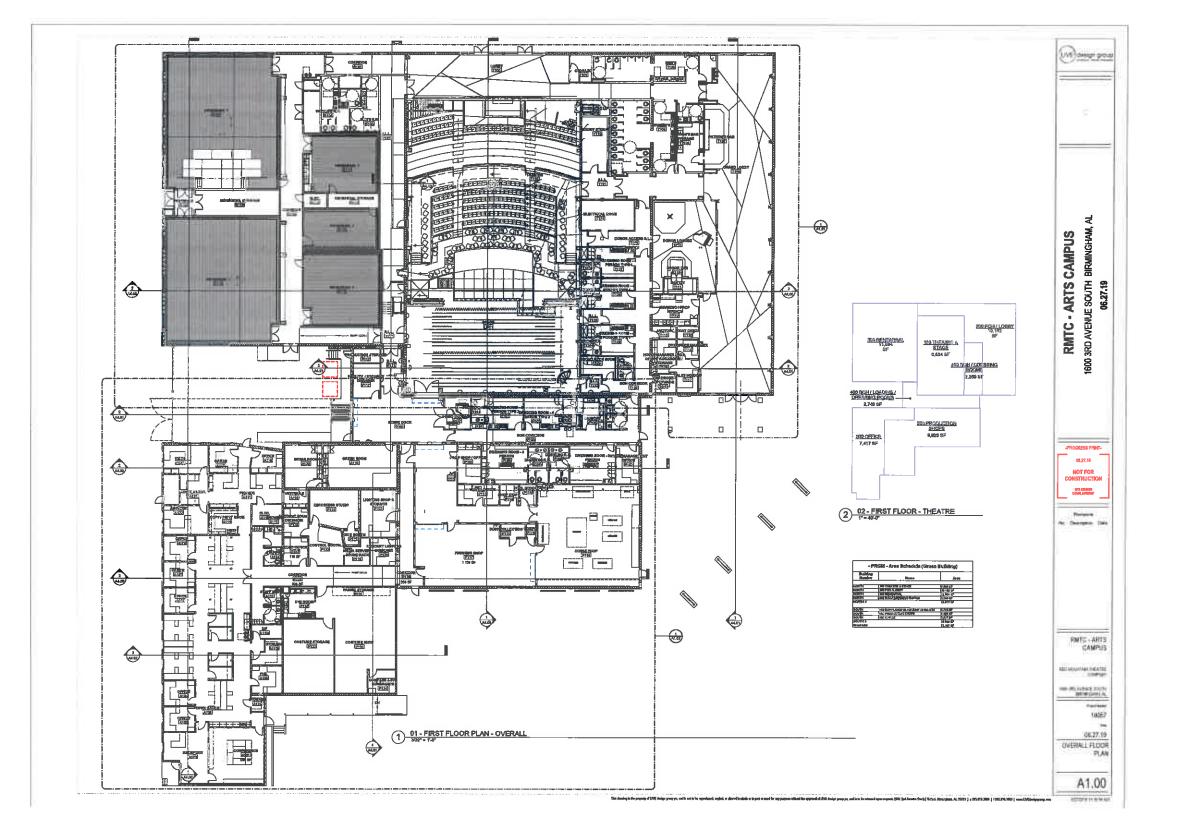
Staff believes that the applicant has provided sufficient evidence to support this request. The amount of on-street parking seems to be adequate to support this use. Therefore, staff believes this request does have merit for approval and as such, should be **GRANTED** subject to the following conditions:

- 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.









# Parking Availability

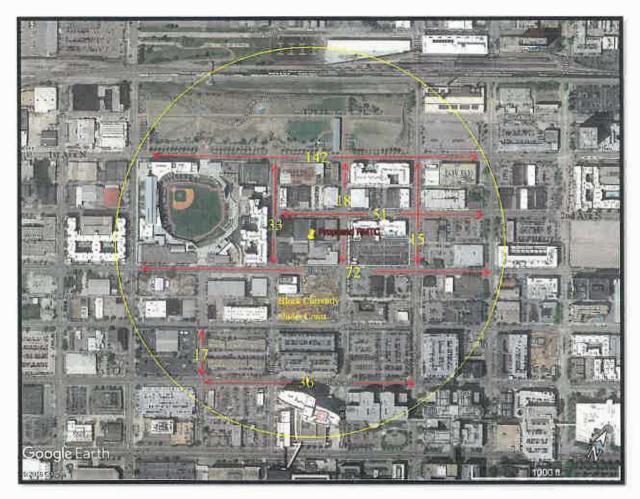
#### 1600 3<sup>rd</sup> Avenue South, Birmingham, Al. 35233

#### Zoning Requirements

The parking requirements for the proposed Red Mountain Theater Company is 1 space per every 5 seats in the theater and 1 space for every 400 square feet of office area. With 450 seats in the proposed theater the required off-street parking is 90 spaces. The building will include 7,417 square feet of office space, requiring 19 off-street parking spaces. Based on the parking requirements mentioned above the proposed development will need a total of 109 off-street parking spaces. A bus stop is located at the corner of 18th Street South and 2<sup>nd</sup> Avenue South which is less than 1000 feet from the proposed development and qualifies for the 10% reduction. This credit reduces the overal? required off-street parking spaces down to 98.

#### **Off-Street Parking**

Currently the proposed development will have 50 off-street parking spaces. This will result in a 48-parking space deficit from the zoning requirements. Below is a detailed description of the public parking that exists around the proposed development.



#### **On-Street Parking**

The image shown above illustrates a ¼ mile radius around the proposed development, with the number of public parking spaces indicated on the examined streets. A site examination was completed during the hours of 6:00-7:00 P.M. to determine the number of available public parking spaces during this timeframe. The results of the examination are shown in the table below which lists the street location, public parking spaces, and the number of available public spaces during the site examination.

On-Street Parking Table				
Location	Public Parking	Public Parking Available During Evaluation		
1st Avenue South; 14th Street South to 19th Street South	142	65		
2nd Avenue South; 16th Street South to 19th Street South	51	25		
3rd Avenue South; 14th Street South to 18th Street South	72	16		
5th Avenue South; 15th Street South to 18th Street South	36	3		
15th Street South; 4th Avenue South to 5th Avenue South	17	15		
16th Street South; 1st Avenue South to 3rd Avenue South	33	7		
17th Street South; 1st Avenue South to 3rd Avenue South	18	3		
18th Street South; 1st Avenue South to 3rd Avenue South	15	4		
Total	384	138		