

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

Forest Park

ZBA2019-00030

Request: Modification
Applicant: Avondale Holdings, LLC
Owner: Orchestra Partners
Site Address: 4100 3rd Ave S
Zip Code: 35222
Description: Modification to allow 0 off street parking spaces instead of the required 28 off street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: B2 General Business District
Parcel Information: Parcel #012300293008008000, SW ¼ of Section 29, Township 17 S, Range 2 W

Modification

The applicant is requesting a modification to allow 0 off street parking spaces to allow for the proposed Cantina restaurant development adjacent to the Avondale Common House. The project will not allow space to have parking on the same lot as the restaurant.

Neighborhood

The Forest Park Neighborhood Association refused to hear this case until the pending litigation on the property is resolved. The NA President emailed the following to staff: “I have been apprised this morning that legal rights to the subject property are pending in the Circuit Court of Jefferson County (see attached). To proceed with the zoning case prior to the Circuit Court ruling in the matter could result in the decision of the Neighborhood / City being utilized as prejudicial evidence in the pending litigation. I am of the opinion and recommend that the zoning case be continued until such time as the matter of the lawsuit is concluded.”

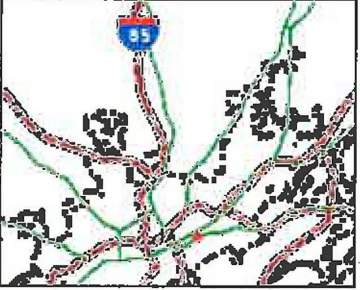
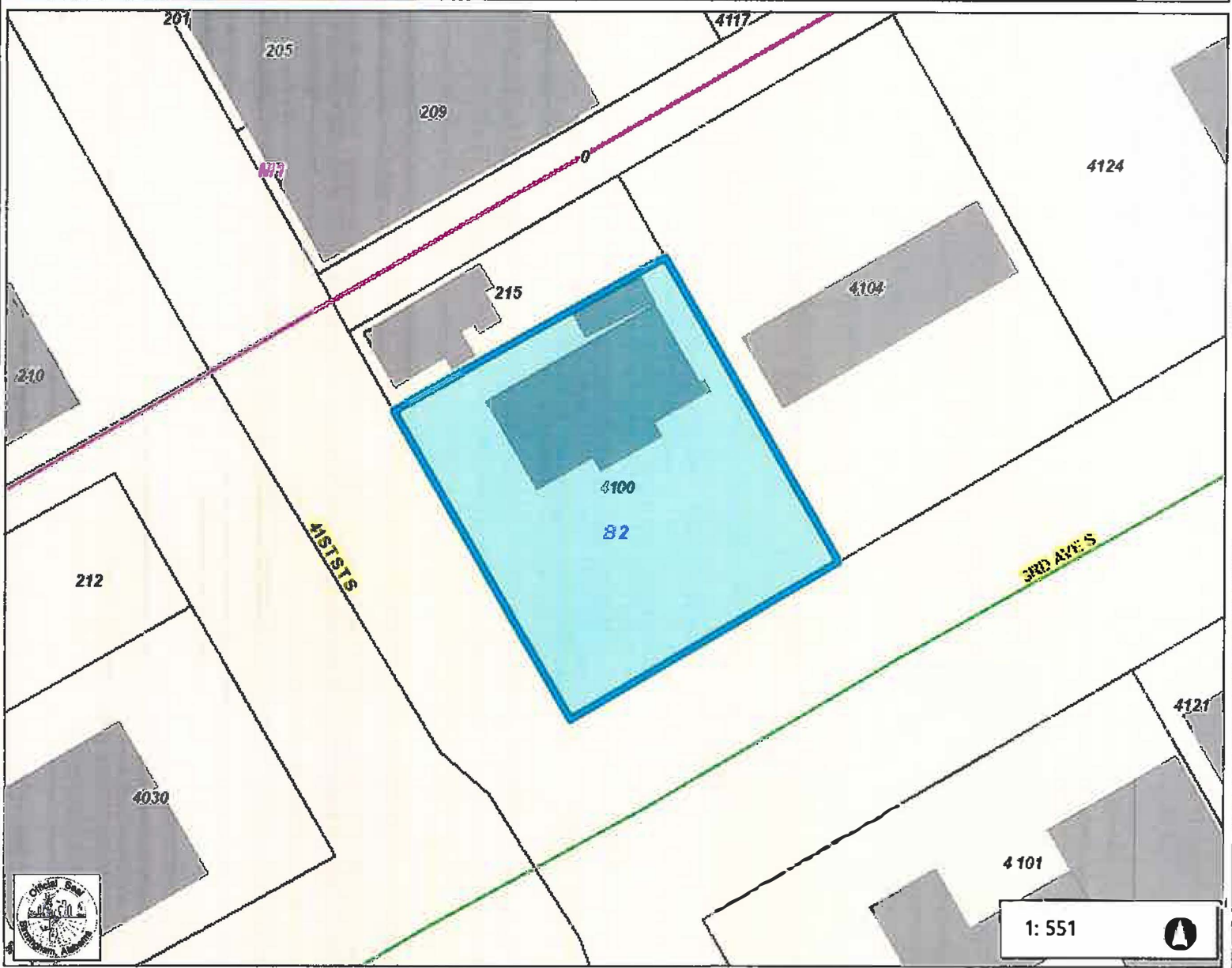
Applicant’s Justification

The applicant provided documentation that shows the Avondale Village parking lot located approximately 556 feet away. That lot has 160 parking spaces.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support this request. The amount of parking in the Avondale Village lot 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.

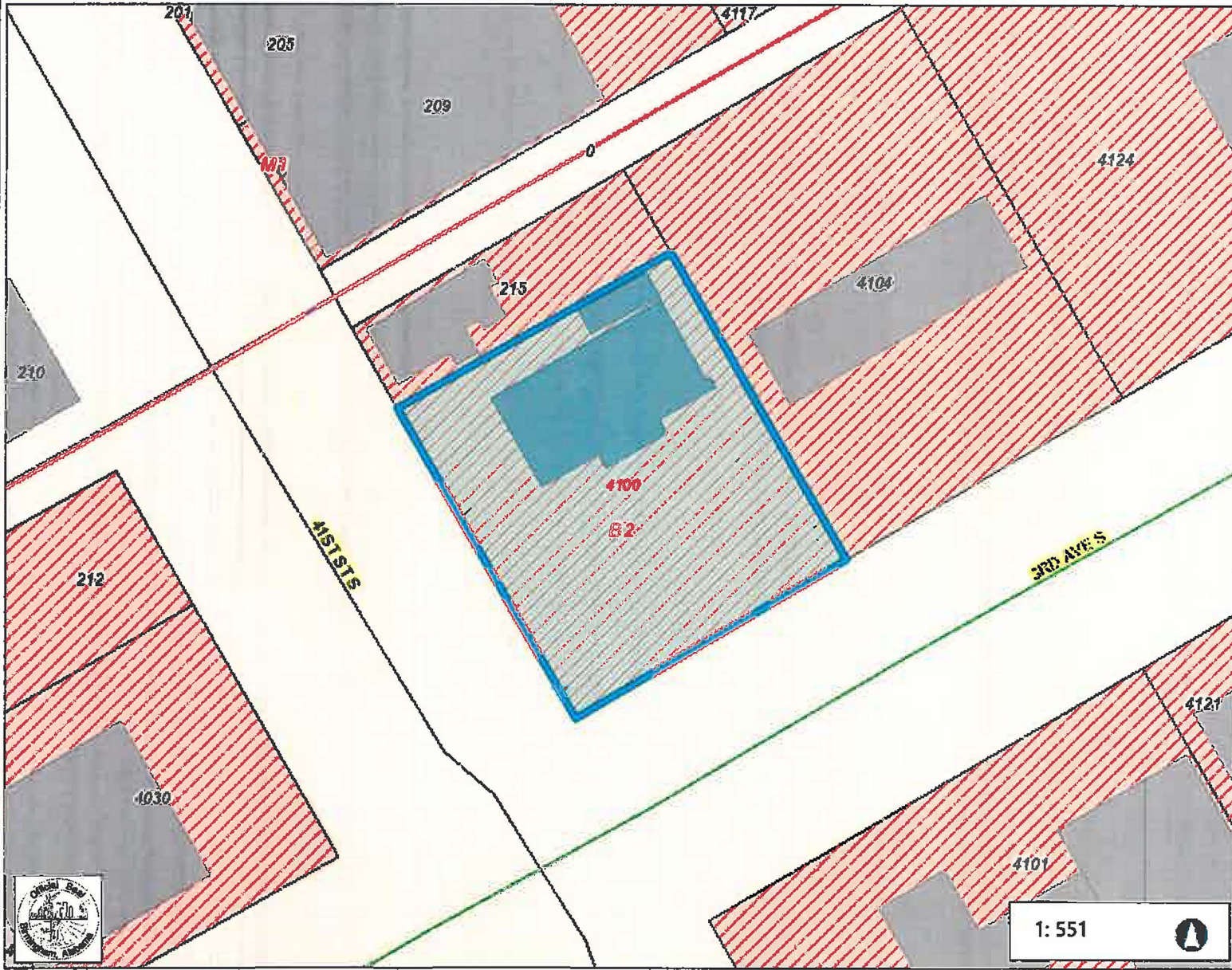
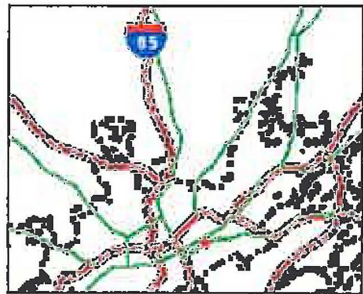


Legend

- 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)

Notes

1: 551



Legend

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- Airport
- Adopted LandUse Plan**
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium



1: 551

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Notes

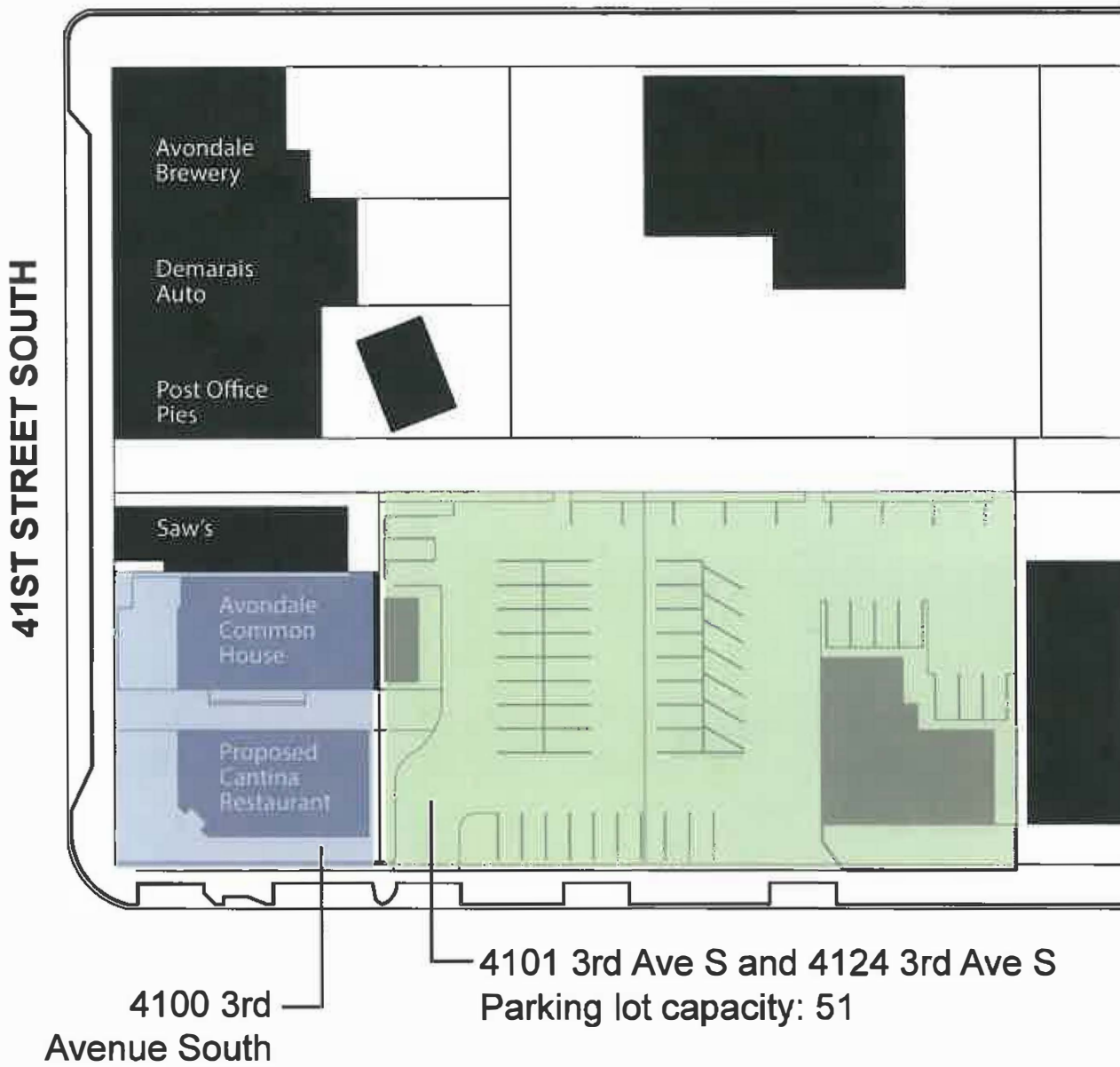
Parking Modification
for
4100 3rd Ave South
Birmingham, AL 35222
7/17/2019



Owner : Avondale Holdings, LLC
Address: 1820 3rd Ave N, Suite 301
Contact: jpearson@orchestra-partners.com



Site Plan - 4100 3rd Avenue South



Avondale Common House Parking Required:
 1 per 100 SF
 3,452 SF/100 = 34.5
 34.5 spaces minus 10% for transit proximity: **31**

Cantina Parking Required:
 1 per 100 SF
 3,100 SF/100 = 31 spaces
 31 spaces minus 10% for transit proximity: **28**

Avondale Village Public Parking Lot - Birmingham Parking Authority

Orchestra Partners is currently partnered with the Birmingham Parking Authority to pay for the public parking lot at 133 41st St S. The 160 spaces at this lot are 566 feet away, entrance-to-entrance, from 4100 1st Ave S.



ZBA2019-00030



Inglenook

ZBA2019-00050

Request: Variance
Applicant: Kirby Sexton
Owner: Buckroe Corp
Site Address: 4601 Inglenook Ln
Zip Code: 35217
Description: Variance to allow a 6 FT fence in a front yard of a industrially 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: M3 Planned Industrial District
Parcel Information: Parcel #012300084002002001, SW ¼ of Section 29, Township 17 S, Range 2 W

Variance

The applicant is requesting variances to allow a 6 FT chain link fence topped with barbed wire to be placed on the interior of the subject location. The site is home to a UPS distribution facility.

Neighborhood

The Inglenook Neighborhood Association has yet to respond to staff.

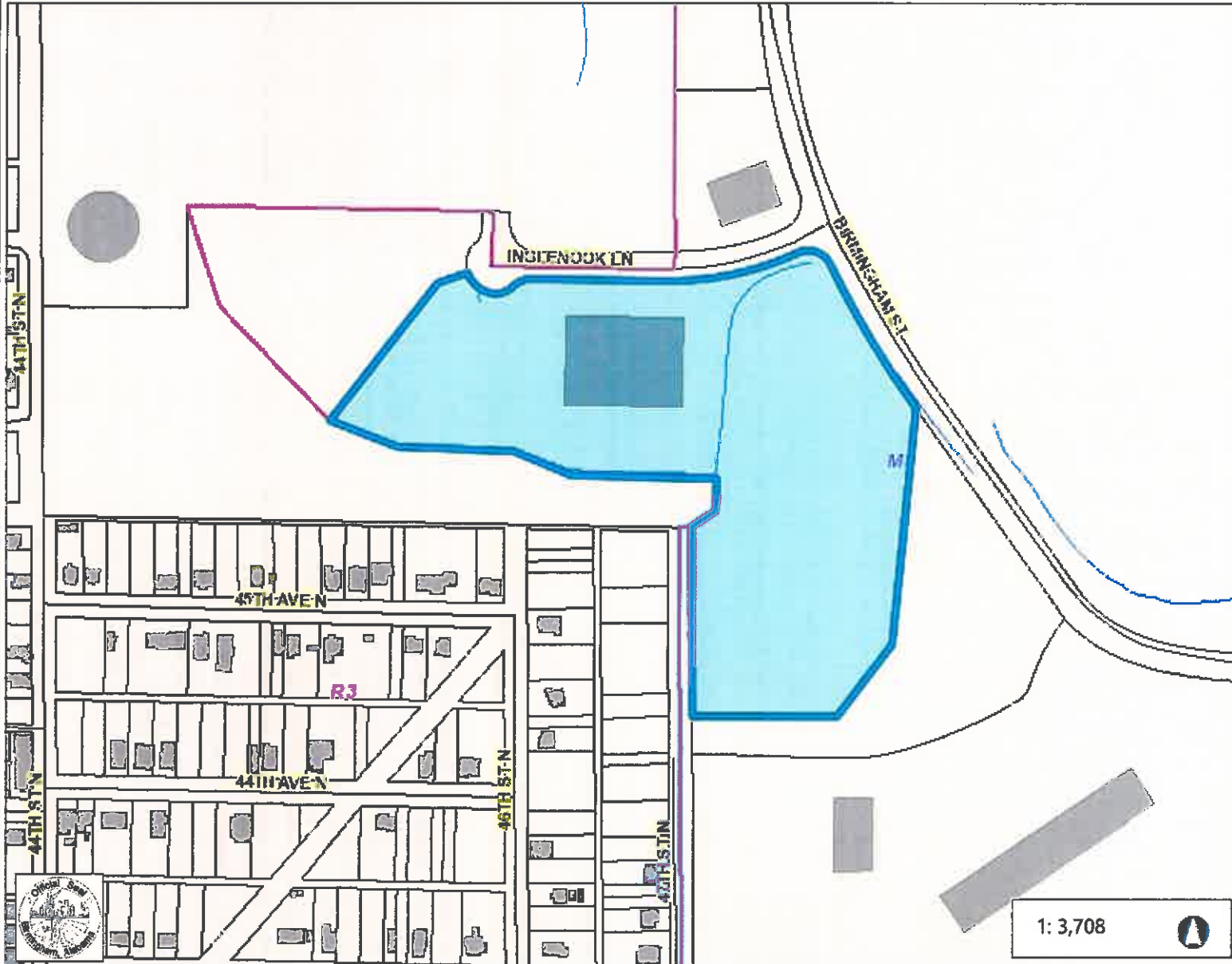
Applicant's Justification

The applicant stated that a portion of the interior fencing must be modified due to a building expansion. The primary objective of the fencing is security. The applicant also stated that the residential area the property abuts is separated by both topography and a large amount of foliage. No residences can be seen from UPS and UPS cannot be seen from the residences.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review. Staff did not find evidence of a 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.



Legend

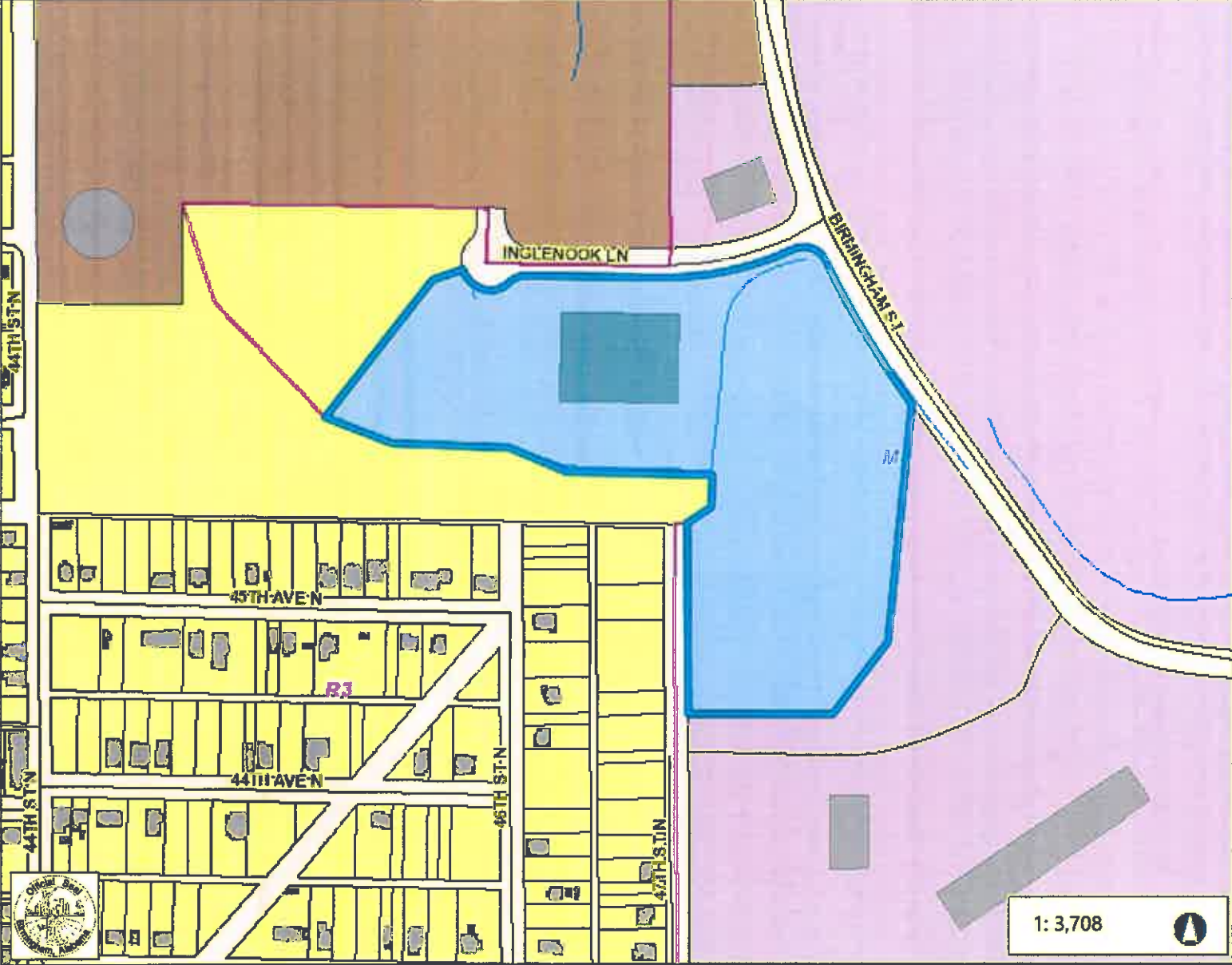
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1: 3,708



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1: 3,708



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Notes

SEE SHEETS:
C-103 (SITE PLAN)
C-106 (GRADING PLAN)

SEE SHEET
C-105 (SITE AND GRADING PLAN)

SEE SHEETS:
C-104 (SITE PLAN)
C-107 (GRADING PLAN)

OVERALL SITE PLAN

SCALE: 1" = 50'



LEGAL ENTITY:
ARCADIS GEM OF OHIO
ARC, LLC

SEALS

UPS

UPS ROEBUCK
BIRMINGHAM,
ALABAMA

ARCADIS PROJ. NO. 1000021.001

NO.	DATE	ISSUED FOR	BY

NO. DATE ISSUED FOR BY

ISSUED FOR
PERMIT SUBMITTAL

COPYRIGHT: ARCADIS GEM OF OHIO
2016
ARC, LLC

DATE: 05/01/2018
PROJECT NO.: 1000021.001
DESIGNED BY: BBT
DRAWN BY: BBT
CHECKED BY: BBT

SHEET TITLE

CIVIL

OVERALL SITE
PLAN

C-102

To:
City of Birmingham

Copies:
Lamar Reed, UPS

Arcadis U.S., Inc.
1728 3rd Avenue North
Suite 300
Birmingham
Alabama 35203
Tel 205 930 5700
Fax 205 930 5707

From:
Kirby Sexton, Arcadis

Date:
June 27, 2019

Arcadis Project No.:
CI005077.0010

Subject:
UPS Roebuck Fence Variance

OVERVIEW

As part of a building expansion at the existing UPS distribution facility at 4601 Inglenook Lane, a portion of existing interior fence line must be modified. UPS is requested a fencing variance for height, material/style, and barbed wire for this fence. The requested variance would allow a 6 foot high chain link fence topped with barbed wire to match that previously existing. Due to the parcel situation, approximately half of the perimeter is considered front yard.

The primary objective of this fencing is to maintain security for materials stored on the property. The installation of a four foot high fence permitted by current zoning will not provide the security needed by UPS.

SITE PLAN OF AREA AFFECTED

The site is neighbored on the southwest by a residential neighborhood, with commercial and industrial property on all other sides. This residential area is separated from the UPS site by both topography and a large amount of trees and other foliage. No residences can be seen from UPS, and UPS cannot be seen from the residences.

Currently, a grandfathered six foot high chain link fence with razor/barbed wire surrounds the entire property. In the below diagram, red represents existing chain link and barbed wire fencing that is not included in this variance request. It is existing and will remain present regarding of outcome. This request

MEMO

pertains only to fencing within the property and entirely within the existing fencing, as show in green on the below diagram. In addition, the interior fence to be replaced is shown in gray.

Due to these facts, the adjacent residential properties will not be harmed with the granting of this variance request. It will also not negatively affect the public entering, driving by, or using adjacent properties.



Existing Fencing Present

PHOTOGRAPHS



Existing Fence at Front of Property



Existing Fence at Front of Property



Existing Fence at Side of Property



Existing Fence at Rear of Property



Existing Fence at Rear of Property

ZBA2019-00050



North East Lake

ZBA2019-00051

Request: Variance
Applicant: Jeff Carter
Owner: Spirit Master Funding III LLC
Site Address: 8400 1st Ave N
Zip Code: 35206
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 #012300112012022000, NW ¼ of Section 11, Township 17 S, Range 2 W

Variance

The applicant is requesting variances to allow a 6 FT chain link fence topped with barbed to remain at the subject location. The site is home to an Express Oil Change business.

Neighborhood

The North East Lake Neighborhood Association has yet to respond to staff.

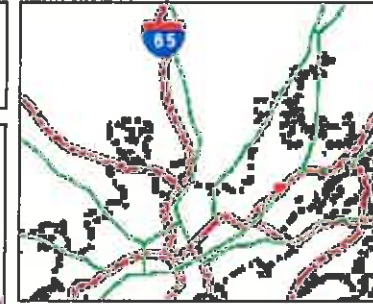
Applicant's Justification

The applicant stated that the fence is necessary to prevent further break-ins and theft at the property. During the last few months the site had several break-ins as well as several bricks thrown through the windows. The fence has been successful in preventing these occurrences.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review. Staff did not find evidence of a 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.



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1: 681

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

Notes



113.5 0 56.76 113.5 Feet



ZBA2019-00051







Jeff Carter
Facility Manager
1880 Southpark Drive
Birmingham, Alabama 35244
Direct Dial: 205.943.5797
jeffcarter@expressoil.com
www.expressoil.com

June 25, 2019

Mr. Tyler Slaten
Planner
Planning, Engineering & Permits
City of Birmingham
710 20th Street North
Birmingham, Alabama 35203

Re: Request for Zoning Variance for 8400 First Avenue North, Birmingham, Alabama 35206
EOC Store #443

Dear Tyler:

Pursuant to our telephone conversation, enclosed please find our completed Application to the Zoning Board of Adjustment pertaining to the above-referenced property.

As we discussed, we are requesting a variance which would allow us to obtain a fence permit for the security fence we recently installed on the premises. This fence is necessary to prevent further break-ins and theft at the property. During the last few months we have had several break-ins as well as several bricks thrown through windows. The new fence has been successful in preventing these occurrences.

Also enclosed in our check in the amount of \$500.00, which represents payment in full of the variance fee. I greatly appreciate your assistance on this matter. If you have any questions or comments, please give me a call.

Kindest regards,

Jeff Carter
Facility Manager

Slaten, Tyler L

From: Jeffery M. Carter <jeffcarter@expressoil.com>
Sent: Friday, June 28, 2019 3:09 PM
To: Slaten, Tyler L
Subject: Eastlake Fence

Another thing to add to our request for a variance.

The city has some tractors that have been working at the park behind the location. The workers have asked our store manager if they can park the tractors inside of our fence at night, which he lets them, because they have had batteries stolen and other vandalism.

Jeffery M. Carter

Facility Manager

[Express Oil Change & Tire Engineers](#)

1880 Southpark Drive

Birmingham AL 35244

O: 205-943-5797

F: 205-940-6025

C: 205-767-4625



Five Points South

ZBA2019-00052

Request: Modification
Applicant: Stephen Allen
Owner: Glenn Associates LLC
Site Address: 101 12th St S
Zip Code: 35233
Description: Modification to allow 9 off street parking spaces instead of the required 23 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 #012200354016004000, SE ¼ of Section 35, Township 17 S, Range 3 W

Modification

The applicant is requesting a modification to allow 9 off street parking spaces instead of the required 23 off street parking spaces for a proposed multi-tenant building. The building will feature Airship, Core & Shell, Knight Eady and Pihakis Test Kitchen.

Neighborhood

The Five Points South Neighborhood Association has yet to respond to staff.

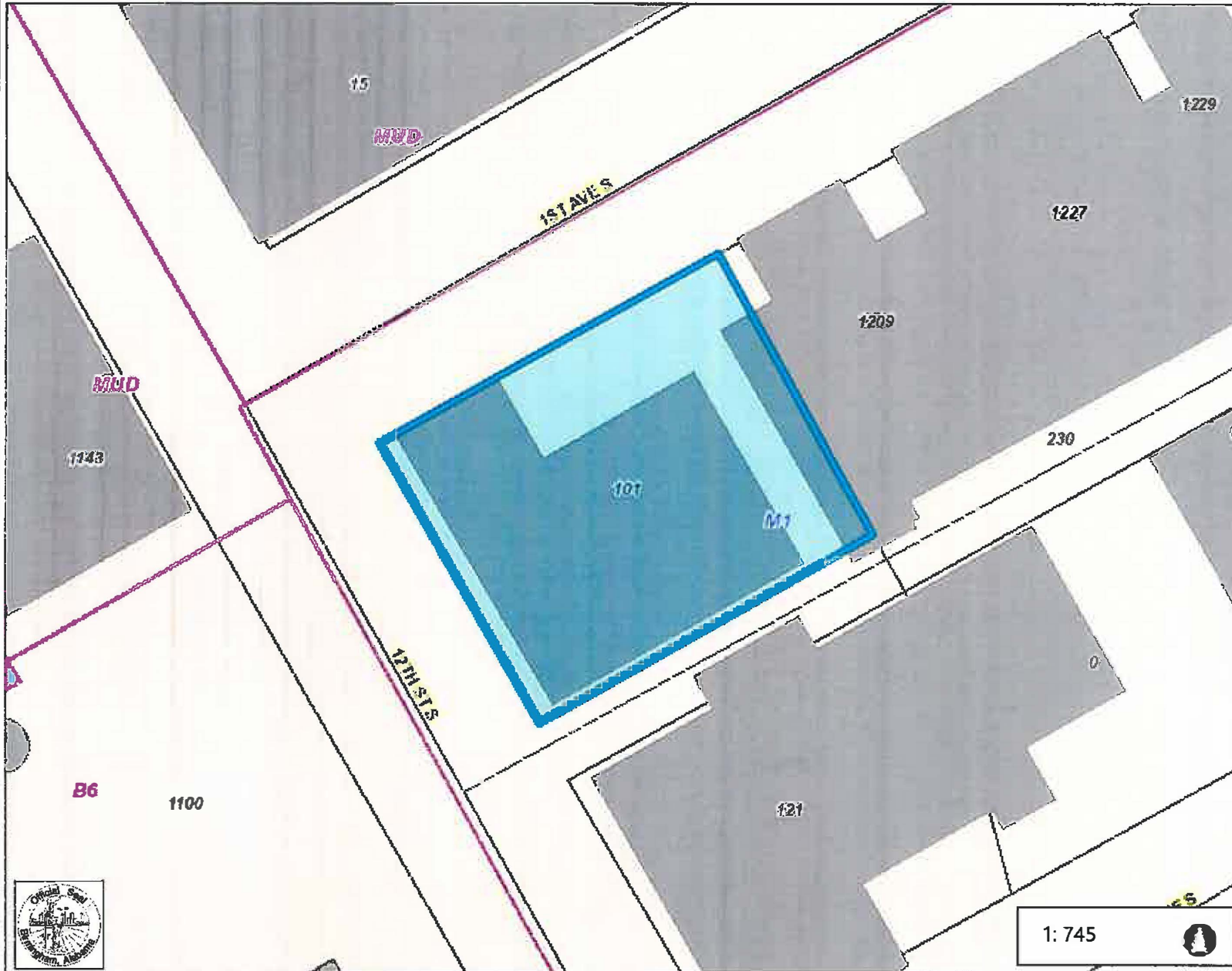
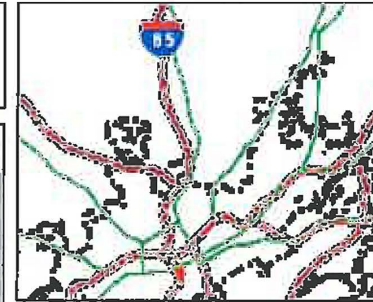
Applicant's Justification

The applicant provided documentation that shows 231 existing on street parking spaces available within 1,320 feet of the site.

Staff Recommendation

Staff believes that the applicant has provided sufficient evidence to support this request. The amount of on street parking within 1,320 feet of the site 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.
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3. Approval based on site plan as submitted.



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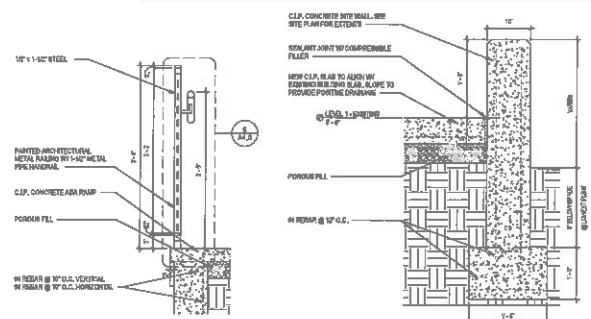


1: 745

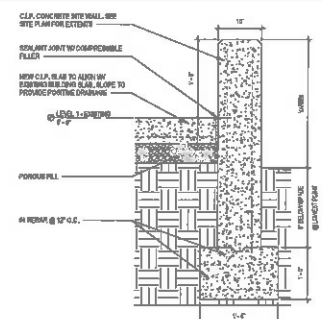


124.1 0 62.06 124.1 Feet

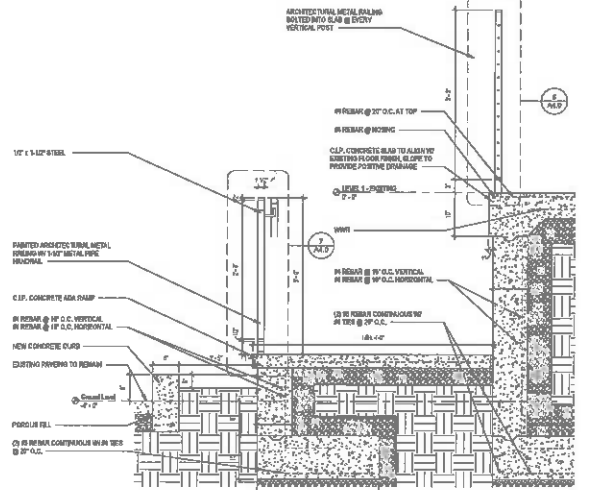
Notes



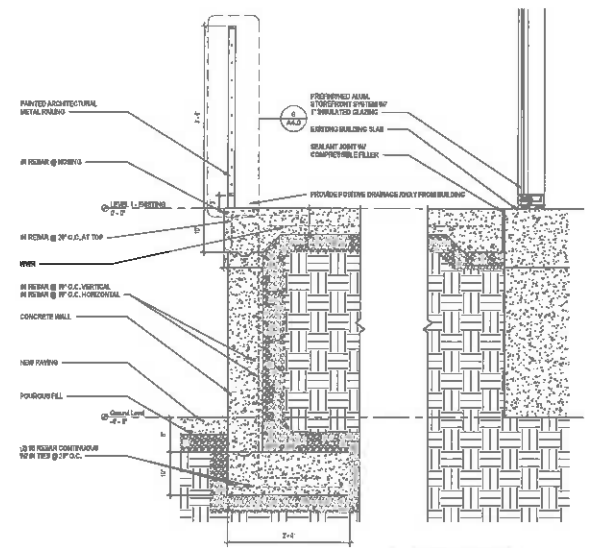
5 SITE RAMP GUARDRAIL
SCALE: 1/4"=1'-0"



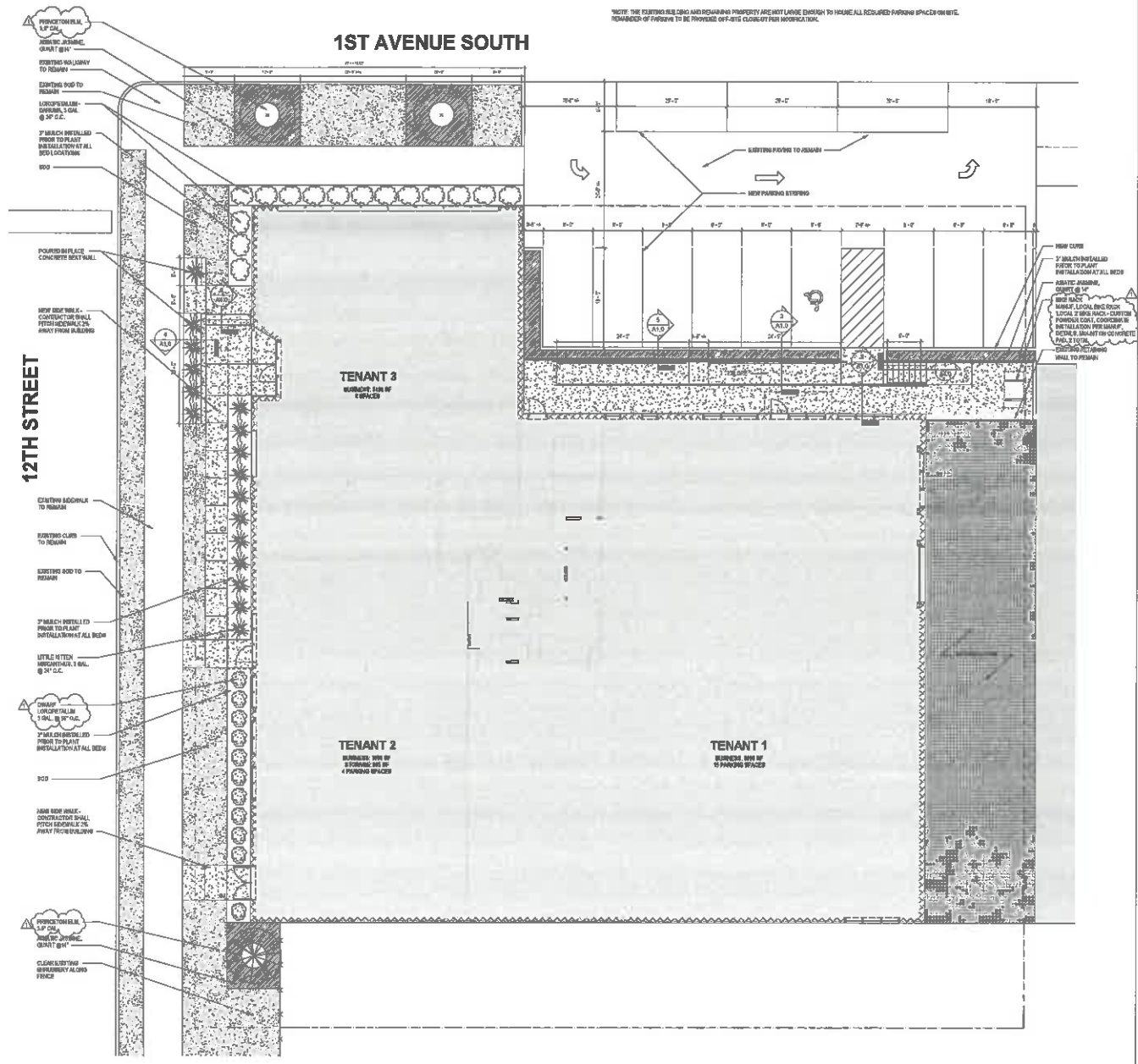
4 SITE WALL
SCALE: 1/4"=1'-0"



3 RAMP RAILING DETAIL
SCALE: 1/4"=1'-0"



2 PORCH SECTION
SCALE: 1/4"=1'-0"



SITE INFORMATION

PROJECT: 101 12TH STREET, BIRMINGHAM, AL 35203
 SUBJECT: RAMP, STORAGE (SEE PLAN BELOW)
 PROPERTY: 204 FIRST AVENUE SOUTH, BIRMINGHAM, ALABAMA 35203

PRINCIPLE USE	GROSS FLOOR AREA	REQUIRED PARKING SPACES PER A.F.A.	PRIORITY TO TRAVEL	BIKEWAY PARKING
OFFICE, BUSINESS	16,781 SF	1 PER 100 SF OF G.F.A.	AS STIPULATED BY THE CITY	2 BIKEWAY PARKING SPACES PER 1,000 SF OF G.F.A.
REQUIREMENTS PROVIDED:	27 PARKING SPACES	15 OFFICE, 12 BUSINESS	AS STIPULATED BY THE CITY	2 BIKEWAY PARKING SPACES PER 1,000 SF OF G.F.A.
CONCRETE	1 PER 100 SF OF G.F.A.	1 OFFICE, 1 BUSINESS	AS STIPULATED BY THE CITY	2 BIKEWAY PARKING SPACES PER 1,000 SF OF G.F.A.
TERRAZZO	12 SPACES			

NOTE: THE EXISTING BUILDING AND REMAINING PROPERTY ARE NOT LARGE ENOUGH TO REQUIRE ALL REQUIRED PARKING SPACES ON SITE. REMAINDER OF PARKING TO BE PROVIDED OFF-SITE AS INDICATED BY THE CITY.



101 12th Street
 PERMIT SET
 Core & Shell
 101 12th STREET, BIRMINGHAM, ALABAMA
 17-122

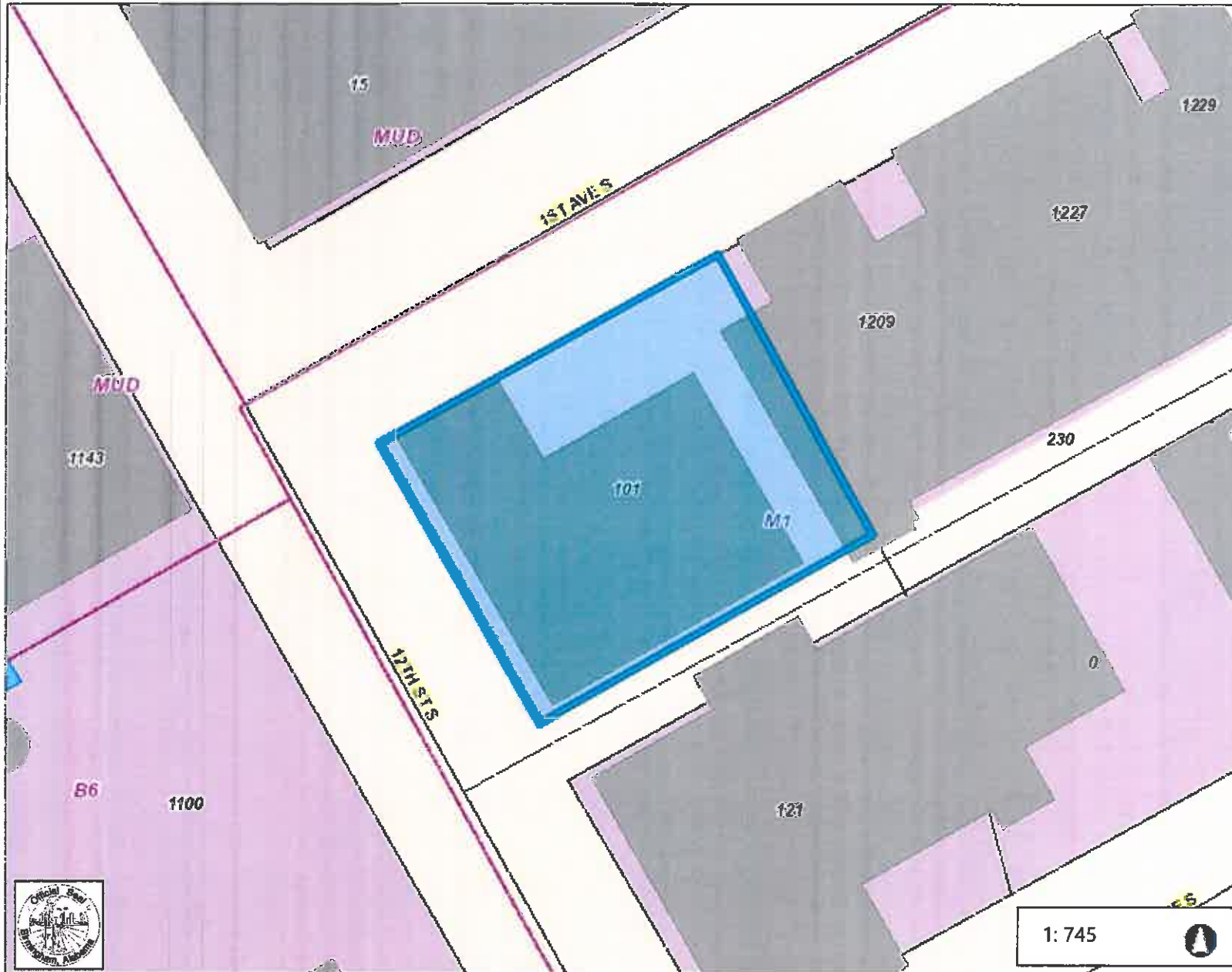
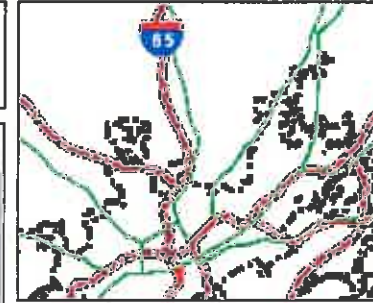
PROJECT OF RECORD
 WILLIAMS BLACKSTOCK ARCHITECTS
 ARCHITECTURE ARCHITECTS PLANNING
 SUITE 200
 204 FIRST AVENUE SOUTH
 BIRMINGHAM, ALABAMA 35203
 ISSUE DATE
 2019.05.03

NO. DATE DESCRIPTION
 1 06/20/2019 CITY COMMENTS

PROJECT NUMBER
 17-122

DRAWING TITLE
 SITE PLAN & DETAILS

SHEET NUMBER
 A1.0



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1: 745



124.1 0 62.06 124.1 Feet

Notes

ZBA2019-00052





PARKING SUMMARY:

CURRENT ZONING: M-1
GROSS AREA: 11,590

OFF STREET PARKING REQUIRED: 24
CURRENT PARKING MODIFICATION: 3
OFF STREET PARKING PROVIDED: 12

PUBLIC TRANSIT WITHIN 2000 FT (SEE ROUTE)
BIKE RACK PROVIDED ON SITE

***UNMARKED ON STREET PARKING AVAILABLE: 126**
***MARKED ON STREET PARKING AVAILABLE: 105**
***WITHIN 1320 FT RADIUS**
TOTAL ON STREET PARKING: 231