

Meeting – October 24th, 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

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Redmont Park

ZBA2019-00064

**Request:** Variance  
**Applicant:** JOSEPH MILLER III  
**Owner:** Smolian Place LLC  
**Site Address:** 1429 and 1415 Smolian Place  
**Zip Code:** 35205  
**Description:** A variance to allow proposed lots 1A, 2A, and 3A to have lot widths of 39.00 feet, 41.64 feet, and 39.00 feet respectively, instead of the minimum lot width of 50 feet; a variance to allow proposed lots 1A, 2A, and 3A to have lot areas of 4,801 sq. ft., 4,980 sq. ft., and 4,810 sq. ft. respectively, instead of the minimum lot area of 6,000 sq. ft.; a variance to allow the minimum side yard on one side of proposed lots 1A, 2A, and 3A to be 3 feet, instead of 5 feet; a variance to allow the minimum side yard total on both sides of proposed lots 1A, 2A, and 3A to be 8 feet, 6 feet, and 8 feet respectively, instead of 14 feet pursuant to Title 2, Chapter 1, Article 1, Section 4.3  
**Property Zoned:** R3 Single Family District  
**Parcel Information:** Parcel #: 012800061015016000, NE1 of Section 06, Township 18 S, Range 2 W

**Variance**

The applicant is requesting lot width, lot area, and side yard variances for proposed lots 1A, 2A, and 3A located at 1415 and 1429 Smolian Place.

**Neighborhood**

The Redmont Park Neighborhood Association will meet on October 23, 2019 to consider the request.

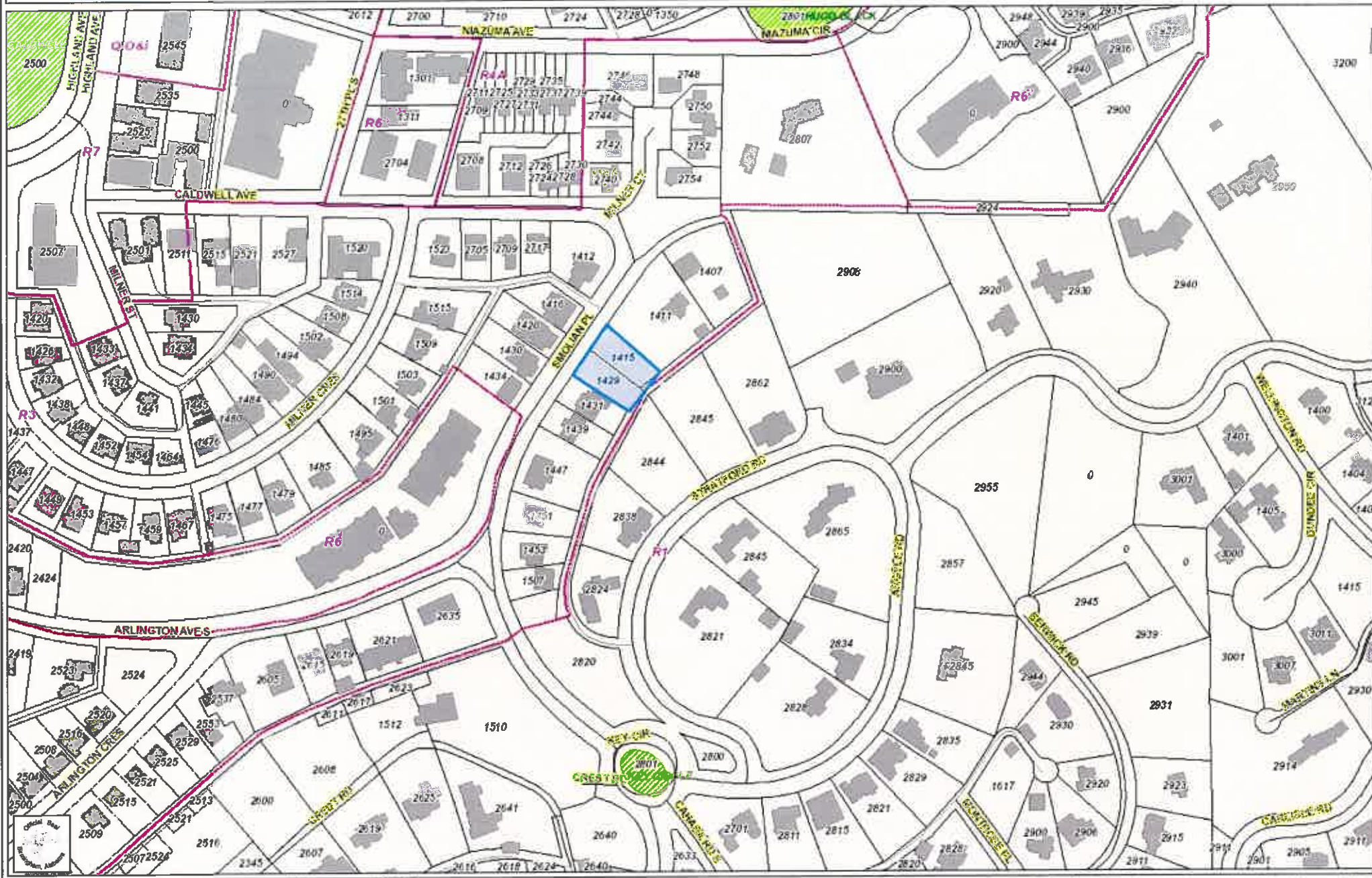
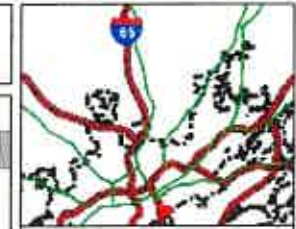
**Applicant's Justification**

The applicant stated that the existing two lots are not both able to have a single-family dwelling built on each lot without applying for variances. The applicant also stated that the ability to use these lots is further limited by the fact that there is a steep front yard running up Smolian Place to a flat area generally in the center of and running across each of those lots, and a steep rise in the back of each lot to the alley.

**Staff Recommendation**

Staff does not believe the applicant has submitted evidence that meets the variance standards of review for the proposal. 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
  - Zoning Outline
  - Railroad
  - Alleys
  - Local Roads
  - Arterials
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  - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - City Limits (solid)

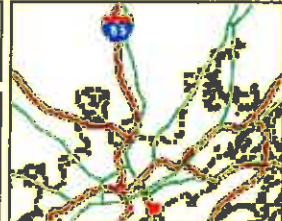
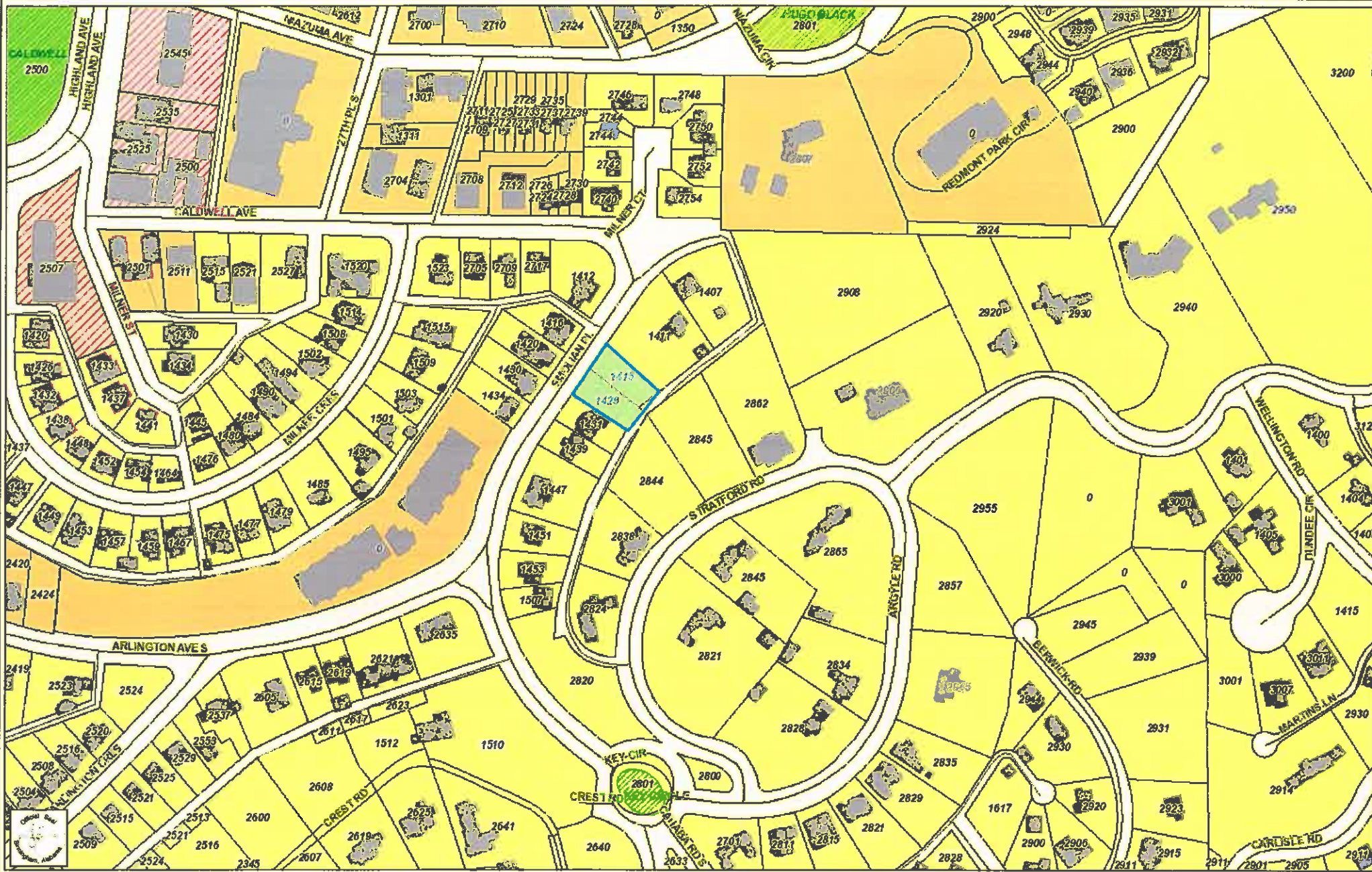
1:2,275

**Notes**  
This map was automatically generated using Geocortex Essentials.



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



**Legend**

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**Adopted LandUse Plan**

- Residential-Low
- Residential-Medium
- Residential-High
- Neighborhood Commercial
- General Commercial
- MXU-Low
- MXU-Medium
- MXU-High
- MXU-Downtown
- Light Industrial
- Heavy Industrial
- Institutional
- Planned Development
- Parks and Recreation
- Open Space
- Rural Enterprises
- Resource Extraction
- Transportation and Utilities

1:2,275

**Notes**  
This map was automatically generated using Geocortex Essentials.

379.2 0 189.61 379.2 Feet

**MILNER CRESCENT RESURVEY No. 2 :**

Being a Resurvey of  
Lots 10-C, AND 11-A Block 5, according to the Resurvey of Lot 10-B, Block 5 of  
McAlpine Resurvey No. 1, as recorded in Map Book 216, Page 79.

STATE OF ALABAMA)  
JEFFERSON COUNTY)

THE UNDERSIGNED, JOSEPH A. MILLER, III, A CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA AND COOK PROPERTIES AND MANAGEMENT, LLC, AS OWNER DO HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCE OF SAID OWNER; THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA; THAT THIS PLAT OR MAP IS A TRUE AND CORRECT PLAT OR MAP OF LANDS SHOWN THEREIN AND KNOWN AS MILNER CRESCENT RESURVEY No. 2, SHOWING THE SUBDIVISIONS INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVING THE LENGTHS OF SAID BOUNDARIES AT EACH LOT AND ITS NUMBER; SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE WIDTH AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK; AND SHOWING THE RELATION OF THE LANDS TO THE RESURVEY OF LOT 10-B, BLOCK 5, OF McAlpine Resurvey No. 1, as recorded in Map Book 216, Page 79; AND THAT PK NAILS HAVE BEEN SET IN PAVEMENT, OR IRONS SETS AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID PLAT OR MAP. SAID OWNER ALSO CERTIFIES THAT HE IS THE OWNER OF SAID LANDS AND THE SAME ARE NOT SUBJECT TO ANY MORTGAGE. SAID OWNER AGREES THAT THE CITY OF BIRMINGHAM MAY AT ANY TIME CHANGE THE NATURAL OR EXISTING GRADE OF ANY STREET, ALLEY, OR PUBLIC GROUNDS OR ANY PART THEREOF FROM THE NATURAL GRADE TO THE PERMANENT GRADE WITHOUT THE PAYMENT OR COMPENSATION OF DAMAGES TO THE ADJUTING OWNER; AND THIS AGREEMENT SHALL BE A COVENANT RUNNING WITH THE LANDS. THE UNDERSIGNED APPOINT THE CITY OF BIRMINGHAM AS AGENT FOR THE PURPOSE OF FILING SAID PLAT OR MAP, TOGETHER WITH THIS INSTRUMENT FOR RECORD, AND CERTIFY THAT WE HAVE FULL AUTHORITY TO EXECUTE THIS INSTRUMENT AND MAP. IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS ON THE RESPECTIVE DATES SET FORTH BELOW.

SURVEYOR: JOSEPH A. MILLER, III      OWNER : COOK PROPERTIES AND MANAGEMENT, LLC

JOSEPH A. MILLER, III      DATE      Jarrod Cook, Member      Date  
ALA. REG. NO. P.E. & L.S. 17054  
2217 10th COURT SOUTH  
BIRMINGHAM, AL 35205

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT JOSEPH A. MILLER, III, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT AFTER BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY THEREFOR. GIVEN UNDER MY HAND AND SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT JARROD COOK, MEMBER, COOK PROPERTIES AND MANAGEMENT, LLC WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS OWNER OF Lots 10-D, 11-D, 12-D, BLOCK 5 of Milner Crescent Resurvey No. 2, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT AFTER BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY AS SUCH INDIVIDUAL AND WITH FULL AUTHORITY THEREFOR. GIVEN UNDER MY HAND AND SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

RESOLUTION: THERE BEING NO STREET DEDICATION THE USUAL RESOLUTION IS OMITTED.

APPROVED: \_\_\_\_\_ CITY ENGINEER  
BIRMINGHAM PLANNING COMMISSION

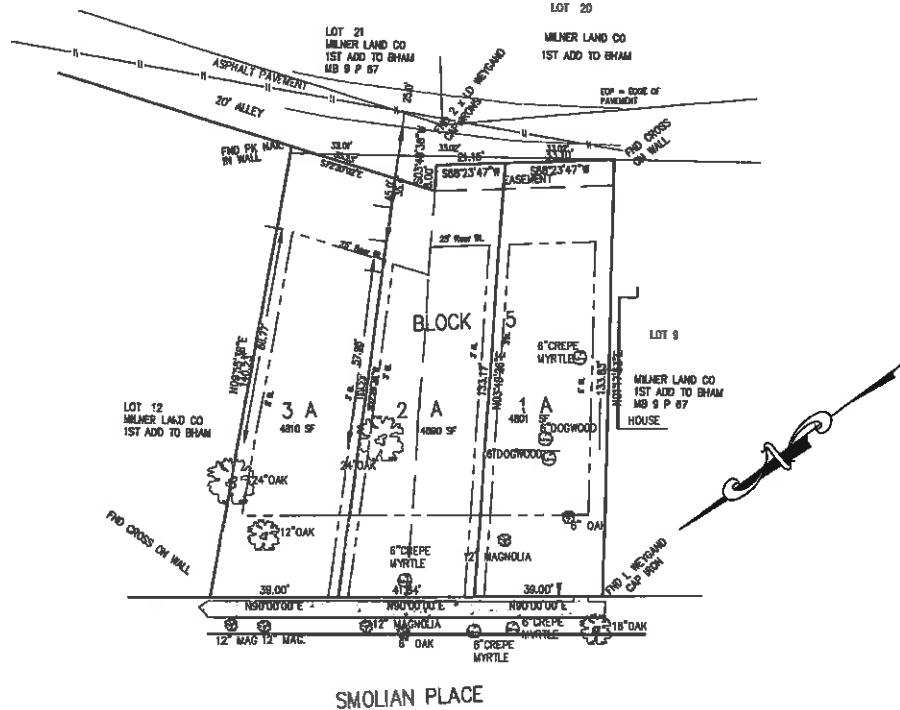
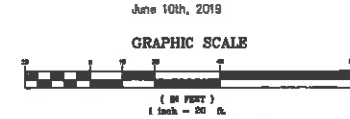
TECHNICAL ADVISOR      DATE      CITY ENGINEER      DATE

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR FUTURE JEFFERSON COUNTY SANITARY SEWERS, HOWEVER THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN RIGHT OF WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DIRECTOR OF JEFFERSON COUNTY ENVIRONMENTAL SERVICES      DATE  
FOR RECORDING PURPOSES ONLY

I HEREBY CERTIFY 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: \_\_\_\_\_ date  
JOSEPH A. MILLER, III  
ALABAMA LICENSE NUMERICAL PEALS 17054



SMOLIAN PLACE

NOTE: ALL EASEMENTS SHOWN ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS AND OPEN STORM DITCHES AND MAY BE USED FOR SUCH PURPOSES TO SERVE BOTH WITHIN AND WITHOUT THIS SUBDIVISION.  
The property is not located in a flood plain area per the Flood Insurance Rate Map Panel No. 01075C03030, Dated Sept. 29, 2008, which covers the area in which the property is situated.

M T M  
ENGINEERS, INC.  
CONSULTING ENGINEERS—LAND SURVEYORS  
2217 10th COURT SOUTH BIRMINGHAM, AL 35205  
TELEPHONE (205) 320-0114

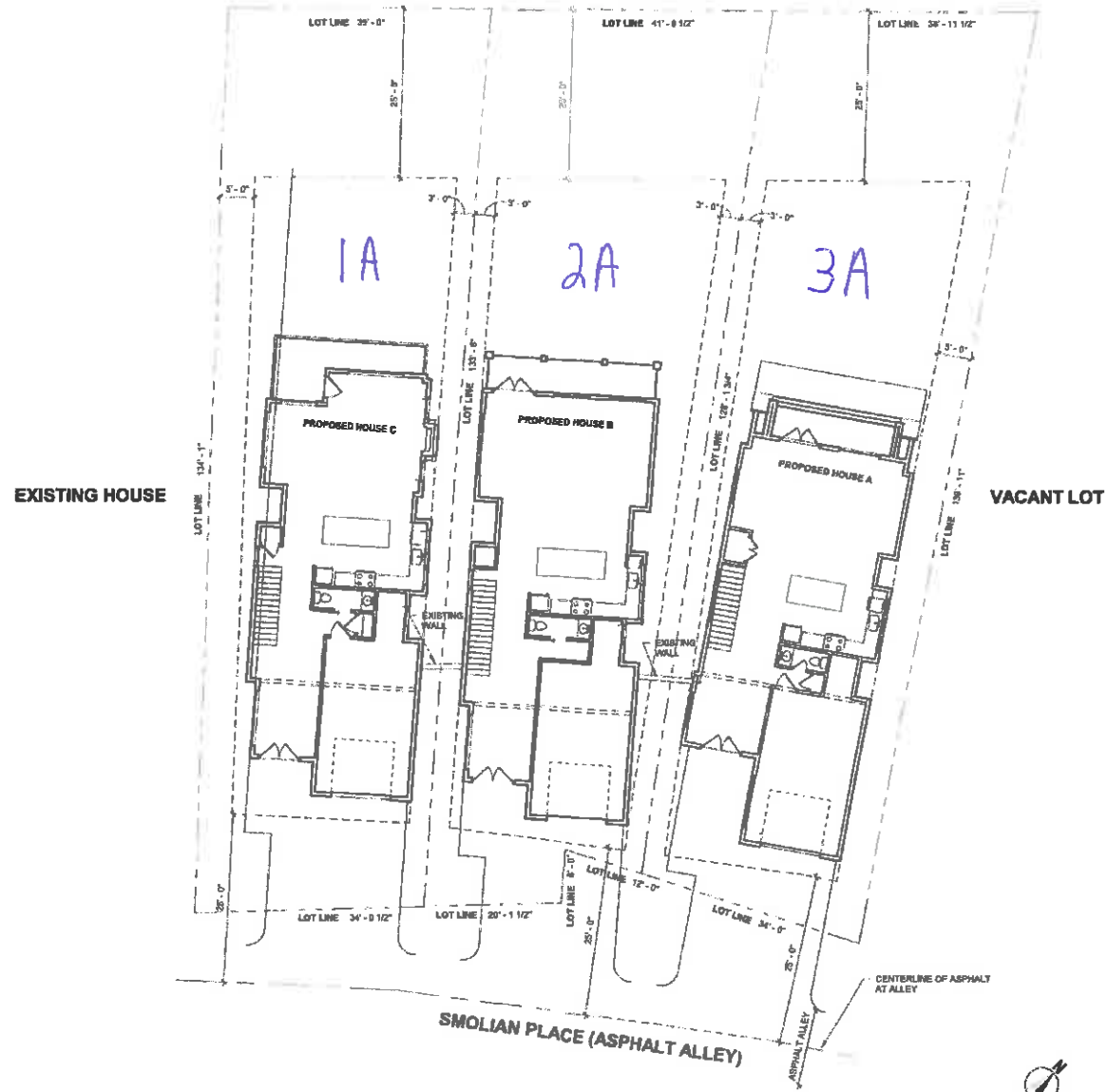


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DATE	05.10.19
JOB NO.	1
AAA/PLATS/ MILNER CRESCENT No. 2	
DATE	05.10.19
DRAWN	JMC/JAM III
CHECKED	JAM III
SCALE	1" = 20.00'
SHEET	1

SMOLIAN PLACE

NOTE:  
 ARCHITECTURAL SITE PLAN IS FOR REFERENCE ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION LAYOUT. ALL SETBACKS, PROPERTY LINES, GRADES, DIMENSIONS AND BUILDING LAYOUTS MUST BE CONFIRMED WITH A LICENSED SURVEYOR OR CIVIL ENGINEER FOR CONFORMANCE WITH LOCAL ZONING ORDINANCES PRIOR TO CONSTRUCTION.



PRELIMINARY

FOR INTERIM REVIEW ONLY  
 NOT FOR REGULATORY  
 APPROVAL, PERMITTING  
 OR CONSTRUCTION



SCHEMATIC SE

A NEW RESIDENCE

1451 Smolian Pl

REVISIONS

NO.	DATE	DESCRIPTION

PRJ NO DATE  
 18052 08/27/2018

SHEET NAME  
 SITE PLAN

SHEET NO.  
 S-00



1 SITE PLAN  
 1" = 10'-0"

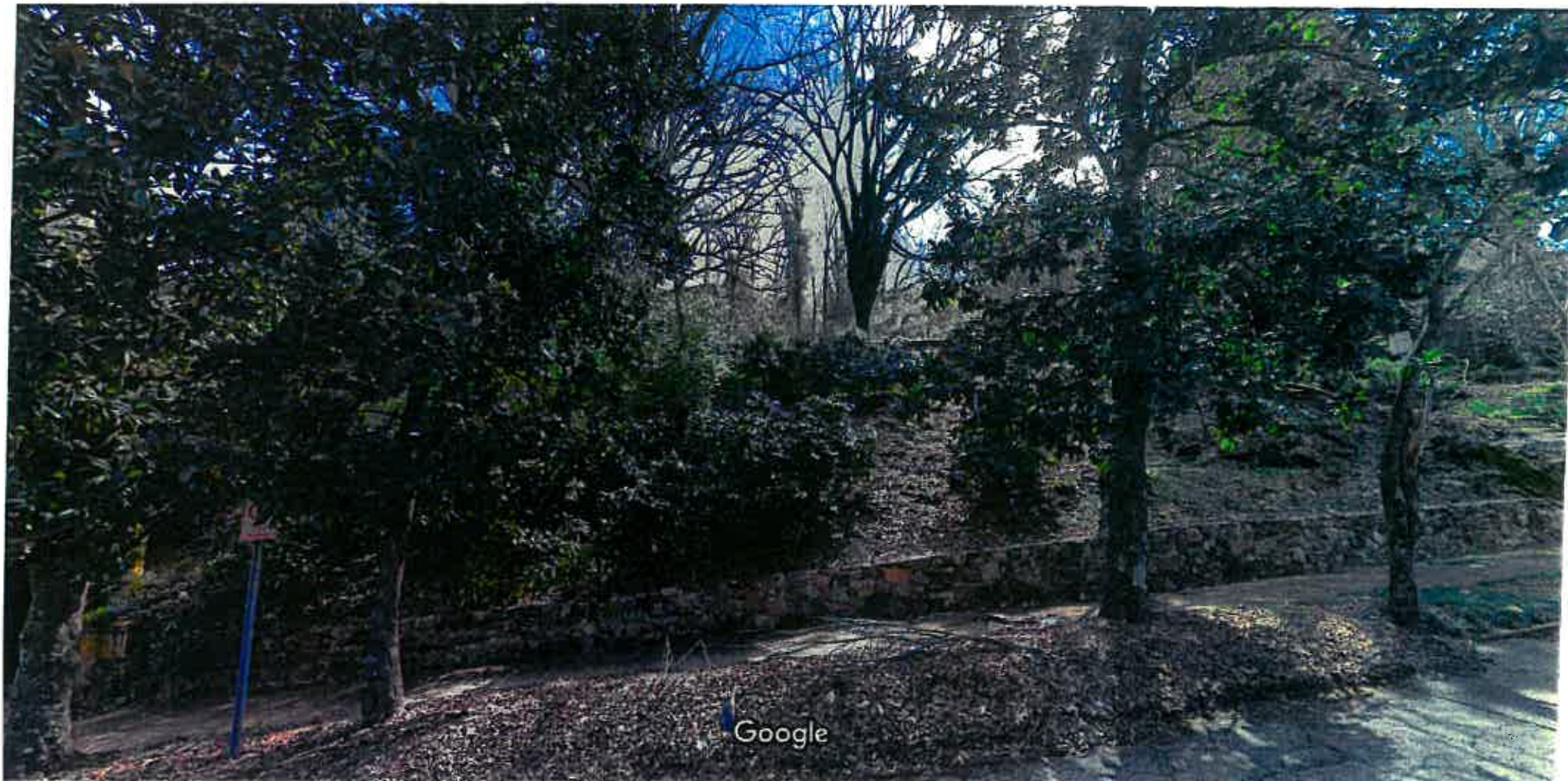


Image capture: Mar 2019 © 2019 Google

Birmingham, Alabama



Street View - Mar 2019

**EXHIBIT A**  
**TO APPLICATION TO THE ZONING BOARD OF ADJUSTMENT FOR VARIANCES**

The existing lots of the property to be resurveyed consist of two (2) which, while appropriately zoned, are not both able to have a single-family dwelling built on each lot without applying for variances. The ability to use these lots is further limited by the fact that there is a steep front yard running up from Smolian Place to a flat area generally in the center of and running across each of those lots, and a steep rise in the back of each lot to the alley. The extraordinary conditions of the property present exceptional difficulties in developing them with homes that are complementary to the neighborhood. Since one of the lots is not capable of being developed at all without variances it would be an undue hardship of the owner if the strict application of the Zoning Code to that lot prevented its development.

The exceptional narrowness and unusual topography of the lots to be resurveyed are unique to the subject property and constitute virtually the only vacant lots in the neighborhood which are available for construction of single-family homes. In general, the current wedge-shape of the easternmost lot on the current survey is wider on the street and is narrow in the back. It would present unique challenges and certainly prevent any construction on that lot without significant variances.

In an effort to minimize the variances requested and to reflect varying designs on essentially uniform sized and shaped lots, the owner is requesting the following variances:

- (1) The front width from 50 feet per lot, to three lots with frontages of 39.00 feet, 41.64 feet, and 39.00 feet;
- (2) The side lot lines are required to be at least five feet from the adjacent lot. The Owner is requesting a variance to require a five-foot setback from the easternmost lot line, three-foot setback line on each side between each of the three lots and a five-foot setback on the westernmost side to the adjacent property; and
- (3) Lot sizes which are currently required to be 5,000 square feet. The Owner is requesting variances to result in lot sizes for the three lots of 4810 square feet, 4980 square feet, and 4801 square feet.

The new lot configurations will be generally uniform, and slightly wedge-shaped which will result in the preservation of the ability to a construct a unique single-family dwelling on each of these lots.

In summary, the granting of the requested variances will result in three (3) substantially uniform lots with uniform frontages and exterior side setbacks, and the construction will be able to utilize the substantial topography challenges to create unique and desirable single-family dwellings that will be a compliment to the neighborhood.



Crestwood North

ZBA2019-00065

**Request:** Variance  
**Applicant:** JAMES DECKER  
**Owner:** Girls Incorporated of Central Alabama  
**Site Address:** 5130 8TH CT S 35205  
**Zip Code:** 35203  
**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:** CO&I Contingency Office and Institutional District  
**Parcel Information:** Parcel #: 012300281012009000, NE1 of Section 28, Township 17 S, Range 2 W

**Variance**

The applicant is requesting a variance to allow an accessory structure in a yard other than the required rear yard at the Girls Incorporated of Central Alabama location at 5130 8<sup>th</sup> CT S.

**Neighborhood**

The Crestwood North Neighborhood Association voted 37-0 in support of this project on September 24<sup>th</sup>, 2019 given the following reason; it will be a great addition to Girls Inc. and the neighborhood.

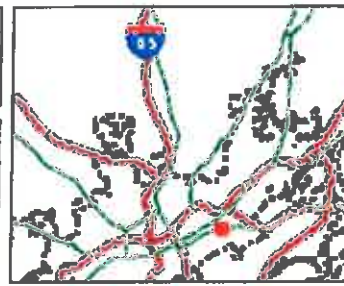
**Applicant's Justification**

The applicant stated that the property is unique in that both sides of the building are used as main entrances and it has a unique shape where the majority of the "front side" is concealed by heavy nature foliage, particularly the area of the proposed pavilion structure. The purpose of the new structure is an outdoor pavilion/classroom.

**Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support this request due to the multiple frontages of the lot. 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 ensure 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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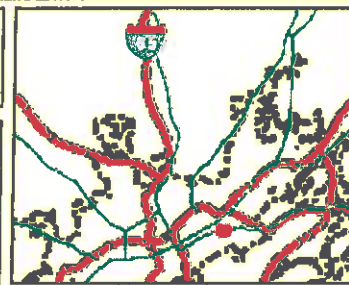
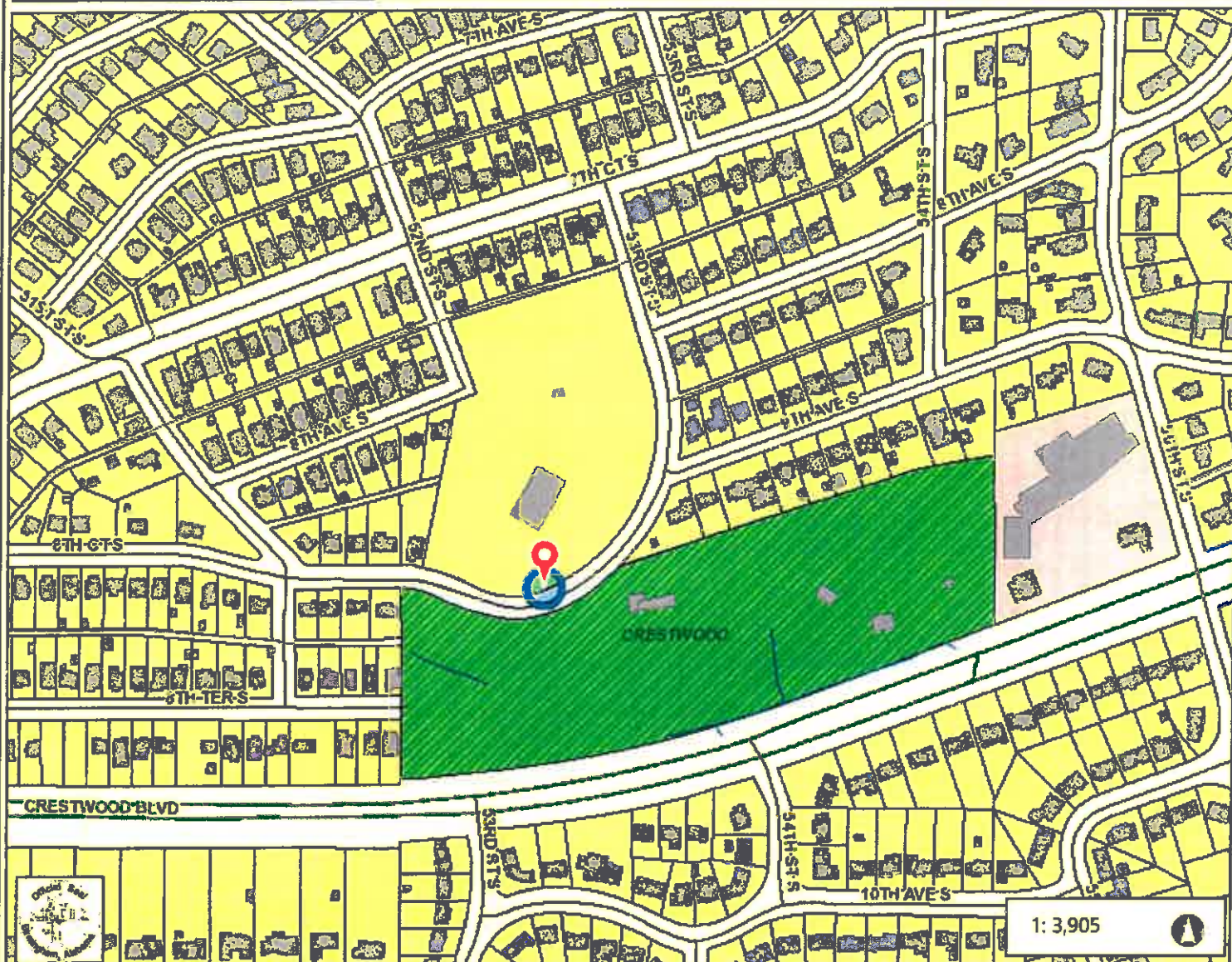
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650.9 0 325.46 650.9 Feet

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Notes



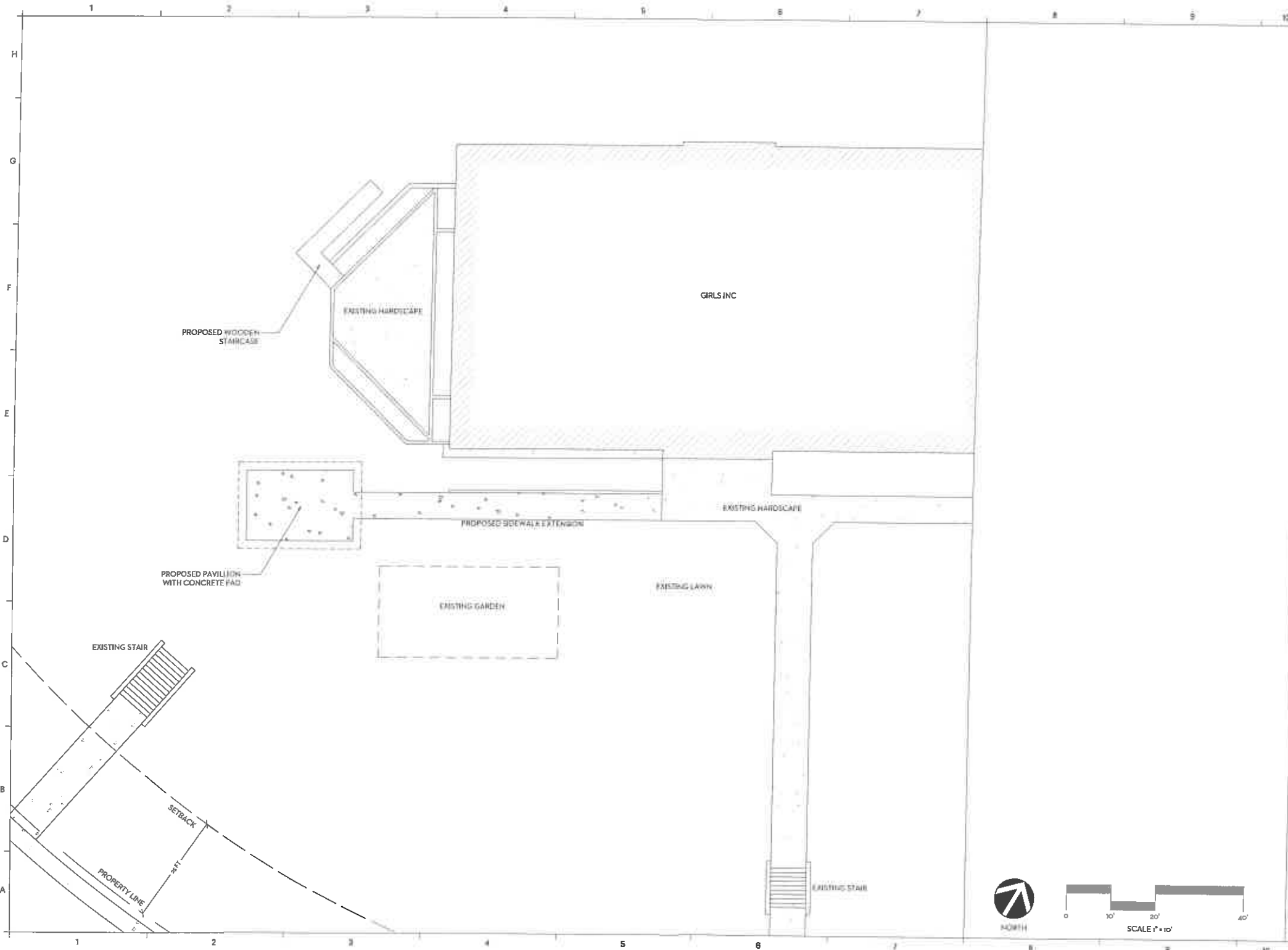
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1: 3,905



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Notes



# GMC

2701 1st Avenue S  
 Birmingham, AL 35233  
 T 205.875.4482  
 GMCNETWORK.COM

ISSUE DATE  
 PERMITTING 2018/03/04

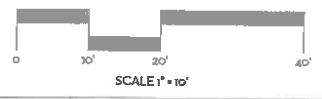
Girls Inc of Central AL  
 3100 Lee Court North  
 Birmingham, AL 35212

GMC Project #:  
 B&G United Way

DRAWN BY: EAG  
 CHECKED BY:

Landscape Plan

L1.00  
0000 of 0000





Hatched = NOT FRONT YARD

ZBA2019-00065 8<sup>th</sup> Ct S





Girls Inc.  
Pavilion Location Plan  
9.9.19

Estacion de Buses

Proposed sidewalk extension

Location of proposed pavilion

Existing shed to be removed

Calle 100

Calle 100

Calle 100

Calle 100

Calle 100

Calle 100

ZBA2019-00065 5130 8th Ct S





**Girls Inc. Application to the Zoning Board of Adjustment  
Variance request – Explanation of hardship & extenuating circumstances  
9/11/19**

The Girls Inc. property is unique in that both sides of the building are used as main entrances and it has a unique shape where the majority of the "front" (side of building fronting 8<sup>th</sup> Ct. South) is concealed by heavy natural foliage, particularly the area of the proposed pavilion structure. Further, the proposed location is important so that it functions appropriately with existing features of the site and building.

Currently, the program uses that end of the building as outdoor classroom/learning/activity space given its proximity to the large multi-use room/gym in that end of the building and its natural barrier of vegetation. For these reasons, we believe the proposed location is optimal for the betterment of the program participants as well as limiting any inconvenience and/or visual detriment to the public and neighbors.

Arlington-West End

ZBA2019-00066

**Request:** Variance  
**Applicant:** Cedric Anderson  
**Owner:** MW LLC  
**Site Address:** 125 Cotton Ave  
**Zip Code:** 35211  
**Description:** Variance to allow a 6 FT fence in the required front yard pursuant to Title 1, Chapter 4, Article 5, Section 5, Subsection 3.A.1.  
**Property Zoned:** CR5 Contingency Multiple Dwelling District  
**Parcel Information:** Parcel #01900012003003000, NW ¼ of Section 01, Township 18 S, Range 3 W

**Variance**

The applicant is requesting a variance to allow an 6FT fence in the required front yard instead of the 4 FT allowed in a residential district.

**Neighborhood**

The Arlington-West End Neighborhood Association did not respond for request for a neighborhood vote.

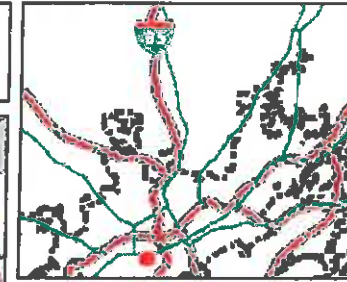
**Applicant's Justification**

The applicant states this has been a high crime area in the past however they have worked to improve the quality of tenant they accept and have already made improvement to the property. This requested 6 FT high ornamental perimeter fence would provide additional security for the residents and property.

**Staff Recommendation**

This property is located in the 100-year floodplain. Floodplain staff noted they had no concerns with the fence at this time. Staff believes that the applicant has provided sufficient evidence to support this request due to the lot having 4 front yards. Therefore, staff believes this request does have some merit for approval and as such, should be **GRANTED** subject to the following conditions:

1. Review by the appropriate zoning inspector to ensure 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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650.9 0 325.46 650.9 Feet

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Notes







Corner of 2<sup>nd</sup> St SW & Cotton Ave SW  
32' fence with 4' swing



Cotton Ave SW  
18' fence



Cotton Ave SW  
48' fence with 20' roll gate



Cotton Ave SW  
49' fence  
1st Street SW  
45' fence



1st Street SW  
42' fence with 4' gate  
Tuscaloosa Ave SW  
53' fence



Tuscaloosa Ave SW  
63' fence



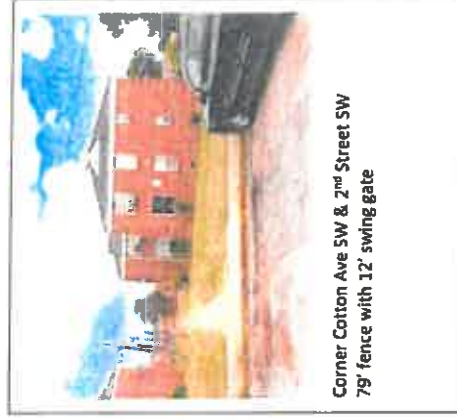
Tuscaloosa Ave SW  
19' fence



Tuscaloosa Ave SW  
37' fence



Corner Tuscaloosa Ave SW & 2<sup>nd</sup> Street SW  
79' fence with 12' swing gate



Corner Cotton Ave SW & 2<sup>nd</sup> Street SW  
79' fence with 12' swing gate

Priority Services Group llc  
P. O. Box 1298, Birmingham, AL 35201  
Tel (205) 403-5592

Priority  
Services  
Group, LLC

September 9, 2019

To whom it may concern,

We acquired the apartment complex located between 1<sup>st</sup> Street SW and 2<sup>nd</sup> Street SW between Tuscaloosa Ave SW and Cotton Ave SW currently known as Park Manor Apartments. This has been a high crime area in the past however we have worked to improve the quality of tenant we accept and have already made improvements to the property.

We are continuing our efforts towards improving the property and the area by installing additional safety features which will include an 8' Ornamental Perimeter fence. We are requesting the 8' variance because the additional height would greatly discourage any attempts to compromise the barrier.

We know the fence will prohibit transient pedestrian traffic from passing through the property as well as prohibit unauthorized vehicle parking. It will also reduce the opportunity for vandalism, crime and residential trespassing.

Sincerely,  
*Priority Services Group LLC*



Huffman

ZBA2019-00067

**Variance**  
**Request:** Dedrick Agee  
**Applicant:** Cornerstone Schools of Alabama  
**Owner:** 959 Huffman Rd  
**Site Address:** 35235  
**Zip Code:** A variance to allow a 6FT chain link fence along the front yard of Huffman Road instead of a fence with a maximum height of 4FT pursuant to Title 1, Chapter 4, Article 5, Section 5, Subsection 3.A.1.  
**Description:** R2 Single Family District  
**Property Zoned:** Parcel #: 011200312005012000, NW1 of Section 31, Township 16 S,  
**Parcel Information:** Range 1 W

**Variance**

The applicant is requesting a variance to allow a 6FT chain link fence along the front yard of Huffman Road instead of the maximum height of 4FT in a residential district.

**Neighborhood**

The Huffman Neighborhood Association met and approved this request 38-0 giving the following reasons; it would provide security for the school and it would not block any vision of the neighborhood.

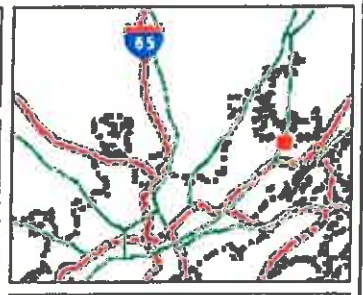
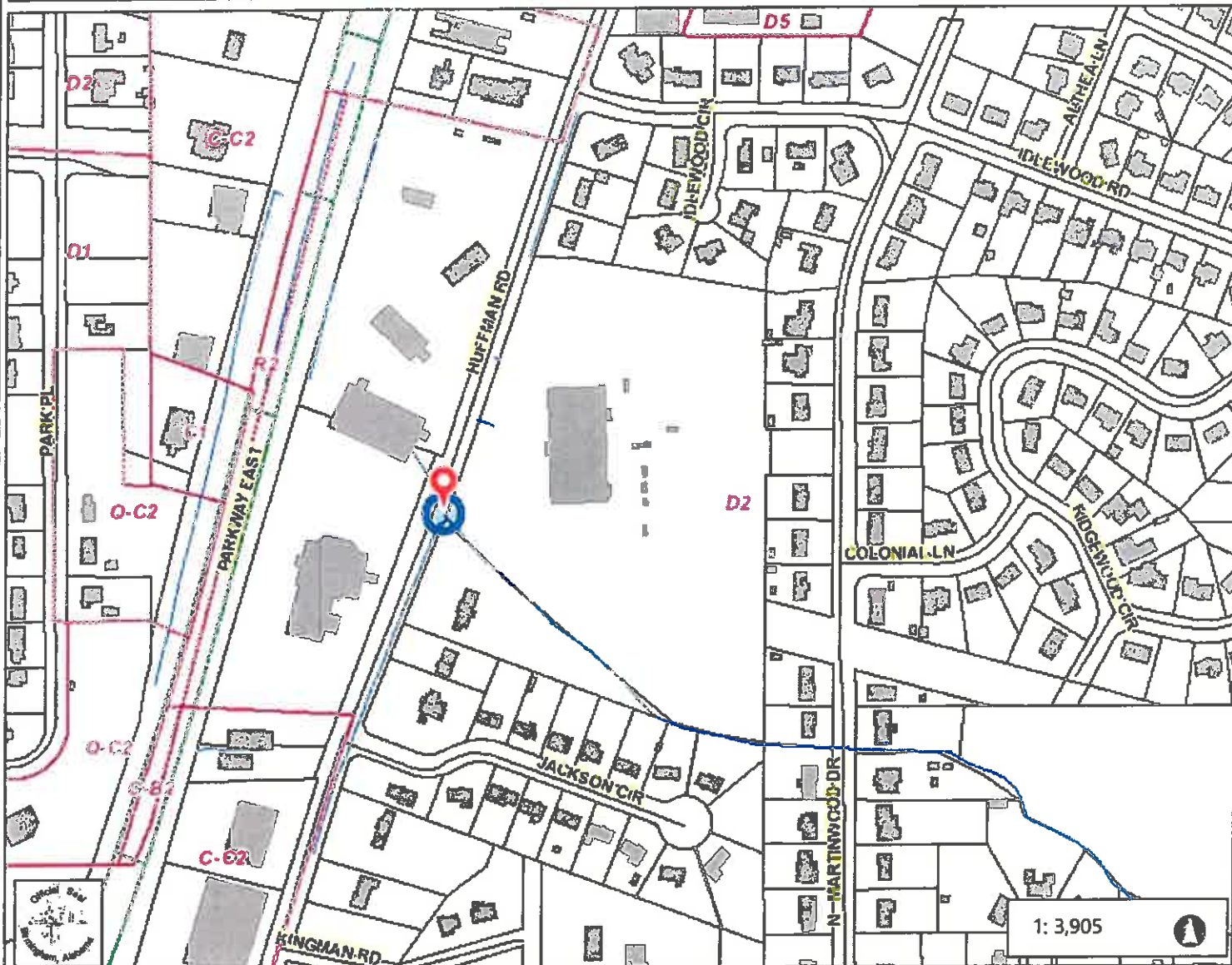
**Applicant's Justification**

The applicant stated that the 6FT fence is needed to help ensure the safety of the student body and securing of the school.

**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



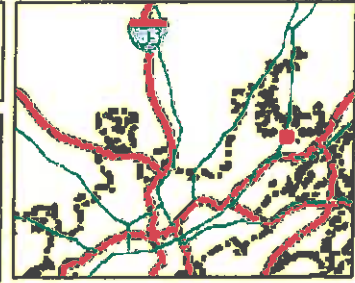
- Legend**
- Centerline Labels
  - Zoning Outline
  - Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
  - Limited Access
  - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - City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

1: 3,905

**Notes**



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**



Legend

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

1: 3,905



650.9 0 325.46 650.9 Feet

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Notes



ZBA 2019-00067 959 Huffman Rd



ZBA2019-00067



Five Points South

ZBA2019-00071

Request: Special Exception  
Applicant: Brian Wolfe  
Owner: Canton Properties Inc.  
Site Address: 10 14<sup>th</sup> Street South  
Zip Code: 35233  
Description: Special exception to allow the use of a communal living facility (70 CLF units) pursuant to Title 1, Chapter 9, Article V, Section 3 (see ZBA2018-00078)  
Property Zoned: MU-D Mixed Use Downtown  
Parcel Information: Parcel #012200363041001000, SW ¼ of Section 36, Township 17 S, Range 3 W

**Special Exception**

The applicant is requesting a special exception to allow a communal living facility. The proposed project is a student housing facility with a mixed use component.

The Zoning Board of Adjustment approved a variance to allow a CLF to be located within 1,000 FT of another existing CLF as well as the special exception request on February 14, 2019 with the condition that the applicant must obtain a certificate of occupancy within two years from the date of approval. The applicant will not be able to obtain a certificate of occupancy within that two-year timeframe.

**Neighborhood**

The applicant met with the Five Points South Neighborhood Association for the original case (ZBA2018-00078) on November 26, 2018. The neighborhood unanimously recommended approval of the case.

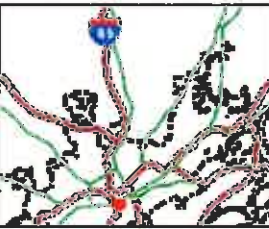
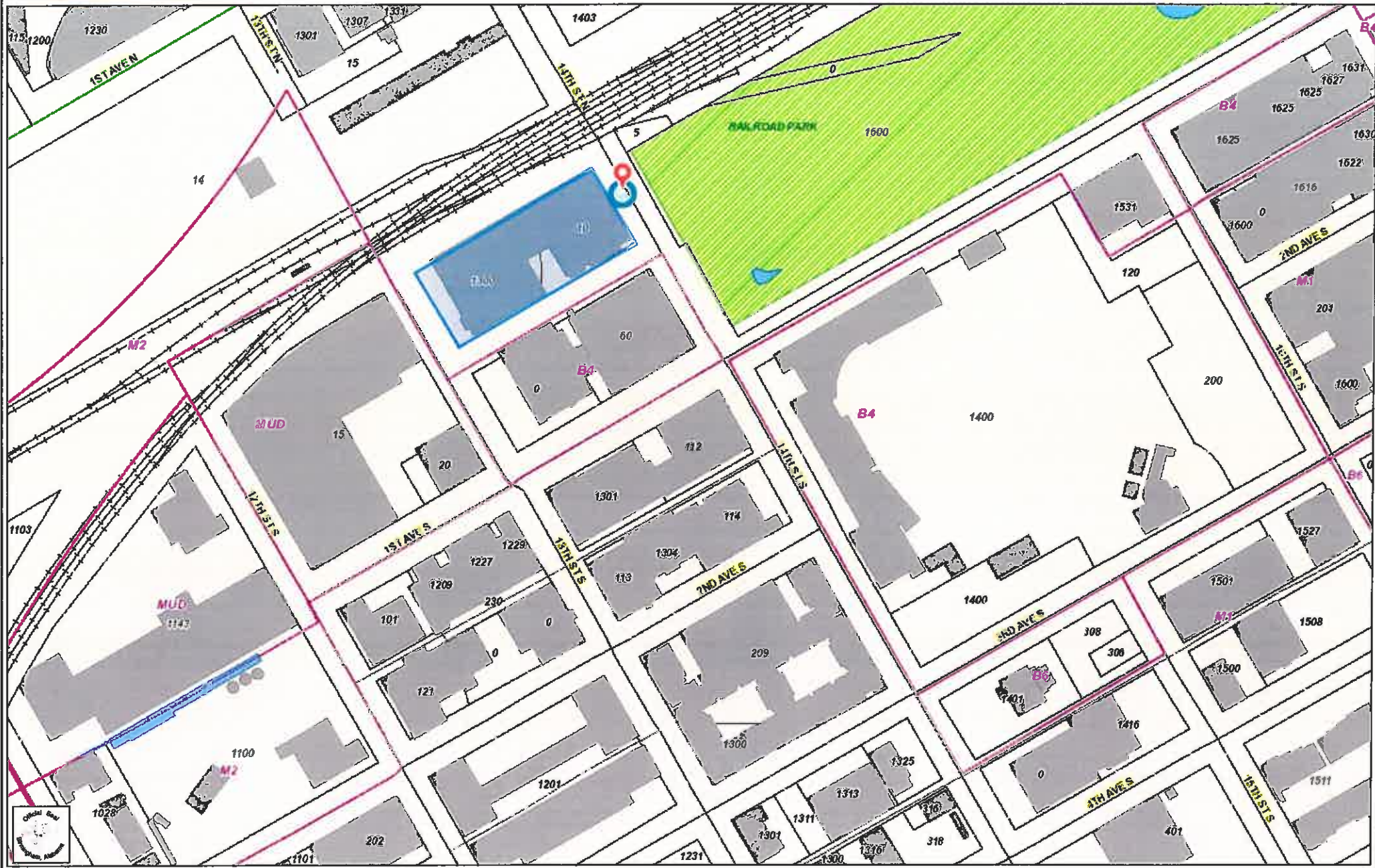
**Applicant's Justification**

The applicant stated that proximity to both UAB and city transit lines make it an ideal location for student housing which is needed to support UAB's growing student population.

**Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support the request. Therefore, staff believes the request has 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.



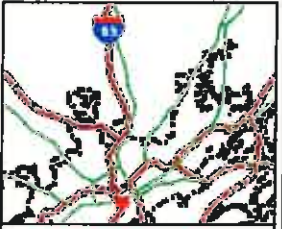
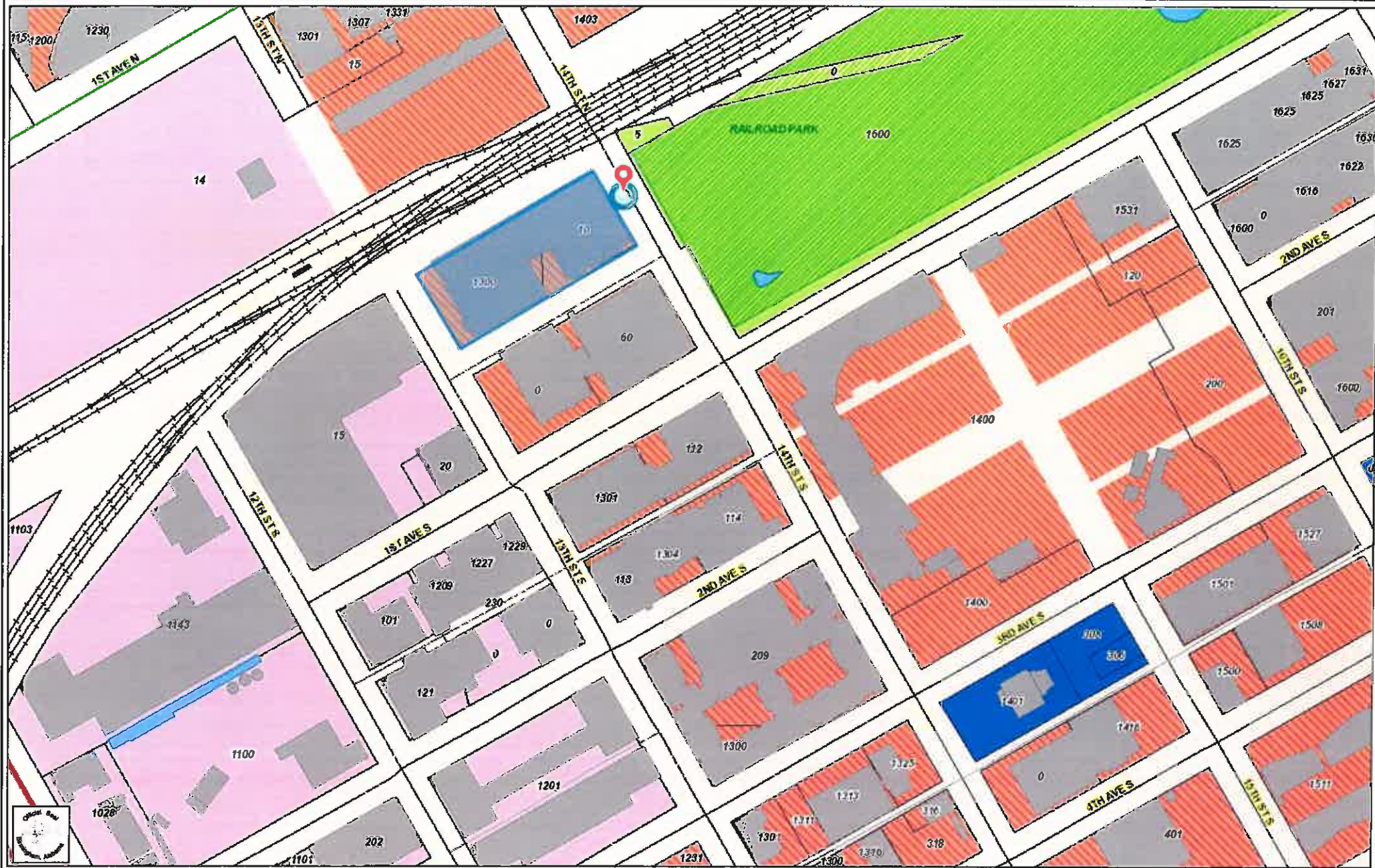
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  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - City Limits (solid)



1:2,275

**Notes**  
This map was automatically generated using Geocortex Essentials.





**Legend**

- Centerline Labels
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- US Highways
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- Limited Access
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- 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
- MXU-High
- MXU-Downtown
- Light Industrial
- Heavy Industrial
- Institutional
- Planned Development
- Parks and Recreation
- Open Space
- Rural Enterprise
- Resource Extraction
- Transportation and Utilities

City Limits (partial)

1:2,275

**Notes**  
This map was automatically generated using Geocortex Essentials.

379.2 0 189.61 379.2 Feet



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2019 200 ft

ZONING BOARD OF ADJUSTMENT  
CITY OF BIRMINGHAM

CASE NO.: ZBA2018-00078 Five Points South  
APPLICANT: Brian Wolfe  
OWNER: Parkside Bakery Investment Partners II, LLC

SUBJECT: Special exception to allow the use of a communal living facility (70 CLF units) pursuant to Title 2, Chapter 9, Article V, Section 3 and a variance to allow a communal living facility approximately 750 FT from an existing communal living facility pursuant to Title 1, Chapter 9, Article VI, Section 5

PREMISES: Located at 10 14<sup>th</sup> St S; situated on P O B N W INTER OF POWELL AVE & 14TH ST S TH N W 166.5 FT ALG 14TH ST S TO RR R/W TH S W 1208 FT ALG RR R/W TO W LINE SEC 36 T 17 SR 3 W TH S 185S FT ALG W LINE SEC 36 TO POWELL AVE TH N E 210S FT ALG POWELL AVE TO P O B BEING PT OF BLK 111 BHAM, Parcel #:012200363041001000, and lying in the SW ¼ of Section 36, Township 17 S, Range 3 W; and 1300 Powell Ave, situated on P O B NE INTER OF POWELL AVE & 13TH ST S TH N W 165S FT ALG 13TH ST S TO R R/W TH N E 273 FT ALG R R/W TO E LINE SEC 35 T 17S R 3 W TH S 190 FT S ALG E LINE SEC 35 TO POWELL AVE TH S W 185 FT S ALG POWELL AVE TO P O B BEING PT OF BLK 111 BHAM, Parcel #: 012200354004001000, and lying in the SE ¼ of Section 35, Township 17 S, Range 3 W

**BE IT RESOLVED** by the Zoning Board of Adjustment of the City of Birmingham, Alabama, that the application of Brian Wolfe, applicant representing Parkside Bakery Investment Partners II, LLC, owner, for a special exception to allow the use of a communal living facility (70 CLF units) pursuant to Title 2, Chapter 9, Article V, Section 3 and a variance to allow a communal living facility approximately 750 FT from an existing communal living facility pursuant to Title 1, Chapter 9, Article VI, Section 5 for a property located at 10 14<sup>th</sup> St S; situated on P O B N W S W 1208 FT ALG RR R/W TO W LINE SEC 36 T 17 SR 3 W TH S 185S FT ALG W LINE SEC 36 TO POWELL AVE TH N E 210S FT ALG POWELL AVE TO P O B BEING PT OF BLK 111 BHAM, Parcel #:012200363041001000, and lying in the SW ¼ of Section 36, Township 17 S, Range 3 W; and 1300 Powell Ave, situated on P O B NE INTER OF POWELL AVE & 13TH ST S TH N W 165S FT ALG 13TH ST S TO R R/W TH N E 273 FT ALG R R AVE TH S W 185 FT S ALG POWELL AVE TO P O B BEING PT OF BLK 111 BHAM, Parcel #: 012200354004001000, and lying in the SE ¼ of Section 35, Township 17 S, Range 3

W according to the Surveyor's Certificate or drawing accompanying the application and marked, "RECEIVED, February 14, 2019", according to the Zoning Board of Adjustment, Case no. ZBA2018-00078, be and the same hereby is **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 a certificate of occupancy within two years from the date of approval.
3. Development not to exceed 70 communal living units.

1. Tim Gambrel, Technical Advisor to the Zoning Board of Adjustment of the City of Birmingham, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Zoning Board of Adjustment of the City of Birmingham at its meeting of February 14, 2019, and as same appears of record in the Official Minutes of said Board. **GIVEN UNDER MY HAND AND OFFICIAL SEAL** of the Zoning Board of Adjustment of the City of Birmingham, on this day, February 15, 2019.



Tim Gambrel  
Chief Planner

## Bakers Row Phase II Project

### Special Exception for Communal Living Facility

The requested special exception to allow 70 communal living units (4-, and 5-bedroom units. See table below) would support development of a purpose-built student housing project, a property type needed to support UAB's growing student population. The proposed student housing site is in a walkable, mixed use district within walking distance of UAB's campus.

Unit Type	Unit Count	Bed Count	% of Units
1-Bedroom	88	88	39%
2-Bedroom	40	80	18%
3-Bedroom	30	90	13%
4-Bedroom*	60	240	26%
5-Bedroom*	10	50	4%
Total	228	548	100%

\*70 Communal Living Units

### Variance Request for Communal Living Facility within 1,000 feet from Another Communal Living Facility

#### Physical Characteristics of the Property:

- Subject property is bounded by 14<sup>th</sup> Street South (highly restricted roadway with no curb cuts or off-street parking permitted), a private drive, 13<sup>th</sup> Street South (effectively a dead end) and railroad spaghetti system that all work in tandem to create severe design limitations, vehicular and pedestrian circulation issues, etc. that are all taken into consideration [and solved for] with the proposed development.
- Proximity to historic railroad underpass that connects UAB to innovation district requires specific design and use considerations to overcome.
- Existing environmental issues include contaminated soils and groundwater that through careful design can be effectively remediated due to a reduced demand for parking in student housing.
- Proximity to railroad park and baseball stadium and tight urban site make for severe access limitations, making other uses/designs not feasible.

#### Unique Characteristics of the Property:

- Proximity to both UAB and city transit lines make it an ideal location for student housing which is needed to support UAB's growing student population (see attached walking distance exhibit).
- Existing environmental issues include contaminated soils and groundwater that through careful design can be effectively remediated due to a reduced demand for parking in student housing thus allowing us to enjoy a property right.

- UAB is growing and constrained from a geographic and financial standpoint (in any event, better ROI for UAB and greater for community if scarce public resources are allocated towards growing UAB intellectual capital as opposed to physical capital).
- The subject property is located at the literal gateway between the Innovation District and UAB, meaning that it could provide safe, affordable housing options for either district.
- We're in the process of completing a private-led rezoning application (rezoning from M1 to MU-D), anticipating land use plan to be adopted by the City for this part of town.
- Student housing development plan that would, as a technical matter, be available to workers in the innovation district and other members of the public.

**Hardship Not Self-Imposed:**

The applicant has not created the basis for the hardship upon variance request.

**Financial Gain Not Only Basis:**

Financial gain is not the sole basis for requesting the variance.

**No Injury to Neighboring Property:**

The proposed plan will not be injurious to other property in the area but in fact would create a more vibrant, diverse mixed-use environment in the Parkside District while both meeting a need of the community and helping to support UAB's goals for continued growth.

**No Harm to Public Welfare:**

The proposed plan will not be detrimental to the public welfare, but in fact would create a more vibrant, diverse mixed-use environment in the Parkside District while both meeting a need of the community and helping to support UAB's goals for continued growth.

**PROJECT DATA**

PROPOSED ZONING:	M (LIGHT INDUSTRIAL) TO M-U (MEDIUM DENSITY URBAN)
ADDRESS:	10 14TH ST S BIRMINGHAM, ALABAMA 35223-1413
LEGAL DESCRIPTION:	ALL OF BLOCK 111, ACCORDING TO THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM, LESS AND EXCEPT THE SOUTH 160 FEET OF SAID BLOCK HERETOFORE CONVEYED TO LOWERY REALTY COMPANY BY DEED RECORDED IN VOLUME 3826, PAGE 281 AND VOLUME 3817, PAGE 486, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, CONTAINING 0.1494 SQUARE FEET OR 1.174 ACRES.
BUILDING:	A FIVE STORY OVER TWO STORY PODIUM OVER A 1/2 STORY PARKING LEVEL BELOW GRADE. APPROX. 376,000 SF.
HEIGHT:	BUILDING HEIGHT: 66 FEET
SETBACKS:	0 FEET ON ALL 4 SIDES
PARKING:	<ul style="list-style-type: none"> <li>342 SPACES PROVIDED IN GARAGE WITH CONTROLLED ACCESS FOR APARTMENTS &amp; VEHICLES</li> <li>26 SURFACE PARKING SPACES PROVIDED</li> <li>368 TOTAL SPACES PROVIDED</li> </ul>



architects | interiors | planning | graphics  
 8070 Park Lane, Ste. 200 | Dallas, Texas 75221  
 Tel 972.701.8000 | Fax 972.991.2000  
 www.bokapowell.com

These documents are issued for pricing only and are not for regulatory approval, permitting or construction.

Arch: Donald H. Powell, Jr. Reg. No.: 4231

co-developer  
 CORPORATE REALTY  
 98 14TH STREET SOUTH  
 SUITE 104  
 BIRMINGHAM, AL 35225

co-developer  
 PARALLEL CO., LLC  
 201 WEST 5TH STREET  
 SUITE 1100  
 AUSTIN, TEXAS 78701

cm  
 WALTER SCHOEL ENGINEERING CO.  
 1811 22ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35226

landscape architect  
 BIACHONALLY LAND DESIGN  
 4000 2ND AVENUE SOUTH  
 SUITE 101  
 BIRMINGHAM, AL 35222

structural engineer  
 RLG CONSULTING ENGINEERS  
 12001 NORTH CENTRAL EXPRESSWAY  
 SUITE 300  
 DALLAS, TX 75243

sign engineer  
 SCHWERT & STACY  
 2211 NORTH HASKELL AVE, LB 20  
 4th CITY PLACE  
 DALLAS, TEXAS 75226

interior designer  
 SIXTYFOUR  
 1801 S. BOPAC EXPRESSWAY  
 BARTON SKYWAY TWO, SUITE 100-D  
 AUSTIN, TX 78746

low voltage/security consultant  
 REPRIEST, INC.  
 1525 BUSINESS PARK BLVD, SUITE C  
 DAYTONA BEACH, FLORIDA 32114

project  
 BAKERS ROW STUDENT HOUSING  
 10 14TH ST S  
 BIRMINGHAM, AL 35225-1413

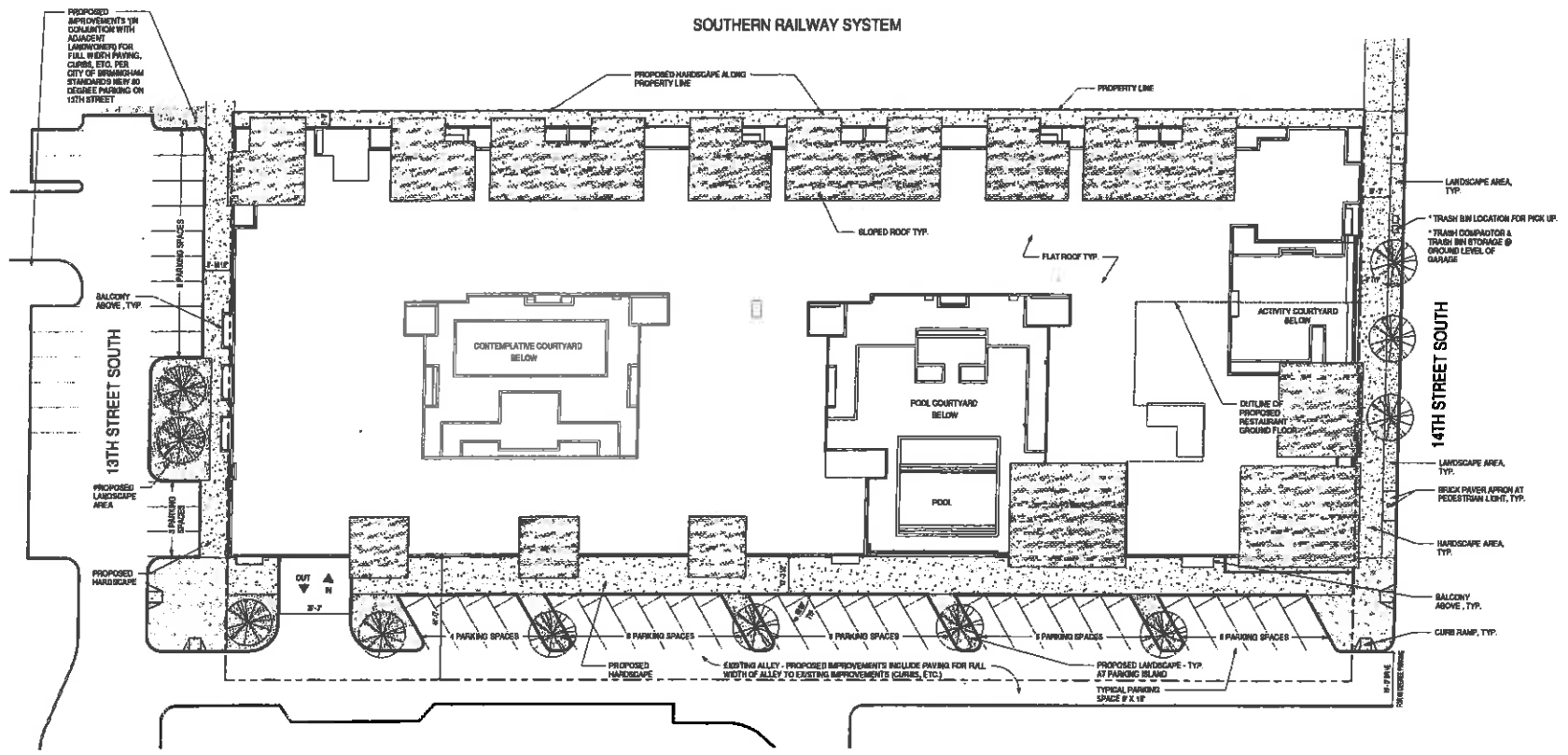
The developer and other interested parties acknowledge the right of the applicant and its consultant to prepare and distribute all documents of this project, and to make any and all improvements, modifications, deletions, additions or changes to any and all documents of this project, without the approval of the applicant.

signed issues  
 ZONING APPLICATION 11.15.2015

**ZONING SITE PLAN**

project number 10072-100  
 date 11.15.2015  
 sheet

**Z1.00**



01 ZONING SITE PLAN  
 SCALE: 1/8" = 1'-0"



Overton

ZBA2019-00075

**Request:** Variance  
**Applicant:** Donn Fizer  
**Owner:** Pate Montgomery LLC  
**Site Address:** 147 Resource Center Parkway  
**Zip Code:** 35242  
**Description:** A variance to allow a wall sign on a side of the building that doesn't face a street pursuant to Title 1, Chapter 8, Article III, Section 7.F  
**Property Zoned:** CB2 Contingency Business District  
**Parcel Information:** Parcel #027360001012001, NW ¼ of Section 36, Township 18 S, Range 2 W

**Variance**

The applicant is requesting a variance to allow a wall sign on a side of the building that doesn't face a street for a new self-storage and office development. The proposed development would feature 97,500 SF of self-storage space and 3,300 SF of office area.

**Neighborhood**

There was no feedback from the Overton Neighborhood Association.

**Applicant's Justification**

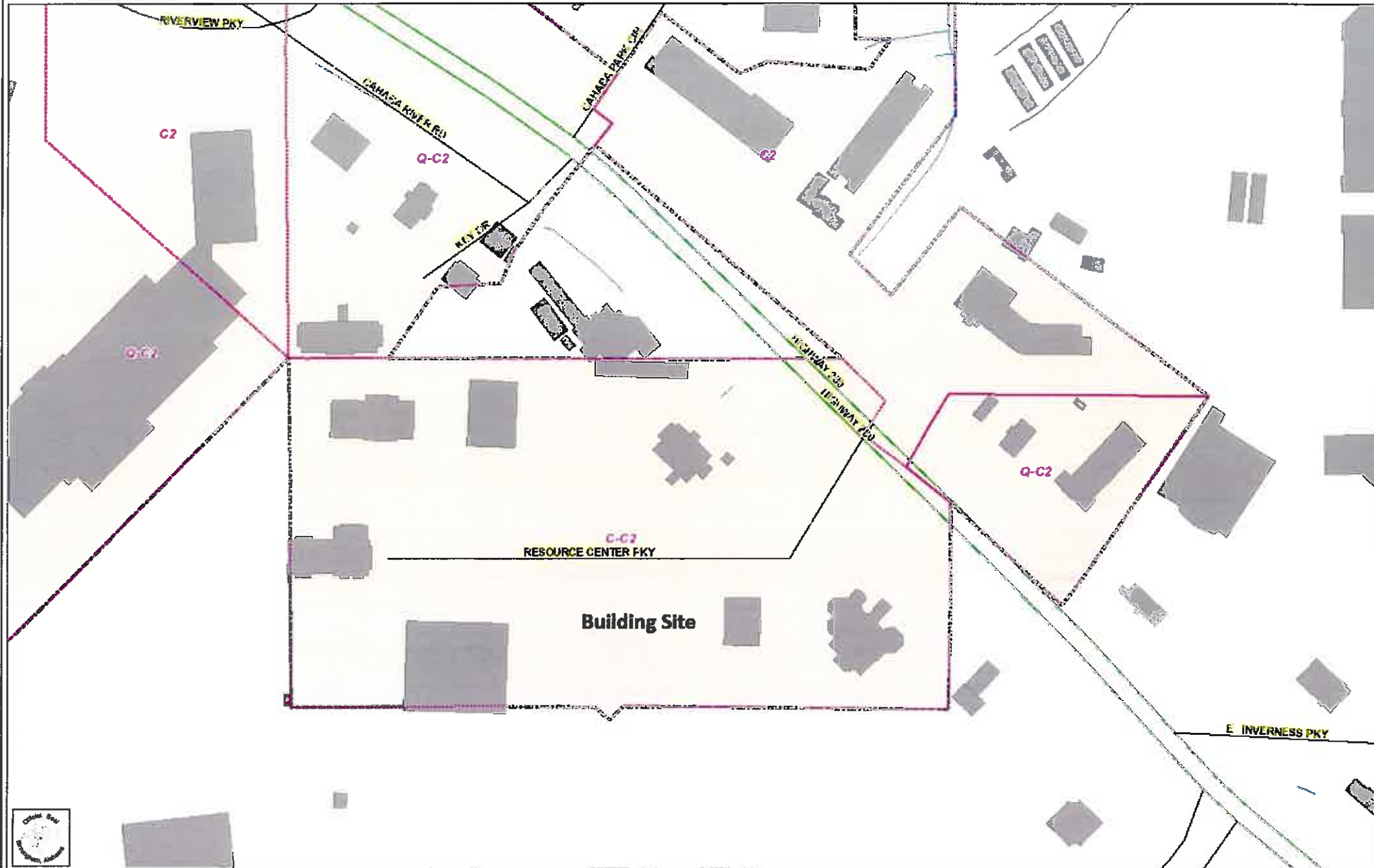
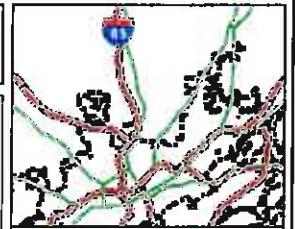
Although the eastern side of the building doesn't face a street, the topography of the site would allow the wall sign to be visible from U. S. Highway 280.

**Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support the request. 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.

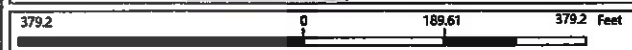


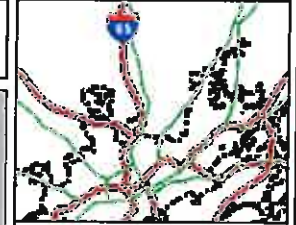


- Legend**
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1:2,275

**Notes**  
This map was automatically generated using Geocortex Essentials.





**Legend**

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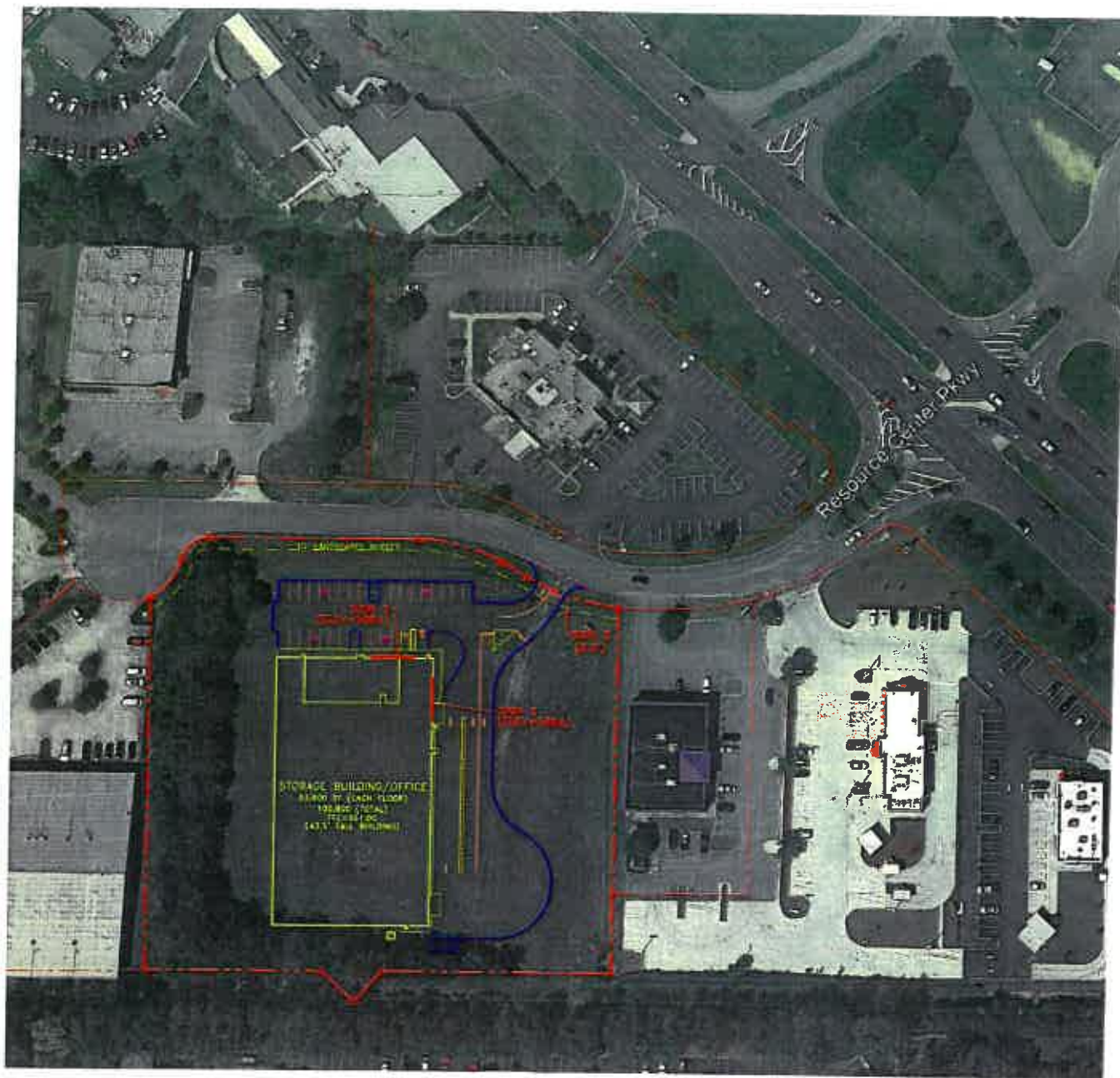


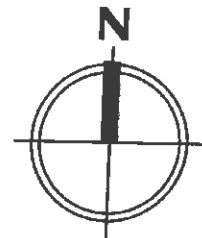
**Notes**

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379.2 0 189.61 379.2 Feet

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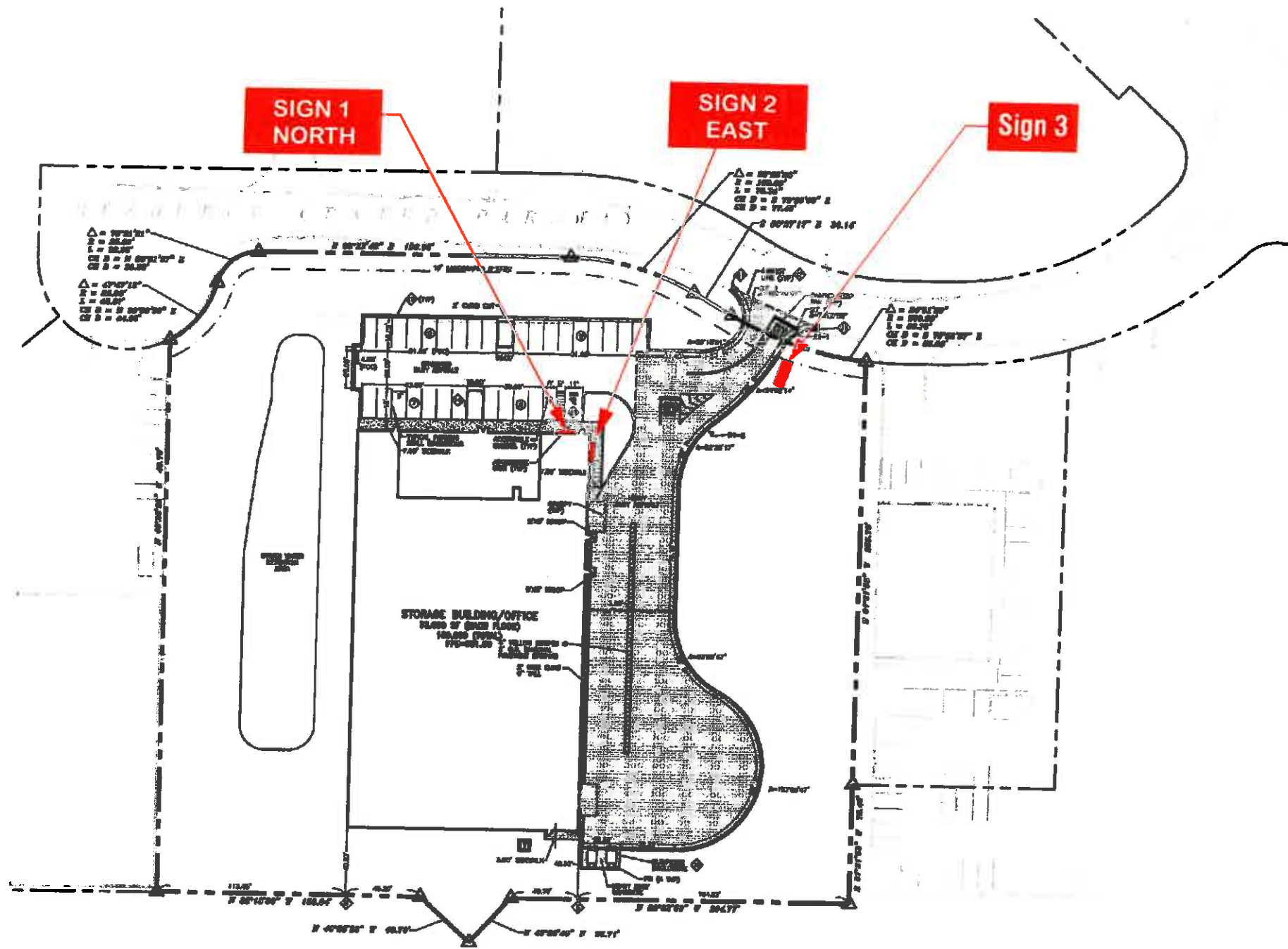


0 100  
PARCEL 3.50 ACRES

**SIGN 1  
NORTH**

**SIGN 2  
EAST**

**Sign 3**



45" 38 1/4"

# CUBESMART self storage

21 7/8"

## A FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS 149.07 SQUARE FEET

### WORK TO BE PERFORMED

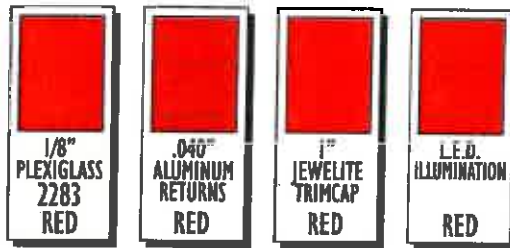
FABRICATE AND INSTALL (2) TWO SETS OF FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS TO READ "CUBESMART SELF STORAGE".

### ! IMPORTANT DETAIL: CHANNEL LETTERS ARE FLUSH MOUNT.

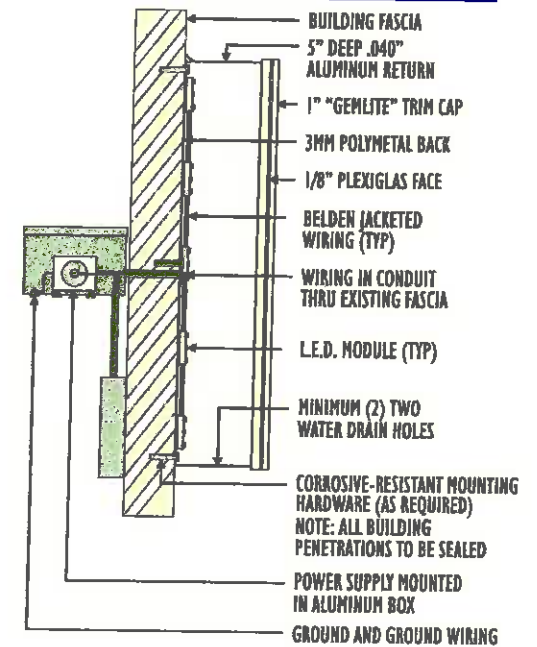
(1) ONE SET OF CHANNEL LETTERS TO FLUSH MOUNT TO THE LEFT SIDE OF THE NORTH ELEVATION OF EXISTING BUILDING FASCIA AS SHOWN ON PAGES TWO, THREE AND FOUR.

(1) ONE SET OF CHANNEL LETTERS TO FLUSH MOUNT TO THE RIGHT SIDE OF THE NORTH ELEVATION OF EXISTING BUILDING FASCIA AS SHOWN ON PAGES TWO, THREE AND FOUR.

## A FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS COLORS



### SCHEMATIC DETAIL OF FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTER





LINE DRAWING OF EXISTING BUILDING FASCIA WITH PROPOSED CHANNEL LETTERS

**A** FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS  
149.07 SQUARE FEET



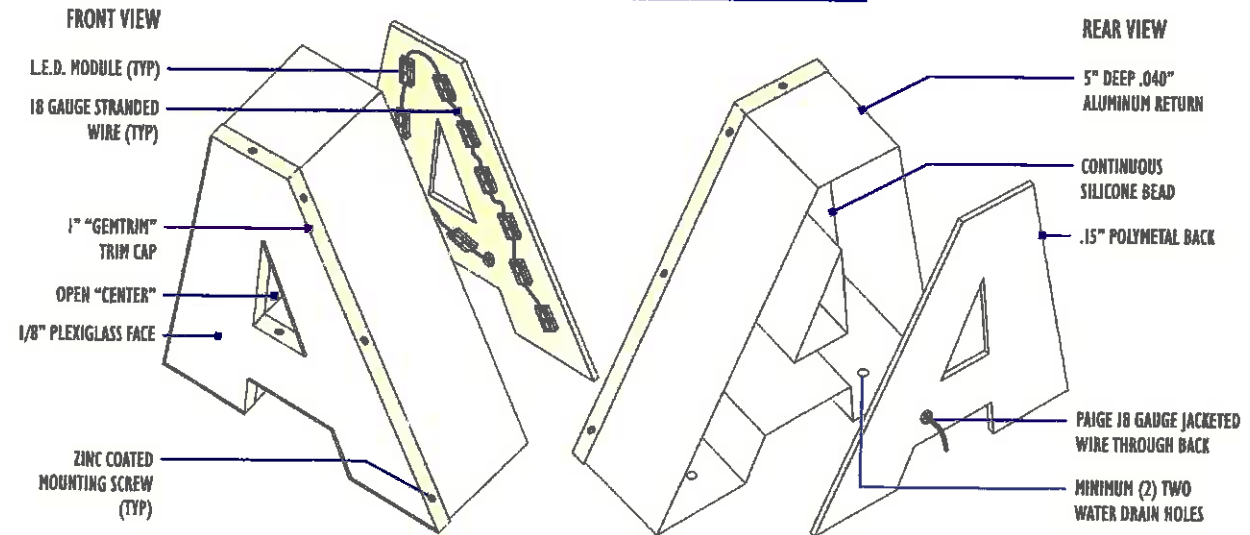
**A** FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS  
149.07 SQUARE FEET

ARTIST DRAWING OF PROPOSED BUILDING WITH PROPOSED CHANNEL LETTERS



SECOND SET OF PROPOSED CHANNEL LETTERS WILL MOUNTED TO THIS FASCIA

SCHEMATIC DETAIL OF INDIVIDUAL L.E.D. ILLUMINATED CHANNEL LETTER





**A** FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS  
149.07 SQUARE FEET

**NOTE**  
SIGN PLACEMENT IN PHOTO IS FOR ILLUSTRATIVE PURPOSE ONLY,  
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OTHER SPECIFICATIONS OF SIGN.  
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DISCREPANCIES BETWEEN SIGN REPRESENTED AND ACTUAL  
FINISHED PRODUCT.



**A** FLUSH MOUNT L.E.D. ILLUMINATED CHANNEL LETTERS  
149.07 SQUARE FEET

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FINISHED PRODUCT.

CELEBRATING  
**25**  
YEARS

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**CUBESMART**  
BIRMINGHAM, ALABAMA  
5003-A WHITTLING DRIVE  
PELHAM, ALABAMA 35124



OCTOBER 8, 2019  
MARK WILLIAMS  
OFFICE 205 664-0955  
FAX 205 664-4409

**SIGN AND DATE DRAWING HERE**  
DRAWING REPRESENTS ACTUAL SIGN TO BE PRODUCED.  
ERRORS NOT CORRECTED WILL BE INCLUDED ON FINAL PRODUCT.

NAME \_\_\_\_\_ DATE \_\_\_\_\_

