

Killough Springs

ZBA2019-00073

Request: Variance
Applicant: MARY KHAYYAM
Owner: Mary Van Dyke
Site Address: 1101 Startrek Lane
Zip Code: 35215
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: D2 Single Family Residential District
Parcel Information: Parcel #: 011300263000112000, SW1 of Section 26, Township 16 S, Range 2 W

Variance

The applicant is requesting a variance to allow a 6FT fence in the required front yard instead of the 4 FT allowed in a residential district at 1101 Startrek Lane.

Neighborhood

The Killough Springs Neighborhood Association is scheduled to meet on November 12th 2019 to vote on the request

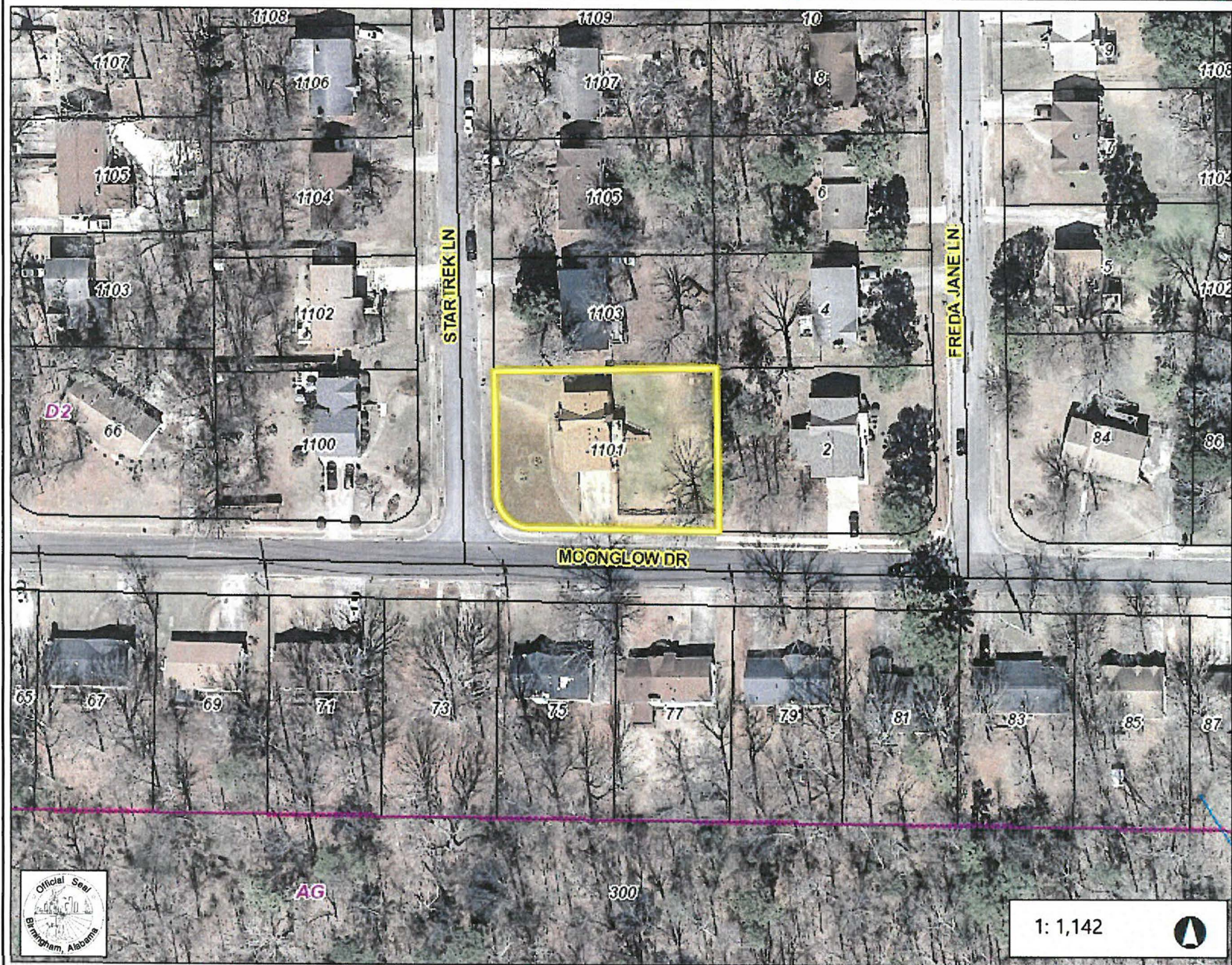
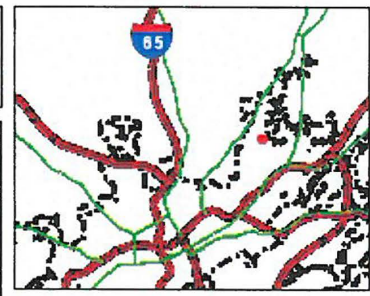
Applicant's Justification

The applicant stated that the fence was installed by her mother (now deceased) in March 2019 and was cited for zoning violation by the City. The current owner (the applicant's son) has two active dogs at the property and the wooden fence is well-constructed. The variance will allow the applicant to pay the permit fees for the currently installed fence.

Staff Recommendation

Staff does not believe the applicant has submitted evidence that meets the variance standards of review as it pertains to the existing 6ft wooden 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.

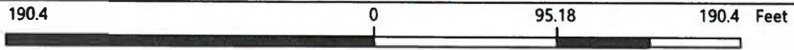


Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (use with Imagery)
- 2015 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

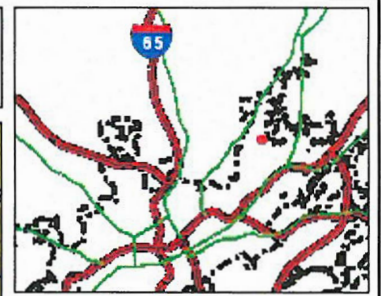


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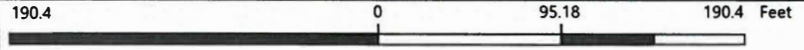
Notes
Current Zoning - D2



Legend

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

Notes
Future Land Use - Residential Low



October 3, 2019

City of Birmingham
Department of Planning Engineering & Permits
Zoning Division
710 North 20th Street
Room 210, City Hall
Birmingham, AL 35203

Reference: Allegation of Zoning Violation at the property of 1101 Startrek Lane, Birmingham, AL - Letter dated August 8, 2019, from Brandon T. Hammond (attached)

Submission Request to: Zoning Board of Adjustment for Review (attached documents)

Dear Zoning Board Members:

I respectfully request a review of this violation for the following reasons:

The privacy fence was installed by my son's grandmother/owner of the property in March 2019 and she never received any complaints. Grandma hired professionals to handle everything from Home Depot of Trussville. Unbeknownst to us that the permit for installation wasn't paid for until we received the above letter from Mr. Hammond whom we later found out should had Lucius Jones name on it. On July 25, 2019, our family Mary Van Dyke, 87 years old passed away, bestowing the home by deed to her grandson, Pasha Khayyam. We have been investigating the family affairs and it took time to verify the information for the fence and we discovered the permit issue, so we had Home Depot Fence Representative handle this part that had been omitted corrected. They do good work and the fence adds beauty to the property and neighborhood, as well as, security for our family. We desire to keep our backyard fence as is because it is attached to the rear of the home and do not violate your ordinance laws on height for rear or "side rear" and Grandma paid over \$3,000 for it.

We are from New Jersey and where we lived we never dealt with fence heights in the city, so I requested your violation and zoning documents, which I attached. In your documents it states "backyards" can be 6 to 8 feet tall in rear and that is what we have. Although Ms. Van Dyke had a short fence before in the back yard when she purchased the house she always wanted a taller fence for her dog she only had this change done when her son/my husband/father past away this year January 2019. We have two active dogs and need a taller fence to secure them on the property now. Our United States mail box is in the front of the home as our pictures will show and there has never been any fences in the front of the house, which has a fire hydrant as well on the corner. The whole front yard property is clear of all trees, which Mrs. Van Dyke had cut down years ago for her benefit. We don't have any viewing blockage on the corner where the intersection is and the house is built well over 200 feet from the front curve.

The rear of the home, is where the privacy fence was installed. It is six feet tall runs downward on the hill going down Moon glow Street and directly behind the home property lines - we have over six feet of property lawn left prior to the side walk that we maintain on a regular basis. Our backyard meets our neighbor's backyard and does not interfere with their property, street viewing or continuation of the sidewalk or any roads. We live peacefully in our own place and abide by the laws of the land as a United States Citizen.

Also, during our investigations of these facts, I note that there are other neighbors who are on corner lots who have the same six foot privacy fence and one had eight feet fence who are corner lots as well not far from our home. (photo attached). There fences are allowed in their backyard property and have had them for a while.

Therefor, I am asking the Board of Zoning to review all facts and eliminate this violation, as I do not believe it applies to 1101 Startrek Lane, Birmingham, AL 35215. And if by chance it does apply, please grant us a variance, Mrs. Van Dyke has lived in Birmingham well over 30+ years in this home and desired this fence for her family before she passed away. She was a good person and never caused anyone any problems in this neighborhood. She enjoyed her home and we want to do the same!

Respectfully submitted,



Mary Khayyam and Pasha Khayyam
1101 Startrek Lane
Birmingham, AL 35215
(205) 208-92651 – 205-218-7396 cell
marykhayyam@hotmail.com

cc: Mr. Lucius Jones, Zoning Inspector

W/Attachments

1101 Star Trek Lane



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line
—

CLEAR view / RUN SIDE VIEW FROM STREET

Outlook

Search

New message

Reply Delete Archive Move to Categorize

Navigation icons

Favorites

Fences

Inbox 148678

MARY KHAYYAM Thu 10/3/2019 1:02 AM MARY KHAYYAM

Sent Items 1

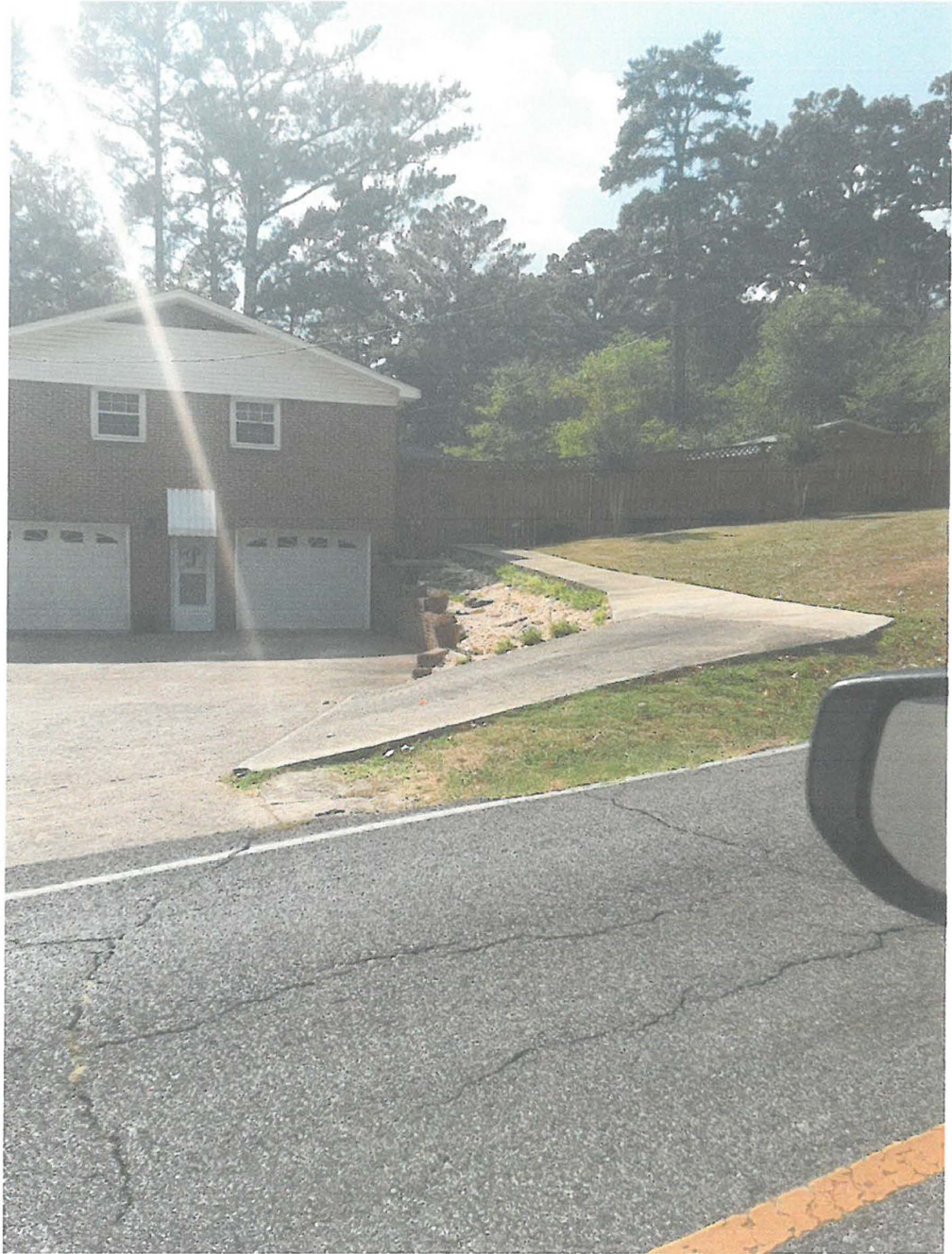
Navigation icons

Add favorite

Folders

Groups

New group



Upgrade to Office 365 with premium Outlook features

Sent from Outlook Mobile *3* snices down from us.. ON CORNER
Leading into area, other neighbors corner
Fence appears to be 8ft. AREA
side view



It looks like you're using an ad blocker. To maximize the space in your inbox, sign up for Ad-Free Outlook

Highland Park

ZBA2019-00074

Request: Variance
Applicant: Charlie Beavers, Jr.
Owner: 2918 CLAIRMONT LLC
Site Address: 2918 Clairmont Avenue South
Zip Code: 35205
Description: Confirmation of expiration of parking agreement dated June 27, 2002 and recorded in Instrument #200209, page 4457, or in the alternative, the termination of the agreement.
Property Zoned: B1 Neighborhood Business District
Parcel Information: Parcel #012300314004012000, SE ¼ of Section 01, Township 17 S, Range 2 W

Variance

The applicant is requesting the confirmation of expiration of parking agreement dated June 27, 2002 and recorded in Instrument #200209, page 4457, or in the alternative, the termination of the agreement.

Neighborhood

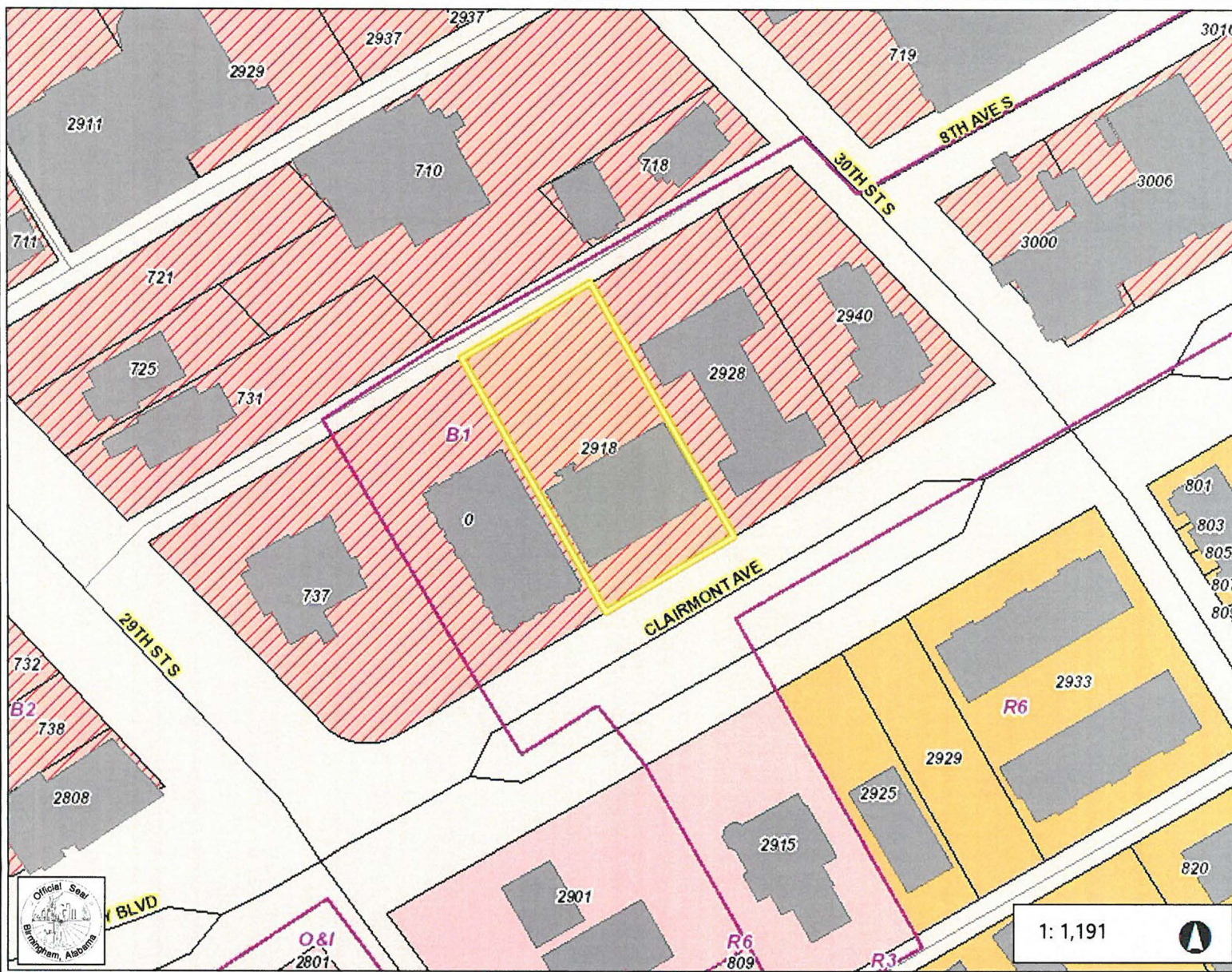
The Highland Park Neighborhood Association did not respond for request for a neighborhood vote.

Applicant's Justification

The application is being made at the request of the City's Legal Department and the Planning staff to establish as a matter of record that the applicant's property is not subject to the Parking Agreement stated earlier. Neither the applicant nor the prior property owners have any evidence of the exercise of the Agreement, nor have they received compensation associated with the Agreement.

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**

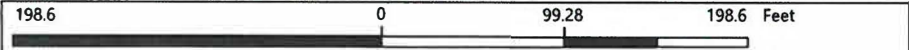


Legend

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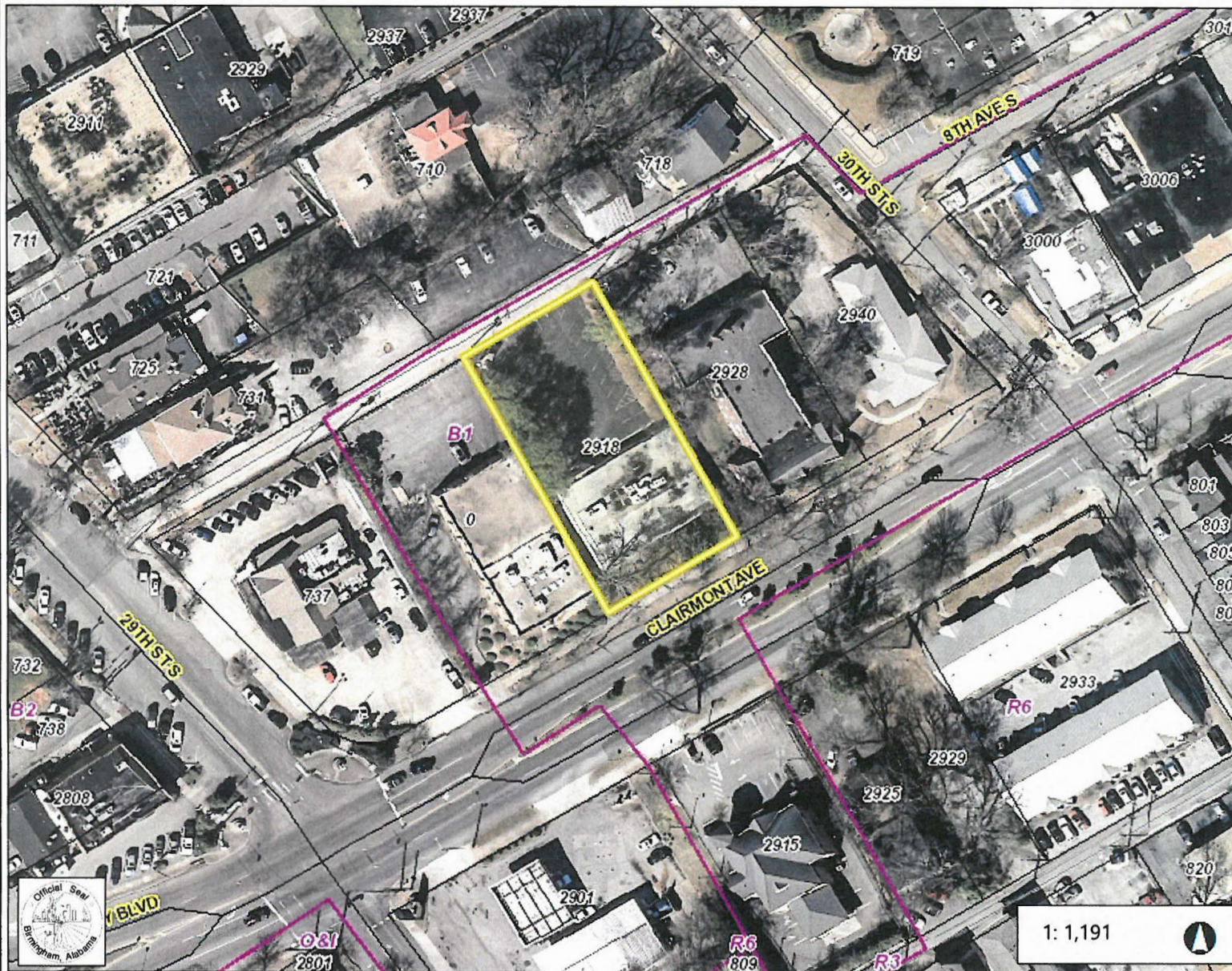
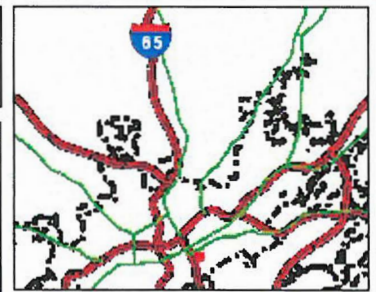


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Notes
Future Land Use - Mixed Use Medium

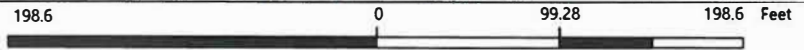


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1: 1,191



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Notes

Current Zoning - B-1

Google Maps 2918 Clairmont Ave

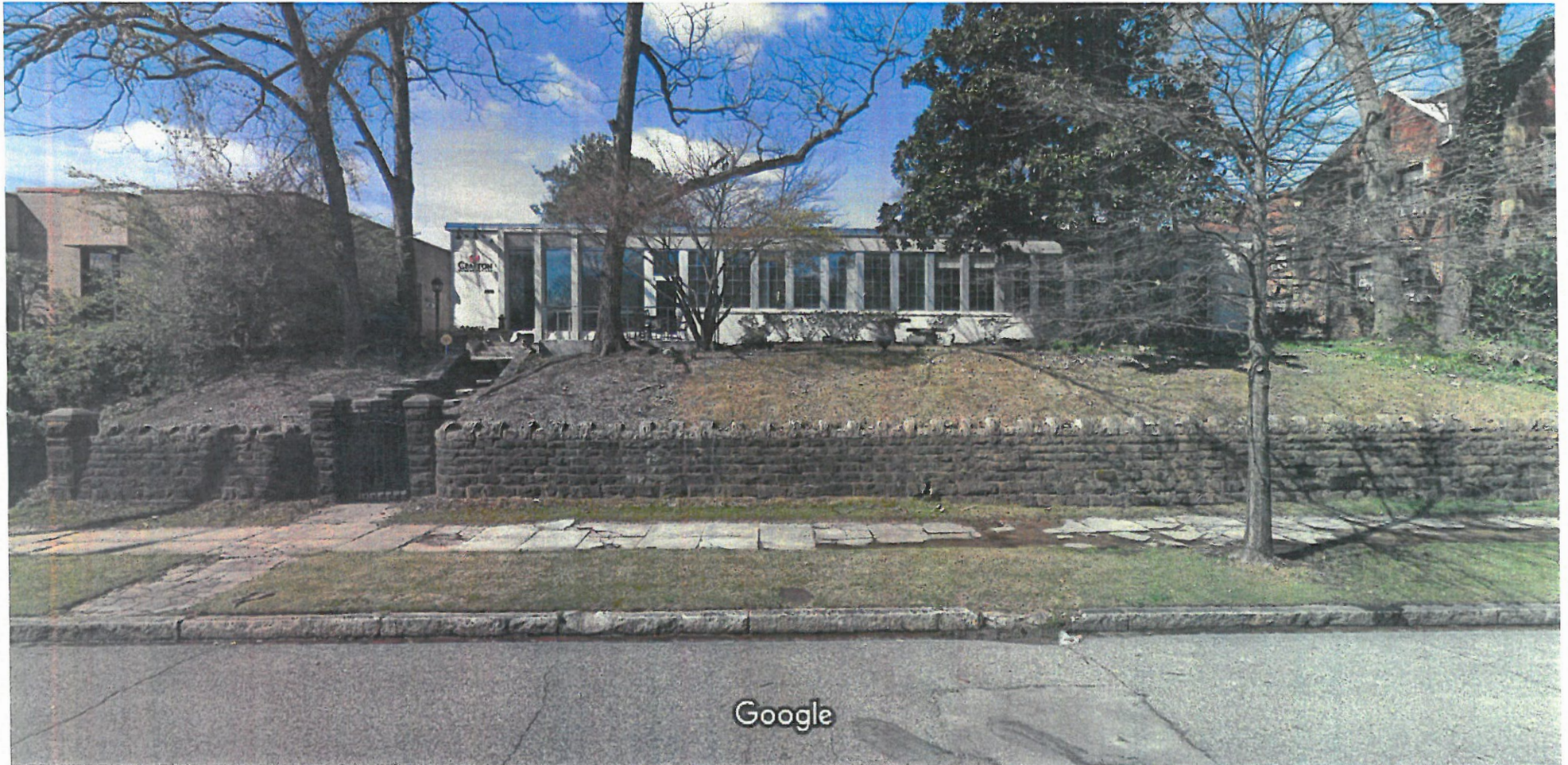
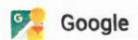


Image capture: Mar 2019 © 2019 Google

Birmingham, Alabama



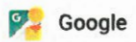
Street View - Mar 2019

Google Maps 7th Alley S



Image capture: Mar 2019 © 2019 Google

Birmingham, Alabama



Street View - Mar 2019

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

| | |
|--|---|
| APPLICATION TO THE ZONING BOARD OF ADJUSTMENT | Date _____ Case No. <u>ZRA 2019-00074</u> Master No. _____ Project No. _____ |
| P.I.D. No.: _____ Address Verified By: _____ | |
| Modified Address: _____ | |

Please print or type legibly and fill in all that apply

Site Address: 2918 Clairmont Avenue South Zip Code: 35205

Location: _____

Project Name _____

Lot(s) ¹⁰ _____ Block(s) 442 Survey Survey of the City of Birmingham by Elyton Land Company

Lot(s) _____ Block(s) _____ Survey _____

Lot(s) _____ Block(s) _____ Survey _____

Metes and Bounds Attached

| | |
|--|--|
| OWNER NAME: <u>2918 Clairmont, L.L.C.</u> ADDRESS: <u>2918 Clairmont Avenue South</u> CITY/STATE/ZIP: <u>Birmingham, Alabama 35205</u> PHONE: (<u>205</u>) <u>443-3420</u> CELLULAR: (<u>205</u>) <u>368-5762</u> FAX: (<u>205</u>) <u>882-7501</u> PAGER: () <u>N/A</u> EMAIL: <u>acrafton@craftongroup.com</u> | APPLICANT* NAME: <u>Charles A. J. Beavers, Jr.</u> COMPANY NAME: <u>Bradley Arant Boult Cummings LLP</u> ADDRESS: <u>1819 6th Avenue North</u> CITY/STATE/ZIP: <u>Birmingham, Alabama 35203</u> PHONE: (<u>205</u>) <u>521-8280</u> CELLULAR: (<u>205</u>) <u>567-2252</u> FAX: (<u>205</u>) <u>488-6620</u> PAGER: () _____ EMAIL: <u>cbeavers@bradley.com</u> *Applicant is required to be authorized by owner to undertake work |
|--|--|

TYPE OF REQUEST

Under the following provisions of the Zoning Ordinance of the City of Birmingham, Alabama, the Zoning Board of Adjustment is hereby requested to:

Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3)

Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)

Variance – Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2)

| | | | | |
|--|---|---|---|----------------------------------|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Confirming Uses | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Public | <input type="checkbox"/> Signs | <input type="checkbox"/> Yards | <input type="checkbox"/> Other _____ | |

Special Exception – Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1)

| | | | | |
|--|---|---|---|----------------------------------|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Confirming Uses | <input type="checkbox"/> Parking |

Description of Work or Request: Please see attached.

If you have a hardship/practical difficulty, please explain: _____

SECTION II TEXT CHANGE **FOR STAFF USE**

Amendment to: Title: _____ Article: _____ Title: _____

See Attachment

In words substantially as follows: _____

| | | |
|--|--|-------------------------|
| PLANS REQUIRED | PERMIT FEE WAIVED | REFERENCE CASES: |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ |

COMMENTS _____

CERTIFICATION

I fully understand that, upon the filing of this application and the payment of the filing fee to defray the expenses of investigation and processing this application, there shall be no refunds made to me and that the payment of said filing fee shall in no way entitle me to the change, amendment, supplement, modification or repeal as herein applied for. If an amendment to text of Zoning Ordinance is proposed, please complete applicant data. I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.

Signature (Owner) 2918 Clairmont Avenue South Date 10.8.19

Signature (Owner) By: Alan Crafton, Member Date _____

Hearing Date: _____ Hearing Time: _____ Location: Room 300, City Hall

| | | | |
|--------------|---|---|----------|
| Filing Fees: | Single Family Residential Zone District | - | \$100.00 |
| | Multi-Family Residential and Commercial Zone District | - | \$500.00 |
| | Appeals | - | \$300.00 |

Attachment to
Application to the Zoning Board of Adjustment by 2918 Clairmont, L.L.C.
(Description of Work or Request)

Applicant requests that the Board confirm the expiration of the Parking Agreement dated June 27, 2002 and recorded in Instrument #200209, Page 4457, or in the alternative, the termination of the Agreement.

This application is being made at the request of the City Legal Department and Planning Staff to establish as a matter of record that the applicant's property is not subject to the Parking Agreement. As detailed in the attached, neither the applicant nor the prior property owners have any evidence of the exercise of the Parking Agreement, nor have they ever received compensation associated with the Parking Agreement. Applicant believes that it should not be required to appear before the Board; however, this application is being made in an effort to clear up any question about the Parking Agreement on the City's records.

Applicant's position is that the Parking Agreement is not binding because it was not signed by the title holder of the property and, even if it was, it expired upon its own terms. Applicant files this application under a reservation of its position that its property is not subject to the provisions of the Parking Agreement (for the reasons set forth in the attached documents), and to exhaust its administrative remedies.



Charles A.J. Beavers, Jr.

Direct Dial: 521-8620
Direct Fax: 488-6620
cheavers@bradley.com

July 16, 2019

*Via Email to julie.barnard@birminghamal.gov
and U.S. Postal Service*

Julie Barnard, Esq.
Assistant City Attorney
Office of the City Attorney
City of Birmingham
710 N. 20th Street, Room 600
Birmingham, AL 35203

RE: 2918 Clairmont/Parking

Dear Julie:

I am writing with respect to the above-referenced property (the "Property") owned by my client, 2918 Clairmont, LLC, the principal in which is Alan Crafton. Since our last communication, I have looked further into the history of this and have some information that I do not think either of us had up to now.

I enclose the following (some of which you have already seen):

1. Warranty Deed dated September 17, 1979, conveying title to the Property to ALABAMA INSURANCE MANAGEMENT SERVICES, INC.
2. Facsimile from Peter Burke to Tom Wilkins dated June 6, 2002 stating that "Tenant will sign agreement tomorrow before the hearing", and attaching the Parking Agreement which had been executed by ALABAMA INDEPENDENT INSURANCE AGENTS on June 26, 2002.
3. Staff report to the ZBA dated June 27, 2002 in which the staff stated "...the applicants have been able to secure the use of an off-street parking facility, located at 2918 Clairmont Avenue, during the hours of 4:30 p.m. until 4:00 a.m. However, the owners of this parking facility are unwilling to enter into an agreement that would secure this parking in perpetuity and the City Attorney has not reviewed the agreement they have made" (emphasis added). The staff comments included a recommendation that a "suitable" parking agreement be approved by the City Attorney.
4. Parking Agreement dated June 27, 2002, executed by ALABAMA INDEPENDENT INSURANCE AGENTS on June 26, 2002 in favor of I-5 Enterprises LLC.

4850-0663-1836.1

5. Statutory Warranty Deed dated November 19, 2004, from ALABAMA INSURANCE MANAGEMENT SERVICES, INC. conveying title to the Property to the Pyramid Group, L.L.P.

6. General Warranty Deed dated January 31, 2018 from The Pyramid Group, L.L.P. conveying title to the Property to 2918 Clairmont, LLC.

These documents reveal two important facts of which we were not previously aware:

(i) The Parking Agreement was not entered into by the owner of the Property. The Property was titled in ALABAMA INSURANCE MANAGEMENT SERVICES, INC., and was never titled in ALABAMA INDEPENDENT INSURANCE AGENTS, which is the entity which signed the Parking Agreement. We understand that the entity which signed the Parking Agreement occupied the Property as the tenant of the owner of the Property. So, even if the Parking Agreement could be read to extend beyond its five year term and one "like term" extension, it is not enforceable against the owner of the Property. A tenant cannot bind a property beyond the tenancy. The fact that (a) none of the conveyances make any exception for the Parking Agreement, and (b) there has been no attempt to use the Property for parking, nor has rent been paid, under the Parking Agreement for over 15 years, further evidence that the owner of the Property was never bound by the Parking Agreement.

(ii) Even if the Parking Agreement had been signed by the owner of the Property, the City was aware of the fact that the Parking Agreement was not long term. The Parking Agreement was signed by the tenant of the Property prior to the hearing before the ZBA; and the staff report made clear to the ZBA that the Parking Agreement as written did not run in perpetuity. As we mentioned before, the term of the Parking Agreement was only five (5) years renewable thereafter for "like term". The staff report makes it clear that the staff understood the term of the Parking Agreement to be limited in duration, and so advised the ZBA. The ZBA also apparently understood that the Parking Agreement was of limited duration. The ZBA approval did not require the recordation of the Parking Agreement as presented; rather the ZBA required the approval by the City Attorney of a "suitable" agreement. For whatever reason, the Parking Agreement was apparently either approved by the City Attorney's office as is, or accepted by the staff (without City Attorney approval) as is. In any event, the Parking Agreement, as it was recorded, was in a form which the City knew and acknowledged was not perpetual.

The Parking Agreement cannot be enforced against 2918 Clairmont, LLC because the Property was never subjected to the Parking Agreement by any owner of fee title to the Property. Even if the Parking Agreement had been signed by an owner of the Property, the duration of the

Julie Barnard, Esq.
July 16, 2019
Page 3

term of the Parking Agreement was limited, and that limitation was recognized by the City. The Parking Agreement expired under its own terms.

Under the circumstances, it would not seem appropriate to require Alan to go before the ZBA. No matter what action the ZBA might take, there would be no legal basis upon which the City could enforce the Parking Agreement upon Alan's company because no owner of the Property has ever subjected the Property to the Parking Agreement.

Our folks would appreciate the City taking these facts into consideration and confirming for us that the City considers the Parking Agreement to be unenforceable.

Thank you for your consideration.

With best regards, I am

Very truly yours,



Charles A. J. Beavers, Jr.

CAJB/lt

Enclosures

Five Points South

ZBA2019-00076

Request: Modification
Applicant: Chris Eckroate
Owner: Magic City Slicker, LLC and Michael E. Trammell
Site Address: 206 and 208 22nd Street South and 2121 2nd Avenue South
Zip Code: 35233
Description: Parking modification to allow 18 off-street parking spaces for the proposed development instead of the 113 parking spaces required by the zoning ordinance in Title 1, Chapter 5, Section 4.O
Property Zoned: M1 Light Manufacturing District
Parcel Information: Parcel #: 012200364018012000, 012200364018002000 and 012200364018001000; SE ¼ of Section 36, Township 17 S, Range 3 W

Variance

Parking modification to allow 18 off-street parking spaces for the proposed development instead of the 113 parking spaces required by the zoning ordinance in Title 1, Chapter 5, Section 4.O.

Neighborhood

The Five Points South Neighborhood Association met on October 24, 2019 to consider the request.

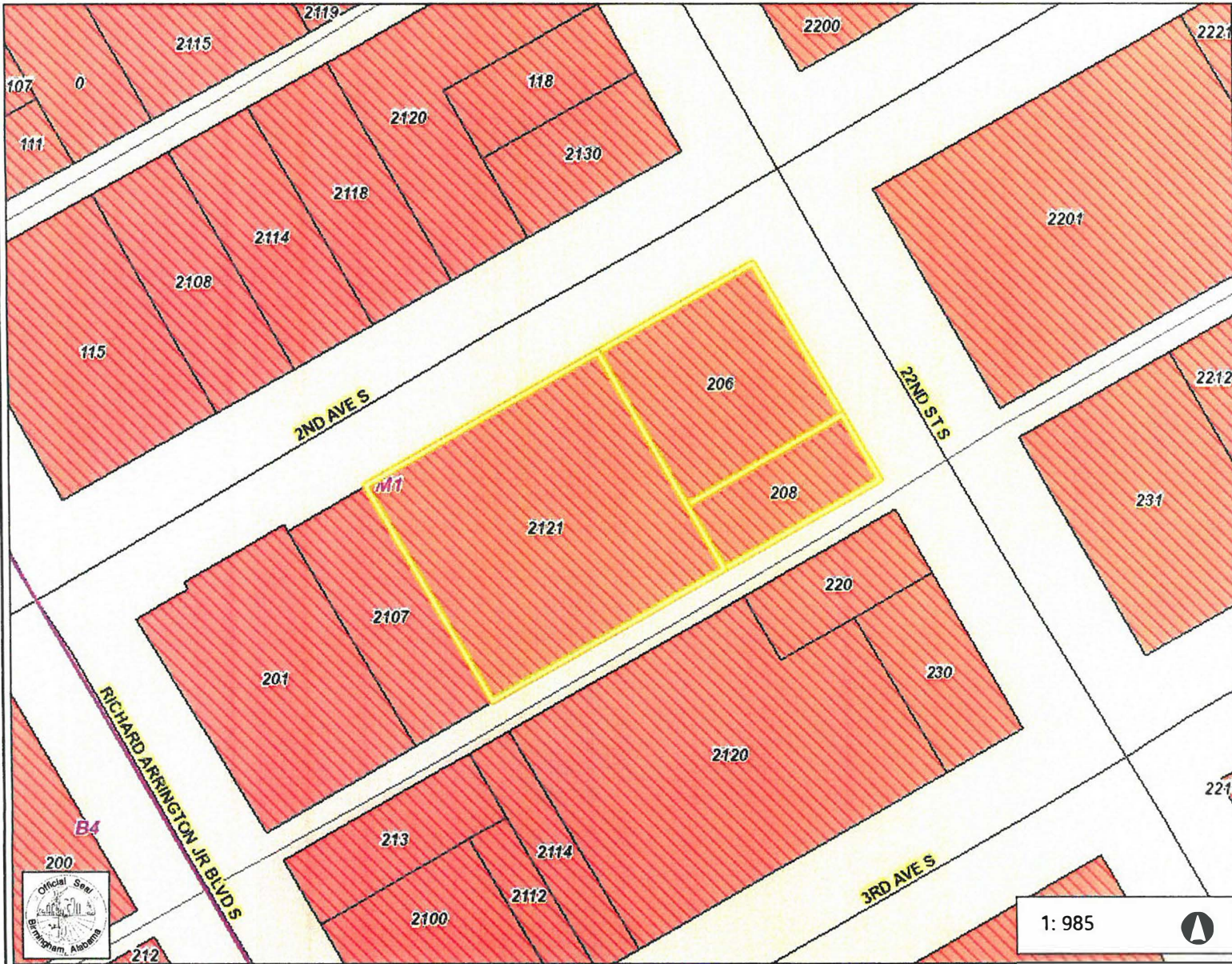
Applicant's Justification

The applicant is proposing the redevelopment of existing structures located at the addresses listed above into a 22-room hotel, restaurant / retail spaces and a micro-brewery. The applicant does not wish to demolish the existing historic structures in order to develop more parking and have provided documentation of surplus on-street parking and a BPA-parking deck within a 1,320-foot radius of the development. The applicant received a similar modification for a development due east of this location.

Staff Recommendation

Staff believes the applicant has submitted evidence that meets the variance standards of review for the proposal. Therefore, staff believes this request does have merit for approval and as such, should be **APPROVED**. If the Board chooses to grant this request it should be subject to the following conditions:

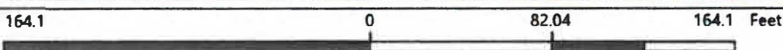
1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.
3. Approval based on site plan as submitted



Legend

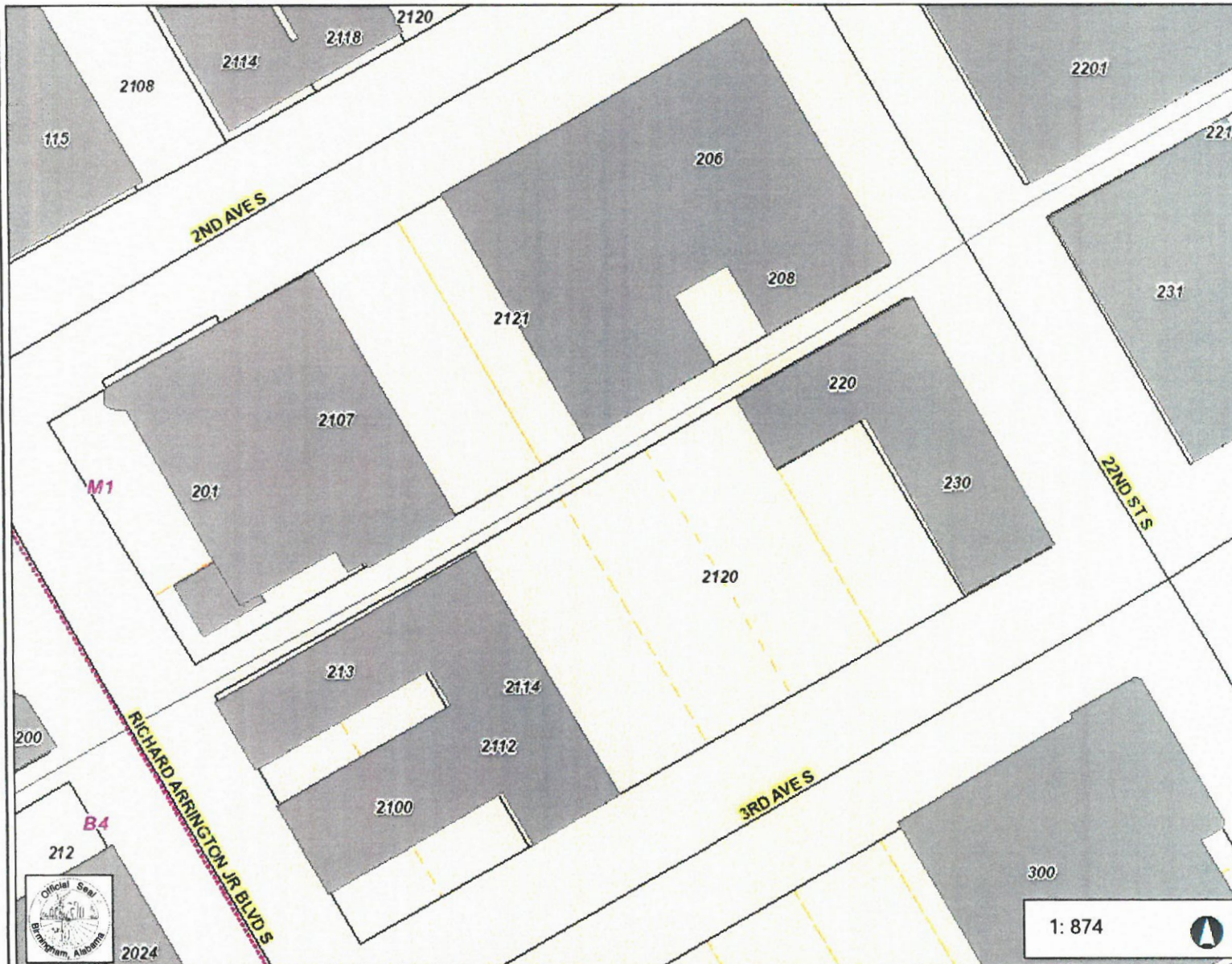
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 - Residential-High
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 - General Commercial
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1: 985



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Notes
Southwest corner of 22nd Street South and 2nd Avenue South



Legend

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

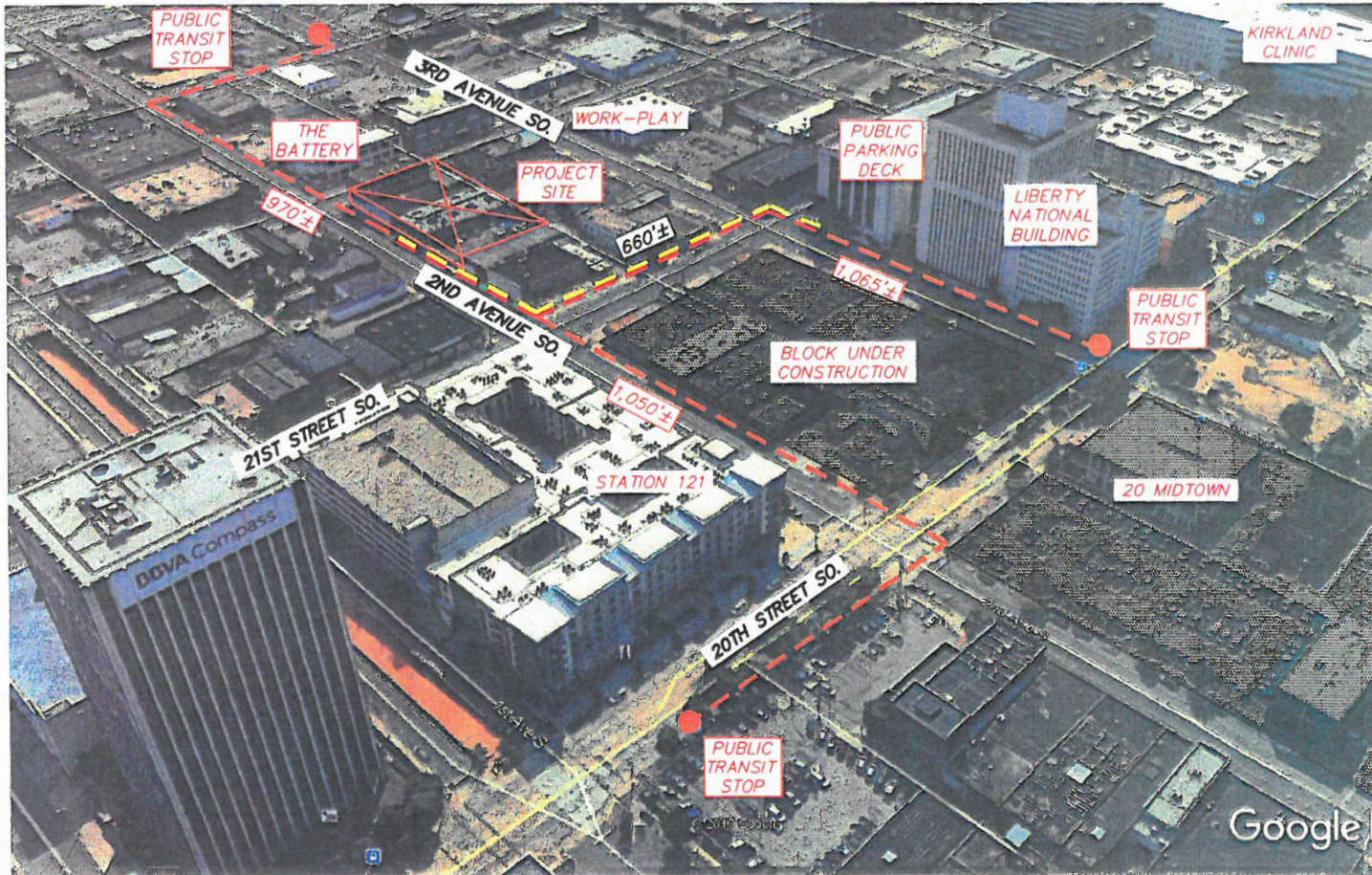


145.7 0 72.83 145.7 Feet

1: 874

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

Notes



| DATE | REVISION |
|------------|----------|
| 10/18/2019 | |
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| | |

EXHIBIT-PARKING MODIFICATION REQUEST
 BIRDS-EYE VIEW W/ PROXIMITY TO
 PUBLIC PARKING AND NEAREST PUBLIC TRANSIT
 BATTERY 2
 SOUTHWEST CORNER OF 22ND STREET SO.
 & 2ND AVENUE SO., DOWNTOWN BIRMINGHAM

PROJECT NO. 19.010
 SCALE: NONE
 DRW: HB REV:

GROSS PARKING ESTIMATE:

| | |
|---|---------------------|
| TENANT - GENERAL RETAIL 2,113 SF @ 1 SPC/300 SF GFA | = 7 SPACES |
| TENANT - RESTAURANT - 13,200 SF @ 1 SPC/100 SF GFA | = 132 SPACES |
| TENANT - BREWERY/TAPROOM - 1,000 SF @ 1 SPC/100 SF GFA | = 10 SPACES |
| TENANT - BREWERY/PRODUCTION - 4,758 SF @ 1 SPC/1,000 SF GFA | = 5 SPACES |
| TENANT - HOTEL - 22 ROOMS @ 1 SPC/ 2 ROOMS | = 11 SPACES |
| GROSS PARKING TOTAL: | = 165 SPACES |

ZONING ORD. TABLE 1.05.102 COMPUTATION FOR MIXED-USE DEVELOPMENTS

| TOTALS | COLUMN I | COLUMN II | COLUMN III | COLUMN IV |
|--|-------------------|------------|------------|------------|
| | 117 SPACES | 164 SPACES | 119 SPACES | 163 SPACES |
| 10% PROXIMITY TO PUBLIC TRANSIT REDUCTION: | -17 SPACES | | | |
| PARKING SUB-TOTAL | 148 SPACES | | | |
| 10% BIKE RACKS. (10 RACK MIN.) REDUCTION: | -17 SPACES | | | |
| TOTAL PROJECT PARKING DEMAND: | 131 SPACES | | | |
| PARKING PROVIDED ON-SITE: | 18 SPACES | | | |
| PARKING MODIFICATION REQUEST: | 113 SPACES | | | |

OFF-SITE PARKING SUMMARY

| | |
|--|-------------------|
| STREET PARKING WITHIN 1,320' RADIUS: | 644 SPACES |
| DISTANCE TO PUBLIC PARKING DECK: | 840'± |
| CAPACITY OF PARKING DECK: | 1,114 SPACES |
| AVAILABLE PARKING NOT LEASED: | 58 SPACES |
| TOTAL AVAILABLE PARKING WITHIN 1,320' RADIUS: | 702 SPACES |



(IN FEET)
1 inch = 40ft.

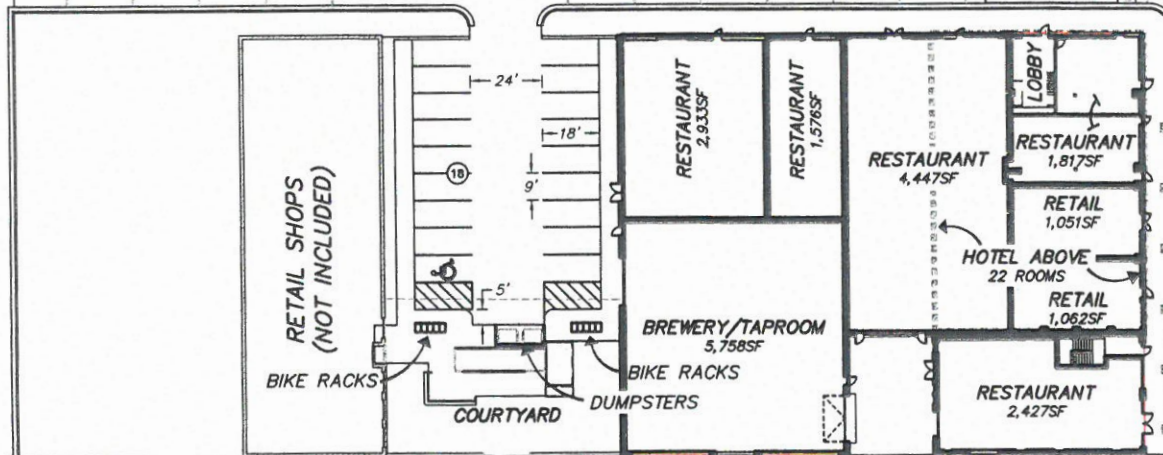
AUTOMOBILE REPAIR

AMERICAN RED CROSS
PARKING LOT

BIRMINGHAM WHOLESALE
FURNITURE

2ND AVENUE S

LOADING



2ND ALLEY SOUTH

22ND STREET S

THE BATTERY
(NOT INCLUDED)



| | |
|------------|------------|
| DATE | 10.18.2019 |
| PLAN ISSUE | |
| EXHIBIT | |

EXHIBIT-PARKING MODIFICATION REQUEST
PROPOSED CONDITIONS

BATTERY 2
SOUTHWEST CORNER OF 22ND STREET SO.
& 2ND AVENUE SO. DOWNTOWN BIRMINGHAM

| | |
|-------------|-----------|
| PROJECT NO. | 19.010 |
| SCALE: | NONE |
| DRW: | HB REV: |

SHEET ___ OF ___

Google Maps 2121 2nd Ave S



Imagery ©2019 Google, Map data ©2019, Map data ©2019 20 ft

South Woodlawn

ZBA2019-00077

Request: Variance
Applicant: Chalong Jason Anderson
Owner: Chalong Jason Anderson
Site Address: 6001 1st Avenue South
Zip Code: 35212
Description: Variance to allow for parking in front yard and variance to allow for paved surface in required front yard pursuant to Title 1, Chapter 5, Article I, Section 11 and Title 1, Chapter 3, Article 1, Section 4.
Property Zoned: CR4A Contingency Medium Density Residential District
Parcel Information: Parcel # 012300211023005000, NE ¼ of Section 21, Township 17 S, Range 2 W

Variance

Variance to allow for parking in front yard and variance to allow for paved surface in required front yard.

Neighborhood

The South Woodlawn Neighborhood Association met on October 15th 2019 and approved this request 5-0.

Applicant's Justification

The applicant replaced the lawn on the front and side yard of the property because the poorly maintained grass area contained numerous rocks that would scatter and break nearby windows of vehicles and houses nearby. Replacing the lawn with concrete will make the property easier to maintain.

Staff Recommendation

Staff believes that the applicant has not provided sufficient evidence to support the request. Therefore, staff believes this request does have merit for approval and as such, should be **DENIED**.

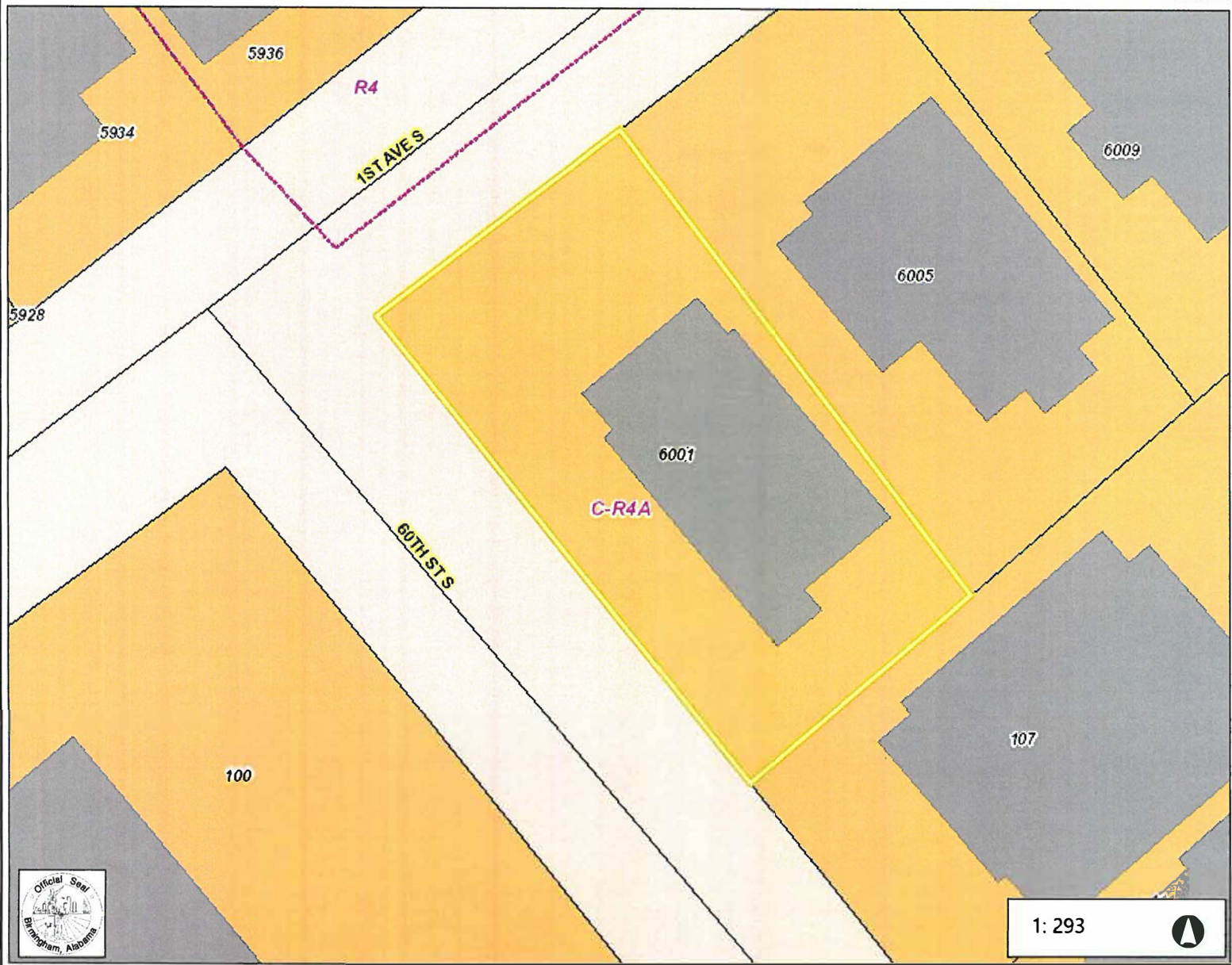
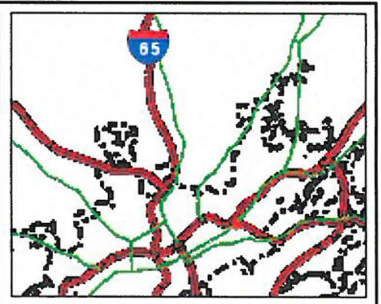
ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

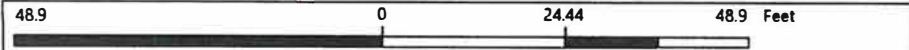
| | | |
|--|--|---|
| APPLICATION TO THE ZONING BOARD OF ADJUSTMENT | | Date <u>10-16-19</u> Case No. <u>ZBA 2019-00077</u> Master No. _____ Project No. _____ |
| P.I.D. No.: <u>012300211023008000</u> Address Verified By: <u>DTW</u> | | |
| Modified Address: _____ | | |
| Please print or type legibly and fill in all that apply | | |
| Site Address: <u>6001 1st Ave S</u> Zip Code: <u>35212</u> | | |
| Location: <u>(Woodlawn) Birmingham, AL</u> | | |
| Project Name _____ | | |
| Lot(s) _____ | Block(s) _____ | Survey _____ |
| Lot(s) _____ | Block(s) _____ | Survey _____ |
| Lot(s) _____ | Block(s) _____ | Survey _____ |
| <input type="checkbox"/> Metes and Bounds Attached | | |
| OWNER | APPLICANT* | |
| NAME: <u>Chalony Jason Anderson</u> | NAME: <u>Same as owner</u> | |
| ADDRESS: <u>6001 1st Ave S</u> | COMPANY NAME: _____ | |
| CITY/STATE/ZIP: <u>B'ham, AL 35212</u> | ADDRESS: _____ | |
| PHONE: <u>(205) 222-9995</u> CELLULAR: () | CITY/STATE/ZIP: _____ | |
| FAX: () PAGER: () | PHONE: () CELLULAR: () | |
| EMAIL: <u>jayanderson004200@gmail.com</u> | FAX: () PAGER: () | |
| | EMAIL: _____ | |
| | *Applicant is required to be authorized by owner to undertake work | |
| TYPE OF REQUEST | | |
| Under the following provisions of the Zoning Ordinance of the City of Birmingham, Alabama, the Zoning Board of Adjustment is hereby requested to: | | |
| <input type="checkbox"/> Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3) | | |
| <input type="checkbox"/> Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3) | | |
| <input checked="" type="checkbox"/> Variance – Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2) | | |
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing |
| <input type="checkbox"/> Public | <input type="checkbox"/> Signs | <input type="checkbox"/> Yards |
| | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| | <input type="checkbox"/> Non-Confirming Uses | <input checked="" type="checkbox"/> Parking |
| | <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Special Exception – Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1) | | |
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing |
| | <input type="checkbox"/> Non-Confirming Uses | <input type="checkbox"/> Parking |
| Description of Work or Request: <u>VARIANCE TO ALLOW FOR PARKING IN FRONT YARD AND VARIANCE TO ALLOW FOR PAVED SURFACE</u> | | |
| If you have a hardship/practical difficulty, please explain: <u>Made pavement over grass because unable to cut grass due to numerous pebbles which broke 3 large windows including my neighbors car.</u> | | |
| SECTION II TEXT CHANGE FOR STAFF USE | | |
| Amendment to: Title: _____ Article: _____ Title: _____ | | |
| <input type="checkbox"/> See Attachment | | |
| <input type="checkbox"/> In words substantially as follows: _____ | | |
| PLANS REQUIRED | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| PERMIT FEE WAIVED | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| REFERENCE CASES: _____ | | |
| COMMENTS | | |
| CERTIFICATION | | |
| I fully understand that, upon the filing of this application and the payment of the filing fee to defray the expenses of investigation and processing this application, there shall be no refunds made to me and that the payment of said filing fee shall in no way entitle me to the change, amendment, supplement, modification or repeal as herein applied for. If an amendment to text of Zoning Ordinance is proposed, please complete applicant data. I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham. | | |
| Signature (Owner) <u>[Signature]</u> | Date <u>Oct-16-19</u> | |
| Signature (Owner) _____ | Date _____ | |
| Hearing Date: _____ Hearing Time: _____ Location: Room 300, City Hall | | |
| Filing Fees: | | |
| Single Family Residential Zone District | - | \$100.00 |
| Multi-Family Residential and Commercial Zone District | - | \$500.00 |
| Appeals | - | \$300.00 |



Legend

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

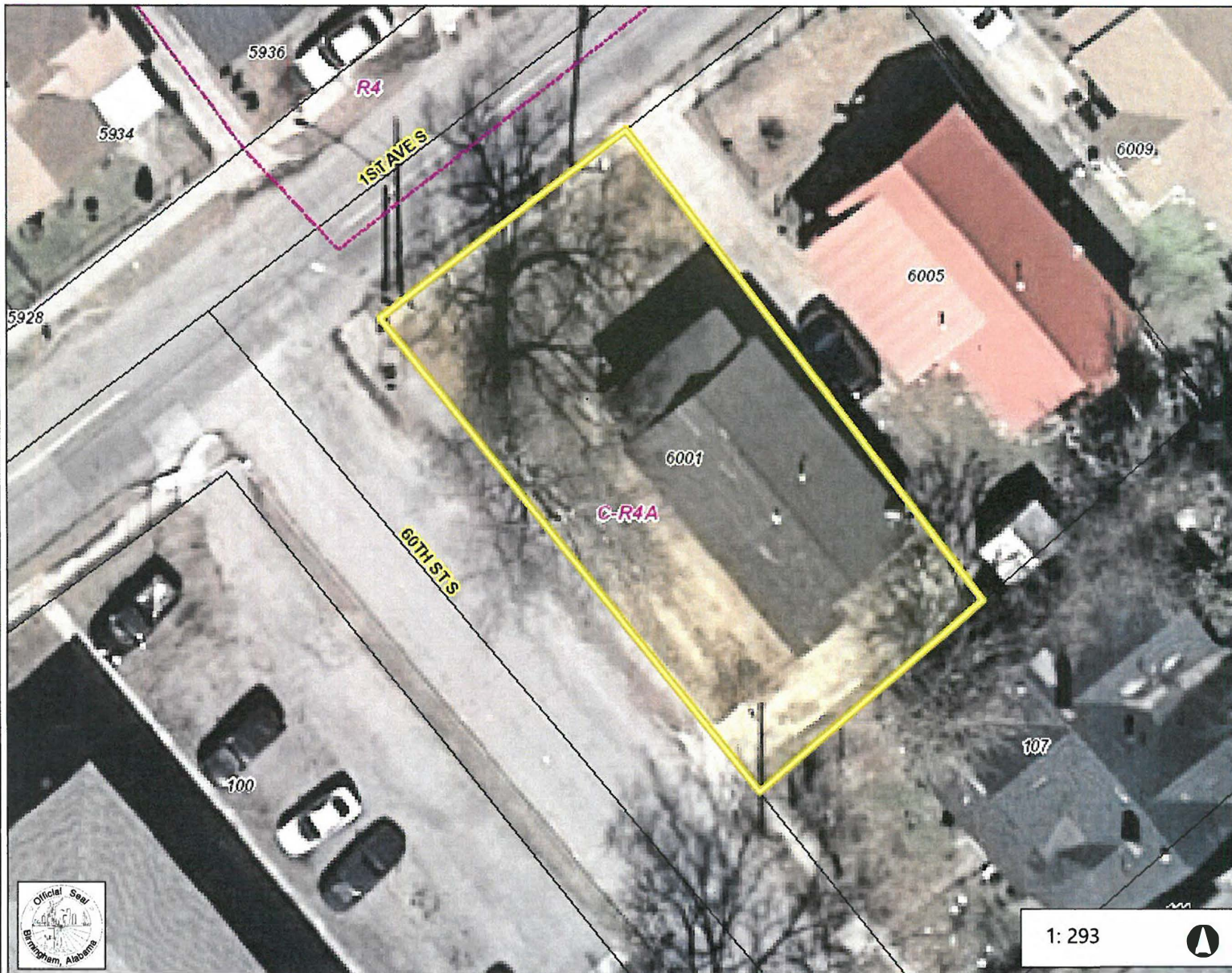
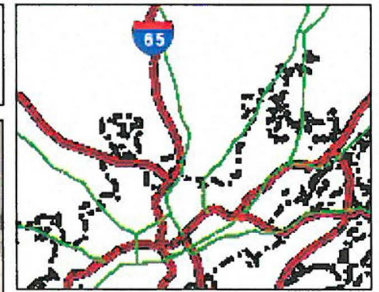
1: 293



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
Future Land Use - Residential Low



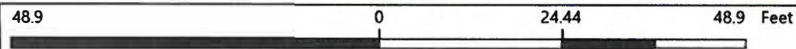


Legend

- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (use with Imagery)
- 2015 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



1: 293



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Notes

Current Zoning C-R4A

Google Maps 5936 1st Ave S

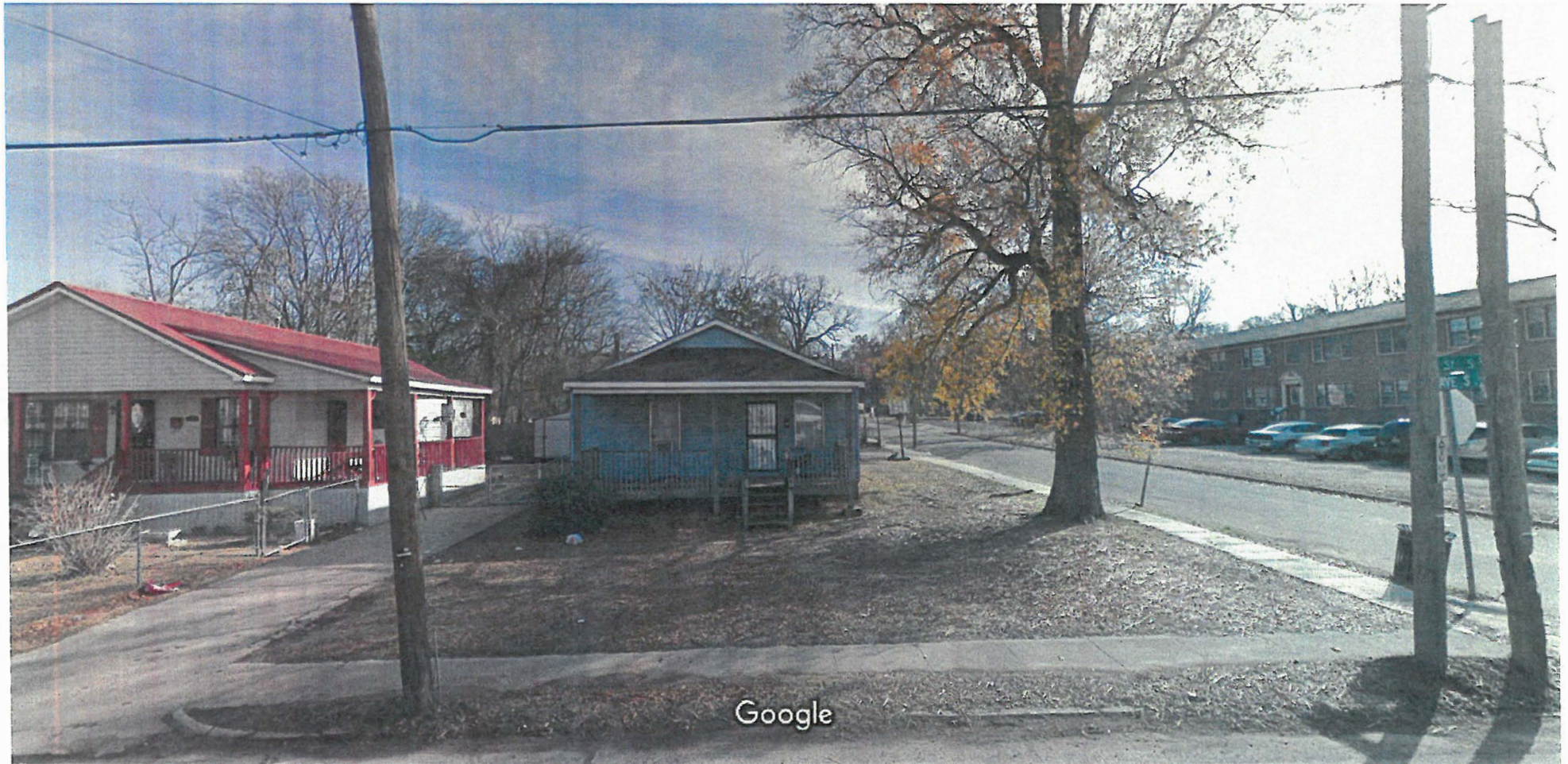


Image capture: Dec 2016 © 2019 Google

Birmingham, Alabama



Street View - Dec 2016

Google Maps 100 60th St S



Image capture: Dec 2016 © 2019 Google

Birmingham, Alabama



Street View - Dec 2016

Southside

ZBA2019-00078

Request: Modification
Applicant: John McCary
Owner: Temple Milsap
Site Address: 3117 2st Avenue South
Zip Code: 35212
Description: Parking modification for nine spaces in lieu of the 15 spaces required in Title 1 Chapter 5 Article 1 Section 4.O.
Property Zoned: M1 Light Manufacturing District
Parcel Information: Parcel # 012300311032002001, NE ¼ of Section 31, Township 17 S, Range 2 W

Variance

Parking modification for nine spaces in lieu of the 15 spaces required.

Neighborhood

The Southside Neighborhood Association met on October 28th 2019 and approved this request 5-0.

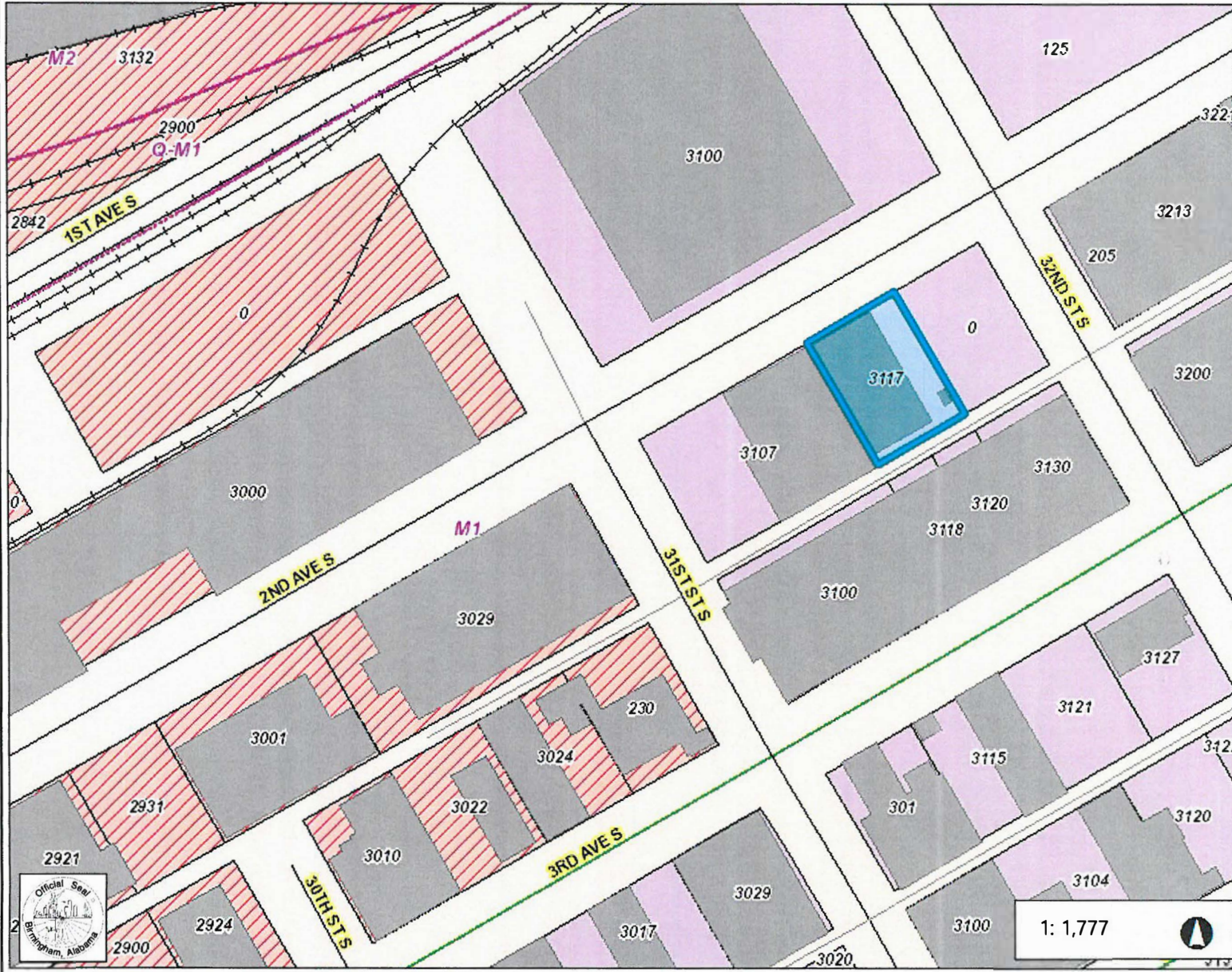
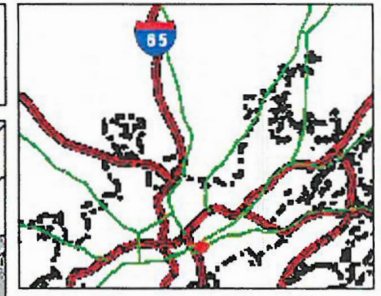
Applicant's Justification

The applicant is redeveloping an existing building for use as rental office spaces. There is no parking at the current location. The site only has room to install nine off-street parking spaces.

Staff Recommendation

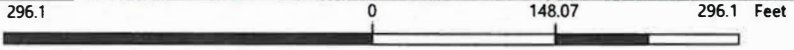
Staff believes the applicant has submitted insufficient evidence designating the locations of available parking spaces that meets the variance standards of review for the proposal. Therefore, staff believes this request does not have merit for approval and as such, should be **DENIED**. If the Board 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



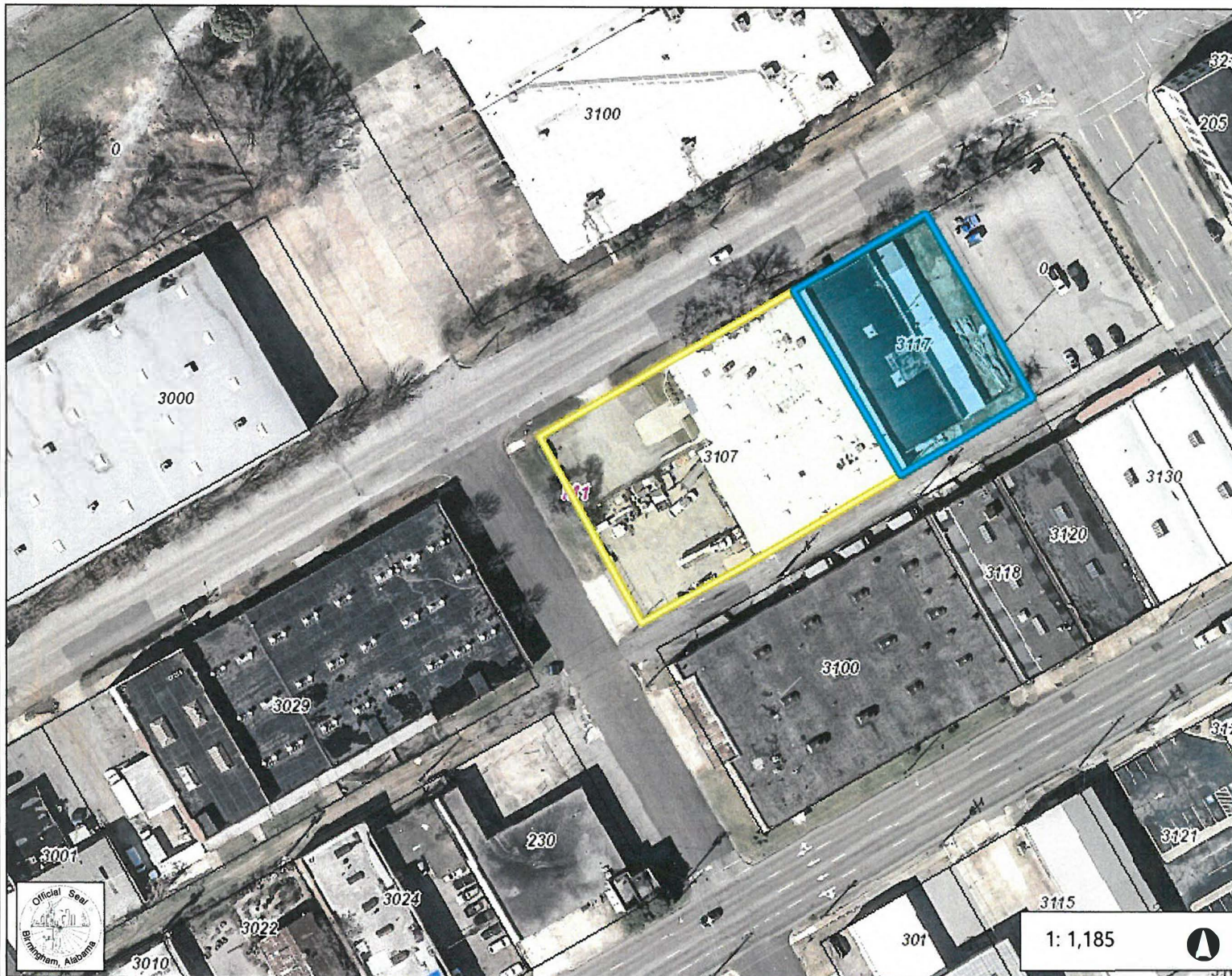
Legend

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



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
Future Land Use - Light Industrial



Legend

- Zoning Outline
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - City Limits (use with Imagery)
- 2015 Imagery
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



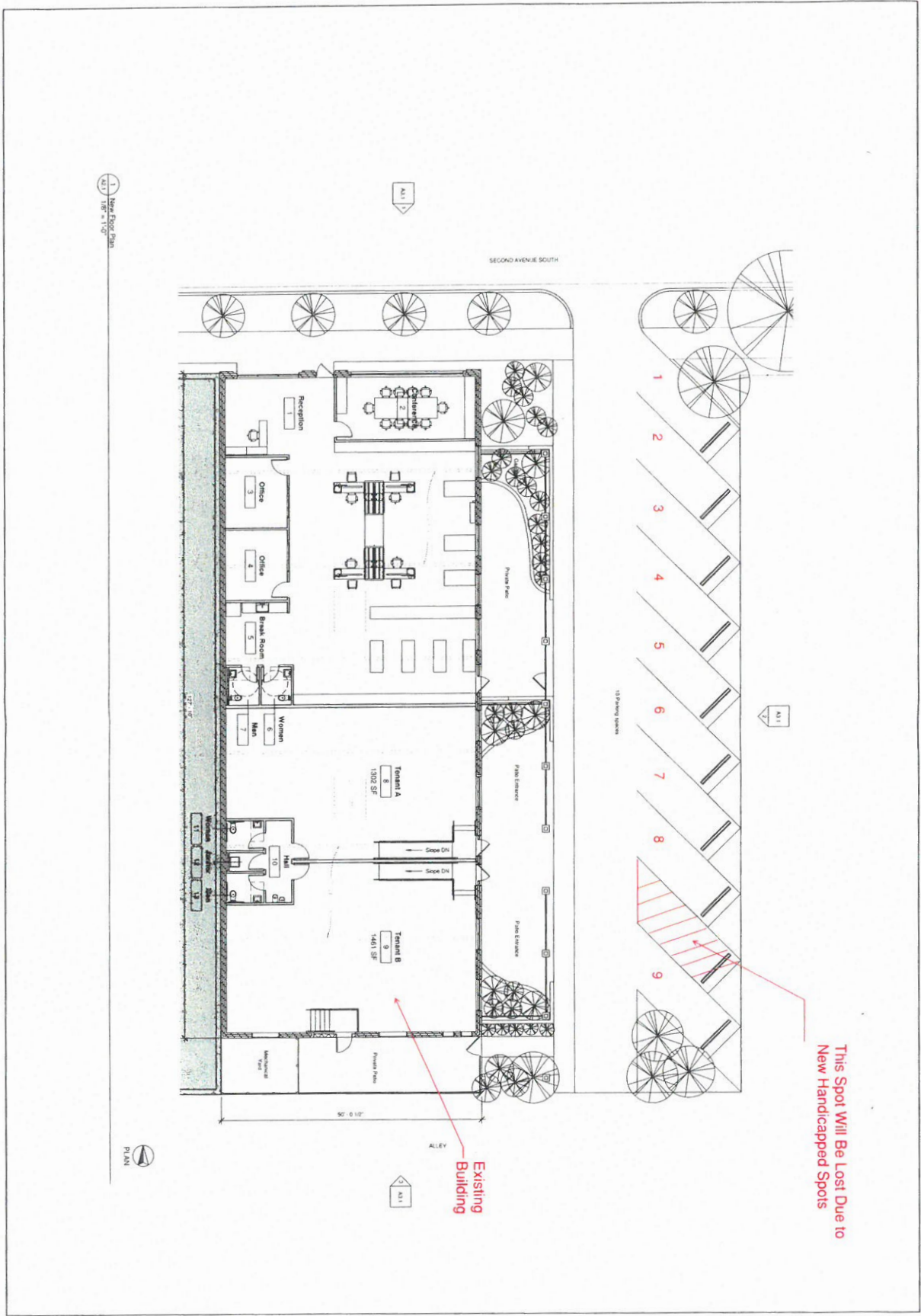
197.4 0 98.71 197.4 Feet

1: 1,185



Notes

Current Zoning - M1



This Spot Will Be Lost Due to New Handicapped Spots

Existing Building

| SHEET NUMBER A2.1 | NEW LOGO SIGN NAME ADDRESS CITY STATE ZIP PHONE FAX EMAIL WEBSITE | black | BLACK DESIGN ARCHITECTURE 2121 131 AVENUE NORTH SUITE 2000A AL 5900 BIRMINGHAM, AL 35203 T: 205.964.4321 F: 205.964.4322 EMAIL: INFO@BLACKDESIGNARCH.COM | Project Name 3117 2nd Avenue South Enter address here | REVISIONS <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> | No. | Description | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | Schematic Design 5/30/2019 | NOT FOR CONSTRUCTION |
|-----------------------------|--|--------------|---|--|---|-----|-------------|------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-------------------------------|----------------------|
| | | No. | Description | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Public Parking Exhibit

New Parallel Street
Parking Spots Along
3rd Ave South

Parallel Street
Parking

SITE

Parallel Street
Parking (Approx. 10
Spots)

Google Earth

© 2013 Google

200 ft



ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

| | |
|--|--|
| APPLICATION TO THE ZONING BOARD OF ADJUSTMENT | Date: <u>10-16-2019</u> Case No. _____ Master No. _____ Project No. _____ |
| P.I.D. No.: _____ Address Verified By: _____ | |
| Modified Address: _____ | |

Please print or type legibly and fill in all that apply

Site Address: 3117 2nd Ave South Zip Code: 35233
Location: Pepper Place
Project Name: Jarrell Distributing Building Redevelopment
Lot(s) _____ Block(s) _____ Survey _____
Lot(s) _____ Block(s) _____ Survey _____
Lot(s) _____ Block(s) _____ Survey _____
 Metes and Bounds Attached

| | |
|--|---|
| OWNER NAME: <u>Temple Millsap</u> ADDRESS: <u>402 Office Park Dr</u> CITY/STATE/ZIP: <u>Birmingham, AL 35223</u> PHONE: () _____ CELLULAR: <u>(205) 937-4182</u> FAX: () _____ PAGER: () _____ EMAIL: <u>tmillsap@gascoignecapital.com</u> | APPLICANT* NAME: <u>John McCary</u> COMPANY NAME: <u>RaderMcCary, Inc</u> ADDRESS: <u>7051 Meadowlark Dr, Suite 201</u> CITY/STATE/ZIP: <u>Birmingham, AL 35242</u> PHONE: () _____ CELLULAR: <u>(205) 597-4493</u> FAX: () _____ PAGER: () _____ EMAIL: <u>jmccary@radermccary.com</u> <small>*Applicant is required to be authorized by owner to undertake work</small> |
|--|---|

TYPE OF REQUEST

Under the following provisions of the Zoning Ordinance of the City of Birmingham, Alabama, the Zoning Board of Adjustment is hereby requested to:

Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3)

Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)

Variance – Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2)

| | | | | |
|--|---|---|---|---|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Confirming Uses | <input checked="" type="checkbox"/> Parking |
| <input type="checkbox"/> Public | <input type="checkbox"/> Signs | <input type="checkbox"/> Yards | <input type="checkbox"/> Other _____ | |

Special Exception – Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1)

| | | | | |
|--|---|---|---|----------------------------------|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Confirming Uses | <input type="checkbox"/> Parking |

Description of Work or Request: Parking variance for (9) spaces in lieu of required (16). The 9 spaces being proposed are the max that we can fit on the site adjacent the existing building

If you have a hardship/practical difficulty, please explain:
Redevelopment of existing structure that would have to be demolished for more parking

FOR STAFF USE

SECTION II TEXT CHANGE

Amendment to: _____ Title: _____ Article: _____ Title: _____

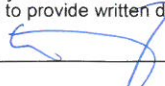
See Attachment

In words substantially as follows: _____

| | | |
|---|--|----------------------------------|
| PLANS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No | PERMIT FEE WAIVED <input type="checkbox"/> Yes <input type="checkbox"/> No | REFERENCE CASES: _____ |
| COMMENTS _____ | | |

CERTIFICATION

I fully understand that, upon the filing of this application and the payment of the filing fee to defray the expenses of investigation and processing this application, there shall be no refunds made to me and that the payment of said filing fee shall in no way entitle me to the change, amendment, supplement, modification or repeal as herein applied for. If an amendment to text of Zoning Ordinance is proposed, please complete applicant data. I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.

Signature (Owner)  Date 10-16-19

Signature (Owner) _____ Date _____

| | | |
|----------------------------|---|---|
| Hearing Date: _____ | Hearing Time: _____ | Location: Room 300, City Hall |
| Filing Fees: | Single Family Residential Zone District | - \$100.00 |
| | Multi-Family Residential and Commercial Zone District | - \$500.00 |
| | Appeals | - \$300.00 |

254-2738

292

Neighborhood Response Form – (if needed)

RE: **ZBA2019-00078**

Date: 10-28-19

To: Donald Wilborn, Senior Planner, Room 500 City Hall, (205) 254-2730, donald.wilborn@birminghamal.gov
(205) 254-2738 FAX:

From: Southside N.A. - President, Vice President, Secretary
(Please indicate the Officer who chaired the meeting when this request was heard)

On 10-24-2019, the request was heard by our Neighborhood Association and we took the following action:

Support (# of votes) 5 DO NOT Support (# of votes) _____

The decision of the Neighborhood Association was to (circle one: support / not support) the request for the following reasons:

The Neighborhood Association understands that its opinion is only advisory and that this form will be given to ZBA members. Representatives from the Association or its members can attend the ZBA meeting to personally express concerns and requests.

Neighborhood Officer Signature: Irene Johnson Pres 10-28-19
(Officer who chaired or presided over meeting when case was presented should sign form)

President: Irene Johnson Phone: (205) 322-5975

ATTN: Donald Wilborn