

Meeting – December 12, 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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Huffman

ZBA2019-00067

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

**Variance**

The applicant is requesting a variance to allow 6FT wrought iron fencing in the required front yard 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.

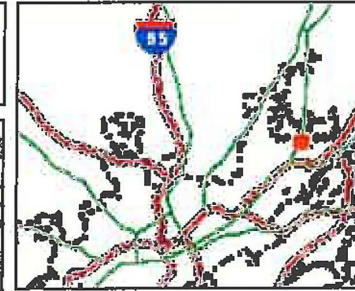
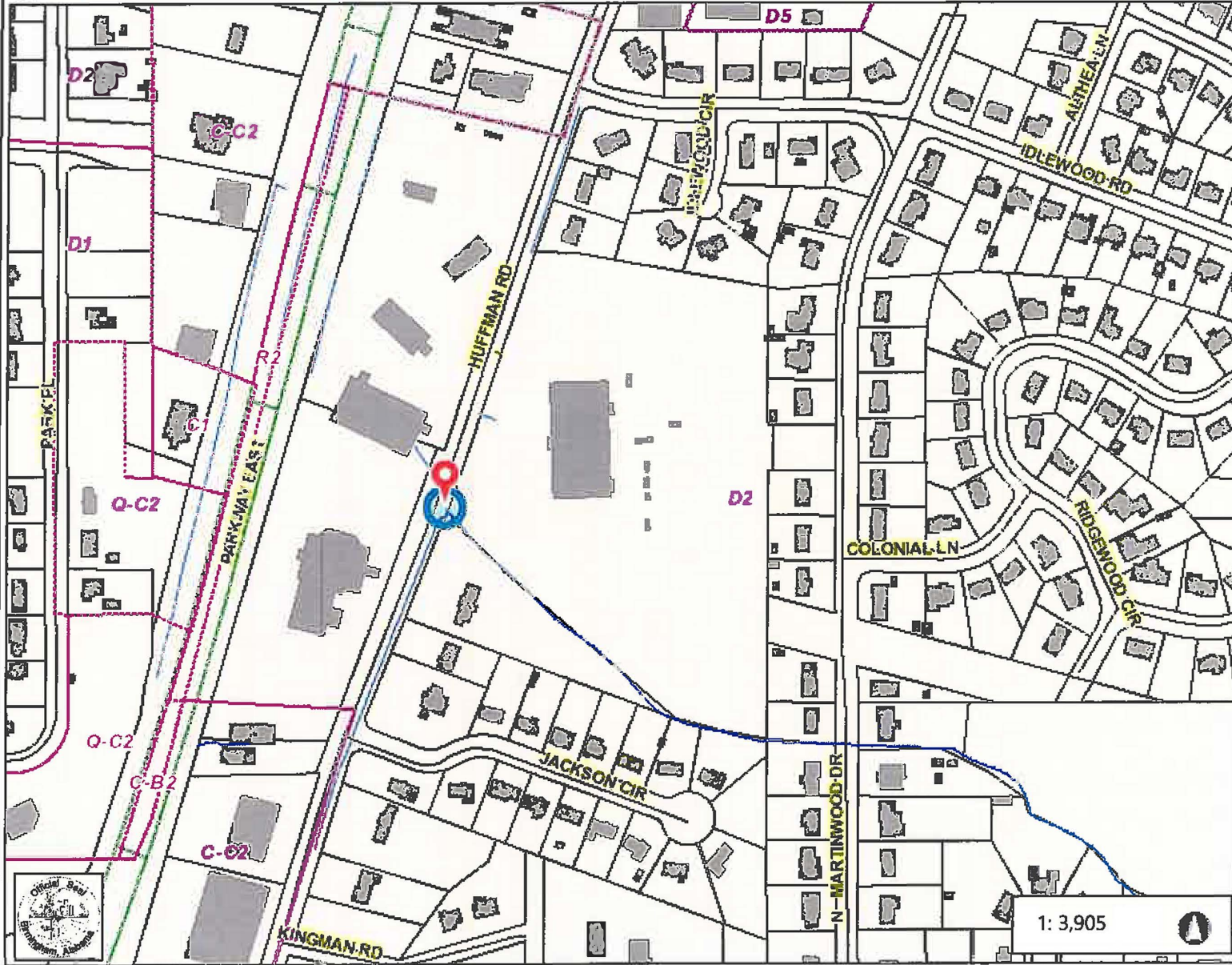
**Applicant's Justification**

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 believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has some merit for approval and as such, should be **GRANTED** subject to the following conditions:

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

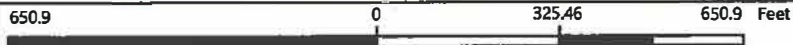


Legend

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



1: 3,905



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

Notes



Legend

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



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1: 3,905



Notes

Google Maps 959 Huffman Rd



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2019 100 ft

Google Maps 959 Huffman Rd













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*— Products Finishing Magazine*



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Customer Service, Engineering and Architect Services Departments

► **LIMITED LIFETIME WARRANTY**



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College Hills

ZBA2019-00068

Request: Modification  
Applicant: Laventria Rutledge  
Owner: The Stonewall Corp.  
Site Address: 432 8<sup>th</sup> Avenue West  
Zip Code: 35204  
Description: Modification to extend the boundary line of a (B1) zoning district 46 feet to the east pursuant to Title 1, Chapter 9, Article VI, Section 6.A.1  
Property Zoned: B1 Neighborhood Business District  
CR5 Contingency Multiple Dwelling District  
Parcel Information: Parcel #: 012200343004001000, SW1 of Section 34, Township 17 S, Range 3 W

**Modification**

The applicant is requesting a modification to extend the boundary line of a (B1) zoning district 46 feet to the east of the property located at 432 8<sup>th</sup> Avenue West.

**Neighborhood**

The College Hills Neighborhood Association has not submitted the neighborhood response form; however, staff has spoken with the President of the College Hills Neighborhood and she stated that the neighborhood supports the modification request.

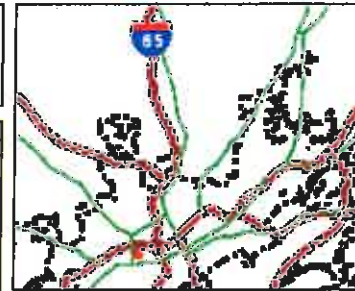
**Applicant's Justification**

The lot is currently divided between two zoning districts (B1 Neighborhood Business District and CR5 Contingency Multiple Dwelling District). There is an existing commercial building on the lot and the extension of the boundary line of the B1 zoning district would allow the building to be used as a restaurant.

**Staff Recommendation**

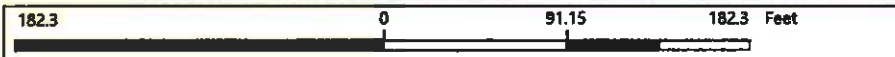
Staff believes this modification request has merit for approval and as such, should be **GRANTED** subject to the following conditions:

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.



**Legend**

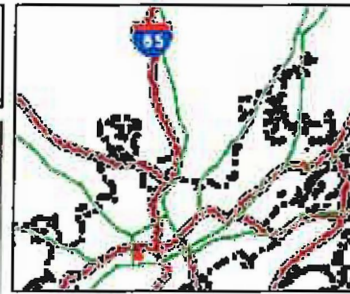
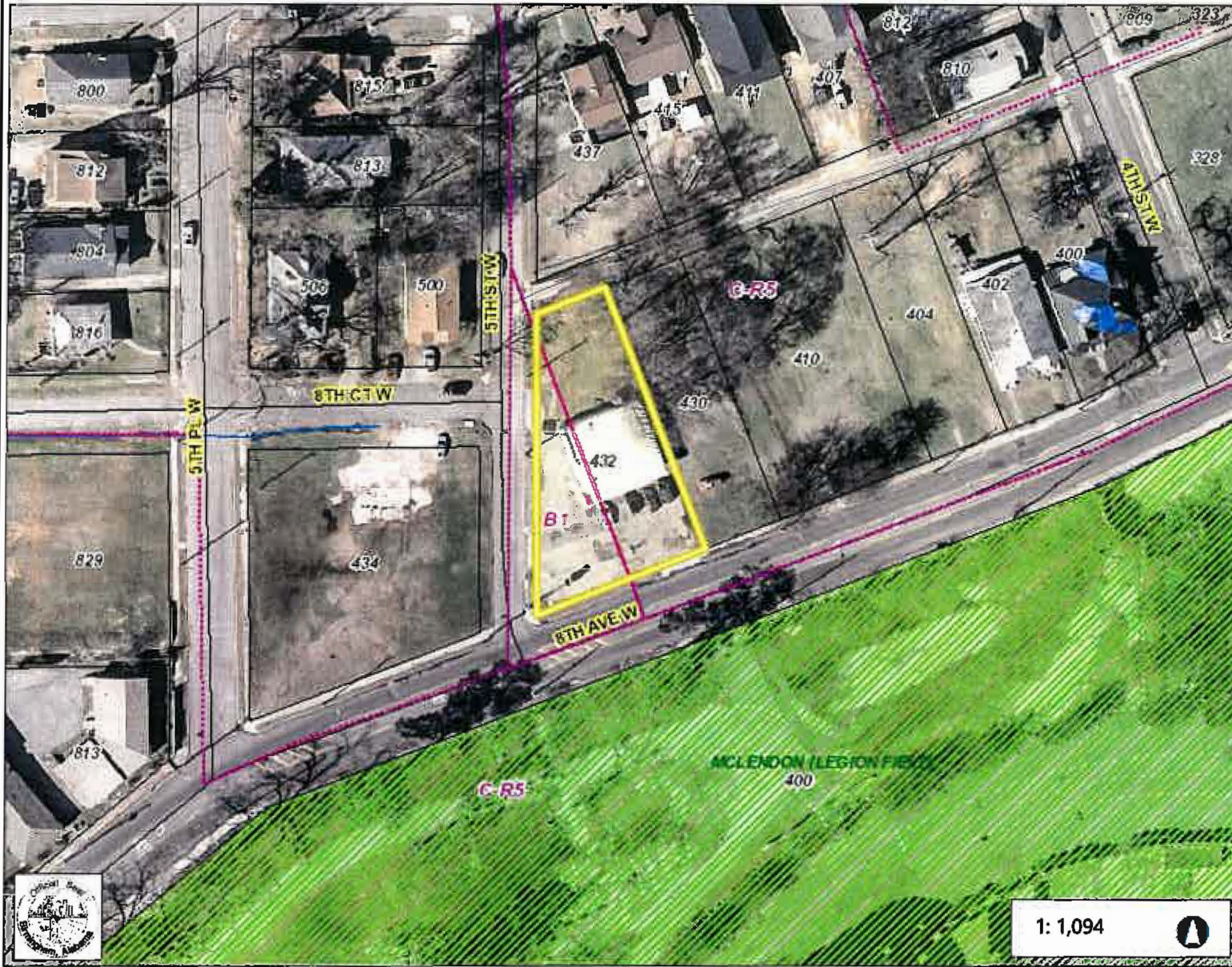
- Centerline Labels
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  - MXU-Low
  - MXU-Medium



1: 1,094

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**Notes**  
Future Land Use - Residential Low

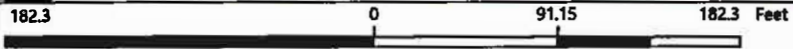


**Legend**

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- Parcels
- City Parks
- Airport
- City Limits (use with Imagery)
- 2015 Imagery
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



1: 1,094



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**Notes**  
Current Zoning B1 / C-R5



Legion Field Stadium  
of Birmingham

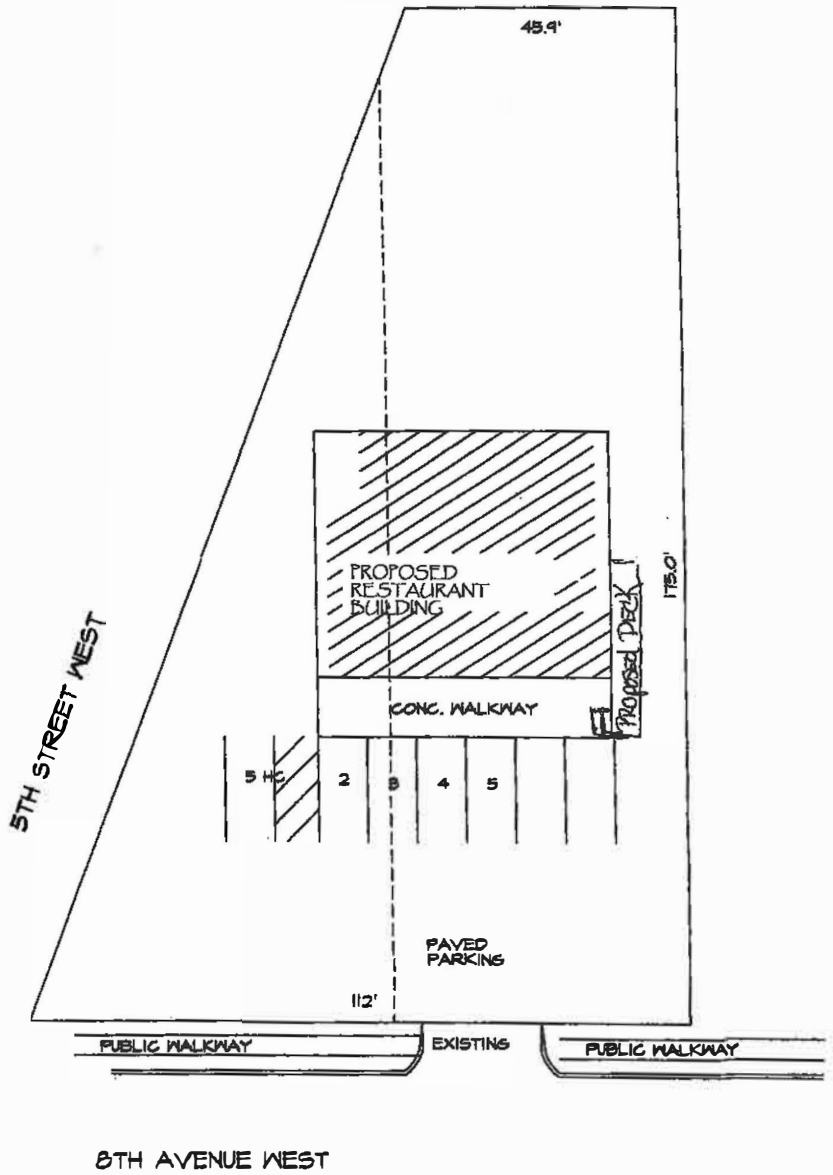




7th St W  
6th St W  
Region Field Stadium  
of Birmingham

Google





SITE PLAN  
SCALE 1"=20.0'



Tuxedo

ZBA2019-00070

**Request:** Special Exception/Variance  
**Applicant:** Daryle Jones  
**Owner:** M C S Properties, Inc.  
**Site Address:** 1821 20<sup>th</sup> Street Ensley  
**Zip Code:** 35218  
**Description:** Special exception to allow a communal living facility for veterans pursuant to Title 1, Chapter 4, Article III, Section 3.C. Variance to allow a 6 FT wooden privacy fence in the required front yard pursuant to Title 1, Chapter 4, Article 5, Section 5, Subsection 3.A.1.  
**Property Zoned:** B2 General Business District  
**Parcel Information:** Parcel #: 012200314043001000, SE1 of Section 31, Township 17 S, Range 3 W

**Special Exception/Variance**

The applicant is requesting a special exception to allow a communal living facility for homeless veterans (Veterans Palace). The applicant is also requesting a variance to allow a 6FT wooden privacy fence in the required front yard.

**Neighborhood**

The Tuxedo Neighborhood Association met on December 4<sup>th</sup> to consider the requests and they voted to recommend approval of both requests 8-0 because they support the Veterans Palace project.

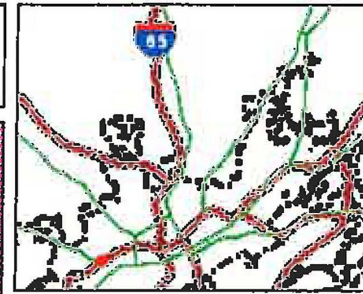
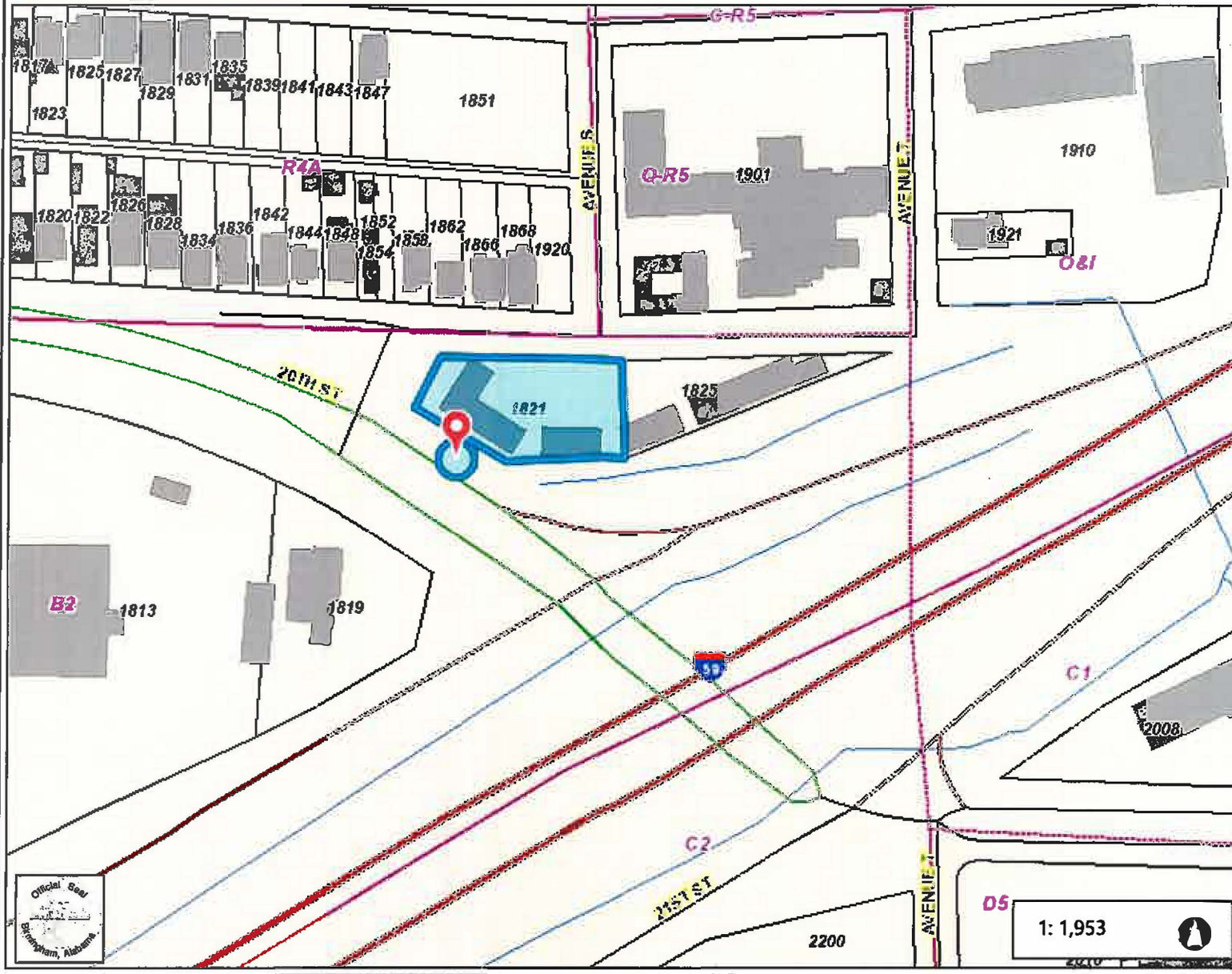
**Applicant's Justification**

The applicant states that the Veterans Palace facility will provide housing for homeless veterans. Also, the 6 FT wooden privacy fence would improve safety for the residents.

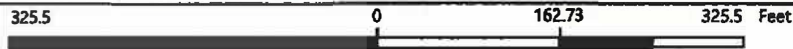
**Staff Recommendation**

The proposed communal living facility will not be located within 1,000 feet from another communal living facility. Staff also believes that the applicant has provided sufficient evidence to support the variance request due to the lot having multiple front yards. Therefore, staff believes these requests 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.
4. The applicant must obtain a Right-Of-Way Use Agreement to install fencing that is within the City's right-of-way.



- Legend**
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**Notes**

1: 1,953

Google Maps 1821 20th Street Ensley



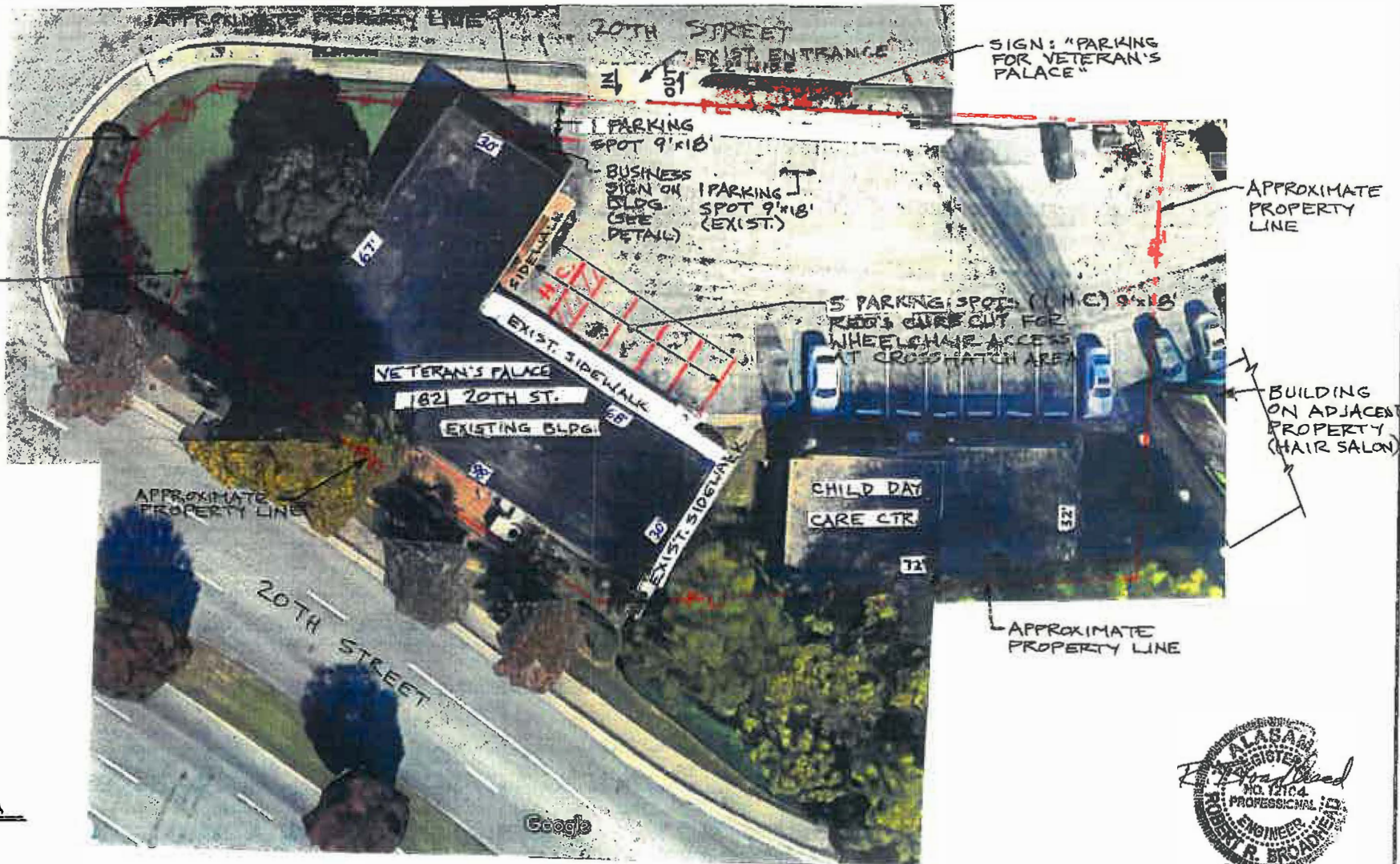
Map data ©2019 , Map data ©2019 20 ft

PROPOSED 6' HIGH  
WOOD PRIVACY  
FENCE W/LOCKABLE  
4' GATE

APPROXIMATE  
PROPERTY LINE



BUSINESS SIGN  
DETAIL



**PROPOSED SITE LAYOUT**

SCALE: 1" = 19'

**BE** Broadhead Engineering, LLC  
337 Brentwood Avenue  
Trussville, Alabama 35173  
Phone: 205.810.9466  
Email: [info@broadheadeng.com](mailto:info@broadheadeng.com)

**VETERAN'S PALACE**  
1821 20TH STREET-ENSLEY  
BIRMINGHAM, AL 35218







## Ward, Michael E.

---

**From:** Moton, Angelica  
**Sent:** Monday, December 9, 2019 11:40 AM  
**To:** Ward, Michael E.  
**Subject:** ZBA2019-00070

Adjacent property owner FROST ROY JR 1852 20TH ST wanted to state that he is in favor of the CLF and fence as long as they do background check on the veterans that are housed there, because they will be located near a daycare and that the residents aren't loud.

Thanks



**PUTTING PEOPLE FIRST**

[WWW.BIRMINGHAMAL.GOV](http://WWW.BIRMINGHAMAL.GOV)

### Angelica Moton

*Planning Technician*

Planning, Engineering and Permits

City of Birmingham

p: 205-254-2478 m: 205-254-2478

f: 205-254-2111

a: 710 20th St N Birmingham AL 35203  
Room 210

w: [www.birminghamal.gov](http://www.birminghamal.gov) e: [angelica.moton@birminghamal.gov](mailto:angelica.moton@birminghamal.gov)



South Woodlawn

ZBA2019-00072

Request: Variance  
Applicant: Dynamic Civil Solutions  
Owner: Woodlawn Foundation Real Property Resources LLE  
Site Address: 200 61<sup>st</sup> Street South  
Zip Code: 35212  
Description: Variance to allow the creation of two lots not having their principal frontage on a street pursuant to the definition of a lot in Title 1, Chapter 1, Article 3, Section 1.110  
Property Zoned: R4 Two Family District and Semi-Attached Dwelling District  
Parcel Information: Parcel #: 012300211023018000, NE1 of Section 21, Township 17 S, Range 2 W

**Variance**

The applicant is requesting a variance to allow the creation of two lots not having their principal frontage on a street.

**Neighborhood**

The South Woodlawn Neighborhood Association met on October 5<sup>th</sup> and recommended approval of this request 7-0 giving the following reason; the project will add quality, affordable housing to the neighborhood.

**Applicant's Justification**

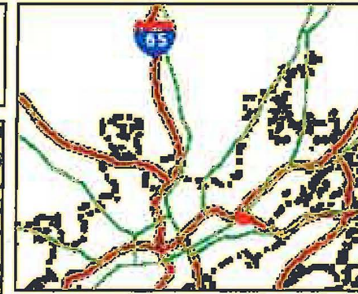
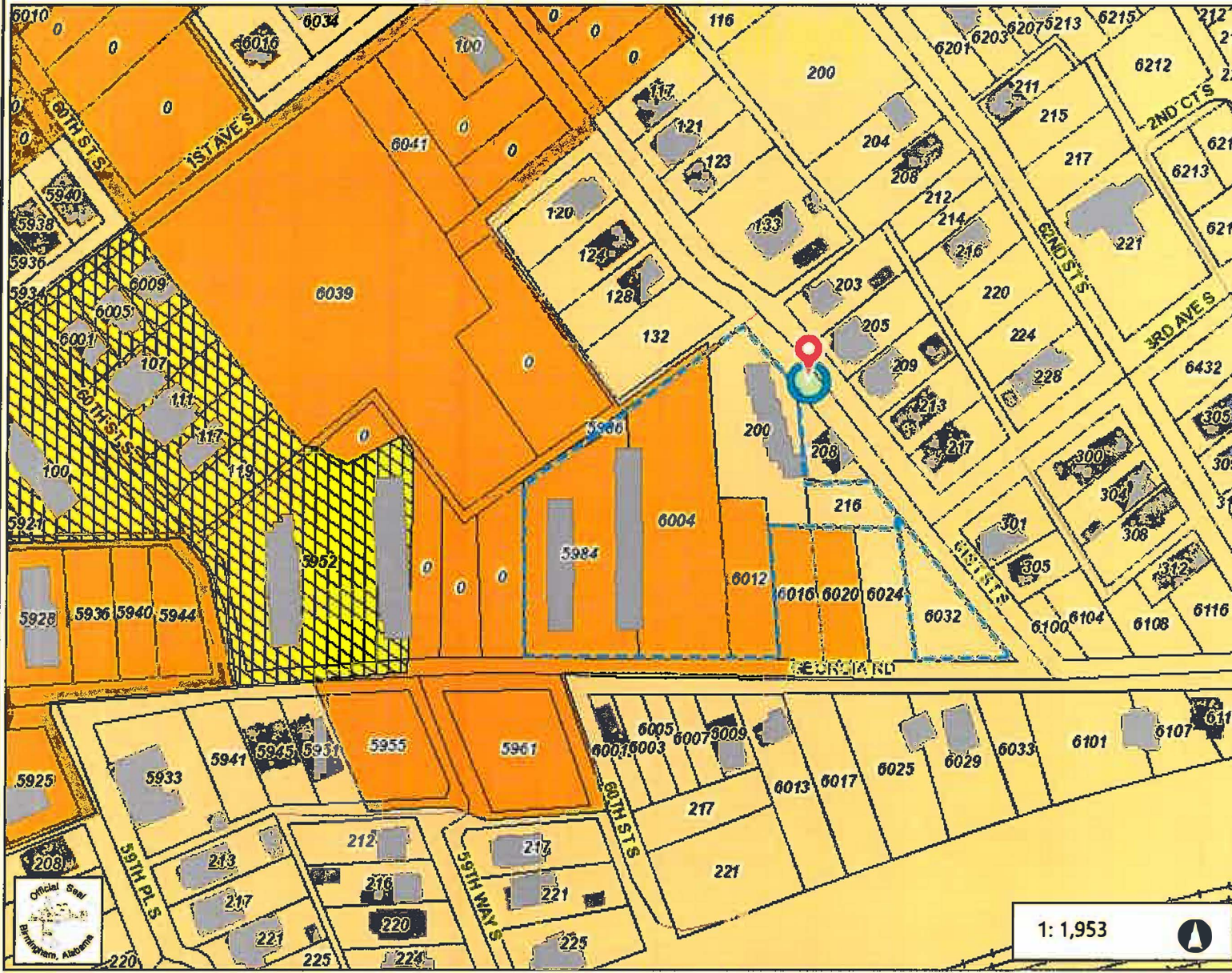
The applicant stated that due to the irregular shape of the development and in order to meet the requirements of the International Fire Code regarding fire apparatus access, the site plan had to accommodate the design of a hammerhead. This resulted in a bisection of the proposed lots.

**Staff Recommendation**

Staff feels the proposed lots will have sufficient access via private roads. Therefore, staff believes the variance request has 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.





Legend

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Zoning Shaded

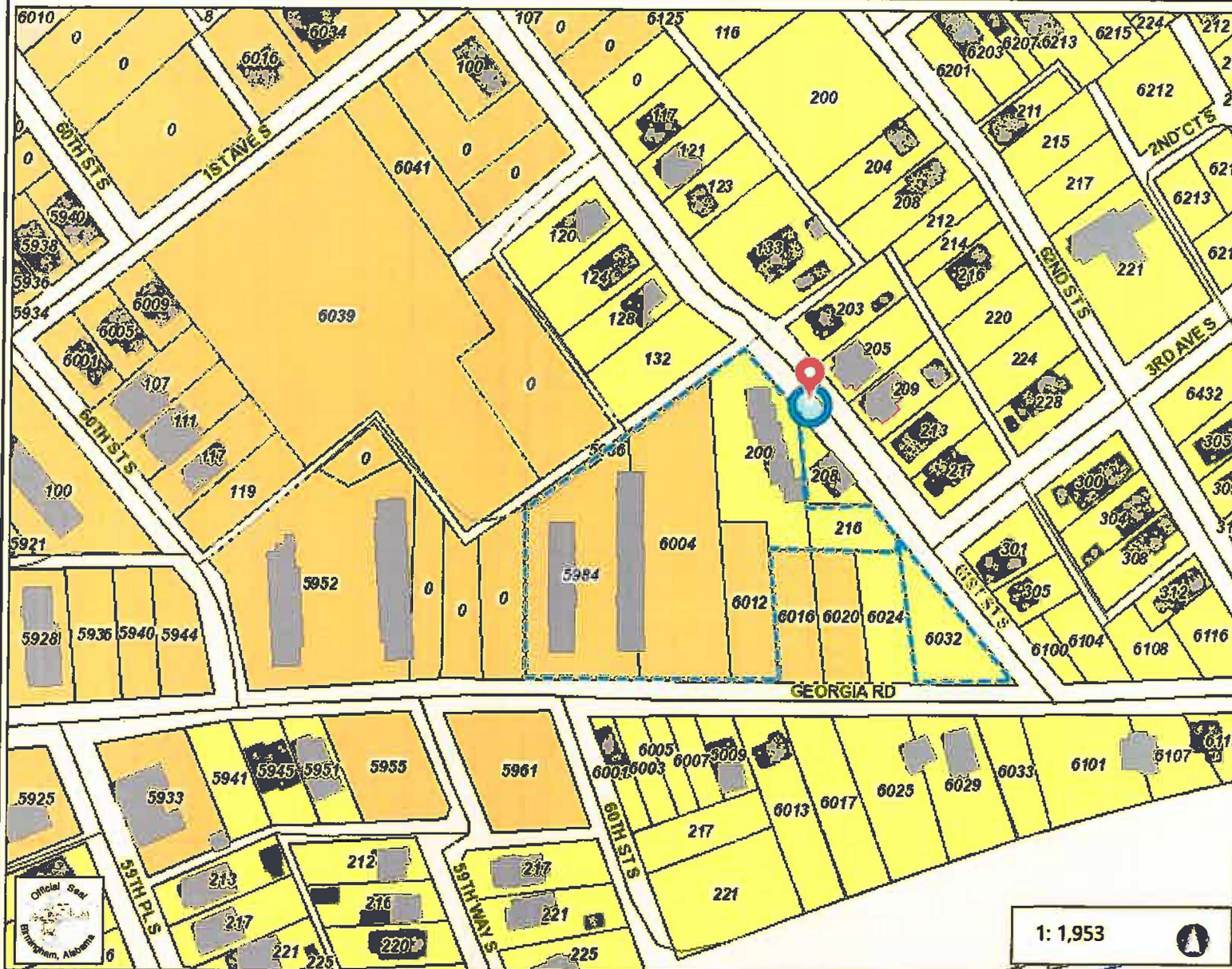
- R1; D1 - Single Family District - Cla
- R2; D2 - Single Family District - Cla
- R3; D3 - Single Family District; R3
- R4; D4 - Two Family District; R4
- R4A - Multiple Dwelling District
- R5; D5 - Multiple Family District D5
- R6; D6 - Multiple Family District
- R7 - Multiple Family District

1:1,953



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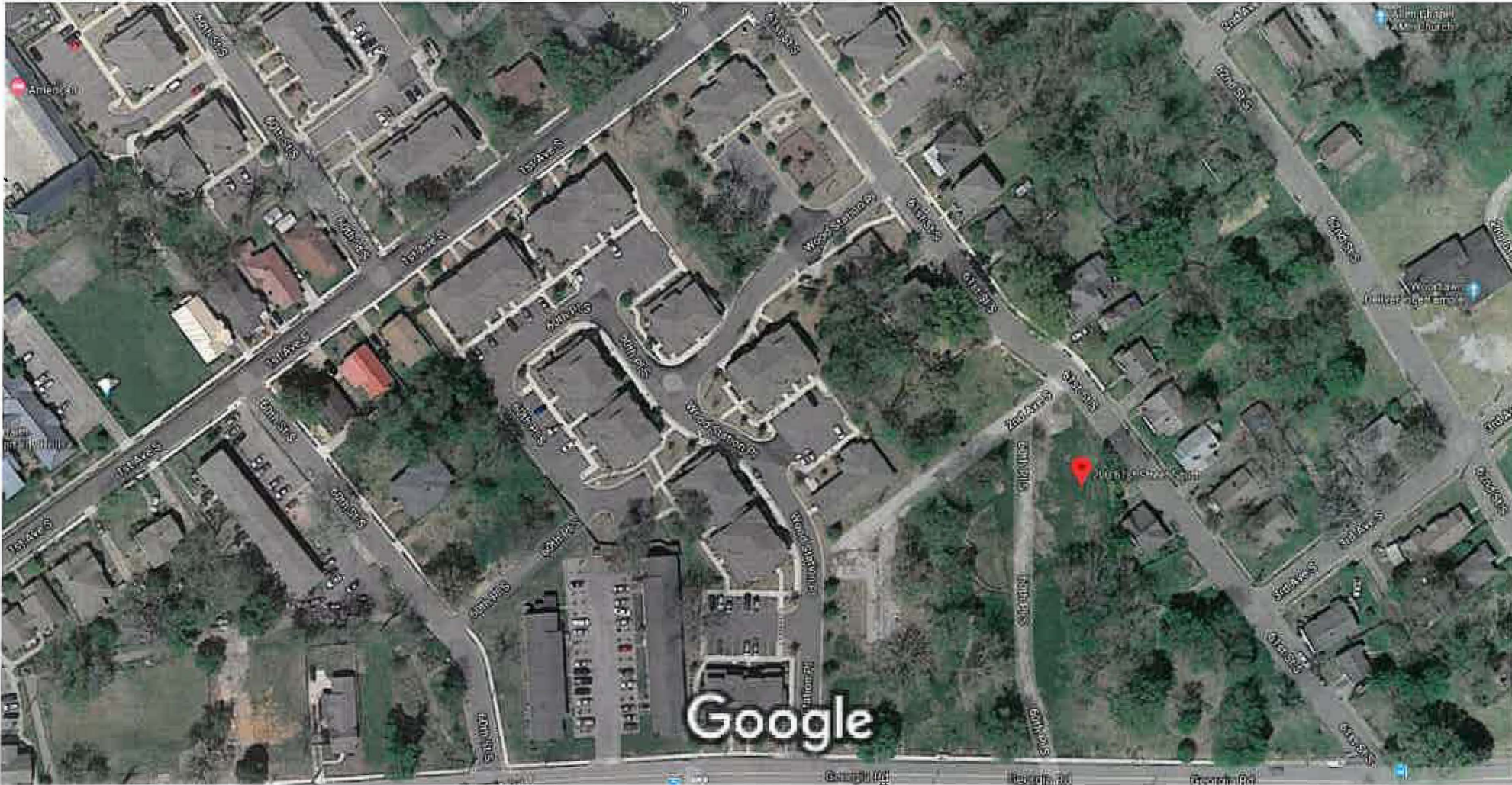


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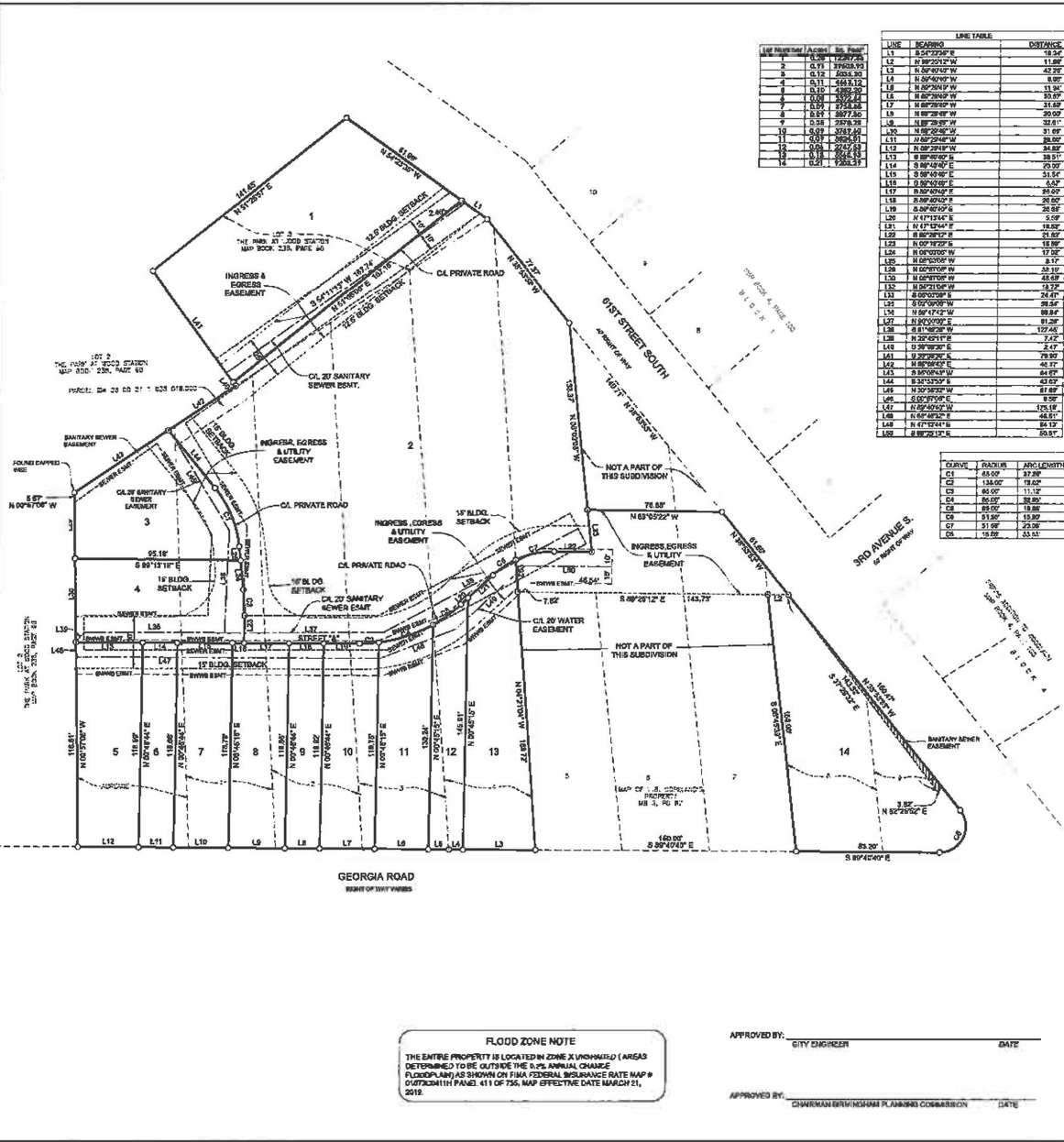
Notes

Google Maps

200 61st St S



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ata ©2019

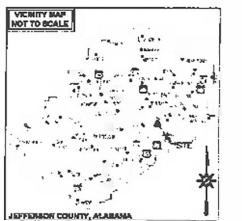


**RESERVATION OF SANITARY SEWER EASEMENT**

AS A CONDITION FOR APPROVAL OF THESE PLANS, JEFFERSON COUNTY A POLITICAL SUBDIVISION OF THE STATE OF ALABAMA RESERVES A SANITARY SEWER EASEMENT WITHIN THE ENTIRETY OF THE PRIVATE ROADWAYS SHOWN HEREON TO ENTER UPON, KEEP CLEAR, CROSS OVER AND UNDER FOR THE PURPOSES OF INSTALLING, MAINTAINING AND REPAIRING A SANITARY SEWER PIPELINE, MANHOLE, AND ALL APPURTENANCES THERE TO WITHIN SAID EASEMENT. IN THE EVENT THAT THE PRIVATE ROADWAYS SHOWN HEREON SHALL BECOME PUBLIC ROADS IN THE FUTURE, THE EASEMENT RESERVED HEREON SHALL NOT BE ALTERED, DESTROYED OR REVERT TO THE FEE OWNER, BUT SHALL REMAIN FULL FORCE AND EFFECT. THIS RESERVATION SHALL NOT AFFECT ANY OTHER SANITARY SEWER EASEMENTS MORE SPECIFICALLY DESCRIBED HEREON NOR IS IT INTENDED TO CREATE A PUBLIC ROADWAY EASEMENT IN THE PRIVATE ROADS BY THE COUNTY OR ANY MUNICIPALITY. THE SOLE PURPOSE OF THIS RESERVATION IS TO RESERVE A SANITARY SEWER EASEMENT IN THE PRIVATE ROADWAYS SHOWN HEREON.

1. PROPERTY SHOWN HEREON IS ZONED R3.
2. ALL EASEMENTS ARE FOR STREETS, PUBLIC UTILITIES, SANITARY SEWERS AND STORM SEWERS, AND/OR OTHER STORM DRAINAGE, UNLESS OTHERWISE NOTED FOR USE BOTH WITHIN AND WITHOUT THIS SUBDIVISION.
3. SANITARY SEWER SERVICE FOR THIS SUBDIVISION IS NOT DEDICATED FOR BASEMENT PLUMBING. THE OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND DEPTH OF SANITARY SEWER SERVICE LINE PRIOR TO CONSTRUCTION OF BUILDING FOUNDATION.
4. LOT RESTRICTIONS: SEE RESTRICTIVE COVENANTS FOR BUILDING AND LOT DEVELOPMENT REQUIREMENTS.

**THE PURPOSE OF THIS SURVEY IS TO CORRECT THE FOLLOWING:** LOT 3, ACCORDING TO THE SURVEY OF THE PARK AT WOOD STATION, AS RECORDED IN MAP BOOK 23B PAGE 3A AND ALSO LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, ACCORDING TO THE MAP OF W.B. COVELAND'S PROPERTY, AS RECORDED IN MAP BOOK 3, PAGE 61 AND A TRACT OF ACREAGE 14 LOTS



PREPARED FOR:  
DYNAMIC CIVIL SOLUTIONS  
2210 5th AVENUE NORTH  
BIRMINGHAM, ALABAMA 35203  
205-368-7286

JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT HEREBY APPROVES THIS RECORD MAP FOR SANITARY SEWER PURPOSES ONLY. SUCH 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 THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DATE: \_\_\_\_\_  
DIRECTOR OF ENVIRONMENTAL SERVICES  
APPROVED IN FORMAT ONLY

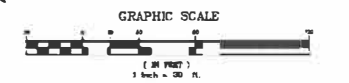
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY ENGINEER

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHAIRMAN BIRMINGHAM PLANNING COMMISSION

**FLOOD ZONE NOTE**  
THE ENTIRE PROPERTY IS LOCATED IN ZONE X UNSHADOWED (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FEDERAL INSURANCE RATE MAP # 07282041H PANEL 411 OF 756, MAP EFFECTIVE DATE MARCH 21, 2012.

**COTTAGES ON GEORGIA ROAD**

BEING A RESURVEY OF LOT 3, ACCORDING TO THE SURVEY OF THE PARK AT WOOD STATION, AS RECORDED IN MAP BOOK 23B PAGE 3A AND ALSO LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, ACCORDING TO THE MAP OF W.B. COVELAND'S PROPERTY, AS RECORDED IN MAP BOOK 3, PAGE 61 AND A TRACT OF ACREAGE SITUATED IN THE NE 1/4 OF SECTION 21 AND THE NW 1/4 OF SECTION 22, ALL IN TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA  
CITY OF BIRMINGHAM, ALABAMA



STATE OF ALABAMA  
COUNTY OF JEFFERSON

THE UNDERSIGNED, JEFF D. ARRINGTON, SURVEYOR, AND, WE, REAL PROPERTY RESOURCE, LLC, OWNER, 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 INITIATIVE OF SAID OWNER(S), THAT THIS PLAT OR MAP IS A TRUE AND CORRECT PLAT MAP OF LANDS SHOWN THEREIN AND KNOWN OR TO BE KNOWN AS COTTAGES ON GEORGIA ROAD, SHOWING THE SUBDIVISION INTO WHICH IS PROPOSED TO DIVIDE SAID LANDS, GIVING THE LENGTH AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER SHOWING THE SUBDIVISION, STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE BEARINGS, LENGTH, WIDTH AND NAME OF EACH STREET, AS WELL AS SHOWING THE RELATION OF THE LANDS TO THE SURVEY OF THE PARK AT WOOD STATION, MAP BOOK 23B, PAGE 3A, AND THAT IRON PINS HAVE BEEN INSTALLED 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 IT IS THE SOLE OWNER OF SAID LANDS AND THAT THIS SAME ARE NOT SUBJECT TO ANY MORTGAGE. SAID OWNER HEREBY (PREVIOUSLY) DESIGNATES ALL NEW STREETS, ALLEYS AND PUBLIC GROUNDS, AS WELL AS EASEMENTS FOR ALL UTILITIES AS SHOWN BY SAID PLAT OR MAP, SAID OWNER AND SAID MORTGAGEE AGREE 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 OR EXISTING GRADE TO THE PRESENT GRADE WITHOUT THE PAYMENT OF COMPENSATION OR DAMAGES TO THE ABUTTING OWNER, AND THIS AGREEMENT SHALL BE A COVENANT RUNNING WITH THE LANDS. THE UNDERSIGNED APPROVES THE CITY OF BIRMINGHAM AS AGENT FOR THE PURPOSES OF PLACING SAID PLAT OR MAP, TOGETHER WITH THIS INSTRUMENT, FOR RECORD, AND CERTIFY THAT WE HAVE FULL AUTHORITY TO EXECUTE THIS INSTRUMENT AND MAP.

HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR: \_\_\_\_\_ DATE: \_\_\_\_\_  
OWNER: \_\_\_\_\_ BY: \_\_\_\_\_  
JEFF D. ARRINGTON  
ALABAMA LIC. NO. 18664

STATE OF ALABAMA  
COUNTY OF SHELBY

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT JEFF D. ARRINGTON, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DATE THAT BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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

STATE OF ALABAMA  
COUNTY OF \_\_\_\_\_

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT \_\_\_\_\_ WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS OWNER, AND WHO IS KNOWN TO ME, ACKNOWLEDGE BEFORE ME ON THIS DATE THAT BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY, FOR AND AS THE ACT OF SAID CORPORATION.

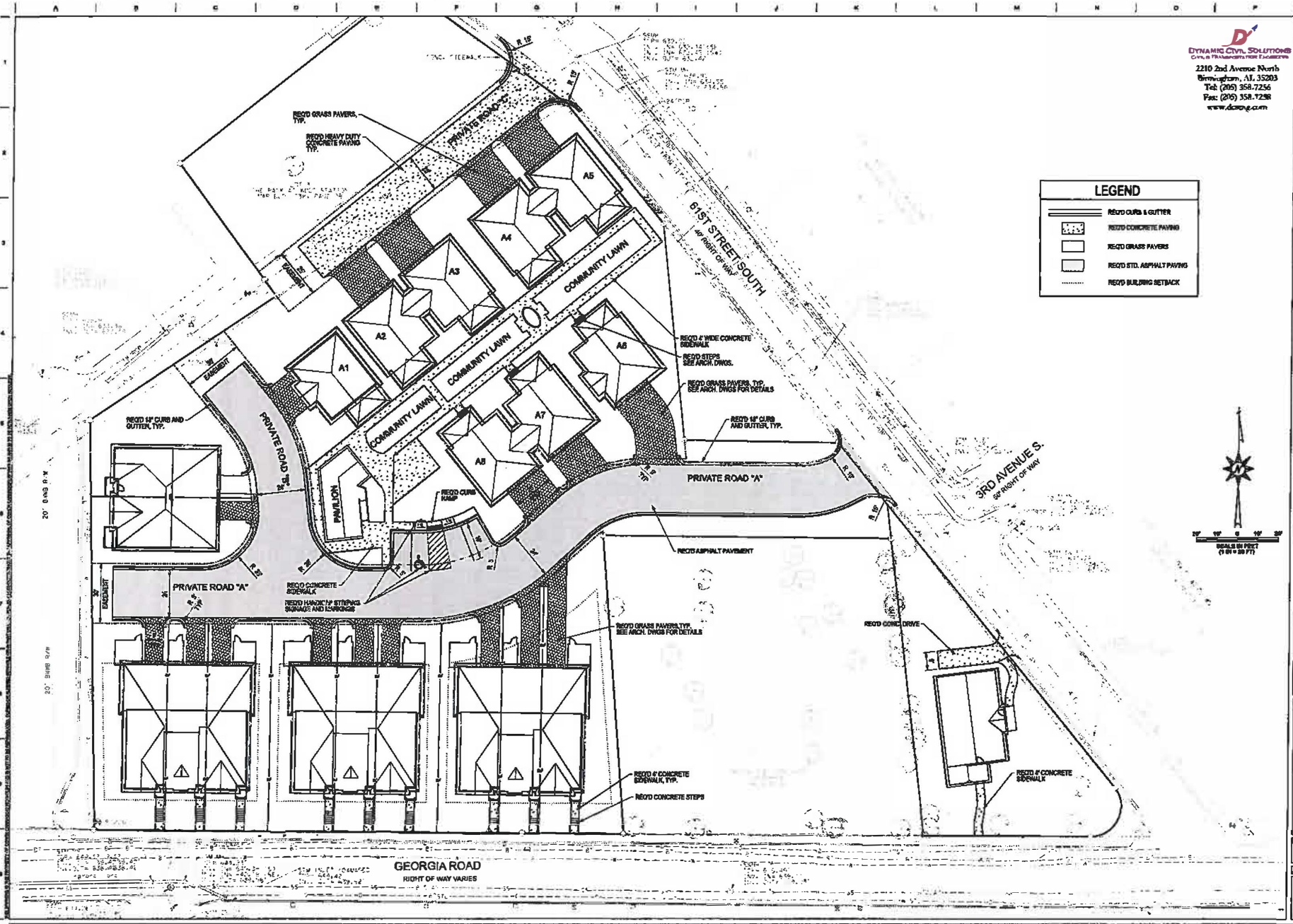
GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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

**ARRINGTON ENGINEERING**  
Civil Engineers - Surveyors - Land Planners

Offices: (205) 586-9376  
7465  
2012 Vauxhall Road  
Birmingham, AL 35241

DRAWING TITLE: COTTAGES ON GEORGIA ROAD	DRAWN BY: JDA CHECKED BY: JDA DATE: 6/13/2019
LOCATION & DESCRIPTION: SITUATED IN THE NE 1/4 OF SECTION 21 AND THE NW 1/4 OF SECTION 22, ALL IN TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA	SCALE: 1" = 30' PARTY: GPS PROJECT NO.: 9900 SHEET: 1 OF 1



**DYNAMIC CIVIL SOLUTIONS**  
 Civil & Environmental Engineers  
 2210 2nd Avenue North  
 Birmingham, AL 35203  
 Tel: (205) 358-7256  
 Fax: (205) 358-7288  
 www.dcspe.com



**LEGEND**

	NEED CURB & GUTTER
	NEED CONCRETE PAVING
	NEED GRASS PAVING
	NEED STD. ASPHALT PAVING
	NEED BUILDING SETBACK

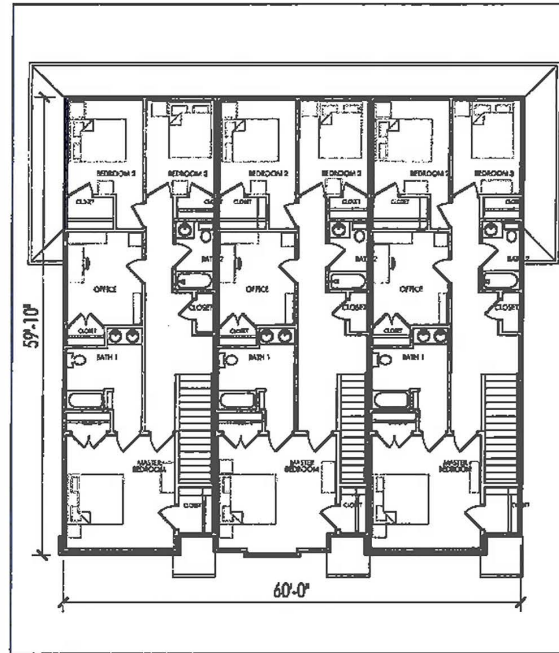


THE COTTAGES ON GEORGIA ROAD  
 200 61ST STREET SOUTH  
 BIRMINGHAM, ALABAMA 35212

DATE: 06/17/18
REVISIONS:
CIVIL SITE LAYOUT
JOB NUMBER: 19062
SHEET NUMBER: <b>C-04</b>



OVERALL SITE PLAN



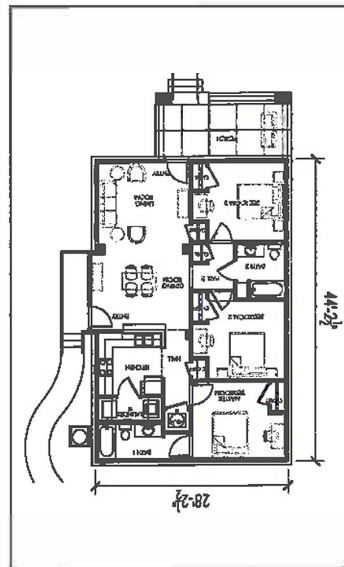
TOWNHOUSE LEVEL 2



TOWNHOUSE FRONT ELEVATION



TOWNHOUSE SIDE ELEVATION



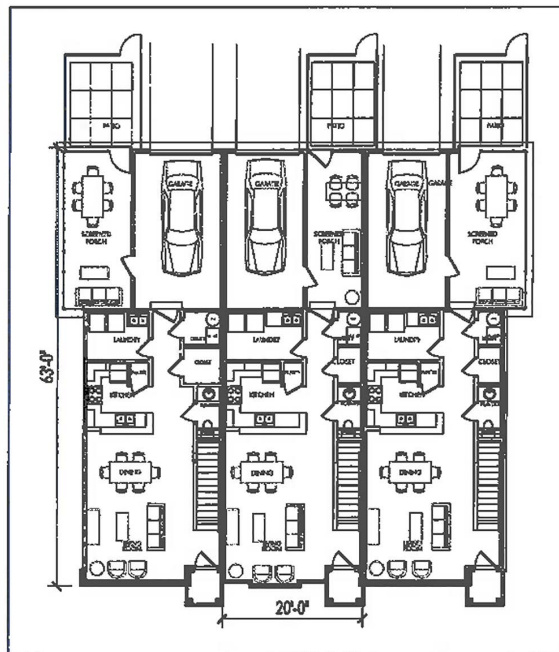
SINGLE FAMILY HOME FLOOR PLAN



SINGLE FAMILY HOME FRONT ELEVATION



SINGLE FAMILY HOME SIDE ELEVATION



TOWNHOUSE LEVEL 1



TOWNHOUSE BACK ELEVATION



TOWNHOUSE STREET VIEW



# WOODLAWN COTTAGES AND TOWNHOUSES AT GEORGIA ROAD

Woodlawn Foundation and Housing Authority of the Birmingham District



# The Standards for a Variance under Title 1, Chapter 9, Article VI, Section 4 of the Zoning Ordinance of the City of Birmingham

## Title 1 – Zoning Ordinance Chapter 9: Administration and Procedures

### Article VI. Variances and Modifications.

#### Section 4. Review standards.

A. To authorize in specific cases a variance from the terms of this Ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. **The Board shall not grant a variance without an affirmative finding of fact on each of the following standards based on evidence presented by the applicant.**

1. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance. **Due to irregular shape of the development and in order to meet the requirements of the International Fire Code regarding fire apparatus access road, the site plan had to accommodate the design of a hammerhead. This resulted in a bisection of the proposed lots.**

2. Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant. **Same as 1 above**

3. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property. **Same as 1 above**

4. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance. **Financial gain was not the sole basis for the proposed site layout.**

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

properties have remained vacant for years and this development will be an enhancement to the neighborhood.

6. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance. **The granting of this variance will in no way harm public welfare. All elements of the development will be designed to meet all applicable local ordinances.**



**The Cottages on Georgia Road: “The Cottages on Georgia Road” involves new construction of eight (8) low income cottages and a Pavilion Structure located on the site bordered by Georgia Road and 61st Street South. Each cottage has 2 bedrooms and 1 bathroom. Associated green space, landscaping and lighting to meet City ordinances will be included in the development.**

**Woodlawn Townhouse Development: The Woodlawn Townhouse Development involves construction of eleven (11) Townhouses and one (1) Single-family detached home located at 6004 Georgia Road – Birmingham, AL 35212. The Townhouse Development is adjacent to “The Cottages on Georgia Road” development mentioned above. Each unit will have 3 bedrooms and 2-1/2 bathrooms. Associated green space, landscaping and lighting to meet City ordinances will be included in the development.**

**The optimum site layout for the project does not permit Lots 3 and 4 to front a public street, hence a variance is needed to deviate from the definition of a lot in the Zoning Ordinance.**

**Bolaji Kukoyi, P.E.**

**Dynamic Civil Solutions**

Arlington – West End

ZBA2019-00079

Request: Variance  
Applicant: Maria Frazier  
Owner: Maria Frazier  
Site Address: 200 12<sup>th</sup> Street SW  
Zip Code: 35211  
Description: Variance to allow a 6 foot 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 #: 012900044027001000, SE1 of Section 04, Township 18 S, Range 3 W

#### **Variance**

The applicant is also requesting a variance to allow a 6FT wooden privacy fence in the required front yard.

#### **Neighborhood**

The Arlington-West End Neighborhood Association met on November 12<sup>th</sup> to consider the request and they voted to recommend approval 8-0 because they agreed that the fence was needed to stop theft on her property.

#### **Applicant's Justification**

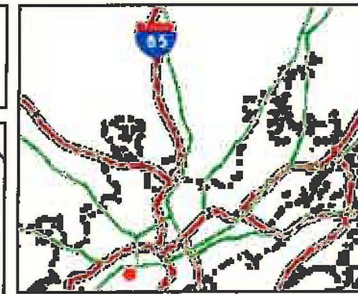
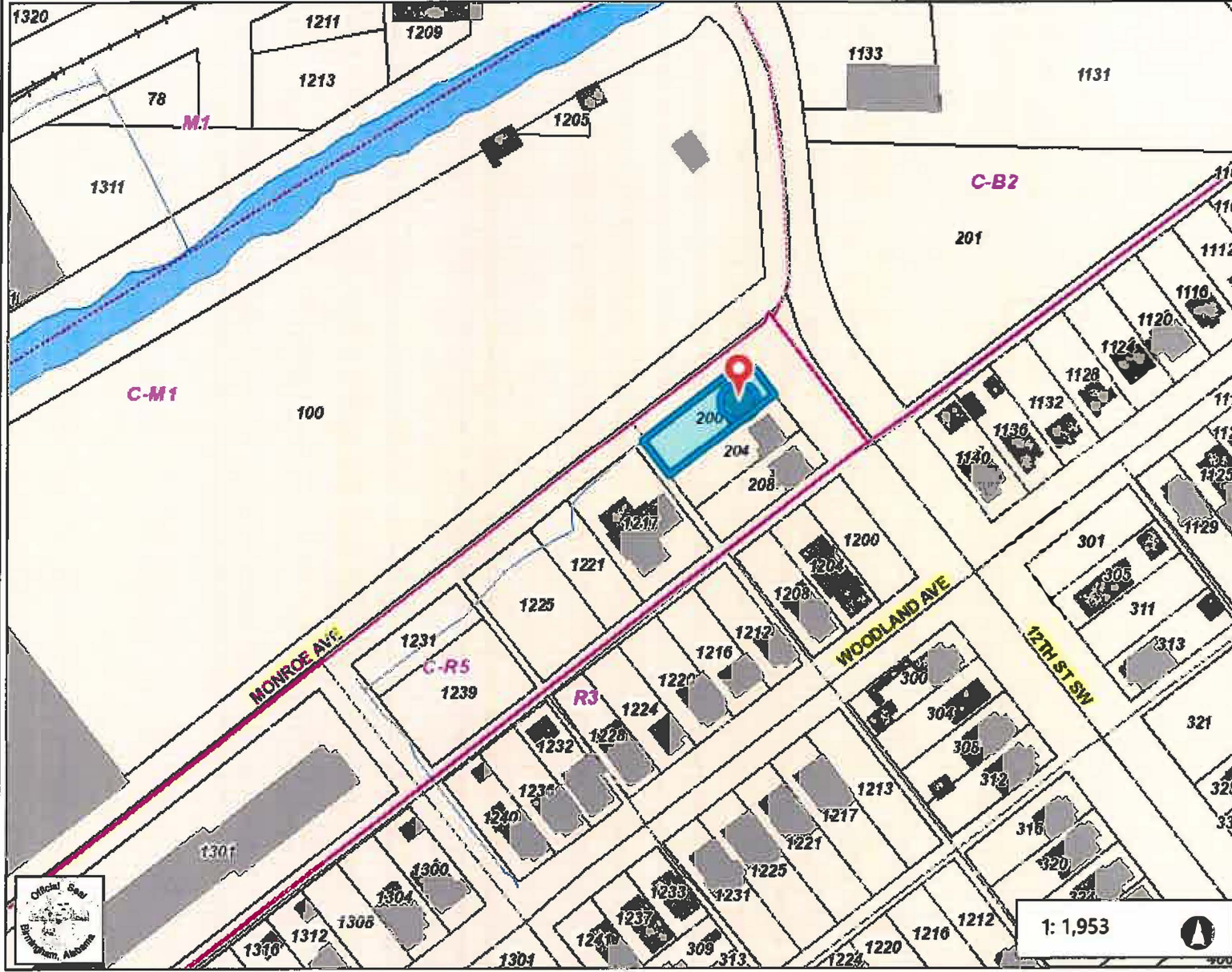
The applicant states that the 6 FT wooden fence was installed due to:

- Safety concerns to the home and property – Two burglaries resulting in the loss of the air condenser unit and copper lines, which were located and visible on the right side of the property (along Monroe Avenue)
- Preservation and enjoyment of the property – The housing of the large equipment and soil for the sewer project has created additional traffic, noise, and the appearance is aesthetically unpleasing to a residential neighborhood and property backyard.

#### **Staff Recommendation**

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

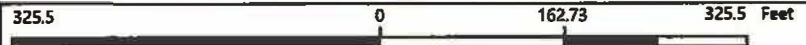


Legend

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

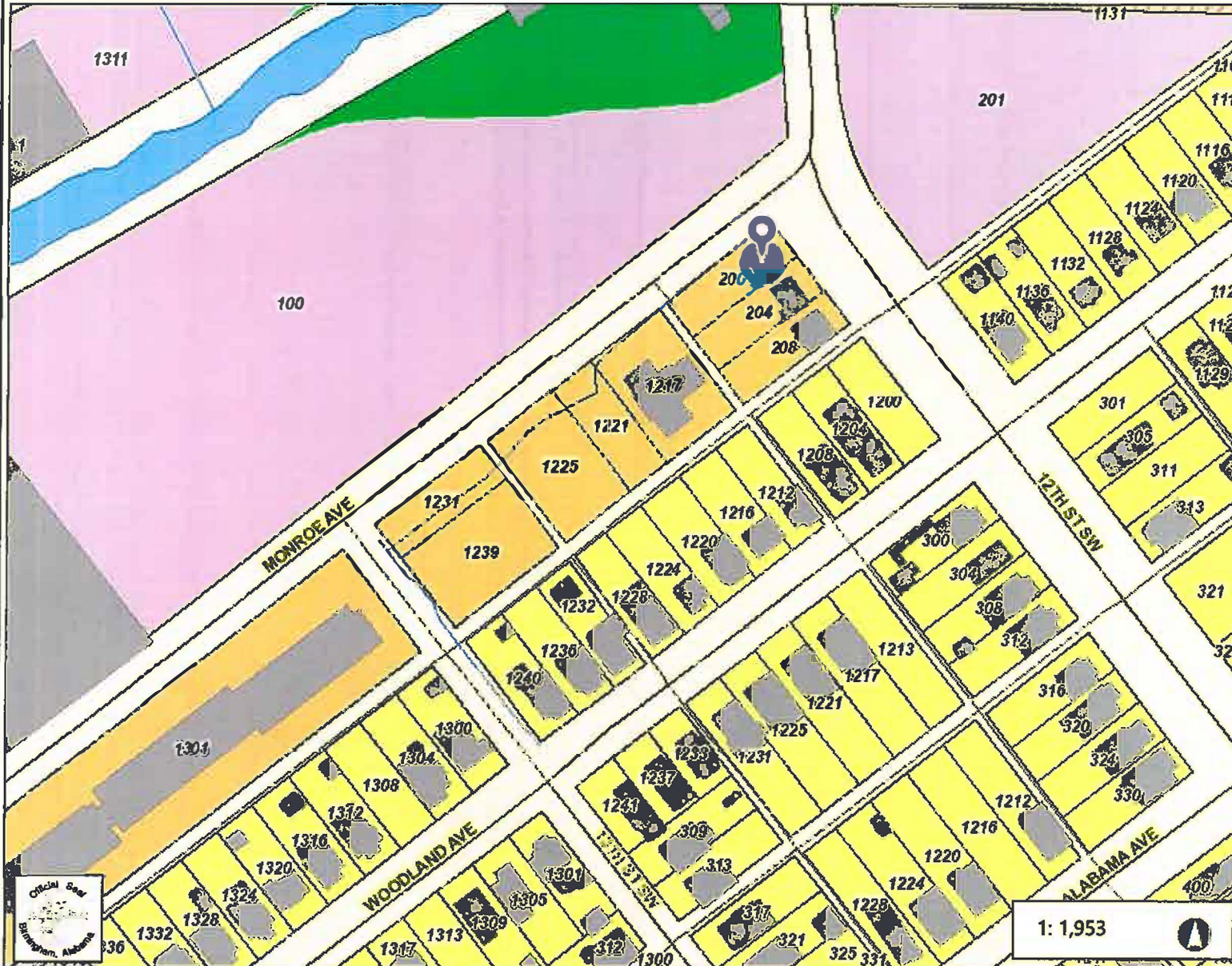
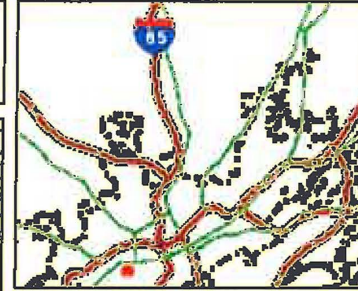


1: 1,953



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

Notes



Legend

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

1:1,953



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Notes



**200 12<sup>th</sup> Street, Birmingham Alabama - Fence Variance**



*Requesting approval for allowance to retain a 6 foot wooden fence at the above address (corner lot) for the following reasons:*

- ***Physical characteristics of the property - Location:***
  - *The property is located at the corner of two busy intersections - 12<sup>th</sup> street SW (leading to Lomb Avenue) and Monroe Ave in the Southwest section of Birmingham (West-end)*
  - *The right side of the property on Monroe Ave is a direct thoroughfare leading to 5 separate apartment complexes with one multi-housing facility directly located at the back entrance of the property.*
  - *Directly adjacent to the property, the City of Birmingham Sewer system is now housing large equipment and top soil for a sewer project.*

*The strict application of the fence zoning requirement for a 4 foot fence presents an undue hardship based on the challenges of the location of the house surrounded by apartments and commercial property.*

- ***Unique Characteristics: A 6<sup>th</sup> foot wooden fence was installed due to:***
  - *Safety concerns to the home and property - 2 burglaries resulting in the loss of the air condenser unit and copper lines which were located and visible on the right side of the property (Monroe)*
  - *Preservation and enjoyment of the property - The housing of the large equipment and soil for the sewer project has created additional traffic, noise and the appearance is aesthetically displeasing to a residential neighborhood and property backyard.*

- *The hardship is not self-imposed and has not been created by the previous action of any person having an interest in the property.*
- *There is no financial gain achieved by the granting of the variance.*
- *There is no injury to neighboring property. The fence is not located at the intersection corner and therefore does not restrict/ impair visibility or traffic in the area and will not diminish any property values within the area.*
- *There are two accessible gates within yard (one on the left side of house and a double gate in the backyard.) Therefore the granting of the variance will not be detrimental to the public welfare in any way (congestion in public streets, increase the danger of fire, or imperil the public safety).*

*Other Views of the Property:*

***Back of Property: Location of multi-facility house***



***Directly across from the Property; Sewer Project***



***Property and Fence to Intersection:***





***Side road to property (Monroe):***



12th Street SW

-Property Line

Monroe Avenue

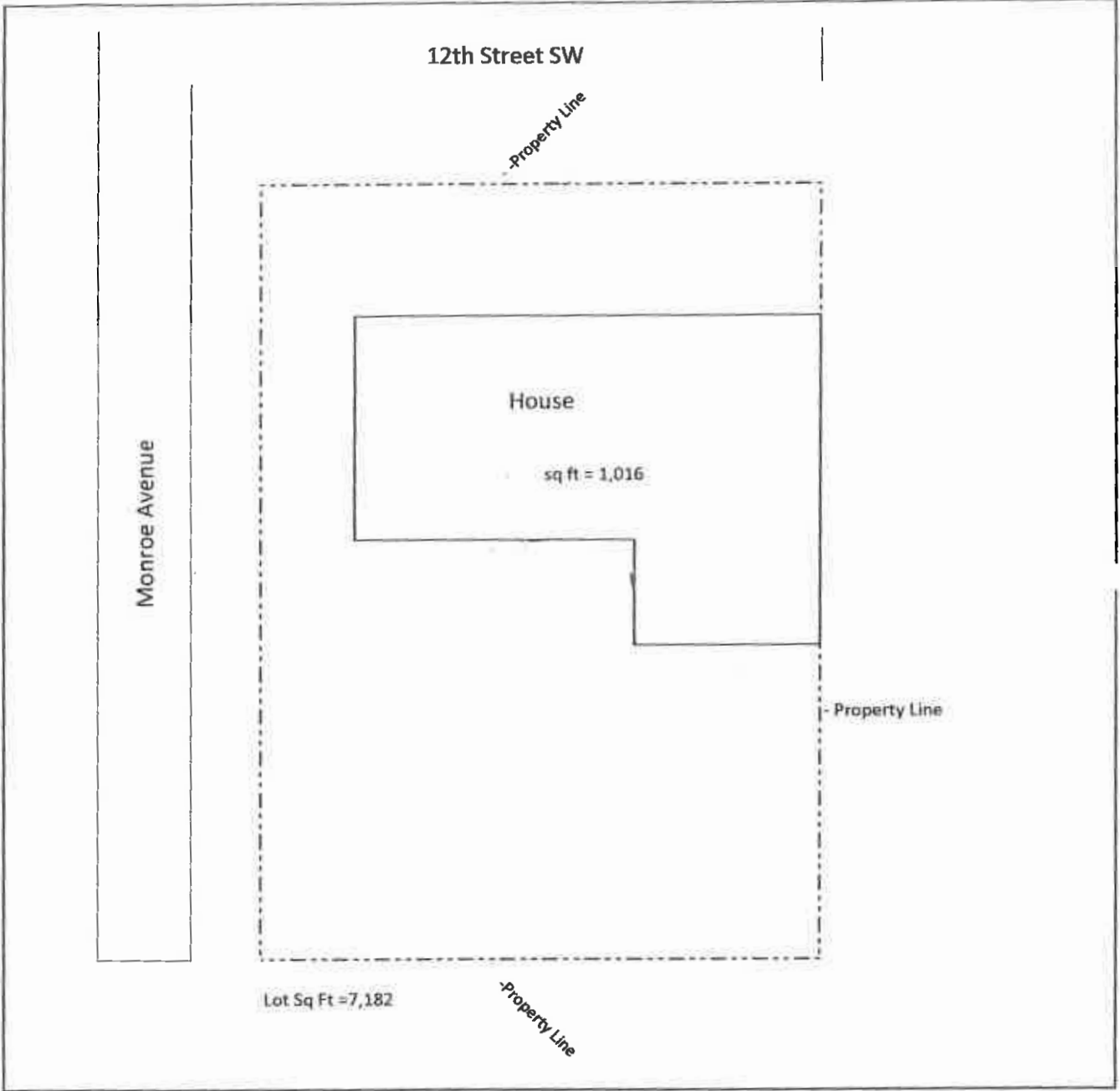
House

sq ft = 1,016

-Property Line

Lot Sq Ft = 7,182

-Property Line



Five Points South

ZBA2019-00080

Request: Variance  
Applicant: Renee Russell  
Owner: Frank A. Lorino  
Site Address: 1515 13<sup>th</sup> Place South  
Zip Code: 35205  
Description: Variance to construct an uncovered deck within 18 inches of rear property line as stated in Title 3, Chapter 1, Article VI, Section 7.  
Property Zoned: R3 Single Family District  
Parcel Information: Parcel #: 012900014033002000, SE1 of Section 01, Township 18 S, Range 3 W

**Variance**

The applicant is requesting a variance to allow the construction of an uncovered deck within 18 inches of rear property line.

**Neighborhood**

The Five Points South Neighborhood Association met on November 25<sup>th</sup> and recommended approval of this request 5-0.

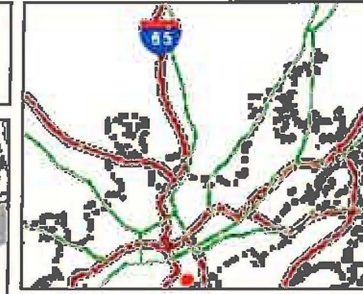
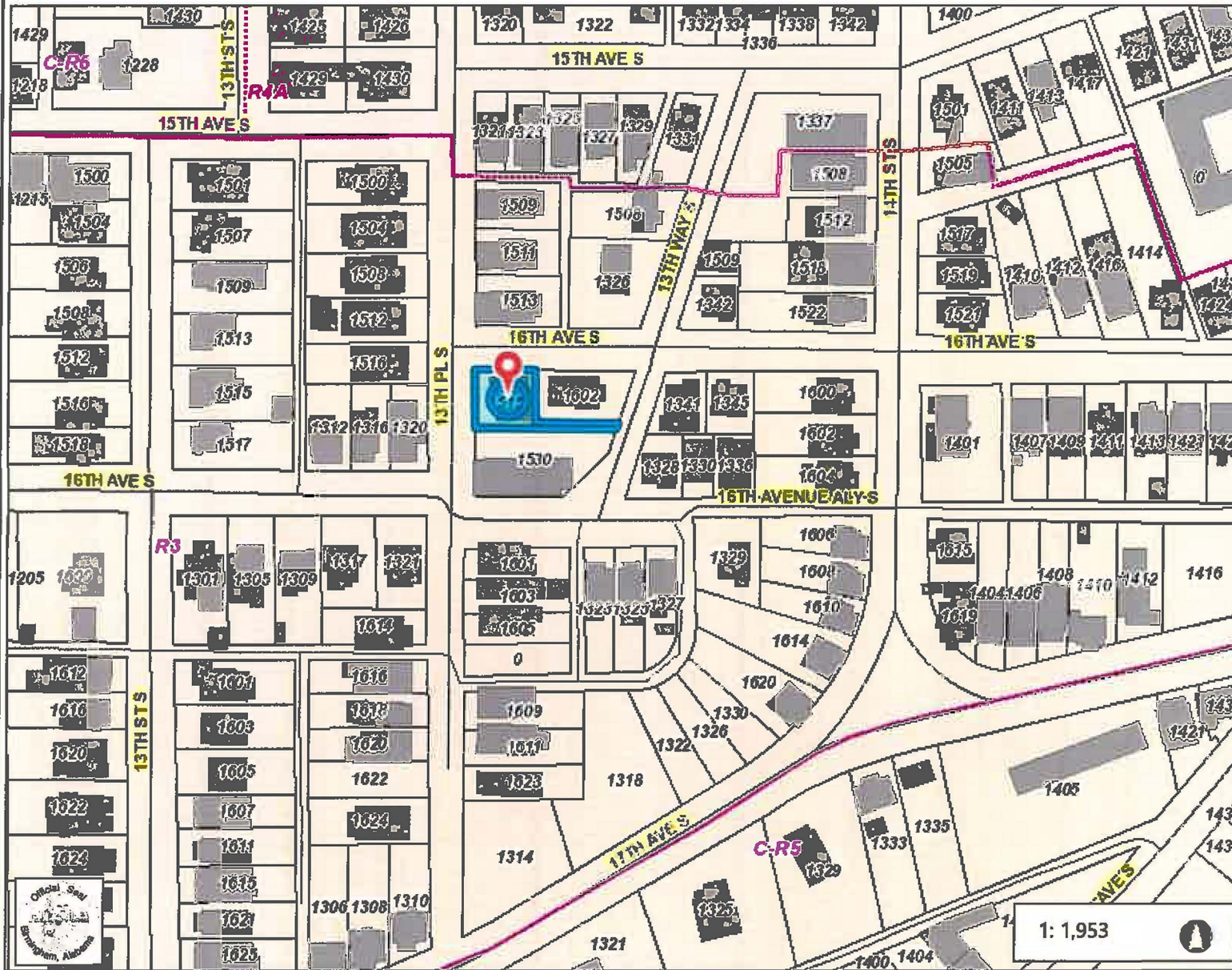
**Applicant's Justification**

The applicant states that there isn't a safe way to access the kitchen door from the back of the house without the deck.

**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.
3. Approval based on site plan as submitted.



Legend

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

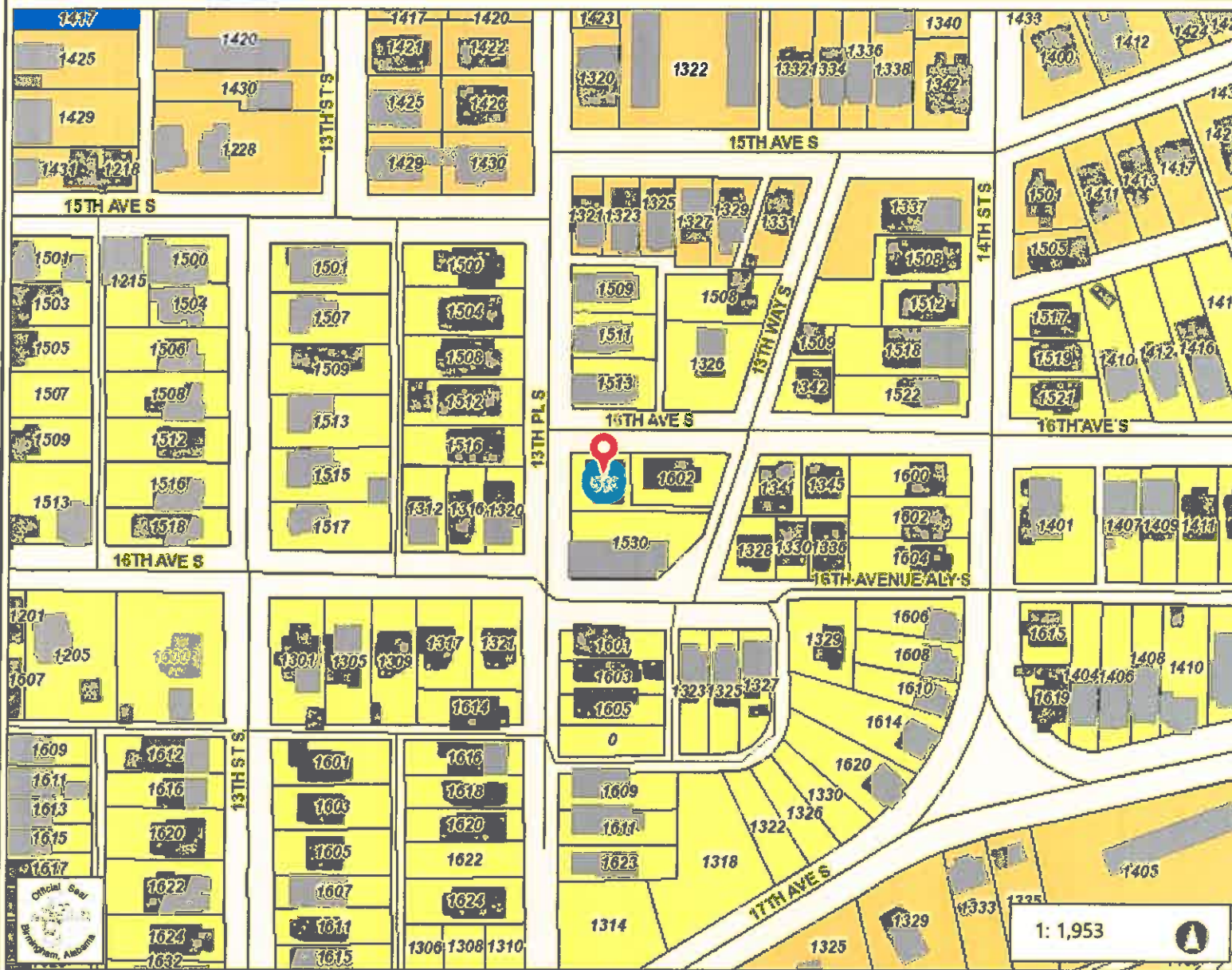
325.5 0 162.73 325.5 Feet

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1: 1,953



Notes



**Legend**

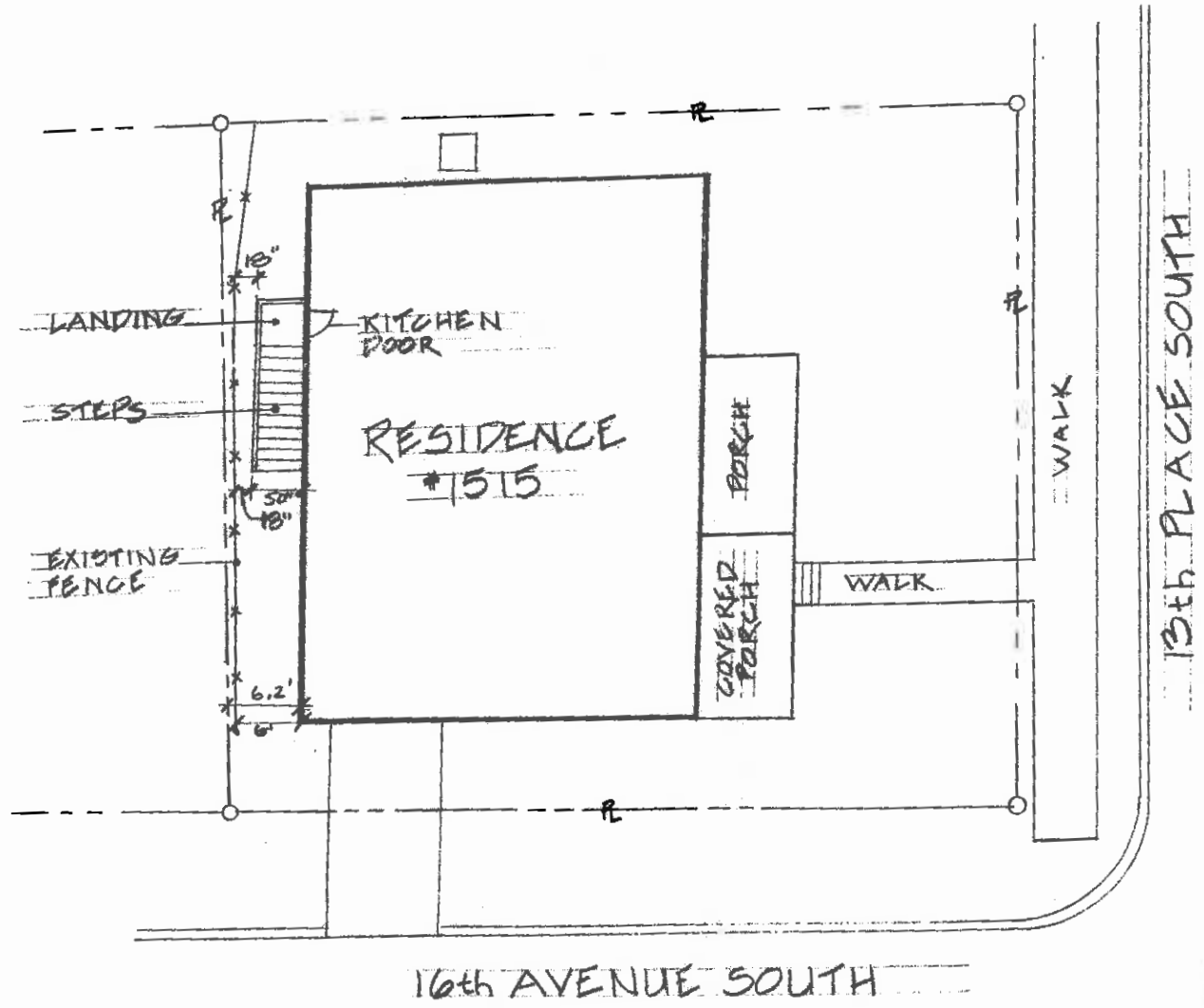
- Centerline Labels
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- Hydrology Lines
- Hydrology Areas
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- City Parks
- Airport

**Adopted Land Use Plan**

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

**Notes**

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16th AVENUE SOUTH

SITE PLAN  
 1515 13th PLACE S.  
 OCT. 3, 2019 SCALE 1"=10'





Google Maps 1515 13th Pl S



Map data ©2019 , Map data ©2019 20 ft





Google







Arlington – West End

ZBA2019-00082

Request: Modification  
Applicant: Edward J. Fletcher  
Owner: Eddie Hatcher Jr.  
Site Address: 1417 Pearson Avenue  
Zip Code: 35211  
Description: Modification for parking to allow 6 instead of the 18 parking spaces required pursuant to Title 1, Chapter 9, Article VI, Section 6.3  
Property Zoned: CB1 Contingency Neighborhood Business District  
Parcel Information: Parcel #: 012900091011001000, NE1 of Section 09, Township 18 S, Range 3 W

### **Modification**

The applicant is requesting a modification for parking to allow 6 parking spaces instead of the 18 required parking spaces for a proposed private club. The proposed project was previously an automotive repair shop however, after several years the structure remained vacant until it was purchased in 2018.

### **Neighborhood**

The Arlington – West End Neighborhood Association has not responded to the request.

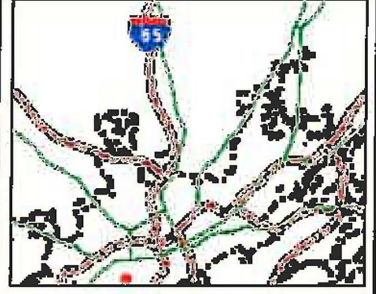
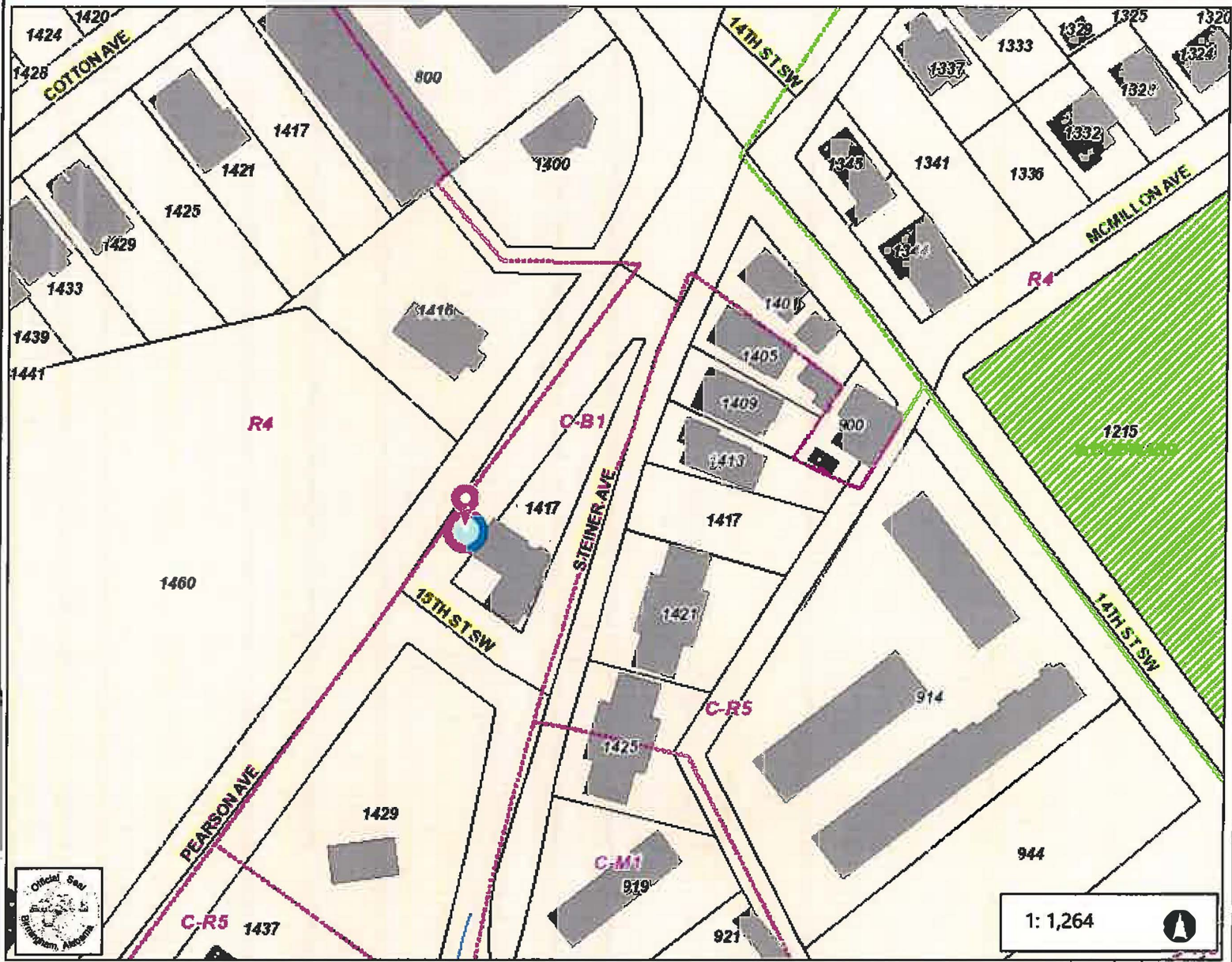
### **Applicant's Justification**

The applicant stated that the granting of the modification will not increase traffic nor cause congestion in the area because the proposed club will be private and should not require more than the 18 parking spaces required. Also, there are no other businesses in the area that will use the excess parking along the street.

### **Staff Recommendation**

Staff believes that the applicant has not provided sufficient evidence to support the request. Also, the proposed club use will require a rezoning and under the current Framework plan of the City of Birmingham a rezoning request could not be supported. Therefore, staff believes the request does not have merit for approval and as such, should be **DENIED**. If the Board finds merit to approve this request, it should be **GRANTED** subject to the following conditions:

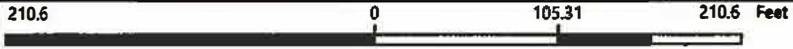
1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Approval of a rezoning request to allow the proposed club use.



### Legend

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

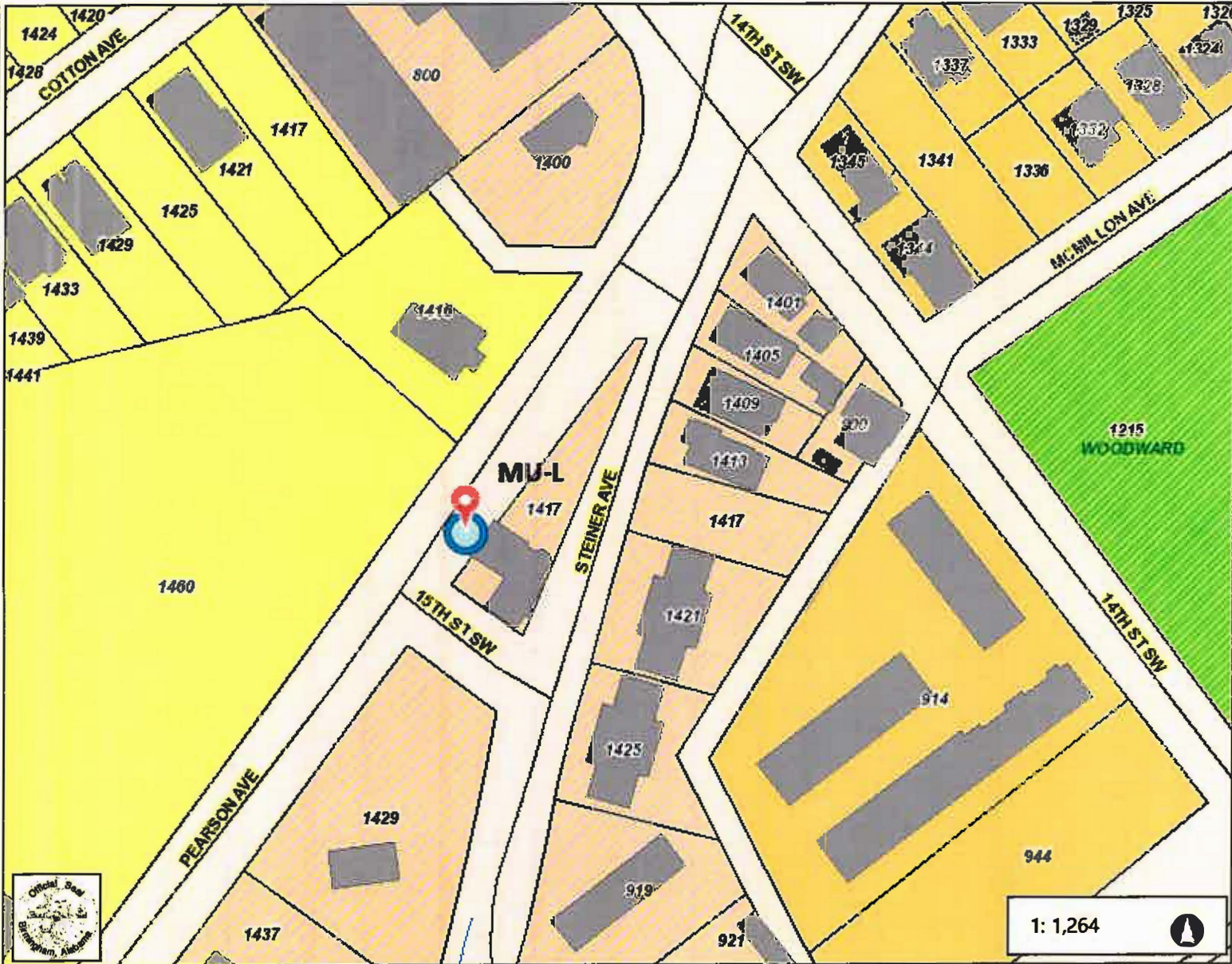
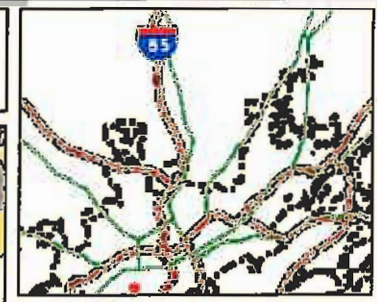
Notes



1: 1,264

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# 1417 PEARSON AVENUE SW - ADOPTED LAND USE



**Legend**

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- + Railroad
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- State Highways
- US Highways
- Interstates
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- Residential-Low
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- General Commercial
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- MXU-High



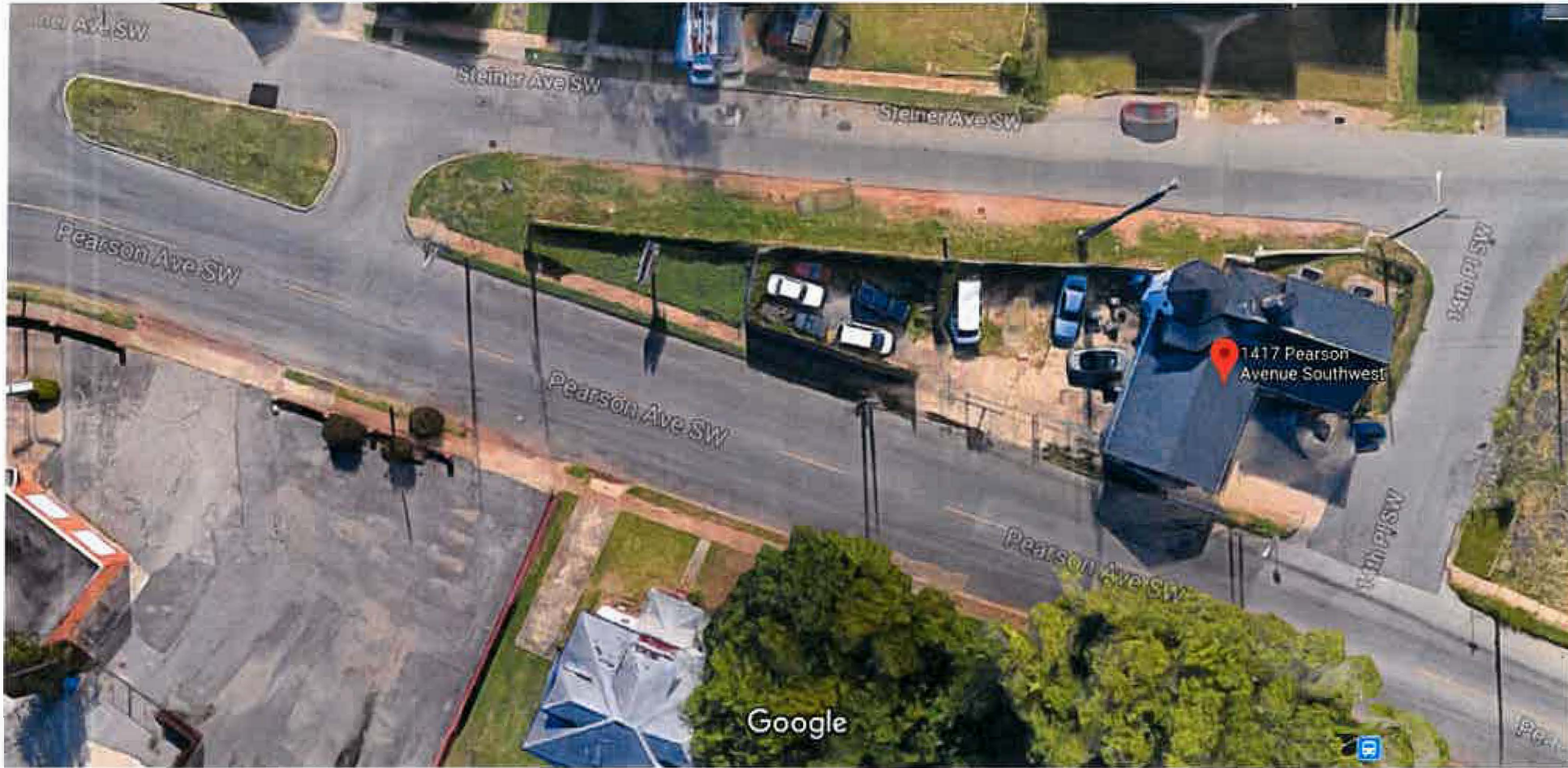
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**Notes**

1: 1,264



Google Maps 1417 Pearson Ave SW



Imagery ©2019 Google, Map data ©2019 20 ft



Google Maps 1417 Pearson Ave SW



Google

Image capture: Feb 2019 © 2019 Google

Birmingham, Alabama



Street View - Feb 2019

Alabama Ave Sw

Elemen

United States

Google Maps 1522 Steiner Ave SW



Image capture: Feb 2019 © 2019 Google

Birmingham, Alabama



Street View - Feb 2019

Google Maps 898 14th St SW



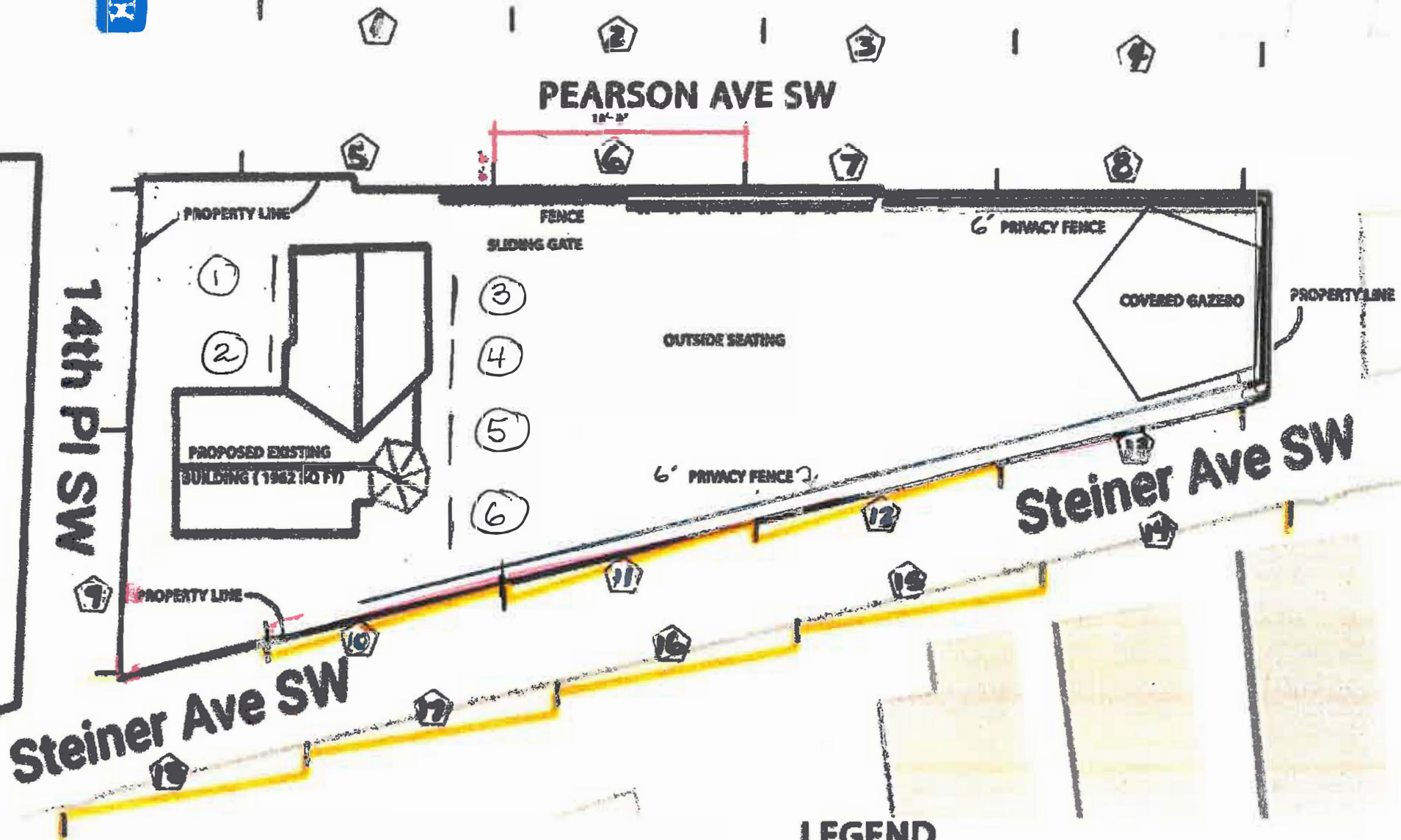
Image capture: Feb 2019 © 2019 Google

Birmingham, Alabama



Street View - Feb 2019

# THE SHOP @ 1417



10' X 18' SPACE FOR STREET PARKING (MIN 18)

## SITE PLAN

### LEGEND

- PRIVACY FENCE ———
- FENCE ———
- PARKING SPACE ① ON STREET
- PROPERTY LINE ———
- ⑥ OFF-STREET PARKING SPACES



Fountain Heights

ZBA2019-00083

Request: Modification  
Applicant: Daniel Rawson  
Owner: Ebsco Industries Incorporated  
Site Address: 1301 1<sup>st</sup> Avenue North  
Zip Code: 35203  
Description: PARKING MODIFICATION TO ALLOW 19 SPACES INSTEAD OF THE 25 REQUIRED PURSUANT TO TITLE 1, CHAPTER 9, ARTICLE VI, SECTION 6.A.3  
Property Zoned: M1 Light Industrial District  
Parcel Information: Parcel #: 012200354005003000, SE1 of Section 35, Township 17 S, Range 3 W

### **Parking Modification**

The applicant is requesting a modification for parking to allow 19 off street parking spaces instead of the required 25 off street parking spaces required. The current parking lot has 19 spaces and will serve the proposed Ebsco Industries building. The modification is needed to meet the parking requirement for the office use.

### **Neighborhood**

The Fountain Heights Neighborhood Association has not completed the neighborhood request form however, the applicant has spoken with the Neighborhood President and she plans to complete the form before the ZBA meeting.

### **Applicant's Justification**

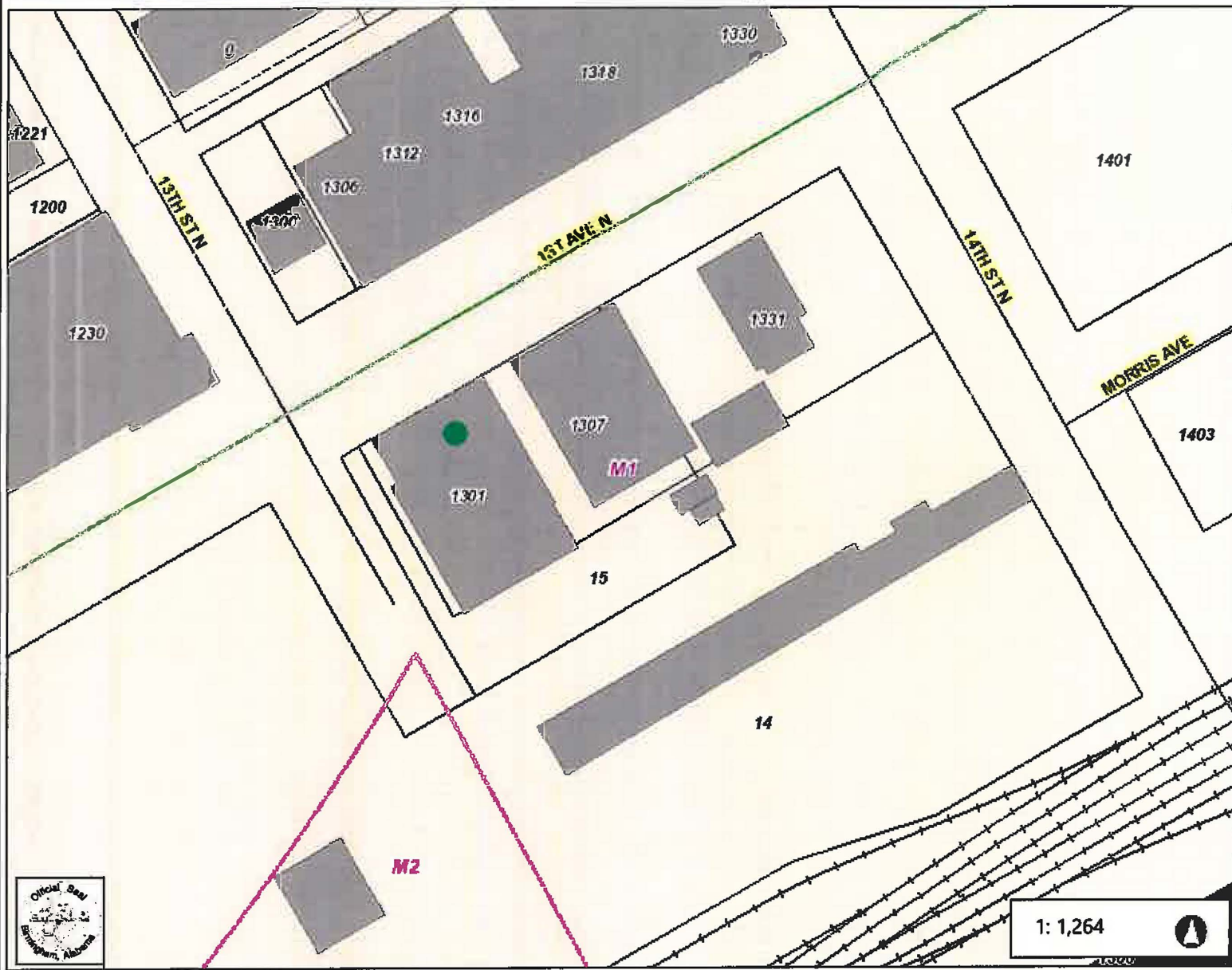
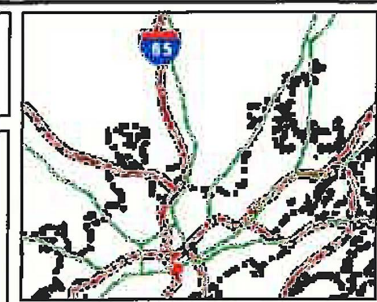
The applicant states the office does not have enough parking but, based upon the parking requirement the adjacent lot was purchased and a resurvey conducted (SUB2019-00055) allowing for (19) parking spaces. Also, along 13<sup>th</sup> Street North there are (11) parking spaces that have been previously used by tenants of the building however they are partially located in the right-of-way of the City of Birmingham.

### **Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support this request due to the parking along 13<sup>th</sup> Street North adjacent to the property. 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. Approval based on the site plan as submitted.

# 1301 1ST AVENUE NORTH - CURRENT ZONING



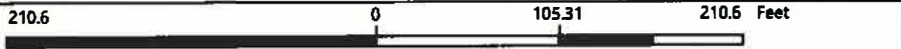
**Legend**

- Centerline Labels
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**Notes**

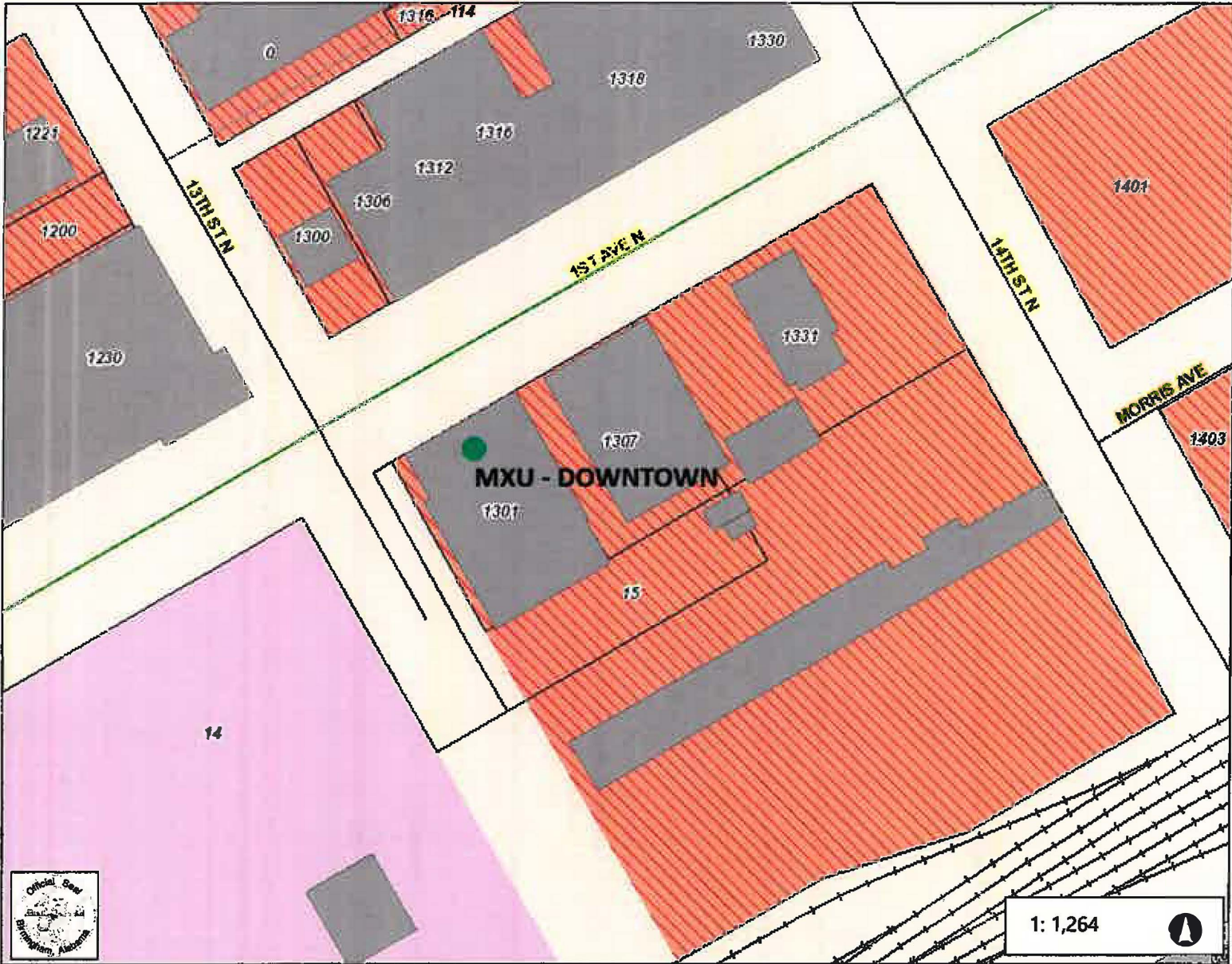
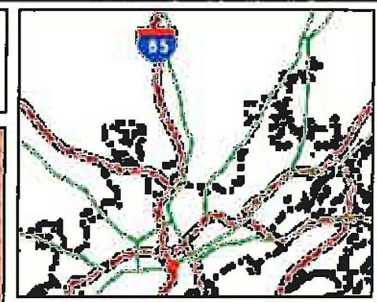


1: 1,264



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

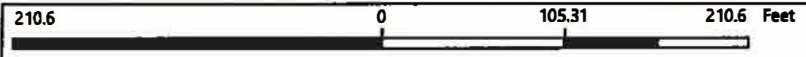
1301 1st AVENUE NORTH - ADOPTED LAND USE



**Legend**

- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
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  - Residential-Low
  - Residential-Medium
  - Residential-High
  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
  - MXU-Medium
  - MXU-High

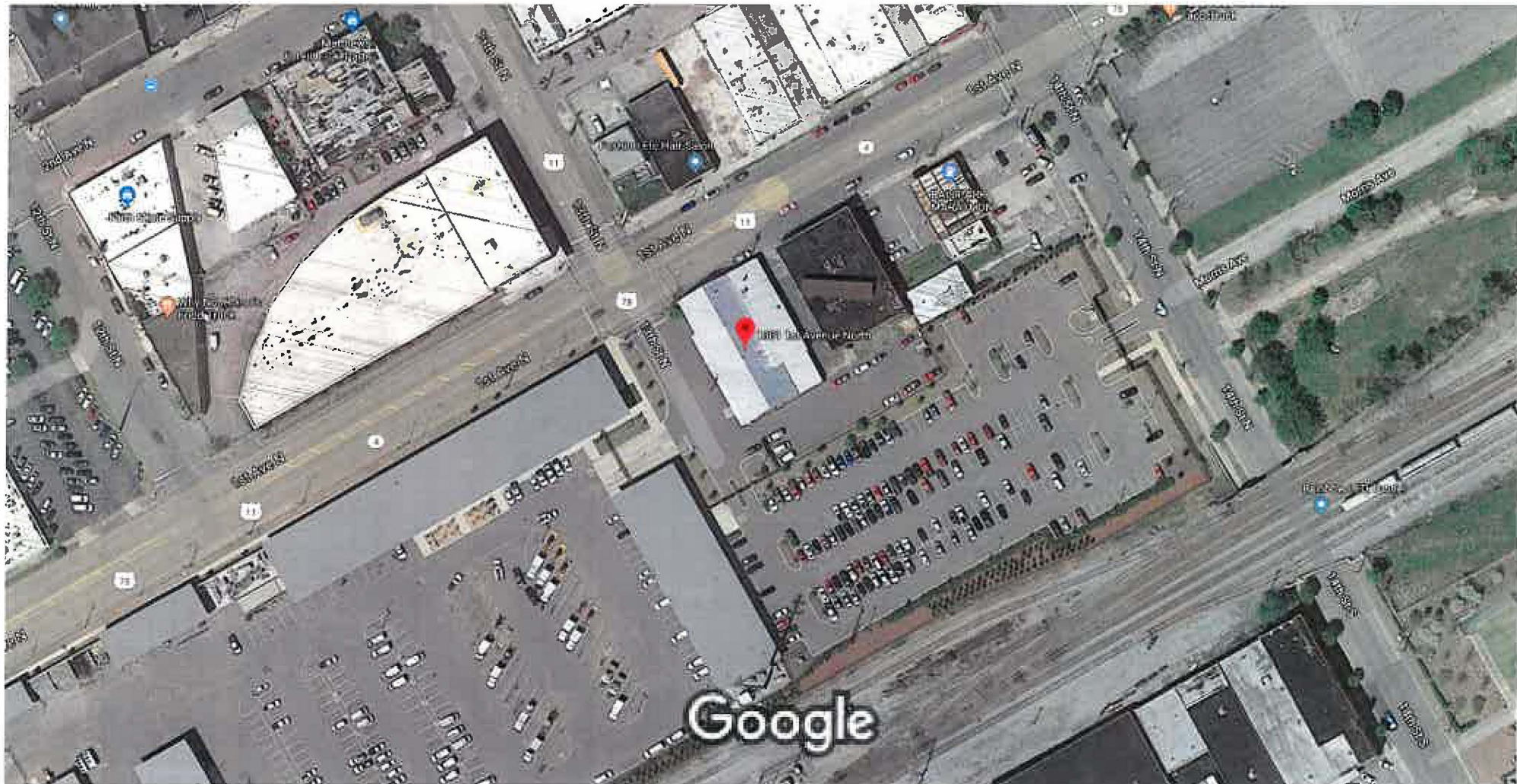
1: 1,264



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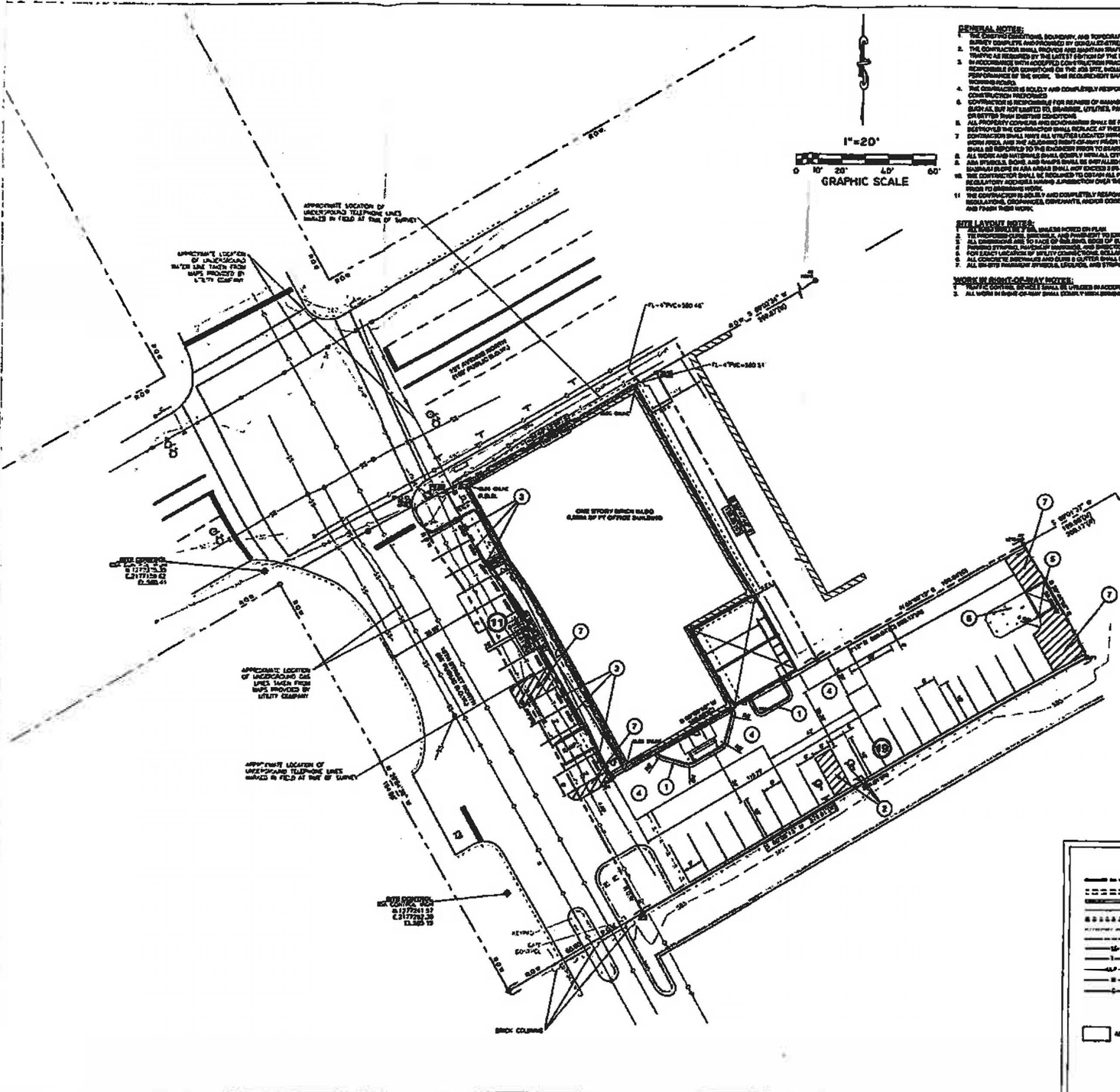
**Notes**

Google Maps 1301 1st Ave N



Imagery ©2019 Maxar Technologies, U.S. Geological Survey, Map data ©2019 50 ft





**GENERAL NOTES:**

1. THE EXISTING CONDITIONS, BOUNDARY, AND TOPOGRAPHICAL INFORMATION SHOWN ON THIS PLAN ARE FOR A SURVEY COMPLETE AND PROVIDED BY LOCAL GOVERNMENT AGENCIES. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN TRAFFIC CONTROL DEVICES TO CHANNEL THE MOVEMENT OF TRAFFIC AS REQUIRED BY THE LATEST EDITION OF THE MANUAL.
2. IN ACCORDANCE WITH ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SAFETY OF ALL PERSONS AND PROPERTY SURROUNDING THE PROJECT. THE CONTRACTOR SHALL APPLY COMMON SENSE AND NOT A LAX ATTITUDE THROUGHOUT THE PROJECT.
3. THE CONTRACTOR IS SOLELY AND COMPLETELY RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES OR CONSTRUCTION PRECEDENCE.
4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SAFETY OF ALL PERSONS AND PROPERTY SURROUNDING THE PROJECT. THE CONTRACTOR SHALL APPLY COMMON SENSE AND NOT A LAX ATTITUDE THROUGHOUT THE PROJECT.
5. ALL PROPERTY CORNERS AND ADJACENT CORNERS SHALL BE PROTECTED BY THE CONTRACTOR DURING CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE AREA IMMEDIATELY ADJACENT TO THE WORK AREA AND THE ADJACENT RIGHT-OF-WAY FROM DISTURBANCE. ANY CORNERS DESTROYED SHALL BE REPAIRED TO THE EXISTING POINT TO EXISTING CONSTRUCTION.
6. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL APPLICABLE REGULATIONS AND ORDINANCES AND OSHA STANDARDS. ALL STRUCTURES, FOUNDATIONS, ROOFING, AND FINISHES SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL PERMITS AND APPROVALS FROM ALL APPLICABLE REGULATIONS AND ORDINANCES. APPROVALS MUST BE OBTAINED BEFORE ANY WORK BEGINS ON THE SITE AND THE ADJACENT RIGHT-OF-WAY. IT IS THE CONTRACTOR'S SOLE AND COMPLETELY RESPONSIBLE FOR OBTAINING AND COMPLYING WITH ALL LAWS, REGULATIONS, ORDINANCES, GOVERNMENTS, AND CODES THAT IS APPLICABLE FOR THE CONTRACTOR TO PROTECT AND PROTECT THE WORK.

**KEY NOTE LEGEND**

- 1 OF CONCRETE OR BRICK OTHER THAN TYPICAL SEE DETAIL
- 2 4\"/>

CITY ANALYSIS TABLE	
PROPERTY AREA	10.00 ACRES
LOCAL ZONING	COMMERCIAL ALABAMA 10-1
PERMITTED OFFICE BUILDING	ALLOWED
OFF-SITE PARKING	1 PERCENT OF TOTAL AREA AND 4 PER 1000
TOTAL REQUIRED	28 SPACES
ON-SITE PARKING PROVIDED	10 SPACES
TOTAL	18 SPACES
REMARKS: SPECIFIC PARKING SPACES SHALL BE DETERMINED FROM EXISTING MAPS TO BE PROVIDED.	

**LEGEND**

--- PROPERTY LINE	--- PROPOSED STORM SEWER	--- PROPOSED STORM SEWER
--- EXISTING STORM SEWER	--- PROPOSED GROUND LINE	--- PROPOSED GROUND LINE
--- EXISTING WATER MAIN	--- PROPOSED CURB AND GUTTER	--- PROPOSED CURB AND GUTTER
--- EXISTING GAS MAIN	--- PROPOSED SIDEWALK	--- PROPOSED SIDEWALK
--- EXISTING SANITARY SEWER	--- PROPOSED DRIVEWAY	--- PROPOSED DRIVEWAY
--- EXISTING TELEPHONE	--- PROPOSED DRIVEWAY	--- PROPOSED DRIVEWAY
--- EXISTING POWER	--- PROPOSED DRIVEWAY	--- PROPOSED DRIVEWAY
--- EXISTING WATER	--- PROPOSED DRIVEWAY	--- PROPOSED DRIVEWAY
--- EXISTING GAS LINE	--- PROPOSED DRIVEWAY	--- PROPOSED DRIVEWAY



CCR ARCHITECTURE & INTERIORS

**BISO COLLECTIVE HEADQUARTERS**  
1301 1ST AVENUE NORTH  
BIRMINGHAM, AL

JOB NUMBER:  
19073

DATE:  
09/03/19

PRINTED / REVISIONS:  
DESCRIPTION DATE

SHEET TITLE:  
SITE LAYOUT PLAN

SHEET NUMBER:  
C100

Ensley Highlands

ZBA2019-00084

Request: Special Exception  
Applicant: Keith Body  
Owner: Ralph Sanders  
Site Address: 2610 Court R  
Zip Code: 35218  
Description: Special exception to transfer ownership of a communal living facility pursuant to Title 1, Chapter 4, Article III, Section 3.C  
Property Zoned: R3 Single Family District  
Parcel Information: Parcel #: 012900061025006000, NE1 of Section 06, Township 18 S, Range 3 W

### **Special Exception**

The applicant is requesting a special exception to allow the transfer of ownership of Living Sober III a Communal Living Facility for challenged individuals suffering from substance abuse. The facility is currently being used as a rooming house for (4) individuals and has been in operation since 1999.

### **Neighborhood**

The Ensley Highlands Neighborhood Association voted unanimously recommended approval of the case.

### **Applicant's Justification**

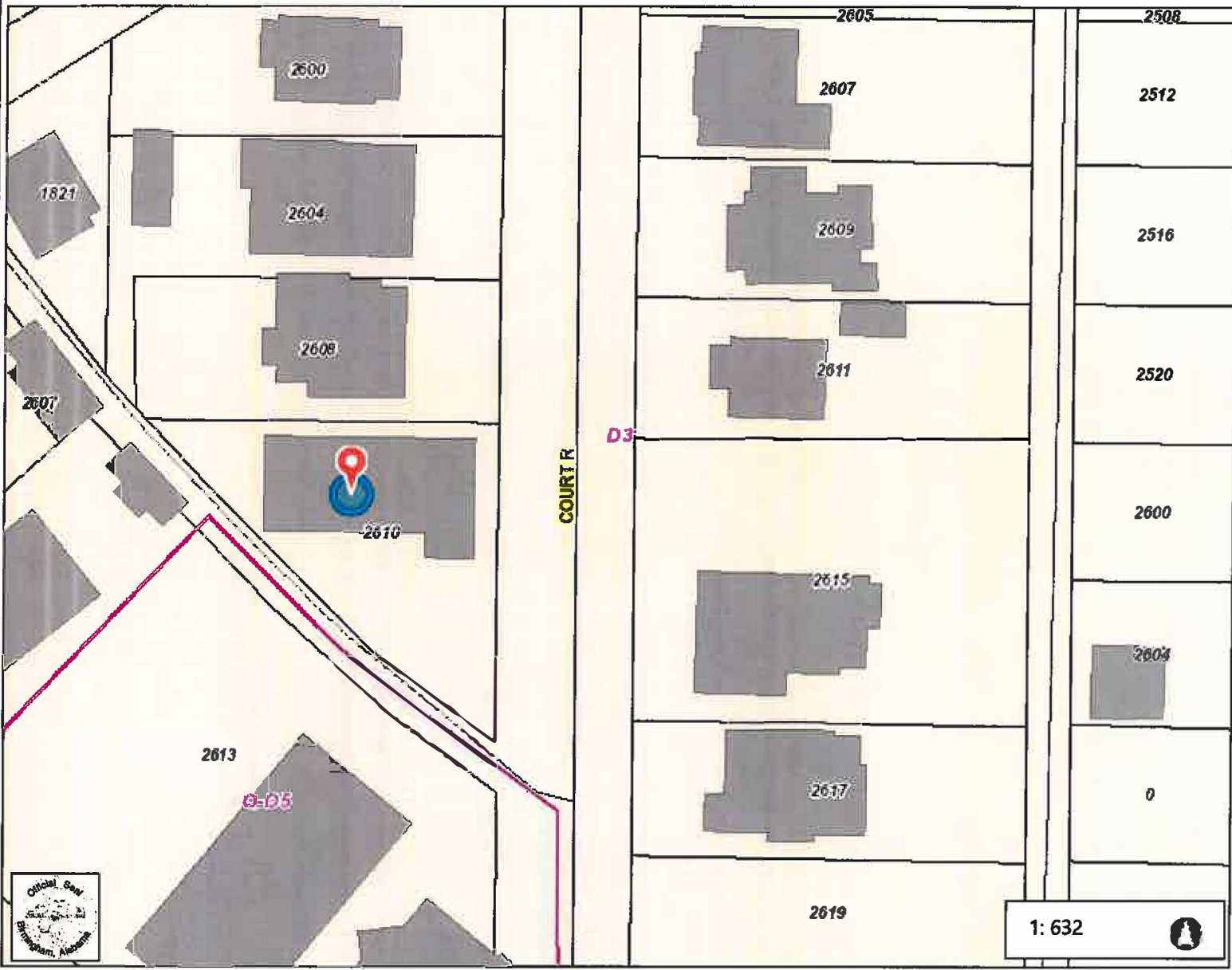
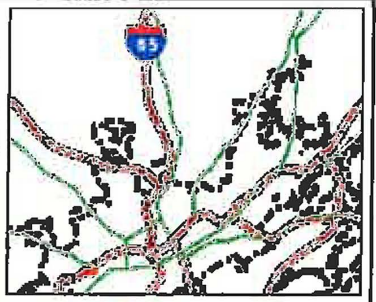
The applicant stated that the facility is providing a valuable service to the Community and has operated at this location for at least 20 years. Furthermore, the operation of the facility will not harm neighboring properties or harm the public welfare. The applicant also submitted documentation showing the facility has all necessary licenses and permits to operate.

### **Staff Recommendation**

Staff believes that the applicant has provided sufficient evidence to support the requests. The facility has been operational at least 25 years and provided licensure documentation adequate to support this use. Therefore, staff believes this requests 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.

# 2610 COURT R - CURRENT ZONING

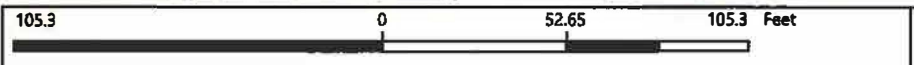


**Legend**

- 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)

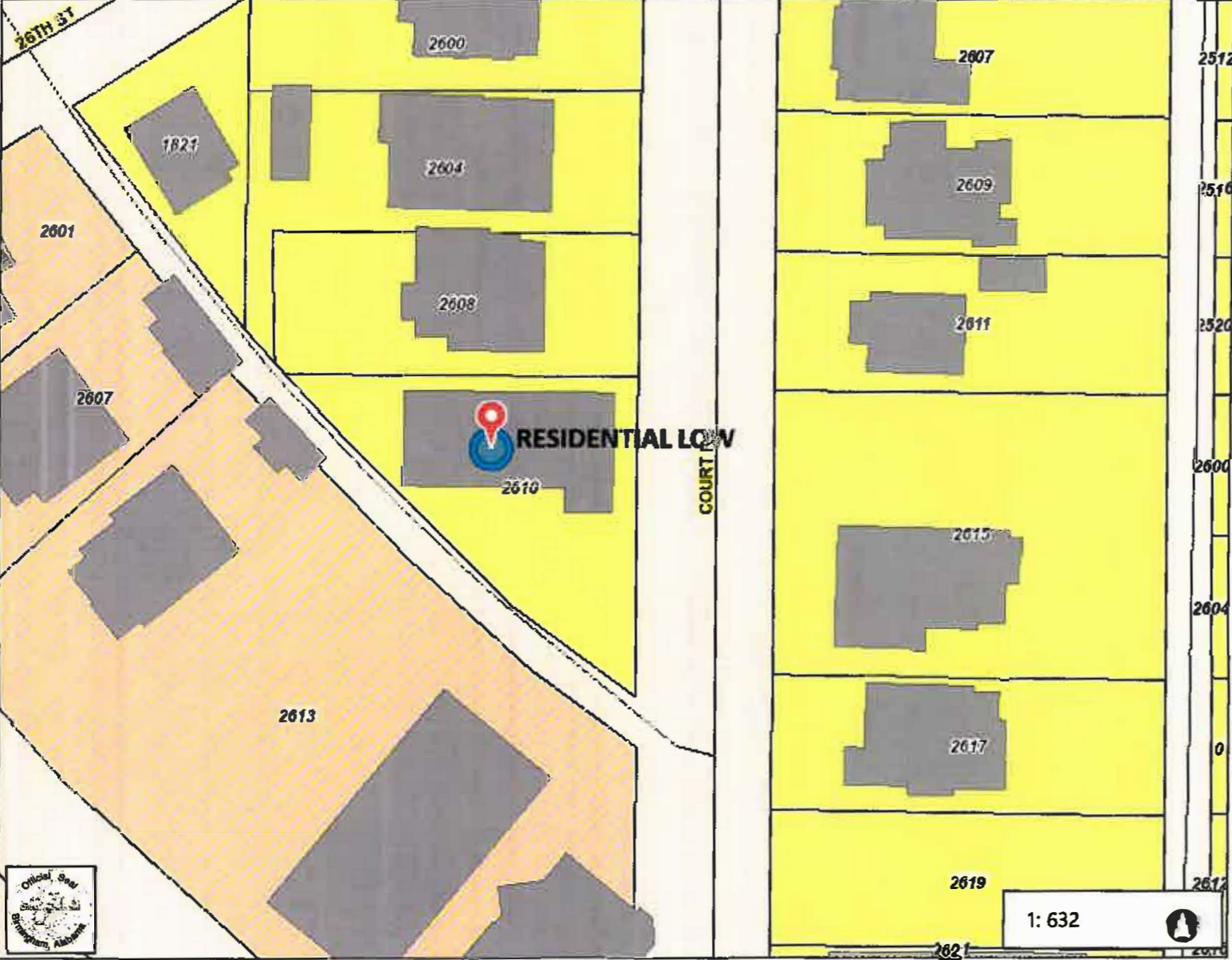
1: 632

**Notes**



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2610 COURT R - ADOPTED LAND USE



**Legend**

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  - General Commercial
  - MXU-Low
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  - MXU-High

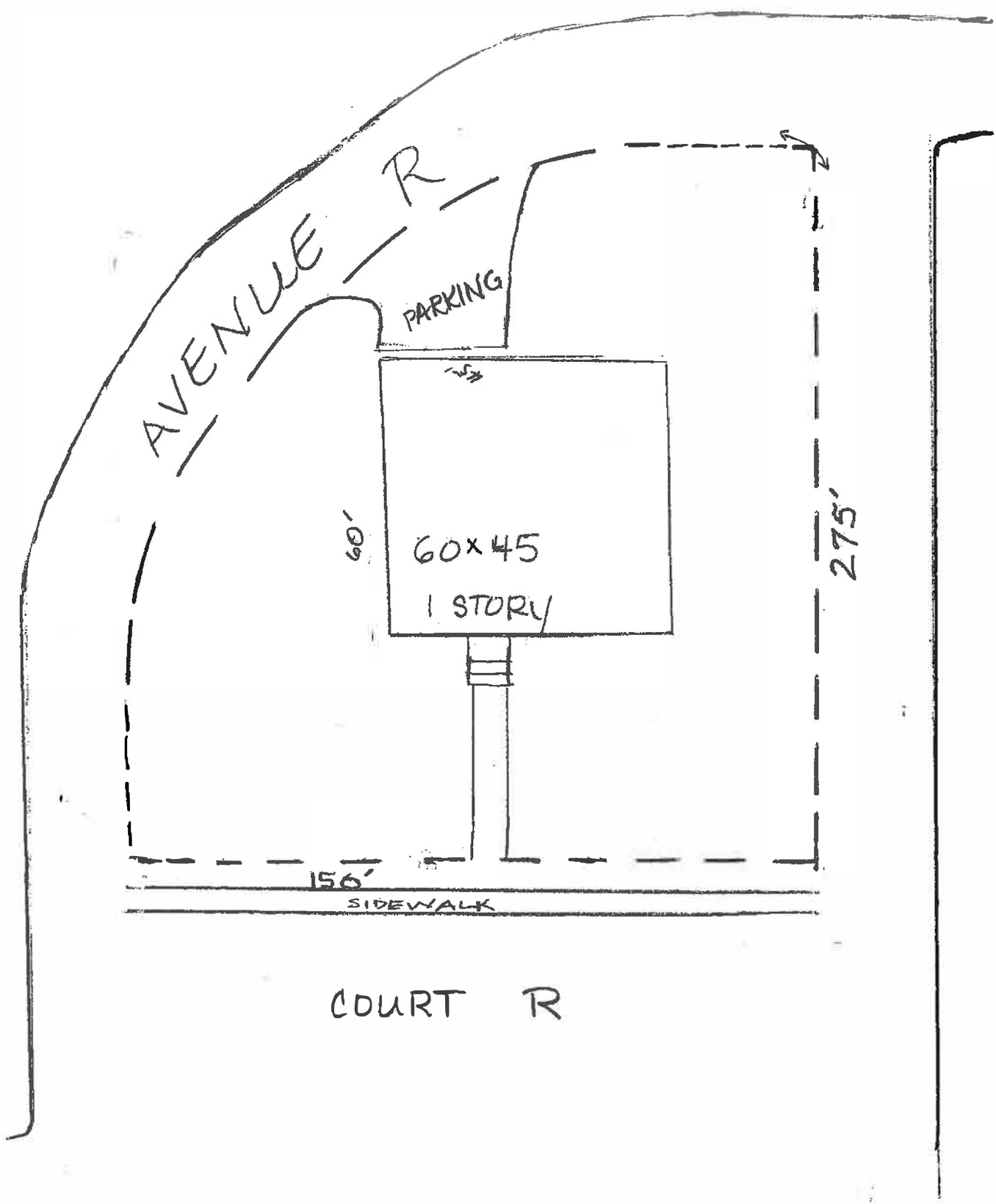


1: 632



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**Notes**



AVENUE R

PARKING

60x45  
1 STORY

60'

275'

156'

SIDEWALK

COURT R

MAY 26, 2011

Each of the facilities listed below has been established as a Communal Living Facility (CLF) on a current or previous listing of the Jefferson County Department of Health (JCDH). They have been verified for zoning; some having the ZBA and /or rezoning case numbers or the year the facility was established appearing after the entry.

The current JCCDH listing also shows apartments for use by special groups. These sites are not shown on the City's listing below as they do not meet the zoning CLF specification (more than three unrelated persons in a single housekeeping unit). To verify an active CLF in the City, please utilize this listing in comparison with the listing of the JCDH.

Please contact Theresa Barnes (x2503) or Phil Turkett (x2562) for questions concerning this listing.

## COMMUNAL LIVING FACILITIES IN THE CITY OF BIRMINGHAM

### 37<sup>TH</sup> PLACE ROOMING HOUSE

715-717 37<sup>th</sup> Place North  
*Tax records show address as 715*  
35222  
Zoned- R-3  
Parcel ID - 012300194024004000

### BELLS BOARDING HOME

1817 Pike Road  
35218  
*ZBA-05-125*  
Zoned - R-6  
Parcel ID - 012900061014002000

### BRITNEY'S FAMILY LIVING

730 15<sup>th</sup> St SW  
35211  
Zoned - R-4  
Parcel ID - 012900091015004000

### CIRCE N ROOM HOME

301-6<sup>th</sup> Av S  
35205  
Zoned - M-1  
Parcel ID - 012900023032006000

### COMMUNITY ONE

(Formerly Smith Home)  
3205 Norwood BL  
35234  
*LNC since 1982*  
Zoned - R-3  
Parcel ID - 012200244020003000

**L. CRIM COMMUNAL LIVING**

309 15<sup>th</sup> Ct N  
 35204  
 Zoned – R-3  
 Parcel ID – 012200271020007000

**LEVITICUS PLACE**

4300 5<sup>th</sup> Ct  
 35224  
**ZBA #08-30**  
 Zoned- R-3  
 Parcel ID - 013000021002011000

**LEVITICUS PLACE**

104 72<sup>nd</sup> St N  
 35206  
**ZBA # 10-67**  
 Zoned – CB-2  
 Parcel ID – 012300151038003000

**LEVITICUS PLACE**

112 72<sup>nd</sup> St N  
 35026  
**ZBA #11-19**  
 Zoned – CB-2  
 Parcel ID – 012300151038005000

**LIVING SOBER, III**

2610 Court R  
 35218  
*Since 1999*  
 Zoned – R-3  
 Parcel ID – 012900061025006000

**LOVING CARE RETIREMENT HOME**

7311 1<sup>st</sup> Av N  
 35206  
 Nov. 1997  
**ZBA #93-108**  
 Zoned – CB-2  
 Parcel ID – 012300151028006000

**MICKENS BOARDING HOME #1**

308 St. Charles Av SW  
 35211  
 Zoned – R-3  
 Parcel ID – 012900032008005000

**MICKENS BOARDING HOME #2**

439 2<sup>nd</sup> St N  
 35204  
**ZBA # 04-50**  
 Zoned – R-4  
 Parcel ID – 012200344024005000







Kingston

ZBA2019-00085

Request: Variance  
Applicant: Ky Vinsant  
Owner: Rosetta Harris  
Site Address: 812 42<sup>nd</sup> Place North  
Zip Code: 35212  
Description: Variance to allow the construction of a home having (2) 5ft side yard setbacks totaling 10ft instead of the 14ft minimum side yard setback required.  
Property Zoned: R3 Single Family District  
Parcel Information: Parcel #: 012300203011016000, SW1 of Section 20, Township 17 S, Range 2 W

### **Variance**

The owner of the property located at 812 42<sup>nd</sup> Place North is requesting a variance to allow a side yard setback of less than 5 FT. This property is currently a vacant lot due to a fire and the applicant wishes to re-build on the site. The builder is attempting to replace the home however, after attempting to submit plans for the project it was discovered the total setback for the structure is 10FT and ZBA would be required for the side setback of the home. The City engineer reviewed this request and recommends the removal and replacement of a curb cut in front of the home because it does not lead to a legal driveway.

### **Neighborhood**

The Kingston Neighborhood Association has not completed the neighborhood form; however, the applicant has provided the paperwork.

### **Applicant's Justification**

The applicant stated that this is an older neighborhood and the home is being built in the same footprint as the previous structure. Also, granting this variance will not impair or prevent the use of the adjacent properties and the owner would like to stay in her neighborhood.

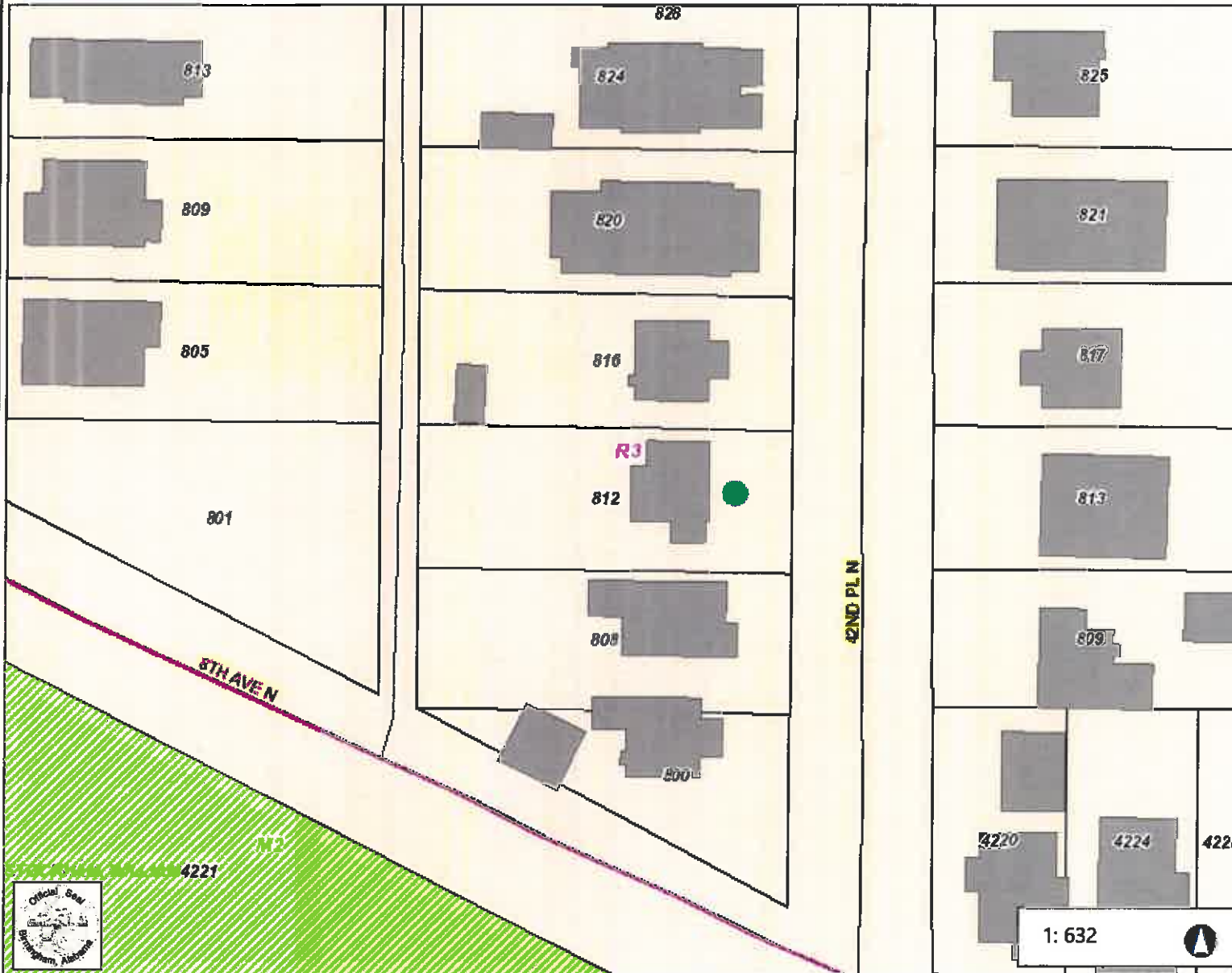
### **Staff Recommendation**

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. Removal of the curb cut which does not lead to a legal driveway and replacing the curb.
3. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.

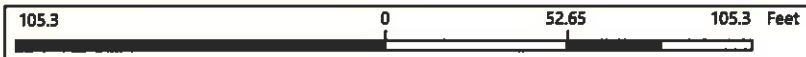


# 812 42ND PLACE NORTH - CURRENT ZONING



**Legend**

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



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**Notes**

1: 632



# 812 42ND PLACE NORTH - ADOPTED LAND USE



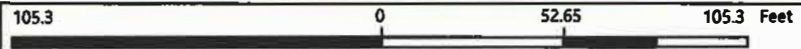
### Legend

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- ➔ Railroad
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1: 632



### Notes



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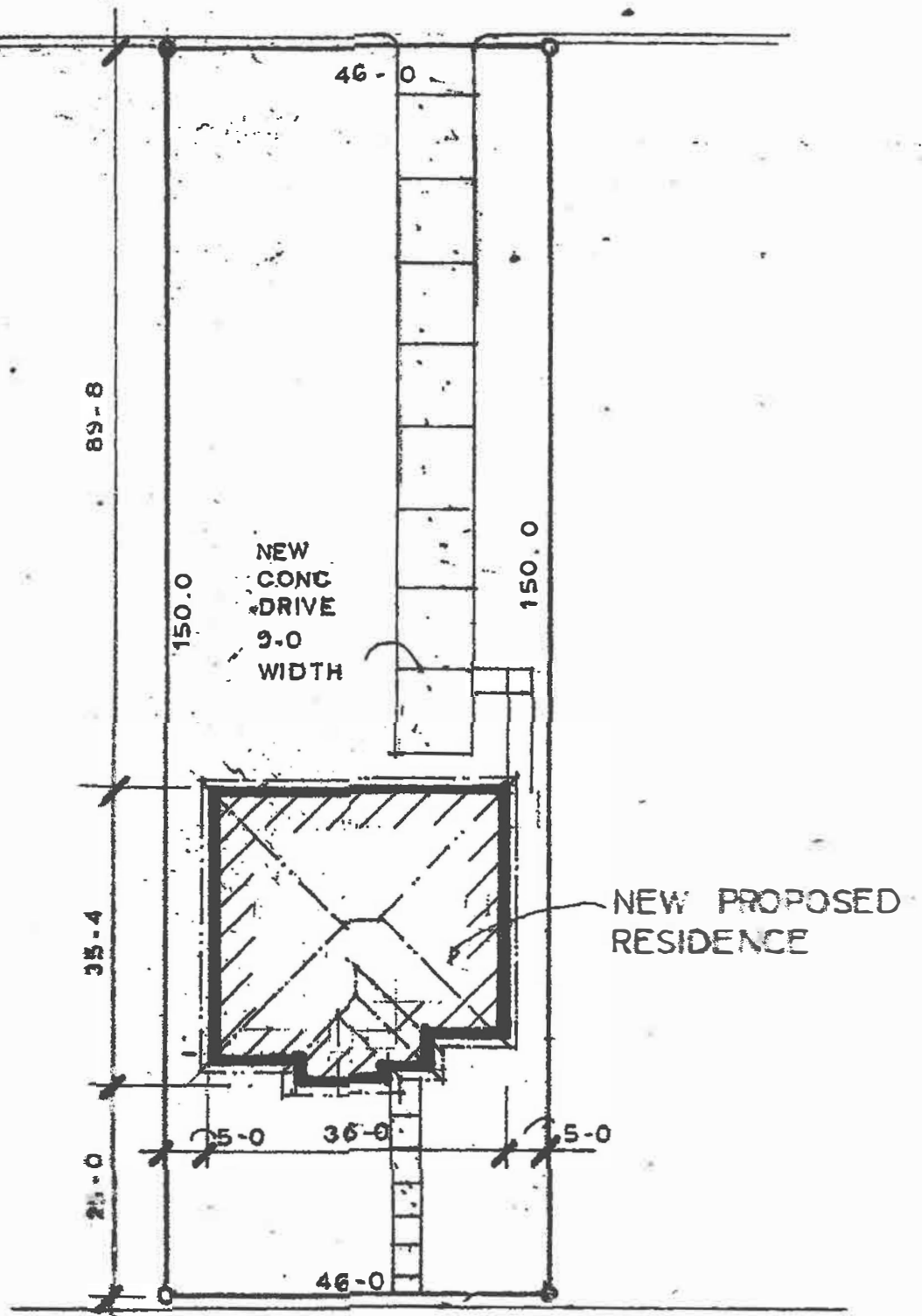
Image capture: Aug 2011 © 2019 Google

Birmingham, Alabama



Street View - Aug 2011

ALLEY



42nd PLACE NORTH

# SITE PLAN

SCALE 1" = 20'

Five Points South

ZBA2019-00086

Request: Variance  
Applicant: Michael T. Brown  
Owner: University of Alabama at Birmingham  
Site Address: 306 15<sup>th</sup> Street South  
Zip Code: 35233  
Description: Variance to allow for the creation of 87 parking spaces with dimensions of 8 feet by 18 feet and 17 parking spaces with dimensions of 8 feet by 16 feet, which are smaller than the minimum parking dimensions established in Title 1, Chapter 5, Section 6.A  
Property Zoned: B6 Health and Institutional District  
Parcel Information: Parcel #: 012200363037005000, SW1 of Section 36, Township 17 S, Range 3 W

### **Variance**

The applicant is requesting a variance to allow for the creation of 87 parking spaces with dimensions of 8 feet by 18 feet and 17 parking spaces with dimensions of 8 feet by 16 feet, which are smaller than the minimum parking dimensions. The parking area will be located on the basement level, the first level, and the second level of the proposed, mixed-use development.

### **Neighborhood**

The Five Points South Neighborhood Association met on November 25<sup>th</sup> and recommended approval of this request 5-0.

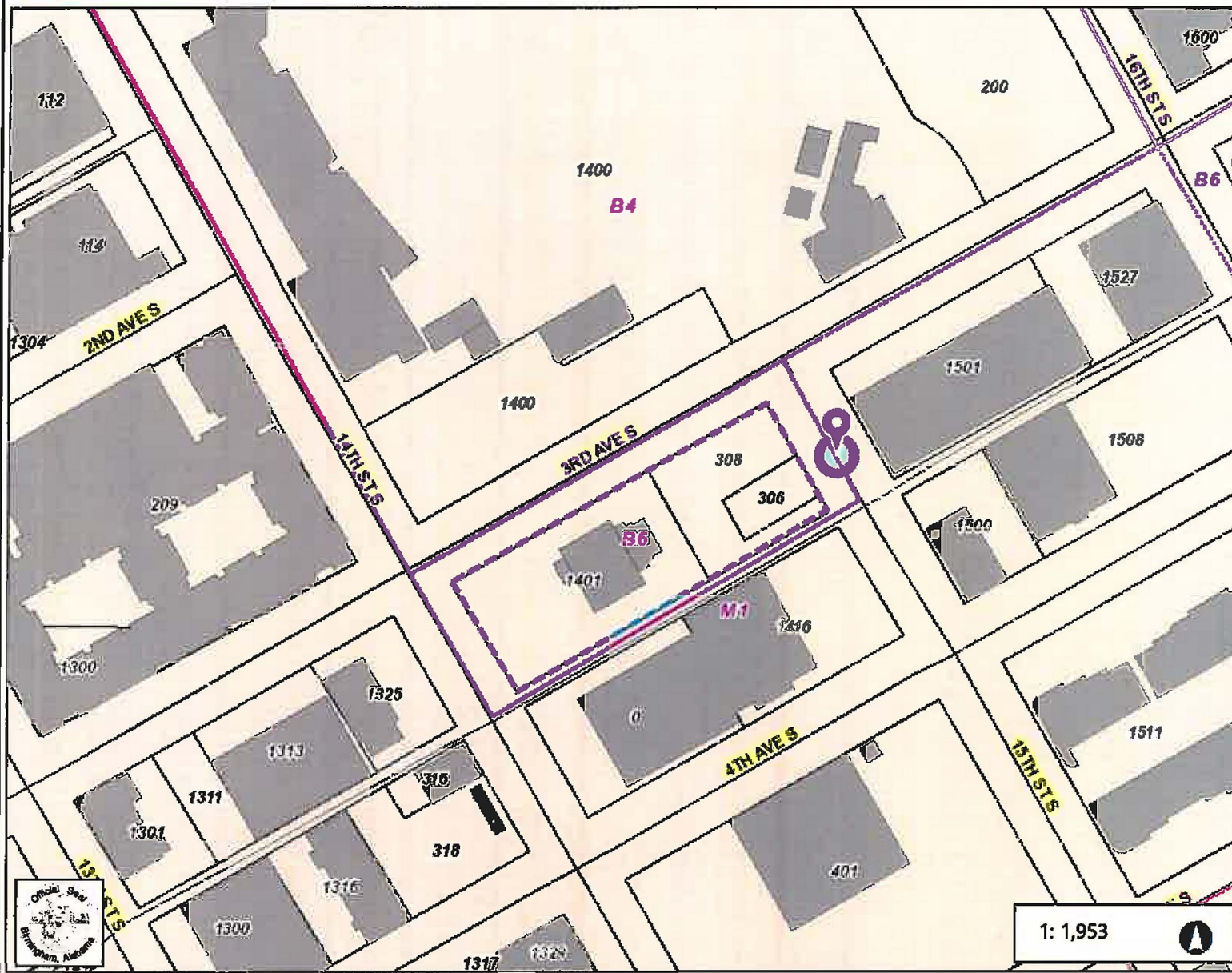
### **Applicant's Justification**

The Parkside project is an urban apartment/mixed use project. The target residents for the development is a young demographic and the owner expects to have a large number of compact cars at the property. The project will have 138 parking spaces that are 9' x 18' and the additional 104 spaces will be the proposed compact parking spaces.

### **Staff Recommendation**

Staff feels the additional compact parking spaces won't cause any additional runoff and the City Engineer supports the proposal. Also, 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:

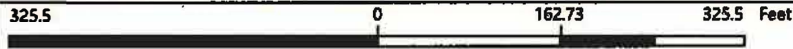
1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain all permits associated with the approval of this request within two years from the date of approval.



**Legend**

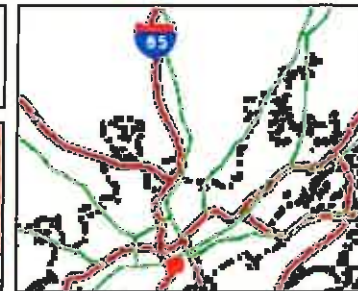
- Centerline Labels
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**Notes**



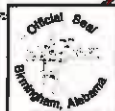
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Legend

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  - General Commercial
  - MXU-Low
  - MXU-Medium
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1: 3,905

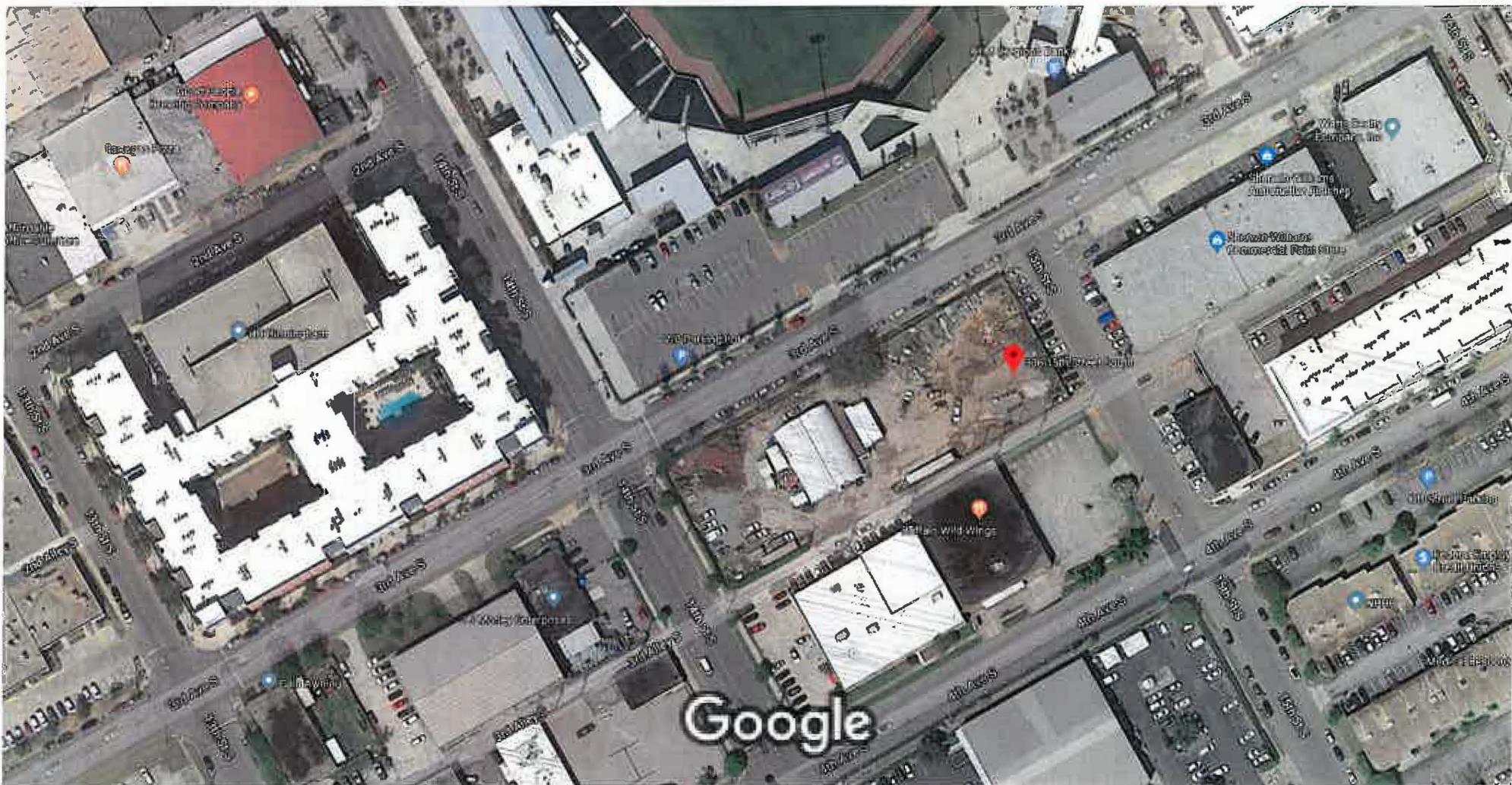


650.9 0 325.46 650.9 Feet

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Notes

# Google Maps 306 15th St S



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## EXHIBIT A

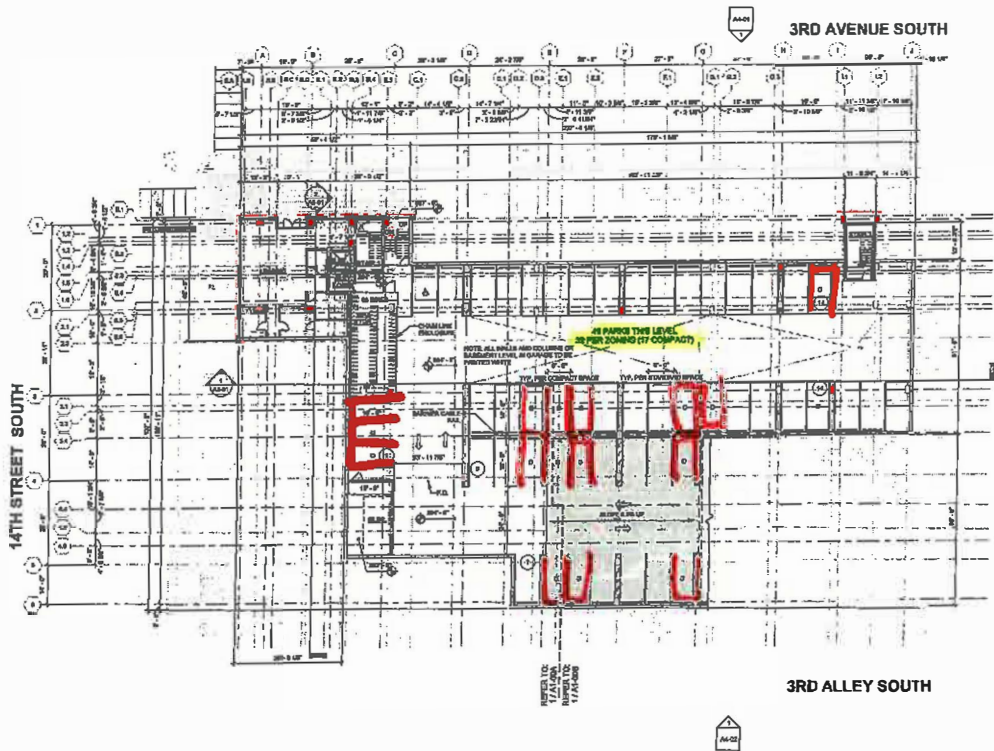
### Description of Request:

Property is zoned Mixed-Use High District. MU-H allows for a parking count adjustment of 50% of which for this project translates to 130 spaces required per zoning. Owner is not seeking a variance from the number of spaces. In fact, Owner has designed the project to provide 242 spaces, 112 more than required. Owner seeks a variance on the size of some of the parking spaces. The City Guidelines provide that parking spaces should be 9' x 10'. This project will, in fact, have 138 9' x 18' spaces, which is eight more than is required for this development. Owner's sole variance request is to allow all excess parking to be compact spaces. Owner seeks a variance to allow for 104 Compact parking spaces in this project. Out of these 104 spaces, 87 would be 8' x 18' and 17 would be 8' x 16'.

### Hardship/Practical Difficulty:

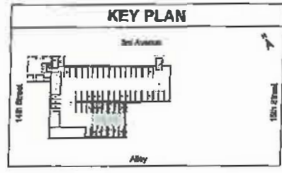
The Parkside project is an urban apartment/mixed use project. The target residents for the development is a young demographic. The behavior patterns of the expected residents, based on the positioning of the development, leads the Owner to expect to have a large number of compact cars at the property. Based on this, the Owner challenged its design team to maximize the quantity of spaces, knowing that it would push it well over the required count. This would be done to meet the demand anticipated of our residents, and to most fully use the space available. The project's parking will be for residents and guests only, there will be no public parking provided. Compact car parking is common in our industry and present at the majority of comparable project designs.

AT BELOW GRADE FOUNDATION WALLS ADJACENT TO OCCUPIED SPACES, INSTALL A 90 M.L. SELF-ANCHORING SHEET PILE TO PROTECT ADJACENT EXISTING FOUNDATION WALLS. EXCEED RESERVE CAPACITY TOP OF FOUNDATION WALL. THE BRACKET TOP AND BOTTOM OF BRACKET WITH TENSION BAR AND 20' CL. CORNER POLYFOAM IN THE BRACKET SETTING FOR PROTECTIVE PROTRUSION.



OVERALL BASEMENT PLAN - 594'-8"  
1/8" = 1'-0"

compact spaces marked in red



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**dwell** design  
**studio**  
3800 PARKWAY DRIVE, SUITE 100, ALPHARETTA, GA 30201  
PHONE: 770.884.1200  
FAX: 770.884.1202  
www.dwellstudio.com

**PARKSIDE APARTMENTS**  
380 ONE SOUTH BIRMINGHAM, AL  
**DANIEL**  
CONSTRUCTION

DATE: 11/11/14  
SCALE: AS SHOWN  
PROJECT: PARKSIDE APARTMENTS

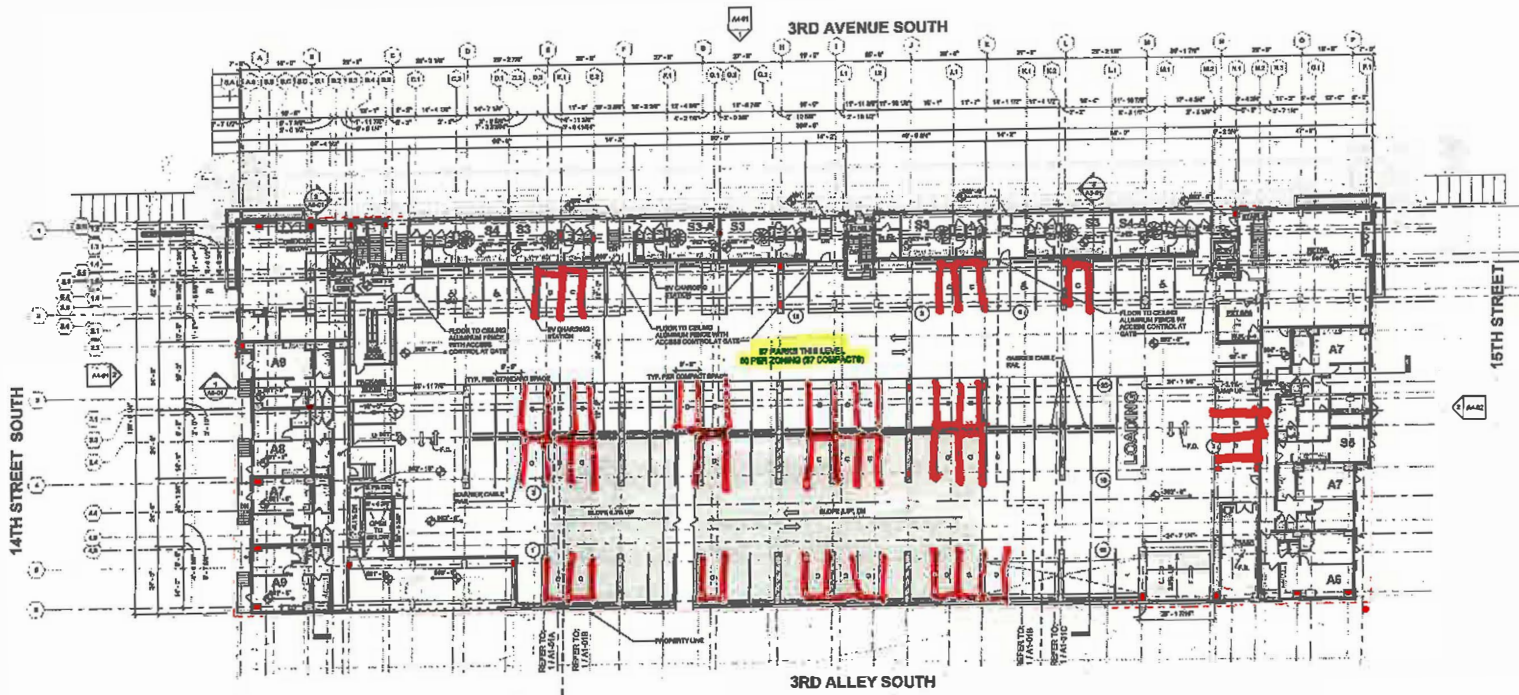
REVISIONS:  
NO. 1: 11/11/14 - ISSUED FOR PERMITTING

04/15/13  
DANIEL CONSTRUCTION, LLC  
ALPHARETTA, GA 30201

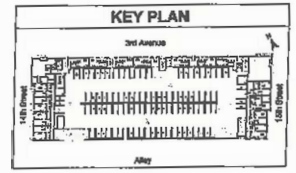
OVERALL BASEMENT PLAN - 594'-8"

JOB NUMBER: 100204  
DRAWN BY: YSL  
CHECKED BY: STW

A0-00  
SHEET FOR CONSTRUCTION



Compact spaces marked in red

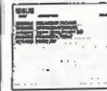


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 2000 MONROE PARKWAY, SUITE 110, JARVISVILLE, VA 24450  
 PHONE: 540.861.1232 FAX: 540.861.1233  
 www.dwellstudio.com

**PARKSIDE APARTMENTS**  
 3RD AVENUE SOUTH, BIRMINGHAM, AL

**DANIEL**  
 MANN JOHNSON & MENDENHALL



08.10.2010  
 DWELL DESIGN STUDIO, LLC  
 ALABAMA REG. NO. 100

OVERALL LEVEL 1 PLAN - 584'-0"

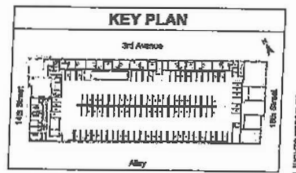
DATE: 08.10.2010  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**A0-01**  
 ISSUED FOR CONSTRUCTION



1 OVERALL LEVEL 2 PLAN - 603'-0"  
 1/8" = 1'-0"

Compact spaces marked in RED



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 1000 BRASSFIELD PARKWAY, SUITE 100, ANNANDALE, VA 22025  
 PHONE: 703.261.1000 FAX: 703.261.1001  
 www.dwellstudio.com

**PARKSIDE APARTMENTS**  
 1800 AVENUE SOUTH, ANNANDALE, VA



OVERALL LEVEL 2 PLAN - 603'-0"

JOB NUMBER: 1800A  
 DRAWN BY: HL  
 CHECKED BY: CW

**A0-02**  
 MARKED FOR CONSTRUCTION

Overton

ZBA2019-00087

Request: Variance  
Applicant: Dimitar Stoyanov  
Owner: Bayer Development Company LLC  
Site Address: 255 Summit Boulevard  
Zip Code: 35243  
Description: Variance to allow the installation of a second building wall sign instead of one as allowed under Title 1, Chapter 8, Article III Section 7.G  
Property Zoned: CB2 Contingency General Business District  
Parcel Information: Parcel #: 012800224002002000, SE1 of Section 22, Township 18 S, Range 2 W

**Variance**

The applicant is requesting a variance to allow the installation of a second building wall sign instead of one as allowed.

**Neighborhood**

The Overton Neighborhood Association has not submitted the neighborhood response form.

**Applicant's Justification**

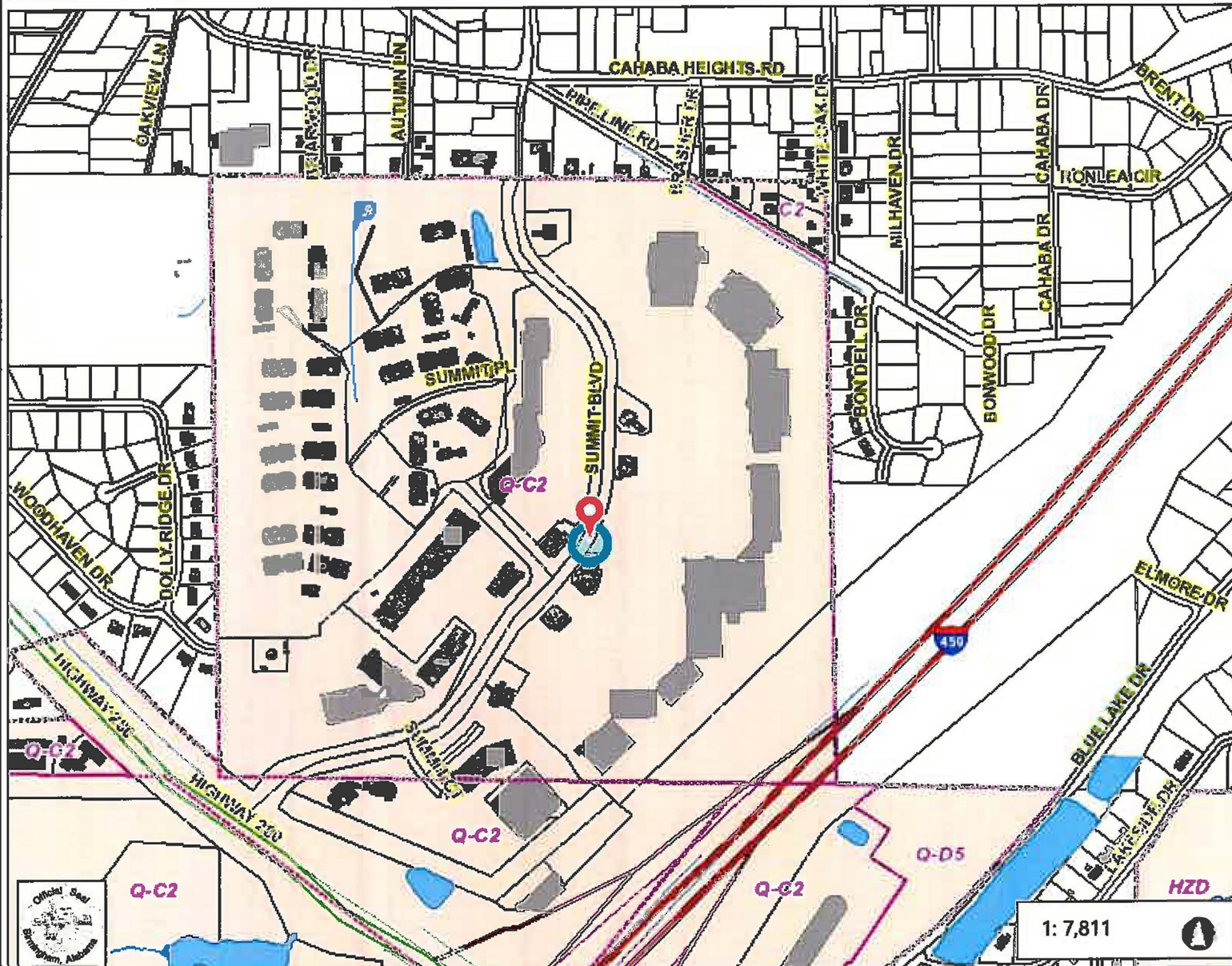
The applicant states that they will be in an end-cap building toward the end of the Summit. The building entry is defined by an existing tower and the applicant feels that the second sign will help the appearance of the tower and improve the overall visibility of their location.

**Staff Recommendation**

Staff feels that there are multiple end-cap buildings at the Summit that have two wall signs. Also, 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**

- 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)

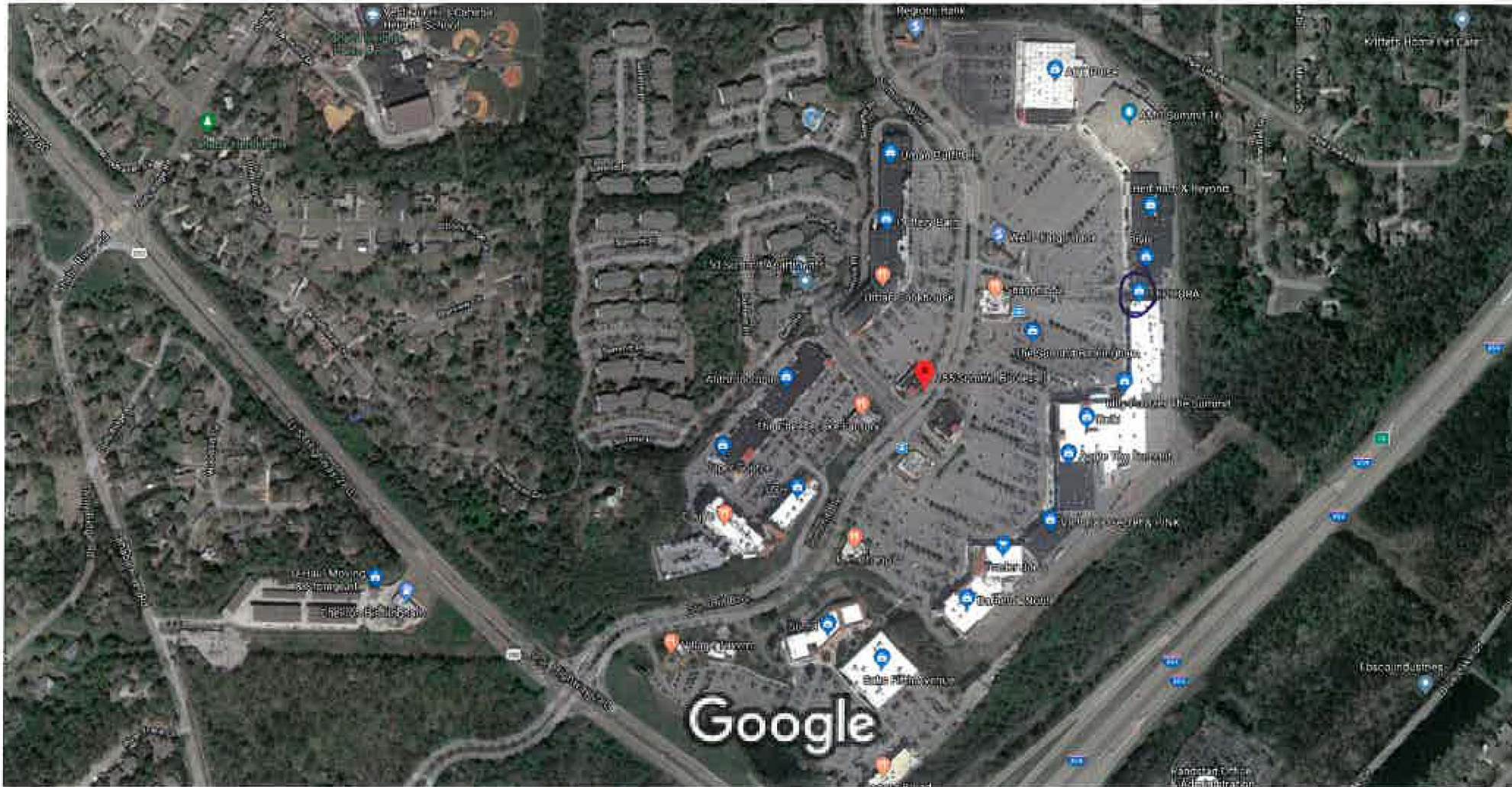


1,301.8 0 650.91 1,301.8 Feet

1:7,811

Notes

# Google Maps 255 Summit Blvd



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

Google Maps

Birmingham, Alabama

255 Summit Boulevard



Image capture: Sep 2018 © 2019 Google



EXTERIOR VIEW



11/12/2019

The Summit, Birmingham, AL

**NORTH**

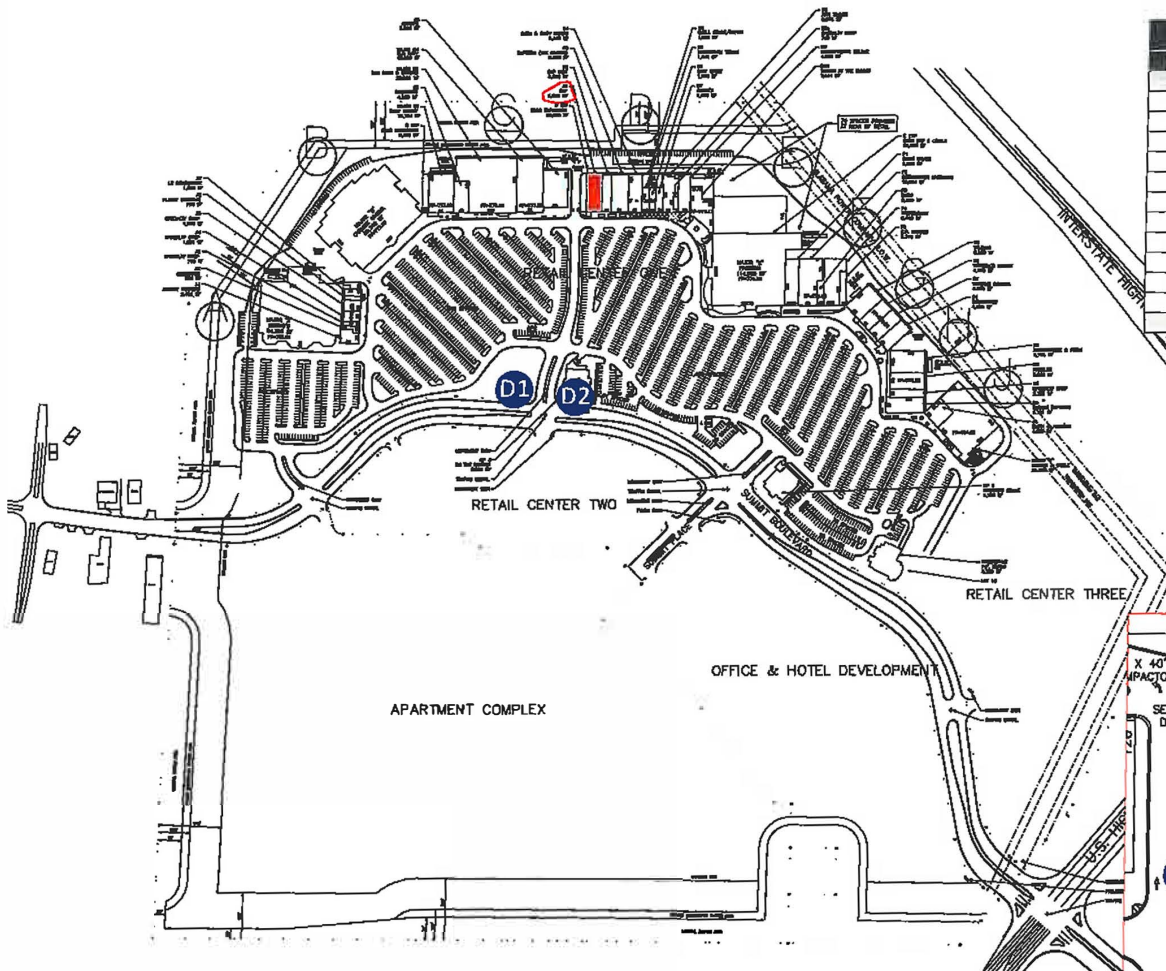
EXTERIOR VIEW



11/12/2019

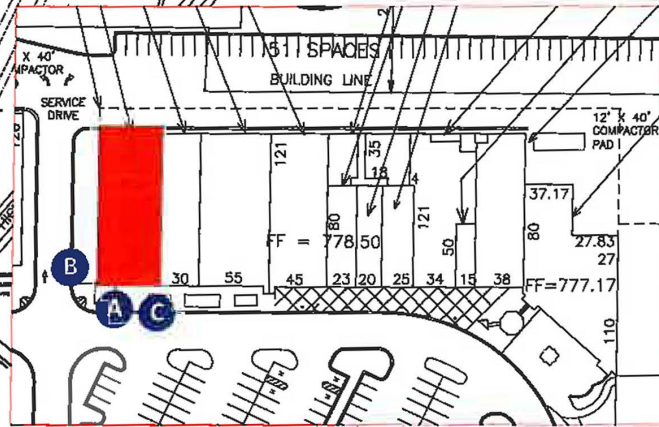
The Summit, Birmingham, AL

**NORTH**  
ITALIA



SIGN KEY			
LOCATION	DESCRIPTION	SQ FOOTAGE ALLOWED	SQ FOOTAGE PROPOSED
	EXTERIOR SIGNS		
	FRONT ELEVATION	208.71	69.79
A	WALL SIGN		63.37
C	BLADE SIGN		6.42
	SIDE ELEVATION	646.05	63.37
B	WALL SIGN		63.37
	TENANT PANELS	N/A	N/A
D1/D2			
TOTAL		854.76	133.16

CODE: FRONT ELEVATION: ALLOWED: 15% WALL AREA = 208.71 SQFT ALLOWED  
 SIDE ELEVATION: ALLOWED: 15% WALL AREA = 646.05 SQFT ALLOWED



**NORTH  
ITALIA**

Design # 0824270AR07  
 Sheet 1 of 5  
 Client: NORTH ITALIA  
 Address: THE SUMMIT BIRMINGHAM, AL  
 Account Rep: M MARIN  
 Designer: A GIANNELL  
 Date: 08/02/19  
 Approval / Date

Client  
 Sales  
 Estimating  
 Art  
 Engineering  
 Landlord

Revision/Date

- R01:JH:8/6/19: UPDATE ELEV. REVISE 'C', ADD FOO'S FOR MONUMENT SIGN
- R02:EC:08/13/19: UPDATE W/ NEW ELEV
- R03:EC:08/20/19: (C) TO BLADE UNDER CANOPY (D1,D2) ADD "ITALIA".
- R04:TB:9/5/19: UPDATE ELEV. REVISE 'A' & 'B'
- R05:EC:10/4/19: ADD SIGN KEY.
- R06:EC:10/7/19: REVISE ATTACHMENT DETAIL FOR (C).
- R07:TB:11/14/19: REVISE DESIGN PACKAGE PER REDNOTES

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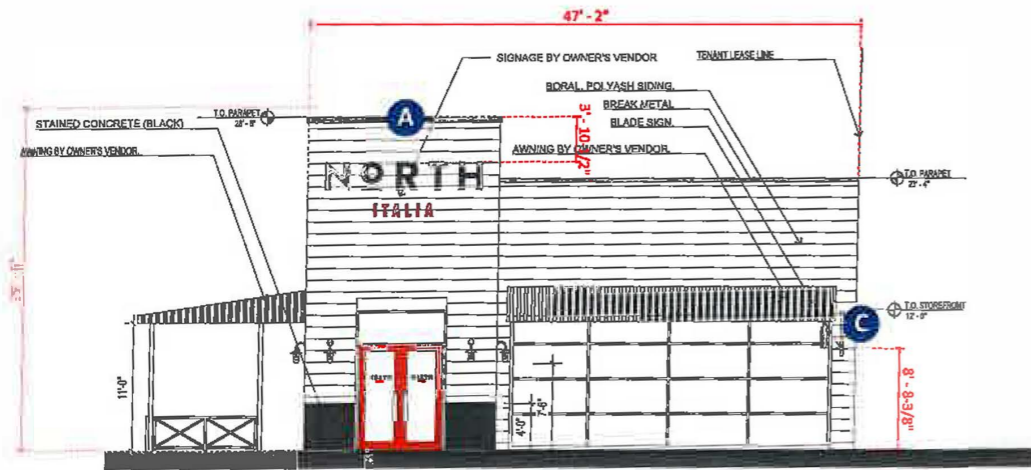
West Coast: 3175 Woodcreek Ridge Dr Ste 200 San Diego, CA 92121 (619) 486-0044

Northeast US: 1801 8th St York, PA 17402 (717) 486-0044

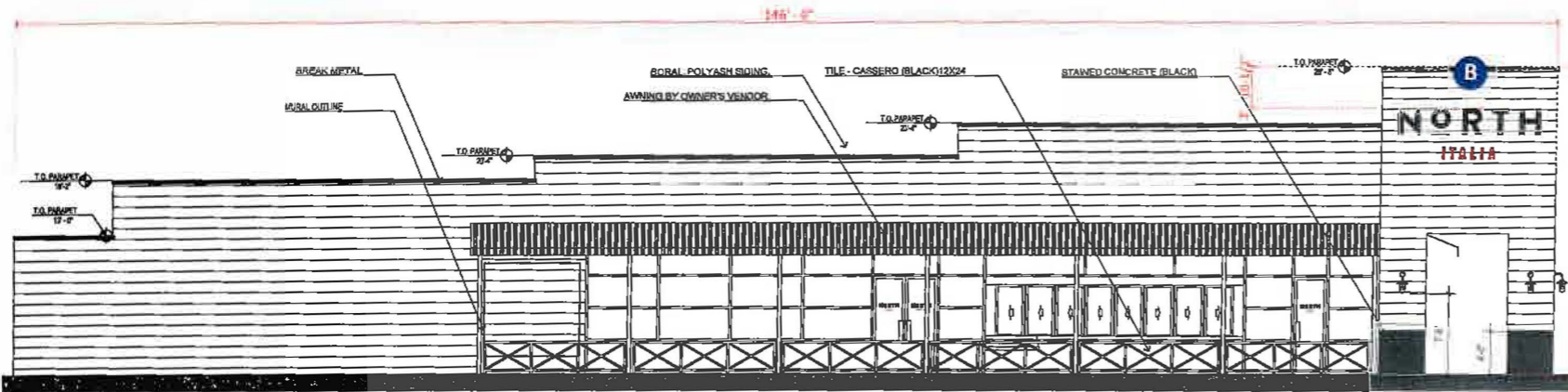
Georgia: 111 Woodlawn Place Marietta, GA 30066 (770) 486-0044

South Texas: P.O. Box 325 308 Doral Drive Humble, TX 77048 (281) 486-0044

**FINAL ELECTRICAL CONNECTION BY CUSTOMER**



**FRONT ELEVATION** SCALE: 3/32" = 1' - 0"  
 REVISED 11/18/2019  
 ALLOWED: 15% WALL AREA = 208.71 SQFT ALLOWED  
 PROPOSED: 63.37 SQFT



**SIDE ELEVATION** SCALE: 3/32" = 1' - 0"  
 REVISED 11/18/2019  
 ALLOWED: 15% WALL AREA = 646.05 SQFT ALLOWED  
 PROPOSED: 63.37 SQFT

# NORTH ITALIA

Design #	0824270AR07
Sheet	2 of 5
Client	NORTH ITALIA
Address	THE SUMMIT BIRMINGHAM, AL
Account Rep.	M MARIN
Designer	A GIANNELL
Date	08/02/19
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineer #	
Landlord	
Revision/Date	

- R01:JH/05/19: UPDATE ELEV; REVISE 'C'; ADD FCO'S FOR MONUMENT SIGN
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- R03:EC/08/20/19: (C) TO BLADE UNDER CANOPY; (D1,D2) ADD "ITALIA"
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 (415) 434-1111

Northeast US  
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 Suite 201  
 Landover, MD 21040  
 (410) 588-0000

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**FINAL ELECTRICAL CONNECTION BY CUSTOMER**

UL





**A B** FACE-LIT CHANNEL LETTERS - STACKED SCALE: 3/8" = 1' - 0"  
 TWO [2] REQUIRED - MANUFACTURE & INSTALL Area = 63.37



EXAMPLE OF COMPLETED SIGN

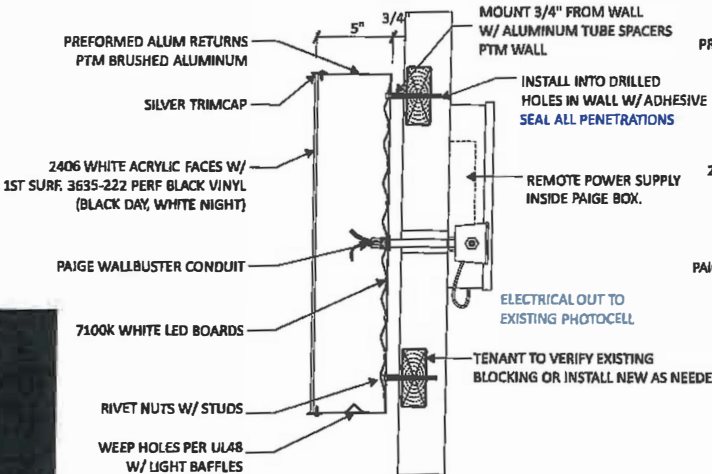
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Design #	0824270AR07
Sheet	3 of 5
Client	NORTH ITALIA
Address	THE SUMMIT BIRMINGHAM, AL
Account Rep.	M MARIN
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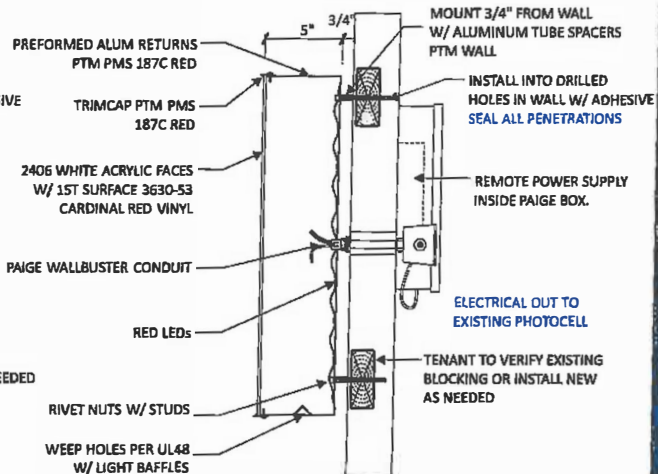
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REV: EC: 10/4/19: ADD SIGN KEY.
R06: EC: 10/7/19: REVISE ATTACHMENT DETAIL FOR (C).
R07: TB: 11/24/19: REVISE DESIGN PACKAGE PER RED NOTES



NIGHT VIEW



PRELIM. DETAIL - NORTH SCALE: 1-1/2" = 1' - 0"



PRELIM. DETAIL - ITALIA SCALE: 1-1/2" = 1' - 0"

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 Georgia: 111 Woodstone Place Chamblee, GA 30004  
 South Texas: P.O. Box 125, 3048 Dornell Drive Houston, TX 77024

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**FINAL ELECTRICAL CONNECTION BY CUSTOMER**  
 UL

ELECTRICAL THRU SUPPORT  
CLOSEST TO BUILDING

30" OC

SIGN TO SECURE TO [4X4 VERIFY] HORIZONTAL  
BEAM SECURED BETWEEN AWNING POST  
ON AND WALL (W/ DEPT 5/8").

(2) 2 X 2 X 0.125" ALUM SQUARE TUBE  
SLEEVED OVER (2) 1.5 X 1.5 X 0.125" ALUM SQ TUBES  
PAINTED SATIN BLACK W/ MOUNTING DETAIL BELOW

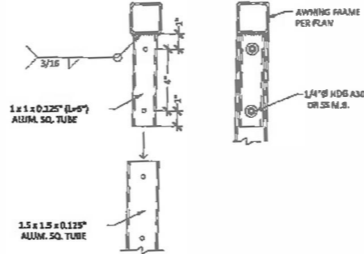
FABRICATED ALUMINUM O/F CABINET  
PAINTED MATTE BLACK ON ALL SURFACES.  
ILLUMINATE W/ 7100K WHITE LED'S.  
HOUSE POWER SUPPLIES IN CABINET.

1/2" CLEAR ROPT ACRYLIC [1/4" PROJECTION] W/  
1ST SURFACE 3630-20 WHITE VINYL AND  
2ND SURFACE WHITE DIFFUSER



LED POWER SUPPLY

2014/2017 NEC  
COMPLIANT LABEL



MOUNTING DETAIL  
SCALE: 1-1/2" = 1'-0"



**D/F UNDERCANOPY BLADE SIGN**  
ONE (1) REQUIRED - MANUFACTURE & INSTALL

SCALE: 1-1/2" = 1'-0"  
6.42 SQFT

1/2" CLEAR ROPT ACRYLIC [1/4" PROJECTION]  
W/ 1ST SURFACE 3630-53 CARDINAL RED VINYL  
AND 2ND SURFACE WHITE DIFFUSER



NIGHT VIEW

**NORTH  
ITALIA**

Design #	0824270AR07
Sheet	4 of 5
Client	NORTH ITALIA
Address	THE SUMMIT BIRMINGHAM, AL
Account Rep.	M MARIN
Designer	A GIANNELL
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San Antonio 17750 Blue Pedro Ave Suite 500 San Antonio, TX 78233 (210) 516-1111 Fax (210) 516-1111	
West Coast 3220 Executive Plaza Dr Suite 200 Costa Mesa, CA 92626 (714) 766-7788 Fax (714) 766-7788	
West Coast II 1301 Home Road Suite 200 Chino Hills, CA 91709 (909) 997-4444 Fax (909) 997-4444	
Georgia 111 Woodhurst Place Columbus, GA 31904 (706) 321-1111 Fax (706) 321-1111	
South Texas 7100 FM 1320, Suite 2000 Office Fort Worth, TX 76134 (817) 336-8888 Fax (817) 336-8888	
<p style="color: red; text-align: center;">FINAL ELECTRICAL CONNECTION BY CUSTOMER</p>	