



CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

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RANDALL L. WOODFIN
MAYOR

EDWIN REVELL
DIRECTOR

ZONING BOARD OF ADJUSTMENT MINUTES **WebEx/Teleconference** **2:00PM**

October 8, 2020

MEMBERS PRESENT: Morris Newman, Chairman
Gary Nash
Robert Littleton
Henry Penick

OTHERS PRESENT: Calvin Abram, Zoning Administrator
Angelica Moton, Planner

Robert Littleton made a motion to approve ZBA minutes from hearings held on September 10, 2020. Motion second by Gary Nash. All in favor. Motion Passes.

Chairman, Morris Newman, called the Zoning Board of Adjustment and Appeals meeting to order.

Case #: ZBA2020-00024

Request: Variance

Applicant: Francisco Navarrette Escobar

Site Address: 1517 57th St En

Owner: Francisco Navarrette Escobar

Description: Variance to allow a 5ft chain link fence in the required front yard area Title 1 Chapter 4 Subsection 3.A.1 page 182

Robert Littleton made a motion to continue the case to for the applicant to join the hearing along with his translator.

Motion second Gary Nash. All in favor. Motion passes.



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Case #: ZBA2020-00042

Request: Variance

Applicant: Juanita Graham

Site Address: 2500 35th Ave N

Owner: Juanita Graham

Description: Variance to allow a 32ft sqft sign instead of the 18sqft allowed pursuant Title 1, Chapter 4, Article V, Section 11, Subsection 7.1.a

Gary Nash made a motion to deny the case based upon the applicant not meeting the harm to the public welfare variance standard. The variance request fails standard #1 because the physical characteristics of the property, specifically the building's distance from the public street, does not justify the requested size. The evidence presented indicates the code-restricted size is adequate for the public to readily identify the business. In addition the board found the sign, as proposed, could create a hazard to drivers thereby violating standard #6. Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00043

Request: Modification

Applicant: Carrajal & Martin Holding CO LLC

Site Address: 1314 19th St N, Suite A

Owner: Millennium LLC

Description: Modification to allow 0 off-street parking instead of the 3 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

Henry Penick made a motion to approve the request based upon surplus parking. Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00045

Request: Variance

Applicant: William Perkinson

Site Address: 4184 Highlands Cir

Owner: Henry & Miriam Cir

Description: Variance to allow a 10ft rear yard setback instead of the required 25ft setback pursuant to Article VI, Title 1, Chapter 9, Section 4 and a variance to allow a 25ft front yard setback instead of the required established setback of approximately 60ft, in order to build two new single family residences pursuant to Article VI, Title 1, Chapter 9, Section 4



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Henry Penick made a motion to continue the case to allow the applicant time to go before the neighborhood meeting and review any legal issues. Motion second Gary Nash. All in favor. Motion passes

Case #: ZBA2020-00048

Request: Variance

Applicant: Geoff Boyd

Site Address: 1222 14th Ave S

Owner: Board of Trustees of University of Alabama System

Description: Variance to allow a 6ft vinyl fence in the front yard area.

Henry Penick made a motion to approve the request based upon the applicant meeting the six variance standards, for security and the generator being permitted with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Fence permit should be obtain within one year of the approval date from the Board.
3. Add landscape buffer/ screening of the fence.

Motion second Gary Nash. All in favor. Motion passes

Case #: ZBA2020-00050

Request: Variance

Applicant: Marshall Anderson

Site Address: 220 59th Pl S

Owner: Mashonda Taylor

Description: Variance to allow a 10ft front yard setback instead of the required 20ft setback Title 1, Chapter 3, Article I, Section 2.D.2.

Gary Nash made a motion to approve the request because it meets the six variance standards as submitted with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain a certificate of occupancy with the approval of this variance within 3 years from the date of approval.

Motion second Henry Penick. All in favor. Motion passes.



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Case #: ZBA2020-00051

Request: Variance

Applicant: Marshall Anderson

Site Address: 299 59th Pl S

Owner: Mashonda Taylor

Description: Variance to allow a 10ft front yard setback instead of the required 20ft setback
Title 1, Chapter 3, Article I, Section 2.D.2.

Gary Nash made a motion to approve the request because it meets the six variance standards as submitted with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain a certificate of occupancy with the approval of this variance within 3 years from the date of approval.

Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00052

Request: Variance

Applicant: Thomas Russell

Site Address: 4521 Maryland Ave

Owner: Thomas Russell

Description: Variance request to allow 6ft fence in the front yard area and variance to allow the finished side not facing adjacent property owner pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182.

Gary Nash made a motion to approve the case based upon the applicant meeting the six variance standards, the neighbors back yard is technically adjacent to the applicant's front yard, pool in the adjacent neighbor front yard and overgrown bushes with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Fence permit should be obtain within 30 days of the approval date from the Board.



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Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00053

Request: Variance

Applicant: Leroy Williams

Site Address: 1344 57th St En

Owner: Leroy Williams

Description: Variance to allow a 5ft chain link fence in the front yard area pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182

Henry Penick made a motion to approve the case based upon the applicant meeting the six variance standards, for safety and security and the neighborhood was in support of the request with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Fence permit should be obtain within 30 days of the approval date from the Board.

Motion second Robert Littleton. Morris Newman voted in favor and Gary Nash voted Nay. Motion passes.

Case #: ZBA2020-00054

Request: Special Exception

Applicant: Charlie Beavers

Site Address: 1628 2nd Ave N

Owner: LSCG Fund 19-7 LLC

Description: Special exception to allow a communal living facility pursuant to Title 1, Chapter 9, Article V, Section 3.5

Henry Penick made a motion to approve the case with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain a certificate of occupancy with the approval of this variance within 3 years from the date of approval.
3. Approved by the plans submitted.
4. Communal living use should be limited to the second floor.



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Motion second Gary Nash. All in Favor. Motion passes

Case #: ZBA2020-00055

Request: Variance

Applicant: Mark Gilbert

Site Address: 320 Bridlewood Drive

Owner: Craig Smith

Description: Variance request to allow the fence finished side not facing adjacent property owner pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182

Gary Nash made a motion to approve the case based upon the applicant meeting the six variance standards with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Fence permit should be obtain within 30 days of the approval date from the Board.

Motion second Robert Littleton. Henry Penick voted in favor and Morris Newman voted Nay. Motion passes.

Case #: ZBA2020-00057

Request: Variance

Applicant: Shameka Cotton

Site Address: 1744 34th St

Owner: Francisco Shameka Cotton

Description: Variance to allow a 6ft wooden fence in the required front yard area in pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182

Henry Penick made a motion to continue the case to allow the applicant time to get a survey and discuss other options with the staff.

Motion second Robert Littleton. All in favor. Motion passes

Angelica Moton
ZBA Planner
City of Birmingham