



# 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**

**November 12, 2020**

**MEMBERS PRESENT:** Morris Newman, Chairman  
Gary Nash  
Robert Littleton  
Stanley Turner

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

Gary Nash made a motion to approve ZBA minutes from hearings held on October 8, 2020. Motion second by Robert Littleton. 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 57<sup>th</sup> 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

Request denied, the applicant did not attend the meeting and per the ordinance, the Board may grant more than one (1) continuance of any hearing but shall not continue any hearing for an aggregate of more than one hundred twenty (120) days and the 120 days have expired.



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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.

Gary Nash made a motion to approve the variance request 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 and deny the variance request to allow a 10ft rear yard setback instead of the required 25ft setback pursuant to Article VI, Title 1, Chapter 9, Section 4 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 36 months from the date of approval.
3. Provide written approval recorded at the probate office from Traffic engineering of Adequate ingress and egress for the dwelling units.

Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00057

Request: Variance

Applicant: Shameka Cotton

Site Address: 1744 34<sup>th</sup> 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

Gary Nash made a motion to deny the request because the applicant does not meet the six variance standards. Motion second Robert Littleton. All in favor. Motion passes



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Case #: ZBA2020-00059

Request: Variance

Applicant: Jeff & Shelia Haslam

Site Address: 5100 7th Ct S

Owner: Jeff & Shelia Haslam

Description: Variance to allow a 5ft 6 inch wrought iron fence in the front yard area Title 1 Chapter 4 Subsection 3.A.1 page 182

Gary Nash made a motion to continue the case. Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00060

Request: Variance

Applicant: Douglas Ragland

Site Address: 109 & 119 68th Place North

Owner: Douglas & Teresa Ragland; Upper Room Fellowship Church

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

Gary Nash made a motion to continue the case. Motion second Robert Littleton. All in favor. Motion passes

Case #: ZBA2020-00061

Request: Variance

Applicant: Richard & Kathryn Rapier

Site Address: 116 60th St N

Owner: Amy Adams

Description: Variance to allow the expansion of a legal non-conforming structure to remain pursuant to Title 1, Chapter 9, Article VII, Section 3.A.3

Robert Littleton made a motion to approve the case based upon the applicant meeting the six variance standards and it will not change the foot print of the property with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate of completion should be obtain within one year of the approval date from the Board.
3. Approved as plans submitted.



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Motion second Morris Newman. All in favor. Motion passes

Case #: ZBA2020-00062

Request: Variance

Applicant: Schoel Engineering Company

Site Address: 800 Montclair Rd

Owner: Birmingham Metro LLC

Description: Variance to allow the lots principal frontage on a private drive instead of a street. Title 1, Chapter 1, Article III, Section 1, 113 page 21.

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. All permits and certificate of completion should be obtain within three year of the approval date from the Board.
3. Applicant must go through subdivision to resurvey the lots within 90 days of the approval date from the Board.
4. Lot 3-G cannot be subdivided into a smaller lot.

Motion second Robert Littleton. All in favor. Motion passes.

Case #: ZBA2020-00063

Request: Variance

Applicant: Donny Grunhoefer

Site Address: 7414 Georgia Rd

Owner: Baker Robert J Bisop of Birmingham in Alabama a corporation sole

Description Variance to allow a front yard setback of 10ft instead of the required 25ft setback pursuant to Title 1, Chapter 3, Article I, Section 2.D.2. Variance to allow an accessory structure in the front yard area instead of the required rear yard pursuant to Title 3 Chapter 1 Section 7.3.

Gary Nash made a motion to approve the case based upon the applicant meeting the six variance standards and the building will not encroach further than the existing buildings with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate of occupancy should be obtain within three year of the approval date from the Board.



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3. Applicant shall comply with the site plan as approved by the ZBA.

Motion second Robert Littleton. All in favor. Motion passes.

Case #: ZBA2020-00064

Request: Special Exception

Applicant: Nicole Taylor

Site Address: 7414 Georgia Rd

Owner: Nicole Taylor

Description: Special Exception to allow a manufactured home pursuant to Title 1, Chapter 4, Article III Section 3.B and variance to allow a roof pitch of 3-foot rise to a 12-foot run instead of the required 4-foot rise to a 12-foot run pursuant to Title 1, Chapter 4, Article III Section 3.B.11 page 124

Gary Nash made a motion to approve the case based upon the staff analysis 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. Application for a manufactured home must include a site development plan to be reviewed and approved by the Department. The site plan must depict yard setbacks, parking areas, driveways, porches, patios, landings, decks, garages, roofs, mechanical units, gas tanks, and any other accessory structures.
4. Manufactured homes may only be placed upon a legal lot of record.
5. Before any Certificate of Occupancy and utility connections are approved all manufactured homes must have the following: a. Federal Manufactured Home Construction and Safety Standards label. b. HUD label of approval and manufactured date not older than June 15, 1976. c. Alabama Manufactured Housing Commission insignia and date plate.
6. The installer must be state certified by the Alabama Manufactured Housing Commission and install their installation decal. The installer must have a City foundation permit and install a permanent perimeter foundation. The installation must conform to the manufacturer's installation manual recommendations.
7. A City Building Inspector must confirm the foundation, porches and exterior steps, and any accessory structures meet Building Code requirements. These requirements include code compliant footings providing a perimeter foundation of concrete,



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- concrete block, or brick 124 extending all around the building with adequate venting and access. The foundation must be flush with the structure's exterior material. The foundation must provide at least an 18 inch crawl space or a finished floor elevation equal to the elevation of surrounding housing, (should they exist) whichever is higher. Permanent code compliant steps must be provided at all exits or approved porches.
8. Verification from the Director that all Board approved Special Exception design requirements for this site is compliant prior to issuance of a Certificate of Occupancy.
  9. All hitches and tow bars, axles, and wheels must be removed upon installation. Foundation shall be brick or concrete. Concrete or concrete block skirting walls shall be painted.
  10. Minimum Size and Width Generally speaking, the minimum size of a manufactured home should be 1,200 square feet, with a minimum width of 24 feet. The Board recognizes that in certain instances smaller units may be desirable; however, these should be the exception, rather than the rule.
  11. Front Doors. The main entry door should face the required front yard and the primary street on which the unit is located. When more than one front yard exists, the entry should face the yard with the narrowest dimension.
  12. Walkways A paved concrete walkway at least 30 inches in width, minimum 3.5 inches thick, flush with ground, and connecting the front entry way or porch to the driveway or fronting street should be reflected in the plan and built.
  13. Roof and Overhang The roof pitch should have at least a 4-foot rise to a 12-foot run, and a roof overhang of 7 to 12 inches (not including rain gutters), to ensure compatibility with surrounding residences. The roof should have fiberglass or asphalt composite shingles or comparable materials; roll roofing is not permitted.
  14. Exterior Finish Siding should be made of lapped hardboard, lapped fibercement board, lumber clapboard; cedar shingles; fiberglass or asphalt composite siding shingles; brick; vinyl lap siding; or aluminum lap siding; rolled or solid sheet siding is not permitted. The siding color's gloss must be in a flat or satin finish, therefore not highly reflective gloss.
  15. Garages, Carports and other Additions If the site plan proposes additions to the manufactured house, its roof should have the same roof pitch, material, and color as the main structure. In addition the same exterior material and color should be used as the main structure. If site built, the addition must meet all building codes.
  16. Soil Stabilization All yards shall have a grass ground cover to stabilize the soil after installation of the manufactured home is completed, compliance with the Soil Erosion and Sediment Control Code.



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17. Other Utility meters must be placed on the side or rear wall of the building and shall not face the street.
18. All propane and other fuel tanks must be code compliant, placed on a concrete pad and located underground or in the rear yard.
19. HVAC and other mechanical units must not be in the front yard.
20. Front Porch A covered, but unenclosed front porch with the same roof pitch as the structure, is desirable. The porch roof should be of the same materials and color as the main roof of the structure. The size of the porch may not be less than 30 square feet. If site built, it must be self-supporting and meet all building codes. The porch's design should match that of conventional site built houses in the neighborhood. The color of all supports and railings on the porch and steps shall match the main structure's trim or be primed and painted to match.

Motion second Stanley Turner. All in favor. Motion passes.

Case #: ZBA2020-00065

Request: Special Exception

Applicant: Amanda Loper

Site Address: 213 25<sup>th</sup> St N

Owner: 213 Bonita LLC

Description: Special exception to allow remote parking for the required 20 off-street parking within 1,000 feet Title 1, Chapter 5, Article I, Section 8 A.3 page 249

Robert Littleton made a motion to continue the case. Motion second Stanley Turner. All in favor. Motion passes

Angelica Moton  
ZBA Planner  
City of Birmingham