



# 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**

**December 10, 2020**

**MEMBERS PRESENT:** Morris Newman, Chairman  
Gary Nash  
Henry Penick  
Stanley Turner  
Philip Foster

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

Gary Nash made a motion to approve ZBA minutes from hearings held on November 12, 2020 and extend the emergency protocols through March. Motion second by Philip Foster. All in favor. Motion Passes.

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

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

Henry Penick made a motion to approve 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 should be obtain within 30 days of the approval date from the Board.
3. Fence restricted to the design and material as submitted.



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Motion second Stanley Turner. Henry Penick, Philip Foster, Stanley Turner and Morris Newman voted yes and Gary Nash voted Nay. 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 deny the variance request to allow a 6ft chain link fence in the front yard area off of 68th Place North because the applicant did not meet the variance standard "No Injury to Neighboring Property". Allowing the fence to remain in the required front yard cause injury to the neighboring property by creating a fence line adjacent to the sidewalk, gives the impression of a compound, does not improve the characteristics of the neighborhood and the applicant did not provide any compelling reasons for the fence to remain there. Also, once the applicant moves the fence back to aligned it up with the church, it would be visibly appealing, still serves as security and would no longer need a variance and approve the variance request to allow a 6ft chain link fence off of 69th St N with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits should be obtain within 45 days of the approval date from the Board.
3. Resurvey lots 109 & 119 68th Place North into one lot within 90 days of the approval date from the Board.

Motion second Philip Foster. Gray Nash, Morris Newman, Stanley Turner, and Philip Foster voted yes and Henry Penick voted Nay. 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



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

Case #: ZBA2020-00066

Request: Variance

Applicant: Tammy Cohen

Site Address: 2901 4<sup>th</sup> Ave S

Owner: 1904 On 4th LLC

Description: Variance to allow a dumpster in the required front yard area instead of the side or rear yard area. Title 1, Chapter 1, Section 21.1

Henry Penick made a motion to approve based upon the applicant placing the location in the most appropriate place for the public health and safety 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 obtain within two years of approval from the Board.
3. Approved as plans submitted. The dumpster shall be located as identified on the site plan as approved by the Board.
4. The dumpster will be enclosed and shielded from the public as approved by PEP.

Motion second Stanley Turner. Henry Penick, Philip Foster, Stanley Turner and Morris Newman voted yes and Gary Nash voted Nay. Motion passes

Case #: ZBA2020-00067

Request: Variance

Applicant: Bart Carr

Site Address: 114 72<sup>nd</sup> St N

Owner: Habitat for Humanity

Description: Variance to allow a 17.4ft front yard setback instead of the required 25ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3 and a variance to allow lot size of 4,100 square feet instead of the required minimum lot size of 5,000 square feet pursuant to Title 2, Chapter 1, Section 3, Subsection 3.

Henry Penick made a motion to continued. Motion second Stanley Foster. All in favor. Motion passes.



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Case #: ZBA2020-00068

Request: Variance

Applicant: Bart Carr

Site Address: 212 72<sup>nd</sup> St N

Owner: Habitat for Humanity

Description: Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback and a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Henry Penick made a motion to continued. Motion second Stanley Foster. All in favor. Motion passes.

Case #: ZBA2020-00069

Request: Variance

Applicant: Bart Carr

Site Address: 220 72<sup>nd</sup> St N

Owner: Habitat for Humanity

Description: Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Henry Penick made a motion to continued. Motion second Stanley Foster. All in favor. Motion passes.

Case #: ZBA2020-00070

Request: Variance

Applicant: Bart Carr

Site Address: 7132 2<sup>nd</sup> Ave N

Owner: Habitat for Humanity

Description: Variance to allow a 17.4 ft front yard instead of the required 25ft front yard setback along 72nd St N, a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet and a variance to allow 17ft front yard setback instead of the required 25ft front yard setback off of 2nd Ave N pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Henry Penick made a motion to continued. Motion second Stanley Foster. All in favor. Motion passes



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Case #: ZBA2020-00071

Request: Variance

Applicant: Bart Carr

Site Address: 7100 2<sup>nd</sup> Ave N

Owner: Habitat for Humanity

Description: Variance to allow a 16.8 ft front yard instead of the required 25ft front yard setback along 71st St N Title 2, Chapter 1, Section 4, Subsection 3.

Henry Penick made a motion to continued. Motion second Stanley Foster. All in favor. Motion passes

Case #: ZBA2020-00072

Request: Variance

Applicant: Kristopher F. Nokolich

Site Address: 322 1<sup>st</sup> S

Owner: Navigate Affordable Housing Partners

Description: Variance to allow the minimum lot size 4,860 SF and instead of the required minimum lot size of 6,000 sqft pursuant to Title 1, Chapter 3, Table 1.03.101

Gary Nash made a motion to approved the request 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 occupancy should obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.
4. The applicant must meet flood protection requirements.

Motion second Henry Penick. All in favor. Motion passes

Case #: ZBA2020-00073

Request: Variance

Applicant: Kristopher F. Nokolich

Site Address: 330 1<sup>st</sup> St S

Owner: Navigate Affordable Housing Partners



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Description: Variance to allow the minimum lot size once subdivided into two lots to 4,500 SF and 4,900 SF instead of the required minimum lot size of 6,500 sqft and variance to allow the minimum lot width of 49ft and 45ft instead of the required 50ft pursuant to Title 1, Chapter 3, Table 1.03.101

Gary Nash made a motion to approve the request 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 occupancy should obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.
4. The applicant must meet flood protection requirements.
5. Resurvey the lots within 90 days of the approval date from the Board.

Motion second Henry Penick. All in favor. Motion passes

Case #: ZBA2020-00074

Request: Variance

Applicant: David Brandt

Site Address: 1600 3rd Ave S

Owner: Red Mountain Theatre

Description: A variance to allow 1,211 SF of on-premise signage instead of the 672 SF of on premise signage allowed pursuant Title 1, Chapter 4, Article V, Section 11, Subsection 7.1.a

Henry Penick made a motion to approve the request 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 sign permits and certificate of completion should obtain within two years of approval from the Board.
3. Approved as plans submitted the location of the vinyl banners.
4. 3<sup>rd</sup> party advertising is not allowed.

Motion second Henry Penick. All in favor. Motion passes



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Angelica Moton  
ZBA Planner  
City of Birmingham