

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM

Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Sun Valley

Staff Planner Moton

ZBA2020-00001

Request: Variance for location of playground equipment in front yard as stated in Title 1 Chapter 4 Article 4 Section 3. 16 page 141
Applicant: Nakesha Davis
Owner: Anthony Serria
Site Address: 2359 Carson Road
Zip Code: 35215
Description: Variance to allow a playground in the front yard of a non-residential zoned district.
Property Zoned: MUM Mixed-Use Medium
Parcel Information: Parcel #: 011300132005002000, NW of Section 13, Township 16 S, Range 2 W

Variance:

Variance to allow playground equipment in the front yard area.

Neighborhood Meeting:

The Sun Valley Neighborhood met on February 18, 2020 and voted in support of the applicant 5-0.

Public Notices:

Public notices were mailed on May 27, 2020.

Applicant's Justification:

The applicant provided documentation of their response to the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

The subject property is located at 2359 Carson Road, CenterPoint AL 35215, which is a shopping mall plaza. We are formally petitioning the committee to allow a variance to allow a playground on the property. We currently operate Site 1 of Unique Learning LLC on the opposite side of the plaza and have a play area designated on the side of the building for our kids.

The challenge we are facing is that the Zoning Board has determined that we have 2 front yards located on Carson Road as well as 8th Ave. In order to provide care to additional children we are opening Site 2 and it is a DHR requirement to provide a play area for the children.

The playground will not hinder business or take over any parking for other businesses. Unique Learning currently occupies the full shopping plaza strip excluding a barbershop and a storage location used by the plaza owners. This is a low traffic area, with the primary activity coming as a result of our daycare facility operating. We have received permission from the neighborhood and are now seeking approval from the zoning board.

To ensure safety we will:

1. Abide by strict DHR specifications and they will inspect the play area before it is put into use.
2. The play area will be surrounded by 6ft gates to barricade the area for safety.
3. There will be no financial gain from the play area, we are attempting to satisfy DHR mandates as well as provide more care for the children of the community.

Staff Analysis:

The subject property resides in the MUM, Mixed-Use Medium zoning district. This property has multiple front yards. The applicant does meet the six variance standards.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. Must have approval by DHR of the proposed site for the playground.
3. Must obtain a fence permit.

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT		Date <u>1-7-2020</u> Case No. <u>ZRA 2020-00001</u> Master No. _____ Project No. _____
P.I.D. No. <u>011300132 005002000</u> Address Verified By: <u>DTW</u>		
Modified Address: _____		
Please print or type legibly and fill in all that apply		
Site Address: <u>2359 CARSON ROAD</u>		Zip Code: <u>35215</u>
Location: _____		
Project Name _____		
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
<input type="checkbox"/> Metes and Bounds Attached		
OWNER NAME: <u>Anthony Serra</u> ADDRESS: <u>9701 Parkway E Suite D</u> CITY/STATE/ZIP: <u>Bham AL 35215</u> PHONE: <u>(205) 836-6775</u> CELLULAR: <u>(205) 296-4854</u> FAX: () PAGER: () EMAIL: <u>Willie.Riley@BWWBATS</u>	APPLICANT* NAME: <u>Quinn Davis</u> COMPANY NAME: <u>Unique Learning</u> ADDRESS: <u>2359 Carson Rd</u> CITY/STATE/ZIP: <u>Bham AL 35215</u> PHONE: <u>205 836-1111</u> CELLULAR: <u>205 356-8145</u> FAX: () PAGER: () EMAIL: <u>uniquelearningcc@quinn.com</u> <small>*Applicant is required to be authorized by owner to undertake work</small>	
TYPE OF REQUEST		
Under the following provisions of the Zoning Ordinance of the City of Birmingham, Alabama, the Zoning Board of Adjustment is hereby requested to:		
<input type="checkbox"/> Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3)		
<input type="checkbox"/> Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)		
<input checked="" type="checkbox"/> Variance – Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2)		
<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Adult Establishments	<input checked="" type="checkbox"/> Child/Adult Care
<input type="checkbox"/> Flood Hazard	<input type="checkbox"/> Height	<input type="checkbox"/> Manufactured Housing
<input type="checkbox"/> Public	<input type="checkbox"/> Signs	<input type="checkbox"/> Yards
<input type="checkbox"/> Communal Living Facility	<input type="checkbox"/> Non-Confirming Uses	<input type="checkbox"/> Fences
<input type="checkbox"/> Other <u>playground</u>		
<input type="checkbox"/> Special Exception – Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1)		
<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Adult Establishments	<input type="checkbox"/> Child/Adult Care
<input type="checkbox"/> Flood Hazard	<input type="checkbox"/> Height	<input type="checkbox"/> Manufactured Housing
<input type="checkbox"/> Non-Confirming Uses	<input type="checkbox"/> Parking	<input type="checkbox"/> Fences
Description of Work or Request: <u>VARIANCE FOR LOCATION OF PLAYGROUND EQUIPMENT IN FRONT YARD IN TITLE 1 CHAPTER 4 ARTICLE 2 SECT 3.1</u>		
If you have a hardship/practical difficulty, please explain: <u>CHILD CARE LOCATION DOES NOT HAVE REAR OR SIDE YARD TO PLACE EQUIPMENT</u>		
FOR STAFF USE		
SECTION II TEXT CHANGE		
Amendment to: _____	Title: _____	Article: _____
Title: _____		
<input type="checkbox"/> See Attachment		
<input type="checkbox"/> In words substantially as follows: _____		

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

CERTIFICATION		
I fully understand that, upon the filing of this application and the payment of the filing fee to defray the expenses of investigation and processing this application, there shall be no refunds made to me and that the payment of said filing fee shall in no way entitle me to the change, amendment, supplement, modification or repeal as herein applied for. If an amendment to text of Zoning Ordinance is proposed, please complete applicant data. I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.		
Signature (Owner) <u>Willie Riley</u>	Date <u>1/6/2020</u>	
Signature (Owner) _____	Date _____	
Hearing Date: _____	Hearing Time: _____	Location: Room 300, City Hall
Filing Fees:	Single Family Residential Zone District	-
	Multi-Family Residential and Commercial Zone District	-
	Appeals	-
		\$100.00
		\$500.00
		\$300.00

March 2, 2020

City of Centerpoint
2209 Centerpoint Pkwy
Centerpoint, AL 35215

RE: Board of Zoning Appeals- Variance Request Letter
Unique Learning LLC

Dear Ms. Morton:

As the owner of Unique Learning Childcare Center, we would like to formally introduce the proposed project as well as identify the variations to the City's Zoning Ordinance that are being requested.

The subject property is located at 2359 Carson Road, Centerpoint AL 35215, which is a shopping mall plaza. We are formally petitioning the committee to allow a variance to allow a playground on the property. We currently operate Site 1 of Unique Learning LLC on the opposite side of the plaza and have a play area designated on the side of the building for our kids.

The challenge we are facing is that the the zoning board has determined that we have 2 front yards located on Carson Road as well as 8th Ave. In order to provide care to additional children we are opening Site 2 and it is a DHR requirement to provide a play area for the children. We are requesting the following variance:

1. Allow Unique Learning LLC, Site 2 to place a play area on the Carson Road side of 2359 Carson Road.

This playground will not hinder business or take over any parking for other businesses. Unique Learning currently occupies the full shopping plaza strip excluding a barbershop and a storage location used by the plaza owners. This is a low traffic area, with the primary activity coming as a result of our daycare facility operating. We have received permission from the neighborhood association and are now seeking approval from the zoning board.

To ensure safety we will:

1. Abide by strict DHR specifications and they will inspect the play area before it is put into use.
2. The play area will be surrounded by 6ft gates to barricade the area for safety.
3. There will be no financial gain from the play area, we are attempting to satisfy DHR mandates as well as provide more care for the children of this community.

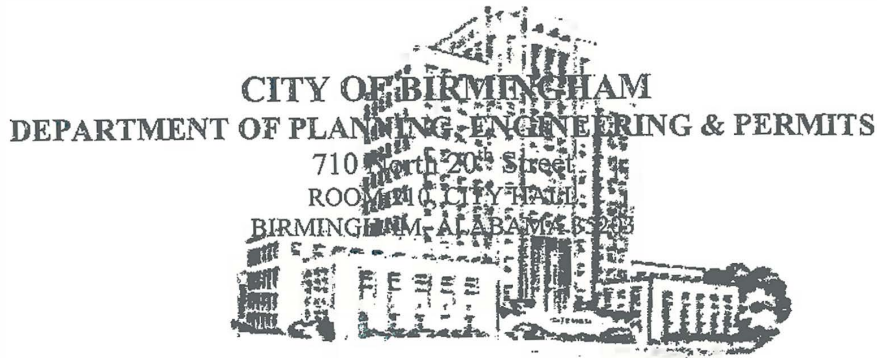
We respectfully request, on behalf of Unique Learning LLC, the variance from the City Code be granted based upon the reasons outlined above. If you have any questions or need additional information to process the variance requests, please do not hesitate to contact Kesha Davis at 205-356-2145 or Kanecia Killian at 205-215-4312.

Sincerely,

Unique Learning LLC.

Kesha Davis
Owner

ND/kdk



Zoning Board of Adjustment (ZBA) Neighborhood Notification Form

NOTICE to the Sun Valley Neighborhood Association Date: January 27, 2020

Case: ZBA2020-00001

ZBA meeting date: February 27, 2020

Site: 2359 Carson Road

Applicant: Nakesha Davis
205-856-1111

Request: Variance to allow location of playground equipment in front yard as stated in Title 1 Article 4 Section 3.B

When you receive this notice, please have a neighborhood officer contact Angelica Moton, Room 210 City Hall, (205) 279-8917, (205) 254-2111 FAX, angelica.moton@birminghamal.gov

The neighborhood has the following 3 options (please select one):

The neighborhood Advisory Committee OR Neighborhood Association has met and determined this request will not impact the neighborhood beyond the adjacent property owners and, therefore has no position.

The neighborhood Advisory Committee SUPPORTS REQUEST -or- OPPOSES REQUEST
Because: _____

The Neighborhood Association requests a ONE ZBA MEETING continuation to allow the neighborhood to discuss this ZBA request at the regularly scheduled neighborhood meeting *or* a special called meeting before _____ (Please list the meeting date, time, and place of meeting)

NA Meeting Location: _____ Address: _____

Date: _____

NA Contact Person: _____ Telephone: _____

Neighborhood Officer Signature Johnny B. Hawch Date: 2-18-2020

Neighborhood Response Form – (if the APPLICANT attends the NA meeting)

RE: ZBA2020-00001

Date: 2-18-2020

To: Angelica Moton, Room 210, 2nd Floor City Hall (205) 279-8917, FAX: (205)254-2111
Angelica.moton@birminghamal.gov

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

On 2-18-2020, the request was heard by our Neighborhood Association and we took the following action:

SUPPORT (# of votes) 5 OPPOSE (# of votes) 0

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

whatever zoning commission allows

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

Neighborhood Officer Signature: Johnny E Hawkins
(Officer who chaired or presided over the meeting when the case was presented should sign above)

NOTE:

The Sun Valley NA meetings are held on the Third Tuesday of each month at the East Pinson Valley Com. Rec. 3000 Jefferson State Parkway at 7:00 p.m. Please contact Johnny Hawkins at 205-854-0138 to attend the meeting.

PARCEL ID: 011300132005002000

SOURCE: TAX ASSESOR RECORDS **TAX YEAR:** 2018

DATE: Monday, January 27, 2020 10:14:31 AM

OWNER: COZMO LLC

ADDRESS: 1308 DEERHURST CRT

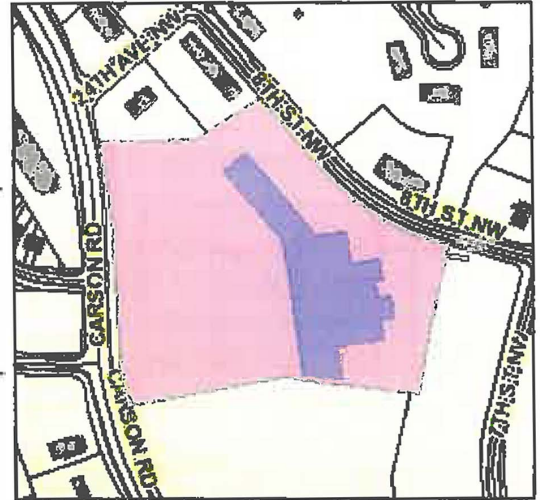
CITY/STATE: BIRMMINGHAM AL

ZIP+4: 35242

SITE ADDR: 2337 CARSON RD

CITY/STATE: BHAM, AL

ZIP: 35215



LAND: \$317,400.00

BLDG: \$435,700.00

OTHER: \$0.00

AREA: 397,983.93

ACRES: 9.14

SUBDIVISION INFORMATION:

NAME QUEENSBURY CENTER 13-13-2

BLOCK:

LOT: 3

:

Section: 13-16-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Sun Valley (705)

Communities: EAST PINSON VALLEY (7)

Council Districts: District - 1 (Councilor: Clinton Woods)

Zoning Outline: MUM

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

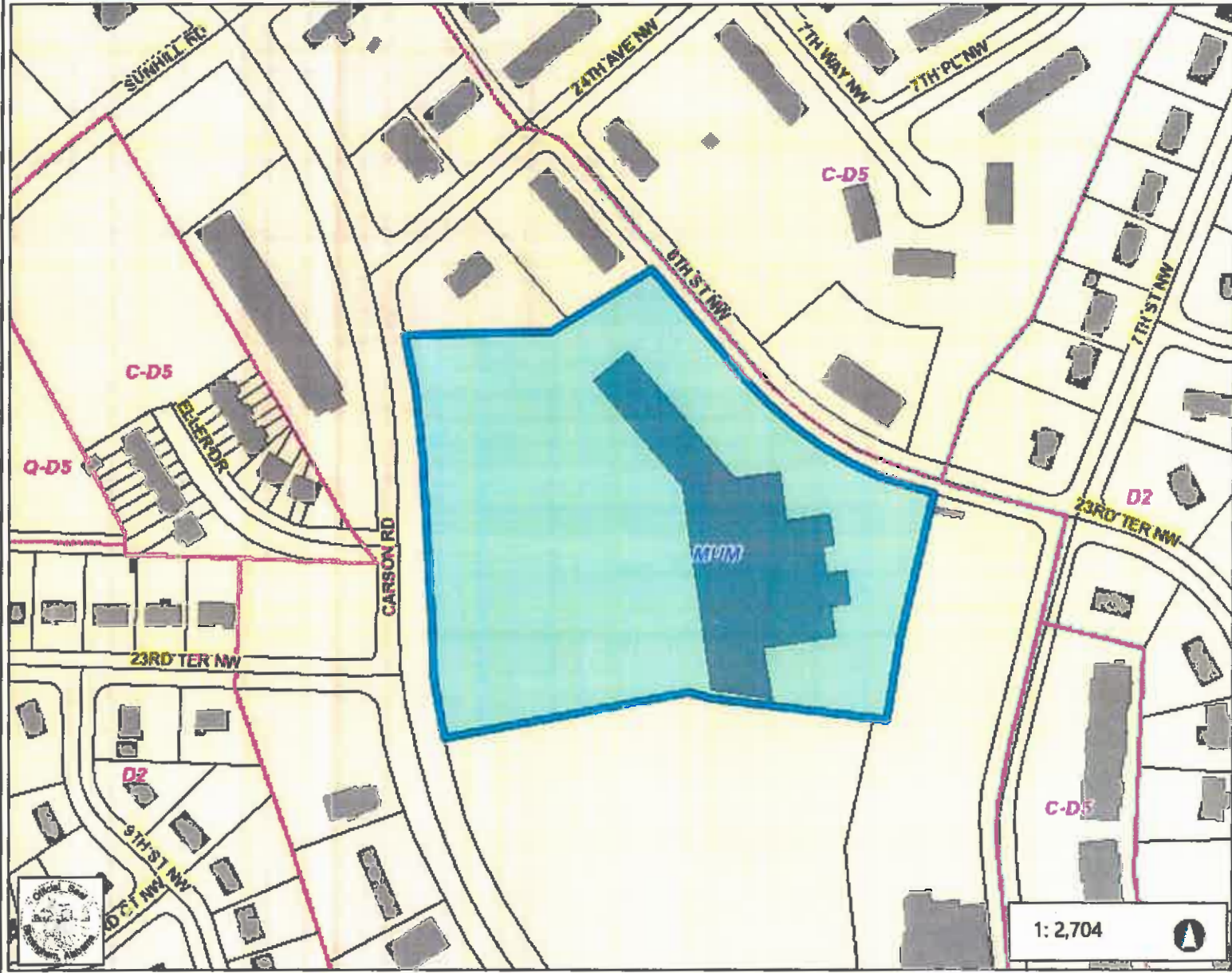
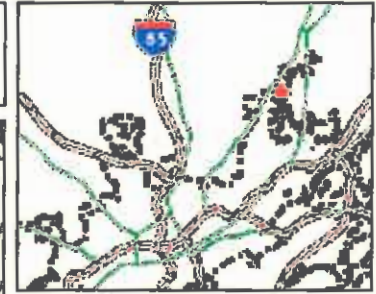
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data and assumes no responsibility for any errors. Data from the Tax Assessor's Office may not be available for all parcels.



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)

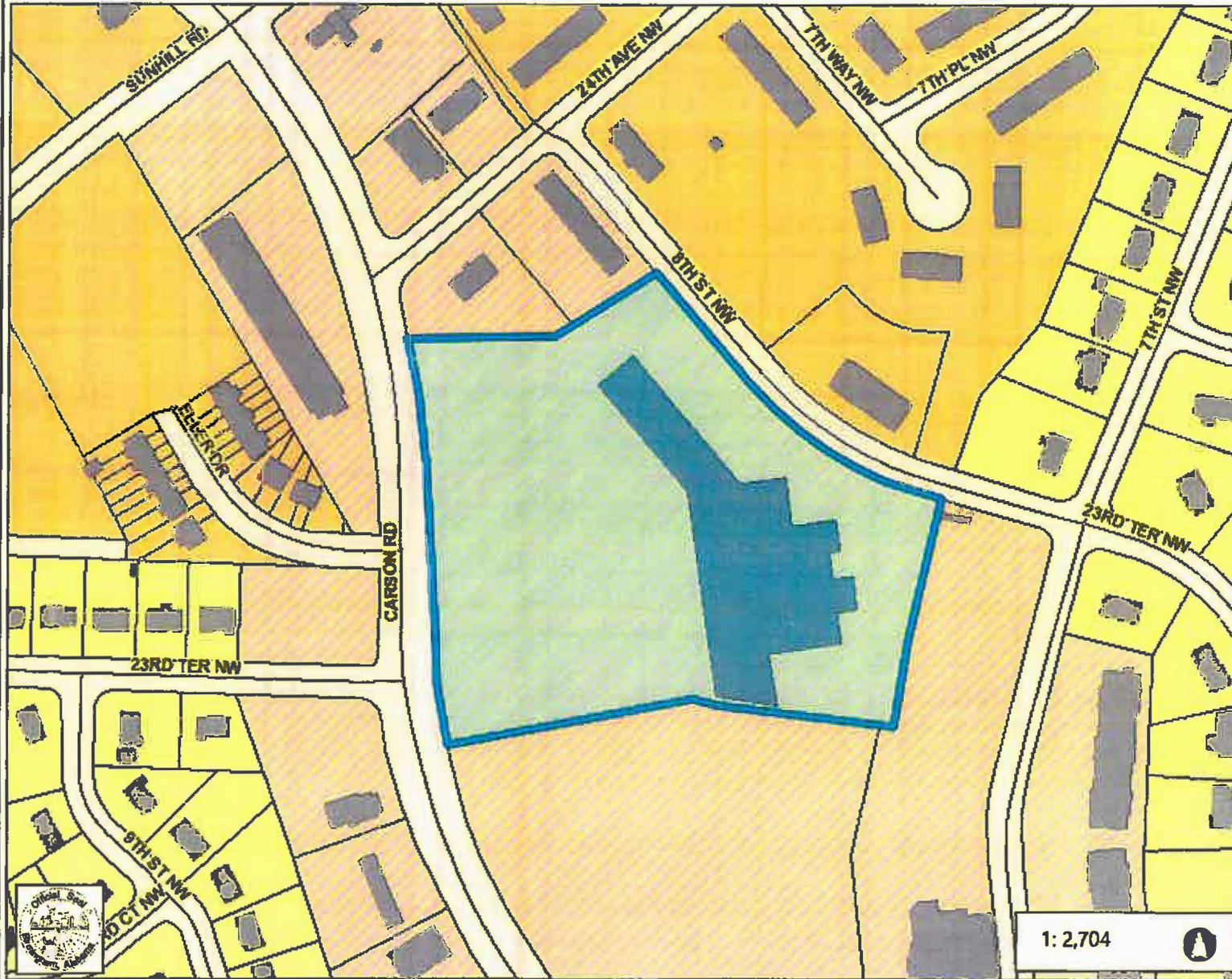
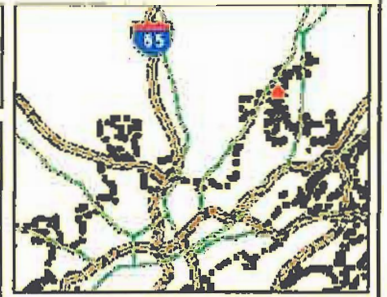


1: 2,704



The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

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

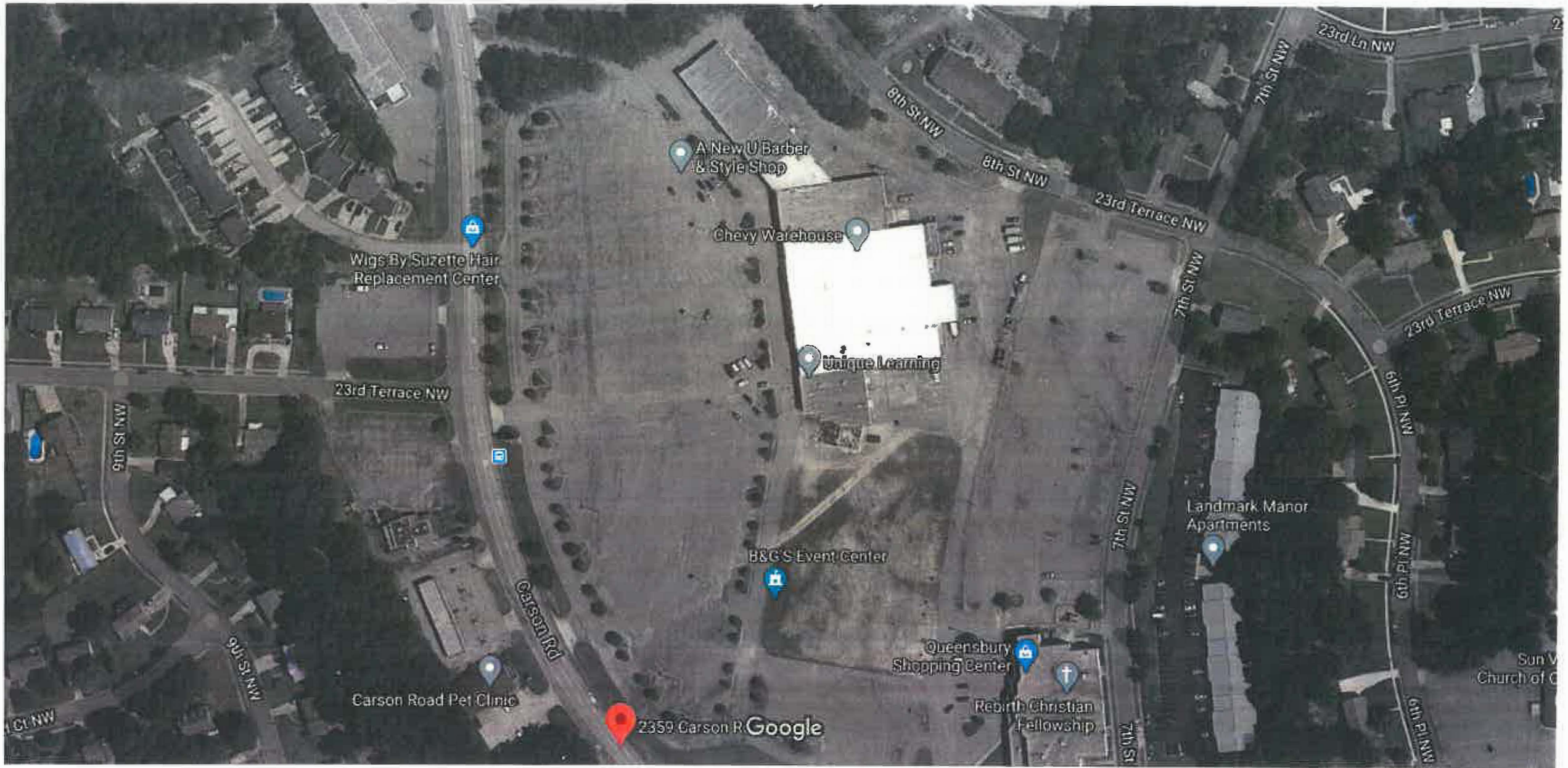


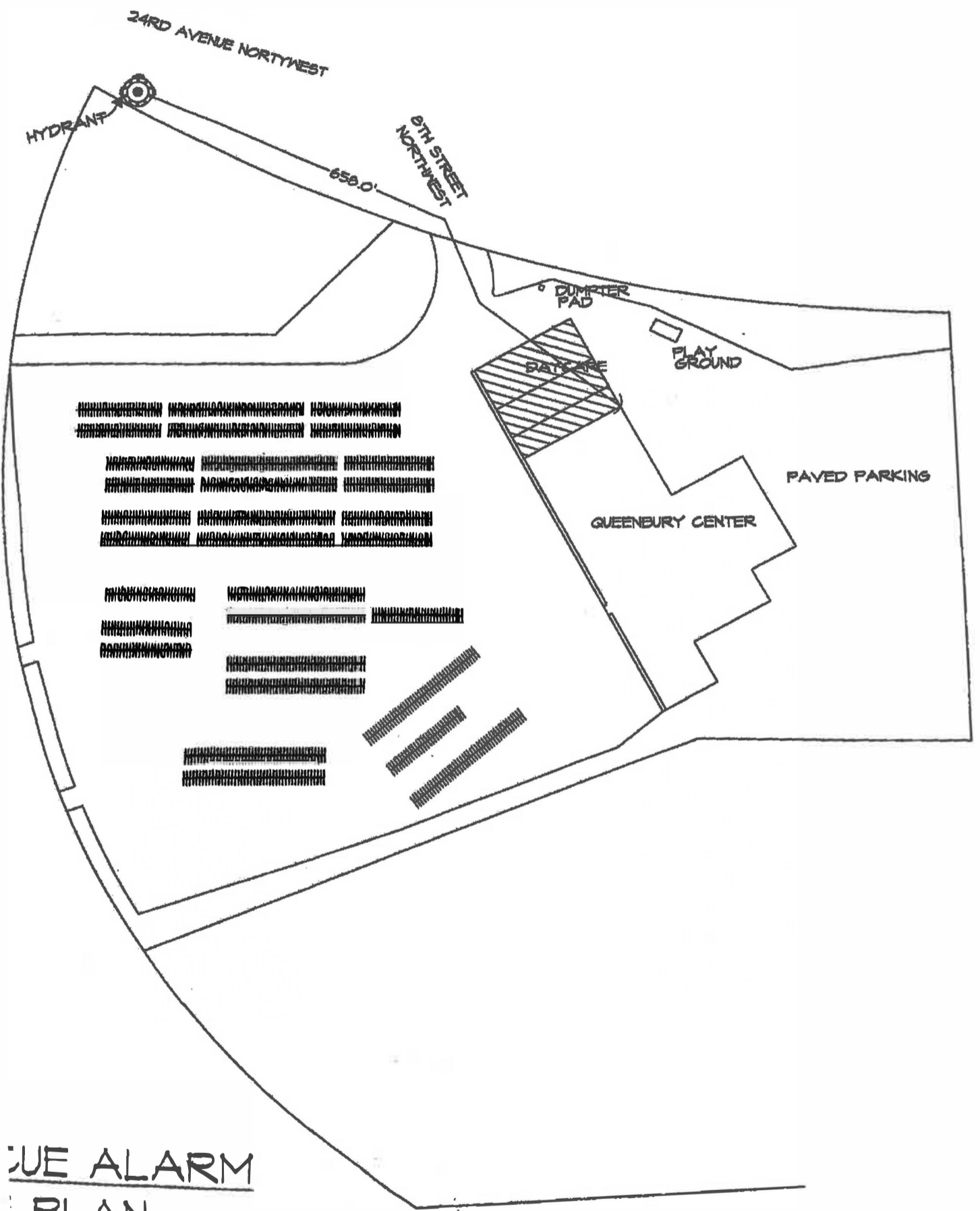
1: 2,704



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes





QUE ALARM
PLAN

29RD AVENUE NORTWEST

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM

Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Crestline

Staff Planner Moton

ZBA2020-00013

Request: Variance to encroach 5'ft into the rear yard setback per Title 1, Chapter 3, Article 1, Section 4D, subsection 25 page 54
Applicant: Carl Spurrier
Owner: Merrilyn Cook
Site Address: 148 Glenhill Drive
Zip Code: 35213
Description: Variance to encroach 5ft into the rear yard setback.
Property Zoned: R-2 Single Family District
Parcel Information: Parcel #: 012300343018023000, SW of Section 34, Township 17 S, Range 2 W

Variance:

Variance to encroach 5ft into the rear yard setback for covered patio and uncovered deck.

Neighborhood Meeting:

The Crestline Neighborhood met on February 27,2020, and voted in support of the applicant request 6-0.

Public Notices:

Public notices were mailed on May 27, 2020.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

1.Physical Characteristics of the Property: Due to the shape and topography of the lot we had to lay out the house with the attached garage on the left side of the house. As the survey shows the right side property line of the lot is shorter than the left side property line which left us with less room on the 35' setback to fit the screened-in porch behind the setback without encroaching the 30' setback on the front of the house.

2.Unique Characteristics: Not Applicable.

3.Hardship Not Self-Imposed: The hardship has not been created by the previous actions of any person having an interest in the property.

4. Financial Gain Not Only Basis: We do not deem the variance request as any kind of financial gain or loss.

5.No Injury to Neighboring Property: The granting of the variance will not be injurious to other property or improvements in the area. We took on improving the drainage easement on the rear property line that was overgrown by weeds and had no sense of direction except for flowing downhill. We regraded and shaped the easement at our expense from lot line to line, installed silt fabric on the ground to cut down on weed growth and hand laid rip-rap stone to control the water flow. After performing the work, we were able to make a better situation for water flow for all adjoining properties that had been neglected over the years. Also, if you observe the adjacent property on the right side of the house where we are requesting the variance there is an existing house that was built decades ago. The house has a rear carport and storage shed that is attached to the house and extends to the rear property line which would violate the current setback

restriction, therefore we feel that we would not be presenting any injury to the adjoining property due to our request.

6.No Harm to Public Welfare: We do not deem the variance to be of any harm to the adjoining homeowners. The homes that back up to this property is heavily wooded and grown up thus blocking the view of all parties from viewing each other's homes.

History: The parcel is located at 148 Glenhill Drive and resides in the R-2, Single Family District. The right rear corner of the screened-in porch is over the 35' setback by approximately 2'; the left rear corner of the screened-in porch is clear of the 35' setback line by approximately 2' creating a small triangle section to be over the setback as drawn on the attached drawing. The open deck (deck without roof system) as drawn on the attached drawing would be over the setback by approximately 5' on the right rear corner and 2' on the left rear corner. Allowing a 35' setback on the rear property line would bring both the screened-in porch and open deck within compliance of the R-2 zoning ordinance.

Staff Analysis:

According to Title 1, Chapter 3, Article 1, Section 4D, subsection 25 page 54, an uncovered deck that is located at least 10 feet from the rear property line, does not encroach on required side setbacks and is no more than five above grade is permitted. The uncovered deck and patio meets those requirements, except that it is more than five feet above grade; therefore, a variance is required.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. Review by storm water due to topography.

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

ZBA 2020-00013

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Date 2-12-2020
Case No. _____
Master No. _____
Project No. _____

P.I.D. No.: _____ Address Verified By: _____

Modified Address: _____

Please print or type legibly and fill in all that apply

Site Address: 148 Glenhill Dr. Zip Code: 35213

Location: off of Montevallo Rd. past Euclid Ave.

Project Name: Messilyn Cook

Lot(s) _____ Block(s) _____ Survey Glenwood Hills

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

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

Metes and Bounds Attached

OWNER

NAME: Messilyn Cook
ADDRESS: 2509 River Trace Cir.
CITY/STATE/ZIP: Vestavia, AL 35243
PHONE: () _____ CELLULAR: (205) 531-8206
FAX: () _____ PAGER: () _____
EMAIL: messilyncook@gmail.com

APPLICANT*

NAME: Carl Spurrer
COMPANY NAME: Spurrer Const. Group, Inc.
ADDRESS: 321 7th W. 1st Dr.
CITY/STATE/ZIP: Trussville, AL 35173
PHONE: () _____ CELLULAR: (205) 365-2072
FAX: () _____ PAGER: () _____
EMAIL: CPSpur@gmail.com
*Applicant is required to be authorized by owner to undertake work

TYPE OF REQUEST

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

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

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

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

Accessory Structure Adult Establishments Child/Adult Care Communal Living Facility Fences
 Flood Hazard Height Manufactured Housing Non-Confirming Uses Parking
 Public Signs Yards Other Covered Deck

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

Accessory Structure Adult Establishments Child/Adult Care Communal Living Facility Fences
 Flood Hazard Height Manufactured Housing Non-Confirming Uses Parking

Description of Work or Request: See Attachments

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

FOR STAFF USE

SECTION II TEXT CHANGE

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

See Attachment

In words substantially as follows: _____

PLANS REQUIRED

Yes No

PERMIT FEE WAIVED

Yes No

REFERENCE CASES:

COMMENTS

CERTIFICATION

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

Signature (Owner) Carl Spurrer Date 2-12-2020

Signature (Owner) _____ Date _____

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

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

Homeowner Authorization:

I Merrilyn Cook the owner of 148 Glenhill Dr.; Birmingham, AL 35213 hereby authorize Carl Spurrier of Spurrier Construction Group, Inc. to represent my interest in the attached Variance Request.

Merrilyn Cook _____ 2-11-2020

Merrilyn Cook

Date

205-531-8706

merrilyncook@gmail.com

Spurrier Construction Group, Inc.
ZBA2020-00013

Description of Work or Request:

We are requesting a variance on the rear setback line from the current R-1 rear setback of 35' to a D-2 rear setback of 30'. The right rear corner of the screened-in porch is over the 35' setback by approximately 2'; the left rear corner of the screened-in porch is clear of the 35' setback line by approximately 2' creating a small triangle section to be over the setback as drawn on the attached drawing. Also, our open deck (deck without roof system) as drawn on the attached drawing would be over the setback by approximately 5' on the right rear corner and 2' on the left rear corner. Allowing a 30' setback on the rear property line would bring both the screened-in porch and open deck within compliance of the D-2 zoning ordinance. Our biggest concern applying for this variance is the screened-in porch which is encroaching the setback line by 2'. We do have an option to reduce the open deck size if needed.

Variance Standards of Review**1.) Physical Characteristics of the Property:**

Due to the shape and topography of the lot we had to layout the house with the attached garage on the left side of the house. As the survey shows the right side property line of the lot is shorter than the left side property line which left us with less room on the 35' setback to fit the screened-in porch behind the setback without encroaching the 30' setback on the front of the house.

2.) Unique Characteristics:

Not Applicable

3.) Hardship Not Self-Imposed:

The hardship has not been created by the previous actions of any person having an interest in the property.

4.) Financial Gain Not Only Basis:

We do not deem the variance request as any kind of financial gain or loss.

5.) No Injury to Neighboring Property:

The granting of the variance will not be injurious to other property or improvements in the area. We took on improving the drainage easement on the rear property line that was overgrown by weeds and had no sense of direction except for flowing downhill. We regraded and shaped the easement at our expense from lot line to line, installed silt fabric on the ground to cut down on weed growth and hand laid rip-rap stone to control the water flow. After performing the work, we were able to make a better situation for water flow for all adjoining properties that had been neglected over the years. Also, if you observe the adjacent property on the right side of the house where we are requesting the variance there is an existing house that was built decades ago. The house has a rear carport and storage shed that is attached to the house and extends to the rear property line which would violate the current setback restriction, therefore we feel that we would not be presenting any injury to the adjoining property due to our request.

6.) No Harm to Public Welfare:

We do not deem the variance to be of any harm to the adjoining homeowners. The homes that back up to this property is heavily wooded and grown up thus blocking the view of all parties from viewing each other's homes.

PARCEL ID: 012300343018023000

SOURCE: TAX ASSESOR RECORDS **TAX YEAR:** 2018

DATE: Monday, February 24, 2020 1:25:46 PM

OWNER: CGC LLC

ADDRESS: 5 GLENVIEW CIR

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35213

SITE ADDR: 148 GLENHILL DR

CITY/STATE: BHAM, AL

ZIP: 35213



LAND: \$191,600.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 18,246.73

ACRES: 0.42

SUBDIVISION INFORMATION:

NAME GLENWOOD HILLS 23-34-3

BLOCK:

LOT: 10

:

Section: 34-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Crestline (301)

Communities: CRESTLINE (3)

Council Districts: District - 2 (Councilor: Hunter Williams)

Zoning Outline: R2

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Shades Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data and assumes no responsibility for any errors. Data from the Tax Assessor's Office may not be available for all parcels.



Legend

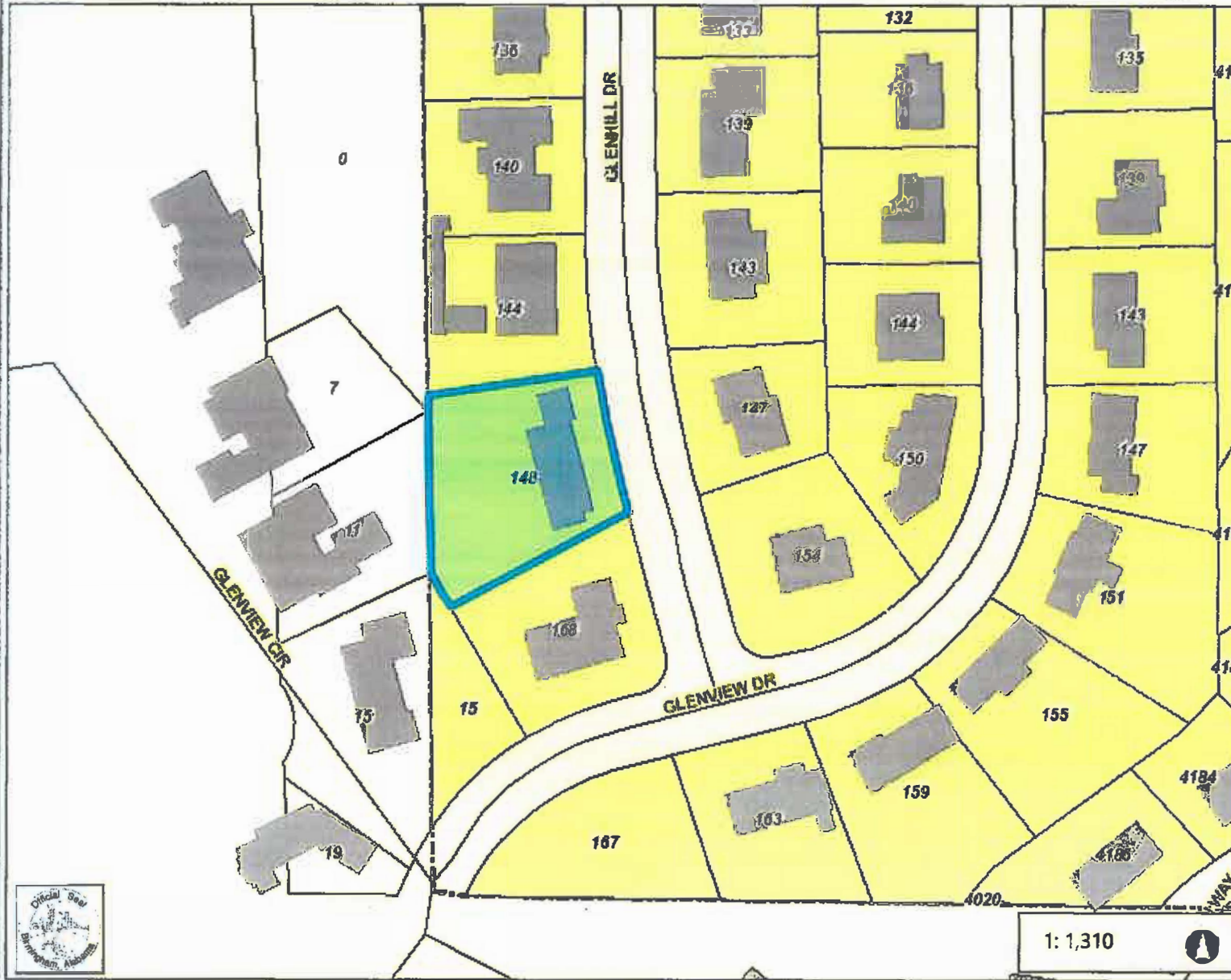
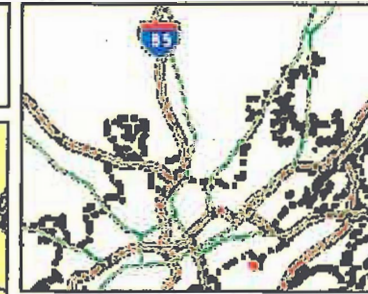
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - 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



1:1,310

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

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



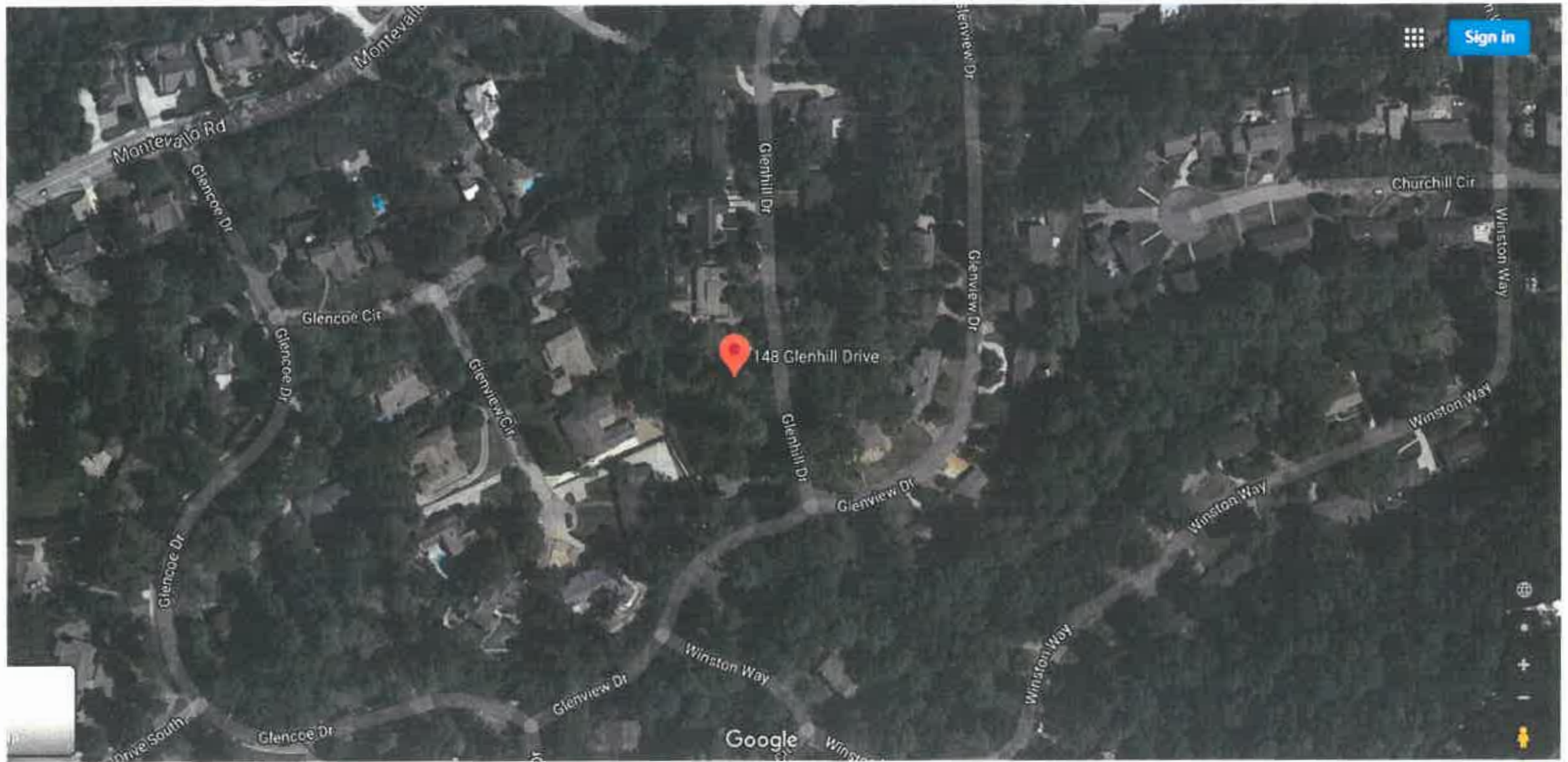
1: 1,310



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

ZBA2020-00013 ARIEL MAP





147 Glenhill Dr
ZBA2020-00013

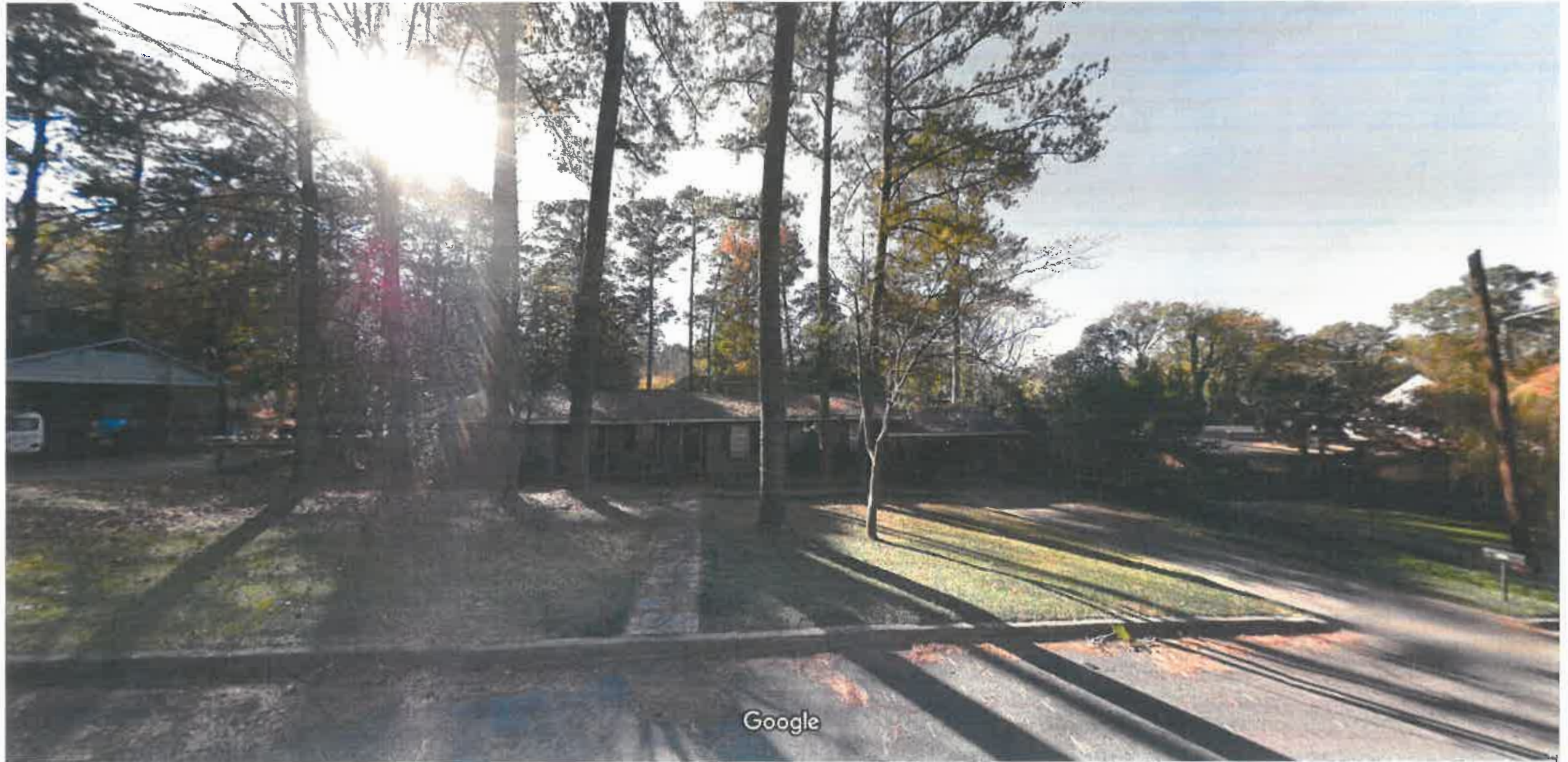
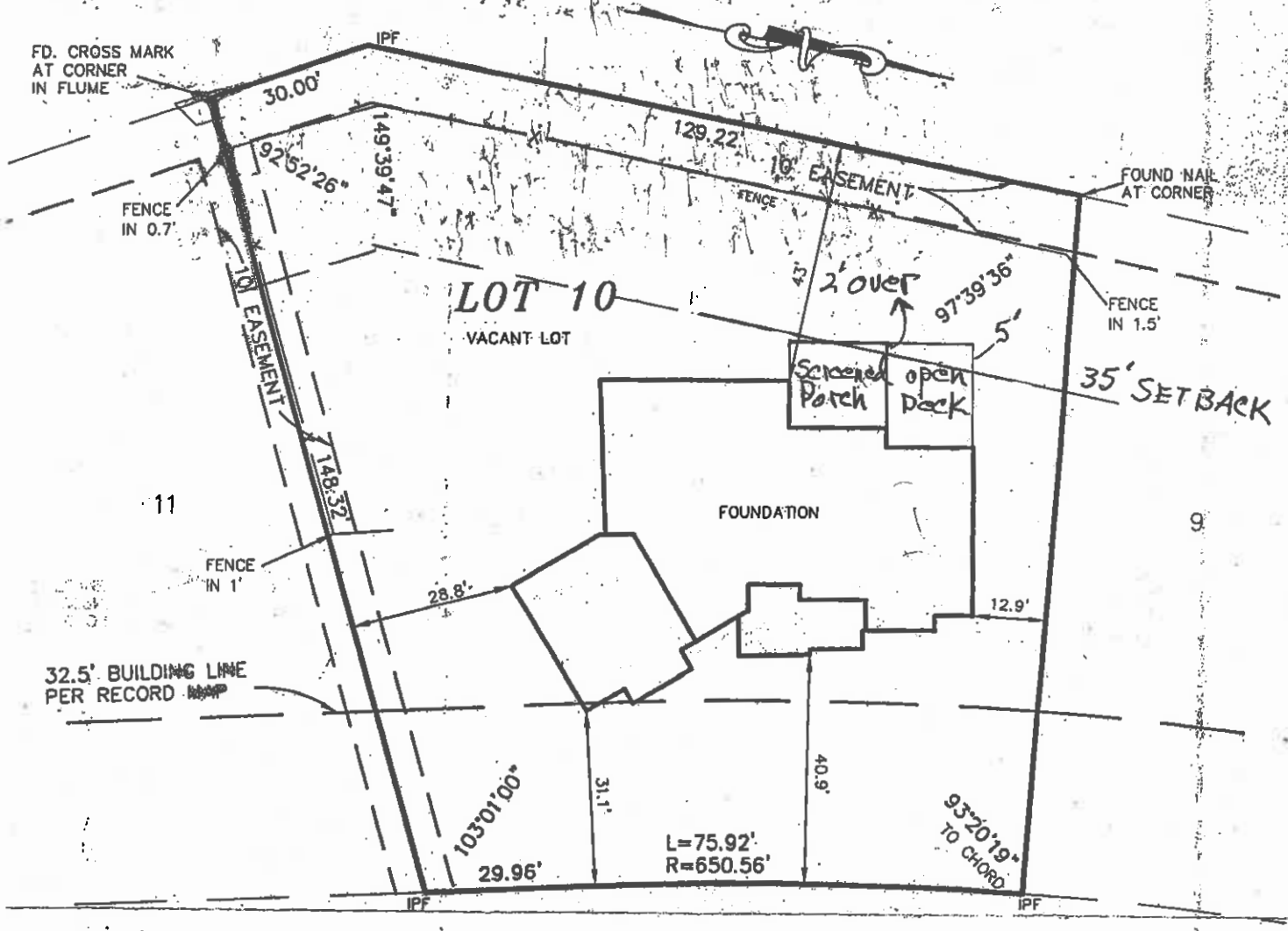


Image capture: Nov 2012 © 2020 Google

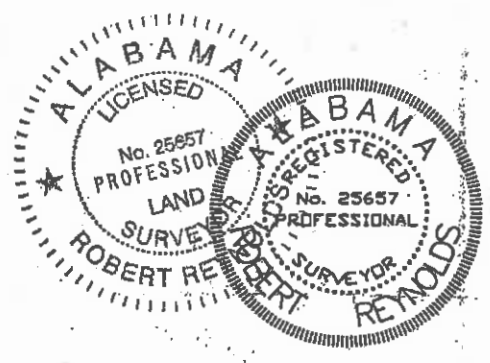
REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning



50' R.O.W. **GLENHILL DRIVE**
 (GLENWOOD DRIVE - PER PLAT)

SCALE: 1" = 30'

- LEGEND
- UTILITY POLE
 - CUY. WIRE
 - RETAINING WALL
 - CONCRETE
 - X- FENCE
 - OE- OVERHEAD ELECTRICAL
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET



STATE OF ALABAMA
 JEFFERSON COUNTY

"FOUNDATION SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 10, Block —, of GLENWOOD HILLS, as recorded in Map Book 41, Page 44 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 21st day of October, 2019.

VOTE: This survey is not transferable to any additional institutions or subsequent owners.

Robert Reynolds
 Reg. No. 25657 A771/74
 B122/20

Address: 148 Glenhill Drive

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Forest Park

Staff Planner Moton

ZBA2020-00015

Request: Variance to allow an expansion of legal non-conforming structure remain pursuant to Title 1, Chapter 9, Article VII, Section 3.A.3 page 370
Applicant: John M. Holmes
Owner: Katy Lalor
Site Address: 4211 Clairmont Ave
Zip Code: 35222
Description: Variance to extend the roof to include a walk-in closet.
Property Zoned: R-3 Single Family Residential District
Parcel Information: Parcel #: 012300321009018000, NE of Section 32, Township 17 S, Range 2 W

Variance:

The applicant is requesting a variance to allow an expansion of the roof to include a walk-in closet on a legal non-conforming structure.

Neighborhood Meeting:

The Forest Park Neighborhood met on March 5, 2020 and voted in favor of the applicant **52-0**.

Public Notices:

Public notices were mailed on May 27, 2020.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

1. Physical Characteristics of the Property: The original structure built at 4211 Clairmont Avenue included a sunroom which is only 2.40 feet from the side property line. The main goal of the renovation was to put a sloped roof over this existing Sunroom. Because the existing sunroom is a non-conforming structure relative to the current zoning law, we are requesting a zoning variance to construct a sloped roof over this existing condition.

2. Unique Characteristics: We have presented to both the Neighborhood Design Review Board and the City of Birmingham Design Review Board and we were approved based on adding the steeply sloped roof over this portion of the residence because it is in the same character as the existing. The intent of the design was such that the design of the roof feels as though it has always been there.

3. Hardship Not Self-Imposed: The difficulty or hardship is that the existing house footprint is already there and nonconforming in its current location. Add to this, the existing flat roof is already showing signs of fatigue and failure. Installing a sloped roof will be a permanent solution to a flat roof that will always be a maintenance problem. The original house was constructed in a time when there was little attention given to storage and closet areas. The proposed walk-in closet space above makes the master bedroom space workable and is almost necessary.

4. Financial Gain Not Only Basis: The owner has already invested significantly in the property and will invest more to improve the property to extent shown on the Drawings including a complete renovation of the dated kitchen and keeping area. The owner plans to live at this location for a long time and become immersed and connected to the neighborhood and community. The proposed improvements will add value to the house but more importantly will make the house more functional. The owner is investing in the house and the neighborhood

because she loves the character of the house and the neighborhood. The Owner does not look at the house as an investment, but more importantly a great place to live close to her work.

5.No Injury to Neighboring Property: The steeply sloped roof which is proposed is very small 11'-6" x 16'-4" and merely a continuation of the existing ridge line of the house. A very minimal amount of sun light will be reduced by this proposed roof. As a matter of fact, the additional small amount light that will be blocked will be unwanted afternoon summer sun due to the orientation of the existing structures. The neighbors are absolutely fine with the proposed renovation and roof addition. They are excited to have a new neighbor investing heavily in their neighborhood.

6.No Harm to Public Welfare: This renovation proposed poses no risk or harm to the City of Birmingham and/or its residents. The intent of the renovation is to improve and maintain the existing property which maintains the public welfare.

History:

The parcel is located at 4211 Clairmont Ave and it resides within the R-3 Single Family District and Forest Park Historic District. The property was built in 1924 prior to the current zoning ordinance side yard setbacks; therefore, it is considered a legal nonconforming structure. The proposed addition in the front elevation is for a walk-in closet.

Staff Analysis:

The subject property is legal non-conforming because it does not meet the setbacks requirements; however, the addition for the walk-in closet will not alter any setbacks on the property. The attached plan has already been to design review committee and been approved.

The applicant does meet requirements of the Variance review standards.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. All permits and certificate of completion should obtain within one year of approval from the Board.

ZBA 2020-0001

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT		Date _____ Case No. _____ Master No. _____ Project No. _____
P.I.D. No.: _____ Address Verified By: _____		
Modified Address: _____		
Please print or type legibly and fill in all that apply		
Site Address: <u>421 CLAIRMONT AVENUE</u>		Zip Code: <u>35222</u>
Location: _____		
Project Name: <u>LALOR RENOVATION</u>		
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
<input type="checkbox"/> Metes and Bounds Attached		
OWNER NAME: <u>KATY LALOR</u> ADDRESS: <u>421 CLAIRMONT AVE.</u> CITY/STATE/ZIP: <u>BIRMINGHAM, AL 35222</u> PHONE: <u>205-586-4464</u> CELLULAR: () FAX: () PAGER: () EMAIL: <u>klalor@gmail.com</u>	APPLICANT NAME: <u>JOHN M. HOLMES</u> COMPANY NAME: <u>WILLIAM M. HOLMES ARCHITECT</u> ADDRESS: <u>1220 RIVER ROAD</u> CITY/STATE/ZIP: <u>UNIVERSITY AL 35244</u> PHONE: <u>205-219-4455</u> CELLULAR: () FAX: () PAGER: () EMAIL: <u>john.holmes.architect@charter.net</u> <small>*Applicant is required to be authorized by owner to undertake work</small>	
TYPE OF REQUEST		
Under the following provisions of the Zoning Ordinance of the City of Birmingham, Alabama, the Zoning Board of Adjustment is hereby requested to:		
<input type="checkbox"/> Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3)		
<input type="checkbox"/> Modification -- Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)		
<input checked="" type="checkbox"/> Variance -- Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2)		
<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Adult Establishments	<input type="checkbox"/> Child/Adult Care
<input type="checkbox"/> Flood Hazard	<input type="checkbox"/> Height	<input type="checkbox"/> Manufactured Housing
<input type="checkbox"/> Public	<input type="checkbox"/> Signs	<input checked="" type="checkbox"/> Yards <u>(SIDE)</u>
<input type="checkbox"/> Communal Living Facility	<input type="checkbox"/> Non-Confirming Uses	<input type="checkbox"/> Parking
<input type="checkbox"/> Other <u>Expansion</u>		
<input type="checkbox"/> Special Exception -- Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1)		
<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Adult Establishments	<input type="checkbox"/> Child/Adult Care
<input type="checkbox"/> Flood Hazard	<input type="checkbox"/> Height	<input type="checkbox"/> Manufactured Housing
<input type="checkbox"/> Communal Living Facility	<input type="checkbox"/> Non-Confirming Uses	<input type="checkbox"/> Parking
Description of Work or Request: _____		
If you have a hardship/practical difficulty, please explain: _____		
SECTION II TEXT CHANGE FOR STAFF USE		
Amendment to: Title: _____ Article: _____ Title: _____		
<input type="checkbox"/> See Attachment		
<input type="checkbox"/> In words substantially as follows: _____		
PLANS REQUIRED		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
PERMIT FEE WAIVED		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
REFERENCE CASES: _____		
COMMENTS		
CERTIFICATION		
I fully understand that, upon the filing of this application and the payment of the filing fee to defray the expenses of investigation and processing this application, there shall be no refunds made to me and that the payment of said filing fee shall in no way entitle me to the change, amendment, supplement, modification or repeal as herein applied for. If an amendment to text of Zoning Ordinance is proposed, please complete applicant data. I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, either intentionally or unintentionally, is false or is a misrepresentation of the material facts, the permit or process granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.		
Signature (Owner): <u>John M. Holmes</u>	Date: <u>03-05-20</u>	
Signature (Owner): _____	Date: _____	
Hearing Date: _____	Hearing Time: _____	Location: Room 300, City Hall
Filing Fees:	Single Family Residential Zone District	\$100.00
	Multi-Family Residential and Commercial Zone District	\$500.00
	Appeals	\$300.00

Moton, Angelica

From: Katy Lalor <klalor@gmail.com>
Sent: Thursday, March 5, 2020 9:55 AM
To: Moton, Angelica
Cc: John M Holmes; Joshua Willens
Subject: Zoning board proxy

Good morning,

I am writing to say that I give John Holmes (architect) to act on my behalf for the Zoning Board of Adjustment application.

Sincerely,

Kathryn B Lalor

JOHN M. HOLMES
ARCHITECT



VARIANCE STANDARDS OF REVIEW

Lalor Renovation
4211 Clairmont Avenue

1. Physical Characteristics of the Property:

The original structure built at 4211 Clairmont Avenue included a Sunroom which is only 2.40 feet from the side property line. The main goal of the renovation was to put a sloped roof over this existing Sunroom. Because the existing Sunroom is a non-conforming structure relative to the current zoning law, we are requesting a zoning variance to construct a sloped roof over this existing condition.

2. Unique Characteristics:

We have presented to both the Neighborhood Design Review Board and the City of Birmingham Design Review Board and we were approved based on adding the steeply sloped roof over this portion of the residence because it is in the same character as the existing. The intent of the design was such that the design of the roof feels as though it has always been there.

3. Hardship Not Self-Imposed:

The difficulty or hardship is that the existing house footprint is already there and non-conforming in its current location. Add to this, the existing flat roof is already showing signs of fatigue and failure. Installing a sloped roof will be a permanent solution to a flat roof that will always be a maintenance problem. The original house was constructed in a time when there was little attention given to storage and closet areas. The proposed walk-in closet space above makes the master bedroom space workable and is almost necessary.

4. Financial Gain Not Only Basis:

The Owner has already invested significantly in the property and will invest more to improve the property to extent shown on the Drawings including a complete renovation of the dated kitchen and keeping area. The Owner plans to live at this location for a long time and become immersed and connected to the neighborhood and community. The proposed improvements will add value to the house but more importantly will make the house more functional. The Owner is investing in the house and the neighborhood because she loves the character of the house and the neighborhood. The Owner does not look at the house as an investment, but more importantly a great place to live close to her work.

5. No Injury to Neighboring Property:

The steeply sloped roof which is proposed is very small 11'-6" x 16'-4" and merely a continuation of the existing ridge line of the house. A very minimal amount of sun light will be reduced by this proposed roof. As a matter of fact, the additional small amount light that will be blocked will be unwanted afternoon summer sun due to the orientation of the existing structures. The neighbors are absolutely fine with the proposed

1220 RIVER ROAD, BIRMINGHAM, AL 35244 TEL: 205.249.4455
Email: johnholmesarchitect@charter.net

JOHN M. HOLMES
ARCHITECT

renovation and roof addition. They are excited to have a new neighbor is investing heavily in their neighborhood.

6. No Harm to Public Welfare:

The Renovation proposed poses no risk or harm to the City of Birmingham and/or its residents. The intent of the renovation is to improve and maintain the existing property which maintains the public welfare.

Respectfully submitted,

John M. Holmes Architect

1220 RIVER ROAD, BIRMINGHAM, AL 35244 TEL: 205.249.4455
Email: johnholmesarchitect@charter.net

PARCEL ID: 012300321009018000

SOURCE: TAX ASSESSOR RECORDS **TAX YEAR:** 2019

DATE: Wednesday, March 11, 2020 8:58:53 AM

OWNER: GOLDSMITH LINDA FLAHERTY

ADDRESS: 4211 CLAIRMONT AVE S

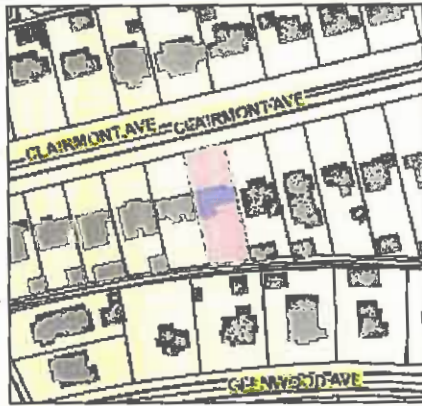
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35222--3723

SITE ADDR: 4211 CLAIRMONT AVE

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$295,000.00 **BLDG:** \$169,100.00 **OTHER:** \$0.00

AREA: 10,395.00 **ACRES:** 0.24

SUBDIVISION INFORMATION:

NAME BHAM RTY CO 2ND 23-32-1 **BLOCK:** 16 **LOT:** D

Section: 32-17-2W

Land Slide Zones: In Land Slide Zones

Historic Districts: Forest Park

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Forest Prk (1401)

Communities: Red Mountain (14)

Council Districts: District - 3 (Councilor: Valerie A. Abbott)

Zoning Outline: R3

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

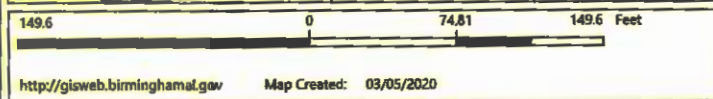
Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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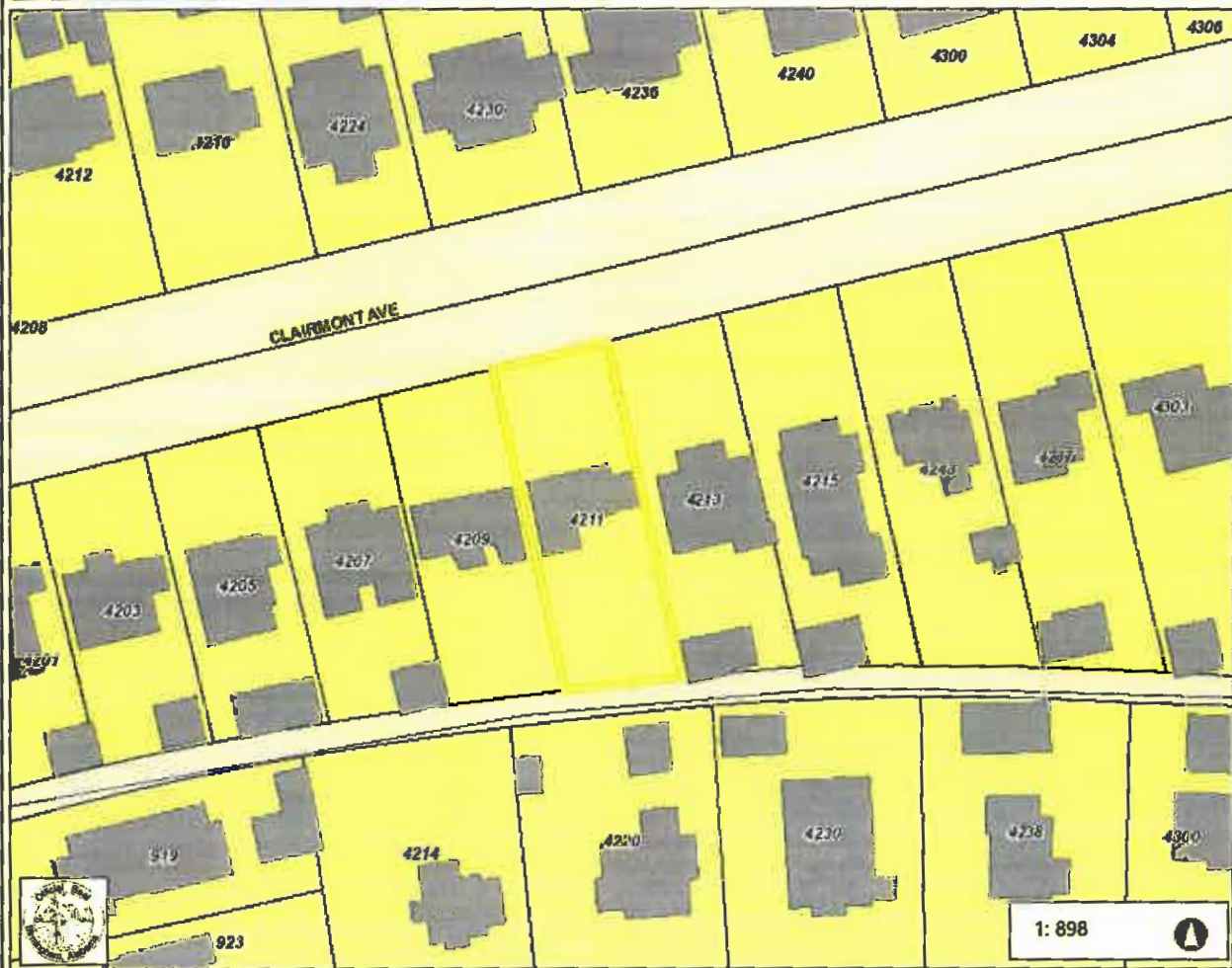
- Legend**
- Centerline Labels
 - Railroad
 - Alleys
 - Local Roads
 - Arterials
 - County Highways
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 - Interstates
 - Limited Access
 - Ramp
 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Zoning Shaded**
 - R1; D1 - Single Family District - C1a
 - R2; D2 - Single Family District - C1a
 - R3; D3 - Single Family District; R3
 - R4; D4 - Two Family District; R4
 - R4A - Multiple Dwelling District
 - R5; D5 - Multiple Family District; D2
 - R6; D6 - Multiple Family District
 - R7 - Multiple Family District



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Notes

1: 898



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



1: 898



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Notes

3/11/2020

4211 Clairmont Ave - Google Maps

Google Maps

4211 Clairmont Ave

ZBA2020-00015 ARIEL MAP



Map data ©2020, Map data ©2020 20 ft

3/11/2020

4213 Clairmont Ave - Google Maps

Google Maps

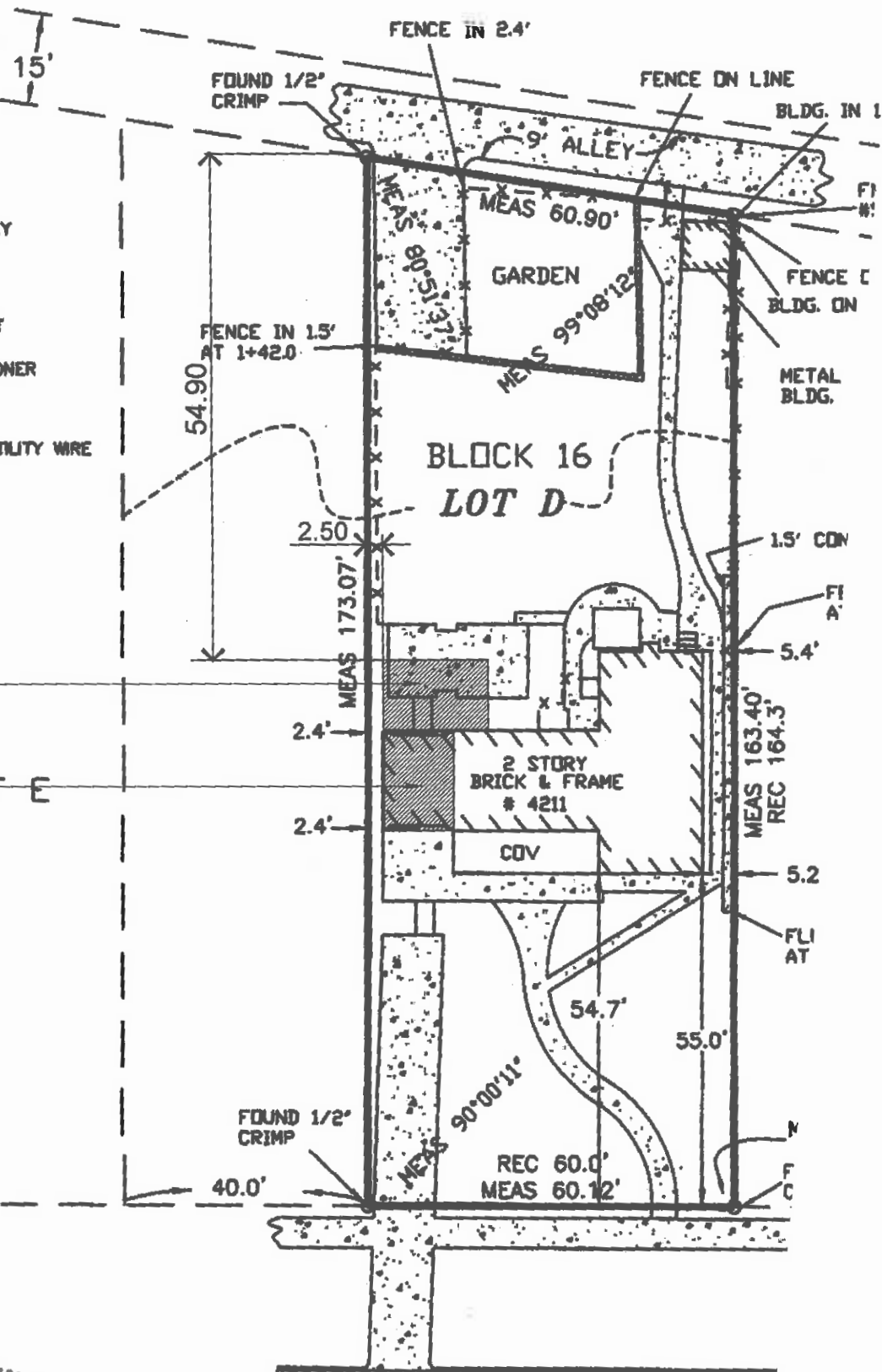
4213 Clairmont Ave

ZBA2020-00015 STREET VIEW



Image capture: Jun 2015 © 2020 Google

- ASPHALT
- BUILDING
- CALCULATED
- MEASURED
- CHORD
- LONG CHORD
- DEFLECTION
- DELTA
- EASEMENT
- HEADWALL
- MINIMUM
- MANHOLE
- OVERHANG
- PORCH
- RADIUS
- RIGHT OF WAY
- SANITARY
- STORM
- UTILITY
- ACRES
- SQUARE FEET
- CENTERLINE
- AIR CONDITIONER
- POLE
- ANCHOR
- FENCE
- OVERHEAD UTILITY WIRE
- PAVEMENT
- WITH
- TANGENT
- RESIDENCE
- LIGHT
- COVERED
- DECK
- CONCRETE
- WALL
- COLUMN

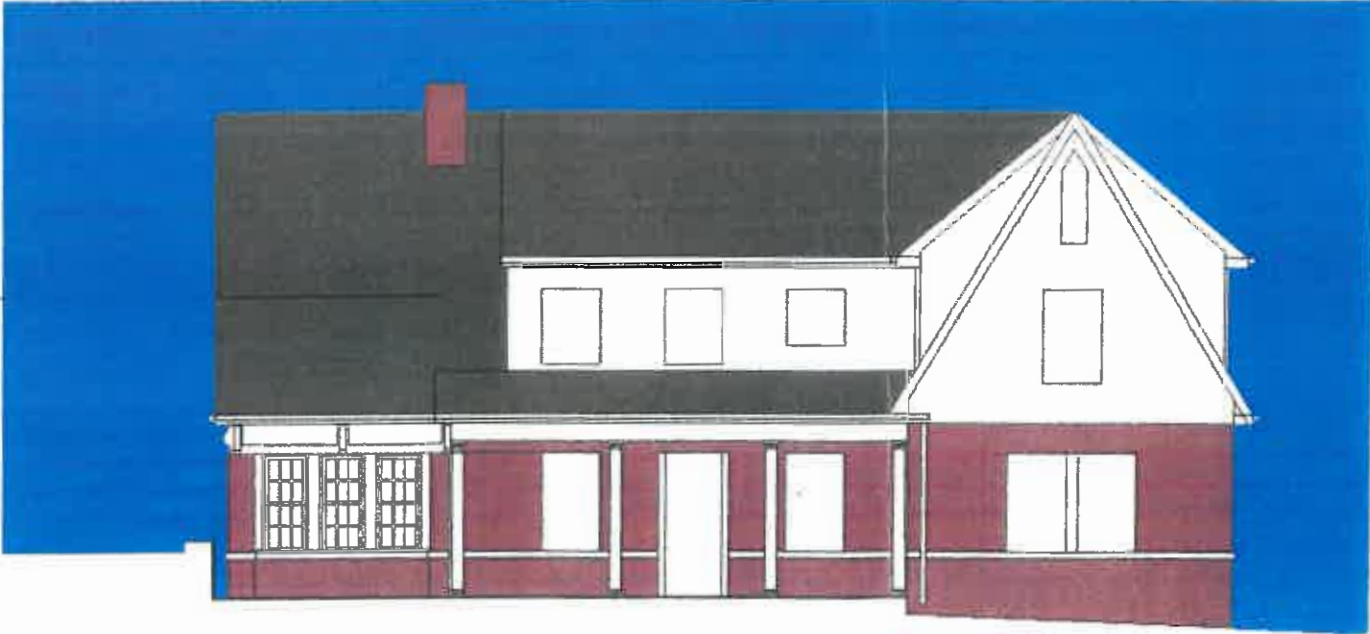


CLAIRMONT AVENUE S
ASPHALT



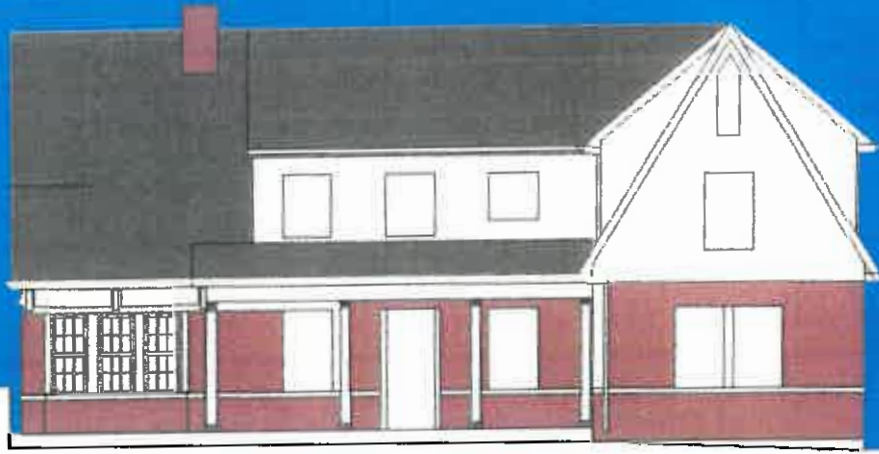


EXISTING FRONT ELEVATION

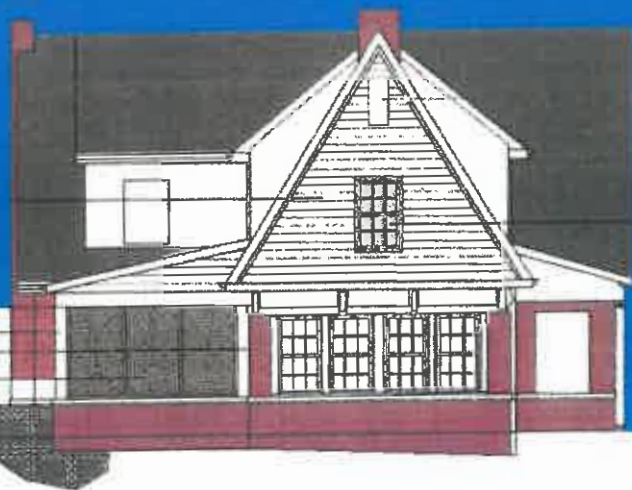


EXTEND ROOF
SAME PLANE
MATCH COMPOSITION
SHINGLES

PROPOSED FRONT ELEVATION



1 FRONT (NORTH) ELEVATION
A3.1
0 2 4 6



3 SIDE (EAST) ELEVATION
A3.1
0 2 4 6



4 REAR (SOUTH) ELEVATION
A3.1
0 2 4 6



LALOR RENOVATION
4211 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
ARCHITECT

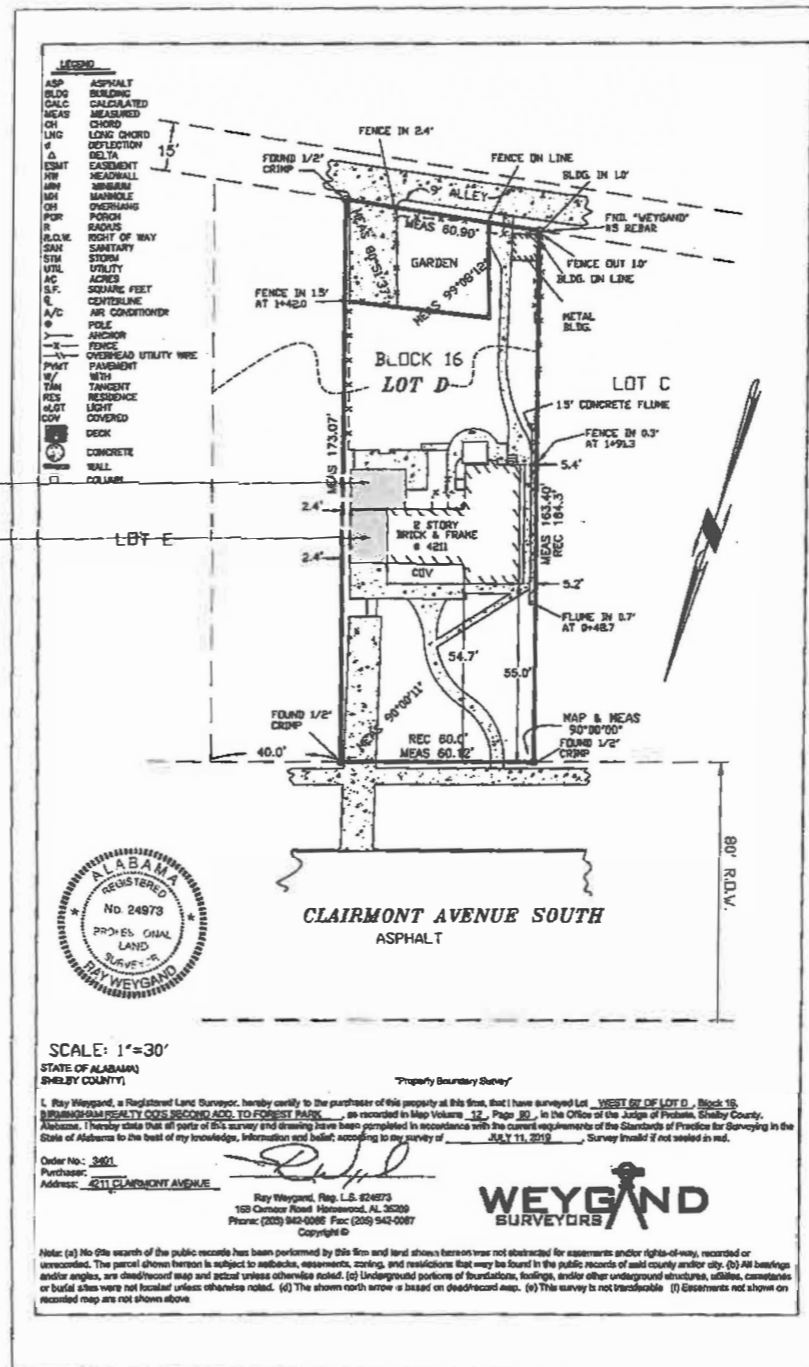
1220 1/2 PIPER ROAD
BIRMINGHAM, AL 35224
205.269.4459
jholmes@laloarch.com

REVISED 12-09-19

JMH JMH JMH

PROJECT NO.
1911

DATE TO
A1.1 01
07



AREA OF PROPOSED
NEW SCREENED PORCH
AREA OF PROPOSED
NEW SLOPED ROOF



SCALE: 1"=30'

STATE OF ALABAMA
SHELBY COUNTY

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot WEST 60' OF LOT D, Block 16, BIRMINGHAM REALTY CO'S SECOND ADD. TO FOREST PARK, as recorded in Map Volume 32, Page 80, in the Office of the Judge of Probate, Shelby County, Alabama. I 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, according to my survey of JULY 11, 2019. Survey invalid if not sealed as recd.

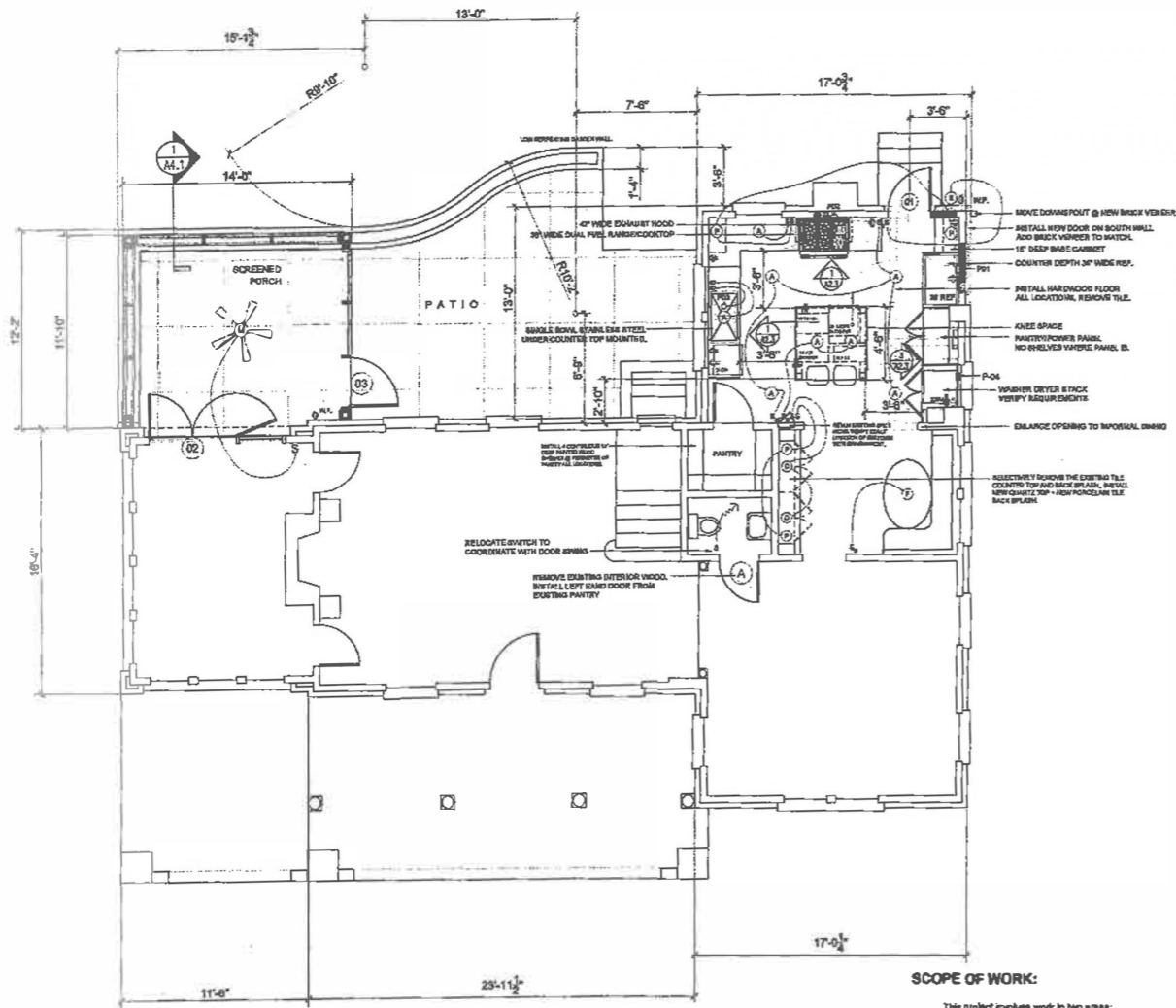
Order No.: 3401
Purchaser:
Address: 4211 CLAIRMONT AVENUE

Ray Weygand, Reg. L.S. 24973
150 Currier Road, Wetumpka, AL 36089
Phone: (205) 942-0085 Fax: (205) 942-0087
Copyright ©



Note: (a) No 9th search of the public records has been performed by this firm and level shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are doublechecked map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cements, or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deadhead map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

DO NOT SCALE PLANS
NOT FOR CONSTRUCTION



1 MAIN LEVEL PLAN

A2.1

PLUMBING NOTES:

Plumbing Contractor shall provide natural gas to dual fuel range as shown on the plans. All NEW plumbing vents through roof shall be cut to minimum height above roof, with top of vent saw-cut the same direction and slope as the roof and painted to match the roof color.

PLUMBING FIXTURE SCHEDULE:

- MAIN LEVEL**
 P-01 Ice maker supply box to Refrigerator.
 P-02 Pot Filler. Verify exact placement.
 P-03 Single bowl undermount composite stainless steel kitchen sink + trim.
 P-04 Dishwasher supply box.
UPPER LEVEL
 P-05 Lavatory + trim (master bathroom)

SCOPE OF WORK:

- This project involves work in two areas:
- Adding a gabled roof structure on top of a flat-roofed sunroom on the east side of the house, creating a closed space within the added roof structure.
 - Adding a screened porch onto the back of the existing sunroom.
 - Complete renovation of the kitchen on the west side of the house.

NOTE: The foundations in the kitchen area appear to be defective but cannot presently be assessed for integrity; at least some amount of floor demo needs to be performed by contractor early on so that all parties can layout the foundations and determine what repairs are necessary. If contractor is able and willing to subcontract the foundation repairs, owner anticipates negotiating a change order with contractor, otherwise, owner will contract foundation repairs separately. The Owner anticipates some period of delay after access to the foundations is obtained before progress on the kitchen renovations can proceed, although plumbing and electrical rough-in's should be possible earlier than footing, cabinets and partitions. The Contractor shall provide an access to the crawl space under the kitchen area which is currently inaccessible.

ADDITIONAL NOTES + REQUIREMENTS:

- Selectively demolish the existing kitchen. Install new cabinets, appliances, plumbing fixtures, new lighting fixtures, power outlets and interior finishes as described in the Drawings.
- Install new roof framing over existing Sun Room and construct new screened porch and patio as shown on the drawings.
- Install new floor joists over existing Sun Room and provide interior finishes to new walk-in closet adjacent existing Master Bedroom.
- Install new interior finishes as shown on the drawings and extend the HVAC supply to window location on exterior wall.
- Repair and install new face brick on the southeast corner of the kitchen. See exterior elevations.
- Move existing power panel as shown on the Drawings.

SYMBOL LEGEND

- DENOTES SECTION CUT
- DRAWING NUMBER
- SHEET NUMBER
- DENOTES INTERIOR ELEVATION
- DENOTES EXTERIOR DOOR. SEE SCHEDULE
- DENOTES INTERIOR DOOR. SEE SCHEDULE
- DENOTES WINDOW. SEE SCHEDULE
- DENOTES NEW STUD WALL
- DENOTES NEW FACE BRICK
- DENOTES EXISTING WALL
- DENOTES WALL TO BE DEMOLISHED

SYMBOL SCHEDULE

- DUPLEX OUTLET
- DUPLEX WEATHERPROOF
- 220 VOLT OUTLET
- LIGHT FIXTURE
- SWITCH
- THREE-FOUR WAY SWITCH
- DIMMER REQUIRED
- TELEPHONE LAND LINE
- DATA
- CABLE TELEVISION
- FLOOR OUTLET
- DOOR BELL
- MOTOR
- PUSH BUTTON

LIGHTING FIXTURE SCHEDULE

- RECESSED 6" DIAMETER-INTERIOR
- RECESSED 4" DIAMETER-INTERIOR
- INTERIOR WALL BRACKET
- PERIMETER ROPE LIGHT @ WALL CABINET
- EXTERIOR WALL BRACKET
- PENDANT MOUNTED (RELOCATED)
- EXTERIOR RECESSED
- SURFACE MOUNTED (LOW PROFILE LED)
- RECESSED DUCTED EXHAUST FAN
- RECESSED DUCTED EXHAUST FAN+ LIGHT COMBINATION
- CEILING FAN (EXTERIOR RATED WHERE REQUIRED)
- RECESSED WATERPROOF
- UPDOWN CYLINDER LIGHT. (VERIFY WITH ARCHT.)
- EXTERIOR PENDANT
- SURFACE MOUNTED UNDER CABINET (LOW VOLTAGE)
- RECESSED (SLOPED HOUSING)
- SURFACE MOUNTED DOWNLIGHT (MOUNT ON POST)
- UNDERGROUND "UPLIGHT"
- EXTERIOR SPOT LIGHT-DUPLEX
- SURFACE WALKWAY DOWNLIGHT

NOTE: CONTRACTOR SHALL SUPPLY SMOKE DETECTORS AS REQUIRED ALL LOCATIONS. VERIFY PLACEMENT WITH ARCHT.OWNER.

SCOPE OF WORK:

- Selectively demolish the existing kitchen. Install new cabinets, appliances, plumbing fixtures, new lighting fixtures, power outlets and interior finishes as described in the Drawings.
- Install new roof framing over existing Sun Room and construct new screened porch and patio as shown on the drawings.
- Install new floor joists over existing Sun Room and provide interior finishes to new walk-in closet adjacent existing Master Bedroom.
- Repair and install new face brick on the southeast corner of the kitchen. See exterior elevations.
- Move existing power panel as shown on the Drawings.



LALOR RENOVATION
 421.1 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
 ARCHITECT

1220 RIVER ROAD
 BIRMINGHAM, AL 35214
 205.299.4495
 jholmes@holmesarchitect.com

REVISED 12-09-19

DATE: 02/07
 TIME: 12:00 PM

1911

A2.1

DO NOT SCALE PLANS
 NOT FOR CONSTRUCTION



LALOR RENOVATION
 421.1 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
 ARCHITECT

1220 15th Bldg
 Birmingham, AL 35204
 205.259.4455
 johnholmesarchitect@earthlink.net

REVISED 12-09-19

DESIGN	CHECK	PROJECT
JMH	JGH	JMH

1911

DATE	NO.
A2.2	03
	07

SYMBOL LEGEND

- DENOTES SECTION CUT
DRAWING NUMBER
SHEET NUMBER
- DRAWING NUMBER
SHEET NUMBER
- DENOTES INTERIOR ELEVATION
- DENOTES EXTERIOR DOOR. SEE SCHEDULE
- DENOTES INTERIOR DOOR. SEE SCHEDULE
- DENOTES WINDOW. SEE SCHEDULE
- DENOTES NEW STUD WALL
- DENOTES NEW FACE BRICK
- DENOTES EXISTING WALL
- DENOTES WALL TO BE DEMOLISHED

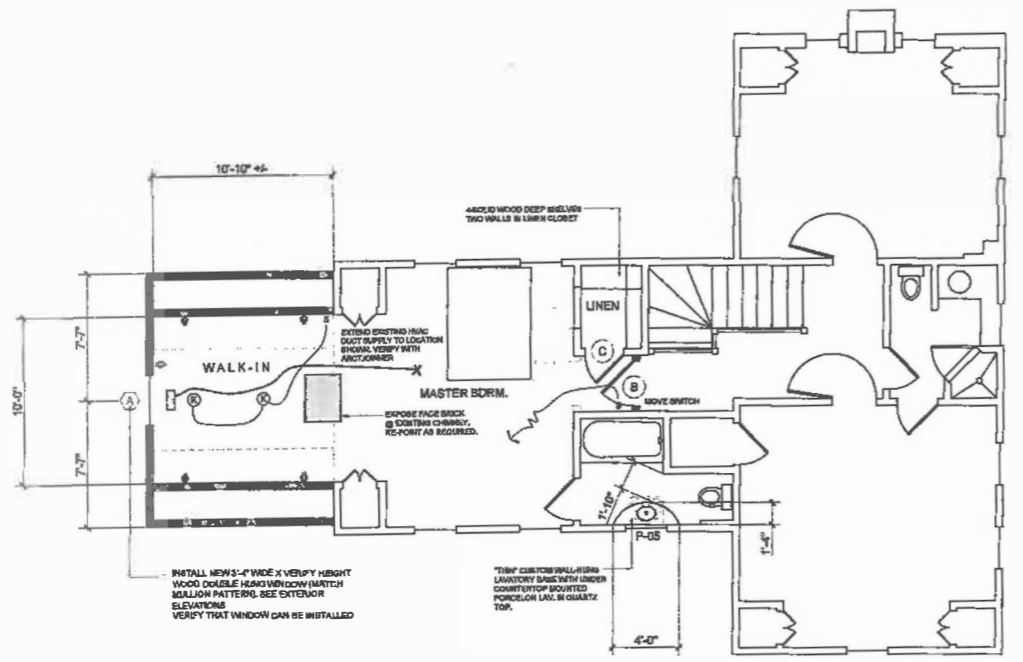
SYMBOL SCHEDULE

- DUPLEX OUTLET
- DUPLEX WEATHERPROOF
- 220 VOLT OUTLET
- LIGHT FIXTURE
- SWITCH
- THREE/4 WAY SWITCH
- DIMMER REQUIRED
- TELEPHONE LAND LINE
- DATA
- CABLE TELEVISION
- FLOOR OUTLET
- DOOR BELL
- MOTOR
- PUSH BUTTON

LIGHTING FIXTURE SCHEDULE

- RECESSED 6" DIAMETER-INTERIOR
- RECESSED 4" DIAMETER-INTERIOR
- INTERIOR WALL BRACKET
- PERIMETER ROPE LIGHT @ WALL CABINET
- EXTERIOR WALL BRACKET
- PENDANT MOUNTED (RELOCATED)
- EXTERIOR RECESSED
- SURFACE MOUNTED (LOW PROFILE LED)
- RECESSED DUCTED EXHAUST FAN
- RECESSED DUCTED EXHAUST FAN+ LIGHT COMBINATION
- CEILING FAN (EXTERIOR RATED WHERE REQUIRED)
- RECESSED WATERPROOF
- UP/DOWN CYLINDER LIGHT. (VERIFY WITH ARCHT.)
- EXTERIOR PENDANT
- SURFACE MOUNTED UNDER CABINET (LOW VOLTAGE)
- RECESSED (SLOPED HOUSING)
- SURFACE MOUNTED DOWNLIGHT (MOUNT ON POST)
- UNDERGROUND "UPLIGHT"
- EXTERIOR SPOT LIGHT-DUPLEX
- SURFACE WALKWAY DOWNLIGHT

NOTE: CONTRACTOR SHALL SUPPLY SMOKE DETECTORS AS REQUIRED ALL LOCATIONS. VERIFY PLACEMENT WITH ARCHT.OWNER.



DO NOT SCALE PLANS
 NOT FOR CONSTRUCTION



LALOR RENOVATION
 4211 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
ARCHITECT

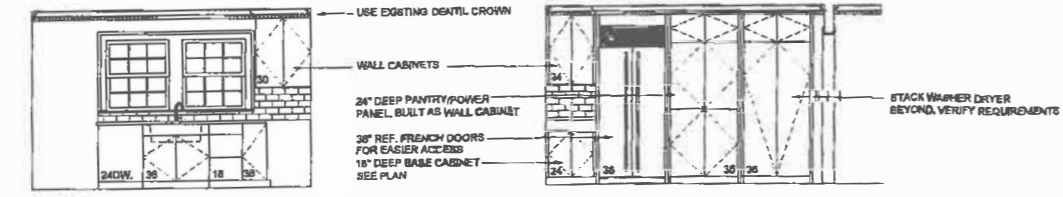
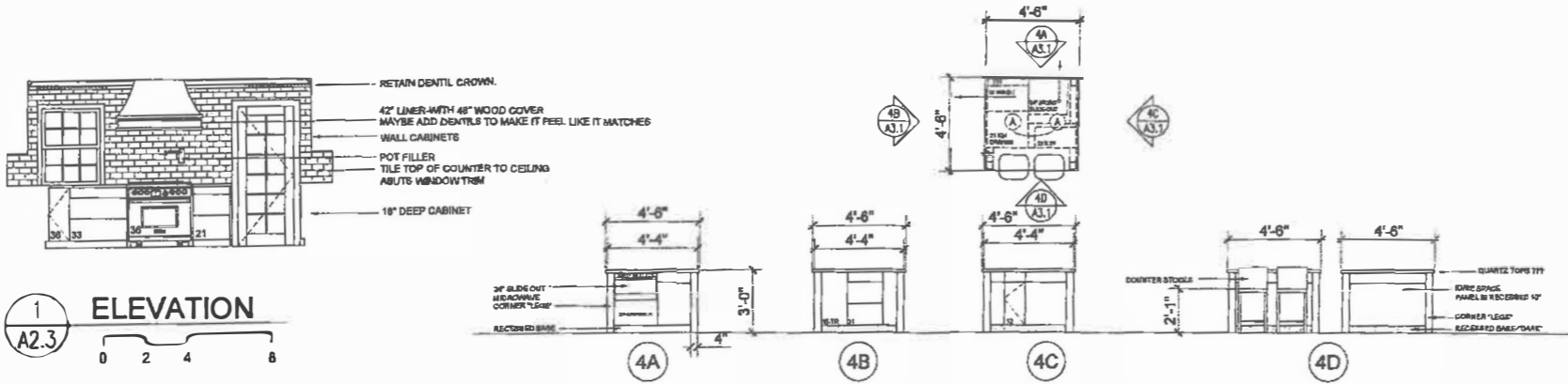
1220 19th St N
Birmingham, AL 35214
205.259.4459
jholmesarchitect@bnet.net

REVISED 12-09-19

DESIGN	DRAWN	CHECKED	DATE
JMR	JMR	JMR	12/09

PROJECT NO.
1911

DATE
04
NO.
07



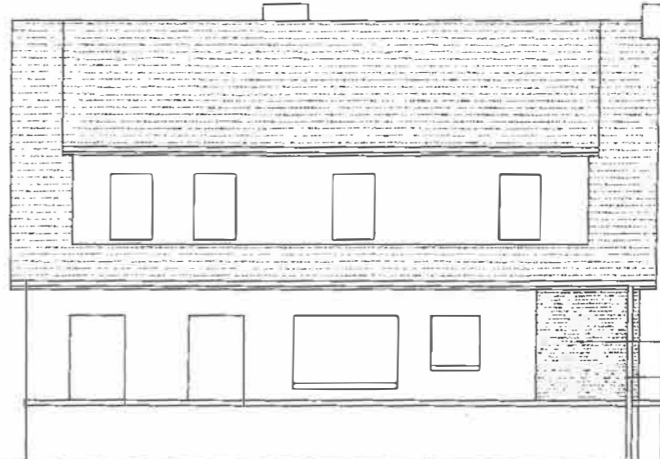
6 INTERIOR DOOR
A2.3

- A** RELOCATED AND SALVAGED 2'-8" WIDE X VERIFY HEIGHT SOLID WOOD PANEL DOOR FROM EXISTING PANTRY. RE-TOOL AND REPAIR AS REQUIRED. NEW HARDWARE REQUIRED.
- B** RELOCATED AND SALVAGED 2'-8" WIDE X VERIFY HEIGHT SOLID WOOD PANEL DOOR RELOCATED AS SHOWN ON THE DRAWINGS. RE-TOOL AND REPAIR AS REQUIRED. NEW HARDWARE REQUIRED.
- C** RELOCATED AND SALVAGED 2'-4" WIDE X VERIFY HEIGHT SOLID WOOD PANEL DOOR RELOCATE EXISTING DOOR IN CLOSET AS SHOWN ON THE DRAWINGS. RE-TOOL AND REPAIR AS REQUIRED. NEW HARDWARE REQUIRED.

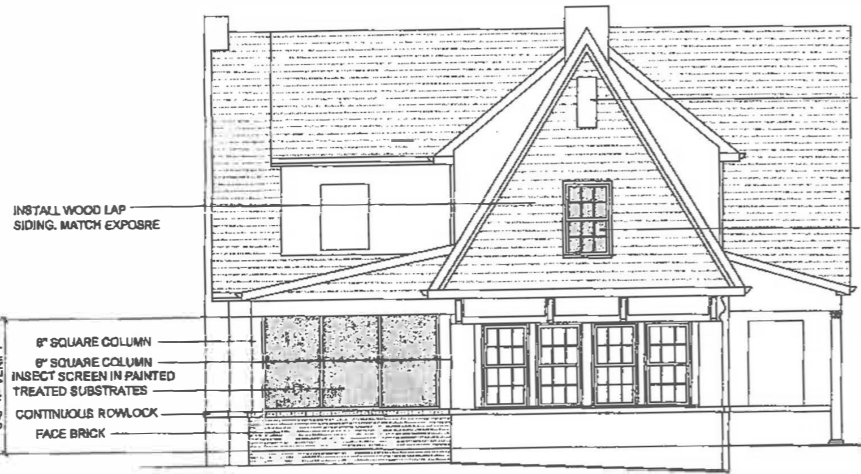
DO NOT SCALE PLANS
NOT FOR CONSTRUCTION



1 FRONT (NORTH) ELEVATION
A3.1
0 2 4 8



2 SIDE (WEST) ELEVATION
A3.1
0 2 4 8



3 SIDE (EAST) ELEVATION
A3.1
0 2 4 8



4 REAR (SOUTH) ELEVATION
A3.1
0 2 4 8

LALOR RENOVATION
4211 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
ARCHITECT

1220 RIVER ROAD
BIRMINGHAM, AL 35244
205.239.4459
jholmesarchitect@charter.net

REVISED 12-09-19

DATE	DESIGN	APPROVED
JMH	JMH	JMH

PROJECT NO. 1911

DATE 05
BY 07

DO NOT SCALE PLANS
NOT FOR CONSTRUCTION

A3.1



LALOR RENOVATION
4211 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 35222

JOHN M. HOLMES
ARCHITECT



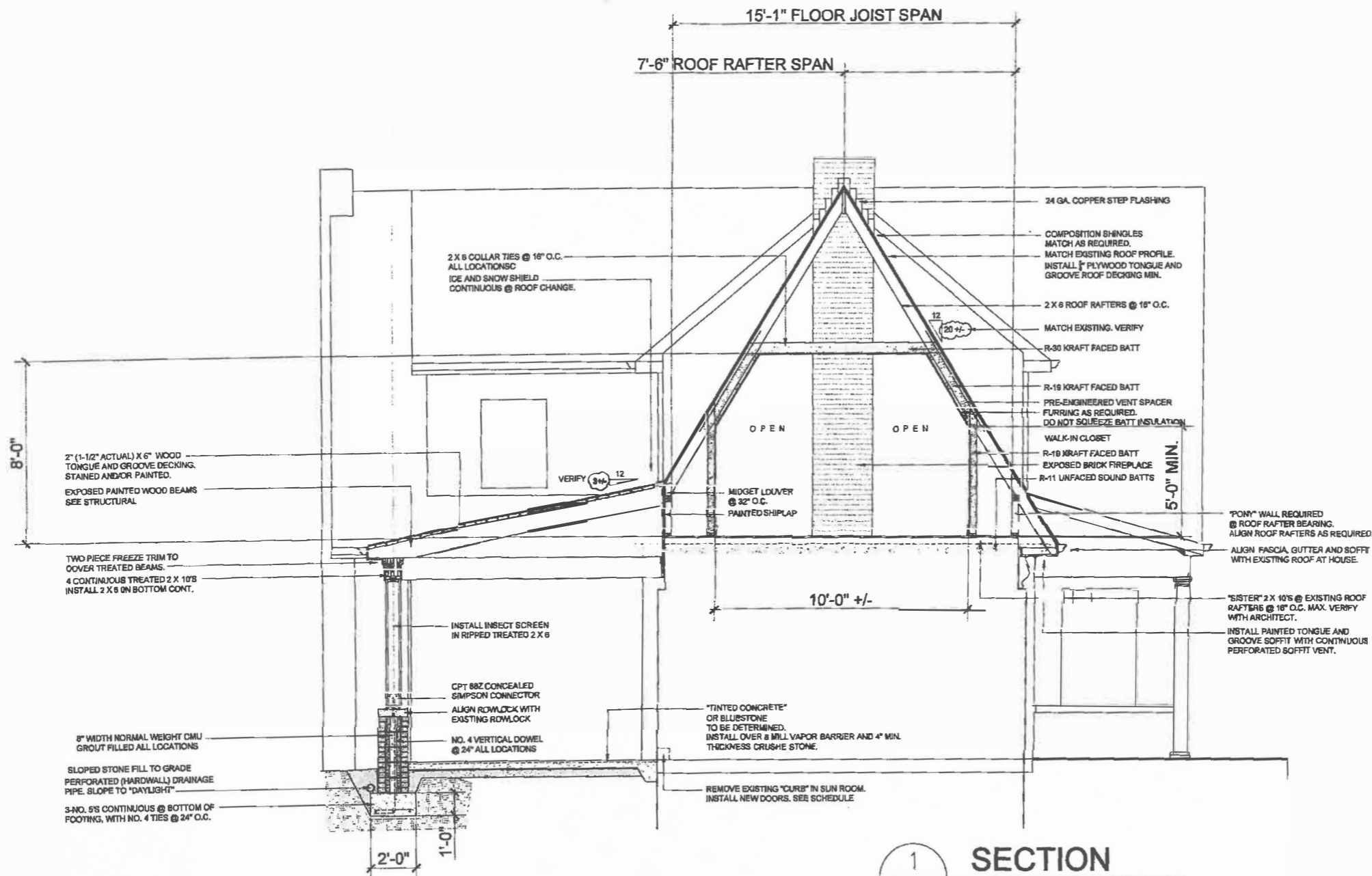
1220 RIVER RD
BIRMINGHAM, AL 35244
205.259.4455
jholmesarchitect@bellsouth.net

DATE
REVISED 12-09-19

DESIGNER
JMH

PROJECT NO.
1911

DATE
06
A4.1
07

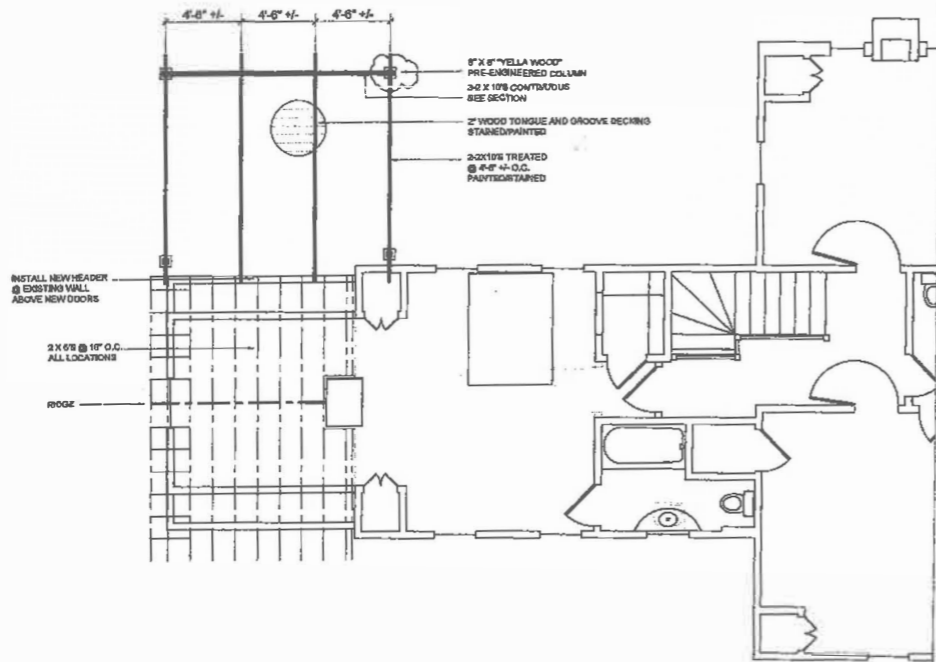


1
A4.1

SECTION

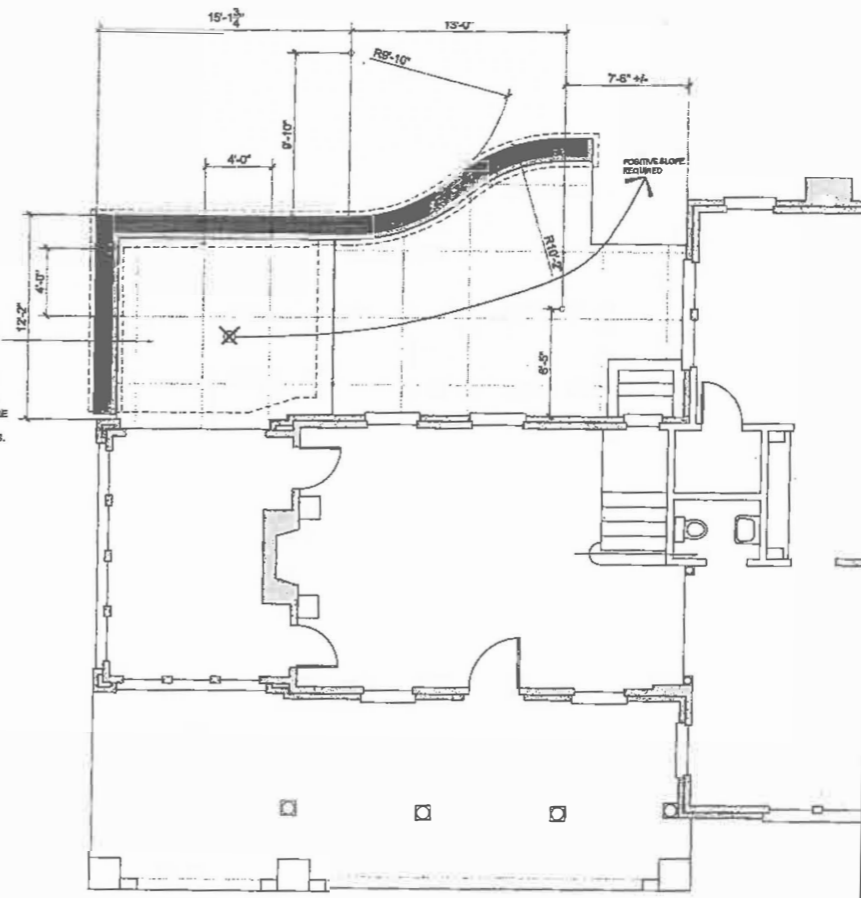
0 2 4 8

DO NOT SCALE PLANS
NOT FOR CONSTRUCTION



11 ROOF FRAMING PLAN
0 2 4 8

*TINTED CONCRETE: SCORED AS SHOWN; 3000 PSI, 4" MIN. THICKNESS
 INSTALL OVER 10 MIL VAPOR BARRIER AND 4" MIN. THICKNESS CRUSHED STONE.
 REINFORCE WITH 6 X 8 X 1/2 WIRE MESH. INSTALL 3-NO. 4'S @ PERIMETER THICKENED EDGES.



2 FOUNDATION PLAN
0 2 4 8



LALOR RENOVATION
 4211 CLAIRMONT AVENUE, BIRMINGHAM, ALABAMA, 3 5222

JOHN M. HOLMES ARCHITECT

1220 BIRCHWOOD
 BIRMINGHAM, AL 35244
 205.259.4155
 john@jmharchitect.com

REVISIONS
 DATE: REVISED 12-09-19

DESIGN	DRAWN	APPROVED
JMH	JMH	JMH

PROJECT NO: 1911

SHEET NO: 07
 TOTAL SHEETS: 07

DO NOT SCALE PLANS
NOT FOR CONSTRUCTION

S1.1

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Forest Park Staff Planner Moton ZBA2020-00018

Request: Variance to allow parking in the front yard area Title 1, Chapter 5 Section 7.A.6 page 245
Applicant: Eric & Lacy Kamber
Owner: Eric & Lacy Kamber
Site Address: 4230 6th Ave S
Zip Code: 35222
Description: Variance to allow parking in the front yard area.
Property Zoned: R-3 Single Family Residential District
Parcel Information: Parcel #: 012300294015010000, SE of Section 29, Township 17 S, Range 2 W

Variance:

The applicant is requesting a variance to allow an expansion of a 12ft wide driveway that will consist of parking in the front yard.

Neighborhood Meeting:

The Forest Park Neighborhood met on May 29, 2020 and voted to **support** the request.

Public Notices:

Public notices have not been mailed out.

Applicant’s Justification:

The applicant provided documentation of the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

1. Physical Characteristics of the Property: The parcel boundary for 4230 6th Ave S, Birmingham, AL 35222 maintains an angled, parallelogram shape, resulting in the property boundary running alongside the house within 7 feet (setbacks are 7 feet). Within this feet, there is a gas meter as well as an HVAC system. The presence of these two features combined with the limited space of 7 feet would prevent a driveway from being constructed that meets the City of Birmingham driveway standards (Case B- 18’ past the house x 10’ wide minimum.)

2. Unique Characteristics: In addition to the restrictions mentioned above, the house was constructed in the late 1920s-early 1930s and exists in a historic district. At the time of construction, a single driveway was built between the property and the neighbor’s property straddling the property line(s). This was the only place to put a driveway, as there are large trees elsewhere on the property.

3. Hardship Not Self-Imposed: The hardship that exists is that the original driveway was shared between 4230 6th Ave S and 4232 6th Ave S; however, the recent owner 4232 6th Ave s, has removed the half of the driveway that’s is on his property. This leaves a partial, piece-meal driveway on our property.

4. Financial Gain Not Only Basis: There is no financial gain in this situation, as we are incurring the cost of reconstructing a driveway, which we did not expect to have to do when we originally purchased this home.

5. No Injury to Neighboring Property: The reconstruction of the driveway will be solely on our property, and not impair surrounding properties in anyway shape or form. Additionally, there is already an existing curb-cut within the proposed area.

6.No Harm to Public Welfare: As there is already an existing curb-cut and side walk within public property connected to the existing space, the proposed driveway reconstruction will not change or impact those structures.

History:

The parcel is located at 4230 6th Ave S and it resides within the R-3 Single Family District and is located in the Avondale Park Historic District. The applicant is purposing to expand the driveway 12ft wide which while encroach in the front yard.

Staff Analysis:

The subject property has an existing side yard setback of 7.1ft on the side that the proposed driveway will be encroaching into the front yard. The attached plan has already been to design review committee and been approved on March 25, 2020.

The applicant does meet requirements of the Variance review standards.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. All permits and certificate of completion should obtain within one year of approval from the Board.

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Date _____
Case No. _____
Master No. _____
Project No. _____

P.I.D. No.: _____ Address Verified By: _____

Modified Address: _____

Please print or type legibly and fill in all that apply

Site Address: 4230 6th Ave S. Birmingham, AL Zip Code: 35222

Location: _____

Project Name: KAMBER DRIVEWAY

Lot(s): 3 Block(s): 18 Survey _____

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

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

Metes and Bounds Attached

OWNER

NAME: ERIC & LACY KAMBER

ADDRESS: 4230 6th Ave S.

CITY/STATE/ZIP: Birmingham, AL 35222

PHONE: (205) 516-2288 CELLULAR: () same

FAX: () PAGER: ()

EMAIL: _____

APPLICANT*

NAME: _____

COMPANY NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: () CELLULAR: ()

FAX: () PAGER: ()

EMAIL: _____

*Applicant is required to be authorized by owner to undertake work

TYPE OF REQUEST

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

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

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

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

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

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

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

Description of Work or Request: expansion of driveway to 12 ft wide; will use concrete to match existing material.

If you have a hardship/practical difficulty, please explain: The driveway was previously shared between our property and 4232 6th Ave S., however, the new owner of 4232 removed his half of the driveway, leaving only 1/2 a driveway on our property. There is not space to match city standards.

FOR STAFF USE

SECTION II TEXT CHANGE

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

See Attachment

In words substantially as follows: schedule for DRC: March 25, 2020

PLANS REQUIRED

Yes No

PERMIT FEE WAIVED

Yes No

REFERENCE CASES:

COMMENTS

CERTIFICATION

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

Signature (Owner) Lacy Kamber Date 03/13/20

Signature (Owner) _____ Date _____

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

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

**LOCAL HISTORIC ADVISORY COMMITTEE
STANDARD OF REVIEW FINDINGS OF FACT**

1. The proposed change, erection, or demolition:

- Conforms to the design standards established.
 Does not conform to the design standards established.

2. The proposed change, erection, or demolition:

- Is compatible with the character of the historic property and the historic district and does not detract from their historic value.
 Is not compatible with the character of the historic property and the historic district and detracts from their historic value.

3. The proposed erection, alteration, restoration, relocation or demolition, in whole or in part:

- Will not detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.
 Will detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.

4. The proposed erection, alteration, restoration, relocation or demolition, in whole or in part:

- Will be compatible with the exterior features of other improvements within the District.
 Will not be compatible with the exterior features of other improvements within the District.

LHAC Chairperson or Other Officer's Signature:

Original Signature of LHAC Chairperson or Other Officer
(Preferably the chairperson or other officer who presided at the meeting where the case was presented)

Jeff McGee
Typed Name of LHAC Chairperson or Other Officer

April 1, 2020
Date

LOCAL HISTORIC ADVISORY COMMITTEE RECOMMENDATION
Design Review

Date: April 1, 2020

To: City of Birmingham
Dept. of Planning, Engineering & Permits
Design Review Committee
Attn: Karla M. Calvert
Room 500 City Hall
Birmingham, AL 35203

From: Avondale Park Local Historic Advisory Committee

Members Present at the Meeting to Consider the Matter:
Jeff McGee, Eric Tasker, John Forney and Susan Barron

On April 1, 2020, the Local Historic Advisory Committee (LHAC) for the Avondale Park Local Historic District heard the DRC case for the property located at 4230 6th Av. S., and the Committee took the following action:

Approve (# of votes) 4; Approve with Conditions (# of votes) _____; Deny (# of votes) _____

The recommendation of the Local Historic Advisory Committee was to Approve / Approve with Conditions / Deny (please select one) the design review request for the following reasons:

Applicants amended plan is recommended as presented. See attached photo with notes.

The recommendation of the Local Historic Advisory Committee was based on the following sections (cite the applicable section numbers) of the local historic district's design guidelines:
Applicant's Plan is in keeping with the architectural integrity of the neighborhood

The Local Historic Advisory Committee also voted to request that the following conditions be placed upon this request (in the case of an "approval with conditions"):

Note: The Local Historic Advisory Committee understands that the DRC, by a vote of two-thirds (2/3) majority of the DRC members present at the meeting which considers the subject case, can reverse, wholly or partially, or modify the recommendation submitted by the LHAC.

LHAC Chairperson or Other Officer's Signature:

Original Signature of LHAC Chairperson or Other Officer
(Preferably the chairperson or other officer who presided at the meeting where the case was presented)

Jeff McGee
Typed Name of LHAC Chairperson or Other Officer

April 1, 2020
Date

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



Zoning Board of Adjustment (ZBA) Neighborhood Notification Form

NOTICE to the Forest Park Neighborhood Association Date: May 19, 2020

Case: ZBA2020-00018

ZBA meeting date: June 11, 2020

Site: 4230 6th Ave S

Applicant: Eric & Lacy Kamber
205-516-2288

Request: Variance to allow parking in the front yard area. Title 1, Chapter 5 Section 7.A.6 page 245. When you receive this notice, please have a neighborhood officer contact Angelica Moton, Room 210 City Hall, (205) 279-8917, (205) 254-2111 FAX, angelica.moton@birninghamal.gov

The neighborhood has the following 3 options (please select one):

The neighborhood Advisory Committee OR Neighborhood Association has met and determined this request will not impact the neighborhood beyond the adjacent property owners and, therefore has no position.

The neighborhood Advisory Committee SUPPORTS REQUEST -or- OPPOSES REQUEST
Because: _____

The Neighborhood Association requests a ONE ZBA MEETING continuation to allow the neighborhood to discuss this ZBA request at the regularly scheduled neighborhood meeting or a special called meeting before _____. (Please list the meeting date, time, and place of meeting)

NA Meeting Location: _____ Address: _____

Date: _____

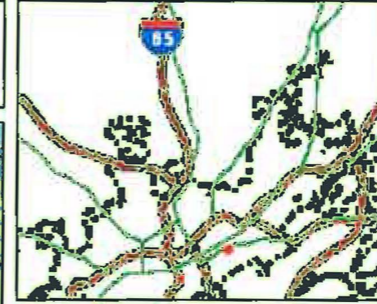
NA Contact Person: _____ Telephone: _____

Neighborhood Officer Signature Jeff McGee Date: May 29, 2020
President

Variance Standards for Review

Lacy Kamber
4230 6th Ave. S
Birmingham, AL 35222
205-516-2288

1. The parcel boundary for 4230 6th Ave. S, Birmingham, AL 35222 maintains an angled, parallelogram shape, resulting in the property boundary running alongside the house within 7 feet (setbacks are 7 feet). Within this 7 feet, there is a gas meter as well as an HVAC system. The presence of these two features combined with the limited space of 7 feet would prevent a driveway from being constructed that meets the City of Birmingham driveway standards (Case B - 18' past the house x 10' wide minimum).
 2. In addition to the restrictions mentioned above, the house was constructed in the late 1920s-early 1930s and exists in a historic district. At the time of construction, a single driveway was built between the property and the neighbor's property straddling the property line(s). This was the only place to put a driveway, as there are large trees elsewhere on the property.
 3. The hardship that exists is that the original driveway was shared between 4230 6th Ave. S. and 4232 6th Ave. S., however, the recent owner of 4232 6th Ave. S., has removed the half of the driveway that is on his property. This leaves a partial, piece-meal driveway on our property.
 4. There is no financial gain in this situation, as we are incurring the cost of reconstructing a driveway, which we did not expect to have to do when we originally purchased this home.
 5. The reconstruction of the driveway will be solely on our property, and not impair surrounding properties in anyway shape or form. Additionally, there is already an existing curb-cut within the proposed area.
 6. As there is already an existing curb-cut and sidewalk within public property connected to the existing space, the proposed driveway reconstruction will not change or impact those structures.
-



Legend

- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - ↔ Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Historic Districts
- Commercial Revitalization Dist
 - 12th Avenue North
 - 19th Street North
 - 21st Street North
 - 2nd Avenue North
 - 41st Street
 - 4th Avenue North
 - 8th Avenue North

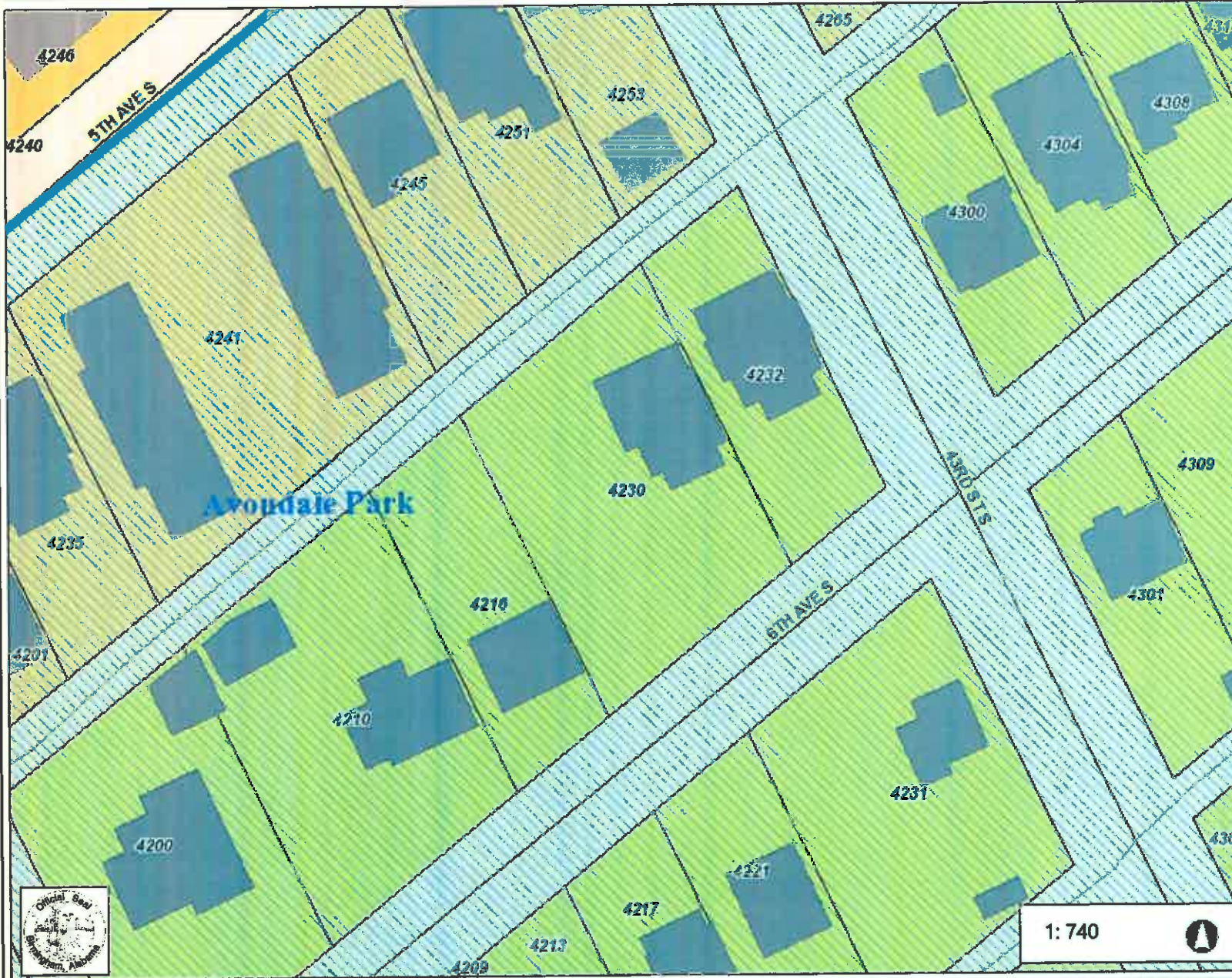
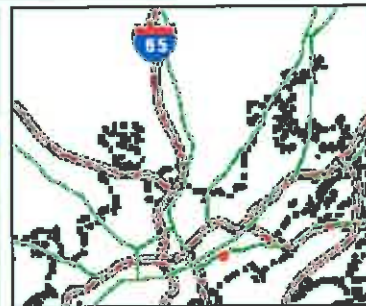


1: 740



The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



- Legend**
- Centerline Labels
 - + Railroad
 - Alleys
 - Local Roads
 - Arterials
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 - Hydrology Areas
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 - 12th Avenue North
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 - 8th Avenue North



1: 740



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Notes



2

3

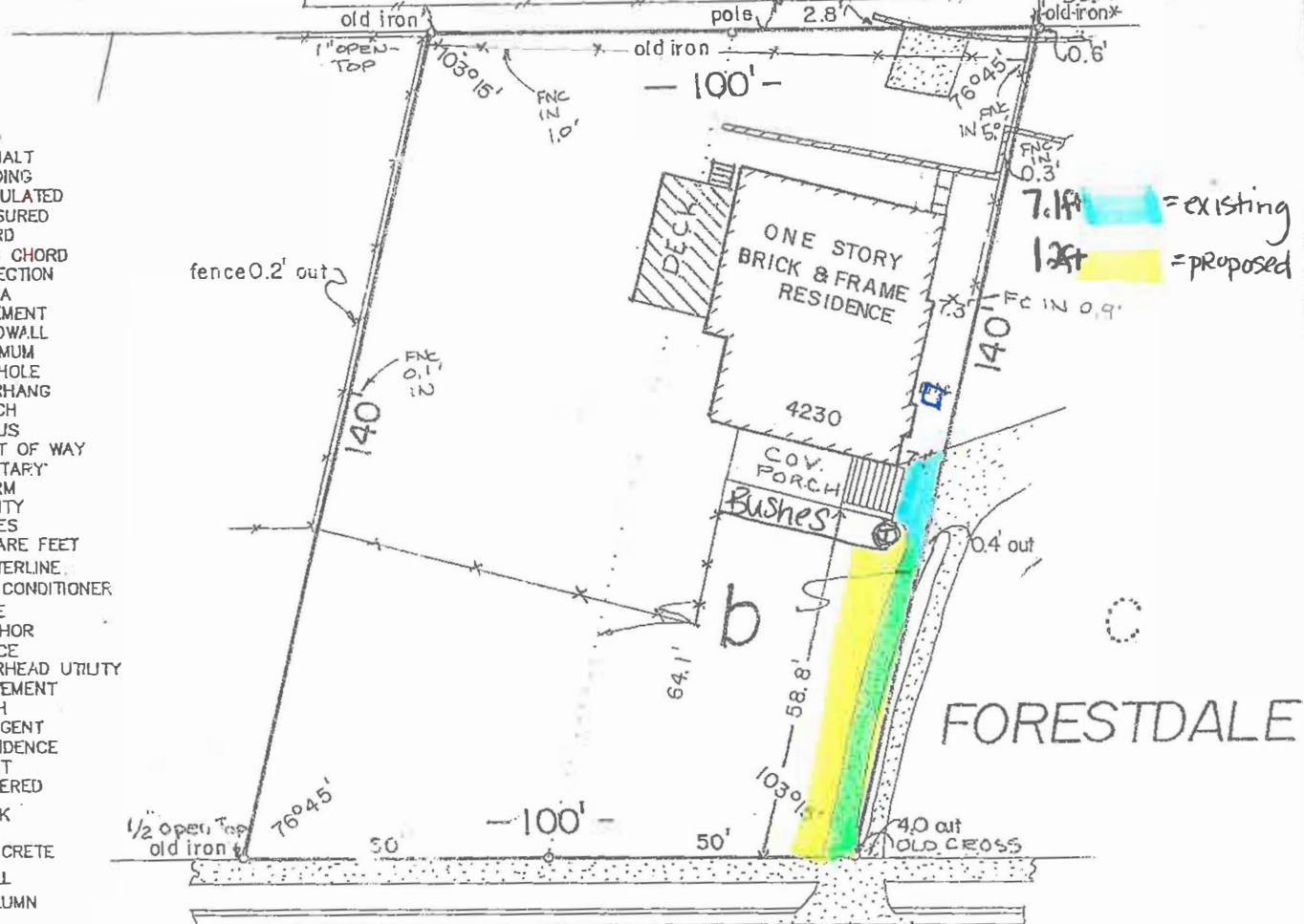
4

SCALE: 1"=30'

AVONDALE BLOCK 18

PAVED ALLEY

- LEGEND**
- ASP ASPHALT
 - BLDG BUILDING
 - CALC CALCULATED
 - MEAS MEASURED
 - CH CHORD
 - LNG LONG CHORD
 - d DEFLECTION
 - Δ DELTA
 - ESMT EASEMENT
 - HW HEADWALL
 - MIN MINIMUM
 - MH MANHOLE
 - OH OVERHANG
 - POR PORCH
 - R RADIUS
 - R.O.W. RIGHT OF WAY
 - SAN SANITARY
 - STM STORM
 - UTIL UTILITY
 - AC ACRES
 - S.F. SQUARE FEET
 - CL CENTERLINE
 - A/C AIR CONDITIONER
 - POLE
 - Y ANCHOR
 - X FENCE
 - X OVERHEAD UTILITY
 - PVMT PAVEMENT
 - W/ WITH
 - TAN TANGENT
 - RES RESIDENCE
 - oLGT LIGHT
 - COV COVERED
 - DECK DECK
 - CONCRETE CONCRETE
 - WALL WALL
 - C COLUMN



6th AVENUE SOUTH

40' R.O.W.

* EAST 1/2 S. 140' LOT 3, BLOCK 18, AVONDALE, MBI, PG 221 & LOT 5 BLOCK 18, FORESTDALE, MBI 15 P.4

STATE OF ALABAMA
JEFFERSON COUNTY:

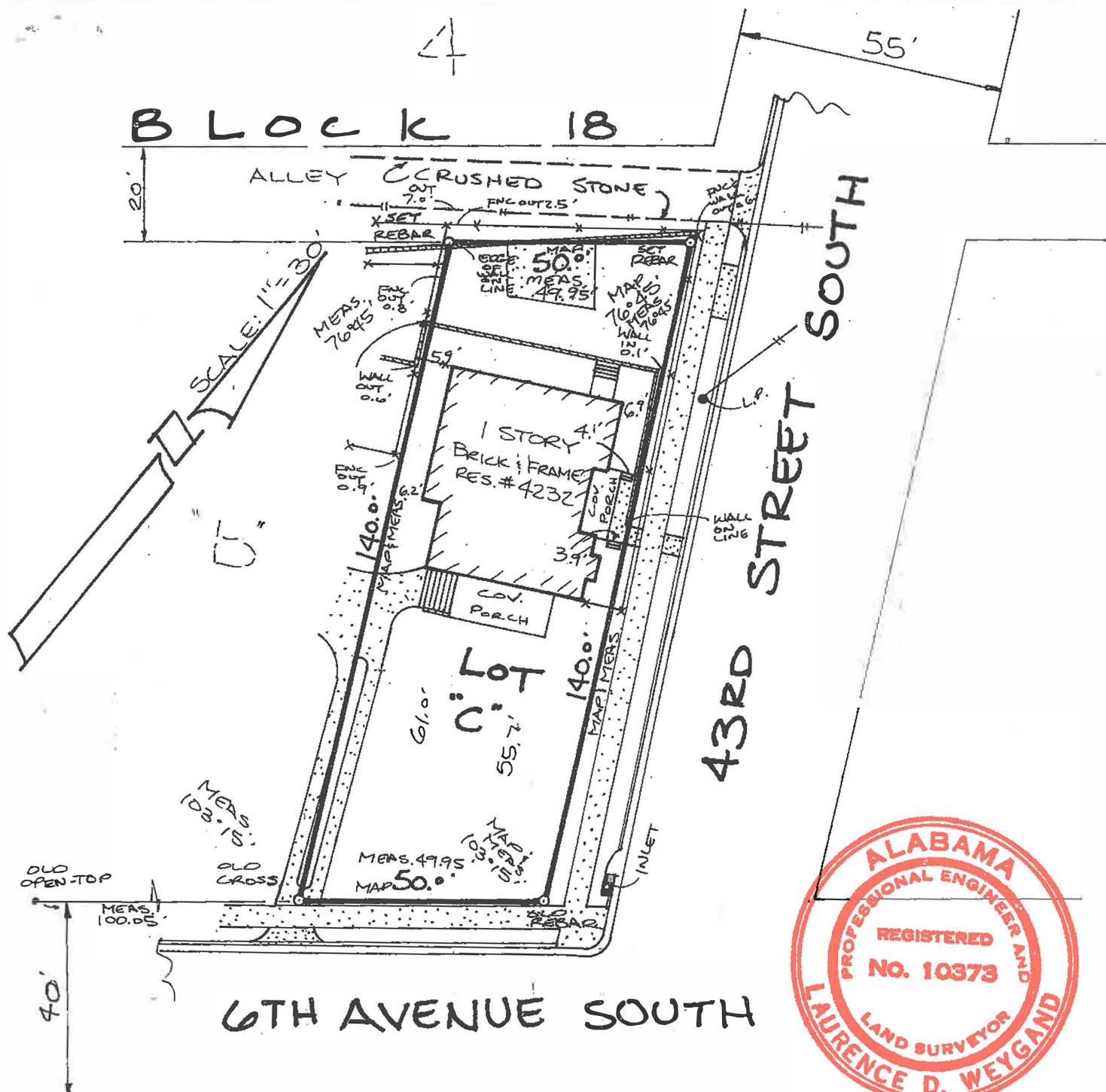
"CLOSING SURVEY"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot X, as recorded in Map Volume ____, Page ____, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I 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; according to my survey of OCT 27, 2016. Survey invalid if not sealed in red.

Order No.: 86599
 Purchaser: KAMBER
 Address: 6TH AVE SO.

Ray Weygand, Reg. L.S. #24973
 169 Oxmoor Road Homewood, AL 35209
 Phone: (205) 942-0086 Fax: (205) 942-0087

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are based on record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.



STATE OF ALABAMA }
 JEFFERSON COUNTY }

AS-BUILT SURVEY

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot "C" Block 18
 FORESTDALE as recorded in Map Volume 15 Page 4

in the office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 iron rebars); and that the correct address is as follows:

4232 6TH AVENUE SOUTH according to my survey of MARCH 13, 2002

SNOW
 Order No. 44004

Survey invalid if not sealed & recd.
 Flood Zone " X "
 Community Panel No.: 010.73C.0312E

Laurence D. Weygand
 Laurence D. Weygand, Reg. P.E. & L.S. #10373
 169 Oxmoor Road, Birmingham, AL 35209
 PH: 942-0086 FAX: 942-0087



**Red dotted line represents what will
be removed
Tan box will be new tire strip**

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Five Points South

Staff Planner Moton

ZBA2020-00019

Request: Variance to allow alterations of legal non-conforming structure remain pursuant to Title 1, Chapter 9, Article VII, Section 3.A.3 page 370
Applicant: Michael T. Abercrombie
Owner: Michael T. Abercrombie
Site Address: 1327 16th Ave S
Zip Code: 35205
Description: Variance to repair front porch wood and footings
Property Zoned: R-3 Single Family Residential District
Parcel Information: Parcel #: 012900121004002000, NE of Section 12, Township 18 S, Range 3 W

Variance:

The applicant is requesting a variance to allow alterations to repair the front porch wood and footings of a legal non-conforming structure.

Neighborhood Meeting:

The Forest Park Neighborhood met and voted in favor of the applicant.

Public Notices:

Public notices were mailed on May 27, 2020.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

1. Physical Characteristics of the Property: The house is built on a lot that was spilt with the adjacent lot to create 3 home sites. My property sits next to the vacated/unused alley.

2. Unique Characteristics: The front porch has begun to tilt causing the original foundation to begin to fail. I have had a structural engineer inspect and proscribe the included plans to correct the situation.

3. Hardship Not Self-Imposed: The house is in a landslide area of Birmingham and has shifted over years due to natural forces.

4. Financial Gain Not Only Basis: I am requesting this variance to keep the house from falling in or more damage to the original structure.

5. No Injury to Neighboring Property: The porch will be repaired and remain inside of the original footprint of the current structure.

6. No Harm to Public Welfare: The porch will be repaired and remain inside of the original footprint of the current structure.

History:

The parcel is located at 1327 16th Ave S and it resides within the R-3 Single Family District. The property is located within the landslide zones. The proposed alteration is to repair the porch.

Staff Analysis:

The subject property is legal non-conforming because it does not meet the setbacks requirements; however, the repairs to the front porch will not alter any setbacks on the property.

The applicant does meet requirements of the Variance review standards.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. All permits and certificate of completion should obtain within one year of approval from the Board.

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT		Date <u>3/17/2020</u>
P.I.D. No.: _____	Address Verified By: _____	Case No. _____
Modified Address: _____		Master No. _____
		Project No. _____

Please print or type legibly and fill in all that apply

Site Address: 1327 16th Ave South Zip Code: Bham 35205
 Location: _____
 Project Name: _____
 Lot(s) _____ Block(s) _____ Survey _____
 Lot(s) _____ Block(s) _____ Survey _____
 Lot(s) _____ Block(s) _____ Survey _____
 Metes and Bounds Attached

OWNER	APPLICANT*
NAME: <u>Michael T Abercrombie</u>	NAME: _____
ADDRESS: <u>3323 N. Woodridge Rd</u>	COMPANY NAME: _____
CITY/STATE/ZIP: <u>Bham AL 35223</u>	ADDRESS: _____
PHONE: <u>251 970 6321</u> CELLULAR: <u>251 253 8228</u>	CITY/STATE/ZIP: _____
FAX: () _____ PAGER: () _____	PHONE: () _____ CELLULAR: () _____
EMAIL: <u>Mike.abrealstate@gmail.com</u>	FAX: () _____ PAGER: () _____
	EMAIL: _____

*Applicant is required to be authorized by owner to undertake work

TYPE OF REQUEST

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

- Hear an Appeal from a decision of the Director of the Department of Planning, Engineering and Permits Department (Article VIII, Sec. 5.3)
- Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)
- Variance – Authorize a variance from the terms of the Zoning Ordinance (Article VIII, Sec. 5.2)
- | | | | | |
|--|---|---|---|----------------------------------|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Conforming Uses | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Public | <input type="checkbox"/> Signs | <input type="checkbox"/> Yards | <input type="checkbox"/> Other _____ | |
- Special Exception – Cause a permit to be issued for a special exception (Article VIII, Sec. 5.4 or Article V, Sec. 1)
- | | | | | |
|--|---|---|---|----------------------------------|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Adult Establishments | <input type="checkbox"/> Child/Adult Care | <input type="checkbox"/> Communal Living Facility | <input type="checkbox"/> Fences |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Height | <input type="checkbox"/> Manufactured Housing | <input type="checkbox"/> Non-Conforming Uses | <input type="checkbox"/> Parking |

Description of Work or Request: Repair Front porch wood & Footings

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

FOR STAFF USE

SECTION II TEXT CHANGE

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

See Attachment

In words substantially as follows: _____

PLANS REQUIRED Yes No **PERMIT FEE WAIVED** Yes No **REFERENCE CASES:** _____

COMMENTS _____

CERTIFICATION

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

Signature (Owner) [Signature] Date 3/17/2020
Signature (Owner) _____ Date _____

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

To Whom it may concern,

My name is Mike Abercrombie and I own the property at 1327 16th Ave S. The house was built in 1920. Through the years the foundation has slipped. The main body of the house has already been repaired. I am now asking for a variance to repair the front porch keeping the same footprint.

1. The house is built on a lot that was split with the adjacent lot to create 3 home sites. My property sits next to the vacated/unused alley.
2. The front porch as begun to tilt causing the original foundation to begin to fail. I have had a structural engineer inspect and proscribe the included plans to correct the situation.
3. The house is in a landslide area of Bham and has shifted over the years due to natural forces.
4. I am requesting this variance to keep the house from falling in or more damage to the original structure.
5. The porch will be repaired and remain inside of the original footprint of the current structure.
6. The repair of the front porch will not negatively impact the inhabitants or the city of Birmingham.

Thank you,
Mike Abercrombie

PARCEL ID: 012900121004002000

SOURCE: TAX ASSESSOR RECORDS **TAX YEAR:** 2019

DATE: Monday, May 18, 2020 3:49:28 PM

OWNER: ABERCROMBIE MICHAEL T

ADDRESS: 1327 16TH AVE S

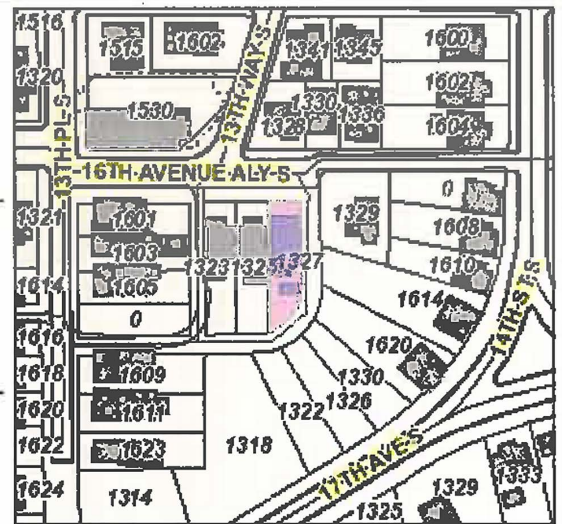
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35205--6023

SITE ADDR: 1327 16TH AVE S

CITY/STATE: BHAM, AL

ZIP: 35205



LAND: \$76,600.00

BLDG: \$58,500.00

OTHER: \$0.00

AREA: 4,334.84

ACRES: 0.10

SUBDIVISION INFORMATION:

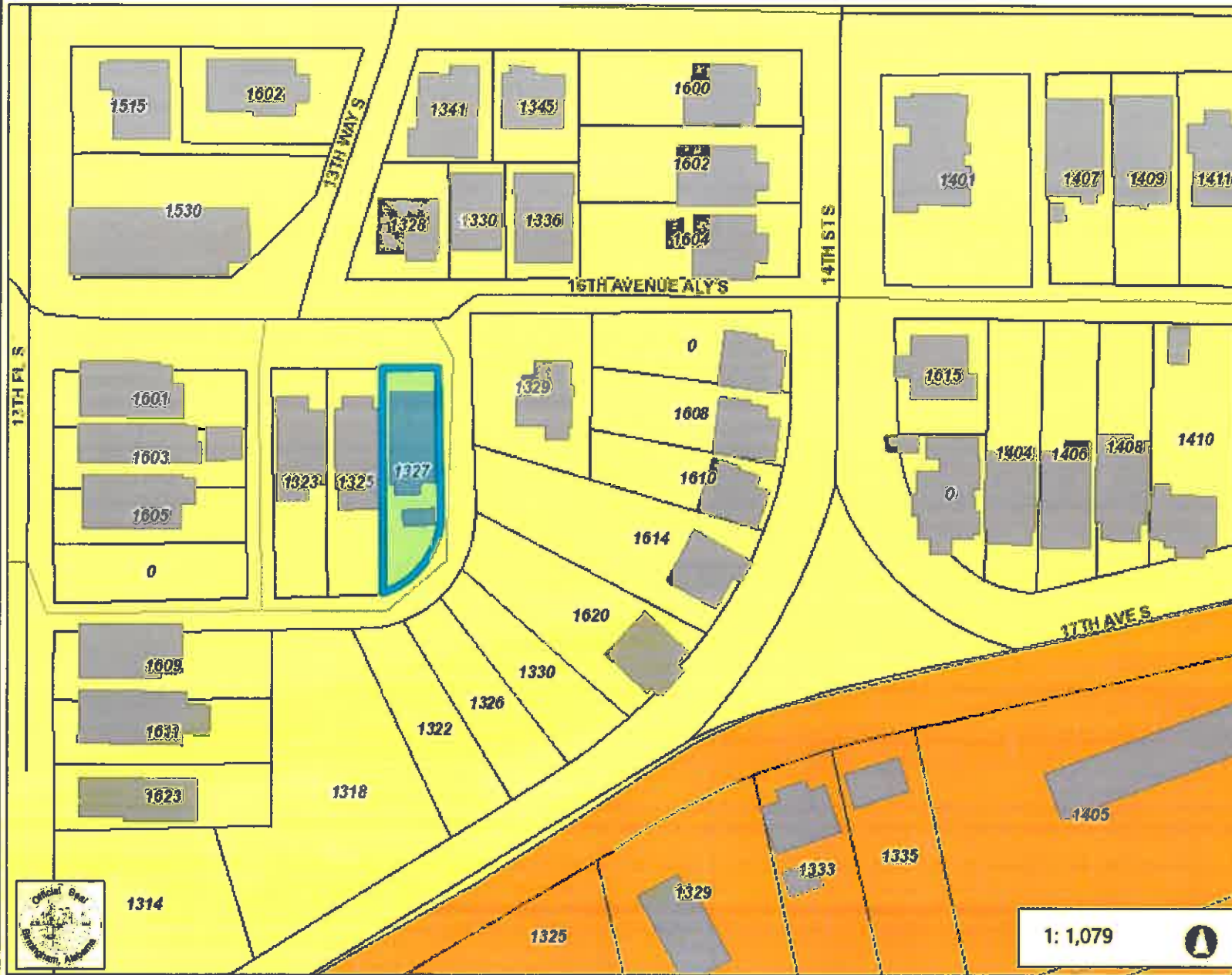
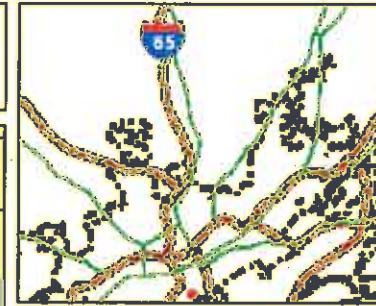
NAME MARKS PLACE 29-12-

BLOCK: 5

LOT: 1

Section: 12-18-3W
Land Slide Zones: In Land Slide Zones
Historic Districts: Not in Historic Districts
Commercial Revitalization District: Not in Commercial Revitalization District
Fire District: Not in Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment Financing District
Neighborhoods: Five Pts So (1701)
Communities: Southside (17)
Council Districts: District - 3 (Councilor: Valerie A. Abbott)
Zoning Outline: R3
Demolition Quadrants: DEM Quadrant - 1
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: Not in Opportunity Zones
Judicial Boundaries: JEFFERSON

Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data and assumes no responsibility for any errors. Data from the Tax Assessor's Office may not be available for all parcels.



Legend

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- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- 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

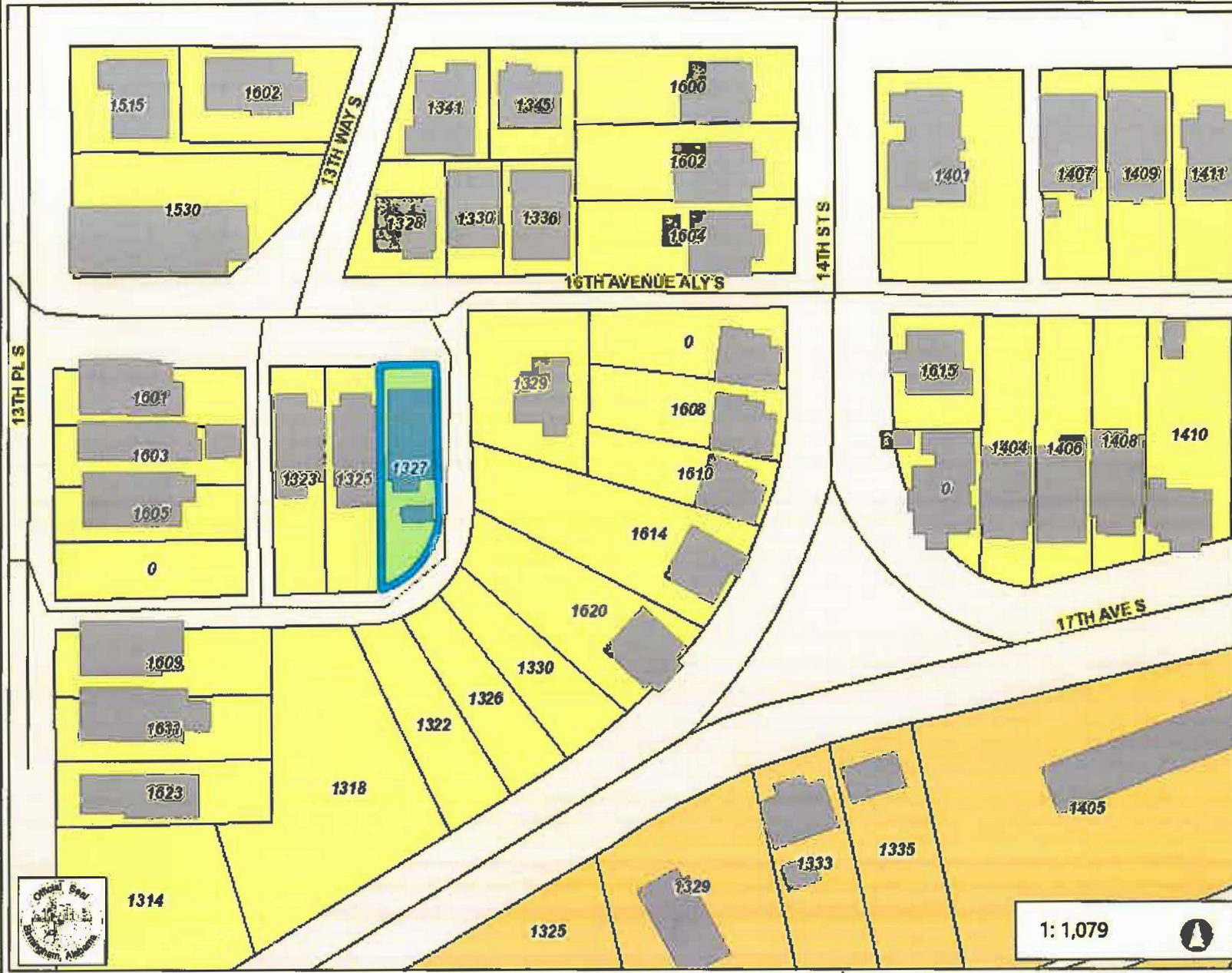
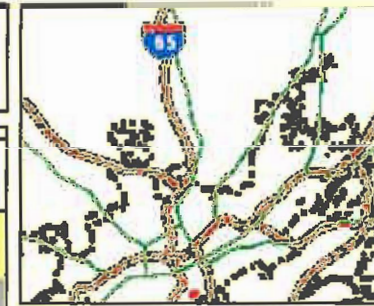


1: 1,079



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



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 - Ramp
 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Adopted Land Use Plan**
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High

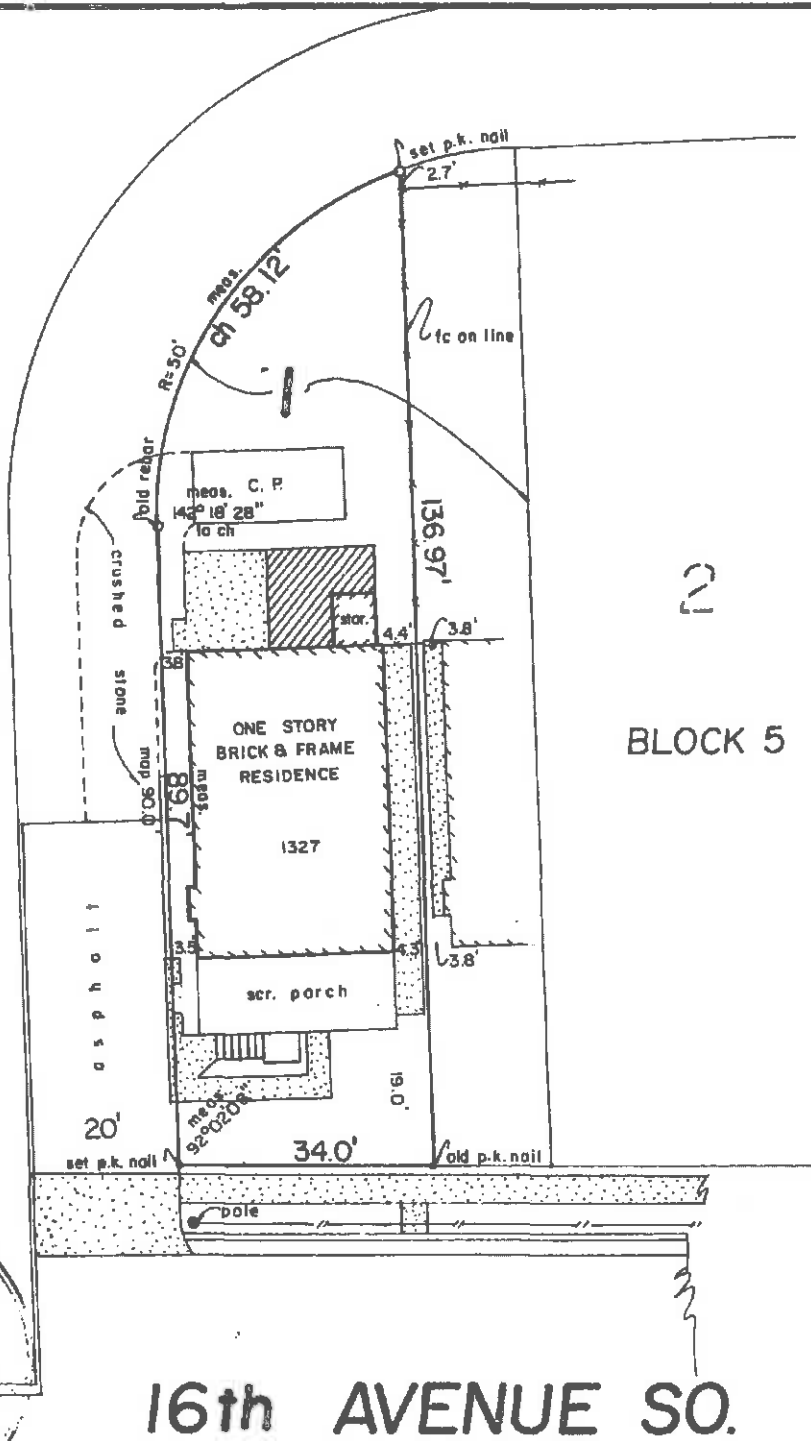


1:1,079

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

SCALE: 1" = 20'



2
BLOCK 5

16th AVENUE SO.

STATE OF ALABAMA }
JEFFERSON COUNTY }

AS-BUILT SURVEY

E 34' OF

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, certify that I have surveyed Lot 4 Block 5, MARKS PLACE as recorded in Map Volume 9 Page 26

in the office of the Judge of Probate, Jefferson County, Alabama, that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown, that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown, that improvements are located as shown above; that this survey meets the minimum technical standards for surveys as required by the State of Alabama (using 14" long #5 iron rebars); and that the correct address is as follows. B27

16TH AVENUE SO. according to my survey of MAY 23, 1998

ABERCROMBIE

Survey invalid if not sealed in red.

Flood Zone " C "

Community Panel No.: 010116 00748

Laurence D. Weygand, Reg. P.E. & L.S. #10373
169 Oxmoor Road, Birmingham, AL 35209
PH: 942-0086 FAX: 942-0087

Order No. 84658

Meeting – June 11, 2020
Location – Webex/Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM

Department of Planning Engineering & Permits Conference Room, Fifth Floor

Neighborhood: Forest Park

Staff Planner Moton

ZBA2020-00020

Request: Variance to allow expansion of legal non-conforming structure remain pursuant to Title 1, Chapter 9, Article VII, Section 3.A.3 page 370
Applicant: Patrick Hutto
Owner: Patrick Hutto
Site Address: 633 46th St S
Zip Code: 35222
Description: Variance to extend existing deck
Property Zoned: R-3 Single Family Residential District
Parcel Information: Parcel #: 012300294001013000, NE of Section 12, Township 18 S, Range 3 W

Variance:

The applicant is requesting a variance to allow alterations to repair the front porch wood and footings of a legal non-conforming structure.

Neighborhood Meeting:

The Forest Park Neighborhood met on May 29, 2020 in support of the applicant.

Public Notices:

Public notices were mailed on May 27, 2020.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. The information has been submitted as part of the ZBA Packet.

1. Physical Characteristics of the Property: The exceptional narrowness of the property and the size of the home do not allow for the mandated 9' side setback for the R1 zoning. The house was built over 100 years ago and as it sits there is only 7' on each side between the structure and the property line. The grade from front to rear also makes the rear of the home have an exceptionally large drop from the main level. There is no practical way to have an exit from the home to access the rear yard without encroaching within the existing 7' distance. The deck in place and used as an exit currently counts as a "nonconforming" structure under the legal guidelines.

2. Unique Characteristics: The home is unique in the slope and grade from other homes on the street and general area. Other homes may have an existing side entrance, but this is done at ground level with a concrete pad, patio, terrace or other on grade exit. The other solution other homes in this area use is a walkout basement, where the lower level of the home is used as an egress to the rear or side yard. This home is unable to exit at grade on the side due to the slope and there is no interior access to the basement level to use a walkout basement.

3. Hardship Not Self-Imposed: This hardship was not self imposed by anyone having an interest in the property. The structure has existed on the lot for 100 years, and the side exit was an original feature of the house and was designed based on the lot accounting for the slope and grade challenges. The current deck structure and exit was a partial solution to the problem with the property layout in general.

4. Financial Gain Not Only Basis: Financial gain is not the basis. The root basis for the project and exit adjustment is to accommodate a bedroom for an upcoming child. There is currently no way to retain the current home exit with the doorway and also use the room as a bedroom. The

basis of the variance is to make the house more livable and functional for a family. There is no financial incentive.

5.No Injury to Neighboring Property: There will be no change to the effect on the neighboring property. At current there is a concrete barrier and a fence along the property line in question. The proposed structure extension will not extend any further than the current state. The structure will be within 1' of the property line, and the neighboring home is set more than 10' from the line so the structures will be very well separated.

6.No Harm to Public Welfare: No public welfare will be affected. The extension will not substantially change any layout from the existing non-conforming structure. There is adequate separation from structure to protect from fire spread, there is still a physical way to cross through the property from front to back if needed for emergency purposes, and no change into vehicle access. This change will not have any affect further than the current state.

History:

The parcel is located at 633 46th St S and it resides within the R-3 Single Family District. The property is located within the Avondale Park Historic District. The applicant is purposing to expand the existing deck.

Staff Analysis:

The subject property is legal non-conforming because it does not meet the setbacks requirements; however, the expansion of the deck will not alter any setbacks on the property. Staff did notice that the placement of the existing deck has made the driveway illegal. The applicant needs to address parking issues.

The applicant does meet requirements of the Variance review standards.

Staff Recommendation

Staff believes the applicant has provided sufficient evidence to support the variance request. Therefore, staff believes the request has 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. Review and approved by the Design review staff.
3. Applicant must address parking.
4. All permits and certificate of completion should obtain within one year of approval from the Board.

ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Date _____
Case No. _____
Master No. _____
Project No. _____

P.I.D. No.: _____ Address Verified By: _____

Modified Address: _____

Please print or type legibly and fill in all that apply

Site Address: 633 46th St S Zip Code: 35222

Location: Avenue Dale

Project Name: Extension of existing deck 16' by 6'

Lot(s) 9 Block(s) 3 Survey _____

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

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

Metes and Bounds Attached

OWNER

NAME: Patrick Hutto

ADDRESS: 633 46th St S

CITY/STATE/ZIP: Birmingham AL 35222

PHONE: (378) 560 4241 CELLULAR: ()

FAX: () PAGER: ()

EMAIL: mrphutto@gmail.com

APPLICANT*

NAME: Patrick Hutto

COMPANY NAME: _____

ADDRESS: 633 46th St S

CITY/STATE/ZIP: Birmingham AL 35222

PHONE: () CELLULAR: ()

FAX: () PAGER: ()

EMAIL: _____

*Applicant is required to be authorized by owner to undertake work

TYPE OF REQUEST

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

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

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

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

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

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

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

Description of Work or Request: Extension of existing non-confirming deck with 2 side setbacks. Front and rear setbacks meet requirements. Non-intrusive to neighbors or adjacent property.
If you have a hardship/practical difficulty, please explain: House is 100 years old and does not meet current setback requirements. It is impossible to maintain second entrance without intruding into side yard given slope and layout of property.

FOR STAFF USE

SECTION II TEXT CHANGE

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

See Attachment

In words substantially as follows: _____

PLANS REQUIRED

Yes No

PERMIT FEE WAIVED

Yes No

REFERENCE CASES:

COMMENTS

CERTIFICATION

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

Signature (Owner) [Signature] Date 4/23/20

Signature (Owner) _____ Date _____

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

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

ZBA Request – 633 46th St s Deck Extension – 6 Standards

Physical Characteristics of the Property

The exceptional narrowness of the property and the size of the home do not allow for the mandated 9' side setback for the R1 zoning. The house was built over 100 years ago and as it sits there is only 7' on each side between the structure and the property line. The grade from front to rear also makes the rear of the home have an exceptionally large drop from the main level. There is no practical way to have an exit from the home to access the rear yard without encroaching within the existing 7' distance. The deck in place and used as an exit currently counts as a "non conforming" structure under the legal guidelines.

Unique Characteristics

The home is unique in the slope and grade from other homes on the street and general area. Other homes may have an existing side entrance, but this is done at ground level with a concrete pad, patio, terrace or other on grade exit. The other solution other homes in this area use is a walkout basement, where the lower level of the home is used as an egress to the rear or side yard. This home is unable to exit at grade on the side due to the slope and there is no interior access to the basement level to use a walkout basement.

Hardship not Self Imposed

This hardship was not self imposed by anyone having an interest in the property. The structure has existed on the lot for 100 years, and the side exit was an original feature of the house and was designed based on the lot accounting for the slope and grade challenges. The current deck structure and exit was a partial solution to the problem with the property layout in general.

Financial Gain Not Only Basis

Financial gain is not the basis. The root basis for the project and exit adjustment is to accommodate a bedroom for an upcoming child. There is currently no way to retain the current home exit with the doorway and also use the room as a bedroom. The basis of the variance is to make the house more livable and functional for a family. There is no financial incentive.

No Injury to Neighboring Property

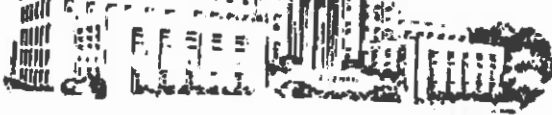
There will be no change to the effect on the neighboring property. At current there is a concrete barrier and a fence along the property line in question. The proposed structure extension will not extend any further than the current state. The structure will be within 1' of the property line, and the neighboring home is set more than 10' from the line so the structures will be very well separated.

No Harm to Public Welfare

No public welfare will be affected. The extension will not substantially change any layout from the existing non-conforming structure. There is adequate separation from structure to protect from fire spread, there is still a physical way to cross through the property from front to back if needed for emergency purposes, and no change into vehicle access. This change will not have any affect further than the current state.

CITY OF BIRMINGHAM
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

710 North 20th Street
ROOM 210, CITY HALL
BIRMINGHAM, ALABAMA 35203



Zoning Board of Adjustment (ZBA) Neighborhood Notification Form

NOTICE to the Forest Park Neighborhood Association Date: May 19, 2020

Case: ZBA2020-00020

ZBA meeting date: June 11, 2020

Site: 633 46th St S

Applicant: Patrick Hutto
347-560-4241

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

When you receive this notice, please have a neighborhood officer contact Angelica Moton, Room 210 City Hall, (205) 279-8917, (205) 254-2111 FAX, angelica.moton@birminghamal.gov

The neighborhood has the following 3 options (please select one):

The neighborhood Advisory Committee OR Neighborhood Association has met and determined this request will not impact the neighborhood beyond the adjacent property owners and, therefore has no position.

The neighborhood Advisory Committee SUPPORTS REQUEST -or- OPPOSES REQUEST
Because: _____

The Neighborhood Association requests a ONE ZBA MEETING continuation to allow the neighborhood to discuss this ZBA request at the regularly scheduled neighborhood meeting or a special called meeting before _____. (Please list the meeting date, time, and place of meeting)

NA Meeting Location: _____ Address: _____

Date: _____

NA Contact Person: _____ Telephone: _____

Neighborhood Officer Signature Jeff McGee Date: May 29, 2020
President

PARCEL ID: 012300294001013000

SOURCE: TAX ASSESSOR RECORDS **TAX YEAR:** 2019

DATE: Monday, May 18, 2020 3:41:07 PM

OWNER: HUTTO JOHN PATRICK & ASHLEY BAL

ADDRESS: 633 46TH STREET SOUTH

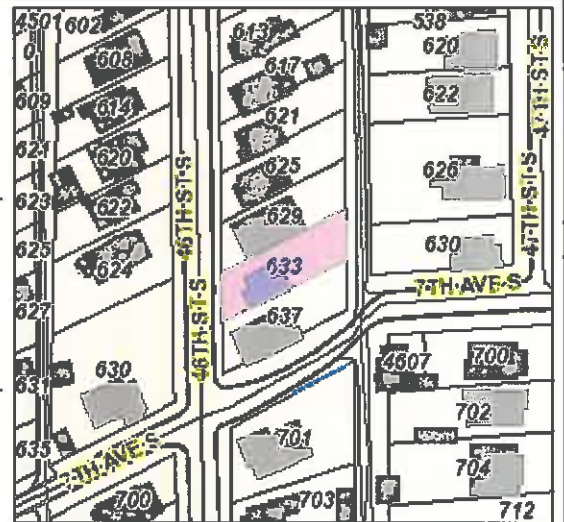
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35222

SITE ADDR: 633 46TH ST S

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$134,900.00

BLDG: \$82,300.00

OTHER: \$0.00

AREA: 6,358.30

ACRES: 0.15

SUBDIVISION INFORMATION:

NAME AVONWOOD

BLOCK: 3

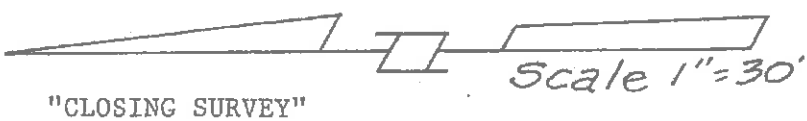
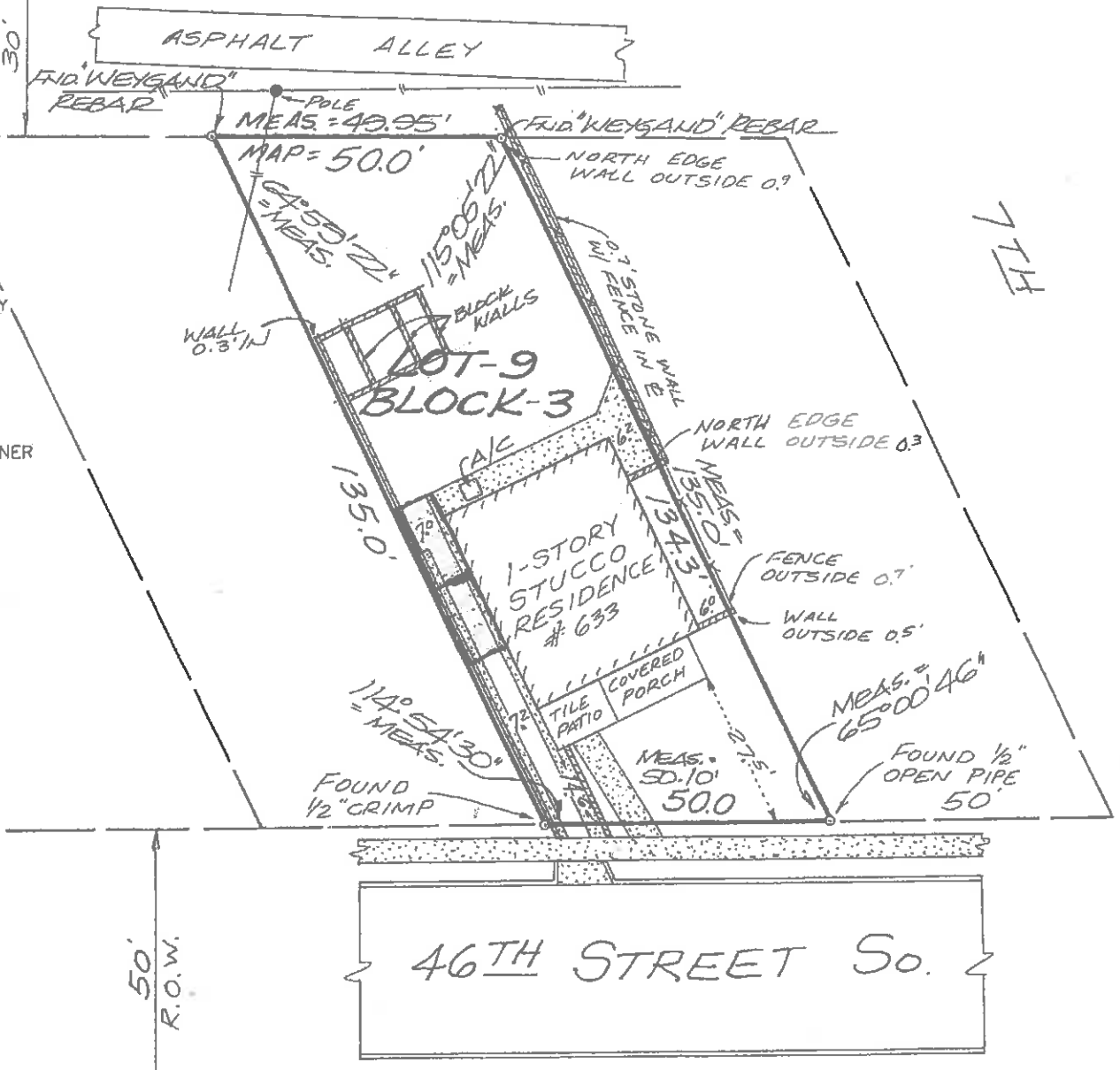
LOT: 9

Section: 29-17-2W
Land Slide Zones: In Land Slide Zones
Historic Districts: Avondale Park
Commercial Revitalization District: Not in Commercial Revitalization District
Fire District: Not in Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment Financing District
Neighborhoods: Forest Prk (1401)
Communities: Red Mountain (14)
Council Districts: District - 3 (Councilor: Valerie A. Abbott)
Zoning Outline: R3
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Impaired Watershed - Upper Village Creek
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: Not in Opportunity Zones
Judicial Boundaries: JEFFERSON

Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data and assumes no responsibility for any errors. Data from the Tax Assessor's Office may not be available for all parcels.

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X— FENCE
- X— POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



STATE OF ALABAMA)
JEFFERSON COUNTY)

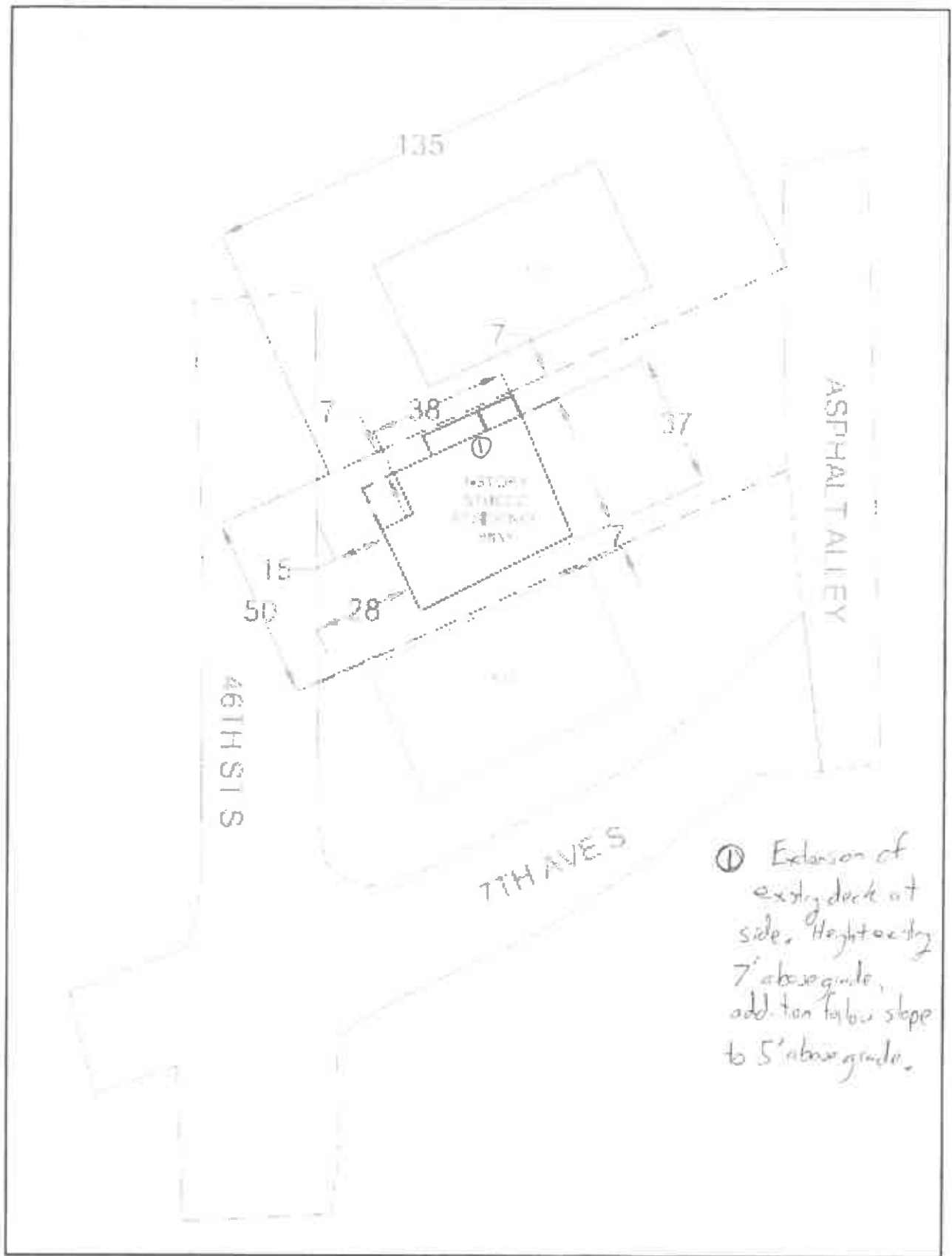
"CLOSING SURVEY"

I, Laurence D. Weygand, a registered Engineer—Land Surveyor, or Ray Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 9, Block 3, A RESUBDIVISION OF BLOCK 3, LOTS 1 TO 5, BLOCK 5*, as recorded in Map Volume 12, Page 52, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I 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; according to my survey of JULY 21, 2004.
Survey invalid if not sealed in red.

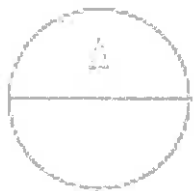
Order No.: 35366
Purchaser: CHADDER
Address: 633 - 46TH STREET SOUTH
Flood Zone: X Map Number: 01073C.0310E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E./L.S. #10373
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. © Copyright



① Extension of existing deck at side. Height to be 7' above grade, addition to follow slope to 5' above grade.



SITE OVERVIEW

1" = 1'

633 46th St S
Birmingham, AL
35222

BLDG2020-00857