

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

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Neighborhood: Sun Valley

Staff Planner Moton

ZBA2020-00001  
**CONTINUED**

**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 Serra  
**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 June 16, 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 8<sup>th</sup> 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 20<sup>th</sup> Street, North  
ROOM 210, CITY HALL  
BIRMINGHAM, ALABAMA 35203

Randall L. Woodfin, Mayor

Edwin Revell, Director

<p style="text-align: center; border: 1px solid black; margin: 0;"><b>APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</b></p> <p>P.I.D. No. <u>011300132 005 00 2000</u> Address Verified By: <u>DTW</u></p> <p>Modified Address: _____</p>	<p>Date <u>1-7-2020</u></p> <p>Case No. <u>ZRA 2020-00001</u></p> <p>Master No. _____</p> <p>Project No. _____</p>
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Please print or type legibly and fill in all that apply

Site Address: 2359 CARSON ROAD Zip Code: 35215

Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

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

Metes and Bounds Attached

<p><b>OWNER</b></p> <p>NAME: <u>Anthony Serra</u></p> <p>ADDRESS: <u>4701 Parkway E Suite D</u></p> <p>CITY/STATE/ZIP: <u>Bham AL 35215</u></p> <p>PHONE: <u>(205) 836-6775</u> CELLULAR: <u>(205) 276-4854</u></p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>Willie.Riley@Birmingham.org</u></p>	<p><b>APPLICANT*</b></p> <p>NAME: <u>Carmon Davis</u></p> <p>COMPANY NAME: <u>Unique Learning</u></p> <p>ADDRESS: <u>6351 Carson Rd</u></p> <p>CITY/STATE/ZIP: <u>Bham Ala 35215</u></p> <p>PHONE: <u>205 850-1111</u> CELLULAR: <u>205 356-8145</u></p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>lirivesteam@uniquelearning.com</u></p> <p><small>*Applicant is required to be authorized by owner to undertake work</small></p>
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### 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 checked="" 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 <u>playground</u>  |                                  |
- 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: VARIANCE FOR LOCATION OF PLAYGROUND EQUIPMENT IN FRONT YARD IN TITLE 1 CHAPTER 4 ARTICLE 2 SECT 3.1

If you have a hardship/practical difficulty, please explain: CHILD CARE LOCATION DOES NOT HAVE REAR OR SIDE YARD TO PLACE EQUIPMENT

### FOR STAFF USE

#### SECTION II TEXT CHANGE

Amendment to: Title: \_\_\_\_\_ Article: \_\_\_\_\_ Title: \_\_\_\_\_

See Attachment

In words substantially as follows: \_\_\_\_\_

<b>PLANS REQUIRED</b>	<b>PERMIT FEE WAIVED</b>	<b>REFERENCE CASES:</b>
<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) Willie Riley Date 1/6/2020

Signature (Owner) \_\_\_\_\_ Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Time: \_\_\_\_\_ Location: **Room 300, City Hall**

<b>Filing Fees:</b>	Single Family Residential Zone District	\$100.00
	Multi-Family Residential and Commercial Zone District	\$500.00
	Appeals	\$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.

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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,

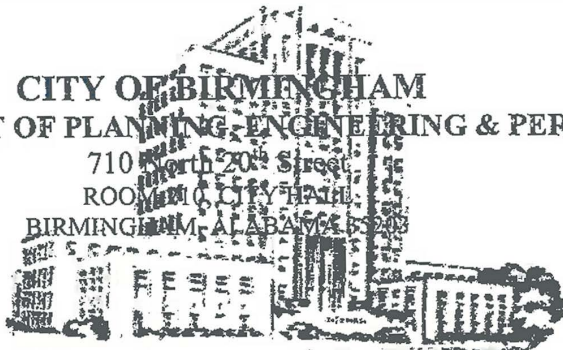
Unique Learning LLC.

Kesha Davis  
Owner

ND/kdk

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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 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](mailto: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, 2<sup>nd</sup> 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:

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whatever zoning commission allows

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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

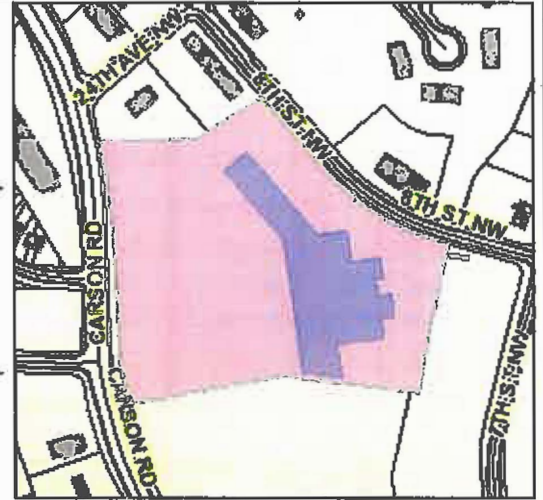
**CITY/STATE:** BIRMMINGHAM AL

**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

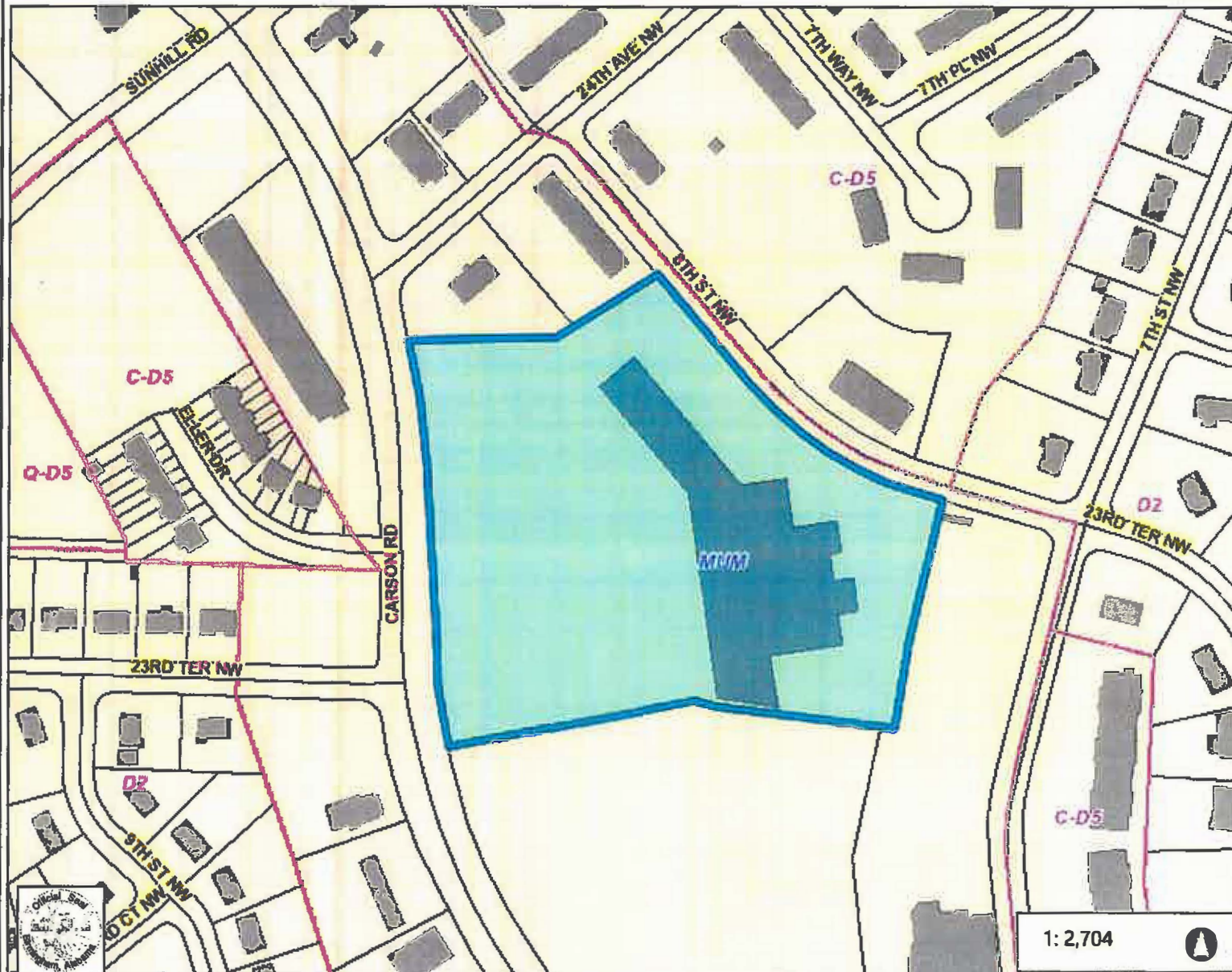
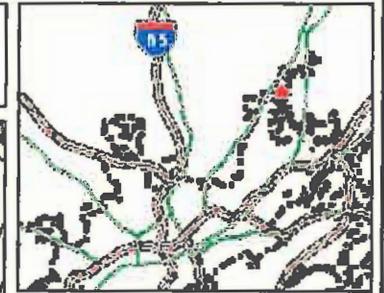
**EPA Superfund:** Not in EPA Superfund

**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.

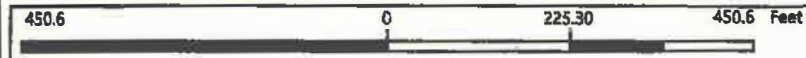




- Legend**
- Centerline Labels
  - Zoning Outline
  - Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
  - Limited Access
  - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - City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



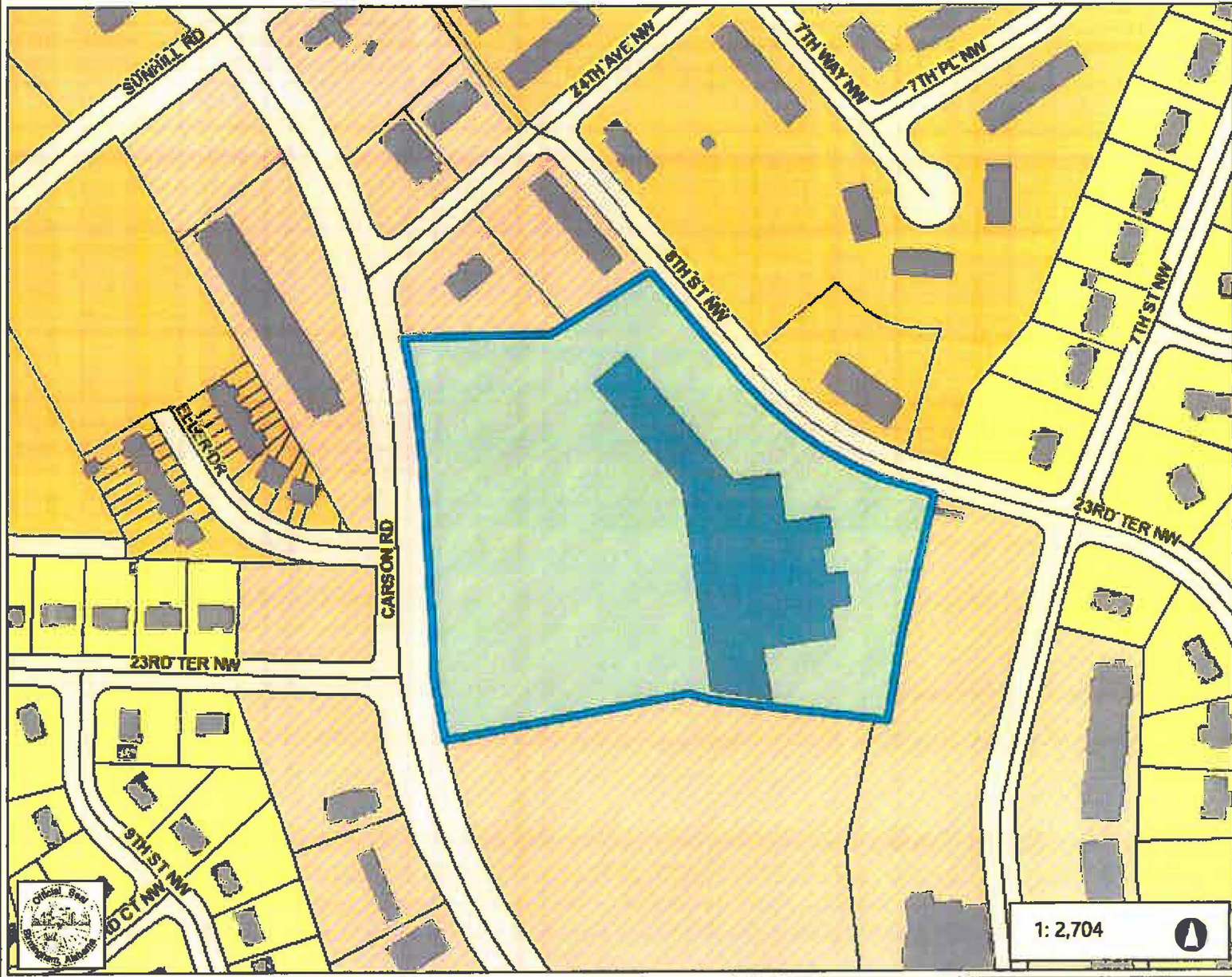
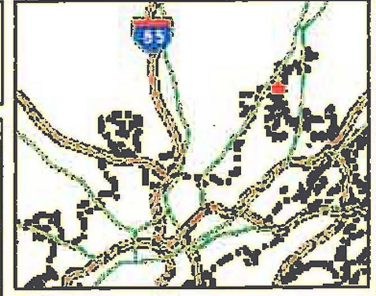
1: 2,704



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 Land Use Plan
  - Residential-Low
  - Residential-Medium
  - Residential-High
  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
  - MXU-Medium
  - MXU-High



1: 2,704



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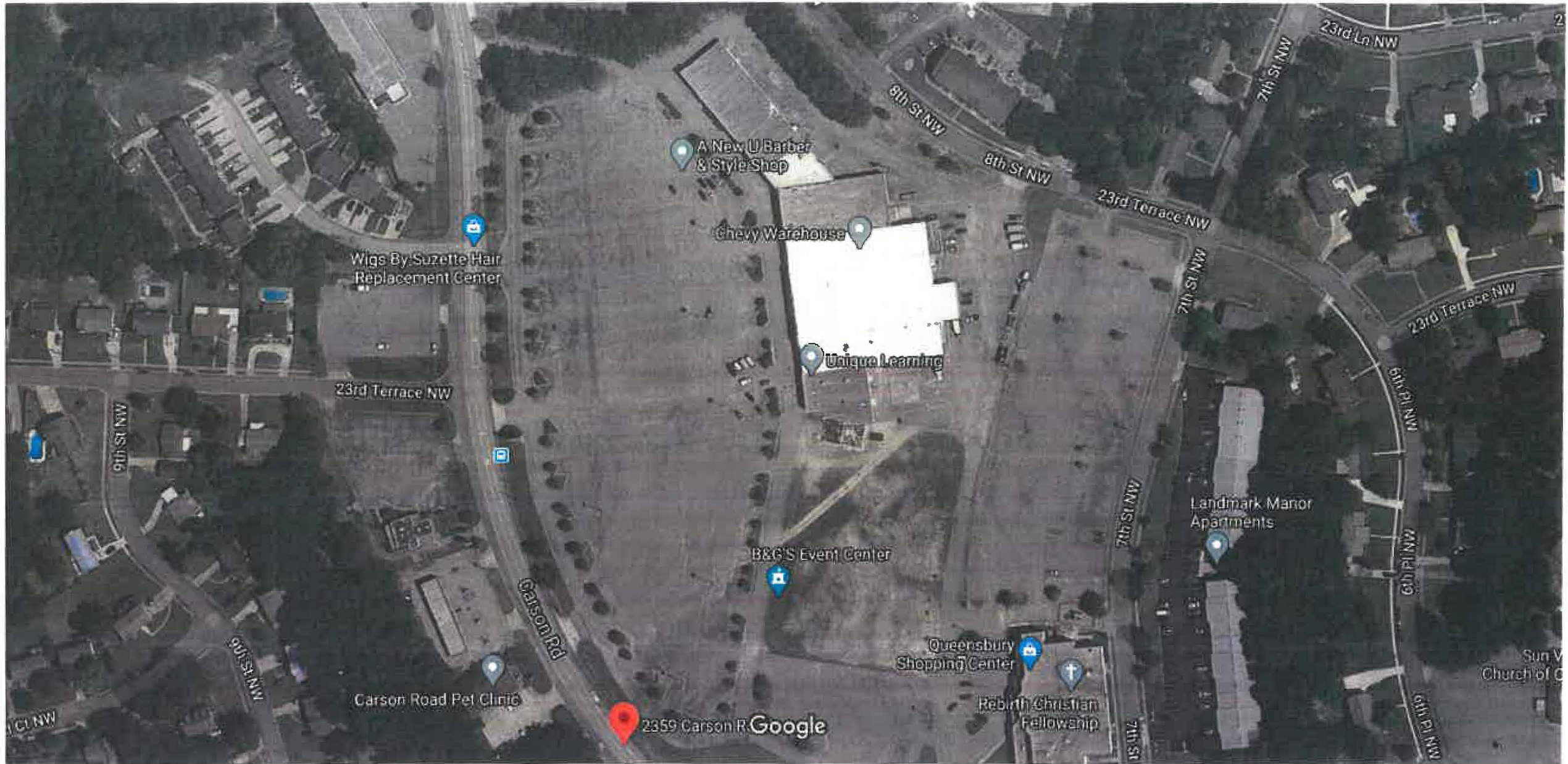
Notes



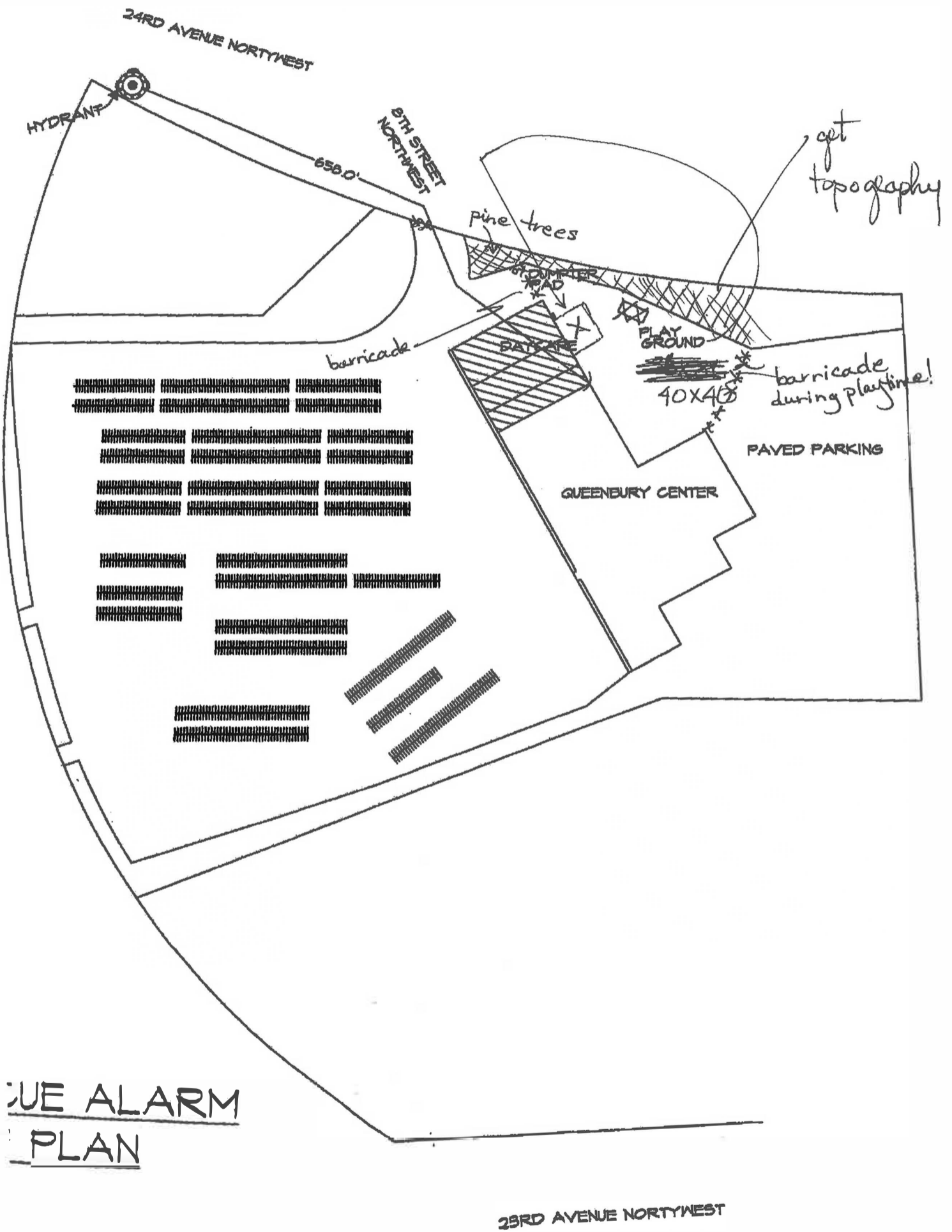


2359 Carson Rd

ZBA2020-00001 Ariel Map



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 100 ft



QUE ALARM  
PLAN



# ZBA2020-00001



**This is the front yard area of the Childcare facility.**



**ZBA2020-00001**



**ZBA2020-00001**





**ZBA2020-00001**





Meeting – July 9,2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
WebEx/ Teleconference

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Neighborhood: Arlington-Westend      Staff Planner Moton      ZBA2020-00002

Request:                      Special Exception  
Applicant:                  Anthony Grier SR  
Owner:                      Covenant of Glory & Grace Worship  
Site Address:              633, 621,625, 633 St Charles Ave SW  
Zip Code:                  35211  
Description:                Special exception to establish a place of worship in a Dwelling District as allowed in Title 1 Chapter 4 Article 2 Section 4. E page 127  
Property Zoned:          D-3 Single Family District  
Parcel Information:      Parcel #:012900032024007000, NW of Section 3, Township 18 S, Range 3 W

**Special Exception:**  
Establish a place of worship in a dwelling district

**Neighborhood Meeting:**  
The Arlington-Westend Neighborhood Association met on January 14, 2020 and voted to support the request of the applicant 3-0, because it helps the community serve the residents.

**Public Notices:**  
Public notices were mailed on February 25, 2020.

**Applicant's Justification:**  
A special exception is required for place of worship in the D-3, Single Family District.

**History:**  
The parcels located at 633, 621,625, 633 St Charles Ave SW resides in the D-3, Single Family District. These properties have gone before the Subdivision Committee and have been combined into one lot and recorded.

**Staff Analysis:**  
Based upon the survey provided by the applicant, the new construction of the church meets the setback requirements. There is sufficient amount of parking shown on the site plan, however; the alley could not be vacated. Therefore, the applicant has filed a request (ZBA2020-00003) to allow remote parking within 1,000 feet of the place of worship. Both properties are owned by Mr. Grier; therefore, a covenant is required.

**Staff Recommendation**  
Staff believes the applicant has provided sufficient evidence to support the special exception 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. Completed and recorded covenant on the properties presented to PEP staff within 30 days of the approval date.
3. Applicant must obtain all permits and/or certificate of occupancy if applicable associated with the approval of this request within two years from the date of approval.

4. Minimum Site Size. Land area shall be provided at the rate of .005 acres for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.
5. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance.
6. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan.
7. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face.
8. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship.
9. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts.
10. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship.
11. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area.
12. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.
13. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.
14. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.

# ONE STOP PERMITTING

**CITY OF BIRMINGHAM**  
**DEPARTMENT OF PLANNING, ENGINEERING & PERMITS**  
 710 20<sup>th</sup> Street, North  
 ROOM 210, CITY HALL  
 BIRMINGHAM, ALABAMA 35203

Randall L. Woodfin, Mayor

Edwin Revell, Director

<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</b> </div> <p>P.I.D. No. <u>912900032024007000</u> Address Verified By: <u>DTW</u></p> <p>Modified Address: _____</p>	<div style="border: 1px solid black; padding: 5px;">                 Date <u>1-7-2020</u>                  Case No. <u>ZBA2020-00002</u>                  Master No. _____                  Project No. _____             </div>
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**Please print or type legibly and fill in all that apply**

Site Address: 633 ST CHARLES NW Zip Code: 35211

Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

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

Metes and Bounds Attached

<p><b>OWNER</b></p> <p>NAME: <u>COVENANT of GLOWE! GRACE Worship</u></p> <p>ADDRESS: <u>600 TUSCALOOSA AVE SW</u></p> <p>CITY/STATE/ZIP: <u>BIRMINGHAM AL 35211</u></p> <p>PHONE: <u>205 864 9680</u> CELLULAR: ( )</p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>COGGWCI@gmail.com</u></p>	<p><b>APPLICANT*</b></p> <p>NAME: <u>Anthony L. GIZIER SR</u></p> <p>COMPANY NAME: <u>COGGWCI</u></p> <p>ADDRESS: <u>600 TUSCALOOSA AVE SW</u></p> <p>CITY/STATE/ZIP: <u>BIRMINGHAM AL 35211</u></p> <p>PHONE: <u>205 492 3405</u> CELLULAR: ( )</p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>ANTHONYGRIEN87@gmail.com</u></p> <p><small>*Applicant is required to be authorized by owner to undertake work</small></p>
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**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 <u>REMOTE PARKING</u>	

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: SPECIAL EXCEPTION FOR REMOTE PARKING FOR CHURCH AND VARIANCE FOR 17 SPACES INSTEAD OF 37 SPACES REQUIRED  
IF YOU HAVE A HARDSHIP/PRACTICAL DIFFICULTY, PLEASE EXPLAIN  
ESTABLISH A CHURCH IN A D3 RESIDENTIAL DISTRICT DURING

**FOR STAFF USE**

**SECTION II TEXT CHANGE**

Amendment to: Title: \_\_\_\_\_ Article: \_\_\_\_\_ Title: \_\_\_\_\_

See Attachment

In words substantially as follows: \_\_\_\_\_

<b>PLANS REQUIRED</b>	<b>PERMIT FEE WAIVED</b>	<b>REFERENCE CASES:</b>
<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 repeat 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) Anthony Grien Date 01-07-2020

Signature (Owner) \_\_\_\_\_ Date \_\_\_\_\_

Hearing Date: 2-13-2020 Hearing Time: 2:00 PM 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

150

CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

710 North 20<sup>th</sup> Street  
ROOM 210, CITY HALL  
BIRMINGHAM, ALABAMA 35203



**Zoning Board of Adjustment (ZBA) Neighborhood Notification Form**

NOTICE to the Arlington-west end Neighborhood Association Date: January 10, 2020

Case: ZBA2020-00002

ZBA meeting date: February 13, 2020

Site: 633 St. Charles Ave SW Applicant: Anthony Grier, Sr. / Covenant of Glory & Grace  
Worship 205-422-3405

**Request:** Special exception to establish a place of worship in a dwelling district as allowed in Title 1 Chapter 4 Article 2 Section 3.H.

When you receive this notice, please have a neighborhood officer contact Donald Wilborn, Room 500 City Hall, (205) 254-2730, (205) 254-2925 FAX, [Donald.wilborn@birminghamal.gov](mailto:Donald.wilborn@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: its good for the Community

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: \_\_\_\_\_

X Neighborhood Officer Signature

Deloni Clayton

Date: 1-14-20

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

RE: ZBA2020-00002

Date: 1-14-20

To: Donald Wilborn, Room 500, 2<sup>nd</sup> Floor City Hall (205) 254-2730, FAX: (205)254-2925  
*Donald.wilborn@birminghamal.gov*

From: Deloris Clayton N.A. - President, Vice President, Secretary  
(Please indicate the Officer who chaired the meeting when this request was heard)

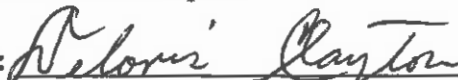

On Jan. 14, 2020, the request was heard by our Neighborhood Association and we took the following action:

SUPPORT (# of votes) ~~10~~ 3                      OPPOSE (# of votes) 0

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

Because it helps the community and the church will have enough parking for its member.

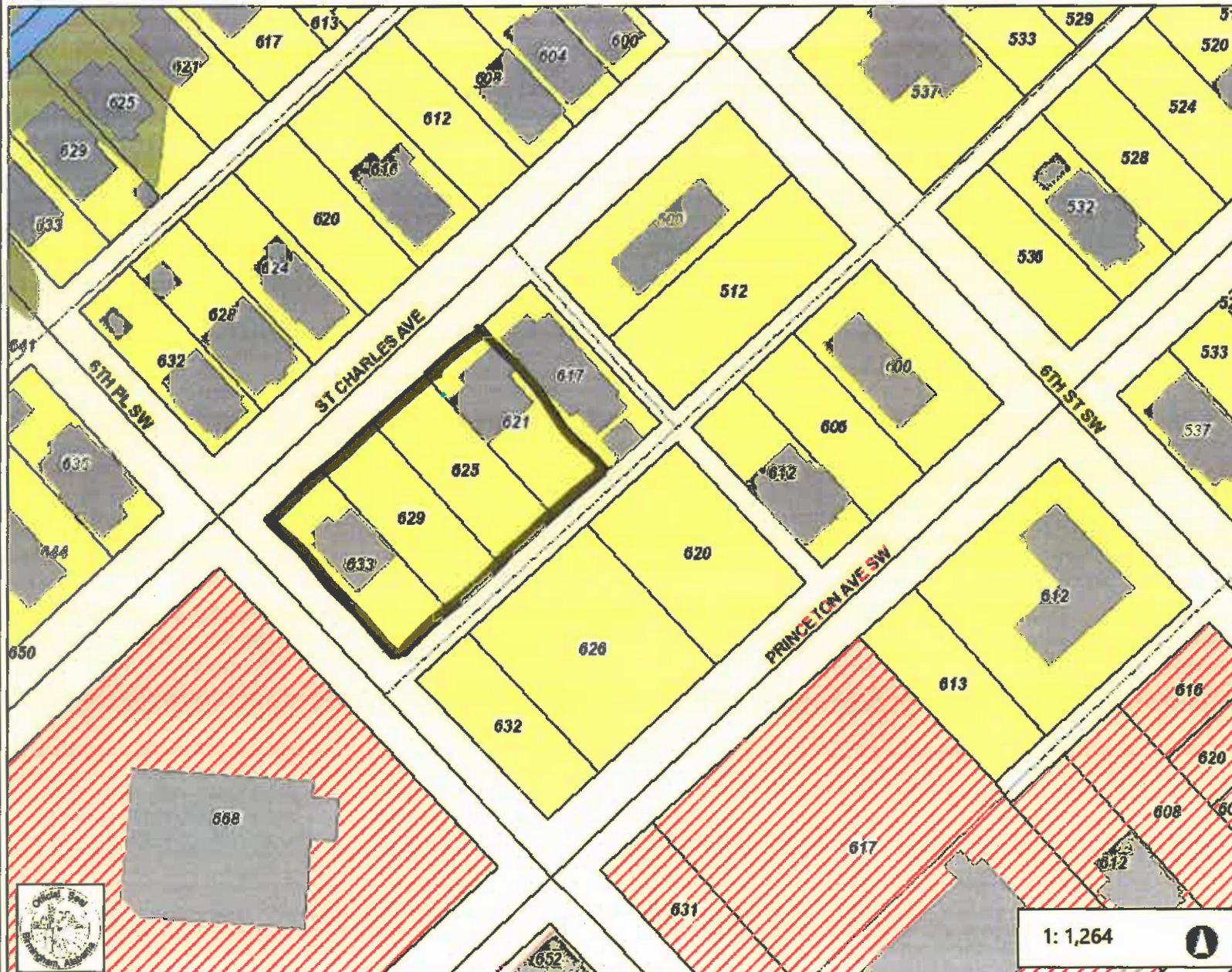
The Neighborhood Association understands that its opinion is only advisory and that this form will be given to ZBA members. Representatives from the Association or its members can attend the ZBA meeting to personally express concerns and requests.

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

**NOTE:**

The Arlington-West End NA meetings are the second Tuesday of each month at the West End Library, 1348 Tuscaloosa Avenue SW at 6:00 p.m. Please contact President: Deloris Clayton Phone: (205) 913-4688 to attend the meeting.





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
- Flood Zones
- Floodway
- 100 Year Flood
- 500 Year Flood
- Adopted LandUse Plan
- Residential-Low
- Residential-Medium
- Residential-High
- Neighborhood Commercial



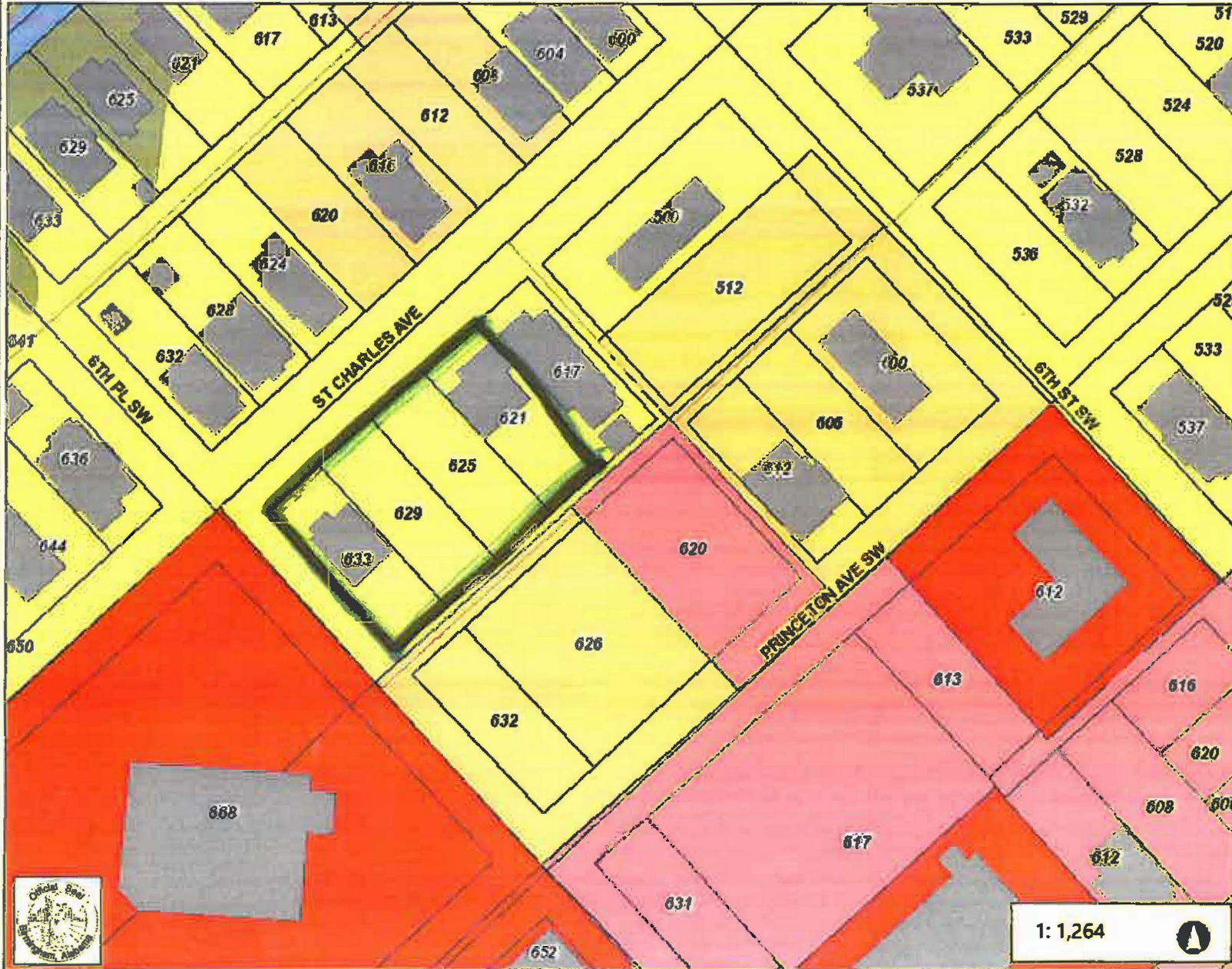
1: 1,264



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

Notes



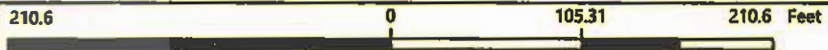


**Legend**

- Centerline Labels
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- Alleys
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- Arterials
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- US Highways
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- Limited Access
- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Flood Zones
  - Floodway
  - 100 Year Flood
  - 500 Year Flood
- 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



1:1,264



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**Notes**



# ZBA2020-00002 ARIEL MAP



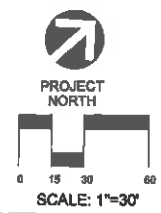


WORSHIP CENTER  
COVENANT OF GLORY & GRACE  
600 TUSCALOOSA AVE SW  
BIRMINGHAM, AL 35211

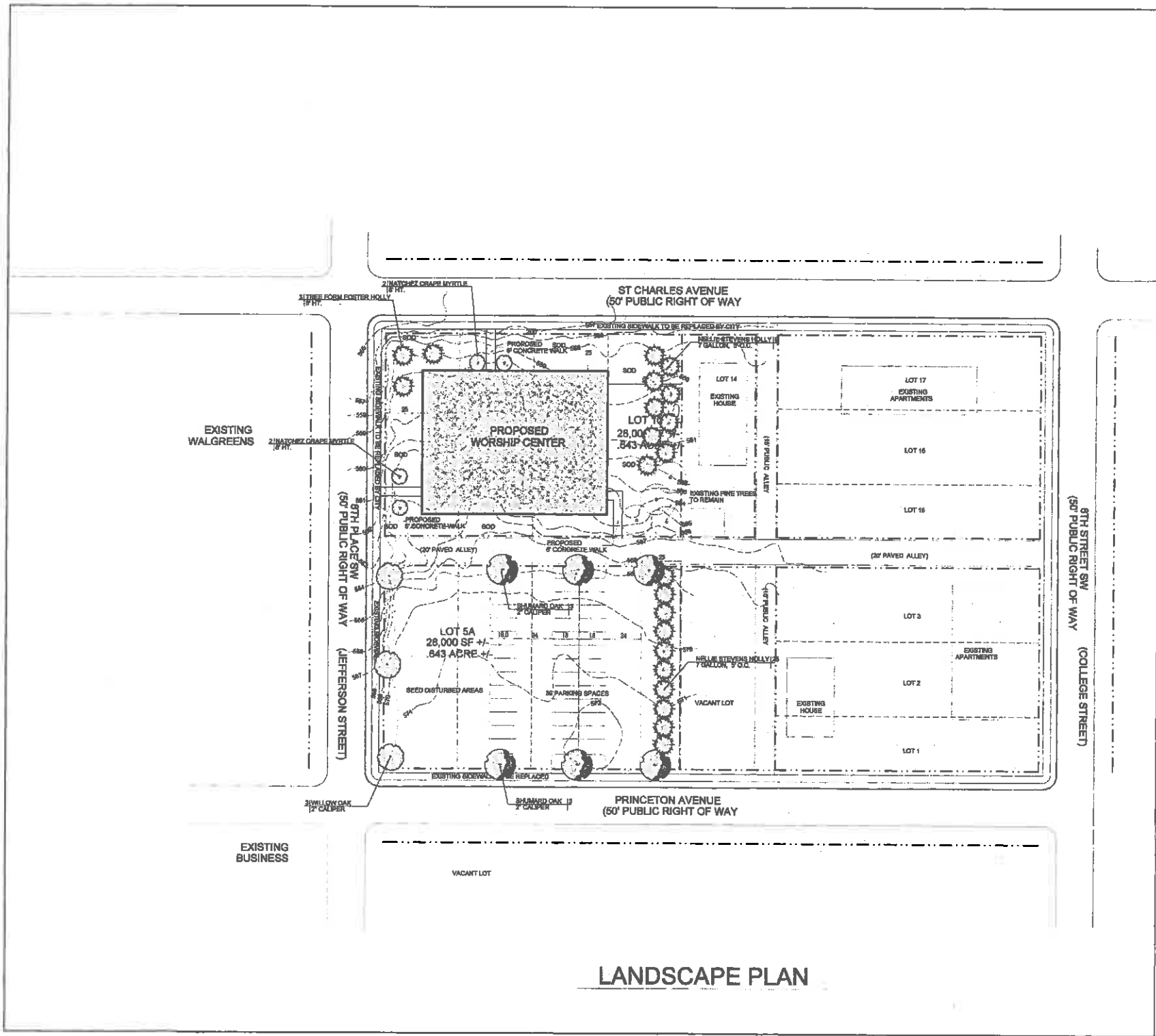
OWNER  
PASTOR ANTHONY GRIER  
COVENANT OF GLORY & GRACE  
WORSHIP CENTER INTERNATIONAL  
800 TUSCALOOSA AVE SW  
BIRMINGHAM, AL 35211

PRELIMINARY TOPOGRAPHY MAP OF  
PRINCETON BLOCK 5 WAS OBTAINED  
FROM THE CITY OF BIRMINGHAM  
BOUNDARY SURVEY PROVIDED BY  
JOHN PARKS P.E., L.S.

ISSUE  
FEB 12 2020 ZONING



1  
SHEET



LANDSCAPE PLAN

Meeting – July 9, 2020  
Location - WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
WebEx/ Teleconference

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Neighborhood: Arlington-Westend      Staff Planner Moton      ZBA2020-00003

Request:                      Special Exception  
Applicant:                  Anthony Grier SR  
Owner:                        Covenant of Glory & Grace Worship  
Site Address:                626 and 632 Princeton Ave SW  
Zip Code:                    35211  
Description:                 Special exception to establish remote parking for a place of worship as listed in Title 1 Chapter 5 Article 1 Section 8. A page 249  
Property Zoned:             MUM Mixed Use Medium  
Parcel Information:        Parcel #: 012900032024010000, NW of Section 3, Township 18 S, Range 3 W

**Special Exception:**  
Remote parking for a place of worship.

**Neighborhood Meeting:**  
The Arlington-Westend Neighborhood Association met on January 14, 2020 and voted to support the request of the applicant 3-0, because it helps the community serve the residents.

**Public Notices:**  
Public notices were mailed on February 25, 2020.

**Applicant's Justification:**  
The applicant does not have space on the same parcel as the place of worship because they were not allowed to vacate the alley to combine the lots; therefore, they are requesting a special exception for remote parking.

**History:**  
The parcels located at 626 and 632 Princeton Ave SW resides in MUM, Mixed Use Medium zoning District. There is ZBA2020-00002 case associated with the remote parking request for the place of worship.

**Staff Analysis:**  
Automobile parking is allowed in the MUM zoning district. The applicant stated that there will be 234 sanctuary seats. Per the zoning ordinance Title 1, Article 1, Chapter 5.O, there should be 1 parking space per 6 seats in the main sanctuary; therefore, they meet parking requirements.

**Staff Recommendation**  
Staff believes the applicant has provided sufficient evidence to support the special exception 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. Completed and recorded covenant on the properties presented to PEP staff within 30 days of the approval date.
3. Applicant must obtain all permits and/or certificate of occupancy if applicable associated with the approval of this request within two years from the date of approval.

4. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan.
5. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face.
6. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship.
7. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts.
8. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship.
9. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area.
10. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.



# ONE STOP PERMITTING

**CITY OF BIRMINGHAM**  
**DEPARTMENT OF PLANNING, ENGINEERING & PERMITS**  
 710 20<sup>th</sup> Street, North  
 ROOM 210, CITY HALL  
 BIRMINGHAM, ALABAMA 35203

Randall L. Woodfin, Mayor

Edwin Revell, Director

<p style="text-align: center; border: 1px solid black; margin: 0;"><b>APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</b></p> <p>P.I.D. No.: <u>012900032024010000</u> Address Verified By: <u>PTW</u></p> <p>Modified Address: _____</p>	<p>Date: <u>1-7-2020</u></p> <p>Case No. <u>284 2020-0003</u></p> <p>Master No. _____</p> <p>Project No. _____</p>
---	--

Please print or type legibly and fill in all that apply

Site Address: 620 PRINCETON AV SW Zip Code: 35211

Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

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

Metes and Bounds Attached

<p><b>OWNER</b></p> <p>NAME: <u>COVENANT OF GLORY'S GRACE W/SHIP</u></p> <p>ADDRESS: <u>600 TUSCALOOSA AV SW</u></p> <p>CITY/STATE/ZIP: <u>BIRMINGHAM AL 35211</u></p> <p>PHONE: <u>205 864 9280</u> CELLULAR: ( )</p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>COGGWIC@gmail.com</u></p>	<p><b>APPLICANT*</b></p> <p>NAME: <u>Anthony GRIER SR</u></p> <p>COMPANY NAME: <u>COGGWIC</u></p> <p>ADDRESS: <u>600 TUSCALOOSA AV SW</u></p> <p>CITY/STATE/ZIP: <u>BIRMINGHAM AL 35211</u></p> <p>PHONE: <u>205 422 3405</u> CELLULAR: ( )</p> <p>FAX: ( ) PAGER: ( )</p> <p>EMAIL: <u>ANTHONYGRIER87@gmail.com</u></p> <p><small>*Applicant is required to be authorized by owner to undertake work</small></p>
--	---

**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 checked="" type="checkbox"/> Parking
<input type="checkbox"/> Public	<input type="checkbox"/> Signs	<input type="checkbox"/> Yards	<input type="checkbox"/> Other <u>REMOTE PARKING</u>	

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: SPECIAL EXCEPTION FOR REMOTE PARKING FOR CHURCH AND VARIANCE FOR 78 INSTEAD OF 37 SPACES REQUIRED

If you have a hardship/practical difficulty, please explain: SPECIAL EXCEPTION TO ESTABLISH A CHURCH IN A DS REGULATORY DISTRICT

**FOR STAFF USE**

**SECTION II TEXT CHANGE**

Amendment to: Title: \_\_\_\_\_ Article: \_\_\_\_\_ Title: \_\_\_\_\_

See Attachment

In words substantially as follows: \_\_\_\_\_

<b>PLANS REQUIRED</b>	<b>PERMIT FEE WAIVED</b>	<b>REFERENCE CASES:</b>
<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) Anthony Grier Sr Date 01-07-2020

Signature (Owner) \_\_\_\_\_ Date \_\_\_\_\_

Hearing Date: 2-13-2020 Hearing Time: 2:00 pm 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

500



CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

710 North 20<sup>th</sup> Street  
ROOM 210, CITY HALL  
BIRMINGHAM, ALABAMA 35203



Zoning Board of Adjustment (ZBA) Neighborhood Notification Form

NOTICE to the Arlington-West End Neighborhood Association Date: January 10, 2020

Case: ZBA2020-00003

ZBA meeting date: February 13, 2020

Site: 620 Princeton Ave SW Applicant: Anthony Grier, Sr. / Covenant of Glory & Grace  
Worship 205-422-3405

**Request:** Special exception to establish remote parking for a place of worship as listed in Title 1 Chapter 5 Article 1 Section 8 and a variance for 78 parking spaces instead of the 37 spaces required as listed in Title 1 Chapter 5 Article 1 Section 4.O.

When you receive this notice, please have a neighborhood officer contact Donald Wilborn, Room 500 City Hall, (205) 254-2730, (205) 254-2925 FAX, [Donald.wilborn@birminghamal.gov](mailto:Donald.wilborn@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: Its good for the Community

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: \_\_\_\_\_

X Neighborhood Officer Signature

Delani Clayton

Date: 1-14-20

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

RE: ZBA2020-00003

Date: 1-14-20

To: Donald Wilborn, Room 500, 2<sup>nd</sup> Floor City Hall (205) 254-2730, FAX: (205)254-2925  
*Donald.wilborn@birminghamal.gov*

From: Deloris Clayton N.A. - President, Vice President, Secretary  
(Please indicate the Officer who chaired the meeting when this request was heard)

On Jan. 14, 2020, the request was heard by our Neighborhood Association and we took the following action:

SUPPORT (# of votes) 10 3                      OPPOSE (# of votes) 0

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

Because it helps the community serve the residents

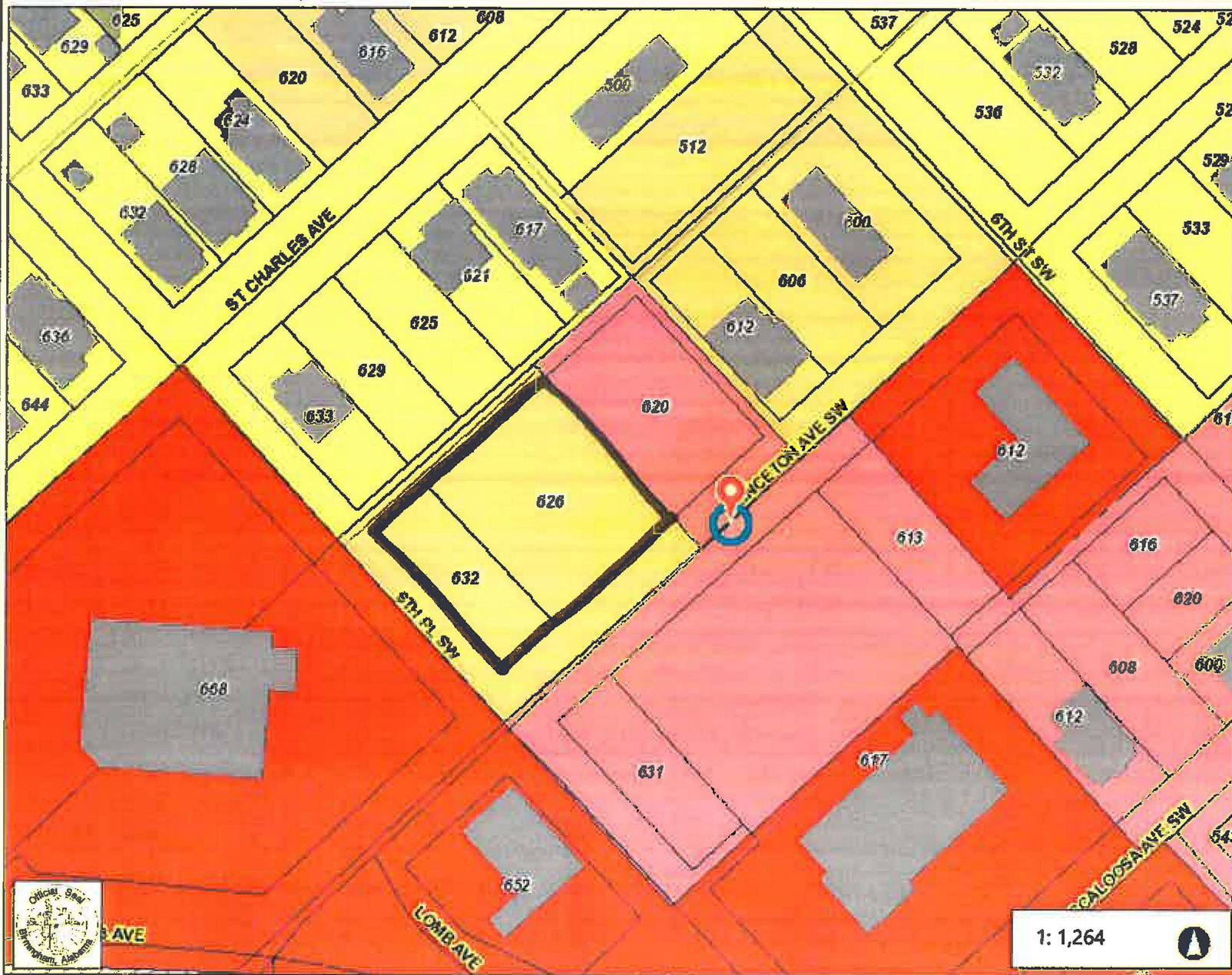
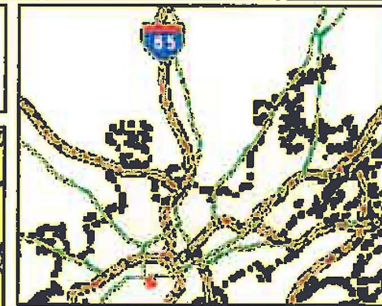
The Neighborhood Association understands that its opinion is only advisory and that this form will be given to ZBA members. Representatives from the Association or its members can attend the ZBA meeting to personally express concerns and requests.

X Neighborhood Officer Signature: Deloris Clayton  
(Officer who chaired or presided over the meeting when the case was presented should sign above)

**NOTE:**

The Arlington-West End NA meetings are the second Tuesday of each month at the West End Library, 1348 Tuscaloosa Avenue SW at 6:00 p.m. Please contact President: Deloris Clayton Phone: (205) 913-4688 to attend the meeting.





**Legend**

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- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  - R2; D2 - Single Family District - Cla
  - R3; D3 - Single Family District; R3
  - R4; D4 - Two Family District; R4

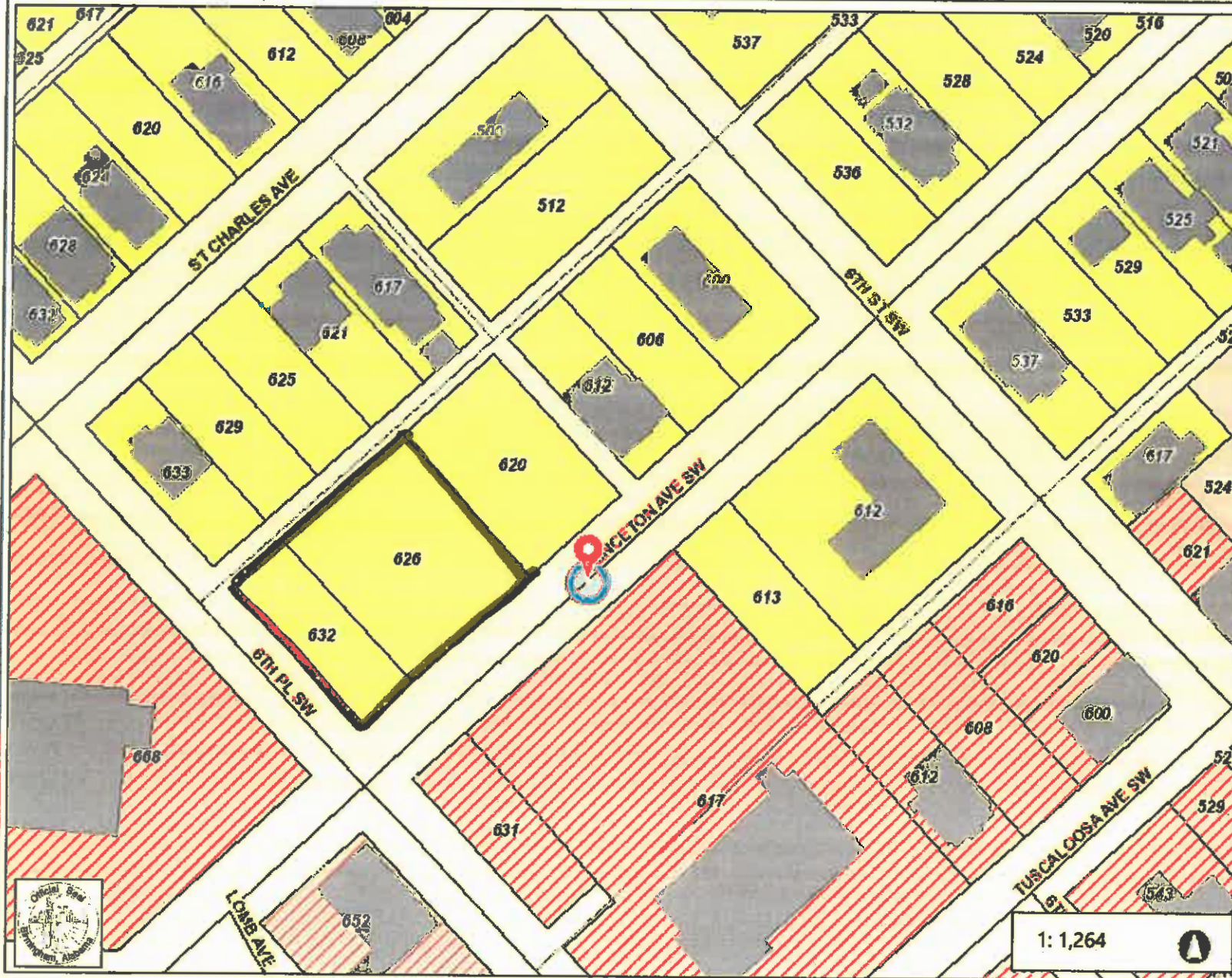
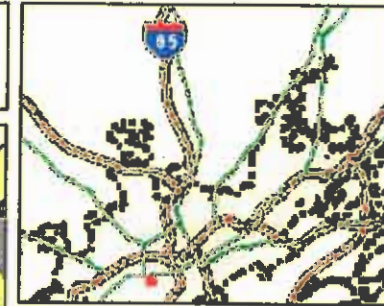


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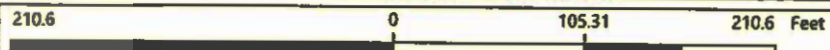
Notes





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  - Residential-Low
  - Residential-Medum
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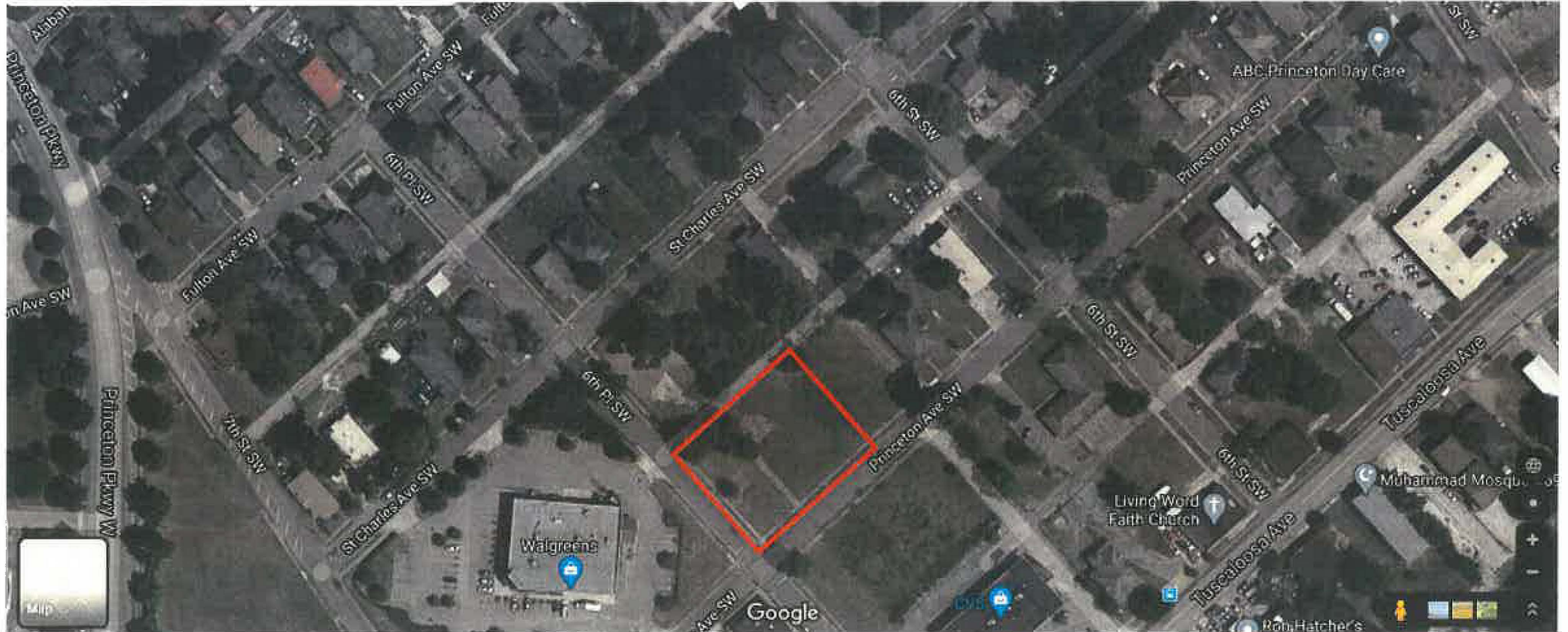
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1:1,264

Notes



ZBA2020-00003 ARIEL MAP







Meeting – July 9, 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  
**CONTINUED**

**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 6<sup>th</sup> 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 driveway to 12ft wide 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:**

Mailed out on June 16,2020.

**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 parcel boundary for 4230 6<sup>th</sup> 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 6<sup>th</sup> Ave S and 4232 6<sup>th</sup> Ave S; however, the recent owner 4232 6<sup>th</sup> 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 6<sup>th</sup> 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 7.1 ft 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. Site visit was conducted on the site and it shows that the applicant and two other properties on the block are the only properties that have a driveway

The applicant does meet requirements of the Variance review standards.

**Staff Recommendation**

Staff believes the applicant has not provided sufficient evidence to support the variance request. Therefore, staff believes the request has merit for approval amd 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 be obtain within one year of the approval date from the Board.



# ONE STOP PERMITTING

CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS  
710 20<sup>th</sup> 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 6<sup>th</sup> 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	APPLICANT*
NAME: <u>ERIC &amp; LACY KAMBER</u>	NAME: _____
ADDRESS: <u>4230 6<sup>th</sup> Ave S.</u>	COMPANY NAME: _____
CITY/STATE/ZIP: <u>BIRMINGHAM, AL 35222</u>	ADDRESS: _____
PHONE: <u>205 516-2288</u> CELLULAR: ( ) <u>same</u>	CITY/STATE/ZIP: _____
FAX: ( ) _____ PAGER: ( ) _____	PHONE: ( ) _____ CELLULAR: ( ) _____
EMAIL: _____	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 6<sup>th</sup> 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) [Signature] 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 6<sup>th</sup> 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)

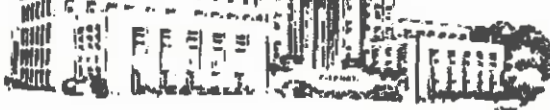
Jeff McGee  
Typed Name of LHAC Chairperson or Other Officer

April 1, 2020  
Date



CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

710 North 20<sup>th</sup> 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 6<sup>th</sup> 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@birminghamal.gov](mailto: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  
President

Date: May 29, 2020





**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



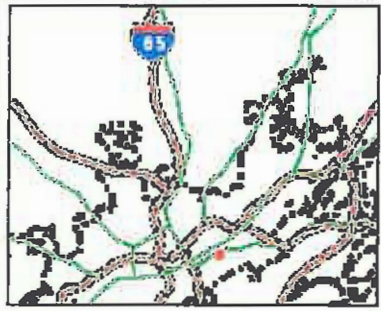
1: 740



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

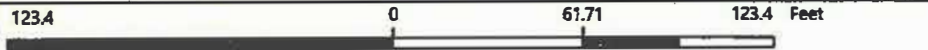




- Legend**
- Centerline Labels
  - Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
    - Limited Access
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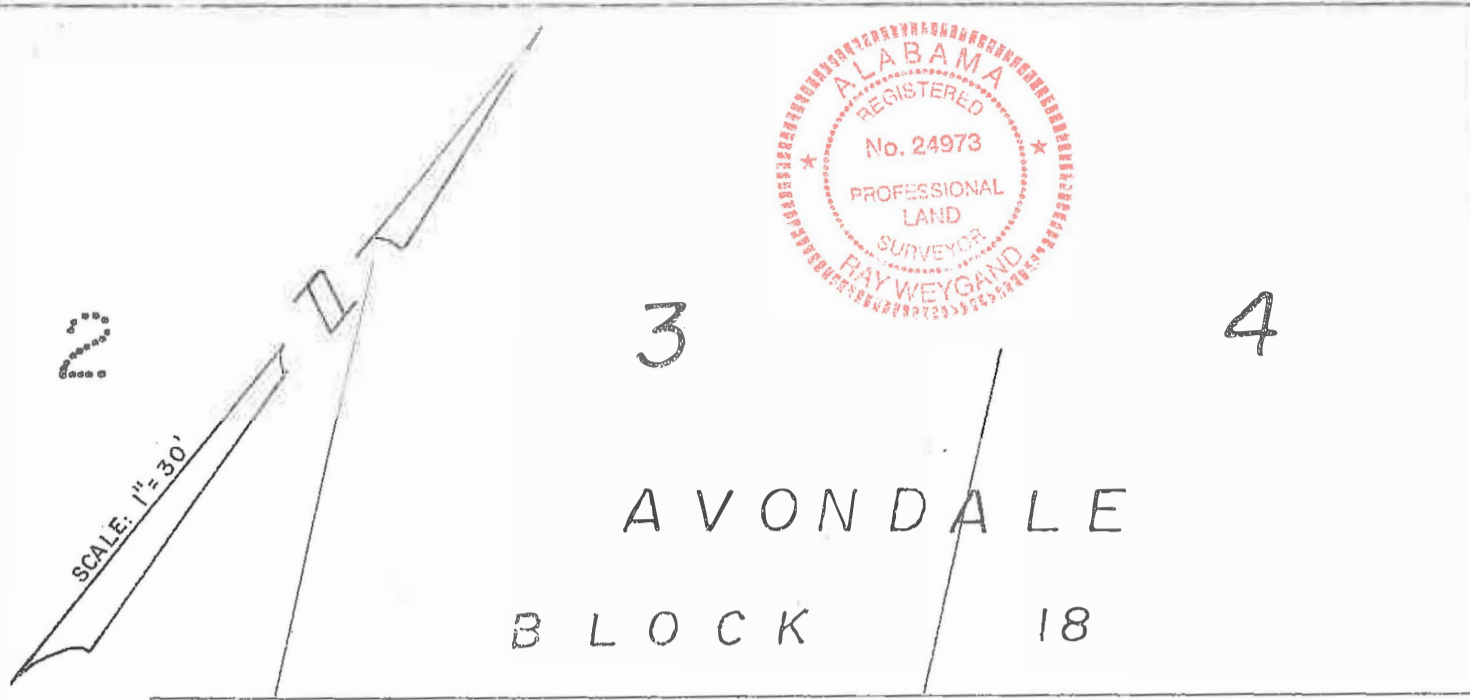
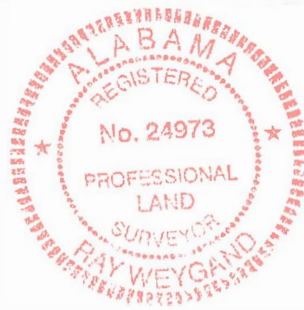
1: 740



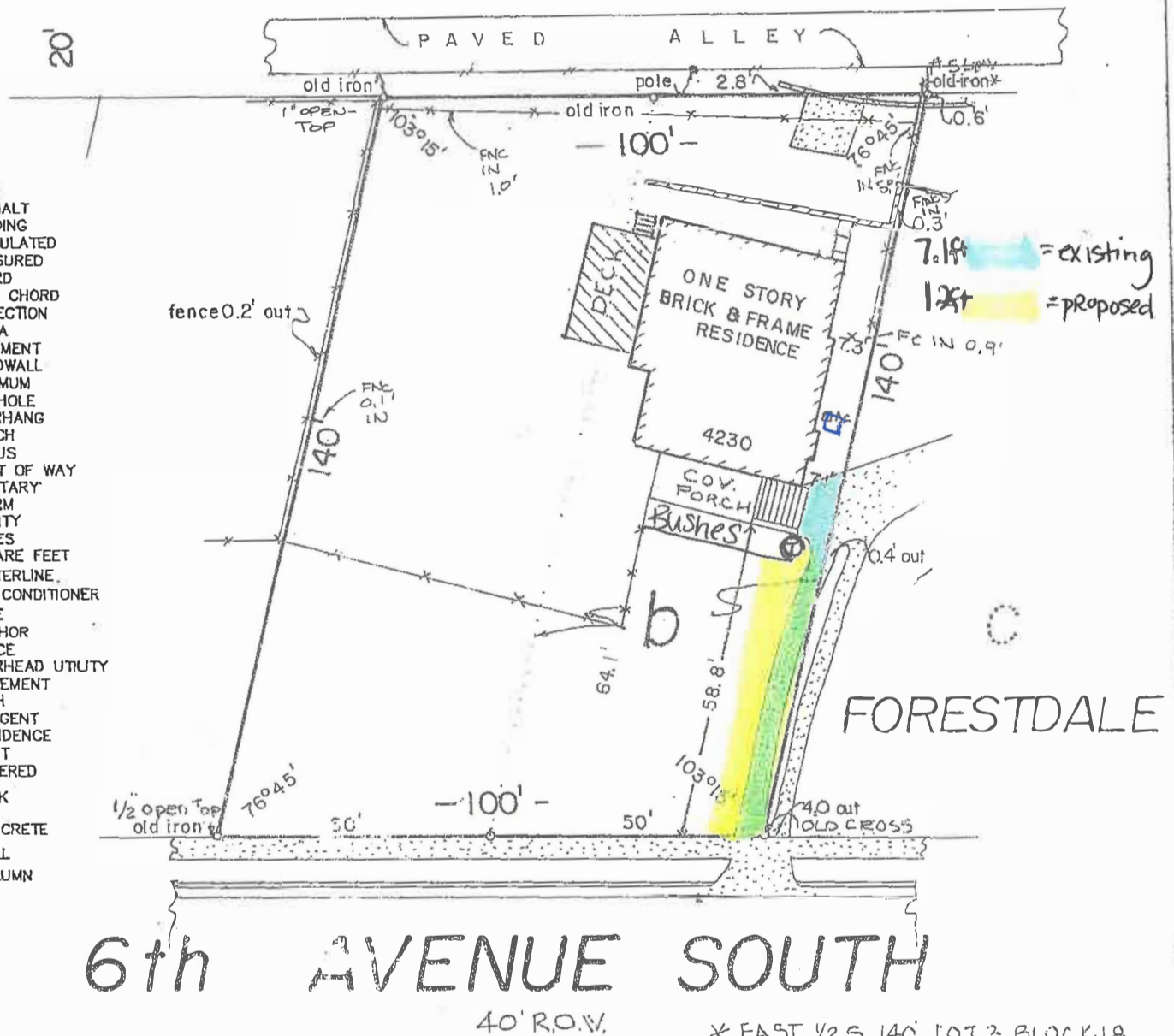
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**Notes**





- 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— OVERHEAD UTILITY
  - PVMT PAVEMENT
  - W/ WITH
  - TAN TANGENT
  - RES RESIDENCE
  - oLGT LIGHT
  - CDV COVERED
  - ▨ DECK
  - CONCRETE
  - ▨ WALL
  - COLUMN



**6th AVENUE SOUTH**  
40' R.O.W.

\* EAST 1/2 S. 140' LOT 3, BLOCK 18, AVONDALE, MBI, PG 21 & LOT 5 BLOCK 18, FORESTDALE, MBI 15 PA

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: KAMP, EA  
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 deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or boundaries 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, or until it is voided by the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.



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



# ZBA2020-00018





**ZBA2020-00018**





**ZBA2020-00018**





**ZBA2020-00018**



**ZBA2020-00018**





**ZBA2020-00018**





Meeting – July 7, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Green Acres      Staff Planner Moton      ZBA2020-00024

**Request:** Variance to allow a 5ft chain link fence in the required front yard area  
Title 1 Chapter 4 Subsection 3.A.1 page 182  
**Applicant:** Francisco Navarrete Escobar  
**Owner:** Francisco Navarrete Escobar  
**Site Address:** 1517 57<sup>th</sup> St EN  
**Zip Code:** 35228  
**Description:** The applicant is requesting to allow a 5ft chain link fence in the front yard area  
**Property Zoned:** D-3 Single Family District  
**Parcel Information:** Parcel #: 012900181007001000, NE of Section 18, Township 18 S, Range 3 W

**Variance:**

The applicant is requesting a variance to allow a 5ft chain link fence in the front yard.

**Neighborhood Meeting:**

The Green Acres Neighborhood Association waiting on vote.

**Public Notices:**

Public notices were mailed on July 1, 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 new fence that I built is 150 feet long and 5 feet high, my house is on a flat lot in a corner crossing on the right and left side. In the back there is a fence that was already there when I bought the house.
2. Unique Characteristics. The characteristics of the fence that I built is that the material I use is metal, so I consider that it does not affect the style of the neighborhood, on the contrary it can be seen that I am not trying to hide anything just with the possible care and security.
3. Hardship Not Self-Imposed. In no way has anything been self-imposed for the intention of obtaining the of the property at a better price but only the wellbeing of my family.
4. Financial Gain Not Only Basis. I do not intend to obtain a variance through a financial interest.
5. No Injury to Neighboring Property. I consider that the construction of this fence does not cause any injury or affect any light, air supply to the adjacent property.
6. No Harm to Public Welfare. I consider that the fence does not cause any problem to the public well-being, it does not even increase the road congestion, or there is no danger of fire or moral health, the only thing I want to add asking for prior permit, I did not intend breaking Birmingham City Rules.

**Staff Analysis:**

The subject property located at 1517 57<sup>th</sup> St is zoned D-3, Single Family District. The 5ft chain link fence is located in the front yards off of 57<sup>th</sup> St and Court O.

The applicant does not meet the requirement of the six variance standards.

**Staff Recommendation**

Staff believes the applicant has not provided sufficient evidence to support the variance request. Therefore, staff believes the request has merit for denial and as such, should be **DENIED** with the following conditions:

1. Fence must be removed within 30 days of the Zoning Board of Adjustment hearing.



# ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

ZBA2020-0024

<div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;">APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date _____</td> </tr> <tr> <td style="padding: 2px;">Case No. _____</td> </tr> <tr> <td style="padding: 2px;">Master No. _____</td> </tr> <tr> <td style="padding: 2px;">Project No. _____</td> </tr> </table>	Date _____	Case No. _____	Master No. _____	Project No. _____
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: 1517 57th St EN 35228 Zip Code: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Project Name: Fence  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Metes and Bounds Attached

<b>OWNER</b> NAME: <u>Francisco Navarrete Escobar</u> ADDRESS: <u>1517 57th SW</u> CITY/STATE/ZIP: <u>Birmingham AL 35228</u> PHONE: ( ) _____ CELLULAR: <u>(205) 2599826</u> FAX: ( ) _____ PAGER: ( ) _____ EMAIL: _____	<b>APPLICANT*</b> NAME: _____ COMPANY NAME: _____ ADDRESS: _____ CITY/STATE/ZIP: _____ PHONE: ( ) _____ CELLULAR: ( ) _____ FAX: ( ) _____ PAGER: ( ) _____ EMAIL: _____ <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:

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 checked="" type="checkbox"/> Other: <u>Chain link fence</u>	

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 checked="" 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: fence

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: \_\_\_\_\_

<b>PLANS REQUIRED</b>	<b>PERMIT FEE WAIVED</b>	<b>REFERENCE CASES:</b>
<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) Francisco Navarrete Escobar Date \_\_\_\_\_  
 Signature (Owner) Francisco Navarrete Escobar 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

**PARCEL ID:** 012900181007001000

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

**DATE:** Tuesday, June 30, 2020 11:59:27 AM

**OWNER:** NEXT STEP INVESTMENTS LLC & SHO

**ADDRESS:** 2418 GREEN SPRINGS HWY #30

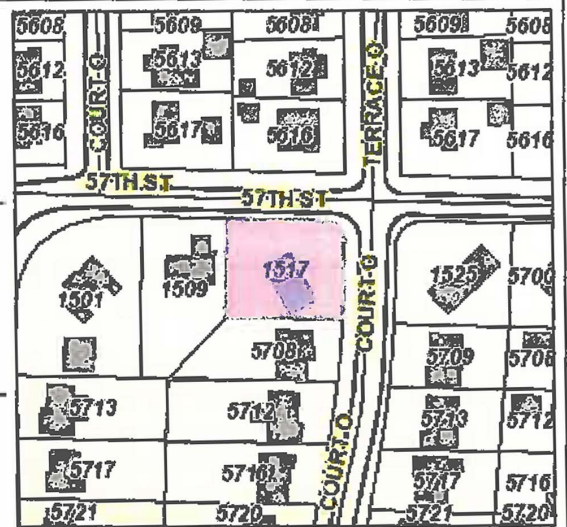
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35209

**SITE ADDR:** 1517 57TH ST

**CITY/STATE:** BHAM, AL

**ZIP:** 35228



**LAND:** \$14,200.00

**BLDG:** \$59,800.00

**OTHER:** \$0.00

**AREA:** 10,900.56

**ACRES:** 0.25

**SUBDIVISION INFORMATION:**

**NAME** PARK COURTS 2ND SECTOR

**BLOCK:** 1

**LOT:** 3

:

**Section:** 18-18-3W

**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:** Green Acres (206)

**Communities:** Five Points West (2)

**Council Districts:** District - 7 (Councilor: Wardine Alexander)

**Zoning Outline:** D3

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

**Strategic Opportunity Area:** Not in Strategic Opportunity Area

**RISE Focus Area:** Not in RISE Focus Area

**Tax Delinquent Property:** Not in Tax Delinquent Property

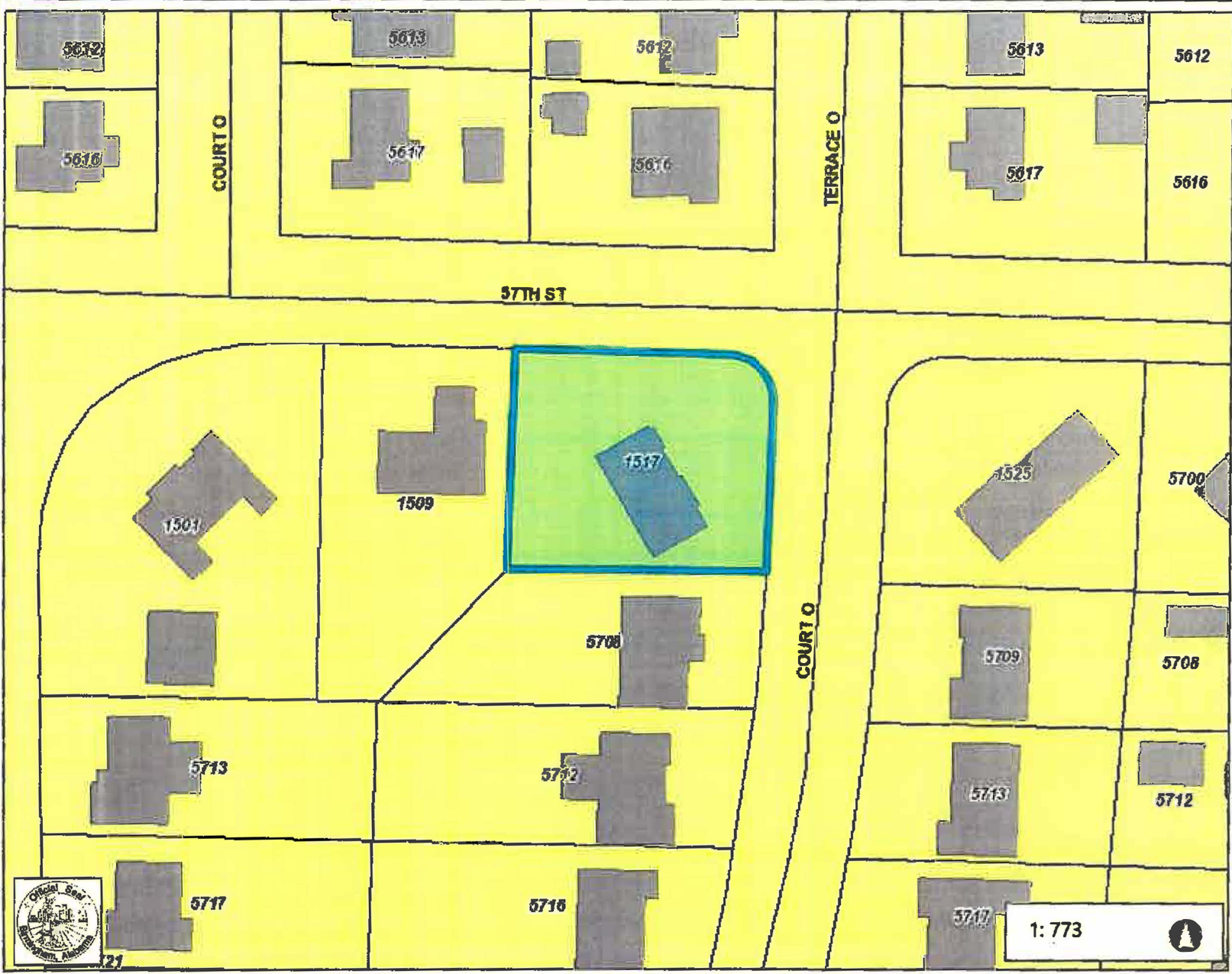
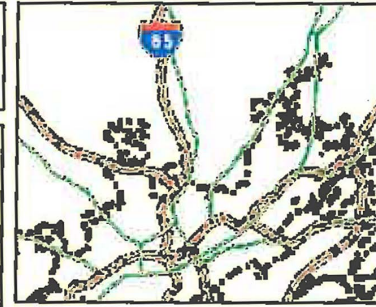
**EPA Superfund:** Not in EPA Superfund

**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
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- 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



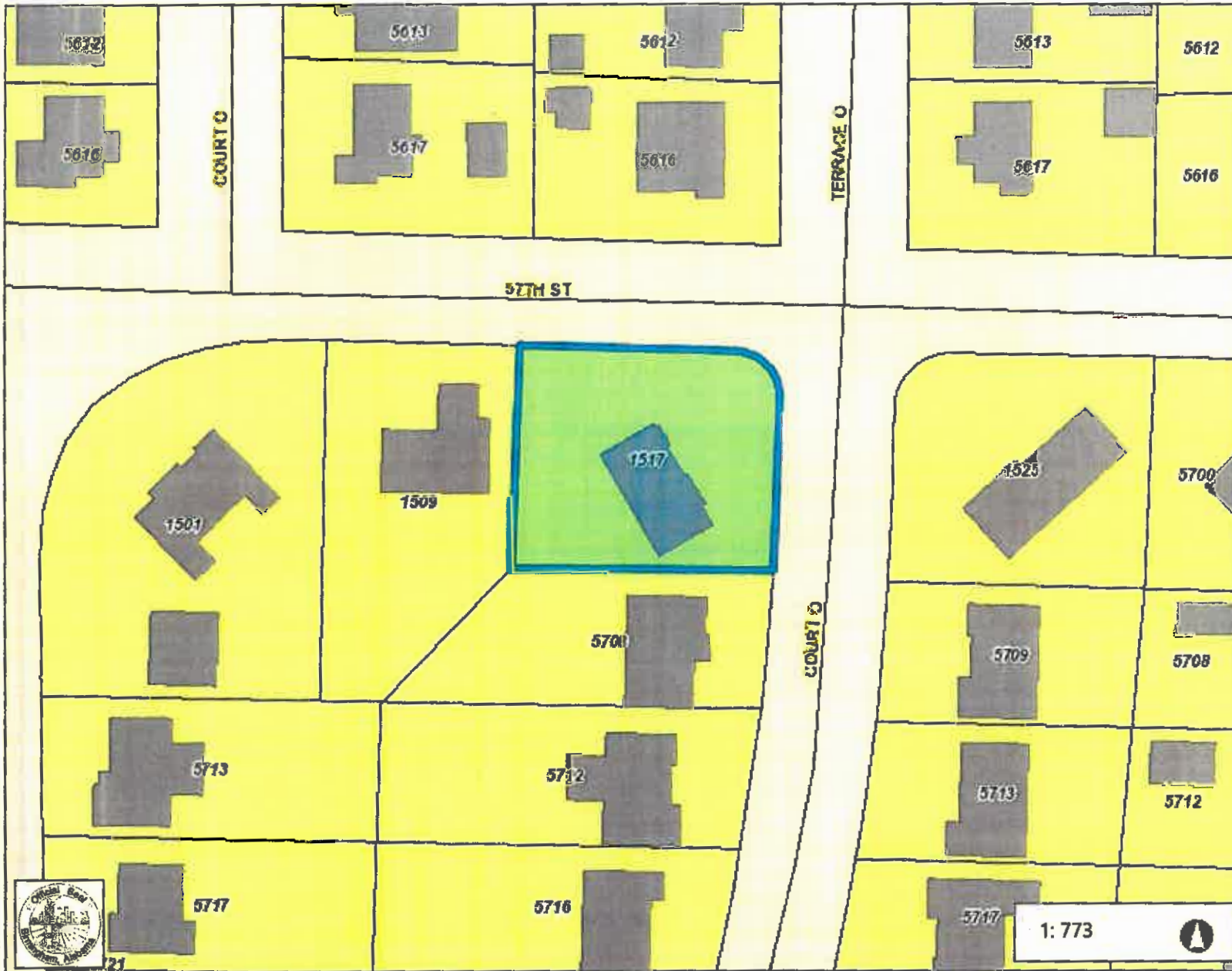
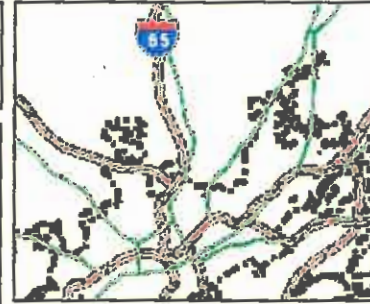
1: 773



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



1: 773



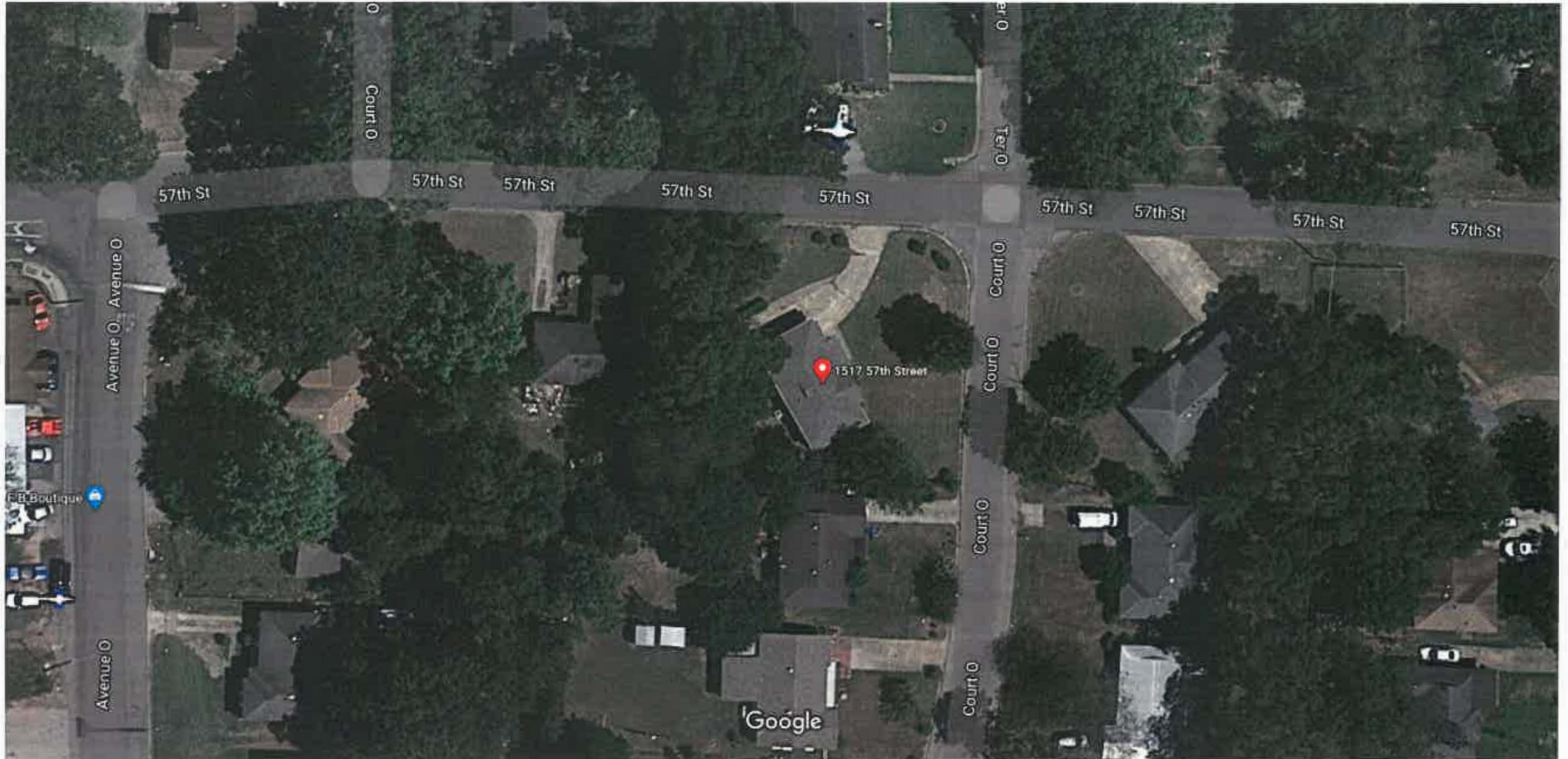
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes

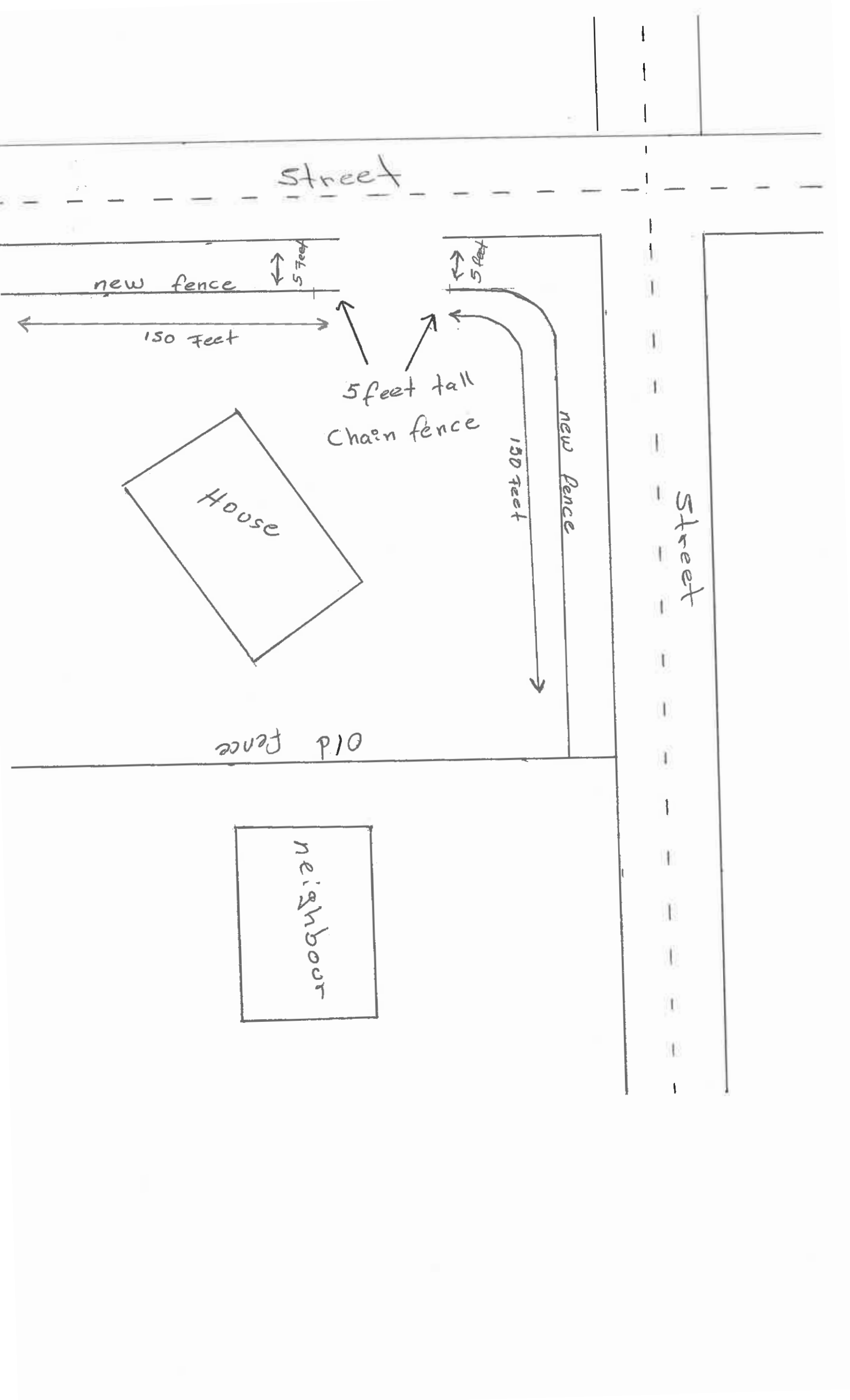




1517 57th St En  
ZBA2020-00024



Map data ©2020, Map data ©2020 20 ft











Meeting – July 7, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Liberty Highlands      Staff Planner Moton      ZBA2020-00025

**Request:** A special exception to allow for an event center. Title 1, Chapter 4, Section 6.D page 131  
**Applicant:** Frederick Chatman  
**Owner:** Berryhill Keffie  
**Site Address:** 1780 John Rogers Dr  
**Zip Code:** 35210  
**Description:** The applicant is requesting a special to allow for an event center.  
**Property Zoned:** C-2, General Commercial District  
**Parcel Information:** Parcel #: 012400172002015000, NW1 of Section 17, Township 17 S, Range 1 W

**Variance:**

The applicant is requesting a special exception for a wedding venue.

**Neighborhood Meeting:**

The Liberty Highlands Neighborhood Association waiting on vote.

**Public Notices:**

Public notices were mailed on July 1, 2020.

**Staff Analysis:**

The subject property located at 1780 John Rogers is zoned C-2, General Commercial District. The subject property was recently rezoned from I-3, Planned Manufacturing District to C-2, General Business District in case ZAC2020-00005. The applicant plans to construct a wedding event center. Access to the site will be located from Gun Club Road. The site plan shows a 6,000 square foot building with a parking lot containing 60 parking spaces. The parking requirement is 1 space per 1,000 square feet of GFA; therefore, the total number of spaces required is 60. The applicant intends to use the building for weddings and receptions. The building will contain a chapel-like area, prep kitchen, changing room for the Bride and Groom and chandelier lighting. The building exterior will include a combination of brick/stone, hardie siding and a metal roof pending design review approval. Hours of operation will be Sunday to Wednesday from 9am to 11pm and Thursday to Saturday from 9am to 12am. The extended hours will allow for clean-up of the facility after events are completed. Security will be provided for staff safety.

**Staff Recommendation**

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

1. The hours of operation shall be limited to 7:00a.m.-12:00a.m.
2. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
3. All permits and certificate of completion should obtain within 30months due to the pandemic of approval from the Board.

# ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

## APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Date 6/17/20

Case No. \_\_\_\_\_

Master No. \_\_\_\_\_

Project No. \_\_\_\_\_

P.I.D. No.: \_\_\_\_\_

Address Verified By: \_\_\_\_\_

Modified Address: 1780 John Rogers Drive

Please print or type legibly and fill in all that apply

Site Address: 1780 John Rogers Drive

Zip Code: 35210

Location: 1780 John Rogers Drive

Project Name: Wedding Venue

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Metes and Bounds Attached

### OWNER

NAME: Frederick Chartman

ADDRESS: 812 5th Place West

CITY/STATE/ZIP: Birmingham, AL 35204

PHONE: ( ) \_\_\_\_\_ CELLULAR: ( ) \_\_\_\_\_

FAX: ( ) \_\_\_\_\_ PAGER: ( ) \_\_\_\_\_

EMAIL: \_\_\_\_\_

### APPLICANT\*

NAME: Frede

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 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: Event Center

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 06/17/20

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





**The Guiding Light Church**  
*"We Are Family"*

June 9, 2020

**TO WHOM IT MAY CONCERN:**

As a property owner on John Rogers Drive, Fred & Cathy Chatman have shared their intent to open a wedding venue on their property located at 1780 John Rogers Dr (35210). This communication acknowledges no objection on our part to this type of venue.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Lowe, Jr.", written in a cursive style.

**Bishop James L. Lowe, Jr.**  
**Board President**



**CITY OF BIRMINGHAM**

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

PUTTING PEOPLE FIRST

RANDALL L. WOODFIN  
MAYOR

710 - 20TH STREET NORTH  
ROOM 210 CITY HALL  
BIRMINGHAM, ALABAMA 35203

EDWIN REVELL  
DIRECTOR

**ZONING ADVISORY COMMITTEE**

**ZAC2020-00005**

**Liberty Highl**

**Description:** Application to change zone district boundaries from I-3 (Planned Manufacturing District) to (General Commercial District) in order to allow a Wedding Event Center.

**Applicant:** FREDERICK CHATMAN

**Owner:** BERRYHILL KEFFIE

**Premises/Geographic:** 1780 John Rogers Drive (1900 Brownlee Hills Rd.)

**Parcel Information:** 1. 012400172002015000; situated in the NW 1/4 of Section 17, Township 17S; Range 1-W

**Property Zoned:** I-3 - PLANNED INDUSTRIAL DIST

**Proposed Use:** Rezoning-Commercial / Mixed Use

BE IT RESOLVED By the Zoning Advisory Committee of the Birmingham Planning Commission that the application of Frederick Chatman, representing the owner, Keffie Berryhill, for the property located at 1780 John Rogers Drive, for a change in the zone district boundaries from I-3 (Planned Manufacturing District) to C-2 (General Commercial District) in order to allow a Wedding Event Center, be and the same is hereby Recommended to the City Council for Approval.

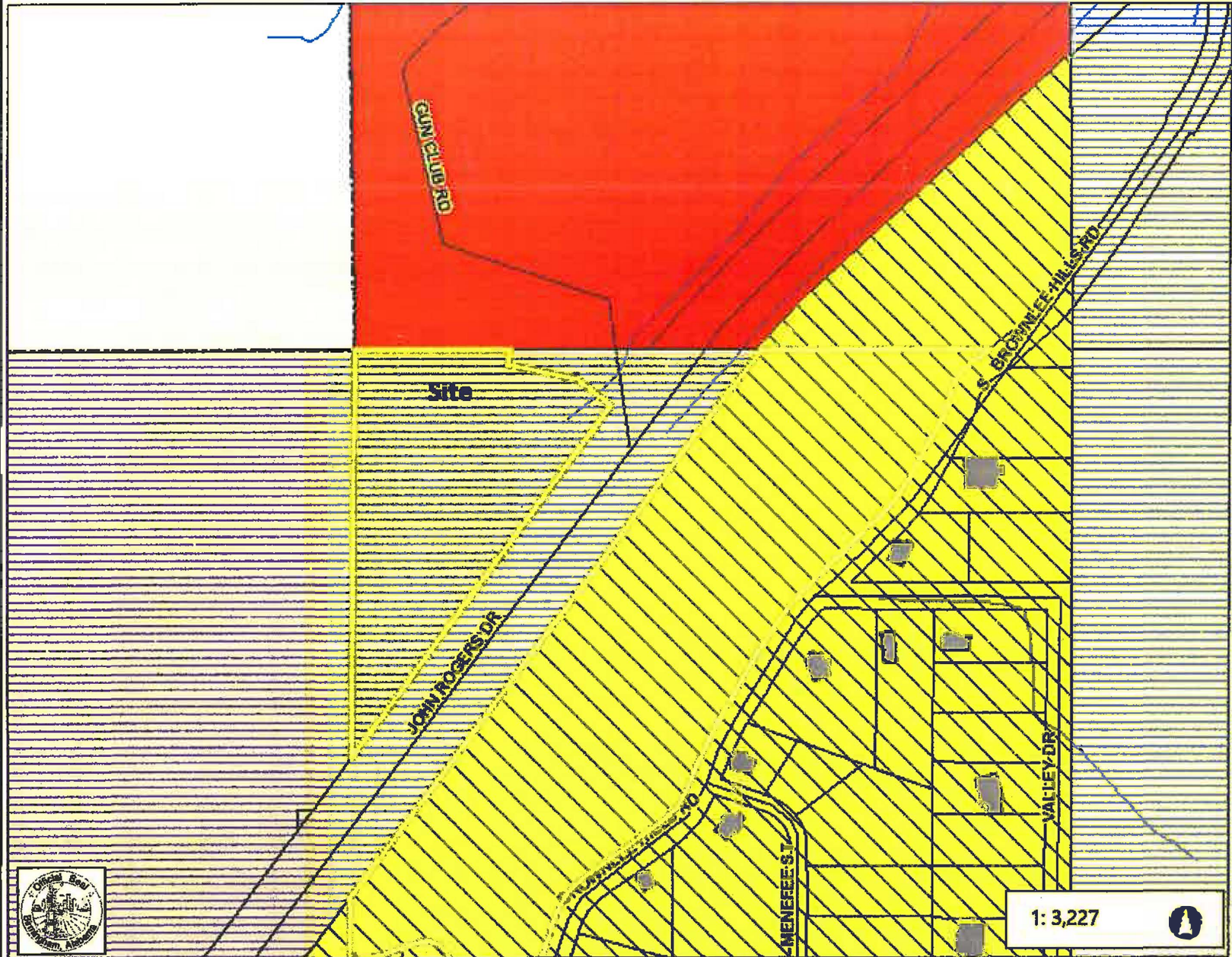
STATE OF ALABAMA  
JEFFERSON COUNTY

I, Tim Gambrel, Technical Advisor to the Birmingham Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Zoning Advisory Committee of the Birmingham Planning Commission at its meeting June 16, 2020 and the same appears of record in the Official Minutes of said Committee.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Birmingham Planning Commission this day, June 17, 2020.

Tim Gambrel  
Chief Planner





- 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: 3,227



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



1: 3,227

537.8 0 268.91 537.8 Feet

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

### Notes





1780 John Rogers Dr

ZBA2020-00025



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft

Engineer

**John Rogers Drive  
 Wedding Venue**  
 Birmingham, Alabama

Sheet Title:  
**Preliminary  
 Layout**

Revised:

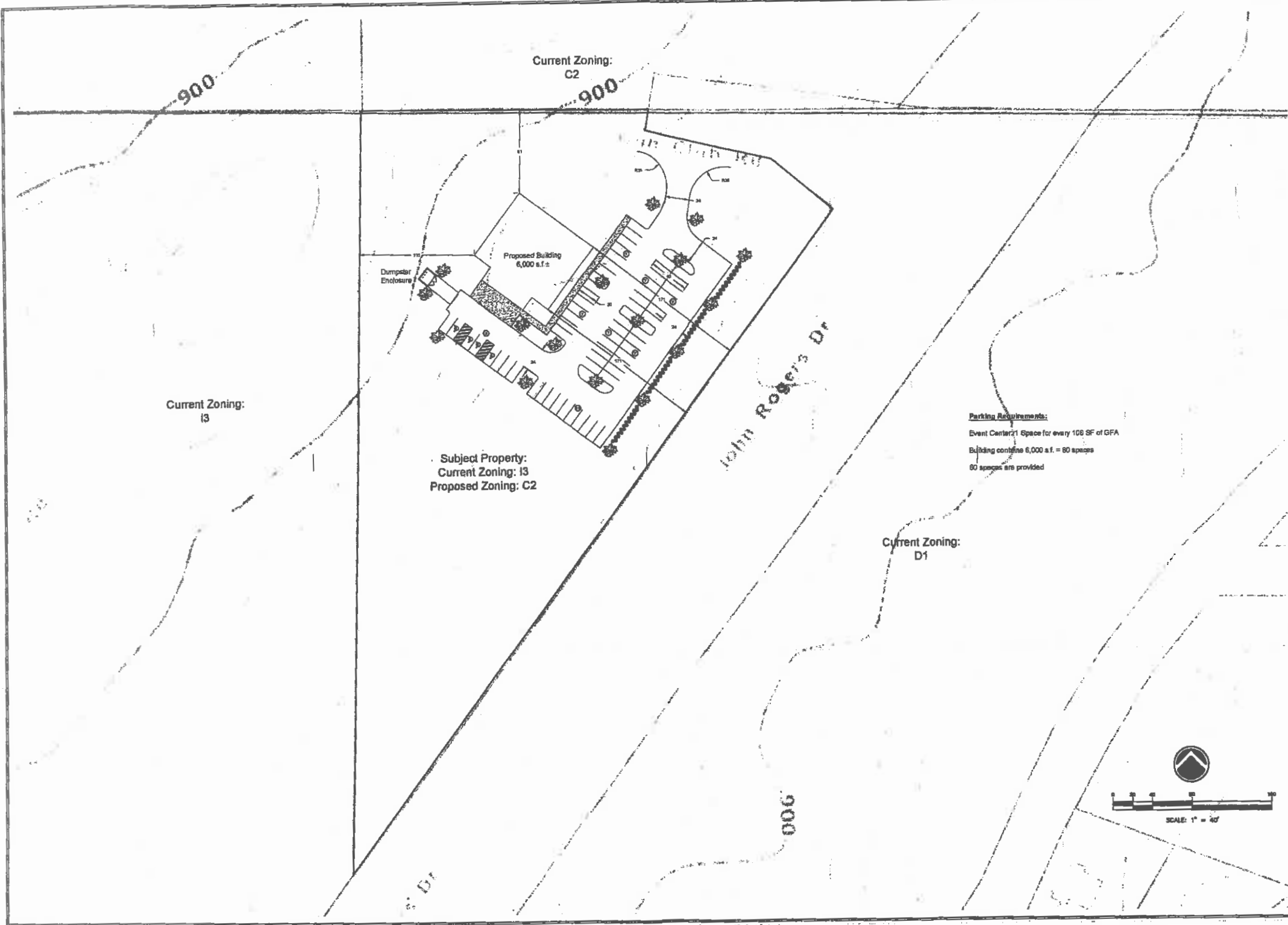
File:  
 Preliminary

Date: July 10, 2019

Scale: 1"=40'

Drawing:

**C-1.0**



Current Zoning:  
 I3

Current Zoning:  
 C2

Subject Property:  
 Current Zoning: I3  
 Proposed Zoning: C2

Parking Requirements:  
 Event Center: 1 Space for every 108 SF of GFA  
 Building contains 6,000 s.f. = 60 spaces  
 60 spaces are provided





Meeting – July 7, 2020  
Location - City Council Chambers, Third Floor, City Hall  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Department of Planning Engineering & Permits Conference Room, Fifth Floor

---

Neighborhood: Southside                      Staff Planner Moton                      ZBA2020-00026

Request:                      Parking Modification  
Applicant:                      Jansen Voss  
Owner:                      Wright Wheeler Compton Jr  
Site Address:                      3004 4<sup>th</sup> Ave S  
Zip Code:                      35233  
Description:                      Modification to allow 4 of the required off-street instead of the required 23 parking pursuant to Title 1, Chapter, 9, Article VI, Section 6.3 page 371  
Property Zoned:                      M-1 Light Manufacturing District  
Parcel Information:                      Parcel #:012300312004004000, NW1 of Section 31, Township 17 S, Range 2 W

**Special Exception:**

Modification to allow 4 of the required off-street instead of the required 23 parking pursuant to Title 1, Chapter, 9, Article VI, Section 6.3 page 371

**Neighborhood Meeting:**

The South side Neighborhood Association waiting on vote.

**Public Notices:**

Public notices were mailed on July 1, 2020.

**Staff Analysis:**

The subject property located at 3004 4<sup>th</sup> Ave S is zoned M-1 Light Industrial District. The property is located within the Lakeview Commercial Revitalization District. The current location is Civil Ax Throwing. The hours of operations are Tuesday-Thursday 2:30pm- 10:00pm, Friday 2:30pm-11:00pm, Saturday 11:45am-11:00pm and Sunday 1:00pm-8:00pm. The square foot of the building is 4,664sq; therefore, they will need a total of 23 parking spaces. The applicant has provided 4 parking spaces on site. There is a parking modification next to the subject property 3000 4<sup>th</sup> Ave S that was granted a modification to allow 0 of the 70 required parking spaces due to surplus parking ZBA2013-00051. There is another parking modification for property 3000 3<sup>rd</sup> Ave S that was granted a modification for parking to allow 14 off-street parking spaces instead of the required 39 off-street parking spaces due to surplus parking ZBA2017-00083.

**Staff Recommendation**

Staff believes the applicant has provided sufficient evidence to support the modification 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. Reviewed and approved by the Design Review Staff.
3. All permits and certificate of completion should obtain within two years of approval from the Board.

# ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

<b>APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</b>		Date _____ Case No. _____ Master No. _____ Project No. _____
P.I.D. No.: _____ Address Verified By: _____ Modified Address: _____		
<b>Please print or type legibly and fill in all that apply</b>		
Site Address: <u>3004 4th Ave S., Birmingham, AL</u> Zip Code: <u>35233</u>		
Location: _____		
Project Name: <u>Civil Ax Throwing</u>		
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
<input type="checkbox"/> Metas and Bounds Attached		
<b>OWNER</b>	<b>APPLICANT</b>	
NAME: <u>Civil Ax Throwing LLC</u>	NAME: <u>M. Jansen Voss</u>	
ADDRESS: <u>3004 4th Ave S.</u>	COMPANY NAME: <u>Christian &amp; Small, LLP</u>	
CITY/STATE/ZIP: <u>Birmingham, AL 35233</u>	ADDRESS: <u>505 20th Street North</u>	
PHONE: <u>(901) 413-5380</u>	CITY/STATE/ZIP: <u>Birmingham, AL 35203</u>	
CELLULAR: ( ) _____	PHONE: <u>(205) 250-6632</u> CELLULAR: <u>(256) 749-4936</u>	
FAX: ( ) _____	FAX: ( ) _____ PAGER: ( ) _____	
PAGER: ( ) _____	EMAIL: <u>mjvoss@csattorneys.com</u>	
EMAIL: <u>info@civilaxthrowing.com</u>	*Applicant is required to be authorized by owner to undertake work	
<b>TYPE OF REQUEST</b>		
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 checked="" type="checkbox"/> Modification – Modify the strict application of the provisions of the Zoning Ordinance (Article VIII, Sec. 5.3)		
<input 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 type="checkbox"/> Yards
<input type="checkbox"/> Communal Living Facility	<input type="checkbox"/> Non-Conforming Uses	<input checked="" type="checkbox"/> Parking
<input type="checkbox"/> Other _____		
<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-Conforming Uses	<input type="checkbox"/> Parking
<input type="checkbox"/> Fences		
Description of Work or Request: <u>We request a modification from zoning ordinances because we can demonstrate a surplus of on-street parking exists along with parking if you have a hardship/practical difficulty, please explain: designated specifically for the building.</u>		
<b>SECTION II TEXT CHANGE FOR STAFF USE</b>		
Amendment to: Title: _____ Article: _____ Title: _____		
<input type="checkbox"/> See Attachment		
<input type="checkbox"/> In words substantially as follows: _____		
_____		
<b>PLANS REQUIRED</b>	<b>PERMIT FEE WAIVED</b>	<b>REFERENCE CASES:</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
<b>COMMENTS</b>		
_____		
<b>CERTIFICATION</b>		
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) _____	Date <u>6/18/20</u>	
Signature (Owner) _____	Date _____	
Hearing Date: _____ Hearing Time: _____ Location: <b>Room 300, City Hall</b>		
Filing Fees:	Single Family Residential Zone District	-
	Multi-Family Residential and Commercial Zone District	-
	Appeals	-
		\$100.00
		\$500.00
		\$300.00



**LIMITED POWER OF ATTORNEY**

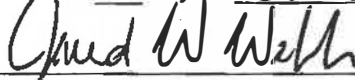
I, Jared Welch, as one of the owners of Civil Ax Throwing LLC, state as follows:

1) M. Jansen Voss, an attorney with the firm Christian & Small, LLP, is authorized to act as my agent with respect to Civil Ax Throwing LLC's application to the Alabama Beverage Control Board for alcoholic beverage licenses. Mr. Voss is authorized to meet with ABC agents or employees, provide information and supporting documentation to the ABC, and sign documents on behalf of myself and Civil Ax Throwing LLC in the course of applying for and obtaining alcoholic beverage licenses from the ABC.

2) Mr. Voss is authorized to act as my agent with respect to Civil Ax Throwing LLC's application to the City of Birmingham, Alabama for alcoholic beverage licenses, permits, and approvals, including any other licenses, permits or approvals attendant thereto. Mr. Voss is authorized to meet with agents or employees of the City of Birmingham, Alabama, provide information and supporting documentation to the City of Birmingham, Alabama, and sign documents on behalf of myself and Civil Ax Throwing LLC in the course of applying for and obtaining alcoholic beverage licenses, permits, and approvals, including any other licenses, permits or approvals attendant thereto.

3) Mr. Voss is authorized to act as my agent with respect to Civil Ax Throwing LLC's application to the City of Birmingham, Alabama's Zoning Board of Adjustment. Mr. Voss is authorized to meet with agents or employees of the City of Birmingham, Alabama, provide information and supporting documentation to the City of Birmingham, Alabama, and sign documents on behalf of myself and Civil Ax Throwing LLC before the City of Birmingham, Alabama's Zoning Board of Adjustment.

Done this 2 day of June 2020.

  
Signature, individually, and  
on behalf of Civil Ax Throwing LLC

Jared Welch  
Print Name

---

June 18, 2020

**SUBMITTED WITH APPLICATION TO  
THE ZONING BOARD OF ADJUSTMENT**

City of Birmingham  
Zoning Board of Adjustment  
710 20<sup>th</sup> Street North  
Birmingham, Alabama 35203

RE: Civil Ax Throwing LLC – 3004 4<sup>th</sup> Ave. S., Birmingham, AL 35233

Dear Zoning Board:

This letter concerns a request to modify the City's Zoning Ordinances with respect to parking requirements for Civil Ax Throwing LLC at the above-referenced address. In addition to our Application, a map of adjacent parking, an interior drawing of the space, and a Limited Power of Attorney—all attached hereto—I wanted to summarize our thoughts on the modification request.

First, there are four parking spots immediately behind Civil Ax adjacent to 3<sup>rd</sup> Alley. There are also up to five spots immediately behind Dorm Décor adjacent to 3<sup>rd</sup> Alley. Civil Ax has access to these parking spots, and has been using those spots for some time now. See attached map.

Second, there are over twenty-five on-street parking spots adjacent to Civil Ax, and many more within a one block radius. See attached map.

Third, Civil Ax's hours of operation are:

Tuesday-Thursday 2:30pm-10:00pm  
Friday 2:30pm-11:00pm  
Saturday 11:45pm-11:00pm  
Sunday 1:00pm-8:00pm

As an entertainment venue, Civil Ax's heavy traffic hours are outside of the typical 9:00am-5:00pm workday. Most of the adjacent businesses do not operate during Civil Ax's heavy traffic hours of operation. A Google search reveals hours of operation for the following adjacent businesses:

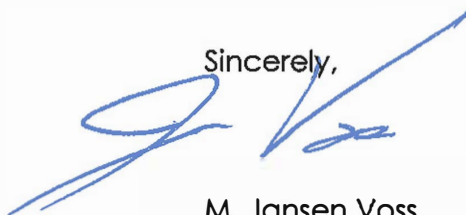


- Birmingham Family Dental Services closes at 5:00pm Monday-Friday, and at 3:00pm on Saturday and Sunday.
- ALG Labels and Graphics operates 8:00am-4:30pm Monday-Friday and they are closed on Saturday and Sunday.
- Dorm Décor closes at 3:00pm Monday-Saturday, and at 4:00pm on Sunday.
- Although Kung Fu Birmingham is open from 6:00pm-8:30pm on Wednesdays, they are closed Monday, Friday and Saturday, and operate limited hours other times of the week.
- Met Design Center operates from 8:30am-4:30pm Monday-Friday, and is closed Saturday and Sunday.
- Waddell Power is open from 8:00am-5:00pm Monday-Friday, and is closed Saturday and Sunday.
- Alabama Stone Works is open 7:30am-4:00pm Monday-Friday, and is closed Saturday and Sunday.
- Magic Stitches Embroidery is open 9:00am-5:30pm Monday-Friday, and is closed on Saturday and Sunday.

Fourth, we have not received complaints from customers or adjacent businesses concerning parking difficulties.

We appreciate the opportunity to do business in the City of Birmingham and would appreciate this Board's modification of zoning regulations to allow Civil Ax to continue operating its popular sports and entertainment venue in the City. If you have any questions or concerns, do not hesitate to contact me.

Sincerely,



M. Jansen Voss

**PARCEL ID:** 012300312004004000

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

**DATE:** Tuesday, June 30, 2020 1:15:56 PM

**OWNER:** WRIGHT WHEELER COMPTON JR

**ADDRESS:** 5119 SPLIT RAIL TRL

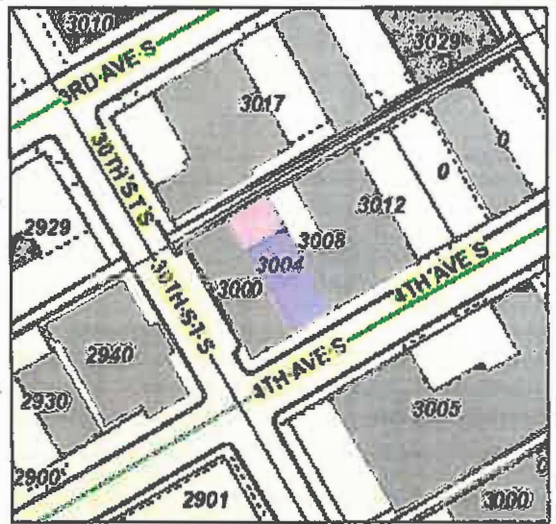
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35244--1949

**SITE ADDR:** 3004 4TH AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$154,000.00

**BLDG:** \$104,900.00

**OTHER:** \$0.00

**AREA:** 7,291.82

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 447

**LOT:** 13

**Section:** 31-17-2W

**Land Slide Zones:** Not in Land Slide Zones

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Lakeview

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

**Tax Increment Financing District:** Not in Tax Increment Financing District

**Neighborhoods:** Southside (1703)

**Communities:** Southside (17)

**Council Districts:** District - 5 (Councilor: Darrell O'Quinn)

**Zoning Outline:** M1

**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

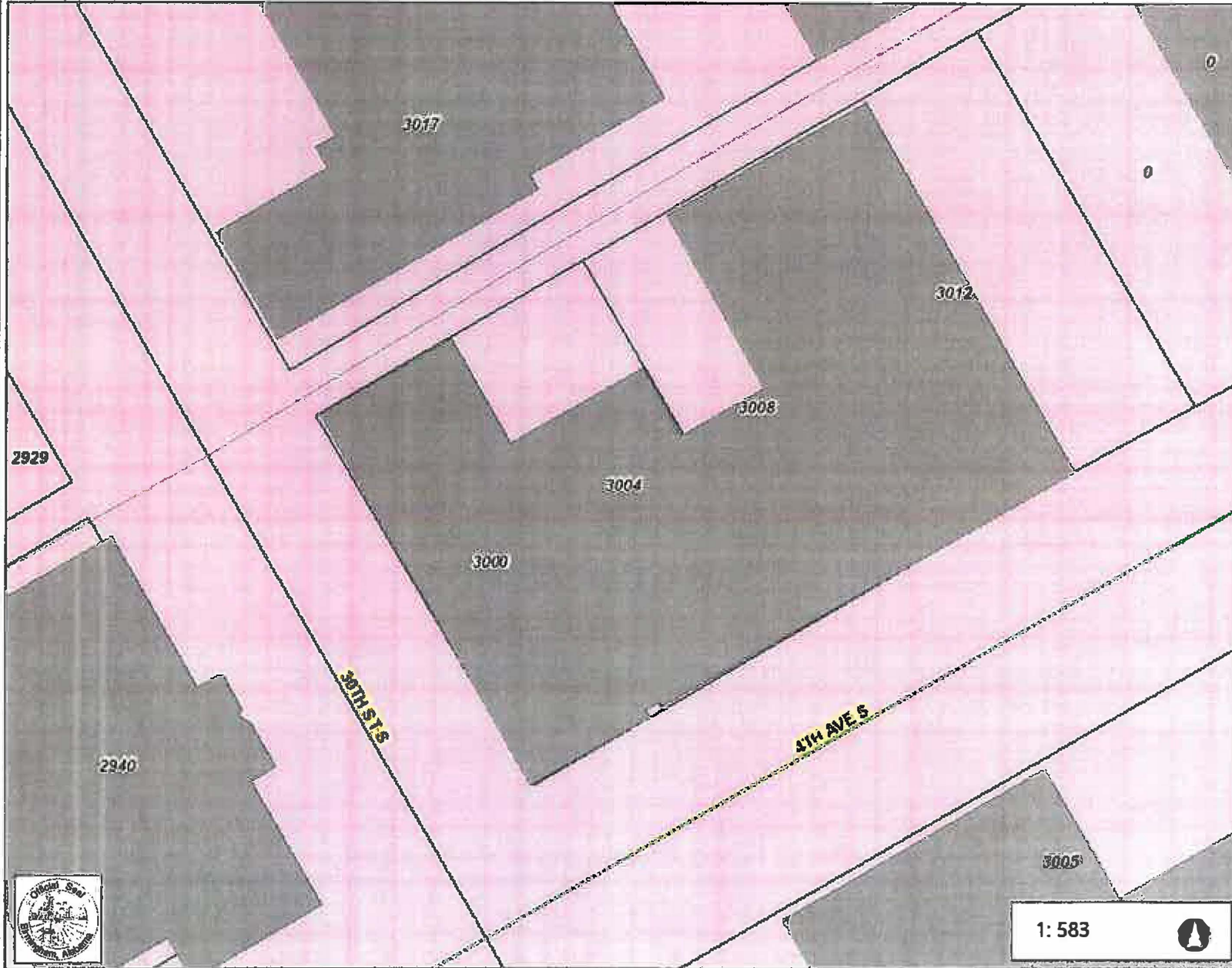
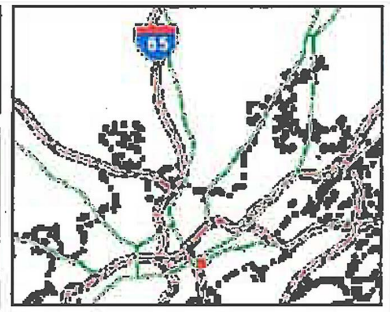
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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.



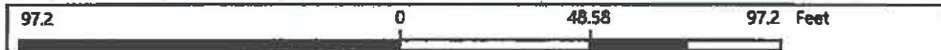


**Legend**

- 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 - C1a
  - R2; D2 - Single Family District - C1e
  - 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



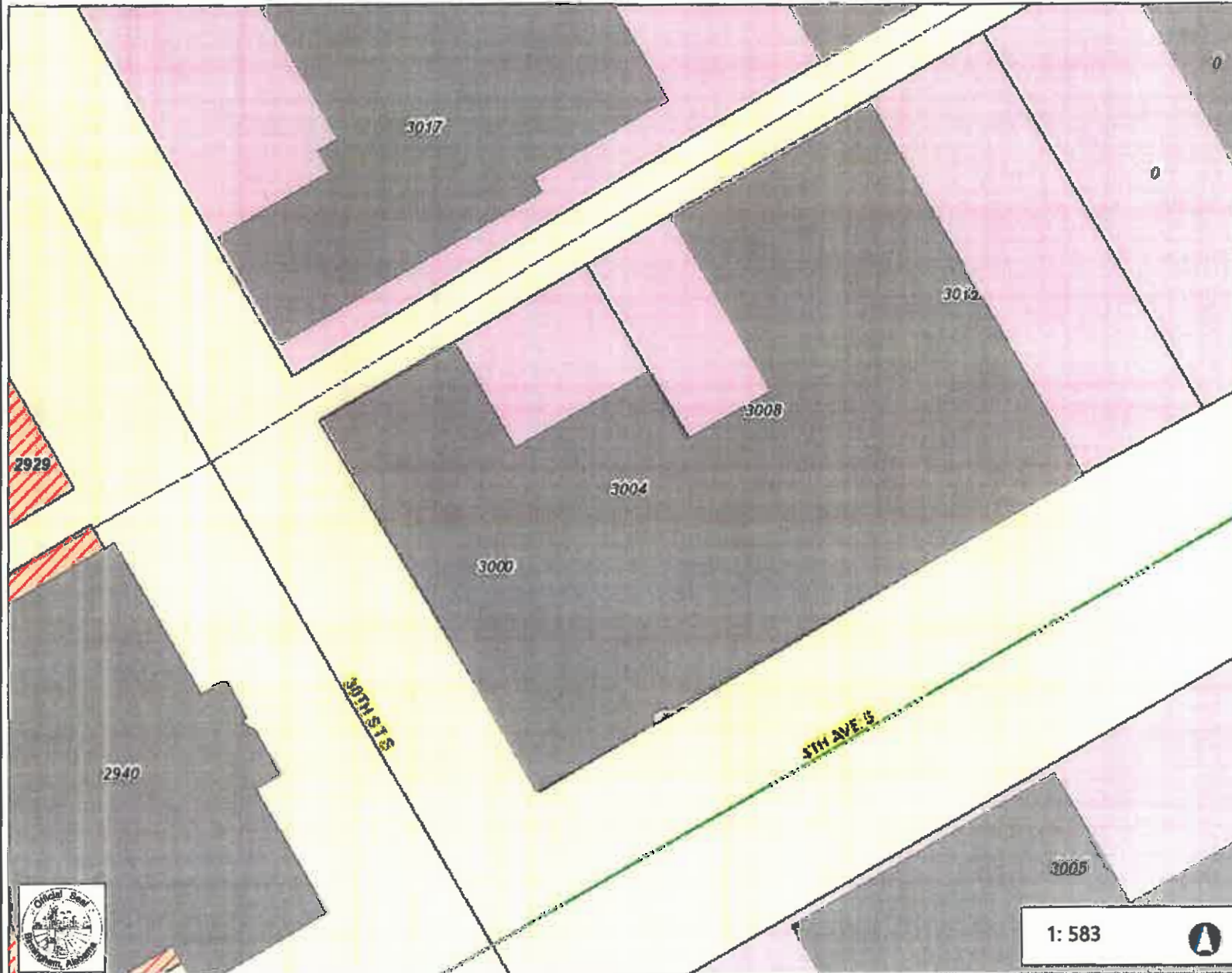
1: 583



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: 583



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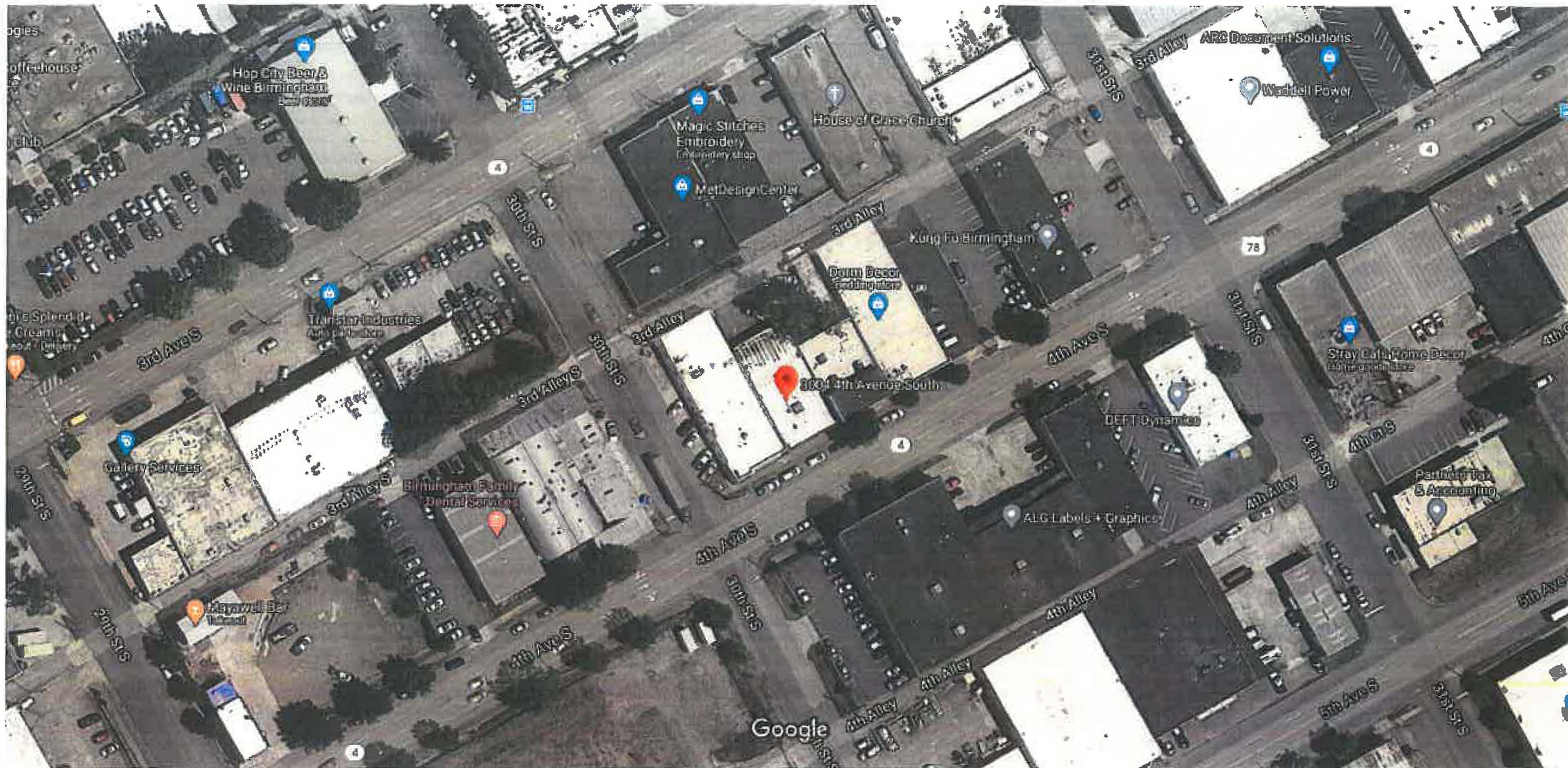
**Notes**





3004 4th Ave S

ZBA2020-00026

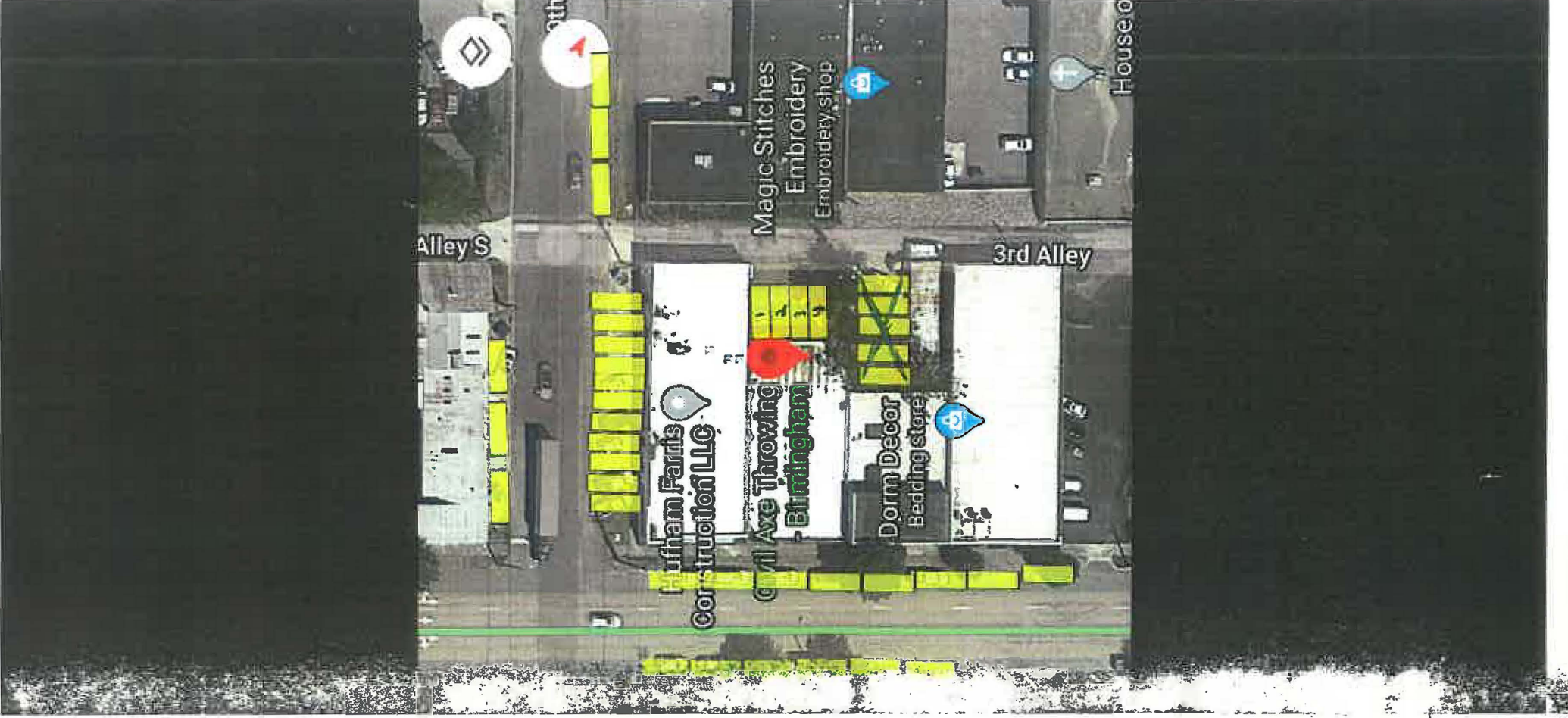


Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft









Alley S

3rd Alley

Burham Ferris  
Construction LLC

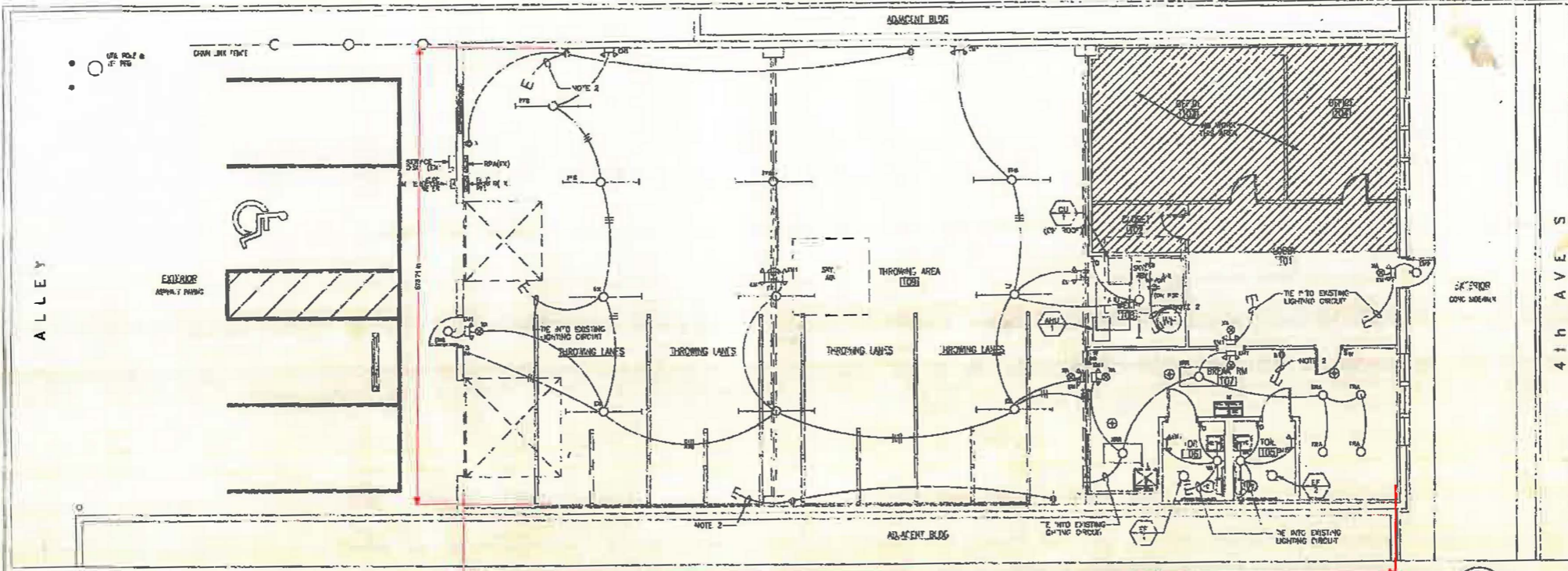
Civil Axe Throwing  
- Birmingham

Dorm Decor  
Bedding Store

Magic Stitches  
Embroidery  
Embroidery shop

3rd Alley

House



**FLOOR PLAN**  
ELECTRICAL  
SCALE 3/8"=1'-0"

4,664 sq ft

**NOTES**

1. PROVIDE WIRERUNNERS FOR ALL STRIP FLUORESCENT FIXTURES
2. CIRCUIT NUMBERS ARE FOR REFERENCE ONLY. USE NEXT AVAILABLE SPACE OR THOSE RECOVERED FROM DEMOLITION IN PANEL "RPA" OR "RUB"
3. PROVIDE UNINTERRUPTED POWER TO ALL EMERGENCY BATTERY DRIVERS
4. PROVIDE NEUTRAL CONDUCTORS TO ALL WIRED SWITCH LOCATIONS
5. SEE ARCH. SECTION, ROOM FOR EXISTING PLACEMENT OF FIXTURES



4th AVENUE S

**Civil Axe Throwing**  
3004 4th Avenue South, B'ham, AL 35233

**FORMWORKS**  
ARCHITECTS, INC. Birmingham, AL 35231 205-338-2828

DATE	DESCRIPTION
4/26/2018	FLOOR PLAN - ELECTRICAL
4/26/2018	REVISED
4/26/2018	REVISED

**HYDE ENGINEERING**  
1100 9th AVENUE SOUTH  
BIRMINGHAM, ALABAMA 35233  
PH: 205 982 2900  
CELL: 205 982-9811  
E-MAIL: RUSTY@HYDE-ENG.COM

**ENGINEER**  
Rusty Hyde

**PROJECT #**  
18100.0

**E2.1**

This drawing is the property of FORMWORKS Architects, Inc. and is not to be copied, revised or altered in any way without the prior written permission of FORMWORKS Architects, Inc. and shall be returned upon request.



Meeting – July 9, 2020  
Location – Webex/Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Department of Planning Engineering & Permits Conference Room, Fifth Floor

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Neighborhood: Smithfield Estates                      Staff Planner Moton                      ZBA2020-00027

**Request:** Variance to allow a 15' front yard setback instead of the 25' required for lots 30A thru 70A pursuant to Article VIII Section 5.2  
**Applicant:** Jim Mitchell  
**Owner:** Westchester Company, LLC  
**Site Address:** 1350 Cherry Ave  
**Zip Code:** 35214  
**Description:** Variance to allow a 15' front yard setback  
**Property Zoned:** R-3 Single Family Residential District  
CR-5 Contingency Multiple Family District  
CB-1 Contingency Neighborhood Business District  
**Parcel Information:** Parcel #: 012200171001001002, NE of Section 17, Township 17 S, Range 3 W

**Variance:**

Variance to allow a 15' front yard setback instead of the 25' required for lots 30A thru 70A.

**Neighborhood Meeting:**

The South Side Neighborhood; waiting on vote

**Public Notices:**

Mailed out on July 1,2020.

**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.

Our request for the approval of the variance for certain lots in The amended map of Westchester 10th Addition is based on the following conditions.

**Physical Characteristics of the Property:**

Our request should have a minimal effect on the physical characteristics of the property.

**Unique characteristics:**

Granting our requests will allow us to build larger homes of a more custom design.

**Hardship not self imposed:**

Since the subdivision was originally designed and developed in 2006-2007, the market has changed to demand larger homes on level, smaller lots, due to no fault of the developer.

**Financial gain not the only basis:**

Our primary objective to sell our customers the homes they desire at a competitive price.

**No Injury to neighboring property:**

Not only will there be no injury to the neighboring property, we expect the end result to actually increase the values of the neighboring property.

**No harm to the public welfare:**

The larger homes are expected to sell to older, empty nesters, therefore the number of occupants per house is expected to decrease, therefore actually improving the public welfare.

Since the original map was approved in 2007, the market for new homes in the Westchester has evolved substantially. Prior to 2007, Buyer demand was younger Buyers wanting a smaller home, mostly split foyers and split levels in the 1200 -1500 sq ft range with a room in the basement; located on a 62 to 65 ft lot. Between 2006 and the present, the market was almost zero because of the economic conditions during that time. Today, the market has matured into older buyers who are asking for larger single level and 2 story homes, built on a level, smaller lot. The building sites for the lots as they presently exist are too shallow to accommodate the larger houses. Many of the lots have a drop off or a steep bank on the rear.

We believe the larger homes will increase the values of the existing homes in the area as the new homes will be in the \$200,000 to \$450,000 price range. Any increase in the density should be minimal. Since the target market is for older, empty nesters, we actually expect fewer people per household than has existed in the past.

**Staff Analysis:**

The parcel is located 1350 Cherry Ave resides within the R-3 Single Family District, CR-5 Contingency Multiple Family District and CB-1 Contingency Neighborhood Business District. This request is part of a previous development that was granted a variance to allow a 15' front yard setback instead of the 25' required for lots 8-11. 32-43 and 47-57 **ZBA2015-00103**. The applicant is now requesting to expand that request for lots 30A-70A.

The applicant does meet requirements of the Variance review standards.

**Staff Recommendation**

Staff believes the applicant has not 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 be obtain within five years of the approval date from the Board.



# ONE STOP PERMITTING ZBA 2020-0027

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

<div style="border: 1px solid black; padding: 5px; text-align: center; font-weight: bold;">APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Date</td><td>_____</td></tr> <tr><td>Case No.</td><td>_____</td></tr> <tr><td>Master No.</td><td>_____</td></tr> <tr><td>Project No.</td><td>_____</td></tr> </table>	Date	_____	Case No.	_____	Master No.	_____	Project No.	_____
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: \_\_\_\_\_ Zip Code: 35214  
 Location: 10th Sector of Westchester  
 Project Name \_\_\_\_\_  
 Lot(s) 30A thru 70A Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Metes and Bounds Attached

<b>OWNER</b> NAME: <u>Westchester Company, LLC</u> ADDRESS: <u>960 Forestdale Blvd.</u> CITY/STATE/ZIP: <u>Birmingham, AL 35214</u> PHONE: <u>(205) 798-2047 x214</u> CELLULAR: <u>(205) 903-2020</u> FAX: <u>(205) 798-2017</u> PAGER: <u>( )</u> EMAIL: <u>jim@mitchellcompanies.net</u>	<b>APPLICANT*</b> NAME: <u>Jim Mitchell</u> COMPANY NAME: <u>Westchester Company, LLC</u> ADDRESS: <u>960 Forestdale Blvd.</u> CITY/STATE/ZIP: <u>Birmingham, AL 35214</u> PHONE: <u>(205) 798-2047 x214</u> CELLULAR: <u>(205) 903-2020</u> FAX: <u>(205) 798-2047 x.214</u> PAGER: <u>( )</u> EMAIL: <u>jim@mitchellcompanies.net</u> *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 checked="" 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: Changing setback from 25' to 15'

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 \_\_\_\_\_

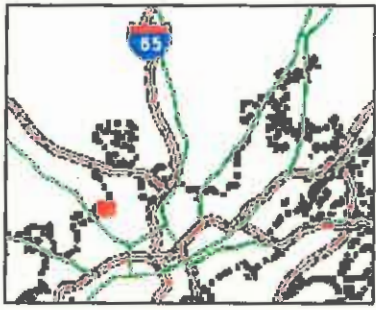
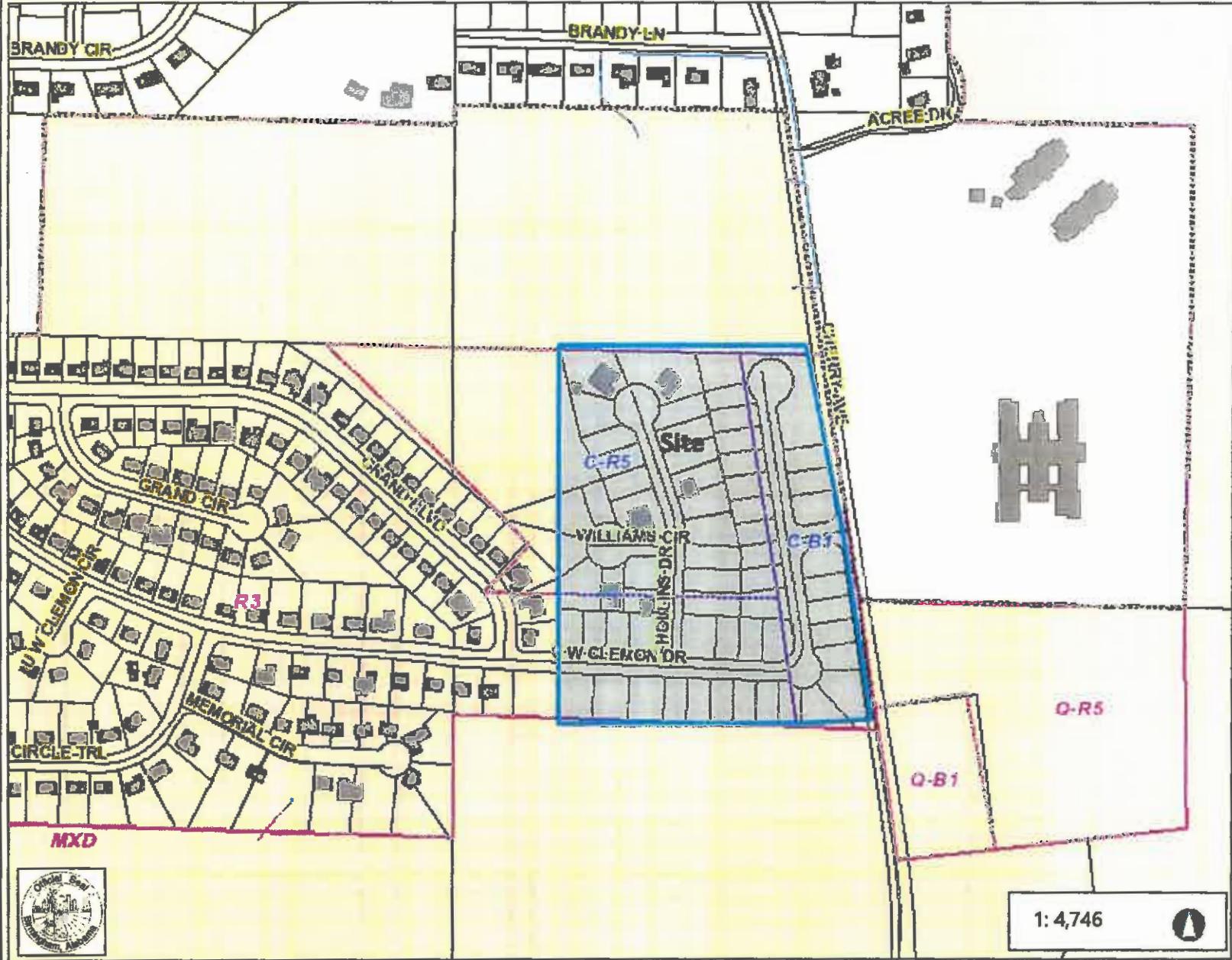
### CERTIFICATION

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)  Date 5/13/2020  
 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



**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: 4,746



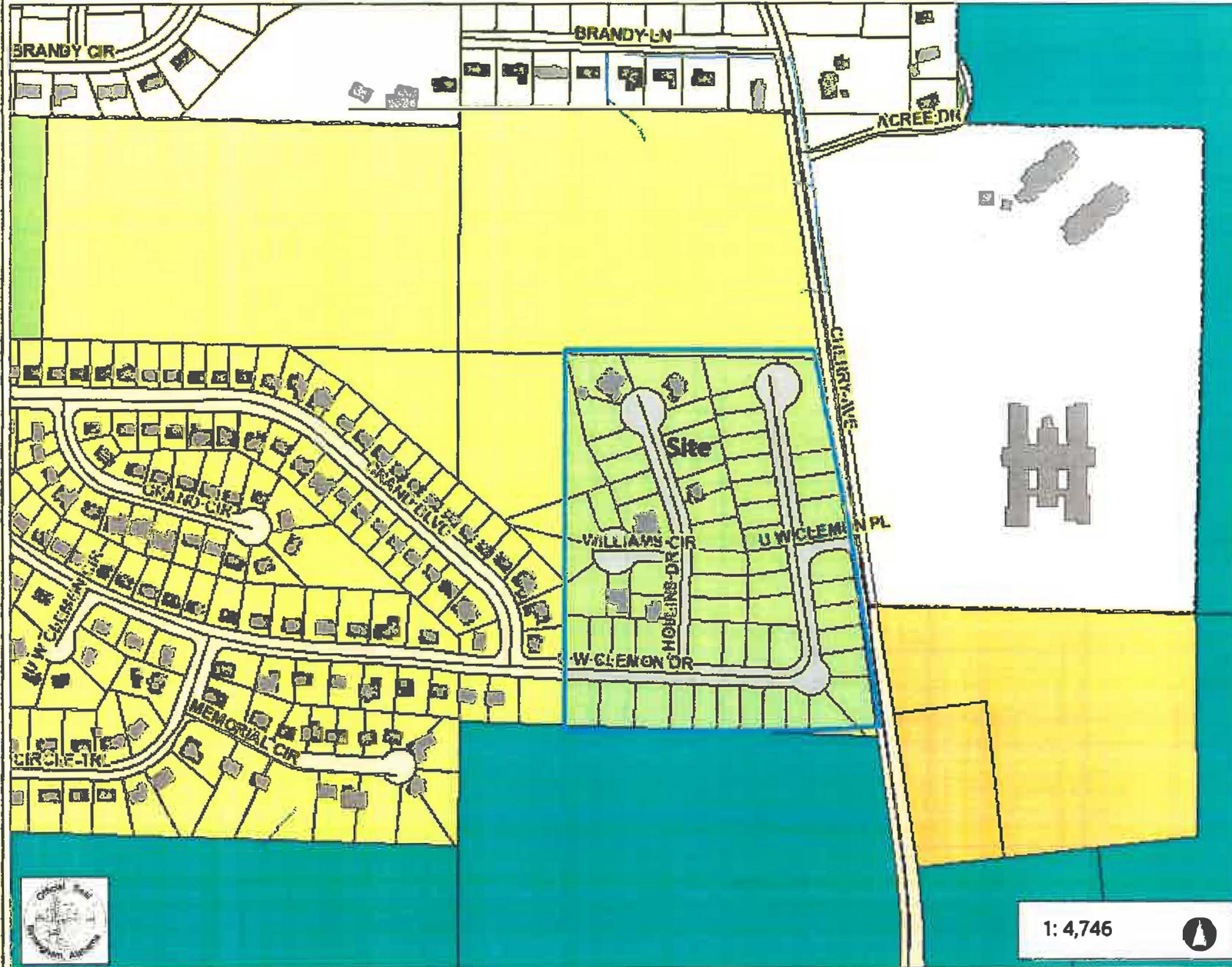
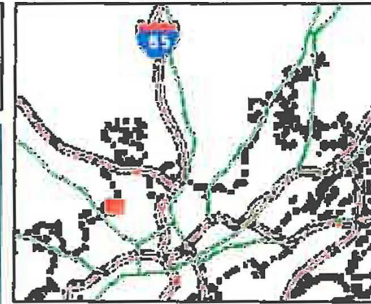
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**





# ZBA2020-00027 ADOPTED LAND USE MAP



## 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: 4,746



791.0 0 395.49 791.0 Feet

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

## Notes





1350 Cherry Ave  
ZBA2020-00027



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft



# ZBA2020-00027









Meeting – July 7, 2020  
Location - City Council Chambers, Third Floor, City Hall  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Department of Planning Engineering & Permits Conference Room, Fifth Floor

---

Neighborhood: Five Points South                      Staff Planner Moton                      ZBA2020-00028

Request:                      Parking Modification  
Applicant:                      Phil Amthor  
Owner:                      FNA NP LLC  
Site Address:                      1209 & 1227 1<sup>st</sup> Ave S  
Zip Code:                      35233  
Description:                      Modification to allow 0 off street parking spaces instead of the required 67 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3  
Property Zoned:                      M-1 Light Manufacturing District  
Parcel Information:                      Parcel #:012200354016003000 & 012200354016002000, NE of Section 17, Township 17 S, Range 3 W

**Modification:**

Modification to allow 0 off street parking spaces instead of the required 67 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

**Neighborhood Meeting:**

The Five Points South Neighborhood Association waiting on vote.

**Public Notices:**

Public notices were mailed on July 1, 2020.

**Staff Analysis:**

The subject property located at 1209 & 1227 1<sup>st</sup> Ave S is zoned M-1 Light Industrial District. The property is located within the Midtown Commercial Revitalization District and Birmingham Wholesale Warehouse Loop. These properties are part of the Urban Supply District Project. The uses and square foot of the properties are office 3,450sq, retail 5,278sq, gym 8,147 and locker room 2,200sq. With the 10% reduction for the nearby transit and bicycle rack they are required to have 67 off street parking spaces. The applicant is going to resurvey the lots into one.

**Staff Recommendation**

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

1. Resurvey lots 1209 & 1227 1<sup>st</sup> Ave S into one lot.
2. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
3. Reviewed and approved by the Design Review Staff.
4. All permits and certificate of completion should obtain within two years of approval from the Board.

# ONE STOP PERMITTING

CITY OF BIRMINGHAM  
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS  
710 20<sup>th</sup> 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: 1209 & 1227 1st Ave S, Birmingham, AL \_\_\_\_\_ Zip Code: 35233

Location: \_\_\_\_\_

Project Name The Urban Supply District

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_

Metes and Bounds Attached

### OWNER

NAME: PDC Holdings, LLC

ADDRESS: 1820 3rd Ave N, STE 301

CITY/STATE/ZIP: Birmingham, AL 35203

PHONE: (205) 542-1991 CELLULAR: ( )

FAX: ( ) PAGER: ( )

EMAIL: pamthor@orchestra-partners.com

### APPLICANT\*

NAME: Phil Amthor

COMPANY NAME: Orchestra Partners

ADDRESS: 1820 3rd Ave N, STE 301

CITY/STATE/ZIP: Birmingham, AL 35203

PHONE: (205) 542-1991 CELLULAR: ( )

FAX: ( ) PAGER: ( )

EMAIL: pamthor@orchestra-partners.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)

- |  |   |   |   |                                  |
|--|---|---|---|----------------------------------|
| <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 type="checkbox"/> Non-Confirming Uses      | <input type="checkbox"/> Parking |

Description of Work or Request: Requesting parking modification for the historic preservation of several buildings in The Birmingham Wholesale Warehouse Loop District

If you have a hardship/practical difficulty, please explain: Please see attached Document

### 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) Philip Amthor Date 06.18.2020

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











1209 1st Ave S

ZBA2020-00028



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft



**ZBA Parking Requirement Modification Request**

The current development plan for Urban Supply uses historical tax credits to bring new life into the old warehouses in the district. Urban Supply will preserve the buildings as they are through adaptive reuse. The current Birmingham zoning ordinance would require up to 231 parking spaces for the total development as shown below. With the allowed discounts provided in the ordinance, additional parking is still needed. In preparation for this development, Orchestra Partners has already replaced a noncontributing structure with parking. To meet the additional requirement, historical properties would need to be destroyed to build new structured parking.

In lieu, our goal is to become a part of a live, work, play district that capitalizes on walkability and connective features to provide convenience to the individuals that frequent the area. New mobility options such as rideshare and the upcoming BRT combined with improved bike infrastructure and micromobility options will reduce the need for parking. Furthermore, the walkability in the area increases the useable supply of on-street parking to support the customers of the restaurants, bars, stores and fitness centers. Please consider this request for a modification to the required minimum off-street parking. Our desire is to allow for adaptive reuse of the historic structures and eliminate the need to raze buildings for parking.

**Parking Requirements based on City Zoning Ordinance**

Urban Supply Property	Uses	Square Footage		Parking Required
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<b>Urban Supply Total Required</b>				<b>83</b>
Reduction by 10% for transit				-8
Reduction by 10% for bike parking				-8
<b>Parking Gap</b>				<b>67 spaces</b>

Urban Supply Property	Uses	Square Footage		Parking Required
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	Office	3,675	1 per 400	9
<b>Urban Supply Total Required</b>				<b>100</b>
Reduction by 10% for transit				-10
Reduction by 10% for bike parking				-10
<b>Parking Gap</b>				<b>80 spaces</b>

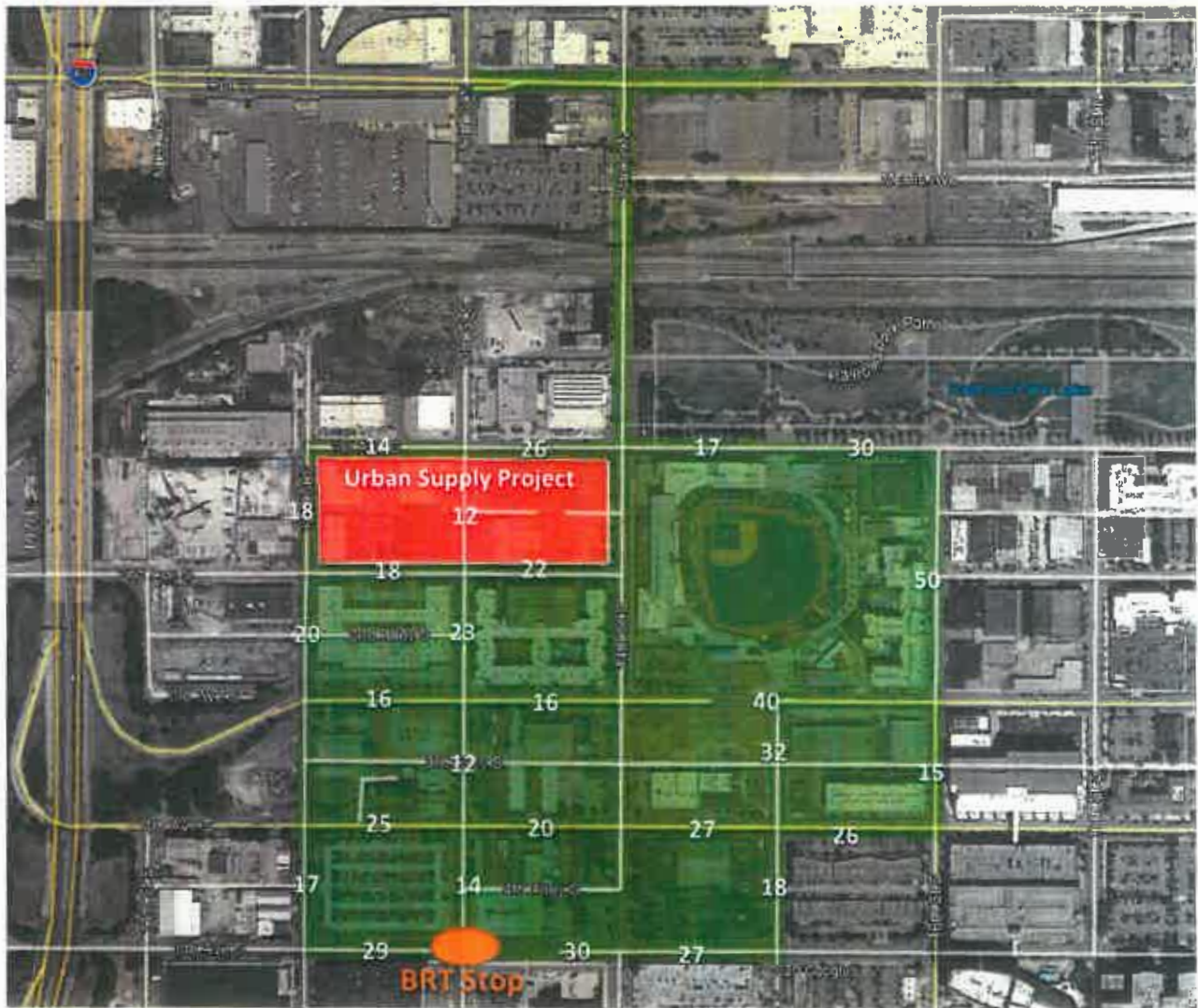
Urban Supply Property	Uses	Square Footage		Parking Required
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	Reduction by 10% for bike parking			-11
<b>Parking Gap</b>				<b>84 spaces</b>
<b>Urban Supply Total Parking Gap</b>				<b>231</b>



Zoning Board of Adjustments Modification Request – PDC Holdings, LLC

We are requesting a modification to the parking requirement for each property based on the hardship created by the lack of land, and supported by the following site-specific conditions:

1. Per Chapter 9 Article 6, Section 6 item 3 of the Birmingham Zoning Ordinance we are requesting a reduction in the parking requirements of the ordinance due to the character uses of the buildings is such to make it unnecessary for the full provision of parking facilities. There exists a surplus supply of on-street parking within the district that is in walking distance to the project. Within a ¼ mile or less walking distance there is in excess of 650 on-street parking spaces available to the patrons of Urban Supply. Included in this number are:
  - 110 spaces of adjacent on-street parking;
  - 206 spaces in a 1 block radius
  - 315 spaces in a 2 block radius



Zoning Board of Adjustments Modification Request – PDC Holdings, LLC

2. The Urban Supply site exists in the center of a residence heavy area of the Parkside District. At the opening of this project there will exist 1400+ beds in a 2 block radius
  - a. Residents at these units will be prime attendees for the Urban Supply district.
  - b. Each of these resident's parking needs have already been met by their respective developments.



3. As part of Urban Supply's streetscape and ROW improvement plan, we are willing to design for and support the City's ParkMobile managed parking system for adjacent on-street parking.
  - a. Paid parking will help maintain turnover and parking availability
  - b. Will provide revenue to the City for enforcement and street maintenance
  - c. Will eliminate the threat that on-street parking will be occupied by employees
    - i. Employees will use existing lots
4. Shared Parking
  - a. The uses of the Urban supply district will have differing parking peaks (Gym vs. Office vs Restaurant/Bar). As such, the need to supply parking exclusively for each is redundant.
  - b. Shared parking calculations show 20%-40% reduction in parking requirements based on time-of-day uses.
5. Design for multimodal and shared mobility
  - a. The site is 3 blocks from one of the Birmingham Xpress BRT stations which will be operational in 2022.
  - b. The site will supply bike parking to encourage alternative modes and capture users of the Red Rock Trail System
  - c. The site incorporates specific pick-up/drop facilities on 13<sup>th</sup> street to accommodate rideshare, loading, delivery, short term and to-go parking
    - d. The site will incorporate shared mobility device (bikes, scooters, etc) docking locations (corrals) to accommodate them in the future.



Meeting – July 7, 2020  
Location - City Council Chambers, Third Floor, City Hall  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Department of Planning Engineering & Permits Conference Room, Fifth Floor

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Neighborhood: Five Points South      Staff Planner Moton      ZBA2020-00029

Request:                      Parking Modification  
Applicant:                  Phil Amthor  
Owner:                        Jiwani Feroz & Farhad T  
Site Address:                230 2<sup>nd</sup> Ave S  
Zip Code:                    35233  
Description:                Modification to allow 0 off street parking spaces instead of the required 80 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3  
Property Zoned:            M-1 Light Manufacturing District  
Parcel Information:        Parcel #:012200354017001000, SE of Section 35, Township 17 S, Range 3 W

**Modification:**

Modification to allow 0 off street parking spaces instead of the required 80 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

**Neighborhood Meeting:**

The Five Points South Neighborhood Association waiting on vote.

**Public Notices:**

Public notices were mailed on July 1, 2020.

**Staff Analysis:**

The subject property located at 230 2<sup>nd</sup> Ave S is zoned M-1 Light Industrial District. The property is located within the Midtown Commercial Revitalization District and Birmingham Wholesale Warehouse Loop. The property is part of the Urban Supply District Project. The uses and square foot of the property is office 3,675sq and food 9,077sq. With the 10% reduction for the nearby transit and bicycle rack they are required to have 80 off street parking spaces.

**Staff Recommendation**

Staff believes the applicant has provided sufficient evidence to support the modification 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. Reviewed and approved by the Design Review Staff.
3. All permits and certificate of completion should obtain within two years of approval from the Board.

ZBA 2500 00029

# ONE STOP PERMITTING

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

Randall L. Woodfin, Mayor

Edwin Revell, Director

<b>APPLICATION TO THE ZONING BOARD OF ADJUSTMENT</b>	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: 230 2nd Ave S, Birmingham, AL Zip Code: 35233  
 Location: \_\_\_\_\_  
 Project Name The Urban Supply District  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Survey \_\_\_\_\_  
 Metes and Bounds Attached

<b>OWNER</b> NAME: <u>PDC Holdings, LLC</u> ADDRESS: <u>1820 3rd Ave N, STE 301</u> CITY/STATE/ZIP: <u>Birmingham, AL 35203</u> PHONE: <u>(205) 542-1991</u> CELLULAR: ( ) FAX: ( ) PAGER: ( ) EMAIL: <u>pamthor@orchestra-partners.com</u>	<b>APPLICANT*</b> NAME: <u>Phil Amthor</u> COMPANY NAME: <u>Orchestra Partners</u> ADDRESS: <u>1820 3rd Ave N, STE 301</u> CITY/STATE/ZIP: <u>Birmingham, AL 35203</u> PHONE: <u>(205) 542-1991</u> CELLULAR: ( ) FAX: ( ) PAGER: ( ) EMAIL: <u>pamthor@orchestra-partners.com</u> <small>*Applicant is required to be authorized by owner to undertake work</small>
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**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 type="checkbox"/> Non-Confirming Uses	<input type="checkbox"/> Parking

**Description of Work or Request:** Requesting parking modification for the historic preservation of several buildings in The Birmingham Wholesale Warehouse Loop District

**if you have a hardship/practical difficulty, please explain:** Please see attached Document

**FOR STAFF USE**

**SECTION II TEXT CHANGE**

Amendment to: Title: \_\_\_\_\_ Article: \_\_\_\_\_ Title: \_\_\_\_\_

See Attachment  
 In words substantially as follows: \_\_\_\_\_

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

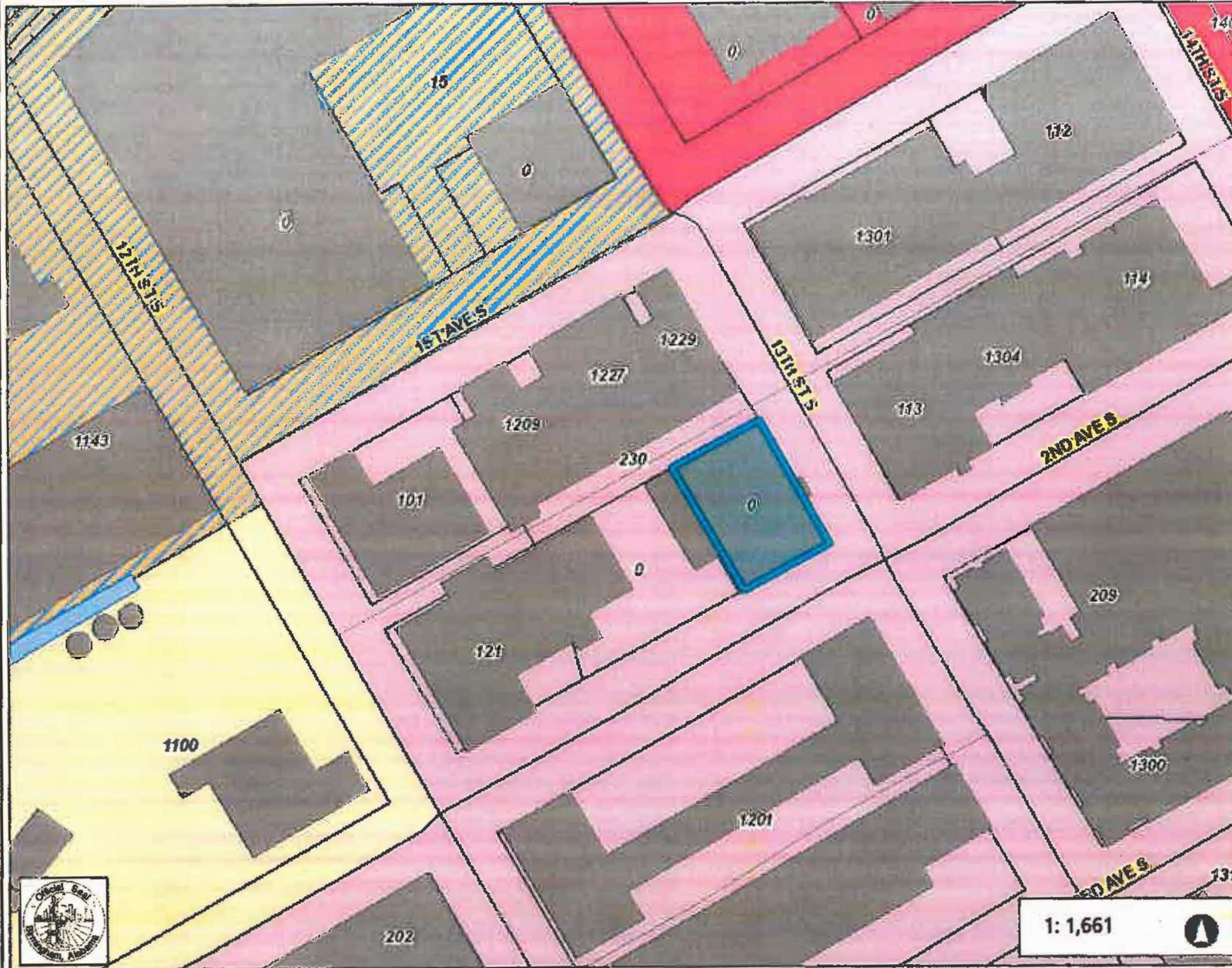
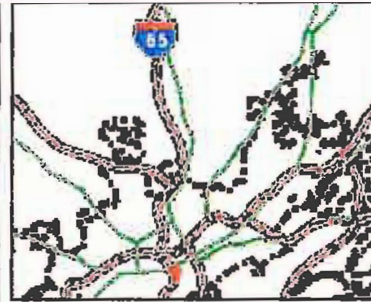
Signature (Owner) Philip Amthor Date 06.18.2020  
 Signature (Owner) \_\_\_\_\_ Date \_\_\_\_\_

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





**Legend**

**Centerline Labels**

- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp

**Buildings**

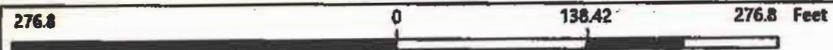
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport

**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



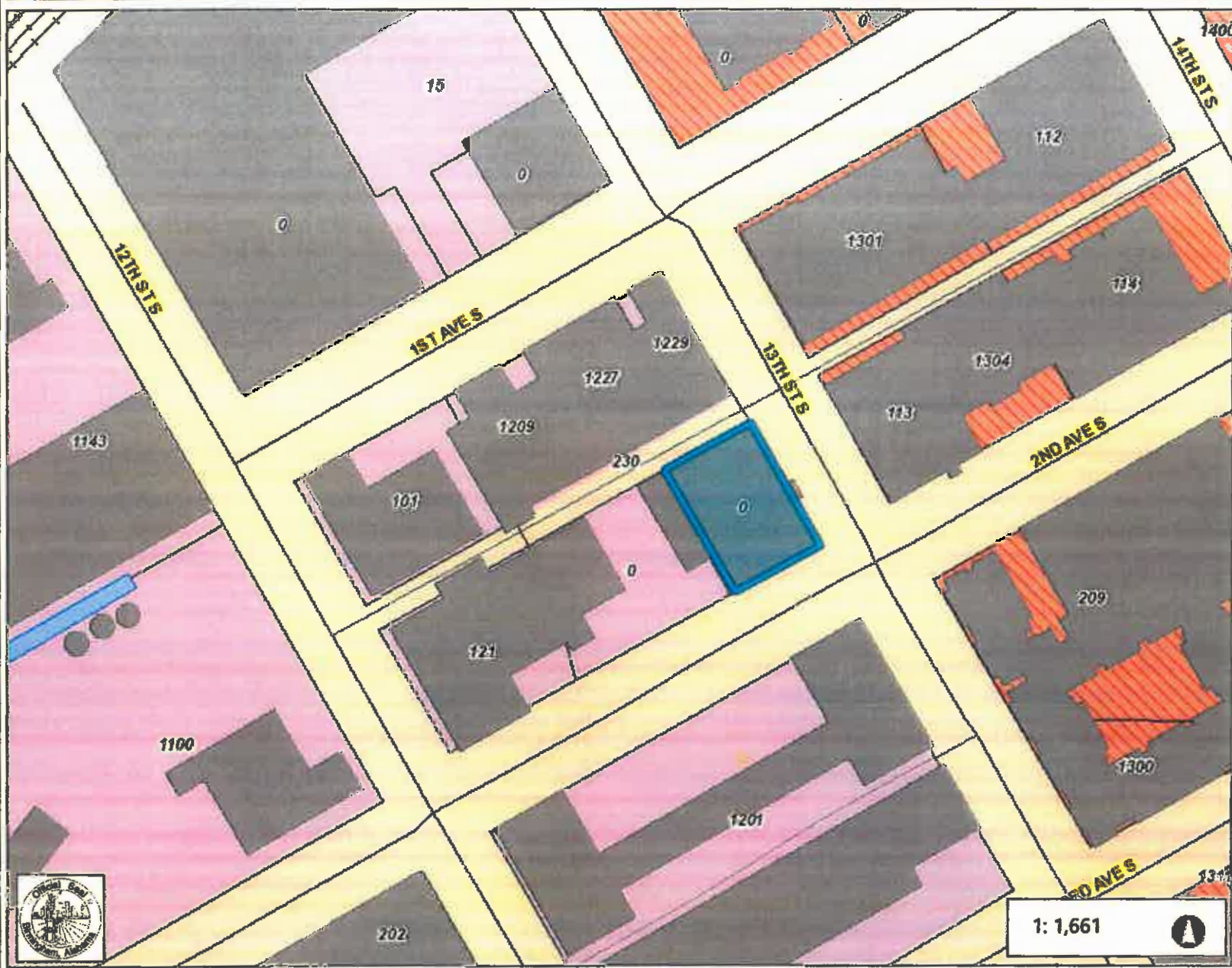
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The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
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**Notes**





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  - Residential-Low
  - Residential-Medium
  - Residential-High
  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
  - MXU-Medium
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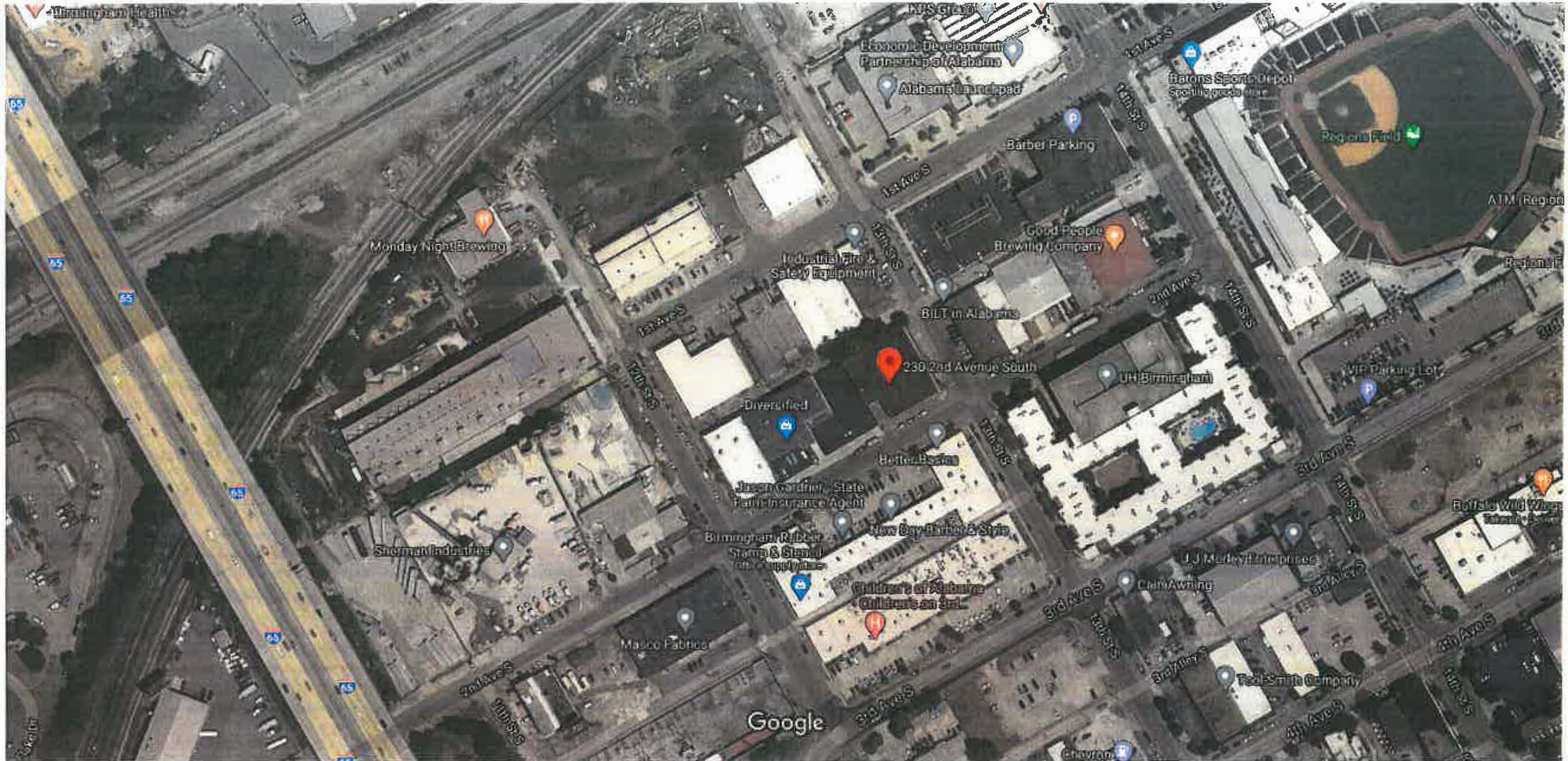
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230 2nd Ave S  
ZBA2020-00029



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft



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