

Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

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Neighborhood: Green Acres

Staff Planner Moton

ZBA2020-00024

**CONTINUED**

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 chose not vote on this request.

**Public Notices:**

Public notices were mailed on October 23, 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**.

**PARCEL ID:** 012900181007001000

**SOURCE:** TAX ASSESOR 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

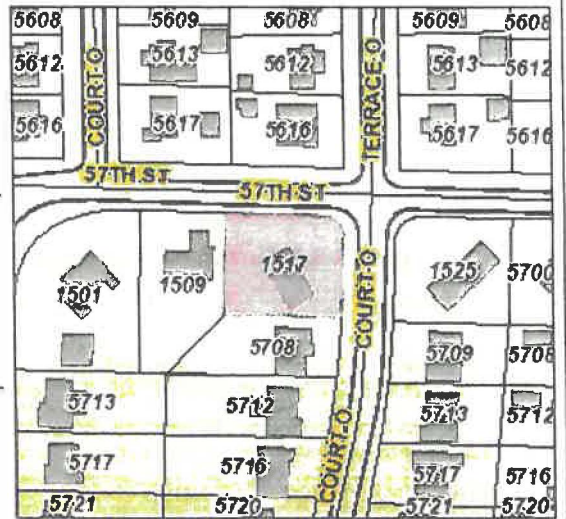
**CITY/STATE:** BIRMINGHAM AL

**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

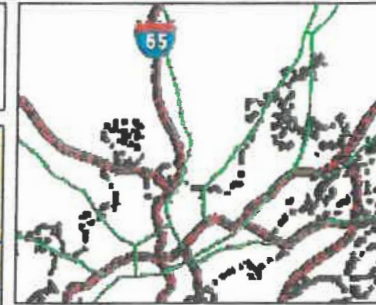
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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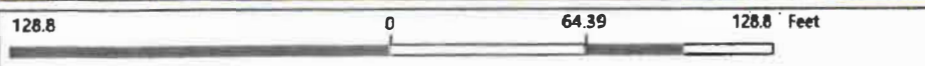


**Legend**

- 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



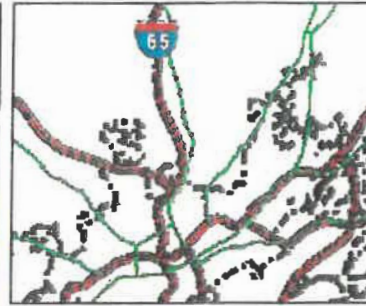
1: 773



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**





**Legend**

- Centerline Labels
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- 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



128.8 0 64.39 128.8 Feet

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**Notes**

Street

new fence

5 Feet

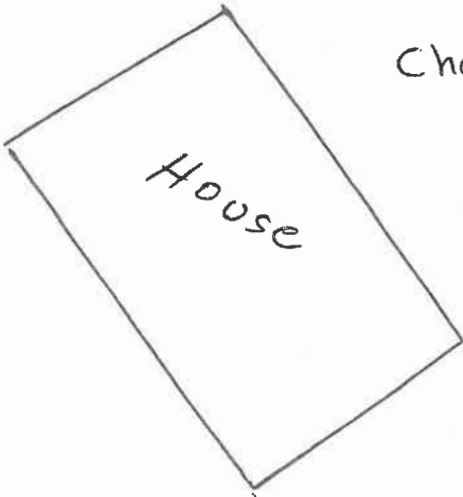
150 Feet

5 feet tall  
Chain fence

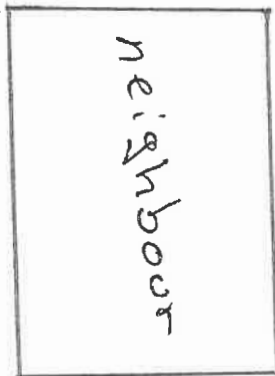
5 Feet

150 Feet

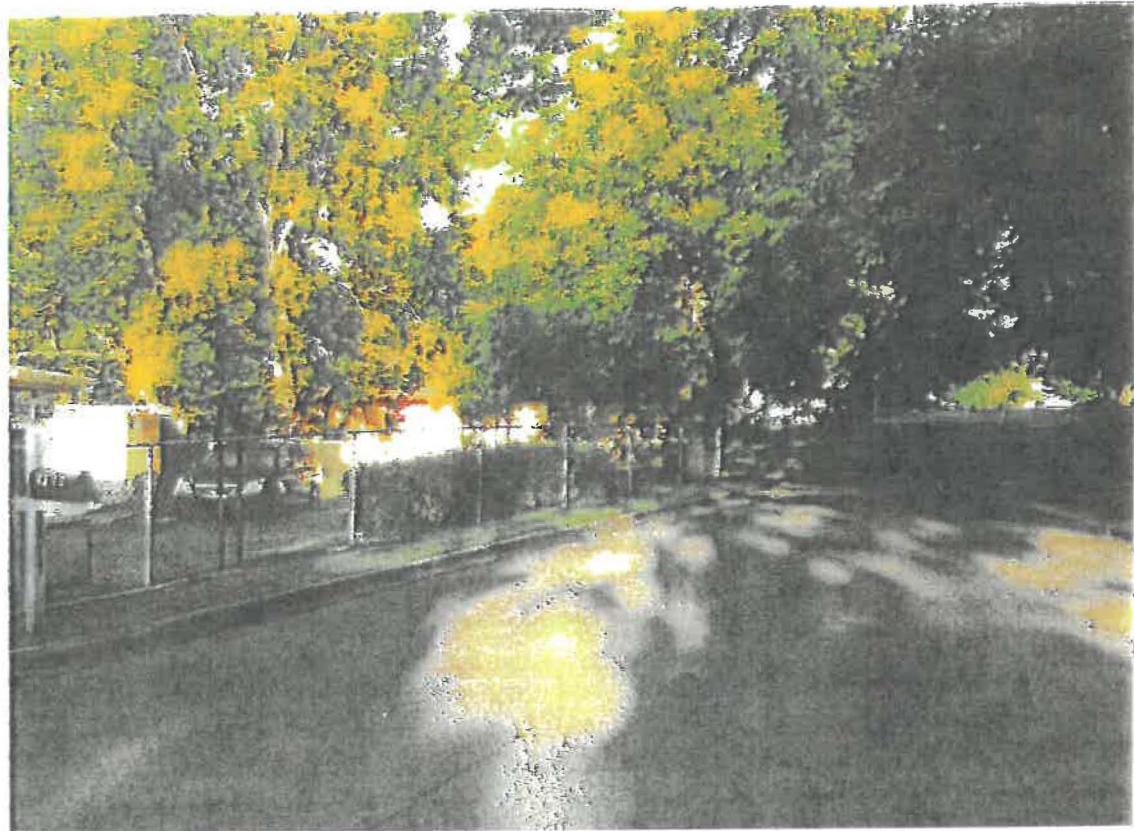
new Fence



Old Fence



Street









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Neighborhood: Redmont Park      Staff Planner Moton      ZBA2020-00045

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

**Applicant:** William Perkinson  
**Owner:** Henry & Miriam Little  
**Site Address:** 4184 Highlands Cir  
**Zip Code:** 35213  
**Description:** Variance to allow a 10ft rear yard setback instead of the required 25ft setback and a variance to allow a 25ft front yard setback instead of the required established setback of approximately 60ft, in order to build two new single family residences

**Property Zoned:** R-3 Single Family District  
**Parcel Information:** Parcel #: 012300324008015012, SE of Section 32, Township 17 S, Range 2 W

**Variance:**  
Variance to allow a 10ft rear yard setback instead of the required 25ft setback and a variance to allow a 25ft front yard setback instead of the required established setback of approximately 60ft, in order to build two new single family residences

**Neighborhood Meeting:**  
The Redmont Park Neighborhood Association voted not to support the request; and there are members of the community in opposition to the request. **Please see attached.**

**Public Notices:**  
Public notices were mailed on October 23, 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. **Please see attached.**

**Staff Analysis:**  
The subject property located at 4184 Highlands Cir is zoned R-3, Single Family District. The applicant is requesting an extension of the variance granted per case number ZBA2017-00038. The applicant did complete condition 4, submission to the SUB committee to subdivide the current parcel into three (3) lots. You will see the recorded survey attached.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**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. Applicant must obtain a certificate of occupancy with the approval of this variance within 36 months from the date of approval.
3. Provide written approval recorded at the probate office from Traffic engineering of Adequate ingress and egress for the dwelling units.

William Perkinson  
for Mr. & Mrs. Henry Little  
4184 Highlands Circle  
Birmingham, Al 35213

Dear Ms. Moton,

08/06/2020

I am the Applicant for this variance on behalf of the owners, Henry and Miriam Little. They are requesting a variance on two lots for a front setback of 25 feet off Morningside Drive and a rear setback of 10 feet. The Littles applied for and received this same variance 3 years ago. Unfortunately, due to health concerns and other issues, they were not able to move forward and that variance expired. Mr. Little is 81 years old and suffered from polio as a child. He is disabled and needs a home with no steps and more handicapped accessibility.

This property was once part of a much larger plot, Lot 12B of the Redmont Highlands subdivision, now called Highlands Circle. Three years ago, it was successfully subdivided into 3 lots, 12B-1, 12B-2 and 12B-3. The owners still live in their home on Highlands Circle, lot 12B-1. The back of the Little's house and some of the other houses on Highlands Circle back up to Morningside Drive and are set back 60 feet. Because the new lots came from the existing subdivision, they are required to have a front setback of 60 feet off Morningside Drive. The other houses in this neighborhood that front Morningside Drive and have a setback of 25 feet. We are asking for a variance that gives this property the same front setback of 25 feet.

These two lots are situated 39 feet below the street level of the Highlands Circle neighborhood and are 20 feet above the parking lot for the adjacent property. The topography separates the lots from both pieces of land, visually they stand alone.

There is a 20-foot-wide sanitary sewer easement running through the property. Because of this easement, the build site must be pushed far back on the lot. The rear of the property faces the Morningside Condominiums, located in the City of Mountain Brook. The condominium building is over 100 feet from the proposed new construction. The condominium parking lot and a Mountain Brook city street are both located in the 100 foot separation. We are requesting a variance for a rear setback of 10 feet off of the rear property line.

The owners presented Birmingham Traffic and Engineering the site plan showing a shared common driveway for the property. They approved the common driveway with the caveat that it be located directly across from Timberlane Drive. This was for the safety of the owners and cross traffic when pulling in and out of their property.

Thank you for your time and consideration of this request for the 25-foot front setback and the rear 10-foot setback.

Sincerely,

  
William Perkinson 205.365.9249

**Physical Characteristics of the Property.**

The two lots are irregularly shaped, one is narrow and the other is shallow. There is a steep hill that forces the proposed build site to the rear of the property. The elevation change from the existing house on Highlands circle, down to the proposed building site, is 39 feet. Because the land was originally part of the Highlands Circle neighborhood and those houses have their back doors facing Morningside Drive, the proposed new construction is subject to a 60 feet front setback.

The owners are asking for a variance releasing them from the 60 feet setback and be treated like the neighboring houses on Morningside Drive, subject to a more customary 25 feet setback from the street.

**Unique Characteristics.**

The topography separates this piece of property from its neighbors on the left and right side, visually they stand alone.

There is a 60-foot elevation change between the existing construction on Highlands Circle and the Morningside Condominiums. These two lots are situated on a large flat area that was once part of the Birmingham Mineral Railway railroad bed. The build site is 40 feet below the street level of the Highlands Circle neighborhood and are 20 feet above the parking lot for the adjacent property.

The property has a 20 feet wide sanitary sewer easement running through it. This severely limits the build site to a small portion of the property. The owners are requesting a variance that will allow them to have a 10 feet rear setback. There is over 100 feet between the proposed new construction and the existing Morningside Condominiums and there is a 20 feet elevation change from the proposed build site down to the condominium.

**Hardship Not Self-Imposed.**

The property has a 20 foot wide sewer easement with a sewer main buried 12 feet deep running the length of the property. This produced a hardship during the planning and placement of the proposed new construction on the property because it severely limited the buildable footprint. If the 20 foot wide sewer easement were not present, these variance requests may not have been necessary. The presence of the sewer easement makes it impossible to build on the property without requesting these variances.

**Financial Gain Not Only Basis.**

The husband and wife owners of the property are 81 and 78, respectively. The husband had polio as a child and is disabled. They want to build a new home on their land that will better accommodate his handicap and their age-related special needs.

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**No Injury to Neighboring Property.**

Granting a variance for this property will in no way impair the use or enjoyment of any neighboring property. The building site is 39 feet below the houses on Highlands Circle and 20 feet above the Morningside Condominiums which are located in the city of Mountain Brook. There are over 100' feet between the proposed new house and the condominium building. The topography isolates this property from the Highlands circle houses above and the condominiums below. There are no houses directly across the street from this property.

The neighboring property values will be increased by having two new houses valued at over \$600,000 apiece. These new houses will help to increase the property values of all the houses in this neighbor.

**No Harm to Public Welfare.**

The City of Birmingham Traffic and Engineering Department has approved the location of the proposed shared driveway for the two houses. The owners were asked to move the driveway to be directly across from Timberlane Drive so as to promote safety. Morningside Drive is wide at this section and has curbs and a sidewalk. The use of which will not be diminished by the proposed new houses.

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Neighborhood: Green Acres      Staff Planner Moton      ZBA2020-00024  
**CONTINUED**

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 chose not vote on this request.

**Public Notices:**

Public notices were mailed on October 23, 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**.

**PARCEL ID:** 012900181007001000

**SOURCE:** TAX ASSESOR 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

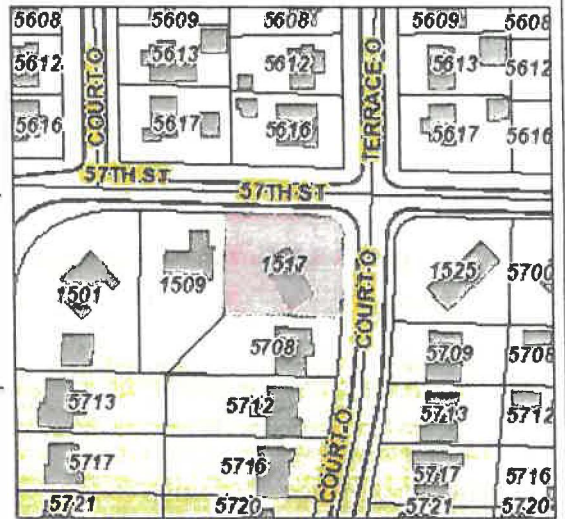
**CITY/STATE:** BIRMINGHAM AL

**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

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**Applicant:** William Perkinson  
**Owner:** Henry & Miriam Little  
**Site Address:** 4184 Highlands Cir  
**Zip Code:** 35213  
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**Staff Recommendation**

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These two lots are situated 39 feet below the street level of the Highlands Circle neighborhood and are 20 feet above the parking lot for the adjacent property. The topography separates the lots from both pieces of land, visually they stand alone.

There is a 20-foot-wide sanitary sewer easement running through the property. Because of this easement, the build site must be pushed far back on the lot. The rear of the property faces the Morningside Condominiums, located in the City of Mountain Brook. The condominium building is over 100 feet from the proposed new construction. The condominium parking lot and a Mountain Brook city street are both located in the 100 foot separation. We are requesting a variance for a rear setback of 10 feet off of the rear property line.

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William Perkinson 205.365.9249

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The owners are asking for a variance releasing them from the 60 feet setback and be treated like the neighboring houses on Morningside Drive, subject to a more customary 25 feet setback from the street.

**Unique Characteristics.**

The topography separates this piece of property from its neighbors on the left and right side, visually they stand alone.

There is a 60-foot elevation change between the existing construction on Highlands Circle and the Morningside Condominiums. These two lots are situated on a large flat area that was once part of the Birmingham Mineral Railway railroad bed. The build site is 40 feet below the street level of the Highlands Circle neighborhood and are 20 feet above the parking lot for the adjacent property.

The property has a 20 feet wide sanitary sewer easement running through it. This severely limits the build site to a small portion of the property. The owners are requesting a variance that will allow them to have a 10 feet rear setback. There is over 100 feet between the proposed new construction and the existing Morningside Condominiums and there is a 20 feet elevation change from the proposed build site down to the condominium.

**Hardship Not Self-Imposed.**

The property has a 20 foot wide sewer easement with a sewer main buried 12 feet deep running the length of the property. This produced a hardship during the planning and placement of the proposed new construction on the property because it severely limited the buildable footprint. If the 20 foot wide sewer easement were not present, these variance requests may not have been necessary. The presence of the sewer easement makes it impossible to build on the property without requesting these variances.

**Financial Gain Not Only Basis.**

The husband and wife owners of the property are 81 and 78, respectively. The husband had polio as a child and is disabled. They want to build a new home on their land that will better accommodate his handicap and their age-related special needs.

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**No Injury to Neighboring Property.**

Granting a variance for this property will in no way impair the use or enjoyment of any neighboring property. The building site is 39 feet below the houses on Highlands Circle and 20 feet above the Morningside Condominiums which are located in the city of Mountain Brook. There are over 100' feet between the proposed new house and the condominium building. The topography isolates this property from the Highlands circle houses above and the condominiums below. There are no houses directly across the street from this property.

The neighboring property values will be increased by having two new houses valued at over \$600,000 apiece. These new houses will help to increase the property values of all the houses in this neighbor.

**No Harm to Public Welfare.**

The City of Birmingham Traffic and Engineering Department has approved the location of the proposed shared driveway for the two houses. The owners were asked to move the driveway to be directly across from Timberlane Drive so as to promote safety. Morningside Drive is wide at this section and has curbs and a sidewalk. The use of which will not be diminished by the proposed new houses.

---

ZONING BOARD OF ADJUSTMENT

CITY OF BIRMINGHAM

CASE NO.: ZBA2017-00038 Redmont Park  
APPLICANT: WILLIAM PERKINSON  
OWNER: HENRY & MIRIAM LITTLE  
SUBJECT: Variance to allow a 10ft rear yard setback instead of the required 25ft setback pursuant to Article VI, Title 1, Chapter 9, Section 4 and a variance to allow a 25ft front yard setback instead of the required established setback of approximately 60ft, in order to build two new single family residences pursuant to Article VI, Title 1, Chapter 9, Section 4.  
PREMISES: Located at 4184 HIGHLAND CIRCLE 35213; LOT 12-B RES PT REDMONT HIGHLANDS 163/33; and situated on Parcel #: 012300324008015012, SE ¼ of Section 32, Township 17 S, Range 2 W

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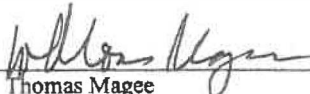
**BE IT RESOLVED** by the Zoning Board of Adjustment of the City of Birmingham, Alabama, that the application of William Perkinson, applicant, representing Henry and Miriam Little, owners for a variance to allow a 10ft rear yard setback instead of the required 25ft setback pursuant to Article VI, Title 1, Chapter 9, Section 4 and a variance to allow a 25ft front yard setback instead of the required established setback of approximately 60ft, in order to build two new single family residences pursuant to Article VI, Title 1, Chapter 9, Section 4. for property located at 4184 Highland Circle 35213 situated on Parcel #: 012300324008015012, SE ¼ of Section 32, Township 17 S, Range 2 W according to the Surveyor's Certificate or drawing accompanying the application and marked, "RECEIVED JUNE 8, 2017," according to the Zoning Board of Adjustment, Case No. ZBA2017-00038 be, and the same hereby is **GRANTED** subject to:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. Applicant must obtain a certificate of occupancy with the approval of this variance within two years from the date of approval.
3. Provide written approval from Traffic Engineering of adequate ingress and egress for the dwelling units.
4. Submission to the Subdivision Committee to subdivide the current parcel into three (3) lots.

---

I, W. Thomas Magee, Technical Advisor to the Zoning Board of Adjustment of the City of Birmingham, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Zoning Board of Adjustment of the City of Birmingham at its meeting of June 8, 2017, and as same appears of record in the Official Minutes of said Board.

**GIVEN UNDER MY HAND AND OFFICIAL SEAL** of the Zoning Board of Adjustment of the City of Birmingham, on this day, June 9, 2017.

  
\_\_\_\_\_  
W. Thomas Magee  
Chief Planner

**CITY OF BIRMINGHAM**  
**DEPARTMENT OF PLANNING, ENGINEERING & PERMITS**

WILLIAM A. BELL, SR.  
MAYOR

ANDRE V. BITTAS  
DIRECTOR



**SUB2017-00039**

**Redmont Park**

**Description:** A request for approval of a final plat resurveying 1 lot into 3 lots called RESURVEY LOT 12B REDMONT HIGHLANDS  
**Applicant:** WILLIAM PERKINSON  
**Owner:** HENRY & MIRIAM LITTLE  
**Premises/Geographic:** 4184 HIGHLANDS CIRCLE  
**Parcel Information:** 012300324008015012  
**Property Zoned:** R3 Single Family District  
**Proposed Use:** Residential Single Family Attached

---

BE IT RESOLVED by the Subdivision Committee that the hereinabove described Final Plat is hereby APPROVED subject to the applicant revising the Final Plat to show the location, width and purpose of any easements recommended by the City Engineer and the following:

- 1) Completion of all requirements relative to Fire Department access and sufficient hydrant installation and coverage
- 2) All sidewalks, driveways and curb cuts must be done in accordance with the guidelines set forth in Article 5 - Design Standards of the City of Birmingham Subdivision Regulations.

---

STATE OF ALABAMA  
JEFFERSON COUNTY

I, W. Thomas Magee, 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 Subdivision Committee of the Birmingham Planning Commission at its meeting held 6/14/2017 and the same appears of record in the Official Minutes of said Committee.

GIVEN UNDER MY HAND AND OFFICAL SEAL of the Birmingham Planning Commission this day, June 16, 2017.

  
\_\_\_\_\_  
W. Thomas Magee  
Chief Planner

**PARCEL ID:** 012300324008015012

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2019

**DATE:** Friday, August 21, 2020 1:00:21 PM

**OWNER:** LITTLE HENRY H JR (D) & LITTLE

**ADDRESS:** 4184 HIGHLANDS CIR

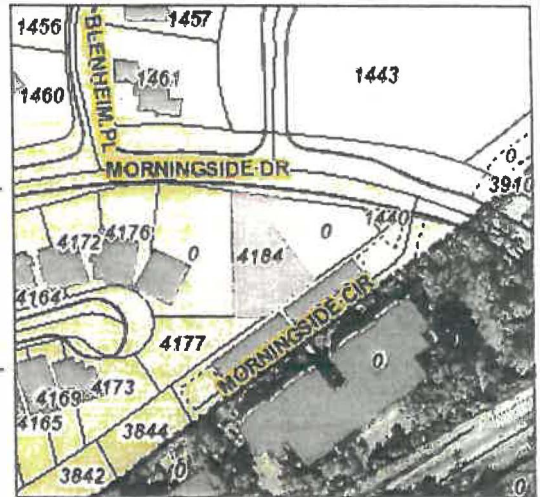
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213--2800

**SITE ADDR:** 4184 HIGHLANDS CIR

**CITY/STATE:** BHAM, AL

**ZIP:** 35213



**LAND:** \$174,300.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 8,276.83

**ACRES:** 0.19

**SUBDIVISION INFORMATION:**

**NAME** REDMONT HIGHLANDS LOT12B

**BLOCK:**

**LOT:** 12B-

:

**Section:** 32-17-2W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Not in Commercial Revitalization District

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Redmont Park (1403)

**Communities:** Red Mountain (14)

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

**Zoning Outline:** R3

**Demolition Quadrants:** DEM Quadrant - 3

**Impaired Watersheds:** Impaired Watershed - Upper Shades Creek

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

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

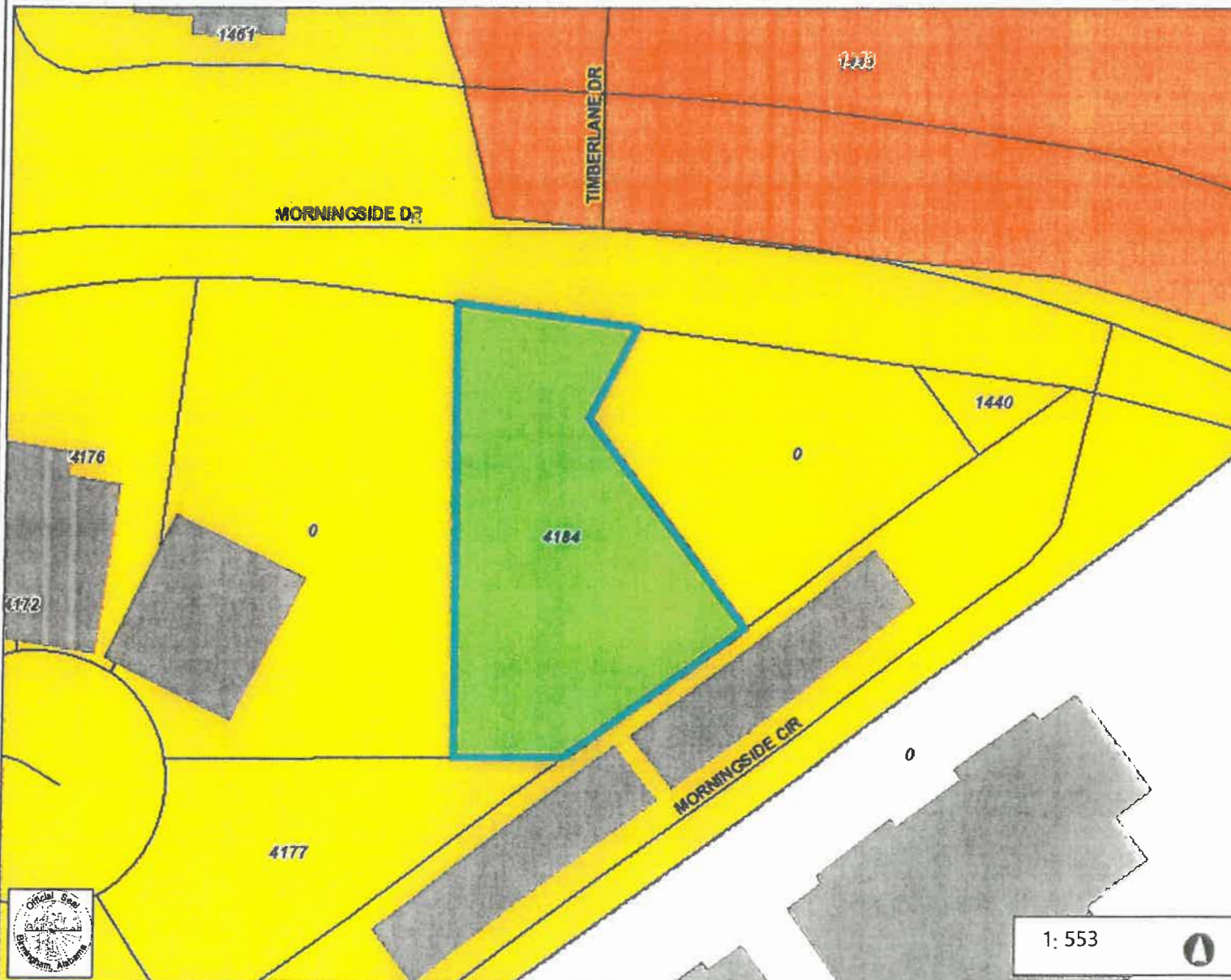
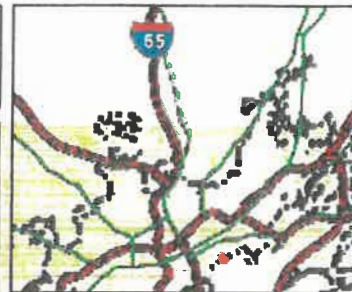
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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

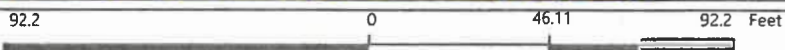


Legend

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



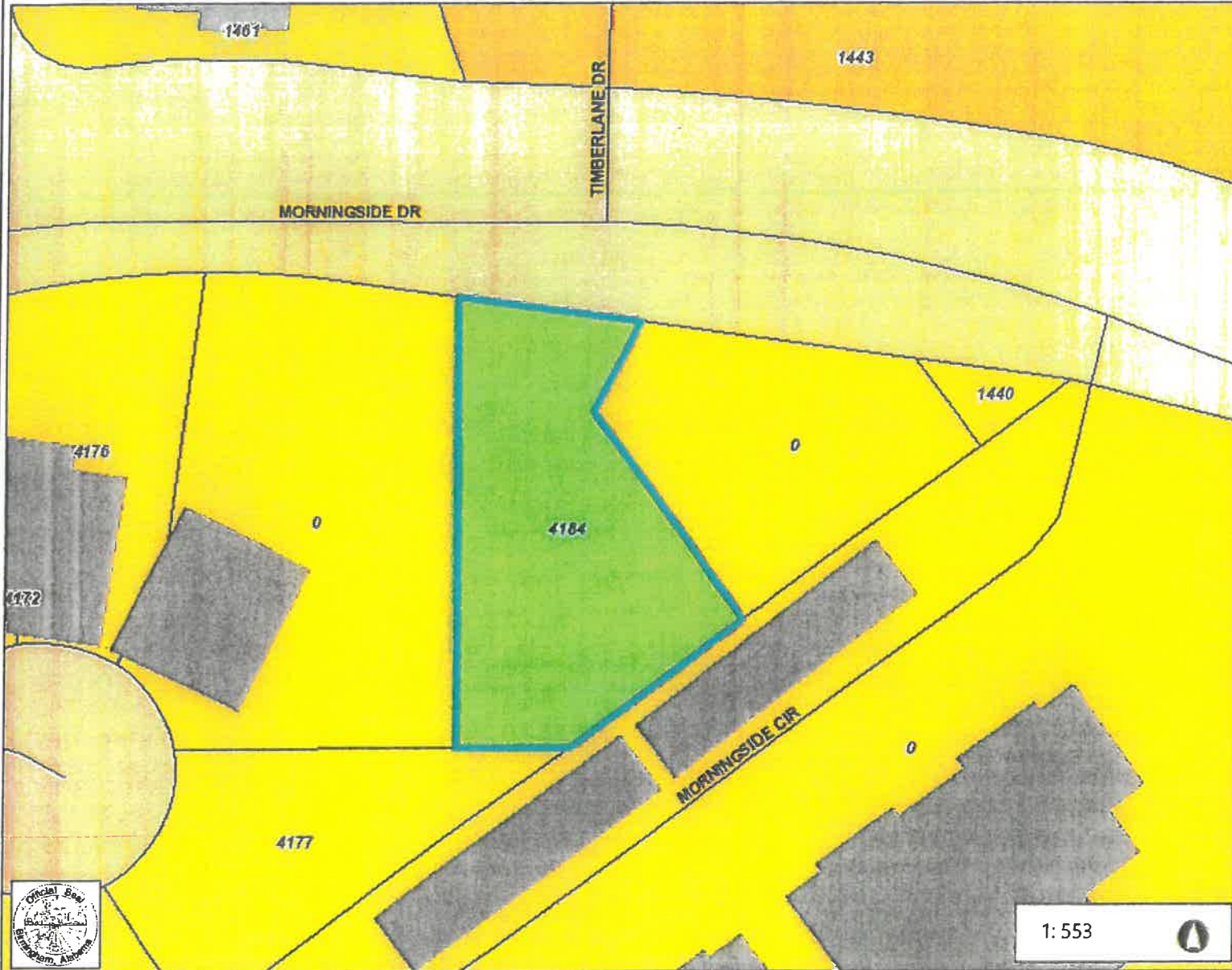
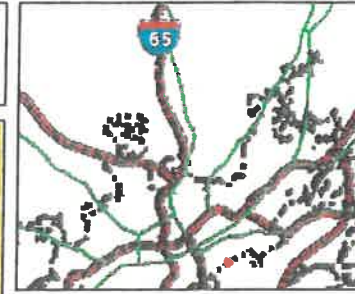
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The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT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

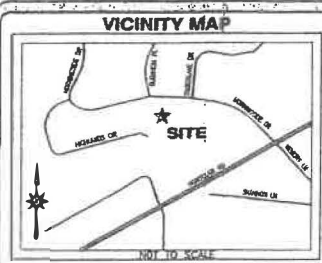
1: 553



92.2 0 46.11 92.2 Feet

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



North arrow and bearings shown herein are based on Transverse Mercator Projection - Alabama East Zone - NAD 83 established 2011. Using Global Positioning System (GPS) and derived by static observation. Using State Survey Designation AL 30 CODE 400, NO. 00229 Convergence Factor: 0.0000433 Convergence Factor: PO 21 23.8

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **David S. Williams**, whose name is shown in the foregoing certificate of Survey, and who is known to me, acknowledged before me on this date that other looking parties are the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 21st day of JUNE, 2017.

*David S. Williams*  
Notary Public

5-21-2019  
My Commission Expires:



STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **David S. Williams**, whose name is shown in the foregoing certificate of Survey, and who is known to me, acknowledged before me on this date that other looking parties are the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 15th day of JUNE, 2017.

*David S. Williams*  
Notary Public

6-15-17  
My Commission Expires:



**CURVE TABLE**

Station	Chord	Angle	Radius	Length of Chord	Area of Sector	Area of Triangle	Area of Segment
1+00.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+10.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+20.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+30.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+40.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+50.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+60.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+70.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+80.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99
1+90.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99

**LINE TABLE**

Station	Distance	Bearing	Angle	Radius	Length of Chord	Area of Sector	Area of Triangle	Area of Segment
1+00.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+10.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+20.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+30.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+40.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+50.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+60.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+70.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+80.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99
1+90.00	100.00	90.00	70.71	100.00	7853.98	3926.99	3926.99	3926.99

**NOTICE TABLE**

SECTION 8-3 SINGLE FAMILY DISTRICT  
CITY OF BIRMINGHAM

FRONT 25'  
REAR 25'  
SIDE 5' ONE TIME  
14' TOTAL BOTH SIDES  
MIN BLDG HEIGHT 35'  
MIN LOT WIDTH 50'  
MIN LOT AREA 8,000 SQ FT

LOT 12B  
11,200 Sq. Feet ±  
0.26 Acres ±

LOT 14  
REDEMPT HIGHLANDS  
MAP BOOK 102, PAGE 23

**ABBREVIATIONS**

AS	ASBESTOS
CE	CEILING
CL	CEILING LINE
FL	FLOOR
GL	GROUND LEVEL
HL	HIGH LEVEL
LL	LOW LEVEL
SL	SIDE LINE
TL	TOP LINE
UL	UPPER LEVEL
VL	VERTICAL LINE
WL	WATER LEVEL
YL	YELLOW LINE
ZL	ZONING LINE

According to the Flood Insurance Rate Map (FIRM) for Jefferson County, Alabama (community-governed number 01072C 0384 G, dated September 28, 2005), all of the subject property lies within Zone 1, defined as "areas determined to be outside the 0.2% annual chance floodplain."

**LEGEND**

- ◻ FOUND ORIGINATE SURVEY
- ◻ L.P.F. FROM PREVIOUS
- ◻ L.P.F. FROM THE 1ST CLASS SURVEY
- ◻ FOUND ORIGIN OF SURVEY
- ◻ CALCULATED POINT



STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **David S. Williams**, whose name is shown in the foregoing certificate of Survey, and who is known to me, acknowledged before me on this date that other looking parties are the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 21st day of JUNE, 2017.

*David S. Williams*  
Notary Public

5-21-2021  
My Commission Expires:

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **David S. Williams**, whose name is shown in the foregoing certificate of Survey, and who is known to me, acknowledged before me on this date that other looking parties are the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 22nd day of JUNE, 2017.

*David S. Williams*  
Notary Public

9/8/2018  
My Commission Expires:

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **David S. Williams**, whose name is shown in the foregoing certificate of Survey, and who is known to me, acknowledged before me on this date that other looking parties are the contents of said certificate, he executed the same voluntarily as such officer with full authority therefor.

Given under my hand and seal this the 22nd day of JUNE, 2017.

*David S. Williams*  
Notary Public

9/8/2018  
My Commission Expires:

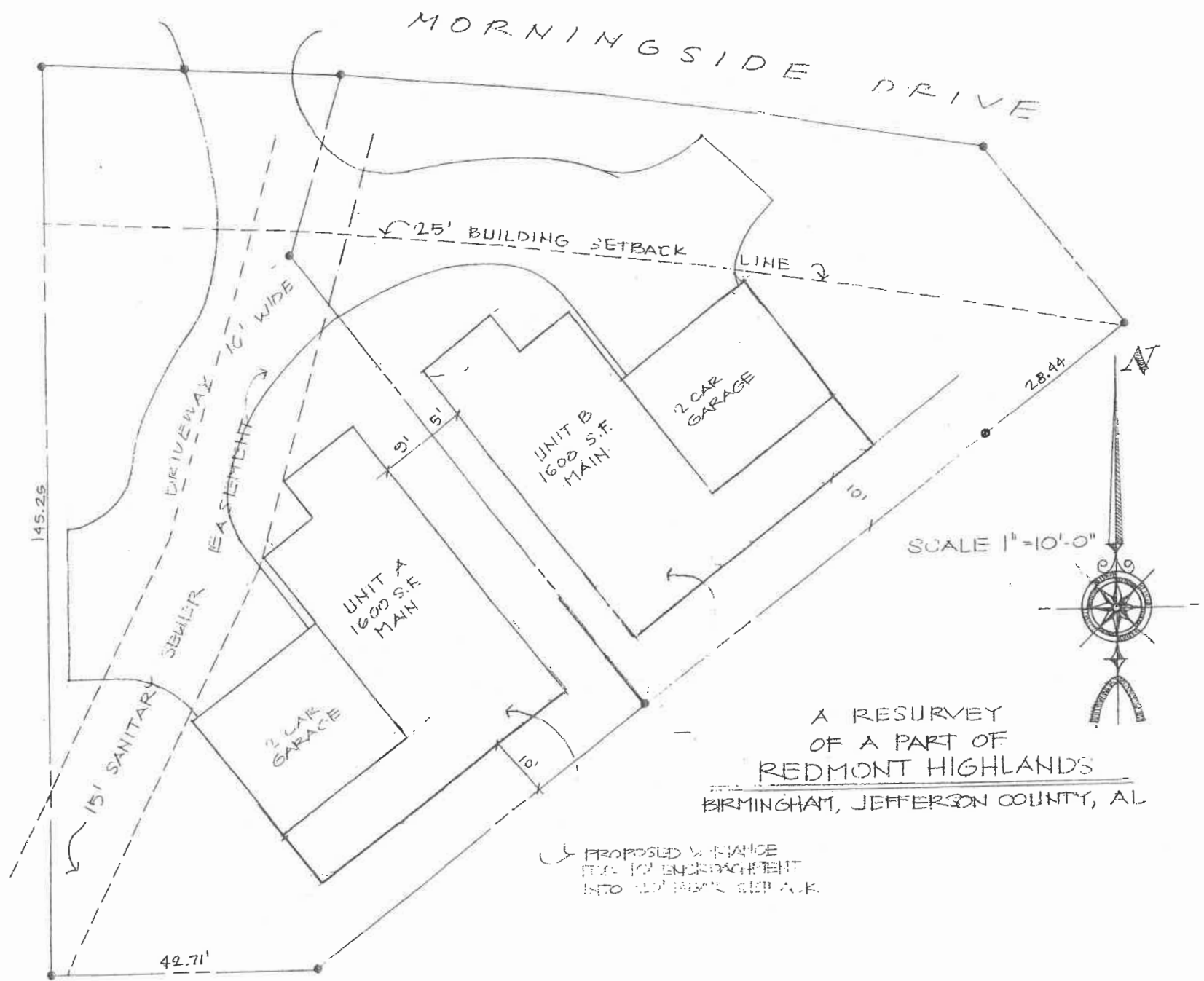
**FINAL PLAT**  
**A RESURVEY OF LOT 12B**  
**REDEMPT HIGHLANDS**

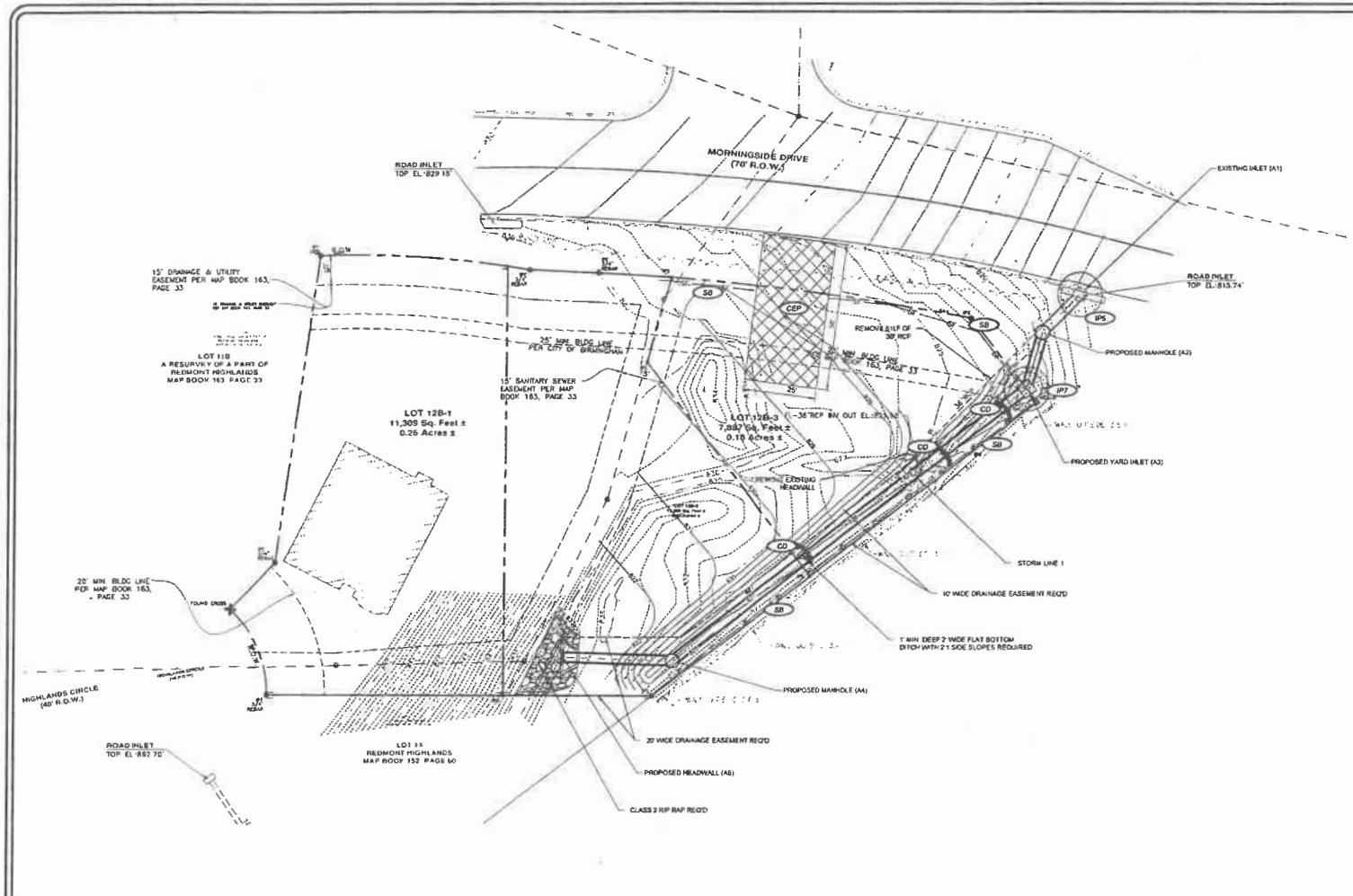
Being a resurvey of lot 12B, according to the Resurvey of a Part of Redempt Highlands in Jefferson County, Alabama, as shown on the South-East Quarter of Section 22, Township 17 North, Range 3 West Jefferson County, Alabama.



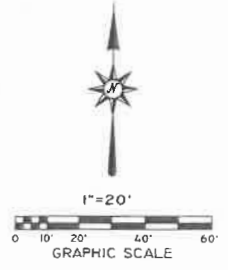
County Division Code: AL04  
Map: 2-21-1709314  
SIC: 200000  
Page: 1 of 1  
Lodging: 1000000  
JOB # 1709314  
Date: 06/21/17







- SITE PREPARATION NOTES:**
- 1 ALL DEMOLITION, CONSTRUCTION DEBRIS, CLEARING, AND EXCESS EXCAVATION SHALL BE CURBED OR IN A LEGAL MANNER OFF SITE
  - 2 STRIP ALL TOPSOIL WITH BUILDING AND PAVEMENT AREAS AND STOCKPILE FOR LATER USE. DISPOSE OF ANY EXCESS TOPSOIL IN LOCATIONS ON SITE AS DIRECTED BY THE OWNER
  - 3 PRIOR TO PLACING FILL IN PAVEMENT, BERMS, PAD OR IN BUILDING PAD AREAS, EXPOSED SUBGRADE SHALL BE PROOF ROLLED WITH A HEAVY LOADED DUMP TRUCK. ALL AREAS SHOWING SIGNS OF PUMPING, RUTTING OR ANY ELUENT/ROCK MATERIALS FOUND IN PLACE DURING MAT, SOFT, LOOSE, OR UNSTABLE MATERIALS SHALL BE UNDERCUT AND RE-PLACED
  - 4 ALL FILL PLACED IN UNDERCUT AREAS SHALL MEET THE REQUIREMENTS OF THESE SPECIFICATIONS AND BE PLACED IN ACCORDANCE WITH THESE SPECIFICATIONS
  - 5 PRIOR TO PLACING FILL AND IN CUT AREAS EXPOSED AT SUBGRADE, CONTRACTOR SHALL VERIFY EXISTING SOILS TO DEPTH OF 1' AND RECOMPACTED TO THE SPECIFIED DENSITY AND MOISTURE CONTENT
  - 6 MATERIAL TO BE USED AS FILL SHALL BE FREE OF ORGANIC WITH NO ROCK PARTICLE SIZE GREATER THAN 8" AND A LIQUID LIMIT NOT EXCEEDING 60 AND A PLASTIC INDEX OF 25. MATERIAL SHALL ALSO HAVE A MINIMUM STANDARD PROCTOR MAXIMUM DRY DENSITY OF 100 PCF. ROCK FRAGMENT SHALL CONTAIN NO MORE THAN 10% OF THE FILL MASS
  - 7 FILL SHALL BE PLACED IN LIFTES NOT TO EXCEED 4" AND COMPACTED PER ASTM D4955 AS FOLLOWS
    - 1 LOT AREAS - COMPACT TO 98%
    - 2 PAVING AREAS - COMPACT TO 98%
    - 3 ALL FILL SHALL BE COMPACTED WITHIN 2% OF OPTIMUM MOISTURE CONTENT
  - 8 CONTRACTOR SHALL FURNISH COMPACTION TEST REPORTS ON ALL SOILS PLACED OR REGRADED TO THE OWNER BASED ON A FREQUENCY OF ONE TEST PER 200 SQ. FT. OF AREA PER LIFT



- STORM DRAINAGE NOTES:**
- 1 ALL STORM DRAINAGE PIPE SHALL BE RCP, CLASS II, TONGUE AND GROOVE, CONFORMING TO ASTM C-76 INSTALLED WITH WATER TIGHT JOINTS
  - 2 ALL POLYVINYL CHLORIDE PIPE (PVC) SHALL BE 4" WITH GASKET JOINTS
  - 3 ALL RCP PIPE SHALL BE CLASS 2 RCP PER THE ALDOT STANDARD SPECIFICATIONS OR AS NOTED ON THE PLAN

STRUCTURAL PRACTICES	
CODE	PRACTICE
CEP	CONSTRUCTION DET
CO	ROCK CHECK
SB	SILT TRAP (TYPE A)
IPS	CURB INLET SEDIMENT FILTER
FT	FLYBEE TRAP
EBC	EROSION CONTROL (BLANK)

VEGETATIVE MEASURES	
CODE	PRACTICE
SMU	DESIRED AREA STABILIZATION (MULCH/SEEDING)
T2	DESIRED AREA STABILIZATION (NOIL TEMPORARY SEEDING)
PS	DESIRED AREA STABILIZATION (PRESERVE)
DC	DIST. COMPLETION OR DESIRED AREA

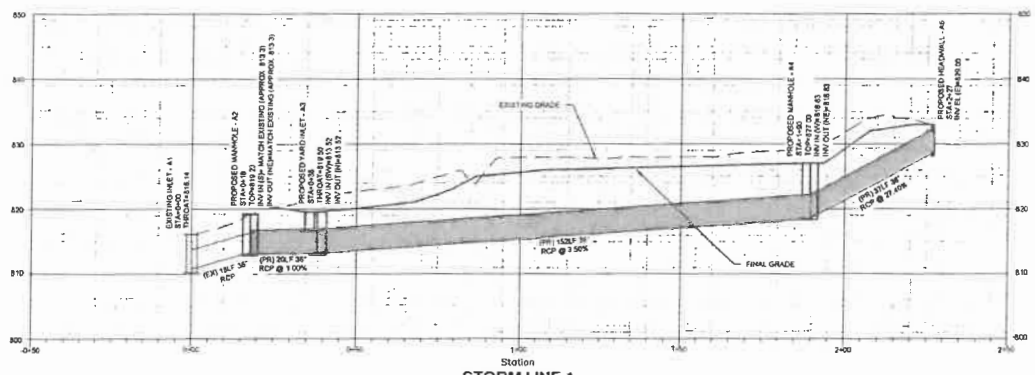
- EROSION CONTROL NOTES:**
- 1 CONTRACTOR SHALL PROVIDE EROSION AND SEDIMENTATION CONTROL IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL LAWS, CODES AND REGULATIONS. ALL EROSION CONTROL DEVICES SHALL BE PROPERLY MAINTAINED THROUGHOUT CONSTRUCTION UNTIL ALL DISTURBED AREAS ARE PERMANENTLY STABILIZED
  - 2 EROSION CONTROL DEVICES SHOWN ON PLANS ARE A MINIMUM REQUIREMENT. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED TO PREVENT SEDIMENTS FROM LEAVING THE SITE AND SHALL BE IMPLEMENTED BY THE CONTRACTOR AS NEEDED DUE TO SITE CONDITIONS
  - 3 CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING EROSION CONTROL DEVICES IN GOOD OPERATING ORDER DURING CONSTRUCTION AND FOR REMOVAL OF ALL SEDIMENTS AND EROSION CONTROL DEVICES ONCE THE SITE IS PERMANENTLY STABILIZED
  - 4 CONTRACTOR IS RESPONSIBLE FOR PERFORMING ALL INSPECTIONS, BACKGROUND AND CONSTRUCTION SAMPLING AND MAINTAINING INSPECTION AND TEST REPORTS REQUIRED BY ADOPTED REGULATORY AGENCIES. IF CONTRACTOR IS UNFAMILIAR WITH SUCH REQUIREMENTS, CONTRACTOR MAY CONTACT THE ENGINEER FOR MORE INFORMATION
  - 5 CONTRACTOR SHALL MONITOR AND MAINTAIN ALL EROSION CONTROL DEVICES AFTER EACH RAINFALL OR AT LEAST TWICE A MONTH

- CONSTRUCTION SEQUENCE FOR EROSION CONTROL:**
- 1 PRIOR TO CLEARING SITE, CONTRACTOR SHALL BEGIN BY INSTALLING CONSTRUCTION DRIVE AND ALL PERIMETER SILT FENCES
  - 2 ALL EXISTING STREAMS SHALL BE PROTECTED FROM SILT AND EROSION BY INSTALLATION OF SILT FENCE AND RIP RAP
  - 3 CONTRACTOR MAY NOT BEGIN CLEARING, GRUBBING AND OTHER EARTHWORK OPERATIONS ON THE SITE AREAS NOT TO EXCEED PAVING, BERMS OR BERMINGS EXPOSED AT GRADE. EXPOSED AREAS SHALL NOT BE ALLOWED TO REMAIN EXPOSED TO RAIN FOR EXTENDED DURATION. TEMPORARY GRASSING OR PERMANENT COVERING SHALL BE INSTALLED TO MITIGATE THE EFFECT OF RAIN ON THE SUBGRADE OR FINISHED GRADE
  - 4 CONTRACTOR SHALL PROVIDE SILENT PROTECTION AREAS ALL INLET STRUCTURES IMMEDIATELY UPON CONSTRUCTION
  - 5 RIP RAP SHALL BE PLACED AT THE EXITS OF ALL PIPES IMMEDIATELY FOLLOWING CONSTRUCTION
  - 6 ALL DISTURBED AREAS TO BE TOPSOILED SHALL RECEIVE 4" OF TOPSOIL AND BE GRASSED IN ACCORDANCE WITH THE SEEDING NOTES ON EACH SHEET
  - 7 CONTRACTOR SHALL REMOVE ALL TEMPORARY SEDIMENT DEVICES AND DIRECT ALL DITCHES TO THEIR FINAL LOCATION ONCE ALL ON SITE AREAS HAVE BEEN STABILIZED
  - 8 WHEN ALL DISTURBED AREAS HAVE BEEN STABILIZED THE CONTRACTOR SHALL BE RESPONSIBLE FOR FILING THE INTENT TO TERMINATE NPDES PERMIT AND OBTAINING NOTICE OF TERMINATION FROM A DCA

NOTE: SEE "ALABAMA HANDBOOK FOR EROSION CONTROL AND STORMWATER MANAGEMENT ON CONSTRUCTION SITES AND URBAN AREAS", LATEST EDITION, BY ALABAMA SOIL AND WATER CONSERVATION COMMITTEE FOR ADDITIONAL INFORMATION REGARDING BEST MANAGEMENT PRACTICES

- SHEET NOTES**
- 1 USE (P7) FILTER DROP INLET PROTECTION UNTIL TOPS ARE PLACED ON INLETS THEN USE (P5) CURB INLET SEDIMENT FILTER
  - 2 CONCRETE WASHOUT SHALL BE INSTALLED BEFORE ANY CONCRETE WORK IS PERFORMED ON SITE
  - 3 REMOVE AND DISPOSE OF HARDENED CONCRETE AND RETURN THE CONCRETE WASHOUT TO A FUNCTIONAL CONDITION

- TEMP SEEDING & MULCH NOTES**
- 1 USE MULCH FOR TEMPORARY STABILIZATION ON SLOPES < 15%
  - 2 USE TEMPORARY SEEDING FOR ALL OTHER AREAS REQUIRING TEMPORARY STABILIZATION



**STORM LINE 1**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=10'

NO.	REVISIONS	DATE

**TITLE GRADING, DRAINAGE, & BMP PLAN**

**REDMONT HIGHLANDS**  
AREA HIGHWAY CIRCLE  
AND  
LA BARRA

**W.G. PERKINSON CONST, LLC**

OWN. BY: \_\_\_\_\_ SCALE: \_\_\_\_\_ DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_

**GONZALEZ - STRENGTH & ASSOCIATES, INC.**  
CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION

2176 PARKWAY LAKE DRIVE  
HOOPER, ALABAMA 35244  
PHONE: (205) 942-3228  
FAX: (205) 942-3239  
www.Gonzalez-Strength.com

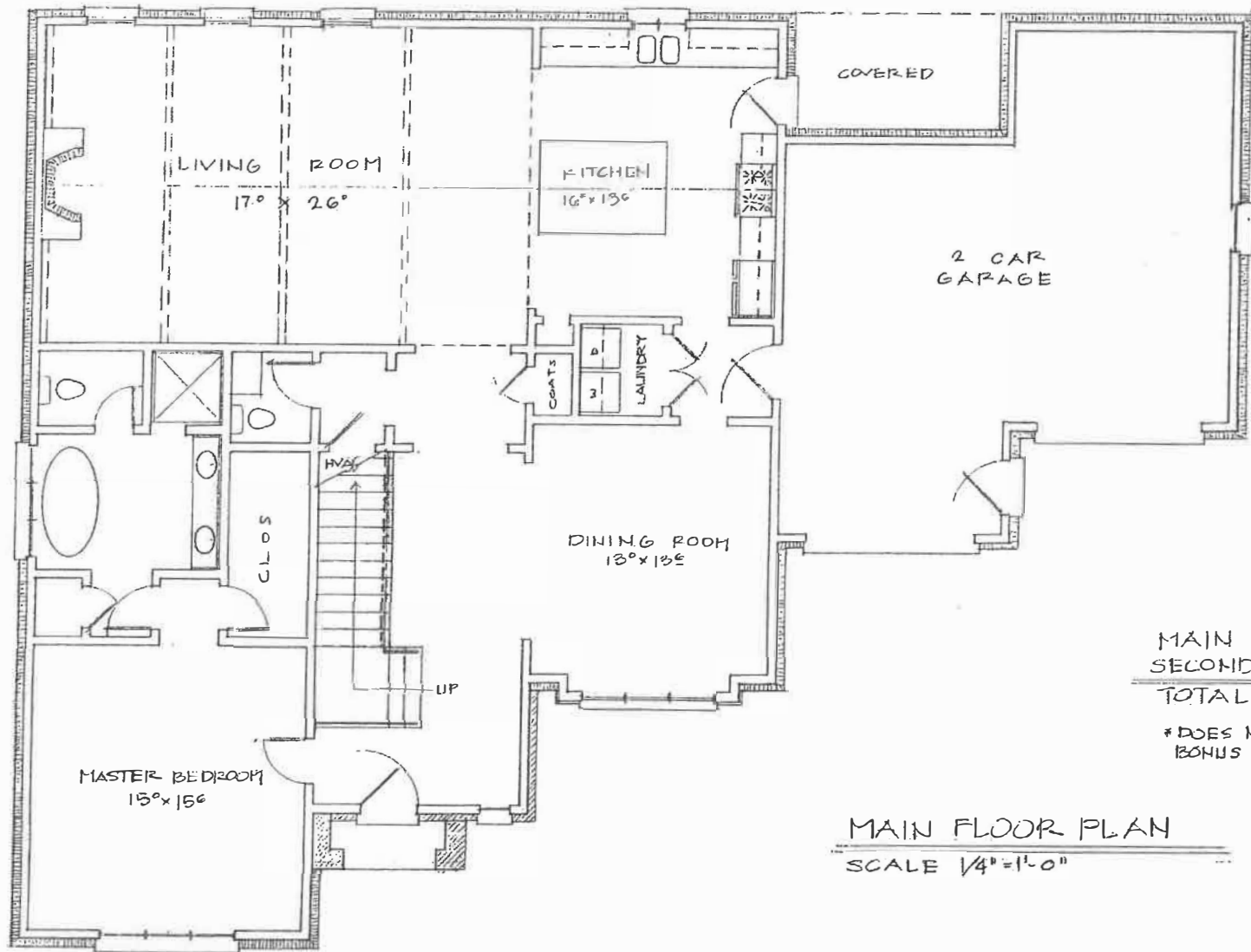
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DWG NO	C1
PROJECT	28746



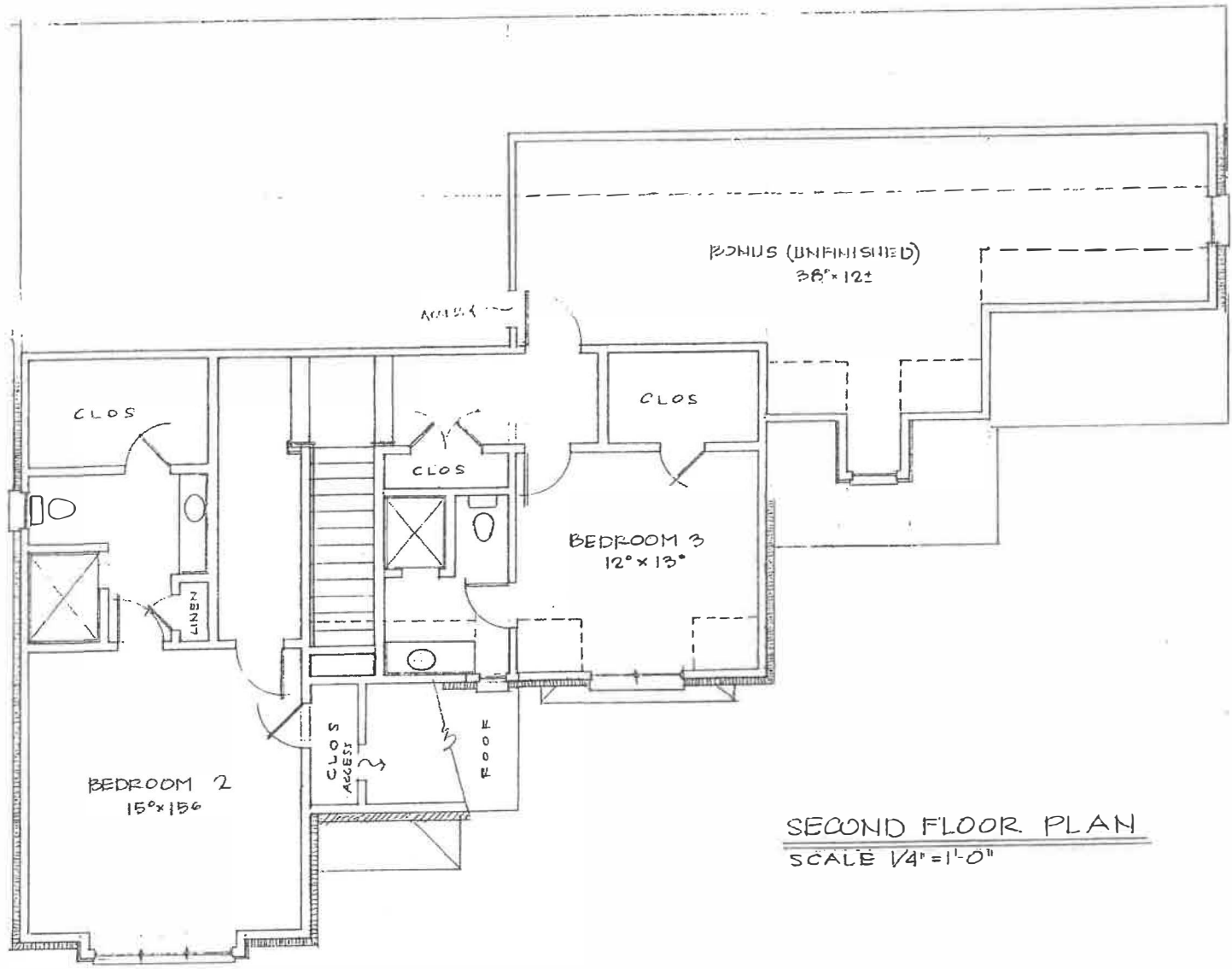




MAIN	APPROX 1,780 S.F.
SECOND	570 S.F.
<b>TOTAL*</b>	<b>2,350 S.F.</b>

\* DOES NOT INCLUDE GARAGE OR BONUS ROOM

MAIN FLOOR PLAN  
SCALE 1/4" = 1'-0"



SECOND FLOOR PLAN  
SCALE 1/4" = 1'-0"

**MARGARET W. GRUBB**  
**4173 HIGHLANDS CIRCLE**  
**BIRMINGHAM, AL 35213**

[mwgrubb@msn.com](mailto:mwgrubb@msn.com)

**H – 205 591 8388 C – 205 422 9996**

September 17, 2020

VIA EMAIL: [Angelica.Moton@birminghamal.gov](mailto:Angelica.Moton@birminghamal.gov)

City of Birmingham Zoning Board of Adjustment  
c/o Angelica Moton, ZBA Planner  
710 20<sup>th</sup> Street North, Room 220 City Hall  
Birmingham, AL 35203

RE: Zoning Board of Adjustment Case #2020-00045  
Public Hearing September 24, 2020 – 2:00PM

Gentlemen:

My name is Margaret Grubb and I along with my sister, Katherine G. Coleman, own the property located at 4177 Highlands Circle which is adjacent to the property requesting the variance, 4184 Highlands Circle. I wish to thank the Zoning Board of Adjustment for the opportunity to present my position on the above referenced Case #2020-00045.

As background, the Highlands Circle subdivision was created in 1988/89 by moving a portion of Red Mountain down and bringing in landfill to create thirty-two (32) single family residential lots. Only thirty-one (31) houses were built including mine at 4173 Highlands Circle. My lot, 4177, was not a buildable lot and was left vacant and where the storm drain was located to handle the water runoff from the street. This water runoff is deposited at the bottom of the lot in an open drainage ditch which flows behind my house at 4173 and the other houses on the southside of Highlands Circle; many of which have had foundation work.

The undeveloped land at the bottom of 4184 Highlands Circle, the proposed property to be developed, acts as an absorption point for all the water which naturally flows down Highlands Circle not funneled thru the storm drain as well as additional drainage coming from Red Mountain. If the variance for the property is approved and the two houses allowed to be built this land will no longer be available to absorb the water runoff and more water will flow onto my lots compromising the landfill where I am located.

Furthermore, about 30%+ of my property was clear-cut without my permission which I discovered when I had a sight line installed between 4177 and 4184 by Weygand Surveyors on Wednesday, September 9, 2020. Weygand had originally

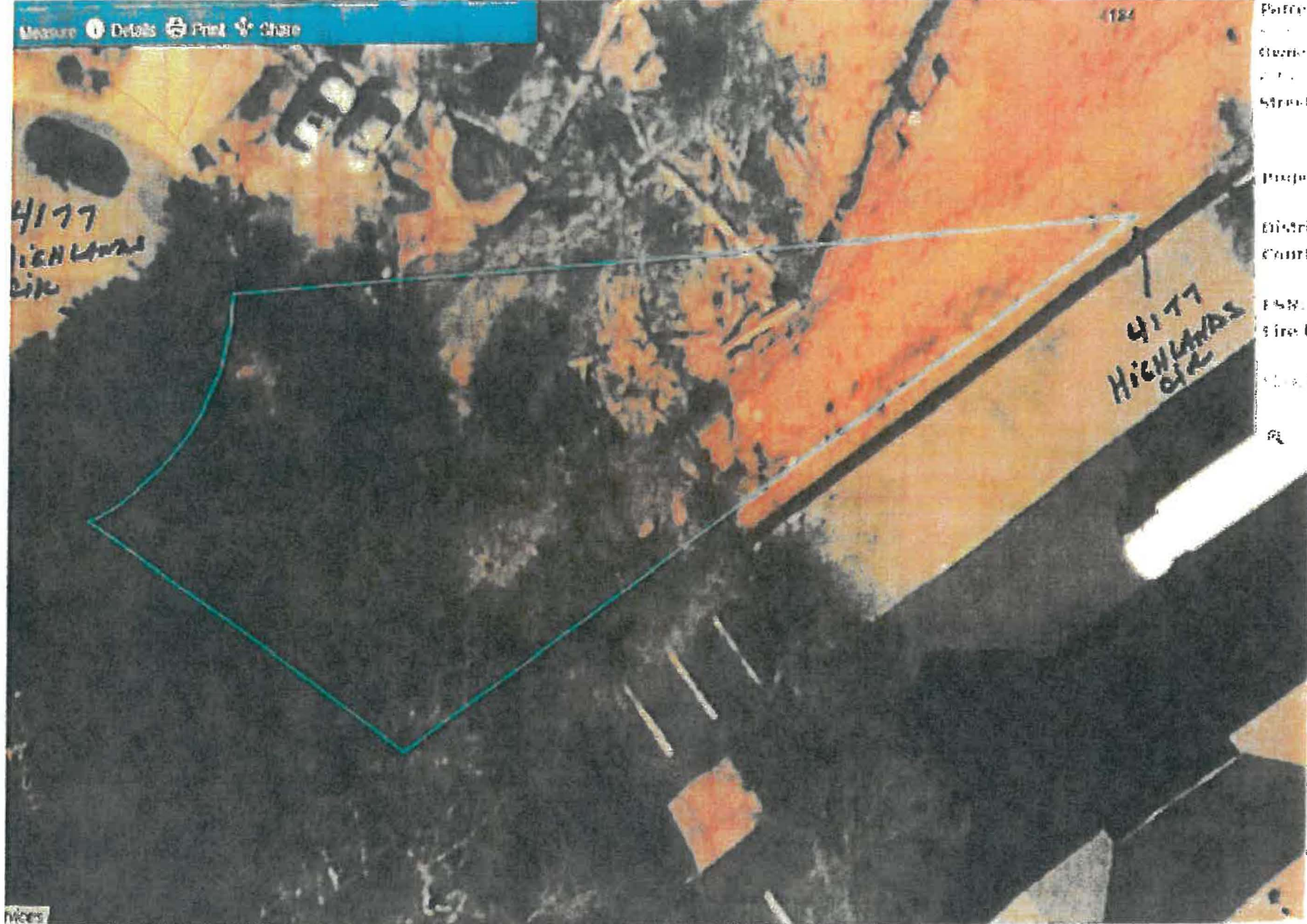


surveyed 4177 Highlands Circle in July 2017. The encroachment on my property resulted in the loss of four trees which were cut down when the bottom of lot 4184 was cleared in 2017 after my survey was conducted. An aerial photograph of 4177 Highlands Circle is attached.

I do not think that enough consideration has been given by the city, the property owners, Miriam & Henry Little, or Mr. Perkinson to the ramifications of the drainage problems created by eliminating the undeveloped land located at the bottom of 4184 Highlands Circle. This is evidenced by the lack of respect for the natural bird sanctuary that was destroyed by clearing the land as well as the damage to my property. Therefore, I respectfully request the Zoning Board of Adjustment to deny the variance change.

Yours truly,

Margaret W. Grubb



twice

1184

Public  
County  
City  
Street  
Project  
District  
Court  
FWS  
Fire  
Street  
R

4177  
HIGHLANDS  
CIR



**Variance Extension Request  
ZBA2020-00045  
of ZBA2017-00038**

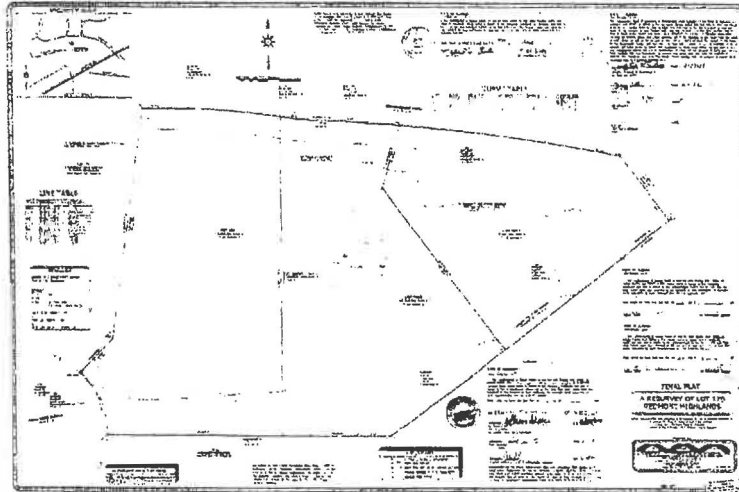
**Respectfully Request the Variance Extension to be  
Denied by the Zoning Board of Adjustments.**

**Kirk Epstein – Owner Unit 206 Morningside Circle**

**No Proper Notice Given**

- The Condominium owners were not notified of the ZBA2017-00038 Hearing in 2017. According to the City of Birmingham City Code, and the Zoning Board of Adjustment Enabling Legislation, the adjacent landowners must be properly notified of variance hearings, which we were not.
- The Condominium Owners were not notified or aware of the Redmont Park Neighborhood meeting where ZBA2017-00038 and/or ZBA2020-00045 were presented in order to object to the variance request.

## Survey Provided with 20' Sanitary Sewer Easement and Stormwater Easements.

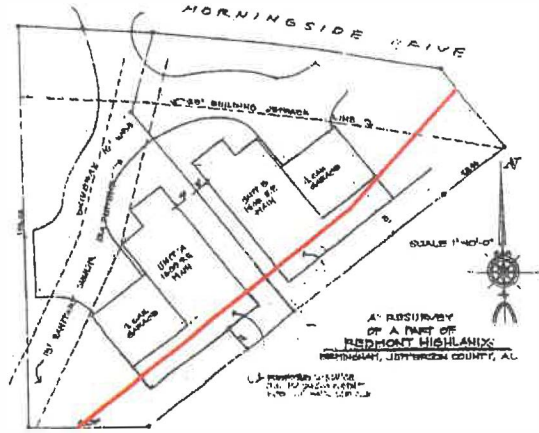
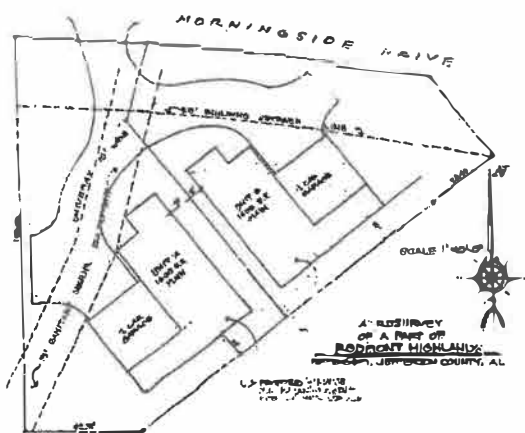


## Stormwater Concerns Stormwater Management

- The previous survey had on record several Stormwater Easements. The survey provided to the ZBA also has Stormwater Easements. However, the submitted Site Plan provided does not indicate the Stormwater Easements, or the Stormwater Infrastructure.
- Contrary to information provided in the previous ZBA Meeting held 9/10/2020, the Site Plan or changes to the Stormwater Easement, the Stormwater Culvert, the Stormwater Pipe, or changes to the topography of the soil or movement of surface water were not approved of by the Jefferson County Environmental Services.
- Stormwater Easements and infrastructure are under the purview of the City of Birmingham Stormwater Management.
- The City of Birmingham Stormwater Management did not review the resurvey or the proposed site plan of ZBA2017-00038 or of ZBA2020-00045.



The proposed Site Plan does not note the Stormwater Easements, the Stormwater Culvert or the Stormwater Pipe, and the Site Plan has not been reviewed by the City of Birmingham Stormwater Management.



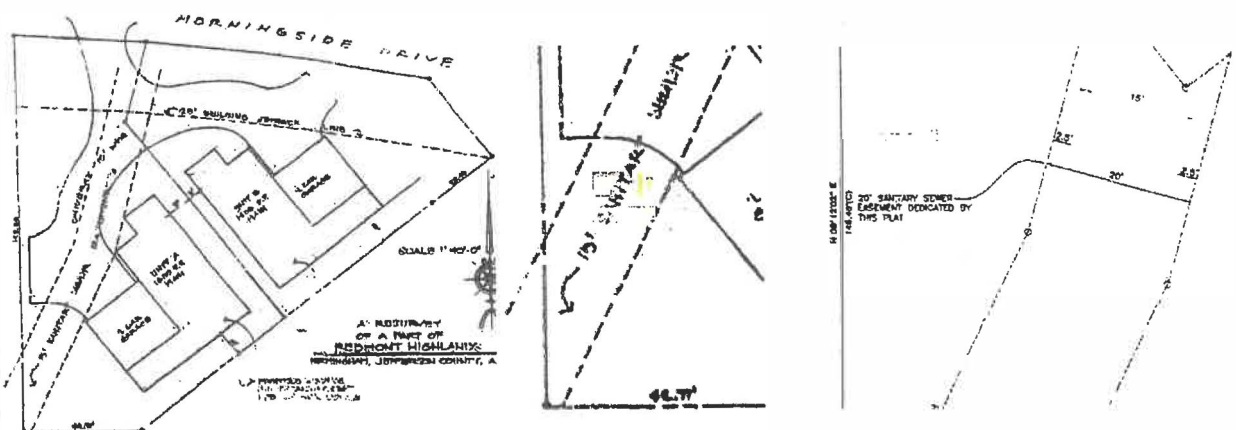
Stormwater Line and Dedicated Easement in footprint of proposed home construction.



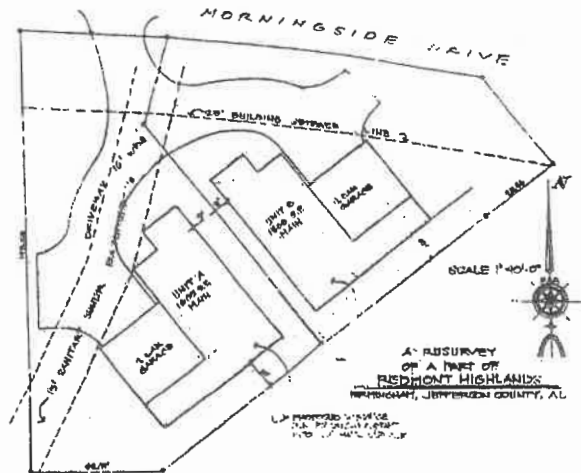
Stormwater Culvert and Dedicated Easement in footprint of proposed home construction.



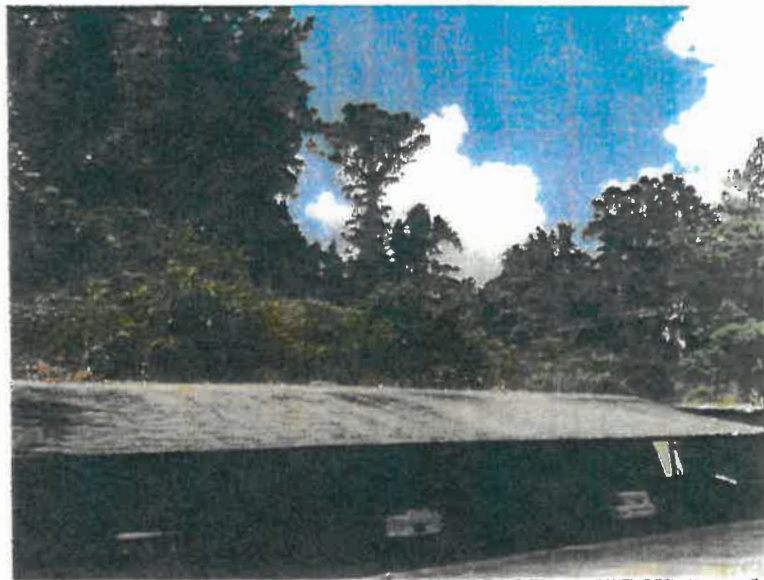
The proposed Site Plan has a 15' Sanitary Sewer Easement. However, the actual Sanitary Sewer Easement is 20'. According to Jefferson County Environmental Services, the Site Plan as presented is no longer valid.



The Proposed Permeable to Impermeable Surface Water Ratio at approximately 50% +/- will be Unacceptable and may cause water to buildup behind the retention wall or flow into the condominiums causing damage and unsafe conditions.



## Condominium Retention Wall Concerns





The subject property and an adjacent lot (the Grubb's) appear to have been clear-cut and excavated sometime between 2016 and 2018. The City of Birmingham Stormwater Management does not have a record of reviewing a Permit for this action.

2016



2018

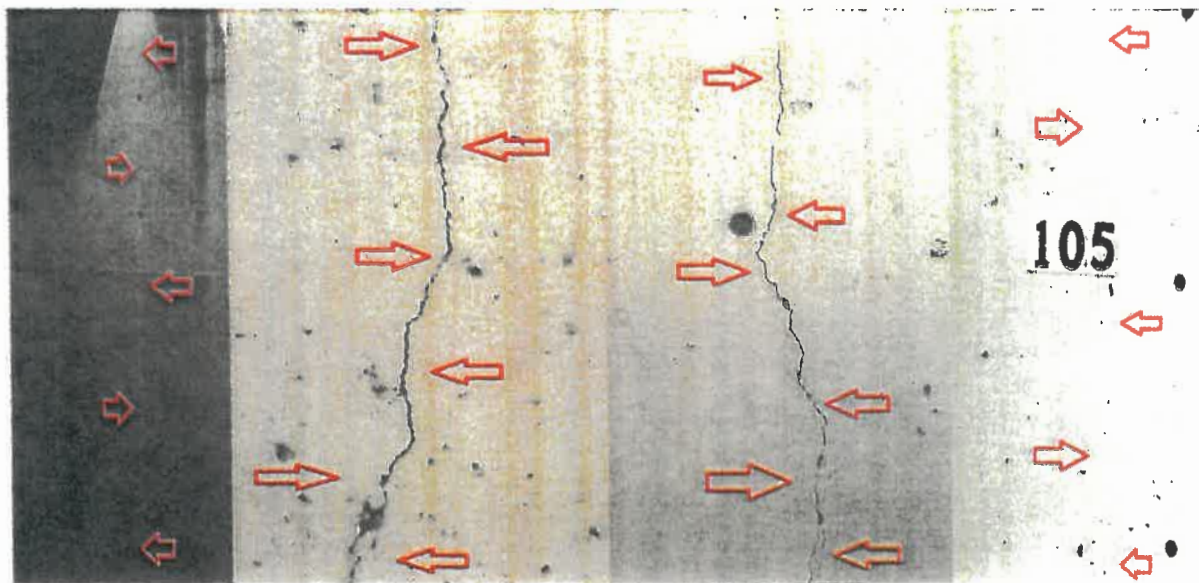


Rust Red Stained Discoloration to the Condominium Retaining Wall caused by sediment runoff after the trees and vegetation had been clear-cut and the soil exposed to rains emanating from the adjacent lots.



The Stormwater Sewer Line is between approximately 15' and 18' feet from the Condominium Retaining Wall. The Condominium Retaining wall supports the soil of the proposed building sites and the condominium wall has stress fractures and cracks. It is an unfair burden on the condominium to supply a wall that supports the Variance Requestor's residential project that may cause the retention wall to fail.

Small Sample of the Multiple Stress Cracks in the Condominium Retention Wall. Disturbing the soil and increased water pressure behind the Retention Wall may cause the wall to fail.



**Unfair Increased Noise, decreased Privacy and decreased Property Values to the Condominium Owners due to the high elevation of the site with the requested close variance cause the sound to carry farther and louder. There will be no quiet privacy enjoyed by the condominium owners.**



**For the Reasons stated within this presentation, I humbly request the Variance Extension Request to be Denied by the Zoning Board of Adjustments.**

**Respectfully,  
Kirk Epstein**

William Perkinson  
for Mr. & Mrs. Henry Little  
4184 Highlands Circle  
Birmingham, Al 35213

Dear Ms. Moton,

10/07/2020

I am the Applicant for this variance on behalf of the owners, Henry and Miriam Little. They are requesting a variance on two lots for a front setback of 25 feet off Morningside Drive and a rear setback of 10 feet.

I am writing to address the power-point submitted by Mr. Kirk Epstein of the Morningside Condominium. I am specifically addressing slides 3 – 11.

- Slide #3 The retaining wall, according to Mr. Epstein's numbers, is 5 to 8 feet off of the property line.
- #4-#5 The proposed site plan was presented to Mr. Mixon with Jefferson County Environmental Services. He advised us on the driveway and the location of the property line between the two houses and the location of the driveway. He approved the driveway being over the sanitary sewer because the sewer is buried more than 12 feet deep.
- The storm water runoff plan was submitted to Michael Eddington with the City of Birmingham. He approved the new water runoff plan which reduced the size of the storm water easement and replaced the open ditch with concrete pipe.
- #6 The red line does not accurately represent the location of the storm water easement or the pipe. The houses will not be built on the storm water pipe. The City of Birmingham approved the 10-foot water runoff easement across the rear of the property. The concrete pipe will be buried in the 10-foot easement.
- #7 According to Mr. Epstein, the retaining wall is 5 to 8 feet off of the property line. The storm water pipe will be buried 8 to 10 feet off the retaining wall. The proposed new homes will be built 15 to 18 feet off of the retaining wall. This should not add undue pressure to the wall.
- #8-#9 The existing water runoff is in an open ditch the transects the property. This slide shows the existing ditch and the concrete culvert that catches the runoff. The ditch will be eliminated and the concrete culvert will be relocated. This has been approved by the City of Birmingham.
- #10 The storm water runoff will not be contained in a 36" concrete pipe. This should not affect the hydrostatic pressure behind the retaining wall.
- #11 The proposed houses will add to the real estate values in the area. The two +/- \$700,000 houses will only increase the comparable real estate values along Morningside Drive. This is typical residential construction that will take approximately 12 to 14 months to complete. There will be usual and customary construction noises only during normal working hours.

Thank you for your time and consideration of our variance request.

Sincerely,

William Perkinson 205.365.9249

**To: The City of Birmingham Zoning Board of Adjustment**

**Re: Opposition to Requested Variance ZBA Matter# 2020-00045**

**Dear Sir or Madam:**

**The undersigned represent the individual condominium owners of the Morningside Condominiums located on Morningside Circle.**

**We hereby oppose the proposed variance requested in the matter before the ZBA, matter #2020-0045, which involves property adjacent to our homes and is seeking a variance on the required setbacks to the rear and front property lines on the adjacent property (the "Variance").**

**We do not consider the requested Variance to be compatible with our property, the existing neighborhood and community preferences. In short, the requested Variance fails to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community as required by Alabama law and the legal standards for granting variances set forth in the City of Birmingham's Zoning Ordinance do not exist in this matter.**

**Accordingly, we respectfully request that the ZBA deny the Variance in matter #2020-00045 set for hearing on September 24, 2020 and further request an opportunity to speak and be heard at such hearing.**

**Very Truly Yours**



Karen Pierce  
Signature  
Karen Pierce  
Printed Name  
204 Morningside Circle  
Address Birmingham, AL 35213

Diana Aegey  
Signature  
Diana Aegey  
Printed Name  
204 Morningside Circle  
Address

Kay Teschner  
Signature  
Kay Teschner  
Printed Name  
306 Morningside Cr  
Address 35213

Wanda R. Strum  
Signature  
WANDA R. STRUM  
Printed Name  
304 Morningside Cir.  
Address 35213

Jamie Tescher  
Signature  
Jamie Tescher  
Printed Name  
306 Morningside  
Address 35213

John Wayman  
Signature  
John Wayman  
Printed Name  
105 Morningside Circle  
Address 35213

Sheila Shugerman  
Signature  
SHEILA SHUGERMAN  
Printed Name  
103 Morningside Circle  
Address Birmingham Al. 35213

Emeria Greer POA for Kathleen Watkins  
Signature  
KATHLEEN WATKINS  
Printed Name  
305 Morningside CR  
Address 35213

Wayne Turner  
Signature

WAYNE TURNER  
Printed Name

307 Morningside Circle  
Address  
Bham, AL 35213

Virginia S. Sander  
Signature

Virginia S. Sander  
Printed Name

101 Morningside Cir.  
Address

Nancy Stephens  
Signature

Nancy Stephens  
Printed Name

102 Morningside Circle  
Address

Jan Pacalino  
Signature

Jan Pacalino  
Printed Name

205 Morningside Circle  
Address

Virginia Z. Clark  
Signature

Virginia Z. Clark  
Printed Name

307 Morningside Circle  
Address  
Bham, AL 35213

Jane Henderson  
Signature

Jane Henderson  
Printed Name

104 Morningside Circle  
Address  
Bham 35213

Ann Derby  
Signature

Ann Derby  
Printed Name

201 Morningside Circle  
Address

Jean Rich  
Signature

Jean Rich  
Printed Name

207 Morningside Circle  
Address  
Birmingham, AL 35213

Margorie S Williams

Signature

MARJORIE WILLIAMS

Printed Name

203 MORNING-SIDE CIRCLE

Address

BIRMINGHAM, AL 35213

Bryna Martinez

Signature

Bryna Martinez

Printed Name

200 Morningside Circle

Address

Birmingham, AL 35213

Susan W Morrow

Signature

Susan W Morrow

Printed Name

303 Morningside Circle

Address

Birmingham, AL 35213

Signature

Printed Name

Address

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Printed Name

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Printed Name

Address

**MORNINGSIDE CONDOMINIUM ASSOCIATION MEMORANDUM IN OPPOSITION TO REQUEST FOR VARIANCE BEFORE BIRMINGHAM ZONING BOARD OF ADJUSTMENT CASE #2020-00045**

TO: Calvin Abrams  
Angelica Moton  
Morris Newman  
Gary Nash  
Lenus Perkins  
Henry Penick  
Robert Littleton

**INTRODUCTION:**

The Morningside Condominium Association ("Morningside") submits this Memorandum opposing the petition for a variance before the Birmingham Zoning Board of Adjustment ("ZBA") in case #2020-00045 (the "Variance Request") and requests that the ZBA deny the Variance Request based upon the facts and information contained herein. This Memorandum is supported by a separate Petition of the Individual Morningside Condominium owners also opposing the Variance Request.

**FACTS:**

Morningside Condominiums is a condominium complex located at 100 Morningside Circle in Birmingham, Al. The Morningside Condominiums and its parking lot are located directly adjacent to the property subject to the Variance Request (the "Property"). In the Variance Request, the Property at issue is elevated well above the Morningside Condominium's property (per the submission of the applicant to the ZBA, the elevation change down the Property to the proposed building site is 39 feet) which is typical of the topography in this area. Because of this slope between the 2 properties, there is an approximate 15 foot retaining wall between the 2 properties in order to protect the Morningside Condominiums' property from damaging water, mud and debris runoff (per the submission of the applicant to the ZBA, the proposed build site is 20 feet above the Morningside Condominium's parking lot).

The Variance Request provides that the current landowner sub-divided the Property into 3 new lots in 2017 and the applicant desires to build 2 residential homes on lots 12B-2 and 12B-3 and requests that 2 variances be granted, one to reduce the set-back line from 25 feet to 10 feet on the property line adjacent to the Morningside Condominiums and a second variance to reduce the set-back from 60 feet to 25 feet on the property line adjacent to Morningside Drive.

Morningside opposes the Variance Request for the following reasons:

1. The applicant' cannot establish the elements necessary under Alabama law and the Birmingham Zoning Ordinance to receive a variance;
2. The site plan showing the proposed homes submitted by the applicant as part of his Variance Request is defective in that the proposed development would encroach on the sanitary sewer easement and the storm water easement located on the Property; and
3. Granting the Variance Request would violate the Restrictive Covenants governing the Property.

Each of these reason are discussed in more detail below.

**LEGAL ARGUMENT ESTABLISHING THAT THE VARIANCE REQUEST IS DUE TO BE DENIED:**

**A. THE APPLICANT CANNOT MEET THE REQUIREMENTS FOR A VARIANCE TO BE ISSUED**

The Birmingham Zoning Ordinance requires strict application of zoning laws so the existing set-back lines are required to be enforced and not altered unless the applicant requesting a variance can show that such variance is not contrary to the public interest, will cause the applicant unnecessary hardship and the applicant can affirmatively prove that EACH of the following 6 requirements (the "Variance Requirements") are satisfied:

1. The Physical Characteristics of the Property- The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance;
  2. Unique Characteristics- The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant;
  3. Hardship Not Self-Imposed- the alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property;
  4. Financial Gain Not Only Basis- Financial gain is not the sole basis for granting the variance;
  5. No injury to Neighboring Property- The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values with the area; and
- 
-



6. No Harm to Public Welfare- The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the city of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

The applicant for the Variance Request states that the variance is needed due to the configuration of the lots making up the Property and due to a sanitary sewer easement (the "Easement") running through the applicable property. Specifically, the applicant states:

"There is a 20-foot-wide sanitary sewer easement running through the property. Because of this easement, the build site must be pushed far back on the lot. "

August 6, 2020 Submission of William Perkinson

The fact is that the applicant for the Variance Request simply cannot prove ANY of the required Variance Requirements necessary to justify the Variance Request, much less ALL of the Variance Requirements required by law and as such, the ZBA should deny the Variance Request.

Each of the required elements are discussed individually.

1. The Physical Characteristics of the Property – In applicant's submission addressing the elements for the Variance Request, the applicant states that the slope of the lots and the shape of the lots compromising the Property being "irregularly shaped" satisfy this first element. The applicant is simply wrong and does not tell the full story in his application.

It was the current landowner that sub-divided the Property in 2017 into what the applicant describes as "irregularly shaped" lots. That is, the current landowner caused and created the shape of the lots before the ZBA. As for the slope of the Property, driving through the area clearly shows that the Property is comparable to the properties in the surrounding area.

Notwithstanding the fact that the current landowner created the lots at issue, the applicant also claims that it is not just the physical characteristic of the property that is the issue. Rather, applicant also contends that one of the reasons he has submitted the Variance Request is because of the Easement that runs through the Property, the fact that the Property over the Easement cannot be developed and that this Easement requires the applicant to move the proposed development closer to the property line adjacent to the Morningside Condominium and over the existing set-back.

However, the Easement is not a physical characteristic of the Property but rather, an encumbrance that the owner of the Property agreed be placed on the Property and which the current owner bought subject to and with knowledge of its location. In fact, when the current landowner subdivided the Property in 2017, they appear to have actually increased the Easement from 15 to 20 feet.

Because the current landowner created the physical characteristics of the Property, created the existing 20 foot Easement and the Easement is NOT a physical characteristic of the Property, the applicant cannot establish this first Variance Requirement.

Additionally, the applicant has several other options rather than obtaining a variance to reduce the set-back requirements, namely:

a. The applicant could just reconfigure his proposed development so as to have only 1 residence on the Property or reduce the size of the 2 residences so as to comply with the existing set-back requirements; or

b. The applicant could pay to have the Easement relocated to run along the Property line as opposed to its current location which is through the middle of the Property.

2. Unique Characteristics Not Found in Properties in Other Areas – Contrary to applicant's assertion in its submission to the ZBA, the topography of the Property is comparable to the properties in the surrounding area, that is, the properties in the surrounding area also have slopes and varying elevations. In short, the Property is not unique from other properties in the area. Again, the applicant tries to equate the Easement with a property characteristic to satisfy this uniqueness element. As stated previously, the Easement is an encumbrance and not a property characteristic. Moreover, it is an encumbrance that was self-imposed by the owner of the Property and accepted by the current owner of the Property when it purchased the Property and subsequently sub-divided the Property. Because the Property is not unique, the applicant cannot establish this second Variance Requirement

3. Hardship not Self-Imposed - The applicant, in his submission, lists the Easement as the hardship in an attempt to satisfy this element. What is telling is that the applicant does not address whether this hardship was self-imposed, and with good reason. This specific requirement provides that the hardship cannot have "... been created by the previous actions of any person having an interest in the property".

As stated previously, the current owner of the Property created the shapes of the lots in question through its sub-division in 2017. This sub-division plat also dedicated the 20 foot Easement at issue. It is clear that the alleged hardship was created by, and agreed to, by the owner of the Property, clearly someone with an "interest in the Property". Because the shape of the lots and the Easement, i.e. the hardship, was clearly caused by the owner of the Property, the applicant cannot satisfy this third Variance Requirement. To hold otherwise would allow a property owner to encumber his/her own property and then come before this ZBA claiming it as a hardship justifying a variance request.

4. Financial Gain Not The Only Basis – The applicant has submitted the Variance Request in order to build a residential structure on the 2 lots comprising the Property. The applicant in his submission attempts to establish that this development is not for financial gain by stating that the current landowners, a husband and wife, are 81 and 78, respectively, and that they want to build a new home to better accommodate the husband's handicap and both of their age related needs. However, this explanation by the applicant falls short for several reasons and does not satisfy this requirement.

a. These owners live in a house on a SEPARATE lot already which they could renovate to address their needs;

b. There is not 1 house proposed but 2 new homes. How does the existence of 2 new homes address a handicap and age related needs of this husband and wife?

c. The Conceptual Design submitted by the applicant in support of the Variance Request shows what appears to be a front elevation of a 2 story or a story and a half design for both houses. A design other than 1 story is clearly not in mind with a proposed homeowner facing a handicap and age related needs.

It is clear that the proposed development of the 2 lots making up the Property is not to address the landowners handicap and age related needs. Rather the proposed development is to sale the 2 homes on the open market, clearly for a Financial Gain and totally unrelated to the landowners needs. As such, the applicant fails to meet his burden and cannot establish this fourth Variance Requirement.

5. No Injury to Neighboring Property- The applicant in his Variance Request states that granting this Variance Request "will in no way impair the use or enjoyment of any neighboring property." First, the applicable standard is not whether it will impair the use of the neighboring property, but rather, whether it would cause injury to other property in the area. Granting this Variance Request will clearly cause injury to the Morningside Condominiums located adjacent to the Property.

When the variance request was approved in 2017 (without notice provided to Morningside as required for approval to be valid), the applicant cleared out some tress and underbrush from the Property. Just these actions alone caused additional water runoff, flooding and mud and debris to flow over the retaining wall onto the Morningside Condominium parking lot. Imagine the results from the full development as proposed by the applicant. Granting this Variance Request by reducing the building set-back from 25 feet to 10 feet will remove 15 feet of protective ground cover and vegetation that is necessary to absorb water and debris runoff in order to protect the Morningside Condominiums property. Without this natural 25 foot buffer, the water, mud and debris runoff will be changed from its normal pattern and flow to an increase in velocity and amounts right onto the Morningside Condominium property.

Additionally, there is a real concern on the status of the viability of the retaining wall as it currently stands if the Variance Request is granted. The retaining wall already has signs of cracking resulting from the stress of the Property. The proposed development with the Variance Request would only serve to put additional stress on the retaining wall.

The applicant has not submitted any reports addressing how the applicant would handle the increased runoff caused by his proposed development onto the Morningside Condominiums property nor the total impact of the additional stress placed on the existing retaining wall and what actions the applicant would take to ensure the retaining wall would be reinforced to ensure it could handle this additional development. The applicant's limited actions in 2017 caused damage to the Morningside Condominiums property. The full development proposed by the applicant would cause the Morningside Condominium owners to sustain even greater damages.

Because granting the Variance Request will cause injury to a Neighboring Property, the applicant cannot establish this fifth Variance Requirement.

6. No Harm to the Public Welfare- As shown in requirement 5 above, granting the Variance Request would cause injury to a Neighboring Property. When this additional run-off of water, mud and debris is directed onto the Morningside Condominium property it will eventually be directed elsewhere either to

other adjacent properties or into facilities that may not be equipped to handle the additional runoff. This clearly is against and likely to cause harm to the Public Welfare.

Because granting the Variance Request would cause harm to the Public Welfare, the applicant cannot establish this sixth Variance Requirement.

#### **B. THE APPLICANT'S SITE PLAN IS DEFECTIVE**

The Variance Request is also due to be denied because the proposed development submitted by Applicant is defective in that the proposed homes would still encroach upon the Easement even with the Variance Request granted and would also encroach on a Storm Water Easement running through the Property. Attached hereto as Exhibit "A" is a subdivision plat filed by the current landowner and recorded on July 5, 2017 in the probate records of Jefferson County, Alabama (the "Plat") showing the location and width of each these 2 easements on the Property.

1. Encroachment onto the Easement- The site plan showing the proposed homes on lots 12B-2 and 12B-3 submitted to the ZBA shows the Easement as a 15 foot sanitary sewer easement with the Easement line abutting against the proposed home on Lot 12B-2. As shown on the Plat, the Easement is actually 20 feet, not 15 feet, so the home proposed on Lot 12B-2 would encroach onto the Easement by several feet.

2. Encroachment onto Storm Water Easement- As shown on the Plat, there currently exists a Storm Water Easement running along the property line with the Morningside Condominiums to Morningside Drive. This Storm Water Easement ranges from 16.58-18.05 feet in width from this property line. The applicant fails to show the location of this Storm Water Easement on his site plan showing the proposed homes on lots 12B-2 and 12B-3. Because the applicant seeks to have these homes 10 feet from the property line, both of these homes would encroach onto the Storm Water Easement by 6.5 feet in some locations and potentially up to 8 feet in certain locations.

The site plan submitted by applicant is defective due to the proposed homes encroaching upon not only the Easement but the Storm Water Easement as well. Granting the Variance Request would actually serve to create these encroachments, and as such, this Variance Request is due to be denied.

#### **C. GRANTING THE VARIANCE REQUEST WOULD VIOLATE RESTRICTIVE COVENANTS APPLICABLE TO THE PROPERTY**

There are certain Restrictive Covenants recorded in Real Volume 3332 Page 614 in the Probate Records of Jefferson County, Alabama (the "Covenants"), a copy of which is attached hereto as Exhibit "B". The Covenants provide that it covers the property set forth in Map Book 152 Page 60 in the Probate Records of Jefferson County, Alabama (the "Map"), a copy of which is attached hereto as Exhibit "C". The Map shows the Property subject to the Variance Request as Lot 13. The Map further shows a total of 32 lots making up the subdivision.

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Granting the applicants Variance Request would violate the Covenants governing the Property for several reasons.

1. Ingress and egress from Morningside Drive is not permitted under the Covenants- one of the requirements imposed by the ZBA for granting the Variance Request is for the applicant to provide written approval of ingress and egress for the dwelling units. Applicant attempts to satisfy this requirement by showing on the Plat a driveway to Lot 12B-2 and to Lot 12B-3 from Morningside Drive. This access from Morningside Drive violates the specific restrictions in the Covenants.

Section 2 of the Covenants provides, in pertinent part, as follows:

**"INGRESS AND EGRESS RESTRICTION.** There shall be permitted no ingress and egress to and from any lot directly from Morningside Drive. No lot which borders Morningside Drive shall be improved with any driveways or other means of access to or from any such lot directly from Morningside Drive."

The applicants submitted site plan and plat showing access to the proposed development from Morningside Drive violates the express terms of the Covenants and is not permitted.

2. The applicants subdivision of the Property into lots 12B-1, 12B-2 and 12B-3 violated the Covenants- The Property is shown on the Map as one of the 32 lots. It is clear that the Property was subdivided into 3 separate lots in 2017. It appears that this subdivision was done without reviewing the Covenants as this subdivision appears to violate the explicit terms of the Covenants and was not proper.

Section 4 of the Covenants provides, in pertinent part, as follows:

**"SUBDIVISION.** The property may never be subdivided into more than 32 individual single family lots. "

Before the applicant's subdivision of the Property, the Map shows that there were already 32 lots included in the subdivision. By subdividing the Property from 1 to 3 lots, it appears that the applicant increased the number of lots in the subdivision above the 32 cap in violation of the Covenants, a violation that appears to continue today.

The ZBA cannot grant the Variance Request without promoting the violation of the Covenants by the applicant. In fact, the applicant appears to be in violation of the Covenants today due to his prior subdivision, and if this is in fact true, then the subdivision needs to be reversed and the Property subdivided back into one lot.

#### **CONCLUSION:**

The ZBA should deny the Variance Request set forth in Case #2020-00045. A variance is only to be given in unique circumstances and an applicant requesting the variance must establish EACH OF THE 6 REQUIREMENTS set forth in the Birmingham Zoning Ordinance. The unique circumstance simply do not exist to grant the Variance Requested and in fact, the applicant cannot establish ANY of the Requirements for a variance in the Birmingham Zoning Ordinance. Moreover, the site plan submitted by the applicant is defective and granting the Variance Request would only serve to allow the petitioner's



development to encroach onto recorded easements located on the Property. Finally, granting the Variance Request would only allow the applicant to violate the Covenants governing the Property.

Based on the forgoing, Morningside respectfully requests that the Variance Request set forth in Case #2020-00045 BE DENIED.



M 201826

Exhibit 3

23560

3332 PAGE 614

STATE OF ALABAMA }  
JEFFERSON COUNTY }

RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants is made and entered into on this the 12th day of February, 1988 by Redmont Estates Group, a joint venture, hereinafter referred to as "Declarant".

WITNESSETH:

Declarant is the owner of all lots in Redmont Highlands, the map or plat of which is recorded in Map Book 182 at page 60 in the Office of the Judge of Probate of Jefferson County, Alabama. Said property may sometimes hereafter be referred to as the "property". Declarant has determined to impose certain covenants and conditions upon the property which shall be binding upon the property and any lots into which the property might be subdivided (the "lots") and the subsequent owners and occupants thereof. The purpose of this instrument is to more particularly set forth said covenants.

Now, therefore, Declarant hereby covenants and declares that the property shall from henceforth be subject to the declarations, covenants, restrictions and conditions as follows:

1. DETACHED RESIDENTIAL USE. Each lot located within the property shall be restricted to detached single family residential

use. No lot or combination of lots may be used for townhouses, condominiums, or other forms of attached dwellings.

2. **INGRESS AND EGRESS RESTRICTION.** There shall be permitted no ingress and egress to and from any lot directly from Morningside Drive. No lot which borders Morningside Drive shall be improved with any driveways or other means of access to or from any such lot directly from Morningside Drive. No portion of the property or any lot located within the property may be used in any manner which would permit ingress to or egress from that certain parcel of land which joins the property on the western boundary of the property.

3. **BUFFER AREAS.** Each lot which borders Morningside Drive shall be subject to a ten (10) foot wide undisturbed buffer area across any such lot along its common boundary line with Morningside Drive which shall be in addition to the area included in the right-of-way for Morningside Drive. Said ten (10) foot buffer area may be improved with utilities but may not be graded or otherwise disturbed or improved with any structures and shall be planted, to the extent to which the terrain and topography of said buffer area will permit, with a stand of pine trees for the purpose of providing an additional visual buffer of the view of the Morningside Drive to any such lot. The ten (10) foot buffer areas along Morningside Drive as described in this paragraph shall be initially planted with a total of approximately 800 pine trees. Provided, Declarant shall be entitled to construct within said buffer area, on the two lots which are located at the intersection of Morningside Drive and Highland Circle, decorative entrance

3332 PABE 616

markers. There shall be maintained an undisturbed ten (10) foot wide buffer area along the most northerly boundary line of the property. There shall also be maintained a fifteen (15) foot wide undisturbed buffer area along the westerly boundary line of the property.

4. SUBDIVISION. The property may never be subdivided into more than 32 individual single family lots. The location of the streets and lots to be included in such subdivision shall be as approved by the Subdivision Committee of the Birmingham Planning Commission and may not be altered except that the exact location of the lines between adjoining lots may be changed as might become necessary because of the topography of the land (subject to the approval of said Committee) and that any two or more lots may be combined to create a fewer number of larger lots in the event the topography of the property so requires (subject to the approval of said Committee).

5. ARCHITECTURAL CONTROL COMMITTEE. Declarant hereby establishes an Architectural Control Committee (hereinafter the "Committee"). The Committee shall be initially composed of at least five members each of whom shall be appointed by the Declarant. The membership of the Committee shall be controlled by the Declarant until the expiration of one (1) year after the date on which Declarant has conveyed all of the lots. Until said time, any member of the Committee (except the member designated by the Redmont neighborhood pursuant to the provisions of this paragraph) may be removed and replaced at the discretion of the Declarant. Subsequent to said time, the membership of the Committee shall



be determined by the owners of a majority of the lots. Provided, during such time as the membership of the Committee is controlled by the Declarant, the membership shall include one member from the Forest Park neighborhood and one member designated by the Radmont neighborhood, as said neighborhoods are established by the Office of Community Development of the City of Birmingham, said two members being subject to the approval of the Declarant, which approval shall not be unreasonably withheld.

6. APPROVAL OF PLANS AND SPECIFICATIONS. No improvement, including, but not limited to, residential dwellings, fencing, carports, garages, driveways, signs, mail boxes, lighting facilities, sidewalks, and landscaping, shall be constructed or altered on any lot until the architectural design and plans and specifications therefor, including, but not limited to, the color, size, location, construction materials and design, have been submitted to and approved by the Committee. No trees or other vegetation shall be removed or altered in any manner, nor shall dirt be moved or removed, nor shall the topography in any manner be altered with respect to any portion of the property without the prior written approval of the Committee. Upon the completion of the construction of any such improvements, the exterior appearance of same may not be altered, whether by change in color, size, or otherwise, until any such alteration has been approved by the Committee. Any request for approval pursuant to this paragraph shall be submitted to a representative designated by the Committee. Such requests shall be in writing and shall include plans and specifications and such other information as the Committee might require, together

with the name and address of the maker of the request and the legal description of the land affected by the request. The Committee shall, within thirty (30) days thereafter, meet to consider the request and give its response thereto. Any such request not approved or disapproved in writing by the Committee within 30 days after the submission of same to the Committee, shall be deemed approved. A request shall be deemed to have been made upon same being delivered in writing to the Committee's designated representative together with the information required under this paragraph. Any approval or disapproval by the Committee shall be deemed to have been delivered to the requesting party upon same having been either delivered in person to the requesting party or deposited in the United States mail addressed to the requesting party at the address given in the request.

The Committee representative shall call a meeting of the Committee members to consider all requests made pursuant to this paragraph. Notice of the time and place of all such meetings shall be given to each Committee member at least five (5) days prior to date thereof. Such notices shall be deemed given and received upon delivery to the Committee member or upon same having been deposited in the United States mail and addressed to the office or home address of the Committee member.

All decisions of the Committee with respect to approvals or disapprovals under this paragraph shall be by the majority vote of those in attendance at a duly called Committee meeting.

7. CONSTRUCTION QUALITY STANDARDS. Any residential dwelling constructed upon any lot shall be subject to certain minimum construction quality standards, which shall include the following:

(a) All windows shall be of wood construction and no metal cased windows shall be allowed.

(b) All driveways must be of concrete construction.

(c) The color and brand of the roof must be GAF Woodline, Weathered Shade. Should said color and brand no longer be available, the roof color and brand shall be the closest equivalent available and approved by the Committee.

(d) The residential dwelling shall include nine (9) foot ceilings on the first floor.

(e) Each residential dwelling shall include decorative front light fixtures.

(f) Any metal chimneys must be enclosed in one of the materials listed in paragraph 7(h). Said enclosure shall extend to the ground level for all chimneys located on the front of the dwelling.

(g) No solar collecting system or television dish may be installed on the roof or on the lot unless same has been approved in writing by the Committee.

(h) The siding on the residential dwellings shall be "Sherwood" brick, strip masonry "super siding", "dry-vit", or any combination of same. No sheet 4 x 8 siding shall be allowed. If the sidings listed in this paragraph are no longer available, then the closest equivalent thereto may be used, subject to approval by the Committee.

- (i) No built-up roofs shall be allowed.
- (j) No exposed block shall be allowed around the foundation or any place on the exterior of any residential dwelling.
- (k) Any residential dwelling which includes only one level must include a minimum of 1,350 square feet (gross footage, inclusive of porches and garages). Any residential dwelling which includes one and one-half levels must include a minimum of 1,500 square feet (gross footage, inclusive of porches and garages). Any residential dwelling which includes two levels must include a minimum of 1,850 square feet (gross footage, inclusive of porches and garages).
- (l) There shall be no more than 14 lots which do not include either parking in the rear yard or within a carport or garage.

8. MAINTENANCE STANDARDS. All improvements on each lot and the yards and grounds on each lot must be kept and maintained in a good, neat, clean and orderly condition by the owners and occupants thereof. The obligations set forth herein shall include, but not be limited to, the proper seeding, watering and mowing of all lawns, pruning and cutting of all trees and shrubbery, and painting and other appropriate external care of all structures, all in a manner and with such frequency as is consistent with good property management. The Committee shall have the right to establish and amend from time to time certain standards to govern the condition and maintenance of improvements and lots as required pursuant to this paragraph.

D. CREATION OF BASEMENTS. It is anticipated that a single family residential home shall be constructed on each lot. The home to be constructed on each lot may be situated so that one side wall of the home will be within three (3) feet of one side line of the lot. Any such lot shall hereafter be referred to as the "dominant lot" and the side line which is located within 3 feet of the home constructed thereon shall hereafter be referred to as the "dominant side." The owner(s) of each dominant lot shall have, and there is hereby created in favor of each dominant lot, a four (4) foot wide easement across the lot which joins the dominant lot on its dominant side, the easement to extend along their common property line from the front to the rear thereof, for the limited purpose of facilitating the construction and maintenance of the home. The easement herein created shall apply not only during the construction phase but shall also run with the lots subject thereto and in favor of the dominant lot, and apply to the continued maintenance and repair of the home and the reconstruction of a home in the event of its partial or total destruction. Any party exercising its rights under the easement herein established shall not cause any damage to any lot which is subject to this easement and may exercise its rights only during reasonable hours and in a reasonable manner. The easement herein created shall not permit the alteration in any manner of any area subject to the easement.

10. PARKING RESTRICTIONS. The flow of traffic across the interior roads which serve the lots located within the property shall not be blocked or impeded in any manner by any lot owner or by the guests or visitors thereof, whether by the improper parking of automobiles or other-



3332 PAGE 622

wise. No lot owners or their guests or visitors shall park their automobiles in any manner which would block the driveways serving any of the other lots within the property.

11. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than 8 square feet advertising the property for sale or rent or a sign used by Declarant of such size as Declarant shall determine to advertise the property during the construction and sales period.

12. NO MINING ACTIVITY. No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted on or in any lot nor shall oil wells, tanks, tunnels, mineral excavation, or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

13. NO LIVESTOCK. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

14. NO DUMPING GROUND. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of any such material shall be kept in a clean and sanitary

condition. The use of all or any portion of any lot within the property for outside materials storage shall be prohibited, and no harmful or noxious materials shall be stored either inside any structure or outside any structure.

15. ALTERATIONS AND MODIFICATIONS TO IMPROVEMENTS. No owner of any lot shall modify the structure on the lot by adding a room or rooms, changing the roof lines, adding decks, materially changing or altering the color or making other alterations in the exterior appearance of the structure without the express written approval of the Committee. Each owner, in acquiring title to a lot, acknowledges that the design, color scheme, and design have been selected in such a manner to be consistent and harmonious with other homes within the property and agrees to maintain his or her respective lot and structure in such a manner as to maintain and perpetuate the visual harmony within the property.

16. STORAGE OF BOATS, TRAILERS AND OTHER VEHICLES. Boats, boat trailers, pick-up campers, mini motor homes, buses, commercial vehicles, motor homes and trailers of any kind must be parked or stored only in an enclosed garage or a carport, and may not be parked on the street or in any open parking area. No unused or inoperable automobiles shall be permitted on any lot and no automotive repair shall be conducted on any lot, except for temporary repairs effected by authorized outside mechanics.

17. CLOTHESLINES AND FENCING. No clothes lines shall be permitted on any lot and no fencing or furniture of any kind shall be allowed in any front yard.

18. BINDING EFFECT AND TERM. The covenants and conditions herein contained are to run with the property and shall be binding on all parties and persons claiming under them for a period of fifty (50) years from the date of the recordation of this instrument, after which time said covenants and conditions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then owners of a majority of the lots within the property has been recorded agreeing to change the covenants and conditions herein contained in whole or in part.

19. ENFORCEMENT. Enforcement of the provisions of this instrument may be by the Committee or by the owner of any lot located within the property and subject hereto or by the owner of any land located within five hundred (500) feet from the boundary of the property by filing proceedings at law or in equity against any person or persons violating or attempting to violate same. Any party so enforcing these covenants shall be entitled to equitable relief, the recovery of damages resulting from any such violation, and a reasonable attorneys fee.

20. INVALIDATION. Invalidation of any one of these covenants by a judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

21. AMENDMENT. Anything contained herein to the contrary notwithstanding, Declarant reserves the sole and exclusive right to modify, release or amend all of the covenants, restrictions and conditions contained herein until such time as it has sold all of the lots located within the property. Provided, any such amendment by Declarant must be first approved by a majority vote of the members in attendance of a regularly called meeting of the Forest Park neighborhood and of the Redmont neighborhood, as said neighborhoods are established by the office of the Community Development of the City of Birmingham. Subsequent to the conveyance of all of the lots within the property by Declarant, the provisions of this instrument may be modified and amended by a vote of the owners of at least two-thirds (2/3) of the lots within the property, each lot to carry one (1) vote. Any such modification or amendment must be in writing and filed for record with the office of the Judge of Probate of Jefferson County, Alabama.

22. NO REVERTER. No restriction or provision herein is intended to be or shall be construed as a condition subsequent or as creating any possibility of a reverter.

23. RIGHTS RESERVED BY DECLARANT. Any provisions herein to the contrary notwithstanding, Declarant shall have the right to construct, install and maintain on any lot owned by Declarant a temporary sales and construction structure which may be maintained and used only during the period of construction of improvements by Declarant on any one or more lots within the property. Nothing in this instrument shall be

construct, install and maintain on any lot owned by Declarant a temporary sales and construction structure which may be maintained and used only during the period of construction of improvements by Declarant on any one or more lots within the property. Nothing in this instrument shall be interpreted to prevent Declarant from displaying "for sale" signs and conducting such other activities on or about any portion of the property owned by Declarant as are reasonably necessary to promote and facilitate the sale of lots within the property by Declarant and to enable Declarant to complete the construction of dwellings and other permitted improvements upon any said lots, including, but not limited to, the right of Declarant to use any lot owned by Declarant, for the storage of construction materials, equipment and debris.

IN WITNESS WHEREOF, this instrument has been executed by the undersigned on this the same date as first hereinabove written.

REDMONT ESTATES GROUP

By: GIBSON-ANDERSON-KVINS, INC.

By *R. L. Livingston*  
Its *Pres.*



3502 NOV 627

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Charles A. J. Beavers, Jr., the undersigned, a Notary Public in and for said County in said State, hereby certify that L.S. Givins, III, whose name as President of Gibson-Anderson-Livins, Inc., an Alabama corporation, in its capacity as General Partner of Redmont Estates Group, a Joint Venture, is signed to the foregoing instrument and who is known to me, acknowledged before me on this date that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said corporation in its capacity as General Partner of said joint venture.

Given under my hand and seal on this 12<sup>th</sup> day of FEBRUARY, 1988.

Charles A. J. Beavers, Jr.  
Notary Public

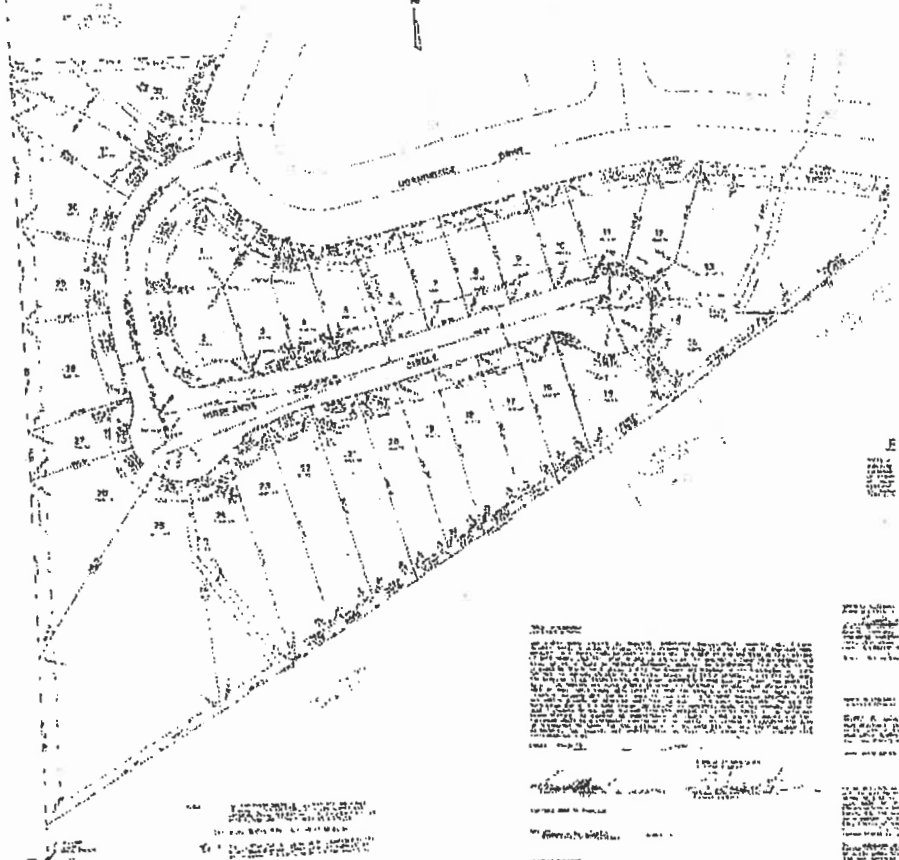
[SEAL]

My Commission Expires 6/10/91

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1988 FEB 15 PM 2:44  
NOTARY PUBLIC  
JUDGE OF PROBATE

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EXHIBIT "C"



DESCRIPTION  
The above described premises are situated in the City of New York, in the County of New York, and are more particularly described in the accompanying plat of the same, which is a part hereof, and is hereby referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of New York, this 1st day of January, 1900.

Mayor of the City of New York

City of New York  
Department of Public Works  
Bureau of Street Cleaning  
New York, N. Y.

10-14-99

**SUPPLEMENTAL MEMORANDUM IN OPPOSITON TO REQUEST FOR VARIANCE  
BEFORE THE ZBA CASE #2020-00045**

**INTRODUCTION:**

The Memorandum in Opposition to Request for Variance Before the ZBA Case #2020-00045 (the "Memorandum") that was previously filed with the ZBA on behalf of the adjacent landowner, the Morningside Condominium Association, is hereby supplemented by this Supplemental Memorandum opposing the variance on the following additional grounds:

1. Applicant has not alleged a hardship in his application as required;
2. The Site Plan submitted by the Applicant as part of his request for the variance is invalid; and
3. The Sanitary Sewer Easement that applicant alleges as part of the reason creating the need for the variance can be relocated by the Applicant thereby removing the need for the variance.

Each is addressed in order.

**LEGAL ARGUMENT:**

First, there can be no doubt that the matter before the ZBA, Case #2020-00045, is a new matter to be reviewed and decided by the ZBA de novo and is not a continuation of prior matter set forth in Case #ABA2017-00038 which has expired and is terminated.

The City of Birmingham's Zoning Ordinance, a portion of which is attached hereto as Exhibit "A", clearly establishes that ZBA Case #2020-00045 is an entirely new matter to be considered on its merits when it states in Article IV, Section 6 as follows:

**Section 6. Time limits for permits.**

All permits associated with approval of **variances**, modifications or special exceptions authorized by the Board must be obtained within two years from the date of approval.

If no permits have been obtained, **the prior approval by the Board shall be considered null and void.**

**Emphasis Added.**

So in Case #2020-00045, the Applicant has not even claimed in its application that a hardship exist, a fact which the Applicant must prove, along with 6 other elements, in order to be entitled to a variance. Specifically, the Applicant's own Application to the Zoning Board of Adjustment, a copy of which is attached hereto as Exhibit "B", fails to even identify an unnecessary hardship in the section requesting an explanation if any hardship or practical difficulty event exists.

The variance request in ZBA Case #2020-00045 is also due to be denied because the site plan submitted by the Applicant is invalid. That is, the Applicant's own site plan is defective because the Sanitary Sewer Easement shown on Applicant's site plan shows the easement width as 15 feet when in reality the width of the easement is 20 feet. Because the width of the Sanitary Sewer Easement is actually 20 feet, the proposed development shown on Applicant's site plan **actually encroaches onto the this easement area** (See Applicant's defective "Site Plan" attached hereto as Exhibit "C"). Because the Applicant's own site plan is defective, it is invalid and the invalidity of the Site Plan has been confirmed by Ben Pate in the Jefferson County Environmental Services Department (see Email from Ben Pate attached hereto as Exhibit "D").

Finally, Applicant's request for the variance is due to be denied because the Applicant has under its full control the ability to remove one of the alleged reasons that Applicant claims to need a variance. That is, the Applicant contends that the 20 foot Sanitary Sewer Easement running through Lot 12B-2 creates the need to move the proposed development within 10 feet of the property line adjacent to the Morningside Condominiums rather than comply with the 25 foot set-back requirement. However, the Applicant has the full ability to move and relocate this Sanitary Sewer Easement. In fact, if Applicant relocated this Sanitary Sewer Easement, then there would not be a need for the requested variance, a fact recognized again by Ben Pate in the Jefferson County Environmental Services Department (see Email from Ben Pate attached hereto as Exhibit "D").

#### **CONCLUSION:**

Based on the reasons set forth herein, along with the reasons set forth in the original Memorandum, request is made that the ZBA deny the Applicant's request for the variance in ZBA case #2020-00045.

# EXHIBIT "A"

## The City of Birmingham Zoning Ordinance



Ordinance No. 90-130	05/15/90
Ordinance No. 90-137	05/29/90
Ordinance No. 90-207	08/07/90
Ordinance No. 91-214	09/10/91
Ordinance No. 94-66	04/05/94
Ordinance No. 94-255	11/29/94
Ordinance No. 95-56	03/21/95
Ordinance No. 97-16	01/28/97
Ordinance No. 97-20	02/18/97
Ordinance No. 97-21	02/18/97
Ordinance No. 97-77	06/24/97
Ordinance No. 00-142	09/05/00
Ordinance No. 01-25	03/06/01
Ordinance No. 02-44	04/23/02
Ordinance No. 02-159	11/05/02
Ordinance No. 06-2	01/09/06
Ordinance No. 06-86	06/09/06
Ordinance No. 07-33	03/21/07
Ordinance No. 1858-G	07/01/08
Ordinance No. 08-237	11/25/08
Ordinance No. 10-68	05/11/2010
Ordinance No. 1888-G	05/11/2010
Ordinance No. 10-31	03/02/2010
Ordinance No. 10-111	08/24/2010
Ordinance No. 11-137	11/08/2011
Ordinance No. 13-141	11/05/2013
Ordinance No. 13-165	12/17/2013
Ordinance No. 13-178	12/26/2013
Ordinance No. 15-80	6/02/2015
Ordinance No. 15-133	9/15/15
Ordinance No. 16-217	11/15/16
Ordinance No. 17-51	4/25/2017
Ordinance No. 18-33	2/27/2018
Ordinance No. 18-148	9/18/2018
Ordinance No. 19-95	7/9/2019
Ordinance No. 19-157	10/8/2019
Ordinance No. 20-44	3/17/2020



**Title 1 – Zoning Ordinance**  
**Chapter 9: Administration and Procedures**

6. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for solid waste containers, including their access in compliance with Chapter 6, Article I, Section 6 of this Ordinance.
7. Location and areas of illumination of all exterior lighting.
8. The location, size, number and character of all exterior signs.
9. The location, character, corresponding plant schedule, planting instructions and extent of landscaping, retaining and screen walls, fences or berms per the regulations in Chapter 6 of this Ordinance.
10. Plans and facilities for stormwater drainage of the premises.
11. Any proposed re-subdivision of the subject property; when applicable.
12. Table of required parking, and map of adjoining land uses.

**Section 4. Certificates of occupancy.**

Certificates of occupancy shall be required for any of the following and shall be obtained from the Director:

1. Occupancy and use of a building hereafter erected, except for a single-family dwelling.
2. Change in use of land or an existing building, including an increase in the number of dwelling units.
3. Any change in the use of a nonconforming use.
4. No fee shall be charged for an original and two copies of a certificate of occupancy as required herein, but for each additional copy there shall be a charge of one dollar, which shall be remitted to the Director of Finance of the City of Birmingham.

**Section 5. Enforcement.**

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Director. It shall also be the duty of all officers and employees of the City to assist the Director by reporting to him new construction, reconstruction or new land uses and apparent violations of this Ordinance. Enforcement cases shall be per the Appendix item titled Zoning Enforcement.

**Article IV. Zoning Board of Adjustment**

**Section 1. Membership and Terms of Office.**

- A. Authority. The Board is hereby established. The Board created in accordance with and as authorized by *Act No. 326 of the 1969 regular session of the Legislature of Alabama*.
- B. Terms of Office. The Board shall consist of seven members, appointed by the Council for overlapping terms of seven years, one of which shall be a person licensed by the State of Alabama to engage in the real estate profession either as a broker or sales person; one of which shall be a person licensed by the State of Alabama as a registered architect; one of which shall be a person licensed by the State of Alabama to engage in building construction; the remaining four members shall represent

**Title 1 – Zoning Ordinance**  
**Chapter 9: Administration and Procedures**

other diverse segments of the population not principally affiliated with the above professions.

- C. Conflict of Interest. No member of the Board of the City shall cast any vote or debate on any matter pending before the Board which would benefit directly or indirectly any such member or persons in said member's immediate family, or any business with which said member is associated.
- D. Residency. All members of the Board of the City shall be citizens and residents of the City. Any member who ceases to be a citizen and resident of the City shall vacate said position on the Board immediately.

**Section 2. Powers.**

The Board pursuant to *Act No. 326 of the 1969 regular session of the Legislature of Alabama* (Appendix) shall be vested with the following powers.

- A. Administrative Appeals. The Board shall hear and decide appeals from any order, requirement, decision or determination made by the Director in carrying out the enforcement of this Ordinance, whereby it is alleged in writing that the Director is in error or acted arbitrarily pursuant to Article VI, Section 5 of this Chapter.
- B. Variances. The Board shall hear and act upon applications for variances to alleviate hardships created by not being able to comply with this Ordinance based on the criteria set forth in Article VI of this Chapter.
- C. Special Exception. The Board shall hear and act upon applications for special exceptions based on the criteria set forth in Article V of this chapter and Chapter 4, Article III of this Ordinance. The Board may reconsider a previously approved special exception use at any time for just cause.
- D. Changes to Nonconforming Uses or Structures. The Board shall determine the appropriateness of proposed changes to nonconforming uses or structures.
- E. Modifications. The Board shall hear and act upon applications for modifications based on criteria set forth in Article VI of this chapter.
- F. Variances in a Flood Plain District. The Board shall hear and act upon applications for variances to alleviate hardships in a Flood Plain District based on the review standards set forth in Article VI of this Chapter and Chapter 8, Article II of this Ordinance.

**Section 3. Hearing required.**

All complete applications: filed for a variance, floodplain variance, special exception, modification or change to a nonconforming use or structure; shall be accompanied by a fee as adopted by the Council from time to time as indicated in Article VIII, Section 4 of this Chapter and submitted four weeks prior to a regularly scheduled meeting of the Board; shall be heard by the Board at a public hearing according to the public notice provisions as specified in Appendix- RULES OF PROCEDURE of the ZONING BOARD OF ADJUSTMENT of this Ordinance.

**Title 1 - Zoning Ordinance**  
**Chapter 9: Administration and Procedures**

**Section 4. Assistance.**

The Board may request the assistance of any department or agency of the City regarding any matter under consideration.

**Section 5. Action by the board.**

Actions of the Board shall follow Rules of Procedure of the Board pursuant to the Appendix- RULES OF PROCEDURE of the ZONING BOARD OF ADJUSTMENT of this Ordinance.

**Section 6. Time limits for permits.**

All permits associated with approval of variances, modifications or special exceptions authorized by the Board must be obtained within two years from the date of approval. If no permits have been obtained, then the prior approval by the Board shall be considered null and void.

**Section 7. Conditions.**

In granting a variance, special exception, modification or change to a nonconforming use or structure, the Board may impose conditions for the location, screening, buffering, construction, extension, structural alteration, operation restrictions and time limits considered necessary to protect surrounding properties and better carry out the general intent of this Ordinance. If all conditions of approval of a variance, special exception, modification or change to a nonconforming use or structure are not met within two years of approval of a building permit, zoning enforcement will be pursued, which may result in a summons for a court appearance, unless the Board grants an extension of the time limit.

**Section 8. Applicant.**

An applicant may be an owner, optionee, agent, trustee, lessee, government official or department.

**Article V. Special Exceptions**

**Section 1. Authority.**

The Board shall hear and decide requests for special exceptions in accordance with the provisions of this Ordinance.

**Section 2. Applications.**

All applications for hearings before the Board must be filed in the office of the Department of the City upon forms furnished by the Department for that purpose. Before any action will be taken on any application by the Board, the applicant shall have paid the City a fee as adopted by the Council from time to time as indicated in Article VIII, Section 4 of this Chapter.

**Section 3. Special exception uses.**

- A. When the Board determines, upon the consideration of competent evidence, including a view of the premises and its surroundings at the discretion of the Board, a special exception will not tend to impair the health, safety, convenience or comfort of the public, the Board may grant a special exception and cause a permit to be issued for any of the following uses, as described in this section or in Chapter 4,

# Exhibit "B"

## 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 Revall, 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: <u>4144 Highlands Circle</u> Zip Code: _____		
Location: _____		
Project Name: _____		
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
Lot(s) _____	Block(s) _____	Survey _____
<input type="checkbox"/> Notes and Bounds Attached		
<b>OWNER</b> NAME: <u>Henry &amp; Miriam Little</u> ADDRESS: <u>4144 Highlands Circle</u> CITY/STATE/ZIP: <u>Birmingham, AL 35213</u> PHONE: <u>(205) 971-8077</u> CELLULAR: <u>(205) 518-9577</u> FAX: ( ) PAGER: ( ) EMAIL: _____		<b>APPLICANT:</b> NAME: <u>William Perkinson</u> COMPANY NAME: _____ ADDRESS: <u>3501 Old Abers Court</u> CITY/STATE/ZIP: <u>Birmingham, AL 35213</u> PHONE: ( ) CELLULAR: <u>(205) 365-9249</u> FAX: ( ) PAGER: ( ) EMAIL: <u>WGPERKINSON@GMAIL.COM</u> <small>*Applicant is required to be authorized by owner to undertake work</small>
<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 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"/> Fences	<input type="checkbox"/> Parking
<input type="checkbox"/> Non-Conforming Uses	<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"/> Non-Conforming Uses	<input type="checkbox"/> Parking	<input type="checkbox"/> Fences
Description of Work or Request: <u>Variance for an extension of 30 months</u>		
If you have a hardship/practical difficulty, please explain: _____		
<b>FOR STAFF USE</b>		
<b>SECTION II TEXT CHANGE</b>		
Amendment to: _____	Title: _____	Article: _____ Title: _____
<input type="checkbox"/> See Attachment		
<input type="checkbox"/> 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> _____		
<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) <u>William J. Little</u>	Date <u>8-7-2020</u>	
Signature (Owner) <u>Henry Little</u>	Date <u>8-9-2020</u>	
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

PEP2018-07-14  
Signed by: (Applicant) William J. Little 8-10-2020

# Exhibit "C"

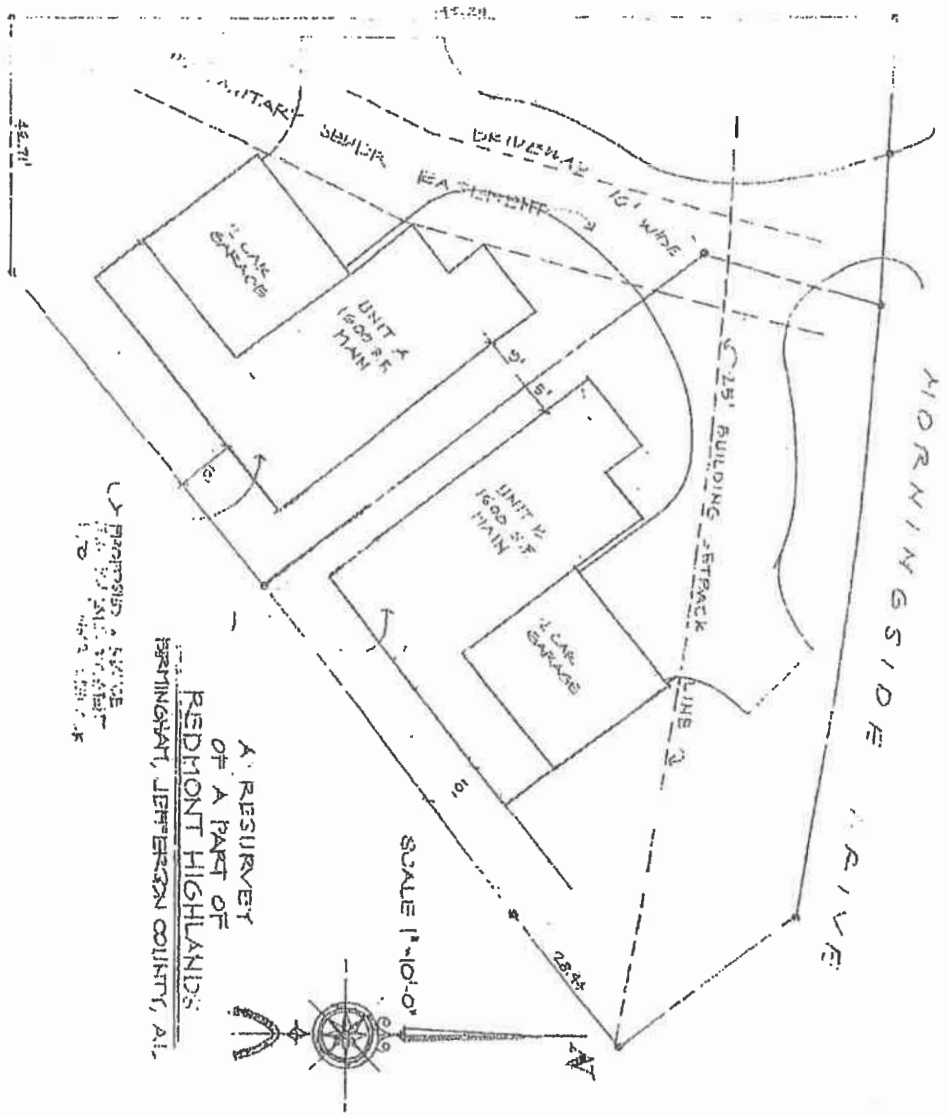




Exhibit "D"

**Jack J. Kubiszyn**

---

**From:** Pate, Ben <pateb@jccal.org>  
**Sent:** Thursday, October 15, 2020 7:26 AM  
**To:** KIRK EPSTEIN  
**Cc:** Jack J. Kubiszyn  
**Subject:** RE: Plat Morningside  
**Attachments:** Pre Qualified Sewer Line Contractors 09\_24\_2018.pdf

Kirk,

You are correct in the fact that the plat you previously showed me is no longer valid due to a resurvey in which the sewer easement was updated to meet our latest standards which require a 20' wide easement.

Yes, the sewer may be relocated to make room for the homes, however that would be at the owner/developer's expense and would require Engineered Drawings submitted to my office for approval. As for the typical costs to install a new sewer, it is roughly between \$100-\$200 per linear foot of sewer main that has to be laid. \*That is just a rough estimate and the owner/developer would need to verify that with a contractor of their choice from the attached list of prequalified contractors approved to work on Jefferson County sewers.

Thanks,  
Ben Pate  
205-521-7527

**From:** KIRK EPSTEIN <BRIERFOREST@msn.com>  
**Sent:** Tuesday, October 13, 2020 5:41 PM  
**To:** Pate, Ben <pateb@jccal.org>  
**Cc:** Jack J. Kubiszyn <jjkubiszyn@csattorneys.com>  
**Subject:** Plat Morningside  
**Importance:** High

Hello Ben,

This email is regarding the Plat off of Morningside that we discussed a few weeks ago and again earlier today.

According to my notes, the plat as previously submitted with the 15' easement and the 2 homes is no longer valid due to the sanitary sewer easement as shown in the resurvey is now 20'. Please see attached and confirm if this is correct?

According to my notes, the sanitary sewer line could be moved at the expense of the owner, and the typical cost to move a sanitary sewer line is ballpark between \$100-200. However, this could change, depending on topography, soil conditions, and other factors. Is this correct?

Thank you,  
Kirk Epstein  
205-903-5041

## *Active Contractors*

<i>Contractor</i>	<i>Address</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>	<i>Fax</i>	<i>Status</i>
A.R. Butler Construction Company, Inc.	P.O. Box 380066	AL	35242-	bbutler694@gmail.com		B
Action Utility Contractors, Inc.	9190 Shippstown Rd.	AL	35063-		(205) 647-8021	A
B & H Contracting Inc.	2610 Cone Drive	AL	35217-		(205) 841-3634	B
Baird Contracting Company, Inc.	276 Snow Drive	AL	35209-		(205) 942-1174	C
Bama Utility Contractors, Inc.	925 North Pinehill Road	AL	35217-		(205) 849-8245	B
Beck Inc. Pipeline Construction	30459 Highway 48	AL	36263-		(256) 568-9531	A
BL Harbert International LLC	802 Shades Creek Park	AL	35209-		(205) 802-2923	C
Boan Contracting Company	P.O. Box 778	AL	36067-		(205) 382-7560	A
Bradshaw Construction Corp. (f/m. L.M. Bradsh	3600-B St Johns Lane	MD	21042-5247		(410)461-4257	C
Brasfield & Gorrie, Inc.	729 South 30th Street	AL	35233-		(205)251-1304	C
Brent Scarbrough Company, Inc.	155 Robinson Drive	GA	30214-		(770) 461-0470	A
Brown Mechanical Contractors, Inc.	P.O. Box 488	AL	35201-		(205) 323-4616	A
C&N Contractors, Inc.	790 North Pinehill Road	AL	35217-		(205) 841-9580	A
C. A. Murren & Sons, Inc.	3896 Park Lane	AL	35023-		(205) 424-5367	A
C.D. Roberts Contracting, Inc.	P.O. Box 1027	AL	35502-1027		(205) 221-3073	A
Cherry Brothers, Inc.	P.O. Box 117	AL	35126-		(205) 681-9628	B
Chilton Contractors, Inc.	P.O. Box 850	AL	35085-		(205) 688-1165	A
Chris Mathews Construction, Inc.	P.O. Box 43388	AL	35243-		(205) 967-9980	A
Civil Contractors LLC	P.O. Box 1210	AL	35126-		(205) 520-0090	A

<i>Contractor</i>	<i>Address</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>	<i>Fax</i>	<i>Status</i>
Cleary Construction, Inc.	2006 Edmonton Road	KY	42167-		(270) 487-8029	C
Cox Contracting Company, Inc.	22629 Heritage Drive	AL	35111-		(205) 477-4701	A
Crawford Grading and Pipeline, Inc.	1505 Dunlap Road	GA	30251-		(770) 927-2533	A
DRM Utilities, LLC	P.O. Box 21243	AL	35402-		(205) 391-4900	B
Dunn Construction Company, Inc.	P.O. Box 11967	AL	35202-		(205) 592-4632	C
Flanagan Contracting, LLC.	PO Box 170177	AL	35217-	gb@flanaganllc.net		A
Flanagan's Excavating Co., Inc.	P.O. Box 170177	AL	35217-		(205) 849-5470	A
Frontier-Kemper Construction, Inc.	P.O. Box 6548	IN	97719-0548		(812)428-0337	C
Gamey Companies, Inc. (frm. Gamey Holding C	200 Crutchfield Avenue	TN	37210-	sford@gamey.com	(615) 350-6067	C
GFC Construction, Inc.	P.O. Box 87	AL	35456-		(205) 758-3303	A
Gillespie Construction, LLC	4565 Highway 5	AL	35503-		(205) 387-7033	A
Global Construction and Engineering, Inc.	5511 Bankhead Hwy	AL	35210-	globalconstruction205@gmail.com	(205) 414-9387	B
Grantswood Contracting Company, Inc.	5631 Havenhill Road	AL	35210-2132	pblackw@bellsouth.net	(205) 956-6427	A
H.N. Donahoo Contracting Company, Inc.	P.O. Box 2345	AL	35201-		(205) 252-9249	B
Haren Construction Company, Inc.	P.O. Box 350	TN	37331-	eharen@harenconstruction.com	(423) 263-5573	B
IPR Southeast LLC	5207 Brer Rabbit Road	GA	30083-		(404) 969-3074	A
Jay Dee Contractors Inc.	38881 Schoolcraft Road	MI	48150-		(313)484-6868	C
John D. Stephens, Inc.	272 Hurricane Shoals R	GA	30046-		(770) 979-3748	C
John Plott Company, Inc.	2804 Rice Mine Road N.	AL	35406-		(205) 752-3245	C
Jones Brothers Paving & Contracting, Inc.	2509 Cone Drive	AL	35217-		(205) 841-2605	A
Jones Utility and Contracting Company, Inc.	6980 Garrett Road	AL	35071-		(205) 631-6673	A

<i>Contractor</i>	<i>Address</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>	<i>Fax</i>	<i>Status</i>
Jordan Excavating, Inc.	740 Volare Drive	AL	35244-		(205) 987-2892	C
KAJACS Contractors, Inc.	3026 Cravens Road	MO	63901-		(574) 785-6237	B
Kevin Miller Development, Inc.	200 Springtime Lane	AL	35080-		(205) 620-4333	A
Layne Inliner, LLC	5120 Selkirk Drive, Suit	AL	35242-	ken.thompson@layne.com	(205) 408-5907	A
Meredith Environmental, Inc.	2008 Lancaster Road	AL	35209-	NONE		A
Morgan Contracting, Inc.	P.O. Box 5009	TN	37928-	shubbard@morgan1.com	(865) 249-8651	C
Munford Enterprises, Inc.	1201 Bush Circle	AL	35208-		(205) 785-1471	A
P.F. Moon & Company, Inc.	2207 Hwy 103	GA	31833-		(404)645-1511	B
Phoenix Construction Services, Inc.	1805 Tennessee Ave.	FL	32444-		(850) 265-4731	B
Pinpoint Pipeline & Video, Inc. (frm. Novar)	2300 22nd Street	AL	35208-		(205) 785-7840	A
Pipeworks Plus, Inc.	147 Holloway Drive	TN	37388-		(931) 455-7593	A
Portland Utilities Construction Co., LLC	P. O. Box 510	TN	37148-		(615) 325-3367	B
Price Civil Services, Inc.	12289 Bama Rock Gard	AL	35490-		(205) 632-5251	A
Price Construction Company, Inc.	PO Box 78	AL	35478-	Info@priceconstructioncoinc.com	(205) 553-4627	A
RaCON, INC.	P.O. Box 2692	AL	35403-		(205) 333-8555	B
RDJE, Inc.	679 Hwy 29 South - Suit	GA	30263-		(770) 254-1563	A
REV Construction, Inc.	5801 Grover Burchfield	AL	35401-		(205) 349-1862	B
Richards Equipment, LLC (frm. Richards and S	1301 Avenue I	AL	35020-		(205) 428-5271	A
Rockdale Pipeline Inc.	P.O. Box 1157	GA	30246-			C
Ruby-Collins, Inc.	P.O. Box 2476	GA	30081-		(404) 432-8238	C
Russo Corporation	P.O. Box 190048	AL	35219-		(205) 925-0665	C

<i>Contractor</i>	<i>Address</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>	<i>Fax</i>	<i>Status</i>
Ryan Shirley, Inc.	6425 5th Street	AL	35476-	karen@ryanshirleyinc.com	(205) 330-9402	A
Ryan's Creek Contracting, Inc.	Route 6, Box 1450	AL	35055-		(205) 737-9660	A
Salia Construction, LLC (frm BEC / Allwaste)	4400 Lewisburg Road	AL	35207-	least@salia.com	(205) 943-2210	B
Selective, Inc.	2180 Parkway Lake Driv	AL	35244-		(205) 988-8834	A
Slaughter Construction Co., Inc	Post Office Box	AL	36547-2758			B
South Shores Construction Co., Inc.	306 South Geronimo Str	FL	32550-		(850) 650-0648	A
Southeast Pipe Survey, Inc.	P.O. Box 477	GA	31557-		(912) 647-2869	A
Southeastern Sealcoating, Inc.	1330 Adamsville Industr	AL	35224-		(205) 798-9065	A
Speegle Contracting Company, Inc.	P.O. Box 2215	AL	35056-	jason@speeglecontracting.com	(256) 739-9225	A
Stephens General Contracting, Inc.	2900 Lomb Ave.	AL	35208-		(205) 785-1478	A
Suncrest Construction	2057 Trail Ridge Square	AL	35214-		(205) 798-2424	A
T & K Construction, LLC	235 County Road 1242	AL	35179-		(256) 734-4977	A
T.E. Stevens Construction	2400 1st Avenue South	AL	35233-		(205)933-1411	A
Thweatt Construction, Inc.	P.O. Box 238	MS	39130-		(601) 856-3273	A
Tortorigi Construction (frm.Veteran's Landscapi	P.O. Box 824	AL	35173-	shodges@tortorigi.com	(205) 655-8333	A
Traylor Brothers, Inc.	835 North Congress Ave	IN	47716-5165		(812) 474-3223	C
Tren-Tay Incorporated	6724 Curry Hwy	AL	35503-		(205) 387-7798	A
TUC Pipeline, Inc.	PO Box 546	AL	35049-	tucinc@otekco.net	(205) 625-5205	A
Weaver, LLC	215 Kilsby Circle	AL	35022-		(205) 230-0081	A
Willoughby Contracting Company, Inc.	101 Sunset Lane	AL	35040-			A



Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Ensley Highlands      Staff Planner Moton      ZBA2020-00057  
**CONTINUED**

**Request:** Variance request to allow a 6ft wooden fence in the front yard area in pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182  
**Applicant:** Shameka Cotton  
**Owner:** Shameka Cotton  
**Site Address:** 1744 34<sup>th</sup> St EN  
**Zip Code:** 35208  
**Description:** Variance request to allow a 6ft wooden fence in the front yard area pursuant Title 1 Chapter 4 Subsection 3.A.1 page 182  
**Property Zoned:** D-3 Single Family District  
**Parcel Information:** Parcel #: 012900064018024000, SE of Section 06, Township 18 S, Range 3 W

**Variance:**

Variance request to allow a 6ft wooden fence in the front yard area off Avenue R.

**Neighborhood Meeting:**

The Ensley Highland Neighborhood Association; waiting on a response. I have been in contact with the NA officials.

**Public Notices:**

Public notices were mailed on October 23, 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. **Please see attached.**

**Staff Analysis:**

The subject property is located at 1744 34<sup>th</sup> St EN and is zoned D-3, Single Family District. The property owner received a violation notice case ZEN2020-00238 for installing the fence post without a permit. This property is located on a corner lot; therefore, it has two front yards. The applicant is attempting to install a 6ft in height fence off Avenue R, which will require a variance. The applicant will be providing a survey of the property during the meeting. Staff has suggested the following options to the applicant to have her fence in compliance:

1. The applicant can install the fence aligned with the house at 6ft in height.
2. If the applicant decides to extend the fence 3ft on the side of the house to the property line, the fence will have to be 4ft in height.

The applicant does not meet the unique characteristic standard of the property. It appears that the driveway installed crosses the property lot line.

**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**. If the Board approves the case, staff recommends the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.

2. All permits should be obtain within 30 days of the approval date from the Board.

To whom this my concern,

I, Shameka Denise Cotton, am writing this in regards to a variance standard of review. I'm wanting to build a privacy fence around my backyard. My home is located at 1744 34<sup>th</sup> street Ensley, Birmingham, AL 35208. The property is said to have two front yards because it's located on a corner lot. So, instead of the normal 4ft tall fence that is allowed I would like to build a 6ft tall fence around the backyard. I feel my request meets all six variance standards because of the following:

1. The property is located on a corner lot and is considered to have two front yards.
2. The property sits on the corner lot. It has a driveway on the back of the home which comes down pass the side of the house.
3. I've been living here a little over two years and I've experienced multiple break-ins in both my car and my home.
4. The home is located on the corner and I have no financial gain from building the fence around the backyard.
5. Building the fence around the backyard poses no harm or injury to the neighboring property because it sits on the corner lot.
6. Also, there is no harm or injury posed to the public welfare because the fence will be built behind the house and still allow for people to see coming up and down the street.

I've addressed all six of the variance standards of review. I hope you can see why building this six-foot-tall privacy fence should be allowed. Thank you for taking time out to read my request.

---

**PARCEL ID:** 012900064018024000

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

**DATE:** Wednesday, September 9, 2020 10:42:28 AM

**OWNER:** GREEN ROSCOE P

**ADDRESS:** 717 KERR DR

**CITY/STATE:** GARDENDALE AL

**ZIP+4:** 35071

**SITE ADDR:** 1744 34TH ST

**CITY/STATE:** BHAM, AL

**ZIP:** 35208



**LAND:** \$9,000.00

**BLDG:** \$44,400.00

**OTHER:** \$0.00

**AREA:** 7,428.32

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

**NAME** BHAM ENSLEY

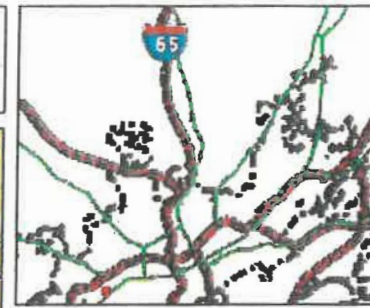
**BLOCK:** 10

**LOT:** 24

**Section:** 6-18-3W  
**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:** Ensley Hghlands (204)  
**Communities:** Five Points West (2)  
**Council Districts:** District - 8 (Councilor: Steven W. Hoyt)  
**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:** In RISE Focus Area  
**Tax Delinquent Property:** Not in Tax Delinquent Property  
**EPA Superfund:** Not in EPA Superfund  
**Opportunity Zones:** Not in Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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





Legend

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



98.2 0 49.10 98.2 Feet

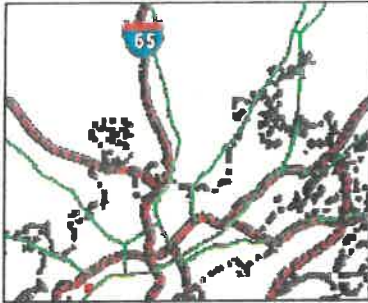
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 589



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



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**

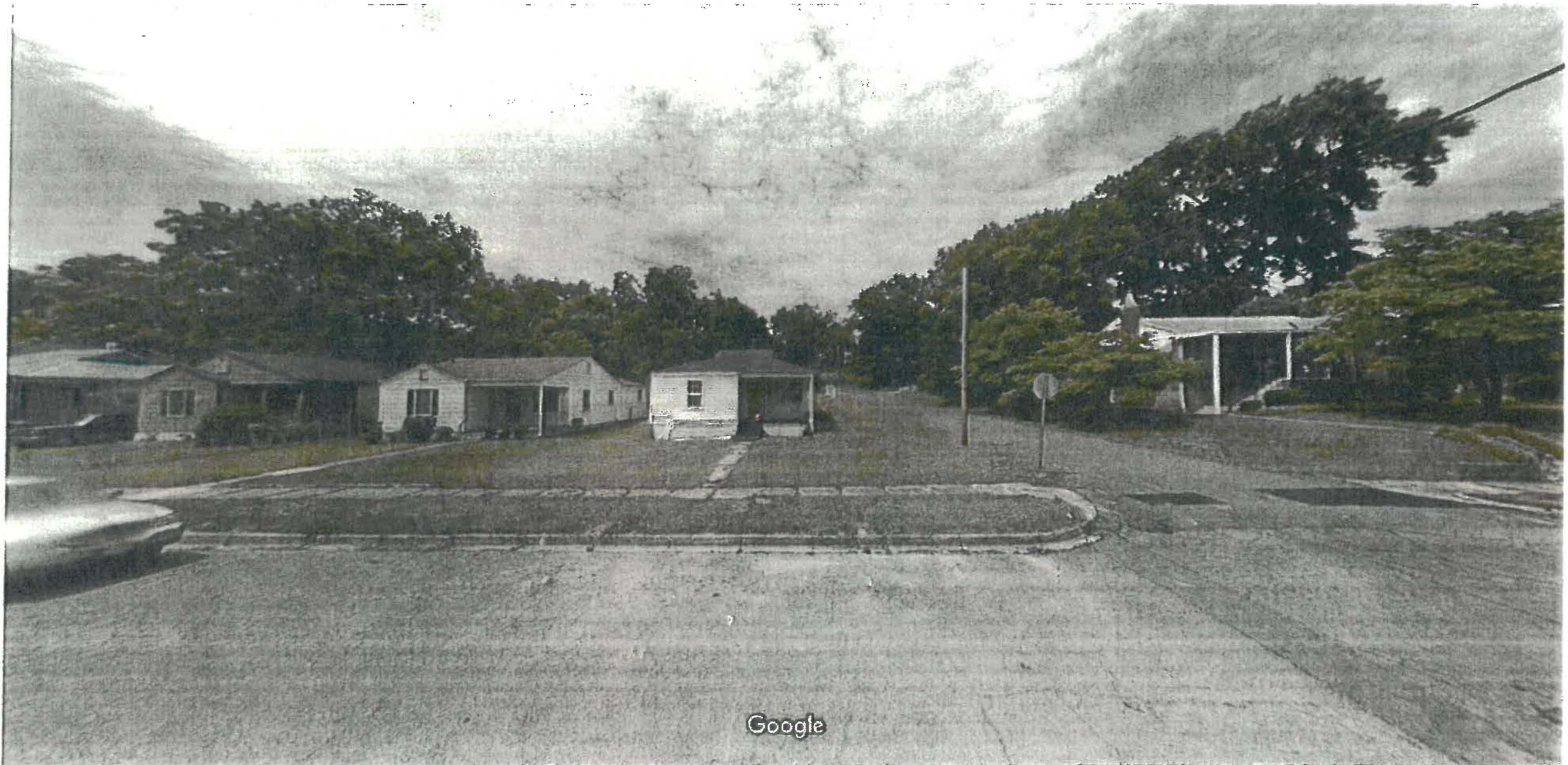




1744 34th St Fence Plan

Google Maps

1745 34th St Ensley  
ZBA2020-00057



Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Crestwood North      Staff Planner Moton

ZBA2020-00059

Request:                      Variance to allow a 5ft 6 inch wrought iron fence in the front yard area  
Title 1 Chapter 4 Subsection 3.A.1 page 182  
Applicant:                    Jeff & Shelia Haslam  
Owner:                        Jeff & Shelia Haslam  
Site Address:                5100 7<sup>th</sup> Ct S  
Zip Code:                    35212  
Description:                Variance to allow a 5ft 6 inch wrought iron fence in the front yard area  
Title 1 Chapter 4 Subsection 3.A.1 page 182  
Property Zoned:            R-3 Single Family District  
Parcel Information:        Parcel #: 012300282006012000, NW of Section 28, Township 18 S,  
Range 2 W

**Variance:**

Variance to allow a 5ft 6inch wrought iron fence in the front yard instead of the required 4ft fence.

**Neighborhood Meeting:**

The Crestwood North Neighborhood Association does not have any neighborhood officials; however, attached are letters from adjacent property owners supporting this request.

**Public Notices:**

Public notices were mailed on October 23, 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. **Please see attached.**

**Staff Analysis:**

The subject property located at 5100 7<sup>th</sup> Ct S is zoned R -3, Single Family District. The property owner received a violation notice case ZEN2020-00246 for installing the fence not as described on the fence permit. This property is located on a corner lot; therefore, it has two front yards. The applicant installed the 5ft 6in wrought iron fence off the corner of 7<sup>th</sup> Ct S and 51<sup>st</sup> St S.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**Staff Recommendation**

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

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

Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246

#### Variance Standards

- Physical Characteristics

The rear and side fence are eight feet tall and side to side at the back of the property the fence is 130 feet +/- long. The permitting states "construction of 8FT privacy fencing in the side and rear yard". It replaces an existing fence that is intended for privacy from close neighbors behind and above us. Because of the odd nature of the property the house behind is much closer to 51<sup>st</sup> street and requires the fence to extend further toward 51<sup>st</sup> to complete their backyard. The decorative iron fence is five feet tall with decorative finials. The posts are five foot six inches tall with the ball caps. The permitting allows for "decorative items to 5 feet". This fence is completely transparent and allows total engagement with our neighbors. This property is not subject to Historical District review.

- Unique Characteristics

The property is long and narrow with the properties behind sitting up higher making privacy an issue. See attached: ArcGIS - Jefferson County Parcel Map4 and pictures.

- Hardship not Self-imposed

Layout of the properties was created by the layout of the streets.

- Financial Gain

Financial gain is not the reason for requesting a variance.

- No injury to neighboring property

The fencing does not diminish or impair the neighbor's property, on the contrary it adds value as implied by the attached letters.

- No harm to public welfare

This fencing does not harm or impair the inhabitants of the city. As stated in the attached letters the fencing is appealing to the eye and an asset to the neighborhood. The home directly behind us is up for sale and the fencing is a value increasing feature for the current owner.

Please review the following attachments:



Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246

David and Brooke Fleming  
5103 7<sup>th</sup> Court South  
Birmingham, AL 35212

August 26, 2020

Zoning Board of Adjustment  
City of Birmingham  
Birmingham, AL, 35203

To Whom it May Concern:

We are writing to express our support of Jeff and Sheila Haslam's request for a variance for the height of a fence on their property. The Haslam's recently moved into a house across the street from our home at 5103 7<sup>th</sup> Court South. We have lived at this address for 17 years. It is the first time since we have lived here that an occupant of the Haslam home has made the level of investment and improvements in their home that the Haslam's have made. It is a positive development for their property and our neighborhood.

Our understanding is that a new fence they installed at the rear of the property is considered too tall by zoning ordinance. This fence replaces a much older and deteriorating fence that was on the property dividing the Haslam home from the home behind it. We support the installation of this fence for several reasons.

The topography of the site warrants the height that they installed. The grade changes significantly between the Haslam property and the property behind them. The property and house to the rear is on a much higher grade. For a fence to effectively create privacy for both properties the Haslam's have built it to an appropriate height. Additionally, there is not harm or injury imposed on any direct party due to the installation of this fence. It is replacing an existing fence and, from the vantage point of our home, is a more aesthetically pleasing fence than the previous one. Also, there is no harm to the general public for the installation of this fence as no hazards are created.

We encourage the ZBA to grant a variance to the Haslam's for the fence they have installed. Given the unique circumstances of this site we believe it is in keeping with the design standards of the community, is not harmful and replaces a previously existing fence structure. Thank you for your consideration.

Sincerely,

David and Brooke Fleming

Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246

August 14, 2020

City of Birmingham  
Department of Planning, Engineering and Permits

RE: 5100 7<sup>th</sup> Court South, Birmingham, Alabama

As a homeowner in the Crestwood North community, I am writing this letter in support of the requested fence variance for the home located at 5100 7<sup>th</sup> Court South, Birmingham, Alabama. The current code would call for the fence to be constructed disproportionately and would not be visually appealing. The fence that has been constructed offers privacy to the homeowners while at the same time adds visual improvement to the neighborhood. This is a corner lot and the homeowners have done a great job of improving the curb appeal of the property.

This request does not impose on neighbors nor would it negatively affect neighboring property or property value. I ask that the Department strongly consider approving this request made by Jeff and Sheila Haslam.

Sincerely,



Teresa Ham  
5712 7<sup>th</sup> Avenue South  
Birmingham, AL 35212



Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246

CITY OF BIRMINGHAM DEPARTMENT OF PLANNING ENGINEERING & PERMITS		
Building Inspection: (205)254-2211 Fire Inspection: (205)250-7540	7 <sup>th</sup> North 20 <sup>th</sup> Street ROOM 210 - CITY HALL BIRMINGHAM, ALABAMA 35203-2216	Engineering: (205)254-2342 Planning: (205)254-2478
<b>FENCE and/or WALL ZONING APPROVAL (Residential)</b>		
Permit No.: FEN2020-00088 Project No.: FEN2020-00088 Master No.: FEN2020-00088		Issued Date: 05/04/2020 Expiration Date: 08/02/2020
Case Reference: BLD2020-00355 Kaylee Renovation Owner's Name: HOLLEY JAMES D C/O DONALDSON HUGH L Reported Owner's Name: SHEILA HASLAM Occupant's Name / Telephone: Applicant's Name / Telephone: Site Address: 5100 7TH CT S 35212 Location: Kaylee Renovations		
Applicant Information:	PARCEL INFORMATION	
	Survey: WOODLAWN RTY 5 AD 23-28-3 P.I.D. No.: 012300282006012000 Block(s): 3 Fire District: N Lot(s): 11 Floodplain: N Zoning: Historical District: Y Design Review District: N	
Work Description: Construction of 8FT privacy fencing in the side and rear yard and 4FT fencing along 51st Street and 7th Court South pursuant to Title 1, Chapter 4, Article V, Section 5.		
Plans Reviewed By:	Fees Paid: \$ 80.00	Penalty Fees Paid: \$0.00
<b>***CONDITIONS***</b>		
1.) <b>NOTE:</b> Upon installation, any fence or wall which creates a line of sight impairment as determined by the Traffic Engineer of the City of Birmingham, must be reconfigured or reconstructed in compliance with the recommendation of the Traffic Engineer, at the expense of the owner/applicant.		
2.) <b>Front Yard</b> - A fence or wall can be no higher than <b>4 FEET</b> in this area. Support posts and/or decorative items may be up to <b>5 FEET</b> high. (See attached survey/site plan/drawing/GIS printout)		
3.) <b>Side and Rear Yard</b> - A fence or wall can be no higher than <b>8 FEET</b> in this area. Support posts and/or decorative features may be up to <b>9 FEET</b> high. (See attached survey/site plan/drawing/GIS printout)		
4.) <b>Modification</b> - If a habitable structure, identified by the owner/contractor or shown on the G.I.S. printout, is located less than five feet from where the fence or wall in the rear or side yard is to be placed or installed, some modification to the type or materials used may be required. A field inspection by a zoning inspector will be required to make this determination. Title 1, Chapter 4, Article V, Section 5.7.A. Finished side of fence must face adjacent property and thoroughfare, if applicable.		
5/4/2020	PERMITS DIVISION	Page 1 of 1

Fence Permit

**PARCEL ID:** 012300282006012000

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

**DATE:** Thursday, October 22, 2020 11:21:50 AM

**OWNER:** DONALDSON HUGH LOCKE & BLACK WI

**ADDRESS:** 5100 7TH COURT S

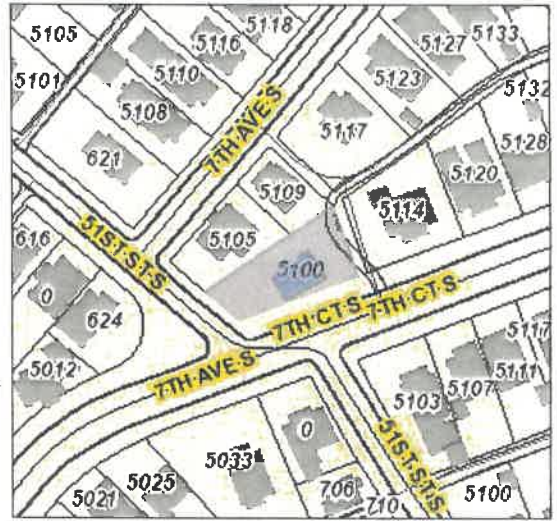
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35212

**SITE ADDR:** 5100 7TH CT S

**CITY/STATE:** BHAM, AL

**ZIP:** 35212



**LAND:** \$148,000.00

**BLDG:** \$97,000.00

**OTHER:** \$0.00

**AREA:** 8,645.06

**ACRES:** 0.20

**SUBDIVISION INFORMATION:**

**NAME** WOODLAWN RTY 5 AD 23-28-3

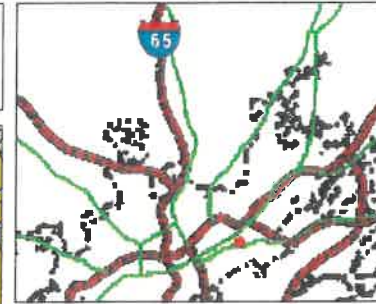
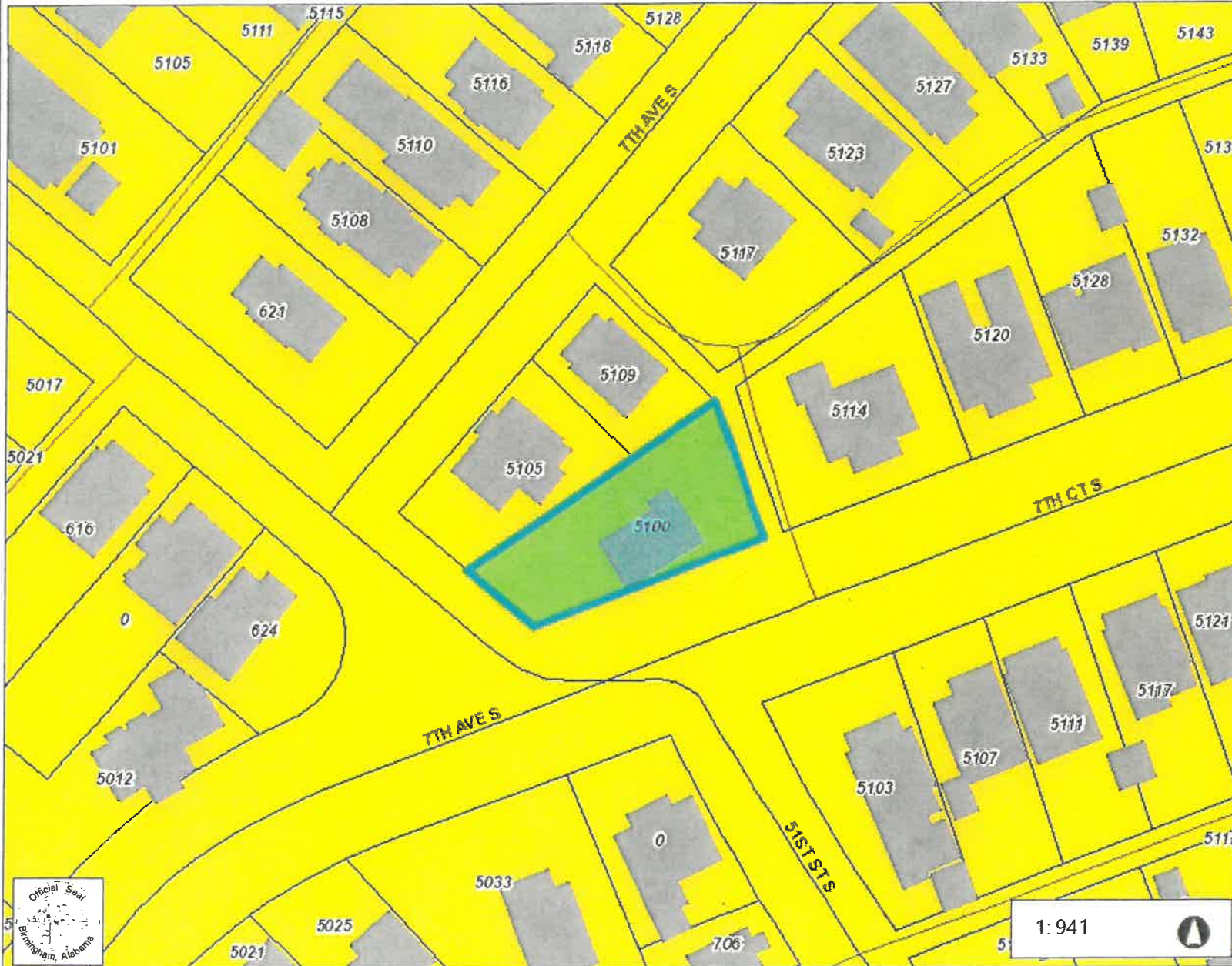
**BLOCK:** 3

**LOT:** 11

- Section:** 28-17-2W
- Land Slide Zones:** Not in Land Slide Zones
- Historic Districts:** Woodlawn Highlands
- 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:** Crestwood No (401)
- Communities:** Crestwood (4)
- Council Districts:** District - 5 (Councilor: Darrell O'Quinn)
- Zoning Outline:** R3
- Demolition Quadrants:** DEM Quadrant - 4
- Impaired Watersheds:** Impaired Watershed - Upper Village Creek
- Strategic Opportunity Area:** Not in Strategic Opportunity Area
- RISE Focus Area:** In RISE Focus Area
- Tax Delinquent Property:** Not in Tax Delinquent Property
- EPA Superfund:** Not in EPA Superfund
- Opportunity Zones:** Not in Opportunity Zones
- Judicial Boundaries:** JEFFERSON

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Legend

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- Alleys
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- 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



1:941



156.8 0 78.38 156.8 Feet

Notes



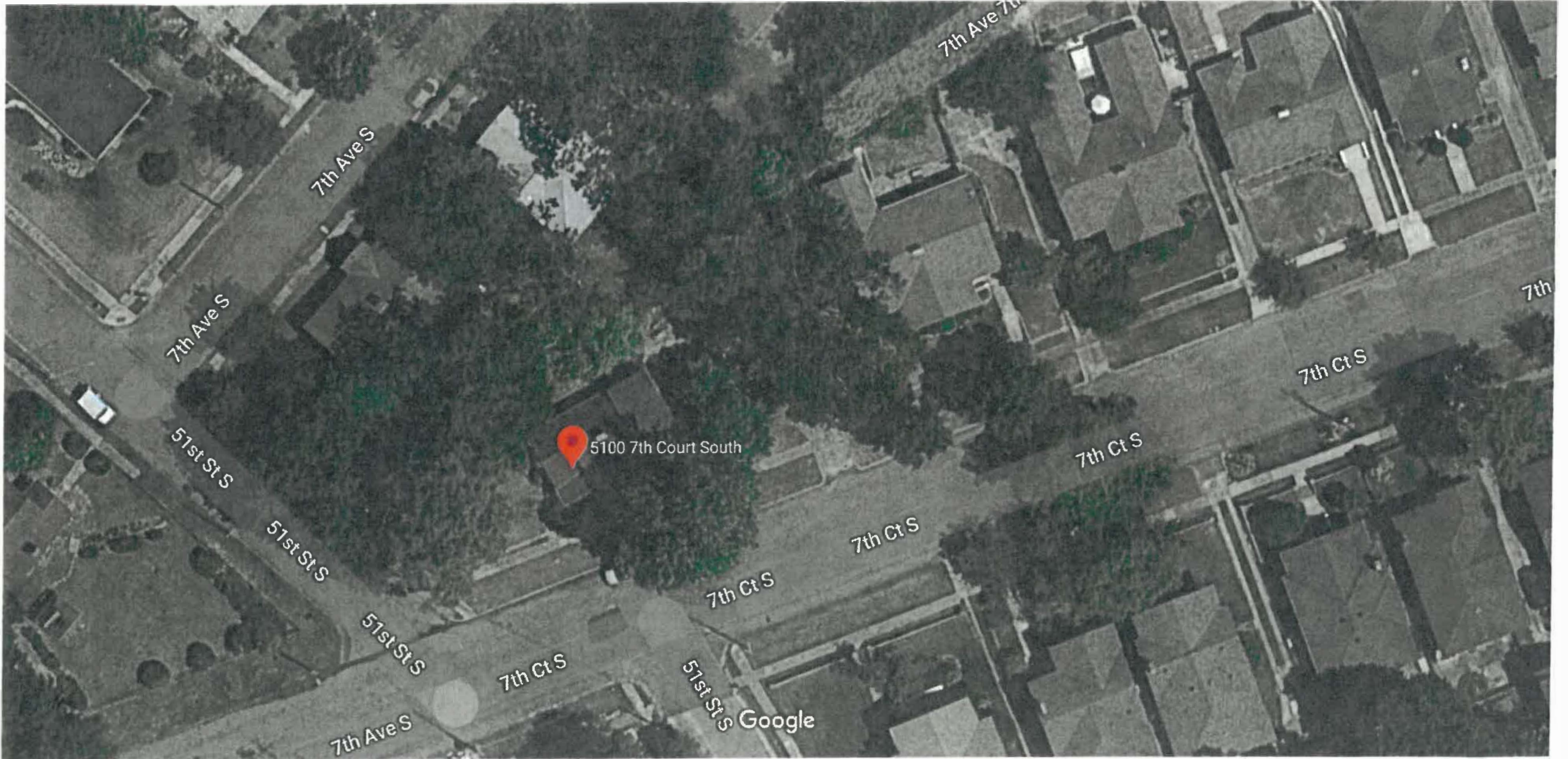






5100 7th Ct S

ZBA2020-00059

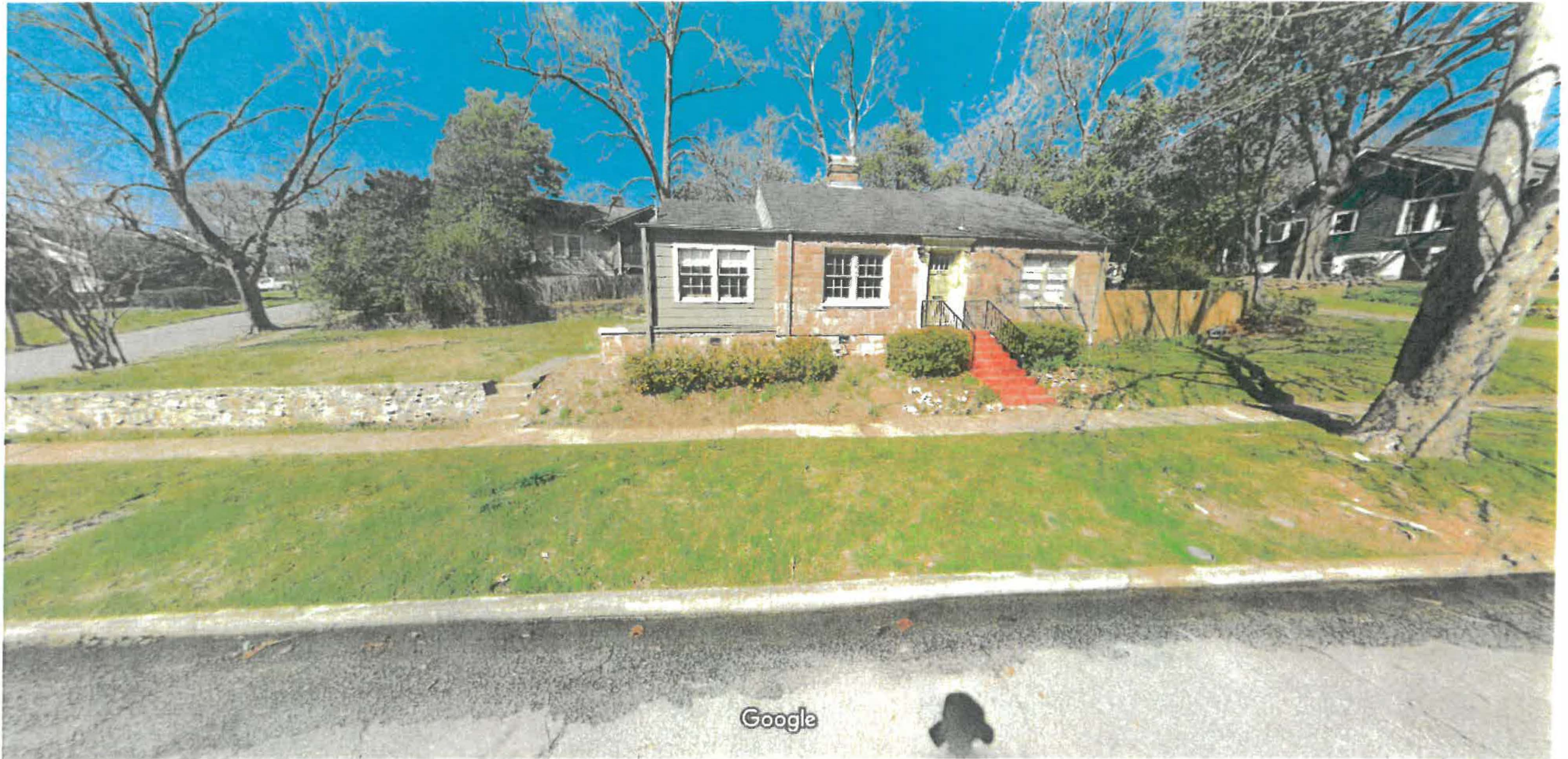






5100 7th Ct S

ZBA2020-00059





Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246



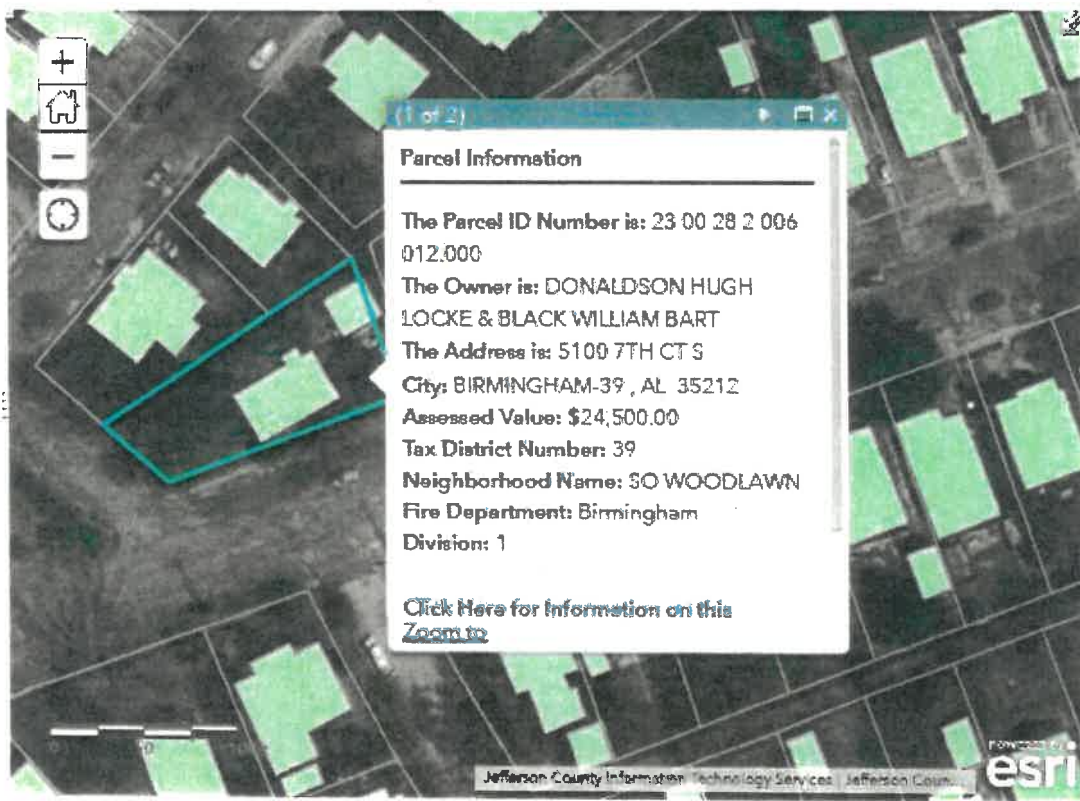
Fence Picture One



Fence Picture Two

Jeff & Sheila Haslam  
5100 7<sup>th</sup> Ct S.  
Birmingham, AL 35212

Parcel ID 23-28-2-6-12.000  
Case Number ZEN2020-00246



Parcel Layout



Old fencing

Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

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Neighborhood: Wahoma      Staff Planner Moton      ZBA2020-00060

Request:                      Variance to allow a 6ft chain link fence in the front yard area Title 1  
Chapter 4 Subsection 3.A.1 page 182  
Applicant:                    Douglas Ragland  
Owner:                        Douglas & Teresa Ragland; Upper Room Fellowship Church  
Site Address:                109 & 119 68<sup>th</sup> Place North  
Zip Code:                    35206  
Description:                Variance to allow a 6ft chain link fence in the front yard area Title 1  
Chapter 4 Subsection 3.A.1 page 182  
Property Zoned:            CB-2, General Business District and R-3, Single Family District  
Parcel Information:        Parcel #: 012300153010015000, SW of Section 15, Township 17 S, Range  
2 W

**Variance:**  
Variance to allow a 6ft chain link fence in the front yard.

**Neighborhood Meeting:**  
The Wahouma Neighborhood Association; waiting on response. Staff has reached out to the NA officials.

**Public Notices:**  
Public notices were mailed on October 23, 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. **Please see attached.**

**Staff Analysis:**  
The subject property located at 109 & 119 68<sup>th</sup> Place North is zoned CB-2, General Business District and R-3, Single Family District. The subject property has two front yards off of 69<sup>th</sup> St N and 68<sup>th</sup> Pl N. The fence was installed without a permit and received a violation notice case. The applicant has provided pictures of the existing fence shown in the packet. The fence crosses two lot lines; therefore, the applicant must resurvey the two lots into one. The applicant has been in contact with the Subdivision Planner.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**Staff Recommendation**  
Staff believes the applicant has provided sufficient evidence to support the variance request; therefore, staff believes the request has merit for approval and as such, should be **GRANTED** subject to the following conditions:

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

3. Resurvey lots 109 & 119 68<sup>th</sup> Place North into one lot within 90 days of the approval date from the Board.

## **Narrative Document for the Six Variance Requirements for Upper Room Fellowship Church**

### **Physical Characteristics of the Property.**

Upper Room Fellowship Church located on 109 68<sup>th</sup> PL. N. has two front yards and two side yards.

### **Unique Characteristics.**

Upper Room Fellowship Church located on 109 68<sup>th</sup> PL. N. has two front yards and two side yards. There is no back yard to this property.

### **Hardship Not Self-Imposed**

The hardship for this request is detailed in the following narrative: Due to the following concerns and actions affecting our property, we have deemed it necessary to install a 6 ft fence surrounding our property:

1. We have called the Birmingham Police East Precinct to our Property to investigate two break-ins within the Month of August 2020 and September 2020.
2. The officers boarded up the windows in August 2020, and an official report was made. The windows were replaced on August 19, 2020.
3. In September 2020, the Birmingham Police East Precinct came out to the church after our church alarm went off and another break-in was officially reported. Glass was splattered everywhere along with blood plastered on the walls, as the suspects entered and exited the church. The Birmingham Police Officers assisted in Boarding the windows for us again.
4. The windows were replaced on September 12, 2020 and in the process of replacing the windows the individual performing the work was solicited by a woman across the street, and another woman came on the property and urinated in our parking lot as he was doing the work on the church.
5. Prior to these incidents, the church was broken into a few months ago as well and a police report was submitted.
6. In addition to these incidents we have had to clean up human feces in our parking lot and the neighborhood president, Mr. Robert Walker disclosed to me and my wife on Wednesday, 9-24-20 recently a fight between two women took place with one of the women being beaten badly and clothes torn to shreds in the process.
7. We have had individuals to camp out on the side of our church making it a bedding area for sleeping purposes and leaving trash and feces on our property.
8. We have had individuals to come and sit on our front porch of the church and drink beer and leave debris on the property.
9. We have had individuals in the community to, literally throw trash and garbage bags on our property on a continual basis.
10. There is a house across the street from our church that is a known drug house and a prostitution gallery where we witness people going in and out as well as walking up and



down the streets all times of day and night on a consistent basis. We have no doubt that this is the basis of our problems at the church.

11. This house has been raided 6 times and it appears that after being raided other occupants come back within days and the same drug and prostitution cycles continue.
12. We have locked our outside water and electrical boxes because people were coming over stealing electricity and water from our church.
13. We spoke to the Neighborhood President on 9-24-20 and he said he has appeared before the City Council on numerous occasions citing concerns of safety and appearance that this particular house is presenting as well as the concerns of the neighbors who witness this chaos daily.
14. Our church members are harassed by this activity as we attempt to cut grass and keep our property up, as well as when we have Bible Study and Church in that area.
15. Due to the recent break-ins my wife was contacted by Ms. Jessica Burton on September 3, 2020, from the East Precinct to discuss Security Measures at the church. She requested that we meet at the church. She also stated to my wife that Chief Patrick Smith wanted to set up a meeting with me to discuss security concerns at the church and in the area. It is our plan to meet with her at the church to look at our security measures, and it was our goal to have our fence in place when we met with her.
16. Due to all of these events and the climate in that area, we decided as a church we needed to protect our church building, as well as provide security for our members and those who perform services for the church by installing a 6 ft black commercial fence surrounding our property.
17. We started this project on 9-21-20 and upon its completion on 9-25-20, Inspector Jones from the City of Birmingham came by and stated we were not in compliance with the city code for fencing and we needed to have a meeting before the Zoning Board of Adjustments to get approval for a variance to have this type of fence for our church.
18. These are just some of the concerns, precipitating our urgency to put a fence around our church and we apologize for not following proper protocol prior to starting the project, but we were simply trying to protect our interests as soon as possible.

**Financial Gain Not Only Basis.**

There is no financial gain for Upper Room Fellowship Church for this project. We are doing this for safety reasons for our members and those who perform services on our property, as well as security of our property from being vandalized. We have had at least 2 break-in attempts within the last 2 months and various solicitations, unsanitary acts, unauthorized use of water and electricity from our compartments on site, and a major fight on the property recently as well. We have actually lost monies repairing the damage done as a result of the break in attempts, and the unauthorized uses of water and electricity by trespassers.

**No Injury to Neighboring Property & No Harm to Public Welfare.**

There is no injuring or harm to neighboring properties or visibility problems in creating harm for the public as a result of this fence installation on our property. In essence, this project does not impair the health, safety, convenience, or comfort of the area, and in particular adjoining neighbors.

**PARCEL ID:** 012300153010015000

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

**DATE:** Friday, October 2, 2020 9:27:24 AM

**OWNER:** UPPER ROOM FELLOWSHIP CHURCH (1

**ADDRESS:** 1061 SUNHILL RD SW

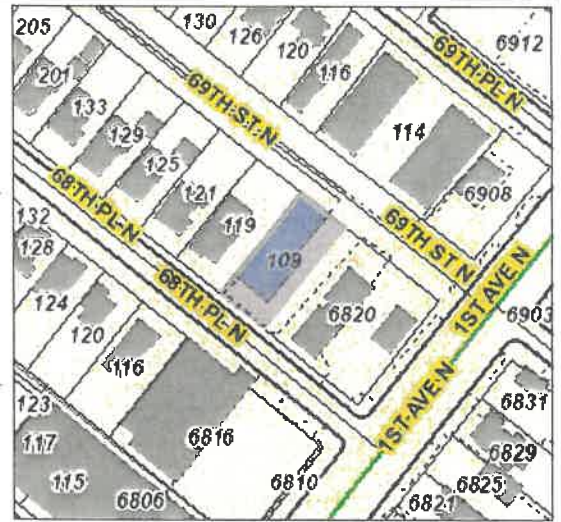
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35215

**SITE ADDR:** 109 68TH PL N

**CITY/STATE:** BHAM, AL

**ZIP:** 35206



**LAND:** \$16,800.00

**BLDG:** \$120,400.00

**OTHER:** \$0.00

**AREA:** 8,627.69

**ACRES:** 0.20

**SUBDIVISION INFORMATION:**

**NAME** EAST WOODLAWN KLONDYKE

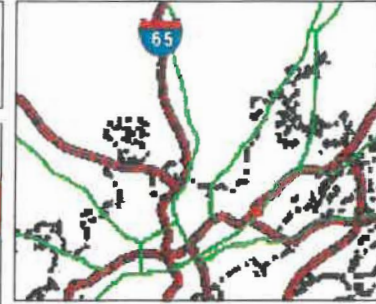
**BLOCK:** 11-G

**LOT:** 3

**Section:** 15-17-2W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Not in Historic Districts  
**Commercial Revitalization District:** Not in Commercial Revitalization District  
**Fire District:** Not in Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** Not in Tax Increment Financing District  
**Neighborhoods:** Wahouma (605)  
**Communities:** East-Lake (6)  
**Council Districts:** District - 5 (Councilor: Darrell O'Quinn)  
**Zoning Outline:** CB2  
**Demolition Quadrants:** DEM Quadrant - 4  
**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

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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: 494



82.3 0 41.16 82.3 Feet

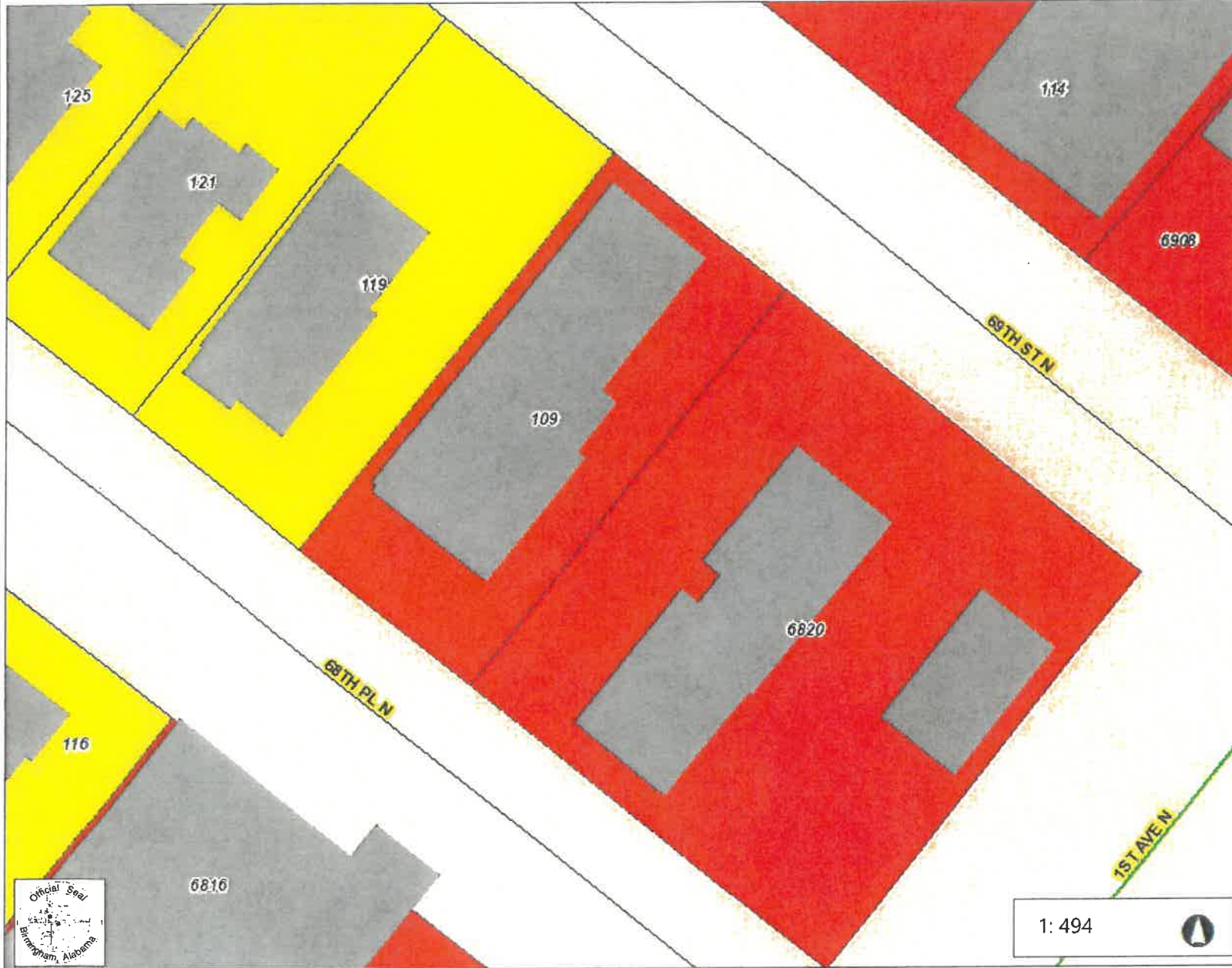
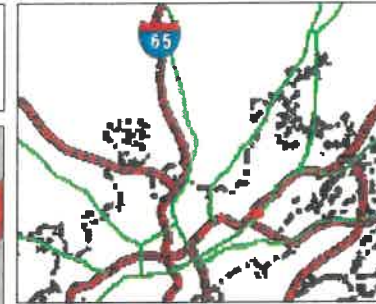
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes





# ZBA2020-00060 APODTEED LAND USE MAP

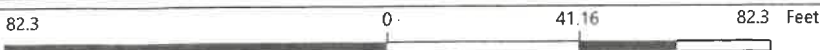


**Legend**

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- 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



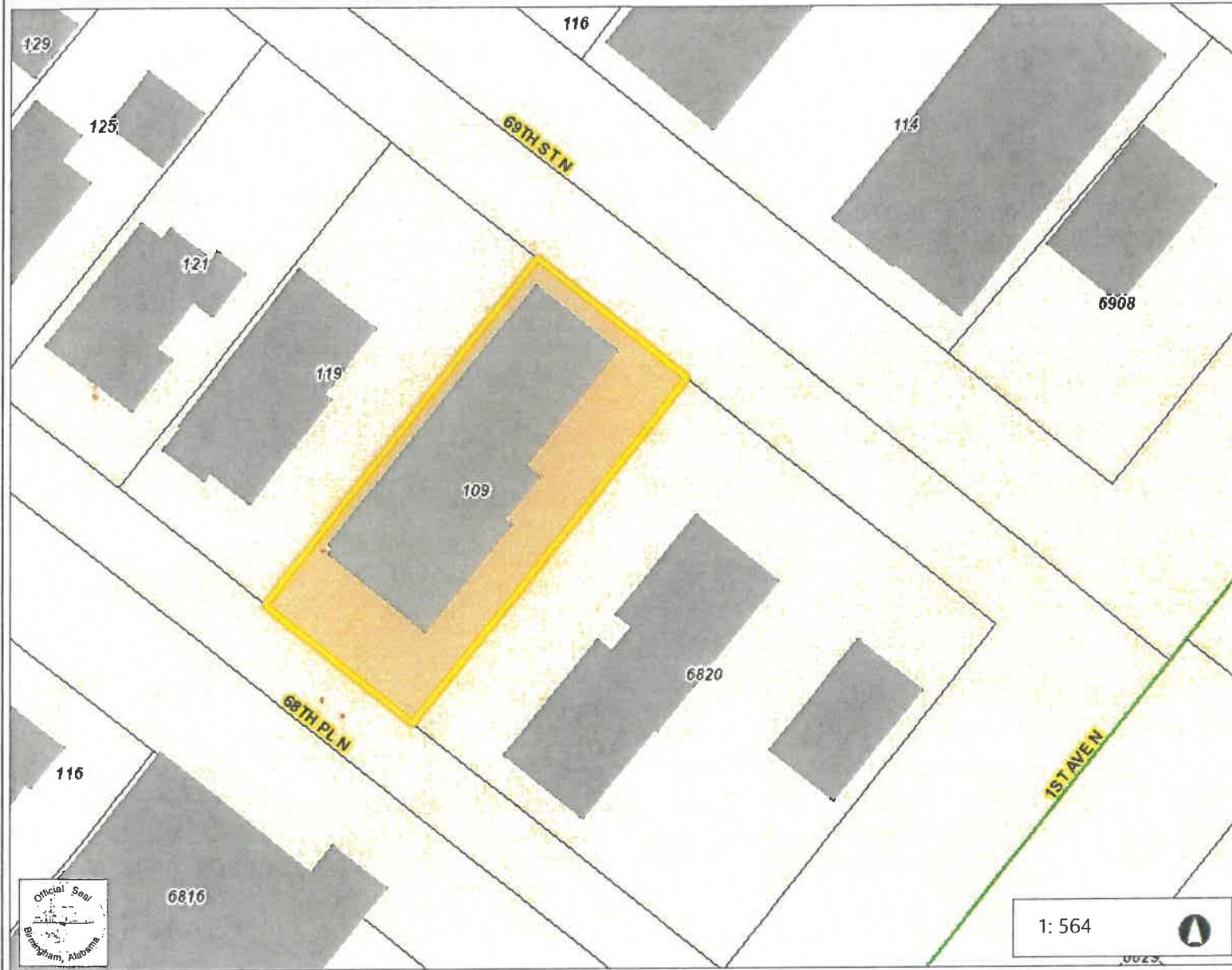
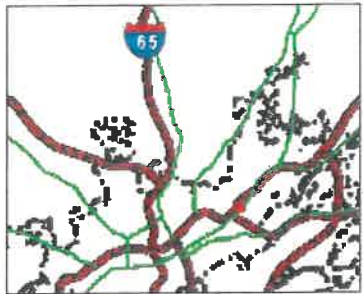
1: 494



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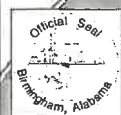
Notes





**Legend**

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- Hydrology Areas
- Parcels
- ▨ City Parks
- Airport
- City Limits (solid)



1: 564



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

Notes

68<sup>th</sup> Place

Side walk

Grass

New Black Chain Link Fence

130 linear feet

slide Gate 14' x 6'

144 linear feet

New Black Chain Link Fence

119-68<sup>th</sup> Pl. N.

Upper Room Fellowship Church

109-68<sup>th</sup> Pl. N.

Handicap Parking

Parking Lot

old fence

Storage Bldg.

105' BIK New Fence

BIK New Fence

14' x 6' slide Gate

144 linear feet New Black Chain Link Fence

Unpaved Alley (68<sup>th</sup> Street N.) Unpaved





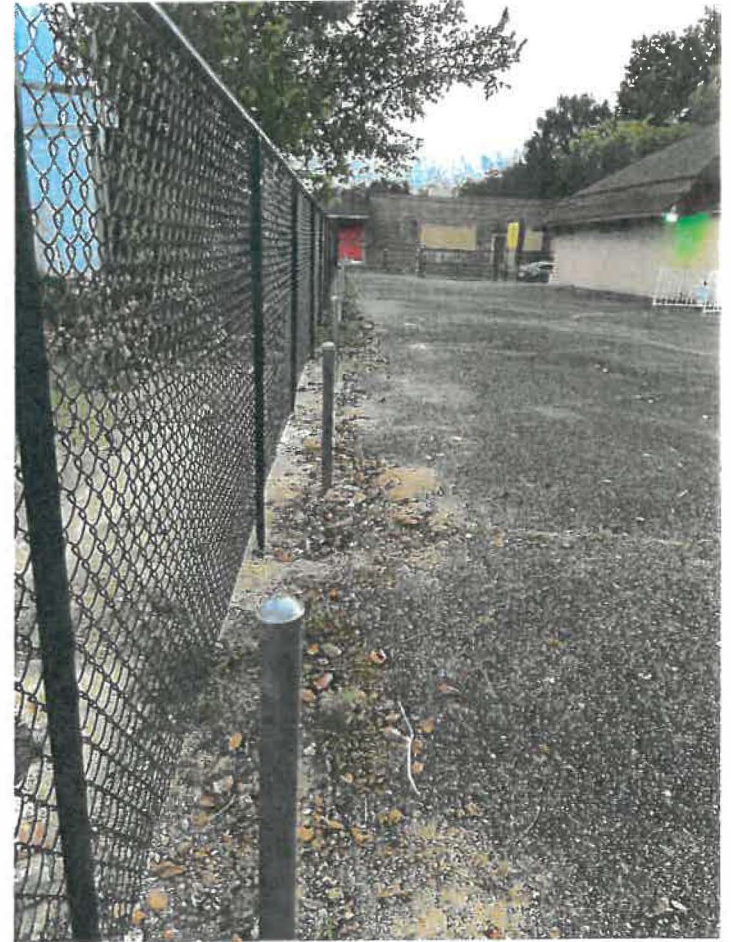
**Fence**





**Fence**





**Fence**





**Across the street**

Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Woodlawn

Staff Planner Moton

ZBA2020-00061

**Request:** Variance to allow the expansion of a legal non-conforming structure to remain pursuant to Title 1, Chapter 9, Article VII, Section 3.A.3  
**Applicant:** Richard & Kathryn Rapiere  
**Owner:** Amy Adams  
**Site Address:** 116 60<sup>th</sup> St N  
**Zip Code:** 35212  
**Description:** Variance to allow the expansion of a legal non-conforming structure.  
**Property Zoned:** R-3 Single Family District  
**Parcel Information:** Parcel #: 012900013022008000, NE of Section 21, Township 17 S, Range 2 W

**Variance:**

The applicant is requesting a variance to allowing construction to rebuild a covered porch on the front and rear of the structure and add a covered deck in the rear of the legal non-conforming structure.

**Neighborhood Meeting:**

The Woodlawn Neighborhood Association; will vote on Monday, November 9, 2020.

**Public Notices:**

Public notices were mailed on October 23, 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.

**Staff Analysis:**

The subject property located at 116 60<sup>th</sup> St N and is zoned R-3, Single Family District. The applicant is requesting a variance allowing construction to rebuild a covered porch on the front and rear of the structure and add a covered deck in the rear of the legal non-conforming structure. The structure is considered legal non-conforming because it was built prior to the zoning ordinance and does not meet the setback requirements for a R-3 zoned district. The covered deck addition in the rear of the property will not change the foot print of the structure. The property is located within the Woodlawn historic district and will be subject to approval by historic staff.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**Staff Recommendation**

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

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

Amy Adams  
116 60th Street North  
Birmingham, AL 35212  
205-365-9587

Angelica Moton  
City of Birmingham - Department of Planning, Engineering & Permits  
205-279-8917  
angelica.moton@cityofbirmingham.org

October 1, 2020

Re: Variance - Zoning Board of Adjustment

Dear Angelica:

I am requesting a variance for my covered front porch and for my covered back porch as soon as possible. I purchased this house in 2009 and have not made structural changes to either porch. This house was built prior to zoning ordinances as indicated by the site plan attached. The front porch roof collapsed in September 2020. Apparently the rafters & roof structure were not secured properly by the previous owner. The roof of the porch protected the porch and front door and kept the dirt crawl space from getting wet. I wish to rebuild the columns and roof covering "correctly & securely" on the existing porch which appears to be in structurally sound shape. I believe I should be granted a variance based on the following:

**Physical Characteristics of the Property**

The house is legally non conforming because of setbacks. House was built prior to zoning ordinances.

**Unique Characteristics**

The house is legally non conforming because of setbacks. House was built prior to zoning ordinances.

**Hardship Not Self-Imposed**

The porch is how I enter the house. The roof structure protected the front door and the porch beneath. The lack of a roof has already caused the front door to swell.

**Financial Gain Not Only Basis**

No financial gain, however I will incur a financial loss should a variance not be awarded

**No Injury to Neighboring Property**

None

**No Harm to Public Welfare**

None

I appreciate your assistance in helping me obtain these variances. Thank you!

**PARCEL ID:** 012300211011008000

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

**DATE:** Wednesday, October 14, 2020 1:39:30 PM

**OWNER:** ADAMS AMY

**ADDRESS:** 116 60TH ST N

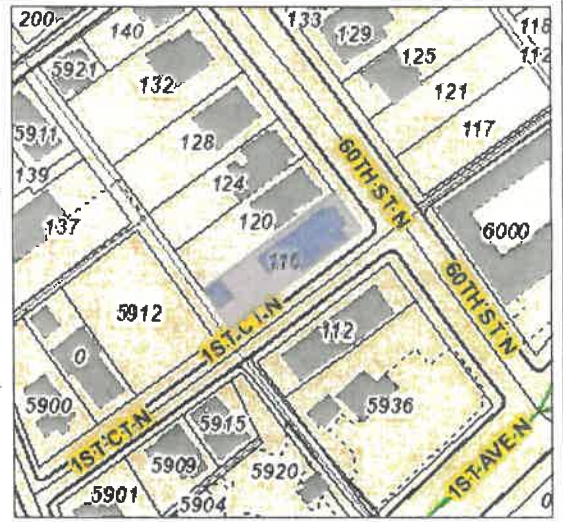
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35212

**SITE ADDR:** 116 60TH ST N

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35212



**LAND:** \$15,800.00

**BLDG:** \$88,800.00

**OTHER:** \$0.00

**AREA:** 8,414.99

**ACRES:** 0.19

**SUBDIVISION INFORMATION:**

**NAME** HENRY & COPELAND SUR

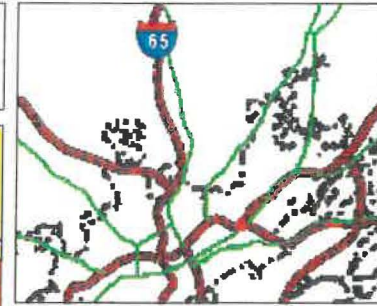
**BLOCK:**

**LOT:** 7

**Section:** 21-17-2W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Woodlawn  
**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:** Woodlawn (2104)  
**Communities:** Woodlawn (21)  
**Council Districts:** District - 4 (Councilor: William Parker)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 4  
**Impaired Watersheds:** Impaired Watershed - Upper Village Creek  
**Strategic Opportunity Area:** 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

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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: 935

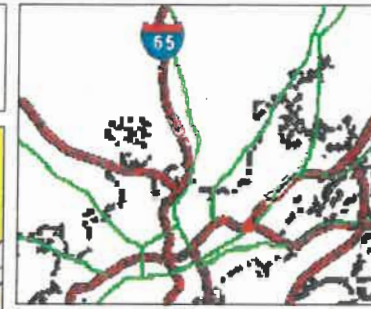


155.8 0 77.92 155.8 Feet

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Notes





Legend

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- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
  - Residential-Low
  - Residential-Medium
  - Residential-High
  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
  - MXU-Medium
  - MXU-High



1: 935

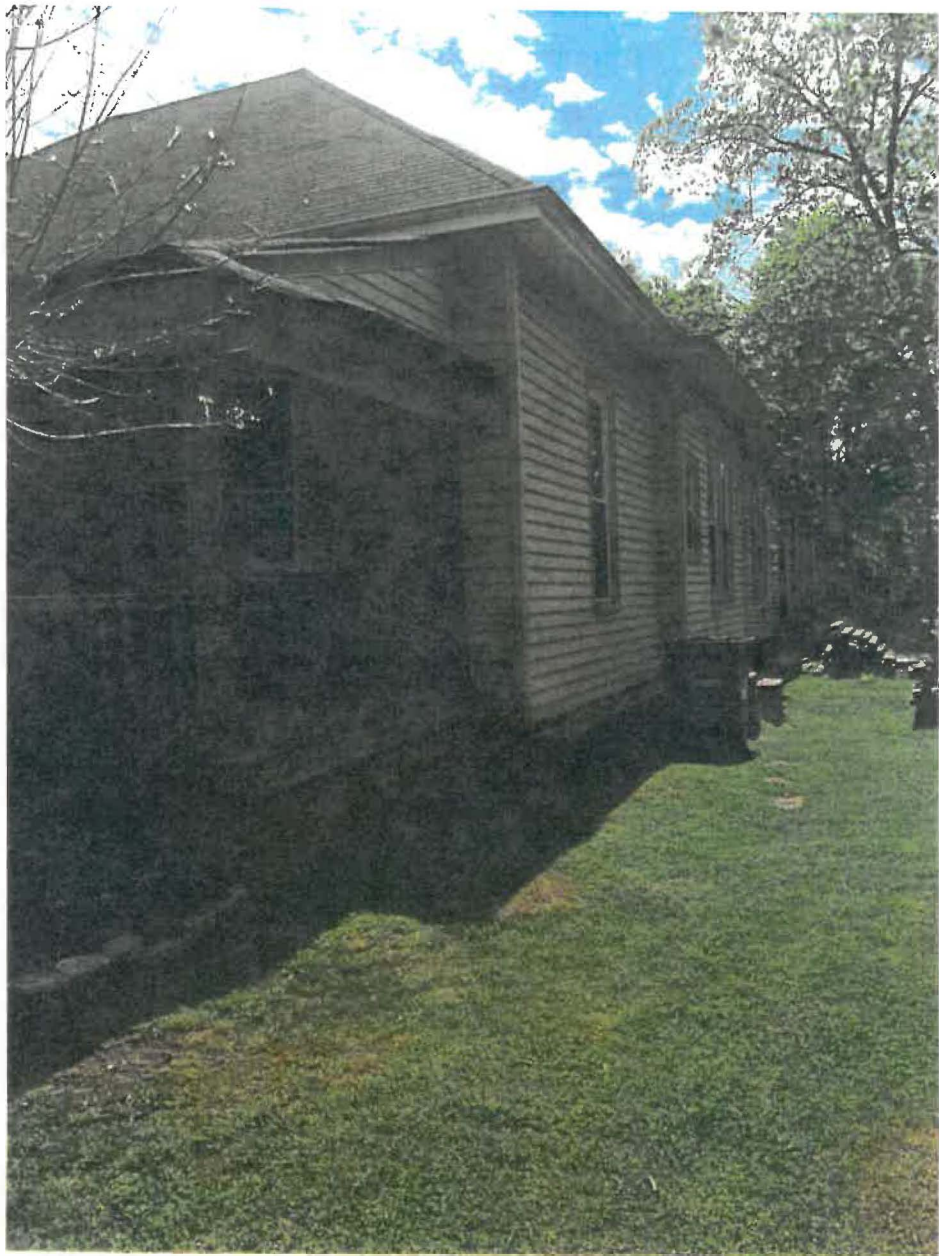


155.8 0 77.92 155.8 Feet

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Notes







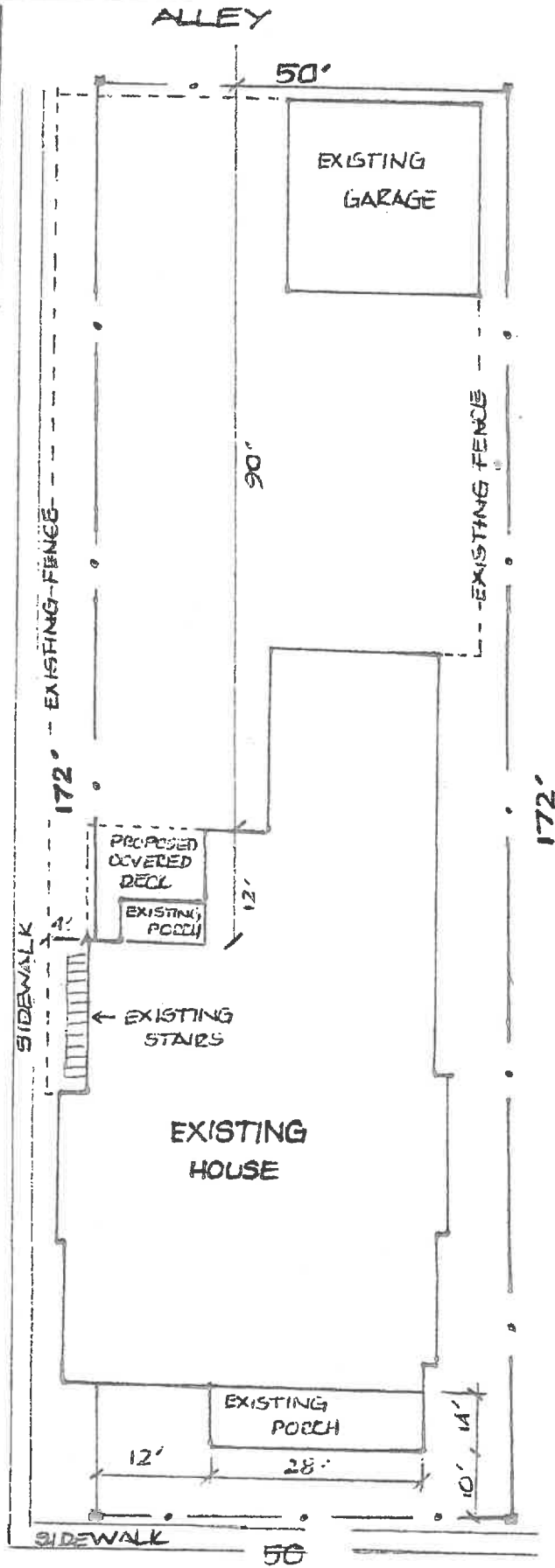




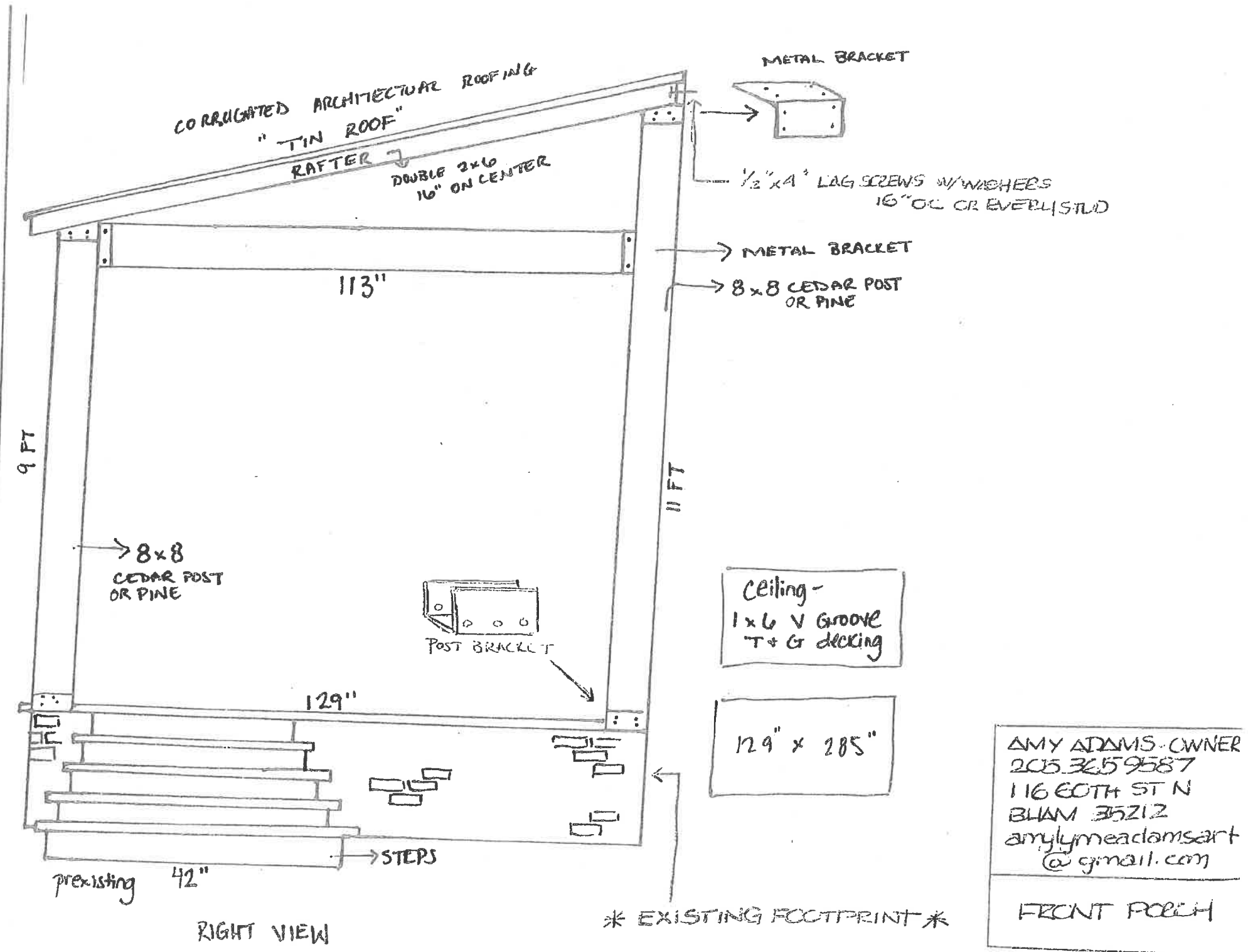
AMY ADAMS - OWNER  
205-365-9587  
116 60TH ST N  
BHAM 35212  
amylynnadamsart@gmail.com

# SITE PLAN

1ST COURT NORTH

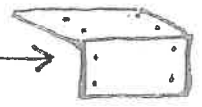


60TH STREET NORTH



CORRUGATED ARCHITECTURAL ROOFING  
 "TIN ROOF"  
 RAFTER  
 DOUBLE 2x6  
 16" ON CENTER

METAL BRACKET



1/2" x 4" LAG SCREWS w/ WASHERS  
 16" OC OR EVERY STUD

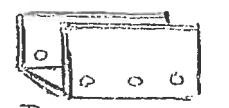
METAL BRACKET

8x8 CEDAR POST  
 OR PINE

9 FT

113"

8x8  
 CEDAR POST  
 OR PINE



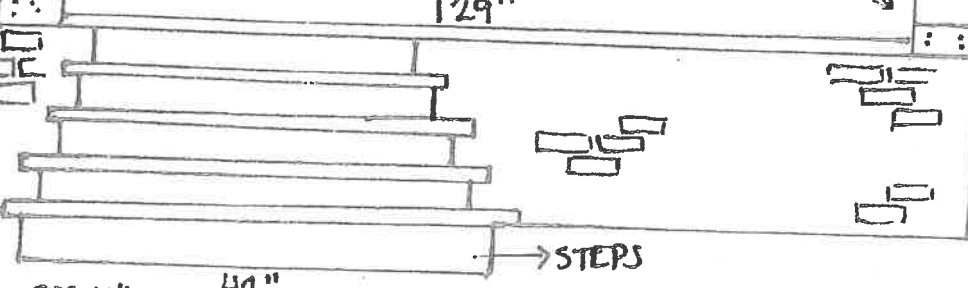
POST BRACKET

11 FT

Ceiling -  
 1x6 V Groove  
 T+G decking

129"

129" x 285"



STEPS

preexisting 42"

AMY ADAMS - OWNER  
 205.365.9587  
 116 60TH ST N  
 BLUM 35212  
 amylmeadamsart  
 @gmail.com

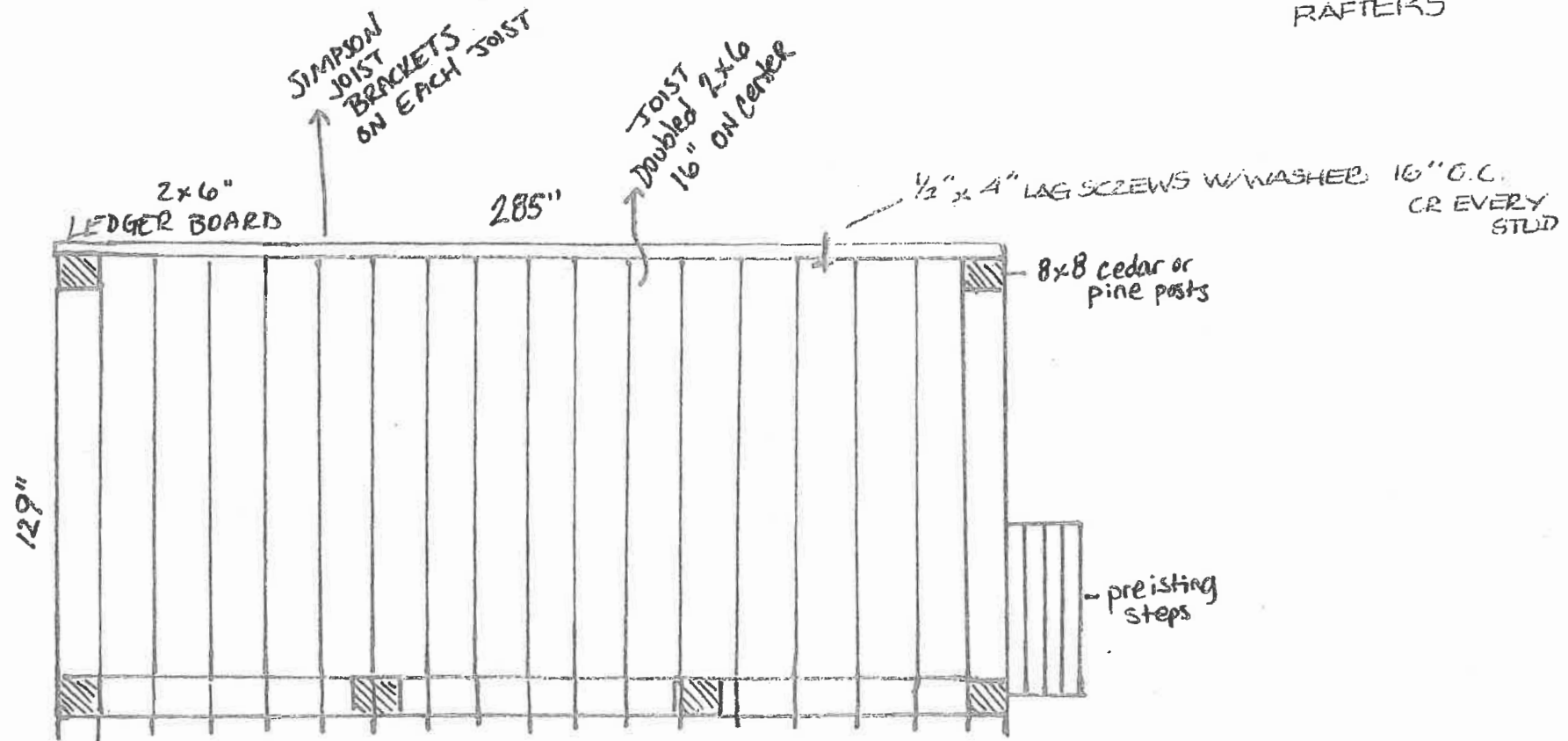
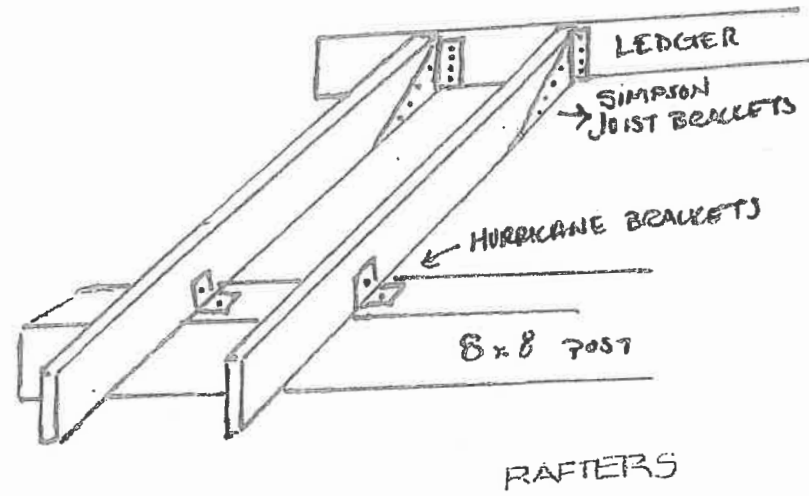
FRONT PORCH

\* EXISTING FOOTPRINT \*

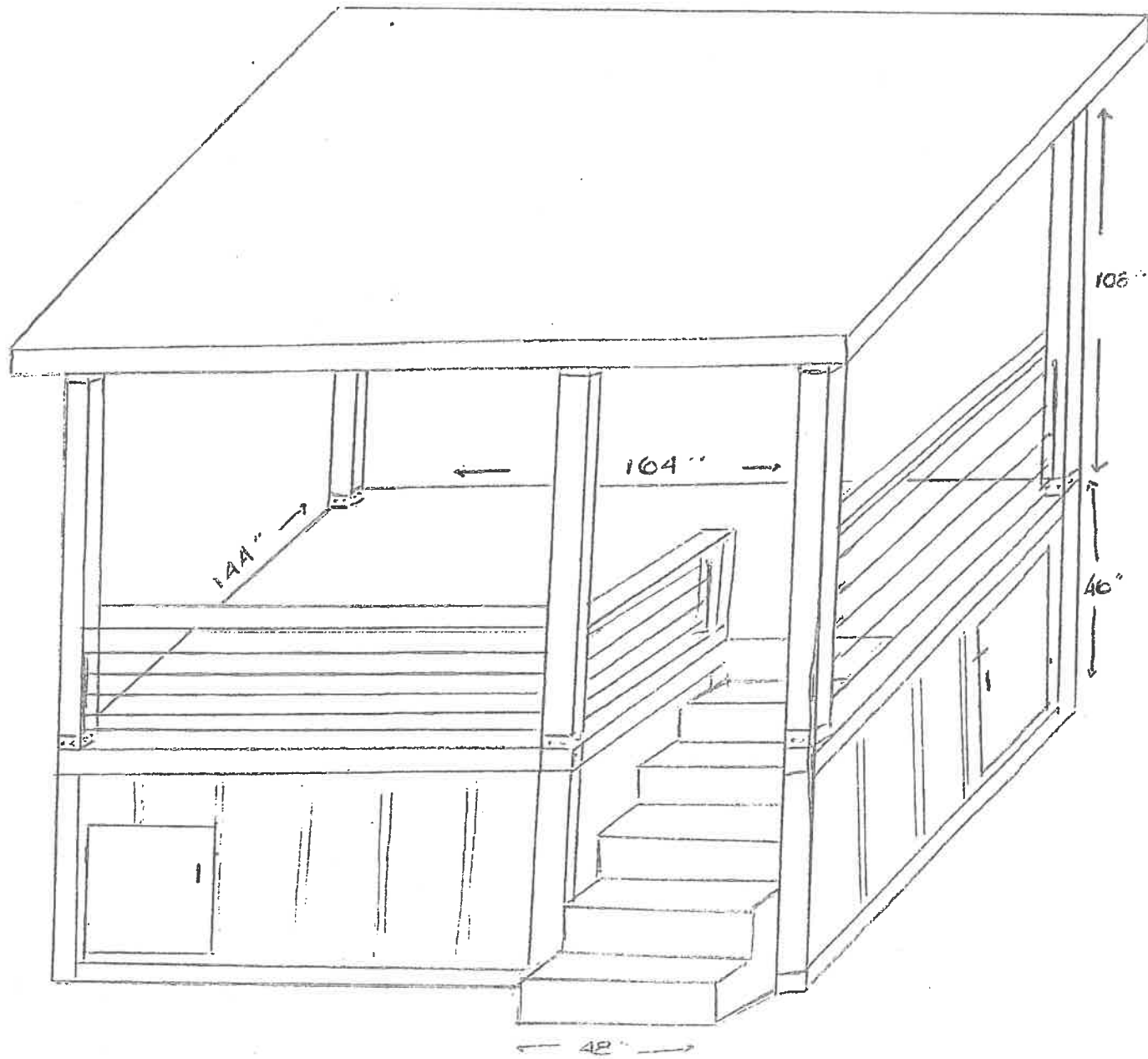
RIGHT VIEW

AMY ADAMS - OWNER  
205 365 9587  
116 60TH ST N. BHAM 35212  
amylynnedamsart@gmail.com

FRONT PORCH



ROOF FRAMING SYSTEM



AMY ADAMS - OWNER  
205-365-9587  
amylynnadamsart@  
gmail.com  
116 60th St N  
Bham 35212

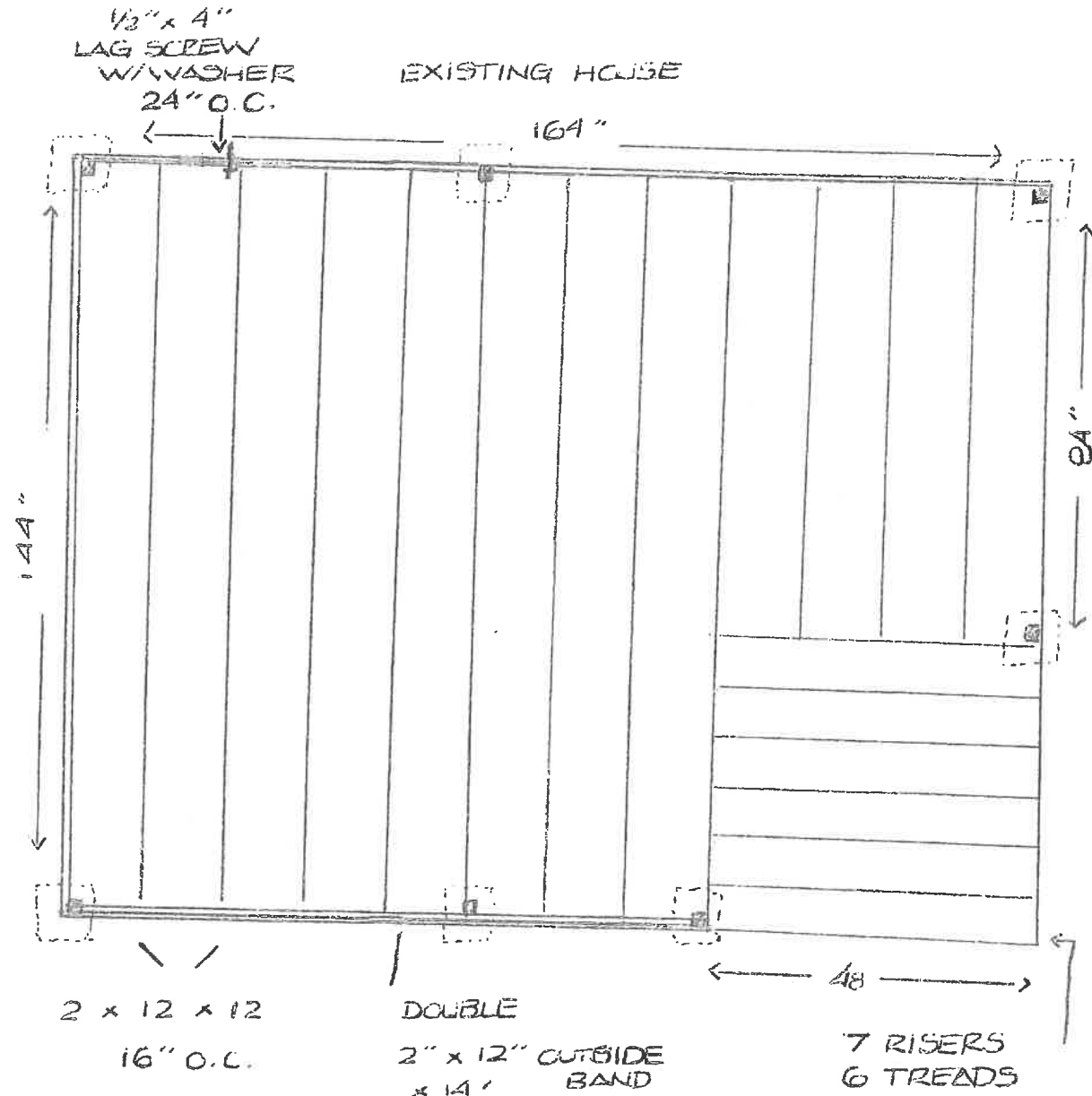
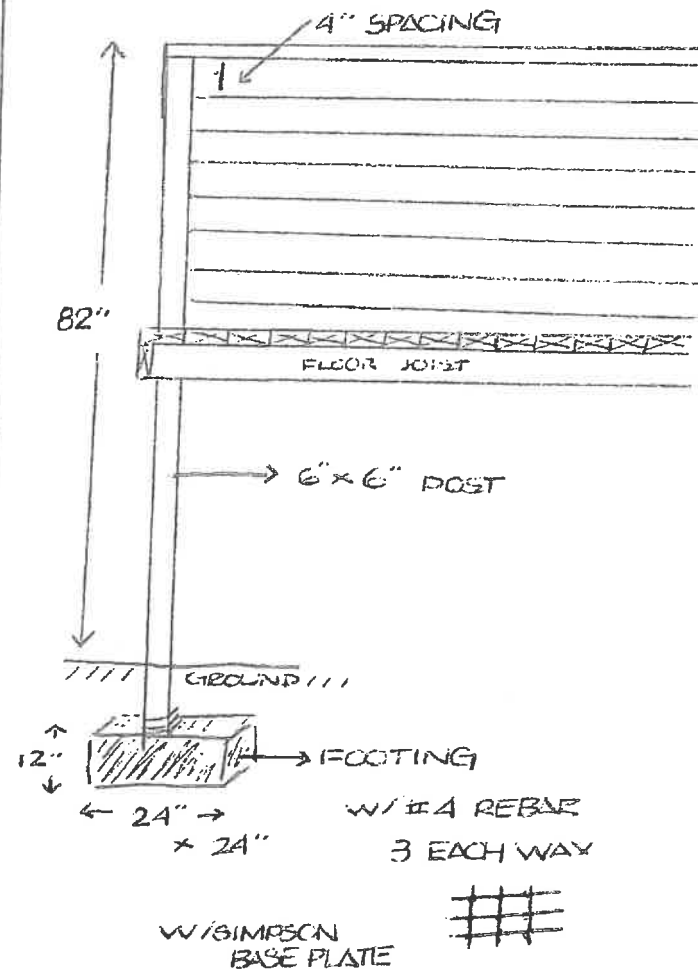
BACK PORCH

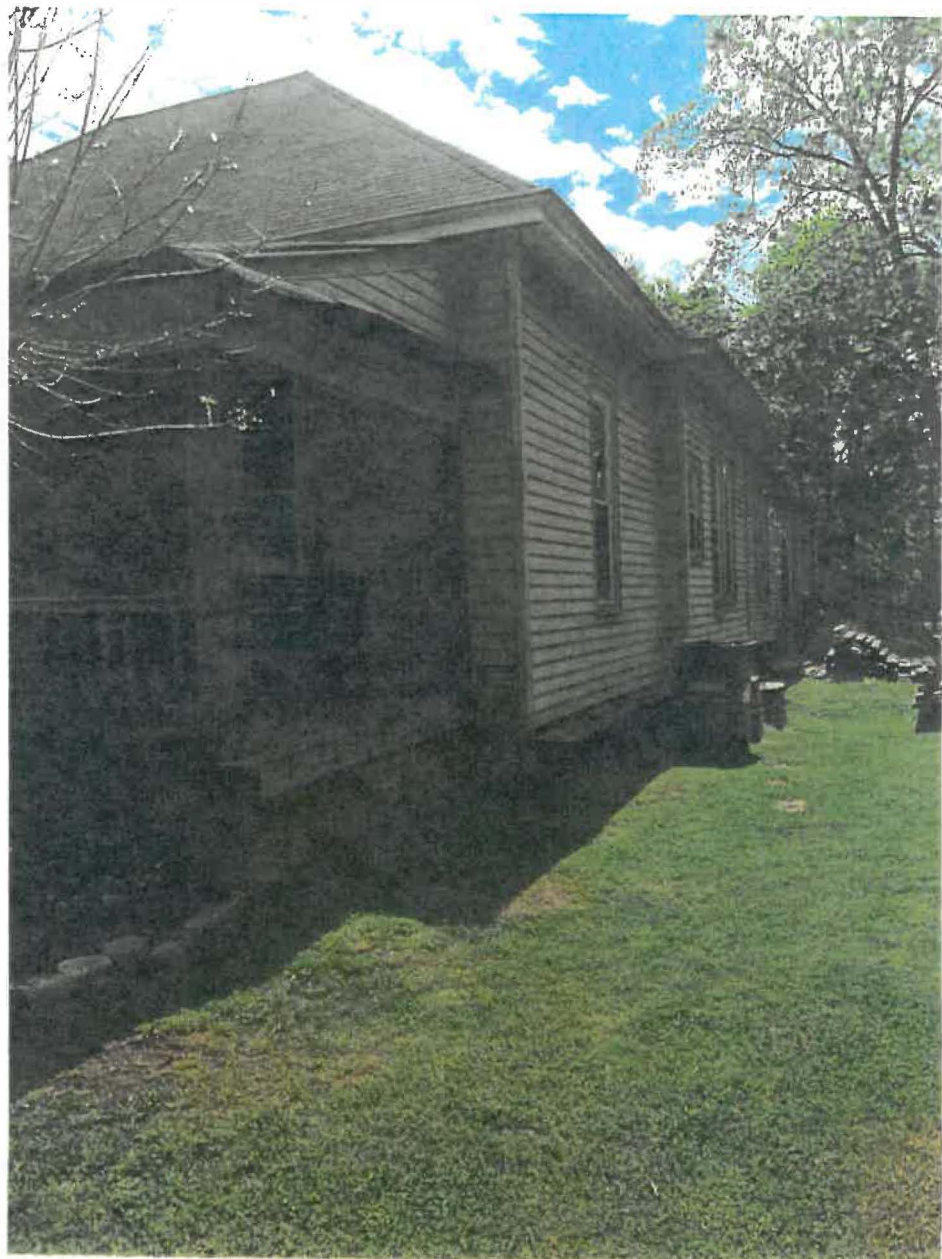


FOUNDATION & FRAMING

AMY ALVINO - OWNER  
 205-365-9587  
 116 60th St N Bham 3521  
 amylynneadamsart@gmail.com

BACK PORCH









Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Crestwood South                      Staff Planner Moton                      ZBA2020-00062

**Request:** Variance to allow the lots principal frontage on a private drive instead of a street. Title 1, Chapter 1, Article III, Section 1, 113 page 21.  
**Applicant:** Schoel Engineering Company  
**Owner:** Birmingham Metro LLC  
**Site Address:** 800 Montclair Rd  
**Zip Code:** 35213  
**Description:** Variance to allow the lots principal frontage on a private drive instead of a street  
**Property Zoned:** B-6, Health and Institutional District.  
**Parcel Information:** Parcel #: 012300331002001000, NE of Section 33, Township 17 S, Range 2 W

**Variance:**

Variance to allow the lots principal frontage on a private drive instead of a street.

**Neighborhood Meeting:**

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

**Public Notices:**

Public notices were mailed on October 23, 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.

**Staff Analysis:**

The subject property located at 800 Montclair Rd is zoned B-6, Health and Institutional District. The applicant is requesting to allow the lots principal frontage on a private drive instead of a street. The roads serving the former Baptist Montclair Medical Facility were never publicly dedicated roads. The new owner would like to resurvey existing lots into smaller lots, in order to sale lots as part of the new development. Although the applicant will be surveying the lots into multiple lots, only three lots will have to access the private drive, Dan Hudson Dr. The applicant must go to through the Subdivision process to resurvey the lots into smaller lots. The applicant has already been in contact with the Subdivision planner.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**Staff Recommendation**

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

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.



2. All permits and certificate of completion should be obtain within three year of the approval date from the Board.
3. Applicant must go through subdivision to resurvey the lots within 90 days of the approval date from the Board.



October 1, 2020

Zoning Board of Adjustment  
Department of Planning, Engineering and Permits  
2<sup>nd</sup> Floor, City Hall Room 210  
710 20<sup>th</sup> Street North  
Birmingham, AL 35203

Attention: Ms. Angelica Moton

Reference: Arbor Terrace Development  
Birmingham, Alabama

Ms. Moton:

Birmingham Metro LLC is looking to redevelop the former Baptist Montclair/Trinity Hospital campus located near Montclair Road in Birmingham, Alabama. The developer is looking to re-purpose elements of the campus including the 820, 840 and 860 office buildings as well as their adjacent parking decks. The developer wishes to subdivide the property into individual parcels associated with each the buildings listed above. Currently, there are no public roads dedicated within the development. We are requesting to create a lot of the existing circulation roads to serve as both a means on ingress/egress and utility service and installation. This lot would also service as principle frontage to the proposed parcels within the development. We believe that this request is consistent with other master planned developments in Birmingham and is in now way contrary to public interest. Below is our response to the six variance standards.

- 1. Physical Characteristics of the Property.** As stated above, the subject property was previously developed as a medical center consisting of multiple buildings, parking decks and circulation roads. The developer desires to maintain the existing means of ingress/egress. The circulation roads will need to be platted as private drives to provide principle frontage for lots proposed in the attached subdivision.
- 2. Unique Characteristics.** There are no public streets located within the development. The existing circulation roads have been in place and acted as means of public ingress and egress for forty plus years.
- 3. Hardship Not Self-Imposed.** Birmingham Metro LLC purchased the property with the existing conditions in place.

Established in 1888

WALTER SCHOEL ENGINEERING COMPANY, INC.  
1001 22nd Street South • Birmingham, Alabama 35205  
P 205-323-6166 • F 205-328-2252 • schoel.com

4. **Financial Gain Not Only Basis.** The Developer wishes to maintain the current traffic patterns on the property. As a result, there would be added cost to the developer for maintaining the roads.
5. **No Injury to Neighboring Property.** The circulation pattern would remain as they have been for the past forty years. No impact to neighboring property is anticipated. The request to plat a private road lot will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property or substantially diminish or impair property values within the area.
6. **No Harm to Public Welfare.** The request is to maintain existing traffic circulation patterns on the property with a private road lot. The variance request will not be detrimental to the public welfare, increase congestion in public streets, or increase danger of fire or imperil the public safety.

Yours very truly,

SCHOEL ENGINEERING CO., INC.



Andrew Phillips, P.E.  
Ala. Reg. No. 33632

g:\19\135\docs\2020-10-01 ZBA Letter.doc

*Established in 1888*

WALTER SCHOEL ENGINEERING COMPANY, INC.  
1001 22nd Street South • Birmingham, Alabama 35205  
P 205-323-6166 • F 205-328-2252 • schoel.com

**PARCEL ID:** 012300331002001000

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2019

**DATE:** Friday, October 2, 2020 11:28:36 AM

**OWNER:** BAPTIST HEALTH SYSTEM INC

**ADDRESS:** PO BOX 83065

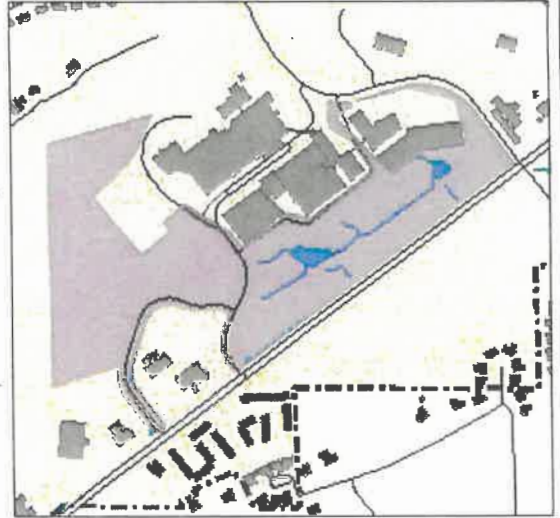
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35283

**SITE ADDR:**

**CITY/STATE:** , AL

**ZIP:**



**LAND:** \$4,714,300.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 1,644,576.31

**ACRES:** 37.75

**SUBDIVISION INFORMATION:**

**NAME** BMC MONTCLAIR RES #5

**BLOCK:** 1

**LOT:** 1-J

**Section:** 33-17-2W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Not in Commercial Revitalization District

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Crestwood So (402)

**Communities:** Crestwood (4)

**Council Districts:** District - 3 (Councilor: Valerie A. Abbott); District - 2 (Councilor: Hunter Williams)

**Zoning Outline:** B6

**Demolition Quadrants:** DEM Quadrant - 4

**Impaired Watersheds:** Impaired Watershed - Upper Shades Creek

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

**RISE Focus Area:** In RISE Focus Area

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

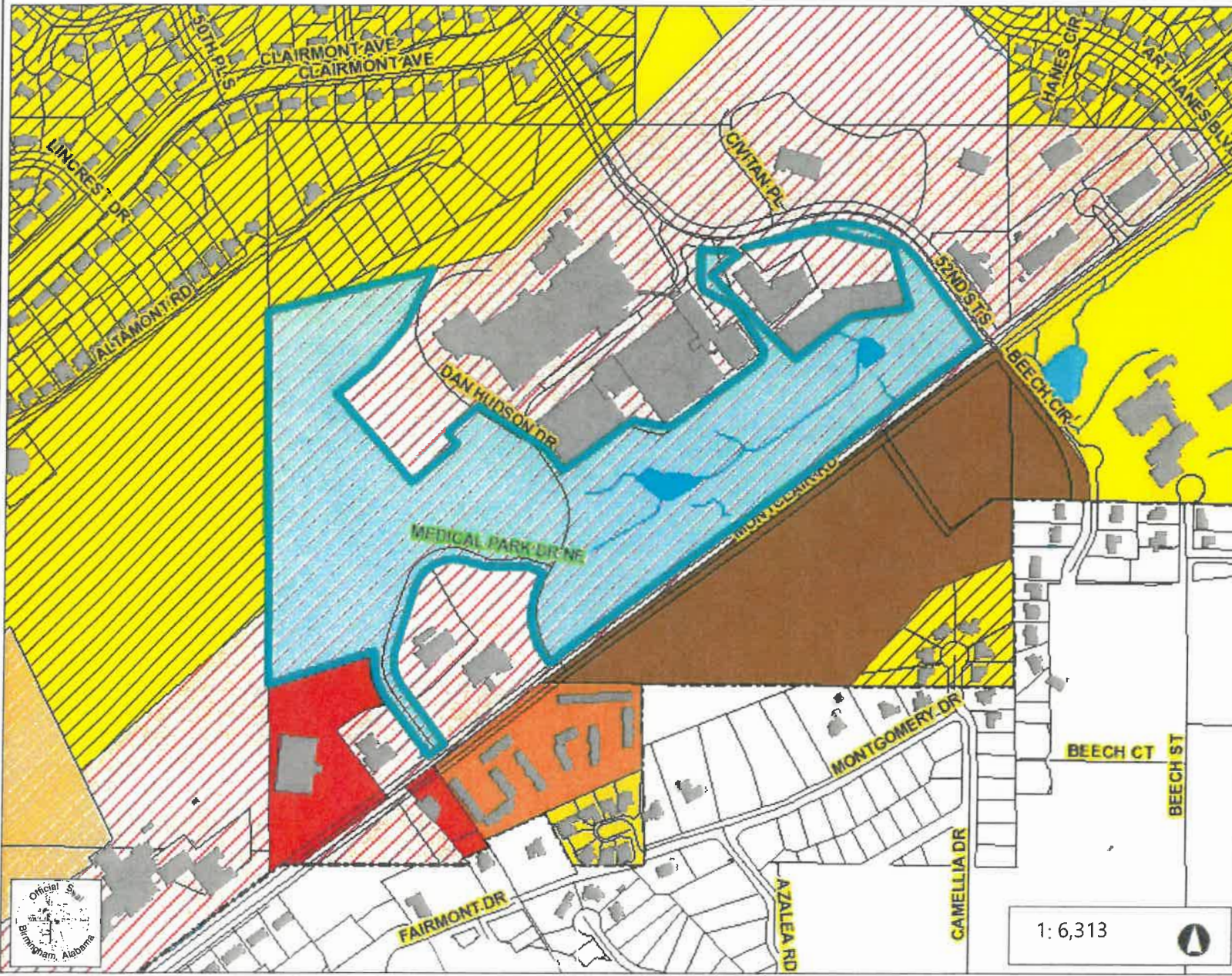
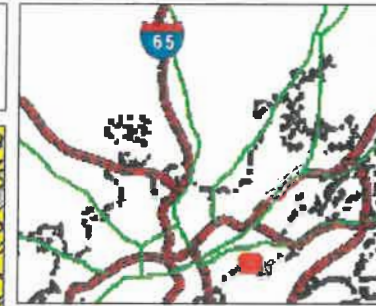
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

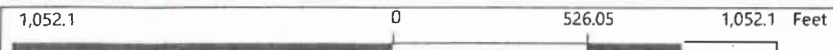
**Judicial Boundaries:** JEFFERSON

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- Legend**
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  - County Highways
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  - 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

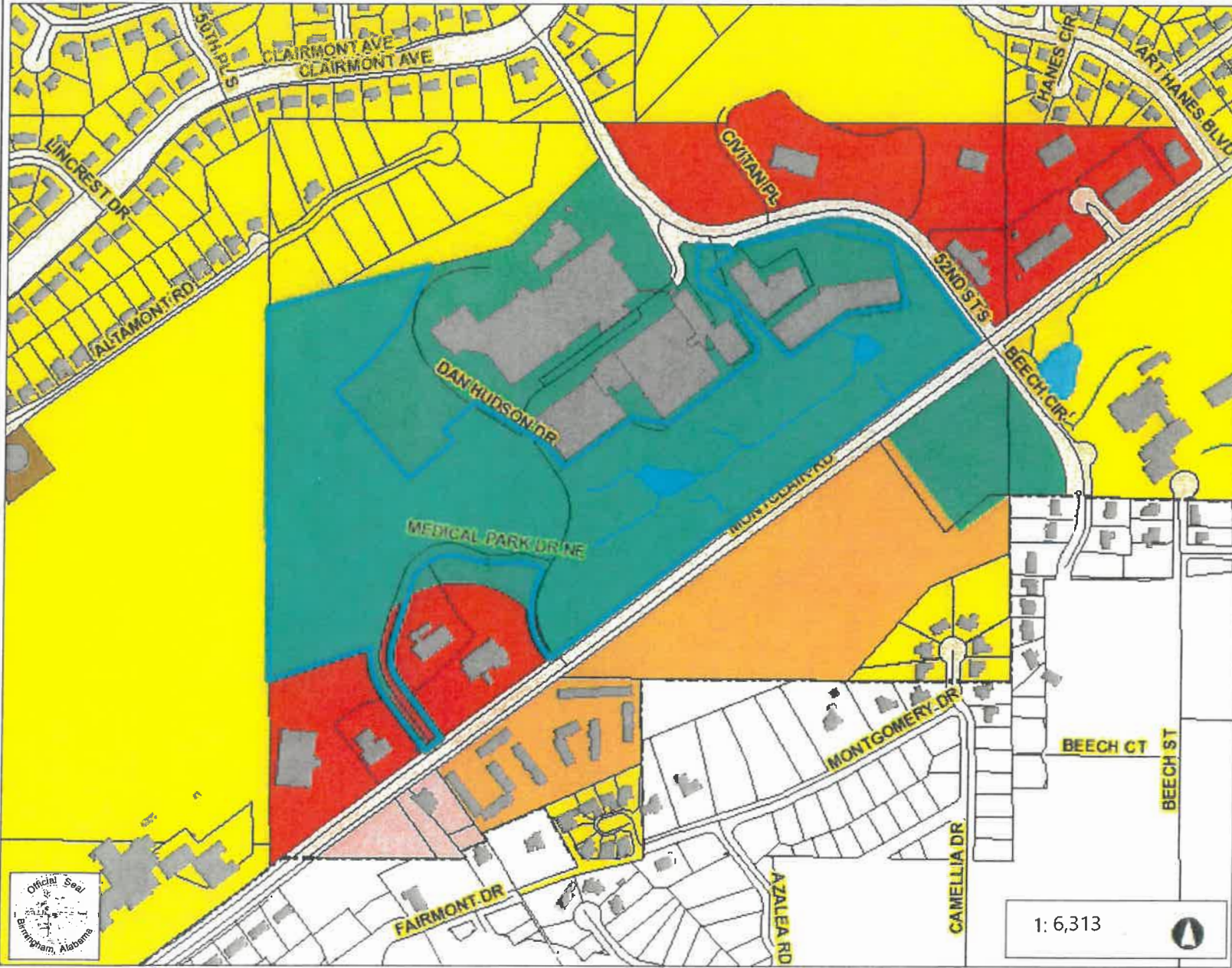
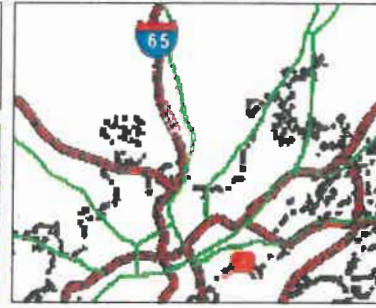


1:6,313

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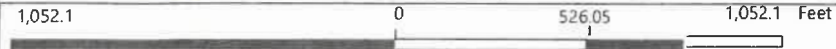
Notes





**Legend**

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- 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: 6,313

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**Notes**









**MONTCLAIR SITE EXHIBIT**

APRIL 30, 2020



Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
WebEx/Teleconference

---

Neighborhood: Gate City                      Staff Planner Moton                      ZBA2020-00063

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

**Applicant:** Donny Grunhoefer  
**Owner:** Baker Robert J Bisop of Birmingham in Alabama a corporation sole  
**Site Address:** 7414 Georgia Rd  
**Zip Code:** 35212  
**Description:** Variance to allow a front yard setback of 10ft instead of the required 25ft setback pursuant to Title 1, Chapter 3, Article I, Section 2.D.2. Variance to allow an accessory structure in the front yard area instead of the required rear yard pursuant to Title 3 Chapter 1 Section 7.3.

**Property Zoned:** R-4, Two Family and Semi-Attached Dwelling District  
**Parcel Information:** Parcel #: 012300221029001000, NE of Section 22, Township 17 S, Range 2 W

**Variance:**

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

**Neighborhood Meeting:**

The Gate City Neighborhood Association has been notified and awaiting response.

**Public Notices:**

Public notices were mailed on October 23, 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.

**Staff Analysis:**

The subject property located at 7414 Georgia Rd is zoned R-4, Two Family and Semi-Attached Dwelling District. The applicant is requesting to allow a front yard setback of 10ft instead of the required 25ft setback off Georgia Rd and a to allow an accessory structure in the front yard off of Georgia Rd instead of in the required rear yard area. The applicants have already resurvey the lots in order for the accessory structure to be an allowed use to the church per SUB2020-00057.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**Staff Recommendation**

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

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate of occupancy should be obtain within three year of the approval date from the Board.
3. Applicant shall comply with the site plan as approved by the ZBA.

City of Birmingham

Zoning Board of Adjustments

Answer to 6 questions:

1. **Physical Characteristics of the Property :** Property is located on corner of Georgia Rd and Interlochen Ave in Gate City. Property is a 130 year old Catholic church with supporting neighborhood youth house, caretaker house, food pantry distributing free food to neighborhood, clothing pantry distributing free clothing to neighborhood, and soccer fields/basketball court for the neighborhood. Property is surrounded by commercial businesses , abandoned residential housing , and Marks Village public housing. The topography does not allow the new building to be placed with a 25 ft setback as there is a significant dropoff/fall where a traditional 25ft setback would be located. Also, a traditional setback of 25 ft would require the removal of two very large and old trees which the church (and most likely neighborhood) would very much like to keep. The 25ft setback would make the feasibility of the project prohibitive.
2. **Unique Characteristics:** The variance request is for a new larger food and clothing pantry to serve the community. The pantry currently distributes over 3.5 tons of free food each month. The new pantry will be larger so the existing location of the pantry would disrupt the soccer fields and we will continue to support the critical current services to the neighborhood while the new building will be constructed. The new pantry will also have a larger clothing pantry to enhance the distribution of free clothing to the community.
3. **Hardship Not Self Imposed :** The alleged difficulty or hardship has not been created by previous actions of any person having an interest in the property.
4. **Financial Gain Not Only Basis :** As stated above , the variance will increase and sustain the giving to the community of free services, the keeping of old large trees, and the future of the project and services.
5. **No Injury to Neighboring Property :** The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property or diminish or impair property values within the area.
6. **No harm to public welfare :** The granting of the variance will not be detrimental to the public welfare , increase the congestion in public streets, or increase the danger of fire , or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham and will not substantially impair the intent and purpose of this ordinance.

**PARCEL ID:** 012300232025001000

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

**DATE:** Thursday, October 22, 2020 2:19:08 PM

**OWNER:** SALESIAN SOCIETY OF ALA INC

**ADDRESS:** PO BOX 321576

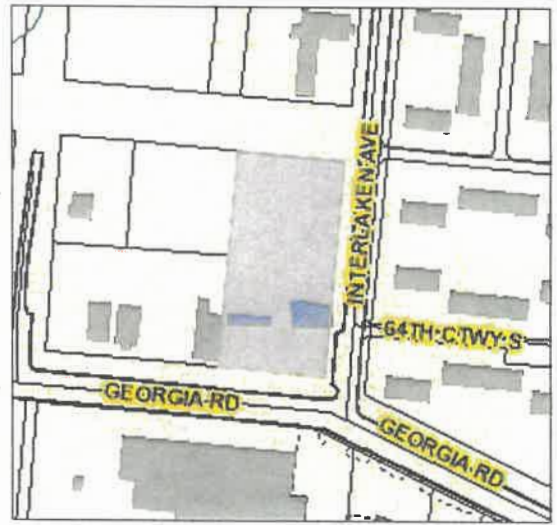
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35232--1576

**SITE ADDR:** 6414 INTERLAKEN AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35212



**LAND:** \$51,000.00

**BLDG:** \$13,100.00

**OTHER:** \$0.00

**AREA:** 45,214.38

**ACRES:** 1.04

**SUBDIVISION INFORMATION:**

**NAME** GATE CITY RE B-11 23-22-1

**BLOCK:** 11

**LOT:** 3-A

:

**Section:** 23-17-2W; 22-17-2W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Not in Commercial Revitalization District

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Gate City (603)

**Communities:** East Lake (6)

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

**Zoning Outline:** R4

**Demolition Quadrants:** DEM Quadrant - 4

**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

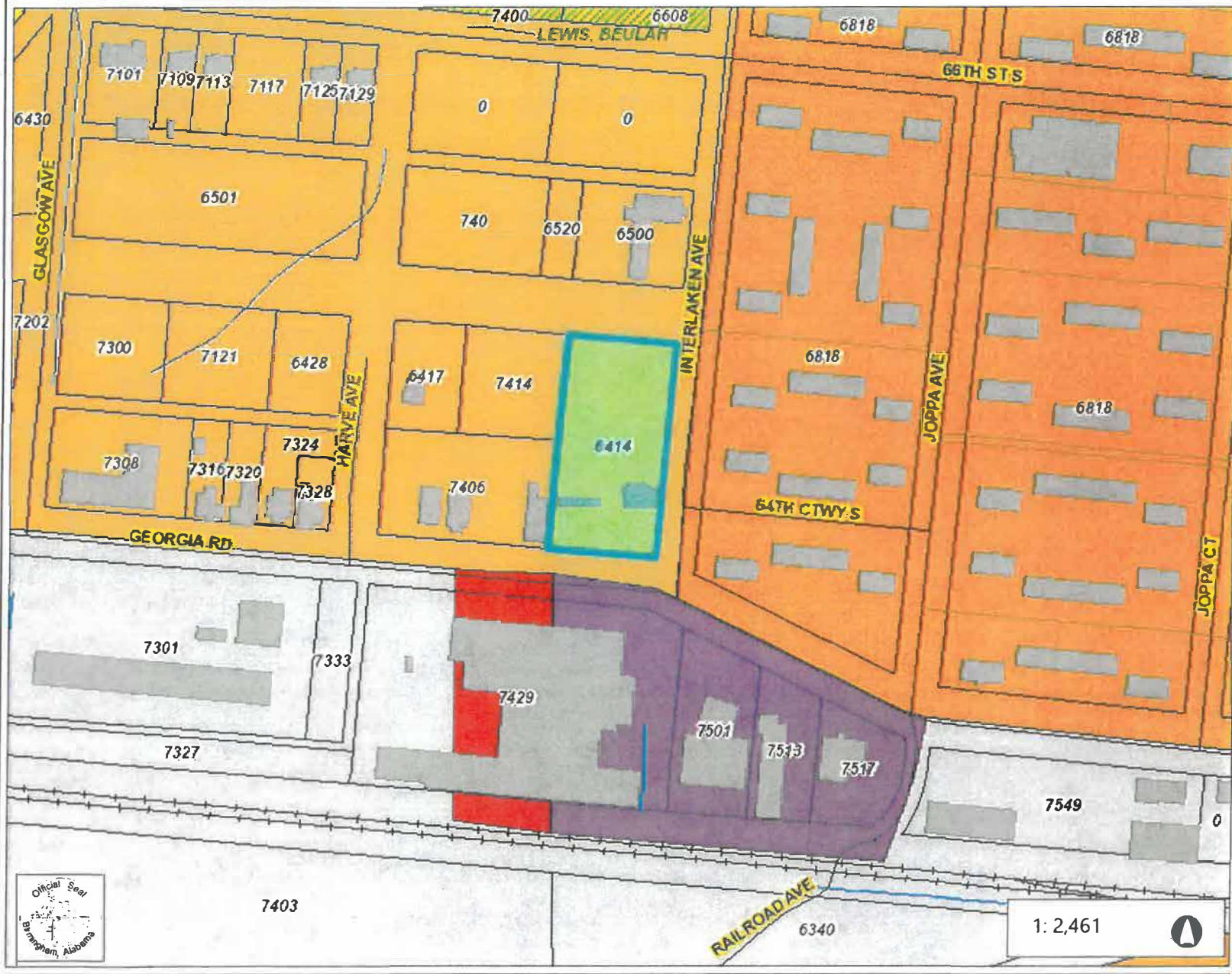
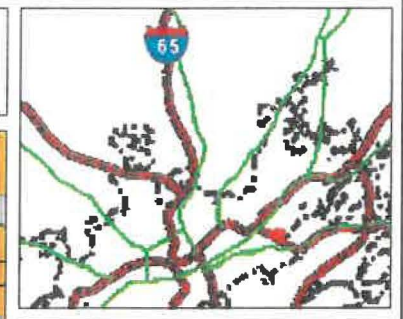
**EPA Superfund:** Not in EPA Superfund

**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 - 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

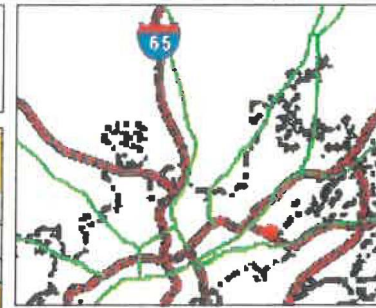
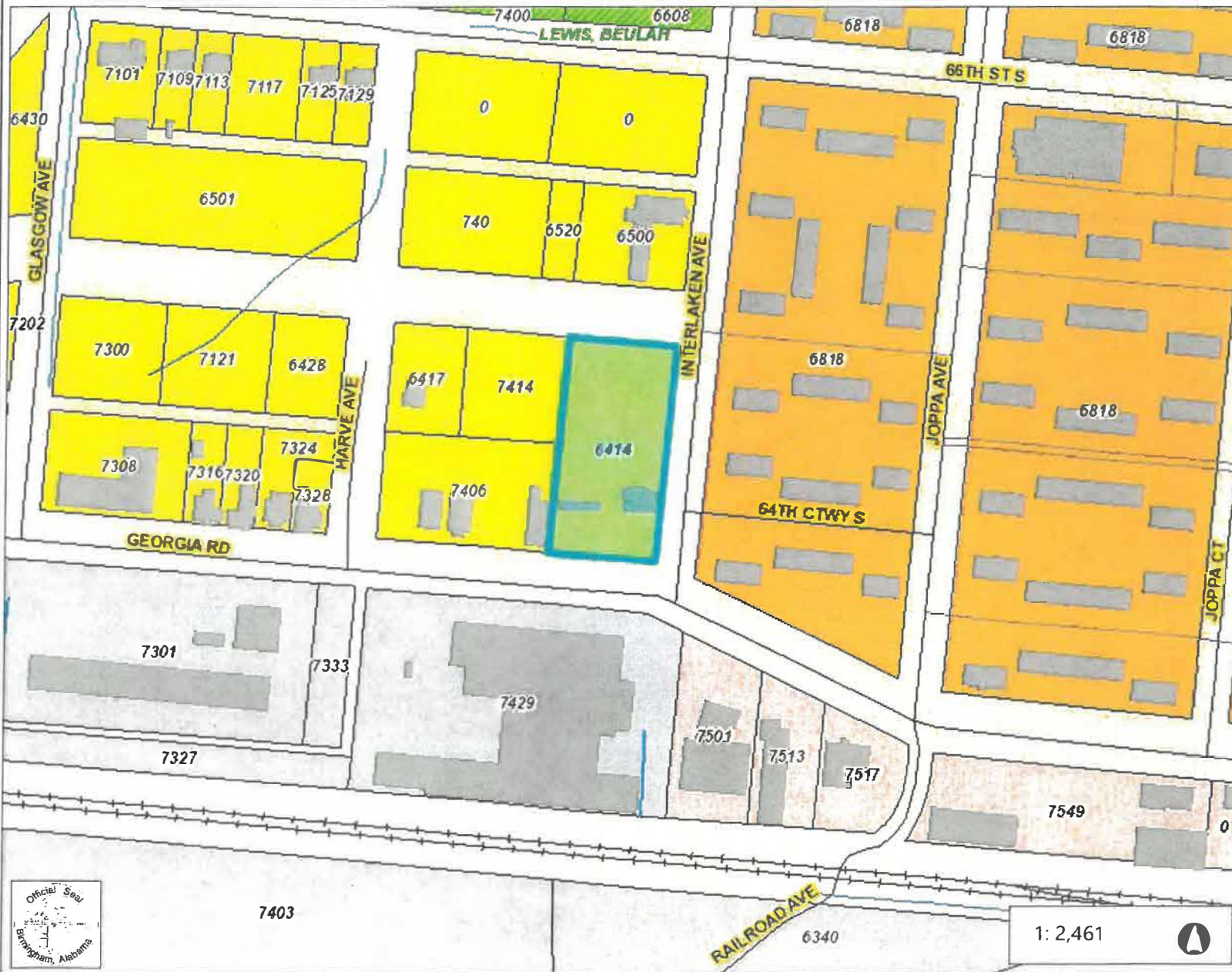


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The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only. THIS MAP IS NOT TO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

Notes





Legend

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- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
  - Residential-Low
  - Residential-Medium
  - Residential-High
  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
  - MXU-Medium
  - MXU-High



1: 2,461



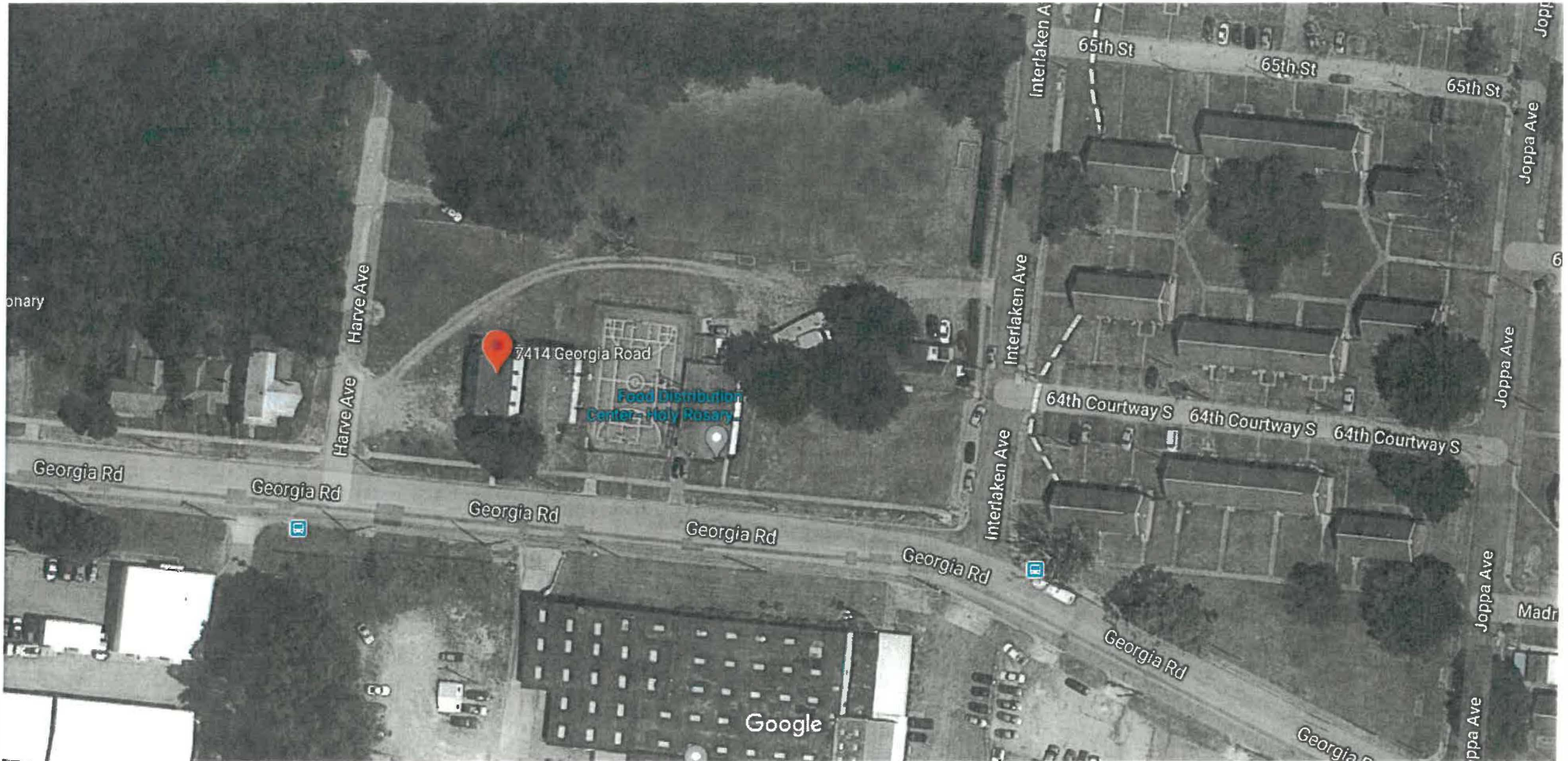
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Notes





7414 Georgia Rd  
ZBA2020-00063







7429 Georgia Rd  
ZBA2020-00063



Google



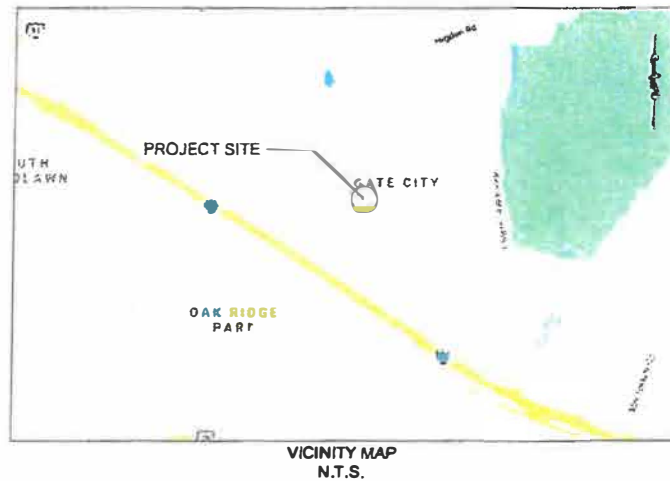
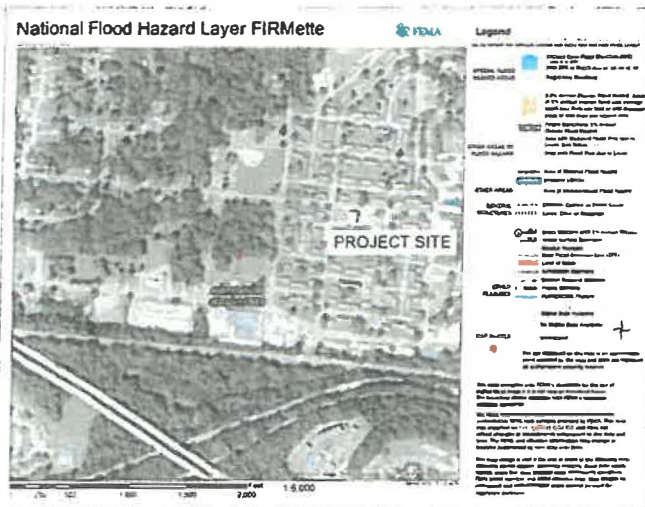
# CIVIL CONSTRUCTION DOCUMENTS

## FOR THE

# CATHOLIC DIOCESE OF GREATER BIRMINGHAM

## FOOD AND CLOTHING PANTRY

GEORGIA RD AND INTERLAKEN AVE, BIRMINGHAM, AL 35212



SHEET INDEX	NOTES
1 OF 1	BOUNDARY SURVEY
1 OF 1	PARTIAL TOPOGRAPHIC SURVEY
C0.0	PHASE 1 EROSION CONTROL & DEMOLITION PLAN
C1.0	SITE PLAN
C2.0	GRADING PLAN
C3.0	PHASE 2 EROSION CONTROL PLAN
C4.0	UTILITY PLAN
C5.0-5.1	DETAILS & SECTIONS
MISCELLANEOUS SHEETS/DETAILS PROVIDED BY OWNER	

**PROJECT CONTACTS**

**BIRMINGHAM PLANNING AND ENGINEERING DEPARTMENT**  
CONTACT: (205) 254-2211

**ALABAMA POWER COMPANY**  
CONTACT: BRANDON CARTER  
(205) 226-1709

**JEFFERSON COUNTY ENVIRONMENTAL SERVICES**  
CONTACT: JOHN CRENSHAW  
(205) 325-5231

**BIRMINGHAM WATER WORKS BOARD**  
CONTACT: CHRIS KILGO  
(205) 244-4255

**OWNER/APPLICANT**  
CATHOLIC DIOCESE OF GREATER BIRMINGHAM  
2121 3RD AVENUE NORTH #3314  
BIRMINGHAM, AL 35203  
(205) 885-8825  
CONTACT

**ENGINEERING**  
ENGINEERING DESIGN GROUP, LLC  
120 BISHOP CIRCLE, SUITE 300  
PELHAM, AL 35124  
(205) 403-0158  
CONTACT: WADE LOWERY, P.E.

**SURVEYING**  
ENGINEERING DESIGN GROUP, LLC  
120 BISHOP CIRCLE, SUITE 300  
PELHAM, AL 35124  
(205) 403-0158  
CONTACT: RODNEY CUNNINGHAM P.L.S.



GENERAL NOTES:

- 1. ALL NECESSARY PERMITS AND APPROVALS FROM AGENCIES GOVERNING THIS WORK SHALL BE SECURED PRIOR TO BEGINNING CONSTRUCTION.
2. ALL CONSTRUCTION WORK ON THESE PLANS SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS FOR THIS PROJECT AND SHALL CONFORM TO ALL CODES, ORDINANCES, RESTRICTIONS, AND STANDARDS OF ALL GOVERNING AGENCIES HAVING JURISDICTION OVER THE SITE.
3. ALL TRENCHES EXCAVATED UNDER PAVEMENT SHALL BE BACKFILLED WITH STONE.
4. CONTRACTOR SHALL COORDINATE THE INSTALLATION, ADJUSTMENT OR RELOCATION OF ALL UTILITIES WITH THE APPROPRIATE UTILITY COMPANIES AND HIS WORK.
5. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF ALL PROPERTY CORNERS AND BENCHMARKS.
6. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO LAND DISTURBING ACTIVITIES.
7. JOB SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR.
8. THE LIMITS OF DISTURBANCE SHALL INCLUDE ALL AREAS DISTURBED BY GRADING OPERATIONS.
9. IN THE EVENT THAT A CONFLICT ARISES BETWEEN THE SITE CONSTRUCTION DRAWINGS AND FIELD CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AND SHALL NOT PROCEED.
10. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY PROTECTIVE DEVICES, TRAFFIC CONTROL, AND FOR THE IMPLEMENTATION OF ALL SAFETY MEASURES INCLUDING, BUT NOT LIMITED TO, THE PROTECTION OF LIFE, PROPERTY, AND SITE IMPROVEMENTS.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SMOOTH TRANSITION BETWEEN ALL NEW CONSTRUCTION AND ALL EXISTING CONDITIONS.
12. THE SITE WORK SHALL MEET OR EXCEED THE SITE WORK SPECIFICATIONS.
13. ALL CONSTRUCTION TO MEET OSHA SAFETY GUIDELINES. SAID SAFETY PROCEDURES SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
14. DO NOT SCALE CRITICAL DIMENSIONS FROM THIS DRAWING. CONTACT ENGINEER FOR SPECIFIC CLARIFICATIONS NEEDED.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING PROPER TRAFFIC CONTROL FOR PUBLIC SAFETY IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
16. WORK WILL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE BIRMINGHAM STANDARDS AND SPECIFICATION FOR THE CONSTRUCTION OF PUBLIC WORKS PROJECT.

SITE NOTES:

- 1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS, SITE WORK SPECIFICATIONS AND SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL CODES.
2. TOPOGRAPHICAL SURVEY PROVIDED BY ENGINEERING DESIGN GROUP, LLC. IF THE CONTRACTOR IS NOT SATISFIED WITH THE PROVIDED TOPOGRAPHY OR IF THE CONTRACTOR FINDS APPRECIABLE DIFFERENCES BETWEEN ACTUAL FIELD CONDITIONS AND THE AERIAL TOPOGRAPHY HE SHALL IMMEDIATELY NOTIFY THE ENGINEER.
3. ALL DIMENSIONS AND RAISE ARE TO EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
4. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF DAMAGE TO ANY EXISTING IMPROVEMENT, CURBS OR OFFSETS, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
5. ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE OWNER/ENGINEER IMMEDIATELY.
6. ALL CONCRETE SHALL BE 3000 PSI @ 28 DAY COMPRESSIVE STRENGTH UNLESS STATED OTHERWISE.

CAUTION NOTES TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION, DEPTH AND ELEVATION OF UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS AND/OR RECORDS BY OTHERS. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY SITE DISTURBANCE OR EXCAVATION TO LOCATE EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

GRADING NOTES:

- 1. CLEARING AND GRADING LIMITS SHALL INCLUDE ALL AREAS DISTURBED BY GRADING OPERATIONS. ANY CLEARING REQUIRED FOR THIS CONSTRUCTION SHALL BE INCIDENTAL TO THE OVERALL SITE WORK.
2. GRADED OR DISTURBED AREAS THAT ARE NOT OTHERWISE PERMANENTLY STABILIZED, SHALL HAVE A MINIMUM OF 4" OF TOPSOIL IF REQUIRED BY FIELD CONDITIONS, GEOTECHNICAL/ENGINEER OR REGULATORY AGENCY. ALL GRADED OR DISTURBED AREAS SHALL BE GRASSED WITH SEED, MULCH, FERTILIZER AND WATER FOR OTHER GRASSING TECHNIQUE AS APPROPRIATE. APPLIED LIMITS A HEALTHY STAND OF GRASS IS OBTAINED.
3. GRASSES SHOWN ARE FINISHED PAVEMENT A TOP OF SOIL GRADE ELEVATIONS, REFERENCE SECTIONS & DETAILS.
4. THE CONTRACTOR SHALL CALL APPROPRIATE UTILITY REPRESENTATIVES 48 HOURS PRIOR TO EXCAVATION IN AREAS WHERE UTILITIES MAY EXIST.
5. ANY EXCESS MATERIAL AT THE END OF THE PROPOSED GRADING OPERATIONS SHALL BE PLACED ON THE SITE IN AN ACCEPTABLE LOCATION TO OWNER/ENGINEER.
6. NO SLOPES SHALL BE STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL, UNLESS OTHERWISE NOTED ON THE PLAN OR APPROVED BY THE ENGINEER.
7. THE STRUCTURAL FILL AT THE SITE TO BE COMPOSED OF SOIL AS SPECIFIED BY A GEOTECHNICAL ENGINEER. ALL SOIL MATERIALS SHALL BE PLACED ACCORDING TO THE GEOTECHNICAL ENGINEER'S SPECIFICATIONS. ALL MATERIAL TO BE UTILIZED FOR FILL SHALL BE APPROVED BY THE GEOTECHNICAL ENGINEER.
8. WHEN ALL GRADING IS COMPLETED, CONTRACTOR WILL FURNISH AT NO EXTRA COST A TRAILER DUMP TRUCK HEADED FULL WITH ALABAMA HIGHWAY DEPARTMENT TYPE B CRUSHED STONE, ADEQUATE TO BE USED TO PROOF ROLL BURDAGE, REGARDLESS OF DEGREE OF PROCTOR DENSITY. ANY SOFT AREAS OR TRENCHING WILL BE REQUIRED TO ENGINEER'S SATISFACTION. STONE USED WILL BE QUARIED ON SITE AT ENGINEER'S DIRECTION AND WILL BECOME OWNER'S PROPERTY. ALL COSTS OF PROOF ROLLING TO INCLUDE TRUCK RENTAL, STONE, CONTRACTOR'S TIME, ETC. SHALL BE INCLUDED IN BASE PRICE AND SHALL NOT BE CONSIDERED AS AN EXTRA PAY ITEM.
9. THE OWNER WILL PROVIDE GEOTECHNICAL TESTING. THE CONTRACTOR SHALL FULLY COOPERATE WITH THE MATERIALS TESTING ENGINEER RELATIVE TO SOIL COMPACTION, CLINCH AND FILLING OPERATIONS, ETC.
10. SITE PREPARATION - THE FIRST CONSTRUCTION PHASE SHOULD CONSIST OF THE REMOVAL OF ALL VEGETATION, TOPSOIL, ORGANIC MATTER, AND ANY OTHER DELETERIOUS MATERIALS THAT FALL WITHIN THE CONSTRUCTION AREA. AFTER INSPECTION HAS BEEN ESTABLISHED A PRIOR TO PLACEMENT OF ANY CONTROLLED FILL, THE EXPOSED BURDAGE SHOULD BE CAREFULLY INSPECTED BY PROBING, PROOF ROLLING AND TESTING AS NECESSARY. REMOVE ANY UNSUITABLE MATERIAL. PRIOR TO THE PLACEMENT AND COMPLETION OF ENGINEERED FILL, THE FINISH SOIL SHOULD BE CONTACTED TO A MINIMUM DENSITY OF 98% OF THE MAXIMUM STANDARD PROCTOR DENSITY VALUE, AS TESTED FOR A MINIMUM DEPTH OF 1 FOOT IN THE SUBGRADE AND PAVEMENT AREAS. REFERENCE SITE WORK SPECIFICATIONS & GEOTECHNICAL REPORT.
11. BLASTING (IF REQUIRED) - CONTRACTOR SHALL COMPLY WITH ALL LAWS, RULES AND REGULATIONS OF ALL GOVERNING AUTHORITIES REGARDING THE USE AND STORAGE OF EXPLOSIVES. THE CONTRACTOR SHALL WEAR SAFETY AND HOLD HAZARDOUS ORDER, ARCHITECT, ENGINEER, OWNER'S REPRESENTATIVE AND THEIR AGENTS AND EMPLOYEES FROM ANY CLAIM ARISING OUT OF THE USE OF SUCH EXPLOSIVES. CARE SHOULD BE TAKEN TO PREVENT DAMAGE TO SURROUNDING PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PERFORMING A PRE-BLAST SURVEY OF THE SURROUNDING PROPERTIES AND MONITORING DURING BLASTING ACTIVITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING MEANS AND METHOD FOR ACHIEVING DESIRED RESULTS OF BLASTING ACTIVITIES. REFERENCE GEOTECHNICAL REPORT.
12. CONTRACTOR IS TO COOPERATE WITH THE GEOTECHNICAL ENGINEER AND THEIR ON-SITE TESTING AGENT THROUGHOUT CONSTRUCTION TO ADDRESS EARTHWORK ISSUES AND FOR GEOTECHNICAL DIRECTION.

STORM DRAINAGE NOTES:

- 1. STORM PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP), CONFORMING TO ASTM C-76. 8 OR C SHALL, CLASS B (UNLESS OTHERWISE NOTED IN THE PLANS). JOINTS SHALL BE TORQUE AND GROOVE OR BELL AND GROOVE, WHICH MUST BE REINFORCED WITH RUBBER GASKETS CONFORMING TO ASTM AND OR FLEXIBLE GASKETS CONFORMING TO AASHTO M 118.
2. BOX CULVERTS SHALL BE PRECAST PER AASHTO STANDARDS OR CAST IN PLACE IF APPROVED BY ENGINEER. JOINTS SHALL BE TORQUE AND GROOVE AND REINFORCED WITH RUBBER GASKETS.
3. ALL PIPE EXTERIOR STORM DRAIN STRUCTURES SHALL BE GROUDED TO ASSURE THE CONNECTION AT THE STRUCTURE IS WATER TIGHT.
4. ALL STORM DRAIN MANHOLES SHALL BE PRECAST AND MEET THE SPECIFICATION OF ASTM C71.
5. ALL STORM DRAIN MANHOLES IN PAVED AREAS SHALL BE FURNISH WITH THE PAVEMENT AND SHALL HAVE TRAFFIC BEARING LIDS.
6. ALL STORM DRAIN MANHOLE LIDS SHALL BE LABELED "STORM DRAIN".
7. ALL STORM DRAINAGE PIPE AND STRUCTURES SHALL BE CLEANED OF B.L.T., TRASH AND DEBRIS PRIOR TO DEMOBILIZATION FROM SITE.
8. CONTRACTOR IS TO BEGIN STORM DRAINAGE CONSTRUCTION FROM THE MOST DOWN STREAM POINT OF THE SYSTEM.
9. ALL HEADWALLS SHALL BE PER AASHTO STANDARD HIGHWAY DESIGN OR PRECAST BY FABRICATION OR APPROVED ALTERNATE.
10. INLETS ON 4" OR LARGER PIPE SHALL HAVE CONCRETE RISERS.
11. STORM DRAIN CROSSINGS UNDER STREETS TO BE BUILT STONE BACKFILL WITH 1/2" CLEAR HEADS TO INLETS.
12. ALL STORM PIPE INSTALLED WITH LESS THAN 3 FT. OF COVER SHALL BE BACK FILLED WITH STONE.
13. ALL STORM MANHOLES IN GRAZED AREAS SHALL BE FURNISH WITH FINISHED GRADE.
14. ALL DRAINAGE STRUCTURES MAY BE PRE-CAST OR APPROVED ALTERNATE, IF APPROVED BY ENGINEER.
15. PIPE LENGTHS AND SLOPES ARE APPROXIMATE. PIPE LENGTH ARE HORIZONTAL PROJECTIONS AND ARE MEASURED FROM THE CENTER OF THE STRUCTURE.

EROSION AND SEDIMENT CONTROL NOTES:

- 1. THE SITE CONTRACTOR IS RESPONSIBLE FOR ESTABLISHING AND MAINTAINING SUITABLE EROSION AND SEDIMENT CONTROL DEVICES ON SITE DURING CONSTRUCTION AS REQUIRED TO PREVENT SILT FROM LEAVING THE SITE. SILT WILL NOT BE ALLOWED BEYOND CONSTRUCTION LIMITS.
2. THE CONTRACTOR SHALL PREVENT THE ESCAPE OF SEDIMENT FROM THE SITE BY INSTALLING EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.
3. EROSION CONTROL MEASURES SHALL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLANS DO NOT PROVIDE SUFFICIENT EROSION AND SEDIMENT CONTROL, ADDITIONAL CONTROL MEASURES SHALL BE IMPLEMENTED. CONTRACTOR IS RESPONSIBLE FOR REPAIRING OR REPLACING EROSION CONTROL DEVICES WHICH BECOME INEFFECTIVE.
4. ALL EROSION CONTROL MEASURES SHALL MEET THE GUIDELINES SET FORTH IN THE CITY AND LOCAL EROSION CONTROL GUIDELINES AS A MINIMUM.
5. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR ALL GRADING AND OTHER LAND DISTURBING ACTIVITIES.
6. THE CONTRACTOR IS RESPONSIBLE FOR THE CLEANUP AND REMOVAL OF ANY BUILDUP OF SEDIMENT WHICH ESCAPES FROM THE SITE.
7. THE CONTRACTOR IS RESPONSIBLE FOR REDMOUND SILT FROM THE SITE (IF NOT RELIABLE ON SITE) AND FOR CORRECTING HORIZONTAL AND VERTICAL ALIGNMENT OF SLOPES & DITCHES, IF NECESSARY AT THE COMPLETION OF CONSTRUCTION.
8. CONTRACTOR IS RESPONSIBLE FOR CLEANING SILT AND DEBRIS OUT OF ALL STORM DRAINAGE STRUCTURES UPON THE COMPLETION OF CONSTRUCTION.
9. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL TEMPORARY EROSION CONTROL MEASURES AFTER CONSTRUCTION IS COMPLETE AND ALL DISTURBED AREAS HAVE BEEN STABILIZED.
10. A COPY OF THE SPDES PERMIT SHALL BE PRESENT ON THE SITE WHENEVER LAND DISTURBANCE ACTIVITY IS IN PROGRESS.
11. PRIOR TO COMMENCING LAND DISTURBANCE ACTIVITY, THE LIMITS OF DISTURBANCE SHALL BE CLEARLY AND ACCURATELY DEMARCATED WITH STAKES, RIBBONS OR OTHER APPROPRIATE MEANS. THE LOCATION AND EXTENT OF ALL AUTHORIZED LAND DISTURBANCE ACTIVITY SHALL BE DEMARCATED FOR THE DURATION OF THE CONSTRUCTION. NO LAND DISTURBANCE SHALL OCCUR OUTSIDE THE APPROVED LIMITS INDICATED ON THE APPROVED PLANS.
12. FAILURE TO INSTALL, OPERATE OR MAINTAIN ALL EROSION CONTROL MEASURES MAY RESULT IN CONSTRUCTION DELAYS DUE TO REGULATORY INTERVENTION.
13. ALL EROSION AND SEDIMENTATION CONTROL DEVICES SHALL CONFORM TO THE LATEST EROSION AND SEDIMENTATION CONTROL GUIDANCE PUBLISHED BY AEA.
14. EROSION CONTROL MEASURES TO BE PLACED AT DOWNSTREAM TIE OF ALL CUT AND FILL SLOPES. MEASURES SHALL BE INSTALLED ON CONTOUR TO THE EXTENT THAT IS PRACTICAL.
15. SOME ADDITIONAL EROSION CONTROL DEVICES MAY BE REQUIRED BY THE PROJECT ENGINEER AND/OR THE LOCAL INSPECTOR.
16. SILT FENCES SHALL BE LOCATED ON SITE TO PREVENT SEDIMENT AND EROSION FROM LEAVING THE PROJECT LIMITS.
17. OTHER THAN LAND CLEARING ACTIVITIES REQUIRED TO INSTALL THE APPROPRIATE BMP FEATURES, ANY DOWNHOLE EROSION AND SEDIMENT CONTROL MEASURES, CHUTE, STREAM CHANNEL, PROTECTION AND LPILE OVER EXPOSURE OF DRAINAGE REQUIRED BY THE BMP PLAN SHALL BE IN PLACE AND FUNCTIONAL BEFORE ANY CLEARING OR EARTHWORK OPERATIONS BEGIN. THESE MEASURES SHALL BE CONSTRUCTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. TEMPORARY MEASURES MAY BE REMOVED AT THE BEGINNING OF THE WORKDAY BUT SHALL BE REPLACED AT THE END OF THE WORKDAY.
18. CONTRACTOR TO PROVIDE TEMPORARY GROUND COVER FOR ALL AREAS WITH EXPOSED SOIL WHICH WILL NOT BE DISTURBED BY GRADING OPERATIONS FOR A PERIOD OF 15 DAYS OR MORE.
19. ADEQUATE PROTECTIVE MEASURES SHALL BE PROVIDED FOR THE CONTAINMENT OF HAZARDOUS SUBSTANCES AND ANY OTHER MATERIALS WHICH MAY POLLUTE. THESE MAY INCLUDE, BUT ARE NOT LIMITED TO, PETROLEUM PRODUCTS, LUBRICANTS AND PAINTS. MATERIALS SHALL BE STORED IN ACCORDANCE WITH SPCC REGULATIONS. THESE SUBSTANCES SHALL BE STORED AWAY FROM ALL STORM DRAINS, DITCHES AND OUTLETS IN WATER TIGHT CONTAINERS. DISPOSAL OF THESE MATERIALS SHALL BE IN ACCORDANCE WITH ADEM REGULATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRASH CONTAINERS ON-SITE FOR DISPOSAL OF CONSTRUCTION MATERIALS. CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING SITE TRASH FROM ENTERING THE STORM DRAINAGE SYSTEM.
20. ALL CONTROL MEASURES SHALL BE CHECKED AND REPAIRED AS NECESSARY MONTHLY IN DRY PERIODS AND WITHIN TWENTY FOUR (24) HOURS AFTER ANY 0.75 INCH RAINFALL. DURING PROLONGED RAINFALLS, DAILY INSPECTIONS AND, IF NECESSARY, REPAIRS SHALL BE PERFORMED. THE PERMITTEE SHALL MAINTAIN WRITTEN RECORDS OF SUCH CHECKS AND REPAIRS. THESE RECORDS SHALL BE SUBJECT TO THE INSPECTION OF THE STORM WATER MANAGEMENT AUTHORITY AT ANY REASONABLE TIME.
21. THE OWNER SHALL OBTAIN ALL NECESSARY LAND DISTURBANCE PERMITS FOR THIS PROJECT AND PROVIDE REQUIRED MONITORING AND TESTING. CONTRACTOR SHALL COOPERATE FULLY WITH OWNER'S CONSULTANT TO INSURE ALL REQUIREMENTS OF THE SPDES PERMIT ARE MET.
22. SLOPE STABILIZATION MAT SHALL BE USED AS DIRECTED BY THE EROSION CONTROL PLANS, GEOTECHNICAL ENGINEER OR BY REGULATORY AGENCY ON SLOPES 2:1 OR STEEPER. PLACE NORTH AMERICAN GREEN CLOVER, OR APPROVED EQUAL ON ALL SLOPES STEEPER THAN 3:1 AND NORTH AMERICAN GREEN 8:16 OR APPROVED EQUAL ON 3:1 SLOPES. AS AN ALTERNATIVE TO STABILIZATION MAT, THE CONTRACTOR MAY SUBMIT A PID FOR PROPER ALTERNATIVE HYDROMULCH.
23. THE CONTRACTOR SHALL KEEP A LOG OF QUANTITY OF ALL SEDIMENT MATERIALS THAT ARE REMOVED FROM THE PROJECT EROSION AND SEDIMENT CONTROL DEVICES.

NOT FOR CONSTRUCTION

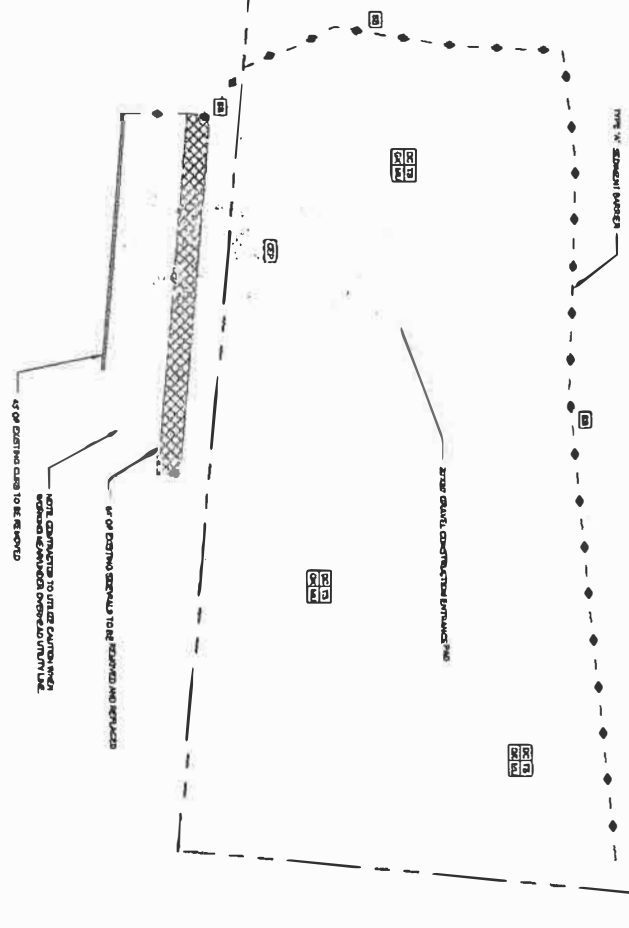
Table with columns: DATE, TIME, BY, CHECKED BY, PROJECT NO., CDD FILE, DRAWING NO., DATE. Includes date AUGUST 28, 2018.

DIocese of Birmingham Food Pantry, Birmingham, Alabama. GENERAL NOTES SECTIONS.

120 BISHOP CIRCLE, SUITE 300, PELHAM, AL 35124. TEL - (205) 403-9158, FAX - (205) 403-8175.



NS



NOTE: CONTRACTOR TO VERIFY EXISTING UTILITY LINES AND REMOVE ANY UNNECESSARY UTILITY LINES.

4\"/>

4\"/>



EROSION CONTROL MEASURES	
Subsidiary Erosion Control	1:1
Temporary Erosion Control	2:1
Final Erosion Control	3:1
Final Erosion Control	4:1
Final Erosion Control	5:1
Final Erosion Control	6:1
Final Erosion Control	7:1
Final Erosion Control	8:1
Final Erosion Control	9:1
Final Erosion Control	10:1

C00



120 BISHOP CIRCLE, SUITE 300  
 PELHAM, AL 35124  
 TEL - (205) 403-9158  
 FAX - (205) 403-9175

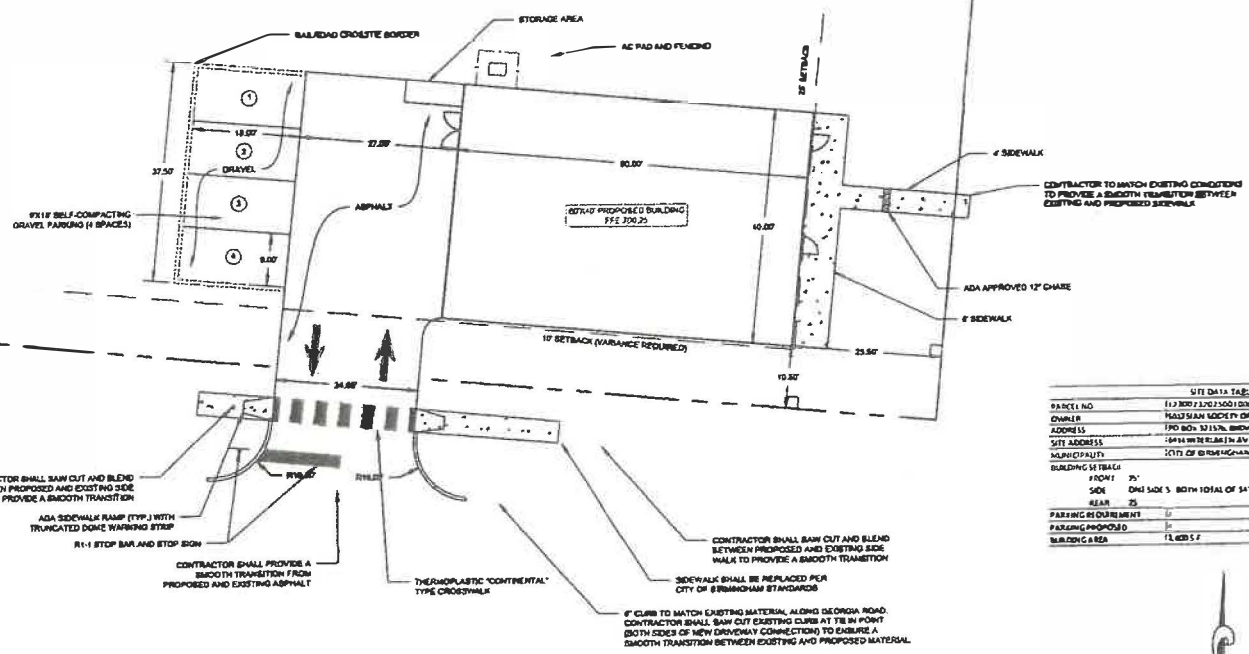
PROJECT: DIOCESE OF BIRMINGHAM FOOD PANTRY  
 BIRMINGHAM, ALABAMA  
 TITLE: PHASE 1 EROSION CONTROL & DEMOLITION PLAN

DESIGNED BY: CLO  
 CHECKED BY: WHE  
 PROJECT NO.: DIOCESE  
 CAD FILE: DRAWING.DWG  
 DATE: AUGUST 28 2020

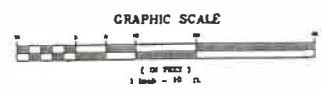
DATE	DESCRIPTION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION



SITE DATA TABLE	
PARCEL NO.	112 3072 270 25001 0300
OWNER	MALYSIAN SOCIETY OF ALABAMA LLC
ADDRESS	1701 80th 32 15th, BIRMINGHAM, ALABAMA 35212 1526
SITE ADDRESS	3618 WINTERBURN AVENUE, BIRMINGHAM, ALABAMA 35217
LOCALITY	CITY OF BIRMINGHAM
BUILDING SETBACK	
FROM: PS	
SIDE	DRIVE SIDE 5' BOTH TOTAL OF 10'
REAR	15'
PARKING REQUIREMENT	10
PARKING PROVIDED	10
LOADING AREA	12, 400 S.F.



PROJECT	DIocese of Birmingham Food Pantry
LOCATION	BIRMINGHAM, ALABAMA
DATE	AUGUST 29, 2010
DESIGNED BY	CLD
DRAWN BY	WHL
CHECKED BY	BRCCB
DATE	AUGUST 29, 2010

**SITE PLAN**

120 BISHOP CIRCLE, SUITE 300  
 PELHAM, AL 35124  
 TEL - (205) 403-9158  
 FAX - (205) 403-9175

**EDG**  
 ENGINEERING DESIGN GROUP, LLC  
 1000 15th Avenue North, Suite 1000  
 Birmingham, AL 35203  
 TEL: (205) 988-1100  
 FAX: (205) 988-1101

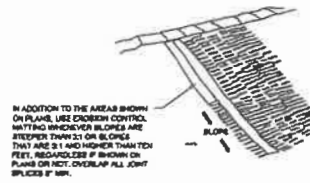
PROJECT NO. **C1.0**











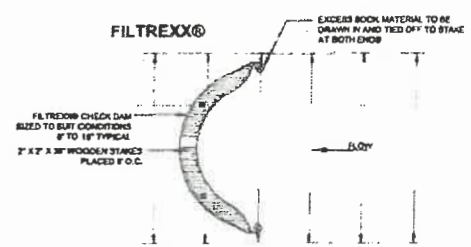
NOTE:  
1. ALL MATTING MATERIAL MUST BE ON THE ALABAMA DEPARTMENT OF TRANSPORTATION QUALIFIED PRODUCTS LIST  
2. INSTALL PER MANUFACTURER SPECIFICATIONS

DESIGN BASIS  
NORTH AMERICAN GREEN #130 OR NORTH AMERICAN GREEN HYDRACOG OR APPROVED ALTERNATE.

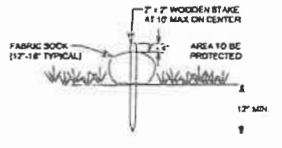
DEFINITION  
A PROTECTIVE SOIL STABILIZATION COVERING OR TINTING OR HYPOXERISED WITH TACRIFOLY USED TO ESTABLISH VEGETATION ON STEEP SLOPES, CHANNELS, OR SHOULDRS. IT ALSO REINFORCES TURTLE TO RESIST FORCES OF EROSION DURING STORM EVENTS.

PHYSICAL PROPERTIES  
THICKNESS 2.8 INCH  
WEIGHT 2.8 PPF  
ROLL WIDTH 28 FEET  
TENSILE STRENGTH 11 LB/INCH  
LENGTH WITH ELONGATION 26 LB/INCH  
LENGTH (8' TYPICAL) 26 LB/INCH

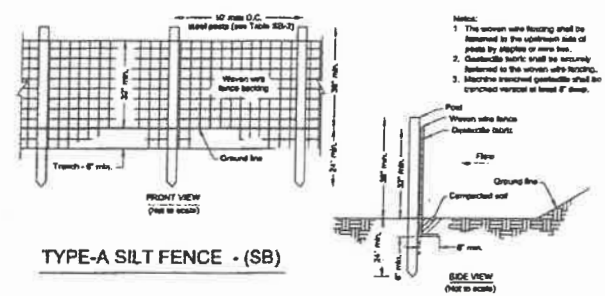
**EROSION CONTROL BLANKET - (ECB)**



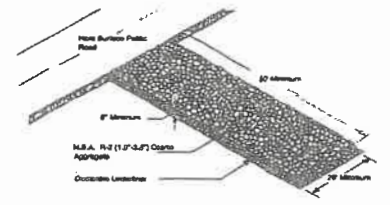
NOTES:  
1. ALL MATERIAL TO MEET FILTREXX® SPECIFICATIONS.  
2. CHECK DAM SHOULD BE USED IN AREAS THAT DRAIN 10 ACRES OR LESS.  
3. SEDIMENT SHOULD BE REMOVED FROM BEHIND CHECK DAM ONCE THE ACCUMULATED HEIGHT HAS REACHED 1/2 THE HEIGHT OF THE CHECK DAM.  
4. CHECK DAM CAN BE DIRECT BUILT AT THE TIME OF INSTALLATION.  
5. CONTRACTOR IS REQUIRED TO BE A FILTREXX CERTIFIED INSTALLER.



**WATTLE CHECK DAM (CD)**



**TYPE-A SILT FENCE - (SB)**



**CONSTRUCTION EXIT PAD - (CEP)**

Species	Seeding Rate/Ac PLO'	Seeding Dates		
		North	Central	South
Barngrass, Pensacola	40 lbs	Mar 1-July 1	Mar 1-July 1	Feb 1-Nov 1
Bermudagrass, Common	10 lbs	Apr 1-July 1	Mar 15-July 15	Mar 1-July 15
Barngrass, Pensacola	30 lbs 5 lbs	Mar 1-July 1	Mar 1-July 1	Mar 1-July 15
Bermudagrass, Common				
Bermudagrass, Hybrid (Lawn Type)	5000 Sod	Anytime	Anytime	Anytime
Bermudagrass Hybrid (Lawn Type)	5000 1/4 sq ft	Mar 1-Aug 1	Mar 1-Aug 1	Feb 15-Sep 1
Fescue Tall	40-50 lbs	Sep 1-Nov 1	Sep 1-Nov 1	
Seneca	40-60 lbs	Mar 15-July 15	Mar 1-July 15	Feb 15-July 15
Seneca & Common	40 lbs 10 lbs	Mar 15-July 15	Mar 1-July 15	Feb 15-July 15
Stachys	4 lbs	Apr 1-Jun 15	Mar 15-Jun 15	Mar 15-Jun 15
Stachys, Alamo	4 lbs	Apr 1-Jun 15	Mar 15-Jun 15	Mar 15-Jun 15

Figure FS-1 Geographical Areas for Species Adaptation



Note: Site evaluation related to soil and aspect in counties adjacent or close to county boundaries may justify adjustments in planting dates by qualified design professionals.

Table MU-1 Mulching Materials and Application Rates

Material	Rates Per Acre and (Per 1000 ft <sup>2</sup> )	Notes
Straw (with Seed)	1 1/2 - 2 tons (70 lbs - 90 lbs)	Spread by hand or machine anchor when subject to blowing
Straw Alone (no seed)	2 1/2 - 3 tons (115 lbs - 100 lbs)	Spread by hand or machine anchor when subject to blowing
Wood Chips	3-6 tons (275 lbs - 270 lbs)	Treat with 12 lbs nitrogen
Shrub	35 cubic yards (10.8 cubic yd)	Can apply with mulch blower
Pine Straw	1.2 tons - 43 lbs - 90 lbs	Spread by hand or machine will not blow like straw
Peanut Hulls	10-20 tons - 450 lbs - 900 lbs	Will wash off slopes Treat with 12 lbs nitrogen

NOT FOR CONSTRUCTION

DESIGNED BY	C.O.
CHECKED BY	W.H.
PROJECT NO.	1000001
DRAWN BY	W.H.
DATE	AUGUST 18, 2020

DIocese of Birmingham Food Pantry  
BIRMINGHAM, ALABAMA

120 BISHOP CIRCLE, SUITE 300  
PELHAM, AL 35124  
TEL - (205) 403-9158  
FAX - (205) 403-8175



C5.0





Meeting – November 12, 2020  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

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Neighborhood: Roebuck

Staff Planner Moton

ZBA2020-00064

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

**Applicant:** Nicole Taylor  
**Owner:** Nicole Taylor  
**Site Address:** 517 Marshall Ave  
**Zip Code:** 35215  
**Description:** Special Exception to allow a manufactured home pursuant to Title 1, Chapter 4, Article III Section 3.B and variance to allow a roof pitch of 3-foot rise to a 12-foot run instead of the required 4 foot rise to a 12 foot run pursuant to Title 1, Chapter 4, Article III Section 3.B.11 page 124

**Property Zoned:** D-2 Single Family District  
**Parcel Information:** Parcel #: 012900193024007000, SW of Section 19, Township 18 S, Range 3 W

**Special Exception:** Special Exception to allow a manufactured home.

**Variance:** Variance to allow a roof pitch of 3-foot rise to a 12-foot run instead of the required 4-foot rise to a 12-foot run.

**Neighborhood Meeting:**

The Roebuck Neighborhood Association has been notified and waiting on a response.

**Public Notices:**

Public notices were mailed on October 23, 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.

**Staff Analysis:**

The subject property located at 517 Marshall Ave is zoned D-2, Single Family District. A special exception is required if the applicant meets the following conditions:

1. Application for a manufactured home must include a site development plan to be reviewed and approved by the Department. The site plan must depict yard setbacks, parking areas, driveways, porches, patios, landings, decks, garages, roofs, mechanical units, gas tanks, and any other accessory structures.
2. Manufactured homes may only be placed upon a legal lot of record.
3. Before any Certificate of Occupancy and utility connections are approved all manufactured homes must have the following: a. Federal Manufactured Home Construction and Safety Standards label. b. HUD label of approval and manufactured date not older than June 15, 1976. c. Alabama Manufactured Housing Commission insignia and date plate.
4. The installer must be state certified by the Alabama Manufactured Housing Commission and install their installation decal. The installer must have a City foundation permit and install a

permanent perimeter foundation. The installation must conform to the manufacturer's installation manual recommendations.

5. A City Building Inspector must confirm the foundation, porches and exterior steps, and any accessory structures meet Building Code requirements. These requirements include code compliant footings providing a perimeter foundation of concrete, concrete block, or brick 124 extending all around the building with adequate venting and access. The foundation must be flush with the structure's exterior material. The foundation must provide at least an 18 inch crawl space or a finished floor elevation equal to the elevation of surrounding housing, (should they exist) whichever is higher. Permanent code compliant steps must be provided at all exits or approved porches.

6. Verification from the Director that all Board approved Special Exception design requirements for this site is compliant prior to issuance of a Certificate of Occupancy.

7. All hitches and tow bars, axles, and wheels must be removed upon installation. Foundation shall be brick or concrete. Concrete or concrete block skirting walls shall be painted.

8. Minimum Size and Width Generally speaking, the minimum size of a manufactured home should be 1,200 square feet, with a minimum width of 24 feet. The Board recognizes that in certain instances smaller units may be desirable; however, these should be the exception, rather than the rule.

9. Front Doors. The main entry door should face the required front yard and the primary street on which the unit is located. When more than one front yard exists, the entry should face the yard with the narrowest dimension.

10. Walkways A paved concrete walkway at least 30 inches in width, minimum 3.5 inches thick, flush with ground, and connecting the front entry way or porch to the driveway or fronting street should be reflected in the plan and built.

11. Roof and Overhang The roof pitch should have at least a 4-foot rise to a 12-foot run, and a roof overhang of 7 to 12 inches (not including rain gutters), to ensure compatibility with surrounding residences. The roof should have fiberglass or asphalt composite shingles or comparable materials; roll roofing is not permitted.

12. Exterior Finish Siding should be made of lapped hardboard, lapped fiber cement board, lumber clapboard; cedar shingles; fiberglass or asphalt composite siding shingles; brick; vinyl lap siding; or aluminum lap siding; rolled or solid sheet siding is not permitted. The siding color's gloss must be in a flat or satin finish, therefore not highly reflective gloss.

13. Garages, Carports and other Additions If the site plan proposes additions to the manufactured house, its roof should have the same roof pitch, material, and color as the main structure. In addition the same exterior material and color should be used as the main structure. If site built, the addition must meet all building codes.

14. Soil Stabilization All yards shall have a grass ground cover to stabilize the soil after installation of the manufactured home is completed, compliance with the Soil Erosion and Sediment Control Code.

15. Other Utility meters must be placed on the side or rear wall of the building and shall not face the street.

16. All propane and other fuel tanks must be code compliant, placed on a concrete pad and located underground or in the rear yard.

17. HVAC and other mechanical units must not be in the front yard.

18. Front Porch A covered, but unenclosed front porch with the same roof pitch as the structure, is desirable. The porch roof should be of the same materials and color as the main roof of the structure. The size of the porch may not be less than 30 square feet. If site built, it must be self-supporting and meet all building codes. The porch's design should match that of conventional site built houses in the neighborhood. The color of all supports and railings on the porch and steps shall match the main structure's trim or be primed and painted to match.

The applicant is not able to meet requirement 11; therefore, is requesting the variance to allow a roof pitch of 3-foot rise to a 12-foot run instead of the required 4-foot rise to a 12-foot run. There

is a lot line running through the property. The applicant will have to resurvey the lots into one lot.

The applicant does meet the requirement of all six variance standards; physical characteristics, unique characteristics, hardship not self-imposed, financial gain not only basis, and no injury to neighboring property and no harm to public welfare.

**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. Applicant must obtain a certificate of occupancy with the approval of this variance within 3 years from the date of approval.



Nicole Taylor

517 Marshall Ave

Birmingham, AL 35215

1. **Physical Characteristics of the Property – I accepted what the company had to offer**
2. **Unique Characteristics – I accepted what the company had to offer**
3. **Hardship Not Self-Imposed – There will be no hardship applied**
4. **Financial Gain Not Only Basis – There is no financial gain for me**
5. **No Injury to Neighboring Property – No injury or damage to my neighbor properties**
6. **No Harm to Public Welfare – No harm to the public welfare**

**PARCEL ID:** 011300353004004000

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

**DATE:** Thursday, October 22, 2020 4:26:25 PM

**OWNER:** TAYLOR POMPEY JR & NICOLE

**ADDRESS:** 517 MARSHALL AVE

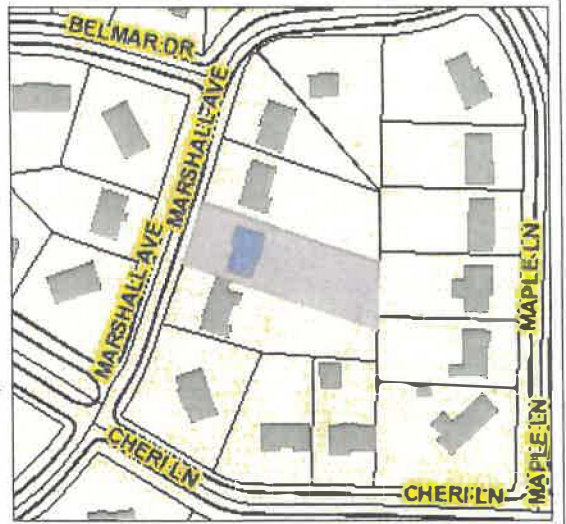
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35215--7921

**SITE ADDR:** 517 MARSHALL AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35215



**LAND:** \$17,000.00

**BLDG:** \$65,900.00

**OTHER:** \$0.00

**AREA:** 17,183.00

**ACRES:** 0.39

**SUBDIVISION INFORMATION:**

**NAME** BELMAR EST 13-35-3

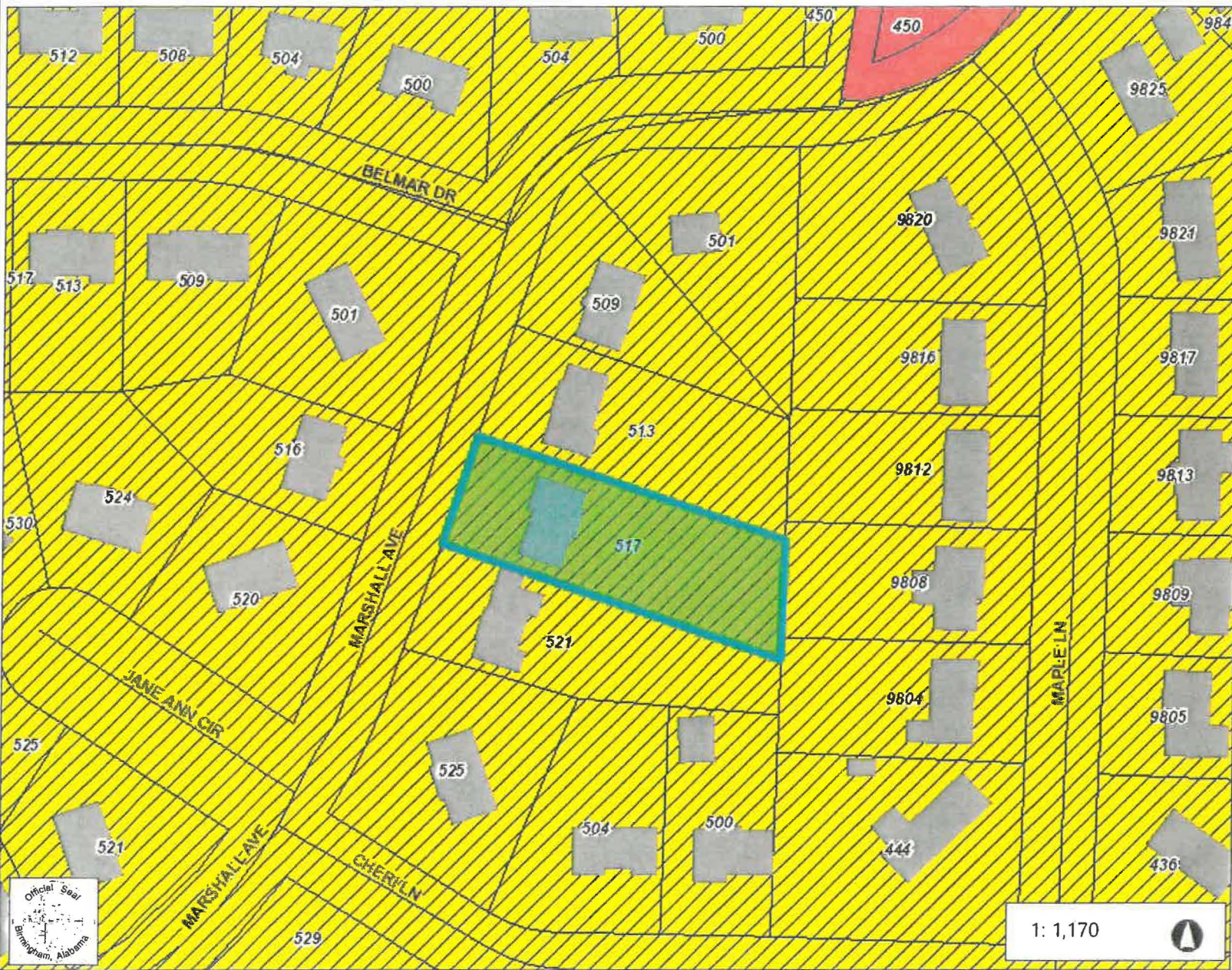
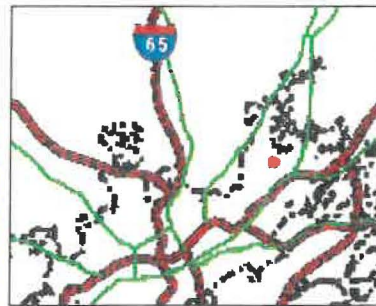
**BLOCK:** 4

**LOT:** 5

**Section:** 35-16-2W  
**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:** Roebuck (1501)  
**Communities:** Roebuck-South East Lake (15)  
**Council Districts:** District - 4 (Councilor: William Parker)  
**Zoning Outline:** D2  
**Demolition Quadrants:** DEM Quadrant - 4  
**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.



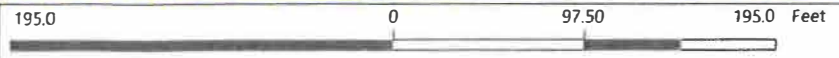


**Legend**

- Centerline Labels
- Railroad
- Alleys
- 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 - Cle
  - R2; D2 - Single Family District - Cle
  - R3; D3 - Single Family District; R3
  - R4; D4 - Two Family District; R4
  - R4A - Multiple Dwelling District
  - R5; D5 - Multiple Family District; D5
  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District



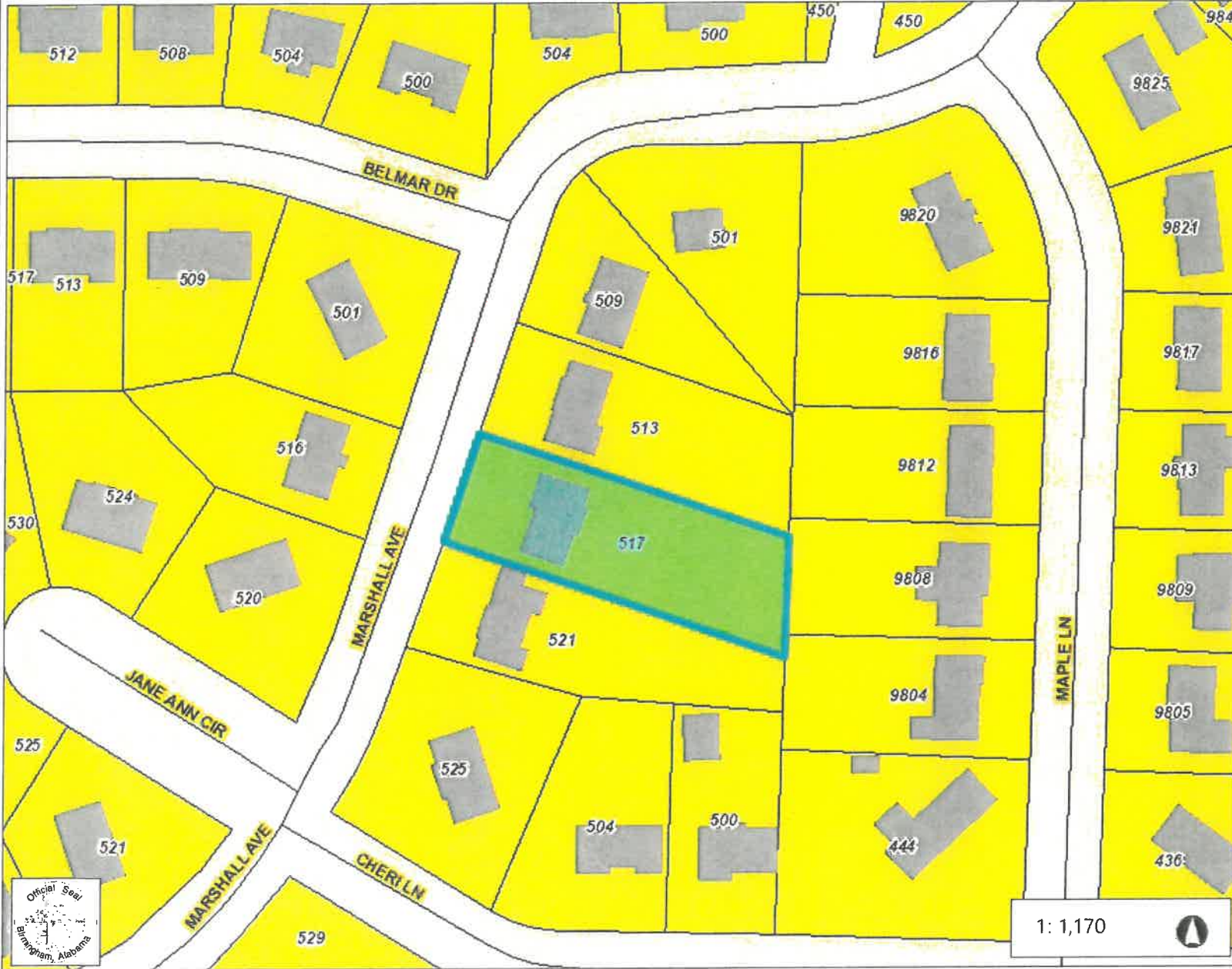
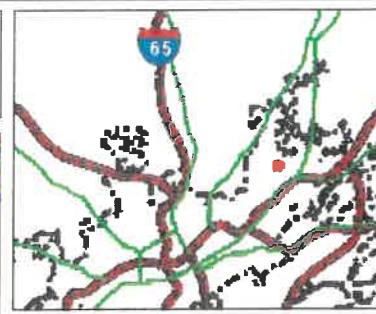
1: 1,170



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



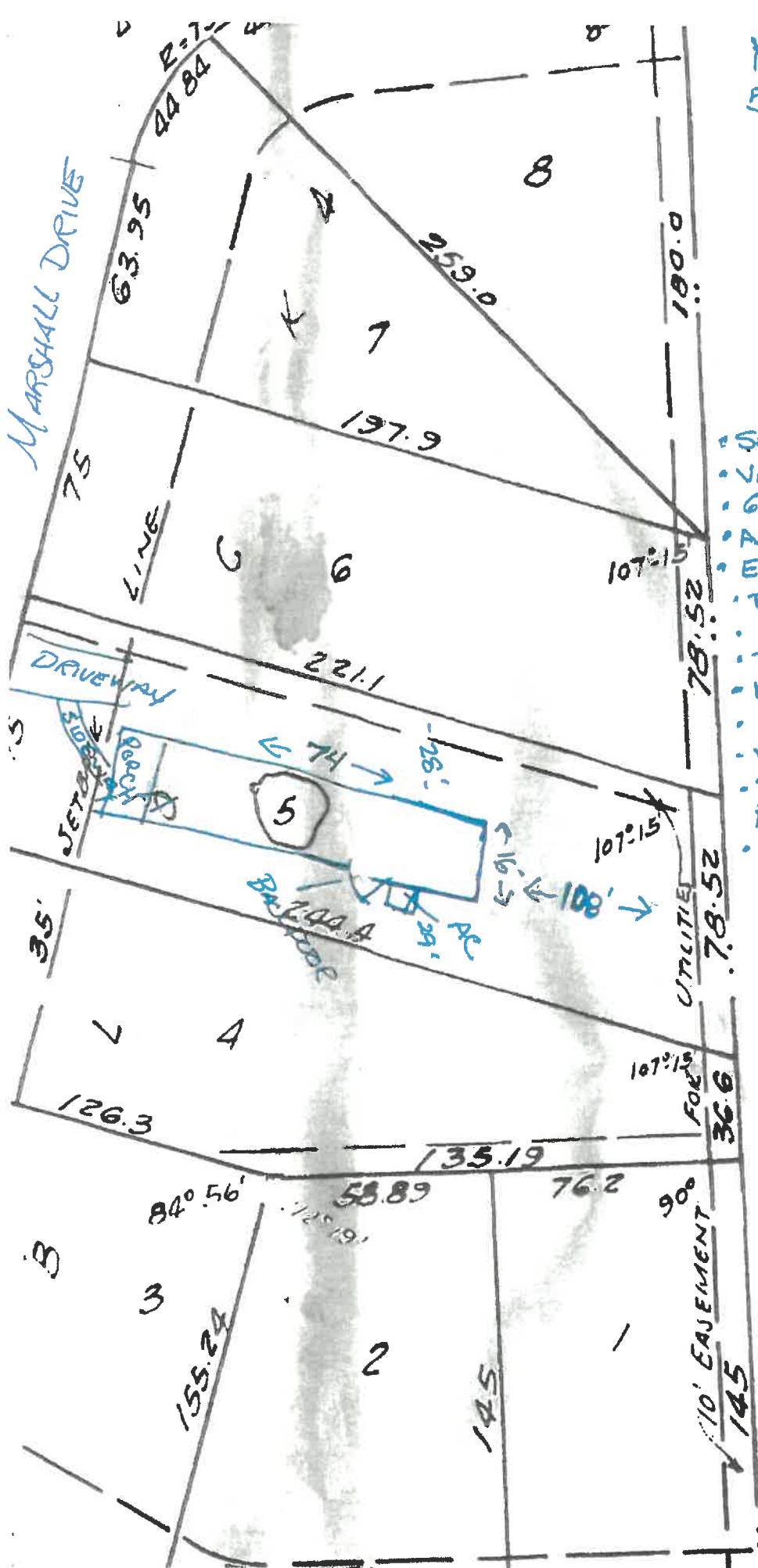
1: 1,170



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**





NICOLE TAYLOR  
 517 MARSHALL DRIVE  
 STATE OF ALABAMA  
 JEFFERSON COUNTY

WE, THE UNDERSIGNED  
 AND LAND SURVEYORS  
 OWNERS OF THIS  
 DO HEREBY CERTIFY  
 MAP OR PLAT  
 PART OF THE  
 SHIP 16 S, A  
 MERIDIAN SURVEY  
 EACH LOT AND  
 DIMENSIONS OF  
 WITH THE REGULATIONS  
 OF THE U.S. GOVERNMENT

- SHINGLED ROOF
- VINYL SIDING
- 6' FRONT PORCH
- ALL SITE BUILT MATERIALS
- ENERGY STAR
- THERMAL PANE WINDOWS
- 2021 MODEL
- BLOCK PERIMETER
- 18" OFF GROUND
- 1,180 SQ. FT.
- WOODEN STEPS
- ROOF PITCH - NOMINAL 3X12
- 96'

IN WITNESS WHEREOF  
 AND SEALS

W. N. BELL

STATE OF ALABAMA  
 JEFFERSON COUNTY

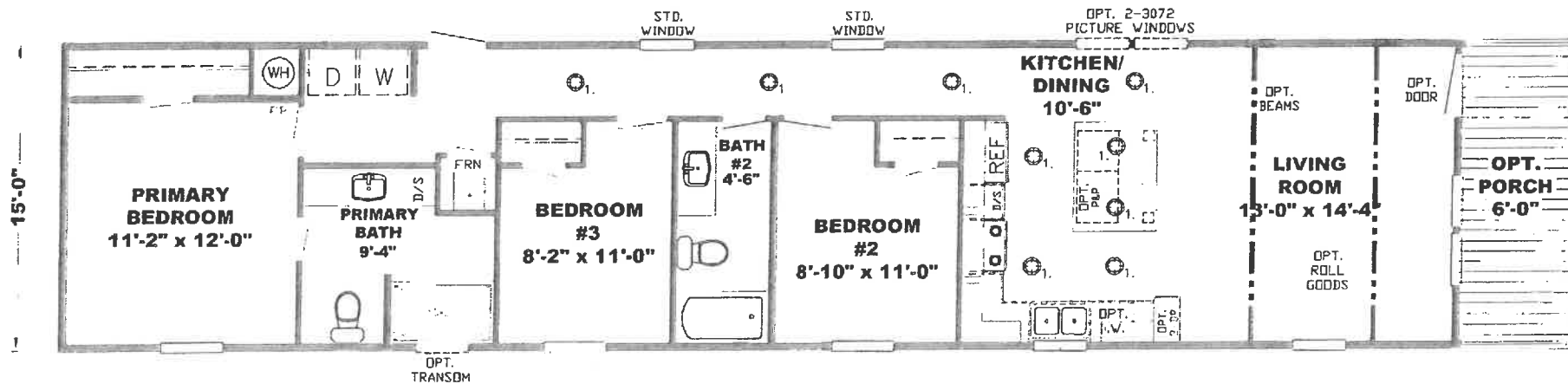
I, \_\_\_\_\_  
 COUNTY IN THE  
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 THE FOREGOING  
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ACREAGE

180.0  
78.52  
78.52  
36.6  
145



**MODEL SIG16683D-74-3/16X74 - SPECIAL - SER# 80452**



**\*\* R.S.O. TAYLOR**  
**\*\* ROLL GOODS T/OUT**

Southern Homes  
1037 Highway 44  
Russellville, AL 35654

Date: October 20, 2020

RE: Southern Homes Plan No. SIG16683D-74-3/16'-0" X 74'-0" - SER# 80452

To Whom It May Concern:

Please find enclosed the necessary planning and construction documentation required while completing a FHA "Title One" or "Title Two" loan application per the HUD/FHA requirements. All necessary documentation has been provided with exception to the foundation design and actual construction are subject to local code official's approval.

Thank you,

A handwritten signature in black ink, appearing to read "John C. Skeens". The signature is written in a cursive style with a large initial "J" and "S".

John C. Skeens  
Draftsman



# Description of Materials

U.S. Department of Housing  
and Urban Development  
Department of Veterans Affairs  
Farmers Home Administration

OMB Control No. 2502-0313  
(exp. 10/31/2020)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

The National Housing Act (12 USC 1703) authorizes insuring financial institutions against default losses on single family mortgages. HUD must evaluate the acceptability and value of properties to be insured. The information collected here will be used to determine if proposed construction meets regulatory requirements and if the property is suitable for mortgage insurance. Response to this information collection is mandatory. No assurance of confidentiality is provided.

Proposed Construction  Under Construction No. \_\_\_\_\_ (To be inserted by HUD, VA or FmHA)

Property address (Include City and State)

Name and address of Mortgagor or Sponsor

Name and address of Contractor or Builder

## Instructions

- For additional information on how this form is to be submitted, number of copies, etc., see the instructions applicable to the HUD Application for Mortgage Insurance, VA Request for Determination of Reasonable Value, or FmHA Property Information and Appraisal Report, as the case may be.
- Describe all materials and equipment to be used, whether or not shown on the drawings, by marking an X in each appropriate check-box and entering the information called for each space. If space is inadequate, enter "See misc." and describe under item 27 or on an attached sheet. **The use of paint containing more than the percentage of lead by weight permitted by law is prohibited.**
- Work not specifically described or shown will not be considered unless required, then the minimum acceptable will be assumed. Work exceeding minimum requirements cannot be considered unless specifically described.
- Include no alternates, "or equal" phrases, or contradictory items. (Consideration of a request for acceptance of substitute materials or equipment is not thereby precluded.)
- Include signatures required at the end of this form.
- The construction shall be completed in compliance with the related drawings and specifications, as amended during processing. The specifications include this Description of Materials and the applicable Minimum Property Standards.

### 1. Excavation

Bearing soil, type PER SITE CONDITIONS

### 2. Foundations

Footings concrete mix \_\_\_\_\_ strength psi \_\_\_\_\_ Reinforcing \_\_\_\_\_  
Foundation wall material \_\_\_\_\_ Reinforcing \_\_\_\_\_  
Interior foundation wall material \_\_\_\_\_ Party foundation wall \_\_\_\_\_  
Columns material and sizes \_\_\_\_\_ Piers material and reinforcing \_\_\_\_\_  
Girders material and sizes \_\_\_\_\_ Sills material \_\_\_\_\_  
Basement entrance areaway \_\_\_\_\_ Window areaways \_\_\_\_\_  
Waterproofing \_\_\_\_\_ Footing drains \_\_\_\_\_  
Termite protection \_\_\_\_\_  
Basementless space ground cover \_\_\_\_\_ insulation \_\_\_\_\_ foundation vents \_\_\_\_\_  
Special foundations \_\_\_\_\_  
Additional information REFERENCE SET-UP AND INSTALLATION MANUAL

### 3. Chimneys

Material \_\_\_\_\_ Prefabricated (make and size) \_\_\_\_\_  
Flue lining material \_\_\_\_\_ Heater flue size \_\_\_\_\_ Fireplace flue size \_\_\_\_\_  
Vents (material and size) gas or oil heater \_\_\_\_\_ water heater \_\_\_\_\_  
Additional information \_\_\_\_\_

### 4. Fireplaces

Type  solid fuel  gas-burning  circulator (make and size) \_\_\_\_\_ Ash dump and clean-out \_\_\_\_\_  
Fireplace facing \_\_\_\_\_ lining \_\_\_\_\_ hearth \_\_\_\_\_ mantel \_\_\_\_\_  
Additional information \_\_\_\_\_

**5. Exterior Walls**

Wood frame wood grade, and species 2x4 OR 2x6 SPF STUD GRADE  Corner bracing Building paper or felt \_\_\_\_\_  
 Sheathing Plywood Or Fiberboard Or OSB thickness 3/8" width 4'-0"  solid  spaced \_\_\_\_\_ o.c.  diagonal \_\_\_\_\_  
 Siding LAPPED grade STD. type VINYL size 10" exposure 5" fastening 16" O.C.  
 Shingles FIBERGLASS grade STD. type LAP size 36" exposure 5" fastening 4 PER  
 Stucco \_\_\_\_\_ thickness \_\_\_\_\_ Lath \_\_\_\_\_ weight \_\_\_\_\_ lb.  
 Masonry veneer \_\_\_\_\_ Sills \_\_\_\_\_ Lintels \_\_\_\_\_ Base flashing \_\_\_\_\_  
 Masonry  solid  faced  stuccoed total wall thickness \_\_\_\_\_ facing thickness \_\_\_\_\_ facing material \_\_\_\_\_  
 Backup material \_\_\_\_\_ thickness \_\_\_\_\_ bonding \_\_\_\_\_  
 Door sills \_\_\_\_\_ Window sills \_\_\_\_\_ Lintels \_\_\_\_\_ Base flashing \_\_\_\_\_  
 Interior surfaces dampproofing, \_\_\_\_\_ coats of \_\_\_\_\_ furring \_\_\_\_\_  
 Additional information \_\_\_\_\_  
 Exterior painting material WHITE LATEX (WHEN REQUIRED) number of coats \_\_\_\_\_  
 Gable wall construction  same as main walls  other construction \_\_\_\_\_

**6. Floor Framing**

Joists wood, grade, and species 2x6 OR 2x8 SYP #3 other 2x6 OR 2x8 SPF #3 bridging NONE anchors \_\_\_\_\_  
 Concrete slab  basement floor  first floor  ground supported  self-supporting mix \_\_\_\_\_ thickness \_\_\_\_\_  
 reinforcing \_\_\_\_\_ Insulation \_\_\_\_\_ membrane \_\_\_\_\_  
 Fill under slab material \_\_\_\_\_ thickness \_\_\_\_\_  
 Additional information \_\_\_\_\_

**7. Subflooring (Describe underflooring for special floors under Item 21)**

Material grade and species NOVADECK, PLYWOOD OR OSB size 4 X 8 type 5/8" MIN.  
 Laid  first floor  second floor  attic \_\_\_\_\_ sq. ft.  diagonal  right angles  
 Additional information MAY BE INSTALLED PERPENDICULAR OF PARALLEL TO JOISTS

**8. Finish Flooring (Wood only. Describe other finish flooring under Item 21)**

Location	Rooms	Grade	Species	Thickness	Width	Bldg. Paper	Finish
First floor							
Second floor							
Attic floor							

Additional information NONE

**9. Partition Framing**

Studs wood, grade, and species 2x4/2x3 size and spacing SPF STUD Other SPF #3  
 Additional information \_\_\_\_\_

**10. Ceiling Framing**

Joists wood, grade, and species TRUSSES Other SPF,SYP Bridging \_\_\_\_\_  
 Additional information RIPPED FROM GRADED

**11. Roof Framing**

Rafters wood, grade, and species TRUSSES Roof trusses (see detail) grade and species SPF,SYP  
 Additional information RIPPED FROM GRADED

**12. Roofing**

Sheathing wood, grade, and species 7/16" EXP 1 OSB  solid  spaced \_\_\_\_\_ o.c.  
 Roofing ASPHALT SHINGLES grade 2.65/12 size 36" type LAPPED 3 TAB  
 Underlay 15 LB. UNDERLAYMENT weight or thickness \_\_\_\_\_ size \_\_\_\_\_ fastening \_\_\_\_\_  
 Built-up roofing \_\_\_\_\_ number of plies \_\_\_\_\_ surfacing material \_\_\_\_\_  
 Flashing material METAL, 15 LB. FELT gage or weight 30 GA.  gravel stops  snow guards  
 Additional information METAL ROOFING IS AN OPTION WITH A SIZE OF 181" x 36" - 29 GA. METAL

13. Gutters and Downspouts

Gutters material \_\_\_\_\_ gage or weight \_\_\_\_\_ size \_\_\_\_\_ shape \_\_\_\_\_
Downspouts material NONE \_\_\_\_\_ gage or weight \_\_\_\_\_ size \_\_\_\_\_ shape \_\_\_\_\_ number \_\_\_\_\_
Downspouts connected to [ ] Storm sewer [ ] sanitary sewer [ ] dry-well [ ] Splash blocks material and size \_\_\_\_\_
Additional information \_\_\_\_\_

14. Lath and Plaster

Lath [ ] walls [ ] ceilings material \_\_\_\_\_ weight or thickness \_\_\_\_\_ Plaster coats \_\_\_\_\_ finish \_\_\_\_\_
Dry-wall [ ] walls [ ] ceilings material NONE \_\_\_\_\_ thickness \_\_\_\_\_ finish \_\_\_\_\_
Joint treatment \_\_\_\_\_

15. Decorating (Paint, wallpaper, etc.)

Table with 3 columns: Rooms, Wall Finish Material and Application, Ceiling Finish Material and Application. Rows include Kitchen, Bath, and Other.

Additional information 5/32" LUAUN PANELING (CLOSETS)

16. Interior Doors and Trim

Doors type HOLLOW CORE \_\_\_\_\_ material LUAUN \_\_\_\_\_ thickness 1 1/2" TH.
Door trim type DOOR FACING \_\_\_\_\_ material WOOD \_\_\_\_\_ Base type \_\_\_\_\_ material \_\_\_\_\_ size 2 1/4"
Finish doors GLASS INSERTS \_\_\_\_\_ trim DOOR FACING \_\_\_\_\_
Other trim (Item, type and location) \_\_\_\_\_
Additional information \_\_\_\_\_

17. Windows

Windows type SINGLE HUNG \_\_\_\_\_ make CLAYTON \_\_\_\_\_ material VINYL \_\_\_\_\_ sash thickness 1"
Glass grade LOW-E \_\_\_\_\_ [ ] sash weights [ ] balances, type \_\_\_\_\_ head flashing \_\_\_\_\_
Trim type VINYL \_\_\_\_\_ material VINYL \_\_\_\_\_ Paint \_\_\_\_\_ number coats \_\_\_\_\_
Weatherstripping type RUBBER \_\_\_\_\_ material RUBBER \_\_\_\_\_ Storm sash, number NONE
Screens [ ] full [ ] half type \_\_\_\_\_ number \_\_\_\_\_ screen cloth material \_\_\_\_\_
Basement windows type \_\_\_\_\_ material \_\_\_\_\_ screens, number 12 Storm sash, number 12
Special windows \_\_\_\_\_
Additional information SCREENS ARE HALF AND MADE OF NYLON

18. Entrances and Exterior Detail

Main entrance door material METAL \_\_\_\_\_ width 34" thickness 1 3/4" Frame material METAL \_\_\_\_\_ thickness 13 GA
Other entrance doors material METAL \_\_\_\_\_ width 34" thickness 1 3/4" Frame material METAL \_\_\_\_\_ thickness 13 GA
Head flashing \_\_\_\_\_ Weatherstripping type FORM TAPE \_\_\_\_\_ saddles \_\_\_\_\_
Screen doors thickness \_\_\_\_\_ number \_\_\_\_\_ screen cloth material \_\_\_\_\_ Storm doors thickness 5/8" number \_\_\_\_\_
Combination storm and screen doors thickness \_\_\_\_\_ number \_\_\_\_\_ screen cloth material \_\_\_\_\_
Shutters [ ] hinged [ ] fixed Railings \_\_\_\_\_ Attic louvers PERFORATED SOFFIT
Exterior millwork grade and species \_\_\_\_\_ Paint \_\_\_\_\_ number coats \_\_\_\_\_
Additional information \_\_\_\_\_

19. Cabinets and Interior Detail

Kitchen cabinets, wall units material MDF \_\_\_\_\_ lineal feet of shelves 9.5 shelf width 12"
Base units material MDF \_\_\_\_\_ counter top LAMINATE \_\_\_\_\_ edging LAMINATE
Back and end splash NONE \_\_\_\_\_ Finish of cabinets POLYURETHANE \_\_\_\_\_ number coats \_\_\_\_\_
Medicine cabinets make \_\_\_\_\_ model \_\_\_\_\_
Other cabinets and built-in furniture \_\_\_\_\_
Additional information \_\_\_\_\_

20. Stairs

Stair	Treads		Risers		Strings		Handrail		Balusters	
	Material	Thickness	Material	Thickness	Material	Size	Material	Size	Material	Size
Basement	NONE									
Main	NONE									
Attic	NONE									

Disappearing make and model number \_\_\_\_\_

Additional information \_\_\_\_\_

ALL STAIRS ARE CONSTRUCTED "ON-SITE"

21. Special Floors and Wainscot (Describe Carpet as listed in Certified Products Directory)

Floors	Location	Material, Color, Border, Sizes, Gage, Etc.	Threshold Material	Wall Base Material	Underfloor Material
		Kitchen	VINYL CONGOLEUM	METAL	
	Bath	VINYL CONGOLEUM	METAL		
	LIVING	CARPET SHAW	METAL		PADDING
	BED	CARPET SHAW	METAL		PADDING

Wainscot	Location	Material, Color, Border, Cap. Sizes, Gage, Etc.	Height	Height Over Tub	Height in Showers (From Floor)
		Bath	PLASTIC ACRYLIC ABS (TUBS)	6'-0"	
	LIVING	5/32" LUAUN PANELING	36" MAX.		
	DINING	5/32" LUAUN PANELING	36" MAX.		

Additional information \_\_\_\_\_

3/8" FOAM PADDING (STD.)  
7/16" HI-DENSITY FOAM PADDING (OPT.)

22. Plumbing

Fixture	Number	Location	Make	MFR's Fixture Identification No.	Size	Color
Sink	1	KITCHEN	STEEL	PATRICK WHITESAND	16"x32"	STEEL
Lavatory	2	BATHS	PLASTIC (ABS)	TBA ENTERPRISES	20" OVAL	WHITE
Water closet	2	BATHS	CHINA	ORION	STD.	WHITE
Bath tub	1	BATHS	FIBERGLASS	BAYMONT	30"x54"	WHITE
Shower over tub	1	BATHS	FIBERGLASS	BAYMONT	30"x54"	WHITE
Stall shower	1	M-BATH	FIBERGLASS	BAYMONT	36"x60"	WHITE
Laundry trays		UTILITY	PLATIC (ABS)	EL MUSTEE & SONS	18"	WHITE
BATHTUB		M-BATH	PLASTIC (ABS)	BETTER BATHS	48"x54"	WHITE
Shower over tub						

Bathroom accessories  Recessed material \_\_\_\_\_ number \_\_\_\_\_  Attached material \_\_\_\_\_ number \_\_\_\_\_

Additional information MIRRORS AT LAVATORIES, SHOWER ROD/CURTAIN BATHS

- Curtain rod  Door  Shower pan material \_\_\_\_\_ \* Show and describe individual system in complete detail in separate drawings and specifications according to requirements.)
- Water supply  public  community system  individual (private) system\*
- Sewage disposal  public  community system  Individual (private) system\*
- House drain (inside)  cast iron  tile  other \_\_\_\_\_ House sewer (outside)  cast iron  tile  other \_\_\_\_\_
- Water piping  galvanized steel  copper tubing  other \_\_\_\_\_ Sill cocks, number \_\_\_\_\_
- Domestic water heater type \_\_\_\_\_ make and model \_\_\_\_\_ heating capacity \_\_\_\_\_ gph. 100° rise.
- Storage tank material \_\_\_\_\_ capacity \_\_\_\_\_ gallons
- Gas service  utility company  liq. pet. gas  other \_\_\_\_\_ Gas piping  cooking  house heating
- Footing drains connected to  storm sewer  sanitary sewer  dry well  Sump pump make and model \_\_\_\_\_ capacity \_\_\_\_\_ discharges into \_\_\_\_\_

Additional information THIS SECTION; ALL PER LOCAL CODE REQUIREMENTS



23. Heating

Hot water Steam Vapor One-pipe system Two-pipe system
Radiators Convector Baseboard radiation Make and model
Radiant panel floor wall ceiling Panel coil material
Circulator Return pump Make and model capacity gpm.
Boiler make and model Output Btuh. net rating Btuh.

Additional information

Warm air Gravity Forced Type of system ELECTRIC HEAT STRIPS
Duct material supply ALUMINUM return Insulation thickness Outside air intake
Furnace: make and model FED002410 Input Btuh. output Btuh.

Additional information ALL A/C EQUIPMENT INSTALLED "ON-SITE" BY OTHERS

Space heater floor furnace wall heater Input Btuh. output Btuh. number units
Make, model

Additional information

Controls make and types

Additional information

Fuel: Coal oil gas liq. pet. gas electric other storage capacity

Additional information

Firing equipment furnished separately Gas burner, conversion type Stoker hopper feed bin feed

Oil burner pressure atomizing vaporizing

Make and model

Control

Additional information

Electric heating system type Input watts @ volts output Btuh.

Additional information

Ventilating equipment attic fan, make and model VENTLINE V2451-100 capacity 100 cfm.

kitchen exhaust fan, make and model BROAN

Other heating, ventilating, or cooling equipment BATH FANS; BROAN

Additional information

24. Electric Wiring

Service overhead underground Panel fuse box circuit-breaker make SEIMENS AMP's 200 No. circuits 30

Wiring conduit armored cable nonmetallic cable knob and tube other

Special outlets range water heater other DRYER

Doorbell Chimes Push-button locations

Additional information

25. Lighting Fixtures

Total number of fixtures 21 Total allowance for fixtures, typical installation, \$

Nontypical installation

Additional information

**26. Insulation**

Location	Thickness	Material, Type, and Method of Installation	Vapor Barrier
Roof	R-33		
Ceiling			
Wall	R-11		
Floor	R-22		

**27. Miscellaneous:** (Describe any main dwelling materials, equipment, or construction items not shown elsewhere; or use to provide additional information where the space provided was inadequate. Always reference by item number to correspond to numbering used on this form.)

**Hardware** (make, material, and finish.)

NUGARD (BRASS FINISH) EXT. DOORS  
 KWIKSET/INTERIOR DOORS  
 FASTEC/KNOBS PASSAGE/PRIVACY

**Special Equipment** (State material or make, model and quantity. Include only equipment and appliances which are acceptable by local law, custom and applicable FHA standards. Do not include items which, by established custom, are supplied by occupant and removed when he vacates premises or chattles prohibited by law from becoming realty.)

**Porches**

**Terraces**

**Garages**

ALL OTHER BELOW THIS LINE "ON-SITE" BY OTHERS

**Walks and Driveways**

Driveway width \_\_\_\_\_ base material \_\_\_\_\_ thickness \_\_\_\_\_ surfacing material \_\_\_\_\_ thickness \_\_\_\_\_  
 Front walk width \_\_\_\_\_ material \_\_\_\_\_ thickness \_\_\_\_\_ Service walk width \_\_\_\_\_ material \_\_\_\_\_ thickness \_\_\_\_\_  
 Steps material \_\_\_\_\_ treads \_\_\_\_\_ risers \_\_\_\_\_ Cheek walls \_\_\_\_\_

**Other Onsite Improvements**

(Specify all exterior onsite improvements not described elsewhere, including items such as unusual grading, drainage structures, retaining walls, fence, railings, and accessory structures.)

**Landscaping, Planting, and Finish Grading**

Topsoil \_\_\_\_\_ thick  front yard  side yards  rear yard to \_\_\_\_\_ feet behind main building  
 Lawns (seeded, sodded, or sprigged)  front yard \_\_\_\_\_  side yards \_\_\_\_\_  rear yard \_\_\_\_\_  
 Planting  as specified and shown on drawings  as follows:  
 \_\_\_\_\_ Shade trees deciduous \_\_\_\_\_ caliper \_\_\_\_\_ Evergreen trees \_\_\_\_\_ to \_\_\_\_\_ B & B  
 \_\_\_\_\_ Low flowering trees deciduous \_\_\_\_\_ to \_\_\_\_\_ Evergreen shrubs \_\_\_\_\_ to \_\_\_\_\_ B & B  
 \_\_\_\_\_ High-growing shrubs deciduous \_\_\_\_\_ to \_\_\_\_\_ Vines, 2-year \_\_\_\_\_  
 \_\_\_\_\_ Medium-growing shrubs deciduous \_\_\_\_\_ to \_\_\_\_\_ Other \_\_\_\_\_  
 \_\_\_\_\_ Low-growing shrubs deciduous \_\_\_\_\_ to \_\_\_\_\_

**Identification**—This exhibit shall be identified by the signature of the builder, or sponsor, and/or the proposed mortgagor if the latter is known at the time of application.

Date (mm/dd/yyyy) \_\_\_\_\_ Signature \_\_\_\_\_

Signature \_\_\_\_\_

AL

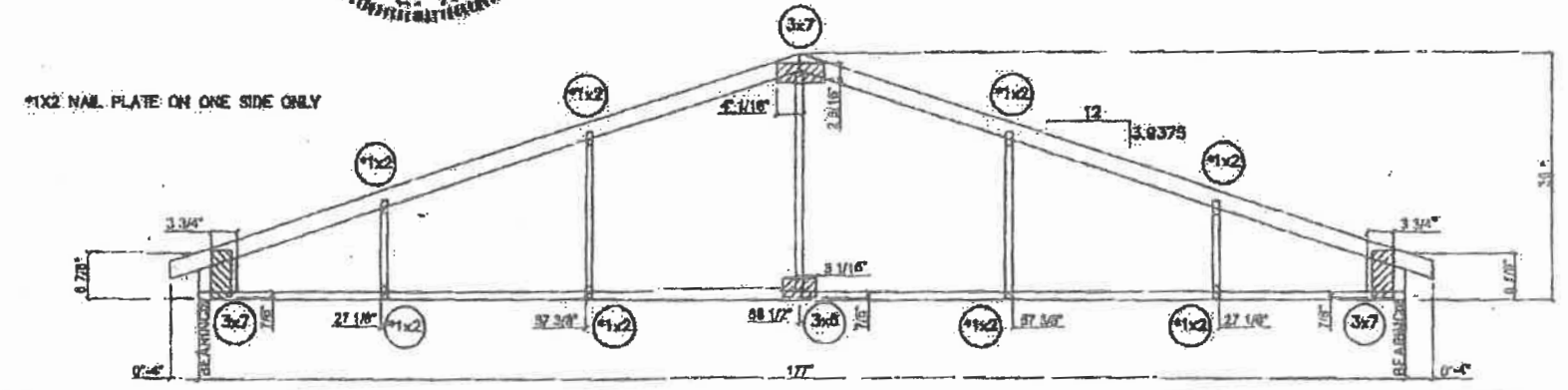
LOAD (PSF) @ 24" C.C.		LOAD (PSF) @ 16" C.C.		LUMBER	
TOP CHORD (LL)	20	TOP CHORD (LL)	30	TOP CHORD	2 x 3 STUD SPF
TOP CHORD (DL)	11	TOP CHORD (DL)	16.5	BOT CHORD	1 3/16 x 1 1/2 STUD SPF
BOTTOM CHORD (LL)	0	BOTTOM CHORD (LL)	0	KING POST	1 3/16 x 1 1/2 #3 SPF
BOTTOM CHORD (DL)	9	BOTTOM CHORD (DL)	7.5	DIAG WEB	N/A N/A
TOTAL	36	TOTAL	54	VERT. WEB	1 x 1 1/2 #3 SPF
UPLIFT	ZONE II	UPLIFT	ZONE III	HEEL BLOCK	2 x 6 #3 SPF

- GENERAL NOTES - UNLESS OTHERWISE NOTED ON THE DRAWING THE FOLLOWING APPLY TO THIS TRUSS.
1. RIPPED LUMBER GRADE AND SPECIES SHOWN ARE MINIMUM. EQUAL OR BETTER GRADE AND SPECIES ACCEPTABLE.
  2. CHORD AND WEB SIZE MAY BE INCREASED PROVIDING EFFECTIVE DEPTH OF THE TRUSS AND NUMBER OF TEETH IN THE MEMBERS REMAIN THE SAME.
  3. CHORDS AND WEBS MAY BE 3% UNDER SIZE SHOWN.
  4. MEMBERS ARE SQUARE CUT UNLESS OTHERWISE NOTED.
  5. TRUSSES MAY BE SHORTENED UP TO 24" IF PANEL POINTS REMAIN PROPORTIONAL.
  6. LUMBER MOISTURE CONTENT NOT TO EXCEED 19%.
  7. NAILS BOTH SIDES OF JOINTS UNLESS OTHERWISE NOTED.
  8. TRUSS IS TESTED TO HUD 3280.402 TESTING REQUIREMENTS THAT TAKE EFFECT ON JANUARY 13, 2014.
  9. NAIL SIZE AND GAUGE ARE MINIMUM. EQUAL OR BETTER O.K.
  10. TEST RESULTS ON FILE AT NTA. DRAWING NOT TO SCALE.
  11. DEAD LOAD FOR UPLIFT 8 PSF.
  12. ALL CONNECTOR PLATES TO BE PLACED ±1/4".
  13. FOR 1X2 PLATES PROVIDE 4 TEETH BITE (MIN.) INTO EACH MEMBER (PER PLATE PER SIDE).
  14. FOR 1X3 PLATES PROVIDE 8 TEETH BITE (MIN.) INTO EACH MEMBER (PER PLATE PER SIDE).
  15. FOR 1X4 PLATES PROVIDE 8 TEETH BITE (MIN.) INTO EACH MEMBER (PER PLATE PER SIDE).

WP14081  
2-14-14



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Feb 28, 2014  
FEDERAL MANUFACTURED HOME  
CONSTRUCTION AND SAFETY STANDARDS



REVISIONS		DESIGN		WOODPERFECT, LTD	
A	—	CLEAR SPAN:	177"	COTTAGE	
B	—	BEARING:	1 1/2"		
C	—	OVERHANG:	0"-4"	OVERALL LENGTH:	185"
D	—	HUD CODE:	ULTIMATE LOAD	HEIGHT:	38"
E	—	TEST METHOD:	AN CYLINDER TEST	DATE:	02/03/14
				PLATE 2D GA.	MITEK
				ZONE	II AND III
				DRAWING NUMBER	P355-14 TR-P355-14

TYPICAL  
16'-0" WIDE  
SINGLE  
WIDE.

SOUTHERN ENERGY HOMES  
P.O. BOX 269  
ADDISON, ALABAMA 35540

TITLE  
TYP. SINGLE WIDE CROSS-SECTION;  
ROOF LIVE LOAD 20 PSF, FLOOR  
WIDTH 183" NOM., WIND ZONES 1,  
2 AND 3

APPROVAL STAMP			
BY JWM	DATE 9/30/99	CHECKED	DATE

REFERENCE 16'-0" FLOOR WIDTHS FOR FLOOR CONSTRUCTION.

REFERENCE 183" WIDE UNIT WIDTH WITH 6" OH MAX. FOR SIDEWALL CONSTRUCTION.

ROOF SHEATHING OR CEILING BOARD IS DIAPHRAGM. REFERENCE ROOF SHEATHING DIAPHRAGM DESIGNS: 16'-0" NOM. UNIT WIDTHS WHEN ROOF SHEATHING IS DIAPHRAGM. REFERENCE F2100 FOAMSEAL APPLICATION DETAILS WHEN CEILING BOARD IS DIAPHRAGM.

REFERENCE FASTENING SCHEDULE FOR ALL FASTENING REQUIREMENTS.

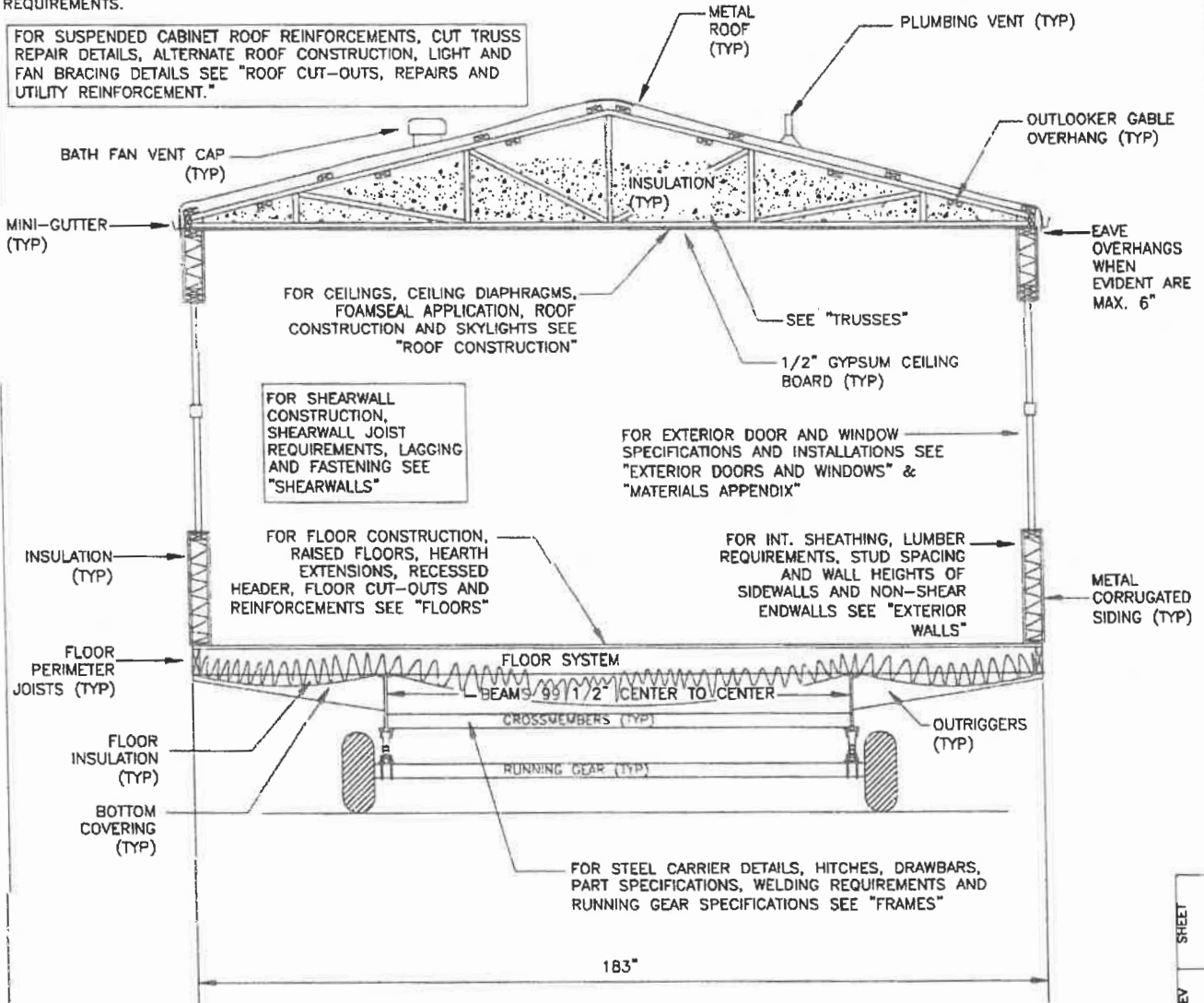
FOR SUSPENDED CABINET ROOF REINFORCEMENTS, CUT TRUSS REPAIR DETAILS, ALTERNATE ROOF CONSTRUCTION, LIGHT AND FAN BRACING DETAILS SEE "ROOF CUT-OUTS, REPAIRS AND UTILITY REINFORCEMENT."

FOR SHINGLES, METAL ROOFS, UNDERLAYMENT, ROOF DECKING, DECKING DIAPHRAGMS, ROOF JACKS AND FLASHING SEE "ROOF COVERINGS AND WEATHER PROTECTION"

FOR EXT. METAL SIDING, WALL SHEATHING, VINYL SIDING, HARDI-SIDINGS, HARDBOARD, MASONITE, CEDAR LAP AND LOG SIDING SEE "EXTERIOR SIDING AND WEATHER PROTECTION"

FOR GABLE AND PRISMATIC DORMERS SEE "DORMERS AND SPECIAL ROOF CONSTRUCTION"

FOR LADDER, OUTLOOKER, EAVE AND GABLE OVERHANGS SEE "EAVE AND GABLE ROOF OVERHANGS"



FOR CEILINGS, CEILING DIAPHRAGMS, FOAMSEAL APPLICATION, ROOF CONSTRUCTION AND SKYLIGHTS SEE "ROOF CONSTRUCTION"

FOR SHEARWALL CONSTRUCTION, SHEARWALL JOIST REQUIREMENTS, LAGGING AND FASTENING SEE "SHEARWALLS"

FOR FLOOR CONSTRUCTION, RAISED FLOORS, HEARTH EXTENSIONS, RECESSED HEADER, FLOOR CUT-OUTS AND REINFORCEMENTS SEE "FLOORS"

FOR EXTERIOR DOOR AND WINDOW SPECIFICATIONS AND INSTALLATIONS SEE "EXTERIOR DOORS AND WINDOWS" & "MATERIALS APPENDIX"

FOR INT. SHEATHING, LUMBER REQUIREMENTS, STUD SPACING AND WALL HEIGHTS OF SIDEWALLS AND NON-SHEAR ENDWALLS SEE "EXTERIOR WALLS"

FOR STEEL CARRIER DETAILS, HITCHES, DRAWBARS, PART SPECIFICATIONS, WELDING REQUIREMENTS AND RUNNING GEAR SPECIFICATIONS SEE "FRAMES"

FOR WALK-A-BAYS, BOX BAYS, RECESSED ENTRIES AND PORCHES SEE "RECESSED ENTRIES, PORCHES AND BAYS"

FOR INTERIOR WALL CONSTRUCTION CONSIDERED TO BE NON-LOAD BEARING SEE "PARTITIONS"

FOR ATTIC & WHOLE HOUSE VENTILATION SYSTEMS, ATTIC INSULATION COVERAGE CHARTS AND TRANSITION & END TRUSS INSULATION REQUIREMENTS SEE "INSULATION AND VENTILATION". FOR R-VALUES OF INSULATION & OPENINGS REQUIRED SEE "THERMAL PERFORMANCE APPENDIX"

FOR UPLIFT STRAPS FROM FLOOR/WALL & WALL/ROOF AND TIEDOWNS INSTALLED IN THE FACTORY SEE "ROOF CONSTRUCTION", AND "EXTERIOR WALLS".

NTS  
CROSS-SECTION

SHEET  
REV  
DWC NO. XS-1.06



# Install Footings

This chapter provides instructions for the design and construction of individual footings that transfer the load from a single pier to the ground. A footing and pier together (discussed in **Set the Home**) is referred to as a "support". A footing may also be designed to carry the load of multiple piers (often called "strip" footings). The design of strip footings is not covered in this manual. However, strip footings are acceptable if designed by a registered engineer or registered architect. The foundation systems described in this manual have not been designed for flood resistance.

**Follow the Steps below:**

- ▼ **STEP 1. DESIGN POINT LOAD SUPPORTS** (p. 20)
- ▼ **STEP 2. DESIGN FRAME SUPPORTS** (Homes Without Perimeter Blocking) (p. 23)
- ▼ **STEP 3. DESIGN FRAME AND PERIMETER SUPPORTS** (Homes With Perimeter Blocking) (p. 25)
- ▼ **STEP 4. SELECT FOOTING MATERIALS** (p. 30)
- ▼ **STEP 5. SIZE FOOTINGS** (p. 31)
- ▼ **STEP 6. INSTALL FOOTINGS** (p. 33)

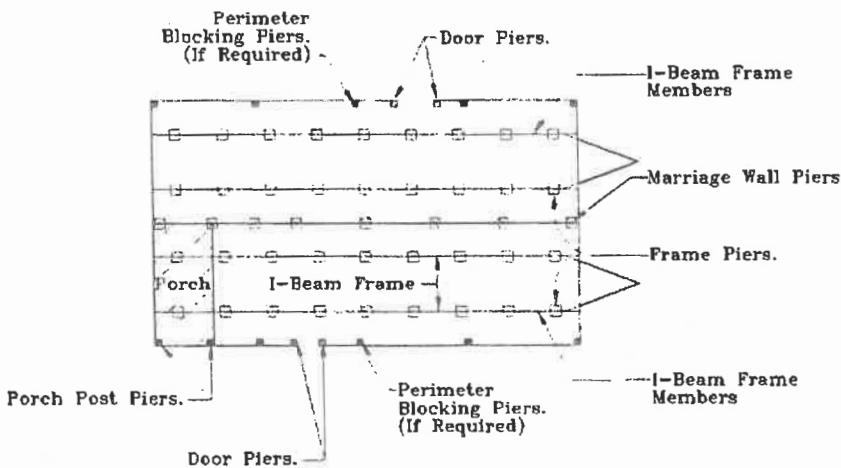
## STEP 1. DESIGN POINT LOAD SUPPORTS

All homes will need supports, and therefore footings, under the frame, marriage line (for multi-section homes), exterior wall openings and other heavy point loads.

All pier locations required at the mating line, perimeter and any special pier support locations, as required by these instructions, will be identified from the factory by a pier tag, label, paint, or other means and must be visible after the home is installed. The pier designs, support loads, and footing construction shall be as indicated in the appropriate diagrams, tables, and instructions herein. Where perimeter piers are required along the exterior wall, alternate pier spacing may be used in lieu of the factory identified locations provided the instructions of this manual are satisfied in terms of allowable spacing, pier design, and footing size.

**PLEASE NOTE:** Clayton Homes, Inc. will not be responsible for damaged or removed pier tags. It is the responsibility of the installer to ensure that all piers are properly positioned in accordance with the tables & diagrams contained in these installation instructions.

Create a sketch of the home that includes the exterior walls, the frame I-beams and the marriage line(s), if a multi-section home. The sketch will be used in this chapter to locate each support, and note the size of the corresponding footing. **Figure 6** is an example of such a completed support plan.



**High roof loads.** For roof loads of 40 psf or greater, a registered engineer or registered architect must determine the maximum marriage wall opening permitted without pier or other supports.

**Figure 6.** Typical point-load support locations

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As the location and load for each support is determined, note it on the sketch. When selecting locations for supports, keep in mind that increasing the spacing between supports will increase the load on that support and the size of the required footing.

**DETERMINE LOCATIONS**

Point loads exist where a bearing/structural weight is concentrated and transferred to the foundation at a specific point. Locate a support under each point load, including the following examples:

- Exterior doors in side walls at both sides of each door (blocking is not required at exterior doors in end walls supported by the steel header).
- Other exterior wall openings four feet and greater at both sides of each opening (including multiple windows that total four feet wide or more without intermediate supports, even if individual windows are less than four feet).
- Marriage line openings four feet or greater at both sides of each opening.
- Locations where through-the-rim crossover ducts penetrate the rim joist at the marriage line (unless otherwise noted in supplemental documents provided with the home or unless the home is constructed with a perimeter frame system).
- Marriage line columns.
- Load-bearing porch posts.
- Under heavy (400 lbs or greater) items, such as heavy furniture, waterbeds, fireplaces and large fish tanks.

Adjustable outriggers may be used to replace piers below exterior door or window openings less than 48". Adjustable outriggers may only be substituted if local codes permit the use of these devices and they are installed according to the manufacturer's installation instructions. Factory installed outriggers and crossmembers may also replace piers below exterior door or window openings less than 48".

Mark the required point load support locations on the sketch. Supports are not required where the manufacturer has reinforced the floor (such as with additional outriggers or floor joists) and so noted in the documentation provided with the home.

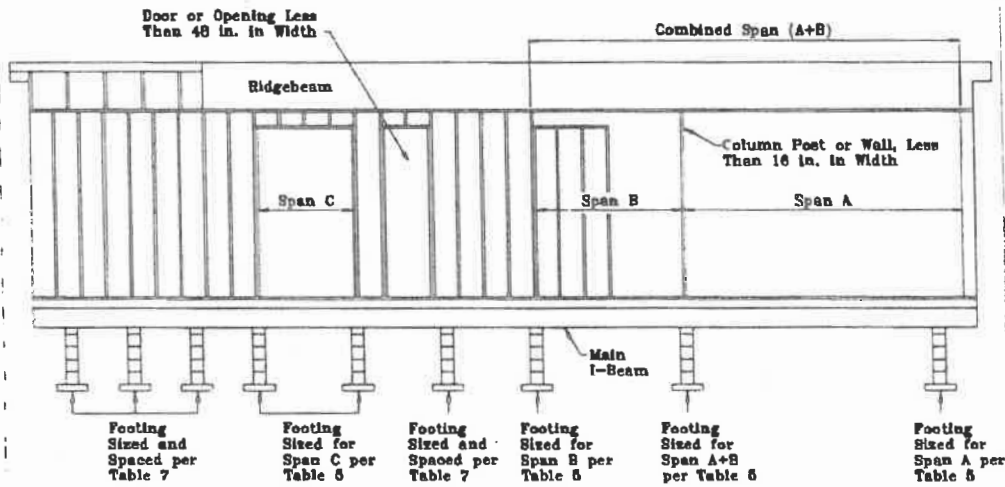


Figure 7. Typical point-load support locations along the marriage line.

**CALCULATE LOADS**

Use Tables 5-5c to determine the loads on point load supports (columns). For each support, find the table with the appropriate section width. Then, find the row with the appropriate roof load zone and the column corresponding to the span (see Figure 7 for guidance on determining spans — if a support is shared by spans on both sides, add the respective loads together to arrive at the total load under that point). The number in the intersecting cell is the load.

Note the required loads next to each point load support on the sketch.

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TABLE 5. POINT LOAD ON FOOTINGS AT MARRIAGE LINE OPENINGS (LBS)

20 ft Max. Home Width

Roof Live Load (PSF)	Maximum Opening in Marriage Line (ft)									
	4	8	12	14	16	18	20	24	28	32
20	1000	1600	2200	2500	2800	3100	3400	4000	4600	5200
30	2000	2800	3600	4000	4400	4800	5200	6000	6800	7600
40	2400	3400	4400	4900	5400	5900	6400	7400	8400	9400
60	3200	4600	6000	6700	7400	8100	8800	10200	11600	13000
80	4000	5800	7600	8500	9400	10300	11200	13000	14800	16600
100	4800	7000	9200	10300	11400	12500	13600	15800	18000	20200
120	5600	8200	10800	12100	13400	14700	16000	18600	21200	23800

TABLE 5a. POINT LOAD ON FOOTINGS AT MARRIAGE LINE OPENINGS (LBS)

24/36 ft Max. Home Width

Roof Live Load (PSF)	Maximum Opening in Marriage Line (ft)									
	4	8	12	14	16	18	20	24	28	32
20	1120	1840	2560	2920	3280	3640	4000	4720	5440	6160
30	2320	3280	4240	4720	5200	5680	6160	7120	8080	9040
40	2800	4000	5200	5800	6400	7000	7600	8800	10000	11200
60	3760	5440	7120	7960	8800	9640	10480	12160	13840	15520
80	4720	6880	9040	10120	11200	12280	13360	15520	17680	19840
100	5680	8320	10960	12280	13600	14920	16240	18880	21520	24160
120	6640	9760	12880	14440	16000	17560	19120	22240	25360	28480

TABLE 5b. POINT LOAD ON FOOTINGS AT MARRIAGE LINE OPENINGS (LBS)

28/42 ft Max. Home Width

Roof Live Load (PSF)	Maximum Opening in Marriage Line (ft)									
	4	8	12	14	16	18	20	24	28	32
20	1240	2080	2920	3340	3760	4180	4600	5440	6280	7120
30	2640	3760	4880	5440	6000	6560	7120	8240	9360	10480
40	3200	4600	6000	6700	7400	8100	8800	10200	11600	13000
60	4320	6280	8240	9220	10200	11180	12160	14120	16080	18040
80	5440	7960	10480	11740	13000	14260	15520	18040	20560	23080
100	6560	9640	12720	14260	15800	17340	18880	21960	25040	28120
120	7680	11320	14960	16780	18600	20420	22240	25880	29520	33160



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CONSTRUCTION AND SAFETY STANDARDS

TABLE 5c. POINT LOAD ON FOOTINGS AT MARRIAGE LINE OPENINGS (LBS)

32/48 ft Max. Home Width  
Maximum Opening in Marriage Line (ft)

Roof Live Load (PSF)	4	8	12	11	10	15	20	24	28	32
20	1330	2260	3190	3655	4120	4585	5050	5980	6910	7840
30	2880	4120	5360	5980	6600	7220	7840	9080	10320	11560
40	3500	5050	6600	7375	8150	8925	9700	11250	12800	14350
60	4740	6910	9080	10165	11250	12335	13420	15590	17760	19930
80	5980	8770	15560	12955	14350	15745	17140	19930	22720	25510
100	7220	10630	14040	15745	17450	19155	20860	24270	27680	31090
120	8460	12490	16520	18535	20550	22565	24580	28610	32640	36670

Determine from the data plate and/or labels along the perimeter if the home requires perimeter blocking

- ▶ If perimeter blocking is NOT required, go to **STEP 2, DESIGN FRAME SUPPORTS (Homes Without Perimeter Blocking)**, (p. 23)
- ▶ If perimeter blocking is required, go to **STEP 3, DESIGN FRAME AND PERIMETER SUPPORTS (Homes With Perimeter Blocking)**, (p. 25)

**STEP 2. DESIGN FRAME SUPPORTS (Homes Without Perimeter Blocking)**

**DETERMINE LOCATIONS**

All homes require regularly spaced supports along all main frame I-beams. Select spacing between supports and sketch them on the support plan. Keep in mind that frame supports under homes with 8" deep I-beams may be no more than eight feet apart. Those under homes with 10" or 12" deep I-beams may be no more than 10 feet apart. Generally, greater distances between supports will require larger footings. **Figure 8** shows typical frame support locations.

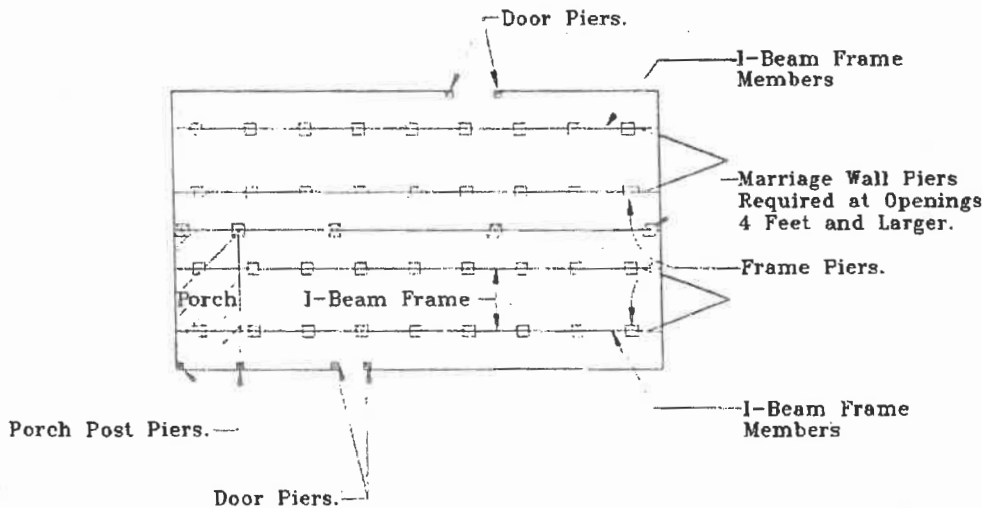
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**Spacing frame supports.**

There must be a support pier located near the end of each I-beam such that there is no more than 24 inches as measured from the outside edge of the floor to the center of the pier.

**Figure 8.** Typical support locations for homes not requiring regularly spaced perimeter supports





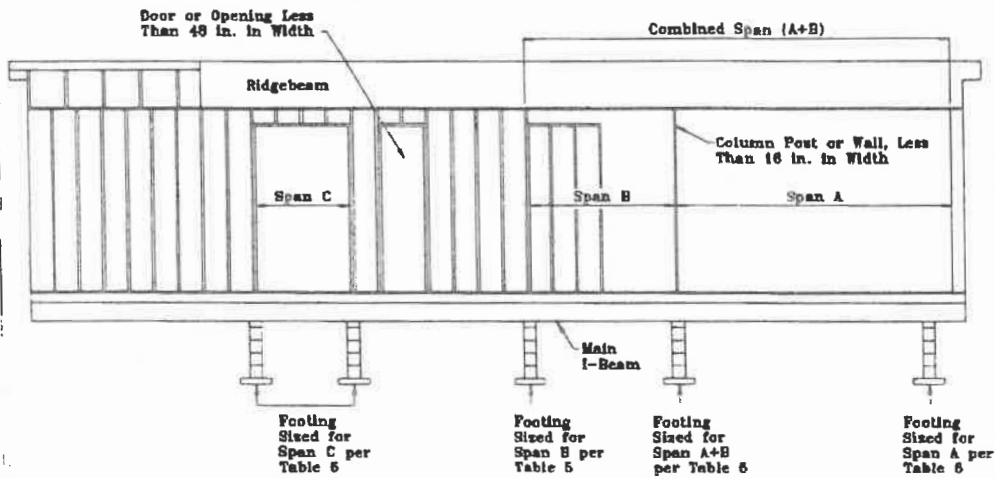


Figure 8A. Typical marriage line support locations for homes not requiring perimeter supports

**CALCULATE LOADS**

Use Tables 6-6c to determine the loads on frame supports. Find the chart with the appropriate sidewall eave overhang. Then, find the column with the appropriate roof load zone and section width. Find the row corresponding to the selected support spacing. The number in the intersecting cell is the load.

Loads on all frame supports can be assumed to be equal if support spacing is equal. However, if different support spacings are used then each support with a different spacing should be calculated separately.

Note the location and load required of each support on the sketch.



TABLE 6. LOAD ON FRAME PIER FOOTINGS FOR HOMES NOT REQUIRING PERIMETER BLOCKING EXCEPT AT OPENINGS (LBS)  
Roof Load Zone and Max. Home Width (1-1/2" Max. Sidewall Eave Overhang)

Pier Spacing	South (20 psf)					Middle (30 psf)					North (40 psf)				
	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft
Up to 4'	2195	2519	2843	3140	3410	2400	2764	3128	3462	3765	2605	3009	3413	3783	4120
> 4' to 6'	3093	3579	4065	4510	4915	3400	3946	4492	4993	5448	3708	4314	4920	5475	5980
> 6' to 8'	3990	4638	5286	5880	6420	4400	5128	5856	6523	7130	4810	5618	6426	7167	7840
> 8' to 10'	4888	5698	6508	7250	7925	5400	6310	7220	8054	8813	5913	6923	7933	8858	9700

TABLE 6a. LOAD ON FRAME PIER FOOTINGS FOR HOMES NOT REQUIRING PERIMETER BLOCKING EXCEPT AT OPENINGS (LBS)  
Roof Load Zone and Max. Home Width (6" Max. Sidewall Eave Overhang)

Pier Spacing	South (20 psf)					Middle (30 psf)					North (40 psf)				
	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft
Up to 4'	2240	2564	2888	3185	3455	2460	2824	3188	3522	3825	2680	3084	3488	3858	4195
> 4' to 6'	3160	3646	4132	4578	4983	3490	4036	4582	5083	5538	3820	4426	5032	5588	6093
> 6' to 8'	4080	4728	5376	5970	6510	4520	5248	5976	6643	7250	4960	5768	6576	7317	7990
> 8' to 10'	5000	5810	6620	7363	8038	5550	6460	7370	8204	8963	6100	7110	8120	9046	9888

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TABLE 6b. LOAD ON FRAME PIER FOOTINGS FOR HOMES NOT REQUIRING PERIMETER BLOCKING EXCEPT AT OPENINGS (LBS)

Roof Load Zone and Max. Home Width (12" Max. Sidewall Eave Overhang)

Pier Spacing	South (20 psf)				Middle (30 psf)				North (40 psf)			
	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft
Up to 4'	2300	2624	2948	3191	2540	2904	3268	3541	2780	3184	3588	3891
> 4' to 6'	3250	3736	4222	4587	3610	4156	4702	5112	3970	4576	5182	5637
> 6' to 8'	4200	4848	5496	5982	4680	5408	6136	6682	5160	5968	6776	7382
> 8' to 10'	5150	5960	6770	7378	5750	6660	7570	8253	6350	7360	8370	9128

TABLE 6c. LOAD ON FRAME PIER FOOTINGS FOR HOMES NOT REQUIRING PERIMETER BLOCKING EXCEPT AT OPENINGS (LBS)

Roof Load Zone and Max. Home Width (24" Max. Sidewall Eave Overhang)

Pier Spacing	South (20 psf)				Middle (30 psf)				North (40 psf)			
	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft
Up to 4'	2420	2744	3068	3311	2700	3064	3428	3701	2980	3384	3788	4091
> 4' to 6'	3430	3916	4402	4767	3850	4396	4942	5352	4270	4876	5482	5937
> 6' to 8'	4440	5088	5736	6222	5000	5728	6456	7002	5560	6368	7176	7782
> 8' to 10'	5450	6260	7070	7678	6150	7060	7970	8653	6850	7860	8870	9628

▶ go to STEP 4. SELECT FOOTING MATERIALS (p. 30)

**STEP 3. DESIGN FRAME AND PERIMETER SUPPORTS**  
(Homes With Perimeter Blocking)

**DETERMINE LOCATIONS**

Depending on design and location, some homes require regularly spaced perimeter supports along all of the sidewalls and marriage walls in addition to frame supports. The sidewall and marriage wall supports will be indicated by pier tags, labels, paint or other means. Perimeter blocking requirements may also be noted on the data plate. Perimeter blocking supports must be placed no further than 8 feet on-center.

If required, perimeter supports are only needed on bearing walls. Bearing walls are those walls that support the ends of roof trusses or rafters (typically sidewalls and marriage walls but not end walls of main units or sidewalls of tag units).

To minimize the number of required perimeter supports, space them evenly between point load supports as shown in **Figure 9** and **Figure 10** (but not under open spans). These figures identify typical support locations for homes requiring perimeter supports.



**Spacing frame supports.**  
There must be a support pier located near the end of each I-beam such that there is no more than 24 inches as measured from the outside edge of the floor to the center of the pier.



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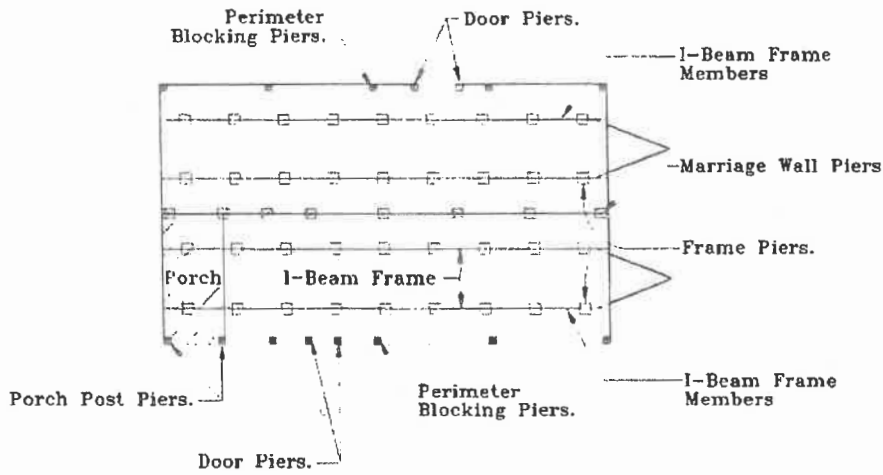


Figure 9. Typical support locations for homes requiring perimeter supports

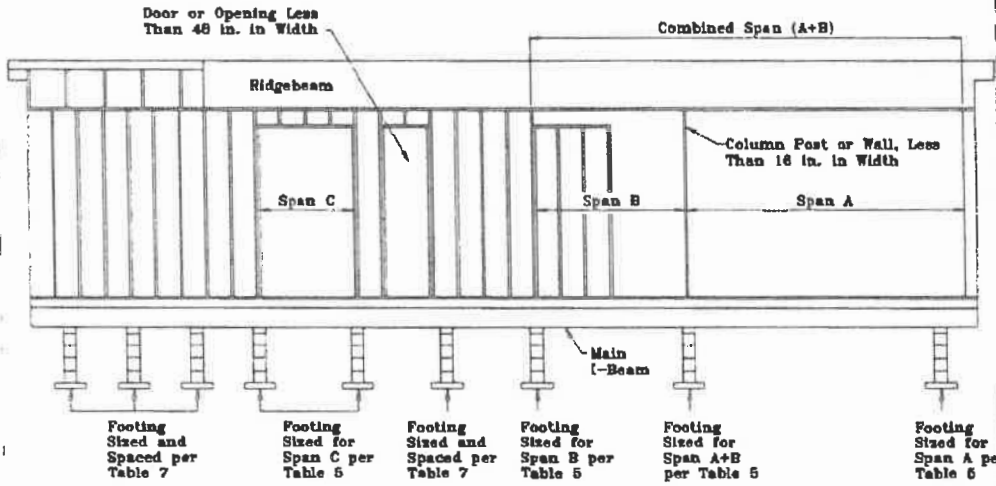


Figure 10. Typical marriage line support locations for homes requiring perimeter supports

### CALCULATE LOADS

Use Tables 7-7c to determine the loads on frame and perimeter supports for homes requiring perimeter blocking. Find the chart with the appropriate sidewall eave overhang. Then, find the column with the appropriate roof load and section width. Find the group of rows corresponding to the selected support spacing. The values in the intersecting cells are the loads for the frame, perimeter and marriage line supports respectively.

Loads on supports of a given type (frame, perimeter or marriage) can be assumed to be equal if support spacing is equal. However, if different support spacings are used then each support with a different spacing should be calculated separately.

Note the location and load required of each support on the sketch.

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TABLE 7. LOAD ON FRAME AND PERIMETER PIER FOOTINGS FOR HOMES REQUIRING PERIMETER BLOCKING (LBS)

Roof Load Zone and Max. Home Width (1-1/2" Max. Sidewall Eave Overhang)

Spacing	Location	South (20 psf)					Middle (30 psf)					North (40 psf)					North (60 psf)				
		10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft
Up to 4'	Frame	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185
Up to 4'	Sidewall	1175	1295	1415	1525	1625	1380	1540	1700	1847	1980	1585	1785	1985	2168	2335	1995	2275	2555	2812	3045
> 4' to 6'	Frame	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078
> 4' to 6'	Sidewall	1563	1743	1923	2088	2238	1870	2110	2350	2570	2770	2178	2478	2778	3053	3303	2793	3213	3633	4018	4368
> 6' to 8'	Frame	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970
> 6' to 8'	Sidewall	1950	2190	2430	2650	2850	2360	2680	3000	3293	3560	2770	3170	3570	3937	4270	3590	4150	4710	5223	5690
> 8' to 10'	Frame	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863
> 8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

Spacing	Location	North (80 psf)					North (100 psf)					North (120 psf)				
		10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft
Up to 4'	Frame	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185
Up to 4'	Sidewall	2405	2765	3125	3455	3755	2815	3255	3695	4098	4465	3225	3745	4265	4742	5175
> 4' to 6'	Frame	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078
> 4' to 6'	Sidewall	3408	3948	4488	4983	5433	4023	4683	5343	5948	6498	4638	5418	6198	6913	7563
> 6' to 8'	Frame	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970
> 6' to 8'	Sidewall	4410	5130	5850	6510	7110	5230	6110	6990	7797	8530	6050	7090	8130	9083	9950
> 8' to 10'	Frame	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863
> 8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a



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TABLE 7a. LOAD ON FRAME AND PERIMETER PIER FOOTINGS FOR HOMES REQUIRING PERIMETER BLOCKING (LBS)  
Roof Load Zone and Max. Home Width (6" Max. Sidewall Eave Overhang)

Pier	Location	South (20 psf)					Middle (30 psf)					North (40 psf)					North (60 psf)				
		10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft
Up to 4'	Frame	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185
Up to 4'	Sidewall	1220	1340	1460	1570	1670	1440	1600	1760	1907	2040	1660	1860	2060	2243	2410	2100	2380	2660	2917	3150
> 4' to 6'	Frame	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078
> 4' to 6'	Sidewall	1630	1810	1990	2155	2305	1960	2200	2440	2660	2860	2290	2590	2890	3165	3415	2950	3370	3790	4175	4525
> 6' to 8'	Frame	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970
> 6' to 8'	Sidewall	2040	2280	2520	2740	2940	2480	2800	3120	3413	3680	2920	3320	3720	4087	4420	3800	4360	4920	5433	5900
> 8' to 10'	Frame	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863
> 8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Pier	Location	North (20 psf)					North (100 psf)					North (120 psf)									
		10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft	10 ft	12 ft	14 ft	16 ft	18 ft					
Up to 4'	Frame	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185	1420	1624	1828	2015	2185					
Up to 4'	Sidewall	2540	2900	3260	3590	3890	2980	3420	3860	4263	4630	3420	3940	4460	4937	5370					
> 4' to 6'	Frame	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078	1930	2236	2542	2823	3078					
> 4' to 6'	Sidewall	3610	4150	4690	5185	5635	4270	4930	5590	6195	6745	4930	5710	6490	7205	7855					
> 6' to 8'	Frame	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970	2440	2848	3256	3630	3970					
> 6' to 8'	Sidewall	4680	5400	6120	6780	7380	5560	6440	7320	8127	8860	6440	7480	8520	9473	10340					
> 8' to 10'	Frame	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863	2950	3460	3970	4438	4863					
> 8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a						



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TABLE 7b. LOAD ON FRAME AND PERIMETER PIER FOOTINGS FOR HOMES REQUIRING PERIMETER BLOCKING (LBS)  
Roof Load Zone and Max. Home Width (12" Max. Sidewall Eave Overhang)

Pier Spacing	Location	South (20 psf)				Middle (30 psf)				North (40 psf)				North (60 psf)			
		20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft
Up to 4'	Frame	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981
Up to 4'	Sidewall	1280	1400	1520	1610	1520	1680	1840	1960	1760	1960	2160	2310	2240	2520	2800	3010
Up to 4'	Marriage wall	1760	2000	2240	2420	2160	2480	2800	3040	2560	2960	3360	3660	3360	3920	4480	4900
4' to 6'	Frame	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772
4' to 6'	Sidewall	1720	1900	2080	2215	2080	2320	2560	2740	2440	2740	3040	3265	3160	3580	4000	4315
4' to 6'	Marriage wall	2440	2800	3160	3430	3040	3520	4000	4360	3640	4240	4840	5290	4840	5680	6520	7150
6' to 8'	Frame	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562
6' to 8'	Sidewall	2160	2400	2640	2820	2640	2960	3280	3520	3120	3520	3920	4220	4080	4640	5200	5620
6' to 8'	Marriage wall	3120	3600	4080	4440	3920	4560	5200	5680	4720	5520	6320	6920	6320	7440	8560	9400
8' to 10'	Frame	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353
8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8' to 10'	Marriage wall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Pier Spacing	Location	North (80 psf)				North (100 psf)				North (120 psf)			
		20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft
Up to 4'	Frame	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981
Up to 4'	Sidewall	2720	3080	3440	3710	3200	3640	4080	4410	3680	4200	4720	5110
Up to 4'	Marriage wall	4160	4880	5600	6140	4960	5840	6720	7380	5760	6800	7840	8620
4' to 6'	Frame	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772
4' to 6'	Sidewall	3880	4420	4960	5365	4600	5260	5920	6415	5320	6100	6880	7465
4' to 6'	Marriage wall	6040	7120	8200	9010	7240	8560	9880	10870	8440	10000	11560	12730
6' to 8'	Frame	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562
6' to 8'	Sidewall	5040	5760	6480	7020	6000	6880	7760	8420	6960	8000	9040	9820
6' to 8'	Marriage wall	7920	9360	10800	11880	9520	11280	13040	14360	11120	13200	15280	16840
8' to 10'	Frame	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353
8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8' to 10'	Marriage wall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a



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**TABLE 7c. LOAD ON FRAME AND PERIMETER PIER FOOTINGS FOR HOMES REQUIRING PERIMETER BLOCKING (LBS)**  
Roof Load Zone and Max. Home Width (24" Max. Sidewall Eave Overhang)

Pier Spacing	Location	South (20 psf)				Middle (30 psf)				North (40 psf)				North (60 psf)			
		20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft	20 ft	24/36 ft	28/42 ft	32/48 ft
Up to 4'	Frame	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981
Up to 4'	Sidewall	1400	1520	1640	1730	1680	1840	2000	2120	1960	2160	2360	2510	2520	2800	3080	3290
Up to 4'	Marriage wall	1760	2000	2240	2420	2160	2480	2800	3040	2560	2960	3360	3660	3360	3920	4480	4900
4' to 6'	Frame	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772
4' to 6'	Sidewall	1900	2080	2260	2395	2320	2560	2800	2980	2740	3040	3340	3565	3580	4000	4420	4735
4' to 6'	Marriage wall	2440	2800	3160	3430	3040	3520	4000	4360	3640	4240	4840	5290	4840	5680	6520	7150
6' to 8'	Frame	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562
6' to 8'	Sidewall	2400	2640	2880	3060	2960	3280	3600	3840	3520	3920	4320	4620	4640	5200	5760	6180
6' to 8'	Marriage wall	3120	3600	4080	4440	3920	4560	5200	5680	4720	5520	6320	6920	6320	7440	8560	9400
8' to 10'	Frame	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353
8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8' to 10'	Marriage wall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Pier Spacing	Location	North (60 psf)				North (100 psf)				North (120 psf)			
		20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft	20 ft	24 ft	28/42 ft	32/48 ft
Up to 4'	Frame	1420	1624	1828	1981	1420	1624	1828	1981	1420	1624	1828	1981
Up to 4'	Sidewall	3080	3440	3800	4070	3640	4080	4520	4850	4200	4720	5240	5630
Up to 4'	Marriage wall	4160	4880	5600	6140	4960	5840	6720	7380	5760	6800	7840	8620
4' to 6'	Frame	1930	2236	2542	2772	1930	2236	2542	2772	1930	2236	2542	2772
4' to 6'	Sidewall	4420	4960	5500	5905	5260	5920	6580	7075	6100	6880	7660	8245
4' to 6'	Marriage wall	6040	7120	8200	9010	7240	8560	9880	10870	8440	10000	11560	12730
6' to 8'	Frame	2440	2848	3256	3562	2440	2848	3256	3562	2440	2848	3256	3562
6' to 8'	Sidewall	5760	6480	7200	7740	6880	7760	8640	9300	8000	9040	10080	10860
6' to 8'	Marriage wall	7920	9360	10800	11880	9520	11280	13040	14360	11120	13200	15280	16840
8' to 10'	Frame	2950	3460	3970	4353	2950	3460	3970	4353	2950	3460	3970	4353
8' to 10'	Sidewall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
8' to 10'	Marriage wall	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a



### STEP 4. SELECT FOOTING MATERIAL

Select one of the products and materials from Table 8 for the footings.

**TABLE 8. FOOTING MATERIALS**

Material	Appropriate Use	Specification
Poured concrete	All soil types	Minimum 6" thick poured-in-place concrete pads, slabs, or ribbons with at least a 28 day compressive strength of 3,000 psi. Cast-in-place concrete footings may also require reinforcing steel based on acceptable engineering practice, the design loads, and site specific soil conditions.
Pre-cast concrete	All soil types	Minimum 4" thick nominal precast concrete pads meeting or exceeding ASTM C 90-02a, Standard Specification for Load Bearing Concrete Masonry Units, without reinforcement, with at least a 28 day compressive strength of 1,200 psi.
ABS plastic	Stable soils	Use in accordance with the pad manufacturer's instructions. Must be certified for use in the soil classification at the site, listed and labeled for the required load capacity.
Proprietary systems	Consult system manufacturer	Consult system manufacturer

Will footings be concrete?  
 ▶ YES, go to **STEP 5, SIZE FOOTING**, (p. 31)  
 ▶ NO, see footing system manufacturer's instructions, then go to **Set the Home** (p. 38)

**STEP 5. SIZE FOOTINGS**

Once the load on the footing and the soil bearing capacity are known, calculate the size of each footing as follows:

1. From **Table 9** determine if the pier is to be of single stack blocks (8 inch x16 inch) or double stack blocks (16 inch x 16 inch).
2. Locate the group of columns in **Table 10** with the soil bearing capacity determined in **Prepare the Site, STEP 5. DETERMINE SOIL BEARING CAPACITY AND FROST LINE** (p. 17). Use the next lowest value if the exact value does not appear.
3. Find the row corresponding to the pier capacity required by Tables 5, 6 or 7. Then, read across the table to determine the minimum required footing area for the corresponding pier capacity and soil bearing capacity.
4. The required footing size and pier capacity may be changed by selecting different support spacing.

**TABLE 9. PIER CONFIGURATION**

Pier Configuration	Height	Configuration	Maximum load (lbs)	
			Without Mortar	With Mortar
Single Stack	Less than 36 in *	Single stack blocks with long side perpendicular to frame I-beam or parallel to perimeter rail (rim joist)	5,760	7,680
Double Stack	67" Max.	Double, interlocked blocks	11,520	15,360
Triple Stack	67" Max	Triple, interlocked blocks	17,280	23,034
Double Reinforced	108" Max. **	Double, interlocked blocks	NA	39,500

\* Single stack piers may be constructed up to 54" max. height only when installed as perimeter and marriage line support piers.

\*\* Cross reference maximum allowable pier height with maximum floor height listed in frame tiedown charts. If maximum height listed in frame tiedown charts is exceeded then designs must be provided by a registered professional engineer or registered architect.



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**TABLE 10. FOOTING DIMENSIONS**

Pier Capacity (Lbs)	Soil Bearing Capacity (PSF)					
	1000	1500	2000	2500	3000	4000
1000	144	128	128	128	128	128
1200	173	128	128	128	128	128
1400	202	134	128	128	128	128
1600	230	154	128	128	128	128
1800	259	173	130	128	128	128
2000	288	192	144	128	128	128
2200	317	211	158	128	128	128
2400	346	230	173	138	128	128
2600	374	250	187	150	128	128
2800	403	269	202	161	134	128
3000	432	288	216	173	144	128
3100	446	298	223	179	149	128
3200	461	307	230	184	154	128
3300	475	317	238	190	158	128
3400	490	326	245	196	163	128
3500	504	336	252	202	168	128
3600	518	346	259	207	173	130
3700	533	355	266	213	178	133
3800	547	365	274	219	182	137
3900	562	374	281	225	187	140
4000	576	384	288	230	192	144
4100	590	394	295	236	197	148
4200	605	403	302	242	202	151
4300	619	413	310	248	206	155
4400	634	422	317	253	211	158
4500	648	432	324	259	216	162
4600	662	442	331	265	221	166
4700	677	451	338	271	226	169
4800	691	461	346	276	230	173
4900	706	470	353	282	235	176
5000	720	480	360	288	240	180
5200	749	499	374	300	250	187
5400	778	518	389	311	259	194
5600	806	538	403	323	269	202
5800	835	557	418	334	278	209
6000	864	576	432	346	288	216
6200	893	595	446	357	298	223
6400	922	614	461	369	307	230
6600	950	634	475	380	317	238
6800	979	653	490	392	326	245
7000	1008	672	504	403	336	252
7200	1037	691	518	415	346	259
7400	1066	710	533	426	355	266
7600	1094	730	547	438	365	274
7800	1123	749	562	449	374	281
8000	1152	768	576	461	384	288
8500	1224	816	612	490	408	306
9000	1296	864	648	518	432	324
9500	1368	912	684	547	456	342
10000	1440	960	720	576	480	360
10500	1512	1008	756	605	504	378
11000	1584	1056	792	634	528	396
11500	1656	1104	828	662	552	414
12000	1728	1152	864	691	576	432
12500	1800	1200	900	720	600	450
13000	1872	1248	936	749	624	468
13500	1944	1296	972	778	648	486
14000	2016	1344	1008	806	672	504
14500	2088	1392	1044	835	696	522
15000	2160	1440	1080	864	720	540
15500	2232	1488	1116	893	744	558
16000	2304	1536	1152	922	768	576

**Note:**  
To calculate a square or rectangular footer:

$$\text{Length (in)} \times \text{Width (in)} = \text{Area}$$

Example:

$$16 \text{ in} \times 20 \text{ in} = 320 \text{ sq. inches}$$

To calculate a round footer:

$$3.14 \times .25 \times \text{Diameter (in)} \times \text{Diameter (in)} = \text{Area}$$

Example: For a 22" diameter footing

$$3.14 \times .25 \times 22 \text{ in} \times 22 \text{ in} = 380 \text{ sq. inches}$$

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Design footings to comply with the following additional requirements:

- To keep footings directly under I-beams and other support points, size them slightly larger than the minimum required area to allow slight adjustment of the pier location during home installation.
- Design footings with a footing extension (projection beyond the base of the pier) no greater than the footing thickness (Figure 11). Increase footing thickness if necessary

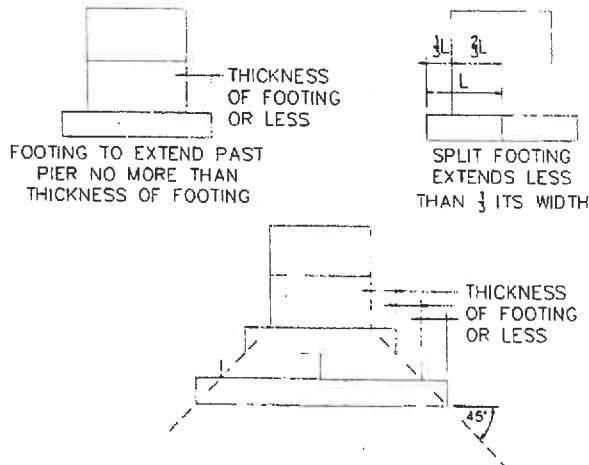


Figure 11. Maximum footing extensions

- The footing sizes shown are for square pads and are based on the surface area (square inches). Design non-square footings such that the area and depth is equal to or greater than the area of the square footing shown in Table 10 and the distance from the edge of the pier to the edge of the footing is not more than the thickness of the footing.

TABLE 10A. FOOTER DEPTH

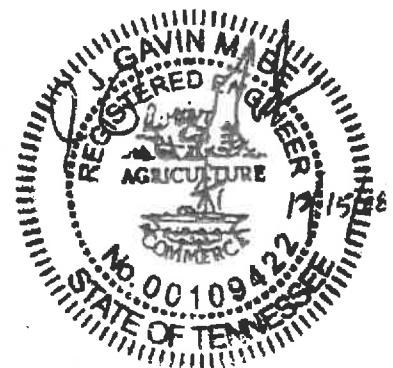
Poured in Place Footing for Single Stack Pier			Poured in Place Footing for Double Stack Pier		
Footer Depth (in)	Max Footer Dimension (in x in)	Max. Area (sq. in)	Footer Depth (in)	Max Footer Dimension (in x in)	Max. Area (sq. in)
6	28 x 20	560	8	28 x 28	784
8	32 x 24	768	8	32 x 32	1024
10	36 x 28	1008	10	36 x 36	1296
12	40 x 32	1280	12	40 x 40	1600
			14	44 x 44	1936
			16	48 x 48	2304

**STEP 6. INSTALL FOOTINGS**

Construct the footings as follows:

- Maintain the distance between adjacent piers to within 10% of the tabulated spacing and so the average distance between piers is equal to or less than the tabulated spacing.
- Whenever possible, place pier supports directly under the required locations. If plumbing, electrical or mechanical equipment interferes, place supports no more than 6 inches in either direction of the support point.
- Recess perimeter pier supports no more than 10 inches from the edge of the floor with added support as shown in Figure 12.

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**Placing Concrete anchors.**  
 If anchors will be placed in concrete follow instructions in *Install Stabilizing System* (p. 73) to determine anchor layout. Either place anchors immediately after the concrete has been poured or drill them in after the concrete has set.

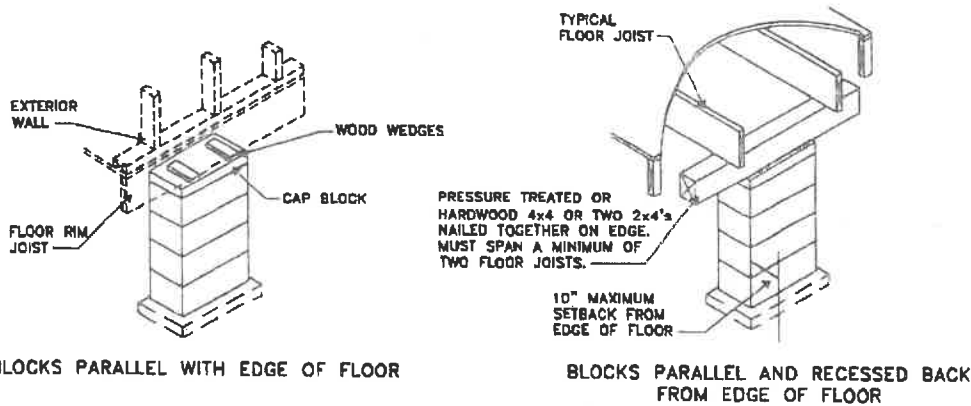


Figure 12. Perimeter supports

- If footings are rectangular, orient them so that the long side is perpendicular to the home's I-beam.
- Place the bottom of footings on undisturbed soil or fill compacted to at least 90% of its maximum relative density.
- In freezing climates protect footings from the effects of frost heave in accordance with any LAHJ requirements (see **Prepare the Site**, p. 15). Place the bottom of the footings below the frost line (insulated foundations and monolithic slabs or other frost protection options are acceptable, but not covered in this manual).
- Make sure the top surface of the footing is level, flat and smooth.
- In accordance with the American Concrete Institute publication ACI-308, maintain curing measures before construction or installation onto the concrete footing begins.



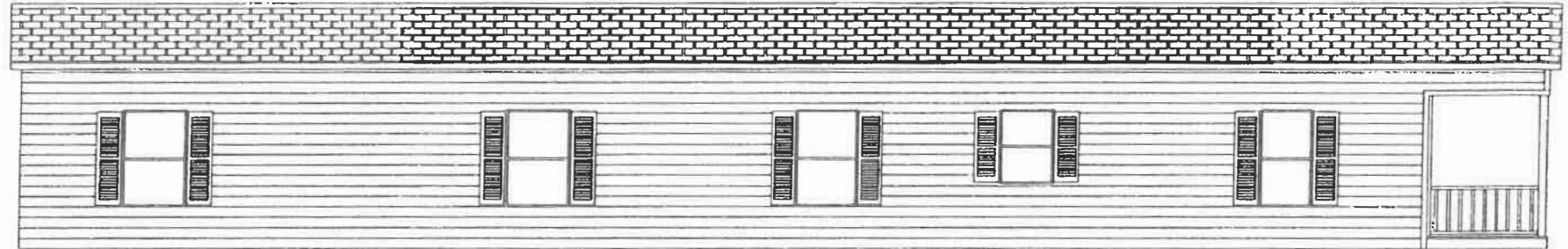
**Excavation.** If excavation is required, mark the footing locations on the ground with stakes before beginning to dig.

▶ go to **Set the Home** (p. 38)

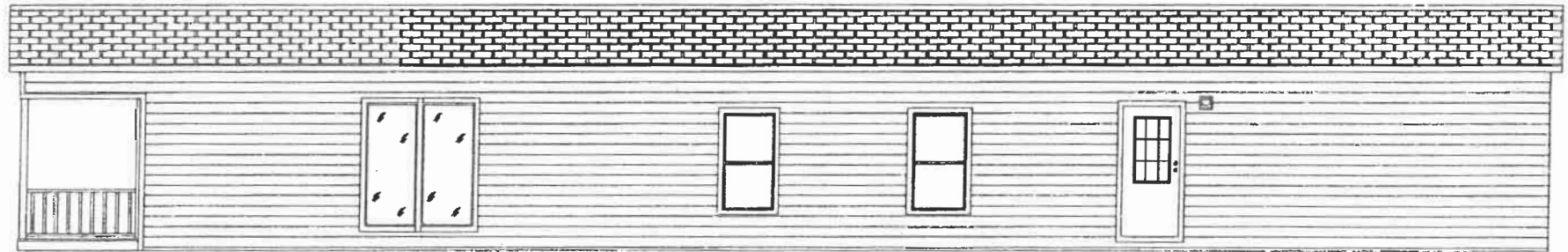


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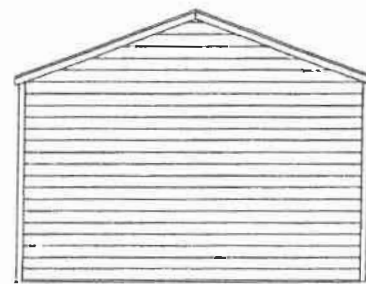
NOTE: SHOWN WITH EXTERIOR OPTIONS



74'-0" W/OPT. 6FT PORCH  
FRONT ELEVATION



74'-0"  
REAR ELEVATION



15'-0"  
LEFT ELEVATION



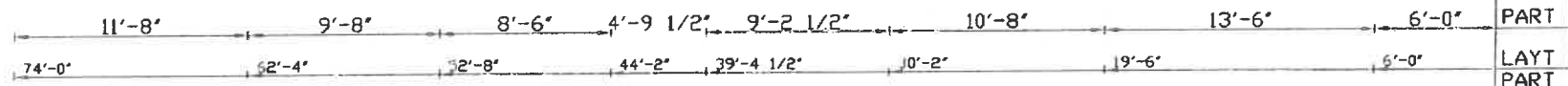
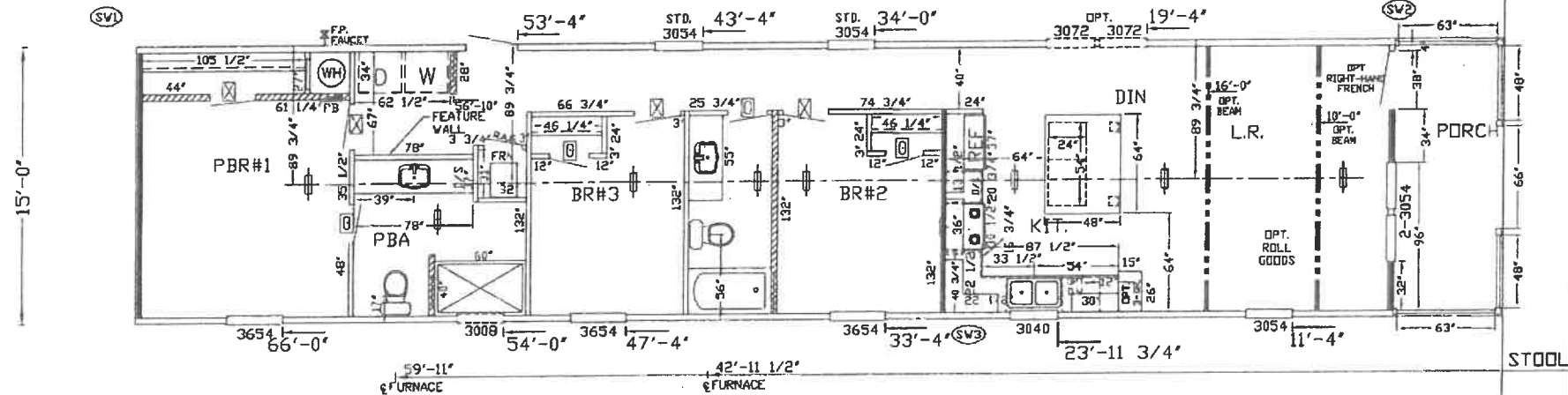
15'-0"  
RIGHT ELEVATION  
(HITCH END)  
OPT. IN-SWING  
FRENCH DOOR

\*\* SHOW WITH OPTIONAL 6FT PORCH 16 x (74) 78

<i>Southern Homes</i>			
ELEVATION DRAWINGS	SERIES SIG	SER.# 80452	DRAWN BY: J.C.S.
	MODEL SIG16683D	SIZE 16x(74)78	REVISION DATE: 10/20/2020
DRAWING LOCATION: C:\ACADSER\80452-EXTERIOR-ELEVATIONS.dwg			REVISION TIME: 2:28PM



10/20/2020  
1:56PM



\*\* ROLL GOODS T/OUT



REFERENCE PAGE RC-4.3.6.2 FOR SHEARWALL SHEATHING OF TRUSSES AND MAX. SPAN - WIND ZONE I ONLY

PAGE RC-4.0.1 MAY BE USED FOR SHEATHING OF TRUSSES FOR WIND ZONE I II & III

ALL FACTORS MINIMUM

WIND ZONE	I	II	III
SHEAR WALL #1	210 PLF @ 6'-4"	N/A	N/A
SHEAR WALL #2	350 PLF @ 3'-8"	N/A	N/A
SHEAR WALL #3	210 PLF @ 9'-9"	N/A	N/A
SHEAR WALL #4	N/A	N/A	N/A
SHEAR WALL #5	N/A	N/A	N/A
SHEAR WALL #6	N/A	N/A	N/A
SHEAR WALL #7	N/A	N/A	N/A

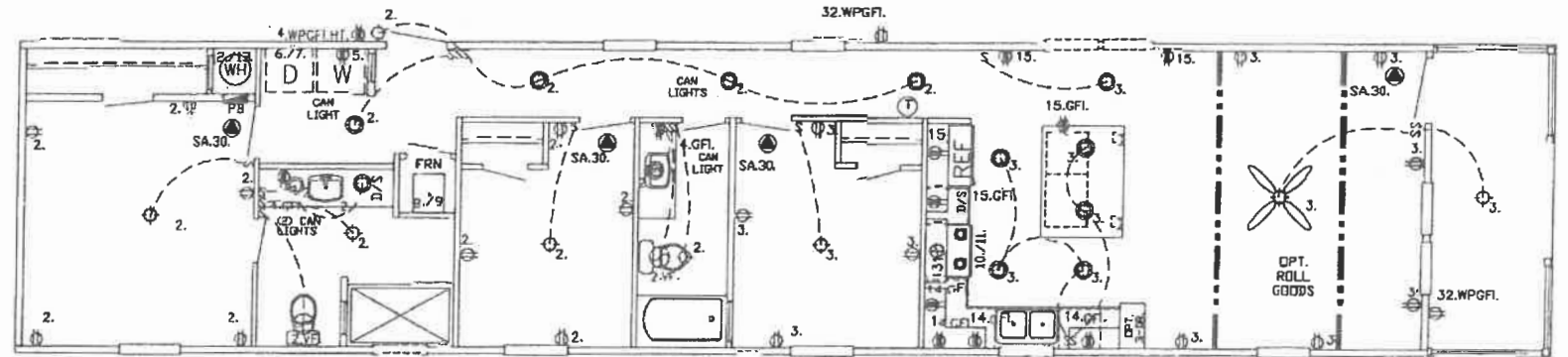
10KW - FED002410 - NADA43601CK - 34121 BTU

= 4" WALL  
 = 29 1/4" DOOR  
 = 25 1/4" DOOR

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**SOUTHERN HOMES**  
 MODEL SIG16683D-74-3/16X74  
 SER# 80452

10/20/2020  
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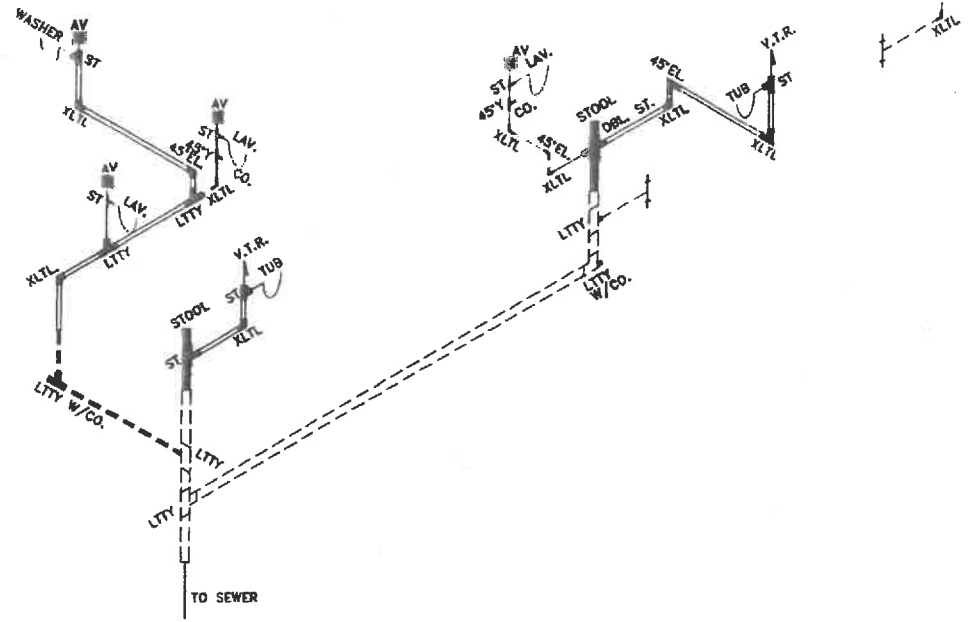
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REF. EL-24 FOR NOTES & CIRCUITS  
REF. PLN-11 FOR GENERAL NOTES  
● = RECEPT. = 20AMP CIRCUIT = 12-2 WIRE

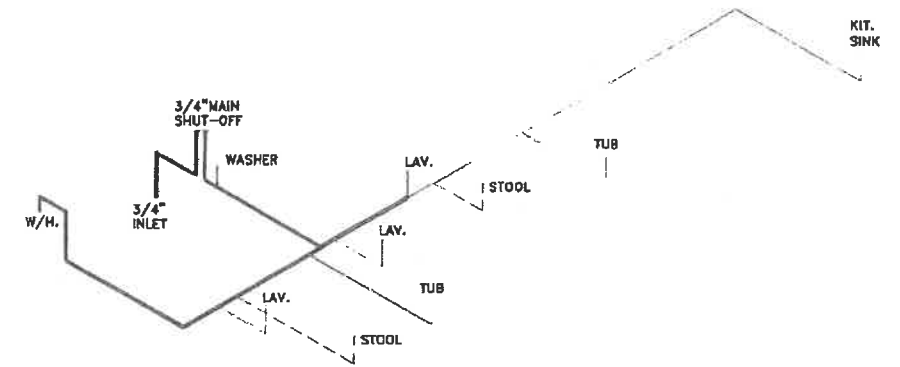
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**SOUTHERN HOMES**  
MODEL SIG16683D-74-3/16X74  
SER# 80452

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# DRAIN LINES



MP-16.SIG16683D.3



# WATER LINES

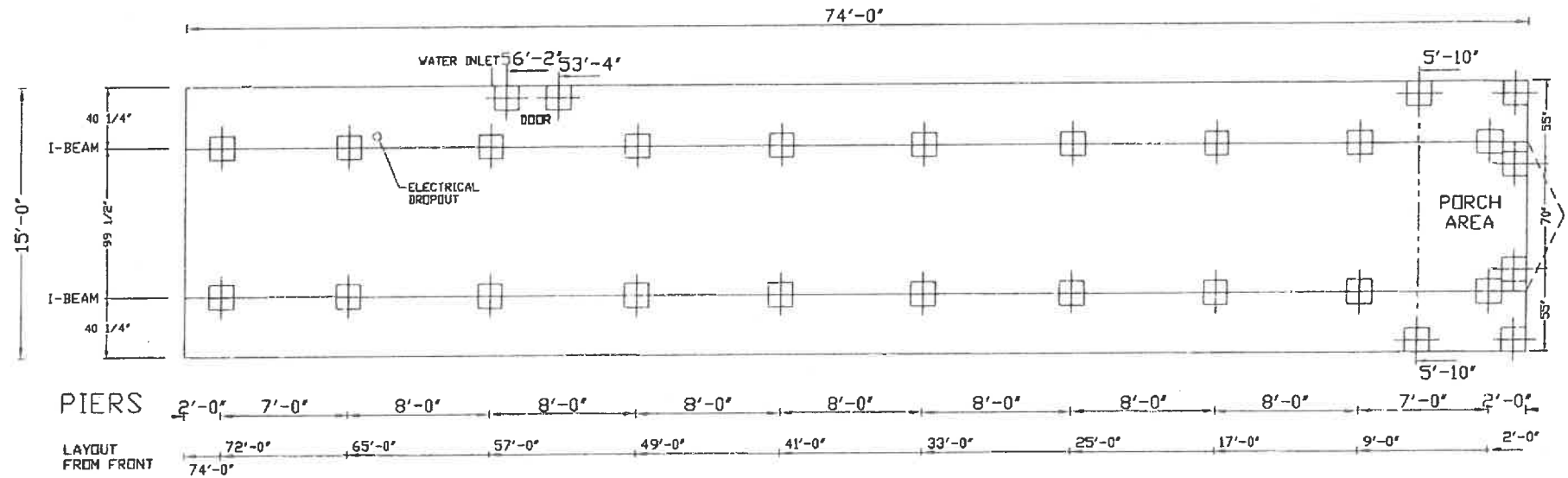
LOOSE PLUMBING FOR FIELD INSTALL	SIZE	3"	3"	3"	3"	3"	3-1S	3x3x2	3"	3-2	2"	2"	2"	2"	2"	2-1S	1 1/2"	1 1/2"	1 1/2"	1 1/2"	CLEAN	CE
QTY.	ITEM	LTTY	XLTL	COUP	DBL.EL	ST	REDUC	LTTY	PIPE	REDUC	LTTY	XLTL	COUP	PIPE	ST	REDUC	LTTY	XLTL	COUP	PIPE	OUT	PLUG
2	1	1 1/2"	2	2	2	2	1	2	40'	1	1	1	20'	2	2	1	2	1	2	40'	2	2
		1 1/2"	2"	3"			FOR DRAIN LINES		DRAIN, & WATER PIPING TYP. NOTE: DWGS. NOT TO SCALE													
		1 1/2"	2"	3"			FOR ON-SITE DRAIN LINES		TYP. NOTE FOR DRAIN LINES: STOOL TRAP ARM LESS THAN 6'-0" DASHED LINES ARE FIELD INSTALLED													
		1 1/2"	3/4"				FOR WATER LINES		TYP. NOTE FOR WATER LINES: COLD AS SHOWN, FOR HOT LINES DELETE STOOL INLET & SHUTOFF													

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**SOUTHERN HOMES**  
MODEL SIG16683D-74-3/16X74  
SER# 80452

10/20/2020  
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NOTE: ADDITIONAL PERIMETER BLOCKING WILL BE REQUIRED WITH 2X6 EXT. WALLS - NOT OVER 2'-0" FROM EACH END AND 8'-0" O.C., ALSO, ROCK, STONE, OR BRICK ON THE EXTERIOR. CEDAR COVERED WALLS ON THE INTERIOR WILL ALSO REQUIRE ADDITIONAL PERMIETER BLOCKING. THESE LOCATIONS SHOULD BE IDENTIFIED BY STICKERS ON THE UNIT



REFER TO LOADING CHART  
IN INSTALLATION INSTRUCTIONS FOR  
PIER SPACING PER PAD SIZE BEING USED

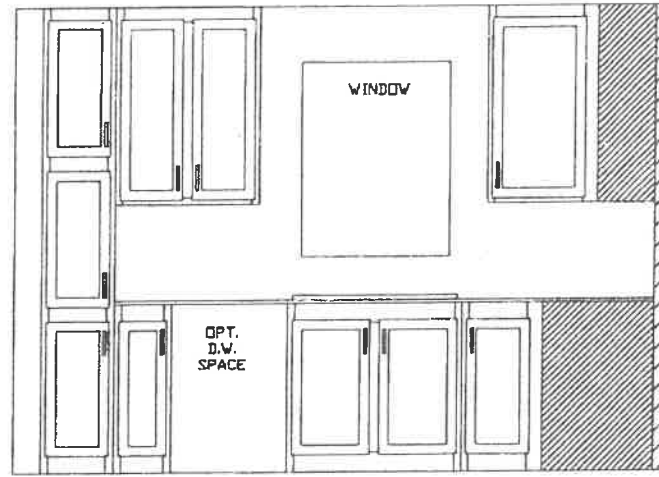
PIERS MAX 8FT O.C.  
MAX 2FT FROM ENDS  
FOLLOW INSTALLATION INSTRUCTIONS

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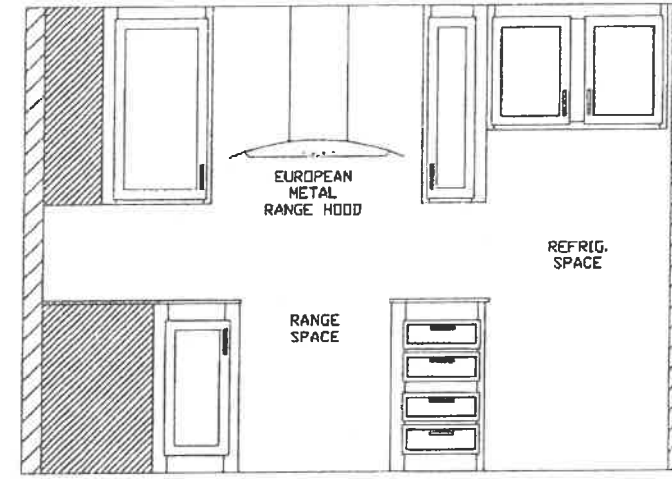
NOTE: SOUTHERN ENERGY HOMES IS NOT RESPONSIBLE FOR FOUNDATION ALL WORK MUST CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, FHA REQUIREMENTS AND STD. CONSTRUCTION PRACTICES. SOUTHERN ENERGY HOMES IS NOT RESPONSIBLE FOR PIER LOCATIONS, THIS DRAWING IS A GUIDE ONLY. ALL DIMENSIONS TO BE CONFIRMED ON-SITE BY OTHERS AND INSTALLATION TO CONFORM TO SOUTHERN ENERGY HOMES INSTALLATION INSTRUCTIONS.

**SOUTHERN HOMES**  
MODEL SIG16683D-74-3/16X74  
SER# 80452

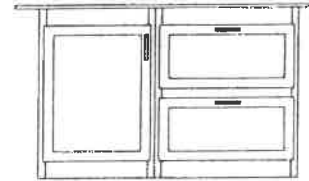




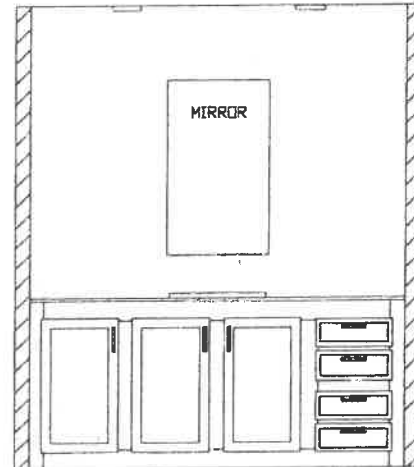
KIT - KIT SINK AREA AT SIDEWALL



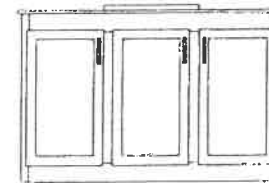
KIT - RANGE/REFRIG. SPACE AT BR#2 WALL



OPT. KIT - ISLAND FRONT W/P&P DRWR



MBA- LAVS



BATH #2 LAV

OPT. 42" O'HEADS

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CABINETS

SOUTHERN HOMES  
 MODEL SIG16683D-74-2/16X74  
 SER# 80452

VINYL

**Project Information**

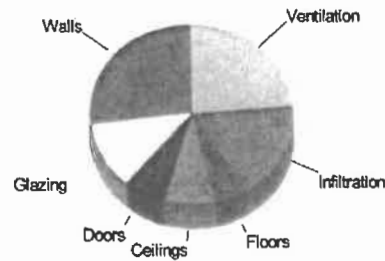
For: SER# 80452

**Design Conditions**

<b>Location:</b>		<b>Indoor:</b>		<b>Heating</b>	<b>Cooling</b>
Birmingham, AL, US		Indoor temperature (°F)		70	75
Elevation: 630 ft		Design TD (°F)		47	18
Latitude: 34°N		Relative humidity (%)		50	50
		Moisture difference (gr/lb)		41.8	40.7
<b>Outdoor:</b>	<b>Heating</b>	<b>Cooling</b>	<b>Infiltration:</b>		
Dry bulb (°F)	23	93	Method	Simplified	
Daily range (°F)	-	19 ( M )	Construction quality	Average	
Wet bulb (°F)	-	75	Fireplaces	0	
Wind speed (mph)	15.0	7.5			

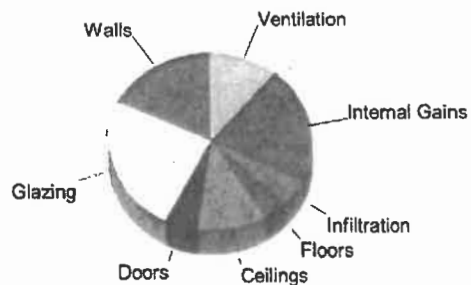
**Heating**

Component	Btuh/ft²	Btuh	% of load
Walls	4.7	5241	27.1
Glazing	16.4	2250	11.6
Doors	19.3	1249	6.5
Ceilings	1.5	1534	7.9
Floors	1.0	1055	5.5
Infiltration	2.6	3436	17.8
Ducts		0	0
Piping		0	0
Humidification		0	0
Ventilation		4548	23.5
Adjustments		0	0
<b>Total</b>		<b>19313</b>	<b>100.0</b>



**Cooling**

Component	Btuh/ft²	Btuh	% of load
Walls	2.4	2738	17.9
Glazing	27.4	3753	24.5
Doors	12.2	792	5.2
Ceilings	1.7	1685	11.0
Floors	0.6	610	4.0
Infiltration	0.5	699	4.6
Ducts		0	0
Ventilation		1713	11.2
Internal gains		3320	21.7
Blower		0	0
Adjustments		0	0
<b>Total</b>		<b>15310</b>	<b>100.0</b>



Latent Cooling Load = 4226 Btuh  
Overall U-value = 0.078 Btuh/ft²-°F

Data entries checked.

**Project Information**

For: SER# 80452

**Design Conditions**

<b>Location:</b>		<b>Indoor:</b>		<b>Heating</b>	<b>Cooling</b>
Birmingham, AL, US		Indoor temperature (°F)		70	75
Elevation: 630 ft		Design TD (°F)		47	18
Latitude: 34°N		Relative humidity (%)		50	50
<b>Outdoor:</b>		Moisture difference (gr/lb)		41.8	40.7
Dry bulb (°F)	<b>Heating</b>	<b>Cooling</b>			
Daily range (°F)	23	93			
Wet bulb (°F)	-	19 ( M )			
Wind speed (mph)	15.0	7.5			
		<b>Infiltration:</b>			
		Method		Simplified	
		Construction quality		Average	
		Fireplaces		0	

**Construction descriptions**

**Walls**

	Or	Area ft²	U-value Btu/h-ft²-F	Insul R ft²-F/Btu/h	Htg HTM Btu/h-ft²	Loss Btu/h	Clg HTM Btu/h-ft²	Gain Btu/h
MH R11 099 WALL: R11 WALL INS, Fm wall, vnl ext, 3/8" wood shth, 1/2" gypsum board int fnsh, 2"x4" wood frm	n	120	0.099	11.0	4.65	558	2.43	292
	e	470	0.099	11.0	4.65	2186	2.43	1142
	s	76	0.099	11.0	4.65	353	2.43	184
	w	461	0.099	11.0	4.65	2144	2.43	1120
	all	1126	0.099	11.0	4.65	5241	2.43	2738

**Partitions**  
(none)

**Windows**

Clayton Windows - Low-E windows Uo35 SHGC31: Clayton Windows - Low E Uo .35 SHGC .31 2 glazing; NFRC rated (SHGC=0.31); 50% blinds 45°, light; 1 ft overhang (4.5 ft window ht, 1 ft sep.); 6.5 ft head ht	e	23	0.350	0	16.4	370	30.4	685
	s	23	0.350	0	16.4	370	12.2	274
	w	11	0.350	0	16.4	185	30.4	343
	w	41	0.350	0	16.4	666	30.4	1233
	all	97	0.350	0	16.4	1592	26.2	2535
Clayton Windows - Low-E windows Uo35 SHGC31: Clayton Windows - Low E Uo .35 SHGC .31 2 glazing; NFRC rated (SHGC=0.31); 50% blinds 45°, light; 1 ft overhang (6 ft window ht, 1 ft sep.); 6.5 ft head ht	e	30	0.350	0	16.4	493	30.4	913
Clayton Windows - Low-E windows Uo35 SHGC31: Clayton Windows - Low E Uo .35 SHGC .31 2 glazing; NFRC rated (SHGC=0.31); 50% blinds 45°, light; 1 ft overhang (0.67 ft window ht, 1 ft sep.); 6.5 ft head ht	w	2	0.350	0	16.4	27	30.4	51
Clayton Windows - Low-E windows Uo35 SHGC31: Clayton Windows - Low E Uo .35 SHGC .31 2 glazing; NFRC rated (SHGC=0.31); 50% blinds 45°, light; 1 ft overhang (3.33 ft window ht, 1 ft sep.); 6.5 ft head ht	w	8	0.350	0	16.5	137	30.4	254

**Doors**

SE Standard Doors: Door, mtl pur core type	e	22	0.410	0	19.3	417	12.2	264
	s	22	0.410	0	19.3	417	12.2	264
	w	22	0.410	0	19.3	415	12.2	263
	all	65	0.410	0	19.3	1249	12.2	792

**Cellings**

MH R33 032 CEIL: R33 INS CEILING, Attic ceiling, asphalt shingles roof mat, r-33 ceil ins, 1/2" gypsum board int fnsh 1020 0.032 33.0 1.50 1534 1.65 1685

**Floors**

MH R22 044 FLR: R22 FLR INS, Flr floor, frm fir, amb ovr. 1020 0.044 22.0 1.03 1055 0.60 610



**Project Information**

For: SER# 80452

Notes: U-value of duct in floor= 0.074, R-value of duct internal = R11

**Design Information**

Weather: Birmingham, AL, US

**Winter Design Conditions**

Outside db 23 °F  
 Inside db 70 °F  
 Design TD 47 °F

**Summer Design Conditions**

Outside db 93 °F  
 Inside db 75 °F  
 Design TD 18 °F  
 Daily range M  
 Relative humidity 50 %  
 Moisture difference 41 gr/lb

**Heating Summary**

Structure 14765 Btuh  
 Ducts 0 Btuh  
 Central vent (90 cfm) 4548 Btuh  
     Outside air  
 Humidification 0 Btuh  
 Piping 0 Btuh  
 Equipment load 19313 Btuh

**Sensible Cooling Equipment Load Sizing**

Structure 13597 Btuh  
 Ducts 0 Btuh  
 Central vent (90 cfm) 1713 Btuh  
     Outside air  
 Blower 0 Btuh  
 Use manufacturer's data n  
 Rate/swing multiplier 0.98  
 Equipment sensible load 14958 Btuh

**Infiltration**

Method Simplified  
 Construction quality Average  
 Fireplaces 0

**Latent Cooling Equipment Load Sizing**

Structure 1793 Btuh  
 Ducts 0 Btuh  
 Central vent (90 cfm) 2433 Btuh  
     Outside air  
 Equipment latent load 4226 Btuh  
 Equipment Total Load (Sen+Lat) 19184 Btuh  
 Req. total capacity at 0.70 SHR 1.8 ton

	Heating	Cooling
Area (ft²)	1020	1020
Volume (ft³)	8160	8160
Air changes/hour	0.50	0.27
Equip. AVF (cfm)	68	37

**Heating Equipment Summary**

Make Smart Comfort  
 Trade FED002410  
 Model AFUE 100  
 AHRI ref

Efficiency 100 AFUE  
 Heating input 10.0 kW  
 Heating output 34121 Btuh  
 Temperature rise 41 °F  
 Actual air flow 780 cfm  
 Air flow factor 0.053 cfm/Btuh  
 Static pressure 0.30 in H2O  
 Space thermostat

**Cooling Equipment Summary**

Make Smart Comfort  
 Trade 15 SEER HIGH EER R SERIES R410...  
 Cond R4A524GKB  
 Coil FED002410+NADA43601CK  
 AHRI ref 203358048  
 Efficiency 12.2 EER, 14 SEER

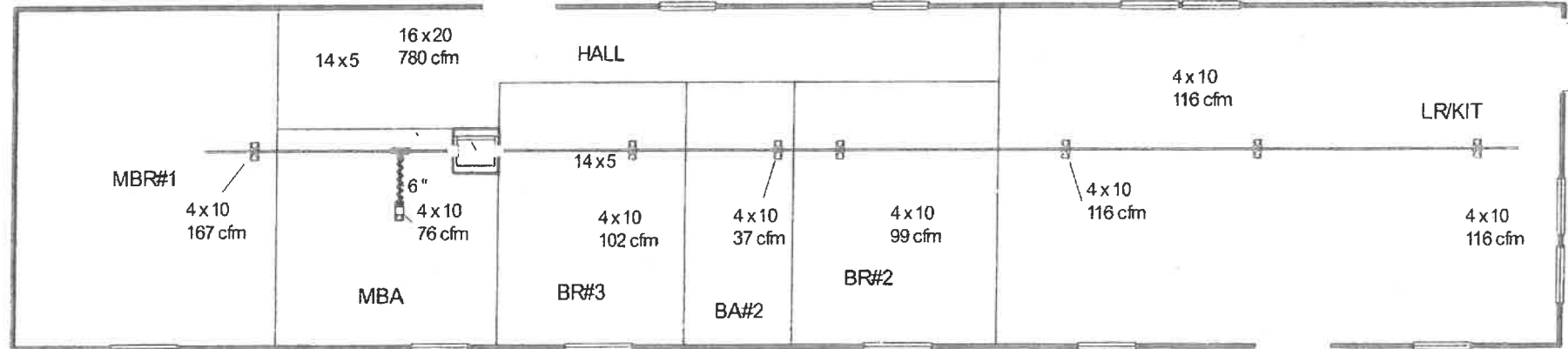
Sensible cooling 16380 Btuh  
 Latent cooling 7020 Btuh  
 Total cooling 23400 Btuh  
 Actual air flow 780 cfm  
 Air flow factor 0.057 cfm/Btuh  
 Static pressure 0.30 in H2O  
 Load sensible heat ratio 0.78

Calculations approved by ACCA to meet all requirements of Manual J 8th Ed.





**Level 1**



**Job #: SER# 80452**  
**Performed for:**  
SER# 80452

**Southern Energy Homes**

1037 Highway 44  
Russellville, AL 35654  
Phone: 877-489-3433 Fax: 256-277-7299  
<http://sehomessouthern.com/>

Scale: 1 : 84

Page 1  
Right-Suite® Universal 2019  
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# Duct System Summary

## Entire House

### Southern Energy Homes

Job: SER# 80452

Date: 10-20-2020

By:

1037 Highway 44, Russellville, AL 35654 Phone: 877-489-3433 Fax: 256-277-7299 Web: <http://sehomes.southern.com/>

### Project Information

For: SER# 80452

	Heating	Cooling
External static pressure	0.30 in H2O	0.30 in H2O
Pressure losses	0 in H2O	0 in H2O
Available static pressure	0.30 in H2O	0.30 in H2O
Supply / return available pressure	0.150 / 0.150 in H2O	0.150 / 0.150 in H2O
Lowest friction rate	0.207 in/100ft	0.207 in/100ft
Actual air flow	780 cfm	780 cfm
Total effective length (TEL)		145 ft

### Supply Branch Detail Table

Name	Design (Btuh)	Htg (cfm)	Clg (cfm)	Design FR	Diam (in)	H x W (in)	Duct Matl	Actual Ln (ft)	Ftg.Eqv Ln (ft)	Trunk
BA#2	h 710	37	28	0.634	6.0	0x0	VIFx	12.3	35.0	st1
BR#2	c 1729	81	99	0.600	6.0	0x0	VIFx	15.0	35.0	st1
BR#3	c 1775	82	102	0.732	6.0	0x0	VIFx	6.0	35.0	st1
LRKIT	c 2014	112	116	0.500	6.0	0x0	VIFx	25.0	35.0	st1
LRKIT-A	c 2014	112	116	0.439	6.0	0x0	VIFx	33.3	35.0	st1
LRKIT-B	c 2014	112	116	0.385	6.0	0x0	VIFx	43.0	35.0	st1
MBA	h 1441	76	60	0.207	6.0	0x0	VIFx	5.0	140.0	st2
MBR#1-A	h 3168	167	145	0.687	6.0	0x0	VIFx	8.7	35.0	st2

### Supply Trunk Detail Table

Name	Trunk Type	Htg (cfm)	Clg (cfm)	Design FR	Veloc (fpm)	Diam (in)	H x W (in)	Duct Material	Trunk
st2	PeakAVF	243	204	0.207	501	6.7	5 x 14	ShtMetl	
st1	PeakAVF	537	576	0.385	1184	9.8	5 x 14	ShtMetl	

### Return Branch Detail Table

Name	Grille Size (in)	Htg (cfm)	Clg (cfm)	TEL (ft)	Design FR	Veloc (fpm)	Diam (in)	H x W (in)	Stud/Joist Opening (in)	Duct Matl	Trunk
rb1	0x0	780	780	0	0	0	0	0x0		ShMt	



Right-Suite® Universal 2019 19.0.20 RSU15684

C:\ACADSER\80452-SIG16883D-INFLOOR.rup Calc = MJ8 Front Door faces: N

2020-Oct-20 14:11:28

Page 1

Model:   
 Serial Number:  0

**Design Information**

U-Value:  Btu / ft<sup>2</sup> - F

Estimated heatloss  btuh / F (Uo \* Total Area + Infiltration (0.7 \* Perimeter))

Furnace output  Heating Output

Energy Star Package:

Final Uo\* =  Btu / ft<sup>2</sup> - F

*\*Includes crossover for multi section*

**OK for Thermal Zone 1, 2, & 3**

**Cooling Equipment Summary**

Actual Air Flow:  cfm

Duct Capacity:  btuh

Economy Outdoor Temp (°F) =  = (70 - Furnace Output / Estimated Heatloss)  
 (Outdoor Certification Temp.)

Furnace Heating Temp (°F) =  = If 0.3 \* Cert. Temp. > 20 then  
 (Operating Econ. Cert. Temp.) 0.3 \* (70 - Cert. Temp.) + Cert. Temp  
 else Cert. Temp. + 20

Air Ducts in Floor:  sq ft

Air Ducts Outside of Home:  sq ft



Meeting – November 12, 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: Central City      Staff Planner Moton      ZBA2020-00065

Request:                      Special Exception  
Applicant:                  Amanda Loper  
Owner:                        213 Bonita LLC  
Site Address:                213 25<sup>th</sup> St N  
Zip Code:                    35222  
Description:                 Special exception to allow remote parking for the required 20 off-street parking within 1,000 feet Title 1, Chapter 5, Article I, Section 8 A.3 page 249  
Property Zoned:             M-1 Light Manufacturing District  
Parcel Information:         Parcel #:012200361006003000, NE of Section 36, Township 17 S, Range 3 W

**Special Exception:**

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

**Neighborhood Meeting:**

The Central City Neighborhood Association has requested the case be continued to allow for the applicant to come to their meeting on November 17, 2020.

**Public Notices:**

Public notices were mailed on October 27, 2020.

**Staff Analysis:**

The parcel is located at 213 25<sup>th</sup> St N and the building itself resides within the M-1, Light Manufacturing. The applicant is purposing a mixed use consisting of office space and a cafe. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 400sqft of GFA for an office and 1 parking space per 100sqft GFA for restaurant. The office is 5,906sf which requires 15 parking spaces and the café is 1,000sf which requires 10 parking spaces totaling 25 spaces. However, with the 10% deduction for a nearby transit and deductions for bike racks leaves them with 20 required parking spaces.

**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. All permits and certificate of completion should obtain within three years of approval from the Board.
3. A written parking agreement for 20 spaces recorded with the probate court within 30days of approval.

**PARCEL ID:** 012200361006003000

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

**DATE:** Tuesday, October 27, 2020 11:12:32 AM

**OWNER:** POULET LLC

**ADDRESS:** 2109 1ST AVE S

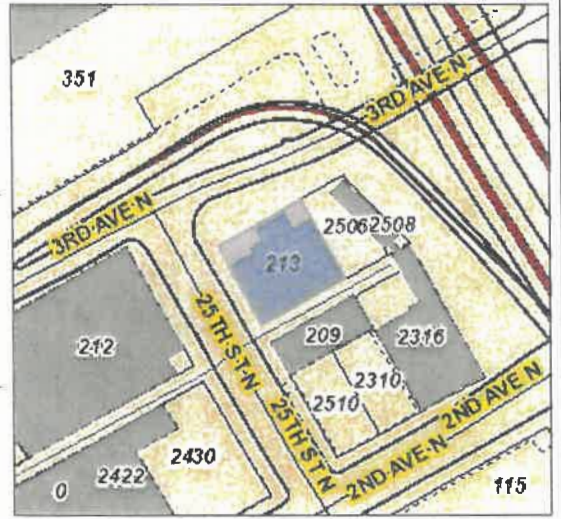
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35233

**SITE ADDR:** 213 25TH ST N

**CITY/STATE:** BHAM, AL

**ZIP:** 35203



**LAND:** \$251,100.00

**BLDG:** \$161,600.00

**OTHER:** \$0.00

**AREA:** 9,330.79

**ACRES:** 0.21

**SUBDIVISION INFORMATION:**

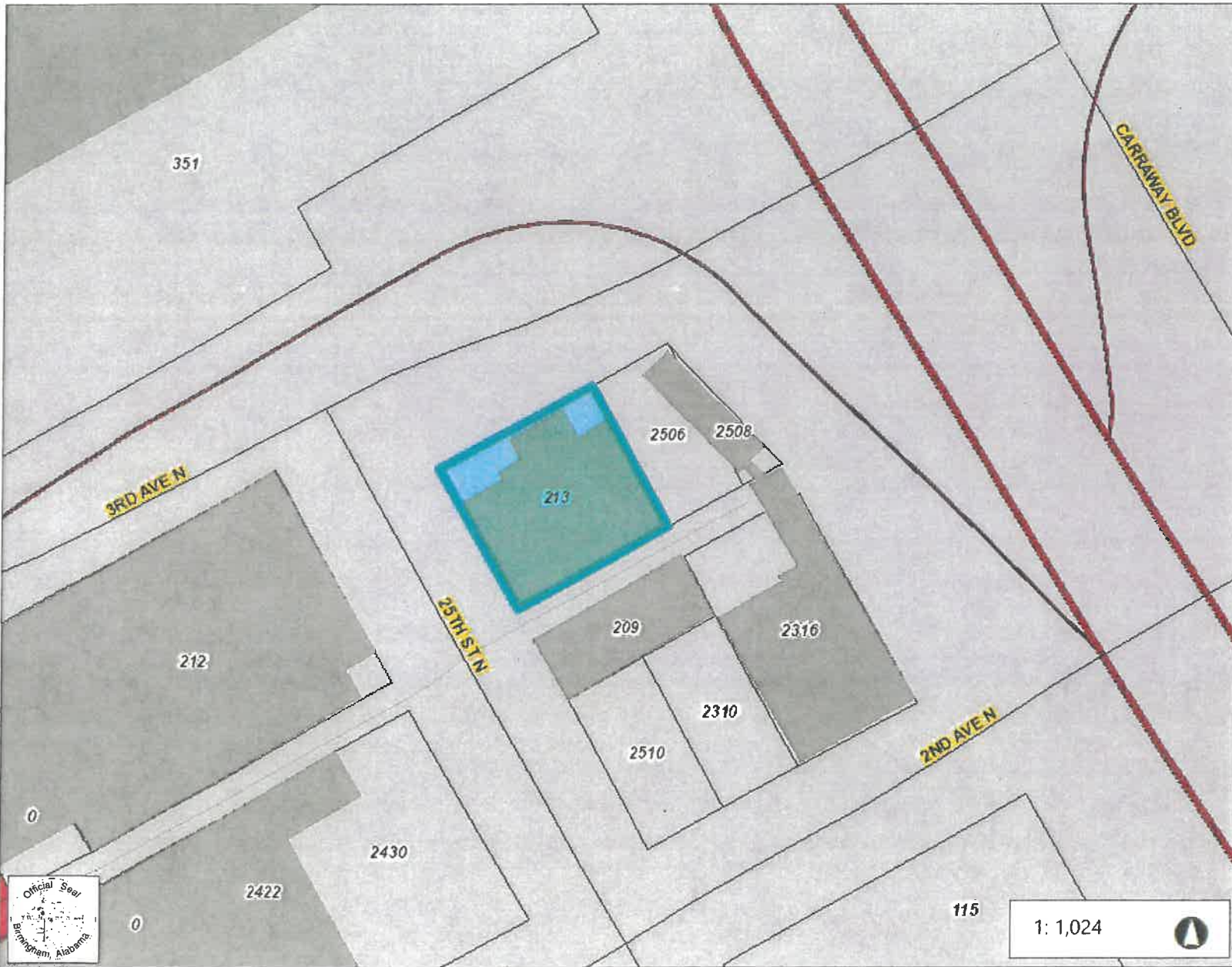
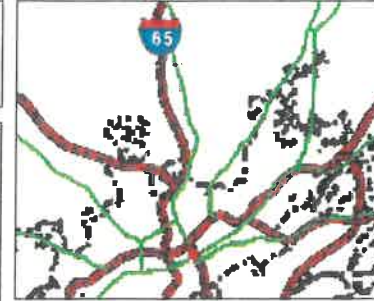
**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 80

**LOT:** 8

**Section:** 36-17-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Downtown  
**Commercial Revitalization District:** Not in Commercial Revitalization District  
**Fire District:** In Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** In Tax Increment Financing District  
**Neighborhoods:** Central City (1201)  
**Communities:** Northside (12)  
**Council Districts:** District - 5 (Councilor: Darrell O'Quinn)  
**Zoning Outline:** M1  
**Demolition Quadrants:** DEM Quadrant - 3  
**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:** In Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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



**Legend**

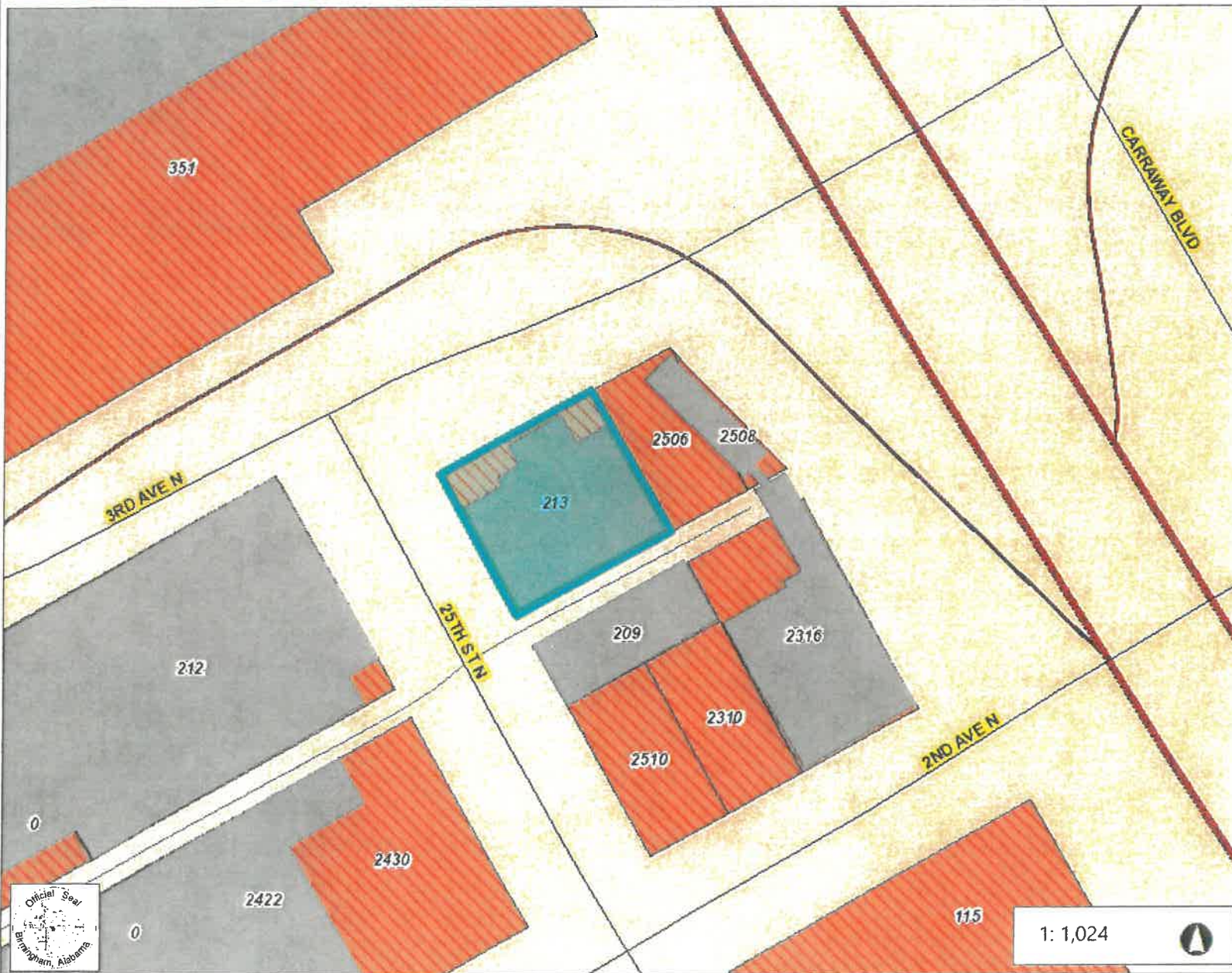
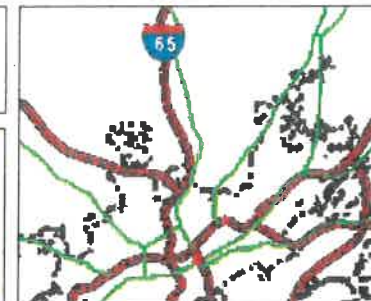
- Centerline Labels
- +— Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
 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



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: 1,024



170.7 0 85.33 170.7 Feet

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

Notes

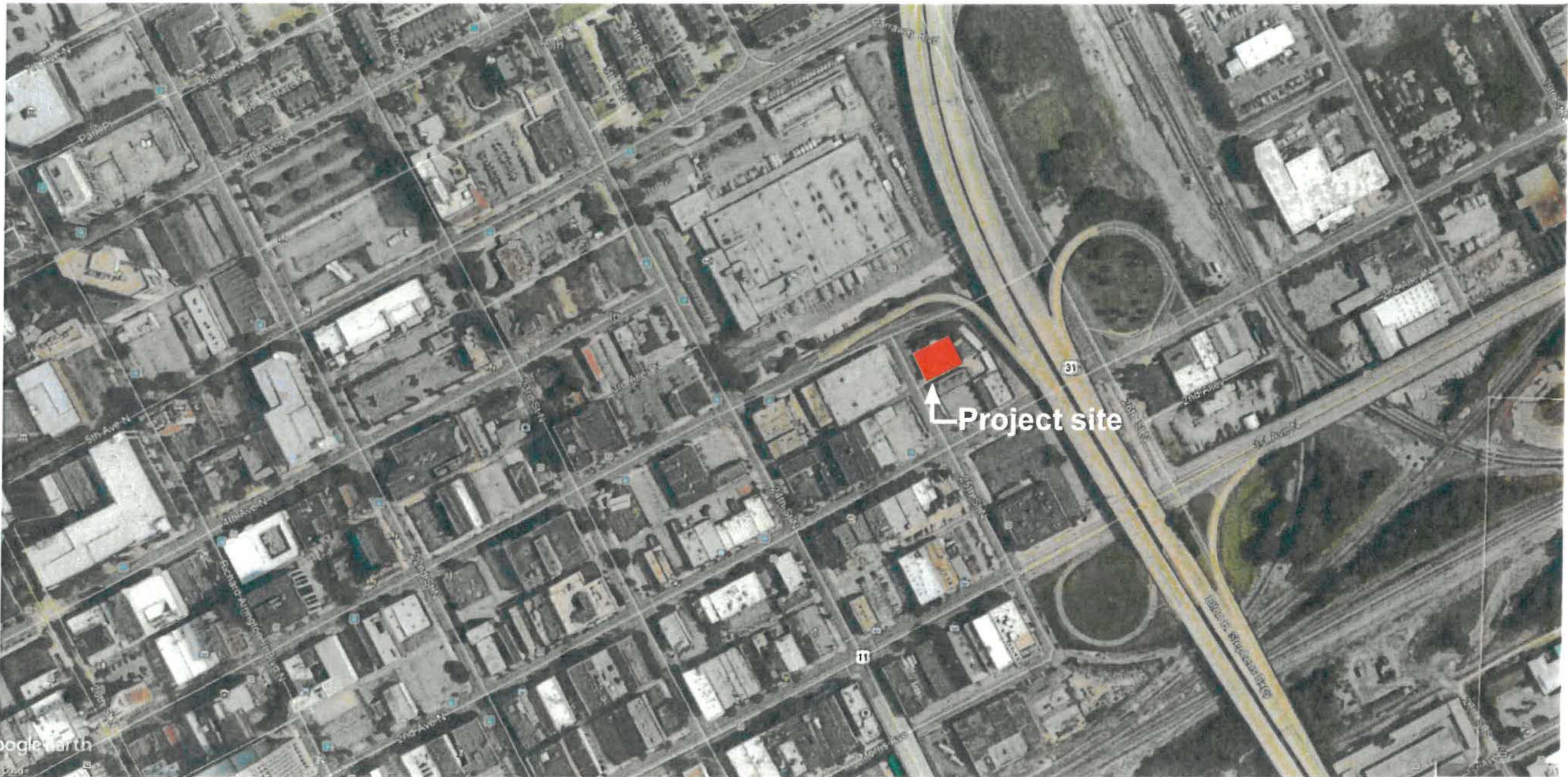




213 25th St N  
ZBA2020-00045







213 25TH STREET NORTH





ADJACENT SITE PARKING

## ADJACENT LOT PARKING

ZONING DISTRICT:

M-1

PARKING REQUIREMENTS FOR M-1:

Offices 1 per 400 GFA  
Restaurant 1 per 100 GFA

5,906 sf Office

15 spaces

1,000 sf Cafe

10 spaces

---

25 spaces

Bicycle reduction = 10%

Transit reduction = 10%

Total after reduction =  $25 - (20\% \times 25) =$

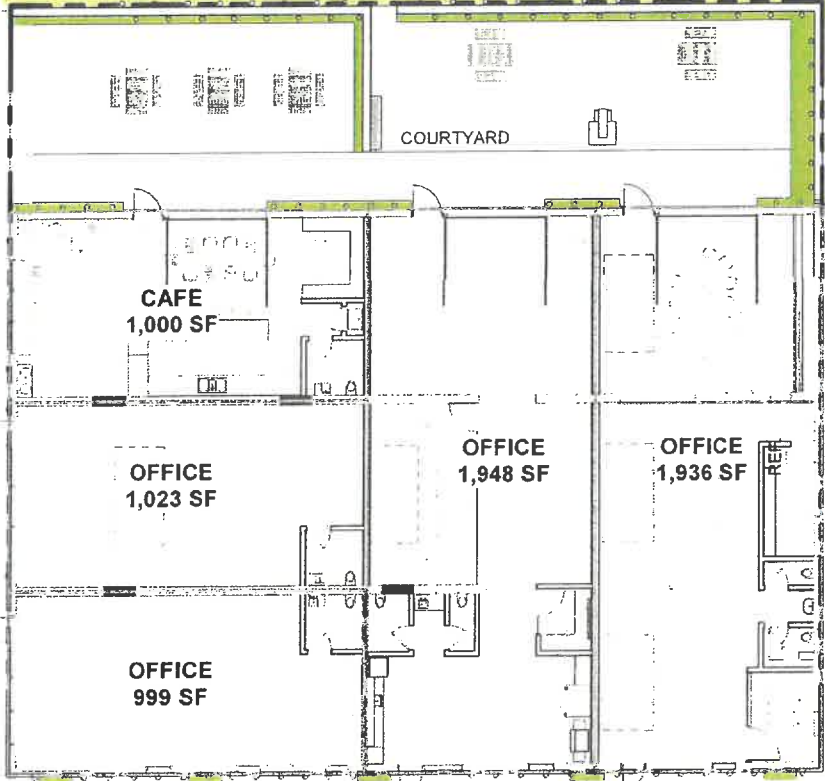
**20 spaces REQUIRED**

**20 spaces PROVIDED ON ADJACENT SITE**



3RD AVE N

25TH ST N



2ND ALLEY



213 25TH ST N

SCHEMATIC GROUND FLOOR PLAN

22016  
 scale: 1/16" = 1'-0"  
 date: 10-22-2020

EX.1



EXISTING SITE CONDITIONS





PROPOSED FACADE

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into on this \_\_\_\_ day of October, 2020, by and between 213 Bonita, LLC (213 25<sup>th</sup> Street North) as Licensee and Intermark Group, Inc. (101 25<sup>th</sup> Street North, Birmingham, AL 35203) as Licensor.

### RECITALS:

- A. Licensor is a Tenant of the office building known as the Intermark/Bridgeworth Building (the "Building").
- B. Licensee desires to license from Licensor up to twenty-one (21) designated parking spaces for the purpose of parking vehicles belonging to tenants of the building owned by Licensee located at the corner of 25<sup>th</sup> Street and 3<sup>rd</sup> Avenue North. No construction vehicles will be allowed to park in these licensed parking spaces. These designated parking spaces are the first twenty-one (21) parking spaces on both sides of the parking lot when you turn into the fenced area from 2<sup>nd</sup> Avenue North. (see exhibit)
- C. Licensor is willing to license to Licensee space for this purpose with both Licensor and Licensee acknowledging and agreeing that this document does not constitute a lease and is only a license for the use of up to twenty-one (21) designated parking spaces for the purposes described above in accordance with the terms set forth below.
- D. Licensee may not rent all twenty-one (21) designated spaces if they are not needed. Licensee to give ten (10) days notice to Licensor if number of desired spaces change per month.

NOW, THEREFORE, for payment of the license fee set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Licensor and Licensee agree as follows:

1. Licensor hereby licenses to Licensee, and Licensee hereby licenses from Licensor up to twenty-one (21) parking designated parking spaces (the "Licensed Space") on a month-to-month basis to commence on December 1, 2020. Licensee and/or Licensor will have the right to terminate this agreement at any time by providing the Licensor and/or Licensee with ten (10) days written notice.
2. For the use of the Licensed Space, Licensee shall pay to Licensor as a License Fee of Fifty Dollars (\$50.00) per space for a minimum of ten (10) parking spaces on a monthly basis. If more than ten (10) parking spaces are needed then the Licensee shall pay to Licensor Fifty Dollars (\$50.00) per space per month for each additional parking space used. All payments of the License Fee outlined herein are due and payable on the first day of each month, unless specifically stated herein. Payments due to 101 25<sup>th</sup> Street North, Birmingham, AL 35203, Attention: Billy Sanford. Licensee agrees to pay a late fee equal to five percent (5%) for any payments not received within ten (10) days after the due date.



3. Licensee will not have access to the building except through guest protocol.
4. Licensee will not be provided space for its name on the building monument sign.
5. Licensee will provide certificates of insurance for the following:
  - Intermark Group, Inc.
  - Corporate Realty Management, Inc.
  - Intermark Group Holdings
  - Bridgeworth Wealth Management, LLC
6. Licensee shall not voluntarily or by operation of law or otherwise, assign, transfer, mortgage or otherwise encumber all or any part of Licensee's interest in this license or in the Licensed Space or allow any other party other than Licensee to use the Licensed Space without first obtaining in each and every instance the prior written consent of Licensor which may be withheld in Licensor's sole and absolute discretion. This Agreement creates a license, not a lease, and Licensee shall have no leasehold interest or interest in real estate but only a license to use the Licensed Space in strict compliance with the terms hereof.
6. This Agreement and the covenants and conditions herein contained shall inure to the benefit of and are binding upon Licensor, its successors and assigns, and shall be binding upon Licensee, its successors and assigns.
7. Licensee shall, at its sole cost and expense, and prior to the commencement of the term of this License Agreement, obtain all permits and licenses required by any governmental authority, if any, for the use of the Licensed Space.
8. Licensee's use of the Licensed Space shall be in accordance with all the rules, regulations, laws, ordinances, statutes and requirements of all governmental authorities and Fire Insurance Rating Organization, the Board of Fire Insurance Underwriters, and Licensor's Insurance carrier.
9. Licensee does hereby indemnify Licensor and save it harmless from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury, and/or damage to property arising from or out of the occupancy or use by Licensee of the Licensed Space or any part thereof, to the extent occasioned wholly or in part by any negligent act or omission of Licensee, its officers, agents, contractors, or employees, said claims, actions, damages, liability expense, including, but not limited to, any accidents or occurrences in or at the Licensed Space, and any other omission by Licensee, its employees, servants, agents, officers, contractors or employees in the Building or at the Licensor's property.
10. All of Licensee's personal property of every kind and description which may at any time be in the Licensed Space shall be in the Licensed Space at the Licensee's sole risk and Licensor shall not be liable for any damage to said property caused in any manner whatsoever.
11. In addition to the other provision of this License Agreement and not in limitation thereof, the occurrence of any of the following shall constitute an event of default hereunder:
  - (a) Failure to pay the license fee as and when due;
  - (b) Violations of any term, condition or requirement of this License Agreement;
  - (c) The filing of a petition by or against Licensee for adjudication as a bankrupt;

- (d) An assignment by Licensee for the benefit of creditors;
  - (e) The taking of possession of the Licensed Space of Licensee or of any personal property of Licensee by any governmental office or agency pursuant to a statutory authority for the dissolution or liquidation of Licensee.
12. In the event of an occurrence of any event of default, Licensor may terminate this License Agreement upon one (1) days notice to Licensee, and thereupon, this License Agreement and the term hereof granted, shall wholly cease and expire and become void.

IN WITNESS WHEREOF, Licensor and Licensee have caused this Agreement to be executed on the day and year first set forth above.

**LICENSEE:**

**213 BONTIA, LLC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date Executed: \_\_\_\_\_

**LICENSOR:**

**INTERMARK GROUP, INC.**

By: Bill \_\_\_\_\_

Its: CEO \_\_\_\_\_

Date Executed: 10-20-2020

Exhibit (A)

