



CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

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RANDALL L. WOODFIN
MAYOR

EDWIN REVELL
DIRECTOR

ZONING BOARD OF ADJUSTMENT MINUTES **WebEx/Teleconference** **2:00PM**

May 13, 2021

MEMBERS PRESENT: Morris Newman, Chairman
Gary Nash
Robert Littleton
Philip Foster

OTHERS PRESENT: Kimberly Speorl, Zoning Administrator
Angelica Moton, Planner

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

Philip Foster made a motion to approve the ZBA minutes from hearing held on April 22, 2021. Motion second by Robert Littleton. All in favor. Motion Passes.

Case #: ZBA2021-00011

Request: Variance

Applicant: Rob Hale

Site Address: 4947 8th Terrace

Owner: Dave & Erica Anderson

Description: Variance to allow parking in the front yard instead of the required side or rear yard pursuant to Title 1, Chapter 3, Section 4.1.22 and a variance to allow a 12ft retaining wall in the front with a 0ft setback instead of the required 6ft setback pursuant to Title 1, Chapter 4, Article 5, Section 5, Subsection 3.A.1 page 182.

Gary Nash made a motion to approve the case based upon the applicant meeting the six-variance standard and is similar to other properties on that street with the following conditions:



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1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The installation of the retaining wall shall be constructed as shown on the plans submitted.

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

Case #: ZBA2021-00012

Request: Parking Modification

Applicant: Chris Eckroate

Site Address: 2800 5th Ave S

Owner: Harbert Realty Services- Keith Rouss

Description: Modification to allow 72-off street parking spaces instead of the required 105 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

Robert Littleton made a motion to approve the request based upon the applicant providing evidence of surplus parking with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

Motion second by Gary Nash. Philip Foster voted nay. Gary Nash, Robert Littleton, and Morris Newman aye. Motion passes.

Case #: ZBA2021-00013

Request: Variance

Applicant: Randy Visser

Site Address: 5331 Sicard Hollow Rd

Owner: 5 Star LLC

Description: Variance to allow a 18.5ft front yard setback instead of the required 40ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Philip Foster made a motion to approve the request based upon the applicant meeting the six variance standards with the following conditions:



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1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The single-family dwelling shall be constructed as shown on the plans submitted.

Motion second by Gary Nash. All in favor. Motion passes.

Case #: ZBA2021-00014

Request: Variance

Applicant: Abby Spurlin

Site Address: 1228 Regal Ave

Owner: Spurlin Properties, LLC

Description: Variance to allow a side yard setback of 1 ft instead of the 5ft side yard setback requirement pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Robert Littleton made a motion to deny the request based upon the applicant not meeting the six variance standards and safety concerns. Motion second by Gary Nash. All in favor. Motion passes.

Case #: ZBA2021-00015

Request: Variance

Applicant: Lewis M & Carol H Stewart

Site Address: 1228 Regal Ave

Owner: 2641 Crest Road

Description: Variance to allow a rear yard setback of 17.5 ft instead of the 40ft rear yard setback requirement pursuant to Title 2, Chapter 1, Section 2, Subsection 3

Robert Littleton made a motion to approve the request based upon the applicant meeting the six variance standards with the following:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The addition to the single-family dwelling shall be constructed as shown on the plans submitted.



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Motion second by Philip Foster. Gary Nash voted nay. Robert Littleton, Philip Foster and Morris Newman voted aye. Motion passes.

Case #: ZBA2021-00016

Request: Special Exception/ Modification

Applicant: Montego Temple

Site Address: 1709 3rd Ave W 35208

Owner: Nuk LLC

Description: Special Exception to allow 15 remote parking spaces within 1,000 ft and modification to allow 23 parking spaces instead of the required 64 parking spaces.

Gary Nash made a motion to continue the case to allow the applicant an opportunity to provide a parking study. Motion second by Robert Littleton. All in favor. Motion passes.

Angelica Moton
ZBA Planner
City of Birmingham