



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 27, 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.

Approval of the ZBA minutes from the hearing held on May 13, 2021 was continued. Philip Foster made a motion to continue the emergency protocols through the month of June. Motion second by Gary Nash. All in favor. Motion passes.

Case #: ZBA2021-00010
Request: Special Exception
Applicant: Dobbins Estate LLC C/O Grants Mill
Site Address: 7040 Crestwood Blvd
Owner: Dobbins Estate LLC C/O Grants Mill
Description: Special Exception to allow automobile parking pursuant to Title 1, Chapter 4, Section 6.A.

The case was withdrawn by the applicant.

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.



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Gary Nash made a motion to deny the special exception request and approve the modification request based upon the applicant providing evidence of surplus parking and the business located on the same property being closed during the applicant's hours of operation 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.
3. The applicant must resurvey the lots within 90 days of approval from the Board.

Motion second by Philip Foster. All in Favor. Motion passes.

Case #: ZBA2021-00017

Request: Variance

Applicant: Beav Gregory

Site Address: 7916 3rd Ave W 35208

Owner: Freedom Rain Inc

Description: Variance to allow a 10ft wooden fence in the front yard area and a 8ft chain-link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182

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

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The installation of the 10ft wooden fence shall be located around the playground area off of 80th St S and the 8ft chain-link fence with double gates shall be located at the access of the alley on 1st Alley S as shown on the plans submitted.

Motion second by Philip Foster. All in Favor. Motion passes.



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Case #: ZBA2021-00018

Request: Modification

Applicant: Bianca Ervin

Site Address: 3923 Richard Arrington Jr Blvd N Ste A 35222

Owner: Marino Frank A

Description: Modification to allow 0 off street parking spaces instead of the required 8 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

Robert Littleton made a motion to approve the modification request based upon the applicant not having any off-street parking spaces and providing a parking study that shows 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 Philip Foster. All in Favor. Motion passes.

Case #: ZBA2021-00019

Request: Special Exception/ Variance

Applicant: Charlie Beavers

Site Address: 4922 9th Ct N

Owner: Jason Powers Hugh & Holley Caldwell

Description: Special exception to allow a church in a D-3, Single Family Dwelling District and a variance to allow side setbacks of 12.3ft and 11.3ft instead of the required 25ft setback and a variance to allow no buffer requirements pursuant to Title 1, Chapter 9, Article VI.

Robert Littleton made a motion to continue the case to the ZBA hearing held on June 24, 2021 to allow the applicant and the neighborhood time to discuss the request. Motion second by Philip Foster. All in Favor. Motion passes.

Case #: ZBA2021-00020

Request: Variance

Applicant: Samer Haddad

Site Address: 1561 Bessemer Rd EN 35208

Owner: Addassi Hania & Anabtawi Mahmoud



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Description: Variance to allow a 6ft chain-link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182

Robert Littleton made a motion to deny the request because the applicant did not meet the six variance standards and the fence does not meet the characteristics of the abutting residential neighborhood. Motion second by Gary Nash. All in Favor. Motion passes.

Case #: ZBA2021-00021

Request: Variance

Applicant: Steve Morrey

Site Address: 3530 34th Ct N 35207

Owner: Corrdius Development

Description: Variance to allow a 6ft chain-link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182

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

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two year of approval from the Board.
3. The applicant shall obtain a ROW use agreement prior to the installation of the fence or gates crossing any public ROW.

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

Case #: ZBA2021-00026

Request: Modification

Applicant: Bruce Lanier

Site Address: 3501 1st Ave S

Owner: M2 Ventures, LLC

Description: Modification to allow 68 off-street parking spaces instead of the required 135 off-street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3

Gary Nash made a motion to approve the request based upon the applicant providing a parking study that shows evidence of surplus parking with the following conditions:

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



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2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

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

Angelica Moton
ZBA Planner
City of Birmingham