

Meeting – January 14, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Wahoma Staff Planner Moton

ZBA2020-00067

Request: Variance to allow a 17.4ft front yard setback instead of the required 25ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3 and a variance to allow lot size of 4,100 square feet instead of the required minimum lot size of 5,000 square feet pursuant to Title 2, Chapter 1, Section 3, Subsection 3.

Applicant: Bart Carr
Owner: Habitat for Humanity
Site Address: 114 72nd St N
Zip Code: 35206
Description: Variance to allow a 17.4ft front yard instead of the required 25ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3 and a variance to allow lot size of 4,100 square feet instead of the required minimum lot size of 5,000 square feet pursuant to Title 2, Chapter 1, Section 3, Subsection 3.

Property Zoned: CB-2, Contingency General Business District
Parcel Information: Parcel #: 012300151038006000, NE of Section 15, Township 17 S, Range 2 W

Variance:

Variance to allow a 17.4ft front yard setback instead of the required 25ft front yard setback and a variance to allow lot size of 4,100 square feet instead of the required minimum lot size of 5,000 square feet.

Neighborhood Meeting:

The Wahoma Neighborhood Association had a special call meeting held on December 22, 2020 which resulted in no recommendation from the neighborhood.

Public Notices:

Public notices were mailed on December 14, 2020.
Revised notices were mailed on January 7, 2021 with the new link.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. **Please see attached.**

Staff Analysis:

The subject property located at 114 72nd St N is zoned CB-2, Contingency General Business District. The property is located in the East Lake Commercial Revitalization District and all plans must be reviewed by the Design Review Committee. The property is an existing 4,100 square feet lot. The required lot size for property zoned in CB-2 is 5,000 square feet lot; therefore, a variance is required. Although the property is zoned commercial, it abuts residential and have to follow the same setbacks such as a 25ft front yard setback. The applicant is proposing a 17.4ft front yard setback; therefore, a variance is required. The property has lot lines that will need to be cleared up through the Subdivision Committee. The applicant has already been in contact with our Subdivision Planner.

The applicant has met all six variance standards based upon the fact that the lots are already existing and the front yard setback would be aligned with the house in the same block face.

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 obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.
4. Resurvey of the lot within 90 days of the approval date.



For and on behalf of Habitat for Humanity, Bart Carr presents the following Applications for City of Birmingham Zoning variances on November 12, 2020:

114 72nd Street North

Currently Zoned	City of Birmingham R3
Existing Lot Size	4100 Square Feet
Requested Variance	1) A variance of 7.6 feet from the 25-foot front setback required along 71 st Street North to 17.4 feet. 2) A variance of 1900 Square feet from the required 6000 Square Feet to 4100 Square Feet.
Hardship	This is an existing 41-foot wide by 100-foot deep parcel so the lot is not deep enough for typical home construction and driveway in this area. Additionally, the other homes in the area are set at 17.4 feet from the right-of-way line as well.

- Physical Characteristics – This narrow parcel already exist as a 41’ x 100’.
- Unique Characteristics – This narrow parcel already exist as a 41’ x 100’.
- Hardship not Self-Imposed – This narrow parcel already exists as a 41’ x 100’.
- Financial Gain is Not the Only Basis –
 - This narrow parcel already exists as a 41’ x 100’.
- No Injury to Neighboring Property –
 - This narrow parcel already exists as a 41’ x 100’.
- No Harm to Pubic Welfare – This narrow parcel already exists as a 41’ x 100’ and there already exist a home in this manner which will be demolished and a new home rebuilt in its place.

PARCEL ID: 012300151038006000

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

DATE: Wednesday, November 25, 2020 8:37:48 AM

OWNER: BIRMINGHAM LAND BANK AUTHORITY

ADDRESS: 710 NORTH 20TH ST RM 600

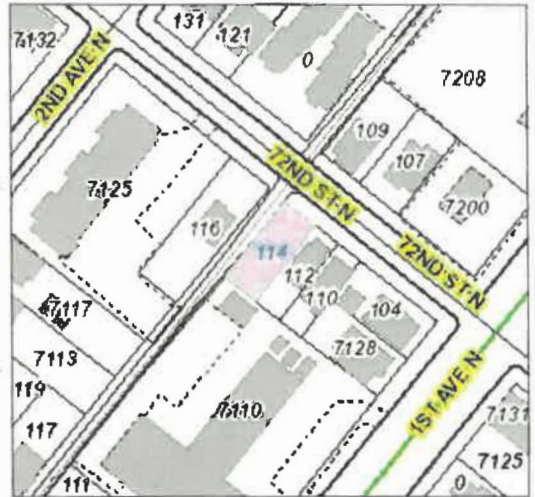
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 114 72ND ST N

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$5,500.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 4,074.32

ACRES: 0.09

SUBDIVISION INFORMATION:

NAME EAST LAKE

BLOCK: 3A

LOT: 8&9

:

Section: 15-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: East Lake

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: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

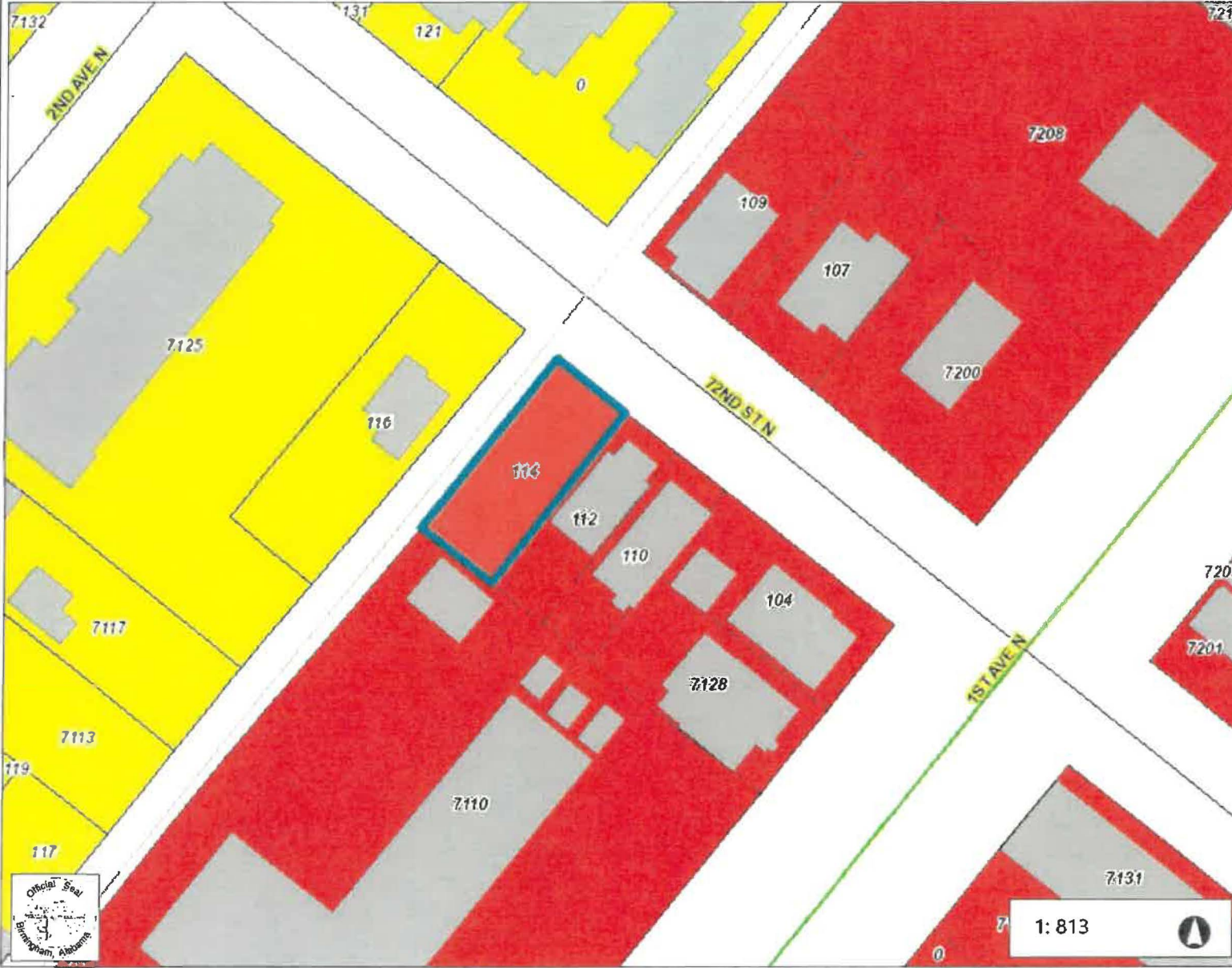
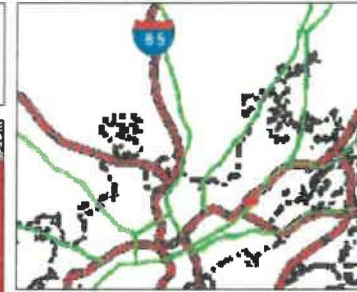
Tax Delinquent Property: Not in Tax Delinquent Property

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.

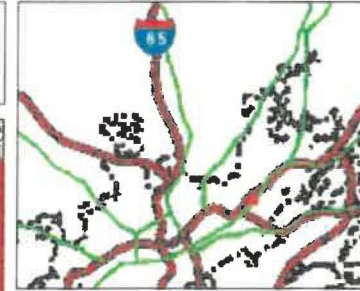


Legend

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

Notes





Legend

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- Arterials
- County Highways
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- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 813

135.5 0 67.75 135.5 Feet

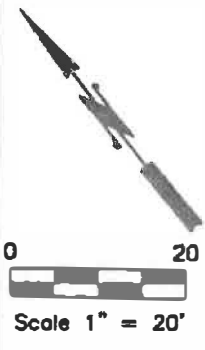
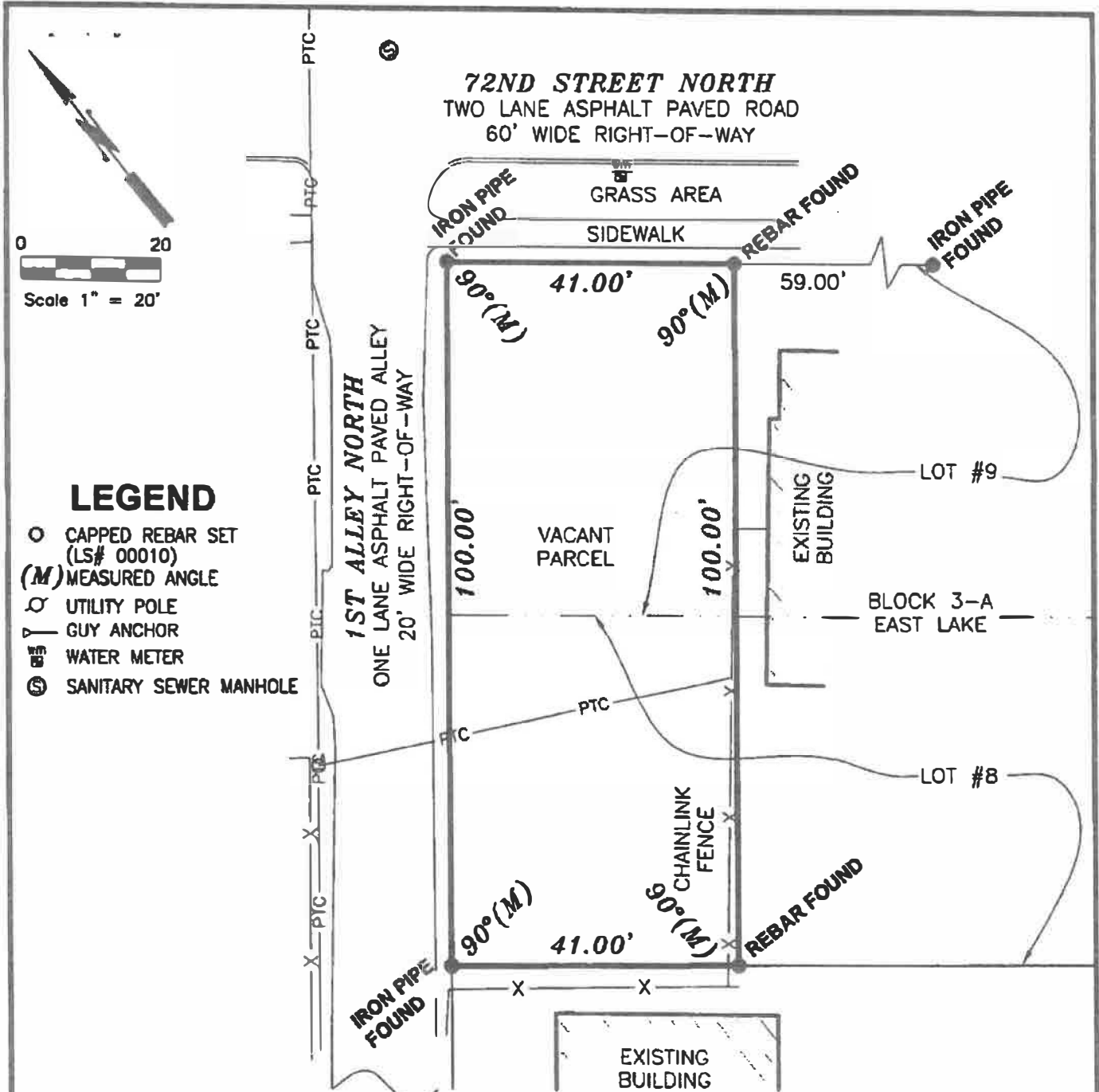
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Google Maps 114 72nd St N



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



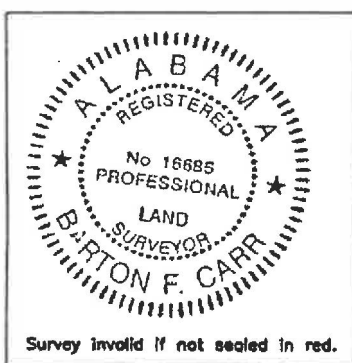
- LEGEND**
- CAPPED REBAR SET (LS# 00010)
 - (M) MEASURED ANGLE
 - UTILITY POLE
 - ⊥ GUY ANCHOR
 - ⊕ WATER METER
 - ⊙ SANITARY SEWER MANHOLE

DESCRIPTION: NW 41 FEET OF LOTS 8 & 9, BLOCK 3-A, according to the **EAST LANE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.

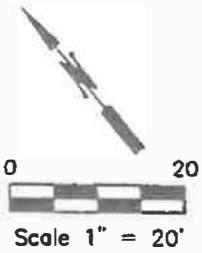


153 CAHABA VALLEY PARKWAY
 PELHAM, ALABAMA 35124
 PHONE (205) 884-8498 FAX (205) 884-9885

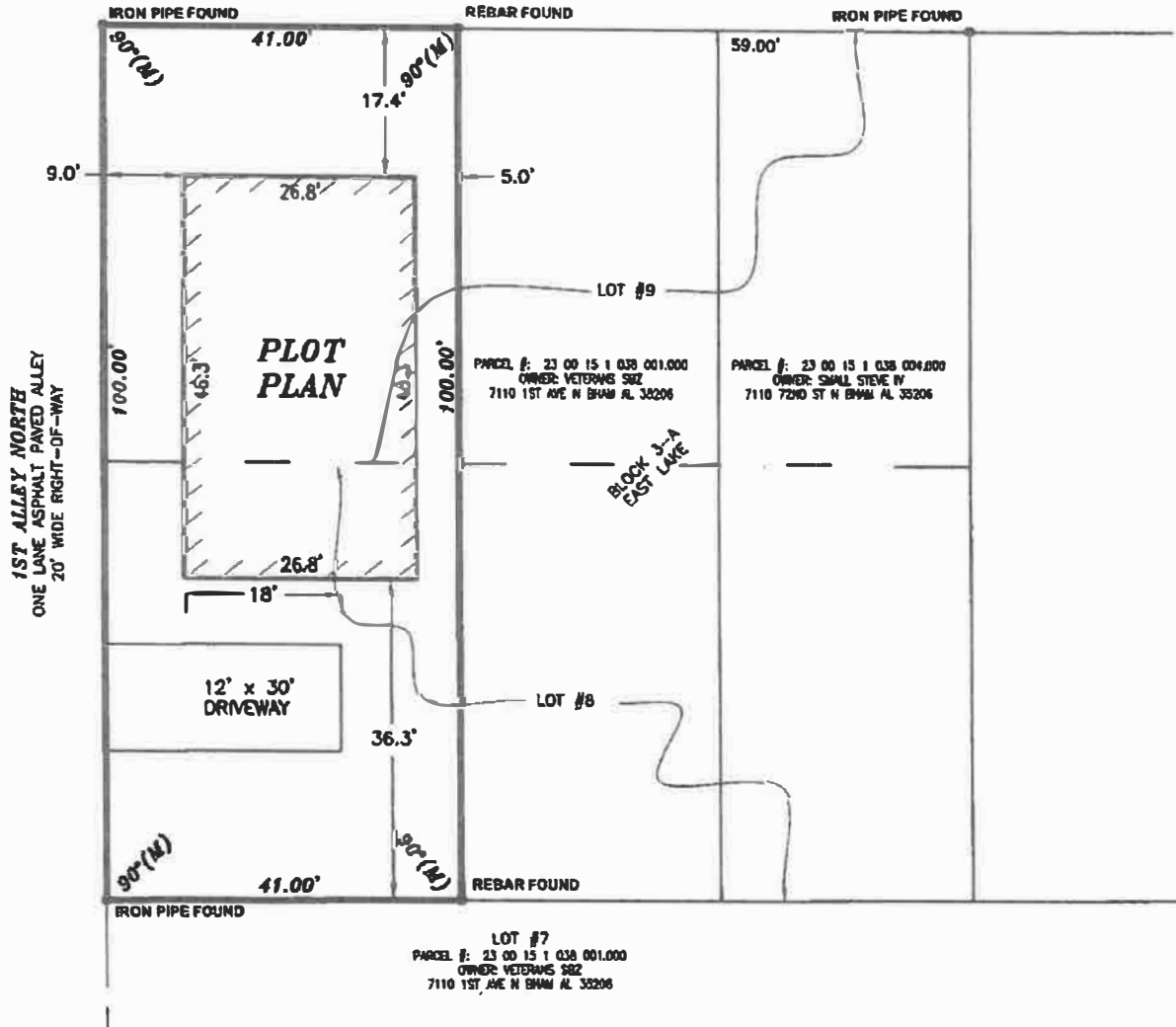
CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/4/20
 Date
 BARTON F. CARR
 PLS No. 16685
 bartcarr@correngineers.com

Type of Survey: CLOSING SURVEY
 Job No. 76.190.01 Field Book/Pg.: NA
 CADD: ZAC Date of Map Preparation: 07/13/2020
 Date of Field Survey: 07/09/2020
 Street Address: 114 72ND STREET NORTH
 Drawing Name: 76.190.01 HABITAT



72ND STREET NORTH
TWO LANE ASPHALT PAVED ROAD
60' WIDE RIGHT-OF-WAY



DESCRIPTION:: NW 41 FEET OF LOTS 8 & 9, BLOCK 3-A, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this plot plan and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
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CARR & ASSOCIATES ENGINEERS, INC.



153 CAHABA VALLEY PARKWAY
PELHAM, ALABAMA 35124
PHONE (205) 664-8498 FAX (205) 664-9685


BARTON F. CARR
PLS No. 16685
bartcarr@carrengineers.com

11/12/20
Date

Type of Survey: PLOT PLAN
Job No. 76.190 Field Book/Pg.: N/A
CADD: BBY Date of Map Preparation: 11/11/20
Date of Field Survey: N/A
Street Address: 114 72nd Street North
Drawing Name: 76.190 Habitat 212 72nd PP.dwg

Meeting – January 14, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Wahoma Staff Planner Moton

ZBA2020-00068

Request: Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback and a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Applicant: Bart Carr

Owner: Habitat for Humanity

Site Address: 212 72nd St N

Zip Code: 35206

Description: Variance to allow a 17.4 ft front yard setback instead of the required 25ft setback and a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Property Zoned: R-3, Single Family District

Parcel Information: Parcel #: 012300152020018000, NW of Section 15, Township 17 S, Range 2 W

Variance:

Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback and a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000.

Neighborhood Meeting:

The Wahoma Neighborhood Association had a special call meeting held on December 22, 2020 which resulted in no recommendation from the neighborhood.

Public Notices:

Public notices were mailed on December 14, 2020.
Revised notices were mailed on January 7, 2021 with the new link.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. **Please see attached.**

Staff Analysis:

The subject property located at 212 72nd St N is zoned R-3, Single Family District. The property is an existing 5,000 square feet lot. The applicant is requesting a front yard setback of 17.4ft off of 72nd St N. The existing structure on the property has a front yard setback of 17.5ft; therefore, what the applicant is requesting will only be .1ft closer. The requested setback will have the propose house aligned with the houses along the street. The property has lot lines that will need to be cleared up through the Subdivision Committee. The applicant has already been in contact with our Subdivision Planner.

The applicant has met all six variance standards based upon the fact that the lots are already existing and the front yard setback would be aligned with the house in the same block face.

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 obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.
4. Resurvey of the lot within 90 days of the approval date.

212 72nd Street North

Currently Zoned	City of Birmingham R3
Existing Lot Size	5000 Square Feet
Requested Variance	1) A variance of 7.6 feet from the 25-foot front setback required along 71 st Street North to 17.4 feet. 2) A variance of 1000 Square feet from the required 6000 Square Feet to 5000 Square Feet.
Hardship	This is an existing 50-foot wide by 100-foot deep parcel so the lot is not deep enough for typical home construction and driveway in this area. Additionally, the other homes in the area are set at 17.4 feet from the right-of-way line as well. <ul style="list-style-type: none">▪ Physical Characteristics – This parcel already exist as a 50' x 100'.▪ Unique Characteristics – This parcel already exist as a 50' x 100'.▪ Hardship not Self-Imposed – This parcel already exists as a 50' x 100'.▪ Financial Gain is Not the Only Basis –<ul style="list-style-type: none">• This parcel already exists as a 50' x 100'.▪ No Injury to Neighboring Property –<ul style="list-style-type: none">• This parcel already exists as a 50' x 100'.▪ No Harm to Pubic Welfare – This parcel already exists as a 50' x 100' and the setback variances are required will allow the construction of a home that the required zoning setbacks would prohibit.

220 72nd Street North

Currently Zoned	City of Birmingham R3
Existing Lot Size	7500 Square Feet
Requested Variance	A variance of 7.6 feet from the 25-foot front setback required along 71 st Street North to 17.4 feet.
Hardship	This request is to line the front of the home up with other homes in the area which are set at 17.4 feet from the right-of-way line as well. <ul style="list-style-type: none">▪ Physical Characteristics – This parcel already exist as a 50' x 150'.▪ Unique Characteristics – This parcel already exist as a 50' x 150'.▪ Hardship not Self-Imposed – This parcel already exists as a 50' x 150'.▪ Financial Gain is Not the Only Basis –<ul style="list-style-type: none">• This parcel already exists as a 50' x 150'.▪ No Injury to Neighboring Property –<ul style="list-style-type: none">• This parcel already exists as a 50' x 150'.▪ No Harm to Pubic Welfare – This parcel already exists as a 50' x 150' and the front setback variance will allow the construction of a home with its front being in line with other homes in the neighborhood.

PARCEL ID: 012300152020018000

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

DATE: Wednesday, November 25, 2020 8:54:18 AM

OWNER: BIRMINGHAM LAND BANK AUTHORITY

ADDRESS: 710 20TH ST N ROOM 600

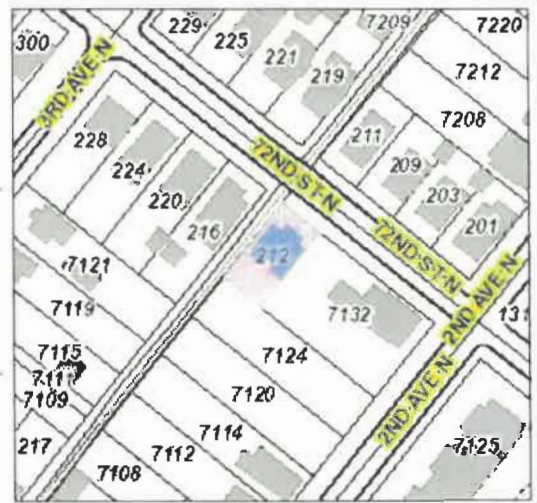
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 212 72ND ST N

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$14,300.00

BLDG: \$1,000.00

OTHER: \$0.00

AREA: 4,952.66

ACRES: 0.11

SUBDIVISION INFORMATION:

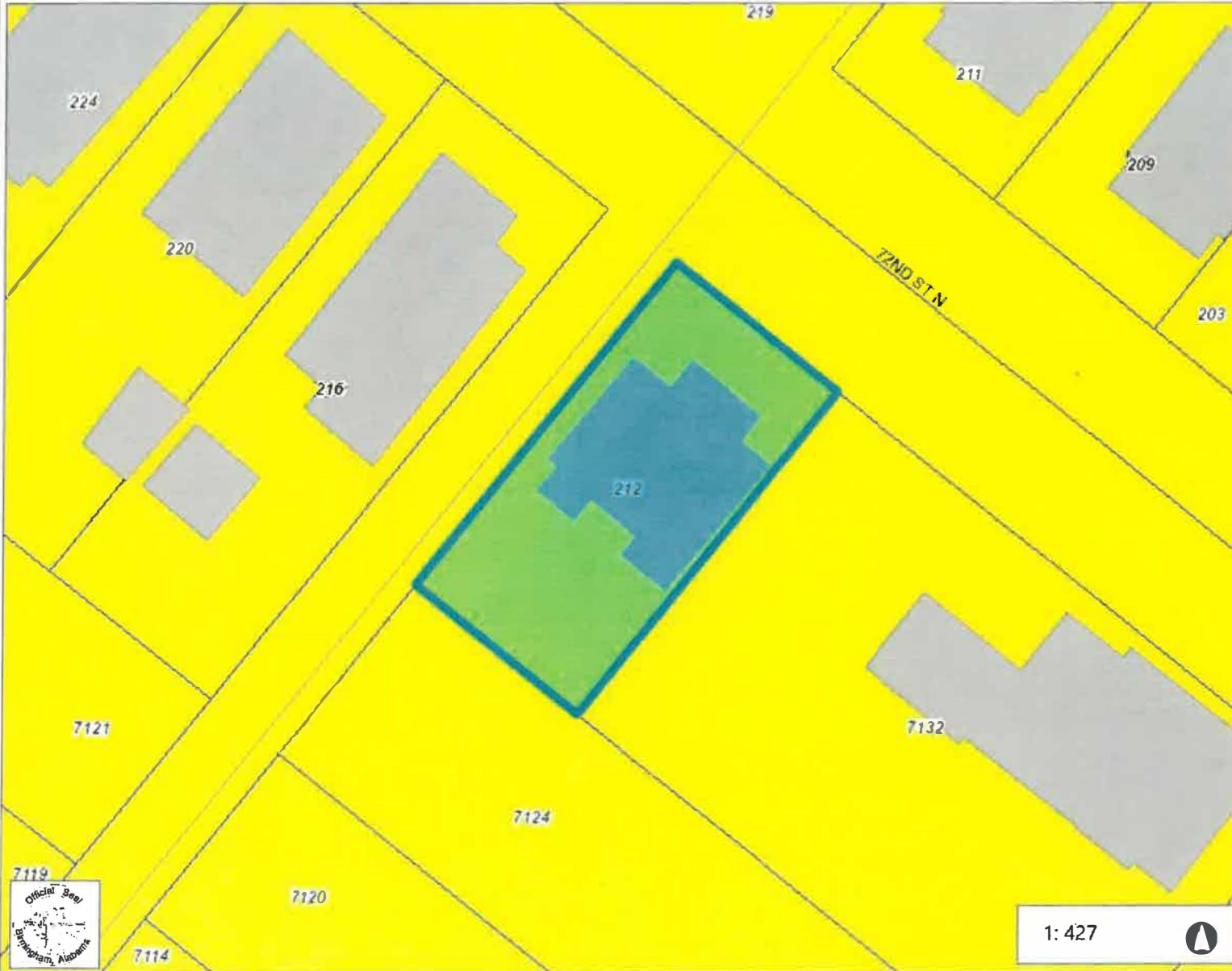
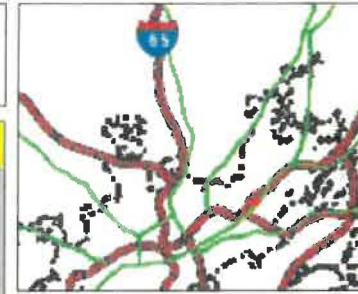
NAME EAST LAKE

BLOCK: 3-B

LOT: 8&9

- 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:** 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:** In Opportunity Zones
- Judicial Boundaries:** JEFFERSON

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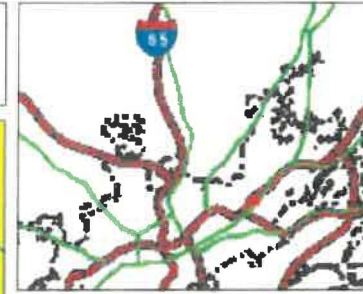


Legend

- 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

Notes

71.2 0 35.62 71.2 Feet



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



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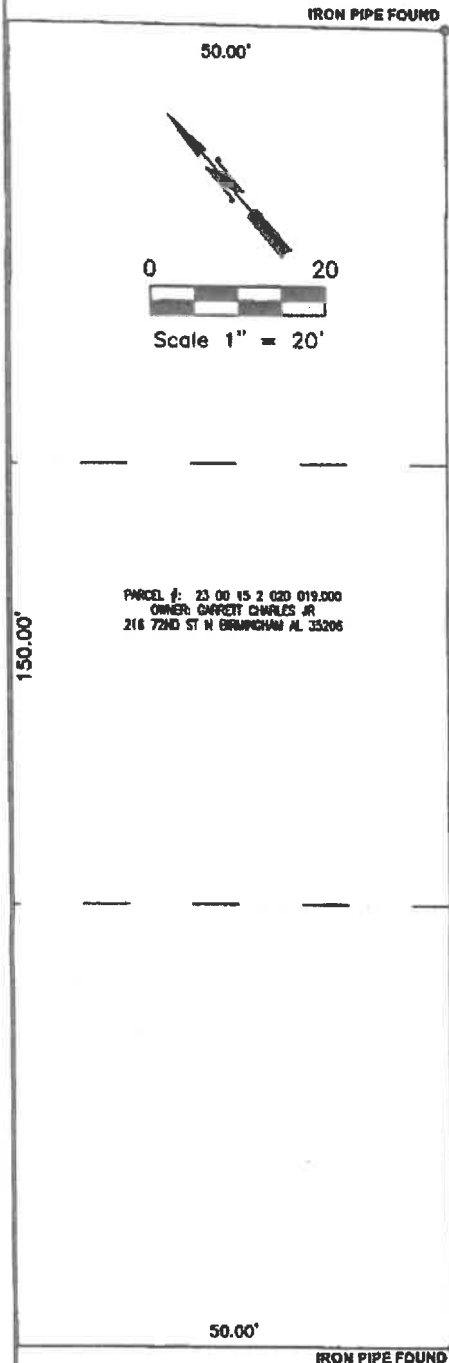
Notes

Google Maps 212 72nd St N

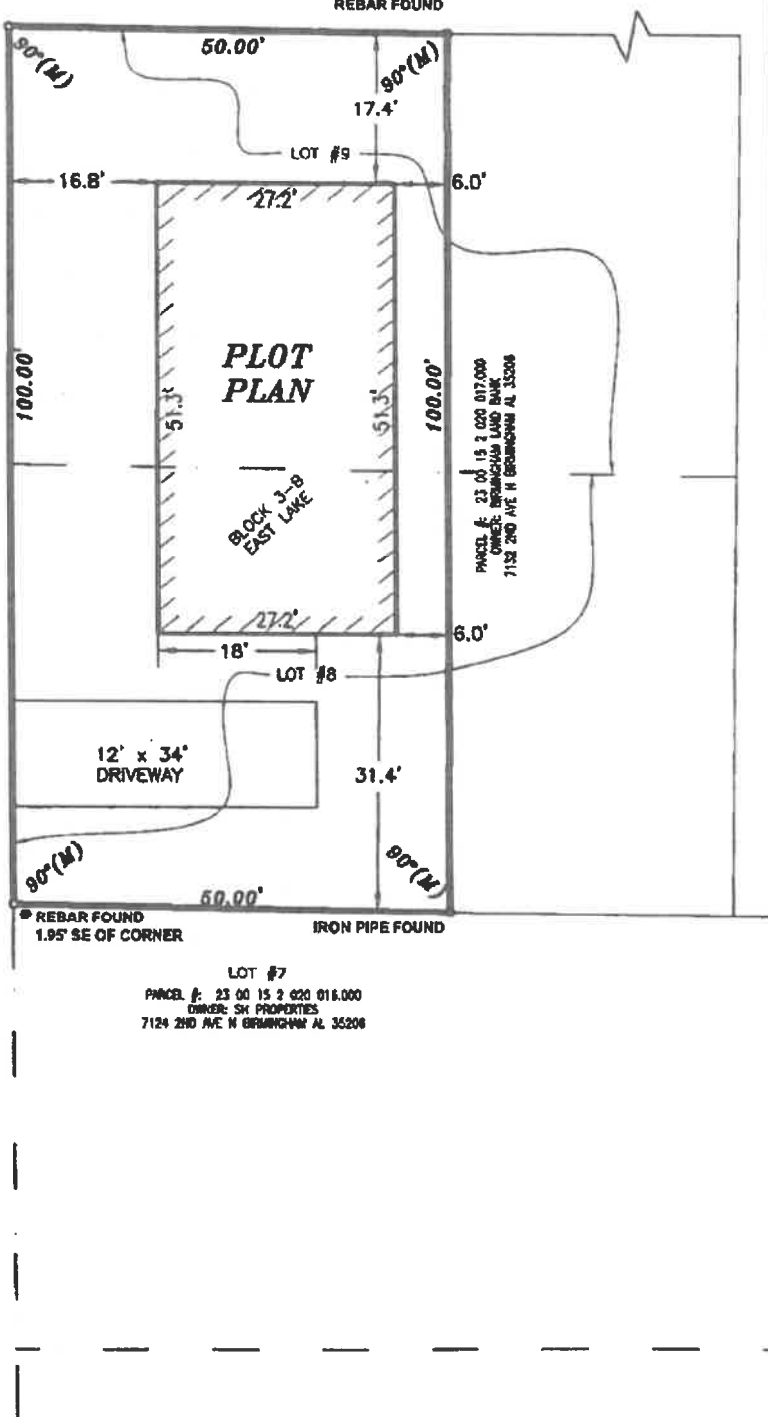


Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft

72ND STREET NORTH
TWO LANE ASPHALT PAVED ROAD
60' WIDE RIGHT-OF-WAY



2ND ALLEY NORTH
ONE LANE ASPHALT PAVED ALLEY
20' WIDE RIGHT-OF-WAY

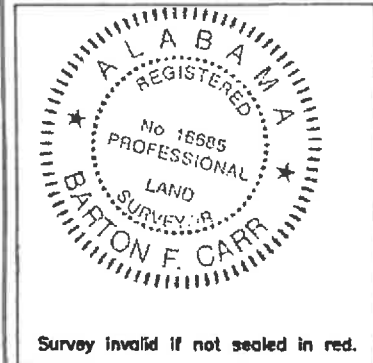


DESCRIPTION: N 50 FEET OF LOTS 8 & 9, BLOCK 3-B, according to the EAST LAKE SUBDIVISION, as recorded in MAP BOOK 1, PAGE 217, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this plot plan and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.



Survey invalid if not sealed in red.



153 CAHABA VALLEY PARKWAY
PELHAM, ALABAMA 35124
PHONE (205) 664-8498 FAX (205) 664-9885

CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/12/20
Date
BARTON F. CARR
PLS No. 16685
bartcarr@carrengineers.com

Type of Survey: PLOT PLAN
Job No. 76.190 Field Book/Pg.: N/A
CADD: BBY Date of Map Preparation: 11/11/20
Date of Field Survey: N/A
Street Address: 212 72nd Street North
Drawing Name: 76.190 Habitat 212 72nd PP.dwg

Meeting – January 21, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Wahoma Staff Planner Moton

ZBA2020-00069

Request: Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Applicant: Bart Carr

Owner: Habitat for Humanity

Site Address: 220 72nd St N

Zip Code: 35206

Description: Variance to allow a 17.4 ft front yard instead of the required 25ft setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Property Zoned: R-3, Single Family District

Parcel Information: Parcel #: 012300152020020000, NW of Section 15, Township 17 S, Range 2 W

Variance:

Variance to allow a 17.4 ft front yard setback instead of the required 25ft front yard setback

Neighborhood Meeting:

The Wahoma Neighborhood Association had a special call meeting held on December 22, 2020 which resulted in no recommendation from the neighborhood.

Public Notices:

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Revised notices were mailed on January 7, 2021 with the new link.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. **Please see attached.**

Staff Analysis:

The subject property located at 220 72nd St N is zoned R-3, Single Family District. The applicant is purposing a 17.4ft front yard setback off of 72nd St N. The property has lot lines that will need to be cleared up through the Subdivision Committee. The applicant has already been in contact with our Subdivision Planner.

The applicant has met all six variance standards based upon the existing structure front yard setback being at 17.3ft and the propose front yard setback being 17.4ft and will still be aligned with the houses in the same block face.

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 obtain within three years of approval from the Board.

3. Approved as plans submitted of the proposed structure.
4. Resurvey of the lot within 90 days of the approval date.

212 72nd Street North

Currently Zoned	City of Birmingham R3
Existing Lot Size	5000 Square Feet
Requested Variance	1) A variance of 7.6 feet from the 25-foot front setback required along 71 st Street North to 17.4 feet. 2) A variance of 1000 Square feet from the required 6000 Square Feet to 5000 Square Feet.
Hardship	This is an existing 50-foot wide by 100-foot deep parcel so the lot is not deep enough for typical home construction and driveway in this area. Additionally, the other homes in the area are set at 17.4 feet from the right-of-way line as well. <ul style="list-style-type: none">▪ Physical Characteristics – This parcel already exist as a 50' x 100'.▪ Unique Characteristics – This parcel already exist as a 50' x 100'.▪ Hardship not Self-Imposed – This parcel already exists as a 50' x 100'.▪ Financial Gain is Not the Only Basis –<ul style="list-style-type: none">• This parcel already exists as a 50' x 100'.▪ No Injury to Neighboring Property –<ul style="list-style-type: none">• This parcel already exists as a 50' x 100'.▪ No Harm to Pubic Welfare - This parcel already exists as a 50' x 100' and the setback variances are required will allow the construction of a home that the required zoning setbacks would prohibit.

220 72nd Street North

Currently Zoned	City of Birmingham R3
Existing Lot Size	7500 Square Feet
Requested Variance	A variance of 7.6 feet from the 25-foot front setback required along 71 st Street North to 17.4 feet.
Hardship	This request is to line the front of the home up with other homes in the area which are set at 17.4 feet from the right-of-way line as well. <ul style="list-style-type: none">▪ Physical Characteristics – This parcel already exist as a 50' x 150'.▪ Unique Characteristics – This parcel already exist as a 50' x 150'.▪ Hardship not Self-Imposed – This parcel already exists as a 50' x 150'.▪ Financial Gain is Not the Only Basis –<ul style="list-style-type: none">• This parcel already exists as a 50' x 150'.▪ No Injury to Neighboring Property –<ul style="list-style-type: none">• This parcel already exists as a 50' x 150'.▪ No Harm to Pubic Welfare – This parcel already exists as a 50' x 150' and the front setback variance will allow the construction of a home with its front being in line with other homes in the neighborhood.

PARCEL ID: 012300152020020000

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

DATE: Wednesday, November 25, 2020 9:01:55 AM

OWNER: BIRMINGHAM LAND BANK AUTHORITY

ADDRESS: 710 20TH ST N ROOM 600

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 220 72ND ST N

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$17,000.00

BLDG: \$31,600.00

OTHER: \$0.00

AREA: 7,488.72

ACRES: 0.17

SUBDIVISION INFORMATION:

NAME EAST LAKE

BLOCK: 3-B

LOT: 10

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: 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

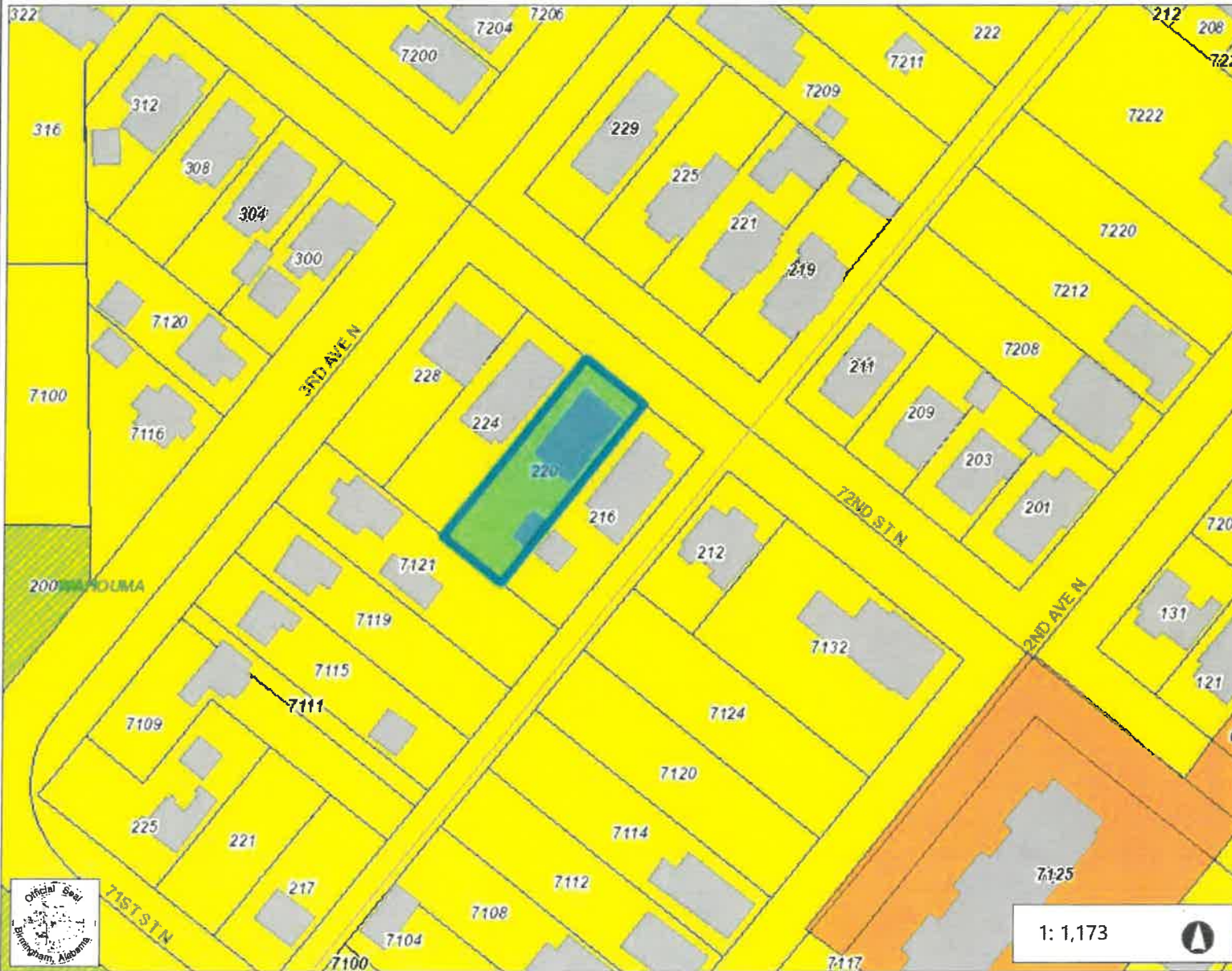
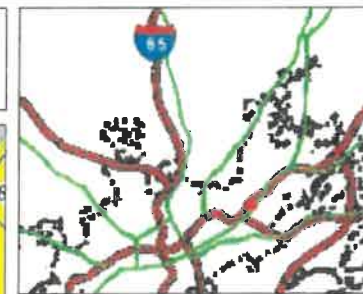
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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

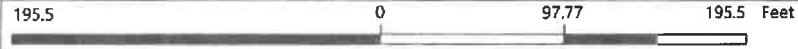


Legend

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

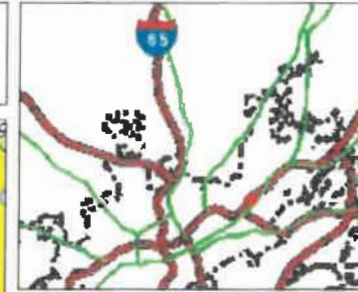


1: 1,173



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

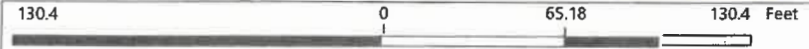


Legend

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

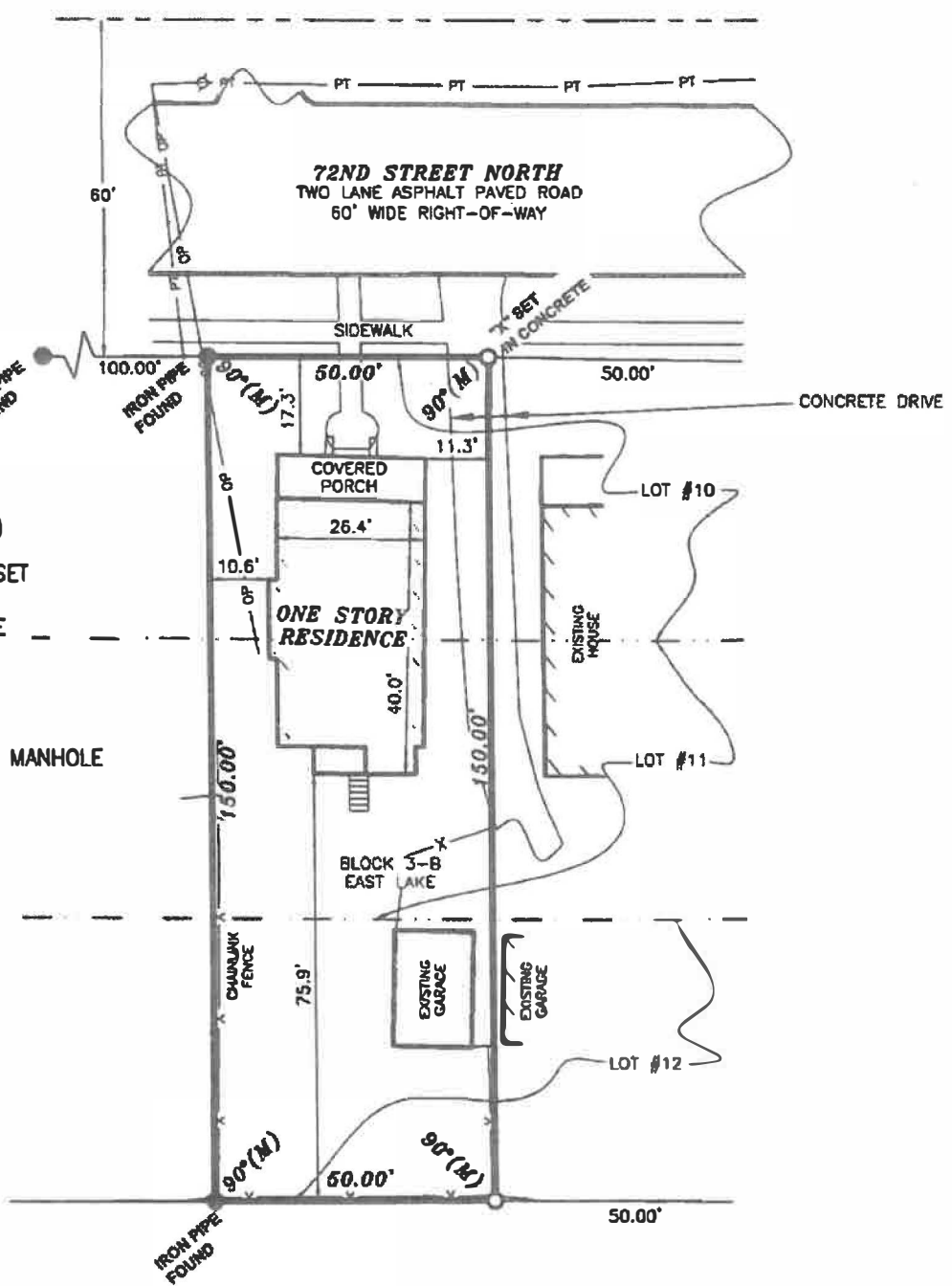
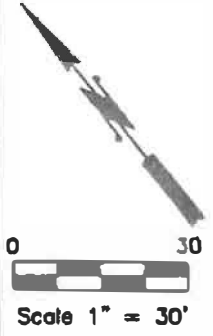


1: 782



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

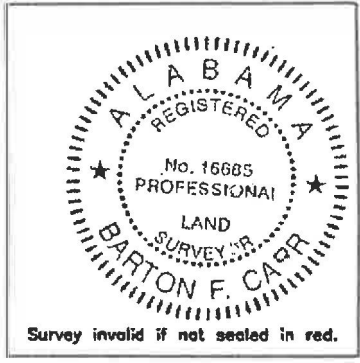
- CAPPED REBAR SET (LS# 00010)
- (M) MEASURED ANGLE
- UTILITY POLE
- ⌵ GUY ANCHOR
- ⊕ WATER METER
- ⊕ SANITARY SEWER MANHOLE

DESCRIPTION: N 50 FEET OF S 100 FEET LOTS 10, 11 & 12, BLOCK 3-B, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.



153 CAHABA VALLEY PARKWAY
 PELHAM, ALABAMA 35124
 PHONE (205) 664-8498 FAX (205) 664-9825

CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/4/20
 Date

BARTON F. CARR
 PLS No. 16685
 bartcarr@carrengineers.com

Type of Survey: CLOSING SURVEY
 Job No. 76.190.01 Field Book/Pg.: NA
 CADD: ZAC Date of Map Preparation: 07/13/2020
 Date of Field Survey: 07/09/2020
 Street Address: 220 72ND STREET NORTH
 Drawing Name: 76.190.01 HABTAT

Meeting – January 14, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Wahoma Staff Planner Moton

ZBA2020-00070

Request: Variance to allow a 17.4 ft front yard instead of the required 25ft front yard setback along 72nd St N, a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet and a variance to allow 17ft front yard setback instead of the required 25ft front yard setback off of 2nd Ave N pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Applicant: Bart Carr

Owner: Habitat for Humanity

Site Address: 7132 2nd Ave N

Zip Code: 35206

Description: Variance to allow a 17.4 ft front yard instead of the required 25ft front yard setback along 72nd St N, a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet and a variance to allow 17ft front yard setback instead of the required 25ft front yard setback off of 2nd Ave pursuant to Title 2, Chapter 1, Section 4, Subsection 3

Property Zoned: R-3, Single Family District

Parcel Information: Parcel #: 012300152020017000, NW of Section 15, Township 17 S, Range 2 W

Variance:

Variance to allow a 17.4 ft front yard instead of the required 25ft setback along 72nd St N, a variance to allow lot size of 5,000 square feet instead of the required minimum lot size of 6,000 square feet and a variance to allow 17ft front yard setback instead of the required 25ft front yard setback off of 2nd Ave N

Neighborhood Meeting:

The Wahoma Neighborhood Association had a special call meeting held on December 22, 2020 which resulted in no recommendation from the neighborhood.

Public Notices:

Public notices were mailed on December 14, 2020.

Revised notices were mailed on January 7, 2021 with the new link.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. **Please see attached.**

Staff Analysis:

The subject property located at 7132 2nd Ave N is zoned R-3, Single Family District. The existing property lot size is 15,000 square feet. The applicant is purposing to subdivide the lot into three lots. Once the lots are subdivided, each lot size will be 5,000 square feet instead of the required 6,000 square feet. The applicant is requesting a variance for a front yard setback of 17.4ft for lots 1, 2 and 3 off of 72nd St N and a front yard setback of 17ft for lot 3 off of 2nd Ave N. The property has lot lines that will need to be cleared up through the Subdivision Committee. The applicant has already been in contact with our Subdivision Planner.

The applicant has met all six variance standards based upon the applicant proposing the lots sizes and setbacks to meet the same characteristics of the neighborhood.

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 obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.
4. Resurvey of the lot within 90 days of the approval date.

7100 2nd Avenue North

Currently Zoned City of Birmingham R3
Existing Lot Size 10000 Square Feet
Requested Variance A variance of 8.2 feet from the 25-foot front setback required along 71st Street North to 16.8 feet.
Hardship This is an existing 50-foot wide parcel so the lot is not wide enough for typical home construction in this area. A home meeting the setback requirements would only be 20 feet wide.

- Physical Characteristics – This parcel already exist as a 50' x 200'.
- Unique Characteristics – This parcel already exist as a 50' x 200'.
- Hardship not Self-Imposed – This parcel already exists as a 50' x 200'.
- Financial Gain is Not the Only Basis –
 - This parcel already exists as a 50' x 200'.
- No Injury to Neighboring Property –
 - This parcel already exists as a 50' x 200'.
- No Harm to Pubic Welfare – This corner parcel already exists as a 50' x 200' and the front setback variance on the side of the house will allow the will allow the construction of a home and driveway typical of the neighborhood.

7132 72nd Street North

Currently Zoned City of Birmingham R3
Existing Lot Size 15,000 Square Feet
Requested Variance It is the intent to subdivide this parcel into three 50-foot wide by 100 foot deep lots to match the lots within the area. The subdivided lots will require the following variances.
1) A variance of 7.6 feet from the 25-foot front setback required along 71st Street North to 17.4 feet.
2) A variance of 1000 Square feet from the required 6000 Square Feet to 5000 Square Feet.
3) A variance of 8.0 feet from the 25-foot front setback required for the proposed lot along 2nd Avenue to 17.0 feet.
Hardship This is an existing 150-foot wide by 100-foot deep parcel to be subdivided into lots similar to those within the immediate area which are currently 50 feet wide by 100 feet deep.

- Physical Characteristics – This parcel is uniquely 150' wide x 100' deep which is unusual in this neighborhood.
- Unique Characteristics – The parcels in this neighborhood are typically 50' x 100'.
- Hardship not Self-Imposed – Splitting this parcel into three parcels is self-imposed but due to the fact the parcel is unusual in this neighborhood.
- Financial Gain is Not the Only Basis –

PARCEL ID: 012300152020017000

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

DATE: Wednesday, November 25, 2020 9:15:03 AM

OWNER: BIRMINGHAM LAND BANK AUTHORITY

ADDRESS: 710 20TH ST N ROOM 600

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 7132 2ND AVE N

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$20,400.00

BLDG: \$1,800.00

OTHER: \$0.00

AREA: 15,030.89

ACRES: 0.35

SUBDIVISION INFORMATION:

NAME: EAST LAKE

BLOCK: 3-B

LOT: 8&9

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: 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

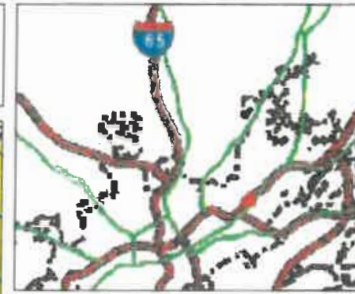
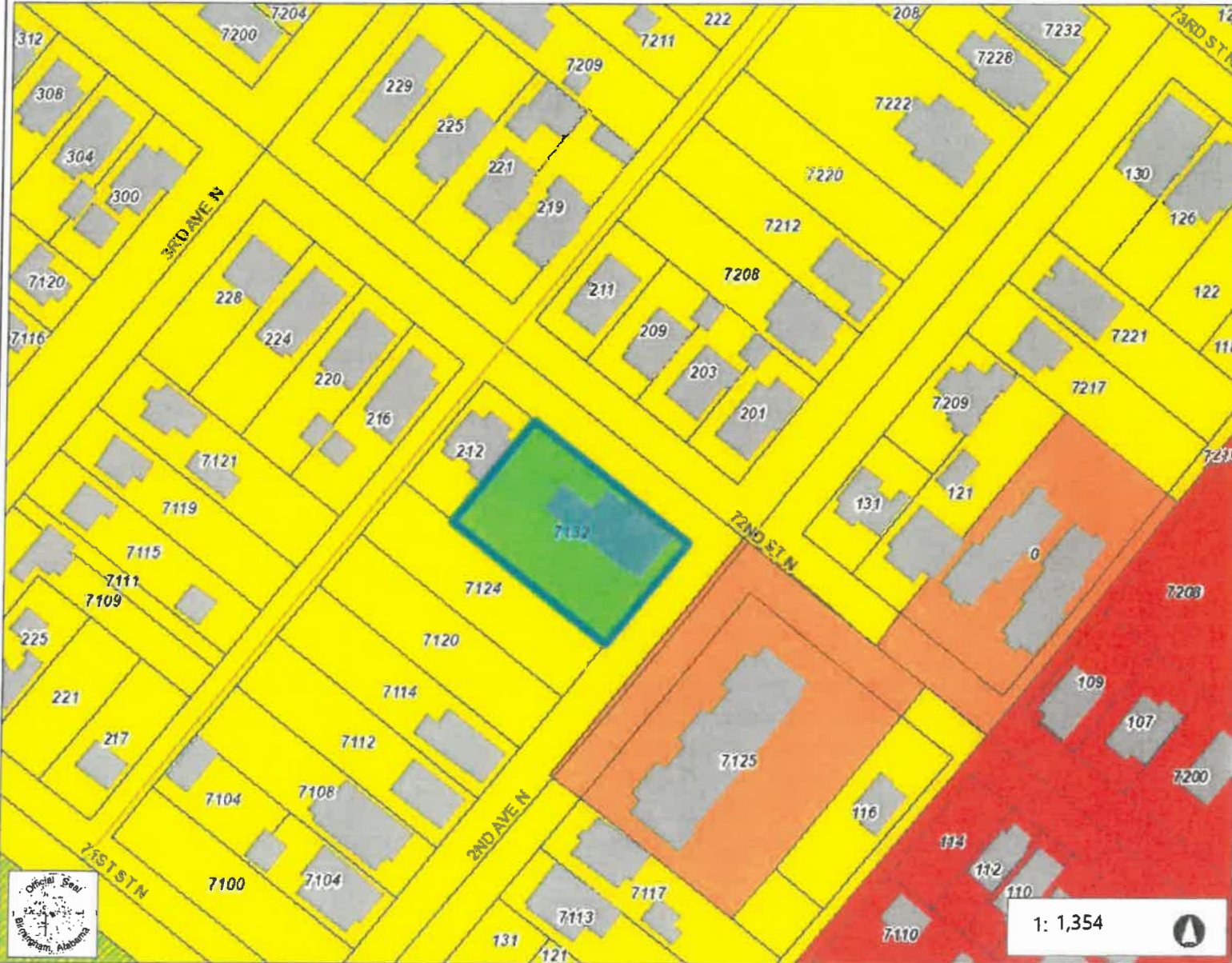
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: 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

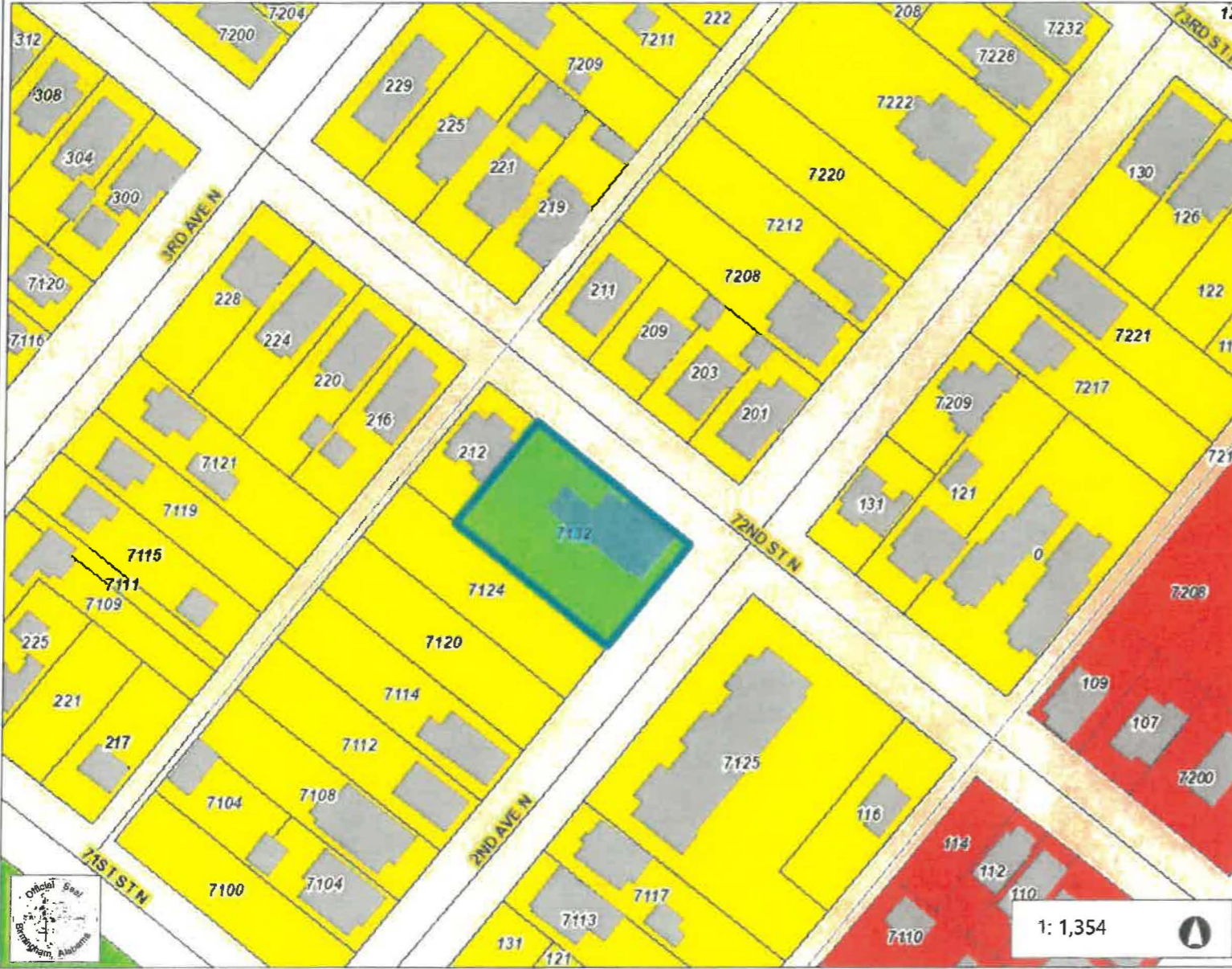
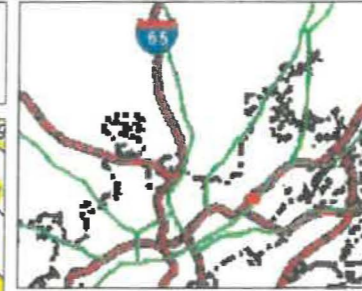


1: 1,354



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

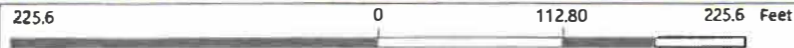


Legend

- Centerline Labels
- Railroad
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- Arterials
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- Interstates
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- 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: 1,354



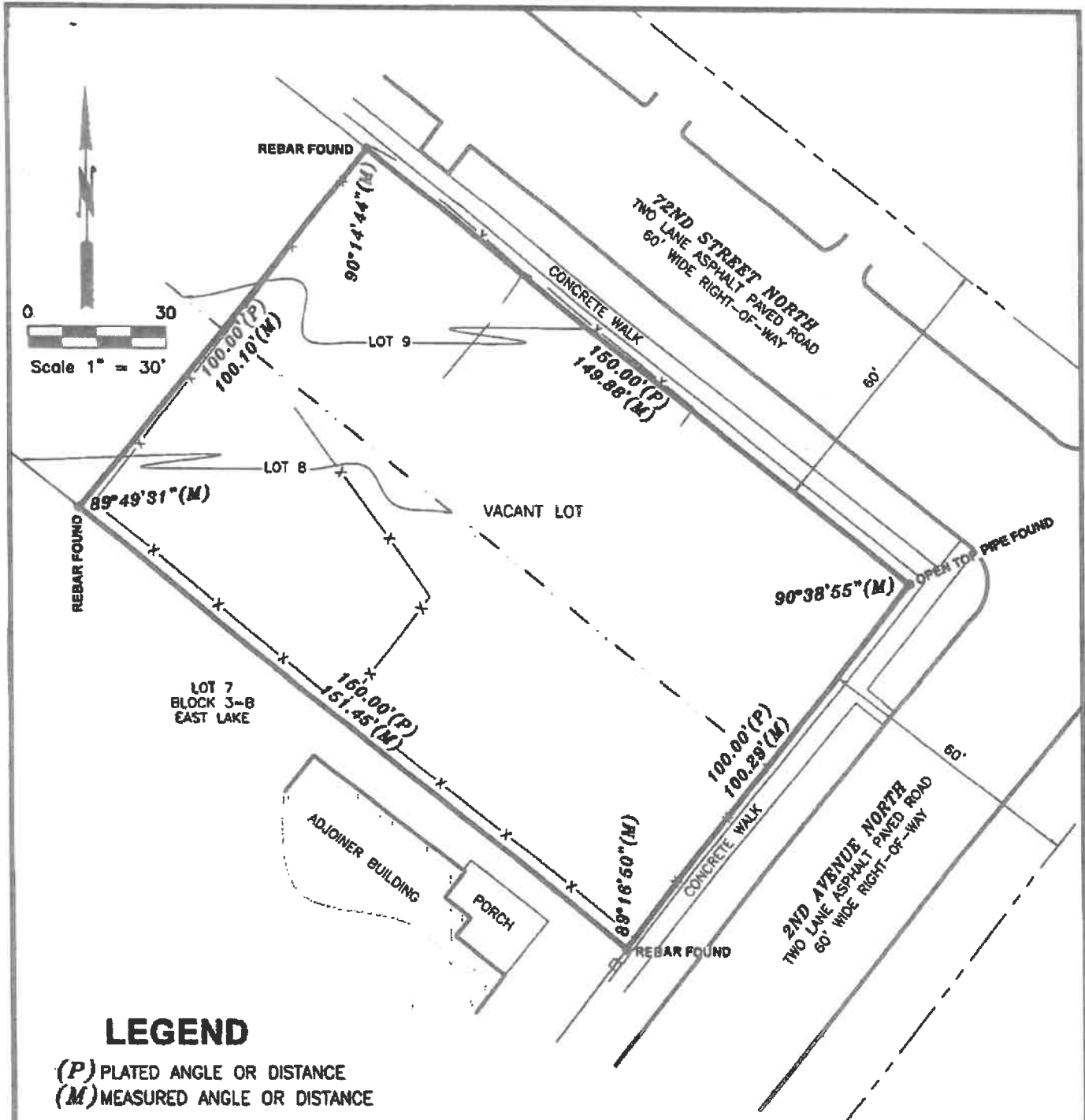
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Google Maps 7132 2nd Ave N



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



LEGEND

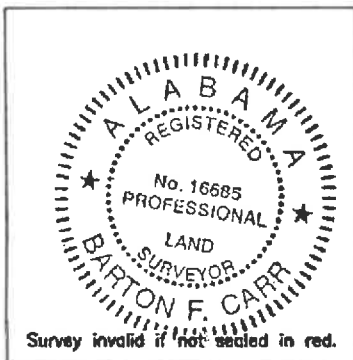
- (P) PLATED ANGLE OR DISTANCE
- (M) MEASURED ANGLE OR DISTANCE

DESCRIPTION: SOUTH 150 FEET OF LOTS 8 & 9, BLOCK 3-B, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.



153 CAHABA VALLEY PARKWAY
PELHAM, ALABAMA 35124
PHONE (205) 684-8488 FAX (205) 684-9885

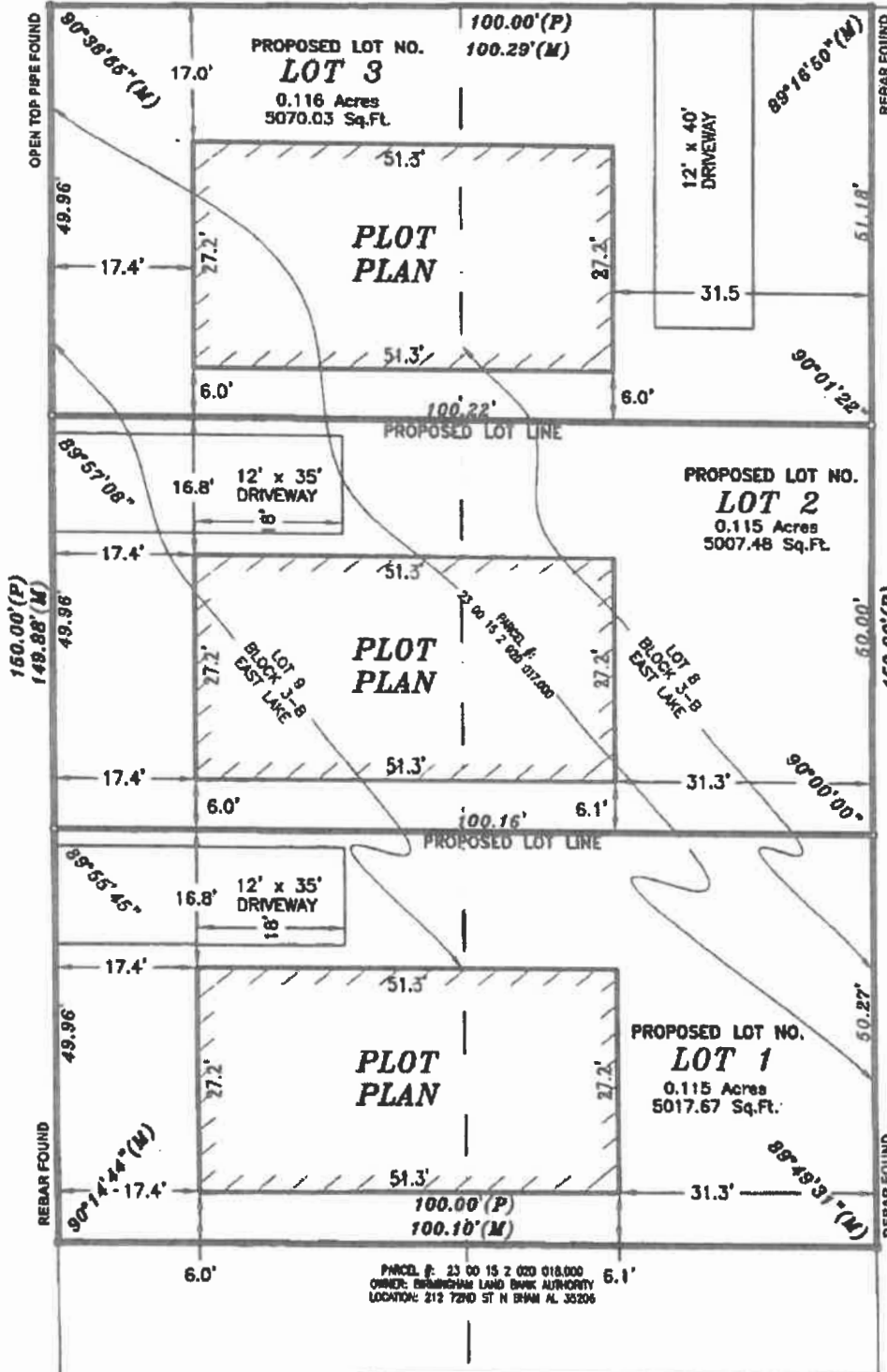
CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/4/20
Date
BARTON F. CARR
PLS No. 16685
bartcarr@carrengineers.com

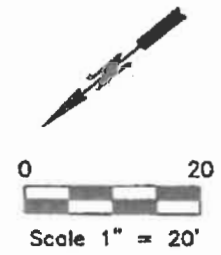
Type of Survey: CLOSING SURVEY
Job No. 76.190 Field Book/Pg.: NA
CADD: ZAC Date of Map Preparation: 09/22/2020
Date of Field Survey: 09/17/2020
Street Address: 7132 2nd Avenue North
Drawing Name: 76.190 H&H EAST LAKE 7132

2ND AVENUE NORTH
TWO LANE ASPHALT PAVED ROAD
60' WIDE RIGHT-OF-WAY.

72ND STREET NORTH
TWO LANE ASPHALT PAVED ROAD
60' WIDE RIGHT-OF-WAY



PARCEL #: 23 00 15 2 000 018.000
OWNER: SH PROPERTIES LLC
7124 2ND AVE N BRAM AL 35206



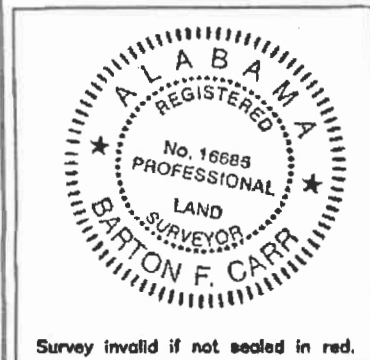
DESCRIPTION: SOUTH 150 FEET OF LOTS 8 & 9, BLOCK 3-B, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this plot plan and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.

CARR & ASSOCIATES ENGINEERS, INC.



153 CAHABA VALLEY PARKWAY
PELHAM, ALABAMA 35124
PHONE (205) 664-8498 FAX (205) 664-9685

[Signature]
BARTON F. CARR
PLS No. 16685
bartcarr@carrengineers.com
Date 11/12/20

Type of Survey: PLOT PLAN
Job No. 76.190 Field Book/Pg.: N/A
CADD: BBY Date of Map Preparation: 11/11/20
Date of Field Survey: N/A
Street Address: 7132 2nd Ave North
Drawing Name: 76.190 Habitat 7132 2nd PP.dwg

Meeting – January 14, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Wahoma Staff Planner Moton

ZBA2020-00071

Request: Variance to allow a 16.8 ft front yard instead of the required 25ft front yard setback along 71st St N Title 2, Chapter 1, Section 4, Subsection 3.
Applicant: Bart Carr
Owner: Habitat for Humanity
Site Address: 7100 2nd Ave N
Zip Code: 35206
Description: Variance to allow a 16.8 ft front yard instead of the required 25ft front yard setback along 71st St N Title 2, Chapter 1, Section 4, Subsection 3.
Property Zoned: R-3, Single Family District
Parcel Information: Parcel #: 012300152020010000, NW of Section 15, Township 17 S, Range 2 W

Variance:

Variance to allow a 16.8 ft front yard instead of the required 25ft front yard setback along 71st St N.

Neighborhood Meeting:

The Wahoma Neighborhood Association had a special call meeting held on December 22, 2020 which resulted in no recommendation from the neighborhood.

Public Notices:

Public notices were mailed on December 14, 2020.
Revised notices were mailed on January 7, 2021 with the new link.

Applicant's Justification:

The applicant provided documentation of the six (6) variance standard request questions. **Please see attached.**

Staff Analysis:

The subject property located at 7100 2nd Ave N is zoned R-3, Single Family District. The property sits on a corner lot and has two front yards. The applicant is requesting a variance to allow a 16.8 front yard setback off of 71st St N instead of the required 25ft front yard setback.

The applicant has meet all six variance standards upon the existing lot being a corner lot and having two required front yards the side off of 71st St N would be serving as their side yard.

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 obtain within three years of approval from the Board.
3. Approved as plans submitted of the proposed structure.

7100 2nd Avenue North

Currently Zoned City of Birmingham R3
Existing Lot Size 10000 Square Feet
Requested Variance A variance of 8.2 feet from the 25-foot front setback required along 71st Street North to 16.8 feet.
Hardship This is an existing 50-foot wide parcel so the lot is not wide enough for typical home construction in this area. A home meeting the setback requirements would only be 20 feet wide.

- **Physical Characteristics** – This parcel already exist as a 50’ x 200’.
- **Unique Characteristics** – This parcel already exist as a 50’ x 200’.
- **Hardship not Self-Imposed** – This parcel already exists as a 50’ x 200’.
- **Financial Gain is Not the Only Basis** –
 - This parcel already exists as a 50’ x 200’.
- **No Injury to Neighboring Property** –
 - This parcel already exists as a 50’ x 200’.
- **No Harm to Pubic Welfare** – This corner parcel already exists as a 50’ x 200’ and the front setback variance on the side of the house will allow the will allow the construction of a home and driveway typical of the neighborhood.

7132 72nd Street North

Currently Zoned City of Birmingham R3
Existing Lot Size 15,000 Square Feet
Requested Variance It is the intent to subdivide this parcel into three 50-foot wide by 100 foot deep lots to match the lots within the area. The subdivided lots will require the following variances.
1) A variance of 7.6 feet from the 25-foot front setback required along 71st Street North to 17.4 feet.
2) A variance of 1000 Square feet from the required 6000 Square Feet to 5000 Square Feet.
3) A variance of 8.0 feet from the 25-foot front setback required for the proposed lot along 2nd Avenue to 17.0 feet.
Hardship This is an existing 150-foot wide by 100-foot deep parcel to be subdivided into lots similar to those within the immediate area which are currently 50 feet wide by 100 feet deep.

- **Physical Characteristics** – This parcel is uniquely 150’ wide x 100’ deep which is unusual in this neighborhood.
- **Unique Characteristics** – The parcels in this neighborhood are typically 50’ x 100’.
- **Hardship not Self-Imposed** – Splitting this parcel into three parcels is self-imposed but due to the fact the parcel is unusual in this neighborhood.
- **Financial Gain is Not the Only Basis** –

PARCEL ID: 012300152020010000

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

DATE: Wednesday, November 25, 2020 9:25:47 AM

OWNER: BIRMINGHAM LAND BANK AUTHORITY

ADDRESS: 710 NORTH 20TH ST ROOM 600

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 7100 2ND AVE N

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$9,400.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 9,888.47

ACRES: 0.23

SUBDIVISION INFORMATION:

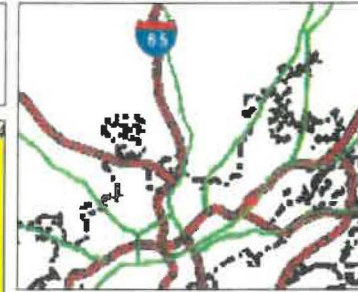
NAME EAST LAKE

BLOCK: 3-B

LOT: 1

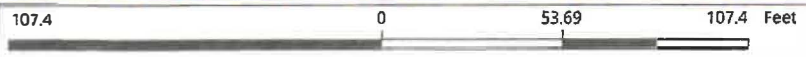
Section: 15-17-2W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Not in Historic Districts
Commercial Revitalization District: Not in Commercial Revitalization District
Fire District: Not in Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment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



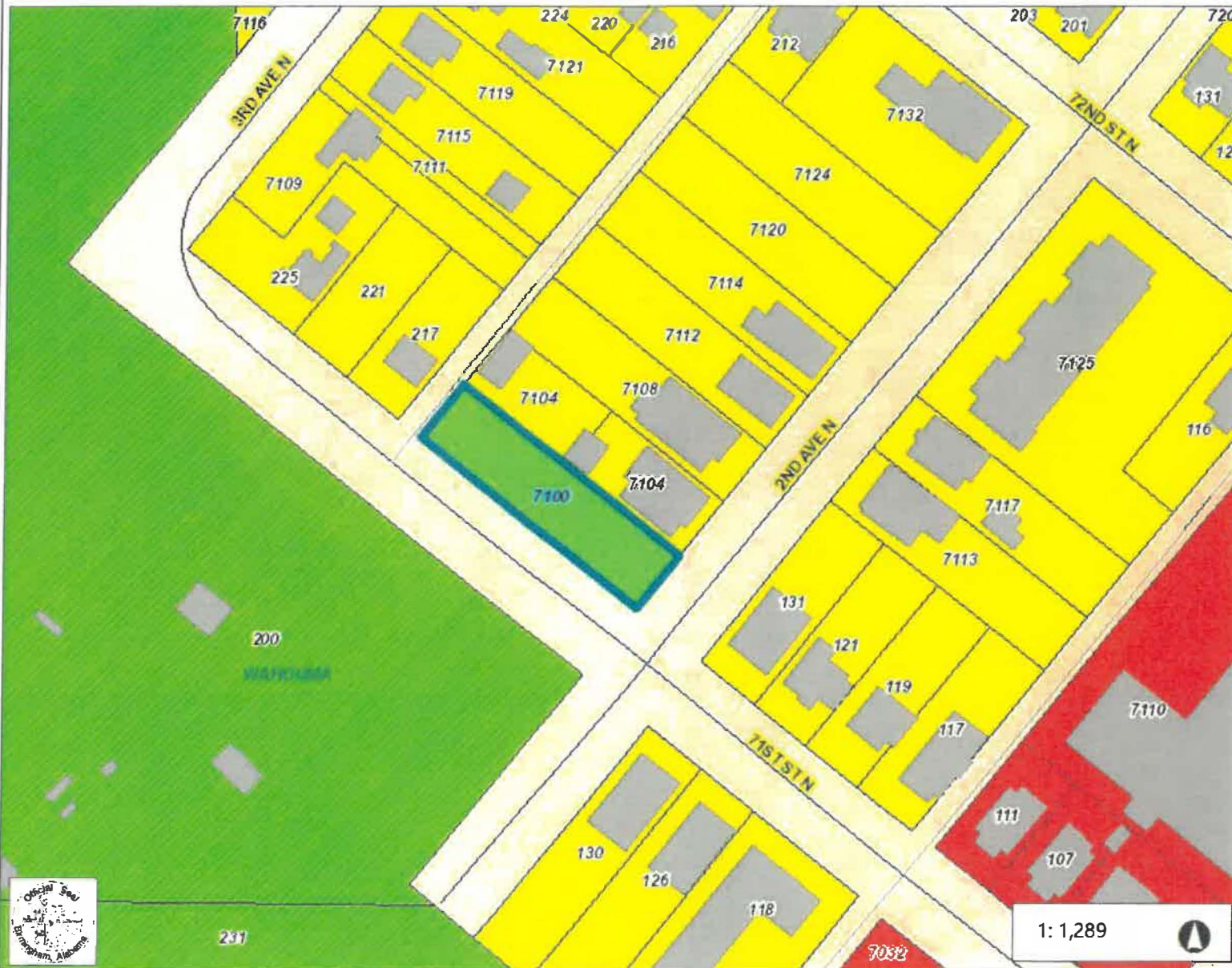
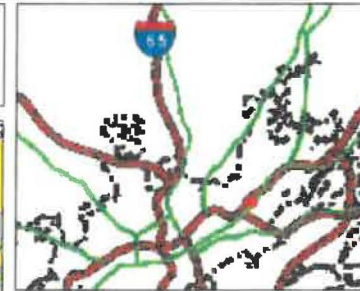
Legend

- 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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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Centerline Labels
- + Railroad
- Alleys
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- Arterials
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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



214.8 0 107.38 214.8 Feet

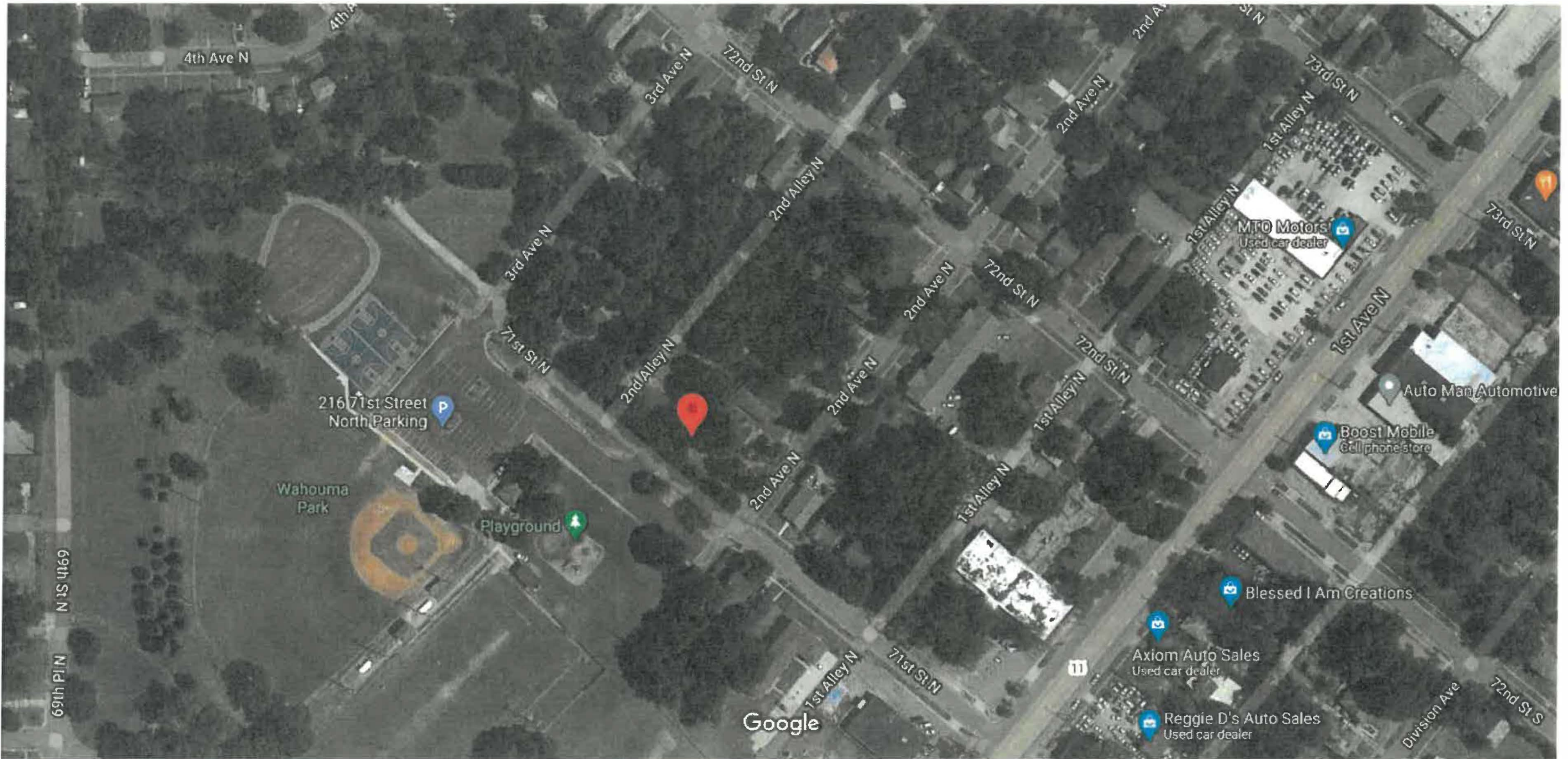
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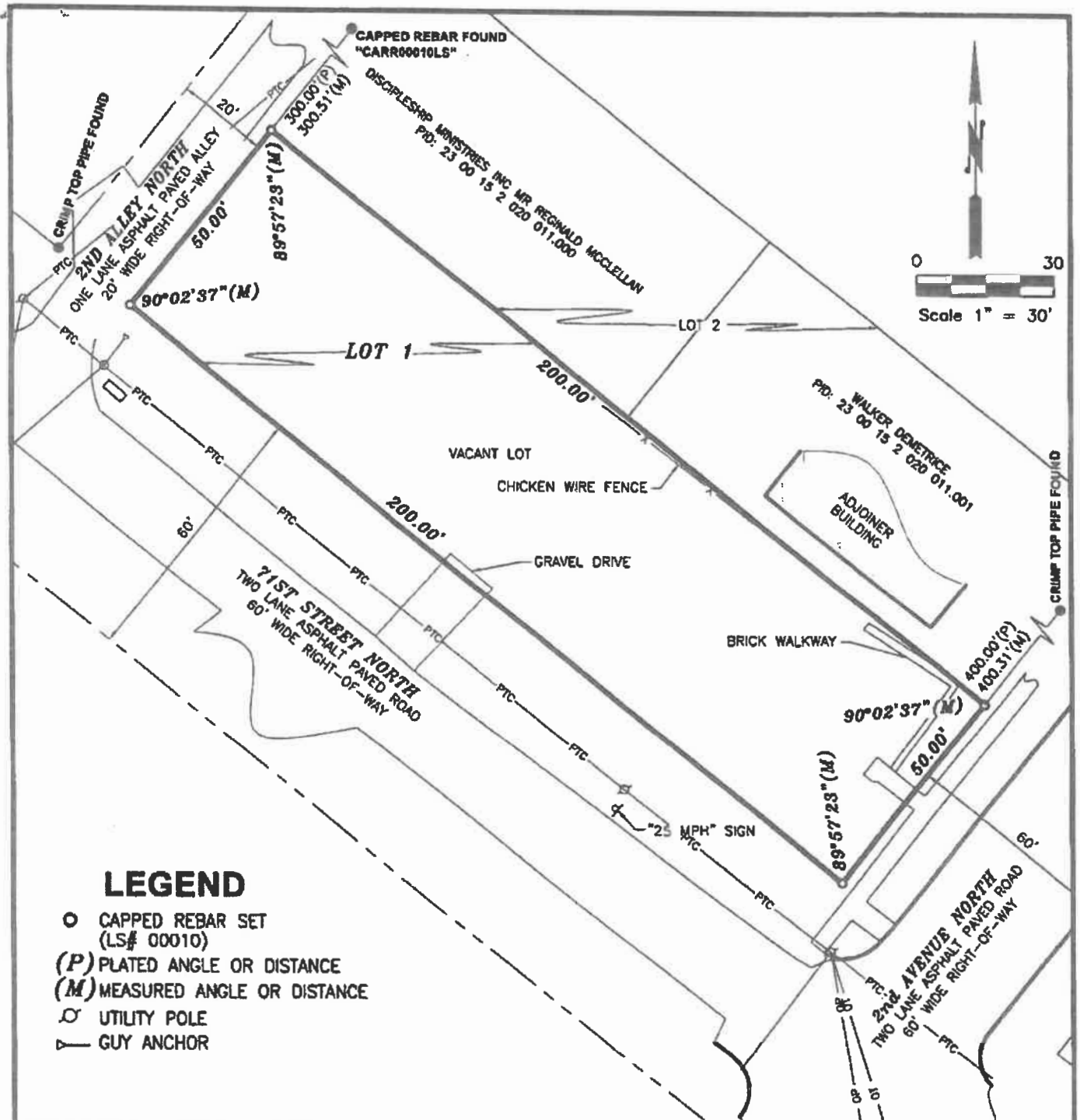
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
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Notes

Google Maps 7100 2nd Ave N



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



LEGEND

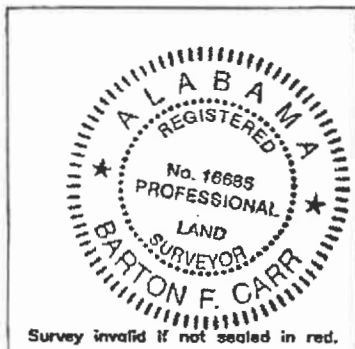
- CAPPED REBAR SET (LS# 00010)
- (P) PLATED ANGLE OR DISTANCE
- (M) MEASURED ANGLE OR DISTANCE
- UTILITY POLE
- GUY ANCHOR

DESCRIPTION: LOT 1, BLOCK 3-B, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

SURVEYOR'S NOTES:

1. This survey is not intended to delineate the regulatory jurisdiction of any federal, state, regional, or local agency, board, commission, or other similar entity.
2. No underground utilities, underground encroachments, underground lines, or subsurface building foundations were located as a part of this survey.
3. This survey was conducted without the benefit of an abstract of title or title report. There may be matters of the public records unknown to this surveyor not depicted hereon.

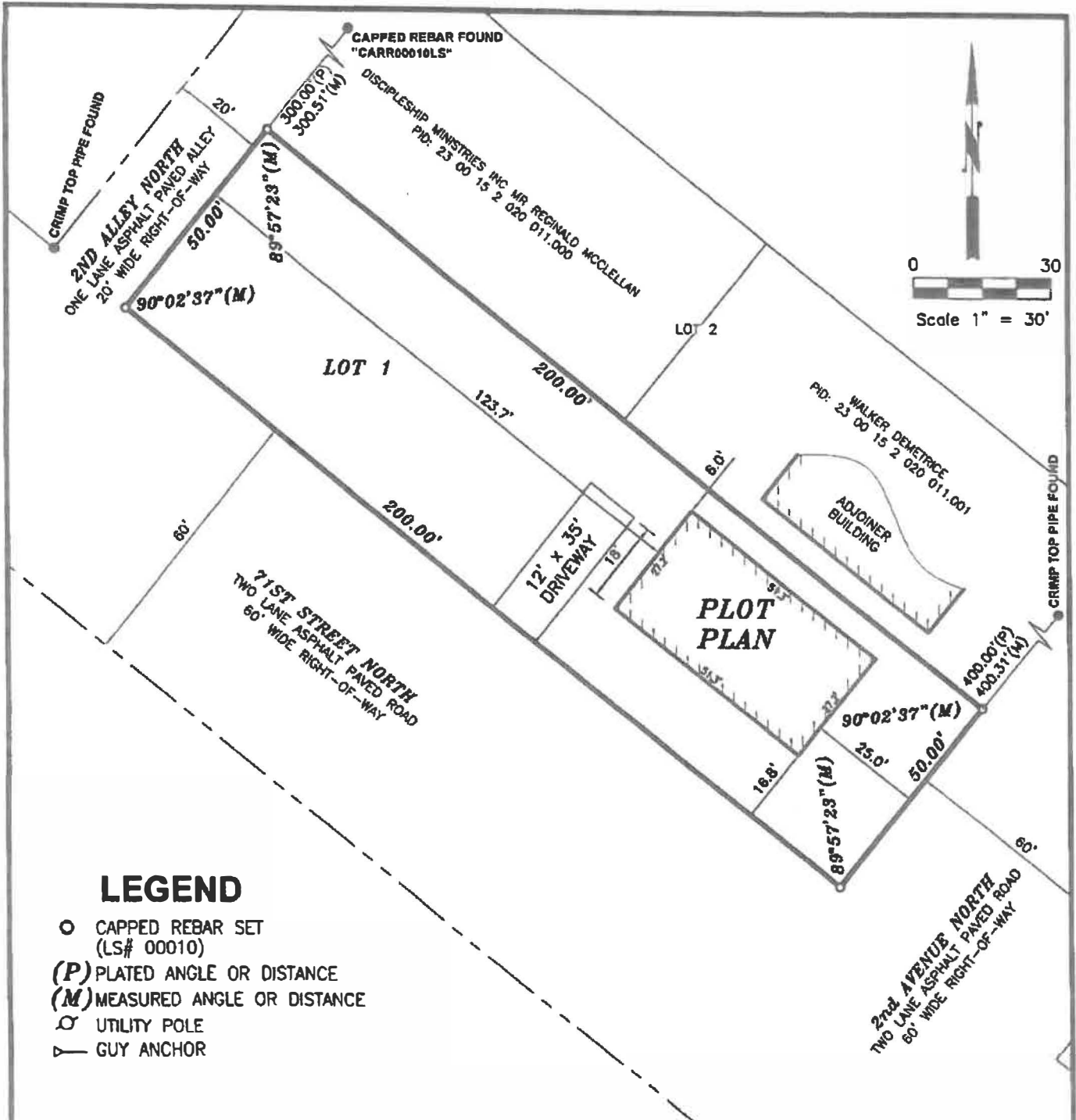


153 CAHABA VALLEY PARKWAY
 PELHAM, ALABAMA 35124
 PHONE (205) 664-9498 FAX (205) 664-9685

CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/4/20
 BARTON F. CARR Date
 PLS No. 16685
 bartcarr@carrengineers.com

Type of Survey: CLOSING SURVEY
 Job No. 76.190 Field Book/Pg.: NA
 CADD: ZAC Date of Map Preparation: 09/22/2020
 Date of Field Survey: 09/17/2020
 Street Address: 7100 2nd Avenue North
 Drawing Name: 76.190 H&H EAST LAKE 7100



LEGEND

- CAPPED REBAR SET (LS# 00010)
- (P) PLATED ANGLE OR DISTANCE
- (M) MEASURED ANGLE OR DISTANCE
- UTILITY POLE
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DESCRIPTION: LOT 1, BLOCK 3-B, according to the **EAST LAKE SUBDIVISION**, as recorded in **MAP BOOK 1, PAGE 217**, in the Probate Office of Jefferson County, Alabama. (Birmingham)

SURVEYOR'S CERTIFICATE: I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

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153 CAHABA VALLEY PARKWAY
 PELHAM, ALABAMA 35124
 PHONE (205) 664-8498 FAX (205) 664-9685

CARR & ASSOCIATES ENGINEERS, INC.

[Signature] 11/12/20
 BARTON F. CARR Date
 PLS No. 16685
 bartcarr@carrengineers.com

Type of Survey: PLOT PLAN
 Job No. 76.190 Field Book/Pg.: NA
 CADD: BBY Date of Map Preparation: 11/11/20
 Date of Field Survey: 09/17/2020
 Street Address: 7100 2nd Avenue North
 Drawing Name: 76.190 H&H EAST LAKE 7100

Meeting – January 14, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Forest Park Staff Planner Moton ZBA2020-00075

Request: Parking Modification and Variance
Applicant: William Colburn
Owner: William Colburn
Site Address: 101 40th St S
Zip Code: 35222
Description: Modification to allow 0 off-street parking spaces instead of the required 17 parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3 and Variance to allow a dumpster in the required front yard area instead of the side or rear yard area pursuant to Title 1, Chapter 1, Section 21.1
Property Zoned: M-1 Light Manufacturing District
Parcel Information: Parcel #:012300293013004000, SW of Section 29, Township 17 S, Range 2 W

Modification:
Modification to allow 0 off-street parking spaces instead of the required 17 parking spaces.

Variance:
Variance to allow a dumpster in the required front yard area instead of the side or rear yard.

Neighborhood Meeting:
The Forest Park Neighborhood Association voted on January 7, 2021 in support of the request.

Public Notices:
Public notices were mailed on December 30, 2020.
Revised notices with the new link was mailed out on January 7, 2021.

Applicant’s Justification: Please see the attached six variance standards.

Staff Analysis:
The parcel is located at 101 40th St S and the building itself resides within the M-1, Light Manufacturing. The applicant is purposing Elysian Gardens Birmingham, sculpture park garden featuring large scale metal sculptures which includes a restaurant and bar. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA for a bar (640sq ft) requiring 5 spaces, 1 parking space per 100sf of GFA for a kitchen (880sq ft) requiring 9 parking spaces and 1 parking space per 5 fixed seats (32) requiring 7 parking spaces. However, with the 10% deduction for a nearby transit and deductions for bike racks leaves them with 17 required parking spaces. The applicant has provided us with an 1/4-mile radius of on-street parking that provides in view 58 street parking spaces and a parking study that shows surplus parking at various times throughout the day. The applicant also wanted to mention there is a private lot, 114 40th St S (beside Elysian Gardens that has 15 unused parking spaces and Avondale Village/ Birmingham, City Parking Lot that is 400 ft from the property has 161 parking spaces. There is another parking modification within ¼ mile radius such, **ZBA2014-00055**, 122 41ST ST S 35222, Modification to allow 22 of the 57 parking spaces required.

Staff Recommendation

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

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate of Occupancy should be obtain within three years of approval from the Board.
3. Bicycle racks must meet the requirements of the ordinance.

Dumpster Variance Request

- 1) **The small Physical characteristics of the property having only street or vehicle access to the front 100 feet leave no other dumpster access to any other side. The property is 100 x 100 having one side bordered by drainage creek and railroad tracks, other side bordered by private owned deeded parking lot, and back of property has no access over private lot.**
- 2) **The Unique characteristics of the property being bordered by the drainage creek and railroad tracks and no truck or vehicle access to other sides leave no possibilities for a dumpster location other than front of property. Since this dumpster building will be very visible from the street and parking for our establishment, we are planning to build the structure from steel and create a beautiful sculptural creation for the front view of our garden.**
- 3) **This variance request hardship, was not self-imposed by myself the owner of the property or any other persons with any interest in the property.**
- 4) **No financial gain is derived for this hardship variance request.**
- 5) **No injury to neighboring property will be a result of this variance. In fact, this current overgrown lot will be developed into a beautifully landscaped sculpture park for the community's use. The abandoned lot and junk yard behind this project will be redeveloped after this project creating more property value and entertainment use for the community. This project was sponsored by REV Birmingham to create a more vibrant Birmingham. Elysian Gardens won the 2019 Rev Birmingham "Big Pitch" contest for the most vibrant new idea for our city. This project will expand the Avondale Entertainment District and totally transform this block from a blight to a nationally recognized attraction. Our large scale whimsical sculpture park will draw customers from around the country and will draw national publicity to our great city.**
- 6) **This variance will not be detrimental to the public welfare, increase the congestion of the current dead end 40th street south, will not in any way increase the danger of fire or imperil public safety. The enclosure will be fabricated from steel according to all engineering requirements. Will Be fireproof and will be engineered to withstand any storm winds. It will be mounted on a concrete pad with a floor drain and concrete curbs on three sides. The enclosure will be created to totally conceal its actual use. The dumpster itself will not be visible from the street and the heavy sculptural doors will add beauty to the street view.**

PARCEL ID: 012300293013004000

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

DATE: Thursday, December 17, 2020 2:21:35 PM

OWNER: COLBURN SR WILLIAM F & CAROL H

ADDRESS: PO BOX 320438

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35212

SITE ADDR: 101 40TH ST S

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$52,500.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 9,775.64

ACRES: 0.22

SUBDIVISION INFORMATION:

NAME AVONDALE

BLOCK: 5

LOT: 1

Section: 29-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: 41st Street

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Forest Prk (1401)

Communities: Red Mountain (14)

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

Zoning Outline: M1

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

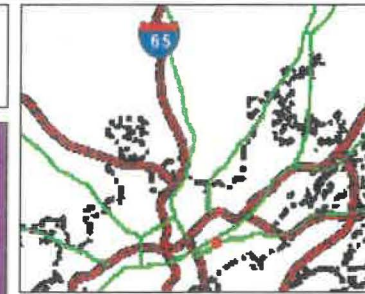
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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177.9 0 88.95 177.9 Feet

1: 1,067

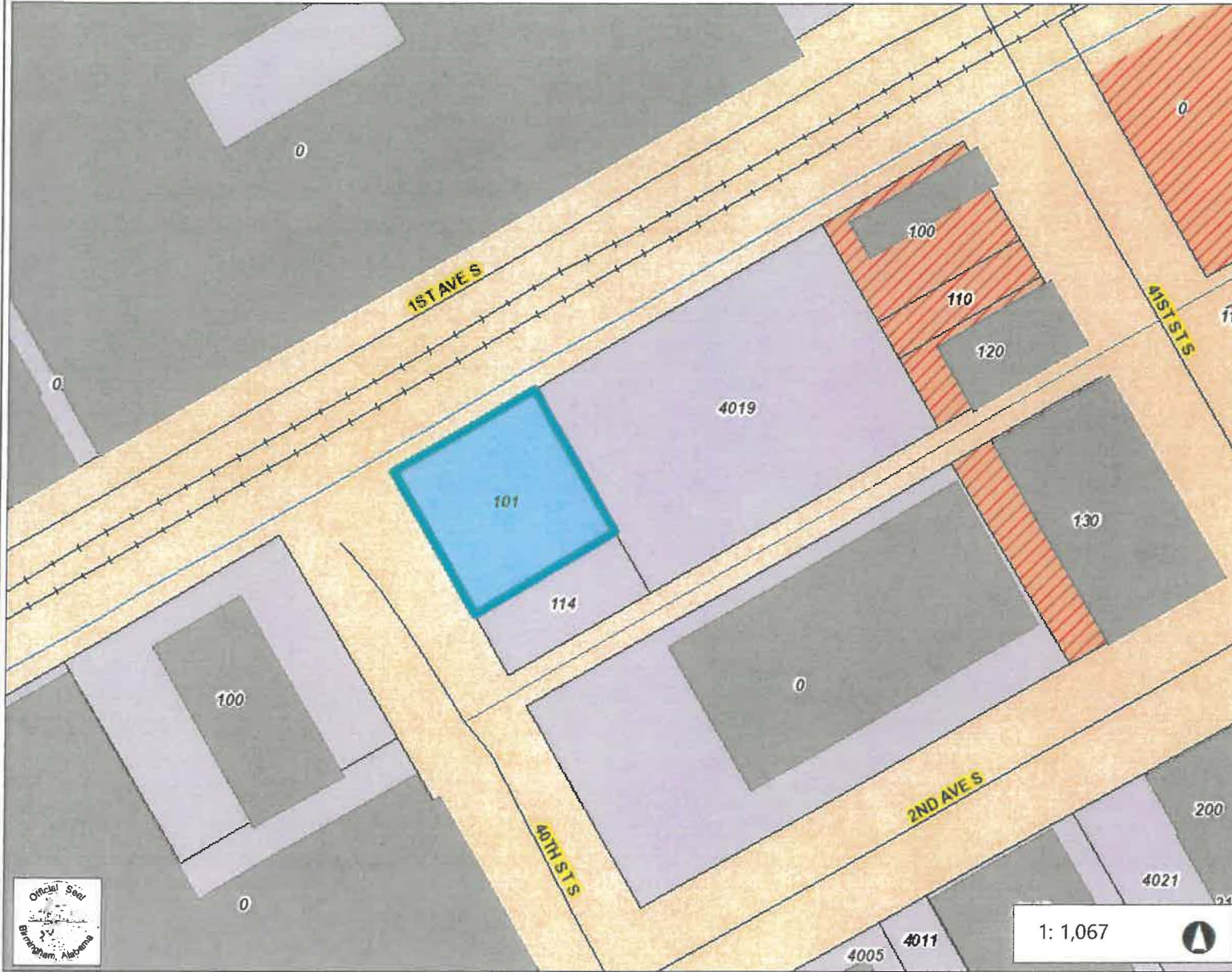
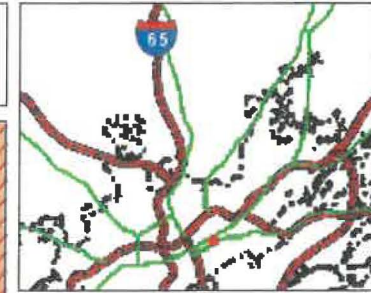


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Legend

- Centerline Labels
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- 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

Notes



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



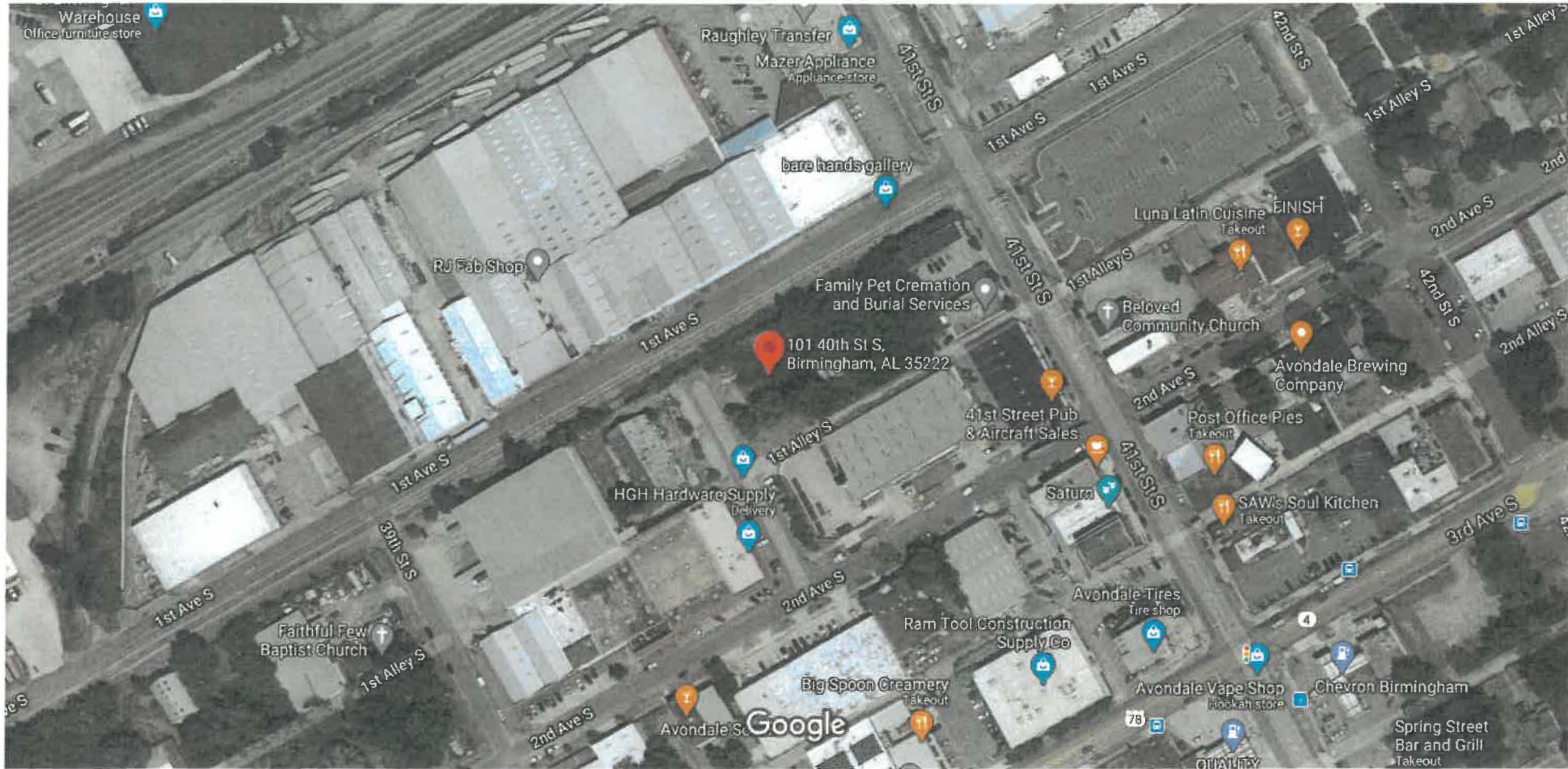
177.9 0 88.95 177.9 Feet

1: 1,067



Notes

Google Maps 101 40th St S

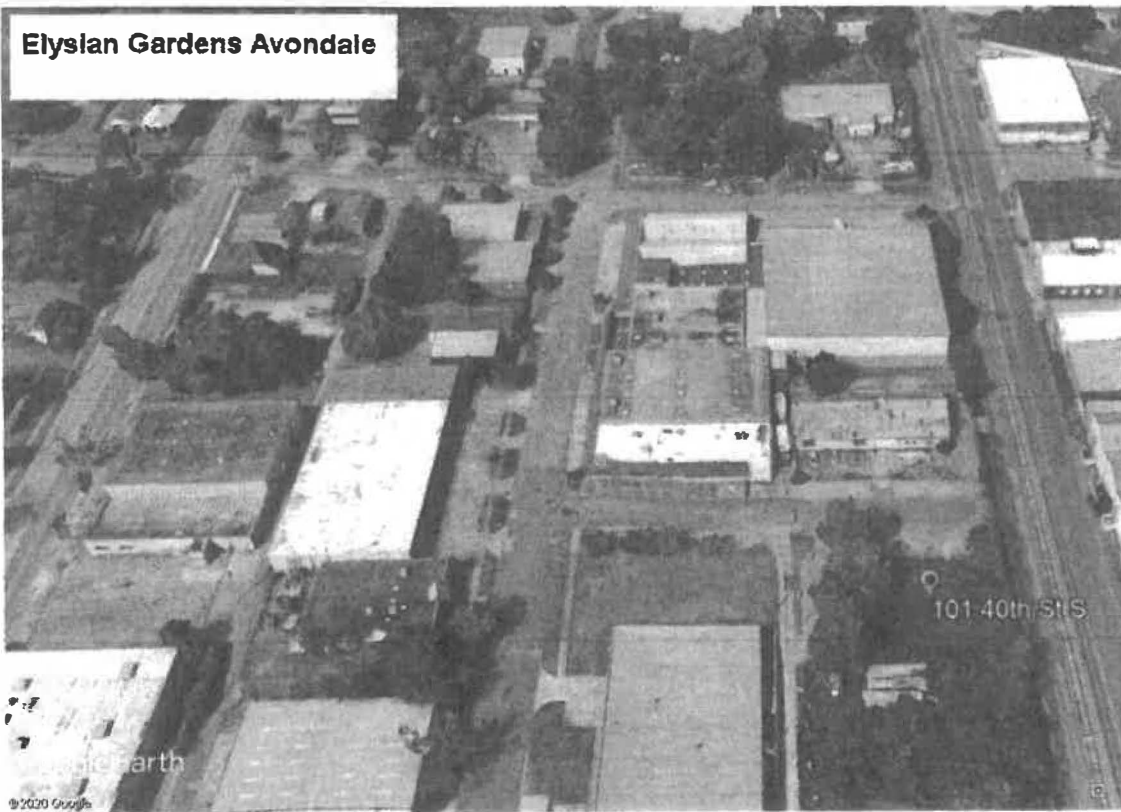


Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020 100 ft

Businesses surrounding Elysian Gardens:

HGH Hardware, 3912 2nd Ave S (Hours of operation 7:30am to 4:30pm M-F, closed weekends and holidays)

****No other Business on the 40th street Block..**



ELYSIAN GARDENS PARKING STUDY 11/28/20 7:00PM

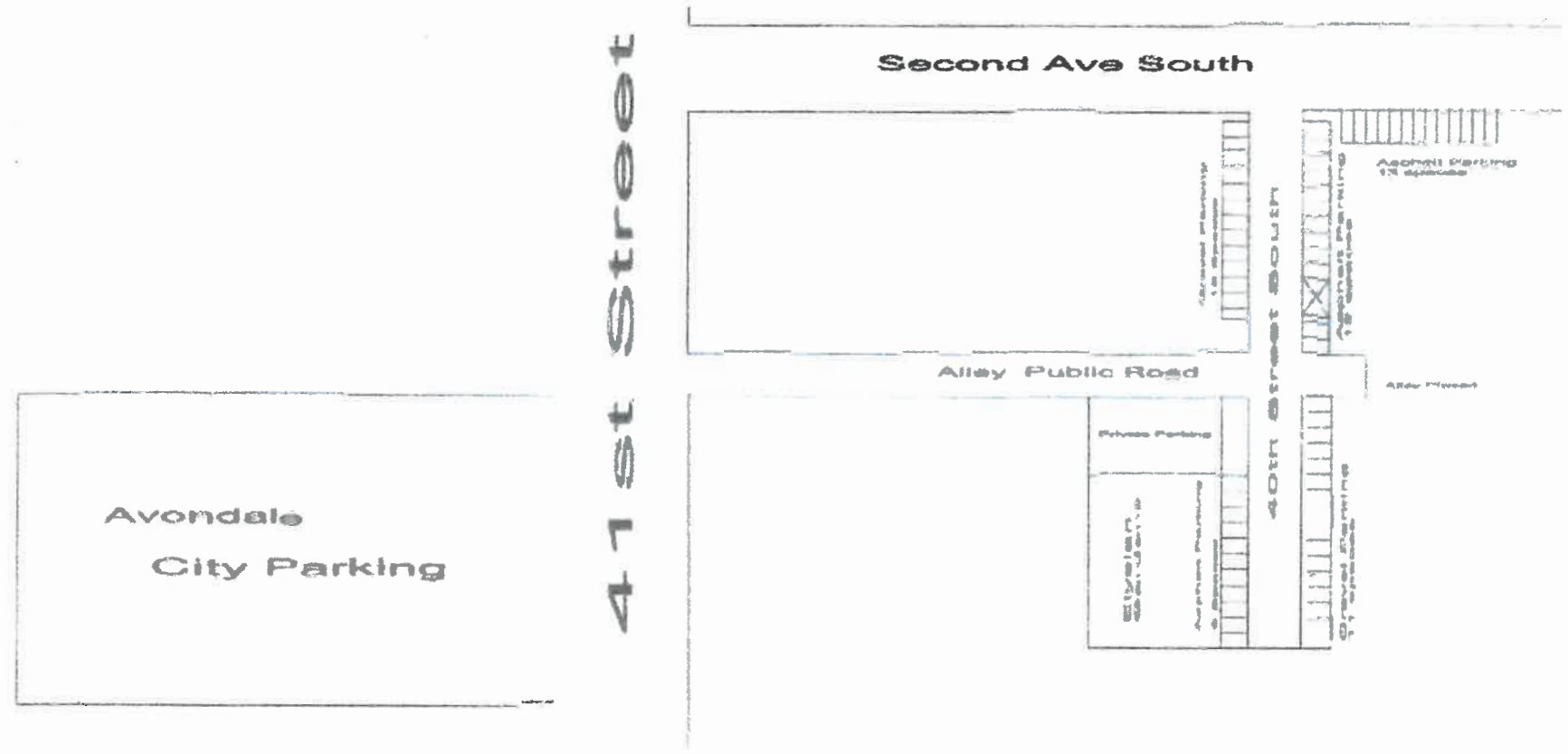
Alabama vs Auburn Game

40TH ST S: 0 CARS

2ND AVE S: 0 CARS

LOT BY ELYSIAN GARDEN: 0

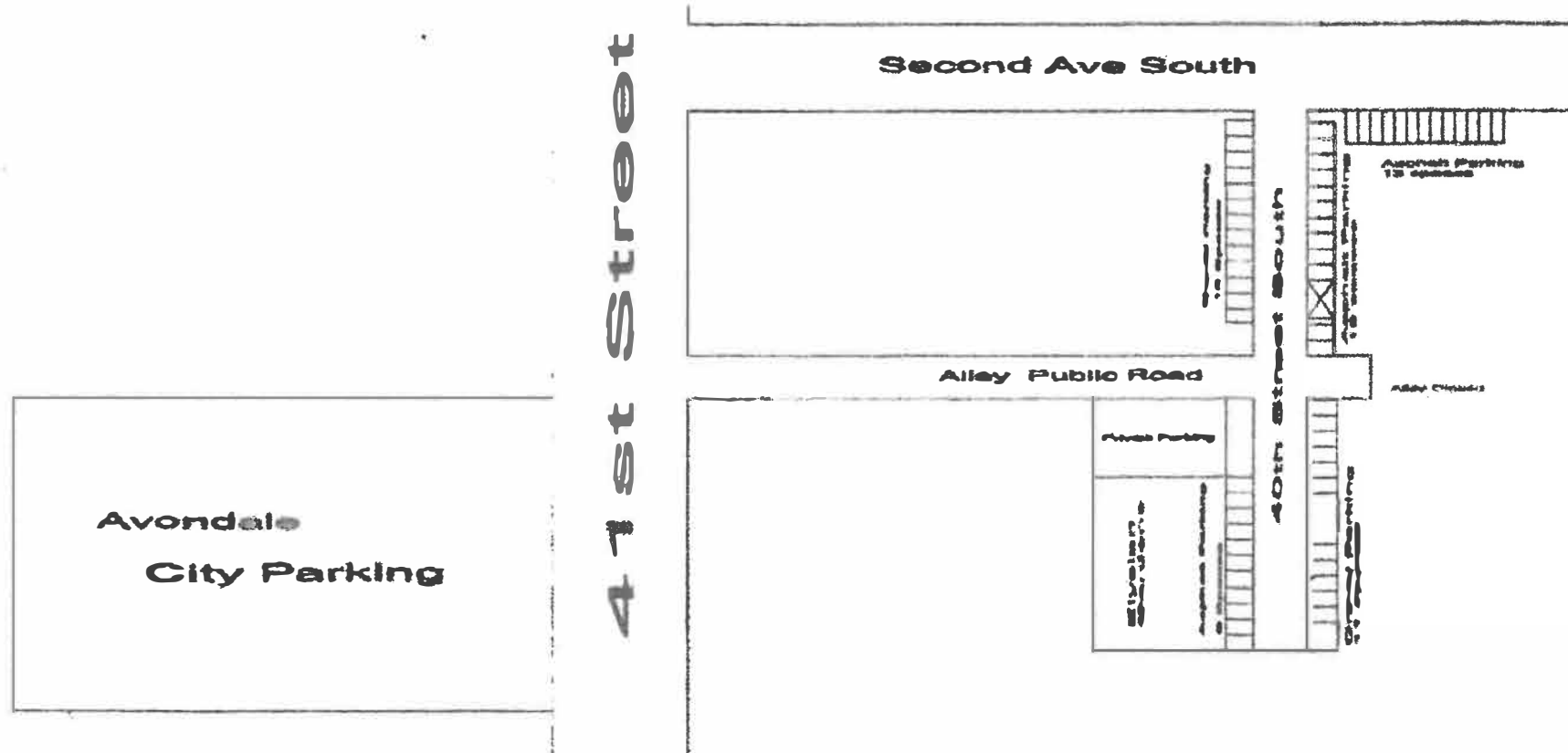
AVONDALE CITY LOT: 6



ELYSIAN GARDENS PARKING STUDY 12/02/20 12:00PM

40TH ST S: 1 CAR
2ND AVE S: CARS

LOT BY ELYSIAN GARDEN: 0
AVONDALE CITY LOT: 4



**November 28th, 7:PM
Saturday night
Alabama vs Auburn game**



2nd Ave 0 cars



40th street 0 cars



Private Lot 0 cars



40th street 0 cars



40th street 0 cars

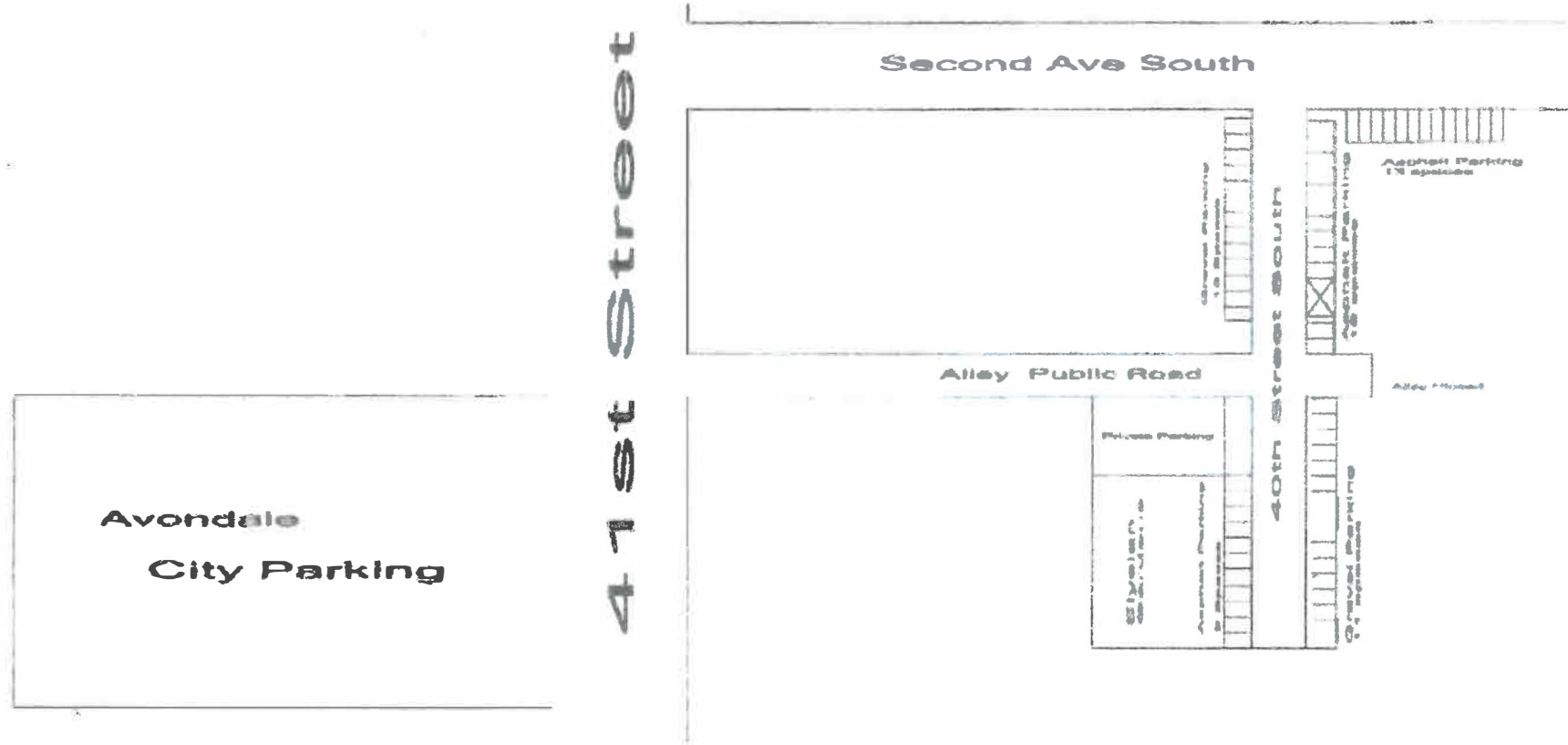


Avondale City Lot 6 cars

ELYSIAN GARDENS PARKING STUDY 12/07/20 7:00PM

40TH ST S: 1 CARS
2ND AVE S: 0 CARS

LOT BY ELYSIAN GARDEN: 0
AVONDALE CITY LOT: 1



December 2, 12:30 PM
Weekday lunch



2nd Ave 1 car



40th Street 0 cars



Private Lot 0 Cars



40th street 2 cars



40th street 2 cars



40th street 0 cars



Avondale City Lot 2 cars

**December 7th, 7:00 PM
Monday Night**



2nd Ave 0 cars



40th street 0 cars



Private lot 0 cars



40th street 1 car



40th street 0 cars

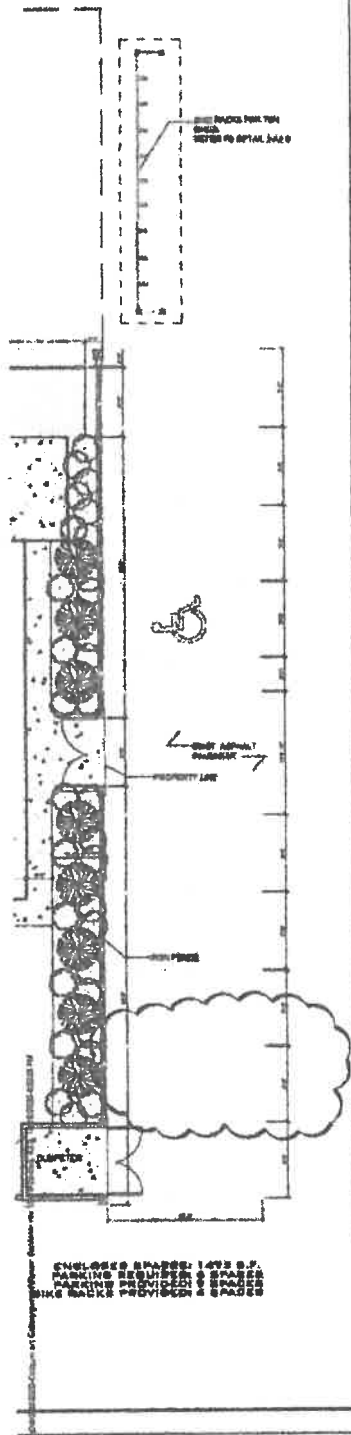


40th street 0 cars



Avondale city lot 1 car

DUMPSTER REVISION AND BICYCLE RACK

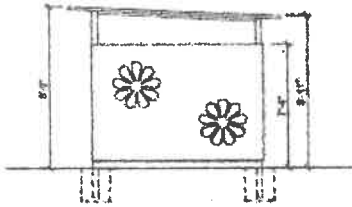


40TH STREET SOUTH

3

FLOOR PLAN - AT DUMPSTER

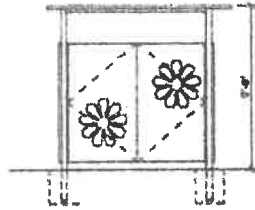
SCALE: 1/4" = 1'-0"



4

ELEVATION - AT DUMPSTER

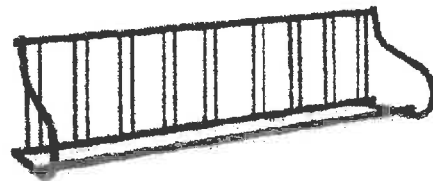
SCALE: 1/4" = 1'-0"



5

ELEVATION - AT DUMPSTER

SCALE: 1/4" = 1'-0"

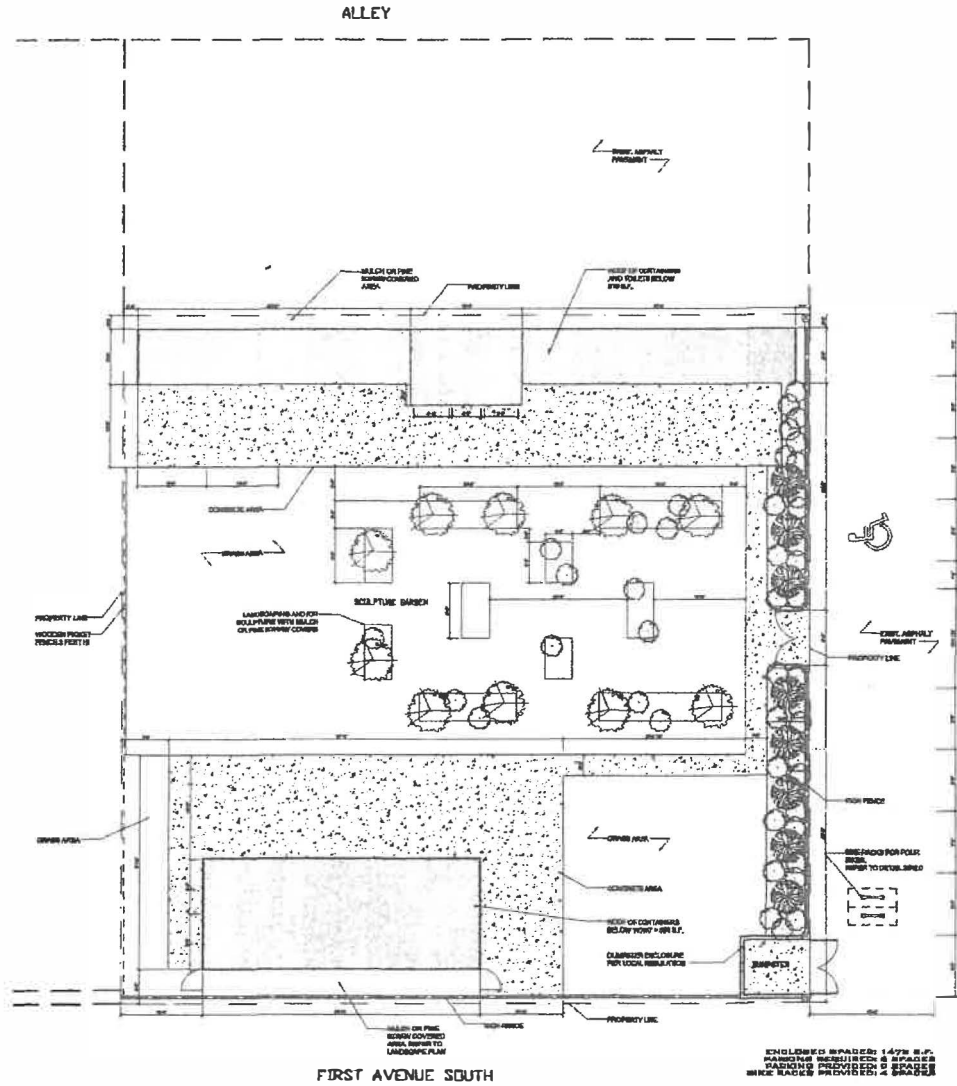


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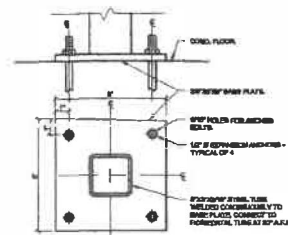
BIKE RACKS

SCALE: NTS

SIMILAR TO UL/INC
 MODEL NO. H-8991 EL



1 FLOOR PLAN - SITE
SCALE: 1/8" = 1'-0"



2 DETAIL AT BIKE RACKS
SCALE: 3/8" = 1'-0"



ABOU-JAOUDE ARCHITECTURE
4126 RIVER VIEW COVE
BIRMINGHAM, ALABAMA 35243

PROJECT NO.	101-40TH-SOUTH
DATE	08-20-20

PROJECT:
ELYSIAN GARDENS
101 40TH STREET SOUTH
BIRMINGHAM, AL 35222

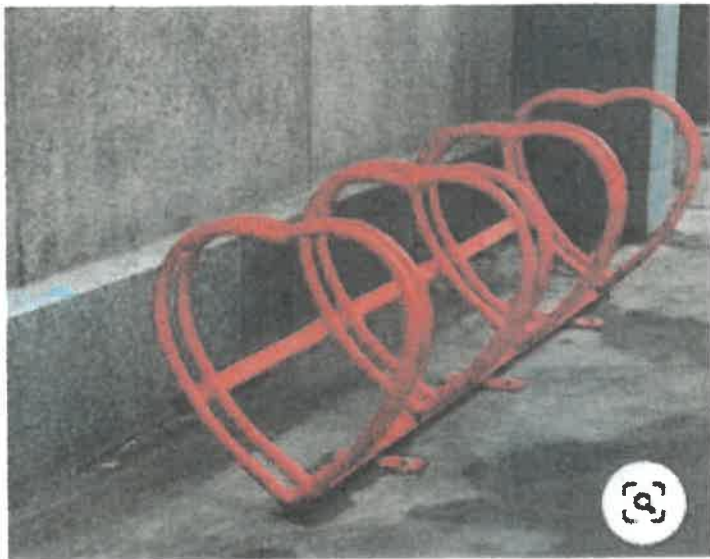


DRAWN BY:	CREATED BY:
DATE:	DATE:
FILE NUMBER:	PROJECT NUMBER:
SHEET NO.:	TOTAL SHEETS:

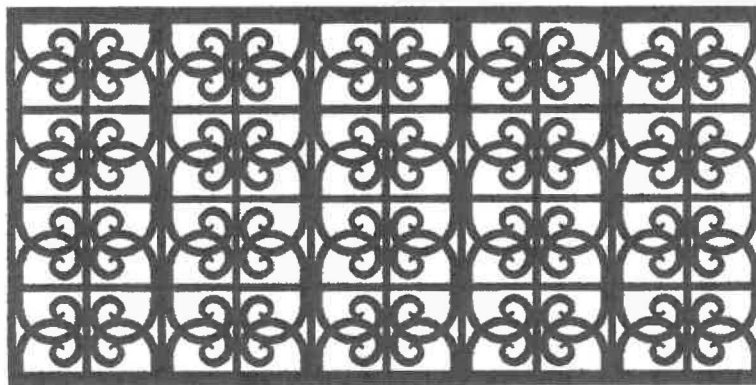
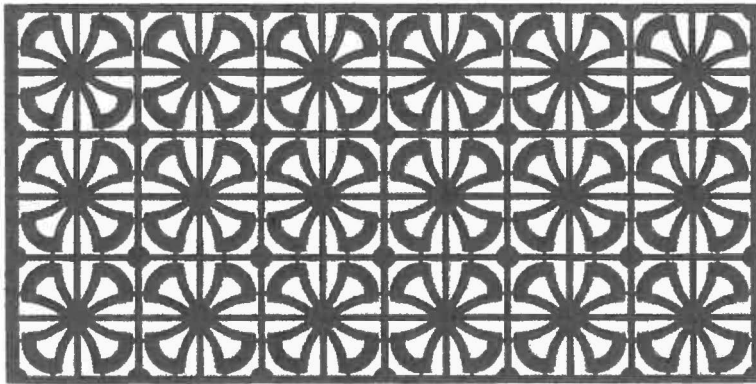
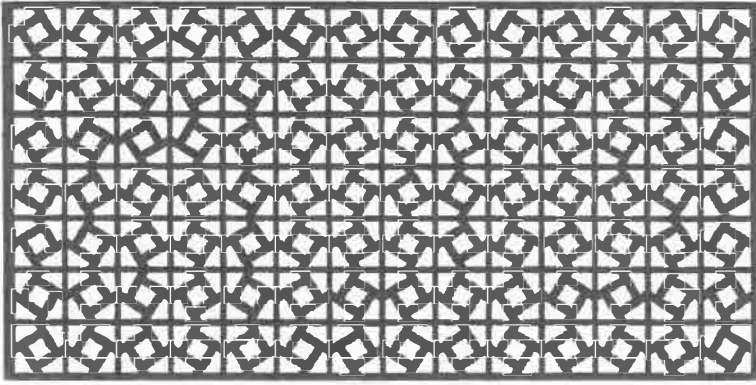
SHEET NUMBER
A2.0







FENCE PANEL EXAMPLES



FENCE PANEL EXAMPLES

