

Meeting – January 28, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Forest Park

Staff Planner Moton

ZBA2020-00076

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: Rich Berry
Owner: Suzanne Wallace & William Bulter
Site Address: 629 46th St S
Zip Code: 35222
Description: Variance to allow the expansion of a legal non-conforming structure.
Property Zoned: R-3 Single Family District
Parcel Information: Parcel #: 012300294001012000, SE of Section 29, Township 17 S, Range 2 W

Variance:

The applicant is requesting a variance to allowing construction to build a deck in the rear of the legal non-conforming structure.

Neighborhood Meeting:

The Forest Neighborhood Association voted to support the request January 7, 2021.

Public Notices:

Public notices were mailed on January 19, 2021.

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 629 46th St S and is zoned R-3, Single Family District. The applicant is requesting a variance allowing construction to build a 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 side yard setback requirements for a R-3 zoned district. The deck addition in the rear of the property will not encroach into the side yard setbacks and will continue to meet the rear yard setback. The property is located within the Avondale Park 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.

Owners: William Butler and Suzanne Wallace

Property Address: 629 46th Street South

Improvement: Second story rear deck with stairs

1. Physical Characteristics of the Property

Our home, constructed in 1925, is situated on a narrow lot shaped like a skewed rectangle. The lot measures 50 feet across at the skewed base and is 45 feet wide between the parallel north-south property lines. The house faces west and sits approximately 1½ feet from the northern lot line, making any deck construction off the rear of the house in violation of setback limits. The house is built into a substantial hill, so the rear of the home is elevated approximately 15 feet above the rear yard. The rear yard is only accessed through stairs through an unfinished basement.

2. Unique Characteristics

Though homes in the immediate vicinity are tightly spaced by modern standards, our home is unusually close to our neighbors to the north, and especially close to the property line.

3. Hardship Not Self-Imposed

The hardship presented regarding setback requirements has not been caused by the current owners, as we have made no exterior modifications to the home since our move to Birmingham in the summer of 2020. Being a relatively unmodified historic property, the hardship has existed since the creation of many of the city's zoning ordinances.

4. Financial Gain Not Only Basis

We purchased this property in the spring of 2020 for the purpose of making it our long-term home. This variance is being sought to allow increased enjoyment of our property. We have no intention to sell in the near or distant future and have little financial motivation in the request of this variance.

5. No Injury to Neighboring Property

This improvement will not negatively affect neighboring properties. Most homes on our side of the street are built into the hill and have elevated rear decks, so this improvement would be consistent with current neighborhood character. We have discussed our plans with our northern neighbors (where the deck would sit closest to the property line) and they do not object to the improvement.

6. No Harm to Public Welfare

As the improvement will be safely and sturdily constructed and located in the rear yard with no public access, we do not believe that it will pose any detriment to public safety or welfare. Additionally, the improvement will provide us with a secondary egress from the home, which currently does not exist.

PARCEL ID: 012300294001012000

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

DATE: Wednesday, December 30, 2020 10:03:35 AM

OWNER: WOLFSON HANNAH K & LAW RANDALL

ADDRESS: 629 46TH ST S

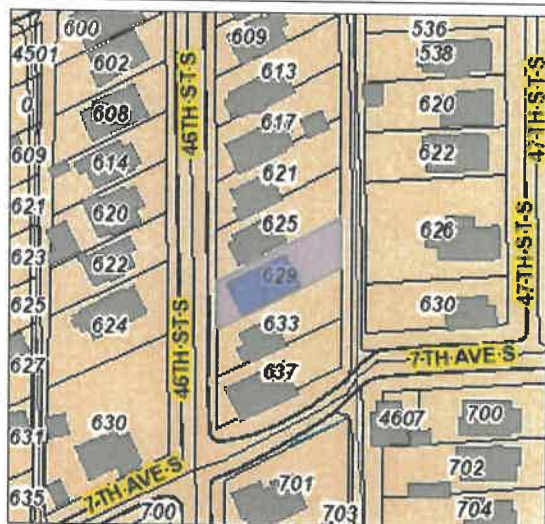
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35222--3421

SITE ADDR: 629 46TH ST S

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$134,900.00

BLDG: \$83,800.00

OTHER: \$0.00

AREA: 6,374.32

ACRES: 0.15

SUBDIVISION INFORMATION:

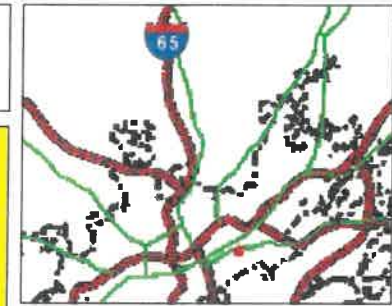
NAME AVONWOOD

BLOCK: 3

LOT: 8

Section: 29-17-2W
Land Slide Zones: In Land Slide Zones
Historic Districts: Avondale Park
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: Forest Prk (1401)
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 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

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

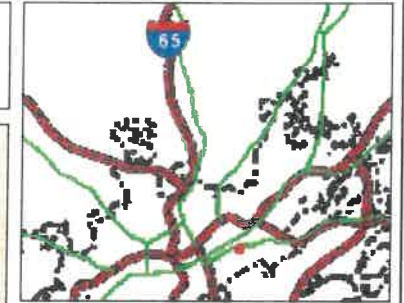
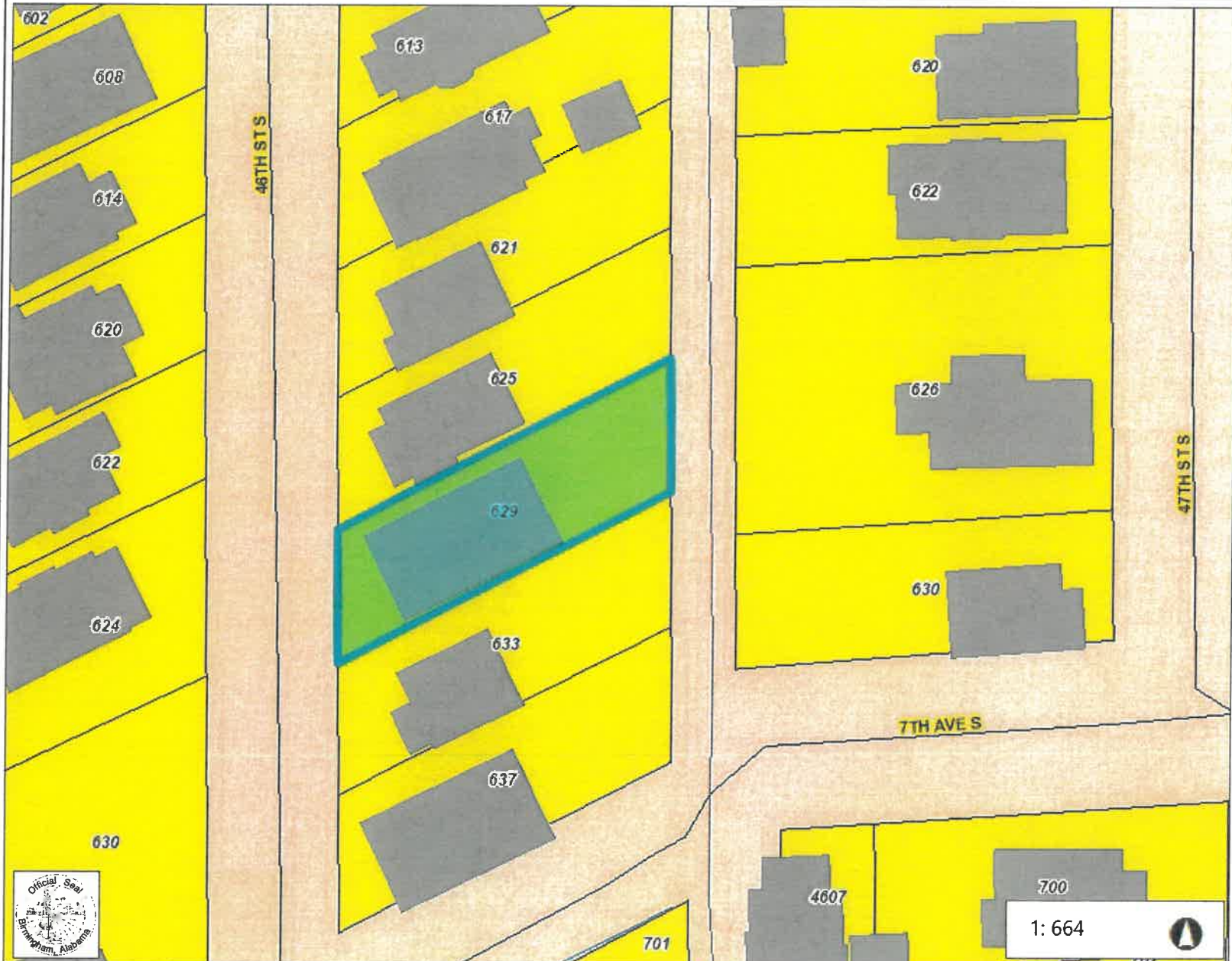
- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; 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



110.7 0 55.36 110.7 Feet

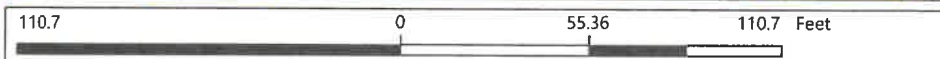
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

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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

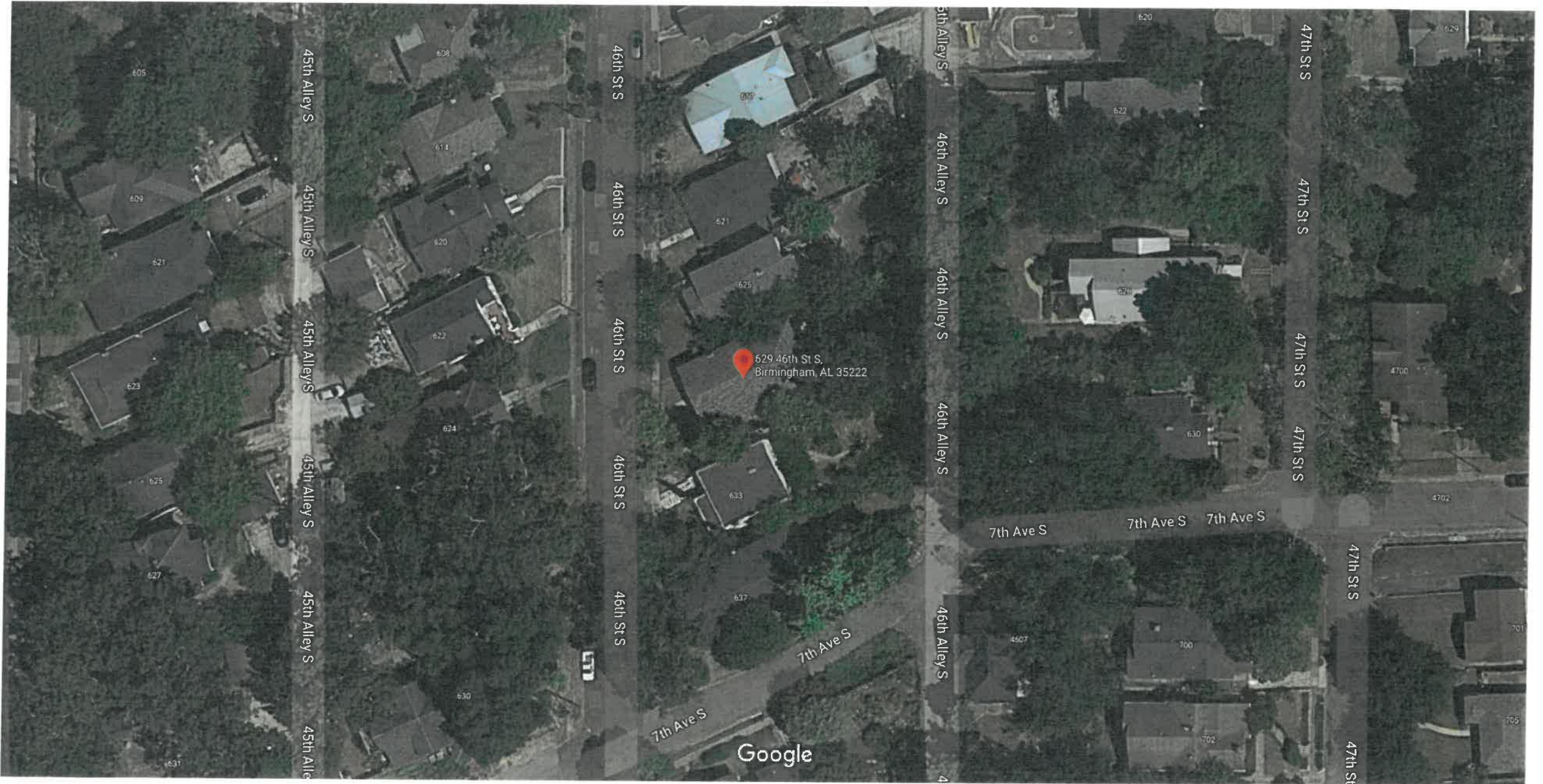


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Notes

1: 664

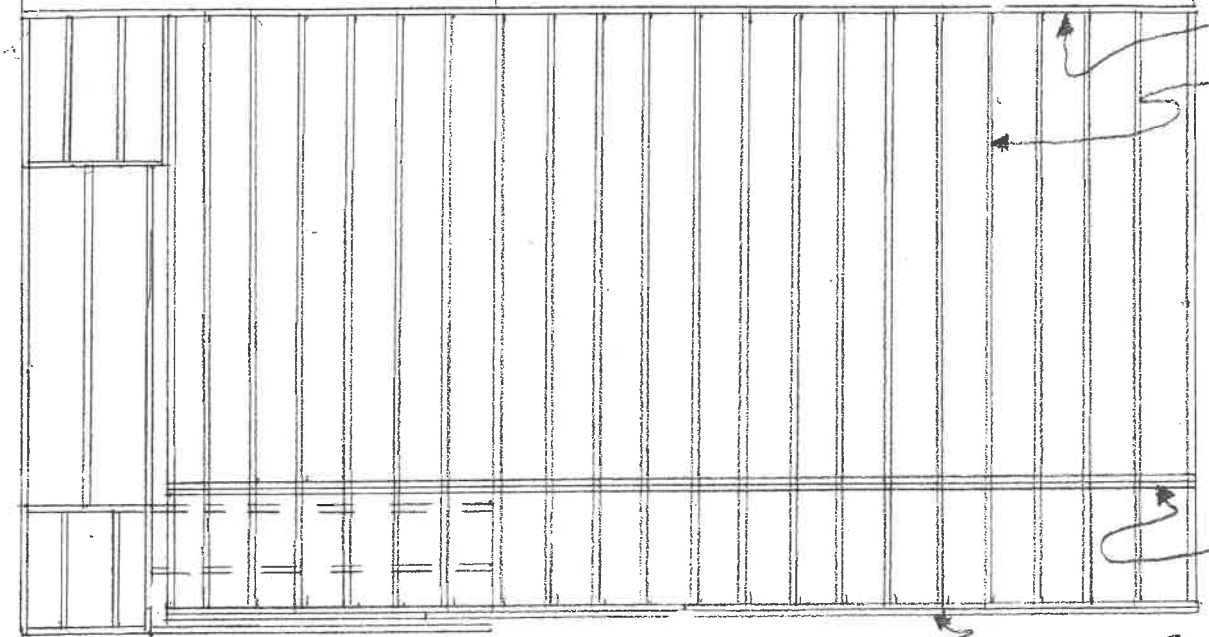
Google Maps 629 46th St S



Google Maps 624 46th St S

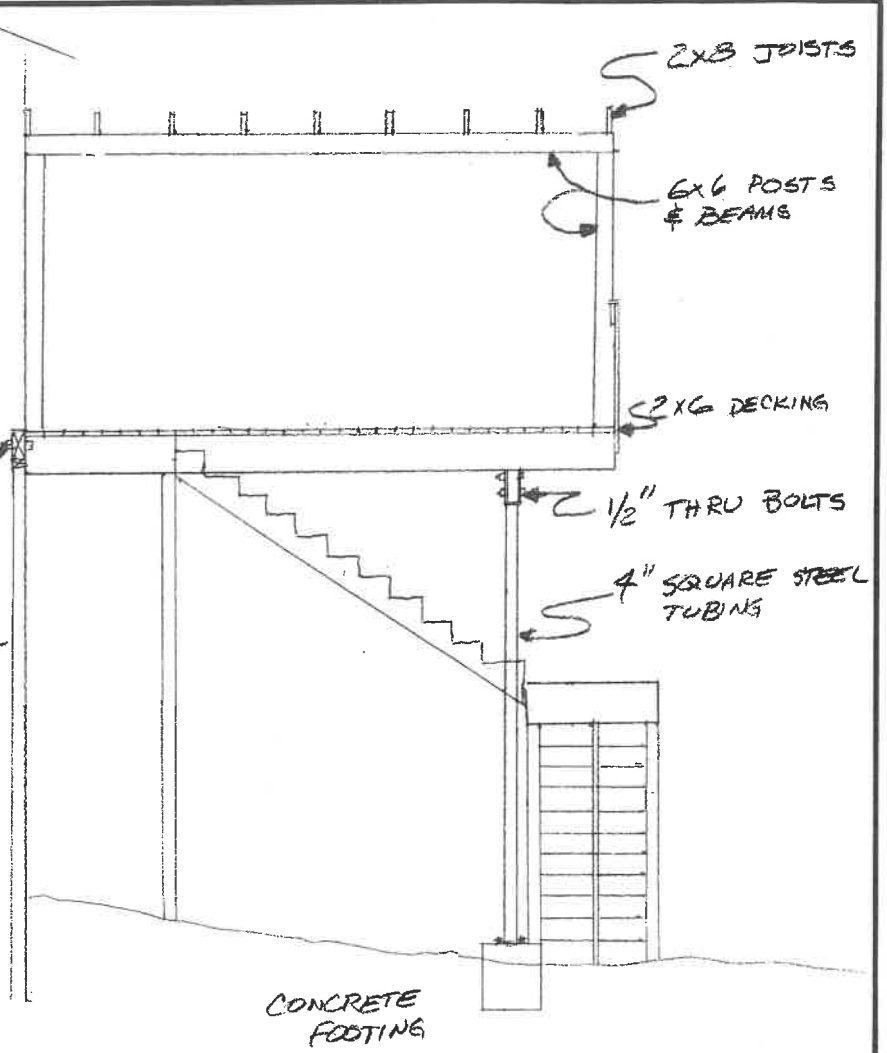


RESIDENCE



1/2" THRU BOLTS

DOUBLE 2x12 GIRDER w/ 1/2" CDX FLITCH PLATE



WALLACE/BUTLER DECK

SCALE: 1/4" = 1'
DATE: 12/24/20

APPROVED BY:

DRAWN BY RB
REVISED

DRAWING NUMBER