

Meeting – April 22, 2021  
Location - City Council Chambers, Third Floor, City Hall  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex

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Neighborhood: Collegetown      Staff Planner Moton      ZBA2021-00006

Request:                      Special Exception  
Applicant:                  Sherman King  
Owner:                        Sherman King  
Site Address:                3520 Fred L Shuttlesworth Dr  
Zip Code:                    35207  
Description:                 Special Exception to allow the expansion of a legal non-conforming use structure (church) in a D-3, Single Family Dwelling District pursuant to Title 1, Chapter 9, Article VI  
Property Zoned:             D-3, Single Family Dwelling District  
Parcel Information:        Parcel #: 012200131015019000, NE of Section 13, Township 17 S, Range 3 W

**Special Exception:**

Special Exception to allow the expansion of a legal non-conforming use structure (church).

**Neighborhood Meeting:**

The Collegetown Association; waiting on vote.

**Public Notices:**

Public notices were mailed on April 05, 2021.

**Staff Analysis:**

The parcel located at 3520 Fred L Shuttleworth Drive resides within District. The property is located in D-3, Single Family Dwelling. Per the zoning ordinance, “On the effective date of the Ordinance codified in this Title a pre-existing place of worship, in the dwelling districts listed above, shall be a legal non-conforming use. They may expand if a special exception is granted by the Board subject to demonstrating compliance with the general provisions of Chapter 4, Article III, Section 2 and the off-site parking requirements of Chapter 5 of this Ordinance.” The propose addition will be current setback. The rear setback of the addition shows 18.25ft; however, using half the width of the alley puts the applicant at 25.25ft, which meets the requirements. The parking count for a place of worship is 1 per 6 seats. The applicant has stated there are 132 sanctuary seats; therefore, the parking requirement would be 22 parking spaces. The applicant will provide an updated site plan to show the parking spaces.

Staff recommend approval of the request based upon the proposed addition not making the property more non-conforming.

**Staff Recommendation**

Staff believes the applicant has provided sufficient evidence to support the special exception request. Therefore, staff believes the request has merit for approval and as such, should be **APPROVED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board’s decision.
2. All permits and obtain within two years of approval from the Board.
3. Approved per plans submitted.

**PARCEL ID:** 012200131015019000

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

**DATE:** Monday, April 5, 2021 11:31:45 AM

**OWNER:** SAINT MARKS RENEW BAPTIST

**ADDRESS:** 3520 FL SHUTTLESWORTH DR

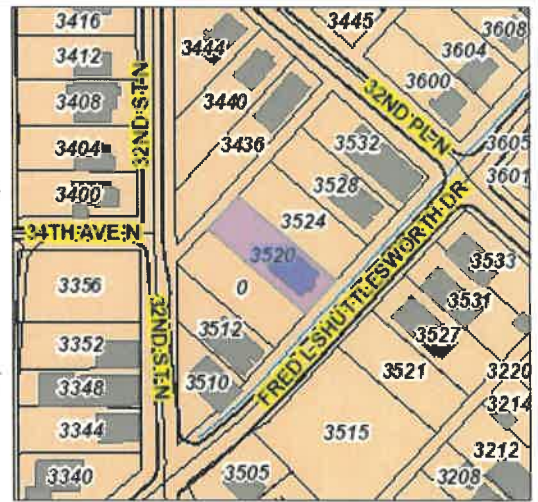
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35207--3766

**SITE ADDR:** 3520 FRED L SHUTTLESWORTH DR

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35207



**LAND:** \$14,100.00

**BLDG:** \$35,100.00

**OTHER:** \$0.00

**AREA:** 6,916.19

**ACRES:** 0.16

**SUBDIVISION INFORMATION:**

**NAME** FAIRFLD AD N BHAM 22-13-1

**BLOCK:** 10

**LOT:** 8&9

:

**Section:** 13-17-3W

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Collegeville (1102)

**Communities:** North Birmingham (11)

**Council Districts:** District - 4 (Councilor: William Parker)

**Zoning Outline:** D3

**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

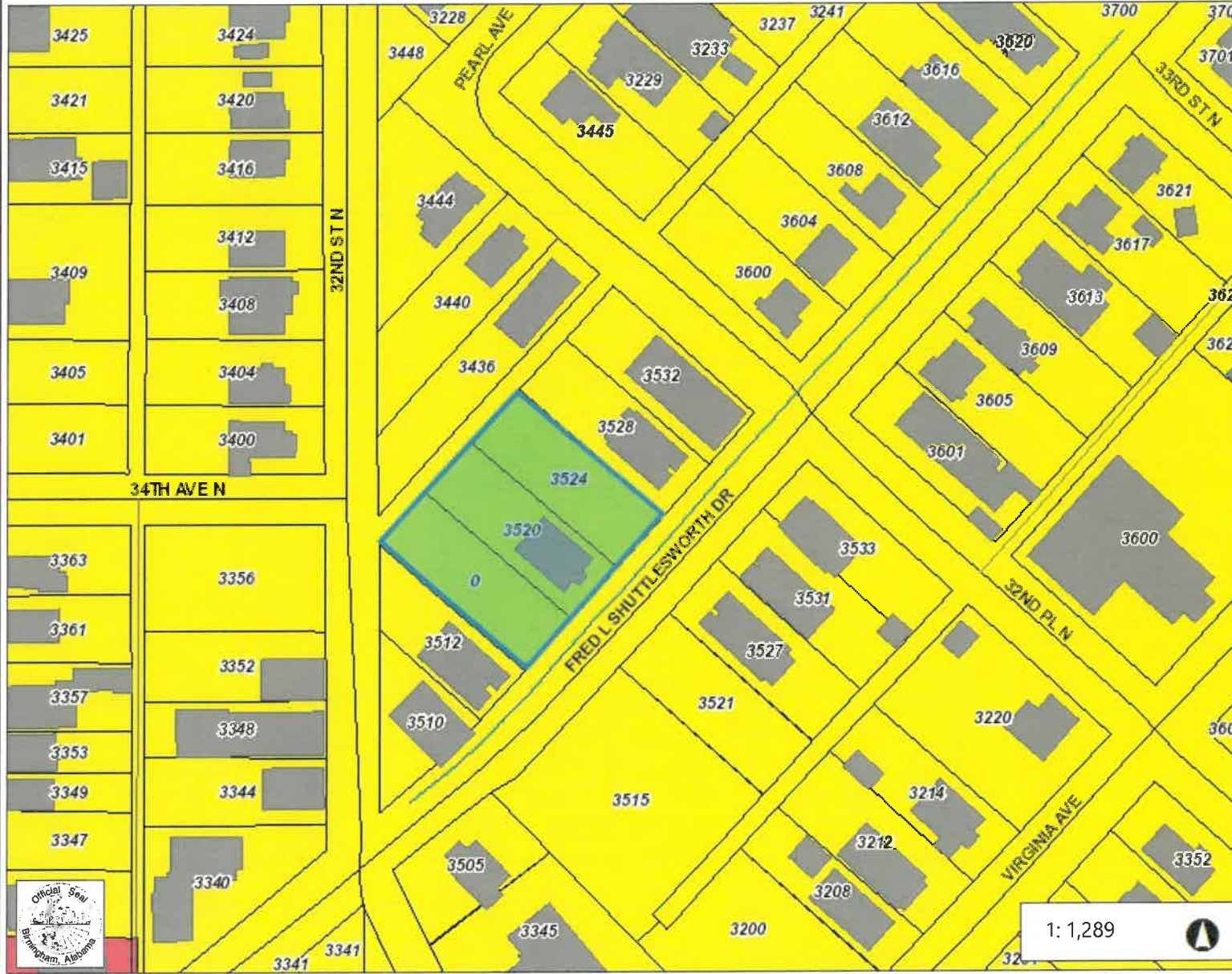
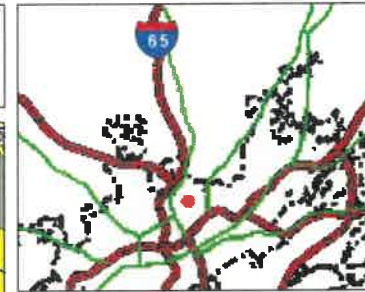
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** 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

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- Arterials
- County Highways
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- Zoning Shaded
  - R1; D1 - Single Family District - Cla
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  - R3; D3 - Single Family District; R3
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  - R4A - Multiple Dwelling District
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  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District

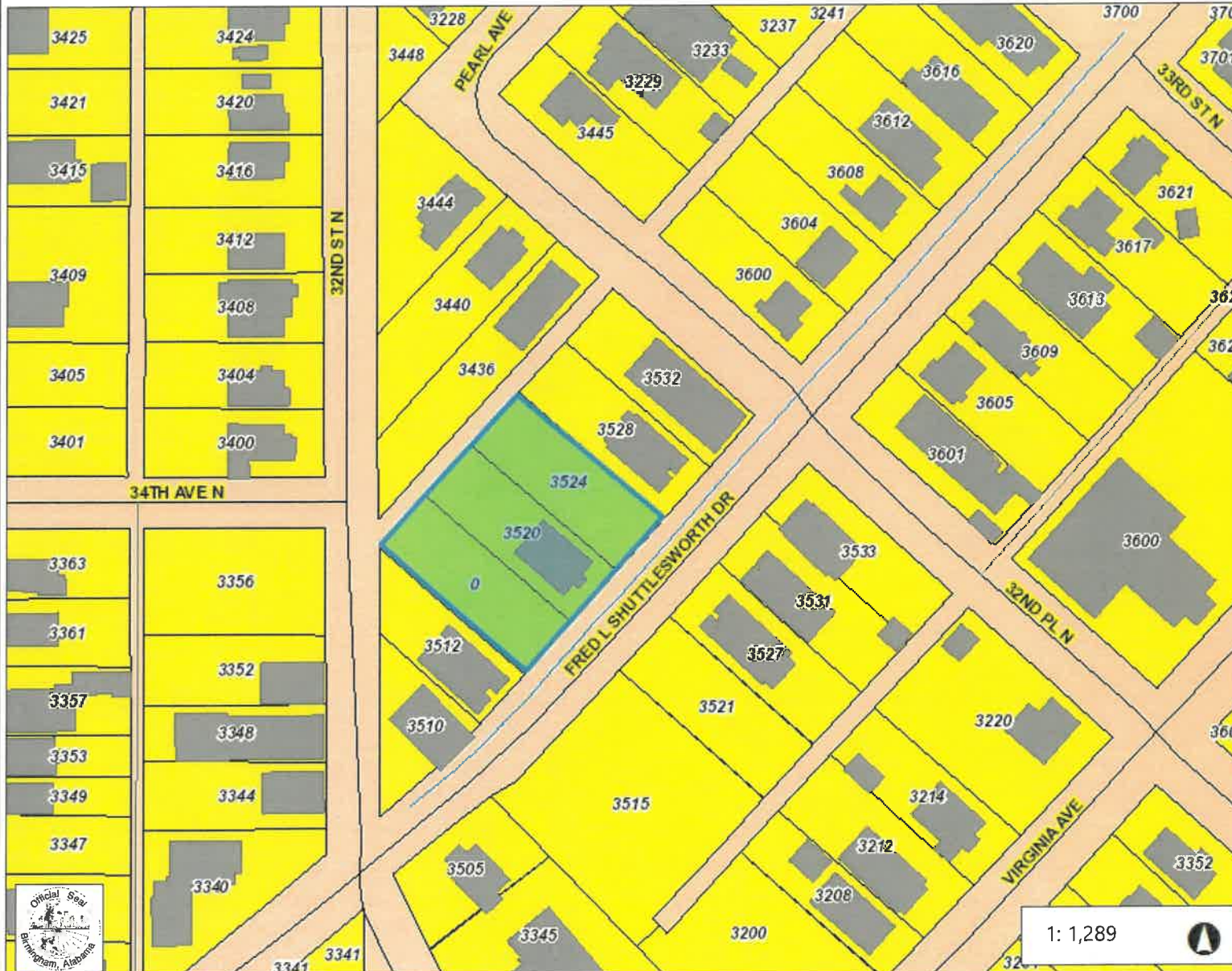
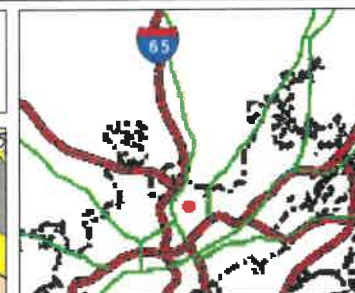


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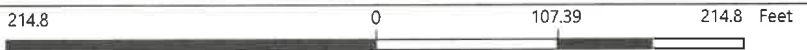
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  - MXU-Low
  - MXU-Medium
  - MXU-High



1: 1,289

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**

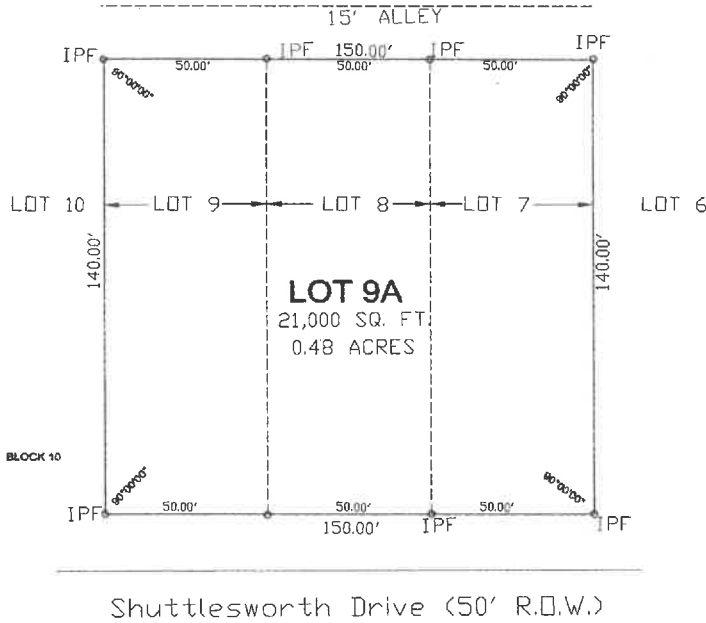
Notes



**A RESURVEY OF LOTS 7, 8, AND 9, BLOCK 10,  
FAIRFIELD ADDITION TO NORTH BIRMINGHAM**

AS RECORDED IN MAP BOOK 7, PAGE 2  
IN THE OFFICE OF JUDGE OF PROBATE  
JEFFERSON COUNTY, ALABAMA

SITUATED IN THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF  
SECTION 13, TOWNSHIP 17 SOUTH, RANGE 3 WEST  
JEFFERSON COUNTY, ALABAMA



**NOTES:**

ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS AND MAY BE USED FOR SUCH PURPOSE TO SERVE BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PERMANENT STRUCTURE OR OTHER CONSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT (EXCEPT AS NOTED).

BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING AND FOR SOIL CONDITIONS. THIS ENGINEER/LAND SURVEYOR IS RESPONSIBLE FOR EITHER.

BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOTS.

THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINES OR SEPTIC TANK ELEVATION PRIOR TO CONSTRUCTION OF BUILDING FOOTINGS.

ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVED.

NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO(2) FEET ABOVE ANY OF THE ADJACENT STORM SEWER WITHOUT USER'S APPROVAL.

NO FENCE SHALL IMPEDE THE FLOW OF WATER IN ANY DRAINAGE WAY.

AMOS REESE IS NOT RESPONSIBLE FOR SOIL COMPACTION AND DID NOT CONDUCT ANY SURFACE AND SUBSURFACE INVESTIGATIONS.

NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED APPROXIMATE.

**NOTE:**

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 0107030361H, DATED MARCH 21, 2018.

STATE OF ALABAMA  
COUNTY OF JEFFERSON

WE, THE UNDERSIGNED, AMOS F. REESE, SR., A PROFESSIONAL LAND SURVEYOR, AND SAINT MARKS REWIEV BAPTIST CHURCH, AS OWNER, DO HEREBY CERTIFY THAT THIS PLAT OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAT OR MAP WERE MADE AT THE INSTANCES OF SAID OWNER; THAT THIS PLAT OR MAP IS A TRUE AND CORRECT PLAT OR MAP OF LANDS SHOWN THEREIN AND KNOWN AS RESURVEY OF FAIRFIELD ADDITION TO NORTH BIRMINGHAM, LOTS 7, 8, AND 9, BLOCK 10, SHOWING THE SUBDIVISIONS INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVING LENGTHS OF SAID BOUNDARIES AT EACH LOT AND ITS NUMBER; SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS, GIVING THE LENGTH, WIDTH, AND NAME OF EACH STREET, AS WELL AS THE NUMBER OF EACH LOT AND BLOCK; AND SHOWING THE RELATION OF THE LANDS TO THE GOVERNMENT SURVEY OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 3 WEST, JEFFERSON COUNTY, ALABAMA; AND THAT IRON PINS HAVE BEEN INSTALLED AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID PLAT OR MAP; SAID OWNER ALSO CERTIFIES THAT THEY ARE THE OWNER OF SAID LANDS AND THAT THE SAME ARE NOT SUBJECT TO ANY MORTGAGE, EXCEPT A MORTGAGE WITH

BANK I, AMOS F. REESE, SR. HEREBY STATE THAT THE ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; SAID OWNER ALSO CERTIFIES THAT IT IS THE OWNER OF SAID LANDS, AND THAT THE SAME IS NOT SUBJECT TO ANY MORTGAGE. SAID OWNER AGREES THAT THE CITY OF BIRMINGHAM MAY AT ANY TIME CHANGE THE NATURAL OR EXISTING GRADE OF ANY STREET, ALLEY OR PUBLIC GROUNDS OR PART THEREOF, FROM THE NATURAL OR EXISTING GRADE TO THE PERMANENT GRADE WITHOUT THE PAYMENT OF COMPENSATION OR DAMAGES TO THE ABUTTING OWNER, AND THE AGREEMENT SHALL BE A COVENANT RUNNING WITH THE LANDS. THE UNDERSIGNED APPROPRIATE THE CITY OF BIRMINGHAM AS AGENT FOR THIS PURPOSE OF FILING SAID PLAT OR MAP TOGETHER WITH THIS INSTRUMENT, FOR RECORD, AND CERTIFY THAT WE HAVE AUTHORITY TO EXECUTE THIS INSTRUMENT AND MAP.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS THE 06 DAY OF MAY, 2019.

BY: *Amos F. Reese, Sr.*  
AMOS F. REESE, SR.  
REGISTERED PLS #31576



BY: Saint Marks Rewiev Baptist Representative  
BY: Authorized Representative Bank

STATE OF ALABAMA  
COUNTY OF SHELBY

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT AMOS F. REESE, SR. WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT, AFTER BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY THEREOF, GIVEN MY HAND AND SEAL THIS THE 06 DAY OF MAY, 2019.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT SAINT MARKS REWIEV BAPTIST REPRESENTATIVE, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT, AFTER BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY THEREOF, GIVEN MY HAND AND SEAL THIS THE 06 DAY OF MAY, 2019.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

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NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF ALABAMA  
COUNTY OF JEFFERSON

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT SAINT MARKS REWIEV BAPTIST REPRESENTATIVE, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS AUTHORIZED REPRESENTATIVE OF BANK MORTGAGE, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DATE THAT, AFTER BEING DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY THEREOF, GIVEN MY HAND AND SEAL THIS THE 06 DAY OF MAY, 2019.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
BIRMINGHAM PLANNING COMMISSION

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
BIRMINGHAM CITY ENGINEER

DIRECTOR OF ENVIRONMENTAL SERVICES  
FOR RECORDING PURPOSES ONLY

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT THIS DOCUMENT HAS BEEN REVIEWED FOR PROVISION OF FUTURE OR EXISTING SANITARY SEWERS; HOWEVER, THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

SOURCE OF TITLE: BOOK 3450 PAGE 423 (JEFFERSON CO.) DATE: MARCH 6 2019

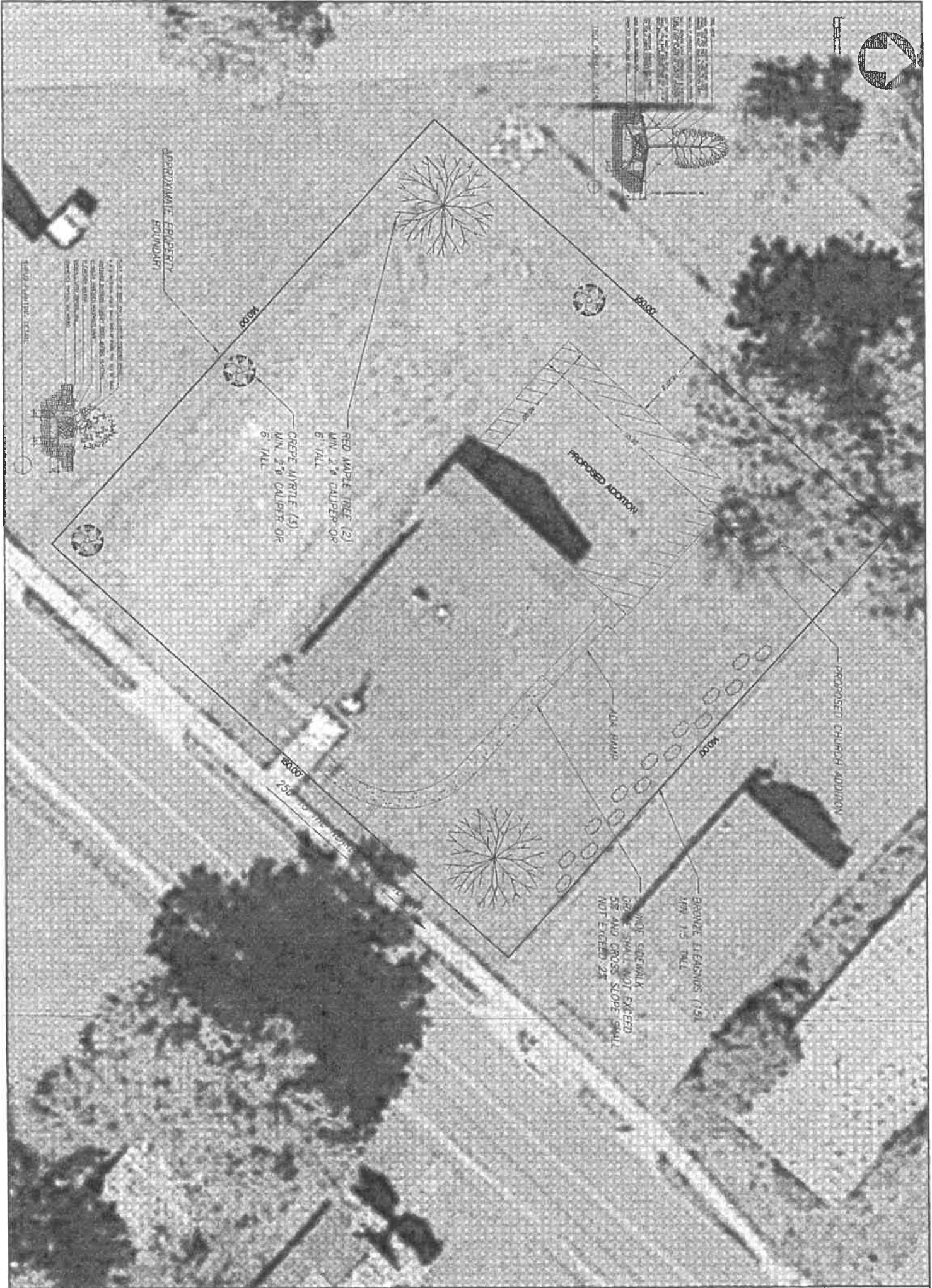
"I hereby (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief."

Surveyor's Signature: \_\_\_\_\_  
Alabama License No. 31576 Date \_\_\_\_\_

<p>TYPE: <b>BOUNDARY</b></p> <p>3520 Fl Shuttlesworth Drive Birmingham, AL 35207</p> <p><b>AMOS F. REESE</b> 3556 GREAT OAK LANE BIRMINGHAM, AL 35223 PHONE: 205.276.5596</p>	<p>CIR- CAPPED IRON ROD IPS- 1/2" REBAR W/ CAP IPF- IRON PIN FOUND CALC- CALCULATED (D)- DEED DIMENSION (M)- MEASURED DIMENSION ROW- RIGHT OF WAY MH- MANHOLE PF- POWER POLE FC- FENCE CORNER VG- VALLEY GUTTER BM- BENCH MARK FOUND WM- WATER METER NB- NAILBOX</p> <p>N-- NORTH S-- SOUTH W-- WEST E-- EAST POC- POINT OF COMMENCEMENT POB- POINT OF BEGINNING ● - POINT SET ○ - POINT FOUND X - POINT CALC. △ - POINT NOT SET --- - FENCE LINE --- - EASEMENT LINE --- - OVERHEAD POWER/TEL MH - Manhole</p>	<p>VICINITY MAP N.T.S.</p>
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SUB2020-00054





DRAWING TITLE: SITE AND LANDSCAPING PLAN  
 PROJECT NO.: 1032  
 SHEET NO.: 1 OF 2  
 DATE: DECEMBER 2020  
 SCALE: 1"=10'  
 PROJECT NO.: 1032  
 SHEET 1 OF 2  
 DWG. NO.: 1032-01

**FRANKLIN LAMAR**  
 PROJECT NAME:  
**ST MARKS BAPTIST CHURCH**  
 DRAWING TITLE: **SITE AND LANDSCAPING PLAN**

REVISIONS			
NO.	DESCRIPTION	BY	REVIEW DATE

**PAPPAS ENGINEERING, LLC**  
 607 CROSS WALK  
 BESSMER, ALABAMA 35023  
 PHONE (205) 678-9480  
 EMAIL: che@pappasengineering.com  
NO PART OF THIS DRAWING MAY BE REPRODUCED, COPIED, MIMICED, VENDED, LOANED OR MIMICED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ENGINEER.

DRAWING MADE WITHOUT SEAL  

 PROJECT NO. 1032

Meeting – April 22, 2021  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

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Neighborhood: Crestwood North

Staff Planner Moton

ZBA2021-00011

Request: Variance  
Applicant: Rob Hale  
Owner: Dave & Erica Anderson  
Site Address: 4947 8<sup>th</sup> Terrace  
Zip Code: 35222  
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.  
Property Zoned: R-3, Single Family District  
Parcel Information: Parcel #: 012300282016015000, NW of Section 28, Township 17 S, Range 2 W

**Variance:**

Variance to allow parking in the front yard instead of the required side or rear yard and a variance to allow a 12ft retaining wall in the front with a 0ft setback instead of the required 6ft setback.

**Neighborhood Meeting:**

The Crestwood North Neighborhood Association; waiting on the vote.

**Public Notices:**

Public notices were mailed on April 5, 2021.

**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 4947 8<sup>th</sup> Ter S is zoned R-3, Single Family District. The property is located in the Woodlawn Highlands Historic District. ZBA case ZBA2003-00005 was granted on this property for a variance to allow the construction of a single-family dwelling having no off-street parking. The new owners of the property would like to add parking in the front yard and retaining wall because of the topography of the property. Per the zoning ordinance, if a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet; therefore, a variance is required for the 0ft setback. The properties located on this block do not have parking as well because of the topography of the lots.

**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 should obtain within two years of approval from the Board.

3. Approved as plans submitted of the proposed structure.



## Conditions related to the variance request

- 1. Physical Characteristics of the Property -**  
This site has exceptional topography. The elevation at the front of the proposed house is 18 feet above the elevation at the property line at the front of the lot. The grade is too steep for a vehicle to drive up to the house - even if it had a paved driveway.
- 2. Unique Characteristics -** The unique characteristic of this lot is that it is not possible to drive a vehicle up a driveway in order to park off the street. Rather than request a variance to park on the street, the homeowners elected to request a variance to build a retaining wall in order to create two parking spaces in the front yard.
- 3. Hardship not self imposed -** This hardship was not caused by the current owners, it was caused when the lot was developed many decades ago.
- 4. Financial Gain Not Only Basis -** The basis for this variance is to construct a single family residence - financial gain is not the basis
- 5. No Injury to Neighboring Property -** This variance will help the neighboring property by increasing their property value with new construction of a single family residence
- 6. No Harm to Public Welfare -** This variance will lessen the harm to public welfare by allowing two vehicles to be parked off the street on a street that has a tremendous amount of on-street parking at the current time

**PARCEL ID:** 012300282016015000

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

**DATE:** Monday, April 5, 2021 2:45:03 PM

**OWNER:** PLEASANT MANAGEMENT LLC

**ADDRESS:** 2445 JANNEBO RD

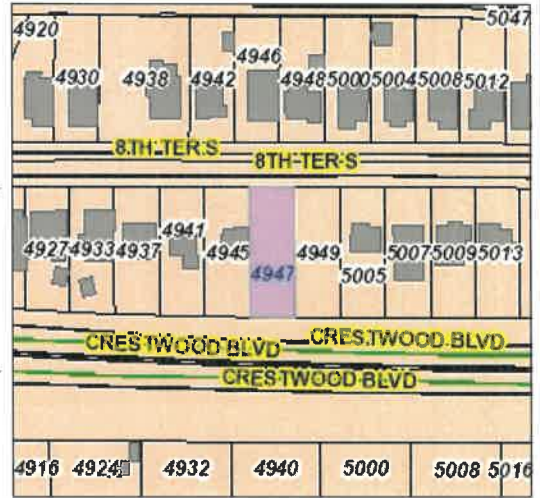
**CITY/STATE:** VESTAVIA AL

**ZIP+4:** 35216--3848

**SITE ADDR:** 4947 8TH TER S

**CITY/STATE:** BHAM, AL

**ZIP:** 35222



**LAND:** \$148,000.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 7,308.60

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

**NAME** WOODLAWN RTY & DEV23-28-2

**BLOCK:** 8

**LOT:** 13

:

**Section:** 28-17-2W

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

**Historic Districts:** Woodlawn Highlands

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Crestwood No (401)

**Communities:** Crestwood (4)

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

**Zoning Outline:** R3

**Demolition Quadrants:** DEM Quadrant - 4

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

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

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

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

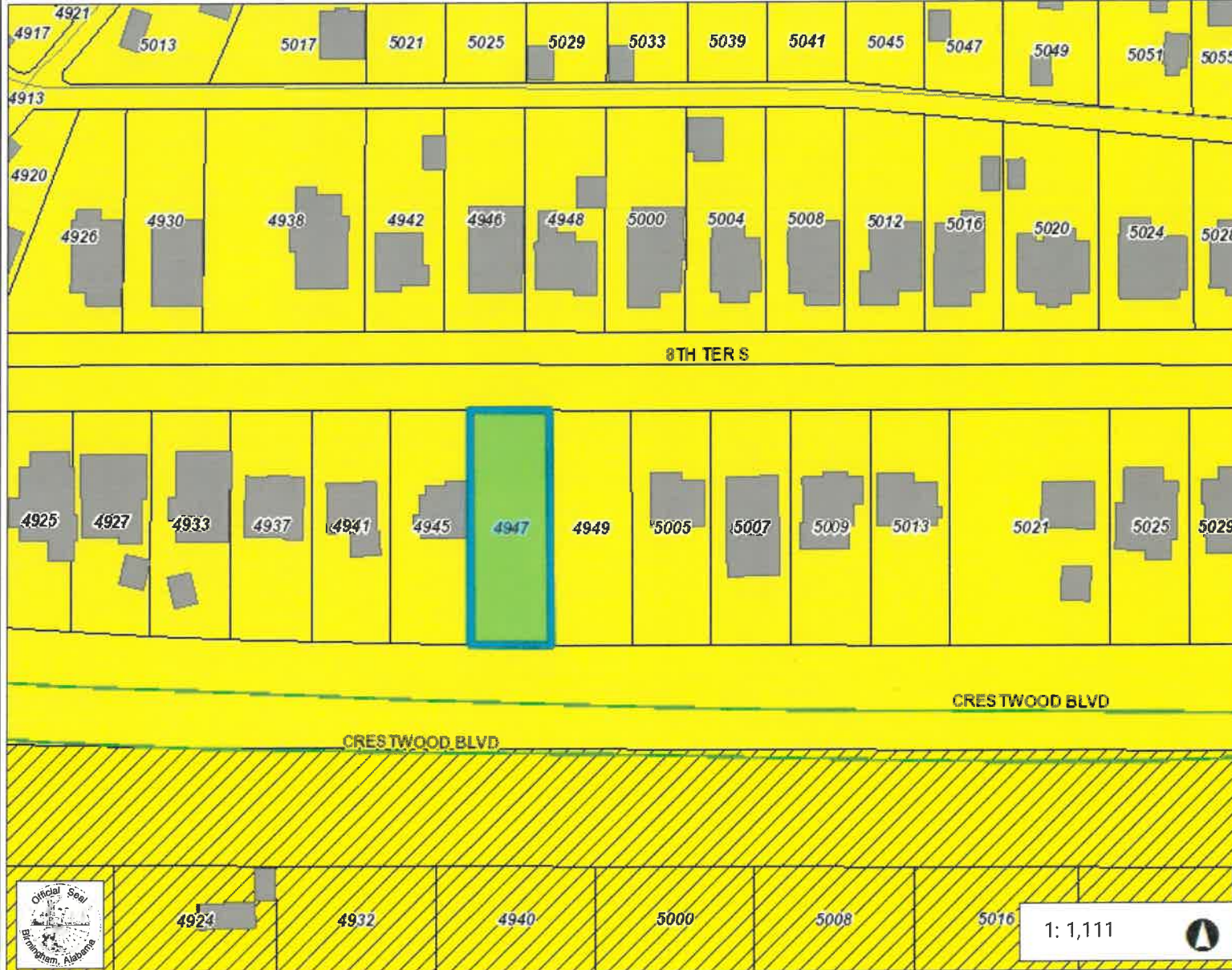
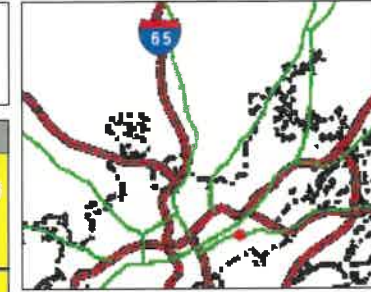
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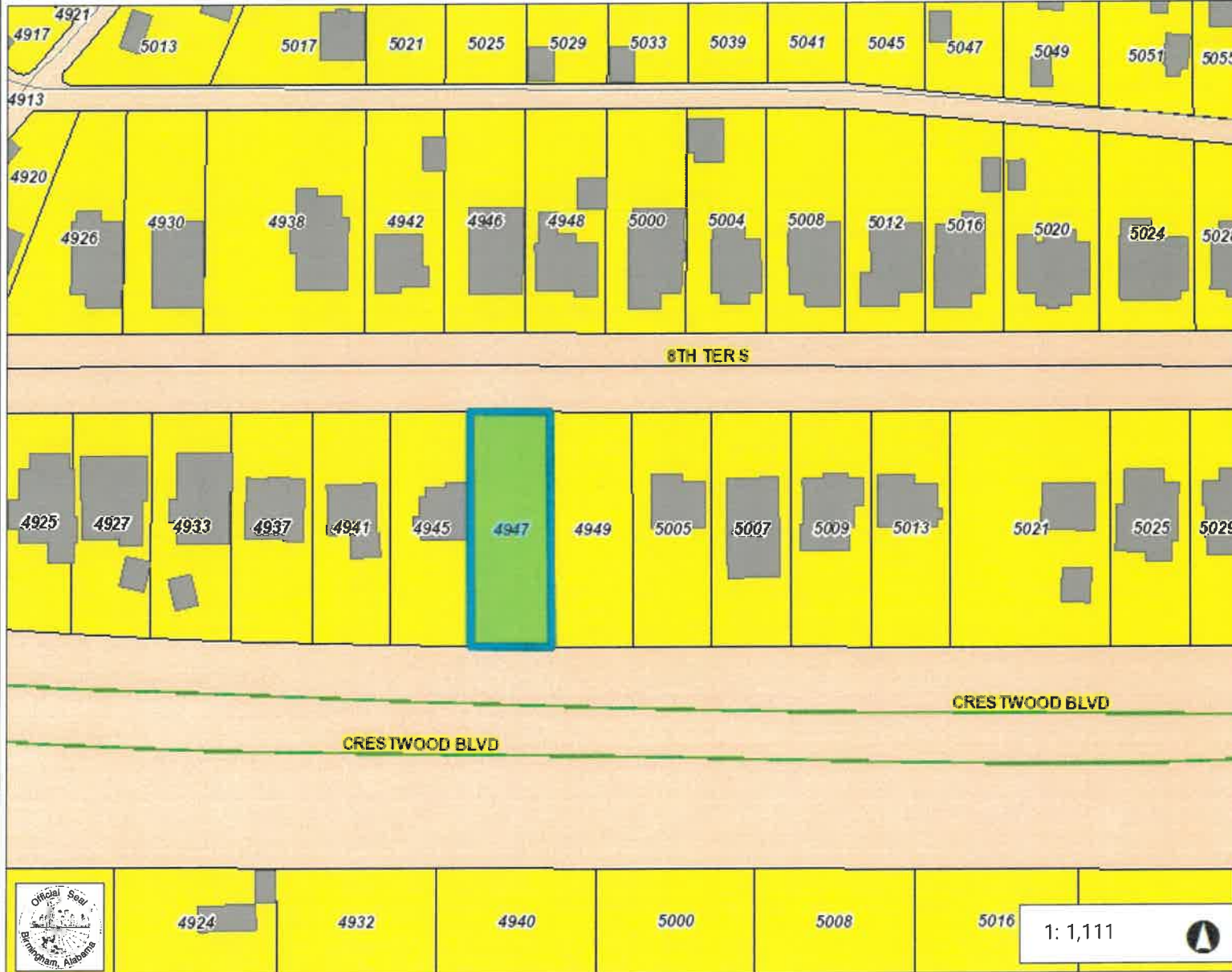
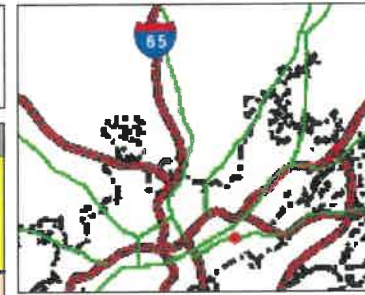
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  - R5; D5 - Multiple Family District; D5
  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District



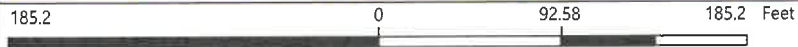
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Notes

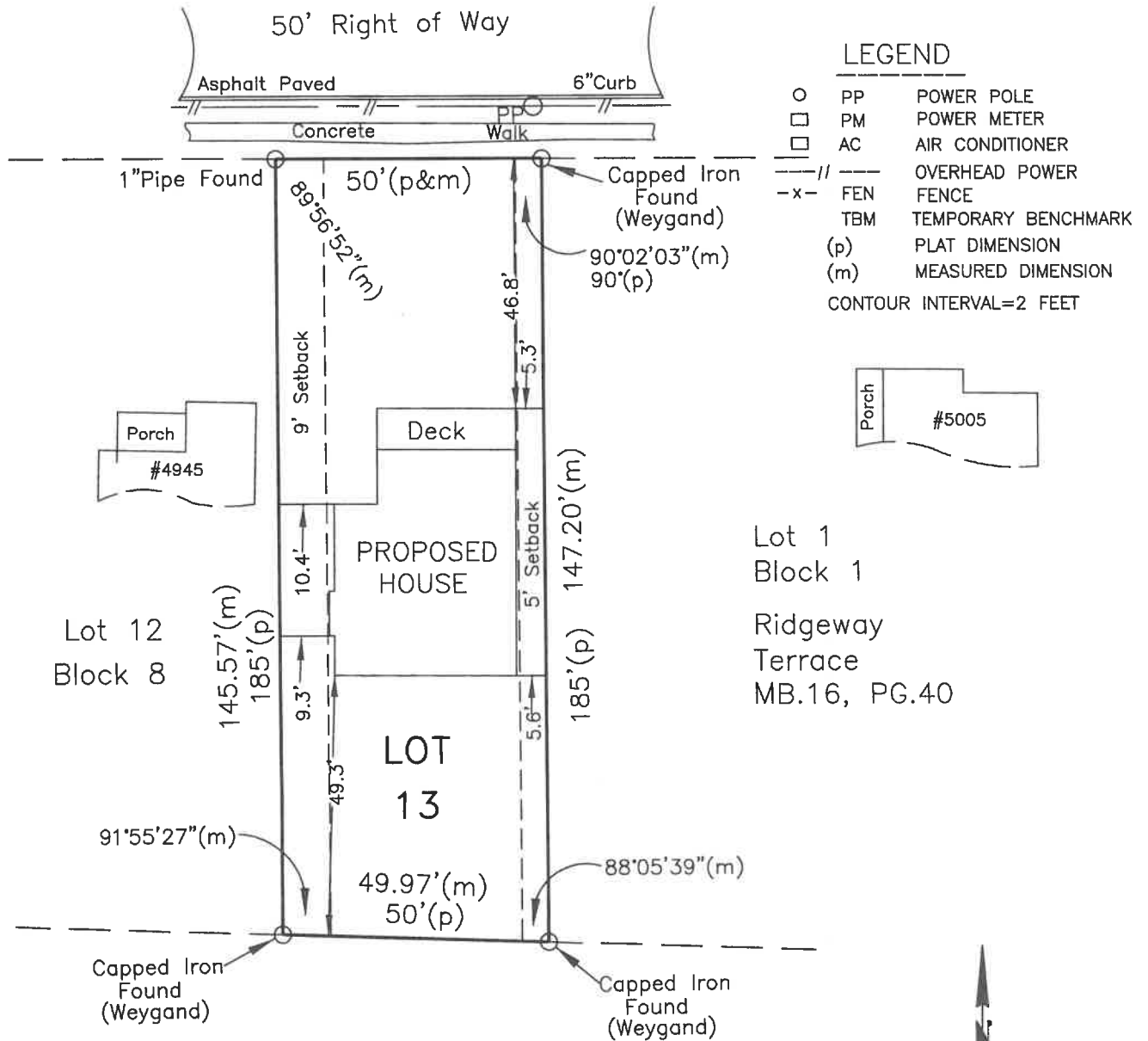


Google Maps 4946 8th Terrace S



Image capture: Nov 2012 © 2021 Google

8th Terrace South  
50' Right of Way



Lot 1  
Block 1  
Ridgeway  
Terrace  
MB.16, PG.40

Prepared by Rowland Jackins, PLS  
Alabama Reg. No. 18399

**PLOT PLAN**

4947 8th Terrace, Birmingham, Alabama 35222  
Lot 13, Block 8, Woodlawn Realty and Development  
Co's Ninth Addition  
Mapbook 12, Page 81, Judge of Probate Office,  
Jefferson County, Alabama  
Scale: 1 Inch = 30 Feet March, 2021  
JACKINS, BUTLER & ADAMS, INC.  
SURVEYING-GEOLOGY  
3430 INDEPENDENCE DRIVE, SUITE 30  
BIRMINGHAM, ALABAMA 35209  
(205) 870-3390  
S-1479/20-FFF Dwg. 1

**Notes:**

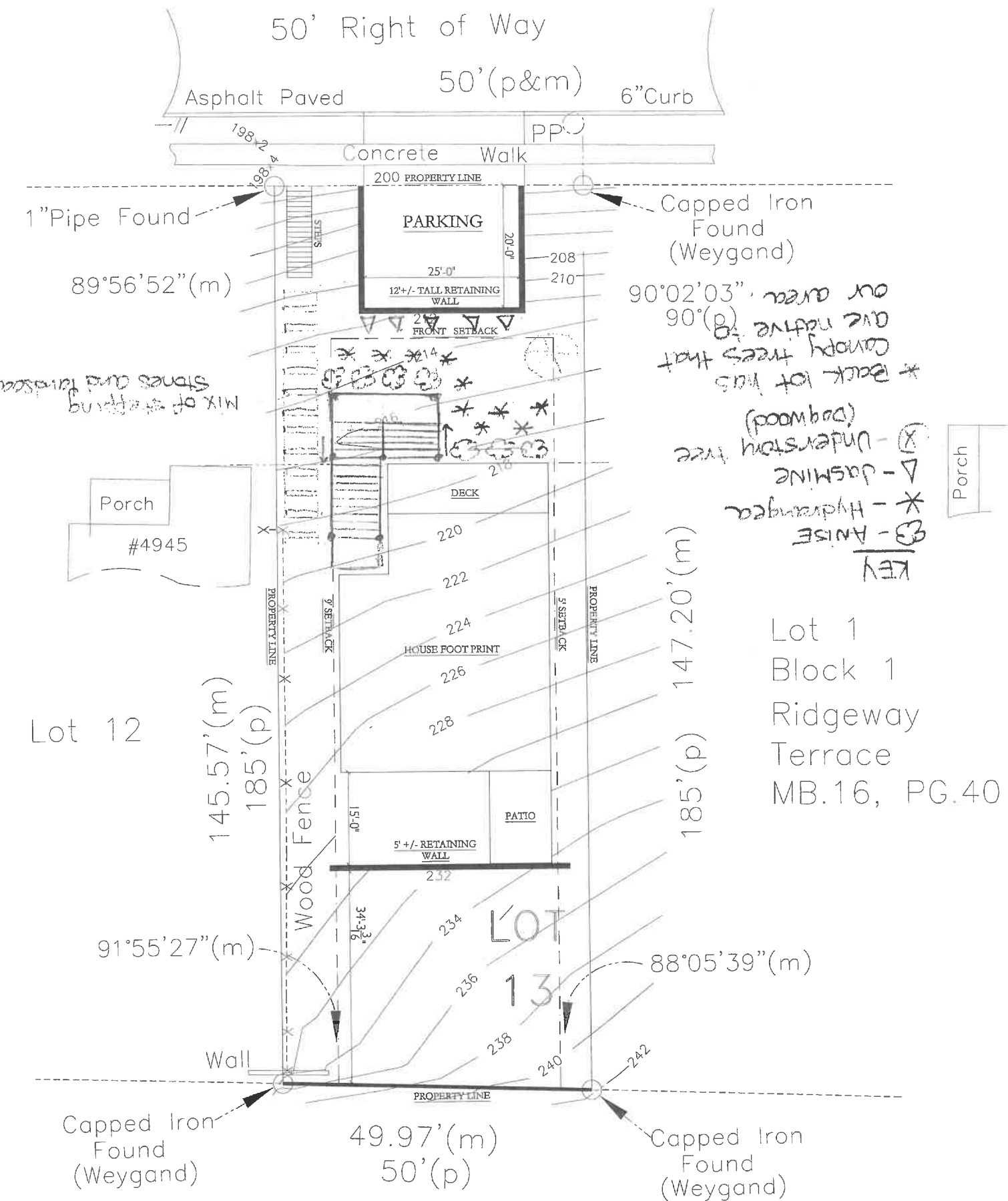
1. House depiction taken from Sheet A1.0 Foundation Plan provided by client;
2. Dimensions from property line are to the face of foundation; allow an additional four inches to face of brick;
3. Lot Dimensions, monumentation, adjoining house locations taken from field survey on July 29, 2020;



Fire Hydrant, Lower Bolt  
TBM, Assumed Elevation=200.00'

# 8th Terrace South

50' Right of Way



Mix of stepping stones and landscaping

\* Back lot has canopy trees that are native to our area  
90°02'03"  
90°(g)  
KEY  
⊗ - Understory tree (Dogwood)  
△ - Jasmine  
\* - Hydrangea  
⊗ - Anise

Lot 1  
Block 1  
Ridgeway Terrace  
MB.16, PG.40

Lot 12

Porch

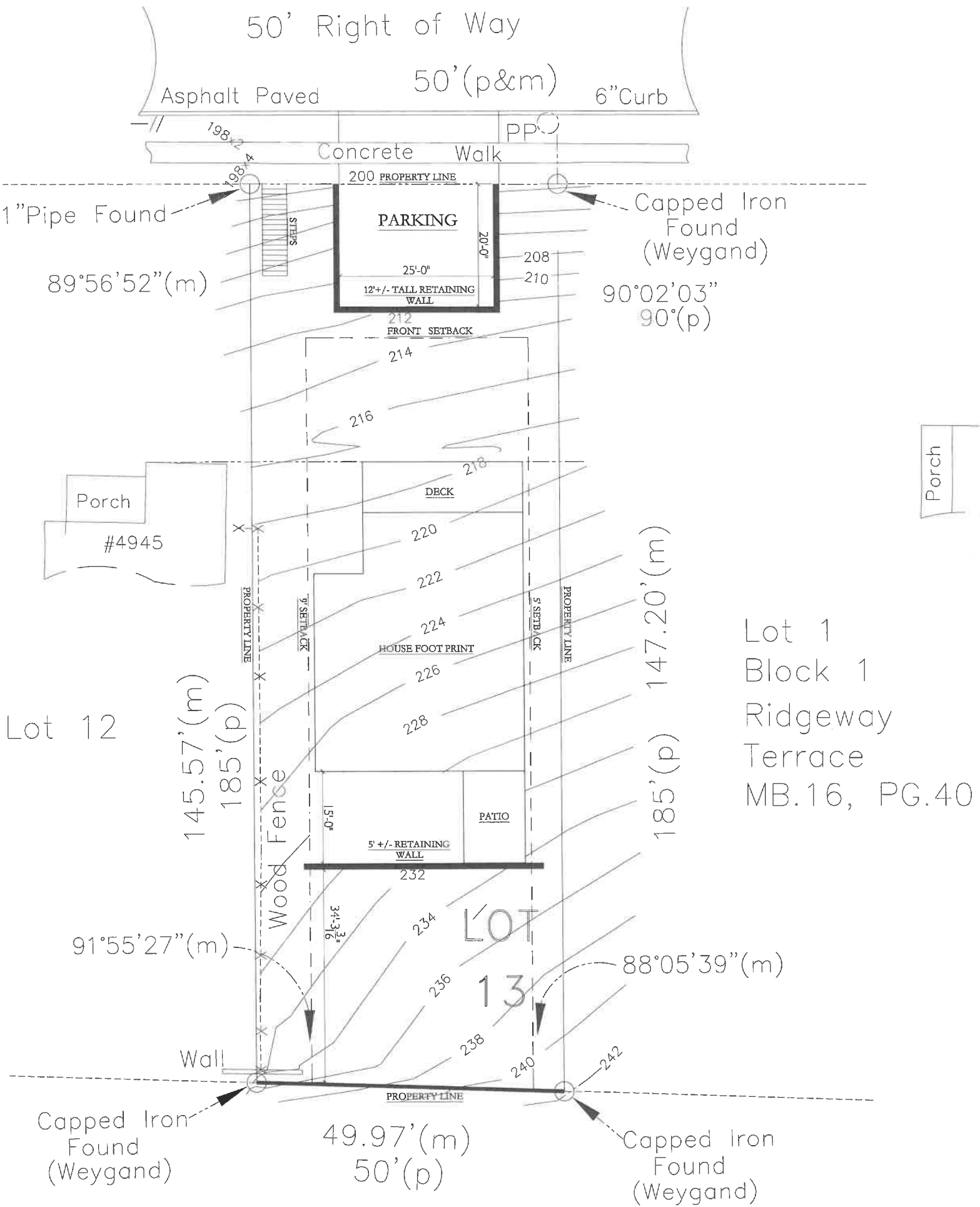
Porch #4945

LOT 13

Fire Hydrant, Lower Bolt  
TBM, Assumed Elevation=200.00'

# 8th Terrace South

50' Right of Way



Meeting – April 22, 2021  
Location - WebEx  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
WebEx

---

Neighborhood: Southside                      Staff Planner Moton                      ZBA2021-00012

Request:                      Parking Modification  
Applicant:                      Chris Eckroate  
Owner:                      Harbert Realty Services- Keith Rouss  
Site Address:                      2800 5<sup>th</sup> Ave S  
Zip Code:                      35233  
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  
Property Zoned:                      M-1, Light Industrial District  
Parcel Information:                      Parcel #: 012300312030008000, NW of Section 31, Township 17 S, Range 2 W

**Modification:**

Modification to allow 72-off street parking spaces instead of the required 105 off street parking spaces

**Neighborhood Meeting:**

The Southside Neighborhood Association; waiting on vote.

**Public Notices:**

Public notices were mailed on April 5, 2021.

**Staff Analysis:**

The parcel is located at 2800 5th Ave S resides within the M-1, Light Industrial District. The applicant is purposing apartments. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 1 bedroom unit and 1.5 parking spaces per 2 or more bedroom units. Having (99) one bedrooms and (21) two or more bedroom units, the total parking requirement would be 131. However, with the 10% deduction for a nearby transit and deductions for bike racks leaves them with 105 required parking spaces and the applicant has 72 off-street parking spaces; therefore, they are lacking 33 parking spaces. There are other parking modification within the 1,320ft radius such as:

1. ZBA2018-00034, 2625 5<sup>th</sup> Ave S, Modification to allow 12 off-street parking spaces instead of the required 25 off-street parking spaces. **13 spaces lacking**
2. ZBA2019-00009, 608 29<sup>th</sup> St S, Modification to allow 0 off street parking spaces instead of the required 90 off street parking spaces. **90 spaces lacking**
3. ZBA2017-00013, 2910 6<sup>th</sup> Ave S, Modification to allow 28 parking spaces for a restaurant use instead of the 53 required parking spaces. **13 spaces lacking**
4. ZBA2017-00095, 2820 5<sup>th</sup> Ave S, Modification to allow 16 off-street parking spaces instead of the required 98 off-street parking spaces. **82 spaces lacking**
5. ZBA2017-00090, 2901 4<sup>th</sup> Ave S, Modification to allow 112 off-street parking spaces instead of the required 233 parking spaces. **121 spaces lacking**
6. ZBA2019-00022, 2900 4<sup>th</sup> Ave S, Modification to allow 5 off street parking spaces instead of the required 17 off street parking spaces. **12 spaces lacking**



7. ZBA2014-00072, 2719 4<sup>th</sup> Ave S, Modification of ZBA2014-00027 (Modification to allow 82 of the required 191 parking spaces) to allow 70 parking spaces instead of the 116 required. **46 spaces lacking**

The applicant has provided documentation of a parking. Based upon the information provided, the applicant has proven there is surplus parking; therefore, staff recommends approval.

#### **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 **APPROVED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits obtain within two years of approval from the Board.

**PARCEL ID:** 012300312030008000

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

**DATE:** Monday, April 5, 2021 4:19:21 PM

**OWNER:** FIFTH AVENUE CHORUS LINE LLC

**ADDRESS:** 21003RD AVENUE NORTH, SUITE 60

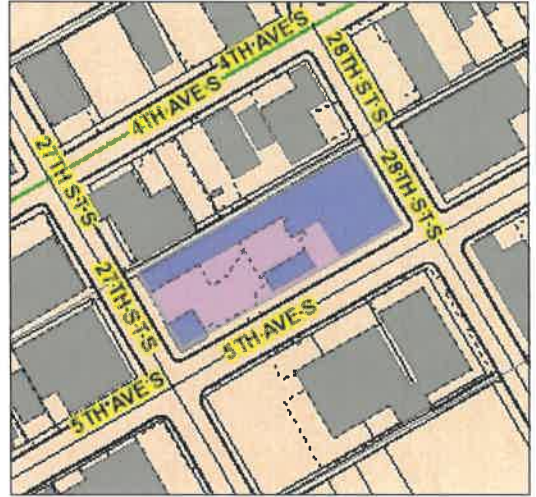
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:** 416 28TH ST S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$1,232,000.00

**BLDG:** \$723,400.00

**OTHER:** \$0.00

**AREA:** 55,480.58

**ACRES:** 1.27

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 223

**LOT:** 11

:

**Section:** 31-17-2W

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

**Historic Districts:** Southside

**Commercial Revitalization District:** Lakeview

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Southside (1703)

**Communities:** Southside (17)

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

**Zoning Outline:** M1

**Demolition Quadrants:** DEM Quadrant - 3

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

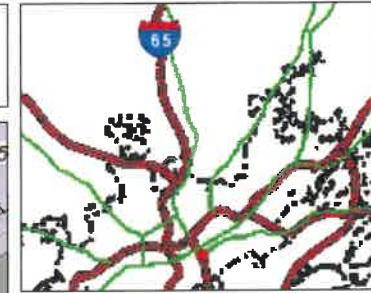
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

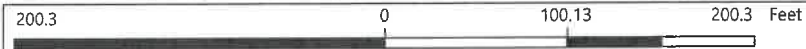
**Opportunity Zones:** In Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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



1: 1,202

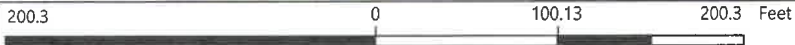
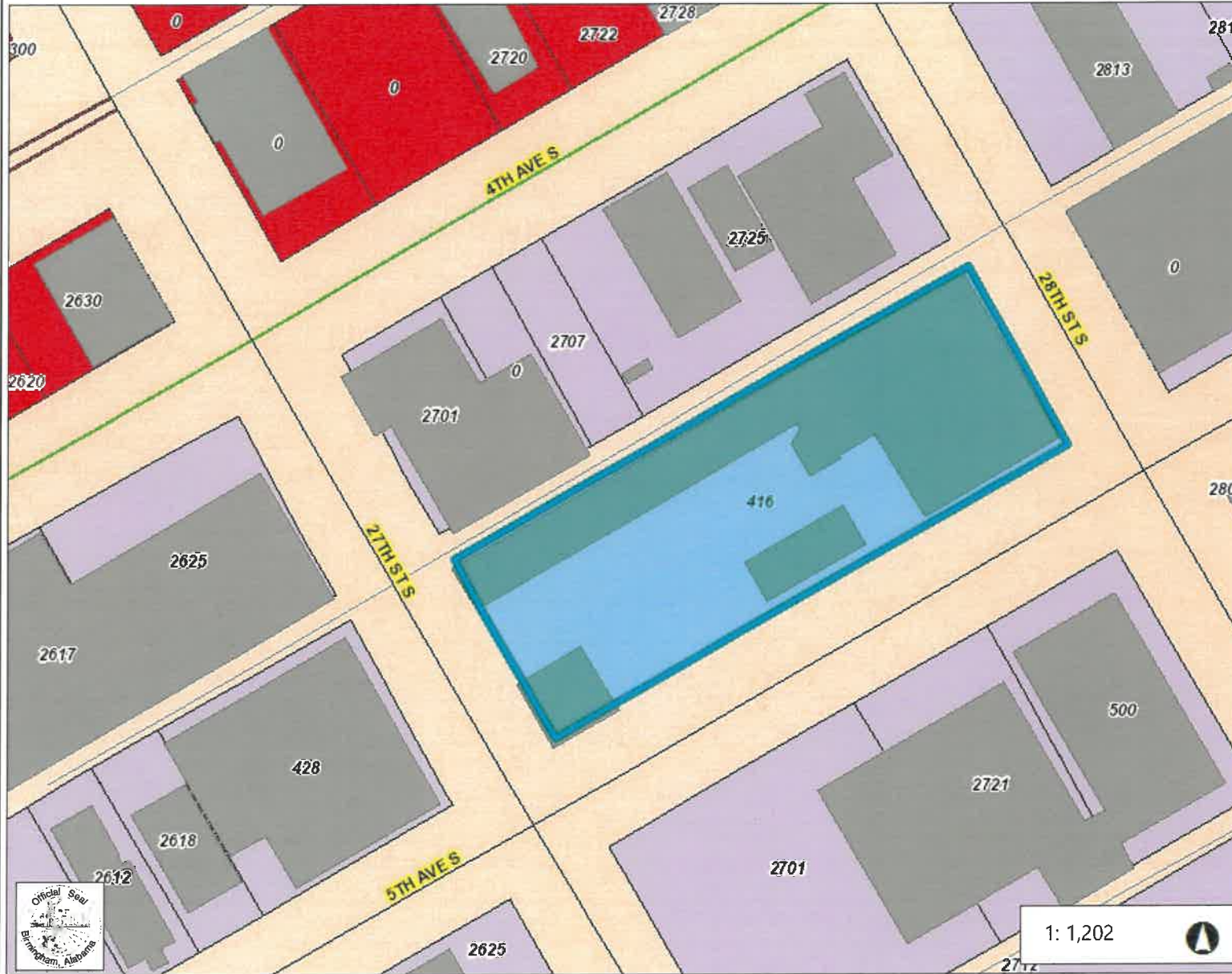


- Legend**
- Centerline Labels
  - + Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
    - Limited Access
    - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - Zoning Shaded
    - 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

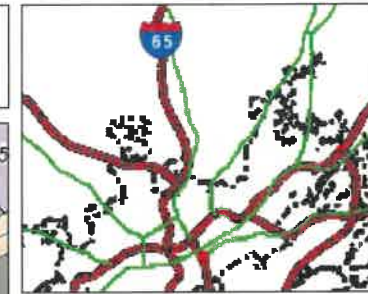
Notes

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





1: 1,202

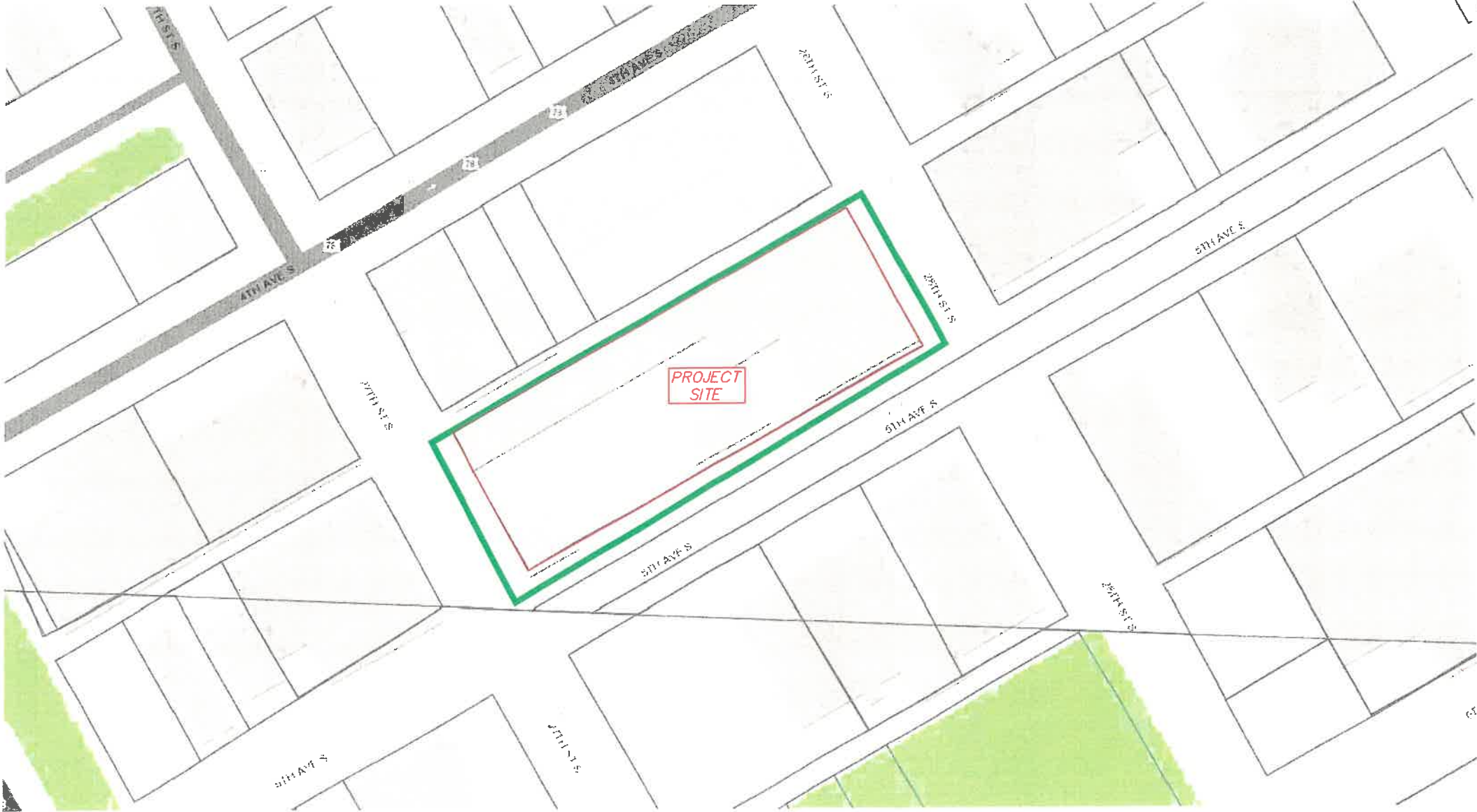


Legend

- 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

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



**OWNER:** FIFTH SOUTH APARTMENTS, LLC  
**PROPERTY AREA:** 55,744 SF± (1.28 AC±)  
 0.48 AC±  
**PROPERTY ZONING:** B-1  
**BUILDING USE:** VACANT  
**PROPOSED USE:** MULTI-FAMILY RESIDENTIAL  
**ADDRESS:** 2800 5TH AVENUE SOUTH  
 BIRMINGHAM, AL 35233  
**SURVEY INFO:** BLOCK 223, LOT 11-20  
**PARCEL ID NO.** 23-00-31-2-030-008.000

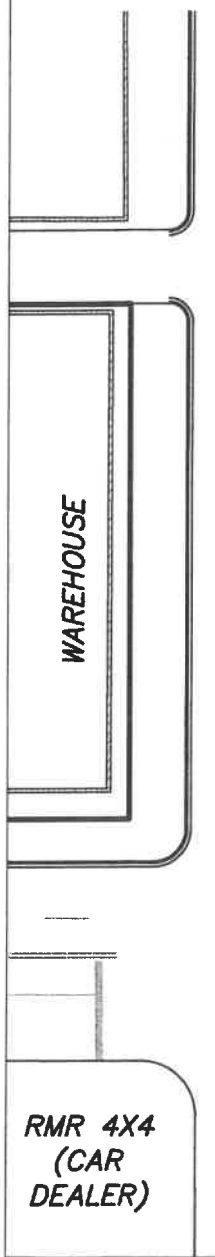
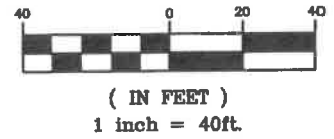


DATE	04-22-2021
PLAN ISSUE	
EXHIBIT	

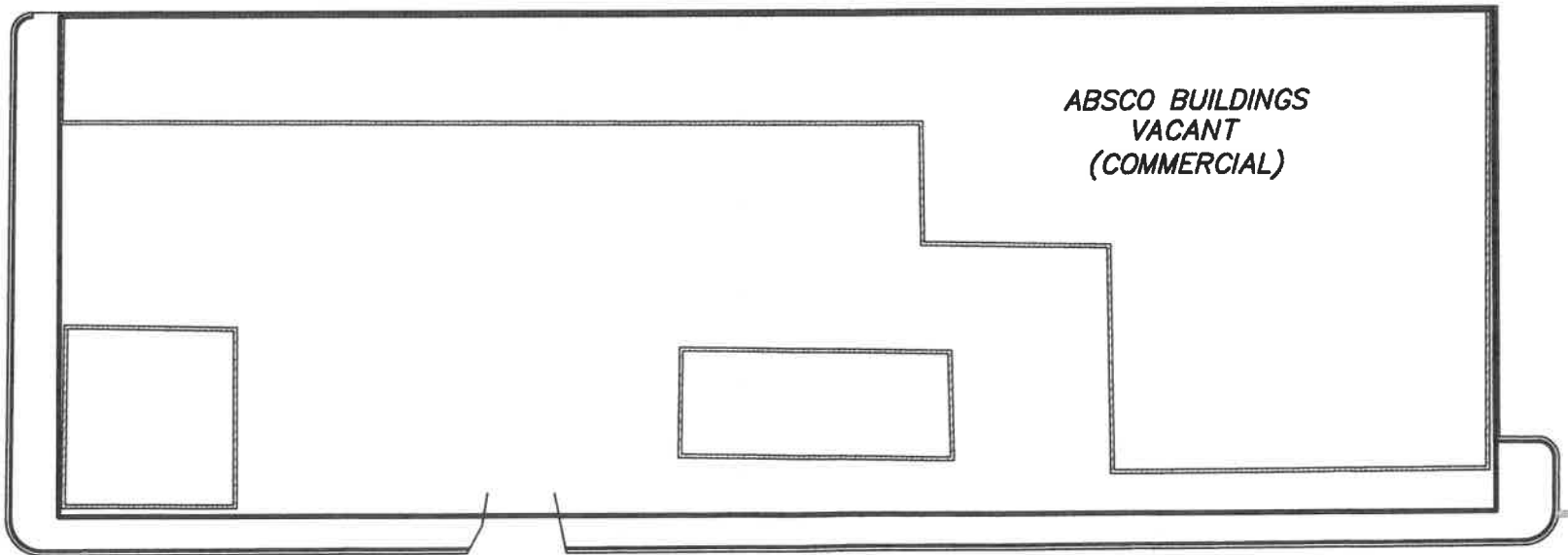
**EXHIBIT-PARKING MODIFICATION REQUEST**  
**TAX MAP & EXTENTS OF PROJECT**  
**ARTISAN FLATS**  
**5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S**  
**LAKEVIEW - BIRMINGHAM, ALABAMA**

PROJECT NO. 20.019  
 SCALE: NONE  
 DRW: NJC REV:

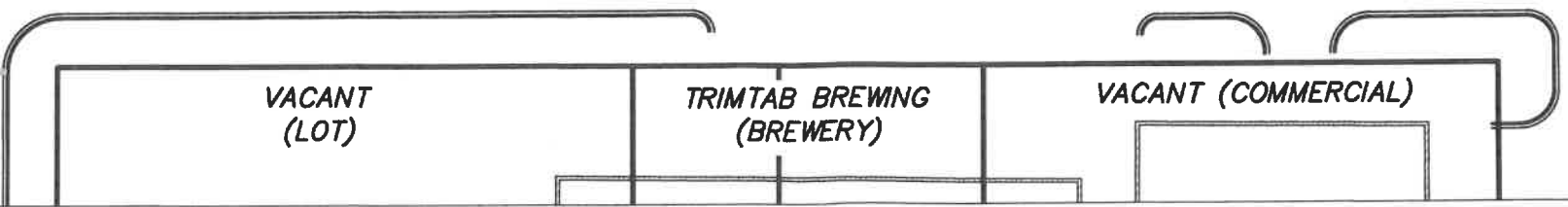
OWNER: FIFTH SOUTH APARTMENTS, LLC  
 PROPERTY AREA: 55,744 SF± (1.28 AC±)  
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 BUILDING USE: VACANT  
 PROPOSED USE: MULTI-FAMILY RESIDENTIAL  
 ADDRESS: 2800 5TH AVENUE SOUTH  
 BIRMINGHAM, AL 35233  
 SURVEY INFO: BLOCK 223. LOT 11-20  
 PARCEL ID NO. 23-00-31-2-030-008.000



27TH ST S



28TH ST S



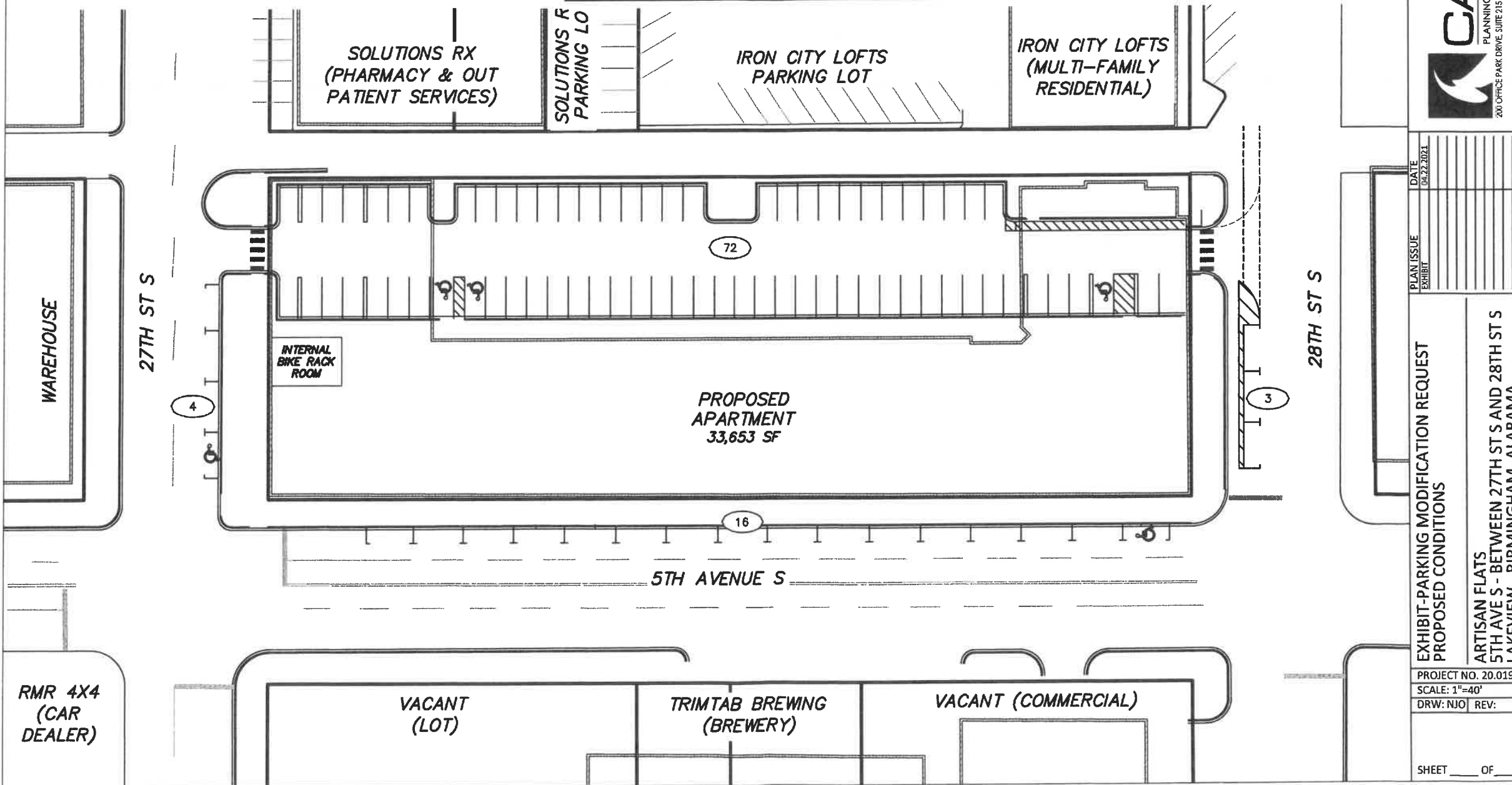
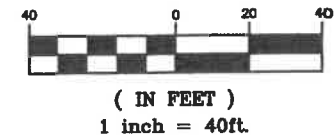
DATE	04.27.2021
PLAN ISSUE	EXHIBIT

EXHIBIT-PARKING MODIFICATION REQUEST  
 EXISTING CONDITIONS  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

PROJECT NO. 20.019  
 SCALE: 1"=40'  
 DRW: NJO REV:



<b>ZONING ORD. TABLE 1.05.101 REQUIRED OFF-STREET PARKING SPACES</b>	
1 BR - 1 PER DU	99 UNITS =99 SPACES
2 OR MORE BR - 1.5 PER DU	21 UNITS =32 SPACES
	=131 TOTAL SPACES
<b>10% PROXIMITY TO PUBLIC TRANSIT REDUCTION: -13 SPACES</b>	
<b>PARKING SUB-TOTAL 118 SPACES</b>	
<b>10% BIKE RACKS. (10 RACK MIN.) REDUCTION: -13 SPACES</b>	
<b>TOTAL PROJECT PARKING DEMAND: 105 SPACES</b>	
<b>PARKING PROVIDED ON-SITE:</b>	<b>72 SPACES</b>
<b>PARKING MODIFICATION REQUEST:</b>	<b>33 SPACES</b>



**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215 BIRMINGHAM, ALABAMA 35223 O: (205) 423-5082

DATE	04/22/2021
PLAN ISSUE	
EXHIBIT	

**EXHIBIT - PARKING MODIFICATION REQUEST  
 PROPOSED CONDITIONS**

**ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA**

PROJECT NO.	20.019
SCALE:	1"=40'
DRW:	NJO
REV:	



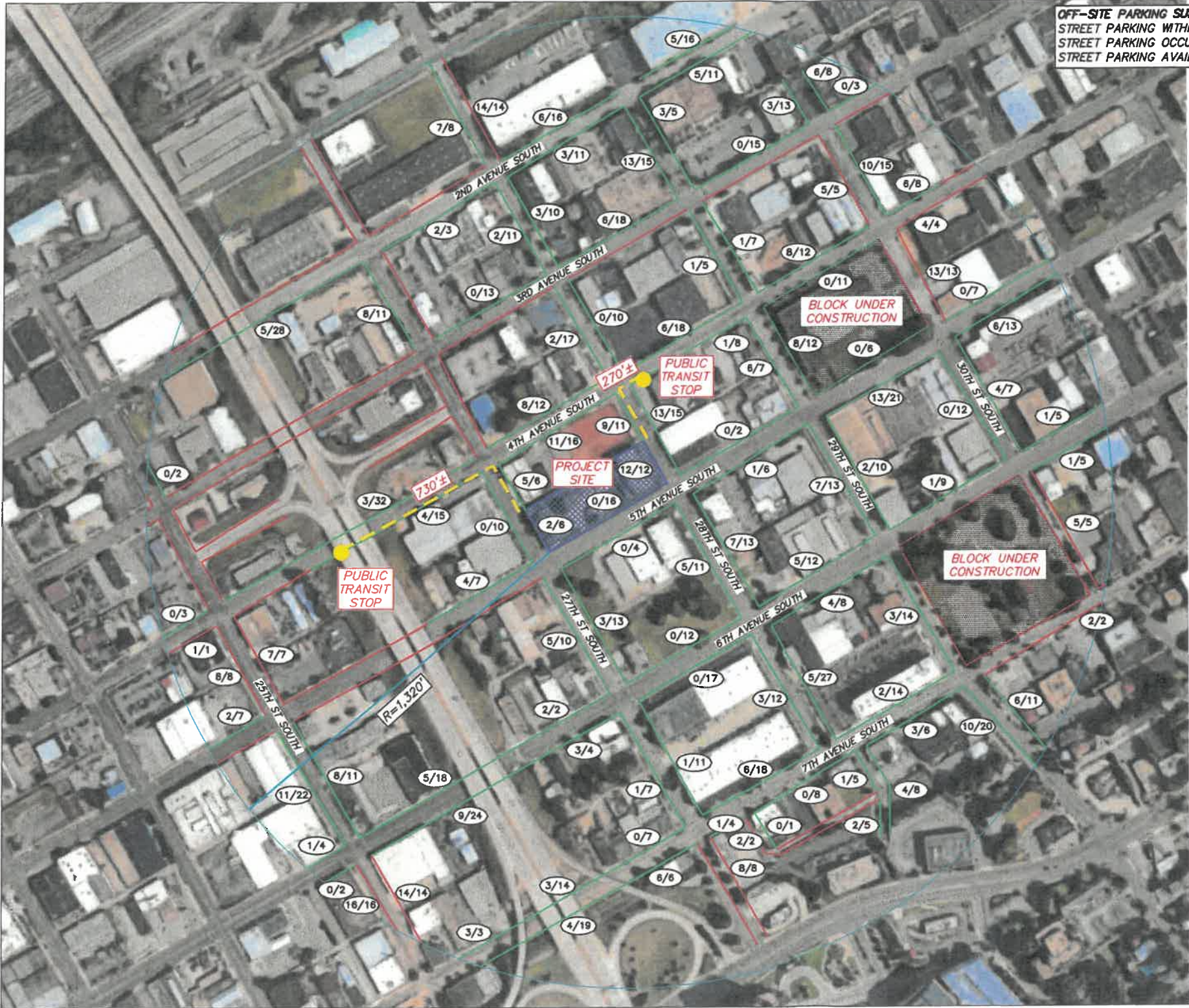


DATE	04.22.2021
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 BIRDS-EYE VIEW W/ PROXIMITY TO  
 PUBLIC PARKING AND NEAREST PUBLIC TRANSIT  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

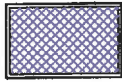




PROJECT NO. 20.019  
 SCALE: NONE  
 DRW: NJC REV:





**OFF-SITE PARKING SUMMARY - MONDAY 03/22/21 - 10:00AM**  
 STREET PARKING WITHIN 1,320' RADIUS: 1,137 SPACES  
 STREET PARKING OCCUPIED 466 SPACES (41%)  
 STREET PARKING AVAILABLE 671 SPACES (59%)

**Legend**

-  PROJECT SITE
-  ROUTE TO TRANSIT STOP
-  NO PARKING SPACES AVAILABLE
-  PARKING SPACES AVAILABLE
-  OCCUPIED/TOTAL (MARKED & UNMARKED PARKING SPACES)

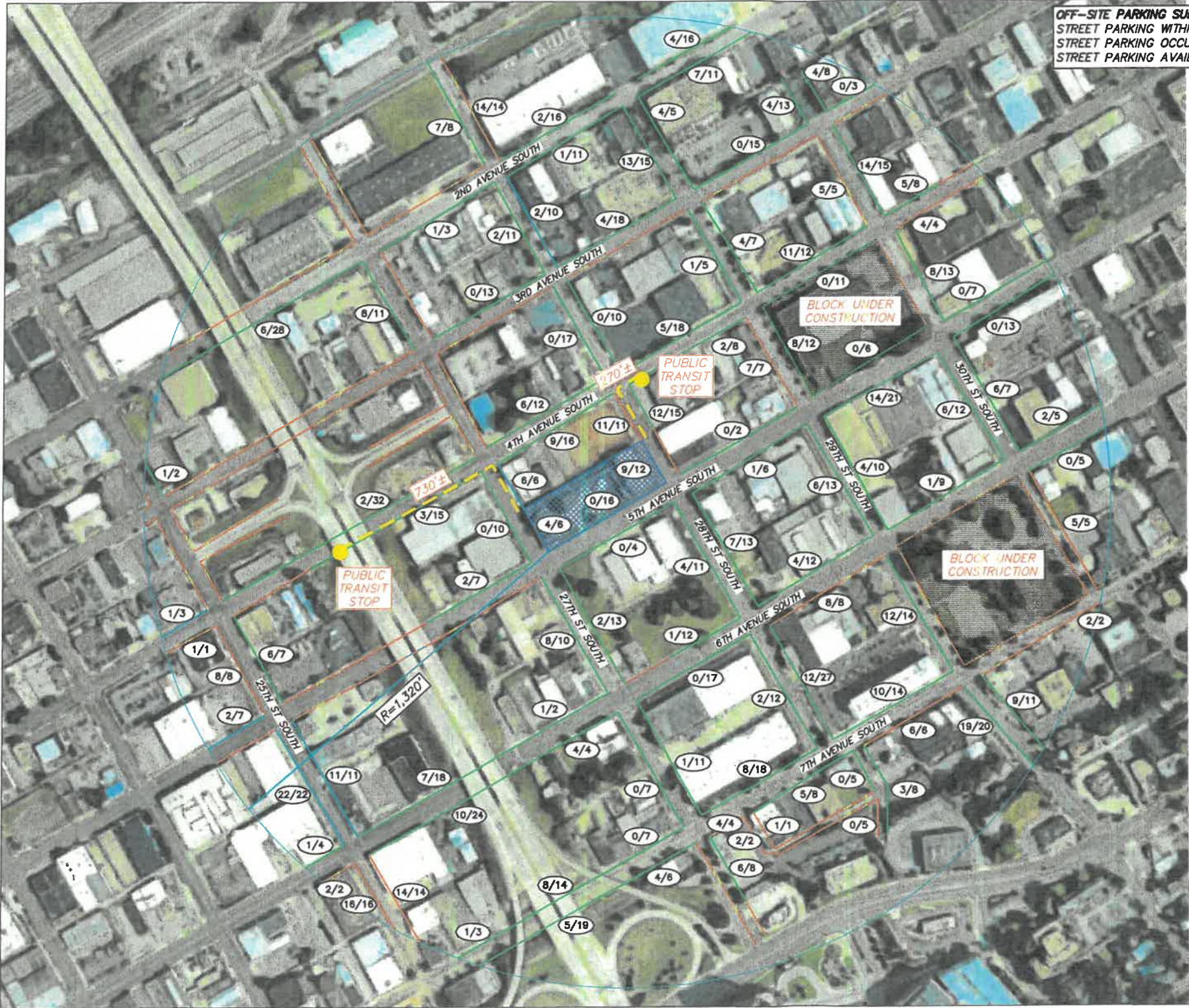


DATE	03/22/21
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 MONDAY 03/22/2021 - 10:00 AM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

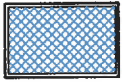




PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW:NJO REV:





**OFF-SITE PARKING SUMMARY - MONDAY 03/22/21 - 2:00PM**  
 STREET PARKING WITHIN 1,320' RADIUS: 1,137 SPACES  
 STREET PARKING OCCUPIED 527 SPACES (46%)  
 STREET PARKING AVAILABLE 610 SPACES (54%)

**Legend**

-  PROJECT SITE
-  ROUTE TO TRANSIT STOP
-  NO PARKING SPACES AVAILABLE
-  PARKING SPACES AVAILABLE
-  OCCUPIED/TOTAL (MARKED & UNMARKED PARKING SPACES)

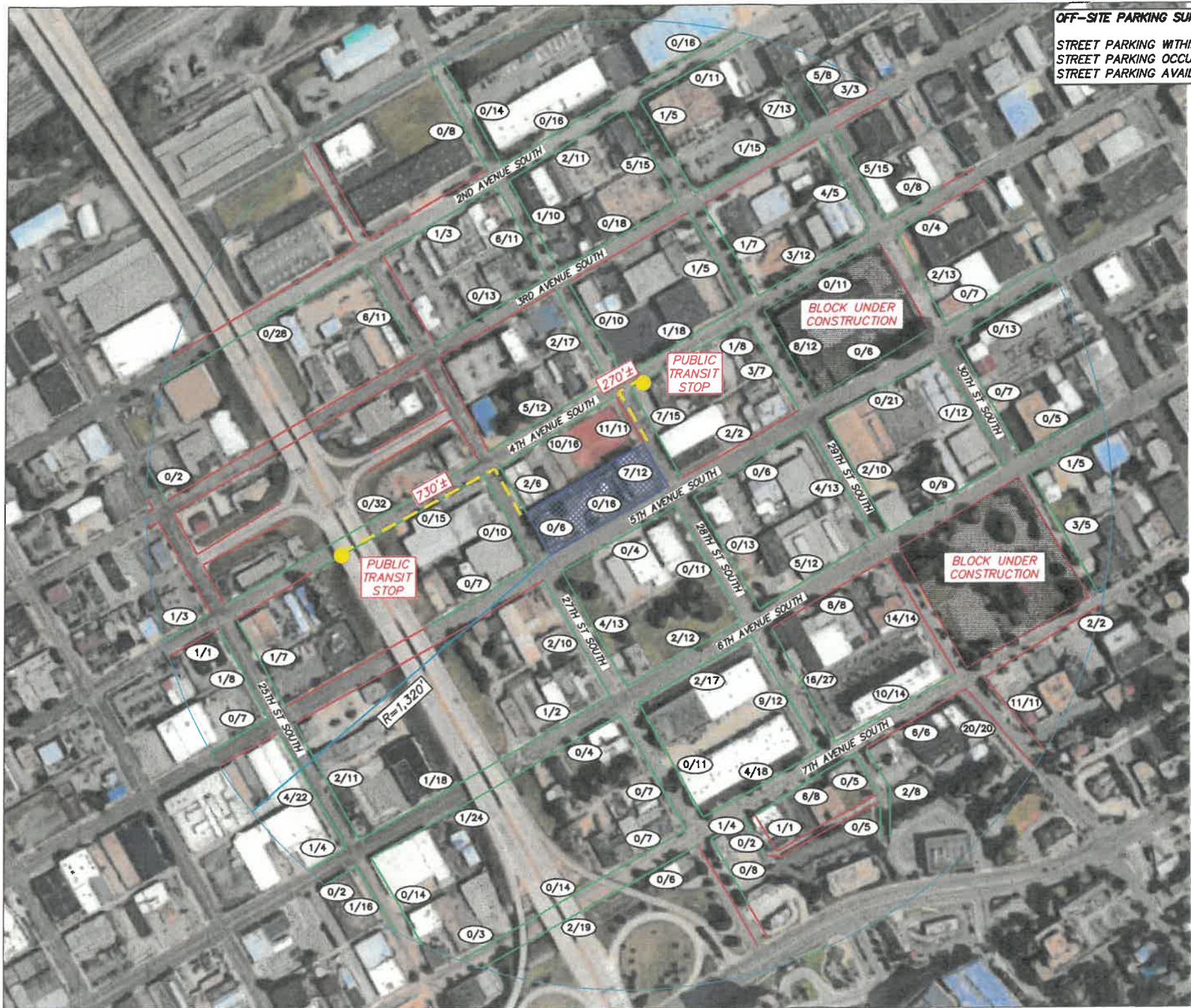
**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215 BIRMINGHAM, ALABAMA 35223 C:\2021\403-5082

DATE	06/22/21
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 MONDAY 03/22/2021 - 2:00 PM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW: NJO REV:

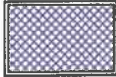








**OFF-SITE PARKING SUMMARY - MONDAY 03/22/21 - 8:00PM**  
 STREET PARKING WITHIN 1,320' RADIUS: 1,137 SPACES  
 STREET PARKING OCCUPIED 266 SPACES (23%)  
 STREET PARKING AVAILABLE 871 SPACES (77%)



**Legend**

-  PROJECT SITE
-  ROUTE TO TRANSIT STOP
-  NO PARKING SPACES AVAILABLE
-  PARKING SPACES AVAILABLE
-  OCCUPIED/TOTAL (MARKED & UNMARKED PARKING SPACES)

**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215, BIRMINGHAM, ALABAMA 35223 OI0051423-5082

DATE	04/22/21
PLAN ISSUE	
EXHIBIT	

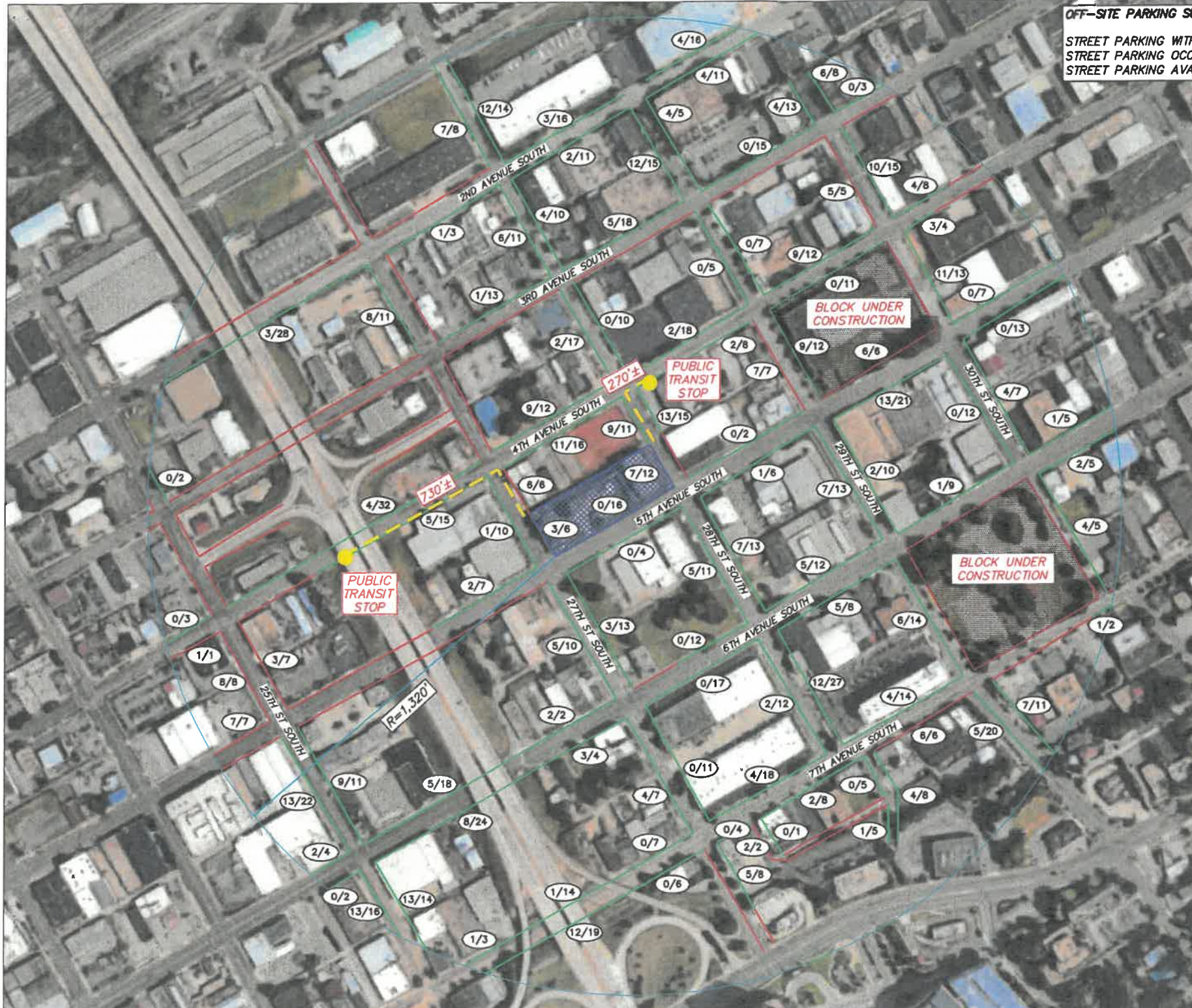
EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 MONDAY 03/22/2021 - 6:00 PM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW:NJO REV:

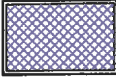






OFF-SITE PARKING SUMMARY- TUESDAY 03/23/21 - 10:00AM

STREET PARKING WITHIN 1,320' RADIUS: 1,137 SPACES  
 STREET PARKING OCCUPIED 459 SPACES (40%)  
 STREET PARKING AVAILABLE 678 SPACES (60%)



### Legend

-  PROJECT SITE
-  ROUTE TO TRANSIT STOP
-  NO PARKING SPACES AVAILABLE
-  PARKING SPACES AVAILABLE
-  OCCUPIED/TOTAL (MARKED & UNMARKED PARKING SPACES)

**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215, BIRMINGHAM, ALABAMA 35223 O: (205) 423-5082

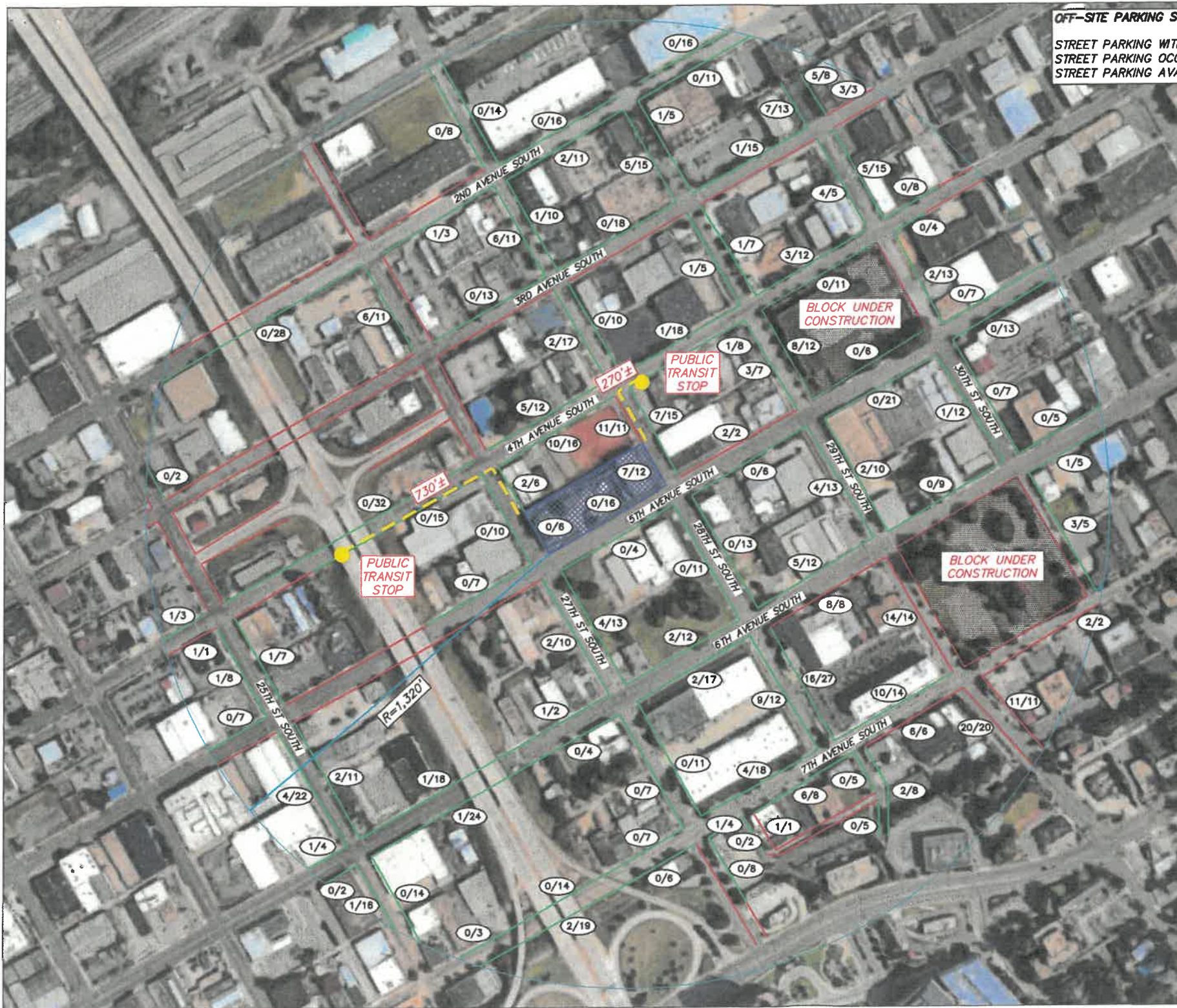
DATE	04-27-21
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 TUESDAY 03/23/2021 - 10:00 AM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW:NJO REV:

SHEET \_\_\_ OF \_\_\_



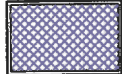






**OFF-SITE PARKING SUMMARY - TUESDAY 03/23/21 - 2:00PM**

STREET PARKING WITHIN 1,320' RADIUS: 1,137 SPACES  
 STREET PARKING OCCUPIED 481 SPACES (42%)  
 STREET PARKING AVAILABLE 656 SPACES (58%)



**Legend**

-  PROJECT SITE
-  ROUTE TO TRANSIT STOP
-  NO PARKING SPACES AVAILABLE
-  PARKING SPACES AVAILABLE
-  OCCUPIED/TOTAL (MARKED & UNMARKED PARKING SPACES)



DATE	04.22.21
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 TUESDAY 03/23/2021 - 2:00 PM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW:NJO REV:

SHEET \_\_\_\_ OF \_\_\_\_



