

Meeting – May 13, 2021  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

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 voted to support the request.

**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 ASSESOR RECORDS      **TAX YEAR:** 2019

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

**OWNER:** PLEASANT MANAGEMENT LLC

**ADDRESS:** 2445 JANNEBO RD

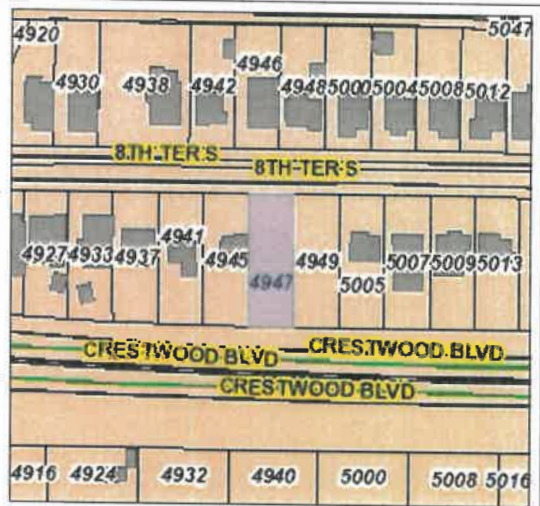
**CITY/STATE:** VESTAVIA AL

**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:**

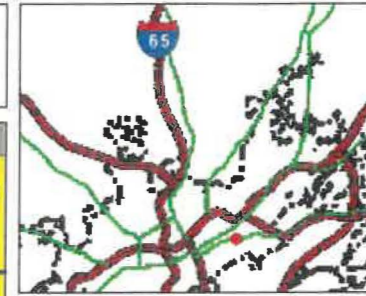
**NAME** WOODLAWN RTY & DEV23-28-2

**BLOCK:** 8

**LOT:** 13

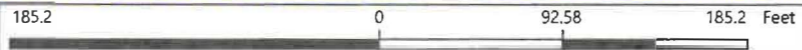
- Section:** 28-17-2W
- Land Slide Zones:** Not in Land Slide Zones
- Historic Districts:** Woodlawn Highlands
- Commercial Revitalization District:** Not in Commercial Revitalization District
- Fire District:** Not in Fire District
- Flood Zones:** Not in Flood Zones
- Tax Increment Financing District:** 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
- 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.

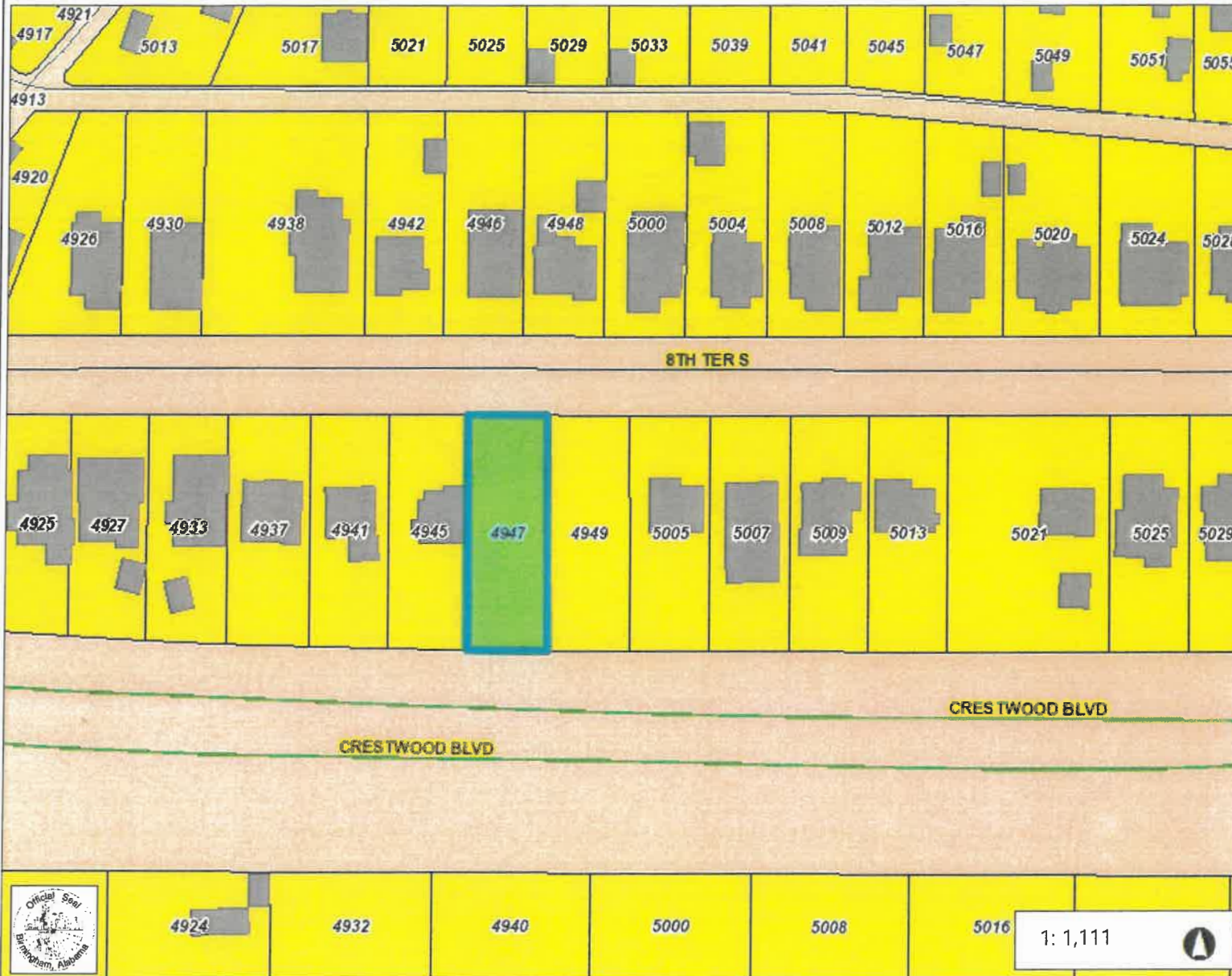
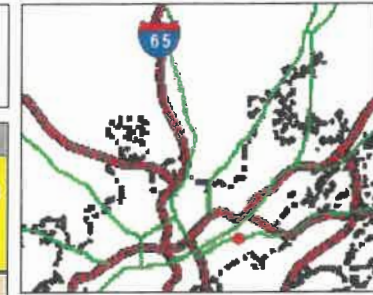


Legend

- 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

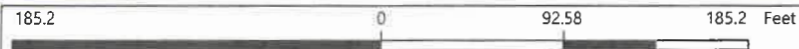


Notes



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



1: 1,111



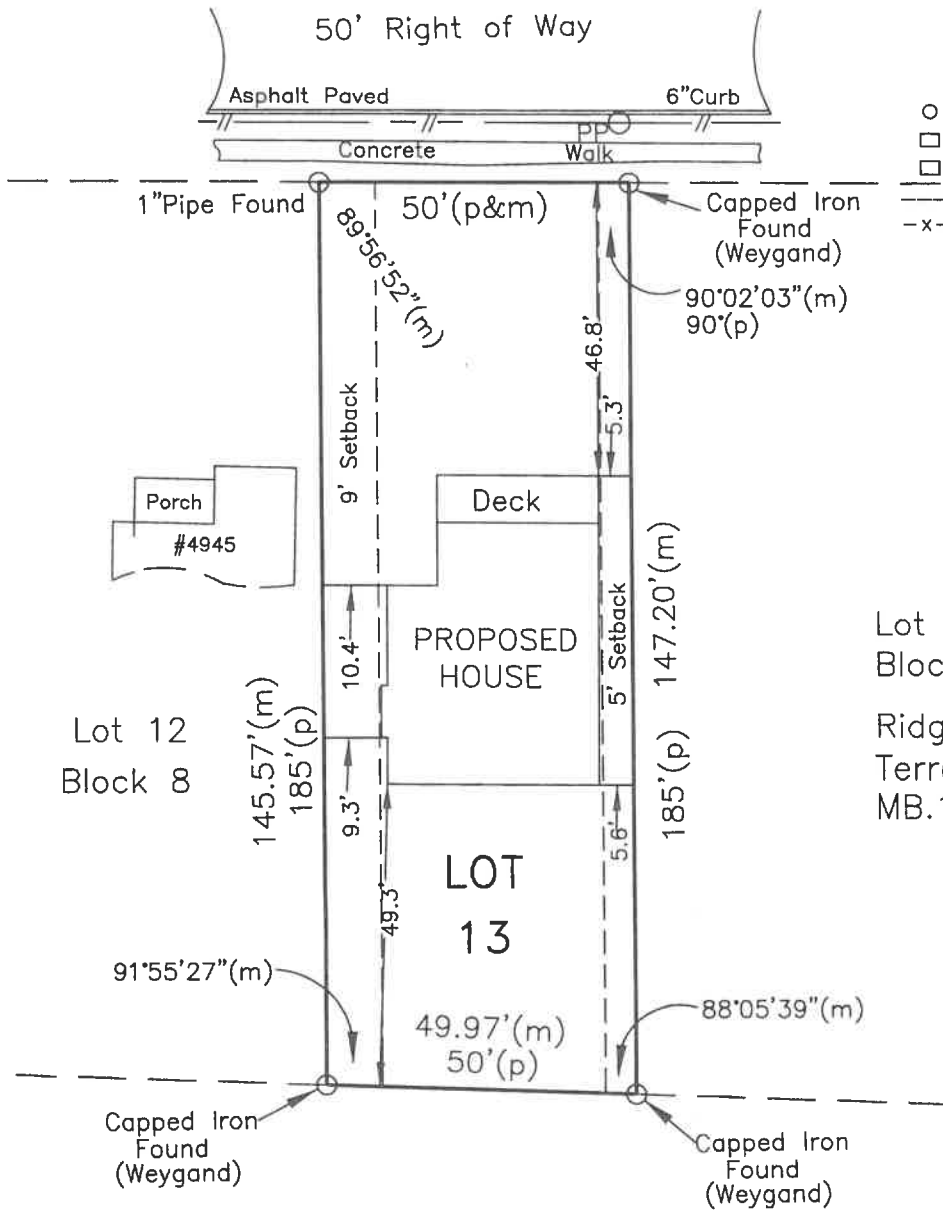
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes

Google Maps 4946 8th Terrace S



8th Terrace South  
50' Right of Way



LEGEND

○	PP	POWER POLE
□	PM	POWER METER
□	AC	AIR CONDITIONER
---	OP	OVERHEAD POWER
-x-	FEN	FENCE
TBM	TEMPORARY BENCHMARK	
(p)	PLAT DIMENSION	
(m)	MEASURED DIMENSION	
CONTOUR INTERVAL=2 FEET		



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

Lot 12  
Block 8

LOT  
13

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'

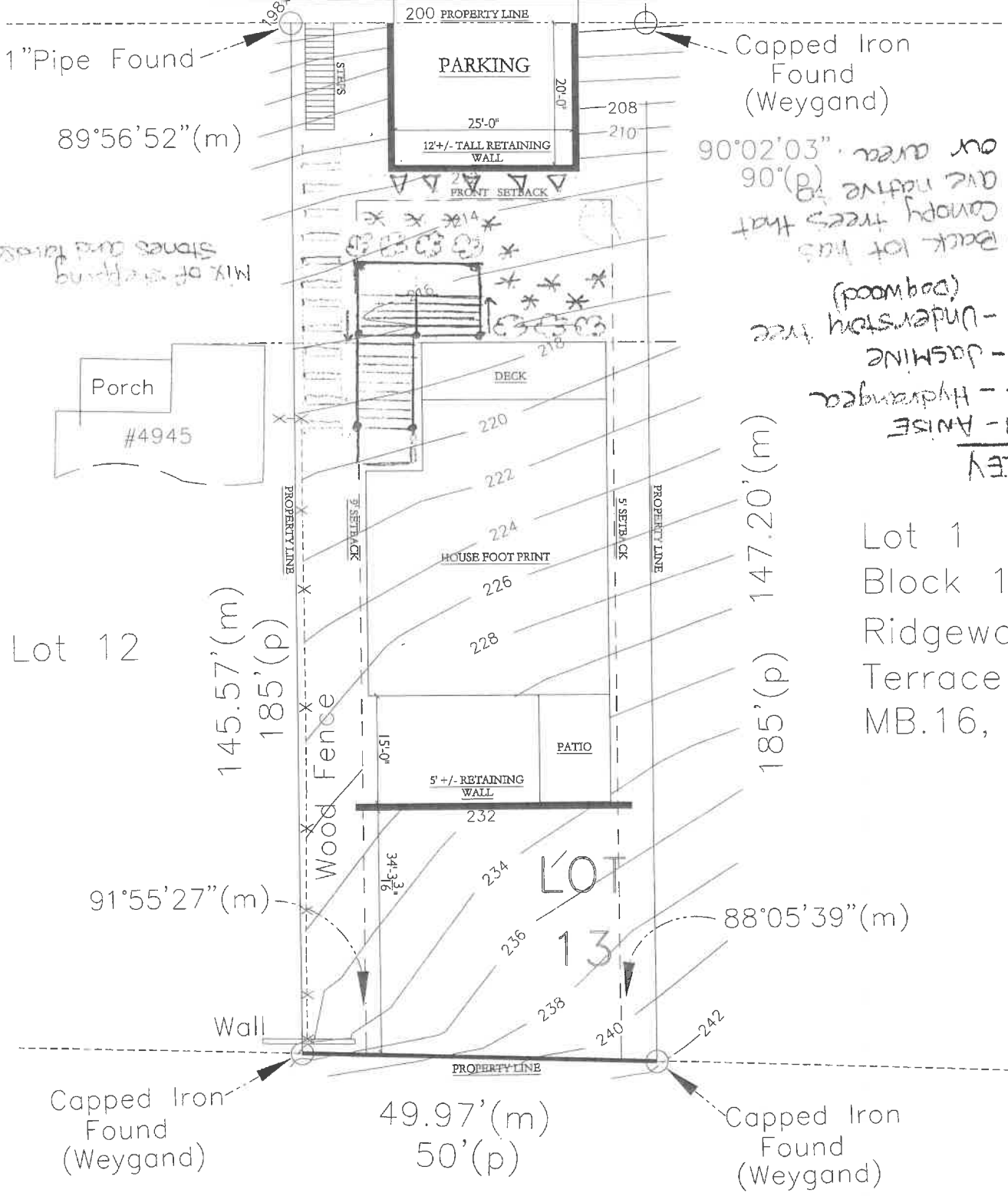
# 8th Terrace South

50' Right of Way

50'(p&m)

Asphalt Paved

6" Curb



Capped Iron Found (Weygand)

90°02'03" area  
90°(p)  
our area  
are native  
canopy trees that  
\* Back lot has  
(dogwood)

- X - Understory tree
  - Δ - Jasmine
  - \* - Hydrangea
  - ⊖ - Anise
- KEY



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

Lot 12

145.57'(m)  
185'(p)

147.20'(m)  
185'(p)

91°55'27"(m)

88°05'39"(m)

49.97'(m)  
50'(p)

Capped Iron Found (Weygand)

Mix of stepping  
stones and pavers

Porch  
#4945

LOT  
13



Meeting – May 13, 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

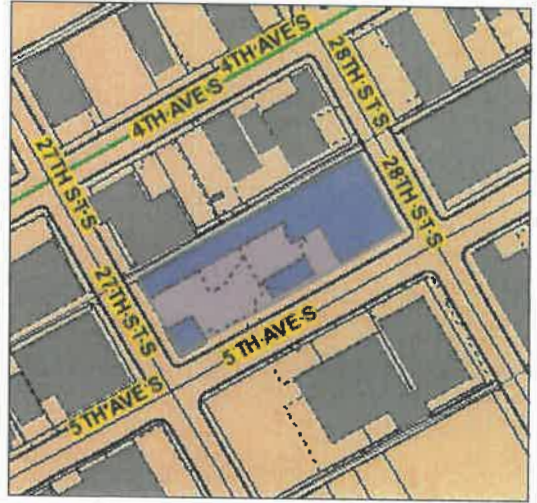
**CITY/STATE:** BIRMINGHAM AL

**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:**

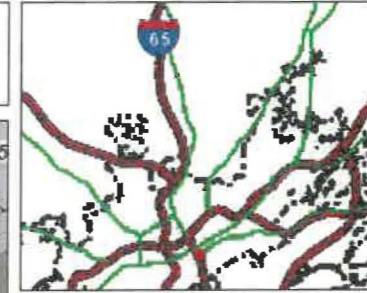
**NAME** BIRMINGHAM BLOCKS

**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.



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

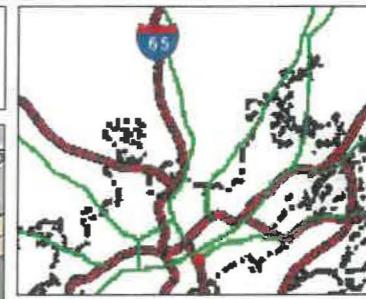


1: 1,202



200.3 0 100.13 200.3 Feet

Notes



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



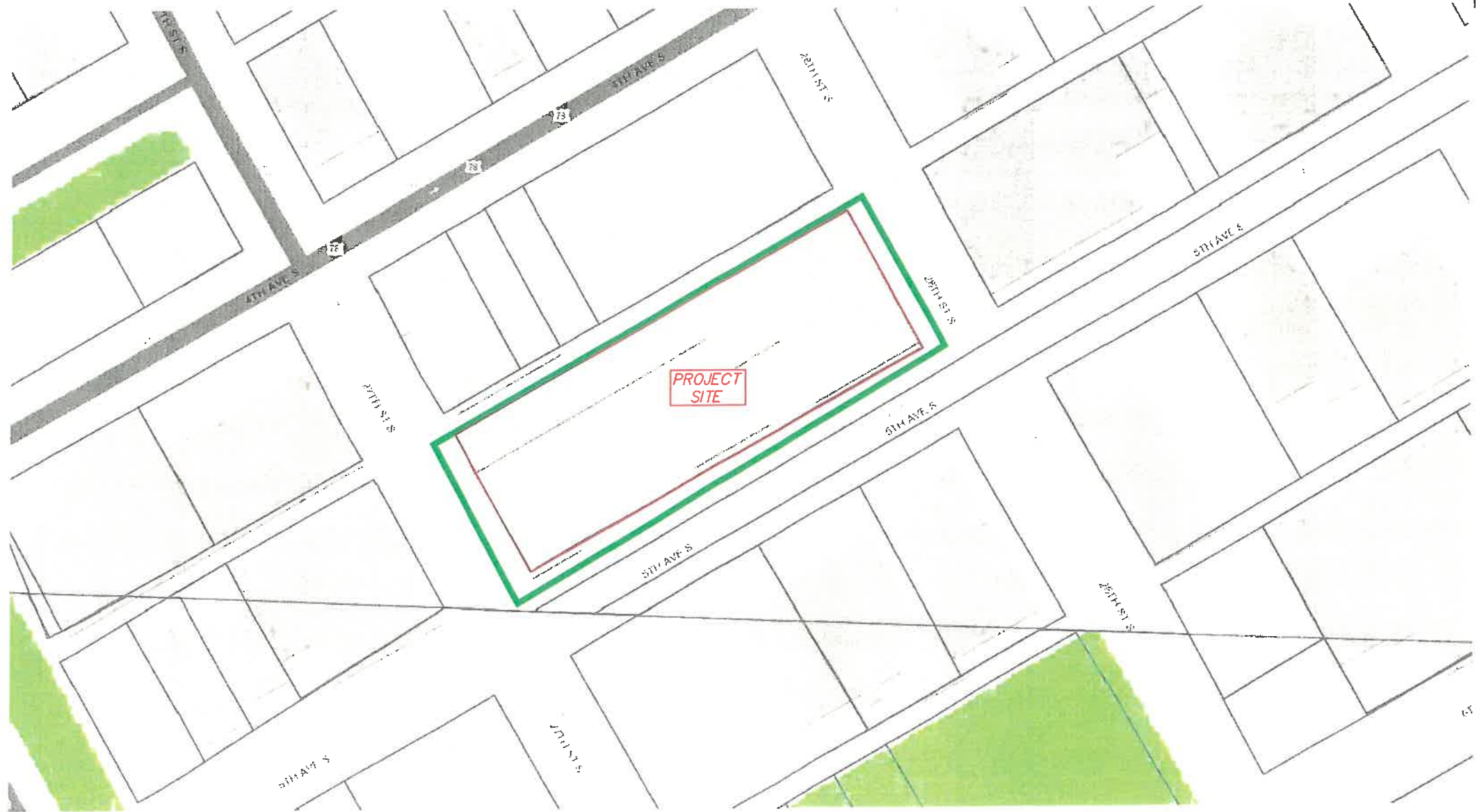
1: 1,202



200.3 0 100.13 200.3 Feet

Notes

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 BLOCK 223. LOT 11-20
SURVEY INFO:	
PARCEL ID NO.	23-00-31-2-030-008.000



PLAN ISSUE	DATE
EXHIBIT	04.22.2021

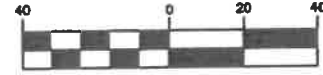
EXHIBIT-PARKING MODIFICATION REQUEST  
TAX MAP & EXTENTS OF PROJECT

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

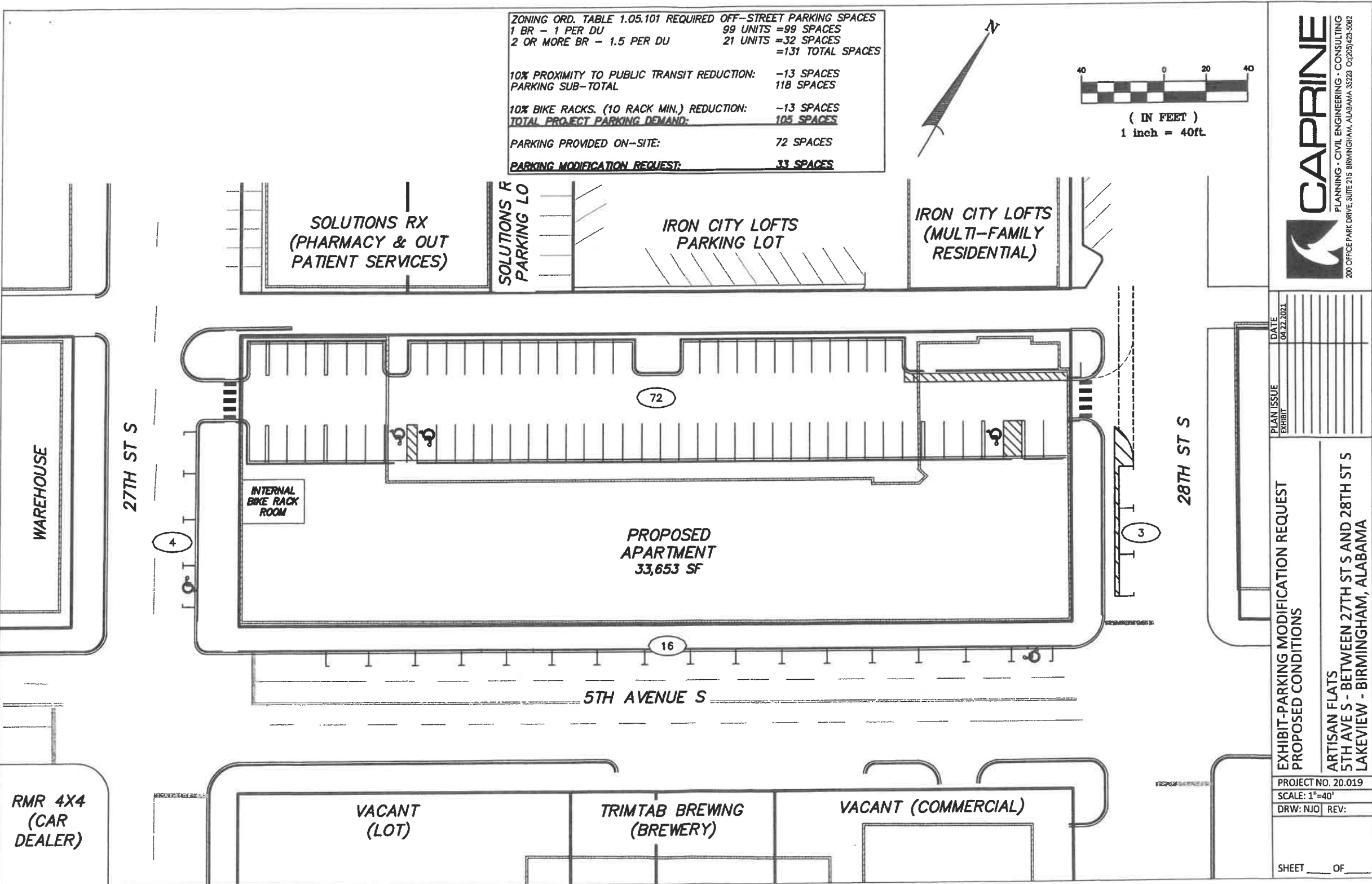
PROJECT NO. 20.019  
SCALE: NONE  
DRW: NJC REV:



<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>



( IN FEET )  
1 inch = 40ft.



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:	





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: NIJ REV:

PLAN ISSUE	DATE
EXHIBIT	04.22.2021






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

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

**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)



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

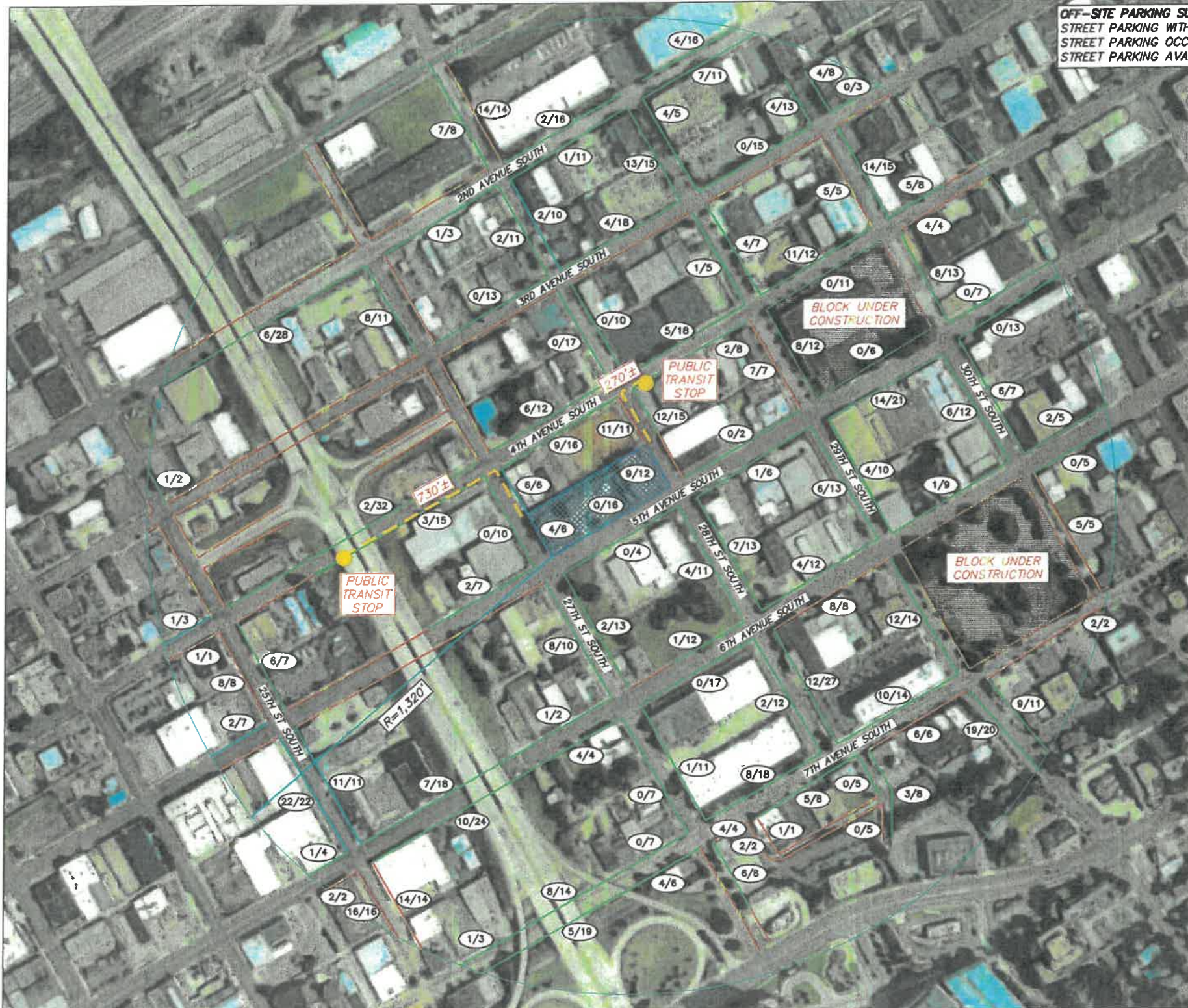
DATE	04/22/21
PLAN ISSUE	
EXHIBIT	

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:

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

**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)

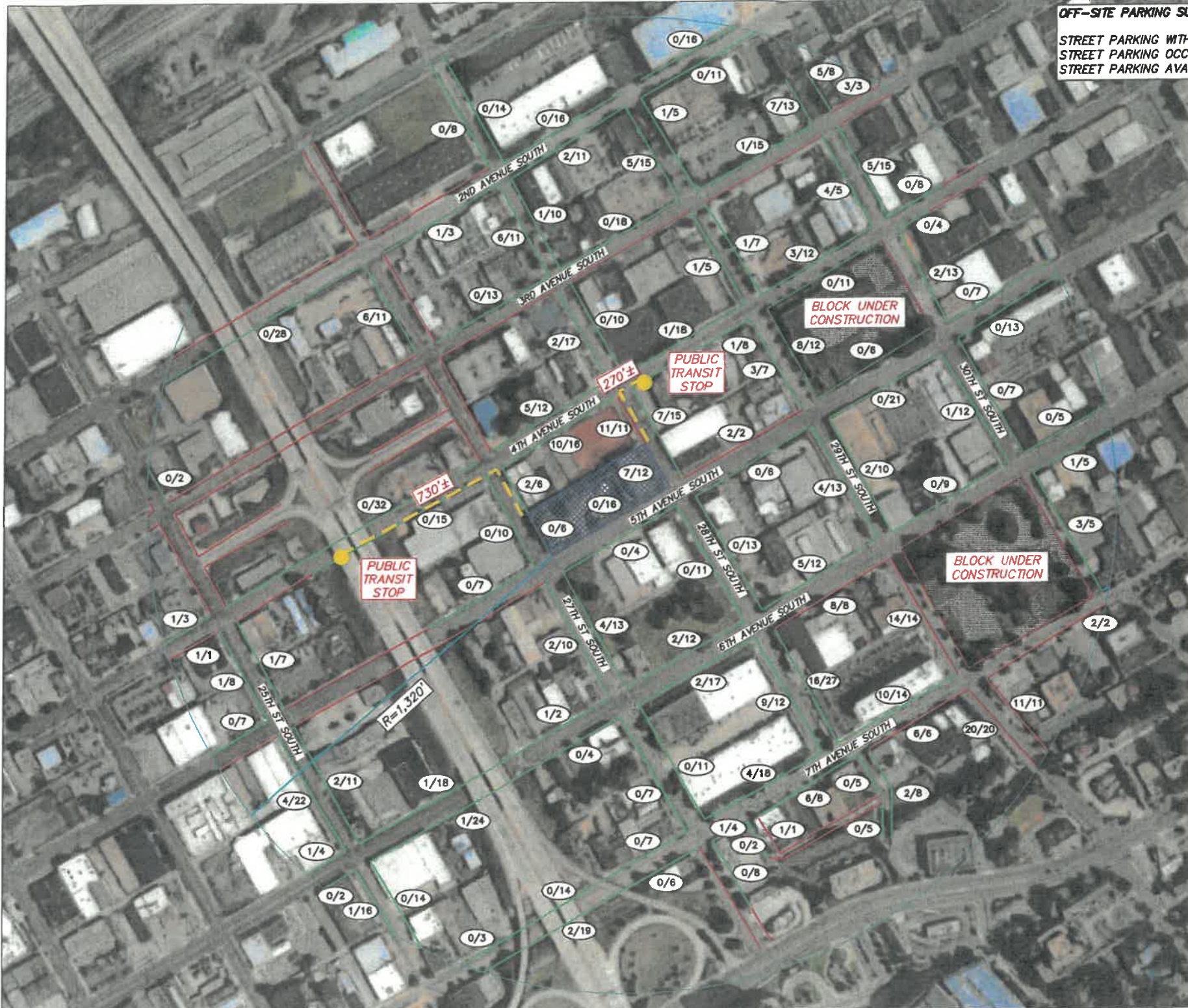


**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215, BIRMINGHAM, ALABAMA 35223 | (205) 423-9082

DATE	03/22/21
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

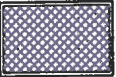




PROJECT NO. 20.019  
 SCALE: 1"=300'  
 DRW:NJO REV:



**OFF-SITE PARKING SUMMARY - MONDAY 03/22/21 - 6:00PM**  
 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 O:(205)423-5982

DATE	PLAN ISSUE
04/21/21 <td>EXHIBIT</td>	EXHIBIT

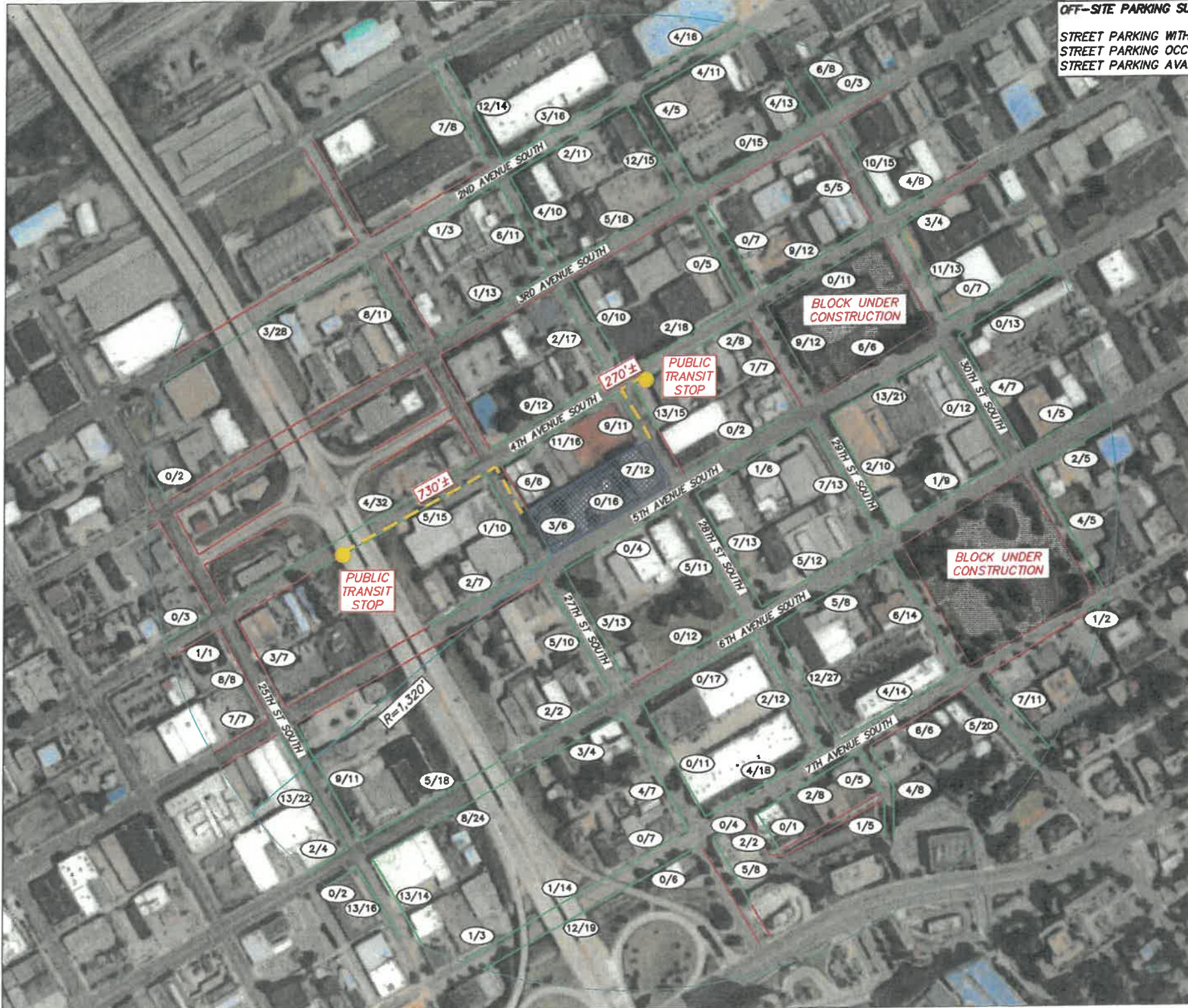
EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 MONDAY 03/22/2021 - 6:00 PM  
 ARTISAN FLATS  
 5TH AVE S - BETWEEN 27TH ST S AND 28TH ST S  
 LAKEVIEW - BIRMINGHAM, ALABAMA

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

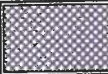




SHEET \_\_\_\_\_ OF \_\_\_\_\_

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:205/425-5002

DATE	03/23/21
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:



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)

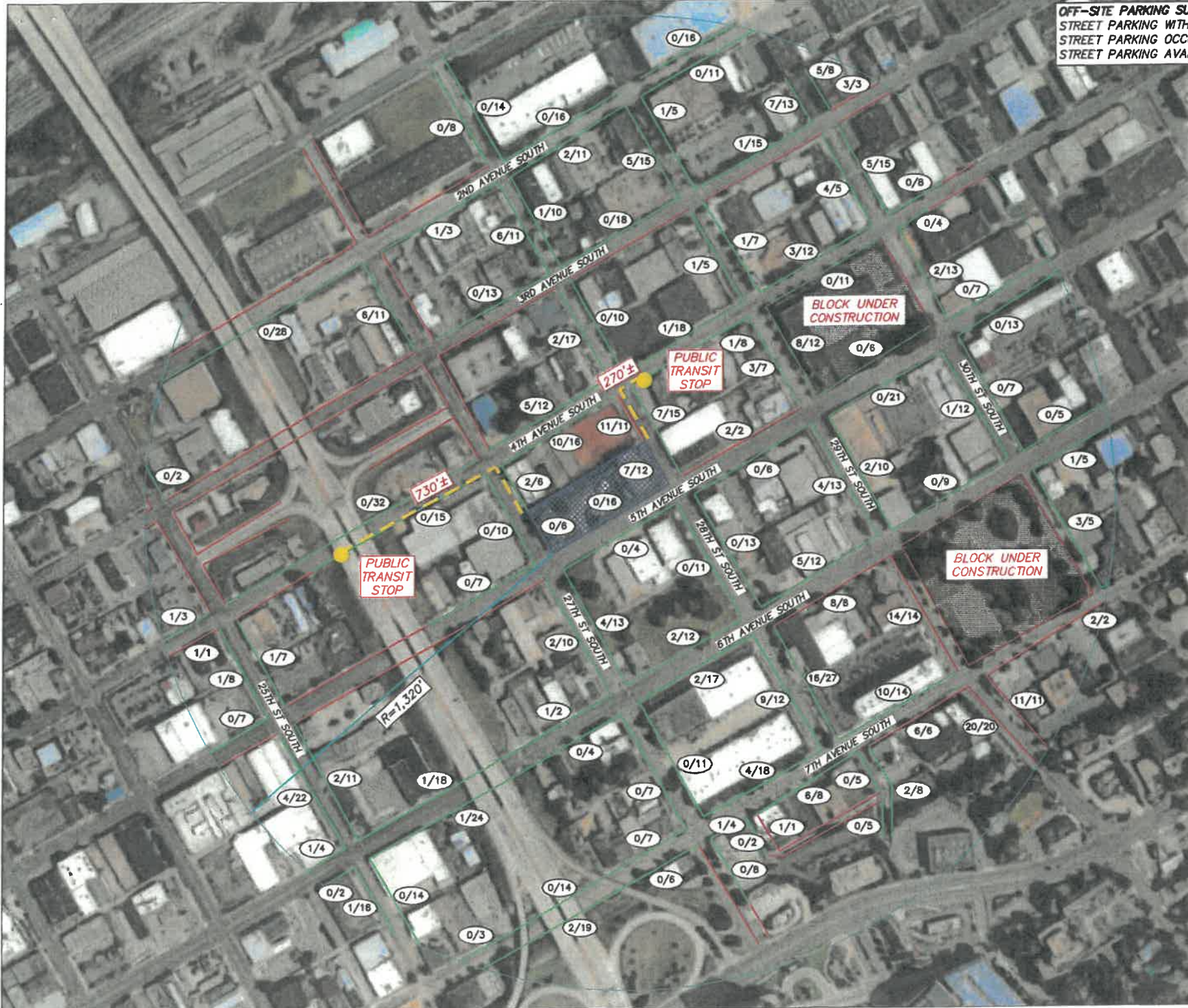
**CAPRINE**  
 PLANNING • CIVIL ENGINEERING • CONSULTING  
 200 OFFICE PARK DRIVE, SUITE 215 BIRMINGHAM, ALABAMA 35223 O:205/423-5982

DATE	03/23/21
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:

**OFF-SITE PARKING SUMMARY - TUESDAY 03/23/21 - 6:00PM**  
 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 O:[205]423-5082

DATE	03/23/21
PLAN ISSUE	
EXHIBIT	

EXHIBIT-PARKING MODIFICATION REQUEST  
 OFF-SITE PARKING STUDY  
 TUESDAY 03/23/2021 - 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:

Meeting – May 13, 2021  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Overton

Staff Planner Moton

ZBA2021-00013

Request: Variance  
Applicant: Randy Visser  
Owner: 5 Star LLC  
Site Address: 5331 Sicard Hollow Rd  
Zip Code: 35242  
Description: Variance to allow a 18.5ft front yard instead of the required 40ft front yard setback pursuant to Title 2, Chapter 1, Section 4, Subsection 3  
Property Zoned: D-1, Single Family District  
Parcel Information: Parcel #: 012700091000015000, NE of Section 09, Township 18 S, Range 1 W

**Variance:**

Variance to allow a 18.5ft front yard instead of the required 40ft front yard setback

**Neighborhood Meeting:**

The Overton Neighborhood Association; waiting on the vote.

**Public Notices:**

Public notices were mailed on April 19, 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 5331 Sicard Hollow Rd is zoned D-1, Single Family District. The applicant is requesting a front yard setback of 18.5ft instead of the 40ft required in order to allow for a home on the property. Based upon the topography, irregular triangle shape of the lot and six variance standards staff recommends approval.

**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.



City of Birmingham  
Department of Planning Engineering & Permits  
Zoning Division  
710 North 20<sup>th</sup> St,  
Room 210 City Hall

Randy Visser  
S Star LLC  
5331 Sicard Hollow Rd  
Birmingham AL 35242

4/5/2021

RE: Parcel ID 27 00 09 1 000 015.000

To Zoning Board of Adjustment,

I am writing to request a Variance to the front setback from 40' to 18.5' at 5331 Sicard Hollow rd., Birmingham AL 35242. This request is based on the following:

1) Physical Characteristics of the Property

The exceptional shallowness of the lot due to it being a triangle of .33 acres, combined with the exceptional topographical conditions as you can see by the attached picture, results in unusual difficulties when attempting to locate a structure 40' from the front setback. The lot slope rises approximately 25' above road grade which presents a unique challenge when attempting to locate a driveway and structure on the lot. Also note that the proposed parking would be in the rear of the residence. If the building were to be located 40' from the front setback, the driveway would have to be unreasonably and dangerously steep, as well as would block the area that the septic is to be located. The variance request is to avoid having the driveway being at an extreme incline as well as to allow for room to install the septic system.

2) Unique Characteristics

The unique shape along with its limited size and extreme topography of the lot is very unique and is not found in other properties in the area. The overwhelming majority of the lots in the area are have 4 sides, a front, a rear, and 2 sides, while this lot is a shallow triangle. The request for a variance is not based on it being convenient to the owner, it is based on being necessary for the general enjoyment of the property.

3) Hardship not self-imposed

The hardship has not been caused by an individual, it is simply a result of the shape, size, and topography of the lot itself.

4) Financial Gain Not only basis

The variance requesting is a result of the unique difficulties due to the lot characteristics; it is not based on financial gain.

5) No injury to neighboring property

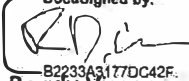
This variance has no effect on the neighboring land as no side or rear setback variances are requested. The granting of the variance will not be injurious to other property or improvements in the area.

6) No Harm to Public Welfare

The footprint of the building will be approximately 16' above the road grade so there is absolutely no risk of harm or injury to the public if an accident was to occur on the road out front of the building, see picture attached.

Due to these 6 factors, I respectfully request that the front variance be granted.

Sincerely,

DocuSigned by:  
  
B2233A3177DC42F  
Randy Visser

**PARCEL ID:** 012700091000015000

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

**DATE:** Monday, April 19, 2021 1:25:20 PM

**OWNER:** BURELL JOHN HUGH JR

**ADDRESS:** 4436 GALEN COVE

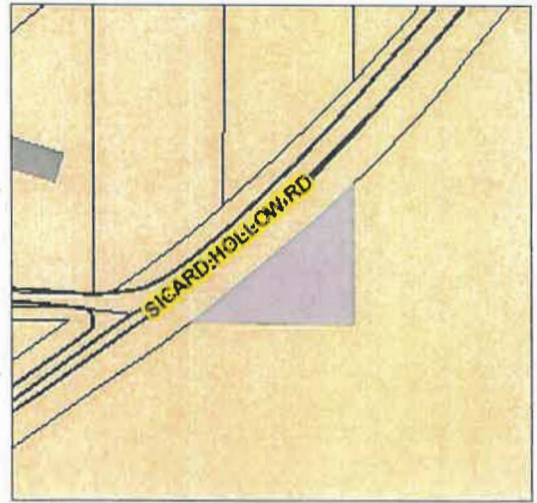
**CITY/STATE:** VESTAVIA AL

**ZIP+4:** 35242

**SITE ADDR:** 5331 SICARD HOLLOW RD

**CITY/STATE:** BHAM, AL

**ZIP:** 35242



**LAND:** \$4,900.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 14,541.39

**ACRES:** 0.33

**SUBDIVISION INFORMATION:**

**NAME**

**BLOCK:**

**LOT:**

:

**Section:** 9-18-1W

**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:** Overton (2301)

**Communities:** Cahaba (23)

**Council Districts:** District - 2 (Councilor: Hunter Williams)

**Zoning Outline:** D1

**Demolition Quadrants:** DEM Quadrant - 4

**Impaired Watersheds:** Impaired Watershed - Lower Cahaba River

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

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

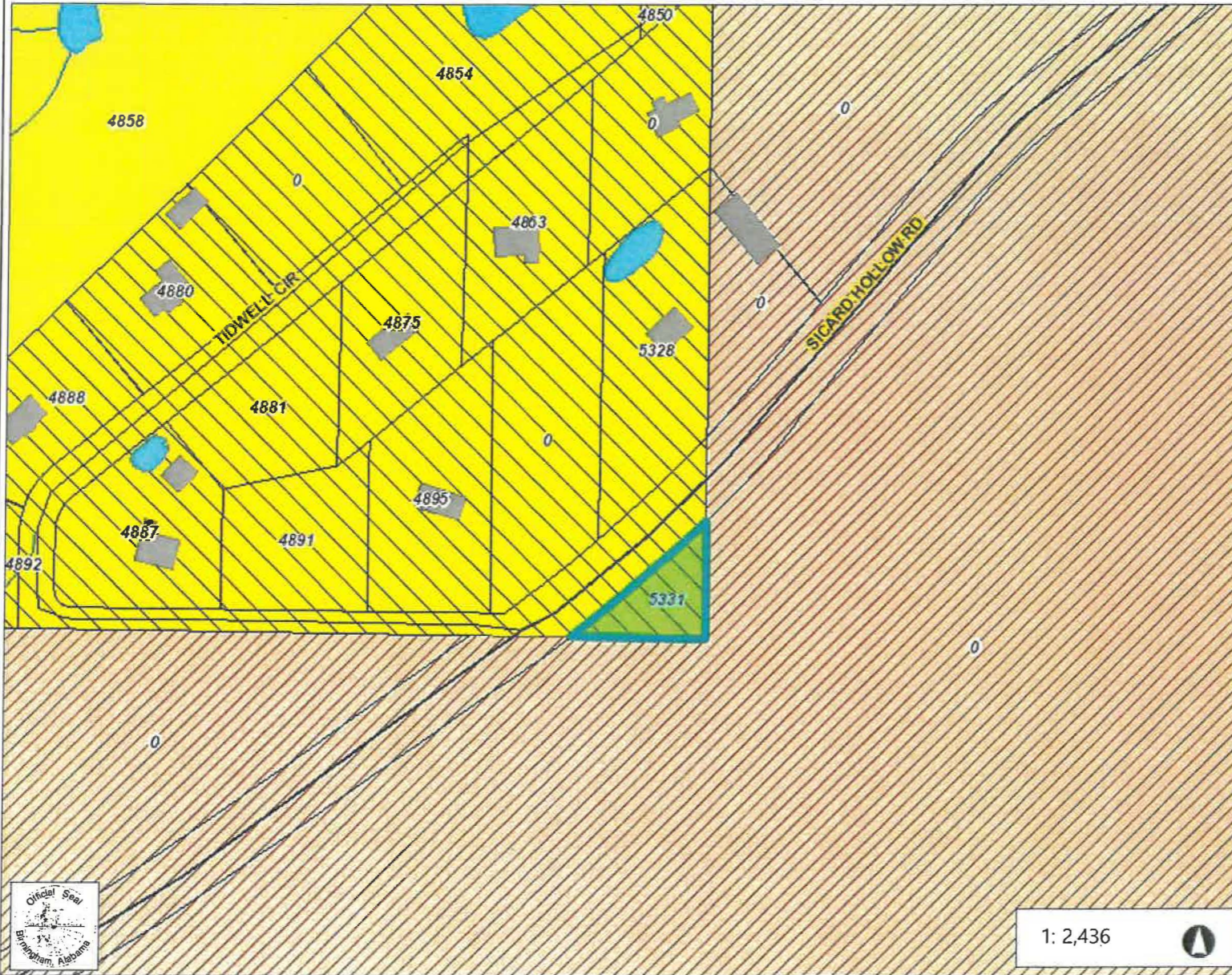
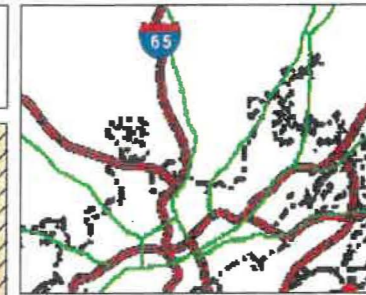
**Tax Delinquent Property:** Not in Tax Delinquent Property

**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



1: 2,436



406.1 0 203.03 406.1 Feet

Notes



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



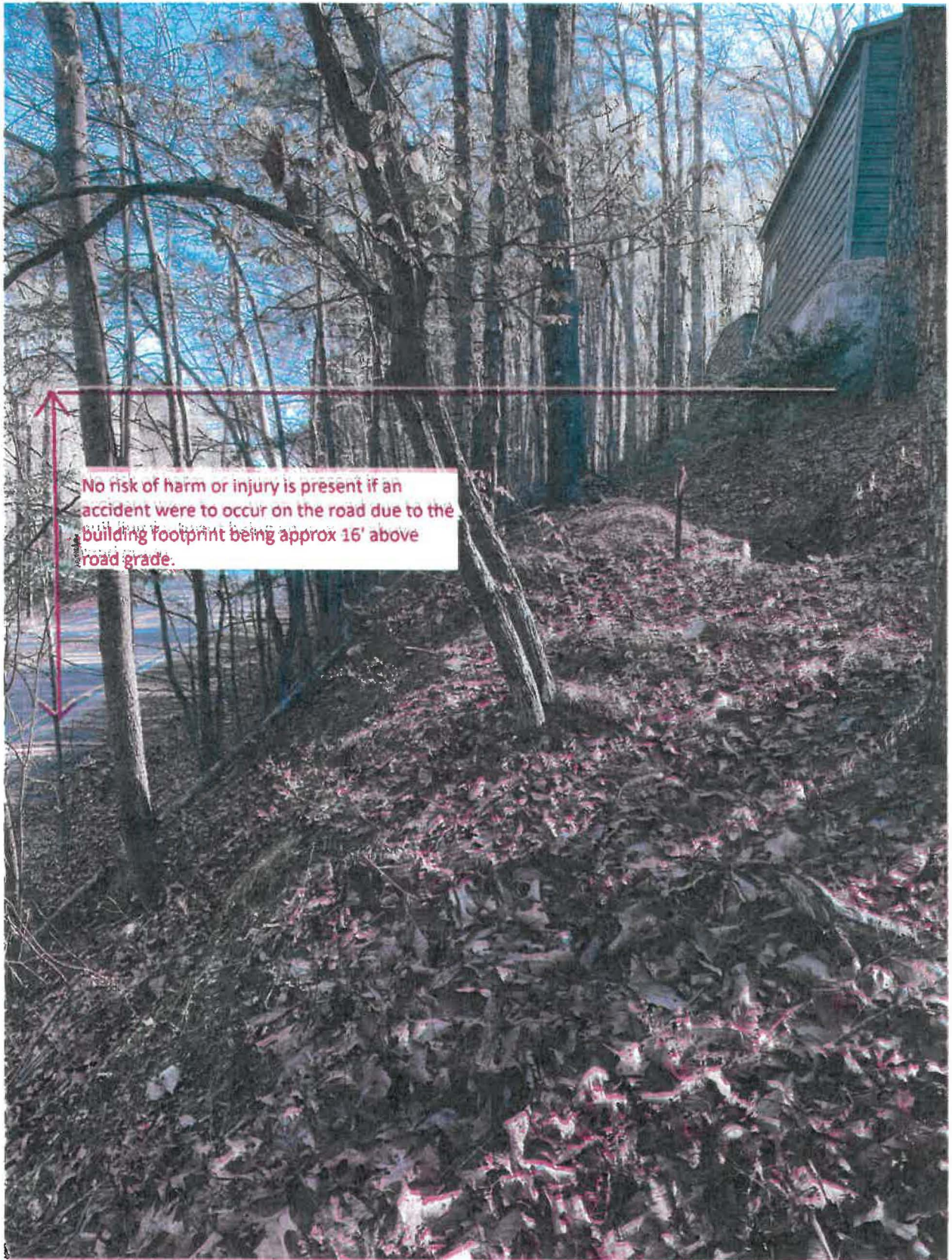
1: 2,436



406.1 0 203.03 406.1 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



No risk of harm or injury is present if an accident were to occur on the road due to the building footprint being approx 16' above road grade.

**ZONING INFORMATION**

City of Birmingham

- Existing Zoning - D-1, Single-Family District
- Front Yard Setback - 40' min.
- Side Yard Setback - 8' min. (one side), 18' min. (total both sides)
- Rear Yard Setback - 40' min.

Zoning assigned to the property does not appear to take existing conditions (roads, structures, lot proportions) into consideration.

**BUILDING CODE INFORMATION**

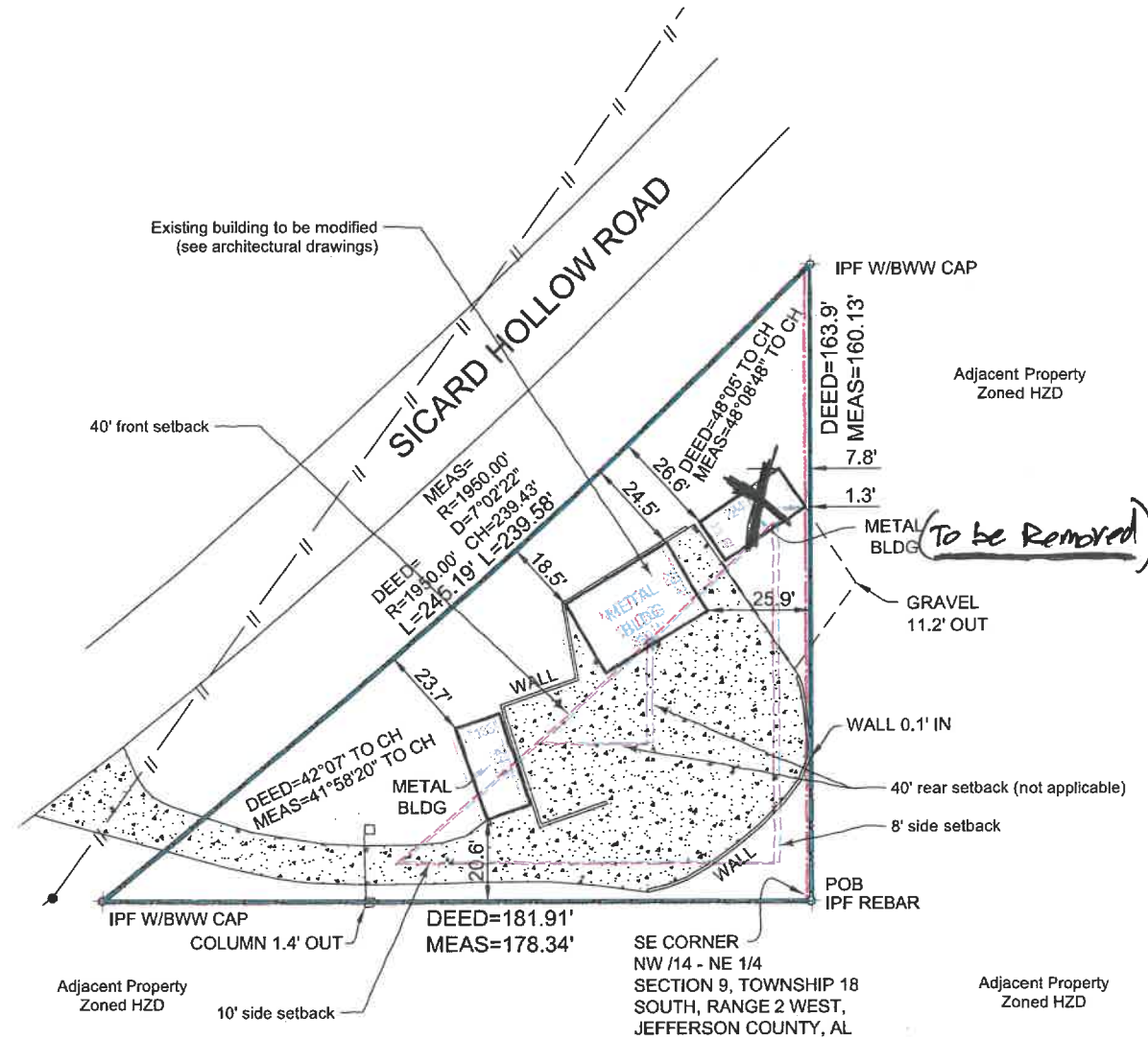
City of Birmingham - 2015 International Residential Code

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation.

R306.1 Toilet Facilities: Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower. (Vent fan or window is required)

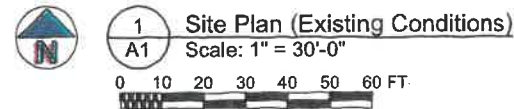
R306.2 Kitchen: Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

Sleeping areas require egress (door and egress window or 2 doors).



**Randy Visser Residence  
Birmingham, Alabama**

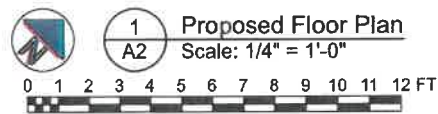
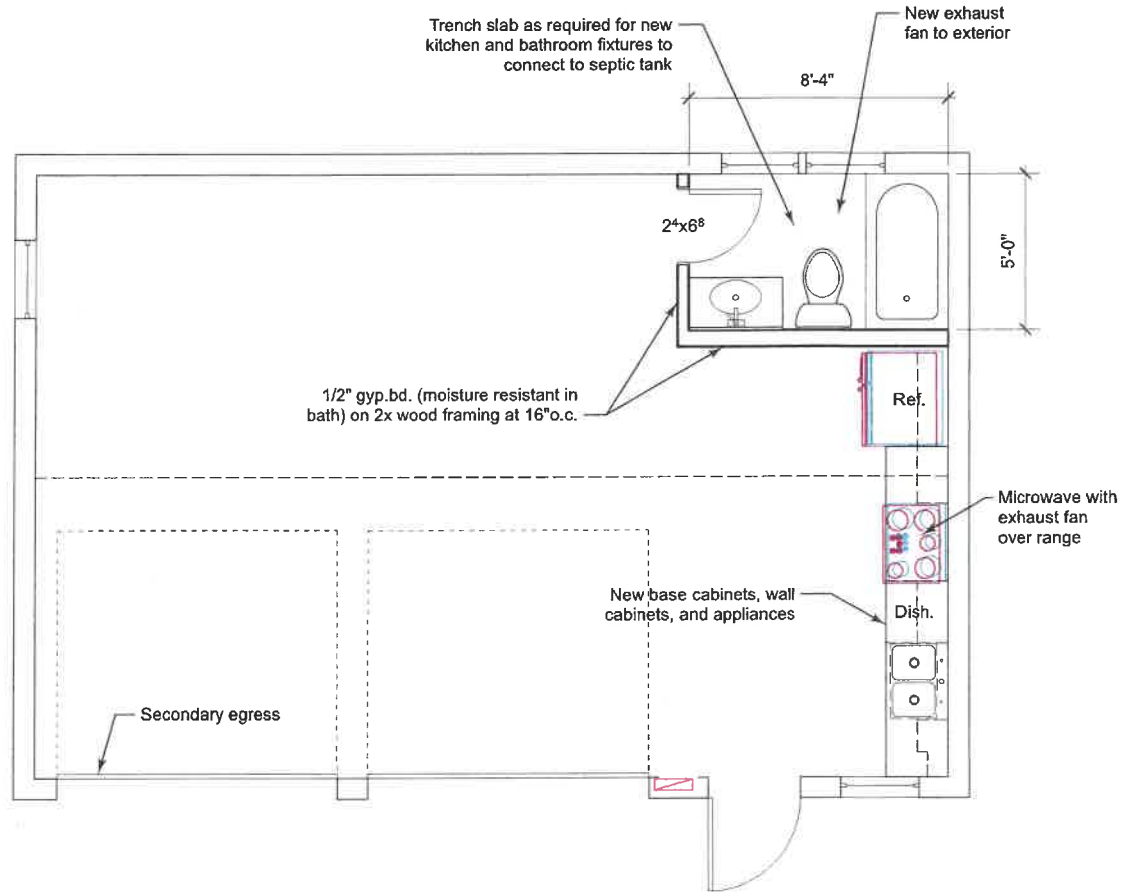
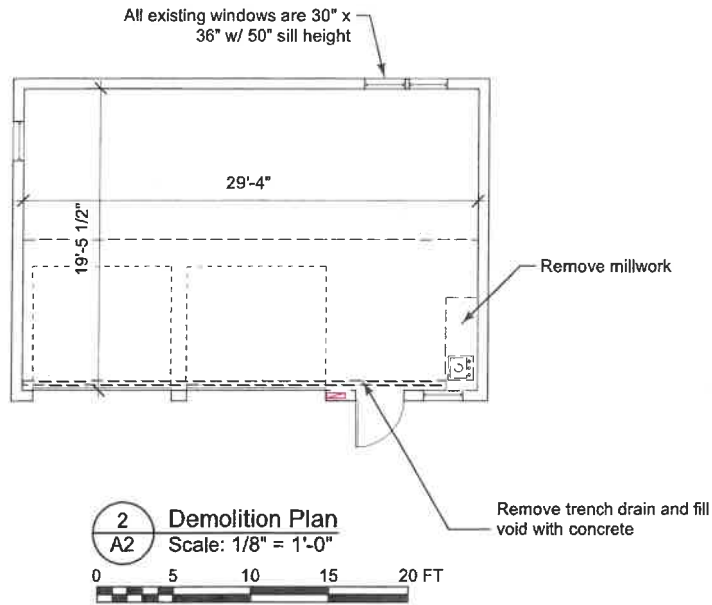
Issued for Permit  
02/19/21



BLACKMON ROGERS  
ARCHITECTS LLC

EXISTING BUILDING INFORMATION

605 GSF, Metal Building



**Note:**

All new mechanical, electrical, and plumbing work subject to the requirements of IRC 2015.

Randy Visser Residence  
Birmingham, Alabama

Issued for Permit  
02/19/21

BLACKMON ROGERS  
ARCHITECTS LLC



Meeting – May 13, 2021  
Location - City Council Chambers, Third Floor, City Hall  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex

---

Neighborhood: Crestline      Staff Planner Moton      ZBA2021-00014

Request: Variance  
Applicant: Abby Spurlin  
Owner: Spurlin Properties, LLC  
Site Address: 1228 Regal Avenue  
Zip Code: 35213  
Description: Variance to allow a side yard setback of 1 ft instead of the 5ft side yard setback requirement pursuant to Title 2, Chapter 1, Section 4, Subsection 3  
Property Zoned: R-3, Single Family District  
Parcel Information: Parcel #:01230034100502800, NE of Section 34, Township 17 S, Range 2 W

**Variance:**

Variance to allow a side yard setback of 1 ft instead of the 5ft side yard setback.

**Neighborhood Meeting:**

The Crestline Association met; however, the applicant was not in attendance and the neighborhood did not meet the required number of people attending; therefore, the meeting was cancelled and vote was not taken.

**Public Notices:**

Public notices were mailed on April 19, 2021.

**Applicant's Justification:**

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

**Staff Analysis:**

The parcel located at 1228 Regal Ave resides within the R-3, Single Family District. The applicant is proposing to build an attached carport with a 1ft setback instead of the required 5ft setback. Based upon the information provided, staff will not recommend this request.

**Staff Recommendation**

Staff believes the applicant has provided not provided enough evidence to support the variance request. Therefore, staff believes the request has merit for denial and as such, should be **DENIED.**

**PARCEL ID:** 012300341005028000

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

**DATE:** Monday, April 19, 2021 2:25:23 PM

**OWNER:** SPURLIN ABIGAIL GRACE & SPURLIN

**ADDRESS:** 1228 REGAL AVE

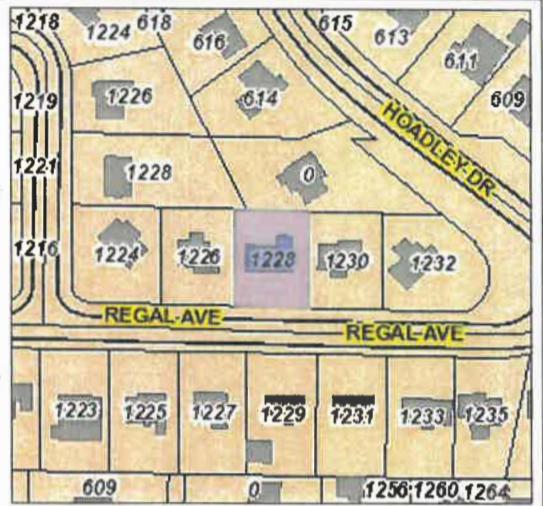
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213--2143

**SITE ADDR:** 1228 REGAL AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35213



**LAND:** \$184,000.00

**BLDG:** \$65,900.00

**OTHER:** \$0.00

**AREA:** 7,585.89

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

**NAME** CRESTLINE PARK

**BLOCK:** 14

**LOT:** 21

**Section:** 34-17-2W  
**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:** Crestline (301)  
**Communities:** Crestline (3)  
**Council Districts:** District - 2 (Councilor: Hunter Williams)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 4  
**Impaired Watersheds:** Impaired Watershed - Upper Shades 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.

## **SETBACK VARIANCE APPLICATION STANDARDS OF REVIEW**

**For**

**Lot 21, Block 14 of Amended Map of Crestline Park**

Abby Spurlin

1228 Regal, Avenue Birmingham, Al 35213

---

### **1. Physical Characteristics of the Property**

A carport is proposed for the East side of the residence. This side yard measures 15.9' from the edge of the house to the property line. The proposed garage is detached from the residence to:

1. provide room for gutters since the house roof and the carport roof slope toward one another, and
2. provide room for steps from the existing grade to the finished floor of the house.

The distance of the offset from the house to the edge of the slab combined with the width of the carport structure infringes on the required 5' side yard setback. As indicated on the survey by Reynolds Surveying Co., Inc., this side yard has served as a dedicated driveway and parking area before the current owner purchased the house.

A proposed single guest parking pad is proposed to provide off street parking for occasional guests. This would replace the gravel parking in front of the house which has been in use years before the present owner. This guest parking pad and the new driveway would replace the existing gravel and two concrete tire strips with exposed aggregate concrete.

### **2. Unique Characteristics**

While many houses in this neighborhood have narrow side yards, many have deeper rear yards allowing a detached garage behind and offset from the house. Moving this structure back to the rear yard is not possible due to the 25' rear minimum yard. Attaching the structure to the house is complicated by the steps from east side of the house and the sloped roof of the house and the carport. While a "flat" roof with a small slope could possibly be a solution, the aesthetics would not be pleasing.

### **3. Hardship Not Self-Imposed**

The design problems are a result of the original small lots and have not been created by anyone having an interest in the property.

### **4. Financial Gain Not Only Basis**

This variance is requested in order to provide a sheltered structure in an area already used for parking. Financial gain is not the sole purpose for requesting this variance.

### **5. No Injury to Neighboring Property**

The proposed carport would not be enclosed and not be injurious to the adjoining neighbor or other properties. By being "open" the structure would not diminish light and air to the adjoining property. The structure would complement the architecture of the house and surrounding neighborhood and be a valued addition to the Crestline community.

### **6. No harm to Public Welfare**

The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil public safety or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City of Birmingham and will not substantially impair the intent and purpose of this Ordinance.

**PARCEL ID:** 012300341005028000

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2019

**DATE:** Monday, April 19, 2021 2:25:23 PM

**OWNER:** SPURLIN ABIGAIL GRACE & SPURLIN

**ADDRESS:** 1228 REGAL AVE

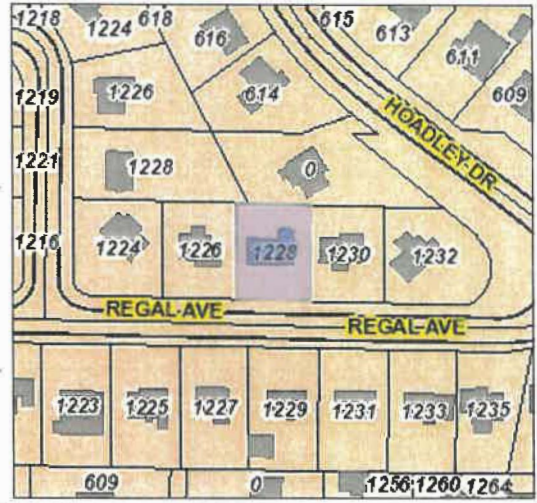
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213--2143

**SITE ADDR:** 1228 REGAL AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35213



**LAND:** \$184,000.00

**BLDG:** \$65,900.00

**OTHER:** \$0.00

**AREA:** 7,585.89

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

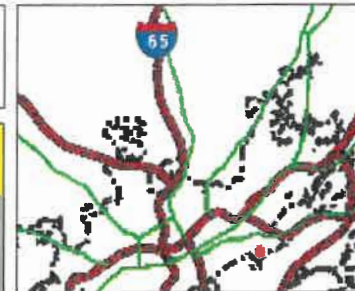
**NAME** CRESTLINE PARK

**BLOCK:** 14

**LOT:** 21

**Section:** 34-17-2W  
**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:** Crestline (301)  
**Communities:** Crestline (3)  
**Council Districts:** District - 2 (Councilor: Hunter Williams)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 4  
**Impaired Watersheds:** Impaired Watershed - Upper Shades 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

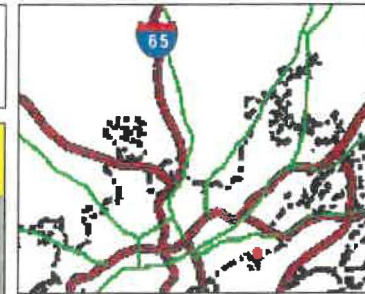
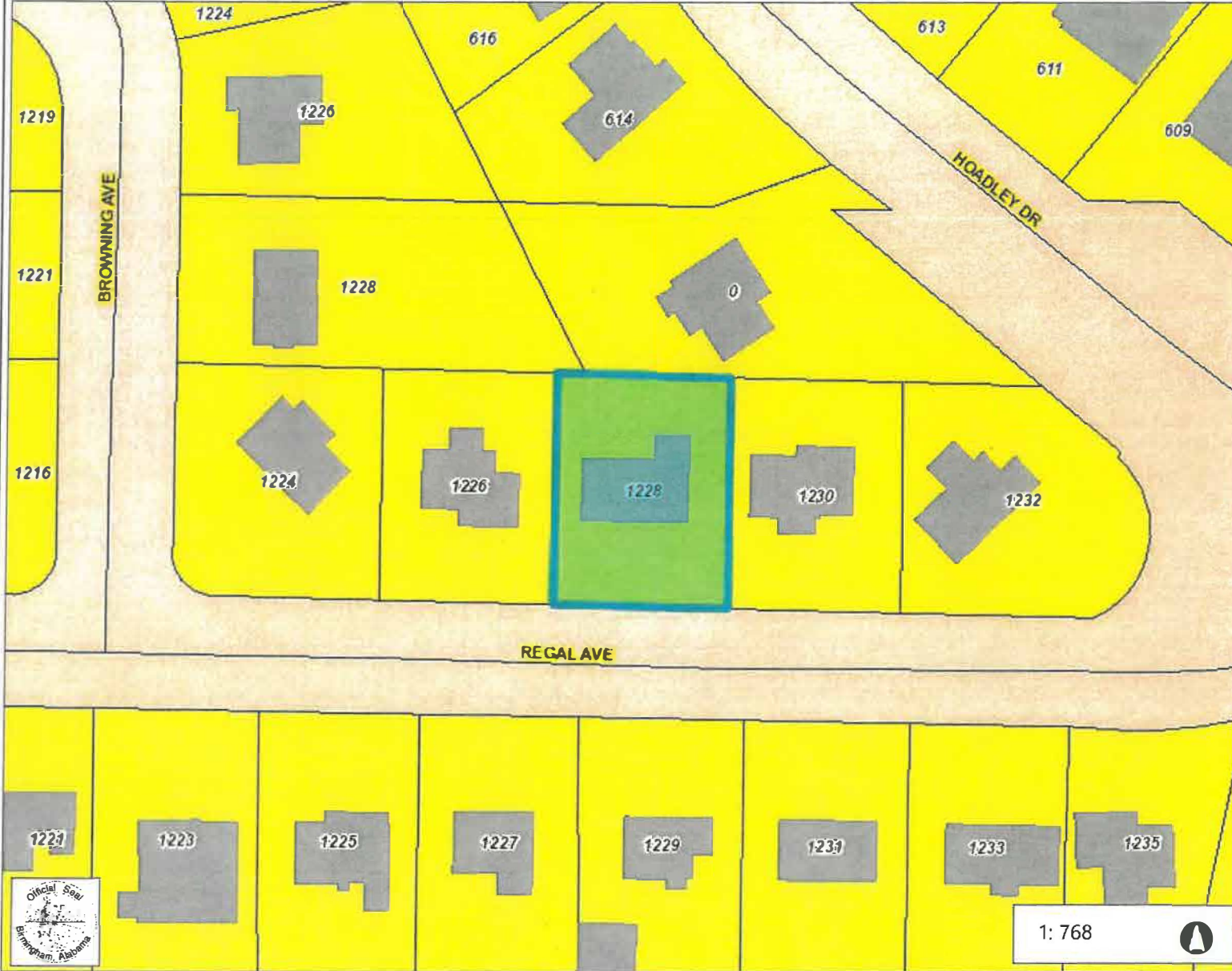


128.0 0 64.01 128.0 Feet

1: 768

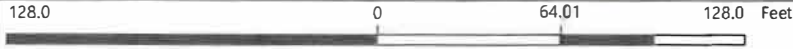


Notes



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



1: 768

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**

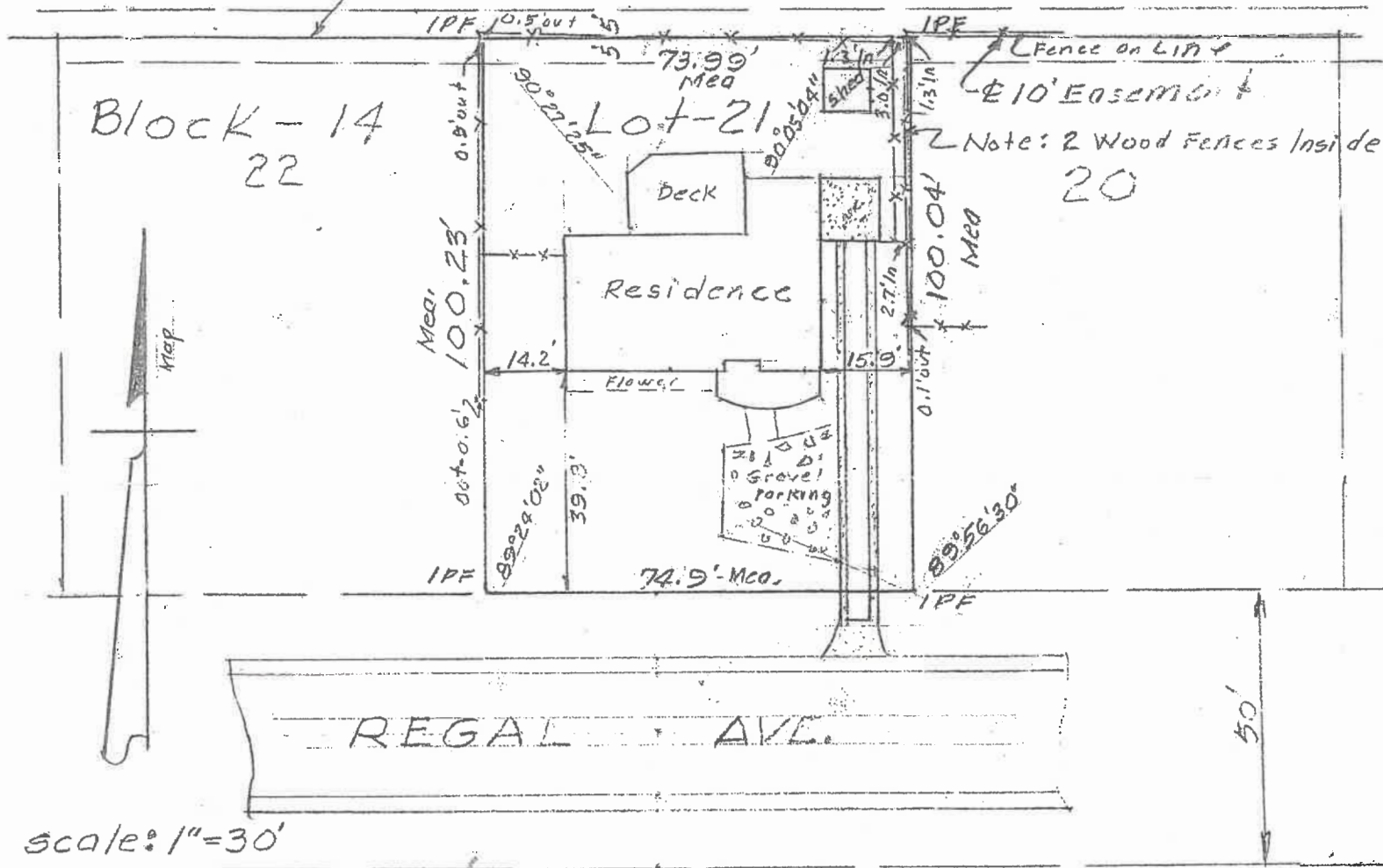
Notes



REYNOLDS SURVEYING CO., INC.

Surveying - Land Planning

± 20' Easement



Scale: 1" = 30'

- LEGEND
- UTILITY POLE
  - GUY WIRE
  - ▬ RETAINING WALL
  - CONCRETE
  - FENCE
  - OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET

STATE OF ALABAMA  
Jefferson COUNTY

"CLOSING SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 21, Block 14, of Amended Map of Crestline Park, as recorded in Map Book 32, Page 62 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 24<sup>th</sup> day of April, 2017.

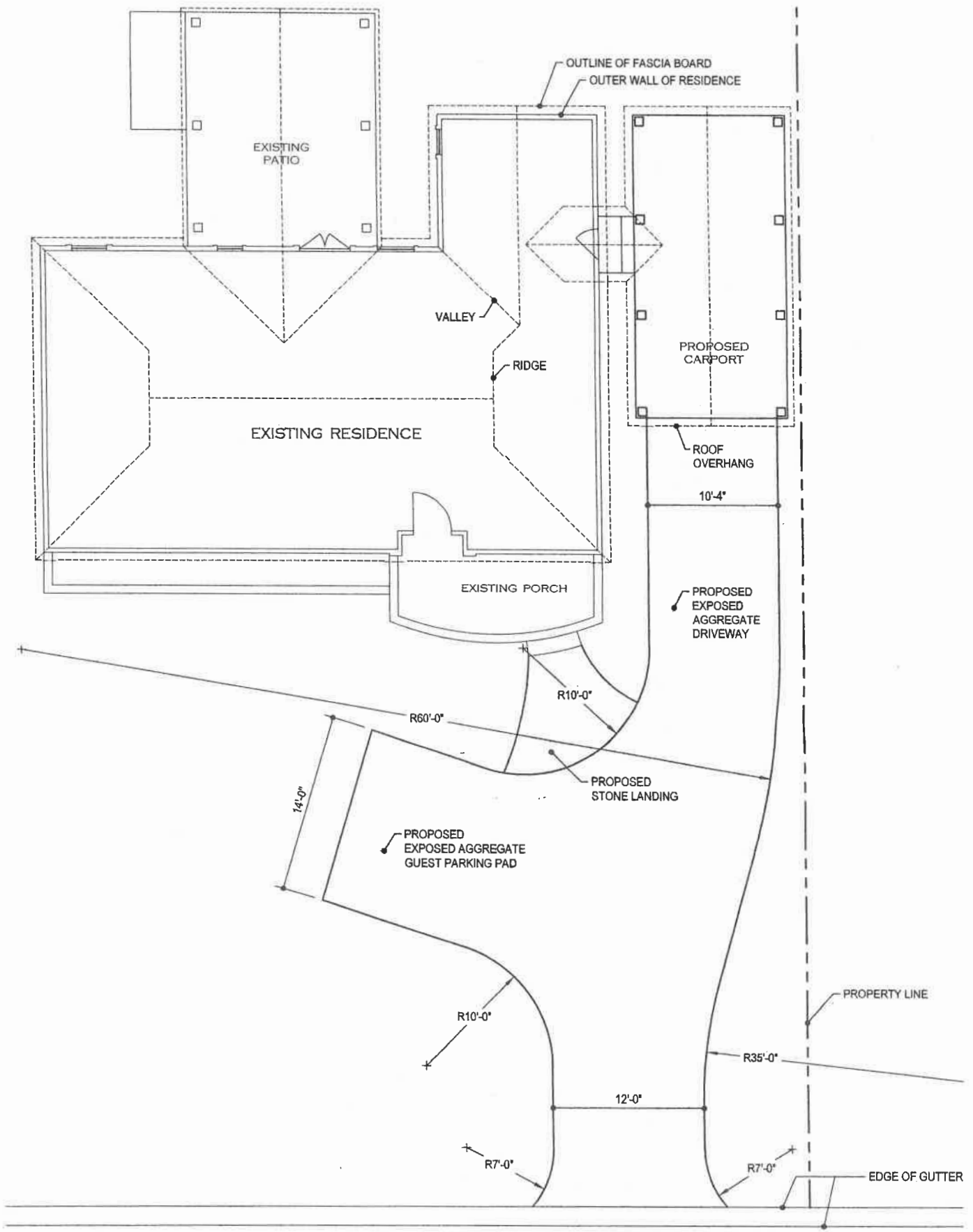
35213

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser: SPLIKIN  
Address: 1228 - Regal Ave.

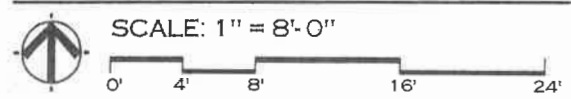
Robert Reynolds  
Reg. No. 25657





REGAL AVENUE

**SITE PLAN**





# ABBY SPURLIN RESIDENCE

1228 Regal Avenue  
Birmingham, Alabama

B · R · Y · A · N  
G · R · A · H · A · M  
LANDSCAPE  
ARCHITECT

◆ ◆ ◆

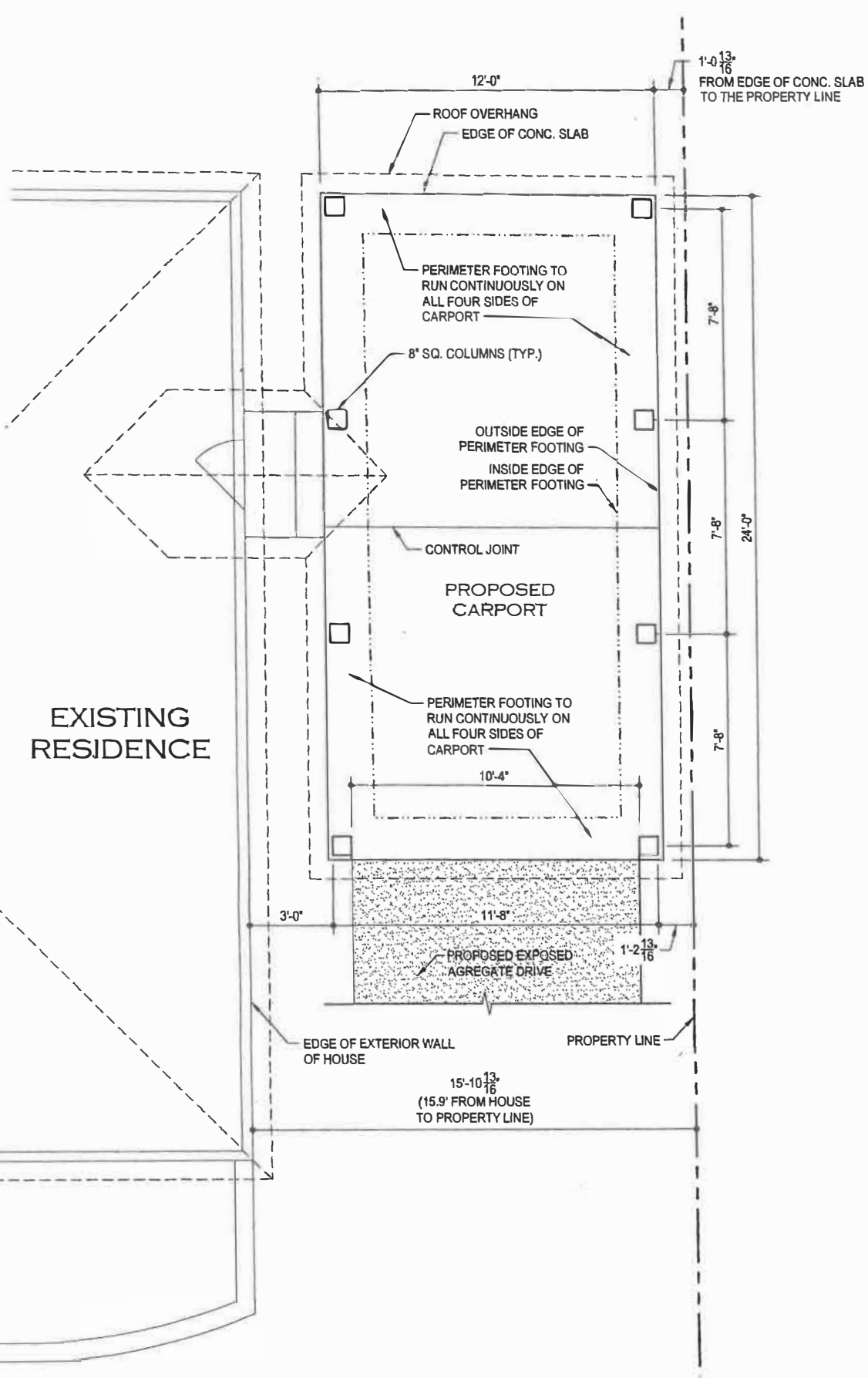
2133 GREENSIDE WAY  
HOOVER, AL 35226

205.454.1719 CELL  
BGRAHAM@ENG.UA.EDU

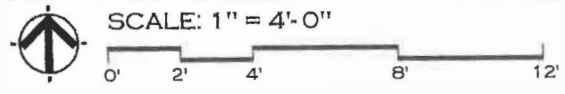
DATE:  
April 7, 2021

SHEET TITLE:  
SITE PLAN  
FOOTING PLAN

SHEET  
1 OF 2



**Carport Footing Plan**



Meeting – May 13, 2021  
Location – WebEx/ Teleconference  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
Webex/Teleconference

---

Neighborhood: Redmont Park

Staff Planner Moton

ZBA2021-00015

Request: Variance  
Applicant: Lewis M & Carol H Stewart  
Owner: Lewis M & Carol H Stewart  
Site Address: 2641 Crest Road  
Zip Code: 35223  
Description: Variance to allow a rear yard setback of 17.5 ft instead of the 40ft rear yard setback requirement pursuant to Title 2, Chapter 1, Section 2, Subsection 3  
Property Zoned: R-1, Single Family District  
Parcel Information: Parcel #: 012800061023005000, NE of Section 06, Township 18 S, Range 2 W

**Variance:**

Variance to allow a rear yard setback of 17.5 ft instead of the 40ft rear yard setback.

**Neighborhood Meeting:**

The Redmont Park Neighborhood Association supports the request.

**Public Notices:**

Public notices were mailed on April 21, 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 2641 Crest Rd is zoned R-1, Single Family District. The property is located in the Red Mountain Suburbs Historic District. The applicant is requesting a variance to allow a rear yard setback of 17.5 ft instead of the 40ft rear yard setback in order to add an elevator to the home. The propose structure is 7.5ft from the property line; however, using half width of the alley gives the applicant a setback of 17.5ft. Based upon the located of the proposed addition and the applicant response to the six variance standards, staff recommends approval.

**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.

## Exhibit 1

The Applicants seek a variance from the applicable back and side yard building setbacks contained in the Zoning Ordinance of the City of Birmingham, for the purpose of constructing an addition ("Proposed Addition") to their home\* ("Existing Improvements") located at 2641 Crest Road, Birmingham, Alabama 35223 (the "Lot"). The Proposed Addition, approximately 14 feet by 26 feet, will be at its closest point 7.5 feet from the back Lot line as established by the resurvey of the Lot\*\* or 17.5 feet from the centerline of the alley bordering the Lot on the back Lot line, and 17.5 feet from the side Lot line.

The variance from the Zoning Ordinance of the City of Birmingham is necessary because the physical characteristics of the Lot, including the shape and the slope of the Lot, resulted in the Existing Improvements being built (in 1920-22 before the Zoning Ordinance was adopted by the City), approximately 34 feet from what is now the back Lot line and approximately 17 feet from the side Lot line.\*\*\*

The primary day to day entrance door to the main house of the Existing Improvements is currently accessed by climbing 15 exterior uncovered concrete steps. The concrete steps become iced in the winter and can become slick and slippery with moss and algae when there is rain. One of the Applicants, the current owners of the Lot, has Parkinson's Disease which limits her mobility, and the other owner is 77 years old. At times the Applicants have difficulties safely and completely accessing their property.

The Applicants employed an architect to design a Proposed Addition, proportional to Existing Improvements and in keeping with the historical character and quality of the Existing Structures, to meet their needs to preserve basic property rights. The Proposed Addition as designed by the architect, is approximately 14 feet by 26 feet, and includes an elevator meeting ADA guidelines, and an interior stairwell. This will allow them to enter the residence via an interior stairs that will be less hazardous to them and their guests, or by an elevator which will provide access to all levels of the home.

The Proposed Addition is located 7.5 feet from the back Lot line (17.5 from the centerline of the alley), and 16.5 feet from the side Lot line at the closest points. Given the Physical Characteristic of the Lot, that resulted in the design location of the Existing Structures on the Lot, the location and design of the Proposed Addition as shown on the attached site plan and elevations is the only practical solution that will allow the Applicants and guests to safely enter their home and that will preserve the character and historic quality of their home.

Strict adherence to the Ordinance would create an exceptional practical difficulty and an exceptional and undue hardship to the Applicants.

The specific conditions described above and herein are unique to the Lot, and not prevalent to other properties in the general area. The granting of the variance is necessary to allow the Applicants to preserve and enjoy their property rights by providing safe and complete access to all portions of their home.

The difficulties and hardships that will result by strict enforcement of the yard setbacks contained in the Zoning Ordinance were not created by the current owners or by any actions of any person having an interest in the property after the Ordinance was enacted. The physical characteristics of the Lot, the design of the Existing Improvements and the siting of the Existing Improvements on the Lot were pre-existing conditions at the time the City Zoning Ordinance was adopted.

Financial gain is not a basis for the requested variance. Safe and complete access to the Existing Improvements can only be afforded to the Applicants by the Proposed Addition designed to be proportional to the Existing Structure and in keeping with the historical character and quality of the Existing Improvements.

The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area. Indeed, the location of the Proposed Addition would be in keeping with the location and design of many other residences in the area.

The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent or purpose of the Ordinance.

\*There are actually two structures on the Lot, the "main" house and a "guest" house. The Proposed Addition would be an addition to the "main" house.

\*\*In April, 2021, Weygand Surveyors made application to the Birmingham Planning Commission (Subdivision Committee) for the City of Birmingham Department of Planning, Engineering & Permits for approval of the Final Plat resurveying two lots, Lots 28 and 29, Block 6, Milner Land Company's Second Addition to Birmingham, as recorded in Plat Book 10, Page 65 in the Office of the Judge of Probate of Jefferson County, Alabama, into one Lot (hereinafter the "Lot" or the "subject property.")

\*\*\*The guest house, also built in 1920-22, was built within one foot of the back Lot line.

**PARCEL ID:** 012800061023005000

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

**DATE:** Monday, April 19, 2021 2:48:25 PM

**OWNER:** STEWART LEWIS M JR & CAROL H

**ADDRESS:** 2641 CREST RD

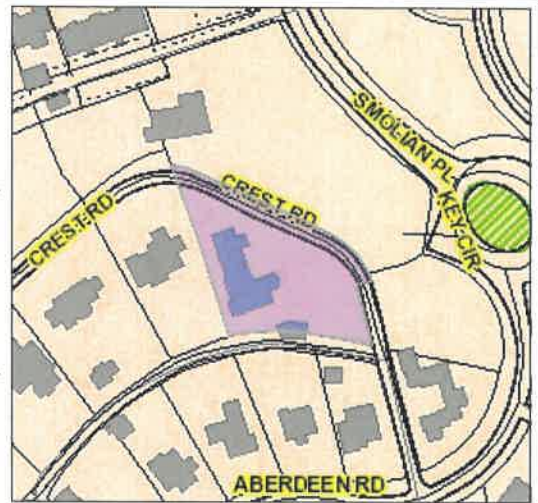
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35223--1023

**SITE ADDR:** 2641 CREST RD

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35223



**LAND:** \$473,000.00

**BLDG:** \$482,000.00

**OTHER:** \$0.00

**AREA:** 33,711.72

**ACRES:** 0.77

**SUBDIVISION INFORMATION:**

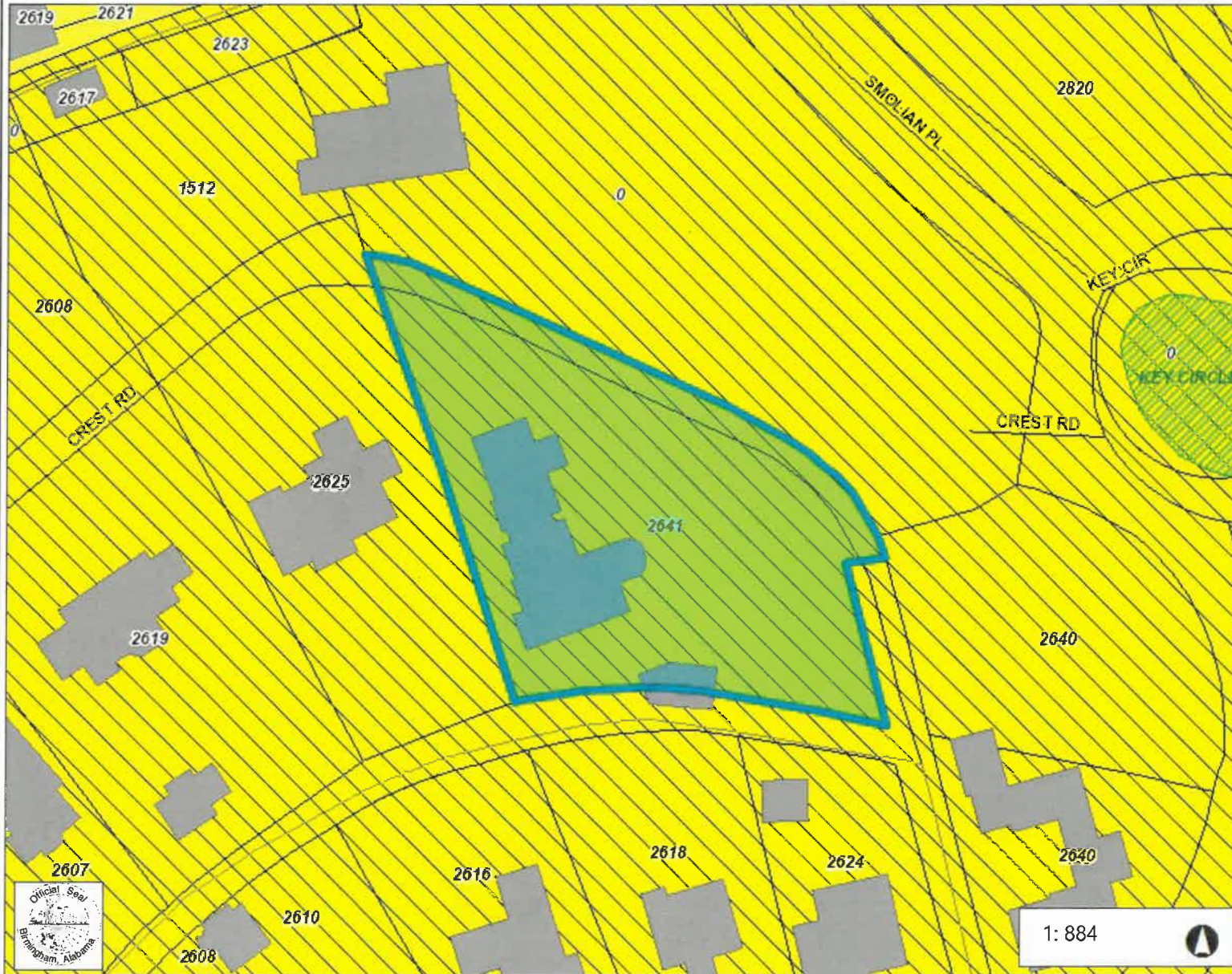
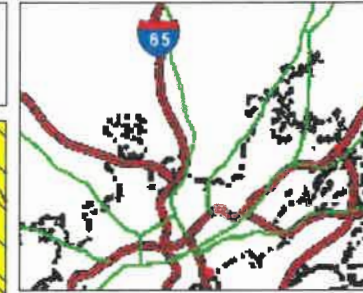
**NAME** MILNER LD CO 2ND 28-6-1

**BLOCK:** 6

**LOT:** 28

**Section:** 6-18-2W  
**Land Slide Zones:** In Land Slide Zones  
**Historic Districts:** Red Mountain Suburbs  
**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:** Redmont Park (1403)  
**Communities:** Red Mountain (14)  
**Council Districts:** District - 3 (Councilor: Valerie A. Abbott)  
**Zoning Outline:** R1  
**Demolition Quadrants:** DEM Quadrant - 3  
**Impaired Watersheds:** Impaired Watershed - Upper Shades 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.

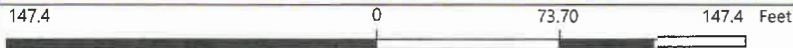


Legend

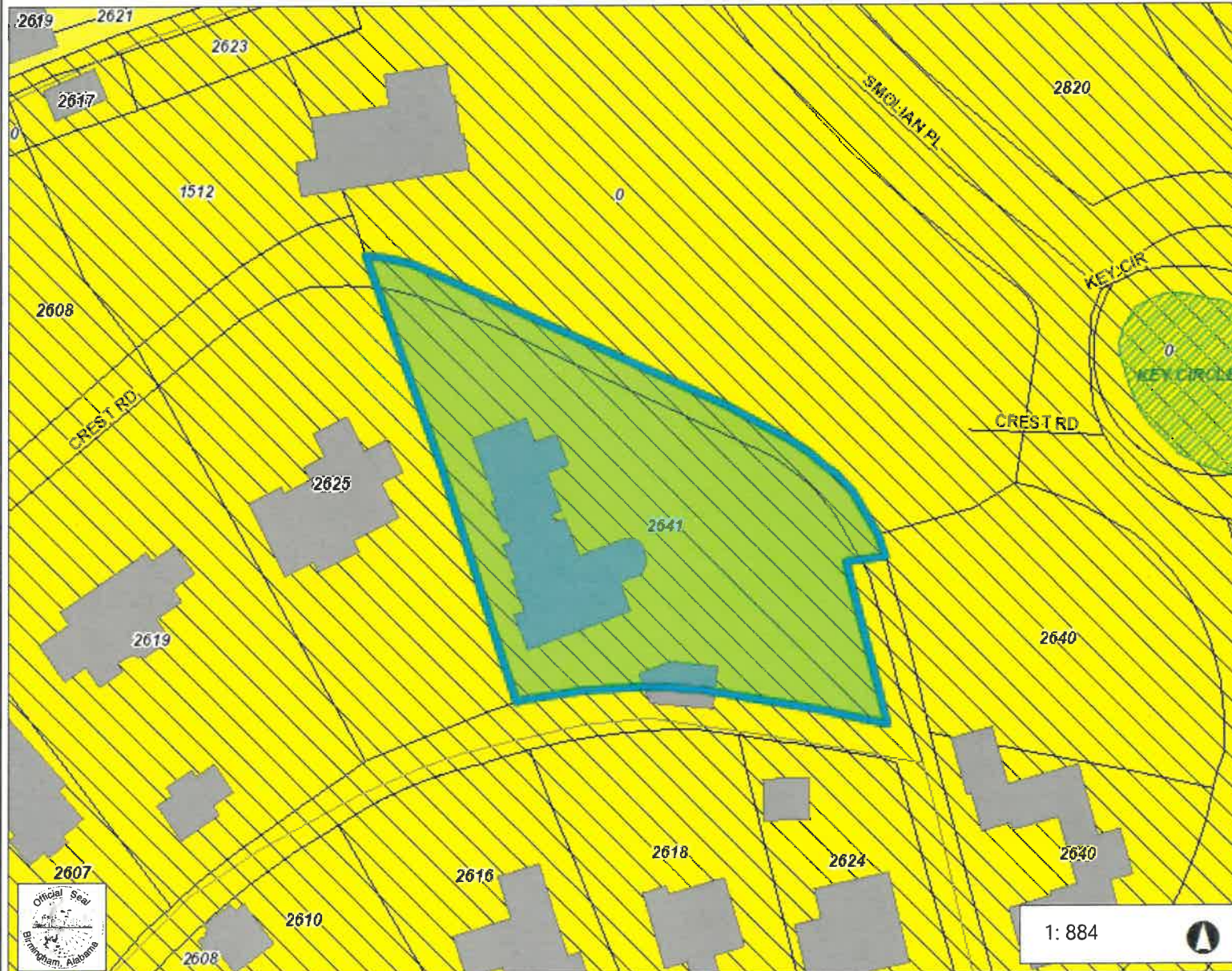
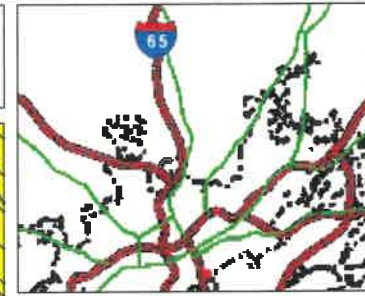
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  - R2;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



1: 884



Notes



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



147.4 0 73.70 147.4 Feet

1: 884

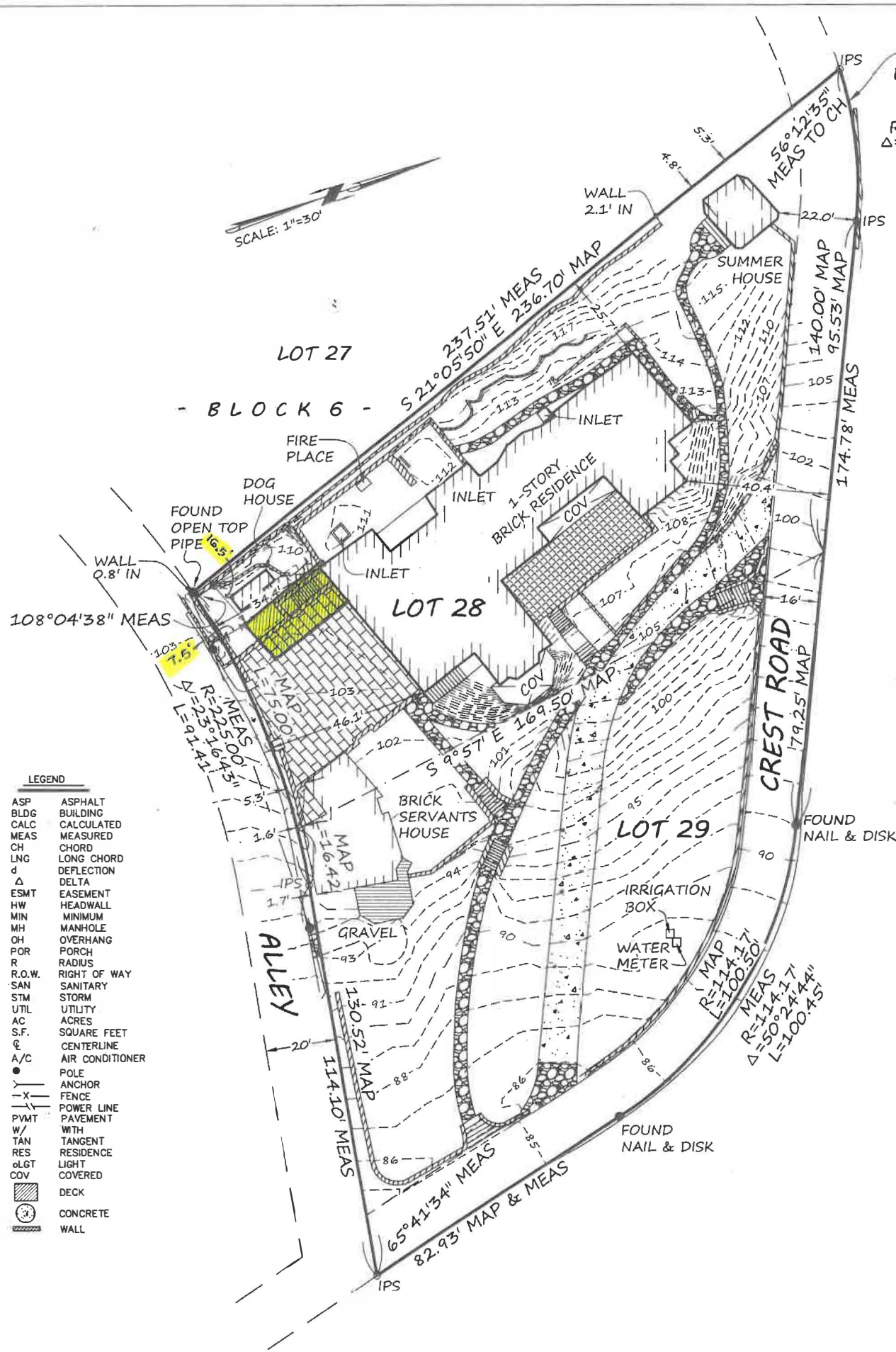


Notes





MAP  
 R=113.62'  
 L=44.47'  
 MEAS  
 R=113.62'  
 $\Delta=22^{\circ}25'30''$   
 L=44.47'



**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- $\Delta$  DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- $\bar{c}$  CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- X- FENCE
- POWER LINE
- PVMT PAVEMENT
- W/T WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▬ WALL

STATE OF ALABAMA)  
 JEFFERSON COUNTY)

"Closing Survey"

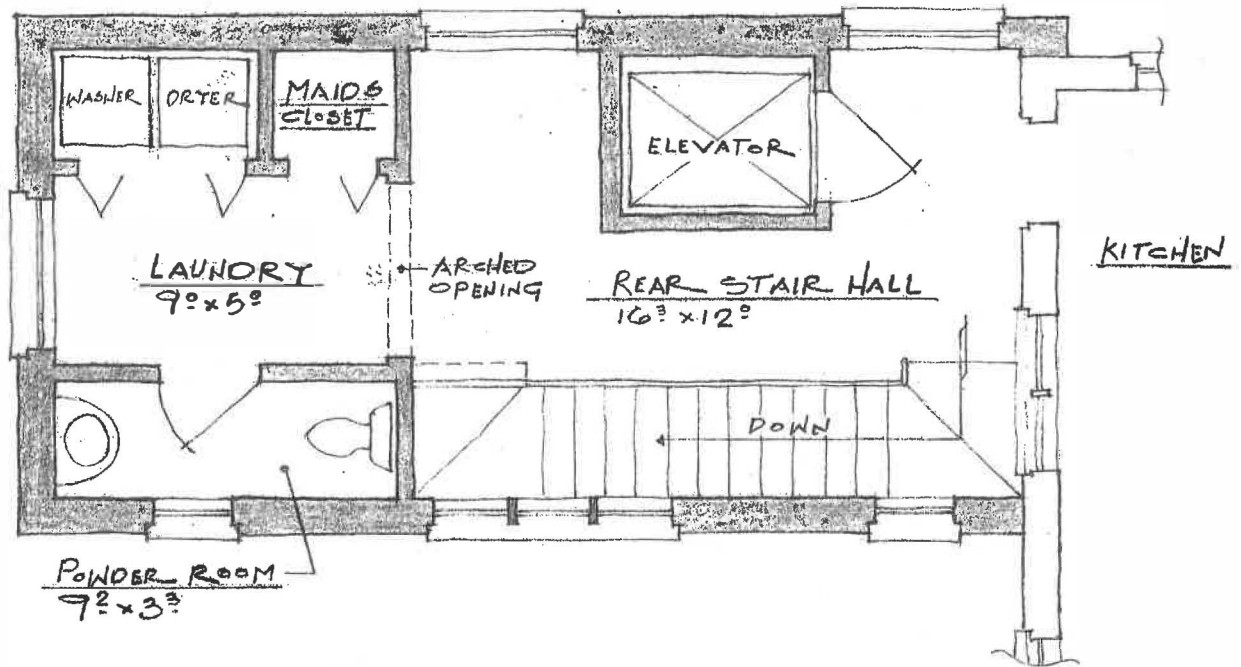
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lots 28 & 29 BLOCK 6, MILNER LAND CO'S SECOND ADDITION TO BIRMINGHAM, as recorded in Plat Book 10, Page 65, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby 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, according to my survey of MARCH 2, 2021. Survey invalid if not sealed in red.

Order No.: 20210160  
 Purchaser:  
 Address: 2841 CREST ROAD

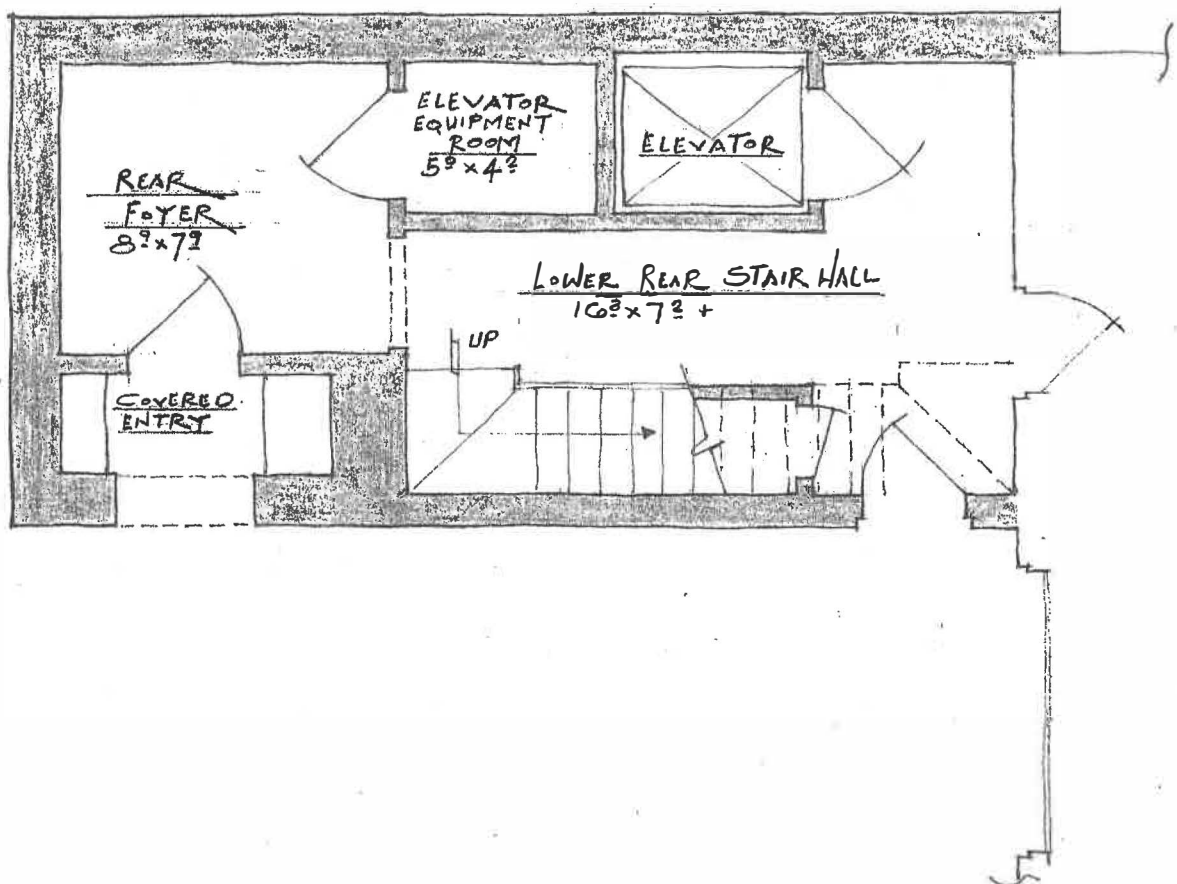
Ray Weygand, Reg. L.S. #24973  
 169 Oxmoor Road Homewood, AL 35209  
 Phone: (205) 942-0086 Fax: (205) 942-0087  
 Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



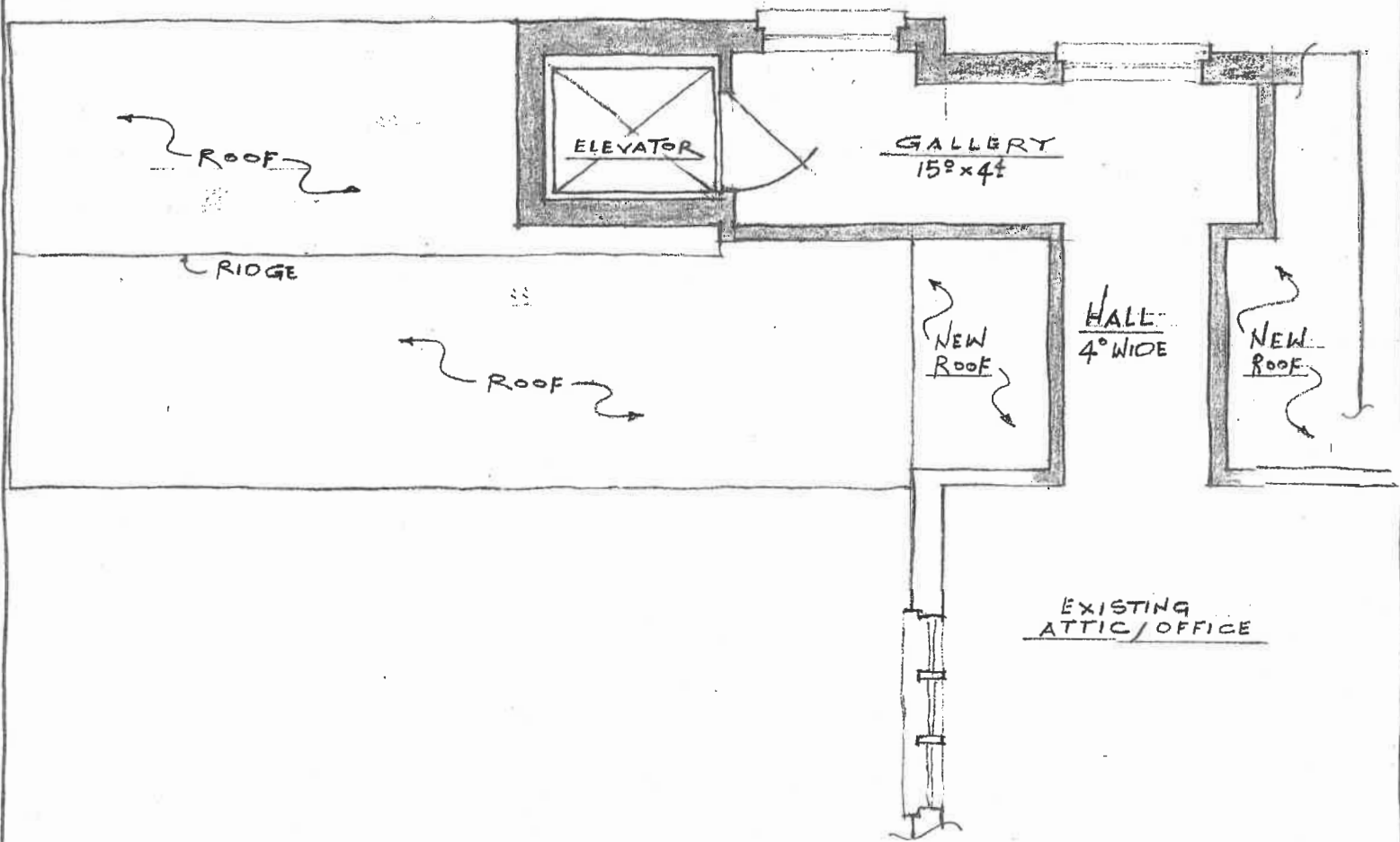
FIRST FLOOR PLAN SCALE. 1/4" = 1'-0"



LOWER LEVEL FLOOR PLAN SCALE. 1/4" = 1'-0"

AN ADDITION TO THE RESIDENCE OF  
MR. & MRS. RUSTY STEWART  
 COMM. # 3530 APRIL 12, 2021

HENRY SPROTT LONG & ASSOCIATES ARCHITECTS



UPPER LEVEL FLOOR PLAN SCALE = 1/4" = 1'-0"

AREAS

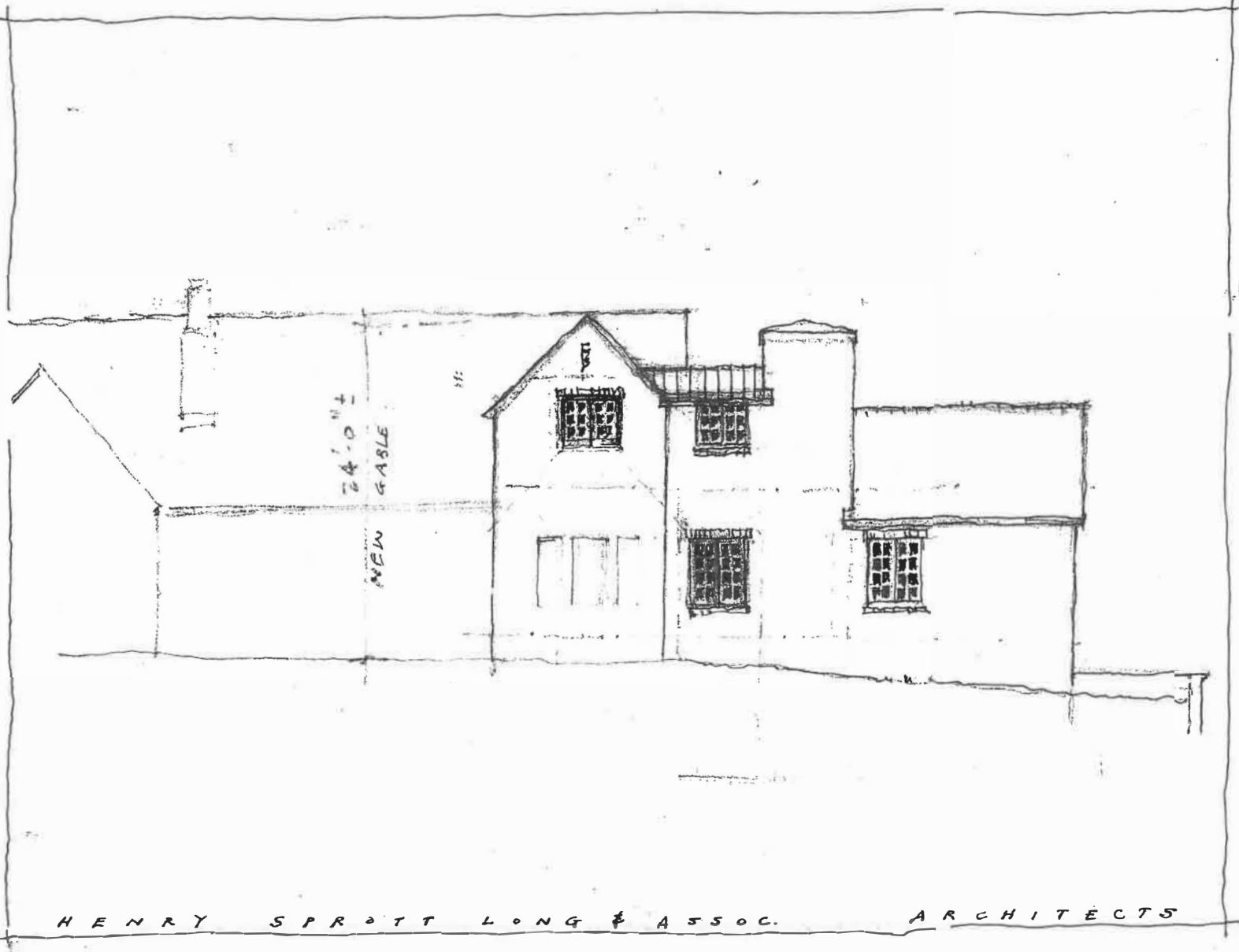
LOWER LEVEL FLOOR PLAN	379 SQ. FT.
FIRST FLOOR PLAN	379
UPPER LEVEL FLOOR PLAN	179
TOTAL -	937 SQ. FT.

AN ADDITION TO THE RESIDENCE OF  
MR. & MRS. RUSTY STEWART  
 COMM. # 3580 APRIL 12, 2024



HENRY SPROTT LONG & ASSOC.

ARCHITECTS



HENRY SPROTT LONG & ASSOC.

ARCHITECTS



HENRY SPROTT LONG & ASSOC. ARCHITECTS

Meeting – May 13, 2021  
Location - WebEx  
Time - 2:00PM  
Pre-Meeting - 1:00PM  
WebEx

---

Neighborhood: Rising- West Princeton                      Staff Planner Moton                      ZBA2021-00016

Request:                      Special Exception/Modification  
Applicant:                      Montego Temple  
Owner:                      NUK LLC  
Site Address:                      1709 3<sup>rd</sup> Ave W  
Zip Code:                      35208  
Description:                      Special Exception to allow 15 remote parking spaces within 1,000 ft and  
modification to allow 23(38) parking spaces instead of the required 64  
parking spaces.  
Property Zoned:                      B-2, General Business District  
Parcel Information:                      Parcel #: 012900042018001000, NW of Section 04, Township 18 S,  
Range 3 W

**Special Exception:**

Special Exception to allow 15 remote parking spaces within 1,000 ft.

**Modification:**

Modification to allow 23 parking spaces instead of the required 64 parking spaces.

**Neighborhood Meeting:**

The Rising-West Princeton Neighborhood Association; waiting on vote.

**Public Notices:**

Public notices were mailed on April 21, 2021.

**Staff Analysis:**

The parcel is located at 1709 3<sup>rd</sup> Ave W resides within the B-2, General Business District. The applicant is proposing a bar. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA; therefore, 64 parking spaces are required. The applicant shares a parking lot with a hair salon that requires 10 parking spaces. There are 33 spaces in the parking lot; therefore only 23 spaces are available for the bar and the applicant is requesting a parking modification. The applicant argument for the modification is that the additional parking is not needed because the hair salon would be close during the bar hours of operation 9pm to 2am; therefore, making all 33 parking spaces available as well as the parking located at 1700 3<sup>rd</sup> Ave W making 29 parking spaces available totaling 62 parking spaces in all. The applicant is also requesting a special exception to allow for 15 remote parking spaces located at 1700 3<sup>rd</sup> Ave W. There are 29 parking located at 1700 3<sup>rd</sup> Ave W; however, 14 of those parking spaces are dedicated to the existing hair salon so only 15 spaces are available for the remote parking. The applicant has provided us with a drafted parking agreement to utilize the 15 remote parking spaces. There is one other parking modification within the 1,320ft radius such as:

1. ZBA2005-00038, 1604 3<sup>rd</sup> Ave W, Modification to allow 10 off-street parking spaces instead of the 15 spaces required. **5 spaces lacking**

**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.
3. Recorded parking agreement within 90 days of approval from the Board.
4. Must resurvey the lots within 90 days of approval from the Board.



STATE OF ALABAMA            )  
  )

COUNTY OF JEFFERSON)

**PARKING AGREEMENT**

**THIS PARKING AGREEMENT** is made and entered into the 22 day of March, 2021, by and between Montego Temple d/b/a Mahogany Lounge and JB & Son d/b/a JB & Son.

**RECITALS**

**WHEREAS**, Montego Temple d/b/a Mahogany Lounge desires to operate a Lounge at 1709 3rd Ave. W., within a 14,000 square foot building and

**WHEREAS**, that Lounge will require a total of \_\_\_\_\_ paved and striped parking spaces and

**WHEREAS**, the property at 1709 3rd Ave. W. only contains \_\_\_\_\_ paved and striped parking spaces, and

**WHEREAS**, JB & Son d/b/a JB & Son operates a Salon at 1700 3rd Ave. W. and that business is located within a 1000 square foot building and therefore requires a total of \_\_\_\_\_ parking spaces and the property contains \_\_\_\_\_ paved and striped parking spaces, resulting in a surplus of \_\_\_\_\_ paved and striped parking spaces, and

**WHEREAS** JB & Son d/b/a JB & Son is within 300 feet of Mahogany Lounge and is willing to allocate and provide \_\_\_\_\_ paved and striped parking spaces to Montego Temple d/b/a Mahogany Lounge and JB & Son d/b/a JB & Son, agree to the following **ITEMS**:

1. That JB & Son d/b/a JB & Son will provide Montego Temple d/b/a Mahogany Lounge paved and striped parking spaces (**shown on the attached diagram**), to be available 24 hours a day/7 days a week.
2. That this agreement cannot be terminated by either property owner, verified by their signatures within this document, without the **prior approval and consent** of the Zoning Board of Adjustment of the City of Birmingham.
3. That this agreement must be recorded in the Office of the Probate Judge for Jefferson County for the Location listed in this agreement in order for it to be valid.

4. That a copy of the recorded agreement be given to the planning staff of the Department of Planning Engineering and Permits.

**NOTE:** Other items may be listed within this agreement, such as amount of payment, if any and/or any other notations that the property owners may want to have included in this agreement. However, it should be noted and emphasized, that **ITEMS #1, #2, #3, and #4** listed above are mandatory and that this agreement **CAN NOT** be **CHANGED, ALTERED, or TERMINATED**, without first obtaining the approval of such action from the **ZONING BOARD of ADJUSTMENT**.

**IN WITNESS WHEREOF**, the property owners, as listed below and by their signatures, have caused this parking agreement to be duly executed as of the day and year listed in the "Parking Agreement" section of this agreement.

\_\_\_\_\_  
(Name of the company or person to RECEIVE parking)

\_\_\_\_\_  
(Name of company or land owner to GIVE parking)

\_\_\_\_\_  
(Owner of property to RECEIVE parking)

\_\_\_\_\_  
(Owner of property to GIVE parking)

**NOTARY SEAL\* and SIGNATURE\* for both signatures listed above**

**PARCEL ID:** 012900042018001000

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

**DATE:** Monday, April 26, 2021 9:48:38 AM

**OWNER:** NUK LLC

**ADDRESS:** 225 CAHABA OAKS TRL

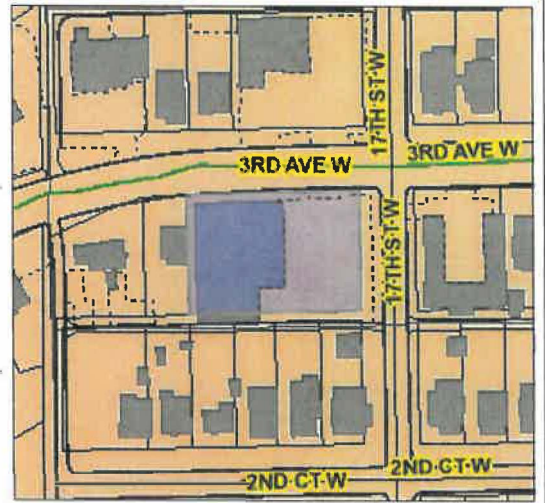
**CITY/STATE:** INDIAN SPRINGS AL

**ZIP+4:** 35124--3334

**SITE ADDR:** 1709 3RD AVE W

**CITY/STATE:** BHAM, AL

**ZIP:** 35208



**LAND:** \$84,000.00

**BLDG:** \$65,400.00

**OTHER:** \$0.00

**AREA:** 28,274.34

**ACRES:** 0.65

**SUBDIVISION INFORMATION:**

**NAME** COMPTON PLACE

**BLOCK:** 52

**LOT:** 8-11

:

**Section:** 4-18-3W

**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:** Rising - W. Princeton (2004)

**Communities:** West End (20)

**Council Districts:** District - 8 (Councilor: Steven W. Hoyt)

**Zoning Outline:** B2

**Demolition Quadrants:** DEM Quadrant - 1

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

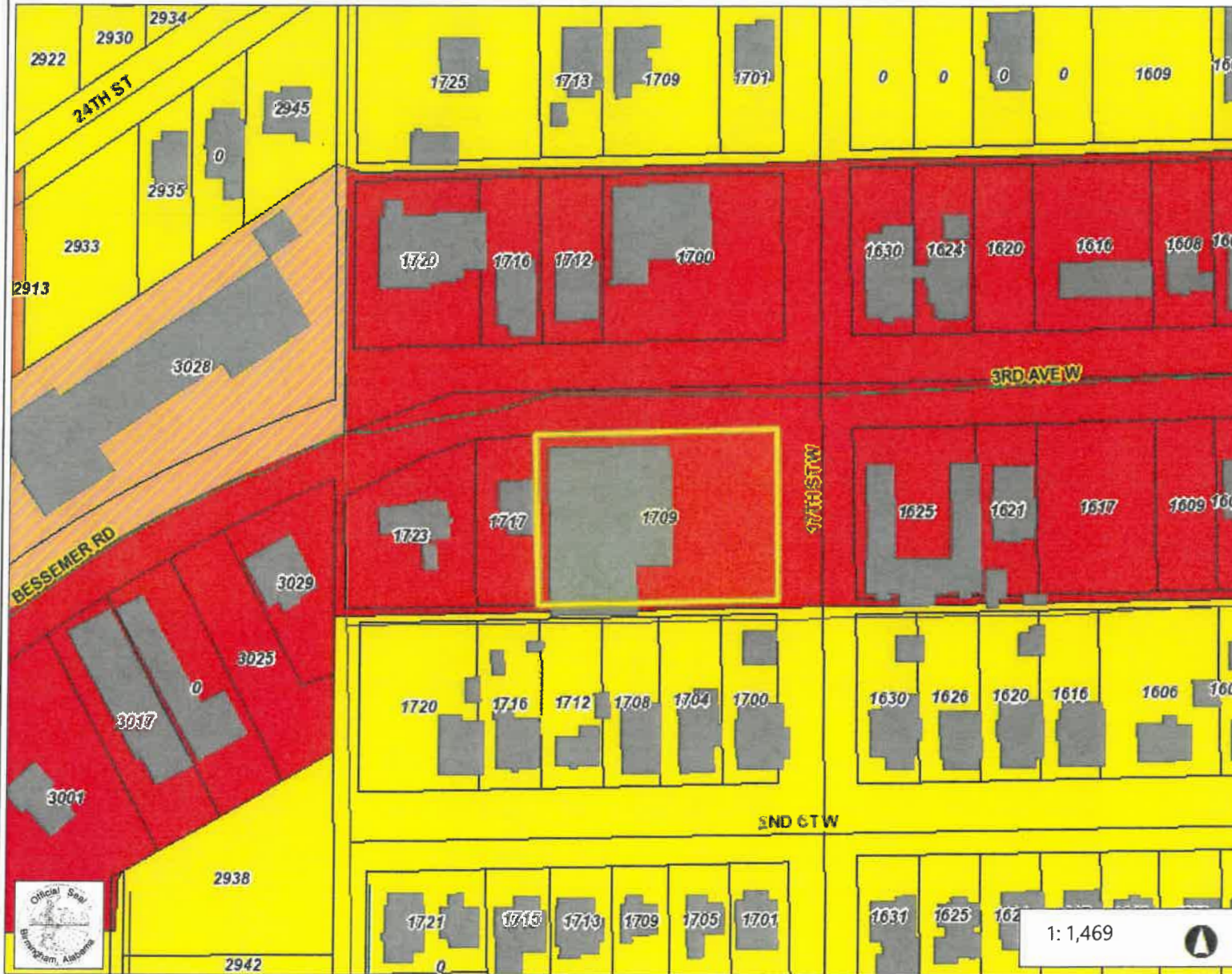
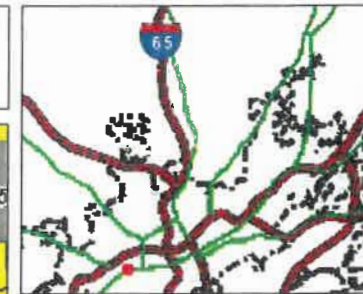
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** In Opportunity Zones

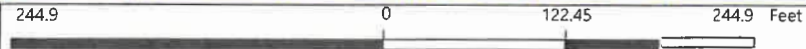
**Judicial Boundaries:** JEFFERSON

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.



Legend

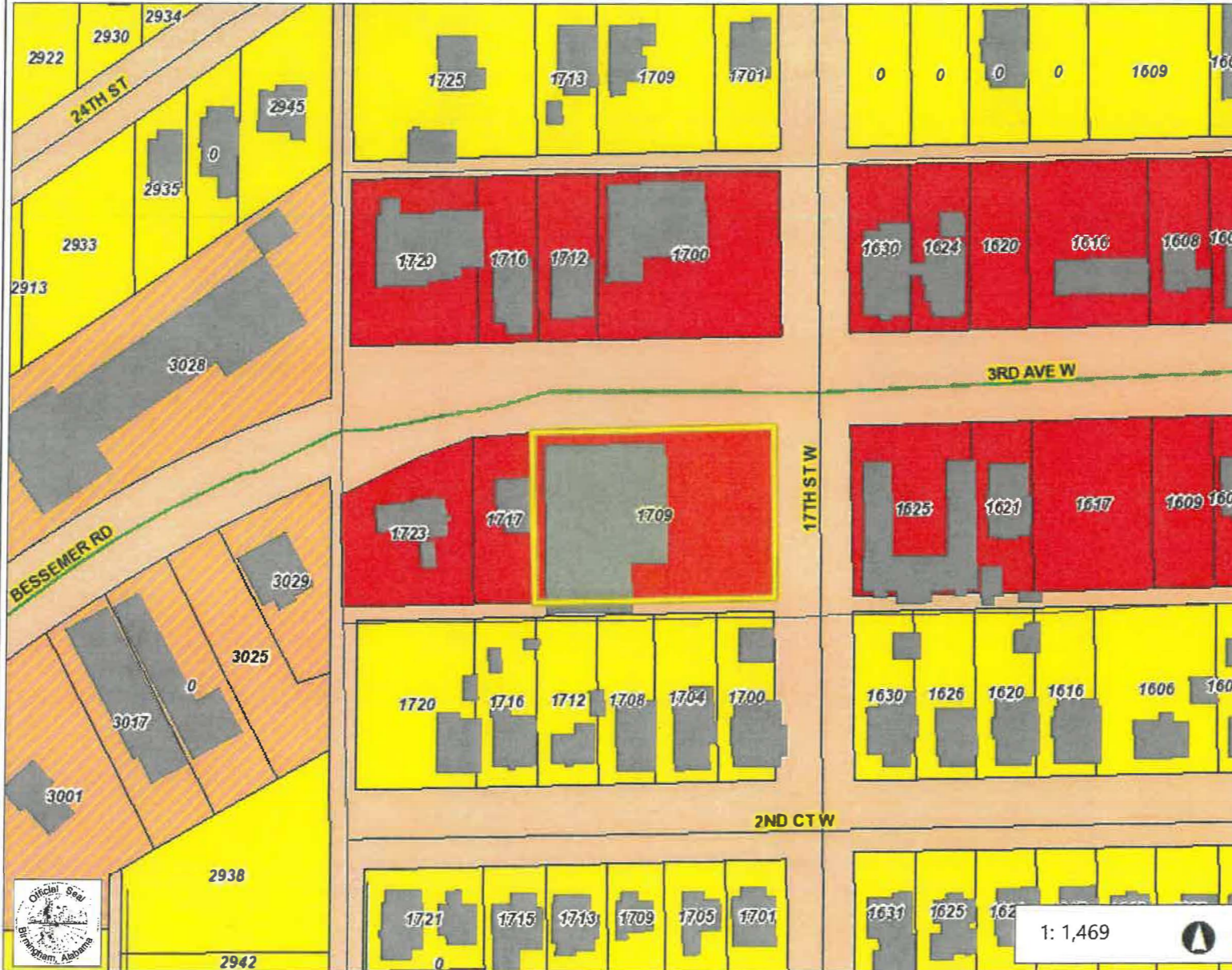
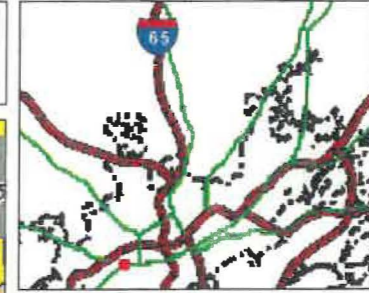
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  - R2;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



1:1,469

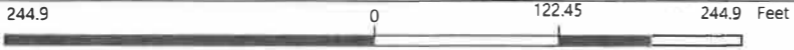
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



**Legend**

- Centerline Labels
- Railroad
- 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



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**

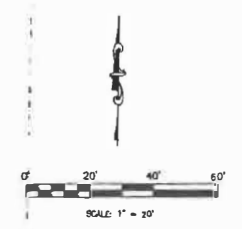
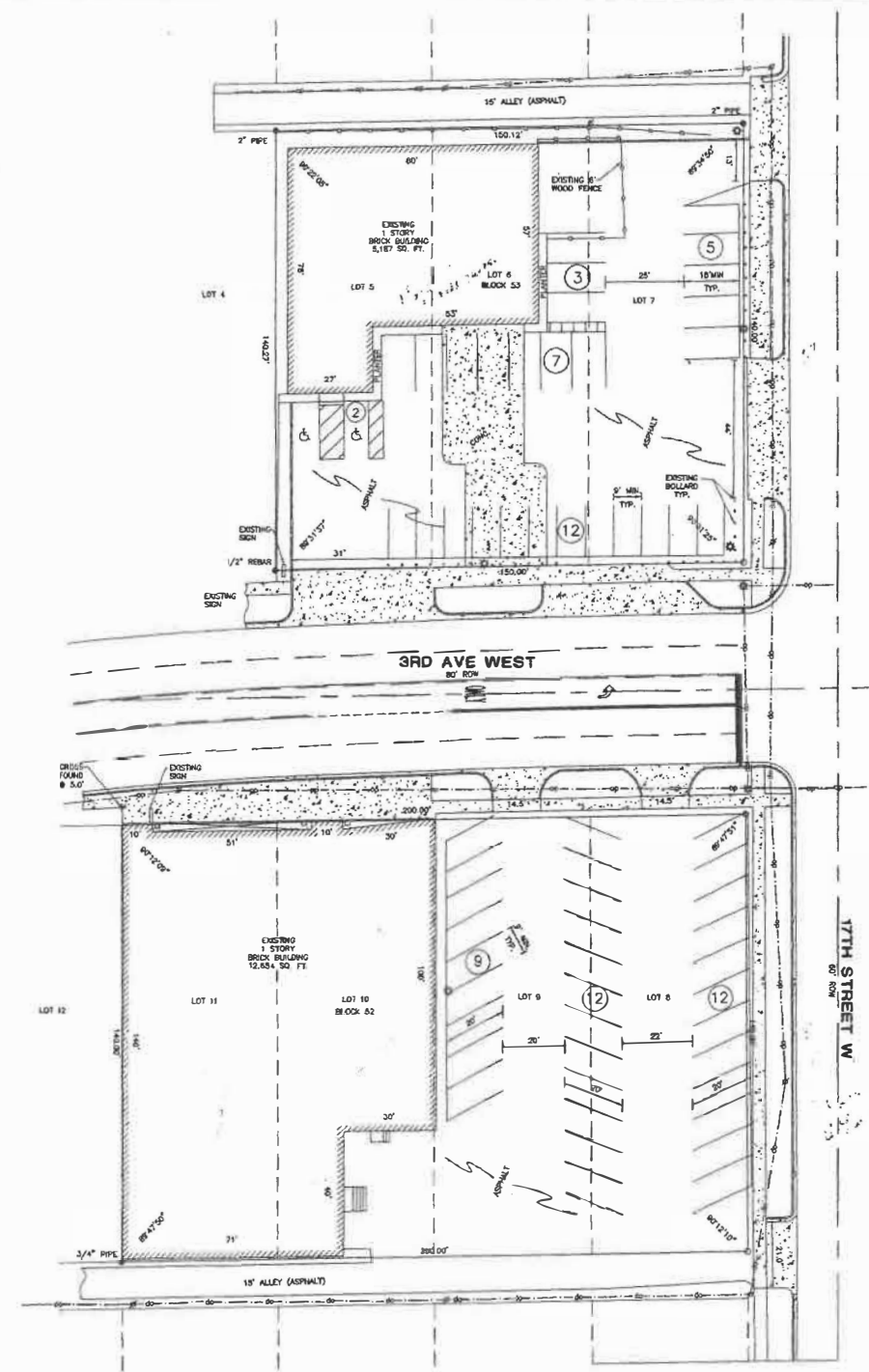
1: 1,469

**Notes**

Google Maps 1709 3rd Ave W



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 50 ft



**LEGEND**

● - IRON PIN FOUND	□ - CONCRETE
○ - 1/2" REBAR SET WITH CAP STRAPED	◆ - LEAD POLE
○ - IRON AND BOLT	○ - SEED
○ - UTILITY POLE	- - - - - NOT TO SCALE
POW - RIGHT OF WAY	AC - ACRES
▲ - CALCULATED POINT	⊕ - CENTERLINE
--- - BARBED WIRE FENCE	CLB - SEED BOOK
- - - - - OVERPASS POWER LINE	MLB - MAP BOOK
□ - FIRE HYDRANT	P.L. - PLAT BOOK
○ - BULKY WARE	PCB - POINT OF BEGINNING
○ - SANITARY SEWER MANHOLE	POC - POINT OF COMMENCEMENT
□ - POWER BOX	POE - POINT OF EVIDENCE
○ - TELEPHONE BOX	

STATE OF ALABAMA  
JEFFERSON COUNTY

I hereby state that this survey and drawings have been prepared in accordance with the current requirements of the State of Alabama to the best of my knowledge, information and belief.

Lot 5, 6 & 7, Block 53 and Lot 8, 9, 10 & 11, Block 52, according to the survey of DON PROFFER, as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 10, Page 17.

That there are no rights-of-way easements, joint driveway or encroachments, over or across land, visible on the surface or shown on recorded maps, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (including wires which serve the premises and) or structures or supports therefor, extending poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard zone and is shown in a "Zone X" on the Flood Insurance Rate Map for this area (Map No. DT17X220003H, dated March 21, 2016).

GIVEN UNDER MY HAND AND SEAL, this 18th day of March, 2021.

*William D. Callahan, Jr.*  
William D. Callahan, Jr., P.L.S.  
Al. Reg # 25231



**South Central Surveying, LLC**  
RESIDENTIAL & COMMERCIAL LAND SURVEYING  
198 SUNSET TRAIL  
ALABAMA 36807  
PHONE 205-228-8000  
FAX 205-228-8000  
EMAIL: buck@southcentralsurveying.com

PROJECT: BOUNDARY SURVEY/SITE PLAN  
BLOCK 52 & 53  
MONTICELLO PLACE  
MONTICELLO, ALABAMA

1 of 1

PROJECT NO: 20-12049

3RD AVE WEST  
80' ROW

ONLY

CROSS  
FOUND  
@ 5.0'

EXISTING  
SIGN

EXISTING  
1 STORY  
BRICK BUILDING  
12,654 SQ. FT.

LOT 12

LOT 11

LOT 10  
BLOCK 52

LOT 9

LOT 8

17TH STREET W  
60' ROW

3/4" PIPE

ASPHALT

*Handwritten notes:*  
33  
14/10  
APPROX - 19  
"AN RAILROAD"

