

Meeting – May 27, 2021
Location - WebEx
Time - 2:00PM
Pre-Meeting - 1:00PM
WebEx

Neighborhood: Crestwood South Staff Planner Moton ZBA2021-00010

Request: Special Exception
Applicant: Richard Muylers
Owner: Kishore & Pravin Kotian
Site Address: 7040 Crestwood Blvd
Zip Code: 35213
Description: Special Exception to allow automobile parking pursuant to Title 1,
Chapter 4, Section 6.A.
Property Zoned: CB-2 Contingency General Business District and R-2, Single Family
District
Parcel Information: Parcel #:012300271002001000, NE of Section 27, Township 17 S, Range
2 W

Modification:

Special Exception to allow automobile parking.

Neighborhood Meeting:

The Crestwood Neighborhood Association; waiting on vote.

Public Notices:

Public notices were mailed on April 27, 2021.

Staff Analysis:

The parcel is located at 7040 Crestwood Blvd resides within the CB-2, Contingency General Business District and R-2, Single Family District. The adopted land use plan suggest that the entire property would be rezoned to commercial in the future. The applicant is purposing a new convenience store. The convenience store would be built on the portion that is zoned CB-2, which allows that use; however, some of the parking would be situated in the portion that is zoned R-2. A special exception would be required with the applicant meeting the following conditions:

1. Parking area shall adjoin a commercial, manufacturing or industrial district.
2. All of the adjoining parking area is owned by and for the benefit of the adjoining commercial, manufacturing or industrial use only.
3. When a parking area is located adjacent to a dwelling district, a landscape buffer shall be required per Chapter 6, Article III of this Ordinance.

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 and certificate of occupancy obtain within two years of approval from the Board.
3. Approved per plans submitted.

PARCEL ID: 012300271002001000

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

DATE: Monday, April 5, 2021 1:19:22 PM

OWNER: GRANTS MILL SHOPPING CENTER LP

ADDRESS: 7061 NORTH HIGHFIELD DRIVE

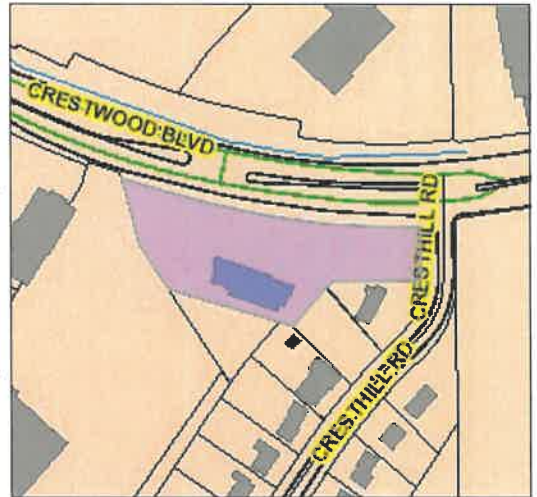
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35242

SITE ADDR:

CITY/STATE: , AL

ZIP:



LAND: \$479,600.00

BLDG: \$272,100.00

OTHER: \$0.00

AREA: 78,143.56

ACRES: 1.79

SUBDIVISION INFORMATION:

NAME

BLOCK:

LOT:

:

Section: 27-17-2W

Land Slide Zones: 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: Crestwood So (402)

Communities: Crestwood (4)

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

Zoning Outline: CB2; R2

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

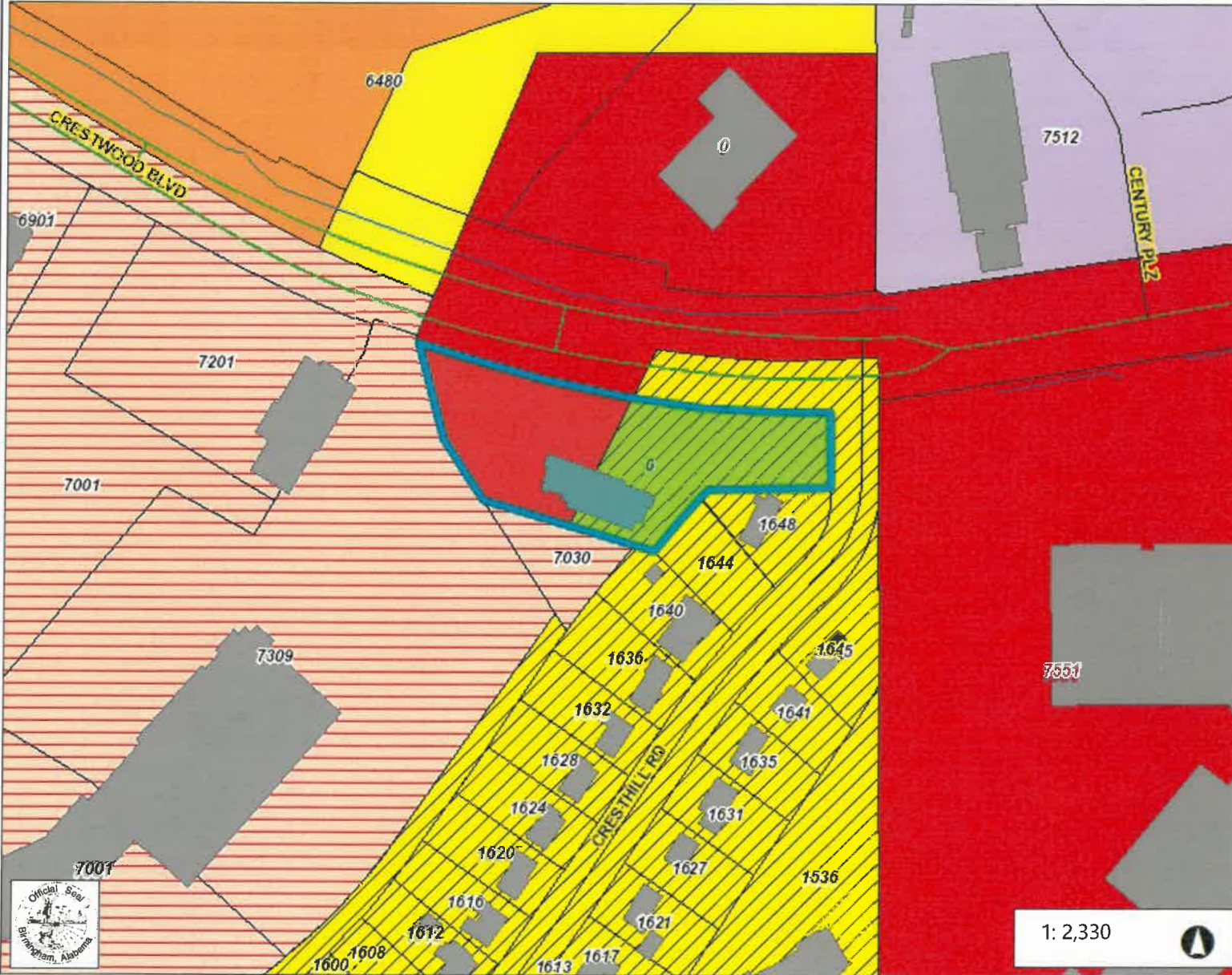
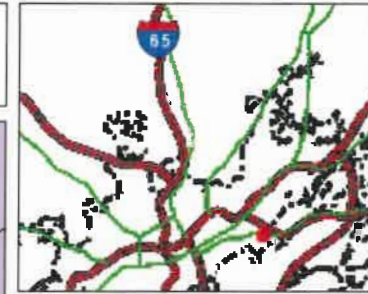
Tax Delinquent Property: Not in Tax Delinquent Property

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
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- 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



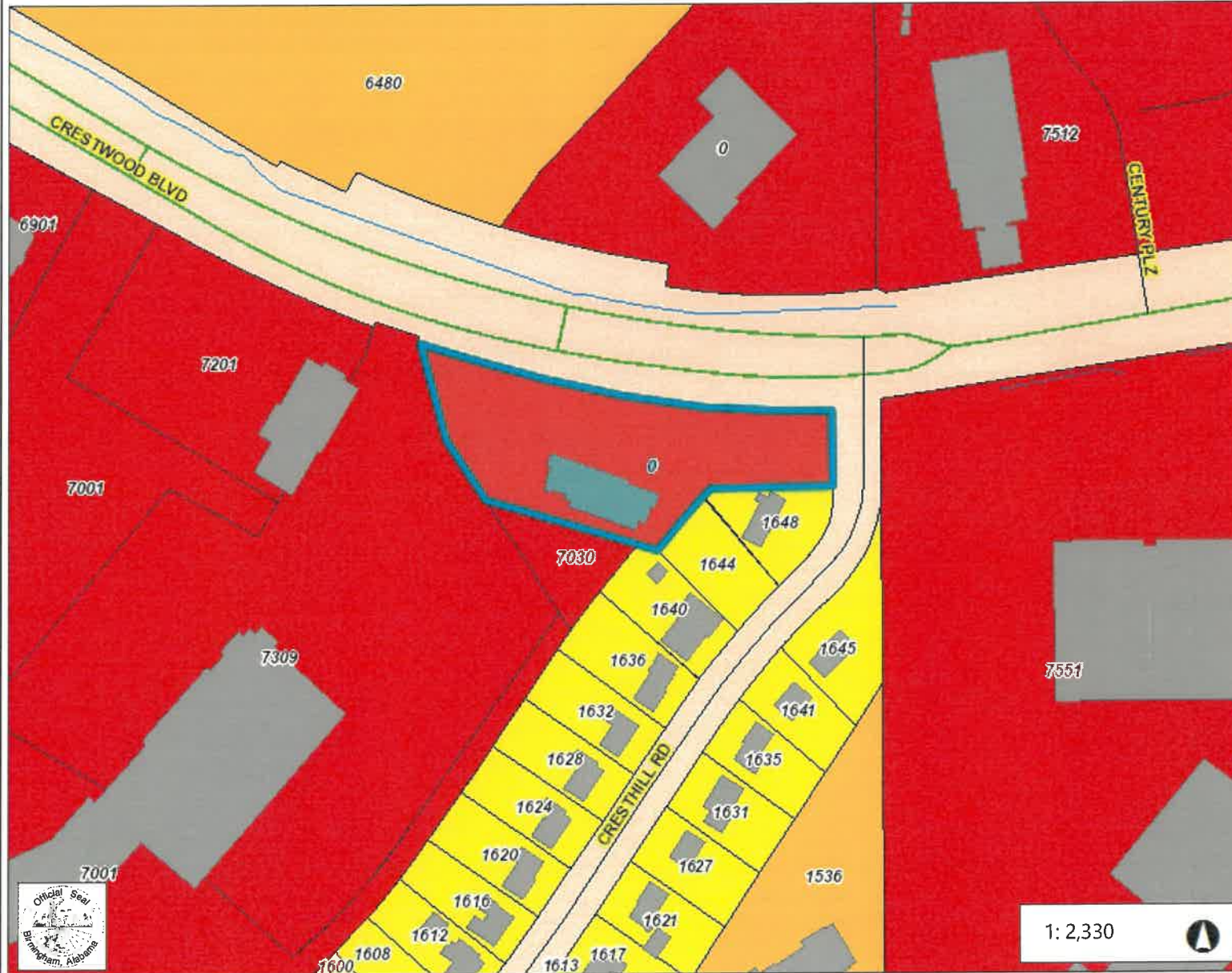
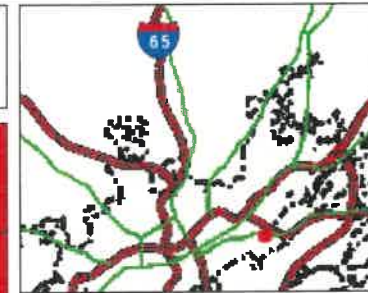
388.3 0 194.16 388.3 Feet

1: 2,330



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

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- US Highways
- Interstates
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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 2,330



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Notes

Google Maps 7040 Crestwood Blvd



**Convenience Store
 @ 7040 Crestwood Blvd**
 Irondale, Alabama

Sheet Title:

Preliminary
 Layout

Revisions:

File:

Preliminary

Date:

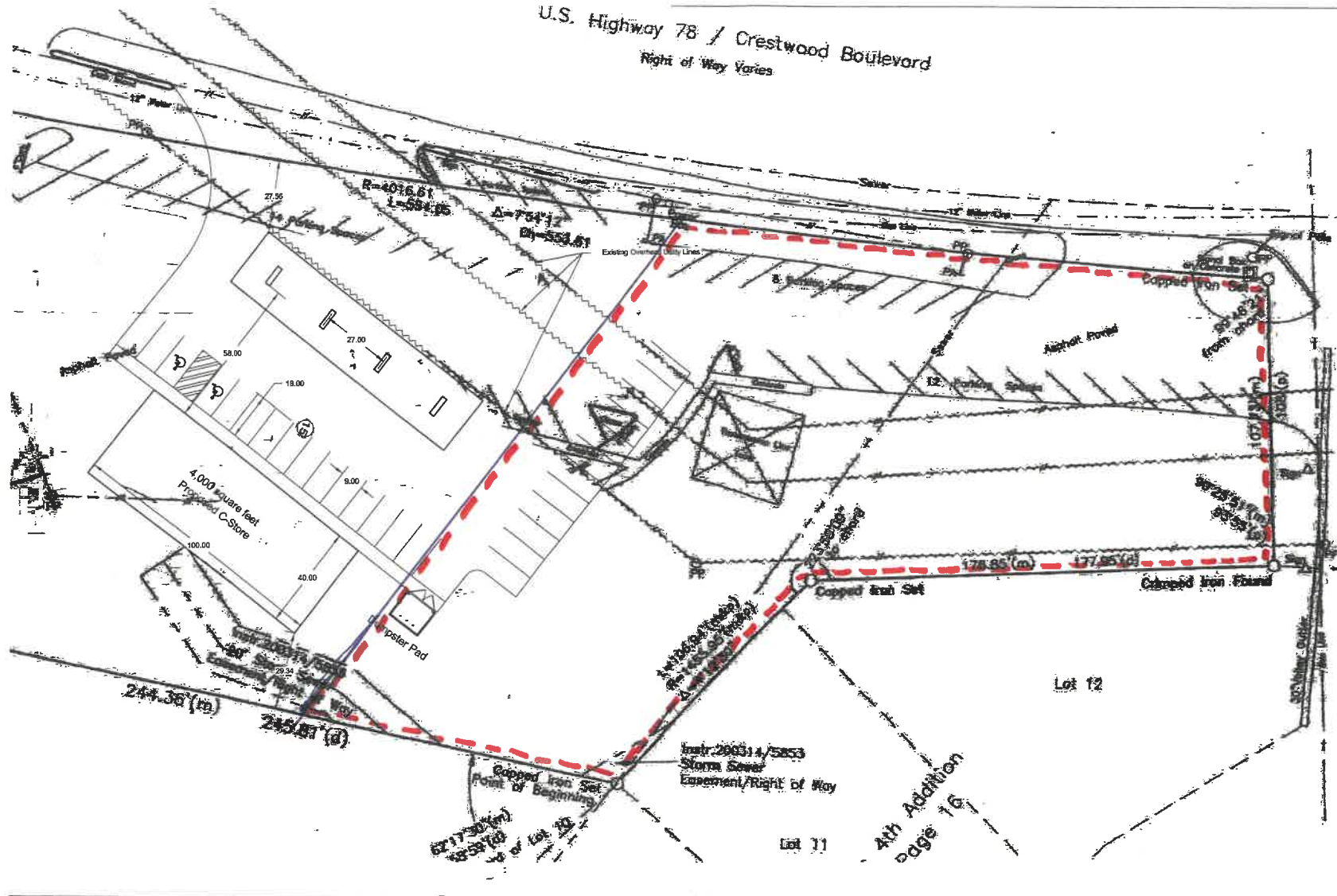
March 15, 2021

Scale:

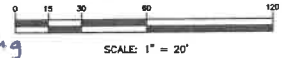
1"=20'

Drawing:

PL1.0



--- = Residential zoning per City of Birmingham Online Mapping





Pressnell & Sons, Inc.
1703 McConnell Lane
Mount Olive, AL 35117
P: 205.876.4535
F: 205.417.2507

Engineer

Convenience Store @ 7040 Crestwood Blvd Irondale, Alabama

Sheet Title:

Preliminary
Layout

Revisions:

File:

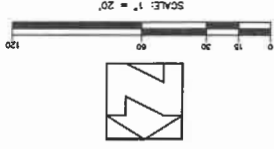
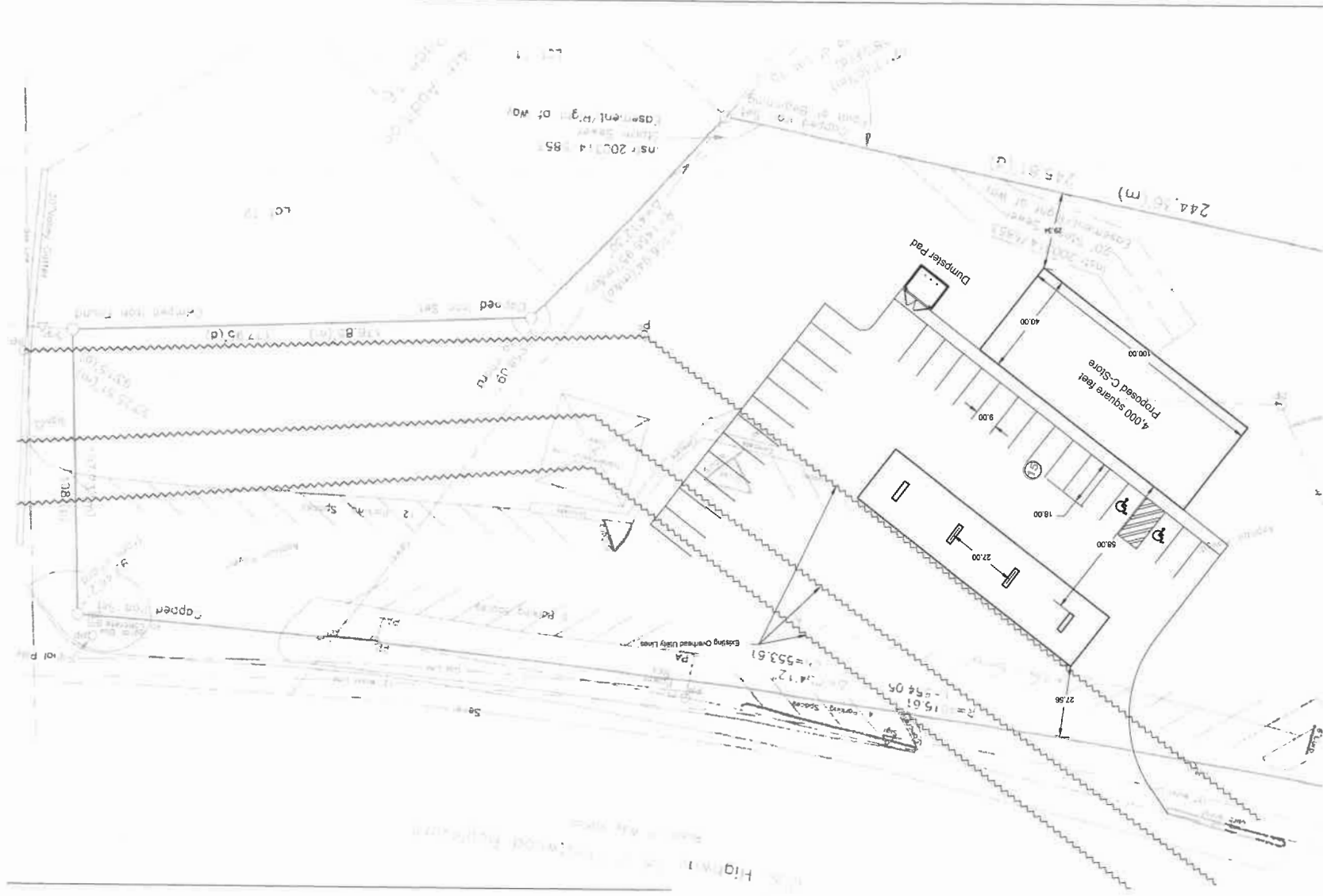
Preliminary

Date: March 15, 2021

Scale: 1"=20'

Drawing:

PL1.0



Meeting – May 27, 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 3rd 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 May 19, 2021.

Staff Analysis:

The parcel is located at 1709 3rd 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 3rd 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 3rd Ave W. There are 29 parking located at 1700 3rd 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 3rd 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, 20 21, 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

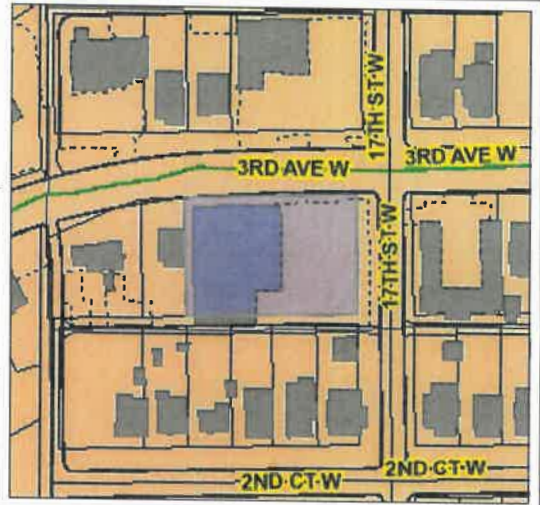
CITY/STATE: INDIAN SPRINGS AL

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

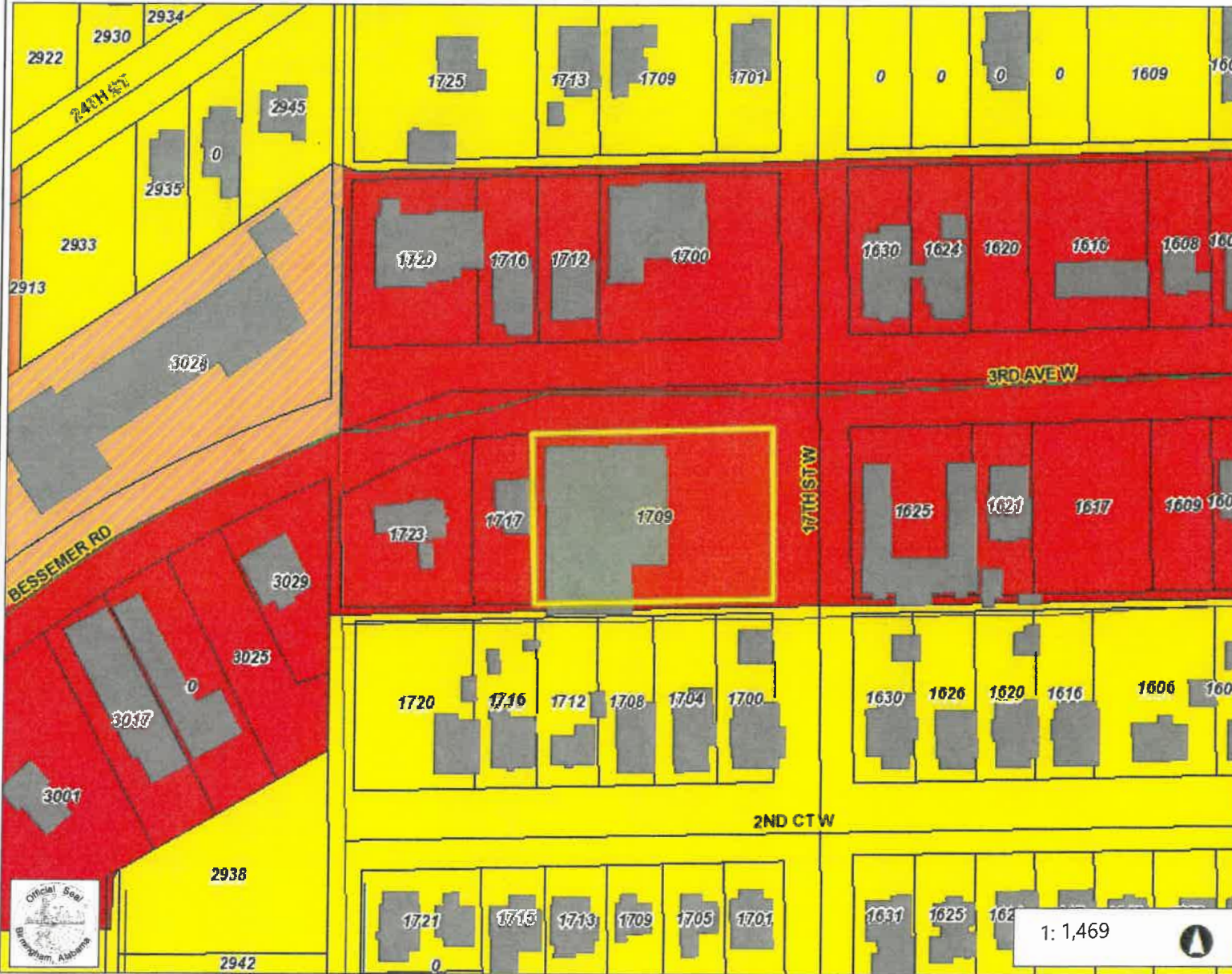
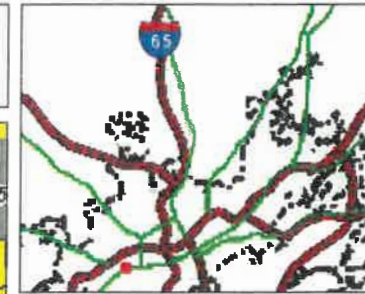
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

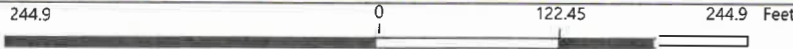
Judicial Boundaries: JEFFERSON

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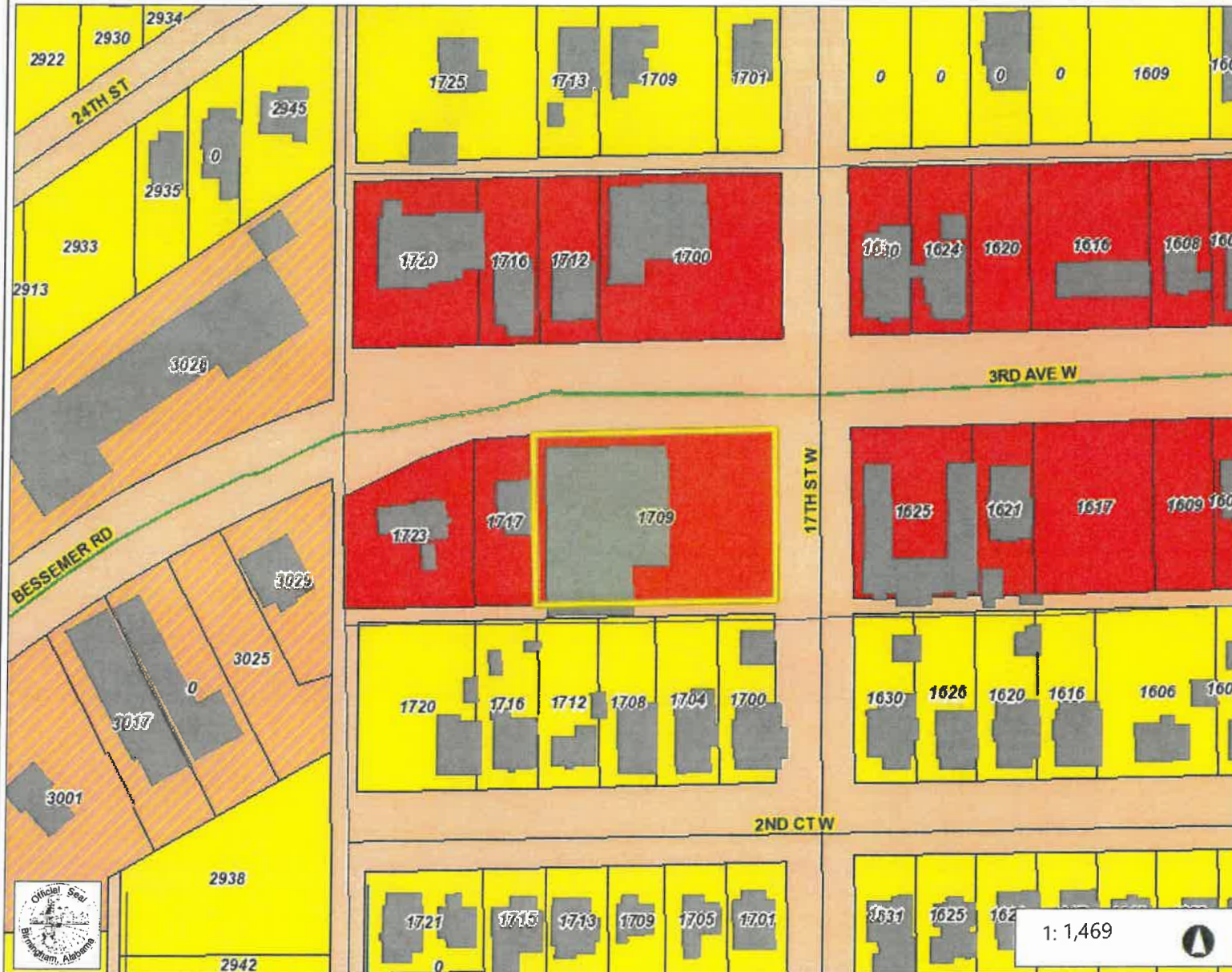
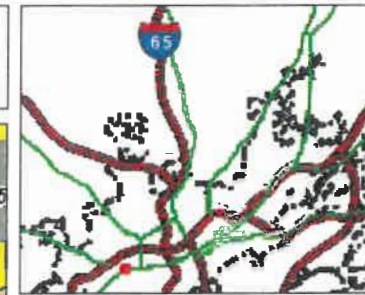
- Centerline Labels
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- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - Single Family District - Cla
 - R3; D3 - Single Family District; R3
 - R4; D4 - Two Family District; R4
 - R4A - Multiple Dwelling District
 - R5; D5 - Multiple Family District; D5
 - R6; D6 - Multiple Family District
 - R7 - Multiple Family District



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1: 1,469

Notes



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

244.9 0 122.45 244.9 Feet

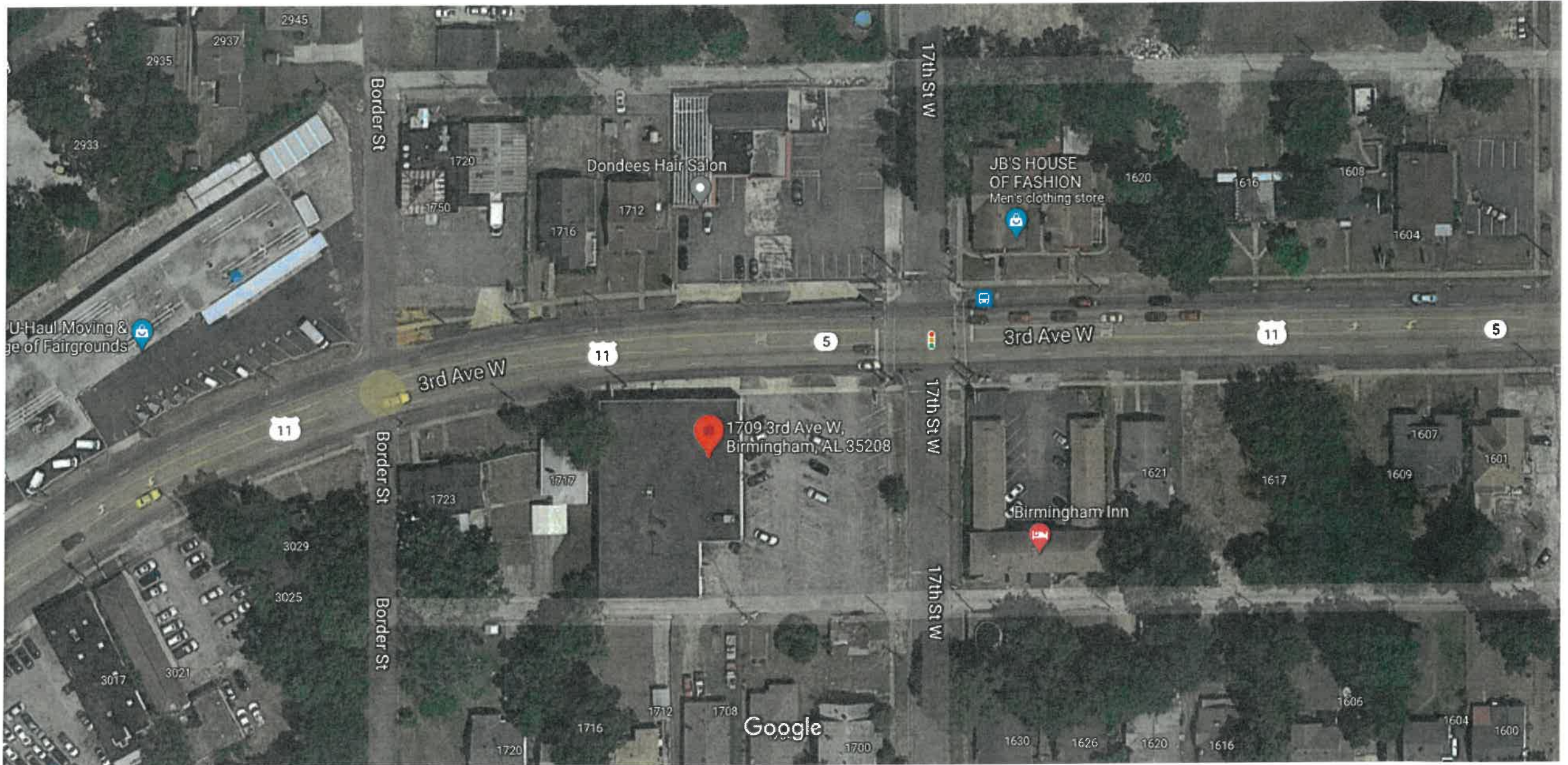
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1: 1,469

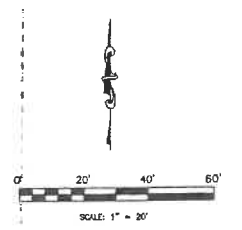
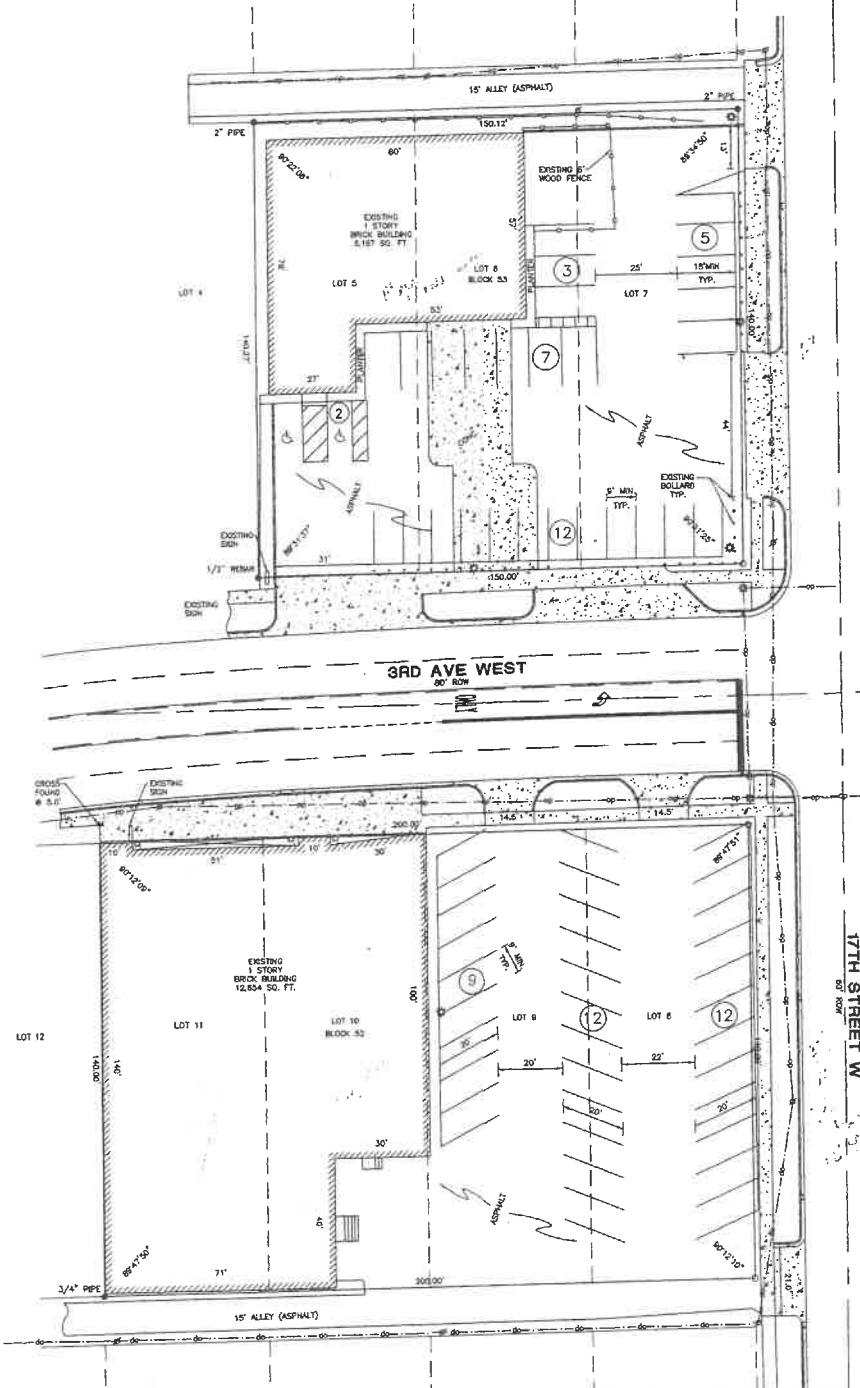


Notes

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" IRON SET WITH GIP STAMPED	☆ - LIGHT POLE
⊙ - IRON WIRE SET	— - NOT TO SCALE
— - UTILITY POLE	AC - ACRES
— - RIGHT OF WAY	C - CENTERLINE
▲ - CALCULATED POINT	D.B. - DEED BOOK
— - IRON WIRE FENCE	M.S. - MAP BOOK
— - OVERHEAD POWER LINE	P.B. - PLAT BOOK
○ - FIRE HYDRANT	P.C. - POINT OF BEGINNING
○ - WATER VALVE	P.O.C. - POINT OF COMMENCEMENT
⊙ - SANITARY SEWER MANHOLE	P.O.C. - POINT OF BEGINNING
⊙ - POWER BOX	
⊙ - TELEPHONE BOX	

STATE OF ALABAMA
JEFFERSON COUNTY

I hereby state that this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveyors in the State of Alabama to the best of my knowledge, information and belief.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across lots, lots, blocks or the surface of them on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (including wire which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard area and is shown in a "Zone X" on the Flood Insurance Rate Map for this area (Map No. 01073C03088B, dated March 21, 2018).

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

William D. Colahan, Jr.
William D. Colahan, Jr., P.L.S.
AL Reg # 28251



South Central Surveying, LLC
RESIDENTIAL & COMMERCIAL LAND SURVEYING
1000 W. SUNSET BLVD.
ALABAMA ALABAMA 36607
PHONE 205-229-1983
EMAIL: buck@southcentralsurveying.com

PROJECT: BOUNDARY SURVEY SITE PLAN
BLOCK 52 & 53
DAMPION PLACE

CREATED BY: MONTEGO TEMPLE

DWG. No.: 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

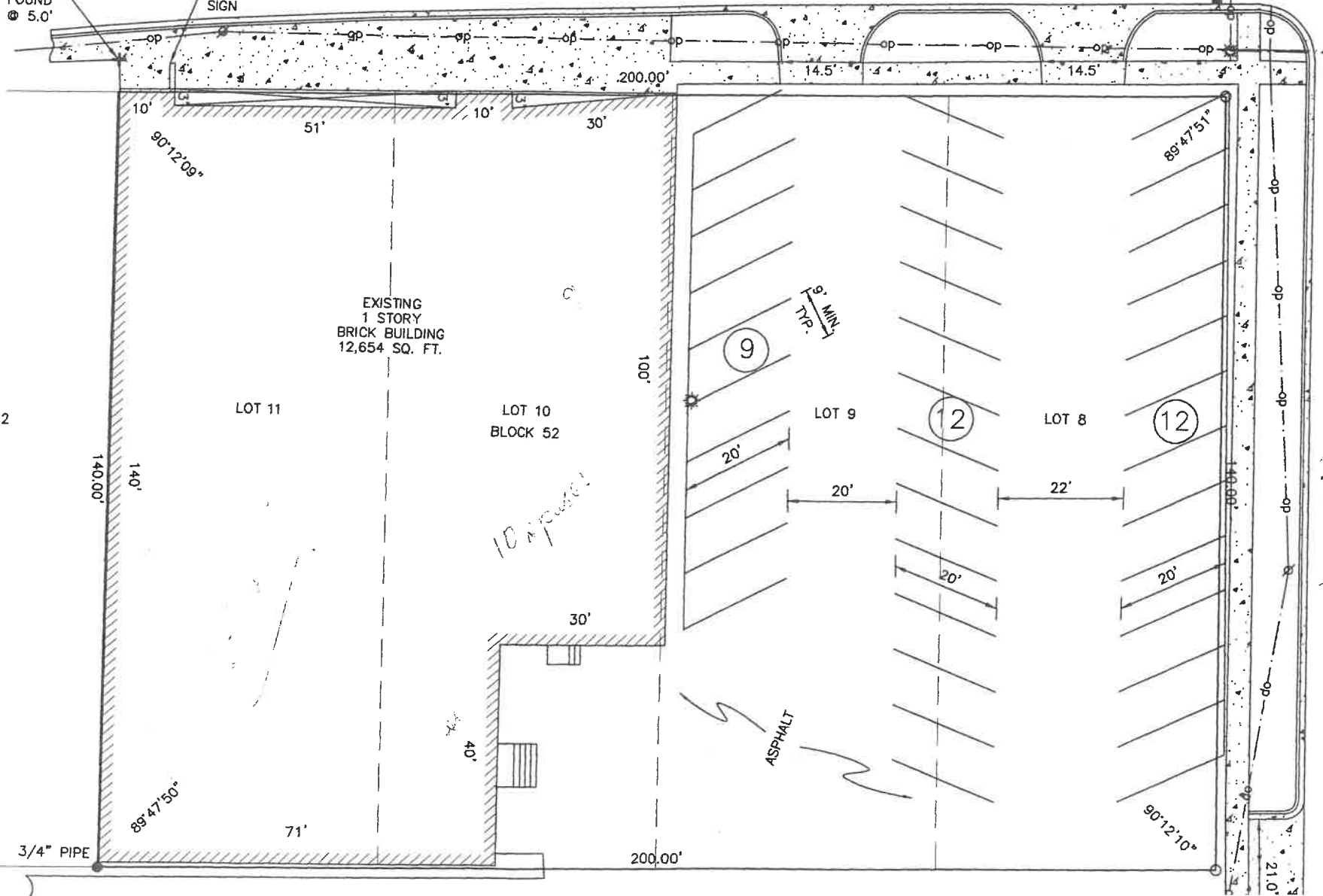
LOT 11

LOT 10
BLOCK 52

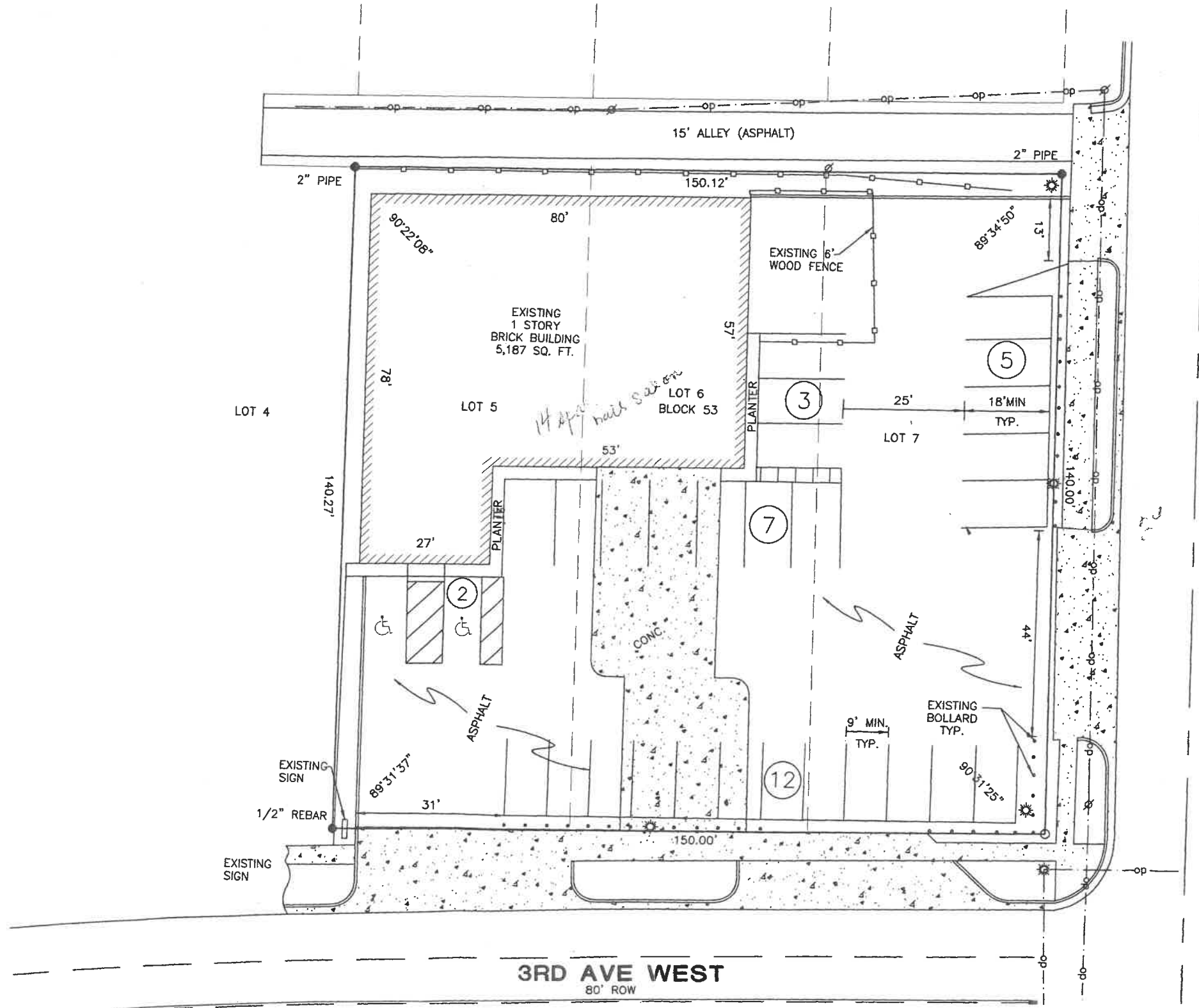
LOT 9

LOT 8

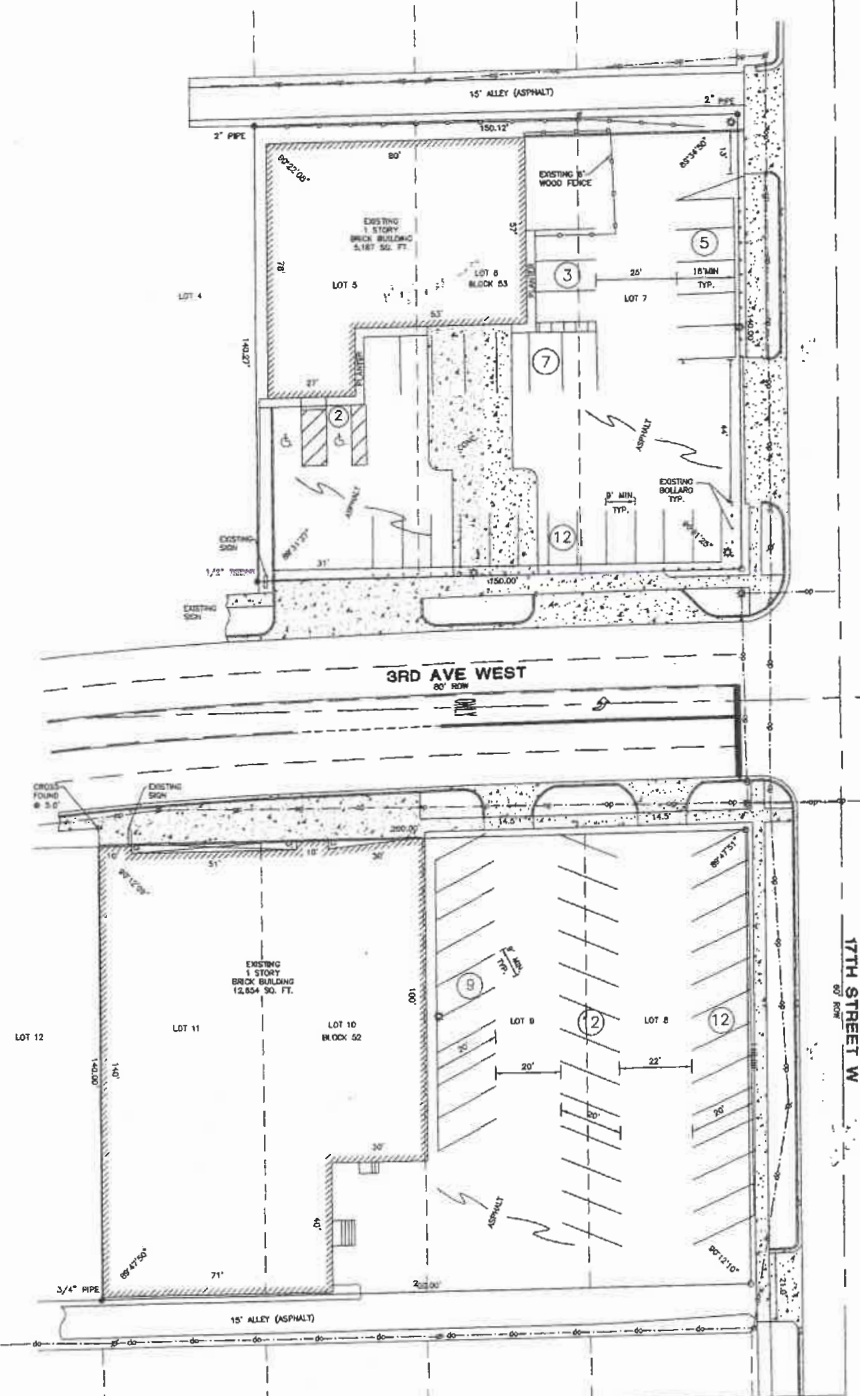
17TH STREET W
60' ROW



33
14/16
APPROX
10' ASPHALT



3RD AVE WEST
80' ROW



LEGEND

● - IRON PIN FOUND	▨ - CONCRETE
○ - 1/2" IRON SET WITH CAP SCAMPED	⊙ - LIGHT POLE
◆ - MAG. NAIL SET	— - NOT TO SCALE
⊗ - UTILITY POLE	AC - ACRES
— - RIGHT OF WAY	CL - CENTERLINE
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— - BURIED WIRE FENCE	M.D. - MAP BOOK
— - EXISTING POWER LINE	P.S. - PLAT BOOK
⊕ - FIRE HYDRANT	PL - PLAT
⊕ - WATER VALVE	PO - POINT OF BEGINNING
⊕ - SANITARY SEWER MANHOLE	POC - POINT OF COMMENCEMENT
⊕ - POWER BOX	POE - POINT OF EMBODIMENT
⊕ - TELEPHONE BOX	

STATE OF ALABAMA
JEFFERSON COUNTY

I hereby state that 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.

Lot 5, 6 & 7, Block 53 and Lot 8, 9, 10 & 11, Block 52, according to the survey of COMPTON PLACE, 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 map, except as shown that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises on) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard area and is shown in a Zone "X" on the Flood Insurance Rate Map for this area (Map No. 0107322383AH, 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. # 28221

South Central Surveying, LLC
RESIDENTIAL & COMMERCIAL LAND SURVEYING
138 SUVIST FIELD
ALABAMA
PHONE: 205-228-1487
FAX: 205-228-1488
EMAIL: info@southcentralsurveying.com

PROJECT: BOUNDARY SURVEY/SITE PLAN
BLOCK 52 & 53
COMPTON PLACE

DRAWN BY: MONTEGO TEMPLE

DATE: 1 of 1

PROJECT NO.: 20-12049

Meeting – May 27, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: South Eastlake

Staff Planner Moton

ZBA2021-00017

Request: Variance
Applicant: Beav Gregory
Owner: Freedom Rain
Site Address: 7916 2nd Ave S
Zip Code: 35206
Description: Variance to allow a 10ft wooden fence in the front yard area and a 8ft chain link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182
Property Zoned: MUL, Mixed-Use Low
Parcel Information: Parcel #: 012300113022002000, SW of Section 11, Township 17 S, Range 2 W

Variance:

Variance to allow a 10ft wooden fence in the front yard area and a 8ft chain link fence in the front yard area.

Neighborhood Meeting:

The South East Lake Neighborhood Association; waiting on the vote.

Public Notices:

Public notices were mailed on May 4, 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 7916 2nd Ave S is zoned MU-L, Mixed-Use Low District. The applicant is requesting to allow a 8ft chain link fence off of 80th and 79th St and 10ft wooden privacy fence off of 1st Ave S.

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.

PARCEL ID: 012300113022002000

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

DATE: Tuesday, May 4, 2021 10:19:00 AM

OWNER: FREEDOM RAIN INC

ADDRESS: 7916 2ND AVE S

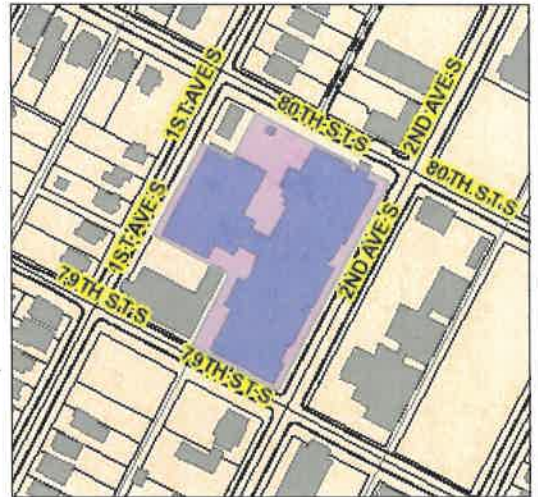
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35206--3804

SITE ADDR: 7916 2ND AVE S

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$284,100.00

BLDG: \$1,859,600.00

OTHER: \$0.00

AREA: 125,881.30

ACRES: 2.89

SUBDIVISION INFORMATION:

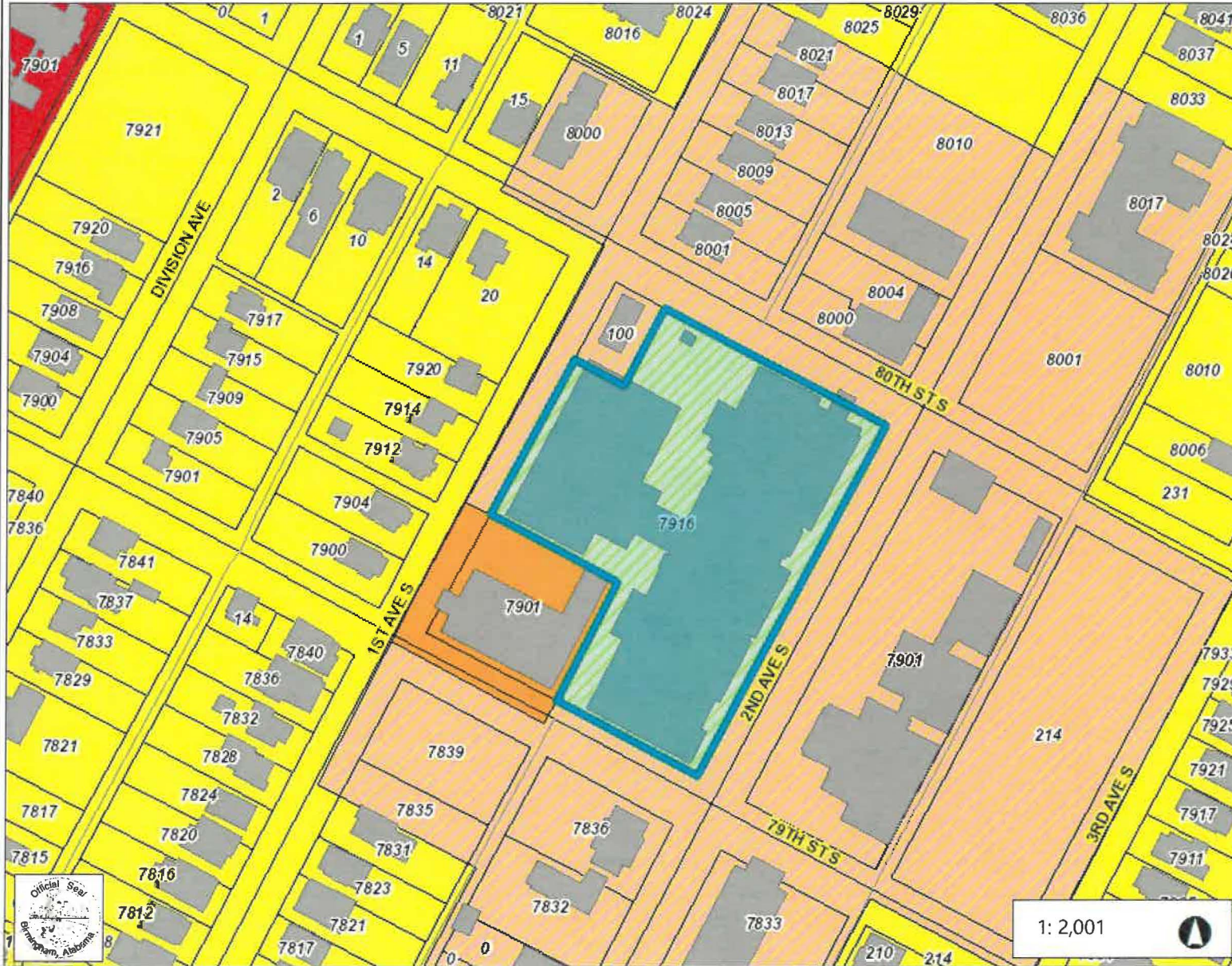
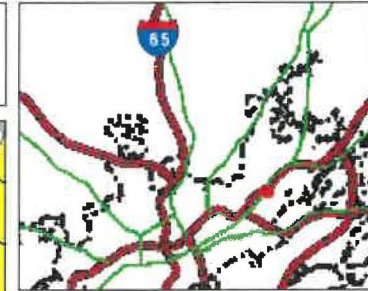
NAME E END MEMORIAL HS 23-11-3

BLOCK: 113

LOT: 1-A

Section: 11-17-2W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: South East Lake
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: So East Lake (1503)
Communities: Roebuck-South East Lake (15)
Council Districts: District - 2 (Councilor: Hunter Williams)
Zoning Outline: MUL
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

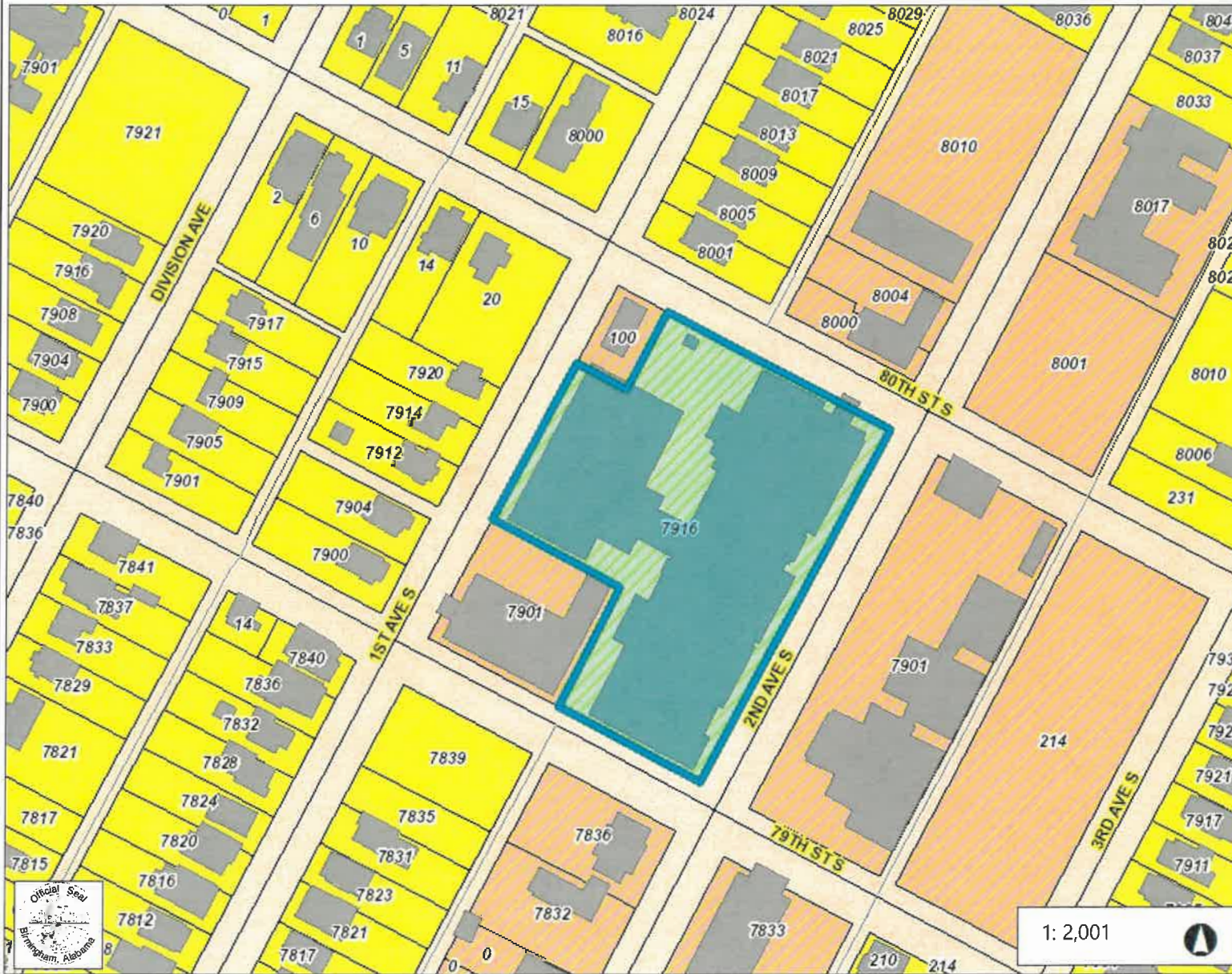
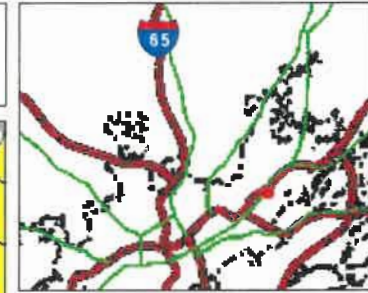


333.6 0 166.78 333.6 Feet

1: 2,001

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

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- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
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- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 2,001

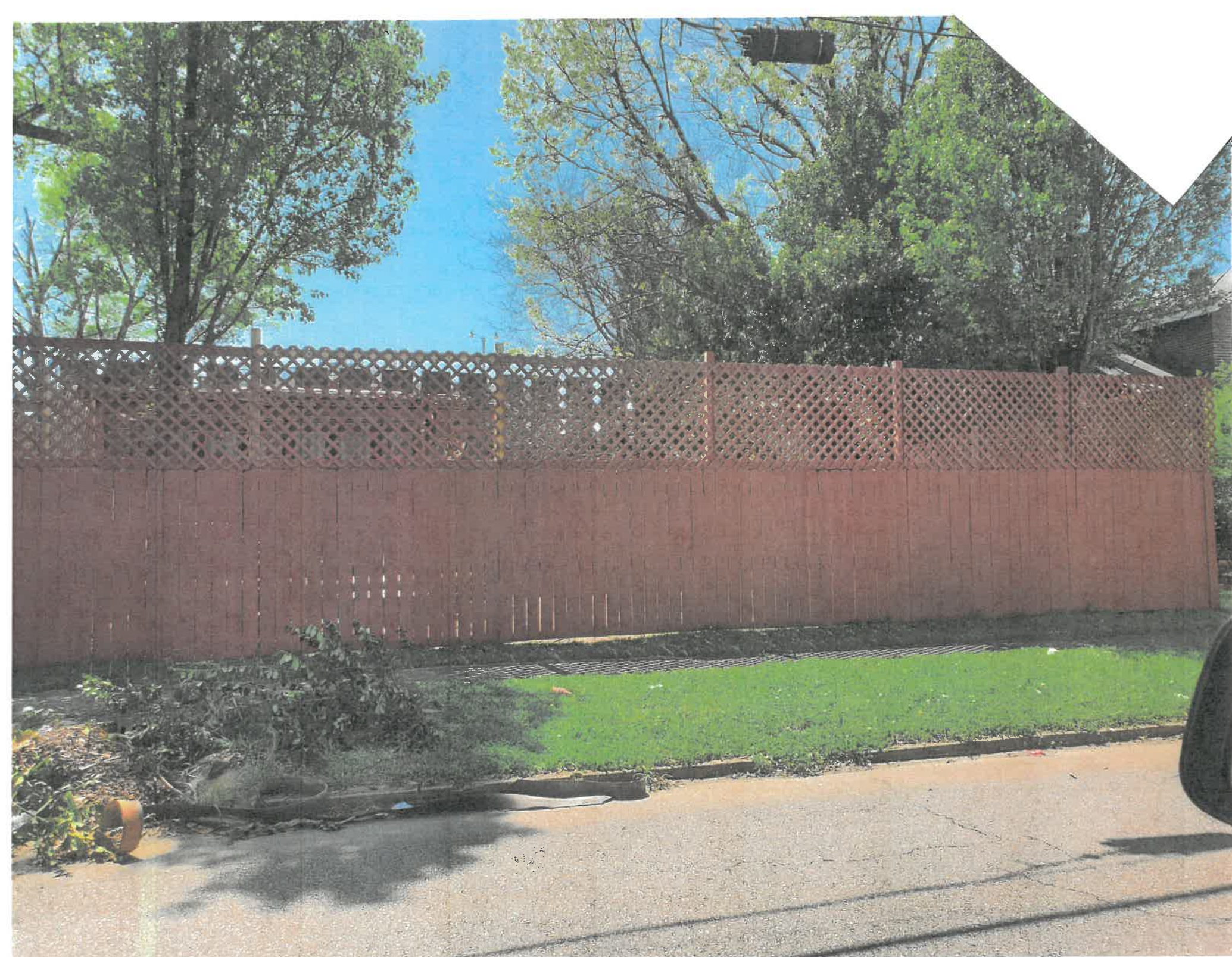
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Google Maps 148 80th St S



Image capture: May 2019 © 2021 Google





48ft x 10ft
(Privacy fence with
row of lattice at
the top)

78ft x 8ft
(Chainlink fence
with double gate
drive through)

46ft x 8ft
(Chainlink fence
with double gate
drive through)



March 29, 2021

Re: Freedom Rain Inc Fence, Six variance standards
Case Number: ZEN2020-00303

To Whom It May Concern;

We are asking for a variance concerning our fence. Our fence has been in place for many years!! We are a transitional home for women in a variety of negative circumstances. Many of the women that come to our facility have children. We have a constant battle with abusive husbands, local drug dealers, men that literally prostitute our women, and many other outside negative influences.

While in quarantine during the COVID scare, we literally found alcohol, hypodermic needles, drugs, and weapons on our playground. We simply cannot take a chance with our women, much less our children!!! Only a few years ago, one of our residents witnessed a murder less than 100 feet from the fence we are discussing. Our women and children must have a safe environment to enjoy outside and to not be in unnecessary fear.

A group from a local church came to our aid and repaired some rotten areas and added a row of lattice at the top of our playground fence. This has been a huge blessing and has cut down on the issues tremendously.

Our neighbors {churches and daycares} have 6-8 ft fences protecting their property. We are requesting that the city give us a variance in order to keep our fence in place.

1. **PHYSICAL CHARACTERISTICS:** Our facility covers most of the entire block with exception of two corner rear properties. The front facing 2nd Ave s is not fenced. The side facing 80th street has an 8ft chain link fence with double gates that I believe have been in place for years prior to us occupying the property. On the same side, is the fence we are discussing, our playground. This fence has been in place for many years, although we did add a row of lattice for protection for our children. The 79th street side has a 8ft chain link fence which has been in place for years as well.
2. **UNIQUE CHARACTERISTICS:** The unique characteristics of our property are simply offering the safest environment for our women and children possible.
3. **HARDSHIP NOT SELF-IMPOSED:** Our particular hardship is in no way self-imposed. It is a simple fact of the increasing crime and violence in our area.
4. **FINANCIAL GAIN NOT ONLY BASIS:** There is absolutely no financial gain for anyone by granting this variance. Just simply safety for our children.
5. **NO INJURY TO NEIGHBORING PROPERTY:** In no way would granting this variance injure any of neighboring properties. In fact, the surrounding properties have fences themselves that seem to be conflict with code. We have spent allot of resources in recent months improving, not only the appearance of the property, but the structure as well.
6. **NO HARM TO PUBLIC WELFARE:** In no way would granting this variance would harm public welfare.

Thank you in advance for your consideration!!

Sincerely,
Beau Gregory
Director of Operations
205-937-4957

Meeting – May 27, 2021
Location - WebEx
Time - 2:00PM
Pre-Meeting - 1:00PM
WebEx

Neighborhood: East Birmingham Staff Planner Moton ZBA2021-00018

Request: Modification
Applicant: Bianca Ervin
Owner: Frank Marino
Site Address: 3923 Richard Arrington Jr Blvd N
Zip Code: 35234
Description: Modification to allow 0 off street parking spaces instead of the required 8 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3
Property Zoned: M-2, Heavy Industrial District
Parcel Information: Parcel #: 012300194007001000, SE of Section 19, Township 17 S, Range 2 W

Modification:

Modification to allow 0 parking spaces instead of the required 8 parking spaces.

Neighborhood Meeting:

The East Birmingham Neighborhood Association has met and determined this request will not impact the neighborhood beyond the adjacent property owners and, therefore has no position.

Public Notices:

Public notices were mailed on April 28, 2021.

Staff Analysis:

The parcel is located at 3923 Richard Arrington Jr Blvd N resides within the M-2, Heavy Industrial 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, 8 parking spaces are required. The applicant is requesting to allow 0 parking spaces instead of the 8 parking spaces required. The hours of operation of the bar will be Tuesday, Friday and Saturday from 10pm- 2am. The applicant has provided a parking study showing available on- street parking within the block is available since the other businesses are closed during the hours of operation of the bar. There are no other parking modification within the 1,320ft radius.

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: 012300194007001000

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

DATE: Wednesday, April 28, 2021 1:09:22 PM

OWNER: MARINO FRANK A

ADDRESS: 1401 MEDINA LN

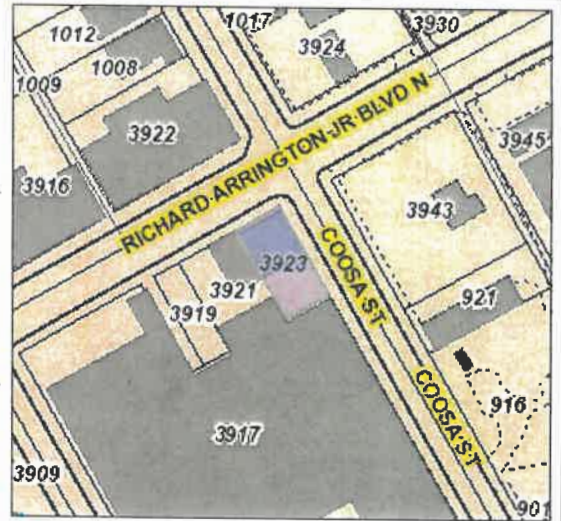
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35235--1603

SITE ADDR: 3923 RICHARD ARRINGTON JR BLVD

CITY/STATE: BHAM, AL

ZIP: 35234



LAND: \$12,500.00

BLDG: \$26,600.00

OTHER: \$0.00

AREA: 5,094.29

ACRES: 0.12

SUBDIVISION INFORMATION:

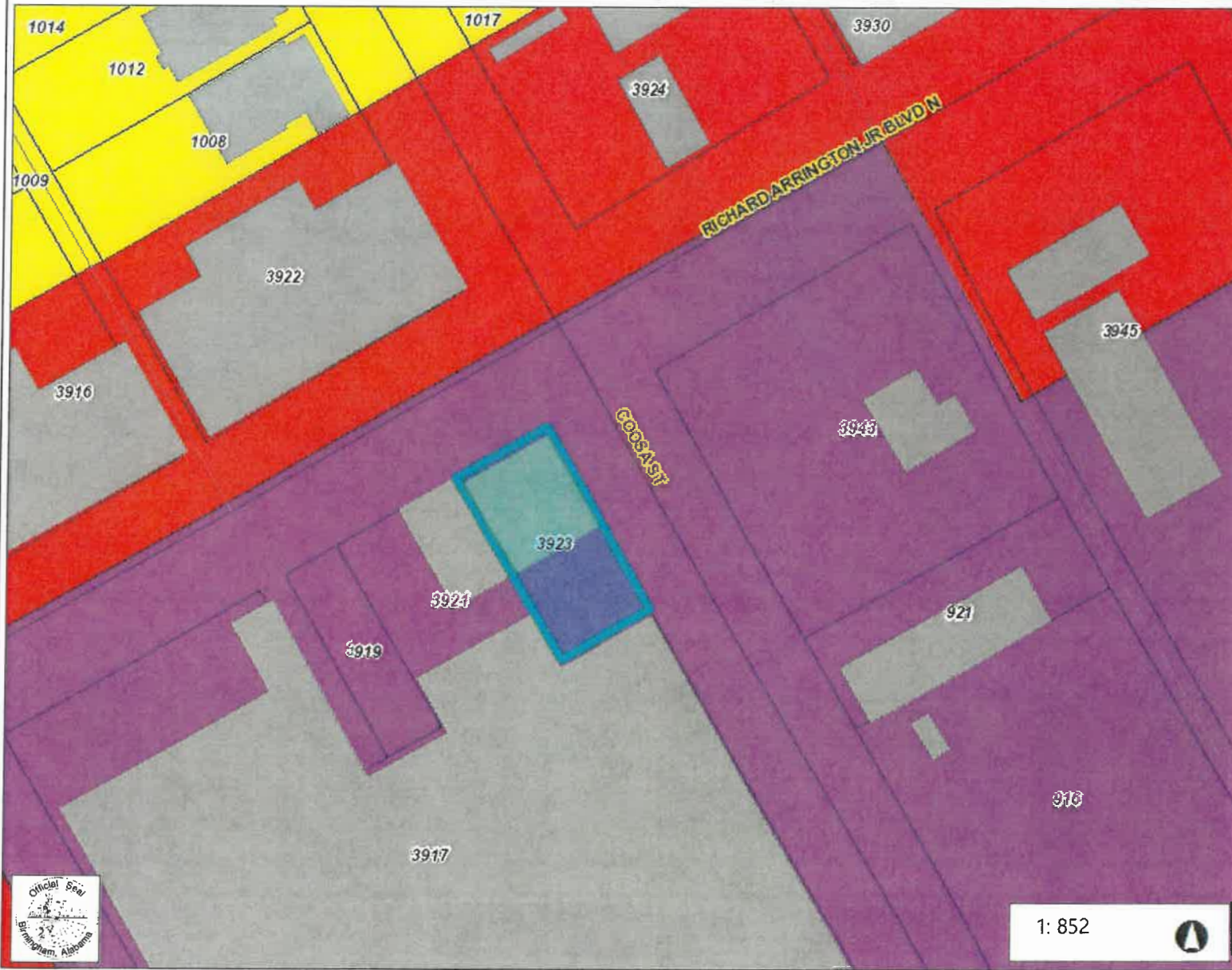
NAME SPRINGDALE PROP

BLOCK: 23

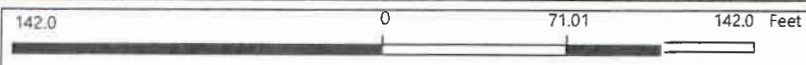
LOT: 9&10

Section: 19-17-2W
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: East Bham (501)
Communities: East Birmingham (5)
Council Districts: District - 4 (Councilor: William Parker)
Zoning Outline: M2
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Impaired Watershed - Upper Village Creek
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: In Opportunity Zones
Judicial Boundaries: JEFFERSON

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1: 852

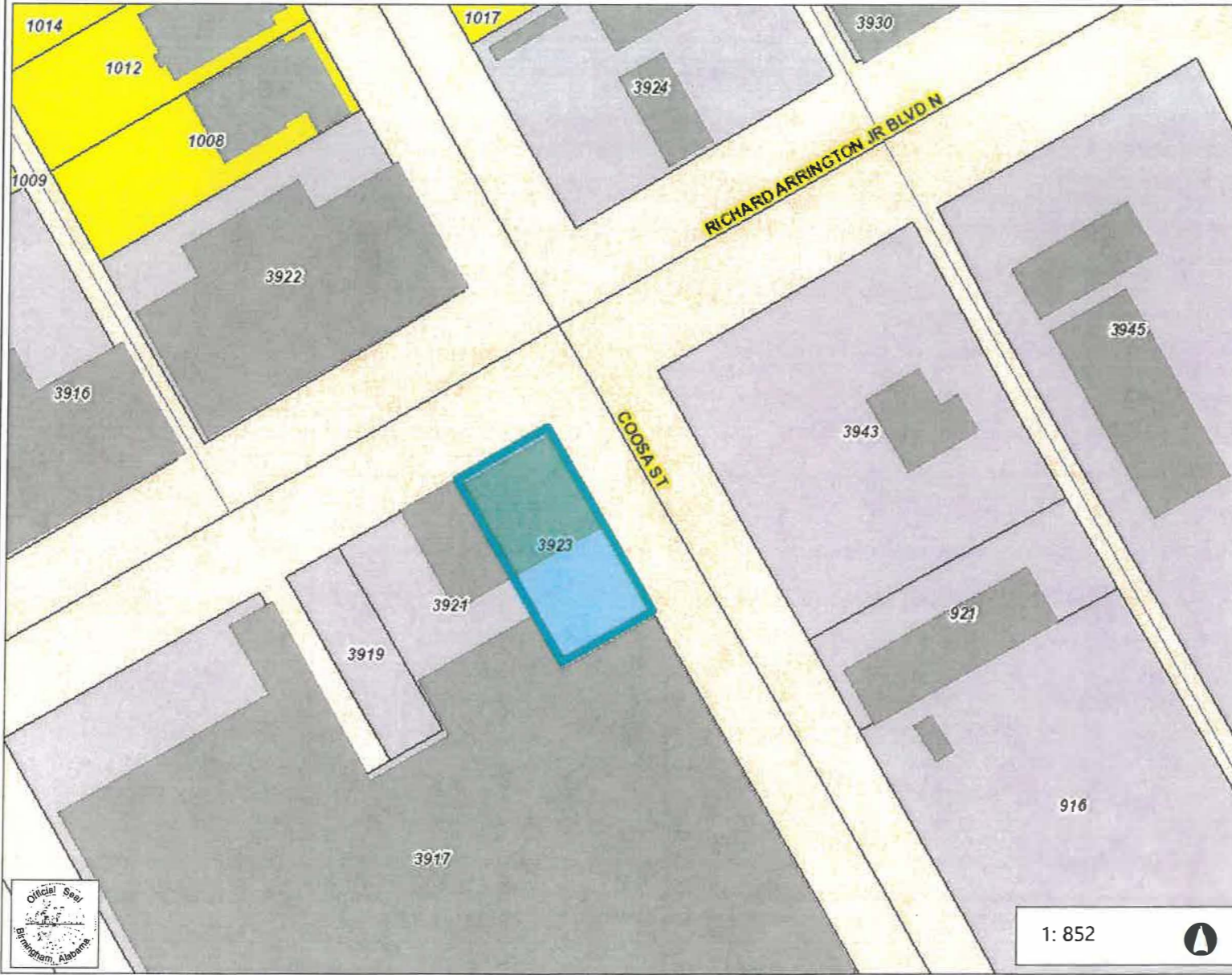


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Legend

- Centerline Labels
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- 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



1: 852



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

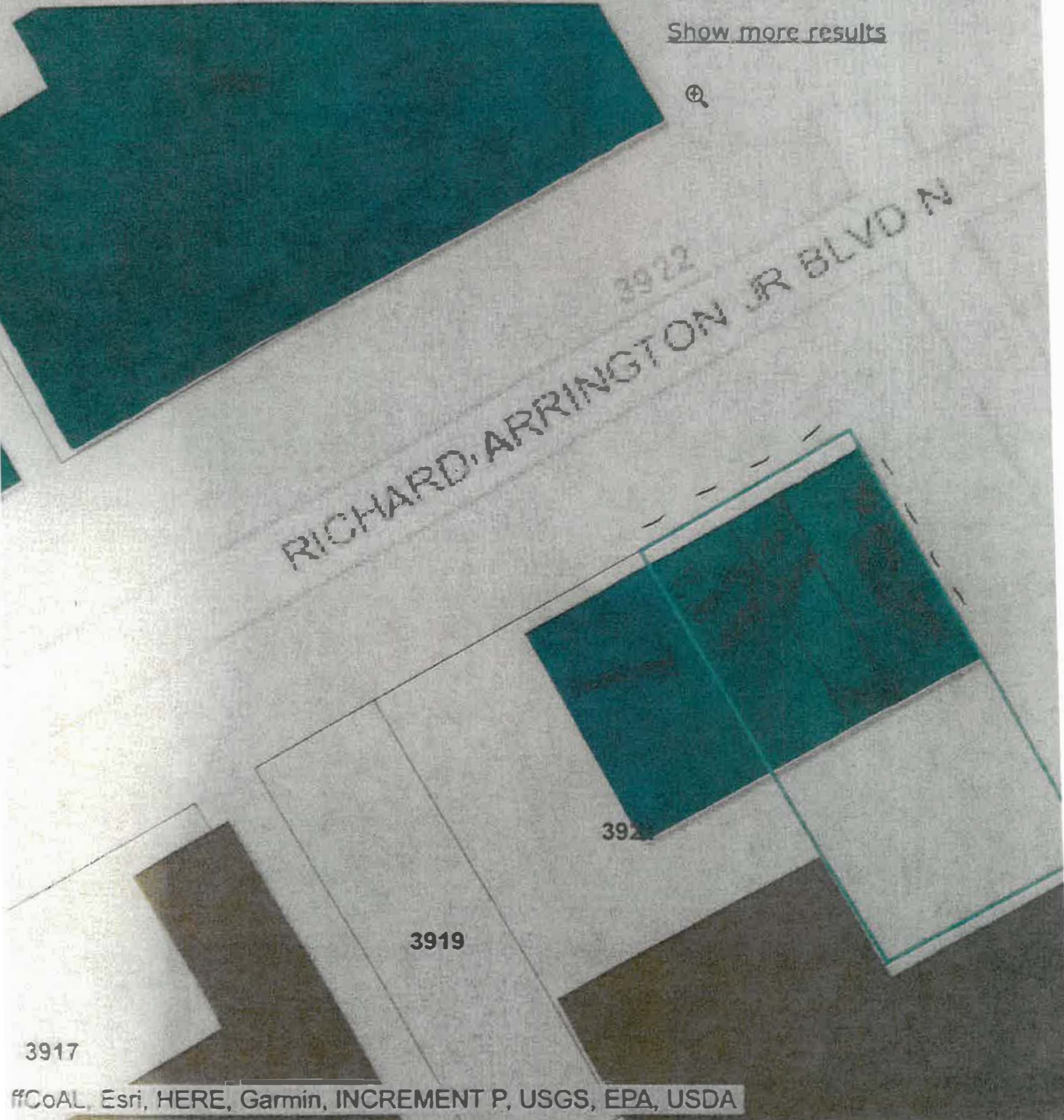
- Centerline Labels
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- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High

Notes

Jefferson County Parcel

Layers Basemap gallery Measure Details Share MARINO FRANK A

[Show more results](#)



3917

3919

3922

RICHARD ARRINGTON JR BLVD N

THE BOSS LOUNGE AND BAR LLC

Location: 3923 Richard Arrington Jr Blvd N, Birmingham, AL, 35234

Hours of Operation:

Tuesday-Friday-Saturday

10pm-2am

Neighboring Businesses: (Closed during The Boss Lounge business hours)

Zee's Boutique (3923 Richard Arrington Jr Blvd N)

J&E Beauty Lounge (3923 Richard Arrington Jr Blvd N)

Unoccupied Space (3921 Richard Arrington Jr Blvd N)

MARCH 23, 2021 12:04AM

On Street Parking Locations	Parking Supply	Occupied Spaces
3923 Richard Arrington Jr Blvd N (In Front of The Boss Lounge)	4	0
3923 Richard Arrington Jr Blvd N (In Front of Zee's Boutique)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty/3921)	4	0
3923 Richard Arrington Jr Blvd N/Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0

Total Spaces: 8
Occupied: 0

THE BOSS LOUNGE AND BAR LLC

Location: 3923 Richard Arrington Jr Blvd N, Birmingham, AL, 35234

Hours of Operation:

Tuesday-Friday-Saturday

10pm-2am

Neighboring Businesses: (Closed during The Boss Lounge business hours)

Zee's Boutique (3923 Richard Arrington Jr Blvd N)

J&E Beauty Lounge (3923 Richard Arrington Jr Blvd N)

Unoccupied Space (3921 Richard Arrington Jr Blvd N)

MARCH 26, 2021 10:15PM

On Street Parking Locations	Parking Supply	Occupied Spaces
3923 Richard Arrington Jr Blvd N (In Front of The Boss Lounge)	4	0
3923 Richard Arrington Jr Blvd N (In Front of Zee's Boutique)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty/3921)	4	0
3923 Richard Arrington Jr Blvd N/Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0

Total Spaces: 8
Occupied: 0





THE BOSS LOUNGE AND BAR LLC

Location: 3923 Richard Arrington Jr Blvd N, Birmingham, AL, 35234

Hours of Operation:

Tuesday-Friday-Saturday

10pm-2am

Neighboring Businesses: (Closed during The Boss Lounge business hours)

Zee's Boutique (3923 Richard Arrington Jr Blvd N)

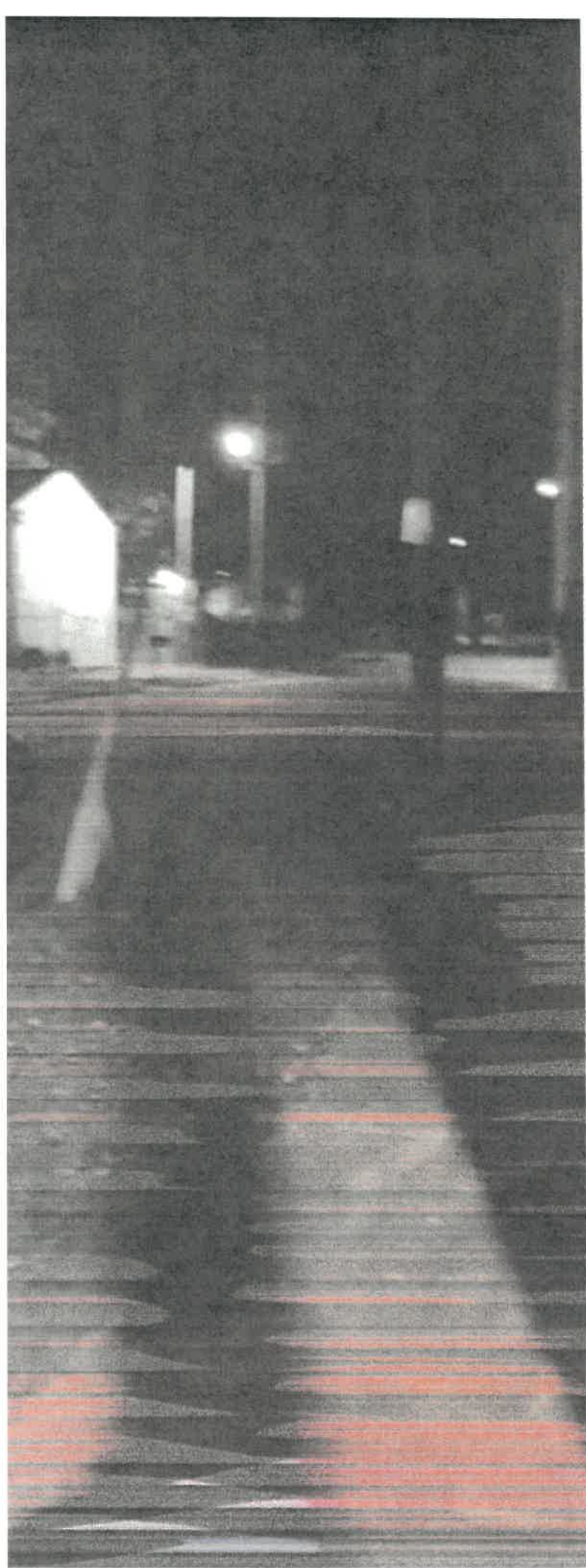
J&E Beauty Lounge (3923 Richard Arrington Jr Blvd N)

Unoccupied Space (3921 Richard Arrington Jr Blvd N)

MARCH 26, 2021 12:12AM

On Street Parking Locations	Parking Supply	Occupied Spaces
3923 Richard Arrington Jr Blvd N (In Front of The Boss Lounge)	4	0
3923 Richard Arrington Jr Blvd N (In Front of Zee's Boutique)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty/3921)	4	0
3923 Richard Arrington Jr Blvd N/Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0

Total Spaces: 8
Occupied: 0



THE BOSS LOUNGE AND BAR LLC

Location: 3923 Richard Arrington Jr Blvd N, Birmingham, AL, 35234

Hours of Operation:

Tuesday-Friday-Saturday

10pm-2am

Neighboring Businesses: (Closed during The Boss Lounge business hours)

Zee's Boutique (3923 Richard Arrington Jr Blvd N)

J&E Beauty Lounge (3923 Richard Arrington Jr Blvd N)

Unoccupied Space (3921 Richard Arrington Jr Blvd N)

MARCH 27, 2021 10:07PM

On Street Parking Locations	Parking Supply	Occupied Spaces
923 Richard Arrington Jr Blvd N (In Front of The Boss Lounge)	4	0
923 Richard Arrington Jr Blvd N (In Front of Zee's Boutique)	4	0
923 Richard Arrington Jr Blvd N (In Front of J&E Beauty)	4	0
923 Richard Arrington Jr Blvd N (In Front of J&E Beauty/3921)	4	0
923 Richard Arrington Jr Blvd N/Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0

Total Spaces: 8
Occupied: 0



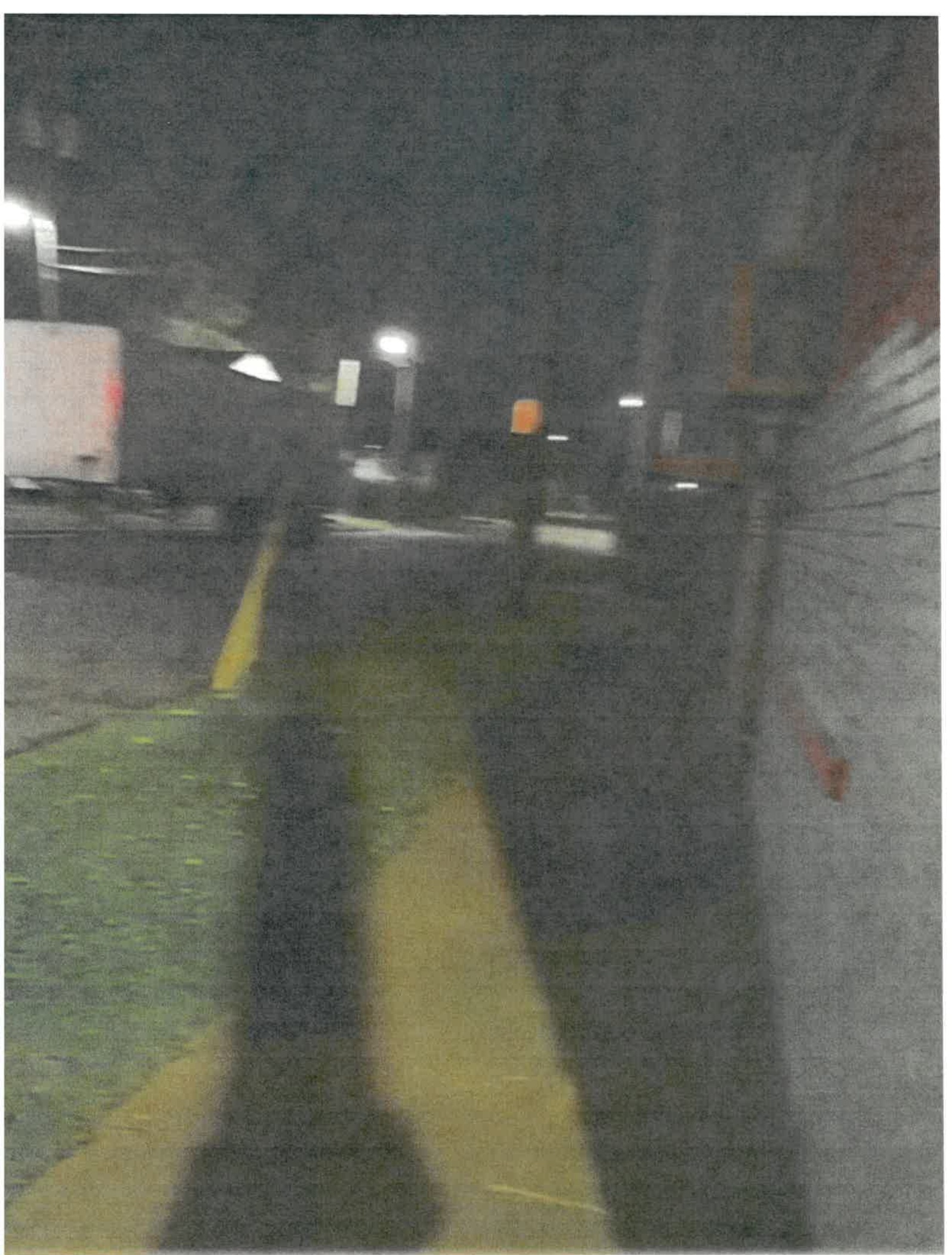
March 24, 2021

12:04 AM

(Tuesday Night)



(Tuesday Night)



THE BOSS LOUNGE AND BAR LLC

Location: 3923 Richard Arrington Jr Blvd N, Birmingham, AL, 35234

Hours of Operation:

Tuesday-Friday-Saturday

10pm-2am

Neighboring Businesses: (Closed during The Boss Lounge business hours)

Zee's Boutique (3923 Richard Arrington Jr Blvd N)

J&E Beauty Lounge (3923 Richard Arrington Jr Blvd N)

Unoccupied Space (3921 Richard Arrington Jr Blvd N)

MARCH 27, 2021 12:19PM

On Street Parking Locations	Parking Supply	Occupied Spaces
3923 Richard Arrington Jr Blvd N (In Front of The Boss Lounge)	4	0
3923 Richard Arrington Jr Blvd N (In Front of Zee's Boutique)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty)	4	0
3923 Richard Arrington Jr Blvd N (In Front of J&E Beauty/3921)	4	0
3923 Richard Arrington Jr Blvd N/Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0
Coosa St (Side of The Boss Lounge)	4	0

Total spaces: 8
occupied: 0





Meeting – May 27, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Woodlawn

Staff Planner Moton

ZBA2021-00019

Request: Special Exception/Variance
Applicant: Charlie A.J. Beavers, JR
Owner: Jason Powers Pugh & Holley Caldwell
Site Address: 4922 9th Ct N
Zip Code: 35212
Description: Special exception to allow a church in a D-3, Single Family Dwelling District and a variance to allow side setbacks of 12.3ft and 11.3ft instead of the required 25ft setback and a variance to allow no buffer requirements pursuant to Title 1, Chapter 9, Article VI.
Property Zoned: R-3, Single Family District
Parcel Information: Parcel #: 012300201025016000, NE of Section 20, Township 17 S, Range 2 W

Special Exception:

Special exception to allow a church in a D-3, Single Family Dwelling District.

Variance:

variance to allow side setbacks of 12.3ft and 11.3ft instead of the required 25ft setback and a variance to allow no buffer requirements.

Neighborhood Meeting:

The Woodlawn Neighborhood Association has decided to postpone their vote until the next neighborhood meeting held on June 14, 2021 because there were several issues concerning the request. They have requested a continuance.

Public Notices:

Public notices were mailed on April 29, 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 4922 9th Ct N is zoned R-3 Single Family District. The subject property is located in the Woodlawn Historic District. Special exception to allow a church in a D-3, Single Family Dwelling District and a variance to allow side setbacks of 12.3ft and 11.3ft instead of the required 25ft setback and a variance to allow no buffer requirements.

Staff Recommendation

Staff believes the applicant has not provided sufficient evidence to support the variance request to allow no buffer requirement; therefore, staff believes the request has merit for denial. Staff believes the applicant has provided sufficient evidence to support the variance request variance to allow side setbacks of 12.3ft and 11.3ft instead of the required 25ft setback and special exception to allow a church in a D-3 zoning district; 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.

The applicant is requesting a variance to allow to have no screening or buffering to abutting lots. This request is due to the affirmative findings of all the standards below:

1. Physical Characteristics of the Property

The property at 4922 9th Ct N Birmingham, AL is a narrow piece of property that only measures 50' wide. It would be difficult to install screening or landscape buffers between the abutting lots.

2. Unique Characteristics

The property is currently on a street that has no houses left on it. All of the lots along side of the property are vacant. The applicant owns the vacant lot to the left of the property and has been approved for the side lot lease program through the Birmingham Land Bank for the lot to the right of the property (Birmingham Land Bank is waiting on deed from the state office in order for applicant to complete paperwork). Two of the lots that are on the block are owned by the state through tax sales and the applicant has been keeping these lots cut. Due to the abutting lots being owned or leased by the applicant, there is no need for the screens or buffers.

3. Hardship Not Self-Imposed

The difficulty or hardship of installing screens or buffers has not been created by the previous actions of the applicant.

4. Financial Gain Not Only Basis

There is no intent of financial gain for this variance. The applicant is a non-profit worship and outreach ministry and has no intention of financial gain.

5. No Injury to Neighboring Property

As mentioned in #2 there are currently no neighboring lots that are occupied, so there will be no harm to the neighbors. The property's house had been unlive in for many years and fallen into major disrepair. Homeless people had been using the house and had set fires in the house. The applicant has been restoring the house and upkeeping the neighboring lots. The applicant plans on providing security and lights that will add security to the neighborhood.

6. No Harm to Public Welfare

This ministry is focused on people who are already in the neighborhood and will not cause additional traffic into the neighborhood. This area already is an area with high foot traffic. The restoration work done to the house has actually decreased the potential or public harm.

The applicant is requesting a variance to allow for the side yard set backs of 12.3 ft and 11.3 ft instead of the 25 ft setback requirement. This request is due to the affirmative findings of all the standards below:

1. Physical Characteristics of the Property

The property at 4922 9th Ct N Birmingham, AL is a narrow piece of property that only measures 50' wide. It would be impossible to have a structure and still abide by the 25' setback on each side.

2. Unique Characteristics

The property is currently on a street that has no houses left on it. All of the lots alongside of the property are vacant. The applicant owns the vacant lot to the left of the property and has been approved for a side lot lease through the Birmingham Land Band for the lot to the right of the property (currently waiting on deed from the state office to complete paperwork). Two of the lots that are on the block are owned by the state through tax sales and the applicant has been keeping these lots cut.

3. Hardship Not Self-Imposed

The difficulty or hardship of the 25' setback has not been created by the previous actions of the applicant.

4. Financial Gain Not Only Basis

There is no intent of financial gain for this variance. The applicant is a non-profit worship and outreach ministry and has no intention of financial gain.

5. No Injury to Neighboring Property

As mentioned in #2 there are currently no neighboring lots that are occupied, so there will be no harm to the neighbors. The property's house had been unlive in for many years and fallen into major disrepair. Homeless people had been using the house and had set fires in the house. The applicant has been restoring the house and upkeeping the neighboring lots. The applicant plans on providing security and lights that will add security to the neighborhood.

6. No Harm to Public Welfare

This ministry is focused on people who are already in the neighborhood and will not cause additional traffic into the neighborhood. This area already is an area with high foot traffic. The restoration work done to the house has actually decreased the potential or public harm.

PARCEL ID: 012300201025016000

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

DATE: Thursday, April 29, 2021 11:53:16 AM

OWNER: ECONOMES JIMMY C

ADDRESS: 785 GALLOPS LN

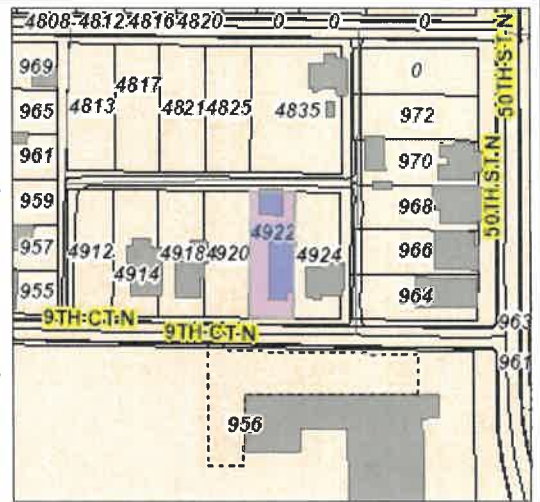
CITY/STATE: SYLACAUGA AL

ZIP+4: 35151--7013

SITE ADDR: 4922 9TH CT N

CITY/STATE: BHAM, AL

ZIP: 35212



LAND: \$17,000.00

BLDG: \$18,400.00

OTHER: \$0.00

AREA: 6,929.64

ACRES: 0.16

SUBDIVISION INFORMATION:

NAME STATON G D 23-20-1

BLOCK: 2

LOT: 15

:

Section: 20-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Woodlawn

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: Woodlawn (2104)

Communities: Woodlawn (21)

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

Zoning Outline: R3

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

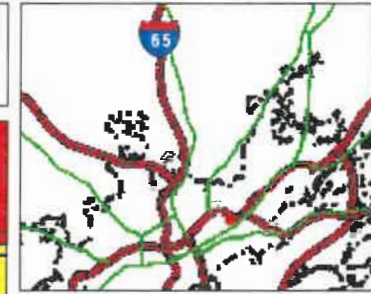
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EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

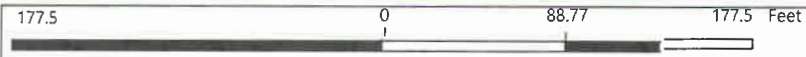
Judicial Boundaries: JEFFERSON

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Legend

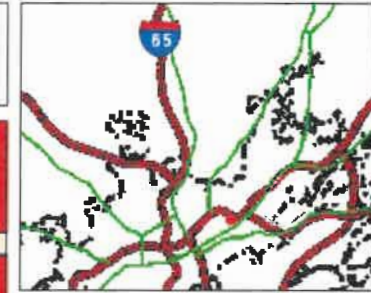
- Centerline Labels
- +— Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
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- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - Single Family District - Cla
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 - 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: 1,065

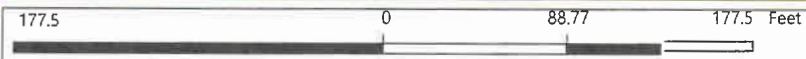
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Centerline Labels
- +— Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
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- City Parks
- Airport
- Adopted LandUse Plan
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 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 1,065

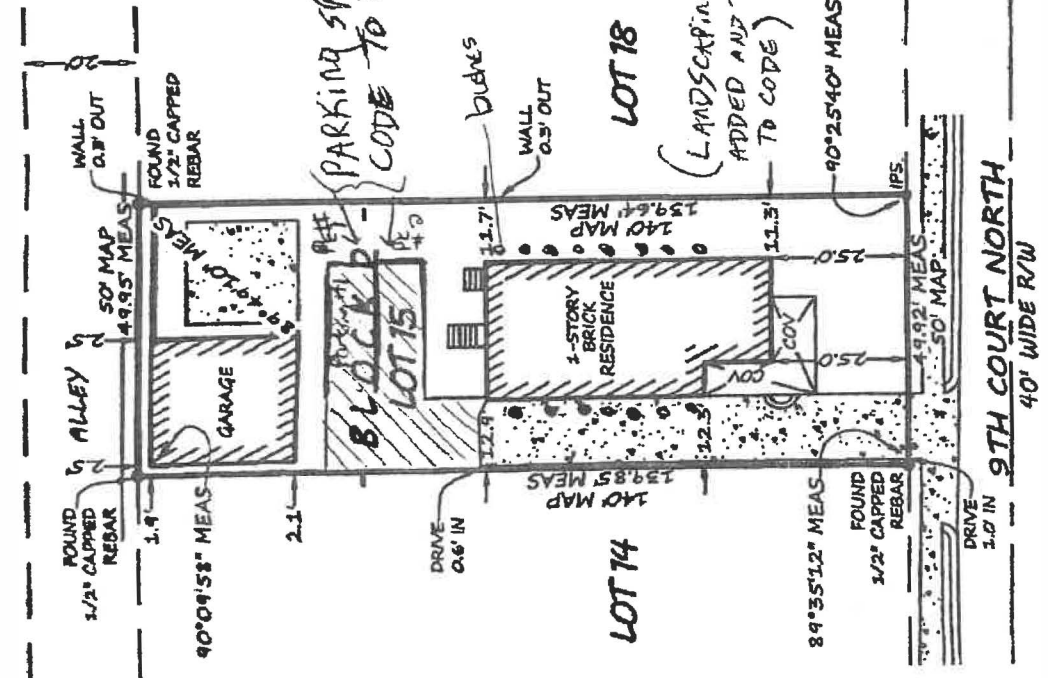
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Notes



LEGEND

- ASP ASPHALT
- BLDC BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LONG LONG CHORD
- DELTA DEFLECTION
- Δ DELTA
- EASMT EASEMENT
- HW HEADWALL
- MIN MANHOLE
- MANHOLE MANHOLE
- OVERHANG OVERHANG
- POB PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STN STORY
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CENTERLINE CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR ANCHOR
- FENCE FENCE
- POWER LINE POWER LINE
- PAVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- GLGT GLIGHT
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL 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 Lot 18, BLOCK 2, C.D. STATION, as recorded in Plat Book 78, Page 227, 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 1, 2021. Survey invalid if not sealed in red.

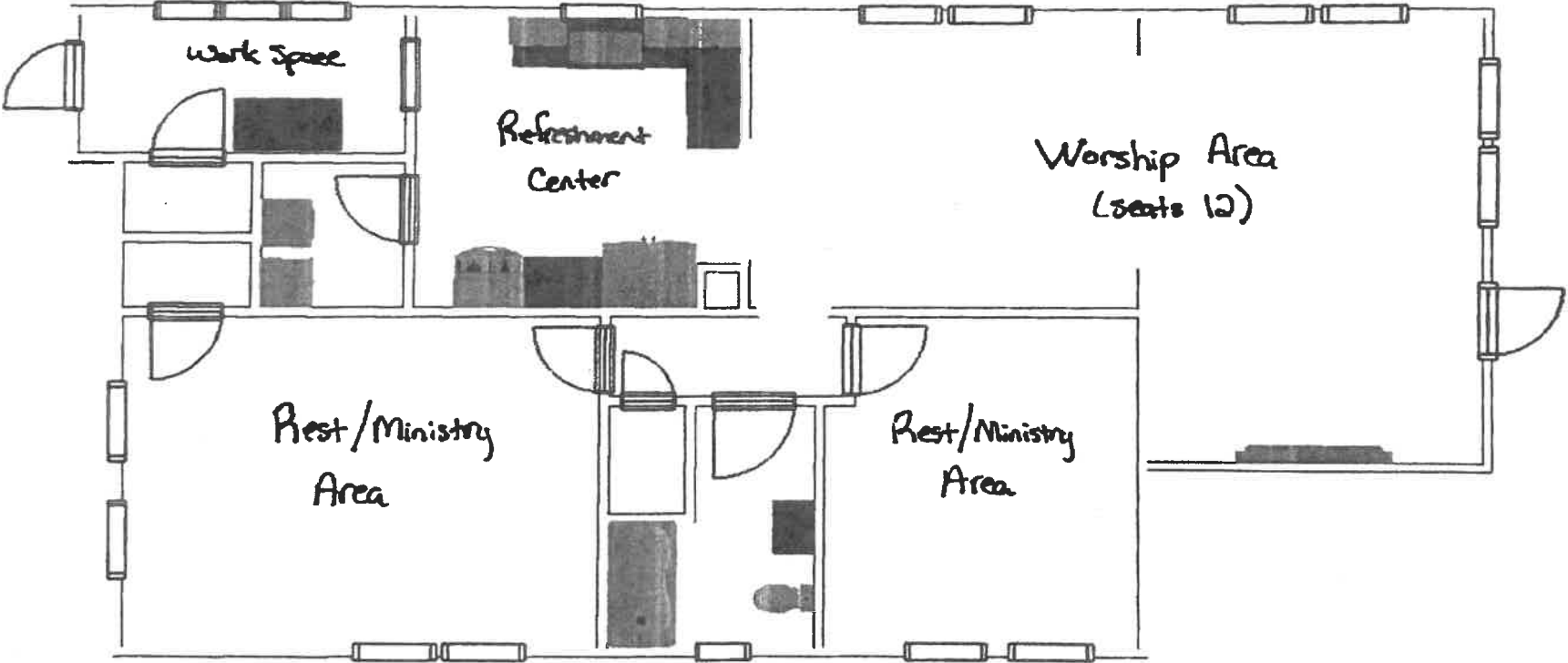
Order No.: 28210917
Purchaser: 41222 9TH COURT NORTH

[Signature]

Ray Weygand, Reg. L.S. #24873
188 Oxnior Road, Homewood, AL 35206
Phone: (205) 942-0088 Fax: (205) 942-0087
Copyright ©

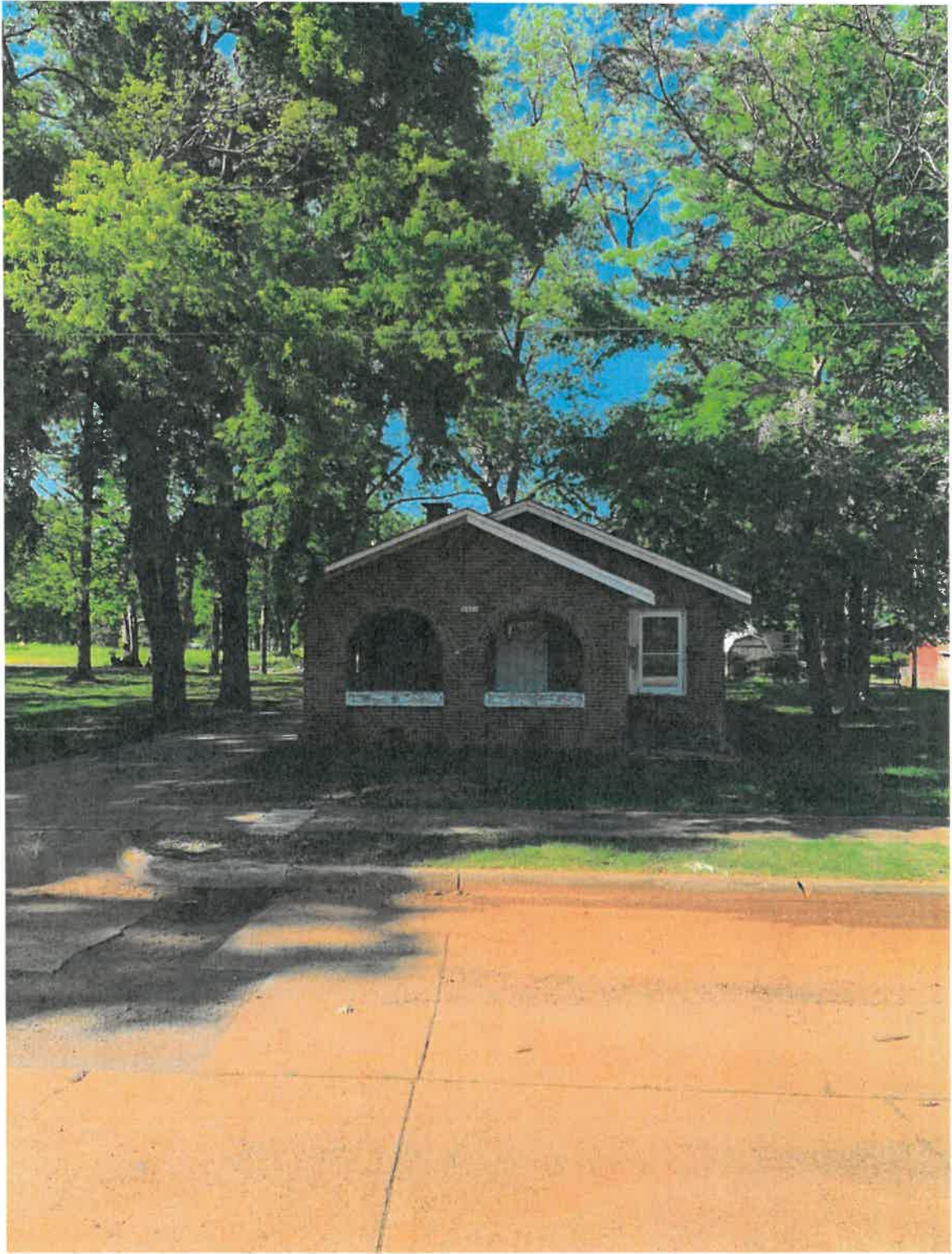


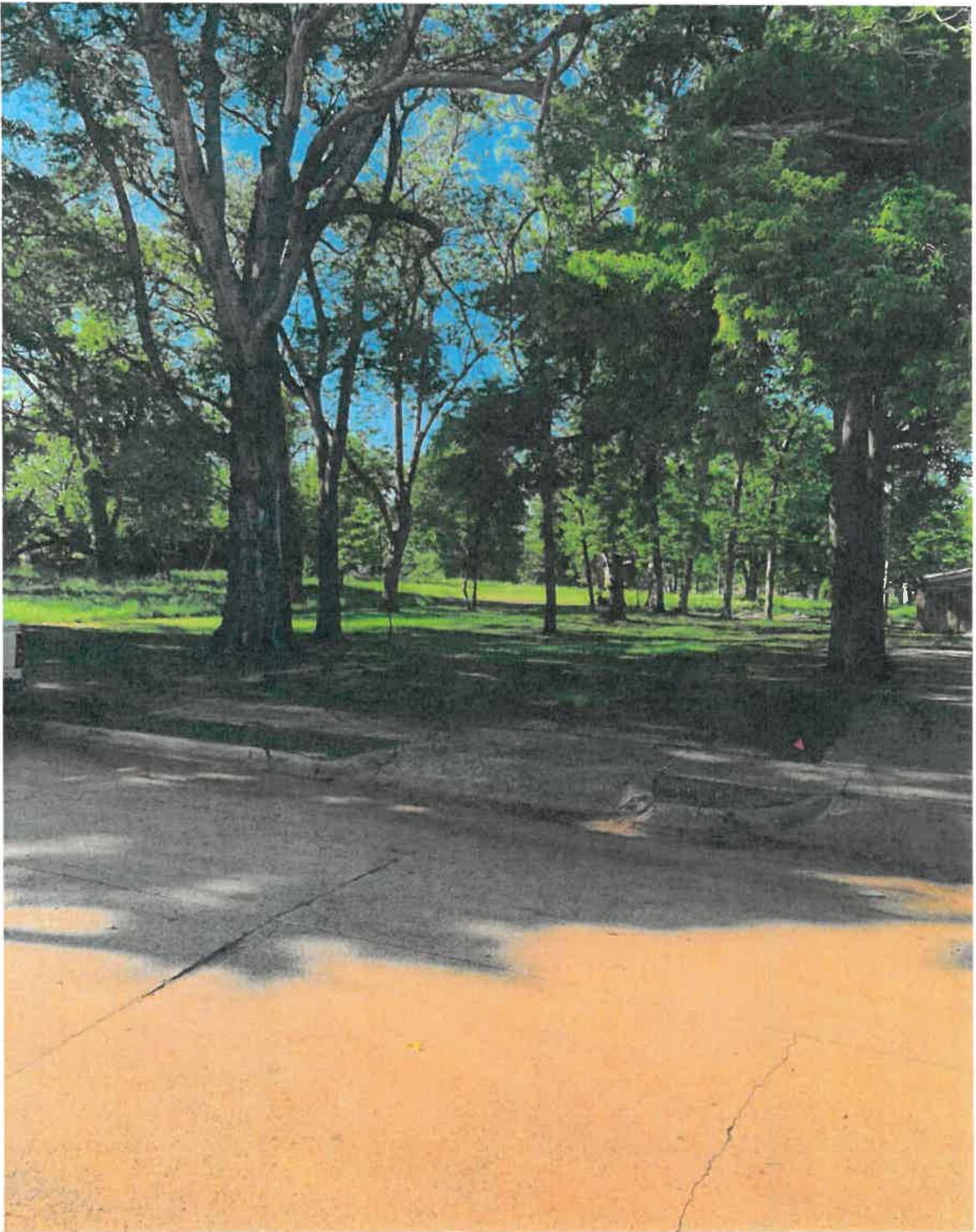
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records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













Meeting – May 27, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Central Park

Staff Planner Moton

ZBA2021-00020

Request: Variance
Applicant: Samer Haddad
Owner: Jamal Abusad
Site Address: 1561 Bessemer Rd
Zip Code: 35208
Description: Variance to allow a 6ft chain link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182
Property Zoned: C-2, Commercial Business District
Parcel Information: Parcel #: 012900074005001000, SE of Section 7, Township 18 S, Range 3 W

Variance:

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

Neighborhood Meeting:

The Central Park Neighborhood Association voted to support the request.

Public Notices:

Public notices were mailed on May 4, 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 1561 Bessemer Rd is zoned C-2, Commercial Business District. The request is to allow a 6ft chain link fence in the front yard off of Bessemer Rd and Court O around a car lot. The property abuts residential; therefore, a variance request for a 6ft height is required and chain link is not allowed in the front.

Staff Recommendation

Staff believes the applicant has not provided sufficient evidence to support the variance request; therefore, staff believes the request has merit for denial and as such, should be **DENIED**. If approved by the Board, staff suggests 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 one years of approval from the Board.
3. Landscaping that is at least 36inches in height around the front perimeter of the fence.

1

Physical characteristics of the property; A car lot that is on the left side of a main busy road. It is located next to a metro PCS and it has an office, garage, bathroom, and a rest area. Each car is parked, cleaned, and waxed. The cars also have the price written on them.

2

Unique characteristics; One of the unique characteristics of this car lot is that it's located in a place that is easy for people to find. Therefore, since it is located on a main road it could be dangerous if the fence wasn't there. In addition, the fence prevents thefts, robberies, and it also provides protection for the workers inside of the car lot. Having the fence there does not only make the employees feel safer but it also makes customers feel a lot safer in case of emergencies. Lastly, the fence also protects all of our cars since they are closest to the roads. This way our customers, employees and cars are all safe. It also makes me feel safer to go home knowing that no one is able to get into the car lot.

3

Hardship Not Self-Imposed; Building this fence did not cause me or anyone else any harm. The fence actually protects everyone but the process of building it did not cause anyone harm or Injuries. It was built only for protection purposes.

4

Financial Gain Not Only Basis; this fence cost \$5,370 including the person that I hired to build it and all of the materials. I have proof and papers that shows I spent \$5,370.

5

No Injury to Neighboring Property; The fence did not cause any injury to any properties. There is no other property on the right side that could be damaged and there is a Metro PCS on the right side therefore the fence is in the front of the car lot, away from any other properties.

6

No harm to Public Welfare; there was no harm made for the public, the environment, nor the society.

PARCEL ID: 012900074005001000

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

DATE: Tuesday, May 4, 2021 1:05:03 PM

OWNER: JAMAL ABUSAD

ADDRESS: 3082 ARBOR BEND

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35244

SITE ADDR: 1561 BESSEMER RD

CITY/STATE: BHAM, AL

ZIP: 35208



LAND: \$56,000.00

BLDG: \$70,800.00

OTHER: \$0.00

AREA: 13,864.60

ACRES: 0.32

SUBDIVISION INFORMATION:

NAME MARTIN ADD TO BHAM ENSLEY

BLOCK: 28

LOT: 11&

:

Section: 7-18-3W

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: Central Prk (203)

Communities: Five Points West (2)

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

Zoning Outline: C2

Demolition Quadrants: DEM Quadrant - 2

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

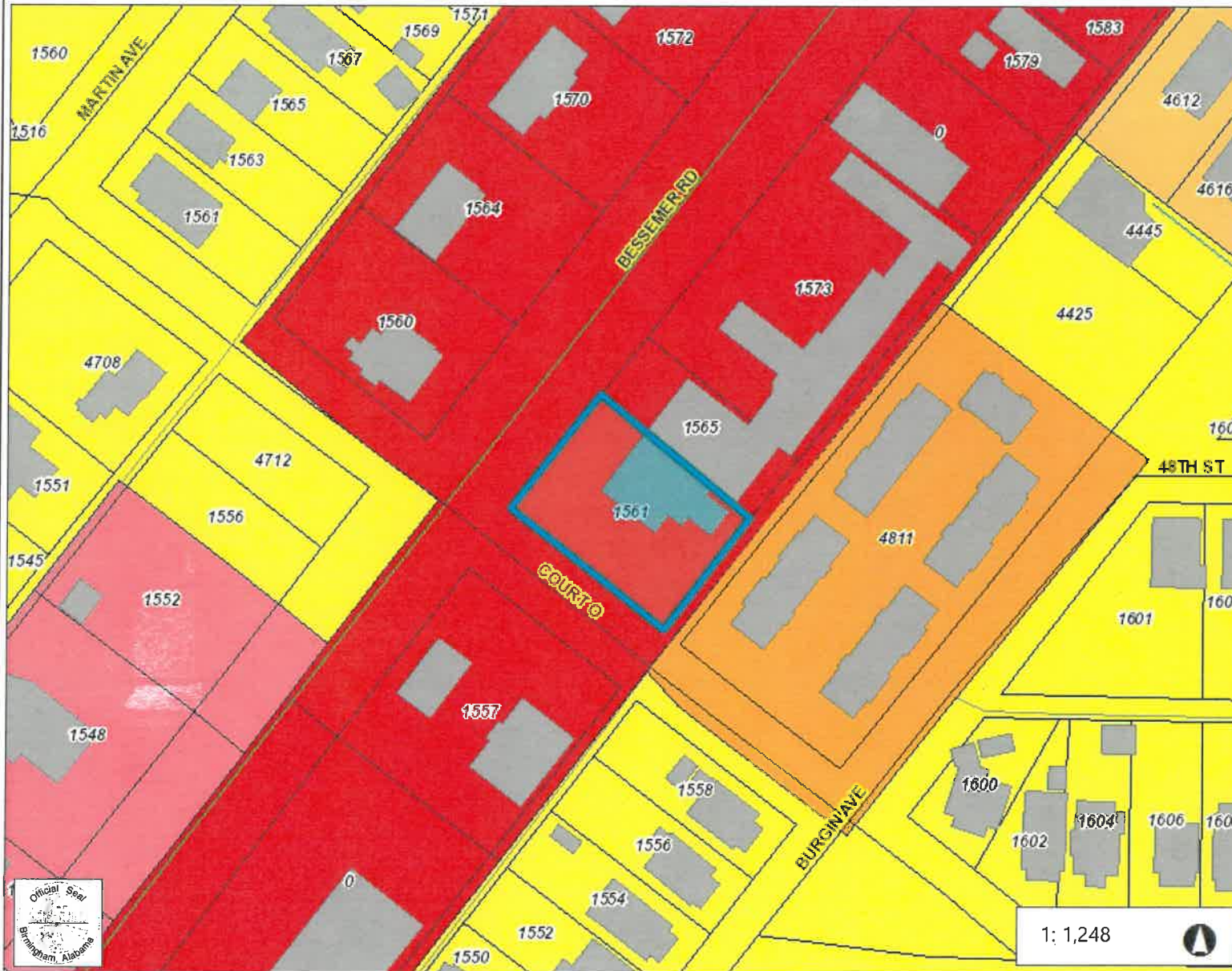
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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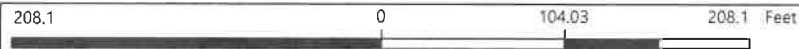
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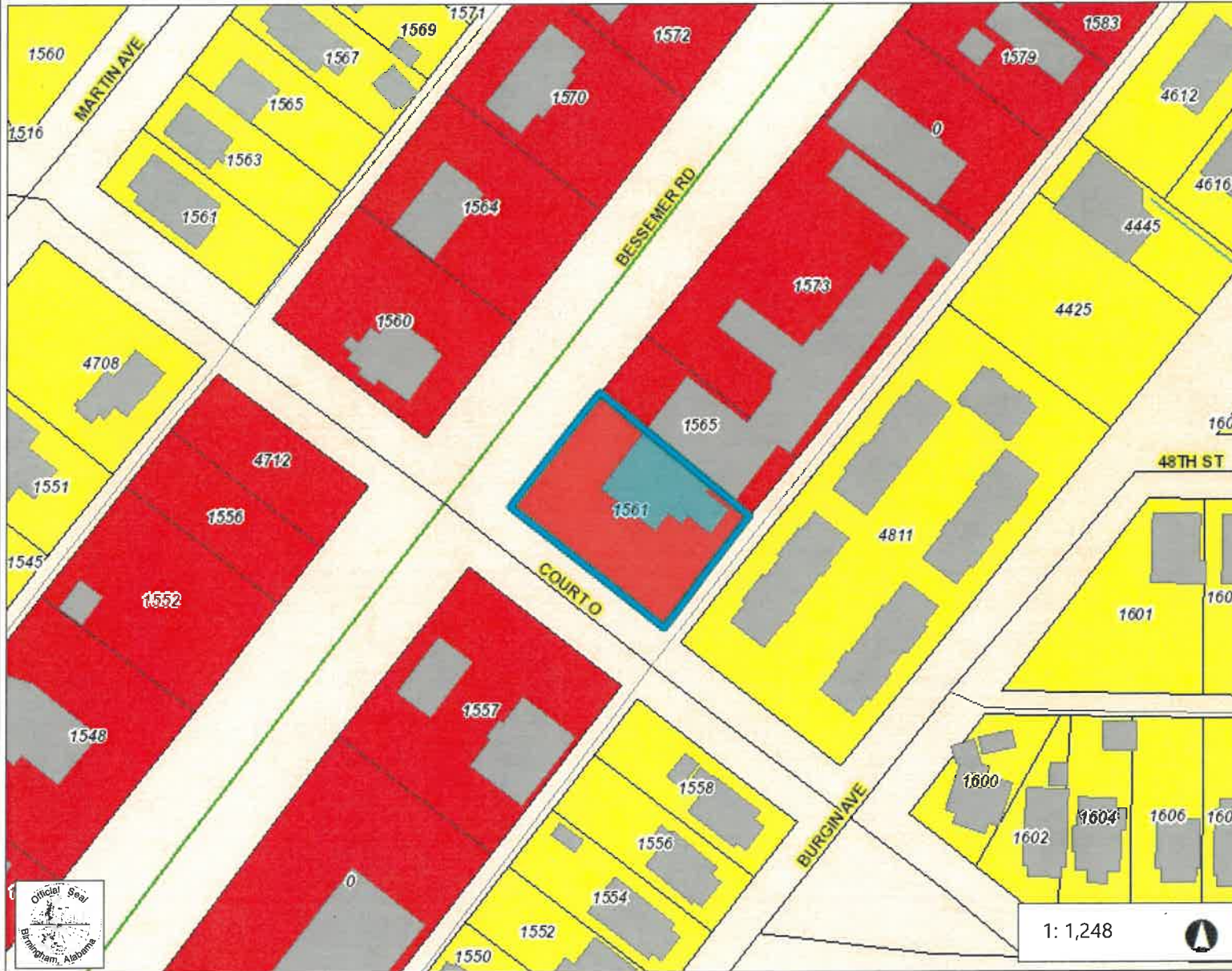
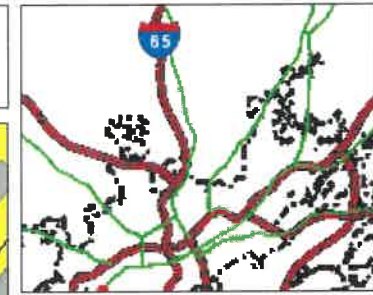
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport

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; DE
- R6; D6 - Multiple Family District
- R7 - Multiple Family District

Notes





Legend

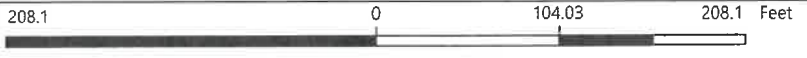
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- State Highways
- US Highways
- Interstates
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- Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport

Adopted LandUse Plan

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

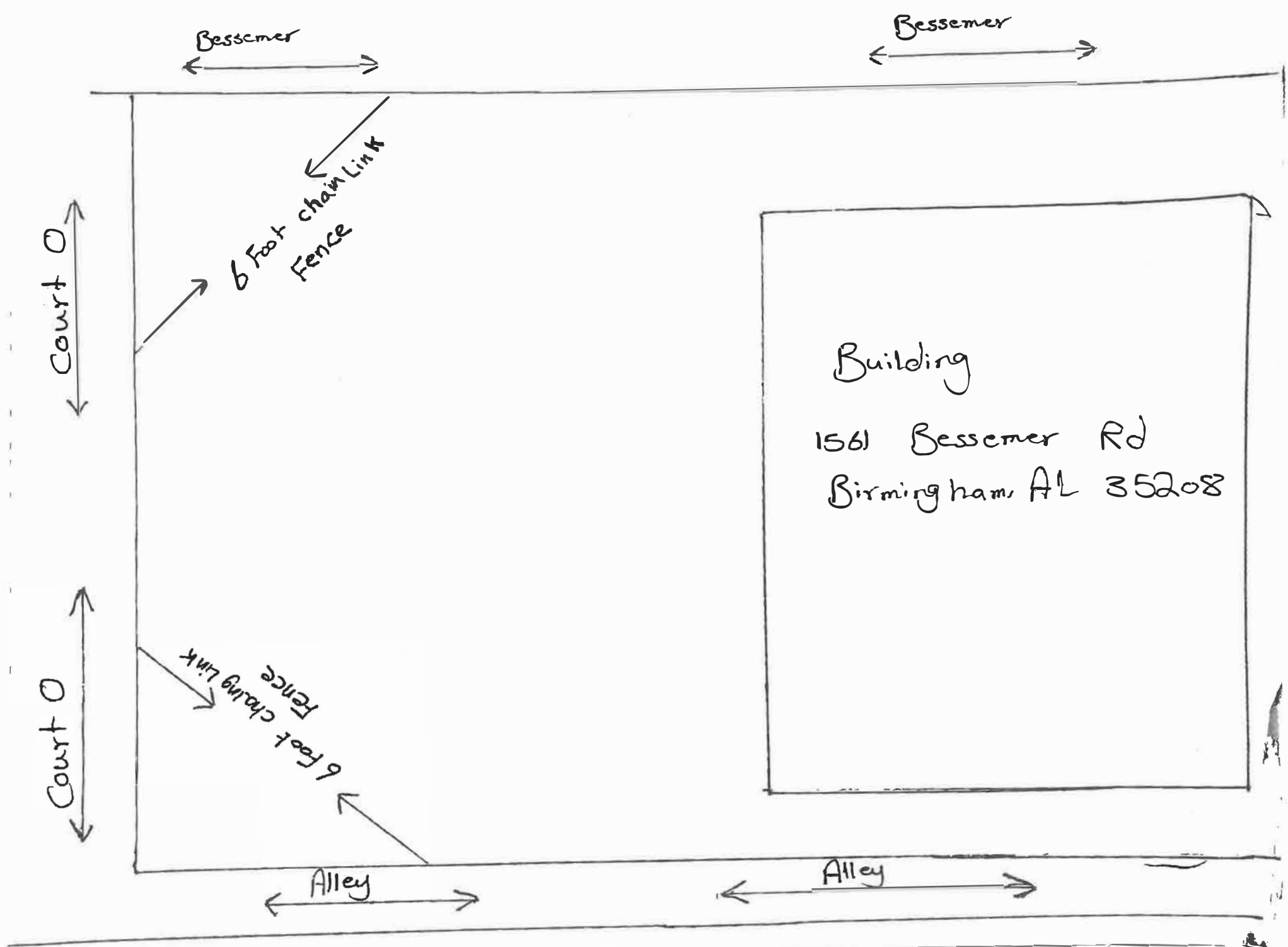


1:1,248



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Notes



Bessemer

Bessemer

Court 0

Court 0

6 Foot chain Link
Fence

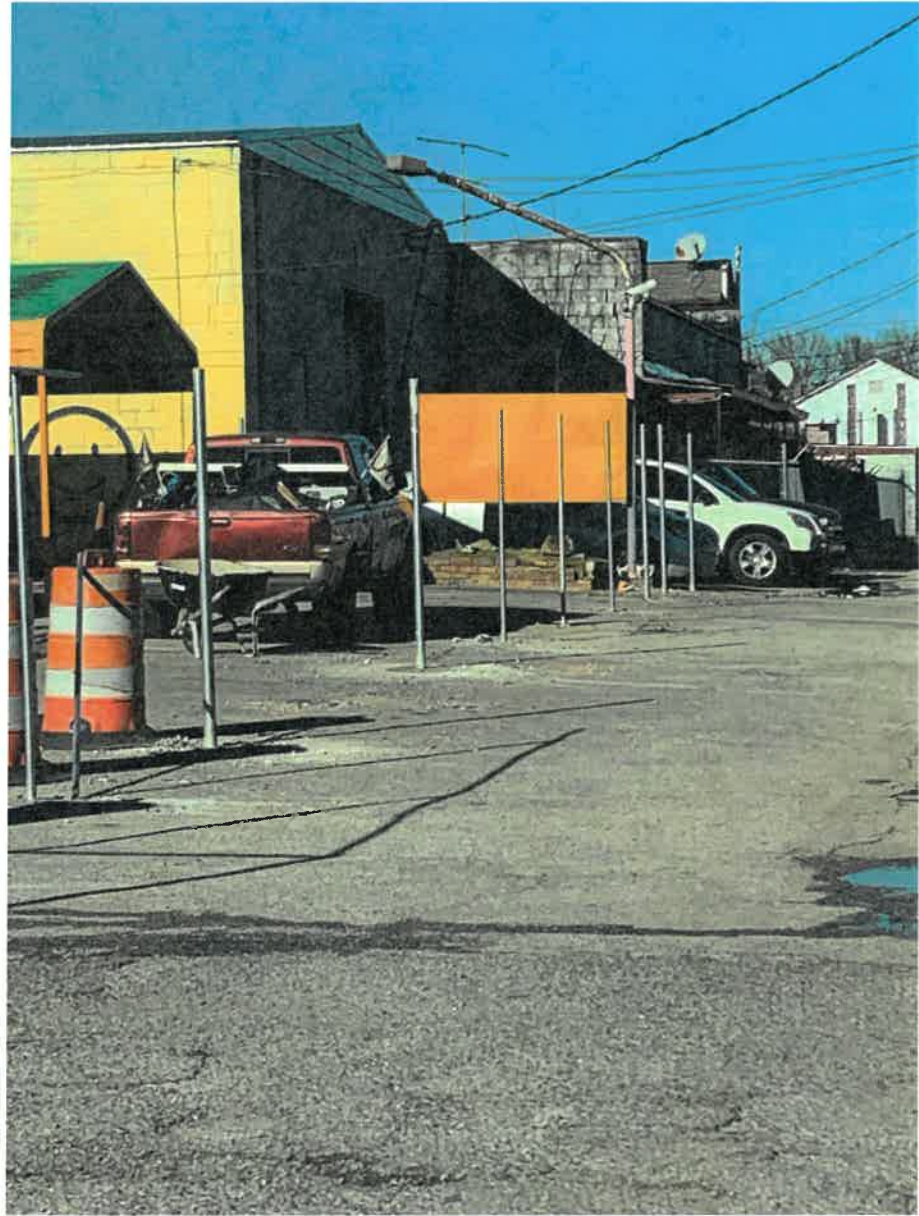
6 Foot chain Link
Fence

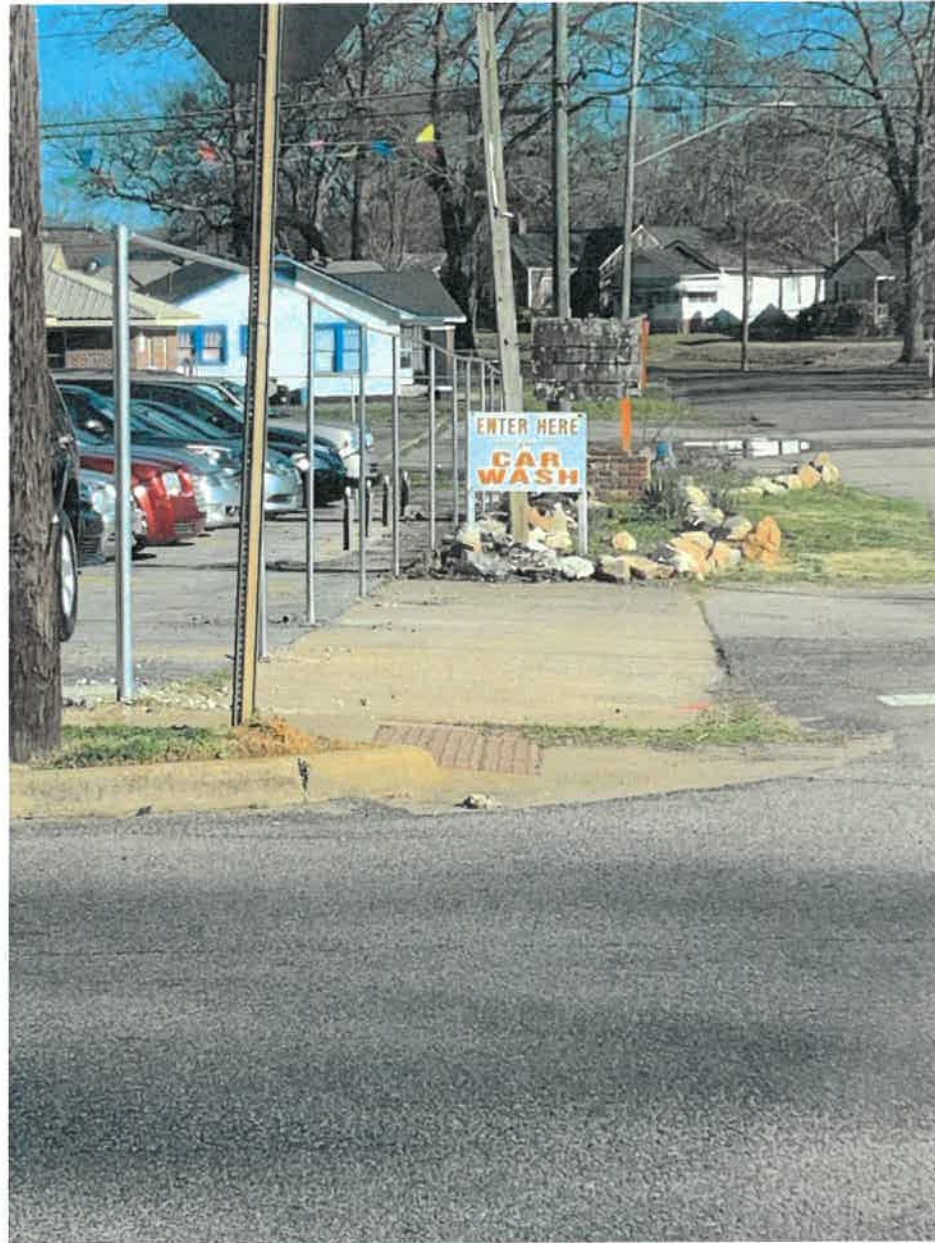
Alley

Alley

Building

1561 Bessemer Rd
Birmingham, AL 35208





Meeting – May 27, 2021
Location – WebEx/ Teleconference
Time - 2:00PM
Pre-Meeting - 1:00PM
Webex/Teleconference

Neighborhood: Collegetown

Staff Planner Moton

ZBA2021-00021

Request: Variance
Applicant: Steve Morrey
Owner: Corrdius Development
Site Address: 3530 34th Ct N
Zip Code: 35207
Description: Variance to allow a 6ft chain link fence in the front yard area. Title 1 Chapter 4 Subsection 3.A.1 page 182
Property Zoned: I-1, Light Industrial District
D-3, Single Family District
Parcel Information: Parcel #: 012300182001007000, NW of Section 18, Township 17 S, Range 2 W

Variance:

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

Neighborhood Meeting:

The Collegetown Neighborhood Association; waiting on vote.

Public Notices:

Public notices were mailed on May 10, 2021.

Applicant's Justification:

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

Staff Analysis:

The subject properties for the replacement of the existing fence cross lot numbers 3300, 3502, 3530, 3532, 3534, 3536, 3604 and 3401 off of 35th St N, 34th Ct N and 36th St N. The applicant is proposing to replace the existing 6ft chain link fence and also install a new chain link gate on the corner of 36th St N and 33rd Terrance N. The existing gate and the new proposed gate is located in the ROW; therefore, a ROW use agreement would be required to have the gates located there.

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 **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. Must obtain a ROW use agreement before installation of the gates crossing 34th Ct N and 33rd Terrance N intersection.



Birmingham Savage Fencing Proposal

28th May, 2020

Proposal: 1203-SVF200-001

Savage Services Corp. provides the following proposal to Facilitate the installation of new and replacement in kind Fencing along Its properties.

Savage Services Corp. proposes to provide engineering, design, and installation of new fencing along the route shown on the GIS MAP Proposed Fencing image. The fencing will replace the damaged and worn areas shown in the attached Photos, as well as extend the fencing to encompass newly acquired property located along 34th N and 35th Ct N Streets.

The Fencing will serve to improve the visual aspects of the property and provide security to both Savage and to the public by restricting unauthorized or inadvertent access to the properties. Savage is willing to replace the fencing in the entire areas shown to help improve the street views and to communicate the commitment from Savage back into the community.

Proposed:

Installation of new Fencing as shown, including new corner property of 34th and 35th Streets.

This proposed routing includes the following lots and parcel numbers:

Lot Number	Parcel Number	Owner
3300	012300182001005000	Cornelius Development
3502	012300182001006000	Cornelius Development
3530	012300182001007000	Cornelius Development
3532	012300182001012000	Cornelius Development
3534	012300182001014000	Cornelius Development
3536	012300182001015000	Cornelius Development
3604	012300182001019000	Cornelius Development
3401	012300182003001000	Cornelius Development

Clean up and removal of Corner property, (3502) including the removal of the trees as the current trees pose a threat to the utility lines as shown in Picture "Property Corner 34th and 35th St."

Savage Services will complete the work at its own cost.

Benefits from New Fencing:

- Security
- Clearly define responsibility of areas
- Improved Community appearance
- Replace existing hazardous from damaged fencing

Respectfully

Steve Morrey

Savage site Request for use of 6ft Chain Link Fence.

Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.

Savage requests to match the surrounding properties and existing fence in kind which is Currently a 6 ft Chain link Fence. Surrounding properties all make use of this type of fence for security and longevity.

Savage proposal includes new Fencing along it's property as well as replacing existing fencing along the property to obtain a uniform new look.

Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant.

Savage request is to match the existing fencing, and replace worn and dis-repaired fence in the area with in kind new 6 ft chain link. As Stated above the fence will be uniform and new condition along the Savage Properties matching what is and has been in place in the area as see in the photos.

Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property.

The Proposed fencing is not derived from Hardship means, it is driven by matching what currently exists in the area, while also providing a better, safer site, due to the fence at 6 ft. A 4 ft fence will not effective keep by-standards out of harms way, Chain link Fencing provides security while still maintaining visibility through the fence to avoid any obstructed views of intersections and or roads should these be present.

This is not Self-imposed, the proposal is from years of operational experience on what fencing will provide long term service as well as maintain surrounding property values.

Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

Savage will actually spend more dollars to install the chain link fence at this time due to steel costs rising and use of 6 ft tall fence. The benefit is for the Community and for Savage in the added security and safety by use of 6 ft tall fence. This will help keep community members for entering a controlled site where Savage is actively working with large equipment...Thus keeping people out of harm's way.

As addressed above visibility to roads and traffic is maintained by a Chain link fence including the ability to see low to the ground small children if present. (where a wooden fence at 4 ft will block out any views of small children.)

To Savage there is no Finical Gain in the selection and use of Chain link as the entire area will be replaced in kind, the benefit to Savage is a safe and more secure working area, free from casual inadvertent entrance by the public. Savage does also gain security of materials within the fence and thus can communicate the security to our Customers.

No Injury to Neighboring Property. 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.

As mentioned above the use of chain link, already present in the area, will add to the overall appearance of the area with new fencing. This provides a level of safe and secure feelings in and around the work sites. (Much like a construction site required to secure the perimeters, this is the same logic.) Air and Light are not adversely affected by the use and installation of the chain link fence, all activities and traffic will be able to still see through the fence where and when needed, the Wooden fencing will not allow vision through the fence and will retard air movements. A wooden fence requires heavy upkeep to maintain appearances, where as chain link is very low maintenance.

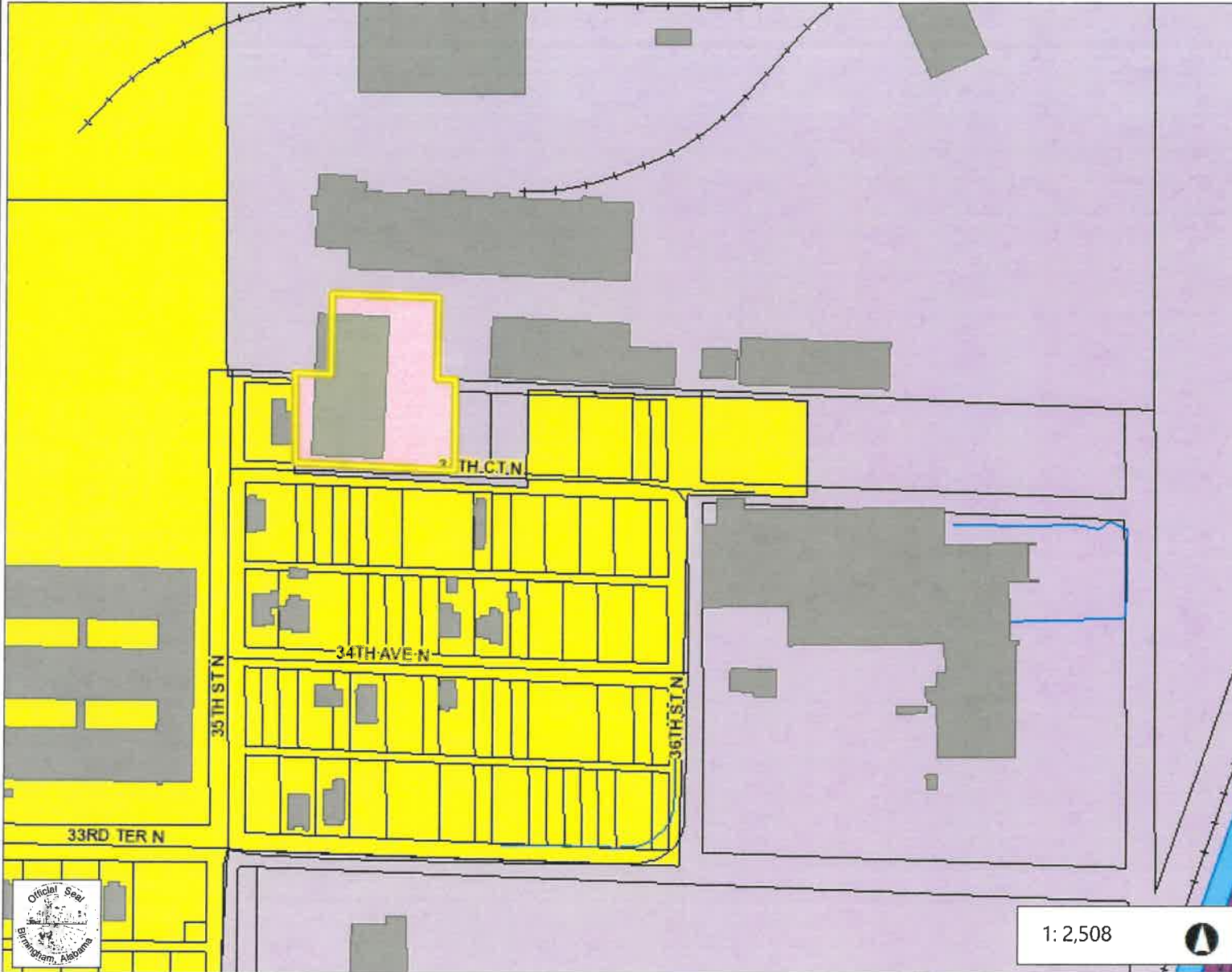
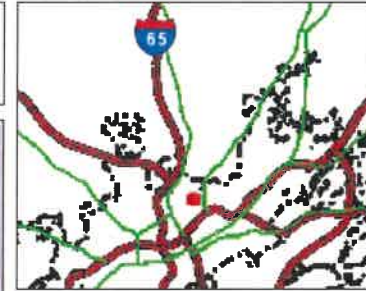
No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

The granting of a chain link fence in the area will not adversely harm or effect the public welfare. Traffic will not be impacted by the use of chain link, in fact the use of visible through type fencing will be more beneficial and safer than a solid wooden fence type, in any areas where road corners are present, specifically to any pedestrian traffic. General welfare will be improved with all new fencing in the area, by visual improvements in fencing, better and more secure boundaries for both the public and for Savage operational team: Knowing and seeing clear boundaries is a mutual benefit, especially with the young who may not know the danger of entering an active operating site.

Savage is confident the mutual benefits of reinstalling a Chain link fence while also installing new Chain link fencing along the boundary of the Savage sites in which Savage currently operates, will be successful in security improvements and visual improvements. The fencing will set clear lines of responsibilities for all, meaning Savage will know the area of operations is secure and thus able to operate more effectively while delivering security of our Customers' materials handled.

The Public and City of Birmingham will benefit with improved appearance of the area with new and replaced worn fencing, be able to keep the public out of harm's way by means of 6 ft chain link fence (4 ft fence is too easily overcome), and traffic including pedestrians along the fence line will be able to walk and travel freely with security from inadvertently crossing into danger zones. Traffic will benefit from the fence in the ability to visually see through the fencing where needed and as needed. Corners will not be obstructed as with the use of a wooden fence, chain link advantage with visibility clearly adds more than just security on this point.

Respectfully for your consideration
Steve Morrey



Legend

- Centerline Labels
- + Railroad
- Alleys
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 - R2; D2 - Single Family District - Cla
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 - 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



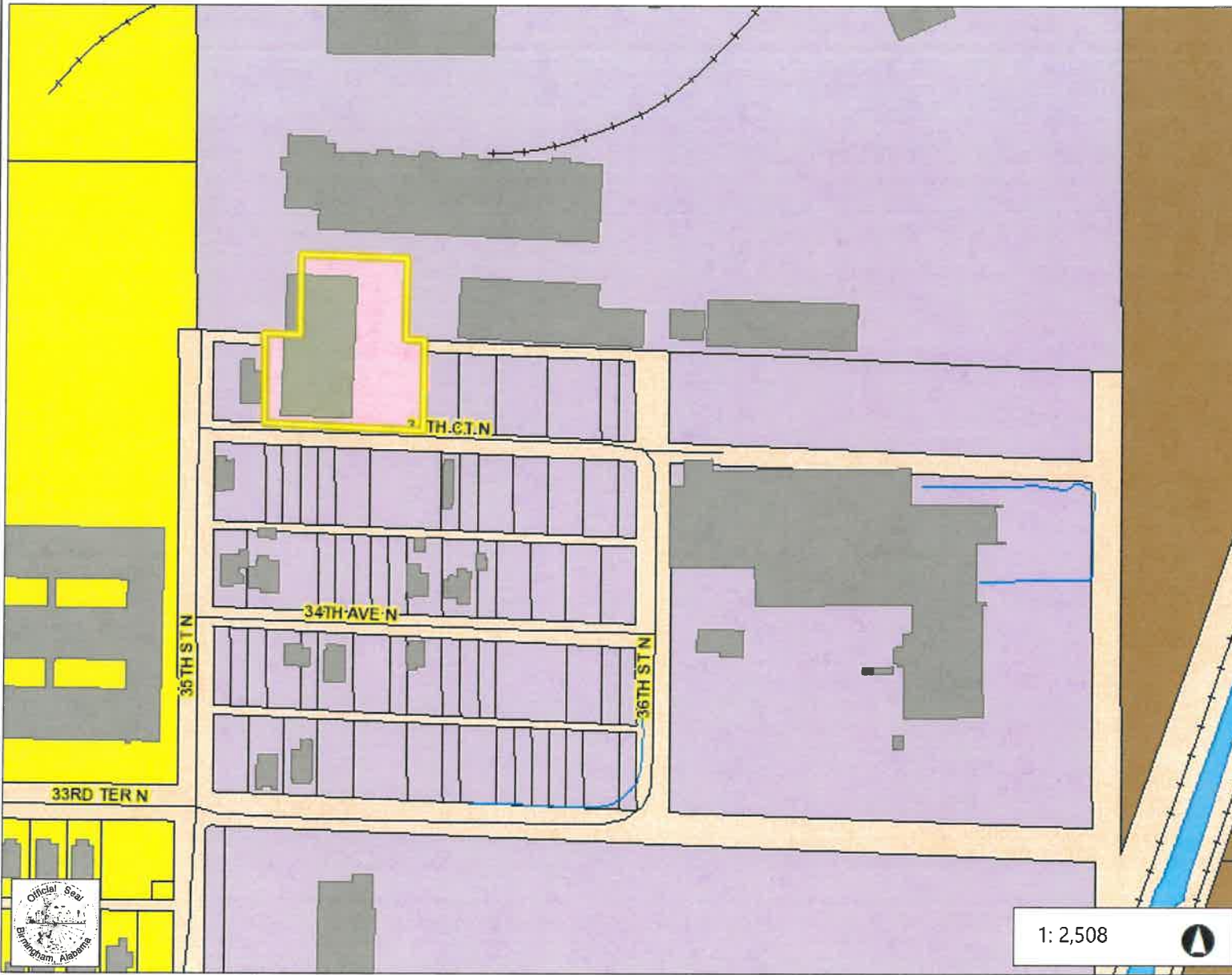
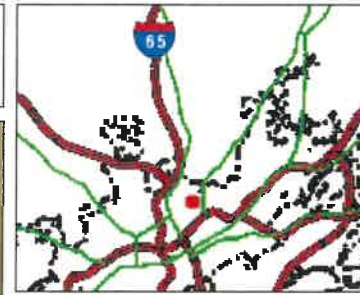
418.0 0 209.01 418.0 Feet

1: 2,508



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Notes



Legend

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



1: 2,508

Notes

Proposed Fencing Route Image





Fencing along 36th St

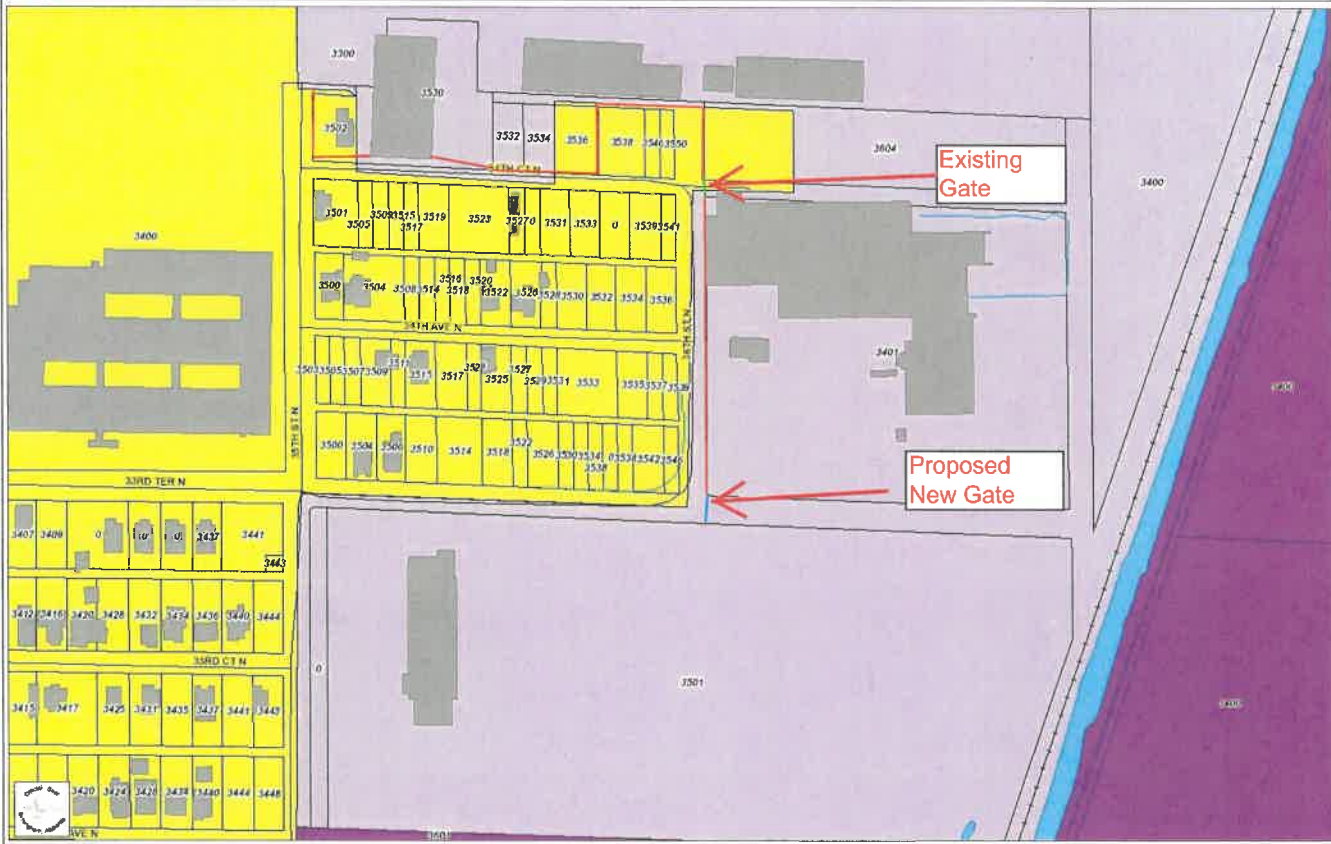


Fencing along 34th St



GIS MAP
Savage Proposed Fencing

Fencing Proposed Location



- Legend**
- Centerline Labels
 - Railroad
 - Alleys
 - Local Roads
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 - County Highways
 - State Highways
 - US Highways
 - Interstates
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 - Parcels
 - Airport
 - Zoning Shaded
 - R1, D1 - Single Family District - C1a
 - R2, D2 - Single Family District - C1a
 - R3, D3 - Single Family District - C1a
 - R4, D4 - Two Family District, R4
 - R4A - Multiple Dwelling District
 - R6, D6 - Multiple Family District; D6
 - R6, D6 - Multiple Family District
 - R7 - Multiple Family District
 - R9 - Planned Residential District
 - E1 - Estate District
 - B1, D1 - Neighborhood Business; B
 - B2, C2 - General Business District
 - B3 - Community Business District
 - B3 - Planned Shopping District
 - HD, CB; B6 - Health and Institut
 - MU1 - Mixed Use Low Density
 - MU2 - Mixed Use Medium Density
 - MU3 - Mixed Use High Density
 - MU4 - Mixed Use Downtown
 - S4 - Central Business District

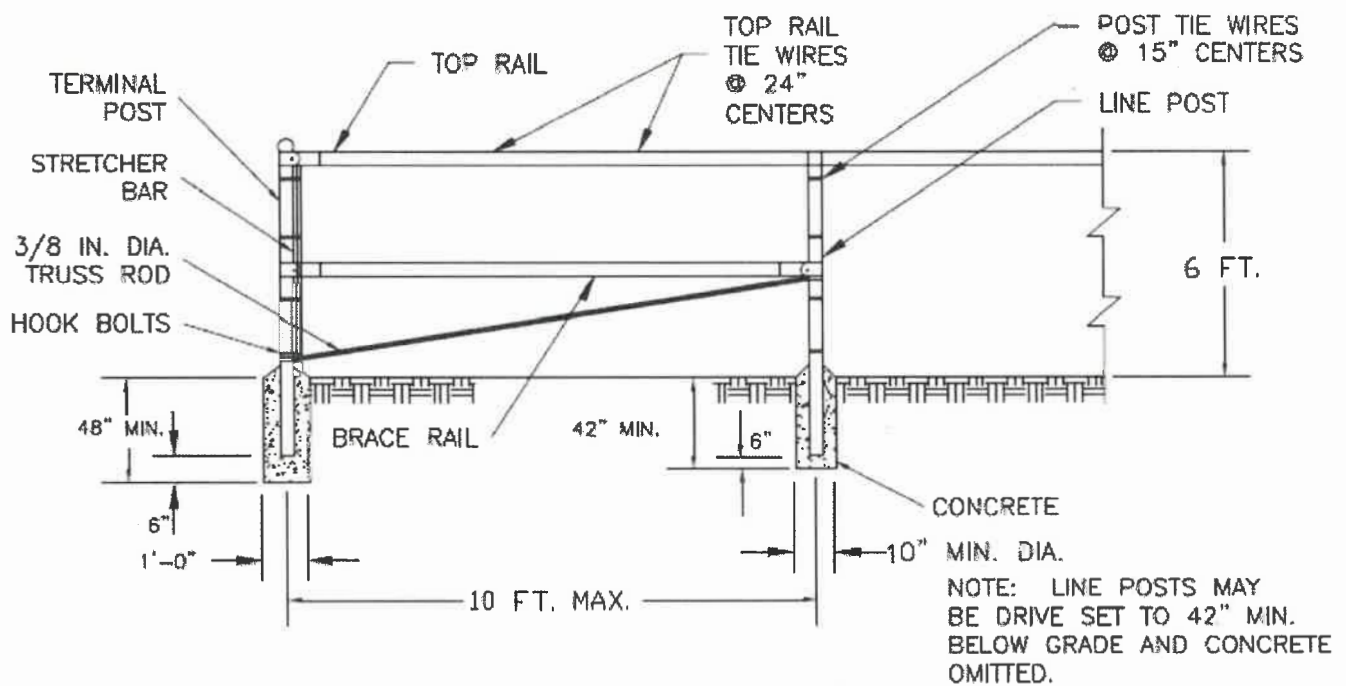
1:1,829

Notes
This map was automatically generated using Geotitles Essentials.

Existing Fence and Street Views



Property Corner 34th and 35th St



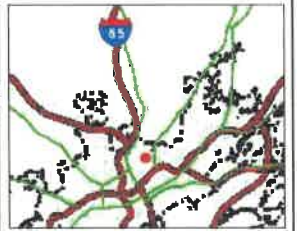
FENCE DETAILS

CONSTRUCTION NOTES:

1. MATERIAL AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE MANUFACTURER'S SPECIFICATIONS AND FOLLOW BEST INDUSTRY STANDARD OF CARE.
2. ALL POSTS SHALL BE INSTALLED VERTICALLY. WHERE THE POSTS ARE INSTALLED ON AN INCLINED SURFACE, THE ANGLE OF THE POST SHALL BE ADJUSTED SO THAT THE POST SHALL BE VERTICAL UPON COMPLETION.



Savage Fencing proposal



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
- City Limits (solid)

Notes



337.5 0 168.77 337.5 Feet

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

Meeting – May 27, 2021
Location - WebEx
Time - 2:00PM
Pre-Meeting - 1:00PM
WebEx

Neighborhood: Southside Staff Planner Moton ZBA2021-00026

Request: Modification
Applicant: Bruce Lanier
Owner: M2 Ventures, LLC
Site Address: 3501 1st Ave S
Zip Code: 35222
Description: Modification to allow 68 off-street parking spaces instead of the required 135 off-street parking spaces pursuant to Title 1, Chapter 9, Article VI, Section 6.A.3
Property Zoned: M-1, Light Industrial District
Parcel Information: Parcel #: 012300304015003000, SE of Section 30, Township 17 S, Range 2 W

Modification:

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

Neighborhood Meeting:

The Southside neighborhood has not responded.

Public Notices:

Public notices were mailed on May 19, 2021.

Staff Analysis:

The parcel is located at 3501 1st Ave S resides within the M-1, Light Industrial District. The applicant is proposing a mixed-use development. The property was previous approved for a parking modification per case ZBA2018-00054 (Modification to allow 59 off street parking spaces instead of the required 134 off street parking spaces.) The two-year timeframe has expired to receive all permits and their parking count has gone up to account for a new tenant. According to Title 1 Chapter 5 Section 4.O and the proposed mixed-use development the total required of parking spaces is 167 spaces. The applicant has received a 10% reduction for a nearby transit and bicycle rack. The total required parking is now 135 parking spaces and the applicant is providing 68 parking spaces; therefore, lacking 67 parking spaces. The applicant has provided us with a parking study surplus parking within 1,320ft radius. There are no other parking modification within the 1,320ft radius.

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: 012300304015003000

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

DATE: Thursday, May 20, 2021 11:36:22 AM

OWNER: M2 VENTURES LLC

ADDRESS: 1425 RICHARD ARRINGTON JR BLVD

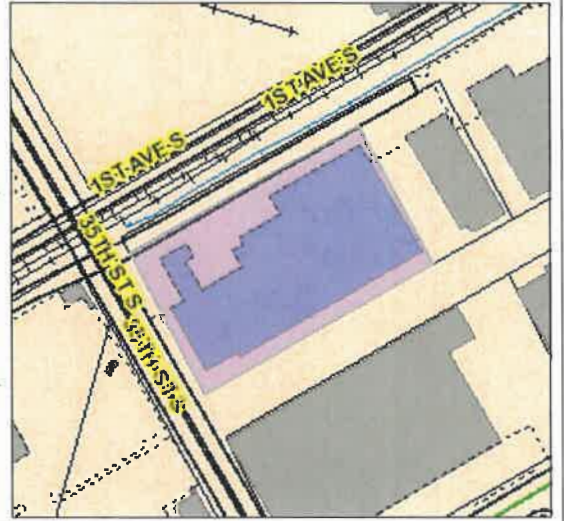
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35205

SITE ADDR: 3501 1ST AVE S

CITY/STATE: BHAM, AL

ZIP: 35206



LAND: \$840,700.00

BLDG: \$1,977,200.00

OTHER: \$0.00

AREA: 119,879.36

ACRES: 2.75

SUBDIVISION INFORMATION:

NAME OLD RR SHOP RESUR 23-30-4

BLOCK:

LOT: 1

Section: 30-17-2W

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: Southside (1703)

Communities: Southside (17)

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

Zoning Outline: M1

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

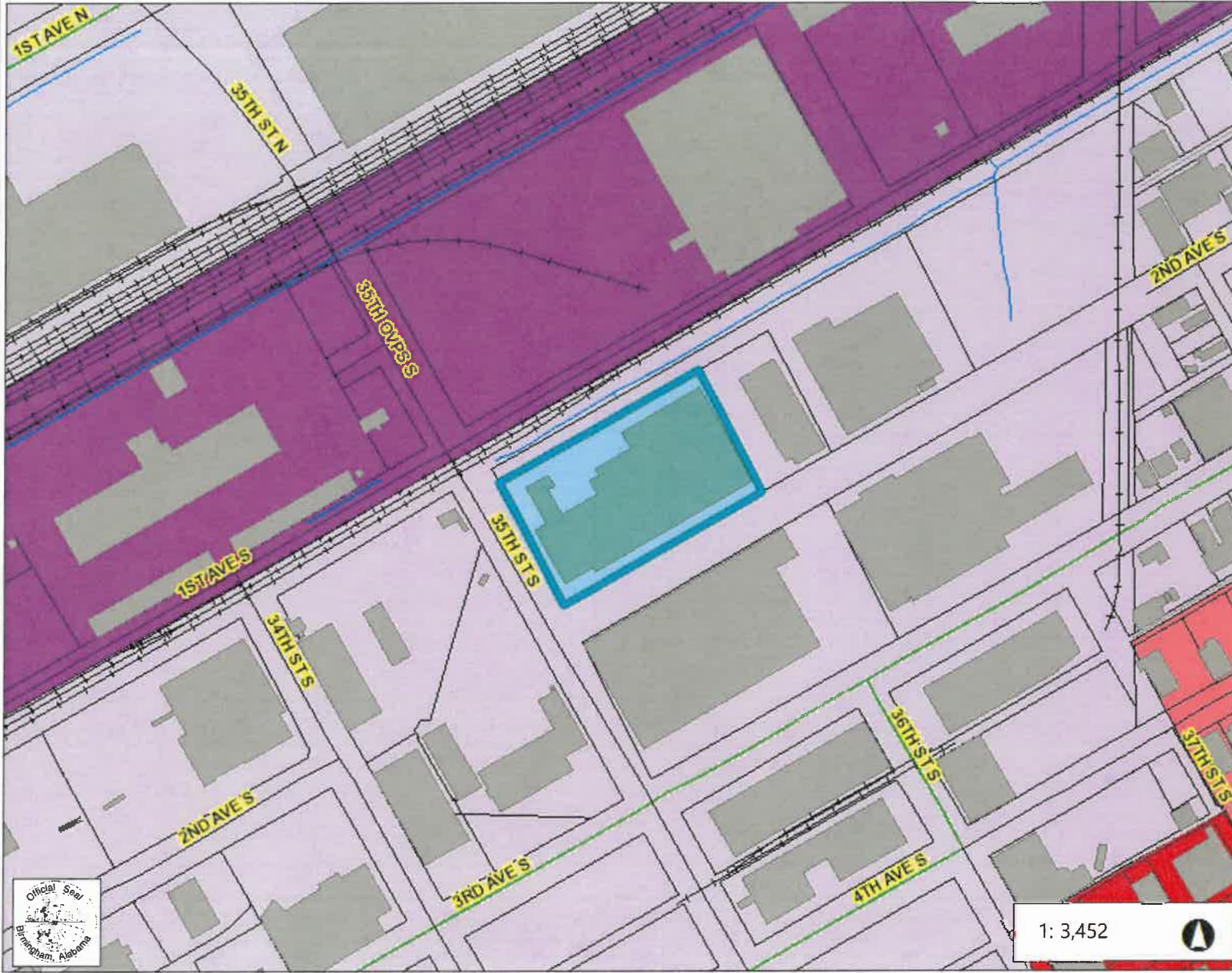
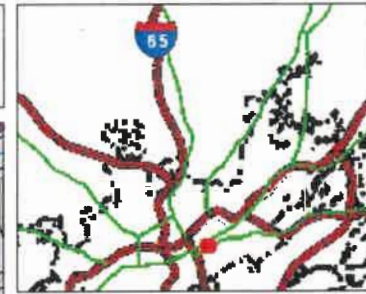
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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.

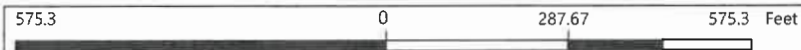


Legend

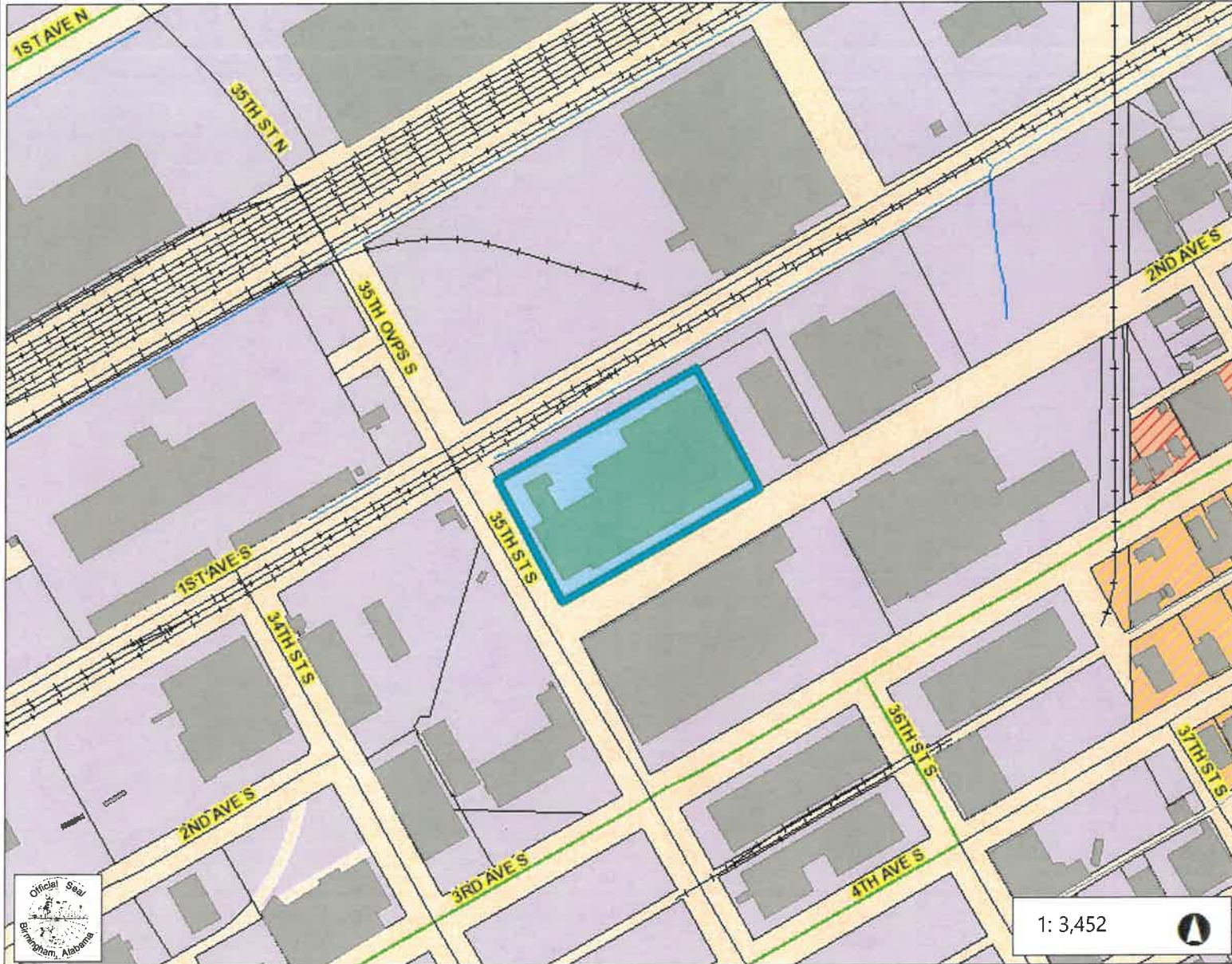
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - 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: 3,452



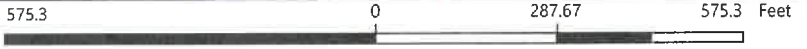
Notes



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

Notes



M2 Phase 2
 Parking Requirements for Anticipated Uses

5/7/2021

Building Level	Building Suite or Rooms	Use per Zoning Ordinance	Gross Floor Area (GFA)	Occupancy Load (IBC)	Parking Rate per Zoning Ordinance (1 per X GFA or 1 per X Occ)	Calculated Parking Stalls	Park Required, Rounded per Zoning Ordinance
1	Common areas	Business	823.00		400	2.06	
1	101A	Office	3282.41		400	8.21	
1	101B-assembly	Tasting Room	6684.95		100	66.8495	
1	101B-assembly	Event Space	3681.26	507	100.00	36.8126	
1	101B-production	Brewery	9867.55		1000	9.86755	
1	101B-office	Office	1568.33		400	3.920825	
1	102A-office	Office	1649.91		400	4.12	
1	102B-office	Office	3119.69		2000	1.559845	
1	102B-warehouse	Warehouse	16036.8		2000	8.0184	
1	103B	Warehouse	20911.81		2000	10.46	
2	Common areas	Business	1,413.00		400	3.53	
2	202	Office	2464.86		400	6.16215	
2	201	Office	2258.84		400	5.65	

167.214675	167	Subtotal Parking Required
	16	Bicycle offset (10% max)
	16	Public transit offset (10%)
	135	Parking Required less offsets
		Parking Modification granted
	135	Total Parking Required
	72	Parking Provided
	-4	Less Parks Lost Due to JV Trail
	67	Additional On Premises Reqd

CITY OF BIRMINGHAM
DEPARTMENT OF PLANNING, ENGINEERING & PERMITS
710 20th Street, North
ROOM 210, CITY HALL
BIRMINGHAM, ALABAMA 35203

5/17/2021



Re: Parking Modification for 3501 1st Avenue South

Dear Members of Zoning Board of Adjustments:

The applicant is applying for a Parking Modification for M2, a mixed use development located 3501 1st Avenue South. The development requires 135 on-site spaces and can provide 68 spaces onsite. Therefore, the owner requests a reduction in required on site parking of 67 spaces updates based on a demonstrated surplus of available public parking within the allowable radius of the site.

This application updates a previously-granted Parking Modification reducing required on site parking by 74 spaces that expired at the end of 2020 (ZBA2018-0005). The 7 space reduction in the current Parking Modification reflects a more accurate calculation of parking requirements based on actual uses as well as on increases in onsite parking that have been realized since the original 2018 application.

The known uses (leased areas) include general Business uses for Freshwater Land Trust's office & Trips for Kids (a bicycle maintenance non-profit); a Brewery & Taproom for Ghost Train Brewing; and a warehouse and logistics operation for Bolt Mobility, a multi-modal mobility licensee to the City of Birmingham.

Assumed future uses include additional warehouse and logistics on the east end of the property (adjacent to Bolt Mobility) and additional general business uses on the east side of the building (which has been fitted out to accommodate general business use).

A study of available public parking on-street and within public ROW lots within a 1320 ft radius of the site identified 265 total spaces. Of these, an average of 18%, or 47 spaces, are in use at various times of day. This nets an **average available on street public parking of 218 empty spaces**. The requested parking modification only requires 67 spaces, so **the study demonstrated available parking in excess of 3x the Parking Modification requested by this application**.

While the study demonstrates an overwhelming abundance of available parking, it also revealed that the current use of public parking is asynchronous with the largest driver of the onsite parking requirement: the taproom and brewery. The primary operating hours for the taproom are afternoons and evenings. This use coincides with times in which there is a reduced parking pressure on public parking that otherwise appears to be most in use during morning and mid-day business hours.

It is also notable that since our previously-approved modification the following developments have occurred that we believe reflect favorably on the overall impact that the project may have on the surrounding area:

WWW.ARCHITECTUREWORKS.COM
TELEPHONE: (205) 320-0880
130 NINETEENTH STREET SOUTH
BIRMINGHAM, ALABAMA 35233

- We have increased onsite parking from 59 spaces to 68 spaces through improvements in the site development plan
- The overall parking modification has been reduced from the approved 2018 request from 74 to 67.
- The Jones Valley Trail Extension will provide a pedestrian and cycling corridor that runs along 2 faces of the property. This will provide increased access to multi-modal transit for users of the building.
 - The building owner has granted an easement across its property to allow for an improved path for the public trail, but that path reduced the available onsite parking by 4 spaces (reducing available parking from 72 to 68 parks with the later number being the basis of the request for modification).
- As was the case with the previously-granted modification, the property faces several unique hardships, including:
 - The south side of the property is only accessible by a single drive aisle and only by an unimproved gravel Right of Way. Accordingly, the property along the south face of the building is not allowed to be counted in on-site parking calculations because it is not accessible by an approved parking surface.
 - The building sits on its east property line, further prohibiting access to the south side of the property.

We appreciate your time and consideration of this matter.

Regards,



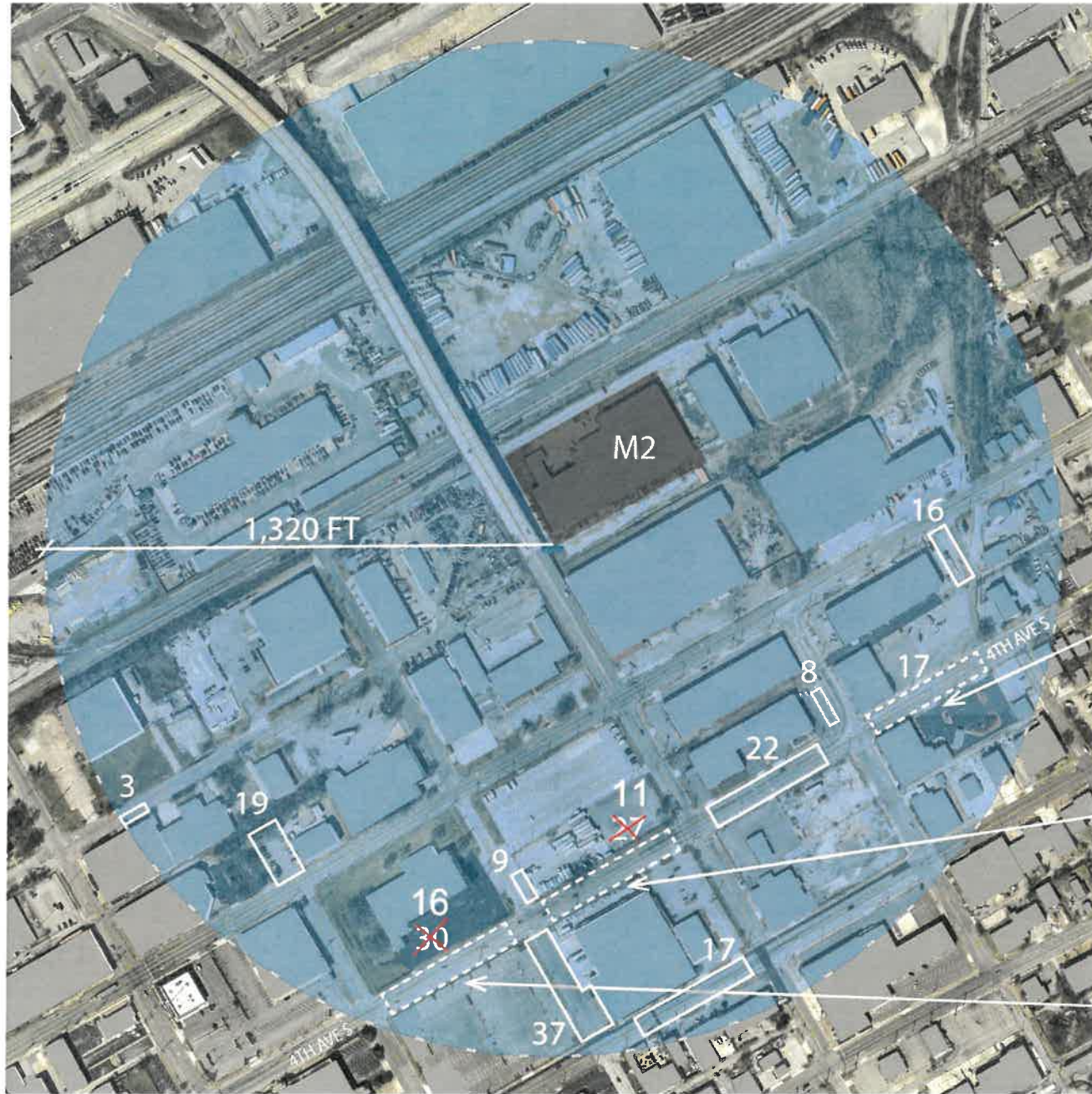
Bruce Lanier
Partner, ArchitectureWorks, LLP

M2 Phase 2
 Parking Requirements for Anticipated Uses

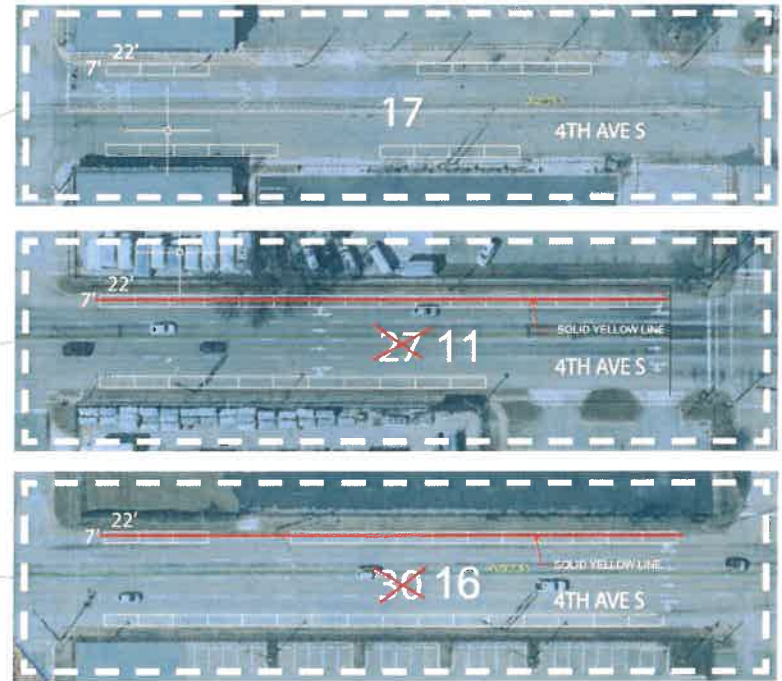
5/7/2021

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	135	Parking Required less offsets
		Parking Modification granted
	135	Total Parking Required
	72	Parking Provided
	-4	Less Parks Lost Due to JV Trail
	67	Additional On Premises Req'd



MARKED PARKING = 131 SPACES
 UN-MARKED PARKING = ~~74~~⁴⁴ SPACES
TOTAL = ~~205~~¹⁷⁵ SPACES



NOT FOR CONSTRUCTION



ARCHITECTURE WORKS

138 WINDLEBERRY STREET SOUTH
BIRMINGHAM, ALABAMA 35222
TELEPHONE: 205.336.8828
WWW.ARCHITECTUREWORKS.COM

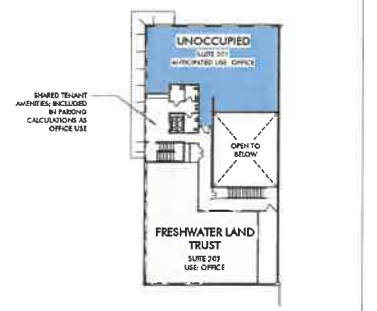
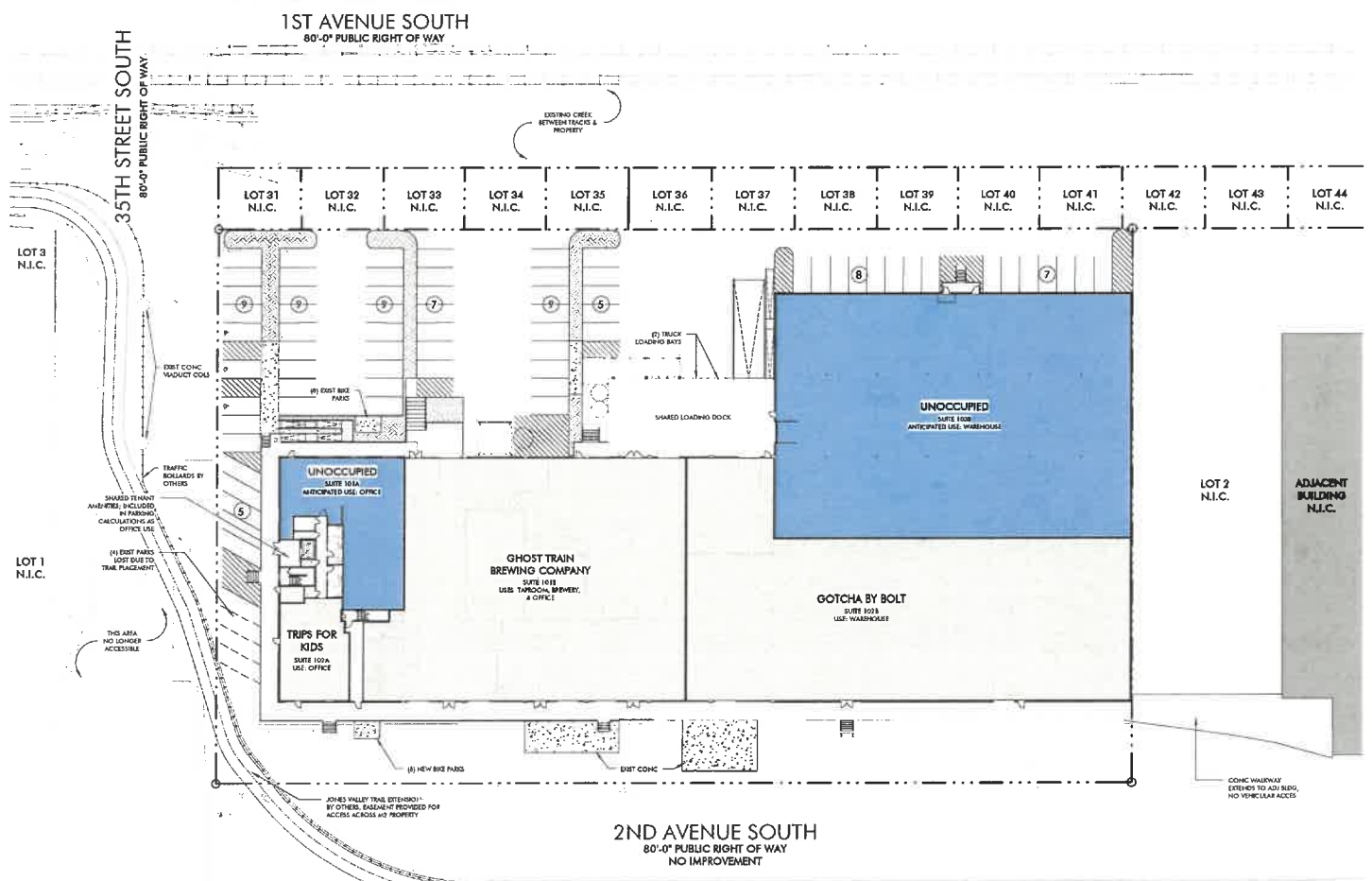
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M2 PHASE 2
SHELL & CORE IMPROVEMENTS
3501 1st AVENUE SOUTH, BIRMINGHAM, AL 35222

NO.	
REVISION	
DATE	
BY	
FOR	

PROJECT NO.	20-016.000
PROJECT STATUS	ZBA REVIEW
DATE	MAY 5, 2021
SHEET NAME	SITE PLAN & TENANT LAYOUT
SHEET NO.	

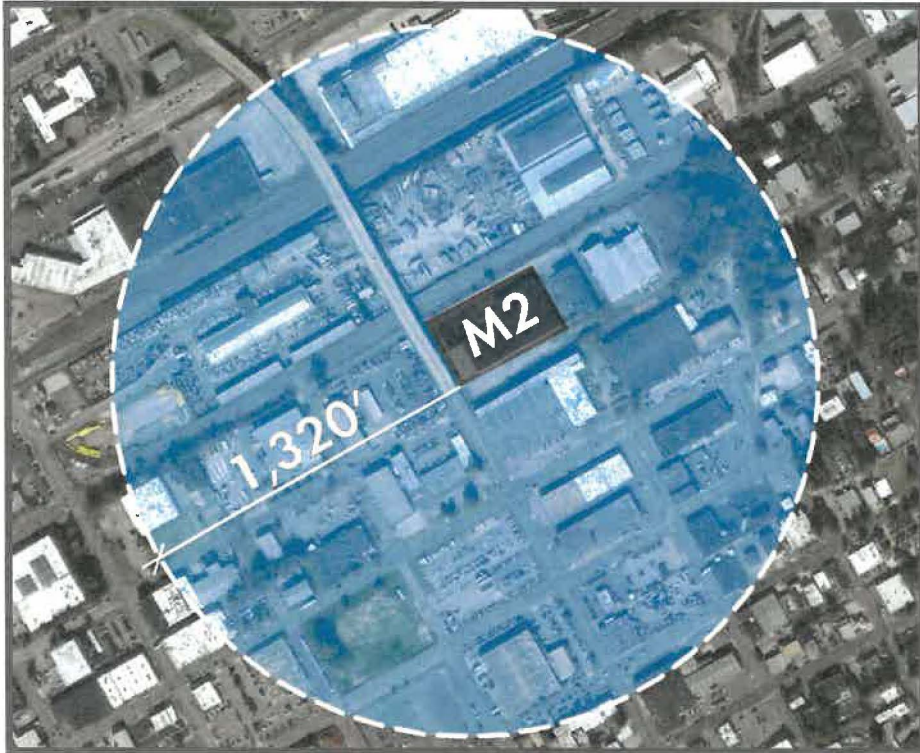
ZBA



TENANT LAYOUT LEVEL 2 1" = 30'-0"

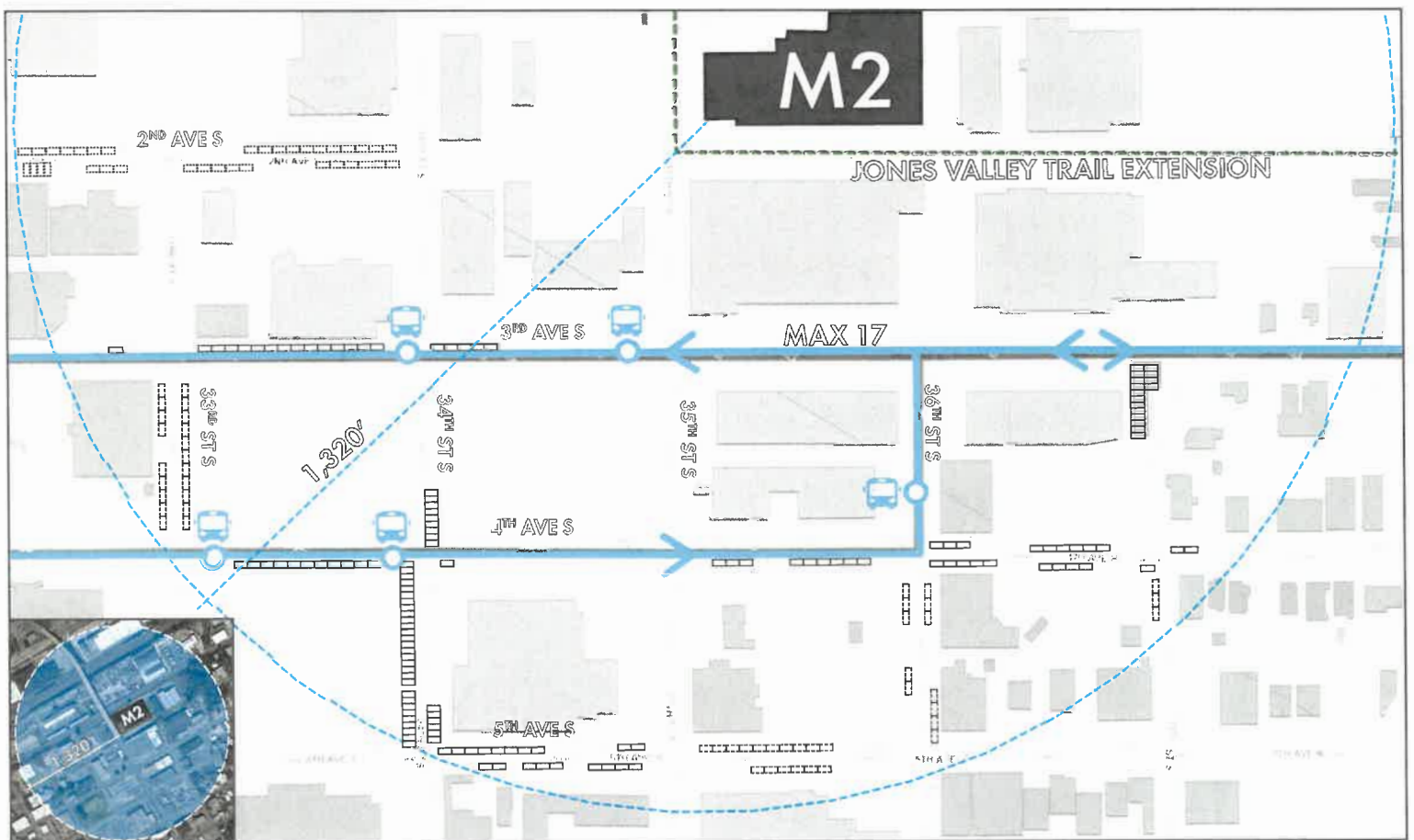
SITE PLAN LEVEL 1 1" = 30'-0"

M2 PARKING STUDY SUMMARY



DATE: 5/13/2021 TIME: 8:00 AM	FULL SPACES: 50 / 265	%OCCUPIED: 19%	EMPTY SPACES: 215
DATE: 5/13/2021 TIME: 12:30 PM	FULL SPACES: 61 / 265	%OCCUPIED: 23%	EMPTY SPACES: 204
DATE: 5/13/2021 TIME: 5:30 PM	FULL SPACES: 29 / 265	%OCCUPIED: 11%	EMPTY SPACES: 236
DATE: 5/14/2021 TIME: 8:30 AM	FULL SPACES: 47 / 265	%OCCUPIED: 18%	EMPTY SPACES: 218
DATE: 5/14/2021 TIME: 12:30 PM	FULL SPACES: 58 / 265	%OCCUPIED: 22%	EMPTY SPACES: 207
DATE: 5/14/2021 TIME: 5:30 PM	FULL SPACES: 40 / 265	%OCCUPIED: 15%	EMPTY SPACES: 225

AVERAGE %OCCUPIED:	18%
AVERAGE EMPTY SPACES:	218





M2 PARKING STUDY

DATE: 5/13/2021

TIME: 8:00 AM

TOTAL SPACES: 265
 FULL SPACES: 50 / 265

%OCCUPIED: 19%
 EMPTY SPACES: 215

MARKED SPACES: 178
 FULL MARKED SPACES: 42 / 178

%OCCUPIED: 23%
 EMPTY SPACES: 136

M2 PARKING STUDY



Location: 2nd_32nd_33rd_2.JPG
5/13/2021



Location: 2nd_33rd_34th_2.JPG
5/13/2021



Location: 3rd_33rd_32nd.JPG
5/13/2021



Location: 3rd_34th_33rd.JPG
5/13/2021



Location: 3rd_35th_34th.JPG
5/13/2021



Location: 4th_35th_36th_2.JPG
5/13/2021



Location: 4th_33rd_34th.JPG
5/13/2021



Location: 4th_34th_35th (2).JPG
5/13/2021



Location: 4th_34th_35th.JPG
5/13/2021



Location: 4th_36th_37th.JPG
5/13/2021



Location: 5th_34th_35th.JPG
5/13/2021



Location: 5th_36th_35th.JPG
5/13/2021

M2 PARKING STUDY



Location: 5th_36th_35th_2.JPG
5/13/2021



Location: 5th_36th_37th.JPG
5/13/2021



Location: 33rd_4th_3rd.JPG
5/13/2021



Location: 34th_2nd_3rd.JPG
5/13/2021



Location: 34th_3rd_4th.JPG
5/13/2021



Location: 34th_4th_5th_1.JPG
5/13/2021



Location: 34th_4th_5th_3.JPG
5/13/2021



Location: 34th_4th_5th_4.JPG
5/13/2021



Location: 36th_4th_5th.JPG
5/13/2021



Location: 36th_5th_4th.JPG
5/13/2021



Location: 37th_4th_5th.JPG
5/13/2021



Location: 37th_lot.JPG
5/13/2021



M2 PARKING STUDY

DATE: 5/13/2021

TIME: 12:30 PM

TOTAL SPACES: 265
 FULL SPACES: 61 / 265

%OCCUPIED: 23%
 EMPTY SPACES: 204

MARKED SPACES: 178
 FULL MARKED SPACES: 48 / 178

%OCCUPIED: 27%
 EMPTY SPACES: 130

M2 PARKING STUDY



Location: 2A_32_34_1.JPG
5/13/2021



Location: 2A_32_34_2.JPG
5/13/2021



Location: 3A_33_34.JPG
5/13/2021



Location: 3A_34_35.JPG
5/13/2021



Location: 3A_LOT.JPG
5/13/2021



Location: 4A_34_35.JPG
5/13/2021



Location: 4A_36_37.JPG
5/13/2021



Location: 5A_34_35.JPG
5/13/2021



Location: 5A_34_35_1.JPG
5/13/2021



Location: 5A_34_35_2.JPG
5/13/2021



Location: 5A_35_36.JPG
5/13/2021



Location: 33S_3_4.JPG
5/13/2021

M2 PARKING STUDY



Location: 34S_2_LOT.JPG
5/13/2021



Location: 34S_3_LOT.JPG
5/13/2021



Location: 34S_5_LOT_1.JPG
5/13/2021



Location: 34S_5_LOT_2.JPG
5/13/2021



Location: 36S_4_5.JPG
5/13/2021



Location: 37S_4_5.JPG
5/13/2021



Location: 37S_LOT.JPG
5/13/2021



M2 PARKING STUDY

DATE: 5/13/2021
 TIME: 5:30 PM

TOTAL SPACES: 265
 FULL SPACES: 29 / 265

%OCCUPIED: 11%
 EMPTY SPACES: 236

MARKED SPACES: 178
 FULL MARKED SPACES: 24 / 178

%OCCUPIED: 13%
 EMPTY SPACES: 154

M2 PARKING STUDY



Location: 2A_32_33.JPG
5/13/2021



Location: 2A_33_34.JPG
5/13/2021



Location: 3A_33_34.JPG
5/13/2021



Location: 3A_34_35.JPG
5/13/2021



Location: 3A_LOT.JPG
5/13/2021



Location: 4A_33_34.JPG
5/13/2021



Location: 4A_34_35.JPG
5/13/2021



Location: 4A_35_36_1.JPG
5/13/2021



Location: 4A_35_36_2.JPG
5/13/2021



Location: 4A_36_37.JPG
5/13/2021



Location: 5A_34_35.JPG
5/13/2021



Location: 5A_35_36.JPG
5/13/2021

M2 PARKING STUDY



Location: 33S_3_4.JPG
5/13/2021



Location: 34S_2_3.JPG
5/13/2021



Location: 34S_3_LOT.JPG
5/13/2021



Location: 34S_LOT.JPG
5/13/2021



Location: 36S_4_5.JPG
5/13/2021



Location: 37S_4_5.JPG
5/13/2021



Location: 37S_LOT.JPG
5/13/2021



M2 PARKING STUDY

DATE: 5/14/2021
 TIME: 8:00 AM

TOTAL SPACES: 265
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%OCCUPIED: 23%
 EMPTY SPACES: 136

M2 PARKING STUDY



Location: 2A_32-34_1.JPG
5/14/2021



Location: 2A_32-34_2.JPG
5/14/2021



Location: 3A_32_34.JPG
5/14/2021



Location: 3A_34_35.JPG
5/14/2021



Location: 3A_LOT.JPG
5/14/2021



Location: 4A_33_34.JPG
5/14/2021



Location: 4A_34_35.JPG
5/14/2021



Location: 4A_35_36.JPG
5/14/2021



Location: 4A_36_37.JPG
5/14/2021



Location: 5A_34_35_1.JPG
5/14/2021



Location: 5A_34_35_2.JPG
5/14/2021



Location: 5A_35_36.JPG
5/14/2021

M2 PARKING STUDY



Location: 33S_3_4.JPG
5/14/2021



Location: 34S_2_LOT.JPG
5/14/2021



Location: 34S_4_LOT.JPG
5/14/2021



Location: 34S_5_LOT.JPG
5/14/2021



Location: 36S_4_5_1.JPG
5/14/2021



Location: 36S_4_5_2.JPG
5/14/2021



Location: 37S_4_5.JPG
5/14/2021



Location: 37S_LOT.JPG
5/14/2021



M2 PARKING STUDY

DATE: 5/14/2021
 TIME: 12:30 PM

TOTAL SPACES: 265
 FULL SPACES: 58 / 265

%OCCUPIED: 22%
 EMPTY SPACES: 207

MARKED SPACES: 178
 FULL MARKED SPACES: 48 / 178

%OCCUPIED: 27%
 EMPTY SPACES: 130

M2 PARKING STUDY



Location: 2A_32_34_1.JPG
5/14/2021



Location: 2A_32_34_2.JPG
5/14/2021



Location: 3A_32_33.JPG
5/14/2021



Location: 3A_33_34.JPG
5/14/2021



Location: 3A_LOT.JPG
5/14/2021



Location: 4A_33_34.JPG
5/14/2021



Location: 4A_34_45.JPG
5/14/2021



Location: 4A_35_36.JPG
5/14/2021



Location: 4A_36_37.JPG
5/14/2021



Location: 5A_34_35.JPG
5/14/2021



Location: 5A_35_36.JPG
5/14/2021



Location: 33S_3_4.JPG
5/14/2021

M2 PARKING STUDY



Location: 34S_4A_LOT.JPG
5/14/2021



Location: 34S_5_LOT_1.JPG
5/14/2021



Location: 34S_5_LOT2.JPG
5/14/2021



Location: 36S_4_5_1.JPG
5/14/2021



Location: 36S_4_5_2.JPG
5/14/2021



Location: 37S_2_LOT.JPG
5/14/2021



Location: 37S_4_5.JPG
5/14/2021



Location: 37S_LOT.JPG
5/14/2021



M2 PARKING STUDY

DATE: 5/14/2021

TIME: 5:30 PM

TOTAL SPACES: 265
 FULL SPACES: 40 / 265

%OCCUPIED: 15%
 EMPTY SPACES: 225

MARKED SPACES: 178
 FULL MARKED SPACES: 25 / 178

%OCCUPIED: 14%
 EMPTY SPACES: 153

M2 PARKING STUDY



Location: 2A_32_34_1.JPG
5/14/2021



Location: 2A_32_34_2.JPG
5/14/2021



Location: 3A_33.JPG
5/14/2021



Location: 3A_33_34.JPG
5/14/2021



Location: 3A_34_35.JPG
5/14/2021



Location: 3A_LOT.JPG
5/14/2021



Location: 4A_33_34.JPG
5/14/2021



Location: 4A_34_35.JPG
5/14/2021



Location: 4A_35_36.JPG
5/14/2021



Location: 4A_36_37.JPG
5/14/2021



Location: 5A_34_35.JPG
5/14/2021



Location: 5A_35_36.JPG
5/14/2021

M2 PARKING STUDY



Location: 33S_3_4.JPG
5/14/2021



Location: 34_2_LOT.JPG
5/14/2021



Location: 34S_4_LOT.JPG
5/14/2021



Location: 34S_5_LOT_1.JPG
5/14/2021



Location: 34S_5_LOT_2.JPG
5/14/2021



Location: 36S_4_5.JPG
5/14/2021



Location: 37S_4_5.JPG
5/14/2021



Location: 37S_LOT.JPG
5/14/2021