

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00030

Woodlawn Neighborhood

Request:

Modification to allow 0 off-street parking spaces instead of the required 19 parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3

Applicant:

Darrell Harris

Location:

7 55th Place South, Birmingham AL 35212

Parcel # 012300214005003000

SE of Section 21, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is proposing the Slutty Vegan restaurant with a retail space. The project is intended to be a quick-service vegan restaurant. The restaurant is strictly carry-out and will have no seating. No provisions for dining-in will be made. The restaurant hours are 4:00pm to 12:00am Tuesday – Thursday, 4:00pm – 1:00am Friday and Saturday and closed on Sunday and Monday.

Staff Analysis:

The subject property is currently zoned CB-2 (Contingency General Business District). The subject property is surrounded by parcels zoned CB-2 (Contingency General Business District). The property is not located in the flood plain area; however, it is in the Woodlawn Business Historic District and the Woodlawn Commercial Revitalization District. The existing building is 2,620 square feet and the proposed restaurant is 1,567 square feet and the retail space is 1,053 square feet. A restaurant requires 1 parking space per 100 square feet of GFA and retail requires 1 parking space per 400 square feet of GFA; therefore 19 parking spaces are required. The subject property does not have any off-street parking. The applicant has provided a parking study that shows surplus on-street parking. Based upon the parking study, the least amount of parking available within a 2 ½ minute walk is 33 spaces at 2:00pm and within a 5 minute walk is 18 spaces at 10:00am. There are other parking modifications located within 1,320ft:

ZBA2007-00122, 5391 1st Ave N, Modification to allow 23 off-street parking spaces instead of the 34 required spaces. **Lacking 11**

ZBA2019-00036, 5503 1st Ave N, Modification to allow 0 off street parking spaces instead of the required 32 parking spaces. **Lacking 32**

ZBA2020-00005, 5501 1st Ave N, Modification to allow 0 off street parking spaces instead of the required 11 off street parking spaces. **Lacking 11**

Neighborhood Recommendation:

The *Woodlawn Neighborhood Association* voted to support the request.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the modification based upon the applicant providing a parking study that shows surplus parking and the restaurant being carry-out only so all the required parking is not needed; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

PARCEL ID: 012300214005006000

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

DATE: Monday, June 21, 2021 3:30:42 PM

OWNER: MAIN STREET BIRMINGHAM INC

ADDRESS: PO BOX 320637

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35232

SITE ADDR: 5 55TH PL S

CITY/STATE: BHAM, AL

ZIP: 35212



LAND: \$5,600.00

BLDG: \$111,300.00

OTHER: \$0.00

AREA: 3,325.78

ACRES: 0.08

SUBDIVISION INFORMATION:

NAME HOOD JOHN T 23-21-4

BLOCK: 1

LOT: 1-3

Section: 21-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Woodlawn Business District; Woodlawn

Commercial Revitalization District: Woodlawn

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: CB2

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

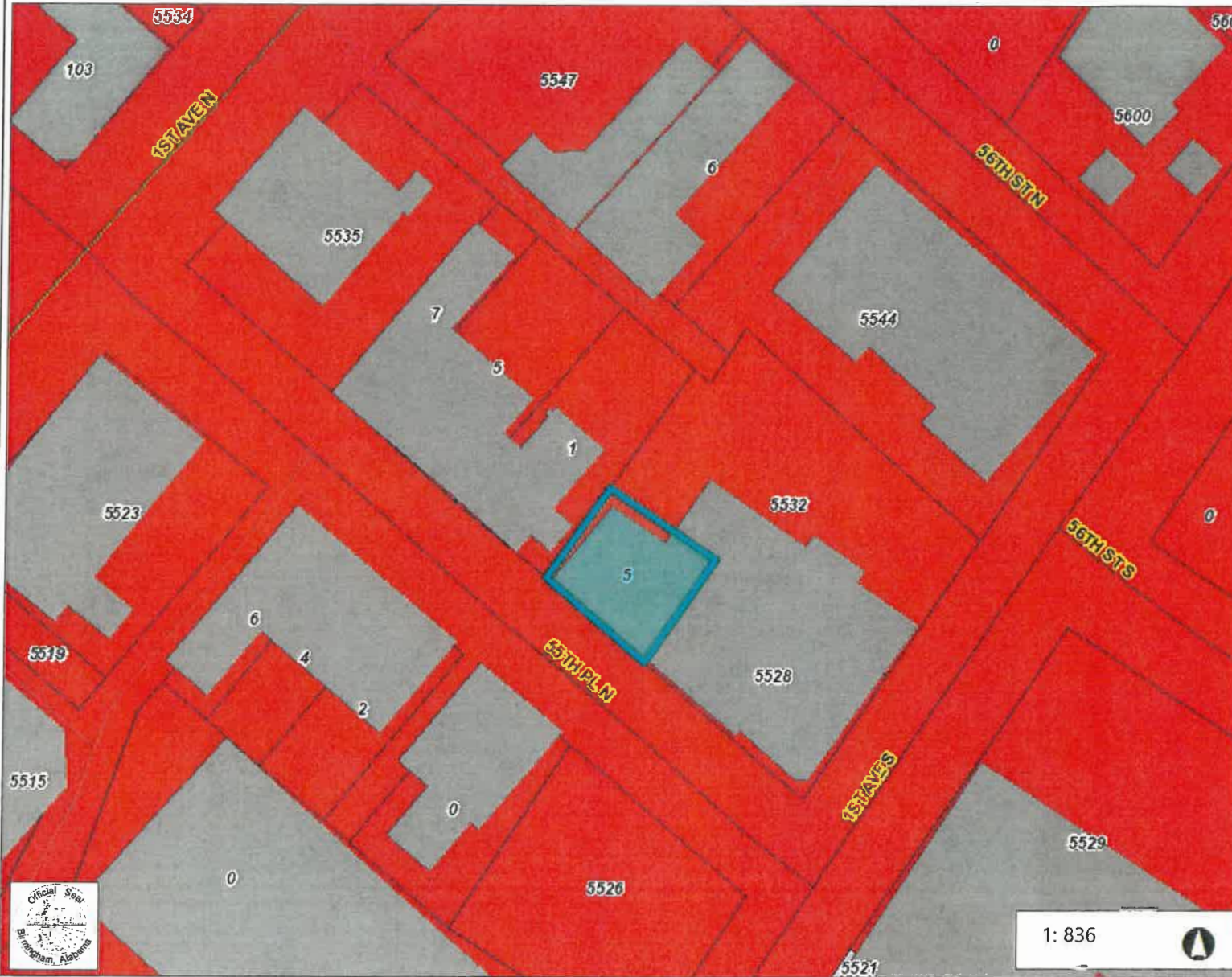
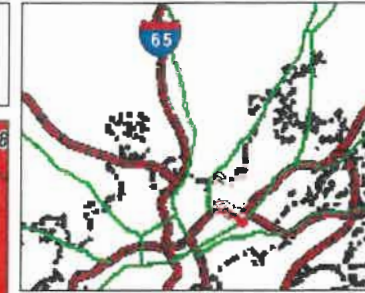
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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

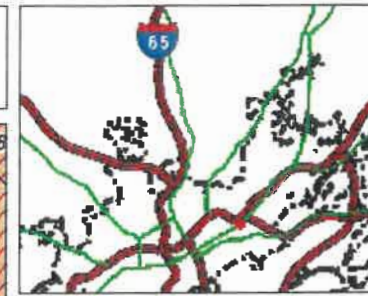


- Legend**
- Centerline Labels
 - Railroad
 - Alleys
 - Local Roads
 - Arterials
 - County Highways
 - State Highways
 - US Highways
 - Interstates
 - Limited Access
 - Ramp
 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Zoning Shaded
 - R1; D1 - Single Family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



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

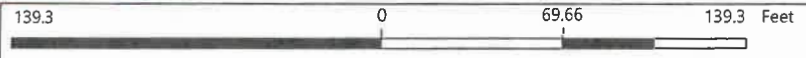


Legend

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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: 836



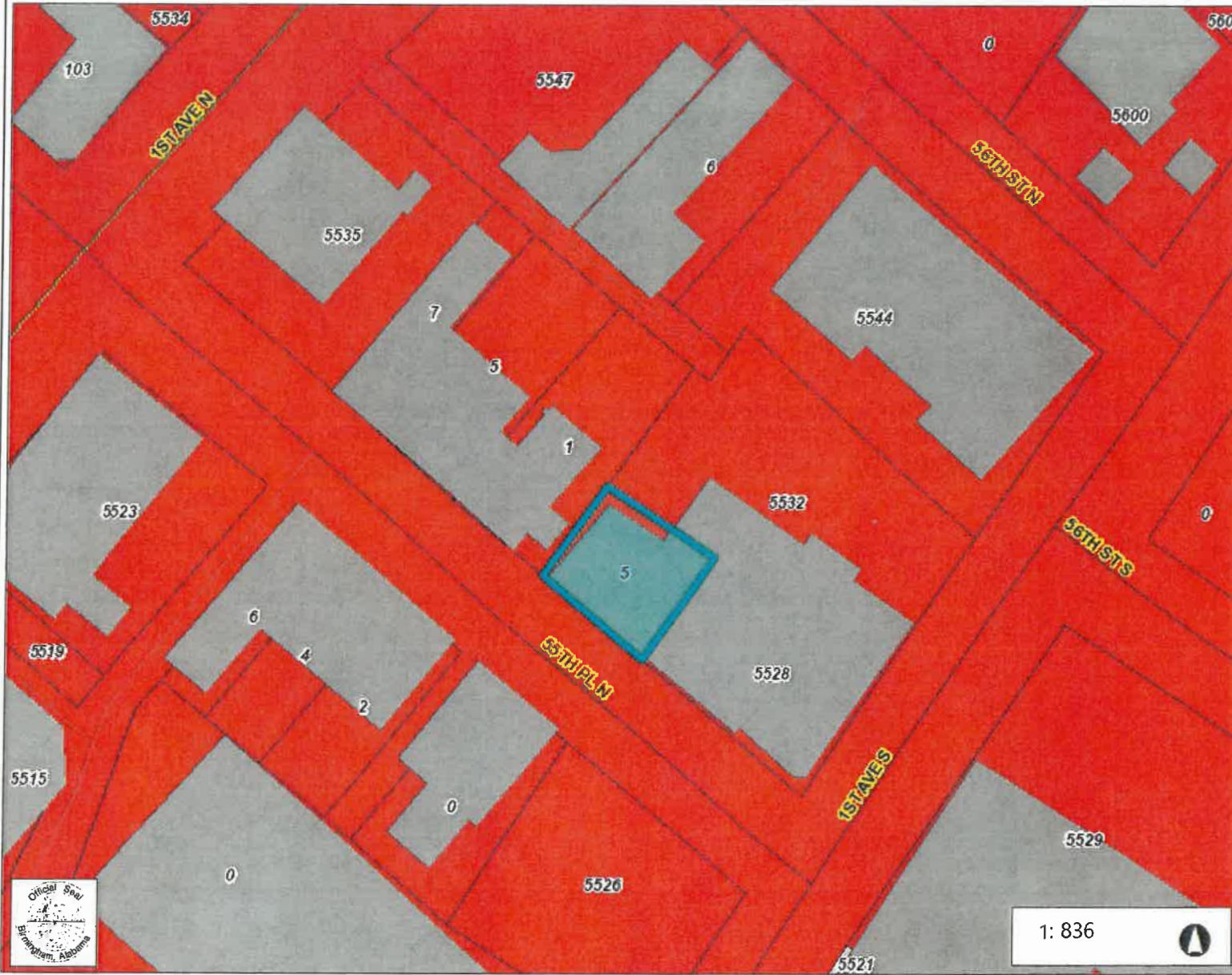
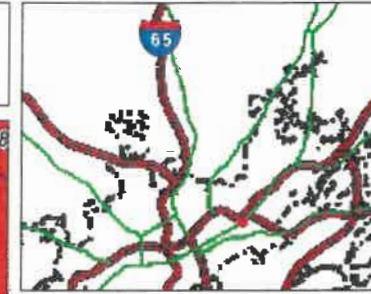
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Notes

Google Maps 1 55th PI N



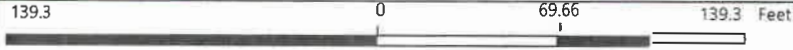
Image capture: May 2019 © 2021 Google



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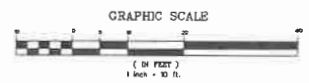
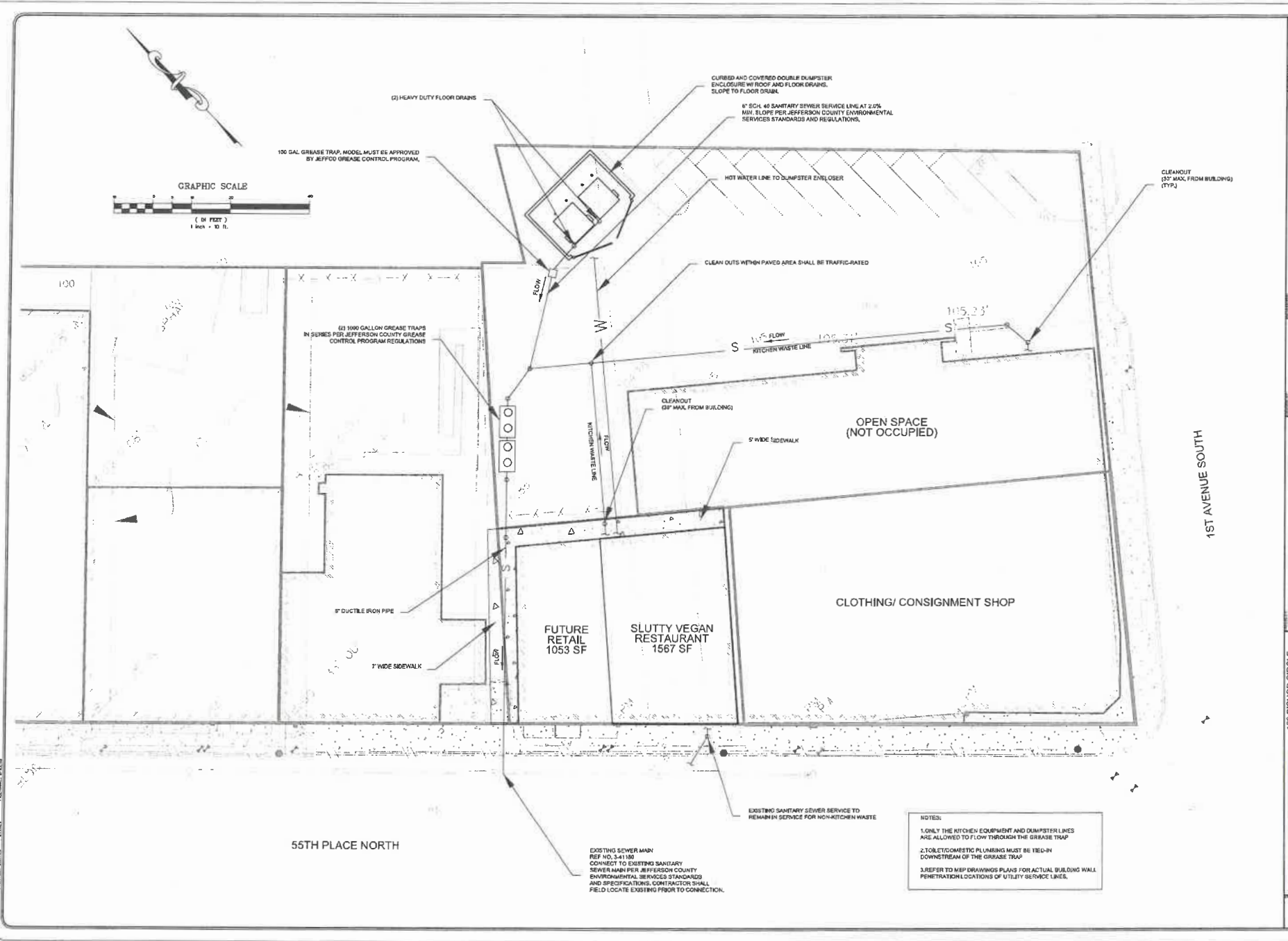


Google Maps 1 55th PI N



Google

Image capture: May 2019 © 2021 Google



100 GAL GREASE TRAP, MODEL MUST BE APPROVED BY JEFFCO GREASE CONTROL PROGRAM.

(2) HEAVY DUTY FLOOR DRAINS

CURBED AND COVERED DOUBLE DUMPSTER ENCLOSURE W/ ROOF AND FLOOR DRAINS. SLOPE TO FLOOR DRAIN.
 4" SCH. 40 SANITARY SEWER SERVICE LINE AT 2.0% MIN. SLOPE PER JEFFERSON COUNTY ENVIRONMENTAL SERVICES STANDARDS AND REGULATIONS.

HOT WATER LINE TO DUMPSTER ENCLOSURE

CLEANOUT (30" MAX. FROM BUILDING) (TYP.)

CLEAN OUTS WITHIN PAVED AREA SHALL BE TRAFFICATED

1/2" S.W. FLOW KITCHEN WASTE LINE

CLEANOUT (30" MAX. FROM BUILDING)

OPEN SPACE (NOT OCCUPIED)

5' WIDE SIDEWALK

CLOTHING/ CONSIGNMENT SHOP

FUTURE RETAIL 1053 SF

SLUTTY VEGAN RESTAURANT 1567 SF

6" DUCTILE IRON PIPE

7' WIDE SIDEWALK

55TH PLACE NORTH

1ST AVENUE SOUTH

EXISTING SEWER MAIN REF. NO. 341300 CONNECT TO EXISTING SANITARY SEWER MAIN PER JEFFERSON COUNTY ENVIRONMENTAL SERVICES STANDARDS AND SPECIFICATIONS. CONTRACTOR SHALL FIELD LOCATE EXISTING PRIOR TO CONNECTION.

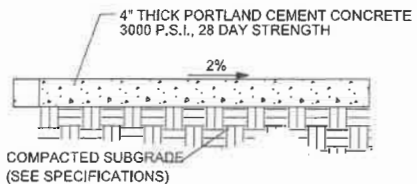
EXISTING SANITARY SEWER SERVICE TO REMAIN IN SERVICE FOR NON-KITCHEN WASTE

- NOTES:
1. ONLY THE KITCHEN EQUIPMENT AND DUMPSTER LINES ARE ALLOWED TO FLOW THROUGH THE GREASE TRAP
 2. TOILET/COMMING PLUMBING MUST BE TIED-IN DOWNSTREAM OF THE GREASE TRAP
 3. REFER TO MEP DRAWINGS PLANS FOR ACTUAL BUILDING WALL PENETRATION LOCATIONS OF UTILITY SERVICE LINES.

PROJECT NO.	1000000000
DATE	11/11/2021
PROJECT NAME	SLUTTY VEGAN RESTAURANT BIRMINGHAM, ALABAMA
NO. SHEETS	1
SHEET NO.	1
PLANT LAYOUT/JOB	08140021
SCALE	1" = 10'

120 BISHOP CIRCLE
 PELHAM, AL 36514
 TEL: 205 403-9159
 FAX: 205 403-9158
 305 SOUTH ALANSON STREET
 FOLLY, AL 36530
 TEL: 205 403-9159
 FAX: 205 403-9176
 WWW.EDGALABAMA.COM

ENGINEERING & DESIGN GROUP, LLC
 120 BISHOP CIRCLE, PELHAM, AL 36514
 305 SOUTH ALANSON STREET, FOLLY, AL 36530

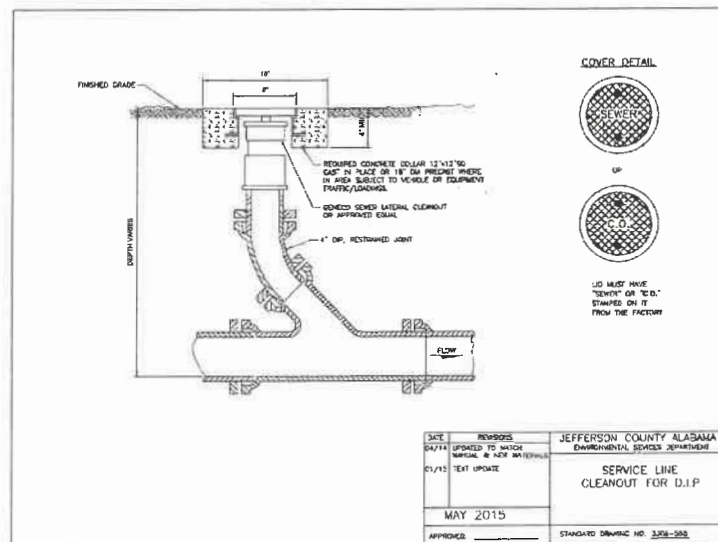
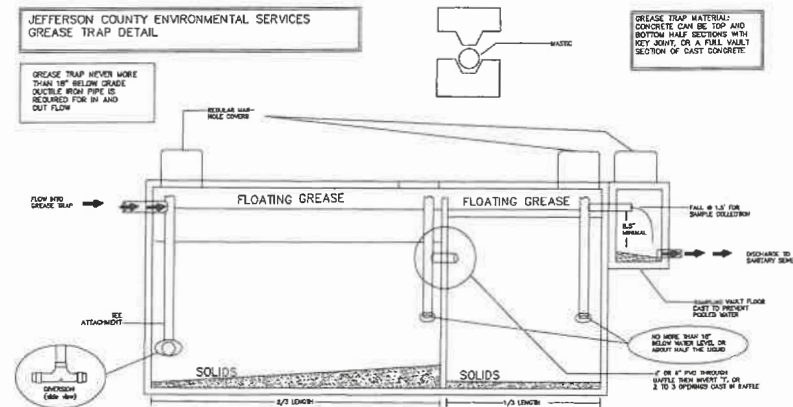


NOTES:

1. CONTRACTION JOINTS REQUIRED AT 6'-0" ON CENTER.
2. EXPANSION JOINTS SHALL BE PLACED AT 50 FEET ON CENTER AND AT THE INTERSECTION OF WALKS.
3. 1/2" EXPANSION JOINT MATERIAL REQUIRED WHERE SIDEWALKS ABUT CURB.
4. ALL EXTERIOR SIDEWALKS TO RECEIVE LIGHT BROOM FINISH, SEE PROJECT SPECIFICATIONS.
5. MINIMUM CROSS SLOPE ON SIDEWALK SHALL BE 2%.
6. NOT APPLICABLE FOR EMERGENCY SIDEWALKS.

SIDEWALK DETAIL

N.T.S.



PROJECT NO.	0400001
PROJ. NAME	SLUTTY VEGAN RESTAURANT
PROJ. LOCATION	BIRMINGHAM, ALABAMA
DATE	05/15/15
SCALE	N.T.S.
DESIGNED BY	JEFFREY L. EDGEMOND
CHECKED BY	JEFFREY L. EDGEMOND
DATE	05/15/15
PROJECT	SLUTTY VEGAN RESTAURANT
LOCATION	BIRMINGHAM, ALABAMA
DATE	05/15/15
SCALE	N.T.S.

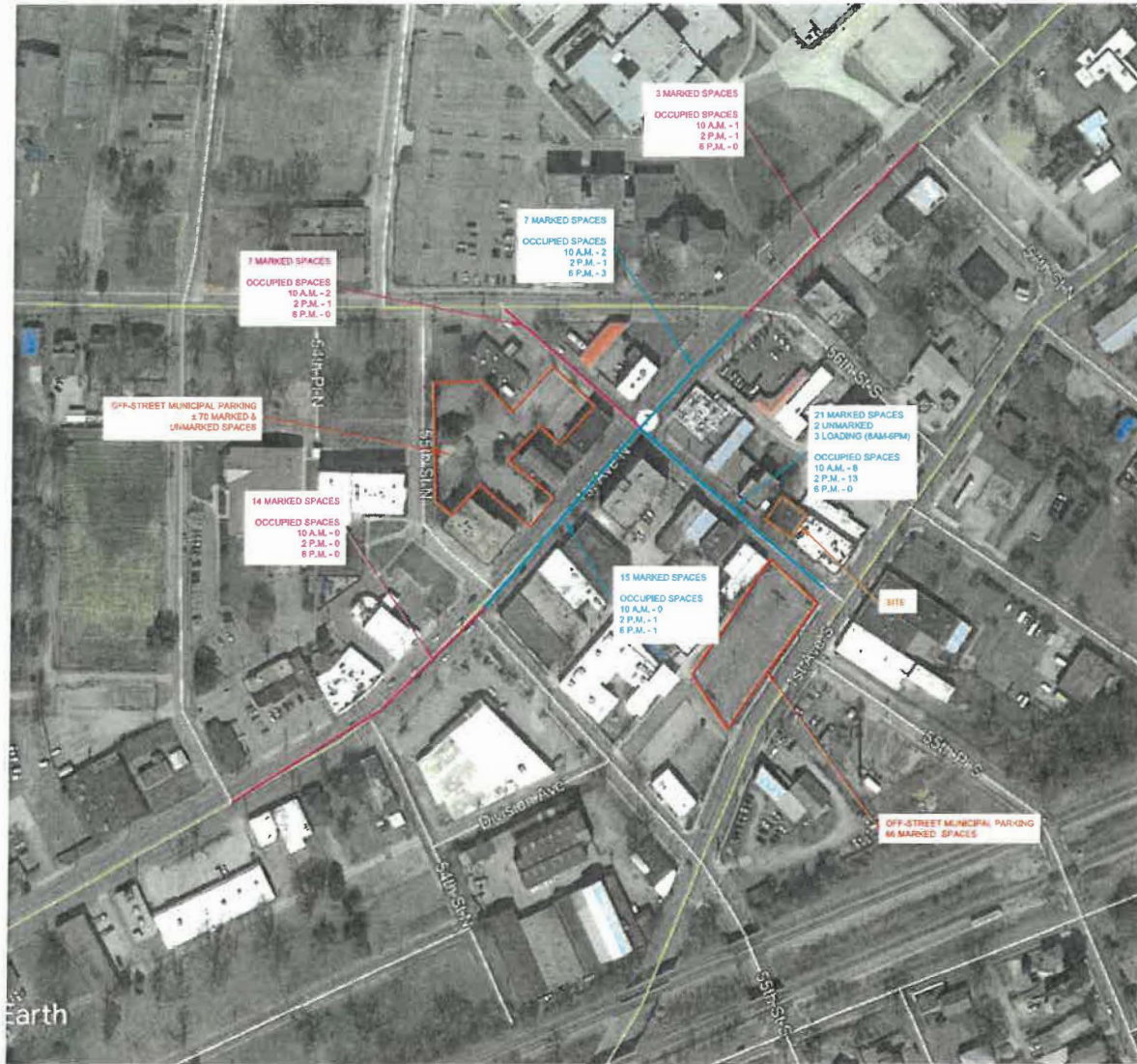
120 BISHOP CIRCLE
SUITE 300
BIRMINGHAM, AL 35203
TEL - 205 403-9118
FAX - 205 403-9119
WWW.EDGALABAMA.COM

305 SOUTH BOSTON STREET
FOLEY, AL 36535
TEL - 205 403-9118
FAX - 205 403-9119
WWW.EDGALABAMA.COM

EDG
ENGINEERING DESIGN GROUP, LLC
1000 UNIVERSITY BLVD, SUITE 100
BIRMINGHAM, AL 35203

C2.0

PRINTED DATE: 05/15/15



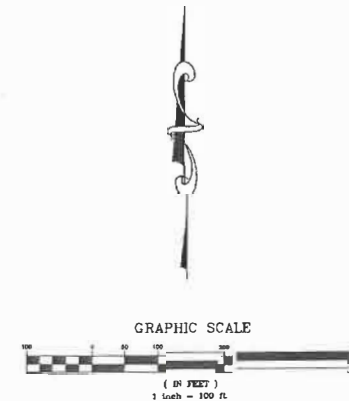
ON-STREET PARKING LOCATION	PARKING SUPPLY		OCCUPIED SPACES					
	2½ MIN WALK	5 MIN WALK	2½ MIN WALK			5 MIN WALK		
			10 AM	2 PM	6 PM	10 AM	2 PM	6 PM
55TH PLACE NORTH (1ST AVE N & 1ST AVE S)	26		8	13	0			
1ST AVENUE NORTH (55TH PL N & 55TH ST S)	7		2	1	3			
1ST AVENUE NORTH (55TH PL N & 55TH ST N)	15		0	1	1			
55TH PLACE NORTH (1ST AVE N & GEORGIA RD)		7				2	1	0
1ST AVENUE NORTH (55TH ST S & 5TH ST N)		3				1	1	0
1ST AVENUE NORTH (55TH ST N & 54TH ST N)		14				0	0	0
TOTALS	48	24	10	15	4	3	2	0

ON-STREET PARKING LOCATION	PARKING SUPPLY		VACANT SPACES					
	2½ MIN WALK	5 MIN WALK	2½ MIN WALK			5 MIN WALK		
			10 AM	2 PM	6 PM	10 AM	2 PM	6 PM
55TH PLACE NORTH (1ST AVE N & 1ST AVE S)	26		18	13	26			
1ST AVENUE NORTH (55TH PL N & 55TH ST S)	7		5	8	4			
1ST AVENUE NORTH (55TH PL N & 55TH ST N)	15		15	14	14			
55TH PLACE NORTH (1ST AVE N & GEORGIA RD)		7				5	6	7
1ST AVENUE NORTH (55TH ST S & 5TH ST N)		3				2	2	3
1ST AVENUE NORTH (55TH ST N & 54TH ST N)		14				14	14	14
TOTALS	48	24	38	33	44	21	22	24



NOTES:

1. ALL DISTANCES ARE LESS THAN OR EQUAL TO A 1320 FOOT WALKING DISTANCE FROM THE SUBJECT PROPERTY
2. OFF-STREET MUNICIPAL PARKING SHOWN ON DRAWING BUT NOT INCLUDED IN TABULAR SUMMARY FOR ON-STREET PARKING.
3. UNMARKED SPACES INCLUDE PARKING STALLS WHERE STRIPING NOR SIGNAGE WAS PRESENT, BUT WAS OCCUPIED BY VEHICLES.



PROJECT: SLU TTYVEGAN RESTAURANT
 BIRMINGHAM, ALABAMA
 ON STREET PARKING SUPPLY ANALYSIS

PREPARED BY: EDG
 CHECKED BY: MWL
 DESIGNED BY: DHC00081
 DRAWN BY: PARKING MAP.DGN
 DATE: 08/20/21
 SCALE: 1" = 500'

120 BISHOP CIRCLE
 PELHAM, AL 35124
 TEL: (205) 403-9158
 FAX: (205) 403-9159
 308 SOUTH ALSON STREET
 FOLEY, AL 36535
 TEL: (205) 943-8950
 FAX: (205) 943-8950
 WWW.EDGALABAMA.COM

EDG
 ENGINEERING DESIGN GROUP, LLC
 CIVIL ENGINEERING, LAND SURVEYING
 (205) 943-8950

EXB

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00031

Roebuck Springs Neighborhood

Request:

Variance to allow the building frontage to extend 52 feet across the lot off of Parkway East instead of the building frontage extending 75 percent of the lot frontage at 131 feet pursuant to Title 1, Chapter 3, Article 1, Section 3. A variance to allow a 50 foot setback from Parkway East and 80 foot setback from Eubank Ct instead of the required 0-foot setback pursuant Title, Chapter, Article 1, Section 3. C. and a variance to allow parking in the front yard off of Eubank Ct.

Applicant:

MFinch & WPerry Solutions, INC

Location:

9147 Parkway East, Birmingham AL 35206

Parcel # 012300012003001000

NW of Section 01, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is proposing an oil change center (Take 5 Oil Change).

Staff Analysis:

The subject property is currently zoned MUH (Mixed-Use High District). The subject property is surrounded by parcels zoned MUH (Mixed-Use High District). The property is not located in the flood plain area; however, it is in the Roebuck Commercial Revitalization District. The proposed oil center will have a width of approximately 52 feet along Parkway East and the required width is approximately 131 feet. The structure has a setback of 50 feet from Parkway East and 80 feet from Eubank Ct.

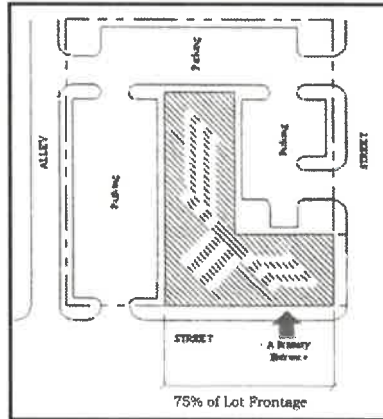
Per the zoning ordinance:

Section 3. Street setbacks and building orientation in mixed use districts.

A. This section establishes street setbacks within all mixed-use districts regardless of the minimum street setback requirements described in Tables 1.03.101 or 1.03.102.

B. For the purposes of this section, lots that are 60 feet wide or greater shall have the front facade of the building extend across at least 75 percent of the lot frontage or be at least 45 feet in width, whichever is greater. Lots that are less than 60 feet wide shall have the building extend across the full width of the lot unless a driveway is required to access required parking, except that one or two family dwellings may have side yards a minimum of three feet in width. If a driveway is needed for service to accessory parking, an opening of up to 26 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the fronts of the buildings to the extent shown in Figure 1.03.101. The primary entrance to a building shall be located at the front setback line and shall be located as close to street crosswalks as practical.

Figure 1.03.101



C. The following regulations shall be used to determine the street setback, as applicable.

1. The maximum setback of a structure from the property line shall be established by Table 1.03.103 according to the zoning of the property, unless one of the following items applies:
2. No minimum front setback is required.
3. The maximum front building setback may not exceed the average front yard depth of the nearest lot on either side of the subject lot or setback listed in Table 1.03.103, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero feet.
 - b. Lots separated from the subject lot by a street or alley may not be used in computing average.
4. The following exceptions to the maximum front yard building setbacks apply:
 - a. A portion of the building may be setback from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
 - b. A building may be setback further than the maximum setback in order to accommodate an outdoor plaza, arcade or eating area. In order to preserve the continuity of the street wall, the building may be setback no more than 10 feet from the front or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor plaza, arcade or eating area that is located between a public sidewalk and the building façade may not exceed 10 square feet per linear feet of the building's street frontage.
 - c. In the MU-L and MU-M districts, the average street setback of existing structures along the same block, up to 20 feet, may be applied to new single family or duplex construction on that block if determined by the Director to be appropriate to maintain or reinforce an established form or character of development.
5. The minimum rear setback is 0 except when the lot is adjacent to a dwelling district, and in that case the rear setback shall be 20 feet.
6. The minimum side setback is 0 except when the lot is adjacent to a dwelling district, and in that case the side setback shall be five feet.

Neighborhood Recommendation:

The **Roebuck Springs Neighborhood Association** will vote prior to the ZBA hearing.

Staff's Recommendation to ZBA:

Staff does not believe the applicant has not provided sufficient evidence to support the variance requests and believes the applicant failed to meet all 6 of the variance standards. Therefore, Staff recommends that the variance requests be **DENIED**.

Justification Statements

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.

The property is a corner lot; thus, according to the ordinance, it has two frontages that must meet the 0-foot setback and 75% of frontage width building requirements. Complying with these prescriptions would require the building to take up over 56% of the overall site and the building would be located on top of the intersection given the 0-foot setback requirements from both intersecting public streets. These requirements are not conducive to retail or drive-thru businesses, which are both permitted by the MU-H zoning district and describe the nature of nearby businesses along the corridor.

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.

The corner lot characteristic is shared by several properties nearby, although corner lots are the minority. None of the nearby businesses comply with the 0-foot setback or 75% of frontage width building requirement.

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 alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property. The difficulties and hardships resulting from the strict application of the Zoning Ordinance are like those of adjacent properties considering none of them comply with the 0-foot setback requirement or 75% of lot width building requirement.

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

Financial gain is not the exclusive motivation for this request. The proposed development would bring a retail use consistent with those of businesses along the Parkway East corridor.

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.

The adjacent properties along Parkway East are currently zoned MU-H with existing operating businesses. A Take 5 will positively impact adjacent property owners since the building will showcase architectural upgrades that will be more in line with Birmingham's Comprehensive Plan, relative to the Property's current building. Given the nature of business operations on the adjacent properties, Take 5 will attract new potential customers to the area, which will result in advantageous retail synergies for adjacent property owners.

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.

Take 5 is a national brand with over 600 centers nationwide. Utmost importance is placed on environmental sustainability and management. The oil change center will comply with the architectural requirements dictated by the Zoning Ordinance, resulting in an aesthetically pleasing building. It will also provide a high-quality and convenient service to the residents of Birmingham.

5. 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.

There is no harm posed to neighboring properties by the proposed variance. Conversely, the variance sought will protect neighboring properties by avoiding traffic congestion.

6. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil 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.

There is no harm posed to the public by the proposed variance. Petitioner's request will promote the safety and wellbeing of the public by offering safe parking options and avoiding accidents that might otherwise be caused by placing parking on other parts of the site that are either (1) are in close proximity to the traffic on Parkway East, or (2) conflict with the natural flow of customer vehicles entering and leaving the bay stations of the oil change facility.

**Take Five Oil Change
Variance request to allow parking in the front yard off Eubank Ct.**

1. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition 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.

The property that is the subject of this request is a corner lot bordered by Parkway East and Eubank Court. See attached site plan in Exhibit A. Per the zoning ordinance, parking in mixed used districts, which would include the zoning district for this property (MU-H), is only allowed in "side and rear yards." Planning staff has informed the Petitioner that the Eubank Ct. side of the property is interpreted to be a front yard of the site. Therefore, Petitioner seeks a variance to allow parking within this front yard along Eubank Ct. as such placement of parking will lesson traffic congestion, promote the general welfare, prevent the overcrowding of land, and avoid undue concentration of population.

2. 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 is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant.

As described above, the corner lot designation results in the Eubank Court side of the property being considered the front yard. However, Parkway East is the major roadway that serves the property and those that surround it. Petitioner's proposed variance seeks to place parking spaces in an area that does not practically function as a "front yard" when considering that Eubank Court is a small side street that only has a fraction of the vehicular traffic of Parkway East. This request is not merely for convenience purposes, but instead the proposed variance will ensure that employees and customers are able to park a safe distance from the traffic on Parkway East and avoid conflict with the flow of customer vehicles entering and exiting the bays of the oil change facility. These conditions are indeed unique to this site and not a common element of neighboring properties.

3. 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.

Petitioner's alleged difficulty or hardship has not been created by the previous actions of any person having a current or previous interest in the property.

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

Financial gain is not the exclusive motivation for this request. The primary purpose of this request is to allow construction of the site in a manner that achieves optimal traffic flow, parking, and pedestrian walkability.

PARCEL ID: 012300012003001000

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

DATE: Monday, June 21, 2021 3:51:50 PM

OWNER: MCLEOD PROPERTIES

ADDRESS: 1196 DAVIS PL NW

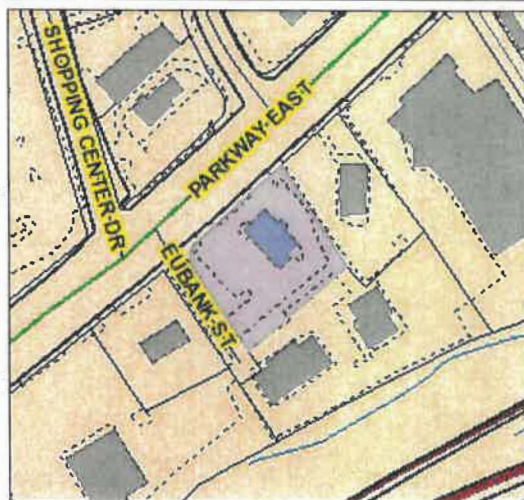
CITY/STATE: ATLANTA GA

ZIP+4: 30318--7516

SITE ADDR: 9147 PARKWAY EAST

CITY/STATE: BIRMINGHAM, AL

ZIP: 35206



LAND: \$323,100.00

BLDG: \$308,300.00

OTHER: \$0.00

AREA: 26,924.40

ACRES: 0.62

SUBDIVISION INFORMATION:

NAME EUBANK ADD-ROE 13-36-4

BLOCK:

LOT: 1

Section: 1-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Roebuck

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: South Roebuck (1502)

Communities: Roebuck-South East Lake (15)

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

Zoning Outline: MUH

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

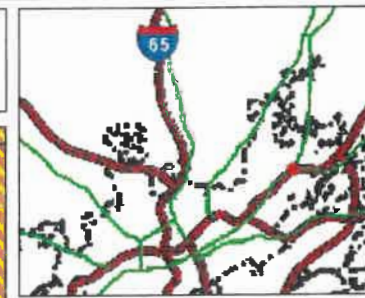
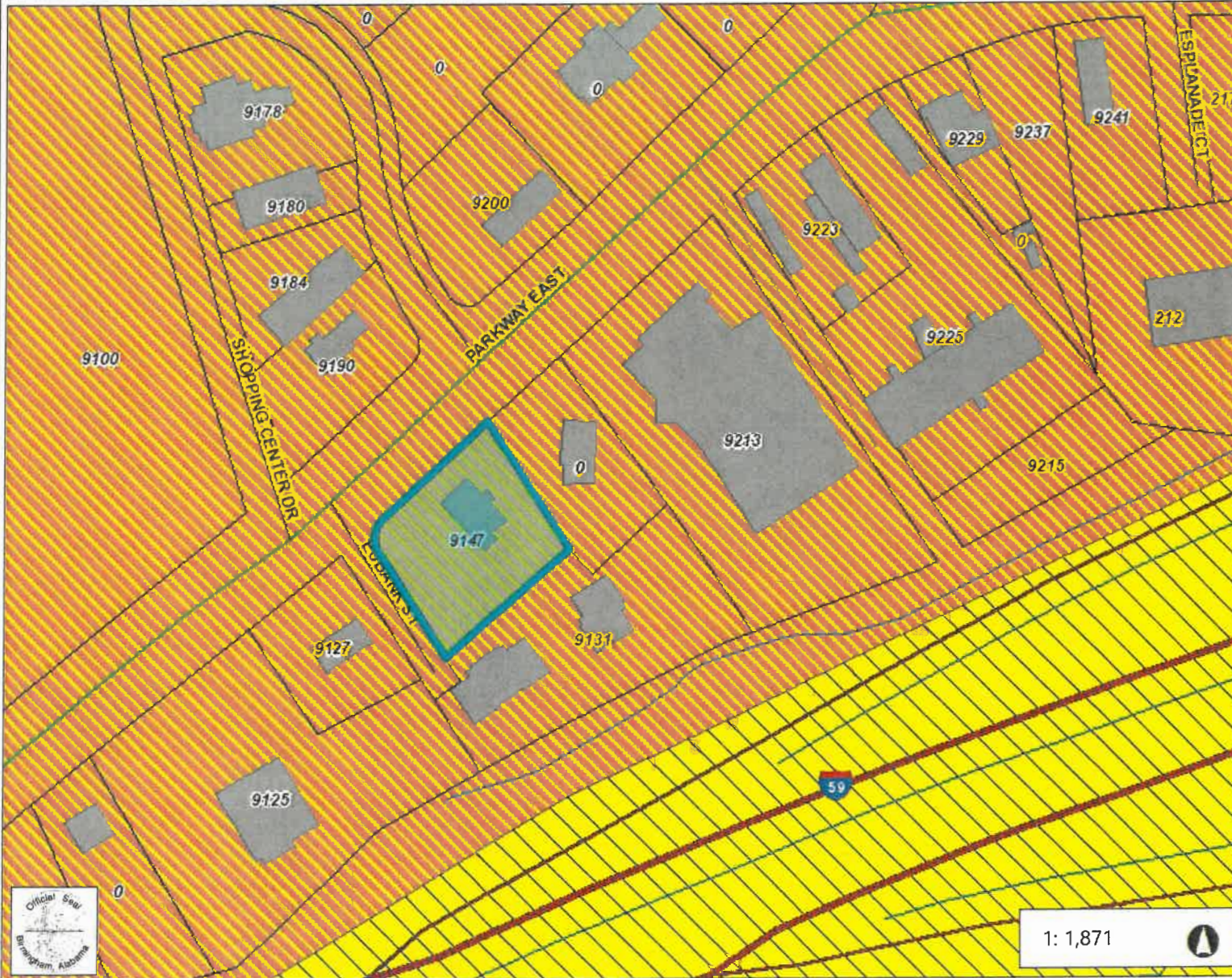
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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



Legend

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

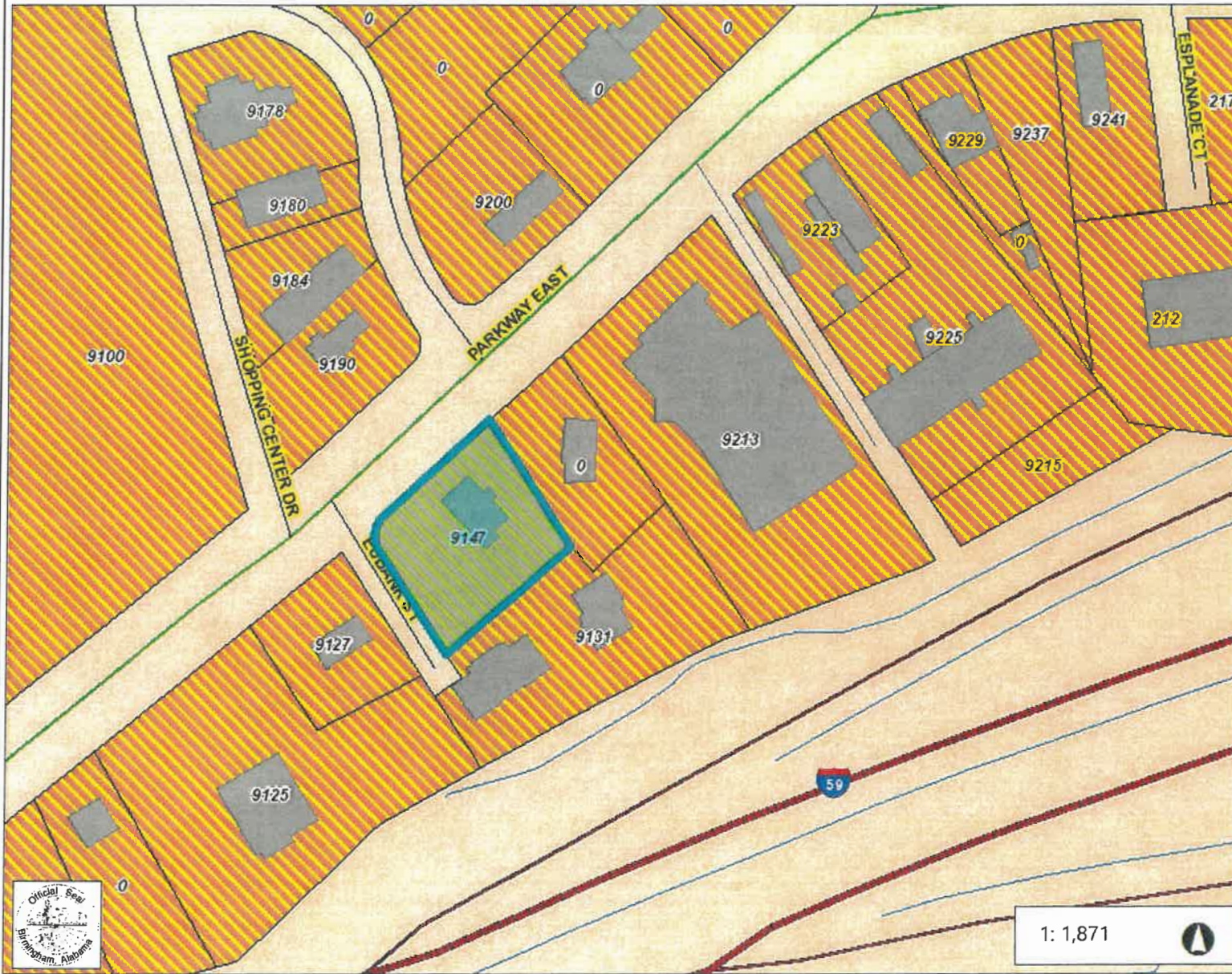
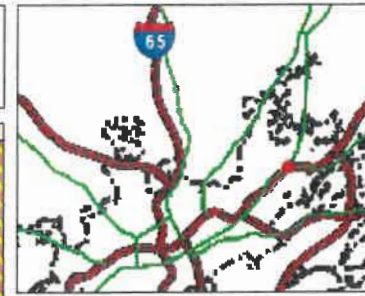


1:1,871



311.9 0 155.95 311.9 Feet

Notes

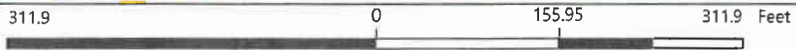


Legend

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



1: 1,871



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

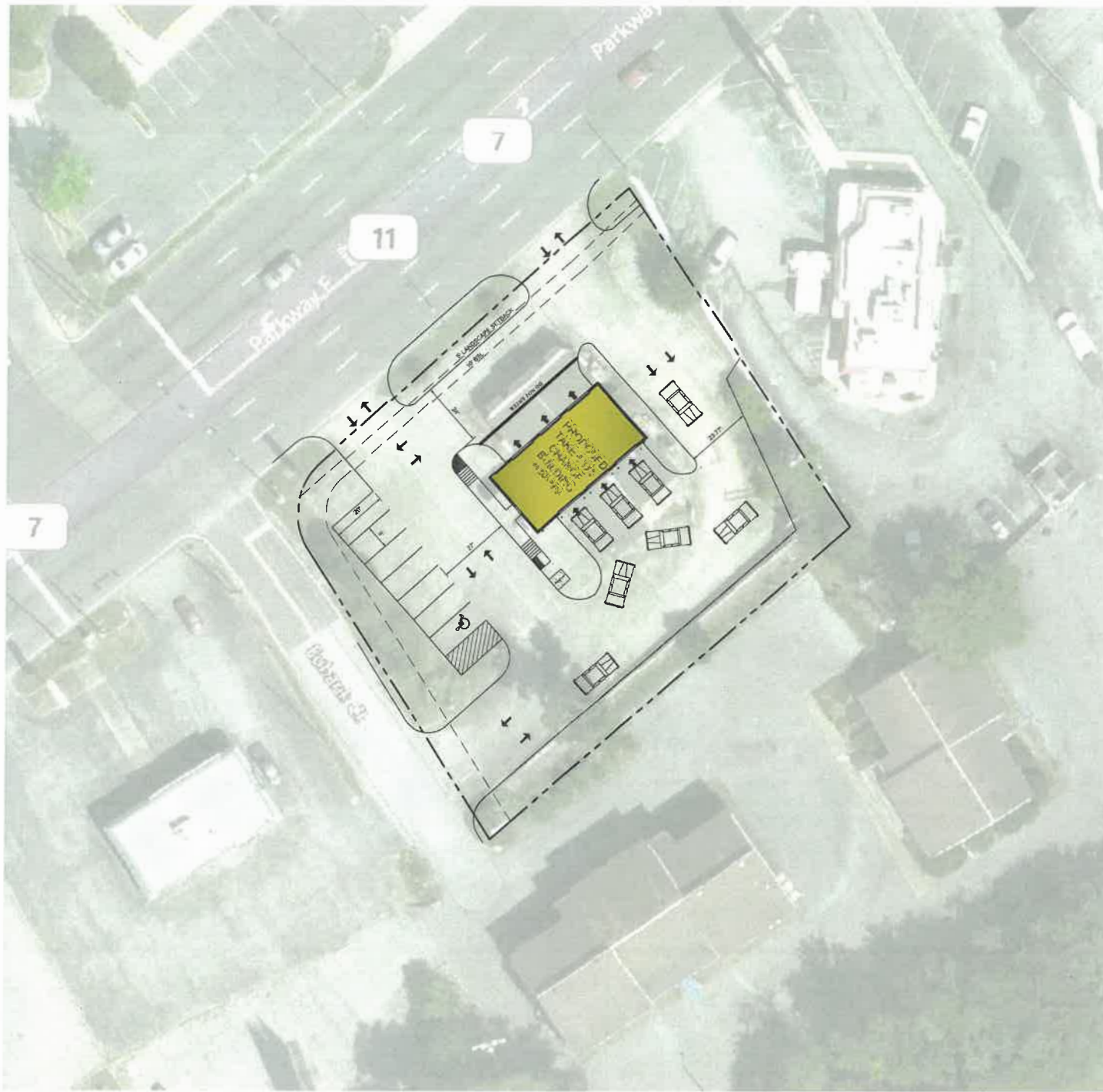
Notes

Google Maps 9147 Parkway E





Image capture: Jan 2019 © 2021 Google



SITE DEVELOPMENT SUMMARY TABLE

ZONING CLASSIFICATION, CITY OF BIRMINGHAM	MUH
PARCEL SIZE	0.55 Ac. ±
MIN. STREET FRONTAGE	N/A
MAX. BLDG HEIGHT	80' MAX.
SETBACKS	
FRONT	10'
SIDE	0'
REAR	0'
BUFFERYARDS / GREENBELTS	
FRONT	5' (ADJACENT TO 5 OR MORE TRAVEL LANES, MUH)
SIDE	NONE
REAR	NONE
PARKING REQUIRED	1 PER 500 SF GFA, PLUS 2 STACKING SPACES PER BAY
PARKING PROVIDED	7 TOTAL SPACES
BICYCLE PARKING REQUIRED	N/A
NOTE:	1.

Fritz Engineering Services, LLC
 14020 Mississinewa Drive
 Carmel, Indiana 46033
 P: 317.324.8885 F: 317.324.8717
 www.Fritz-Eng.com



REVISIONS AND ISSUES	DATE	BY

ADDITIONAL NOTES/LEGEND:

"IT'S THE LAW"

Know what's below.
Call before you dig.
2 WORKING DAYS BEFORE YOU DIG.

PROJECT: TAKE 5 PARKWAY EAST

 PROJECT LOCATION:
 9147 PARKWAY EAST
 BIRMINGHAM, ALABAMA 35206
 JEFFERSON COUNTY
 SECTION, TOWNSHIP, RANGE
 — 4, S—, T—, R—

CLIENT: TAKE 5 INDIANA
 10884 CRESHAM PLAIN
 NOBLESVILLE, IN 46060

PLAN DATE: 4/27/2021
 DESIGN: AF CHECK: AF DRAWN: KG
 PROJECT NO.: P210413
 SHEET NAME: CONCEPTUAL SITE PLAN
 SHEET NO.: EXH-1

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ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00032

North Titusville Neighborhood

Request:

Special Exception to allow remote parking pursuant to Chapter 5 Article 1 section 8.

Applicant:

Mike Gibson

Location:

222 6th Ave SW

Parcel # 012900101005009000

NE of Section 10, Township 18 S, Range 3 W

Applicant's Proposal:

The applicant is proposing parking agreement for remote parking.

Staff Analysis:

The subject property is currently zoned I-1 (Light Industrial District). The parcels located north of the property are zoned D-3(Single Family District), parcels west I-1 (Light Industrial District) and parcels south and east are zoned C-2(Commercial Business District). The property is not located in the flood plain area nor any design review districts. Goldwire Place Southwest currently divides the two lots and it is the intent of the owner to vacate the right of way in the future.

Per the zoning ordinance the definition of remote parking is a parking area that is not located on the same lot as the principal use, but is within 1,000 feet of principal use.

A. All required parking spaces shall be located on the same lot as the use served by the parking, except as approved by special exception granted by the Zoning Board of Adjustment or unless otherwise specified in this ordinance, in accordance with the following criteria:

- 1. If the number of required parking spaces cannot be provided on the same lot as the use served, remote parking may be provided on a non-residentially zoned lot located within 1,000 feet of the nearest public entrance to the building housing the use as depicted in Figure 1.05.114. If the use is not housed within a building, remote parking spaces shall be located within 1,000 feet of the lot.*
- 2. A vicinity plan must show all off-street parking spaces at both sites including distances and means of pedestrian travel between sites.*
- 3. A remote parking exception requires a written agreement guaranteeing retention of a specified number of parking spaces for the proposed use regardless of whether the intended user owns the property where the spaces are located or otherwise has legal access through a lease, license, or other written permission of the property owner. Such written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, filed with the application for building permit, recorded at the applicant's expense in the Office of Judge of Probate, and shall be in full force and effect until released by resolution of the Zoning Board of Adjustment. A copy of all required documentation shall be maintained in the official case file of the Zoning Board of Adjustment.*
- 4. Remote parking must be an approved use in the zoning district where the remote parking facility is located and approved by the Zoning Board of Adjustment.*
- 5. Remote parking areas shall be clearly marked RESERVED for the use served.*

Neighborhood Recommendation:

The North Titusville Neighborhood Association will vote prior to the ZBA hearing.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the special exception therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. A written and recorded parking covenant shall be submitted within 60 days of approval from the Board.

STATE OF ALABAMA JEFFERSON COUNTY RESTRICTIVE COVENANT FOR OFF STREET PARKING

This Restrictive Covenant is entered into on this the 17th day of June, 2021 by Build UP BHM and The Common Thread Community, its successors and assigns, both of which are Alabama non-profit corporations, as lessee's of the properties identified herein. See attached ground lease and signatures given permission by Mary Jo O'Neil to operate property.

WITNESSETH 1. WHEREAS, Mary Jo O'Neil is the owner of property located at 222 6th avenue SW and has agreed to sublease the entire property to Build UP BHM. Lot A Carver Place which contains only 103 paved and lined parking spaces, and which is the office of Build UP BHAM, Awake Community School, and A4ONE

2. WHEREAS, the City of Birmingham Zoning Ordinance requires a total of 150 paved and lined parking spaces for Lot A, and we currently only have 103,

3. Whereas, we own additional property, located at the same location (Block 1 Carver Place) which contains 130 paved and lined parking spaces which Build UP BHAM, AWAKE, and A4ONE wishes to use and encumber for the benefit of its property located at 222 6th Avenue SW (Lot A Carver Place)

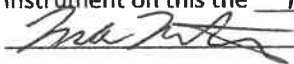
4. WHEREAS, Goldwire Place Southwest currently divides the two lots and it is the intent of the owner to vacate this right of way in the future. We wish for the city to vacate this right of way so that we can move forward with our building permit and preparation of the tenants set to occupy the space. NOW THEREFORE, in consideration of the foregoing recitals, it is agreed as follows:

1. The lessee's does hereby agree, covenant, and restrict the use of Lot A Carver Place as parking property, irrevocably and permanently for the use and benefit of its property located at Lot 222 6th Ave SW unless released as provided herein. Build UP BHM and The Common Thread Community agrees that the 130 parking spaces located on the subject property shall not be used for other or different purposes. Build UP BHM and The Common Thread Community declares that the use of the 103 parking spaces located on Block 1 Carver Place shall be restricted to the parking of vehicles in connection with its business operated on Lot A Carver Place.

2. This Restrictive Covenant shall run with this property, and shall be binding on 16th June 2021, its successors and assigns, and may not be altered, amended or terminated unless authorized by Special Exception of the Zoning Board of Adjustment of the City of Birmingham.

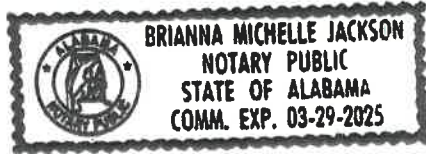
3. That this agreement must be recorded in the Office of the Probate Judge of Jefferson County, for the locations listed in this agreement in order for it to be valid.

4. That a copy of the recorded agreement be given to the planning staff of the Department of Planning, Engineering, and Permits. IN WITNESS WHEREOF, the said Mark Martin has executed the foregoing instrument on this the 17th day of June, 2021. ATTEST:

 BY:
Secretary President STATE OF ALABAMA JEFFERSON COUNTY,
Brianna Michelle Jackson A Notary Public in and for said county and said state, hereby certify that Mark Martin, whose name as President of Build UP-BHM, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me

on this day that being informed of the contents of said instrument, he executed the same voluntarily for and as the act of said corporation, on the day the same bears date. Given under my hand and official seal this the 17th day of June, 2021.

Brianna Michelle Jackson



PARCEL ID: 012900101005009000

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

DATE: Tuesday, June 22, 2021 10:08:25 AM

OWNER: ROCKY HEIGHTS PROPERTIES LLC

ADDRESS: 222 6TH AVE SW

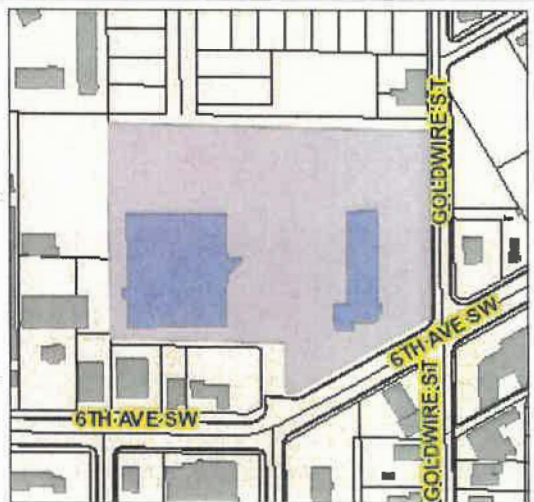
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35211

SITE ADDR: 200 6TH AVE SW

CITY/STATE: BHAM, AL

ZIP: 35211



LAND: \$394,700.00

BLDG: \$1,042,800.00

OTHER: \$0.00

AREA: 290,585.32

ACRES: 6.67

SUBDIVISION INFORMATION:

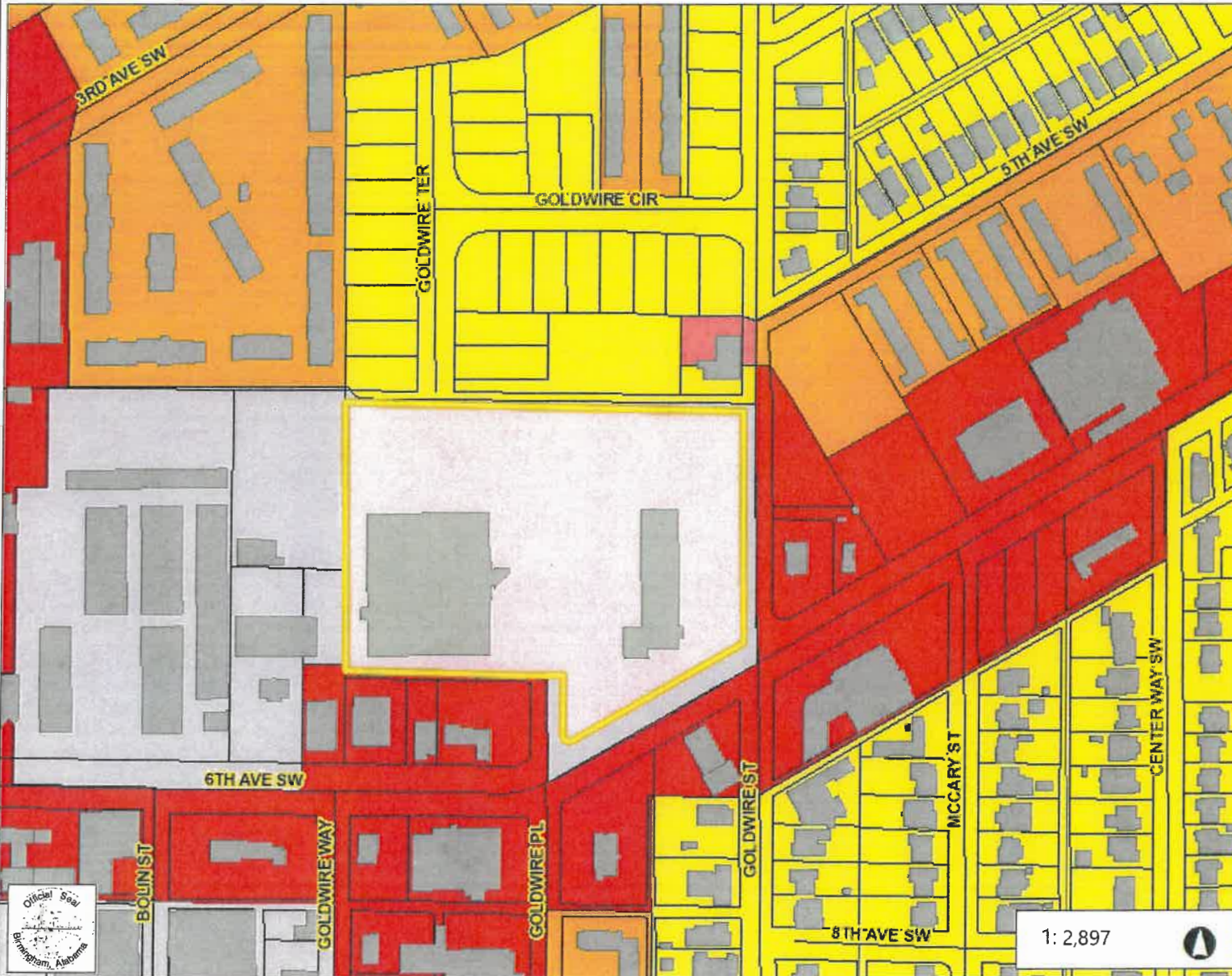
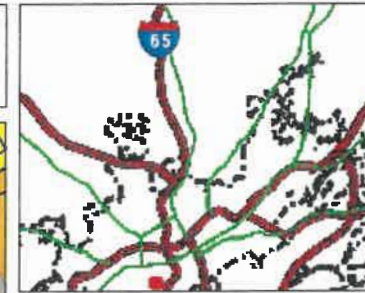
NAME CARVER PL-PT B 1 29-10-1

BLOCK:

LOT: A

Section: 10-18-3W
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: No Titusville (1901)
Communities: Titusville (19)
Council Districts: District - 6 (Councilor: Crystal Smitherman)
Zoning Outline: I1
Demolition Quadrants: DEM Quadrant - 1
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: In Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: 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

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- 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

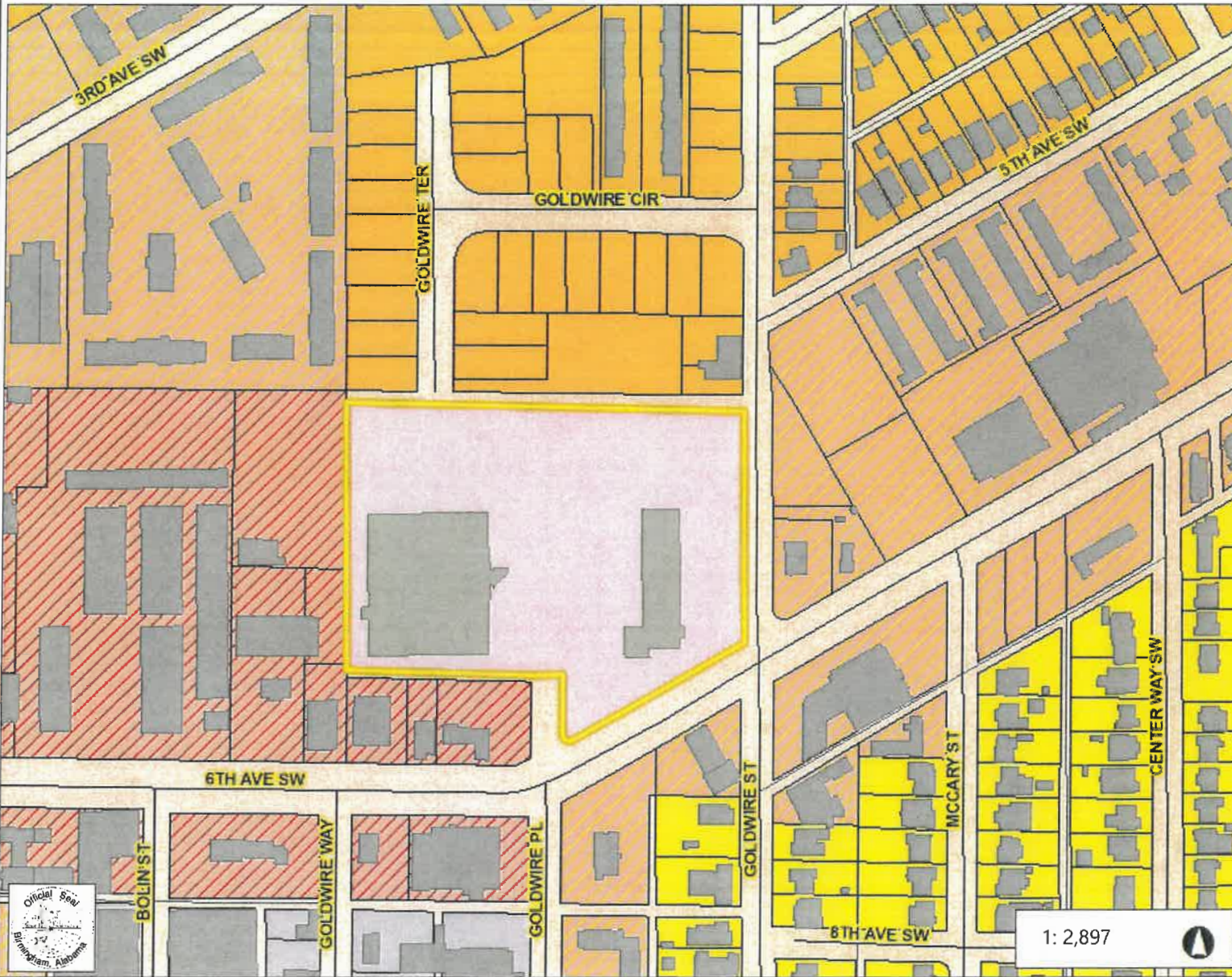
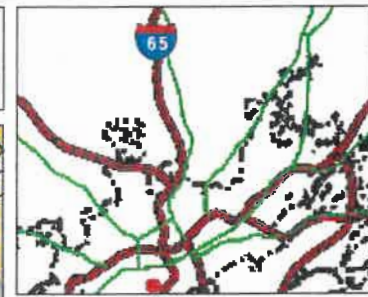


482.9 0 241.46 482.9 Feet

1: 2,897

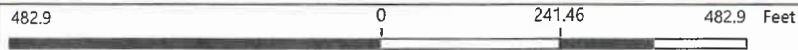


Notes



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



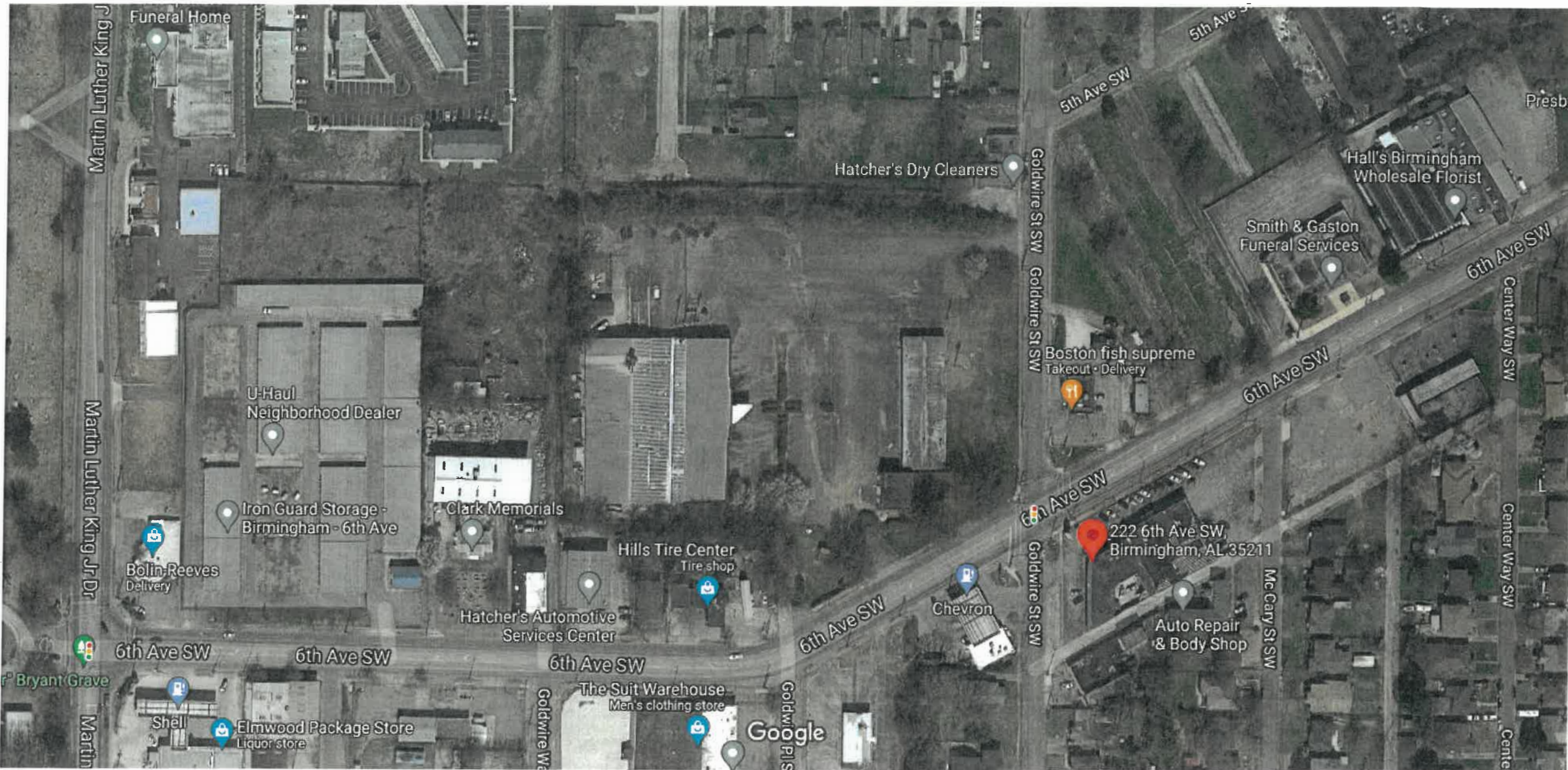
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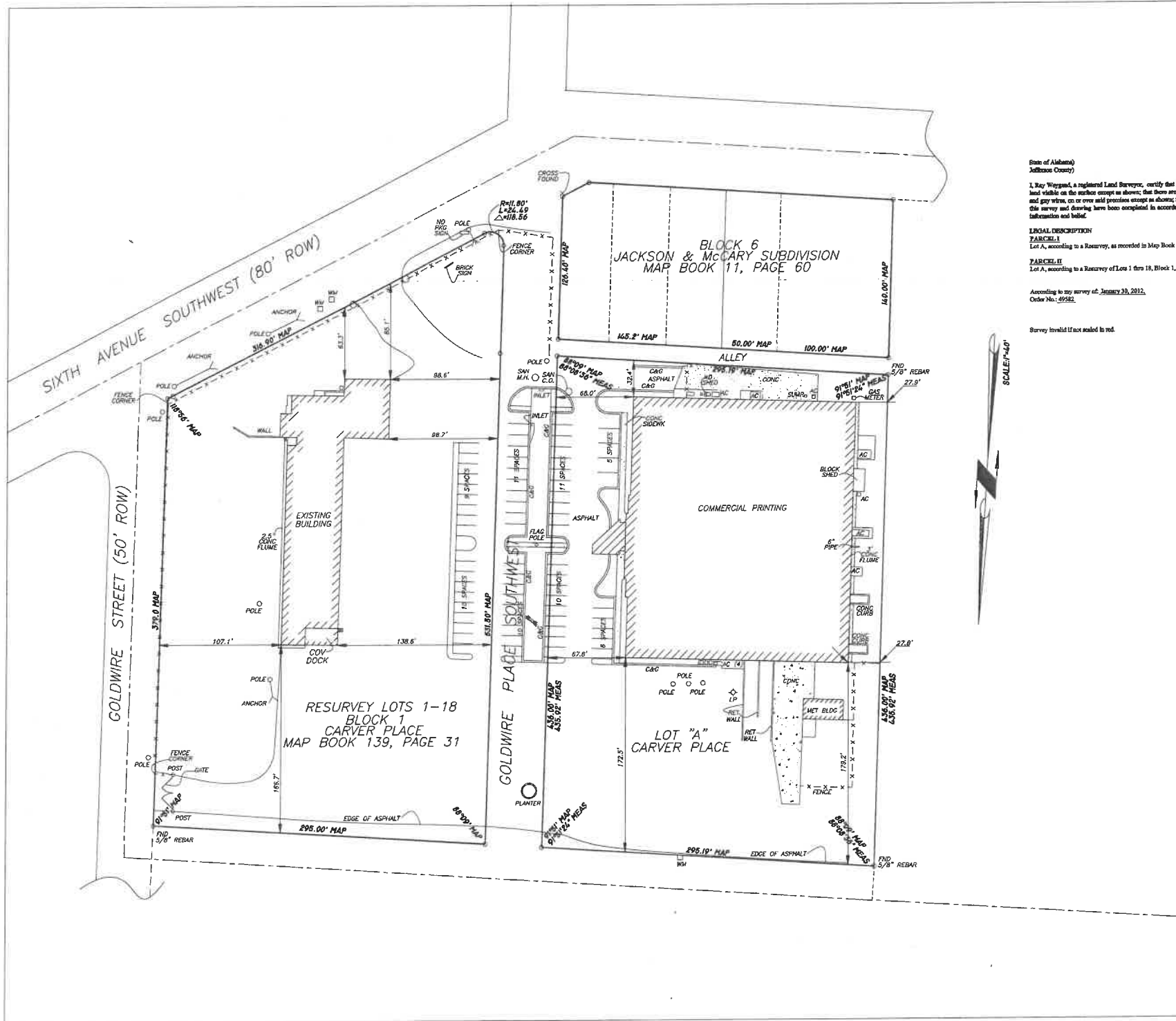
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Google Maps 222 6th Ave SW



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft



State of Alabama
Jefferson County

"Closing Survey"

I, Ray Weygand, a registered Land Surveyor, certify that I have surveyed the land shown and described herein; that there are no rights-of-way, easements, or joint driveway coveys or across said land visible on the surface except as shown; that there are no electric or telephone wires (including wires which serve premises only) or structures or appurtenances therefor, including poles, masts and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown. 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.

LEGAL DESCRIPTION

PARCEL I
Lot A, according to a Resurvey, as recorded in Map Book 90, Page 47, in the Probate Office of Jefferson County, Alabama, of Lot "A", Carver Place.

PARCEL II
Lots A, according to a Resurvey of Lots 1 thru 18, Block 1, Carver Place, as recorded in Map Book 139, Page 31, in the Probate Office of Jefferson County, Alabama.

According to my survey of January 30, 2012,
Order No. 49382.

Ray Weygand Reg. L.S.#24973
169 Ozmore Road, PE: 942-0086

Survey invalid if not scaled in red.





- SITE PLAN**
- LEGEND**
- CONCRETE/SIDEWALK - EXISTING
 - CONCRETE/SIDEWALK - NEW
 - ASPHALT/PAVEMENT - EXISTING
 - ASPHALT/PAVEMENT - NEW
 - SITE GRASS - EXISTING
 - SITE EARTH - CUT
 - LANDSCAPED AREA
 - OFF OF PROPERTY - OUT OF SCOPE
 - PARKING STRIPING
 - PROPERTY LINE

TOTAL SPACES: 301

OF ACCESSIBLE SPACES: 8



KEY NOTES:

REVISION CHART:

NO.	DATE	DESCRIPTION

ISSUE CHART:

NO.	DATE	DESCRIPTION

REVISION NOTES:

PROJECT NAME:
6TH AVENUE CULTURAL CENTER
 222 6TH AVENUE SW
 BIRMINGHAM, AL 35211



DESIGN	Author
CHECKED	Checker
APPROVED	Approver
SCALE: AS NOTED	PROJECT #: 20-007

TITLE
SITE PLAN

SHEET NUMBER:
A-100

M:\1\2021\15162624 - 801\1501\068 - 6th Ave Cultural Center\068 - 6th Ave Cultural Center - 03-2019.rvt

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers, 3rd Floor

Premeeting: Conference Room 500, 5th Floor

ZBA2021-00033

Druid Hills Neighborhood

Request:

A variance to allow a total of 163sf of building signage for all North facing building signage instead of the 150 sf of signage allowed. A variance to allow a total of 422 sf of building signage for all South facing building signage instead of the 150 sf of signage allowed. Variance to allow the height of 2 directional monument signs at 10ft instead of the maximum height of 8ft.

Applicant:

David Brandt

Location:

1001 19th St N, Birmingham AL 35203

Parcel # 012200253013001000

SW of Section 25, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is proposing signs for the legacy arena.

Staff Analysis:

The subject property is currently zoned M-1 (Light Manufacturing District) and B-2 (General Business District). The parcels north of the property are zoned B-4 (Central Business District), south and west are zoned M-1 (Light Manufacturing District), east are zoned M-1 (Light Manufacturing District) and B-3 (Community Business District). The property is not located in the flood plain area; however, it is located in the Cultural Commercial Revitalization District.

Per the zoning ordinance:

Attached Signs, where permitted and graphic display area allowed. In the following zoning districts, each occupant of a premise may display attached signs on walls adjacent to each street or highway on which it has frontage. The total area of the attached signs displayed on the premises must not exceed the following percentage of a signable area for each district.

1. D-5, D-6, MU-L, MU-M, MU-M, MU-H, MU-D, C-1, C-2, PRD, HID: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 150 square feet.

2. I-1, I-2, I-3 (where no established design standards exist) and I-4: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 250 square feet. Signable area designation. A business premise displaying attached signs is allowed one signable area on each facade of the building that has frontage on a street or highway. See the definition of "signable area" for attached signs. How displayed. The sign display area may be displayed as one attached sign per street or highway frontage or divided among two or more attached signs per street or highway frontage. Additional limitations. Attached signs may be painted on or attached to or pinned away from the wall, must not project from the wall by more than 12 inches, and must not interrupt architectural details.

Monument Signs, where permitted. Each occupant of a premise may display one monument sign foreach 300 feet of street or highway frontage. A premise may display both pole and monument signs if no pole sign is more than 50 square feet in area. In the following

zoning districts, each occupant of a premise may display a monument sign adjacent to each street or highway on which it has frontage.

1. D-1, D-2, D-3, D-4, D-5, D-6, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, I-4, PRD, HID, AG

Size, setback, and height regulations. *Monument signs must comply with the following size, setback, and height regulations.*

Size. The sign area of any monument sign must not exceed 80 square feet.

Setback. A monument sign adjacent to any single-family or duplex residential use, public park or school must adhere to the following setbacks:

1. Monument signs of 80 square feet must be set back at least 300 feet from the property line adjacent to a single-family or duplex residential use, public park or school

2. Monument signs between 60 and 80 square feet must be set back at least 200 feet from the property line adjacent to a single-family or duplex residential use, public park or school

3. Monument signs 60 square feet or less must be set back at least 100 feet from the property line adjacent to a single-family or duplex residential use, public park or school

Height. A monument sign must not exceed 8 feet in height.

Neighborhood Recommendation:

*The **Druid Hills Neighborhood Association** will meet and take a vote prior to the ZBA Meeting.*

Staff's Recommendation to ZBA:

Staff believes the applicant has provided sufficient evidence to support the variance requests based upon the applicant meeting the six variance standards and the size of the structure therefore, staff believes the request has merit for approval and as such, should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. Signs shall be permitted as shown on the plans submitted.

BJCC Arena Signage Variance 2021

We are requesting the following sign variances for BJCC Arena (1001 19th St. North):

A. Building signage (see Exhibit A)

1. A 13 square foot variance for all North facing building signage (allowed 150 sf, asking for a total of 163 sf)
2. A 272 square foot variance for all South facing building signage (allowed 150, asking for a total of 422)

B. Freestanding signage

1. 2' height variance for (2) directional monument signs (Locations 1S.25 and 2S.2. Allowed 8', asking for 10').

Exhibit A – Building signage square footage breakdown per façade:

North Façade

Location	Message	Square Footage	
X-15	LEGACY ARENA	122	
X-14	LEGACY ARENA	27	
X-5	ARENA CLUB	14	

163 sf total – 150 allowed = 13 sf variance request

South Façade

Location	Message	Square Footage	
X-16	LEGACY ARENA	398	
X-8	TRUCK DOCK 7	4	
X-4	ARENA WAYFINDING	20	

422 sf total – 150 allowed = 272 sf variance request

6/24/2021

Request for Variance to be allowed various signage located at:

BJCC Arena
1001 19th St. N.
Birmingham, AL

Standards for Variance Request

Physical Characteristics of the Property

The BJCC Arena is located on a piece of property that is 620' x 1,077'. This exceptionally large-sized property needs more signage, and larger signage, than what is typically allowed per the signage regulations for a property zoned B-4. This applies to various freestanding, building mounted directional and informational/incidental signage that is visible/readable from close proximity of the stadium for proper identification of various locations/entrances, and also applies to signage that is meant to be seen from further away road distances as one approaches the stadium in their vehicle (i.e. via I-20, Red Mountain Expressway, I-65, and other surrounding roadways).

Unique Characteristics

The large size of the property is one of the unique characteristics that would necessitate having additional signage at the proposed location. In addition, it is the considerable sight distances for visitors of the stadium who are travelling on the surrounding highways, and also the various destinations/entrances within the property which make the property unique and the proposed signage necessary.

Hardship Not Self Imposed

There is nothing that the property ownership has done that has created a self-imposed hardship that would necessitate the allowance of this proposed sign. The large size of the property is dictated by the roads it is bound by (11th Ave. North, 19th St. North, 9th Ave. North).

Financial Gain Not Only Basis

The BJCC Arena is a facility that brings a tremendous amount of entertainment and cultural value to the City of Birmingham, for all who visit the arena to experience the many events it hosts, such as sporting events, musical and other various performances. As such, the allowance of the proposed signage is key in ensuring that visitors are well informed of its location, and are also well guided by the comprehensive wayfinding system put in place once they are on the premises, so that they can experience and enjoy these events.

No Injury to Neighboring Property

The proposed sign package poses no threat of injury to any of the neighboring properties.

No Harm to Public Welfare

The proposed size, location/positioning and quantity of the proposed signs was developed as a function of optimal visibility and driver & pedestrian safety. They pose no threat of public welfare.

PARCEL ID: 012200253013001000

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

DATE: Monday, June 28, 2021 10:30:35 AM

OWNER: BHAM JEFFERSON CIVIC CENTER ET

ADDRESS: 2100 RICHARD ARRINGTON JR BLVD

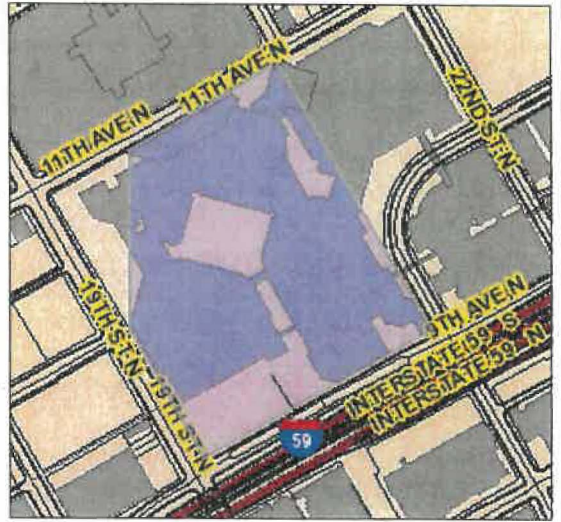
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203--1102

SITE ADDR: 2100 RICHARD ARRINGTON JR BLVD

CITY/STATE: BHAM, AL

ZIP: 35203



LAND: \$36,590,400.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 867,340.18

ACRES: 19.91

SUBDIVISION INFORMATION:

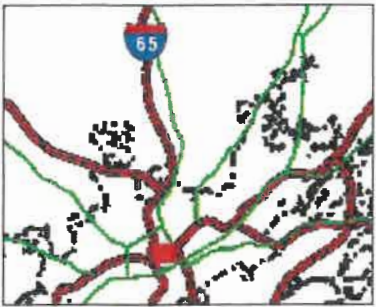
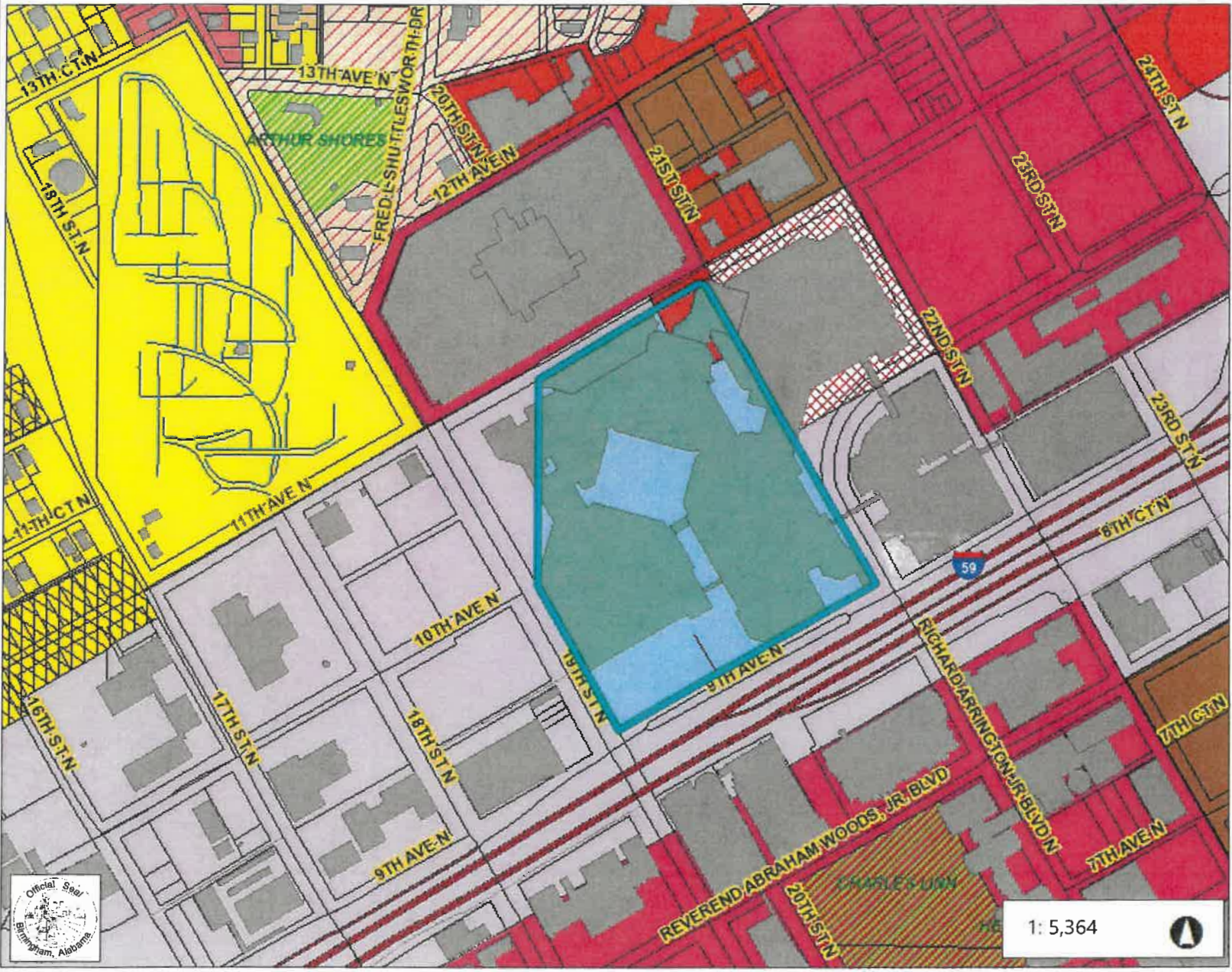
NAME

BLOCK: 621

LOT:

Section: 25-17-3W; 26-17-3W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Not in Historic Districts
Commercial Revitalization District: Cultural District
Fire District: In Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: In Tax Increment Financing District
Neighborhoods: Druid Hills (1202)
Communities: Northside (12)
Council Districts: District - 5 (Councilor: Darrell O`Quinn)
Zoning Outline: M1; B2
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: In Opportunity Zones
Judicial Boundaries: JEFFERSON

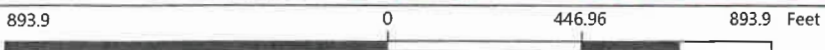
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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



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



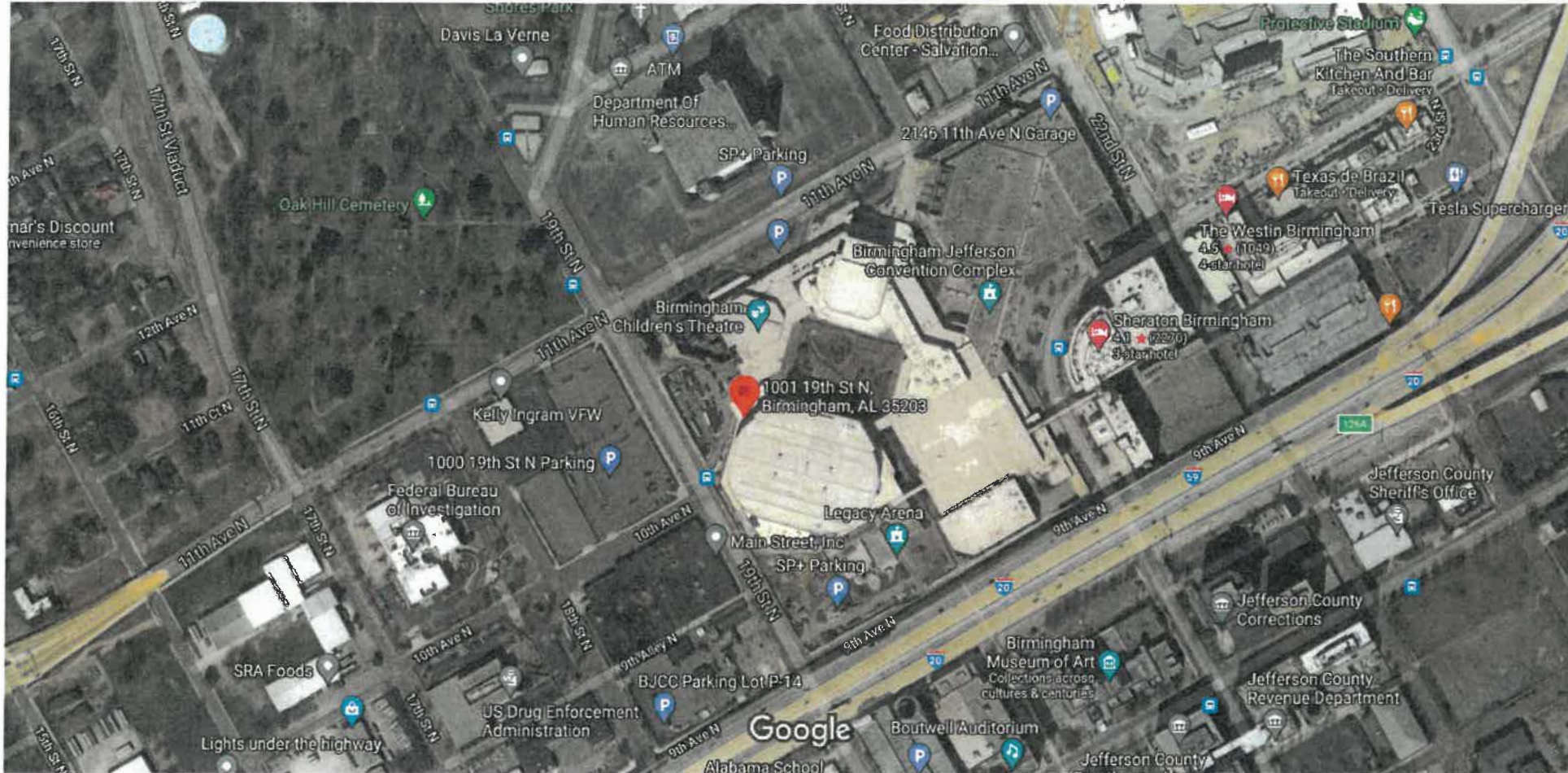
1: 5,364



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

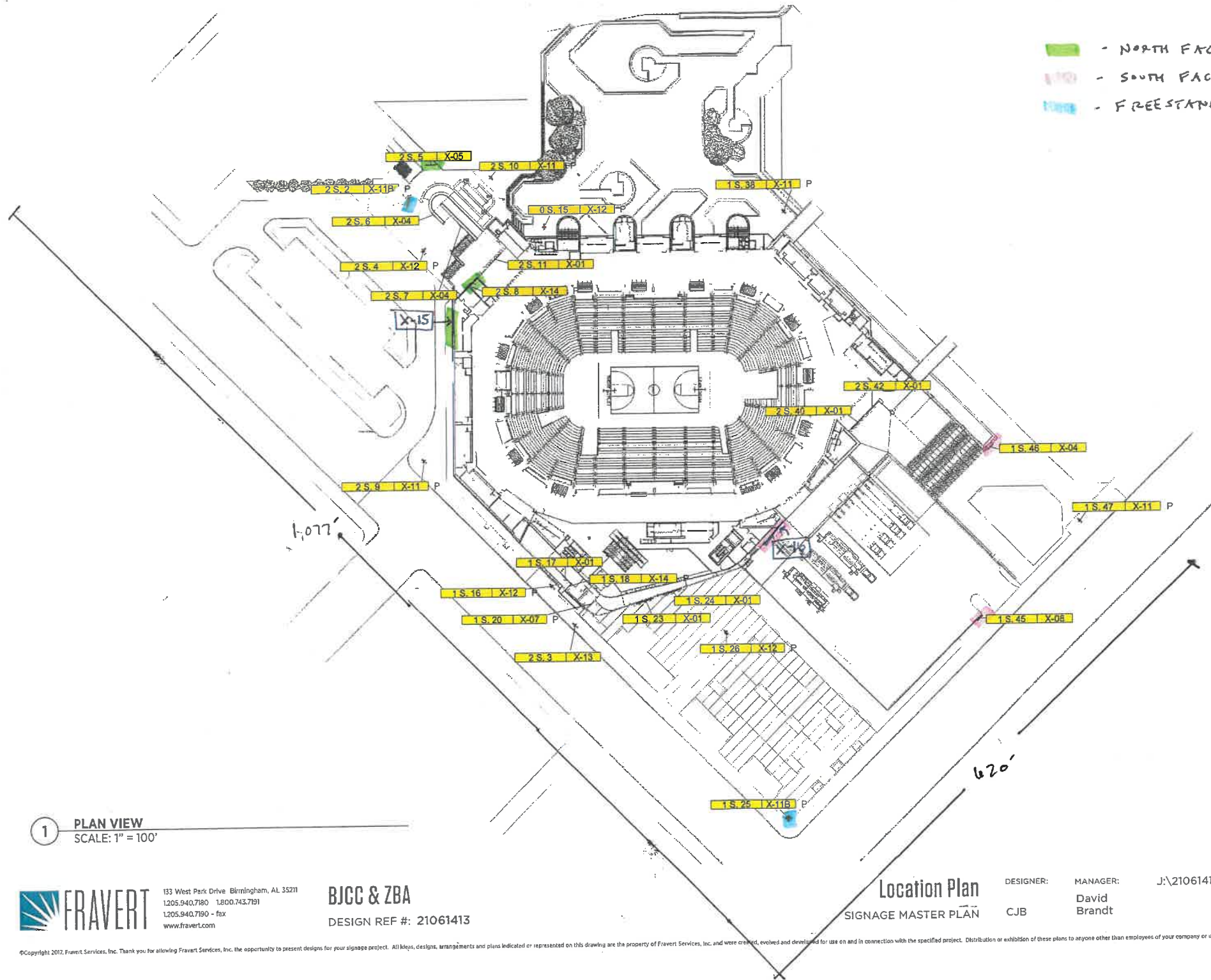
Notes

Google Maps 1001 19th St N



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 Google 200 ft

- - NORTH FACING BUILDING SIGNS
- - SOUTH FACING BUILDING SIGNS
- - FREESTANDING SIGNS



1 PLAN VIEW
SCALE: 1" = 100'

STATUS
■ Client Review

FRAVERT
 133 West Park Drive, Birmingham, AL 35211
 1.205.940.7180 1.800.743.7191
 1.205.940.7190 - fax
 www.fravert.com

BJCC & ZBA
 DESIGN REF #: 21061413

Location Plan
 SIGNAGE MASTER PLAN

DESIGNER: CJB
 MANAGER: David Brandt

J:\21061413 - BJCC Arena DRC & ZBA\Design

PAGE:
2

©Copyright 2012, Fravert Services, Inc. Thank you for allowing Fravert Services, Inc. the opportunity to present designs for your signage project. All ideas, designs, arrangements and plans indicated or represented on this drawing are the property of Fravert Services, Inc. and were created, evolved and developed for use on and in connection with the specified project. Distribution or exhibition of these plans to anyone other than employees of your company or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden.

122 ↗

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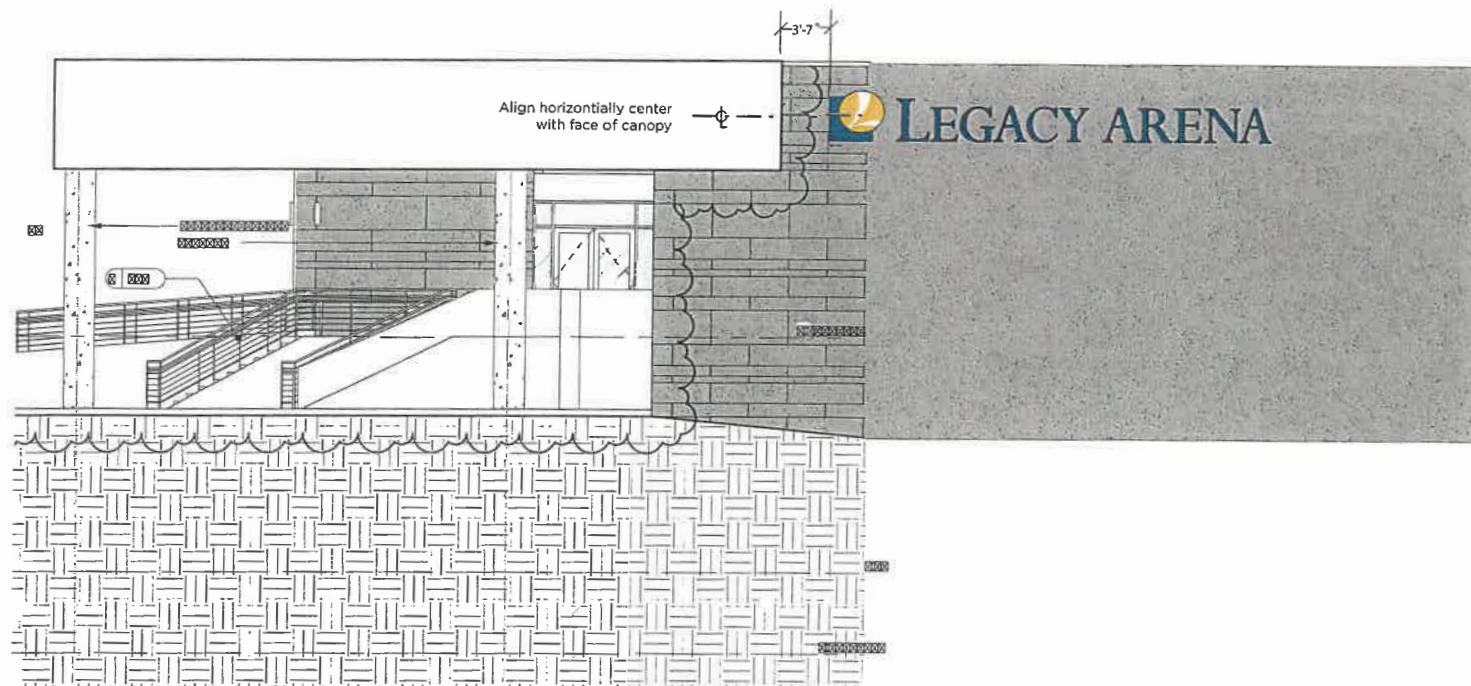
4800 Main Street | Suite 300 | Kansas City, MO 64112
Main: (816) 221-1500 | Fax: (816) 221-1578



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



B SIDE DETAIL
SCALE: 1/4"=1'-0"



C CONTEXT ELEVATION
SCALE: 3/32"=1'-0"

1. CHANNEL-FORMED LETTERS

- 8" deep internally illuminated face-lit channel letters
- Welded aluminum construction with retainer
- Retainer to be 1" on face and up to 2" on side
- Face of retainer to be painted to match face artwork (C-02, C-03, C-04)
- Channel returns and returns of retainer to be painted C-01
- Face of letters to be white acrylic, 3/16" Plaskolite Optix LD - 7328
- Face of logo to be seamless white polycarbonate - Plaskolite Tuffak LD, or panflex face on 3M flexible substrate
- Faces to receive translucent vinyl applied to 1st surface to match brand colors
- Blue vinyl to be 3M - 3630-97
- Yellow to be 3M - 3630-25
- White LED illumination, temperature 6500K, Bitro® OpticsPrime Titan
- 300 lumens/sqft on all areas of illumination
- Mechanically attached flush to walls surface
- All connections to wall surface to be gasketed

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR PRODUCING FIELD DIMENSIONS AND VERIFYING MOUNTING CONDITIONS

LED LIGHTING TO BE DIFFUSED AND EVEN, NO VISIBLE HOTSPOTS OR COLDSPOTS

SIGN FABRICATOR TO COORDINATE WITH G.C. ON WALL CONNECTIONS, BLOCKING AND POWER CONNECTIONS

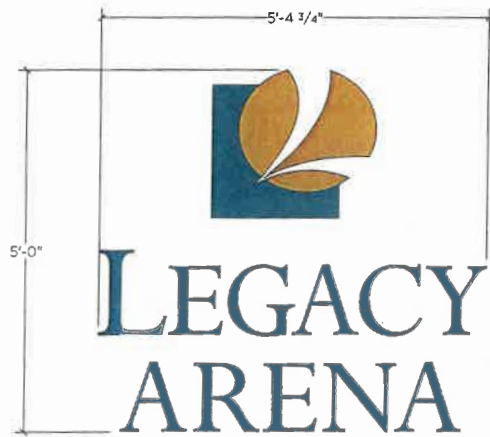
BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628
Date: 05.21.2021

X-15 LEGACY ARENA HORIZONTAL LOGO

An architectural rendering of the Legacy Arena building. The structure is modern and minimalist, featuring a prominent white cantilevered upper section supported by several thick, cylindrical concrete columns. The lower portion of the building is clad in dark, textured stone. On the right side, the name "LEGACY ARENA" is displayed in blue capital letters next to a circular logo containing a stylized yellow and blue 'L'. The foreground shows a paved plaza with a silver sports car parked near the entrance. A few small figures of people are visible on the left side of the building. The sky is a clear, bright blue.

 LEGACY ARENA



A FRONT DETAIL
SCALE: 1/2"=1'-0"



B SIDE DETAIL
SCALE: 1/2"=1'-0"

27



C CONTEXT ELEVATION
SCALE: 3/16"=1'-0"

POPULOUS®

4800 Main Street | Suite 300 | Kansas City, MO 64112
Main: (816) 221-1500 | Fax: (816) 221-1578

DRAWING NOTES:

1. CHANNEL-FORMED LETTERS

- 3" deep internally illuminated face-lit channel letters
- Welded aluminum construction with trimless edges -- no trim cap or retainer
- Returns to be painted C-11
- Face to be white acrylic, 3/16" Plaskolite Optix LD - 7328
- Faces to receive printed vinyl applied to 1st surface, printed to match brand colors
- Blue vinyl to be 3M - 3630-97
- Yellow to be 3M - 3630-25
- White LED illumination, Temperature 6000K, Bitro® OpticsPro
- Mechanically attached flush to wood wall surface

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR VERIFYING MOUNTING CONDITIONS

SIGN FABRICATOR IS RESPONSIBLE FOR PRODUCING FIELD DIMENSIONS

LED LIGHTING TO BE DIFFUSED AND EVEN, NO VISIBLE HOTSPOTS OR COLDSPOTS

BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628

Phase: SI-035

Date: 03.26.2021

SI-035 03-26-2021

X-14 LEGACY ARENA LOGO SMALL

sheet:

G.81.0

DRAWING NOTES:

1. FLAT CUT-OUT LETTERING
 - 3/8" thick aluminum
 - Paint all surfaces C-01
 - Stud mount flush to wall surface

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR VERIFYING MOUNTING CONDITIONS

SIGN FABRICATOR IS RESPONSIBLE FOR PRODUCING FIELD DIMENSIONS

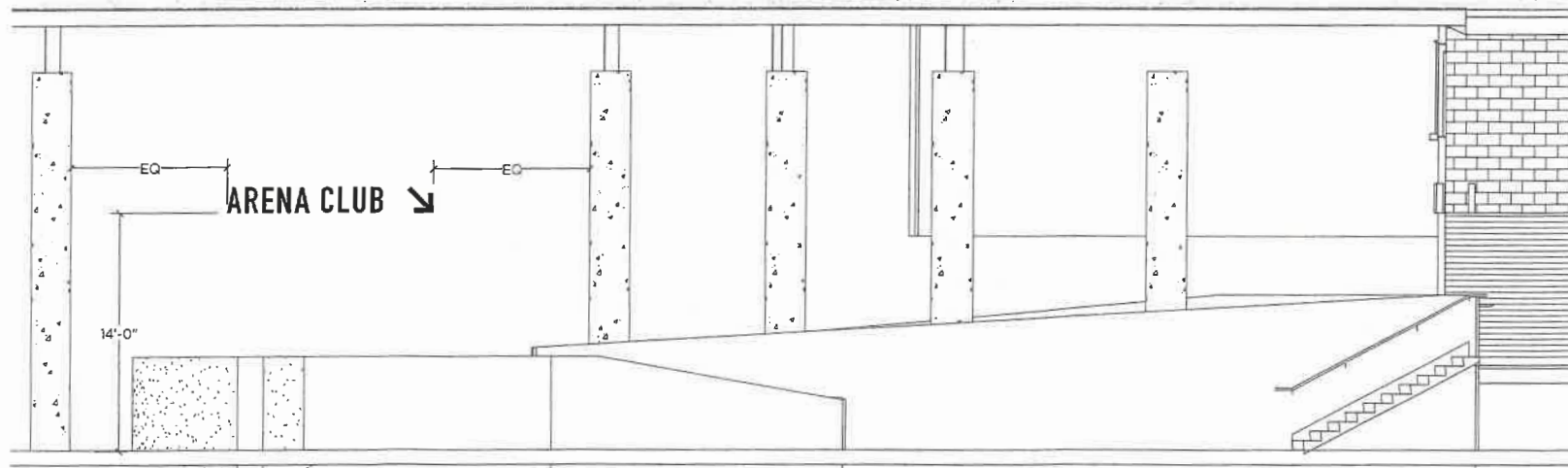


A DETAIL
SCALE: 1/2"=1'-0"



B SIDE VIEW
SCALE: 1/2"=1'-0"

13.3



B CONTEXT ELEVATION
SCALE: 1/8"=1'-0"

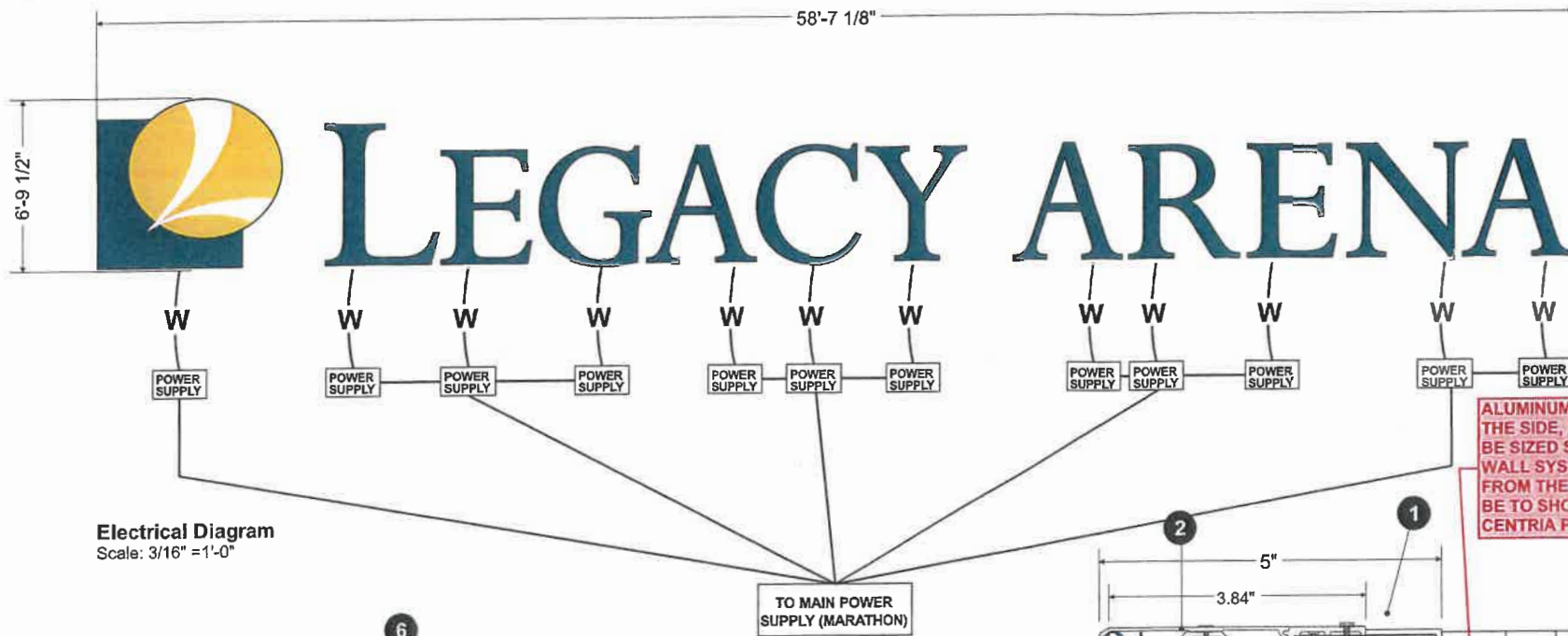
BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628
Phase: SI-035
Date: 03.26.2021

X-05 ARENA CLUB DIRECTIONAL

sheet:

G.68.0

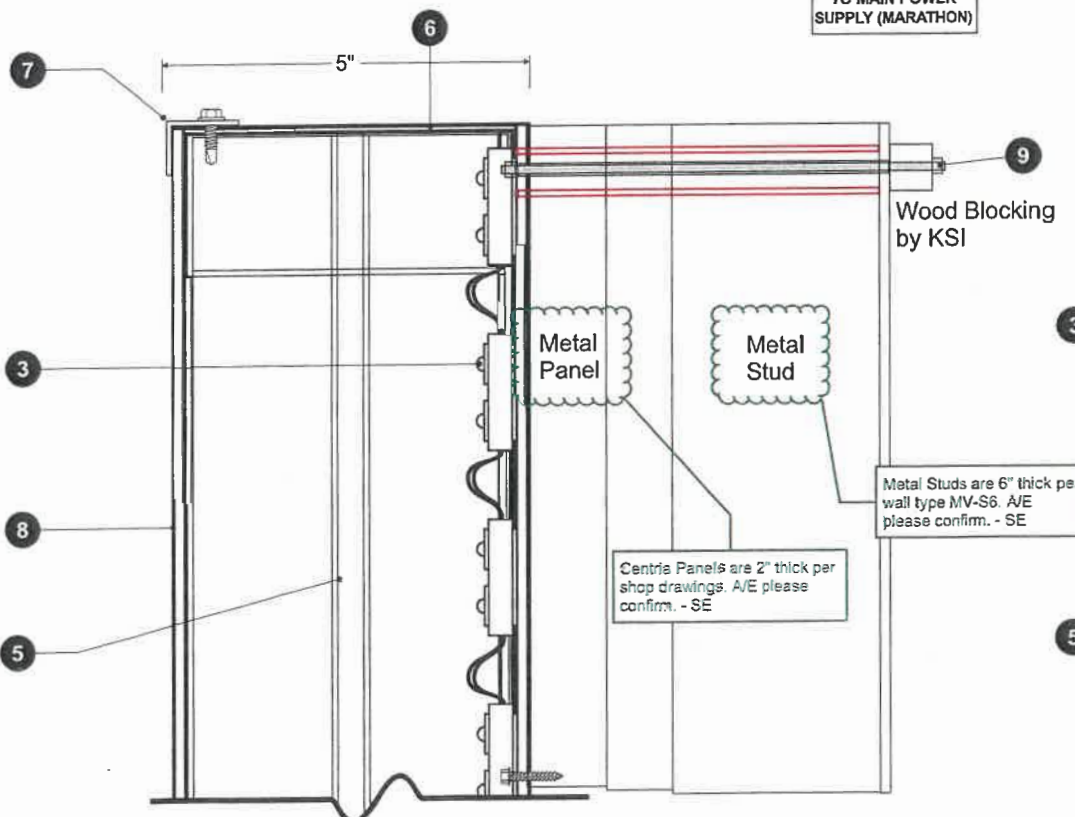


X-16
398

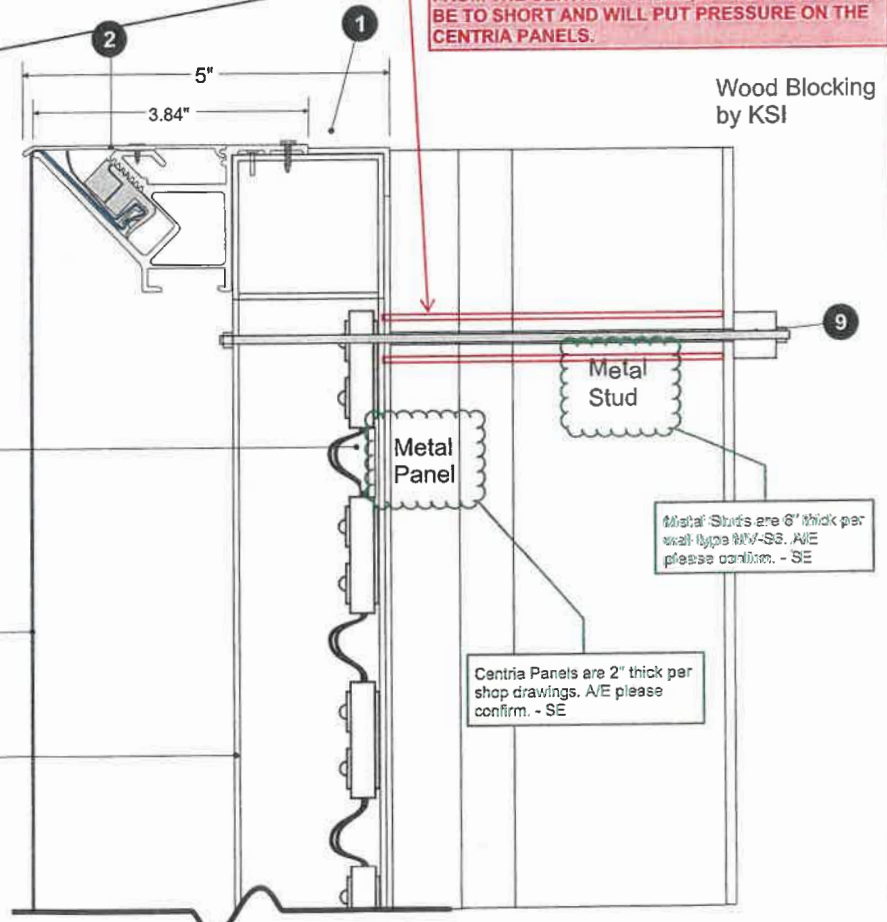
SEE NEXT PAGE FOR APPROVED LAYOUT AND SPECIFICATION FOR LIGHTING.

ALUMINUM SLEEVE WAS NOTED IN NOTES ON THE SIDE, BUT NOT DRAWN. THE SLEEVE MUST BE SIZED SO THAT IT IS 1/4\"/>

Electrical Diagram
Scale: 3/16\"/>



Letter Section Detail
Scale: 1/2 of actual size



Logo Bleed Frame Detail
Scale: 1/2 of actual size

NOTES:

1. 5" deep channel logo
2. Signcomp retro bleed frame system
3. Bitron Prime 6500k "Bright White LEDs."
4. Panaflex 3M flexible face with vinyl 1st surface.
5. Internal 2" sq. aluminum tube framing.
6. 5" deep channel letters.
7. 3/4" (on face) x 1" (on sides) retainer
8. 3/16" 7328 Plaskolite Optix LD white face.
9. (4+) 1/4" threaded stainless steel rod in aluminum sleeve per letter. Wood blocking inside building

OK, BUT DETAIL IS MISSING IN SECTION VIEWS.

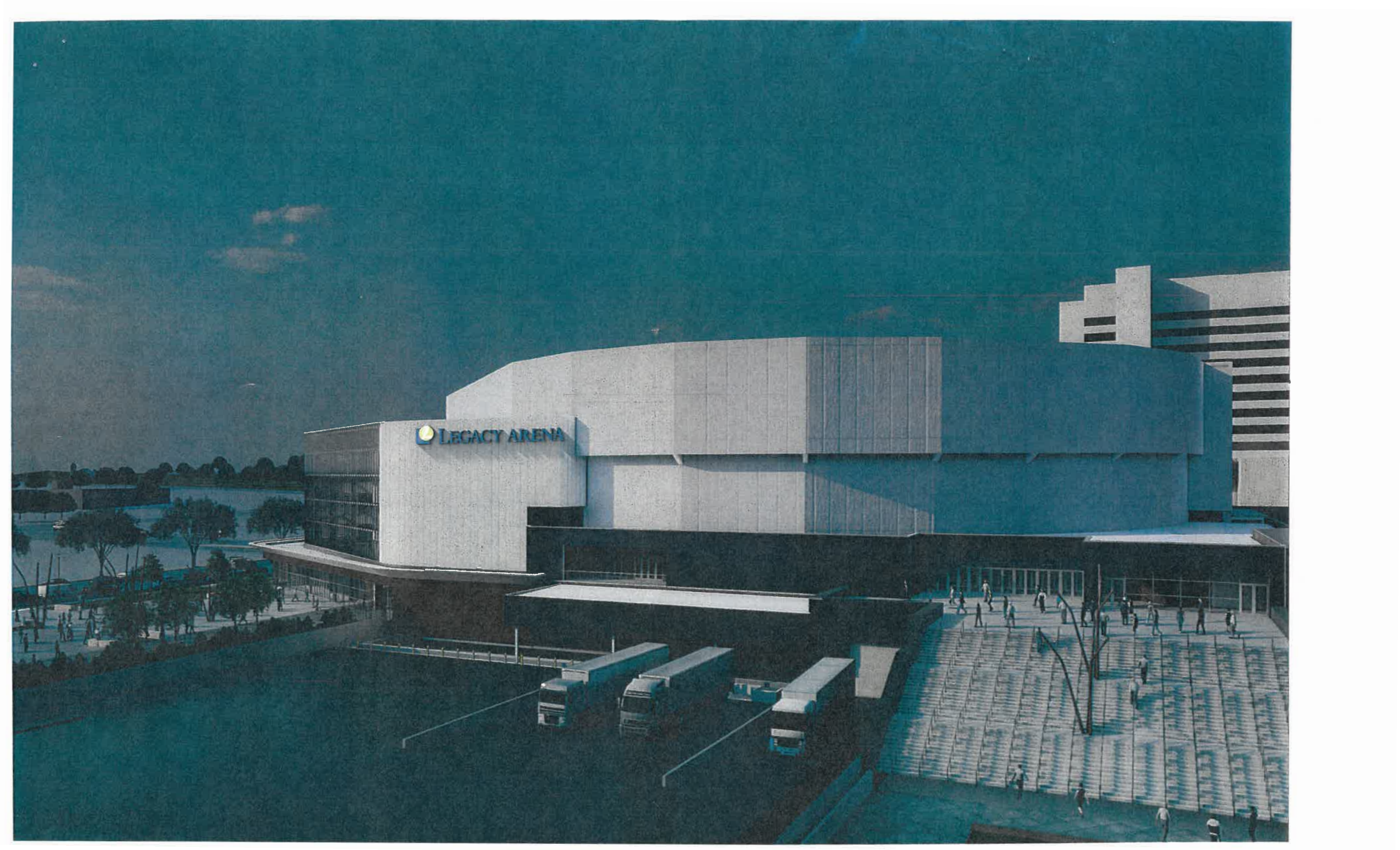
30 AMP
120/277 VOLT

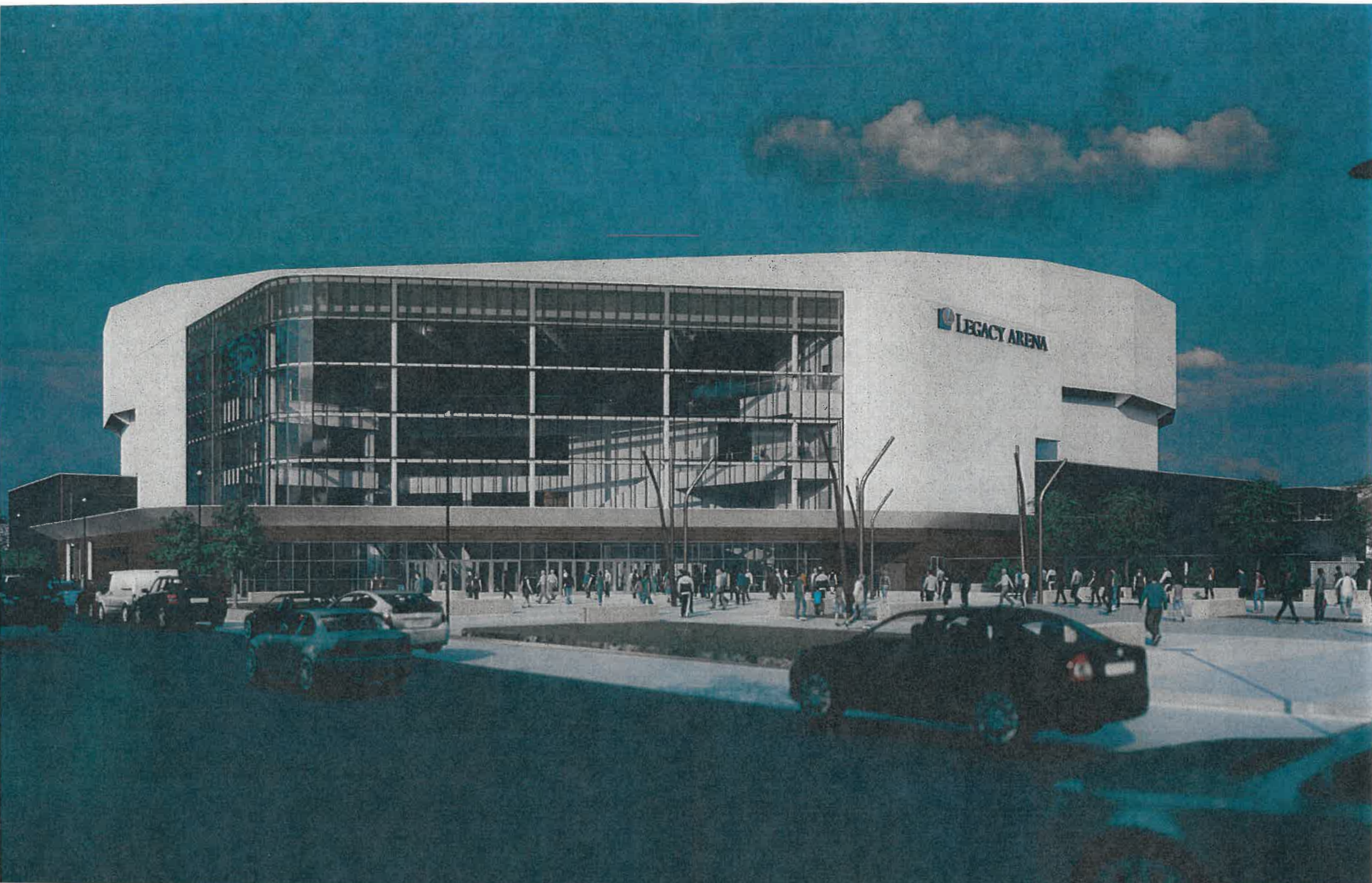
Date: February 19, 2021
Job Name: Legacy Arena
Job Location: Birmingham, AL
Salesperson: D. Young
Designer: J. Tippett
Drawing Number: 231660

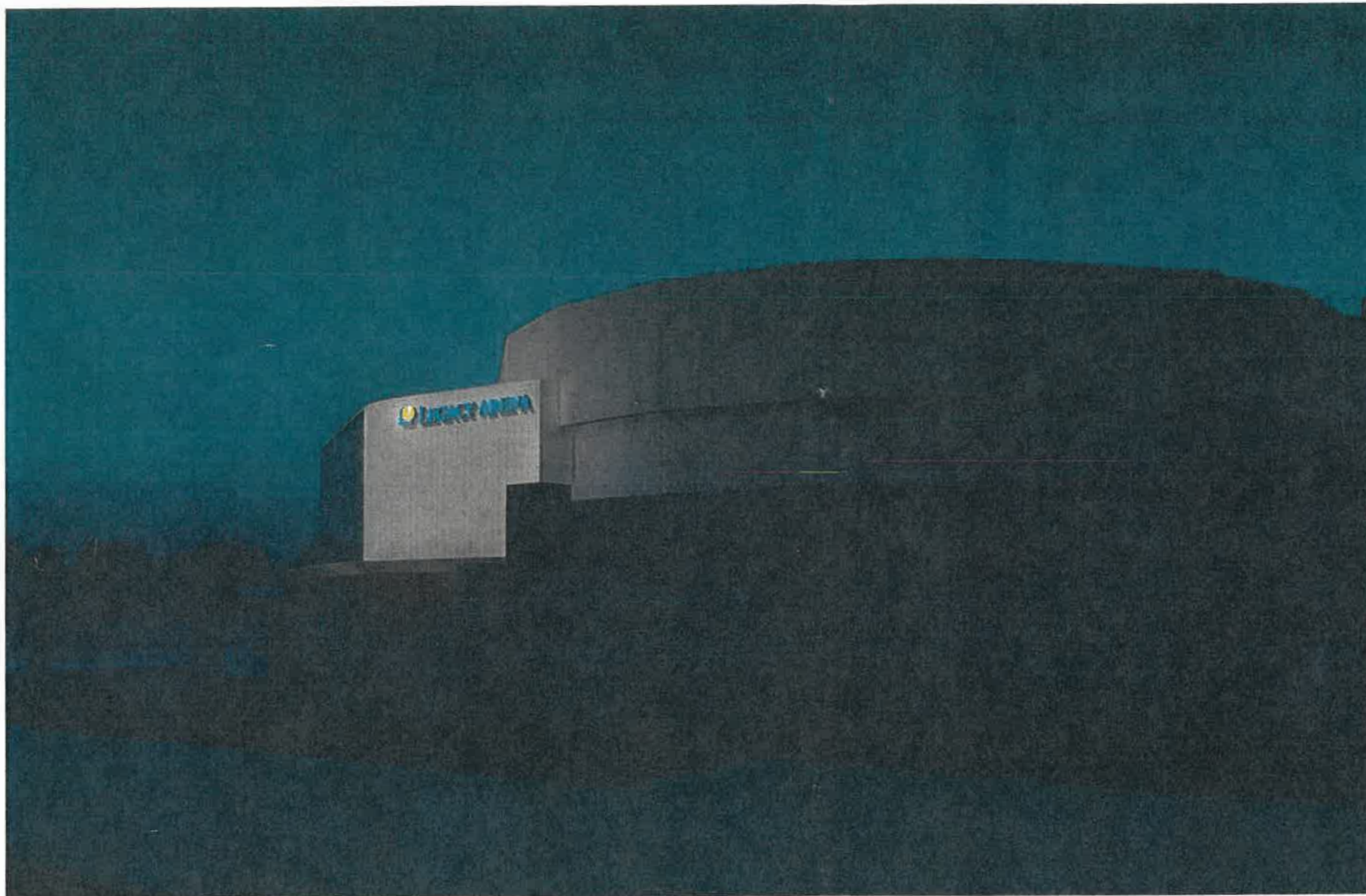
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. SIGNS DESIGNED FOR 120V SERVICE; PLEASE NOTIFY KSI IF POWER SOURCE IS DIFFERENT.



LEGACY ARENA







Night Time Rendering
NTS



**KNIGHT SIGN
INDUSTRIES, INC.**

5959 Knight Ave, Tuscaloosa, AL 35405
www.knightsign.com 205.345.5242

NOTES:

Date: February 19, 2021
Job Name: Legacy Arena
Job Location: Birmingham, AL
Salesperson: D. Young
Designer: J. Tippett
Drawing Number: 231660

THIS SIGN IS INTENDED TO BE
INSTALLED IN ACCORDANCE WITH
THE REQUIREMENTS OF ARTICLE
600 OF THE NATIONAL
ELECTRICAL CODE AND/OR
OTHER APPLICABLE LOCAL
CODES. THIS INCLUDES PROPER
GROUNDING AND BONDING OF
THE SIGN. SIGNS DESIGNED FOR
120V SERVICE; PLEASE NOTIFY KSI
IF POWER SOURCE IS DIFFERENT.



DRAWING NOTES:

1. PAINTED PANEL
 - 3/16" thick aluminum panel
 - All surfaces to be painted C-01
 - Lettering and arrow to be digitally masked (Gerber mask or equivalent) and in C-02 paint finish
 - Mechanically fasten flush to gate
 - Hardware to be painted to match panel

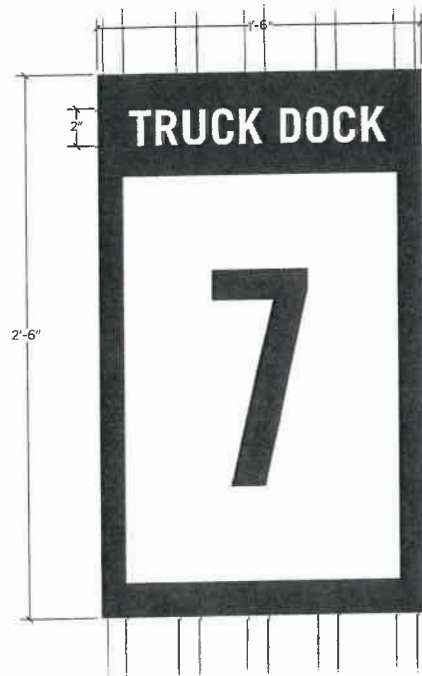
FONTS:

MESSAGE: T-1

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR VERIFYING MOUNTING CONDITIONS
REFER TO MESSAGE SCHEDULE FOR ALL CONTENT

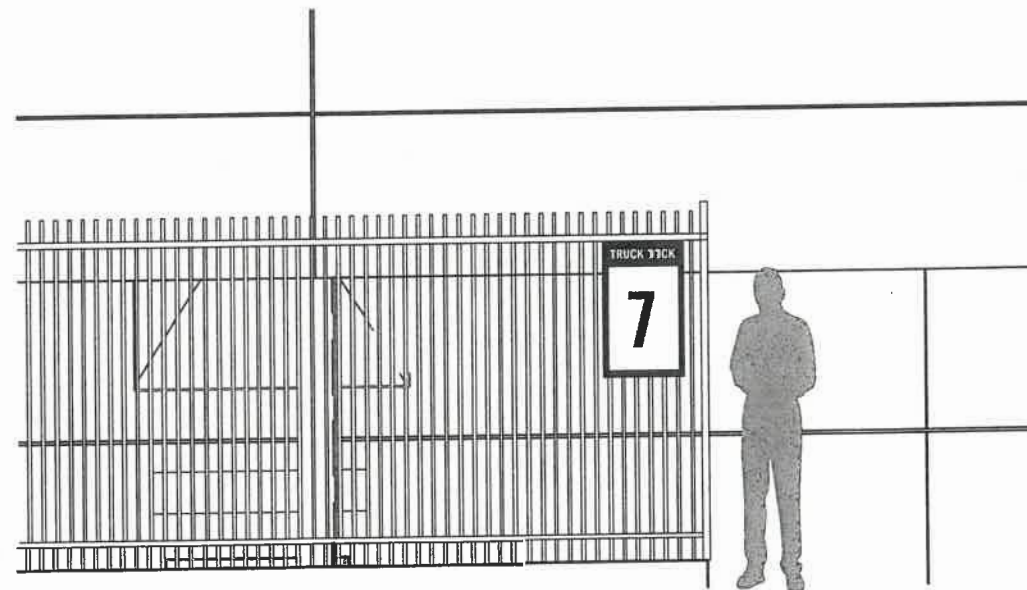
3.75



A FRONT DETAIL
SCALE: 1 1/2"=1'-0"



B SIDE DETAIL
SCALE: 1 1/2"=1'-0"



C CONTEXT ELEVATION
SCALE: 3/8"=1'-0"

BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628
Phase: SI-035
Date: 03.26.2021

SI-035 03-26-2021

X-08 DELIVERY ID

sheet:

G.71.0

DRAWING NOTES:

1. FLAT CUT-OUT LETTERING
 - 3/8" thick aluminum
 - Paint all surfaces C-01
 - Stud mount flush to wall surface

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR VERIFYING MOUNTING CONDITIONS

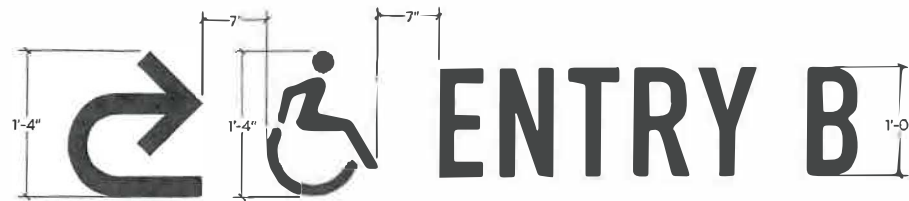
SIGN FABRICATOR IS RESPONSIBLE FOR PRODUCING FIELD DIMENSIONS



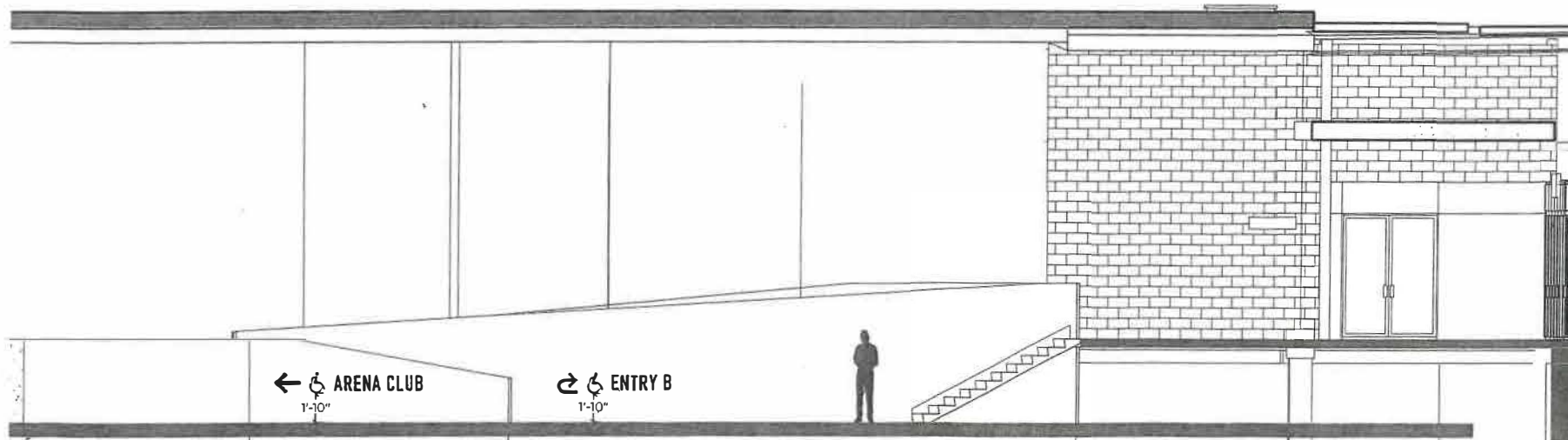
A DETAIL
SCALE: 3/4"=1'-0"



D SIDE VIEW
SCALE: 3/4"=1'-0"



C LAYOUT VARIATION
SCALE: 3/4"=1'-0"



C CONTEXT ELEVATION
SCALE: 1/8"=1'-0"

BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628

Phase: SI-035

Date: 03.26.2021

X-04 FCO DIRECTIONAL

sheet:

G.67.0

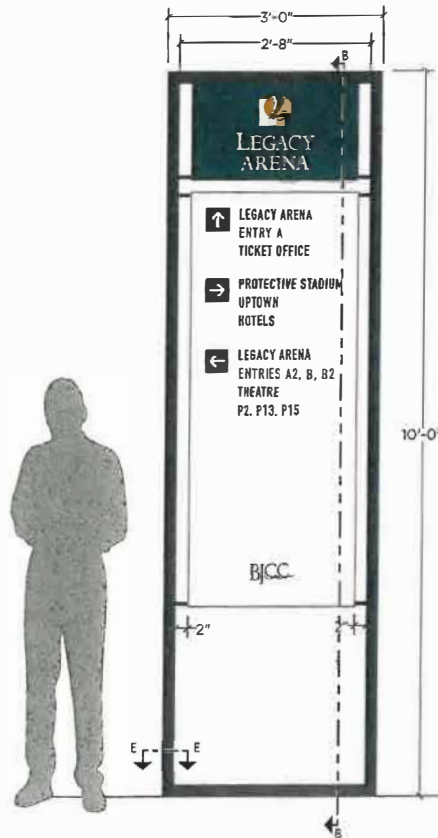
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4800 Main Street | Suite 300 | Kansas City, MO 64112
Main: (816) 221-1500 | Fax: (816) 221-1578

DRAWING NOTES:

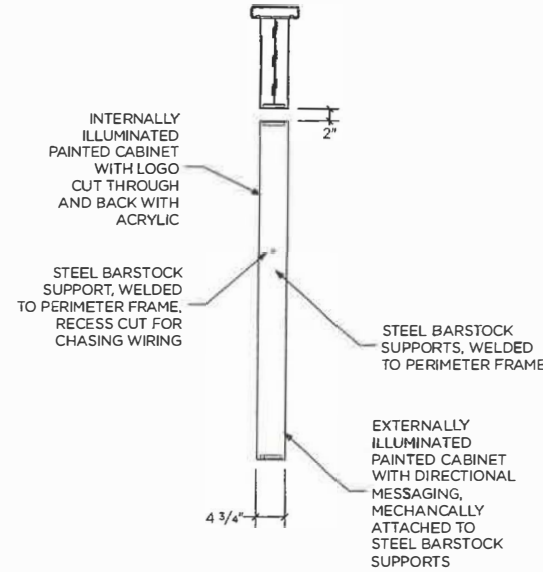
- ILLUMINATED STEEL FRAME**
 - 2" x 8" welded steel tube frame
 - Tubes to be milled to create two continuous channel for epoxying LED extrusion
 - Extrusion to have continuous high output LED tape light, with IP68 rating, 6000K
 - LED extrusion to have frosted acrylic lens
 - All visible surfaces to be painted C-01
 - Unit to sleeve over concrete-embedded fasteners and be attached with flat head or concealed nutted connection
- SUSPENDED CABINETS**
 - 4 3/4" deep welded aluminum cabinets
 - Aluminum tube framed
 - Face panels to be 1/8" minimum thickness
 - All seams to be filled and ground smooth prior to paint
 - Paint all surfaces of top cabinet C-01
 - Faces of bottom cabinet to receive divided paint pattern, C-01 & C-02
 - Returns of bottom cabinet to be painted C-01
 - Mechanically attached to steel frame through bar-stock supports
- ILLUMINATED LOGO**
 - 1/2" white acrylic push-through, 1/8" proud of face of cabinet
 - White LED illumination, 6000k temperature
 - Mechanically attach to cabinet face from interior of cabinet with weld studs and nut to acrylic flange
- DIRECT PRINT COPY, MAPS & LINES**
 - Print to match C-01 finish & grey tones

- 10' TALL
- 8' ALLOWED



FOUNDATION DETAIL
REFERENCE SHEET
S9-5-1, SECTION 21

A FRONT DETAIL
SCALE: 1/2"=1'-0"



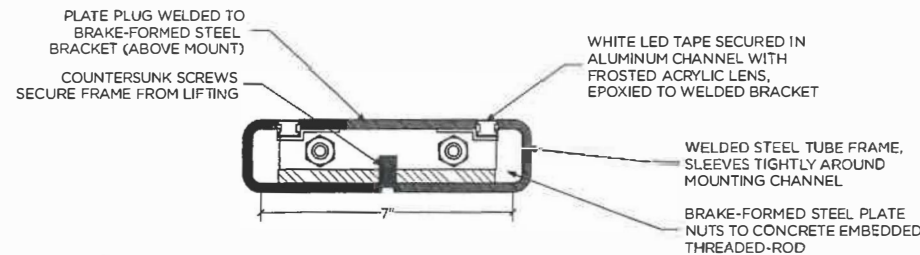
FOUNDATION DETAIL
REFERENCE SHEET
S9-5-1, SECTION 21

B SECTION
SCALE: 1/2"=1'-0"



FOUNDATION DETAIL
REFERENCE SHEET
S9-5-1, SECTION 21

C SIDE DETAIL
SCALE: 1/2"=1'-0"



E STEEL FRAME TUBE: ENLARGED SECTION
SCALE: 3"=1'-0"

FONTS:

MESSAGE: T-2

ADDITIONAL REQUIREMENTS:

SIGN FABRICATOR IS RESPONSIBLE FOR VERIFYING MOUNTING CONDITIONS AND PRODUCING FIELD DIMENSIONS

BJCC LEGACY ARENA SIGNAGE & GRAPHICS

Project Number: 18.4628
Phase: SI-035
Date: 03.26.2021

SI-035 03-26-2021

X-11B
SITE PYLON (LARGE)

sheet:

G.76.0

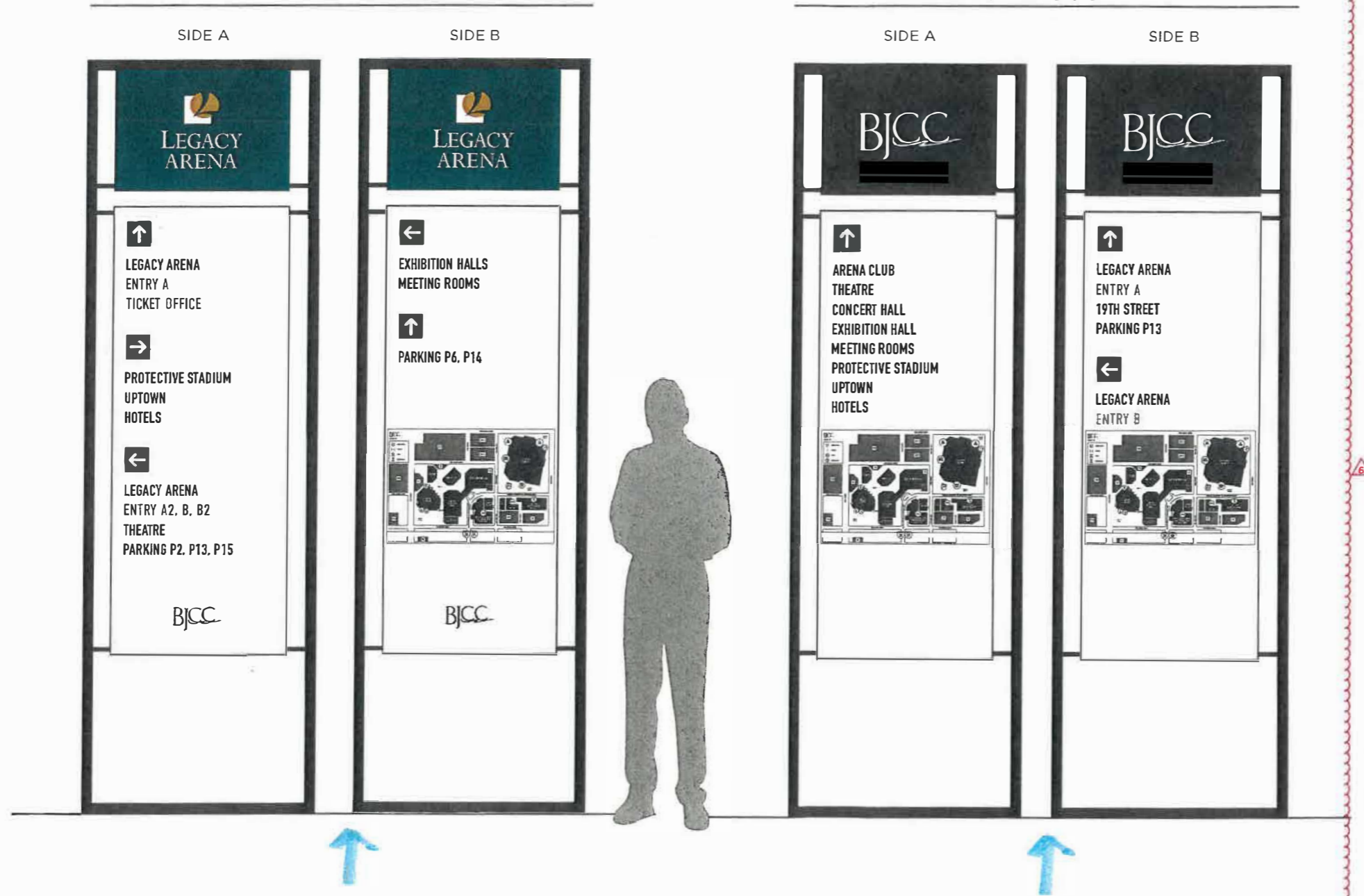
**POPULOUS PROVIDES MAP FILE.
FABRICATOR TO PLACE 'YOU ARE
HERE' ICON IN CORRECT SPOT.**

DRAWING NOTES:

- 10' TALL
- 8' ALLOWED

X-11B 1S.25

X-11B 2S.2



**BJCC LEGACY ARENA
SIGNAGE & GRAPHICS**
Project Number: 18.4628
Phase: SI-035
Date: 03.26.2021

SI-035 03-26-2021

**X-11B
SITE PYLON (LARGE)**

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00034

Central Park Neighborhood

Request:

Variance to allow the building frontage to extend less than 75 percent of the lot frontage pursuant to Title 1, Chapter 3, Article 1, Section 3. A variance to allow more than 0-foot setback along Bessemer Rd and Avenue W pursuant Title, Chapter, Article 1, Section 3. C. A variance to allow parking in the required front yard.

Applicant:

Clay Smith & Kyle D'Agostoni

Location:

2250 Bessemer Rd, Birmingham AL 35208

Parcel # 012900053023001000

SW of Section 05, Township 18 S, Range 3 W

Applicant's Proposal:

The applicant is proposing a restaurant and retail building.

Staff Analysis:

The subject property is currently zoned MUH (Mixed-Use High District). The subject property is surrounded by parcels zoned MUH (Mixed-Use High District) while parcels located south are zoned C-2 (Commercial Business District). The property is not located in the flood plain area; however, it is in the Five Points West Commercial Revitalization District. The proposed development has a setback of 5 feet from Avenue W and 52 feet from Bessemer Rd.

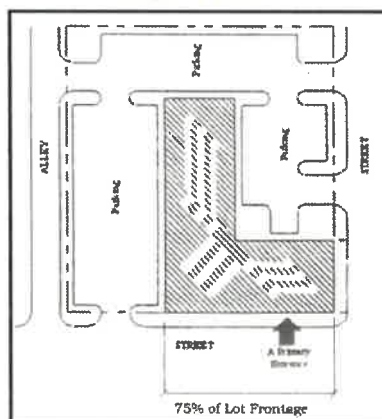
Per the zoning ordinance:

Section 3. Street setbacks and building orientation in mixed use districts.

A. This section establishes street setbacks within all mixed-use districts regardless of the minimum street setback requirements described in Tables 1.03.101 or 1.03.102.

B. For the purposes of this section, lots that are 60 feet wide or greater shall have the front facade of the building extend across at least 75 percent of the lot frontage or be at least 45 feet in width, whichever is greater. Lots that are less than 60 feet wide shall have the building extend across the full width of the lot unless a driveway is required to access required parking, except that one or two family dwellings may have side yards a minimum of three feet in width. If a driveway is needed for service to accessory parking, an opening of up to 26 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the fronts of the buildings to the extent shown in Figure 1.03.101. The primary entrance to a building shall be located at the front setback line and shall be located as close to street crosswalks as practical.

Figure 1.03.101



C. The following regulations shall be used to determine the street setback, as applicable.

1. The maximum setback of a structure from the property line shall be established by Table 1.03.103 according to the zoning of the property, unless one of the following items applies:
2. No minimum front setback is required.
3. The maximum front building setback may not exceed the average front yard depth of the nearest lot on either side of the subject lot or setback listed in Table 1.03.103, whichever is less.
 - a. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of zero feet.
 - b. Lots separated from the subject lot by a street or alley may not be used in computing average.
4. The following exceptions to the maximum front yard building setbacks apply:
 - a. A portion of the building may be setback from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
 - b. A building may be setback further than the maximum setback in order to accommodate an outdoor plaza, arcade or eating area. In order to preserve the continuity of the street wall, the building may be setback no more than 10 feet from the front or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor plaza, arcade or eating area that is located between a public sidewalk and the building façade may not exceed 10 square feet per linear feet of the building's street frontage.
 - c. In the MU-L and MU-M districts, the average street setback of existing structures along the same block, up to 20 feet, may be applied to new single family or duplex construction on that block if determined by the Director to be appropriate to maintain or reinforce an established form or character of development.
5. The minimum rear setback is 0 except when the lot is adjacent to a dwelling district, and in that case the rear setback shall be 20 feet.
6. The minimum side setback is 0 except when the lot is adjacent to a dwelling district, and in that case the side setback shall be five feet.

Neighborhood Recommendation:

The **Central Park Neighborhood Association** will vote prior to the ZBA hearing.

Staff's Recommendation to ZBA:

Staff does not believe the applicant has not provided sufficient evidence to support the variance requests and believes the applicant failed to meet all 6 of the variance standards. Staff believes the addition of the new BRT Station will provide new development opportunities that will feature walkability and connectivity in the area. The proposed variance requests are not consistent with those development goals to provide a more connected and walkable community. Staff recommends that the variance requests be **DENIED**.

Justification Statement / Statement of Purpose

Variance Application on behalf of FiveWest Property LLC

Submitted to ZBA 06.25.2021

This is an application on behalf of FiveWest Property LLC (the "Owner"), which is the owner of the property located at 2250 Bessemer Road (the "Property"), for a variance pursuant to Article VI of Chapter 9 of Title 1 of the Zoning Ordinance (the "Ordinance") to allow a new commercial/retail building (as described in more detail below, the "Building") with (i) a corner lot front yard setback of more than 0-feet along Bessemer Road and Avenue W in a MU-H (Mixed-Use High) district located in the Central Park neighborhood, (ii) parking within a required front yard, (iii) primary entrance to the Building set back from the front setback lines and (iv) front building façade lengths less than 75 percent of front lot widths in a mixed-use district.

Description of the Subject Property and Surrounding Area

The Property is an irregularly shaped, corner lot located at the northeast corner of the intersection of Bessemer Road and Avenue W.

This area, known as Five Points West, is predominantly characterized by retail and other commercial uses, most of which are setback from Bessemer Road (a six-lane highway). The portion of Bessemer Road that abuts the Property is one of the busiest streets in the entire City and has a long history of serving as a convening point for the local and surrounding community.

The Proposed Development

It is proposed that a new, approximately 6300 sf commercial/retail building (the "Building") be constructed on the Property. As depicted on the enclosed site plan, the Building would be set back more than the 0-ft from Bessemer Road and Avenue W and would be oriented in order to better align with the vehicular traffic flows along this busy commercial corridor.

Review Standards

To authorize in specific cases a variance from the terms of this Ordinance such as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, but where the spirit of the Ordinance shall be observed and substantial justice done. The Board shall not grant a variance without an affirmative finding of fact on each of the following standards based on evidence presented by the applicant.

- 1. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition 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.*

As can be seen on the accompanying survey, aerial photo and site plan, the Property is burdened by a combination of extraordinary and exceptional conditions, including, but not limited to, its proximity to Bessemer Road and Avenue W, the location of existing community monument sign and utility poles along its Bessemer Road frontage, that create exceptional practical difficulties or exceptional or undue hardship in complying with the strict requirements of Section 3 of Chapter 3 of the MU-H district regulations. Moreover, in light of the heavy vehicular traffic along Bessemer Road, the Building has been designed with the safety of customers and employees at the forefront. In particular, the Building is sized and configured such that all customers and employees will have clear lines of sight and has been set back from Bessemer Road in order to minimize potential conflicts between customers and employees and vehicular traffic generated by other users of this commercial corridor.

- 2. 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.*

As noted above, the Property is burdened by a unique set of conditions that are specific to the Property.

- 3. 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 Owner acquired the Property subsequent to the rezoning of the Property to MU-H.

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

The requested variance would facilitate the construction of a development that is more in line with the existing pedestrian and vehicular context within this portion of Five Points West.

Justification Statement / Statement of Purpose

Variance Application on behalf of FiveWest Property LLC

Submitted to ZBA 06.25.2021

5. *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.*

The proposed use is compatible with the predominant uses in this area. The height of the proposed development is consistent with the heights of existing structures that surround it. The existing condition is an existing, functionally obsolescent bank building and an accessory parking area, so there is no reasonable basis to conclude that the development would substantially diminish or impair property values within the area.

6. *No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil 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.*

There is no reasonable basis to believe that the granting of the variance would lead to any of the harms cited above. The proposed use is compatible with existing and planned use patterns along this portion of Bessemer Road. The proposed development will comply with applicable fire and building code requirements so there is no reasonable basis to believe that it would increase the danger of fire, or imperil the public safety or substantially impair the intent and purpose of the Zoning Ordinance.

PARCEL ID: 012900053023001000

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

DATE: Wednesday, June 30, 2021 11:35:53 AM

OWNER: BIRMINGHAM CITY OF

ADDRESS: 710 20TH ST N

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203--2216

SITE ADDR: 2250 BESSEMER RD

CITY/STATE: BHAM, AL

ZIP: 35208



LAND: \$103,200.00

BLDG: \$225,000.00

OTHER: \$0.00

AREA: 14,970.19

ACRES: 0.34

SUBDIVISION INFORMATION:

NAME ENSLEY AVE RES #3 29-5-3

BLOCK:

LOT: B

Section: 5-18-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Five Points West

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: MUH

Demolition Quadrants: DEM Quadrant - 2

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

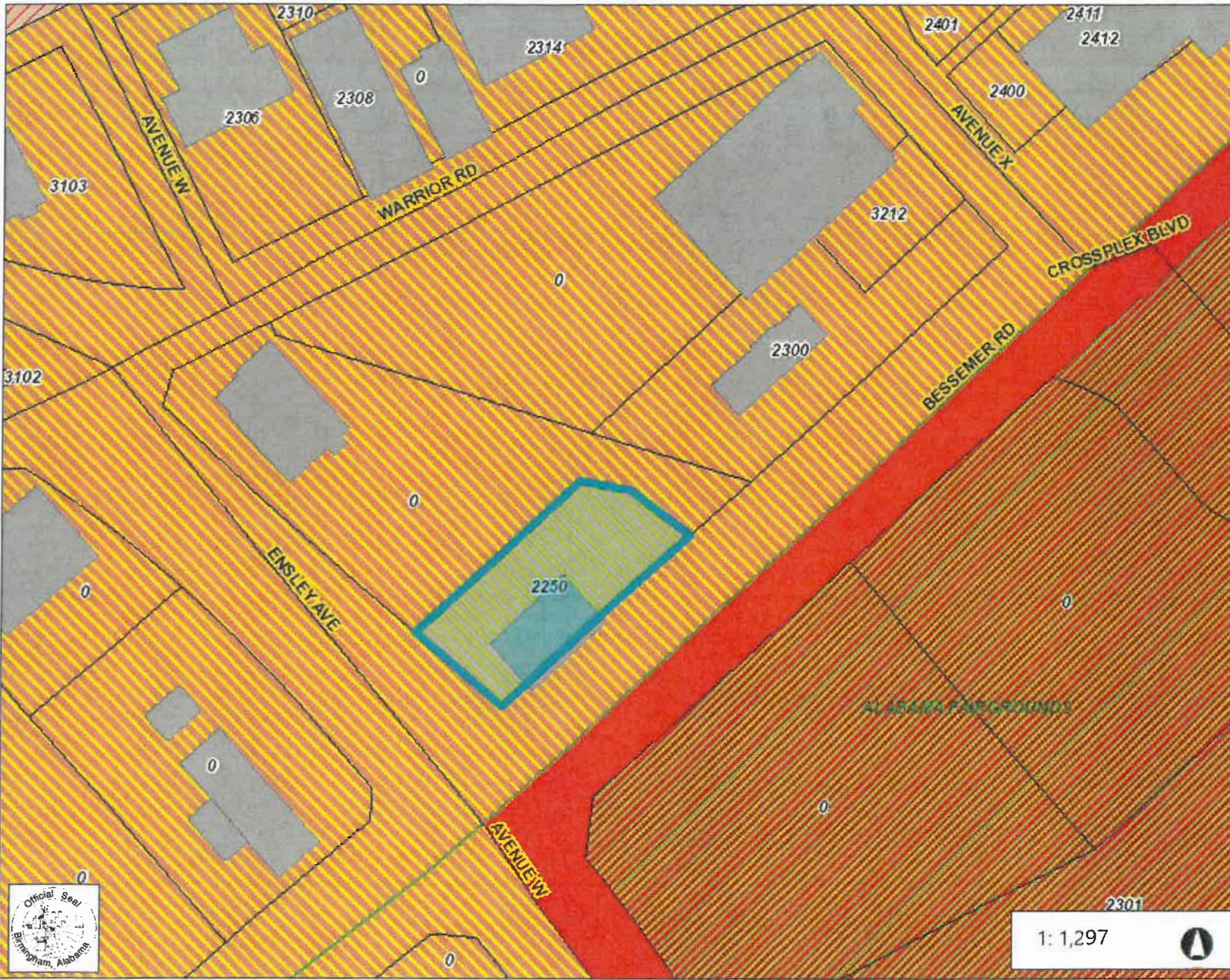
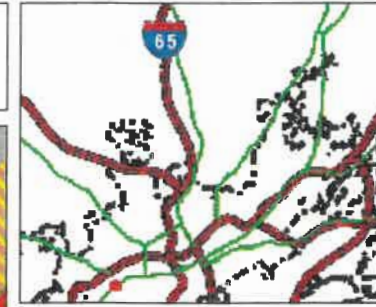
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: 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

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

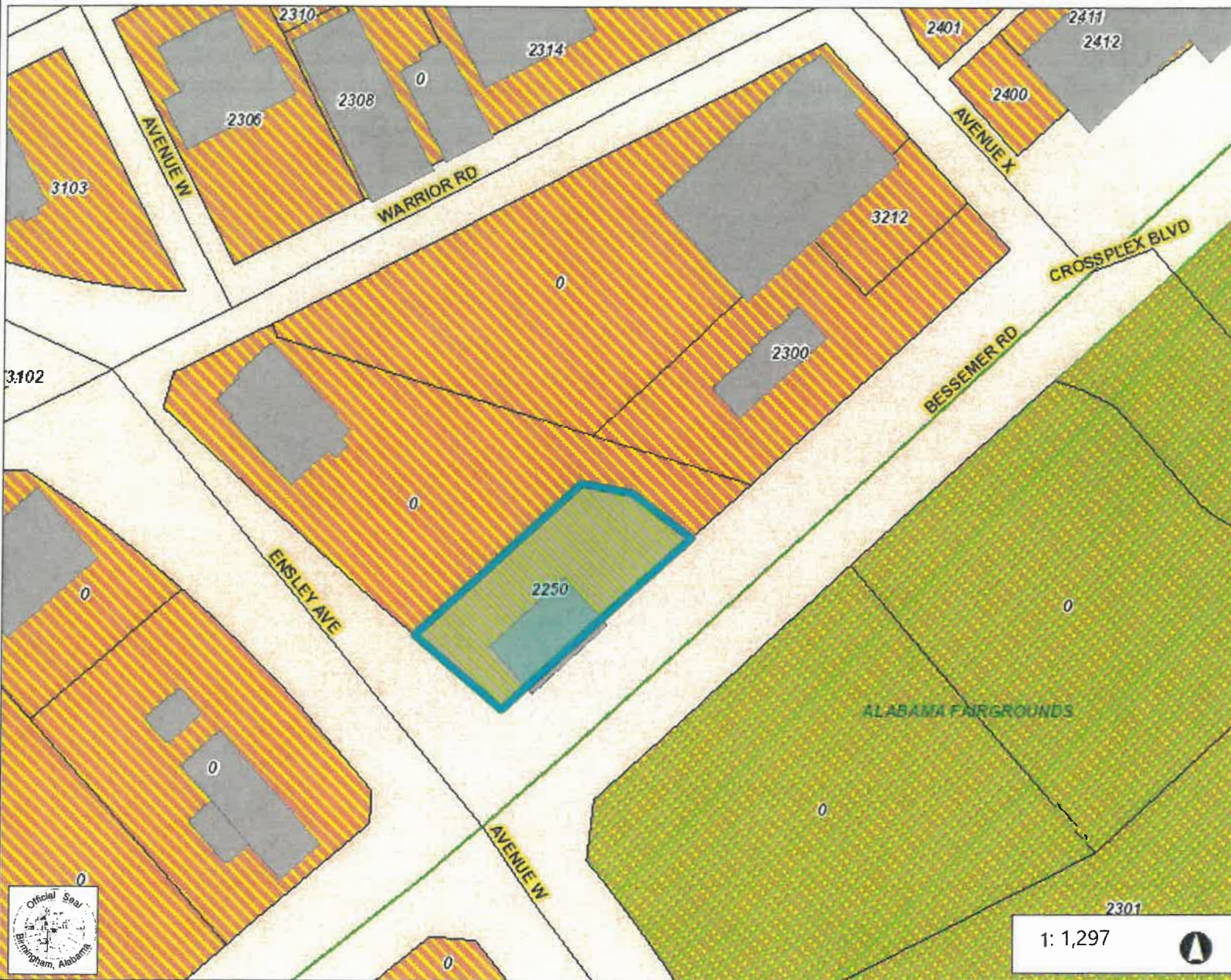
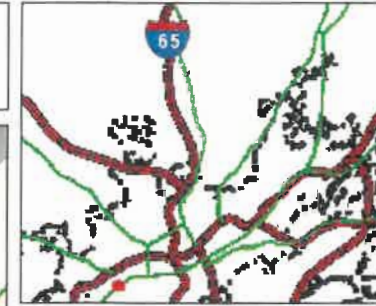


1:1,297



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

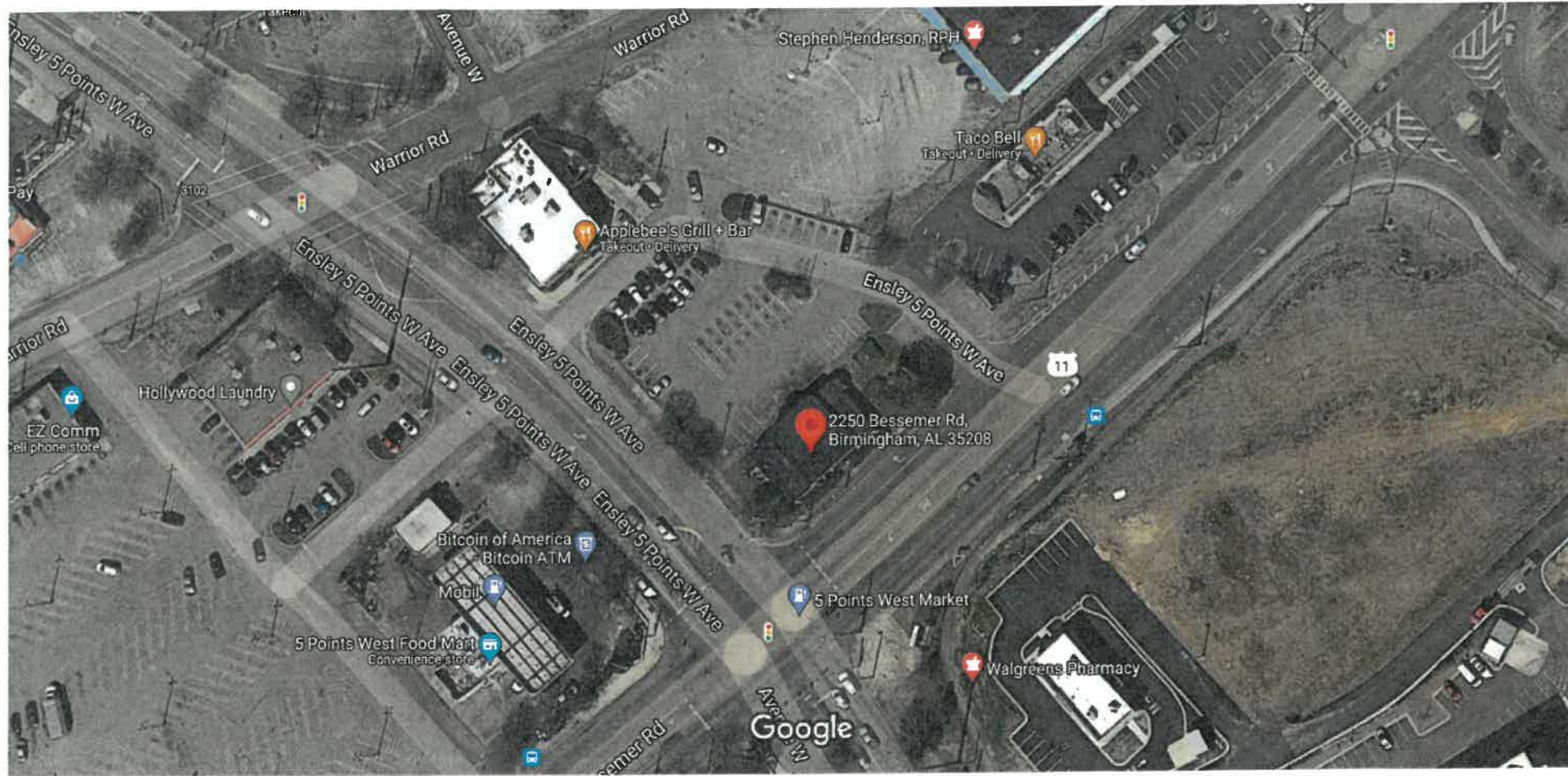
216.2 0 108.11 216.2 Feet

1: 1,297

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Notes

Google Maps 2250 Bessemer Rd



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

**SCHEDULE B - PART 2
EXCEPTIONS**

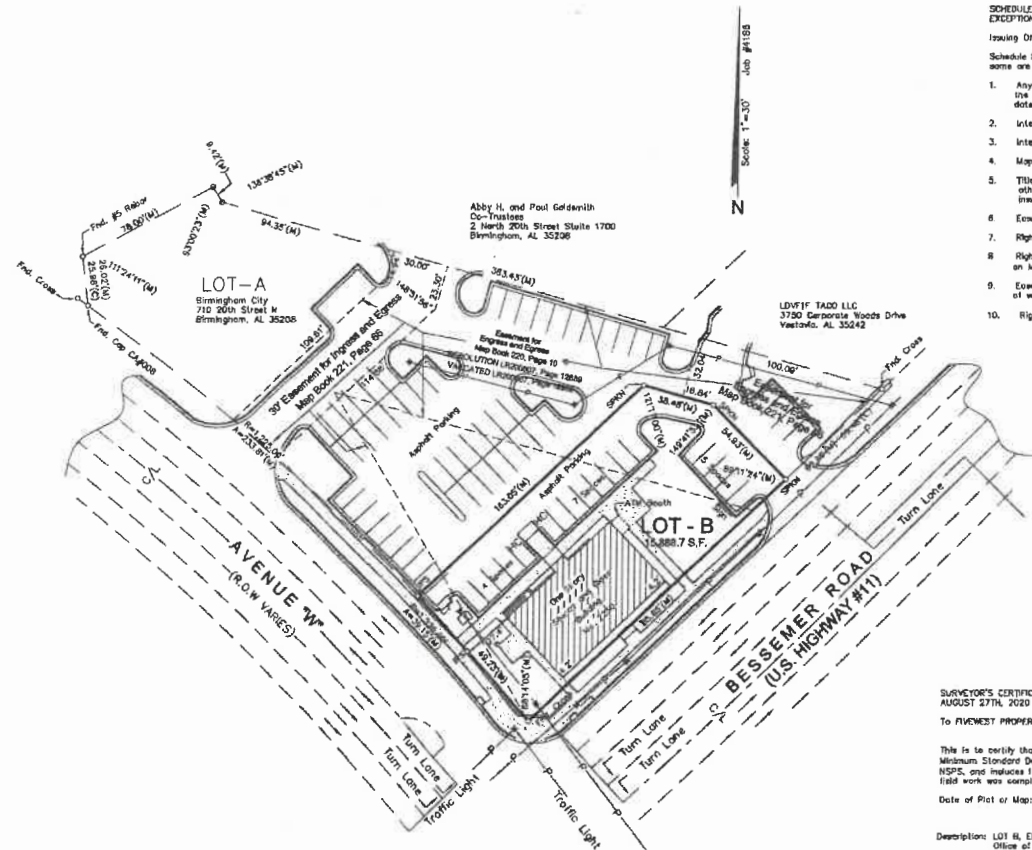
Issuing Office File No. 232750

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

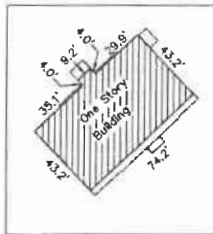
- Any defects, liens, encumbrances, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part 1 - requirements are met
- Intentionally omitted.
- Intentionally omitted.
- Map Easement for ingress and egress recorded in Map Book 221, Page 66.
- Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including release of damages, are not insured herein.
- Easement for ingress and egress as recorded in Map Book 220, Page 10.
- Right-of-way granted to Birmingham Gas Company recorded in Volume 2119, Page 1.
- Right-of-way granted to Alabama Power Company recorded in Real 758, Page 513, as shown on Map Book 63, Page 58. (Unplottable)
- Easements for ingress, egress and maintenance of public utilities as reserved in Declaration of association recorded in LR 200807, Page 12899 and LR 200807, Page 12802.
- Right-of-way granted to Jefferson County recorded in Inst. No. 2017008874 (Unplottable)

**NOTES WITH REFERENCE TO TABLE "A"
OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS**

- Monuments - Plotted and noted as shown hereon.
- Address(es) - Plotted and noted as shown hereon.
- Flood Zone - Entire property lies in Zone "X" shown on FRM Map No. 01073C5320, effective date: September 20, 2006
- Land Area - 15,888.71 square feet, more or less. (0.36 Acres more or less).
- Item does not affect the property
- (a) ZONE MU-H Multi Use High Density
(b) ZONE MU-H
Setbacks Front 15 feet Max
Rear 0 feet
Side 0 feet
Height 125 (4)(8)(7) stories
Parking ratio: 1 per 400 S.F. of Ground Floor Area plus 4 stacking spaces per drive through window
- (a) Exterior dimensions - Plotted and noted as shown hereon.
(b) Square footage - Plotted and noted as shown hereon.
(c) Plotted noted and shown hereon.
- Plotted noted and shown hereon.
- Parking spaces, 15 regular, 2 handicapped. Plotted noted and shown hereon.
- (a) Item does not effect the property.
(b) Item does not effect the property.
- (a) Plotted and noted as shown hereon.
(b) Utilities are not locatable based on the information provided by the UIC company.
- Item does not effect the property
- Plotted and noted as shown hereon.
- Item does not affect the property.
- Item does not effect the property
- None observed.
- Item does not effect the property.
- None observed.
- Plotted and noted as shown hereon.
- Intentionally omitted.
- Intentionally omitted.



BUILDING DETAIL



SURVEYOR'S CERTIFICATE
AUGUST 27th, 2020

To FIVEWEST PROPERTY LLC, MAGIC CITY TITLE INC., and WAYNARD COOPER & GALE, P.C.

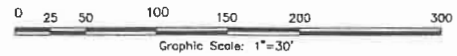
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 8, 9, 12, 18, 17, 19, and 21, Table A thereof. The field work was completed on the 18th day of August, 2020.

Date of Plat or Map: August 27th, 2020

Description: LOT B, ENSLEY AVENUE RESURVEY NO. 3, as recorded in Map Book 221, Page 66, in the Office of the Judge of Probate, Jefferson County Alabama.

The Correct Address is: 2250 Bessemer Road, Birmingham, AL 35208

James R. Boatright, Sr., AL REG. NO. 17629



LEGEND

PD#	PARCEL IDENTIFICATION NUMBER	-)-)-)	OVERHEAD UTILITY LINES
P.P. +	PIVOT POINT (UTILITY)	F.H. +	FIRE HYDRANT
L.P. +	LIGHT POLE ON CONCRETE BASE	CAB +	CABLE T.V. BOX
G.W. +	LIGHT POLE ON CONCRETE BASE	A.C. +	AIR COND. UNIT ON CONC. BASE
I.P.F. +	GLY WIRE & ANCHOR	PDW +	POWER BOX
L.P.S. +	IRON PIN FOUND (#5 REBAR)	FENCE	FENCE
SPKN	IRON PIN SET (#5 REBAR)	CENTERLINE	CENTERLINE
CR.	SET PK NAIL	1/4 SECTION LINE	1/4 SECTION LINE
CRCH	CRIMPED TOP PIPE	R.O.W.	RIGHT-OF-WAY
CAP	OPEN TOP PIPE	CR.	CROSS
N&C	CAPPED IRON W/ INITIALS		STRIPED PARKING SPACES
NB	NAIL & BOTTLE CAP	HVC	HANDICAPPED PARKING SPACES
M	RESURVEY IRON MARKER		
⊙	MANHOLE		

ALTA / ASCM LAND TITLE SURVEY

FIVE WEST PROPERTY LLC

Situated in the Northeast Quarter of the Southwest Quarter of Section 6, Township 18 South, Range 3 West, Jefferson County, Alabama

Field Date: 06-17-20 thru 08-16-20
Map Date: 08-27-20 File: 4186
Scale: 1"=30' FB 103, PG. 30

SHEET 1 OF 1

Prepared By:
James R. Boatright, Sr., PLS
704 Mary Vann Lane Birmingham, AL 35216
Phone (205) 854-3689 Fax (205) 854-0071
email: james.boatright@att.net

REVISIONS

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00035

Five Points South Neighborhood

Request:

Variance to allow an accessory structure in the rear yard more than 30% of the required rear yard.

Applicant:

Paul Roderick

Location:

1634 15th Ave S, Birmingham AL 35205

Parcel # 012900014011013001

SE of Section 01, Township 18 S, Range 3 W

Applicant's Proposal:

The applicant is proposing an accessory structure (garage) in the rear of the property.

Staff Analysis:

The subject property is currently zoned R-3 (Single Family District). The subject property is surrounded by parcels zoned R-3(Single Family District). The property is not located in the flood plain area; however, it is in the Anderson Place Historic District. The proposed development has a setback of 5 feet from Avenue W and 52 feet from Bessemer Rd.

Per the zoning ordinance:

Section 7. Rear and side yard modifications. The rear or side yards heretofore established shall be modified in the following cases:

- 1. Where a lot abuts upon an alley, one half of the alley width may be considered as part of the required rear or side yard for building purposes; however, the minimum yard abutting an alley shall be three feet.*
- 2. An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten feet.*
- 3. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty percent of the required rear yard and shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line.*
- 4. Satellite antennas shall be permitted in the rear yard only. The Zoning Board of Adjustment may grant variances to this provision only for rear yards whose topography or dimensions will not permit the physical placement of these structures. Such limitations shall not include placement of satellite dishes because of problems associated with reception of satellite signals.*

Neighborhood Recommendation:

The *Five Points South Neighborhood Association* voted to support the request.

Staff's Recommendation to ZBA:

Staff believes the applicant has not provided evidence to support the variance request based upon the applicant not meeting the six variance standards; therefore, staff believes the request should be **DENIED**.

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.

Response: At 6,000 square feet, this lot's size is the smallest allowable lot in D-3 zoning. Its size was not increased because of its corner location and the resulting required two front yards.

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.

Response: This lot is smaller than the three adjacent lots at this corner. Granting of this application will permit the full preservation and enjoyment of property rights given the lot's physical characteristics.

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.

Response: The difficulty has not been created by previous action, since no construction has yet taken place relative to this issue.

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

Response: There is no financial impact (gain or loss) related to this variance request.

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.

Response: Granting of this Variance will not affect the compliance of the rear, front or side yard setback requirements. Also, the project has been well received by the neighborhood and the Design Review Committee. Before it was known that a Variance would be required, this project was reviewed by the Local Historic Advisory Committee (Southside Neighborhood) and the Design Review Committee and a Certificate of Appropriateness was granted on April 14, 2021.

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.

Response: Welfare, congestion, fire danger, safety, health or comfort would not be affected. Since this request is for a small increase in the accessory building allowable square footage, in view of unique physical characteristics of the lot, the intent and purpose of the Ordinance would not be substantially impaired.

PARCEL ID: 012900014011013001

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

DATE: Wednesday, June 30, 2021 2:04:08 PM

OWNER: SCHOETTLIN CARL

ADDRESS: 2644 ALTA GLEN DR

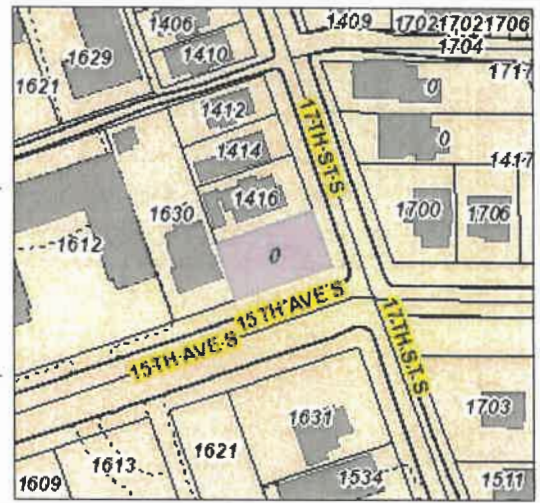
CITY/STATE: VESTAVIA AL

ZIP+4: 35243--4508

SITE ADDR:

CITY/STATE: , AL

ZIP:



LAND: \$54,200.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 5,908.23

ACRES: 0.14

SUBDIVISION INFORMATION:

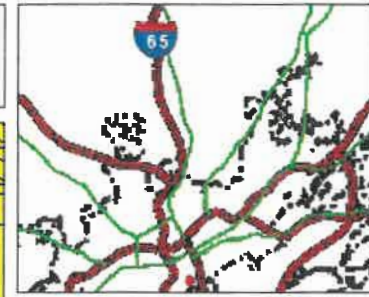
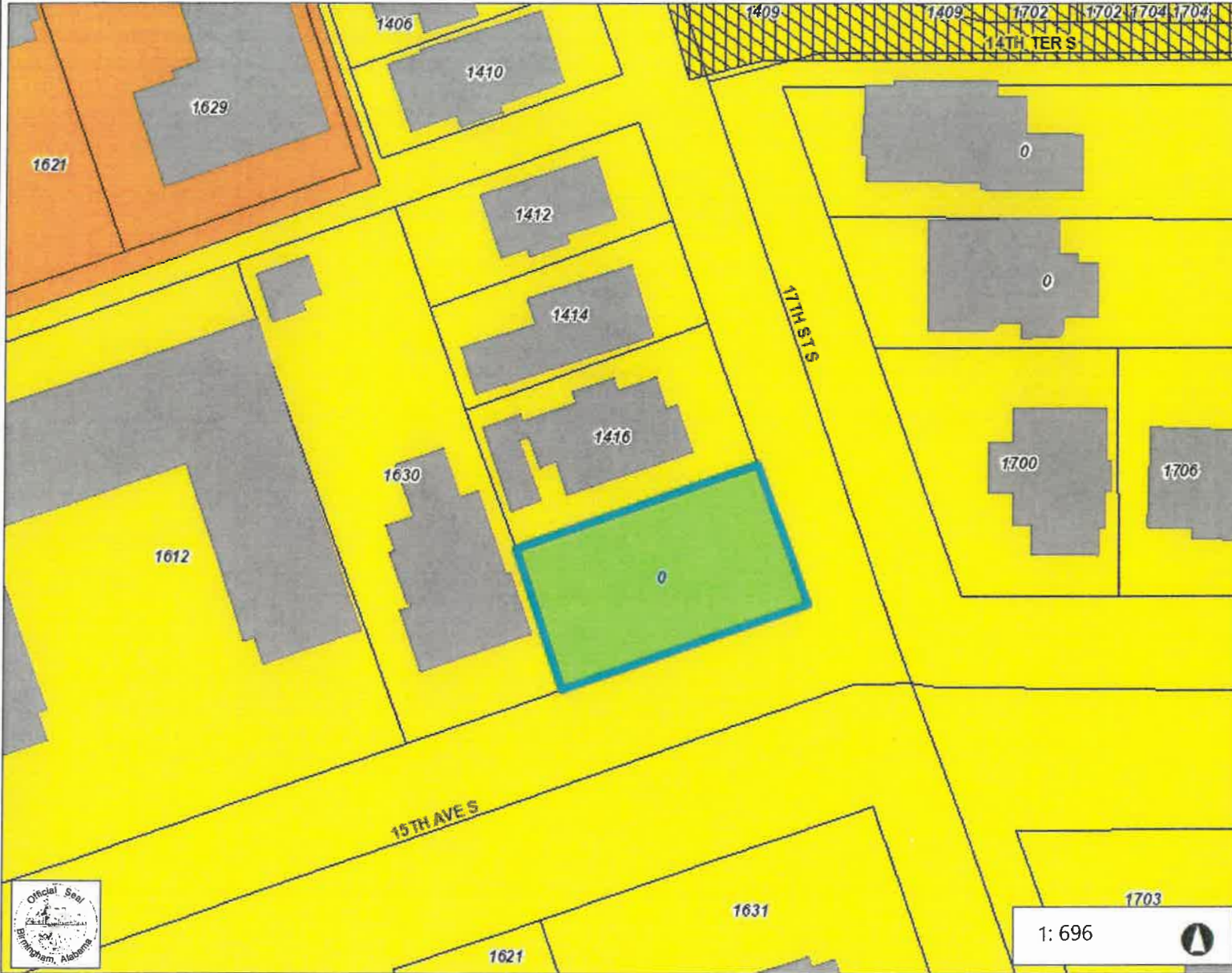
NAME CARL SCHOETTLIN RESUR

BLOCK:

LOT: 1A

- Section:** 1-18-3W
- Land Slide Zones:** In Land Slide Zones
- Historic Districts:** Anderson Place
- 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:** Five Pts So (1701)
- Communities:** Southside (17)
- Council Districts:** District - 3 (Councilor: Valerie A. Abbott)
- Zoning Outline:** R3
- 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:** Not in Opportunity Zones
- Judicial Boundaries:** JEFFERSON

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- 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



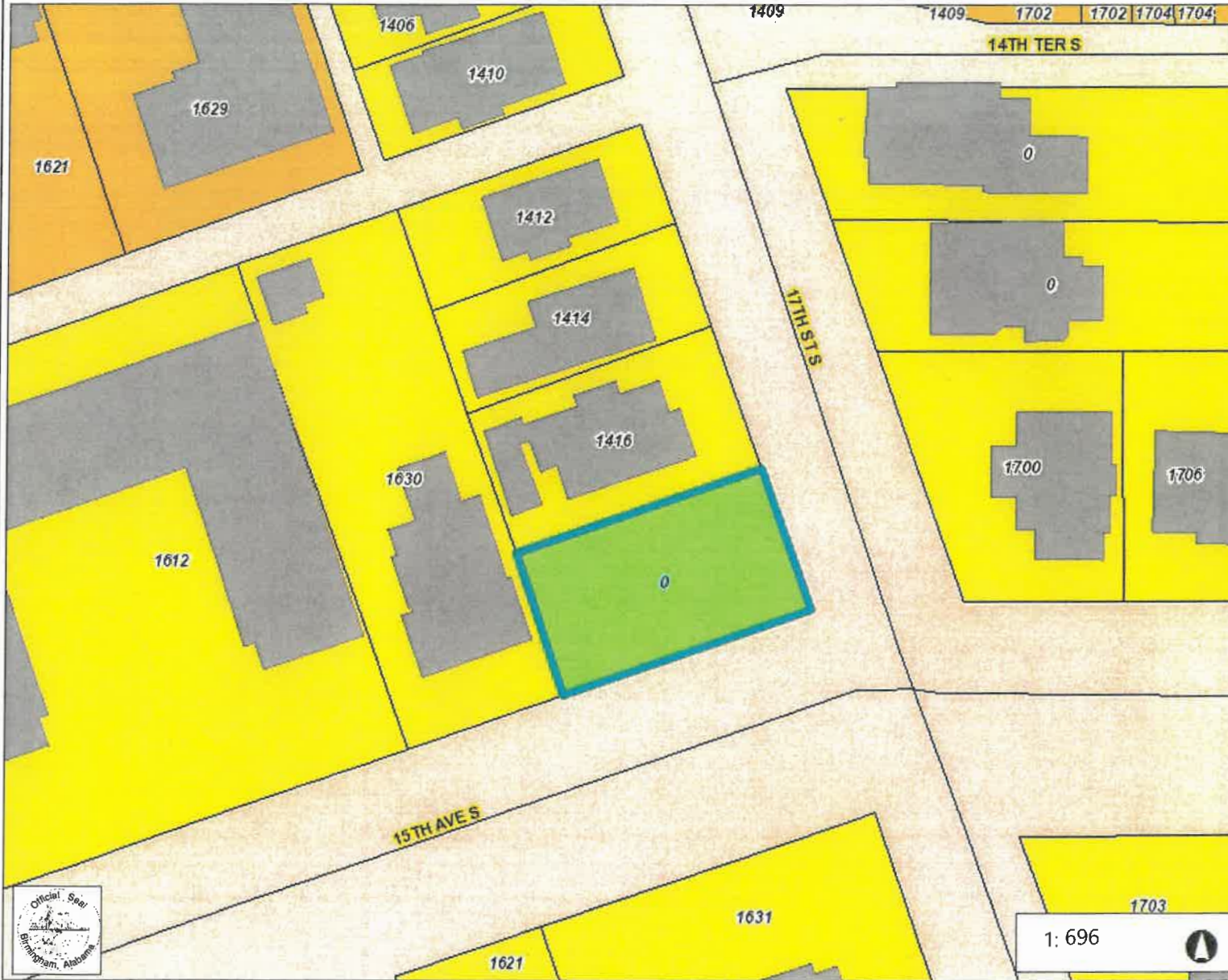
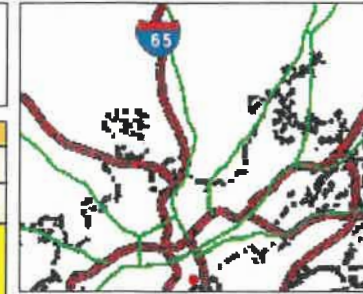
1: 696



116.1 0 58.03 116.1 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



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

Notes



116.1 0 58.03 116.1 Feet

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Google Maps 1634 15th Ave S



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

LEGEND

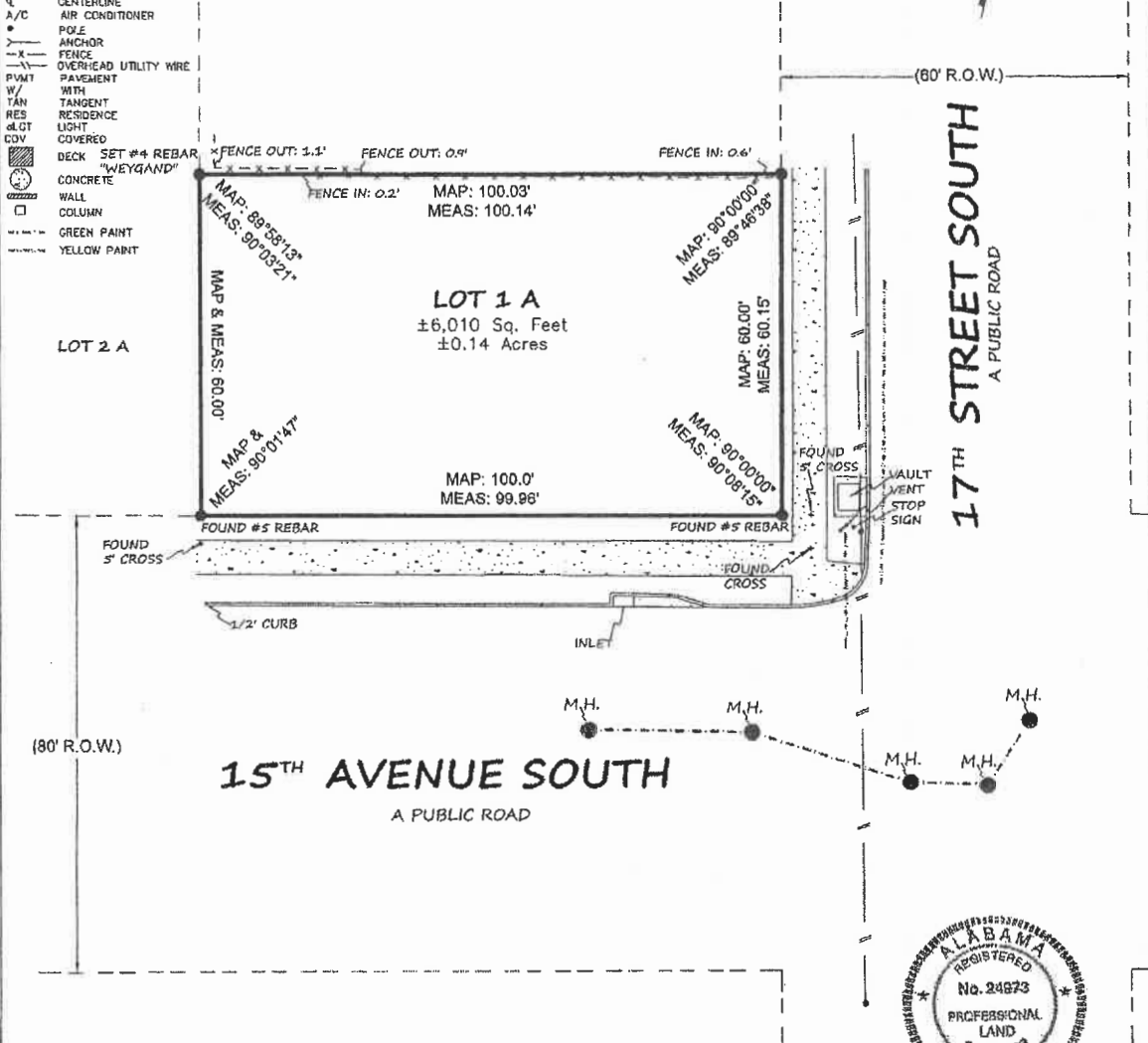
- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNO LONG CHORD
- d DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- PCR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE POLE
- ANCHOR ANCHOR
- FENCE FENCE
- OVERHEAD UTILITY WIRE OVERHEAD UTILITY WIRE
- PVMT PAVEMENT
- W/T WITH TANGENT
- RES RESIDENCE
- d/LGT LIGHT
- COV COVERED
- DECK DECK
- SET #4 REBAR SET #4 REBAR
- "WEYGAND" "WEYGAND"
- CONCRETE CONCRETE
- WALL WALL
- COLUMN COLUMN
- GREEN PAINT GREEN PAINT
- YELLOW PAINT YELLOW PAINT

SCHEDULE B-II EXCEPTIONS:

4. Easement(s), building line(s) and restriction(s) as shown on recorded map.
- DOES APPLY, SHOWN ON SURVEY.
5. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including release of damages, are not insured herein.
- DOES APPLY, BLANKET

NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0556H, DATED SEPTEMBER 3, 2010.
NO EVIDENCE OF RECENT EARTH MOVING WORK.
UTILITIES LOCATED BY 811 TICKET # 210291485.

0' 20' 40' 80'



State of Alabama) "ALTA/NSPS Land Title Survey"
Jefferson County)

To: Larry P. Roderick and Nancy H. Roderick.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 8, 11, & 16 of Table A thereof.

The field work was completed on February 8, 2021. Date of Plat or Map: February 8, 2021

Legal Description: Lot 1A, according to the Survey of Carl Schoefflin Resurvey, as recorded in Map Book 232, Page 45, in the Probate Office of Jefferson County, Alabama.

Address: 1634 15th Avenue S., Birmingham, AL 35205

The Lands surveyed, shown, and described hereon are the same lands described in the Title Commitment Issued by Magic City Title, Inc., File Number: 236362, dated January 27, 2021.

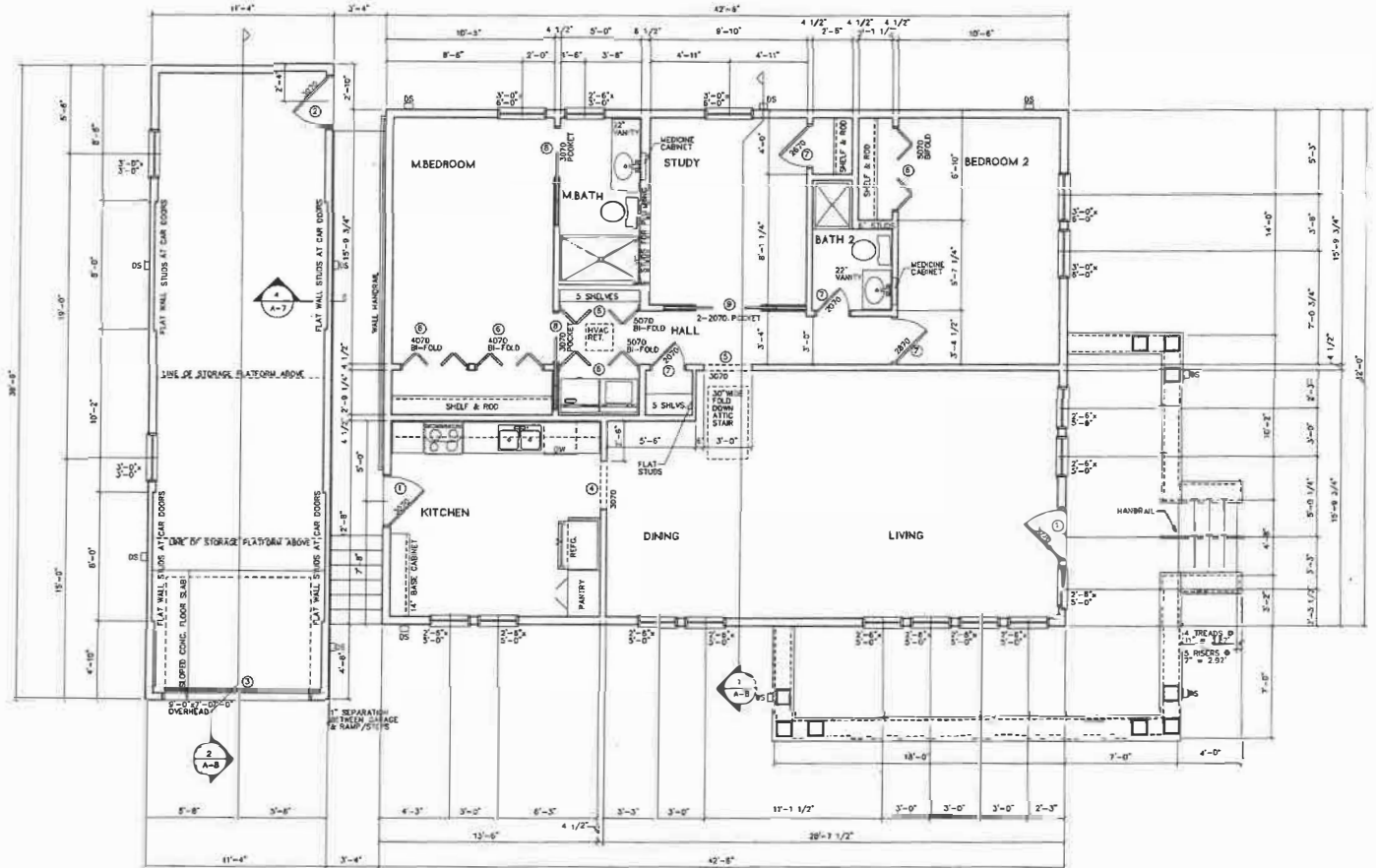
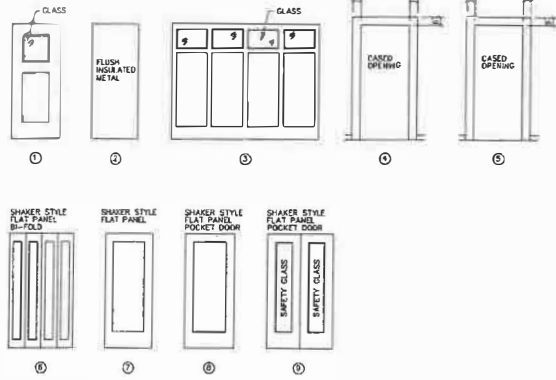
[Signature]
Ray Weygand, Reg. L.S. #24873
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0088 Fax: (205) 942-0087
Copyright ©



[Signature]
Larry P. Roderick

[Signature]
Nancy H. Roderick

DOOR SCHEDULE
SCALE: 1/4" = 1'-0"
NOTE: ALL DOORS ARE PAINTED FINISH



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

INTERIOR TRIM SCHEDULE
NOTE: ALL TRIM IS PAINTED FINISH EXCEPT QUARTER ROUND

BASE: 1/4" FLAT TRIM
HARDWOOD QUARTER ROUND (STAINED FINISH)
CASCO OPENING CASING: 1/4" FLAT TRIM
DOOR & WINDOW CASING: 1/4" FLAT TRIM

ROOM FINISH SCHEDULE

ROOM	FLOOR	BASE	WAINSCOT	WALLS	CEILING	REMARKS
ALL SPACES EXCEPT SHOWN BELOW	HARDWOOD	PAINTED WOOD	-	CYPRESS BOARD	CYPRESS BOARD	-
BATHROOMS	CERAMIC TILE	GLAZED TILE	GLAZED TILE	CYPRESS BOARD	CYPRESS BOARD	TUB/SHOWER SURROUNDING: GLAZED TILE
LAUNDRY	CERAMIC TILE	GLAZED TILE	-	CYPRESS BOARD	CYPRESS BOARD	-
PORCH	PORCH PAVY ON CONCRETE	-	-	-	-	-
GARAGE	CONCRETE	PAINTED WOOD	-	CYPRESS BOARD	CYPRESS BOARD	-

www.adamsdesignarchitects.com

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

SHEET TITLE
FLOOR PLAN

DRAWN: DG CHECKED: PR
PROJECT NUMBER: -
ISSUE DATE: 05-14-2021
SHEET NUMBER: -

A-3

SEAL

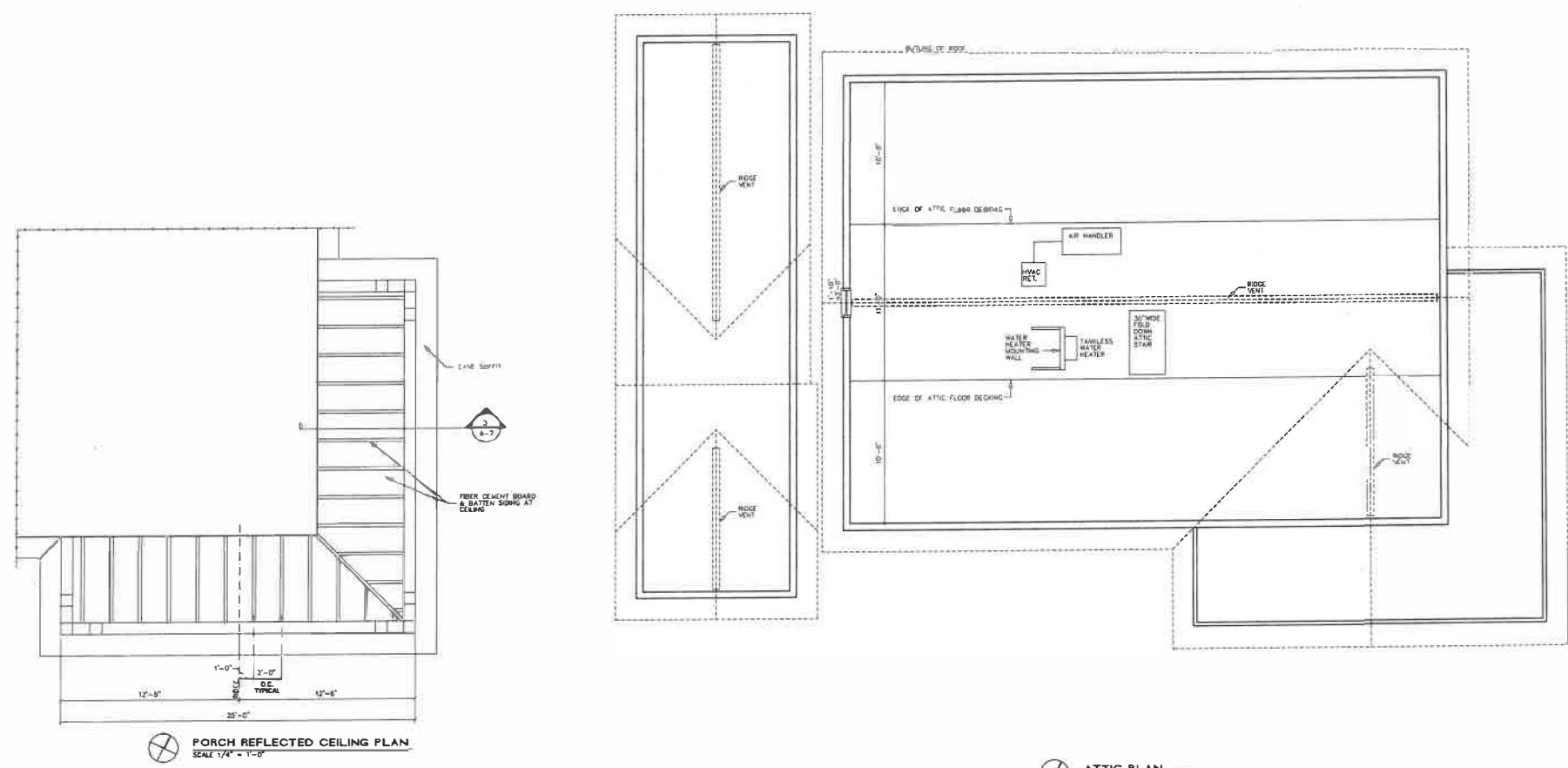
Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

SHEET TITLE
ATTIC PLAN

DRAWN DG	CHECKED PR
PROJECT NUMBER -	
ISSUE DATE 05-14-2021	
SHEET NUMBER	

A-4



PORCH REFLECTED CEILING PLAN
SCALE 1/4" = 1'-0"

ATTIC PLAN
SCALE 1/4" = 1'-0"

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

SHEET TITLE
**EXTERIOR
ELEVATIONS**

DRAWN
DG

CHECKED
PR

PROJECT NUMBER

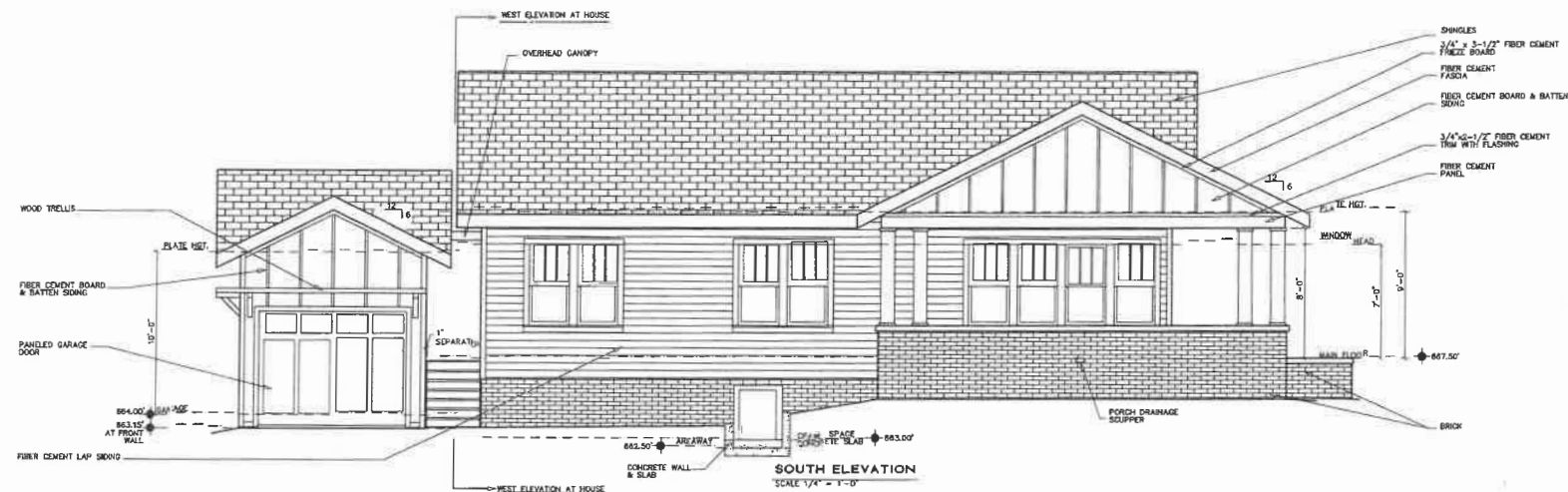
ISSUE DATE
05-14-2021

SHEET NUMBER

A-5



EAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"

EXTERIOR MATERIALS

SHINGLES:
CERTANTIERED CARBIDE HOUSE
COLOR: SHERWOOD FOREST

BRICK:
TRIANGLE BRICK COMPANY
MODEL: LANSING
MORTAR COLOR: GRAY

WINDOWS:
DOUBLE HUNG ALUMINUM CLAD WOOD WITH
SIMULATED OWING LITE
1. WINDOW PRINCIPLE CLAD WOOD
COLOR: IVORY
OR
2. POLLA LIFESTYLE SERIES
COLOR: POPLAR WHITE

SIDING SCHEDULE

FIBER CEMENT LAP SIDING:
HARDEPLANK LAP SIDING - SMOOTH
4" EXPOSURE
0.312" THICK, 8.25" WIDE

FIBER CEMENT BOARD & BATTEN SIDING:
HARDEPLANK VERTICAL SIDING - SMOOTH
0.312" THICK
HARDEPLANK SMOOTH BATTEN BOARDS
0.75" THICK, 2.5" WIDE

FAUC SCAPES:
HARDEPLANK PANELS - VENTPLUS SMOOTH
0.25" THICK

PORCH SIDING:
FIBER CEMENT BOARD & BATTEN SIDING

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

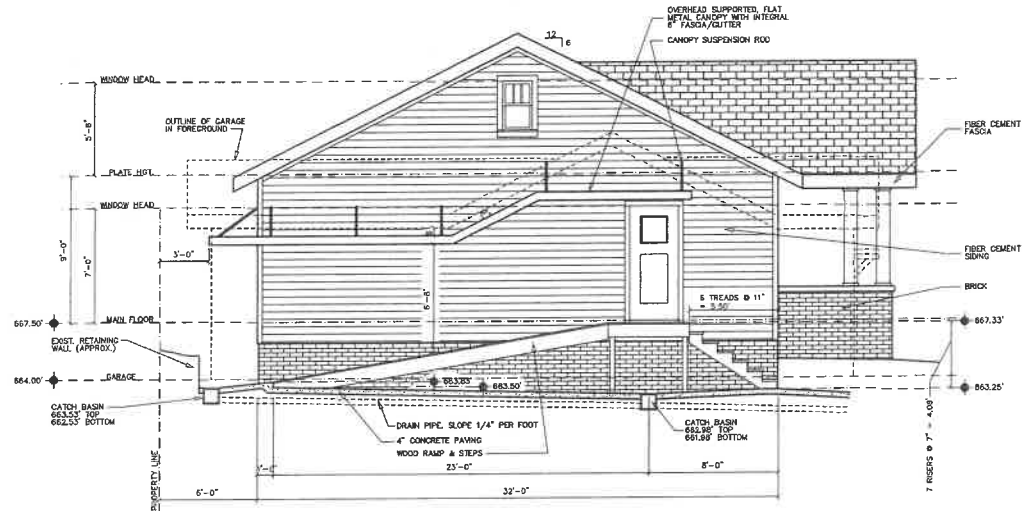
REVISIONS

SHEET TITLE
**EXTERIOR
ELEVATIONS**

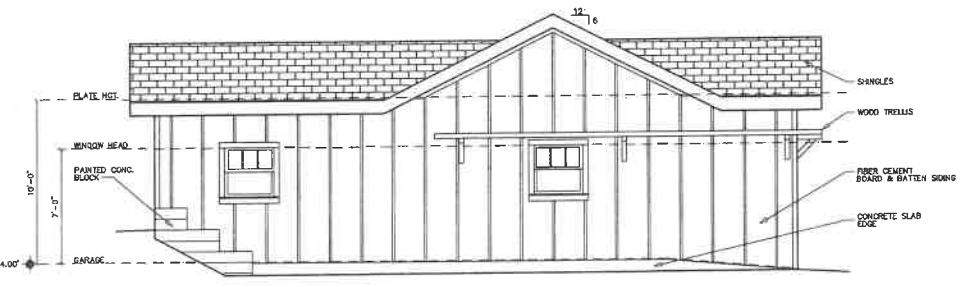
DRAWN: **DRG** CHECKED: **PR**

PROJECT NUMBER
—
ISSUE DATE
05-14-2021
SHEET NUMBER

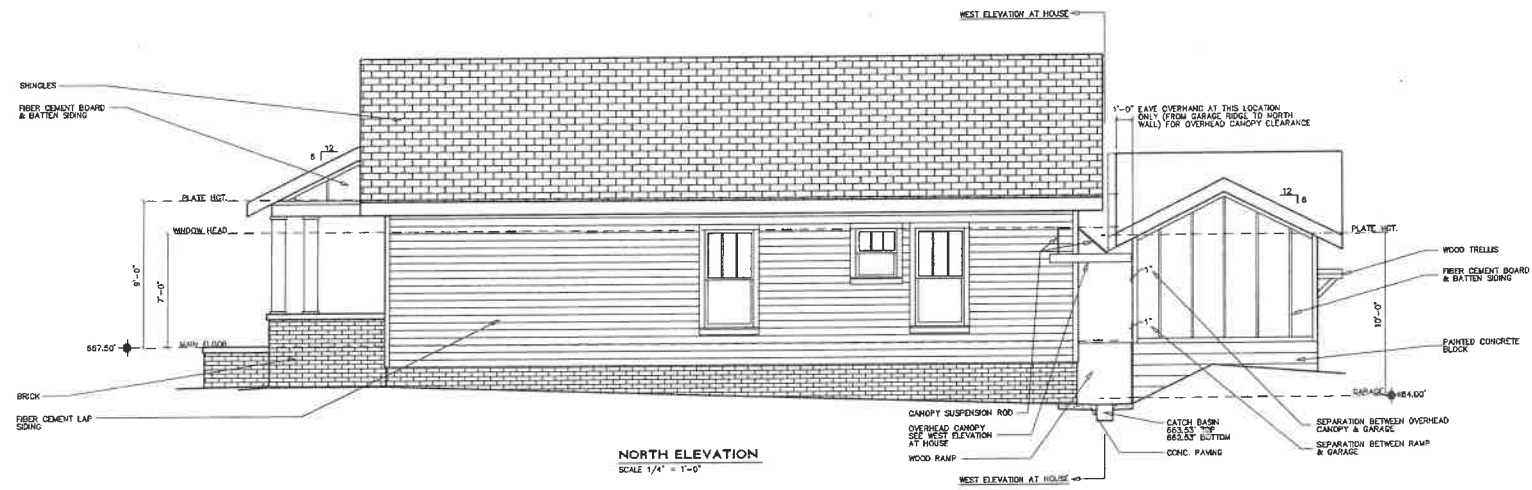
A-6



WEST ELEVATION AT HOUSE
SCALE 1/4" = 1'-0"



WEST ELEVATION AT GARAGE
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

EXTERIOR MATERIALS

SHINGLES:
CERTAINTED CARBIDE HOUSE
COLOR: SHERWOOD FOREST

BRICK:
TRIANGLE BRICK COMPANY
MODULAR SIZE
COLOR: CAMBRIDGE
MORTAR COLOR: GRAY

WINDOWS:
DOUBLE HUNG ALUMINUM CLAD WOOD WITH SIMULATED DIVIDED LITE:
1. WINDOW FINNACLE CLAD WOL. COLOR: IVORY
OR
2. PELLA LIFESTYLE SERIES COLOR: POPULAR WHITE

SIDING SCHEDULE

FIBER CEMENT LAP SIDING:
HARDFAN LAP SIDING - SMOOTH
4" EXPOSURE
0.312" THICK, 5.25" WIDE

FIBER CEMENT BOARD & BATTEN SIDING:
HARDFAN VERTICAL SIDING - SMOOTH
0.312" THICK

HARDFAN SMOOTH BATTEN BOARDS:
0.312" THICK, 3.5" WIDE

EAVE SOFFITS:
HARDFAN SOFFIT PANELS - VENTED PLUS SMOOTH
0.25" THICK

PORCH CEILING:
FIBER CEMENT BOARD & BATTEN SIDING

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

SHEET TITLE
WALL SECTIONS

DRAWN DG	CHECKED PR
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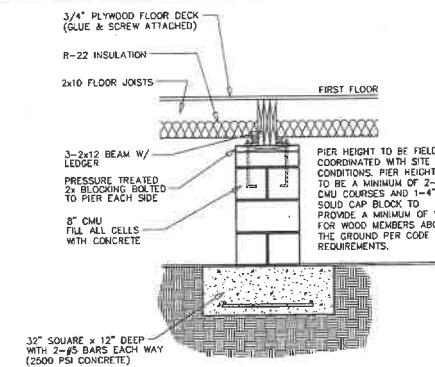
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ISSUE DATE

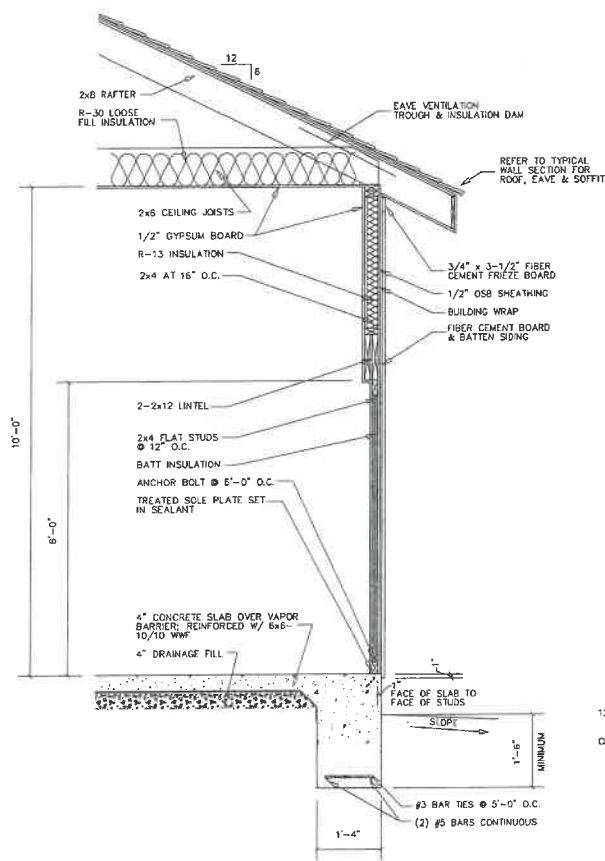
05-14-2021

SHEET NUMBER

A-7

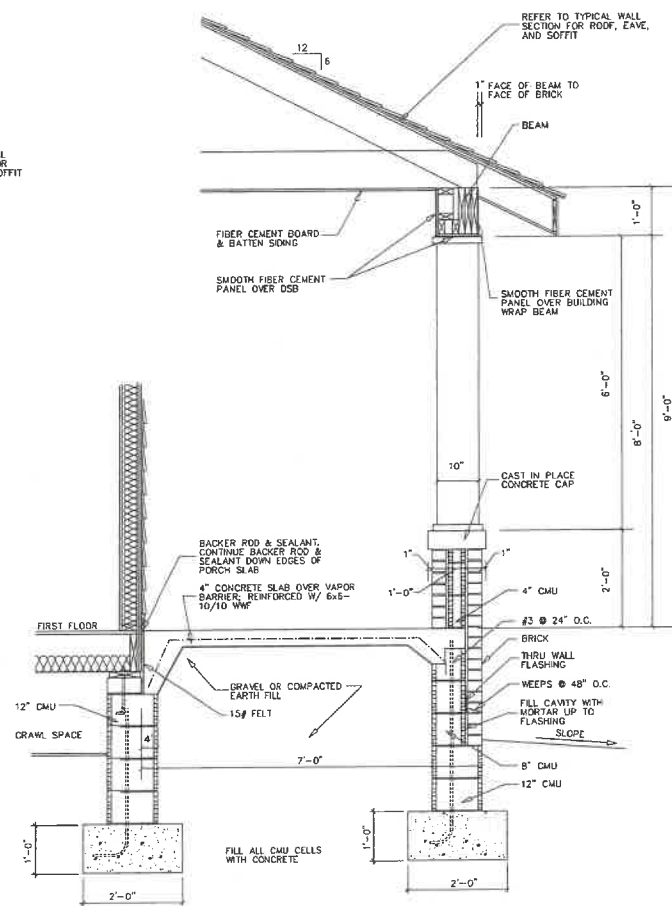


2 SECTION AT PIER
SCALE 3/4" = 1'-0"



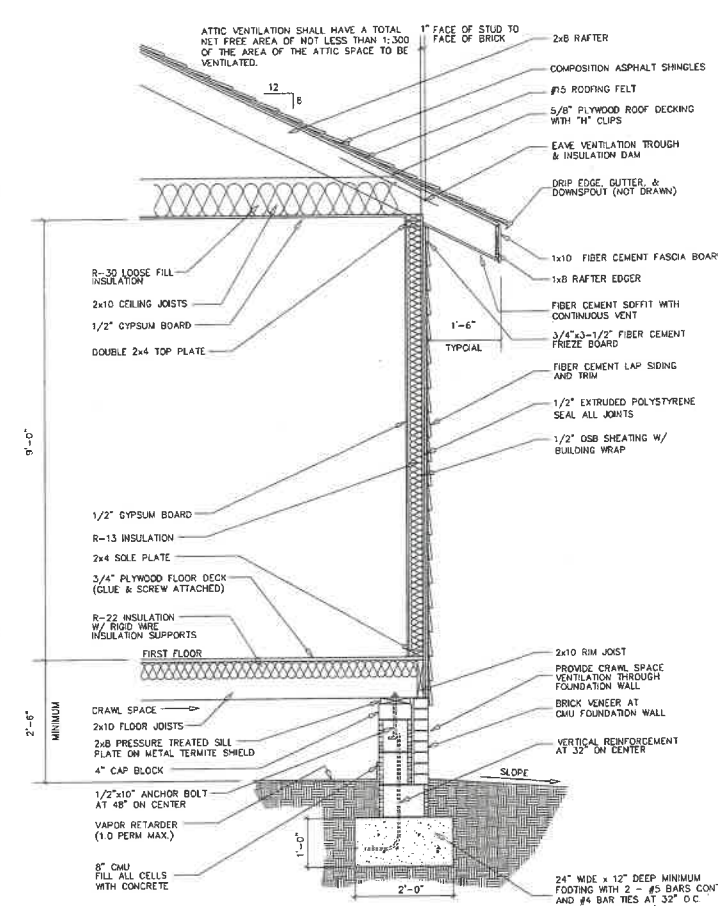
4 TYPICAL WALL SECTION - GARAGE
SCALE 3/4" = 1'-0"

FIELD VERIFY SOIL BEARING CAPACITIES AND ADJUST FOOTING SIZE PER LOCAL BUILDING CODE.



3 PORCH SECTION - EAST SIDE
SCALE 3/4" = 1'-0"

FIELD VERIFY SOIL BEARING CAPACITIES AND ADJUST FOOTING SIZE PER LOCAL BUILDING CODE.



1 TYPICAL WALL SECTION
SCALE 3/4" = 1'-0"

FIELD VERIFY SOIL BEARING CAPACITIES AND ADJUST FOOTING SIZE PER LOCAL BUILDING CODE.

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

SHEET TITLE

BUILDING
SECTIONS
& DETAILS

DRAWN
DG

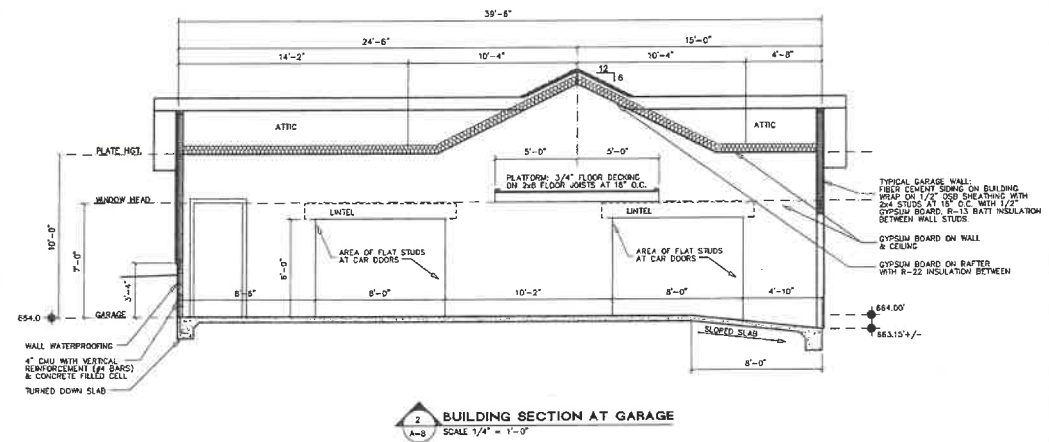
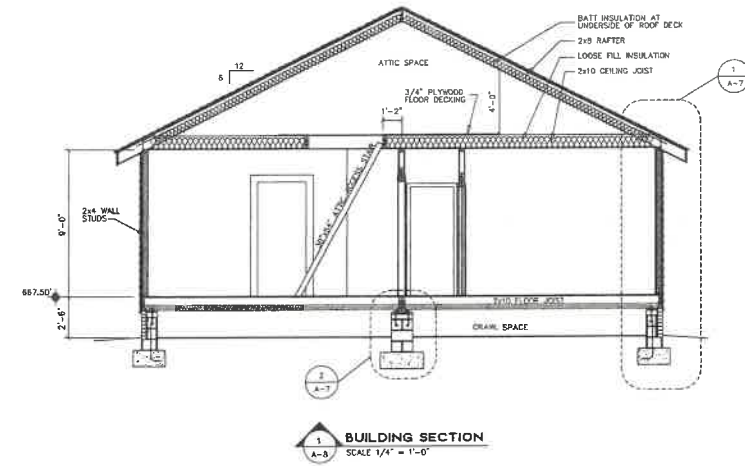
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PR

PROJECT NUMBER

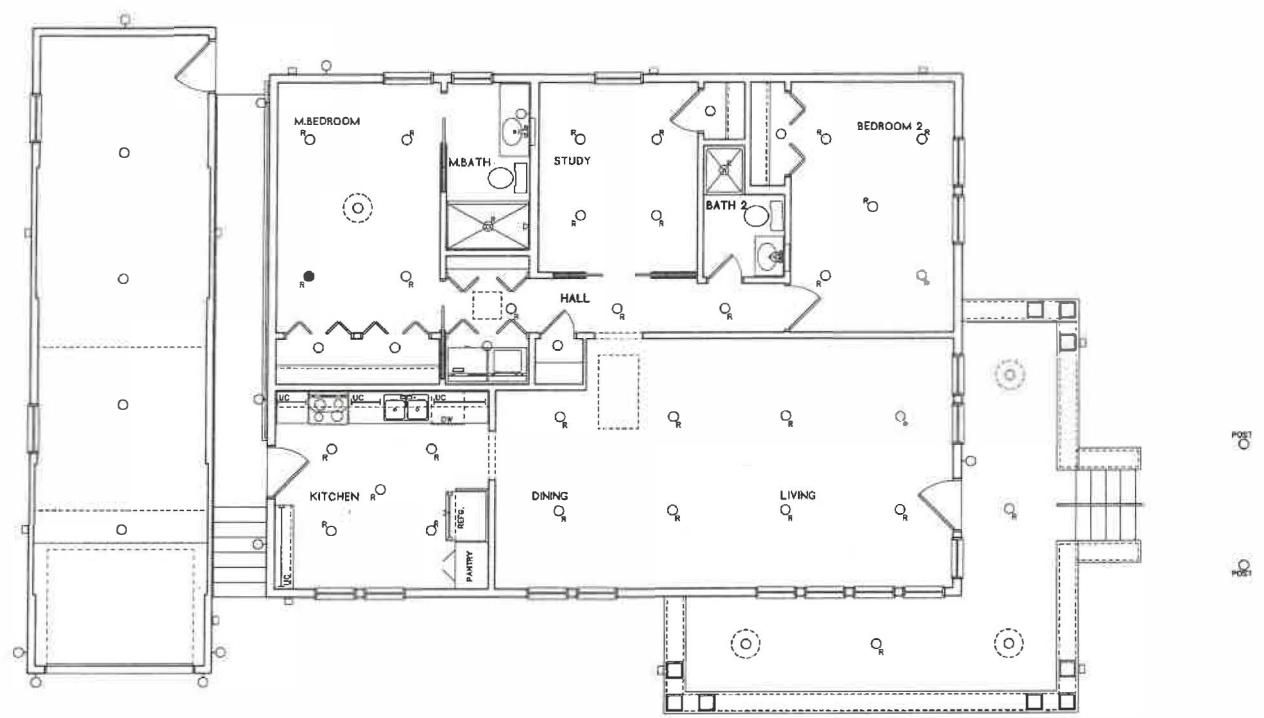
ISSUE DATE
05-14-2021

SHEET NUMBER

A-8



- ELECTRICAL LEGEND**
- ⊕ ELECTRICAL RECEPTACLE
 - ⊕ WEATHER PROOF RECEPT.
 - ⊕ GROUND FAULT INTER. RECEPT.
 - S ELECTRICAL SWITCH
 - LIGHT FIXTURE
 - LIGHT FIXTURE - RECESSED
 - LIGHT FIXTURE - PENDANT
 - LIGHT FIXTURE - WALL MOUNTED
 - BEARING FAN & LIGHT
 - UC UNDERCOUNTER LIGHT
 - ⊕ SMOKE DETECTOR
 - ⊕ EXHAUST FAN
- COORDINATE WITH THE OWNER
THE LOCATION OF ALL LIGHTS,
ELECTRICAL OUTLETS, TELEPHONE
OUTLETS, CABLE OUTLETS, ETC...



⊕ LIGHTING PLAN
SCALE 1/4" = 1'-0"

SEAL

Residence at
1634 15th Avenue South
Birmingham, Alabama

REVISIONS

POST

SHEET TITLE
LIGHTING PLAN

DRAWN DG	CHECKED PR
PROJECT NUMBER	
ISSUE DATE 05-14-2021	
SHEET NUMBER	

A-9

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00036

Southside Neighborhood

Request:

Modification to allow 0 off street parking spaces instead of the required 71 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3. A variance to allow an outdoor exercise yard within 20 feet of dwelling zone district instead of the required 50 foot setback pursuant to Title 1, Chapter 4, Section B.2

Applicant:

Clint Carmichael

Location:

2308 1st Ave S, Birmingham AL 35233

Parcel # 012200361017002000

NE of Section 36, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is proposing a dog daycare/bar. The dog daycare will be drop off only and the hours of operation is 7am-7pm Monday-Friday and on the weekends 7am-5pm. The hours of operation for the bar area is Monday-Thursday 4pm-9pm, Friday 4pm-10pm and the weekends 12pm-10pm.

Staff Analysis:

The subject property is currently zoned M-1 (Light Manufacturing District). The subject property is surrounded by parcels zoned M-1 (Light Manufacturing District). The property is not located in the flood plain area; however, it is in the Automotive Historic District. The existing building is 14,000 square feet and with the proposed rooftop bar 14,600 square feet. The dog daycare area is 10,000 square feet and the total bar area is 4,600 square feet. An animal daycare requires 1 parking space per 400 square feet of GFA and a bar requires 1 parking space per 100 square feet of GFA; therefore 71 parking spaces are required. The subject property does not have any off-street parking. The applicant has provided a parking study that shows surplus on-street parking. Based upon the parking study, the least amount of parking available 159 spaces at 10:00am and within a 1,320ft radius. There are other parking modifications located within 1,320ft:

ZBA2006-00094, 2405 1st Avenue, Modification to allow 0 off-street parking spaces instead of the 7 required spaces. **Lacking 7**

ZBA2005-00003, 2230 2nd Avenue S, Modification to allow 35 off street parking spaces instead of the required 64 parking spaces. **Lacking 29**

ZBA2006-00040, 2318 2nd Ave S, Modification to allow 5 off street parking spaces instead of the required 13 off street parking spaces. **Lacking 8**

Per the zoning ordinance:

Animal Day Care. In the following districts: AG, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3 AND PRD an animal day care shall be permitted provided that the following conditions are met:

- 1. Building size is limited to 7,500 square feet in the MU-L and C-1 districts.*
- 2. Outdoor exercise yards shall be permitted provided that they are completely fenced and used only between seven a.m. and seven p.m. when a staff person of the day care is present in the exercise yard. Where such outdoor activities about a dwelling zone district or district permitting dwelling use, a 50 foot setback is required.*
- 3. No outdoor kennels or runs are permitted.*

4 No part of any building or structure in which animals are housed shall be closer than 50 feet from any existing residence located on an adjacent parcel.

5. All on-site waste shall be housed either within the day care building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

Neighborhood Recommendation:

The Southside Neighborhood Association has not responded.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the modification based upon the applicant providing a parking study that shows surplus parking, staff believes the modification request has merit for approval and should be **GRANTED**. Staff believes the applicant has provided evidence to support the variance based upon the applicant meeting the six variance standards; therefore, has merit for approval with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

PARCEL ID: 012200361017002000

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

DATE: Tuesday, July 20, 2021 12:56:27 PM

OWNER: HCP TDG AVENUE A LLC

ADDRESS: 2012 1ST AVE N

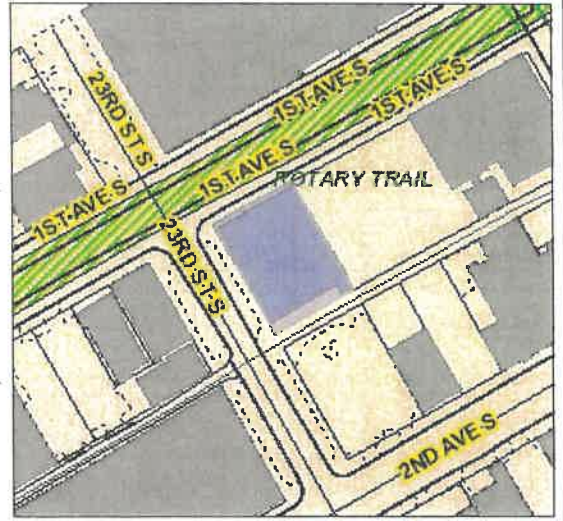
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 2308 1ST AVE S

CITY/STATE: BHAM, AL

ZIP: 35233



LAND: \$448,000.00

BLDG: \$26,600.00

OTHER: \$0.00

AREA: 13,948.98

ACRES: 0.32

SUBDIVISION INFORMATION:

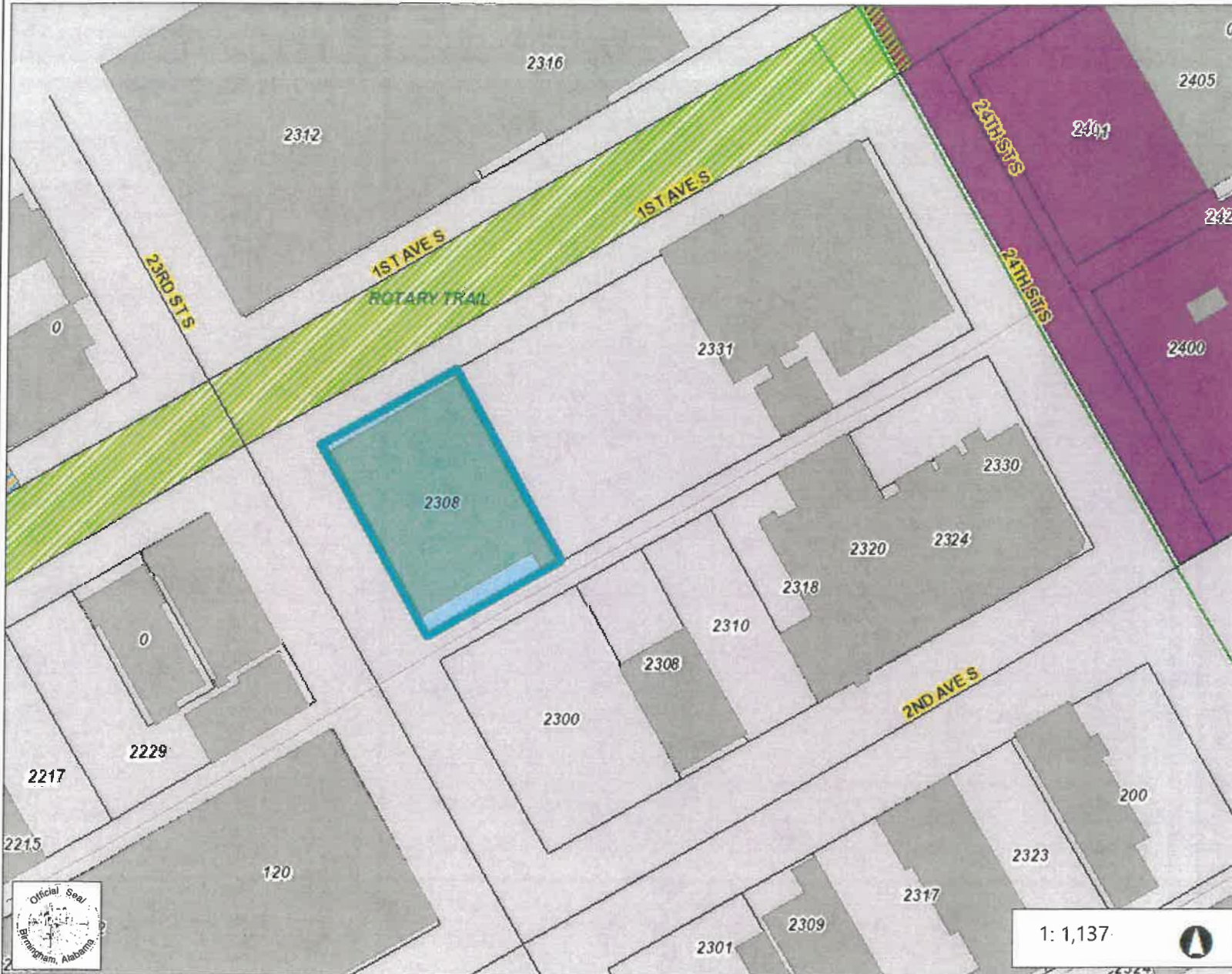
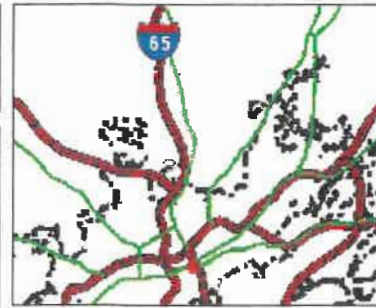
NAME BIRMINGHAM BLOCKS

BLOCK: 118

LOT: 8-10

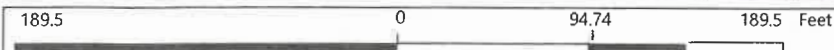
Section: 36-17-3W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Automotive
Commercial Revitalization District: Not in Commercial Revitalization District
Fire District: In Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: In Tax Increment Financing District
Neighborhoods: Southside (1703)
Communities: Southside (17)
Council Districts: District - 5 (Councilor: Darrell O'Quinn)
Zoning Outline: M1
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: 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

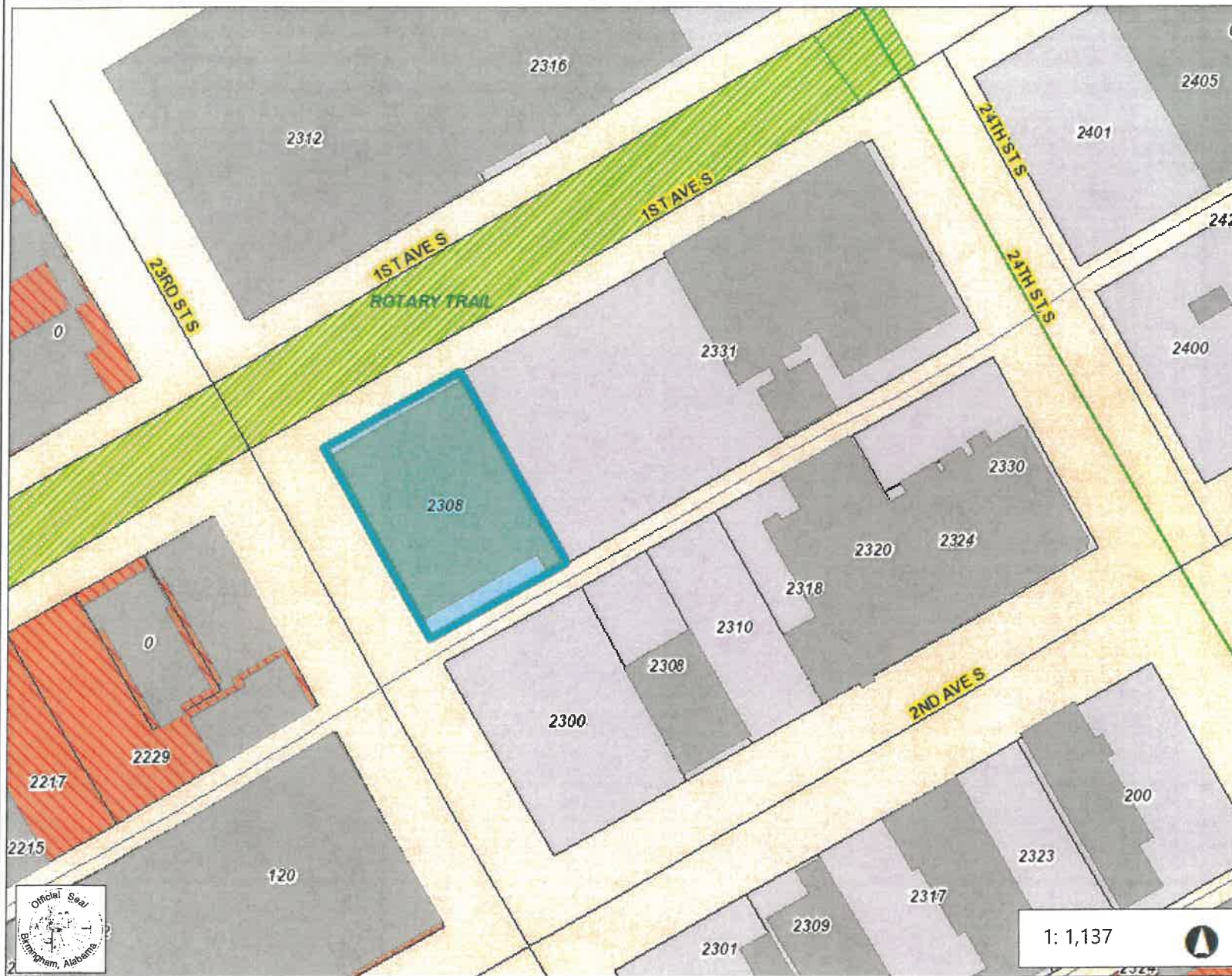
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - 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: 1,137

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

Notes



Legend

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



1: 1,137



189.5 0 94.74 189.5 Feet

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

Notes

Google Maps 2308 1st Ave S



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 100 ft

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.

Affirmed we tried to accommodate the 50 foot rule, by allocating the daycare area to the left side of the building (away from the residence property line), and by allocating the bar on the right 20' of our building (towards the residence property line). However, due to having an outside dog area, we need to be 50 feet from the property line (not the residence building itself). While the rule is 50' from the property line, because the right 20' of the building will be the bar area, the daycare area will in fact be over 50 feet (53' to be exact) from the closest residential building.

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.

Affirmed. We wanted to preserve the beautiful mural building because it adds artwork to the community. As such, we're leaving 80% of the existing mural, and only removing a small portion of it to bring natural sunlight into the park. The park that we are creating really matches the rotary trail atmosphere as it is dog friendly and green (the majority of the park will have green dog-friendly, anti-microbial turf).

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.

Affirmed. The building we're renting was here well before the residences were built only a few years ago.

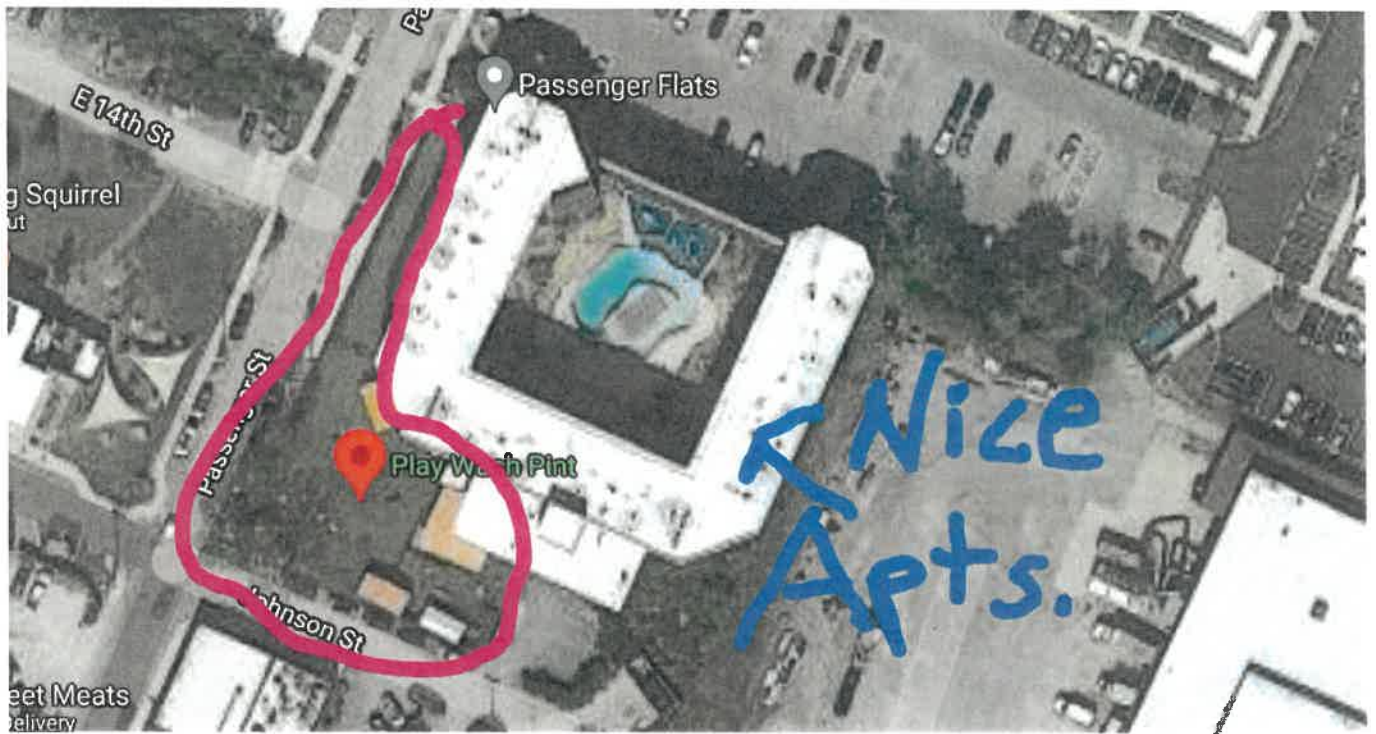
Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

Affirmed. We are trying to add another park to the area, and this will be viewed as an amenity to the community. The cities of Huntsville and Tuscaloosa have already approved the concept, because they view it as an amenity to the area and an addition to the green space of the town.

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.

Affirmed. We are actually bringing more light to the surrounding area by removing a portion of the side and roof of this building. We are also reducing the overall groundwater runoff by exchanging impervious concrete for drainable, pervious turf in the uncovered areas. The landlord of the adjoining residence complex next to us called Avenue A (same landlord as ours, Bill Dobbins) stated that 60% of the condo owners have dogs (they know because the residents mark it on the application), so those residents will now have a dog daycare provider next door, so they do not have to drive anywhere to drop their dog off. If you look at Play Wash Pint, the dog park bar and daycare concept we are copying, out of Chattanooga (see below in purple), they are literally connected to a really nice apartment complex in Chattanooga called Passenger Flats. This would not be the first time a dog park bar and daycare facility has been close to a nice condo building (in Chattanooga, they are part of the same complex), unlike what we're proposing (50 feet away). Both websites to follow:

<https://playwashpint.com/> <https://www.passengerflats.com/>



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.

Affirmed, we're trying to add a dog park to the area, which we believe will increase the welfare of the overall area due to additional park space, and a safer version of a dog park.

Project Overview:

Pooch Park will be located at 2308 1st Avenue South, the existing site of a beautiful Birmingham City Mural building, which sits on the Rotary Trail. The building/property is 14,000 square feet. On this site we will operate two businesses: 1) A dog daycare business (see hours below), where customers drop their dog off for the day and pick them up at night. There will be no overnight boarding and this business will take up 10,000 of the 14,000 square feet. 2) Dog Park Bar Called Pooch Park: this is a family friendly dog park, like an outdoor brewery patio with a fully turfed area, that sells cans of beer, wine and seltzer (no liquor). The park will take up 4,000 sf, and is a safer version of a dog friendly brewery or a public dog park because before customers enter the park, they must show proof of updated vaccinations and sign a waiver agreeing to a set of 20 rules (such as no children under the age of 16 in the off-leash area). The park will have "Bark Rangers", which serve as lifeguards, that enforce rules, sanitize turf, are trained to handle dogs. Pooch Park is based on a proven concept by several businesses in the southeast, but specifically, Play Wash Pint, in Chattanooga, which offers dog daycare and a park bar. <https://playwashpint.com/>. Play Wash Pint is loved by the Chattanooga community, and is viewed as a true amenity to the community. We're currently building a Pooch Park in Huntsville, AL.

- See the hours below, note that on week days, the park bar will only be open from 4pm-10pm (9pm Mon-Thursday), so this is not a late night bar but a park first, bar second concept.
- Only canned beer, wine, and seltzers will be served. No liquor.
- No overnight boarding, daycare only. Daycare must be 50 feet from a residence and we've allocated the space in the building to meet that requirement, because the bar will be on the right side of the building (near the residences).
- We are preserving 80% of the mural. The only changes we're making to the exterior are below.



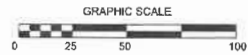
We're not touching this side, we love the mural look!



To bring in the sunlight and create a park experience, we're going to remove 1/3rd of the side of the building marked with an x, and the roof of that same section.

Boundary Survey
 Lots 10-16 in Block 114H,
 Lots 8-10 and 15 in Block 118
 according to the Survey of Birmingham by
 the Elyton Land Company

SCALE: 1"=30' OCTOBER 10, 2017



ALABAMA ENGINEERING COMPANY, INC.
 1214 ALFORD AVENUE, SUITE 200
 HOOVER, ALABAMA 35226
 (205) 803-2161

State of Alabama,
 Jefferson County,

I, Garry Banister, a Registered Land Surveyor in the State of Alabama hereby certify to HCP 1st Ave S, LLC and Oakworth Capital Bank and its successors and/or assigns, as their interest may appear, 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 for the following described property:

- Parcel 1 - Lots 10-16 in Block 114H
- Parcel 2 - Lots 8-10 in Block 118
- Parcel 3 - Lot 15 in Block 118
- Parcel 4 - Lots 1-7 in Block 118

All according to the Present Plan and Survey of the City of Birmingham, as made by the Elyton Land Company. This survey has never been recorded and is not available for recordation.

According to my field survey this 10th day of October, 2017.

Garry Banister
 Garry Banister, PLS
 Alabama Reg. No. 24325



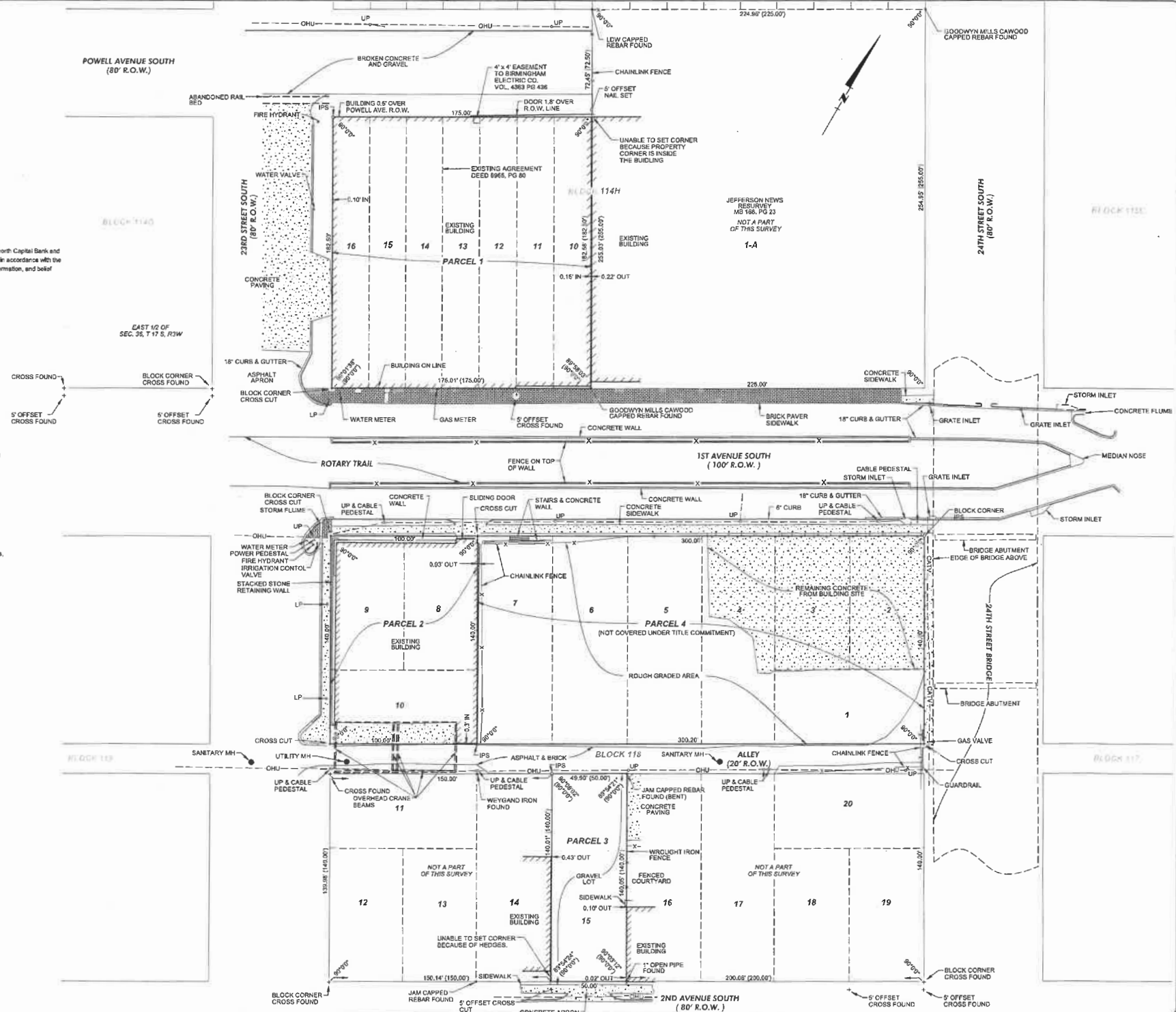
Surveyor's Comments on Exceptions to Title as listed in Schedule B(1) of an ALTA Commitment for Title Insurance provided by First American Title Insurance Company (File No. T-98916) with an effective date of February 7, 2017 at 8:00 A.M.:

1. Items 1-3 & 5-7 cannot be addressed by a surveyor.
2. Item 4 refers to this survey.
3. Items 8 & 9 are shown on this survey.

Notes:

1. Date of Fieldwork: 9/25/2017 - 10/10/2017
2. Evidence of easements and/or rights of way visible on the surface have been shown hereon. A title commitment has been provided to the surveyor and the applicable title exceptions have been shown on this survey. Other easements, rights of way, encroachments or matters affecting title may exist. This is not an ALTA/NSPS Land Title Survey.
3. Underground utilities and storm water structures not addressed by this survey or visible on the surface may exist.
4. According to the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency, map numbers 1707300333G no part of this site lies in a special flood hazard area.
5. All map and measured dimensions are the same unless noted otherwise.
6. IPS - Iron pin set with an "ALA ENG CA-708-LS" plastic cap

LEGEND	
R	- RADIUS
L	- LENGTH
A	- CENTRAL ANGLE
CH	- CHORD
CB	- CHORD BEARING
CL	- CENTERLINE
D	- DEED DIMENSION
R.O.W	- RIGHT OF WAY
MB	- MAP BOOK
MH	- MANNHOLE
PG	- PAGE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
+	- MONUMENT FOUND
o	- CAPPED IRON SET
+	- CROSS CUT
IPS	- IRON PIN SET
VL	- VOLUME
(123.45)	- DIMENSION FROM RECORD MAP
OHU	- OVERHEAD UTILITY
CATV	- UNDERGROUND CABLE
UP	- UTILITY POLE
LP	- LAMP POST



Below is a picture from a concept we're copying, out of Charlotte, the park will look like this



Dog Daycare / Dog Bar	Daycare	Bar
Hours of Operations		
Monday-Thursday	7am-7pm	4pm-9pm
Friday	7am-7pm	4pm-10pm
Weekend	7am- 5pm	12 noon-10pm

Argument #1: While the parking code requires 25 spots for the daycare section, the daycare is dropoff only, and we only need 10 spaces for employee parking. Customers do not park for daycare because we do not offer veterinarian services or anything service that requires waiting; a customer drops their dog off, and drives on. The only parking need for daycare is employee parking, and we only have 5 employees working the daycare per shift during the day (daycare hours are 7am-7pm Monday-Friday, and 7am-5pm on weekend).

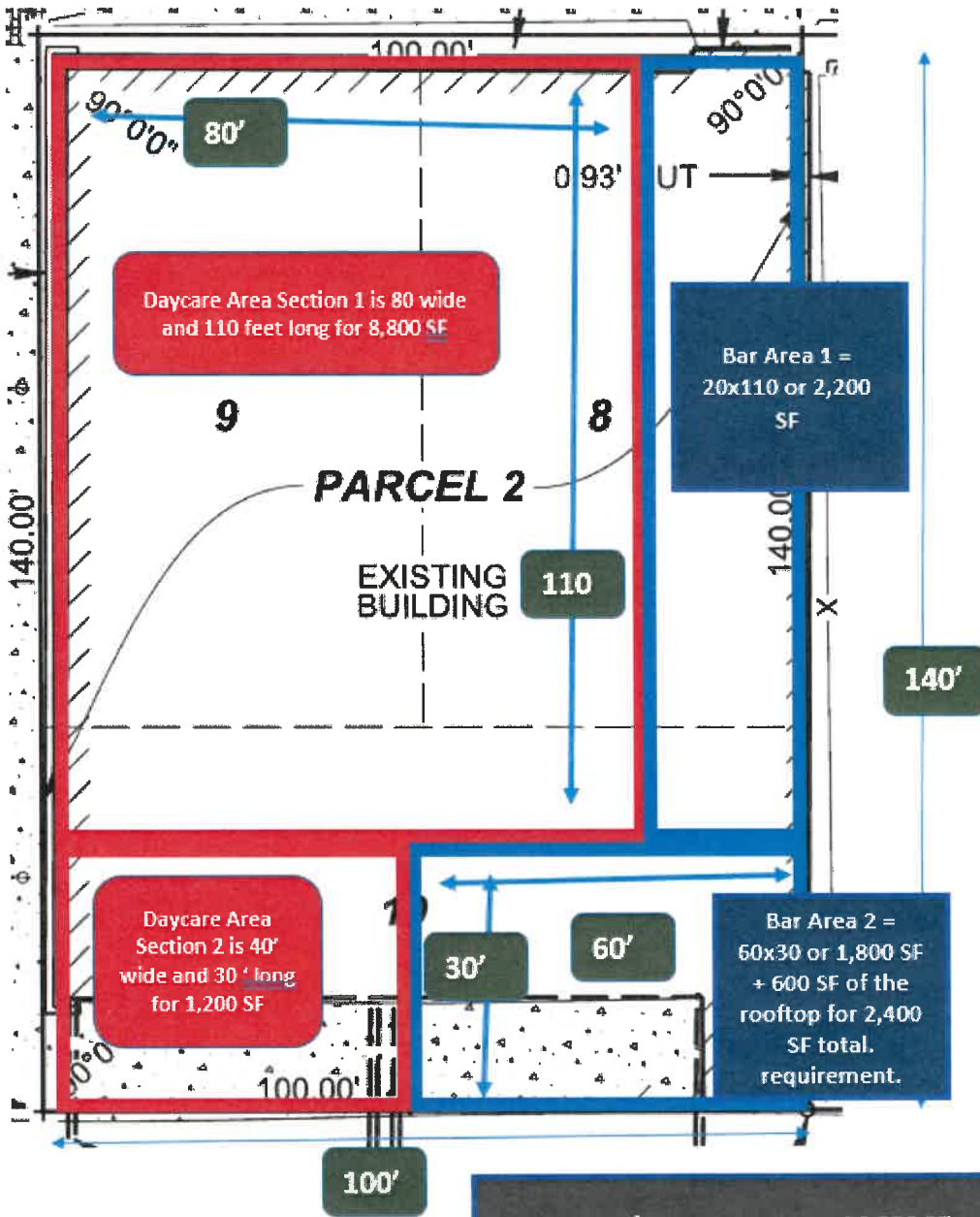
Argument #2: If argument #1 is approved, the daycare requires 10 spots and the bar requires 46 spots, for a total of 56 spots. We have zero parking on site, and there is plenty of available street parking within a 1,320 radius of the site. **The bar side of the business will require substantial customer parking, but the bar hours during the week are 4pm-10pm, and the busiest time will be 5-8pm, which is after business hours for the majority of surrounding businesses.** Per the parking study, at the 8pm time slot during the week, the surrounding parking was only ~13% occupied on the Tuesday and Thursday we measured. Data on following pages. Even at the 3pm time-slot on Tuesday/Thursday, the surrounding parking was only 54% occupied. **During the weekend, the bar will be open from 12pm-10pm, and the surrounding parking on the Saturday we measured was only ~11% occupied during each timeslot (10am, 3pm, and 8pm).**

- Additionally, the subject property is on top of the rotary trail, which is dog friendly, and given the concentration of apartments nearby, many daycare and bar customers will use the rotary trail to walk to our establishment, and will not need to park a car.

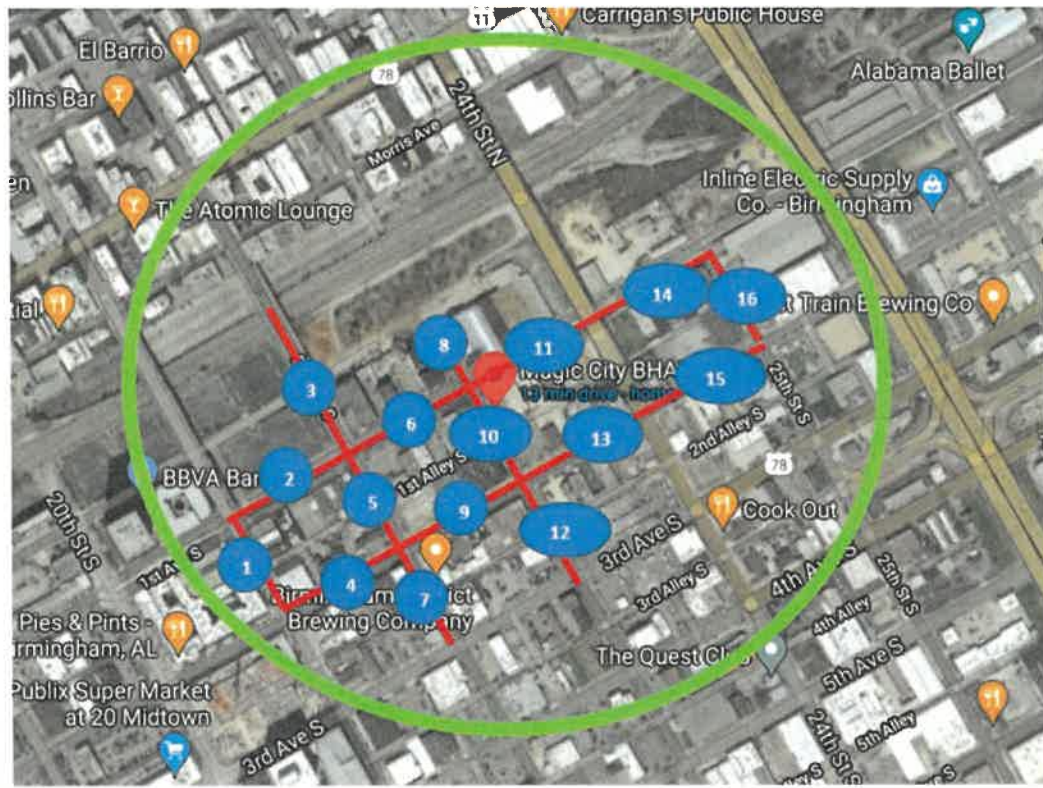
Dog Daycare / Dog Bar		Daycare	Bar
Hours of Operations			
	Monday-Thursday	7am-7pm	4pm-9pm
	Friday	7am-7pm	4pm-10pm
	Weekend	7am- 5pm	12 noon-10pm

Site Plan

Based on below, we need 71 total spaces



Total Square Footage: 14,000 SF
Add: 600 SF of Bar rooftop SF = 14,600 total.
Daycare: 10,000 / 400 = 25 Spaces
Bar = 4,600 / 100 = 46 Spaces
71 Total Spaces



Legend:

1,320 ft Boundary —

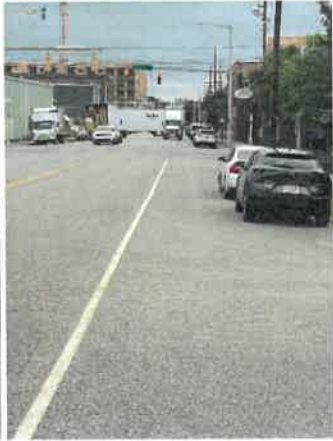
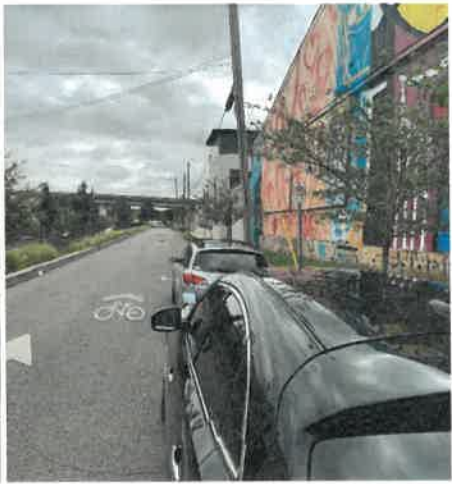
Road with street Parking —

Map Reference # (see below); the methodology for numbering is simply from left to right side of the page

Map Ref. #	Total Spaces	Tuesday (7/13)			Thursday (7/8)			Saturday (7/10)		
		10am Occup. #	3pm Occup. #	8pm Occup. #	10am Occup. #	3pm Occup. #	8pm Occup. #	10am Occup. #	3pm Occup. #	8pm Occup. #
1	18	12	8	0	11	7	0	4	3	3
2	7	3	4	0	3	4	0	0	1	0
3	50	11	25	3	13	23	3	0	0	0
4	20	14	14	5	14	14	4	5	6	4
5	18	10	8	1	10	10	0	3	3	5
6	17	14	15	1	17	16	1	0	0	0
7	18	11	13	3	10	9	3	4	0	2
8	23	21	19	8	19	21	5	4	4	2
9	23	18	14	6	20	19	4	3	4	3
10	39	39	24	3	39	39	2	5	5	4
11	29	4	17	4	14	12	4	0	1	1
12	20	0	1	0	0	1	1	0	0	0
13	22	4	3	0	6	3	4	1	2	3
14	25	12	17	7	12	12	7	5	8	5
15	12	1	4	1	0	0	2	0	1	1
16	10	5	4	2	4	1	2	0	1	2
	351	179	190	44	192	191	42	34	39	35
% Occupied		51%	54%	13%	55%	54%	12%	10%	11%	10%

Week day bar hours are 4-10pm, so 8pm is the most relevant time, and there's plenty of space because most of our neighbors empty out after 5pm. Same situation for the weekend.

See Pictures:
Tuesday (7/13)



Thursday (7/8)



Saturday (7/10)



ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00037

Smithfield Neighborhood

Request:

Modification to allow 0 off street parking spaces instead of the required 14 off street parking spaces pursuant to Title I, Chapter 9, Article VI, Section 6.A.3.

Applicant:

Antwaun Pledger-Payton

Location:

604 9th St N, Birmingham AL 35203

Parcel #012200353003003000

SW of Section 35, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is proposing a Bar & Lounge with the hours of operation being Thursdays-Sunday 8pm-12am.

Staff Analysis:

The subject property is currently zoned MUM (Mixed Use Medium). The subject property is surrounded by parcels zoned MUM (Mixed Use Medium). The property is not located in the flood plain area nor any design review districts. The existing building is 1,350 square feet. A bar requires 1 parking space per 100 square feet of GFA; therefore 14 parking spaces are required. The applicant has provided a parking study that shows surplus on-street parking. Based upon the parking study, the least amount of parking available 14 spaces at 9:00pm and within the block. There were no other parking modifications located within 1,320ft radius.

Neighborhood Recommendation:

The *Smithfield Neighborhood Association* will take a vote prior to the hearing.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the modification based upon the applicant providing a parking study that shows surplus parking, staff believes the modification request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

PARCEL ID: 012200353003003000

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

DATE: Thursday, July 22, 2021 10:22:48 AM

OWNER: STONEWALL CORP

ADDRESS: 2131 THIRD AVE N

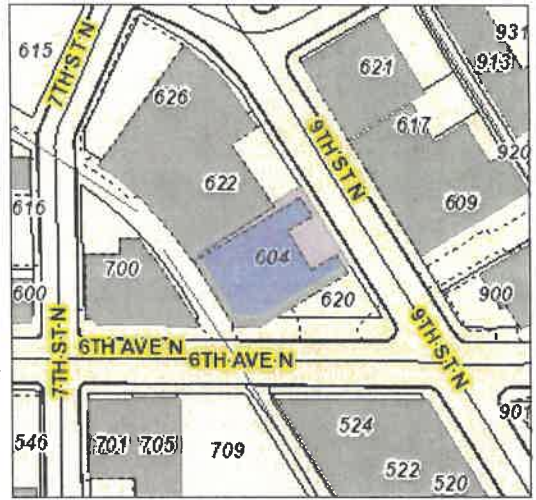
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 604 9TH ST N

CITY/STATE: BHAM, AL

ZIP: 35203



LAND: \$44,900.00

BLDG: \$177,000.00

OTHER: \$0.00

AREA: 13,829.01

ACRES: 0.32

SUBDIVISION INFORMATION:

NAME SMITH PK ADD-BHAM 22-35-3

BLOCK: 323

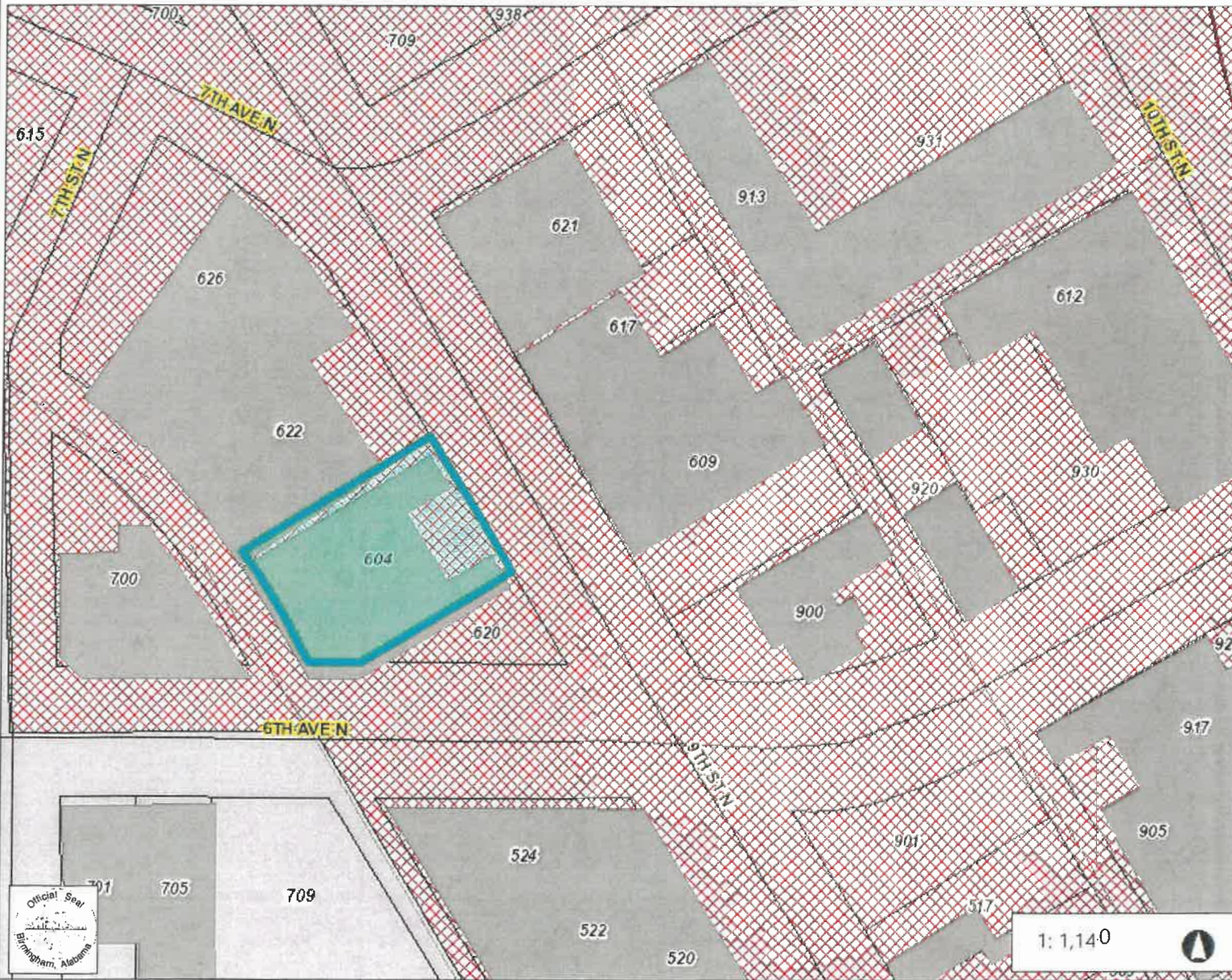
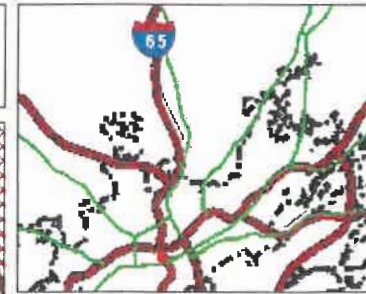
LOT: 2&3

Section: 35-17-3W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Not in Historic Districts
Commercial Revitalization District: Not in Commercial Revitalization District
Fire District: Not in Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment Financing District
Neighborhoods: Smithfield (1605)
Communities: Smithfield (16)
Council Districts: District - 5 (Councilor: Darrell O`Quinn)
Zoning Outline: B3
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: In Opportunity Zones
Judicial Boundaries: JEFFERSON

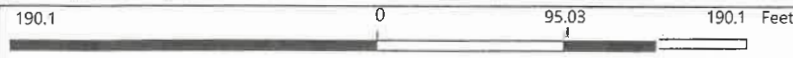
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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



ZONING MAP; ZONED:B-3



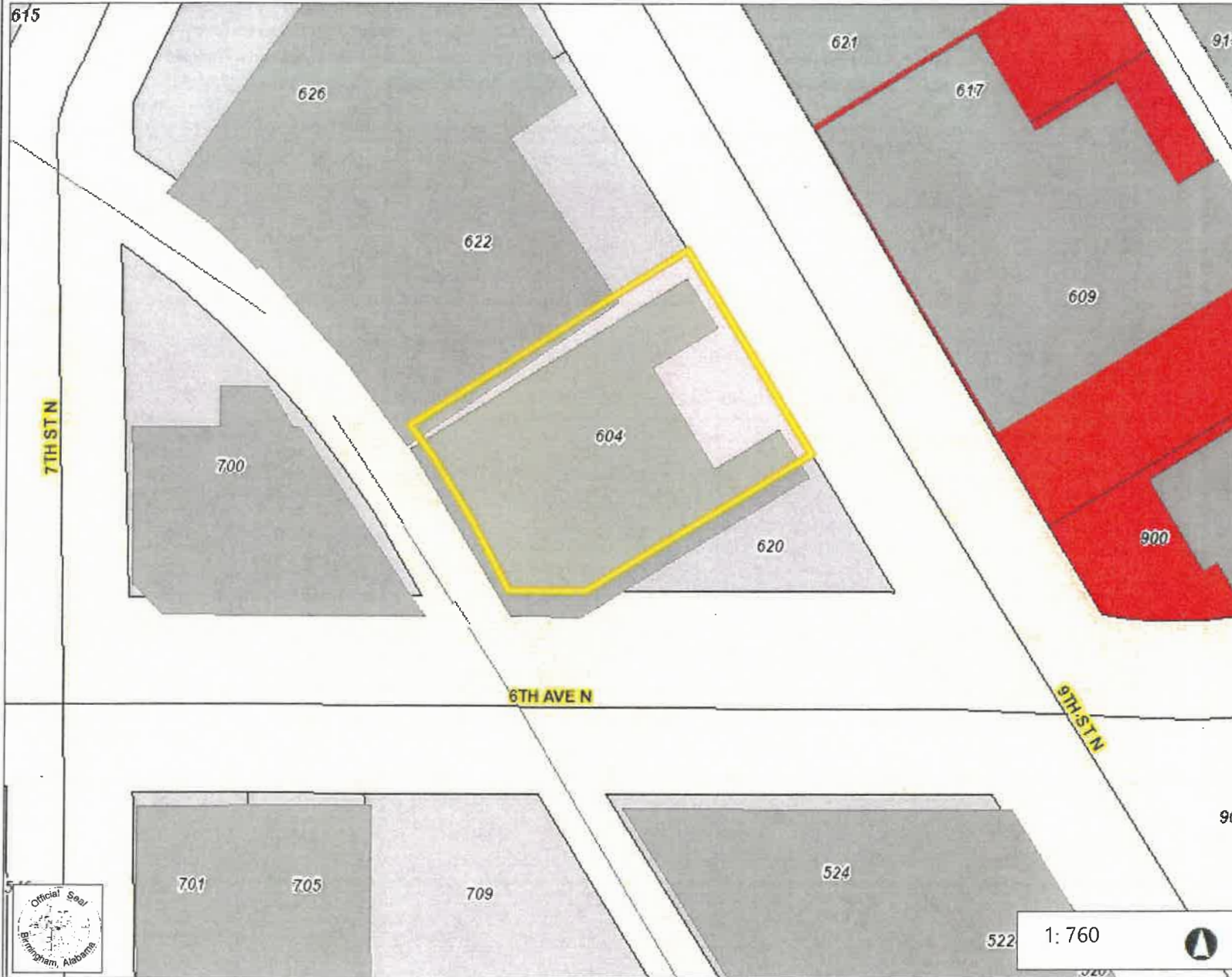
- Legend**
- Centerline Labels
 - Railroad
 - Alleys
 - Local Roads
 - Arterials
 - County Highways
 - State Highways
 - US Highways
 - Interstates
 - Limited Access
 - Ramp
 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Zoning Shaded
 - R1; D1 - Single Family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



1:1,140

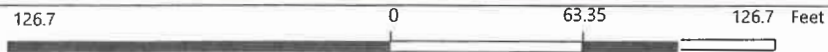
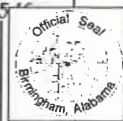
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Centerline Labels
- +— Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted Land Use Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



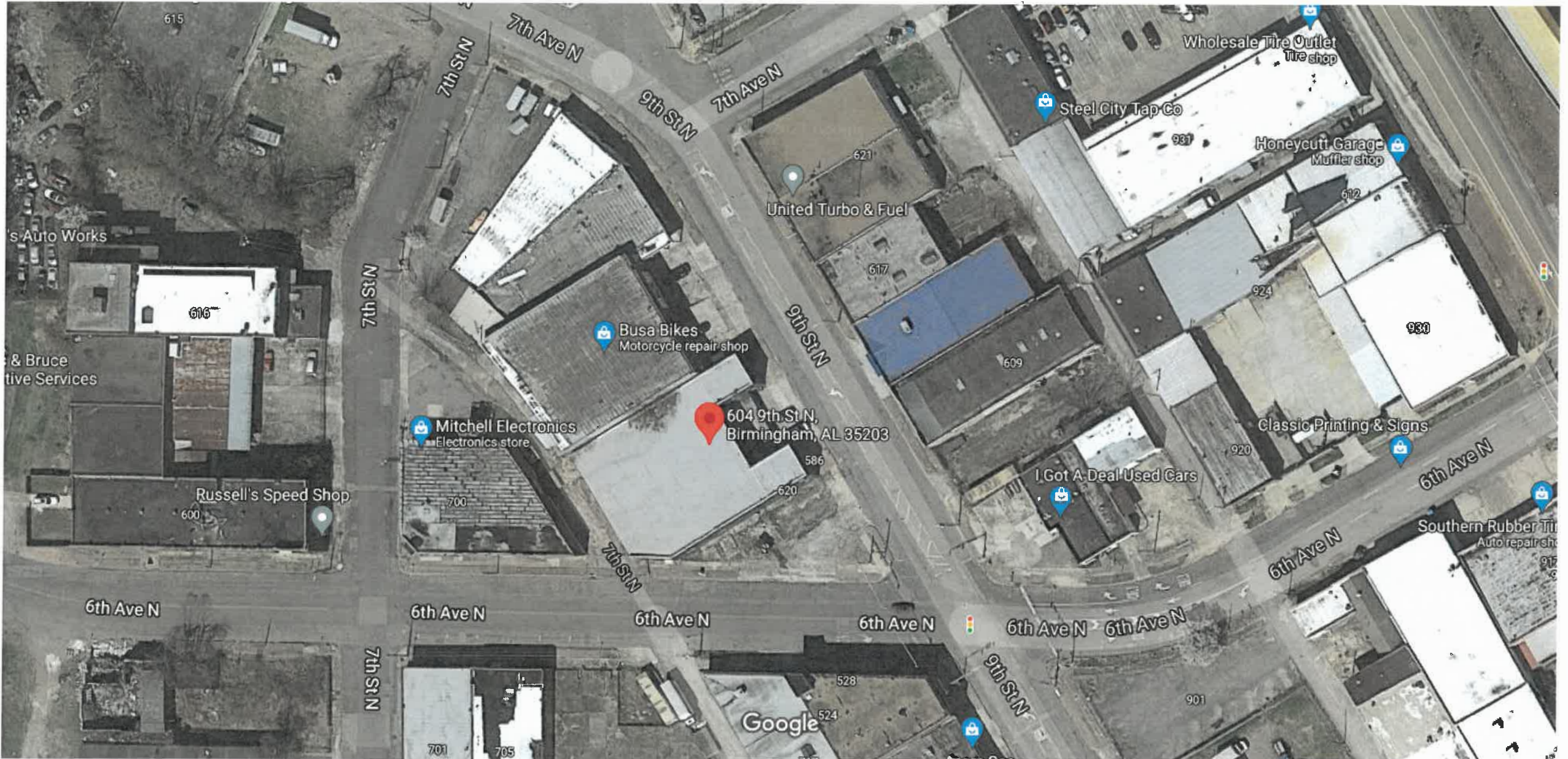
1: 760



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

Notes

Google Maps 604 9th St N



Google Maps 604 9th St N



Image capture: Mar 2021 © 2021 Google

604 Bar & Lounge

Hours of Operation: Thursday 8p.m. -12a.m.

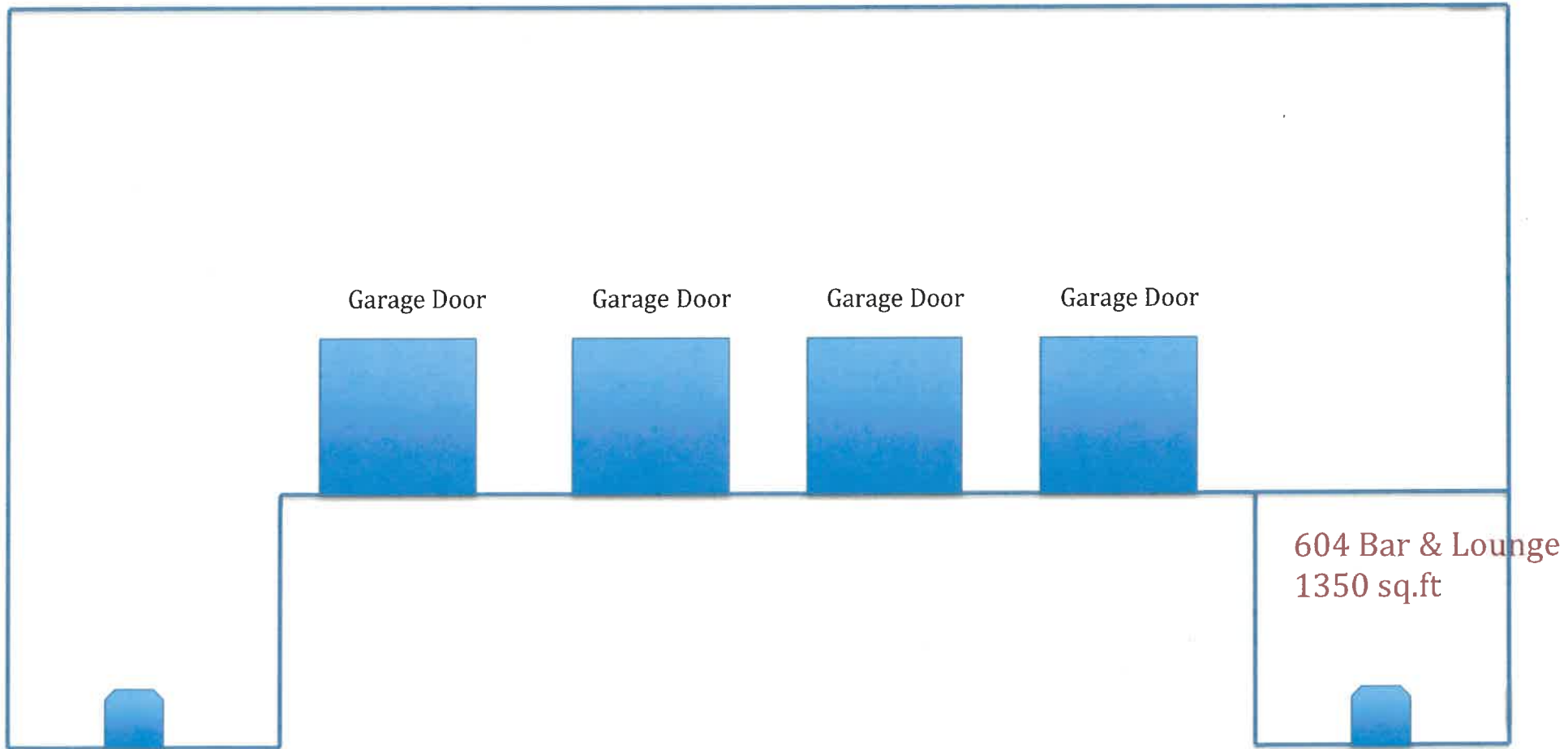
Friday 8p.m.-12a.m.

Saturday 8p.m.-12a.m.

Sunday 8p.m.-12a.m.

- The 604 Bar & Lounge space is 1350 sq. ft.
- All businesses on 9th Street N. between 6th Ave and 7th Ave is closed during 604 Bar & Lounge hours of operation.

604 Bar & Lounge Building Layout

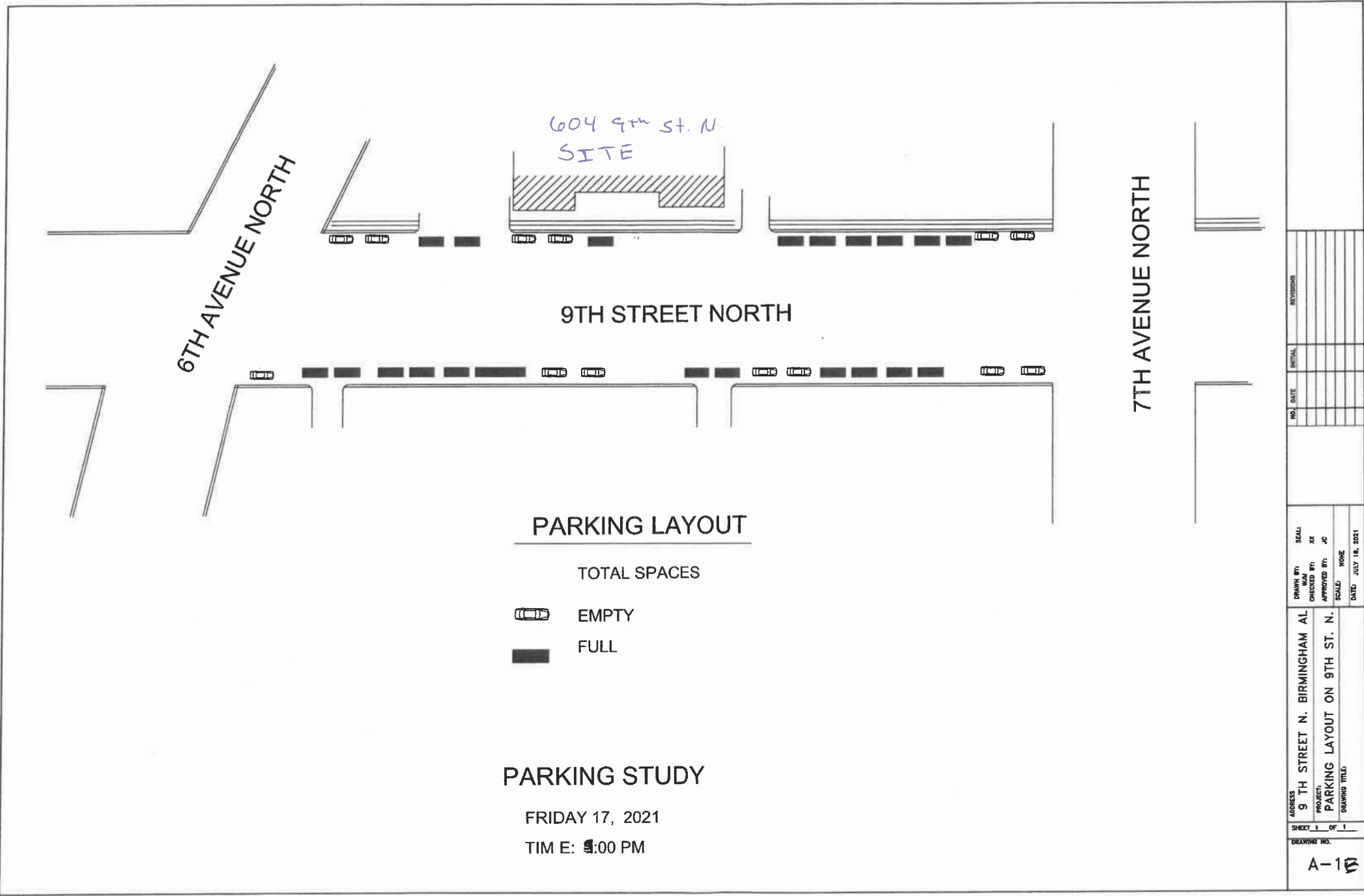


604 BAR

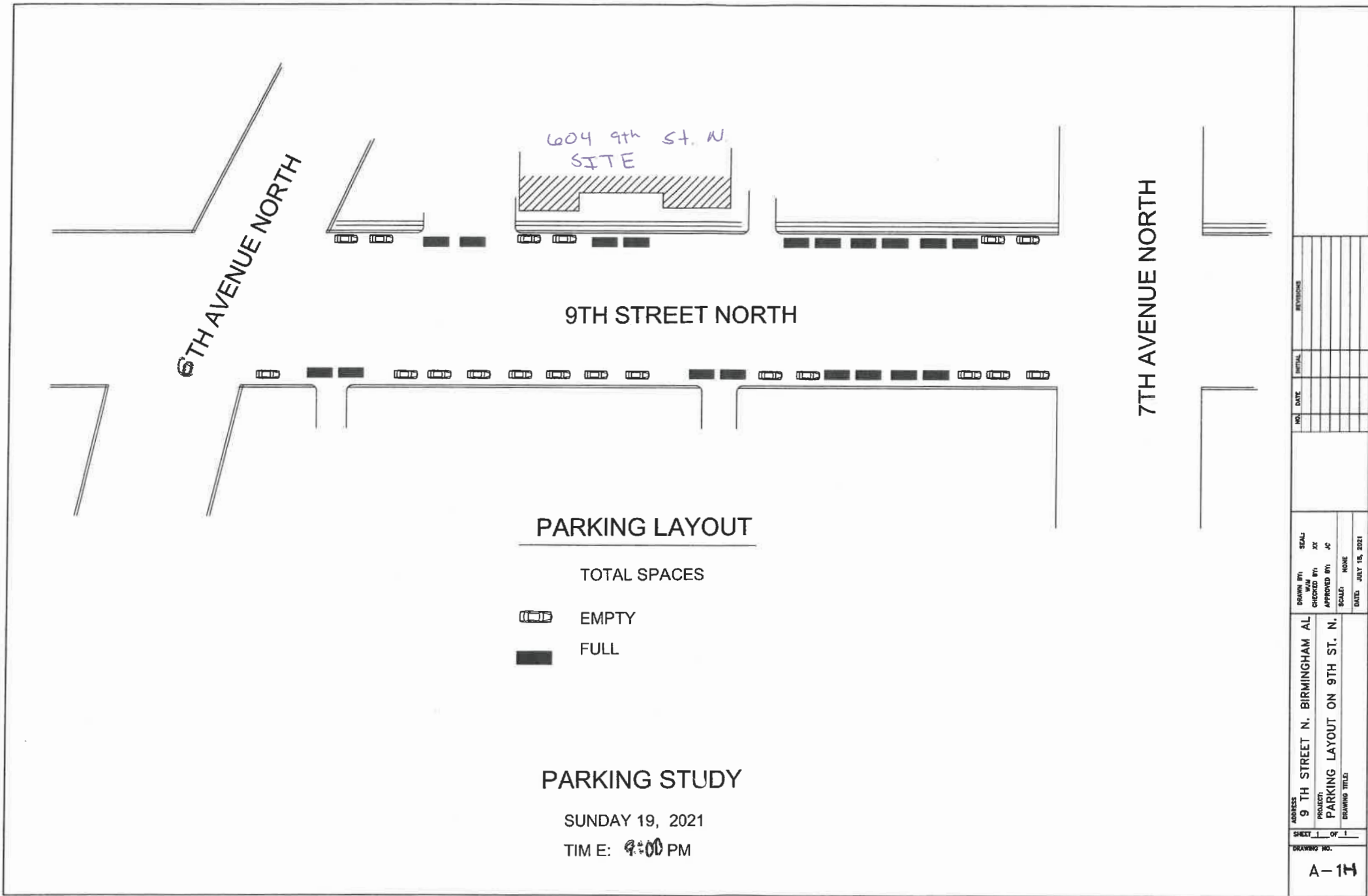
+

LOUNGE

PARKING PLAN



ADDRESS 9 TH STREET N. BIRMINGHAM AL	SCALE 1" = 20'	DATE JULY 16, 2021	NO. DATE	INITIAL	REVISIONS
PROJECT PARKING LAYOUT ON 9TH ST. N.	DRAWN BY: WAM	CHECKED BY: JF			
DRAWING TITLE:	APPROVED BY: JC	SCALE: NONE			
SHEET 1 OF 1					
DRAWING NO.					
A-1					



ADDRESS	9 TH STREET N. BIRMINGHAM AL
PROJECT	PARKING LAYOUT ON 9TH ST. N.
DRAWING TITLE	
DRAWN BY	WJM
CHECKED BY	JC
APPROVED BY	JC
SCALE	NONE
DATE	JULY 18, 2021
NO.	
DATE	
INITIAL	
REVISIONS	

SHEET 1 OF 1

DRAWING NO. A-14

ZONING BOARD OF ADJUSTMENT

Meeting Date: August 12, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00038

Redmont Park Neighborhood

Request:

A variance to allow a 20 foot front yard setback instead of the required 40 foot setback pursuant to Title 2, Chapter 1, Section 2. Subsection 3

Applicant:

Walter F. Scott

Location:

2151 Warwick Drive South, Birmingham AL 35209

Parcel #012800063024001000

SW of Section 06, Township 18 S, Range 2 W

Applicant's Proposal:

The applicant is proposing a residential home.

Staff Analysis:

The subject property is currently zoned R-1 (Single Family District). The subject property is surrounded by parcels zoned R-1 (Single Family District). The property is not located in the flood plain area nor any design review districts. Per the zoning ordinance:

Subsection 3. Area and dimensional regulations.

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure Feet	Minimum Yards		Minimum Side Yards		Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One Side	Total both Sides		
35 feet	40 feet	40 feet	8 feet	18 feet	15,000 square feet	90 feet

Neighborhood Recommendation:

The *Redmont Park Neighborhood Association* will take a vote prior to the hearing.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variance request based upon the applicant meeting the six variance standards, staff believes the variance request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

SUPPLEMENT TO
REQUEST FOR VARIANCE
CITY OF BIRMINGHAM, ALABAMA

PROPERTY ADDRESS: 2151 Warwick Drive South, Birmingham, AL 35209

PID #: 28 00 06 3 024 001.000

OWNER: Margaret Shepherd

APPLICANT: Walter F. Scott, III – Attorney for Owner

Description of Work and Nature of Variance Request - Explain Hardship Difficulty:

Owner is building a house on the subject property and is requesting a set back of 20 feet as opposed to the required 40 feet. A 20 foot set back is required due to the following hardship issues:

1. The subject property is an irregularly shaped corner lot on the side of a mountain
2. The lot and the street are irregular in shape and the corner is not 90 degrees.
3. Topography – causes the lot to be difficult to build upon in a way that provides reasonable access to the adjacent road. The further the house is away from the road, the higher the foundation of the house, or the longer the catwalk or walkway to the house. A long catwalk or entrance way path increases the number of stairs and makes the home less accessible.

Responses to the six variance standards (required):

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.

Response: TRUE-The subject property is adjacent to Warwick Rd. S., which road bends along the south side of red mountain. At the end of the subject lot, Warwick Rd. S. intersects with Warwick court which comes up the side of the mountain. The lot gets vary narrow at this intersection. Because of the bend in the road, and the steep topography, such that the only place to build is closer to the road. If the house is further away from the road (the full 40 feet of the setback requirement), the house either has to be much higher (much more concrete and excavating) so it is closer to road level, or a long walkway with steps has to be added. A long walkway causes accessibility issues. The issues faced with this lot are a unique characteristic of the land this lot includes.

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.

Response: TRUE-See the explanation above. This lot is on the side of a mountain, has a long narrow point at the intersection of Warwick Rd. S. and Warwick Ct, and the lot is on a bend in the road.

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.

Response: TRUE-This lot has been an irregular shape since the originally platted, and has not previously been improved, likely because of its irregular shape and difficult topography.

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

Response: TRUE-the applicant intends to live in a home to be built on the lot, and is not developing to sell in the immediate future.

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.

Response: TRUE- it appears the house next door is closer to the road than the 40foot setback. This is likely because of the windy road and the steep hillside, which are the same conditions supporting this application. Additionally, if the variance is granted and the home built, the reduced setback will not look out of place because of the windy road and the limited number of other houses on the road.

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.

Response: TRUE-Grant of the variance should promote the public welfare in that it will promote responsible development of an otherwise difficult to develop lot. Because of the windy nature of the road, the reduced setback requested is in keeping with the look and feel of the architecture of the surrounding area.

Moton, Angelica

From: Jean GAUDEL <gadel@mac.com>
Sent: Monday, August 2, 2021 9:06 AM
To: Moton, Angelica
Subject: Adjustment Application for Property at 2151 Warwick Drive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Angelica,

My name is Jean-Jacques Gaudel, and I live just down the street at 2001 Warwick Court, in a house I built about 20 years ago. I am well aware of the challenges of building on this hilltop, having faced them back then.

I have looked at the property in question, and I want to state that considering that it is a steep difficult lot to build on, that there is not and never will be another house to align with, I have no objection at all to the new house being closer to the street than the standard 40 ft.

Sincerely,

Jean-Jacques Gaudel

Jean GAUDEL
jj@gaudels.com

PARCEL ID: 012800063024001000

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

DATE: Thursday, July 22, 2021 12:22:05 PM

OWNER: CALLAHAN KARIN E

ADDRESS: 611 DEXTER AVE

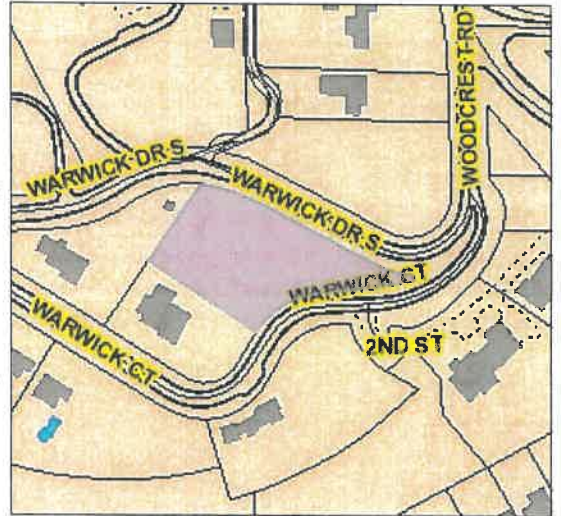
CITY/STATE: MOUNTAIN BROOK AL

ZIP+4: 35213

SITE ADDR: 2151 WARWICK DR

CITY/STATE: BIRMINGHAM, AL

ZIP: 35209



LAND: \$284,000.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 38,447.62

ACRES: 0.88

SUBDIVISION INFORMATION:

NAME WARWICK MANOR 28-6-3

BLOCK:

LOT: 8

Section: 6-18-2W

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: Redmont Park (1403)

Communities: Red Mountain (14)

Council Districts: District - 3 (Councilor: Valerie A. Abbott)

Zoning Outline: R1

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Shades Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

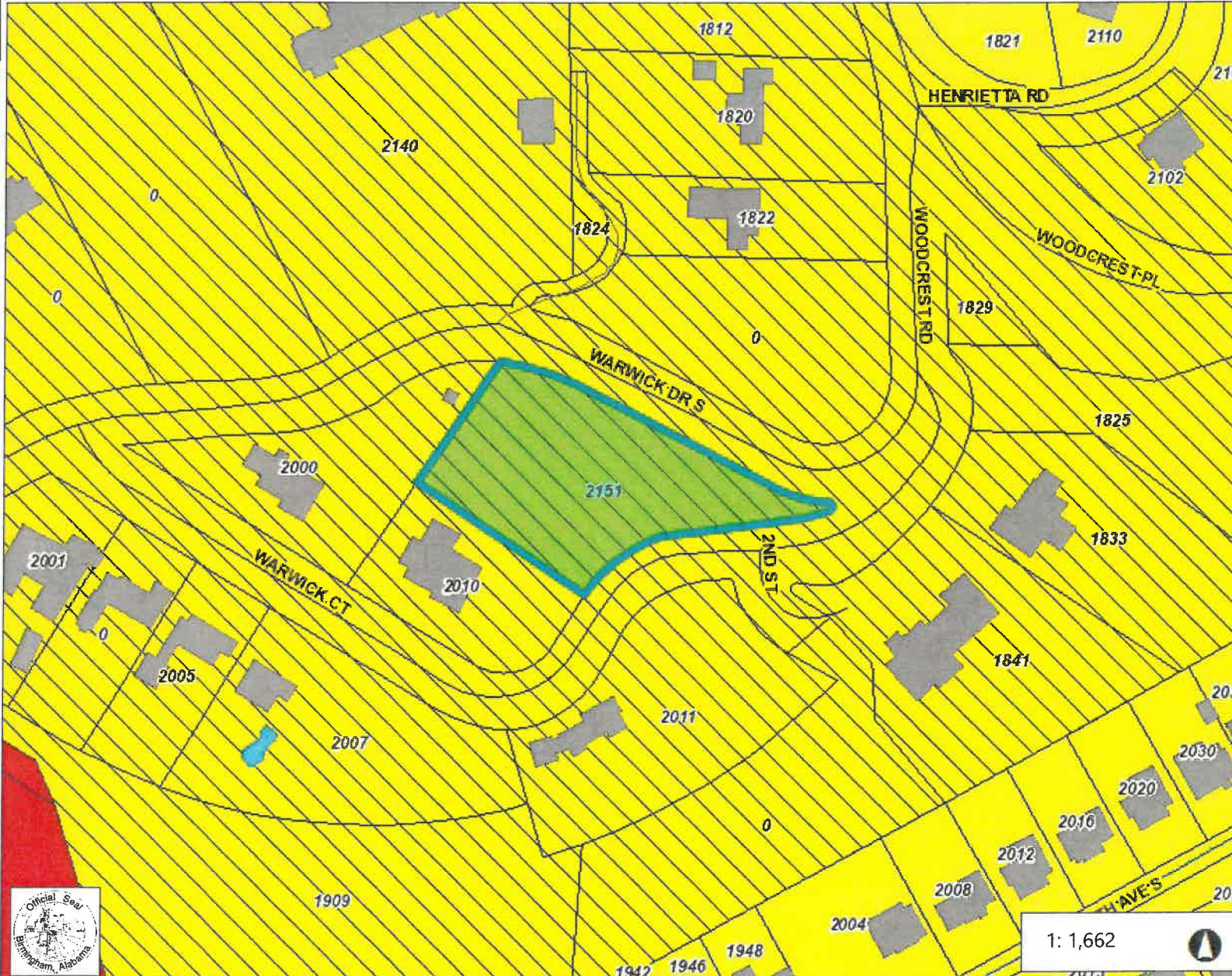
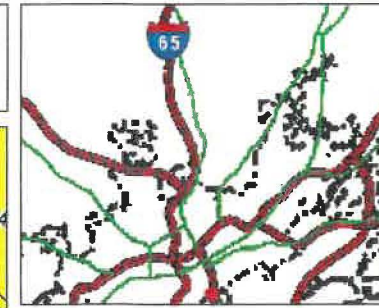
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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

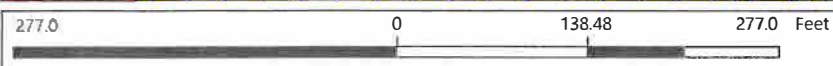


Legend

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

Zoning Shaded

- R1; D1 - Single Family District - Cla
- R2; D2 - Single Family District - Cla
- R3; D3 - Single Family District; R3
- R4; D4 - Two Family District; R4
- R4A - Multiple Dwelling District
- R5; D5 - Multiple Family District; D5
- R6; D6 - Multiple Family District
- R7 - Multiple Family District



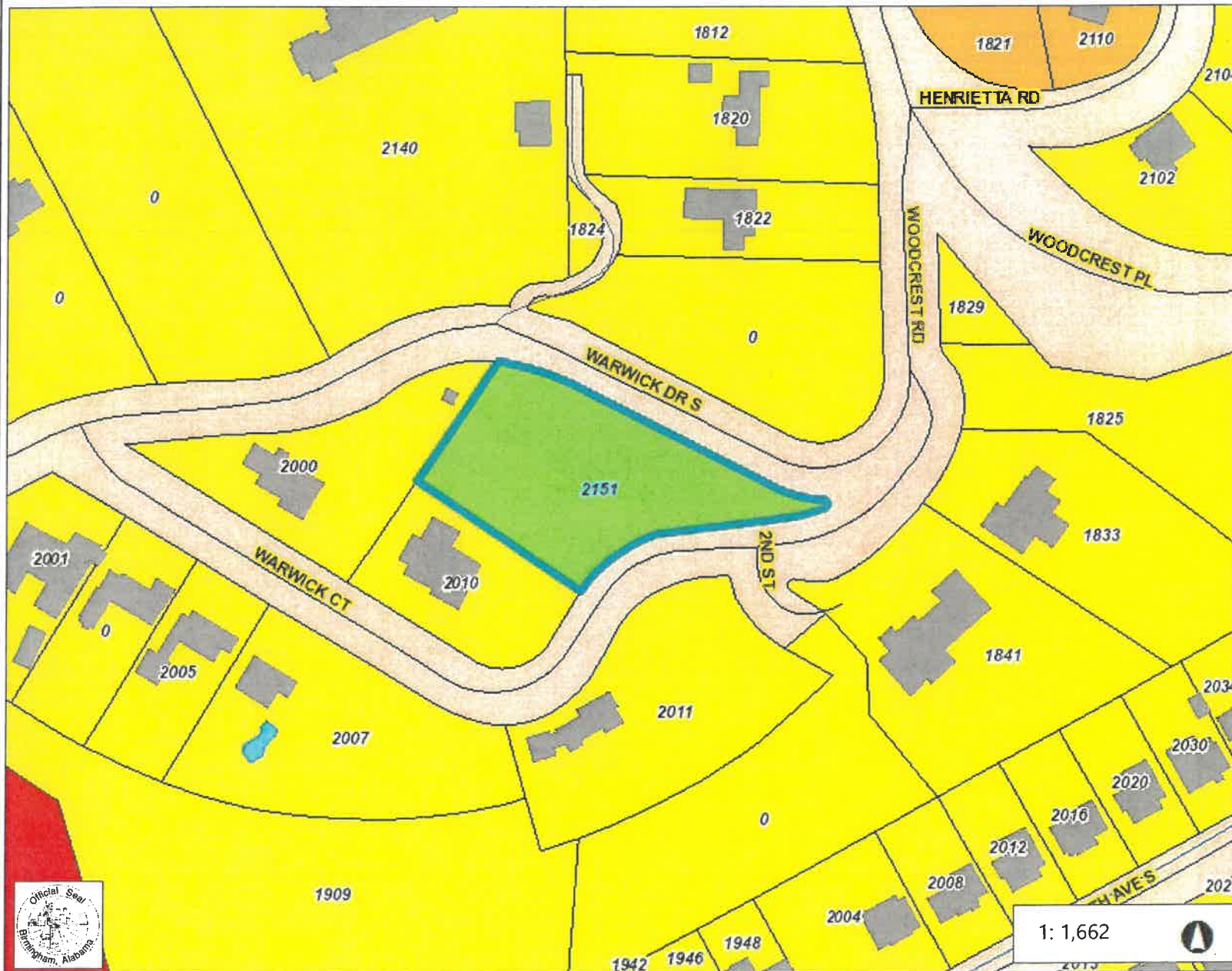
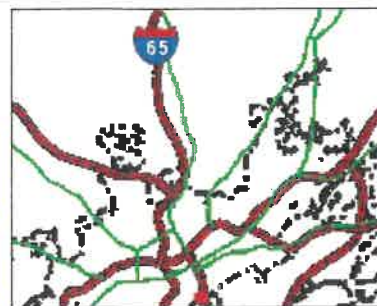
1:1,662

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



ZBA2021-00038 ADOPTED LAND USE MAP



Legend

- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High

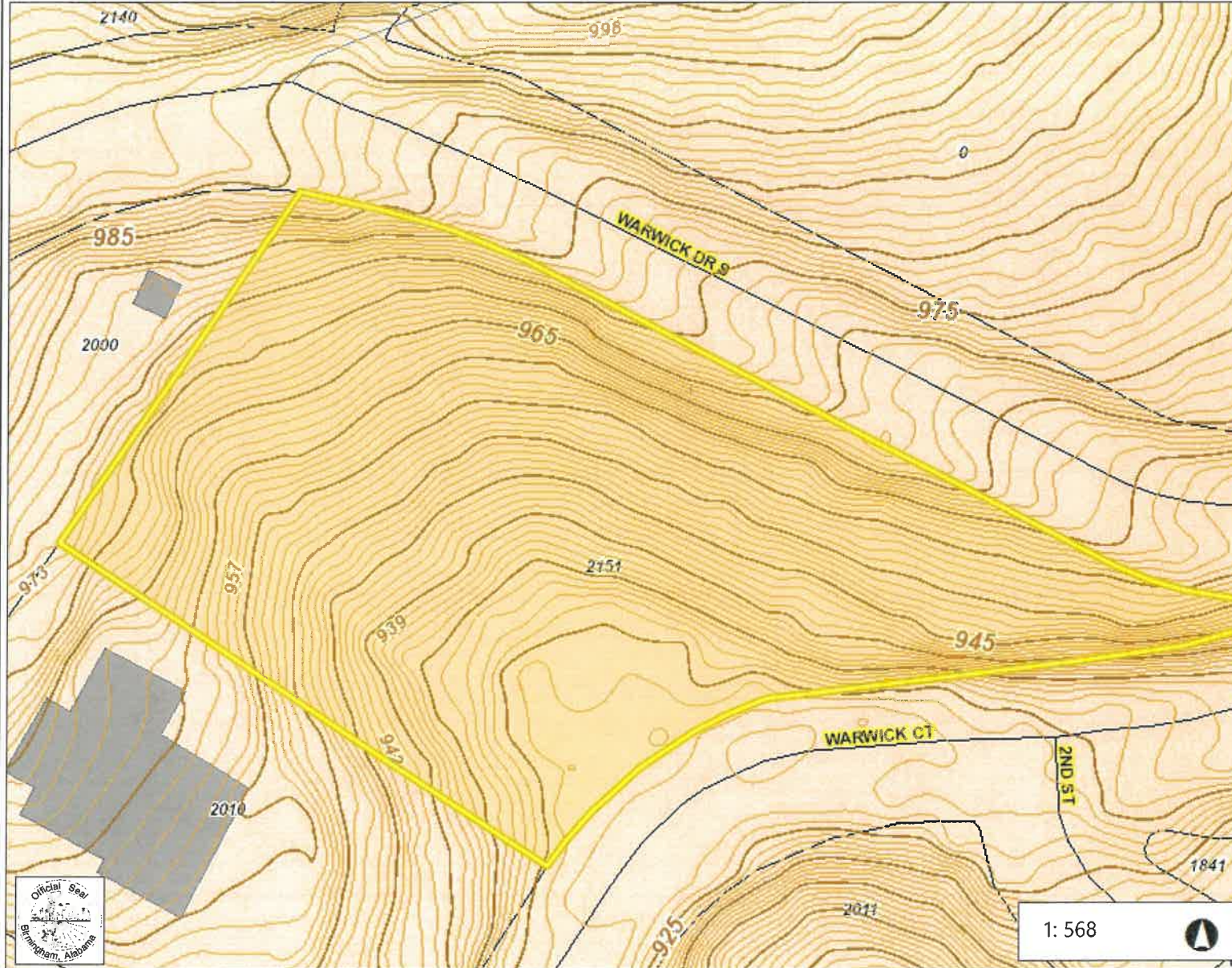
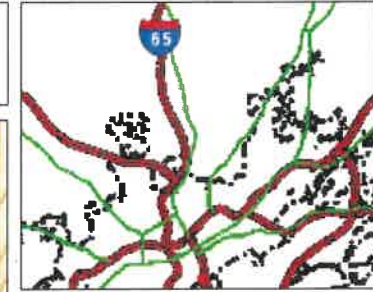


1: 1,662



Notes

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Legend

- All Contours
 - 1' Contour
 - 5' Contour
- 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

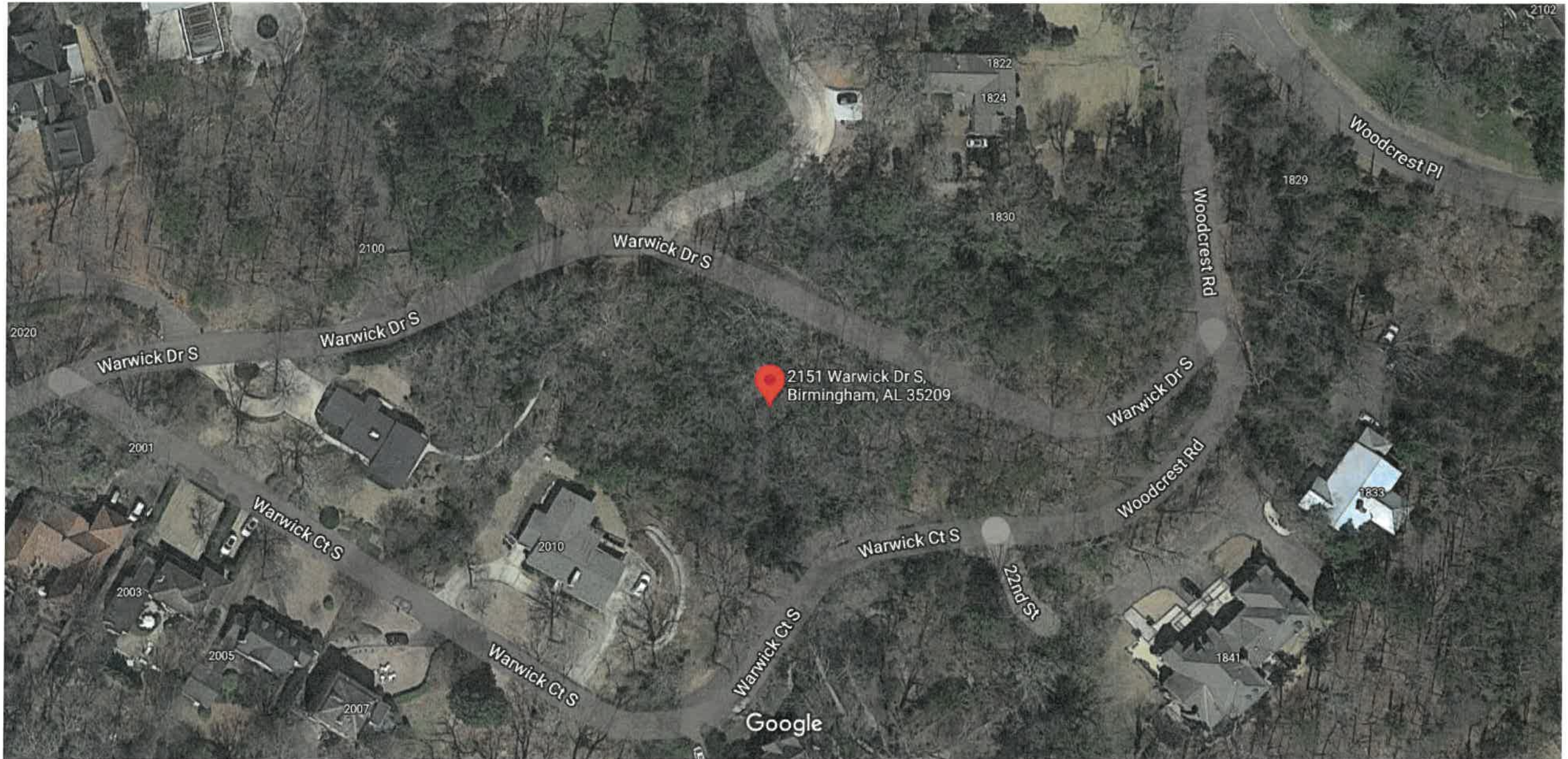


94.7 0 47.37 94.7 Feet

1: 568

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Google Maps 2151 Warwick Dr S



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