

**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00039**

**Five Points South Neighborhood**

***Request:***

A variance to allow an accessory structure in the front yard area instead of the required rear or side yard. A variance to allow an open terrace more than five feet above grade.

***Applicant:***

Amy G Smith

***Location:***

1703 Richard Arrington Jr Blvd, Birmingham AL 35205  
Parcel #012800063020017000  
SW of Section 06, Township 18 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing an outdoor terrace for the residents of Warwick Manor.

***Staff Analysis:***

The subject property is currently zoned B-1 (Neighborhood Business District). Parcels located north and west are zoned B-1 (Neighborhood Business District), parcels east are zoned R-6, (Multiple Dwelling District) and parcels south are zoned R-1, Single Family District. The property is not located in the flood plain area nor any design review districts.

***Neighborhood Recommendation:***

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

***Staff's Recommendation to ZBA:***

Staff believes the applicant has provided evidence to support the variance requests based upon the applicant meeting the six variance standards, staff believes the variance requests 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.

**Zoning Board of Adjustment  
Six Variance Standards**

**Name: Warwick Manor Outdoor Terrace**

**Date: 7-16-21**

**Physical Characteristics of the Property.**

Historic Warwick Manor, fashioned after Warwick Castle in Warwick England, was constructed in 1928 along the North Ridge of Red Mountain. The building was one of the first buildings erected along Red Mountain, following the mining era. At the time the building was first constructed, earthwork was a much more difficult task than today. The site was levelled just enough to accommodate the building, parking, and circulation, with steeply sloping hillsides above and below. Today, in an effort to provide an attractive common area for residents of the apartment building, the current owner seeks to construct an outdoor open-air terrace with views toward downtown. The terrace is proposed to be constructed toward the front edge of the site, set directly against the existing parking lot drive, yet allowing a 12 ft buffer between the terrace and the public right of way along Richard Arrington Jr. Blvd. The terrace is proposed to be constructed at the same level as the parking lot and building footprint, with railings up to four feet in height, which is well within the City's allowances for front terraces. However, because the site slopes steeply downward toward Richard Arrington Jr. Blvd, the wall that supports the terrace would be approximately ten feet in height, plus the four foot railing for a total height of approximately 14 ft. The owner is requesting a variance to allow for the height of the wall facing Richard Arrington Jr. Blvd.

**Unique Characteristics.**

Historic Warwick Manor features a unique history and unique physical characteristics. Warwick Manor was designed and named after Warwick Castle, Warwick England, circa 1068, and features many architectural features reminiscent of its' namesake castle. The most note-worthy feature is the architectural battlement at the top of the building. It has been the owner's vision to create a new terrace on the site that complements the steep hillside along Red Mountain, while building upon the original architectural theme of Warwick Castle. As such, the outdoor terrace is proposed to be constructed in an octagonal shape, with its' supporting walls appearing as an octagonal turret-style structure. The terrace-level walls and railings would appear as a battlement at the top of the turret structure. The overall goal is to create a unique landmark, built on historic context, and fitting within the surrounding environmental context.

**Hardship Not Self-Imposed.**

The difficulty of constructing the proposed terrace has not been created by the previous actions of any person having an interest in the property.

**Financial Gain Not Only Basis.**

The current owner is not seeking financial gain from the proposed outdoor terrace. The owner purchased Warwick Manor in 1992 as a long term residence and investment. The owner resides at Warwick Manor and has no intention to sell within his lifetime. The owner's objective is to provide an attractive outdoor space for current and future residents of Warwick Manor that embodies the historic spirit of the original structure.

**No Injury to Neighboring Property.**

The proposed turret will not be injurious to other property improvements in the area, will not impair adequate light and air supply to adjacent properties, and will not diminish property values within the area.

**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.

**PARCEL ID:** 012800063020017000

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

**DATE:** Thursday, July 29, 2021 3:19:45 PM

**OWNER:** BOSTANY GARY

**ADDRESS:** 1703 RICHARD ARRINGTON JR BLVD

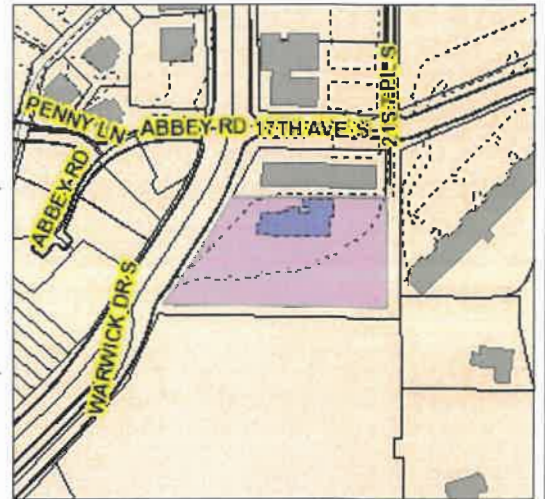
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35205--4955

**SITE ADDR:** 1703 RICHARD ARRINGTON JR BLVD

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35205



**LAND:** \$337,900.00

**BLDG:** \$97,300.00

**OTHER:** \$0.00

**AREA:** 36,727.07

**ACRES:** 0.84

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

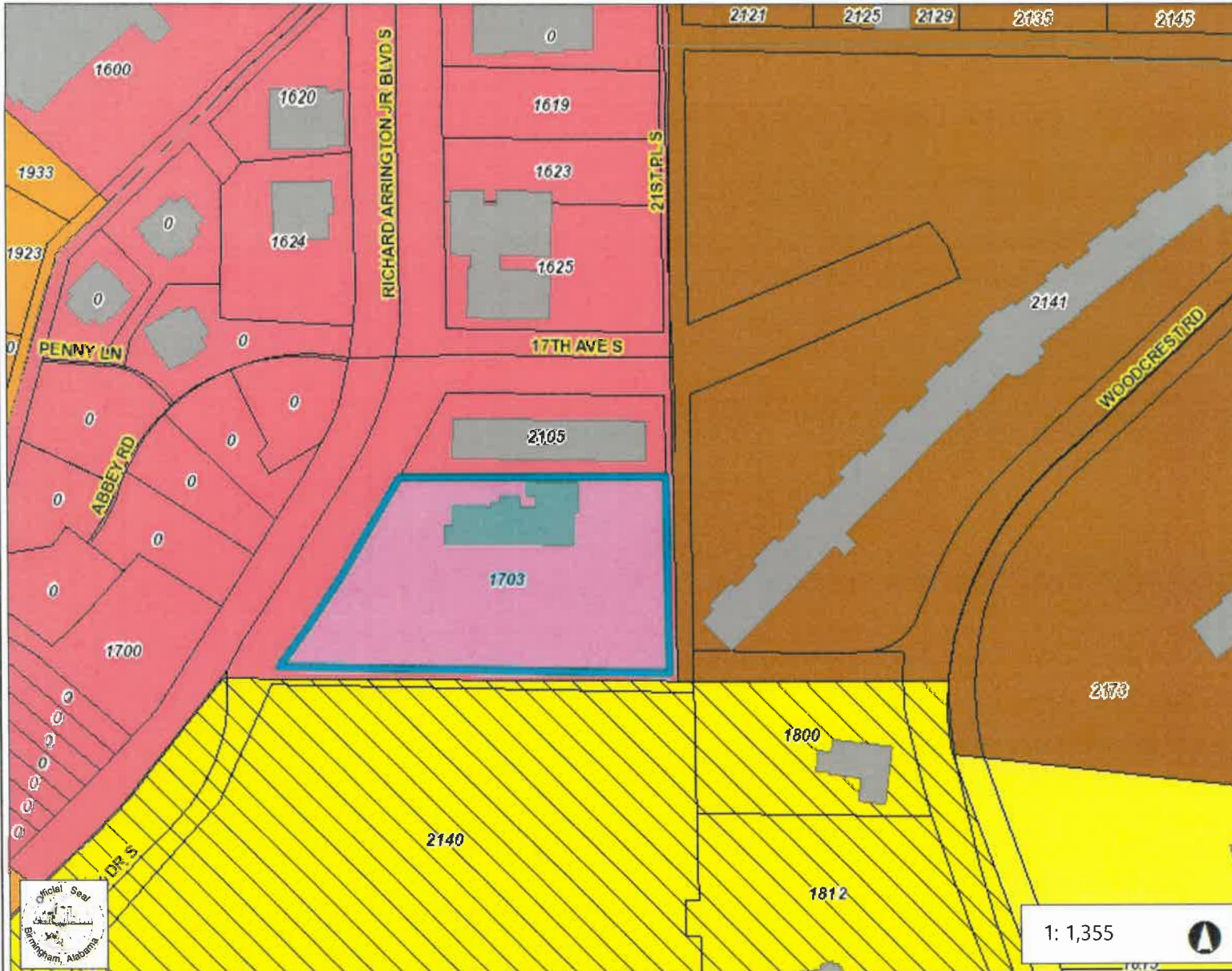
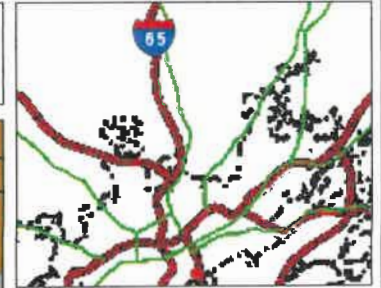
**BLOCK:** 857

**LOT:** 13

**Section:** 6-18-2W  
**Land Slide Zones:** In Land Slide Zones  
**Historic Districts:** Not in Historic Districts  
**Commercial Revitalization District:** Not in Commercial Revitalization District  
**Fire District:** Not in Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** Not in Tax Increment Financing District  
**Neighborhoods:** Five Pts So (1701)  
**Communities:** Southside (17)  
**Council Districts:** District - 3 (Councilor: Valerie A. Abbott)  
**Zoning Outline:** B1  
**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

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



225.8 0 112.92 225.8 Feet

1: 1,355



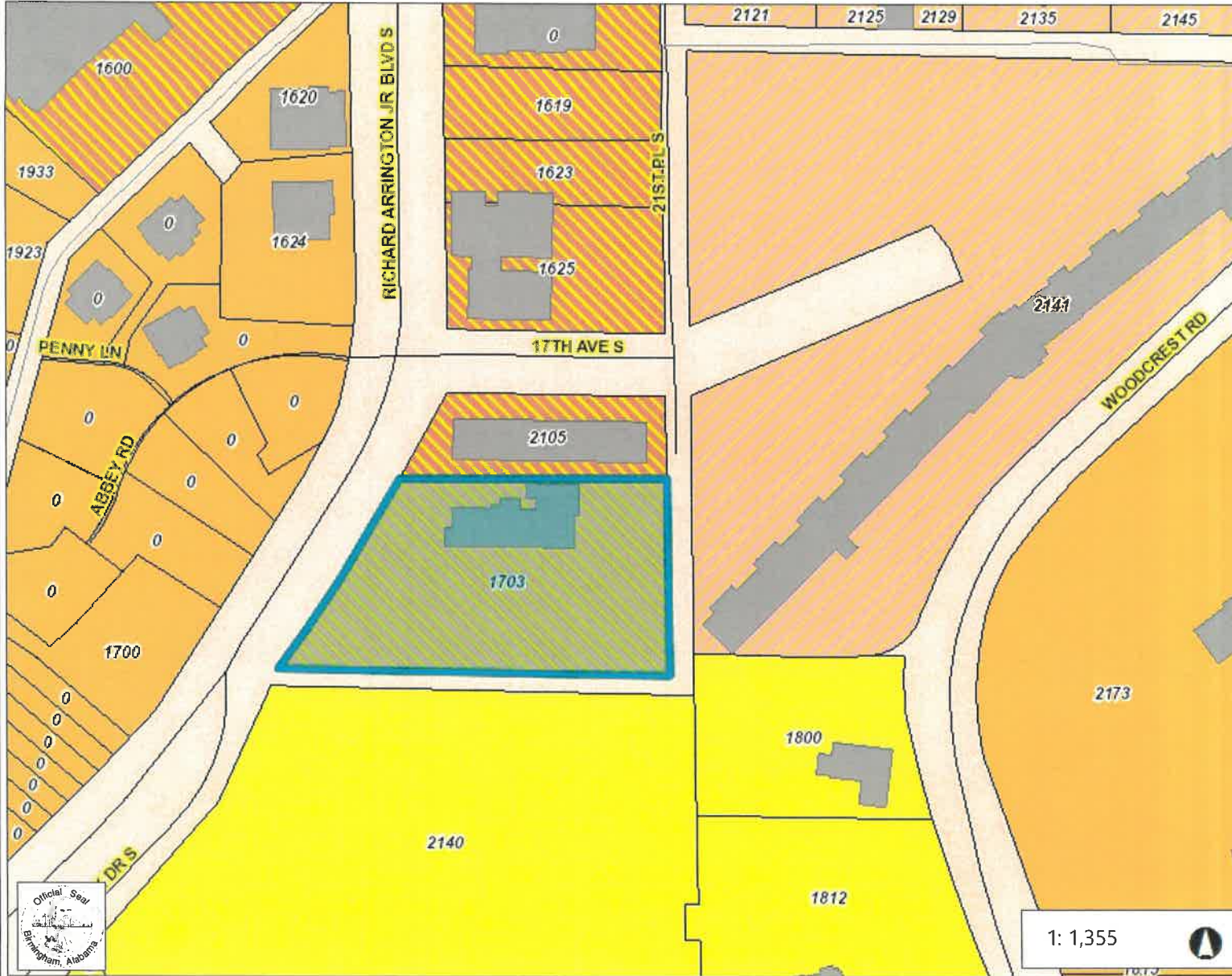
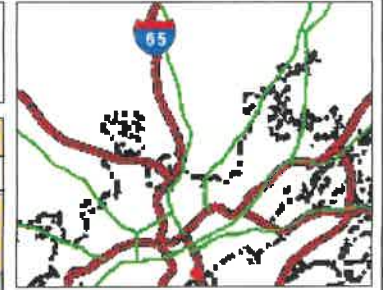
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes





# ZBA2021-00039 ADOPTED LAND USE MAP

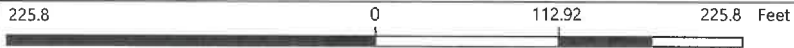


### Legend

- 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

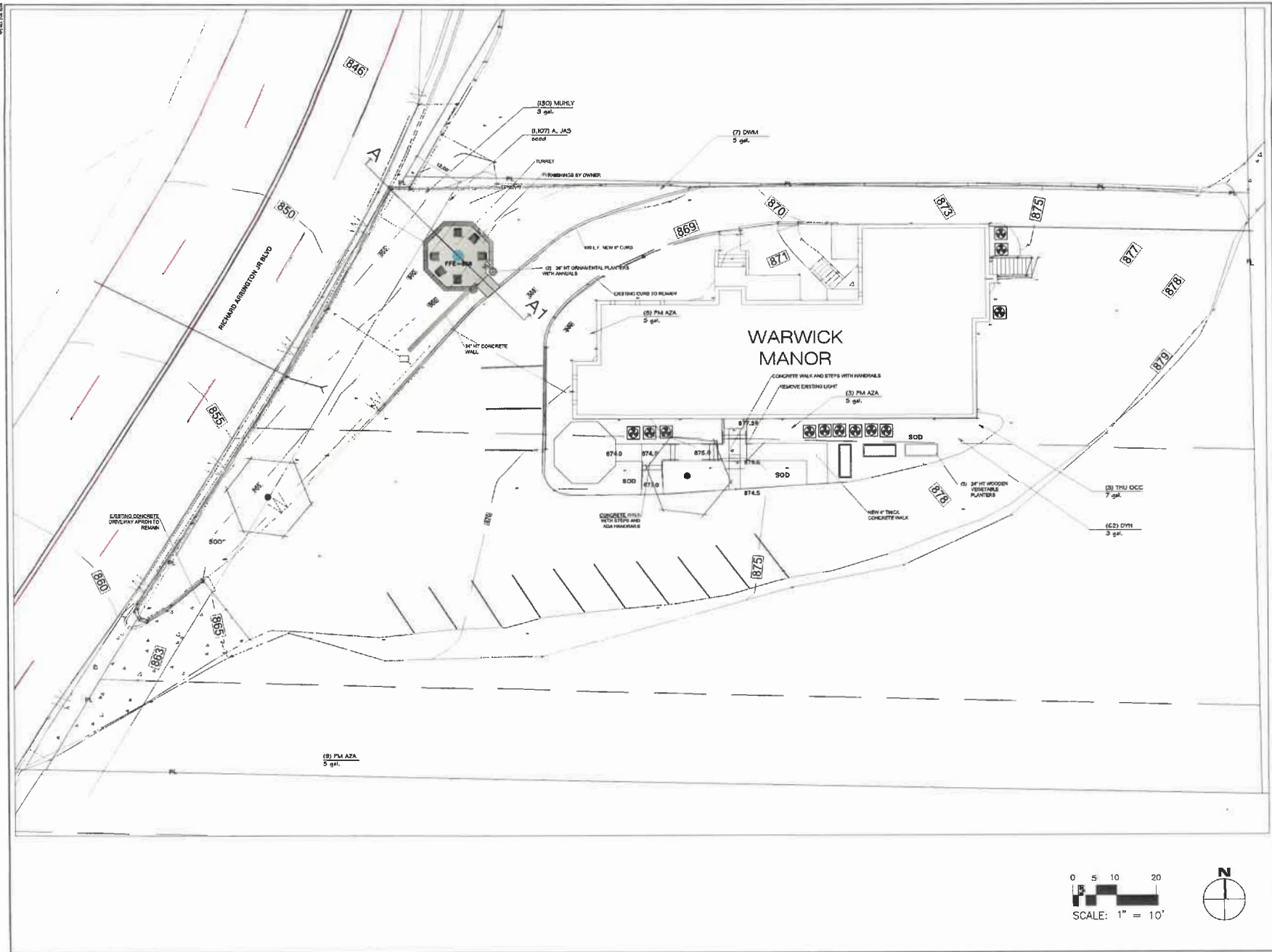


1: 1,355



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



studio a design  
 1771 13th ave s  
 birmingham, al  
 35205  
 205-531-9441

**WARWICK MANOR  
 LANDSCAPE IMPROVEMENTS**  
 1703 Richard Arrington Jr. Blvd.  
 BIRMINGHAM, AL

REVISION / NOTES	DATE
✓	DATE
✓	DATE
✓	DATE
✓	DATE

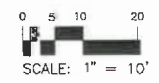
NOT FOR CONSTRUCTION   
 RELEASED FOR CONSTRUCTION   
 PROJECT TITLE

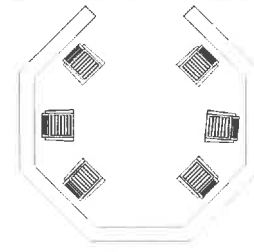
OWNER: Warwick Manor LLC  
 Birmingham, Alabama

PATH: c:\a\studio\www\sd  
 FILENAME: L1.dwg  
 DATE: 7-10-11  
 DRAWN: egs  
 REVIEWED: egs

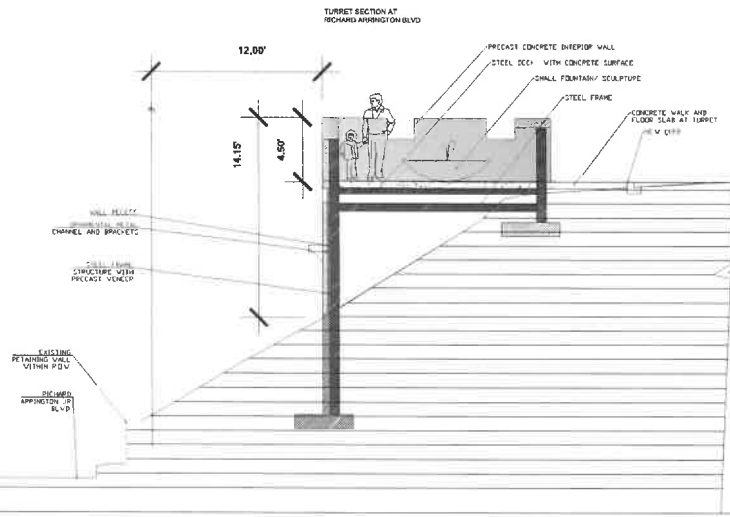
SHEET TITLE  
**LANDSCAPE  
 PLAN**

PROJECT NUMBER: 20006-00  
 SHEET NUMBER: L1.1

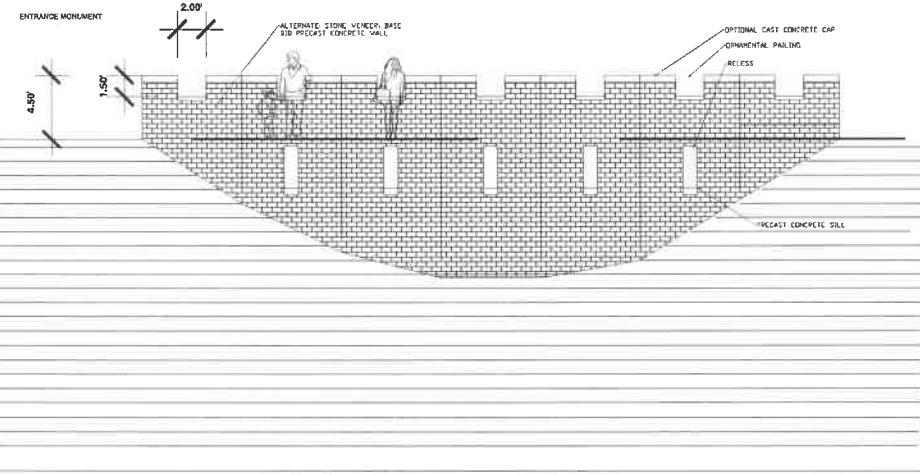




TURRET PLAN VIEW  
 1" = 10'-0"







Section @ Turret



Turret Elevation

**WARWICK MANOR**  
**LANDSCAPE IMPROVEMENTS**  
 1703 Richard Arrington, Jr. Blvd.  
 BIRMINGHAM, AL

RELEASES / DATES	DATE
	DATE
	DATE
	DATE
	DATE

NOT FOR CONSTRUCTION   
 RELEASED FOR CONST.   
 PROJECT TITLE

owner Warwick Manor LLC  
 Birmingham, Alabama

PATH: estudio/wnn/sd  
 FILENAME: L21.dwg  
 DATE: 7-15-21  
 DRAWN: egs  
 REVIEWED: egs

SHEET TITLE  
**LANDSCAPE**  
**DETAILS**

PROJECT NUMBER: 20006-00  
 DRAWING NUMBER: L2.1



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00040**

**Overton Neighborhood**

***Request:***

A variance to allow for three building wall signs instead of the one building wall sign that is allowed for retail in a shopping center pursuant to Title 1, Chapter 8, Article III, Section 7.G

***Applicant:***

Candice Watson

***Location:***

5237 Highway 280 S, Birmingham AL 35242  
Parcel #039310001018020  
SW of Section 31, Township 18 S, Range 1 W

***Applicant's Proposal:***

The applicant is proposing three identification signs for Spectrum.

***Staff Analysis:***

The subject property is currently zoned C-2 (Commercial Business District). The subject property is surrounded by parcels zoned C-2, (Commercial Business District) and south are located outside the city limits. The property is not located in the flood plain area; however, it is located in the Highway 280 Overlay District. Per the zoning Ordinance:

***Title 1 – Zoning Ordinance- Chapter 8: Overlay Districts- Article III. U.S. Highway 280 Overlay District Regulations- Section 7- G. Signs Permitted for Retail and Service Establishments Located in a Shopping Center***

*Each tenant space may have one building wall sign or one canopy sign.*

*A tenant space with more than 50,000 square feet of gross floor area may have one building wall sign or one canopy sign per facing street, if the tenant space is located at the end of the shopping center building which faces a public street intersection.*

*1. The building wall sign or canopy sign for each business shall be attached to a front or side building wall which encloses that business premises.*

2. *The maximum sign face area shall be 15 percent of the building wall area to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet. The maximum sign face area may be increased one square foot for every five feet of building setback in excess of 50 feet, up to a maximum sign face area of 210 square feet.*

***Neighborhood Recommendation:***

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

***Staff's Recommendation to ZBA:***

Staff believes the applicant has provided evidence to support the variance requests based upon the applicant meeting the six variance standards, staff believes the variance requests 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.



**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.

Front building sign is not visible from 280 or to patrons entering shopping center. Back and Side building signs would offer visibility to motorist on 280 and those entering the shopping center.

**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.

Building is tucked into hill, limiting visibility of structure. Other businesses in shopping center are not obstructed by terrain/landscaping

**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.

No Self Imposed hardships

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

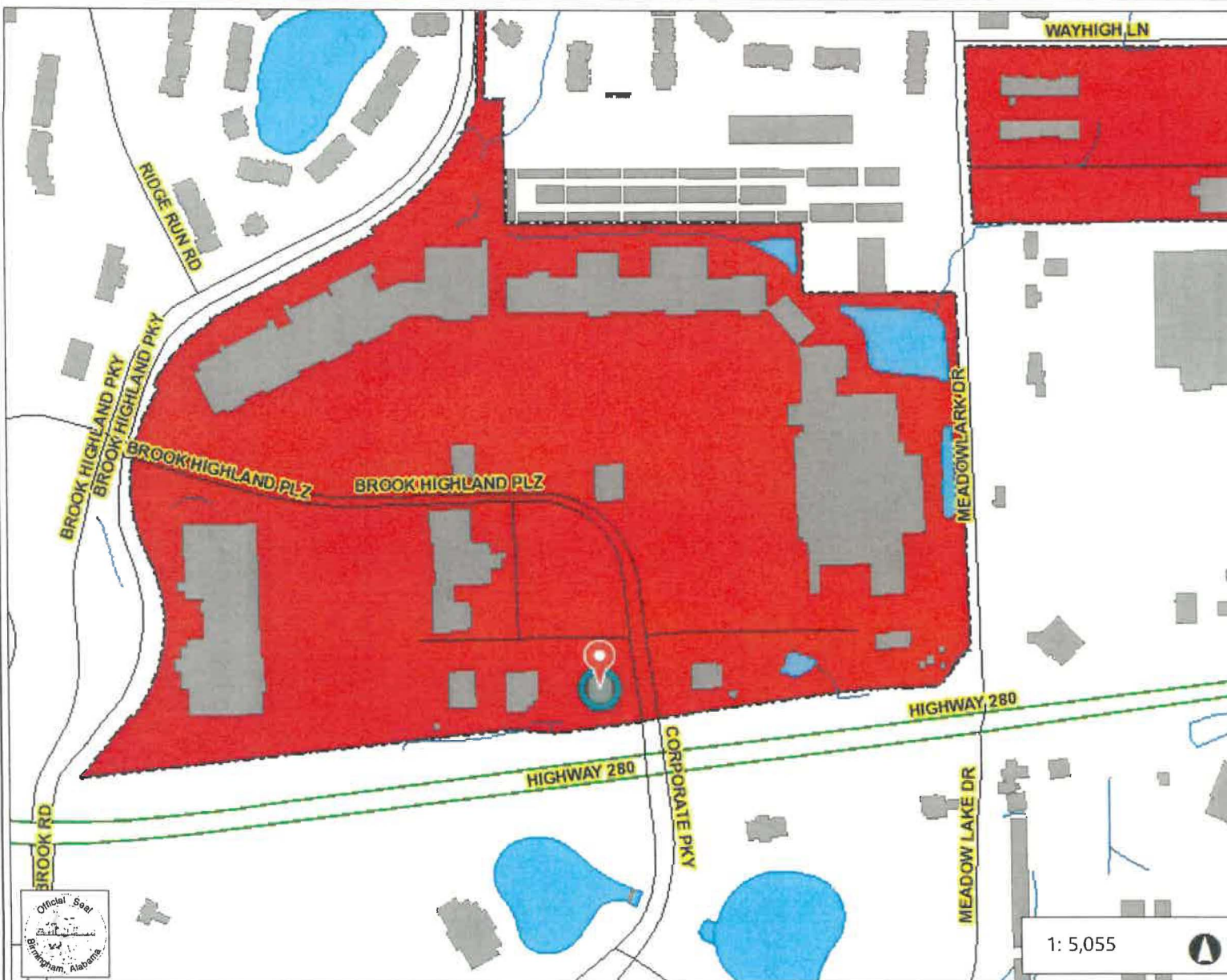
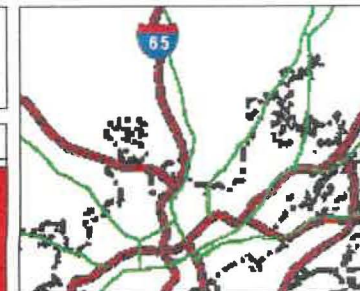
Visibility comparable to other businesses in center is basis for variance request. Most businesses in freestanding buildings or in corner spaces have 2-3 signs.

**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.

Additional building signs would cause no injury to neighboring properties or improvement, nor would they impair supply of light or air to adjacent properties

**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.

No Harm to public welfare



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



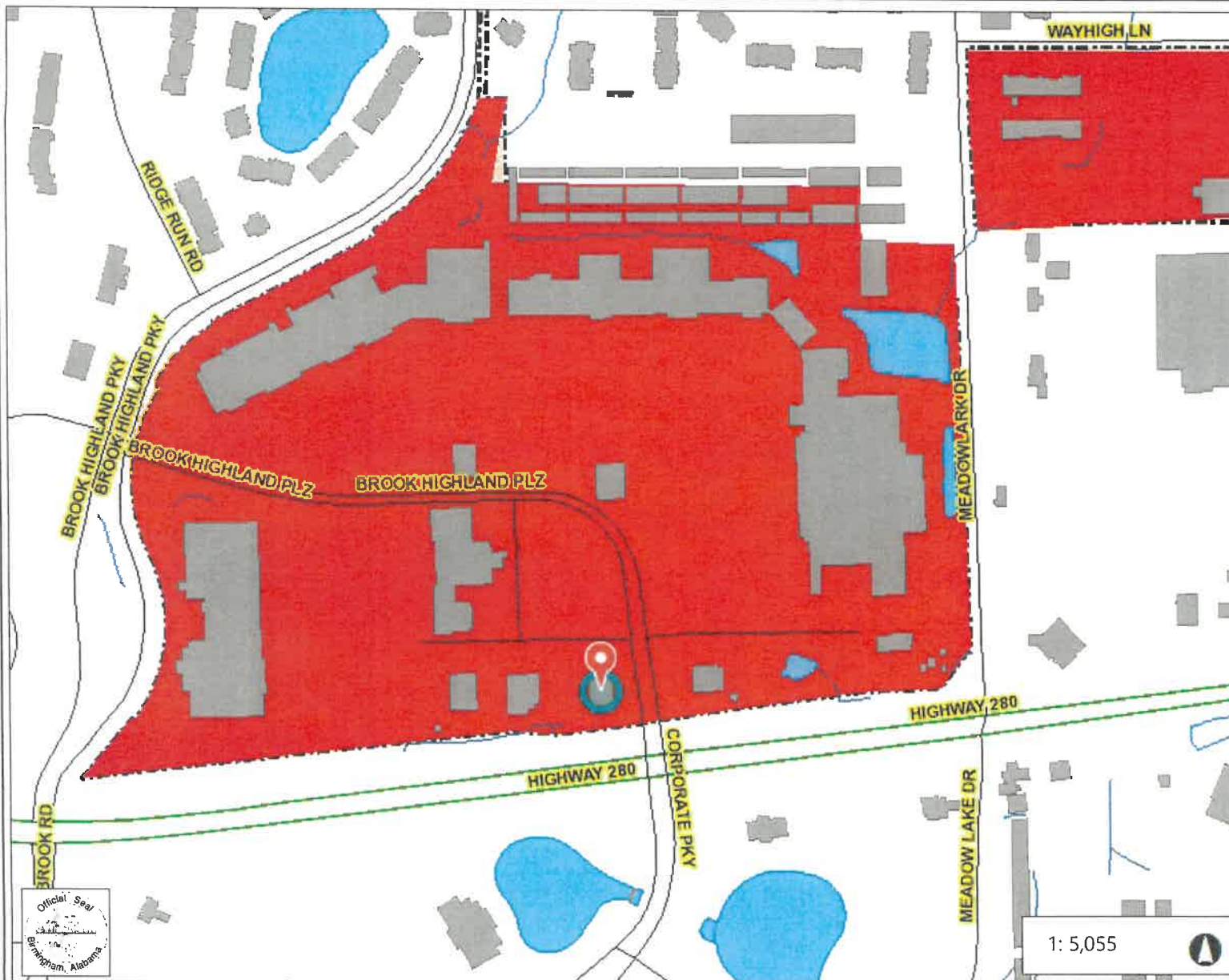
842.5 0 421.23 842.5 Feet

1: 5,055



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

Notes



842.5 0 421.23 842.5 Feet

Google Maps 5237 US-280



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





2

# SIDE ELEVATION

Scale: 1/8"=1'-0"

### EXISTING CONDITIONS



3'-6" +/-

⊕

3'-11"

22'-4"



**Stratus**<sup>TM</sup>  
stratusunlimited.com  
8959 Tyler Boulevard  
Mentor, Ohio 44060  
888.503.1569

CLIENT: **Spectrum**

ADDRESS: 5237 HIGHWAY 280 SOUTH  
BIRMINGHAM, AL 35242

PAGE NO.: 4

ORDER NUMBER: 605759

SITE NUMBER: 5782

ELECTRONIC FILE NAME: G:\ACCOUNTS\C\CHARTER COMMUNICATIONS\2021\AL 5782\_Hwy 280\_Birmingham\_Exterior.cdr

PROJECT NUMBER: N/A

PROJECT MANAGER: AMBER SWINNEY

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	160190	03/02/21 AS					
Rev 1	182859	04/15/21 OSS-RJ	Add side & rear elevations				

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, REPRODUCED, OR OTHERWISE RETAINED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

3

# REAR ELEVATION

Scale: 1/8"=1'-0"

## EXISTING CONDITIONS



CENTER TO DOOR



**Stratus**<sup>TM</sup>  
stratusunlimited.com  
8959 Tyler Boulevard  
Mentor, Ohio 44060  
888.503.1569

CLIENT:  
**Spectrum**

ADDRESS:  
5237 HIGHWAY 280 SOUTH  
BIRMINGHAM, AL 35242

PAGE NO:  
**5**

ORDER NUMBER:  
605759

SITE NUMBER:  
5782

ELECTRONIC FILE NAME:  
G:\ACCOUNTS\IC\CHARTER COMMUNICATIONS\2021\AL  
5782\_Hwy 280\_Birmingham\_Exterior.cdr

PROJECT NUMBER:  
N/A

PROJECT MANAGER:  
AMBER SWINNEY

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	160150	03/02/21 AS					
Rev 1	162859	04/15/21 OSG-RU	Added side & rear elevations				

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.





No Spot on Tenant Sign for Spectrum



Building Back Faces 280



Building Side Also Visible from 280



Zoe's - 3 Building Signs



Five Below - 3 Building Signs



Best Buy - 2 Building Signs



Results Physiotherapy - 2 Building Signs



Outback - 2 Building Signs



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00041**

**Overton Neighborhood**

***Request:***

A variance to allow installation of three identification signs instead of the one allowed. A variance to allow installation of one freestanding sign per development on a private drive. A variance to allow installation of a 44 square foot illuminated monument identification sign (which exceeds the 32 sq ft maximum) pursuant to Article III Section 7.I.3.

***Applicant:***

Charlie Beavers

***Location:***

3196 Highway 280 S, Birmingham AL 35242  
Parcel #012800271000003000  
NE of Section 27, Township 18 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing signs for a multi-tenant development.

***Staff Analysis:***

The subject property is currently zoned QC-2 (Qualified Commercial Business District). The subject property is surrounded by parcels zoned QC-2, (Qualified Commercial Business District). The property is not located in the flood plain area; however, it is located in the Highway 280 Overlay District. The Highway 280 Overlay allows Tributary (the mixed-use development comprised of an office building and two multi-family developments (one of which dedicated to seniors)) to have one freestanding identification sign per public entrance with a maximum sign face area of 100 square feet and eight feet in height. The applicant is seeking to vary from Article III Section 7.I.3 of the ordinance in the following:

- a) installation of three identification signs instead of the one allowed;
- b) refacing of an existing monument sign that would be made non-conforming due to the inclusion of a "third" sign face
- c) installation of two signs that identify the tenants of the mixed-use development which would be similar to a "shopping center" sign (which would not be allowed since this mixed-use development does not qualify as a shopping center). This could also be seen as a variance to allow for the installation of a multi-tenant identification sign.

The Highway 280 Overlay allows each of the sub-developments within Tributary (the mixed-use development comprised of an office building and two multi-family developments (one of

which dedicated to seniors)) to have one freestanding sign per public street entrance. Some of these identification signs are being addressed with the variance request for the two "tenant identification" signs at its entrance off of Highway 280. However, the street beyond its public intersection with Highway 280 is considered a private drive, so the following variances would be needed for identification signs in front of the entrances off of the private driveway that runs through the development:

- a) installation of one freestanding sign per development on a private drive.
- b) installation of a 44 square foot illuminated monument identification sign (which exceeds the 32 sq ft maximum)

***Per the zoning ordinance:***

*3. Office Parks, Manufacturing and Industrial Parks, Institutional Campuses and Mixed Use Developments Each office park, manufacturing and industrial park, institutional campus and mixed use development which contains more than two buildings, other than accessory buildings, may have one freestanding sign per public street entrance, which identifies the name of the park or campus.*

*1. Maximum height of the sign shall be eight feet above the average elevation of the ground at the base of the sign. Berms shall not be used to increase the height of a free standing sign.*

*2. The maximum sign face area of an internally illuminated sign shall be 48 square feet; 100 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.*

*3. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 60 square feet; 120 square feet for developments with buildings which contain a total of more than 500,000 square feet of gross floor area.*

*4. Signs shall be setback at least 10 feet from any property line. Signs with sign face area of 100 square feet or more, shall be setback at least 50 feet from any property line.*

*J. Signs Permitted for Multiple Dwellings Each complex or community of multiple dwellings is permitted one freestanding sign per public street entrance.*

*1. Maximum height of the sign shall be six feet above the average elevation of the ground at the base of the sign. Berms shall not be used to increase the height of a free standing sign.*

*2. All signs shall be non-illuminated or indirectly illuminated and the maximum sign face area shall not exceed 32 square feet. Signs may not be located in the public right-of-way.*

*3. Signs shall be set back at least 10 feet from any property line.*

4. All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowner's association or some other person who is legally accountable. Such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.

***Neighborhood Recommendation:***

The ***Overton 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 to allow installation of a 44 square foot illuminated monument identification sign (which exceeds the 32 sq ft maximum) based upon the applicant not meeting the six variance standards; therefore, has merit for **DENIAL**. Staff believes the applicant has provided evidence to support the variance requests to allow installation of three identification signs instead of the one allowed and installation of one freestanding sign per development on a private drive based upon the applicant meeting the six variance standards; therefore, 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.

**HUNTER WILLIAMS  
DISTRICT 2  
PUBLIC SAFETY CHAIR**



**TELEPHONE  
205-254-2348**

**THE COUNCIL  
OF  
THE CITY OF BIRMINGHAM**

August 12, 2021

**Zoning Board of Adjustments:**

Please allow me to express my support for the Tributary Rise development project as well as the much-needed signage for this project.

This development will bring in an excess of \$100mm in tax revenue to the City of Birmingham and provide more residential housing for our citizens.

Additionally, the Overton neighborhood association has given their approval for this project to continue to its next steps. Another important piece to success of this project is allowing adequate signage for this development.

I look forward to the start of this development and the economic impact it will have on our city.

Yours in service,

A handwritten signature in blue ink, appearing to read "Hunter Williams".

Hunter Williams

Birmingham City Council, District 2

Chair – Public Safety

## Charlie Beavers

---

**Subject:** Signage Variance Requests---AT&T Site

The following detail the several requests for variances to the requirements for signage at the old Bell South facility located on US Hwy 280 immediately across from the Summit:

1---to allow the main entrance sign for the entire, mixed use development to be 60 feet long, to be supported on 6 inch square steel support frame and posts, with internally illuminated 4 feet tall lettering, with a sign face on one side only of 239 square feet, with a height from the ground level ranging from 9 feet to 19 feet, and with a set back off of US Hwy 280 of 0 feet. Plans and elevations are attached. The topography is such that the signage will only appear to be at a height ranging from 6.5 feet to 10.5 feet. Please see the attached drawings and profiles of the signage. The details of the topography of the site and the relative topography of US Hwy 280 are reflected on the attached drawings.

2---to allow a user identification sign adjacent to the main entrance sign which will be 7 feet and 11 inches wide and 15 feet and 4 inches tall, with a sign face (one side only) of 122 square feet, and a height from the ground level of 22 feet, to be externally illuminated with flood lighting, and to include up to 3 separate designated uses within the development. The topography is such that the signage will only appear to be at a height of 10 feet above visible ground level. Please see the attached drawings and profiles of the signage. The details of the topography of the site and the relative topography of US Hwy 280 are reflected on the attached drawings.

3---to allow the existing AT&T signage to be refurbished with a length of 8 feet and 1.5 inches, height of 7 feet off of the existing base (total height from ground level of 8 feet), sign faces on both sides of 57 square feet each, and a thickness of 1 foot, with the part facing US Hwy 280 to include lettering on the 1 foot face, the signage to be internally illuminated, and to include the designation on the sign faces of up to three separate business, office or residential entities within the development. Please see the attached drawings and profiles of the signage.

4---to allow signage within the interior of the development, not visible from any public road or visible from off site, to be on an internal, private driveway within the development, to identify the multifamily building within the development, to be 4 feet tall and 11 feet wide, with internally illuminated lettering. Please see the attached drawings and profiles of the signage.

## Charlie Beavers

---

**Subject:** SIGNAGE VARIANCE---Hardship and Standards Compliance---AT&T Site

The following address the Hardship which is the basis for the subject variance requests, and also address the Standards for the granting of the variances requested:

**1---The Physical Characteristics and Unique Characteristics** of the site are driving the need for the requested variances. The site is the old Bell South site on US Hwy 280, immediately across 280 for the main entrance to the Summit. The site is being developed for Multi-family, Senior Living, and in the future Office use. The roads and drives within the site are all private. None of the improvements within the site—the multifamily buildings, the parking deck, office building, are visible from US 280 or otherwise from outside the site. The only way for people to know what is in the site is via signage which can be visible from US 280. The physical characteristics of the site which create this circumstance and impact the visibility of the site include:

- the elevation of the site is extremely lower than the elevation of US 280;
- the site falls off steeply and quickly immediately from the edge of the US 280 right of way;
- any signage which would be placed at the 50 feet set-back off of US 280 (or at any point beyond the edge of the right-of way) and at the height limitation of only 8 feet above the ground level, would be over 30 feet below the grade of US 280;
- US 280 also grades downward along its boundary with the site;
- the right of way of Us 280 at the site is wide and puts the site itself well beyond the improved roadway within the right of way;
- there is significant vegetation within the US 280 right of way in the area of the site and beyond the site which affect the visibility of the entrance to the site;
- US 280 is a heavily travelled main artery, at high speeds.

All of these circumstances impact the visibility of the site and create a great need for signage at US 280 which can be seen by the travelling public, to identify the uses and occupancies within the development.

The buildings and other improvements within the development will have zero visibility from US 280---signage is the only means by which the public can be aware of, and locate the access to, these uses.

**2---Hardship Not Self Imposed:** all of the hardships described above are the result of the physical characteristics of the land and the manner in which US Hwy 280 was constructed, and have not been caused or created by the applicant.

**3---No Financial Gain:** the reason for the requests of these variances are strictly to provide notice of the developments in place within the subject site, and are not for the purpose of reducing costs or realizing any financial gain.

**4---No Injury To Neighboring Properties:** the signage requests will not have a negative impact on any surrounding properties. There is a service station to the west of the subject site on US Hwy 280, the I-459 access ramp is to the east of the subject site on US Hwy 280, the Summit is immediately across US Hwy 280 from the subject site, and the properties to the south of the subject site are owned by entities related to the applicant and will have no visibility of the signage. There are no negative impacts on sight distance or otherwise to any of the area properties.

**5---No Harm To The Public Welfare:** The signage has been placed such that it will not in any manner block or interfere with the use of the adjacent highway, and the positioning of the signage has been designed only as minimally necessary to allow passing motorists to view the signage.

**PARCEL ID:** 012800271000003000

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

**DATE:** Thursday, August 5, 2021 12:23:26 PM

**OWNER:** BILLSOUTH TELECOMMUNICATIONS

**ADDRESS:** PO BOX 532

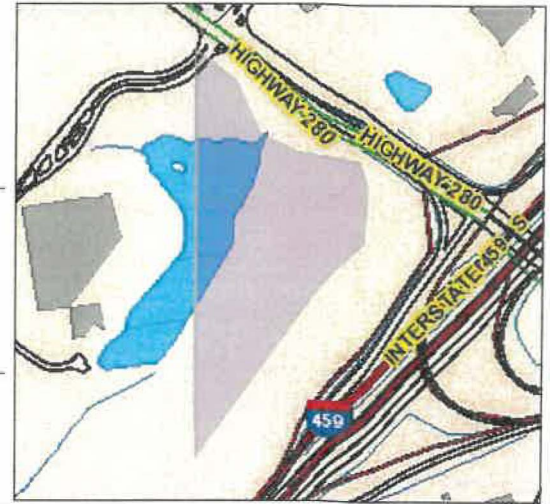
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35201--0532

**SITE ADDR:** 3196 HIGHWAY 280

**CITY/STATE:** BHAM, AL

**ZIP:** 35243



**LAND:** \$4,443,100.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 758,597.78

**ACRES:** 17.42

**SUBDIVISION INFORMATION:**

**NAME**

**BLOCK:** 0000

**LOT:** 0000

:

**Section:** 27-18-2W

**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:** Overton (2301)

**Communities:** Cahaba (23)

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

**Zoning Outline:** QC2

**Highway 280 Overlay Outline:** In Highway 280 Overlay Outline

**Demolition Quadrants:** DEM Quadrant - 4

**Impaired Watersheds:** Impaired Watershed - Lower Cahaba River; Impaired Watershed - Cahaba River-Patton Creek

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

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

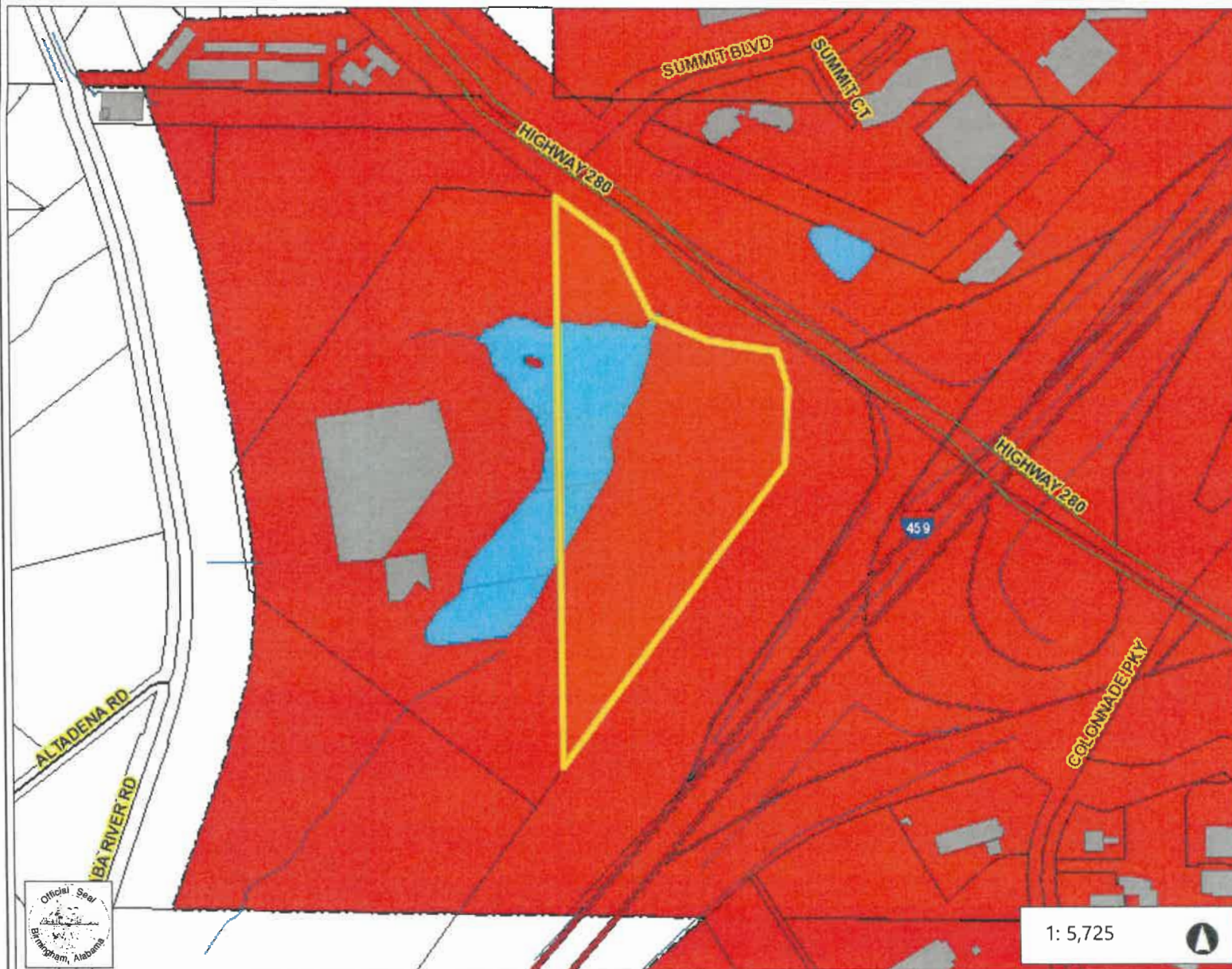
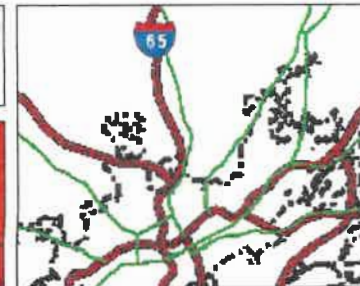
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

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



954.1 0 477.04 954.1 Feet

1: 5,725

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**

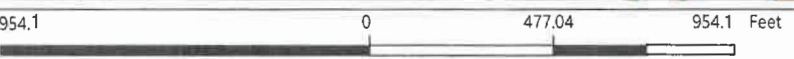
Notes





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

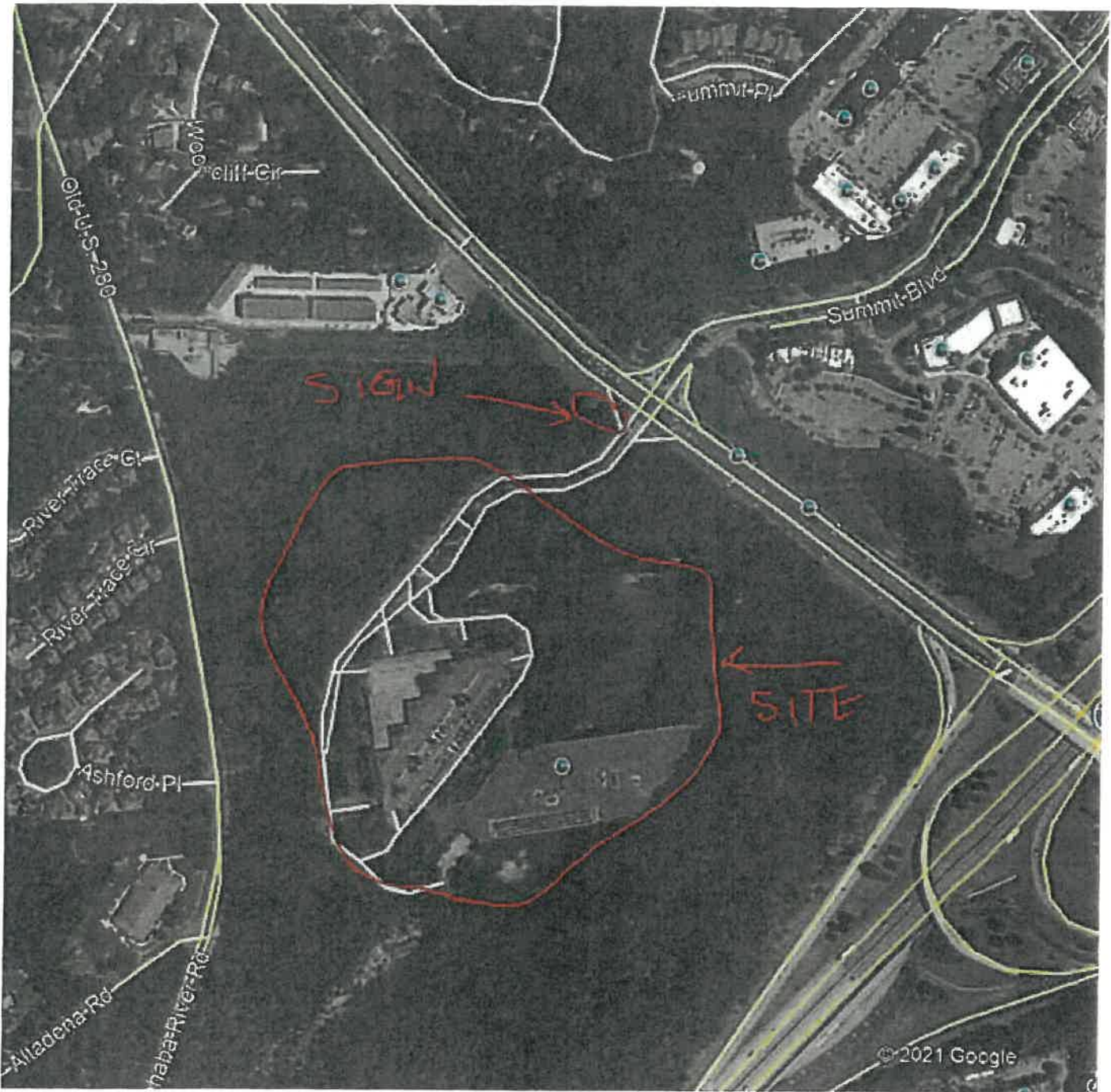


1: 5,725

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





**Alexander F. Pattillo, IV**  
**Project Engineer**  
Direct: 205.313.1138  
[apattillo@schoel.com](mailto:apattillo@schoel.com) | [www.schoel.com](http://www.schoel.com)



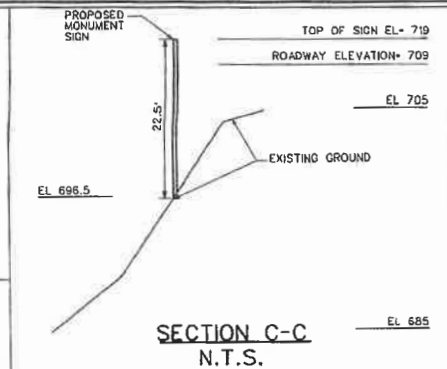
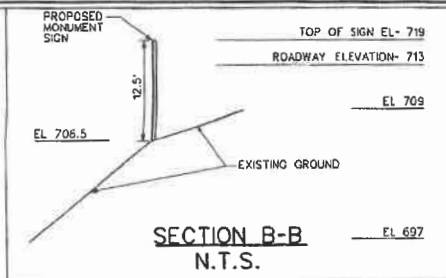
Civil Engineering | Surveying | Laser Scanning + Modeling  
Water Resources | Environmental | Landscape Architecture

CONNECT WITH US   

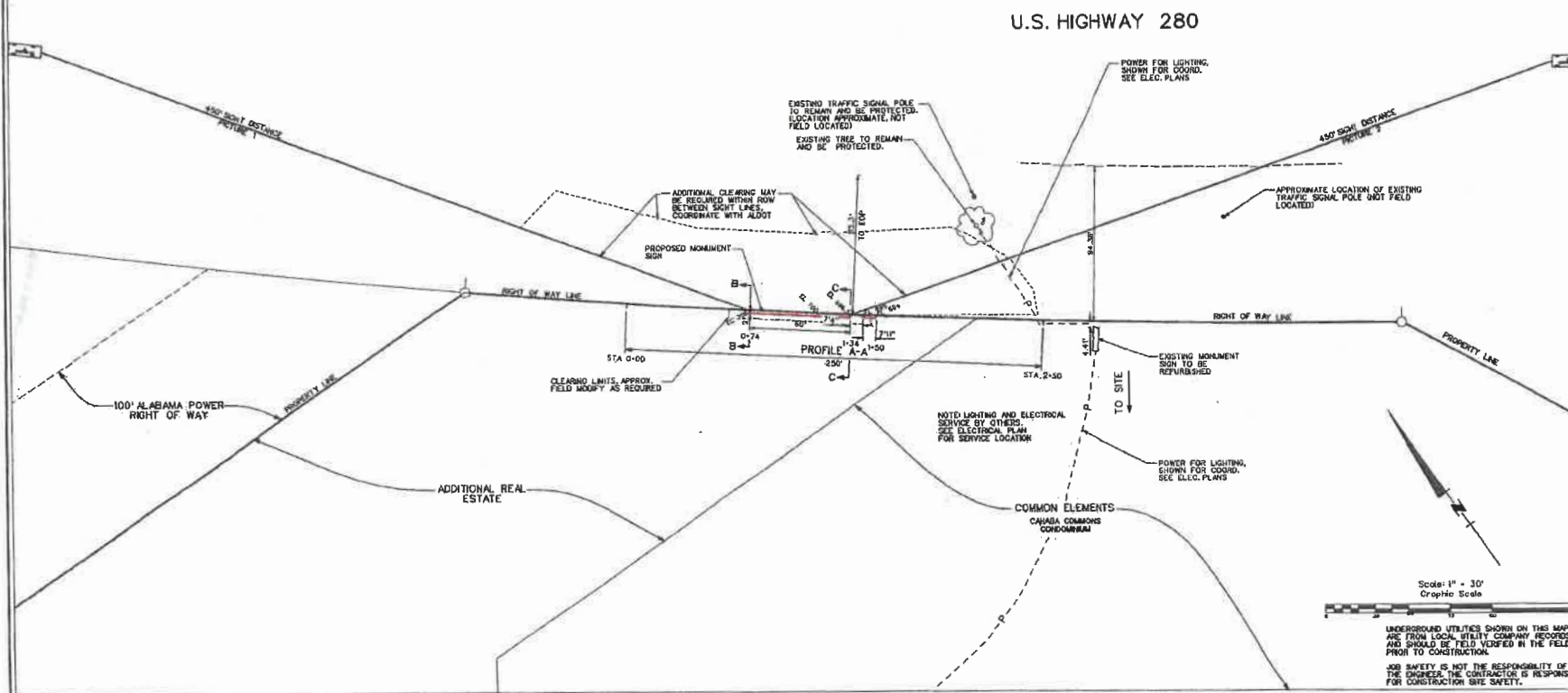


PICTURE 1

PICTURE 2



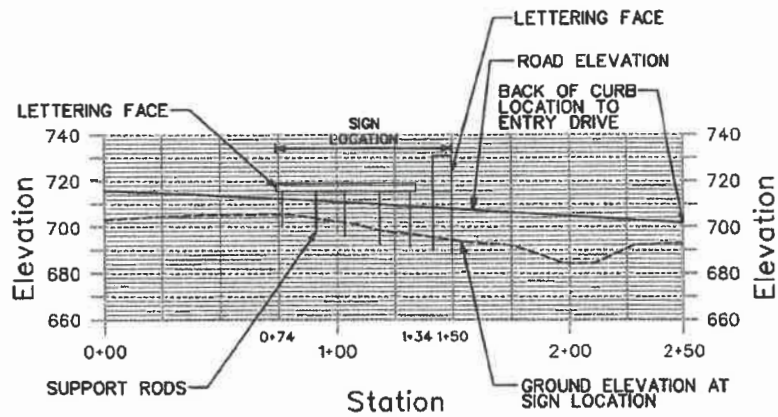
↑ TO SUMMIT



Civil Engineering, Land Surveying, Construction Administration  
 Environmental, Water Resources, Laser Mapping Services  
**SCHUBEL**  
 1901 2<sup>nd</sup> Ave. North, Suite 100  
 Birmingham, AL 35212-3136 | TEL: 205-231-7371  
 www.schubel.com

AT&T MULTIFAMILY DEVELOPMENT  
 BIRMINGHAM, ALABAMA

DRAWING SET:  
 EXHIBIT  
 REVISIONS:  
  
 MONUMENT  
 SIGN EXHIBIT  
 DRAWN BY: A.J.P.  
 CHECKED BY: A.J.P.  
 FILE NAME: 2019-04-12\_Monument Sign Exhibit  
 1 OF 1



PROFILE A-A  
Scale  
1"=50' Horizontal  
1"=50' Vertical

02/19/035/Civil/Exhibits/

Civil Engineering | Land Surveying | Landscape Architecture  
Environmental | Water Resources | LEED: GRANTING & MONITORING



1001 22nd Street South | 1000 Memorial Pkwy. SW, 208  
Birmingham, AL 35202 | 205.252.5155 | 205.252.1251  
SCHOBEL.COM

MONUMENT SIGN PROFILE  
AT&T MULTIFAMILY DEVELOPMENT  
BIRMINGHAM, ALABAMA

DATE: 7/27/2021  
SCALE: 1"=50'

Created By: User: 02/19/035



NOT FOR PRODUCTION



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.217.7755  
www.CSFsigns.com

**FLOURNOY CONSTRUCTION GROUP**  
TRIBUTARY  
BIRMINGHAM, AL

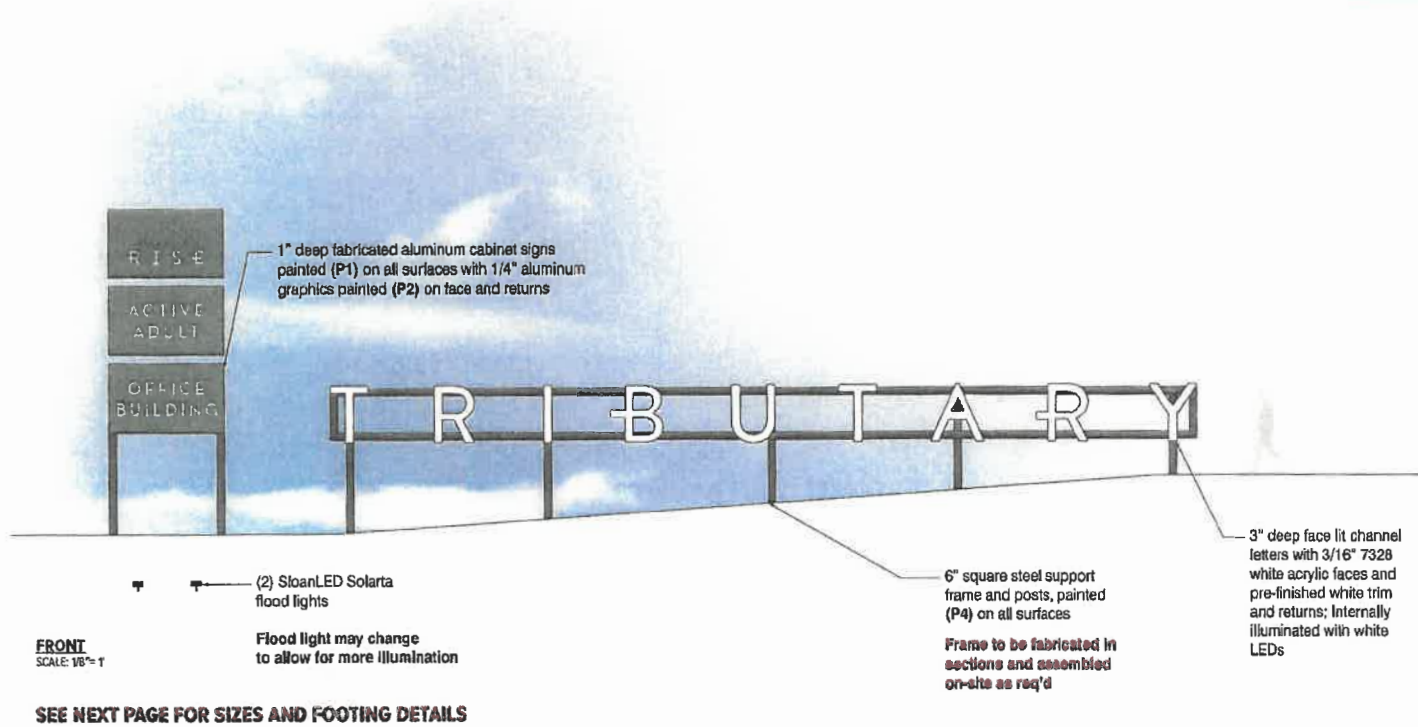
**1.SIG:**  
**SIGNATURE SIGN**

**REVISIONS**  
06.25.21 - KN

© 2021 Custom Sign Factory. This drawing and the designs, plans, layouts, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or reproduced without the written consent of Custom Sign Factory. Dimensions and colors may vary slightly due to the practical limitations inherent with fabrication. Colors shown on the drawing are approximate.

BD: LR / PM: LR / DESIGN: KN  
DATE 05/26/21

**WO. 2103078**



**FRONT**  
SCALE: 1/8"=1'

**SEE NEXT PAGE FOR SIZES AND FOOTING DETAILS**



- ELECTRICAL REQUIREMENTS**
1. (1) 120V 20A CIRCUIT REQUIRED.
  2. ALL LABELS REQUIRED AWAY FROM PUBLIC VIEW.
  3. ALL ELECTRICAL PRIMARY CIRCUITS MUST BE DEDICATED ISOLATED CIRCUITS PROVIDED BY CLIENT/OWNER.
  4. GC TO PROVIDE ACCESSIBILITY TO REMOTE TRANSFORMER LOCATION FOR INSTALLATION AND SERVICE.
  5. ALL ELECTRICAL BRIMS AND INTERNAL CONNECTIONS TO BE DONE BY CERTIFIED ELECTRICIAN. CSF WILL MAKE FINAL CONNECTION TO SIGN; POWER MUST BE SHUT OFF FOR FINAL CONNECTION.

NOTE: PHOTOCELL & DISCONNECT SWITCH INCLUDED WITH SIGN

**PROJECT MATERIALS & COLORS**

- P1 T&B
- P2 MAP WHITE
- F-1 T&B

**QTY: 1 S/F**

**PROPOSED SIGN AREA (TENANT PANEL AREA ONLY): 121.39 SQ. FT.**  
**PROPOSED SIGN AREA (TRIBUTARY LETTERS): 238.81 SQ. FT.**

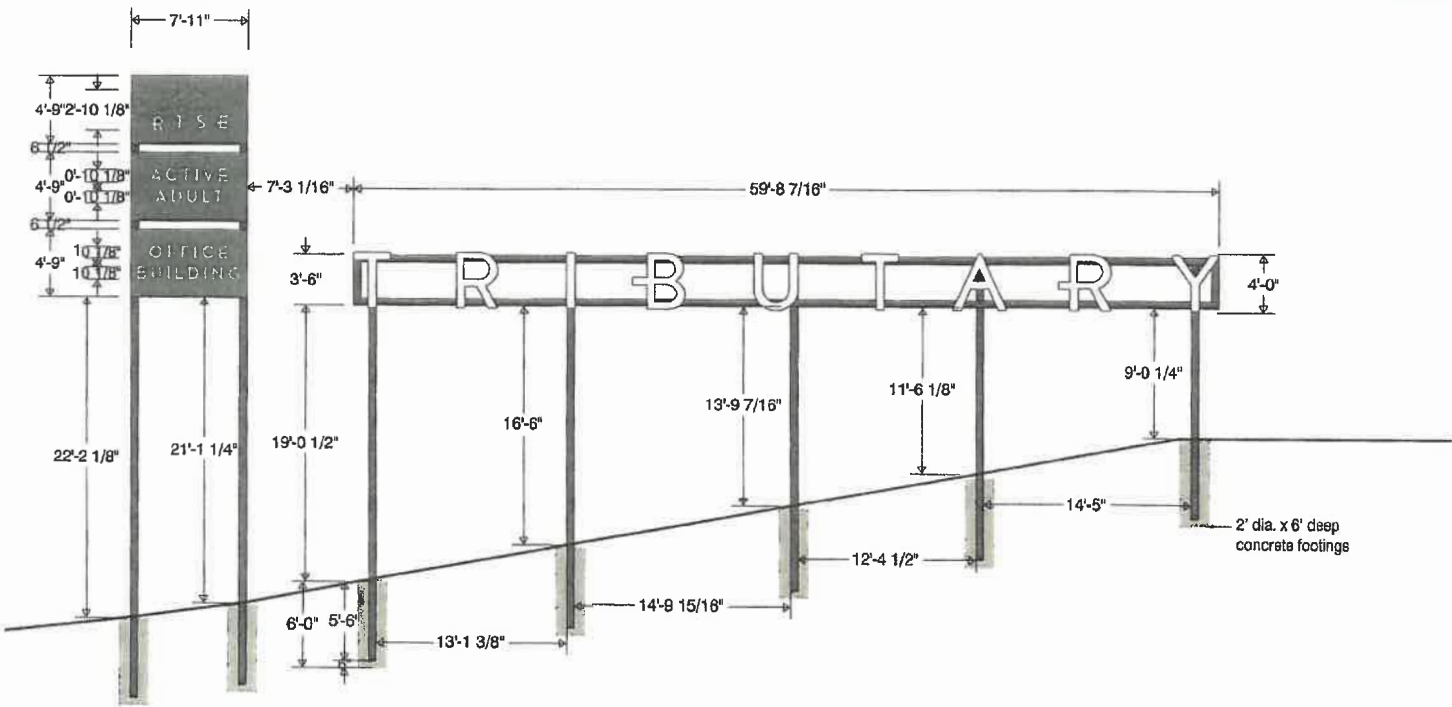
NOT FOR PRODUCTION



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.717.7756  
www.CSFsigns.com

**FLOURNOY  
CONSTRUCTION  
GROUP  
TRIBUTARY**  
BIRMINGHAM, AL

**1.SIG:  
SIGNATURE SIGN**



**FRONT - STRUCTURE MEASUREMENTS**  
SCALE: 1/8"=1'

**REVISIONS**  
06.25.21 - KN  
07.23.21 - KN

© 2021 Custom Sign Factory  
This drawing and the designs, plans, layouts, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or reproduced without the written consent of Custom Sign Factory. Dimensions and colors may vary slightly due to the practical limitations inherent with fabrication. Colors shown on this drawing are approximations.

BD: LR / PM: LR / DESIGN: KN  
DATE: 05/26/21

**WO. 2103078**

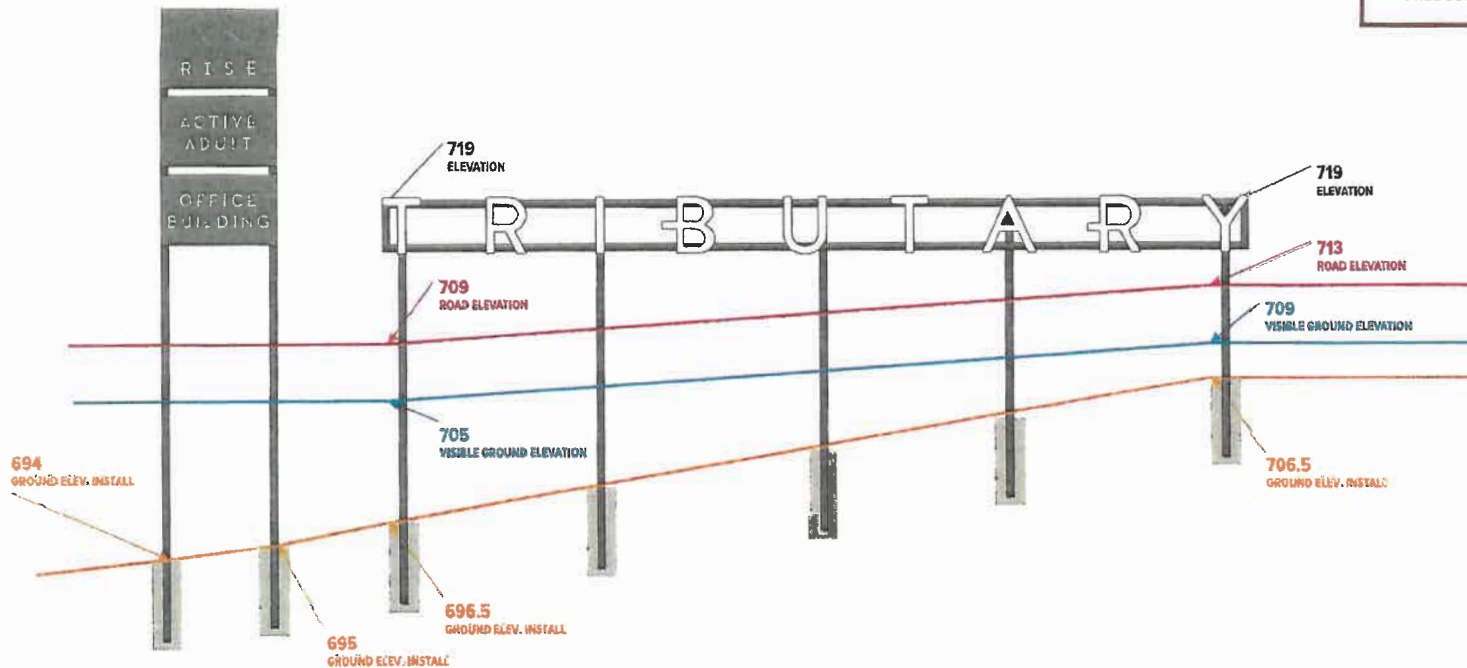
NOT FOR PRODUCTION



1810-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.717.7154  
www.CSFsigns.com

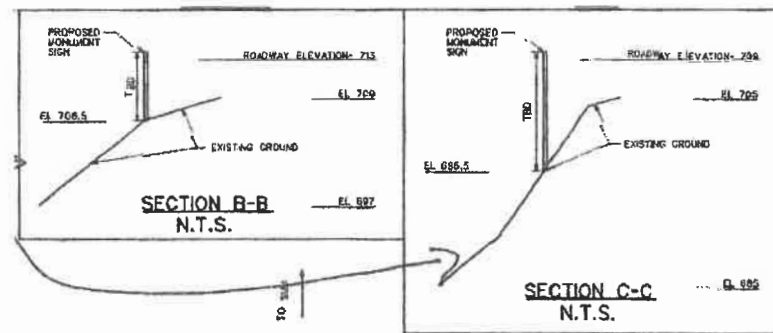
**FLOURNOY  
CONSTRUCTION  
GROUP**  
TRIBUTARY  
BIRMINGHAM, AL

1.SIG:  
SIGNATURE SIGN



**FRONT - ELEVATION MEASUREMENTS**  
SCALE: 1/8" = 1'

- GROUND ELEVATION INSTALL
- VISIBLE GROUND ELEVATION
- ROAD ELEVATION



**REVISIONS**  
06.25.21 - KN  
07.23.21 - KN

© 2021 Custom Sign Factory  
This drawing and the design, plans, legends, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or recreated without the written consent of Custom Sign Factory. Distortions and colors may vary slightly due to the physical limitations inherent with fabrication. Colors shown on this drawing are approximate only.

BD: LR / PM: LR / DESIGN: KN  
DATE: 05/26/21

**WO. 2103078**

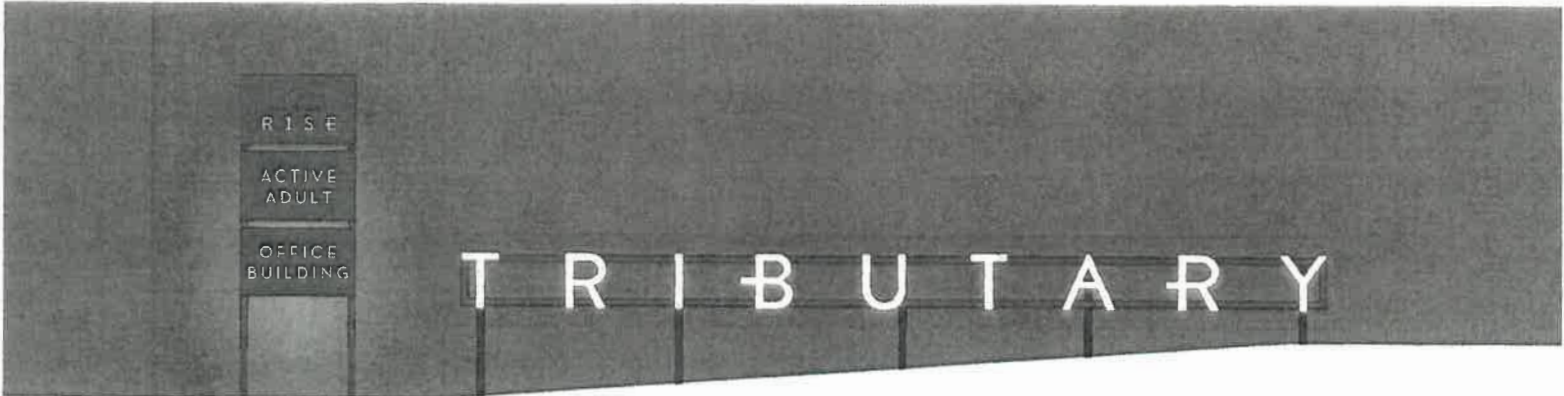
NOT FOR PRODUCTION



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.718.7765  
www.CSFsigns.com

**FLOURNOY  
CONSTRUCTION  
GROUP  
TRIBUTARY  
BIRMINGHAM, AL**

**1.SIG:  
SIGNATURE SIGN**



**FRONT @ NIGHT VIEW**  
SCALE: 1/8" = 1'

**REVISIONS**  
06.25.21 - KN

© 2021 Custom Sign Factory  
This drawing and the design, plans, specs, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or recreated without the written consent of Custom Sign Factory. Dimensions and colors may vary slightly due to the production limitations inherent with fabrication. Copies shown on this drawing are representative.

ED: LR / PM: LR / DESIGN: KN  
DATE: 06/26/21

**WO. 2103078**



NOT FOR PRODUCTION

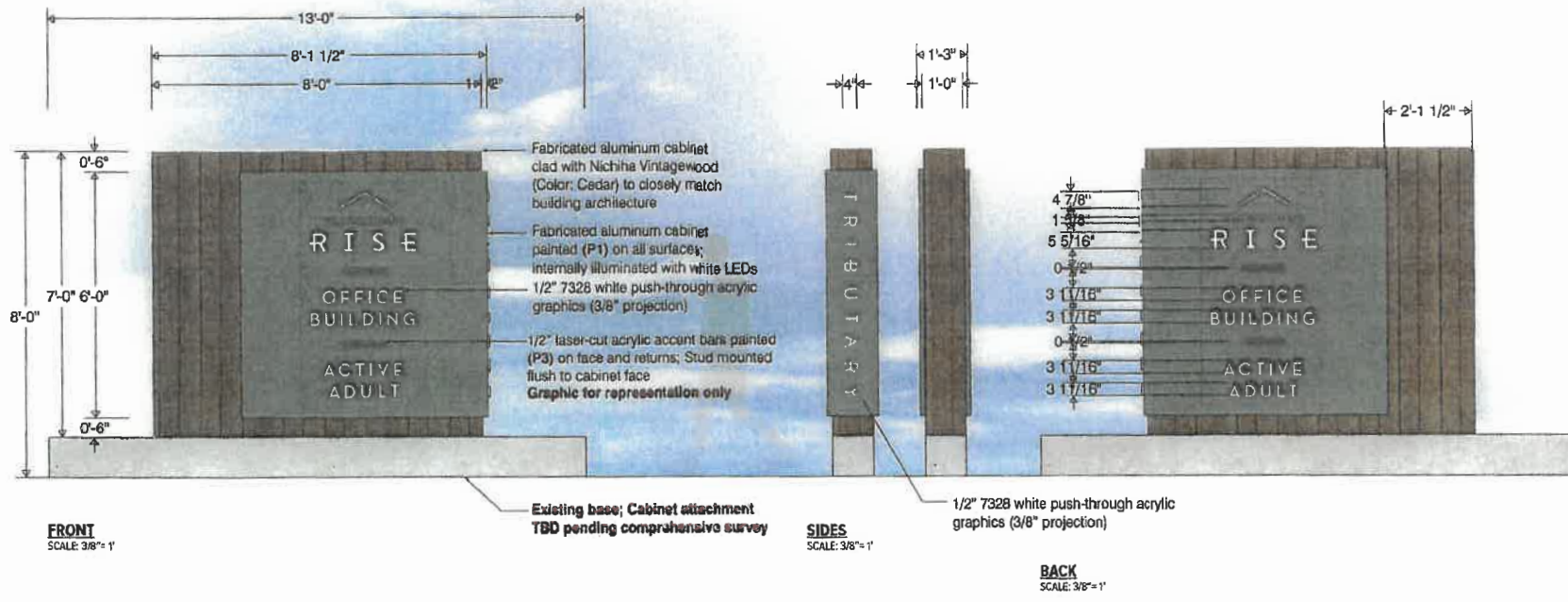
COMPREHENSIVE SURVEY REQUIRED



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.717.7788  
www.CSFactory.com

**FLOURNOY CONSTRUCTION GROUP**  
TRIBUTARY  
BIRMINGHAM, AL

**1. MON. (OPTION B)**  
**MONUMENT**  
**(ILLUMINATED)**



**PROPOSED SIGN AREA: 56.88 SQ. FT.**

**SIGN CODE: MONUMENT**  
**SIGN AREA (ALLOWED): 120 SQ. FT.**  
**HEIGHT LIMIT: 8'**  
**ILLUMINATION: NOT SPECIFIED**

QTY: 1 D/F

PROJECT MATERIALS & COLORS

P1 TBD P3 TBD

**REVISIONS**  
06.28.21 - B5

© 2021 Custom Sign Factory  
This drawing and the design, plans, layout, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or recreated without the written consent of Custom Sign Factory. Dimensions and colors may vary slightly due to the production manufacturer's inherent manufacturing tolerances. Client's review on this drawing are appreciated.

BD: LR / PM: LR / DESIGN: KN  
DATE: 05/25/21

WO. 2103078.01



---

EXTERIOR

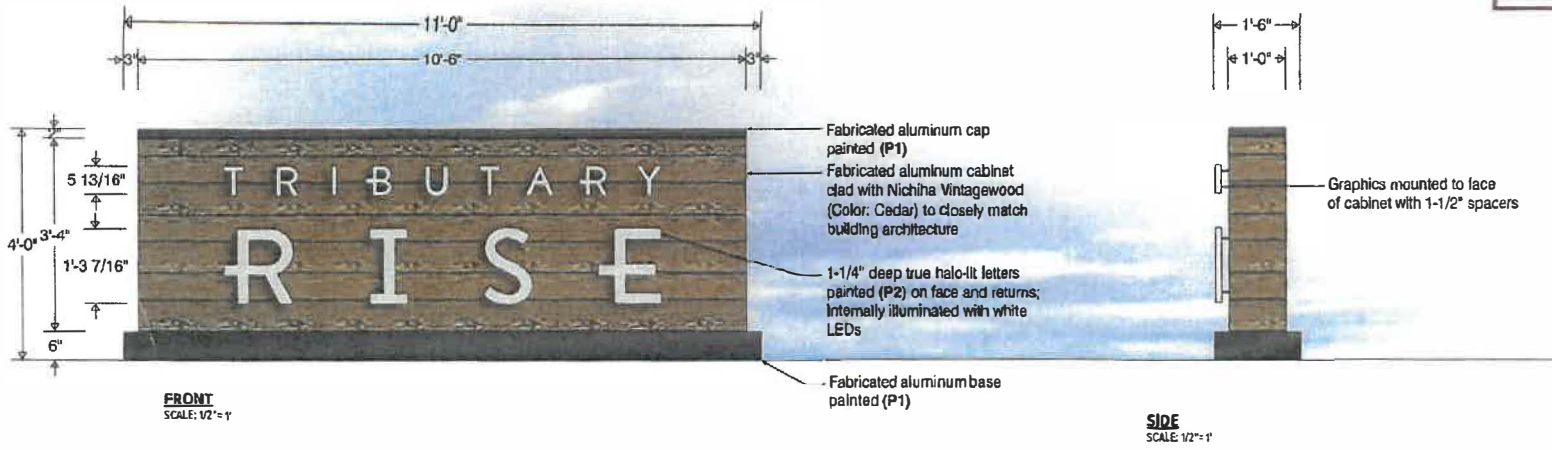
NOT FOR PRODUCTION



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.312.7755  
www.CSFsigns.com

**FLOURNOY  
CONSTRUCTION  
AT&T BIRMINGHAM  
TRIBUTARY RISE**  
3196 US-280  
BIRMINGHAM, AL 35248

**MONUMENT**



**REVISIONS**  
05.24.21 - KN  
06.29.21 - KN  
7.12.21 - CP  
07.21.21 - KN

**PROPOSED SIGN AREA: 44 SQ. FT.**

**SIGN CODE: MONUMENT**  
**SIGN AREA SQ. FOOTAGE (ALLOWED): 32 SQ. FT.**  
**HEIGHT LIMIT: 6'**  
**ILLUMINATION: EXTERNAL**

**QTY: 1 S/F**

**PROJECT MATERIALS & COLORS**  
 P1 MP20150 OUBRONODIC 313 METALLIC    P2 SW7628 WINDFRESH WHITE

© 2021 Custom Sign Factory  
 This drawing and the design, plans, legends, and accompanying information contained herein are the sole property of Custom Sign Factory and may not be copied or recreated without the written consent of Custom Sign Factory. Dimensions and colors may vary slightly due to the production fabrication process. Colors shown on this drawing are approximate.

RD: LR / PM: AM / DESIGN: KN  
 DATE: 04/14/21

**WO. 2010003**

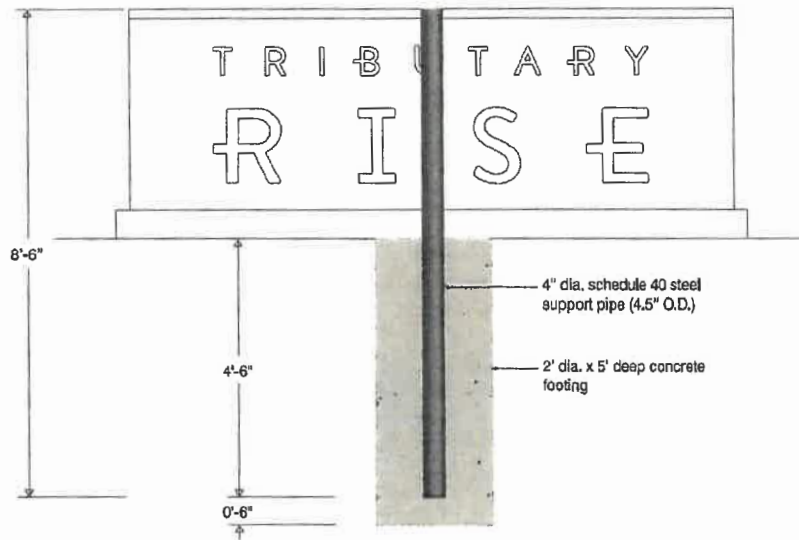
NOT FOR PRODUCTION



1610-A SATELLITE BLVD.  
DULUTH, GA 30097  
770.217.7755  
www.CSFsigns.com

**FLOURNOY  
CONSTRUCTION  
AT&T BIRMINGHAM  
TRIBUTARY RISE**  
3196 US-280  
BIRMINGHAM, AL 35248

**MON:  
MONUMENT**



**FOOTING DETAIL**  
SCALE: 1/2"=1'

**REVISIONS**  
05.24.21 - KN  
06.29.21 - KN  
07.21.21 - KN

© 2021 Custom Sign Factory  
This drawing and the designs, plans, legends,  
and accompanying information contained  
herein are the sole property of Custom Sign  
Factory and may not be copied or recreated  
without the written consent of Custom Sign  
Factory. Dimensions and colors may vary  
slightly due to the production process and  
materials. Colors shown on this drawing are  
approximate.

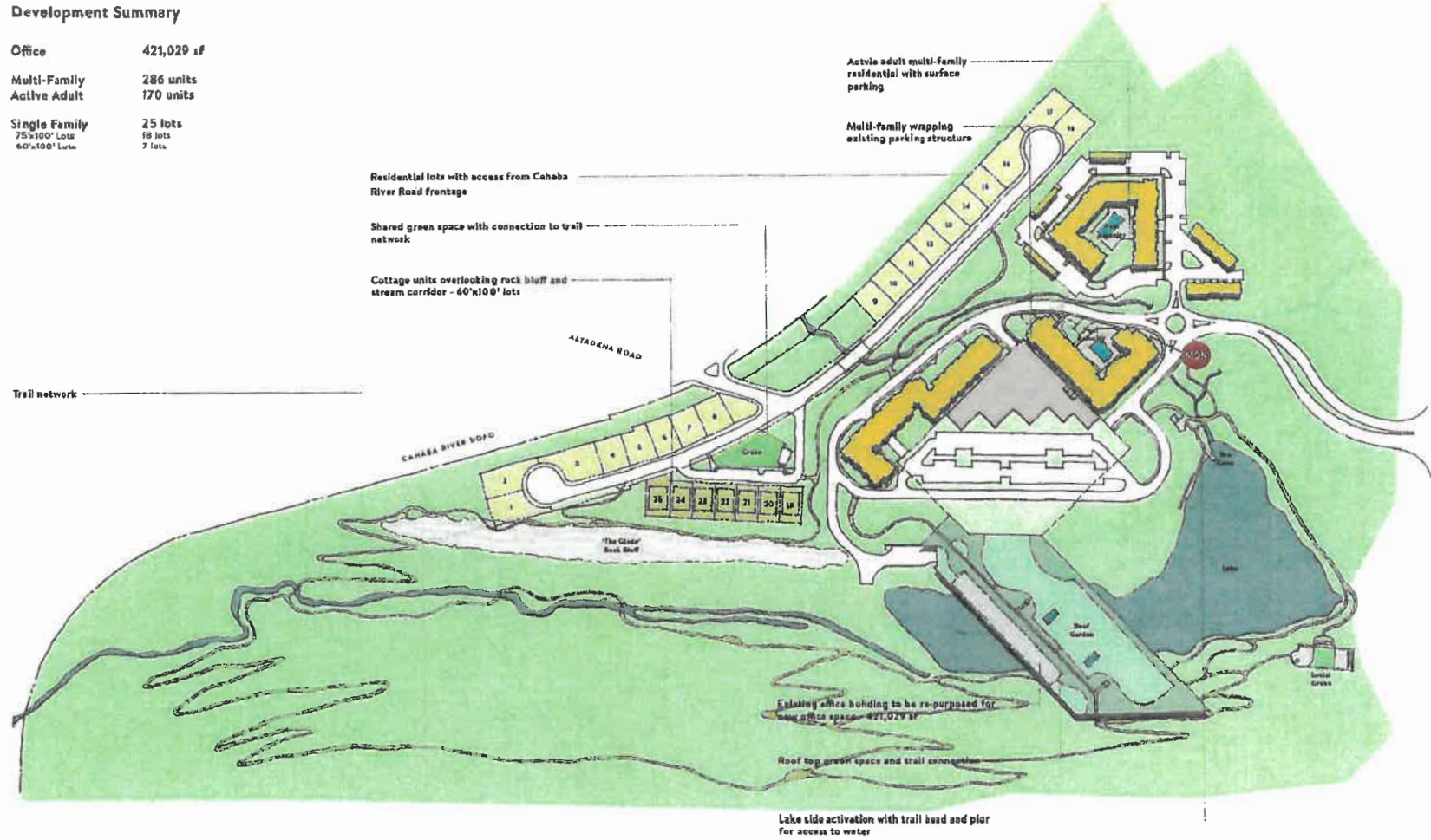
BD: LR / PM: AM / DESIGN: KN  
DATE: 04/14/21

**WO. 2010003**



Development Summary

Office	421,029 sf
Multi-Family	286 units
Active Adult	170 units
Single Family	25 lots
75'x100' Lots	18 lots
60'x100' Lots	7 lots



NELSON



10 JULY 2020

AT&T REDEVELOPMENT  
BIRMINGHAM ALABAMA



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00042**

**Hooper City Neighborhood**

***Request:***

Variance to allow 6ft chain-link fence with 3 strands of barbed wire in the front yard area along Republic Street. A variance to allow 3 strands of barbed wire in the side and rear of the property.

***Applicant:***

Chet Marshall

***Location:***

200 Republic Street, Birmingham AL 35214  
Parcel #012200152001002003  
NW of Section 15, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a barbed wire chain-link fence around a multi- use facility that will consist truck maintenance and office space with outside storage. The building will also be used for hiring of future associates.

***Staff Analysis:***

The subject property is currently zoned I-3 (Planned Manufacturing District). The subject property is surrounded by parcels zoned I-3 (Planned Manufacturing District). The property is not located in the flood plain area nor any design review district.

***Per the zoning ordinance:***

*Subsection 7. Construction, Materials, and Maintenance.*

- A. Finished side of fence must face adjacent property and thoroughfare.*
- B. Fences placed on top of retaining wall, terrace or patio in front yards shall not be opaque.*
- C. Fences placed in front yards shall not be opaque, except for certain uses such as junk yards and other similar uses.*
- D. All fences shall be made of the following material and be allowed in the yards:*
  - 1. Natural wood permitted at front, side and rear.*
  - 2. Brick or stucco over masonry permitted at side and rear only.*
  - 3. Chain link permitted in side and rear only.*
  - 4. Barbed and razor wire permitted in rear only, in commercial, manufacturing*



*and industrial districts.*

*5. Electrified fences are prohibited in all yards.*

*E. All fences shall be well-maintained, in upright condition and free of missing and broken parts. Salvaged materials, such as, pallets shall not be allowed.*

***Neighborhood Recommendation:***

The ***Hooper City Neighborhood Association*** did not meet to vote on this request because per case ZAC2021-00011 the neighborhood voted on June 10, 2021 in favor of the whole development including the barbed wire chain link fence. The vote was 11-0 in favor of the request.

***Staff's Recommendation to ZBA:***

Staff believes the applicant has provided evidence to support the variance requests based upon the applicant meeting the six variance standards, staff believes the variance requests 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.

Zoning Board of Adjustment

July 27, 2021

Variance Standard Request

Variance request to allow 6' black vinyl chain-link fence with 3 strands of barbed wire in front of the tractor trailer parking lots along Republic Street and 6' galvanized chain-link fence with 3 strands of barbed wire along the sides of the tractor trailer parking lots.

- 1. 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.

Due to the large size of the site, it is not possible for security guards to effectively monitor all areas of the property. The granting of this variance will provide the necessary security for the high value of inventory on the site.
- 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.

Chain-link fence with barbed wire is already installed on several of the surrounding properties on Republic street. The granting of this variance is necessary to provide the safety and protection needed to preserve/enjoy the site as well as following the lead of the other neighbors in the Industrial Park
- 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 variance is not being sought to relieve self-imposed hardships. The granting of this variance will maintain the general safety and welfare of the public and prevent crime enabling the city to focus resources on other needs away from property break-ins and vandalism.
- 4. Financial Gain Not Only Basis.** Financial gain is not the sole basis for granting the variance.

Financial gain is not the sole basis for granting the variance, but is significant for the safety, protection, and preservation of the property.
- 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 granting of this variance will have no impact the surrounding properties. Several other properties on Republic Street already have chain-link fence with barbed wire.
- 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.

The granting of this variance will create no additional risks to the public. The granting of this variance will provide additional safety to the area by deterring motorists from proposed on site features.

**PARCEL ID:** 012200152001002003

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

**DATE:** Thursday, August 5, 2021 12:50:44 PM

**OWNER:** BIRMINGHAM CITY OF

**ADDRESS:** 710 20TH ST N

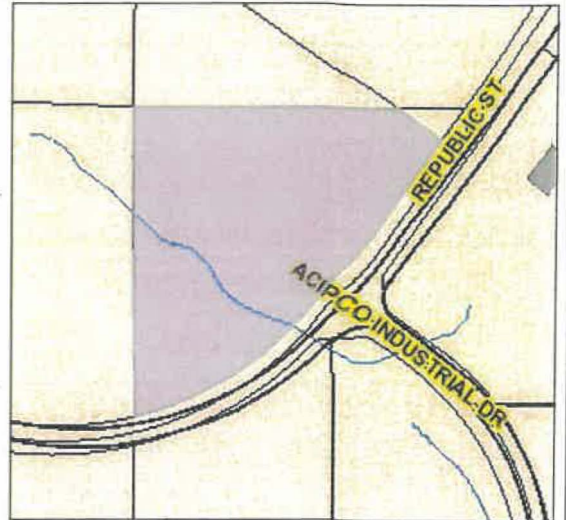
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203--2216

**SITE ADDR:**

**CITY/STATE:** , AL

**ZIP:**



**LAND:** \$81,700.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 234,389.39

**ACRES:** 5.38

**SUBDIVISION INFORMATION:**

**NAME** DANIEL PAYNE IND PK 22-15

**BLOCK:**

**LOT:** 1

**Section:** 16-17-3W; 10-17-3W; 15-17-3W; 9-17-3W

**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:** Hooper City (1105)

**Communities:** North Birmingham (11)

**Council Districts:** District - 9 (Councilor: John Hilliard)

**Zoning Outline:** I3

**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

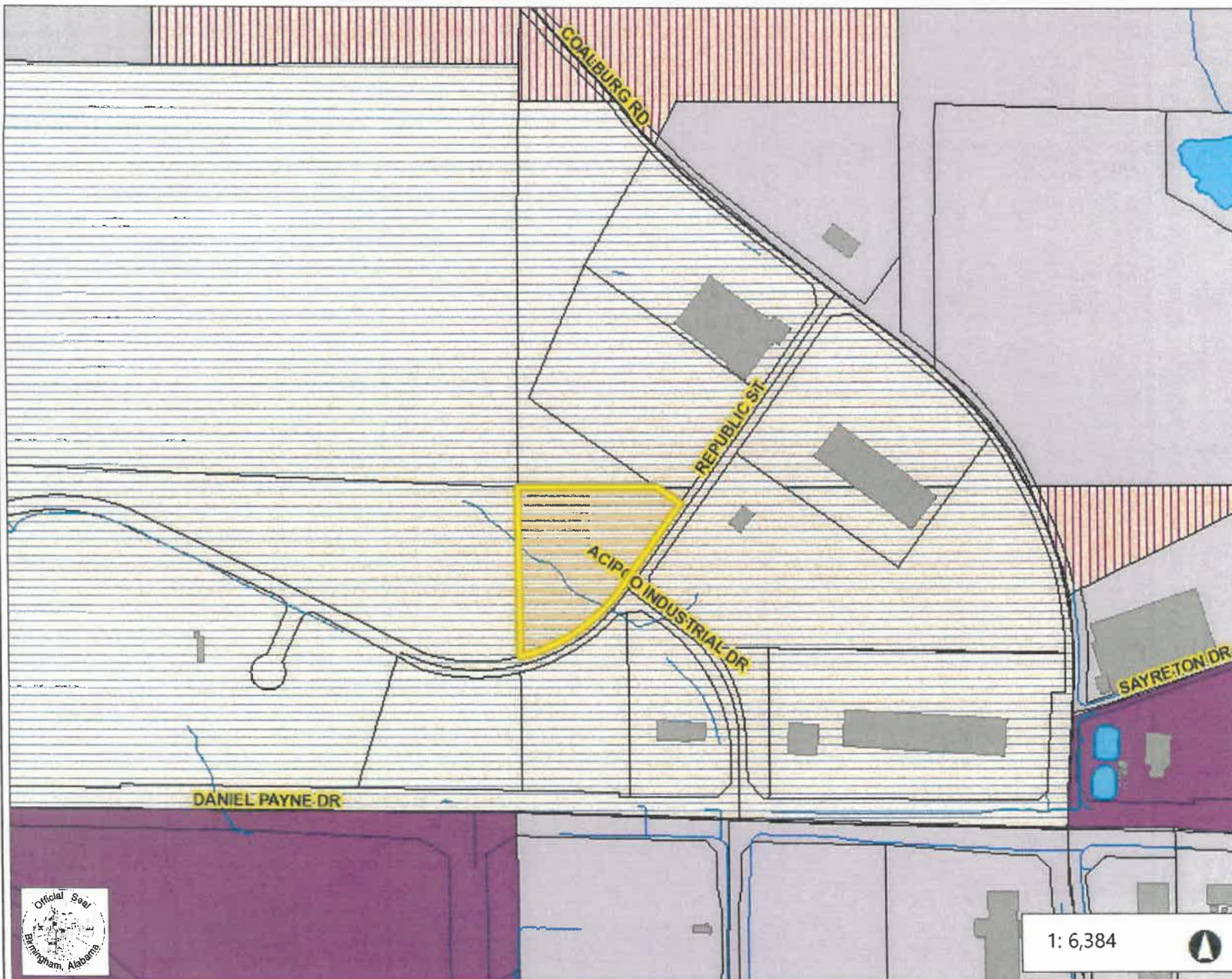
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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

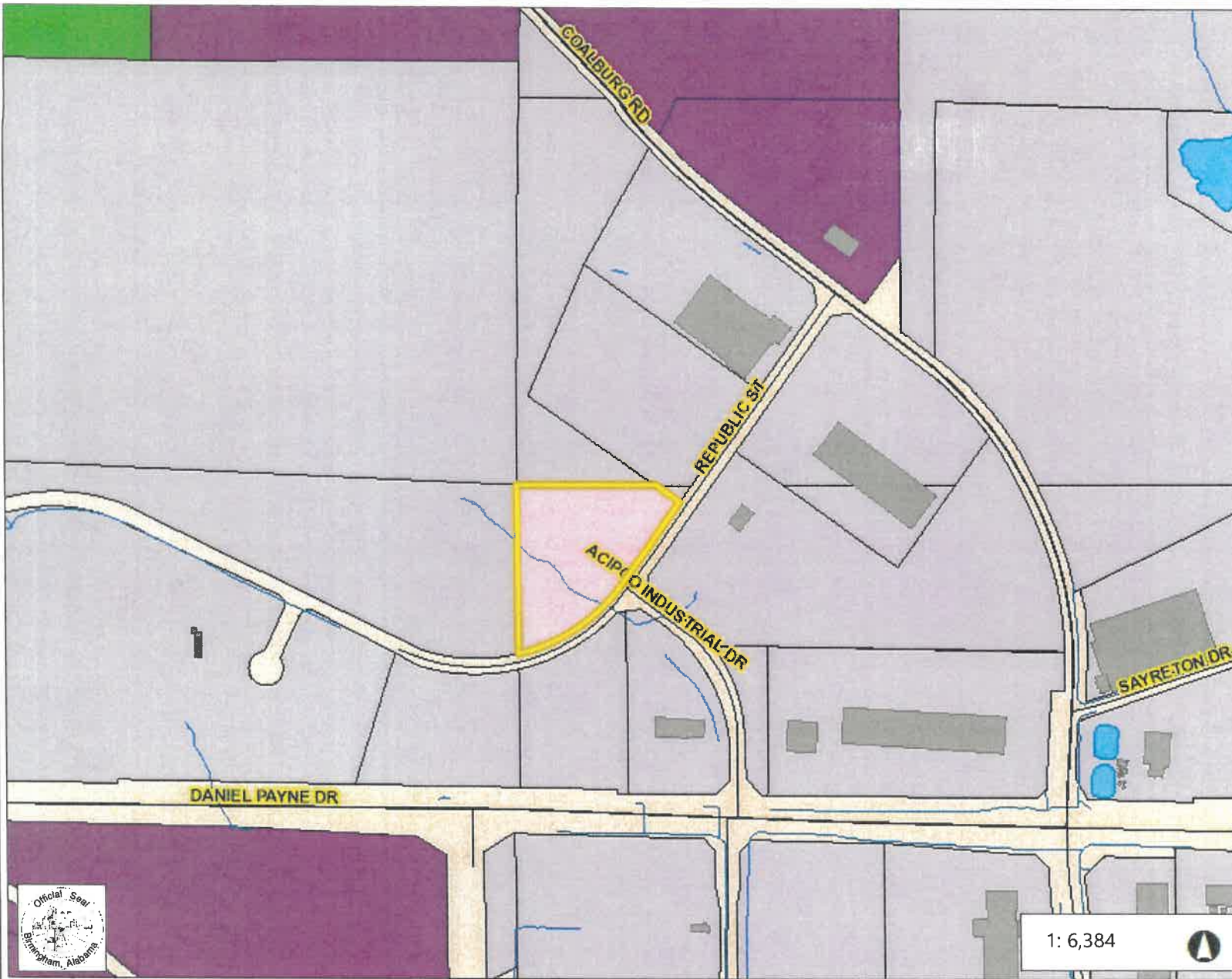
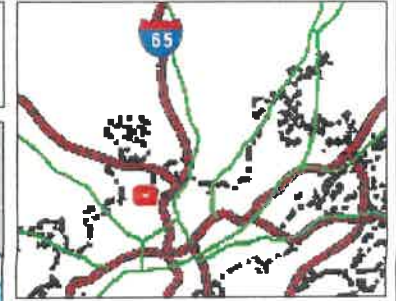


1: 6,384

1,063.9 0 531.97 1,063.9 Feet

Notes

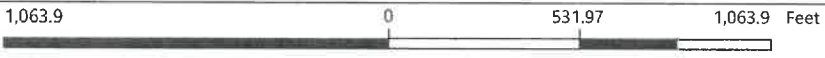




**Legend**

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

1: 6,384

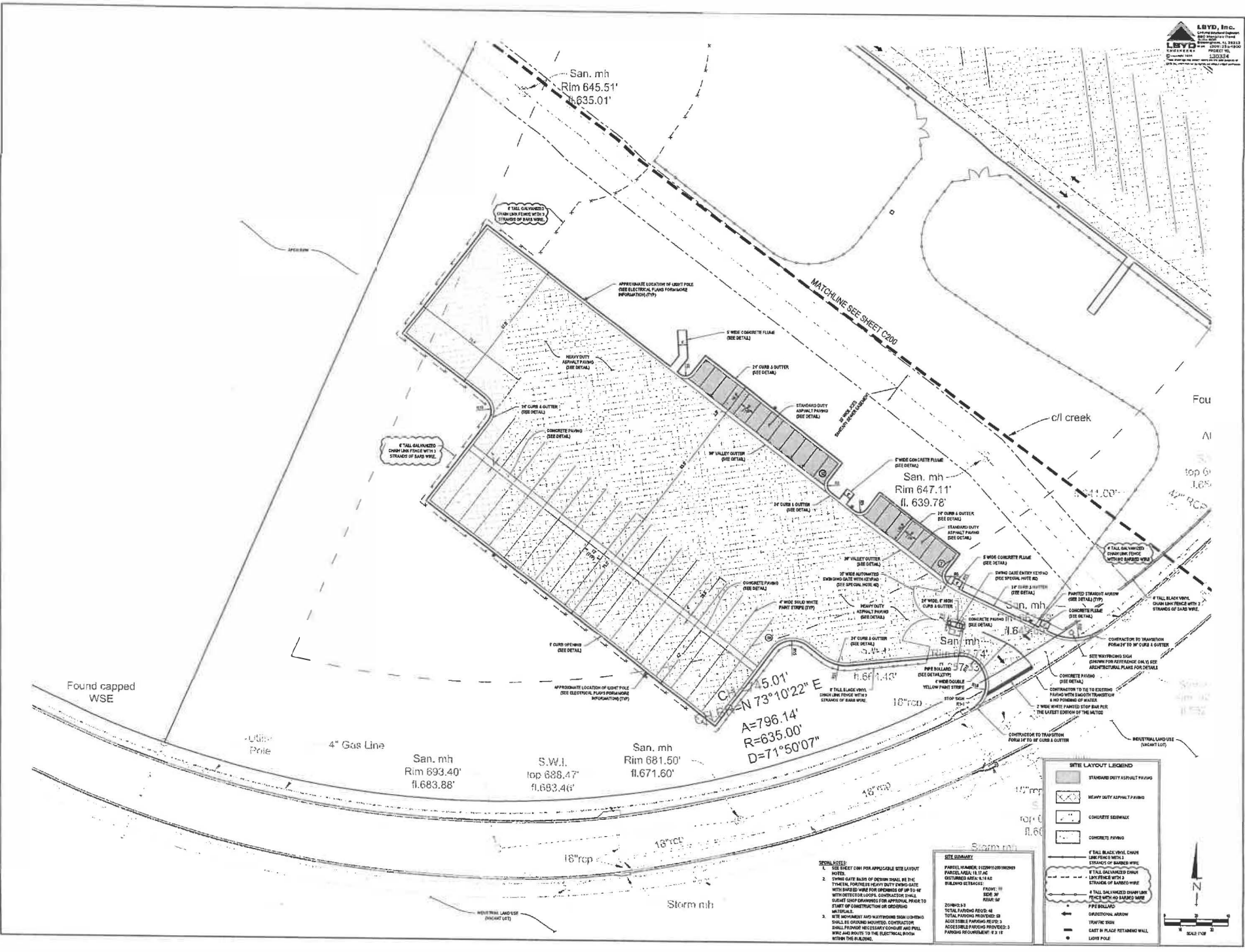


The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**







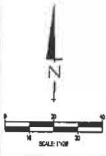
**SITE LAYOUT LEGEND**

	STANDARD DUTY ASPHALT PAVING
	HEAVY DUTY ASPHALT PAVING
	CONCRETE SIDEWALK
	CONCRETE PAVING
	6" TALL BLACK VINYL CHAIN LINK FENCE WITH 3 STRANDES OF BARS WIRE
	4" TALL GALVANIZED CHAIN LINK FENCE WITH 3 STRANDES OF BARS WIRE
	6" TALL GALVANIZED CHAIN LINK FENCE WITH 3 STRANDES OF BARS WIRE
	PIPE SELLOAK
	OPTIONAL ARROW
	TRAFFIC SIGN
	CAST IN PLACE RETAINING WALL
	LIGHT POLE

**SITE SUMMARY**

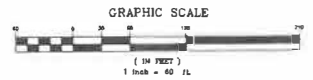
PARCEL NUMBER: 1200101000000	PARCEL AREA: 11.1 AC
EXISTING AREA: 11.1 AC	BLANKING RETRACKS
FORM: 11	SIDE BY
REAR: 11	
ZONING: 13	TOTAL PAVING REQ'D: 48
TOTAL PAVING PROVIDED: 48	ACCESSIBLE PAVING REQ'D: 3
ACCESSIBLE PAVING PROVIDED: 3	PAVING REQUIREMENT: 1:1:1

- GENERAL NOTES:**
- SEE SHEET C001 FOR APPLICABLE SITE LAYOUT NOTES.
  - SPRING GATE BLADES OF DESIGN SHALL BE IN THE STRUCTURE. EXTERIOR HEAVY DUTY ASPHALT PAVING WITH 3 STRANDES OF BARS WIRE FOR OPENINGS OF 8' TO 10' OF WIDTH. INTERIOR CONCRETE SHALL BE SLAB ON GROUND OR APPROXIMATE FOR APPROXIMATE PERIOD TO START OF CONSTRUCTION OR OCCUPANCY. MATERIALS SHALL BE GROUND MOUNTED. CONTRACTOR SHALL PROVIDE ALL NECESSARY CONDUIT AND PULL BOXES AND ROUTE TO THE ELECTRICAL ROOM WITHIN THE BUILDING.
  - SEE DIMENSIONS AND HATCHINGS FOR ALL UTILITIES. CONTRACTOR SHALL VERIFY ALL UTILITIES AND PULL BOXES AND ROUTE TO THE ELECTRICAL ROOM WITHIN THE BUILDING.





BOUNDARY & TOPOGRAPHIC  
SURVEY  
200 REPUBLIC STREET  
BIRMINGHAM, AL.



**SURVEY CONTROL**

THE BASIS OF BEARINGS AND OR COORDINATES SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011) AND VERTICAL DATUM IS NAVD 83. ELEVATION AND POSITION WAS OBTAINED FROM RTK OBSERVATION USING THE ALBERT CORRS NETWORK AS CONTROL.

**PREPARED FOR:**

**LBTD, INC.**  
600 MONTELAIR RD #500,  
BIRMINGHAM, AL 35215  
(205) 251-4500

STATE OF ALABAMA  
JEFFERSON COUNTY

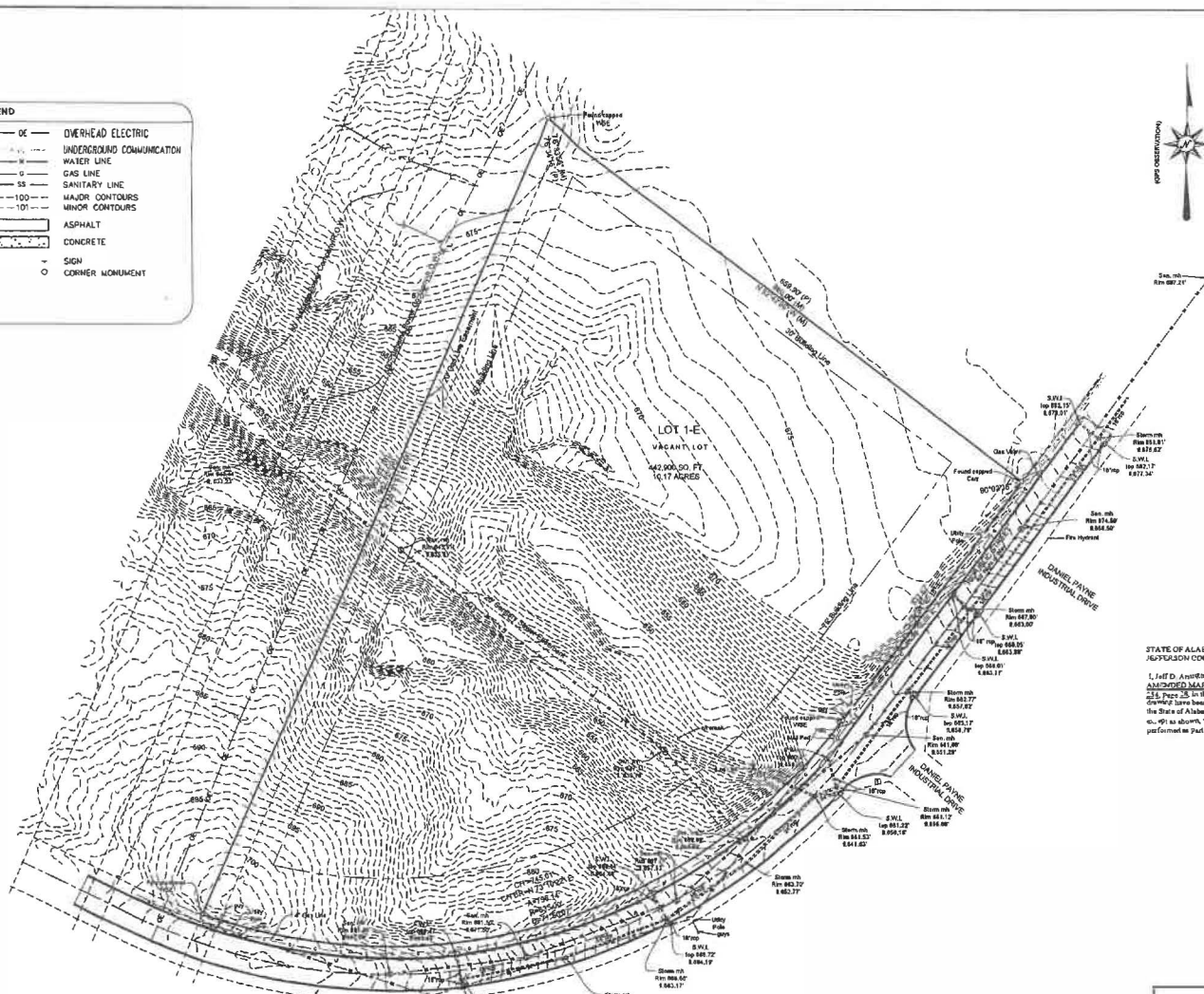
I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed LOT 1-E according to the survey of **ANNOUNCED MAP OF SURVEY OF LOT 1-E, DANIEL PAYNE INDUSTRIAL PARK**, as recorded in Map Volume 214, Page 25 in the office of the Judge of Probate, JEFFERSON COUNTY, ALABAMA. That all parts of the survey and drawings have been compared in accordance with the current requirements of the Statute of Practice for Surveyors in the State of Alabama to the best of my knowledge, information and belief. That there are no encroachments on said lot as shown. That improvements as located as shown above. No Flood Zone Determination was made as it performed as part of the survey.

Jeff D. Arrington, AL Lic. #18664  
Arrington Engineering & Land Surveying, Inc.  
2032 Valleydale Road, Birmingham, AL 35244  
Phone: (205) 985-9305 Fax: (205) 985-9393

**ARRINGTON ENGINEERING**  
Civil Engineers - Surveyors - Land Planners

<p><b>DRAWING TITLE</b> BOUNDARY &amp; TOPOGRAPHIC SURVEY 200 REPUBLIC STREET, BIRMINGHAM, AL</p> <p><b>LOCATION &amp; DESCRIPTION</b> DANIEL PAYNE INDUSTRIAL PARK</p>	<p><b>DATE:</b> 1-15-2024 <b>SCALE:</b> 1" = 40' <b>PARTY CHIEF:</b> JDA <b>PROJECT NO.:</b> 76478 <b>SHEET:</b> 1 OF 1</p>
---	---

LEGEND	
● BENCHMARK	— DE — OVERHEAD ELECTRIC
••• EXISTING SPOT ELEVATION	— U — UNDERGROUND COMMUNICATION
▲ CONTROL POINT	— W — WATER LINE
U UTILITY POLE	— G — GAS LINE
— DUTY WIRE	— SS — SANITARY LINE
⊕ FIRE HYDRANT	— 100 — MAJOR CONTOURS
⊕ WATER VALVE	— 10 — MINOR CONTOURS
⊕ WATER METER	▭ ASPHALT
⊕ TELEPHONE MANHOLE	▭ CONCRETE
⊕ TELEPHONE PEDESTAL	— — SIGN
⊕ GAS VALVE	○ CORNER MONUMENT
⊕ GAS MARKER	
⊕ STORM MANHOLE	
⊕ SANITARY MANHOLE	
⊕ CLEANOUT	



- NOTES**
- NOTITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY, RECORDED OR UNRECORDED. THE PARCELS SHOWN HEREON IS SUBJECT TO EASEMENTS, ENCUMBRANCES, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORD OF SAID COUNTY.
  - ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED. CORNER, MEASURED BY RECORD MAP (PLAT #PT), CALCULATED (C).
  - UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
  - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND LEGIBLE SEAL.

**811**  
Know what's below.  
Call before you dig.  
Call 2 working days before digging.  
It's the Law!

**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00043**

**Sun Valley Neighborhood**

***Request:***

Variance to allow a 6ft wooden fence in the front yard area.

***Applicant:***

Kiyoshi Torrence

***Location:***

616 24<sup>th</sup> Ct NW, Birmingham AL 35215  
Parcel #011300123008011000  
SW of Section 12, Township 16 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a 6ft wooden fence in the front yard area.

***Staff Analysis:***

The subject property is currently zoned D-2 (Single Family District). The subject property is surrounded by parcels zoned D-2 (Single Family District). The property is not located in the flood plain area nor any design review district. The applicant property sits on a corner lot; therefore, has two front yards.

***Per the zoning ordinance:***

*Subsection 7. Construction, Materials, and Maintenance.*

- A. Finished side of fence must face adjacent property and thoroughfare.*
- B. Fences placed on top of retaining wall, terrace or patio in front yards shall not be opaque.*
- C. Fences placed in front yards shall not be opaque, except for certain uses such as junk yards and other similar uses.*
- D. All fences shall be made of the following material and be allowed in the yards:*
  - 1. Natural wood permitted at front, side and rear.*
  - 2. Brick or stucco over masonry permitted at side and rear only.*
  - 3. Chain link permitted in side and rear only.*
  - 4. Barbed and razor wire permitted in rear only, in commercial, manufacturing and industrial districts.*
  - 5. Electrified fences are prohibited in all yards.*
- E. All fences shall be well-maintained, in upright condition and free of missing and*

*broken parts. Salvaged materials, such as, pallets shall not be allowed.*

***Neighborhood Recommendation:***

The ***Sun Valley Neighborhood Association*** voted to support the request.

***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.

**PARCEL ID:** 011300123008011000

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

**DATE:** Thursday, August 5, 2021 1:24:27 PM

**OWNER:** TORRENCE KIYOSHI

**ADDRESS:** 616 24TH CT NW

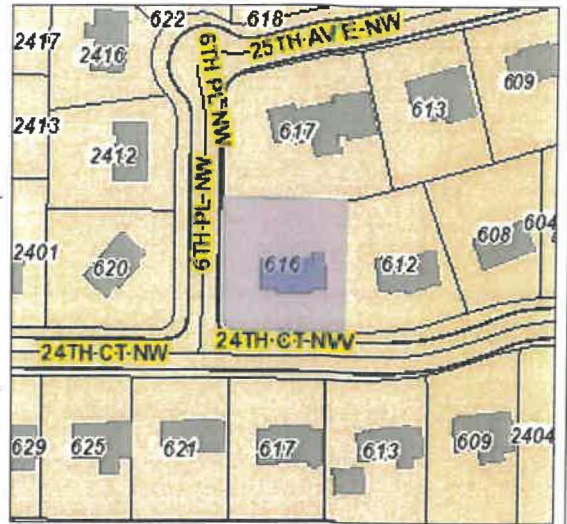
**CITY/STATE:** CENTER POINT AL

**ZIP+4:** 35215--2232

**SITE ADDR:** 616 24TH CT NW

**CITY/STATE:** BHAM, AL

**ZIP:** 35215



**LAND:** \$14,400.00

**BLDG:** \$143,800.00

**OTHER:** \$0.00

**AREA:** 16,679.35

**ACRES:** 0.38

**SUBDIVISION INFORMATION:**

**NAME** SUN VALLEY EST-1S 13-12-3

**BLOCK:** 3

**LOT:** 5

**Section:** 12-16-2W

**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:** Sun Valley (705)

**Communities:** East Pinson Valley (7)

**Council Districts:** District - 1 (Councilor: Clinton Woods)

**Zoning Outline:** D2

**Demolition Quadrants:** DEM Quadrant - 4

**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

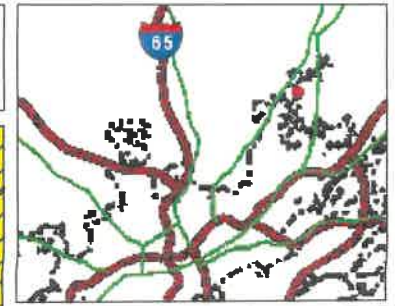
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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



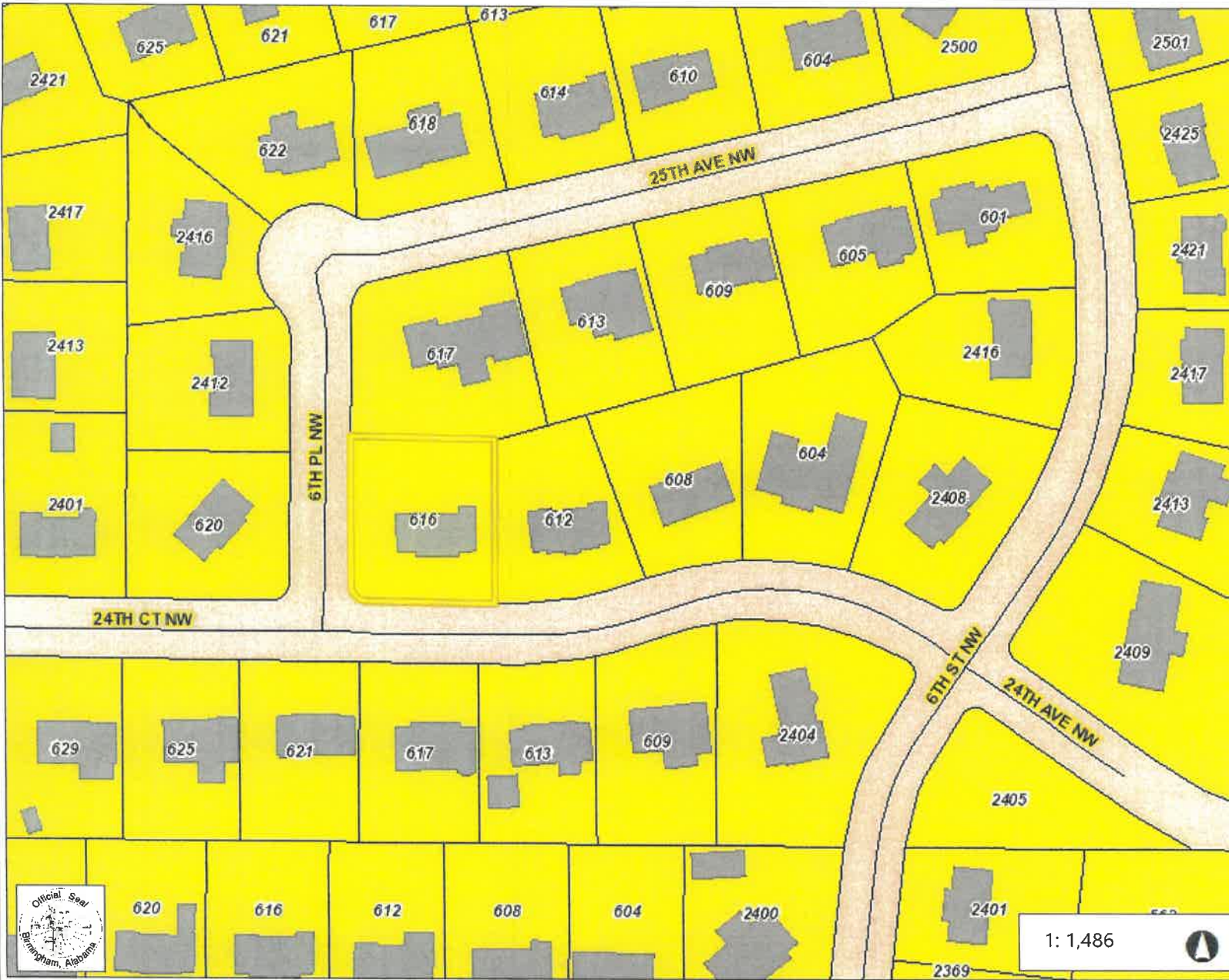
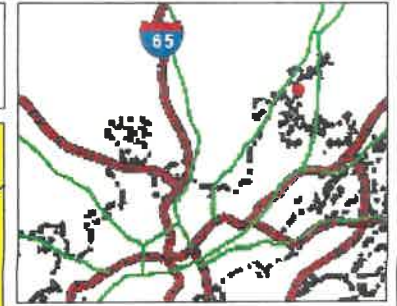
1:1,486



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**



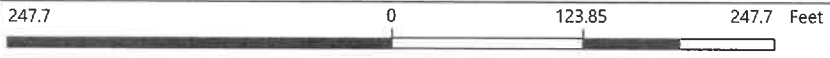


Legend

- 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: 1,486



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



July 20, 2021

To whom it may concern,

My name is Kiyoshi Torrence and I have resided at 616 24<sup>th</sup> Court Northwest for 12 years. A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. One of the things damaged due to the tornado was my 6ft privacy fence which surrounds the left, right, and back side of my property. I received a letter dated June 22, 2021 regarding a possible zoning violation. I called and the Zoning Inspector Mr. Lucius Jones told me that I needed a permit to do the new construction of the fence.

On June 30, 2021, I went to the Department of Planning, Engineering, and Permits, did a drawing of the 6ft privacy fence, paid a penalty fee, and the fence application fee. Mr. Lucius Jones told the clerk that my fence was ok in which I was then issued the permit. On July 14, 2021, Mr. Lucius Jones gave me a call stating he had the wrong address and that my fence on the left side which is 6<sup>th</sup> Place Northwest is considered a front yard due to being on a corner lot and should be 4ft. This letter is being submitted for your approval to get a variance to keep the fence as it now stands. This fence does not obstruct the view of a driver trying to turn onto a main highway, main street, or a cross street.

There are new people moving into the current and adjacent neighborhoods in which they are driving and walking through at all times of night. I am constantly hearing noises around that side of the fence in which my dog would start barking and my motion lights would turn on. The fence is a deterrent for the security of my home and for the securement of my dog that can also jump a 4ft fence. I have included letters of approval from the left adjacent and back parallel property owners who the 4ft fence would immediately affect if my dog was to jump this fence as well as other neighbors who live across from me in the neighborhood. Thanking you in advance.

Respectfully,

*Kiyoshi Torrence*

Kiyoshi Torrence

616 24<sup>th</sup> Court Northwest

Birmingham, Alabama 35215

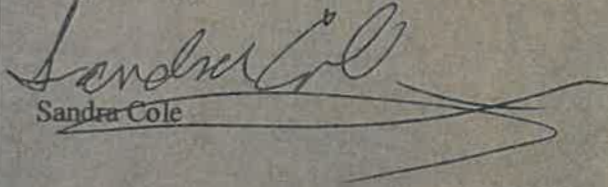
Phone/Cell# (205) 500-4114

July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue. She has lived at this property for 12 years in which her original fence was grandfathered in but had to be replaced due to the tornado. This letter is being submitted on my behalf stating that I am in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to give me a call at (205) 907-0650 as my name is Sandra Cole and I live on the adjacent left side of her property at 612 24<sup>th</sup> Court Northwest.

Respectfully,



Sandra Cole

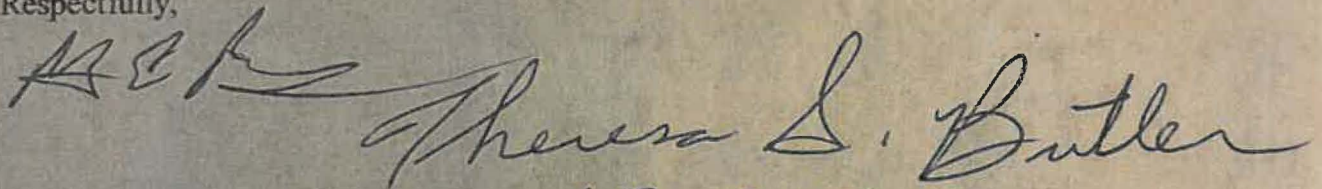


July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue. She has lived at this property for 12 years in which her original fence was grandfathered in but had to be replaced due to the tornado. This letter is being submitted on our behalf stating that we are in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to give us a call at (205) 815-2449 as we are Robert and Theresa Butler and our property runs parallel to the back side of her fence at 617 25<sup>th</sup> Ave Northwest.

Respectfully,

 Theresa L. Butler

Robert and Theresa Butler

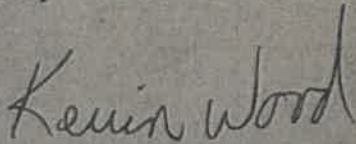
07-20-2021

July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue. She has lived at this property for 12 years in which her original fence was grandfathered in but had to be replaced due to the tornado. This letter is being submitted on my behalf stating that I am in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to contact me as my name is Kevin Wood and I live across the street on the back side of her property at 622 25<sup>th</sup> Avenue Northwest.

Respectfully,

A handwritten signature in cursive script that reads "Kevin Wood". The signature is written in dark ink and is positioned above the printed name.

Kevin Wood

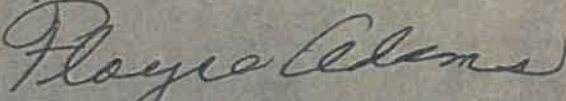


July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue. She has lived at this property for 12 years in which her original fence was grandfathered in but had to be replaced due to the tornado. This letter is being submitted on my behalf stating that I am in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to contact me as my name is Floyce Adams and I live on the right side of her property across the street at 620 24<sup>th</sup> Court Northwest.

Respectfully,

A handwritten signature in cursive script that reads "Floyce Adams".

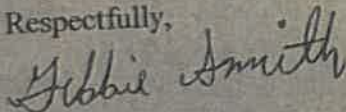
Floyce Adams

July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue in which her original fence was grandfathered in but had to be replaced due to the tornado. I am new to the neighborhood but this letter is being submitted on my behalf stating that I am in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to contact me as my name is Debbie Smith and I live across the street directly in front of her property at 617 24<sup>th</sup> Court Northwest.

Respectfully,

A handwritten signature in cursive script that reads "Debbie Smith". The signature is written in dark ink and is positioned above the printed name.

Debbie Smith



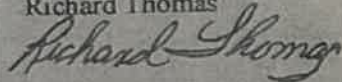
July 20, 2021

To whom it may concern,

A tornado came through the Sun Valley community back in January of 2021. The tornado damaged many homes and businesses in the neighborhood. The damage included the home of our neighbor Kiyoshi Torrence who resides at 616 24<sup>th</sup> Court Northwest. One of the things damaged that had to be replaced was her 6ft privacy fence which surrounds the left, right, and back side of the property. It is my understanding that she is having a zoning issue. She has lived at this property for 12 years in which her original fence was grandfathered in but had to be replaced due to the tornado. This letter is being submitted on my behalf stating that I am in agreement with the new 6ft fence as it now stands. If you have any questions, please feel free to give me a call at (205) 516-0231 as my name is Richard Thomas and I live on the front side of her property across the street at 621 24<sup>th</sup> Court Northwest.

Respectfully,

Richard Thomas

A handwritten signature in cursive script that reads "Richard Thomas". The signature is written in dark ink and is positioned below the typed name.

## Moton, Angelica

---

**From:** Brenda DeVaughn <badevaughn@gmail.com>  
**Sent:** Tuesday, August 10, 2021 11:21 AM  
**To:** Moton, Angelica  
**Subject:** Case No: ZBA2021-00043

**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.

Dear Ms. Moton:

My name is Dr. Brenda DeVaughn, and I own property at 613 24th Ct NW, Center Point, AL 35215. I received notice about Lot 5 BLK 3 Sun Valley Ests, Sect Except East 5 Ft; Legal description: 616 24th Court NW; Description: Variance to allow a 6ft wooden fence in the front yard area.

Please be advised that I am against having a front yard wooden fence in the neighborhood. It is my belief that this would be a blight on the property and all adjacent property. Please do all within the Zoning Board's power not to allow a front yard wooden fence. Thank you.

Dr. Brenda A. DeVaughn  
205-936-7776









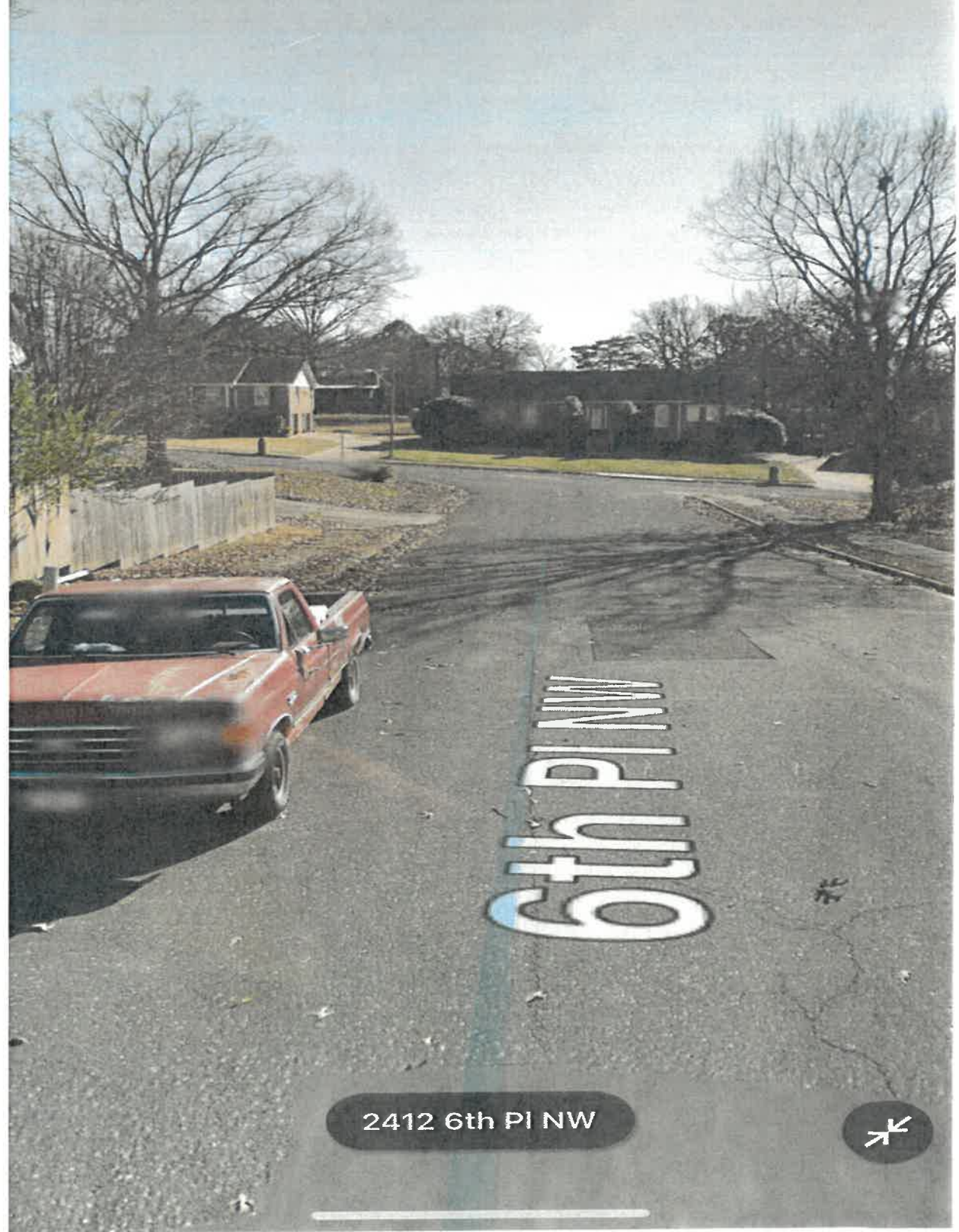




6:24 ↗



Google

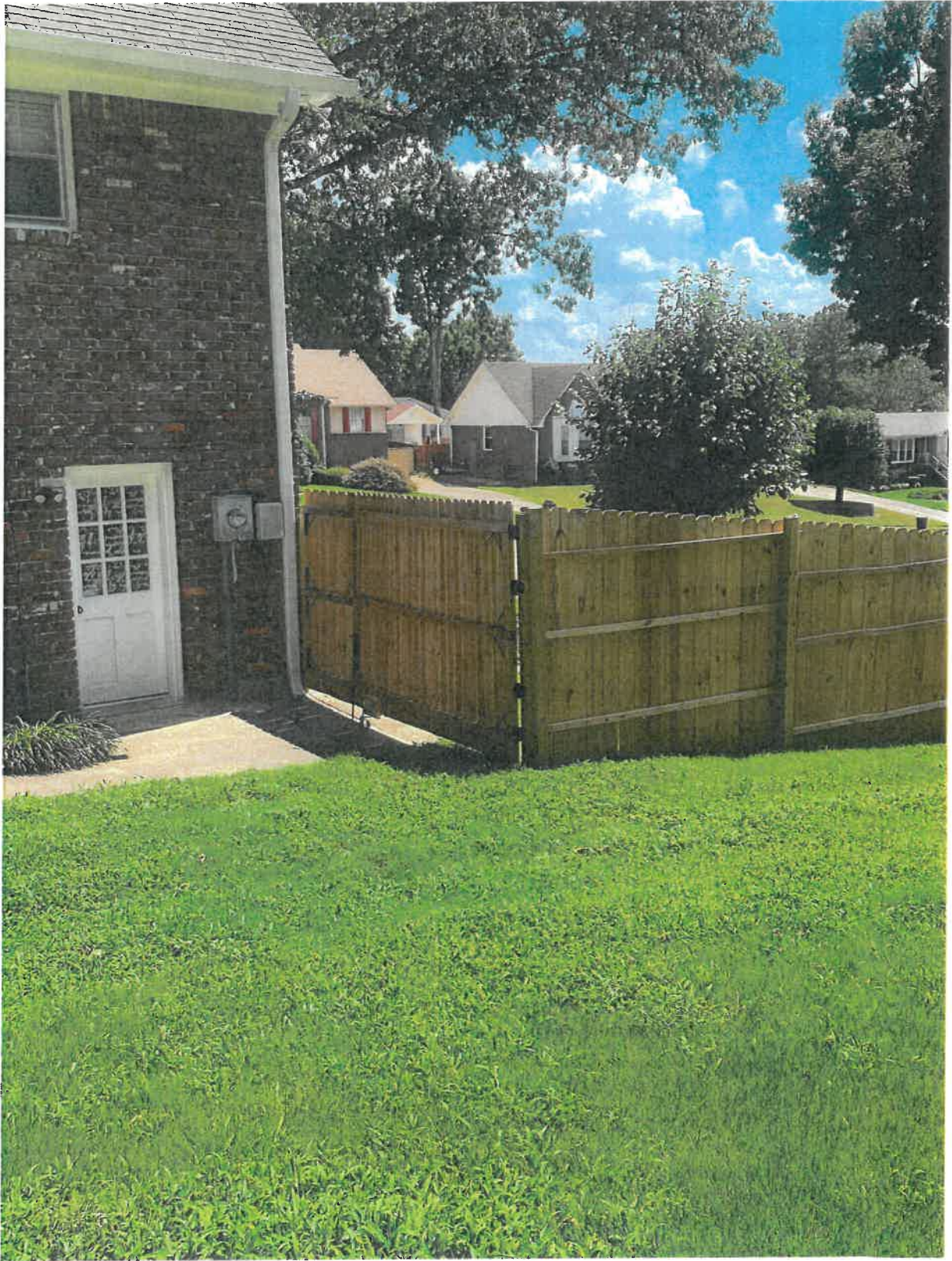


2412 6th PI NW















**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00044**

**Forest Park Neighborhood**

***Request:***

A variance to allow a mural a total of 1,034sf of signage instead of the 150 sf of signage allowed.

***Applicant:***

Susan Barron

***Location:***

4211 3<sup>rd</sup> Ave S, Birmingham AL 35222  
Parcel #012300293003012000  
SW of Section 29, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a mural on Axel Row Apartments.

***Staff Analysis:***

The subject property is currently zoned MUM (Mixed Use Medium District). The subject property is surrounded by parcels zoned B-2 (General Business District) while parcels south are zoned R-6, Multiple Family District. The property is not located in the flood plain area nor any design review district.

***Per the zoning ordinance:***

***SECTION 5. 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.*

***Neighborhood Recommendation:***

The ***Forest Park 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, staff believes the variance request has merit for denial and should be **DENIED**.



July 29, 2021

Kim D. Speorl, Zoning Administrator  
Planning Engineering & Permits  
City of Birmingham  
710 20th Street North  
Room 210 – City Hall  
Birmingham, AL 35203-2216

Re: Axel Row Apartments – Site A  
BLD2020-01135

BGA Number: 1913  
Birmingham Project Number: BLD2020-01135

Dear Ms. Speorl:

This letter is being sent to accompany our application to the Zoning Board of Adjustment for a sign variance. We are requesting approval for a mural to be painted on the side of the building located at the corner of 3<sup>rd</sup> Avenue South and 42<sup>nd</sup> Street in the heart of Avondale.

The city does not have an ordinance regulating murals and because of that they are regulated as signs. There is no mention of murals in the current ordinance; however we have been informed that since it is larger than the permissible sign area of 150 sf, that we are required to submit for a sign variance because the mural is larger than that.

The sign ordinance defines a sign as any structure that has a visual display visible from a public right-of-way and designed to “identify, announce, direct, or inform”. The proposed mural does not itself identify the building, announce anything, direct anyone, or provide information. It is a piece of artwork and not an advertisement. It incorporates abstracted, iconic imagery of buildings and places in Avondale and endeavors to honor and celebrate the heritage and history of its community.

There is a 147 sf sign proposed for this wall which announces the name of the building. This design will be submitted to the city for review and sign permit. The mural behind the sign will serve as a backdrop to complement the sign. Please refer to our submitted graphics for a better understanding of how the two will appear on the building.

---

**Bgroup ARCHITECTURE, Inc.**

3000 7th Avenue South

Birmingham, AL 35233

205 703.2059

As requested, we are outlining the reason for the variance, including how the request meets the variance standards as stated below.

Response to Variance Standards:

1. **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: This is not applicable as it is a sign variance request. There are no site conditions that prevent the application of the sign ordinance.*

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.

*Response: This is not applicable as it is a sign variance request. The mural is a piece of art designed to enhance the building and the surrounding community of Avondale.*

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.

*Response: This is not a self-imposed hardship. The existing ordinance does not specifically define a mural as a sign and we argue that it does not meet the definition of a sign.*

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

*Response: There is no financial gain should this request be approved.*

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.

*Response: The granting of the variance will not be injurious to other property or improvements in the area. It will have no effect on light and air to adjacent properties. IT will not 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.

*Response: The granting of the variance will not be detrimental to the public welfare, nor shall it affect vehicular or pedestrian traffic flow. There will be no increased danger, imperil or impair in any way the health, safety, comfort, morals or general welfare of the inhabitants of the city. Since the ordinance does not address murals, it cannot and will not impair the intent and purpose of the sign ordinance.*

There are numerous precedents of murals painted on the side of buildings within the city limits (both with and without text) that exceed the sign size limit, most of which have been installed recently or within 1-5 years. We do understand that these were likely installed prior to the new sign ordinance, however if size is the factor in the approval of murals, there might never be another mural granted in the city of Birmingham. We do not believe this is the intent of the ordinance.

A mural by definition is “a painting or other work of art executed directly on a wall”. Murals have been a part of our cultural landscape for years. They are a mode of expression for artists and have become community centerpieces that bring people together.

We appreciate the zoning board’s consideration of this request and look forward to a healthy dialogue about the current language or lack thereof in the new sign ordinance regarding murals. Thank you for your assistance with this matter. Please let me know if you have any questions by emailing me at [susan@bgrouparch.com](mailto:susan@bgrouparch.com).

Sincerely yours,

B Group Architecture, Inc.



By \_\_\_\_\_

Susan Barron, AIA  
Principal

cc: BGA File No. 1913 / B2

**PARCEL ID:** 012300293003012000

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

**DATE:** Thursday, August 5, 2021 3:55:49 PM

**OWNER:** A B R PROPERTIES LLC

**ADDRESS:** 625 39TH ST S

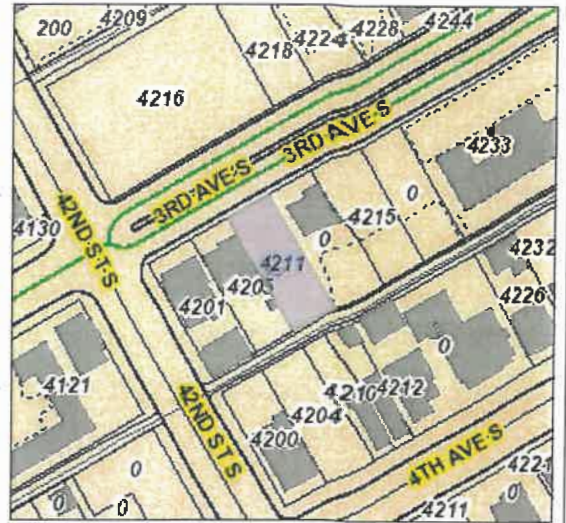
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35222

**SITE ADDR:** 4211 3RD AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35222



**LAND:** \$31,900.00

**BLDG:** \$400.00

**OTHER:** \$0.00

**AREA:** 7,025.45

**ACRES:** 0.16

**SUBDIVISION INFORMATION:**

**NAME** AVONDALE

**BLOCK:** 12

**LOT:** 2

**Section:** 29-17-2W

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Forest Prk (1401)

**Communities:** Red Mountain (14)

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

**Zoning Outline:** MUM

**Demolition Quadrants:** DEM Quadrant - 3

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

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

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

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

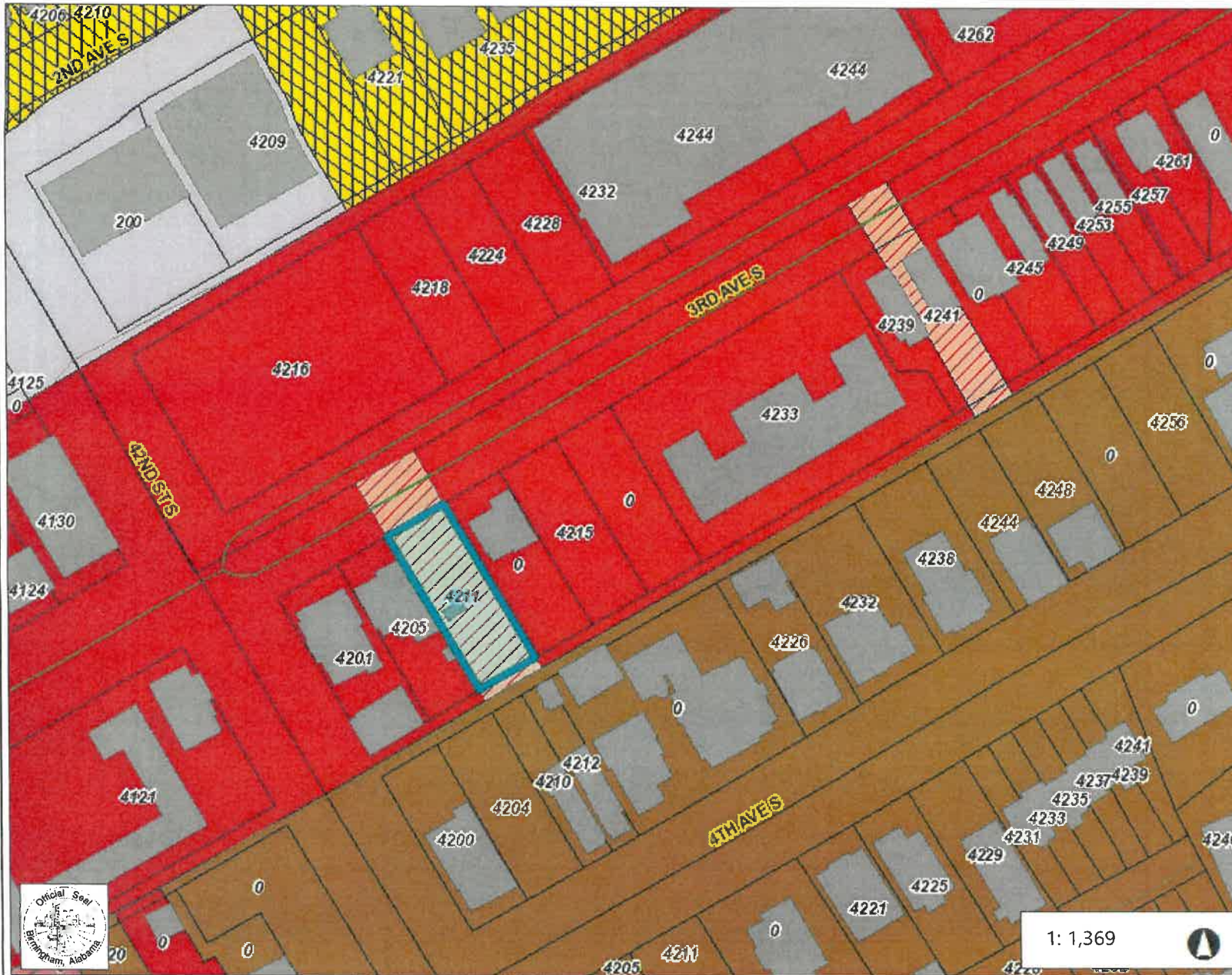
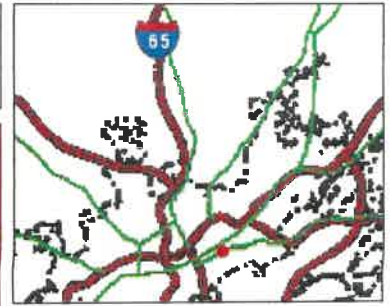
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** In Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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 - Cle
  - 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: 1,369

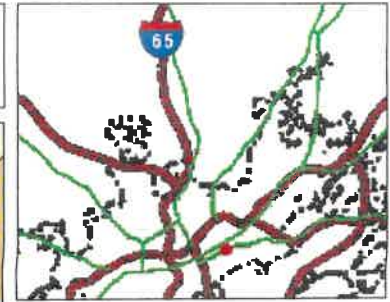
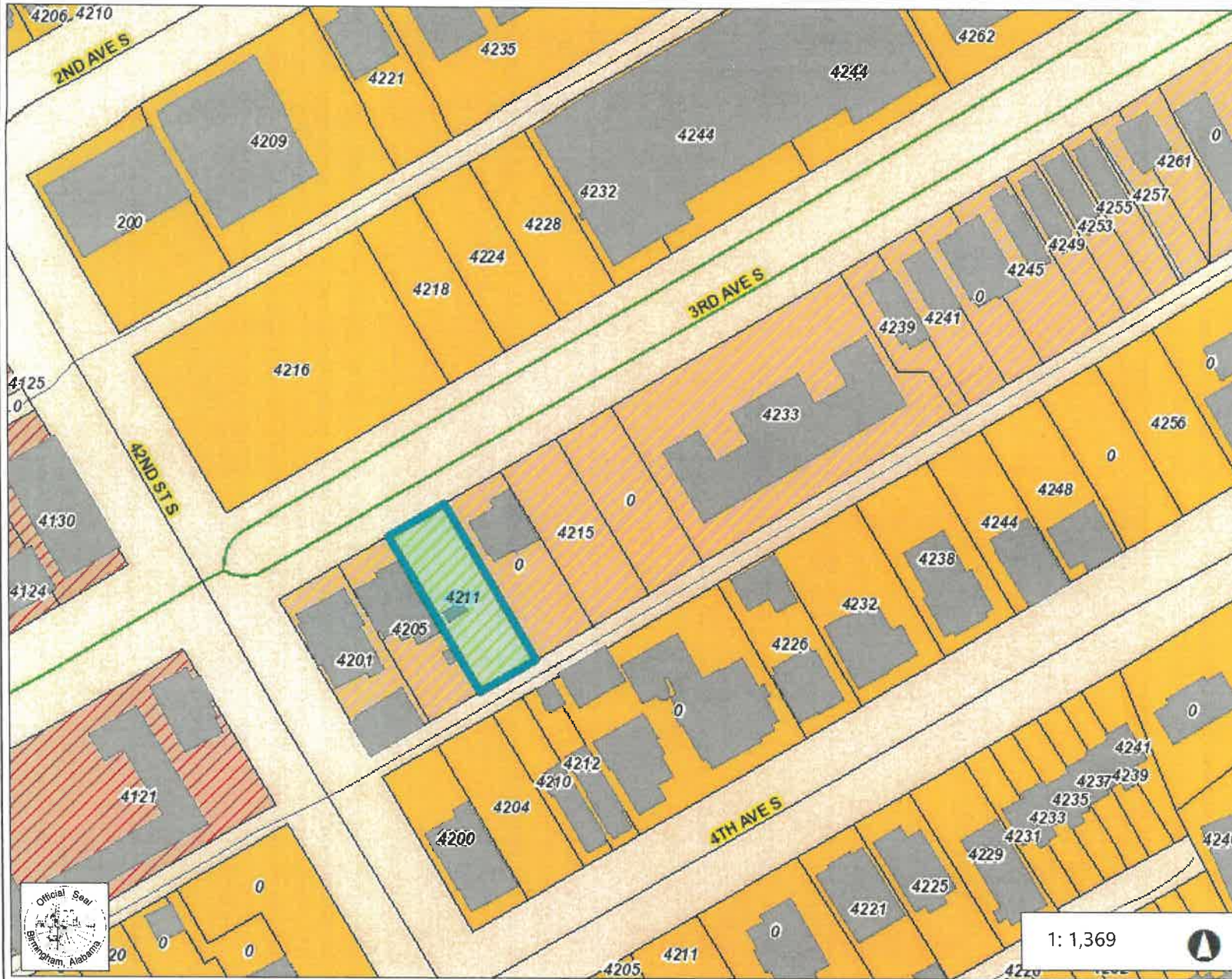


228.2 0 114.08 228.2 Feet

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





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: 1,369



228.2 0 114.08 228.2 Feet

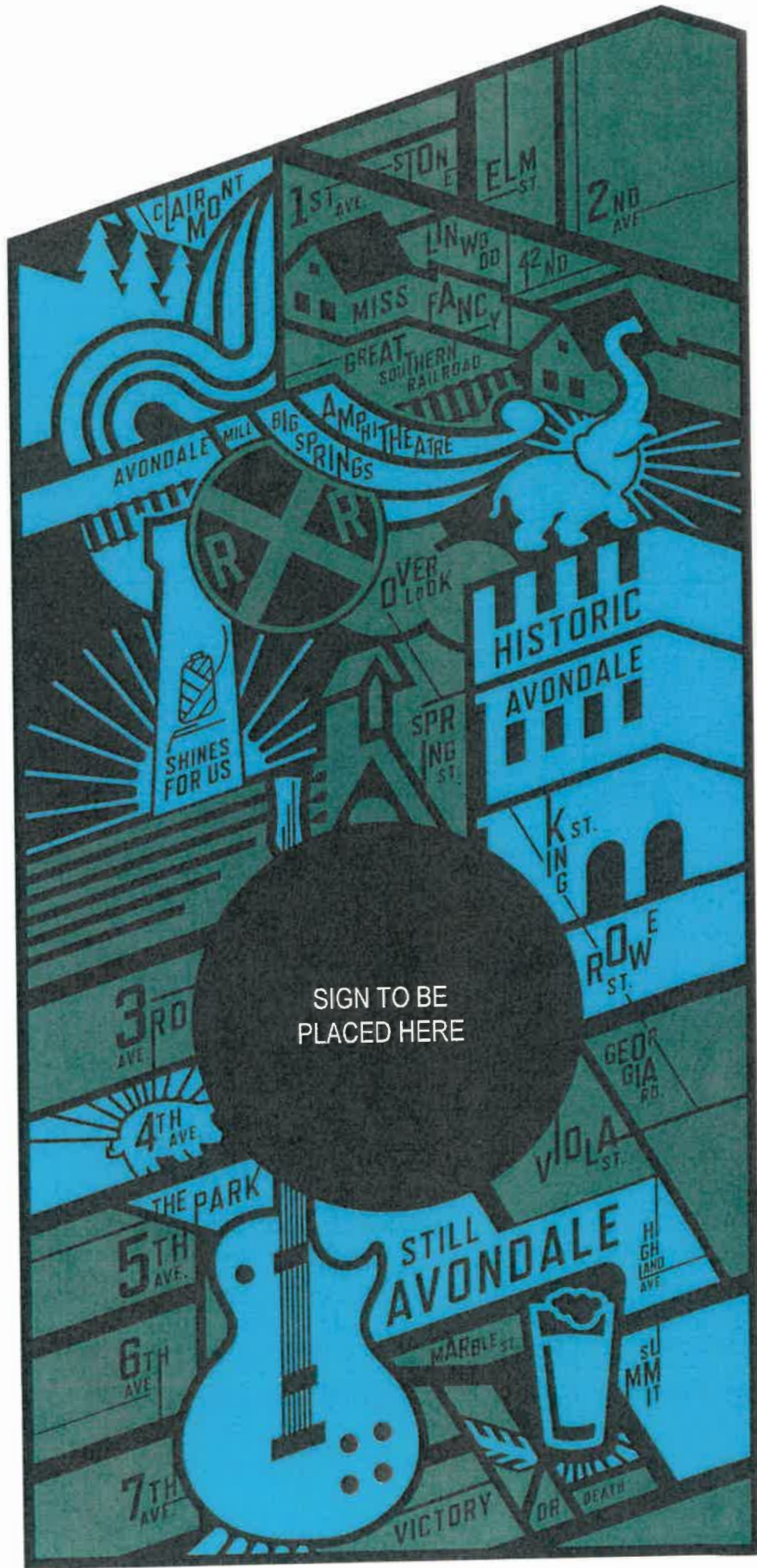
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes

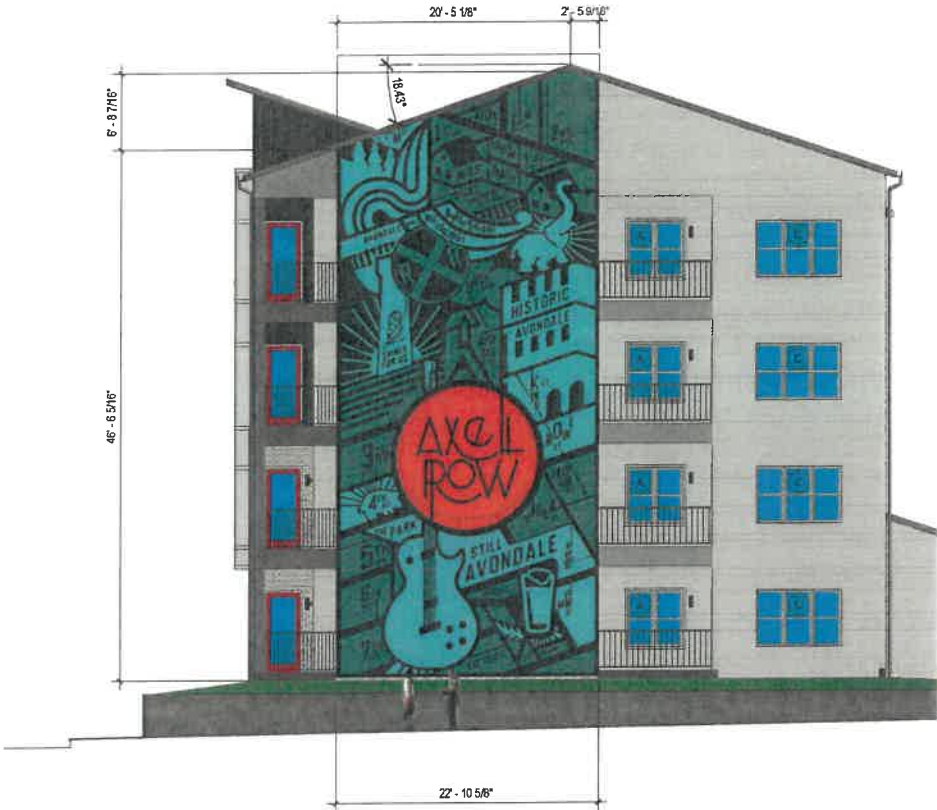


# AXEL ROW - MURAL ARTWORK

MATERIAL -  
PAINT ON  
BRICK VENEER



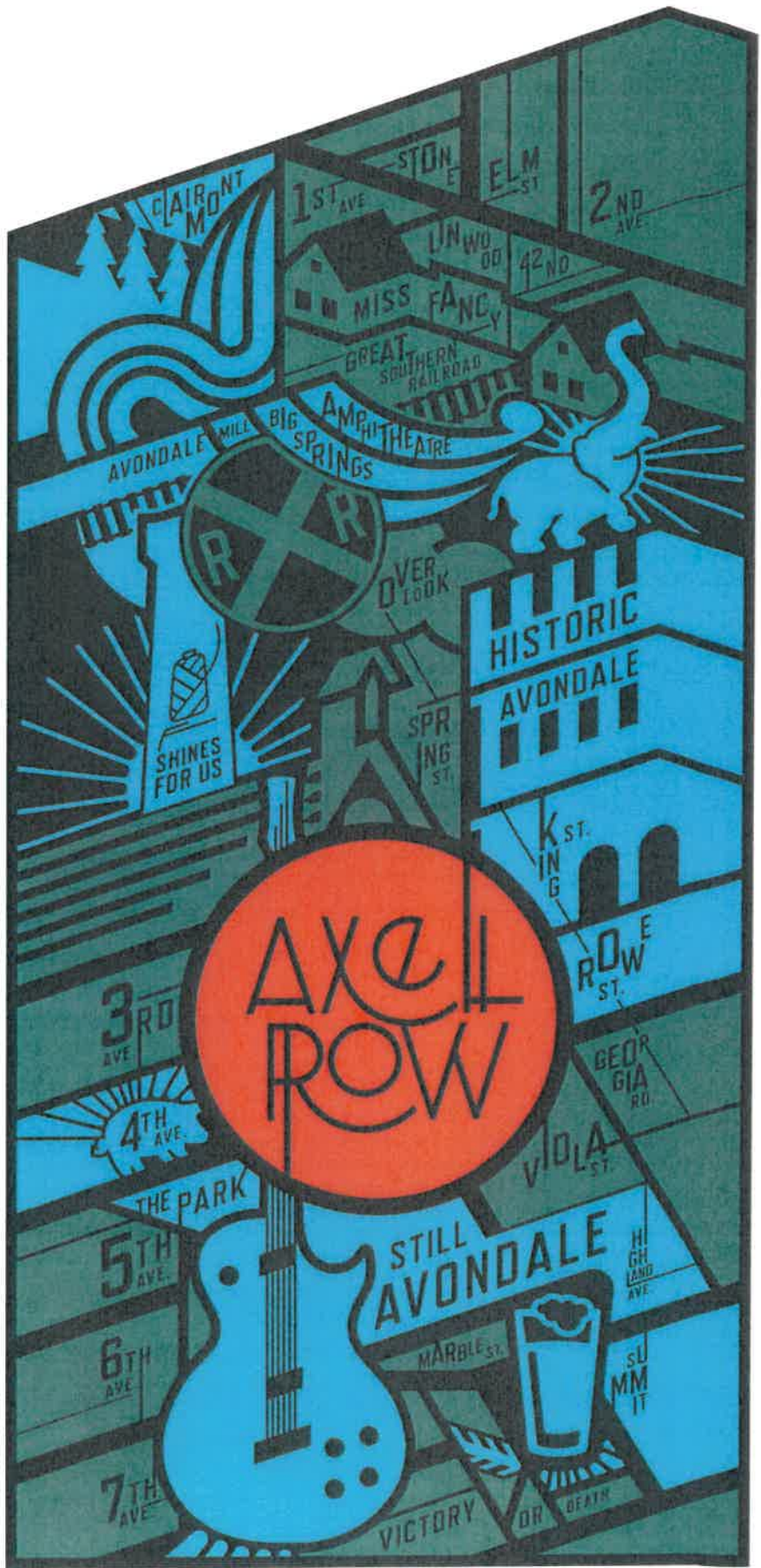
# AXEL ROW - ELEVATION



# AXEL ROW - MOCK-UP







**AXEL ROW - METAL SIGN**



**1/2" LASER CUT METAL SIGN  
STAND OFF MOUNTING**

**COLOR - PANTONE RED 032 C**

**RADIUS = 6.9'  
AREA = 149.57 SF**

**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00045**

**Belview Heights Neighborhood**

***Request:***

Variance to allow an accessory structure in the front yard instead of the required rear and side yard. A variance to allow parking in the front yard instead of the driveway providing continuous access to a parking space in a side or rear yard or driveways must provide continuous access to a garage within house or an attached carport that is built of similar materials to the main structure. A variance from the parking space not being in the side yard or extending 18 feet beyond front edge of house. A variance to allow a driveway more than 20 feet instead driveways shall be no more than 12 feet wide at the right-of-way; except for driveways providing access to two-car garages, in which case, said driveway shall be no wider than 20 feet.

***Applicant:***

Sarah Grisworld

***Location:***

5405 Court I, Birmingham AL 35208  
Parcel #013000124022002000  
SE of Section 12, Township 18 S, Range 4 W

***Applicant's Proposal:***

The applicant is proposing a gazebo and an extended driveway.

***Staff Analysis:***

The subject property is currently zoned D-3 (Single Family District). The subject property is surrounded by parcels zoned D-3 (Single Family District). The property is not located in the flood plain area nor any design review district. There is an existing illegal parking on the property. The applicant is proposing to extend the parking pad to create a drive way off of 54<sup>th</sup> St.

***City Engineer's Recommendation:*** I would recommend a 12' driveway from 54th street to connect the existing drive on Court I, with no additional curb cut width allowed on Court I. The applicant could also remove the existing curb cut and driveway on the Court I side and make a new driveway that would better align with the side of the house.

***Per the zoning ordinance:***

***Section 11. Residential Driveways.***



*A. All driveways, maneuvering areas, and parking spaces must be a suitable hard surface or pervious surface (see Chapter 5, Section 7, C.2) as approved by the City Engineer.*

*B. Driveways must provide continuous access to a parking space in a side or rear yard or driveways must provide continuous access to a garage within house or an attached carport that is built of similar materials to the main structure.*

*C. Parking spaces in side yard must extend 18 feet beyond front edge of house.*

*D. Parking spaces in side yard must also be at least 18 feet by nine feet.*

*E. Maneuvering areas in front yards shall be limited to 20 percent of the required front yard, including hammer-heads and circular drives, and must connect to an existing driveway providing continuous access to a parking space in the side or rear yard or a garage within the structure.*

*F. All maneuvering areas, including hammer-heads, and circular drives shall be considered parking spaces and shall count towards the maximum parking after a 100 percent increase has been applied to the maximum parking requirement for residential uses. Driveways providing access to legal parking spaces shall not be counted as parking; provided that the driveway is designed to follow the shortest possible route to said legal parking spaces.*

*G. Driveways shall be no more than 12 feet wide at the right-of-way; except for driveways providing access to two-car garages, in which case, said driveway shall be no wider than 20 feet.*

***Neighborhood Recommendation:***

The ***Belview Heights 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, staff believes the variance request has merit for denial and should be **DENIED**.

Date: April 29, 2021

Re: Sarah Griswold  
5405 Court I  
Birmingham, AL 35208  
(205) 929-4122  
[Spetty04@yahoo.com](mailto:Spetty04@yahoo.com)

Variance Request: The Accessory Porch Structure and add on to existing driveway.

**Statement regarding Variance Standards:**

**5. Physical Characteristics of the Property:** the structure was built on an existing brick frame and made of wood structure that is screened aesthetically pleasing which contributed to the beautification of the property and neighborhood.

**6. Unique Characteristics:** The occupant's medical condition restricts mobility and is not conducive for exercising and enjoying nature. The structure allows setting outside sitting area to take in Vitamins D and does not restrict them from being inside permanently that allows a loop around driveway that allows for a safe handicap accessibility for loading and unloading.

**7. Hardship Not Self-Imposed:** The Accessory Porch Structure was created due to the occupant's physical disability. The premise is not located in proximity to a hospital and is not causing hardship to the neighborhood. The structure also allows an easy access for loading and unloading wheelchair due to the busy heavy traffic on Court I, also it will provide a safety handicap accessibility location.

**8. Financial Gain Not Only Basis:** There is no gain other than the improvement of medical conditions.

**9. No Harm to Public Welfare:** The structure only affects the occupancy property and has minimal effect on said property. This property will not be detrimental to the public welfare, nor increase the congestion on public streets.

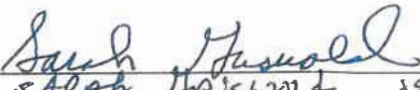
10. The proposed use is not prohibited by ordinances of the City of Birmingham other than the Zoning Ordinance. Attached to and made a part of this Application, Applicant submits the following attachments:

A. A plot plan showing block and lot numbers, and existing and proposed structures with necessary dimensions indicating yard spaces and adjoining structures.

B. A statement of the proposed points on which the Applicant bases his Application, with a description of proposed work.

C. A ground and typical floor plan of the building with all necessary measurements.

Witness my signature this the 29<sup>th</sup> Day of April 2021.

  
SARAH HUSWOLD 04/29/2021  
(Signature and Printed Name of Owner/Applicant)

***Attachments***



**PARCEL ID:** 013000124022002000

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

**DATE:** Monday, August 23, 2021 10:23:17 AM

**OWNER:** GRISWOLD WILLIE B JR &

**ADDRESS:** 5405 COURT I

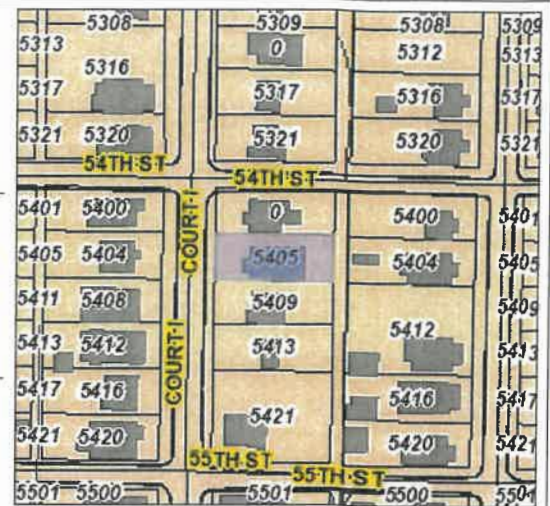
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35208--3026

**SITE ADDR:** 5405 COURT I

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35208



**LAND:** \$12,700.00

**BLDG:** \$82,700.00

**OTHER:** \$0.00

**AREA:** 5,548.78

**ACRES:** 0.13

**SUBDIVISION INFORMATION:**

**NAME** MONTE SANO

**BLOCK:** 28

**LOT:** 8

:

**Section:** 12-18-4W

**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:** Belview Hghts (201)

**Communities:** Five Points West (2)

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

**Zoning Outline:** D3

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

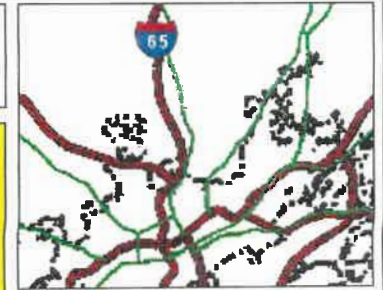
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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: 512

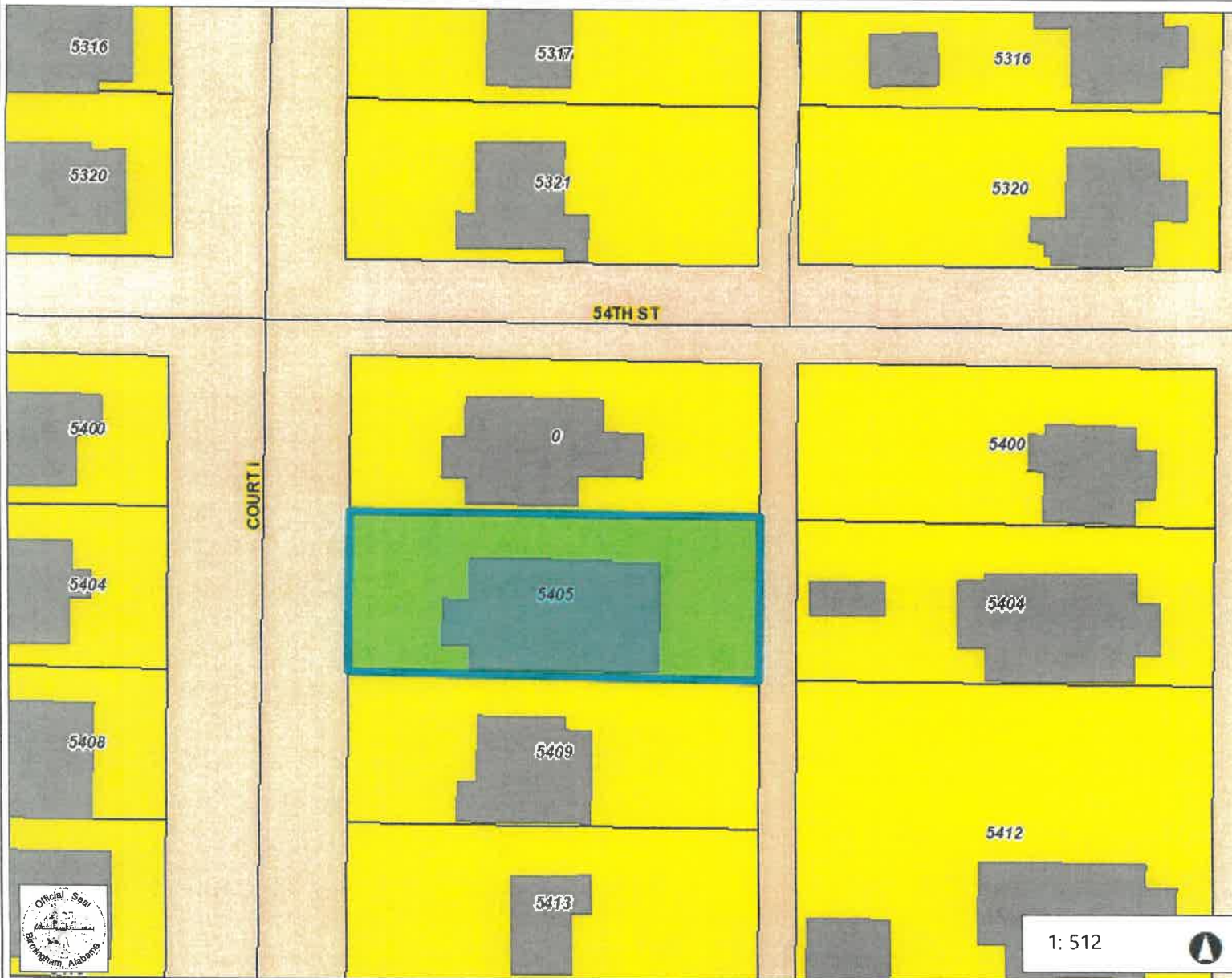
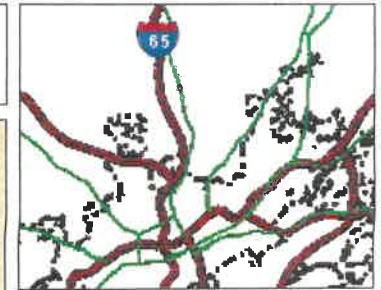


85.3 0 42.67 85.3 Feet



Notes





Legend

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

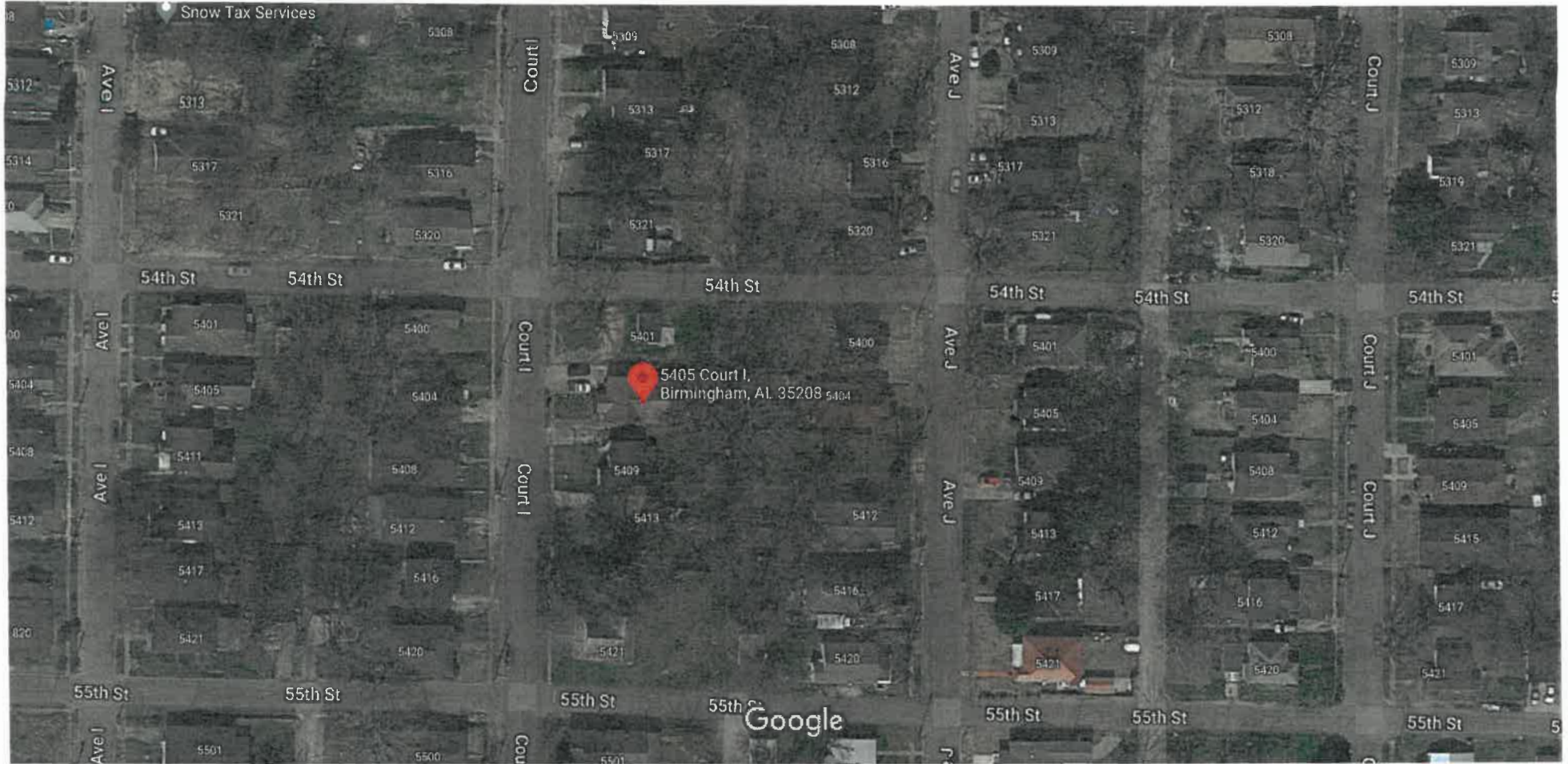
1: 512

85.3 0 42.67 85.3 Feet

Notes



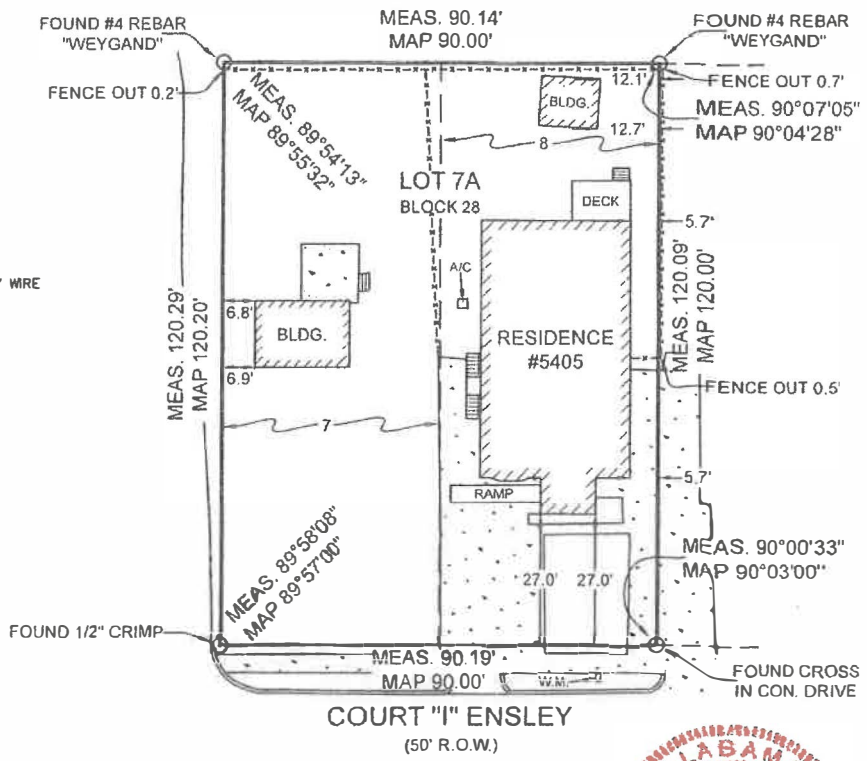
Google Maps 5405 Court I



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

**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- FENCE
- OVERHEAD UTILITY WIRE
- PVMT PAVEMENT
- WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- DECK
- CONCRETE
- WALL
- COLUMN



SCALE: 1" = 30'

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 7A, Block 28, Monte Sano, as recorded in Map Volume 5, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of April 26, 2021. Survey invalid if not sealed in red

Order No: 20210937  
Purchaser:  
Address: 5405 Court "I" Ensley  
(Birmingham, AL) 35208

*[Signature]*  
Ray Weygand, Reg. L.S. #34764  
169 Oxmoor Road, Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087  
Copyright ©



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











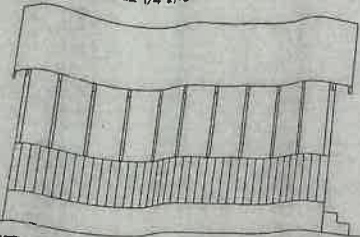




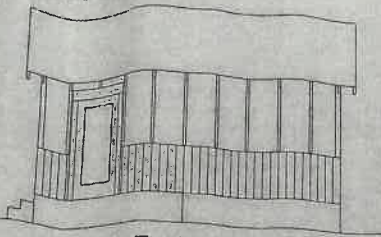
LEFT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



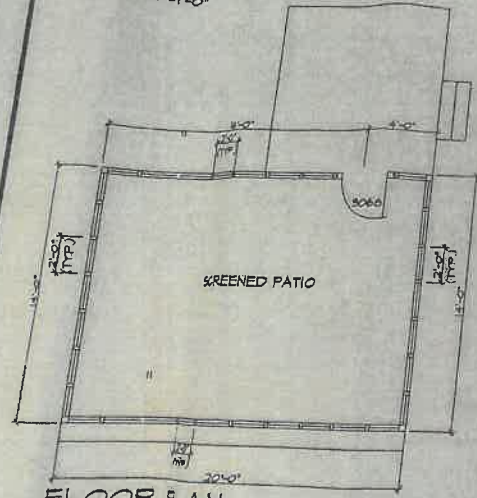
RIGHT SIDE ELEVATION  
SCALE 1/4" = 1'-0"



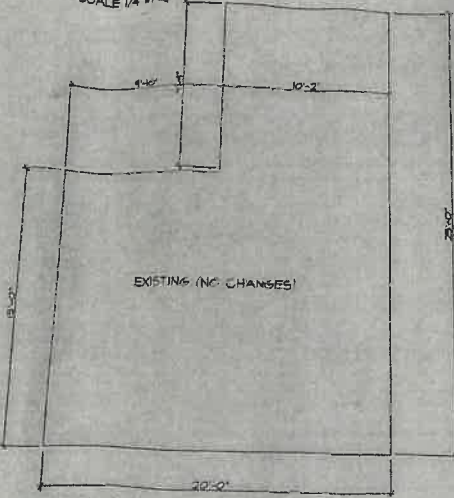
FRONT ELEVATION  
SCALE 1/4" = 1'-0"



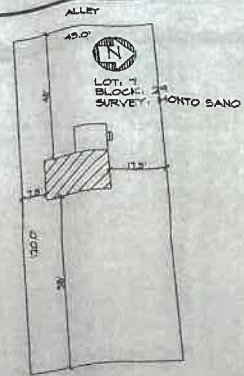
REAR ELEVATION  
SCALE 1/4" = 1'-0"



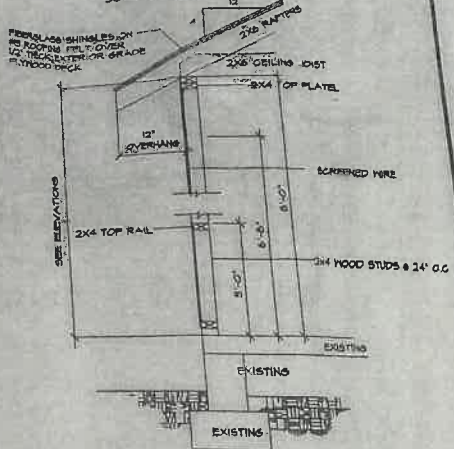
FLOOR PLAN  
SCALE 1/4" = 1'-0"



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



COURT 1  
SITE PLAN  
SCALE 1" = 20'-0"



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

NEW SCREENED PATIO FOR  
MR. WILLIE GRIGWOLD  
5401 - COURT 1  
BIRMINGHAM, ALABAMA  
DATE: 8/8 DRAWN BY: HUNTER



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00046**

**Crestline Neighborhood**

***Request:***

A variance to allow a 6ft fence in the front yard area.

***Applicant:***

Barbara Hutto

***Location:***

314 Whittier Drive, Birmingham AL 35213  
Parcel #012300342002062000  
NW of Section 34, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a 6ft wooden fence in the front yard.

***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 nor any design review district. The property sits on a corner lot; therefore, has two front yards.

***Per the zoning ordinance:***

***Subsection 3. Residential Zoned Property***

*A. Upon any "D", "E-1", or "R" zoned property, a wall or fence may be erected or placed in accordance with the following:*

*1. Complete Front Yard – No wall or fence within a front yard area shall exceed a height of four feet and the overall height of fence, supports and other features shall not exceed a height of five feet in total, except as required for wireless communication installations as listed in Section 1 of this Article. If a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet.*

*2. Side and Rear Yard*

*a. Within a side or rear yard, a wall or fence may be erected or placed to a height of eight feet, and the supports and other features may be erected or placed at a height of nine feet,*

*provided that any structure that allows residential occupancy on an adjacent property is setback a minimum of five feet from the side and/or rear lot line.*

*b. If an existing dwelling unit on an adjacent property is setback less than five feet from a side or rear lot line, a portion (or all) of the wall or fence erected adjacent to that structure may be required to be of a “see through” type of material, such as chain link, so that adequate light and ventilation may be provided. This determination will be made by staff as a result of an on-site field inspection. The overall height of the fence or wall will be as detailed in the previous item (“A”).*

***Neighborhood Recommendation:***

*The Crestline Association will take a vote prior to the meeting.*

***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, staff believes the variance request has merit for denial and should be **DENIED**.

**Reasons for a variance by standard for the front yard fence at 314 Whittier Drive, Crestline (Birmingham), Alabama, by Barbara Hutto, property owner, 314 Whittier Drive**

Variance Standards of Review

**1. Physical Characteristics of the Property:** there are no exceptional or extraordinary conditions that would result in difficulties or hardship on the property owner (applicant) to induce a variance.

**2. Unique Characteristics:** conditions unique to the subject property are such that the preservation and enjoyment by property owner is beyond inconvenient and necessary for the applicant.

The unique conditions involve bullying and harassment of the property owner (applicant) by the adjacent property owner, to include verbal threats, aggression, disregard for property boundary, repeated dumping on applicant's property, threatening applicant's property and structures by destabilizing large tree on property line, and potentially encroaching on property line with additions to structures.

**3. Hardship Not Self-Imposed:** hardship not created by previous actions of anyone having an interest in 314 Whittier Drive.

**4. Financial Gain:** not a basis for granting a variance.

**5. No Injury to Neighboring Property:** granting of a variance will not be injurious to other area properties or improvements, such as to infringe on light, air, or value to adjacent property.

In addition to above, a variance prevents further injury to the property at 314 Whittier Drive, and will improve the value of the adjacent property at 811 Kingsbury Avenue by replacing a dilapidated fence view.

**6. Harm to Public Welfare:** granting of a 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.



**Sequence of Events Regarding Neighbor (located at 811 Kingsbury Avenue)  
and Fence at 314 Whittier Drive, Crestline (Birmingham), Alabama, by  
Barbara Hutto, homeowner, 314 Whittier Drive**

1. House immediately NW of 314 Whittier Drive, 811 Kingsbury Avenue, was sold in October, 2020.
2. New neighbor at 811 Kingsbury Avenue dumped large amounts of construction trash and debris onto 314 Whittier Drive property, including brick and masonry, waste wood, metal, and glass shards.
3. Direct complaint made by homeowner at 314 Whittier Drive to neighbor at 811 Kingsbury Avenue resulted in neighbor yelling, name calling, and derogatory indifferent remarks. Neighbor at 811 Kingsbury Avenue stated no property infringement and didn't need a survey to prove legality of actions.
4. Homeowner at 314 Whittier Drive called police, who arrived, listened patiently, and informed neighbor at 811 Kingsbury Avenue to clean up debris and trash. Cleaning left behind great number of glass shards on lawn at 314 Whittier Drive.
5. Construction at 811 Kingsbury Avenue commenced to bring neighbor's house to within five feet of property at 314 Whittier Drive. A very large, mature, long leaf pine grows on the property line. The contractor slashed a major spreading root due to its proximity to construction. The tree has been left potentially unstable and threatening home at 314 Whittier Drive.
6. To avoid further belligerence and dumping, the homeowner at 811 Kingsbury Avenue had Weygand Survey Company survey the property at 314 Whittier Drive – the third survey over 35 years by the same company.
7. The homeowner at 314 Whittier Drive then erected a six foot wooden fence, conforming to neighborhood norms, approximately two feet from the property line with 811 Kingsbury Avenue, and on the front yard at 314 Whittier Drive.
8. The neighbor called the police during the start of fence construction, again making threats and calling the homeowner at 314 Whittier Drive derogatory names. The police came, calmed the neighbor, and left. Shortly afterward additional trash and debris was dumped against the fence at 314 Whittier Drive.
9. Homeowner received notice from Birmingham Zoning Board about anonymous call stating new fence at 314 Whittier Drive possibly was not in compliance. Zoning inspector came out and explained definition of "front yard" was different for corner properties and fencing could not exceed four feet in height in front yard.
10. A variance or exception is being considered before additional injury or expensive reconstruction of major sections of the fence at 314 Whittier Drive is incurred.

**PARCEL ID:** 012300342002062000

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

**DATE:** Monday, August 23, 2021 12:02:08 PM

**OWNER:** HUTTO BARBARA RENDA PERSONAL RE

**ADDRESS:** 314 WHITTIER DR

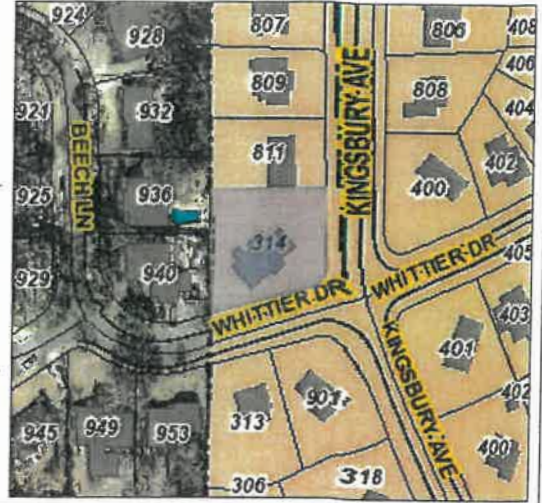
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213--2031

**SITE ADDR:** 314 WHITTIER DR

**CITY/STATE:** BHAM, AL

**ZIP:** 35213



**LAND:** \$184,000.00

**BLDG:** \$59,800.00

**OTHER:** \$0.00

**AREA:** 14,953.25

**ACRES:** 0.34

**SUBDIVISION INFORMATION:**

**NAME** CRESTLINE PARK

**BLOCK:** 4

**LOT:** 1

:

**Section:** 34-17-2W

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Crestline (301)

**Communities:** Crestline (3)

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

**Zoning Outline:** R3

**Demolition Quadrants:** DEM Quadrant - 4

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

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

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

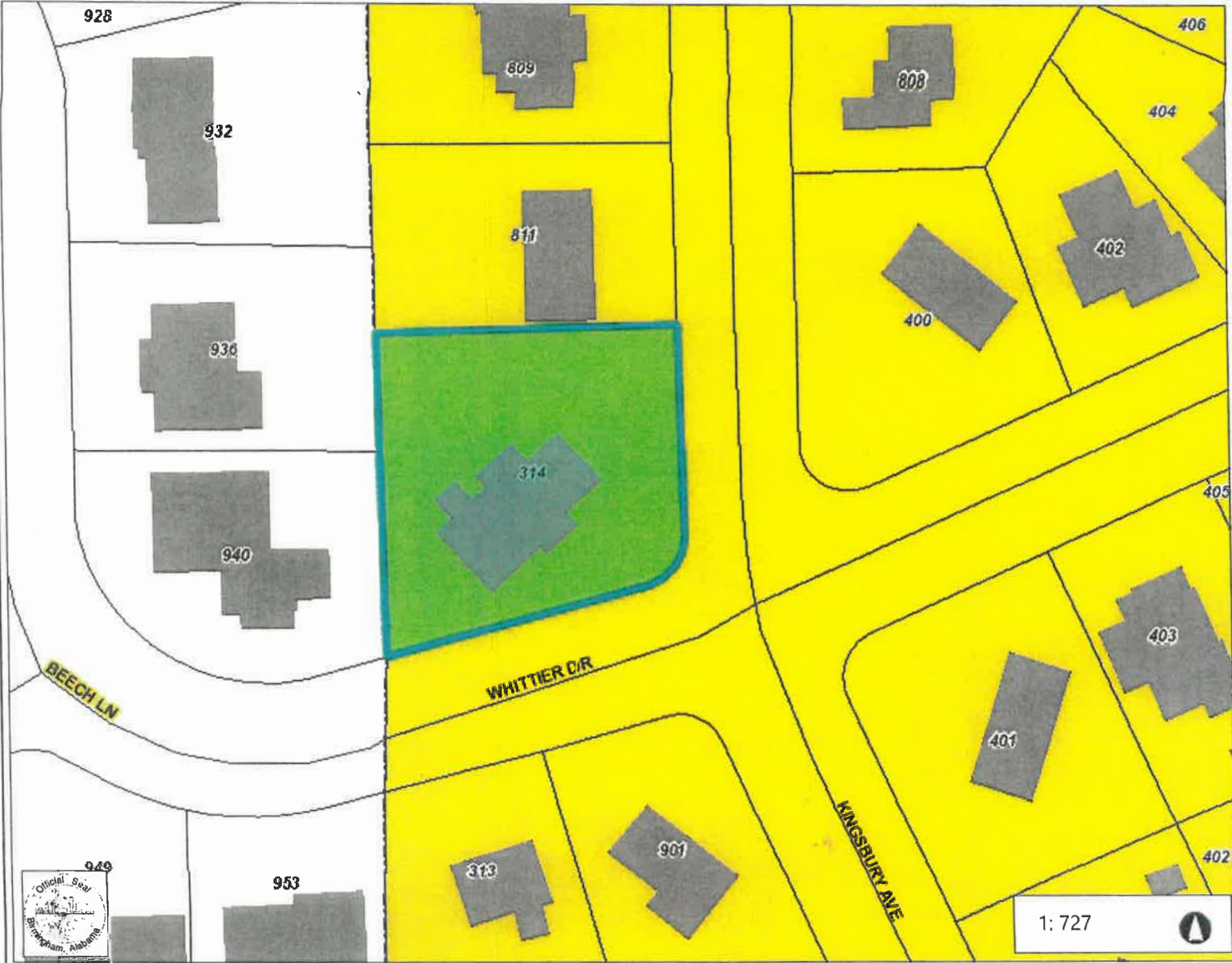
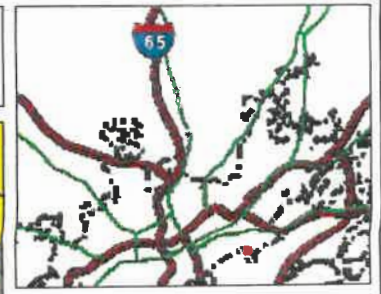
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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



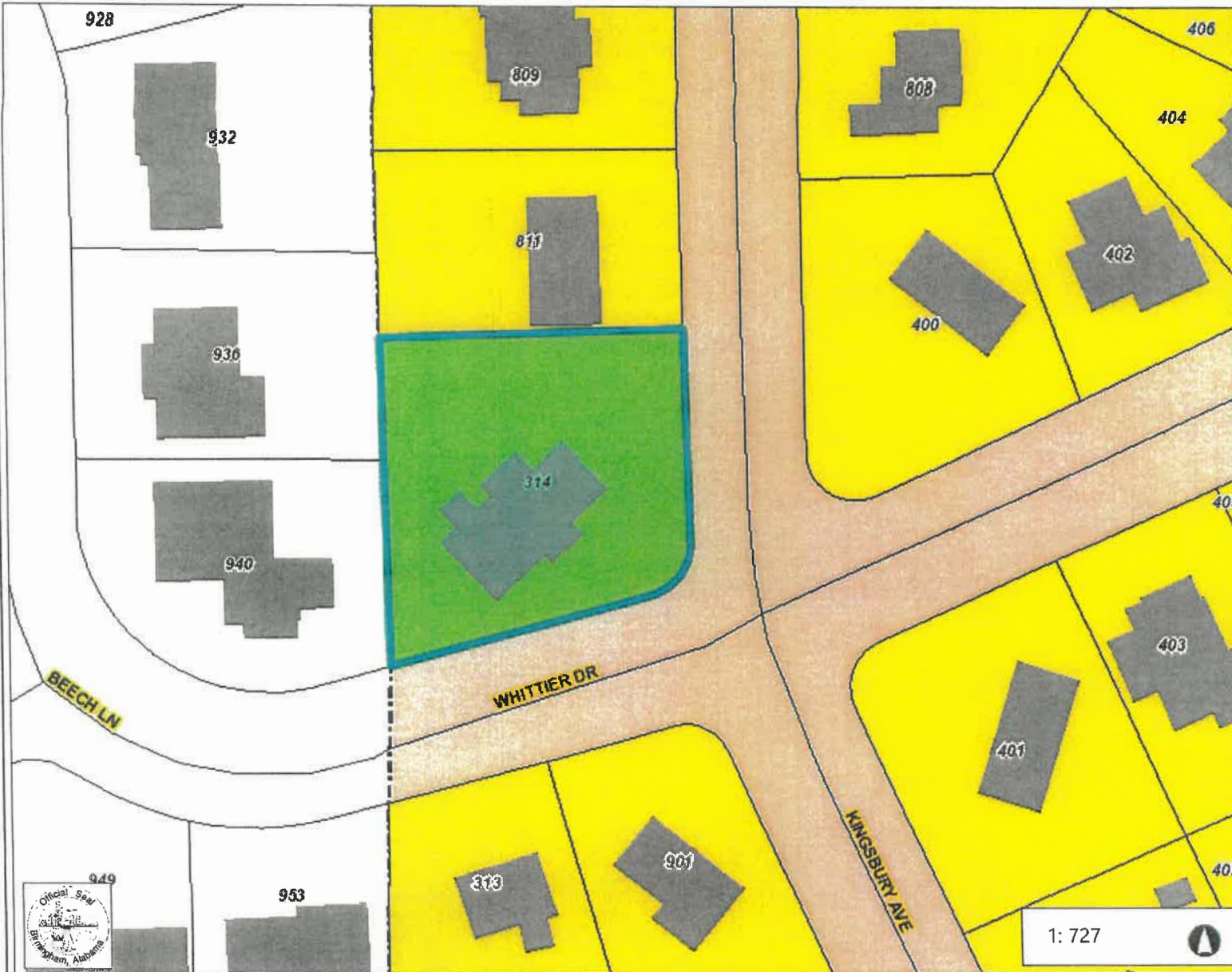
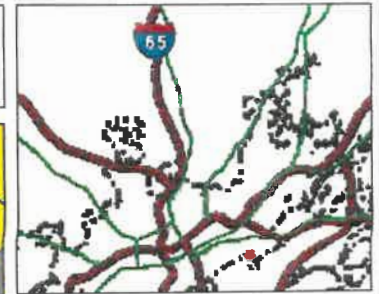
- Legend**
- Centerline Labels
  - + Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
    - Limited Access
    - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - Zoning Shaded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

**Notes**

121.1 0 60.54 121.1 Feet

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





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: 727

Notes

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



Google Maps 314 Whittier Dr



Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

WIRE

WALL OUT 1.4'  
FND 1" CRIMP

FND #8 REBAR "LDW"  
FENCE IN 1.0'  
FENCE IN 0.4'  
WALL OUT 2.1'  
MEAS: 88'54"23"  
FENCE IN 0.7'  
FENCE ON PROP. LINE

LOT 1  
BLOCK 4

LOT 2  
BLOCK 4

RESIDENCE  
#314

FND OLD E

MAP: 138.65'  
MEAS: 139.81'

23.6

COV. POR.

POR.

MAP: 125.00'  
MEAS: 124.91'

42.8

MEAS: 91'18"20"

MEAS: 74'14"54"

20.2

POR.

MAP: 115.24'  
MEAS: 115.20'

28.1 33.9

MAP: 86.9'  
MEAS: 86.90'

35.4

KINGSBURY AVENUE  
(50' ROW)

WHITTIER DRIVE  
(50' ROW)

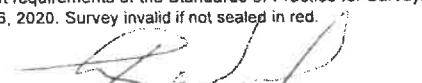
SET #4 REBAR  
"WEYGAND"

SET #4 REBAR  
"WEYGAND"

ARC L: 25.74'  
R: 20.00'  
CH MEAS: 24.00'

"Property Boundary Survey"

I, the undersigned Licensed Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, BLOCK 4, CRESTLINE PARK AMI NOED Volume 32, Page 62, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of the survey and drawing have been made 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. DATED: NOVEMBER 6, 2020. Survey invalid if not sealed in red.

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

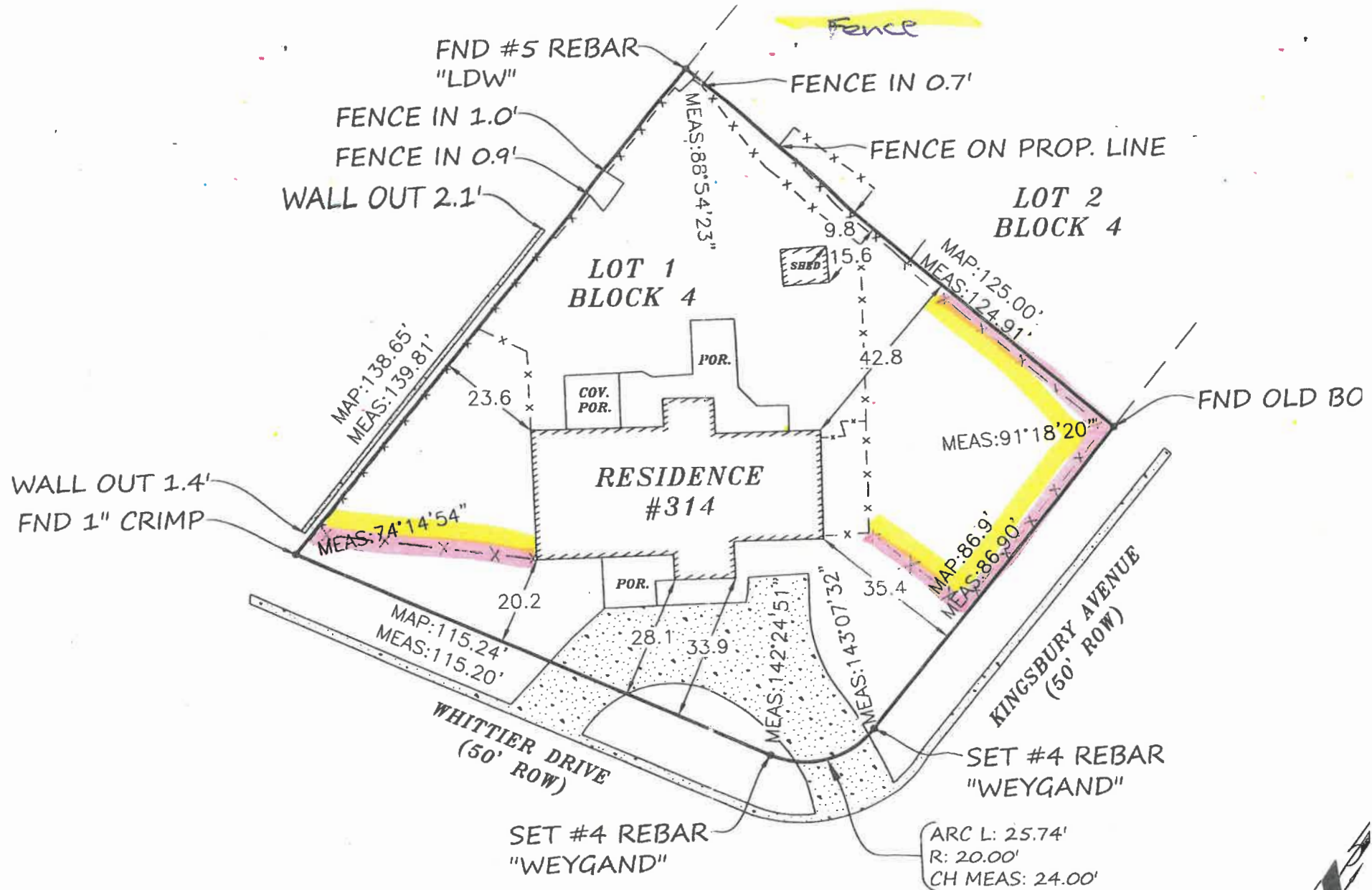
**WEYGAND**  
SURVEYORS

ALABAMA  
No. 24973  
PROFESSIONAL  
LAND SURVEYOR

SCALE: 1"=30'

DRIVE



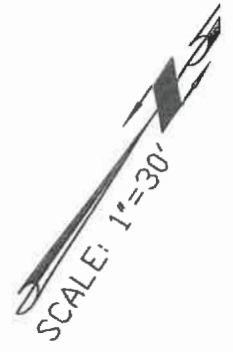
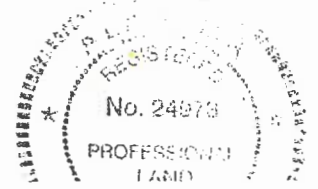


"Property Boundary Survey"

and Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, BLOCK 4 CRESTLINE PARK AMENDED  
 32, Page 62, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been  
 current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.  
 MBER 6, 2020. Survey invalid if not sealed in red.

REPLACED FENCE HIGHLIGHTED -  
 DOG-EARED 5 1/2" PINE BOARDS  
 APPROXIMATELY 5'10" TALL

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



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00047**

**Woodlawn Neighborhood**

***Request:***

Variance to allow a 6ft barbed wire chain-link in the front yard area.

***Applicant:***

Shaun Jourdan

***Location:***

4631 Messer Airport Hwy, Birmingham AL 35212  
Parcel #012300204026001000  
SE of Section 20, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a 6ft barbed wire chain-link in the front yard area.

***Staff Analysis:***

The subject property is currently zoned CM-1 (Contingency Light Industrial District). The parcels located north are zoned CM-1 (Contingency Light Industrial District), parcels south are zoned M-2 (Heavy Industrial District), east R-3 (Single Family District) and west are zoned R-3 (Single Family District) and CB-1 (Contingency Neighborhood Business District). The property is not located in the flood plain area nor any design review district. The property sits on a corner lot; therefore, has two front yards. The barbed wire chain-link fence will be located in the front yard off of 47<sup>th</sup> St N.

***Per the zoning ordinance:***

***Subsection 3. Residential Zoned Property***

*A. Upon any "D", "E-1", or "R" zoned property, a wall or fence may be erected or placed in accordance with the following:*

*1. Complete Front Yard – No wall or fence within a front yard area shall exceed a height of four feet and the overall height of fence, supports and other features shall not exceed a height of five feet in total, except as required for wireless communication installations as listed in Section 1 of this Article. If a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet.*

## *2. Side and Rear Yard*

*a. Within a side or rear yard, a wall or fence may be erected or placed to a height of eight feet, and the supports and other features may be erected or placed at a height of nine feet, provided that any structure that allows residential occupancy on an adjacent property is setback a minimum of five feet from the side and/or rear lot line.*

*b. If an existing dwelling unit on an adjacent property is setback less than five feet from a side or rear lot line, a portion (or all) of the wall or fence erected adjacent to that structure may be required to be of a “see through” type of material, such as chain link, so that adequate light and ventilation may be provided. This determination will be made by staff as a result of an on-site field inspection. The overall height of the fence or wall will be as detailed in the previous item (“A”).*

## ***Subsection 4. Non-residentially Zoned property***

*A. On non-residentially zoned property, the fence and/or wall height restrictions listed within this section will apply, except as required for wireless communication installations as listed in Section 1 of this Article, provided:*

- 1. That property lies within the same block face, between two intersecting streets, with residentially zoned property, or,*
- 2. Abuts residentially zoned property as defined in this section. In that case, the height restrictions listed in the previous section will be the same.*

*B. On other non-residentially zoned property, the height of a fence or wall will be determined by administrative review of staff of the Department.*

## ***Subsection 5. Visibility***

*A. No fence, wall, or planting, shall be erected, placed, or constructed so that it obstructs visibility of traffic and thereby creates a “line of sight” problem as determined by a review by the Traffic Engineering Department. The reconfiguration and/or repositioning of such a fence or wall shall be completed in compliance with the recommendation of the Traffic Engineering Department.*

## ***Subsection 6. Exemptions.***

*A. When a residential property is under construction or is being renovated, a temporary construction fence may be permitted in a front yard up to six feet in height.*

*B. When a commercial, manufacturing or industrial property is under construction or is being renovated, a temporary construction fence may be permitted in a front yard up to eight feet regardless of established front yard requirements.*

## ***Subsection 7. Construction, Materials, and Maintenance.***

*A. Finished side of fence must face adjacent property and thoroughfare.*



*B. Fences placed on top of retaining wall, terrace or patio in front yards shall not be opaque.*

*C. Fences placed in front yards shall not be opaque, except for certain uses such as junk yards and other similar uses.*

*D. All fences shall be made of the following material and be allowed in the yards:*

*1. Natural wood permitted at front, side and rear.*

*2. Brick or stucco over masonry permitted at side and rear only.*

*3. Chain link permitted in side and rear only.*

*4. Barbed and razor wire permitted in rear only, in commercial, manufacturing and industrial districts.*

*5. Electrified fences are prohibited in all yards.*

*E. All fences shall be well-maintained, in upright condition and free of missing and broken parts. Salvaged materials, such as, pallets shall not be allowed.*

***Neighborhood Recommendation:***

The ***Woodlawn Association*** will take a vote prior to the meeting.

***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.

4631 Messer Airport Highway

Birmingham, AL 35212

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

The property is located off Messer Airport Highway and 47<sup>th</sup> street, and was a former industrial site. It would be very easy for someone to drive by our new facility, jump the fence, and steal aluminum products. The barbed wire would act as a strict deterrent.

**2. Unique Characteristics.**

Our property is easily accessible off of Messer Airport Highway, and we will be producing expensive aluminum curtain wall and storefront products. Having the barbed wire fencing is necessary for the long term security of our building.

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

We have not created any hardship to any person having interest in the property.

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

There is no financial gain by installing the fencing proposed.

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

The variance would not be injurious to other property or improvements in the area, impair supply of light or air to adjacent property, or diminish property values in the area.

**6. No Harm to Public Welfare.**

The variance would not be detrimental to the public welfare, increase the congestion in public streets, increase the danger of fire, imperil the public safety, impact the general welfare of any of the citizens of the city of Birmingham, or impair the intent and purpose of this ordinance.

**PARCEL ID:** 012300204026001000

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

**DATE:** Wednesday, September 1, 2021 10:44:36 AM

**OWNER:** PLOTT WILLIAM G

**ADDRESS:** 1407 MORNINGSIDE DR

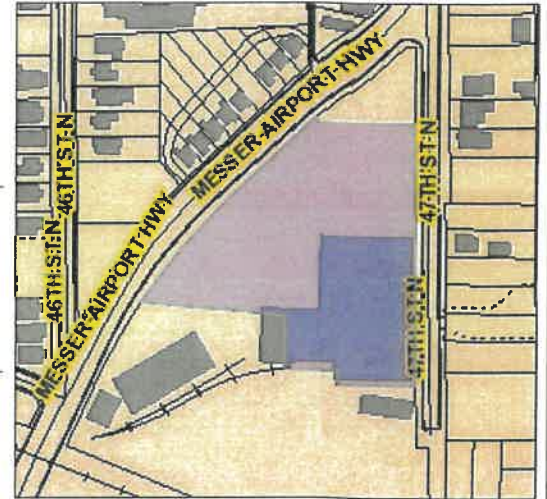
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213

**SITE ADDR:** 4631 MESSER AIRPORT HWY

**CITY/STATE:** BHAM, AL

**ZIP:** 35212



**LAND:** \$211,100.00

**BLDG:** \$166,600.00

**OTHER:** \$0.00

**AREA:** 141,194.30

**ACRES:** 3.24

**SUBDIVISION INFORMATION:**

**NAME** PLOTS RESURVEY OF SWALLE

**BLOCK:**

**LOT:**

3A

:

**Section:** 20-17-2W

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Woodlawn (2104)

**Communities:** Woodlawn (21)

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

**Zoning Outline:** CM1

**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

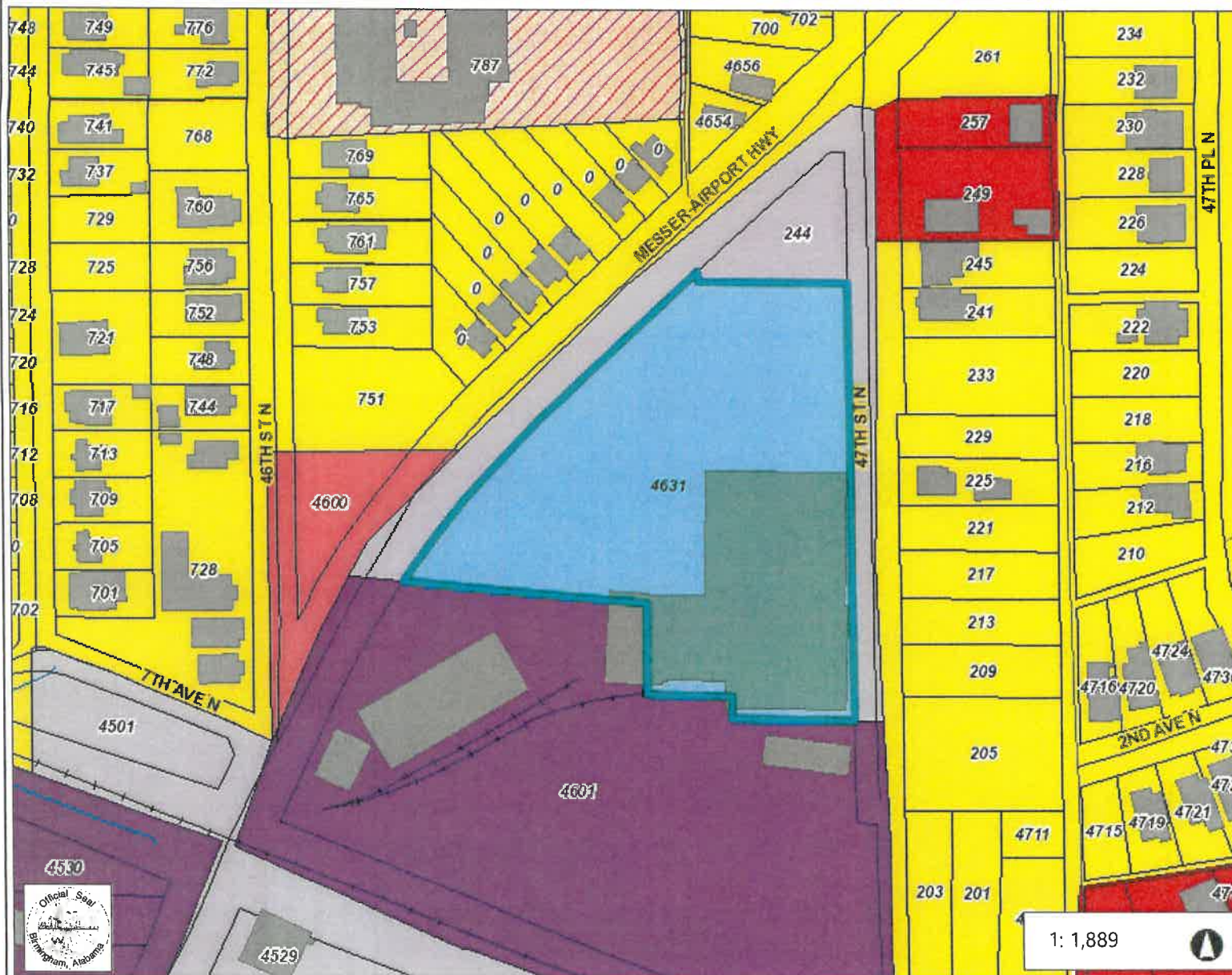
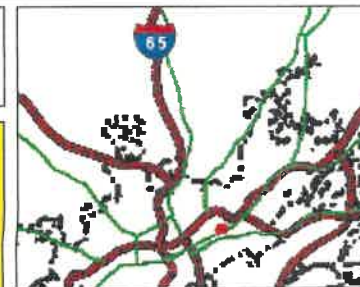
**EPA Superfund:** Not in EPA Superfund

**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

1: 1,889



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 4631 Messer Airport Hwy



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





**LEGEND**

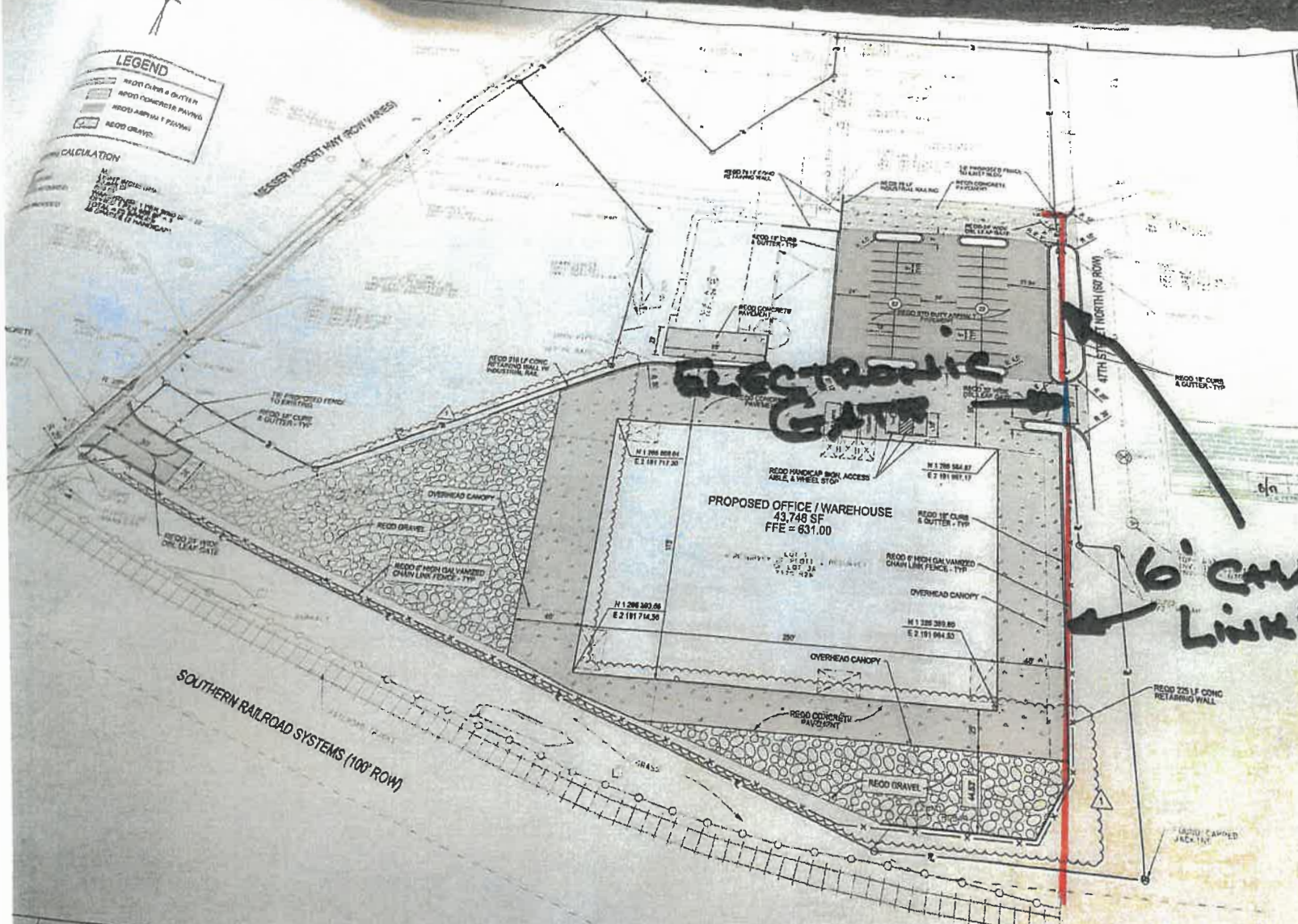
- RECO CONCRETE & GUTTER
- RECO CONCRETE PAVEMENT
- RECO ASPHALT PAVING
- RECO GRAVEL

**AREA CALCULATION**

M 1 286 383.46  
E 2 181 714.30

M 1 286 383.46  
E 2 181 714.30

M 1 286 383.46  
E 2 181 714.30



**Electronic Gate**

**6' Chain Link Fence**

SOUTHERN RAILROAD SYSTEMS (100' ROW)

CENTRAL OF GEORGIA (50' ROW)

MESSER AIRPORT HWY (50' ROW)

4TH STREET NORTH (50' ROW)

**DYNAMIC CIVIL SOLUTIONS**  
 2310 2nd Avenue South  
 Birmingham, AL 35203  
 Tel: (205) 358-7239  
 Fax: (205) 358-7234  
 www.dcseng.com

**MONUMENTAL CONTRACTING**  
 BIRMINGHAM, AL 35216



**CONSTRUCTION FOR:**  
**ALL STATE GLASS FACILITY**  
**OFFICE / WAREHOUSE**  
**631 MESSER AIRPORT HIGHWAY 35212**  
**BIRMINGHAM, ALABAMA**

Project No. 100103  
 Birmingham, Alabama

NO.	DATE	DESCRIPTION
1	12/1/20	PAVEMENT TYPES

PROJECT NUMBER: 300103  
 ISSUE DATE: 01/06/2020  
 DRAWN BY: WJL  
 CHECKED BY: MJK

SCALE:  
 30' 15' 0' 15' 30'  
 SCALE IN FEET  
 (1 IN = 30 FT)

SHEET TITLE:

SITE LAYOUT PLAN

SHEET NUMBER:

**C-04**

**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00049**

**Central City Neighborhood**

***Request:***

Special Exception to allow an event center.

***Applicant:***

Laniesha Williams

***Location:***

217 20<sup>th</sup> St N, Birmingham AL 35203

Parcel #012200362012010000

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

***Applicant's Proposal:***

The applicant is an event center with the hours of operation being Monday through Sunday 11am-11pm with earlier times by special request only.

***Staff Analysis:***

The subject property is currently zoned B-4 (Central Business District). The subject property is surrounded by parcels zoned B-4 (Central Business District). The property is not located in the flood plain area; however, it's located in the Birmingham Green Commercial Revitalization District and the Downtown Historic District. There is not a parking requirement in the B-4 zoning district and the proposed event center does not sit within 200 feet of a residentially zoned district; therefore, the applicant meets the requirement for the use.

***Per the zoning ordinance:***

*D. Event Center. In the MU-H, MU-D, C-2 and PRD districts a special exception may be granted by the Board provided that the following conditions are met:*

- 1. A traffic study may be required by the City Traffic Engineer.*
- 2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.*

***Neighborhood Recommendation:***

*The Central City Neighborhood Association will take a vote prior to the meeting.*

***Staff's Recommendation to ZBA:***

Staff believes the applicant has provided evidence to support the special exception; therefore, staff believes the special exception 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.





## **EMERALD EVENTS, LLC**

217 20TH STREET N,  
BIRMINGHAM, AL 35203

(205) 340-8979  
INFO@EMERALDVENUE.COM

### **To whom it may concern:**

Emerald Events, LLC operating as Emerald Venue on 217 20th Street North, Birmingham, AL 35203 will be an event venue operating on Monday through Sunday. The target hours of operations will be 11:00 AM - 11:59 PM with earlier times by special request only. The majority of the events will take place outside of normal 9-5 weekday hours to avoid affecting the adjoining properties in the area. The venue will cater to events of less than 100 attendees with ideal events ranging from baby and wedding showers, tiny weddings, and other celebratory low noise events. The venue will operate in a historic building, and guests are required to agree with never altering the building by screwing, taping items to the wall. The bathroom was updated to be ADA compliant, a new sprinkler system, updated exit signs to ensure safety to all guests.

Yours truly,

**Laniesha Williams**  
**Owner**  
**Emerald Events, LLC**

**PARCEL ID:** 012200362012009000

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

**DATE:** Friday, September 17, 2021 1:14:03 PM

**OWNER:** VINTAGE DEVELOPMENT LLC

**ADDRESS:** 208 NORTH 20TH STREET

**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:** 219 20TH ST N

**CITY/STATE:** BHAM, AL

**ZIP:** 35203



**LAND:** \$40,500.00

**BLDG:** \$199,000.00

**OTHER:** \$0.00

**AREA:** 1,534.78

**ACRES:** 0.04

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 85

**LOT:** 8&9

:

**Section:** 36-17-3W

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

**Historic Districts:** Downtown

**Commercial Revitalization District:** Birmingham Green

**Fire District:** In Fire District

**Flood Zones:** Not in Flood Zones

**Tax Increment Financing District:** In Tax Increment Financing District

**Neighborhoods:** Central City (1201)

**Communities:** Northside (12)

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

**Zoning Outline:** B4

**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

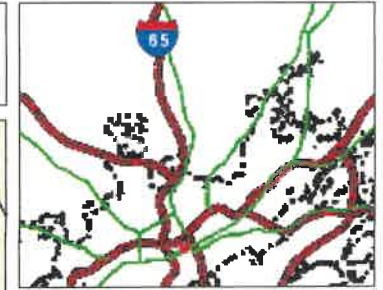
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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







# ZBA2021-00049 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

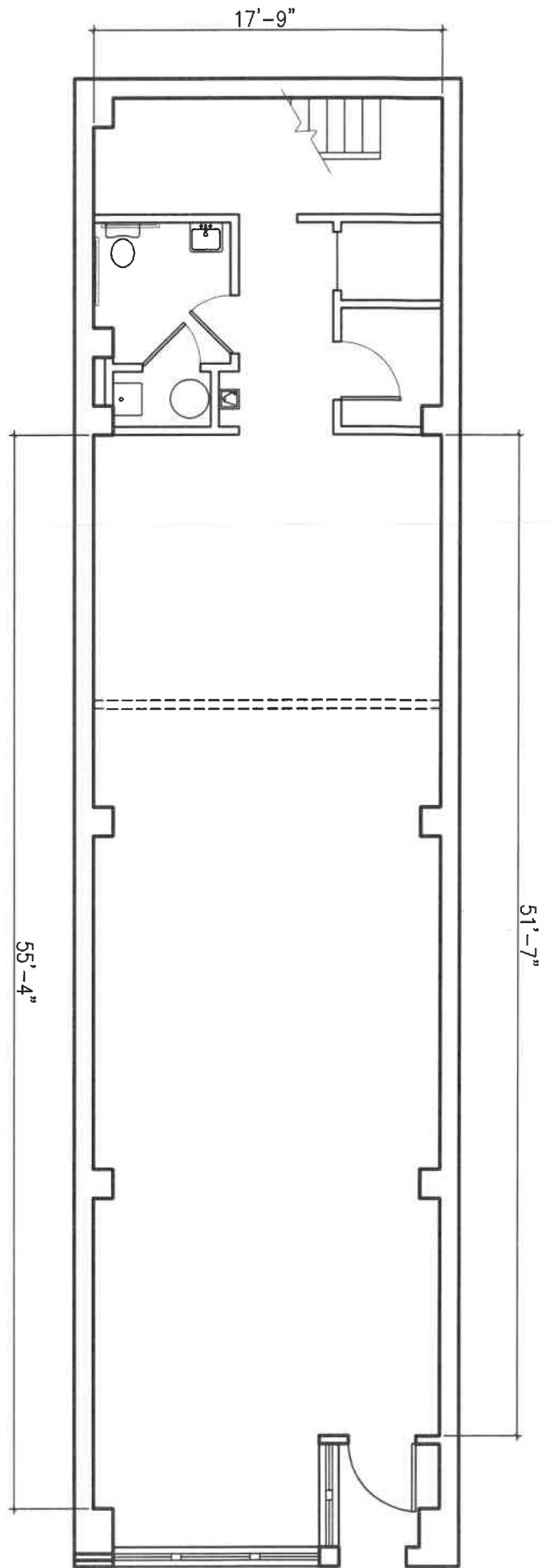
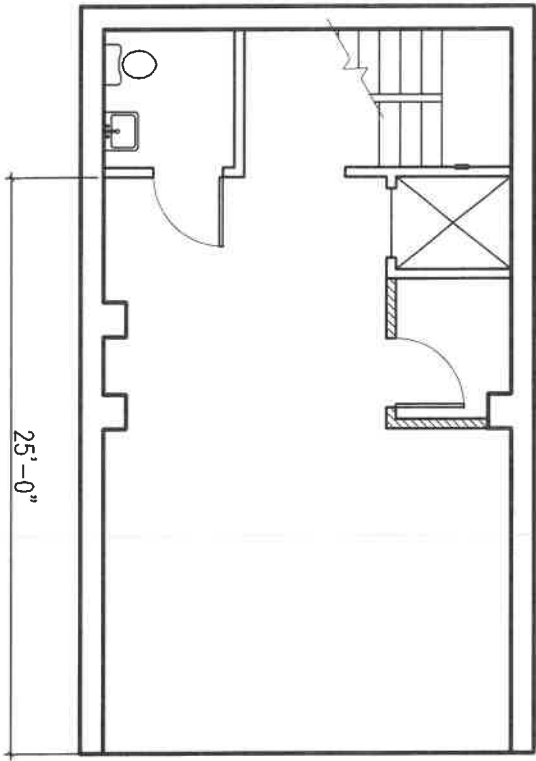
1: 864



144.1 0 72.03 144.1 Feet

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

## Notes



**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** September 30, 2021  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** Webex

**ZBA2021-00050**

**Thomas Neighborhood**

***Request:***

Modification to allow 0 off-street parking spaces instead of the required 49 spaces. A special exception to allow an event center. A variance to allow an event center hours to extend past 12:00am.

***Applicant:***

Gerald Edwards

***Location:***

1155 Bankhead Hwy W, Birmingham AL 35204  
Parcel #012200281008007000  
NE of Section 28, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing an event center located in the 78 Highway Shopping Center on the corner suite. Request for extension of hours includes, opening hour start at 8pm, patrons that have their adult Birthday parties come in around this time to decorate the building and their tables for their parties, the patrons start their parties at 10pm and stop around 2am to start the clean up process of the building to clean and mop the floors, clean the tables and break them down, to stack the chairs, so the building can be cleared and cleaned before 3am. The parking lot is included in the cleanup. The extended hours are in consideration of the opening, set up, activity, cleanup and breakdown of the adult Birthday Parties, and Anniversary Parties. Most adults have night parties and request this time frame, the businesses in our area and the adjoining buildings which include the auto repair shop, the used tire shop, BBVA bank, The flea market, AMOCO furniture builder, KJ Grill, Love of GOD church, Vending shop, Photo studio are closed at the hours of operation of our business.

***Staff Analysis:***

The subject property is currently zoned CB-2 (Contingency General Business District). The parcels located north are zoned CM-1 (Contingency Light Manufacturing District), parcels east are zoned CR-5 (Contingency Multiple Dwelling District), parcels south are zoned R-3 (Single Family District) and parcels west are zoned CB-2 (Contingency General Business District). The property is not located in the flood plain area nor in any design review district. The property is within 200 feet of a residential dwelling district; therefore, the hours of operation must end at 12am. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA for an event center (4900 sf) requiring 49 spaces. The applicant has provided



staff with pictures taken during the hours of operation as evidence to show available parking spacing.

***Per the zoning ordinance:***

*D. Event Center. In the MU-H, MU-D, C-2 and PRD districts a special exception may be granted by the Board provided that the following conditions are met:*

- 1. A traffic study may be required by the City Traffic Engineer.*
- 2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.*

***Neighborhood Recommendation:***

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

***Staff's Recommendation to ZBA:***

Staff believes the applicant has not provided evidence to support the modification, special exception, and variance request; therefore, staff believes the request has merit for **DENIAL**.

**PARCEL ID:** 012200281008007000

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

**DATE:** Friday, September 17, 2021 1:32:20 PM

**OWNER:** ATLANTA CAPITAL LLC

**ADDRESS:** P O BOX 110962

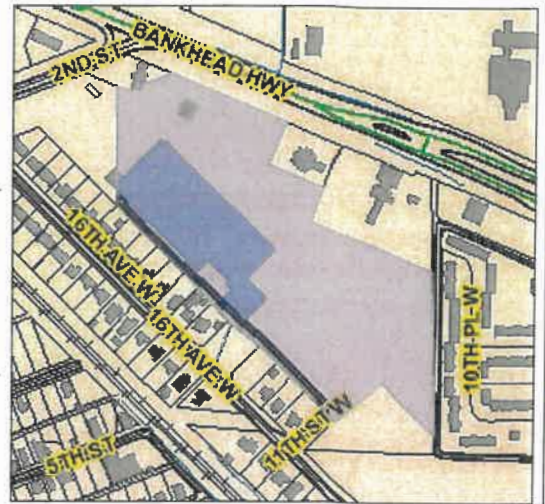
**CITY/STATE:** CAMPBELL CA

**ZIP+4:** 95011

**SITE ADDR:** 1111 BANKHEAD HWY W

**CITY/STATE:** BHAM, AL

**ZIP:** 35204



**LAND:** \$1,045,400.00

**BLDG:** \$553,000.00

**OTHER:** \$0.00

**AREA:** 529,076.19

**ACRES:** 12.15

**SUBDIVISION INFORMATION:**

**NAME** THOMAS GARDENS-2 22-28-1

**BLOCK:**

**LOT:** 3&

:

**Section:** 28-17-3W

**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:** Thomas (1306)

**Communities:** Pratt (13)

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

**Zoning Outline:** CB2

**Demolition Quadrants:** DEM Quadrant - 2

**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

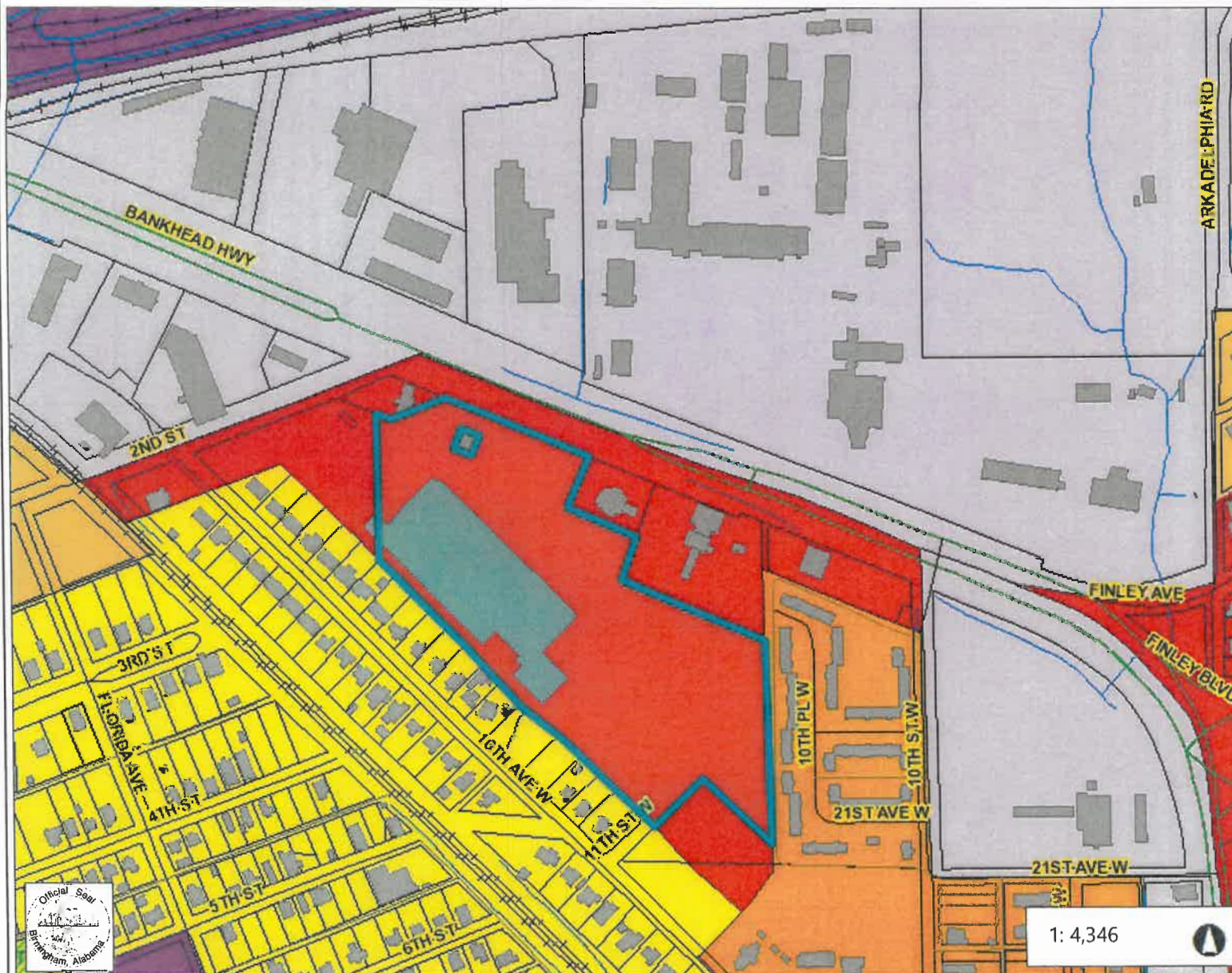
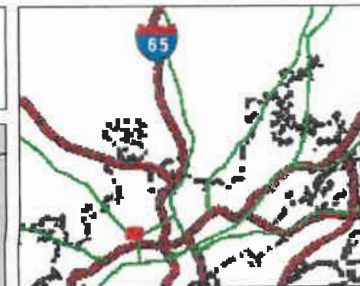
**EPA Superfund:** Not in EPA Superfund

**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.



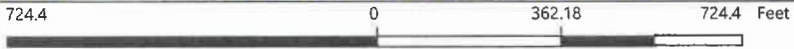


Legend

- 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



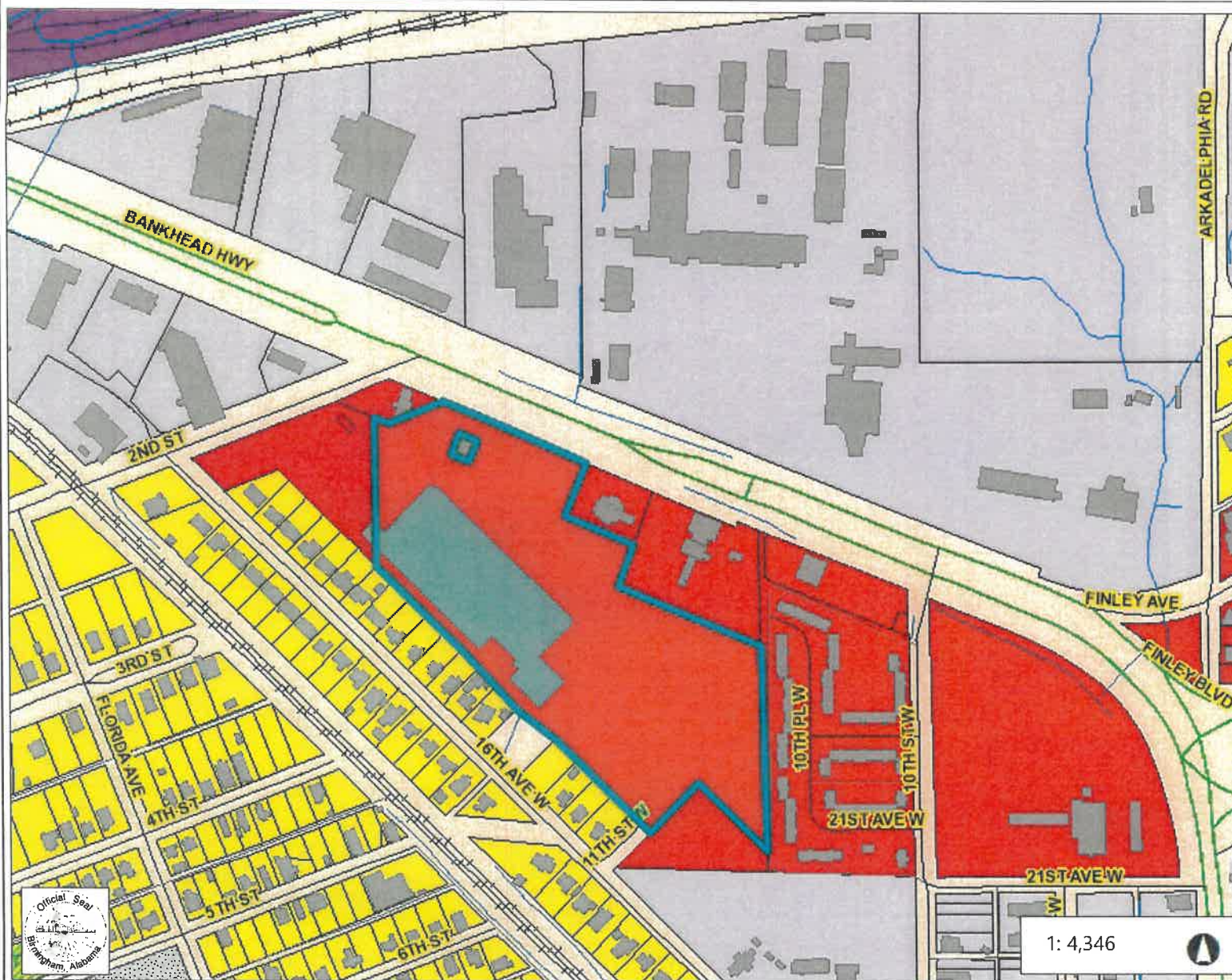
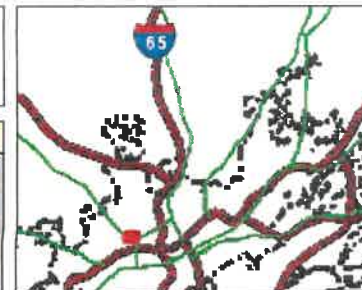
1: 4,346



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



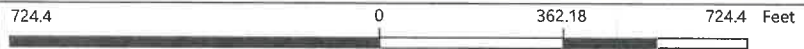


### Legend

- 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

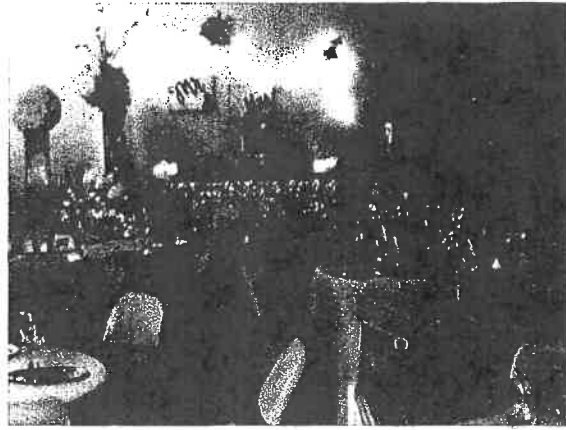
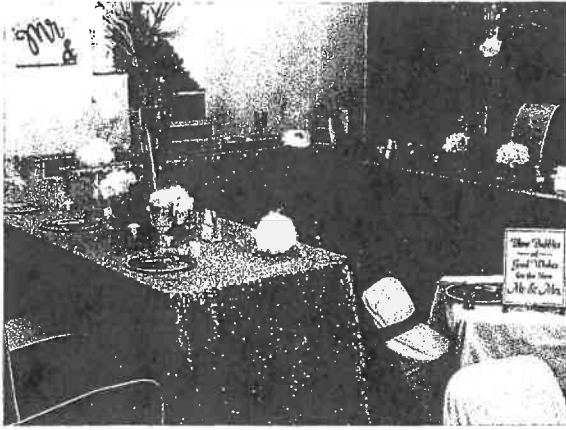


1: 4,346



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



M

SPECIALIST WILL WORK WITH YOU TO CREATE A  
UNIQUE, BEAUTIFUL AND UNFORGETTABLE EVENT. REST  
ASSURED OUR PROFESSIONAL TEAM WILL BRING ANY OF  
YOUR DETAILS TO LIFE.

SECURITY IS STRICTLY ENFORCED OUTSIDE AND INSIDE  
DURING EVENTS

- MULTIPLE BANQUET & MULTI-PURPOSE  
HALL OPTIONS
- CORPORATE MEETING SPACE
- GENERAL PURPOSE & KITCHEN & LOTS MORE

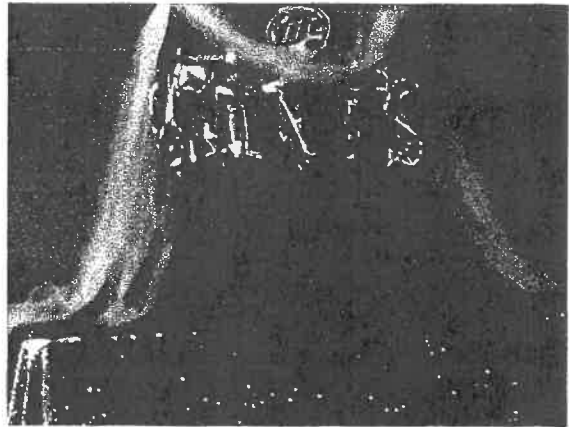
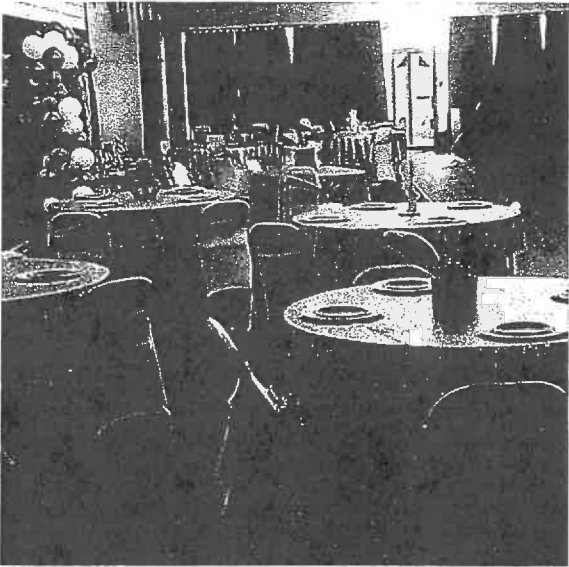
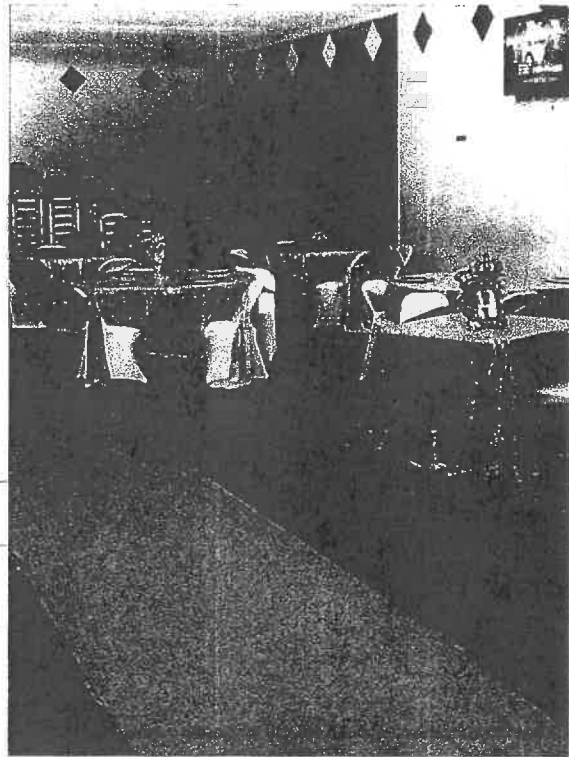
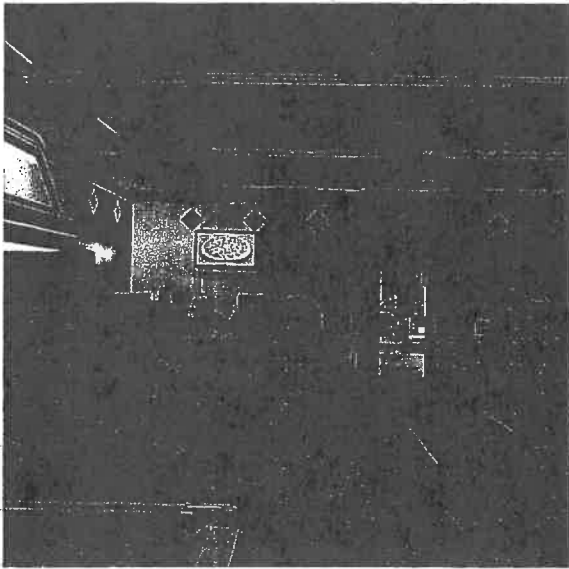
AN IDEAL VENUE FOR:

- WEDDINGS
- Kids Birthday Parties
- Adult Birthday Parties,
- Baby showers,
- Repasses,
- Group Meetings
- RECEPTIONS
- Anniversaries
- DO It Yourself (DIY) Events
- Holiday Family Meals
- Pop Up Shops

11  
Birm  
Mo  
8:00

Saturday an  
Sat-Sun: Hours

Bu  
Gerald E



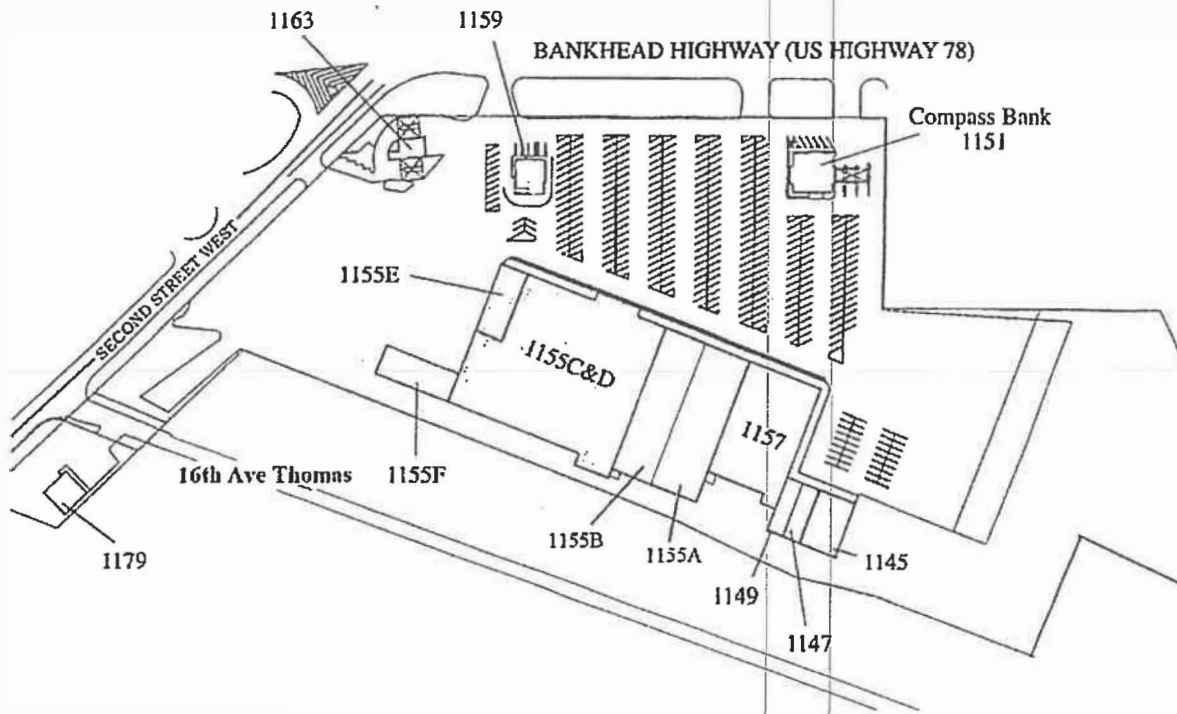
NO MATTER HOW SIMPLE OR SOPHISTICATED, YOU WANT YOUR SPECIAL EVENT. WE WILL MAKE IT EXTRAORDINARY

\*Community G  
Specializing in I  
Alethia House.

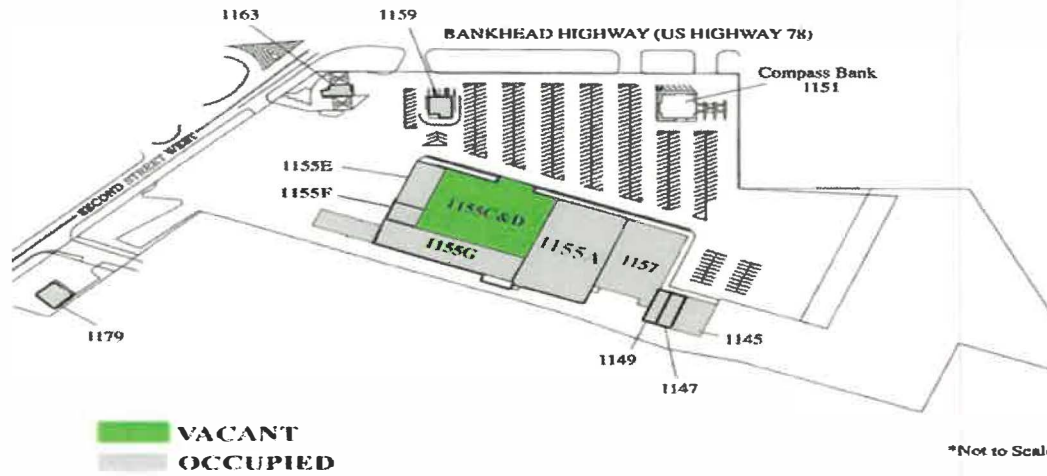
Grand Opening  
Event with Foo



EXHIBIT A



Westgate Shopping Center



Suite	SQF	Tenant
1145	4500	Love of God Church
1147	1500	Vending Shop
1149	1500	Photography
1155A	12400	78 Mini Mall
1155B	12400	78 Mini Mall
1155C&D	30000	VACANT
1155G	12000	Aomco Office Furniture Installation Inc.
1155E	4900	Steel City
1155F	1000	Car Repair
1157	17000	Night Bar
1159	2340	KJ's Bar and Grill
1163	1000	Tire Shop
1179	2025	Transportations/ Taxes/ Entertainment

MCE CENTER PARKING LOT 8PM 8/27

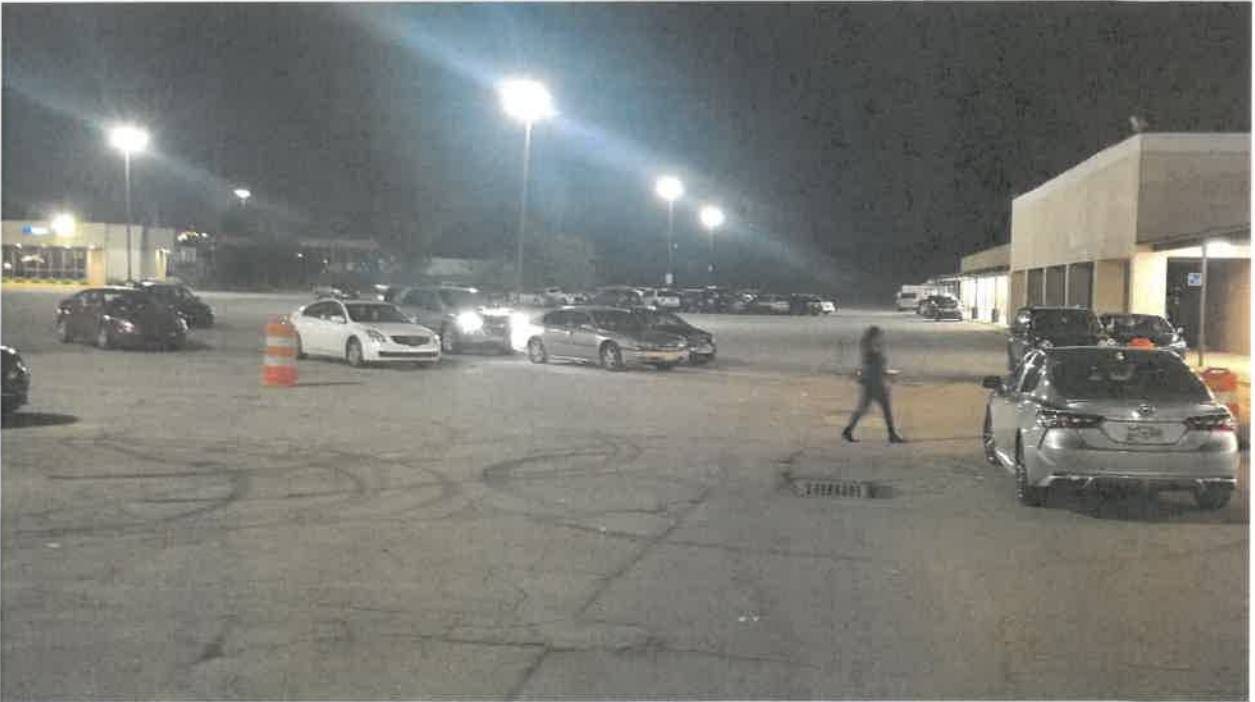








MCE CENTER PARKING LOT 10PM 8/27 INCLUDING CARS FROM Carmichaels









MCE CENTER PARKING LOT 9PM 8/26 BBVA PARKING, UNITS ON THE SIDE OF  
CARMICHAELS, FLEA MARKET, KJ GRILL, MCE CENTER,













MCE CENTER PARKING LOT 9PM 8/28











MCE CENTER PARKING LOT 10PM 8/30 AND 8/31



