

ZONING BOARD OF ADJUSTMENT

Meeting Date: October 14, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: Webex

ZBA2021-00051

Redmont Park Neighborhood

Request:

Variance to allow 3ft side yard setback instead of the 5ft setback and a variance to allow a 20.10ft front yard setback instead of the required 25ft setback.

Applicant:

Jasper Cornett

Location:

1232, 1236, & 1240 22nd St S

Parcel #012800062023006000

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

Applicant's Proposal:

The applicant is proposing a new multifamily development with the balconies exceeding the setback requirements.

Staff Analysis:

The subject properties are currently zoned R-6 (Multiple Family District). The parcels located north and south are zoned O&I (Office and Institutional District) and parcels east and west are zoned R-6 (Multiple Family District). The properties are not located in the flood plain area nor in any design review district. The subject parcels have been combined into one per subdivision case SUB2021-00037. The proposed balcony with a setback of 3 feet is located in the side yard area and is approximately 85 to 90 feet away from U.S. Highway 280. The proposed balcony with a setback of 20.10 feet is located in the front yard area off of 23rd street south and is approximately 35 to 38 feet away from the street.

Per the zoning ordinance:

Subsection 3. Area and dimensional regulations.

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

Maximum Height of Structure Feet	Minimum Yards		Minimum Side Yards		Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One side	Total both Sides		
45 feet	25 feet	25 feet	5 feet	14 feet	5,000 square feet for single-family dwellings.	50 feet except that in attached and semi-attached dwellings the minimum is 18 feet, with an average of 20 feet in an attached row.
A structure may be erected to any height of not more than 80 feet whenever the structure is set back from the side and rear yards required for a 45 foot structure an additional distance of one foot for each four feet of structure height above 45 feet.			In attached and semi-attached dwellings, none required for interior walls; exterior side yards same as listed above.		2,500 square feet for two-family dwellings.	
					1,800 square feet for attached and semi-attached dwellings.	
					1,500 square feet for multiple family dwellings.	
					1,000 square feet for multiple dwellings four stories or more.	

Neighborhood Recommendation:

The *Redmont Park 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 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.
3. The development shall be constructed based upon the plans submitted.

Variance Request: 1232, 1236, & 1240 22nd Street South

Physical Characteristics of the Property. The site adjoins the right-of-way of US 31/280 (Red Mountain Expressway) along its west side. The nearest portion of the expressway to the site is the 22nd Street exit ramp, which is a considerable distance from the proposed building. The exit ramp is 50-90 ft away from where the balconies are proposed on the west side of the building.

In addition, a small parking structure exists on the east side of the site. The upper of the two levels of the parking structure is at grade along the street. It is being retained to serve the development and will be connected to additional parking beneath the proposed building. This will help to minimize the visibility of parking from the street and avoid having to excavate further underground. However, retaining and connecting to the existing parking structure limits how the building can be configured on the site.

Unique Characteristics. The site adjoins the right-of-way of the US 31/280 (Red Mountain Expressway) along its west side. The nearest portion of the expressway to the site is the 22nd Street exit ramp, which is a considerable distance from the proposed building. The exit ramp is 50-90 ft away from where the balconies are proposed on the west side of the building. This condition is not common among similarly zoned properties.

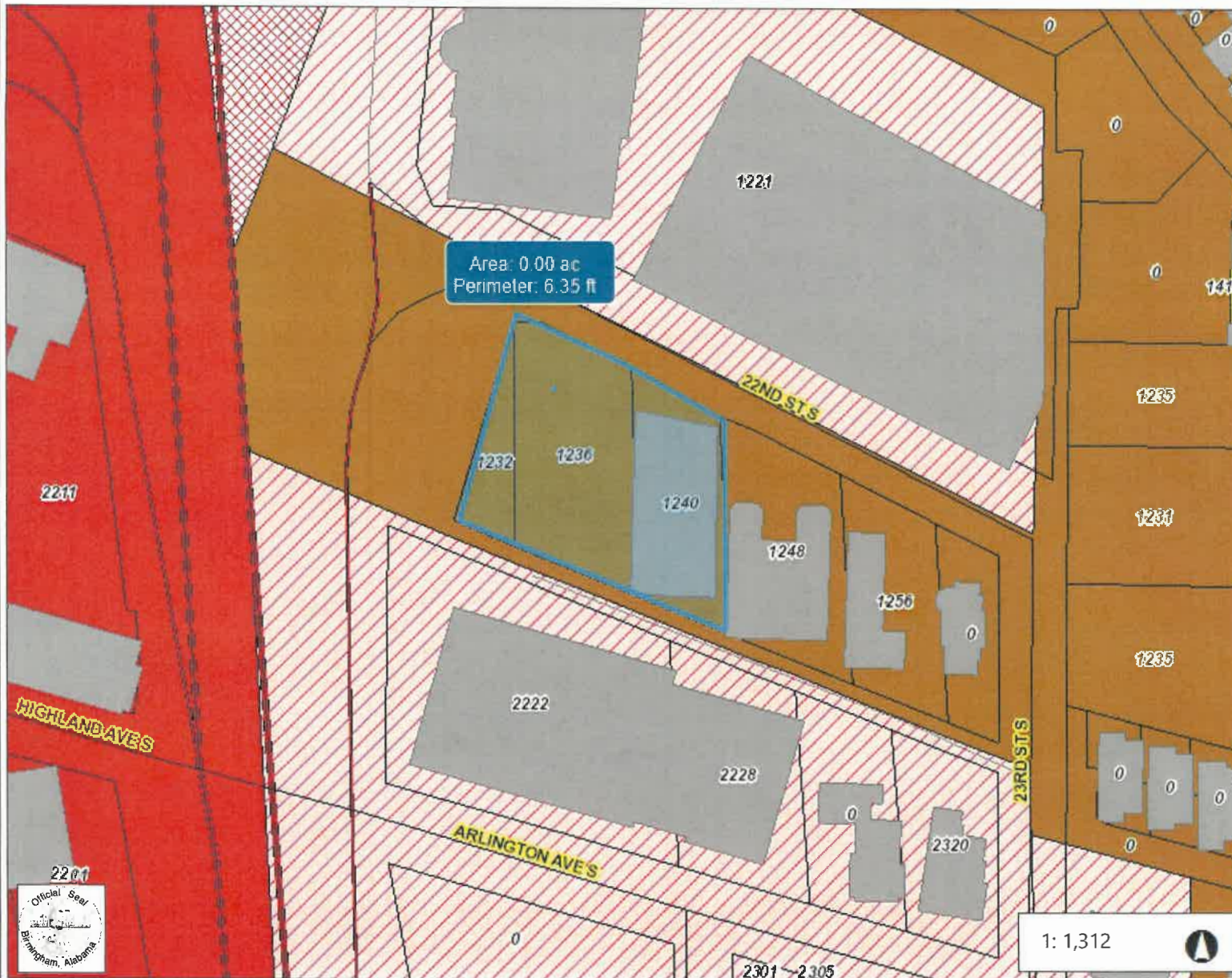
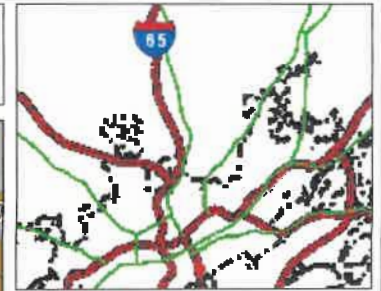
The balconies proposed to project into the front yard will face property across the street that is zoned O&I. That facing property contains a parking structure and an office building, both of which are located close to the front lot line. Moreover, the north, west and south sides of the site adjoin nonresidential zoning. That the site is nearly surrounded by nonresidential zoning further demonstrates the unique conditions of the site compared to other R-5 zoned properties.

Hardship Not Self-Imposed. A parking structure existing on the site is being retained to serve the development and will be connected to additional parking beneath the proposed building. This will help minimize the visibility of parking from public views and avoid having to excavate further underground for parking. However, retaining the parking structure and providing a vehicular connection to it from the proposed underground parking limits how the building can be configured on the site.

Financial Gain Not Only Basis. Retaining the existing parking and connecting it to two levels of parking under the proposed building will minimize visibility of parking from public view and from the neighboring apartment building. However, this limits how the proposed building and underground parking can be configured on the site.

No Injury to Neighboring Property. The balconies proposed to project into the front yard will face an office building and parking structure, both of which are located closer to the front lot line than the proposed balconies. The balconies proposed to project into the side yard on the west side will face the Red Mountain Expressway.

No Harm to Public Welfare. Granting a variance to allow the balconies to project a short distance into a 25 ft front yard setback (on the north side) and into a side yard set that adjoins an expressway separated by up to 90 ft from the west lot line presents no harm to the public welfare. ALDOT has no objection with regard to the west side balconies in regards to the operation and safety of US 31/280.



Legend

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

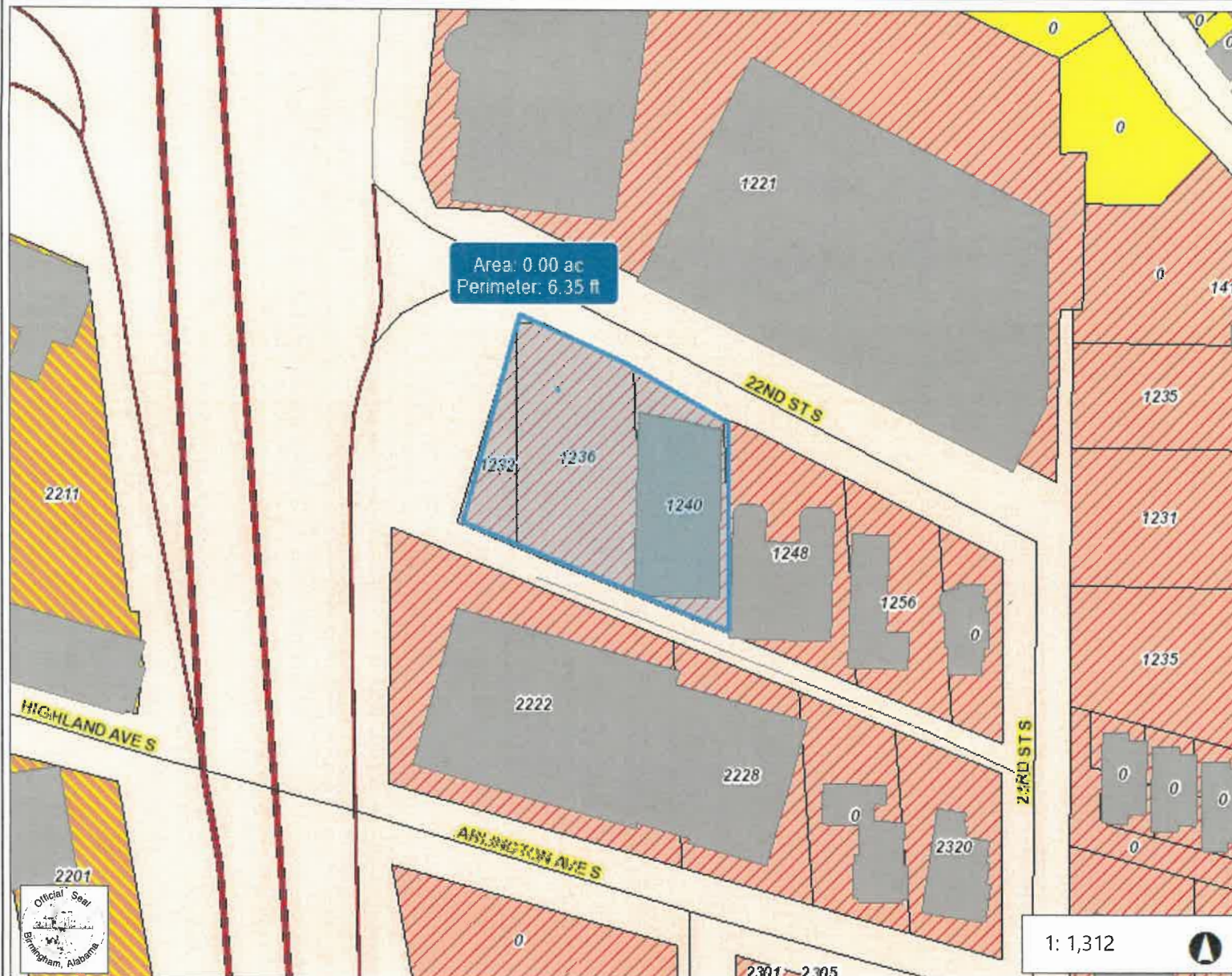
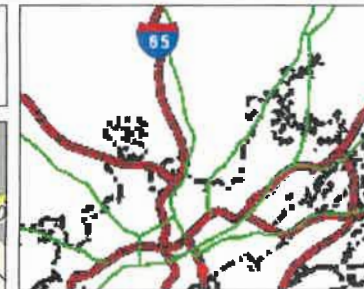
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Notes

218.6 0 109.32 218.6 Feet



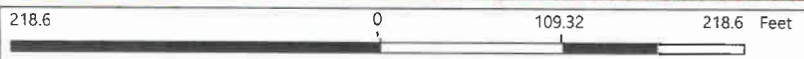


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- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



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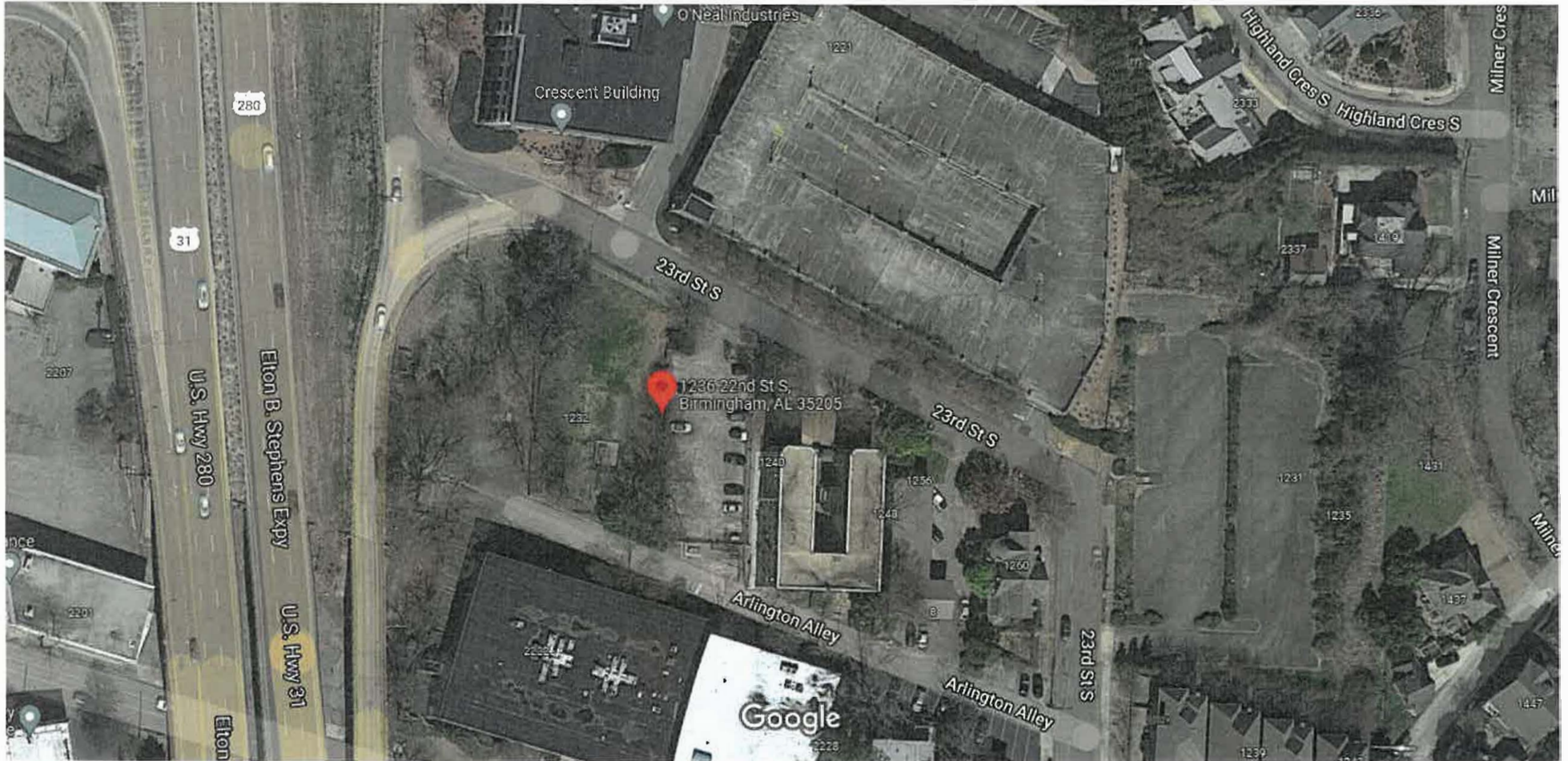
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Notes

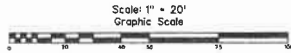


1236 22nd St S

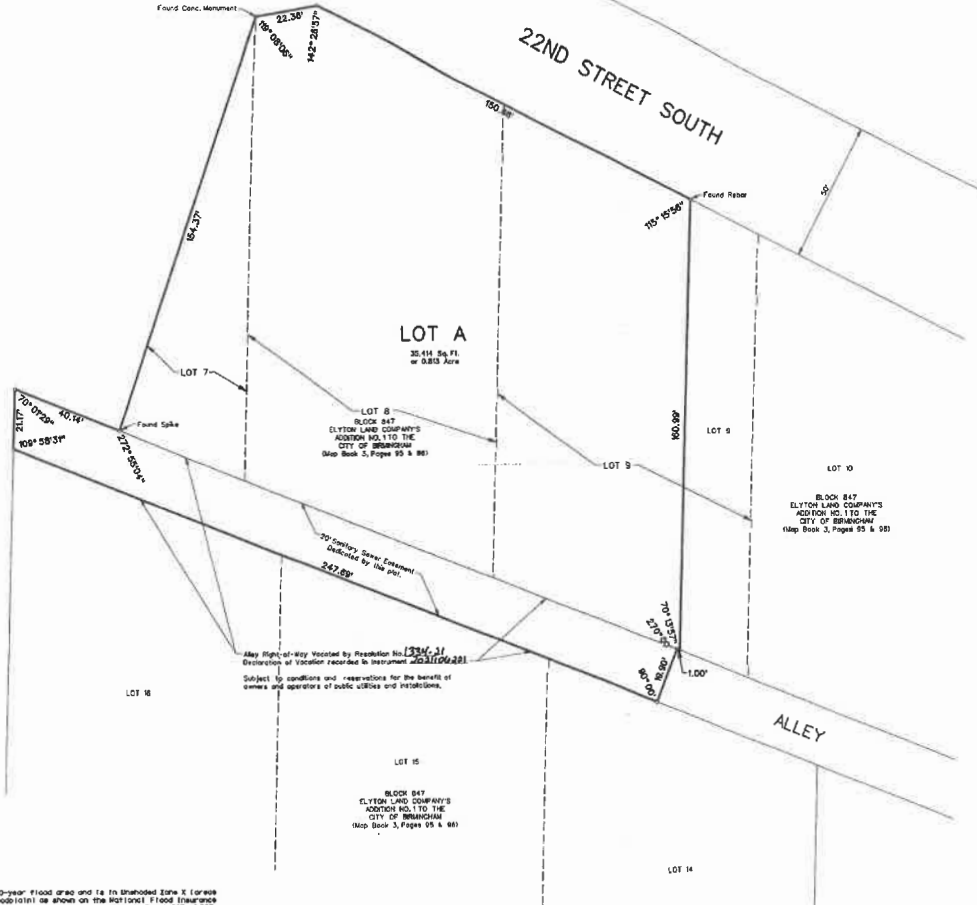
ZBA2021-00051



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 50 ft



RED MOUNTAIN EXPRESSWAY
(RIGHT-OF-WAY Varies)



OWNER:
ARLINGTON REDEVELOPMENT LLC
135 WEST 26TH STREET, SUITE 11C
NEW YORK, NEW YORK 10001
(404) 226-5815

STATE OF ALABAMA
JEFFERSON COUNTY

I, Joseph F. Bragdon, Jr., a Registered Professional Land Surveyor in the State of Alabama and an Elyton Redevelopment LLC, do hereby certify that this plan or map was made pursuant to a survey made by said Surveyor and that said survey and this plan or map were made or the fractions of said owner that this plot or map is to show and correct plan or map of the lands shown therein and known or to be known as BLOCK 847 RESURVEY, showing the subdivisions into which it is proposed to divide said lands, giving the length and angles of the boundaries of each lot and the number, showing the streets, of lots and public grounds, giving the bearing, width, length, and name of each street, as well as the number of each lot and block and the location of the lands of the Elyton Land Company's addition No. 1 to the City of Birmingham, as recorded in Map Book 3, Page 35 & 36, in the Office of the Judge of Probate of Jefferson County, Alabama, and being situated in the S.E. 1/4 of the N.W. 1/4 of Section 6, Township 18 South, Range 2 West, Jefferson County, Alabama, and mean iron pipe or other appropriate monument have been installed on all lot corners for reference points to lot corners and curve points as shown and designated by said open entries on said plot or map. Said Owner also certifies that they are the Sole Owner of said lands and that the same are not subject to any mortgages except a mortgage to ServisFirst Bank, Said Owner and said mortgage hereby irrevocably dedicate all new streets, alleys and public grounds, as well as easements for all utilities, as shown by said plot or map. Said Owner and said mortgage agree that the City of Birmingham may at any time change the nature or existing grade of any street, alley or public ground or any part thereof, from the natural or existing grade by the permanent grade without the consent or cooperation of any person, and that the undersigned and the City of Birmingham shall be a separate nursing with the land. The undersigned appoints the City of Birmingham as agent for the purpose of filing said plan or map, together with this instrument, for record and certifies that we have full authority to execute this instrument and map. The undersigned Surveyor further certifies that this survey and drawing of the parcel described herein was made by individuals under my supervision, based on knowledge and information in accordance with commonly accepted procedures consistent with applicable standards of practice and 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.

SCHIEL ENGINEERING COMPANY, INC.
Joseph F. Bragdon, Jr.
Joseph F. Bragdon, Jr., Registered Professional Land Surveyor No. 11918

ARLINGTON REDEVELOPMENT LLC
A Division of Elyton Land Company, Owner
John H. Watts
John H. Watts, Authorized Representative



SERVISFIRST BANK,
an Alabama banking corporation, Mortgagee

By: *John H. Watts*
John H. Watts

STATE OF ALABAMA
JEFFERSON COUNTY

I, Nathaniel Ryan Forester, as Notary Public in and for said County and State, do hereby certify that Joseph F. Bragdon, Jr., whose name is placed on the foregoing certificate as Surveyor, who is known to me, acknowledged before me on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such Surveyor with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 28th day of June, 2021.
Nathaniel Ryan Forester
Nathaniel Ryan Forester
My Commission Expires 01/13/24



STATE of Alabama
JEFFERSON COUNTY

I, Nathaniel Ryan Forester, as Notary Public in and for said County and State, do hereby certify that John H. Watts, whose name is placed on the foregoing certificate as Owner, who is known to me, acknowledged before me on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such Officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 28th day of June, 2021.
John H. Watts
John H. Watts
My Commission Expires 01/13/24



STATE OF ALABAMA
JEFFERSON COUNTY

I, David L. Robertson, as Notary Public in and for said County and State, do hereby certify that John H. Watts, whose name is placed on the foregoing certificate as Mortgagee, who is known to me, acknowledged before me on this date that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such Officer with full authority therefor.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 28th day of June, 2021.
David L. Robertson
David L. Robertson
My Commission Expires 01/13/24



APPROVED:
BIRMINGHAM PLANNING COMMISSION
BY: *John H. Watts*
John H. Watts
Planning Director

APPROVED:
PLANNING, ENGINEERING & PERMITS
BY: *John H. Watts*
John H. Watts
City Engineer

APPROVED IN FORMER DUTY:
David L. Robertson
David L. Robertson
Director of Environmental Services

County Order Code 1648
Book #202100020
Page 35 of 65 Pages 1 of 1
I certify the instrument was
filed 06/28/21 10:49 AM in the
Judge's Office, Jefferson County, AL.
File #202100020

Environmental Services Department approval indicates that this document has been reviewed for compliance with applicable laws and regulations. This does not mean applicants have a free pass to build or will be built in the future. Any change in the 800-469 or Easement documents after this date may void this approval.

SUBDIVISION CASE 2021-00037

- NOTES:
- The properties are not located within the 100-year flood area and is in Unshaded Zone X (areas determined to be out of 0.2% annual chance flood) as shown on the National Flood Insurance Program Flood Flood Insurance Rate Map of Jefferson County, Alabama, according to Panel 335 of 335, Map Number 0107300535 dated September 29, 2008, as updated by the Federal Emergency Management Agency.
 - The total acreage to be resurveyed is 0.813 acre.
 - The purpose of this survey is to combine lot 8 (Lot 8) and portions of two other existing lots (Lot 7 and Lot 9) and a vacant alley into one new lot (Lot A).
 - The Settlement Agreement and Release recorded in Real Volume 4314, Page 251, in the Probate Office of Jefferson County, Alabama, apply only to that part of Lot 8 which was formerly a portion of Lot 7 and the eastern portion of Lot 9, former Lot 8 and the vacant alley are not subject to the Settlement Agreement.
 - Unless otherwise noted, all property corners shown are 5/8" rebar with a Schiel Engineering Company cap (SCE003).
 - Lot A is subject to a Declaration of Parking Easement recorded in Instrument #2021055001 in the Probate Office of Jefferson County, Alabama.



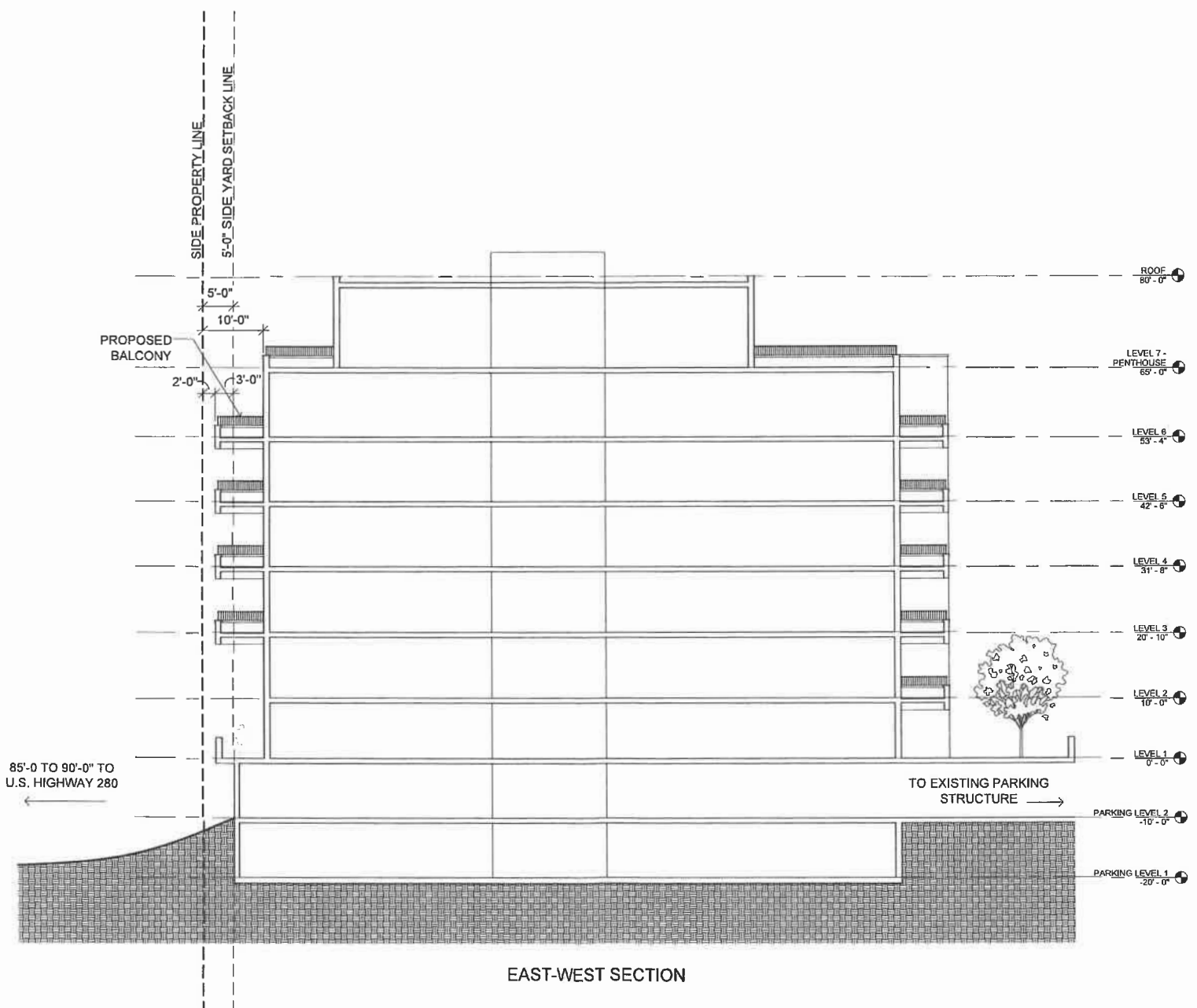
BLOCK 847 RESURVEY
BEING A RESURVEY OF LOT 8 AND PARTS OF LOT 7 AND LOT 9, BLOCK 847, ELYTON LAND COMPANY'S ADDITION NO. 1 TO THE CITY OF BIRMINGHAM (RECORDED IN MAP BOOK 3, PAGES 35 AND 36) SITUATED IN THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

REVISIONS:

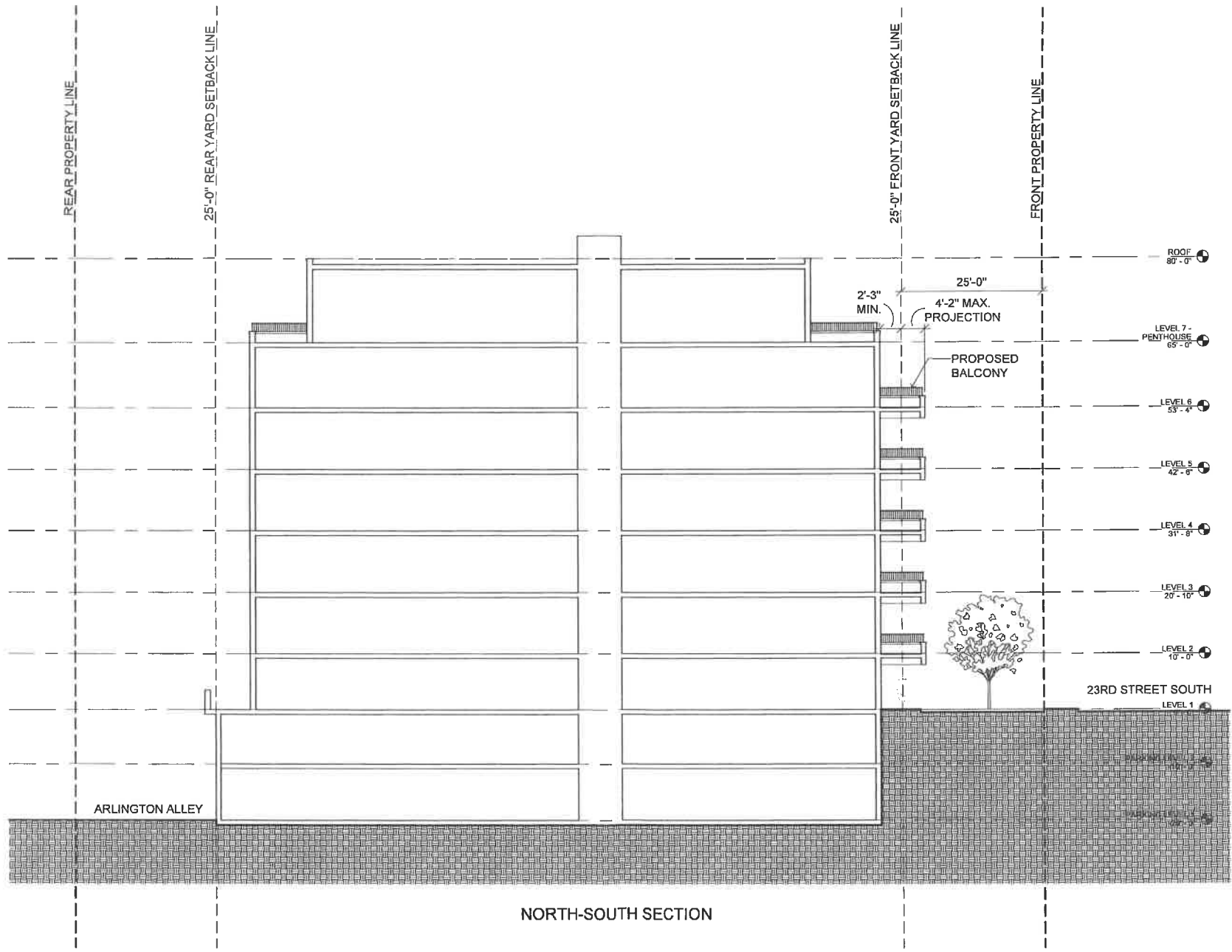
FINAL
PLAT

DATE: JUNE 2021
DRAWN BY: J.M.H.
CHECKED BY: D.S. & M.W.C.
FIELD BOOK: #3117
FILE NAME: 21032_Resurvey.dgn
G:\21032\Resurvey.dgn

1 OF 1



EAST-WEST SECTION



NORTH-SOUTH SECTION

ZONING BOARD OF ADJUSTMENT

Meeting Date: October 14, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: Webex

ZBA2021-00052

Roebuck Neighborhood

Request:

Variance to allow parking in the front yard instead of the required side and rear yard. A variance to allow the building facade to be less than 60 feet wide or greater shall have the front facade of the building extend across at least 75 percent of the lot frontage or be at least 45 feet in width, whichever is greater. A variance to allow the building to be setback in the center of the lot instead of the required 0 foot setback. A variance to allow a solid waste container in the front yard instead of the side of rear yard. A variance to allow a pole sign within a MU-D zoning district and within 300 feet of the required setback of a residential district.

Applicant:

James Coyle P.E.

Location:

121 Roebuck Plaza Drive

Parcel #012300012001016502

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

Applicant's Proposal:

The applicant is proposing to build a new fueling station and convenience store.

Staff Analysis:

The subject property is currently zoned MU-H (Mixed-Use High District). The surrounding parcels are zoned MU-H (Mixed-Use High). The parcel is located in the floodplain area; however, the proposed construction is not in the floodplain. The property is located in the Roebuck Commercial Revitalization District. This location has three front yards. The proposed dumpster will be located in the front yard area off of Roebuck Plaza Drive adjacent to the Walmart parking lot. The proposed 3 parking spaces will be located in the front yard area off of Roebuck Plaza Drive. The proposed pole sign is located on the corner of the property between the intersection of Roebuck Plaza Drive and Wal-Mart Entrance drive.

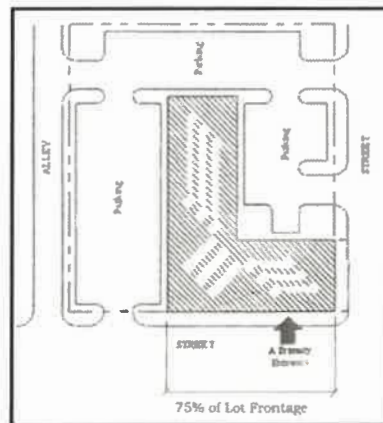
Per the zoning ordinance:

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

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

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

Figure 1.03.101



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

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

to 20 feet, may be applied to new single family or duplex construction on that block if determined by the Director to be appropriate to maintain or reinforce an established form or character of development.

5. The minimum rear setback is 0 except when the lot is adjacent to a dwelling district, and in that case the rear setback shall be 20 feet.

6. The minimum side setback is 0 except when the lot is adjacent to a dwelling district, and in that case the side setback shall be five feet.

SECTION 7. POLE SIGNS

Where permitted. Each occupant of a premise may display one pole sign in the following zoning districts:

1. C-2, I-1, I-2

Where prohibited. No new pole signs are permitted in an Area of Special Aesthetic Concern as defined by this ordinance.

Size, setback, and height regulations. Pole signs must comply with the following size, setback, and height regulations:

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

Setback. A pole sign adjacent to any single-family or duplex residential use, public park or school must be set back at least 300 feet.

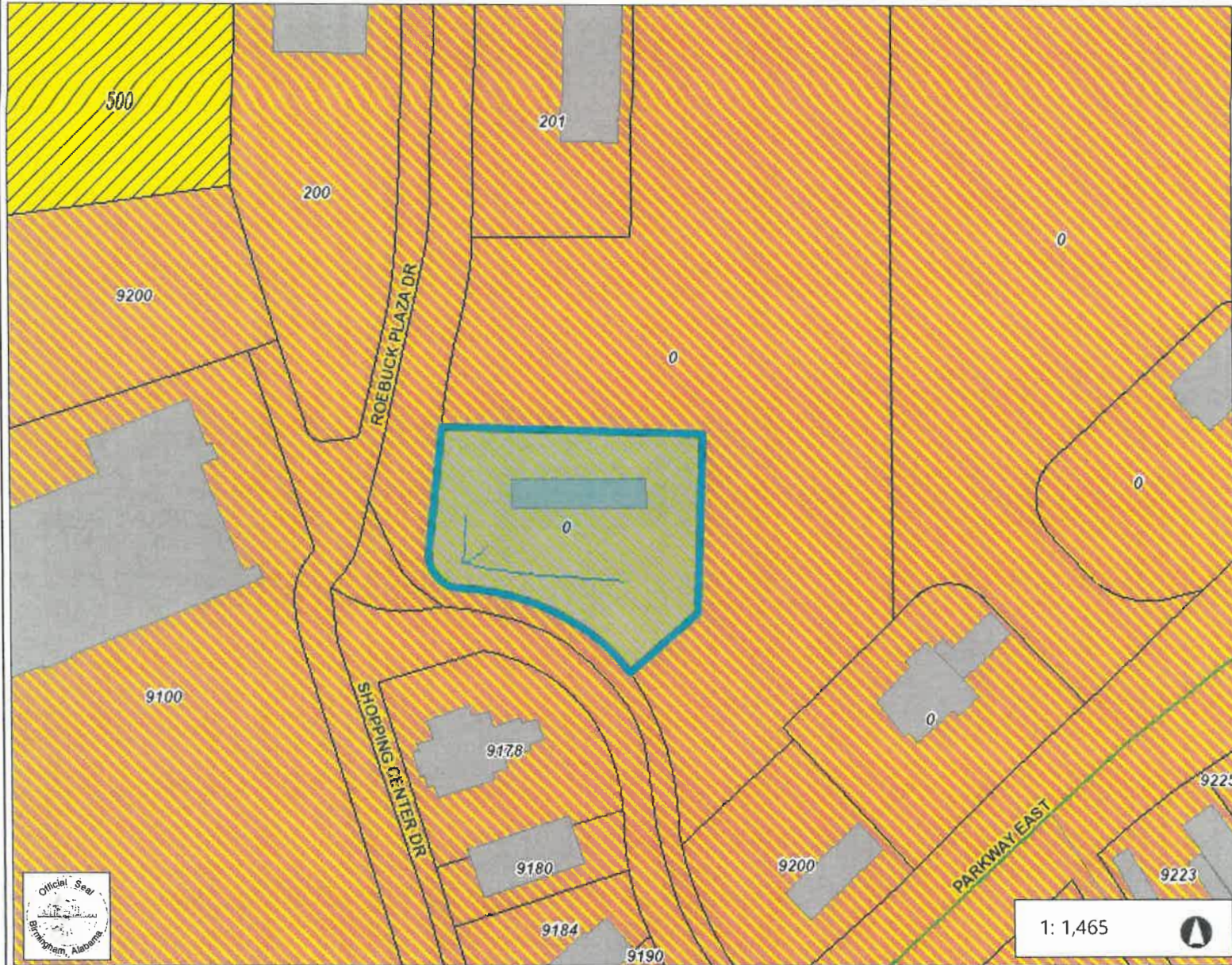
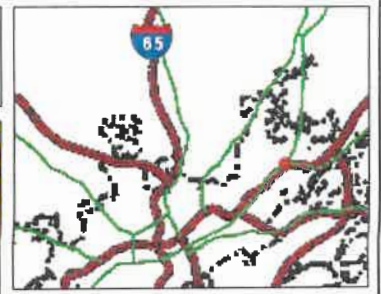
Height. A pole sign must not exceed 25 feet in height.

Neighborhood Recommendation:

The Roebuck Neighborhood 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 requests based upon the applicant not meeting the six variance standards; therefore, staff believes the variance requests has merit for **DENIAL**.

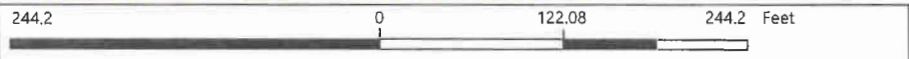


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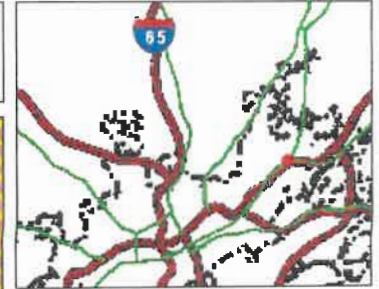


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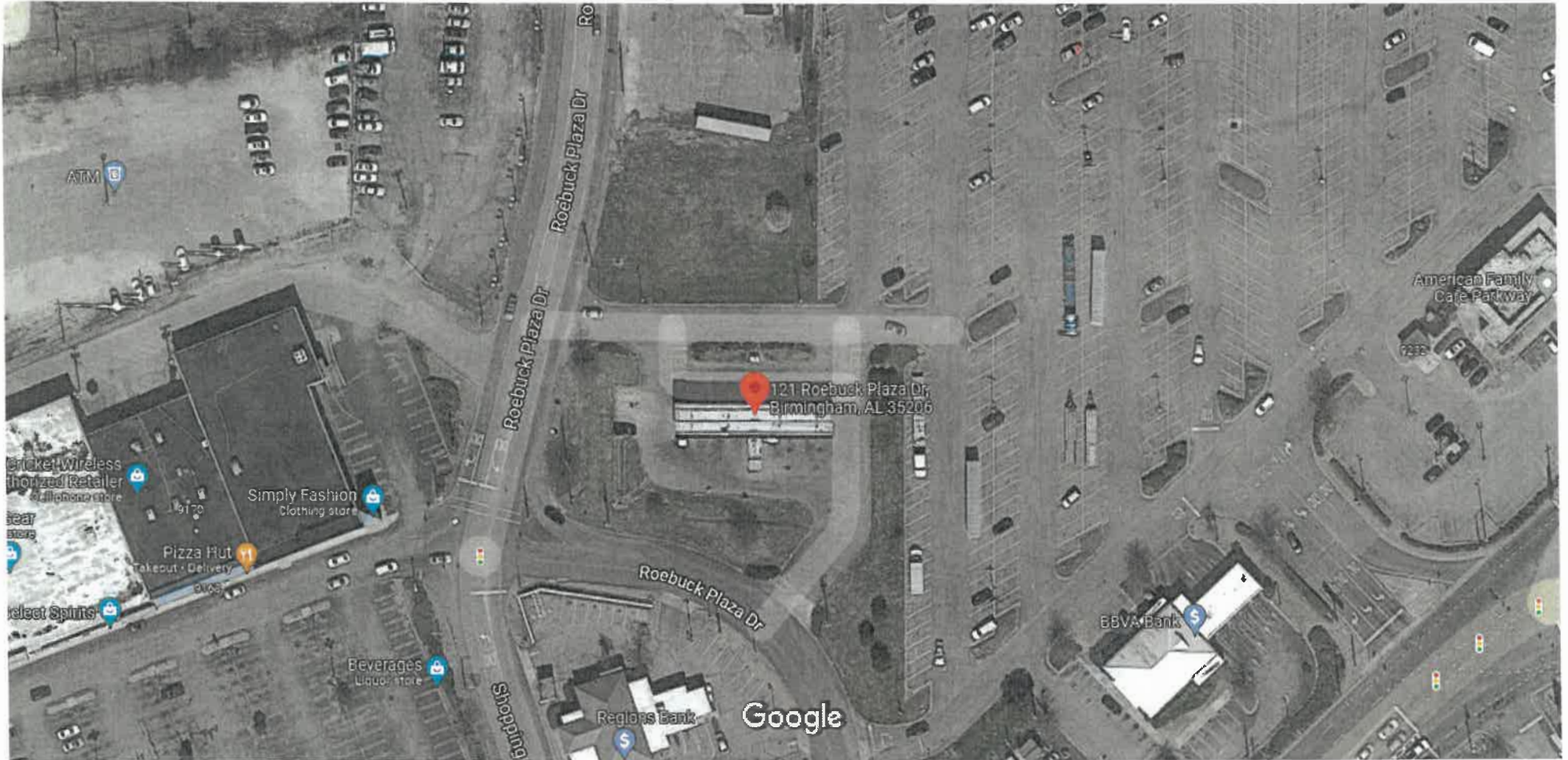
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121 Roebuck Plaza Dr
ZBA2021-00052



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Memorandum

September 15, 2021

To: City of Birmingham Dept. of Planning, Engineering & Permits 710 20th Street North Room 210, City Hall Birmingham, AL 35203 (205) 254-2211 Attn: Angelica Moton	Project Murphy Birmingham, AL Project # 20210027.0 (Site Plan C-1 Rev. 1 Dated: 08-11-21) From James Coyle, P.E. Re Parking Variance Hardship
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Variance Request for Parking located in Front Yard: Chapter 2 Article I Section 2 (C.) indicates: *Parking should be located in the rear of the parcel or to the side where lots are shallow...*

Murphy Oil is requesting a variance for 3 parking spaces to be located in the front yard along the west property line +/- 21 ft. off the ROW of Roebuck Plaza Drive. This is consistent with the existing conditions of the site.

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: The exceptional irregular shape of the lot, flood plain, drainage area and multiple front yards, limit the location for the proposed parking spaces. For the sake of not disturbing the existing stormwater drainage area and floodplain, the ideal location for the proposed parking spaces is in the same area as the existing spaces, along the west property line.

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: To maintain the same stormwater drainage, and eliminate disturbance in the floodplain, it is ideal to propose the new parking spaces in the same location as the existing parking spaces.

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



Response: The requirement presents a hardship due to the existing stormwater drainage area at the south west corner of the site. It is best to maintain drainage patterns for minimal disturbance to the drainage area. This hardship is not self-imposed by the property owner, it is an existing condition.

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

Response: The hardships as presented above, are not economic in nature.

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 requested variance will not impose any harm to the adjacent properties. The proposed parking spaces will remain in the same location as the existing parking spaces. Murphy will provide landscaping and screening to meet City Code requirements. Murphy also provides a photometric plan for all new stores during development review with the City and down-lit lighting is designed to reduce glare and meet City Code requirements.

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. Murphy will comply with all City Landscaping and Lighting Codes.

End of Memorandum



Memorandum

September 15, 2021

To: City of Birmingham
Dept. of Planning, Engineering & Permits
710 20th Street North
Room 210, City Hall
Birmingham, AL 35203
(205) 254-2211
Attn: Angelica Moton

Project Murphy Birmingham, AL
Project # 20210027.0 (Site Plan C-1 Rev. 1 Dated: 08-11-21)
From James Coyle, P.E.
Re Building Location Variance Hardship

Variance Request for Building location: Chapter 2 Article 1 Section 2 (C.) indicates: *Buildings should be oriented to the street, with active ground floor uses or easy pedestrian access.* Chapter 3 Article 1 Section 3. (B.) indicates: *The primary entrance to a building shall be located at the front setback line and shall be located as close to a street crosswalk as practical.* Murphy Oil is requesting a variance for building to be centered on the lot, as this is a pre-manufactured building under a fuel pump canopy.

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: The exceptional irregular shape of the lot, flood plain, and drainage area creates a challenge for locating the proposed convenience store at the south west corner of the site. For the sake of not disturbing the existing stormwater drainage system and floodplain, the ideal location for the proposed convenience store is to have it centrally located on the lot.

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: None of the surrounding buildings are located at the corners of the properties. Locating the Convenience Store at the corner of the lot, to encourage a more "pedestrian friendly" environment may create an unsafe situation, as Roebuck Plaza Drive is heavily traveled.



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

Response: The requirement presents a hardship due to the existing stormwater drainage area and floodplain at the south west corner of the site. This hardship is not self-imposed by the property owner.

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

Response: The hardships as presented above, are not economic in nature.

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 requested variance will not impose any harm to the adjacent properties. The proposed convenience store and pump station canopy will be in about the same location as the existing kiosk and pump station canopy. Murphy meets all State and Federal air quality regulations and gasoline delivery trucks are fitted with systems that capture vapors when fueling and returns these vapors to the terminal. Murphy provides a photometric plan for all new stores during development review with the City and down-lit lighting is designed to reduce glare and meet City Code requirements.

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: Murphy will install state of the art equipment for this fueling facility, including double walled tanks, and piping which is designed with a mechanical line leak detector system. All equipment meets State and Federal air quality regulations. Fuel delivery trucks are fitted with systems that capture vapors when fueling and returns these vapors to the terminal. Murphy works closely with the fuel delivery providers to minimize fuel delivery during peak traffic time. Murphy staff (store manager, cashiers, etc.) shall be formally trained on loitering control prior to opening and to assist with loitering enforcement, police will be alerted when necessary. Additionally, Murphy operates 15+ cameras that can be remotely monitored from the corporate offices in El Dorado, Arkansas.

End of Memorandum



Memorandum

September 15, 2021

To: City of Birmingham Dept. of Planning, Engineering & Permits 710 20th Street North Room 210, City Hall Birmingham, AL 35203 (205) 254-2211 Attn: Angelica Moton	Project Murphy Birmingham, AL Project # 20210027.0 (Site Plan C-1 Rev. 1 Dated: 08-11 -21) From James Coyle, P.E. Re Trash Enclosure Variance Hardship
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Variance Request for Trash Enclosure located in Front Yard: Chapter 1 Article II Section 21 indicates: *solid waste containers must be in rear or side yards or within the principal building.*
Murphy Oil is requesting a variance for the trash enclosure to be located at the south east corner of the property +/- 57 ft. off of the ROW line along Roebuck Plaza Drive.

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: The exceptional irregular shape of the lot, and multiple front yards limit the location for the proposed trash enclosure, in the rear yard.

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: The exceptional irregular shape of the lot, and multiple front yards limit the location for the proposed trash enclosure, in the rear yard.

Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property.
Response: The exceptional irregular shape of the lot, and multiple front yards limit the location for the proposed trash enclosure, in the rear yard.

Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.
Response: The hardships as presented above, are not economic in nature.



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 requested variance will not impose any harm to the adjacent properties. It is our professional opinion that the proposed location of the trash enclosure will eliminate/and or keep off-site disturbance to a minimum. The proposed trash enclosure consists of an 8 ft high masonry wall with solid fence gates. Additional landscaping will be provided for maximum screening of the trash enclosure.

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. All equipment installed by Murphy meets State and Federal environmental quality regulations. Murphy works closely with delivery and pick up providers to minimize delivery and pick up during peak traffic times.

Murphy store manager or accompanying staff will conduct, at a minimum, daily on-site litter pick up to ensure the trash enclosure and entire site, is well maintained and kept free of litter.

End of Memorandum



Memorandum

September 15, 2021

<p>To: City of Birmingham Dept. of Planning, Engineering & Permits 710 20th Street North Room 210, City Hall Birmingham, AL 35203 (205) 254-2211 Attn: Angelica Moton</p>	<p>Project Murphy Birmingham, AL Project # 20210027.0 (Site Plan C-1 Rev. 1 Dated: 08-17-21) From James Coyle, P.E. Re Signage Variance for Pylon Sign Hardship</p>
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Variance Request for Pylon Sign: Chapter 7 Section 7 indicates: *pole signs permitted in the following zoning districts C-2, I-1, I-2; A pole sign adjacent to any single family or duplex residential use, public park or school must be set back at least 300 feet.*

The site is zoned MU-H (Mixed Use-High). There is a residential zone north west of the site +/- 270 ft from the north west corner of the site. Murphy Oil is requesting a variance for a pole sign to be located at the north west corner of the site. The proposed sign is +/-20ft within the required 300 ft residential setback.

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: The exceptional irregular shape of the lot, and multiple front yards, and site topography limit the visibility of a monument sign.

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: The surrounding commercial properties have pylon signs

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

Response: The requested Pylon sign will help with store visibility and promote fuel sales and viability of store.



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

Response: The hardships as presented above, are not economic in nature.

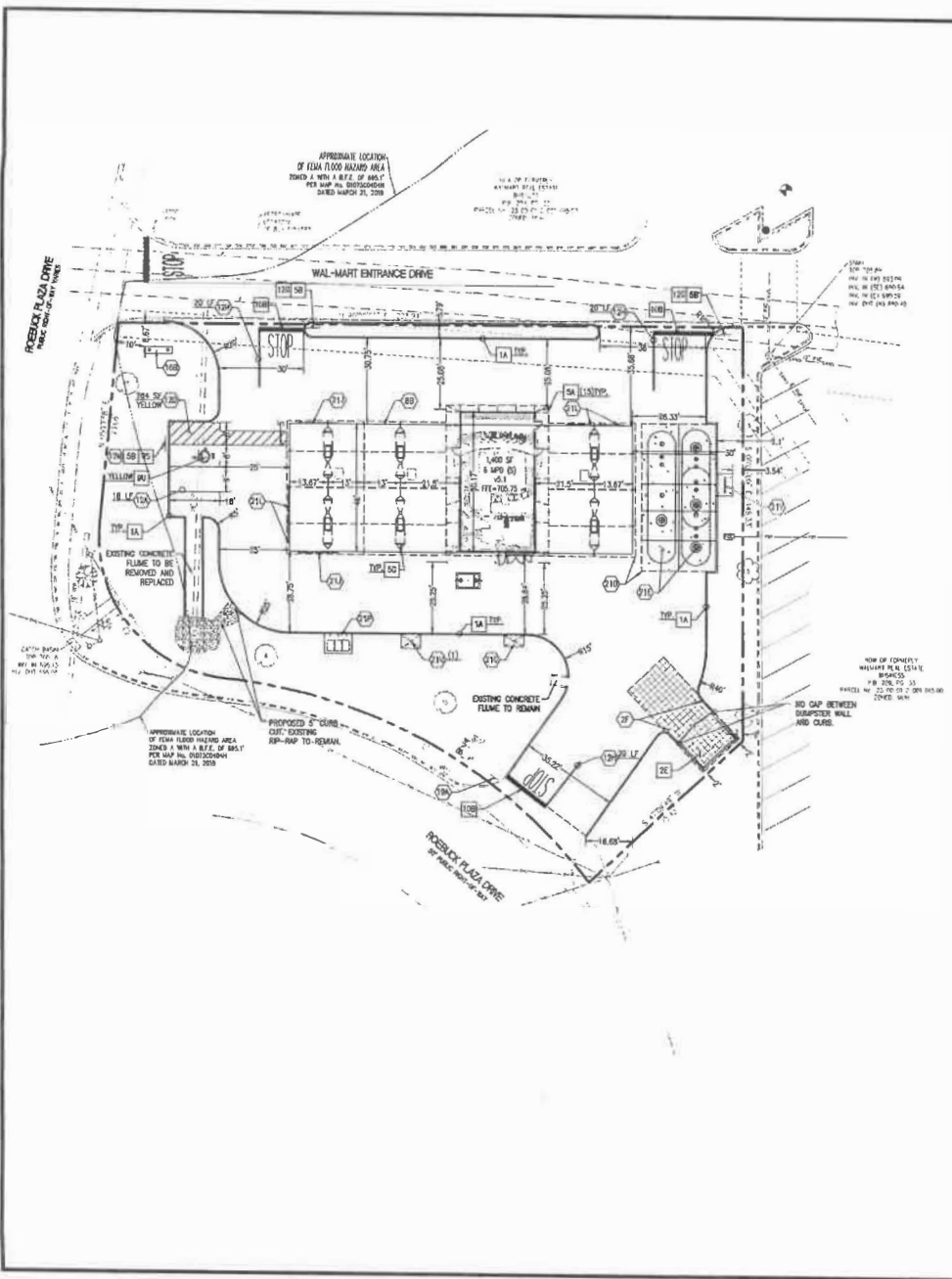
No Injury to Neighboring Property. The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

Response: The granting of the requested variance will not impose any harm to the adjacent properties.

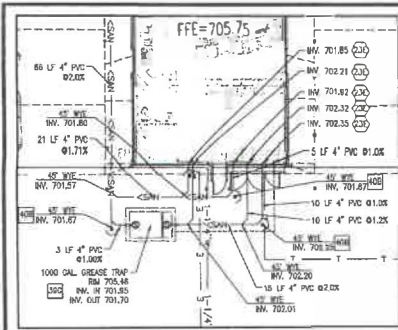
No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the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

Response: The granting of the variance will not be detrimental to the public welfare. All equipment installed by Murphy meets State and Federal environmental quality regulations.

End of Memorandum



- SITE NOTES**
- 27 SHALL BE 3/4" x 3/4" GAL VALS ONE EACH FOR SPIN POSITION & COVERED PERMANENTLY TO BE USED IN SPIN POSITION AT SPIN DISBURSED DOWN.
 - 28 COVERED CANOPY - (TOP-UP CANOPY PLUMB)
 - 29 4" THICK YELLOW LAKE STONE (SEE LENGTH INDICATED AT SYMBOL)
 - 30 4" THICK PAINTED STONE, 2 1/2" x 4" (SEE SIZE COLOR INDICATED AT SYMBOL)
 - 31 4" DOUBLE THICK YELLOW LAKE STONE (SEE LENGTH INDICATED AT SYMBOL)
 - 32 CONTRACTOR TO VERIFY THAT ANY LIGHT POLES OR UNDERCOP PARKING LIGHTS ARE AT LEAST 7' FROM FACE OF CURB TO PREVENT INTERFERENCE FROM STOPPING TRAFFIC (SEE)
 - 33 VERIFY ALL FOUNDATION SOILS PER APPROVED ELEVATION
 - 34 EXISTING STOP SIGN IN BOLLARD TO REMAIN
 - 35 EDGE OF CONCRETE CURB FOR LANDSCAPING PLUMB
 - 36 UNDERGROUND STORAGE TANKS (1) 5000 GAL. (2) 10000 GAL. (3) 15000 GAL. (4) 20000 GAL. (5) 25000 GAL. (6) 30000 GAL. (7) 35000 GAL. (8) 40000 GAL. (9) 45000 GAL. (10) 50000 GAL. (11) 55000 GAL. (12) 60000 GAL. (13) 65000 GAL. (14) 70000 GAL. (15) 75000 GAL. (16) 80000 GAL. (17) 85000 GAL. (18) 90000 GAL. (19) 95000 GAL. (20) 100000 GAL. (21) 105000 GAL. (22) 110000 GAL. (23) 115000 GAL. (24) 120000 GAL. (25) 125000 GAL. (26) 130000 GAL. (27) 135000 GAL. (28) 140000 GAL. (29) 145000 GAL. (30) 150000 GAL. (31) 155000 GAL. (32) 160000 GAL. (33) 165000 GAL. (34) 170000 GAL. (35) 175000 GAL. (36) 180000 GAL. (37) 185000 GAL. (38) 190000 GAL. (39) 195000 GAL. (40) 200000 GAL. (41) 205000 GAL. (42) 210000 GAL. (43) 215000 GAL. (44) 220000 GAL. (45) 225000 GAL. (46) 230000 GAL. (47) 235000 GAL. (48) 240000 GAL. (49) 245000 GAL. (50) 250000 GAL. (51) 255000 GAL. (52) 260000 GAL. (53) 265000 GAL. (54) 270000 GAL. (55) 275000 GAL. (56) 280000 GAL. (57) 285000 GAL. (58) 290000 GAL. 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INSET-1
SCALE 1/4\"/>

UTILITY NOTES

- 234 POINT OF CONNECTION - WATER SERVICE
- 235 METRIC DOMESTIC WATER SERVICE CURB FOR 1/2\"/>

UTILITY DETAILS

- 300 SANITARY SEWER GRADE TAP
- 400 SANITARY SEWER PTE CONNECTION
- 405 SANITARY SEWER CLEAN-OUT
- 410 SANITARY PTE CONNECTION TO EXISTING MANHOLE
- 411 TYPICAL UTILITY TRENCH
- 412 EXISTING PRESSURE ZONE SANITARY PRELIMINARY
- 413
- 414

WALMART NOTES

- 1. THE WALMART REGION WILL NOT OBTAIN THE WALMART OPEN SPACE DESIGN CITY REQUIREMENTS.
- 2. ALL TRENCHING SHALL BE DONE IN ACCORDANCE WITH THE WALMART CONSTRUCTION PRACTICES WHICH ARE SHOWN IN AN APPROXIMATE MANNER ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- 3. TO BE DONE AND TRAFFIC BARREN WHEN WALMART TRUCKS ARE NOT OPERATING AT ANY TIME TO CONSTRUCTION ACTIVITIES. DURING A MINIMUM 24-HOUR PERIOD OF TRAFFIC STOPPED OPERATION IS AVAILABLE AT ALL TIMES. THE SHALL BE THE CONSTRUCTION FORCE TO BE ON THE JOB FOR THE FULL 24 HOURS OF THE DAY PER DAY.
- 4. IF LOCATION OF EXISTING UTILITIES ON THE SITE DIFFERS FROM THE WALMART TRAFFIC FLOW, THE CONTRACTOR SHALL COORDINATE WITH THE WALMART CONSTRUCTION PRACTICES WHICH ARE SHOWN IN AN APPROXIMATE MANNER ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- 5. ALL WALMART PROPERTY DAMAGED DUE TO CONSTRUCTION ACTIVITIES SHALL BE REPAIRED TO ORIGINAL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS.
- 6. WALMART PROPERTY DAMAGED DUE TO CONSTRUCTION ACTIVITIES SHALL BE REPAIRED TO ORIGINAL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS.
- 7. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REPAIRS.
- 8. CONTRACTOR IS TO VERIFY LOCATION OF WALMART TRAFFIC FLOW, WHICH IS SHOWN IN AN APPROXIMATE MANNER ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

THESE DRAWINGS DO NOT INCLUDE COMPONENTS FOR CONSTRUCTION SAFETY.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

LEGEND

EXISTING	PROPOSED LEGEND
---	PROPERTY LINE
---	SANITARY SEWER SERVICE
---	UNDERGROUND ELECTRIC SERVICE
---	UNDERGROUND TELEPHONE SERVICE
---	WATER SERVICE

GENERAL UTILITY NOTES

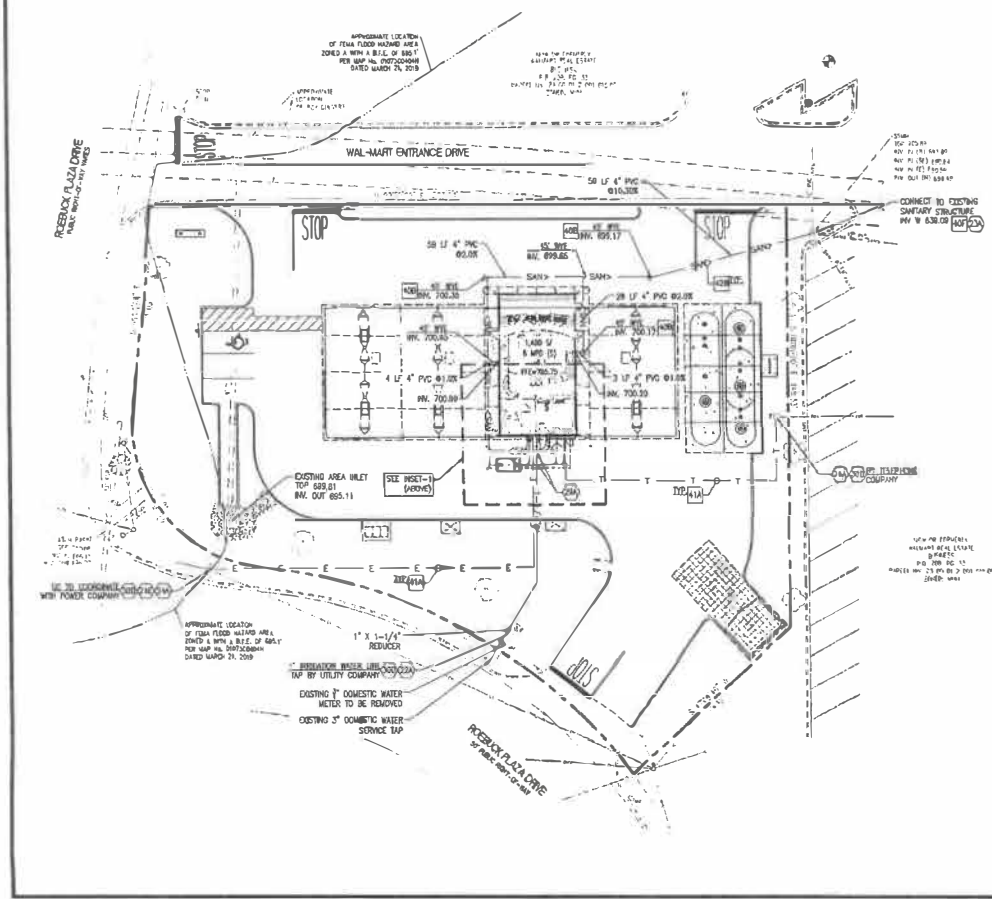
- A. ALL BUILDING WATER LINES FROM WATER MAINS SHALL BE SCHEDULE 40 PVC WITH 3/4\"/>

UTILITY ROUTING NOTE:

REFER TO PLUMBING PLAN (P) FOR EXACT LOCATIONS OF UTILITY SERVICE POINTS TO BUILDING, POINTS OF SERVICE PLUMB, ETC.

REFER TO GROUND SHEET FT-1 FOR EXISTING METERS AND REDUCERS TO BE INSTALLED OR EXISTING METERS TO BE REMOVED.

GRAPHIC SCALE



Alabama Line
Location Center, Inc.
1-800-292-8525
252-4444 (Birmingham Area)
Call 2 working days before digging.
It's the Law!

GC TO VERIFY LOCATION, CONNECTION POINT AND DEPTH OF EXISTING UTILITIES PRIOR TO INSTALLING PROPOSED UTILITY.

SHEET NO. C-6

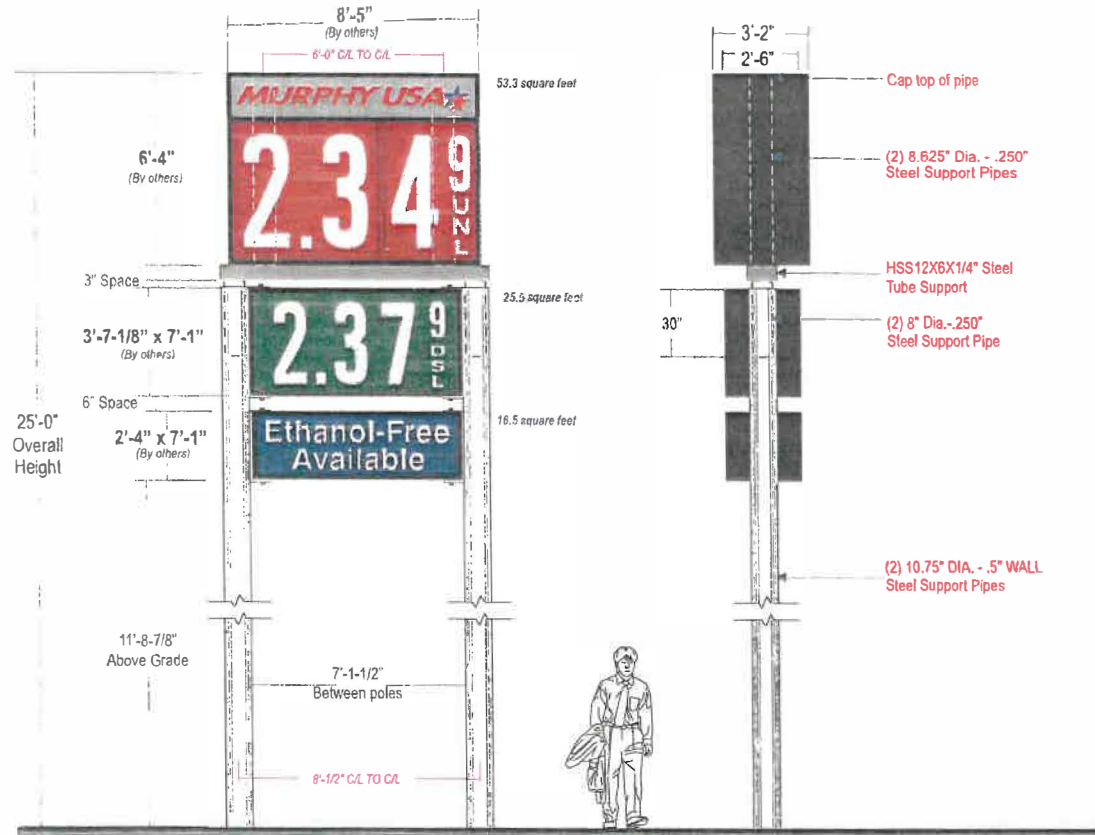
UTILITY PLAN
WALMART SUPERCENTER #762
121 ROEBUCK PLAZA DRIVE
BIRMINGHAM, ALABAMA 35206



MURPHY OIL USA, INC.
200 PEACH STREET
EL DORADO, AR 71730
MURPHY OIL USA

D/F ILLUM. PYLON

Scale: 1/4"=1'-0"
95.3 square feet



MAIN CABINET: 38" deep D/F Illum. cabinet; provided BY OTHERS to be fabricated to accept (2) 8-5/8" support Poles

SECONDARY CABINET: 30" deep D/F Illum. cabinets provided BY OTHERS (1) one of each cabinet shown required

MAIN SUPPORT POLE: (2) Two main support poles required w/ TS 12x6x1/4" steel tube support to span both support poles at the top, painted to match Murphys specs;

INSTALL: Direct burial installation as required by city code and engineering requirements; **FULL ENGINEERING TO FOLLOW**

JOB NOTES: Sign cabinet to be provided by others; STRATUS to install STRATUS responsible for footer/ foundation/ support poles

FULL ENGINEERING TO FOLLOW

FOUNDATION & POLE SIZES SUBJECT TO CHANGE ACCORDING TO ENGINEERING SPECS & CITY REQUIREMENTS!!



Stratus™

stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.509.1569

CLIENT: **MURPHY USA**

ADDRESS: 121 Roebuck Plaza
Birmingham, AL 35206

PAGE NO. 6

ORDER NUMBER: 625197 | 4625197

SITE NUMBER: 7022

ELECTRONIC FILE NAME: MURPHY'S USA\2021\AL\7022_Birmingham_Visibility

PROJECT NUMBER: 82972

PROJECT MANAGER: PATTY MOLNAR

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	165519	05/24/21 KW					
Rev 1	350196	09/02/21 KW	Added monument				
Rev 2	351408	09/10/21 KW	Revised to pylon				
Rev 3	352512	09/20/21 KW					

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ZONING BOARD OF ADJUSTMENT

Meeting Date: October 14, 2021

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: Webex

ZBA2021-00053

Southside Neighborhood

Request:

Variance to allow the proposed building to exceed the maximum zero foot setback requirement by 6 feet.

Applicant:

Steven Hydinger

Location:

933 23rd St S

Parcel #012300313032001000

SW of Section 31, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is proposing to new multi-family development (Southtown Park Haven).

Staff Analysis:

The subject property is currently zoned QMU-D (Qualified Mixed-Use District). The subject property is surrounded by parcels zoned QMU-D(Qualified Mixed-Use District) while parcels south are zoned QMU-D(Qualified Mixed-Use District), QB-3 (Qualified Community Business District) and B-1 (Neighborhood Business District). The property is not located in a floodplain area nor in any Design Review districts. This property was rezoned from R-7(Multiple Dwelling District) to QMU-D (Qualified Mixed- Use District) per case ZAC2020-00032 with the following q-conditions:

1. Height of buildings shall be limited to 225 feet.

Based upon the frequent flooding within the corner of 23rd street and 9th Ave, the applicant is proposing the building entrances to be located midpoint of the building along the 23rd street façade with a building setback of 6 feet.

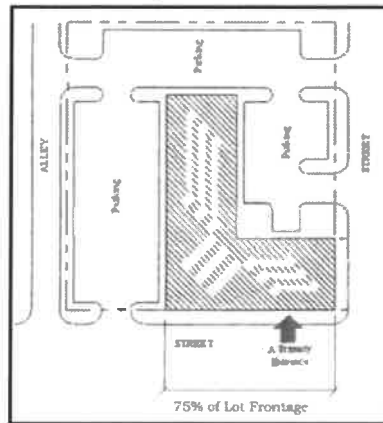
Per the zoning ordinance:

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

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

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

Figure 1.03.101



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

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

to 20 feet, may be applied to new single family or duplex construction on that block if determined by the Director to be appropriate to maintain or reinforce an established form or character of development.

5. The minimum rear setback is 0 except when the lot is adjacent to a dwelling district, and in that case the rear setback shall be 20 feet.

6. The minimum side setback is 0 except when the lot is adjacent to a dwelling district, and in that case the side setback shall be five feet.

Neighborhood Recommendation:

The Southside Neighborhood Association does not have any officials.

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.
3. The development shall be constructed based upon the plans submitted.

PARCEL ID: 012300313032001000

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

DATE: Thursday, September 23, 2021 11:17:03 AM

OWNER: U S GOVERNMENT

ADDRESS: 2325 9TH AVE S

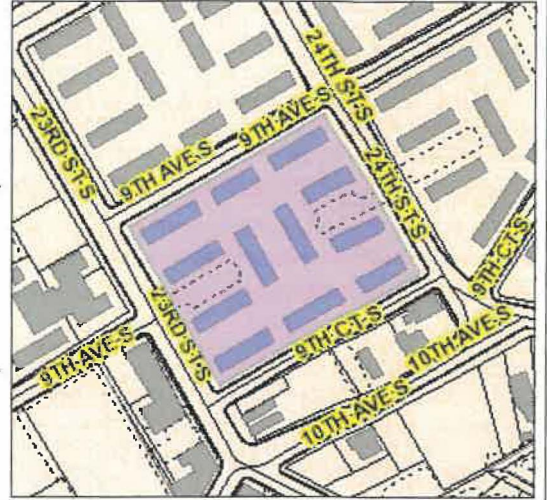
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35205

SITE ADDR: 933 23RD ST S

CITY/STATE: BHAM, AL

ZIP: 35205



LAND: \$735,700.00

BLDG: \$2,113,600.00

OTHER: \$0.00

AREA: 134,398.71

ACRES: 3.09

SUBDIVISION INFORMATION:

NAME BIRMINGHAM BLOCKS

BLOCK:

LOT:

:

Section: 6-18-2W; 31-17-2W

Land Slide Zones: In Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: In Tax Increment Financing District

Neighborhoods: Southside (1703)

Communities: Southside (17)

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

Zoning Outline: R7

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

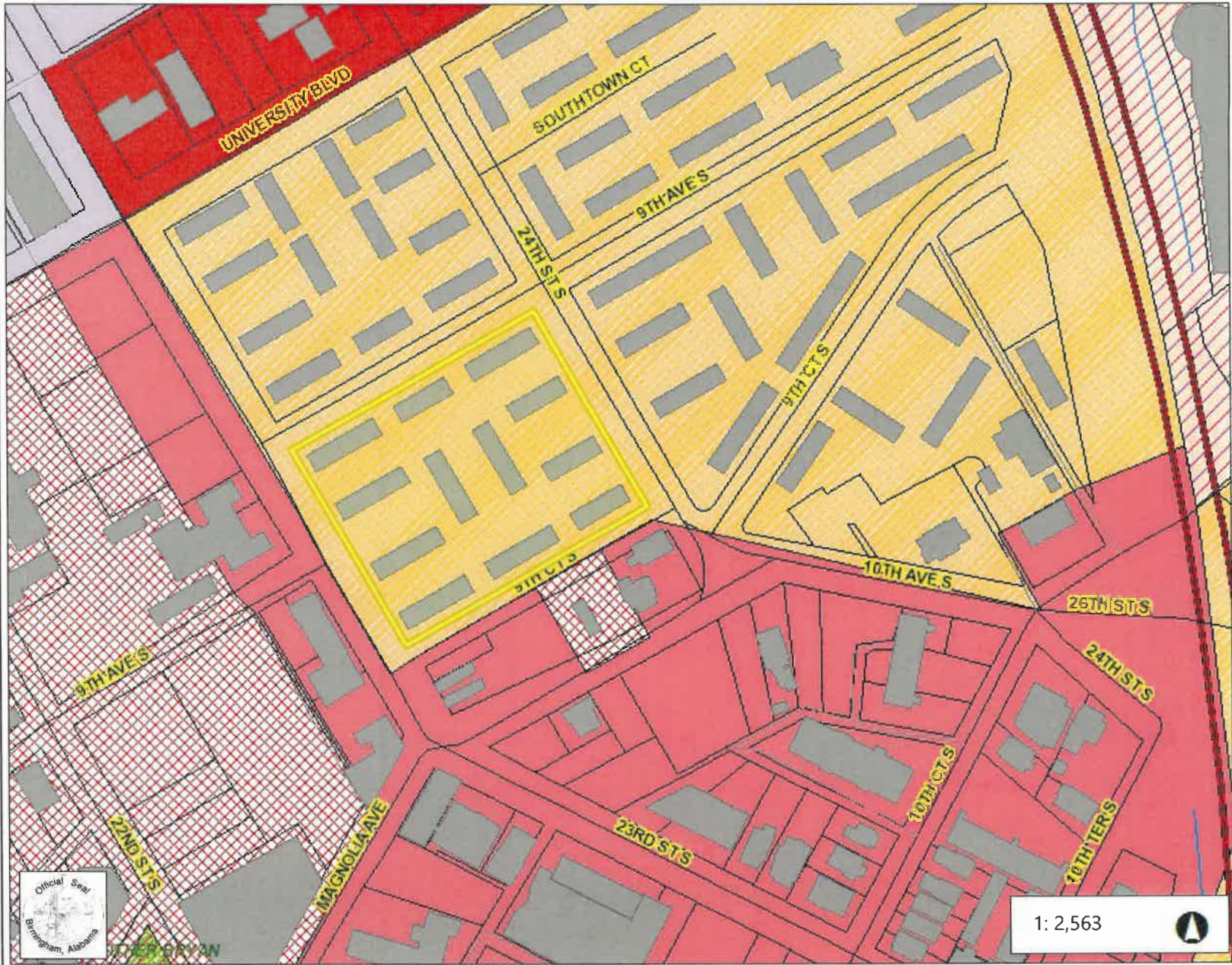
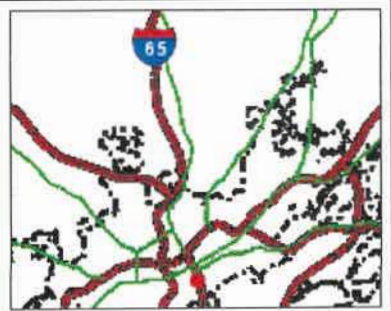
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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

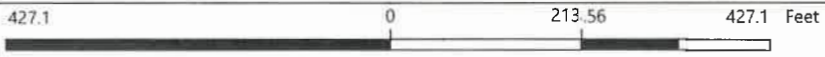


Legend

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

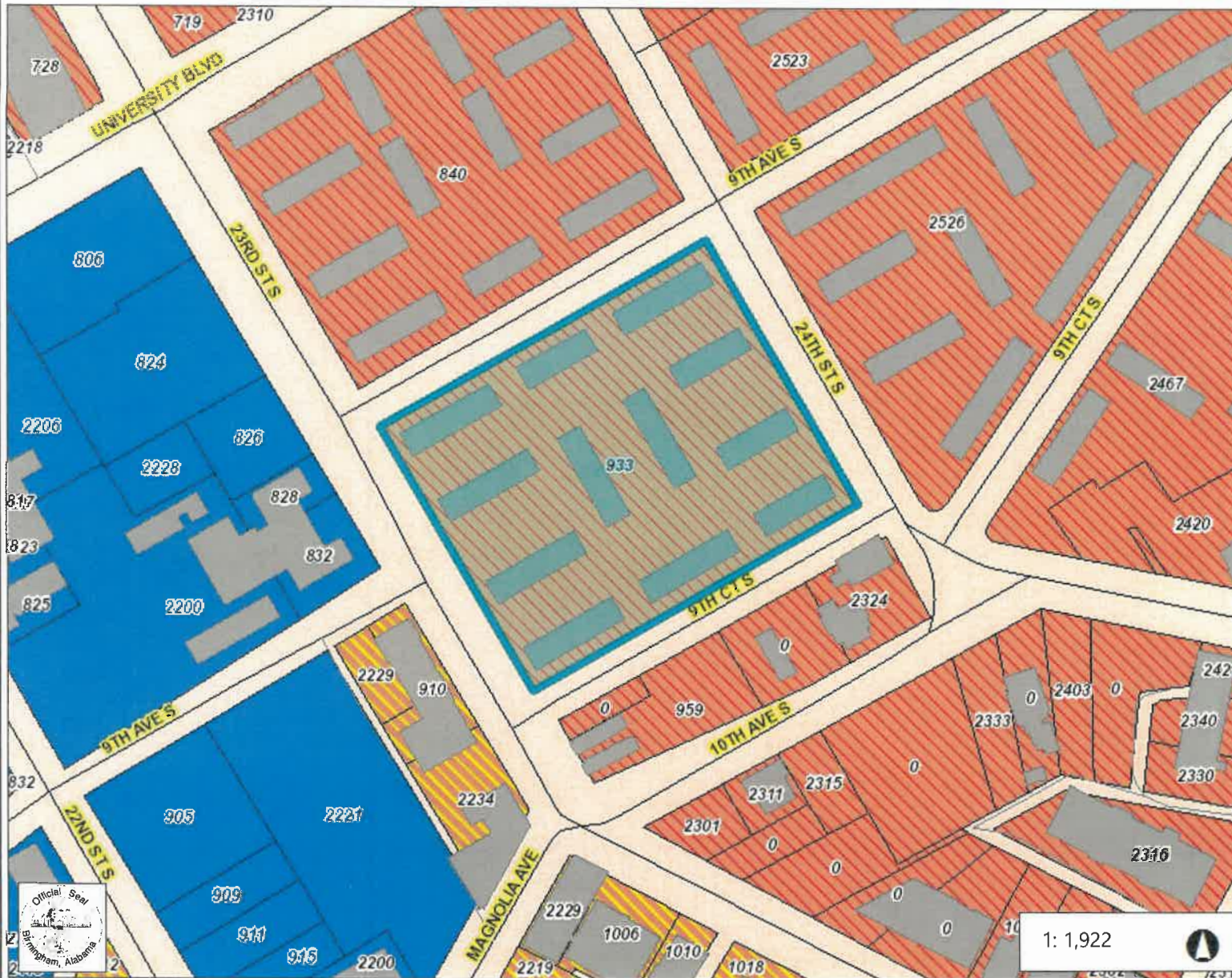
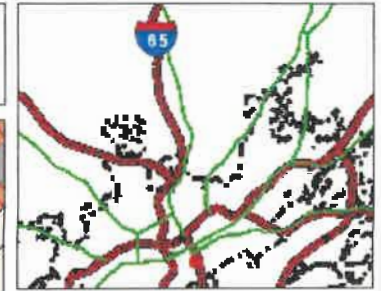


1: 2,563



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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

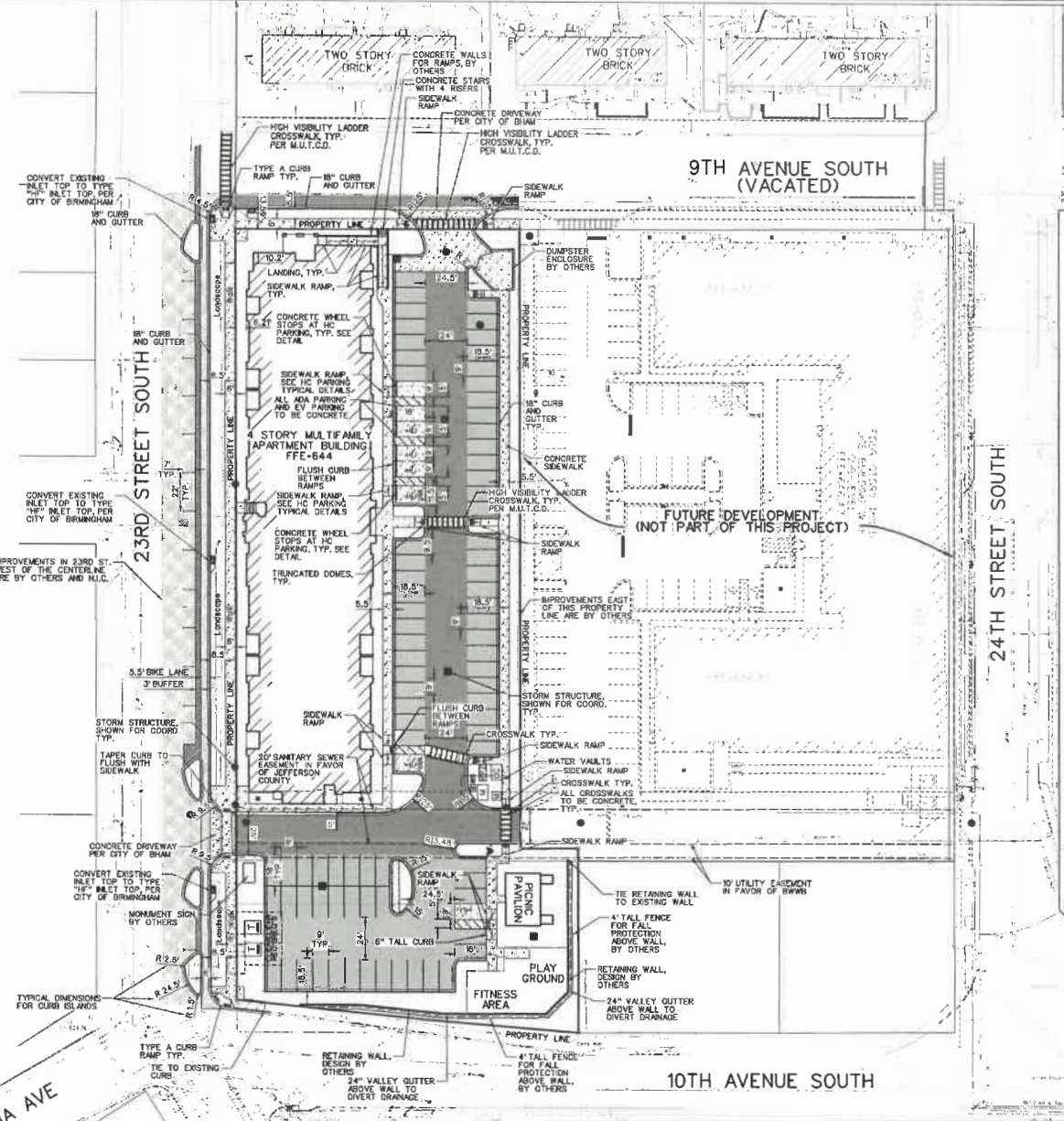
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320.3 0 160.17 320.3 Feet

Notes

MAGNOLIA AVE

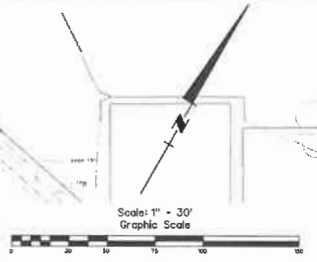


ZONING INFORMATION
 ZONING CLASSIFICATION MU-D
 LOT AREA 76,036 SQ. FT. OR 1.746 ACRES
 BUILDING GROSS SQUARE FOOTAGE:
 1ST FLOOR: 10,852 SQ. FT.
 2ND FLOOR: 20,824 SQ. FT.
 3RD FLOOR: 20,824 SQ. FT.
 4TH FLOOR: 20,824 SQ. FT.
 TOTAL: 83,424 SQ. FT.
 BUILDING HEIGHT:
 MEDIAN HEIGHT: 48'-7"
 TALLEST HEIGHT: 51'-3"
 SETBACKS REQUIRED:
 FRONT: 0 MAX. (FOR CORNER LOT)
 REAR: 0 MINIMUM

PARKING LEGEND
 PARKING SPACES- B2
 ADA PARKING SPACES- 6
 EV PARKING SPACES- 2
 TOTAL PARKING- 90
 SPACES

HEAVY DUTY ASPHALT
 LIGHT DUTY ASPHALT
 CONCRETE PAVING
 ASPHALT MILL AND FILL

- NOTES:**
1. ALL DIMENSIONS SHOWN ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
 2. CONTRACTOR MUST CHECK BUILDING DIMENSIONS ON GIVE PLAN WITH ARCHITECT'S PLANS PRIOR TO POORING FOOTINGS OF FOUNDATION WORK TO BUILDING EXTERIOR. ALL FOUNDATION CONSTRUCTION IS TO BE REPORTED TO THE ARCHITECT, CONSTRUCTION MANAGER, AND ENGINEER IMMEDIATELY.
 3. CONTRACTOR MUST VERIFY THROUGH ARCHITECT THAT BUILDING DIMENSIONS ARE SHOWN CORRECTLY BEFORE USING THE LAYOUT PLAN TO LAYOUT BUILDING IMPROVEMENTS.
 4. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES OR ON OR OFF SITE DUE TO CONSTRUCTION OF THE PROJECT. ANY DAMAGE WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
 5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL BENCHMARKS AND PROPERTY CORNERS. ANY REPLACEMENT WILL BE AT THE CONTRACTOR'S EXPENSE.
 6. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL PERMITS NECESSARY TO CONSTRUCT THIS PROJECT. ALL PERMITS MUST BE IN HAND PRIOR TO CONSTRUCTION.
 7. ALL TRAFFIC STRIPING ON SITE SHALL BE APPLIED IN TWO COATS MINIMUM.
 8. SEE LANDSCAPE PLANS FOR ADDITIONAL WORK.
 9. ALL STRIPING AND SIGNAGE TO BE PER CITY OF BIRMINGHAM AND M.U.T.C.D. STANDARDS.
 10. ALL DRIVEWAYS SHALL HAVE A 2% MAXIMUM CROSS SLOPE IN THE DIRECTION OF TRAVEL AND A 5% MAXIMUM LENGTH PER 10' OF DRIVEWAY. AT CHANGES OF DIRECTION AND TOP OF RAMPS SHALL NOT EXCEED 2% IN ANY DIRECTION.
 11. ALL HANDICAP PARKING RAMP, SIGNS, SYMBOLS, AND PAINTED ISLANDS SHALL CONFORM TO THE LATEST ADA REQUIREMENTS. THE MAXIMUM SLOPE IN HANDICAP ISLANDS SHALL NOT EXCEED 2% IN EITHER DIRECTION. THE CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF THESE REQUIREMENTS ARE MET.
 12. CONCRETE DRIVEWAYS PER CITY OF BIRMINGHAM



UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE FROM LOCAL UTILITY COMPANY RECORDS AND SHOULD BE FIELD VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
 JOB SAFETY IS NOT THE RESPONSIBILITY OF THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION SITE SAFETY.

CIVIL ENGINEERING • LAND SURVEYING • LEVANTINE ARCHITECTURE
 ENVIRONMENTAL • WATER RESOURCES • LEAD SCANNING • MONITORING

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 1007 23rd Street South, 3rd Floor, Birmingham, Alabama 35209
 205.933.1100 • www.schoel.com

PARK HAVEN CIVIL ENGINEERING PACKAGE BIRMINGHAM, ALABAMA

DRAWING SET:
 PERMIT SET 07-30-21
 REVISIONS:

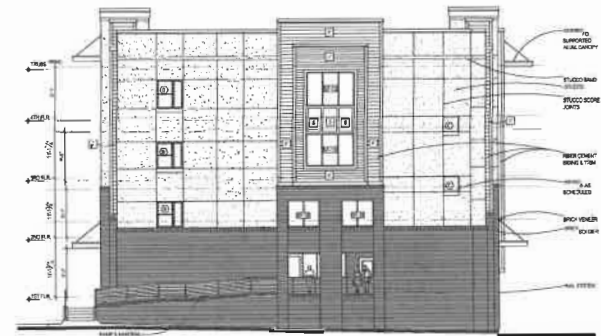
SITE LAYOUT PLAN

DRAWN BY: A.F.P.
 CHECKED BY: J.M.S.
 FILE NAME: 19299.01-LP1

0719299.04/19299.01 MEC/DESIGN

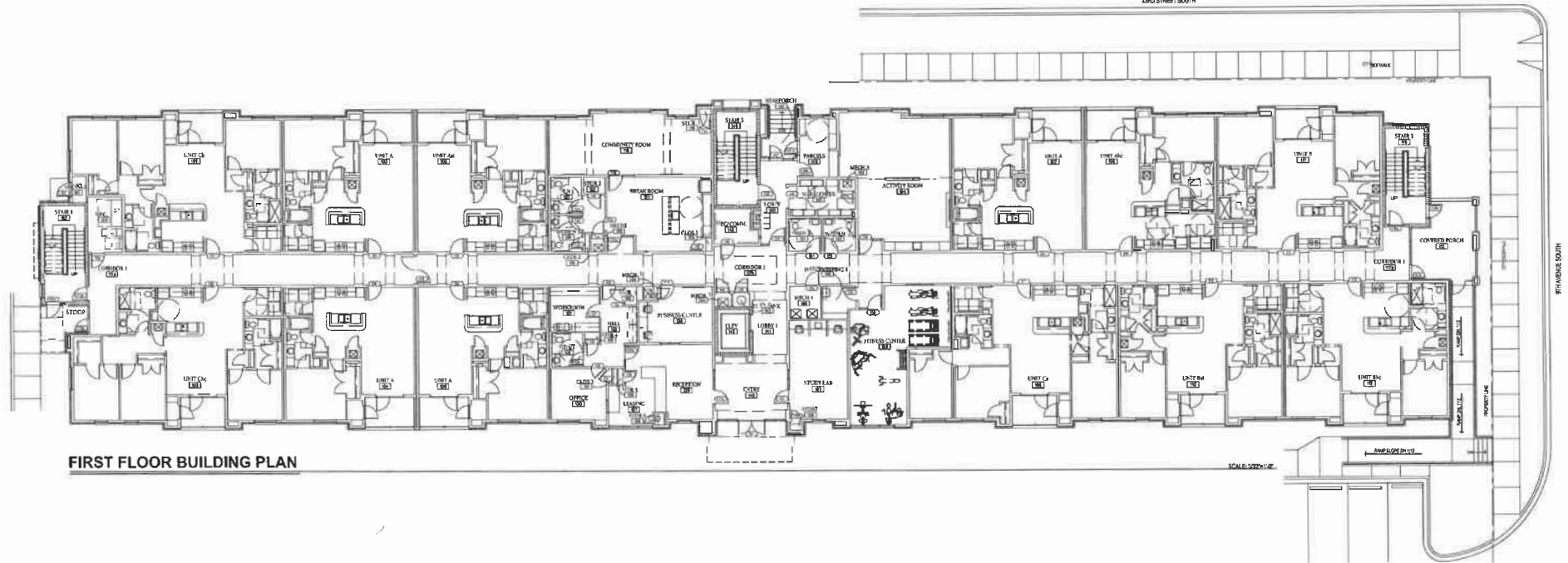
C3 OF 10

PERMIT SET 7/30/2021 - NOT FOR CONSTRUCTION



9TH AVENUE SOUTH ELEVATION SCALE: 1/8"=1'-0"

280 STREET SOUTH



FIRST FLOOR BUILDING PLAN

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

McKean & Associates
ARCHITECTS
LLC
MONTGOMERY ALABAMA

PARK HAVEN
BIRMINGHAM, ALABAMA

Sheet Title: FIRST FLOOR BUILDING PLAN AND 9TH AVENUE SOUTH ELEVATION	Project No.: 20-213	Sheet No.:
	Date: 05-08-21	A1.1
	Revised:	

Case No. ZAC2020-00032

ORDINANCE NO. 2042-G

BE IT ORDAINED by the Council of the City of Birmingham as follows:

Section 1. That the Official Zoning Map of the City of Birmingham as described in Article I, Chapter 9 of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 15-133 as amended) be, and said Official Zoning Map hereby is, amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: R-7, MULITPLE DWELLING DISTRICT
TO: Q-MU-D, QUALIFIED MIXED-USE DOWNTOWN

For the property located at 2523 Southtown Court and situated in the SW ¼ of Section 31, Township 17-S, Range 2-West ,35205, being more particularly described as:

PARCEL I:

Lots 5, 6 and the South 10 feet of Lot 4, according to the Map of East Portion (Being Lot 1) as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama, of Block 741, Elyton Land Company.

Less and Except:

The following property as shown on the right-of-way map of Project No. F-18(11) as recorded in the Office of the Judge of Probate of Jefferson County, Alabama, described as follows:

All of the North five (5) feet of Lot 7, all of Lot "S", and a part of Lot 6 according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, the map or plat of which is recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County ,Alabama, and being more fully described as follows: Beginning at the Northeast corner of said Lot 6; thence S 30°00'33" E, along the Northeast line of said Lots 6, "S", and 7 a distance of 105 feet, more or less, to the Southeast Property line; thence Southwesterly along said Southeast property line a distance of 125 feet; thence North along the Westerly line of Lots 7 and "S" a distance of 45 feet; thence Easterly along the North line of Lot "S" a distance of 105 feet, more or less, to intersect a line extending from a point located 149.65 feet Northwesterly of and at right angles to Station 84+75 on survey centerline to a point located at the Northeast corner of Lot 6; thence N 11°06'31" W along said line a distance of 63 feet, more or less, to the Point of Beginning.

Net area: 14,447 square feet or 0.332 acre.

PARCEL II:

All property within the bounds of the plat known as Alabama 1-4 South Town Project, as recorded in Map Book 25, Page 28 in the Office of the Judge of Probate of Jefferson County, Alabama.

Less and Except:

Lot 1A, according to a Resurvey as recorded in Map Book 234, Page 70 in the Office of the Judge of Probate of Jefferson County, Alabama, being a Resurvey of Lot 1 Hood's Resurvey, being a part of Block 743 Birmingham, as recorded in Map Book 146, Page 6 in the Office of the Judge of Probate of Jefferson County, Alabama.

Also Less and Except:

That property more particularly described in that certain deed from the Housing Authority of the Birmingham District to the State of Alabama dated July 18, 1966 and recorded on August 5, 1966 in Real Volume 250, Page 400, in the Office of the Judge of Probate of Jefferson County, Alabama.

Also Less and Except:

That property more particularly described in that certain deed from the Housing Authority of the Birmingham District to the City of Birmingham dated March 27, 1973 and recorded on April 19, 1973, in Real Volume 939, Page 657, in the Office of the Judge of Probate, Jefferson County, Alabama.

PARCEL III:

Together with all the following property as vacated by that certain Declaration of Vacation of Streets and Alleys, recorded in Deed Book 3201, Page 574:

(1) all of 9th Avenue South lying East of 23rd Street South and West of 24th Street South; (2) all of 9th Avenue South lying East of 24th Street South and West of the Red Mountain Expressway; (3) the North half of 9th Court South lying East of 23rd Street South and West of 24th Street South; (4) all of 9th Court South lying East of 24th Street South and West of the Red Mountain Expressway; and (5) the South half of 9th Court South lying East of 23rd Street South and West of 24th Street South and adjacent to that portion of Parcel II lying South and East of 9th Court South.

Net area of Parcels II and III: 884,561 square feet or 20.306 acres.

PARCEL IV:

Tract 1

The following property as shown on the Right of Way map of Project No F-18(11) as recorded in the Office of the Judge of Probate of Jefferson County, Alabama, and described as follows:

Part of Lot 7, according to the Magnolia Land Company's Subdivision of a part of Block 741, of the Elyton Land Company's Survey of Birmingham, Alabama, as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama, and more particularly described as follows: Beginning at a point on the West line of 26th Street South 260 feet Northerly from the point of intersection of the West line of 26th Street South and the North line of 10th Avenue South; thence Northerly along the West line of 26th Street South a distance of 55 feet; thence in a Southwesterly direction a distance of 125 feet to a point on the East line of an alley; thence Southerly along the East side of said alley a distance of 55 feet; thence in a Northerly direction a distance of 125 feet, to the point of beginning.

And

Tract 2

All of Lot 8, according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama.

And

Tract 3

All of Lot 9, according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama.

And

Tract 4

All of Lot 10, according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama.

And

Tract 5

All of Lot 11, according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, as recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama.

And

Tract 6

The following property as shown on the right-of-way map of Project No. F-18(11) as recorded in the Office of the Judge of Probate of Jefferson County, Alabama, described as follows:

All of the North five (5) feet of Lot 7, all of Lot "S", and a part of Lot 6 according to the Magnolia Land Company's Subdivision of a part of Block 741 of the Elyton Land Company's Survey of Birmingham, Alabama, the map or plat of which is recorded in Map Book 9, Page 60, in the Office of the Judge of Probate of Jefferson County, Alabama, and being more fully described as follows: Beginning at the Northeast corner of said Lot 6; thence S 30°00'33" E, along the Northeast line of said Lots 6, "S", and 7 a distance of 105 feet, more or less, to the Southeast Property line; thence Southwesterly along said Southeast property line a distance of 125 feet; thence North along the Westerly line of Lots 7 and "S" a distance of 45 feet; thence Easterly along the North line of Lot "S" a distance of 105 feet, more or less, to intersect a line extending from a point located 149.65 feet Northwesterly of and at right angles to Station 84+75 on survey centerline to a point located at the Northeast corner of Lot 6; thence N 11°06'31" W along said line a distance of 63 feet, more or less, to the Point of Beginning.

Area of Parcel IV: 14,901 square feet or 0.342 acre

Total area of all Parcels: 913,909 square feet or 20.980 acres

“Q” Conditions:

1. Height of buildings shall be limited to 225 feet.

Section 2. This ordinance shall become effective when published as required by law.

Adopted by the Council April 13, 2021 and Approved by the Mayor April 20, 2021



A CERTIFIED COPY
Lee Frazier, City Clerk
Birmingham, Al
Lee Frazier



Southtown Park Haven – Request for Variance

September 8, 2021

Building Variance Request

The following statement details the request for variance to the requirements for Building setbacks at the old Southtown housing district located on what is considered Block D at the intersection of 23rd Street South and 9th Avenue:

- To allow the proposed building to exceed the maximum zero foot setback requirement per note 1 of table 1.03.103 of Chapter 3 Title 1 of the Zoning Ordinance.
- To allow the proposed building to locate entrances away from the corner of 23rd Street South and 9th Avenue South. The proposed entrances to the building would be located at the midpoint of the building along the 23rd Street façade and in front of onsite parking.

Description of Hardship

The following address the hardship which is the basis for the variance request as well as the standards for granting the variance request:

- **The Physical and Unique Characteristics:** The site is within the old Southtown housing district located on the west half of what is considered Block D. Block D is bounded by 9th Avenue to the north, 10th Avenue to the south, 23rd Street to the west, and 24th Street to the east. The site is to be developed for multifamily housing. The site includes a grade change of 7 feet from south to north along 23rd Street. Because of frequent flooding within 23rd street, the finished floor elevation needs to be such that it is above the 100 year return period. This creates an approximate 7' grade difference between the elevation of the sidewalk and the elevation of the building at the intersection, requiring any entrance at this location to be down within the area subject to flooding. This would result in a safety hazard for residents and visitors of the building.
- **Hardship Not Self Imposed:** A recent flood study performed by Schoel Engineering, as well as a previous study performed by Sain Associates, found that 23rd Street (as well as some surrounding streets) floods due to insufficient infrastructure within public Right of Way. The flood elevations for even the smallest return period would place any entrance

to the building at the intersection of 23rd St and 9th Avenue under water. This flooding due to insufficient infrastructure has not been caused or created by the applicant. The referenced flood study is attached as a supporting document to this application.

- **No Financial Gain:** The reason for this request for variance is strictly to avoid a safety hazard due to flooding and is not for the purpose of reducing costs or financial gain. In fact, the project design was modified to satisfy this setback requirement from the zoning ordinance prior to the flood study and the results obtained.
- **No Injury to Neighboring Properties:** The setback request will not have any impact on surrounding properties. The increase in setback will only affect the subject property.
- **No Harm to the Public Welfare:** The setback request will not pose any harm to the public welfare and will in fact avoid harm to the public welfare by mitigating a flood hazard.





g:/19/290/Enviro/Drain/

Scale: 1" = 100'
Graphic Scale
0 100

DATE: AUGUST 4, 2021

SOUTH TOWN RETURN PERIODS EXHIBIT

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



1001 22nd Street South | 7500 Memorial Pkwy SW, Ste 209
Birmingham, Alabama 35205 | Huntsville, Alabama 35802
205.323.0166 | 256.539.1221

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Magnolia Point, LLC
**MAGNOLIA POINT
REDEVELOPMENT**

Drainage Evaluation

August 2, 2021

Prepared by:

Schoel Engineering Company, Inc.
1001 22nd Street South
Birmingham, AL 35205
205-323-6166



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EXHIBIT 1 – DRAINAGE BASINS

EXHIBIT 2 – DRAINAGE STUDY LIMITS

EXHIBIT 3 – FLOODPROOFING HISTORIC BUILDINGS

EXCERPT FROM FLOODPROOFING NON-RESIDENTIAL BUILDINGS

FEMA P-936/JULY 2013

EXHIBIT 4 - FLOODPROOFING NON-RESIDENTIAL BUILDINGS FEMA P-936/JULY
2013

1.0 Introduction

Magnolia Point, LLC proposes to redevelop the Magnolia Point Building at the northwest intersection of Magnolia Avenue and 23rd Street South, Birmingham, Alabama.

An existing 54-inch brick culvert travels within Magnolia Avenue and 23rd Street South. The culvert passes the Magnolia Point building and stays within the Right-Of-Way. Due to the large drainage area served by this culvert and the continuous flooding in the area of the Magnolia Point building, an analysis has been conducted to determine what flood risks may exist at the project site that would aid in determining appropriate flood proofing methods. The primary focus of the study is aimed at providing flood elevations based on the current condition of the drainage system. Restrictions and/or deficiencies in the system have not been identified or evaluated.

This report includes an overview of the major drainage to the culvert, an overview of the modeling method, and a summary of the analysis.

2.0 Overview

The total watershed area is approximately 215 acres to a point just north of the Magnolia Point building. An existing 54-inch brick culvert carries flows originating within the overall drainage area. It is believed that the culvert remains 54-inch in diameter to a point between the project site and University Boulevard. For the purposes of the study, the overall drainage area was broken into five separate areas as shown in **Exhibit 1**. The largest area is estimated to be 187 acres in size and extends to the top of Red Mountain near the Vulcan Park. Stormwater flows generated by this basin are assumed to enter the 54-inch culvert near the intersection of Magnolia Avenue and 22nd Street South. Stormwater from the remaining four drainage areas enter the system at various points between 22nd Street South and University Boulevard.

The project site is situated at the northwest intersection of Magnolia Avenue and 23rd Street South. The upstream corner of the study site is located along a fence and alley from the adjacent property and has a finish floor elevation of 647.16. The building's lowest finish floor elevation is along 23rd Street South on the most downstream corner at 645.04. The flowline of the existing culvert ranges from 640 to 633 feet through the project area. The project site is located in a FEMA Zone X (unshaded).

3.0 Model Development

An analysis of the drainage was developed using the EPA sponsored SWMM model version 5.1, modeled within the PCSWMM software. Previous survey data and City of Birmingham drainage maps were referenced during model development to aid in determining model limits. The limits of the study include the culvert from approximately

500 feet upstream of the site near 22nd Street South to approximately 800 feet downstream of the study site along 23rd Street South. In total, about 1,300 feet of the primary drainage has been modeled. The limits of the modeled culvert and study site are shown in **Exhibit 2**.

Multiple sources were utilized during drainage basin delineation. A topographic map created from aerial LiDAR assisted in the overall shape of the basins. Drainage maps and survey data also assisted in determining the contributing pipe network in upstream and downstream areas.

Flows were developed in SWMM and calibrated against a parallel model using the U.S. Army Corps of Engineers hydrologic modeling system computer program HEC-HMS (version 4.8) using the 24-hr synthetic design storms. A final validation step was performed by comparing the peak flows for the 100-, 50-, and 25-year storm with the Urban Regression Flood Equations published in SIR 2010-5012.

4.0 Results Analysis

An existing 54-inch brick culvert travels down Magnolia Avenue (west to east) and turns left (north) on 23rd Street South. During all modeled events, the culvert surcharged, and excess floodwater travels overland on Magnolia Avenue. The floodwater velocities along Magnolia Avenue range from 8 to 9 ft/s. The 100-, 50-, and 25- year elevations at the three corners of the site along the roadway are shown in **Table 1**.

Location at Building	Finished Floor Elevation	100 Year 24-hour Return Period		50 Year 24-Hour Return Period		25 Year 24-Hour Return Period	
		Water Elevation	Flood Depth (ft)	Water Elevation	Flood Depth (ft)	Water Elevation	Flood Depth (ft)
South Corner	647.16	647.75	0.59	647.61	0.45	647.47	0.31
Intersection	645.67	646.72	1.05	646.17	0.5	645.77	0.1
North Corner	645.04	645.67	0.63	645.53	0.49	645.39	0.35

Table 1. 100-, 50-, & 25-year flood elevations and the depths relative to the finish floor elevation.

Table 1 gives information based on the storm event and the modeled elevations relative to the finished floor elevations. The maximum depth would be about 1.05 feet above the finished floor at the intersection of Magnolia Ave and 23rd Street South. However, it is strongly suggested that floodproofing is implemented at least 2 feet above the finish floor.

It is understood that the Magnolia Point building is considered an historic building, so typical floodproofing measures may not be allowed for use. The suggested primary resource used for selecting floodproofing measures is *Floodproofing Non-Residential*

Buildings (FEMA P-936/July2013). Included with this report, **Exhibit 3**, is an excerpt from the publication on floodproofing historic buildings. Some methods that are suggested that would maintain the historic integrity of the building may include elevating the electrical and mechanical systems and/ or utilities and the use of flood damage-resistant materials. Within the same FEMA document, several other dry flood proofing methods are presented that may or may not affect the historic integrity of the structure, such as water resistant/waterproof windows and doors, impermeable wall systems, and internal drainage systems. Each of these methods carries certain considerations that should be evaluated prior to implementation, such as the structural system affected by the improvement. The complete publication is included in **Exhibit 4**.

5.0 Summary

Magnolia Point, LLC, proposes to redevelop the Magnolia Point building located at the northwest intersection of Magnolia Avenue and 23rd Street South. During a large storm event, the adjacent roadways flood so Schoel Engineering has been tasked to understand the potential flooding impacts with the goal of floodproofing the historic building.

Schoel Engineering has conducted an evaluation of the Magnolia Point building. The drainage has been modeled within the EPA SWMM Version 5.1 hydrologic modeling software using survey data, historic drainage maps and other topographic data as input for model development.

The analysis shows that the culvert will surcharge and begin flooding the roads during the 100-, 50-, and 25-year events at the project site. Based on this evaluation, flooding from the culvert and overland flow is anticipated at the project site.

It should be noted that this analysis focused on the elevation needed to floodproof the Magnolia Point building along Magnolia Avenue and 23rd Street South. Selected floodproofing measures should be vetted to ensure they will not adversely affect the building's "historic structure" designation.

SCHOEL ENGINEERING COMPANY, INC.



Mark E. Simpson, P.E., CFM
Ala, Reg. No. 38465
Project Manager

Kaitlin Braun, CFM
Project Hydrologist

EXHIBITS

EXHIBIT 1 – DRAINAGE BASINS

EXHIBIT 2 – DRAINAGE STUDY LIMITS

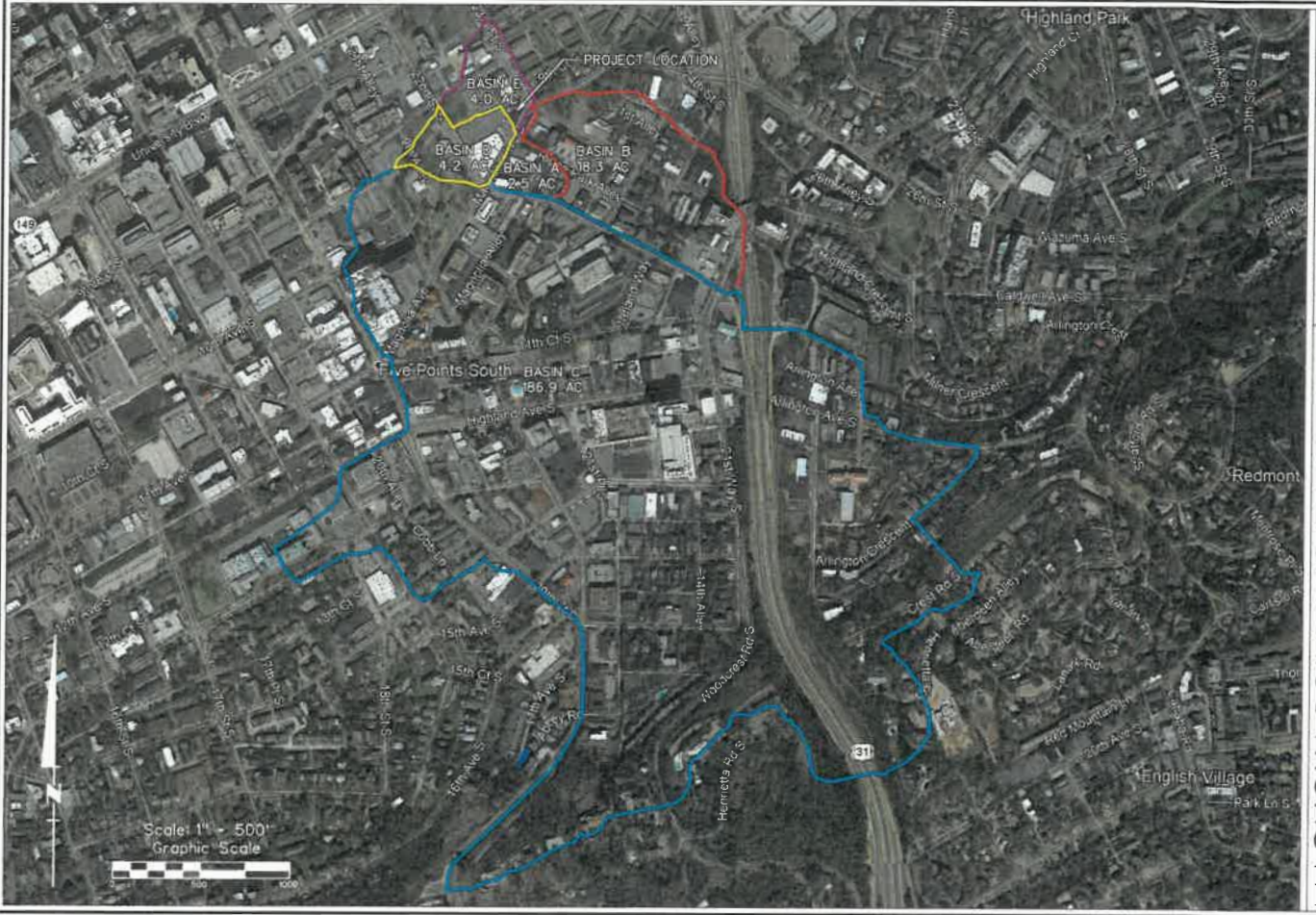
EXHIBIT 3 – FLOODPROOFING HISTORIC BUILDINGS

EXCERPT FROM FLOODPROOFING NON-RESIDENTIAL BUILDINGS

FEMA P-936/JULY 2013

**EXHIBIT 4 - FLOODPROOFING NON-RESIDENTIAL BUILDINGS FEMA P-936/JULY
2013**

EXHIBIT 1 – Drainage Basins

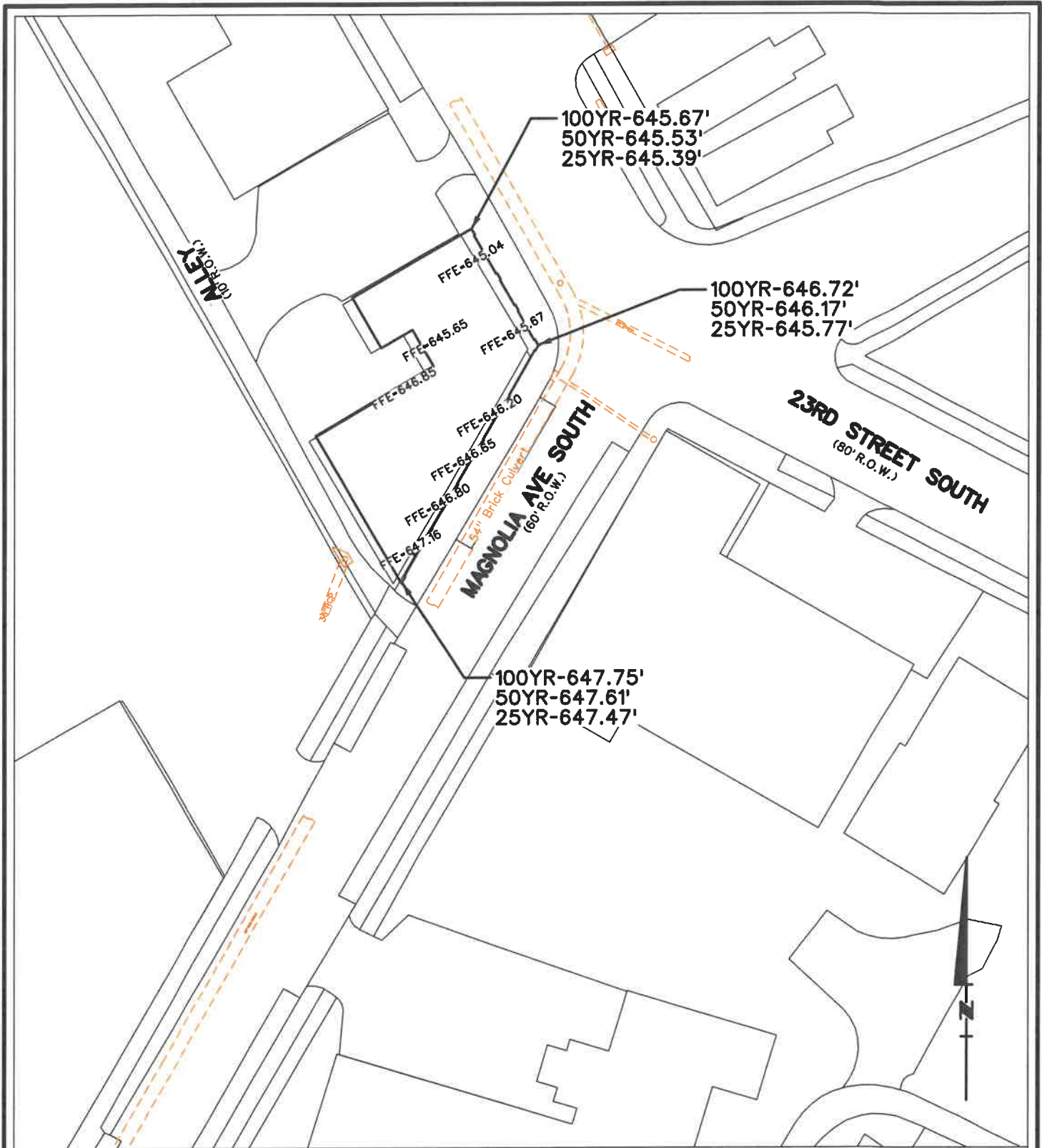


MAGNOLIA POINT REDEVELOPMENT DRAINAGE BASINS

DATE: JULY 2021
SCALE: AS SHOWN

SCHMIDT
 Environmental & Planning Solutions
 1000 West Street, Suite 200
 Birmingham, AL 35203
 205.333.1111
 www.schmidt.com

EXHIBIT 2 –Drainage Study Limits

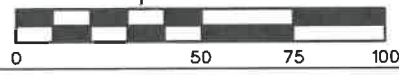


MAGNOLIA POINT REDEVELOPMENT

100-, 50-, 25-YR FLOOD ELEVATIONS

DATE: JULY 2021
SCALE: AS SHOWN

Scale: 1" = 50'
Graphic Scale



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



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EXHIBIT 3 – Floodproofing Historic Buildings
Excerpt From Floodproofing Non-Residential Buildings
FEMA P-936/July 2013

2.1.3 Floodproofing Historic Buildings

The NFIP gives special consideration to the unique value of designated historic buildings and structures. Provided such structures retain their designations, communities do not have to require them to be brought into compliance if the structures will be Substantially Improved or have been Substantially Damaged. The NFIP definition of "historic structures" includes structures that are (1) listed or preliminarily determined to be eligible for listing in the National Register of Historic Places, (2) certified or preliminarily determined by the Secretary of the Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district, or (3) designated as a historic site under a State or local historic preservation program that is approved by the Secretary of the Department of Interior. The definition does not include structures that are merely old, those that residents refer to as historic, or those that happen to be located in historic districts. Section 4.5.3 includes a case study involving the application of floodproofing to historic buildings.

When voluntary retrofit floodproofing measures are applied to historic buildings, the measures should be designed to mitigate or reduce the flood risk while preserving the building's historic integrity. Consultation with the State Historic Preservation Officer and a design professional (engineer or architect), preferably one experienced in rehabilitating historic structures, is necessary. Ideally, any retrofit floodproofing measure applied to a historic building and/or its site will not affect the property's designation. If a structure does not retain its historic designation, it is subject to the basic NFIP requirements for Substantial Improvement/Damage.

Retrofit floodproofing measures for historic buildings need not be comprehensive to provide at least some degree of protection. The techniques listed below may have minimal impact on the historically significant features of the structure (FEMA 2008b):

- Elevating electrical and mechanical systems and utilities
- Relocating contents
- Creating positive drainage, where the grade allows water to drain away from the building
- Using flood damage-resistant materials

FLOODPROOFING NON-RESIDENTIAL BUILDINGS

2-7

2 | DESIGN CONSIDERATIONS IN FLOODPROOFING

- Filling in basements or wet floodproofing basements
- Installing small floodwalls to protect openings such as window wells

Exhibit 3 – FEMA P-936/July 2013 Floodproofing Non-Residential Buildings

EXHIBIT 4 – Floodproofing Non-Residential Buildings FEMA P-936/July
2013

INTENTIONALLY OMITTED