

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 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. Staff has worked the applicant to come up with a solution that we can recommend; however, it was unsuccessful due to the conditions of the alley. The applicant did provide staff with photos of the alley and case information regarding clearly the alley below:

At this time, removing trees and cleaning the alley would be too costly for us to consider this option any further. However, I did call the Public Works Department and received two case numbers listed below for assistance with the alley: 1. case number 2100030269 (cleaning up alley) and case number 2100030270 (removal of trees). I was informed that these departments have a back log and no estimated time of when they could be assigned.

**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**.

**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

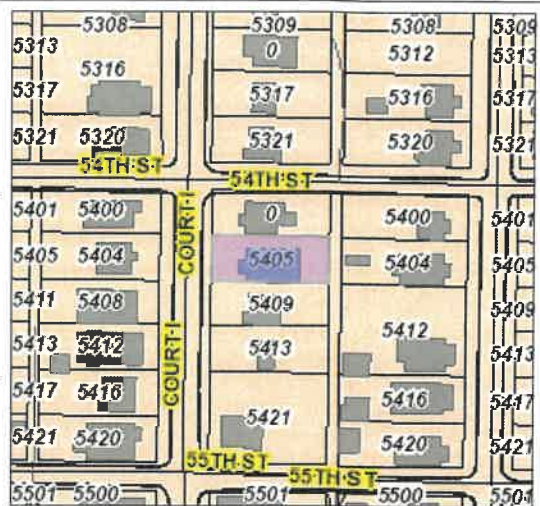
**CITY/STATE:** BIRMINGHAM AL

**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

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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

85.3 0 42.67 85.3 Feet

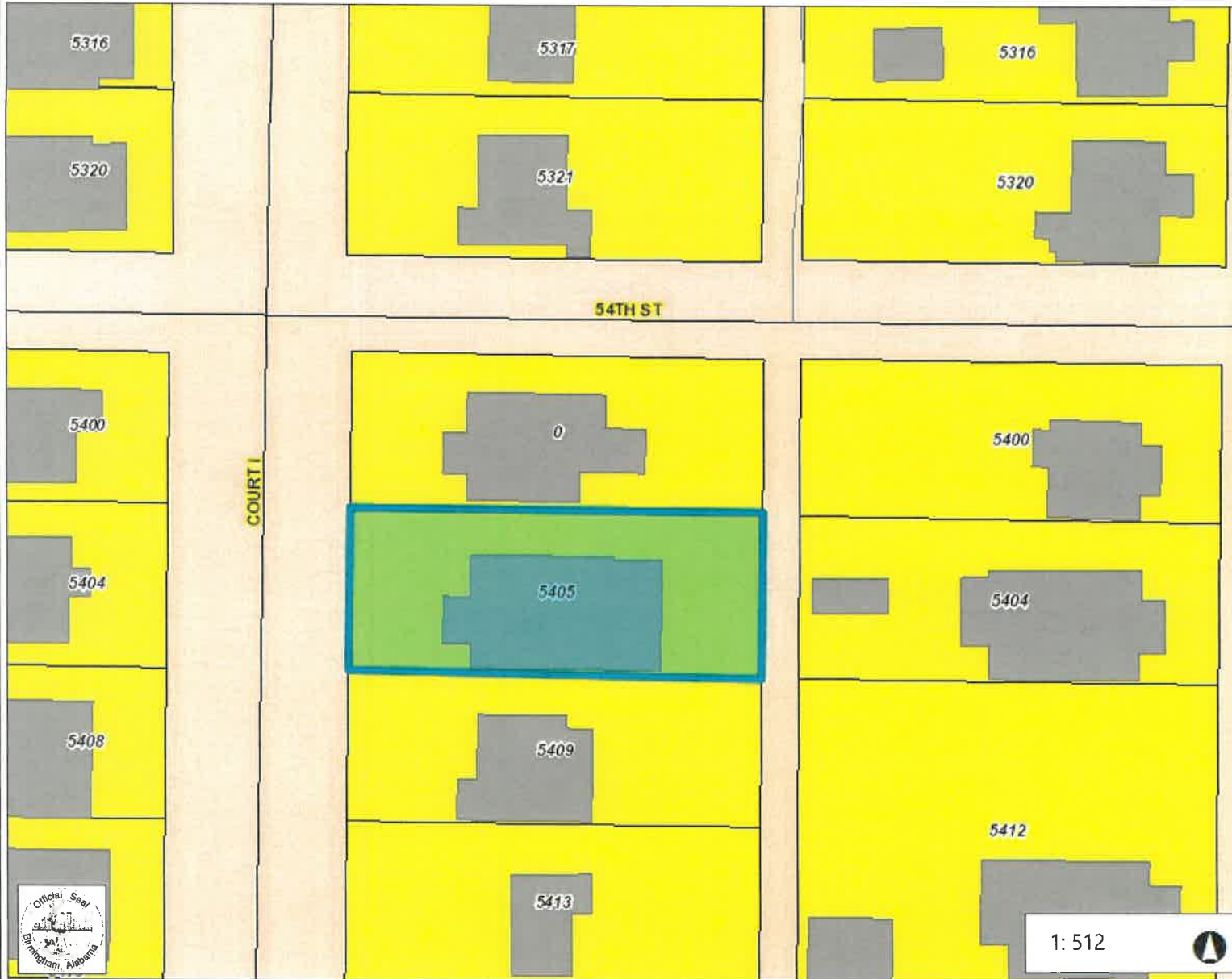
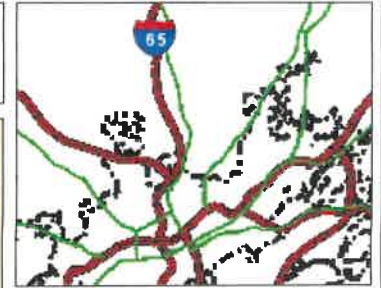
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 512



Notes





Legend

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- + Railroad
- Alleys
- Local Roads
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- 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

85.3 0 42.67 85.3 Feet

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1: 512



Notes

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.

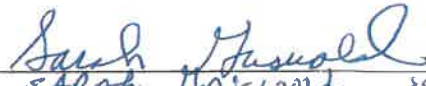
10. The proposed use is not prohibited by ordinances of the City of Birmingham other than the Zoning Ordinance. Attached to and made a part of this Application, Applicant submits the following attachments:

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.

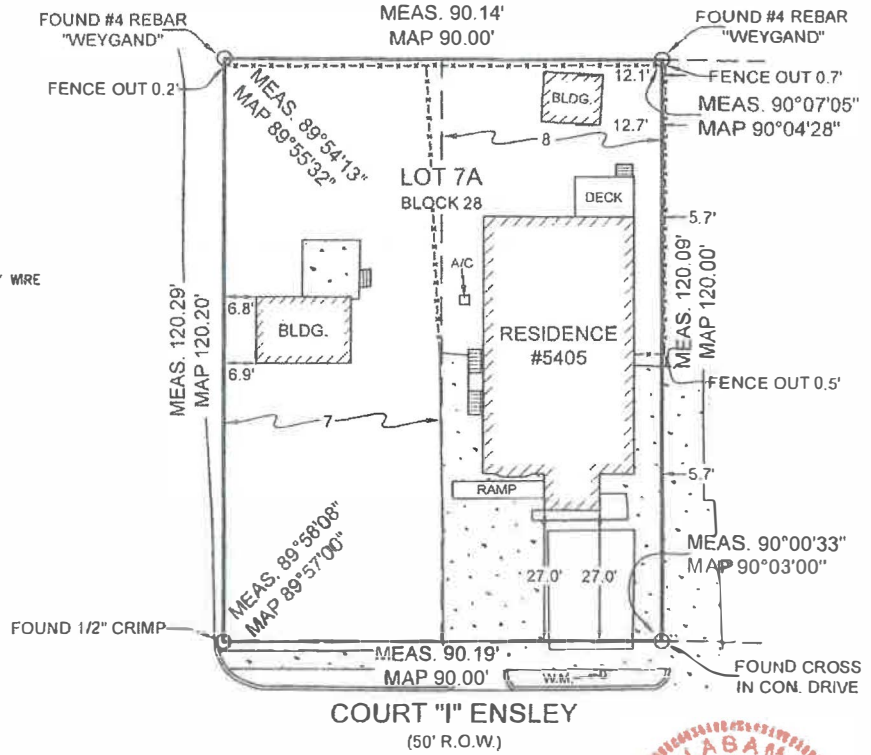
Witness my signature this the 29<sup>th</sup> Day of April 2021.

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

***Attachments***

**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINMUM
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
Y	ANCHOR
X	FENCE
—X—	OVERHEAD UTILITY WIRE
P/MT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLOT	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

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











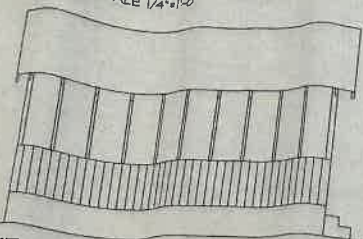




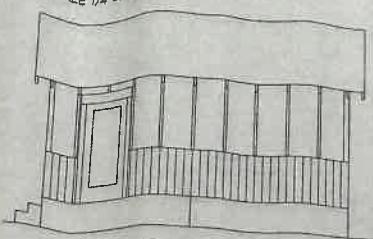
LEFT SIDE ELEVATION  
SCALE 1/4"=1'-0"



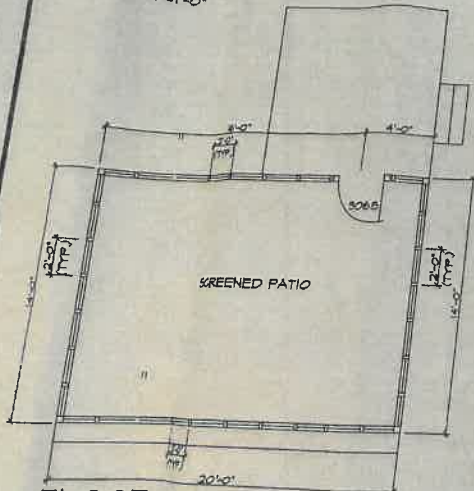
RIGHT SIDE ELEVATION  
SCALE 1/4"=1'-0"



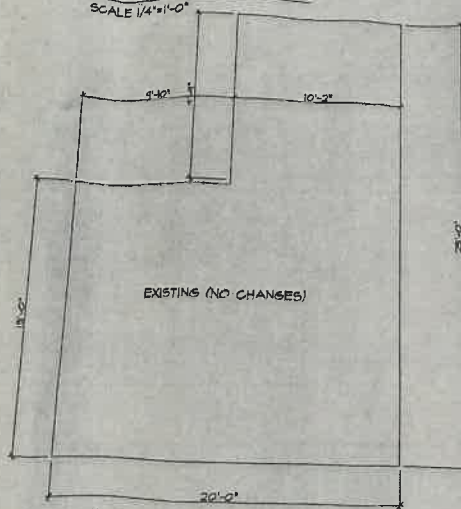
FRONT ELEVATION  
SCALE 1/4"=1'-0"



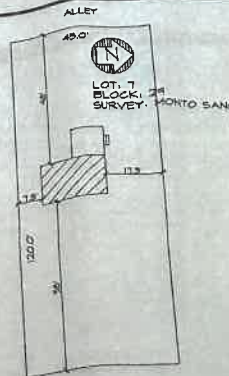
REAR ELEVATION  
SCALE 1/4"=1'-0"



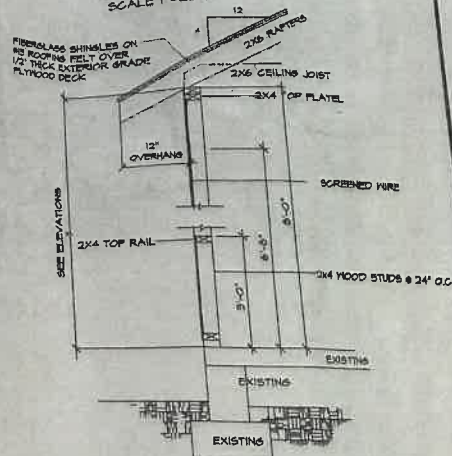
FLOOR PLAN  
SCALE 1/4"=1'-0"



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



COURT 11  
SITE PLAN  
SCALE 1"=20'-0"



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

NEW SCREENED PATIO FOR:  
MR. WILLIE GRISWOLD  
5401- COURT 11  
BIRMINGHAM, ALABAMA  
DATE: 8/18 DRAWN BY: HUNTER



5405 Court I

ZBA2021-00045



Image capture: Oct 2011 © 2021 Google

Birmingham, Alabama

Google

Street View - Oct 2011







5400 Court I

ZBA2021-00045



Image capture: Apr 2021 © 2021 Google

Birmingham, Alabama

Google

Street View - Apr 2021









**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 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:***

Thomasina Hardy

***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. Mrs. Jackson located at 1136 16<sup>th</sup> St N has opposed to the request of the hours extending past 12:00am.

***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**.

# VARIANCE STANDARDS

**Physical Characteristics of the Property:** 1155 E Bankhead Hwy Bham Al 35204, is located in the 78 Highway Shopping Center on the corner suite, this location/building /Property was not newly built, it was already established on this property which is why the business is within 200 feet of a dwelling district. The 78 Highway Shopping Center Property and units have been in use for years and have been used for multiple businesses in that area over the years including this location.

**Unique Characteristics:** 1155 E Bankhead Hwy Bham Al 35204, Is inheriting a new business in this space but the structure itself has been long standing in this community and the property is not an eye sore to the community and neither will the new business.

**Hardship Not Self Imposed:** 1155 E Bankhead Hwy Bham Al 35204, is located in the 78 Highway Shopping Center on the corner suite, this location/building /Property was not newly built, it was already established on this property

**Financial Gain NOT Basis:** 1155 E Bankhead Hwy Bham Al 35204, is not all about financial gain but this is a business that allows individuals and groups of individuals to make lasting memories for a lifetime, memories that yes can be made anywhere else but wouldn't be because they aren't made here and they want their memories made here.

**No Injury to Neighboring Property:** 1155 E Bankhead Hwy Bham Al 35204, is located in the 78 Highway Shopping Center on the corner suite, this location/building /Property was not newly built, it was already established on this property which is why the business is within 200 feet of a dwelling district. The 78 Highway Shopping Center Property and units have been in use for years and have been used for multiple businesses in that area over the years including this location and has not and will not cause any physical damage to any of the neighboring properties in the area or adjoined to this property.



**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

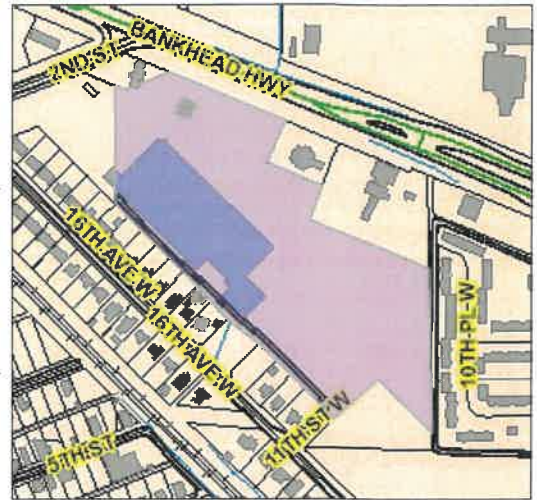
**CITY/STATE:** CAMPBELL CA

**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

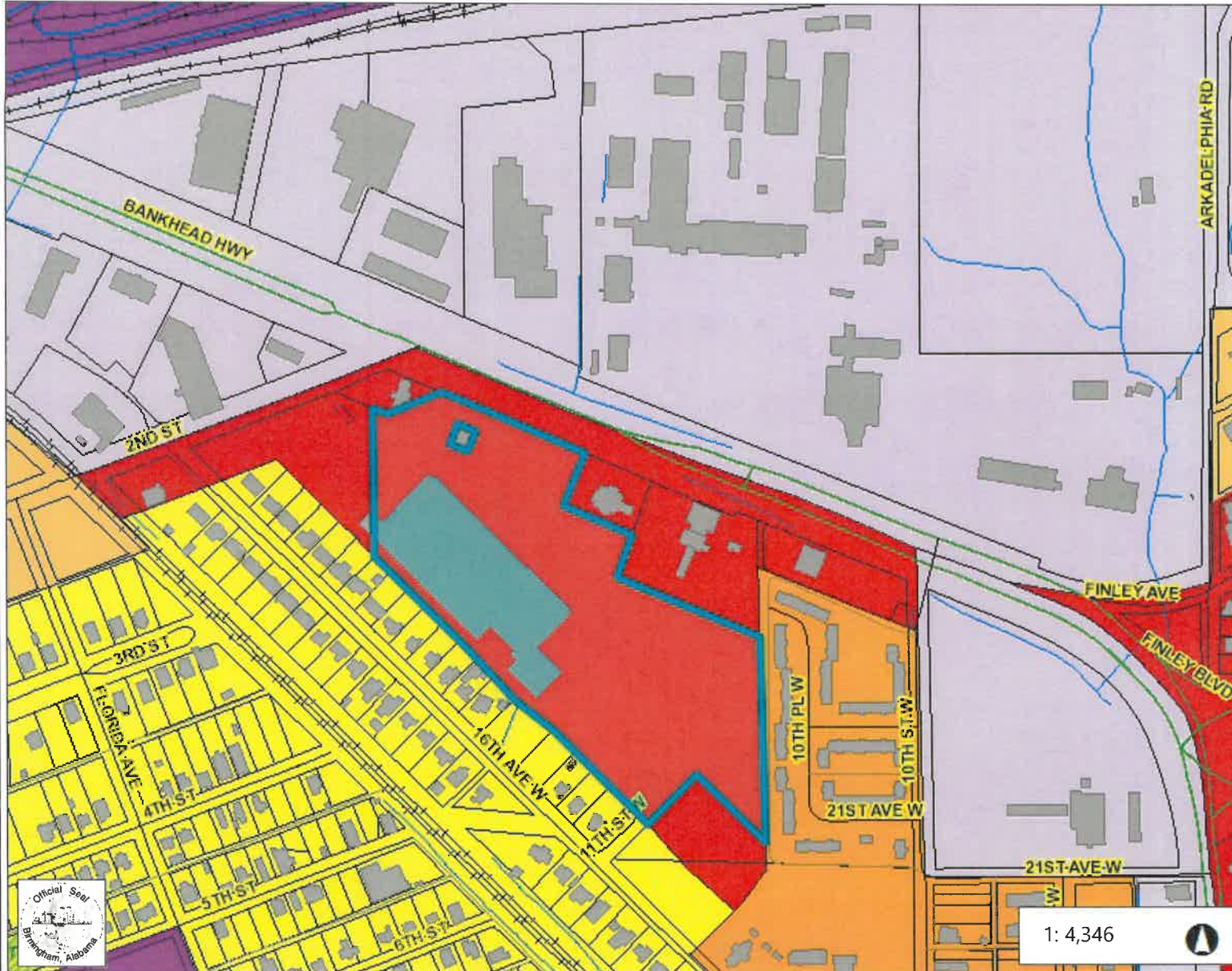
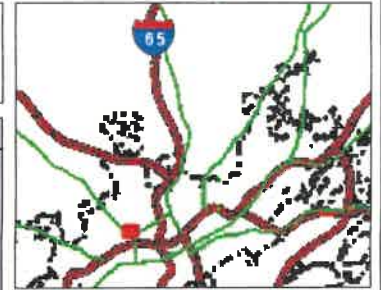
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** In Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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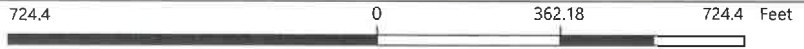


Legend

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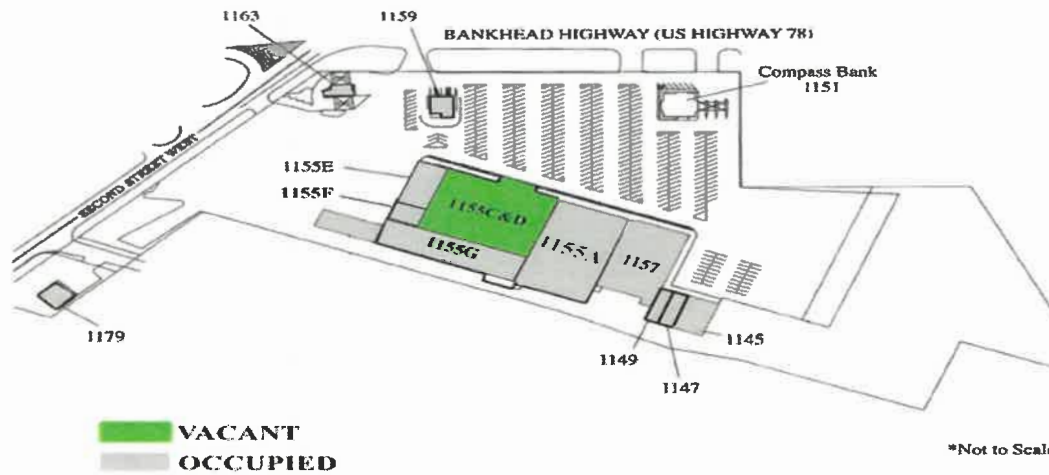
1: 4,346



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Notes



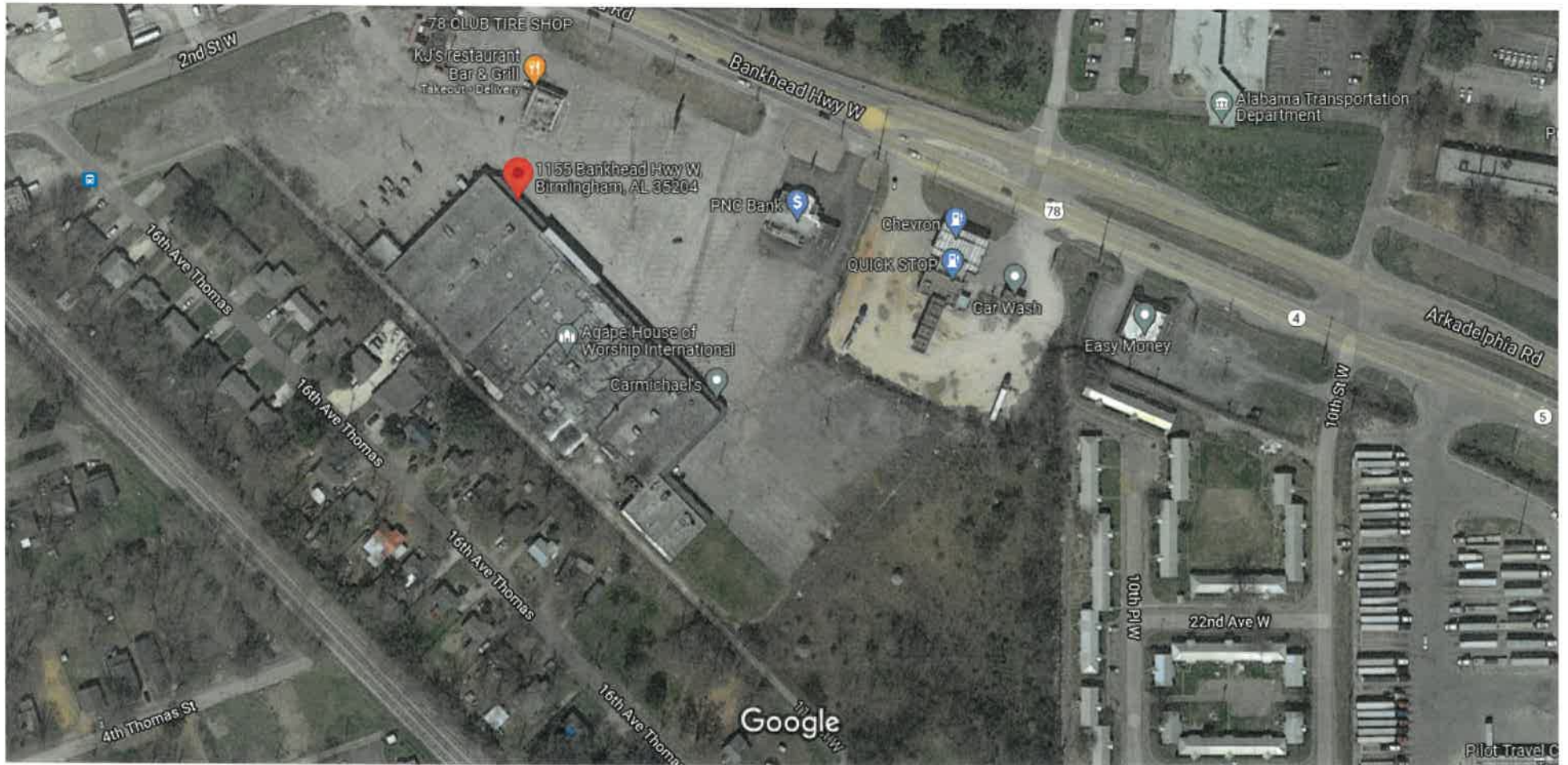


Suite	SQF	Tenant
1145	4500	Love of God Church
1147	1500	Vending Shop
1149	1500	Photography
1155A	12400	78 Mini Mall
1155B	12400	78 Mini Mall
1155C&D	30000	VACANT
1155G	12000	Aomco Office Furniture Installation Inc.
1155E	4900	Steel City
1155F	1000	Car Repair
1157	17000	Night Bar
1159	2340	KJ's Bar and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



1155 Bankhead Hwy W

ZBA2021-00050



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





MCE CENTER PARKING LOT PICS

DATE: 10/1/21

CANCER SURVIVOR PARTY

10 P-1 A

1ST ROW 32 CARS MCE CENTER

2ND ROW 38 CARS IN FRONT OF AMOCO/ CLOSED AT NIGHT

3RD ROW in front of AMOCO 41 CARS/CLOSED AT NIGHT

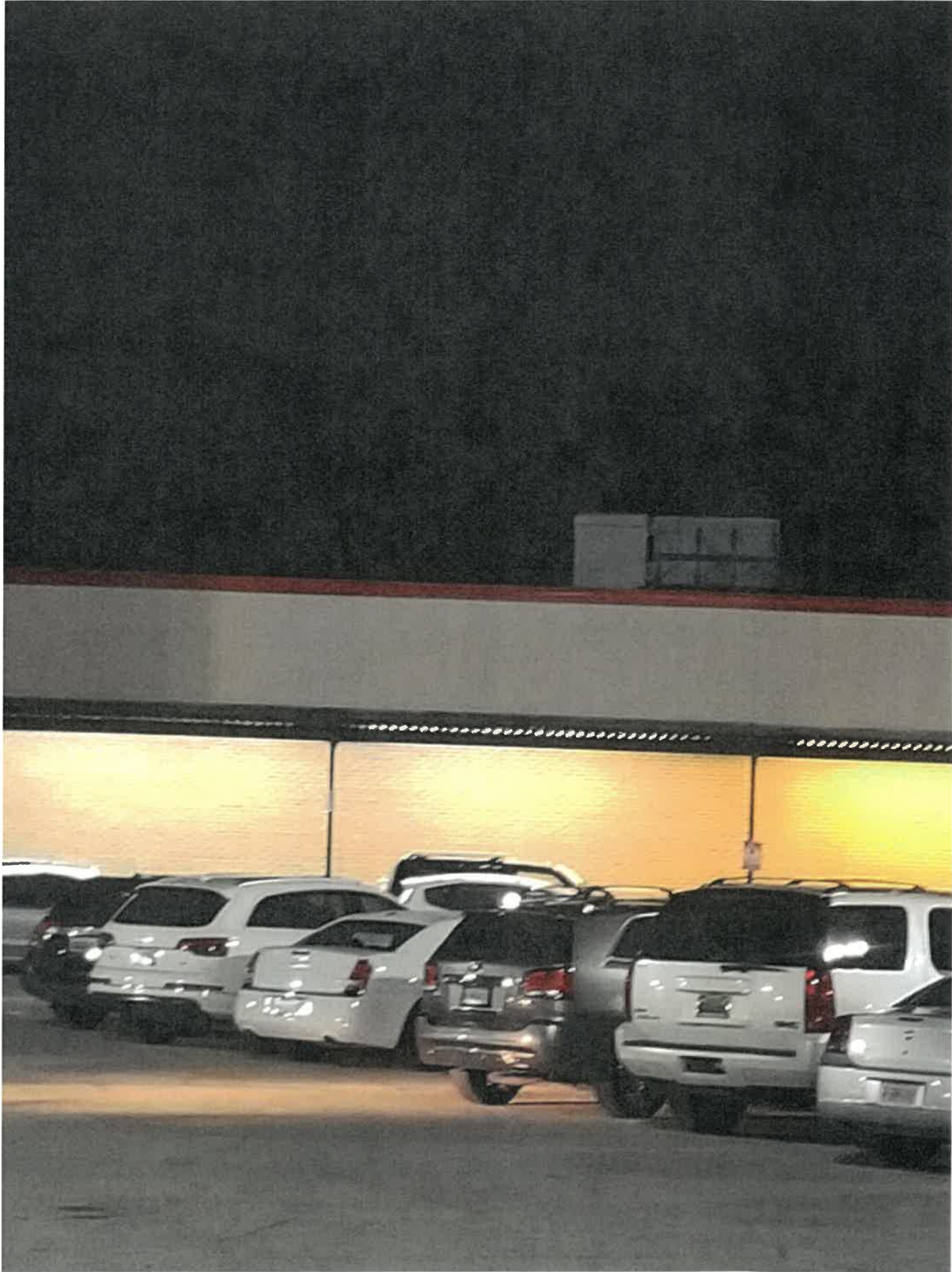
PARKING IN FRONT OF MCE CENTER 7 PARKING SPOTS

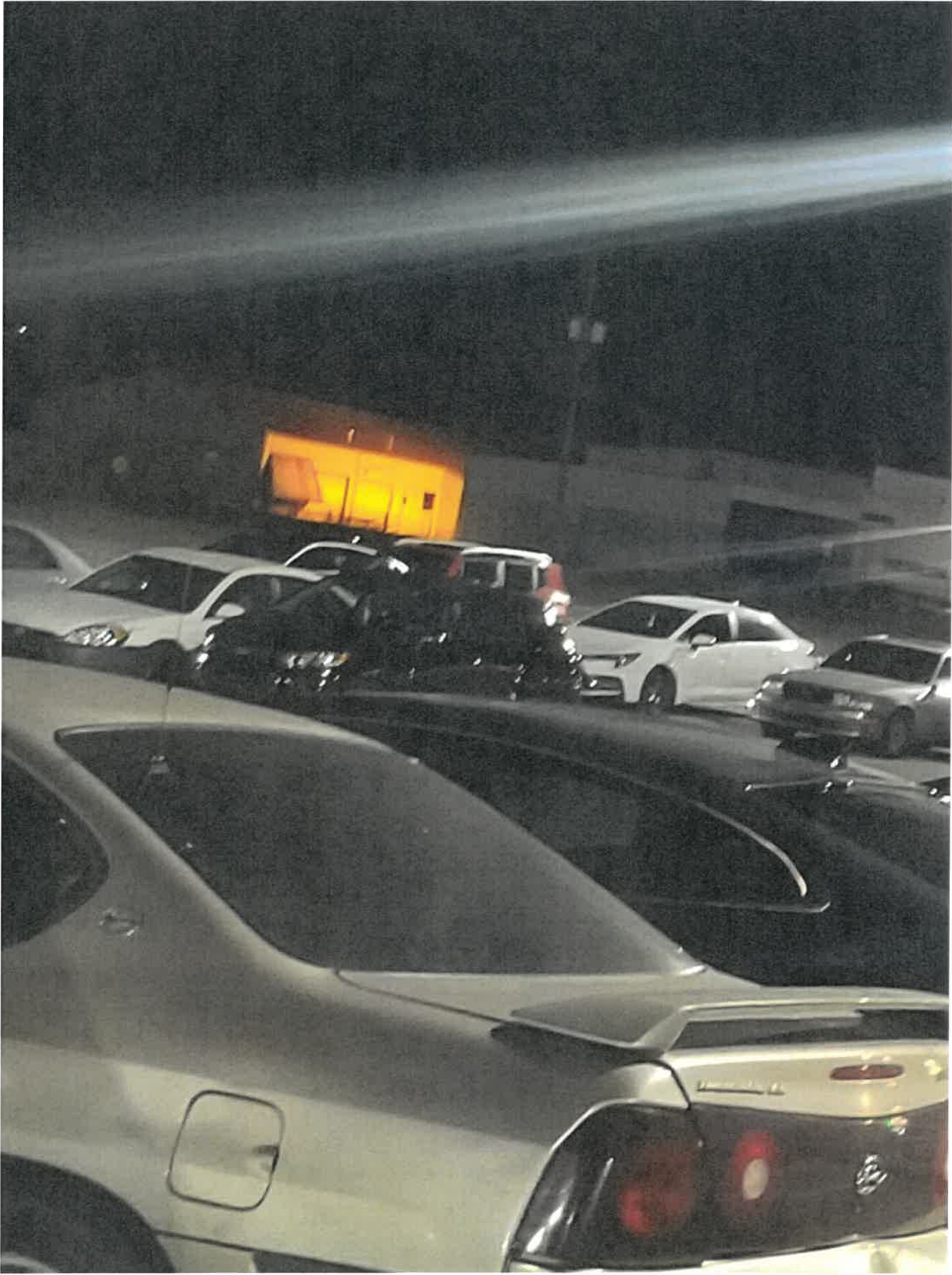
Parking is not marked off on the side of the MCE CENTER building where the auto mechanic shop is, cars that are there are cars that the business is working on,













78 MALL   
785-918





MCE CENTER PARKING LOT PICS

DATE: 10/1/21

CANCER SURVIVOR PARTY

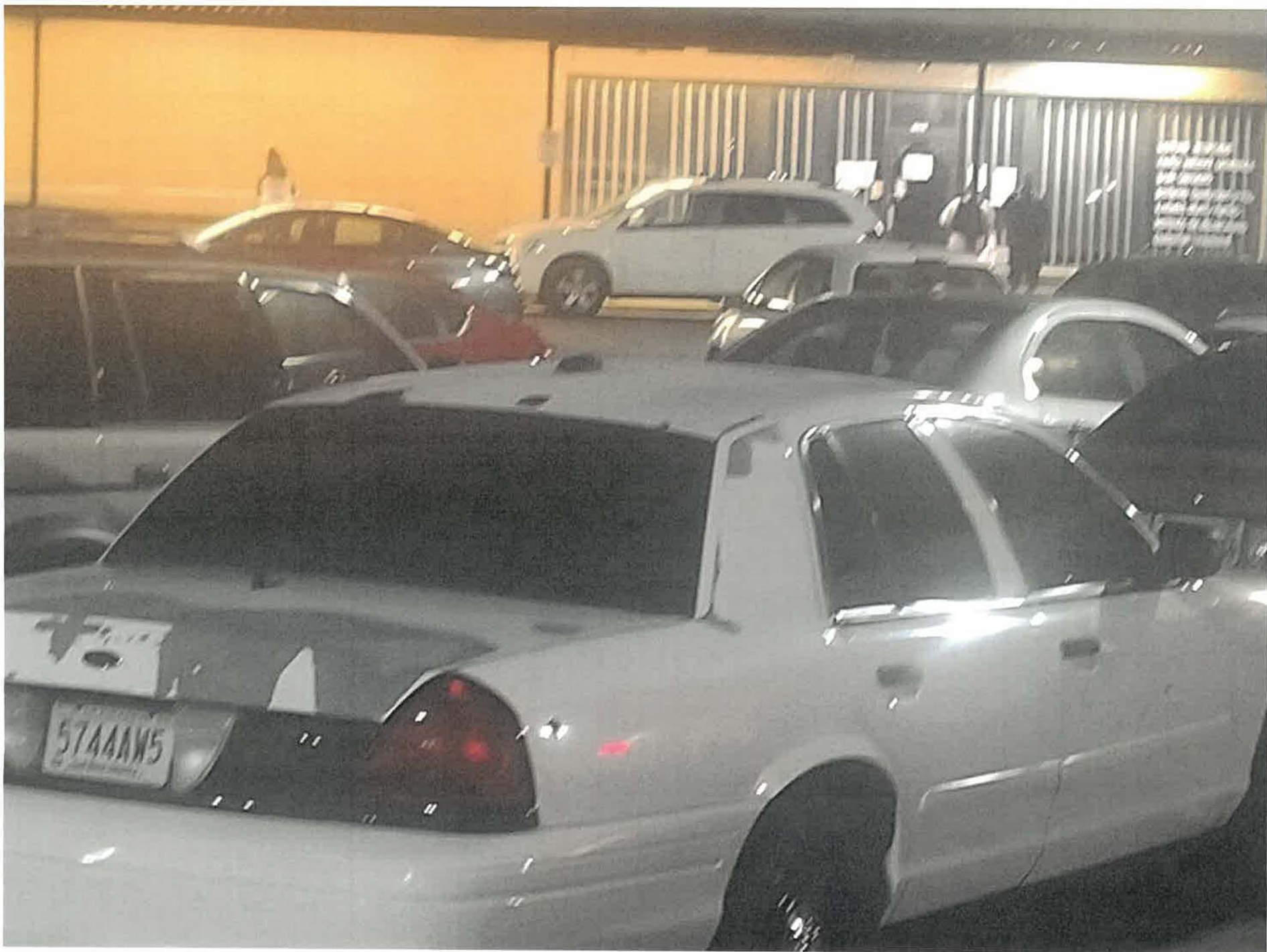
10 P-1 A

1ST ROW 32 CARS MCE CENTER

2<sup>ND</sup> ROW 38 CARS IN FRONT OF AMOCO/ CLOSED AT NIGHT

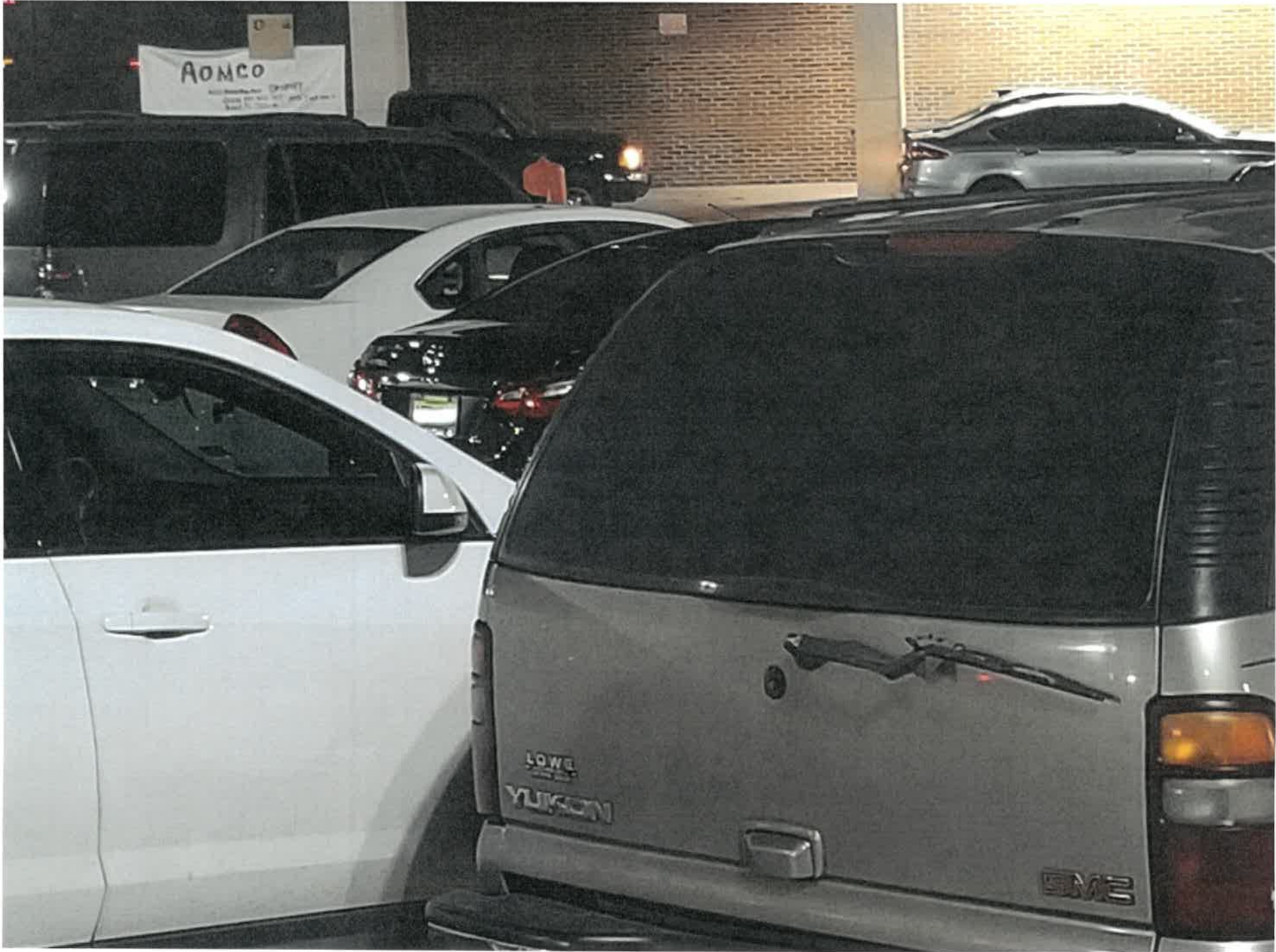
3<sup>RD</sup> ROW in front of AMOCO 41 CARS/CLOSED AT NIGHT

PARKING IN FRONT OF MCE CENTER 7 PARKING SPOTS















Alabama  
1DR5678





**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00051**

**Redmont Park Neighborhood**

***Request:***

Variance to allow a 2ft side yard setback instead of the 5ft setback; variance to allow a 20ft 10in front yard setback instead of the required 25ft setback; and variance to allow a structure to have an additional 15ft of height (per the bonus allowed in the R-6 zoning district)

***Applicant:***

Jasper Cornett

***Location:***

1232, 1236, & 1240 22<sup>nd</sup> 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. Because of the balconies, the applicant needs a 15ft height variance for a portion of the structure.

***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 2 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 20feet 10in is located in the front yard area off of 23<sup>rd</sup> street south and is approximately 35 to 38 feet away from the street. The variance for the height is required because the rear yard setback of 30 feet only allows the structure to be erected at 65 feet (with the height bonus). Because the balconies establish the side yard setback, the bonus is not available in the side yard (the other side yard contains a parking structure).

*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 90 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 Executive Committee* voted to support the request (the plans shown at the Neighborhood Meeting included the correct height of the proposed building).

**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 22<sup>nd</sup> 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 22<sup>nd</sup> 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.

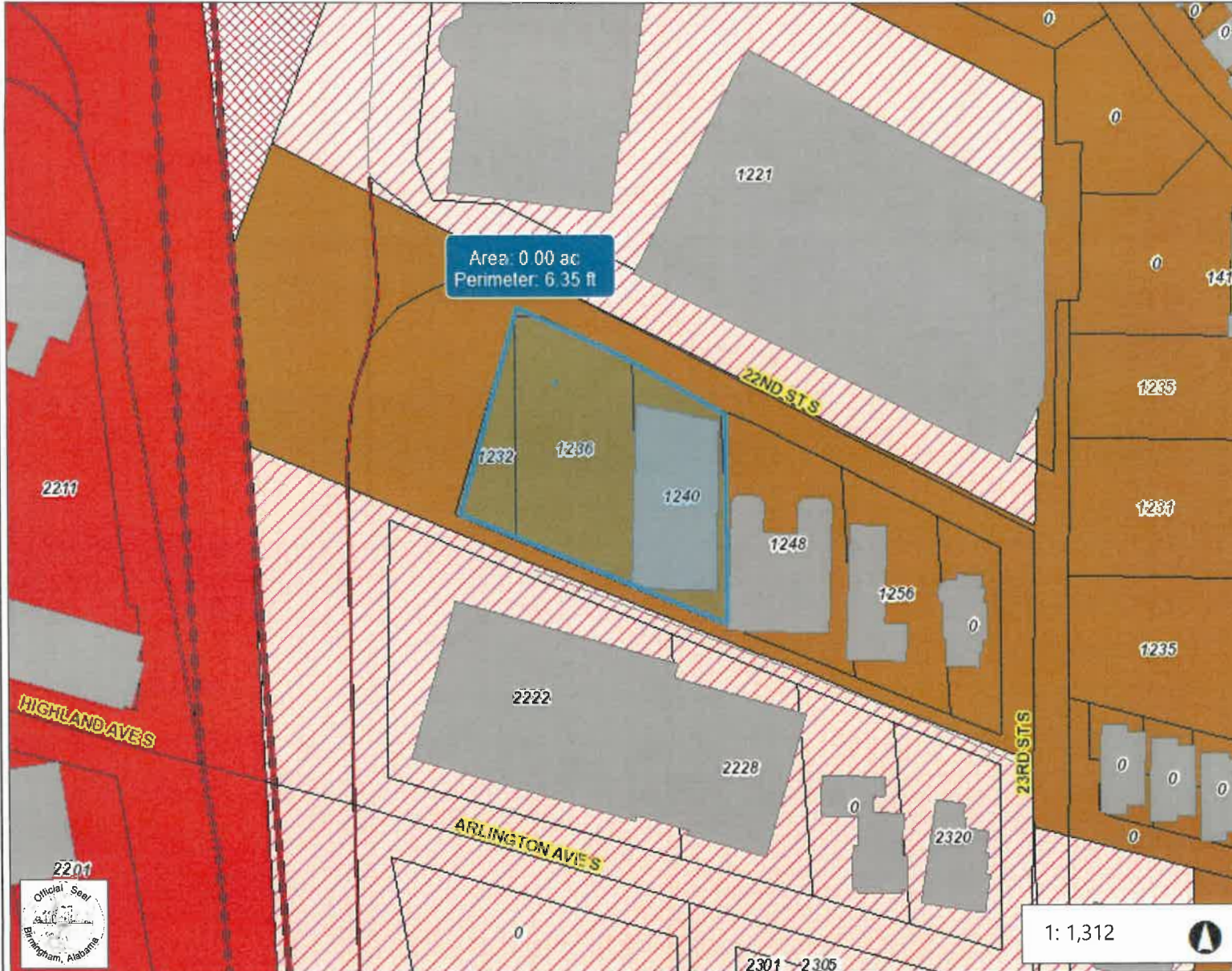
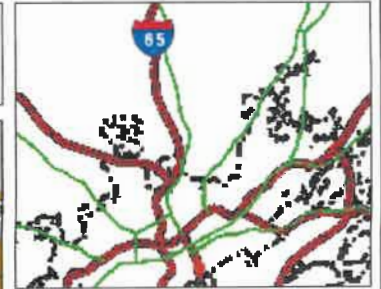
The balconies proposed to project into the front yard will face property across the street that is zoned O&I. That facing property contains a parking structure and an office building, both of which are located close to the front lot line. Moreover, the north, west and south sides of the site adjoin nonresidential 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

1: 1,312



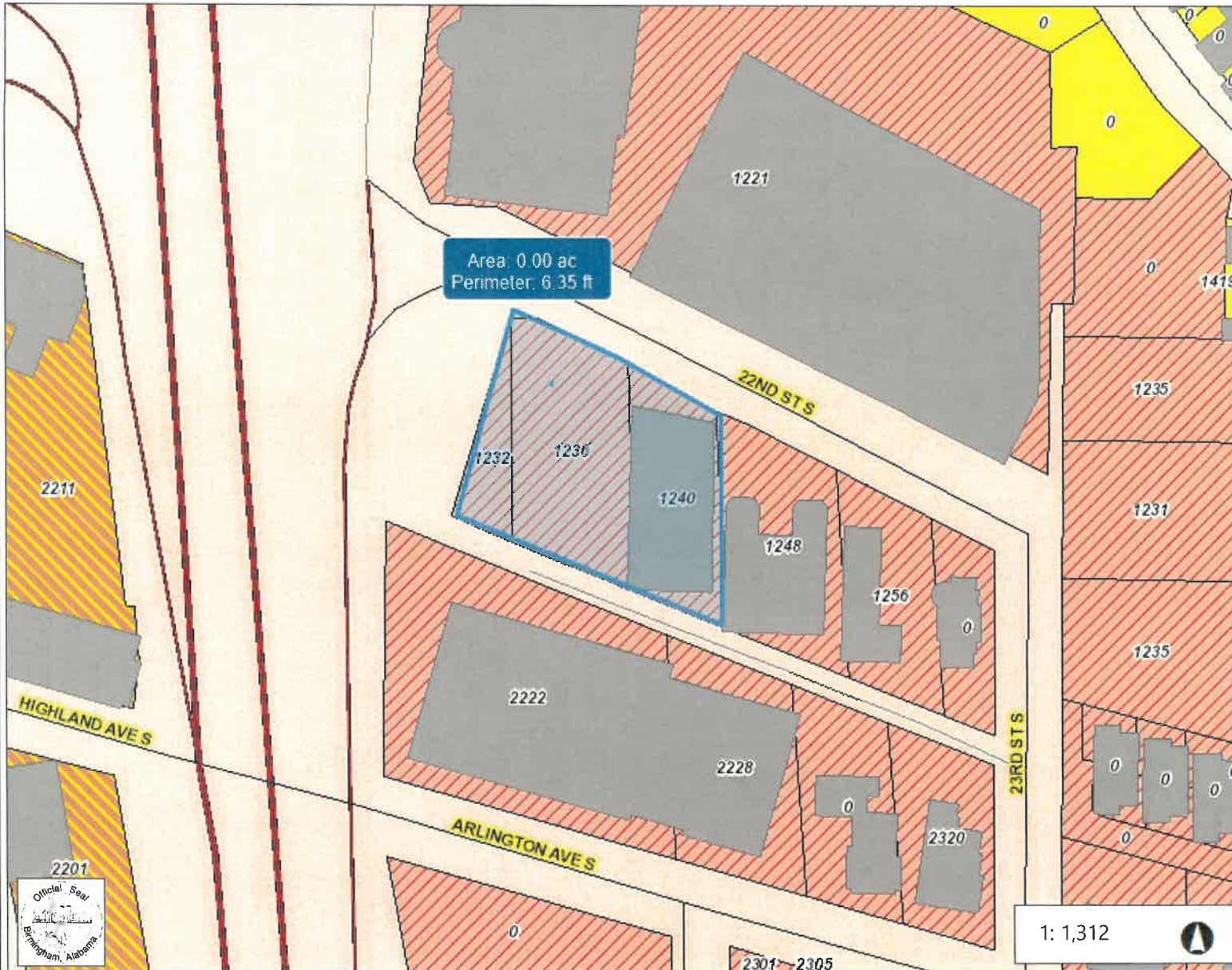
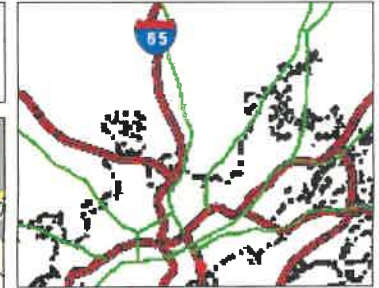
Notes

218.6 0 109.32 218.6 Feet





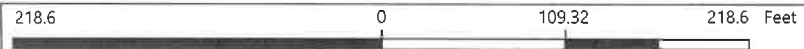
# ZBA2021-00051 ADOPTED LAND USE MAP



### 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: 1,312



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**

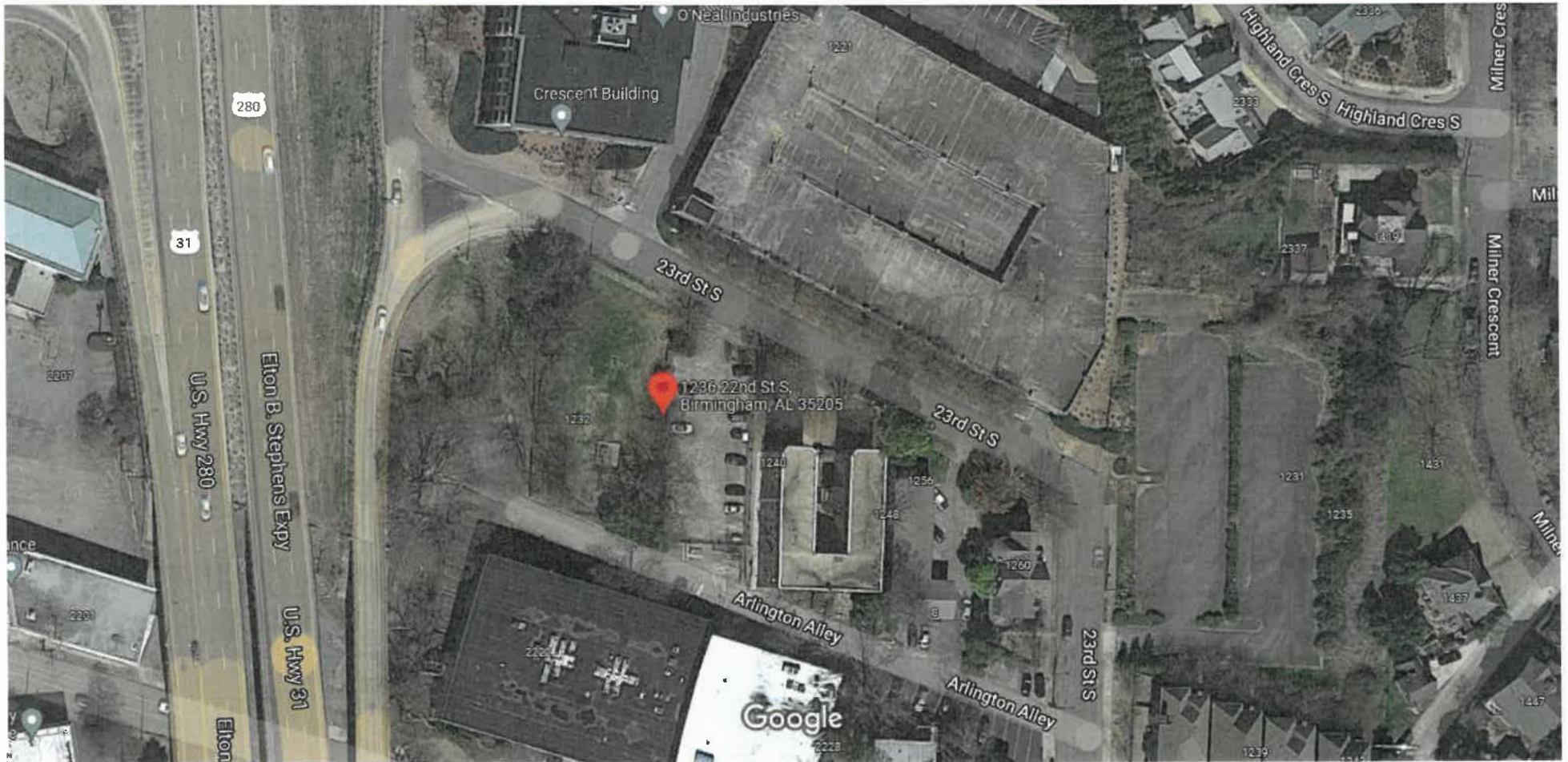
### Notes





1236 22nd St S

ZBA2021-00051

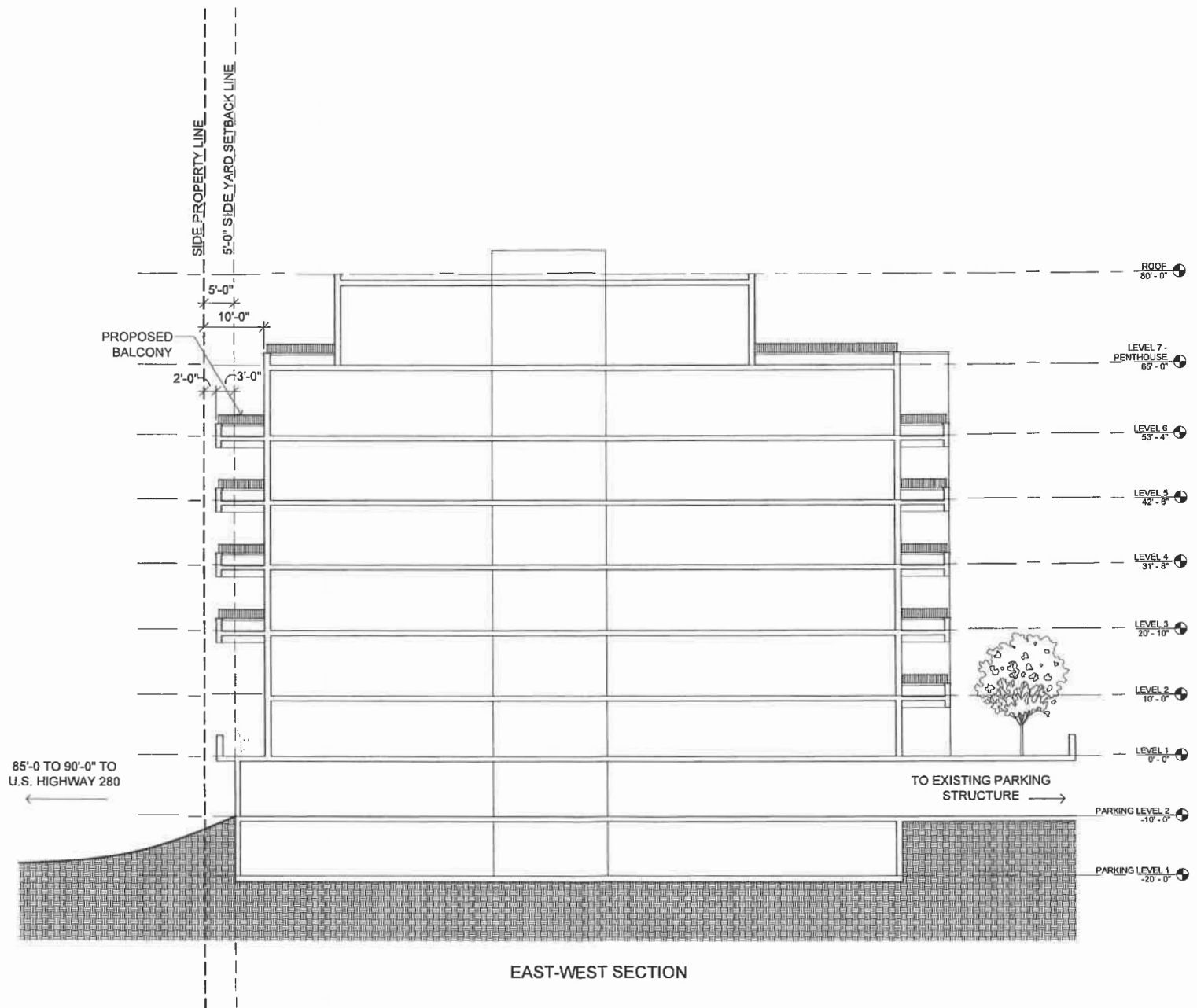


Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 50 ft

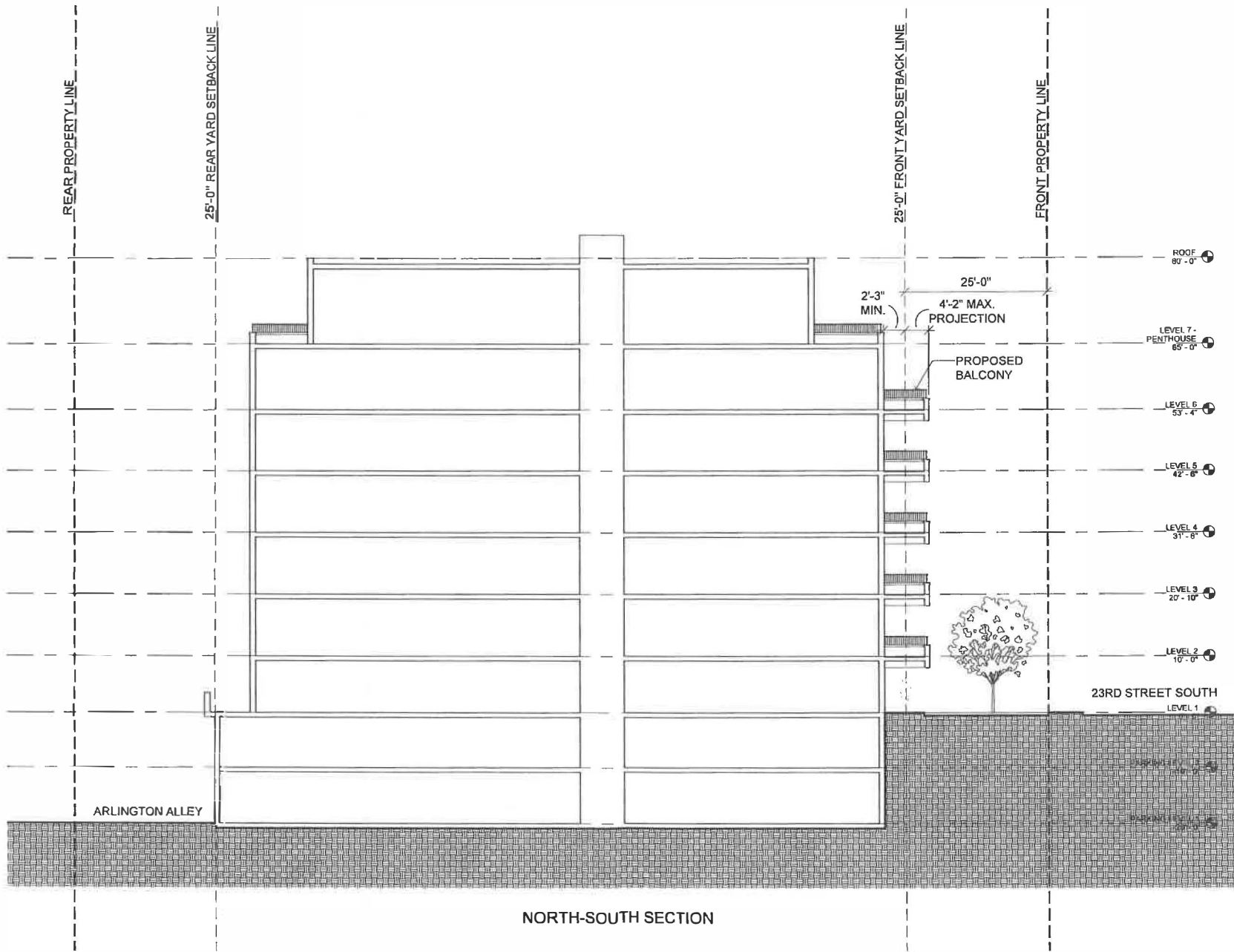








EAST-WEST SECTION





**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00054**

**East Avondale Neighborhood**

***Request:***

Special exception to allow an event center. Special exception to allow remote parking. Variance to allow the hours to extend past 12am.

***Applicant:***

Abra Barnes

***Location:***

4322 3<sup>rd</sup> Ave S, Birmingham AL 35222  
Parcel # 012300294005005001  
SE of Section 29, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing an event center and requesting hours be extended past 12am.

***Staff Analysis:***

The subject property is currently zoned CB-2 (Contingency General Business District). The subject property is surrounded by parcels zoned CB-2 (Contingency General Business District) while parcels north are zoned R-4A (Multiple Dwelling District). The property is not located in the flood plain area nor any Design Review districts. The square footage of the building includes office space that is 4,200sqft and will require 11 parking spaces and the event area that is 1,800sqft and will require 18 parking spaces. The subject property has a total of 20 parking spaces and the lot adjacent to the property has 29 parking spaces. The applicant provided staff with a written parking covenant in order to utilize the adjacent parking lot.

***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.*

***Section 8. Remote parking.***

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

*the following criteria:*

*1. If the number of required parking spaces cannot be provided on the same lot as the use served, remote parking may be provided on a non-residentially zoned lot located within 1,000 feet of the nearest public entrance to the building housing the use as depicted in Figure 1.05.114. If the use is not housed within a building, remote parking spaces shall be located within 1,000 feet of the lot.*

*2. A vicinity plan must show all off-street parking spaces at both sites including distances and means of pedestrian travel between sites.*

*3. A remote parking exception requires a written agreement guaranteeing retention of a specified number of parking spaces for the proposed use regardless of whether the intended user owns the property where the spaces are located or otherwise has legal access through a lease, license, or other written permission of the property owner. Such written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, filed with the application for building permit, recorded at the applicant's expense in the Office of Judge of Probate, and shall be in full force and effect until released by resolution of the Zoning Board of Adjustment. A copy of all required documentation shall be maintained in the official case file of the Zoning Board of Adjustment.*

*4. Remote parking must be an approved use in the zoning district where the remote parking facility is located and approved by the Zoning Board of Adjustment.*

*5. Remote parking areas shall be clearly marked RESERVED for the use served.*

***Neighborhood Recommendation:***

*The East Avondale Neighborhood Association voted to support the request.*

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

Staff believes the applicant has provided evidence to support the special exception request and variance requests; therefore, staff believes the 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. Written parking covenant recorded within 60 days of the approval date by the Board.
4. Remote parking areas shall be clearly marked RESERVED for the use served.

**PARCEL ID:** 012300294005005001

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

**DATE:** Thursday, September 23, 2021 11:25:36 AM

**OWNER:** LOUIS HOLDINGS LLC

**ADDRESS:** 1928 MELINDA WAY

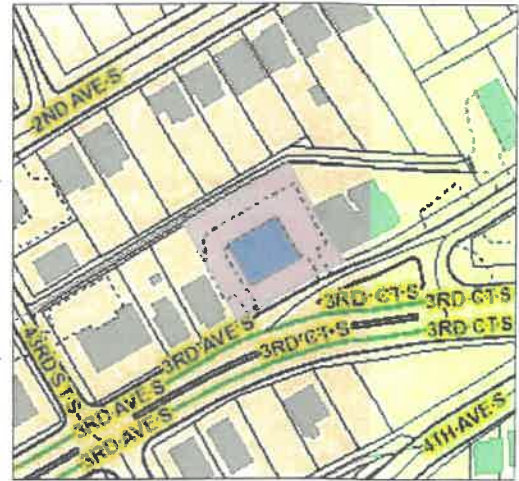
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35214

**SITE ADDR:**

**CITY/STATE:** , AL

**ZIP:**



**LAND:** \$141,800.00

**BLDG:** \$296,900.00

**OTHER:** \$0.00

**AREA:** 21,365.12

**ACRES:** 0.49

**SUBDIVISION INFORMATION:**

**NAME** MCFARLAND RES NO 123-29-

**BLOCK:**

**LOT:** 5-A

**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:** East Avondale (2101)

**Communities:** Woodlawn (21)

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

**Zoning Outline:** CB2

**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

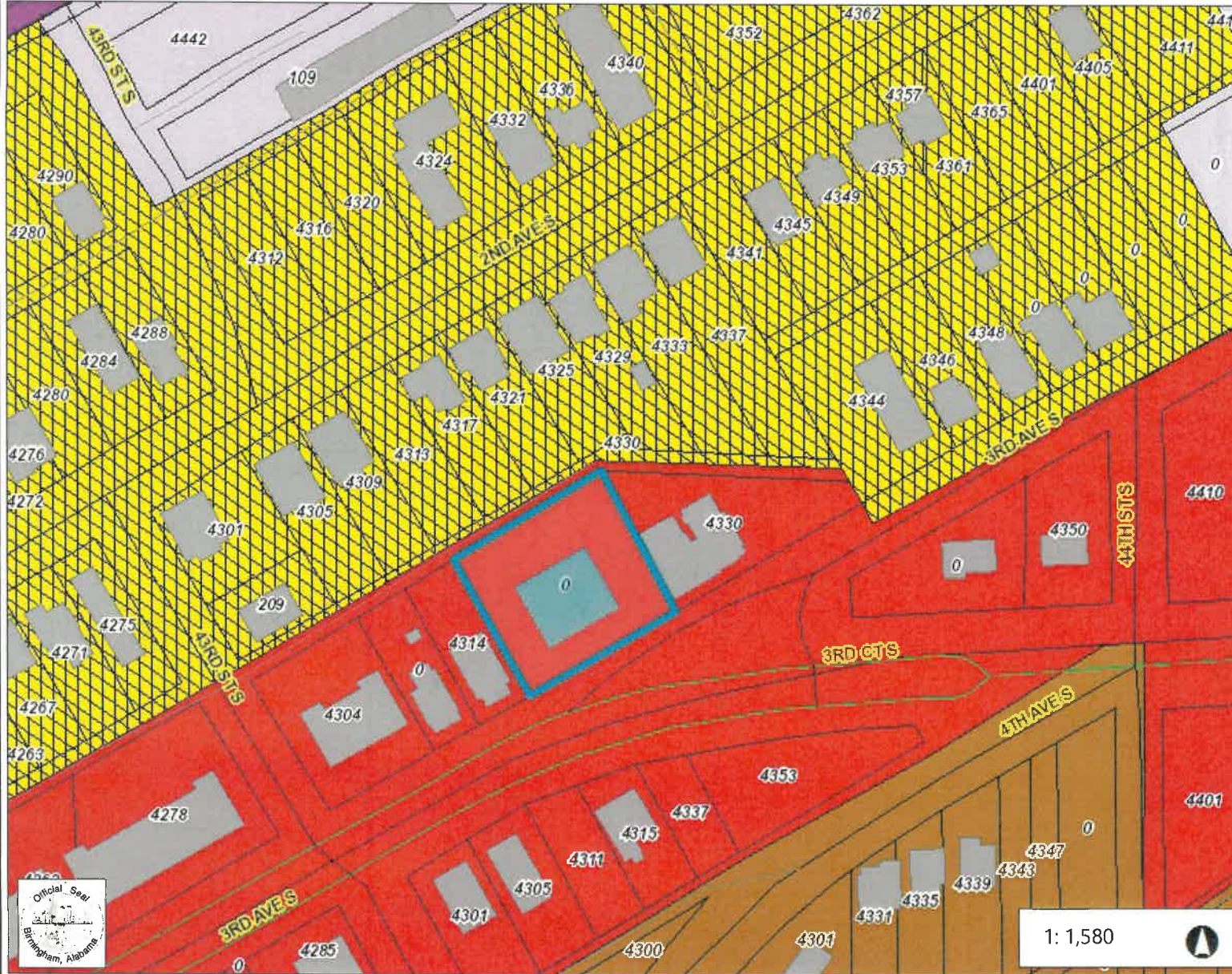
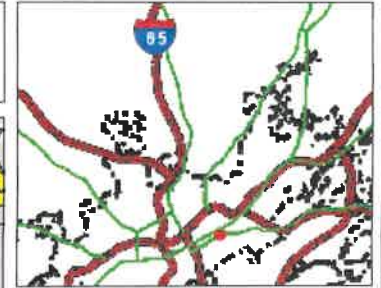
**EPA Superfund:** Not in EPA Superfund

**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.





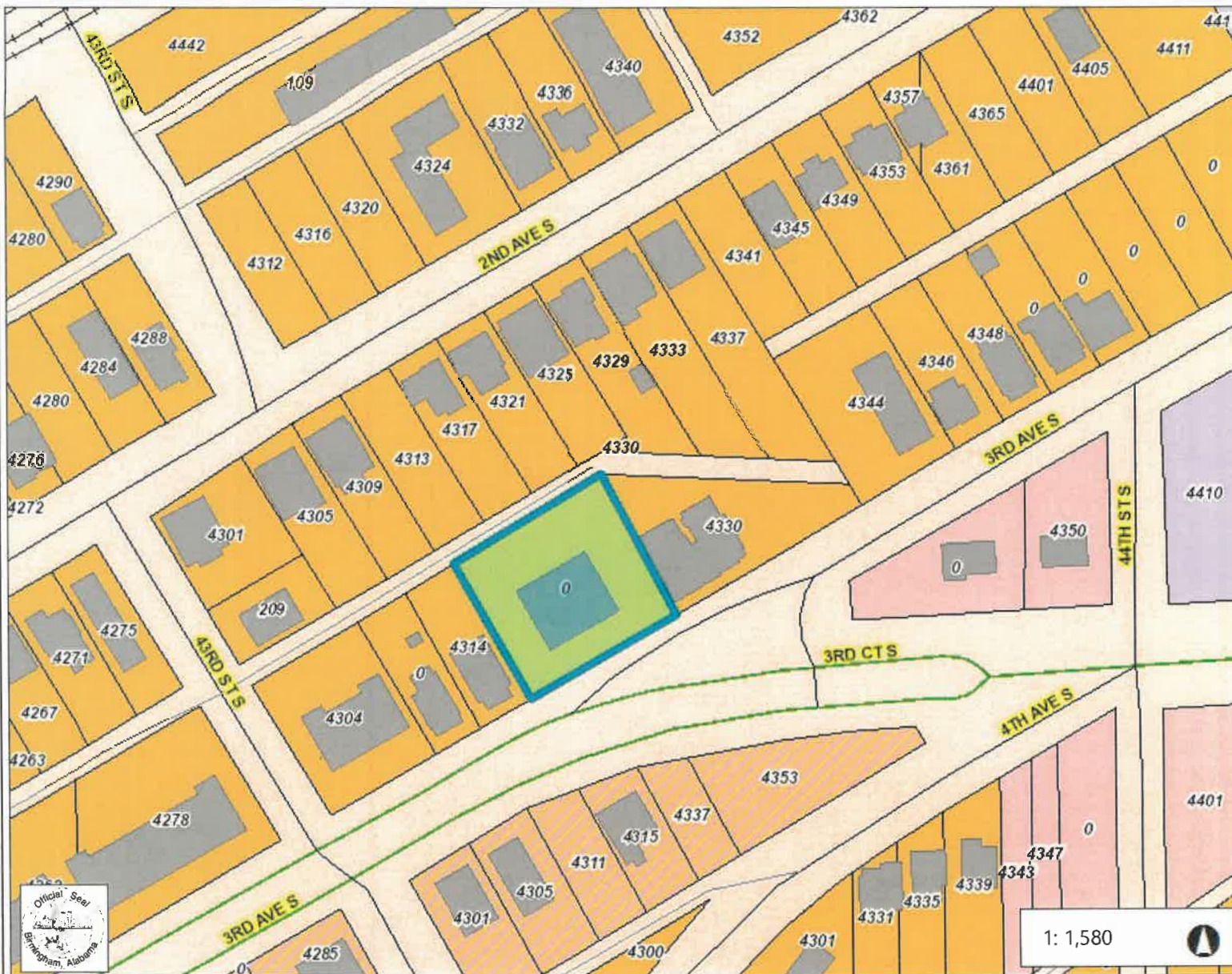
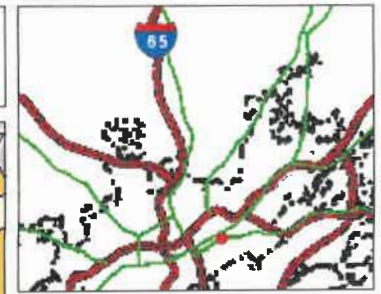
Legend

- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
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  - 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

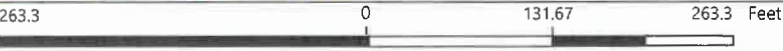
263.3 0 131.67 263.3 Feet





Legend

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- US Highways
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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



1: 1,580

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Notes

## **Special Exception to Allow Event Center**

I am requesting a special exception to allow an event center/concert hall. I am currently zoned 213B (531) Real Estate Lease or Rental: Banquet Hall, Conference Center, Concert Hall. (see attached) I have been in operation since 2017. We host about 4-6 events a month. We not only host events, but we serve as a meeting space for the community. I am respectfully asking that I continue my operation as the concert hall/event center, that we already operate as. We have more than adequate parking. We actually have the largest privately owned parking lot in Avondale. This parking also includes bike parking.

Health, Safety and Welfare are all important at our venue. We have been approved by the Health Department to operate with a perfect score. Safety is a necessity at our venue and all events require security on site. Lastly we only host a handful of events every month. And our facility can only be used by mature adults (30 years old and up).

The building is not an Historic Structure, nor is it in a Historic District. We are active in our neighborhood and loved by the community.

## **Variance to Operate After 12 AM**

I am respectfully requesting a variance to stay open after 12AM. We have been in operation since 2017 and thankfully we haven't had any disturbances. Most of our events are from 7pm – 11pm or 8pm to 12AM. Then our guest have 2 hours to take down. Thus we are normally walking out the door at 2AM in the morning. The people that move to Avondale, move their for the convenience and for the entertainment.

Physical: We own the right side of the block. Based on how the property sits, there isn't any houses in front of us, no houses to the right of us, an alley to the rear and one house to the left of us. We have more than enough space/land to operate and not be a disturbance.

Unique: Unlike majority of all the businesses in Avondale, we have a parking lot and we just happen to have the largest privately owned parking lot in the community. We are the only event center/concert hall in the area that isn't a brewery. Within 2 blocks of our building, there are over 15 bars. These bars are open til 2am in the morning and sometimes later. Many of them are open every day of the week. We are unique because our main business is real estate. We just so happen to have a large conference room that we used as an event space. We only have 4-6 events a month. We only want to be open after 12AM. Just so we can have enough time to clean up.

Hardship: This hardship was definitely not self imposed. We have been operating since 2017 and had no idea of this rule. We are just trying to keep our doors open.

Injury to Neighboring Property: : We own the right side of the block. Based on how the property sits, there isn't any houses in front of us, no houses to the right of us, an alley to the



rear and one house to the left of us. We have more than enough space/land to operate and not be a disturbance.

No Harm To Welfare: We only want to be open late, so that we can clean up. By cleaning up we keep our property looking good and rodents away. Cleaning up will only enhance the public welfare. Majority of the businesses in the area are already open until after 12 AM.

STATE OF ALABAMA )

JEFFERSON COUNTY )

**RESTRICTIVE COVENANT  
FOR OFF STREET PARKING**

This Restrictive Covenant is entered into on this the 16th day of September, 2021 by Louis Holdings, its successors and assigns, an Alabama Corporation, as owner of the properties identified herein.

**WITNESSETH**

1. WHEREAS, Louis Holdings LLC is the owner of the property located at 4322 3<sup>rd</sup> Ave S, Birmingham, AL 35222 (Lot 5-A), which contains only twenty (20) paved and lined parking spaces, and which is the office of Louis Holdings, LLC, and is more particularly described as:

Lot 5-A, 4322 3rd Avenue S, Birmingham, AL 35222, PID #23-00-29-4-005-005.001

(McFarland Res No 1 23-29 Bk 182 Pg 73 Lot 5-A)

2. WHEREAS, the City of Birmingham Zoning Ordinance requires a total of twenty six (26) paved and lined parking spaces for Lot 5-A, and,

3. WHEREAS, Louis Holding, LLC owns additional property, located at 4330 3<sup>rd</sup> Avenue North (Lot 8-10 ) which contains twenty nine (29) paved and lined parking spaces which Louis Holdings, LLC wishes to use and encumber for the benefit of its property located at 4322 3<sup>rd</sup> Ave N (Lot5-A), and said Lot 8-10 is more particularly described as follows:

Lot 8-10, 4330 3<sup>rd</sup> Avenue South, Birmingham, AL 35222 PID# 23-00-29-4-005-008.000 more properly described as:

(Smith D T Etal 23-23-4 Bk 10 Pg 45 Blk A Lot 8-10)

4. WHEREAS, Lot 5-A is adjacent to and located within 1 foot of Lot 8-10.

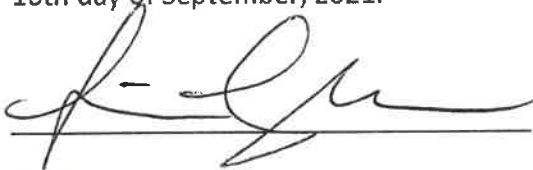
NOW THEREFORE, in consideration of the foregoing recitals, it is agreed as follows:

1. Louis Holdings LLC does hereby agree, covenant, and restrict the use of Lot 8-10 as parking property, irrevocably and permanently for the use and benefit of its property located at Lot 5-A, unless released as provided herein. Louis Holdings LLC agrees that

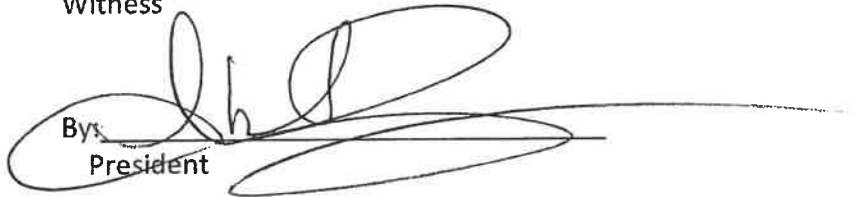
the 20 parking spaces located on the subject property shall not be used for other or different purposes. Louis Holdings declares that the use of the 29 parking spaces located on Lot 8-10 shall be restricted to the parking of vehicles in connection with its business operated on Lot 5-A.

2. This Restrictive Covenant shall run with this property, and shall be binding on September 16, 2021, its successors and assigns, and may not be altered, amended or terminated unless authorized by Special Exception of the Zoning Board of Adjustment of the City of Birmingham.
3. That this agreement must be recorded in the Office of the Probate Judge of Jefferson County, for the locations listed in this agreement in order for it to be valid.
4. That a copy of the recorded agreement be given to the Planning Staff of the Department of Planning, Engineering and Permits.

IN WITNESS WHEREOF, the said Abra Barnes has executed the foregoing instrument on this 16th day of September, 2021.



Witness

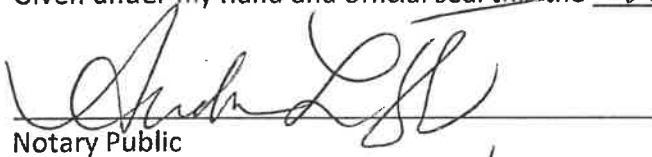


By:  
President

STATE OF ALABAMA  
JEFFERSON COUNTY

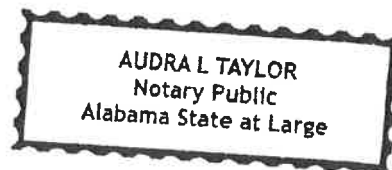
I, Audra L Taylor A notary public in and for said county and said state, hereby certify that Abra Barnes, whose name as President of Louis Holdings LLC, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, she executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and official seal this the 16 day of September, 2021.



Notary Public

My Commission Expires 6/3/25

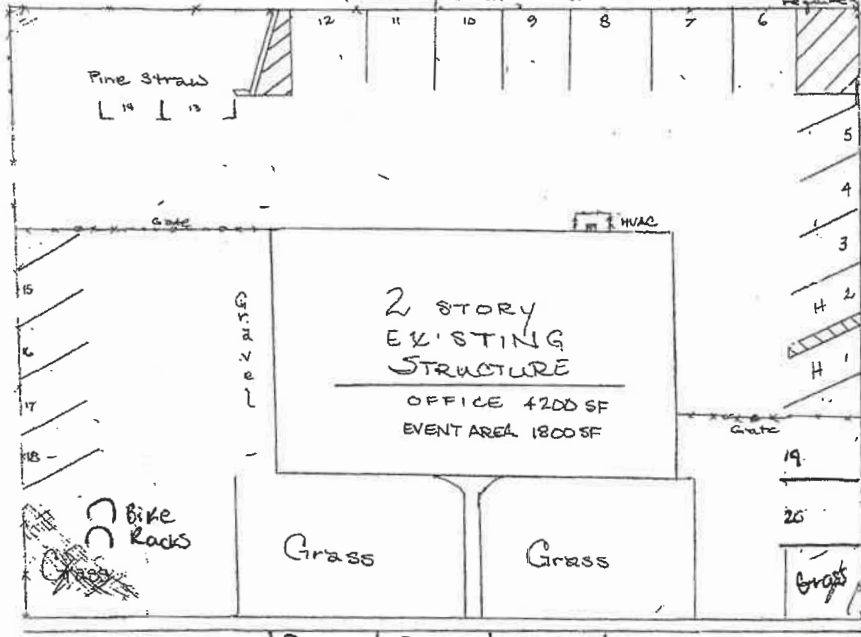




Office requires (11) spaces  
 EVENT area requires (18) spaces

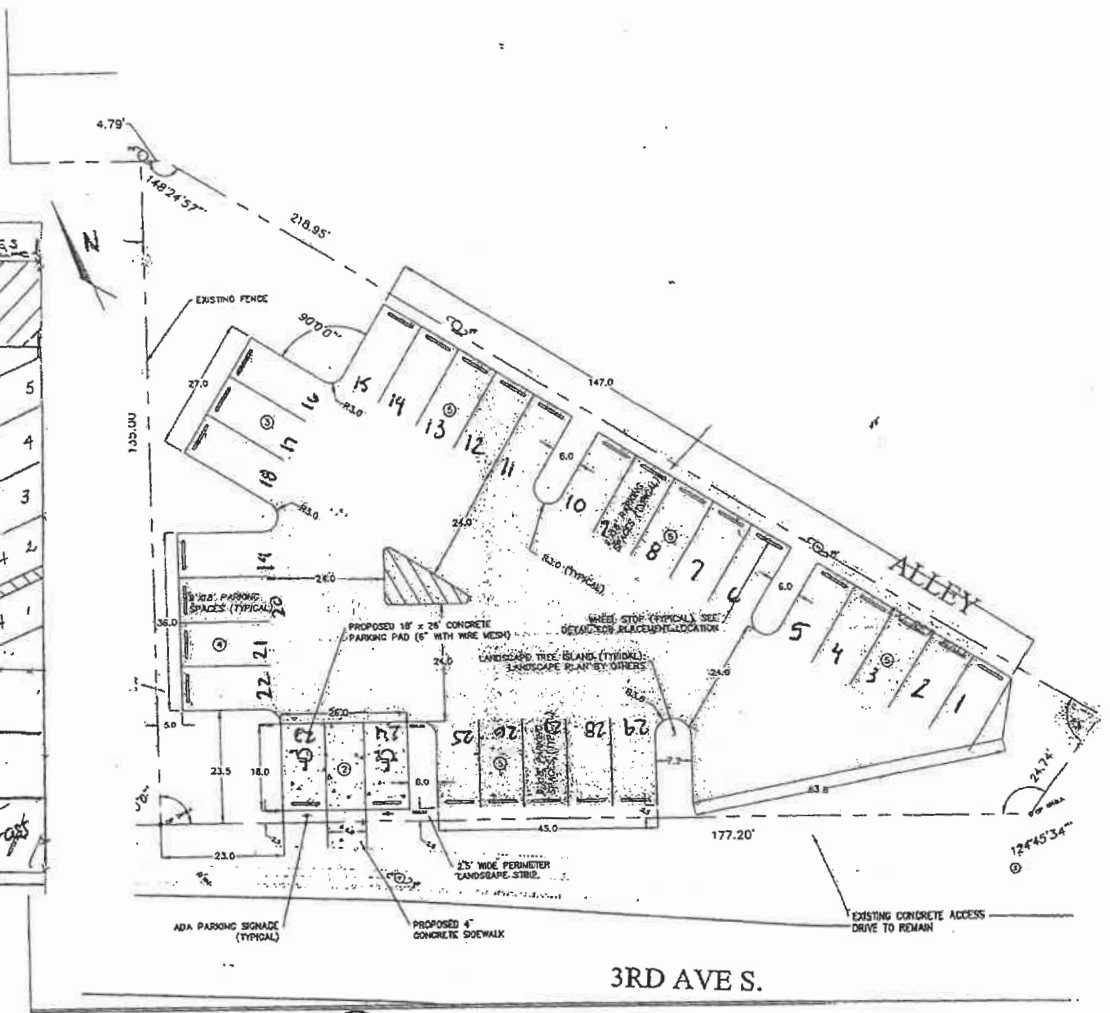
\*ALL SQUARE AREA 7' x 7'

With TRANSIT reduction 26 SPACES



Park | Park | Park |  
 3rd Ave S

20



3RD AVE S.

29



4315 3rd Ave S

ZBA2021-00054



Image capture: Feb 2019 © 2021 Google

Birmingham, Alabama

Google

Street View - Feb 2019









**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00055**

**Fairmont Neighborhood**

***Request:***

A variance to allow a chain link fence in the front yard. A variance to allow an accessory structure in the front yard.

***Applicant:***

Cynthia Rucker

***Location:***

2900 42<sup>nd</sup> Lane North, Birmingham AL 35207

Parcel # 012200123010001000

SW of Section 12, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a chain link fence and carport in the front yard area.

***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 districts. The property is situated on a corner lot and has 3 front yard. The carport is set back approximately 14 feet from 42<sup>nd</sup> Place North and 24 feet from 43<sup>rd</sup> Ave N. Staff has work with the applicant and due the topography issues in the rear of the property (695 drop to 675) the carport could not be placed in the rear of the property.

***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.*

*Section 7. Rear and side yard modifications.*

*The rear or side yards heretofore established shall be modified in the following cases:*

- 1. Where a lot abuts upon an alley, one half of the alley width may be considered as part of the required rear or side yard for building purposes; however, the minimum yard abutting an alley shall be three feet.*
- 2. An unenclosed balcony, porch steps or fire escape may project into a rear yard for a distance not exceeding ten feet.*
- 3. Accessory buildings and structures may be built in a rear yard, but such accessory buildings and structures shall not occupy more than thirty percent of the required rear yard and shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than five feet to the alley line.*

***Neighborhood Recommendation:***

*The Fairmont 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; therefore, staff believes the 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.

Dear Sir or Madame:

1 I am sending this letter in response to case number ZEN2021-00271. Property  
2 located at 2900 42<sup>ND</sup> Lane North, Birmingham, Alabama 35207. I had a carport  
placed July 2020 and a fence a few months thereafter. I have since been notified  
that the installation was in violation of a possible zoning/city ordinance violation. I  
was totally unaware of this violation at the time I had the carport and fence  
installed. My sincere apology for this misunderstanding. I purchased the property  
in this community 8 years ago and have experienced numerous issues since  
residing there and contemplated selling the property numerous times. I did not  
feel safe for several months after purchasing the home and did not reside there  
for quite a while. I eventually resided there for a number of years before having  
3 the fence or carport installed. I have since learned that the property is considered  
to be a pie slice shape property and has possibly 3 front yards, which I was  
unaware of at the time of the purchase of the home. The property sits wide open  
to speeding traffic, pets of all species roaming on the property and constantly  
having to clean behind them to keep my yard and property clean, trash being  
thrown on the property on a daily basis. The fence has helped with this problem  
somewhat, but unfortunately, it is still being placed on the street instead of in my  
yard, which I constantly clean up. People were roaming at all hours. I have had  
several items stolen from my property. Myself and my vehicle being exposed to  
the elements. I have had rocks placed to assist with safety and the slippery  
4 conditions that occur when it rains. I did not feel comfortable with my family and  
especially my grandchildren playing outside in the yard and indulging in outside  
activities. I am a cancer survivor, I am disabled, with a chronic heart condition and  
have a pacemaker and internal defibrillator as a result of my heart condition. I  
reside alone at this property and have a strong desire to feel safe in my home. I  
have had Alabama Power Company install outside lighting to the front of my  
home. I am on a fixed income and used my entire savings to have the fence and  
carport installed. I am not in a position financially, to have the fence or carport  
removed or replaced. I also added the fence and carport to add beauty and value  
to my home and well as my enjoyment of my home and property. I have had  
numerous neighbors compliment me on how nice the home looks. I feel 100%  
safer in the home as a result of the add on of the fence and carport. If it  
determined that I cannot keep the fence or carport, I will place the home on the



5  
6  
market to be sold because I will not feel comfortable residing there. As a result of having the fence, I can lock my gate at night and this makes me feel very comfortable and as a result I can rest with a piece of mind during the day and especially at night. I am a 60 year old disabled female and I reside alone at this home. Also, this home sits on a hill with a downward slope which cause very slippery conditions, and has resulted in me falling and being injured numerous times and resulting in me not being able to move my vehicle for several days until these areas have dried out. The installation of the carport had helped with this issue tremendously. The installation of the carport or the fence in no way cause harm or danger to neighbors in any ways what so ever. I have contacted the city of Birmingham 311 division several times, regarding the placement of guard rails within close proximity of my home to increase safety and unfortunately I have never received any type of response other than is has been sent in. The case number I was given regarding this request is 2000020282. Please take into consideration all that has been expressed in this letter regarding my request to keep the fence and carport installed. Thank you very much for your attention and consideration regarding this issue. Thank you for your time.

Cynthia Rucker

September 21, 2021

**PARCEL ID:** 012200123010001000

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

**DATE:** Monday, October 11, 2021 11:26:19 AM

**OWNER:** RUCKER CYNTHIA GHEE

**ADDRESS:** 2900 42ND LANE N

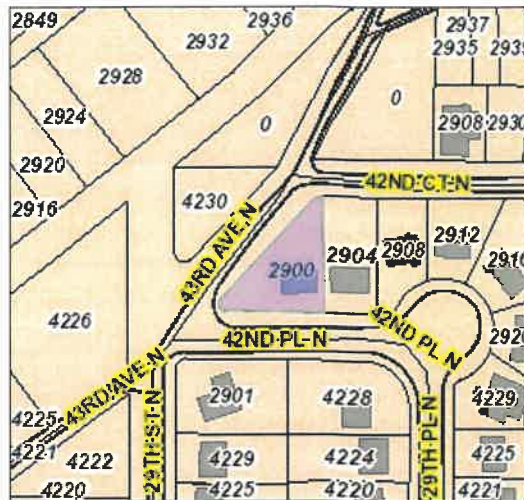
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35207

**SITE ADDR:** 2900 42ND PL N

**CITY/STATE:** BHAM, AL

**ZIP:** 35207



**LAND:** \$5,400.00

**BLDG:** \$34,400.00

**OTHER:** \$0.00

**AREA:** 7,869.55

**ACRES:** 0.18

**SUBDIVISION INFORMATION:**

**NAME** BLUE HILLS 22-12-3

**BLOCK:** 2

**LOT:** 13

:

**Section:** 12-17-3W

**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:** Fairmont (1103)

**Communities:** North Birmingham (11)

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

**Zoning Outline:** D3

**Demolition Quadrants:** DEM Quadrant - 3

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

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

**RISE Focus Area:** Not in RISE Focus Area

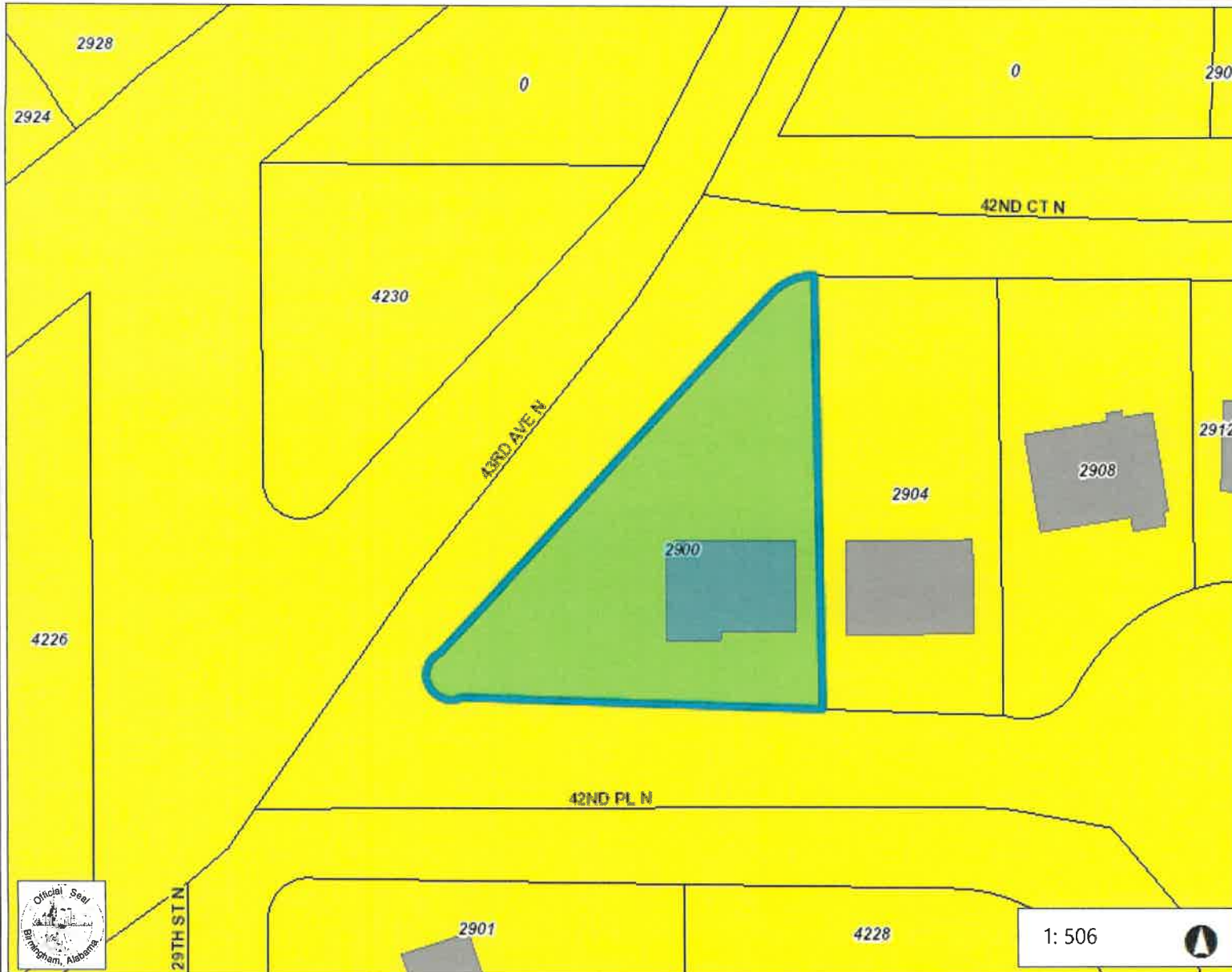
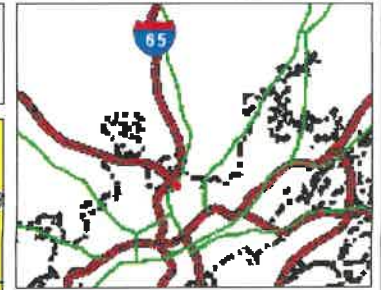
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** 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



29TH ST N

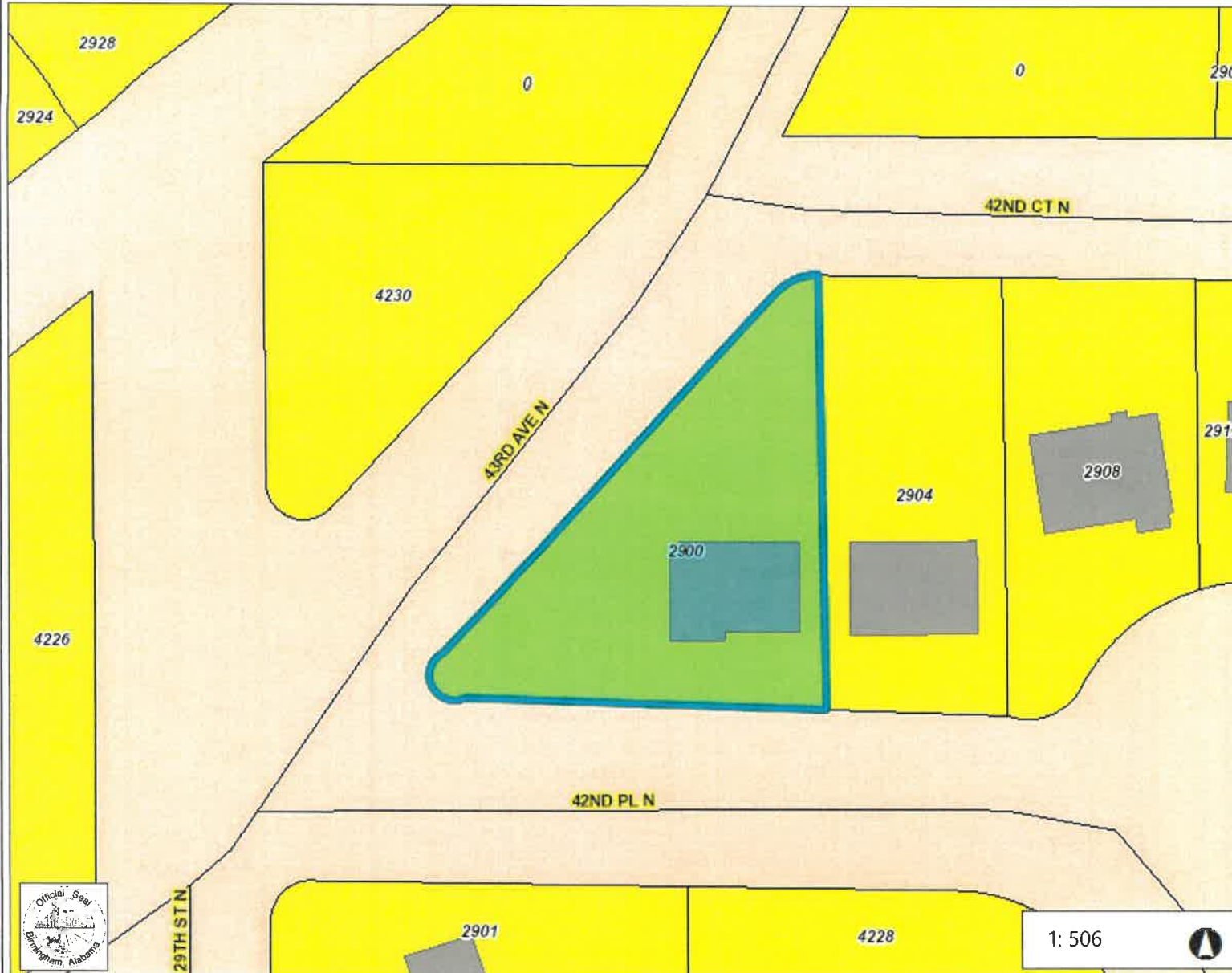
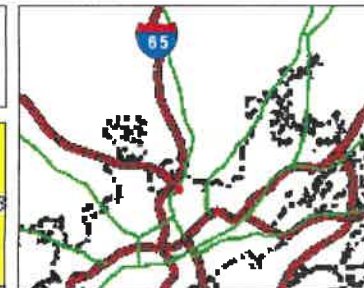
1: 506



84.3 0 42.13 84.3 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



29TH ST N

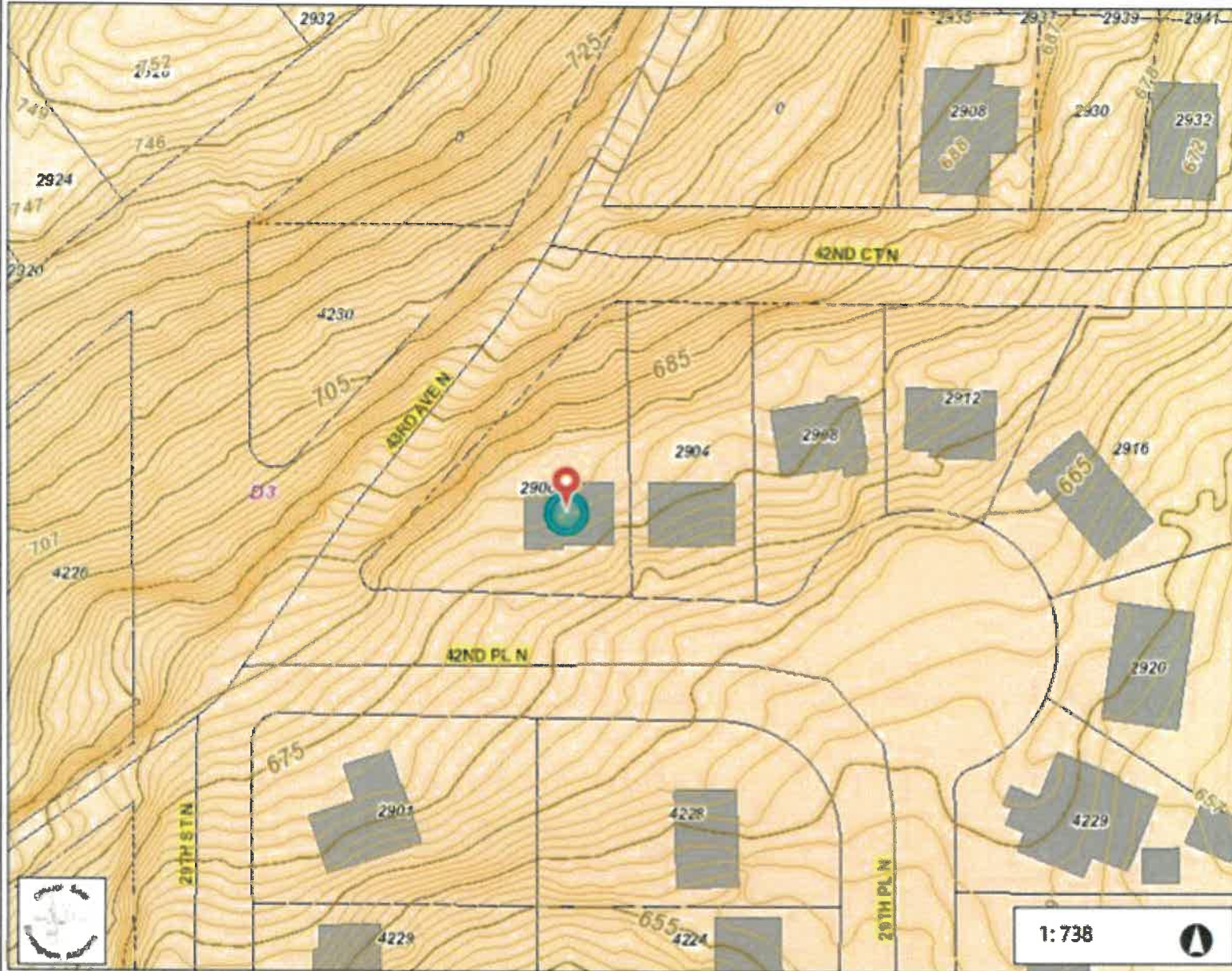
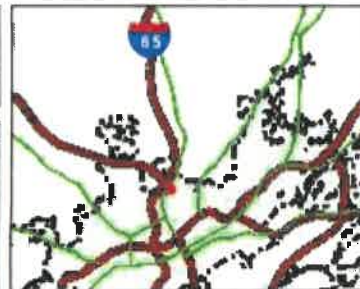
1: 506



84.3 0 42.13 84.3 Feet

Notes





**Legend**

- All Contours
  - 1' Contour
  - 5' Contour
- Centerline Labels
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)



1:738



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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

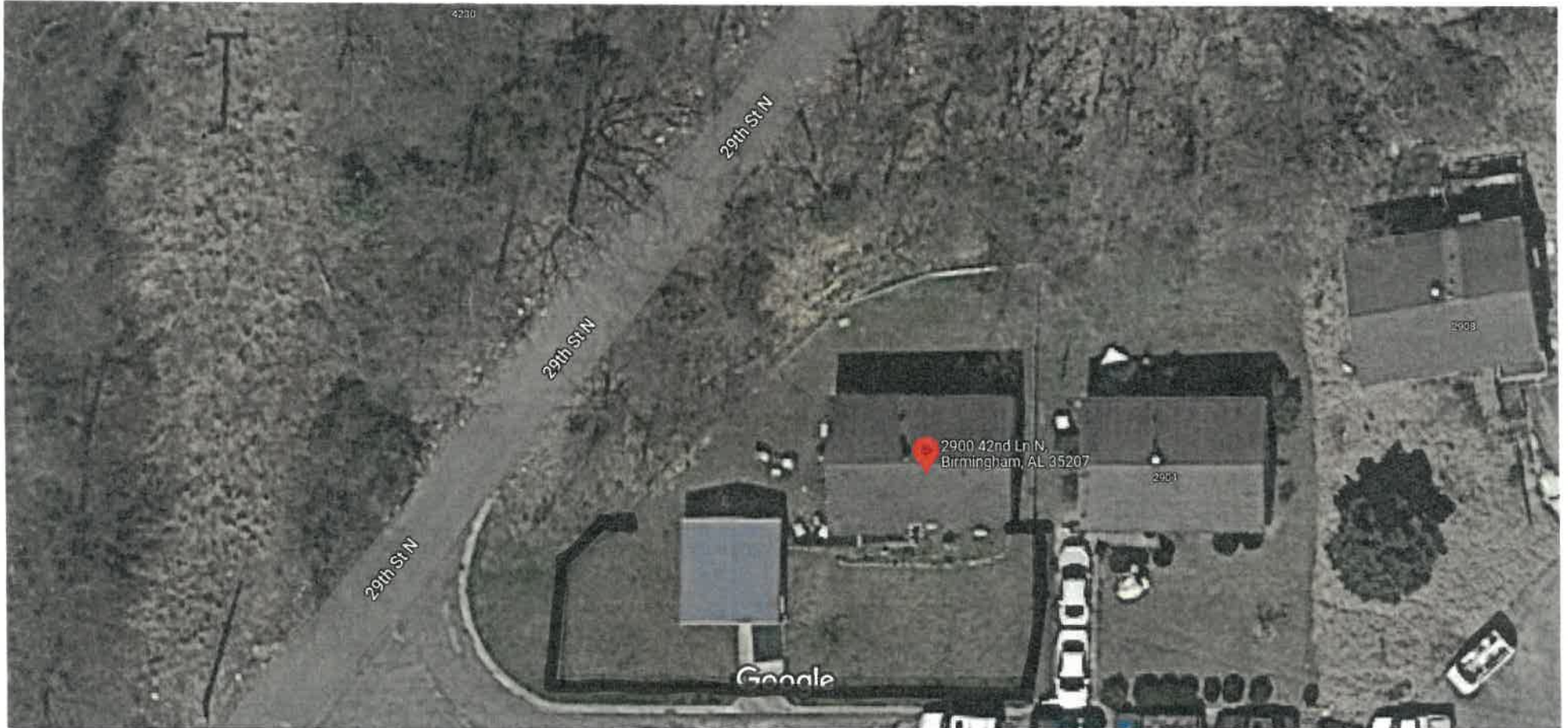
**Notes**

# Site Plan 2900 42<sup>nd</sup> Place North





Google Maps 2900 42nd Ln N



Map data ©2021, Map data ©2021 20 ft



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



Google Maps 2901 42nd Ln N



Image capture: Feb 2020 © 2021 Google

Birmingham, Alabama



Street View - Feb 2020





# 2900 42nd Ln N

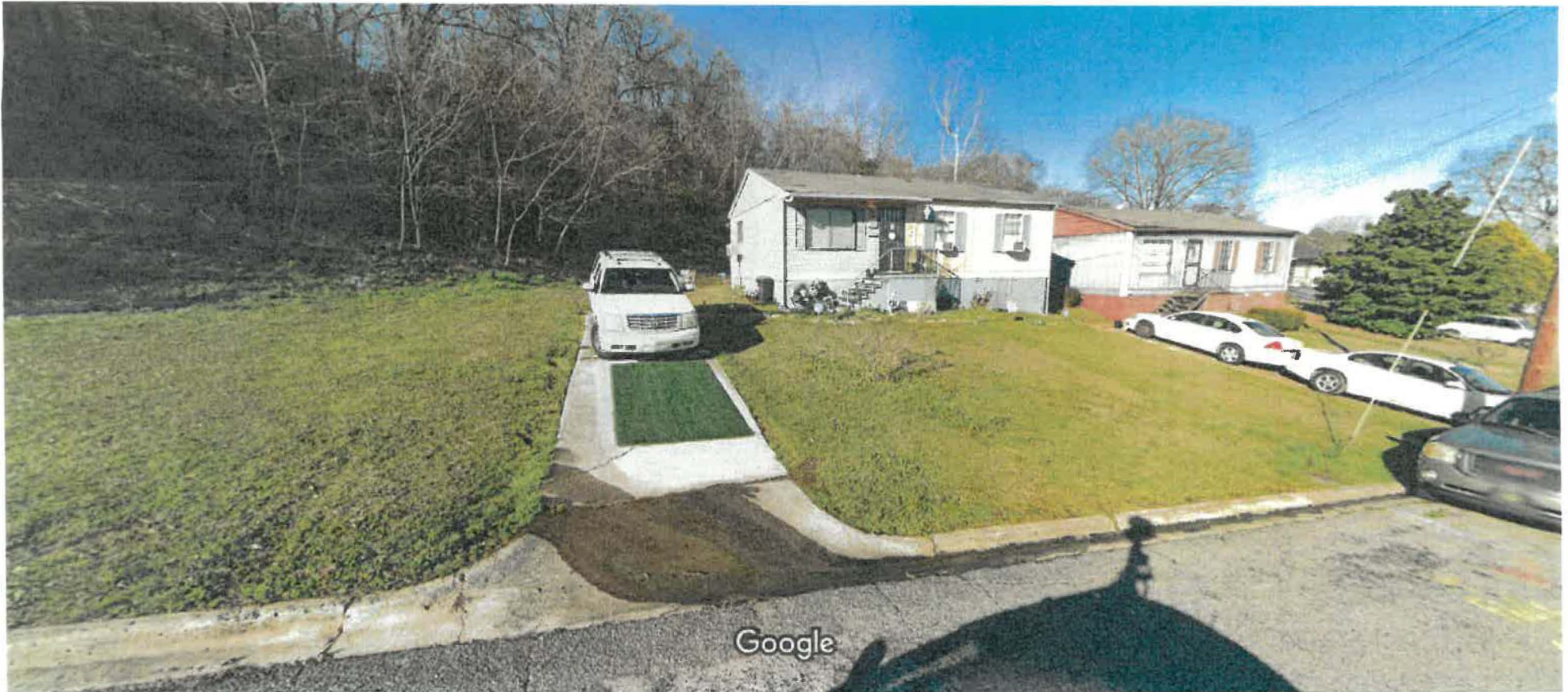
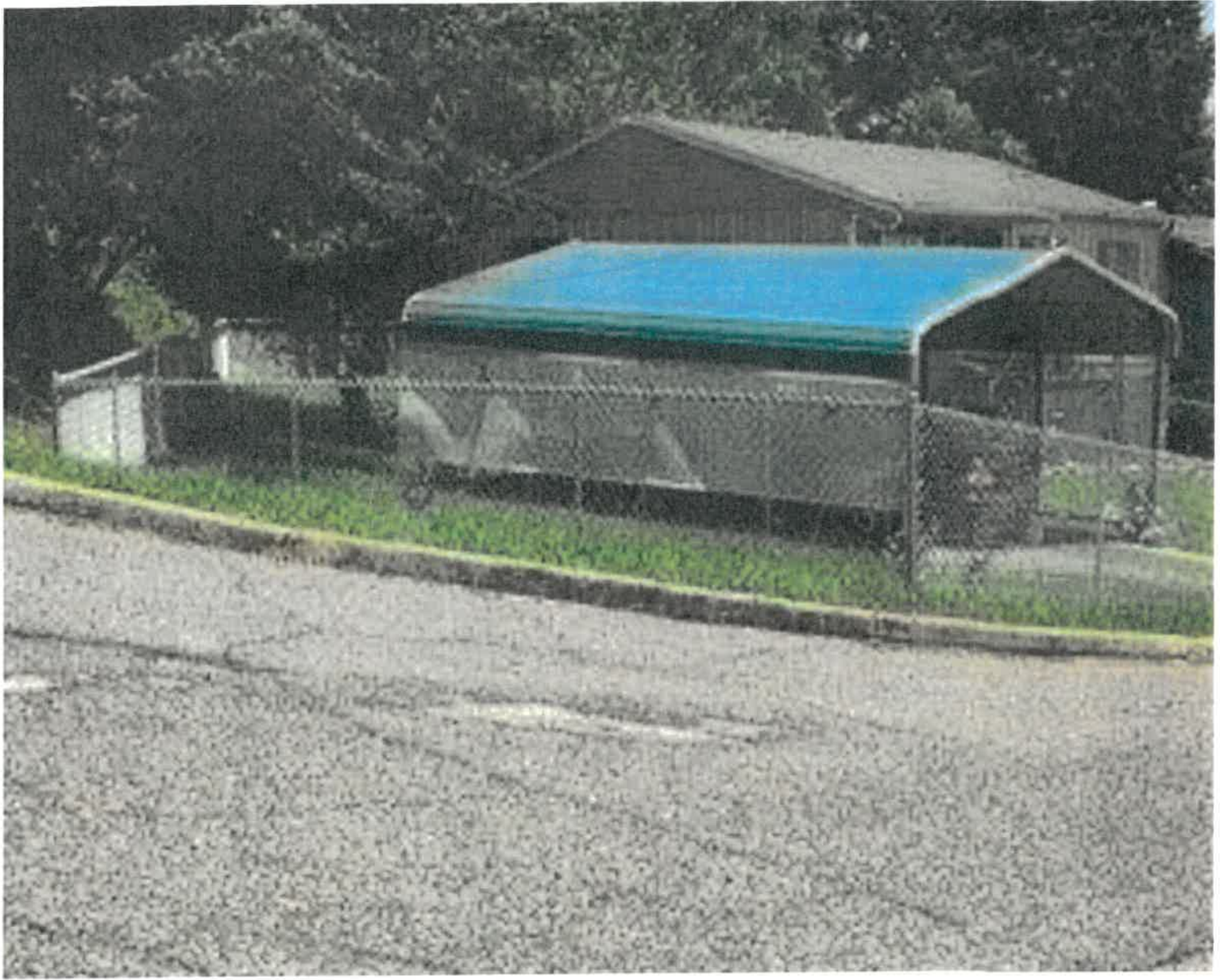


Image capture: Feb 2020 © 2021 Google

Birmingham, Alabama



Street View - Feb 2020



10/2

1







**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00056**

**Ensley Neighborhood**

***Request:***

Parking modification to allow 29 off-street parking spaces instead of the required 44 off-street parking spaces.

***Applicant:***

Alex Patillo

***Location:***

508 19<sup>th</sup> St, Birmingham AL 35218

Parcel #012200313017004000

SW of Section 31, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a new building that will include office space, bank space and a coffee shop.

***Staff Analysis:***

The subject property is currently zoned CB-3 (Community Business District). The subject property is surrounded by parcels zoned CB-3 (Community Business District). The property is not located in the flood plain area; however, it is located in the Ensley Commercial Revitalization District and Downtown Ensley Historic District.

The applicant is proposing an office space, bank space and coffee shop. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA for a coffee shop (1,605 sf) requiring 16 spaces and 1 parking space per 400sf of GFA for the bank(2,432sf) and office (26,488sf) space requiring 72 spaces with the total parking count being 88 parking spaces. Per Subsection 4 of Section 3, Chapter 1, Title 2 the parking shall be provided equal to one half the requirements of Article V; therefore, the parking requirement is now 44 spaces. The applicant has provided 29 spaces and is asking for relief of 15 spaces with evidence showing surplus parking with the less amount of parking spaces available being 230 spaces. There is another parking modification within the 1,320ft radius such as:

1. ZBA2016-00035, 410 19<sup>th</sup> St En, Modification to allow 0 off street parking spaces instead of the required 4 off street parking spaces. **4 spaces lacking**

***Neighborhood Recommendation:***

The *Ensley 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 modification based upon the applicant providing documentation of surplus parking, 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.



## Ramsay McCormack Building – Request for Modification

September 30, 2021

### Parking Modification Request

The site is zoned CB3/MU-H. The proposed new building provides 26,488 gsf of office space, 2432 gsf of bank space, and 1605 gsf for a coffee shop. Assuming no drive thru windows will be provided, the total parking required per table 1.05.101 of the zoning ordinance is 88 spaces. Per subsection 4 of section 3, chapter 1, title 2 the parking shall be provided equal to one half the requirements of article V, thus making the minimum requirement for off-street parking 44 spaces.

The following statement details the request for modification to the requirements for off-street parking at the old Ramsay McCormack building located at the intersection of 19<sup>th</sup> Street Ensley and Avenue E:

- To allow the proposed building to provide a total amount of 29 off-street parking spaces instead of the minimum amount of 44 off-street parking spaces per table 1.05.101 in chapter 5, title 1 of the Zoning Ordinance and subsection 4 of section 3, chapter 1, title 2 of the Zoning Ordinance.

The site is bounded by on-street parallel parking on both sides of Avenue E and the northbound side of 19<sup>th</sup> Street. Additional parallel parking is available along both sides of Ave E and the northbound side of 19<sup>th</sup> Street within a 1,320 ft radius of the site. There is also parallel parking on both sides of Avenue C, both sides of Avenue D, both sides of Avenue F, the southbound side of 18<sup>th</sup> Street, and varying sides of 17<sup>th</sup> Street within a 1,320 ft radius of the site.

### Description of Hardship

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

- **The Physical and Unique Characteristics:** The site is located in the Ensley neighborhood and zoned Mixed-Use High. The site is bounded by 18<sup>th</sup> Alley to the north, 19<sup>th</sup> Street Ensley to the south, Avenue E to the west, and Avenue E alley to the east. The site is to be developed for mixed commercial space. The site includes an existing 10 story building with 12 existing off-street parking spaces and an empty gravel lot. The project proposes to demolish the existing building, parking, and gravel to construct a new five story commercial building with off-street parking and landscaping. The site is currently accessed only from the alleys and not Avenue E or 19<sup>th</sup> Street. Because of safety concerns for pedestrians, the City department of Transportation will only allow



one exit onto 19<sup>th</sup> street and one access point from 18<sup>th</sup> Alley to reduce the amount of new access points through public sidewalk. In order to provide sufficient fire department access and ladder truck maneuverability, a large portion of the site must be dedicated to access and not parking. The site in itself is only 26,400 square feet and does not contain enough area to provide 44 parking spaces while maintaining proper fire access.

- **Hardship Not Self Imposed:** The requirements mentioned above by City Department of Transportation and the Fire Department were not previously an issue as the existing site was under parked and not developed to current city standards with curb islands, landscaping, and pedestrian pathways. These requirements have been imposed by certain authorities having jurisdiction and were not created by the proposed development.
- **No Financial Gain:** The reason for this request for modification to the zoning ordinance is simply to meet the strict requirements by the City fire department and DOT. There is no financial gain to the development for the modification.
- **No Injury to Neighboring Properties:** The modification request for a reduction in parking spaces will not provide any injury to neighboring properties.
- **No Harm to the Public Welfare:** The modification request will not pose any harm to the public welfare and will in fact avoid harm to the public welfare by avoiding additional vehicular access points through public sidewalk.

**PARCEL ID:** 012200313017004000

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

**DATE:** Tuesday, October 12, 2021 12:33:05 PM

**OWNER:** BIRMINGHAM CITY OF

**ADDRESS:** 710 20TH ST N

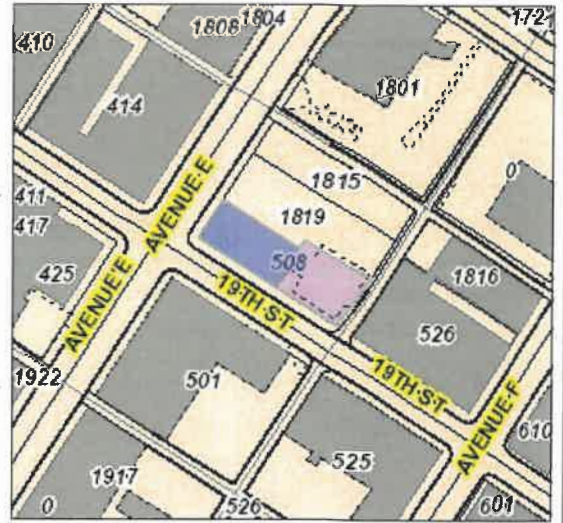
**CITY/STATE:** BIRMINGHAM AL

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

**SITE ADDR:** 508 19TH ST

**CITY/STATE:** BHAM, AL

**ZIP:** 35218



**LAND:** \$14,300.00

**BLDG:** \$324,300.00

**OTHER:** \$0.00

**AREA:** 9,381.40

**ACRES:** 0.22

**SUBDIVISION INFORMATION:**

**NAME** ENSLEY 4/3

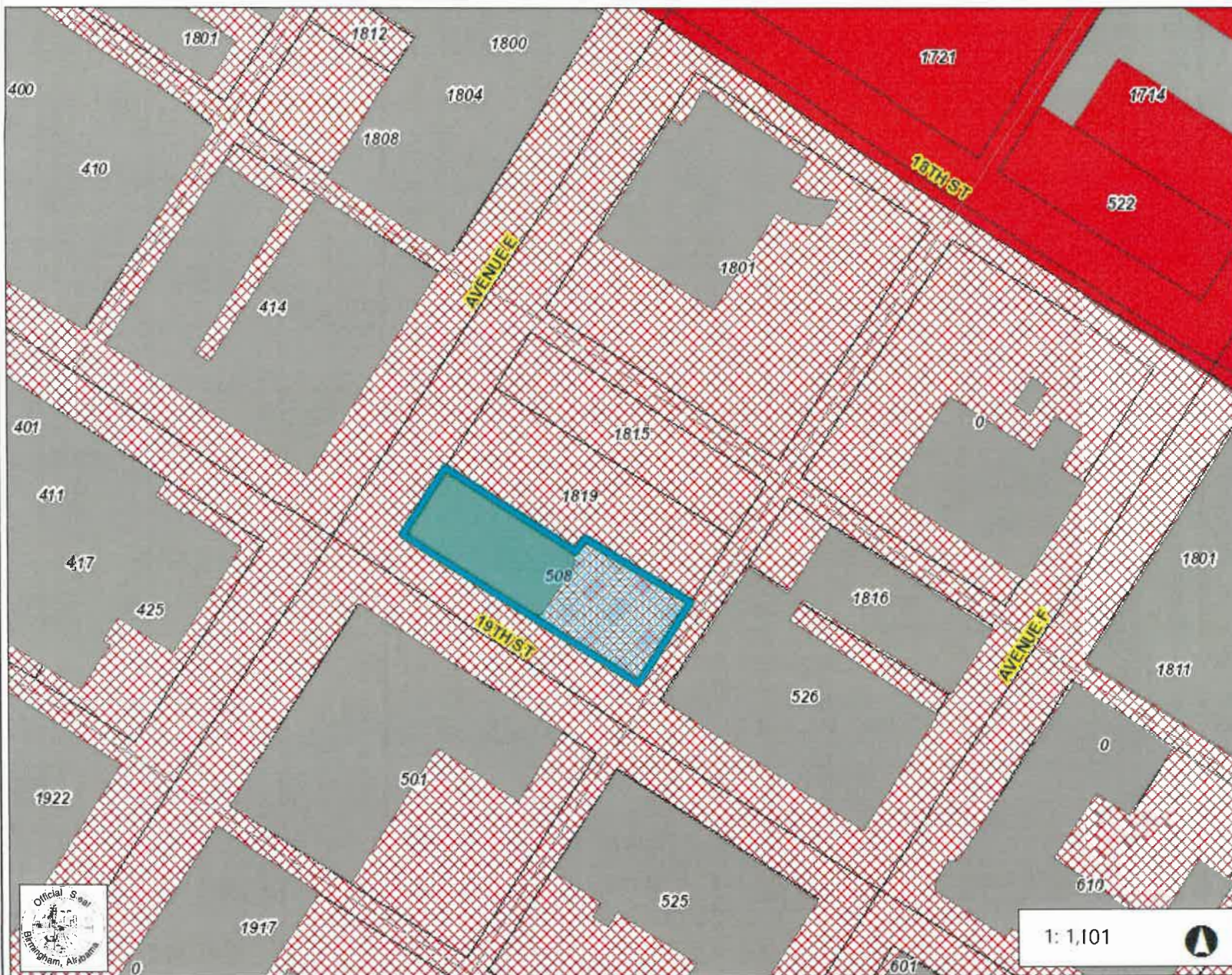
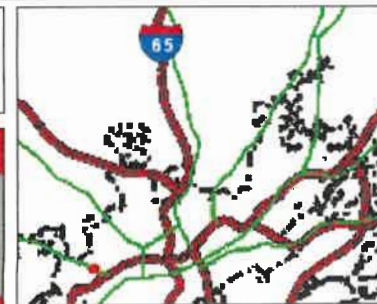
**BLOCK:** 18E

**LOT:** 11

**Section:** 31-17-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Downtown Ensley  
**Historic Building Area:** In Historic Building Area  
**Commercial Revitalization District:** Ensley  
**Fire District:** Not in Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** Not in Tax Increment Financing District  
**Neighborhoods:** Ensley (801)  
**Communities:** Ensley (8)  
**Council Districts:** District - 9 (Councilor: John Hilliard)  
**Zoning Outline:** CB3  
**Demolition Quadrants:** DEM Quadrant - 2  
**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:** Not in Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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  - R4A - Multiple Dwelling District
  - R5; D5 - Multiple Family District; D5
  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District



1:1,101

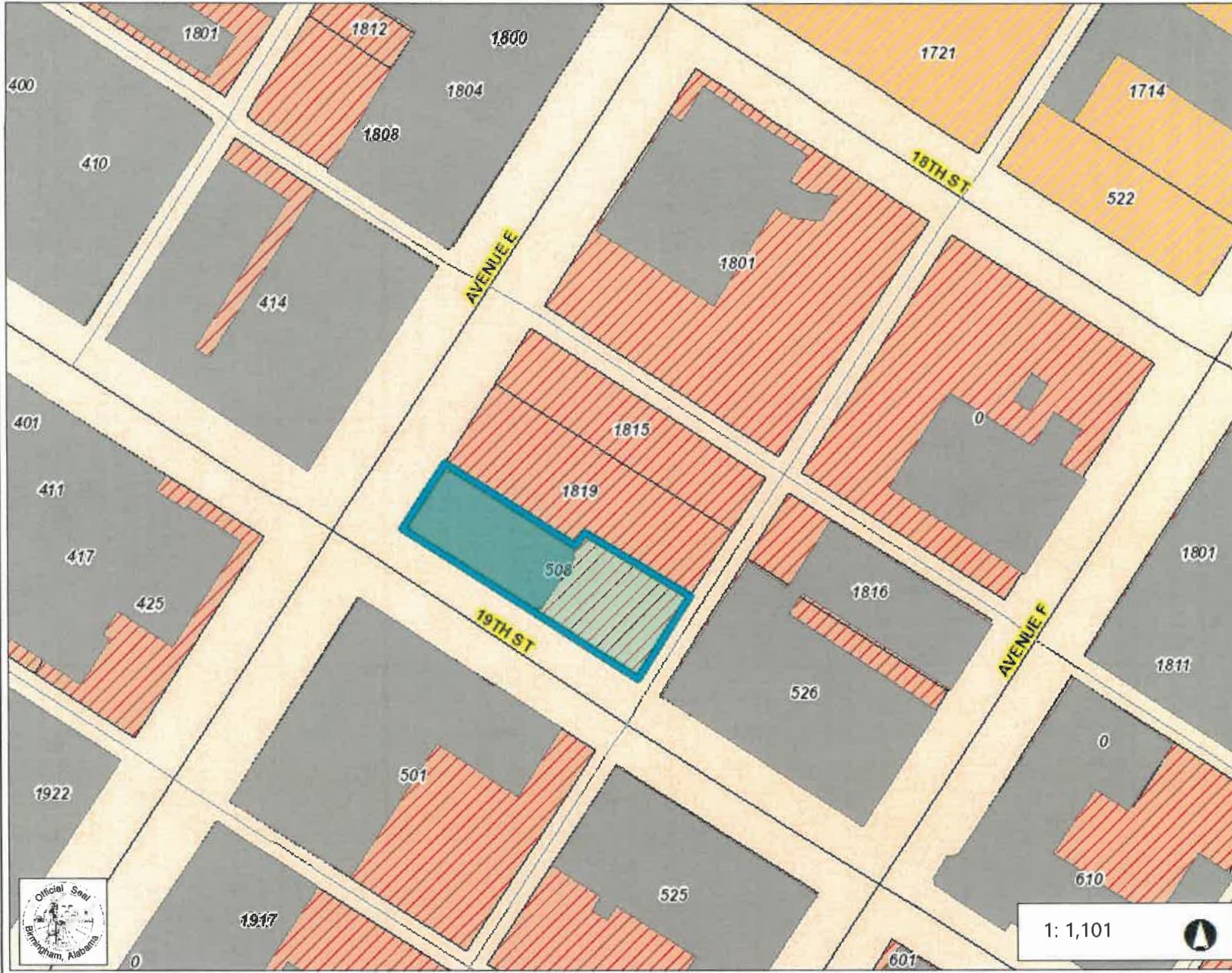
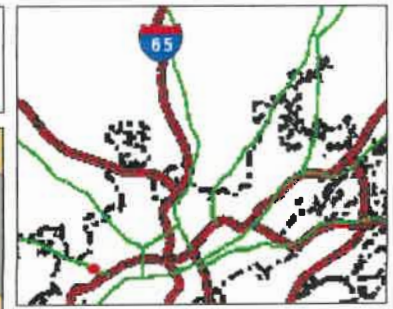


183.6 0 91.78 183.6 Feet

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Notes



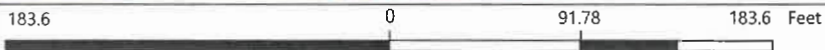


Legend

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

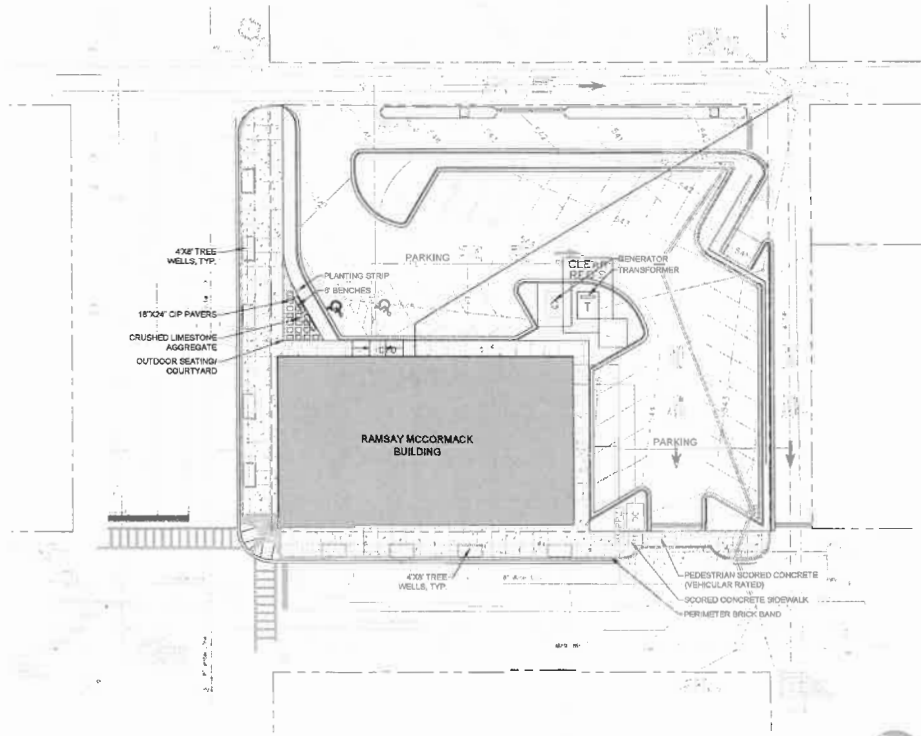
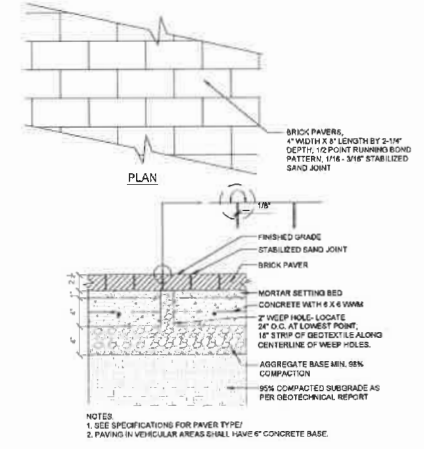
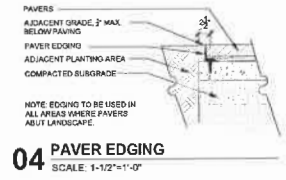
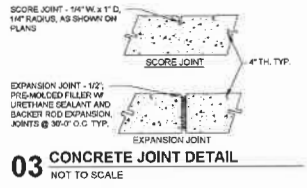
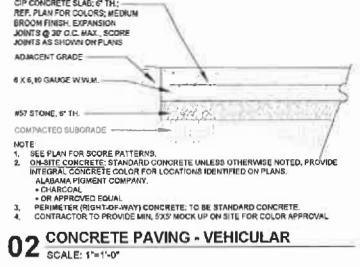
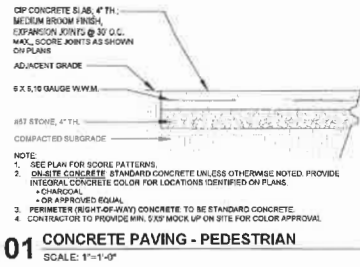


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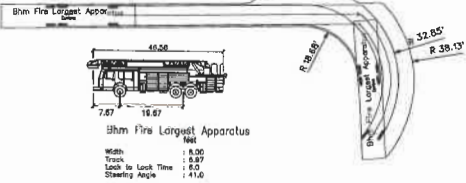
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



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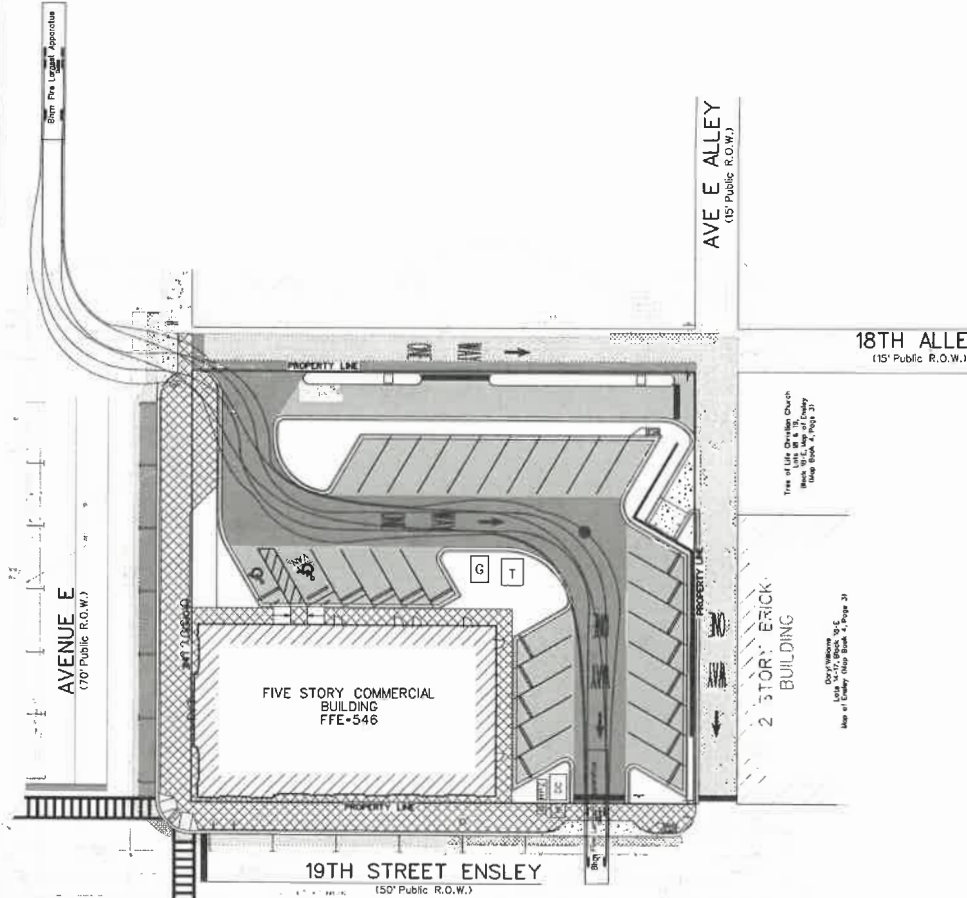




Bhm Fire Largest Apparatus  
Net  
Width : 8.30  
Track : 8.87  
Lock to Lock Time : 5.0  
Steering Angle : 41.0

**VEHICULAR TEMPLATE**  
(PROVIDED BY CITY OF BIRMINGHAM FIRE DEPARTMENT)

Overseer Construction Properties, LLC  
Map of Enley, Map Book 4, Page 31



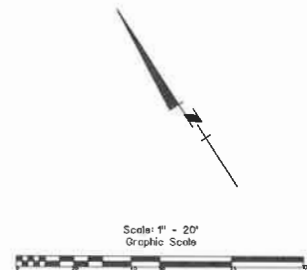
**FIVE STORY COMMERCIAL BUILDING**  
FFE-546

**2 STORY BRICK BUILDING**

Overseer Construction, LLC  
Map of Enley, Map Book 4, Page 31

Tree with 10' Building Clearance  
10' to 15' to 20' to 30' to 40' to 50' to 60' to 70' to 80' to 90' to 100' to 110' to 120' to 130' to 140' to 150' to 160' to 170' to 180' to 190' to 200' to 210' to 220' to 230' to 240' to 250' to 260' to 270' to 280' to 290' to 300' to 310' to 320' to 330' to 340' to 350' to 360' to 370' to 380' to 390' to 400' to 410' to 420' to 430' to 440' to 450' to 460' to 470' to 480' to 490' to 500' to 510' to 520' to 530' to 540' to 550' to 560' to 570' to 580' to 590' to 600' to 610' to 620' to 630' to 640' to 650' to 660' to 670' to 680' to 690' to 700' to 710' to 720' to 730' to 740' to 750' to 760' to 770' to 780' to 790' to 800' to 810' to 820' to 830' to 840' to 850' to 860' to 870' to 880' to 890' to 900' to 910' to 920' to 930' to 940' to 950' to 960' to 970' to 980' to 990' to 1000'

Reynold Deramus  
Lot 1-6, Block 19  
Map of Enley, Map Book 4, Page 31



Scale: 1" = 20'  
Graphic Scale

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 • CONSTRUCTION ESTIMATION  
 ENVIRONMENTAL • WATER RESOURCES • WATER STARTING MAINTENANCE

**SCHOBEL**

1501 20th Street South • 35202 • Birmingham, Alabama 35202  
 205.944.2200 • Fax: 205.944.2201 • www.schobel.com

**RAMSAY MCCORMACK OFFICE BUILDING**  
BIRMINGHAM, ALABAMA

DRAWING SET:  
80% SET 09/23/21  
REVISIONS:

**FIRE TRUCK EXHIBIT**

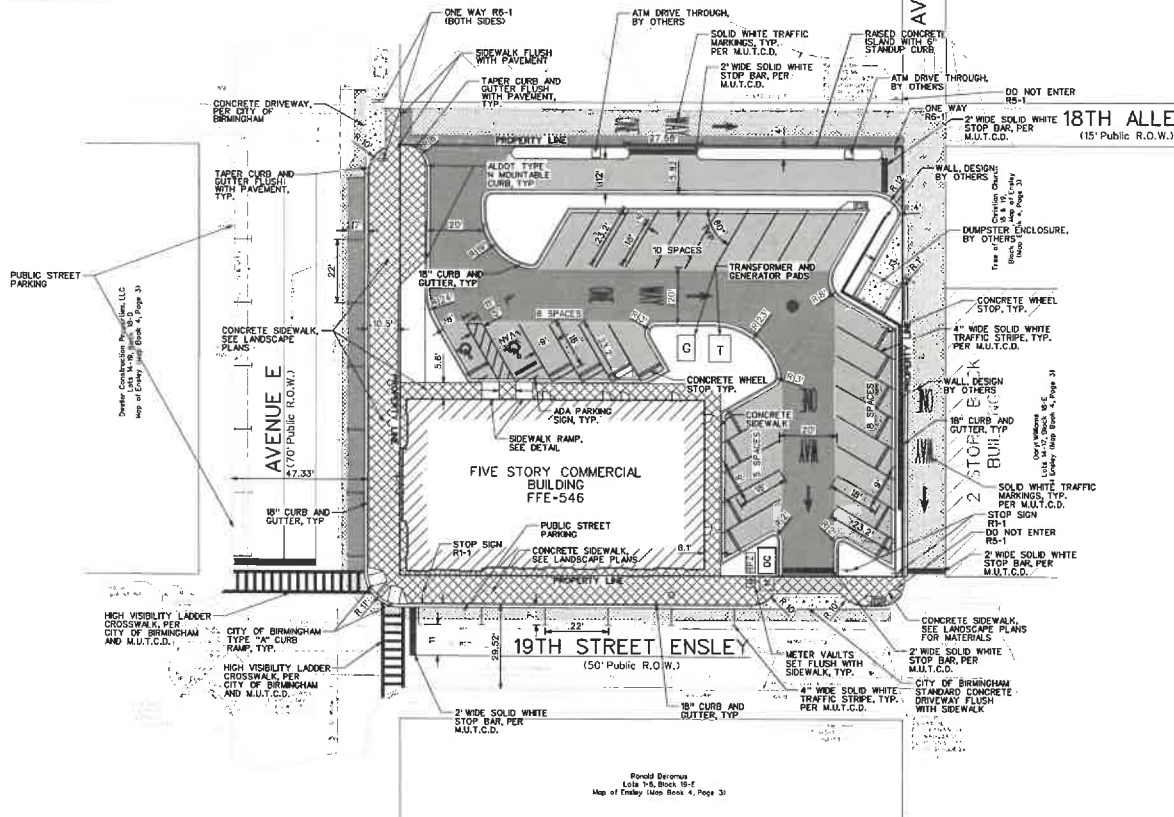
DRAWN BY AJEF  
CHECKED BY H.L.B.  
FILE NAME: 2014541.P1



**ZONING INFORMATION**  
 ZONING CLASSIFICATION: CB3/MH-H  
 LOT AREA: 26,250 SQ FT OR 6.065 ACRES  
 BUILDING GROSS SQUARE FOOTAGE: (ASSUME OFFICE SPACE UNLESS OTHERWISE NOTED)  
 1ST FLOOR: 6,097 SQ FT  
 2ND FLOOR: 6,307 SQ FT  
 3RD FLOOR: 6,307 SQ FT  
 4TH FLOOR: 6,307 SQ FT  
 TOTAL: 30,525 SQ FT  
 BANK: 2,432  
 COFFEE SHOP: 1,605

**BUILDING HEIGHT:**  
 HIGHEST OCCUPIED FLOOR: 55' 3"  
 ROOF: 66' 0"  
 HIGHEST PARAPET: 77' 2"

**SETBACKS REQUIRED:**  
 FRONT: 0 MAX (FOR CORNER LOT)  
 SIDE: 0 MINIMUM  
 REAR: 0 MINIMUM



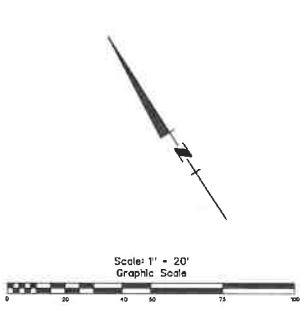
**PAVING LEGEND**

[Symbol]	LIGHT DUTY ASPHALT PAVING
[Symbol]	HEAVY DUTY ASPHALT PAVING
[Symbol]	CONCRETE PAVING
[Symbol]	SIDEWALK, SEE LANDSCAPE FOR MATERIALS
[Symbol]	ASPHALT MILL AND FILL

- NOTES:**
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - CONTRACTOR MUST CHECK BUILDING DIMENSIONS ON CIVIL PLAN WITH ARCHITECT'S PLAN PRIOR TO POURING FOOTINGS OR PERFORMING WORK TO BUILDING FOOTINGS. IF DISCREPANCIES ARE FOUND, THE CONTRACTOR IS TO REPORT TO THE ARCHITECT, CONSTRUCTION MANAGER, AND ENGINEER IMMEDIATELY.
  - CONTRACTOR MUST VERIFY THROUGH ARCHITECT THAT BUILDING DIMENSIONS ARE SHOWN CORRECTLY BEFORE USING THIS LAYOUT PLAN TO LAYOUT BUILDING IMPROVEMENTS.
  - THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING IMPROVEMENTS ON OR OFF SITE DUE TO CONSTRUCTION OF THIS PROJECT. ANY DAMAGE WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
  - IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL BENCHMARKS AND PROPERTY CORNERS. ANY TEST ACCEMENT WILL BE AT THE CONTRACTOR'S EXPENSE.
  - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL PERMITS REQUIRED TO CONSTRUCT THIS PROJECT. ALL PERMITS MUST BE IN-HAND PRIOR TO CONSTRUCTION.
  - ALL TRAFFIC STRIPING ON SITE SHALL BE APPLIED IN TWO COATS, MINIMUM.
  - SEE LANDSCAPE PLANS FOR ADDITIONAL WORK.
  - ALL STRIPING AND SIGNAGE TO BE PER CITY OF BIRMINGHAM AND M.U.T.C.D. STANDARDS.
  - ALL SIDEWALKS SHALL HAVE A 2% MAXIMUM CROSS SLOPE IN THE DIRECTION OF TRAVEL AND A 3% MAXIMUM LENGTHWISE SLOPE. CONCRETE PADS AT CHANGES OF DIRECTION AND TOP OF RAMPS SHALL NOT EXCEED 2% IN ANY DIRECTION.
  - ALL HANDICAP PARKING, RAMP, SIGNS, SYMBOLS, AND PARKING ISLANDS SHALL CONFORM TO THE LATEST ADA REQUIREMENTS. THE MAXIMUM SLOPE IN HANDICAP AREAS SHALL NOT EXCEED 2% IN ANY DIRECTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND ENSURE THESE REQUIREMENTS ARE MET.
  - CONCRETE DRIVEWAYS PER CITY OF BIRMINGHAM

**PARKING LEGEND**

STANDARD SPACES	27
ACCESSIBLE SPACES	2 (1 VAN)
TOTAL SPACES	29



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.



**RAMSAY MCCORMACK  
 OFFICE BUILDING  
 BIRMINGHAM, ALABAMA**

DRAWING SET:  
 80% SET 09/23/21  
 REVISIONS:

**SITE LAYOUT PLAN**

DRAWN BY: A.J.P.  
 CHECKED BY: W.J.B.  
 FILE NAME: 20145-1.P1  
 g:\2014\5\CAD\p1.dwg

BOX SET - NOT FOR CONSTRUCTION



VICINITY MAP

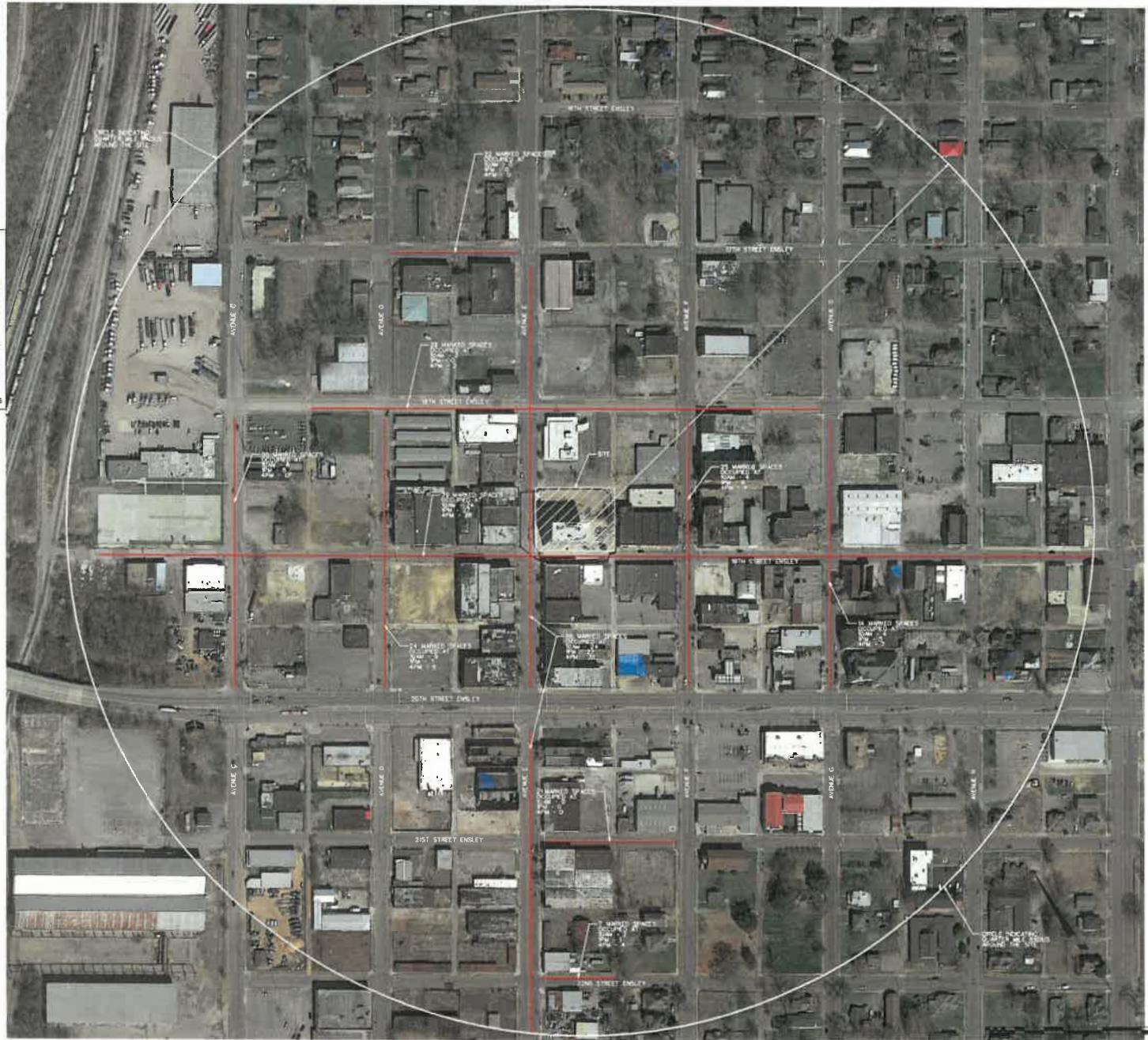






AVAILABLE ON-STREET PARKING WITHIN 0.25 MILE OF SITE FROM PARKING STUDY PERFORMED ON TUESDAY, OCTOBER 12, 2021

LOCATION	TOTAL	OCCUPIED SPACES			
		8000 AM	100 PM	4:00 PM	
AVENUE C	35 SPACES	8 SPACES	5 SPACES	13 SPACES	
AVENUE D	24 SPACES	9 SPACES	7 SPACES	11 SPACES	
AVENUE E	80 SPACES	24 SPACES	27 SPACES	31 SPACES	
AVENUE F	25 SPACES	4 SPACES	6 SPACES	8 SPACES	
AVENUE G	14 SPACES	4 SPACES	5 SPACES	7 SPACES	
17TH STREET ENSLEY	22 SPACES	0 SPACES	0 SPACES	0 SPACES	
18TH STREET ENSLEY	28 SPACES	2 SPACES	0 SPACES	2 SPACES	
19TH STREET ENSLEY	70 SPACES	24 SPACES	27 SPACES	26 SPACES	
20TH STREET ENSLEY	0 SPACES	0 SPACES	0 SPACES	0 SPACES	
21ST STREET ENSLEY	21 SPACES	0 SPACES	0 SPACES	0 SPACES	
22ND STREET ENSLEY	7 SPACES	2 SPACES	1 SPACES	4 SPACES	
TOTAL	341 SPACES	79 SPACES	61 SPACES	83 SPACES	
		EMPTY SPACES			
TOTAL	341 SPACES	286 SPACES	290 SPACES	248 SPACES	



**RAMSAY MCCORMACK  
OFFICE BUILDING  
BIRMINGHAM, ALABAMA**

DRAWING SET  
EXHIBIT  
REVISIONS:

**PARKING STUDY  
EXHIBIT 1**

DRAWN BY: AFP  
CHECKED BY: EASL  
FILE NAME: 20211012\_01A\_HEARST  
6/20/15/03/45/0000

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.



AVAILABLE ON-STREET PARKING WITHIN 0.25 MILE OF SITE FROM PARKING STUDY PERFORMED ON THURSDAY, OCTOBER 14, 2021

LOCATION	TOTAL	OCCUPIED SPACES			
		10:00 AM	1:00 PM	4:00 PM	
AVENUE C	35 SPACES	10 SPACES	13 SPACES	8 SPACES	
AVENUE D	24 SPACES	9 SPACES	9 SPACES	6 SPACES	
AVENUE E	88 SPACES	40 SPACES	15 SPACES	40 SPACES	
AVENUE F	25 SPACES	6 SPACES	13 SPACES	12 SPACES	
AVENUE G	14 SPACES	5 SPACES	7 SPACES	7 SPACES	
17TH STREET ENSLEY	22 SPACES	0 SPACES	15 SPACES	0 SPACES	
18TH STREET ENSLEY	28 SPACES	2 SPACES	15 SPACES	3 SPACES	
19TH STREET ENSLEY	70 SPACES	30 SPACES	25 SPACES	30 SPACES	
20TH STREET ENSLEY	0 SPACES	0 SPACES	0 SPACES	0 SPACES	
21ST STREET ENSLEY	21 SPACES	0 SPACES	0 SPACES	0 SPACES	
22ND STREET ENSLEY	7 SPACES	2 SPACES	2 SPACES	3 SPACES	
TOTAL	341 SPACES	104 SPACES	98 SPACES	111 SPACES	
TOTAL	341 SPACES	237 SPACES	245 SPACES	330 SPACES	



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.



RAMSAY MCCORMACK  
OFFICE BUILDING  
BIRMINGHAM, ALABAMA

DRAWING SET,  
EXHIBIT  
REVISIONS:

PARKING STUDY  
EXHIBIT 2

DRAWN BY: A.T.P.  
CHECKED BY: TALS  
FILE NAME: 2021-09-20\_PMA\_H54851  
STREET PARKING.CADD

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00057**

**Smithfield Neighborhood**

***Request:***

Special exception to allow a communal living facility on a property zoned C-2 pursuant to Title 1, Chapter 4, Article III, Section 3.C.

***Applicant:***

Joseph McClure

***Location:***

650 3<sup>rd</sup> Ave N, Birmingham AL 35204

Parcel #012200353032008000

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

***Applicant's Proposal:***

The applicant is proposing a new communal living facility (The Way Station) for older teenagers and young adults. The facility will include dormitories, inside and outside recreation areas, a kitchen/cafeteria, and AIDS Alabama plans to relocate their offices there.

***Staff Analysis:***

The subject property is currently zoned C-2 (Commercial Business District). The parcels located north are zoned D-4 (Medium Density Residential District), west are zoned D-5 (Multiple Dwelling District), east are zoned I-1 (Light Industrial District) and south C-2 (Commercial Business District) and I-1 (Light Industrial District). The property is not located in the flood plain area nor in any design review district. The subject property was approved to allow a communal living facility per case ZBA20218-00030 with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the decision of the Zoning Board of Adjustment.
2. Applicant must obtain a certificate of occupancy within three years from the date of approval.

The applicant did not meet condition number 2 and in result had to come back to the Zoning Board of Adjustment.

***Zoning Ordinance:***

*C. Communal Living Facility. Communal living facility in any D-4, D-5, D-6, MU-M, MU-H, MU-D and C-2 district a special exception may be granted by*



*the Board provided the following conditions are met:*

- 1. A statement from the State Department of Health or the State Department of Mental Health and/or the Jefferson County Department of Health that the proposed facility meets all requirements for the appropriate license, if applicable.*
- 2. A statement from the City Housing Code Enforcement Division that the proposed facility meets all provisions of the City of Birmingham Property Maintenance Code.*
- 3. A certification from the owner and operator that approval under this section shall not be transferable without prior approval by the Board of the City.*
- 4. Any communal living facility shall not be closer than 1,000 feet from another communal living facility. This spacing requirement does not include multi-family dwellings used for on or off campus student housing within 1 mile of the main campus.*
- 5. Communal Living Facilities are not meant to include child foster care facilities nor facilities housing the mentally handicapped or mentally ill, where there are no more than 10 such people plus 2 unrelated persons to either the occupants of the facility or to each other. (Code of Alabama 11- 52-75.1 and Zoning Board of Adjustment Case No. 84-95)*

***Neighborhood Recommendation:***

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

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

Staff believes the applicant has provided evidence to support the special exception request and 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 three years of approval from the Board.

## Statement of intent

Joseph McClure Commercial Real Estate is working with the non-profit organization AIDS Alabama to purchase land for the purpose of constructing a communal living facility for older teenagers and young adults. Before we close on the property it is imperative to know that the City of Birmingham will allow us to use the land for our intended purpose. We are currently seeking confirmation from the Zoning Board of Adjustment that a Special Exemption will be allowed to locate such a facility on these properties.

### Properties in Question

624 3<sup>rd</sup> Ave North Birmingham, AL 35203

644 3<sup>rd</sup> Ave North Birmingham, AL 35203

650 3<sup>rd</sup> Ave North Birmingham, AL 35203

334 7<sup>th</sup> Ave North Birmingham, AL 35203\*

\*This property WILL NOT be part of the initial buildout. The Seller, however, requires this parcel to be included in the sale.

### Further Information

Through this facility AIDS Alabama will help these homeless and destitute youths to get through school, find jobs, and have a positive outlook on their future.

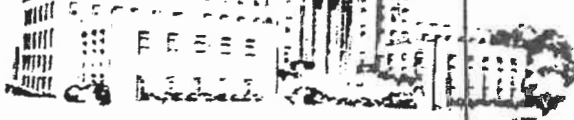
The facility will include dormitories, inside and outside recreation areas, a kitchen/cafeteria, and AIDS Alabama plans to relocate their offices there. If all goes as planned, this project will make a huge impact on Birmingham by giving hope to those who need a little help on their life's path.

Thank you for your time and consideration

Camden McClure

Joseph McClure Commercial Real Estate  
208 N 20<sup>th</sup> Street  
Birmingham, AL 35203

**CITY OF BIRMINGHAM**  
**DEPARTMENT OF PLANNING, ENGINEERING & PERMITS**  
 710 North 20<sup>th</sup> Street  
 ROOM 210, CITY HALL  
 BIRMINGHAM, ALABAMA 35203



**Zoning Board of Adjustment (ZBA) Neighborhood Notification Form**

NOTICE to the Smithfield Neighborhood Association

Date: May 22, 2018

Case: ZBA2018-00030

ZBA meeting date: June 14, 2017

Site: 624 3<sup>rd</sup> Ave N

Applicant: Joseph McClure  
205-326-0020

**Request:** Special exception to allow a communal living facility on a property zoned M1 pursuant to Title 1, Chapter 4, Article III, Section 3.C.

When you receive this notice, please have a neighborhood officer contact Tyler Slaten, Room 210 City Hall, (205) 297-8003, (205) 254-2111 FAX, [tyler.slaten@birminghamal.gov](mailto:tyler.slaten@birminghamal.gov)

The neighborhood has the following 3 options (please select one):

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

The neighborhood Advisory Committee SUPPORTS REQUEST -or- OPPOSES REQUEST  
 Because: \_\_\_\_\_

The Neighborhood Association requests a ONE ZBA MEETING continuation to allow the neighborhood to discuss this ZBA request at the regularly scheduled neighborhood meeting or a special called meeting before \_\_\_\_\_. (Please list the meeting date, time, and place of meeting)

NA Meeting Location: \_\_\_\_\_ Address: \_\_\_\_\_

Date: \_\_\_\_\_

NA Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Neighborhood Officer Signature Wayne Blair

Date: 6-10-18



**Neighborhood Response Form – (if the APPLICANT attends the NA meeting)**

RE: ZBA2018-00030

Date: 6-10-18

To: Tyler Slaten, Room 210, 2<sup>nd</sup> Floor City Hall (205) 297-8003, FAX: (205)254-2111  
tyler.slaten@birminghamal.gov

From: Wayne Blanding N.A. - President, Vice President, Secretary  
(Please indicate the Officer who chaired the meeting when this request was heard)

On \_\_\_\_\_, the request was heard by our Neighborhood Association and we took the following action:

SUPPORT (# of votes) 11                      OPPOSE (# of votes) 1

The decision of the Neighborhood Association was to (circle one: support / not support) the request for the following reasons:

Thought it would be beneficial to  
neighborhood

The Neighborhood Association understands that its opinion is only advisory and that this form will be given to ZBA members. Representatives from the Association or its members can attend the ZBA meeting to personally express concerns and requests.

Neighborhood Officer Signature: Wayne Blanding  
(Officer who chaired or presided over the meeting when the case was presented should sign above)

**NOTE:**

The Smithfield NA meeting are the second Sunday of each month at the Ephesus Seventh Day Adventist, 105 6<sup>th</sup> Avenue N, at 4:00 p.m. Please contact Wayne Blanding at 205-903-5550 to attend the meeting.

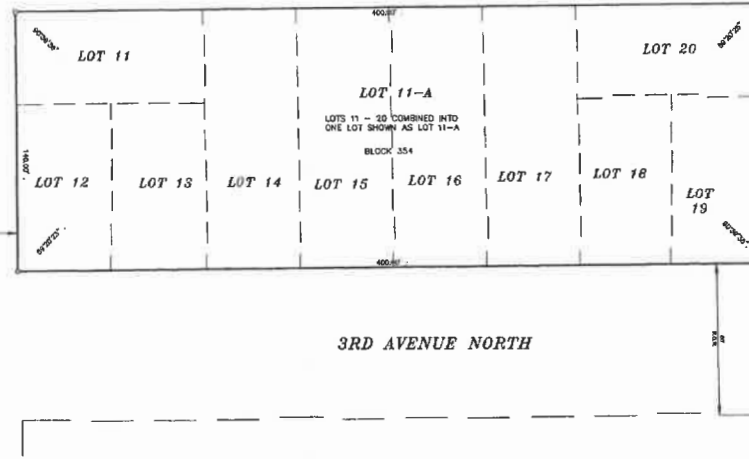
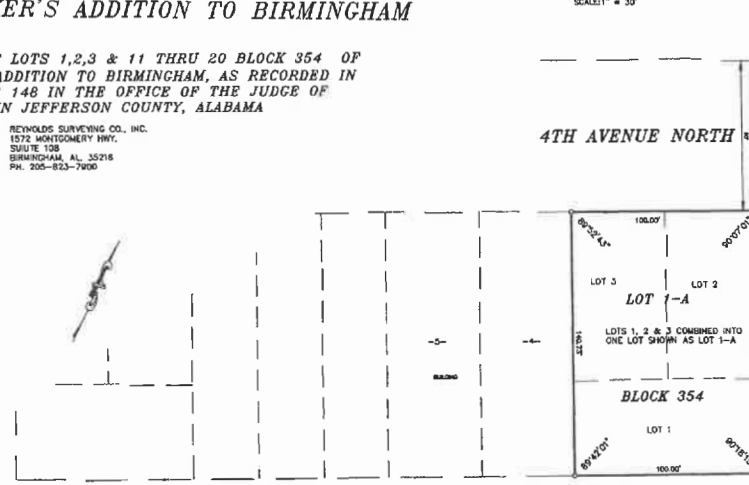
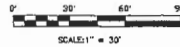
# ZBA2021-00057 ZONING MAP; ZONED: M-1



**LOT 1-A & 11-A RESURVEY OF PART OF BLOCK 354  
OF MARGARET WALKER'S ADDITION TO BIRMINGHAM**

BEING A RESURVEY OF LOTS 1, 2, 3 & 11 THRU 20 BLOCK 354 OF  
MARGARET WALKER'S ADDITION TO BIRMINGHAM, AS RECORDED IN  
MAP BOOK 7, PAGE 148 IN THE OFFICE OF THE JUDGE OF  
PROBATE IN JEFFERSON COUNTY, ALABAMA

REYNOLDS SURVEYING CO., INC.  
1572 MONTGOMERY HWY.  
SUITE 135  
BIRMINGHAM, AL 35218  
PH. 205-823-7900



STATE OF ALABAMA  
JEFFERSON COUNTY

THE UNDERSIGNED ROBERT REYNOLDS, SURVEYOR AND ADS ALABAMA, INC. AS OWNERS, CERTIFY THIS PLAN OF MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS PLAN OF MAP WERE MADE AT THE REQUEST OF SAID OWNER; THAT THIS PLAN OF MAP IS A TRUE AND CORRECT MAP OF THE LANDS SHOWN THEREIN AND KNOWN OR TO BE KNOWN AS HILLS RESURVEY SHOWING THE SUBDIVISIONS INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS, GIVING THE LENGTHS AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER, SHOWING THE STREETS, ALLEY, AND PUBLIC GROUNDS, GIVING THE BEARINGS, WIDTH AND NAME OF EACH STREET AS WELL AS THE NUMBER OF EACH LOT AND BLOCK, SHOWING THE RELATIONSHIP OF THE LINES SO PLATTED TO BLOCK 354 OF MARGARET WALKER'S ADDITION TO BIRMINGHAM AS RECORDED IN MAP BOOK 6, PAGE 148 IN THE OFFICE OF THE JUDGE OF PROBATE IN JEFFERSON COUNTY, ALABAMA, AND THAT IRON PINS HAVE BEEN INSTALLED AT ALL LOT CORNERS AND CURVE POINTS AS SHOWN AND DESIGNATED BY SMALL OPEN CIRCLES ON SAID PLAN OR MAP; SAID OWNER(S) ALSO CERTIFY THAT THEY ARE OWNERS OF SAID LANDS AND THAT THE SAME ARE NOT SUBJECT TO ANY MORTGAGE, SAID OWNER(S) DEDICATES STREETS, ALLEYS AND PUBLIC GROUNDS, AS SHOWN BY SAID PLAN OR MAP. SAID OWNER AGREES THAT THE CITY OF BIRMINGHAM MAY AT ANY TIME CHANGE THE MATERIAL OR EXISTING GRADE OF ANY STREET, ALLEY OR PUBLIC GROUNDS OR ANY PART THEREOF, FROM THE MATERIAL OR EXISTING GRADE TO THE PERMANENT GRADE WITHOUT PAYMENT OF COMPENSATION OR DAMAGES TO THE ADJOINING OWNER; AND THIS AGREEMENT SHALL BE A COVENANT RUNNING WITH THE LANDS. THE UNDERSIGNED APPOINTS THE CITY OF BIRMINGHAM AS AGENT FOR THE PURPOSES OF FILING SAID PLAN OR MAP, TOGETHER WITH THIS INSTRUMENT, FOR RECORD, AND CERTIFY THAT WE HAVE FULL AUTHORITY TO EXECUTE THIS INSTRUMENT AND MAP.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

SURVEYOR: ROBERT REYNOLDS  
OWNER: AUTHORIZED AGENT FOR ADS ALABAMA INC  
NAME: \_\_\_\_\_



STATE OF ALABAMA  
JEFFERSON COUNTY

I, \_\_\_\_\_ A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT ROBERT REYNOLDS, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AS SURVEYOR, BEING KNOWN TO ME ON THIS DATE, THAT AFTER HAVING BEEN DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY, GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

NOTARY PUBLIC: \_\_\_\_\_

STATE OF ALABAMA  
JEFFERSON COUNTY

I, \_\_\_\_\_ A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT \_\_\_\_\_ WHOSE NAMES ARE SIGNED TO THE FOREGOING CERTIFICATE AS AUTHORIZED AGENT FOR ADS ALABAMA, INC. (OWNERS), BEING KNOWN TO ME ON THIS DATE, THAT AFTER HAVING BEEN DULY INFORMED OF THE CONTENTS OF SAID CERTIFICATE, THEY EXECUTED THE SAME VOLUNTARILY WITH FULL AUTHORITY, GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

NOTARY PUBLIC: \_\_\_\_\_

APPROVED BY: BIRMINGHAM PLANNING COMMISSION DATE: \_\_\_\_\_

APPROVED BY: BIRMINGHAM CITY ENGINEER DATE: \_\_\_\_\_

NOTE: JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR FUTURE JEFFERSON COUNTY SANITARY SERVICES, HOWEVER THIS DOES NOT MEAN SANITARY SERVICES HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

APPROVED: DIRECTOR OF ENVIRONMENTAL SERVICES DATE: \_\_\_\_\_  
FOR RECORDING PURPOSES ONLY







**GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE AND TO FACE OF FOUNDATION (SEE SECTIONS).
2. D.C. TO SEE OTHER SHEETS IN THIS SET FOR MORE DETAILS ABOUT FINISHES, EQUIPMENT, ETC.

**CONSTRUCTION KEYNOTES**

1. Doors require full detail finish shown, doors w/ furniture plan.
2. Roof access steps ladder.
3. Kitchen equipment - see elec. & plum. for more information, codes, w/ KEG drawings.
4. Water heaters, see plum.
5. Roof access inside, provide with ladder cut-off edge.
6. Keep elec. conduit w/ plumbing.
7. Provide 4"x4" post, 18" brace angle (provided and installed by GC) around the pipes to be w/ full bed of mortar.
8. Laundry equip. (Washer & Dryer) - see plans.
9. Detergent disp. bins for non-washing - see plans.
10. Folding table.
11. Wall opening / pass-through: frame with all end-caps at head & jamb, & provide 2" x 4" blocking.
12. Corridor elevators stairs see architectural details.
13. Courtyard open areas to receive traffic w/.

**PARTITION LEGEND**

1. SPACE STUDS @ 16" O.C. @ ALL LOAD-BEARING PARTITIONS.
- | SYM | REQ.   | DESCRIPTION                                                                                                        |
|-----|--------|--------------------------------------------------------------------------------------------------------------------|
| 11  | N/A    | 5/8" GYP. BD. SCREWED TO BOTH SIDES OF 3/4" MIL STUDS @ 16" O.C.                                                   |
| 12  | N/A    | 5/8" GYP. BD. SCREWED TO BOTH SIDES OF MIL STUDS @ 16" O.C. W/ FULL THICKNESS SOUND ATTENUATION BATT INSUL.        |
| 13  | 30 MIN | 2 1/2" GYP. BD. SCREWED TO BOTH SIDES OF 3/8" MIL STUDS @ 16" O.C. W/ FULL THICKNESS SOUND ATTENUATION BATT INSUL. |
| 14  | N/A    | 5/8" GYP. BD. SCREWED TO BOTH SIDES OF 4" MIL STUDS @ 16" O.C.                                                     |
| 15  | 30 MIN | 2 1/2" GYP. BD. SCREWED TO BOTH SIDES OF 4" MIL STUDS @ 16" O.C. W/ FULL THICKNESS SOUND ATTENUATION BATT INSUL.   |



**Shendon  
huckestein  
architects, PC**

architecture • planning • interior design  
2136 Morris Avenue  
Birmingham, Alabama 35203  
Phone: 205.322.1753  
Fax: 205.322.1978  
email: shendon@shendo.com  
www.shendo.com

A New Building For:

**The Way Station**  
650 3rd Ave N  
Birmingham, AL 35244

**RELEASE NOTES**

No.	Description	Date
1	Issued for bid	8/20/21
2	Issued for construction	10/26/21

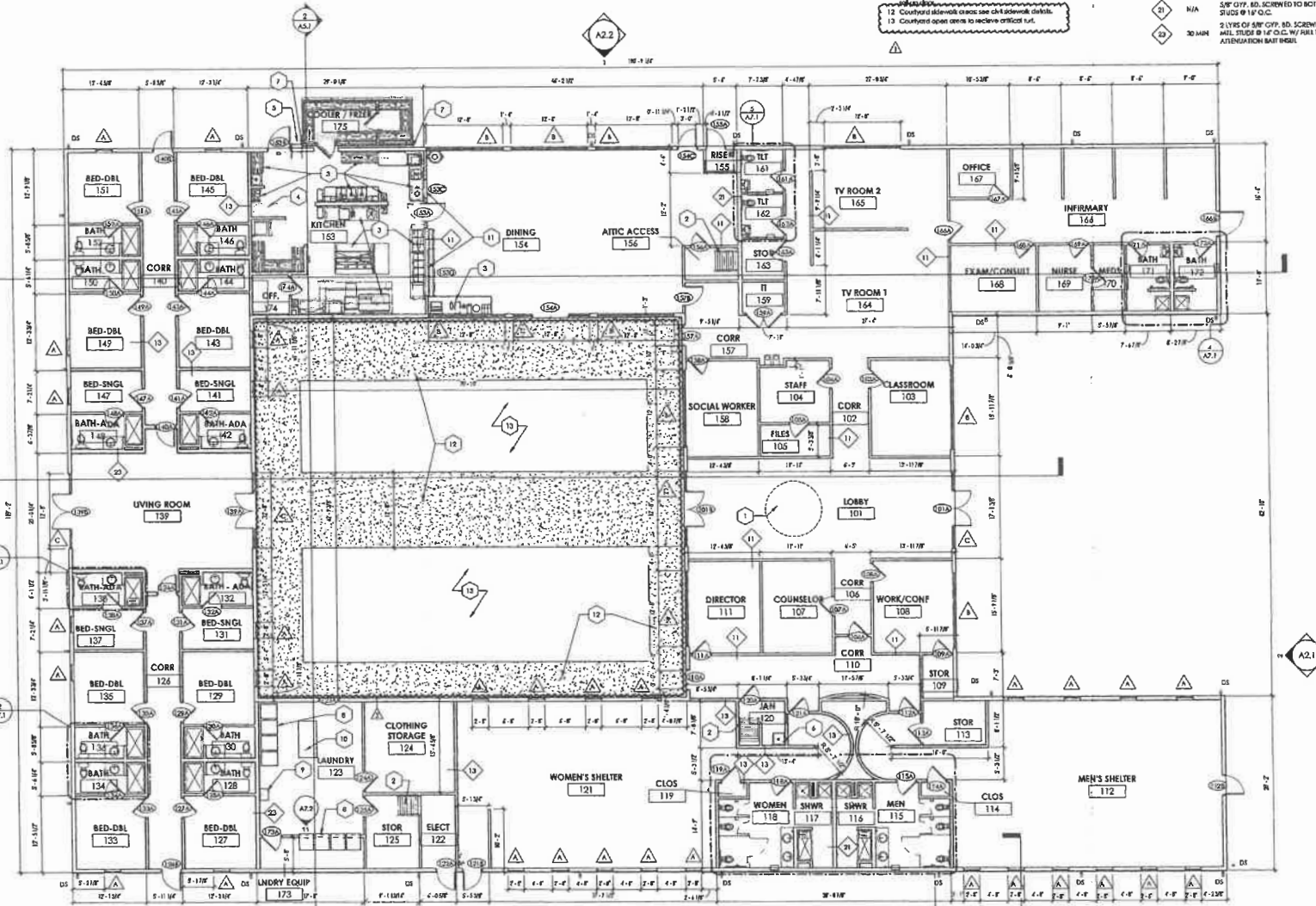
NOT FOR CONSTRUCTION	<input type="checkbox"/>
RELEASED FOR CONSTRUCTION	<input checked="" type="checkbox"/>
ISSUE DATE	08/12/21
DRAWN	Aurifer
CHECKED	Checker
APPROVED	Approver

PROJECT NUMBER: 21001.00

SHEET TITLE: Construction Floor Plan

DRAWING NO.: A1.1

PERMIT ISSUE -08.12.21



1 Floor Plan  
1/8" = 1'-0"



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00058**

**Huffman Neighborhood**

***Request:***

Variance to exceed the maximum front yard setback of 6ft along Parkway East to 90.17 feet. Variance to exceed the maximum front yard setback of 6ft along Medford Road to 8.63 feet. A variance to allow parking in the front yard along Parkway East. A variance to allow a dumpster in the front yard along Parkway East.

***Applicant:***

Interplan, LLC

***Location:***

9321 Parkway East, Birmingham AL 35215  
Parcel #012300011003001500  
NE of Section 01, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a new Chick-fil-A.

***Staff Analysis:***

The subject property is currently zoned MUM (Mixed-Use Medium District). The parcels located north of the subject property are zoned CC-2 (Contingency General Business District), parcels west are zoned MUH (Mixed-Use High), parcels south are zoned MUM (Mixed- Use Medium District) and parcels east are zoned D-2 (Single Family District). The property is not located in the flood plain; however, it is located in the Roebuck Commercial Revitalization District. The dumpster will located in the front off of Medford Road and parking in the front yard is located off of Parkway East.

***Per the zoning ordinance:***

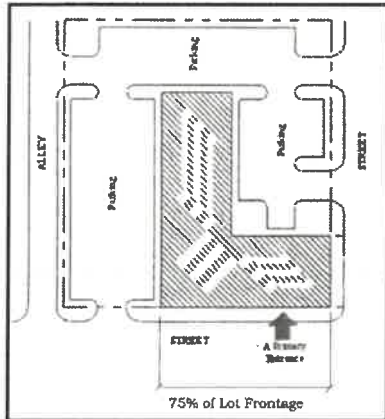
***Section 3. Street setbacks and building orientation in mixed use districts.***

*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 Huffman Neighborhood Association will 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**.



September 28, 2021

## City of Birmingham Planning Department

Attn: Angelica Moton

710 20th Street North, Room 210

Birmingham, AL 35203

[angelica.moton@birminghamal.gov](mailto:angelica.moton@birminghamal.gov)

205-279-8917

**Reference: Chick-fil-A # 823 / Parkway East  
9325 Parkway East, Birmingham, AL 35215  
IP # 2020.0125  
Variance Narrative**

To Whom It May Concern,

Chick-fil-A is proposing to demolish this existing establishment and re-build a brand-new restaurant at the above-referenced location. As part of the redevelopment of this property, variances are being sought for the following:

- To increase the maximum front building setback on Parkway East from 6' to 90.17'.
- To increase the maximum front building setback on Medford Road from 6' to 8.63'.
- To allow the dumpster to be located within a front yard (along Medford Road).
- To allow parking to be located at the front of the site (along Parkway East).

The justification for these requests are provided below.

**Physical Characteristics of the Property:** The narrowness of this site, coupled with the required setbacks did not provide an efficient layout, particularly for the drive-thru. The current plan proposes to keep the building in a similar location that exists today with parking at both the front and the rear. This also maintains the existing cross-access across the front of the Chick-fil-A site and connects to the Walgreens site to the south. Since some parking was lost at the side in order to accommodate additional drive-thru stacking, the dumpster is proposed in a new location in order to meet the required parking.

**Unique Characteristics:** Chick-fil-A typically generates substantially more business in their drive-thru than other drive-thru restaurants due to their limited menu and speed of service in the drive-thru lane. The COVID-19 pandemic has only increased the demand, particularly that of drive-thru traffic. Therefore, the proposed improvement to the triple-lane stacking at the order points is of increased importance, which was a big factor in the overall design of this site and had a ripple effect on the parking layout and the need to relocate the dumpster.



Chick-fil-A # 823 / Parkway East

September 28, 2021

Page 2 of 2

**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 layout proposed is similar to the existing layout with improvements to the number of cars able to be serviced in the drive-thru lane. Due to the shape of the site and the existing access drives, the proposed layout is the best configuration to provide for maximum drive-thru lane stacking.

**Financial Gain Not Only Basis:** Financial gain is not the sole basis for granting the variance. The basis of these variance requests are primarily to improve traffic congestion during peak hours, increase the onsite stacking, reduce off-site stacking and to improve the overall customer experience.

**No Injury to Neighboring Property:** The granting of the variance will not be injurious to other properties within the area. In fact, the proposed redevelopment was presented to the Huffman Neighborhood at their last meeting held on September 27, 2021, to which the Neighborhood was supportive of the improvements and had no major concerns to share. The new layout seeks to provide more onsite stacking in the drive-thru lane and therefore reduce any offsite backup. A new building with a more efficient kitchen will also reduce wait times in the drive-thru lane.

**No Harm to Public Welfare:** The granting of the variance will not be detrimental to the public welfare of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance. The intent is rather to improve existing conditions, specifically traffic congestion during peak hours, allowing for more cars to stack onsite rather than on adjacent properties or public roadways. The use of the site will remain the same but with a new better kitchen to support the increased drive-thru stacking.

Please feel free to contact me if you have any questions or require additional information. If I am not available, Jessada Sunhachawi is the Civil Project Manager and will be able to answer your questions.

Sincerely,

**INTERPLAN LLC**

A handwritten signature in black ink that reads "Kendra Lewis".

Kendra Lewis  
Permit Manager

cc: J. Sunhachawi, S. Hickman, S. Anderson; Interplan LLC

**PARCEL ID:** 012300011003001001

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

**DATE:** Tuesday, October 12, 2021 1:42:02 PM

**OWNER:** CHICK-FIL-A INC

**ADDRESS:** 5200 BUFFINGTON RD

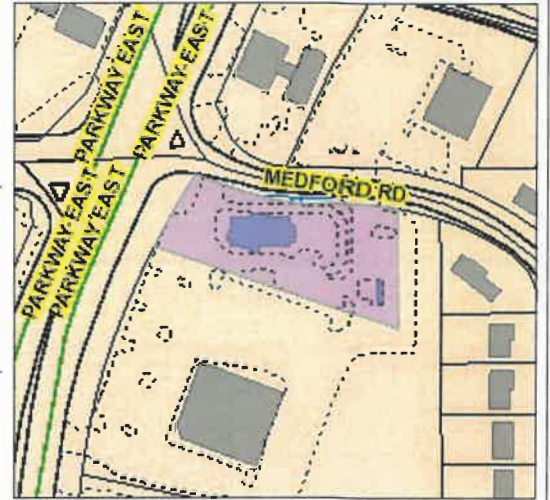
**CITY/STATE:** ATLANTA GA

**ZIP+4:** 30349--2945

**SITE ADDR:** 9321 PARKWAY EAST

**CITY/STATE:** BHAM, AL

**ZIP:** 35215



**LAND:** \$861,800.00

**BLDG:** \$631,000.00

**OTHER:** \$0.00

**AREA:** 43,840.00

**ACRES:** 1.01

**SUBDIVISION INFORMATION:**

**NAME**

**BLOCK:**

**LOT:**

:

**Section:** 1-17-2W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Roebuck

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Huffman (1001)

**Communities:** Huffman (10)

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

**Zoning Outline:** MUM

**Demolition Quadrants:** DEM Quadrant - 4

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

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

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

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

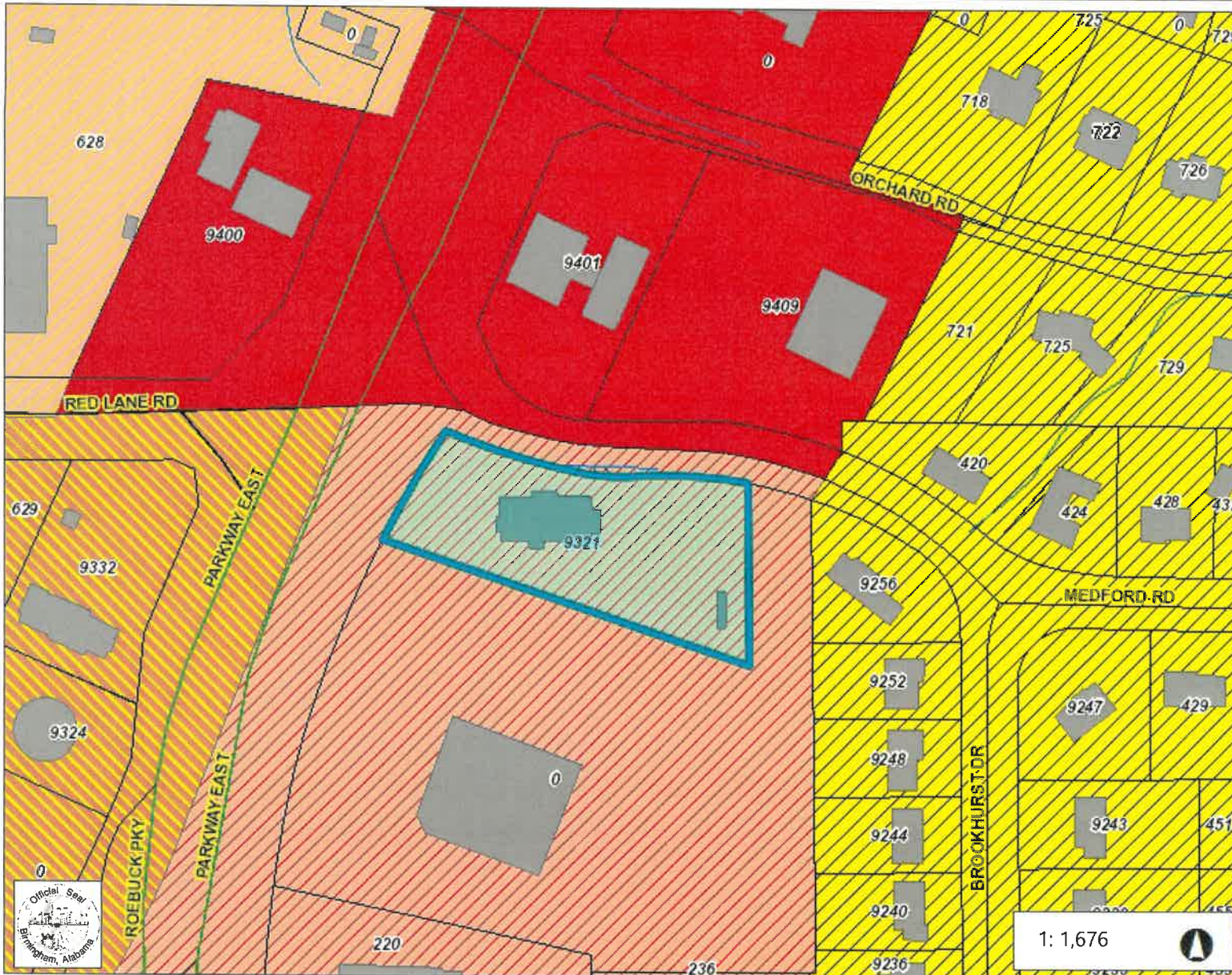
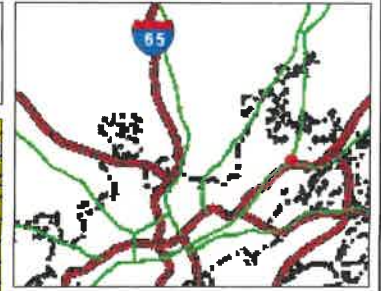
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

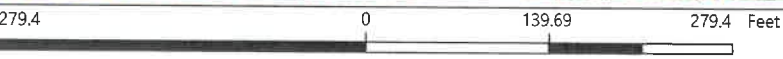
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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





Legend

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

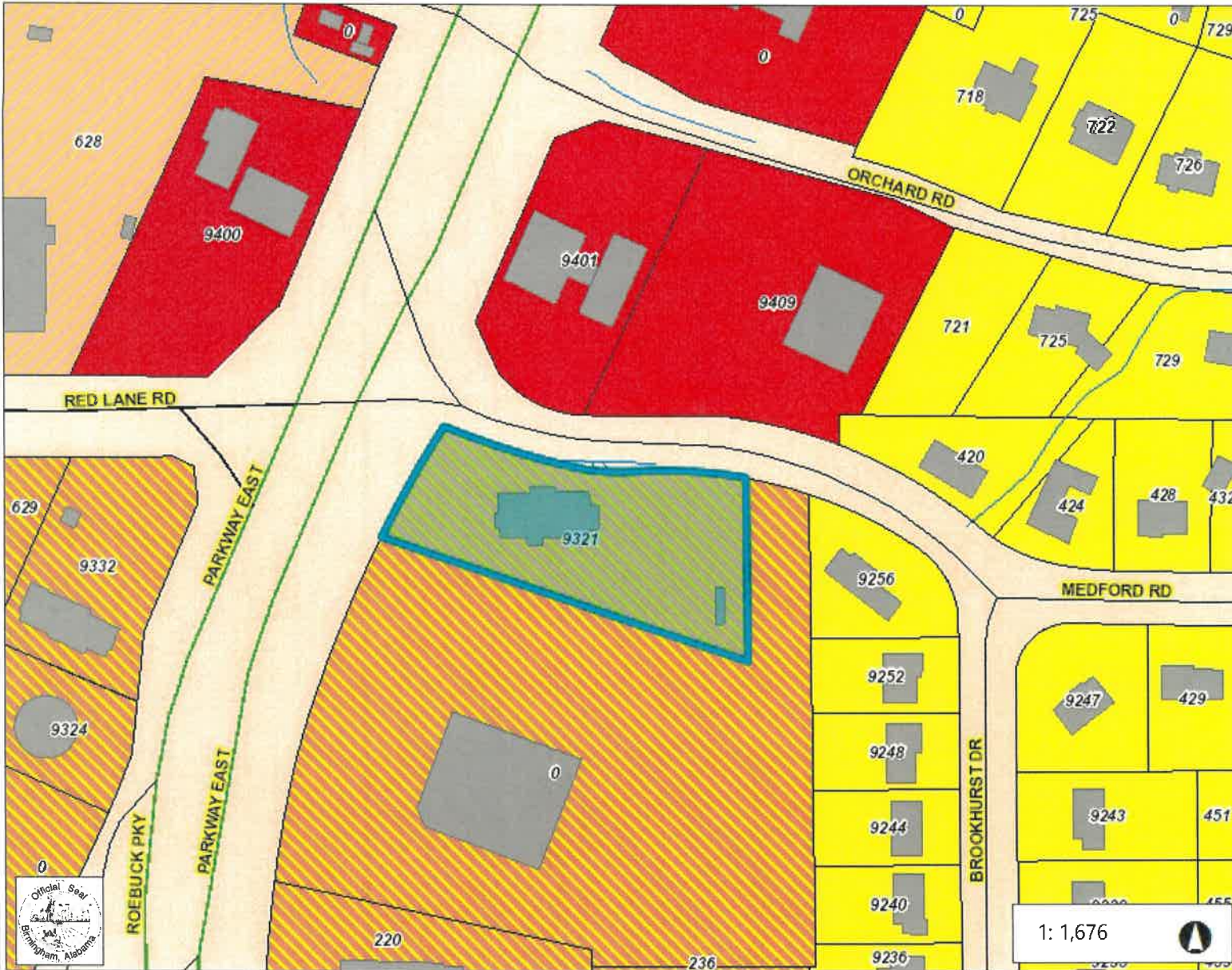
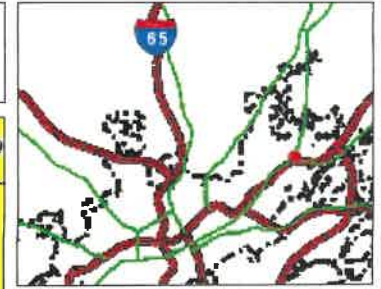


1: 1,676

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

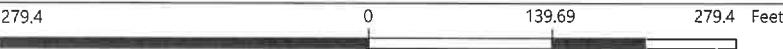
Notes





**Legend**

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



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1: 1,676

Notes







**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00059**

**Arlington-West End Neighborhood**

***Request:***

Variance to allow a pole sign in a R-3 zoning district and a variance to allow it within 300 feet of residential zoned district.

***Applicant:***

New Era Baptist Church

***Location:***

5 Cotton Ave, Birmingham AL 35211  
Parcel # 012900031022001000  
NE of Section 03, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a new pole sign for the church.

***Staff Analysis:***

The subject property is currently zoned R-3 (Single Family District). The parcels located north of the subject property are zoned CB-2 (Contingency General Business District), parcels west and south are zoned R-3(Single Family District) and parcels east are zoned CB-1 (Contingency Neighborhood Business District). The property is not located in the flood plain; however, it is located in the Arlington Park Historic District.

***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 Arlington-West End Neighborhood Association will vote prior to the meeting.*

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

Staff believes the applicant has not provided evidence to support the variance request to allow a pole in a R-3 zoning district; therefore, has merit for **DENIAL**. Staff believes the applicant has provided evidence to support the 300ft setback variance request; therefore, staff believes the 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.



**New Era Baptist Church  
5 Cotton Avenue Southwest  
Birmingham Alabama 35214  
205-515-6414  
Email: mjordanjjjj@gmail.com**

October 3, 2021

To: City of Birmingham, Zoning Board of Adjustments  
From: New Era Baptist Church  
Address: 5 Cotton Avenue Southwest, 35211  
RE: Variance

Dear Zoning Board,

The New Era Baptist is humbly asking the City of Birmingham to approve a variance to erect a new changeable letters church marquee sign to replace the existing damaged sign. **The dimensions of the new sign are very similar to the old sign.** However the new sign will have a more stable concrete foundation.

- a. **Physical Characteristics:** the location does not violate any City codes or ordinances. The New Era Baptist Church owns two parcels of property within close distance to the sign. (see site plan)
- b. **Unique Characteristics:** The existing sign is 22 years old, it has been severely damaged by age and vandalism. The existing sign post has rusted. The entire sign is leaning from inclement weather.
- c. **No Self-imposed Hardships:** The existing sign must be removed because of foundational defects and will eventually cause a liability issue for the Church.
- d. **The main purpose for the new sign is Church Evangelism:** The New Era Baptist Church does not and will not use the sign for profit gain.
- e. **No Injury to Neighboring Property:** The nearest residential property is 168 feet away from the sign. (please see enclosed site plan.)
- f. **No Harm to Public Safety:** Granting this variance will in no way be detrimental to the community or cause public safety issues. The new sign will not be a nuisance to the Arlington Neighborhood.

Many Thanks

Michael R. Jordan, Pastor

Voncia West-Lassiter, Secretary

**PARCEL ID:** 012900031022001000

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

**DATE:** Tuesday, October 12, 2021 1:51:05 PM

**OWNER:** NEW ERA BAPTIST CHURCH

**ADDRESS:** 5 COTTON AVE SW

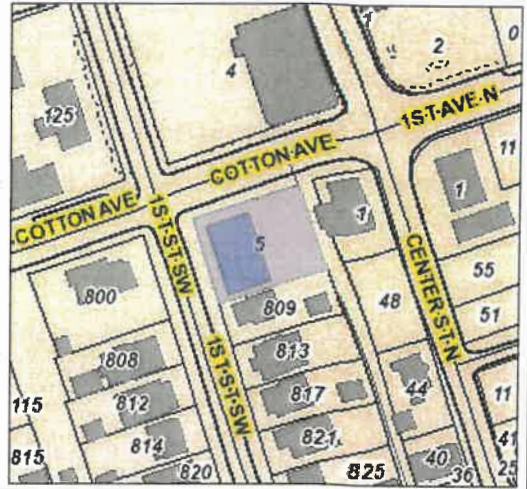
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35211--1418

**SITE ADDR:** 5 COTTON AVE SW

**CITY/STATE:** BHAM, AL

**ZIP:** 35204



**LAND:** \$8,400.00

**BLDG:** \$284,900.00

**OTHER:** \$0.00

**AREA:** 12,438.36

**ACRES:** 0.29

**SUBDIVISION INFORMATION:**

**NAME** NEW ERA BAP CHURCH 29-3-1

**BLOCK:** 2

**LOT:** 10-A

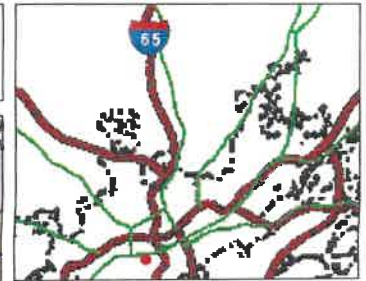
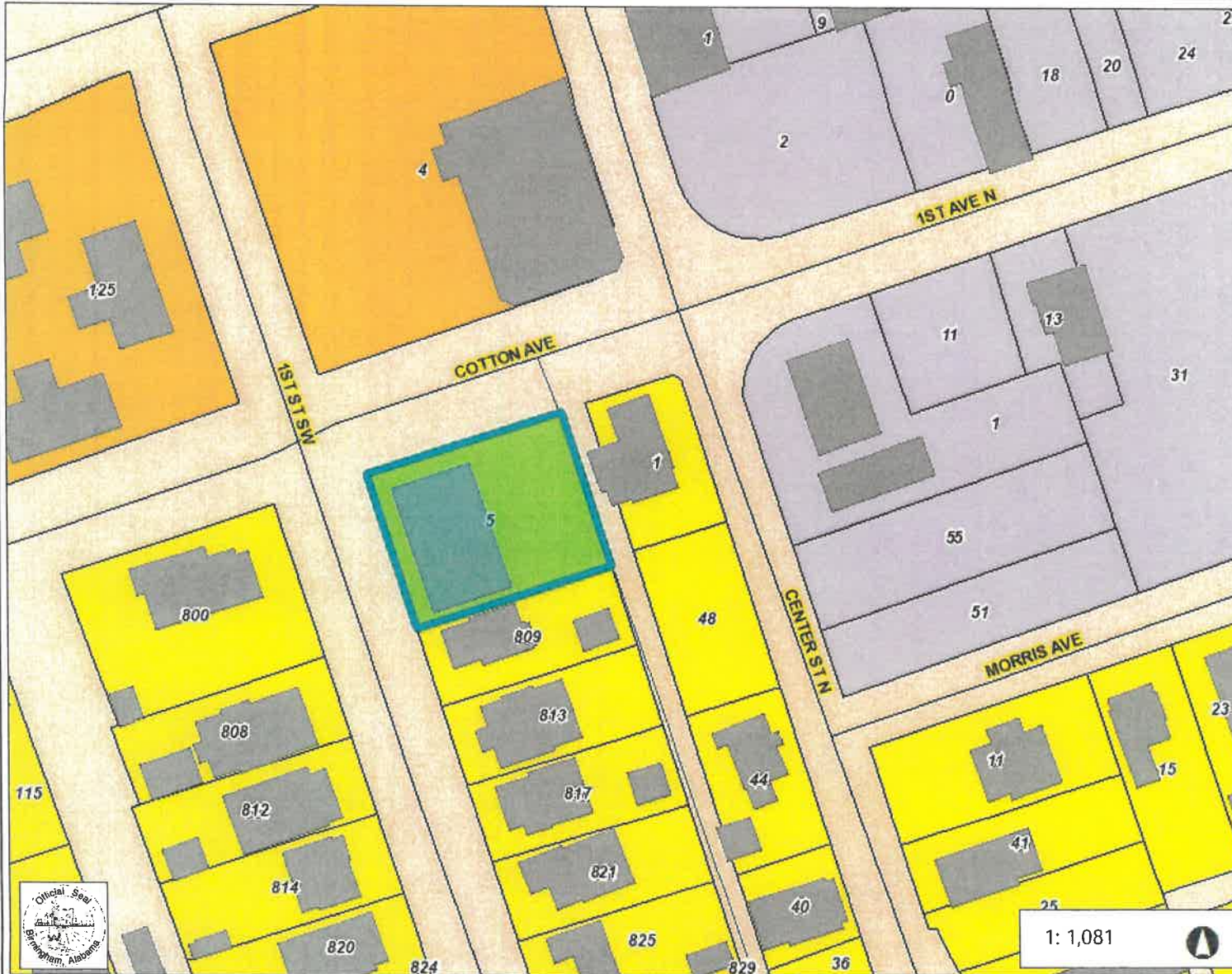
**Section:** 3-18-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Arlington Park  
**Commercial Revitalization District:** Not in Commercial Revitalization District  
**Fire District:** Not in Fire District  
**Flood Zones:** In Flood Zones  
**Tax Increment Financing District:** Not in Tax Increment Financing District  
**Neighborhoods:** Arlington-West End (2001)  
**Communities:** West End (20)  
**Council Districts:** District - 6 (Councilor: Crystal Smitherman)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 1  
**Impaired Watersheds:** Not in Impaired Watersheds  
**Strategic Opportunity Area:** Not in Strategic Opportunity Area  
**RISE Focus Area:** In RISE Focus Area  
**Tax Delinquent Property:** Not in Tax Delinquent Property  
**EPA Superfund:** Not in EPA Superfund  
**Opportunity Zones:** In Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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# ZBA2021-00059 ADOPTED LAND USE MAP



### Legend

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- State Highways
- US Highways
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  - Neighborhood Commercial
  - General Commercial
  - MXU-Low
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  - MXU-High

1: 1,081

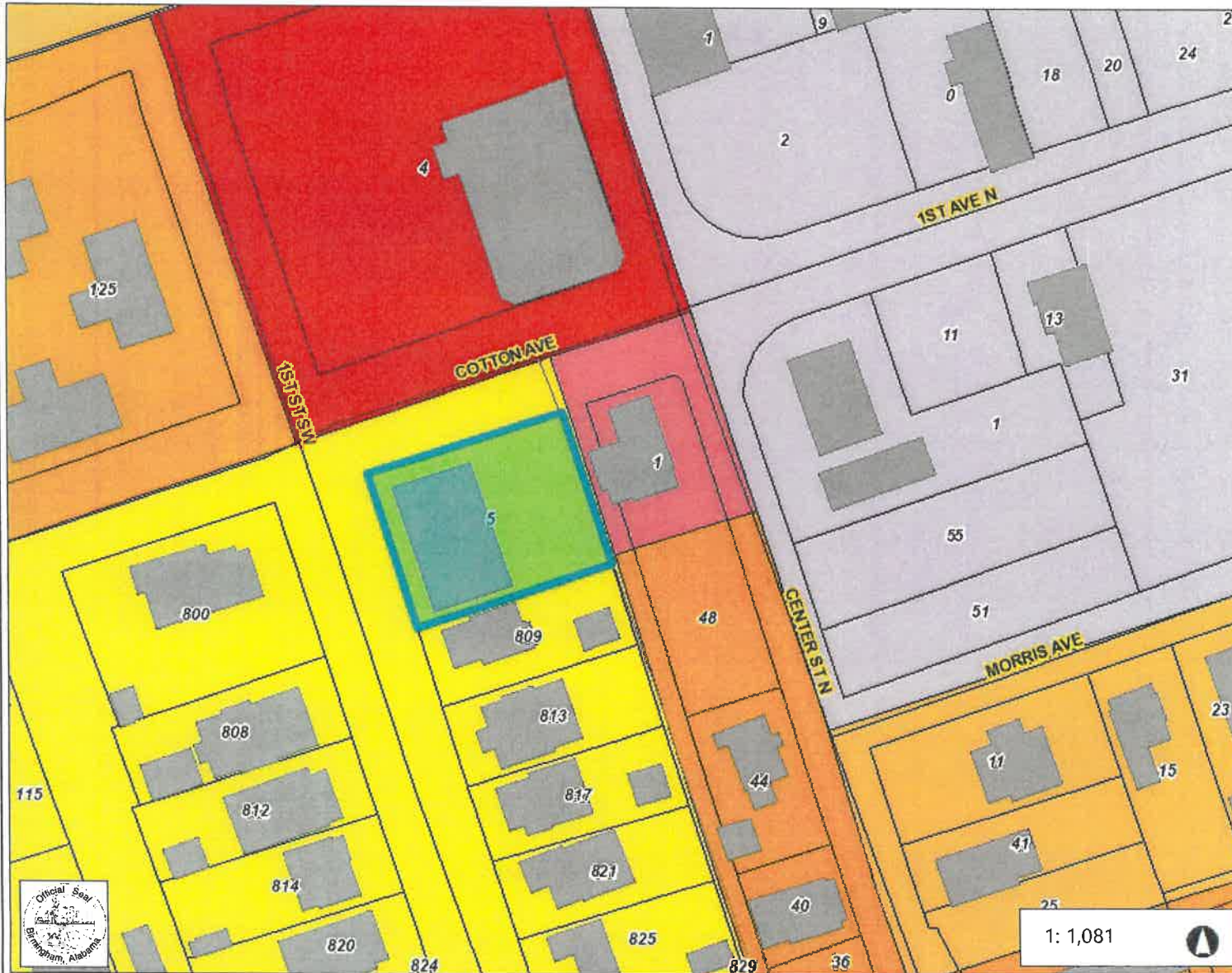
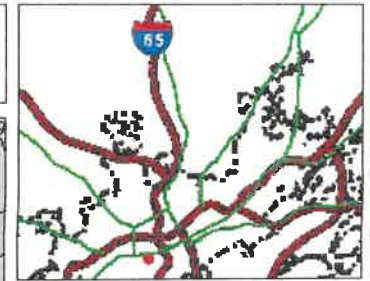


180.2 0 90.11 180.2 Feet

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### Notes





Legend

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  - 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



180.2 0 90.11 180.2 Feet

1: 1,081

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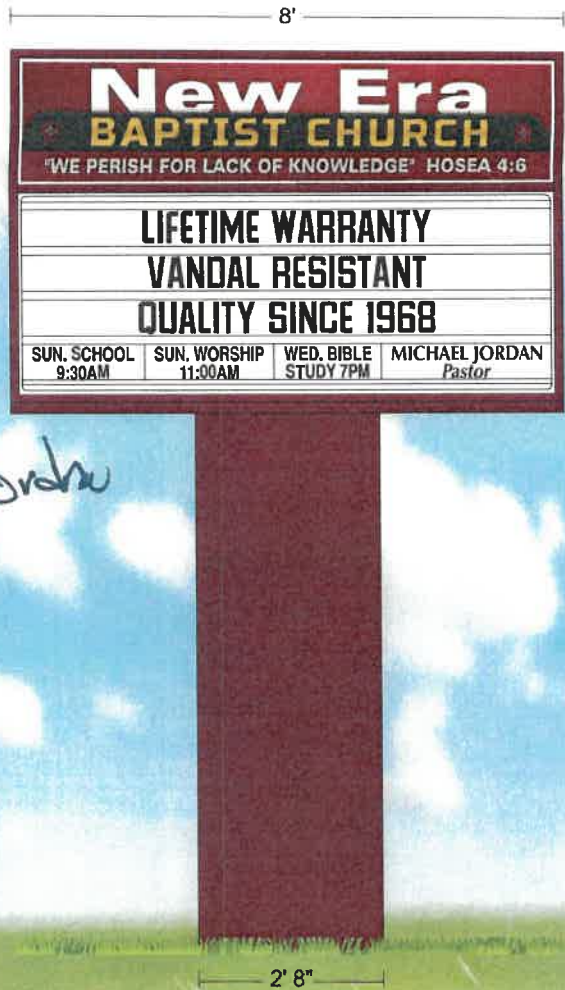
Notes



New Era Baptist Church  
 5 Cotton Ave. S.W.  
 Birmingham, Alabama  
 35211

City of B/Ar

Contact Pastor M. Jordan  
 205-616-1358  
 mjordanjiii@gmail.com



**Stewart Signs**  
 ONE SIGN. ONE COMPANY  
 1-800-237-3928 stewartsigns.com

**ANNOUNCER 58**  
 CABINET SIZE: 5' x 8'  
 Tracking: 4 Rows of 6"  
 Sk: 980598-1b Cust: 1079628  
 9/21/2021 F/dDutro PROPOSAL  
 Scale: 1/2"=1' Color(s): Burgundy

Signature \_\_\_\_\_

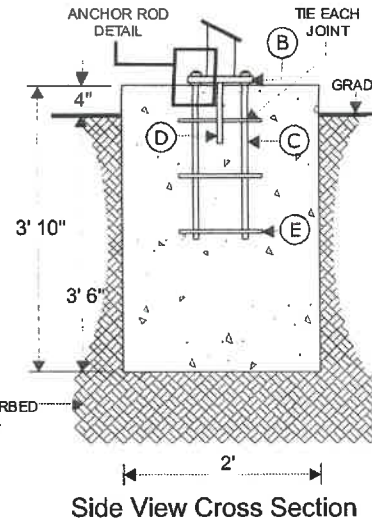
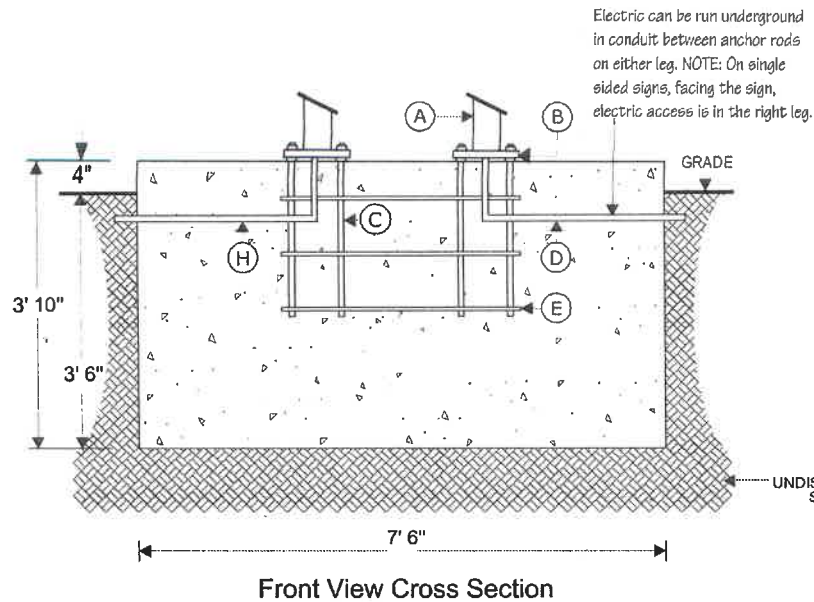
Date \_\_\_\_\_



This custom artwork is not intended to provide an exact match for ink, vinyl or paint. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. Original design, do not duplicate.



# FOOTING SPECIFICATIONS

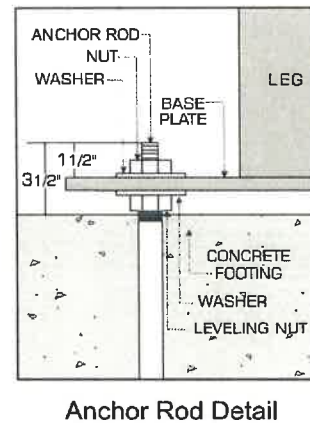
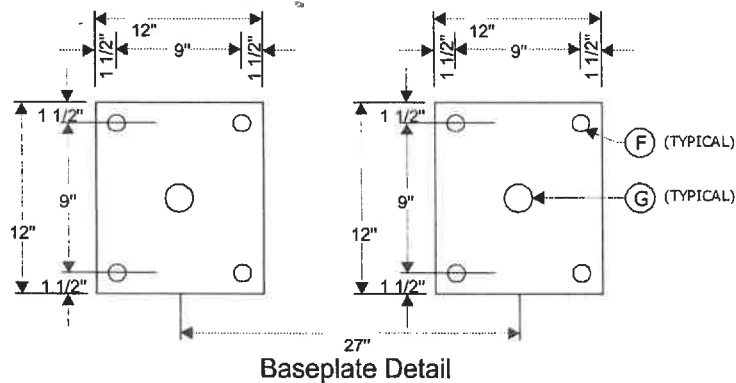
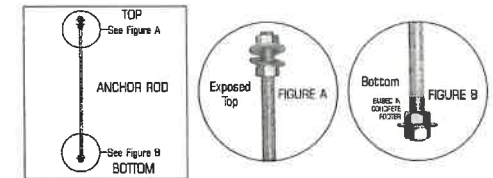


## FOOTER DETAIL

- A. Sign legs
- B. Base plates
- C. 1" x 30" anchor rods, 8 required. Tape anchor rod threads for protection against sand.
- D. Electrical conduit (supplied by customer)
- E. #5 rebar or better, tied at each joint (supplied by customer)
- F. 1 1/4" diameter anchor bolt holes
- G. 2" diameter electrical hole
- H. Data conduit (LED sign models only, if applicable)

## NOTES

- 3,000 psi concrete: less than 2.13 cubic yards needed
- Windload: design meets or exceeds 120 mph Exposure B



**SEPARATE STEWART TEMPLATE MUST BE USED TO SET ANCHOR RODS INTO CONCRETE**

**DRAWING IS NOT TO SCALE**

## CONTACT

Dana Dutro  
1-888-237-3928 x2180  
ddutro@stewartsigns.com

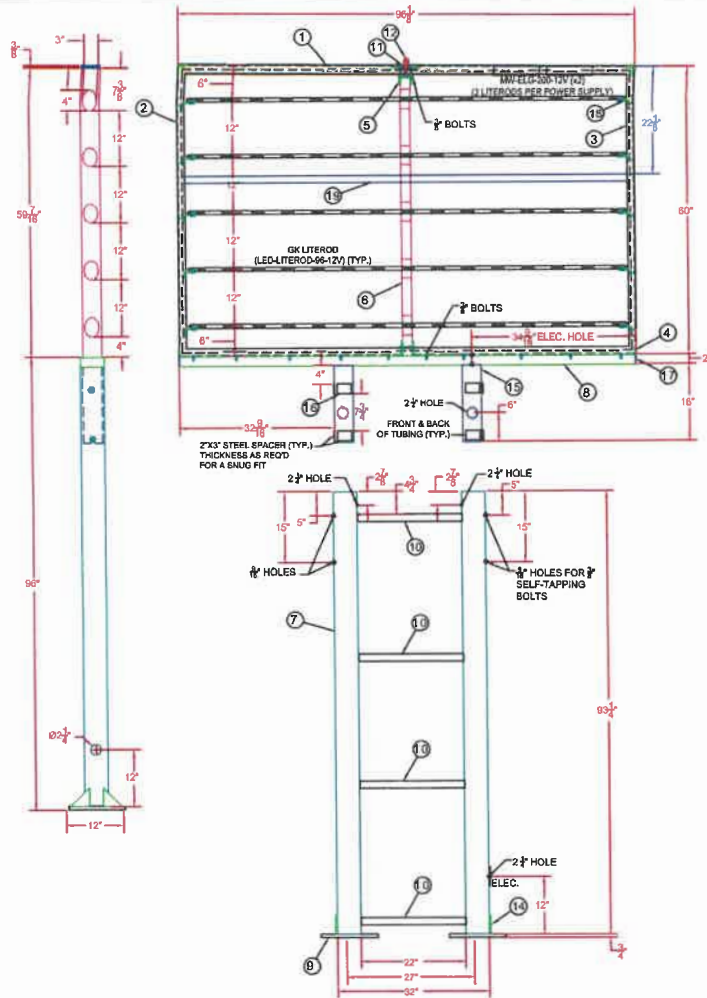
## CUSTOMER INFORMATION

NEW ERA BAPTIST CHURCH  
5 COTTON AVE. SW  
BIRMINGHAM, AL 35211  
Customer #1079628  
Quote #980598-1

## SIGN SPECIFICATIONS

Sign Model: Announcer (B)  
ID Cabinet Size: 5' x 8'  
Leg Height: 8' 0"  
Leg Width: 2' 8"  
Windload: 120 mph Exposure B  
On Center Dimension: 27"





ITEM	QTY.	DESCRIPTION
①	2	10" WIDE EXTRUSION
②	2	10" NARROW EXTRUSION
③	4	1 3/4" X 1 1/2" ALUMINUM RETAINER
④	4	ALUMINUM EXTRUSION CORNER SUPPORT ANGLES 1 1/2" X 1 1/2" X 1/8"
⑤	4	2" X 3" X 3/16" ALUMINUM ANGLE
⑥	1	2" X 4" X 3/8" STEEL TUBE
⑦	2	5" X 5" X 3/8" STEEL TUBE
⑧	1	2" X 5" X 3/8" STEEL TUBE
⑨	2	12" X 12" X 3/4" STEEL BASE PLATE
⑩	4	1 1/2" X 1 1/2" X 1/8" STEEL ANGLE
⑪	1	2" X 4" X 3/8" STEEL CAP
⑫	1	1/2" EYEBOLT
⑬	1	REPLACEMENT BOLT FOR EYEBOLT
⑭	4	4" X 4" X 3/8" GUSSET
⑮	2	4" X 4" X 3/8" STEEL TUBE
⑯	12	2"X3" STEEL SPACER THICKNESS AS REQ'D FOR SNUG FIT
⑰	2	2" X 5" X 3/8" STEEL CAP
⑱	10	CUSTOM MOUNTING BRACKET
⑲	1	H-BAR @ 22 1/8" FROM TOP OF CABINET TO TOP OF H-BAR

DRAWING DESIGNED TO BE PRINTED ON 8 1/2"X14" PAPER



Date: 09-23-21  
 Drawn by: JRM

S.S. TEMPLATE MUST BE USED TO SET THREADED RODS INTO CONCRETE

Sign Model:  
 ANNOUNCER 58

Page  
 1 OF 2

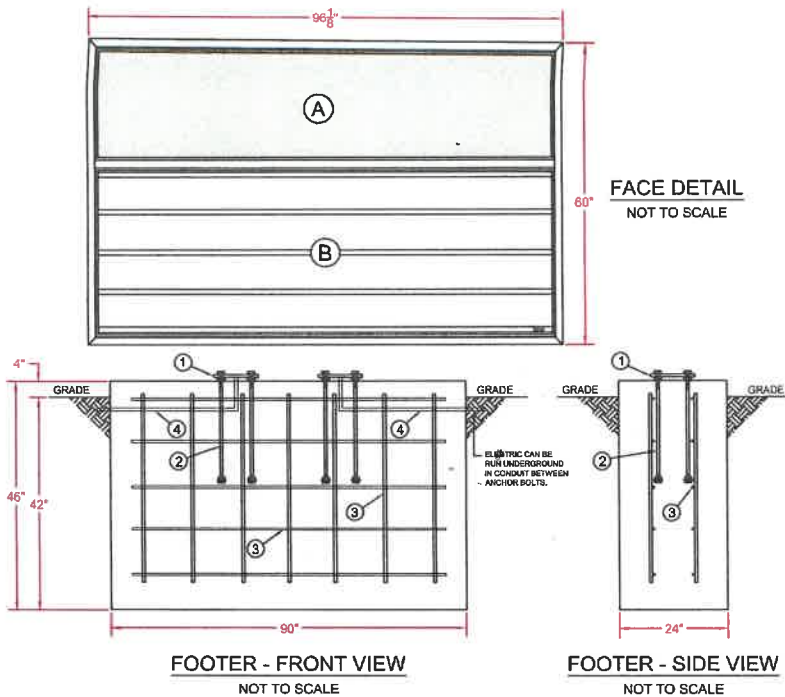
Drawing #:  
 ANN-58-10-PED

Sketch #:  
 980598-1b

Customer #:  
 1079628

Customer Name:  
 NEW ERA BAPTIST CHURCH

Customer Address:  
 5 COTTON AVE. SW  
 BIRMINGHAM, AL 35211



**FACE DETAIL**

- A. HEADER PANEL SECTION, 3/8" THERMO-FORMED UV RESISTANT MAKROLON SL POLYCARBONATE DECORATION PER STEWART SIGNS ARTWORK. DECORATED WITH 3M HIGH PERFORMANCE TRANSLUCENT VINYL.
- B. MARQUEE SECTION, 3/8" THERMO-FORMED WITH PLANKING, UV RESISTANT MAKROLON SL POLYCARBONATE

**FOOTER DETAIL**

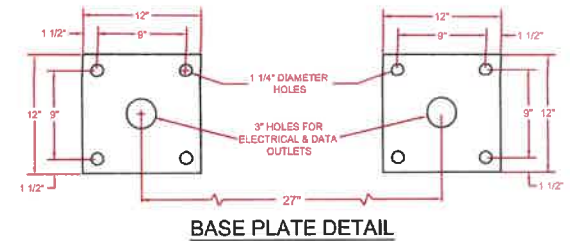
1. 12"x12"x3/4" STEEL BASE PLATES, 2 REQUIRED
2. 1"x30" ANCHOR ROD, 8 REQUIRED
- TAPE THE EXPOSED TOP OF THE THREADED RODS FOR PROTECTION AGAINST CONCRETE.
3. #5 REBAR OR BETTER, TIED AT EACH JOINT. SUPPLIED BY THE CUSTOMER
4. CONDUIT, SUPPLIED BY THE CUSTOMER

**NOTES**

- THIS DESIGN IS PROTOTYPICAL AND SHOULD NOT BE USED FOR SITE SPECIFIC APPLICATIONS UNLESS REVIEWED AND DEEMED SUITABLE FOR USE AT THAT SITE BY A COMPETENT PROFESSIONAL ENGINEER.
- DESIGNED FACTOR MEETS OR EXCEEDS 120 MPH WIND LOAD, EXPOSURE B.
- 3,000 PSI CONCRETE - LESS THAN 2.25 CUBIC YARDS NECESSARY

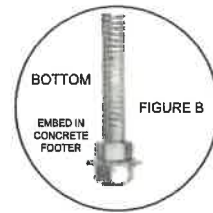
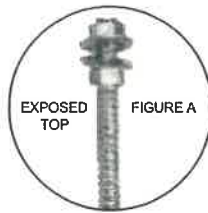
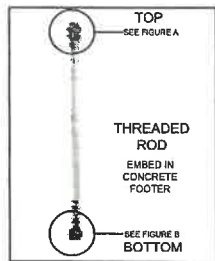
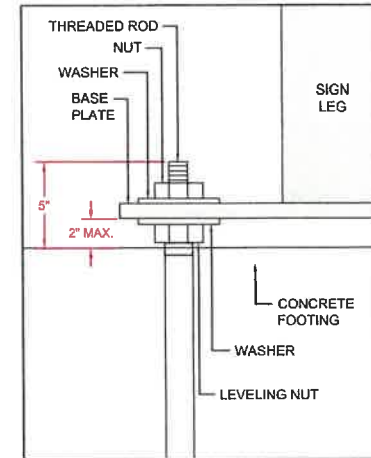
**ELECTRICAL INFO**

- (1) 20 AMP CIRCUIT, 120 VOLTS, MAX DRAW: 2 AMPS
- UL LISTED - E50724
- SIGNS SHALL BE GROUNDED BY CONNECTION TO THE EQUIPMENT GROUNDING CONDUCTOR OF THE SUPPLY BRANCH CIRCUIT.



**BASE PLATE DETAIL**

NOT TO SCALE  
DATA CABLE (IF APPLICABLE) MUST BE PLACED IN SEPARATE CONDUIT FROM ELECTRICAL



DRAWING DESIGNED TO BE PRINTED ON 8 1/2"x14" PAPER



Date: 09-23-21  
Drawn by: JRM

S.S. TEMPLATE MUST BE USED TO SET THREADED RODS INTO CONCRETE

Sign Model: ANNOUNCER 58

Page 2 OF 2

REV	DESCRIPTION

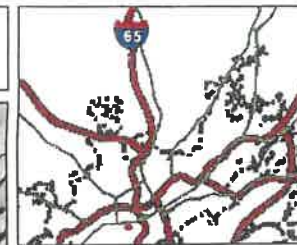
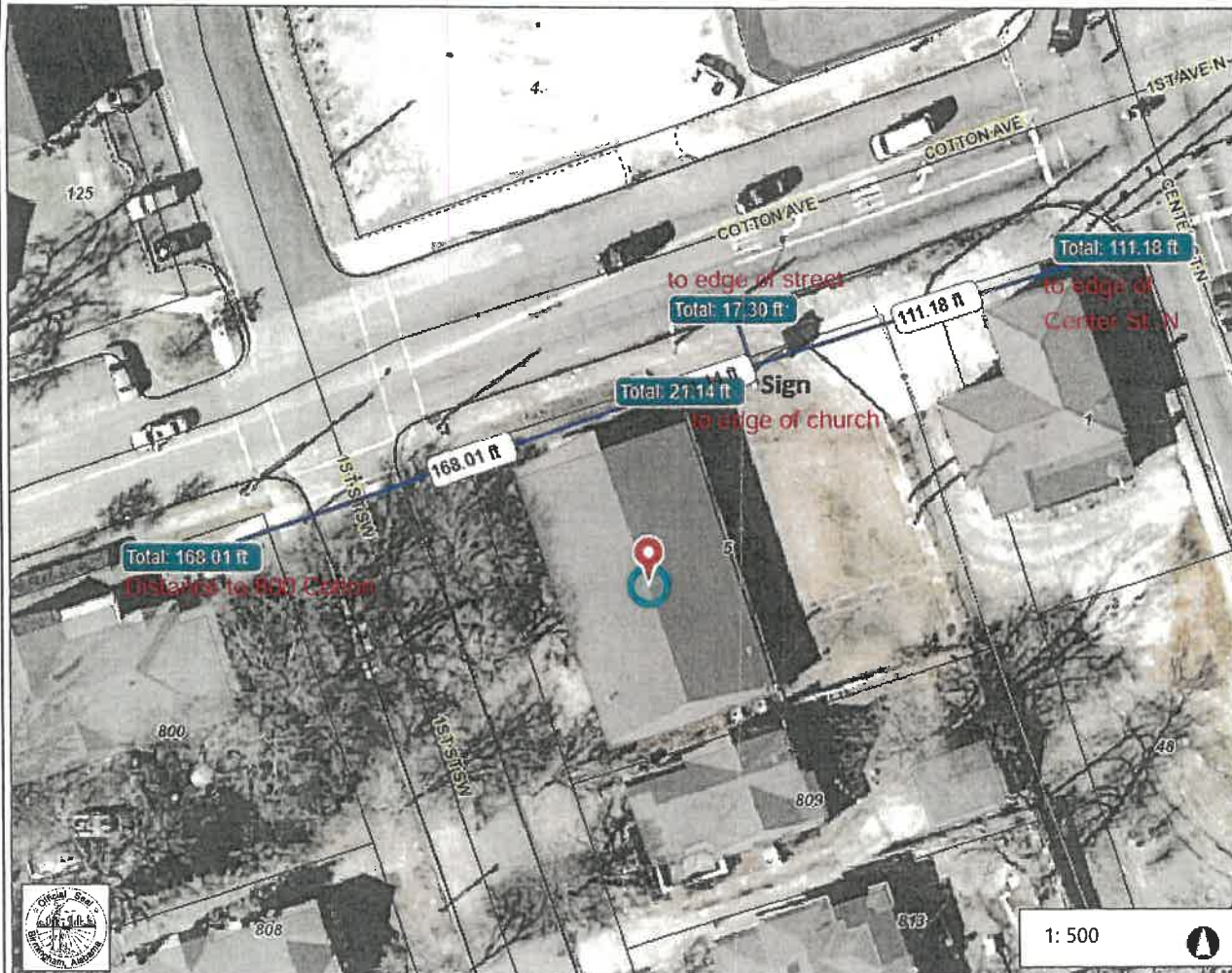
Drawing #: ANN-58-10-PED

Sketch #: 980598-1b

Customer #: 1079628

Customer Name: NEW ERA BAPTIST CHURCH

Customer Address: 5 COTTON AVE. SW BIRMINGHAM, AL 35211



Legend

- Centerline Labels
- + Railroad
- Parking
- Alley
- Traveled Way
- Paving Labels
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Limited Access
- Ramp
- ▭ Buildings
- Hydrology Lines
- ▭ Hydrology Areas
- ▭ Parcels
- ▨ City Parks
- ▭ Airport
- 2015 Imagery
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



83.3 0 41.67 83.3 Feet

1: 500



Notes



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00060**

**Crestwood South Neighborhood**

***Request:***

Special exception to allow an event center.

***Applicant:***

DeAngel Enge

***Location:***

7001 Crestwood Blvd Ste 414, Birmingham AL 35210

Parcel #012300271002002000

NE of Section 27, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing an event center with the hours of operations being 9:00am- 9:00pm Sunday to Thursday and 9:00am-12:00 midnight Friday to Saturday.

***Staff Analysis:***

The subject property is currently zoned B-5 (Mixed Business District). The subject property is surrounded by parcels zoned B-5 (Mixed Business District) while parcels south are zoned R-2 (Single Family 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.

***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 ***Crestwood South Neighborhood Association*** will vote prior to the meeting. Ms. Janick located at 1316 Cresthill Rd has opposed to the request. Ms. Berres located at 1600 Cresthill Rd has opposed the request due to potential loud music.

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

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

A Dilemma Design at PURPLE Event Center provides a fantastic atmosphere for corporate events and off-site gatherings: from boxed lunches to catered meals our elegant venue is available to suit any group (large or small). We offer wireless internet access to accommodate training seminars.

Whether your team is meeting for business or pleasure, corporate occasions bring everyone to the table at PURPLE Event Center. We are available for multi-day corporate events and company functions that demand a private space for many local or out-of-town employees. Let us know how we can accommodate your Corporate Events. **Planning and Catering Available**

If you would like to book a Corporate Event at our Venue, our event planning services may be added upon request, to your booking date per planner availability. DeAngel offers a full range of event planning and can take care of the biggest and smallest details for you. Whether you want to meet for donuts and coffee, luncheon or serve a gourmet dinner, our Catering is available.

Our venue is perfect for large business presentations, office ceremonies and celebrations, retirement parties and much more. Please contact A Dilemma Design at PURPLE Event Center to inquire about our Corporate Event Rates.

**Book Your Event with Us**

A Dilemma Design at PURPLE Event Center is conveniently located near downtown and airport. Using A Dilemma Design at PURPLE Event Center works well for businesses as well as families and social events. Keep a controlled environment for your employees to celebrate responsibly and away from the everyday norm of the office.

With space available for up to 130 seated guests or 150 standing Cocktail Party, we can accommodate you. Delicious menu choices and attractive decorations are also adjusted according to your needs and preferences. We offer an array of décor rental, as we pride ourselves with our preferred vendors who are ready to assist you in making your dream a reality.

Our spacious banquet room has plenty of space for dancing, dining, and fun. Our facilities offer plenty of parking with handicap access. Our restrooms are updated and professionally cleaned and maintained. We also have an available kitchen prep area.

**A Dilemma Design at PURPLE Event Center Office Hours:**

Someone will be available to answer or return your calls during this time frame. If no one is available, please leave a message on our voicemail. We will graciously return your call.

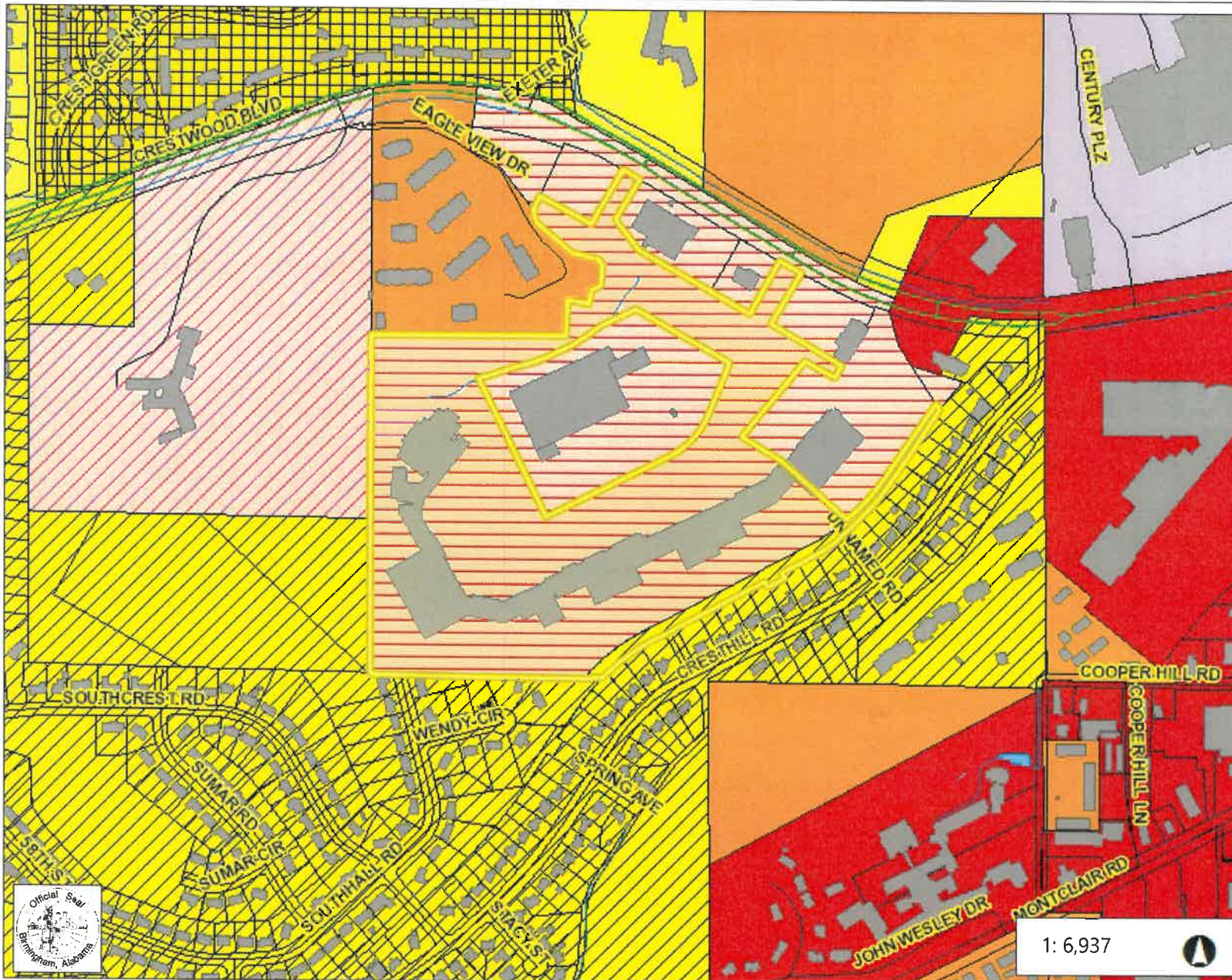
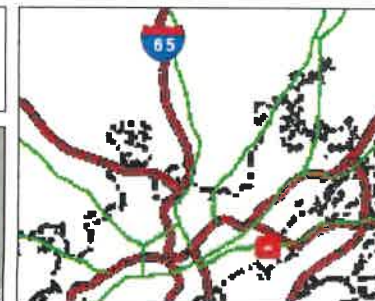
- 10:00 am-5:00 pm Monday-Friday

**A Dilemma Design at PURPLE Event Center Building Hours:**



Time frame that PURPLE Event Center is available for rent. You must factor in time for load in, set up, event and load out within the block of time allotted for your particular event. Special time arrangements can be made based on availability.

- 9:00am – 9:00pm Sunday to Thursday
- 9:00am – 12:00 midnight Friday to Saturday



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



1,156.2 0 578.09 1,156.2 Feet

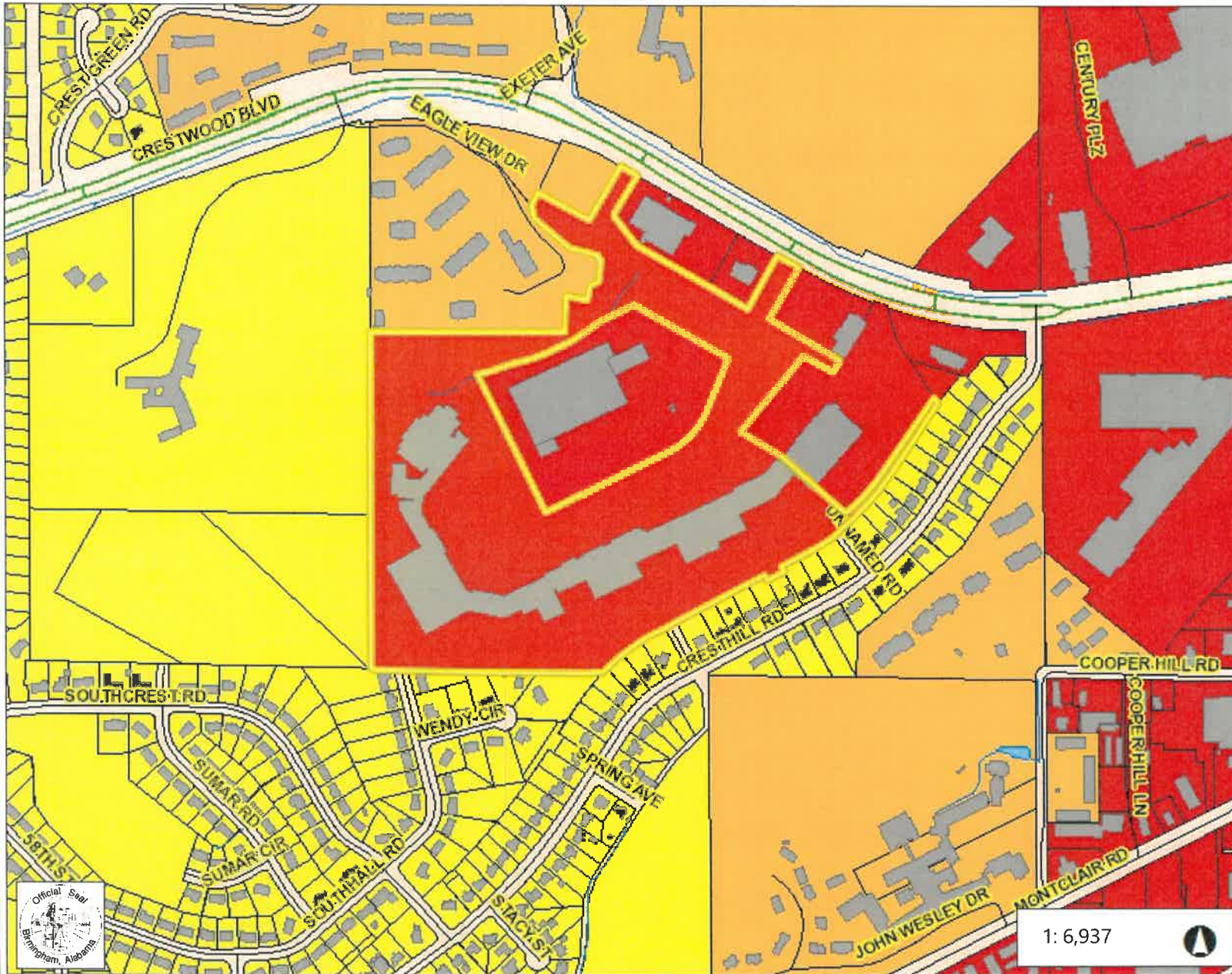
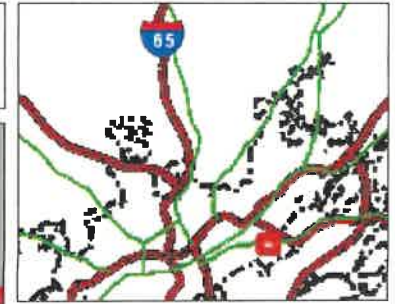
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1: 6,937



Notes





Legend

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- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
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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



1: 6,937



1,156.2      0      578.09      1,156.2 Feet

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Notes





### Crestwood Festival Center

#### Tenant Index

Unit #	Company	Square Feet
102	H&R Block	4,789
108	Dress Code	5,816
112	Groomer Transportation	1,505
114	Honey Baked Ham	3,452
116	Available	2,003
118	First Choice Staffing	2,430
120	Available	1,600
200	Magic City Eplex	17,690
300	Bargain Hunt	25,000
410	Sneaker Lounge	1,640
412	Los Arcos	3,600
414	Available	4,450
416	EVOL Ink	3,300
418	Stylez	3,353
500	Dollar Tree	200,367
600	The Mattress Warehouse	15,000
602	Professional Transportation	1,850
604	Superior Comics and Games	3,562
606	Sushi Village	3,200
610	Karen Morse Insurance Agency	1,629
612-614	Heavy Metal Strength/Condition	1,191
616	Off the Wall at Crestwood	12,095
802	City of Birmingham	2,744
804	Fall Injury Prevention and Rehabilitation	2,700
806	Lux Decore	1,400
808	Perfect Print	1,000
810	Perfect Place for Events	6,879
820	Available	1,875
822	Birmingham Healthcare	2,619
900	Burlington Coat Factory	69,082
1002	Elaine's Fashions	1,400
1004	Jimmy's Barber	1,350
1006	Available	1,200
1008	Fancy Nails	1,201
1010	Weight Loss	900
1012	Golden Rooster, LLC	1,780
1014	National Vision, Inc	4,318
1100	Steel City Jump Park	12,428
1202	Yummy Ice Cream	750
1204	Miracle Works Alterations	801
1206	Martha's Hairbraiding	814
1208	Edge Theater Group	965
U 1	Home Depot	101,830
U 2	Vacant	52,000
U 3	New China Buffet	9,450

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** October 28, 2021

**Time:** 2:00 P.M.

**Pre-Meeting:** 1:00 P.M.

**Place:** Webex

**ZBA2021-00061**

**Southside Neighborhood**

***Request:***

Parking modification to allow 0 off-street parking instead of the required 28 off-street parking spaces.

***Applicant:***

Justin Collier

***Location:***

3008 4<sup>th</sup> Ave S, Birmingham AL 35233

Parcel #012300312004005000

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

***Applicant's Proposal:***

The applicant is proposing a small event venue.

***Staff Analysis:***

The subject property is currently zoned M-1 (Light Industrial District). The subject property is surrounded by parcels zoned M-1 (Light Industrial District). The property is not located in the flood plain area; however, it is located in the Lakeview Commercial Revitalization District.

The applicant is proposing an event center. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA for an event center (2,808 sf) requiring 28 spaces. The applicant did not provide any parking on-site; therefore, a parking study was provided. There are other parking modification within the 1,320ft radius such as:

1. ZBA2020-00026, 3004 4<sup>th</sup> Ave S, Modification to allow 4 off street parking spaces instead of the required 23 off street parking spaces. **19 spaces lacking.**
2. ZBA2017-00083, 3000 3<sup>rd</sup> Ave S, Modification to allow 14 off street parking spaces instead of the required 9 off street parking spaces. **5 spaces lacking**
3. ZBA2013-00051, 3000 4<sup>th</sup> Ave S, Modification to allow 0 off street parking spaces instead of the required 70 off street parking spaces. **70 spaces lacking**

***Neighborhood Recommendation:***

The *Southside Neighborhood Association* does not have any officials.

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

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



**PARCEL ID:** 012300312004005000

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

**DATE:** Tuesday, October 19, 2021 9:51:23 AM

**OWNER:** WRIGHT WHEELER COMPTON JR

**ADDRESS:** 5119 SPLIT RAIL TRL

**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35244--1949

**SITE ADDR:** 3008 4TH AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$154,000.00

**BLDG:** \$80,100.00

**OTHER:** \$0.00

**AREA:** 7,148.15

**ACRES:** 0.16

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 447

**LOT:** 14

:

**Section:** 31-17-2W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Lakeview

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Southside (1703)

**Communities:** Southside (17)

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

**Zoning Outline:** M1

**Demolition Quadrants:** DEM Quadrant - 3

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

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

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

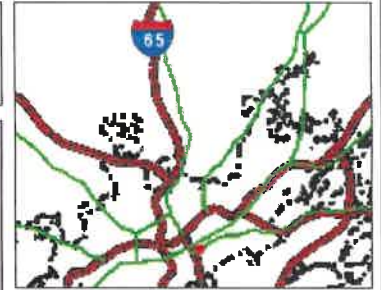
**Tax Delinquent Property:** Not in Tax Delinquent Property

**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

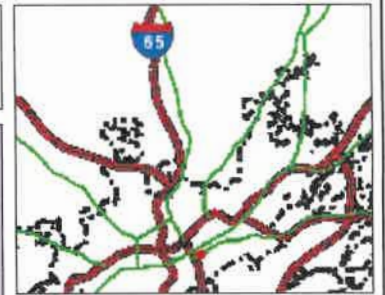
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Notes



100.0 0 50.00 100.0 Feet

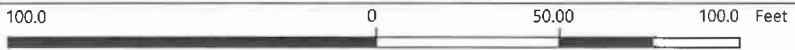
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  - Residential-High
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  - General Commercial
  - MXU-Low
  - MXU-Medium
  - MXU-High

Notes



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## Zoning Requirements

### Article V, Section 1

Dance hall, assembly or exhibition hall without fixed seats. One parking space for each 100 square feet of floor area used therefor.

Assembly Area = 2,828 SF

$2,808/100 = 28$  spaces req'd

Total Spaces Provided = 36

## Parking Study

The following parking study observed that, in most instances, the on-street spaces on this section of 4th Avenue S. remained mostly vacant. While parking demands often change, we feel the parking on this street and beyond is adequate to meet the needs of the event space and its 28 required spaces.

36 On-street Spaces





## Site Images

All images are taken looking up or down 4th Avenue S.  
Within these time windows, we observed the following conditions.

10/05/2021

6:00pm

Spaces Provided = 36  
Spaces Available = 34



10/06/2021

6:30pm

Spaces Provided = 36  
Spaces Available = 35



10/07/2021

6:00pm

Spaces Provided = 36  
Spaces Available = 33





## Site Images

All images are taken looking up or down 4th Avenue S.  
Within these time windows, we observed the following conditions.

**10/12/2021**

12:00pm

Spaces Provided = 36  
Spaces Available = 32



**10/13/2021**

1:00pm

Spaces Provided = 36  
Spaces Available = 31



**10/14/2021**

1:30pm

Spaces Provided = 36  
Spaces Available = 33



**10/12/2021**

3:00pm

Spaces Provided = 36  
Spaces Available = 32



**10/13/2021**

3:00pm

Spaces Provided = 36  
Spaces Available = 34



**10/14/2021**

3:30pm

Spaces Provided = 36  
Spaces Available = 32



**10/12/2021**

5:30pm

Spaces Provided = 36  
Spaces Available = 31



**10/13/2021**

5:45pm

Spaces Provided = 36  
Spaces Available = 34



**10/14/2021**

4:30

Spaces Provided = 36  
Spaces Available = 33

