



# CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

PUTTING PEOPLE FIRST

**RANDALL L. WOODFIN**  
MAYOR

**KATRINA THOMAS**  
DIRECTOR

**ZONING BOARD OF ADJUSTMENT MINUTES**  
**City Council Chambers**  
**2:00PM**  
**February 10, 2022**

**MEMBERS PRESENT:** Philip Foster, Acting Chairman  
Robert Littleton  
Madelaine Bowie  
Brandon Littleton  
Timothy Taylor  
Lissy Frese

**OTHERS PRESENT:** Timothy Gambrel, Chief Planner  
Kimberly Spearl, Zoning Administrator  
Angelica Moton, Planner  
Julie Barnard, Office of the City Attorney  
Lucious Jones, Zoning Inspector  
Johnathan Hogan, Zoning Inspector

Acting Chairman, Philip Foster, called the Zoning Board of Adjustment and Appeals meeting to order.

Case #: ZBA2021-00045

Request: Variance

Applicant: Sarah Grisworld

Site Address: 5405 Court I 35208

Owner: Sarah Grisworld

Description: 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.



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Applicant requested the case be continued to the next scheduled hearing.

Case #: ZBA2021-00066

Request: Variance

Applicant: Brent Atkinson

Site Address: 4806 6<sup>th</sup> Ave S

Owner: Dogwood Ridge Construction Inc

Description: Variance to allow the minimum lot width to be 43.50ft instead of the required minimum lot width of 50ft.

Madelaine Bowie made a motion to approve the variance request based upon the applicant meeting the six variance standards 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 lot must be resurveyed within 90 days of approval from the Board.

Motion second by Brandon Littleton. All in favor. Motion passes.

Case #: ZBA2021-00067

Request: Variance

Applicant: Brian Rosen

Site Address: 302 13<sup>th</sup> St S

Owner: Aptitude Birmingham

Description: The subject property is currently zoned M-1 (Light Manufacturing District). The subject property is surrounded by parcels zoned M-1 (Light Manufacturing District). The property is not located the floodplain area; however, it is located in the Midtown Commercial Revitalization District and will be subject to review and approval from design review. Staff recommends that the sign should not be larger than 55 square feet nor higher than the 18 feet in elevation above the ground.

Robert Littleton made a motion to continue the case to the next hearing. Motion second by Madelaine Bowie. All in favor. Motion passes.



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Case #: ZBA2021-00068

Request: Variance

Applicant: Andrew Tynes

Site Address: 1025 4<sup>th</sup> Ave W

Owner: Cultural and Educational Advance C/O

Description: Variance to allow attached signs in the D-3 residential zoning district.

Madelaine Bowie made a motion to approve the variance request based upon the applicant meeting the six variance standards and the support 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.

Motion second by Brandon Littleton. All in Favor. Motion passes.

Case #: ZBA2021-00069

Request: Special Exception; Modification

Applicant: Pamela Tubbs

Site Address: 1343 Bessemer Rd EN

Owner: Mac McCall

Description: Special Exception to allow an event center. A parking modification to allow for 31 parking spaces instead of the 40 spaces required.

Madelaine Bowie made a motion to continue the case to the next hearing. Motion second by Brandon Littleton. All in Favor. Motion passes.

Case #: ZBA2021-00070

Request: Variance

Applicant: David Brandt

Site Address: 140 Resource Center Parkway

Owner: LR Properties

Description: Variance to allow the total square footage of attached signs to be 436 square feet instead of the required maximum square footage of 150 square feet.

Lissy Frese made a motion to approve the variance request based upon the applicant meeting the six variance standards with the following conditions:



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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.

Motion second by Brandon Littleton. Madelaine Bowie, Lissy Frese, Philip Foster, Brandon Littleton and Timothy Taylor voted AY. Robert Littleton voted NAY. Motion passes.

Case #: ZBA2021-00071

Request: Variance

Applicant: Robert Mitchell

Site Address: 600 Mildred Ave

Owner: Bobby Love

Description: A variance to allow a 9ft front and rear yard setback instead of the required 25ft setback. A variance to allow the deck to have a setback of 3ft instead of the required 10ft setback.

Lissy Frese made a motion to approve the variance request based upon the applicant meeting the six variance standards 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. Applicant must go before the Subdivision Committee to create a lot of record before any permits can be obtained.

Motion second by Madelaine Bowie. All in Favor. Motion passes.

Case #: ZBA2021-00072

Request: Special Exception

Applicant: George Pritchett

Site Address: 900 18<sup>th</sup> St EN 35218

Owner: Dawkins Gwendolyn

Description: Special exception to allow resumption of a legal non-conforming auto repair shop.



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Robert Littleton made a motion to approve the special exception request 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. Applicant must obtain a business license within 30 days of approval from the Board.
4. The applicant is subject to the conditions of the automobile/light truck repair of the ordinance.

Motion second by Lissy Frese. Lissy Frese, Robert Littleton and Brandon Littleton voted AY. Philip Foster and Timothy Taylor voted NAY. Madelaine Bowie abstain from the vote. Motion fails.

Case #: ZBA2021-00073

Request: Variance

Applicant: Frank Fagg

Site Address: 2512 29<sup>th</sup> Ave N

Owner: Aubrey Bushelon

Description: Variance to allow an expansion of a legal nonconforming funeral home to allow a crematorium as an accessory use.

Madelaine Bowie made a motion to approve the variance request based upon the applicant meeting the six variance standards 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.

Motion second by Lissy Frese. All in Favor. Motion passes.



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Case #: ZBA2021-00074

Request: Special Exception

Applicant: Larry Bailey

Site Address: 515 1<sup>st</sup> St N

Owner: South Central Conference Assoc

Description: Variance to allow expansion of a legal non-conforming place of worship to allow for an accessory structure (church community feed distribution center). Variance to allow an accessory structure in the front yard area. Special exception to allow remote parking in the front yard. Variance to allow the amount of off-site parking to exceed the actual needs of the place of worship as demonstrated by the parking plan.

Case continued until the next hearing due to applicant absence.

Case #: ZBA2021-00075

Request: Variance

Applicant: Abraham Zaqut

Site Address: 2254 Bessemer Rd

Owner: Five Points West Shopping City

Description: A variance to allow a pawnshop within 2000 linear feet of another such business.

Applicant requested that the case be continued to the next hearing.

Case #: ZBA2021-00076

Request: Variance

Applicant: Joycelyn Williams

Site Address: 1314 & 1316 16<sup>th</sup> St N

Owner: Joycelyn Williams

Description: Variance to allow the minimum lot width property 1316 16th St N to be 43.83ft instead of the 50ft required and a variance from the side yard setbacks. Variance to allow the minimum lot width property 1314 16th St N to be 43.00ft instead of the 50ft required, variance from the side yard setbacks and a variance to expand a legal nonconforming structure to allow a porch in the rear of the property.

Robert Littleton made a motion to approve the variance request based upon the applicant meeting the six variance standards with the following conditions:



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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. Applicant must resurvey the lots within 90 days of the approval date from the board.

Motion second by Brandon Littleton. All in Favor. Motion passes.

Case #: ZBA2021-00077

Request: Modification

Applicant: Red Mountain Theatre Arts Company LLC

Site Address: 1621 & 1625 2<sup>nd</sup> Ave S

Owner: Red Mountain Theatre Arts Company LLC

Description: A modification to case ZBA2019-00049 to allow 50 off-street parking spaces instead of the required 98 off-street parking spaces to include the expansion of the development will require a modification of 50 off-street parking spaces instead of the required 185 off-street parking spaces.

Madelaine Bowie made a motion to approve the modification request based upon the applicant providing evidence that shows surplus parking 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.
3. Applicant must resurvey the lots within 90 days of approval date from the Board's decision.

Motion second by Robert Littleton. All in Favor. Motion passes.



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Case #: ZBA2021-00078

Request: Variance

Applicant: Calvin Moore

Site Address: 2713 Ensley Ave 35218

Owner: Agape Ministries

Description: Variance to allow an expansion to a legally non-conforming structure to allow an accessory use (Pre-K Classroom).

Robert Littleton made a motion to approve the variance request based upon the applicant meeting the six variance standards 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.

Motion second by Madelaine Bowie. All in Favor. Motion passes.