
Zoning Board of Adjustment Minutes

November 10, 2022

City Council Chambers

3:00 P.M.

MEMBERS PRESENT

Chairwoman Scottie Y. McClaney
Mr. Phillip Foster
Ms. Lissy Frese
Ms. Torin Darling Brazzle
Ms. Wanda Wright

STAFF PRESENT

Kim Speorl, Zoning Administrator
Jess Mays, ZBA Planner
Kasandra Brundidge, Zoning Supervisor
Dedra Campbell, Zoning Inspector
Julie Barnard, Assistant City Attorney

Chairwoman Scottie Y. McClaney called the meeting of the Zoning Board of Adjustment to order.

Lissy Frese made a motion to approve the minutes from the October 13, 2022 meeting.

Wanda Wright seconded this motion.

All in favor, the minutes from the October 13, 2022 meeting are approved.

1. Case Number: ZBA2022-00057.....Five Points South

Applicant: Henson Millsap

Site Address: 1200 2nd Avenue South, Birmingham, AL 35233

Owner: HESCO Parkside LLC

Description: Application requesting a variance to allow for a 19-foot setback instead of the required 50-foot setback in MU-D, Mixed-Use Downtown, for an outdoor door exercise yard for an animal boarding and daycare facility.

Torin Darling Brazzle made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Wanda Wright.

All in favor, motion carried.

APPROVED.

2. Case Number: ZBA2022-00063.....Overton

Applicant: Katie Fitzjarrald

Site Address: 4616 Highway 280 Birmingham, AL 35242

Owner: Target Corporation

Description: Request for a Variance to allow for an expansion of wayfinding monument signs that exceeds the maximum allowed by the Zoning Ordinance

Phillip Foster made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Lissy Frese.

All in favor, motion carried.

APPROVED.

3. Case Number: ZBA2022-00068.....Fountain Heights

Applicant: Derek J. Simpson

Site Address: 1713 4th Avenue North, Birmingham, AL 35203

Owner: Derek J. Simpson

Description: Application for a Special Exception to allow an Event Center in a B4 zoning district.

Lissy Frese made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Torin Daring Brazzle.

All in favor, motion carried.

APPROVED.

4. Case Number: ZBA2022-00069.....Norwood

Applicant: Jimmy Plott of Oil Equipment Co.

Site Address: 3030 12th Avenue North, Birmingham, AL 35234

Owner: 12th Avenue Properties

Description: Application requesting a Variance to replace a 6’-foot chain-link fence in the front yard along 31st St N and a Variance to include 3 strands of barbed wire at the top of the fence in a C-2, General Commercial District.

Lissy Frese made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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. An 8’ foot tall chain link fence in the front yard along 31st St N.
4. No barbed wire allowed in the front yard.
5. The landscaping along 31st St N must be installed along the side of the fence facing public Right-of-Way.
6. 6’ foot tall chain link fence with barbed wire permitted in rear and side yard only.

Motion to approve was seconded by Wanda Wright.

Roll Call vote was:

Lissy Frese: Yes

Phillip Foster: No

Scottie Y. McClaney: Yes

Torin Darling Brazzle: No

Wanda Wright: No

Motion does not carry.

DENIED.

5. Case Number: ZBA2022-00070.....East Lake

Applicant: Renetta Johnson

Site Address: 7019 1st Avenue North, Birmingham, AL 35206

Owner: Minor Breck

Description: Application for a Special Exception to allow a 4 bed Communal Living Facility offering maternal care to pregnant minors

Wanda Wright made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Phillip Foster.

All in favor, motion carried.

APPROVED.

6. Case Number: ZBA2022-00071.....Redmont Park

Applicant: Sissy Austin of Austin & Co.

Site Address: 3125 Argyle Road, Birmingham, AL 35213

Owner: Reynolds Thompson

Description: Application requesting a Variance to allow a swimming pool (Accessory Structure) in the front yard along Avon Circle

Torin Darling Brazzle made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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. If any changes are made to the site plan provided the applicant must return to the Redmont Park Neighborhood for the neighborhood to review the changes.

Motion to approve was seconded by Wanda Wright.

All in favor, motion carried.

APPROVED.

7. Case Number: ZBA2022-00073.....Fountain Heights

Applicant: Rachel Perry with Williams Blackstock Architects

Site Address: 1709 1st Avenue North, Birmingham, AL 35203

Owner: Bishop Van Moody

Description: Application requesting a Variance for a projecting sign that exceeds the maximum square footage allowed in the Zoning Ordinance

Phillip Foster made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Lissy Frese.

Roll Call vote was:

Lissy Frese: Yes

Phillip Foster: Yes

Scottie Y. McClaney: Yes

Torin Darling Brazzle: Abstain

Wanda Wright: Yes

Motion carried.

APPROVED.

8. Case Number: ZBA2022-00075.....Woodlawn

Applicant: Will Mason

Site Address: 5503 1st Avenue North, Birmingham, AL 35212

Owner: Will Mason

Description: Application requesting a Parking Modification to allow for 0 off-street parking spaces instead of the required 32 off-street parking spaces. Variance for attached signs that exceeds the number of attached signs allowed in the Zoning Ordinance

Lissy Frese made a motion to approve this case with the following conditions attached:

1. Review by the appropriate zoning inspector to ensure 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 to approve was seconded by Phillip Foster.

Roll Call vote was:

Lissy Frese: Yes

Phillip Foster: Yes

Scottie Y. McClaney: Yes

Torin Darling Brazzle: Abstain

Wanda Wright: Yes

Motion carried.

APPROVED.