

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**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 to costly for us to considered this option any further. However, I did call the Public Works Department and received two case number 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 department 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 ASSESSOR RECORDS      **TAX YEAR:** 2019

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

**OWNER:** GRISWOLD WILLIE B JR &

**ADDRESS:** 5405 COURT I

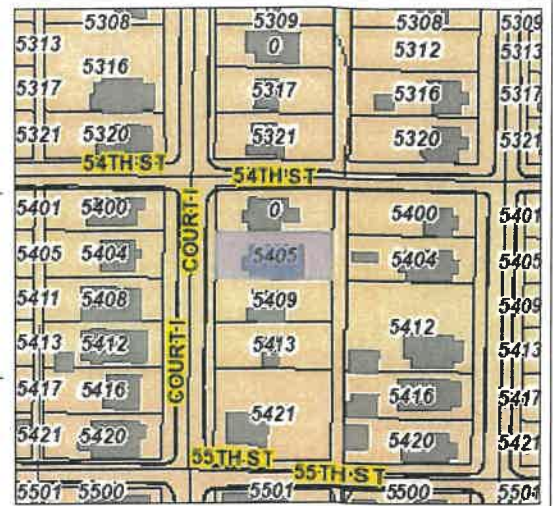
**CITY/STATE:** BIRMINGHAM AL

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

**SITE ADDR:** 5405 COURT I

**CITY/STATE:** BIRMINGHAM, AL

**ZIP:** 35208



**LAND:** \$12,700.00

**BLDG:** \$82,700.00

**OTHER:** \$0.00

**AREA:** 5,548.78

**ACRES:** 0.13

**SUBDIVISION INFORMATION:**

**NAME** MONTE SANO

**BLOCK:** 28

**LOT:** 8

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

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Belview Hghts (201)

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

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

**Zoning Outline:** D3

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

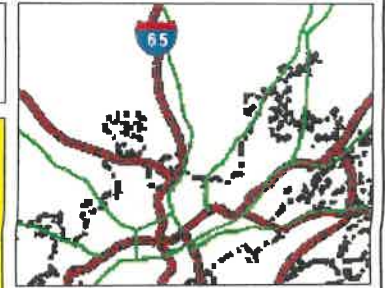
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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



Legend

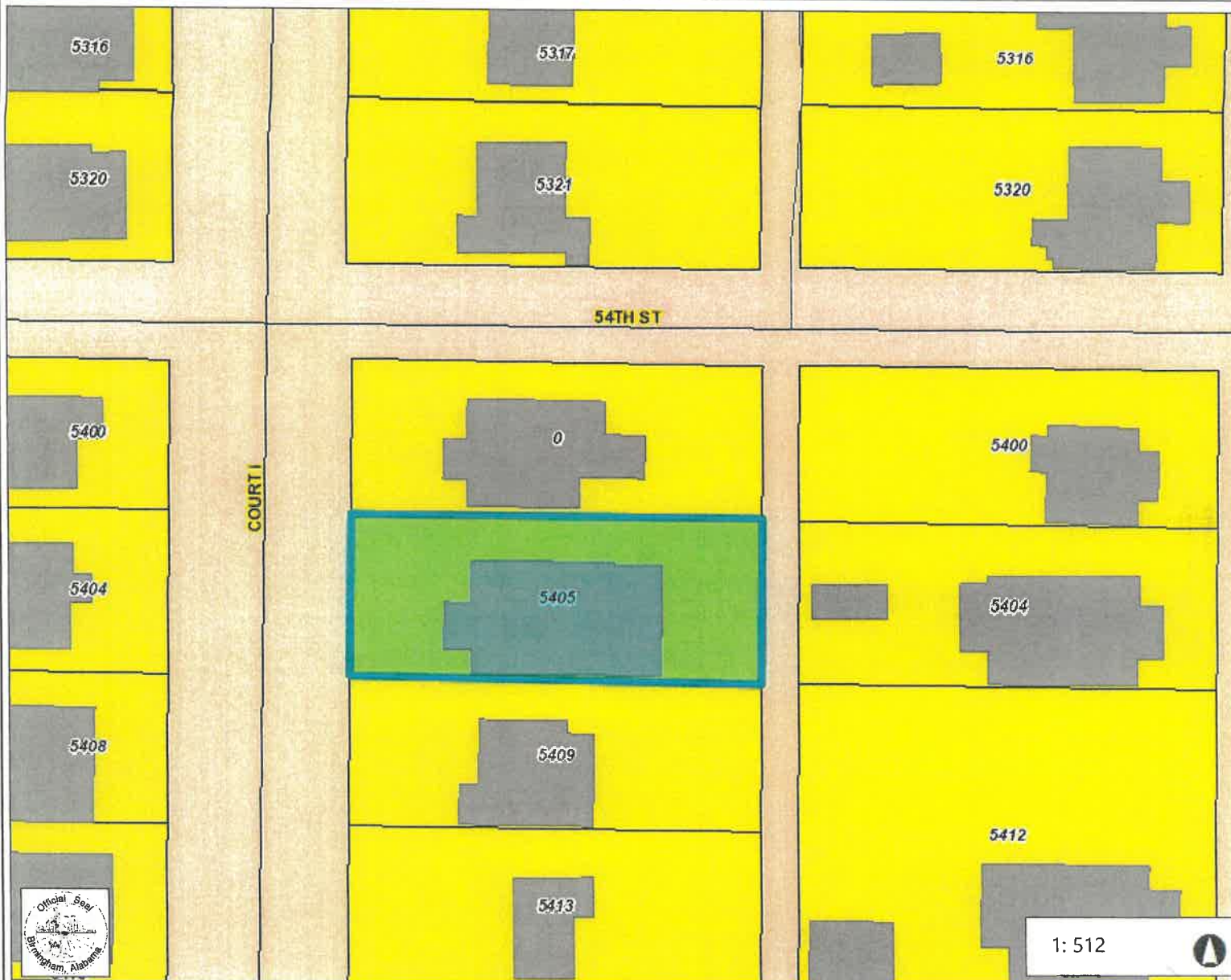
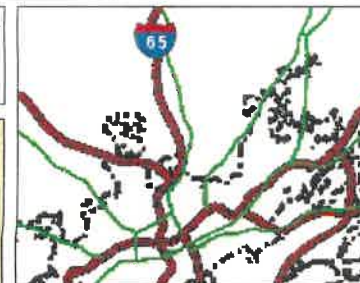
- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  -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



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

1: 512

Notes



Legend

- Centerline Labels
- Railroad
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- 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



85.3 0 42.67 85.3 Feet

1: 512

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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.

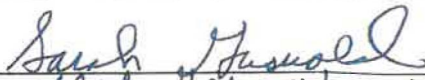
**Statement regarding Variance Standards:**

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.

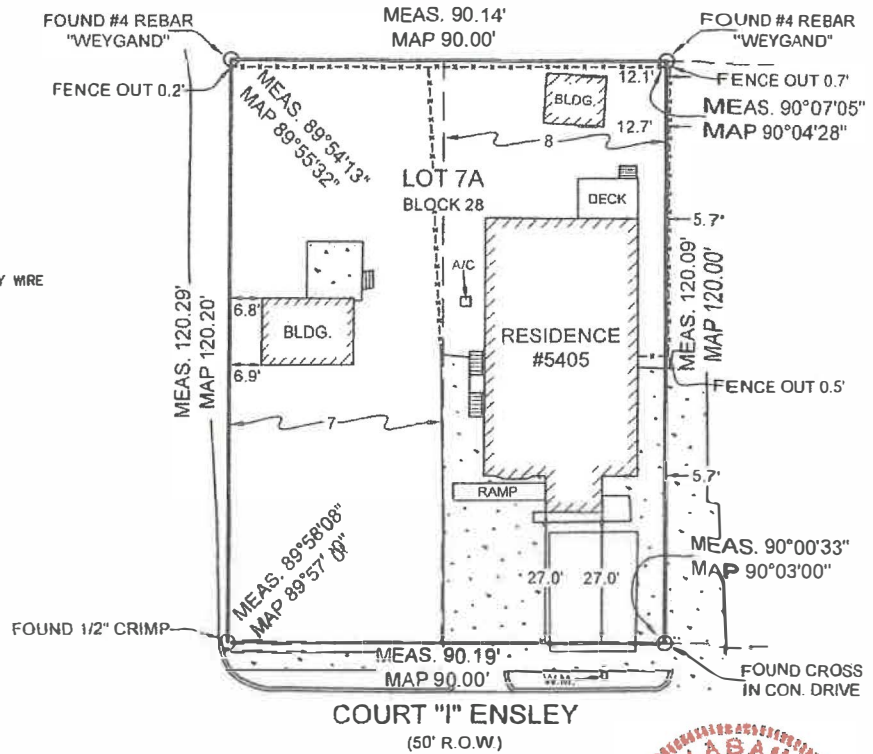
Witness my signature this the 29<sup>th</sup> Day of April 2021.

  
SARAH H. H. H. H. H. 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	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
*	POLE
—	ANCHOR
—X—	FENCE
—v—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE WALL COLUMN



SCALE: 1" = 30'

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Property Boundary Survey"

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

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

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



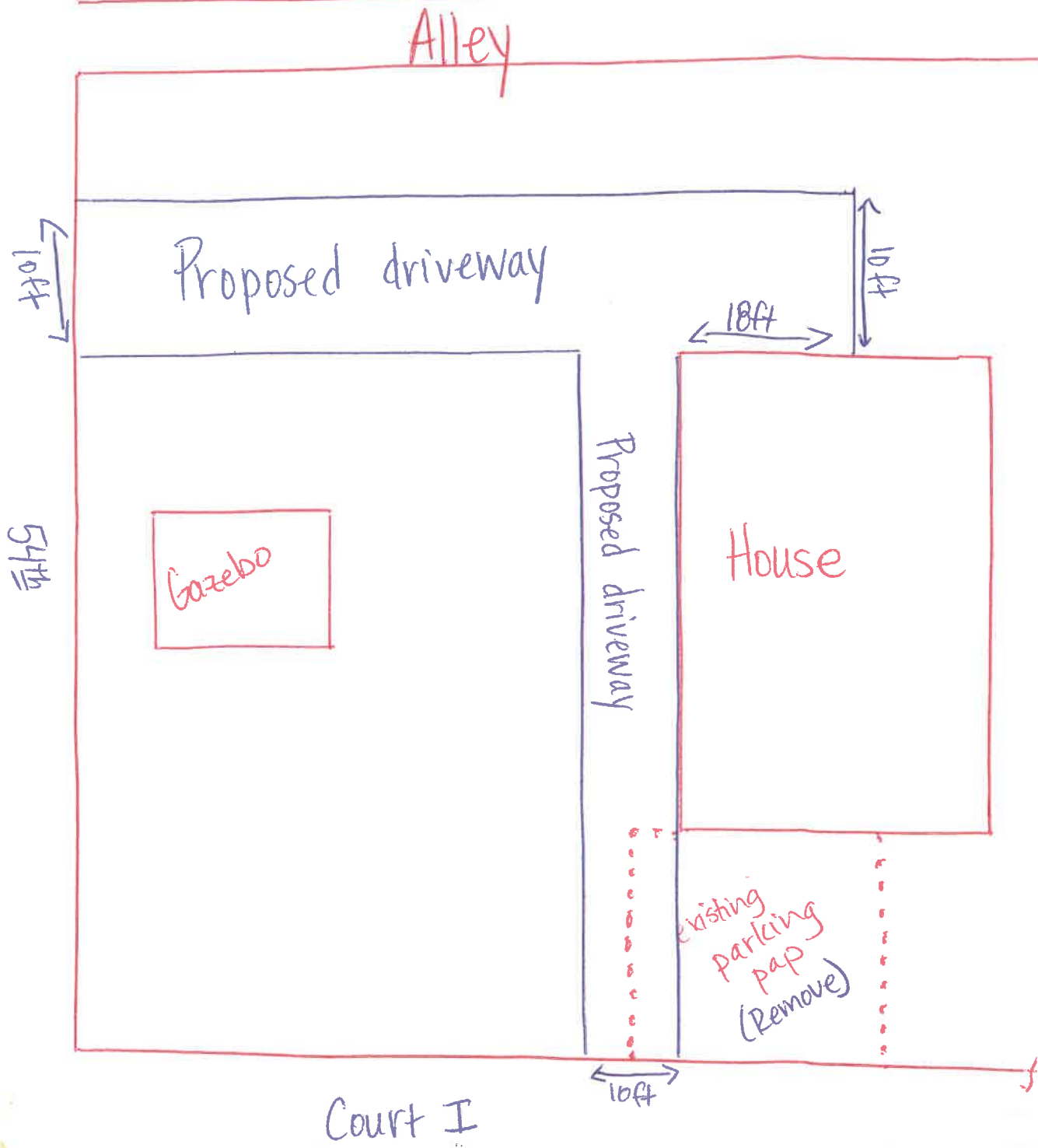
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records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



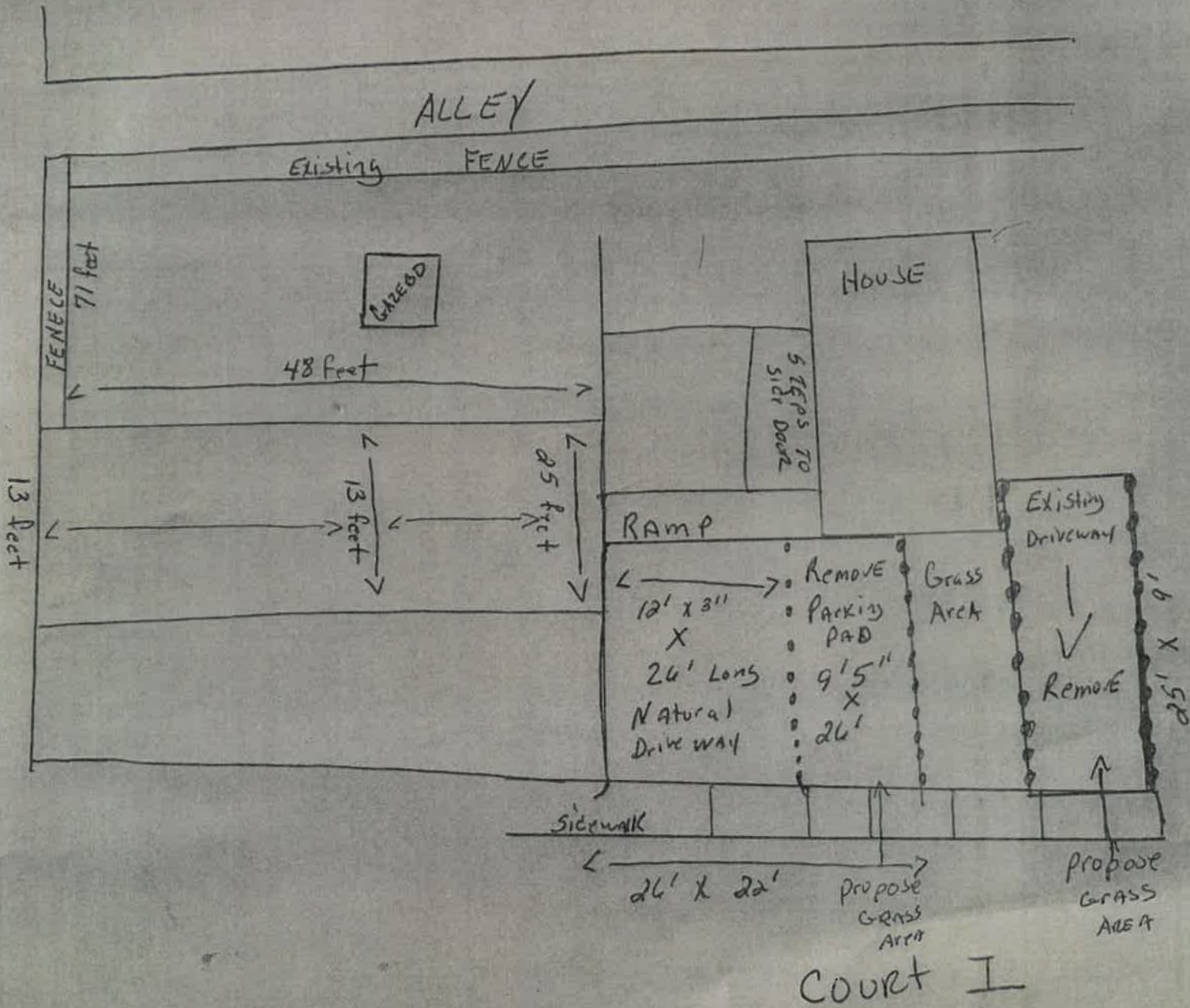


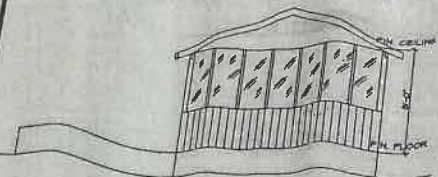






54th Street

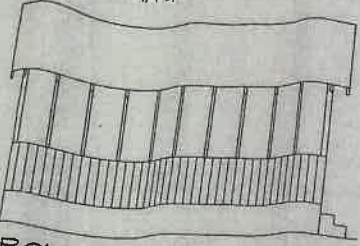




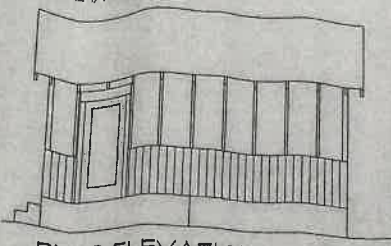
LEFT SIDE ELEVATION  
SCALE 1/4"=1'-0"



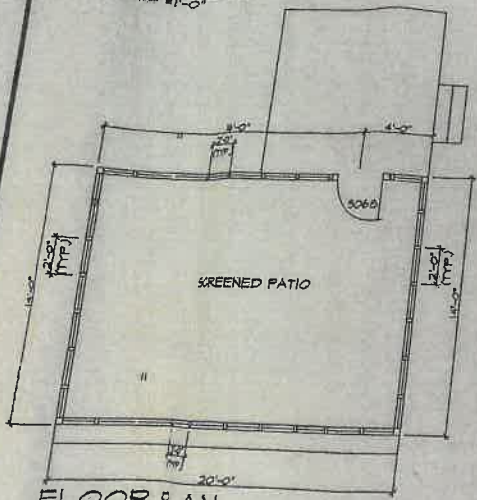
RIGHT SIDE ELEVATION  
SCALE 1/4"=1'-0"



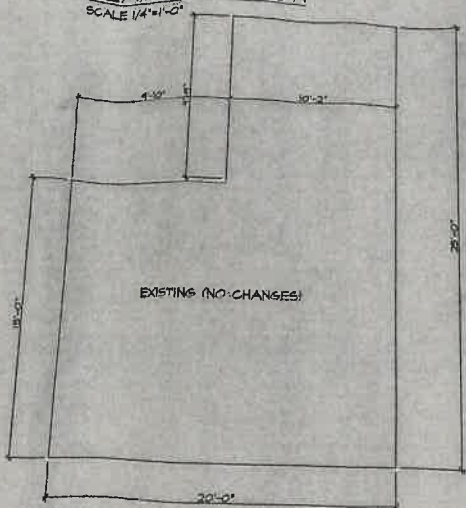
FRONT ELEVATION  
SCALE 1/4"=1'-0"



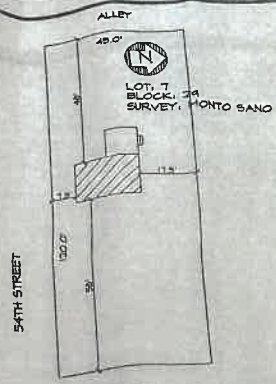
REAR ELEVATION  
SCALE 1/4"=1'-0"



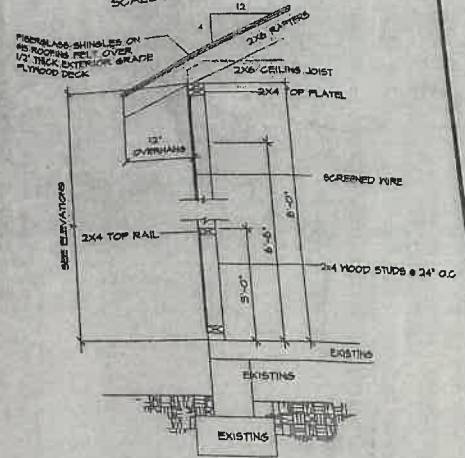
FLOOR PLAN  
SCALE 1/4"=1'-0"



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



SITE PLAN  
SCALE 1"=20'-0"



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

NEW SCREENED PATIO FOR:  
MR. WILLIE GRISWOLD  
5401- COURT 1'  
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

HEIGHT

Court



5400 Court I  
ZBA2021-00045



Image capture: Apr 2021 © 2021 Google

Birmingham, Alabama

Google

Street View - Apr 2021

HEIGHT

Court







**ZONING BOARD OF ADJUSTMENT**  
**Special Called Meeting Date:** February 10, 2022  
**Time:** 2:00 P.M.  
**Pre-Meeting:** 1:00 P.M.  
**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00066**

**Crestwood North Neighborhood**

***Request:***

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

***Applicant:***

Brent Atkinson

***Location:***

4806 6<sup>th</sup> Ave S 35222  
Parcel # 012300282030012000  
NW of Section 28, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is subdividing the lot into 2 lots to allow for an alley and a shared drive.

***Staff Analysis:***

The subject property is currently zoned R-3 (Single Family District). The subject property is surrounded by parcels zoned R-3 (Single Family District) with parcels north zoned B-2 (General Business District). The property is not located the floodplain area; however, it is located in the Woodlawn Highlands Historic District. The proposed subdivided lots will have a lot area of 6,101sq ft and 6,649sq ft and both lot widths will be 43.50ft.

***Per the Zoning Ordinance:***

<u>Maximum Height of Structure</u> Feet	<u>Minimum Yards</u>		<u>Minimum Side Yards</u>		Total both Sides	Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One Side				
35 feet	25 feet	25 feet	5 feet		14 feet	6,000 square feet	50 feet

***Neighborhood Recommendation:***

The ***Crestwood North Neighborhood Association*** voted to support the request. Resident Margaret Splane, located at 600 49<sup>th</sup> St S, would like to oppose the intentions of the owner building two properties instead of one. This will limit the greenspace on the properties. Also, there are two old trees towards the front of the property that will have to be cut down that she would like to preserve.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The lot must be resurveyed within 90 days of approval from the Board.

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00066**

**Crestwood North Neighborhood**

***Request:***

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

***Applicant:***

Brent Atkinson

***Location:***

4806 6<sup>th</sup> Ave S 35222

Parcel # 012300282030012000

NW of Section 28, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is subdividing the lot into 2 lots to allow for an alley and a shared drive.

***Staff Analysis:***

The subject property is currently zoned R-3 (Single Family District). The subject property is surrounded by parcels zoned R-3 (Single Family District) with parcels north zoned B-2 (General Business District). The property is not located the floodplain area; however, it is located in the Woodlawn Highlands Historic District. The proposed subdivided lots will have a lot area of 6,101sq ft and 6,649sq ft and both lot widths will be 43.50ft.

***Per the Zoning Ordinance:***

<u>Maximum Height of Structure</u> Feet	<u>Minimum Yards</u>		<u>Minimum Side Yards</u>		Total both Sides	Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One Side				
35 feet	25 feet	25 feet	5 feet		14 feet	6,000 square feet	50 feet

***Neighborhood Recommendation:***

The ***Crestwood North Neighborhood Association*** voted to support the request. Resident ***Margaret Splane***, located at 600 49<sup>th</sup> St S, would like to oppose the intentions of the owner building two properties instead of one. This will limit the greenspace on the properties. Also, there are two old trees towards the front of the property that will have to be cut down that she would like to preserve.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The lot must be resurveyed within 90 days of approval from the Board.



October 24, 2021

Ms. Angelica Moton  
ZBA Planner  
Planning, Engineering and Permits  
City of Birmingham

RE: 4806 6<sup>th</sup> Ave South – Lot Subdivision and Alley Variance

Ms. Moton,

I appreciate your help with this matter. Please see below answers to the (6) variance standards submitted in your earlier email.

1. Physical Characteristics of the Property –
  - a. This property is currently in a combined (2) track or lot format. This property also carries a great portion of City alleyway within its bounds on the eastern property line
2. Unique Characteristics –
  - a. The City alleyway currently sits within the eastern property line. This causing an issue in a typical subdivision of the lot into two equal portions meeting ZBA criteria
3. Hardship Not Self-Imposed –
  - a. This alley hardship was imposed years prior to my purchasing the property, or prior to any neighboring housing, fencing, shed placement, etc.
4. Financial Gain Not Only Basis –
  - a. The proposed solution is not based solely on financial gains. This decision also accounts for neighbors who dwell across the alley and their property currently situated within the alleys legal bounds. In moving this alley, it would create a situation requiring the movement of neighbors fencing, driveways, old growth pecan trees, gazebo, etc.
5. No Injury to Neighboring Property –
  - a. This proposal actually considers the neighboring property. This proposal would eliminate the need to perform any work on neighboring property vs. the required work listed above in #4
6. NO Harm to Public Welfare –
  - a. This proposal eliminates the need for public work, its required traffic control, alley closures, and liability of falling trees hitting utility lines, etc.

Please review and let me know if you have any questions or comments. I look forward to working with you through this process and value any help or feedback you may offer.

Thank You,

Brent Atkinson  
Dogwood Ridge Construction, Inc.  
205.229.2716

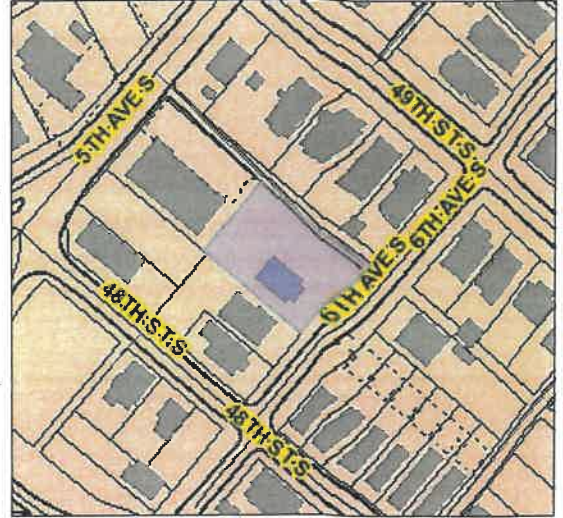


**PARCEL ID:** 012300282030012000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2019  
**DATE:** Tuesday, November 16, 2021 10:24:35 AM

**OWNER:** STEVEN RYALS  
**ADDRESS:** 4802 6TH AVENUE SOUTH  
**CITY/STATE:** BIRMINGHAM AL  
**ZIP+4:** 35222

**SITE ADDR:** 4806 6TH AVE S  
**CITY/STATE:** BHAM, AL  
**ZIP:** 35222



**LAND:** \$112,000.00      **BLDG:** \$0.00      **OTHER:** \$0.00

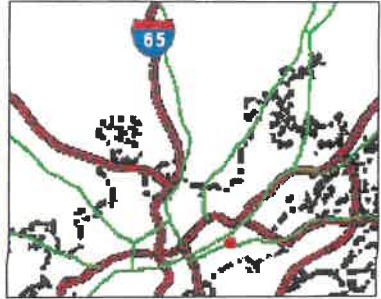
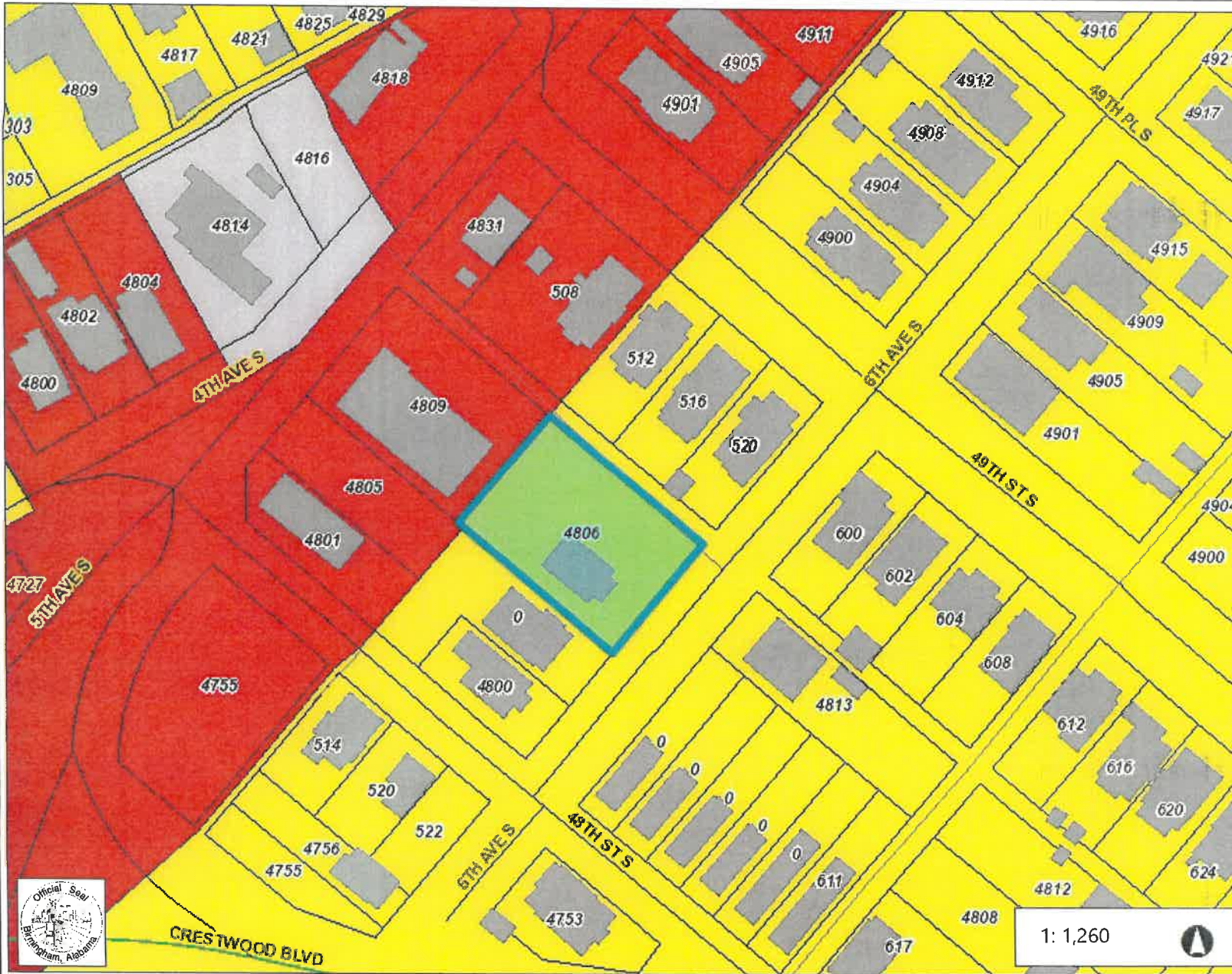
**AREA:** 14,591.26      **ACRES:** 0.33

**SUBDIVISION INFORMATION:**

**NAME** WOOD F M SUR 23-28-2      **BLOCK:** 2      **LOT:** 6

- Section:** 28-17-2W
- Land Slide Zones:** Not in Land Slide Zones
- Historic Districts:** Woodlawn Highlands
- 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:** Crestwood No (401)
- Communities:** Crestwood (4)
- Council Districts:** District - 5 (Councilor: Darrell O`Quinn)
- Zoning Outline:** R3
- 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

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



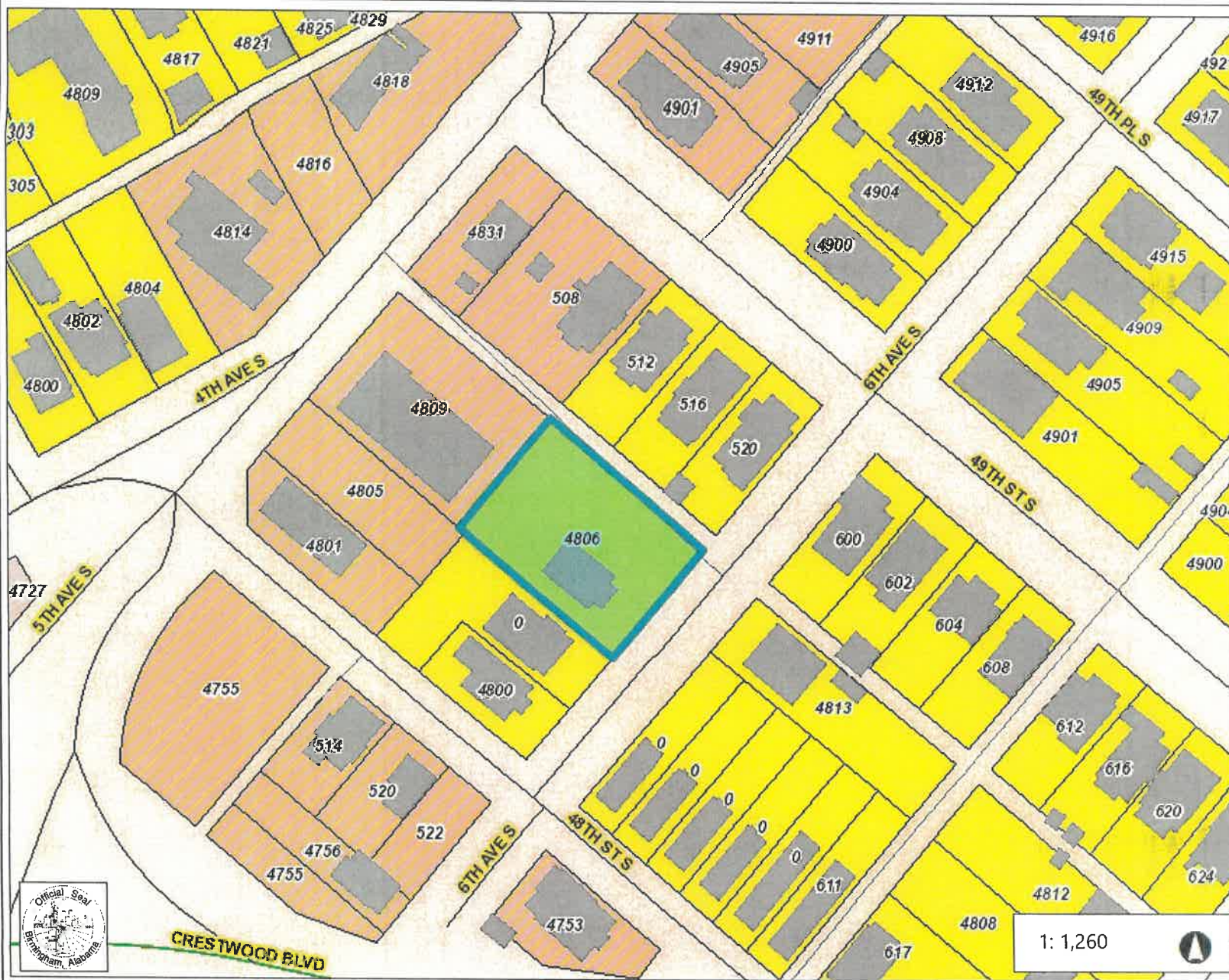
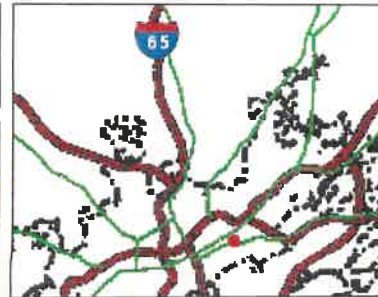
1: 1,260



210.0 0 105.02 210.0 Feet

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

Notes

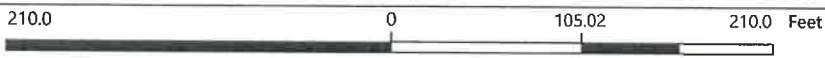


**Legend**

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



1: 1,260



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

Notes

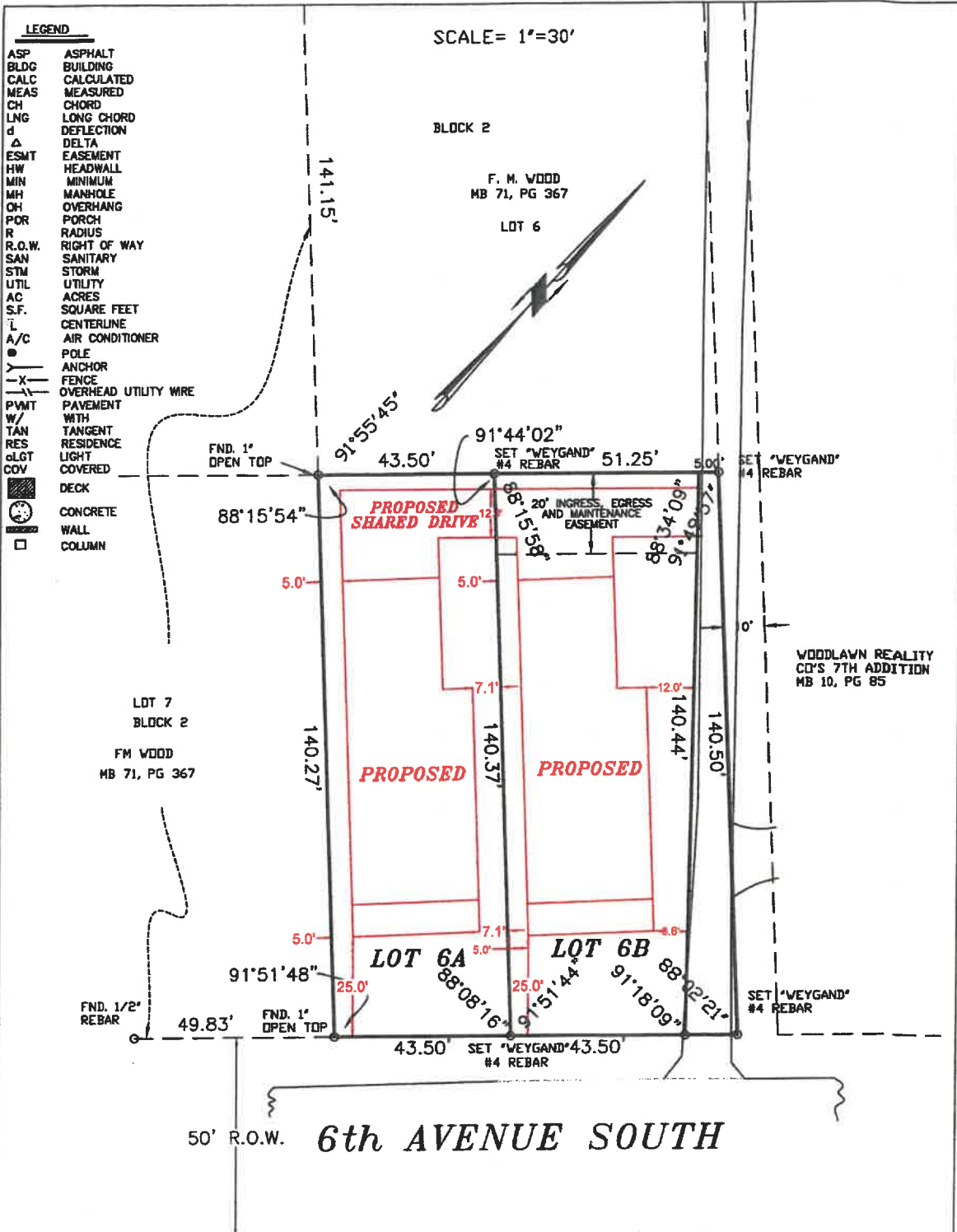
Google Maps 4806 6th Ave S



Birmingham, Alabama  
Google  
Street View - Jan 2022



Image capture: Jan 2022 © 2022 Google



**LEGEND**

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

SCALE = 1"=30'

BLOCK 2

F. M. WOOD  
MB 71, PG 367  
LOT 6

LOT 7  
BLOCK 2  
FM WOOD  
MB 71, PG 367

WOODLAWN REALTY  
CO'S 7TH ADDITION  
MB 10, PG 85

50' R.O.W. **6th AVENUE SOUTH**

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"PLOT-PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed the **LOT 6A & 6B OF DOGWOOD RIDGE RESURVEY #1 (PROPOSED RESURVEY RECORD MAP)**, as recorded in Map Volume \_\_\_\_, Page \_\_\_\_, 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 **NOVEMBER 3, 2021**. Survey invalid if not sealed in red.

Order No: 20212250  
Purchaser:  
Address: 4808 8th Ave S

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



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

**LEGEND**

SQ FT.....SQUARE FEET  
 AC.....ACRES  
 M/L.....METERS OR LEAS  
 Δ.....DELTA ANGLE  
 ∠.....DEFLECTION ANGLE  
 T.....TANGENT  
 R.....RADIUS  
 CL.....CHORD  
 L.....LENGTH  
 EMBT.....EMBANKMENT  
 M.....METERS  
 S.B.....SAP BOOK  
 A.....ANGLE  
 P.D.....PIED  
 R.O.W.....RIGHT-OF-WAY  
 C.....CURB  
 M.....METERS  
 S.B.....SAP BOOK  
 L.....LENGTH  
 S.....SLOPE  
 L.....LENGTH  
 S.B.....SAP BOOK  
 N.T.S.....NOT TO SCALE

# DOGWOOD RIDGE RESURVEY NO 1 6TH AVENUE SOUTH

SCALE = 1"=30'      DATE: DECEMBER 2021

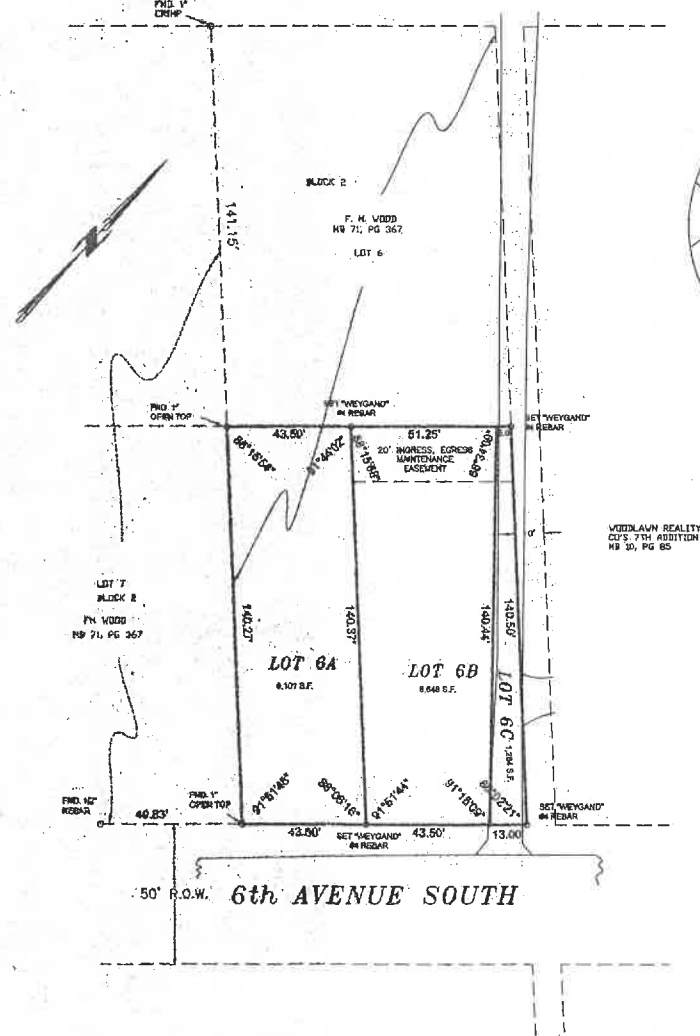
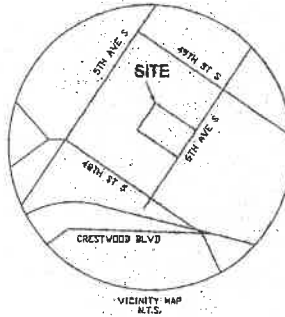
BEING A RESURVEY OF PART ON LOT 6, BLOCK 2 OF F. H. VOOD SURVEY  
 RECORDED IN MAP BOOK 71, PAGE 367 IN THE OFFICE OF THE JUDGE OF PROPRATE  
 JEFFERSON COUNTY, ALABAMA

SITUATED IN SW 1/4 OF NW 1/4 OF  
 SECTION 23, TOWNSHIP 17 SOUTH, RANGE 2 WEST  
 JEFFERSON COUNTY, ALABAMA

**WEYGAND SURVEYORS, INC.**  
 Roy Weygand, Reg. L.S. #24973  
 169 Osborn Road, Homewood, AL 35209  
 Phone: (205) 942-0056 Fax: (205) 942-0087

0      20'      40'      60'

**5th AVENUE SOUTH**



State of Alabama  
 Jefferson County

The undersigned, Roy Weygand, Registered Land Surveyor, State of Alabama, and Dogwood Ridge Construction, Inc., Owner, hereby certify that this plot or map was made pursuant to a survey made by said surveyor, and that this plot or map was made under the direction of said owner. That this plot or map is a true and correct plot or map of lots shown therein and known or to be known as DOGWOOD RIDGE RESURVEY NO 1 5TH AVENUE SOUTH, showing the subdivisions into which it is proposed to divide said lands, as DOGWOOD RIDGE RESURVEY NO 1 5TH AVENUE SOUTH, showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the location of the lots to be the map of F. H. VOOD (Map Book 71, Page 367) and to government survey of Sections 23, Township 17 South, Range 2 West, and that said lots have been located at all set corners and curve points as shown and designated by small open circles on said plot or map. I, Roy Weygand, hereby state that all parts of this survey and drawing have been completed in accordance with the current measurements of the Standards of Precision for Surveying in the State of Alabama to the best of my knowledge, information and belief. Said owner also certifies that it is the owner of said lands, and that the same is not subject to any mortgage. Said owner agrees that the City of Birmingham may, at any time, change the nature or existing grade of any street, alley or public ground, or any part thereof, from the natural or existing grade to the permanent grade without the payment of compensation or damage to the abutting owner; and this agreement shall be a covenant running with the lands. The undersigned appoints the City of Birmingham as agent for the purpose of filing said plot or map, together with this instrument, for record, and hereby that we have full authority to execute the instrument and map.

In Witness Whereof, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
 Roy Weygand  
 Reg. L.S. #24973

By: \_\_\_\_\_  
 Dogwood Ridge Construction, Inc. - Owner  
 Brent Aldison - Member

State of Alabama  
 Jefferson County

I, \_\_\_\_\_ as Notary Public in and for said County and State, do hereby certify that Roy Weygand, whose name is signed to the foregoing certificate as Land Surveyor, who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, he executed same voluntarily and with full authority therefor.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

By: \_\_\_\_\_  
 Notary Public - Commission Exp.

State of Alabama  
 Jefferson County

I, \_\_\_\_\_ as Notary Public in and for said County and State, do hereby certify that Brent Aldison, whose name is signed to the foregoing certificate as Member, and who is known to me, acknowledged before me, on this date, that being informed of the contents of said certificate, he executed same voluntarily and with full authority therefor.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

By: \_\_\_\_\_  
 Notary Public - Commission Exp.

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

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

NOTE:  
 Environmental Services Department approved lotlines that easements have been dedicated for future Jefferson County sanitary sewers however the cost of such sanitary sewers have been back or will be built in the future. Any change to the Right-of-Way or Easement boundaries after this date may void this approval.

Director of Environmental Services \_\_\_\_\_ Date: \_\_\_\_\_

- NOTES:**
- ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DESIGNATED EASEMENT.
  - BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING AND FOR SOIL CONDITIONS. THIS ENGINEER/LAND SURVEYOR IS NOT RESPONSIBLE FOR EITHER.
  - BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LOTS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT.
  - THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAINS, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
  - THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.
  - ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.
  - NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.
  - NO FENCE SHALL IMPEDERE THE FLOW OF WATER IN ANY DRAINAGE WAY.
  - WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE AND SUBSURFACE INVESTIGATIONS.
  - NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

**NOTE:**  
**THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. #1073C0394C, DATED SEPTEMBER 29, 2006.**





Area Calculations	
NAME	AREA
Heated	1654 sq ft.
Porches	222 sq ft.
Garage	675 sq ft.

Mark Tidwell & Associates  
 6947 Woodvale Lane  
 Trussville - AL - 35173  
 Phone: (205) 681-8438 E-Mail: mark@marktidwell.com

Mark Tidwell & Associates is not responsible for errors or omissions in this drawing. The contractor is responsible for verifying all dimensions and conditions prior to commencing construction. This drawing is not to be used for any other purpose without the written consent of Mark Tidwell & Associates.

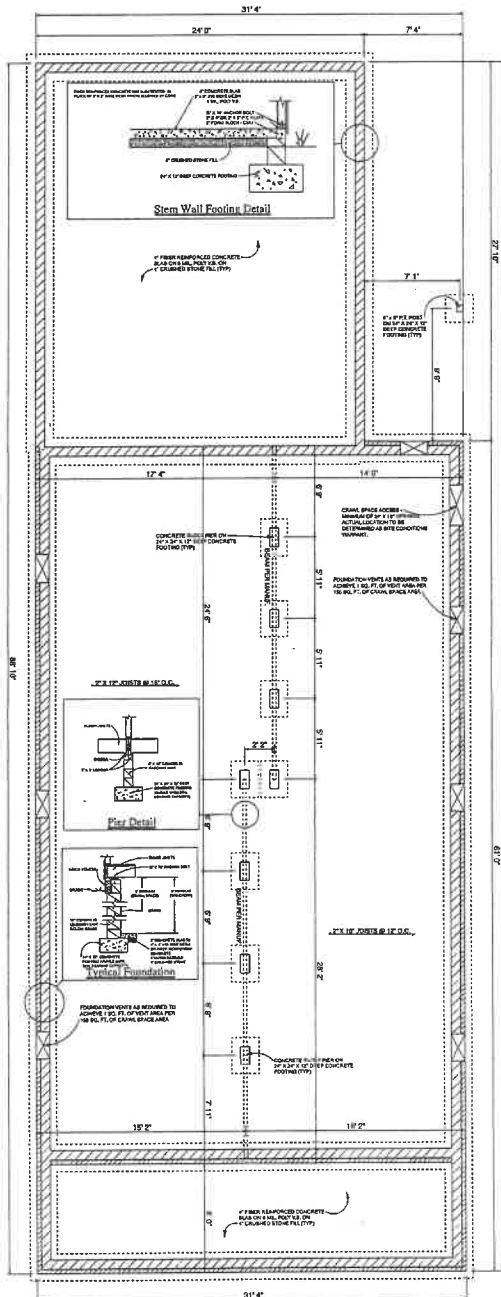
CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING CONSTRUCTION.  
 Dogwood Ridge Construction, Inc.

Scale: 3/8" = 1'-0"  
 Drawing Number: 2020-020 R  
 Date: Wednesday, September 8, 2021

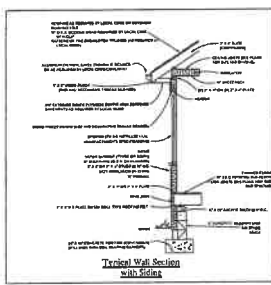
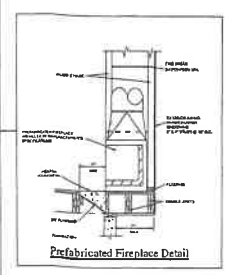
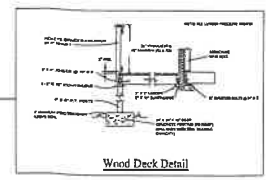
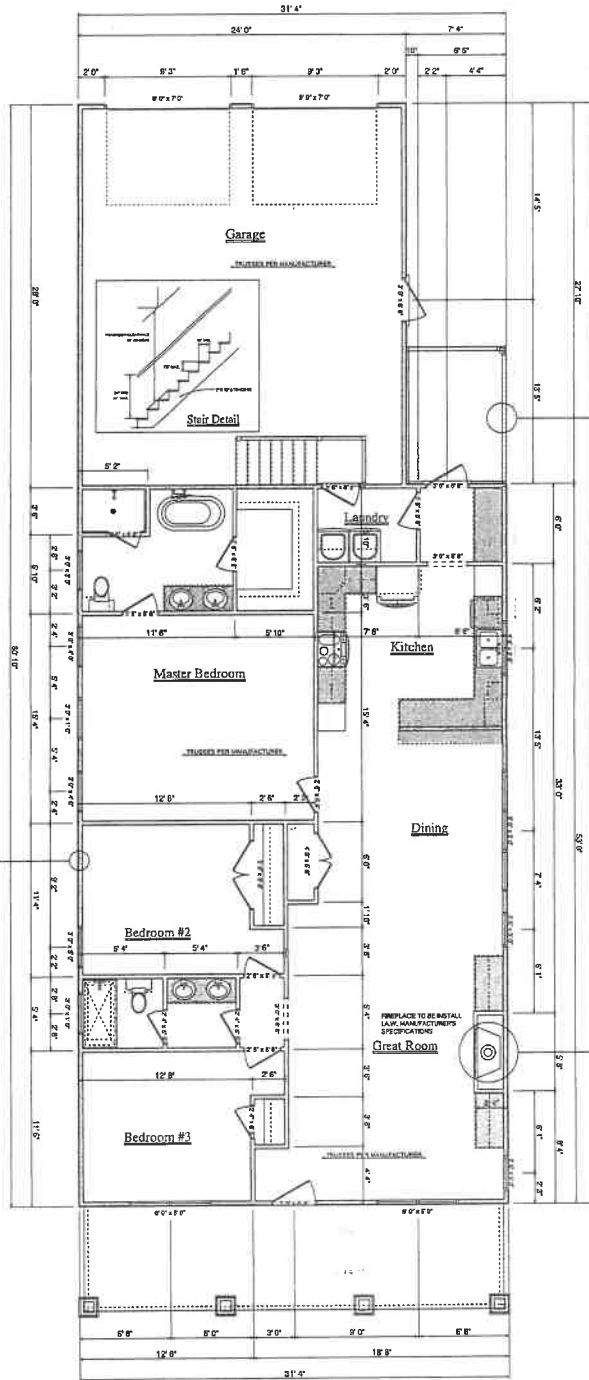
Cover Page

PAGE: 1

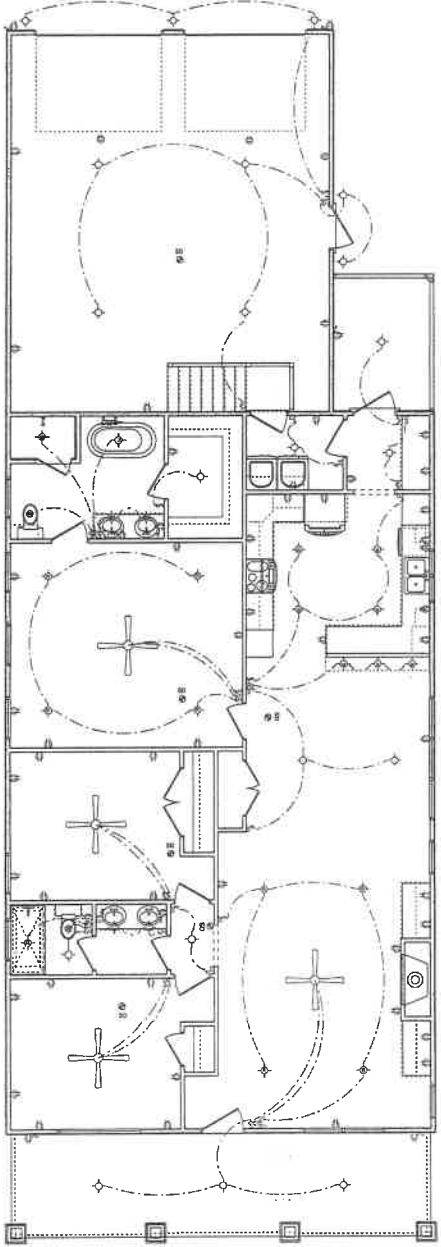


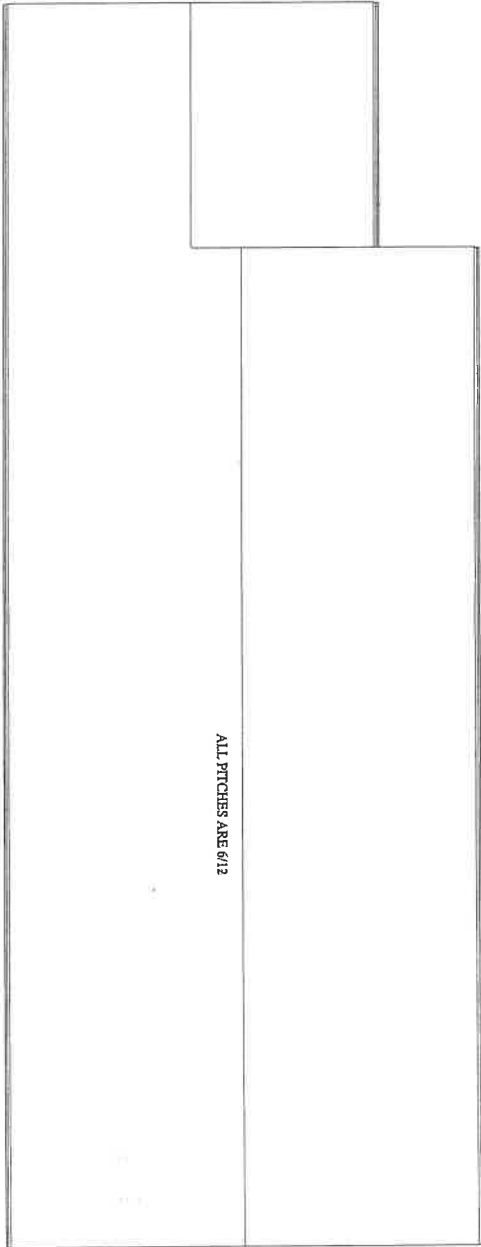




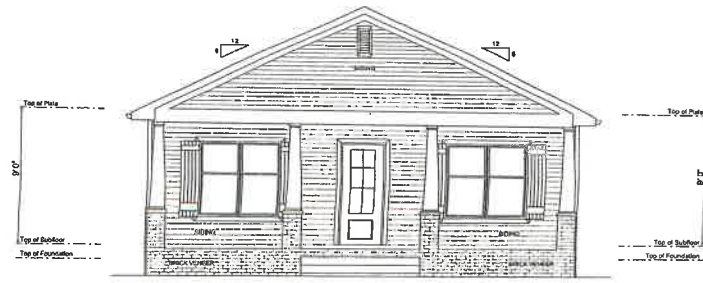


ELECTRICAL LEGEND		
ELECTRICAL	COUNT	SYMBOL
Ceiling fan	4	
Exhaust Fan	2	
Light Junction	22	
Recessed Light	20	
Ceiling receptacle duplex	2	
Outlet	49	
Outlet gfi	5	
Outlet w/p	5	
Smoke detector	6	
Switch	6	
Switch 3 way	14	
Switch double	2	
Switch quad	1	
Switch triple	3	

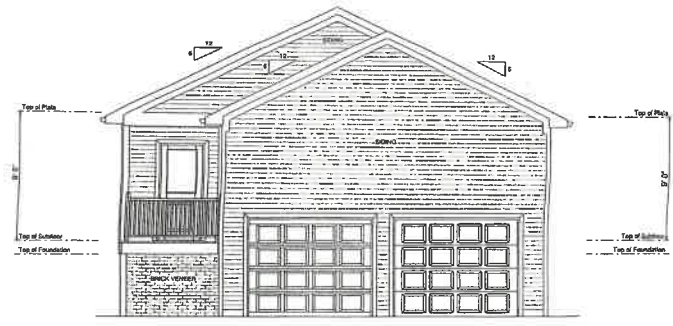




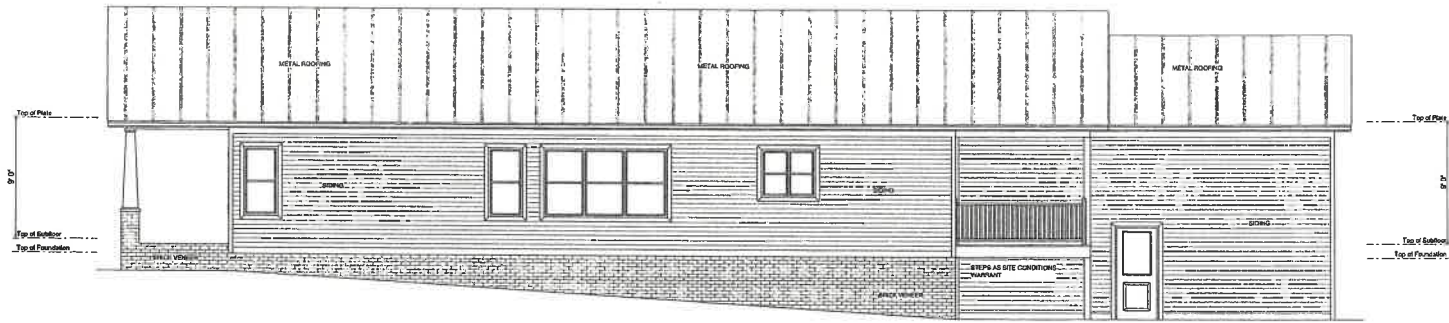
ALL PITCHES ARE 6/12



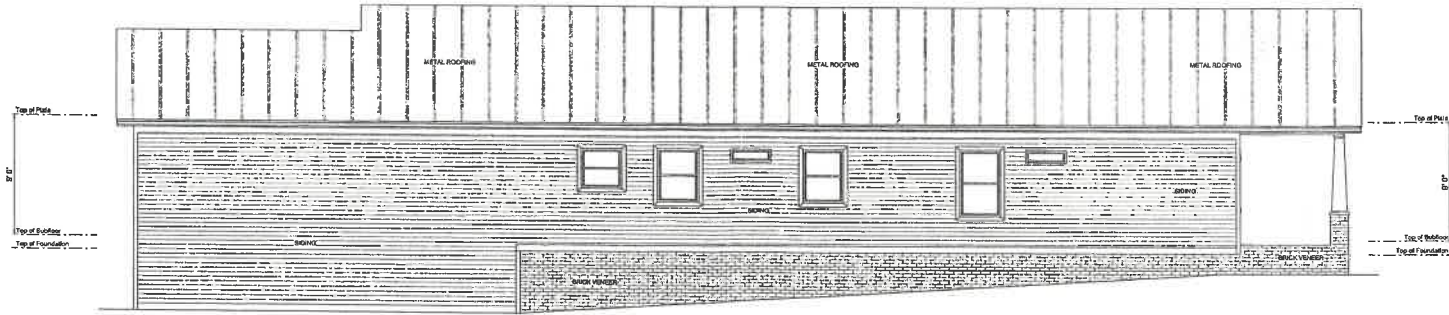
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

Mark Tidwell & Associates  
 6947 Woodvale Lane  
 Trussville • AL • 35173  
 Phone: (205) 681-8438 E-Mail: mark@marktidwell.com

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING CONSTRUCTION.  
 Dogwood Ridge Construction, Inc.

Scale: 1/4" = 1'-0"  
 Drawing Number: 2020-020 R  
 Date: Wednesday, September 8, 2021

Elevations

PAGE: 6



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00067**

**Five Points South Neighborhood**

***Request:***

A variance to allow a projecting sign in a M-1 zoning district. A variance to allow a projecting sign to be 250 square feet instead of the 8 square feet allowed. A variance to allow the sign higher than 18 feet in elevation above the ground. A variance to allow the sign to project five feet instead of the four feet required from the building.

***Applicant:***

Brian Rosen

***Location:***

302 13<sup>th</sup> St S 35233

Parcel # 012900012023004000

NW of Section 01, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a projecting sign for a student housing development.

***Staff Analysis:***

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.

***Per Zoning Ordinance:***

***SECTION 8. PROJECTING SIGNS***

*Where permitted. Each occupant of a premise may display one projecting sign on each street or highway frontage in the following zoning districts:*

*1. MU-L, MU-M, MU-H, MU-D, C-1, C-2, HID*

*Size of projecting signs. Projecting signs may be no larger than 8 square feet.*

*Projecting signs must not project above the roofline or must not be more than 18 feet in elevation above the ground, whichever is lower.*

*Sign area. The sign area selected for display on a projecting sign must not exceed 8 square feet and must be subtracted from the total signable area allowed for the*

*premise for attached signs under Section 5 in this chapter.*

*Additional limitations. The following additional limitations apply to projecting signs:*

- 1. Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-half the width of the adjacent sidewalk, whichever is less.*
- 2. Projecting signs must be pinned away from the wall at least 6 inches and must project from the wall at an angle of 90 degrees.*
- 3. Projecting signs may be non-illuminated or externally illuminated only by downdirected light and shield fixtures.*

***Neighborhood Recommendation:***

*The Five Points South Neighborhood Association waiting on vote.*

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

Staff believes the applicant has not provided evidence to support the variances requests to allow a projecting sign to be 250 square feet instead of the 8 square feet allowed. A variance to allow the sign higher than 18 feet in elevation above the ground; therefore, the requests has merit for **DENIAL**. Staff believes the applicant has provided evidence to support the variance requests to allow a projecting sign in a M-1 zoning district and a variance to allow the sign to project five feet instead of the four feet required from the building; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. Applicant must obtain a R.O.W use agreement before any permits are issued.
4. Applicant must obtain approval from design review.



November 11, 2021

Zoning Board of Adjustments  
City of Birmingham  
Birmingham, AL 35203

RE: The Marshall Student Housing Complex – Signage Variance

To whom it may concern,

This letter is being submitted with the signage variance application to provide information related to the hardship associated with the request to allow a blade sign at this property. The list is as follows:

**Physical Characteristics of the Property.**

This property is located in a portion of the City where the lots are shaped in a rectangular grid pattern for which the lot depths are relatively shallow. Additionally, the buildings in this area are in close proximity to the property boundaries. The available setback for a sign is approx. 2 ft given the size of the proposed building in comparison to the lot dimensions. This limited setback is too small to install a freestanding sign within the property boundaries.

**Unique Characteristics.**

Visibility of the proposed property is limited due to the orientation of existing structure along the 3<sup>rd</sup> Avenue corridor. There is a series of high rise structures along 3<sup>rd</sup> Avenue that restricts visibility of the subject property. A sign mounted flat on the building would not have any visible until a person is standing directly in front of the building. Granting this variance would provide better visibility/identification of the property for pedestrians traveling along 3<sup>rd</sup> Avenue.

**Hardship Not Self-Imposed.**

The requested variance is not being sought after from actions created by the current or previous owners of the subject property. The basis of the request is to improve the visibility of the sign along the road corridor.

**Financial Gain Not Only Basis.**

Financial gain is not the sole basis for granting this variance. The request is being made to aid the general public with identifying the property.

**No Injury to Neighboring Property:**

The granting of this variance will not have a negative impact on neighboring properties. The offset from the building is minimal; thus, it will not block the visibility of neighboring properties from the street.



**No Harm to Public Welfare:**

The granting of this variance will have negligible impact to the welfare of the general public in the vicinity of the project. The sign is proposed to be anchored to the building structure near the upper levels. This clearance from the ground level will allow pedestrians unimpeded use of the sidewalk/roadway network adjacent to the sign.

If any additional information is needed, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Manes", written over a light blue horizontal line.

CHA Companies, Inc.  
Christopher Manes, P.E.  
Project Manager



**PARCEL ID:** 012900012023004000

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

**DATE:** Tuesday, November 16, 2021 3:28:56 PM

**OWNER:** ALABAMA AUTO TOP SPECIALISTS

**ADDRESS:** 1616 2ND AVE S #100

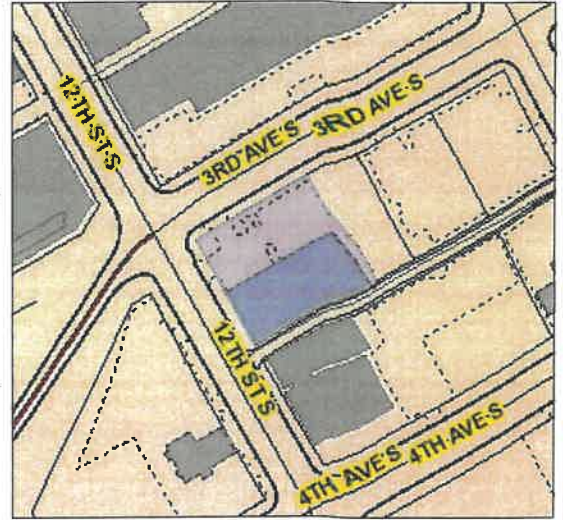
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35233

**SITE ADDR:** 1201 3RD AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$483,000.00

**BLDG:** \$405,600.00

**OTHER:** \$0.00

**AREA:** 20,861.46

**ACRES:** 0.48

**SUBDIVISION INFORMATION:**

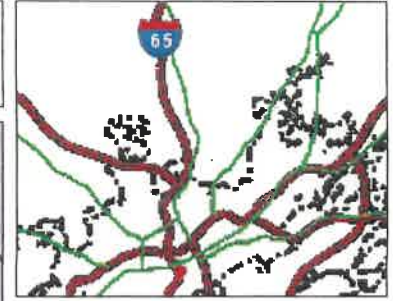
**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 245

**LOT:** 7-10

**Section:** 2-18-3W; 1-18-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Not in Historic Districts  
**Commercial Revitalization District:** Midtown  
**Fire District:** In Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** In Tax Increment Financing District  
**Neighborhoods:** Five Pts So (1701)  
**Communities:** Southside (17)  
**Council Districts:** District - 6 (Councilor: Crystal Smitherman)  
**Zoning Outline:** M1  
**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

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
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- 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

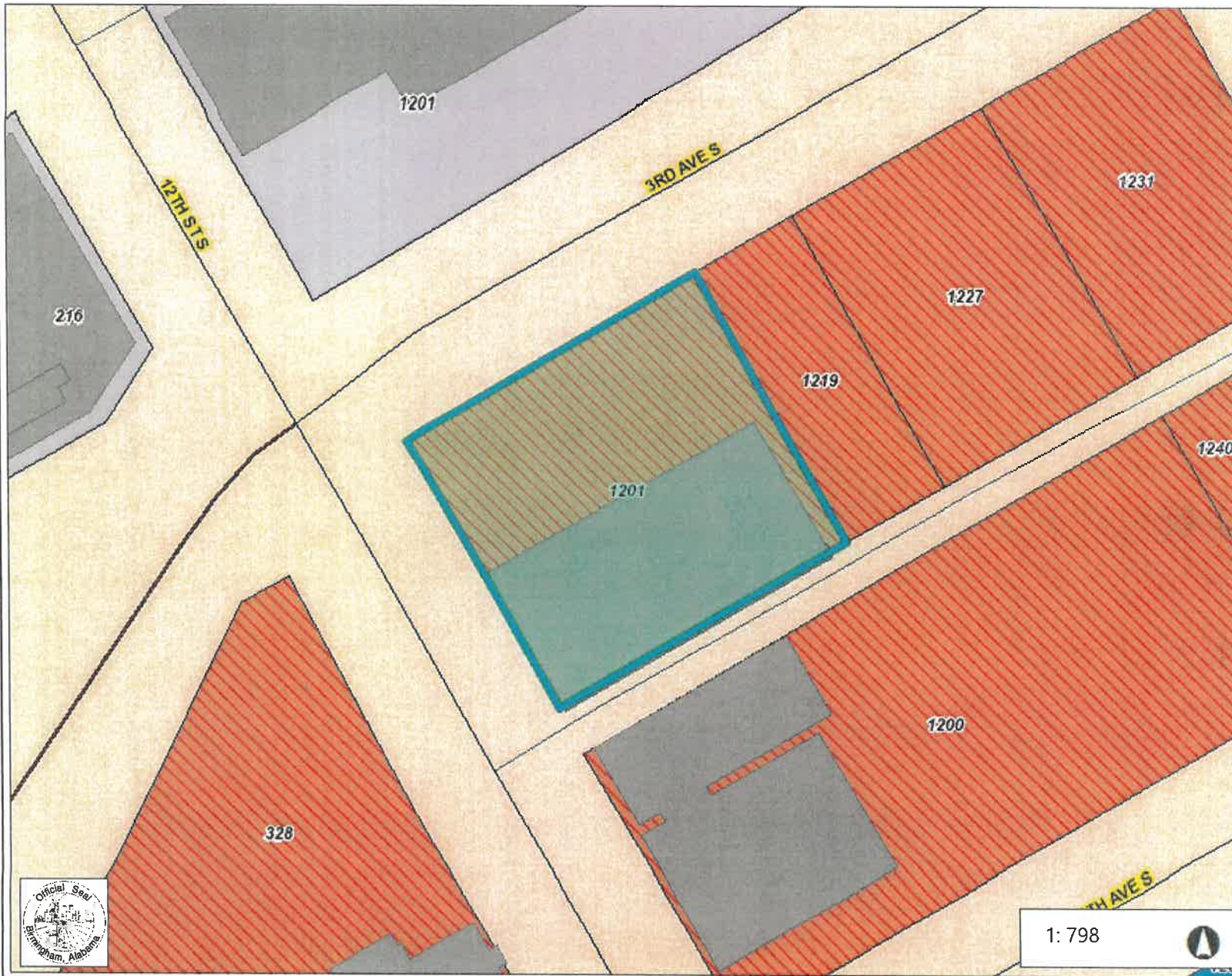
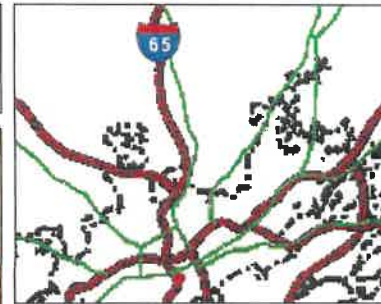


1: 798



132.9 0 66.47 132.9 Feet

Notes

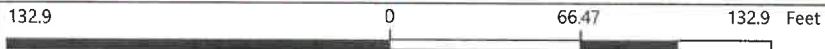


Legend

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



1: 798



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

Notes

Google Maps 1301 3rd Ave S  
"RA201.1.000A7"



Image capture: Jan 2022 © 2022 Google

Birmingham, Alabama

Google

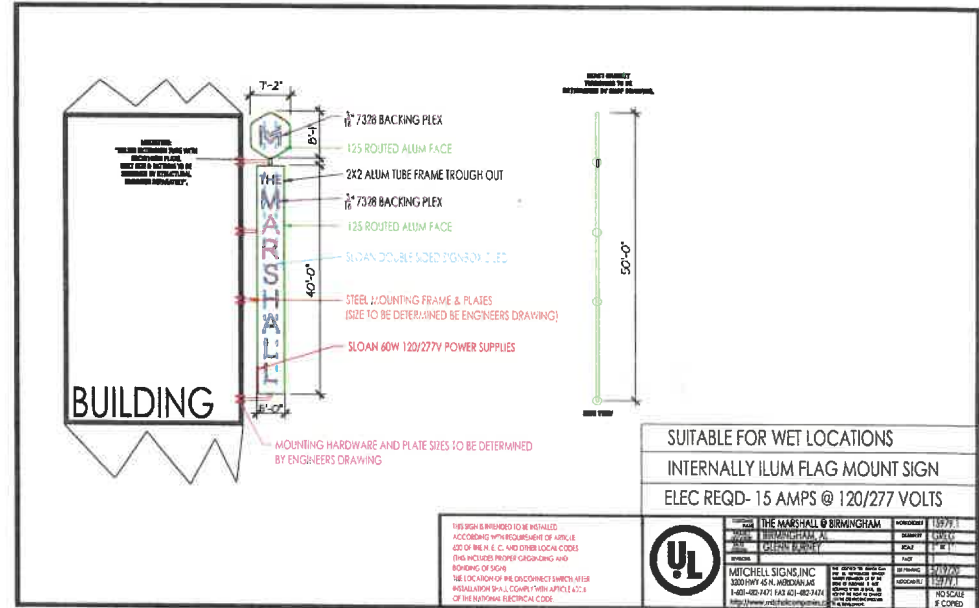
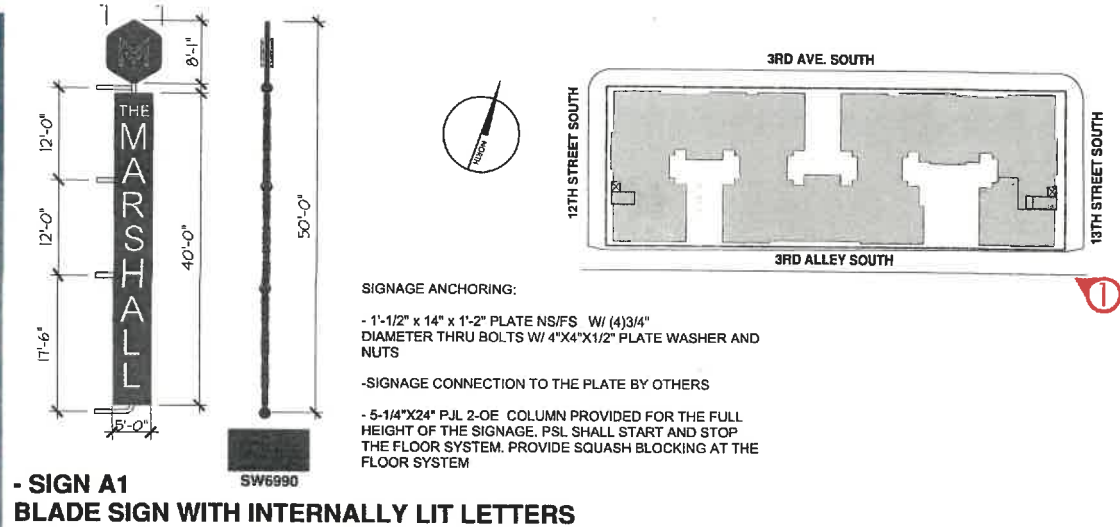
Street View - Jan 2022





1 VIGNETTE AT 13TH STREET SOUTH

Aptitude Development  
669 River Drive, Suite 402, Elmwood Park, NJ 07407

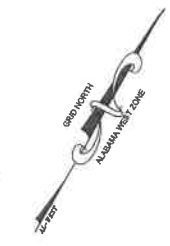
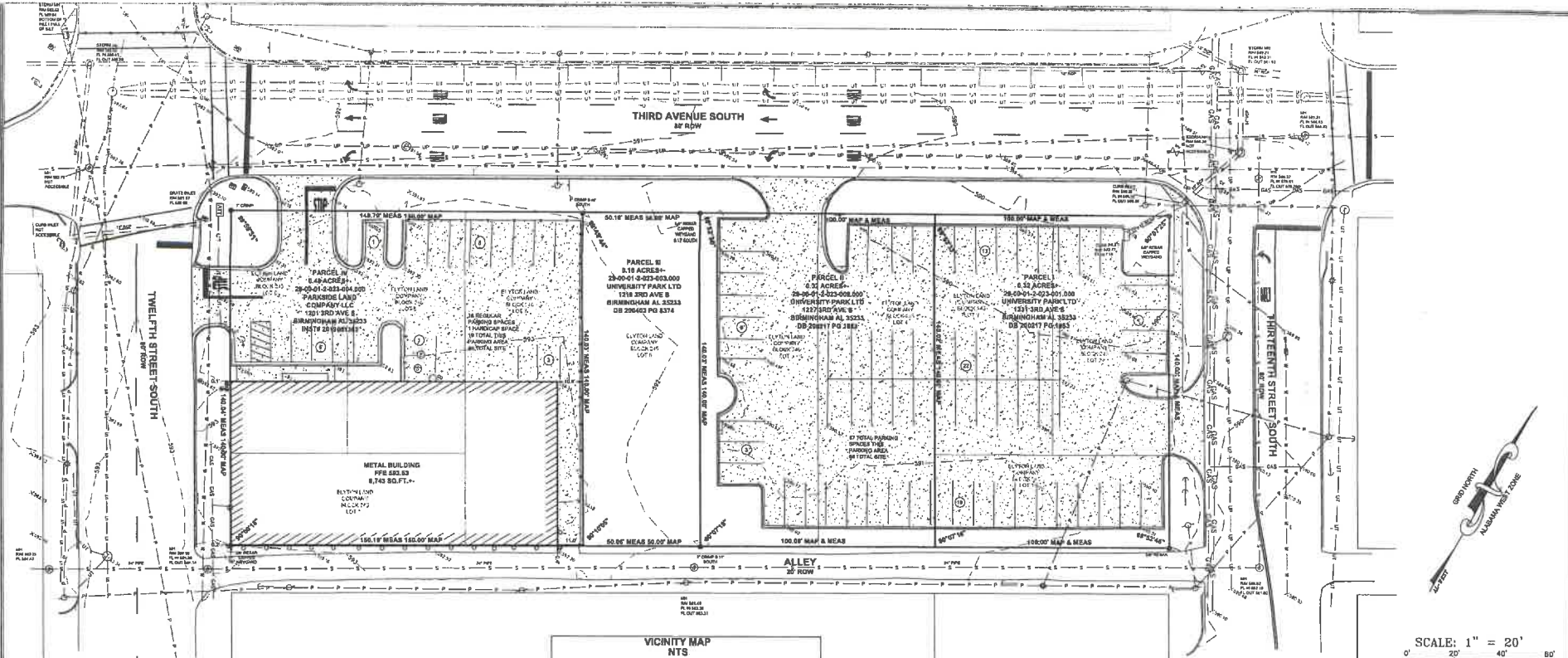


**THE MARSHALL AT BIRMINGHAM**  
BIRMINGHAM, ALABAMA

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.) © 2020 BSB Design, Inc.

May 20, 2020 | SH190320.00





SCALE: 1" = 20'

VICINITY MAP  
NTS

**ALT/ANSPS LAND TITLE SURVEY FOR CHA CONSULTING INC.**

SITUATED IN NW 1/4 OF THE NW 1/4 OF SECTION 1 AND THE NE 1/4 OF THE NE 1/4 OF SECTION 2, TOWNSHIP 19 SOUTH, RANGE 3 WEST, JEFFERSON COUNTY, ALABAMA

FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 3028-676083 EFFECTIVE DATE AUGUST 22, 2019.  
SCHEDULE A  
EXHIBIT A

The Land referred to herein below is situated in the County of Jefferson, State of Alabama, and is described as follows:  
 LOTS 1, 2 AND 3, IN BLOCK 245, ACCORDING TO THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM (PARCEL I)  
 LOTS 4 AND 5, IN BLOCK 245, ACCORDING TO THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM (PARCEL II)  
 LOT 6, IN BLOCK 245, ACCORDING TO THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM (PARCEL III)  
 LOTS 7, 8, 9 AND 10, IN BLOCK 245, ACCORDING TO THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM (PARCEL IV)  
 THE ELYTON LAND COMPANY'S SURVEY OF THE CITY OF BIRMINGHAM HAS NEVER BEEN FILED FOR RECORD AND IS NOT AVAILABLE FOR RECORDATION.  
 END SCHEDULE A

M-1 (Light Industrial District) ZONING SETBACK REQUIREMENTS  
 MINIMUM SETBACK  
 FRONT: None, except where the frontage between two intersecting streets is located partly in an E or R district and partly in an M district, the front yard requirements of the E or R district shall apply to the M district.  
 REAR: None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard not less than 25 feet.  
 SIDE: None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard not less than 10 feet.  
 MINIMUM LOT AREA PER FAMILY: None  
 MINIMUM LOT WIDTH: None  
 MAXIMUM HEIGHT OF STRUCTURE: 10' when a structure is located upon a lot abutting any dwelling district than any structure exceeding 35' shall be set back from the required yards abutting the dwelling district an additional distance of one foot for each foot of structure height above 35'

**SITE**

To University Park, Ltd., Parkside Land Company, LLC, and First American Title Insurance Company.  
 This is to certify that this map and the survey on which it is based were made in accordance with the 2010 Minimum Standard Detail Requirements for ALTA/ANSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6, 6b, 7b, 8, 9, 11, 13, 18, 17, 18, 19, and 20 of Table A thereof. The fieldwork was completed on November 16, 2019.  
 I hereby certify 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.  
 Surveyor's Signature: *[Signature]*  
 Alabama License Number 21613, Date: November 21, 2019



- SURVEYOR'S COMMENTS ON EXCEPTIONS TO TITLE AS LISTED IN SCHEDULE B PART I OF FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 3028-676083 EFFECTIVE DATE AUGUST 22, 2019.**
- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I Requirements are met. Not addressed by surveyor.
  - Taxes and assessments for the year 2019 and subsequent years, not yet due and payable. Not addressed by surveyor.
  - (a) Taxes and assessments that are not shown as pending liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. Not addressed by surveyor.
  - Any facts, rights, interests or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land of that may be asserted by persons in possession of the Land. Not addressed by surveyor.
  - Easements, liens or encumbrances or claims thereof, not shown by the Public Record. Not addressed by surveyor.
  - Any encroachment, encumbrance, violation, violation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. Survey shown.
  - Any lien, or right to a lien, for services, labor or materials in connection with improvements, repairs or renovations provided before, on or after Date of Policy, not shown by the Public Records. Not addressed by surveyor.
  - Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights espoused in (a) or (b) appear in the Public Records or are shown in Schedule B. Not addressed by surveyor.
  - Right of way granted to Alabama Power Company by instrument recorded in Real Volume 2748, Page 26, in the Office of the Judge of Probate of Jefferson County, Alabama. Document was not provided to surveyor and no comment can be made.
  - Right of parties in possession under unrecorded leases. Not addressed by surveyor.

**LEGEND**

BM	BENCHMARK
SE	EXISTING SPOT ELEVATION
UP	UTILITY POLE
LP	LIGHT POLE
OW	OHY WIRE
EB	ELECTRIC BOX
EM	ELECTRICAL MANHOLE
TL	TRAFFIC LIGHT POLE
TS	TRAFFIC SIGNAL BOX
CW	CROSS WALK SIGNAL
FH	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
TE	TELEPHONE MANHOLE
TP	TELEPHONE PEDESTAL
GV	GAS VALVE
GM	GAS METER
SM	STORM MANHOLE
SMH	SANITARY MANHOLE
CF	CLEANOUT
SI	SIGN
BD	BOLLARD
FF	FINISH FLOOR ELEVATION
SH	SINGLE WING INLET
DM	DOUBLE WING INLET
RCP	REINFORCED CONCRETE PIPE
EP	OVERHEAD ELECTRIC UNDERGROUND ELECTRIC
OT	OVERHEAD TELEPHONE LINE
WL	WATER LINE
GL	GAS LINE
SL	SANITARY LINE
X	FENCE
UT	UNDERGROUND TELEPHONE
AS	ASPHALT
CC	CONCRETE
18" RCP	18" RCP STORM SEWER PIPE

CHA CONSULTING, INC.  
 120 BISHOP CIRCLE, SUITE 300  
 PHELHAM, AL 35174  
 TEL: (205) 403-9158  
 FAX: (205) 403-9175

EDG  
 ELYTON LAND COMPANY, LLC  
 ONE BIRMINGHAM LAND SURVEYING  
 GROUP, INC.

RES: 1" = 20'  
 DRAWN BY: RES  
 CHECKED BY: RES  
 PROJECT NO.: CHAC0007  
 DATE: 11/16/19

WELL NO. 1 OF 1



UNIVERSITY OF ALABAMA BIRMINGHAM STUDENT HOUSING

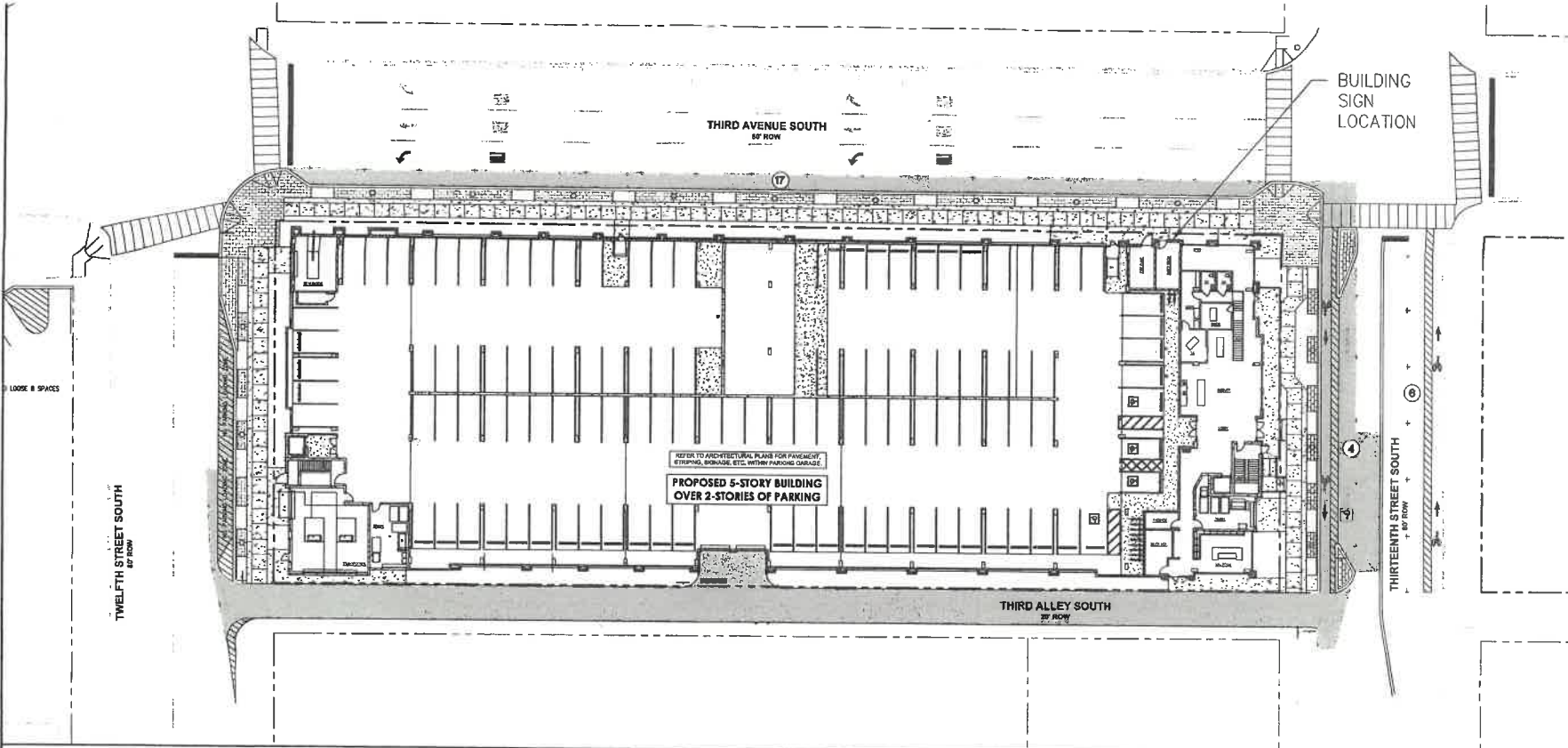
302 13th STREET SOUTH BIRMINGHAM, ALABAMA

DEVELOPER: APTITUDE BIRMINGHAM, LLC 669 RIVER DRIVE SUITE 402 ELMWOOD, NJ 07407

THIS IS A REVISION OF A PLAN WHICH WAS PREPARED BY THE ENGINEER OR ARCHITECT WHOSE NAME IS SHOWN ON THIS PLAN. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY THE ENGINEER OR ARCHITECT WHOSE NAME IS SHOWN ON THIS PLAN.

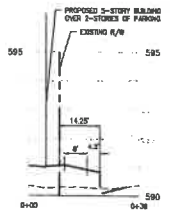


UAS STUDENT HOUSING



REFER TO ARCHITECTURAL PLANS FOR PAVEMENT, STRIPING, SIGNAGE, ETC. WITHIN PARKING GARAGE.  
**PROPOSED 5-STORY BUILDING OVER 2-STORIES OF PARKING**

**LIGHTING SCHEDULE**  
TWELFTH STREET = 3 SINGLE ORNAMENTAL LIGHTS  
THIRD AVENUE = 8 DOUBLE ORNAMENTAL LIGHTS  
THIRTEENTH STREET = 3 SINGLE ORNAMENTAL LIGHTS



**THIRD AVE SOUTH CROSS SECTION AA**  
scale: 1"=1' horizontal  
1"=0' vertical

**LEGEND FOR PROPOSED IMPROVEMENTS**

- PROPOSED BUILDING
- DECORATIVE BRICK PAVERS
- CONCRETE SIDEWALK
- ASPHALT PAVEMENT

**PAVEMENT PAINT STRIPING LEGEND**

- SWSL/ST - SINGLE WHITE SOLID LINE / ST' WIDE
- DYSL/ST - DOUBLE YELLOW SOLID LINE / ST' WIDE EACH
- SWSL/24" - SINGLE WHITE SOLID LINE / 24" WIDE
- SWSL/ST - SINGLE WHITE SOLID LINE / ST' WIDE
- DWDL/ST - DOUBLE WHITE DASHED LINE / ST' WIDE

- SITE PLAN NOTES**
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY REGULATIONS AND CODES AND G.S.M.A. STANDARDS.
  2. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF MENTALS, SLOPE PAVERS, BRICKS, CURBS, SIDEWALKS, ACCESS DOORS, PAVEMENT FINISHING THROUGHOUT AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
  3. ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
  4. ALL CURBSIDES AND BAYS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  5. EXISTING STRUCTURES WITH CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR REBUILT AS NECESSARY. ALL COSTS SHALL BE INCLUDED IN BASE BID.
  6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH ENGINEERING AND SURVEYING SPECIFICATIONS AND SHALL BE APPROVED BY BOP. ALL COSTS SHALL BE INCLUDED IN BASE BID.
  7. TOTAL LAWN AREA IS 1,036 SQUARE FEET.
  8. THE SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED "THE SITE WORK SPECIFICATIONS".
  9. REFER TO ARCHITECTURAL PLANS FOR CONTINUATION OF SITE LIGHTING ELECTRICAL PLAN NOT INCLUDED IN THIS PLAN SET.
  10. ALL BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN WAS TAKEN FROM A SURVEY BY ENGINEERING DESIGN GROUP, LLC DATED 10/21/2018.
  11. THIS PROPERTY DOES NOT LIE IN A 100-YEAR FLOODPLAIN OR IN AN IDENTIFIED FLOOD PRONE AREA, AS DETERMINED PURSUANT TO THE FLOOD DISASTER PROTECTION ACT OF 1973, AS AMENDED, AS REFLECTED BY FLOOD INSURANCE RATE MAP PANEL, OUTSTANDING WATER REGULATIONS AND REGULATIONS DATED 02/22/2024.
  12. THE CURRENT ZONING OF ALL PROPERTY SHOWN FOR DEVELOPMENT IS M1-DM-HS.
  13. BRICK PAVERS SHALL BE "AUTUMN BLEND" BY PINE HALL BRICK CO. WITH CHANGEFED EDGES AND FINISHES, DIMENSIONS: 4"X12"X1-1/2", SURFACE: SOLID.
  14. ALL STRIPES AND PAVERS/BAY MARKINGS WITHIN THE PUBLIC R/W TO BE THERMOPLASTIC.

**PAVEMENT NOTE**  
WHERE NEW PAVEMENT IS PROPOSED WITHIN THE PUBLIC RIGHT OF WAY, THE CONTRACTOR SHALL MAINTAIN EXISTING PAVEMENT SECTIONS WITHIN THE ADJACENT RIGHTWAY. SEE EXISTING PAVEMENT SECTIONS ON DETAIL SHEETS.



THE 2-D AND 3-D PROJECT DATA INFORMATION CONTAINED HEREON IS THE PROPERTY OF CHA ENGINEERING AND ARCHITECTURE, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF CHA ENGINEERING AND ARCHITECTURE, INC. IS STRICTLY PROHIBITED.



No.	Revised / Revision	By	Date

**SITE PLAN**

Designed By: CUM  
 Drawn By: DMV  
 Checked By: JCB  
 Issue Date: 19-10-2024  
 Project No: DM14-02002  
 Scale: AS SHOWN

Drawing No.:  
**C-1**

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00068**

**Bush Hills Neighborhood**

***Request:***

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

***Applicant:***

Andrew Tynes

***Location:***

1025 4th Ave W 35205

Parcel # 012900041007006000

NE of Section 04, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing attached signs for the charitable community center.

***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) with parcels located south zoned C-2 (Commercial Business District). The property is not located the floodplain area nor in any design review district. The total amount of signage proposed is 50 square feet.

***Per Zoning Ordinance:***

***SECTION 5. ATTACHED SIGNS***

*Where permitted and graphic display area allowed. In the following zoning districts, each occupant of a premise may display attached signs on walls adjacent to each street or highway on which it has frontage. The total area of the attached signs displayed on the premises must not exceed the following percentage of a signable area for each district.*

*1. D-5, D-6, MU-L, MU-M, MU-M, MU-H, MU-D, C-1, C-2, PRD, HID: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 150 square feet.*

*2. I-1, I-2, I-3 (where no established design standards exist) and I-4: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 250 square feet.*

*Signable area designation. A business premise displaying attached signs is allowed one signable area on each façade of the building that has frontage on a street or*



*highway. See the definition of “signable area” for attached signs.*

*How displayed. The sign display area may be displayed as one attached sign per street or highway frontage or divided among two or more attached signs per street or highway frontage.*

*Additional limitations. Attached signs may be painted on or attached to or pinned away from the wall, must not project from the wall by more than 12 inches, and must not interrupt architectural details.*

***Neighborhood Recommendation:***

The ***Bush Hills Neighborhood Association*** supports the request.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

### **Physical Characteristics of the Property.**

The property is new construction that includes a building and parking lot. The building has been named the Pearl Center. It will be owned by the Cultural and Educational Advancement Foundation, Inc. (CEAF). The Pearl Center is being constructed for charitable purposes and has been zoned R5. The business is physically located in a residential community. CEAF will make every effort to be a good neighbor in the community. The sign will identify the building. Additionally a sign functions as a very first impression to everyone who sees it. It's in CEAF's and the community they serve's best interest to have a great first impression to form trust between the two parties, immediately.

**Unique Characteristics.** The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant.

As this building is in a residential area, this will help to denote the building as a charitable community center. The sign adds much needed context to the building's purpose of charitable, community service. Having a sign helps identify the professional purpose of the Pearl Center. Additionally for any curious party the sign immediately makes a quality impression. Well crafted, professional signage will help build trust with the community the Pearl Center serves immediately.

**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 previous address of the non-profit was 1531 3<sup>rd</sup> Avenue, West. The current address is 1025 4<sup>th</sup> Avenue West. The right place to build the Pearl Center was within the community they have served since CEAF's existence. As this zoning is within a residential district, CEAF has made every effort to be as un-obtrusive with the signage as possible. The sign will have a matte (no gloss) finish. It will additionally

be equipped with timers so to have virtually no impact to local residents sleeping patterns.

**Financial Gain Not Only Basis.** There is no financial gain for the variance. 99 percent of construction costs and future maintenance will be funded by CEAF members.

CEAF exists for the sole purpose of improving the human condition through the implementation and support of community programs that build capacity within communities through cultural enrichment activities, economic empowerment workshops, the Arts and provide scholarships to students throughout the Birmingham metro areas. The sign plays an integral role in building trust within the community CEAF serves. This trust does not financially enhance CEAF, but this trust does allow CEAF to better serve their community.

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

The signage has state of the art LED lighting that will be on a timer and dimmable to not disturb neighbors. The sign will not face any occupied property.

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

The sign will identify and label the building. This only serves to enhance any emergency responses within the area. Additionally, the signage will be UL rated so any public safety risks will be mitigated and as minimal as possible. The sign will also be a delight to look at. The pearl will be painted by Mammoth Murals and will truly be a visual delight to observe and be seen. They have a talent for trompe l'oil style murals

and a proven portfolio that demonstrates this talent in a variety of applications.

**PARCEL ID:** 012900041007006000

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

**DATE:** Tuesday, November 16, 2021 2:56:30 PM

**OWNER:** CULTURAL AND EDUCATIONAL ADVANC

**ADDRESS:** PO BOX 13787

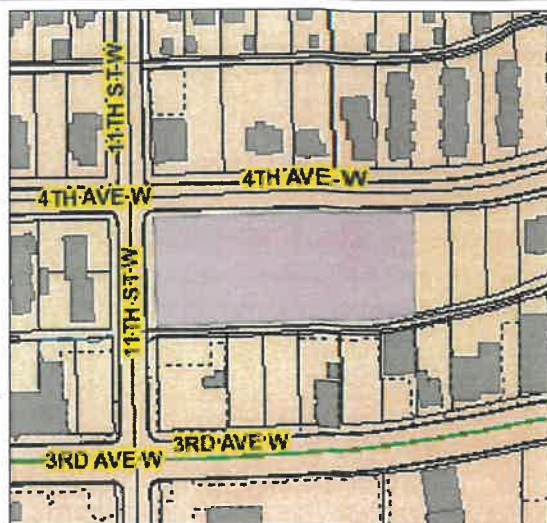
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:**

**CITY/STATE:** , AL

**ZIP:**



**LAND:** \$65,200.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 52,084.24

**ACRES:** 1.20

**SUBDIVISION INFORMATION:**

**NAME** RESURVEY OF LTS 1 THRU 7

**BLOCK:** 12

**LOT:** 1-A

**Section:** 4-18-3W

**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:** Bush Hills (202)

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

**Council Districts:** District - 8 (Councilor: Carol Clarke)

**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

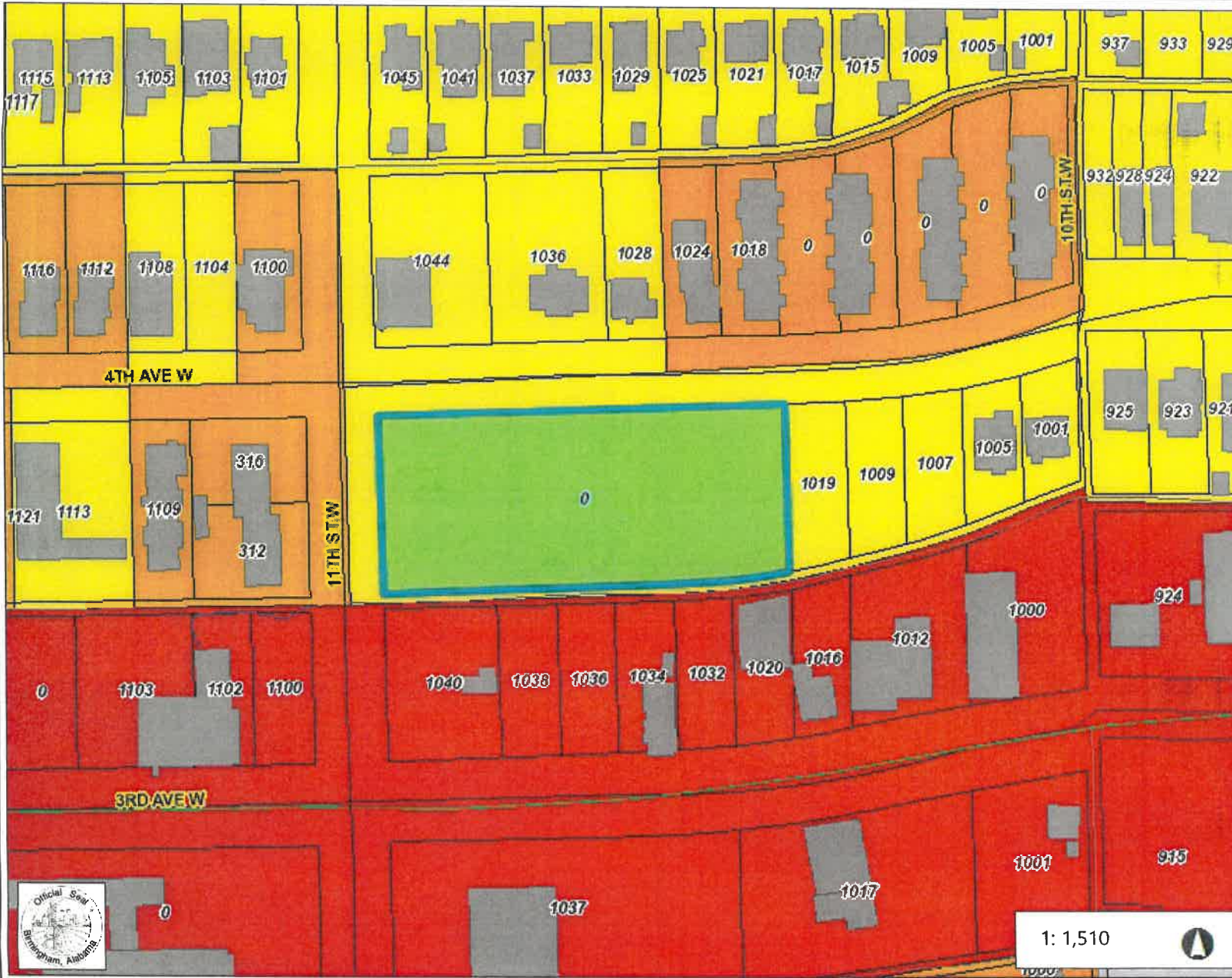
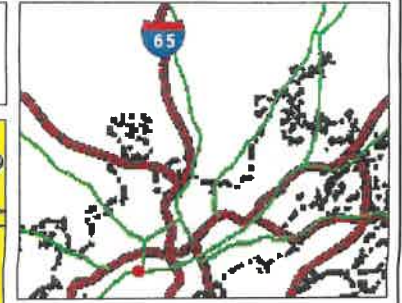
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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.

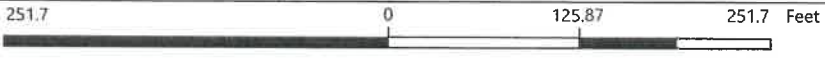


**Legend**

- 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 Famil District

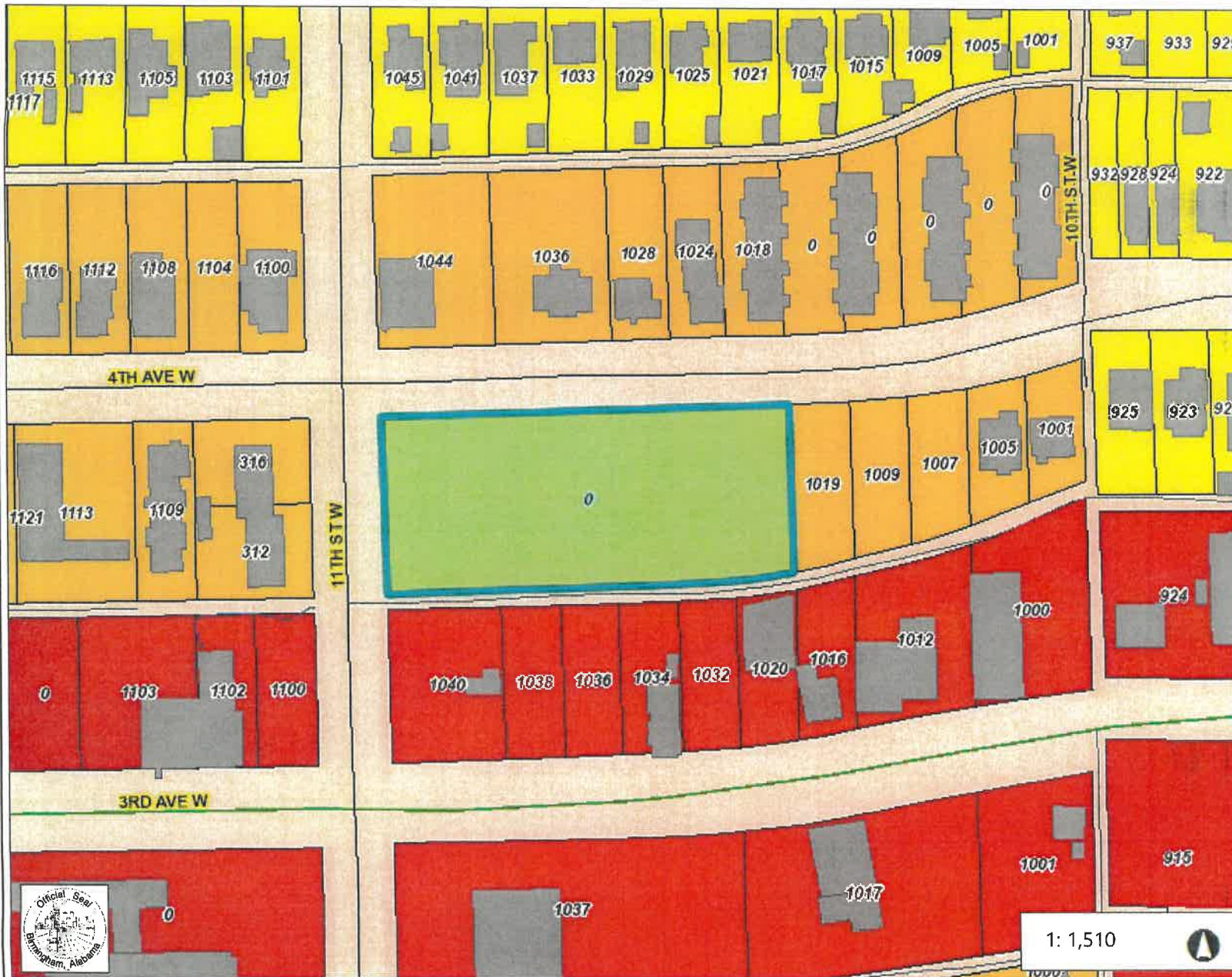
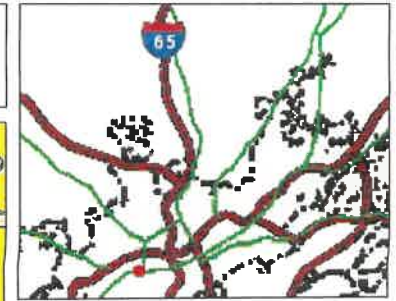


1: 1,510



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

**Notes**



**Legend**

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

Notes

251.7 0 125.87 251.7 Feet

1: 1,510









2ft radius  
4ft diameter

Airbrushed and mounted with halo lights

2ft tall letters (cap height)

Pearl Center

16ft 8in wide

Halo letters with color-changing LED'sB

23 1/2 FT.

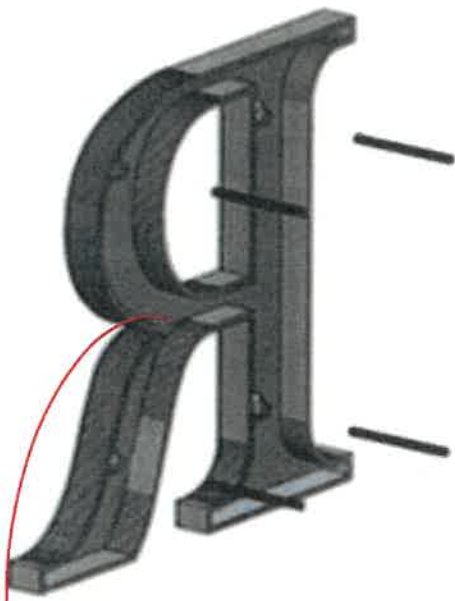
18 1/2 FT.

18 1/2 FT.

21 1/2 FT.

20 1/2 FT.

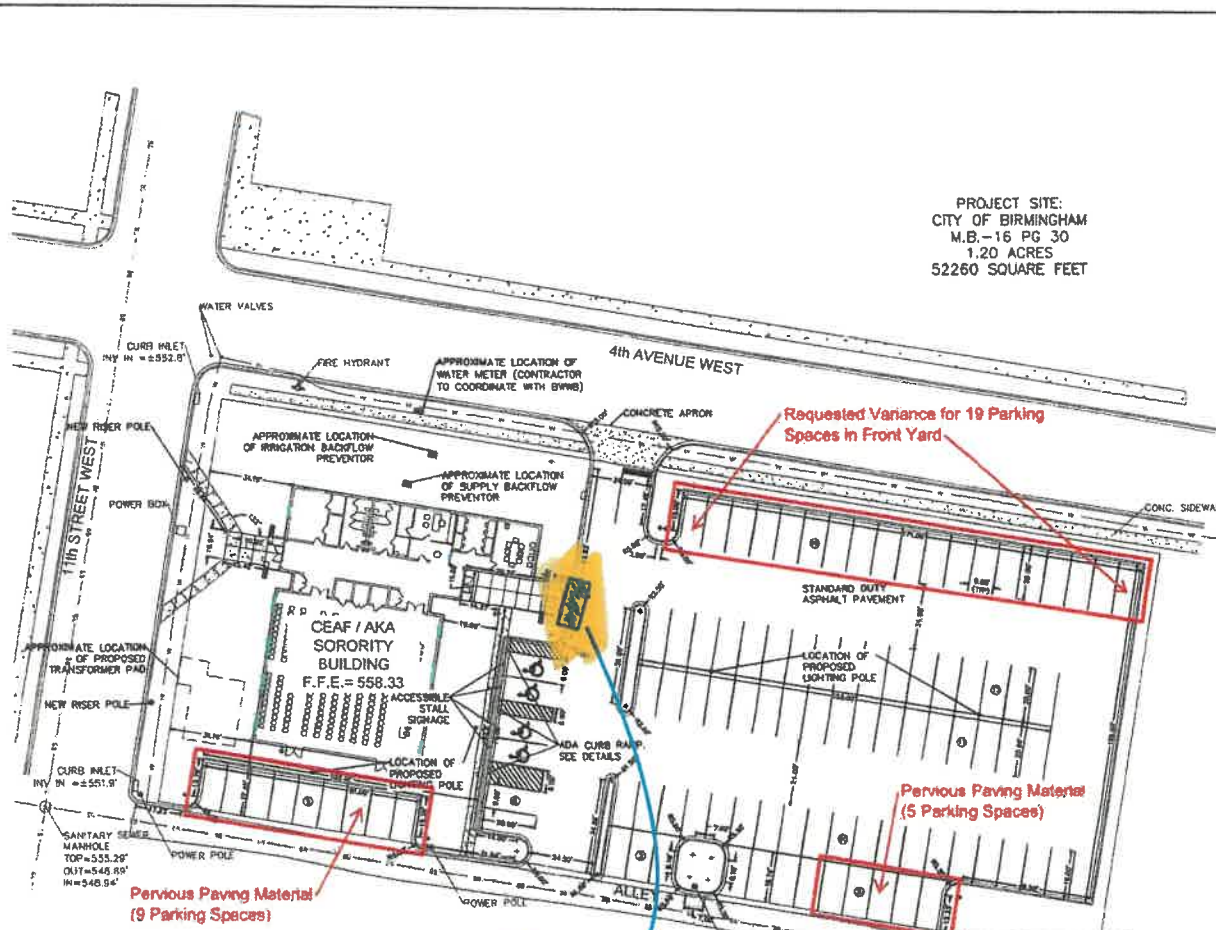
20.5 FT.



**Channel Letter  
with studs**



**Wall with holes drilled into it  
to receive signage**



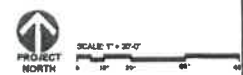
**Location of "Pearl"  
 and "Pearl Center"  
 signage**

**SITE LEGEND**

- PARKING SPACE COUNT
- EXISTING PROPERTY LINE
- 18" CONCRETE CURB AND GUTTER
- CONCRETE SIDEWALK

**SITE NOTES**

- 1 ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL CODES.
- 2 REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, STEPS, TRANSFORMER PADS, ADDITIONAL STEWWORK, ALTERNATE INFORMATION, etc.
- 3 TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES, AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY RAY WEYDARD REG. L.S. SARGOR, LLC. IS NOT RESPONSIBLE FOR THE ACCURACY.
- 4 ALL DIMENSIONS AND RADI ARE TO THE FACE OF THE CURB UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO THE BUILDINGS ARE TO THE OUTSIDE FACE OF BUILDING.
- 5 ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE AND LOCAL CODE.
- 6 ALL TRAFFIC SIGNS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ALABAMA DEPARTMENT OF TRANSPORTATION STANDARD AND SPECIAL DRAWINGS.
- 7 ALL STRIPED AND CURBED RADI SHALL BE 5' UNLESS OTHERWISE NOTED.
- 8 THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, etc. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
- 9 CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- 10 SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
- 11 ANY DEVIATION IN THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
- 12 ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED AND THE ENGINEER NOTIFIED IMMEDIATELY.
- 13 CONCRETE USED FOR SIDEWALK AND CONCRETE PADS SHALL BE 3,000 PSI 28 DAY COMPRESSIVE STRENGTH, CONCRETE USED FOR CONCRETE APRONS/DRIVEWAYS SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.
- 14 PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- 15 ALL CURB AND CUTTER WITHIN THE DEVELOPMENT SHALL BE 18".
- 16 PARKING LOT STRIPING SHALL BE INCLUDED IN THE PAVING CONTRACTOR'S SCOPE OF WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATION UNLESS NOTED OTHERWISE. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIN).
- 17 THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY AND ALL OFF SITE EASEMENTS NOT DELINEATED ON THE PLANS OR KNOWN OF AT TIME OF PLAN ISSUANCE.
- 18 THE SITE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL WORK AND APPURTENANCE TO WITHIN 5' OF THE BUILDING. THIS INCLUDES TRANSFORMER AND DUMPSTER PADS AS WELL AS UTILITY CONDUITS.



Project No: 16-E-01-04100

1118 26<sup>th</sup> Street South #232  
 Birmingham, AL 35203  
 206.434.1556  
 www.ceafco.com

**CLIENT:**  
 Cultural & Educational Advancement  
 Foundation Inc.  
 P.O. Box 13767  
 Birmingham, AL 35202  
 P: 206.692.9864  
 E: Tina@ceafco.com  
 Contact: Yaremy Prohor

**ARCHITECT:**  
 Cohen Cummings Reynolds  
 2820 First Avenue South  
 Birmingham, AL 35203  
 P: 206.224.9864  
 E: reynoldsc@ccrarch.com  
 Contact: Fernan Davy

**LICENSE:**

09-28

No.	Description	Date

**CEAF/AKA SORORITY BUILDING SITE PLAN**

Project number: 16-E-01-04100  
 Date: 19 SEPTEMBER, 2016  
 Drawn by: ARC/CBJ  
 Checked by: SAI  
**C 2.0**  
 Scale: 1:20

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers( 3<sup>rd</sup> Floor)

**ZBA2021-00069**

**Central Park**

***Request:***

Special Exception to allow an event center. A parking modification to allow for 23 parking spaces instead of the 40 spaces required.

***Applicant:***

Pamela Tubbs

***Location:***

1343 Bessemer Rd EN 35208

Parcel # 012900073048005000

SW of Section 07, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing an event center with the hours of operations being 7:30am-12:00am on days as needed.

***Staff Analysis:***

The subject property is currently zoned C-2 (Commercial Business District). The parcels located north and east of the subject property are zoned C-2 (Commercial Business District) while parcels located west and south are zoned D-3 (Single Family District). The property is located not located in the flood area nor any design review district. The use prior to the event center was a medical office. The event center is 4,000 sf and requires 40 parking spaces and there is also a Family Dollar (hours of operations 8am-9pm) on the property that is 9, 000sf and requires 30 parking spaces. There are a total of 53 spaces in all; therefore, only 23 of those spaces are allocated to the event center and requires a modification. There are no other parking modifications within 1,320 ft radius.

The applicant has stated additional parking is not needed because the 32 parking spaces on the west side of our building that are never used by Family Dollar and remain vacant all the time. Customers visiting Family Dollar use parking in the front of the store and the customers are usually in and out within minutes. When Family Dollar close, we will have access to the whole lot. Most of our guests will have multiple people to a care and most events are 100 guest or less. I will provide pictures of the parking lot during the hearing.

***Per Zoning Ordinance:***

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

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

***Neighborhood Recommendation:***

***The Central Park Neighborhood Association*** have not had any meetings.

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

Staff believes the applicant has not provided evidence to support the modification request; therefore, the request should be **DENIED**. Staff believes the applicant has provided enough evidence to support the special exception; therefore, the request should be **APPROVED** 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.

## Gift of Love Event Center

A. My business primary use, will be for repast, beauty pageants, baby showers, anniversaries, meeting, birthday parties, church events and wedding for the most part. All bookings will require security, some more than others depending on the number of people attending.

B. Gift of Love Banquet Hall would like to set our business hours from 7:30am till 12:00 am to accommodate my clients needs. I would like to be available for breakfast bookings in the morning or 8-12:00 slots in the evenings for various events.

C. Gift of Love will fully cooperate with local laws, ordinances from both city and county along with all fire and safety regulations. Our goal is to provide all clients and guest with an enjoyable experience because this type of business is built on satisfied and return customers.

D. The building that Gift of Love will be located in is more oriented toward 3rd avenue/Bessemer super hwy. Some of the surrounding business include Banks, gas stations, retail stores, restaurants, pawnshops, fast food, clothing stores auto repair, auto sales, gentleman/strip clubs and adult book stores to name a few.

E. The proposed event center is located at least 200 feet from our closest residential neighbor that's 2/3 of a football field. We will have a no loitering policy to help ensure we coexist with all our neighbors in a peaceful, enjoyable atmosphere.

F. D.N.A.

G. Gift of Love is located at 1343 Bessemer rd in Birmingham. The parking lot on the side we our residential neighbors and provide on site off street parking. We will have security patrolling outside as well as inside to ensure the safety of our guests.

I look forward to being a asset to my community and a boost to the revenue of our city because the same patrons that support my business will also spend money at other locations nearby.

Thank You

Pamela Tubbs

**PARCEL ID:** 012900073048005000

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

**DATE:** Tuesday, November 16, 2021 4:00:37 PM

**OWNER:** CALIBER BIRMINGHAM LLC

**ADDRESS:** P.O. BOX 19154

**CITY/STATE:** ATLANTA GA

**ZIP+4:** 31126

**SITE ADDR:** 1343 BESSEMER RD

**CITY/STATE:** BHAM, AL

**ZIP:** 35208



**LAND:** \$73,000.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 23,732.87

**ACRES:** 0.54

**SUBDIVISION INFORMATION:**

**NAME** TAYLORS 2ND AD-CEN 29-7-3

**BLOCK:** 1

**LOT:** 3&4

:

**Section:** 7-18-3W

**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:** Central Prk (203)

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

**Council Districts:** District - 8 (Councilor: Carol Clarke)

**Zoning Outline:** C2

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

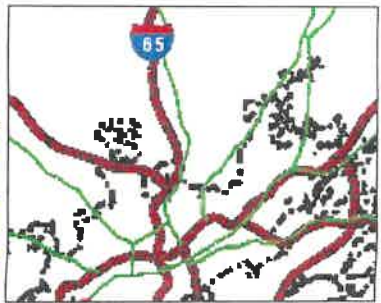
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

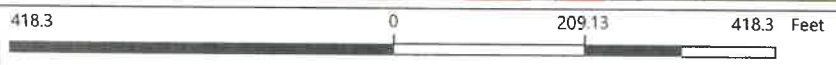
**Judicial Boundaries:** JEFFERSON

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



**Legend**

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



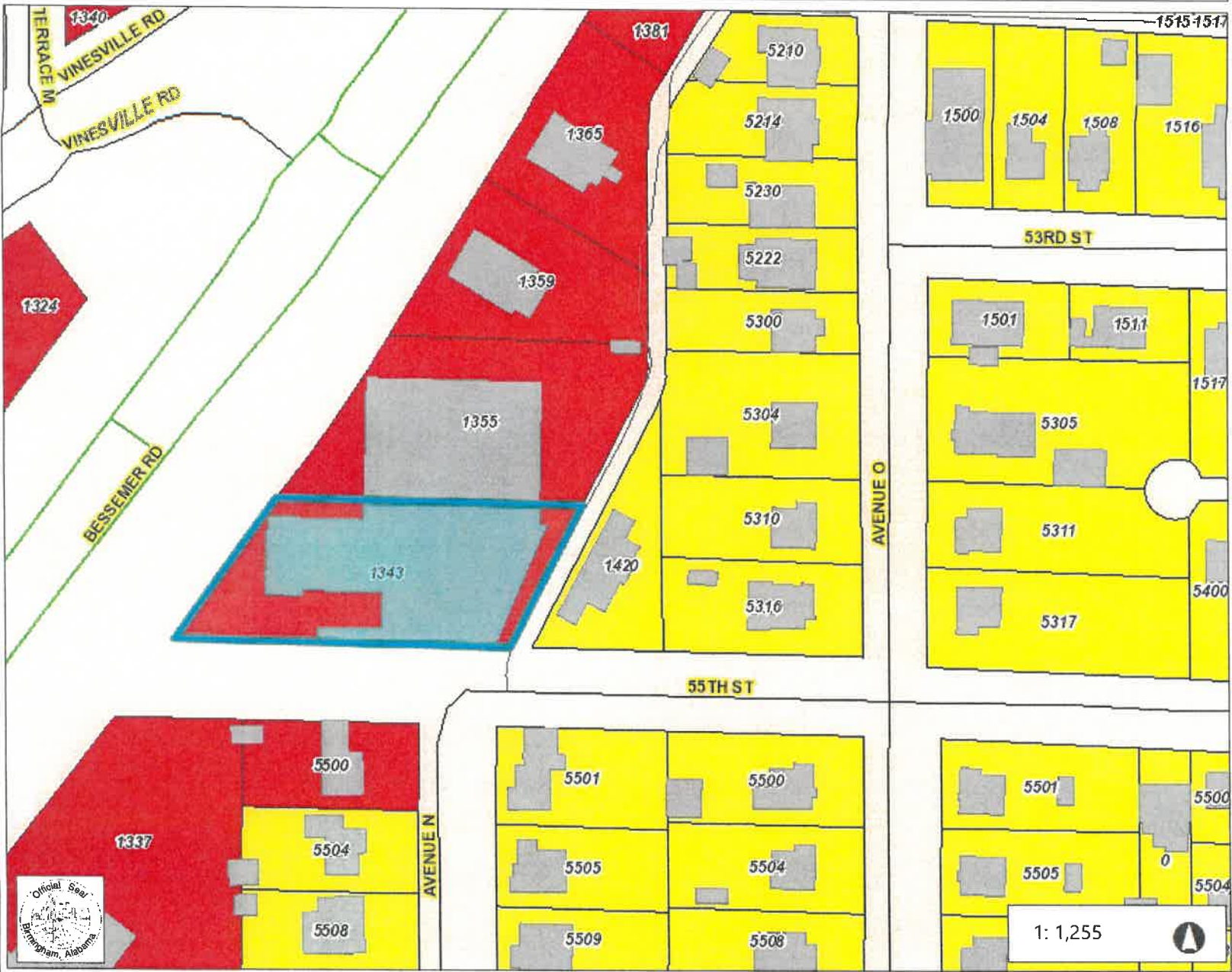
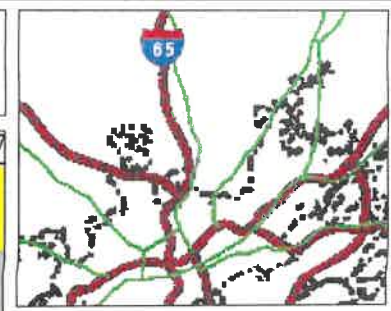
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

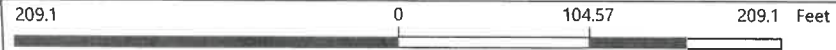
**Notes**





### Legend

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

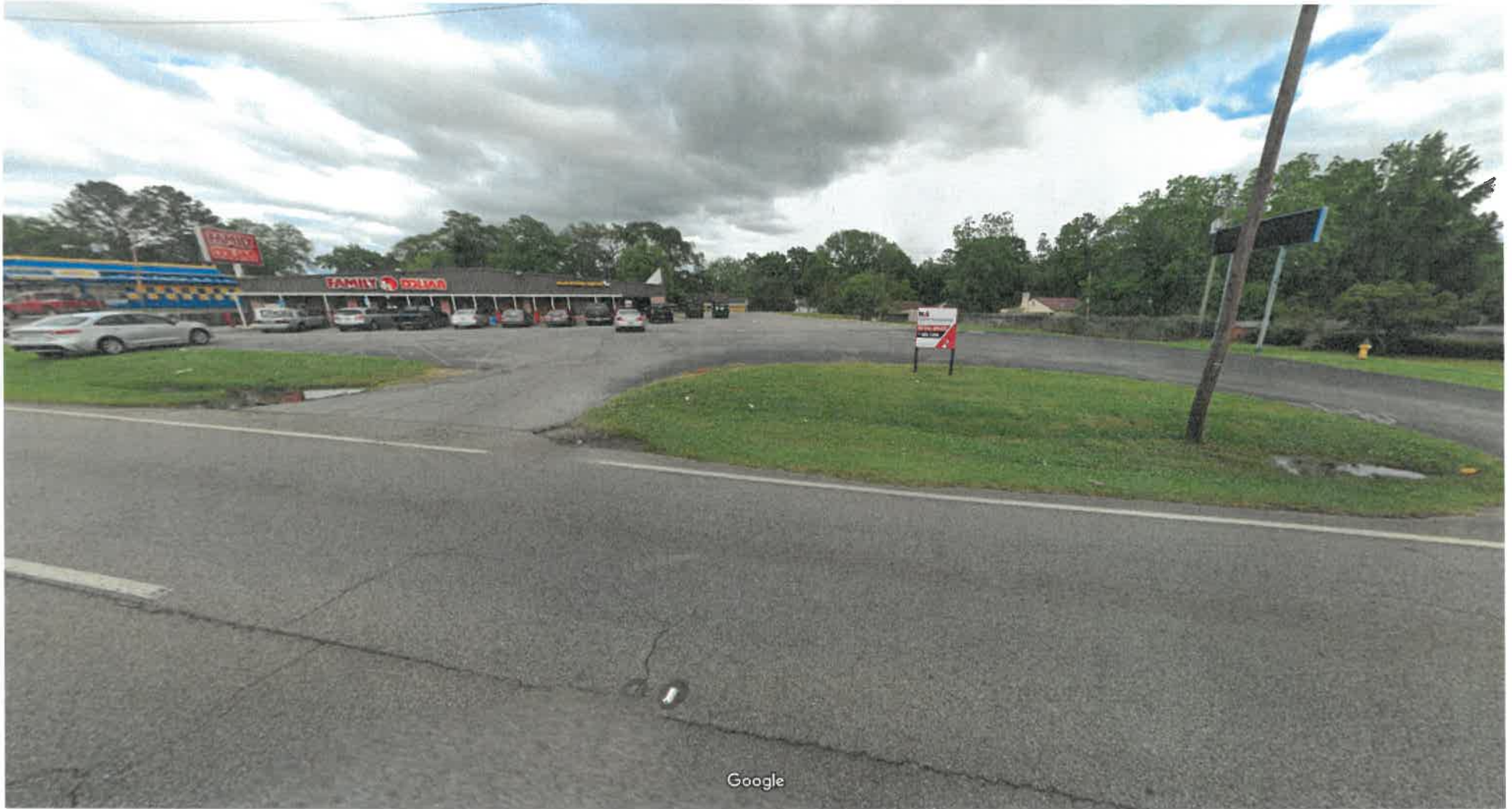


1: 1,255

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Notes

Google Maps 1343 AL-7  
7BA2021-03069



Google

Image capture: May 2021 © 2022 Google

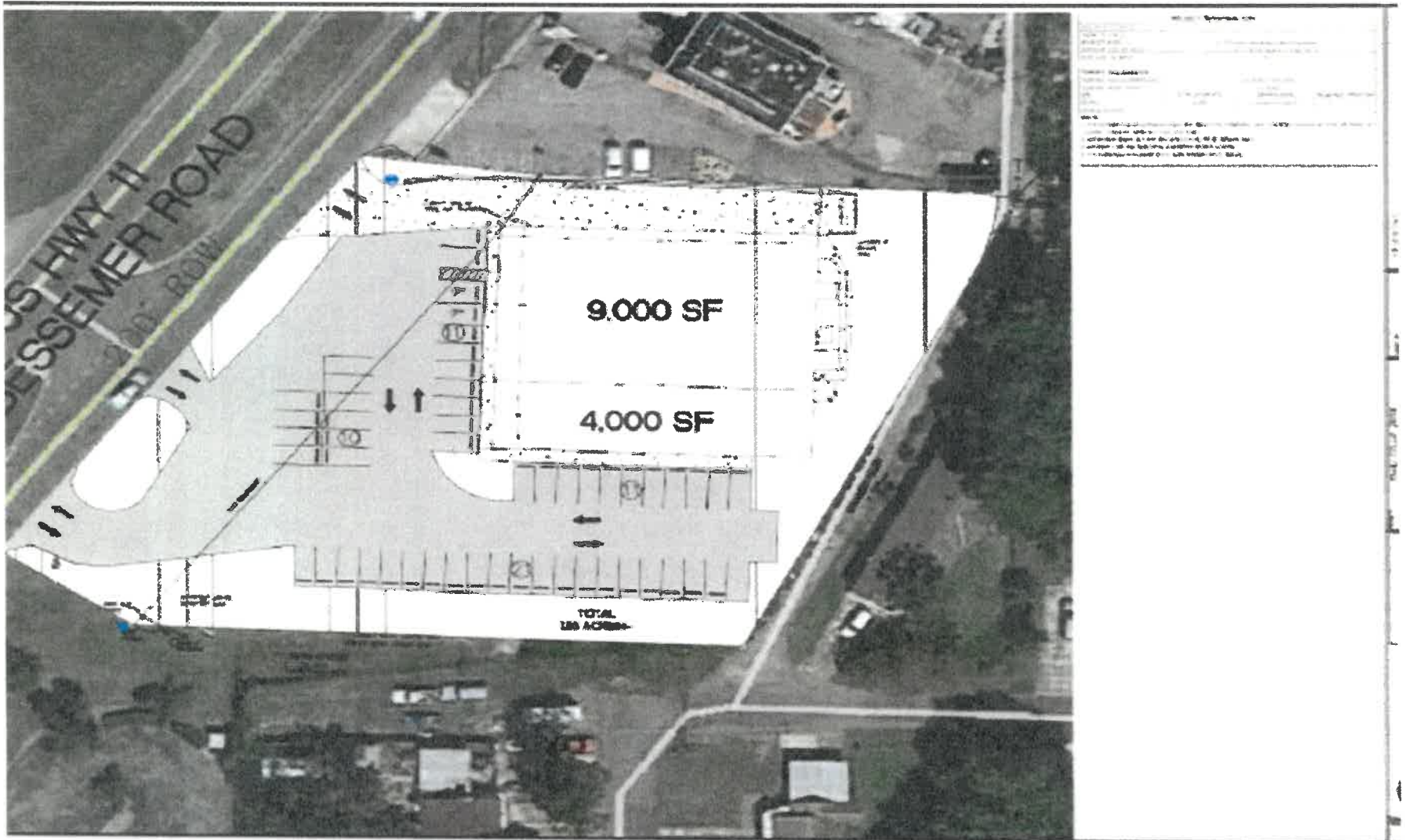
Birmingham, Alabama

Google

Street View - May 2021

# EXHIBIT "B"

## SITE PLAN



**ZONING BOARD OF ADJUSTMENT**  
**Meeting Date:** February 10, 2022  
**Time:** 2:00 P.M.  
**Pre-Meeting:** 1:00 P.M.  
**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00070**

**Overton Neighborhood**

***Request:***

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.

***Applicant:***

David Brandt

***Location:***

140 Resource Center Pkwy 35242  
Parcel # 027360001001001  
NW of Section 36, Township 18 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing attached signs for PetSuites services.

***Staff Analysis:***

The subject property is currently zoned CC-2 (Contingency Commercial District). The subject property is surrounded by parcels zoned CC-2 (Contingency Commercial District) with parcels located north outside the city limits. The property is not located the floodplain area nor in any design review district. The signage consists of 140sqft to identify the location, 96sqft for listed services and 200sqft for green dog silhouette.

***Per Zoning Ordinance:***

***SECTION 5. ATTACHED SIGNS***

*Where permitted and graphic display area allowed. In the following zoning districts, each occupant of a premise may display attached signs on walls adjacent to each street or highway on which it has frontage. The total area of the attached signs displayed on the premises must not exceed the following percentage of a signable area for each district.*

- 1. D-5, D-6, MU-L, MU-M, MU-M, MU-H, MU-D, C-1, C-2, PRD, HID: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 150 square feet.*
- 2. I-1, I-2, I-3 (where no established design standards exist) and I-4: Maximum sign area shall not exceed 6% of building facade (height x length), nor shall its length exceed 50% of building length. No sign shall exceed 250 square feet.*

*Signable area designation. A business premise displaying attached signs is allowed one signable area on each façade of the building that has frontage on a street or highway. See the definition of “signable area” for attached signs.*

*How displayed. The sign display area may be displayed as one attached sign per street or highway frontage or divided among two or more attached signs per street or highway frontage.*

*Additional limitations. Attached signs may be painted on or attached to or pinned away from the wall, must not project from the wall by more than 12 inches, and must not interrupt architectural details.*

***Neighborhood Recommendation:***

The ***Overton Neighborhood Association*** waiting on the vote.

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

Staff believes the applicant has not provided enough evidence to support the variance request; therefore, staff believes the request has merit for denial and should be **DENIED**.

11/16/2021

Request for a signage variance located at:

PetSuites  
140 Resource Center Parkway (RCP)  
Birmingham, AL

**Request:** Zoning, in this case, will allow (2) building signs with a combined square footage of 150 square feet. We are requesting a total of 4 signs, with a combined square footage of 436.

**Hardship:** The additional building signage (or 'branding images'), depicting the dog silhouette and the listed services, are only intended to be viewed by people who are already on the property (i.e. the parking lot), and are not intended to be seen as advertising or identification devices. These branding images are ones that are present on several other PetSuites locations, and we are requesting that they be allowed to stay consistent with PetSuites' national branding efforts.

### **Standards for Variance Request**

#### **Physical Characteristics of the Property**

The orientation of the building, relative to the street, is such that these proposed branding images will not be, nor are they intended to be, immediately visible from off premise.

#### **Unique Characteristics**

The dog silhouette image is comprised of 'line art' only, which greatly de-emphasizes the visibility of the image, and makes it appear to be more of a secondary image than a primary advertising device. Further, the 200 square feet calculation is a 'boxed' dimension, when in reality, about 35 to 40% of that box is 'dead space'.

The Listed Services on the adjacent side of the building serve to only inform the public of the services that PetSuites offers. They are meant to be read by people who are already in the parking lot, on the property. The intent is not serve as an advertising device to be seen by people from off premise. Further, the 96 square feet calculation is a 'boxed' dimension, when in reality, each individual word is approximately 12 to 15 square feet in size.

#### **Hardship Not Self Imposed**

There is nothing that the property ownership or tenant has done that has created a self-imposed hardship that would necessitate the allowance of this proposed signage/branding images.

**Financial Gain Not Only Basis**

The additional dog silhouette and Listed Services images on the building serve to reinforce the PetSuites brand and to inform visitors of the services provided.

**No Injury to Neighboring Property**

The proposed sign package poses no threat of injury to any of the neighboring properties.

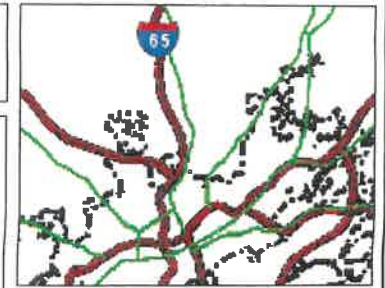
**No Harm to Public Welfare**

The proposed additional branding images are non-illuminated, will be made from either paint or vinyl, and will be flat to the wall. They pose no threat of public welfare.

Please let me know if there are any questions, or if I can provide any additional information.

Regards,

David Brandt  
Permit Division  
Fravert Services  
(205) 278-9612 direct  
(205) 966-0970 cell



Legend

- Centerline Labels
- + Railroad
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- R6; D6 - Multiple Family District
- R7 - Multiple Family District



741.3 0 370.65 741.3 Feet

<http://gisweb.birminghamal.gov>

Map Created: 11/24/2021

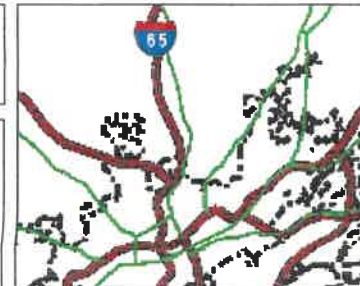
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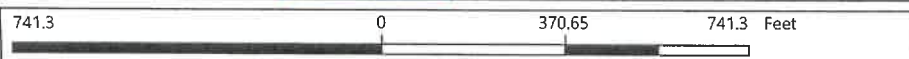
Notes





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



1: 4,448

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### Notes



STATUS  
 ■ Client Review



133 West Park Drive Birmingham, AL 35211  
 1.205.940.7180 1.800.743.7191  
 1.205.940.7190 - fax  
 www.fravert.com

**140 Resource Center Parkway**  
 DESIGN REF #: 21101902

**Architectural Rendering**  
 EXTERIOR

DESIGNER: CJB  
 MANAGER: David Brandt

J:\21101902 - Resource Center Parkway\Design

PAGE:

**2**

©Copyright 2017, Fravert Services, Inc. Thank you for allowing Fravert Services, Inc. the opportunity to present designs for your signage project. All ideas, designs, arrangements and plans indicated or represented on this drawing are the property of Fravert Services, Inc. and were created, evolved and developed for use on and in connection with the specified project. Distribution or exhibition of these plans to anyone other than employees of your company or use of these plans to construct a sign similar to the one embodied herein, is expressly forbidden.



- Location Tags:
- 1. Tenant Pylon (60 sqft)
  - 2. Dog Graphic (200 sqft)
  - 3. Signage (70 sqft)
  - 4. Signage (70 sqft)
  - 5. Listed Services (96 sqft)



133 West Park Drive Birmingham, AL 35211  
1.205.840.7180 1.800.743.7181  
1.205.840.7190 - fax  
www.fravert.com

### 140 Resource Center Parkway

DESIGN REF #: 21101902

### Site Plan

EXTERIOR

DESIGNER:

CJB

MANAGER:

David Brandt

J:\21101902 - Resource Center Parkway\Design

PAGE:

1

**ZONING BOARD OF ADJUSTMENT**  
**Meeting Date:** February 10, 2022  
**Time:** 2:00 P.M.  
**Pre-Meeting:** 1:00 P.M.  
**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00071**

**North Pratt Neighborhood**

***Request:***

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.

***Applicant:***

Robert Mitchell

***Location:***

600 Mildred Ave 35214  
Parcel # 012200204016004000  
SE of Section 20, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a new residential home with a deck.

***Staff Analysis:***

The subject property is currently zoned R-4 (Two-Family and Semi-Attached Dwelling District). The subject property is surrounded by parcels zoned R-4 (Two-Family and Semi-Attached Dwelling District). The property is not located the floodplain area nor in any design review district. The property meets the lot size requirements and a house has existed on the property before.

***Per 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 Verds		Minimum Side Yards		Total both Sides	Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One side				
35 feet	25 feet	25 feet	5 feet		14 feet	5,000 square feet for single-family dwellings.	50 feet except that in semi-attached dwellings the minimum is 20 feet.
						3,000 square feet for two family dwellings.	
						2,500 square feet per lot area for semi-attached dwellings.	

***Neighborhood Recommendation:***

The ***North Pratt Neighborhood Association*** voted to support the request.

***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.
3. Applicant must go before the Subdivision Committee to create a lot of record before any permits can be obtained.

# 2M of NWF, LLC

Building tomorrow...today.

Planning, Engineering and Permits  
City of Birmingham

Nov 16, 2021

Attn: Angelica Moton

Re: Variance request

To whom it may concern,

Please see the attached Applications To The Zoning Board Of Adjustments for variance, along with the required supporting documentation. The following variance standards apply as follows:

- 1. Physical Characteristics of the Property.** The shallowness of the lot (50') would not allow for a home to be built due to current setback requirements.
- 2. Unique Characteristics.** Other lots (with existing homes) in the area are deeper and do not pose the same challenges for home construction.
- 3. Hardship Not Self-Imposed.** The lot has been the same since before the current setbacks were established apparently, since there was a family home on it previously. The home was destroyed in 2011.
- 4. Financial Gain Not Only Basis.** The home to be built will not be for financial gain. The owner will live in the new home on the lot that he grew up on.
- 5. No Injury to Neighboring Property.** The new home will most likely improve the property values of the surrounding properties since it will be the only new construction in the immediate area. There will be significant distances between the new home and adjacent homes to the right and left. And, since the lot to the rear of the property is very deep and vacant, it will not be injurious to its neighbors.
- 6. No Harm to Public Welfare.** The new home will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance\

Respectfully submitted,

Robert Mitchell

**PARCEL ID:** 012200204016004000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Wednesday, December 1, 2021 11:24:44 AM

**OWNER:** LOVE BOBBY

**ADDRESS:** 5450 PARK PLACE SOUTH

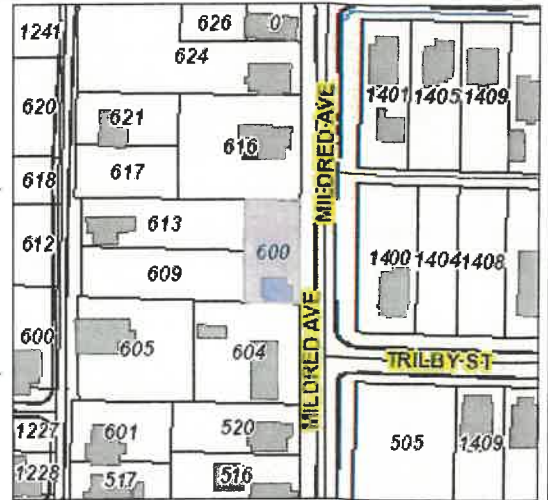
**CITY/STATE:** COLLEGE PARK GA

**ZIP+4:** 30349

**SITE ADDR:** 600 MILDRED AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35214



**LAND:** \$3,600.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 6,255.64

**ACRES:** 0.14

**SUBDIVISION INFORMATION:**

**NAME** TENN LD 1ST AD PRATT CITY

**BLOCK:**

**LOT:**

:

**Section:** 20-17-3W

**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:** No. Pratt (1302)

**Communities:** Pratt (13)

**Council Districts:** District - 9 (Councilor: LaTonya Tate)

**Zoning Outline:** R4

**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

FILED 12

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Legend

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- Alleys
- Local Roads
- Arterials
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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

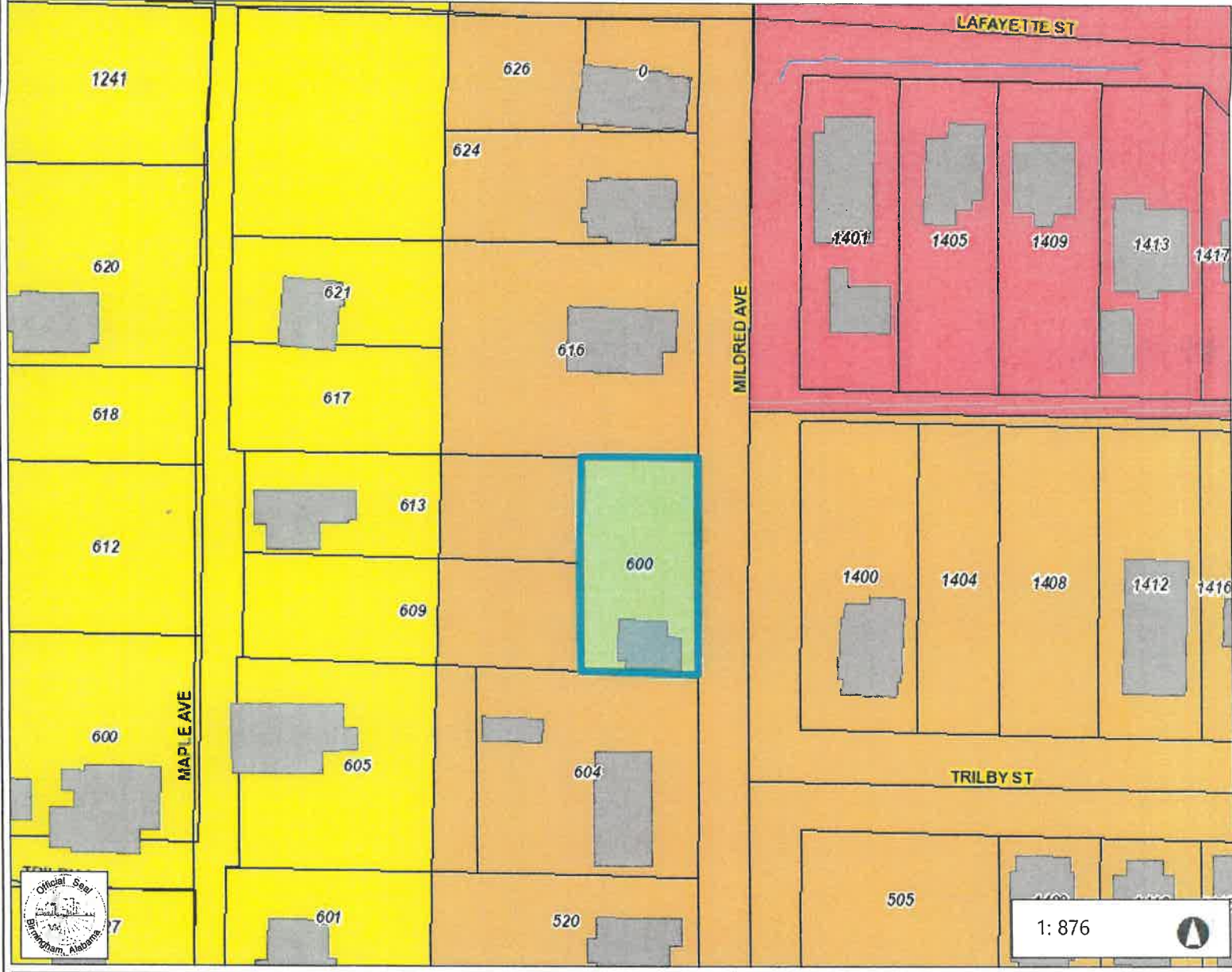
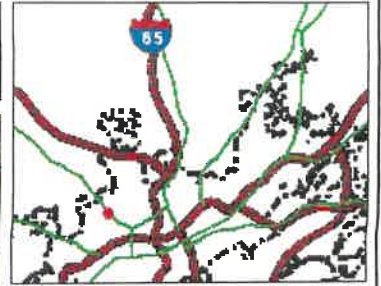
1: 876



Notes

146.0 0 73.01 146.0 Feet





**Legend**

- Centerline Labels
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  - R1; D1 - Single Family District - Cla
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  - R4; D4 - Two Family District; R4
  - R4A - Multiple Dwelling District
  - R5; D5 - Multiple Family District; D5
  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District



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

**Notes**

Google Maps 600 Mildred Ave  
ZPA2021-00071



Image capture: Apr 2021 © 2022 Google

Birmingham, Alabama

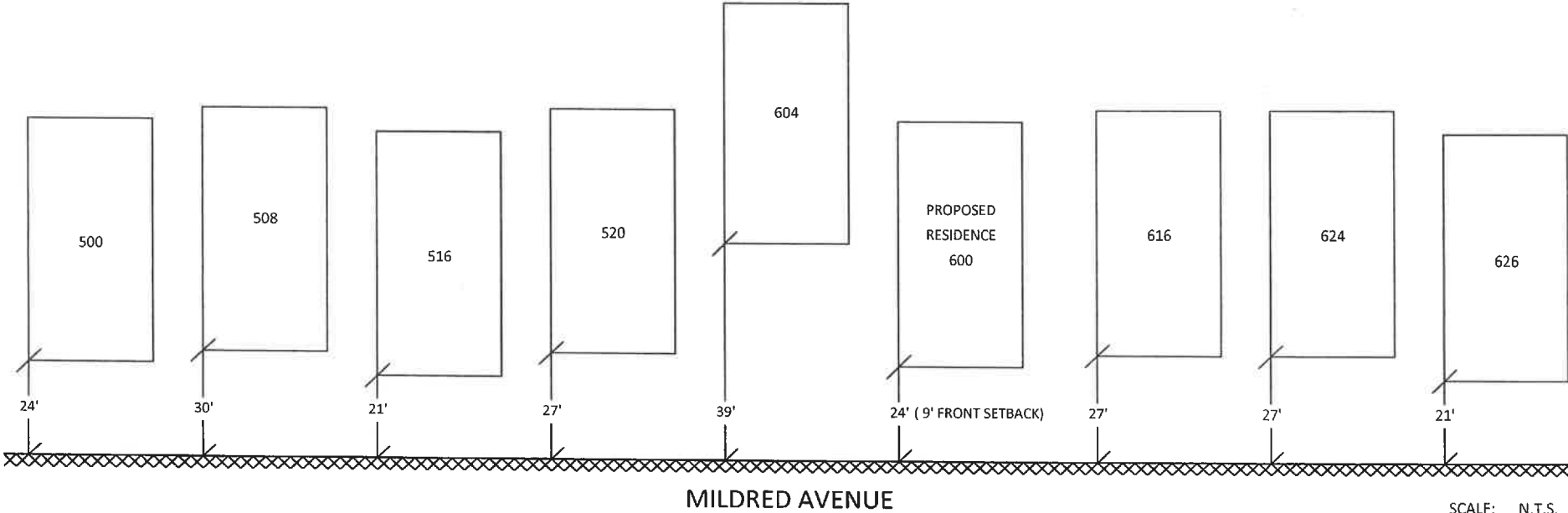
Google

Street View - Apr 2021

# EXISTING HOMES DISTANCE FROM ROAD

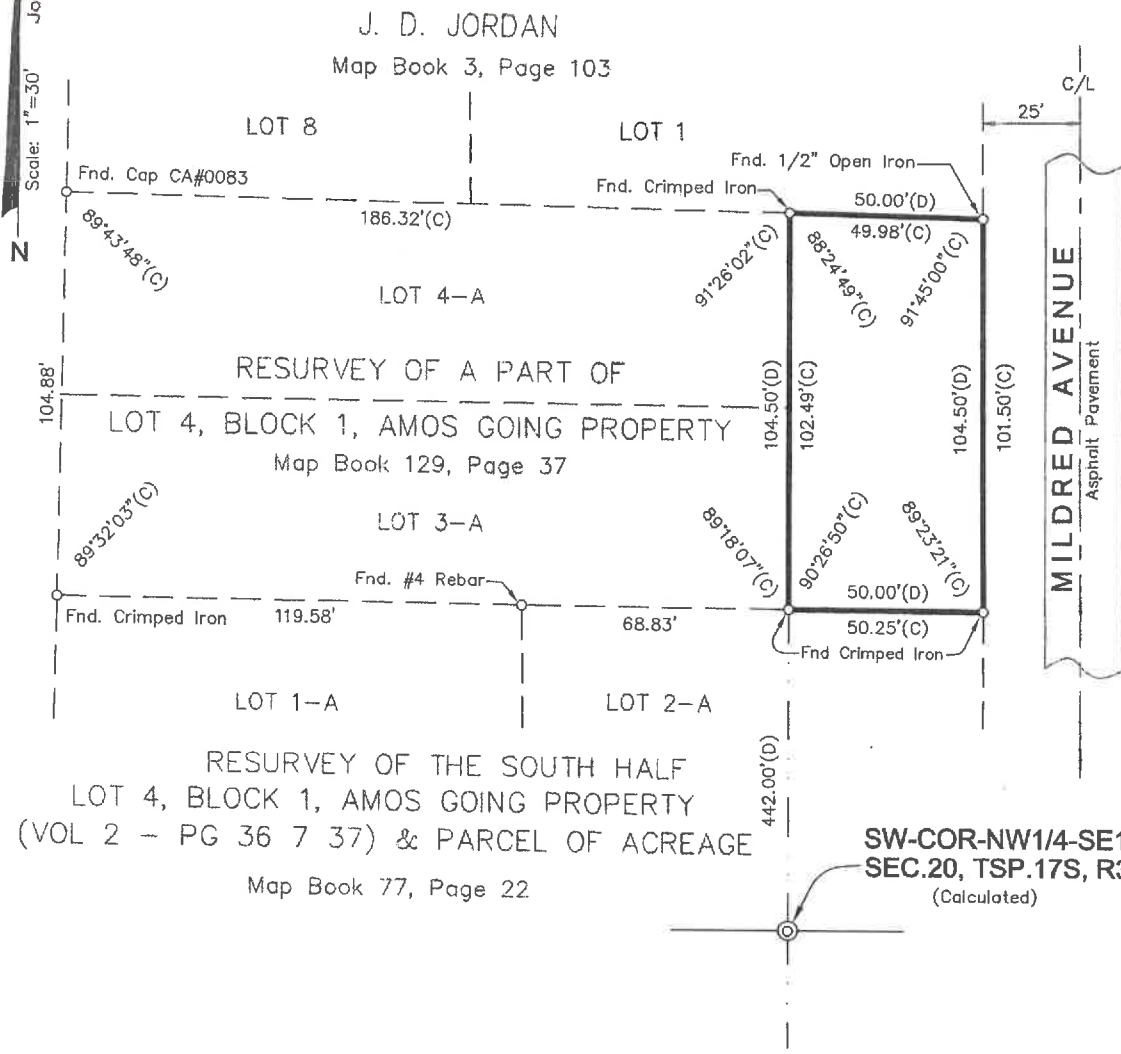
500 TO 626 MILDRED AVENUE  
BIRMINGHAM, AL

(NOT TO SCALE)



Job # 4370

Scale: 1"=30'



RESURVEY OF THE SOUTH HALF  
 LOT 4, BLOCK 1, AMOS GOING PROPERTY  
 (VOL 2 - PG 36 7 37) & PARCEL OF ACREAGE  
 Map Book 77, Page 22

SW-COR-NW1/4-SE1/4  
 SEC.20, TSP.17S, R3W  
 (Calculated)

### BOUNDARY SURVEY

DESCRIPTION (Case No: CV-2020-901089.00)

A tract of land located in the Northwest quarter of the Southeast quarter of Section 20, Township 17 South, Range 3 West of the Huntsville Principal Meridian, Jefferson County, Alabama, more particularly described as follows: Begin at the Southwest corner of said quarter-quarter section; thence in a northerly direction along the western boundary thereof 442.0 feet to Point of Beginning of boundary tract of land herein conveyed; thence continue in a northerly direction along said western boundary 104.5 feet; thence in an easterly direction parallel with the southern boundary of said quarter-quarter section 50.0 feet; thence in a southerly direction parallel with the western boundary of said quarter-quarter section 104.5 feet; thence in a westerly direction parallel with said southern boundary 50.0 feet to point of beginning.

The correct address is: 600 Mildred Avenue Birmingham, AL 35214

#### LEGEND

- (D) = Deed
- (C) = Calculated
- C/L = Center Line
- Fnd. = Found

STATE OF ALABAMA:  
 JEFFERSON COUNTY:

I, James R. Boatright, Sr., a Licensed Land Surveyor, do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

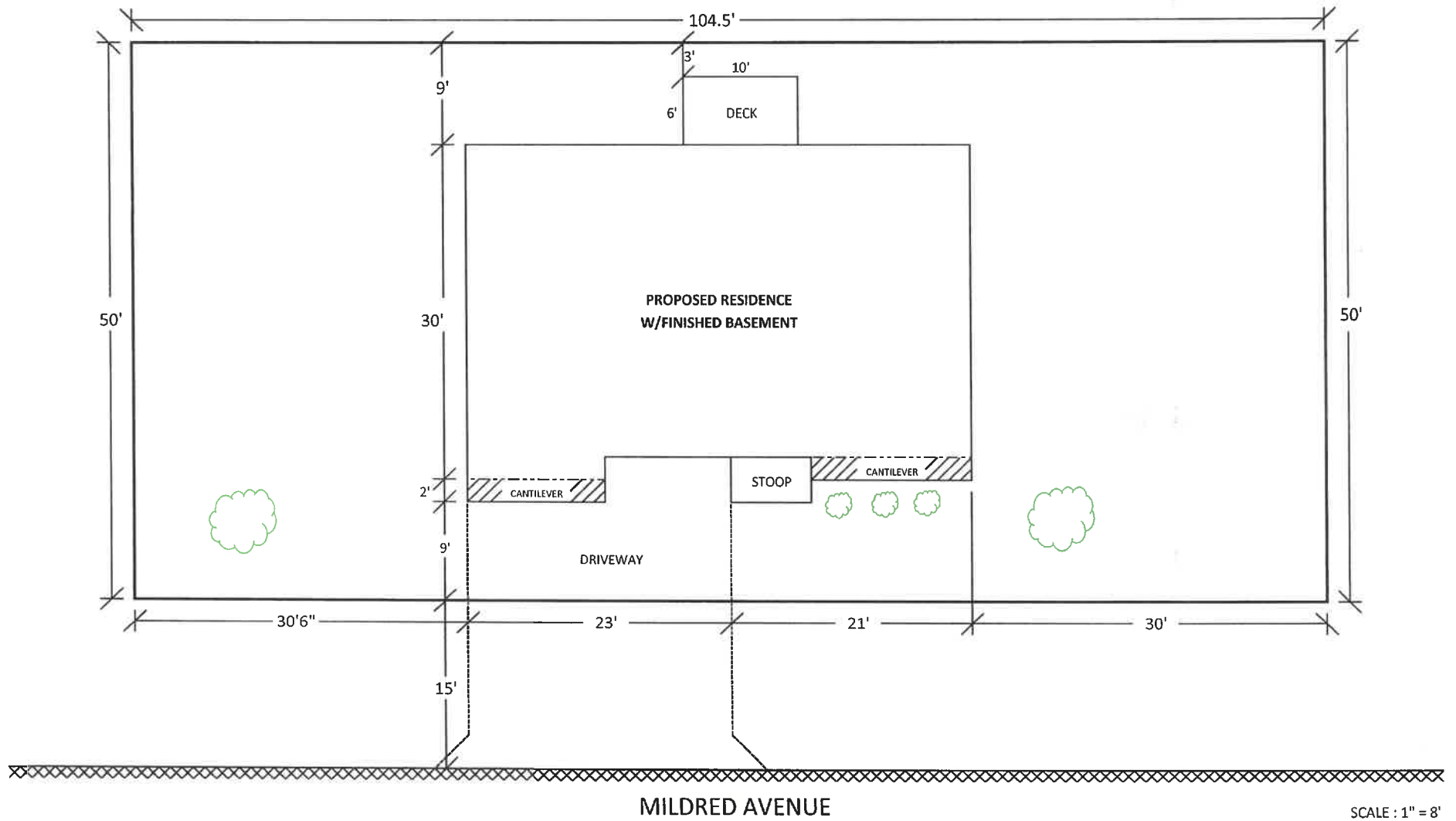
According to my survey this the 9th day of September, 2021 Revised 9-23-21  
 Revised Street Name

James R. Boatright, Sr., AL REG. NO. 17826  
 704 Mary Vann Lane, Birmingham AL 35215  
 Phone (205) 854-3669 Fax (205) 854-0071



# PLOT PLAN

600 MILDRED AVENUE  
BIRMINGHAM, AL



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00072**

**Tuxedo Neighborhood**

***Request:***

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

***Applicant:***

George Pritchett

***Location:***

900 18<sup>th</sup> St En 35218

Parcel # 012200314030007000

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

***Applicant's Proposal:***

The applicant is proposing resuming an auto repair shop.

***Staff Analysis:***

The subject property is currently zoned CB-1 (Contingency Neighborhood Business District). The subject property is surrounded by parcels zoned CB-1 (Contingency Neighborhood Business District). The property is not located the floodplain; however, it is located in the Ensley commercial revitalization district. The building was built in 1950 as a gas station/ auto repair shop and was zoned B-3 during the time. The property has continued to operate as an auto repair shop; however, there was not a business license obtained within the last two years and a variance is required.

***Per Zoning Ordinance:***

*Automobile/Light Truck Repair. In the following districts: MU-H, MU-D, C2, I-1, I-2, I-3, PRD AND MXD an automobile service shop shall be permitted*

*provided that the following conditions are met:*

- 1. No visibly disabled, abandoned or inoperable vehicles shall be stored on the premises.*
- 2. No vehicle to be repaired shall remain on the premises more than thirty days.*
- 3. In the MU-H, MU-D, C-2, PRD and MXD districts no auto repair activity shall occur outdoors.*
- 4. In MXD districts an automobile/light truck repair shall only be allowed, when a conceptual plan has been approved that allows for the use within a designated subarea and Commercial Use Group 3.*

***Neighborhood Recommendation:***

*The North Pratt Neighborhood Association voted not to support the request. The neighborhood does not want a car repair/carwash and junk yard in the neighborhood. He has the bass so loud it shakes our windows. We, the Community, do not want a Motor Repair Shop in our neighborhood. They are working on cars and cars wasting the oil, transmission fluid and other fluids down the street not into any grade or drain. Since George has opened, it has been outright disrespectful toward the people living in the area with loud music, profanity language and drag racing on both 18<sup>th</sup> Street and Avenue I. There are three elderly and ill women on the block, ages ranging from 60 to 80 years of age. We just can't be subject to this type of atmosphere at any time in our lives now. Not to mention about the dogs getting loose and biting people. It has been two incidents to date. It is a junk yard in the back of the shop even with a privacy fence. We do not want this our community! We deserve to live in community that is peaceful and quiet. Thanks*

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
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.

**DERROL DAWKINS M.D.**  
**5232 CLAIRMONT AVE**  
**BIRMINGHAM, AL 35222**

**MS Angelica Moton**  
**Department of Planning, Engineering & Permits**  
**City Hall/Room 210**  
**710 North 20<sup>th</sup> Street**  
**Birmingham, I 35203**

**November 9, 2021**

**Ms Moton,**

**This letter is in support of the request for resumption of a legal non-conforming auto repair shop at 900 18<sup>th</sup> Street Ensley. The property has been used as an auto repair shop since the 60's. It was owned and operated by my father John B. Dawkins Jr. After his passing my mother, Gwendolyn Dawkins has rented out the property to subsequent tenants continuously without interruption. There was less than two months between the last tenant and the present tenant George Pritchett. It has always served as an auto repair shop during this time. I will be glad to provide any further supporting and clarifying information if needed**

**Regards,**



**Derrol Dawkins M.D.**

**Durable Power Of Attorney for Gwendolyn Dawkins**



## **GENERAL POWER OF ATTORNEY**

I, Gwendolyn Dawkins, residing at 720 Avenue H, Birmingham, Alabama 35214, hereby appoint Derral Dawkins, M.D. of 5232 Clairmont Avenue, Birmingham, Alabama 35222, as my Attorney-in-Fact ("Agent").

If my Agent is unable to serve for any reason, I designate Patricia H. Dawkins, of 5232 Clairmont Avenue, Birmingham, Alabama 35222, as my successor Agent.

I hereby revoke any and all general powers of attorney that previously have been signed by me. However, the preceding sentence shall not have the effect of revoking any powers of attorney that are directly related to my health care that previously have been signed by me.

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, and other similar accounts with financial institutions.
  - a. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
  - b. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.
  - c. Have access to any safe deposit box that I might own, including its contents.
2. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.
3. Purchase and/or maintain insurance, including life insurance upon my life or the life of any other appropriate person.

*Derral Dawkins*

4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.

5. Enter into binding contracts on my behalf

6. Exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures, or other investments.

7. Maintain and/or operate any business that I may own

8. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate agents

9. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to receive rents); This includes the right to sell or encumber my homestead free from any claim or lien in any state.

10. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, state and federal tax returns.

a. Prepare, sign and file documents and returns with federal, state, local, and other governmental bodies.

b. Obtain information or documents from any government or its agencies, and negotiate, compromise, or settle any matter with such government or agency (including tax matters)

c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including military and social security benefits).

11. Make gifts from my assets to members of my family and to such other persons or charitable organizations with whom I have an established pattern of giving. I appoint Patricia H. Dawkins, of 5232 Clairmont Avenue, Birmingham, Alabama 35222, as my substitute Agent for the sole purpose of making gifts of my property to my Agent, as appropriate.

12. Transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer.

13. Disclaim any interest which might otherwise be transferred or distributed to me from any other person, estate, trust, or other entity, as may be appropriate

*Patricia H. Dawkins*

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) my income to be taxable to my Agent, (ii) my estate to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any ownership of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

Dated 01-13, 2021, at Birmingham, Alabama.

Gwendolyn Dawkins  
Gwendolyn Dawkins

[Handwritten Signature]  
Witness Signature

[Handwritten Signature]  
Witness Signature

STATE OF ALABAMA, COUNTY OF JEFFERSON, ss:

The foregoing instrument was acknowledged before me this 13 day of January, 20 21 by Gwendolyn Dawkins, who is personally known to me or who has produced DRIVERS LICENSE as identification.

[Handwritten Signature]  
Signature of person taking acknowledgment

Brian Young  
Name typed, printed, or stamped

Notary Public  
Title or rank

MYCOMM-EXP 02/2021  
Serial number (if applicable)

This document was prepared by:

Name: Spurling & Associates, LLC  
Address: 406 19th Street Suite 100  
Birmingham, Alabama 35218

**PARCEL ID:** 012200314030007000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Friday, December 3, 2021 11:49:29 AM

**OWNER:** DAWKINS GWENDOLYN

**ADDRESS:** 720 AVENUE H

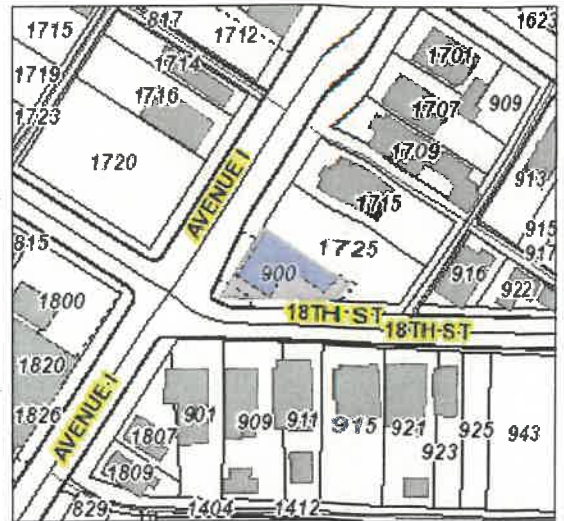
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35214--6152

**SITE ADDR:** 900 18TH ST

**CITY/STATE:** ENSLEY, AL

**ZIP:** 35218



**LAND:** \$3,700.00

**BLDG:** \$45,600.00

**OTHER:** \$0.00

**AREA:** 4,670.33

**ACRES:** 0.11

**SUBDIVISION INFORMATION:**

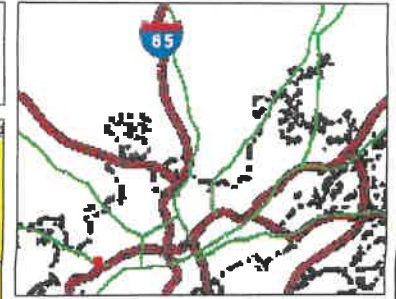
**NAME** PEOPLES RELY 6/44 22-31-4

**BLOCK:**

**LOT:** 1

**Section:** 31-17-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Not in Historic Districts  
**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:** Tuxedo (803)  
**Communities:** Ensley (8)  
**Council Districts:** District - 8 (Councilor: Carol Clarke)  
**Zoning Outline:** CB1  
**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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Legend

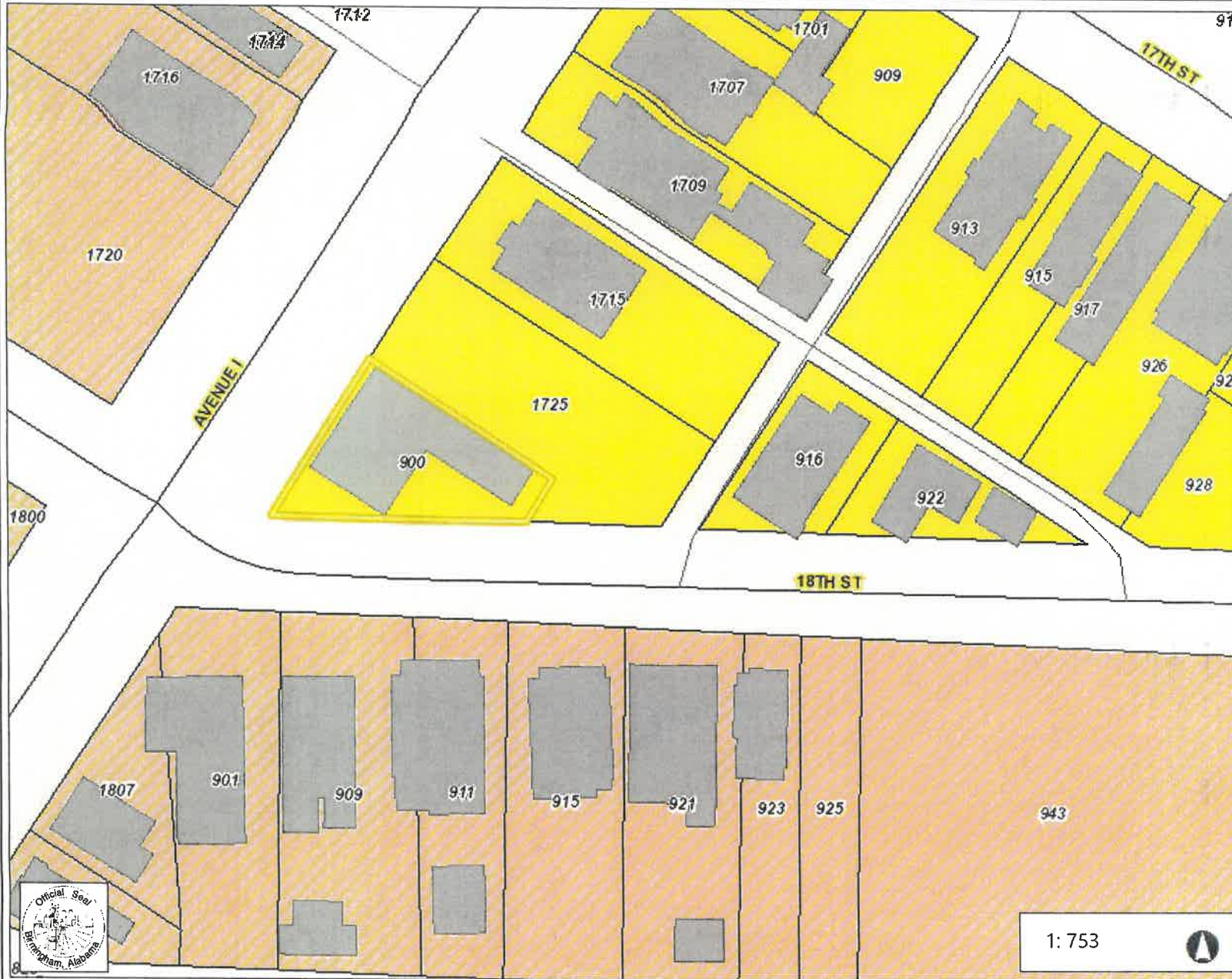
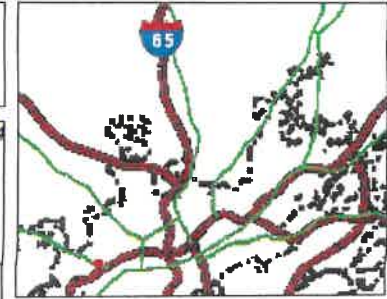
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  - R7 - Multiple Family District

1: 753



125.5 0 62.73 125.5 Feet

Notes



Legend

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1: 753

125.5 0 62.73 125.5 Feet

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Notes





**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00073**

**North Birmingham Neighborhood**

***Request:***

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

***Applicant:***

Frank Fragg

***Location:***

2512 29<sup>th</sup> Ave N 35207

Parcel # 012200344015010000

SE of Section 34, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a crematorium.

***Staff Analysis:***

The subject property is currently zoned MUM (Mixed- Use Medium District). The subject property is surrounded by parcels zoned MUM (Mixed- Use Medium District) while parcels south are zoned I-1 (Light Industrial District) The property is not located the floodplain nor in any design review districts. In 1982 this property was owned by Smith Wanda Grey and zoned B-3(Community Business District). The use at the time was a funeral home/crematory. The proposed crematorium will be located towards the rear of the property near the alley.

***Neighborhood Recommendation:***

The *North Birmingham Neighborhood Association* voted 7 in support and 9 opposed.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

Proposed Project for the Grey-Bushelon Funeral Home, 2512 29<sup>th</sup> Avenue North, Birmingham 35207

#### Physical Characteristics of the Property.

The property is located at 2512 29<sup>th</sup> Ave North, Birmingham 35207.

It is approximately 137' x 230' in size, 31,500 square feet (0.75 acres).

The property is the home of the Grey-Bushelon Funeral Home facility which faces 29<sup>th</sup> Avenue and has an existing 38' x 80' single story, concrete block out-building that currently houses the business's vehicles.

The site is level and has a paved parking area, grassed areas and several old-growth trees. It is bordered on the north side by the 29<sup>th</sup> Alley, a dedicated public alley for rear of property access. The surrounding neighborhood has commercial, residential, and industrial uses in the neighborhood.

#### Unique Characteristics.

The property is attractive, well maintained and is one of many positive elements of the neighborhood. The new work will be within the existing out-building which is located at the north (rear) edge of the site, away from the frontage street, 29<sup>th</sup> Avenue. The trees and landscaping will minimize any visual impact created by the new work.

#### Hardship not self-Imposed.

There is no self-imposed hardships to our knowledge.

#### Financial Gain Not Only Purpose.

The Grey-Bushelon funeral business has had the option of cremation services since its inception. Currently, a larger number of people are choosing this option over the more traditional funeral service, and the owners would like to continue to serve their client's needs and desires.

#### No Injury to Neighboring Property.

The new work will use the two parking bays for the area for the new crematory unit and its related spatial uses for its usage. There will not be any horizontal expansion of the masonry building and the existing roof will be slightly raised to provide the minimal headroom around the unit. The structure will be supplemented to accomplish the proper air circulation within the space.

#### No Harm to Public Welfare.

The addition of this essential element for the funeral business will not adversely affect the health, safety or well being of the residents of the neighborhood. The heat generated by the unit is insignificant, as noted in the accompanying product literature from the manufacturer for this specific unit. There will not be any smell or obnoxious fumes or odors generated by the cremation process, also noted in the provided data.

**PARCEL ID:** 012200144031008000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Monday, December 6, 2021 11:21:18 AM

**OWNER:** WE CARE TO ENTERPRISES LLC

**ADDRESS:** 4813 EMBRY RD

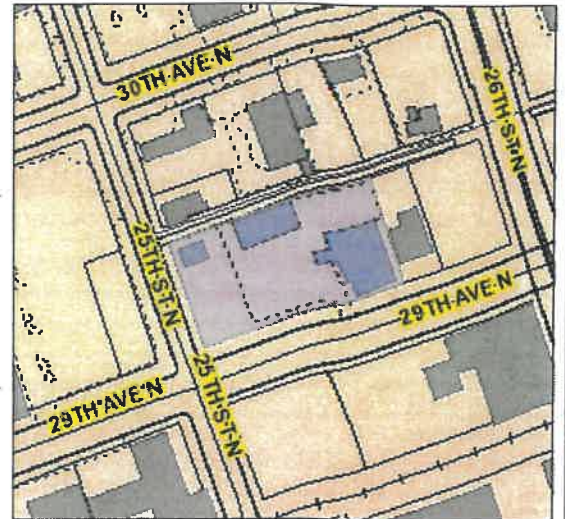
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35207

**SITE ADDR:** 2502 29TH AVE N

**CITY/STATE:** BHAM, AL

**ZIP:** 35207



**LAND:** \$31,500.00

**BLDG:** \$330,200.00

**OTHER:** \$0.00

**AREA:** 35,138.81

**ACRES:** 0.81

**SUBDIVISION INFORMATION:**

**NAME** GREY-SMITH RESURVEY

**BLOCK:**

**LOT:** 16A

:

**Section:** 14-17-3W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** North Birmingham

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** No. Bham (1106)

**Communities:** North Birmingham (11)

**Council Districts:** District - 9 (Councilor: LaTonya Tate)

**Zoning Outline:** MUM

**Demolition Quadrants:** DEM Quadrant - 3

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

**Strategic Opportunity Area:** In Strategic Opportunity Area

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

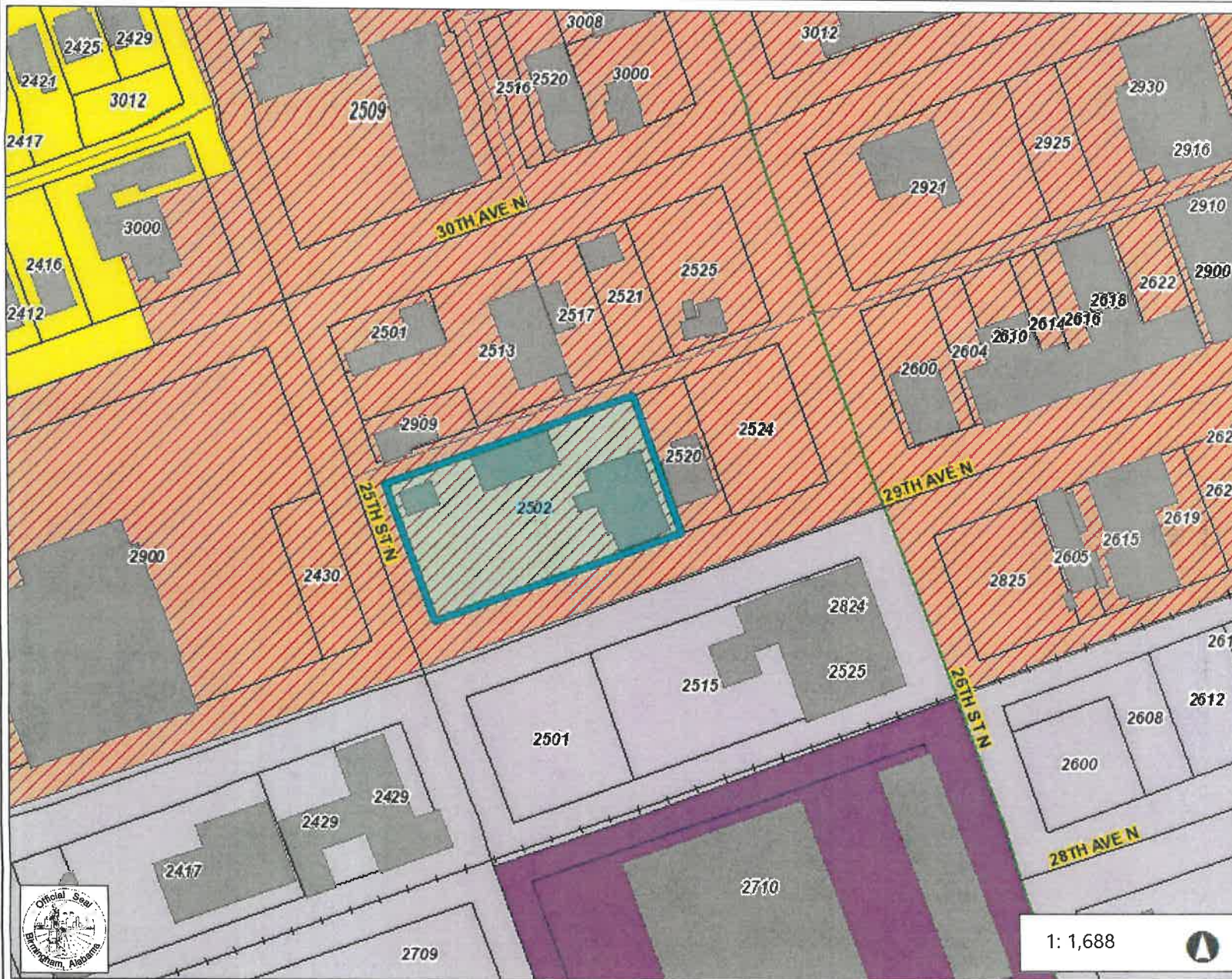
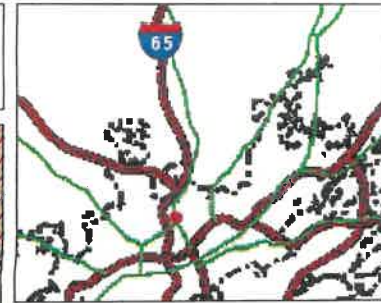
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  - R6; D6 - Multiple Family District
  - R7 - Multiple Family District



1: 1,688

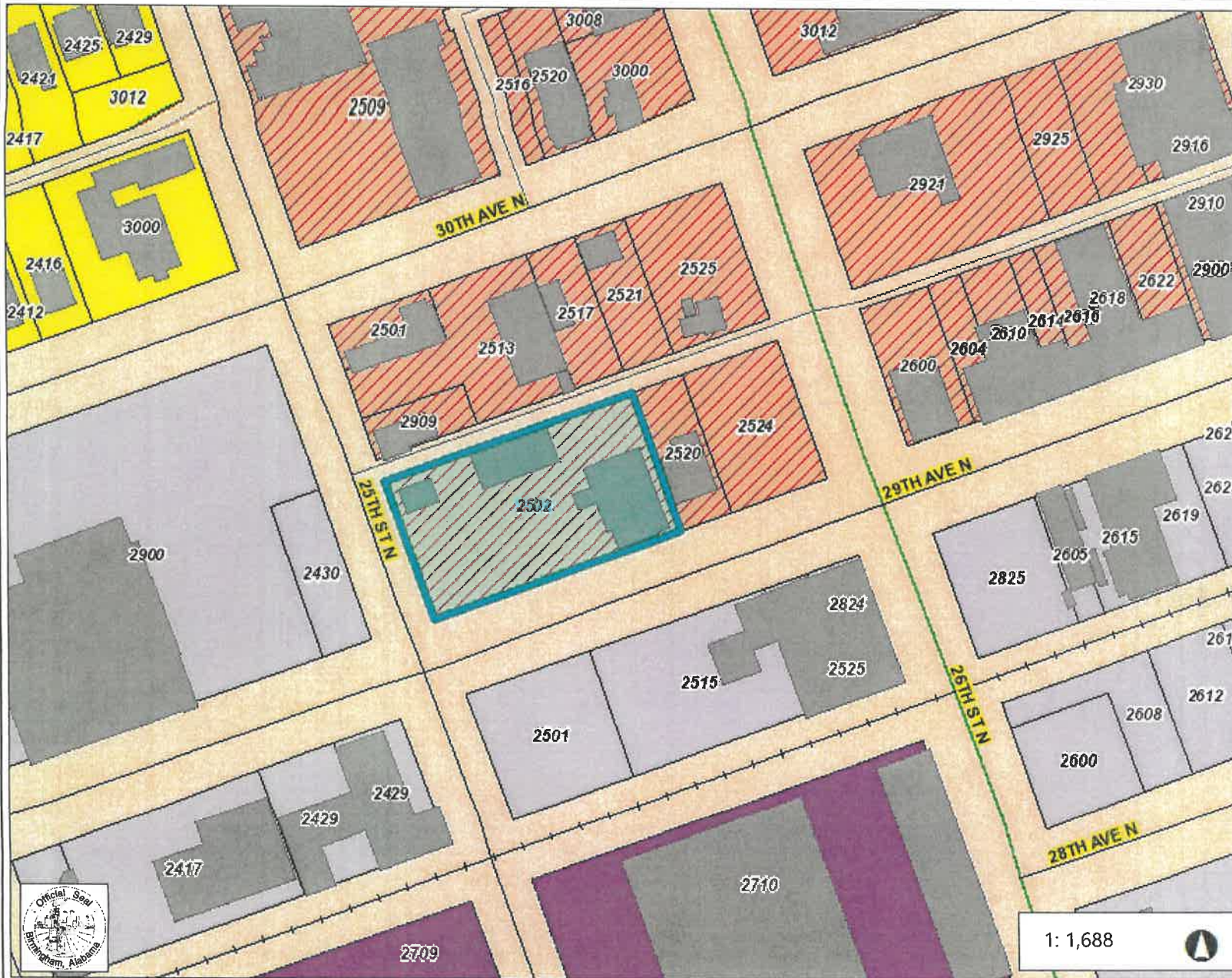
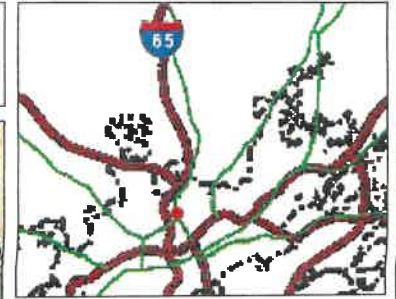


The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



# ZBA2021-00073 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: 1,688



281.3 0 140.65 281.3 Feet

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

## Notes

Google Maps 2512 29th Ave N  
ZRA2021-00073



Birmingham, Alabama

Google


Street View - May 2017

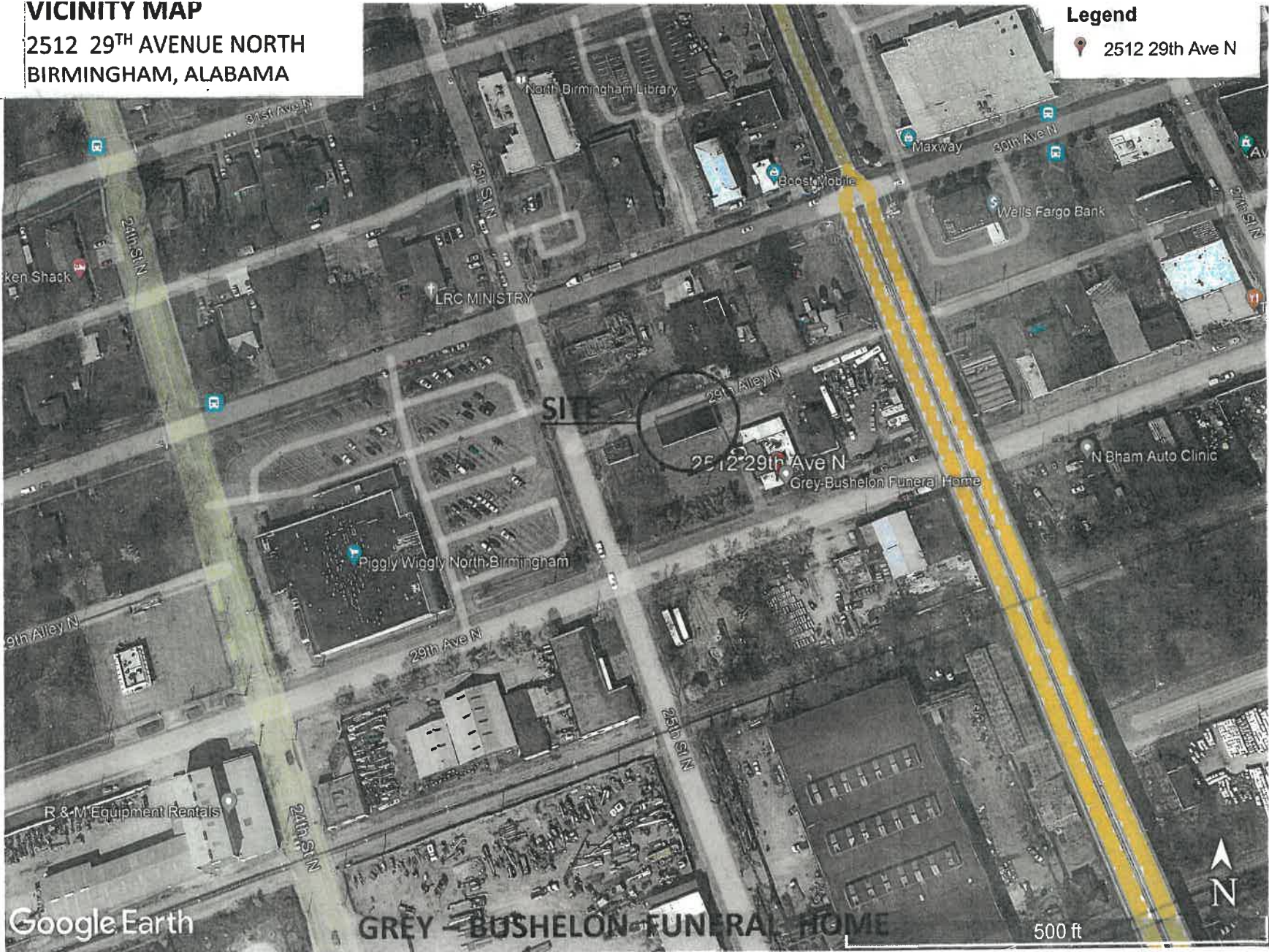
Image capture: May 2017 © 2022 Google

**VICINITY MAP**

**2512 29<sup>TH</sup> AVENUE NORTH  
BIRMINGHAM, ALABAMA**

**Legend**

 2512 29th Ave N



Google Earth

GREY - BUSHELON FUNERAL HOME

500 ft



# AERIAL VIEW

2512 29<sup>TH</sup> AVENUE NORTH  
BIRMINGHAM, ALABAMA

**Legend**  
📍 2512 29th Ave N



**FRONT STREET VIEW**  
2512 29<sup>TH</sup> AVENUE NORTH  
BIRMINGHAM, ALABAMA

**Legend**  
📍 2512 29th Ave N



Google Earth

© 2021 Google

**RIGHT END VIEW - BLDG**  
2512 29<sup>TH</sup> AVENUE NORTH  
BIRMINGHAM, ALABAMA

**Legend**  
📍 2512 29th Ave N



*Aloha Funeral Home & Crematory*

Therm Tec, Inc.  
P.O. Box 1105  
Tualatin, Oregon 97062

November 15, 2004

Dear Gary Thorn and Dean Robbins,

We would like to thank you for supplying our new crematory for our facility here at Springer & Son Funeral Home. A few months ago, before we found your company, we purchased a crematory from one of your competitors. Without a doubt, your crematory out performs this crematory. As matter of fact, it out performed any crematory I have operated over our 17 years in the business, including units from the Florida manufacturers. From the very front of the crematory, with it's low entry and door closing design, to the high - tech interior lining and floor, you have designed a unit for the user. The controls are very easy to use and the crematory does not require constant attention to operate as we have experienced with other crematories. The cremation process is simply set up for the case and it is truly automatic.

The rapid heat up and cooling of the crematory chamber allows us to do four to six cremations in an eight hour day. This performance rate is very efficient and there are no visible emission what so ever.

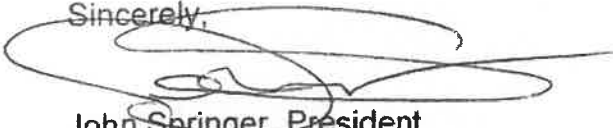
Our largest case has been 375 pounds. There was only a single setting of the timers and the rest was fully automatic. Also there was no constant adjusting or baby sitting to complete the cremation process. That is why we consider using your unit to be a major advantage along with the cremation efficiency of four to six cremations in an eight hour day.

We look forward to replacing the competitor unit and installing another Therm Tec unit.

Again, thank you for the great crematory and the excellent service.

If any of your potential customers would like to call me concerning our new crematory and its operation, please have them contact me at 800. 356-1273.

Sincerely,



John Springer, President  
Springer & Son Funeral Home

# NORCAL CREMATORY

*Your Professional Representative*

8231 Alpine Avenue, Suite 8, Sacramento, California 95826  
916-455-0120 Fax: 916-455-5488  
Lic.# CR-124

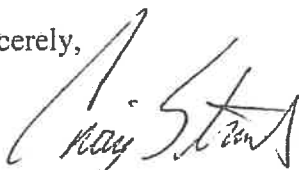
Therm-Tec  
Dean & Gary  
20525 S.W. Cipole Road  
Sherwood, OR 97140

October 16, 2009

Dean and Gary:

I know this letter is long over due but I just wanted to thank you for the Great piece of Cremation Equipment (SQC-300) you delivered to us in November 2008. As you knew prior to selling me the equipment, I was a fan of hot hearth cremation equipment but after running two hot hearth machines for the last 6 years I was growing increasingly frustrated with the continuous breakdowns and maintenance. You told me that your equipment didn't have all the components (what I would call design flaws) that both of the current machines that we operate do. I can tell you after operating your SQC-300 for one month short of a year and processing approx. 1000 (Yes 1000) cases we have not had one problem with your equipment. We process the majority of our obese cases with the SQC-300 and just last week we cremated a case weighing 680 lbs. with no problem at all. With your machine's natural draft we don't have to worry about back drafting or overheating caused by continuous nozzle or venturi failures as with the hot hearth equipment. Since it is a cold hearth we also don't have to worry about any baffle obstruction or failures that are also a persistent problem with the hot hearth that also causes back drafting and overheating. Another feature we like is the positioning of the main burner at the rear of the machine. With this positioning of the main burner at the rear of the machine and projecting the flame across the floor we don't have to reposition the deceased as frequently or worry about the flame destroying the floor as such with the hot hearth design. We have yet to replace a thermocouple on your machine which is very nice considering the cost of thermocouples. I could go on and on about the pros and cons of your SQC-330 vs Hot Hearth but this letter would be way to long. I just want to tell you Them-Tec far exceeded my expectations and is by far the best designed cremation equipment available. All of my crematory operators say they would much rather operate the Therm-Tec over the units made in Florida and Los Angeles. I would recommend Therm-Tec to anyone considering cremation equipment. Thanks for a great design and impeccably built piece of equipment.

Sincerely,



Craig Strunk  
President

## Ross Hollywood Chapel



April 20, 2006  
Dean Robbins & Gary Thorn  
Therm Tec, Inc.  
P.O. Box 1105  
Tualatin, Oregon 97062

Dear Dean and Gary:

We took delivery of two of your SQC-300 cremation units in mid January of 2006. They replaced a 1981 crematory unit that was manufactured out of state. Our previous unit had been rebuilt several times at considerable expense. It frequently leaked and we had to reposition the remains at least three times on the average burn. We never were able to do more than two burns per day on this unit.

The two units we took delivery of in January of 2006 have performed better than expected. We recently completed our 300<sup>th</sup> burn on them. The features I like are the church truck height for loading, the special lining inside that allows for quick heat up and cool down of the unit, the slanting of the floor toward the burner to stop leakage and that we do not have to re-position the remains during the burn.

Recently I cremated a person that weighed about 550 pounds without any problem; and another day, I did a 300 pound person as my second burn of the day, also without any problems; with a one hour cool down time between burns. (I would not have tried this on our old units!)

Our company owned a Therm Tec CAC-300 unit that was installed at the Killingsworth Little Chapel of the Chimes building in 1982. It was still operating the week before it was removed, due to the sale of that building in late 2005. We completed in excess of 16,000 burns on that unit and during that time, we replaced the chimney sections once and the removable floor tiles were replaced after each 1,000 burns on average; the cost was minimal compared to our other units and we were only down from four to twenty four hours. The inside of the Killingsworth unit (the walls, ceiling and door were original and still in good shape.)

I have operated Therm Tec units for over 19 years. I have been impressed with their ease of operation and low maintenance costs. If you have any questions, please feel free to call me anytime.

Sincerely,

*W. Clay Wilhelm*

W. Clay Wilhelm  
Sr. Crematory Operator  
Ross Hollywood Crematory  
4733 N.E. Thompson  
Portland, Oregon 97213  
503-281-1800



Killingsworth St. John's Lombard Little Chapel of the Chimes  
4733 NE Thompson • Portland, OR 97217 • 503-281-1800 • Fax 503-284-3236  
www.rosshollywoodfuneralchapel.net • DignityMemorial.com

# ThermTec, Inc. Crematory Color Samples



Silver Gray



Light Blue



Brown



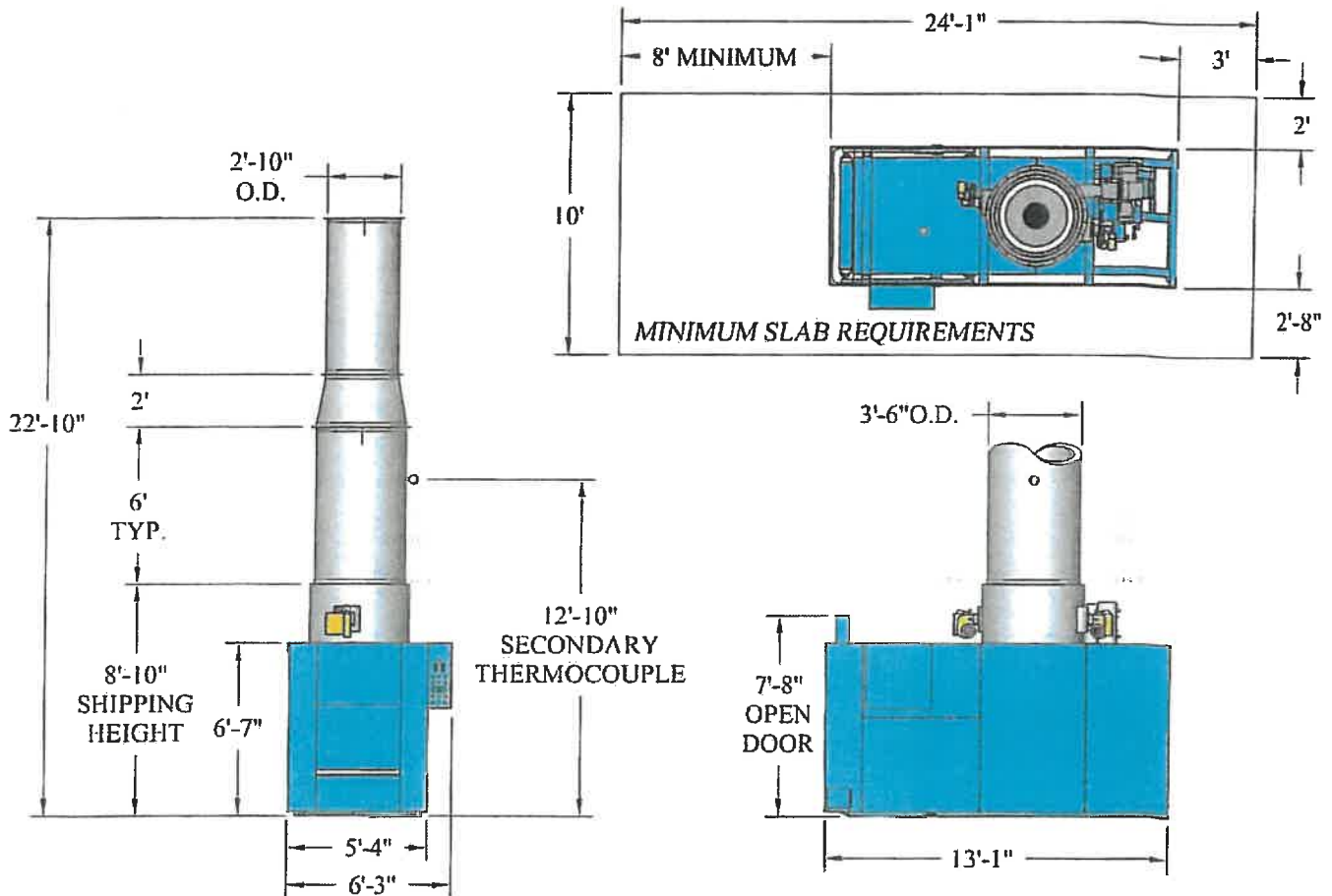
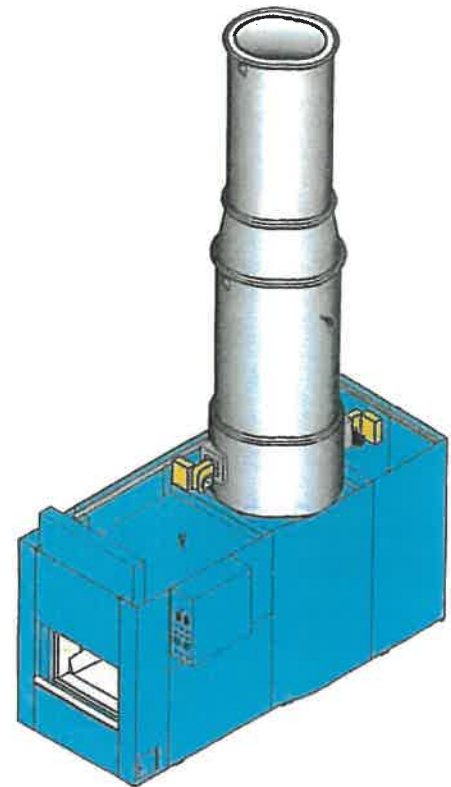
Mid Green

Colors may vary slightly from this sample sheet



P.O. BOX 1105, TUALATIN, OREGON 97062  
 20525 S.W. CIPOLE ROAD, SHERWOOD, OREGON 97140  
 Phone (800) 292 9163 or (503) 625-7575  
 Fax (503) 625-6161 E-MAIL: thermtec@earthlink.net

- Latest Design For Efficient Cremation. Not A "Hot Hearth" Design.
- Backed By Over 30 Years Of Combustion Technology.
- Main Burner Positioned For Direct Flame Contact To Case.
- Rapid Heat Up And Cool Down Cycles. Low Noise Operation.
- Tile Floor For Ease Of Replacement. Low Replacement Cost.
- Refractory Lined Stack For Longevity.
- Low Load Height Of 20". Design To Be Used With "Church Truck". No Need For Elevating Table.
- 240 Volt. Single Phase. 40 Amp, 60 Hz, Low 2.3 Horse Power
- Natural Gas. Operating @ 2 to 5 Lbs. @ 2.1 Million BTU's
- 1.5 Seconds Dwell Time In Final Combustion Chamber



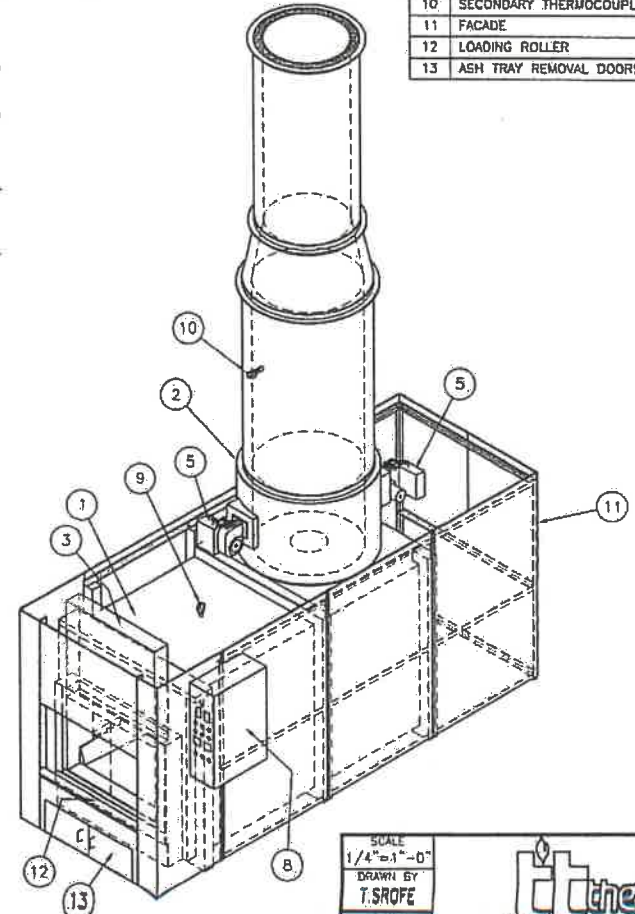
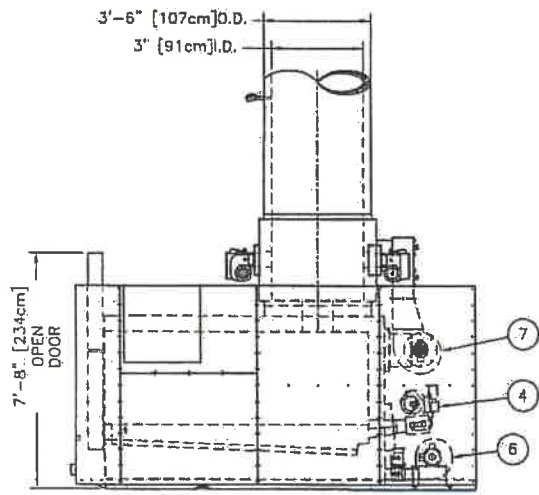
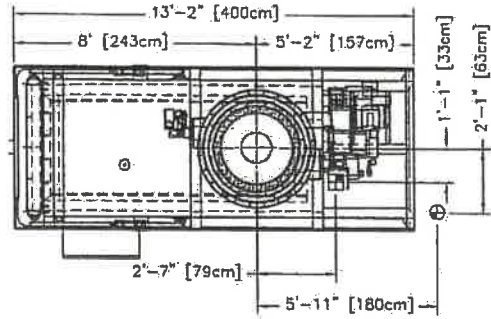
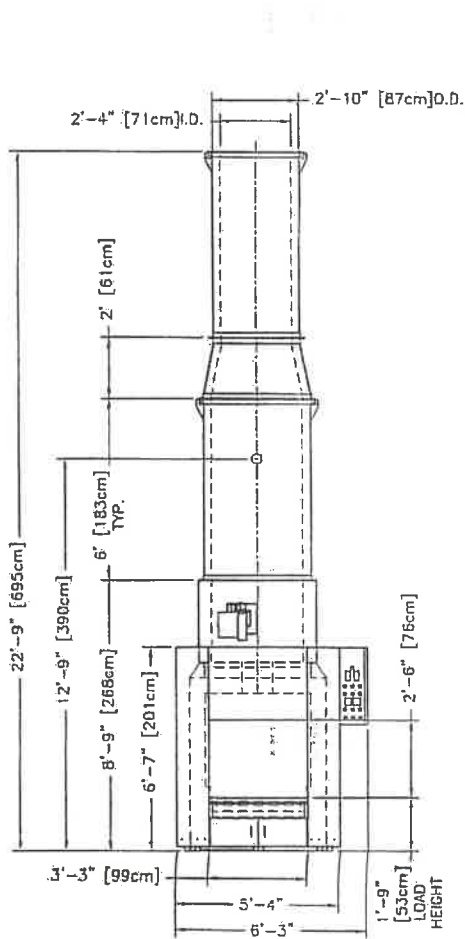


**UTILITY REQUIREMENTS :**

⊕ NATURAL GAS : 1 1/2" NPS, 3900 CFH @ 2-5 PSI  
STUB-UP NOT TO EXCEED 4"  
ABOVE FLOOR.

⊞ ELECTRICAL : 220 VOLT, 1 PHASE, 60HZ, 40 AMP

1	SQC-300 CREMATORY PRIMARY CHAMBER
2	SECONDARY CHAMBER (AFTERBURNER)
3	MAIN DOOR (HYDRAULIC)
4	PRIMARY BURNER
5	SECONDARY BURNERS
6	PRIMARY CHAMBER COMBUSTION AIR FAN
7	SECONDARY CHAMBER COMBUSTION AIR FAN
8	CONTROL PANEL
9	PRIMARY THERMOCOUPLE
10	SECONDARY THERMOCOUPLE
11	FAÇADE
12	LOADING ROLLER
13	ASH TRAY REMOVAL DOORS



REVISION	DATE	BY	DESCRIPTION
B	07/26/05	TPS	REMOVED TOP STACK SECTION
A	01/24/02	TPS	NEW DESIGN

SCALE	1/4" = 1'-0"
DRAWN BY	T. SPROFE
DATE	09/20/95
CHECKED BY	
TOLERANCES	UNLESS NOTED
	± 1"

12/21/95



SHERWOOD, OREGON 97140

**GENERAL ARRANGEMENT**  
**SQC-300 CREMATORY**

**BSG-2417** CHANGE  
SHEET 1 OF 2 **B**

THIS DOCUMENT ENCLOSES BUSINESS MATTER TO WHICH THERM-TEC, INC., SHERWOOD, OREGON HAS PROPRIETARY RIGHTS AND IS NOT TO BE USED IN ANY WAY WITHOUT CONSENT OF THERM-TEC, INC., SHERWOOD, OREGON.

L/C

# Therm Tec, Inc.

P.O. Box 1105 Tualatin, Oregon 97062  
 Phone 503-625-7575 800-292-9163 Fax 503-625-6161

## Installation Information

### Human Cremation Furnace Model SQC-300

#### Crematory Shipping Dimensions

Width With Control Panel Installed	6' 3"
Length	13' 2"
Height With Secondary Chamber In Place	8' 10" ( Normal Shipping Height)
Minimum Door Opening To Move Crematory Into Room	<b>Width 6' 9" Height 9'6"</b>
(Openings SMALLER Requires Removal of Secondary Chamber And /Or Control Panel - Additional Labor)	
Weight of Crematory As Shipped	15,400 Pound: 4 Lifting Eyes On Top
Total Weight Of Crematory With Stack	21,039 Pounds
Base Frame Contact To Floor	12 PSI
* Anchors For Seismic Stability To Concrete Floor	*4 Each, 1/2" to 5/8" Anchor Bolts Adequate
( See Drawing # BSG-2417 2 of 2 For Placement)	For Anchoring. Install Through Provided
<b>( INSTALLED BY CONTRACTOR )</b>	Holes In Base of Frame
Crematory Is A" Stand Alone" Structure. NO Attachments	
For Bracing To Roof Required Or Desired	
* Concrete Anchors To Be Supplies By Contractor At Job Site	
Recommend Approved "Red Head " Bolts, 5/8" Bolt #CWS-5850 ( Drill Hole 5/8" x 5" Deep)	

#### Stack Sections

Section Connected to Secondary Chamber	42" O.D x 72" Long
Weight 24 # 5 Bolts & Washers	1,882 Pounds
Transition Section	42" O.D to 34" O.D. x 24" Long
Weight 24 # 5 Bolts Plus 16 Bolts With Washers	627 Pounds
# 1 Stack Section	34" O.D. x 72" Long
Weight 24 # 5 Bolts & Washers	1,560 Pounds
#2 Stack Section ( If Required For Installation)	34" O.D. x 72" Long
Weight 24 # 5 Bolts & Washers	1,560 Pounds
Stack Connection To Secondary Chamber	24 Ea. 3/8" Bolts, Lock Washer/Nuts
Stack Transition To 42" Section	24 Ea. 3/8" Bolts, Lock Washer/Nuts
Stack Transition To 34" Section	16 Ea. 3/8" Bolts,Lock Washers,Nuts
Stack Sections Are Self Supporting To Main Unit	Bolts, Lock Washers And Nuts Provided With Unit
( No Bracing to Roof Required)	
Apply Thin Coat ( 1/4") of High Temperature Mortar To Surface Of Exposed Refractory Of Stack Sections	
Before Bolting Section Together For Sealing Joints ( Motar Supplied With Unit)	
Rain Cap Is Not Required	

#### Recommended Clearances For Operation & Service

*( Consult Factory If Space Available Is Less THAN Recommended Clearances)*

	Preferred	Minimum Clearances
Top Of Cremation Facade To Ceiling	18"	12"
Side Of Crematory With Control Panel To Wall - For Door Swing( Panel 11"	48"	45"
Side Of Crematory Without Control Panel To Wall	36"	18" to 24"
Back Of Crematory To Wall	36"	18" to 24"
Floor - Non - Combustible ( Note PSI Contact to Floor)		

#### Stack Penetration Through Roof - Designed As Required For Facility

##### Basic Recommendations:

Stack Through Roof Line Hole	If Roof Under 16 Feet	58" Square - Internal Dimensions
Stack Through Roof Line Hole	If Roof Over 18 Feet	50" Square - Internal Dimensions

# Therm Tec, Inc.

P.O. Box 1105 Tualatin, Oregon 97062  
Phone 503-625-7575 800-292-9163 Fax 503-625-6161

## Installation Information

### Human Cremation Furnace Model SQC-300

#### Outside Shell Temperature of Crematory

View From the Front Loading Door

(Temperatures Measured After 5 Cases)

Front Door	Ambient + 10 Degrees
Right Side	Ambient + 5 Degrees
Left Side	Ambient + 5 Degrees
Back	Ambient + 10 Degrees
Top	Ambient + 25 Degrees
<b>Total Btu Release To Surrounding Areas</b>	Less Than 15,000 Btu's/Hr

#### Combustion Air Recommended

3,000 CFM

**Contractor Supplied:**

Room Should Be Under a Slight Positive Pressure

Consider Using A Evaporative Cooler For Air Supply.

Or - Air Fan Available From WW Granger Co. Or Equal

Also Good For Summer/Winter Operation

Fan # Model 5M191 Blade Size 18"

1/3 H.P. Louver McMaster Carr Co.#A-1922 (24"x24"x4")

**( Consult your HVA C contractor for location of input and exhaust for proper air exchanges in the room)**

#### Underwriters Laboratories Listing UL 508A

**( U.L. Label Located Inside Electrical Control Panel - Per U.L. Requirements)**

( Note, Unit To Be Installed In Compliance With NFPA 86 " Industrial Furnace Safety Standards")

(The UL 508A listing is more comprehensive for safe operation of Commercial /Industrial Cremation Furnace Units)

#### Stack Discharge Information

Stack Diameter Outside .Diameter	42" or 34" ( Depends On Installed Height)
Stack Inside Diameter.	36" or 28" (Depends On Installed Height)
Discharge Temperature	1,300 to 1,400 Deg. F. ( Top Of Stack)
Refractory Lined	3" - 2,600 Deg F. Refractory
Average Surface Temperature Of Stack	185 to 210 Deg. F.
( Surface Temperature With Insulated Thimble Installed ( Heat Shield ) 2 1/2" Thick Is Approximately 100 Deg..F. Or Less)	
Average Flow Rate Of Discharge	4,200 ACFM 1,250 SCFM
Average Velocity	15 to 16 FPS

#### Safety Inter Locks On System Controls

See Drawing # CES-2203

Electrical Contacts In The Control Panel Automatically Starts Ventilation and Exhaust

Fans When The Crematory Is Turned On. ( Dry Contact)

Crematory Operates Under A Natural Draft Condition.

Primary Burner LOCKED OUT When Load Door is Open

Load Door Locks In Position By "Dead Port Center Valves" Built In Hydraulic System

#### Utility Connection To Unit

Electrical - Connection To Control Panel 240 Volts, 30 Amp, Single Phase, 4 Wire Connection

Fuel Connection to Unit 3,900 CFH, 2 to 5 Pounds Natural Gas- MAXIMUM SUPPLY  
Regulator Supplied, 1 1/2" NPT Connection, Vent 1" Atmosphere  
( Actual Operating 1,400 to 1,600 CFH )

# Therm Tec, Inc.

P.O. Box 1105 Tualatin, Oregon 97062  
Phone 503-625-7575 800-292-9163 Fax 503-625-6161

## Installation Information

### Human Cremation Furnace Model SQC-300

#### Installation Of Crematory

The Crematory Will Arrive On A Flat Bed Commercial Truck With The Stack Sections.

The Crematory must be installed on level floor - both front to back & side to side.  
( Levels of the floor can effect the vertical 90 degree position of discharge stack )

A crane capable of setting the main body in place and setting the stack sections on the Secondary Chamber once the main body is in place. The crane company must be aware of the installation of the Crematory to select the proper crane, personnel and allied equipment for the installation ( such as equipment rigging, slings, chains, rollers, equipment jacks, etc.)

The weight of the system is transmitted to the base frame of the unit and is approximately 12 PSI

Two 1" anchor bolts are to be installed into the concrete floor through the hold down plates to anchor the Crematory to the concrete floor. ( hold down plates located rear of base frame )  
( Lagging and anchor bolts by outside contractor)

Connection of the fuel source ( Natural Gas Or Propane) to the Crematory to be a Licensed Contractor .  
Connection of the electrical service to the Crematory to be by Licensed Contractor.

#### Preparation Of The Crematory For Operation, Start Up And Training

Normally, a three to four day period is scheduled for the preparation of the crematory's operations start up and training at the project site.

The refractory, a high temperature concrete like product used in the construction of some parts of the Crematory requires a curing or drying out process. The curing is done very slowly and carefully and takes about 30 hours. During this period, some Operator Training will occur. Once the Technician has completed the curing process, the Operator Training and Maintenance is conducted.

Then, actual cremations are scheduled as part of the training program. Review of the Operation & Maintenance Manuals, operating techniques, replacement consumable components ( temperature probes etc.) are part of the operators education program.

On completion of the Operators Training by the Factory Technician, a "Certificate Of Training" will be provided to be posted at the facility. ( Certificates are mailed to the Facility)

# Therm Tec, Inc.

P.O. Box 1105 Tualatin, Oregon 97062  
Phone 503-625-7575 800-292-9163 Fax 503-625-6161

## Installation Information

### Human Cremation Furnace Model SQC-300

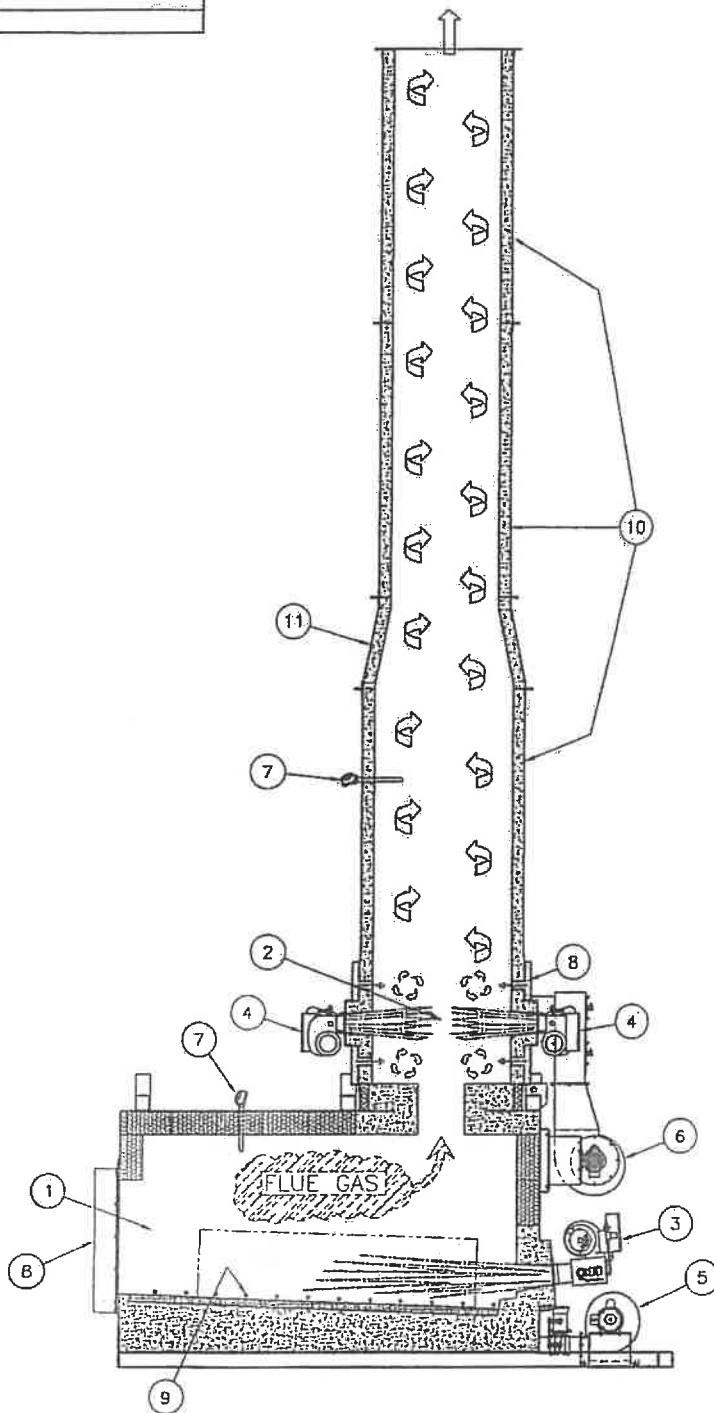
## Permits Required For Installation:

	Obtained
<b>Air Pollution Permit</b> Obtained from the local Environmental Agency By the Owner or Operator of the facility	<input type="checkbox"/>
<b>Zoning Permit</b> For the installation of the Crematory By Owner or Operator of the Crematory	<input type="checkbox"/>
<b>Mechanical Permit</b> <b>Local Inspection Required</b> To install the appliance By Licensed Contractor or Owner	<input type="checkbox"/>
<b>Plumbing Permit</b> <b>Local Inspection Required</b> To connect the fuel service by a Licensed Plumber Contractor	<input type="checkbox"/>
<b>Electrical Permit</b> <b>Local Inspection Required</b> To connect the electrical service to the equipment by a Licensed Electrical Contractor	<input type="checkbox"/>
<b>Building Permit- (Roof Permit, Etc.)</b> <b>Local Inspection Required</b> To cut the hole in the roof for the stack penetration and building improvements	<input type="checkbox"/>
<b>Crane Permit</b> If required - supplied by the Crane Company or Owner	<input type="checkbox"/>
<b>Seismic Calculations For Site Specific Location</b> May Be Required By Some Cities - Check With Local Permitting Authority	<input type="checkbox"/>

#### Note:

Air Pollution Testing- may be required for some installation. A certified laboratory must be contacted. Normally a testing Protocol Procedure must be submitted to the Agency for Approval before the actual testing is scheduled.

1	PRIMARY COMBUSTION CHAMBER
2	SECONDARY COMBUSTION CHAMBER(AFTERBURNER)
3	PRIMARY BURNER
4	SECONDARY BURNERS
5	PRIMARY COMBUSTION AIR FAN
6	SECONDARY COMBUSTION AIR FAN
7	TEMPERATURE SENSORS (THERMOCOUPLES)
8	LOAD DOOR
9	UNDERFIRE AIR PORTS (EACH SIDE)
10	72" STACK SECTIONS
11	24" STACK TRANSITION



REVISION	DATE	BY	DESCRIPTION

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DATE	10/19/03	 SHERWOOD DHECOM 97140
DRAWN BY	T. SHORE	
CHECKED BY	1/1/03	PROCESS FLOW ILLUSTRATION SSC-300 CREMATORY
SCALE	1/2"	BSG-2747



BOX 1105, TUALATIN, OREGON 97062  
20525 S.W. CIPOLE ROAD, SHERWOOD, OREGON 97140  
(800) 292-9163 or (503) 625-7575 FAX (503) 625-6161  
E-Mail: [thermtec@earthlink.net](mailto:thermtec@earthlink.net) Website: [www.thermtec.com](http://www.thermtec.com)

## MODEL SQC-300 CREM

ELECTRICAL  
230 VOLT, 40 AMP, SINGLE PHASE, 3 WIRE

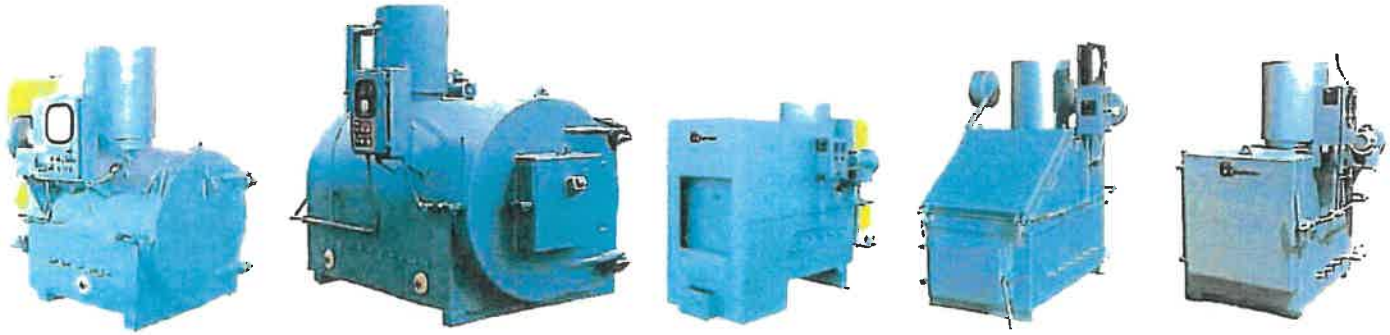
REGULATOR  
NATURAL GAS @ 3900 CFH @ 2-5 PSI  
(3,900,000 BTUs/HR MAX)

GAS CONNECTION  
1-1/2" NPT

VENT  
1" NPT TO ATMOSPHERE



# ANIMAL CREMATION UNITS



**Designed For:**

- Private Cremation
- Segregated Cremation
- Communal Cremation

ThermTec, Inc. is proud of its reputation as one of America's oldest and most technologically advanced designers, engineers and manufacturers of *special-use incinerators, heat recovery systems and air pollution control equipment*. ThermTec's technology in each of these areas is designed to provide the most *environmentally safe and practical solutions* to the needs at hand.

## High Speed - Efficient Remains Processor



- A must for cremations
- Low cost



### • Front Load

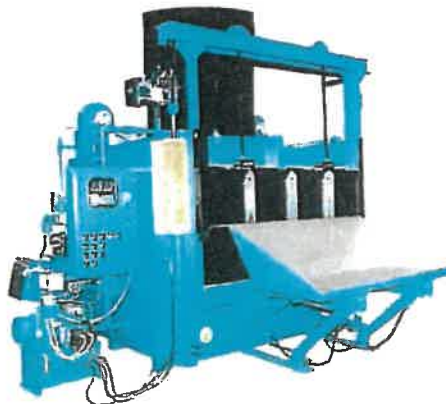
- Humane Societies
- Animal Control Facilities
- Private Pet Cremation Services
- Veterinary Practices

### • Top Load

### • Side Load

**Capacities:**

- 32 Models to choose from to fit your needs from 300 to 10,000 lbs. per day
- Easy-to-load and easy-to-operate
- Low loading height
- Heavy duty lined stacks included
- Ram-feeder options
- No visible emissions and no odor
- Pre-piped and pre-wired at the factory
- No Grease leakage
- Built for long life
- Automatic temperature control for maximum efficiency



**DESIGN, ENGINEERING & MANUFACTURING**

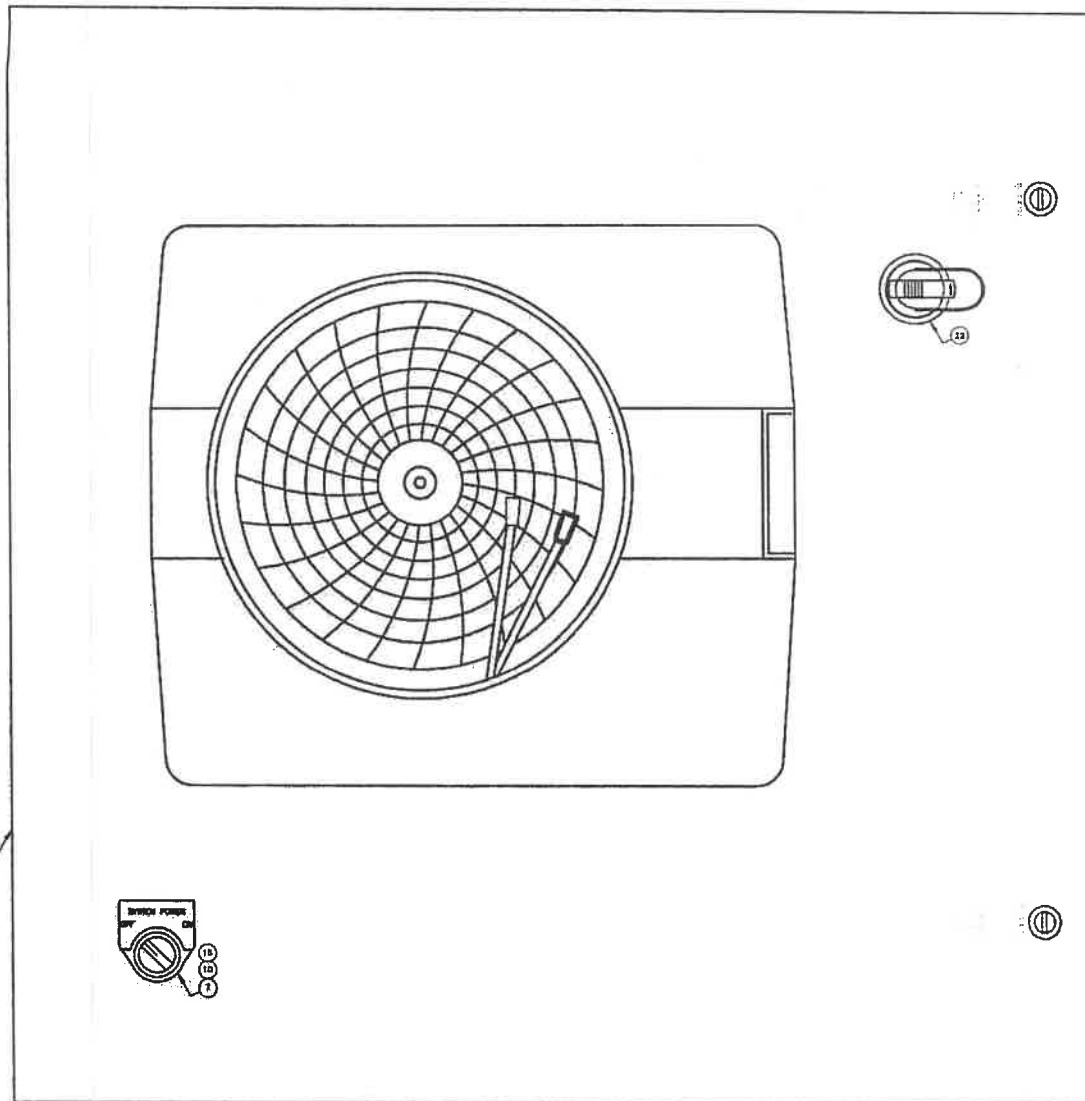
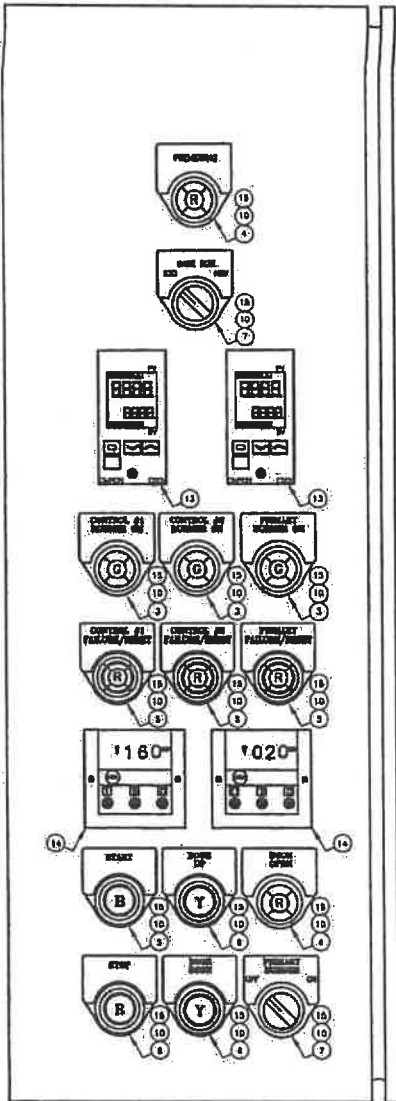
P.O. BOX 1105 TUALATIN, OREGON 97062

Phone: (800) 292-9163 or (503) 625-7575 Fax: (503) 625-6161

E-Mail: [thermttec@earthlink.net](mailto:thermttec@earthlink.net)

Please visit our web site [www.thermttec.com](http://www.thermttec.com)






30" x 30" x 10" ENCLOSURE

REVISION	DATE	BY	DESCRIPTION

THIS DOCUMENT DISCLOSES SUBJECT MATTER TO WHICH THERM-TEC, INC., SHERWOOD, OREGON HAS PROPRIETARY RIGHTS AND IS NOT TO BE USED IN ANY WAY WITHOUT CONSENT OF THERM-TEC, INC., SHERWOOD, OREGON.

SCALE	NTS
DRAWN BY	G. Benson
DATE	01/29/04
CHECKED BY	
TOLERANCES	(UNLESS AS NOTED)
	± 1/32"

 SHERWOOD, OREGON 97140	CONTROL PANEL LAYOUT
	SQC-300 CREMATOR
230 VAC 1ø 60 Hz	C2203-3 CHANGE



BOX 1105, TUALATIN, OREGON 97062  
20525 S.W. CIPOLE ROAD, SHERWOOD, OREGON 97140  
(800) 292-9163 or (503) 625-7575 FAX (503) 625-6161  
E-Mail: [thermtec@earthlink.net](mailto:thermtec@earthlink.net) Website: [www.thermtec.com](http://www.thermtec.com)

# Cremated Remains Processor

Model BB-3

*Ideal For Cremated Human Remains*

**Fastest - Most Efficient - Lowest Cost Available**



- Built for rapid, efficient processing of cremated remains.
- Safe - Push button operation, controlled by a Programmable Logic Controller (PLC).
- Stainless steel sort/load tray with rounded corners and dust removal/filtering system makes for easy and safe loading of remains into processor. Tray is 33 1/2" x 14" x 4" deep.
- Opening to processing chamber is 5 1/2" x 5 1/2".
- Processing chamber is 10" round by 21" tall, constructed of steel plate for long life and minimal maintenance.
- Unique twin blade design with easy access for blade replacement. Blades are 1/4" case hardened steel.
- Dust removal system has a 6" exhaust vent to discharge filtered air to outside of room.
- Stainless steel service tray for brushes, hand magnet and other useful accessories to be kept close at hand.
- Processor mounted on 4 heavy duty casters for ease of movement.

Dimensions: 33 1/2" wide x 31 1/2" deep x 55" high. Load table height is 38". Weight of processor is 650 pounds.

Electrical service required: 230 volts, 20 amps

Electrical cord is 10' long, wall receptacle included

Distributed by:



## Stack Penetration Information

It is important to have a proper STACK PENETRATION arrangement for the stack that exits the Cremation Unit.

The stack generates convected and radiant heat that must be considered when designing the proper clearance from any combustible surface.

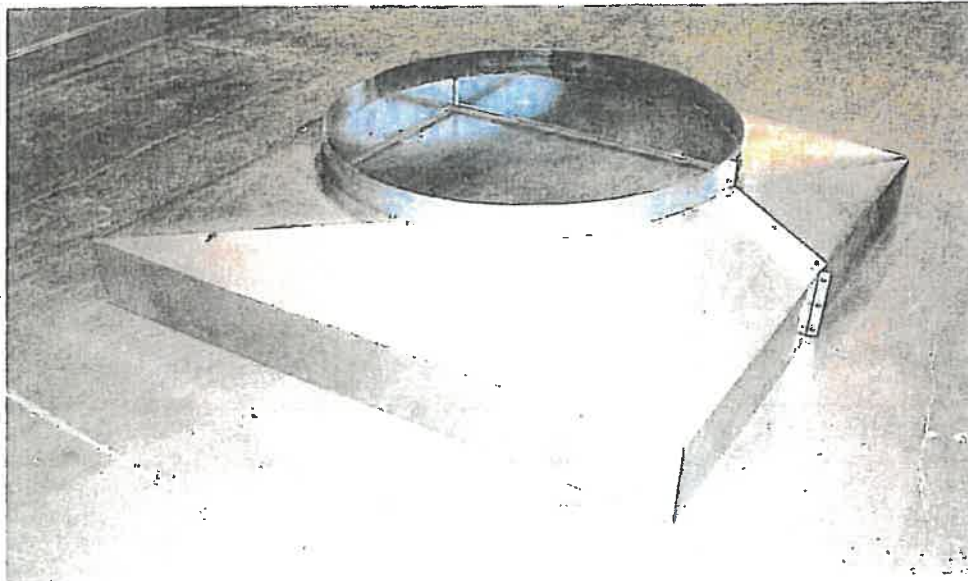
In some cases, a temperature of 400 Degrees F. can be radiated from the stack surface. Therefore, a minimum of 5" from the stack, in all directions, is required for safety. The clearance will allow the hot air to rise and discharge into the atmosphere by a properly designed counter-flashing for the stack. Please see Drawing # ASG 2273 for an illustration of a general arrangement for a roof penetration installation.

The stack counter-flashing must be designed with a 3" opening completely around the curbing to discharge the radiated hot air into the atmosphere.

The hole in the ceiling/roof, with the curbing, must be insulated 6" below and 6" above the penetration to protect any combustible material such as wood, vinyl insulation or other combustible material. Two layers of 5/8" fire proof wall board or equal should be used.

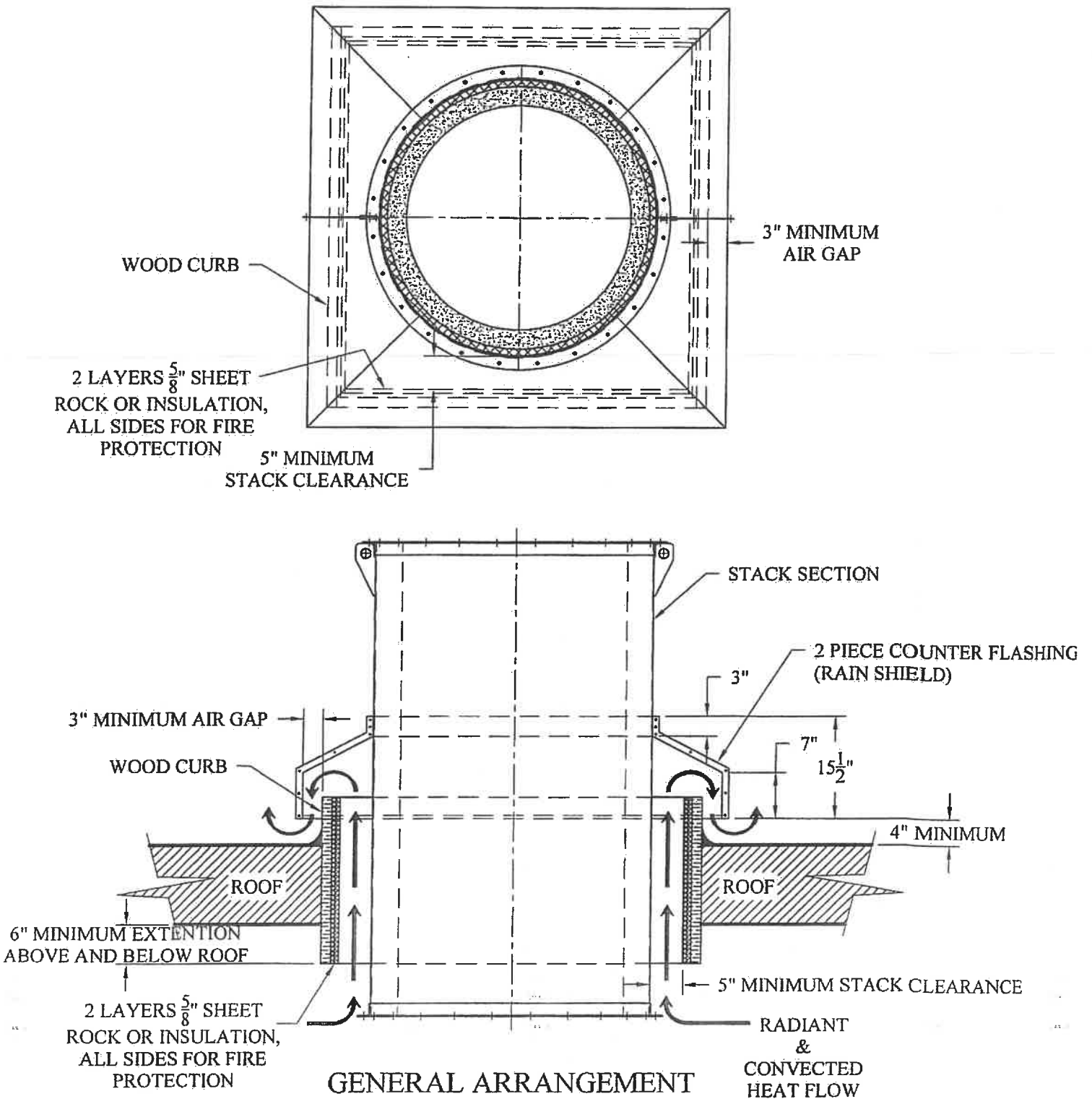
**Please refer to Drawing # ASG-2273 for illustration**

**Photo - Typical Two Part Counter Flashing**



## Stack Height Above Roof and Peak Of Roof Line

Attached is information from the NFPA Code 211 that indicates the basic requirements for stack heights above the roof and adjacent roof peaks that should be considered in the design of the installation for the unit for safety.



GENERAL ARRANGEMENT  
 ROOF PENETRATION  
 DRAWING # ASG-2273

- ii. A smoke detector and alarm installed and maintained in accordance with *NFPA 72, National Fire Alarm Code*. The detector shall be installed in the same room as the appliance served by the mechanical draft system.
- iii. A listed carbon monoxide warning device installed in accordance with the manufacturer's instructions.
- (b) The mechanical draft system shall be listed in accordance with UL 978, *Standard for Draft Equipment*, for use with the type of appliance and range of chimney service appropriate for the application. The mechanical draft system shall not cause or permit blockage of the flue or electrical hazard after exposure to a chimney fire or over fire conditions. The mechanical draft system shall be installed in accordance with the terms of the listing and the manufacturer's instructions.
- (c) The mechanical draft system shall be sized to maintain draft within the range specified by the appliance manufacturer.

**4.1.3 Natural Draft Sizing.** Chimneys serving incinerators or other process equipment where the combustion process cannot be stopped completely by fuel shutoff alone shall be sized for natural draft conditions.

**4.1.3.1** Where air pollution control devices or other devices in the chimney system require a mechanical draft system, the chimney system shall be so arranged that, upon a power failure, the natural draft chimney alone can satisfactorily remove the products of combustion until the combustible material is completely consumed.

**4.1.4 Forced/Induced Draft Systems.** Forced draft systems and all portions of induced draft systems under positive pressure during operation shall be designed and installed to be gastight or to prevent the leakage of combustion products into a building.

**4.1.5 Natural Draft Vent Connectors.** Vent connectors serving appliances vented by natural draft shall not be connected into any portion of mechanical draft systems operating under positive pressure.

**4.2 Termination (Height).** Chimneys and vents shall terminate above the roof level in accordance with the requirements of this standard and as illustrated in Figure 4.2(a) and Figure 4.2(b).

**4.2.1** Masonry chimneys shall extend above the highest point at which they pass through the roof of a building by at least the distance specified in Table 7.2, Column VI, and shall also extend at least the specified distance above any portion of any structure within the specified proximity (measured horizontally from the vertical chimney line) in Table 7.2, Column VII.

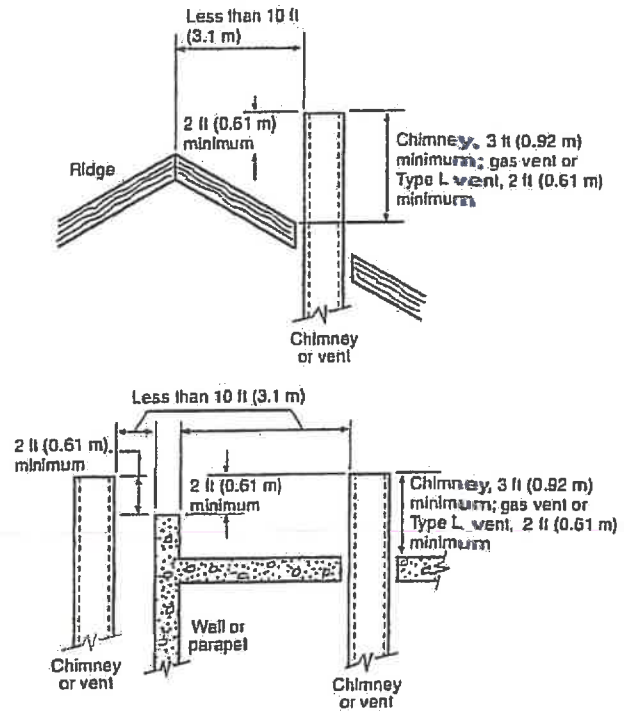
**4.2.2** Natural draft chimneys and vents shall not terminate at an elevation less than 5 ft (1.53 m) above the flue collar or the highest connected draft hood outlet.

*Exception: As provided in Section 10.7.*

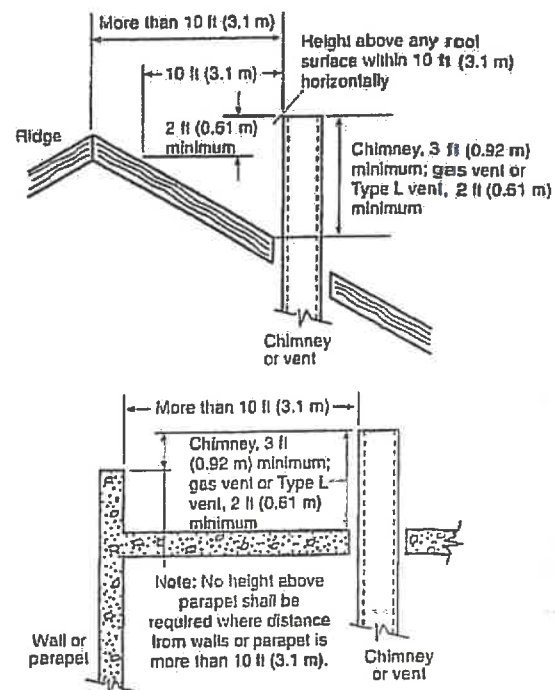
**4.3 Enclosure.**

**4.3.1 General.** Interior residential chimneys shall be enclosed where they extend through closets, storage areas, or habitable spaces where the surface of the chimney could come into contact with persons or combustible materials.

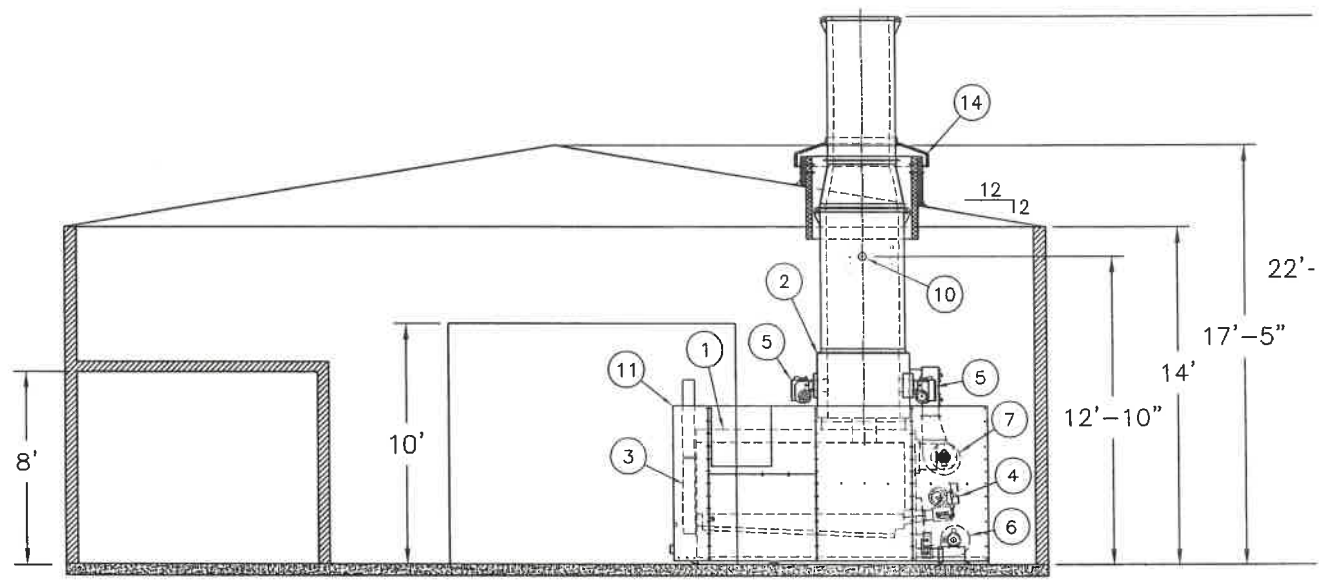
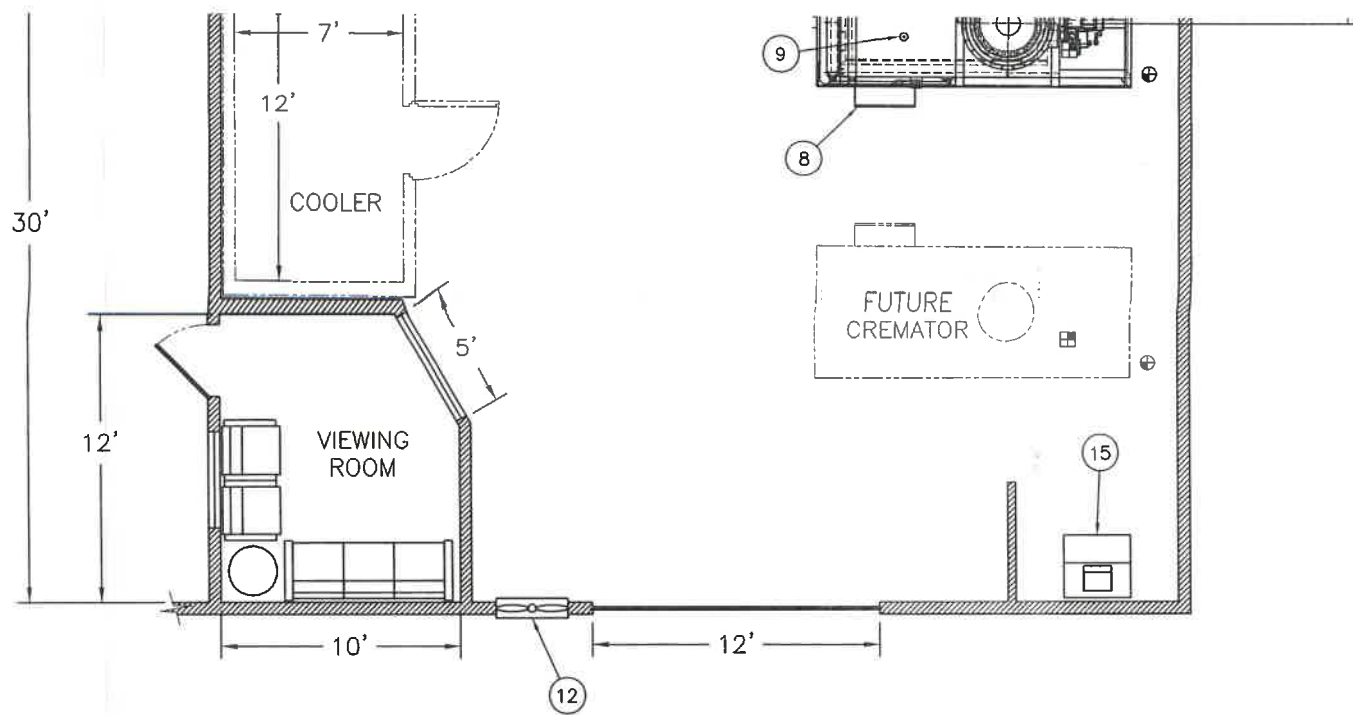
**4.3.2 Clearance.** The space between the chimney and the enclosure shall be at least the minimum air space clearance specified in this standard (see Table 7.2) or the clearance specified in the manufacturer's instructions for listed chimneys.



**FIGURE 4.2(a) Chimney or Vent Termination Less Than 10 ft (3.1 m) from Ridge, Wall, or Parapet.**



**FIGURE 4.2(b) Chimney or Vent Termination More Than 10 ft (3.1 m) from Ridge, Wall, or Parapet.**



REVISION	DATE	BY	DESCRIPTION
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**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chamber (3<sup>rd</sup> Floor)

**ZBA2021-00074**

**Smithfield Neighborhood**

***Request:***

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.

***Applicant:***

Larry Bailey

***Location:***

515 1<sup>st</sup> St N 35204

Parcel # 012200144031008000

SE of Section 14, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a church community feeding distribution center and remote parking.

***Staff Analysis:***

The subject property is currently zoned R-3 (Single Family District). The subject property is surrounded by parcels zoned R-3 (Single Family District) and parcels east are zoned R-4 Medium Density Residential District. The property is located the floodplain; however, the proposed structure is not located in the flood area. The property is located in the Smithfield Historic district.

***Per Zoning Ordinance:***

*Place of Worship. To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L, and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:*

*1. On the effective date of the Ordinance codified in this Title a pre-existing place of worship, in the dwelling districts listed above, shall be a legal non-conforming use. They may expand if a special exception is granted by the Board subject to demonstrating compliance with the general provisions of Chapter 4, Article III, Section 2 and the off-site parking requirements of Chapter 5 of this Ordinance.*

*2. Any Place of Worship constructed after the effective date of the Ordinance codified in this Title shall be subject to the following standards.*



*a. Minimum Site Size. Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.*

*b. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance.*

*c. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution.*

*3. If Off-Site Parking is requested, approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:*

*a. The appellant shall demonstrate by a parking plan, reviewed by the Director, that the minimum number of parking spaces required by Chapter 5, of this Ordinance cannot be developed on the same lot containing the place of worship;*

*b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan;*

*c. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face;*

*d. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;*

*e. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts;*

*f. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship;*

*g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;*

*h. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.*

*4. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.*

*5. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.*

*6. Accessory structures (including Family Life Centers, Classrooms, etc.) may be constructed on property adjacent to the place of worship, subject to the*

*following conditions:*

- a. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face that can accommodate the accessory structure;*
- b. The accessory structure shall abut a street or alley upon which the lot of the place of worship abuts and at least a portion of the accessory structure shall be opposite the zone lot containing the place of worship;*
- c. On any given block, accessory structures associated with a place of worship shall be limited to a contiguous area.*

***Neighborhood Recommendation:***

*The North Pratt Neighborhood Association waiting on the vote.*

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The applicant must apply the following landscaping requirements:
  - 1 canopy tree per 40' of street frontage on the 1st Street and Graymont Ave sides of the property
  - An evergreen hedgerow between the parking spaces and the street on 1st Street and Graymont Ave
  - 5% of the interior of the parking lot must be landscaped.
4. The applicant must add landscaping to the existing parking lot.



# Adventist Community Services, Ephesus

Serving the poor and hurting in Christ's Name

April 20, 2021

Pastor & Mrs. Larry Bailey  
824 Stoneriver Drive  
Birmingham, Alabama 35211

Dear Pastor & Mrs. Bailey:

Greetings in the spirit of thankfulness, and appreciation. Adventist Community Services, Ephesus members wish to let you know how much your support to our agency means to us. In 2019 we served 6,723 individuals. Last year, 2020 we served 24,615 individuals; since COVID-19 the number of people has increased; and we are now open to the public twice a month instead of once a month to distribute food. Because of your generosity we have been able to continue the work of helping the people in our community with food.

We were blessed Thanksgiving 2019 to prepare & giveaway two-hundred food boxes and Thanksgiving 2020 our blessing increased, and we were able to prepare and giveaway three-hundred and fifty food boxes to families in need. God continues to work through all of us to reach those in need, and to let them know they are loved and not forgotten. Because of COVID-19 it was necessary for us to close the Clothes Closet. Through the help of God, we plan to reopen the Clothes Closet this year. Thank you for sharing your blessings with us.

We are forever thankful for your support of Adventist Community Services, Ephesus. Without your help we could not continue this work of serving the community, especially since COVID-19 and the increase in the number of people coming to receive help. Your continued help is needed and appreciated.

It is our prayer that God will continue to open the windows of Heaven and pour out His Blessings on you and your family.

Yours in His Service,

Jane Hood, Director

fj

STATE OF ALABAMA )

JEFFERSON COUNTY )

**RESTRICTIVE COVENANT**

**FOR OFF STREET PARKING**

This Restrictive Covenant is entered into on this the 2nd day of August, 2021 by

The South Central Conference Association , (TSCCA) its successors and assigns, Tennessee corporation,

As owners of the properties identified herein.

1. WHEREAS, South Central Conference Association is the owner of property located at 105 6<sup>th</sup> Ave N (Lot 9A ), which contains only forty(40) paved and lined parking spaces, and which is the site of The Ephesus SDA Church, and is more particularly described as: Lot 9A, 105 6<sup>th</sup> Ave North, PID #22-00-34-4-015-010,000:  
[ Metes and Bounds Description]
2. WHEREAS, the City of Birmingham Zoning Ordinance requires a total of forty(40 ) paved and lined parking spaces for Lot 9A, and,
3. Whereas, South Central Conference Association owns additional property, located at 515 1<sup>st</sup> St. N (Lot ) which contains forty four (44) paved and lined parking spaces which the Church wishes to use and encumber for the benefit of its property located at 105 6<sup>th</sup> Ave North (Lot 9A), and said Lot5A is more particularly described as follows:  
Lot 5A, 515 1<sup>st</sup> St. North, PID #0122003440015010000, more properly described as:
4. WHEREAS, Lot 5A is adjacent to and located within 30 feet of Lot 9A,

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

1. (TSCCA) does hereby agree, covenant, and restrict the use of Lot 5A as parking property, Irrevocably and permanently for the use and benefit of its property located at Lot 9A, unless released as provided herein. (TSCCA) agrees that the 44 parking spaces located on the subject property shall not be used for other of different purposes. (TSCCA) declares that the use of the 44 parking spaces located on Lot 5A shall be restricted to the parking of vehicles in connection with its business operated on Lot 9A.
2. This Restrictive Covenant shall run with this property, and shall be binding on (TSCCA), 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 \_\_\_\_\_ has executed the foregoing instrument on this the 3<sup>rd</sup> day August, 2021

ATTEST:

Valerie Reid  
Man W. Wynn

[Signature]  
 Secretary

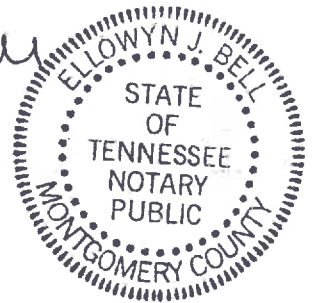
BY: Benjamin Jones, Jr  
 President

STATE OF TENNESSEE  
 DAVIDSON COUNTY

I, Ellowyn J. Bell A Notary Public in and for said county and said state, hereby certify that Benjamin Jones, Jr. whose name as President of South Central Conference a corporation, is signed to the foregoing instrument and who is known to me on this day that being informed of the contents of said instrument, he 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 3<sup>rd</sup> day of August, 2021

Ellowyn J. Bell  
 Notary Public





Ephesus Seventh-day Adventist Church  
P.O. BOX 814 \* 105 6<sup>th</sup> AVENUE NORTH, BIRMINGHAM, AL 35201  
TELEPHONE: 205-252-7490

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8/2/2021

Ephesus Seventh-Day Adventist Church  
105 6<sup>th</sup> Ave North  
Birmingham, Al., 35201

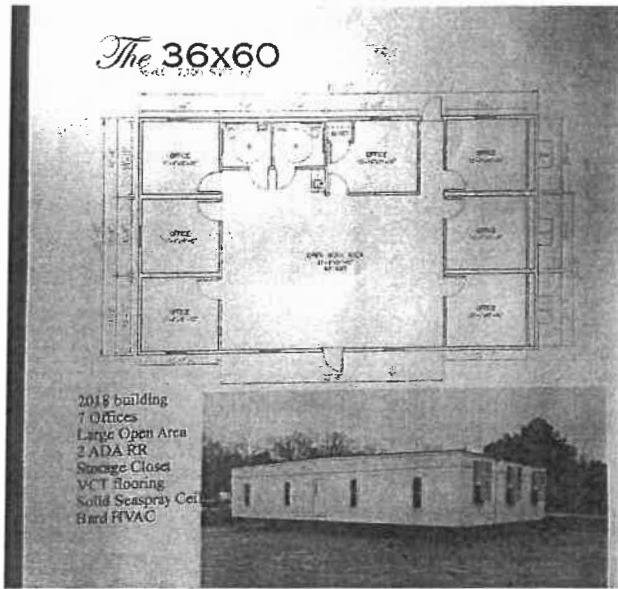
To The City of Birmingham  
Department of Planning, Engineering & Permits  
710 20<sup>th</sup> Street North  
Room 210, City Hall  
Birmingham, Alabama 35200

**RE: Zoning Variance**

Please be advised that the Ephesus SDA Church is hereby making a formal application to The Zoning Board of Adjustment (ZBA) for a variance from the requirements of the zoning regulations as they apply to the following parcel:

**PARCEL ID: 012200344015010000 LOT 5A MB 237 Page 53**

It is our intent to ask the City to allow the Church to place a 36X60 Modular Structure on the aforementioned property for the purpose of expanding the church Community Food Distribution Program . In order to assist the (ZBA) in its consideration of our request, and provide the Board an opportunity to become fully aware of our intention, we're submitting the following information of purpose and the assurance that the implementation of this project will in no wise adversely affect the community or any adjacent properties.



In consideration of this request, we are humbly addressing the following concerns:

**Physical Characteristics of the Property:**

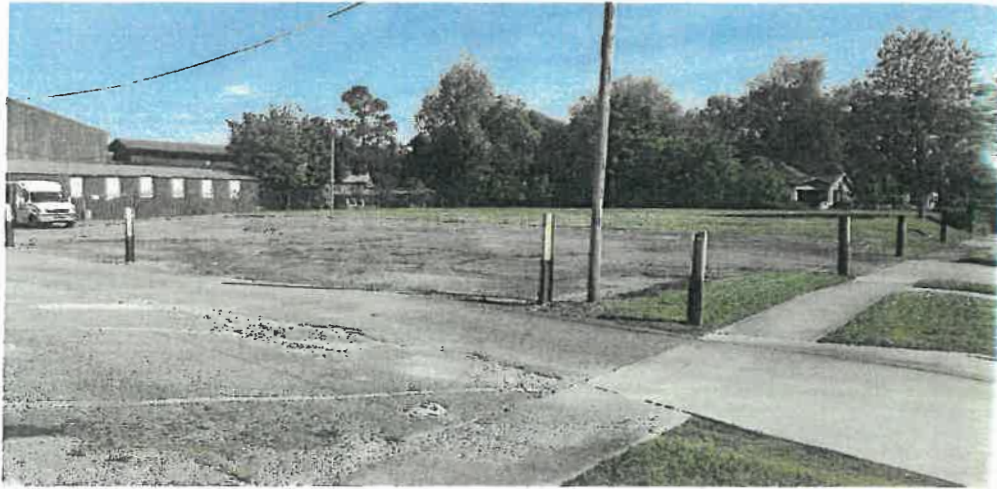
Please find attached the Parcel mapping and description information as obtained from the Jefferson County Tax Assessor's Office.

**Unique Characteristics:**

This property is directly adjacent the church and a portion is used as an additional church parking lot

**Hardship Not Self-Imposed:**

There are no existing hardships relative to this property. Lots were purchased by the church some years ago for the purpose of additional parking and future expansion of church community ministries .



**Financial Gain Not Only Basis:**

There is no Financial Gain. The implementation of this project is for the purpose of expanding the church community services, and in particular, its free food distribution program.



As noted in the attached Adventist Community Services (ACS) document, in 2019 the church (ACS) Department served a total of 6,723 individuals in the community. Last year, 2020 we served 24,615 individuals. This year the number of people has increased, and we are now open to the public twice a month instead of once a month to distribute food. It is because of the generosity members we have been able to continue this work of helping the people of our community with needed food.





**No Injury to Neighboring Property:**

The changes to this property will not be injurious the neighboring property which is a logistic Warehouse.



**No Harm to Public Welfare:**

Based on the official stamps of approval from the State of Alabama, the purported Modular Unit would not impose any harm to the safety of the public. It is rated by the State to withstand wind of up to 180mph



**PARCEL ID:** 012200344015010000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Tuesday, December 7, 2021 11:57:45 AM

**OWNER:** SOUTH CENTRAL CONFERENCE ASSOC

**ADDRESS:** PO BOX 814

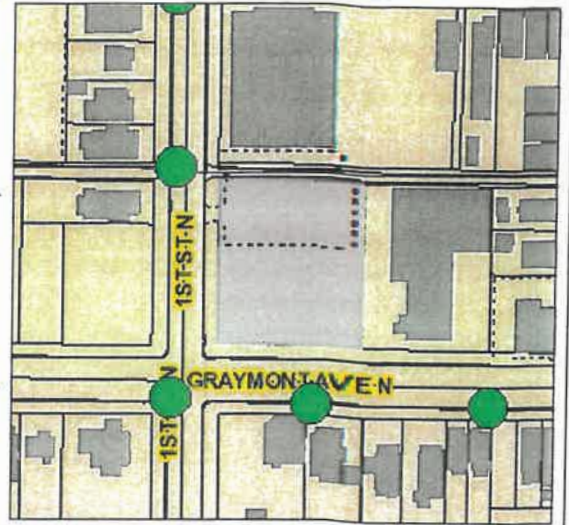
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35201--0814

**SITE ADDR:** 515 1ST ST N

**CITY/STATE:** BHAM, AL

**ZIP:** 35204



**LAND:** \$4,900.00

**BLDG:** \$21,200.00

**OTHER:** \$0.00

**AREA:** 28,442.48

**ACRES:** 0.65

**SUBDIVISION INFORMATION:**

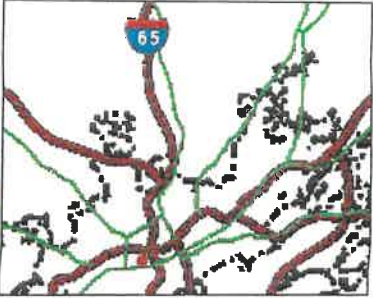
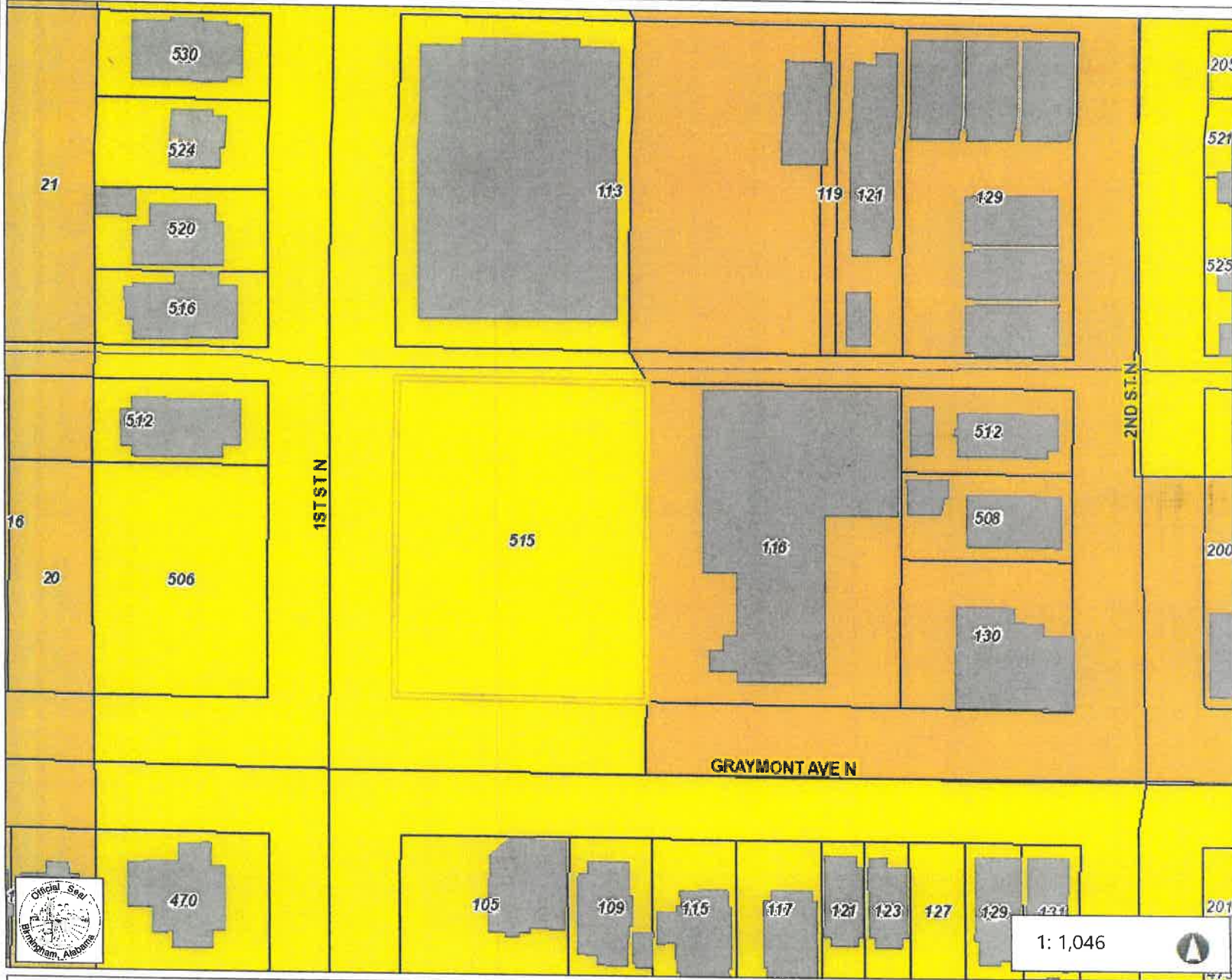
**NAME** EPHESUS SEVENTH DAY ADVEN

**BLOCK:**

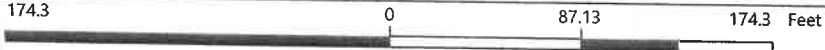
**LOT:** 9A

**Section:** 34-17-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Smithfield  
**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:** Smithfield (1605)  
**Communities:** Smithfield (16)  
**Council Districts:** District - 5 (Councilor: Darrell O`Quinn)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 3  
**Impaired Watersheds:** Not in Impaired Watersheds  
**Strategic Opportunity Area:** Not in Strategic Opportunity Area  
**RISE Focus Area:** In RISE Focus Area  
**Tax Delinquent Property:** Not in Tax Delinquent Property  
**EPA Superfund:** Not in EPA Superfund  
**Opportunity Zones:** In Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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

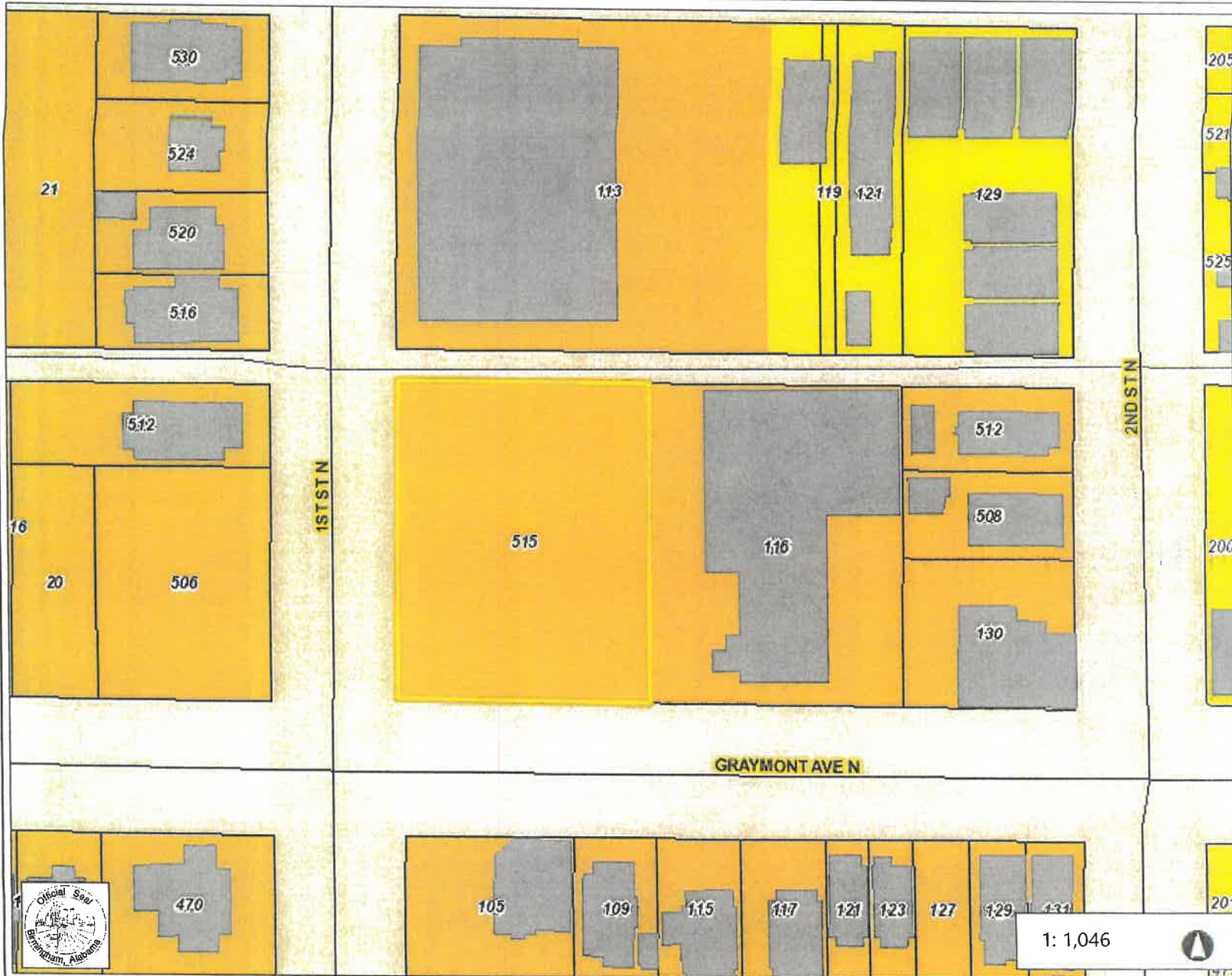
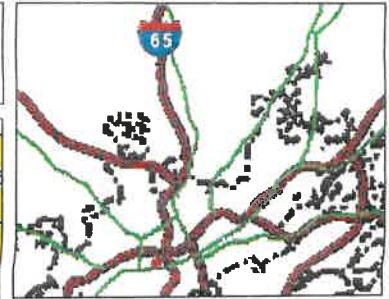


- ### Legend
- Centerline Labels
  - + Railroad
  - Alleys
  - Local Roads
  - Arterials
  - County Highways
  - State Highways
  - US Highways
  - Interstates
    - Limited Access
    - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - Zoning Shaded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



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

Notes



**Legend**

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

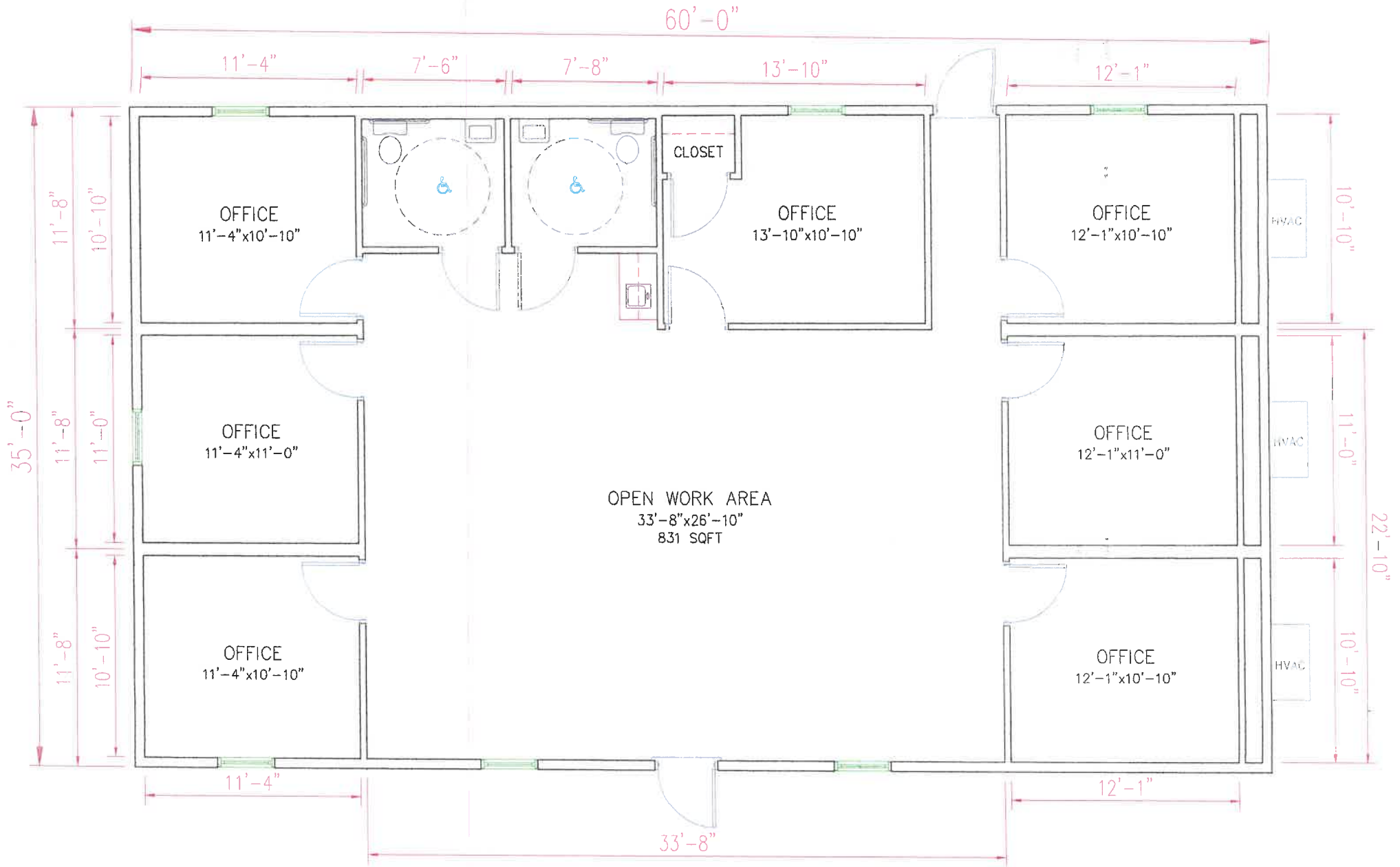


1: 1,046

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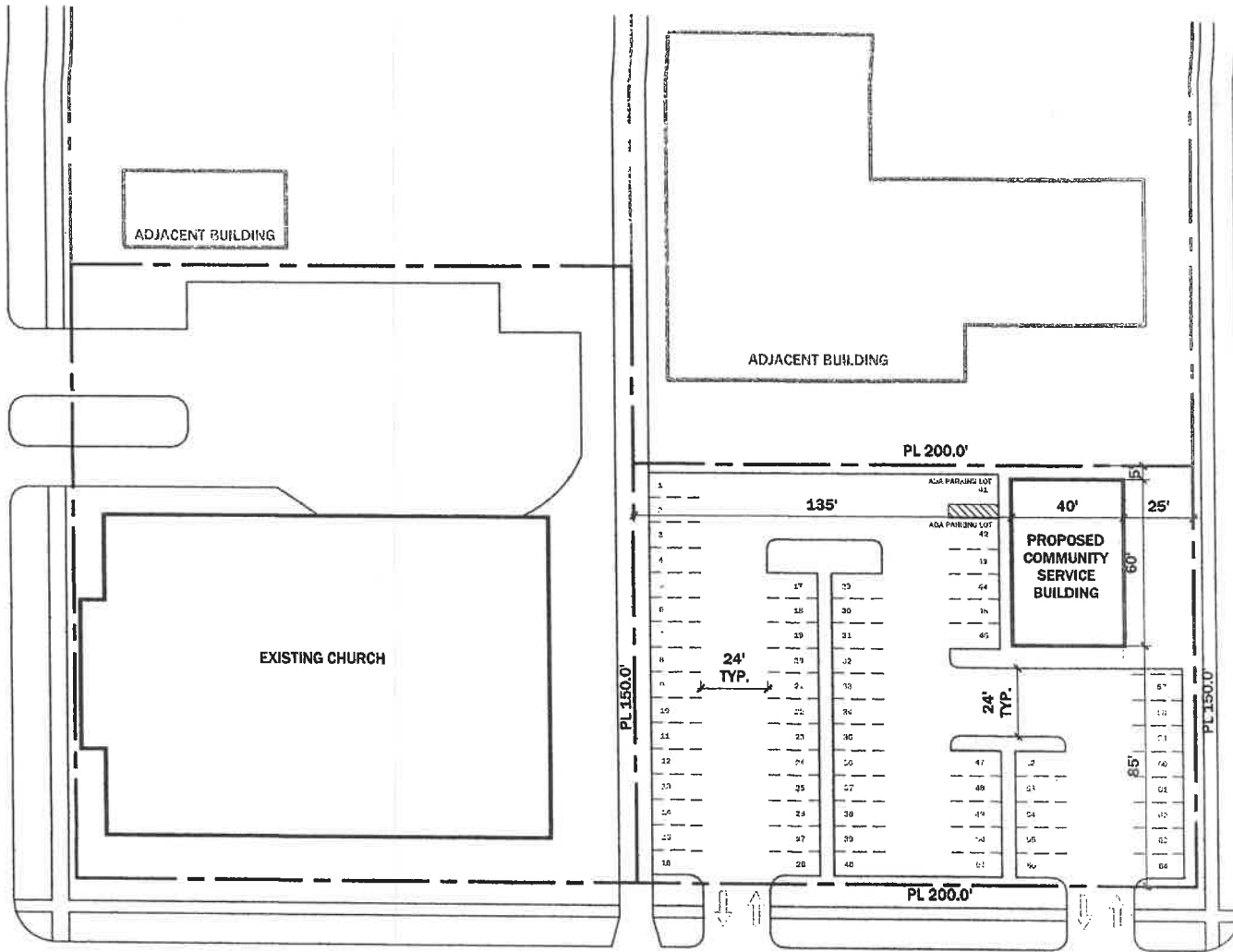
**Notes**

36x60 2,100 SQFT +/-



SHEET SIZE 17" x 11"

6TH AVE N



0 12' 24' 48' 72'

1ST ST N

GRAYMONT AVE N



REVISION DATE

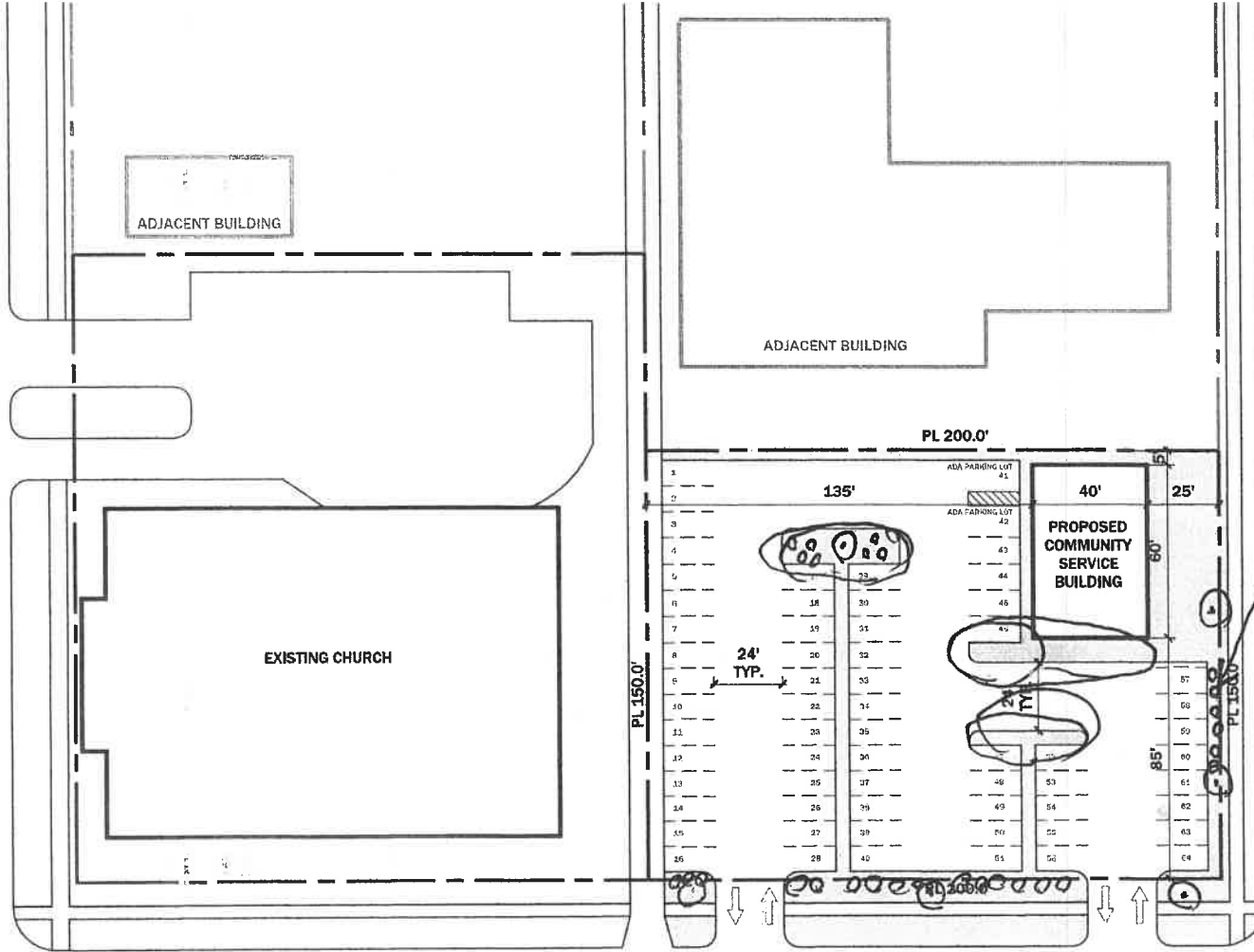
PROJECT  
105 6TH AVE N,  
BIRMINGHAM, AL  
35204

SITE PLAN

SCALE: 1" = 40' - 0"

C-1

6TH AVE N



0 12' 24' 48' 72'

1ST ST N

GRAYMONT AVE N

*Needlepoint Haller 4-5*



REVISION \_\_\_\_\_ DATE \_\_\_\_\_

PROJECT  
105 6TH AVE N,  
BIRMINGHAM, AL  
35204

### SITE PLAN

SCALE: 1" = 40' - 0"

# C-1

- ① Trees along the street
- ② shrubs
- ③ 5% of interior of the lot



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers

**ZBA2021-00075**

**Central Park**

***Request:***

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

***Applicant:***

Ibrahim Zaqut

***Location:***

2254 Bessemer Rd EN 35208

Parcel # 012900053024001004

SW of Section 05, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a pawnshop with the hours of operation Monday- Saturday 9am-7pm and closed on Sunday.

***Staff Analysis:***

The subject property is currently zoned M-UH (Mixed-Used High District). The subject property is surrounded by parcels zoned M-UH (Mixed-Used High District) while parcels north are zoned M-UM (Mixed-Used Medium District). The property is located not located in the flood area nor any design review district. The proposed pawnshop is 200 feet from a title loan shop.

***Per Zoning Ordinance:***

*Title Loan/Pawnshop. In the following districts: MU-H, MU-D, C-2, I-1 and I-2 a title loan establishment shall be permitted provided that the following conditions are met:*

*1. 1. The purpose of this condition is to:*

*a. Reduce traffic congestion that is reported to be associated with these types of businesses;*

*b. Reduce the concentration of these types of businesses in certain areas in an effort to encourage and enhance economic development within that area by promoting business diversity in the offering of other goods and/or services in the area;*

*c. Provide for zoning protection of existing residential and commercial real estate values from possible economic impairment by these types of businesses; and,*

*d. In general to provide for the protection of the health, safety, comfort and general welfare of the citizens of the City of Birmingham.*

*2. Finding of fact. Based upon the evidence and information submitted to the Council, the governing body of the city of Birmingham, Alabama, including statements of citizens submitted to the Council, expert opinions submitted to and considered by this Council, and the knowledge and experience gained by Council members both prior to and while serving as members of this Council, this Council hereby makes the following findings of fact:*

*d. There are a disproportionate number of these types of businesses within the corporate limits of the City of Birmingham based upon the number per resident compared to the other cities within Jefferson County and within unincorporated Jefferson County.*

*e. According to public statements made by real estate developers, real estate agents, community leaders, clergy, and members of the general public, a "negative community reputation" has been created by these businesses because of the extraordinarily high interest rates for these loans. Consumers of the services offered by these businesses have also made statements that terms and conditions associated with these types of loans are confusing and very difficult to understand.*

*f. Real estate developers and agents have stated that this "negative community reputation" has a detrimental effect on the location of other commercial developments within the area and that these businesses tend to diminish nearby real estate values.*

*3. Locational Requirements. In order to provide for more economic opportunities within certain areas of the City of Birmingham, the following spacing requirements are required:*

*c. No title loan business established after the enactment of this ordinance shall be located within 2000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.*

*d. Any properly licensed title loan business existing at the time of the enactment of this section that is within 2000 feet of another such business (as measured as described above) shall be considered to be a legal nonconforming use.*

*4. No title loan business established after December 17, 2013 (Ordinance 13-178) shall be located within 2,000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.*

***Neighborhood Recommendation:***

***The Central Park Neighborhood Association*** have not had any meetings.

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

Staff believes the applicant has not provided evidence to support the variance request; therefore, staff believes the request should be **DENIED**.

**PARCEL ID:** 012900053024001004

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2021

**DATE:** Tuesday, December 7, 2021 1:21:22 PM

**OWNER:** FIVE POINTS WEST SHOPPING CITY

**ADDRESS:** 104 OXMOOR ROAD STE 144

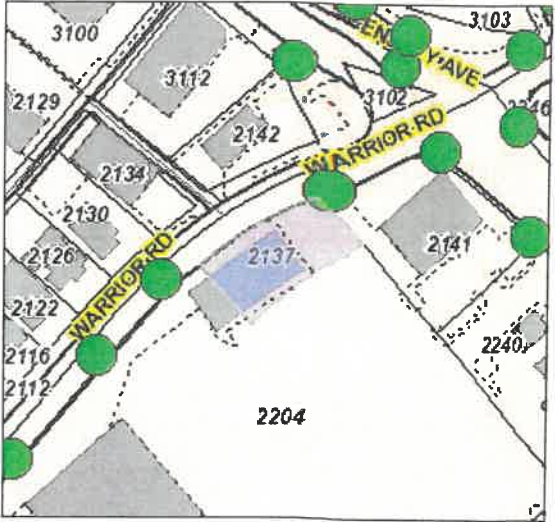
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35209

**SITE ADDR:** 2137 WARRIOR RD

**CITY/STATE:** , AL

**ZIP:** 35208



**LAND:** \$42,900.00

**BLDG:** \$339,000.00

**OTHER:** \$0.00

**AREA:** 10,003.42

**ACRES:** 0.23

**SUBDIVISION INFORMATION:**

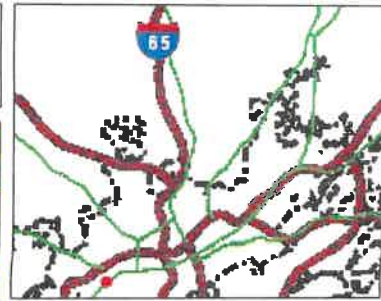
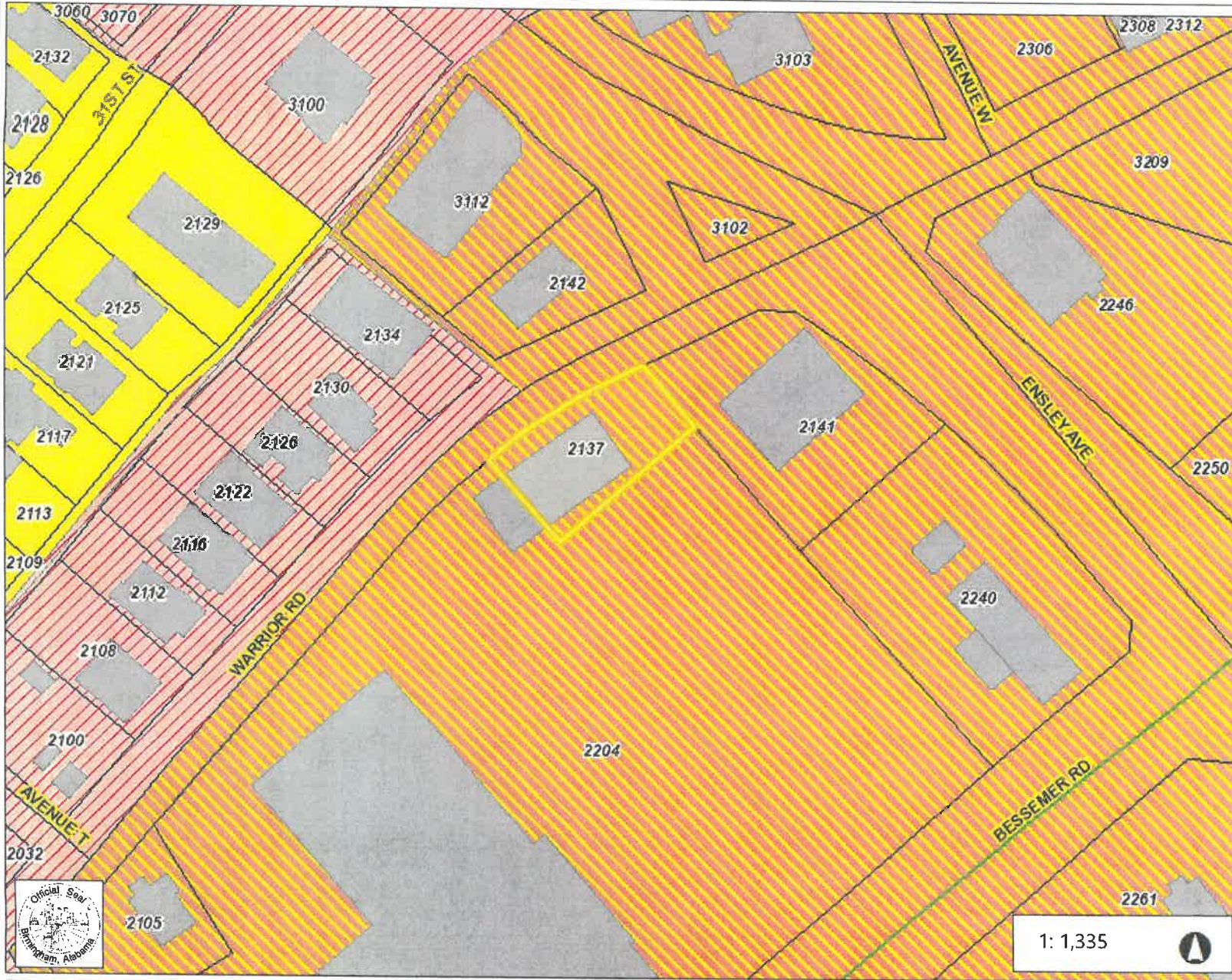
**NAME** DOMIT'S RESUR #2 29-5-3

**BLOCK:**

**LOT:** RV-6

:	<b>Section:</b>	5-18-3W
	<b>Land Slide Zones:</b>	Not in Land Slide Zones
	<b>Historic Districts:</b>	Not in Historic Districts
	<b>Commercial Revitalization District:</b>	Five Points West
	<b>Fire District:</b>	Not in Fire District
	<b>Flood Zones:</b>	Not in Flood Zones
	<b>Tax Increment Financing District:</b>	Not in Tax Increment Financing District
	<b>Neighborhoods:</b>	Central Prk (203)
	<b>Communities:</b>	Five Points West (2)
	<b>Council Districts:</b>	District - 8 (Councilor: Carol Clarke)
	<b>Zoning Outline:</b>	MUH
	<b>Demolition Quadrants:</b>	DEM Quadrant - 2
	<b>Impaired Watersheds:</b>	Not in Impaired Watersheds
	<b>Strategic Opportunity Area:</b>	In Strategic Opportunity Area
	<b>RISE Focus Area:</b>	In RISE Focus Area
	<b>Tax Delinquent Property:</b>	Not in Tax Delinquent Property
	<b>EPA Superfund:</b>	Not in EPA Superfund
	<b>Opportunity Zones:</b>	Not in Opportunity Zones
	<b>Judicial Boundaries:</b>	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.

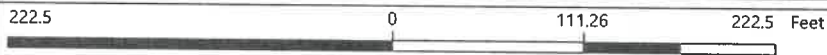


Legend

- 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

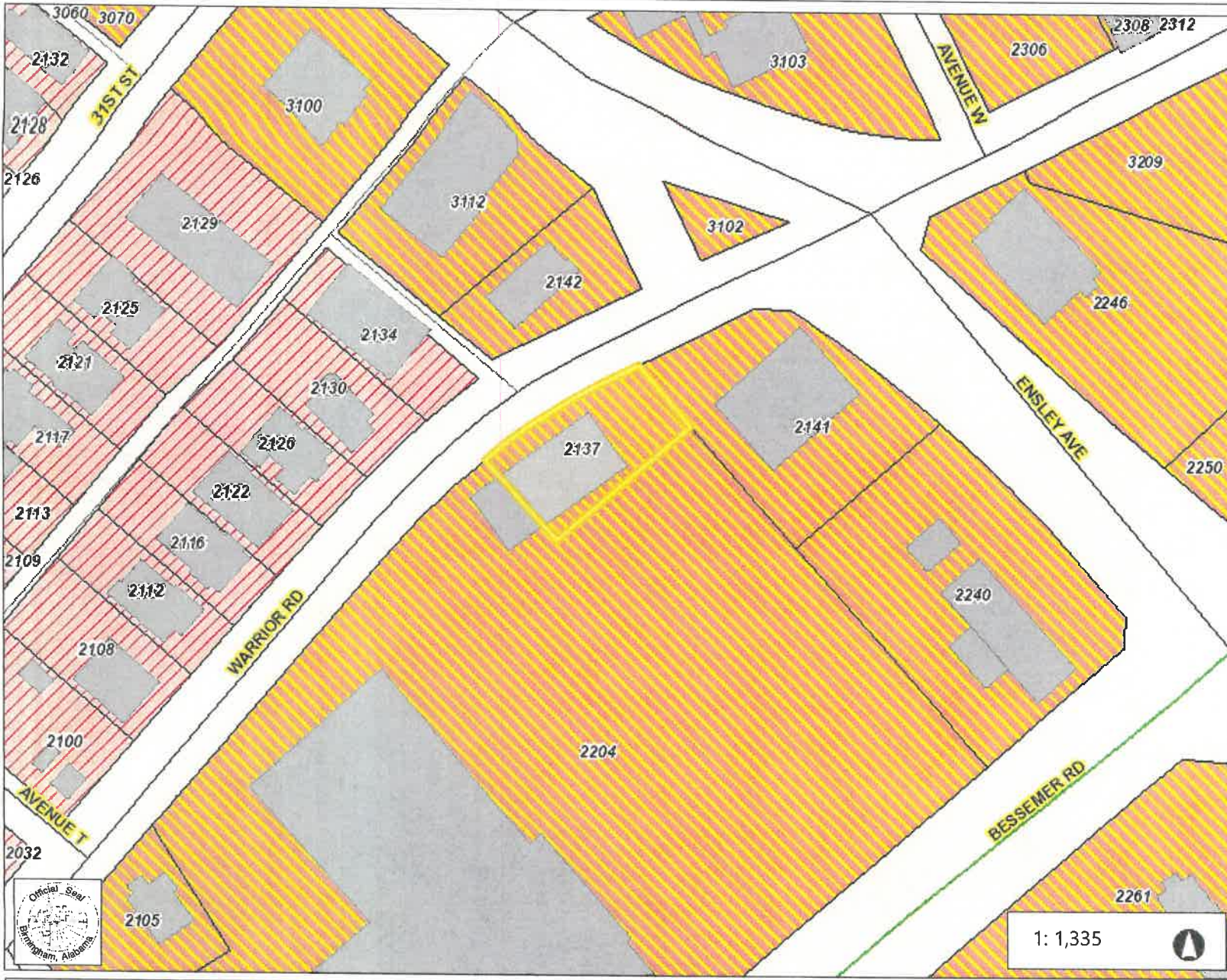
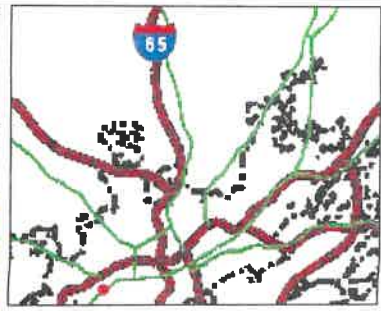


1: 1,335



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

Notes

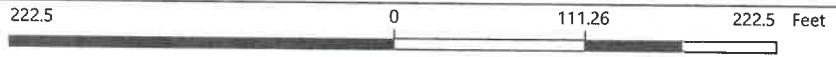


### Legend

- Centerline Labels
- Railroad
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  - 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: 1,335

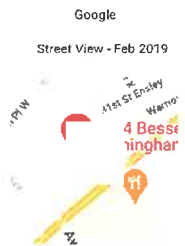


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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



Image capture: Feb 2019 © 2022 Google



# The Business Proposal For Ez Deals Pawn Shop

## **EZ Deals Pawn Shop**

2254 Bessemer Road Suite 104  
Birmingham, Alabama 35208

Contact Person: Ibrahim Zaqut  
Telephone: 205-785-4056  
Mobile: 205-222-5022  
Email: ezcommbhm@yahoo.com

### **Confidentiality Clause**

The information included in this business plan is strictly confidential and is provided on the understanding that it will not be disclosed to third parties without the expressed written consent of Ibrahim Zaqut.



# The Business Proposal for Ez Deals Pawn Shop

## Executive Summary

### The Company

Easy Deals Pawn Shop is incorporated in the state of Alabama. It is totally owned and managed by its owner Ibrahim Zaqt.

The company intends to hire two full-time clerks and two part-time workers/students to handle customer service, stocking duties, and day to day operations.

### Mission Statement

Ez Deals Pawn Shop aims to offer sports equipment, jewelry, and electronics at a competitive price to meet the demand of the lower- to middle-income local market area residents.

### Management

Ibrahim Zaqt has extensive experience in sales, inventory, Management, and administration. Mr. Ibrahim Zaqt is an owner of Ez Communication which already has two branches in Birmingham. EZ communication is a cell phone sales and repair shop owned by Mr. Ibrahim Zaqt which been serving this area since 1999 as a cell phone store and later, a computer sales and repair shop. EZ deals is considered a continuation of the success and achievement we provided throughout the last two decades

## Products & Markets

The Company will provide the following products and services:

- ▣ Jewelry
  - Costume & Fine Jewelry
  - Wedding & Friendship Rings
  - Necklaces
  - Bracelets
  - Hatpins
  - Ankle Jewelry Diamonds
  - Watches
  - Scrap Gold
  - Coins
  
- ▣ Electronics
  - Computers
  - Video players
  - DVDs
  - Sega™ & Game Boys™ Games
  - TV's
  - Telephone
  - Stereos
  - VCRs
  - VHS Movies
  - Pagers
  - Cell Phones
  - Software
  - CD & DVD Players
  - CDs & DVDs
  - Video Game Systems
  - Video Games
  - Car Stereos

- Speakers
- Boxes
- Decks
- CD Changers
  
- Musical Instruments
  - Drum Kits
  - Synthesizers
  - Amplifiers
  - Electric & Acoustic Guitars
  
- Sporting Goods
  - New and Used Guns
  - Rifles
  - Shotguns
  - Handguns
  - Ammo
  - Archery Products
  - Camouflage Items
  - Cargo & Camping Gear
  
- Furniture
  
- Tools
  - Power Tools
  - Air Tools
  - Hand Tools
  - Contractor Tools
  - Lifetime-Warranted Hand Tools
- Vehicle Title Loans

The Company will target the following market:  
lower- to middle-income local market area residents.

Ez Deals Pawn Shop is a start-up company. Financing will come totally from Mr. Ibrahim's capital

## **General Company Description**

### **Company Goals and Objectives**

The initial goal of the Company will be to gain enough customers in the first six (6) months of operation to reach a breakeven point between expenses and revenue.

In the following twelve months of operation, the Company will strive to increase the total base increase of new customers by 10% per quarter. Thereafter, the Company will strive for a total base increase of new customers by 5% per quarter.

### **Business Philosophy**

The Company will provide top quality products and services to a market consisting of lower- to middle-income local market area residents. The Pawn Shop industry is a staple growth industry, as rated by Standard & Poor's when reporting on the condition of the industry as of December 2020. With an increase in expected population growth, the expected marketplace will increase as stated by Greg Canfield, Secretary of the

Alabama Department of Commerce “There are dynamic developments taking shape that will elevate Alabama’s growth potential and create exciting new opportunities for citizens throughout the state,”. By gaining a foothold in the next six (6) months with the Company’s new customer base, the Company will be firmly situated to take advantage of increases in the marketplace. The experience and past success of the main participants in the Company will enhance the success potential of Ez Deals Pawn Shop.

### **Legal Form of Ownership**

Ez Deals Pawn Shop will be a corporation form in the state of Alabama where all corporate documentation will be available for inspection upon request.

### **Competitive Advantages**

Ez deals Pawn Shop will provide unique services and characteristic such as low interest of less than 0.1%, discounted products for low prices, advanced LED energy saving lighting systems and a safe environment with 24/7 security services.

Ez Deals Pawn Shop is located at the Five Points West shopping city across from the Birmingham CrossPlex a multipurpose athletic and meeting facility in the greater Birmingham area. Essential services and establishments are in the shopping center such as Burger King, Golden Dragon, Captain D’s, Wing pus, Family Dollar whereas the nearest pawn shop is over 0.3 miles from our store, making it more convenient for

customers to shop at EZ deals.

Furthermore, the shopping center has four accesses, two from Bessemer Road, one from Avenue W and, the last one from Worrior Road. The shopping center's parking has over sixty parking spaces, making it convenient for customers to park, exiting in and out without problems.

To whom it may concern:

E-Z Deals is located at 2254 Bessemer Road Suits 104 Birmingham, Al 35208; located at the Five Points West shopping city across from The Birmingham CrossPlex a multipurpose athletic and meeting facility in greater Birmingham area.

Essential services and establishments are in the shopping center such as Burger King, Golden Dragon, Captain D's, Wing pus, Family Dollar, and EZ communication a cell phone sales and repair shop owned by us. We have been serving this area since 1999 as a cell phone store and later, a computer sales and repair shop. EZ deals is considered a continuation of the success and achievement we provided throughout the last two decades.

The nearest pawn shop is over 0.3 miles from our store, making it more convenient for our customers to shop at EZ deals. Furthermore, the shopping center where our store is located has four accesses, two from Bessemer Road, one from Avenue W and, the last one from Warrior Road.

1- The physical characteristics of the property consider the most important aspect for any business. The location of the store encourages customers to stop by and check out the store. The size of the store is over 3000 sf help us to represent different kind of product and make it easier to the customers to shop.

2- The unique characteristics of our property will be mainly shown in the services that we offer that no other pawn shop will do . We charge a very low interest rate of less than 0.1 % . Moreover, a discounted products for low prices and a safe environment with 24/7 security services.

3- Hardship not Self- imposed: The rear side of the building is not as clear to driving customers as the front side. The Shopping center is not as busy as it used to be because the Anchor store ( Winn Dixie) shot down three years ago and currently the store under negotiation . Moreover, for the last three years multiple stores open and shot down.

4- Financial gain not only basis : Even though the number of pawn shop in the area seems to be high but unfortunately the customer is not receiving a good service and the interest rate is too high. The mission of our establishment is to provide a good service coupled with very low interest rate ( less than 1% the lowest in the state of Alabama)to service low income customers.

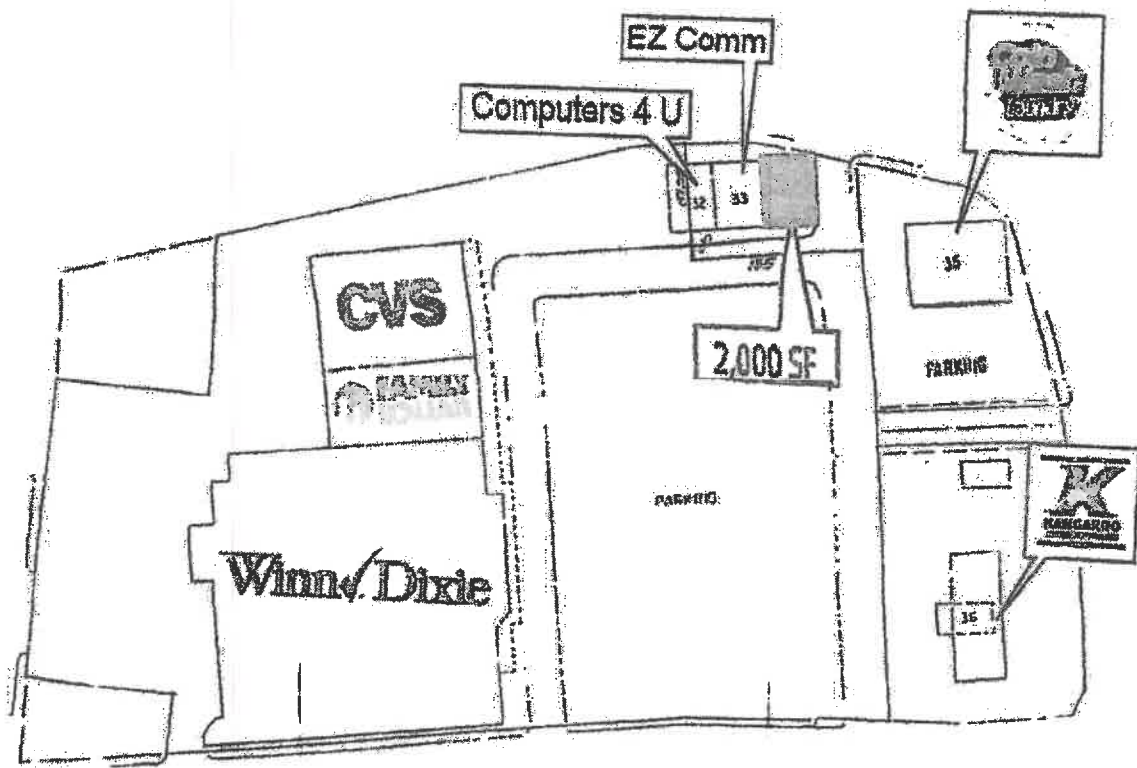
5- No injury to neighboring property: ez deals is a 3000sf out of 6500sf free standing building and I am the tenant of the entire building.

Our business is different from all the close either pawnshops or title loans because we sell and buy all kind of merchandises . We also buy broken stuff and fix them and resell them which no body does except us. We also offer layaway all the time to the customers. We also do liquidation and help the community and sell everything with cheap prices.

6- No harm to public welfare:

Building has an easy access. A large parking over 80 parking spaces. And all safety measures will be taken.

BESSEMER ROAD - FIVE POINTS WEST





**EZ DEALS**

**2254 Bessemer Road suite 104 Birmingham Alabama  
35208**

**Store hours:**

**Monday 9-7**

**Tuesday 9-7**

**Wednesday 9-7**

**Thursday 9-7**

**Friday 9-7**

**Saturday 9-7**

**Sunday closed**

**The store closes on :**

**Thanksgiving**

**Christmas day**

**Note: the store behind is which is 200 feet away is not  
a pawnshop , Its a cash advanced title loan shop they  
do different services that what we are trying to do**

**Ez Deals 2254 Bessemer Road Suite 104 Birmingham,  
Alabama 35208**

**To whom it may concern:**

**E-Z Deals is located at 2254 Bessemer Road Suits 104 Birmingham, Al 35208; located at the Five Points West shopping city across from The Birmingham multipurpose athletic and meeting facility in greater Birmingham area. Essential services and establishments are in the shopping center such as Burger King, Golden Dragon, Captain D's, Wing pus, Family Dollar, and EZ c phone sales and repair shop owned by us. We have been serving this area since 1999 as a cell phone store and later, a computer sales and repair s considered a continuation of the success and achievement we provided throughout the last two decades. The nearest pawn shop is over 0.3 miles from our store, making it more convenient for our customers to shop at EZ deals. Furthermore, the shopping store is located has four accesses, two from Bessemer Road, one from Avenue W and, the last one from Warrior Road. The shopping center's parking has over sixty parking spaces, making it convenient for our customers to park, exiting in and out without problems. New development in the area includes Starbucks and Comfort Inn & suites, this includes an excellent access to downtown Birmingham, Red Mountain and the medical district; we would like to add that the convenience of the 2022 World Games will be the perfect traffic for the shopping center and h income. Finally, EZ deals, as a shop will provide unique services and characteristic such as a low interest of less than 0.1 % ,discounted products for low price environment with 24/7 security services.**

**Domit Investment  
104 Oxmoor Rd Ste 144  
Birmingham Al 35209**

**9/16/2021**

**To whom It may concern:**

**EZ LINK LLC DBA (EZ DEAAALS PAWN) is a tenant of ours located at:**

**2254 Bessemer Rd suit 104 Birmingham AL 35208**

⊗ **We approved them to open a pawnshop at this location shown above.**

**If you have any question please feel free to call us at (205-951-1280)**

**NAME:** Raymond J Milton

**Signature:**

*Raymond J Milton*

⊗ **As long as it does not violate any existing covenants.**

*[Signature]*

**E-Z DEALS**  
**2254 Bessemer RD suite 104**  
**Birmingham Al 35208**  
**205-785-4055**

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

***The undersigned, address you inform of our interest in having E\_Z DEALS Pawn Shop open in the area.***

***It provides a convenient service for us and the community at large.***

***We have dealt with the owner since 1999 and feel as though they are the best candidate to continue to be a part of our daily business ventures.***

***NAME: Daniel Glover***

***Address : 2500 tempest Dr SW***

***Signature : ***

***Phone numbers - (205) 401-0516***

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

**To whom it may concern:**

**The undersigned, address you inform of our interest in having E\_Z DEALS Pawn Shop open in the area.**

**It provides a convenient service for us and the community at large.**

**We have dealt with the owner since 1999 and feel as though they are the best candidate to continue to be a part of our daily business ventures.**

**NAME:** Chyna Wilson

**Address:** 2717 Rosebay Lane Birmingham AL,  
35201

**Signature:** Chyna Wilson

Phone number 8- 205-580 3534

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

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

***The undersigned, address you inform of our interest in having E\_Z DEALS Pawn Shop open in the area.***

***It provides a convenient service for us and the community at large.***

***We have dealt with the owner since 1999 and feel as though they are the best candidate to continue to be a part of our daily business ventures.***

***NAME: Tiaoneta Ford***

***Address: 2509 watson rd  
birmingham Al 35235***

***Signature: Tiaoneta Ford***

***Phone numbers -  
205-916-8574***

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

**To whom it may concern:**

**The undersigned, address you inform of our interest in having E\_Z DEALS Pawn Shop open in the area.**

**It provides a convenient service for us and the community at large.**

**We have dealt with the owner since 1999 and feel as though they are the best candidate to continue to be a part of our daily business ventures.**

**NAME:** Tony Bowen

**Address:** 916 39<sup>th</sup> 35218

**Signature:** Tony Bowen

**Phone number:** 334-220-4904

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

**To whom it may concern:**

**The undersigned, address you inform of our interest in having E\_Z DEALS Pawn Shop open in the area.**

**It provides a convenient service for us and the community at large.**

**We have dealt with the owner since 1999 and feel as though they are the best candidate to continue to be a part of our daily business ventures.**

**NAME:** Tyasia Williams

**Address :** 2617 Tempest Dr SW. Birmingham, AL 35211

**Signature :** Tyasia Williams

**Phone number :** (205) 584 2308



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00076**

**Fountain Heights**

***Request:***

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.

***Applicant:***

Joycelyn Williams

***Location:***

1314 & 1316 16<sup>th</sup> St N 35204

Parcel # 012200264025006000 & 012200264025007000

SE of Section 26, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is resurveying both lots to clear up the lot lines and adding a porch to the rear of the property 1314.

***Staff Analysis:***

The subject properties are currently zoned R-3 (Single Family District). The subject properties are surrounded by parcels zoned R-3 (Single Family District) while parcels north are zoned CR-4A (Contingency Medium Density Residential District). The properties are located not located in the flood area nor any design review district. The structure located on 1314 16<sup>th</sup> St N was built in 1965 with the current setbacks as shown on the survey and therefore is considered legal nonconforming. In order for the applicant to add a porch to the rear of the property, the applicant must resurvey the lot to clear up the lot line because you cannot build across lots. Resurveying the property will create a substandard lot by the width only being 43ft instead of 50ft required. The structure located on 1316 16<sup>th</sup> St N was built in 1997 with the current setbacks as shown on the survey and therefore is considered legal nonconforming. The applicant must resurvey this lot as well to clear of the lot line creating a substandard lot by the width only being 43.83ft instead of the required 50ft.

***Per 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:

<u>Maximum Height of Structure Feet</u>	<u>Minimum Yards</u>		<u>Minimum Side Yards</u>		<u>Minimum Lot Area Per Family</u>	<u>Minimum Lot Width</u>
	<u>Front</u>	<u>Rear</u>	<u>One Side</u>	<u>Total both Sides</u>		
35 feet	25 feet	25 feet	5 feet	14 feet	6,000 square feet	50 feet

***Neighborhood Recommendation:***

*The Fountain Heights Neighborhood Association* voted to support this request.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. Applicant must resurvey the lots within 90days of the approval date from the board.

Subject Property:  
1314 16<sup>th</sup> Street North  
Birmingham, AL 35204  
12 November 2021

## REQUEST FOR VARIANCE

To: The Zoning Board of Adjustment (ZBA)  
City of Birmingham, AL

From: Joycelyn Y. Williams  
Property Address:  
1314 16<sup>th</sup> Street North  
Birmingham, AL 35204  
Contact #: 256 426-4597

Billing Address:  
Joycelyn Y. Williams  
139 Antique Rose Drive  
Madison, AL 35758  
Contact #: 256 426-4597

Attention: Ms. Angelica Moton, ZBA Planner  
Planning, Engineering and Permits  
City of Birmingham

Dear Ms. Moton:

Pursuant to your e-mail of 2 November 2021 describing the purpose and the application process of the Variance Request, this document provides the response.

The subject property, 1314 16<sup>th</sup> Street North, Birmingham, was acquired by the undersigned through the Birmingham Land Bank Authority (BLBA) in July 2021 and in accordance with the BLBA policies and procedures. This acquisition came about after I requested the city to tear down the subject property since its standing was a significant eye sore and was so close to my property next door. I was in the process of improving my property next door. The City would not demolish the subject property, stating it was salvageable. I, in turn, asked if I could purchase the subject property. Through the BLBA, I proceeded to purchase the property.

### Physical Characteristics of the Property.

The subject property had been standing and deteriorating for decades without anyone conducting any salvaging. It was built in 1920, when at the time there was not an ordinance in place. In 2021, I contracted with Surveying Solutions, Inc., (SSI) to conduct a property lines survey as part of the conditions of my contract with the BLBA and to have in case of neighbors' inquiries/concerns. That survey was performed by SSI and paid for by the undersigned. Now that it has come to my attention that the Plat information/data has to be examined in order to obtain a permit for the improvements of

Subject Property:  
1314 16<sup>th</sup> Street North  
Birmingham, AL 35204  
12 November 2021

the subject property, I can attest that the subject property is a standing building that has its front, sides, and rear walls intact.

The Plat Lines and the Building Lines that were established long before my ownership appear to not adhere to the current codified Ordinances of this Lot. My understanding is that the subject property was originally built not in accordance with the Plat Lines. This error is beyond my capability to effect any change or adjustment. The repairs I am planning to conduct will not extend or narrow the sides of the building. I do, however, intend to make an addition by adding to the rear of the house to extend the back porch straight back, not interfering with the existing sides of the house. This addition will not make it more nonconforming or encroach into the side yard setback. This rear extension will further not extend beyond the rear Plat Lines or Property Boundary Lines that SSI has provided.

#### Unique Characteristics.

This subject property appears to be in line with other properties in this neighborhood. It has a history of families living, enjoying, and thriving in this community. What was not known is that this property's Plat Lines were established but the property was not built in accordance with those lines.

#### Hardship Not Self Imposed.

To now make any corrections to the error of the building not being built along the Plat Lines is an impossible task for the efforts I and my Contractor can accomplish to merely make improvements to the existing property. The property was already built across the lot lines and in order to add an addition to the house, I must resurvey the lot into one lot. I initially set out to come back home and to participate in removing blight from the community where I grew up. I consider it a blessing to have surprisingly obtained this property to do the same.

#### Financial Gain Not Only Basis.

Financial gain is not at all the basis for requesting or granting this variance. With the conditions of lumber and other materials at their highest costs in years, I can only hope to break even in this endeavor, or accept the costs of renovating the home for my own. Further, I am not in the business of "flipping" properties, but to return these homes to the families who want to reclaim ownership of "grandma's house", thereby hoping to re-set generational resources for the future. If not possible to accomplish this, I take pleasure in keeping this home for my own. I grew up in Enon Ridge and this is very close.

#### No Injury to Neighboring Property.

We can only surmise that the improvements of this subject property will improve the other surrounding properties. We can see the attention the neighbors are giving to their properties already as we improve ours. There is no impairment of light or air to other properties. We expect to place the dumpsters in the yard in the rear to avoid obstruction of traffic flow in the front street.

#### No Harm to Public Welfare.

The granting of the variance will not be detrimental to public welfare, nor will it increase the congestion in the public streets as described above. Also, as part of the terms of repair/improvements, the contractor must coordinate with the City to ensure no gas lines exist at the house. All vitals of the house

Subject Property:  
1314 16<sup>th</sup> Street North  
Birmingham, AL 35204  
12 November 2021

repairs, i.e., plumbing, electrical, HVAC, roofing, and framing will be accomplished by State- Licensed professionals and in accordance with City Coding, the Permits Office, and the approval of this Variance Request.

I am requesting approval of this Variance Request as soon as can be granted, as the timeline to complete the improvements of this property through the BLBA's terms and conditions is limited.

Sincerely,



Joycelyn Y. Williams

Owner, 1314 16<sup>th</sup> Street North, Birmingham, AL 35204:

Contact # 256 426-4597

**PARCEL ID:** 012200264025006000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Tuesday, December 14, 2021 3:27:51 PM

**OWNER:** BIRMINGHAM LAND BANK AUTHORITY

**ADDRESS:** 710 20TH ST N

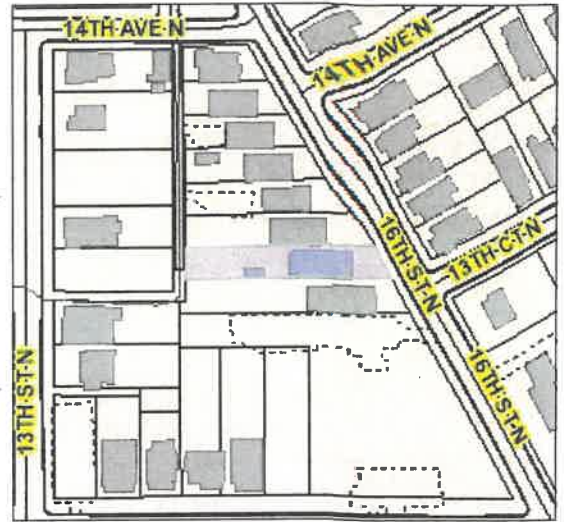
**CITY/STATE:** BIRMIINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:** 1314 16TH ST N

**CITY/STATE:** BHAM, AL

**ZIP:** 35204



**LAND:** \$4,400.00

**BLDG:** \$26,600.00

**OTHER:** \$0.00

**AREA:** 8,156.15

**ACRES:** 0.19

**SUBDIVISION INFORMATION:**

**NAME** HAIL JOE & HAYE A 22-26-4

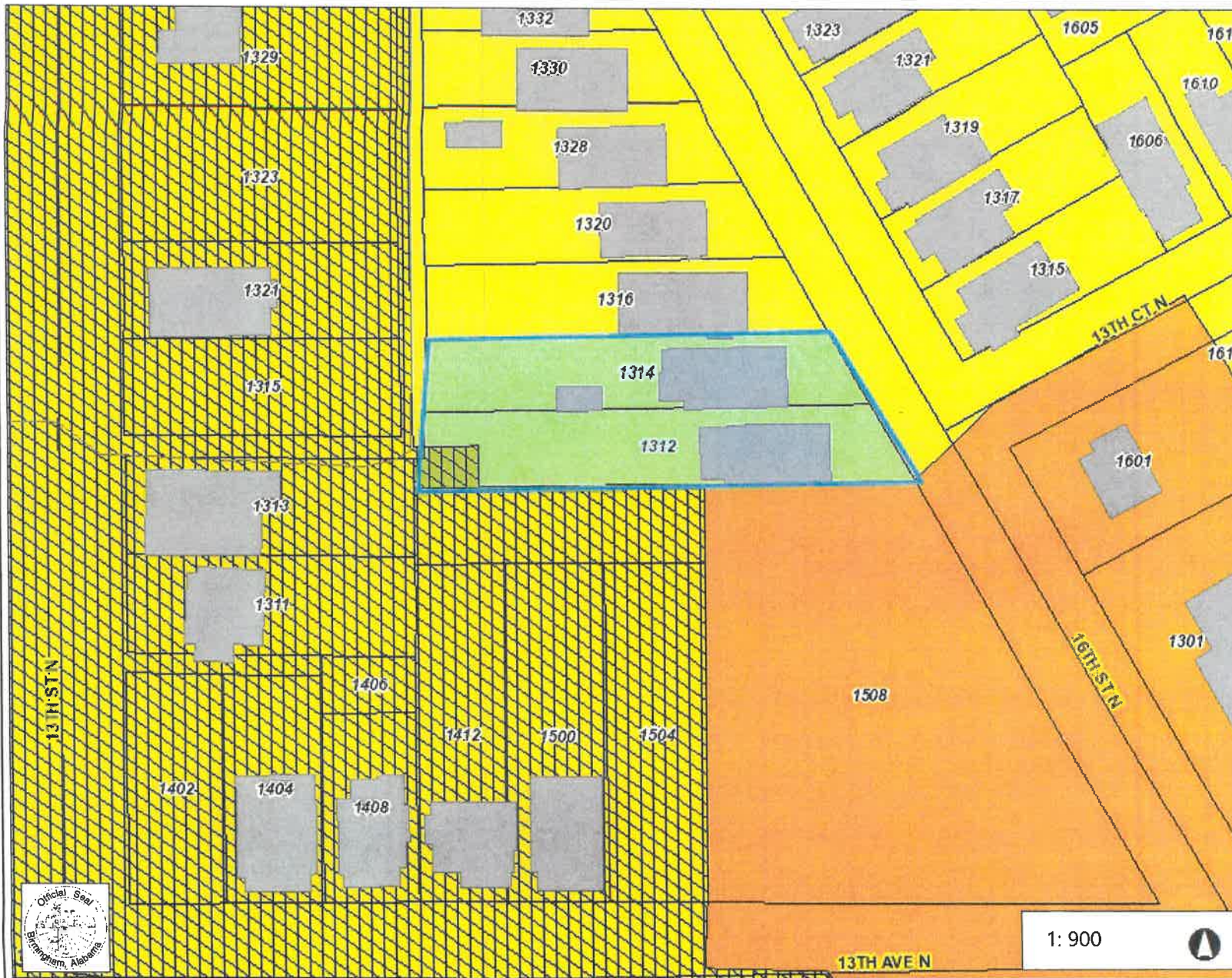
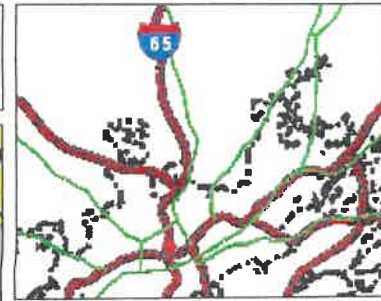
**BLOCK:**

**LOT:**

F

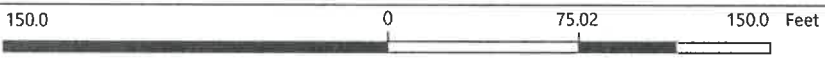
**Section:** 26-17-3W  
**Land Slide Zones:** Not in Land Slide Zones  
**Historic Districts:** Not in Historic Districts  
**Commercial Revitalization District:** Not in Commercial Revitalization District  
**Fire District:** Not in Fire District  
**Flood Zones:** Not in Flood Zones  
**Tax Increment Financing District:** Not in Tax Increment Financing District  
**Neighborhoods:** Fountain Hghts (1204)  
**Communities:** Northside (12)  
**Council Districts:** District - 5 (Councilor: Darrell O`Quinn)  
**Zoning Outline:** R3  
**Demolition Quadrants:** DEM Quadrant - 3  
**Impaired Watersheds:** Impaired Watershed - Upper Village Creek  
**Strategic Opportunity Area:** Not in Strategic Opportunity Area  
**RISE Focus Area:** In RISE Focus Area  
**Tax Delinquent Property:** Not in Tax Delinquent Property  
**EPA Superfund:** Not in EPA Superfund  
**Opportunity Zones:** In Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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



**Legend**

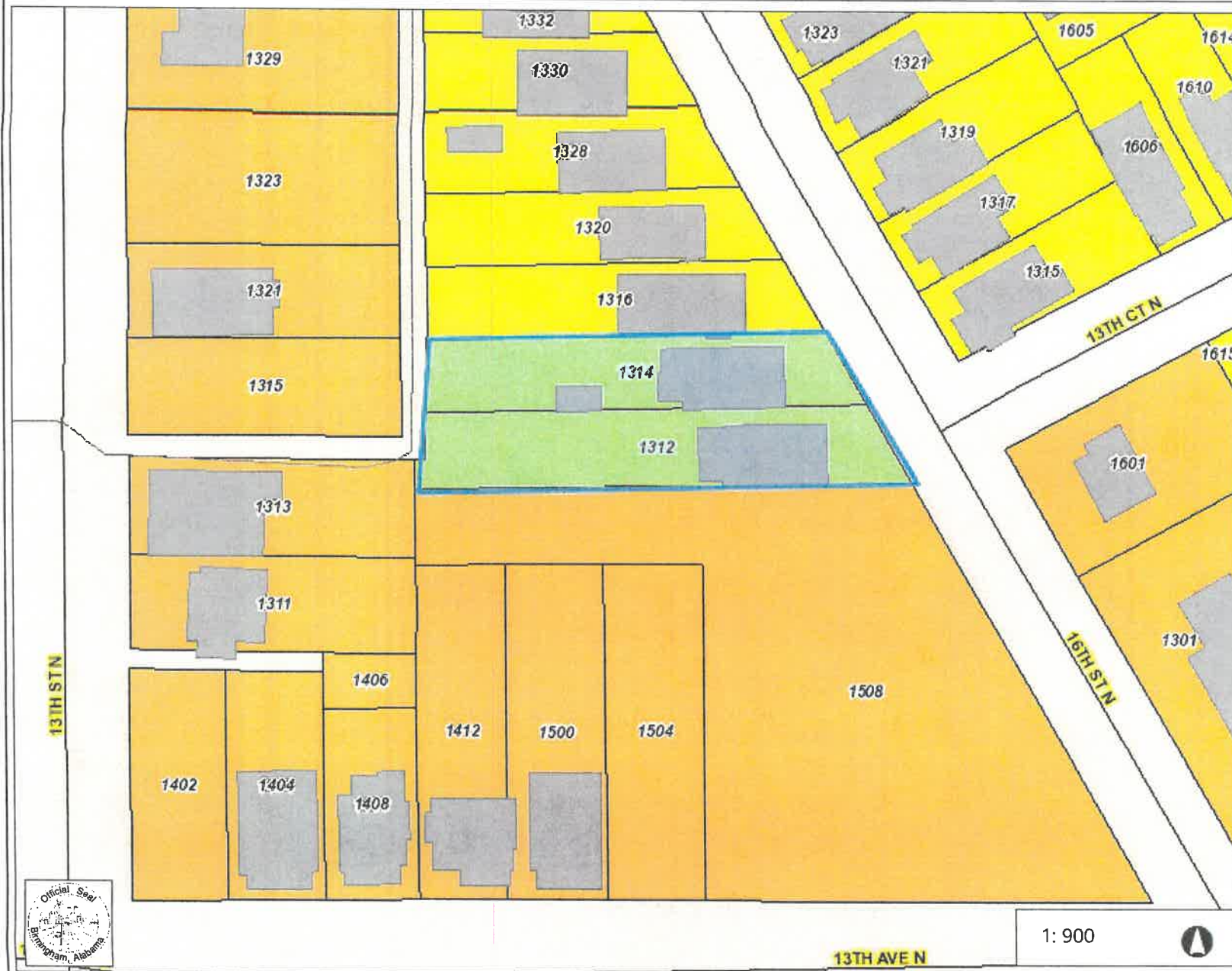
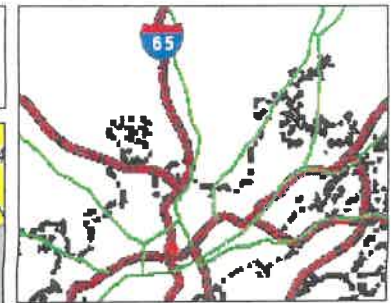
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  - R2; D2 - Single Family District - 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: 900

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

Notes

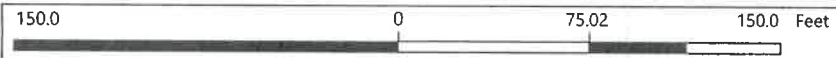


### Legend

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



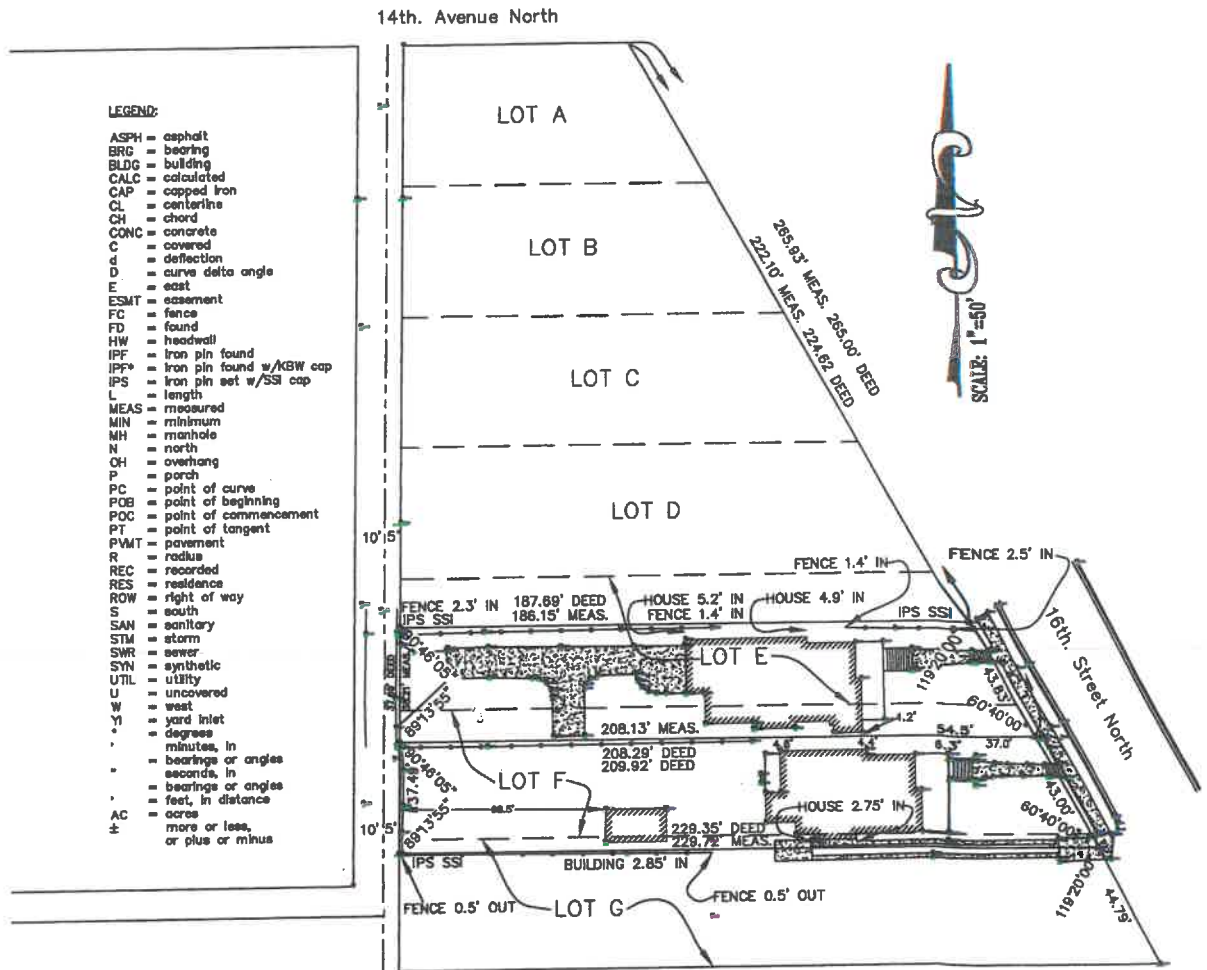
1: 900



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





STATE OF ALABAMA  
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Part of Lots E, F, & G, Joe C. Hail & A. W. Hayes as recorded in Map Book 9, Page 65 in the Office of the Judge of Probate, Jefferson County, Alabama being more particularly described as follows; Part of Lots E & F of said Joe C. Hail & A. W. Hayes; commence at the intersection of the South Right-of-Way line of 14th. Avenue North and the West Right-of-Way line of 16th. Street North being the Northeast corner of Lot A in said Joe C. Hail & A. W. Hayes; thence run Southeast along the West Right-of-Way line of 16th. Street North for a distance of 224.62 feet to the Point of Beginning; thence continue Southeast for a distance of 43.83 feet; thence run West for a distance of 208.29 feet to East line of a 15 foot alley; thence run North for a distance of 37.69 feet; thence run East for a distance of 187.69 feet to the Point of Beginning. Also Part of Lots F & G of said Joe C. Hail & A. W. Hayes; commence at the intersection of the South Right-of-Way line of 14th. Avenue North and the West Right-of-Way line of 16th. Street North being the Northeast corner of Lot A in said Joe C. Hail & A. W. Hayes; thence run Southeast along the West Right-of-Way line of 16th. Street North for a distance of 265.00 feet to the Point of Beginning; thence continue Southeast for a distance of 43.00 feet; thence run West for a distance of 229.35 feet to East line of a 15 foot alley; thence run North for a distance of 37.49 feet; thence run East for a distance of 209.92 feet to the Point of Beginning.

I, also certify 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; that the correct address is as follows: 1314 & 1316 16th. Street North according to my survey of August 20, 2021. Survey is not valid unless it is sealed with embossed seal or stamped in red.



SURVEYING SOLUTIONS, INC.  
2232 CAHABA VALLEY DRIVE SUITE M  
BIRMINGHAM, AL 35242  
PHONE: 205-991-8965

*Carl Daniel Moore*

Order No. 260024  
Purchaser: Williams  
Type of Survey: Property Boundary

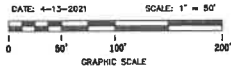
Carl Daniel Moore, Reg. L.S. #12159  
8-25-2021  
Date of Signature

RESURVEY OF PART OF LOTS E, F, & G  
 JOE C HAIL & A W HAYES  
 AS RECORDED IN MAP BOOK 9, PAGE 85 IN THE  
 OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA

SITUATED IN THE SOUTH 1/2 OF SECTION 26  
 TOWNSHIP 17 SOUTH, RANGE 3 WEST  
 JEFFERSON COUNTY, ALABAMA

OWNER:  
 JOYCELYN Y. WILLIAMS

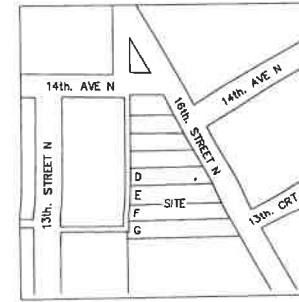
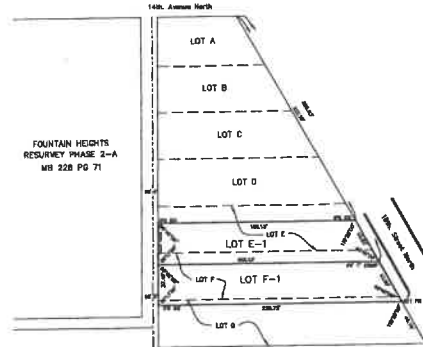
SURVEYING BY:  
 SURVEYING SOLUTIONS, INC.  
 2332 CANADA VALLEY DRIVE SUITE M  
 BIRMINGHAM, ALABAMA 35242  
 (205) 991-8985



LEGEND  
 STORM SEWER ————  
 STORM SEWER MANHOLE ————  
 WATERLINE ————  
 SQ FT. SQUARE FEET  
 S : SIDE OR LESS  
 D : DELTA ANGLE  
 Δ : DEFLECTION ANGLE  
 T : TANGENT : TAN  
 R : RADIUS  
 CH. CHORD  
 ESMT. EASEMENT  
 RCP: REINFORCED CONCRETE PIPE  
 FH: FIRE HYDRANT  
 HR: HEADWALL  
 EX: EXISTING  
 TY: YARD INLET  
 SS: STOP SIGN  
 SPEED LIMIT SIGN  
 BILL CURB INLET  
 S-SANITARY SEWER MANHOLE  
 S-SANITARY SEWER  
 FM ———— FORCE MAIN  
 L: LENGTH  
 FD: FOUND

NOTE:

THIS PROPERTY IS SITUATED IN FLOOD ZONE "X" (shaded) ACCORDING TO THE  
 "FEDERAL INSURANCE RATE MAP" OF JEFFERSON COUNTY, ALABAMA, PANEL NUMBER  
 01018 0389 N CITY OF BIRMINGHAM, EFFECTIVE DATE: MARCH 21, 2018.



VICINITY MAP  
 NOT TO SCALE

STATE OF ALABAMA  
 COUNTY OF JEFFERSON

I, the undersigned, Carl Daniel Moore, a registered Land Surveyor in the State of Alabama, and Joycelyn Y. Williams, Owner, hereby certify that this plat or map was made pursuant to a survey made by said Surveyor, and that said survey and this plat or map were made at the instance of said Owner; that this plat or map is a true and correct map of the lands shown thereon and known or to be known as RESURVEY OF PART OF LOTS E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, showing the subdivisions into which it is proposed to divide said lands, giving the length and angles of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the angles, width, length and name of each street, as well as the number of each lot and block, and showing the relation of the land to the survey of JOE C HAIL & A W HAYES as recorded in Map Book 9, Page 85, in the Office of the Judge of Probate, Jefferson County, Alabama, and that the above have been located as all corners and curve points as shown and designated by small open circles on said plat or map. Said owner also certifies that it is the owner of said lands and that the same are subject to a mortgage by Wells Fargo. The undersigned appoints the City of Birmingham as agent for the purpose of filing said plat or map, together with this instrument, for record, and certifies that we have full authority to execute this instrument and map.

I hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

DATE: \_\_\_\_\_  
 Carl Daniel Moore, Reg. L.S. # 12159



BY: \_\_\_\_\_  
 Joycelyn Y. Williams, Owner

Wells Fargo Mortgage  
 BY: \_\_\_\_\_  
 its: \_\_\_\_\_

NOTE:  
 Environmental Services Department approval indicates that easements have been dedicated for future Jefferson County sanitary sewers however this does not mean sanitary sewers 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: \_\_\_\_\_ DATE: \_\_\_\_\_  
 DIRECTOR OF ENVIRONMENTAL SERVICES  
 FOR RECORDING PURPOSES ONLY  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY CLERK  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY ENGINEER  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 BIRMINGHAM PLANNING COMMISSION

STATE OF ALABAMA  
 COUNTY OF \_\_\_\_\_

I, the undersigned, as Notary Public in and for said County in said State, hereby certify that \_\_\_\_\_, whose name is signed for Wells Fargo Home to the foregoing certificate as Mortgagor, who is known to me, acknowledged before me, on this date that, being informed of the contents of the above and foregoing certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
 Notary Public  
 My commission expires: \_\_\_\_\_

STATE OF ALABAMA  
 COUNTY OF SHELBY

I, the undersigned, as Notary Public in and for said County in said State, hereby certify that Carl Daniel Moore, whose name is signed to the foregoing certificate as Land Surveyor, who is known to me, acknowledged before me, on this date that, being informed of the contents of the above and foregoing certificate, he executed the same voluntarily, as an act of said Land Surveyor, on the day the same bears date.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
 Notary Public  
 My commission expires: \_\_\_\_\_

STATE OF ALABAMA  
 COUNTY OF \_\_\_\_\_

I, the undersigned, as Notary Public in and for said County in said State, hereby certify that Joycelyn Y. Williams, whose name is signed to the foregoing certificate as Owner, who is known to me, acknowledged before me, on this date that, being informed of the contents of the above and foregoing certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

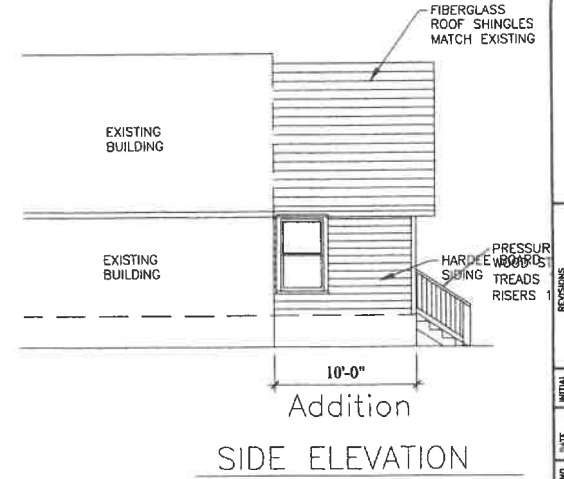
BY: \_\_\_\_\_  
 Notary Public  
 My commission expires: \_\_\_\_\_

# INTERIOR NOTES

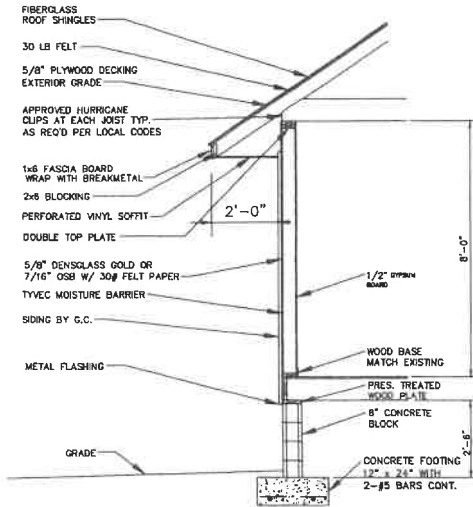
1. CEILING FAN IN ALL BEDROOMS.
2. ALL NEW 6 - PANEL INTERIOR DOORS.
3. ALL NEW CABINETS - HOME DEPOT QUALITY OR EQUAL.
4. COUNTERTOPS TO BE GRANITE OR LESS EXPENSIVE BUT NOT LAMINATE.
6. RECESSED DOWNCAN LIGHTING IN KITCHEN - 4" DIA.
6. LED LIGHT OVER SINK.
7. CEILING FAN IN KITCHEN ADDITION.
8. FOUNDATION TO BE INSPECTED BY STRUCTURAL ENGINEER, FOR STRENGTH.
9. APPLIANCES: REFRIGERATOR, STOVE, MICROWAVE, DISHWASHER, WASHER & DRYER TO BE INCLUDED.
10. INSTALL WHITE WIRE CLOSET RACK/SHELVES IN ALL CLOSETS & LAUNDRY ROOM, OR PRE-CUT SHELVES WHICH EVER IS COST EFFECTIVE.
11. INSTALL NEW 3/4" SUB-FLOORING WHERE REQUIRED. INSPECT & REPLACE ALL DAMAGED FLOOR JOISTS BEFORE INSTALLING NEW SUB-FLOOR.
12. REMOVE ALL GAS LINES IN THE HOUSE.
13. PROVIDE & INSTALL R-13 BATT INSULATION IN EXTERIOR WALLS. PROVIDE & INSTALL R-32 BATT INSULATION IN ALLS CEILINGS.
14. INSTALL GREEN GYPSUM BOARD IN ALL BATHROOMS.
15. PAINT ALL INTERIOR WALLS & SURFACES, AS REQUIRED.



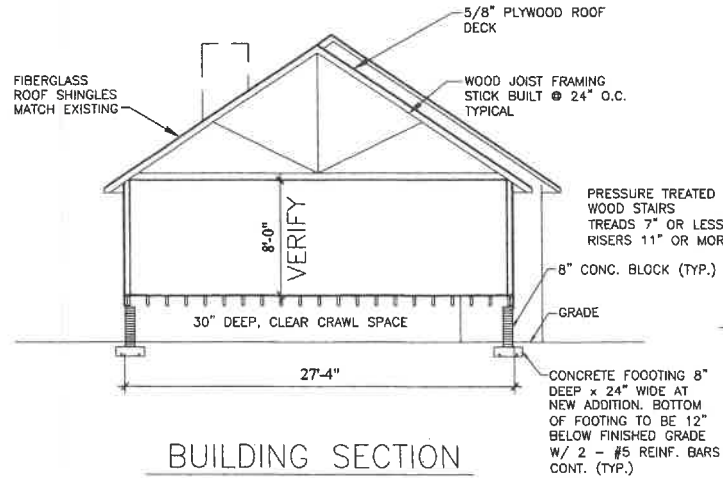
Addition  
REAR ELEVATION



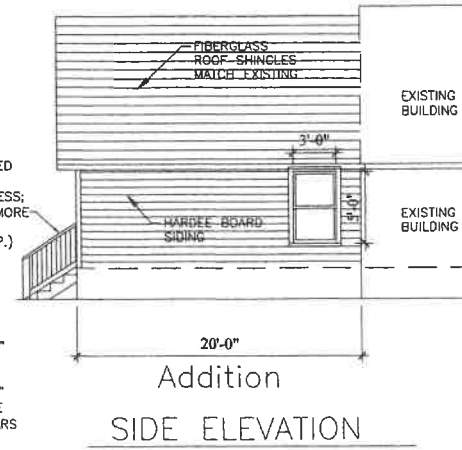
Addition  
SIDE ELEVATION



WALL SECTION  
SCALE: 1/2" = 1'-0"



BUILDING SECTION



Addition  
SIDE ELEVATION

1314 16th Street, Birmingham, AL 35204

DRAWN BY: CELIA JOYCELYN WILLIAMS  
 CHECKED BY: D.L.G.  
 PROJECT: RENOV. & ADD. TO EXIST. BLDG  
 DRAWING TITLE: EXTERIOR ELEVATIONS

DANIEL L. GARDNER, ARCHITECT  
 P.O. BOX 550335  
 BIRMINGHAM, AL 35255  
 (205) 514-0262  
 e-mail: gardnerml3140262@gmail.com

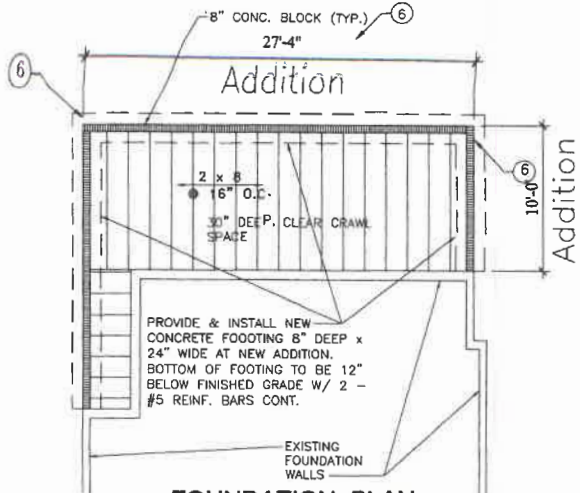
**GARDNER ARCHITECTS INC.**

NO.	DATE	REVISIONS
A	9/29/21	ISSUE FOR A BUILDING PERMIT

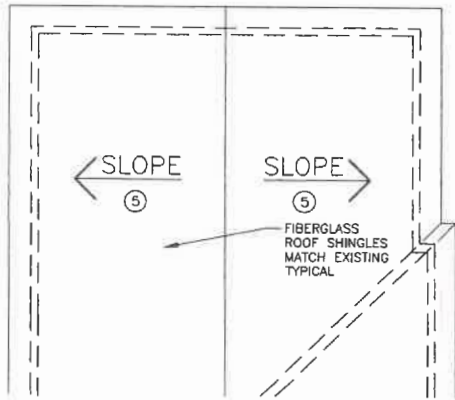
SCALE: NONE  
 DATE: SEPTEMBER, 2021

SHEET 2 OF 2  
 DRAWING NO.

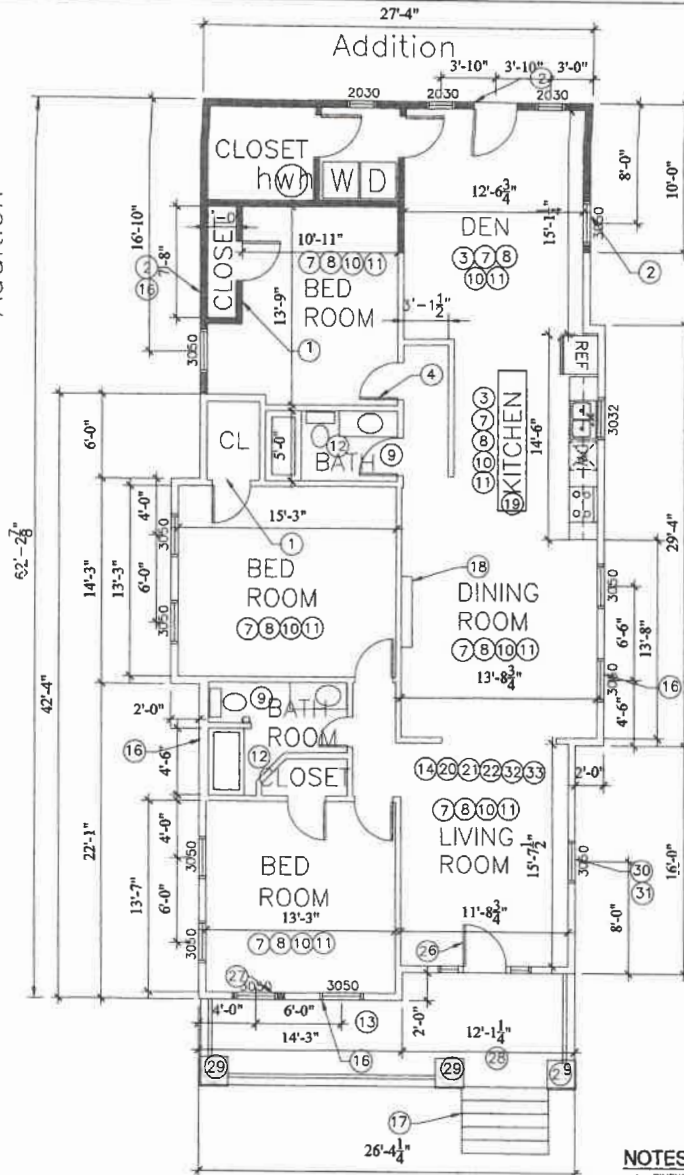
**A 3.1**



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



**ROOF PLAN**  
SCALE: 1/4"=1'-0"



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

**CONSTRUCTION NOTES**

- BUILD A NEW CLOSET WITH NEW DOOR & FRAME.
- BUILD NEW ADDITION IN BACK OF THE HOUSE. 10'-0" x 27'-4". PROVIDE AND INSTALL NEW HARDEE BOARD SIDING FOR THE ADDITION.
- PROVIDE & INSTALL NEW KITCHEN FLOORING.
- PROVIDE & INSTALL NEW BEDROOM DOOR.
- PROVIDE & INSTALL NEW ROOF SHINGLES. MATCH EXISTING ROOF OF SLOPE OF MAIN BUILDING. REPAIR EXISTING EXTERIOR TRIM DETAILS. INSTALL NEW SIDING & PAINT EXTERIOR TRIM & WALLS.
- PROVIDE & INSTALL 8" CONCRETE BLOCK ON CONC. FOUNDATION TO SUPPORT WOOD FLOOR JOISTS.
- PAINT ALL INTERIOR ROOMS.
- PROVIDE & INSTALL LUXURY VINYL PLANK IN ALL INTERIOR ROOMS, EXCEPT BATHROOMS.
- CUT ALL WALLS IN BATHROOMS & REPLACE WITH GYPSUM BOARD. PROVIDE & INSTALL NEW BATHROOM DOORS, PROVIDE & INSTALL 12" x 12" CERAMIC TILES AT SHOWER WALLS.
- INSTALL WHITE WIRE CLOSET RACKS/ SHELVES & RODS IN ALL CLOSETS& LAUNDRY ROOM, OR PRE-CUT SHELVES.
- NEW KITCHEN CABINETS, MAKE ROOM FOR REFRIGERATOR, ALL APPLIANCES, IE DISHWASHER.
- PROVIDE & INSTALL NEW WINDOWS BLINDS IN EACH ROOM.
- ADD VENTILATION FANS IN THE 2 BATHROOMS.
- REPLACE RAILING, REWORK TRIM AS NECESSARY & REPAIR STONE WORK ON LEFT SIDE AT COLUMN BASE.
- REMOVE ALL GALVANIZED PLUMBING PIPES FROM BASEMENT & HOUSE IN GENERAL AND REPLACE WITH NEW PEX (PLASTIC PIPE).
- CLOSE IN CRAWL SPACE. PROVIDE & INSTALL NEW BASEMENT ACCESS WAY.
- NEW HARDEE BOARD CONCRETE SIDING ON ALL SIDES OF HOUSE.
- REMOVE & REPLACE CONCRETE STAIRS AND STEPS IN THE FRONT OF THE HOUSE IS TO APPEAR LIKE NEW WITH NEW MATERIALS.
- RECESSED WALL MOUNTED ELECTRIC FIREPLACE.
- NEW KITCHEN ISLAND 2' x 10'.
- NEW 1/2" GYPSUM BOARD THROUGHOUT THE INTERIOR OF ALL ROOMS.
- NEW HVAC, PLUMBING AND ELECTRICAL PER CITY CODES.
- NEW HVAC DUCTWORK.
- REPLACE ALL ROTTEN WOOD ON ROOF.
- NEW 30 YEAR SHINGLES, CONTRACTOR GRADE.
- PROVIDE AND INSTALL NEW SECURITY FENCE AT LEAST 6' HIGH.
- REPLACE FRONT DOOR ON RIGHT SIDE.
- REMOVE FRONT DOOR ON LEFT SIDE AND INSTALL 2 NEW WINDOWS.
- REPAIR STONE ON FRONT PORCH AS NEEDED. PAINT STONE.
- REPAIR STONE COLUMNS ON FRONT PORCH AS NEEDED.
- REPLACE EXTERIOR SOFFITS, & WINDOW TRIM. AS REQUIRED.
- REPLACE WINDOWS AS REQUIRED WITH NEW VINYL DOUBLE HUNG WINDOWS.
- PROVIDE AND INSTALL CEILING FAN IN ALL BEDROOMS.
- PAINT ALL INTERIOR ROOMS.

**NOTES:**

- DIMENSION LINES ARE TO THE FINISH FACE OF WALLS, TO THE OUTSIDE EDGE OF THE EXTERIOR WALL, OR TO THE CENTERLINE OF COLUMNS, UNLESS NOTED.
- ANY QUESTIONS ABOUT DIMENSIONS SHOULD BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- FIELD VERIFY ALL DIMENSIONS BEFORE INSTALLING FINAL/FINISH MATERIALS.

DANIEL L. GARDNER, ARCHITECT  
P.O. BOX 550315  
BIRMINGHAM, AL 35255  
205) 514-0262  
e-mail: gardnerdwl5140262@gmail.com



NO.	DATE	INITIAL	DESCRIPTION
1	9/7/21	DLG	ISSUE FOR A BUILDING PERMIT

JOYCELYN WILLIAMS  
RENOVA. & ADD. TO EXIST. BLDG  
LOWER FLOOR PLAN

OWNER:  
PROJECT:  
DRAWING TITLE:  
SHEET 1 OF 2  
DRAWING NO.  
**A 21**

1314 16th Street, Birmingham, AL 35204

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00077**

**Five Points South Neighborhood**

***Request:***

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.

***Applicant:***

Red Mountain Theatre Arts

***Location:***

1621 & 1625 2<sup>nd</sup> Ave S, Birmingham AL 35233  
Parcel #012200363023002000 & 012200363023001000  
SW of Section 36, Township 17 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing an expansion "Phase II" of the Red Mountain Theatre.

***Staff Analysis:***

The subject properties are currently zoned M-1 (Light Industrial District). The subject property is surrounded by parcels zoned M-1 (Light Industrial District) while parcels east are zoned B-4 (Central Business District). The properties are not located in the flood plain area; however, they are located in the Midtown Commercial Revitalization District. There is a previous case associated with these properties case ZBA2019-00049(a modification to allow 50 off-street parking spaces instead of the required 98 off-street parking spaces). This case was filed as "Phase I" of the Red Mountain Theatre.

The parking requirement is 1 space per every 5 seats in the theater and 1 space for every 100 square feet of restaurant area. The proposed expansion will include 186 seats which will require 37 off-street parking spaces and a restaurant the size of 6,000 square feet requiring 60 off-street parking spaces totaling 97 off-street parking spaces. There is a transit stop within 1,000 feet of the subject properties giving them a 10% reduction now with the total amount of 87 off-street parking spaces needed. There are 50 off-street parking spaces provided on the properties; however, we must account for the spaces needed in the previous case. Therefore, the total amount needed is 185 parking spaces needed.

The applicant has provided us with a parking studying to support their parking modification. Based upon the parking study, the least amount of parking available 82 parking spaces at

10:00am and the most amount of parking available is 145 parking spaces at 6:00pm. Also, to support the modification, the applicant has provided us with a parking agreement that has been in effect since June 10, 2021 to use UAB parking Lot 33 located at 1701 3<sup>rd</sup> Ave S, Birmingham AL 35233. The lot include 46 parking spaces and two handicap spaces available for the applicant to utilize Monday through Friday from 5pm- 5am and anytime on Saturday and Sunday. Additionally, the applicant provided a letter on behalf of Children's of Alabama stating that they will be happy to make any parking arrangement with the applicant for their parking facility located on 4<sup>th</sup> Ave S between 16<sup>th</sup> and 17<sup>th</sup> Streets with over 1,400 spaces. There were other parking modifications located within 1,320ft radius:

1. 201 18<sup>th</sup> St S 35233, ZBA2017-00099 (Modification to allow 15 off-street parking spaces instead of 31 off-street parking spaces) **Lacking 16**

---

***Neighborhood Recommendation:***

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

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

Staff believes the applicant has provided evidence to support the modification, the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within three years of approval from the Board.
3. Applicant must resurvey the lots within 90 days of approval date from the Board's decision.

**PARCEL ID:** 012200363023002000

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2021

**DATE:** Friday, January 14, 2022 4:28:46 PM

**OWNER:** RED CORNER LLC A DELAWARE LIMIT

**ADDRESS:** 2100 3RD AVE NORTH SUITE 600

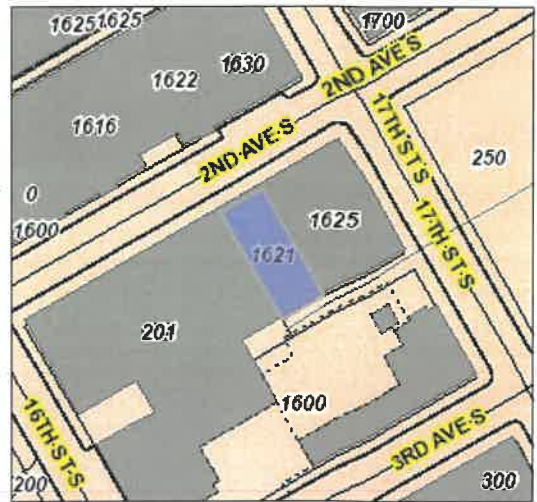
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:** 1621 2ND AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$294,000.00

**BLDG:** \$143,700.00

**OTHER:** \$0.00

**AREA:** 7,364.72

**ACRES:** 0.17

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 132

**LOT:** 4

:

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

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Midtown

**Fire District:** In Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Five Pts So (1701)

**Communities:** Southside (17)

**Council Districts:** District - 6 (Councilor: Crystal Smitherman)

**Zoning Outline:** M1

**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

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.

**PARCEL ID:** 012200363023001000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Friday, January 14, 2022 4:29:10 PM

**OWNER:** RED CORNER LLC

**ADDRESS:** 2100 3RD AVE N STE 600

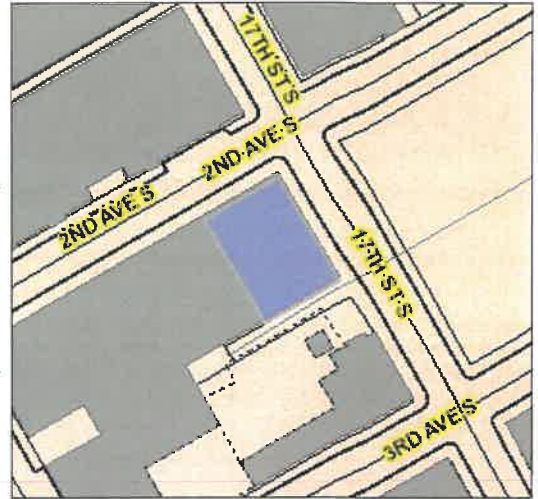
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203

**SITE ADDR:** 1625 2ND AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35233



**LAND:** \$588,000.00

**BLDG:** \$236,800.00

**OTHER:** \$0.00

**AREA:** 13,559.54

**ACRES:** 0.31

**SUBDIVISION INFORMATION:**

**NAME** BIRMINGHAM BLOCKS

**BLOCK:** 132

**LOT:** 1-3

:

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

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Midtown

**Fire District:** In Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Five Pts So (1701)

**Communities:** Southside (17)

**Council Districts:** District - 6 (Councilor: Crystal Smitherman)

**Zoning Outline:** M1

**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

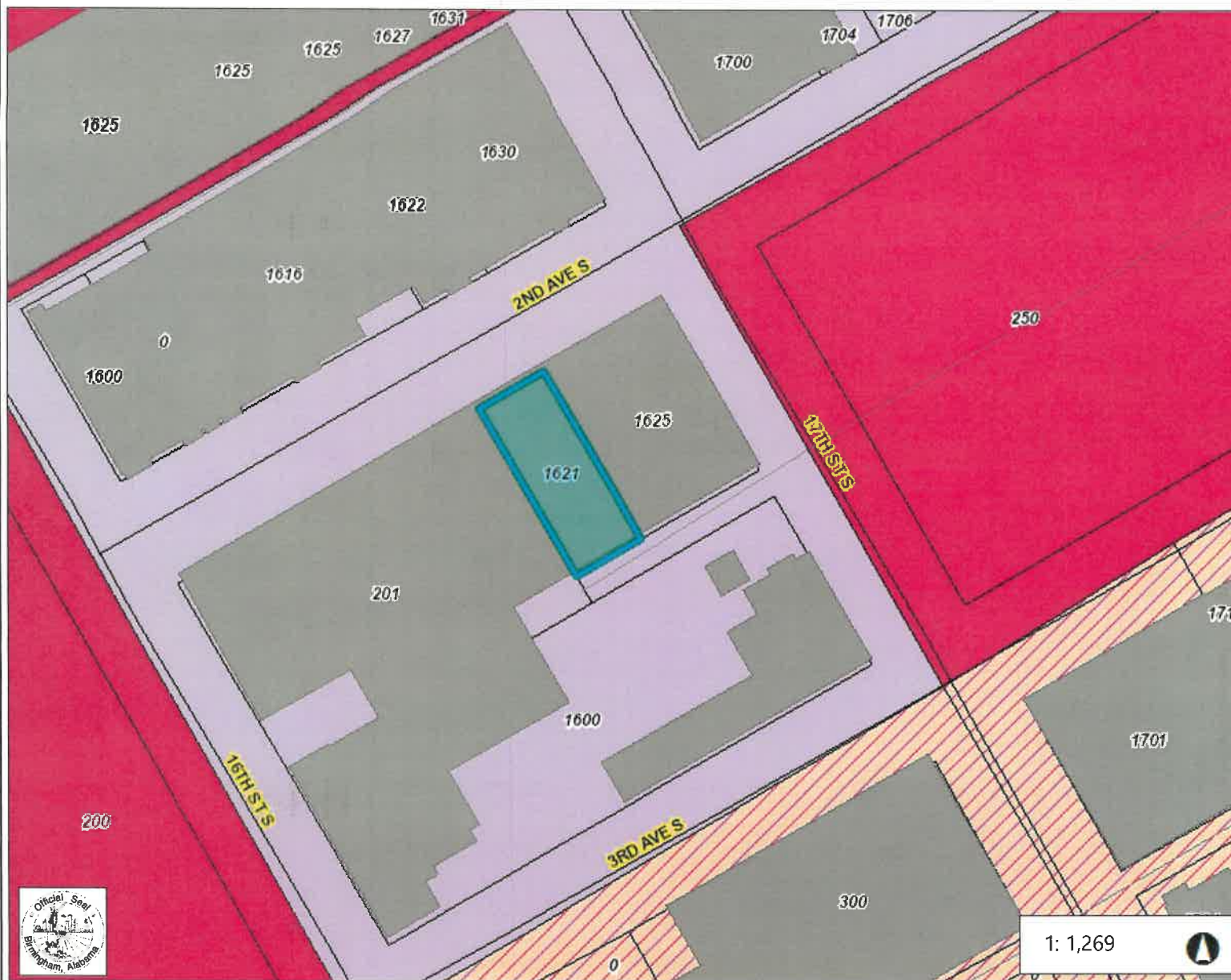
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** In Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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

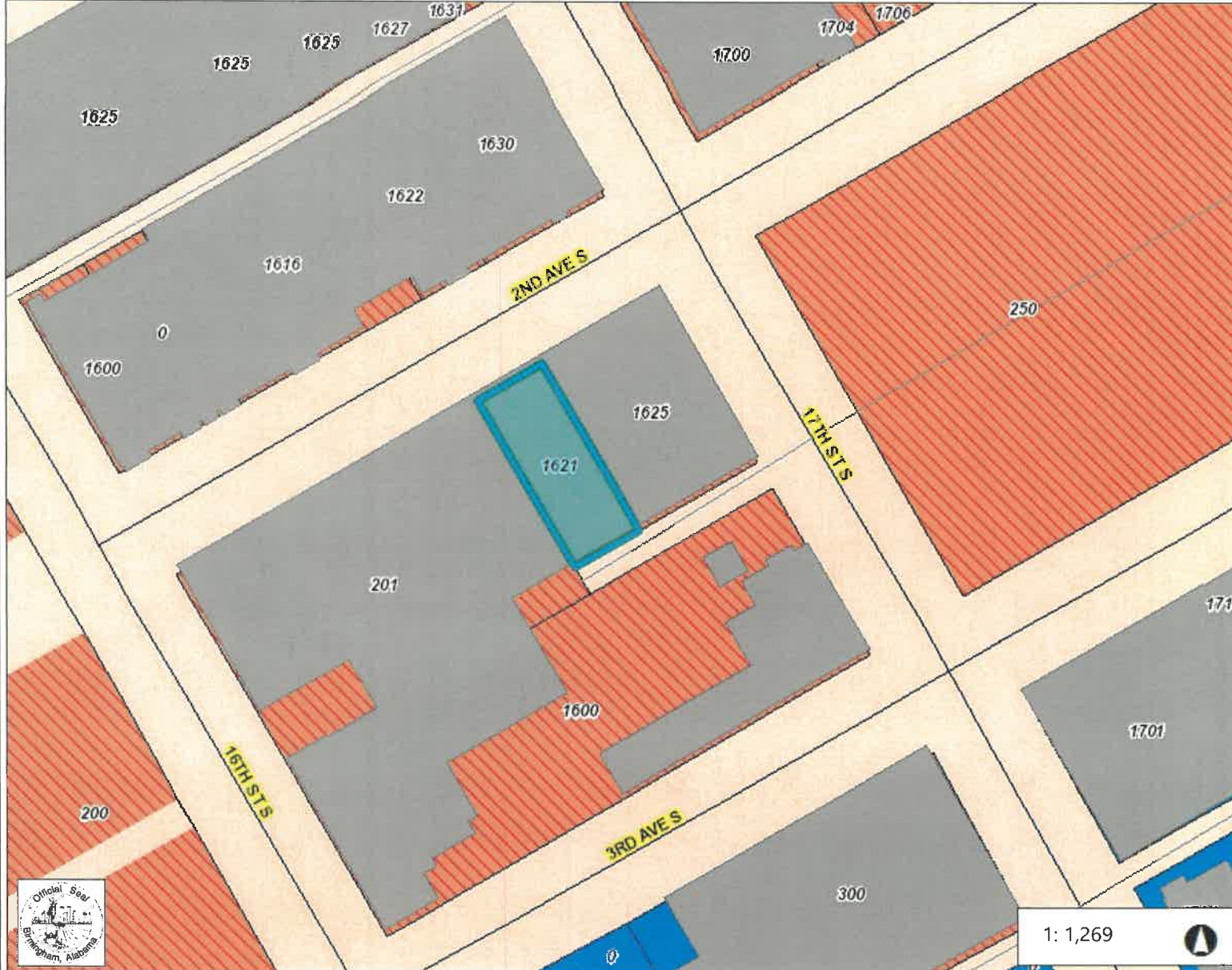


211.5 0 105.73 211.5 Feet

1: 1,269



Notes

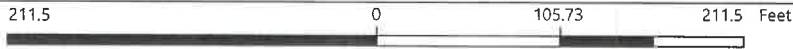


Legend

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



1: 1,269



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

## Red Mountain Theater Phase 2 Expansion Parking Availability

1621 and 1625 2<sup>nd</sup> Avenue South, Birmingham, AL 35233

### Proposed Uses

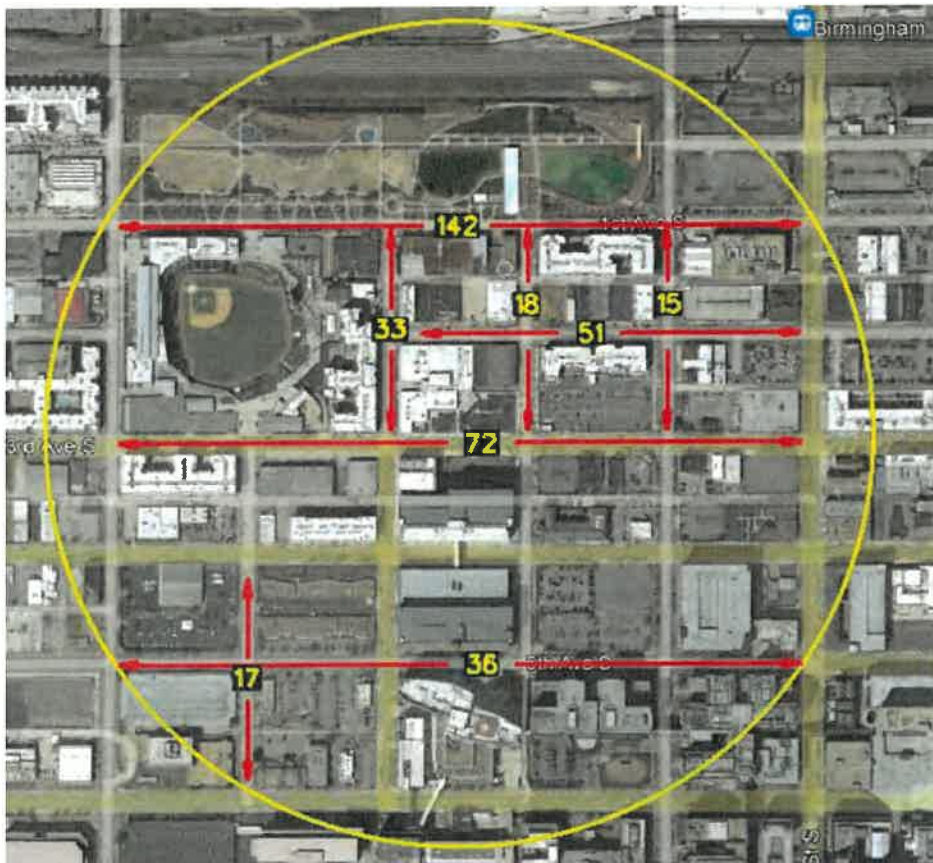
The proposed renovation/redevelopment is an expansion of the Red Mountain Theater facility that consists of the remaining four lots and will include approximately 19,100 square feet of additional theater space with 186 seats, circulation space, rehearsal space, and associated support and storage space. The project also includes 6,000 square foot Core and Shell renovation for a future restaurant that will involve 240+/- seats.

### Zoning Requirements

The parking requirements for the proposed Red Mountain Theater Company Expansion is 1 space per every 5 seats in the theater and 1 space for every 100 square feet of restaurant area. With 186 seats in the proposed theater, the required off-street parking is 37 spaces. The building will include 6,000 square feet of Core/Shell (restaurant space), requiring 60 off-street parking spaces. Based on the parking requirements mentioned above, the proposed development will need a total of 97 off-street parking spaces. A bus stop is located at the corner of 18th Street South and 2<sup>nd</sup> Avenue South which is less than 1000 feet from the proposed development and qualifies for the 10% parking reduction. This credit reduces the overall required off-street parking spaces down to 89.

### Off-Street Parking

Currently the existing overall RMTC campus has 50 off-street parking spaces. However, the proposed renovation will result in an 89-parking space deficit from the zoning requirements. Below is a detailed description of the public parking that exists around the proposed development.





CORNER OF 17TH STREET S. AND 2ND AVE. S.



17TH STREET S. (ADDITION ADDED TO THIS CORNER, ALLEY TO BE ABANDONED)



2ND AVE. S. (SULLIVAN BUILDING TO BE DEMOLISHED FOR COURTYARD)



2ND AVE. S. (ENLARGED PHOTO OF BRICK CHANGE)



17TH STREET S. (EXISTING EAST ELEVATION)



SOUTH ELEVATION (ALLEY TO BE ABANDONED)

**RMT PARKSIDE - PHASE 2**

1625 2nd Ave S, Birmingham, AL 35233

12.03.21

PROGRESS PRINT:

12.31.21

NOT FOR CONSTRUCTION

FOR PRELIMINARY REVIEW

Revisions  
No. Description Date

**RMT PARKSIDE - PHASE 2**

Owner:

1625 2nd Ave S,  
Birmingham, AL 35233

Project Number:

21033

Date:

12.03.21

EXISTING EXTERIOR PHOTOS

**A9.01**



CORNER OF 17TH STREET S. AND 2ND AVE. S.



2ND AVE. S. (COURTYARD IN PLACE OF DEMOLISHED BUILDING)



17TH STREET S.



INSIDE RMT PARKING LOT (COURTYARD IN PLACE OF DEMOLISHED BUILDING)



CORNER OF 17TH STREET S. AND 2ND AVE. S.



2ND AVE. S. (COURTYARD IN PLACE OF DEMOLISHED BUILDING)

PROGRESS PRINT  
12.03.21  
NOT FOR  
CONSTRUCTION  
FOR PREP AND  
REVIEW

Revisions  
No. Description Date

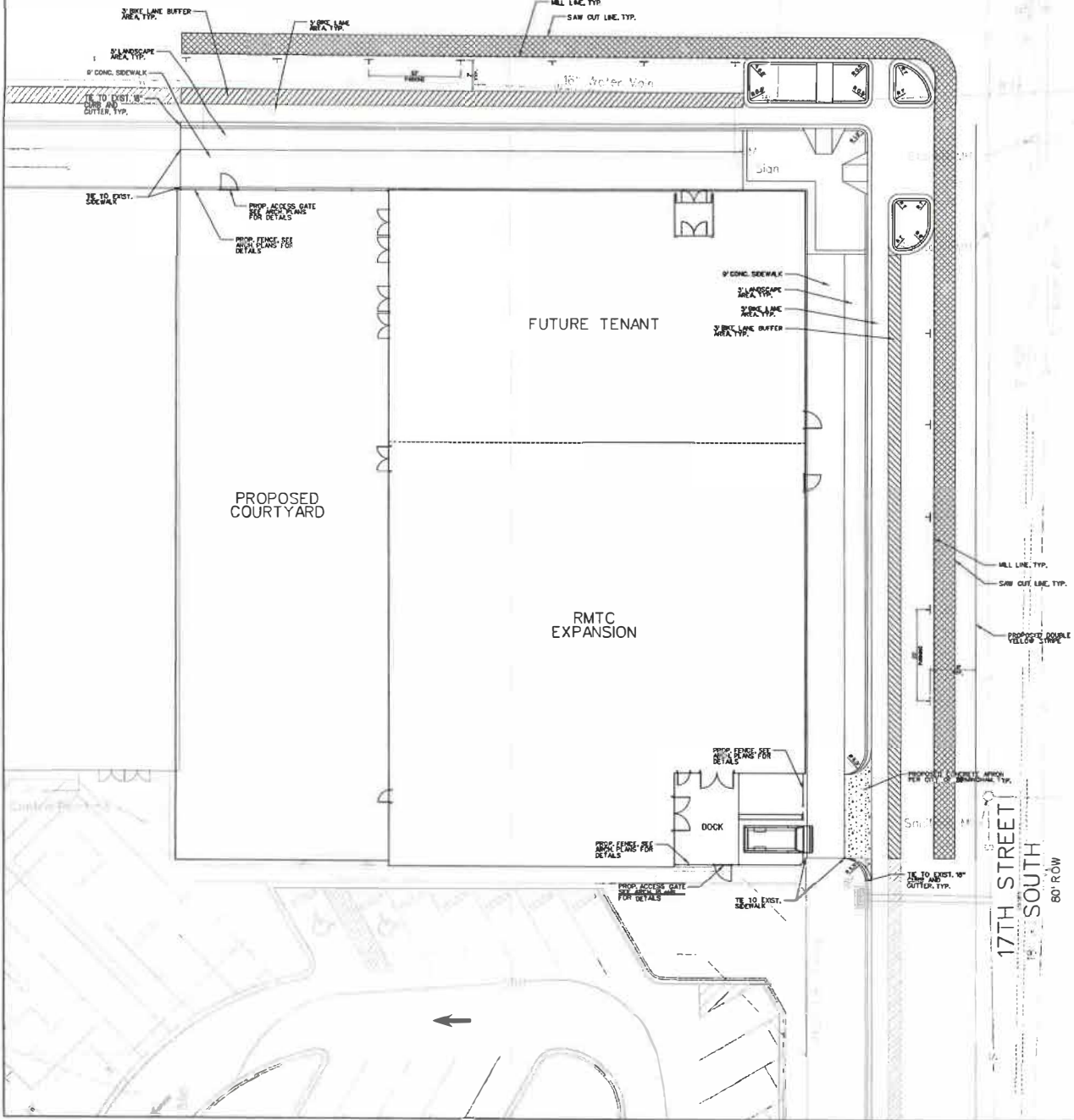
RMT PARKSIDE -  
PHASE 2

Owner  
1625 2nd Ave S,  
Birmingham, AL 35233  
Project Number  
21033  
Date  
12.03.21  
EXTERIOR  
RENDERINGS

A9.00



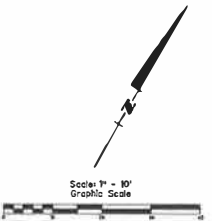
2ND AVENUE SOUTH  
80' ROW



NOTE:  
 1. DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE. THE FACE OF CURB SHALL BE TO THE STREET. THE FACE OF CURB SHALL BE TO THE STREET. THE FACE OF CURB SHALL BE TO THE STREET.  
 2. ANY DIMENSIONS NOTED OTHERWISE SHALL BE PER CITY OF BIRMINGHAM AND ADJ. JURISDICTION.  
 3. SEE ARCH. PLANS FOR BUILDING LAYOUT.  
 4. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.  
 5. ALL PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION.  
 6. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL TRAFFIC CONTROL MEASURES FOR WORK IN AND ALONG THE DISTING STREETS.  
 7. ALL UTILITIES SHALL HAVE A 12" MINIMUM CROSS SECTION.  
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE BIRMINGHAM SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION PROJECTS.  
 9. ALL CONCRETE USED IN THE CITY RIGHT-OF-WAY SHALL BE HOOPER BRAND.

**LEGEND**

[Symbol]	NO PARKING ZONE/BIKE BUFFER
[Symbol]	HEAVY DUTY CONCRETE PAVING
[Symbol]	LIGHT DUTY CONCRETE PAVING
[Symbol]	SAW CUT LINE
[Symbol]	MILL LINE



NOTE:  
 FOR HANDSCAPE FEATURES AND DETAILS WITHIN THE CITY RIGHT-OF-WAY, SEE LANDSCAPE PLANS.  
 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.

**RMT PARKSIDE PHASE 2**  
 1625 2nd Ave S Birmingham, AL 35233  
 12.01.21

12.01.21  
**NOT FOR CONSTRUCTION**

Red Mountain Theatre Company  
 No. Description Date

RMT PARKSIDE - PHASE 2

RED MOUNTAIN THEATRE COMPANY  
 1625 2nd Ave S Birmingham, AL 35233

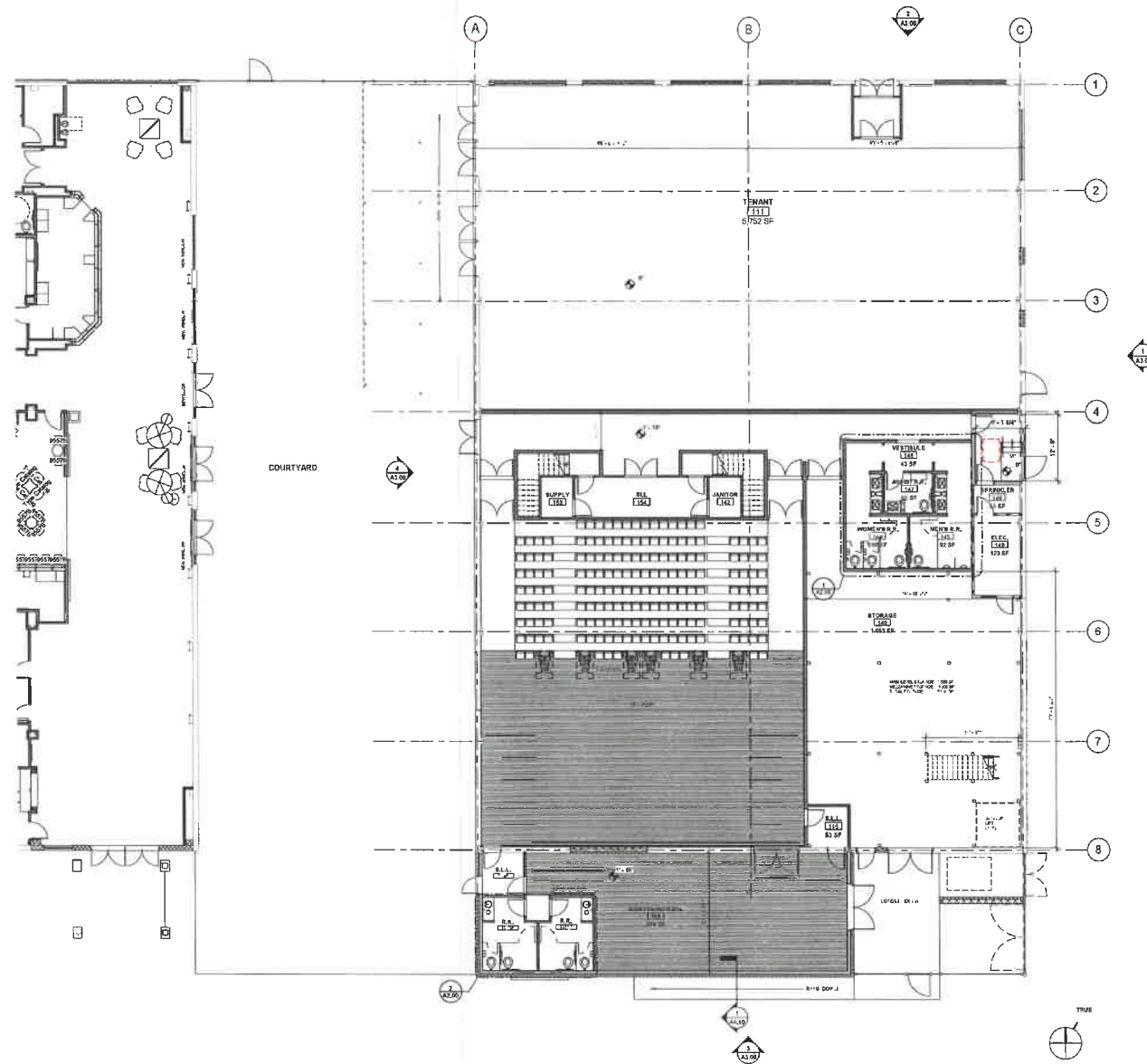
Page Number: 21575

Date: 12.01.21

Sheet Name: SITE LAYOUT PLAN

C3.00

- PLAN GENERAL NOTES:**
1. ALL INTERIOR LEVELS ARE DIMENSIONED TO THE CENTER OF THE FINISH FLOOR UNLESS OTHERWISE NOTED.
  2. OPENINGS PROVIDED WITH INTERIOR FINISH ELEMENTS EXCEPT EXTERIOR WALLS. THESE WALLS ARE TO BE FINISHED TO THE FINISH FLOOR FINISH.
  3. ALL DOOR OPENINGS CLEAR WIDTHS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED. ALL DOOR OPENINGS CLEAR HEIGHTS ARE TO BE 8'-0" UNLESS OTHERWISE NOTED.
  4. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED.
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  9. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED.
  10. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED. ALL DOOR OPENINGS ARE TO BE 4'-0" UNLESS OTHERWISE NOTED.



01 - FIRST FLOOR PLAN  
 1/8" = 1'-0"

**RMT PARKSIDE - PHASE 2**  
 1625 2nd Ave S, Birmingham, AL 35233  
 12.03.21

PROGRESS PRINT:  
 12.03.21  
**NOT FOR CONSTRUCTION**  
 FOR REVIEW AND REVIEW

Revisions		
No.	Description	Date

RMT PARKSIDE - PHASE 2

Owner  
 1625 2nd Ave S,  
 Birmingham, AL 35233  
 Project Number  
 21033  
 Date  
 12.03.21  
**FIRST FLOOR PLAN**

A1.00

### On-Street Parking

The image shown above illustrates a ¼ mile radius around the proposed development, with the number of public parking spaces indicated on the examined streets. A site examination was completed at various hours on separate days of the week to determine the number of available public parking spaces during these timeframes. The results of the examination are shown in the table below which lists the street location, the total number of public parking spaces, and the number of available public spaces observed during the site examination.

<b>On-Street Parking Table 12/1/2021</b>				
<b>Location</b>	<b>Public Parking</b>	<b>Public Parking Available at 10:00 A.M.</b>	<b>Public Parking Available at 3:00 P.M.</b>	<b>Public Parking Available at 6:00 P.M.</b>
1 <sup>st</sup> Ave S; 14 <sup>th</sup> St S to 19 <sup>th</sup> St S	142	60	52	58
2 <sup>nd</sup> Ave S; 16 <sup>th</sup> St S to 19 <sup>th</sup> St S	51	4	7	22
3 <sup>rd</sup> Ave S; 14 <sup>th</sup> St S to 19 <sup>th</sup> St S	72	6	20	19
5 <sup>th</sup> Ave S; 15 <sup>th</sup> St S to 18 <sup>th</sup> St S	36	2	7	7
15 <sup>th</sup> St S; 4 <sup>th</sup> Ave S to 5 <sup>th</sup> Ave S	17	7	12	15
16 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	33	3	2	0
17 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	18	5	6	9
18 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	15	5	10	15
<b>Total</b>	<b>384</b>	<b>92</b>	<b>116</b>	<b>145</b>

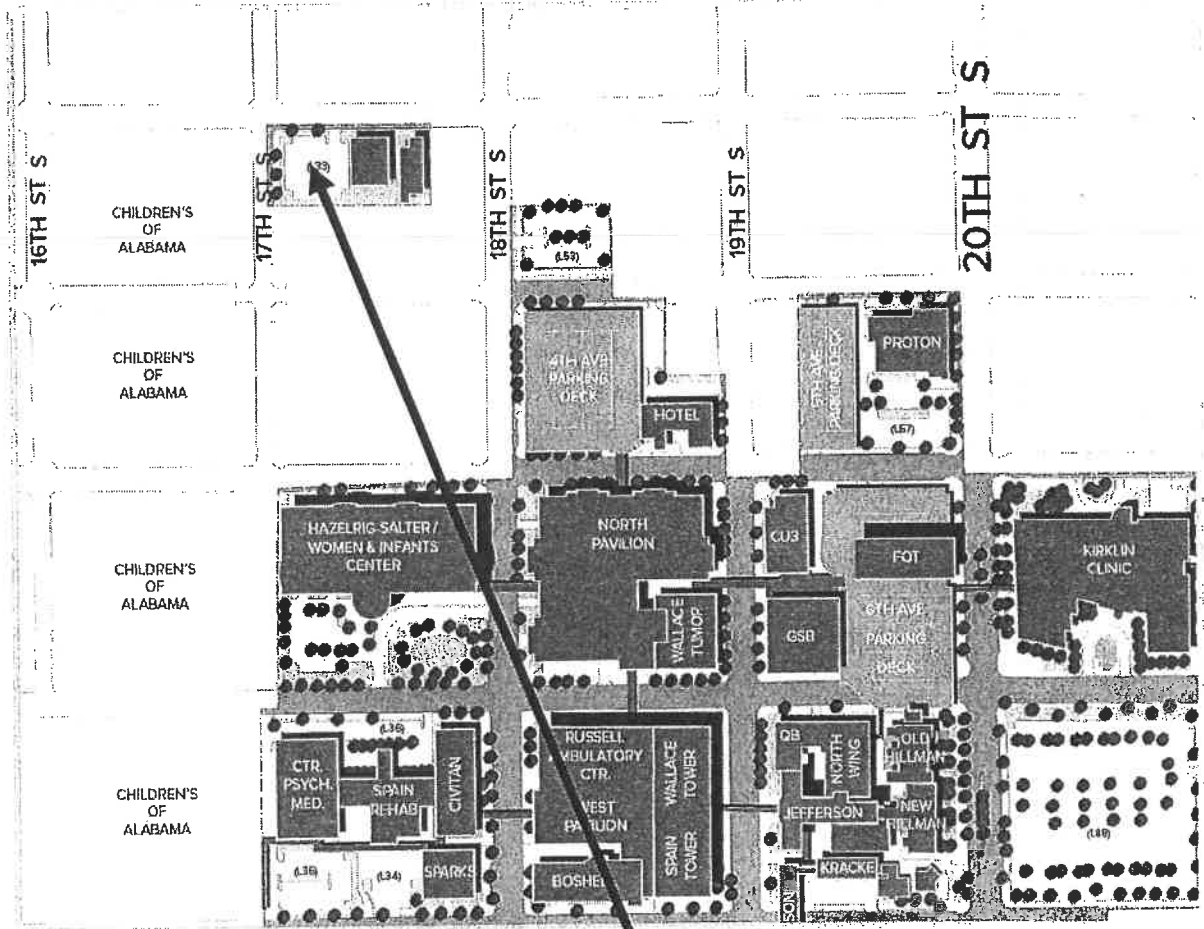
<b>On-Street Parking Table 12/2/2021</b>				
<b>Location</b>	<b>Public Parking</b>	<b>Public Parking Available at 10:00 A.M.</b>	<b>Public Parking Available at 3:00 P.M.</b>	<b>Public Parking Available at 6:00 P.M.</b>
1 <sup>st</sup> Ave S; 14 <sup>th</sup> St S to 19 <sup>th</sup> St S	142	54	46	51
2 <sup>nd</sup> Ave S; 16 <sup>th</sup> St S to 19 <sup>th</sup> St S	51	4	11	20
3 <sup>rd</sup> Ave S; 14 <sup>th</sup> St S to 19 <sup>th</sup> St S	72	13	14	18
5 <sup>th</sup> Ave S; 15 <sup>th</sup> St S to 18 <sup>th</sup> St S	36	2	7	10
15 <sup>th</sup> St S; 4 <sup>th</sup> Ave S to 5 <sup>th</sup> Ave S	17	1	4	16
16 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	33	1	2	0
17 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	18	1	3	6



18 <sup>th</sup> St S; 1 <sup>st</sup> Ave S to 3 <sup>rd</sup> Ave S	15	6	11	12
<b>Total</b>	<b>384</b>	<b>82</b>	<b>98</b>	<b>133</b>

Additionally, as part of this Parking Modification submittal, we have included a letter, dated July 9, 2019 from Children's of Alabama's Executive VP – Facilities (Mike McDevitt) stating their agreeance to allow patrons of RMTC's campus to park in their newly constructed parking facility which has over 1,400 available parking spaces.

**EXHIBIT A**  
**Licensed Property**



Lot 33 – 1701 3<sup>rd</sup> Avenue South, Birmingham, AL 35233

## PARKING LOT LICENSE AGREEMENT

This Parking Lot License Agreement (“Agreement”) is effective the 10<sup>th</sup> day of June, 2021 (the “Effective Date”) between The Board of Trustees of the University of Alabama, for its division, The University of Alabama at Birmingham, a public constitutional corporation of the State of Alabama (“Licensor” or “UAB”) and Red Mountain Theatre Company (RMTC) a domestic non-profit corporation (“Licensee”).

UAB owns UAB Parking Lot 33, which includes forty-six (46) parking spaces and two (2) handicap spaces, located at 1701 3<sup>rd</sup> Avenue South, Birmingham, Alabama 35233, and as further shown on Exhibit A, (the “Parking Lot” or the “Licensed Property”).

Therefore, the parties agree as follows:

### TERMS AND CONDITIONS

1. License Grant: UAB grants a non-assignable and non-exclusive license to Licensee to use the Parking Lot as a parking area Monday through Friday from 5:00 P.M. – 5:00 A.M and any time on Saturday and Sunday. Licensee is required to perform the following duties or responsibilities:
  - a. Use: The Licensee shall use the Parking Lot solely as a parking area for cars and other passenger vehicles. The Licensee shall not install any fixtures, equipment, or improvements to the Parking Lot nor make any repairs or alterations to the Parking Lot without the express written consent of UAB.
  - b. Management and Enforcement: The Licensee shall enforce the use period at its sole cost and expense including any security or necessary personnel.
  - c. Good Order: The Licensee shall keep the Licensed Property in good order during its use. Licensee shall promptly clean and remove any debris that result from its use of the Leased Premises.
  - d. UAB No Responsibility: The Licensee will be responsible for providing all security and labor to manage and secure the Parking Lot. UAB will not have any responsibility for the security, cleaning or management of the Parking Lot.
  - e. Access to Lot – Licensee shall be provided a key to security gate during the term for its use. Upon either the termination of this Agreement or upon expiration of the Term as defined below, Licensee shall return key to UAB. If the key is lost at any time during the term, Licensee shall pay to UAB a fee of twenty-five dollars (\$25.00) to replace the key.

- f. This Agreement shall be binding and inure to the benefit of Licensee's successors and assigns, subject to the limitation on Licensee's right to assign the Agreement as set out below
2. Term: The Term of this Agreement shall be from July 1, 2021, and shall terminate June 30, 2022 at 11:59 PM (Central) (the "Term").
  3. License Fee: Licensee shall pay three hundred dollars (\$300.00) each month for the use of the Licensed Property. Monthly payments shall be due and payable on the first (1<sup>st</sup>) day of every month during the term of this License Agreement. Payments should be made payable to Licensor and sent to: UAB Office of Real Estate, 1720 2nd Ave. South, FAB 215, Birmingham, AL 35294-4554.
  4. Assignment and Sublicensing: Notwithstanding any other provision herein, neither this Agreement nor any right or duty hereunder may be sublicensed, assigned or delegated by the Licensee without the prior written consent of UAB, such consent being in the sole discretion of UAB.
  5. Acceptance of Premises: UAB does not warrant the suitability of the Licensed Property for the Licensee's stated and intended use. The Licensee shall fully inspect the Licensed Property to determine its suitability for their intended use and accept the Licensed Property "as is." In addition, UAB does not guarantee all of the parking spaces will be available during the Licensee's use period and UAB will not be responsible for policing or enforcing parking in the Leased Premises during Licensee's hours of use.
  6. Emergency Situation/Occurrence: In the event UAB should have an emergency situation/occurrence and require use of the Licensed Property during Licensee's hours of use included herein, the parties will work together to identify another suitable parking option(s) for the Licensee to use during the situation/occurrence.
  7. Insurance: The Licensee shall secure and maintain the following insurance coverages:
    - a. Workman's Compensation and Employer's Liability Insurance Coverage shall be applicable to all states in which work is to be performed, and limits shall be in accordance with statutory requirements for workman's compensation and \$100,000 per accident for employer's liability.
    - b. Comprehensive Automobile Liability Insurance. Limits to be no less than \$2,000,000 combined single limit per occurrence for bodily injury and property damage.

- c. Comprehensive General Liability or Contractor's Liability Insurance. Limits acceptable to UAB, but no less than \$2,000,000 combined single limit per occurrence for bodily injury and property damage.

All such policies of insurance shall contain a waiver of all right of subrogation by the insurer against The Board of Trustees of the University of Alabama, for its division, The University of Alabama at Birmingham, and its trustees, officers, directors, agents and representatives. Also, The Board of Trustees of the University of Alabama, The University of Alabama at Birmingham and its trustees, officers, employees and agents shall be named as additional insureds on the general and auto liability policies. **Licensee shall provide a Certificate of Insurance stating the above required coverages and Additional Insured status BEFORE the start of the Term.**

8. **Indemnity:** The Licensee shall, to the fullest extent permitted by law, release, indemnify and hold harmless The Board of Trustees of the University of Alabama, and the University of Alabama at Birmingham and its trustees, agents, officers, employees and successors, and assigns (the "Indemnified Parties") from and against any and all loss, damage, liability, claims, damages, penalties, demands, fines, forfeitures, suits, actions and causes of action and all costs and expenses incident thereto, including without limitation, court costs, costs of defense, costs of investigation, settlements, judgments and attorneys' fees (collectively, the "Losses"), directly or indirectly resulting from any injuries (including death) to any persons, damage to any property incurred on the Licensed Property during the Term and for any damages to the Parking Lot, ~~which are or are alleged to be~~ caused by or arising out of (i) the use of the Parking Lot by the Licensee, or (ii) any breach of the Licensee's obligations herein, (iii) any negligent (including strict liability), wanton or intentional act or omission of the Licensee or anyone directly or indirectly employed or controlled by the Licensee, in any way associated or connected with the performance of the Licensee's activities or obligations hereunder.
9. **Termination:** UAB may immediately terminate this Agreement without notice and within its sole discretion if it determines that the Licensee or its employees or agents are using the Parking Lot in an unsafe or dangerous manner. In addition, either party may terminate this Agreement by providing a minimum of sixty (60) days prior notice to the other party of its intent to terminate.
10. **Governing Law:** This Agreement shall be construed by and enforced under the laws of the State of Alabama, and it shall be construed in a manner as to conform to all federal, state and local laws and regulations.

LA  
to the extent

11. Compliance with Laws: The Licensee shall comply with all laws, orders and regulations of federal, state, county and municipal authorities (including, without limitation, all those pertaining to air and water quality, waste disposal and other environmental matters), and with any direction of any public officer or officers, pursuant to Law, which shall impose any obligation or duty upon UAB or the Licensee with respect to the Licensed Property, or the use or occupation thereof; provided, however, that such obligation or duty arises from or relates to the Licensee's use of the Licensed Property.
  
12. Counterparts: This Contract may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

[Signature pages to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as indicated below and the Agreement shall be effective on the above specified Effective Date.

**Licensor:**

The Board of Trustees of the University of Alabama, for its division, The University of Alabama at Birmingham

By: R. Andrew Hollis  
R. Andrew Hollis Jun 16, 2021 11:23 CDT

Print: R. Andrew Hollis

Its: AVP - Budget Admin & Reporting

Date: 06/16/2021

**Licensee:**

Red Mountain Theatre Company

By: Keith Cromwell

Print: Keith Cromwell

Its: Executive Director

Date: 6-10-2021



Children's  
of Alabama®

July 9, 2019

Mr. Keith Cromwell  
Executive Director  
Red Mountain Theatre Company  
P.O. Box 278  
Birmingham, Alabama 35201

Re: Future Parking Agreement between Children's of Alabama and the Red Mountain Theatre Company

Dear Keith,

On behalf of Children's of Alabama, I am happy to state our support for the relocation of the Red Mountain Theatre Company to the Parkside District adjacent to Children's Russell Campus. As many of the Red Mountain Theatre functions are held at night or weekends (Children's off-peak parking hours) we believe that an arrangement can be made to provide parking in Children's nearby parking facilities for the use of Red Mountain Theatre patrons. Children's has a similar arrangement with the Birmingham Barons for night and weekend event parking which has been a great success over the years. As a side note, Children's has recently completed a major new parking facility on 4<sup>th</sup> Avenue South between 16<sup>th</sup> and 17<sup>th</sup> Streets with over 1,400 spaces.

I look forward to working with you on this agreement and especially look forward to welcoming you to our neighborhood!

Best Regards,

Mike McDevitt  
Executive VP - Facilities

cc. Mike Warren

Russell Campus

1600 7th Avenue South Birmingham, Alabama 35233 tel 205.638.9100 www.ChildrensAL.org



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** February 10, 2022

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

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

**Place:** City Council Chambers (3<sup>rd</sup> Floor)

**ZBA2021-00078**

**Ensley Highlands**

***Request:***

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

***Applicant:***

Calvin Moore

***Location:***

2713 Ensley Ave 35218

Parcel # 012900061026013000

NE of Section 06, Township 18 S, Range 3 W

***Applicant's Proposal:***

The applicant is proposing a Pre-K classroom that will operate Monday through Friday 7:45am to 3:00 pm.

***Staff Analysis:***

The subject property is currently zoned D-5 (Multiple Dwelling District). The parcels located north and south of the property are zoned D-5(Multiple Dwelling District) while parcels east and west are zoned D-3 (Single Family District). The properties are located not located in the flood area nor any design review district. The church was built in 1962 without any parking and prior to the newly adopted ordinance. The applicant has created a designated location for drop off and pick up for the daycare on the side of the building.

***Per Zoning Ordinance:***

*Section 3. Conditions of legal nonconforming uses and structures.*

*A. A legal non-conforming use status only applies to a specific use that existed legally prior to the effective date of this Ordinance or the effective date of an Ordinance that amended the official Zoning district map of the City. The following will affect the legal nonconforming status of a building, property or use.*

*1. Loss of legal nonconforming use status because of change of use. If the legal nonconforming use within a building or on a property is changed to a use that conforms to the current zoning classification of the property, the legal nonconforming use status of the property will be lost. If this occurs, a change of zoning of this property must be granted by the Council before the previous use can be re-established on this property.*

*2. Loss of legal nonconforming use status because of vacancy or inactivity. If the*

*legal nonconforming use within a building or on a property ceases for a period of time of two years or more, the legal nonconforming use status of the property will be lost. If this occurs, two possible options may be taken to resume the legal nonconforming use:*

*a. A request to change the zoning classification to one that would allow the previous use, or*

*b. a request to resume the legal nonconforming use may be made to the Zoning Board of Adjustment in compliance with the requirements of Article V, Section 4 of this Chapter.*

*3. Loss of a legal nonconforming use or structure status because of enlargement or extension. A legal nonconforming use, structure, or premise may not be structurally altered, reconstructed, enlarged, structurally altered or extended to extend the useful life of the use or structure without a variance granted by the Board. If that variance is not granted a zoning change in order to bring the property into compliance.*

***Neighborhood Recommendation:***

*The Ensley Highlands Neighborhood Association* will vote prior to the meeting.

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

Staff believes the applicant has provided evidence to support the variance request; therefore, staff believes the request has merit for approval and should be **GRANTED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

# Agape Ministries

Agape Ministries, Inc., was established in 2014 in Fairfield Alabama as a Christian ministries with the mission of spreading the Gospel of Jesus Christ. Agape purchased its first property in 2018 and moved to 2713 Ensley 5 Points West Avenue in Birmingham, Alabama 35218. We are planning to operate a State funded Pre-K classroom serving 18 children. There will be two teachers for this classroom. The classroom will operate Monday through Friday 7:45 am to 3:00 pm.

## **Physical Characteristics**

The existing building sits on two corner lots and was built over 60 years ago without a parking lot. Because of this limitation there seemed to be some accommodations made already. For example, there is evidence that a provision was made for a loading zone on the side and parking in the front/side on Sundays. There are signs to that effect on the property. The parking signs are on both sides of the Ensley Avenue road.

## **Unique Characteristics**

There are two other properties in the same block with similar challenges (without parking lots)—a church and an apartment building owned by Alethia House. The accommodation is needed because of this unique situation, particularly on the side of the building (Court R) so that the congregation and those we serve can

easily access the building during services and when the food pantry and/or proposed Pre-K classroom is being operated.

### **Hardship Not Self-Imposed**

When we purchased the property it was without a parking lot, but saw the potential to serve the community without interruption because of the provisions already made. This hardship already existed.

### **Financial Gain Not Only Basis**

Agape is a church. We have operated a 501(c) (3) – for over 4 years. We have recently been awarded a \$120,000 grant by the Alabama Department of Early Childhood Education to operate a State PreK classroom at the church. We are not in the business to make a profit. We are serving the community. The Pre-K program is free to the families enrolled. We are also operating a food pantry, which provides free food to the community quarterly.

### **No Injury To The Neighboring Property**

The granting of the variance will not harm our neighbors. The lots next to us are empty and the Alethia House property on the other side is a partner. We serve those residents regularly through our ministry.

### **No Harm To Public Welfare**

The programs operated by the church will improve public welfare because of the services provided. We will implement a drop-off for parents on one side of the building so that there will be no traffic congestion. The building has been inspected by the Alabama

Department of Human Resources, Jefferson County Health Department, and the Birmingham Fire Department.

**PARCEL ID:** 012900061026013000

**SOURCE:** TAX ASSESSOR RECORDS      **TAX YEAR:** 2021

**DATE:** Thursday, January 20, 2022 3:09:38 PM

**OWNER:** PROTESTANT EPISCOPAL CHURCH

**ADDRESS:** 2015 6TH AVE N

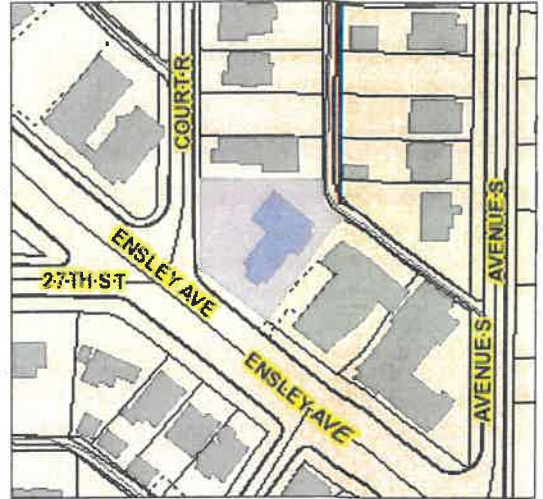
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35203--2701

**SITE ADDR:** 2713 ENSLEY AVE

**CITY/STATE:** BHAM, AL

**ZIP:** 35218



**LAND:** \$39,700.00

**BLDG:** \$492,600.00

**OTHER:** \$0.00

**AREA:** 17,981.75

**ACRES:** 0.41

**SUBDIVISION INFORMATION:**

**NAME** ENSLEY HIGHLANDS

**BLOCK:** 60

**LOT:** 6

:

**Section:** 6-18-3W

**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:** Ensley Hghlands (204)

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

**Council Districts:** District - 8 (Councilor: Carol Clarke)

**Zoning Outline:** D5

**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

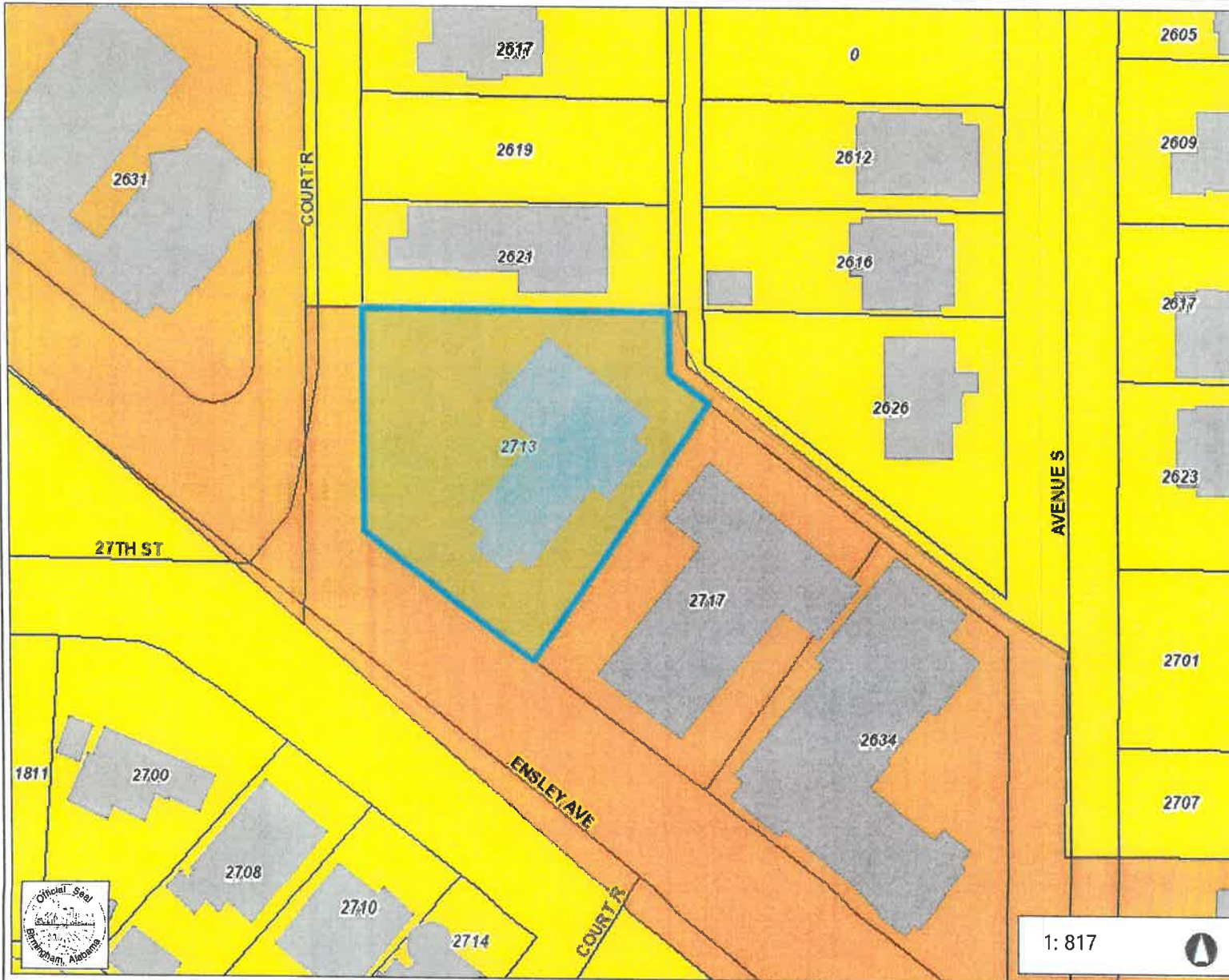
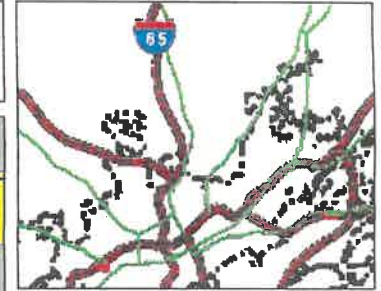
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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



136.1 0 68.05 136.1 Feet

1: 817

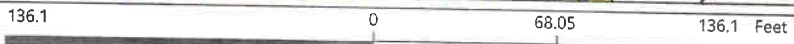
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



### Legend

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



1: 817

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

### Notes





2715 Ensley 5 Points W Ave

7PA292 1-00078



Google

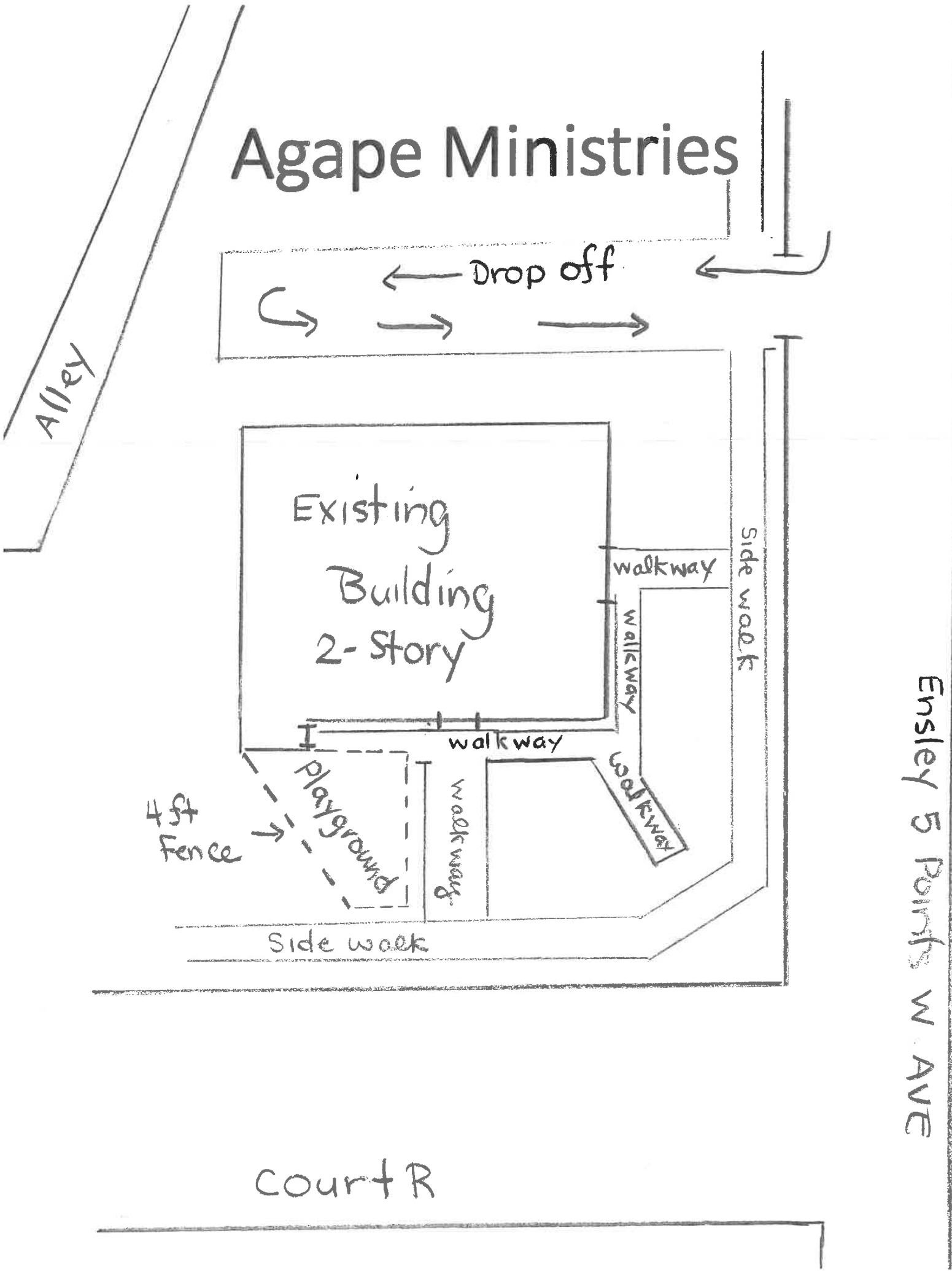
Image capture: Apr 2019 © 2022 Google

Birmingham, Alabama

Google

Street View - Apr 2019

# Agape Ministries

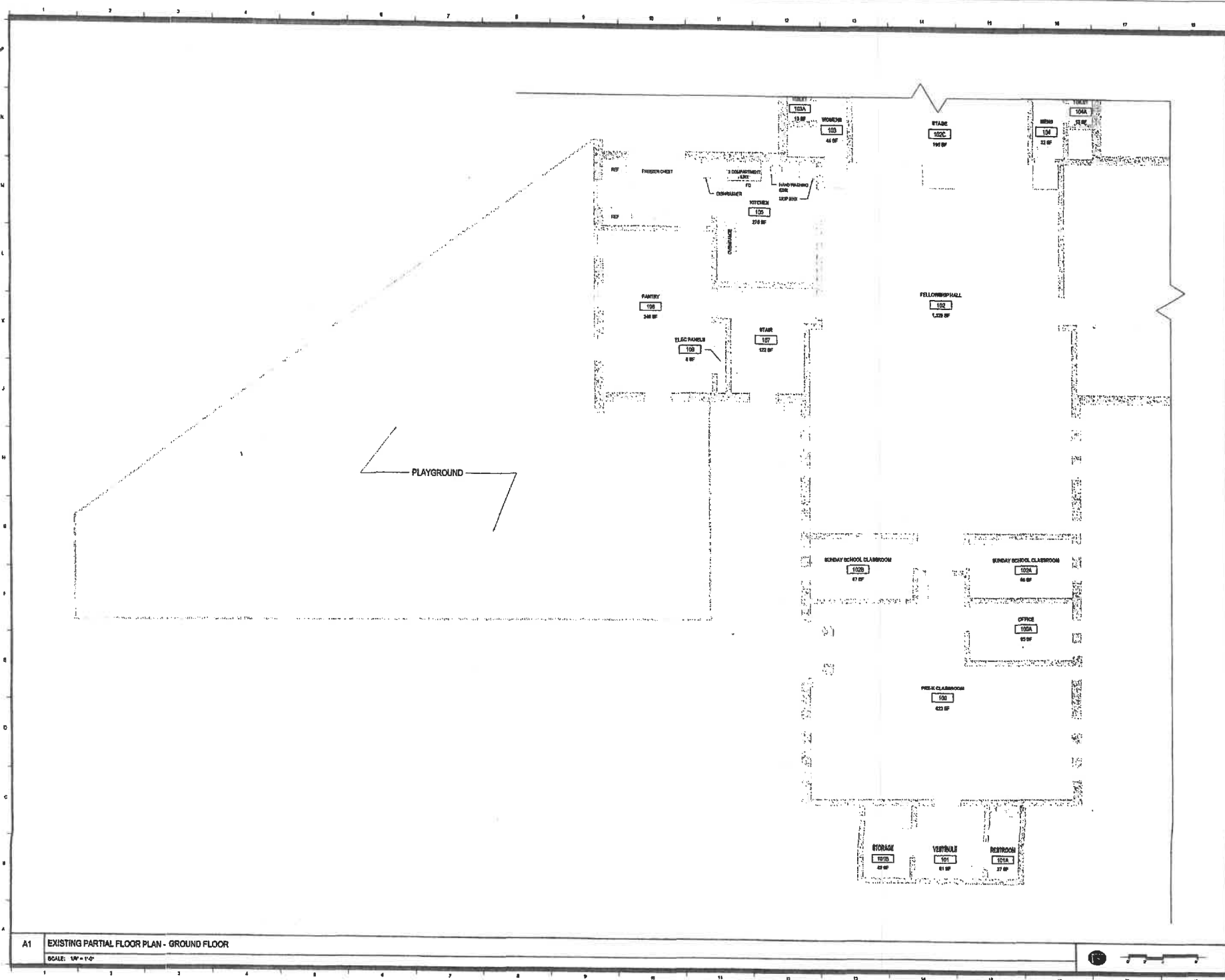


Ensley 5 Points W AVE

Court R

RECORD DRAWINGS  
NOT FOR CONSTRUCTION

AGAPE MINISTRIES, INC.  
2709 ENSLEY 5 POINTS W AVE  
BIRMINGHAM, ALABAMA



A1 EXISTING PARTIAL FLOOR PLAN - GROUND FLOOR  
SCALE: 1/8" = 1'-0"



EXISTING PARTIAL FLOOR PLAN - GROUND FLOOR

A101

# FIRE INSPECTION REPORT

## BIRMINGHAM FIRE AND RESCUE SERVICE DEPARTMENT

FIRE PREVENTION DIVISION

317 1/2 15<sup>th</sup> STREET NORTH

BIRMINGHAM, AL 35203

PHONE NO. 205-250-7540 FAX NO. 205-250-7543

SUNPRO #: 386404

DATE: 9-21-21 TIME: \_\_\_\_\_ RECHECK OF INSPECTION ON: \_\_\_\_\_ (date) Page 1 of \_\_\_\_\_

COMPANY NAME: A Gape Ministry OCCUPANCY/USE: DC

ADDRESS: 2713 Ensley Ave BUSINESS LIC #: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTACT: \_\_\_\_\_ INSPECTOR: Patrick Erby

### FIRE CODE/LIFE SAFETY

- | YES                                 | NO                       | N/A                      |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 01. Is the available number of exits adequate and properly arranged? _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 02. Are corridor/aisle/stairways clear and unobstructed? _____             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 03. Are exit doors equipped with approved hardware? _____                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 04. Do exit doors swing in the direction of egress travel? _____           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 05. Is the illumination of exits adequate? _____                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 06. Are exit and directional signs provided and maintained? _____          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 07. Is emergency lighting provided, maintained and tested? _____           |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 08. Are vertical openings protected? _____                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 09. Is the integrity of rated corridors maintained? _____                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 10. Is interior wall finish and ceiling finish adequate? _____             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 11. Is separation from high hazard areas maintained? _____                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 12. Are combustible materials stored properly? _____                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 13. Is address visible and properly posted? _____                          |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | 14. Are fire dampers provided, maintained and tested properly? _____       |

HIGH RISE: Y N WINDOWLESS BLDG: Y N

- | YES                                 | NO                                  | N/A                      |   |
|-------------------------------------|-------------------------------------|--------------------------|---|
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 15. Are junction boxes and receptacle outlets covered? _____                |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 16. Is permanent wiring used throughout? _____                              |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Does Electrical equipment appear to be in good condition? _____         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Is there proper clearance between heating unit and combustibles? _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | 19. Are there "No Smoking" signs posted where needed? _____                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 20. Does the facility maintain good housekeeping, including exterior? _____ |

### COMMON FIRE HAZARDS

### SMOKE DETECTORS

- |                                     |                          |                          |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 21. Are smoke detectors installed and maintained? _____ |
|-------------------------------------|--------------------------|--------------------------|---|

### FIRE EXTINGUISHERS

- |                                     |                          |                          |   |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 22. Are extinguishers accessible and mounted properly? _____                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 23. Are extinguishers inspected and serviced? _____<br>Date: <u>7-20-21</u> |

### GENERATORS

- |                          |                          |                                     |   |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Is an emergency generator provided? _____             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Is it tested, maintained and serviced properly? _____ |

FIRE ALARM/SUPPRESSION SYSTEMS: See Page 2

SPECIAL FIRE HAZARDS: See Page 2

ADDITIONAL REMARKS: No Violations Found at this time

Fire Alarm tested and passed on 9-23-21

RECHECK DATE: \_\_\_\_\_

Contact's Signature: \_\_\_\_\_

Inspector's Signature: \_\_\_\_\_

(Signature is to verify inspection was conducted, and it is not an admission of liability.)

COMPLETION OF THIS REPORT DOES NOT ENSURE THAT ALL VIOLATIONS/HAZARDS HAVE BEEN IDENTIFIED AND NOTED.

DISTRIBUTION: WHITE - Fire Prevention Division YELLOW - Occupant/Business Representative

# FOOD PERMIT

PERMIT NO. 27201

DATE ISSUED 10/15/2021

AN INSPECTION BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF HEALTH HAS DETERMINED REASONABLE COMPLIANCE WITH THE REQUIREMENTS OF JEFFERSON COUNTY REGULATIONS GOVERNING THE MANUFACTURE, PREPARATION, DISPLAY, AND SERVICE OF FOODS, CONFECTIONS, AND BEVERAGES; THEREFORE A FOOD PERMIT IS ISSUED TO:

**AGAPE MINISTRIES**

**LOCATED AT: 2713 ENSLEY 5 POINTS W  
BIRMINGHAM, AL 35218**

TO ENGAGE IN THE BUSINESS OF MANUFACTURING, PREPARING, HANDLING, SERVING, OR DISTRIBUTING FOOD INTENDED FOR HUMAN CONSUMPTION IN THE COUNTY OF JEFFERSON IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE COUNTY AND THE STATE OF ALABAMA.

THE NATURE OF THE BUSINESS IS CLASSIFIED AS FOLLOWS:

**DAY CARE CENTER PERMIT - < 20 CHILDREN**

THIS PERMIT IS VALID FROM DATE OF ISSUE, IS NOT TRANSFERABLE AND IS RENEWABLE IN ACCORDANCE WITH THE LAWS PERTAINING THERETO UNLESS SUSPENDED OR REVOKED. IT SHALL BE CONSPICUOUSLY POSTED ON THE PREMISES FOR WHICH ISSUED.

**\* NON TRANSFERABLE \*. EXPIRATION DATE 9/30/2022**



Invoice Number: 101232203101

10/15/2021

Payment For: Day Care Center Permit - < 20 Children

Received From: AMI Agape Ministries Pre-K Inc

Amount: \$150.00

