

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd 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 54th 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 ASSESOR RECORDS **TAX YEAR:** 2019

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

OWNER: GRISWOLD WILLIE B JR &

ADDRESS: 5405 COURT I

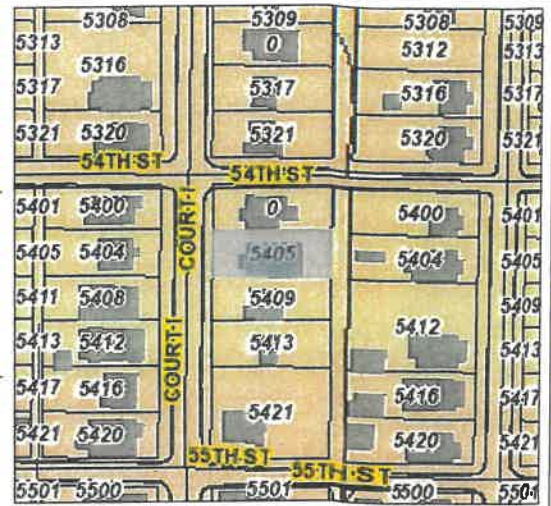
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35208--3026

SITE ADDR: 5405 COURT I

CITY/STATE: BIRMINGHAM, AL

ZIP: 35208



LAND: \$12,700.00

BLDG: \$82,700.00

OTHER: \$0.00

AREA: 5,548.78

ACRES: 0.13

SUBDIVISION INFORMATION:

NAME MONTE SANO

BLOCK: 28

LOT: 8

:

Section: 12-18-4W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Belview Hghts (201)

Communities: Five Points West (2)

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

Zoning Outline: D3

Demolition Quadrants: DEM Quadrant - 2

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

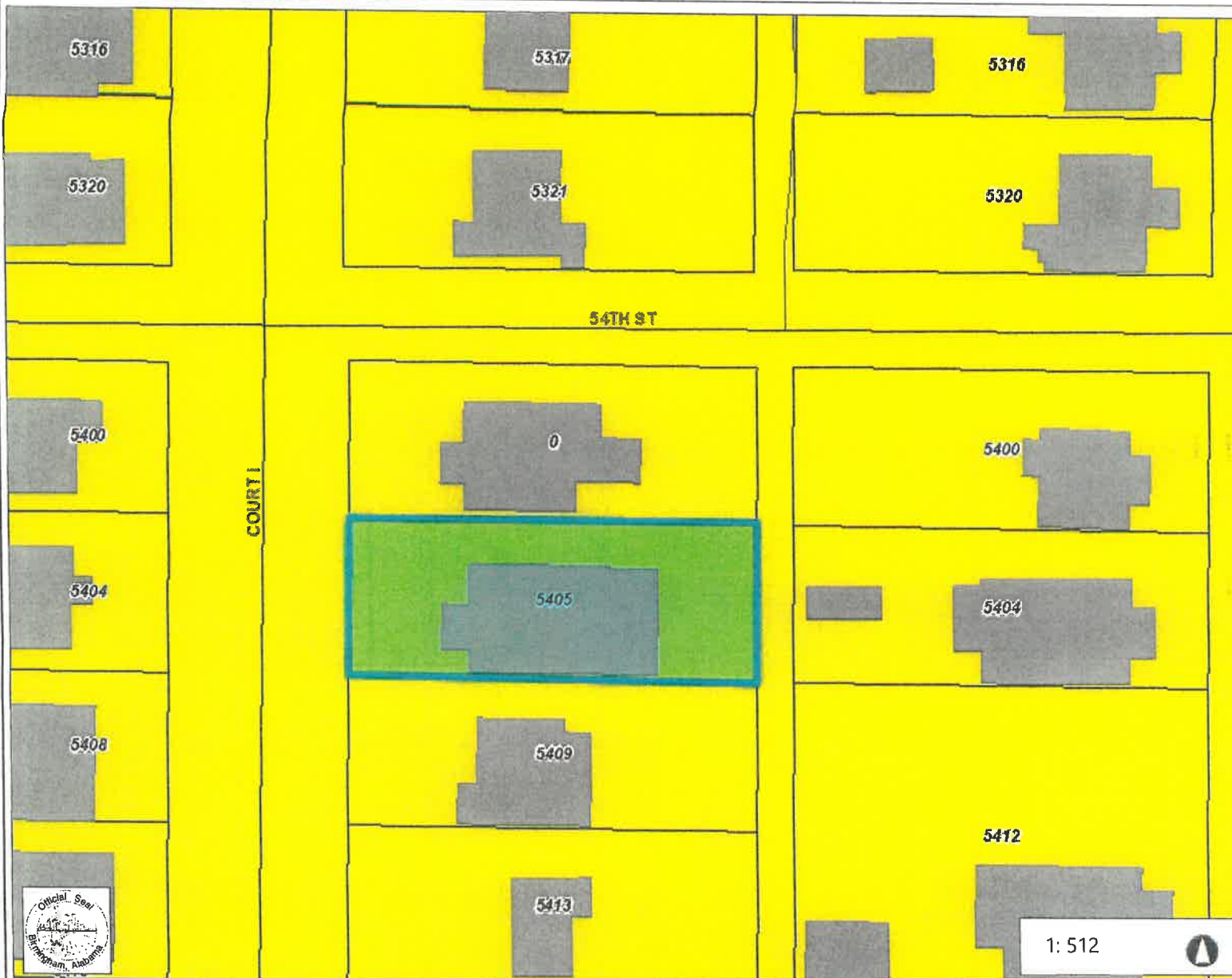
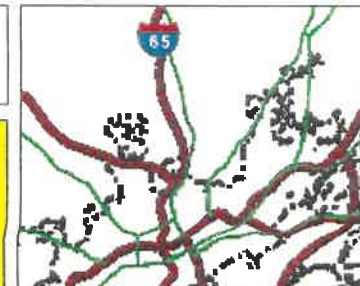
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

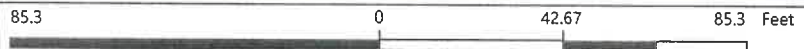
Judicial Boundaries: JEFFERSON

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

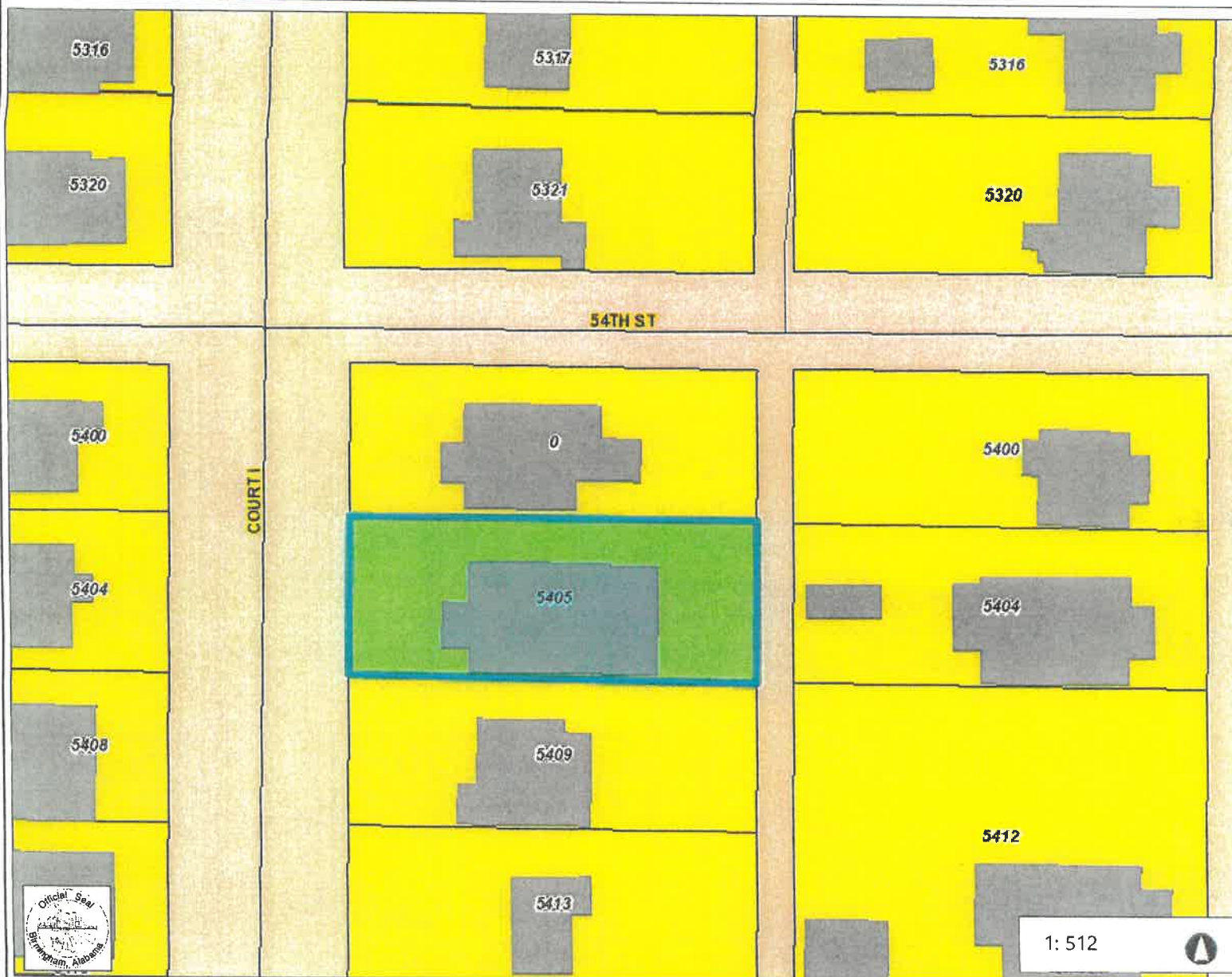
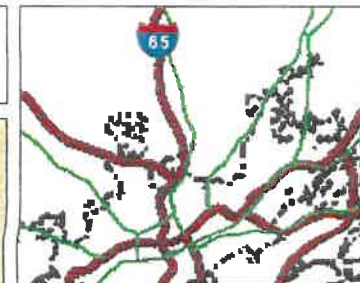
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2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



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

1: 512

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: 512



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Date: April 29, 2021

Re: Sarah Griswold
5405 Court I
Birmingham, AL 35208
(205) 929-4122
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.

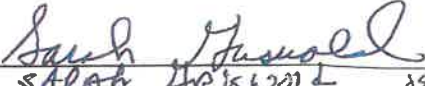
10. The proposed use is not prohibited by ordinances of the City of Birmingham other than the Zoning Ordinance. Attached to and made a part of this Application, Applicant submits the following attachments:

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.

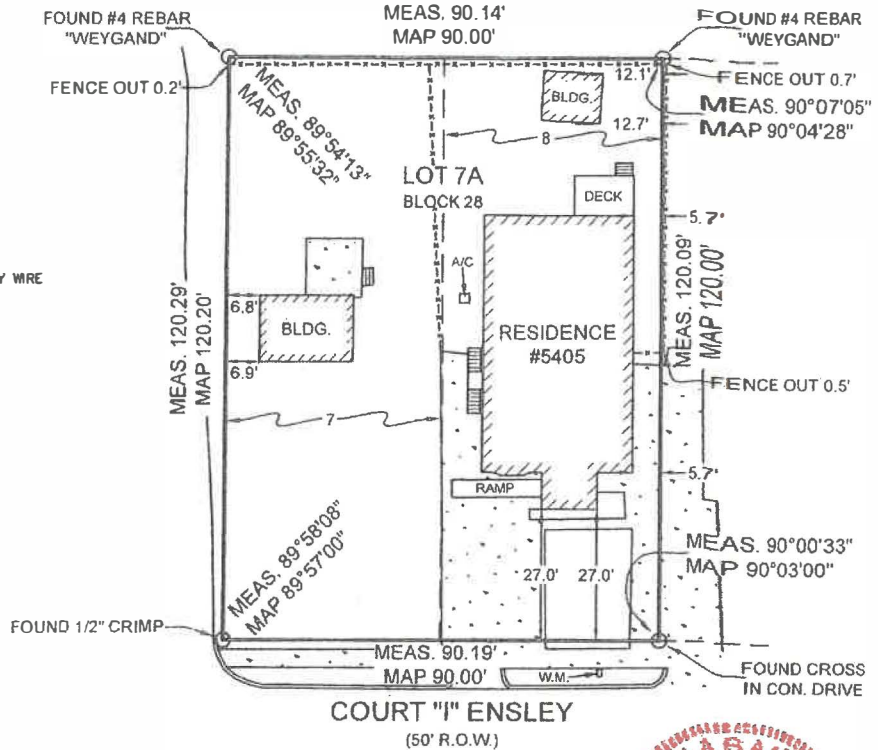
Witness my signature this the 29th Day of April 2021.


SARAH HEISWOOD 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
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
#	POLE
—	ANCHOR
-X-	FENCE
—	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.

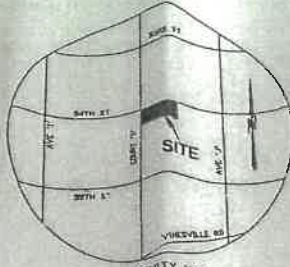
LEGEND

---	UNIMPROVED PERRY
- - - -	ADVERSE CLAIM
- - - -	ALONG CURB LINE
...	DELTA ANGLES
...	CONCRETE ANGLE
...	STAKED
...	ADJACENT
...	ADJACENT
...	ADJACENT
...	ADJACENT
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...	ADJACENT
---	NOT TO SCALE

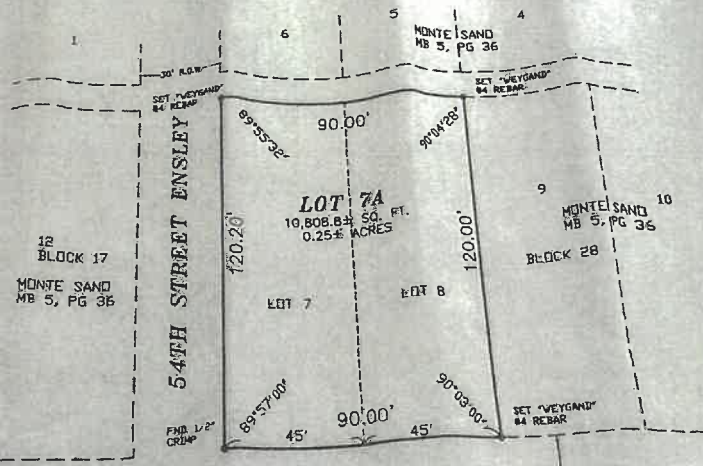
RESURVEY OF LOTS 7 & 8 BLOCK 28, MONTE SAND

AS RECORDED IN MAP BOOK 5, PAGE 36 IN THE OFFICE OF
THE JUDGE OF PROBATE, JEFFERSON COUNTY, ALABAMA
SITUATED IN THE SE 1/4 OF SECTION 18,
TOWNSHIP 18 SOUTH, RANGE 4 WEST 1E,
JEFFERSON COUNTY, ALABAMA.

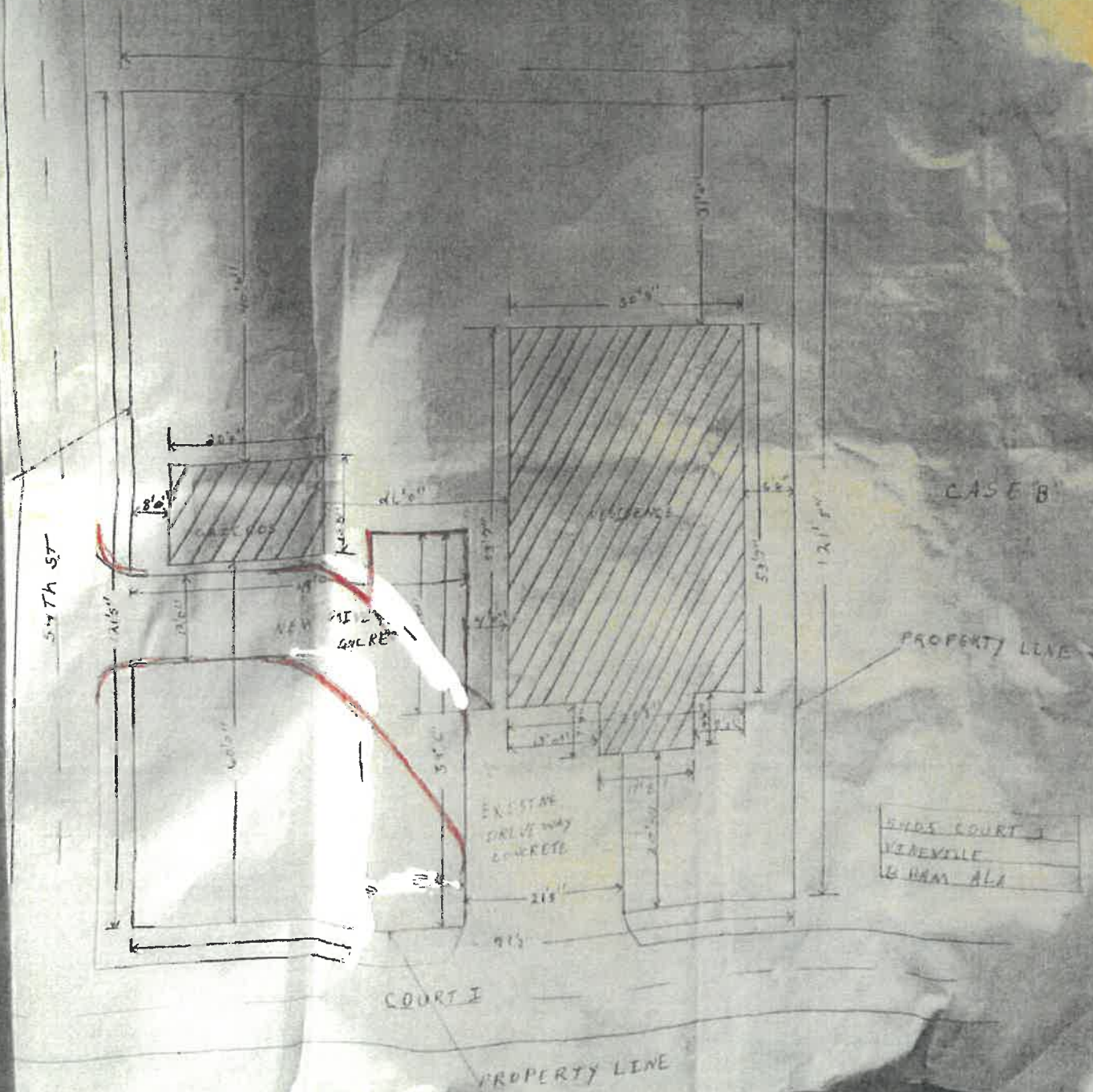
WEYGAND SURVEYORS, INC.
1008 RAYMOND AVE. S.E. #24873 35209
PRIVILLE (205) 894-8088 Fax: (205) 894-2507



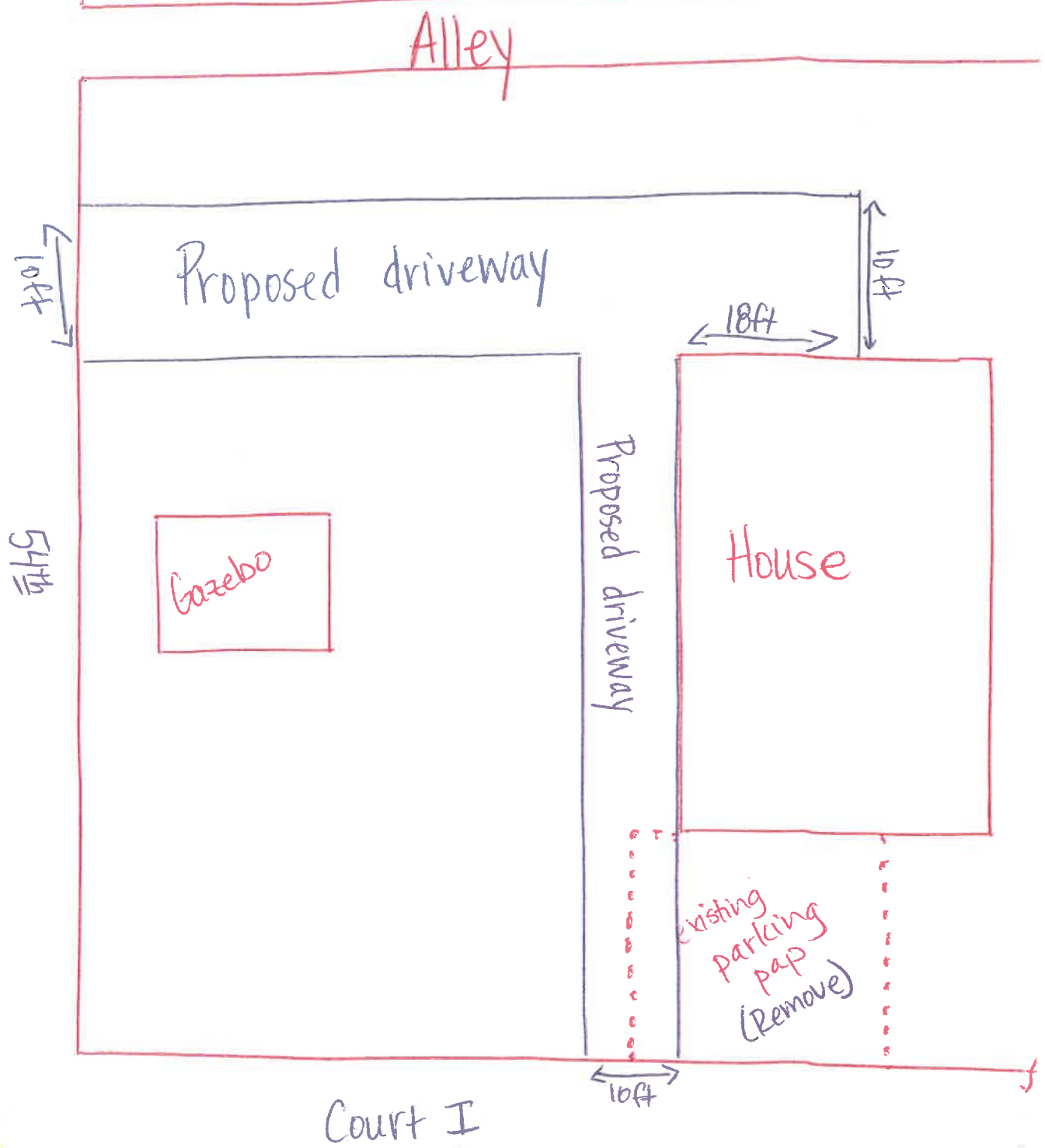
SCALE: 1" = 30'



COURT "I" ENSLEY 50' R.O.W.

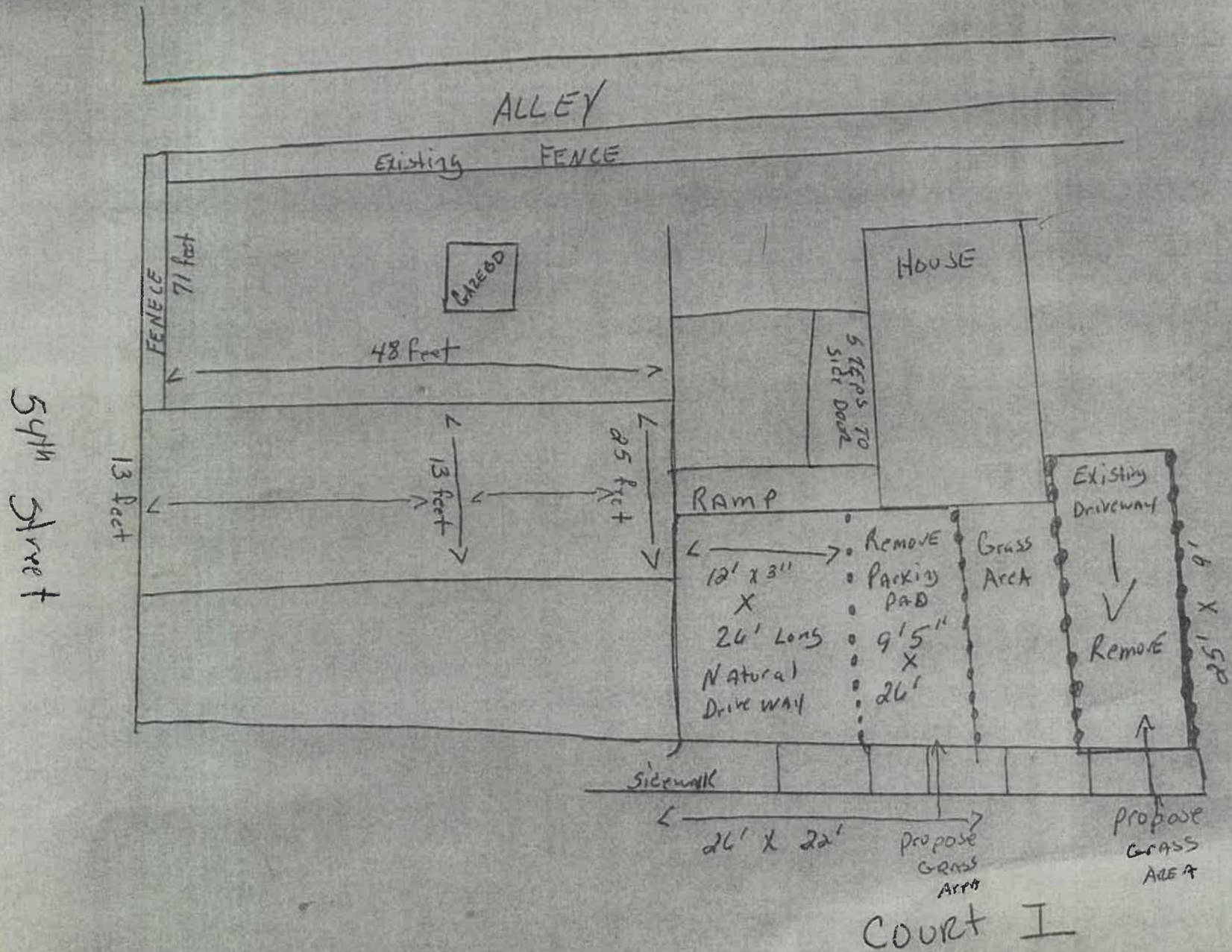


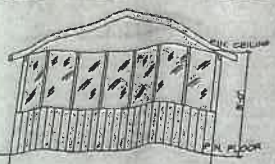
First Site Plan



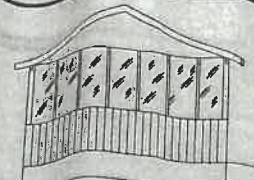
Site Plan the Board Suggested

Site Plan the Applicant is Proposing

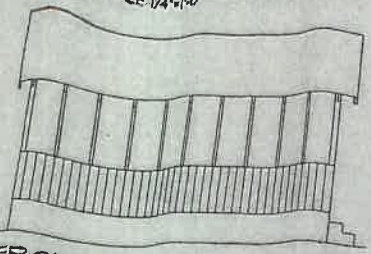




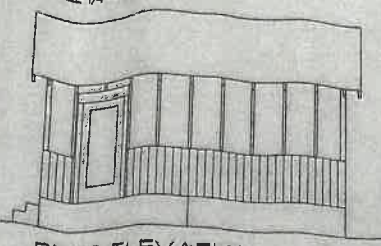
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



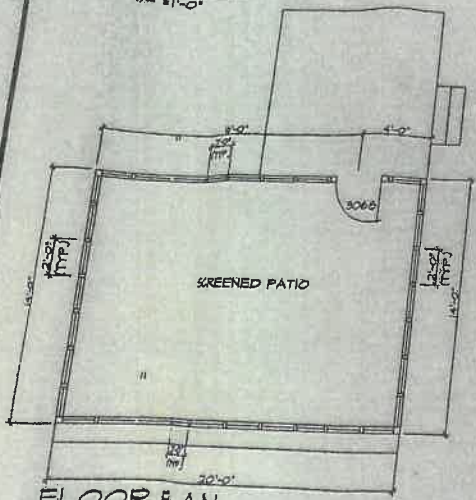
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"



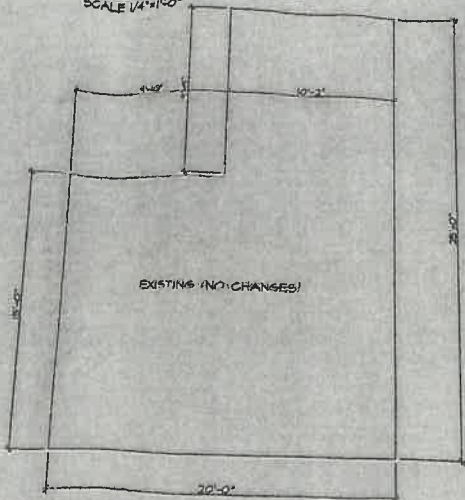
FRONT ELEVATION
SCALE 1/4" = 1'-0"



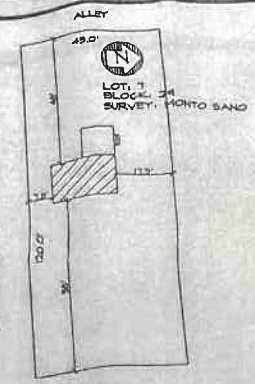
REAR ELEVATION
SCALE 1/4" = 1'-0"



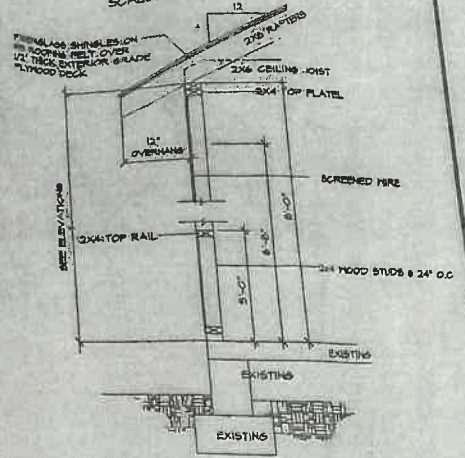
FLOOR PLAN
SCALE 1/4" = 1'-0"



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



COURT "1"
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: 8/10 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

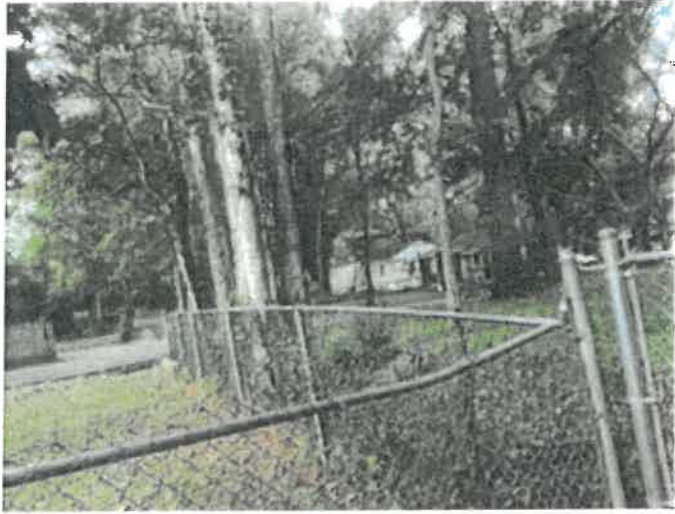
Google

Street View - Apr 2021

HEIGHT







ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chamber (3rd 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 1st 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.

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

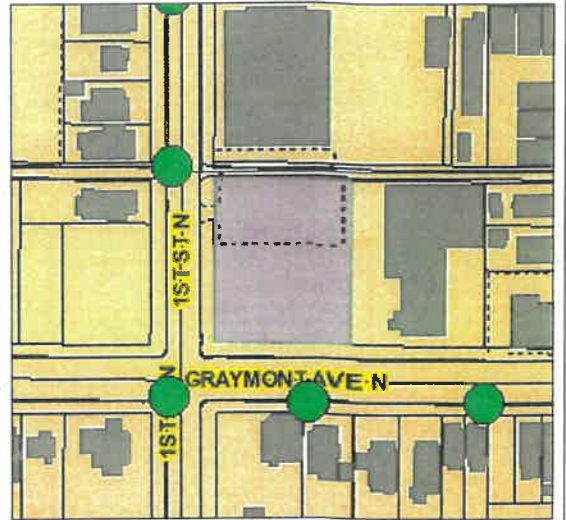
CITY/STATE: BIRMINGHAM AL

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

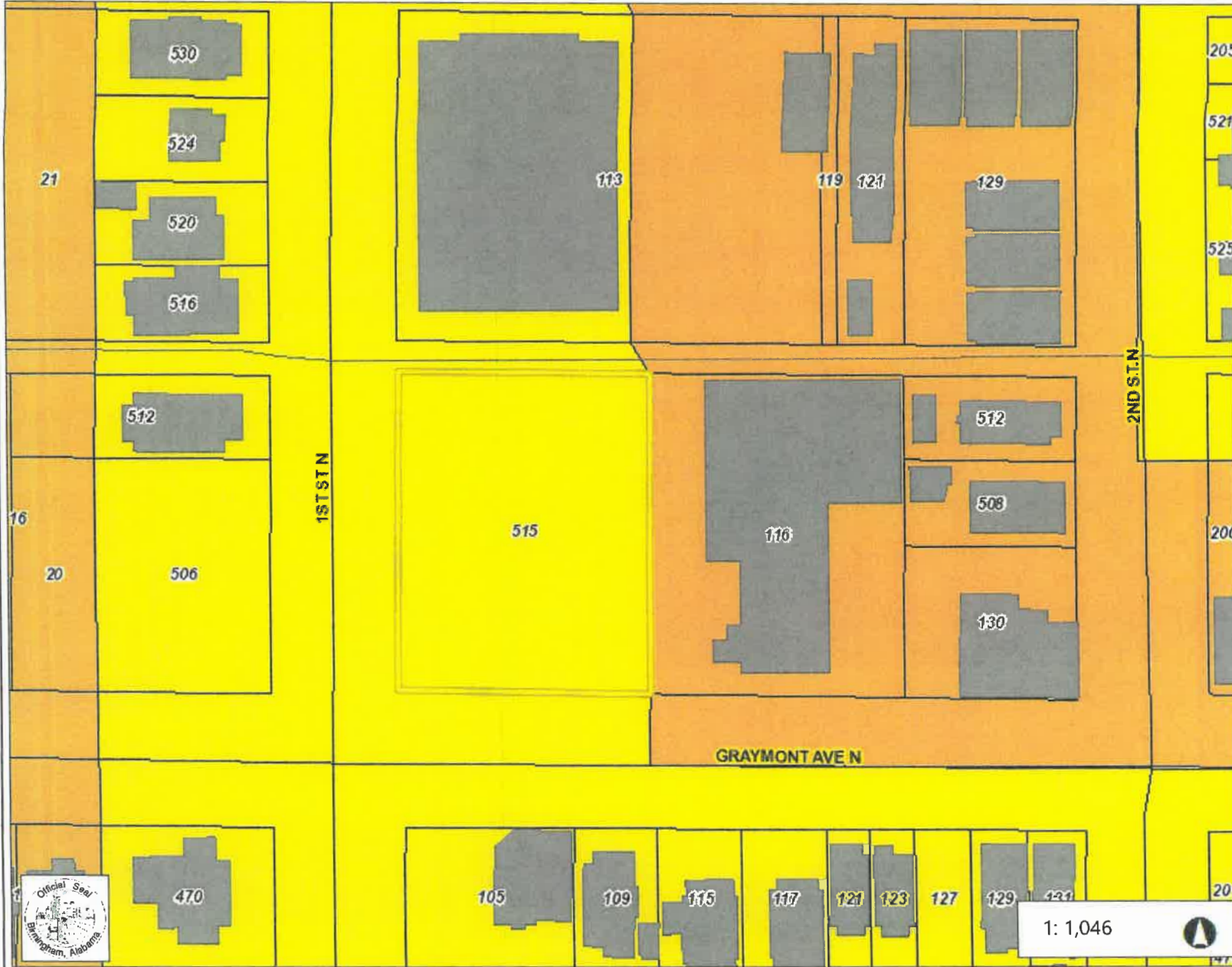
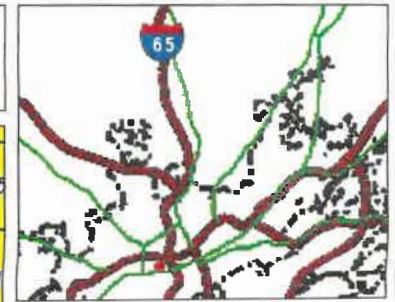
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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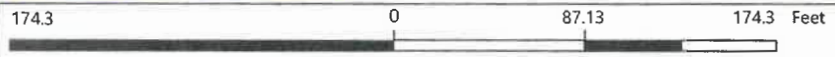


Legend

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

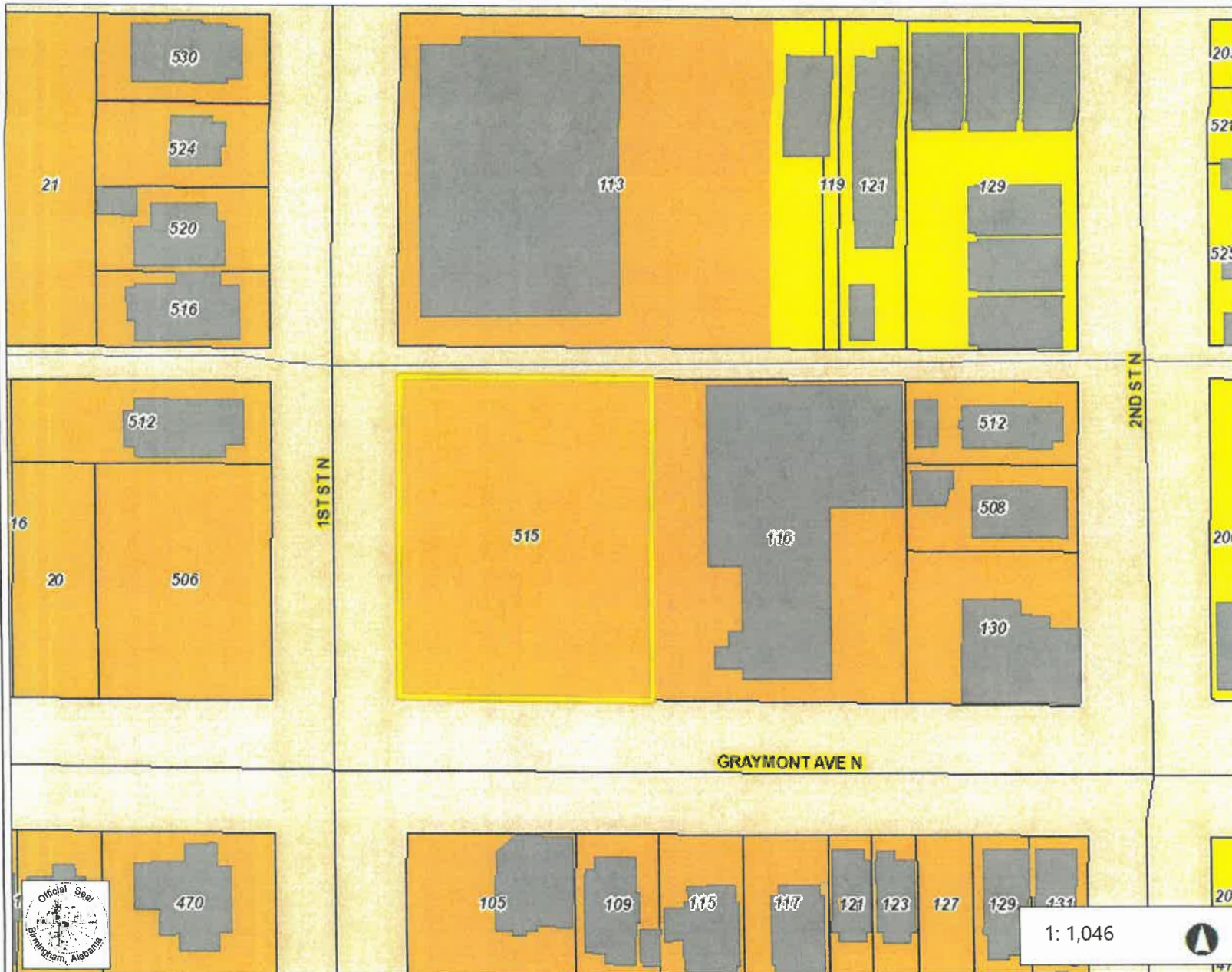
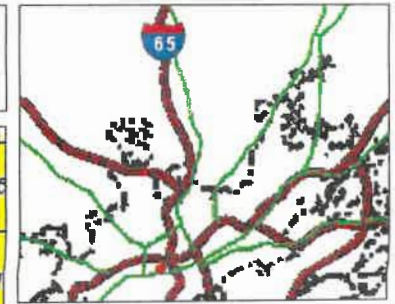


1:1,046



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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



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 COVIC-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.

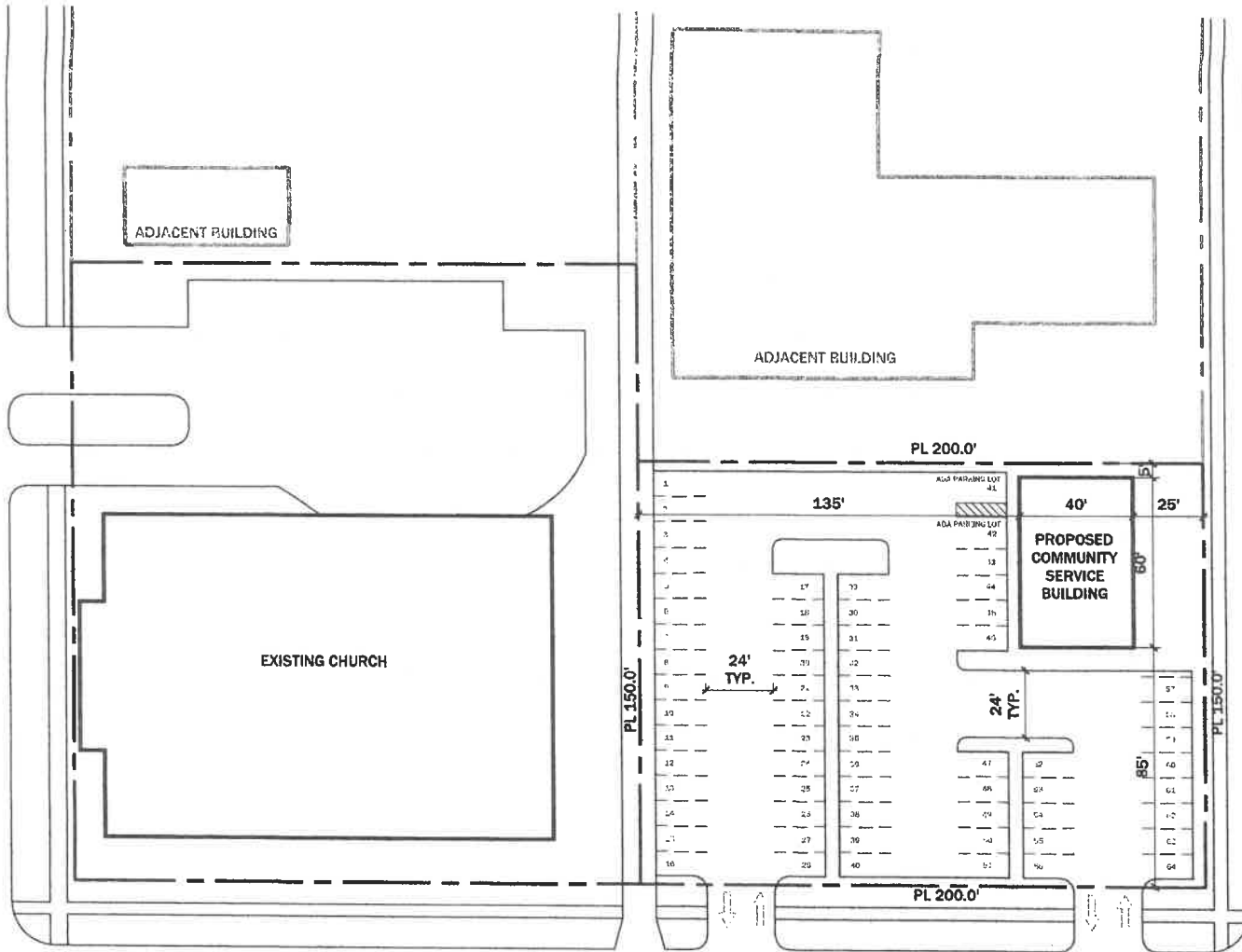
Yours in His Service,

Jane Hood, Director

fj

SHEET SIZE 37" x 11"

6TH AVE N



1ST ST N

GRAYMONT AVE N



REVISION DATE

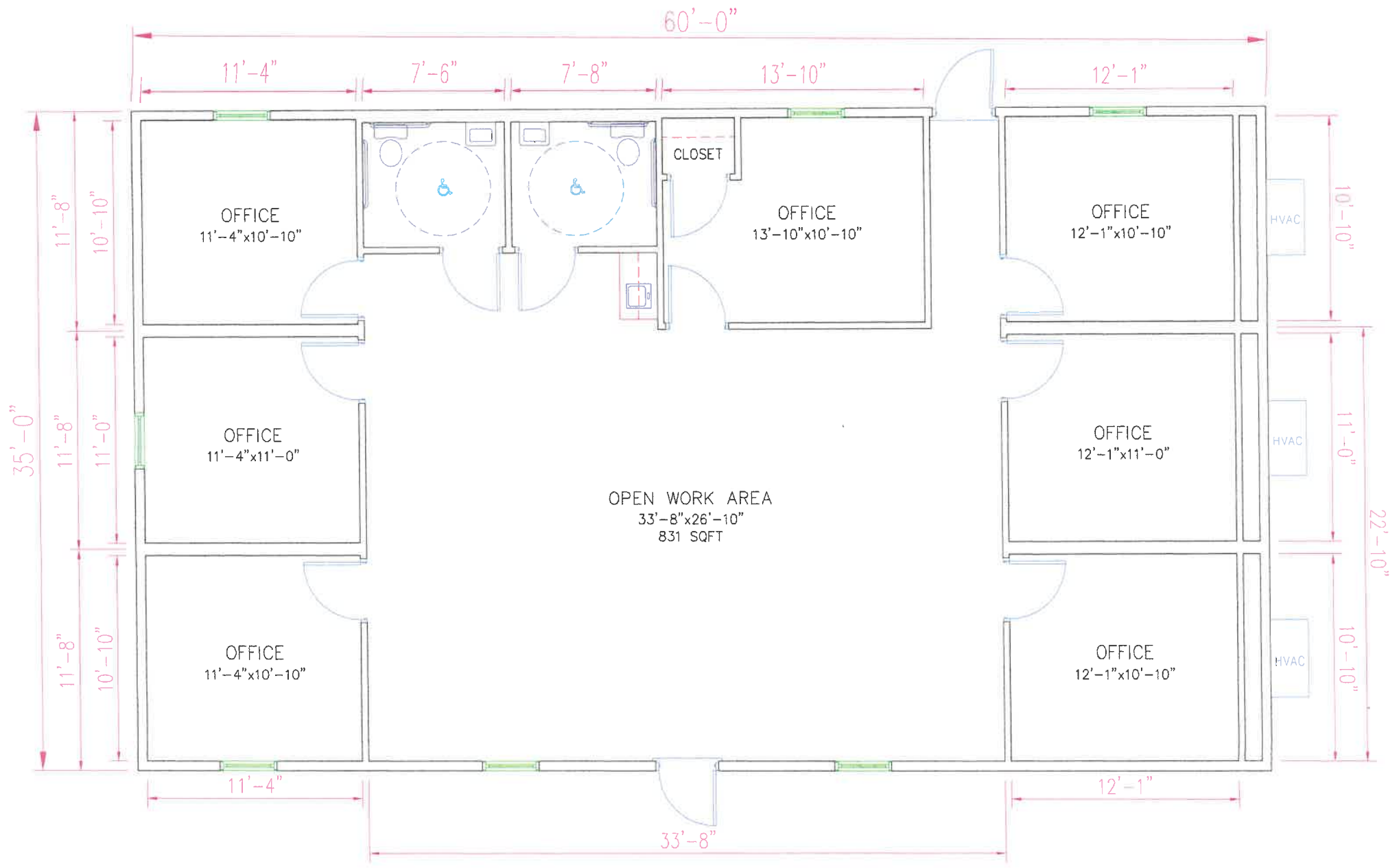
PROJECT
 105 6TH AVE N,
 BIRMINGHAM, AL
 35204

SITE PLAN

SCALE: 1" = 40' - 0"

C-1

36x60 2,100 SQFT +/-



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 6th 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 6th 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 1st 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 6th Ave North (Lot 9A), and said Lot5A is more particularly described as follows:
Lot 5A, 515 1st 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 3rd day August, 2021

ATTEST:

Valerie Reid
Man W. When

[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 3rd day of August, 2021

Ellowyn J. Bell
 Notary Public





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

8/2/2021

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

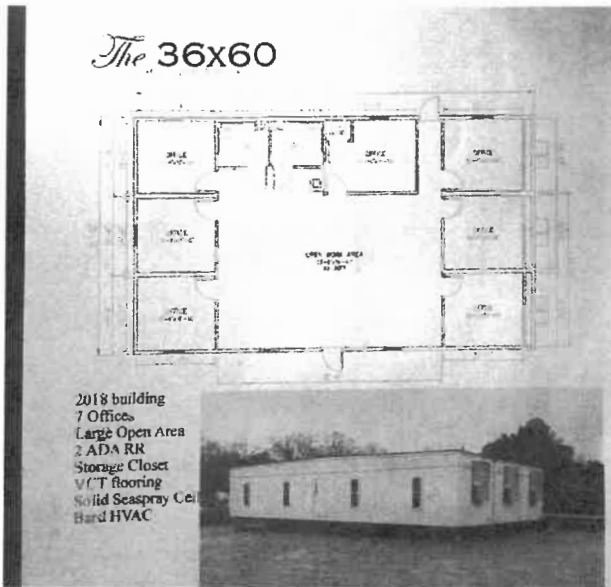
To The City of Birmingham
Department of Planning, Engineering & Permits
710 20th Street North
Room 210, City Hall
Birmingham, Alabama 35200

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.



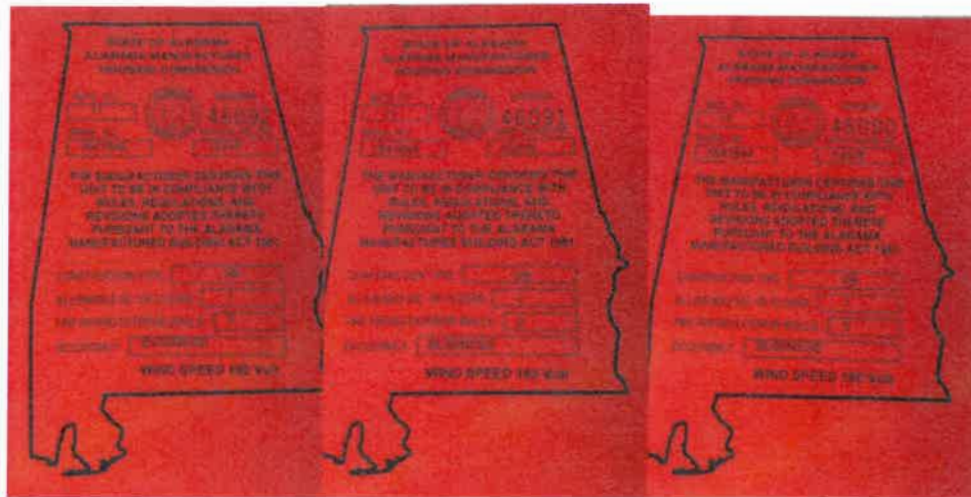
No Injury to Neighboring Property:

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 proposed 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



ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00079

Overton

Request:

Variance to allow more than one building wall sign. Variance to allow 567.89sqft of signage instead of the 150sqft of signage of allowed.

Applicant:

Samantha Avalos

Location:

240 Summit Blvd, Birmingham AL 35243

Suite 100

Parcel # 012800224003003000

SE of Section 22, Township 18 S, Range 2 W

Applicant's Proposal:

Variance to allow more than the 150sqft of signage of allowed for Nike Store and more than one building wall sign.

Staff Analysis:

The subject property is currently zoned QC-2 (Qualified Commercial Business District). The subject property is surrounded by parcels zoned QC-2 (Qualified Commercial Business District). The property is not located in a flood plain area nor any design review districts; however, it is located within the Highway 280 Overlay District. The proposed vinyl façade graphics are 535.79 sqft, the illuminated swoosh is 21.9 sqft and the interior marquee sign is 10.2 sqft. Staff recommends that the proposed vinyl graphics should be reduced in size. The proposed design does not fit with the characteristics of the shopping center.

Per Zoning Ordinance:

G. Signs Permitted for Retail and Service Establishments Located in a Shopping Center

Each tenant space may have one building wall sign or one canopy sign. A tenant space with more than 50,000 square feet of gross floor area may have one building wall sign or one canopy sign per facing street, if the tenant space is located at the end of the shopping center building which faces a public street intersection.

1. The building wall sign or canopy sign for each business shall be attached to a front or side building wall which encloses that business premises.

2. The maximum sign face area shall be 15 percent of the building wall area to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet. The maximum sign face area may be increased one square

foot for every five feet of building setback in excess of 50 feet, up to a maximum sign face area of 210 square feet.

Neighborhood Recommendation:

The Overton Neighborhood Association has voted to support the requests.

Staff's Recommendation to ZBA:

Staff believes the applicant has not provided evidence to support the variance to allow 567.89sqft of signage instead of the 150sqft of signage of allowed; therefore, staff believes the request have merit for denial. Staff believes the applicant has provided evidence to support a variance to allow more than one building wall sign; therefore, staff believes the request have 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.

PARCEL ID: 012800224003003000

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

DATE: Friday, January 21, 2022 10:31:47 AM

OWNER: BAYER DEVELOPMENT CO LLC

ADDRESS: 2222 ARLINGTON AVE S

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35205--4004

SITE ADDR: 250 SUMMIT BLVD

CITY/STATE: , AL

ZIP: 35243



LAND: \$2,760,600.00

BLDG: \$7,959,700.00

OTHER: \$0.00

AREA: 369,310.88

ACRES: 8.48

SUBDIVISION INFORMATION:

NAME SUMMIT PHASE 2 RE 28-22-4

BLOCK:

LOT:

3-B

:

Section: 22-18-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Overton (2301)

Communities: Cahaba (23)

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

Zoning Outline: QC2

Highway 280 Overlay Outline: In Highway 280 Overlay Outline

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Cahaba River-Patton Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

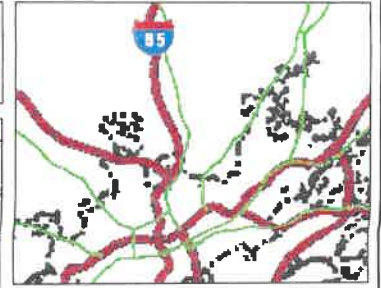
Tax Delinquent Property: Not in Tax Delinquent Property

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.

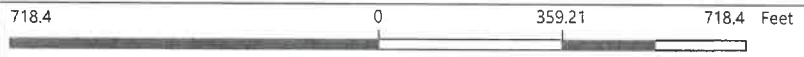


Legend

- Centerline Labels
- + Railroad
- Alleys
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- Arterials
- County Highways
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- Interstates
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- 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



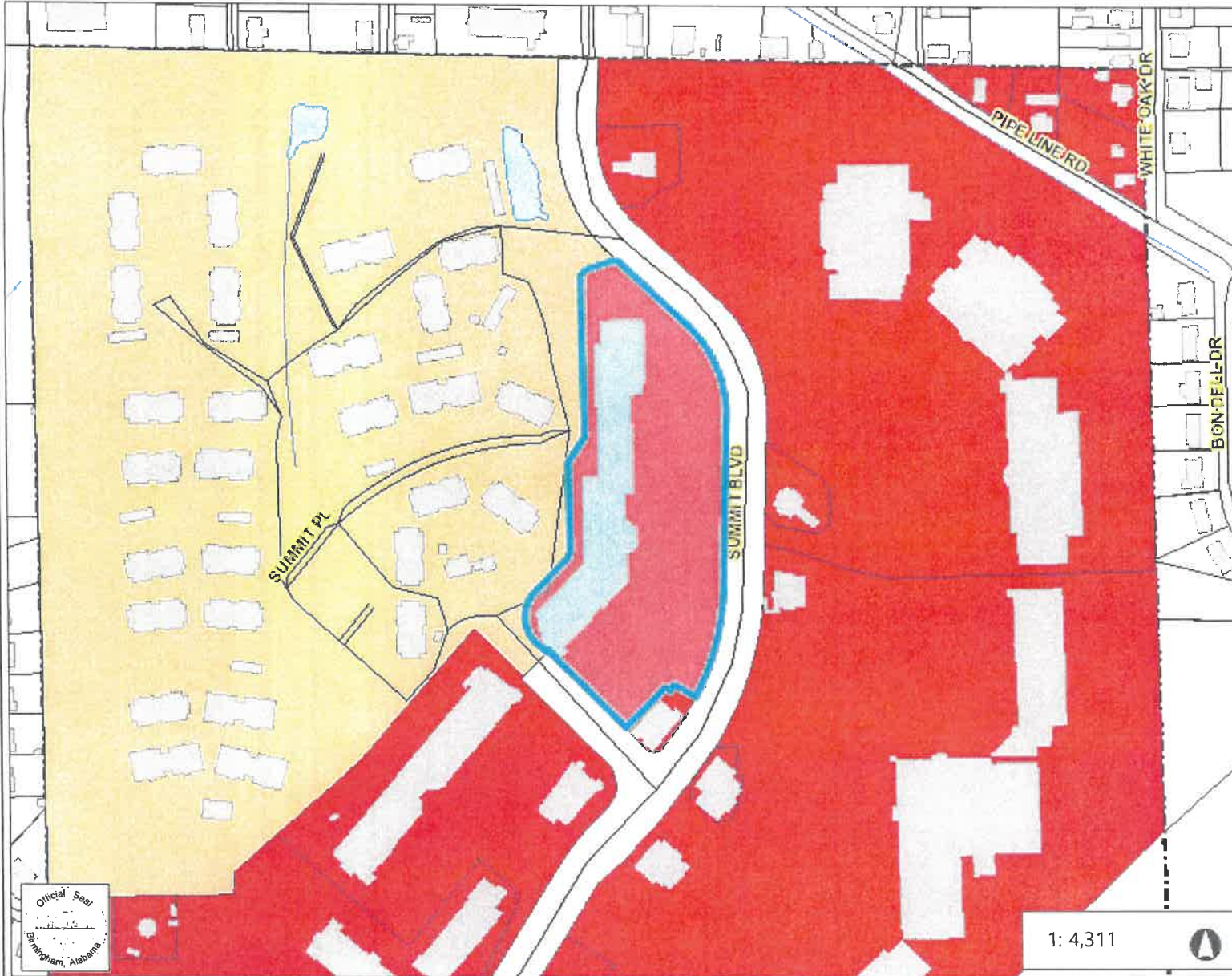
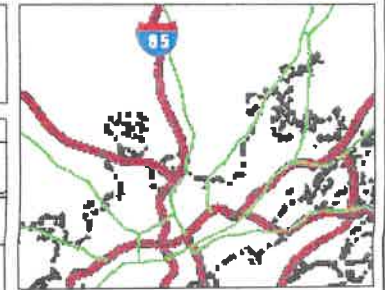
1:4,311



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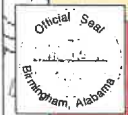
Notes

ZBA2021-00079 ADOPTED LAND USE MAP



Legend

- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
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- City Parks
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- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 4,311



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Notes



TRANSMITTAL

12/17/2021

FROM:

Samantha Avalos
Permit Advisors
8370 Wilshire Blvd Suite 330
Beverly Hills, CA 90211
424-330-7970

TO:

Angelica Moton
710 20th ST N Room 210
Birmingham, AL 35203
205-279-8917

RE: Nike- Variance Application, Documents and Plans

Project Address: 240 Summit Blvd Suite 100 Birmingham, AL 35243 (The Summit)

Angelica, I have enclosed the following documents

1. ZBA Application
2. Landlord Authorization Letter
3. Sign Variance Plans
4. Response to the six standards
5. A \$500 check made out to the City of Birmingham

Please do not hesitate to contact me with any questions or concerns.

Best Regards,

Samantha Avalos

424-330-7970 | samantha.avalos@permitadvisors.com



October 18, 2021

via Email

**Nike Live
The Summit – Birmingham
Phase II**

**RE: The Summit - Birmingham
Nike Live – Façade Design Review**

We have received your Façade Design Intent drawings dated September 30, 2021 for the proposed Nike Live, soon to be located at The Summit - Birmingham. We have reviewed the drawings and we approve of your design concept.

If you have any questions or need additional information, please feel free to call me at (205) 795-5531.

Sincerely,

BAYER PROPERTIES, LLC

John Brooks

John Brooks
Senior Tenant Coordinator
Development Services Group

CC: Tenant File

City of Birmingham - Signage Variance, Responses to Six Standards

To: The City of Birmingham

From: MBH Architects
50 Hudson St
New York, NY 10013

RE: **Nike by Birmingham**
240 Summit Blvd, Suite 100
Birmingham, AL 35243

The following are responses to the six standards required for a signage variance. We, MBH Architects, are pursuing a signage variance on behalf of our client, Nike, at the Birmingham, Alabama location at 240 Summit Blvd, Suite 100.

1. Physical Characteristics of the Property. *The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.*

- **Response:** Our signage proposal needs to exceed the city signage dimension because our store location is concealed by a large tree located in front of our space. At the time of observation, approximately 50% of the total façade and 90% of The Summit's signage band were obstructed by the tree. In addition, our store location and entrance is surrounded by a sloped, raised sidewalk and is recessed back from the adjacent corner space along Summit Place. The proposed custom graphic artwork will allow our store to be seen by the public and will help users be directed to our store entry.

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

- **Response:** Because of the sloping sidewalk and obstruction by the tree, this space is unlike all others at The Summit retail center. Our signage proposal is intended to greatly enhance public enjoyment of the property right; our proposal creates a visual connection to the community through unique-to-location artwork that incorporates local Birmingham neighborhood maps with hand-drawn figures and a location-tailored color palette. This creates a narrative for the public that is human, authentic, and relatable.

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

- **Response:** The tree and sidewalk condition that make this location subject to exception were not created by the previous actions of any person having an interest in the property.

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

- **Response:** The proposed custom artwork is a mechanism to create connection with the local community through unique-to-location artwork that incorporates local Birmingham neighborhood maps with hand-drawn figures and a location-tailored color palette. The artwork narrative centers around being human, relatable and authentic, and is a curation of sport and culture, always informed by aspects of the neighborhood and the “sport and fitness” mindset of its local consumer. Furthermore, the artwork is intended to feel inclusive and is created by a diverse group of independent artists. Ultimately, the artwork enhances the environment and is an visual asset for the public to enjoy.

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

- **Response:** Our proposed artwork is applied using removable vinyl. The artwork does not protrude in any way that will obstruct light and air to adjacent property; the vinyl and adhesive are approximately 3-4mm thick, laying flat and conforming to the existing surface. The Nike “swoosh” signage/blade sign protrusion complies with the guideline set forth by the Landlord. The proposed signage will not diminish or impair property values in any way – it will help promote and demonstrate the livelihood of the neighborhood.

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

- **Response:** Our signage proposal will not be detrimental to the public; The artwork’s blue gradient background does not contrast but rather complements neighboring spaces and surroundings, and the figures have gradual gradient shifts in value and color that should not be dangerous distraction for motorists. In addition, the vinyl artwork is non reflective and is matte finish, so there will be no reflection from the sun or lights. The only illuminated items on our façade is the proposed Nike “swoosh” signage and blade sign.



SIGNAGE VARIANCE PACKAGE

ORIGINALLY SUBMITTED: 12/16/2021
REVISED: 01/27/2022
REVISED: 02/15/2022



NIKE INC.
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005



241 W. BEVERLY, ALHAMBRA
1540 ARCADE AVENUE
ALHAMBRA, CA 91801
TEL: 626 485 8123

MEH PROJECT: 5589

No.	Description	Date
1	SIGNAGE VARIANCE	02/15/2022



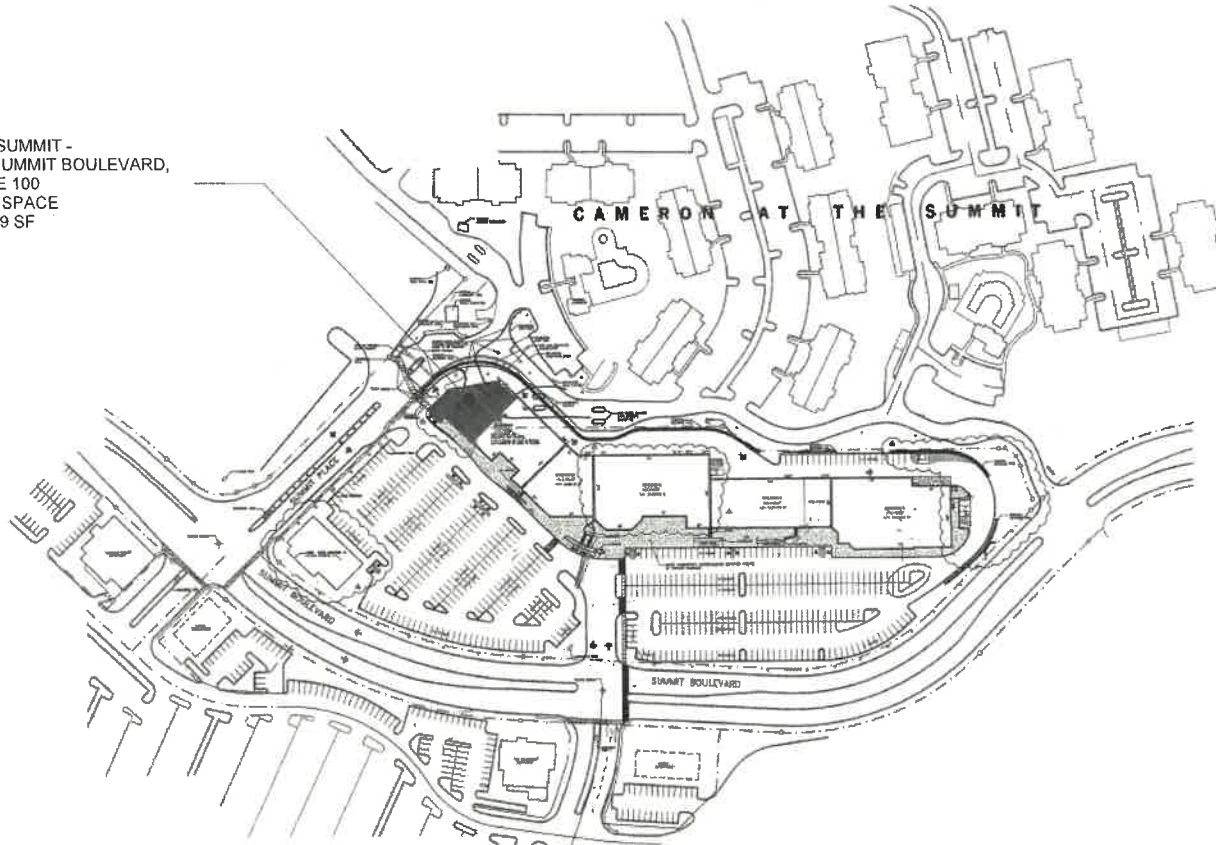
NIKE BY BIRMINGHAM
THE SUMMIT
240 SUMMIT BOULEVARD SUITE 100
BIRMINGHAM, AL 35243

Project Number _____
Drawn By MA
Checked By MA

COVER SHEET

A-00

THE SUMMIT -
240 SUMMIT BOULEVARD,
SUITE 100
NIKE SPACE
±6,249 SF



SITE PLAN

SCALE
1/2" = 1'-0" 1

PER LEED REQUIREMENT, THERE SHALL NOT BE SMOGGING ALLOWED WITHIN 25 FT FROM ENTRY. TENANT CONTRACTOR TO INSTALL THE SMOGGING SIGNS AT FRONT AND REAR EXTERIOR ENTRY DOORS. SIGNS SHALL BE INSTALLED AT THE APPROVED LOCATION.



NOTE:
PROVIDED AND INSTALLED BY TENANT CONTRACTOR. COORDINATE WITH LL FOR APPROVAL.

NO SMOKING SIGN

- A. IF THE BUILDING INSPECTOR DETERMINES NON-COMPLIANCE WITH ANY ACCESSIBILITY PROVISION, TENANT SHALL INCLUDE COMPLETE RECALLED PLANS CLEARLY SHOWING ALL EXISTING NON-COMPLYING CONDITIONS AND THE PROPOSED MODIFICATIONS TO MEET COMPLIANT ACCESSIBILITY PROVISIONS AFFECTED BY THE REMODEL, INCLUDING WALK PLAN, FLOOR PLAN, DETAILS, ETC. THE PLANS MUST BE STAMPED BY THE FIELD INSPECTOR AND RESUBMITTED TO THE BUILDING DEVELOPMENT REVIEW DIVISION.
- B. ACCESSIBLE PATH OF TRAVEL TO PUBLIC ED/BW/WALK P.O.T IS A BARRIER FREE ACCESS WITHOUT ANY abrupt vertical changes exceeding 1/4" AT 2" MAX. SLOPE, EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL. SIGN P.O.T. SHALL BE 4" WIDE BY 60" HIGH. SIGN REINFORCED AND SHALL NOT EXCEED THE CROSS SLOPE. THE CONTRACTOR SHALL VERIFY THAT THERE ARE NO BARRIERS ON THE INDICATED P.O.T.
- C. THIS SHEET IS A COPY OF THE AVAILABLE AS-BUILT SITE PLAN FOR THE PROJECT. THIS SHEET IS PROVIDED FOR ADDITIONAL INFORMATION ON THE AS-BUILT EXISTING CONDITIONS AT THE PROJECT SITE. THE ARCHITECT OF RECORD HAS NOT MADE MODIFICATIONS TO THE SHEET OR INFORMATION BEYOND THE AREA OF PROPOSED WORK AND CANNOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE CONDITIONS ILLUSTRATED.
- D. DETECTABLE WARNING SIGNS AND INDICATORS TO BE INSTALLED BY LANDLORD.

SITE PLAN NOTES

- A. TENANT CONTRACTOR TO COORDINATE WITH LANDLORD FOR PRODUCT SPECIFICATION APPROVAL PRIOR TO INSTALLATION OF THE HIGHLIGHTING SIGN.
- B. TENANT CONTRACTOR SHALL COORDINATE WORK WITH LANDLORD AND PROVIDE MINIMAL DISRUPTION TO CENTER OPERATION AND ADJACENT TENANTS.
- C. TENANT CONTRACTOR SHALL COMPLY WITH CENTER DESIGN STANDARDS FOR ANY EXTERIOR COMPONENT.

SHEET NOTES

NIKE INC.
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005

DAN M. DICKENS, ARCHITECT
1000 WILSON PARKWAY
ALBUQUERQUE, NM 87102
TEL: 505 842 8822

WSH PROJECT: 19669

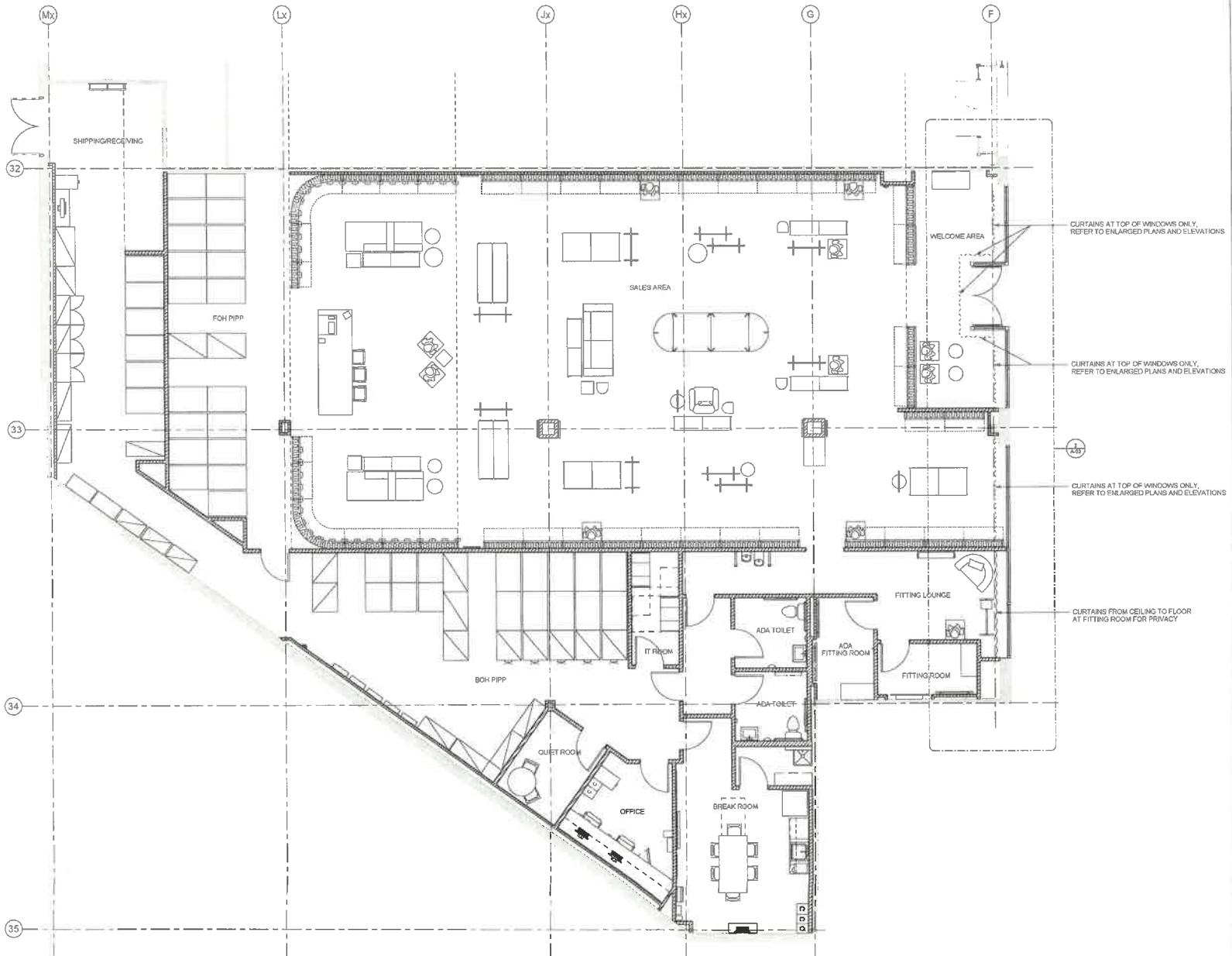
No.	Description	Date
	SIGNAGE VARIANCE	02/15/2022



NIKE BY BIRMINGHAM
THE SUMMIT
240 SUMMIT BOULEVARD SUITE 100
BIRMINGHAM, AL 35243

Project Number
Drawn By: MA
Checked By: MA

SITE PLAN
A-01



OVERALL FIXTURE PLAN



MEH PROJECT: 1849

No.	Description	Date
1	QUANTITY VARIANCE	02/15/2022

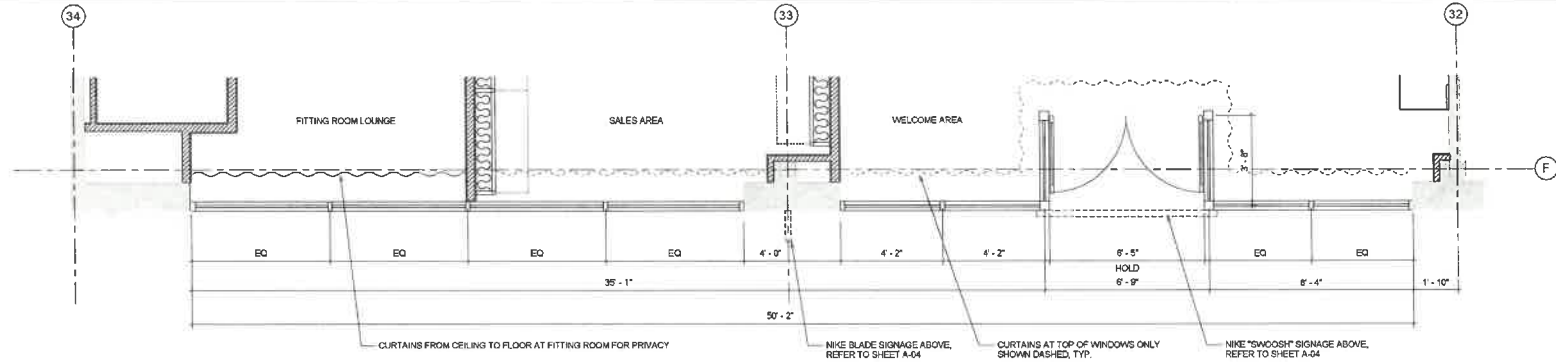


NIKE BY BIRMINGHAM
 THE SUMMIT
 240 SUMMIT BOULEVARD SUITE 100
 BIRMINGHAM, AL 35243

Project Number _____
 Drawn By MA
 Checked By MA

OVERALL FIXTURE PLAN

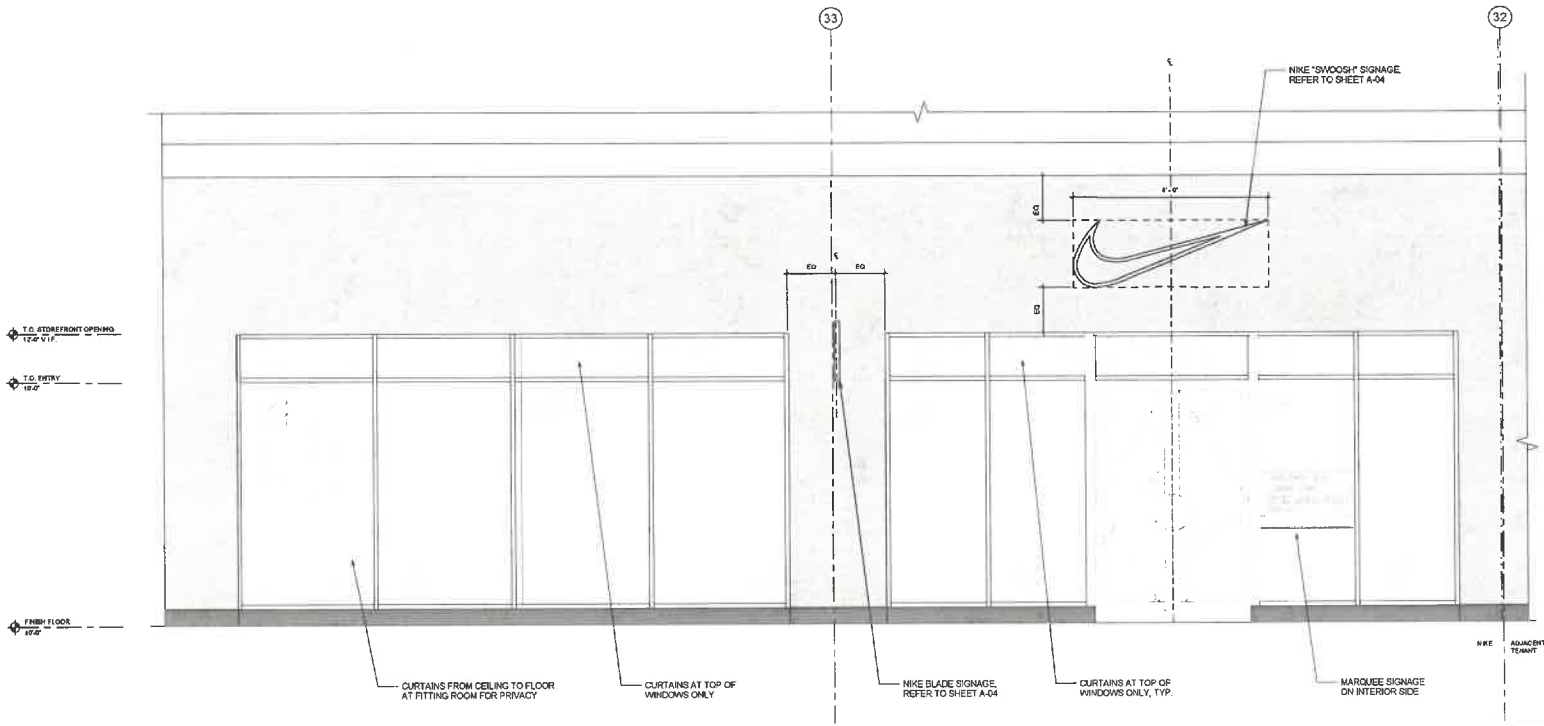
A-02



ENLARGED STOREFRONT PLAN WITH DIMENSIONS

SCALE
1/2" = 1'-0"

2



EXTERIOR ELEVATION

SCALE
1/2" = 1'-0"

1

SHEET NOTES

- A. TENANT CONTRACTOR TO VERIFY EXISTING STOREFRONT SYSTEM, SPECIFICATIONS, AND DIMENSIONS. COORDINATE THE FIELD VERTICAL GLAZING DIMENSION WITH NIKES GRAPHIC WINDOWS IF APPLICABLE PER PROJECT SCOPE FOR STOREFRONT GRAPHIC INSTALLATION. NOTIFY ARCHITECT IF THERE ARE ANY DISCREPANCIES FROM THE DRAWING.
- B. ALL ITEMS SHALL COME WITH ALL NECESSARY WIRING, CONDUIT, TRANSFORMERS, BALLASTS, STARTERS AND OTHER NECESSARY EQUIPMENT WITHIN THEIR INDIVIDUAL LETTERS OR BEHIND STOREFRONT CONSTRUCTION.
- C. ALL ITEMS SHALL BE FABRICATED AND INSTALLED WITH ALL APPROVED COMPONENTS BY CONTRACTORS WITH ALL APPLICABLE BUILDING AND ELECTRICAL CODES. EXCEPT MANUFACTURER'S WELL SUPPLY (U.S.) LABEL, IF REQUIRED BY LOCAL AUTHORITIES, IN ANY INDIVIDUALS LOCATION. NO SIGN COMPANY LABELS WILL BE PERMITTED ON SURFACES OF THE EXTERIOR PUBLIC VIEW.
- D. SIGNAGE EXHIBIT IS PROVIDED FOR REFERENCE ONLY. FINAL SIGNAGE LOCATIONS AND SIZES TO BE COORDINATED WITH LANDLORD AND NIKES APPROVED SIGNAGE SHOP DRAWINGS.
- E. TENANT CONTRACTOR TO COORDINATE WITH SIGNAGE CONTRACTOR FOR FINAL LOCATIONS AND QUANTITY OF SIGNAGE POWER 3 SIZES.
- F. ALL EXTERIOR SIGNAGE IS UNDER SEPARATE PERMIT.
- G. ALL MODIFICATIONS OF EXISTING STOREFRONT SYSTEM SHALL HAVE LANDLORD APPROVAL PRIOR TO START OF WORK. ALL NEW STOREFRONT MILLWORK AND GLAZING SHALL MATCH WITH THE EXISTING WALL STANDING. TENANT CONTRACTOR TO FIELD VERIFY THE EXISTING SPECIFICATION WITH LANDLORD FOR APPROVAL PRIOR TO INSTALLATION.



NIKE INC.
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005



Don W. Berman, Architect
353 Adams Avenue
Huntsville, GA 35891
Tel: 256 865 1863

MDM PROJECT: 19903

No.	Description	Date
1	DESIGN VARIANCE	12/15/2022



NIKE BY BIRMINGHAM
THE SUMMIT
240 SUMMIT BOULEVARD SUITE 100
BIRMINGHAM, AL 35243

Project Number
Drawn By MA
Checked By MA

EXTERIOR
ELEVATION AND
ENLARGED
STOREFRONT PLAN

A-03



NORTH AMERICA RETAIL DESIGN

Nike Live

09.30.2021

Nike By Birmingham

Facade Intent

The Summit: 217 Summit Blvd. Space A1A. Birmingham, AL 35243

September 30, 2021

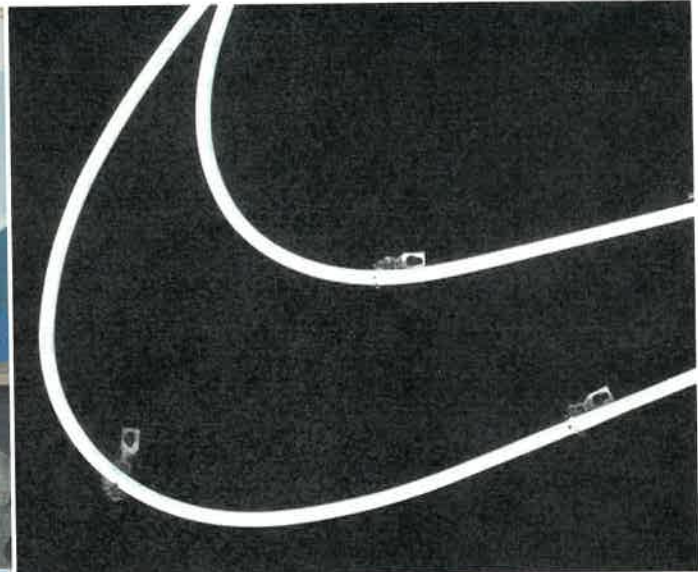
Nike L'oe

Introduction

2

Keep it Tigi!





Nike Live

01

Facade

The Facade is the first physical point to invite the community into their local Nike shop. Our facade is active, personal and approachable.

Keep It Tight

© 2019 Nike, Inc. Brand Design Retail

Nike Live

01

Introduction

At all locations, we lead with her.

We create visual connections to her community by infusing local maps, creating custom facade artwork, and tailoring color palettes per location.

Open & Bright
Confident & Bold
Warm & Friendly



Nike Live

02 Artwork

Athlete Art

The art is a curation of sport and culture, always informed by aspects of the neighborhood and the "sport and fitness" mindset of its local consumer.

WHAT IT IS

Sport silhouettes
Graphic
Simple & Bold
Human
Inclusive
Everyday athletes
Of a community

Exterior Facade Package

09.30.2021



Nike Live

02

Artwork

Layering

While our facade is eclectic with many components, we always keep a strong hierarchy in mind to form clear communication and focus points.

Artist Figures

Typically applied first surface, using resilient outdoor vinyl. See specifications for type of vinyl used for each facade material.

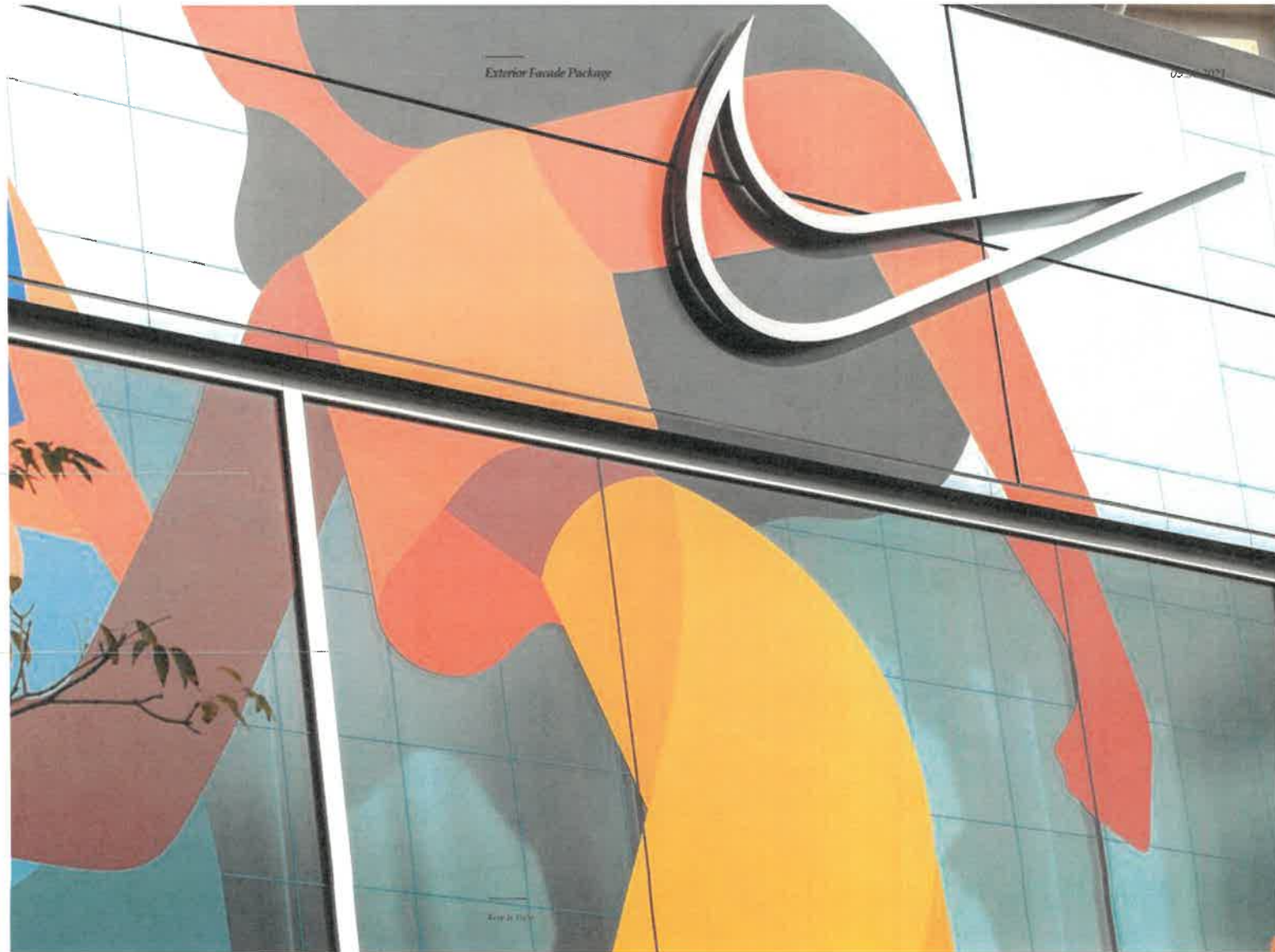
Sport Mesh Curtains

*Note - Store specific city grid art is shown on the glazing/facade. For Chestnut Hill the grid art is printed on the curtains.

- Printed 2 sided when seen from the interior
- Printed 1 sided when seen only from the exterior.

*Note - curtains shown are not the current sport mesh. Sport mesh has more translucency.

*Note - curtains shown do not have wash lighting front and back. This is now a standard for all curtains in the Live program.



Neighborhood Grid: Core Parts

The Nike Live grid system is a flexible device designed to be layered in many combinations. The grid is tailored to each destination and features a local map as part of the grid linework.

The grids are comprised of two components: the Nike foundational grid combined with a local map of the neighborhood.

Foundational Grid

Local Map

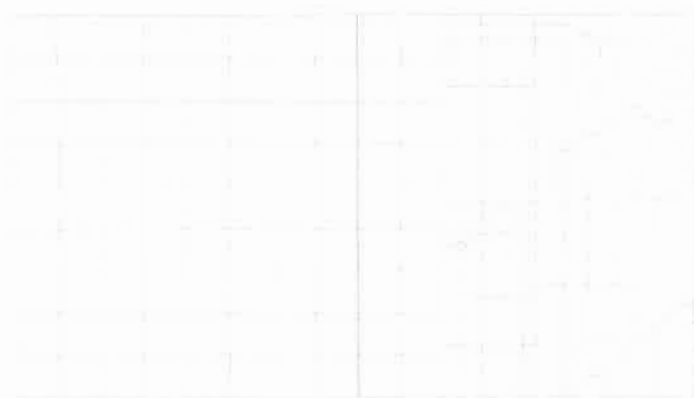
Neighborhood Grid



+



=



The Foundational Grid is a square grid and is a consistent visual element across the Nike Retail fleet. Nike Live adds its own signature by combining the grid with a local detail: the local map.

This should never be used alone.

The local area must be drawn for each location, capturing the key surroundings of the neighborhood. The line weight must match the Foundational Grid in order to be paired together.

This should never be used alone.

The grids are combined to create the Neighborhood Grid. The two grids can vary to control the emphasis of the local map on varying touch points.

The artist work is an integral part of the foundational Nike Live identity. Grounded in human connection, the art is a vehicle to connect sport with the community using vibrant figurative silhouettes full of color, energy and soul.

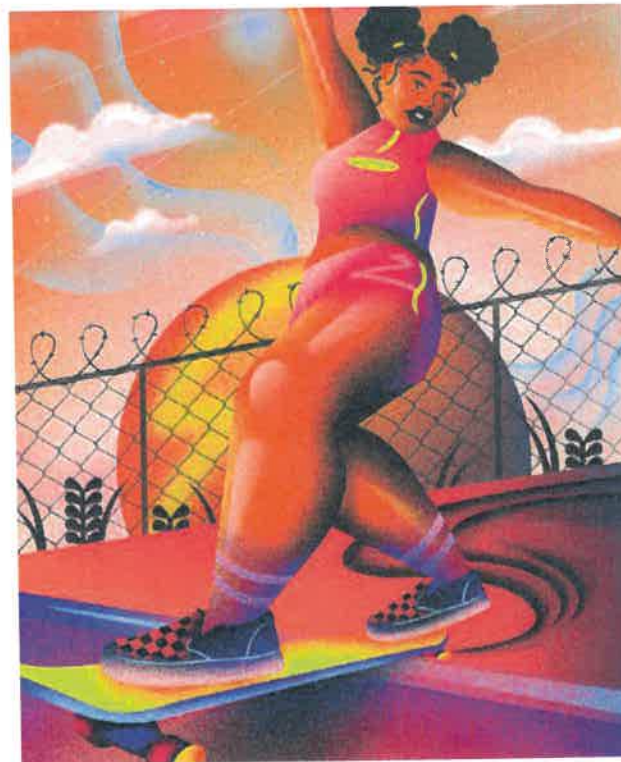
Nike Live

Artist

Bio



Jordan Moss is a Brooklyn based illustrator and graphic designer. With a background that ranges from fine art to advertising, she loves getting the chance to design in all forms and mediums. Whether it's taking on hand painted murals in her hometown or digital stage graphics at Coachella, she's excited to create in all spaces.



Birmingham

Keep It Tight

© 2021 Nike, Inc. CDRD

Nike Live

Artist

Story Palette

Welcome Areas & Curtains

Welcome Gray
PMS: 425 @ 75%
CMYK: 62/40/49/14



Soft White
PMS: Opaque White
CMYK: 0/0/0/0

Gradients



Color Palette



Birmingham

Keep It Tight

© 2021 Nike, Inc. CDRD

Birmingham Facade Design Intent

Nike Live

Birmingham

Facade



ILLUMINATED SWOOSH SIGNAGE
Live Swoosh and blade sign

VINYL FACADE GRAPHICS
Jordan Moss sport figures with color way curated to Birmingham

CURTAINS
City grid curtains printed with gray city grid graphics



Birmingham

Keep It Tight

© 2021 Nike, Inc. Brand Design Retail

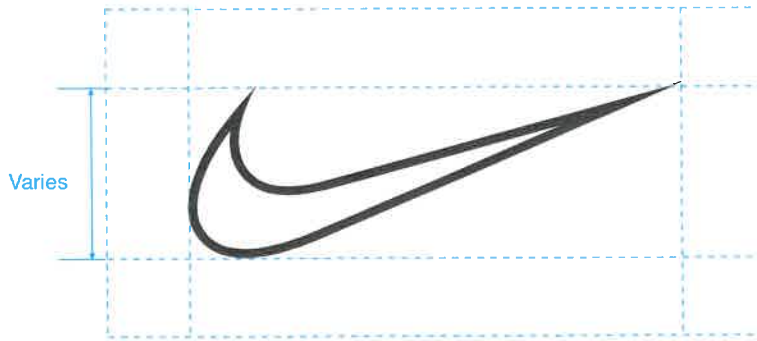
Specifications

08

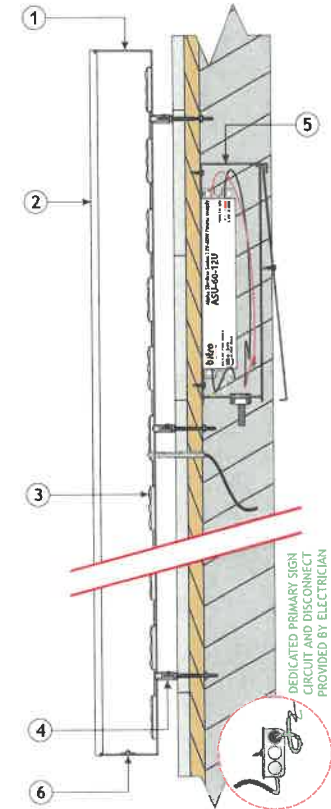
Specifications

SI-2

ILLUMINATED SWOOSH SIGN
Finish: Matte Black Powder Coat



- 1 DEPTH OF ALUMINUM RETURNS TO MATCH SWOOSH STORKE SIZE. FINISH TO MATCH MATTE CNC GRAY, INSIDE LETTER SURFACES PAINTED GLOSS WHITE. ALUMINUM LETTER BACKS, FINISH TO MATCH RETURNS
- 2 SATIN ICE REVESE PUSH THRU FACE FACES SECURE TO RETURNS WITH SCREWS
- 3 BITRO LITE 6500K WHITE LED UNITS
- 4 LETTERS MOUNT TO SURFACE WITH 1" SET SCREW SPACERS PAINTED TO MATCH SURFACE AND ALL THREAD ROD
- 5 BITRO ASU-60-12-U LED DRIVER (120-277 VOLT) CONTAINED IN PAIGE 980054C SNAP 2 ENCLOSURE
- 6 DRAIN HOLES WITH LIGHT COVER AT BOTTOM RETURN



08

Specifications

SI-1

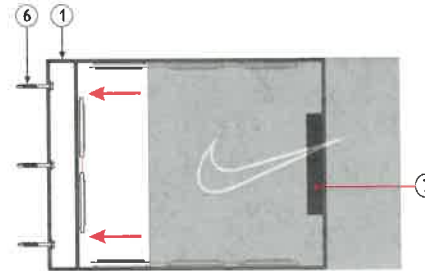
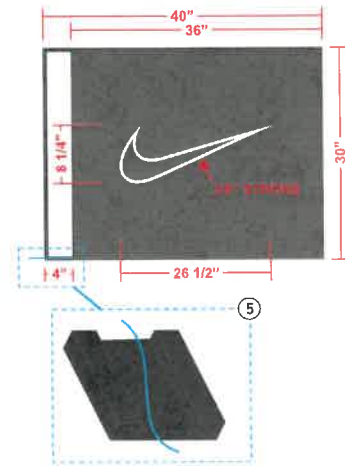
ILLUMINATED BLADE SIGN
Finish: Matte Black Powder Coat



Note:

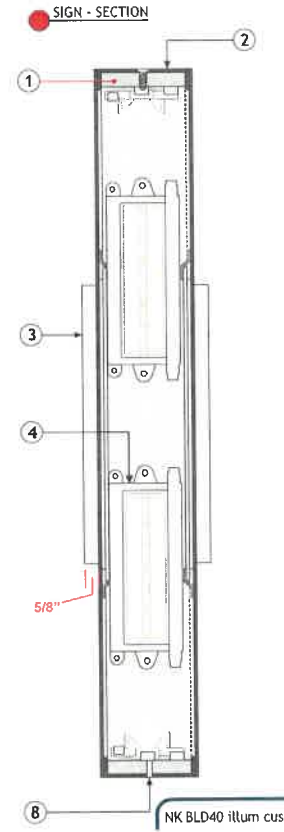
Prototypical blade sign size. Adjust size and mounting brackets to comply with city code/landlord requirements.

B ILLUMINATED BLADE SIGN - ELEVATION
Scale: 1" = 1' - 0"



SIGN - DETAILS

- 1 3" WIDE ALUMINUM FLAT STOCK FRAME
- 2 1/8" ALUMINUM U-CHANNEL FRAME WITH ROUTED 1/8" ALUMINUM FACES ADHERED TO FRAME, ALL PAINTED CNC GREY. SIGN BOX WILL SLIDE OVER TOP OF FLAT STOCK FRAME
- 3 1" THICK ROUTED ACRYLIC PUSH THRU SWOOSH WITH FROSTED FACES AND EDGES. SWOOSH TO PROTRUDE 5/8" FROM FACE OF SIGN. 3/16" THICK DIFFUSER BACKER PANEL BEHIND SWOOSH
- 4 GE EDGE STRIP 7100K WHITE LED UNITS LINING INSIDE RETURNS OF FLAT STOCK FRAME
- 5 WIRING FROM SIGN OUT BACK SIDE OF FLAT STOCK FRAME INTO BLIND CHANNEL. CHANNEL TO HAVE ACCESS DOOR AT TOP SIDE OF CHANNEL
- 6 SIGN MOUNTS FLUSH TO SURFACE WITH REQUIRED FASTENERS THROUGH BACK OF FLAT STOCK FRAME
- 7 WIRING THROUGH G.C. PROVIDED BLOCKING, AND TO 12V LOW VOLTAGE POWER SUPPLY
- 8 DRAIN HOLE WITH LIGHT COVER AS REQUIRED



08

Specifications

Vinyl

Characteristics

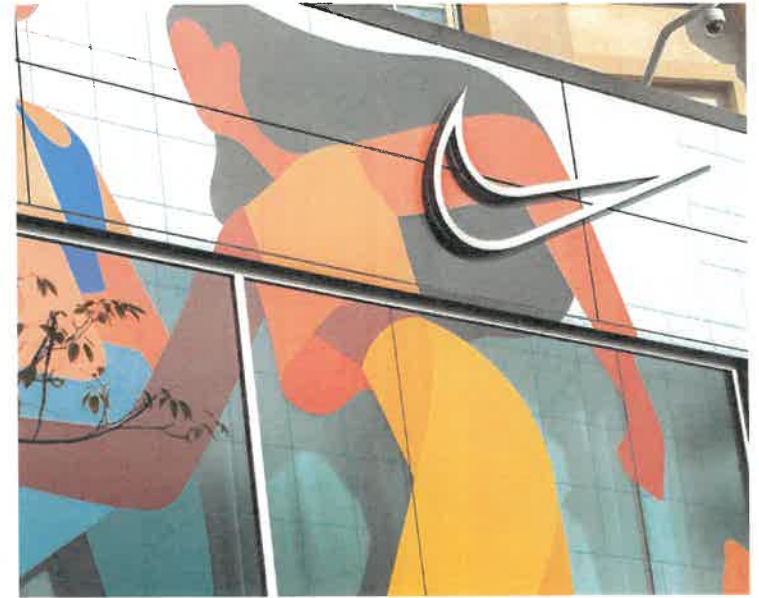
These are typical values for unprocessed product. Processing may change the values.

Physical Characteristics

Characteristic	Value
Material	Vinyl
Film Color	White
Thickness	Without adhesive: 2 mils (0.051 mm) With adhesive: 11 to 12 mils (0.28 to 0.30 mm)
Adhesive	Pressure sensitive
Adhesive Color	Gray pigmented for excellent hiding power
Liner	Layflat polyethylene coated paper
Adhesion, Typical 24 hours after application	Adhesion depends on the substrate, material texture and application technique. See Test Procedure.
Chemical Resistance	Resists mild alkalis, mild acids and soil. Excellent resistance to water (this does not include immersion).
Flammability	Call 1-800-228-3908 for information

Application Characteristics

Characteristic	Value
Finished Graphic Application Recommendation	Application surfaces: Moderately textured surfaces such as concrete block, brick, industrial stucco and tile, as found on flat walls and/or simple curved architectural elements such as columns. See Instruction Bulletin G.37 for details. Substrate temperature: 40 ° to 100 °F (4 ° to 38 °C)
Applied Shrinkage	0.01% inches (0.4 mm)
Graphic Removal	Varies with type of substrate; using heat enhances removal of film; may leave adhesive residue; may remove some surface paint or finish; may damage mortar



08 Specifications

Vinyl

3M™ Scotchcal™ Graphic Film
for Textured Surfaces

Product Bulletin J18624
Revision E, September 2017

J18624

For Piezo Inkjet Printing

Product Description

These are 2-mil removable graphic films designed for piezo inkjet printing. When heated and applied with 3M's application tool and techniques, this film conforms to moderately textured surfaces on both flat and curved substrates, including concrete block, brick, industrial stucco and tile similar to those surfaces commonly found in sports arena, stadiums, restaurants, retail and other public venues.

Product Features

- Pressure sensitive adhesive
 - Resists mild alkalis, mild acids, and salt
 - Excellent resistance to water (this does not include immersion)
 - J18624 is a durable, high performance cast film with excellent imaging capability. To ensure that this film meets your specific needs, 3M recommends that graphic manufacturers test this film for satisfactory printing, cutting, adhesion and removal characteristics for the intended end uses. This information does not imply a warranted durability period.
 - Expected Performance Life of 7 years (unwarranted period for unprinted film with no graphic protection, applied to a flat, vertical, outdoor surface)
 - Expected Performance Life for Textured Surface Graphics of 2 years (indoor in most applications), and 6-12 months (outdoor when not used in freezing and thawing cycles). See "Factors that Affect Graphic Performance Life" on page 4.
- When constructed and used as described in this Bulletin, these types of graphics and end uses are covered by 3M's Basic Product Warranty. Please read the entire Bulletin for details.
- Graphics applied to indoor or outdoor moderately textured surfaces. See Application Characteristics on page 2 for details.

CAUTION

Be aware that graphics installed outdoors can develop mold or mildew on top of or behind the graphic, which may be a health concern for some individuals, especially during graphic removal.

Recommended Compatible Products

See 3Mgraphics.com/Overview for a complete list of compatible products that are approved by 3M for use with the base film covered in this Bulletin and used for the creation of a graphic that may be eligible for the 3M™ MCS™ Warranty or 3M Performance Guarantee.

Piezo Inkjet Printing

- Any piezo inkjet ink or printer (test and approve)
- 3M™ Scotchcal™ Luster Characteristics B524

OEM Inkjet Inks and Printers for the 3M Performance Guarantee

See the [3M Performance Guarantee Matrix](http://3M.com/PerformanceGuaranteeMatrix) for a complete list of compatible OEM Inkjet Inks and Printers that are approved by 3M for use with the base film covered in the Bulletin and used for the creation of a graphic that may be eligible for the 3M Performance Guarantee.

Quick Links

- [3M Graphics Warranties](#)
- [Technical Information Selector](#)
- [Safety Data Sheets \(SDS\)](#)
- [Flammability \(ASTM E84 Reports\)](#)
- [Video](#)

Some of these links lead to web-based resources that are not product-specific.

3M™ Scotchcal™ Graphic Film

Graphic Protection

Graphic protection may improve the appearance, performance and durability of the graphic. Click on the graphic protection options listed in Product Bulletin or see the [3M Graphics Product Resource Center](#) for more information.

IMPORTANT NOTE

During installation, scratches may occur on films without graphic protection.

- 3M™ Scotchcal™ Luster Characteristics B524
- 3M™ Fusion™ Luster When Characteristics B545L
- 3M™ Fusion™ Gloss When Characteristics B545G

Application Tapes

There are two types of application tapes. See [3M Installation Bulletin A-1](#) to determine what application tape is recommended for your film or finished graphic.

Preinstalling Tape

Increases adhesion during application while preventing stretching and damage. Use when flat or on low-rise surfaces. See [3M Installation Bulletin A-1](#) for complete details.

Prepressing Tape

Holds cut and weeded letters or graphics in place during application, and after removing the film liner, while preventing stretching and damage. Use when large amounts of floor are exposed. See [3M Installation Bulletin A-1](#) for complete details.

Other Products

- 3M™ Clear Scotch™ B560
- 3M™ Fusion Scotch™ Luster B545L
- 3M™ Vehicle Channel Adhesive™ 101 VCAT-2

Certificate of 3M™ MCS™ Warranty

Graphic manufacturers who produce digitally printed graphics made with all 3M Graphics Products, including 3M film purchased through a qualified 3M Distributor or 3M Printing Partner, may register to be recognized with a Certificate of 3M™ MCS™ Warranty. Only graphic manufacturers using a Licensed Certificate of 3M™ MCS™ Warranty are eligible to extend the warranty to their customers.

NOTE: For non-eligible "Instant Full-Color Graphics," check your eligibility for the 3M™ MCS™ Warranty by viewing the Warranty FAQ on found within the Product Bulletin or using the warranty calculator at www.3Mgraphics.com/warranty.

3M™ Scotchcal™ Graphic Film

Characteristics

These are typical values for unprocessed product. Processing may change the values.

Physical Characteristics

Characteristic	Value
Substrate	White
Film Color	White
Thickness	Without adhesive: 0.002 in (0.05 mm) With adhesive: 3 to 4 mil (0.076 to 0.10 mm)
Adhesive	Pressure sensitive
Adhesive Color	Clear (preformed for excellent hiding power)
Liner	Low-tack polyethylene crepe paper
Adhesive Type and Release Rate	Pressure sensitive with moderate initial tack and low release rate (see Test Procedure)
Chemical Resistance	Resistant to acids, alkalis, oils and salt. See chemical resistance for details. See 3M Installation Bulletin A-1 for details.
Flammability	Class 1 (UL 94) V-0 (UL 94) for information.

Application Characteristics

Application Characteristic	Value
Flashed Graphic Application Recommended Film	3M™ Scotchcal™ Luster Characteristics B524, 3M™ Fusion™ Luster When Characteristics B545L, 3M™ Fusion™ Gloss When Characteristics B545G, 3M™ Scotchcal™ Clear Scotch™ B560, 3M™ Scotchcal™ Luster Characteristics B524, 3M™ Fusion™ Luster When Characteristics B545L, 3M™ Fusion™ Gloss When Characteristics B545G
Applied Thickness	0.002 inches (0.05 mm)
Graphic Removal	Remove with force of substrate using heat (reference numbers in this Bulletin) to help determine needed heat temperature and force point of film, then reattach to substrate.

Warranty Information

IMPORTANT NOTE

Warranty information including limitations and exceptions and warranty periods for this product can be found in [3M Graphics Product Warranties](#).

3M Basic Product Warranty

3M Graphic Products are warranted to be free of defects in materials and workmanship at the time of shipment per the terms of a warrant given in the application's terms in the appropriate 3M Graphics Product Bulletin and as further set forth in the [3M Graphics Warranties Bulletin](#).

Limited Remedy

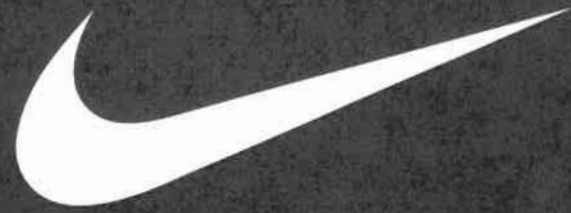
The limited remedy available to each warranty is described in the 3M Graphics Warranties Bulletin found at www.3Mgraphics.com/warranties.

Limitation of Liability

Except to the extent permitted by law, 3M SHALL NOT ENTER ANY CONTRACT WITH A USER OF THIS PRODUCT OR USER OF ANY OTHER PRODUCT FOR THE LIMITED REMEDY PROVIDED HEREIN, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS, REVENUE, BUSINESS OPPORTUNITY, OR LOSS OF REPUTATION, IN THE EVENT OF ANY CLAIM RELATED TO THIS GRAPHIC PRODUCT, OR DAMAGES OF THIS BULLETIN. This limitation of liability applies to all uses of the legal or equitable remedy under which such damages or benefits are sought.

Product Bulletin J18624 - Revision E, September 2017





ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00080

Five Points South

Request:

An appeal to allow approval of a yoga studio and other wellness activities in a CO&I district pursuant to Title 2, Chapter 1, Section 7, Subsection 2.3.

Applicant:

Renny E. Ratliff

Location:

1309 19th St S, Birmingham AL 35205

Parcel # 012800063010002001

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

Applicant's Proposal:

The applicant is proposing a yoga studio and other wellness activities which is only permitted by appeal and approval of the Zoning Board pursuant to the permitted uses in CO&I district.

Staff Analysis:

The subject property is currently zoned QB-1 (Qualified Neighborhood Business District). The parcels north and south are zoned C-O&I (Contingency Office and Institutional). Parcels east are zoned B-2 (General Business District) and parcels west are zoned QR-7 (Qualified Multiple Dwelling District). The property is not located in a flood plain area; however, it is located in the Five Points South Historic and Commercial Revitalization District. There is a rezoning case associated with this property that was approved.

ZAC2003-000163

Re-zoning from "C"O&I to B-1 to permit a Bed-N-Breakfast with the following conditions:

1. Limiting uses to a Tourist Home (or Bed & Breakfast Inn), and dwellings jointly with the other uses or as a primary use and O&I uses;
2. Submission to and approval by the planning staff of the Department of Planning, Engineering and Permits of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (all canopy lights shall be recessed in canisters); and the location and screening of solid waste disposal container by a wood fence sufficient in height on all

4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the Department of Planning, Engineering, and Permits.

Condition number one allows for yoga studio and other wellness activities but only by appeal per the zoning ordinance Title 2, Chapter 1, Section 7, Subsection 2.3.

Per Zoning Ordinance:

Section 7. O & I Office and Institutional District.

Subsection 1. Purpose.

The regulations set forth in this Section or elsewhere in this Ordinance, when referred to in this Section, are the regulations in the O & I Office and Institutional District. The O & I Office and Institutional District is provided for the orderly arrangement of institutional, clerical and administrative space.

Subsection 2. Use regulations.

A building or premises shall be used only for the following purposes:

1. A public, semi-public, or private office:

- a. Sales office; provided, that merchandise shall not be stored on the premises.*
- b. Research or testing laboratories.*
- c. Radio or television broadcasting studio or station.*
- d. Cemetery, mortuary or funeral home.*

2. A public or semi-public, religious, educational or charitable institution.

Such use may include:

- a. A club, lodge, fraternity or sorority; provided that such establishments are not conducted primarily for financial gain.*
- b. A clinic, sanitarium, convalescent home or hospital, except one principally used for the treatment of animals.*
- c. Public and semi-public recreation, including but not limited to parks, golf, swimming, tennis, country and community clubs or associations; provided, that such establishments are not conducted primarily for financial gain.*
- d. Church, school or orphanage.*
- e. Adult Care facility or Child Care Center.*

3. Other uses not specifically listed above, but which are similar to those listed above or uses whose effects on surrounding areas are consistent with those listed above, are permitted on appeal, subject to the approval of the Zoning Board of Adjustment. Such areas shall not include repair garages or

storage yards for materials, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial characteristics and buildings used or intended to be used as communal living facilities, detention, correctional, or penal institutions.

4. Wireless communications facilities, in accordance with Article VI, Section 18.

5. Accessory structures and uses including Accessory Use Child Care Center and commercial uses which are clearly incidental to the permitted use of the premises and which are carried on wholly within a main building or accessory building. Such uses may include:

a. Drugstore limited in size to that which is of service to the principal use of the premises.

b. Restaurant or coffee shop; provided, that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.

c. Retail sales and service shops limited in character and size to that which is of service to the principal use of the premises.

d. On-premise signs shall be in accordance with the regulations set forth in the B-1 Neighborhood Business District

Neighborhood Recommendation:

The Five Points South Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the appeal; 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.

PARCEL ID: 012800063010002002

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

DATE: Friday, January 21, 2022 10:45:27 AM

OWNER: RENNY ROO LLC

ADDRESS: 77 COUNTRY CLUB BLVD

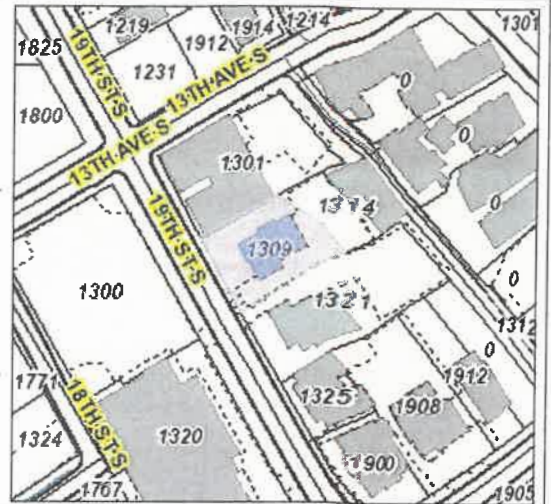
CITY/STATE: MOUNTAIN BROOK AL

ZIP+4: 35213

SITE ADDR: 1309 19TH ST S

CITY/STATE: , AL

ZIP: 35205



LAND: \$191,000.00

BLDG: \$647,100.00

OTHER: \$0.00

AREA: 10,185.00

ACRES: 0.23

SUBDIVISION INFORMATION:

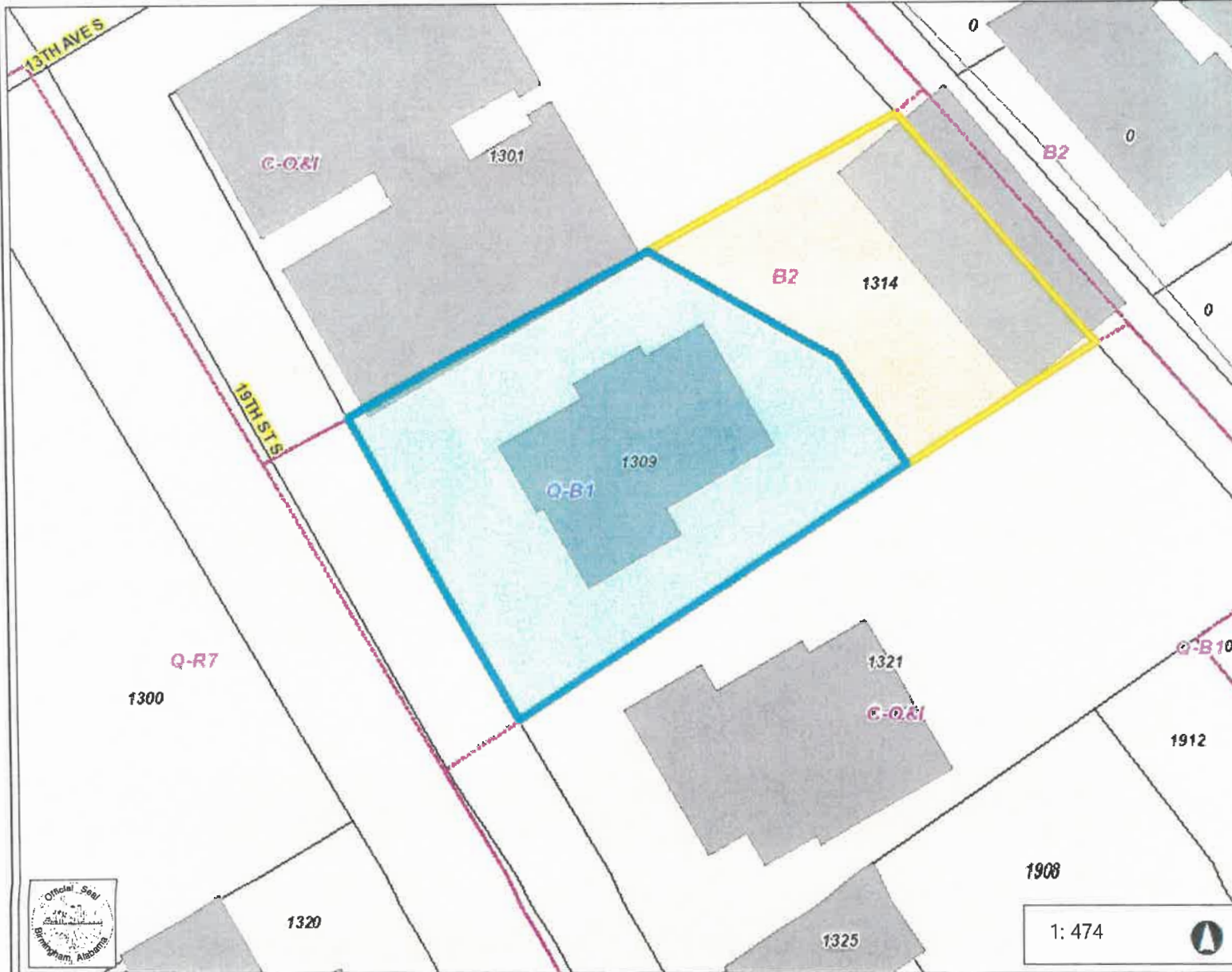
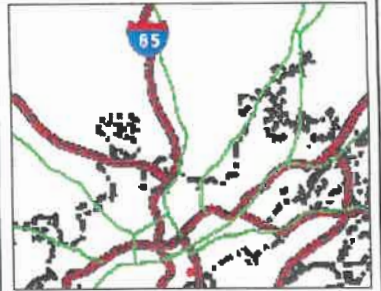
NAME BHAM RE BLK 768 28-6-3

BLOCK: 0768

LOT: 007A

Section: 6-18-2W; 1-18-3W
Land Slide Zones: In Land Slide Zones
Historic Districts: Five Points South
Commercial Revitalization District: Five Points South
Fire District: In Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment Financing District
Neighborhoods: Five Pts So (1701)
Communities: Southside (17)
Council Districts: District - 3 (Councilor: Valerie A. Abbott)
Zoning Outline: QB1
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: 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
- Zoning Outline
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (solid)

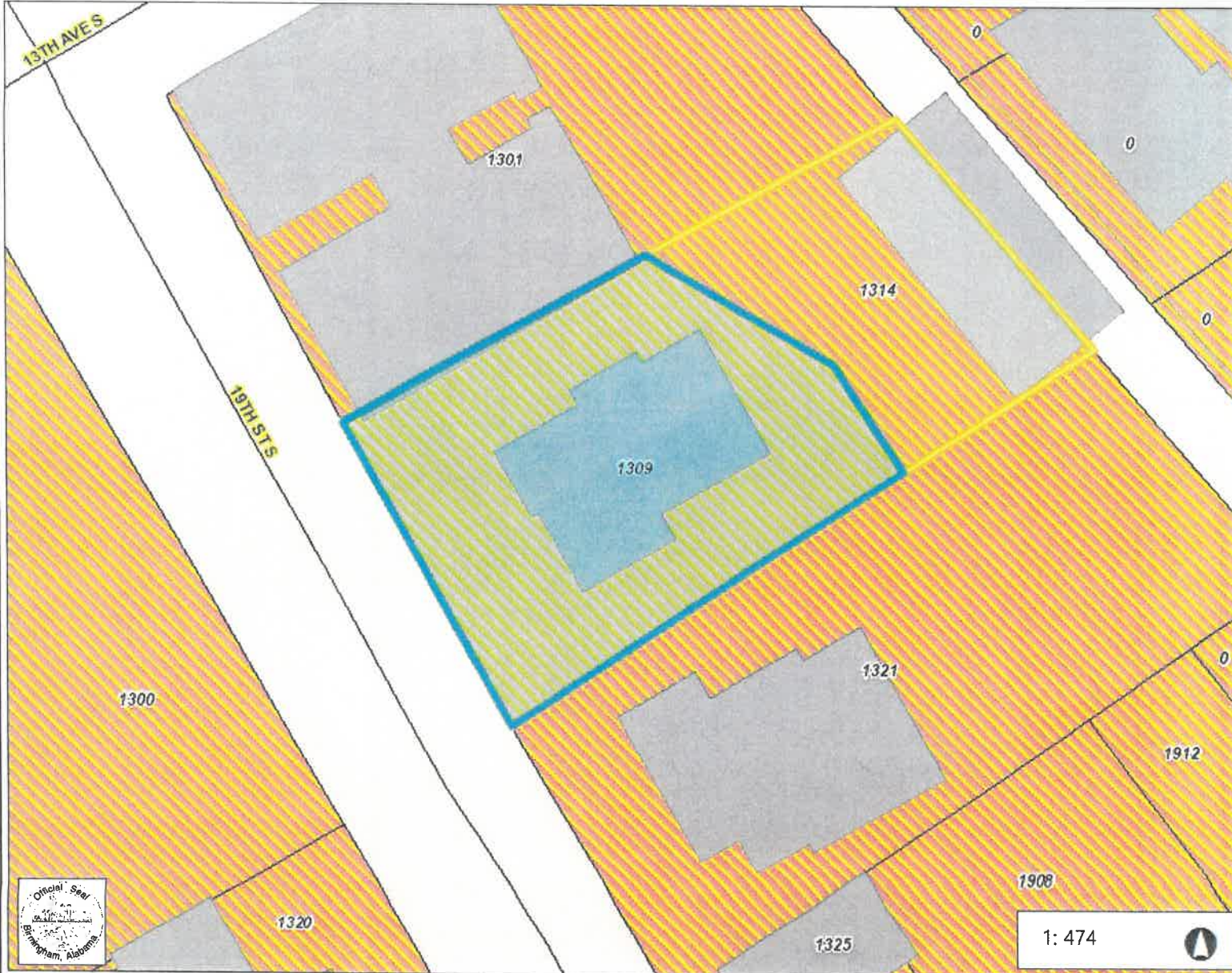
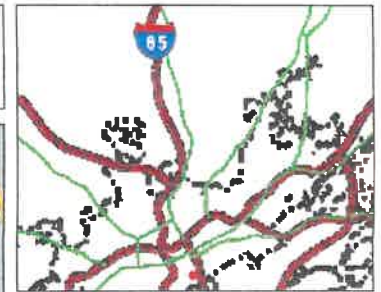


1: 474

79.1 0 39.53 79.1 Feet

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

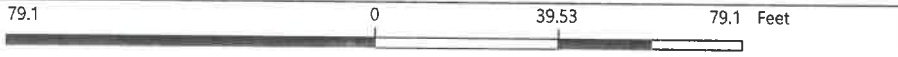


Legend

- 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: 474



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Vincent J. Graffeo

Attorney

Graffeo Law, LLC

2119 3rd Ave N, Suite 203

Birmingham, AL 35203 USA

T: 205-994-8249

F: 205-994-8215

vincent@graffeolaw.com

June 14, 2021

VIA EMAIL AND U.S. MAIL

Ms. Kimberly Speorl
City of Birmingham
Planning, Engineering & Permits
Room 220 City Hall
710 North 20th Street
Birmingham, AL 35203

**Re: Birmingham Tree House, LLC
1309 19th Street South
Birmingham, AL 35205
Avenu ID: 660749
Territory No.: 005**

Dear Ms. Speorl,

I write on behalf of Birmingham Tree House, LLC ("Birmingham Tree House") in response to your email of June 3, 2021 requesting a detailed written description of all uses that will occur at 1309 19th Street South, Birmingham, AL 35205 (the "Property") where Birmingham Tree House conducts its business. This letter responds to your inquiry and provides some background information on Birmingham Tree House and its owner, Renny Ratliff. I kindly ask that you contact me upon receipt to schedule a meeting with Ms. Ratliff and me to discuss this matter further and answer any additional questions you may have.

As background, Birmingham Tree House operates a unique historic bed and breakfast inn located in a special qualified zoning district designed to serve Birmingham, its residents and visitors alike. Ms. Ratliff is young female entrepreneur and Birmingham native. After returning to Birmingham from living in Colorado, Ms. Ratliff made a substantial investment in our City when she acquired the historic mansion located on 1309 19th Street South in February 2020, just before the outbreak of the COVID-19 pandemic. The house was originally built in 1898. Its prior owner Sheila Chaffin operated it as the Cobb Lane Bed & Breakfast from approximately 2005 to 2020. Around June 2020, Ms. Ratliff reopened the mansion again as a bed and breakfast after making many improvements to the Property. Over the past year, Birmingham Tree House has hosted hundreds of overnight guests from across the United States and abroad, many visiting Birmingham for the first time or returning to the area to enjoy a first-class experience at Birmingham Tree House. The success Ms. Ratliff has enjoyed with Birmingham Tree House

during the COVID-19 era is nothing short of remarkable and is an excellent example for others as Birmingham seeks to become a hub for more women and minority entrepreneurs.

Birmingham Tree House is properly licensed by the City of Birmingham to operate a bed and breakfast inn. The instant issue Birmingham Tree House is experiencing with the City relates to the May 12, 2021 letter that Ms. Denise Hill of the City's Tax and License Division issued to Birmingham Tree House. Ms. Hill states that the City rejected a separate business license application by Birmingham Tree House due to a zoning issue. Upon contacting the City, the City informed Birmingham Tree House that the license denial was for a yoga studio application that Ms. Ratliff apparently submitted. The confusion with Birmingham Tree House's licensing arises from the submission of multiple business license applications. Birmingham Tree House is a bed and breakfast inn and not a yoga studio. As explained below, Birmingham Tree House's use of the Property is compliant with zoning and all operations should be encompassed under the single bed and breakfast license.

I next address your question concerning the uses that will occur the Property. As a historic bed and breakfast inn, Birmingham Tree House's lodging of guests for overnight stay is the primary use of the Property. In addition to the bed and breakfast use, Ms. Ratliff uses the Property as her dwelling. She resides on site with her dog, Tree. Birmingham Tree House also provides health and wellness amenities as incidental benefits of the bed and breakfast inn. Ms. Ratliff is a certified yoga instructor and occasionally hosts yoga classes at Birmingham Tree House for its guests and visitors. Birmingham Tree House also rents a small office to an Alabama licensed professional counselor that provides counseling services.

All of Birmingham Tree House's primary and incidental operations are proper under the City's current zoning regulations and no other licenses than its bed and breakfast inn should be required. Pursuant to City of Birmingham Ordinance No. 1765-G, adopted January 27, 2004, the Property is zoned as a "Q"B-1, Qualified Neighborhood Business District. "Q" Condition 1 reads as follows: "Limiting uses to a Tourist Home (or Bed & Breakfast Inn), and dwellings jointly with other uses or as a primary use, and O&I uses." "Q" Condition 2 relates to the site development plan of the Property. Because Birmingham Tree House is a bed and breakfast (or "tourist home") and is Ms. Ratliff's residence, these two uses are expressly permitted by the "Q"B-1 zoning ordinance.

The "Q"B-1 designation of Birmingham Tree House also allows Office and Institutional uses on the premises. O&I uses explicitly include "commercial uses which are clearly incidental to the permitted use of the premises, and which are carried on wholly within a main building or accessory building." City of Birmingham Zoning Ordinance, Title 2, Chapter 1, Section 7, Subsection 2.5. Listed examples of O&I incidental uses under the Zoning Ordinance include, but are not limited to, drug stores, restaurants, coffee shops, retail sales and service shops. The yoga and counseling classes conducted as an amenity at Birmingham Tree House are incidental to its main function as a bed and breakfast inn and thus permitted under the "Q"B-1 designation.

Finally, no property use at Birmingham Tree House exceeds the scope and character of the B-1 neighborhood business district designation, which includes activities such adult/child care

Ms. Kimberly Speorl

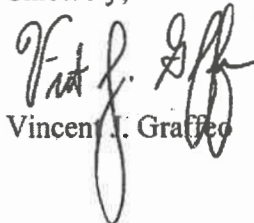
June 14, 2021

Page 3

facilities, laundromats, medical offices, clinics, restaurant/coffee shops and public markets. Not only are the yoga and counseling amenities at Birmingham Tree House incidental to the bed and breakfast inn, but they also are similarly situated to the uses of surrounding property. Adjacent to Birmingham Tree House is a high-density multi-family residence building on one side and Forge Breast Cancer Survivor Center on the other side. Forge offers health & wellness classes and counseling. Oasis Counseling for Women and Children is located on the same block as Birmingham Tree House and the Birmingham Police Five Points South Precinct is directly across the street. Birmingham Tree House's bed and breakfast, with its suite of health and wellness amenities, compliments the character of the neighborhood.

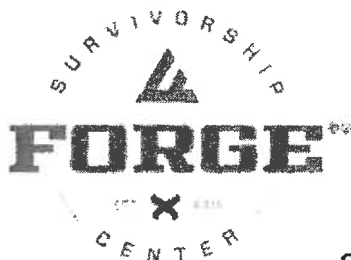
Once you review this matter further, I would appreciate if you would schedule a time for Ms. Ratliff and me to meet directly with you and any other appropriate persons with the City to correct any misunderstandings concerning Birmingham Tree House's compliance with zoning and licensing regulations. I also invite you to schedule a time to visit Birmingham Tree House and learn more about its business and Ms. Ratliff. I can assure you that Ms. Ratliff wants to continue being a good steward of the Property operated by Birmingham Tree House, remain compliant with the law and avoid any unnecessary enforcement actions. I appreciate your attention to this matter and I look forward to hearing from you soon.

Sincerely,



Vincent J. Graffeo

Exhibit 10



October 22, 2021

Leadership Team

Wayne Carmello-Rarper
St. Vincent's Health System
Paul Graham
Grandview Medical Center
Kidada Hawkins, FACNE
Brookwood Baptist Health
Christopher Nanni
Community Foundation of Greater
Birmingham
David Randall, PhD
UAB Health System

Board of Directors

Susan Sellers, JD, President
St. Vincent's Foundation
Robin DeMonia, Secretary
Direct Communications
Lauren Roberts, JD, ex officio
Forge Survivorship Center

Clinical Advisory Committee

Kris Boone, RTT(R)(M)
St. Vincent's Radiation & Oncology
Kathryn Bowden, JD, MEd
Oasis Counseling
John Carpenter, MD
UAB School of Medicine, Retired
Madeline Harris, RN, MSN
UAB Breast Cancer Center, Retired
Jennifer Hicks, MSNA, MBA
UAB Palliative & Supportive Care
Rehaad Lancaster, MD, FACS
UAB Division of Surgical Oncology
Marsha Newton, BS, LBSW
Princeton Baptist Medical Center
Amanda Peterson, PT, DPT, CLT
Benchmark Physical Therapy
Luis F. Pineda, MD, MSHA
Cooking with Cancer, Inc.
Laura Rutledge, RDN, CSO
St. Vincent's Health System
Carolina Salvador, MD
UAB Hematology Oncology
Carol Stephens, PT, CLT-LANA
Brookwood Baptist Rehab Services
William A. Thompson III, MD, FACS
Alabama Oncology
Sandra Tlocher, MD
Brookwood Baptist Cancer Care

City of Birmingham Zoning Board of Adjustment
Department of Planning, Engineering & Permits
710 20th Street North
Room 21, City Hall
Birmingham, AL 35203

Dear Birmingham Zoning Board of Adjustment:

My name is Lauren Roberts and I am the Executive Director of Forge Breast Cancer Survivor Center. Our office is located next door to the Birmingham Tree House, at 1321 19th Street South, where we have done business since March of 2020.

Forge has worked with the owner of the Birmingham Tree House, Renny Ratliff, on a regular basis. In fact, we contract with her to provide regular virtual and occasional in-person meditation and yoga classes for our clients, all of whom are breast cancer patients and survivors. We are thankful to have her next door and find her services improve the quality of life of our clients.

Forge is grateful for the convenience of having such an asset for our clients right next door. We believe the yoga and wellness classes provided at the Birmingham Tree House are valuable and safe for our clients and the rest of the neighborhood at large. We have seen no material change in street parking availability or increase in crime in the neighborhood since she began operating. To the contrary, we believe having them and their regular clients next door makes our street and area safer and more welcoming.

I hope that you will strongly consider granting the Birmingham Tree House an appeal, modification, variance, or special exception to its current zoning class to ensure that they can continue to provide the yoga and well ness events that her guests, our clients, and the community at large have come to enjoy.

Sincerely,

Lauren Roberts
Executive Director

Forge Survivorship Center

1321 19th St. South, Birmingham, AL 35205 | forgeon.org | 205.838.6159

Exhibit 11

October 22, 2021

City of Birmingham Zoning Board of Adjustment
Department of Planning, Engineering & Permits
710 20th Street North
Room 21, City Hall
Birmingham, AL 35203

To whom it may concern,

It is my pleasure to write this letter in support of Renny Ratliff and the services provided at her establishment, Birmingham Tree House.

My name is Alaina Pineda, and I am the Program & Data Coordinator at Forge Breast Cancer Survivor Center. Our organization has been neighbors with Ms. Ratliff since we moved into our current office location in March 2020, and I have personally known Ms. Ratliff and her family for nearly two decades.

During our time at 1321 19th Street South, we at Forge have had the chance to work with Ms. Ratliff on offering meditation and yoga classes for the community of breast cancer patients and survivors that we serve. We would not be able to offer these experiences without her expertise. Our staff has even enjoyed a team self-care yoga class at Birmingham Tree House last year and felt energized to return to our work for the rest of the day.

At Forge, we believe in the tremendous health benefits of yoga and other wellness classes and do not believe that having them offered next door impairs the health, safety, convenience or comfort of the neighborhood. In fact, we believe it elevates the neighborhood and provides a safe and friendly environment for its guests. We have never had a problem with any of Birmingham Tree House's guests or visitors and believe that Ms. Ratliff has created a unique space for locals and those visiting from out of town. We believe it is valuable for the City of Birmingham to have a business like this, focused on health, wellness and tourism, in the historic Southside neighborhood.

We have had the opportunity to see first-hand the beautiful community that Ms. Ratliff has created next door. We have seen it grow over the last year and a half to be far more than an inn. She has grown a community of support and belonging for anyone who visits.

We strongly believe in the benefits of the services that Ms. Ratliff provides at Birmingham Tree House and hope that she can continue and build upon everything she has done to date.

Thank you.

Best regards,



Alaina Pineda
Forge Breast Cancer Survivor Center
Program & Data Coordinator
205-838-6159

Exhibit 12

Subject: Re: Birmingham Tree House (Renny Ratliff) - inquiry regarding
Date: Saturday, November 13, 2021 at 11:39:01 AM Central Standard Time
From: Shivers, Zackery R. <Zackery.Shivers@birminghamal.gov>
To: Vincent J. Graffeo <vincent@graffeolaw.com>
Attachments: image001.png, Outlook-dcukedsx.png

Mr. Graffeo,

I am sorry for the delay in my response. I have been out of the office the past two weeks, and I am trying to catch up on emails. I can confirm that we have not responded to any calls for service and to my knowledge we have not had any complaints of any kind involving her property. I would like to add, the appearance of the property has improved tremendously since she has taken ownership. We have enjoyed her being our neighbor, and I hope this response is able to help you out with the zoning matter.

Feel free to contact me if you have any other questions.

Thanks,



Sgt. Zackery Shivers
Birmingham Police Dept.
South Precinct
(Office) 205-254-2793
Zackery.shivers@birminghamal.gov

From: Vincent J. Graffeo <vincent@graffeolaw.com>
Sent: Wednesday, November 3, 2021 5:50 PM
To: Shivers, Zackery R. <Zackery.Shivers@birminghamal.gov>
Subject: Birmingham Tree House (Renny Ratliff) - inquiry regarding

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sgt. Shivers,

I represent Renny Ratliff, the owner of Birmingham Tree House at 1309 19th Street South, Birmingham, AL 35205. She has enjoyed being your neighbor, as well as meeting you and many of your colleagues. I am helping her with a zoning matter with the City of Birmingham. I understand you are stationed at the Birmingham Police Department's South Precinct across the street from Birmingham Tree House. Can you confirm that since Ms. Ratliff acquired the property on March 6, 2020, that the Birmingham Police has not had any calls for service or complaints on the premises? On behalf of Ms. Ratliff, I would greatly appreciate if you could take a moment to respond. If you have any questions concerning this inquiry or would like to discuss further, please let me know. Thank you.

Sincerely,

V. J. Graffeo

Vincent J. Graffeo

GRAFFEO LAW, LLC

2119 Third Avenue North, Suite 203

Birmingham, AL 35203 | USA

P: 205-994-8249 | F: 205-994-8215

vincent@graffeolaw.com



graffeolaw.com

Exhibit 1

Description of Proposal to Zoning Board of Adjustment
Exhibit 1 to ZBA Application

Renny Roo, LLC
1309 19th Street South
Birmingham, AL 35205

Renny Roo, LLC (“Renny Roo”) respectfully submits this Description of Proposal in connection with its Application to the City of Birmingham Zoning Board of Adjustment for a special exception, modification or variance concerning the real property Renny Roo owns located at 1309 19th Street South, Birmingham, AL 35205 (the “Property”). Birmingham Tree House LLC (“Birmingham Tree House”) operates a unique historic bed & breakfast inn on the Property. Birmingham Tree House offers yoga and other wellness activities to its guests as incidental amenities to its primary function as a bed & breakfast. Birmingham native and entrepreneur Renny E. Ratliff is the sole owner of Renny Roo and Birmingham Tree House.

This ZBA Application primarily concerns the Property and the practice of yoga, a word neither defined nor mentioned in the City of Birmingham’s Zoning Ordinance. The Property lies in a “Q”B-1 qualified zoning district for a bed & breakfast inn and other office and institutional (“O&I”) uses. Following Birmingham Tree House’s business license renewal this year, the City of Birmingham’s licensing and zoning staff questioned whether non-overnight guests of Birmingham Tree House could participate in yoga classes on the Property as currently zoned. Renny Roo and Birmingham Tree House contend the yoga and wellness activities on the Property are lawful accessory uses incidental to the Property’s principal use of lodging bed & breakfast guests. Therefore, the City should not discriminate against non-overnight guests from participating in yoga and wellness activities.

Renny Roo and Birmingham Tree House contribute to a healthy, thriving and diverse neighborhood in the Historic Five Points South District. The City has not taken any enforcement action against Renny Roo and Birmingham Tree House. To remove the cloud of uncertainty surrounding accessory uses of the Property and to prevent any unnecessary enforcement action, Renny Roo requests the ZBA to grant a special exception, modification or variance if needed so that all persons can participate in the incidental yoga and other wellness activities on the Property, irrespective of their status as an overnight guest of the bed & breakfast inn. In further support, Renny Roo states as follows:

I. INTRODUCTION

A. Property history 1898-2020

For nearly 125 years, the Property has served its owners, citizens of Birmingham and out-of-town guests as a place to stay, work and play. The main feature on the Property is the approximate 4,537 square foot National Historical Registered Victorian mansion constructed in 1898 with additions in 1908, also known as the J. H. Bingham House or Birmingham-Tarrant House.¹ The home served as a private residence until the 1940s and then as a parsonage and Sunday School for Highlands Methodist Church. In the 1950s, the home was used as boarding house. In the 1970s, the home was converted into office and retail space. It hosted a variety of tenants until the late 1990s and early 2000s, including a ballet apparel shop, an importer-exporter, a realtor, a tutor, doctors, lawyers, marriage counselors and massage therapists.

¹ See National Register Information System ID 830029373 at National Park Service, NP Gallery, <https://npgallery.nps.gov/AssetDetail/NRIS/83002973> (last accessed Dec. 20, 2021). The J. H. Bingham House is listed as Contributing Property No. 48 to the Five Points South Historic District in the National Register of Historic Places. *Id.*

In 2003, Ira and Shelia Chaffin purchased the house and began steps to renovate it into a bed & breakfast inn and update the zoning on the Property. In 2004, the City of Birmingham passed Ordinance No. 1765-G (Case No. ZAC2003-00163), which expanded the Property's allowable uses. See **Exhibit 2**. The Ordinance changed the Property's zoning from "C"O&I, Contingency Office and Institutional District to "Q"B-1, Qualified Neighborhood Business District, allowing the Property to be used as a Tourist Home (or Bed & Breakfast Inn), and dwellings jointly with other uses or as a primary use, and Office and Institutional use. This change from a "C"O&I designation to a "Q"B-1 designation added the use of bed & breakfast inn to the Property and retained the same O&I allowed uses as previously existed. Once the Chaffins completed their renovations, they operated the mansion on the Property as the Cobb Lane Bed & Breakfast from approximately 2005 to 2020.

B. Property history 2020-present

In 2018, Ms. Ratliff relocated to Birmingham after living in Colorado for several years. She brought a desire to share her passions for hospitality, travel and yoga in her hometown. As a certified yoga instructor, she began teaching in several of Birmingham's premier yoga studios. In early January 2020, Ms. Ratliff learned that the Cobb Lane Bed & Breakfast was listed for sale by auction. A copy of the auction flyer is attached as **Exhibit 3**. Knowing that Property was zoned for both a bed & breakfast inn and other business uses, Ms. Ratliff envisioned an ambitious plan to transform the Cobb Lane Bed & Breakfast Inn to a unique boutique bed & breakfast inn concept that offered its guests not only traditional lodging, but also yoga and other wellness activities. After securing the winning auction bid, Ms. Ratliff created two new Birmingham businesses on February 14, 2020 – Renny Roo, which would own the Property, and Birmingham Tree House, which would operate the bed & breakfast inn. Renny Roo closed on the purchase of the Property

from Shelia M. Chaffin² on March 6, 2020. A copy of Renny Roo's Warranty Deed is **attached as Exhibit 4.**

Undeterred by the start of the COVID-19 pandemic outbreak, Ms. Ratliff immediately began making substantial renovations and improvements to the mansion on the Property. Around June 2020, Birmingham Tree House welcomed its first guests. Over the past year and a half, Birmingham Tree House has hosted hundreds of overnight guests from across the United States and abroad, many visiting Birmingham for the first time or returning to the area to enjoy a first-class experience at Birmingham Tree House and its welcoming community. The success Ms. Ratliff has enjoyed with Birmingham Tree House during the COVID-19 era is highly remarkable. Her inspirational story is an excellent example for others as Birmingham seeks to continue the growth of its tourism industry and further development of Five Points South, and to become a national hub for women and minority entrepreneurs. For more information about Birmingham Tree House and pictures, see <https://www.birminghamtreehouse.com/>.

II. CURRENT USE AND SITE PLAN FOR THE PROPERTY

As a historic bed & breakfast inn, Birmingham Tree House's guest lodging is the principal use of the Property, as was the case with Cobb Lane Bed & Breakfast. Now, thanks to Birmingham Tree House, guests can enjoy wellness activities as accessory use amenities incidental to the bed & breakfast inn. These activities include yoga, sound baths³, counseling, mindfulness workshops, book clubs, and other activities, all of which reflect the Property's long-standing allowance of O&I

² Ira Chaffin died on or about September 5, 2016, leaving Shelia M. Chaffin as the sole owner.

³ A "south bath" is a type of meditation class that guides participants into a deep meditative state while enveloped in ambient sound played by the facilitator.

use. Birmingham Tree House welcomes both overnight guests of the bed & breakfast inn and community members to its yoga and wellness activities.

Birmingham Tree House has six overnight rooms/suites available for rent throughout house's three stories. On the main level (Floor two on Exhibit 7), Birmingham Tree House uses an estimated 300-400 square feet of open space in the Moon Room (approximately 14'x13') and the Sun Room (approximately 15'x13') for yoga and wellness activities. In a typical week, Birmingham Tree House will have two yoga classes on Wednesday (at 6:15 AM and 6:00 PM), each with about five to fifteen attendees. Birmingham Tree House schedules other wellness activities less frequently. Ms. Ratliff teaches most of the yoga classes at Birmingham Tree House and some private sessions. Birmingham Tree House also rents a small office to an Alabama licensed professional counselor. Finally, Ms. Ratliff uses the Property as her dwelling, where she resides with her dog, Tree.

Attached as **Exhibits 5-7** are Site Plan documents. **Exhibit 5** is a February 28, 2020 survey of the entire Property that Renny Roo procured when purchasing the Property. **Exhibit 6** is an enlarged portion of the house from the same survey of the house. **Exhibit 7** is a copy of the house's floor plan. Renny Roo has not altered the footprint or floorplan of the house since purchasing it. The Property has six parking spaces on-site – four along the driveway and two behind the house. There are also four street parking spots in front of the house. Throughout the neighborhood are additional street parking spaces, and the Property is within close walking distance to public parking in Five Points South.

III. PROCEDURAL HISTORY LEADING TO ZBA APPLICATION

This matter arises due to the mistaken submission of two business licenses by Birmingham Tree House. When Ms. Ratliff appeared at the City the year to submit Birmingham Tree House's

2021 business license application, the City directed her to submit two business license applications – one for the bed & breakfast and one for a yoga studio. On May 12, 2021, Ms. Denise Hill of the City’s Tax and License Division informed Birmingham Tree House that the City rejected its business license application by Birmingham Tree House due to a zoning issue. *See Exhibit 8.* Confused by the correspondence, Ms. Ratliff contacted the City, who informed her that although the City approved Birmingham Tree House’s license for a bed & breakfast inn, it denied its license for a yoga studio due to zoning.

Through counsel, Birmingham Tree House communicated extensively with the City’s licensing and planning, engineering and permits departments to understand better the City’s position concerning yoga on the Property. On June 14, 2021, Birmingham Tree House responded to an inquiry from the City Zoning Administrator Kimberly Speerl concerning the Property’s current use. *See Exhibit 9.* Birmingham Tree House explained that it did not need a separate license as a yoga studio because its yoga classes and other wellness activities were compliant with the Property’s current zoning because they are consistent with permitted uses within an office and institutional district and are incidental amenities to the permitted use as a bed & breakfast inn.

On June 17, 2021, Ms. Speerl informed Birmingham Tree House that the City’s zoning staff agreed that paid guests of the bed & breakfast participating in yoga classes complied with the “Q”B-1 zoning condition. However, Ms. Speerl further opined that allowing general members of the public (*i.e.*, not paid guests of the bed & breakfast) to participate in yoga classes was not consistent with zoning. Ms. Ratliff and her counsel met on August 24, 2021 with Ms. Speerl and other members of the City’s Department of Planning, Engineering and Permits to discuss the City’s response, the Property’s current use and zoning, and a path forward for Birmingham Tree House and the City. While Birmingham Tree House contends all its operations are lawful under the

Property's zoning and Birmingham Tree House's bed & breakfast license, the City's PEP staff questioned whether the existing Q conditions and zoning on the Property allow non-overnight guests of Birmingham Tree House to participate in yoga and other wellness activities.

Due to the differing opinions concerning proper use of the Property as zoned, Ms. Ratliff informed the City's PEP staff that she would submit this instant Application to the ZBA on behalf of Renny Roo to obtain clarification on the Property's zoning conditions and request any necessary relief for Birmingham Tree House to continue its operations. As of the date of this Application, the City has not issued any zoning violation to or taken any enforcement action against Renny Roo or Birmingham Tree House.

IV. REQUESTED RELIEF

Birmingham Tree House seeks to continue welcoming non-overnight guests to enjoy yoga classes and other wellness activities at the Property. Renny Roo contends that all of Birmingham Tree House's operations are allowed under current zoning and that no changes to the Property's zoning or enforcement proceedings are needed because the "Q"B-1 designation of Renny Roo's Property allows Birmingham Tree House to operate a bed & breakfast and other O&I uses on the premises. Allowable O&I uses on the Property explicitly include "commercial uses which are clearly incidental to the permitted use of the premises, and which are carried on wholly within a main building or accessory building." City of Birmingham Zoning Ordinance, Title 2, Chapter 1, Article II, Section 7, Subsection 2.5. Listed examples of O&I incidental uses under the Zoning Ordinance include, but are not limited to, drug stores, restaurants, coffee shops, retail sales and service shops. *Id.*

The occasional yoga and wellness activities conducted as an amenity at Birmingham Tree House for overnight and community guests are an accessory use incidental to the primary function

as a bed & breakfast inn. These activities should be allowed under the “Q”B-1 designation without any further directives or zoning modifications of the ZBA. Just like an incidental restaurant or retail shop at an office or institution, the yoga and wellness activities offered as amenities at Birmingham Tree House are incidental to its primary function as a bed & breakfast inn. They should be permitted accessory O&I uses under the “Q”B-1 designation. However, should the ZBA determine that the Property’s zoning conditions are ambiguous or inconsistent with Birmingham Tree House’s current use of the Property, then Renny Roo requests ZBA to grant it a special exception, modification or variance.

A. Special exception

The yoga and wellness activities on Property should be permitted as a special exception because they are consistent with similar O&I activities expressly allowed under the City’s Zoning Ordinance and an accessory use incidental to the Property’s primary function as a bed & breakfast. The Property’s existing “Q” conditions already permit O&I uses, which include the likes of offices; research or testing laboratories; radio and television studios and stations; cemeteries, mortuaries or funeral homes; club, lodge, fraternity or sorority; clinic sanitarium, convalescent home or hospital; public and semi-public recreation, including golf, swimming, tennis, country and community clubs; churches, schools or orphanages; and adult care facilities or child care centers. *See City of Birmingham Zoning Ordinance , Title 2, Chapter 1, Article II, Section 7, Subsections 1 and 2.*

Allowable O&I uses also include: “Other uses not specifically listed above, but which are similar to those listed above or uses whose effects on surrounding areas are consistent with those

listed above, are permitted on appeal, subject to the approval of the Zoning Board of Adjustment.”⁴ The yoga and wellness activities offered at Birmingham Tree House as accessory O&I uses are quite similar to those expressly identified in Section 7 and have comparable effects on the surrounding areas. For example, a small yoga class is comparable (and less impactful to the neighborhood) to a public recreation facility or a community club. Furthermore, the yoga and wellness activities at Birmingham Tree House do not exceed the scope and character of the B-1 neighborhood business district designation, which includes a mix of O&I and other business uses, such as adult/child care facilities, laundromats, medical offices, clinics, restaurant/coffee shops and public markets.

The ZBA can grant a special exception for land use at its discretion when it will not tend to “impair the health safety, convenience or comfort of the public.” City of Birmingham Zoning Ordinance, Title 1, Chapter 9, Article V, Section 3. The yoga and counseling amenities at Birmingham Tree House are incidental to the bed & breakfast inn, and they are similarly situated to the uses of surrounding property. Adjacent to the north of Birmingham Tree House is Cobb Lane Corners Apartment, a high-density multi-family residence building. Next door to Birmingham Tree House on the south side of the Property is Forge Survivorship Center, a non-profit organization providing support to breast cancer patients and survivors. Forge offers health & wellness classes and counseling. Oasis Counseling for Women and Children is located on the same block as Birmingham Tree House and the Birmingham Police Five Points South Precinct is

⁴ The ZBA can provide the requested relief by means of a Special Exception for “[u]ses on appeal when specified elsewhere in this Ordinance.” City of Birmingham Zoning Ordinance, Title 1, Chapter 9, Article 5, Section 3. The City has not issued any order, requirement, decision or determination made concerning the administration of the Zoning Ordinance and the use of the Property. Because Renny Roo has no order, requirement, decision or determination to “appeal,” Renny Roo requests that the ZBA consider its request for a special exception as an appeal if necessary to provide relief.

directly across the street. The parcel directly behind Birmingham Tree House (Lot 7-B, 1314 Cobb Lane) was recently purchased by SD7, LLC and is currently zoned as B-2 General Business District.

The ZBA should grant Renny Roo a special exception because Birmingham Tree House's bed & breakfast, with its suite of yoga and other wellness amenities, does impair the health, safety, convenience, or comfort of the area. Rather Birmingham Tree House compliments the area and adds character. Birmingham Tree House is helping to create a healthy, thriving and diverse neighborhood. Attached as **Exhibit 10** is an October 22, 2021 letter of support from Lauren Roberts, Executive Director of Forge Survivorship Center. Shortly after Renny Roo acquired the Property, Forge moved next door in March 2020. Forge works with Ms. Ratliff and Birmingham Tree House regularly, including contracting with her to provide yoga and meditation services to Forge's breast cancer survivors and patients. *Id.* Ms. Roberts writes, "We believe the yoga and wellness classes provided at the Birmingham Tree House are valuable and safe for our clients and the rest of the neighborhood at large." *Id.* Ms. Roberts praises Ms. Ratliff: "We are thankful to have her next door and find her services improve the quality of life for our clients." *Id.* Attached as **Exhibit 11** is an October 22, 2021 support letter from Alaina Pineda, Forge's Data and Program Coordinator. Ms. Pineda, who has known Ms. Ratliff for over two decades, writes that "it is valuable for the City of Birmingham to have a business like this, focused on health, wellness and tourism, in the historic Southside neighborhood." *Id.*

Birmingham Tree House's use of the Property also enhances and does not impair the area's safety. Attached as **Exhibit 12** is a November 13, 2021 email from Sergeant Zackery Shivers of the Birmingham Police Department. Sgt. Shivers works out of the South Precinct directly across the street from Birmingham Tree House. He is personally acquainted with Ms. Ratliff and her

business. Sgt. Shivers writes, “I can confirm that we have not responded to any calls for service and to my knowledge we have not had any complaints of any kind involving her property.” *Id.* He also notes that “the appearance of the property has improved tremendously since [Ms. Ratliff] has taken ownership” and that “[w]e have enjoyed her being our neighbor.” *Id.* Sgt. Shivers’ comments reflect the same safety experiences as Forge’s leaders. Ms. Roberts reports that Birmingham Tree House makes the streets safe and more welcoming as Forge has experienced no material change in parking or increase in crime. Exhibit 10. According to Ms. Pindea, Forge has “never had a problem with any of Birmingham Tree House’s guests or visitors.” Exhibit 11. She feels that Birmingham Tree House “elevates the neighborhood and provides a safe and friendly environment for its guests.” *Id.*

Because the Property’s current use does not impair the health, safety, convenience, or comfort of the area, the ZBA should grant a special exception to Renny Roo so that Birmingham Tree House may continue providing its yoga and wellness activities for all its visitors.

B. Modification

To the extent the ZBA finds the yoga and wellness activities on the Property allowable under the current “Q”B-1 Zoning Ordinance or under a special exception, Renny Roo requests for the ZBA to modify any strict parking or other applications of the Zoning Ordinances that may be unnecessary because the Property has sufficient parking on site and on the street. Dating back from when the Property was operated as Cobb Lane Bed & Breakfast, the City has already approved parking spaces on site as sufficient for a bed & breakfast inn consistent with Title 1, Chapter 5, Article 1. Many of Birmingham Tree House’s guests use public transportation, ride-sharing services, walk or ride a bicycle to reach the Property. Birmingham Tree House typically schedules its yoga and wellness activities strategically during non-business hours and weekends.

As demonstrated by the letters from Forge and Sgt. Shivers, the incidental yoga and wellness activities have not contributed to any material detrimental impact on parking in the area. There usually are multiple open parking spaces on the Property and on the street. Thus, there is no demonstrated need for any additional required on-site parking for the occasional yoga and wellness activities held in the 300-400 square foot area of the house. Should the ZBA determine that additional parking is required under Chapter 5, then Renny Roo requests the ZBA issue a modification by reducing any other parking and loading requirements for the Property.

C. Variance

The incidental yoga and wellness amenities provided on the Property should not be restricted to overnight guests of the bed & breakfast. The City's Zoning Ordinance and "Q" conditions on the Property place no such express limitations. If the ZBA determines that any non-conforming use of the Property by Birmingham Tree House's yoga and wellness activities cannot be remedied by issuing a special exception or modification, Renny Roo requests the ZBA to issue a variance to allow the continued offering of yoga and other wellness activities on the Property to all persons regardless of whether they are overnight guests of the bed & breakfast inn. As described in detail above, the yoga and other wellness activities available at Birmingham Tree House have neighborhood support and are not contrary to the public interest.

Should the ZBA not grant Renny Roo a special exception, a modification or a variance, Renny Roo would suffer an unnecessary and substantial hardship impacting the viability of Birmingham Tree House. The loss of yoga and wellness activities at Birmingham Tree House would also negatively impact the neighboring area and the City of Birmingham at large. Granting a variance would promote the spirit of Birmingham's Zoning Ordinance and render substantial

justice. When examining the following standards, the ZBA has ample evidence necessary to support granting a variance:

1. Physical characteristics of the Property

Renny Roo is not requesting any variance to change the physical characteristics of the land or the structure on the Property. With an 1898 National Historical Registered Victorian mansion on site, Renny Roo appreciates the extraordinary and exceptional conditions that require good stewardship of the Property. Ms. Ratliff has invested thousands of dollars through Renny Roo and Birmingham Tree House to renovate and update the house to be suitable for bed & breakfast use, yoga and other wellness activities. Since Renny Roo's 2020 purchase, the house now has a new roof, new air-conditioning, new paint (inside and outside), as well as a completely new decoration scheme throughout the house customized for Birmingham Tree House.

2. Unique characteristics

Restricting yoga and wellness activities to only overnight guests of the bed & breakfast would be unique to the Property. There are no similar use restrictions to the neighbors in the area. The Property is flanked by O&I-zoned properties to the left and right (Cobb Lane Corners Apartments and Forge) and shares a driveway with its new B-2-zoned neighbor, SD7, LLC. Across the street lies the South Precinct of the Birmingham Police and Ramsay High School. Only two blocks away lies the heart of Birmingham's vibrant Historic Five Points South District. None of these properties have a similar restriction on accessory or incidental uses. Ms. Ratliff created Birmingham Tree House with the specific purpose of operating as a bed & breakfast that provides yoga and wellness activities. It would be an extreme hardship if non-overnight guests (who primarily consist of Birmingham residents) were not allowed to partake in yoga classes. The local participants are an integral to Birmingham Tree House's revenue model and success. They

provide not only the fees from attending a session, but they also are essential to creating a vibrant and diverse community that attract numerous overnight guests to stay at Birmingham Tree House. Overnight guests experience the genuine hospitality of Birmingham's actual residents, and the local visitors benefit from the cultural exchanges and social interaction with the out-of-town guests. Without the support of local residents who participate in yoga and wellness activities, Birmingham Tree House could not offer the same experience to its guests and its viability would be threatened.

3. Hardship not self-imposed

Renny Roo did not create the hardship at issue. When Renny Roo acquired the Property at auction, Ms. Ratliff knew it was zoned for both a bed & breakfast and business use. *See* Exhibit 3. Ms. Ratliff did not acquire the Property to seek a new use outside of its existing zoning regulations and qualifying conditions. Allowing yoga and wellness activities on the Property is consistent with the diverse historical use of the Property, compliments the character of the area, and has important neighborhood support.

4. Financial gain not only basis

The issues at stake are much larger than any financial gain of Renny Roo or Birmingham Tree House. The ZBA should grant a variance as a sign of support to all entrepreneurs and innovators, especially other young females like Ms. Ratliff who are willing to return to Birmingham and invest significant resources to create a noteworthy business that stimulates economic growth in a historical district that also lies within a low-income community. The City should reward these risks, especially when they involve investments in a strategic area of focus like tourism and wellness. Birmingham Tree House is a welcoming space for its guests and a beacon of light for the City of Birmingham. The hundreds of visitors (and soon to be thousands)

to Birmingham Tree House come from throughout the United States and abroad, as well as from Birmingham's UAB and business sectors.

As Birmingham Tree House's notoriety grows, many of its guests choose Birmingham as a destination solely because of their desire to experience Birmingham Tree House. The success of fascinating places to stay like Birmingham Tree House is a crucial component for the continued growth of Birmingham's tourism industry. Just this month, Conde Nast recognized Birmingham as one of the best twenty-two places to travel in the world. See "The Best 22 Places to Go in 2022," Conde Nast (Dec. 1, 2022), <https://www.cntraveler.com/gallery/best-places-to-go-in-2022> (last accessed Dec. 21, 2022). Birmingham Tree House recently provided lodging to guests in town for the December 28, 2021 Birmingham Bowl. With Birmingham hosting the 2022 World Games and many more events in the future, Birmingham Tree House adds critical inventory to the City's overnight room needs.

Birmingham Tree House provides a positive experience for all its out-of-town guests. They leave with a favorable impression of Birmingham and return home mentally refreshed. Birmingham Tree House has a 5.00/5.00 rating on Google and a 4.95/5.00 rating on Airbnb. Below is a sample of some excerpts taken from reviews about their experience when staying at Birmingham Tree House:

- If ever someone suggested to me to stay elsewhere in B-ham...i would say Nah-must-stay at the treehouse (get it...namaste). It was a very relaxing experience. Renny and Tree are very kind and the space is welcoming. I feel refreshed having just been there.
- This was probably my best hotel/b&b experience to date! Everything about it was spectacular.
- The Tree House in Birmingham is one of the most wonderful places on the planet. Each room is thoughtfully decorated and well-appointed. The house itself is a unique combination of peaceful yet filled with positive and inspiring energy. This is the perfect place to enjoy Birmingham - whether you're traveling for work or want to take a relaxing vacation.

- Love this place! I've been looking for an excuse to go back to Birmingham just so I can stay again.
- "Renny is one of the most beautiful people you will ever meet and Tree is such a delight and so friendly!"
- The tree house is amazing, Renny is amazing. Finding a cool house and a warm host is the best thing about Airbnb. I had a wonderful time and you will too.
- Tree House is a special place with a wonderful spirit. Renny and Tree (pup) are fabulous hosts that provide all the comforts of home and more.
- Staying at Renny's place is undoubtedly the best decision I will make all year and it's only January. Apart from its unique aesthetic and the opportunity to do some yoga, it's clean, comfy, with great amenities and a wonderful host.
- This was the best stay of my entire trip. It was a true five star experience. It is obvious that Renny has poured her heart and soul as well as her awesome energy into this lovely lovely home. It is meticulously clean and no detail goes unnoticed. From the many motivating and inspiring sayings everywhere to the cutest and high-quality linens, essential oils as well as snacks. She really cares and wholeheartedly welcomes her guests. I will return just to stay there and explore Birmingham further. Such an incredibly good vibe and beautiful surroundings.
- Lovely historic Victorian home with modernized and creative touches. Friendly helpful host. If you do Yoga you'll love Tree House!!
- Renny has created an inclusive space that feels like home. From friendly communication, to yoga, to the baked treats left outside the rooms, I couldn't have asked for more as someone interested in building real connection, especially after the year we all had! Super clean, love the private bathroom, desk (great for working from home), mini fridge, and iron here in the room

For area residents visiting Birmingham Tree House for yoga, Ms. Ratliff provides an unparalleled sense of community and warmth that echo these sentiments from out-of-town visitors.

Finally, the ZBA should place significant consideration that the person most impacted by its decisions is Ms. Ratliff, who uses the property as her residence and her business home. In addition to Birmingham Tree House activities, Ms. Ratliff conducts personal instruction on the property as a home occupation for her private sessions. While it is vital for Birmingham Tree House to continue receiving robust support from overnight and community guests to sustain its business, this matter directly affects Ms. Ratliff's dwelling, professional livelihood and personal well-being. Ms. Ratliff seeks relief to preserve and enjoy her rights commensurate with property

ownership so that she can continue using her home as a community of love and support through her passions of yoga and wellness.

5. No injury to neighboring property

As previously mentioned, allowing yoga and wellness activities on the Property for non-overnight guests will not injure neighboring properties. The supporting letters from Forge and Sgt. Shivers of the Birmingham Police Department indicate that Birmingham Tree House has positively impacted the neighborhood. *See Exhibits 10, 11 and 12.*

6. No harm to public welfare

Renny Roo is not requesting a variance to partake in any new use of the Property. Instead, Renny Roo only seeks a variance need to continue the same yoga and wellness activities that Birmingham Tree House has offered since June 2020. With a one-and-a-half-year track record, the ZBA has direct evidence that Birmingham Tree House is no harm nor threat to the public welfare. The report from Sgt. Shivers of the Birmingham Police reveals that Birmingham Tree House is a good neighbor and not a source of complaints or crime problems. *See Exhibit 12.* The operators of Forge agree and further indicate there has not been any parking congestion on-site because of Birmingham Tree House's yoga and wellness activities. *See Exhibits 10 and 11.* Birmingham Tree House supports and enhances the health, safety, comfort, morals and general welfare of Birmingham's residents. If Birmingham Tree House cannot provide the same level of yoga and wellness activities, Birmingham's public welfare would be threatened and Birmingham Tree House would experience a substantial hardship.

V. CONCLUSION

Ms. Ratliff, through her companies Renny Roo and Birmingham Tree House, desires to be a good steward of the Property and remain compliant with the law. Birmingham Tree House

continues to be a vibrant, unique and innovative business that generates economic activity for the City from out-of-town and local guests. It is a positive addition that contributes to a healthy, thriving and diverse neighborhood. Ms. Ratliff invites any member of the ZBA or the City's PEP staff to schedule a personal visit to the property and review its use.

For all the foregoing reasons, Renny Roo respectfully requests that if the ZBA finds the current use on the Property for yoga and wellness activities to be non-compliant with the City's Zoning Ordinance, then the ZBA should grant a special exception, modification, variance, or other appropriate relief.

Exhibit 2

Exhibit 3

ORDINANCE NO. 1765-G

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

Section 1. That the Zoning District Map of the City of Birmingham as described in Section 2., "Zone Districts and Boundaries" of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 90-130 as amended) be, and said Zone Map hereby is amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: "C"O&I, CONTINGENCY OFFICE AND INSTITUTIONAL DISTRICT,

TO: "Q"B-1, QUALIFIED NEIGHBORHOOD BUSINESS DISTRICT

Located at 1309 19th Street, South, and situated on Lot 7A, in Block 768, of the Bham Re Blk Subdivision in the SW ¼ of Section 6, Township 18 South, Range 2 West <35205>, more particularly described as follows:


Lot 7-A as shown on the Resurvey of Lot 7, Block 768, Birmingham Survey as recorded in Map Book 115, page 57.

"Q" Conditions:

1. Limiting uses to a Tourist Home (or Bed & Breakfast Inn), and dwellings jointly with other uses or as a primary use, and O&I uses;
2. Submission to and approval by the planning staff of the Department of Planning, Engineering, and Permits of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (all canopy lights shall be recessed in canisters); and the location and screening of solid waste disposal container by a wood fence sufficient in height on all 4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the Department of Planning, Engineering, and Permits.

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

Adopted by the Council of the City of Birmingham at its meeting held on **January 27, 2004**, and effective ten days thereafter on the 7th day of **February 2004**, without the signature or veto of the Mayor.



City Clerk

REAL ESTATE

BIRMINGHAM, AL

WEDNESDAY

JANUARY 29th

Register
by 12:50

1:00 PM

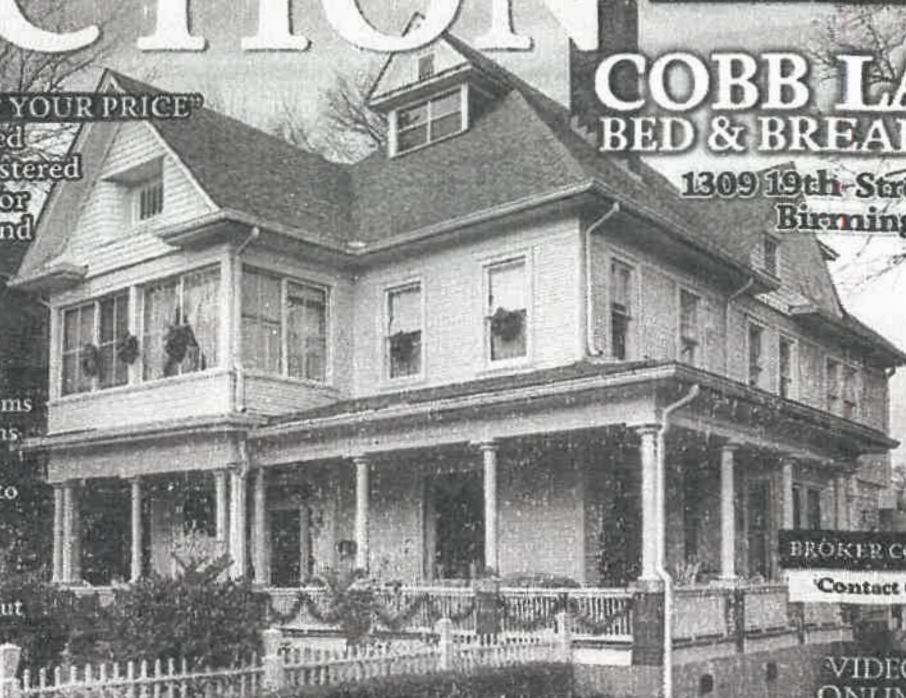
AUCTION

Attend this auction
"WHERE YOU CAN SET YOUR PRICE"
of the beautifully restored
National Historical Registered
residence that is zoned for
business as well as bed and
breakfast (zoned QB-1)

COBB LANE BED & BREAKFAST

1309 19th Street South
Birmingham, AL

- The structure is three floors.
- Utilized as Seven (7) guest rooms
- 4,537 Sq. Ft. (+/-) see floor plans
- Constructed in 1898 with additions in 1908. Converted to B/B in 2005; upgrades and renovations through 2017.
- Central HVAC and Fire Suppression system throughout



BROKER CO-OP INVITED

Contact GTA for terms

VIDEO
ONLINE



Auction to be held on site



The buyer of this commercial location receives:

- 1) The look and feel of old Charleston from Cobb Lane next door
- 2) Convenience to UAB and the Five Points South Entertainment District
- 3) Dining at nationally recognized and local marquee restaurants. The area has several James Beard winners. Red Mtn. Expressway is about 4 blocks away.
- 4) Porches, porches, porches.

GTA will be offering only the real estate.

The furnishings will be offered separately from the real estate following the real estate closing. For information on the personal property tag sale contact Carol Nichols at www.carolnichols.com or 205-706-9849. See reverse side for more details.



FIVE POINTS

Auction Terms on reverse side

205-326-0833
www.GTAUCTIONS.com

Call or visit us online
Jack E. Granger, CAI, 873



Exhibit 4

State of Alabama)
Jefferson County)

Warranty Deed

Mtg. Amt. \$600,000.00

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of five hundred fifty thousand and no/100 dollars (\$550,000.00) being the auction contract price, to the undersigned Grantor in hand paid by the Grantee herein, the receipt whereof is acknowledged, Sheila M. Chaffin, a single person (Grantor) whose address is 2028 Highland Avenue South, Birmingham, Alabama 35205, does grant, bargain, sell and convey unto Renny Roo LLC an Alabama limited liability company (Grantee) whose address is 77 Country Club Boulevard, Mountain Brook, Alabama 35213, the following described real estate situated in Jefferson County, Alabama to-wit:

LOT 7-A, ACCORDING TO A RESURVEY OF LOT 7, BLOCK 768, BIRMINGHAM SURVEY, AS RECORDED IN MAP BOOK 115, PAGE 57, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA. aka 1309 19th Street South, Birmingham, Alabama 35205

Subject to:

Ad Valorem Taxes due October 1, 2020.

Mineral and mining rights not owned by Grantor.

Water line easement in Real 1747, Page 271.

Declaration of Easement for ingress, egress, utilities, drainage and other rights as set forth in Inst# 9612/7255.

Ten (10) foot easement along westerly line of said Lot as shown on record map.

Matters as revealed by current survey.

Sheila M. Chaffin is the surviving Grantee of that certain deed recorded in Instrument 200318/3562; the other grantee and her husband, Ira J. Chaffin, passed away on or about September 5, 2016.

TO HAVE AND TO HOLD unto the said GRANTEE, its successors and assigns forever.

And said Grantor does for herself, her heirs, successors, assigns, and personal representatives covenant with said Grantee, its successors and assigns that she is lawfully seized in fee simple of said premises, that they are free from all encumbrances, unless otherwise noted above, that she has a good right to sell and convey the same as aforesaid, and that she will and her heirs, successors, assigns and personal representatives shall, warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor has caused this conveyance to be executed this the 6th day of March, 2020.

 SEAL
SHEILA M. CHAFFIN

State of Alabama
County of Jefferson

I, Gene W. Gray, Jr., a Notary Public, in and for said County in said State, hereby certify that Sheila M. Chaffin whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this 6th day of March, 2020.


Notary Public
Commission Expires: 11/09/22

This Instrument Prepared By:
Gene W. Gray, Jr.
2100 Southbridge Parkway, Suite 338
Birmingham, Al 35209
205 879 3400
File 220029

Send Tax Notice To:
Renny Roo LLC
77 Country Club Boulevard
Mountain Brook, Alabama 35213
28-00-06-3-010-002.002



STATE OF ALABAMA - JEFFERSON COUNTY
I hereby certify that no mortgage tax or deed tax
has been collected on this instrument
Judge of Probate
NO TAX COLLECTED.

Exhibit 5



VICINITY MAP
NOT TO SCALE

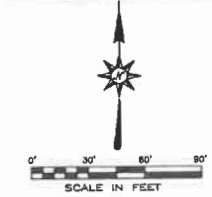
SITE PHOTOS
MARCH 2019 FROM GOOGLE EARTH AND 8000000



AERIAL VIEW



VIEW FROM 12TH STREET SOUTH



LEGEND

8" P	IRON PIN FOUND
C#	IRON PIN SET (24" REMAINING) w/ GVS
O	CALCULATED POINT
U	UTILITY POLE w/ GVS
—○—	OVERHEAD POWER LINE
—○—	OVERHEAD TELEPHONE LINE
—○—	SAWNEY BOWER LINE
—○—	UNDERGROUND WATER LINE (MARKED IN THE FIELD BY UTILITY LOCATORS)
—○—	UNDERGROUND GAS LINE (MARKED IN THE FIELD BY UTILITY LOCATORS)
—○—	UNDERGROUND GAS LINE (APPROXIMATE LOCATION TAKEN FROM SPINE PLANS)
—○—	RIGHT OF WAY
▲	WATER MILE
▲	WATER METER
▲	GAS VENT
○	AIR CONDENSER
○	DOOR
○	GAS METER
○	SAWNEY BOWER MANDOLE
○	PARKING COURT
—	FENCE
—	ASPHALT SURFACE
—	CONCRETE SURFACE

NOTES

- All assessments and rights of way of which the surveyor has knowledge are shown herein; others may exist of which the surveyor has no knowledge and of which there is no adequate evidence for the Commission performed, certified or re-supplied by clients. Without said Title Commitment no guarantee can be made by the surveyor as to the location of assessments.
- All details of which the surveyor has knowledge are shown herein. Readings of underground utilities were taken based on utility maps provided by respective utility companies which should be considered approximate and should be verified on the ground by the utility companies prior to construction. The telephone numbers for the Alabama Line Location Center (NLSAL) are 252-4444 (Birmingham area) and (800) 282-6525 (elsewhere).
- No attempt has been made and no guarantee are hereby given as to the location of sub-surface foundations.
- According to the Flood Insurance Rate Map (FIRM) for Jefferson County, Alabama (Community-pool number 0107200506), dated September 3, 2010, all of the subject property lies within Zone X, defined as "area determined to be outside the 0.25% annual chance floodplain."
- North arrow and bearings shown herein are based on Transverse Mercator Projection - Alabama Mean Zone - NAD 83 redefined 2011. Using Global Positioning System (GPS) and defined by RTK observation, using the Alabama Department of Transportation CORS Network (ANM).

ABBREVIATIONS

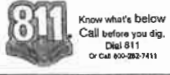
8" P	IRON PIN FOUND
C#	IRON PIN SET (24" REMAINING) w/ GVS
O	CALCULATED POINT
U	UTILITY POLE w/ GVS
—○—	OVERHEAD POWER LINE
—○—	OVERHEAD TELEPHONE LINE
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—○—	UNDERGROUND WATER LINE (MARKED IN THE FIELD BY UTILITY LOCATORS)
—○—	UNDERGROUND GAS LINE (MARKED IN THE FIELD BY UTILITY LOCATORS)
—○—	UNDERGROUND GAS LINE (APPROXIMATE LOCATION TAKEN FROM SPINE PLANS)
—○—	RIGHT OF WAY
▲	WATER MILE
▲	WATER METER
▲	GAS VENT
○	AIR CONDENSER
○	DOOR
○	GAS METER
○	SAWNEY BOWER MANDOLE
○	PARKING COURT
—	FENCE
—	ASPHALT SURFACE
—	CONCRETE SURFACE

SURVEY & TITLE LEGAL DESCRIPTION

Lot 7-A, according to a Warranty of Lot 7, Block 78A, Birmingham Survey, as recorded in Map Book 110, Page 57, in the Public Office of Jefferson County, Alabama.

TITLE COMMITMENT

- Surveyor's certificate on warranties listed in Schedule B, Part 1 for the commitment for Old Republic National Title Insurance Company (File No. 2020-10348) dated January 8, 2020) to Alabama Title Company, Inc. as agent for First American Title Insurance Company.
- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is released between the Commitment Date and the date an edition of the Schedule B, Part 1—Measurements are filed, not addressed by surveyor.
 - Tax due in the year 2020, to date, but not yet payable, until October 1, 2020, not addressed by surveyor.
 - (a) Taxes or assessments that are not shown as existing here by the measure of any taxing authority that assess taxes or assessments as real property as by the Public Records; (b) proceedings by a public agency that may result in some of the records of such proceedings, status or not shown here; (c) notices of such proceedings, status or not shown here by the records of such agency or by the Public Records, not addressed by surveyor.
 - Rights or claims of parties in possession not shown by the public records, not addressed by surveyor.
 - Any lease, rights, interests, or claims that are not shown by the Public Records but that could be asserted by an Inhabitant of the Land or could be asserted by persons in possession of the Land, not addressed by surveyor.
 - Encumbrances, liens or encumbrances, or claims thereof, not shown by the Public Records. (See note #3).
 - Any encumbrance, easement, violation, restriction, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete title survey of the Land, the encumbrance, easement, violation, restriction, or adverse circumstance located on the Land or on adjoining land, and encumbrances on the Land of existing legal proceedings are not addressed by surveyor.
 - Any prior reservation or encumbrance together with release of mortgage, of interests of any kind and structure, including, but not limited to, oil, gas, water, timber and mineral, in, on, and under subject property. Not addressed by surveyor.
 - Any lien for services, labor or material in connection with improvements, repairs or operations provided before, on or after date of Policy, not shown by the public records, but addressed by mortgagee.
 - Water Use Easement recorded in Real 1747, Page 271 in the Public Office of Jefferson County, Alabama; 10' easement for utilities shown herein and affects subject property.
 - Description of Easement for ingress, egress, utility, drainage and other rights set forth in instrument 89147235. Instrument is listed in notes and releases subject property.
 - 10-foot easement along westerly line of Lot 7-A as shown by Record plat shown herein.
 - Rights of parties in possession in violation of unrecorded leases. Not addressed by surveyor.
 - Lease and except any portion of subject property lying within a roadway or alleyway.



DATE

DATE	DESCRIPTION

ALTAIRNSP LAND TITLE SURVEY

COOB LANE BED & BREAKFAST

RENNY ROO, LLC

1500 WOODMONT AVENUE, SUITE 200
HOUSTON, ALABAMA 35244

DATE: 2-28-2020

GONZALEZ - STRENGTH & ASSOCIATES, INC.

CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION

1500 WOODMONT AVENUE, SUITE 200
HOUSTON, ALABAMA 35244

PHONE: (205) 344-3333
FAX: (205) 344-3333
WWW.GONZALEZ-STRONG.COM

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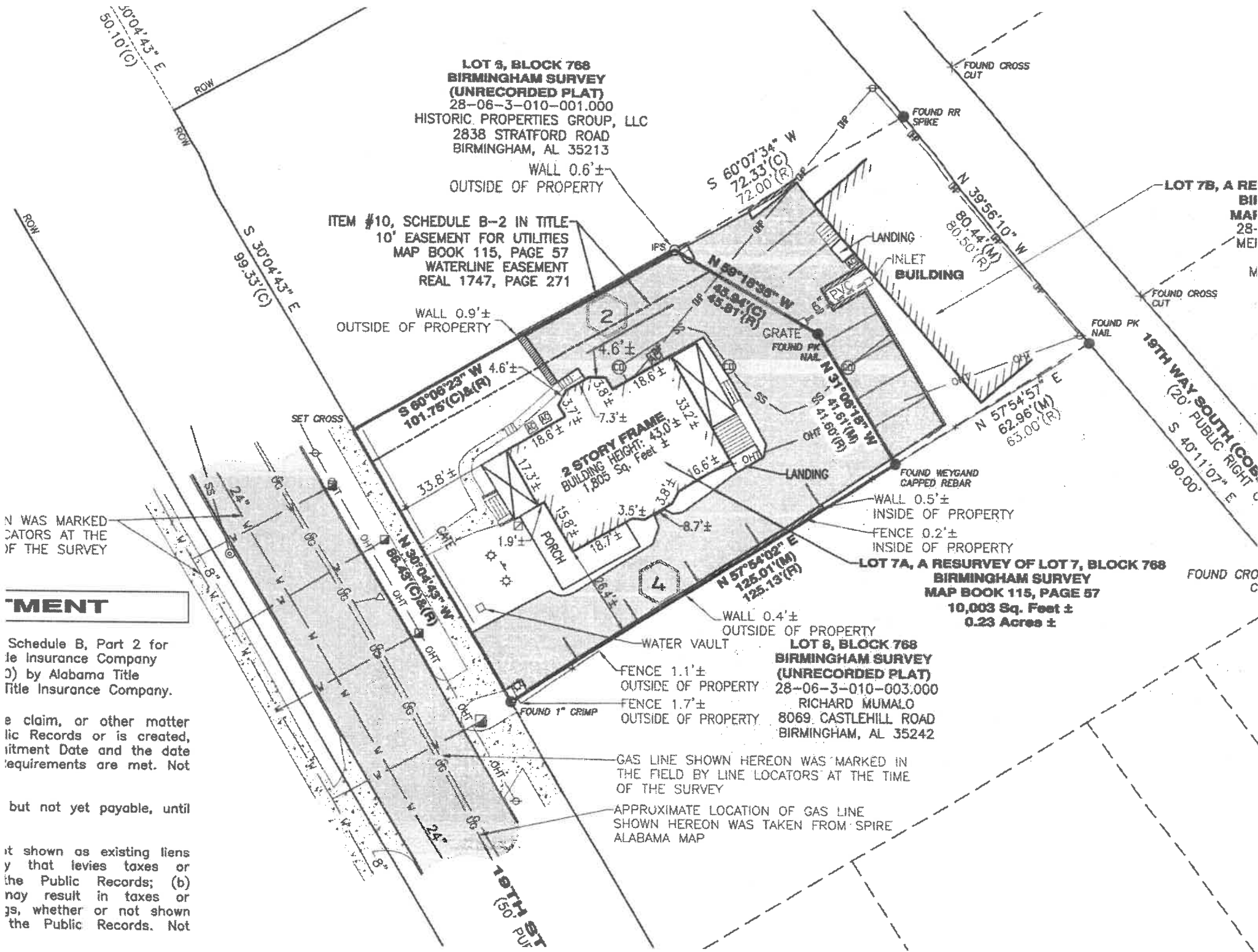


DATE: 2-28-2020

David S. Moorhead, Registration No. 20995

20-0115

Exhibit 6



**LOT 8, BLOCK 768
BIRMINGHAM SURVEY
(UNRECORDED PLAT)
28-06-3-010-001.000
HISTORIC PROPERTIES GROUP, LLC
2838 STRATFORD ROAD
BIRMINGHAM, AL 35213**

**ITEM #10, SCHEDULE B-2 IN TITLE
10' EASEMENT FOR UTILITIES
MAP BOOK 115, PAGE 57
WATERLINE EASEMENT
REAL 1747, PAGE 271**

**LOT 7A, A RESURVEY OF LOT 7, BLOCK 768
BIRMINGHAM SURVEY
MAP BOOK 115, PAGE 57
10,003 Sq. Feet ±
0.23 Acres ±**

**LOT 8, BLOCK 768
BIRMINGHAM SURVEY
(UNRECORDED PLAT)
28-06-3-010-003.000
RICHARD MUMALO
8069 CASTLEHILL ROAD
BIRMINGHAM, AL 35242**

N WAS MARKED
CATORS AT THE
OF THE SURVEY

MENT

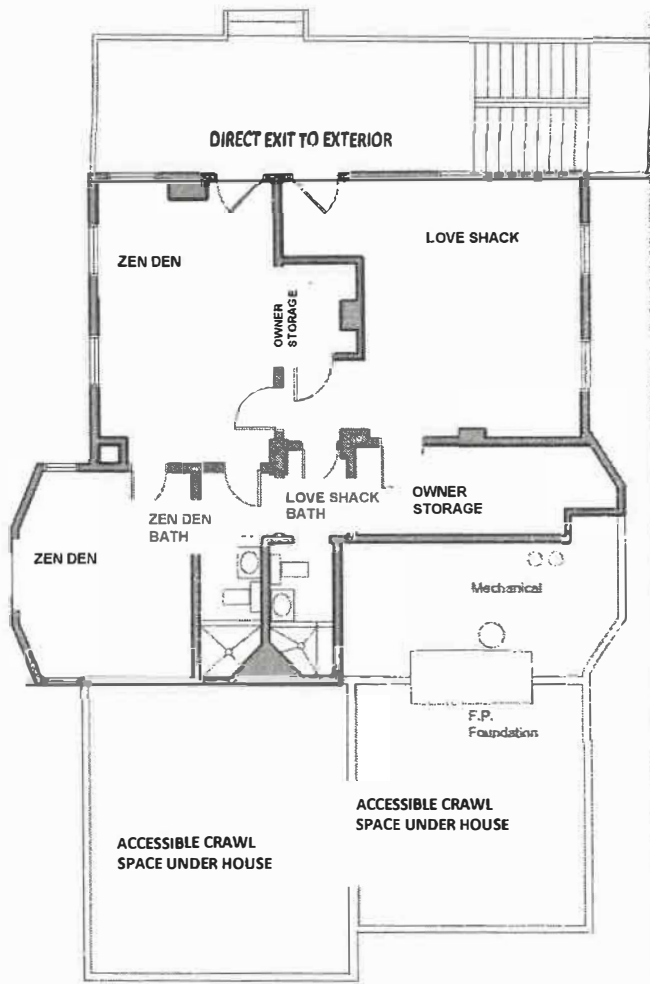
Schedule B, Part 2 for
Insurance Company
by Alabama Title
Insurance Company.

claim, or other matter
Public Records or is created,
Assignment Date and the date
requirements are met. Not

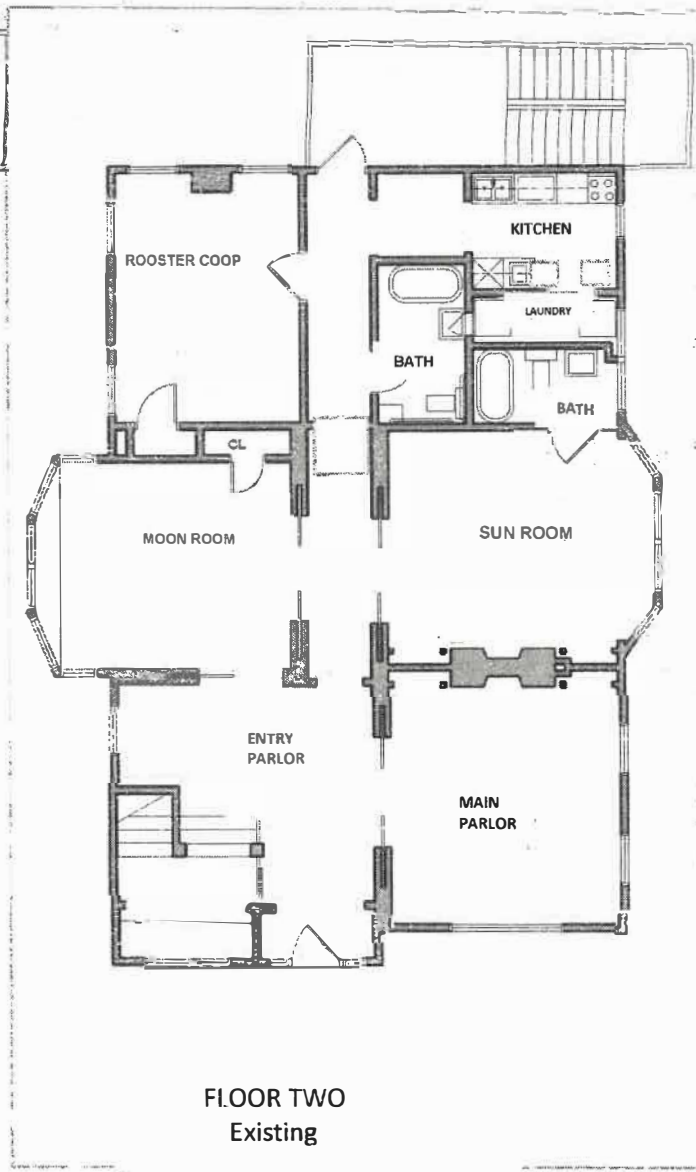
but not yet payable, until

it shown as existing liens
y that levies taxes or
the Public Records; (b)
may result in taxes or
gs, whether or not shown
the Public Records. Not

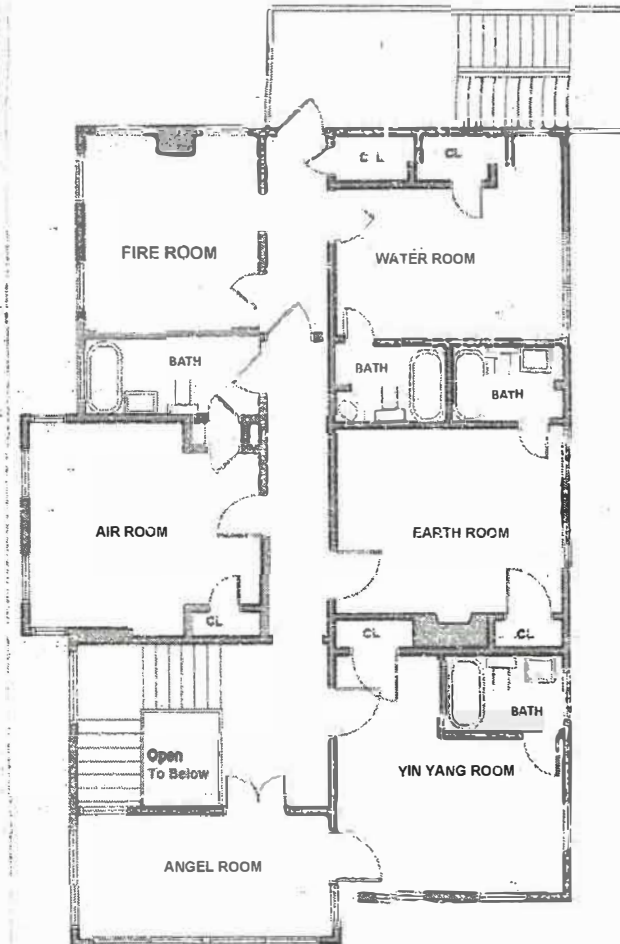
Exhibit 7



FLOOR ONE Existing



FLOOR TWO Existing



FLOOR THREE Existing

BIRMINGHAM TREE HOUSE

1309 19th Street South Birmingham, AL 35205

Exhibit 8



Randall L. Woodfin
Mayor

CITY OF BIRMINGHAM

DEPARTMENT OF FINANCE
TAX & LICENSE ADMINISTRATION DIVISION

PUTTING PEOPLE FIRST

Lester D. Smith, Jr.,
CPA, CGMA
Chief Financial Officer

Aaron L. Saxton, CPA
Deputy Director

05/12/2021

Birmingham Tree House
1309 19th Street South
Birmingham, AL 35205

Avenu ID: 660749

Territory No: 005

Business Owner:

Thank you for your recent application for a license to engage in a business activity within the City of Birmingham at the location indicated below:

Birmingham Tree House
1309 19th Street South
Birmingham, AL 35205

Unfortunately, your business location was not approved to operate due to the following reason(s):

- The above business location **was not** approved by the Zoning Division of the City of Birmingham Department of Planning, Engineering, and Permits, as required by Article II, Section 20, of Ordinance No. 97-183, "The business license code of the City of Birmingham" as amended.
- Taxpayer failed to send the required documents to obtain an approved business license
- Taxpayer has not cleared previously outstanding liabilities or obligations with the City of Birmingham
- Taxpayer is already registered with the City of Birmingham and new/duplicate account is **not Needed**
- After reviewing the information, you submitted, The City of Birmingham has determined you are not required to purchase a business license at this time.

If you believe this decision is in error or have any questions, please contact the City of Birmingham Finance Department, Tax and License Division at (205) 254-2198 to provide any additional information you believe may have a bearing on this decision. To obtain a refund of fees paid you must submit a written request to the address below.

Please be aware that no business activity should be conducted within the city without first having an approved business license, pursuant to Article II, Section 4, Ordinance NO. 97-183, as amended.

Very Truly yours,

Denise Hill

Tax and License Administration

Exhibit 9

Title 2 - Zoning Ordinance
Chapter 1: Zoning Districts

Section 7. O & I Office and Institutional District.

Subsection 1. Purpose.

The regulations set forth in this Section or elsewhere in this Ordinance, when referred to in this Section, are the regulations in the O & I Office and Institutional District. The O & I Office and Institutional District is provided for the orderly arrangement of institutional, clerical and administrative space.

Subsection 2. Use regulations.

A building or premises shall be used only for the following purposes:

1. A public, semi-public, or private office:
 - a. Sales office; provided, that merchandise shall not be stored on the premises.
 - b. Research or testing laboratories.
 - c. Radio or television broadcasting studio or station.
 - d. Cemetery, mortuary or funeral home.
2. A public or semi-public, religious, educational or charitable institution. Such use may include:
 - a. A club, lodge, fraternity or sorority; provided that such establishments are not conducted primarily for financial gain.
 - b. A clinic, sanitarium, convalescent home or hospital, except one principally used for the treatment of animals.
 - c. Public and semi-public recreation, including but not limited to parks, golf, swimming, tennis, country and community clubs or associations; provided, that such establishments are not conducted primarily for financial gain.
 - d. Church, school or orphanage.
 - e. Adult Care facility or Child Care Center.
3. Other uses not specifically listed above, but which are similar to those listed above or uses whose effects on surrounding areas are consistent with those listed above, are permitted on appeal, subject to the approval of the Zoning Board of Adjustment. Such areas shall not include repair garages or storage yards for materials, vehicles or equipment, warehouses, buildings and other facilities having commercial or industrial characteristics and buildings used or intended to be used as communal living facilities, detention, correctional, or penal institutions.
4. Wireless communications facilities, in accordance with Article VI, Section 18.
5. Accessory structures and uses including Accessory Use Child Care Center and commercial uses which are clearly incidental to the permitted use of the

PUBLISHED POST-HUMERO
3-4-04

Case No. ZAC2003-00163

ORDINANCE NO. 1765-G

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

Section 1. That the Zoning District Map of the City of Birmingham as described in Section 2., "Zone Districts and Boundaries" of Title I of the Zoning Ordinance of the City of Birmingham, (Ord. 90-130 as amended) be, and said Zone Map hereby is amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of districts to another class of districts as follows, to wit:

FROM: "C"O&I, CONTINGENCY OFFICE AND INSTITUTIONAL DISTRICT,

TO: "Q"B-1, QUALIFIED NEIGHBORHOOD BUSINESS DISTRICT

Located at 1309 19th Street, South, and situated on Lot 7A, in Block 768, of the Bham Re Blk Subdivision in the SW ¼ of Section 6, Township 18 South, Range 2 West <35205>, more particularly described as follows:

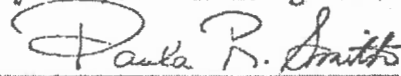
Lot 7-A as shown on the Resurvey of Lot 7, Block 768, Birmingham Survey as recorded in Map Book 115, page 57.

"O" Conditions:

1. Limiting uses to a Tourist Home (or Bed & Breakfast Inn), and dwellings jointly with other uses or as a primary use, and O&I uses;
2. Submission to and approval by the planning staff of the Department of Planning, Engineering, and Permits of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting, (all canopy lights shall be recessed in canisters); and the location and screening of solid waste disposal container by a wood fence sufficient in height on all 4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the Department of Planning, Engineering, and Permits.

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

Adopted by the Council of the City of Birmingham at its meeting held on **January 27, 2004**, and effective ten days thereafter on the 7th day of **February 2004**, without the signature or veto of the Mayor.



City Clerk

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00081

Fountain Heights

Request:

Variance to allow an 8 foot chain link fence in the front yard area.

Applicant:

Christopher Baggett

Location:

1608 10th Ave N, Birmingham AL 35203

Parcel # 012200264017015000

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

Applicant's Proposal:

The applicant is proposing to construct an 8 foot chain link fence in the front yard off of 10th Ave N.

Staff Analysis:

The subject property is currently zoned CM-1 (Contingency Light Industrial Business District). The subject property is surrounded by parcels zoned CM-1 (Contingency Light Industrial Business District) while parcels north are zoned CR-4A (Contingency Medium Density Resident District). The property is not located in a flood plain area; however, it is located in the Cultural Commercial Revitalization District. The property has an existing chain-link fence around the perimeter; however, the portion that the applicant is replacing is wood.

Per Zoning Ordinance:

Subsection 3. Residential Zoned Property

A. Upon any "D", "E-1", or "R" zoned property, a wall or fence may be erected or placed in accordance with the following:

1. Complete Front Yard – No wall or fence within a front yard area shall exceed a height of four feet and the overall height of fence, supports and other features shall not exceed a height of five feet in total, except as required for wireless communication installations as listed in Section 1 of this Article. If a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet.

2. Side and Rear Yard

- a. *Within a side or rear yard, a wall or fence may be erected or placed to a height of eight feet, and the supports and other features may be erected or placed at a height of nine feet, provided that any structure that allows residential occupancy on an adjacent property is setback a minimum of five feet from the side and/or rear lot line.*
- b. *If an existing dwelling unit on an adjacent property is setback less than five feet from a side or rear lot line, a portion (or all) of the wall or fence erected adjacent to that structure may be required to be of a "see through" type of material, such as chain link, so that adequate light and ventilation may be provided. This determination will be made by staff as a result of an on-site field inspection. The overall height of the fence or wall will be as detailed in the previous item ("A").*

Subsection 4. Non-residentially Zoned property

A. On non-residentially zoned property, the fence and/or wall height restrictions listed within this section will apply, except as required for wireless communication installations as listed in Section 1 of this Article, provided:

- 1. That property lies within the same block face, between two intersecting streets, with residentially zoned property, or,*
- 2. Abuts residentially zoned property as defined in this section. In that case, the height restrictions listed in the previous section will be the same.*

B. On other non-residentially zoned property, the height of a fence or wall will be determined by administrative review of staff of the Department.

Neighborhood Recommendation:

The Fountain Heights Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variance; 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.

PARCEL ID: 012200264017015000

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

DATE: Friday, January 21, 2022 11:36:08 AM

OWNER: US FOODS INC

ADDRESS: PO BOX 30308

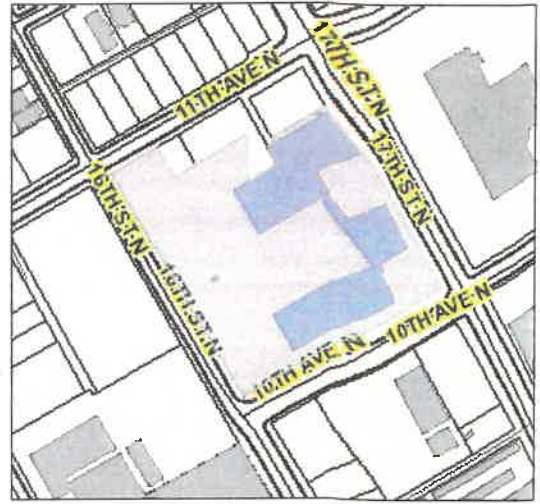
CITY/STATE: CHARLOTTE NC

ZIP+4: 28230

SITE ADDR: 1608 10TH AVE N

CITY/STATE: BHAM, AL

ZIP: 35203



LAND: \$1,599,700.00

BLDG: \$3,096,000.00

OTHER: \$0.00

AREA: 189,685.59

ACRES: 4.35

SUBDIVISION INFORMATION:

NAME SRA SUBDIVISION NO 6

BLOCK:

LOT: 1D

Section: 26-17-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Cultural District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: In Tax Increment Financing District

Neighborhoods: Fountain Hghts (1204)

Communities: Northside (12)

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

Zoning Outline: CM1; CR4A

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

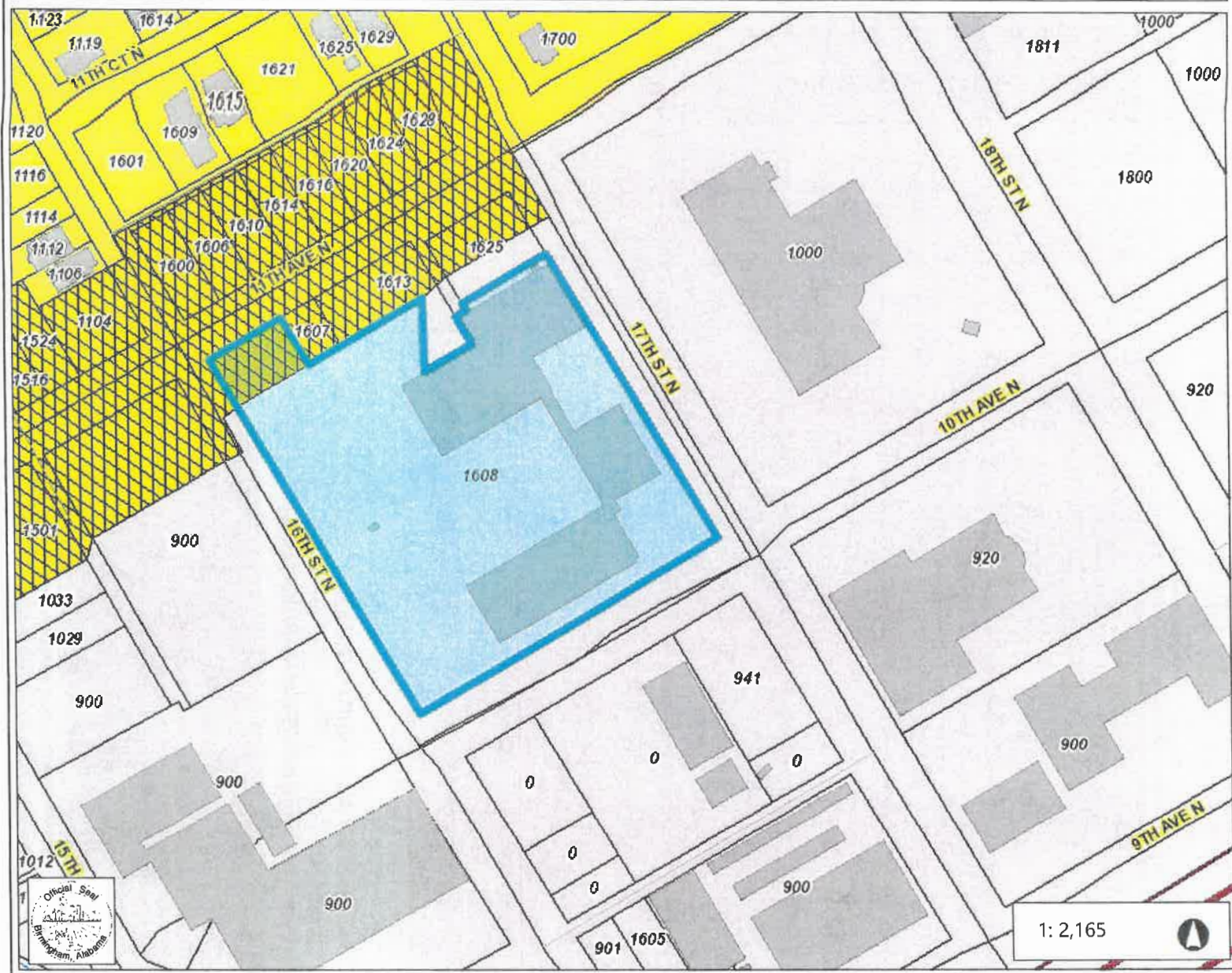
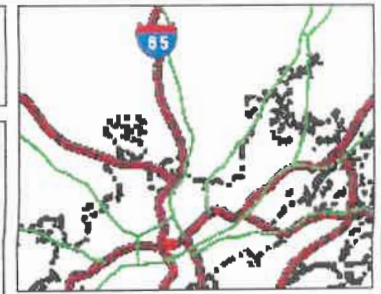
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

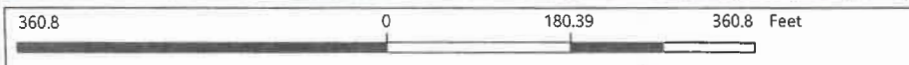
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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



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



1: 2,165

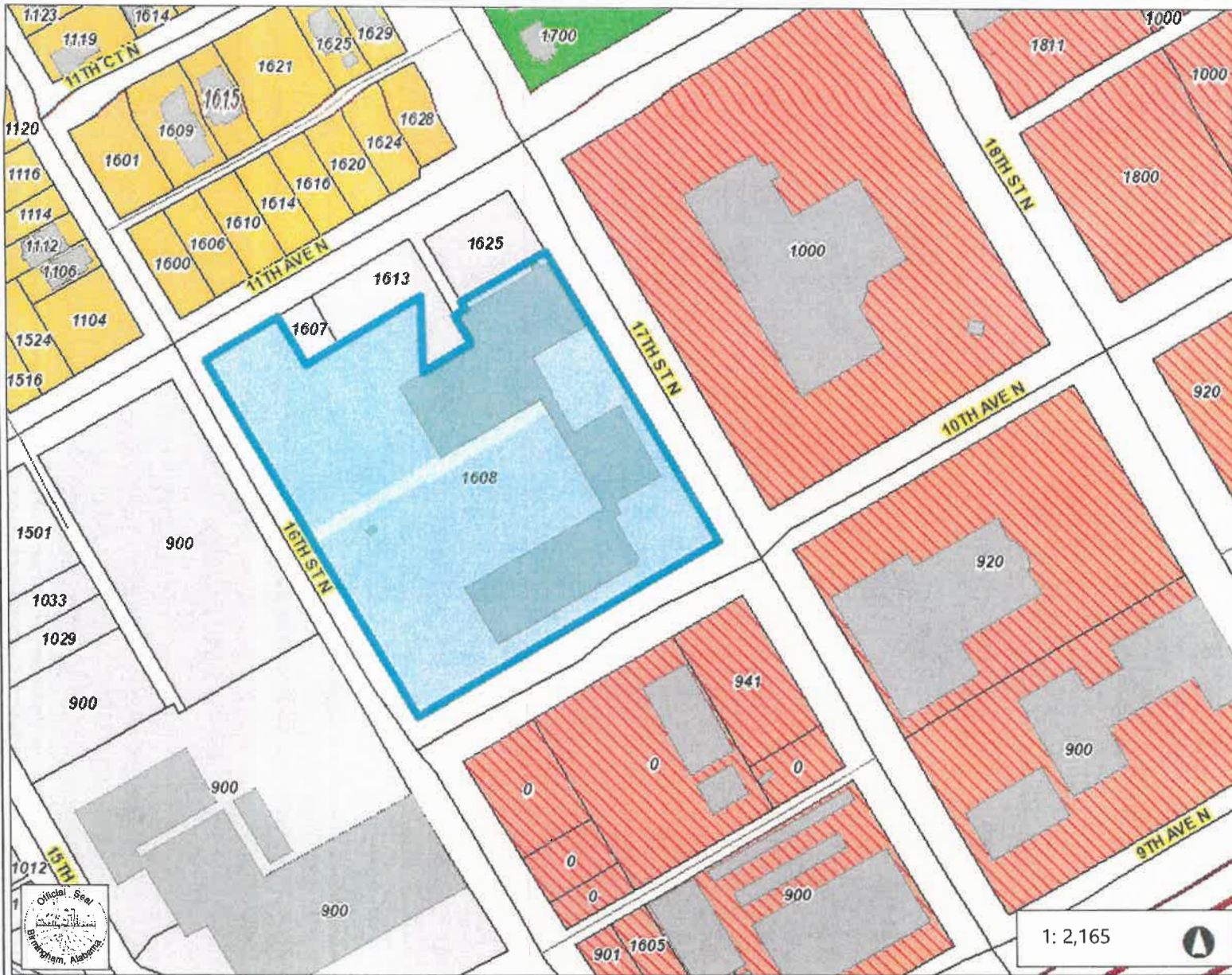
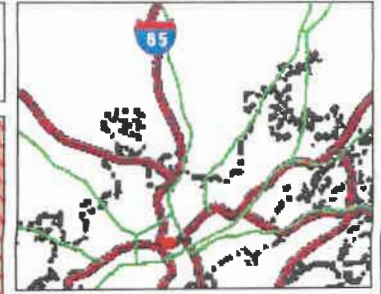


The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



ZBA2021-00081 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: 2,165

Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



M&M BUILDERS, INC.

71 Longview Circle Alabaster, AL 35007 • (205) 428-7325 • (205) 426-5197 Fax • www.mm-build.com

December 23, 2021

City of Birmingham
Department of Planning, Engineering and Permits
710 North 20th Street
Birmingham, AL 35203

Attn: Angelica Moton

Re: ZBA Six Standards

Scope of work:

We have addressed the six standards below:

Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance. **For safety reasons they have to see through the fence before the customer enters the plant, therefore a chain link fence would be needed in lieu of a privacy fence.**

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. **The building owner is a food processing plant serving the public and they need to be able to see through to the loading dock area. This is why they are needing a chain link fence, which can be seen through, instead of a privacy fence.**

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. **There are no self-imposed hardships for any person of interest at the property.**

Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance. **There is no financial gain for changing the type of fence allowed on site. The slide gate being chain link allows for easy opening and closing due to being light weight**

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. **Granting of the variance would not impose harm on any neighboring properties or the requesting 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. **Granting of the variance would not be harmful to the public welfare and safety.**



STATE OF ALABAMA
JEFFERSON COUNTY

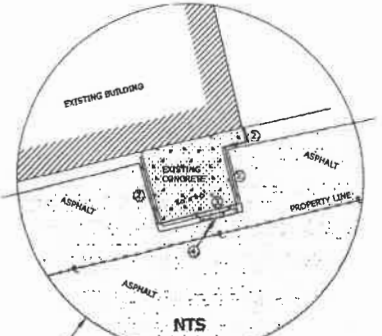
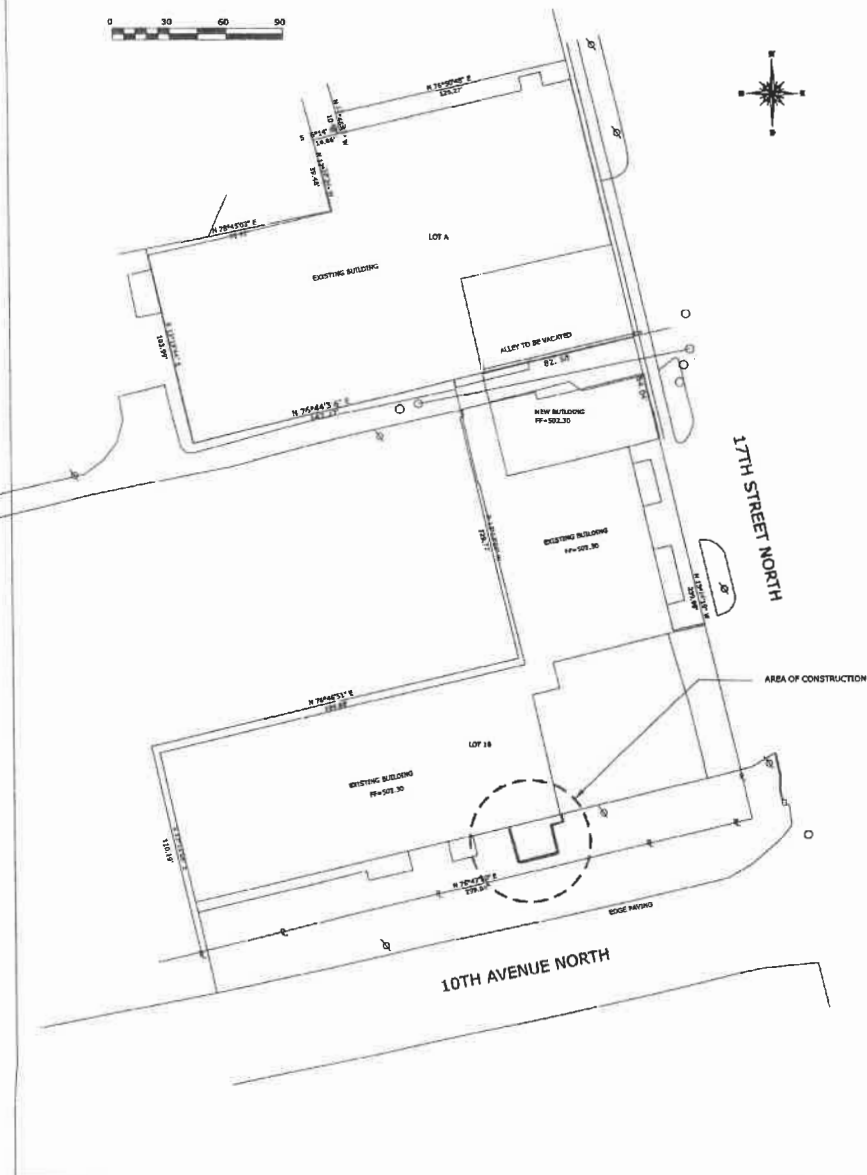
I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Steven M. Allen 11-1-21
S.M. ALLEN PLS NO. 12644 (DATE)



LOT 1 53A PRIORITY SURVEY MAP BOOK 119, PAGE 8,
IN THE JEFFERSON COUNTY MOBILE OFFICE.

PRIORITY LOTS PW 22961 K, PMA FAMIL. NO. 61773C 0386G, 04702 9-26-06



- CONSTRUCTION NOTES**
1. REMOVE EXISTING FENCE
 2. INSTALL 48 LF OF 8" BLACK COATED CHAIN LINK FENCE, AND ONE 4' GATE
 3. INSTALL 21 LF OF 8" BLACK COATED CHAIN LINK, AND ONE 10' ROLL GATE
 4. INSTALL 10X2' CONCRETE RAMP

- CONSTRUCTION NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY OF BIRMINGHAM.
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL PERMITS AS MAY BE REQUIRED.
 3. CONTRACTOR WILL BE RESPONSIBLE FOR THE CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION TO INSURE THAT SUCH DOES NOT OCCUR TO ADJACENT PROPERTIES, PUBLIC ROADS AND/OR DITCHES. ALL SOIL EROSION AND SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE BIRMINGHAM REGIONAL PLANNING COMMISSIONS BEST MANAGEMENT PRACTICES FOR CONTROLLING SEDIMENT AND EROSION FROM CONSTRUCTION ACTIVITIES.
 4. CONTRACTOR SHALL PROVIDE ALL SAFETY PRECAUTIONS FOR VARIOUS TYPES OF CONSTRUCTION REQUIRED BY THIS PROJECT. THE PROJECT ENGINEER WILL NOT STAY ON THE JOB TO SUPERVISE ANY WORK, SAFETY FEATURES, OR PRECAUTIONS.
 5. CONTRACTOR SHALL FIELD VERIFY POSSIBLE LOCATIONS OF ANY PIPES, CABLES, DITCHES, POWER LINES, POLES, OR UTILITIES BEFORE CONSTRUCTION AND NOTIFY OWNER AND ENGINEER OF ANY CONFLICT PRIOR TO CONSTRUCTION.
 6. ALL DISTURBED AREAS NOT PAVED SHALL BE GRASSED AS SOON AS POSSIBLE.
 7. CONSTRUCTION STOPPING FOR WORK WITHIN AND ADJACENT TO PUBLIC ROADS, HIGHWAYS, AND ALLEYS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PART VI, AS APPLICABLE.
 8. CONTRACTOR WILL BE RESPONSIBLE FOR THE CONTINUOUS AND PROPER OPERATION OF ALL EXISTING UTILITIES LOCATED ON OR ADJACENT TO THE PROJECT SITE AND WITHIN THE CONSTRUCTION LIMITS OF THIS PROJECT.
 9. OWNER SHALL OBTAIN PERMISSION FROM ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF OFFSITE IMPROVEMENTS AS REQUIRED.
 10. ALL SANITARY SEWER WORK TO BE DONE ACCORDING TO JEFFERSON CO. DEPT. OF ENVIRONMENTAL SERVICES SANITARY SEWER STANDARDS AND SPECIFICATIONS. CONTRACTOR SHALL NOTIFY THE DEPT. OF ENVIRONMENTAL SERVICES AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION. THERE SHALL BE NO CHANGES IN PLANS WITHOUT APPROVAL.
 11. MANHOLES SHALL MEET A.S.T.M. SPECIFICATION C475 AND SHALL HAVE O-RING GASKETS MEETING A.S.T.M. SPECIFICATION D415. MANHOLES SHALL HAVE A MINIMUM DIAMETER OF 48 INCHES AND A MINIMUM WALL THICKNESS OF 5 INCHES. ALL MANHOLE COVERS SHALL BE OF THE CONCENTRIC TYPE.
 12. ALL EMBANKMENT AREAS SHALL BE FILLED AND COMPACTED PRIOR TO EXCAVATION OF UTILITY TRENCHES.
 13. UTILITY TRENCHES SHALL BE BACKFILLED IN MAXIMUM 6 INCH LIFTS AND COMPACTED TO 100 PERCENT OF A.S.T.M. 0-50B.
 14. ALL UTILITY TRENCHES IN ROADWAY SHALL BE BACKFILLED WITH STONE.
 15. CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING A BUILDING SITE FREE OF DRAINAGE PROBLEMS.
 16. PROPERTY IS ZONED R2.
 17. CONTRACTOR AND/OR DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO THE CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH THE LATEST EDITION.

- TRAFFIC NOTES**
- GENERAL NOTES**
1. ALL EXISTING AND REQUIRED COUNTY RIGHTS OF WAYS AND EASEMENTS ARE SHOWN ON THE CONSTRUCTION PLANS. STRUCTURES SUCH AS WALLS, SIGNS, FENCES, BUILDINGS, ETC. OR PLANTS SUCH AS TREES OR SHRUBS SHALL NOT BE PLACED IN THE RIGHT OF WAYS OR EASEMENTS WITHOUT PROPER APPROVAL FROM THE CITY OF BIRMINGHAM.
 2. OTHER THAN SHOWN ON APPROVED PLANS, GRADING OPERATIONS INVOLVING CUTTING OR FILLING SHALL NOT BE ALLOWED WITHIN BIRMINGHAM RIGHT OF WAYS AND EASEMENTS.
 3. THE OWNER OR DEVELOPER SHALL PROVIDE THE CONTRACTOR WITH EXECUTED PERMITS FOR COMMUNITY IDENTIFICATION SIGNS, (IF REQUIRED) AND LANDSCAPING, (IF REQUIRED) TO BE PLACED IN CITY OF BIRMINGHAM RIGHT OF WAYS OR EASEMENTS.

- TRAFFIC CONTROL NOTES**
1. THE CONTRACTOR SHALL ESTABLISH AND MAINTAIN TRAFFIC CONTROL DEVICES IN ACCORDANCE WITH THE LATEST EDITION AND REVISION OF PART VI OF THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE APPROVED TRAFFIC CONTROL PLAN FOR ALL CONSTRUCTION WITHIN WORK AREAS SHOWN AND DESCRIBED IN PART VI OF MUTCD.
 2. PERMANENT ROADWAY SIGNS OR TEMPORARY CONSTRUCTION SIGNS WHICH ARE NOT APPLICABLE OR INAPPROPRIATE FOR THE CURRENT CONDITION SHALL BE COVERED OR REMOVED.
 3. THE DIMENSIONS SHOWN ARE DESCRIBED FOR LOCATING CONSTRUCTION SIGNS AND TO PROVIDE MAXIMUM VISIBILITY TO MOTORISTS.
 4. THE CONTRACTOR SHALL TAKE EVERY REASONABLE PRECAUTION TO PROVIDE FOR THE SAFETY OF THE TRAVELING PUBLIC AND THE WORKERS ON SITE. IF HAZARDOUS CONDITIONS ARE FOUND BY CITY PERSONNEL, THE CONTRACTOR SHALL IMMEDIATELY TAKE REMEDIAL ACTION TO ELIMINATE THE HAZARDOUS CONDITIONS.
 5. HAZARDOUS CONDITIONS ON OPEN ROADWAYS SUCH AS PAVEMENT DROP-OFFS OR EXCESS OF 2" CONSTRUCTION MATERIALS, VEHICLES, OR EQUIPMENT STORED OR PLACED WITHIN THE ROADWAY RIGHT OF WAY, AND OPEN TRENCHES ACROSS OR NEAR THE ROADWAY SHALL NOT BE ALLOWED UNLESS THE CONTRACTOR IS ON SITE AND WORKING, AND PROPER TRAFFIC CONTROL MEASURES ARE BEING TAKEN.
 6. THE CONTRACTOR SHALL KEEP OPEN ROADWAYS CLEAN AND FREE OF CONSTRUCTION DEBRIS, DIRT, LOOSE GRAVEL, AND OTHER MATERIAL THAT MAY CAUSE HAZARDOUS DRIVING CONDITIONS.

"7. TRAFFIC CONTROL DEVICES SHALL MEET THE STANDARDS MATERIAL AND INSTALLATION REQUIREMENTS SPECIFIED IN THE CURRENT EDITION OF THE ALDOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, WITH MINIMUM TYPE III HIGH-INTENSITY RETROREFLECTIVE SHEETING AND BE IN GOOD CONDITION.

8. ROADWAYS AND DRIVEWAYS SHALL REMAIN OPEN DURING CONSTRUCTION. CHANNELIZING DEVICES SHALL BE PLACED AT 1/2' ON CENTER ALONG NON-PAVED ROPS TO CHANNELIZE TRAFFIC INTO AND OUT OF INTERSECTING ROADS AND DRIVEWAYS WITHIN AREAS WHERE CHANNELIZING DEVICES ARE REQUIRED. TEMPORARY REGULATORY SIGNS SUCH AS STOP SIGNS AND YIELD SIGNS SHALL BE PLACED AS NECESSARY FOR PROPER TRAFFIC CONTROL IN ACCORDANCE WITH THE MUTCD.

SURVEYOR
S.M. ALLEN
P.L.S. NO. 12644
P.O. BOX 1285
PRICHARD, AL 37524
205-643-4231

CONTRACTOR
S.M. ALLEN
1228 4TH AVE. NORTH
BIRMINGHAM, AL 35205
205-643-4232

OWNER
SMA PRODA, LLC
208 10TH AVE. NORTH
BIRMINGHAM, AL 35203
205-922-7417

DATE	BY	REVISIONS
11-1-21	SM	DATE
11-1-21	SM	DATE
11-1-21	SM	DATE
11-1-21	SM	DATE

DATE	BY	REVISIONS
11-1-21	SM	DATE
11-1-21	SM	DATE
11-1-21	SM	DATE
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11-1-21	SM	DATE
11-1-21	SM	DATE

ALLSURY, LLC
S.M. ALLEN PLS
SUITE B
5376 HWY 63
ALABAMA 35007
205-663-4251
m-all@allsuryllc.com

Google Maps 1617 10th Ave N
ZBA2121-00081



Birmingham, Alabama

Google

Street View - Feb 2020

Image capture: Feb 2020 © 2022 Google



ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2021-00083

East Avondale

Request:

Variance to increase the density from 7 units allowed to 8 units.

Applicant:

Pope Lake

Location:

4276 & 4272 2nd Ave S, Birmingham AL 35222

Parcel # 012300292020011000 & 012300292020010000

NW of Section 29, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is proposing a new cottage development that will contain 8 units instead of the 7 units allowed.

Staff Analysis:

The subject properties are currently zoned R-4A (Medium Density Resident District). The subject properties are surrounded by parcels zoned R-4A (Medium Density Resident District). The property is not located in a flood plain area nor in any design review districts. The proposed cottage development meets all zoning requirements except for the density; therefore, a variance is required. Single family cottages subdivision requires 2,500 square feet of lot area per unit therefore to have 8 units the lots size would have to be a minimum of 20,000 square feet. The lot area for 4276 2nd Ave S is 7,253.02sf and the lot area for 4272 2nd Ave S is 6,790.45sf.

Per Zoning Ordinance:

Title 1 – Zoning Ordinance

Chapter 3: District Area and Dimensional Regulations

Section 2. Single-family cottage developments.

In order to provide opportunities for individual ownership of small residential lots oriented onto a common open space, lots in cottage subdivisions shall be arranged subject to the following:

A. Applicability. Single-family cottage developments are permitted in the following zoning districts D-4, R-4, R-5, R-6, D-5, R-4A, D -6, MU-L and MU-M.

B. Density. Single-family cottage subdivisions shall be developed at a minimum rate

of one unit per 2,500 square feet of lot area. Each individual single-family cottage development within a subdivision shall contain four to ten cottage units in small lots around a common open space.

C. Orientation. Cottage units shall be oriented to front and have a main entry onto the common open space. However, cottage lots abutting a street shall front the street, and shall not have the rear of the unit facing the street. Cottage units fronting the street shall have a secondary entrance onto the common open space.

D. Bulk Standards. The following area and dimensional regulations shall apply:

- 1. Minimum lot sizes shall be waived. See Table 1.03.102 for other standards.*
- 2. The common open space shall total at least 350 square feet per cottage unit, and shall have cottages abutting on at least two sides.*
- 3. The common open space shall be accessible to all cottage units in the development, and an association shall be established pursuant to Article III, Section 10 of the Subdivision Regulations of the City of Birmingham with the purpose of maintaining the common areas and establishing legal rights to the common areas to all cottages in the development.*
- 4. Only one dwelling unit per lot shall be permitted.*
- 5. All cottage units shall be designed to include a covered porch fronting the common open space and shall be no less than 200 square feet.*
- 6. The maximum building coverage, excluding covered porches, shall be 1,000 square feet.*
- 7. The maximum height of a cottage shall be 35 feet.*
- 8. Front, rear and side setbacks from the property lines shall be a minimum of five feet.*
- 9. Cottage units abutting a public street shall meet the setback requirements of Table 1.03.101.*
- 10. Where a proposed development cannot comply with the standards of this section, the Director may approve other standards provided that the intent of this section is met.*

E. Parking Requirements. The requirements for the provision of parking for singlefamily cottage developments shall be as follows:

- 1. Parking shall be located on the cottage development property.*
- 2. Parking shall meet the requirement for single-family residential units established in Chapter 5.*
- 3. Parking shall be provided on each cottage lot, or in the form of shared parking cluster(s) in commonly owned space, or a combination of the two.*
- 4. Parking clusters shall not exceed six adjoining spaces and shall not be visible from a public street. Parking shall be screened from adjacent residential uses with an opaque evergreen landscaping strip.*
- 5. Parking may be permitted between, or to the side of structures, only when it is setback a minimum of 10 feet from the leading edge of the front facade of a cottage unit and is accessed by a side or rear alley. When cottages front a public street, driveways shall be limited to 1 per public street frontage.*
- 6. Parking shall not be permitted in an established front yard setback or required common open space.*

Neighborhood Recommendation:

The East Avondale Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variance; 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 approval from the Zoning Board.

PARCEL ID: 012300292020010000

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

DATE: Friday, February 18, 2022 11:02:36 AM

OWNER: CATO CATHERINE & BLUMENTHAL AND

ADDRESS: PO BOX 531164

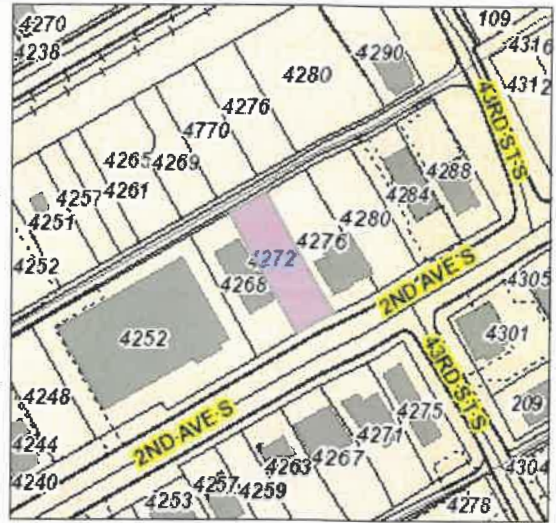
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35253

SITE ADDR: 4272 2ND AVE S

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$72,500.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 6,790.45

ACRES: 0.16

SUBDIVISION INFORMATION:

NAME KING P G ADD 23-29-1

BLOCK: B

LOT: 27

Section: 29-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: East Avondale (2101)

Communities: Woodlawn (21)

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

Zoning Outline: R4A

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: 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: 012300292020011000

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

DATE: Friday, February 4, 2022 4:27:27 PM

OWNER: CATO CATHERINE & BLUMENTHAL AND

ADDRESS: PO BOX 531164

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35253

SITE ADDR: 4276 2ND AVE S

CITY/STATE: BHAM, AL

ZIP: 35222



LAND: \$145,000.00

BLDG: \$61,800.00

OTHER: \$0.00

AREA: 7,253.02

ACRES: 0.17

SUBDIVISION INFORMATION:

NAME KING P G ADD 23-29-1

BLOCK: B

LOT: 26

:

Section: 29-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: East Avondale (2101)

Communities: Woodlawn (21)

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

Zoning Outline: R4A

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

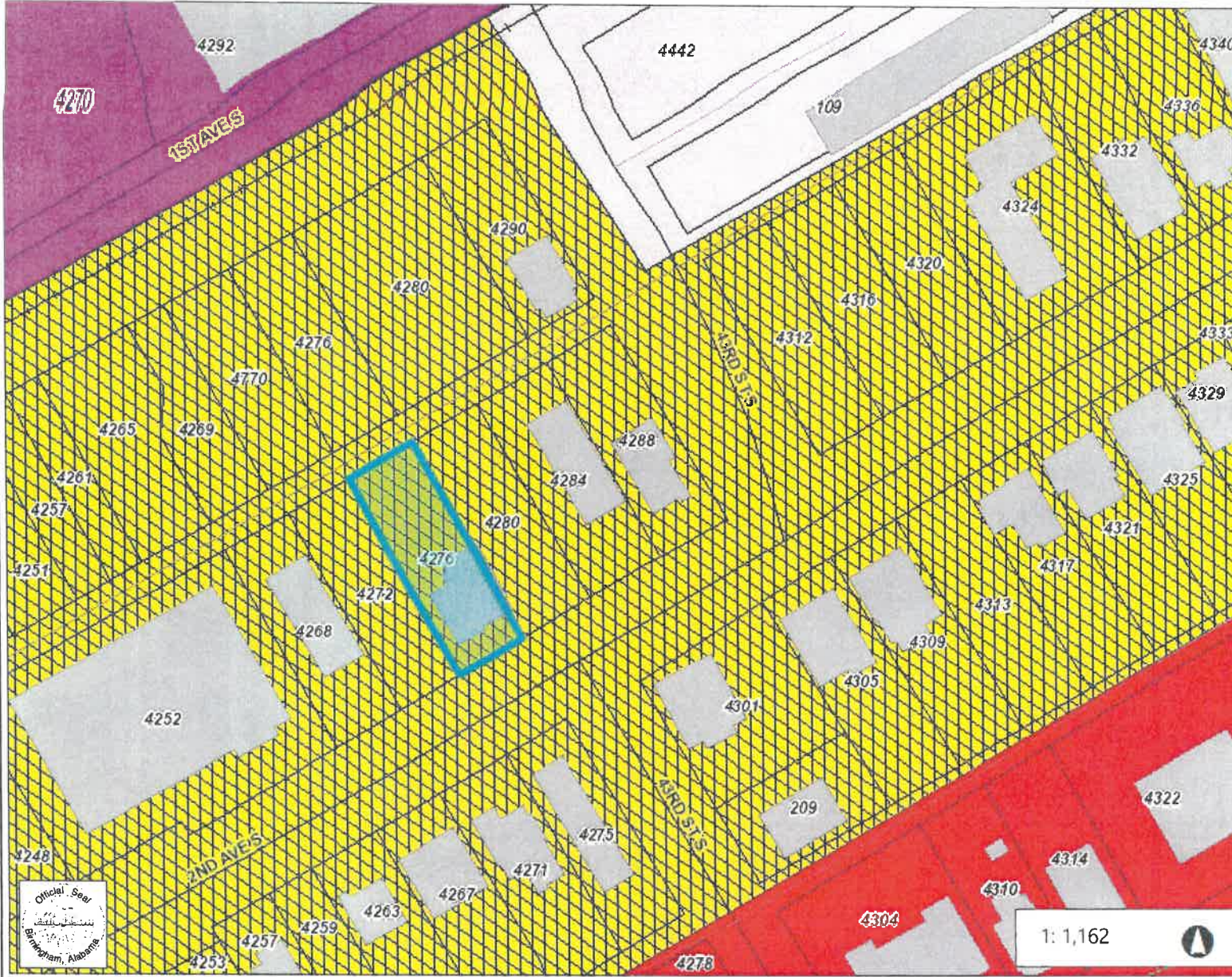
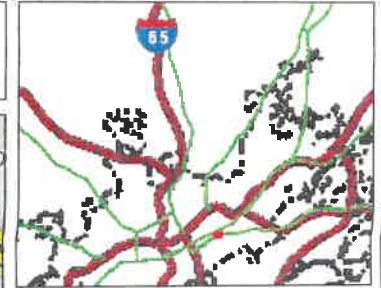
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

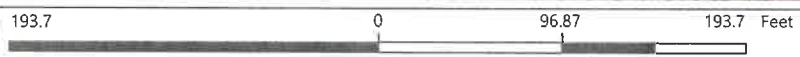
Judicial Boundaries: JEFFERSON

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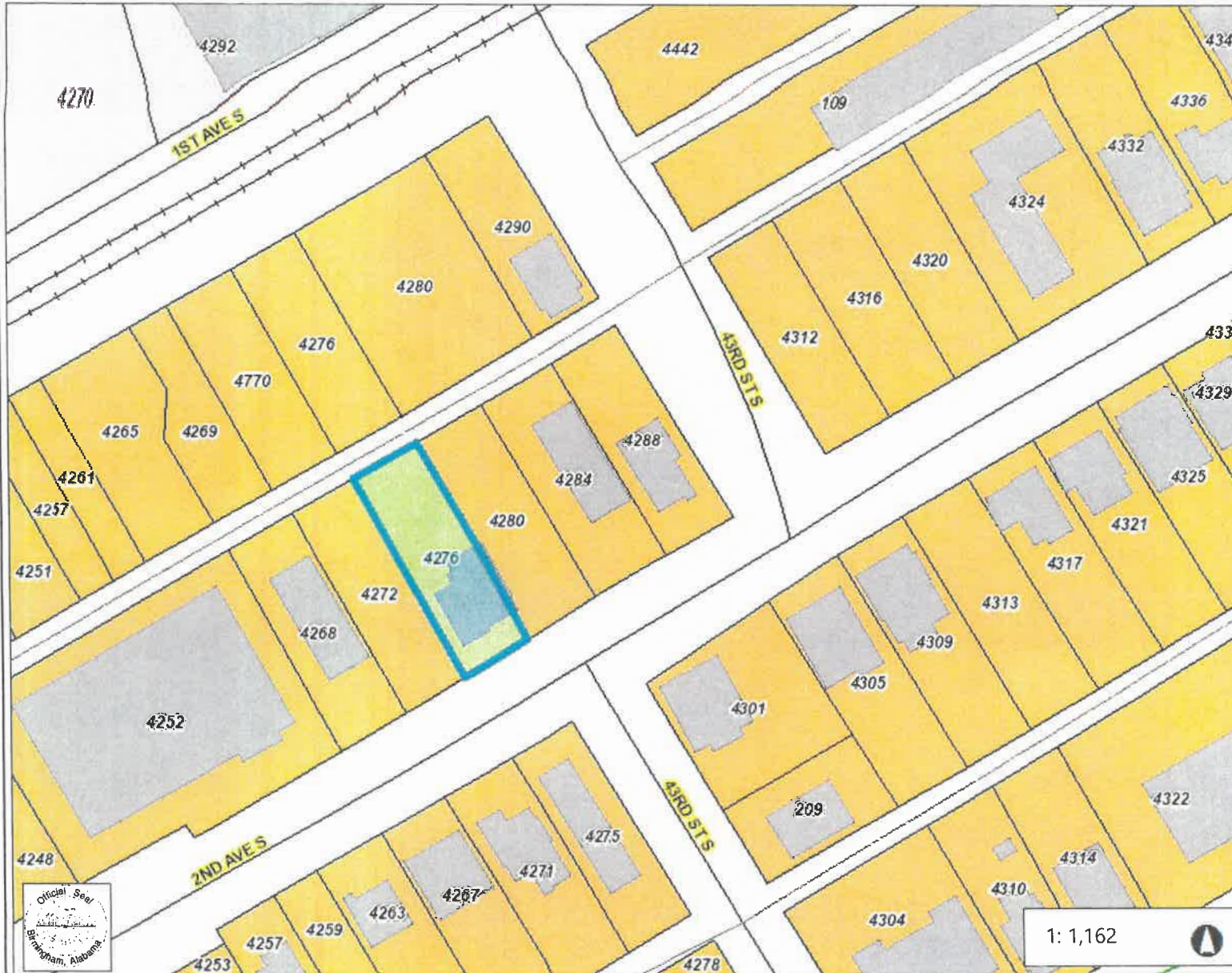
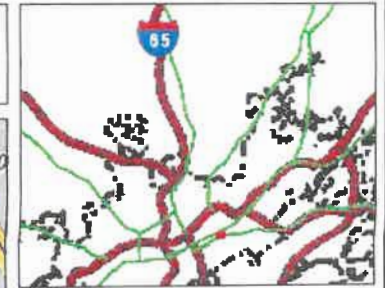
Legend

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

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- State Highways
- US Highways
- Interstates
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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: 1,162



193.7 0 96.87 193.7 Feet



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Notes



Justin Collier
Architect

Variance Request

December 27th, 2021

Attn:

Angelica Moton
Planning, Engineering and Permits
City of Birmingham
710 20th Street N., Birmingham, Alabama 35203
Room 210

Re:

Cottage Development at 4276 2nd Avenue South

Physical Characteristics of the Property

The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.

The site itself and its physical characteristics do not impose a difficulty. However, the size of the lot allows for slightly more density than the current limitations of the cottage development standards.

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 stated above, the cottage development standards impose a limitation that, if modified, would allow this site to maintain more units without sacrificing other standards outlined in the ordinance. We believe the granting of this variance would allow for greater access to housing, and this access to well-designed homes plus the common green-space and landscaping would absolutely increase the enjoyment of the property.

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 hardship is not self-imposed.

Financial Gain Not Only Basis

Financial gain is not the sole basis for granting the variance.

Financial gain is not the motivating factor behind this request. We are seeking the variance for additional cottages to utilize the site more efficiently and provide greater access to housing.

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.

There would be no injury to neighboring property and would likely benefit adjacent properties.

No Harm to Public Welfare

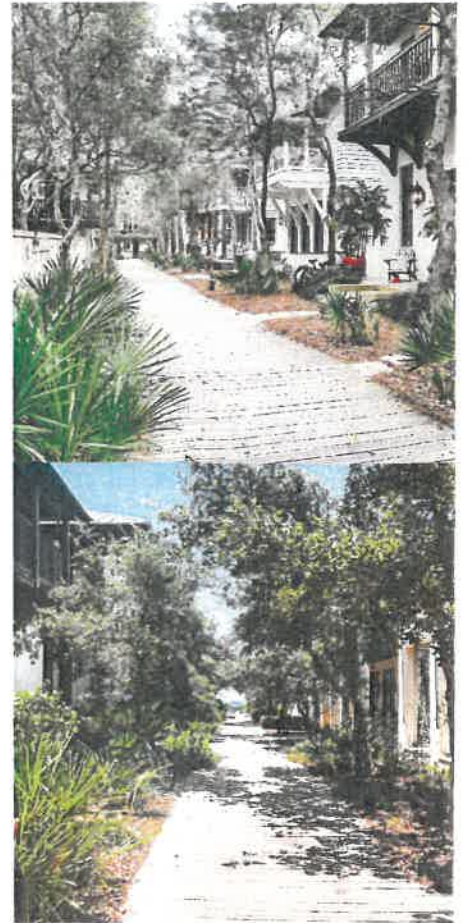
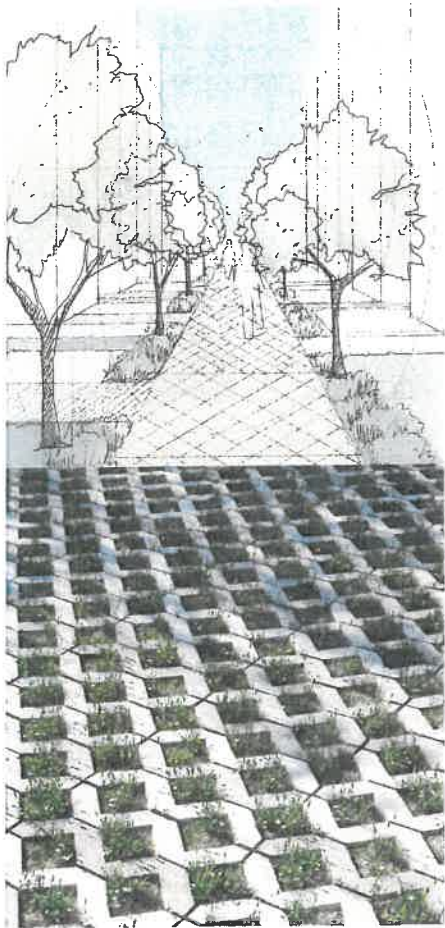
The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

There would be no harm to the public welfare.

Sincerely,



Justin Collier, NCARB, AIA
Principal Architect



ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00001

Norwood

Request:

Special exception to allow resumption of a legal nonconforming communal living facility and transfer of ownership.

Applicant:

Tara G. Small

Location:

3234 Norwood Blvd, Birmingham AL 35234

Parcel # 012200244008021000

SE of Section 24, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is transferring ownership of an existing communal living facility and resuming the use.

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). The property is not located in a flood plain area; however, it is located in the Norwood Historic District. The prior owner of the communal living facility did not receive a City of Birmingham business license within the past two years; there, resumption of a legal nonconforming use is required. The applicant should consider creating parking spaces in the rear of the property.

Per Zoning Ordinance:

Communal Living Facility. Communal living facility in any D-4, D-5, D-6, MU-M, MU-H, MU-D and C-2 district a special exception may be granted by the Board provided the following conditions are met:

- 1. A statement from the State Department of Health or the State Department of Mental Health and/or the Jefferson County Department of Health that the proposed facility meets all requirements for the appropriate license, if applicable.*
- 2. A statement from the City Housing Code Enforcement Division that the proposed facility meets all provisions of the City of Birmingham Property Maintenance Code.*

3. A certification from the owner and operator that approval under this section shall not be transferable without prior approval by the Board of the City.

4. Any communal living facility shall not be closer than 1,000 feet from another communal living facility. This spacing requirement does not include multi-family dwellings used for on or off campus student housing within 1 mile of the main campus.

5. Communal Living Facilities are not meant to include child foster care facilities nor facilities housing the mentally handicapped or mentally ill, where there are no more than 10 such people plus 2 unrelated persons to either the occupants of the facility or to each other. (Code of Alabama 11-52-75.1 and Zoning Board of Adjustment Case No. 84-95)

Neighborhood Recommendation:

The Norwood Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the special exception requests; 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.

PARCEL ID: 012200244008021000

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

DATE: Tuesday, February 8, 2022 10:39:24 AM

OWNER: MAYES RALPH B & DEBORA J

ADDRESS: P O BOX 310218

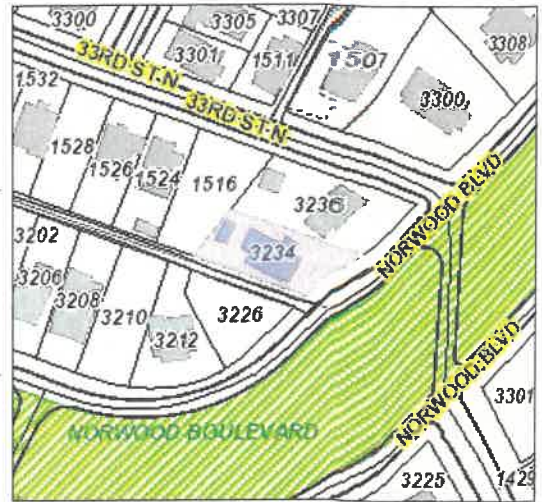
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35231

SITE ADDR: 3234 NORWOOD BLVD

CITY/STATE: BHAM, AL

ZIP: 35234



LAND: \$35,000.00

BLDG: \$126,300.00

OTHER: \$0.00

AREA: 8,529.57

ACRES: 0.20

SUBDIVISION INFORMATION:

NAME BHAM REALTY 4TH ADD

BLOCK: 19

LOT: 7

:

Section: 24-17-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Norwood

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: Norwood (1205)

Communities: Northside (12)

Council Districts: District - 4 (Councilor: J. T. Moore)

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

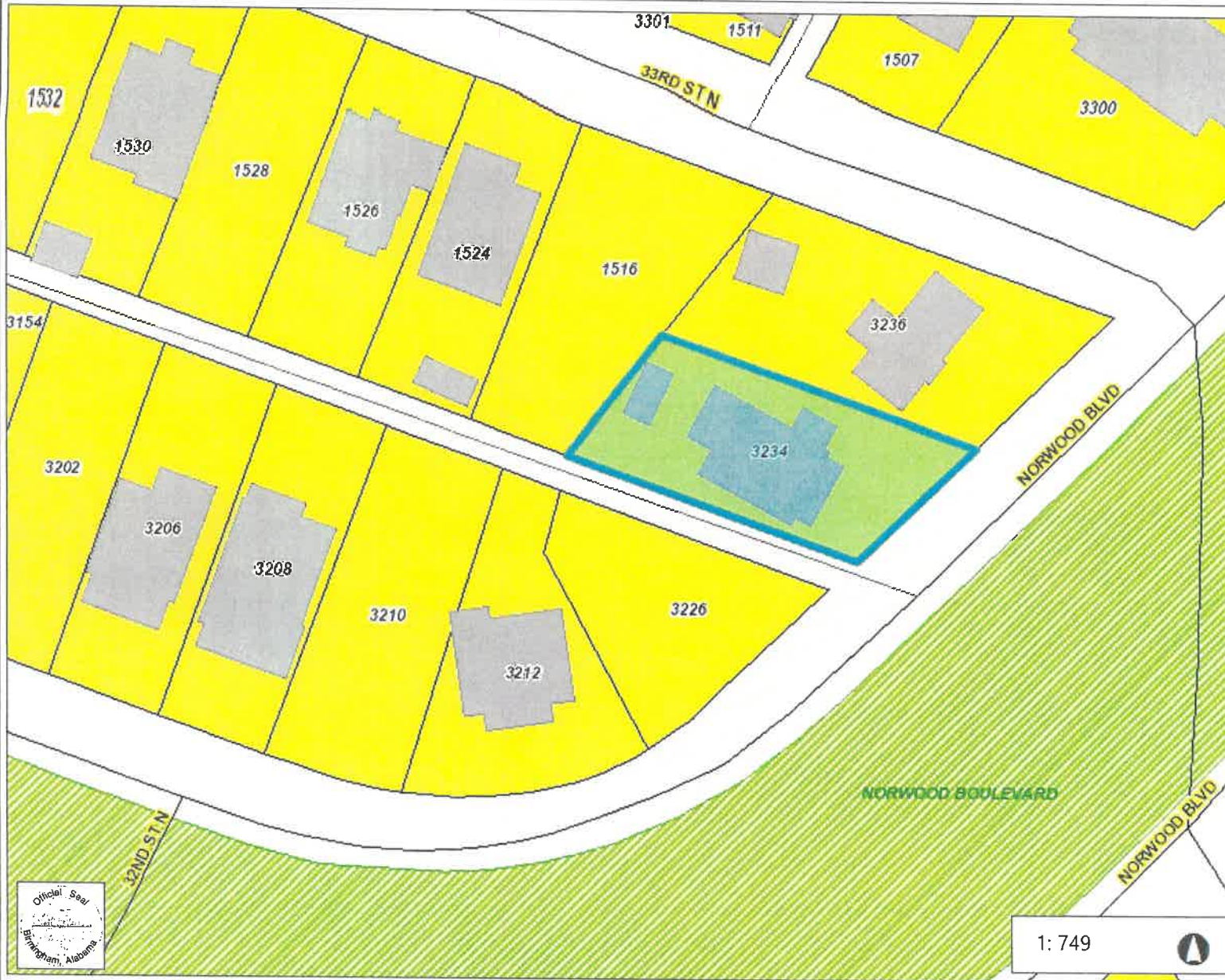
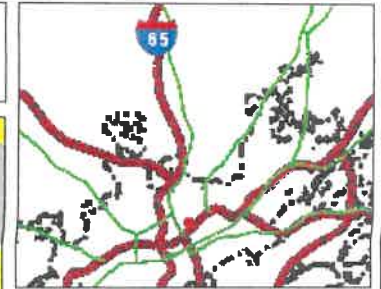
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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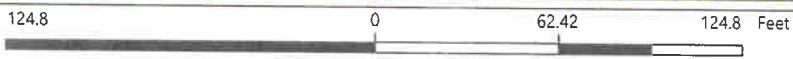


Legend

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 - General Commercial
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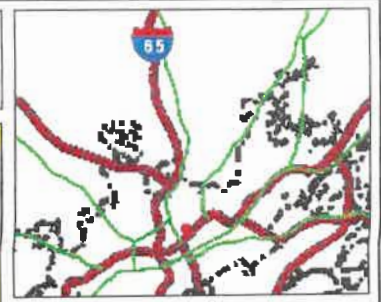


1: 749



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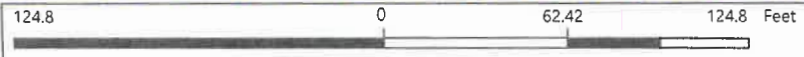
Notes



- Legend**
- Centerline Labels
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 - Local Roads
 - Arterials
 - County Highways
 - State Highways
 - US Highways
 - Interstates
 - Limited Access
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 - Hydrology Areas
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 - 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: 749



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

January 10, 2022

To: Kasandra Brundidge, J.D.
Zoning Supervisor
Planning, Engineering and Permits
City of Birmingham
710 20th Street North
Room 210, City Hall
Birmingham, Alabama 35203

From: Debora Carter Mayes
2577 Melinda Circle
Birmingham, Alabama 35214

RE: Continuous Communal Living Facility Operation - 3234 Norwood Boulevard

Dear Ms. Brundidge:

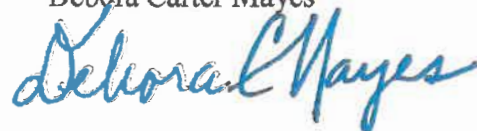
Pursuant to your inquiry regarding the referenced structure at 3234 Norwood Boulevard, otherwise known as Carter's Boarding Home; I am herein stating that I have continued to manage communal living at the facility during my mother's illness and recent passing.

Accordingly, I am applying for a transfer of ownership permit as I have been directed by the City of Birmingham. My mother, Helen Carter Fredrick has operated the facility continuously since 1985 and I have continued to conduct that business on her behalf and for the boarders who depend on the operation of the facility. It was her livelihood for approximately forty years and it continues to serve the boarders who reside there. The facility has continued uninterrupted in its mission and operation since its inception. The Jefferson County Health Department inspectors can confirm and attest to the facilities continued operation. This continued operation has had no negative impact on the health, safety, convenience, or comfort to the Norwood Community or public generally. We proudly consider the facility as a good neighbor and as an asset to the community.

Please call me at 205-222-9205 if you have any questions, comments, or require additional information.

Regards,

Debora Carter Mayes



CRISIS CENTER

Helping people in Crisis since 1970

Crisis and Suicide Line 323-7777 • Rape Response 323-RAPE • Kids' Help Line 328-KIDS • Teen Link 328-LINK • Senior Talk Line 328-TALK • Mental Health 933-9393 • SANE 323-SANE

December 31, 2021

Jefferson County Department of Health
1400 Sixth Avenue, South
Birmingham, AL 35233

Dear Friends:

Re: Carter Boarding Home

The Crisis Center serves as the Organizational Payee for the Social Security Administration in the Greater Birmingham Area. We have been doing this for the past 14 years.

We currently serve as the representative payee for (7) seven individuals who live at the Carter Boarding Home, 3234 Norwood Boulevard, Birmingham, AL., which is a licensed communal living facility with JCDH. We have been paying the monthly rent for these individuals since 2018, and several years prior to that date.

I personally visit Carter Boarding home facility weekly to deliver our payee program consumers their personal spending money (from their Social Security benefits), and as well as monitor their overall well-being.

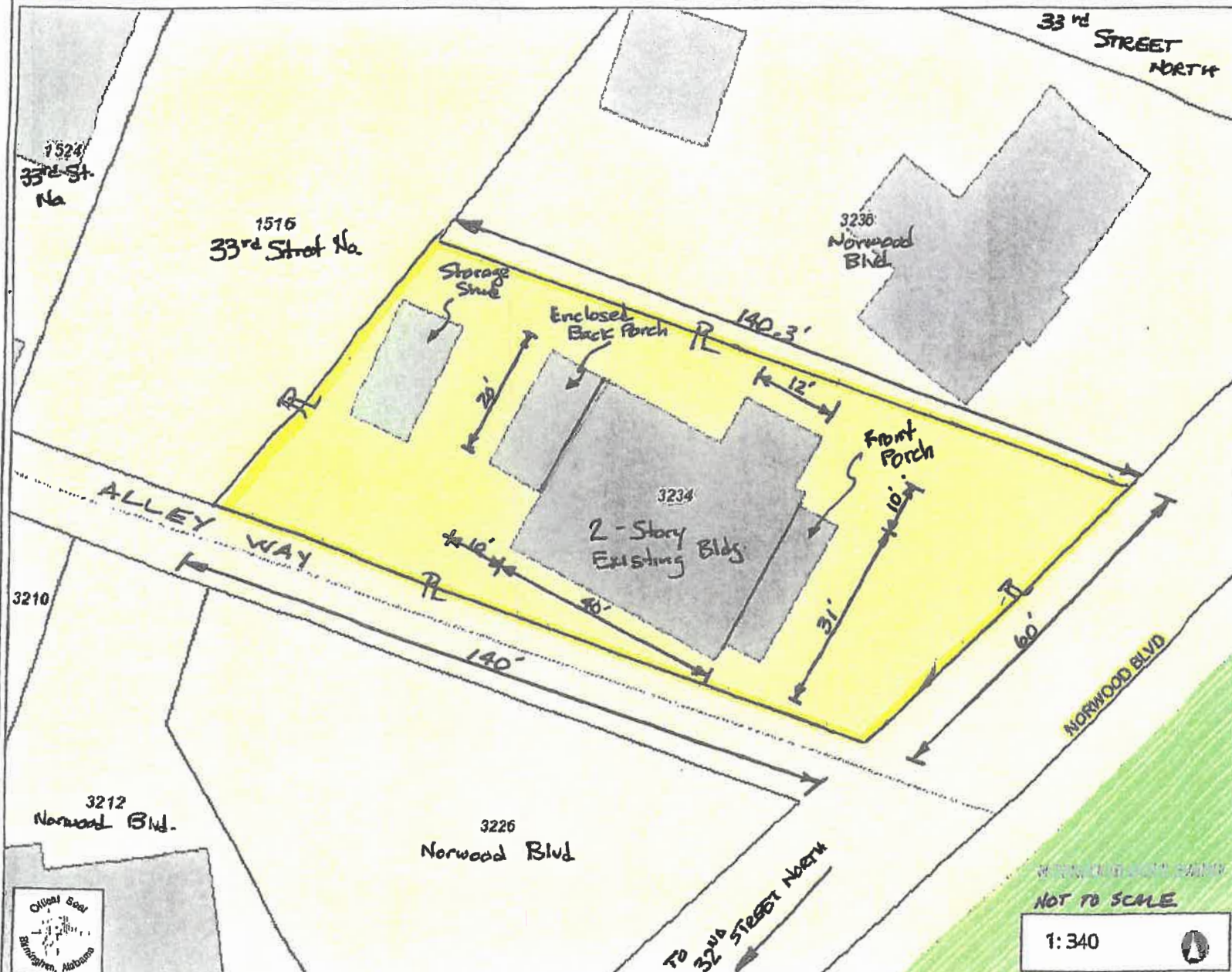
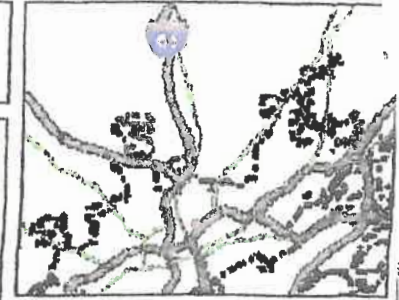
Since Helen Carter's illness and recent death, Carter Boarding Home has continued to provide the same level of care as when Mrs. Carter managed the boarding home. Her family plans on continuing communal living services for the individuals who reside there now, as well as others in our community who have a mental illness and need a boarding home environment.

Sincerely,



Michael Falligant
Director of Mental Health Services

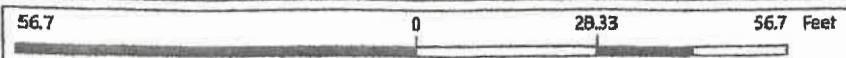




- Legend**
- Centerline Labels
 - + Railroad
 - Alleys
 - Local Roads
 - Arterials
 - County Highways
 - State Highways
 - US Highways
 - Interstates
 - Limited Access
 - Ramp
 - ▭ Buildings
 - Hydrology Lines
 - ▭ Hydrology Areas
 - ▭ Parcels
 - ▭ City Parks
 - ▭ Airport
 - ▭ City Limits (solid)



1:340



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Notes
**EXISTING
 CARTER'S
 BOARDING HOME.**

Google Maps 3234 Norwood Blvd



Image capture: Feb 2020 © 2021 Google

Birmingham, Alabama

Google

Street View - Feb 2020



1ST FLOOR CARTERS BOARDING



FIRE AND ALL
EMERGENCIES
CALL
911

2ND FLOOR CARTER'S BOARDING

REAR



STREET FRONT

FIRE AND ALL
EMERGENCIES

CALL
911

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00002

Woodlawn

Request:

Variance to subdivide the existing 2 lots into two lots creating one substandard lot of 5,686 square feet instead of the 6,000 square feet required and 45.64 feet in width instead of the 50 feet required.

Applicant:

Justin Mundie

Location:

141 57th St S, Birmingham AL 35212

Parcel # 012300214002009000

SE of Section 21, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is subdividing one lot into two lots.

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) while parcels north are zoned R-4 (Two Family and Semi-Attached Dwelling District). The property is not located in a flood plain area nor in any design review district. The proposed subdivision will create two new lots. One lot will be 6,537sqft with 50.25ft as the width. The other lot will be 5,686sqft with 45.64ft as the width; therefore, requiring two variances. The applicant has demonstrated on the survey that regardless of the lot size, they will be able to comply with the setbacks of the proposed homes.

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 Woodlawn Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variances; therefore, staff believes the requests have 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.

PARCEL ID: 012300214002009000

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

DATE: Tuesday, February 8, 2022 10:56:23 AM

OWNER: COBB CARLTON PARKER

ADDRESS: 2213 VESTHAVEN WAY E

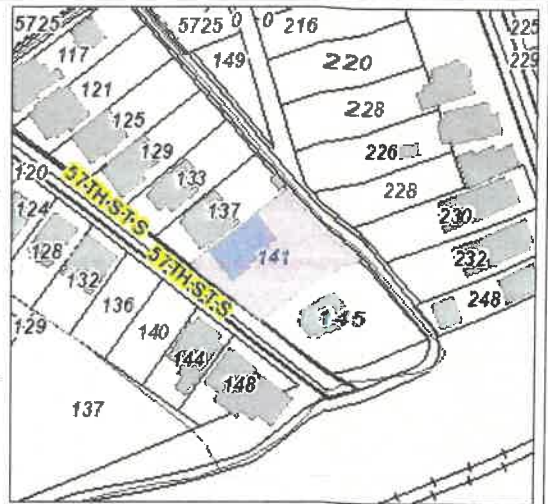
CITY/STATE: VESTAVIA AL

ZIP+4: 35216--2007

SITE ADDR: 141 57TH ST S

CITY/STATE: BHAM, AL

ZIP: 35212



LAND: \$7,100.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 12,573.10

ACRES: 0.29

SUBDIVISION INFORMATION:

NAME JOHNSON J L 23-21-4

BLOCK:

LOT: 11

:

Section: 21-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Woodlawn (2104)

Communities: Woodlawn (21)

Council Districts: District - 4 (Councilor: J. T. Moore)

Zoning Outline: R3

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

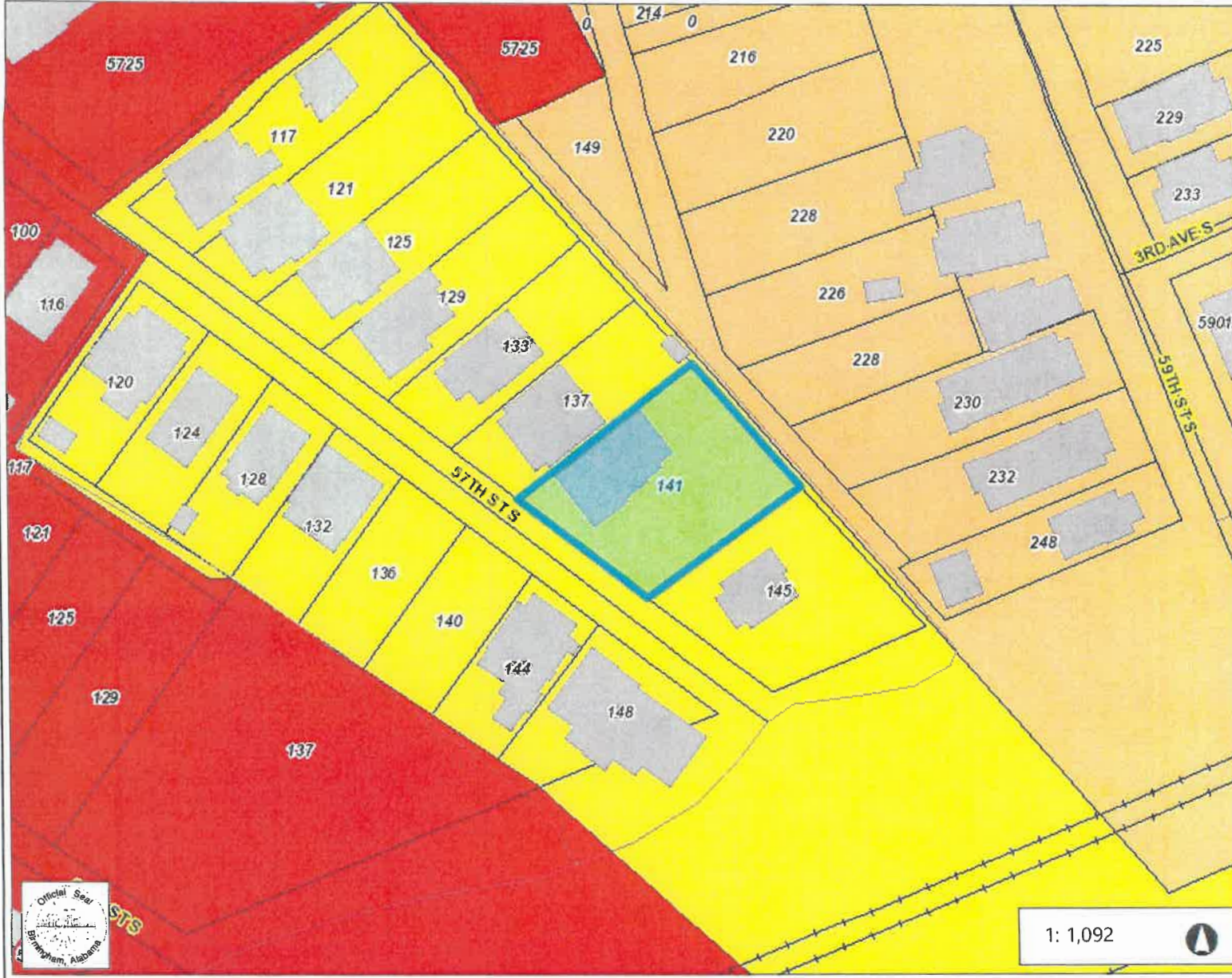
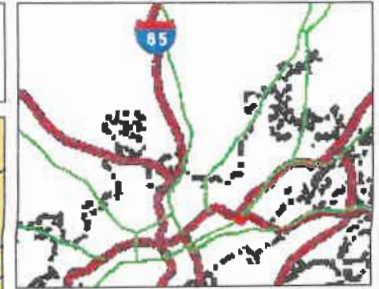
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

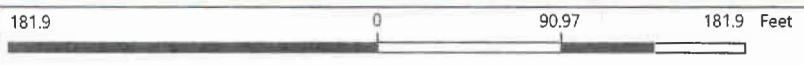
Parcel mapping and description information is obtained from the Jefferson County Tax Assessor's Office. This site does not provide real-time information and may contain errors. All data should be verified with the official source. The City of Birmingham makes no warranty as to the accuracy of the data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



Legend

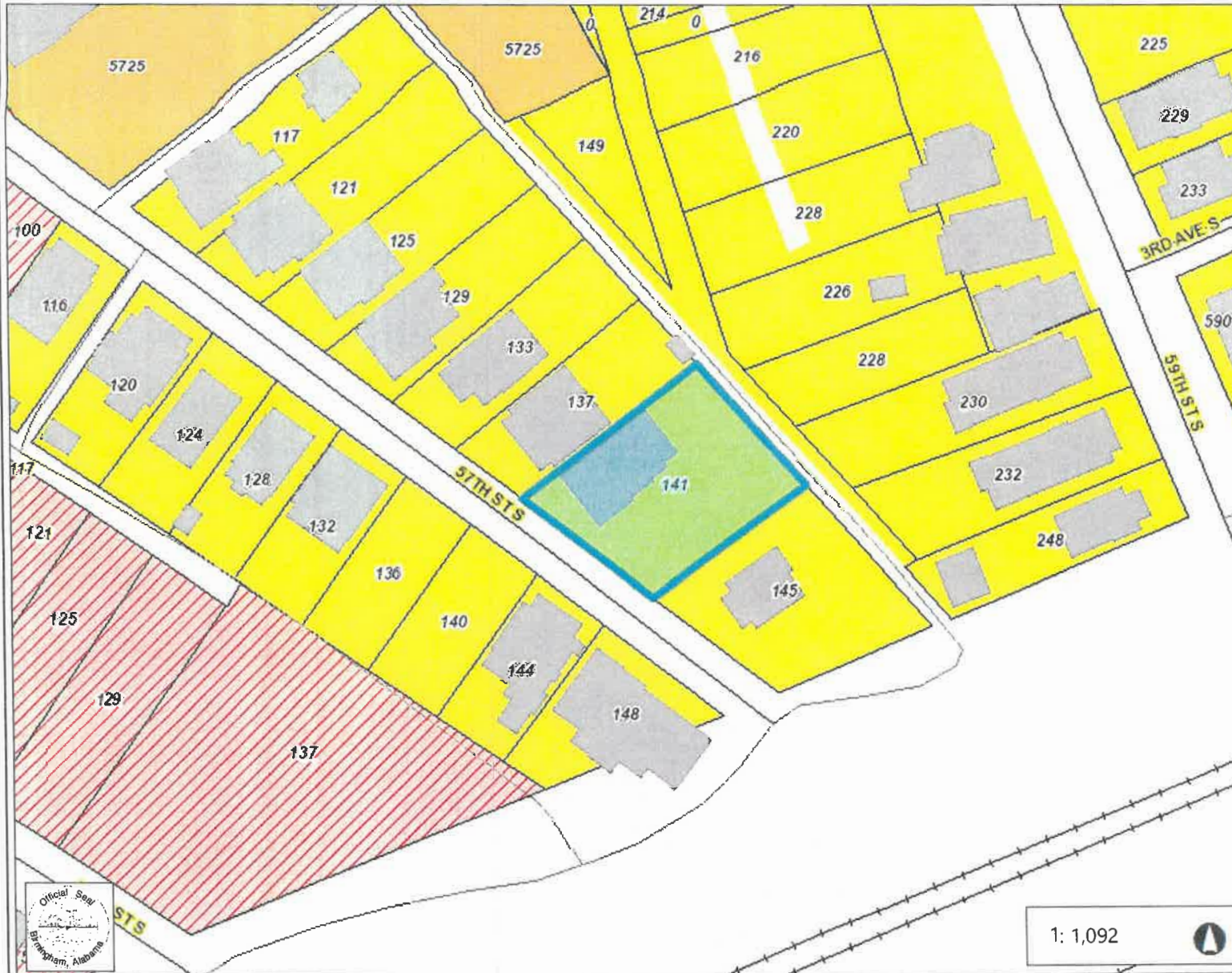
- Centerline Labels
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- Hydrology Areas
- Parcels
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- Airport
- Zoning Shaded
 - R1; D1 - Single Family District - Cla
 - R2; D2 - Single Family District - Cla
 - R3; D3 - Single Family District; R3
 - 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: 1,092



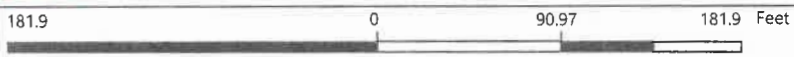
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
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Notes



Legend

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- 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: 1,092

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Notes

Request for zoning variance at 141 57th St S Birmingham, AL 35212

M Family Partners LLC went under contract for two lots at 141 57th St S. During our due diligence and after surveying the lot, it was discovered that the listed square footage was 480 sf below the minimum threshold of 12,000 sf for two individual lots. Our intention is to build two new constructions on the property. The owner marketed it as a double lot and is unwilling to sell at a price consistent with a single build.

The entire block has consistent 50 foot wide parcels with single family homes. Behind the lot, the Woodlawn foundation has built new construction in a configuration that appears to be similar to townhomes with land held in common, but still consistent with the width of lots in this neighborhood. In order to maintain the integrity of the frontage of the street, we believe that a variance should be granted to allow two homes on this parcel. The primary reason that the two lots are just shy of the required square footage is due to the angle of the rear alley cutting some of the depth of lot 12. The next parcel to the southern end of the block (which is next to the CSX railway) has a similar condition, but its additional lot is considerably smaller and would not allow another property because of the location of the house in the middle of the existing platting. This was likely done due to the proximity of the railroad as well as the continuing tapering of the lot depths due to the location of the rear alley.

It is unknown when the lot lines were shifted. According to conversations with the zoning department, it appears it was done long ago and without going through the City of Birmingham when the parcel was created. With the resubdivision and variance, we will be able to clear up this discrepancy.

While building two homes instead of one would be a financial gain for our company, we believe that is important to bring back density in proper locations and create consistent frontages along streets where urban infill is taking place. Currently there are four vacant parcels in a row and allowing this variance will bring back two homes in this location, creating a more walkable, non blighted neighborhood as well as bringing additional revenue to the city of Birmingham.

The granting of this variance should have only positive effects for neighbors in the area as these vacant parcels are often neglected by owners, creating blight, long grass, and attracting vermin. By allowing this variance, two high quality new construction homes will be built which will benefit those living on 57th St S by raising the values of their homes and eliminating blight, dumping, etc.

The granting of this variance will not create undue congestion. The street is currently underutilized after fire destroyed multiple homes in a row at this location. While this is technically a variance in zoning due to the size restrictions of R3, we believe that we are reconstituting how this neighborhood was designed to begin with. The new homes will have alley access parking and so will not contribute to congested street parking. The new homes are planned to be approximately 1500 square feet and will likely be in demand by young, first time homeowners,

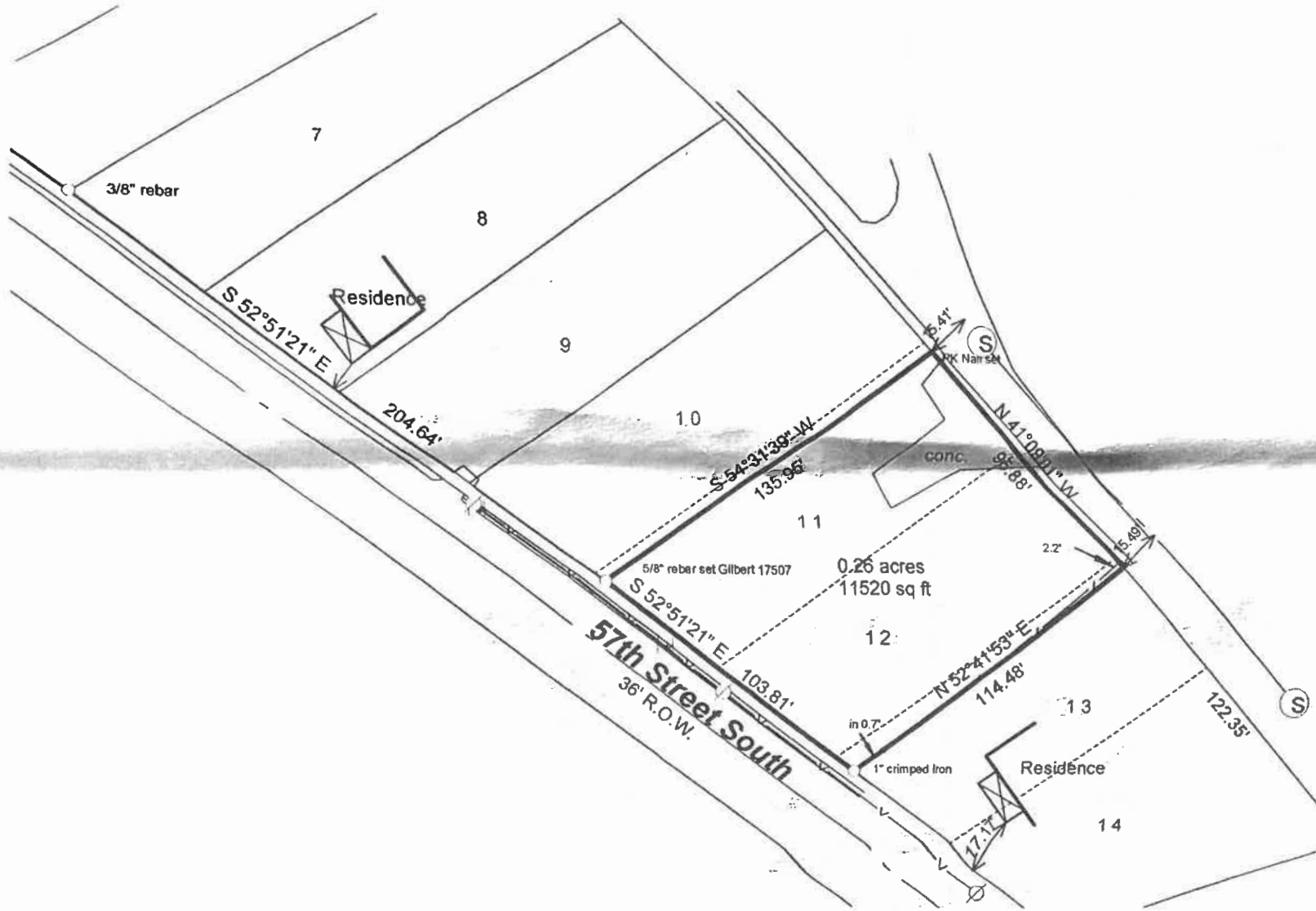
so no effect on schools is expected, at least initially. Sidewalks will be rebuilt in front of the two properties which will also promote walkability and beautification of the neighborhood.

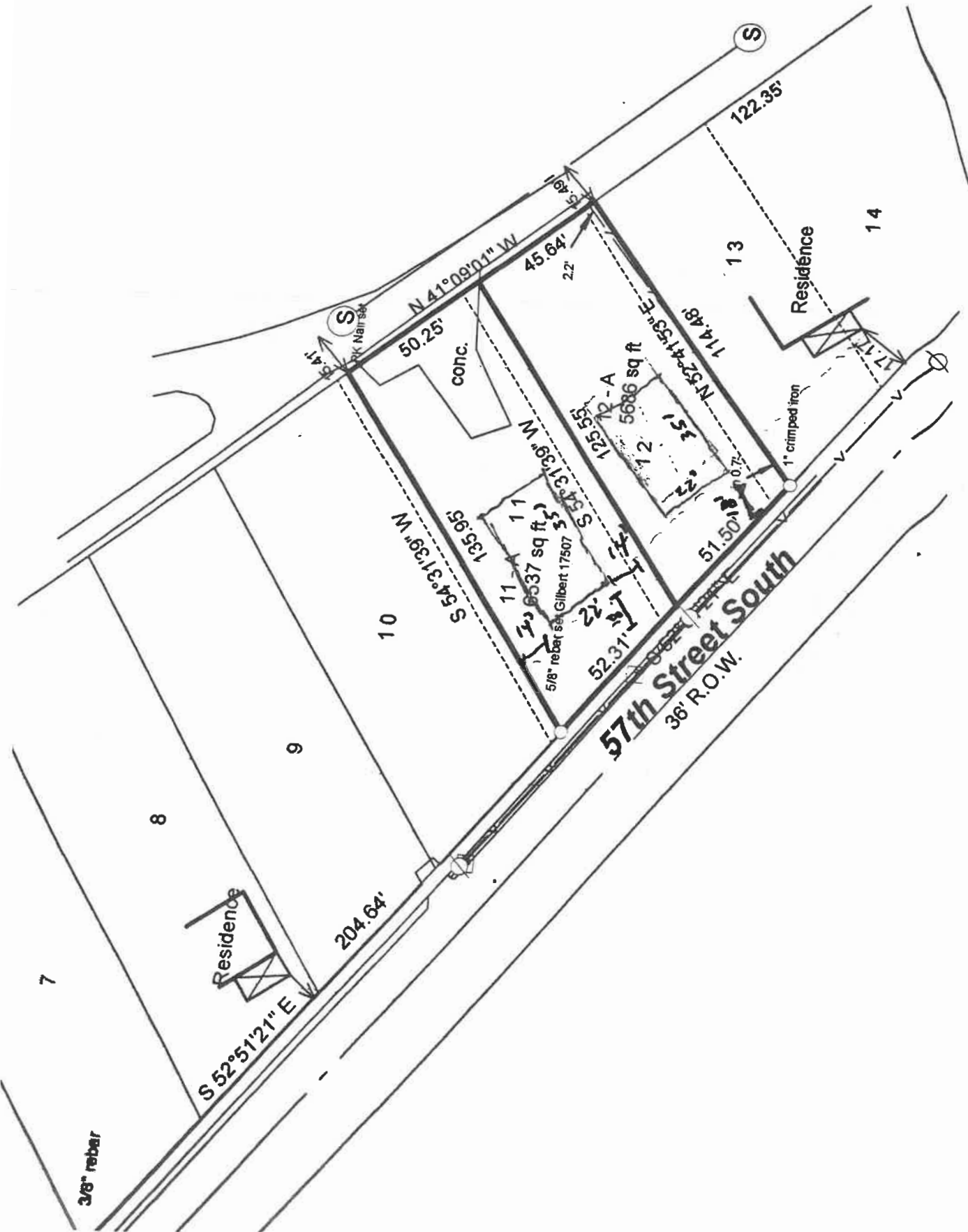
Thanks for your consideration.

Justin Mundie

Manager - M Family Partners, LLC

Owner - Mundie Investment Group, LLC





ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00003

Five Points South

Request:

Variance to allow (2) projecting signs at 28 sq.ft each instead of the 8 sq.ft allowed.

Applicant:

Paul Cash

Location:

431 20th St S, Birmingham AL 35233

Parcel # 012200364025002000

SE of Section 36, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is proposing a (2) 28sqft projecting sign for Chase Bank on two sides.

Staff Analysis:

The subject property is currently zoned B-4 (Central Business District). The parcels located north and east are zoned B-4 (Central Business District) while parcels west and south are zoned B-6 (Health and Institutional District). The property is not located in a flood plain area; however, it is located in the Automotive Historic district and Midtown Commercial Revitalization District. The applicant has gone before the design review committee and has been approved. The sign will be located on top of an existing canopy on the structure. Staff recommends that the size of the signs meet the qualification listed below:

Maximum sign area shall not exceed 6% of the building façade (height x length) nor shall its length exceed 50% of building length. No sign shall exceed 150 square feet.

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 downward directed 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 variance; therefore, staff believes the request has merit for denial and should be **DENIED**.

PARCEL ID: 012200364025002000

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

DATE: Wednesday, February 9, 2022 4:35:08 PM

OWNER: LAMKIN ANNE DAHLENE &

ADDRESS: 3325 OVERBROOK RD

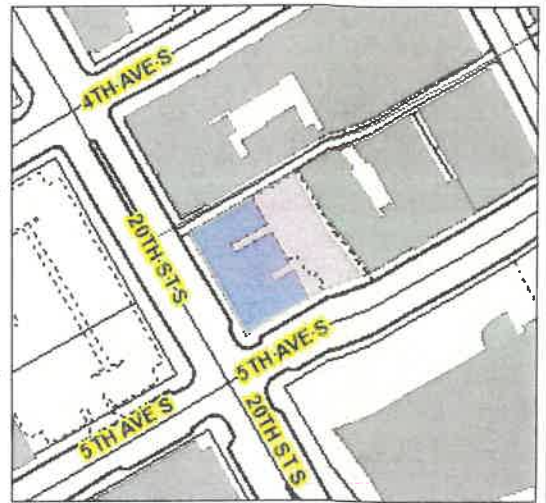
CITY/STATE: MOUNTAIN BRK AL

ZIP+4: 35213--3929

SITE ADDR: 425 20TH ST S

CITY/STATE: BHAM, AL

ZIP: 35233



LAND: \$777,000.00

BLDG: \$860,900.00

OTHER: \$0.00

AREA: 20,960.48

ACRES: 0.48

SUBDIVISION INFORMATION:

NAME BIRMINGHAM BLOCKS

BLOCK: 162

LOT: 11&

:

Section: 36-17-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Automotive

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: B4

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

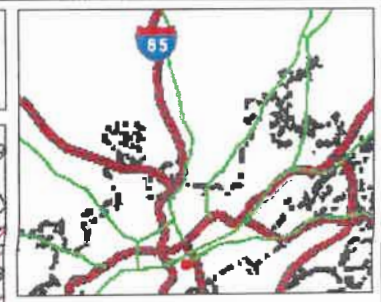
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

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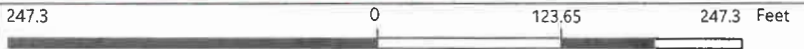
Judicial Boundaries: JEFFERSON

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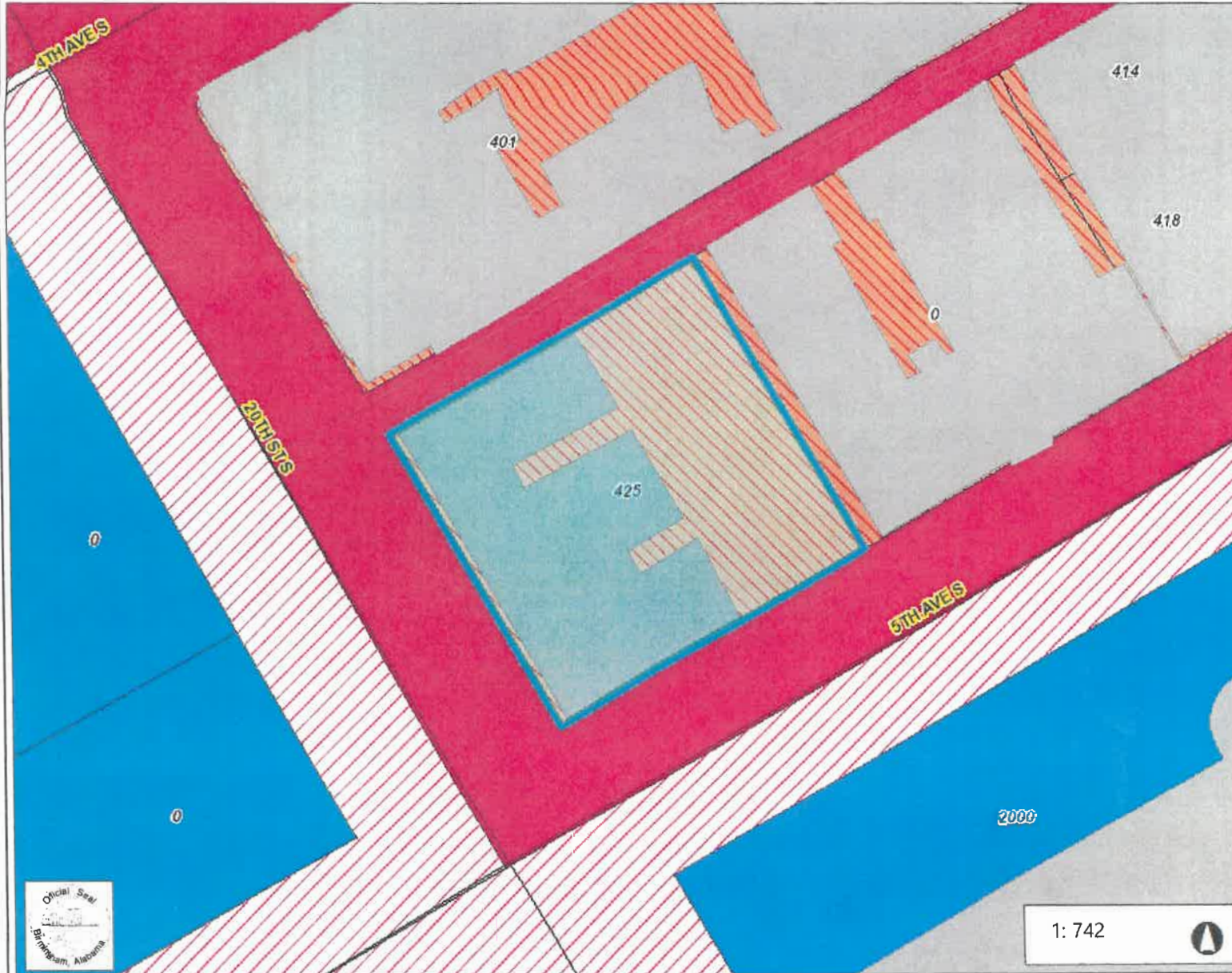
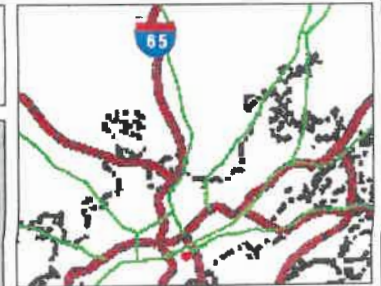
Legend

- Centerline Labels
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 - R7 - Multiple Family District

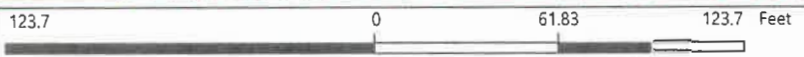


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 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 742

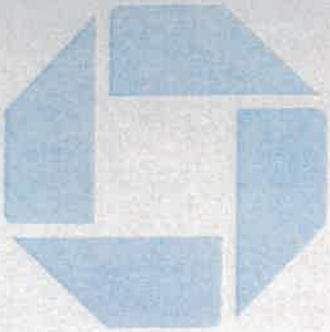
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Notes

CHS.NB.953

20TH AND 5TH

2001 5th Ave
Birmingham, AL 35233



REVISION NOTES

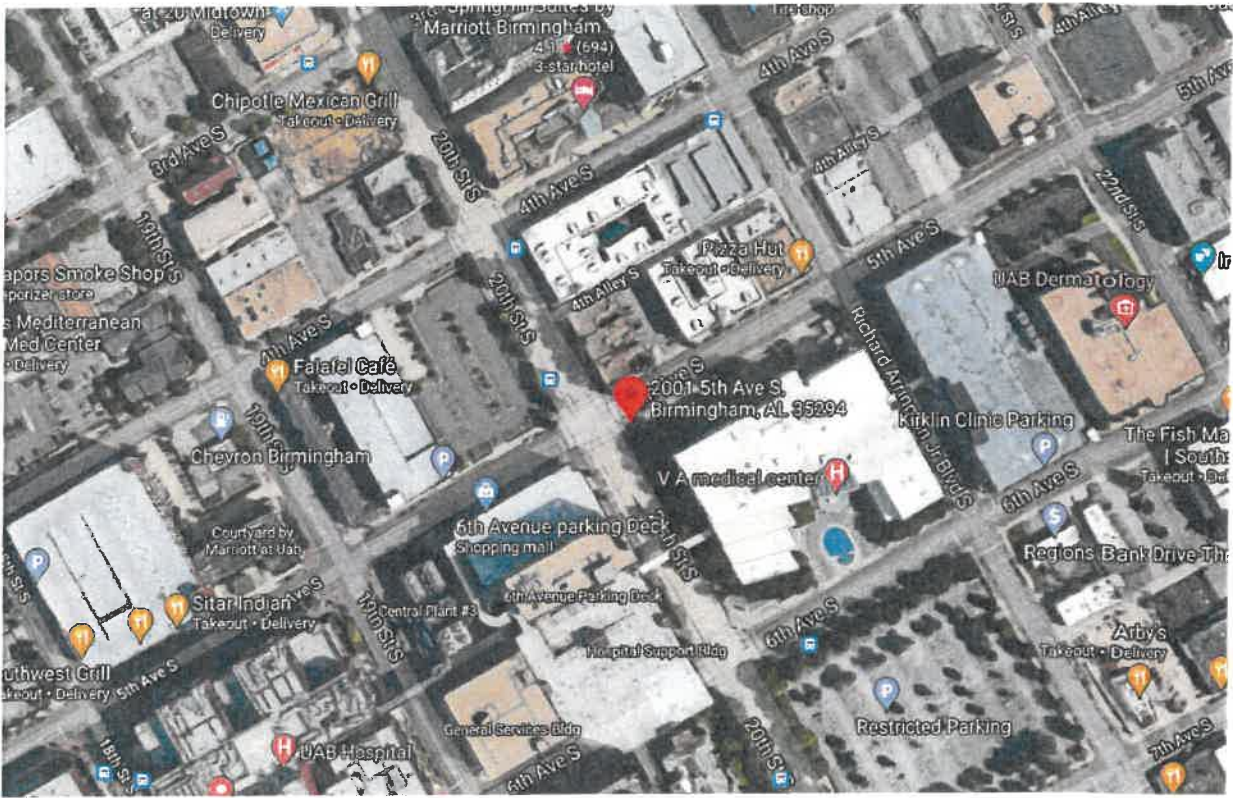
- 05.07.21 MMS Revised 106.
- 07.12.21 RJW Change E01, E02 to block.
- 07.29.21 JM Updated Elevations. Revised E01, E02, E04.
- 08.02.21 JM Revised E01 and E02. Added an Option 2 for E01 and E02.
- 08.10.21 JM Revised E01 and E02. Added an Option 3 for E01 and E02.
- 08.19.21 JM Added E05 and E06. Revised Option 3, E01.
- 09.02.21 AW Revised 106.
- 09.15.21 JM Deleted Options 2 and 3. Revised E01 and E02.
- 09.16.21 AC Updated 107 & 108



B94441



Aerial Plan



CHS.NB.953 - 20th and 5th
2001 5th Ave
Birmingham, AL 35233

DESIGNER - MMS
CREATED - 05/03/21
DRAWING - B94441

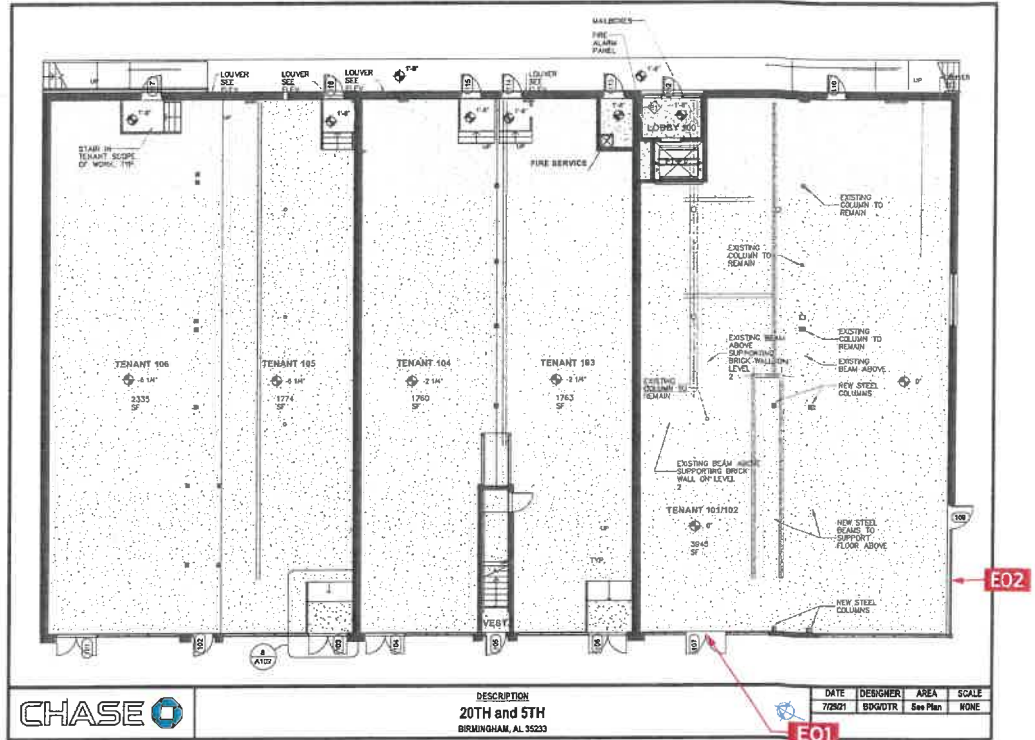


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Site Plan

Exterior Scope of Work

- E01 UF-R-BLK-24-LED-CUST Custom Back w/ Blue Oct Die/Noct Illum Case Ltrs - 8'x11' Mto Rows 36.9sf
- E02 UF-R-BLK-24-LED-CUST Custom Back w/ Blue Oct Die/Noct Illum Case Ltrs - 8'x11' Mto Rows 36.9sf



- Exterior Signs
- Interior Signs



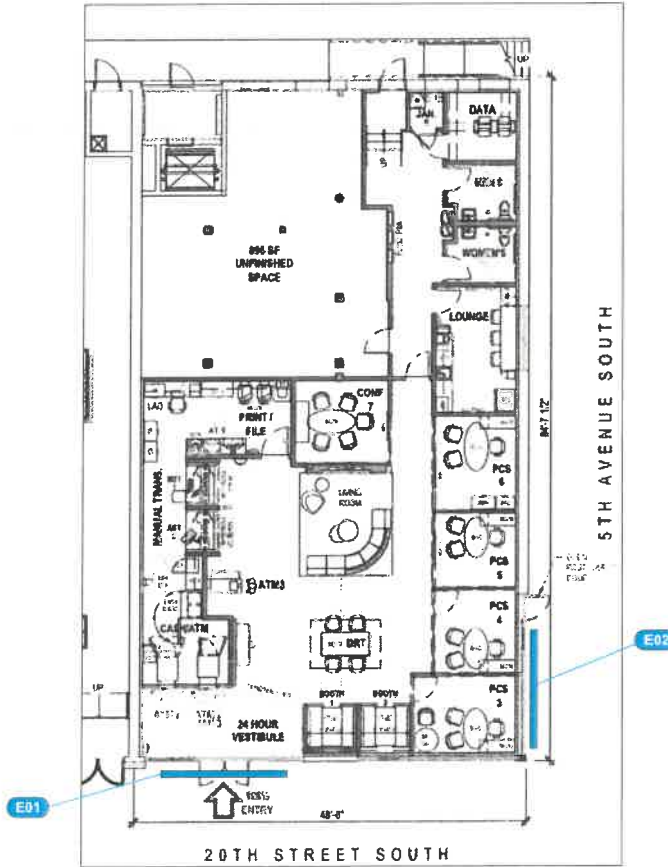
CHS.N8.953 - 20th and 5th
2001 5th Ave
Birmingham, AL 35233

DESIGNER - MMS
CREATED - 05/03/21
DRAWING - B94441

PHILADELPHIASIGN
737 WEST SPRING GARDEN ST • PALMYRA, NJ • 08055
P: 610-229-3460 • F: 610-229-8549 • WEB: <http://www.philadelphia-sign.com>

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SIGNS E01 & E02



Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2017 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

PLAN VIEW - SITE PLAN
SCALE: NTS

PERMITS ONLY



PHILADELPHIASIGN
BRINGING THE WORLD'S IDEAS TO LIFE

707 West Spring Garden Street
Palmyra, New Jersey 08065
Phone: 856.829.1460
Fax: 856.829.3548
www.philadelphiasign.com

CUSTOMER:	CHASE
JOB NUMBER:	CHS.NB.953
SIGN TYPE:	CUSTOM
LOCATION:	2001 5th Ave. Birmingham, AL 35233
DATE:	12/7/21
DRAWN BY:	DCH
REVISION:	Number Date By:
SHEET:	END DEPT 1 OF 6
DWG NUMBER:	B97564
ENGINEER SEAL:	

ULTIMATE WIND SPEED 115 MPH
EXPOSURE C

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY PISG. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY PISG. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION.

SIGN E02

**PERMITS
ONLY**

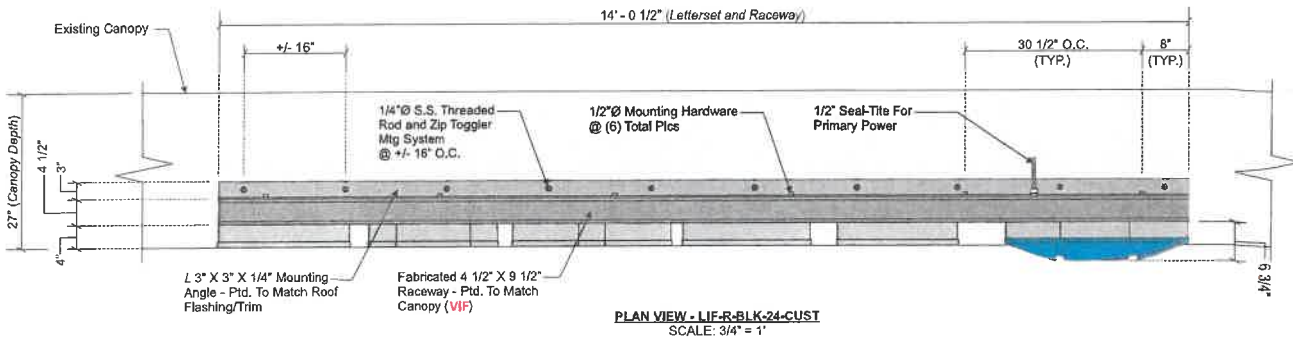


5TH AVE SOUTH ELEVATION - LIF-R-BLK-24-CUST
SCALE: 3/8" = 1'

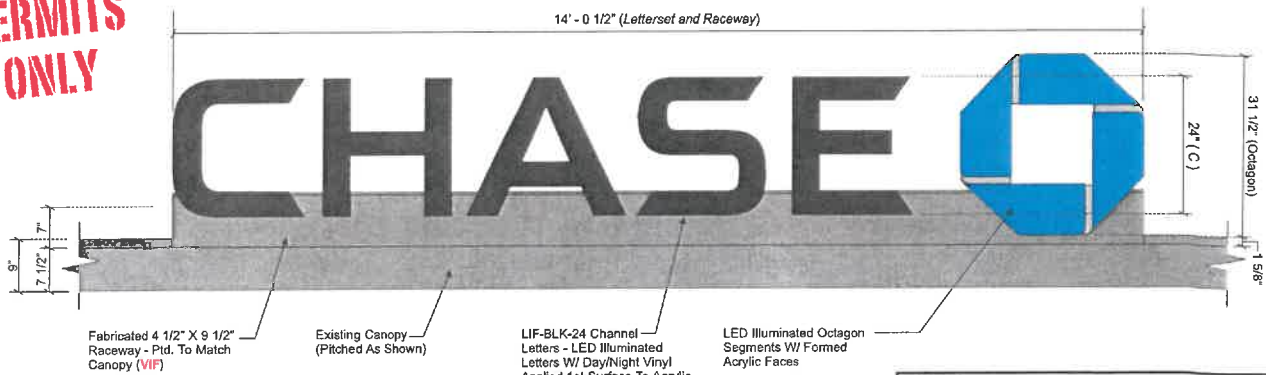
Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2011 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

 PHILADELPHIASIGN <small>REINVENTING THE WAY WE LEARN TO LIVE</small> 707 West Spring Garden Street Palmyra, New Jersey 08055 Phone: 856.825.1460 Fax: 856.825.8549 www.philadelphiasign.com	
CUSTOMER:	
CHASE	
JOB NUMBER:	
CHS.NB.953	
SIGN TYPE:	
CUSTOM	
LOCATION:	
2001 5th Ave. Birmingham, AL 35233	
DATE:	
12/7/21	
DRAWN BY:	
DCH	
REVISION:	
Number:	Date: By:
SHEET: ENG DEPT	
3 OF 6	
DWG NUMBER:	
B97564	
ENGINEER SEAL:	
ULTIMATE WIND SPEED 115 MPH EXPOSURE C	
<small>THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY PHIS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY PHIS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY MANNER.</small>	

SIGNS E01 & E02



PERMITS ONLY



Electrical Load
(3.2) Amps @ 120 Volts
Electrical Reqsmts
(1) 20 Amp/120 Volt Circuits

Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2017 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

- STANDARD LETTER NOTES:**
1. Sufficient Primary Circuit In Vicinity Of Sign By Others.
 2. Letter To Letter Wiring & Final Primary Hook-up By Sign Installer, Where Allowed By Local Codes.
 3. Sign Shall Be U.L. Listed.
 4. Mounting Hardware By Sign Installer.
 5. Full Size Drilling Template Furnished With Sign.



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Palmyra, New Jersey 08055
Phone: 856.826.1403
Fax: 856.826.8549
www.philadelphiasign.com

CUSTOMER:
CHASE
JOB NUMBER:
CHS.NB.953
SIGN TYPE:
CUSTOM

LOCATION:
2001 5th Ave.
Birmingham, AL 35233

DATE:
12/7/21

DRAWN BY:
DCH

REVISION:
Number: Date: By:

SHEET: ENO DEPT
4 OF 6

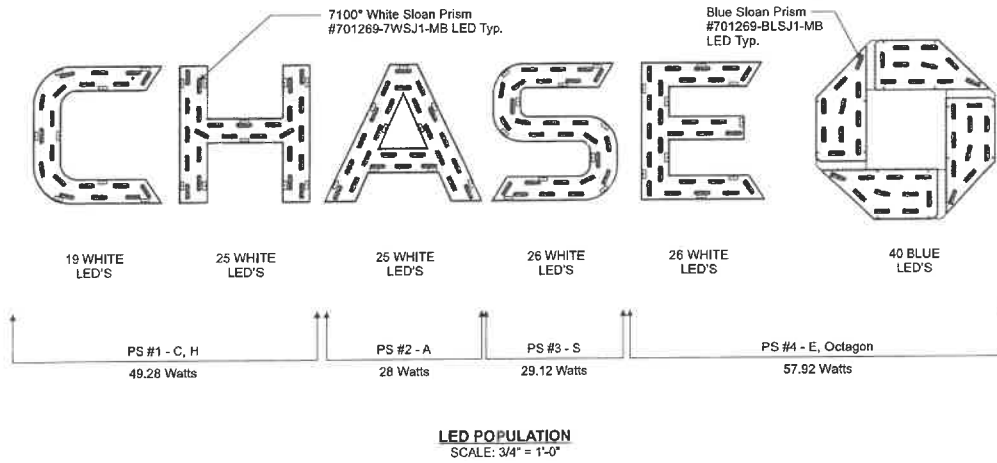
DWG NUMBER:
B97564

ENGINEER SEAL:

ULTIMATE WIND SPEED 115 MPH
EXPOSURE C

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY PSEO. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY PSEO. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE COPIED, REPRODUCED, OR FORWARDED IN ANY FASHION.

SIGNS E01 & E02



PERMITS ONLY

Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2017 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

ELECTRICAL REQUIREMENTS:

LEDs: (121) 7100K White Sloan Prism #701269-7WSJ1-MB
(40) Blue Sloan Prism #701269-BLSJ1-MB
Power Supply: (4) Sloan Prism 60C3 60W #701507-60C3 @ 0.8A
Total Load: 3.2A @120VAC
Circuits: (1) 20 Amp Required



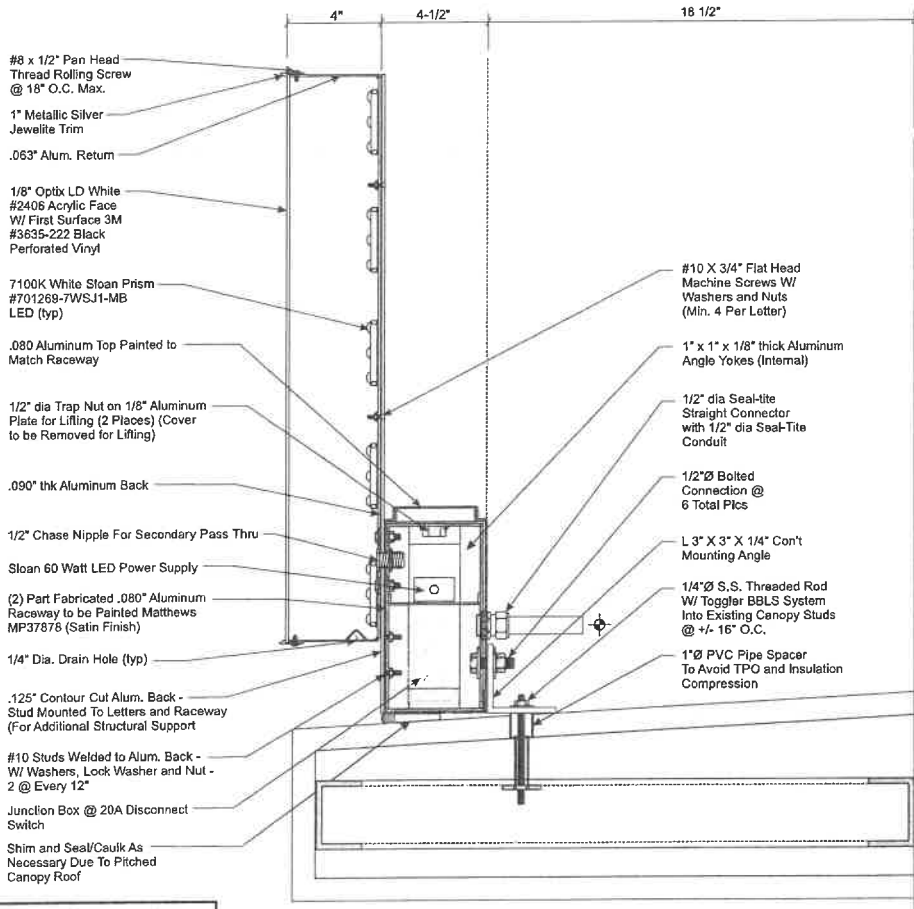
PHILADELPHIASIGN
BRINGING THE WORLD'S BRANDED TO LIFE
707 West Spring Garden Street
Palmers, New Jersey 08065
Phone: 856.829.1460
Fax: 856.829.8549
www.philadelphiasign.com

CUSTOMER:	CHASE
JOB NUMBER:	CHS.NB.953
SIGN TYPE:	CUSTOM
LOCATION:	2001 5th Ave. Birmingham, AL 35233
DATE:	12/7/21
DRAWN BY:	DCH
REVISION:	Number: Date: By:
SHEET:	5 OF 6
DWG NUMBER:	B97564
ENGINEER SEAL:	

ULTIMATE WIND SPEED 115 MPH
EXPOSURE C

THIS IS AN ORIGINAL UNPUBLISHED DRAWING
CREATED BY PHIS. IT IS SUBMITTED FOR YOUR
PERSONAL USE IN CONNECTION WITH A PROJECT
BEING PLANNED FOR YOU BY PHIS. IT IS NOT TO
BE SHOWN TO ANYONE OUTSIDE YOUR
ORGANIZATION NOR IS IT TO BE USED, COPIED,
REPRODUCED, OR LOANED IN ANY MANNER.

SIGNS E01 & E02

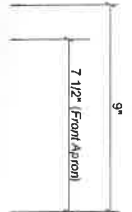


Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2017 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

SECTION THROUGH LETTER
SCALE: 3" = 1'-0"

INSTALLATION NOTE:
ROOFER REQ'D TO SEAL
CONTAIN ALL PENETRATIONS
INTO TPO ROOFING -
FINAL SEAL TO BE
APPROVED BY ARCHITECT
OR INSPECTOR ON SITE

**PERMITS
ONLY**



NOTE Back of Sign is Visible
and Must be Painted



PHILADELPHIASIGN
BRINGING THE WORLD'S STANDARDS TO LIFE
787 West Spring Garden Street
Palmyra, New Jersey 08065
Phone: 856.829.1460
Fax: 856.829.8549
www.philadelphiasign.com

CUSTOMER:
CHASE
JOB NUMBER:
CHS.NB.953

SIGN TYPE:
CUSTOM

LOCATION:
2001 5th Ave.
Birmingham, AL 35233

DATE:
12/7/21

DRAWN BY:
DCH

REVISION:
Number: Date: By:

SHEET: 6 OF 6
ENG DEPT

DWG NUMBER:
B97564

ENGINEER SEAL:

ULTIMATE WIND SPEED 115 MPH
EXPOSURE C

THIS IS AN ORIGINAL UNPUBLISHED DRAWING
CREATED BY PSCC. IT IS SUBMITTED FOR YOUR
PERSONAL USE IN CONNECTION WITH A PROJECT
BEING PLANNED FOR YOU BY PSCC. IT IS NOT TO
BE SHOWN TO ANYONE OUTSIDE YOUR
ORGANIZATION NOR IS IT TO BE COPIED,
REPRODUCED, OR EXHIBITED IN ANY MANNER.

Survey Photos



CHS.NB.953 - 20th and 5th
 2001 5th Ave
 Birmingham, AL 35233

DESIGNER - MMS
 CREATED - 05/03/21
 DRAWING - B94441

PHILADELPHIASIGN
 PHILADELPHIA SIGN & GRAPHICS, INC.
 701 WEST SPRING GARDEN ST • PHILADELPHIA, NJ • 08106
 P. 856-453-1402 • F. 856-426-6548 • WEB: www.philadelphiaign.com

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY PH.C.C.O. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY PH.C.C.O. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE LENT, COPIED, REPRODUCED, OR OTHERWISE IN ANY MANNER.

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00004

Eastlake

Request:

Variance to allow a 6ft fence in the front yard area.

Applicant:

Tilly Isaacson

Location:

6630 2nd Ave S, Birmingham AL 35206

Parcel # 012300153032012000

SW of Section 15, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant constructed a 6ft wooden fence in the front yard area off of 67th St S.

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) while parcels south are zoned QR-4 (Qualified Two Family and Semi-Attached Dwelling District). The property is not located in a flood plain area nor in any design review district. The property sits on a corner lot; therefore, the applicant has two front yards. The request comes from a zoning enforcement case. The fence is already existing.

Per Zoning Ordinance:

Subsection 3. Residential Zoned Property

A. Upon any "D", "E-1", or "R" zoned property, a wall or fence may be erected or placed in accordance with the following:

1. Complete Front Yard – No wall or fence within a front yard area shall exceed a height of four feet and the overall height of fence, supports and other features shall not exceed a height of five feet in total, except as required for wireless communication installations as listed in Section 1 of this Article. If a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet.

2. Side and Rear Yard

a. Within a side or rear yard, a wall or fence may be erected or placed to a

height of eight feet, and the supports and other features may be erected or placed at a height of nine feet, provided that any structure that allows residential occupancy on an adjacent property is setback a minimum of five feet from the side and/or rear lot line.

b. If an existing dwelling unit on an adjacent property is setback less than five feet from a side or rear lot line, a portion (or all) of the wall or fence erected adjacent to that structure may be required to be of a “see through” type of material, such as chain link, so that adequate light and ventilation may be provided. This determination will be made by staff as a result of an on-site field inspection. The overall height of the fence or wall will be as detailed in the previous item (“A”).

Neighborhood Recommendation:

The East Lake Neighborhood Association waiting on vote.

Staff’s Recommendation to ZBA:

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

PARCEL ID: 012300153032012000

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

DATE: Wednesday, February 9, 2022 9:11:17 AM

OWNER: BOYKIN RALPH & BRENDA J BOYKIN

ADDRESS: 3679 ALTACREST DR W

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35243

SITE ADDR: 6630 2ND AVE S

CITY/STATE: BHAM, AL

ZIP: 35212



LAND: \$20,200.00

BLDG: \$11,500.00

OTHER: \$0.00

AREA: 12,147.02

ACRES: 0.28

SUBDIVISION INFORMATION:

NAME EAST WOODLAWN

BLOCK: 3-C

LOT: 9

:

Section: 15-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: East Lake (602)

Communities: East Lake (6)

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: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

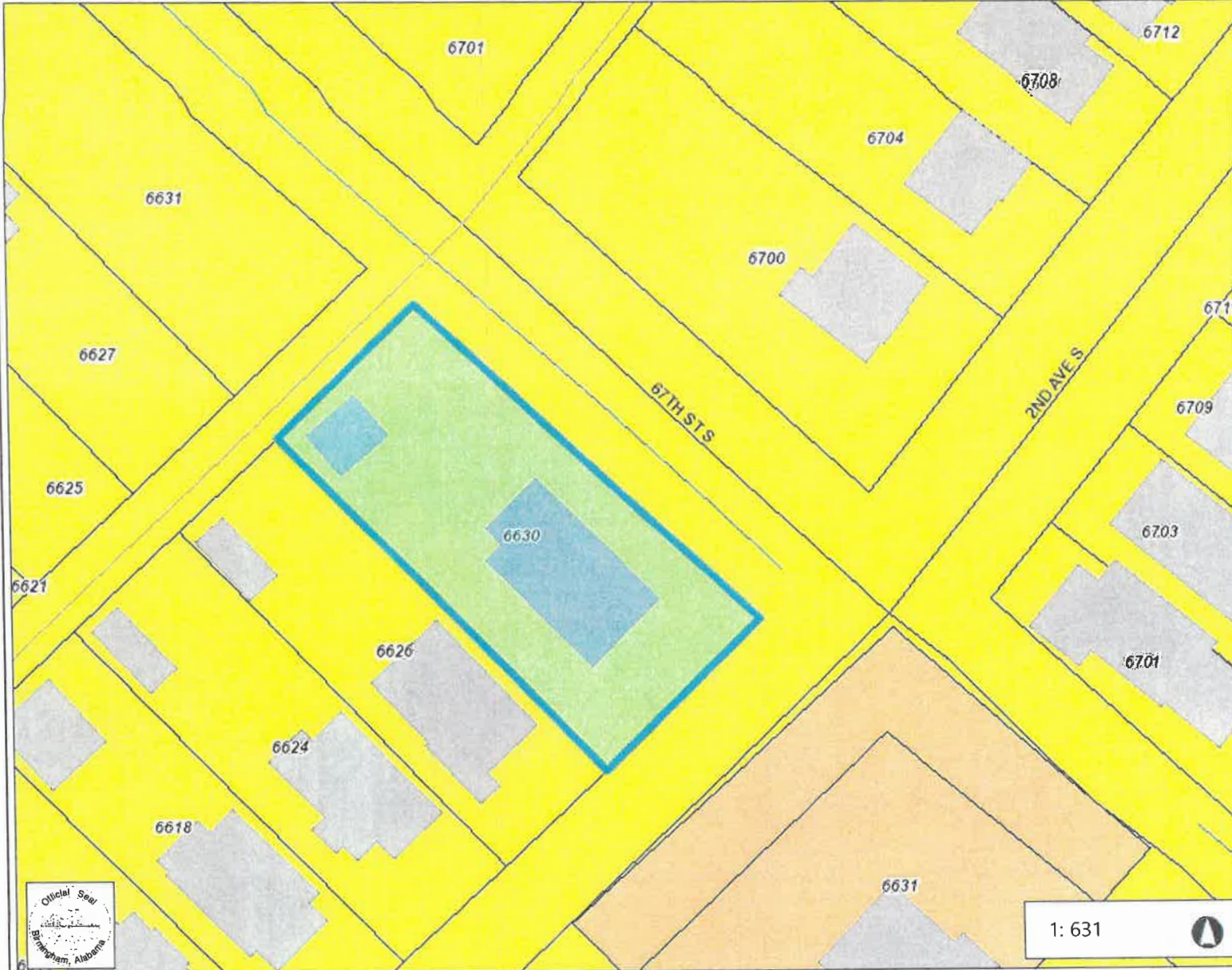
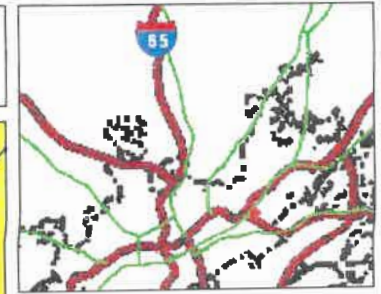
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

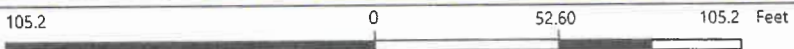
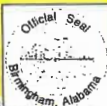
Opportunity Zones: In Opportunity Zones

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: 631

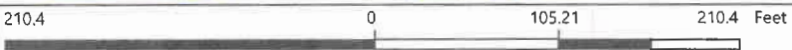
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

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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



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Notes

Six Variance Standards

1. Physical Characteristics

My home is on the corner of 67th Street South and Second Avenue South. I have no direct neighbor to the left of me where my fence stands. The fence in question covers the backyard of my home and leaves the front yard open and visible without obstruction to traffic on both sides.

2. Unique Characteristics

The corner lot makes this a unique property because my backyard is being classified as a front yard. However, the front of my home is visible without an impeding fence.

3, 4. Hardship and Financial Gain

The reason for the fence is for my safety and privacy. There is no relating financial gain or ulterior motive for its existence.

5. Neighboring Property

There is no direct neighboring property beside the fence and thus there is no applicable injury that could be caused by this fence.

6. Public Welfare

The fence is not detrimental to the public. The health, safety, comfort, morals, and general welfare of the neighborhood and community are not in harm because of the fence. This fence provides me safety and security; it protects me and my dog who would easily jump a 4 foot fence; the fence does not harm the neighborhood. As a single woman working from home, this fence provides me with a greater sense of protection and privacy. I hope you can see that this fence is not hurting my neighbors in any way but does help protect me. Please allow for for this fence to remain in place as is. Thank you for your time and consideration,
Tilly Isaacson

6704

6700

67TH S1 S

Fence in back half of corner lot

6630



6626

2ND AVE S

6631



Google





ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00005

Five Points South

Request:

Variance to subdivide the existing lot into two lots, creating one substandard lot size of 5,531 sqft instead of the minimum lot size of 6,000 sqft.

Applicant:

Clint K. Sukar

Location:

1416 17th Ave S, Birmingham AL 35205

Parcel # 012900121003007000

NE of Section 12, Township 18 S, Range 3 W

Applicant's Proposal:

The applicant is subdividing one lot into two lots.

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) while parcels south are zoned CR-5 (Contingency Multiple Dwelling District). The property is not located in a flood plain area nor in any design review district. The subject property used to be two separate lots before it was resurveyed into one lot. The proposed subdivision will create two lots. One lot will be 6,139sqft while the other lot will be 5,531sqft; therefore, requiring a variance. The applicant has demonstrated on the survey that regardless of the lot size, they will be to comply with the setbacks of the proposed homes.

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 Yards		Minimum Side Yards		Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One Side	Total both Sides		
35 feet	25 feet	25 feet	5 feet	14 feet	6,000 square feet	50 feet

Neighborhood Recommendation:

The Woodlawn Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variance; 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.

PARCEL ID: 012900121003007000

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

DATE: Wednesday, February 9, 2022 10:03:47 AM

OWNER: HABELSHI FARID G & GHADA G TRUS

ADDRESS: 1229 GREYSTONE CREST

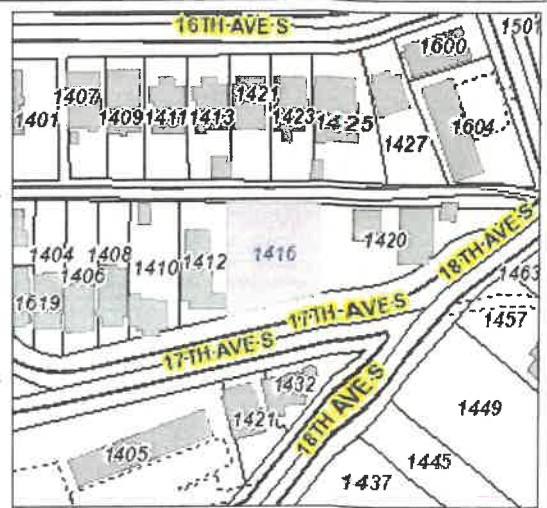
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35242

SITE ADDR: 1416 17TH AVE S

CITY/STATE: BHAM, AL

ZIP: 35205



LAND: \$34,200.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 10,915.22

ACRES: 0.25

SUBDIVISION INFORMATION:

NAME BELVEDERE RE-B 2 29-12-1

BLOCK: 2

LOT: 6-A

:

Section: 12-18-3W

Land Slide Zones: In Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Five Pts So (1701)

Communities: Southside (17)

Council Districts: District - 3 (Councilor: Valerie A. Abbott)

Zoning Outline: R3

Demolition Quadrants: DEM Quadrant - 1

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

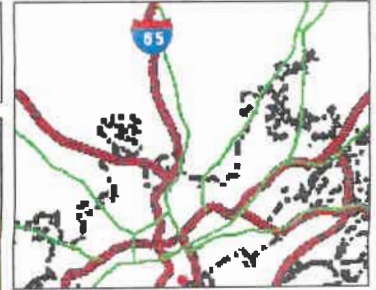
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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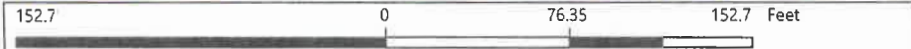


Legend

- Centerline Labels
- +— Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
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- Buildings
- Hydrology Lines
- Hydrology Areas
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- City Parks
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- 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; DF
 - R6; D6 - Multiple Family District
 - R7 - Multiple Family District

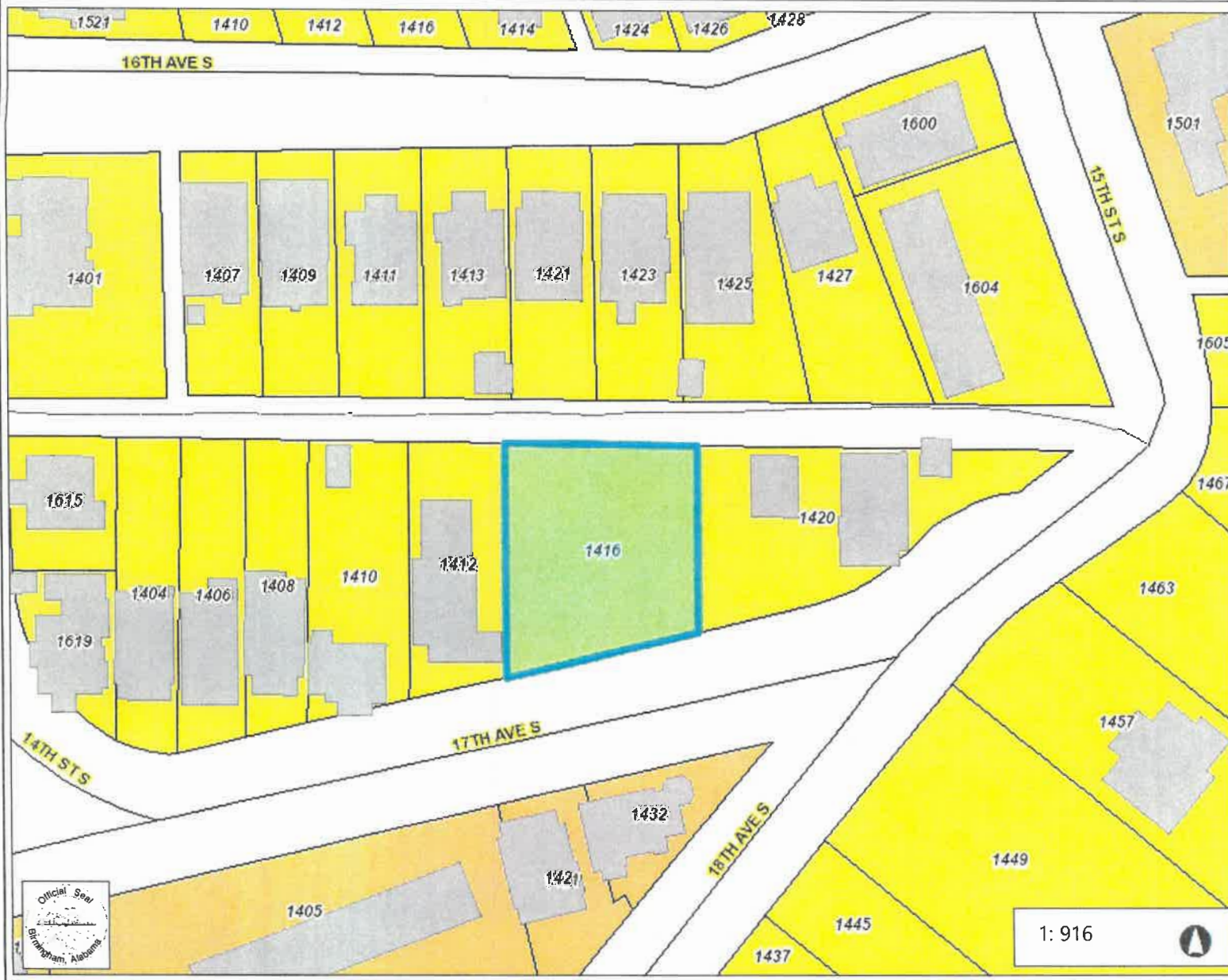
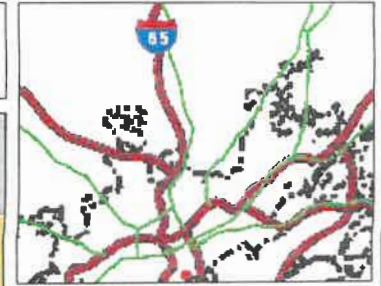


1: 916



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Notes

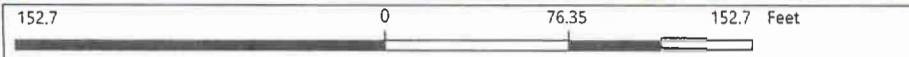


Legend

- Centerline Labels
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1: 916



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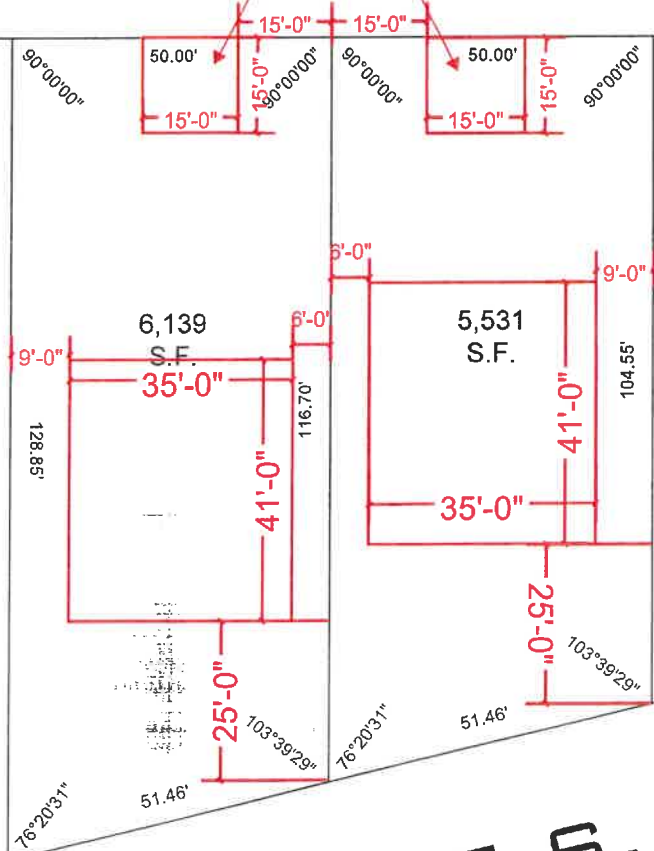
Application to the Zoning Board of Adjustment for 1416 17th Ave S, 35205

We are requesting the ability to divide 1416 17th Ave S into 2 lots. One lot becomes subpar because it doesn't meet the sq ft lot requirements.

1. Physical Characteristics of the Property- The lot is in a slide zone and does have a drop off on the right.
2. Unique Characteristics- The lot was originally two lots that were combined into one.
3. Hardship Not Self- Imposed- We were not the ones that combined the lots into one lot or have any control on the topography.
4. Financial Gain Not only basis. By splitting it into 2 lots were able to provide 2 affordable single-family homes, instead of one large high-cost home.
5. No Injury to Neighboring Property- The lot will still meet ALL the setback requirements, sq ft requirements and parking requirements. It will only add to the property value of the neighborhood.
6. No Harm to Public Welfare- There should be no harm to the public welfare.

Parking Pads

20' ALLEY



17TH AVE S.

1416 17th AVE S

ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00007

Woodlawn

Request:

Variance to allow a stadium at a 0 foot setback from a dwelling district instead of the required 200 feet setback. A parking modification to allow 353 spaces instead of the required 550 spaces.

Applicant:

Charles Williams

Location:

5620 1st Ave N, Birmingham AL 35212

Parcel # 012300211015001000

NE of Section 21, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is a new stadium.

Staff Analysis:

The subject property is currently zoned CB-2(Contingency General Business District and R-3 (Single Family District). The subject property is surrounded by parcels zoned R-3 (Single Family District) while parcels south are zoned CB-2(Contingency General Business District). The property is not located in a flood plain area nor in any design review district. A stadium use to be located on this property. The stadium resides in residential zoned district and abuts it; therefore, a variance is required for the minimum setback from residential zoned districts. The proposed stadium will provide 353 off-street parking; however, they are required to have 500 off-street parking spaces. The applicant's response to the modification is that 550 off-street parking spaces are not needed due to current parking agreements (totaling 166 spaces paved and striped and 30 spaces in the gravel lot) within 1,000 feet and on-street parking. During events at the stadium that use to be there, the parking agreements and on-street parking provided sufficient parking

Per Zoning Ordinance:

Arena/Stadium. In D-1, D-2, D-3, D-4, D-5, D-6, MU-L AND MU-M districts an arena or stadium shall be permitted when accessory to a public park or school provided that the following conditions are met:

- 1. It is setback 200 feet from any dwelling district.*
- 2. A traffic impact study may be required that demonstrates adequate traffic*

controls are provided as determined by the Traffic Engineer for the City.

Neighborhood Recommendation:

The Woodlawn Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the modification and variance; therefore, staff believes the requests have 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.

PARCEL ID: 012300211015001000

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

DATE: Wednesday, February 9, 2022 10:26:20 AM

OWNER: BIRMINGHAM BOARD OF EDUCATION

ADDRESS: 2015 PARK PL

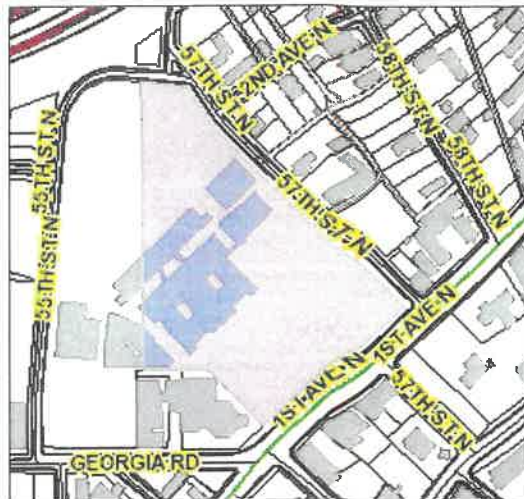
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203--2705

SITE ADDR: 5620 1ST AVE N

CITY/STATE: BHAM, AL

ZIP: 35212



LAND: \$675,000.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 360,594.21

ACRES: 8.28

SUBDIVISION INFORMATION:

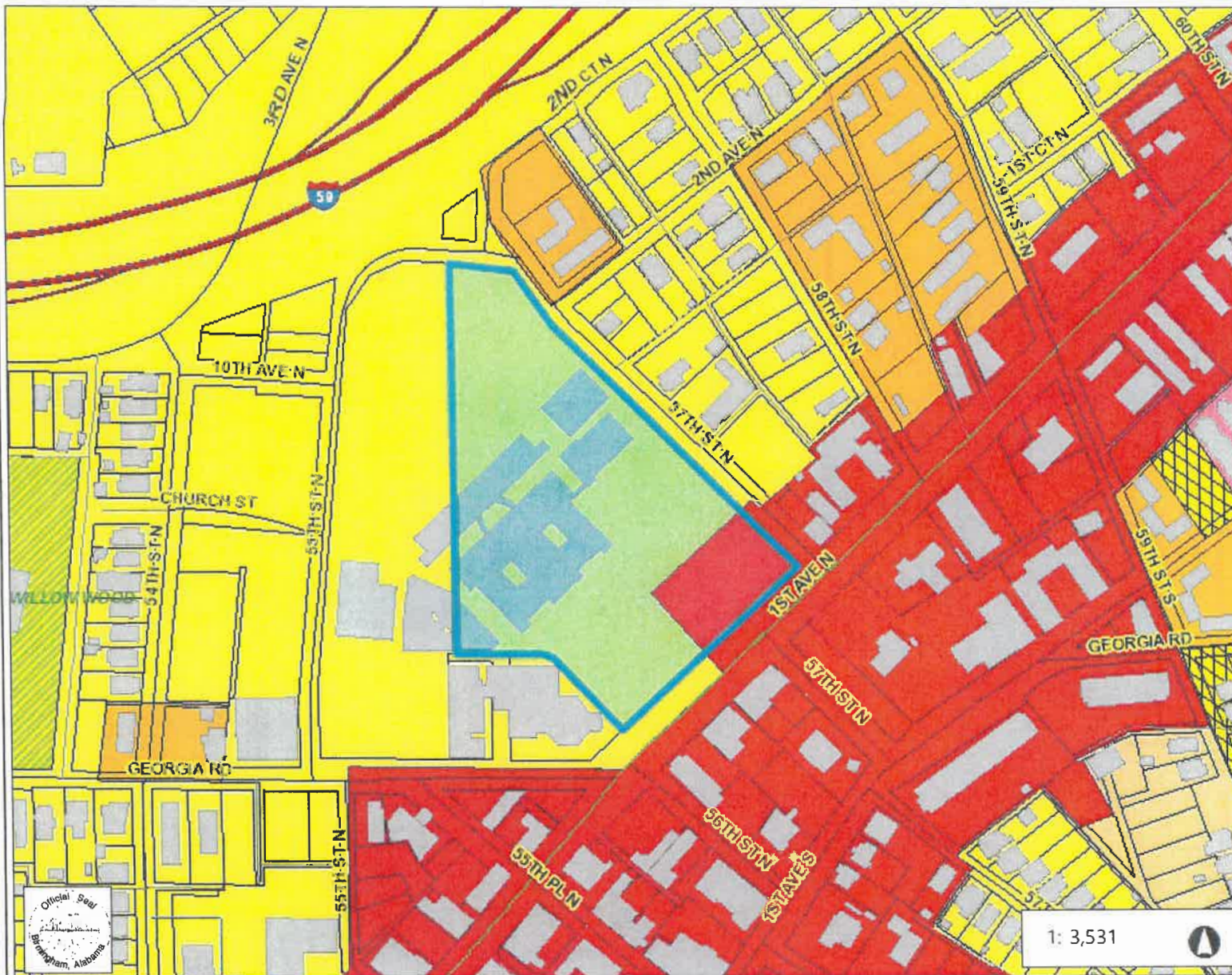
NAME WOODLAWN HI SC RES 23-21-

BLOCK: 1

LOT: 1-A

Section: 21-17-2W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Woodlawn
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: Woodlawn (2104)
Communities: Woodlawn (21)
Council Districts: District - 4 (Councilor: J. T. Moore)
Zoning Outline: CB2; R3
Demolition Quadrants: DEM Quadrant - 4
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: In Opportunity Zones
Judicial Boundaries: JEFFERSON

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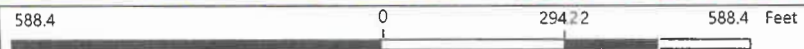


Legend

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

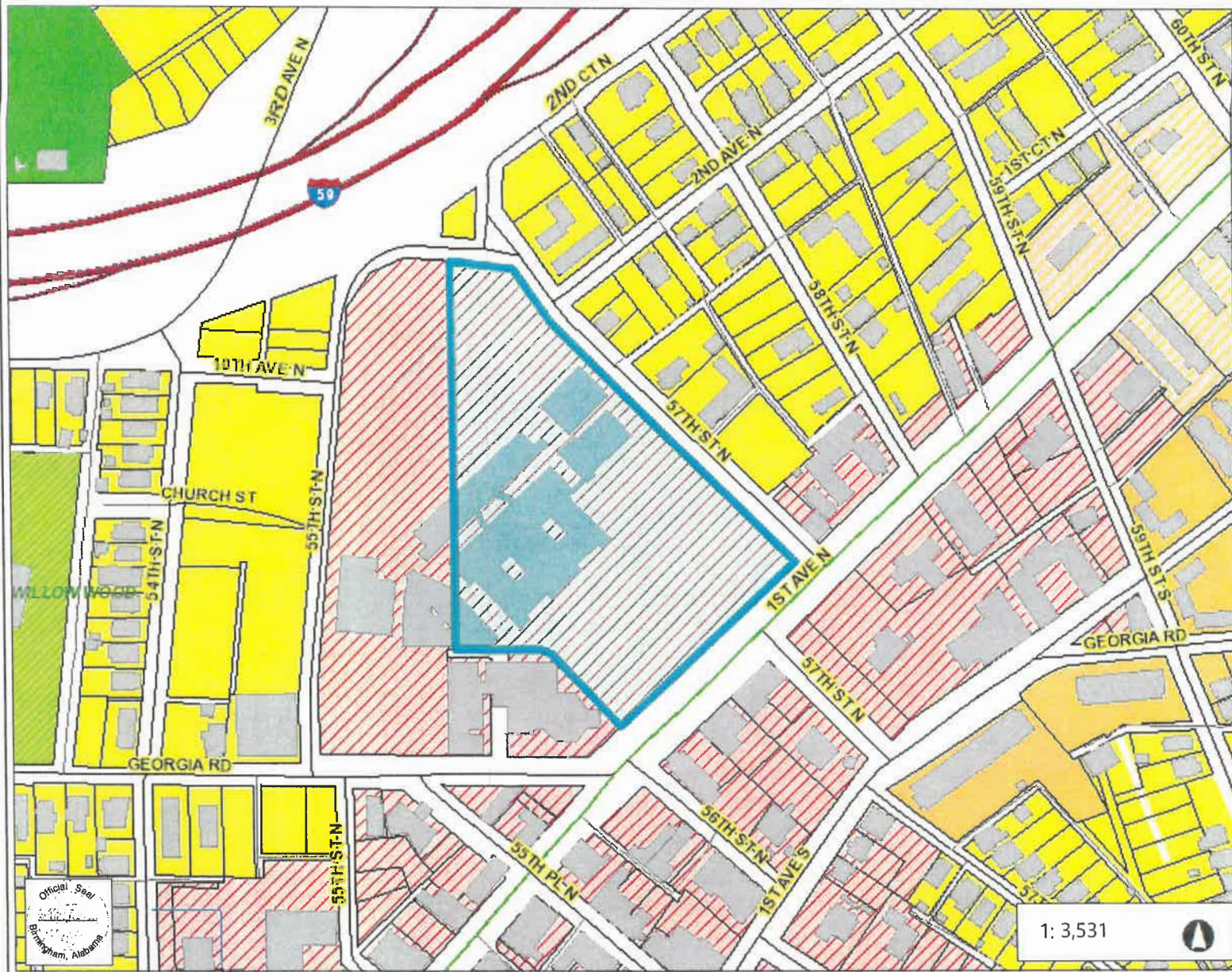
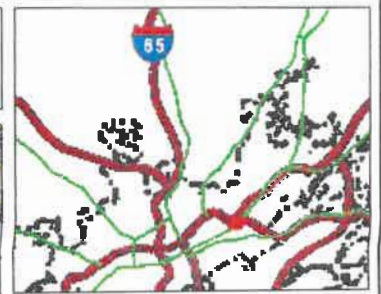


1: 3,531



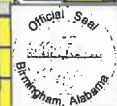
The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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: 3,531



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Woodlawn High School Stadium & Field House Synopsis

This project consists of four new buildings and two renovated buildings for Woodlawn High School serving as field house, locker rooms, concessions, restrooms and ticketing. The project will include an AHSAA regulation synthetic football field, seating to accommodate 2,750 spectators, concession facilities to accommodate 2,750, restroom facilities, stadium lighting and sound system. All buildings are steel framed with brick veneer over CMU. The existing parking along with the newly constructed parking lot to the north of the field will accommodate 353 spaces. The school has secured vouchers for an additional 200 parking spaces at nearby lots to be used for gameday parking.

We affirm the following with respect to this project:

Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.

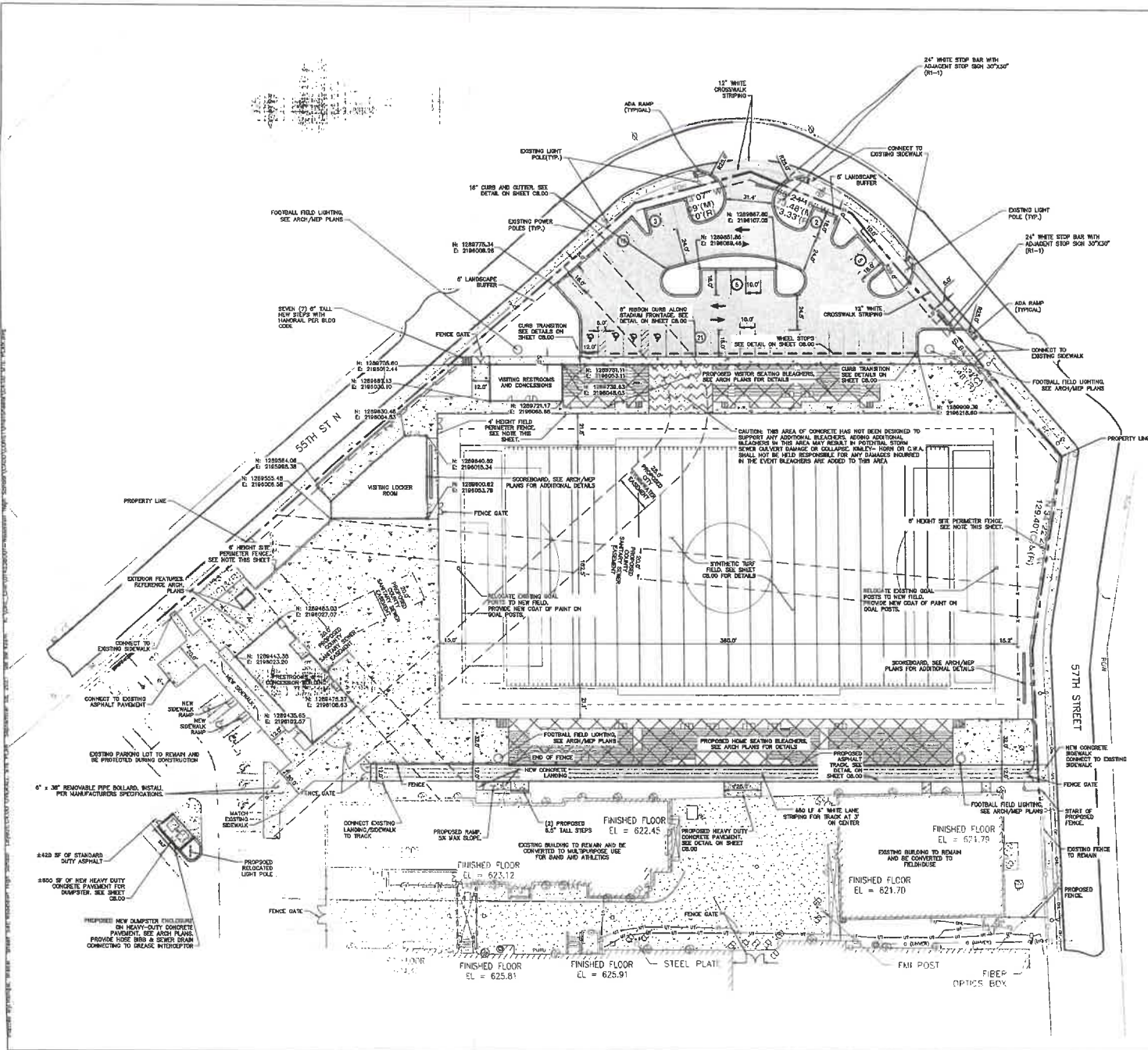
Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience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

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.

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

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.

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.



LEGEND

- PROPERTY LINE
- - - LANDSCAPE SETBACK
- 4' TALL BLACK COATED VINYL CHAIN LINK FENCE
- 4' TALL BLACK COATED VINYL CHAIN LINK FENCE
- STANDARD DUTY CONCRETE SIDEWALK SEE SHEET C4.00 FOR DETAIL
- STANDARD DUTY ASPHALT PAVEMENT SEE SHEET C4.00 FOR DETAIL
- BLEACHER STANDS CONCRETE PAD SEE SHEET C4.00 FOR DETAIL
- HEAVY DUTY CONCRETE PAVEMENT SEE SHEET C4.00 FOR DETAIL

SITE DATA:
 SITE AREA: 4.14 AC
 DOWNSIDE: D-3 (SINGLE FAMILY)
 PROPOSED LAND USE: HIGH SCHOOL
 PROPOSED USE: SPORTS FACILITY

LANDSCAPE BUFFERS REQUIRED:
 FRONT: 5 FT
 SIDE: 5 FT
 REAR: 5 FT

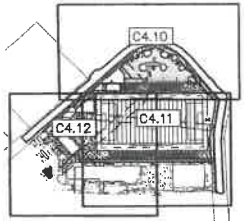
INTERIOR PLANTING REQUIREMENTS:
 PARKING AREA: 0.81 AC
 MINIMUM COURT PERCENT OF PARKING AREA TO BE LANDSCAPED (EAS): 0.02 AC
 PROPOSED LANDSCAPED AREA: 0.78 AC

ADDED NORTH PARKING:
 REGULAR SPACES (C4.17): 37 SPACES
 ACCESSIBLE SPACES: 4 SPACES
 TOTAL SPACES PROPOSED: 41 SPACES

- NOTES:**
1. PROPOSED FIELD PERIMETER FENCING (8 3/4\"/>
 2. ALL OTHER FENCING TO BE 4' TALL BLACK COATED VINYL CHAIN LINK FENCING



KEY MAP



Revisions

NO.	Date	Description



BID SET

Project Title:
WOODLAWN HS STADIUM & FIELD HOUSE
 5620 1st Ave N, Birmingham, AL 35212
 BIRMINGHAM CITY SCHOOLS

CHARLES WILLIAMS & ASSOCIATES ARCHITECTS
 PH: 205-250-0700
 5601 O'HAVE SOUTH BIRMINGHAM, ALABAMA 35222 FAX: 205-250-0615

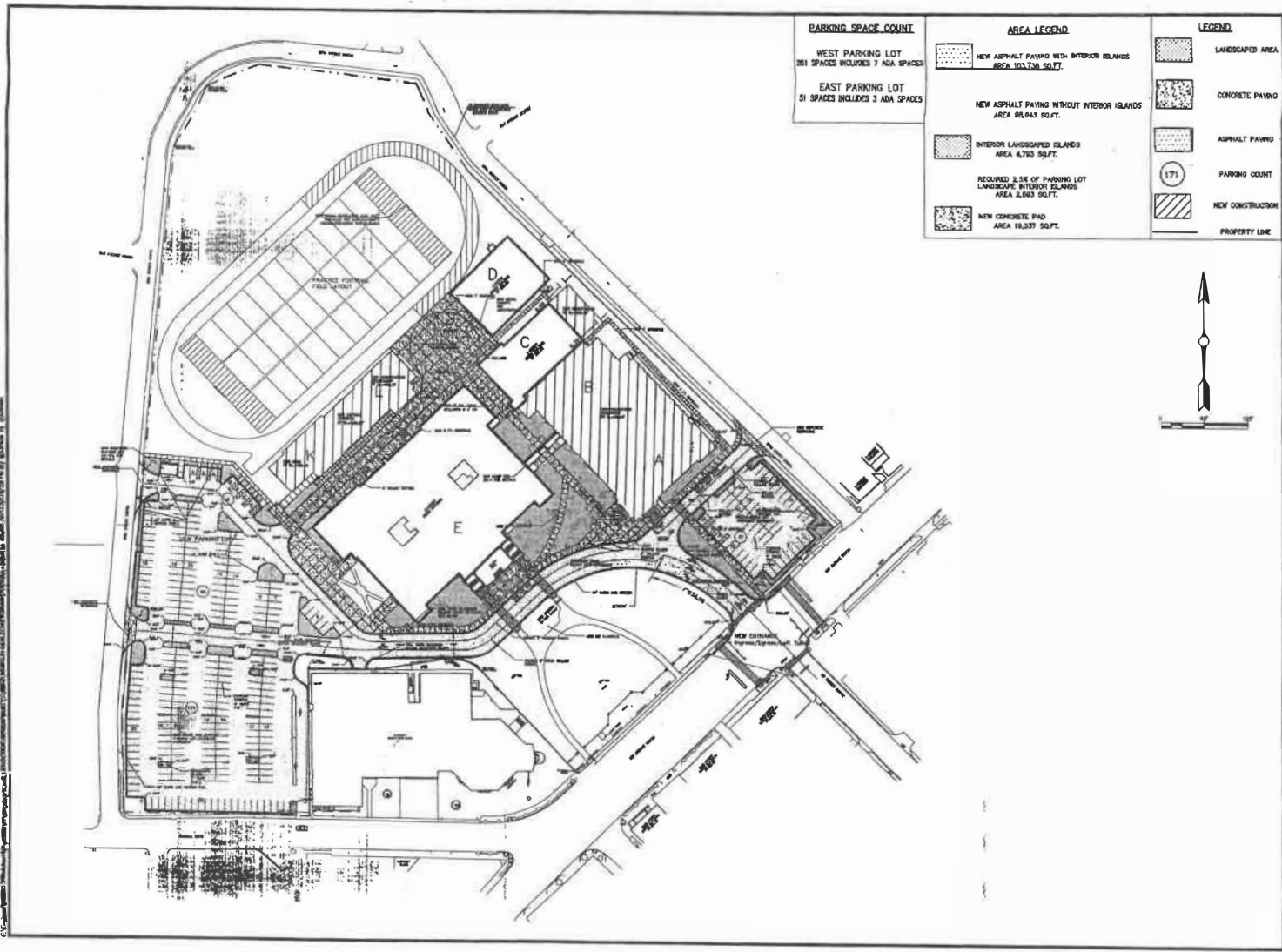


SHEET TITLE:
 OVERALL SITE PLAN
PROJECT NUMBER:
 CWA 2020-08-00N 1201009
DATE:
 08/02/2021
DRAWN BY:
 MHR
CHECKED BY:
 CBS

SHEET NUMBER
C4.00

Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
 189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801
 PHONE: (407) 888-1511
 WWW.KIMLEY-HORN.COM CA-00000511



PARKING SPACE COUNT

WEST PARKING LOT
261 SPACES INCLUDING 7 ADA SPACES

EAST PARKING LOT
51 SPACES INCLUDING 3 ADA SPACES

AREA LEGEND

- NEW ASPHALT PAVING WITH INTERIOR ISLANDS
AREA 103,736 SQ.FT.
- NEW ASPHALT PAVING WITHOUT INTERIOR ISLANDS
AREA 98,943 SQ.FT.
- INTERIOR LANDSCAPED ISLANDS
AREA 4,783 SQ.FT.
- REQUIRED 2.5% OF PARKING LOT
LANDSCAPE INTERIOR ISLANDS
AREA 3,263 SQ.FT.
- NEW CONCRETE PAD
AREA 19,337 SQ.FT.

LEGEND

- LANDSCAPED AREA
- CONCRETE PAVING
- ASPHALT PAVING
- PARKING COUNT
- NEW CONSTRUCTION
- PROPERTY LINE

SHERLOCK SMITH & ADAMS
ARCHITECTS / ENGINEERS

201 Oak Hill Road, P.O. Box 1108
Birmingham, Alabama 35211-0108
Telephone: (205) 941-1411 Fax: (205) 941-4028

210 North Avon, Suite
Birmingham, Alabama 35202
Telephone: (205) 252-8502 Fax: (205) 252-8144

Associate Architect / Engineer
KHAFRA

1811 17th Avenue North
Birmingham, Alabama 35221
Telephone: (205) 252-6333 Fax: (205) 252-4725

project name: owner's name
**WOODLAWN HIGH SCHOOL
ADDITIONS &
RENOVATIONS**

BRIMMINGHAM CITY SCHOOLS
BRIMMINGHAM, ALABAMA

program manager:
Volkert & Associates, Inc.

BCS project no. : 07 0920 01
SSAA project no. : 2008-020
ABC project no. : 2008021

professional seal

revisions
item date

designed by: OWP/ADAM
drawn by: OWP/ADAM
checked by: OWP/ADAM
date: MAY 25, 2011

submit to:
CONSTRUCTION DOCUMENTS

drawing title
**NEW
CONDITIONS**

drawing number
C-0.31

Birmingham Dream Center Parking Lot Permission

Jamil Gilleylen <jamil@churchofthehighlands.com>

Wed 2/17/2021 10:30 PM

To: TERRELL EDWARD BROWN <TBROWN3@BHM.K12.ALUS>

Hello Dr. Brown, we are very excited about the upcoming football stadium for Woodlawn High School. I am writing to inform you that you have my permission to be able to use the Birmingham Dream Center's parking lot (which consists of 96 parking spaces) for Woodlawn High School football games on Friday nights. If there's any other way that we can support you and the school just let me know.

Better Together;

Jamil Gilleylen

Campus Pastor & Dream Center Director

Church of the Highlands

205-731-3170

churchofthehighlands.com





Dr. Brown,

On behalf of Christ Health Center, I, Cory Harris, hereby grant permission for Woodlawn high school staff and students to use the parking lot of Christ Health Center on game days after 6:00pm. If you have any questions regarding this correspondence, please feel free to contact me. Thank you for always being such a great partner to Christ Health, and do not hesitate to reach out to me if you ever need anything.

Cory Harris, MSHA, NP-C
Chief Operating Officer
|| CHRIST HEALTH CENTER ||
5720 First Avenue South
Birmingham, AL 35212
(205)380-9455 office
(256)239-7807 cell
(205)380-9459 fax
www.christhealthcenter.org

RE: [EXTERNAL] Re: Christ Health CenterCory Harris <charris@christhealthcenter.org>

Mon 2/15/2021 3:37 PM

To: TERRELL EDWARD BROWN <TBROWN3@BHM.K12.AL.US>**Cc:** Robert Record <rrecord@christhealthcenter.org>

Dr. Brown,

Sorry for the late response, I had facilities count the spaces today and we have 70+ marked (71) and 30 more in the gravel lot by the dream center. So I would conservatively estimate 90-100 spots.

Cory

From: TERRELL EDWARD BROWN <TBROWN3@BHM.K12.AL.US>**Sent:** Thursday, February 11, 2021 5:20 PM**To:** Cory Harris <charris@christhealthcenter.org>**Cc:** Robert Record <rrecord@christhealthcenter.org>**Subject:** [EXTERNAL] Re: Christ Health Center

EXTERNAL EMAIL - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for allowing us to use your facility for parking. It will only be for home football games once the stadium is complete. Please include the number of spaces available at your facility.

Sent from my iPhone

On Feb 11, 2021, at 5:00 PM, Cory Harris <charris@christhealthcenter.org> wrote:

Dr. Brown,

I am attaching a letter as requested for Woodlawn high to use our parking lot. If you need me to amend it I can. I didn't know the times/persons that would need it, but you are welcome to use it on game days. Thank you so much!

Cory

Cory Harris, MSHA, NP-C

Chief Operating Officer

|| CHRIST HEALTH CENTER ||

5720 First Avenue South

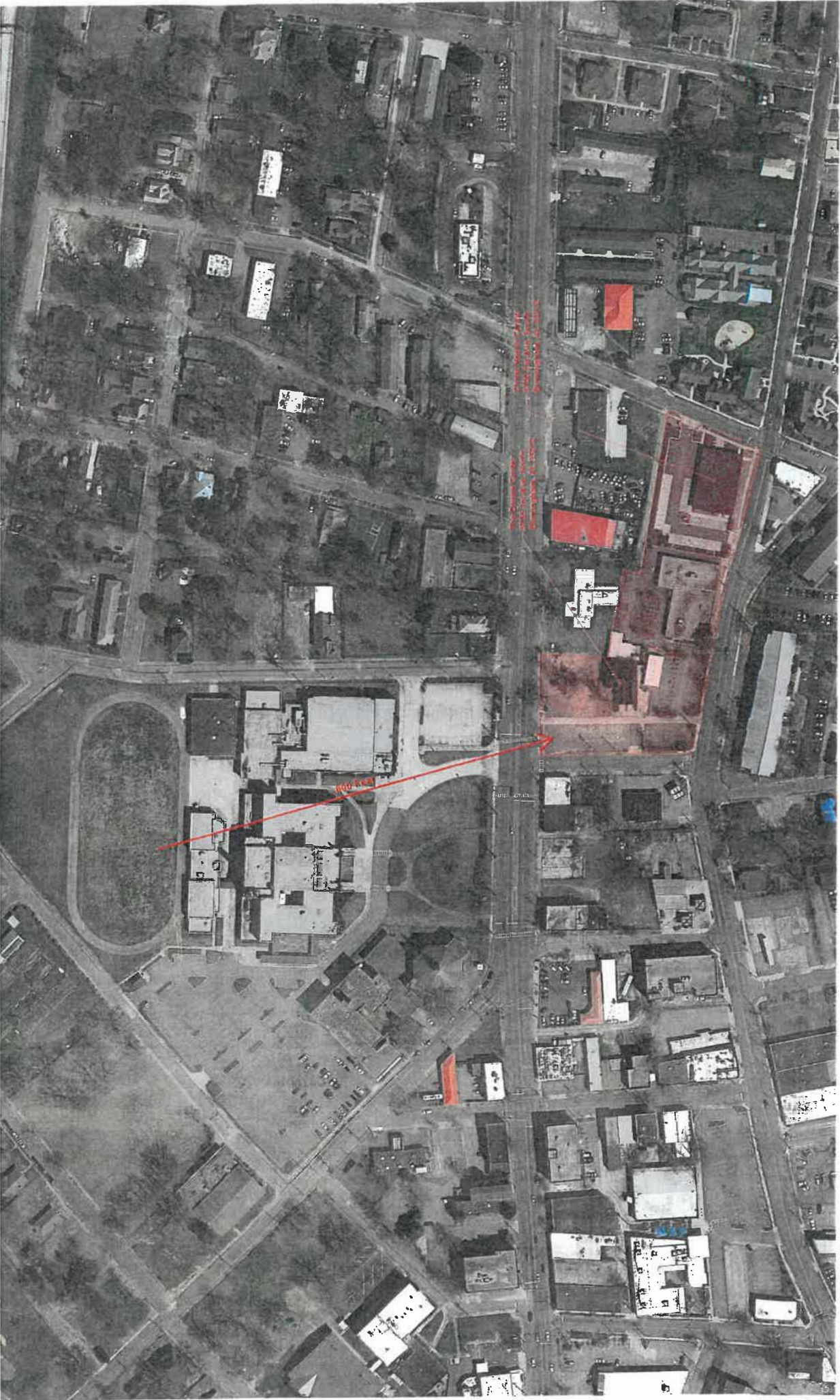
Birmingham, AL 35212

(205)380-9455 office

(256)239-7807 cell

(205)380-9459 fax

www.christhealthcenter.org



ZONING BOARD OF ADJUSTMENT

Meeting Date: February 24, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00009

Five Points South

Request:

A variance to allow (4) '20 Midtown' projecting signs to be 15sqft instead of the 8 sqft allowed. A variance to allow the (4) 'Drive Thru' projecting sign to be 17sqft instead of the 8sqft allowed.

Applicant:

David Brandt

Location:

209 20th St S, Birmingham AL 35233

Parcel # 012200364023005000

SE of Section 36, Township 17 S, Range 3 W

Applicant's Proposal:

A variance to allow (4) '20 Midtown' projecting sign to be 15sqft and a variance to allow the (4) 'Drive Thru' projecting sign to be 17sqft

Staff Analysis:

The subject property is currently zoned B-4(Central Business District. The subject property is surrounded by parcels zoned B-4(Central Business District.) The property is not located in a flood plain; however, it is located in the Automotive Historic District and the Midtown Commercial Revitalization District. Prior to the newly adopted sign ordinance, part of this project was already developed and has existing signs similar to the ones proposed.

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	Front	Minimum Yards Rear	Side	Minimum Lot Area Per Family	Minimum Lot Width
75 feet	None except where the frontage between two intersecting streets is partly in an "E" or "R" district, the front yard requirements of the "E" or "R" district shall apply to the "B" district.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 5 feet.	5,000 square feet for single family dwellings. 2,500 square feet for two-family dwellings. 1,600 square feet for attached and semi-attached dwellings. 1,000 square feet for multiple dwellings	50 feet, when lot is used solely for dwelling purposes, except that in attached and semi-attached dwellings the minimum lot width shall be not less than 16 feet.

Neighborhood Recommendation:

The Five Points South Neighborhood Association waiting on vote.

Staff's Recommendation to ZBA:

Staff believes the applicant has provided evidence to support the variances; therefore, staff believes the requests have 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.

PARCEL ID: 012200364023005000

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

DATE: Wednesday, February 9, 2022 4:05:52 PM

OWNER:

ADDRESS:

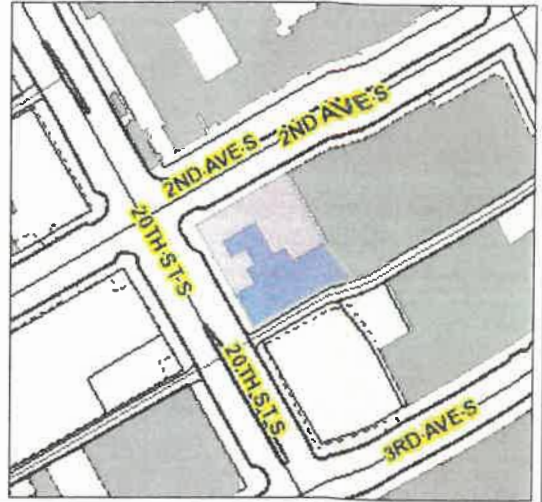
CITY/STATE:

ZIP+4: Control Script failed for control TextBox16 , Source=ZIPF

SITE ADDR:

CITY/STATE: , AL

ZIP:



LAND: \$0.00

BLDG: \$0.00

OTHER: \$0.00

AREA: 17,159.67

ACRES: 0.39

SUBDIVISION INFORMATION:

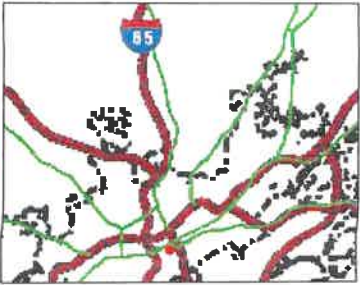
NAME

BLOCK:

LOT:

Section: 36-17-3W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Automotive
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: B4
Demolition Quadrants: DEM Quadrant - 1
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: In Opportunity Zones
Judicial Boundaries: JEFFERSON

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 - R7 - Multiple Family District

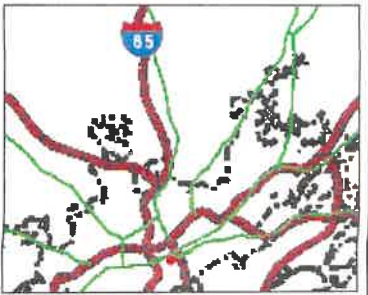


1: 688



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Notes



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 - MXU-Medium
 - MXU-High



1: 688



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Notes

20 Midtown Signage Variance 2022

We are requesting the following sign variances for 20 Midtown (209 20th St. South):

A. Projecting signage (see provided Exhibits):

1. A 7-square foot variance per sign for projecting '20 Midtown' signs 1,2,3 and 4 (allowed 8, requesting 15)
2. A 9-square foot variance per sign for projecting 'Drive Thru' signs 1,2,3 and 4 (allowed 8, requesting 17)

Standards for Variance Request

Physical Characteristics of the Property

20 Midtown is a mix-use, multi-storied property located in mid-town Birmingham, off of 20th St. The building and campus is approximately the size of a city block. This current phase of construction is in conjunction with the previous 20 Midtown construction phases. As such, all 20 Midtown buildings have a similar overall look, with similar and consistent branding/signage.

Unique Characteristics

The large size of the property is one of the unique characteristics that would necessitate having various identification signage at the proposed locations. In addition, it is the various sight distances and viewpoints for visitors and residents of 20 Midtown who are travelling on the surrounding streets, and also the various destinations/shops and entrances within the property which make the property unique and the proposed signage necessary.

Hardship Not Self Imposed

There is nothing that the property ownership has done that has created a self-imposed hardship that would necessitate the allowance of this proposed sign. The large size of the property is dictated by the roads it is bound by (verify these).

Financial Gain Not Only Basis

In an effort to be consistent with the branding and signage of the existing/adjacent 20 Midtown buildings, it is important and necessary to build the proposed signs at these slightly larger sizes.

As a multi-use facility, 20 Midtown has a retail, office and residential component, all of which bring tremendous value to the City of Birmingham. As such, the allowance of the proposed larger signage is key in ensuring that visitors are well informed of its location, and are also well guided by the wayfinding/tenant directory system put in place.

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 size, location, positioning and quantity of the proposed signs was developed as a function of optimal visibility and driver & pedestrian safety. They pose no threat of public welfare.

MIDTOWN BLADE SIGN #3

DRIVE-THRU BLADE SIGN #3

MIDTOWN BLADE SIGN #4

DRIVE-THRU BLADE SIGN #2

DRIVE-THRU BLADE SIGN #1

MIDTOWN BLADE SIGN #2

DRIVE-THRU BLADE SIGN #4

MIDTOWN BLADE SIGN #1



133 West Park Drive Birmingham, AL 35211
1205.940.7800 1800.743.7191
1205.940.7800 - fax
www.fravert.com

20 MIDTOWN
DESIGN REF #: 21031000

Location Plan
EXTERIOR SIGNAGE

DESIGNER:
ABS

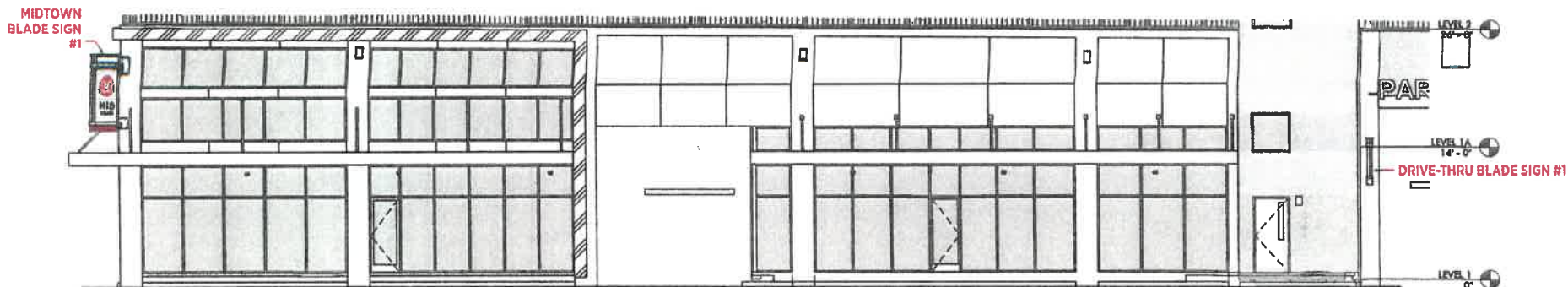
MANAGER:
RYAN
JAMES

A:\Jobs\20121500 - 20
Midtown\Design\Exterior Corner Signs

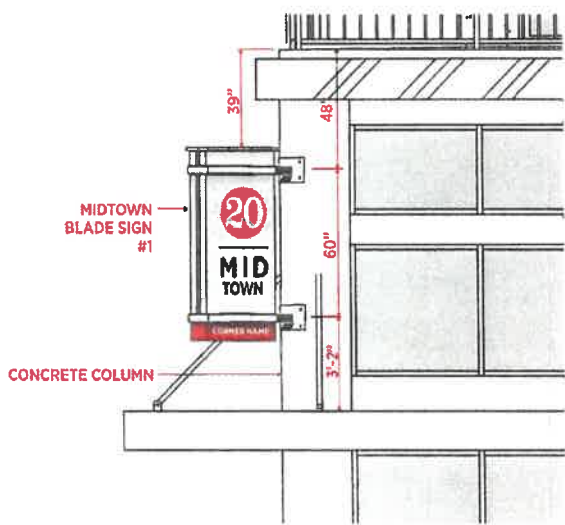
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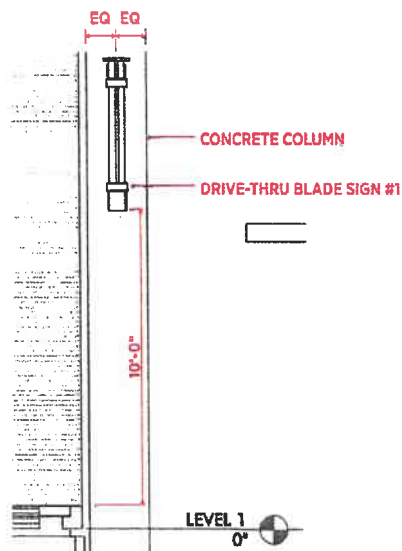
© 2012 Fravert Services, Inc. Thank you for allowing Fravert Services, Inc. the opportunity to present designs for your signage project. All ideas, designs, attachments and items included or referenced on this drawing are the property of Fravert Services, Inc. and were created, verified and developed for use on this in connection with the above project. Distribution or utilization 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 prohibited.



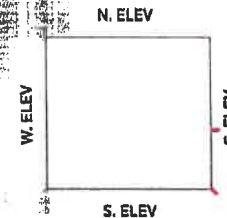
1 LEFT EAST CORNER ELEVATION
SCALE: 3/32" = 1'-0"



2 MIDTOWN 20 BLADE SIGN #1 DETAIL
SCALE: 1/4" = 1'-0"



3 DRIVE THRU TENANT BLADE SIGN #1 DETAIL
SCALE: 1/4" = 1'-0"



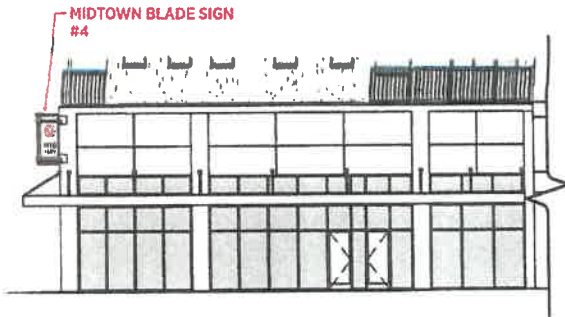
123 West Park Drive Birmingham, AL 35211
1205.940.7180 1800.743.7181
1205.940.7180 - fax
www.fravert.com

20 MIDTOWN
DESIGN REF #: 21031000

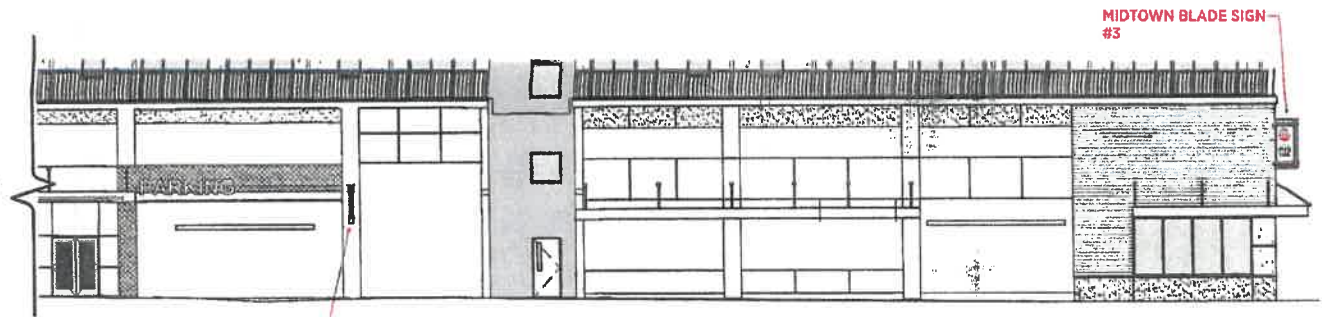
East
EXTERIOR SIGNAGE

DESIGNER: ABS
MANAGER: RYAN JAMES
A:\Jobs\20121500 - 20 Midtown Design\Exterior Corner Signs

PAGE:
2

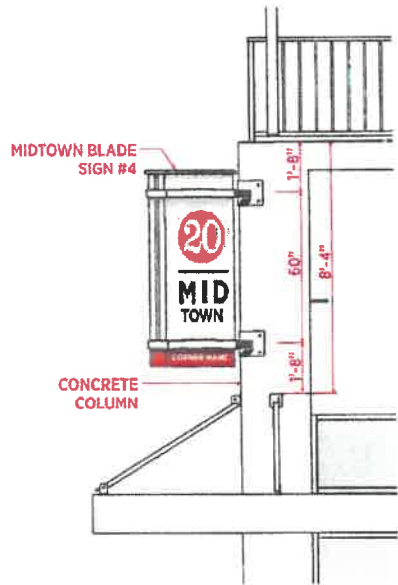


1 NORTH ELEVATION
SCALE: 1/16" = 1'-0"

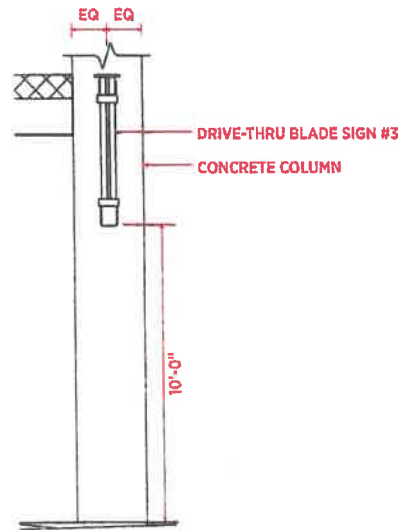


DRIVE-THRU BLADE SIGN #3

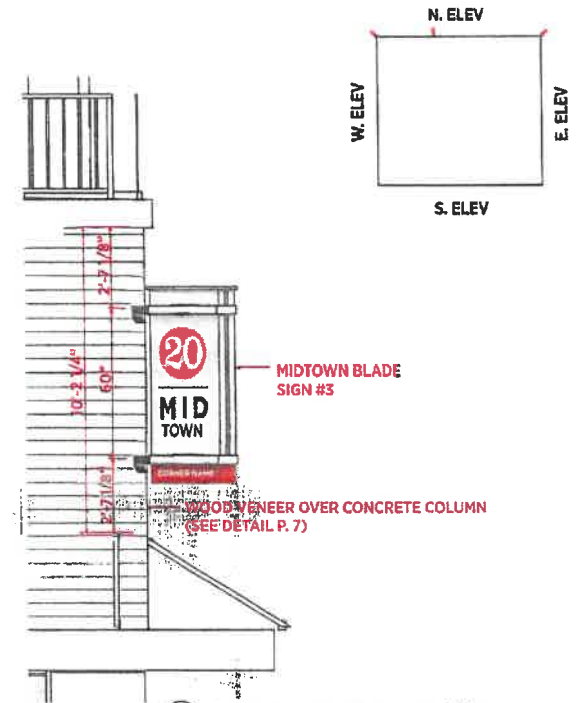
MIDTOWN BLADE SIGN #3



2 MIDTOWN 20 BLADE SIGN #4 DETAIL
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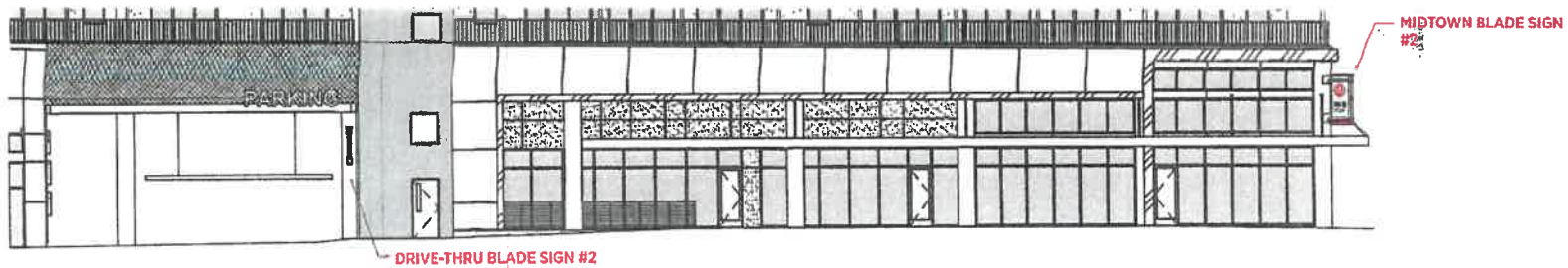


3 DRIVE THRU TENANT BLADE SIGN #3 DETAIL
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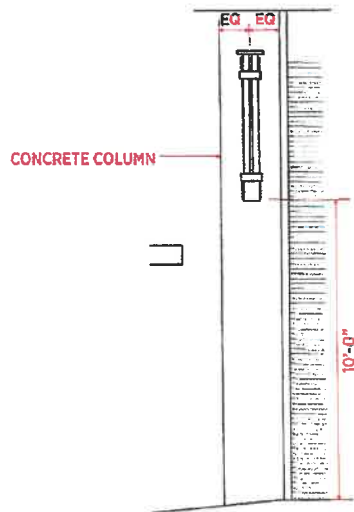


4 MIDTOWN 20 BLADE SIGN #3 DETAIL
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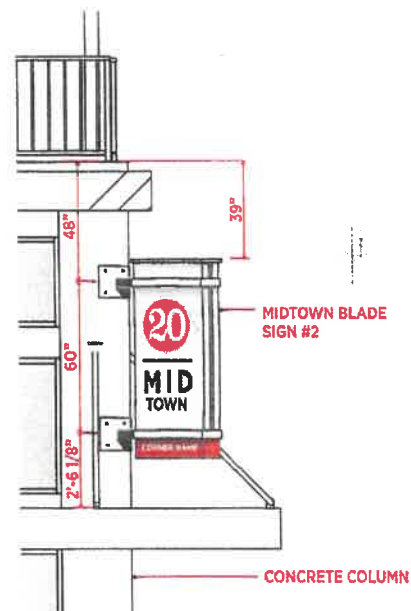
Production Ready



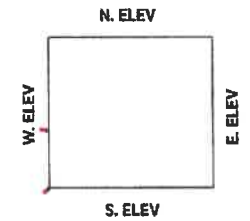
1 WEST ELEVATION
SCALE: 1/16" = 1'-0"



2 DRIVE THRU TENANT BLADE SIGN #2 DETAIL
SCALE: 1/4" = 1'-0"



3 MIDTOWN 20 BLADE SIGN #2 DETAIL
SCALE: 1/4" = 1'-0"



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20 MIDTOWN
DESIGN REF #: 21031000

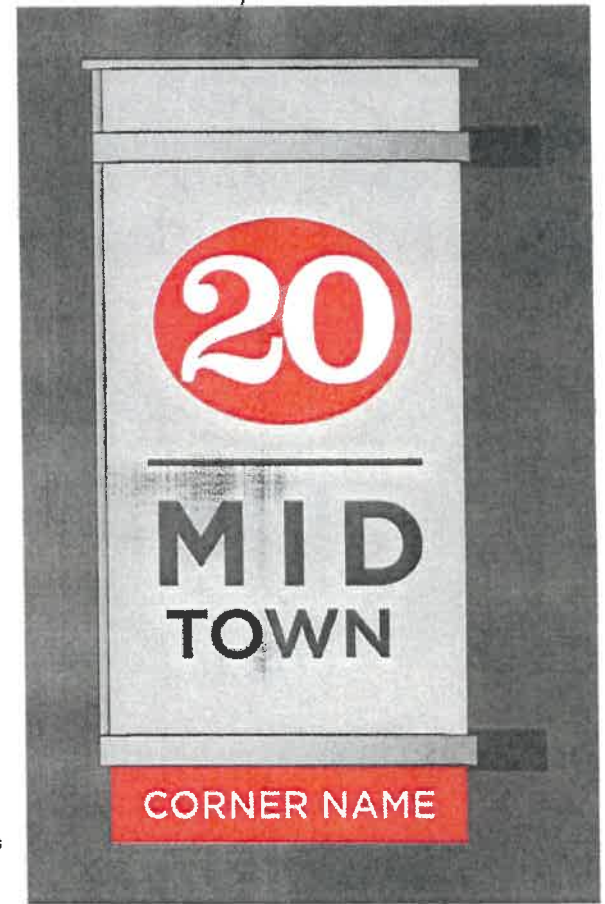
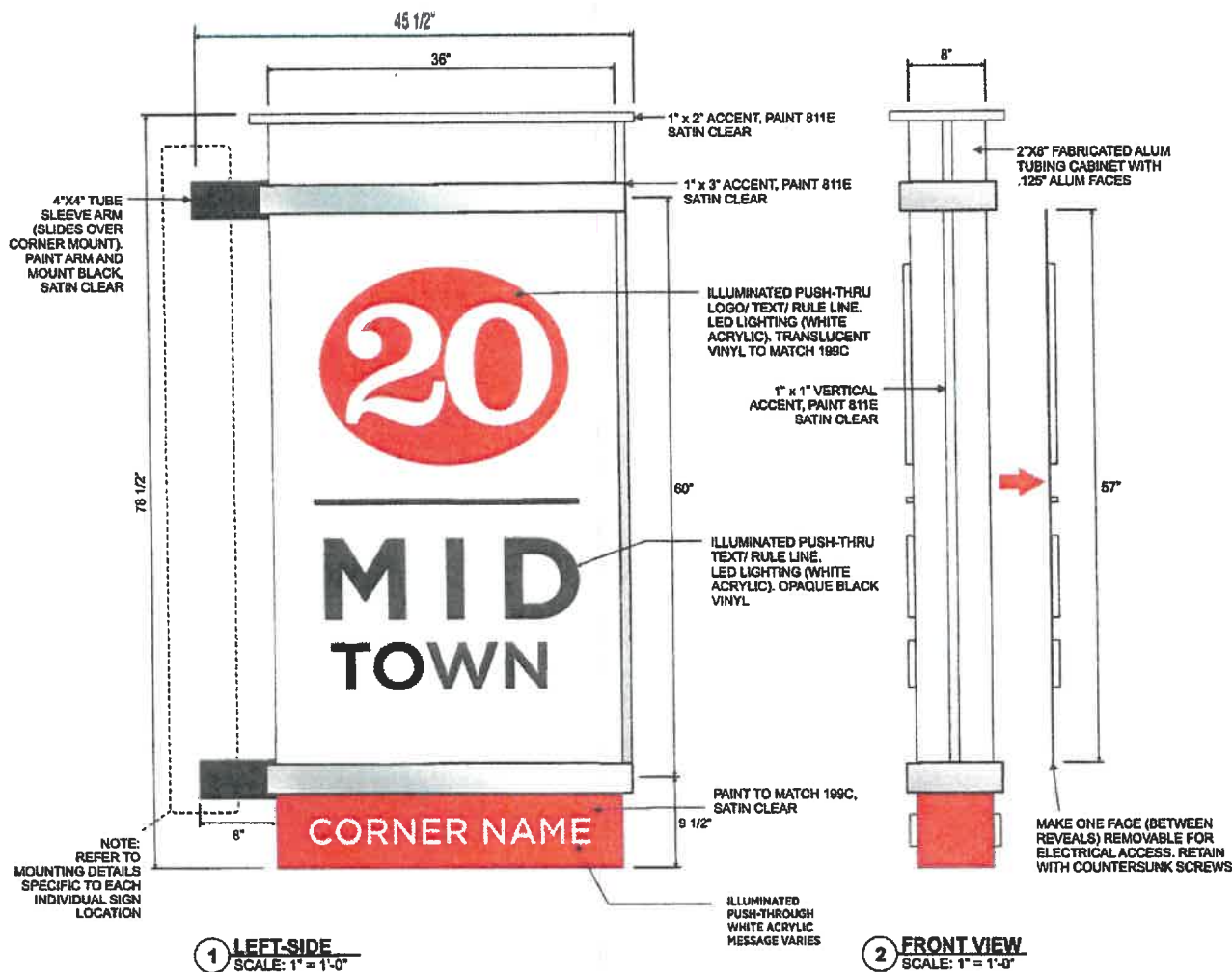
West
EXTERIOR SIGNAGE

DESIGNER:
ABS

MANAGER:
RYAN
JAMES

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20 MIDTOWN

DESIGN REF #: 21031000

Blade Sign - Typical Details
EXTERIOR SIGNAGE

DESIGNER:
ABS

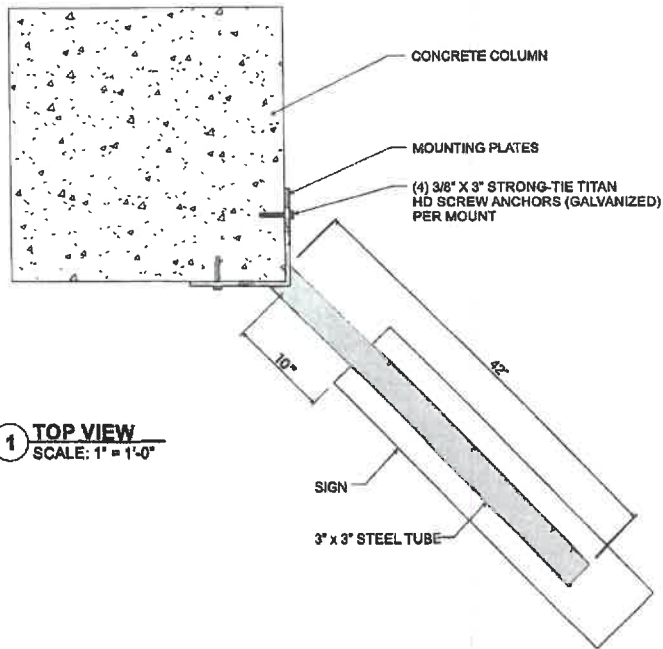
MANAGER:
RYAN JAMES

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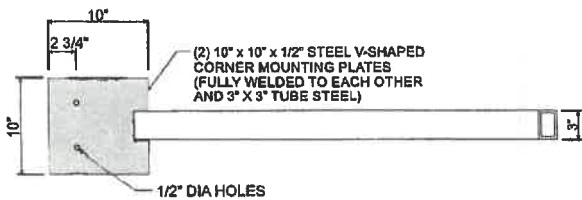
PAGE:
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Production Ready

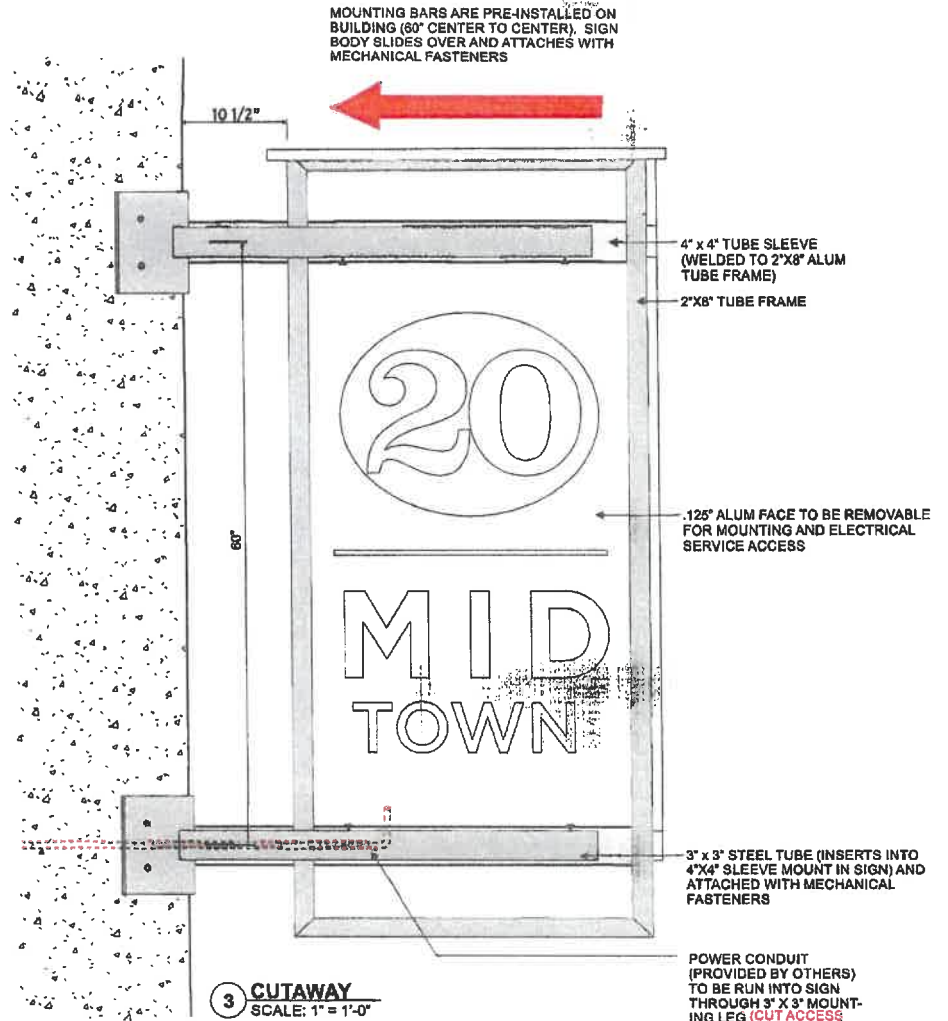
MOUNTING DETAIL FOR SIGNS #1, #2, & #4



1 TOP VIEW
SCALE: 1" = 1'-0"



2 SIDE VIEW
SCALE: 1" = 1'-0"



POWER CONDUIT (PROVIDED BY OTHERS) TO BE RUN INTO SIGN THROUGH 3" X 3" MOUNTING LEG (CUT ACCESS HOLE IN 4" X 4" ALUM TUBING, TOP, FOR ACCESS TO ELECTRICAL WHIP)

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20 MIDTOWN

DESIGN REF #: 21031000

Blade Sign - Mounting Details

EXTERIOR SIGNAGE

DESIGNER:

ABS

MANAGER:

RYAN JAMES

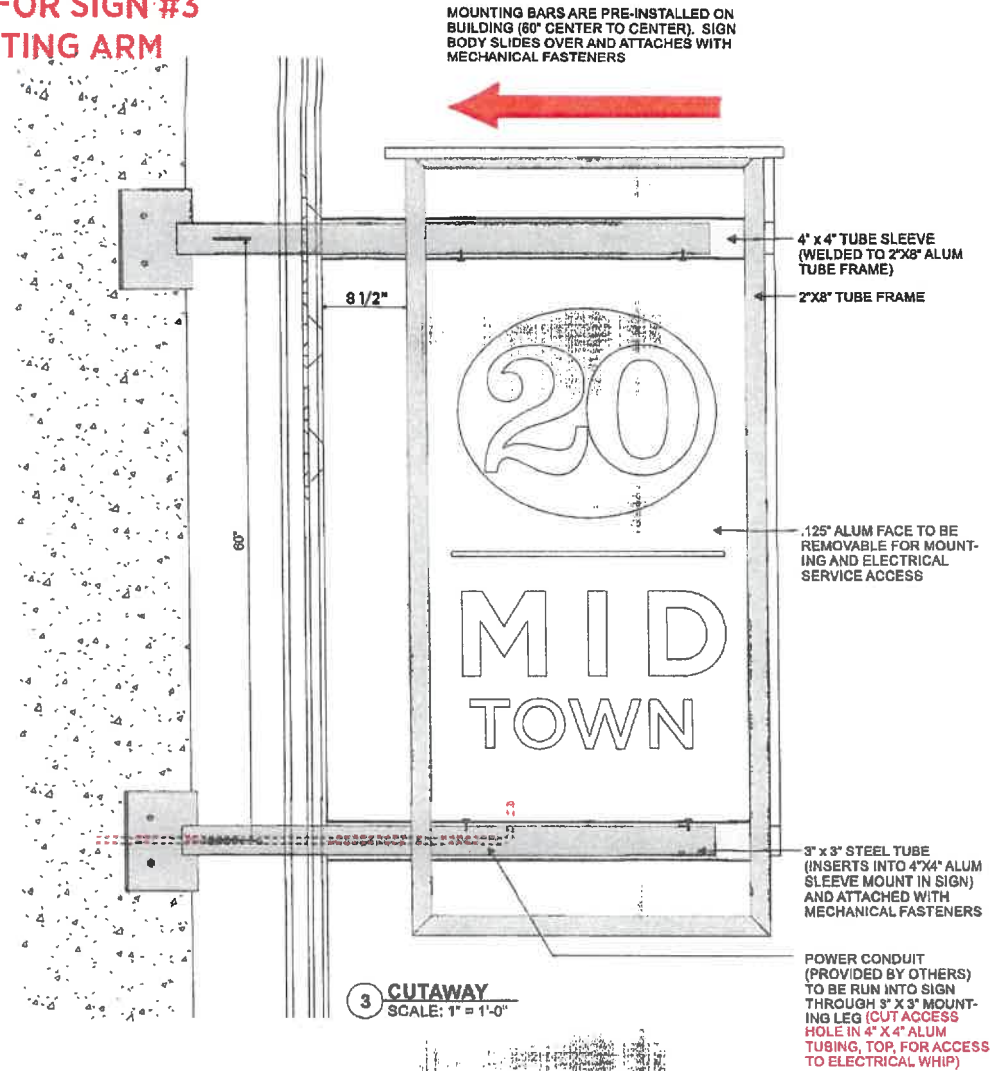
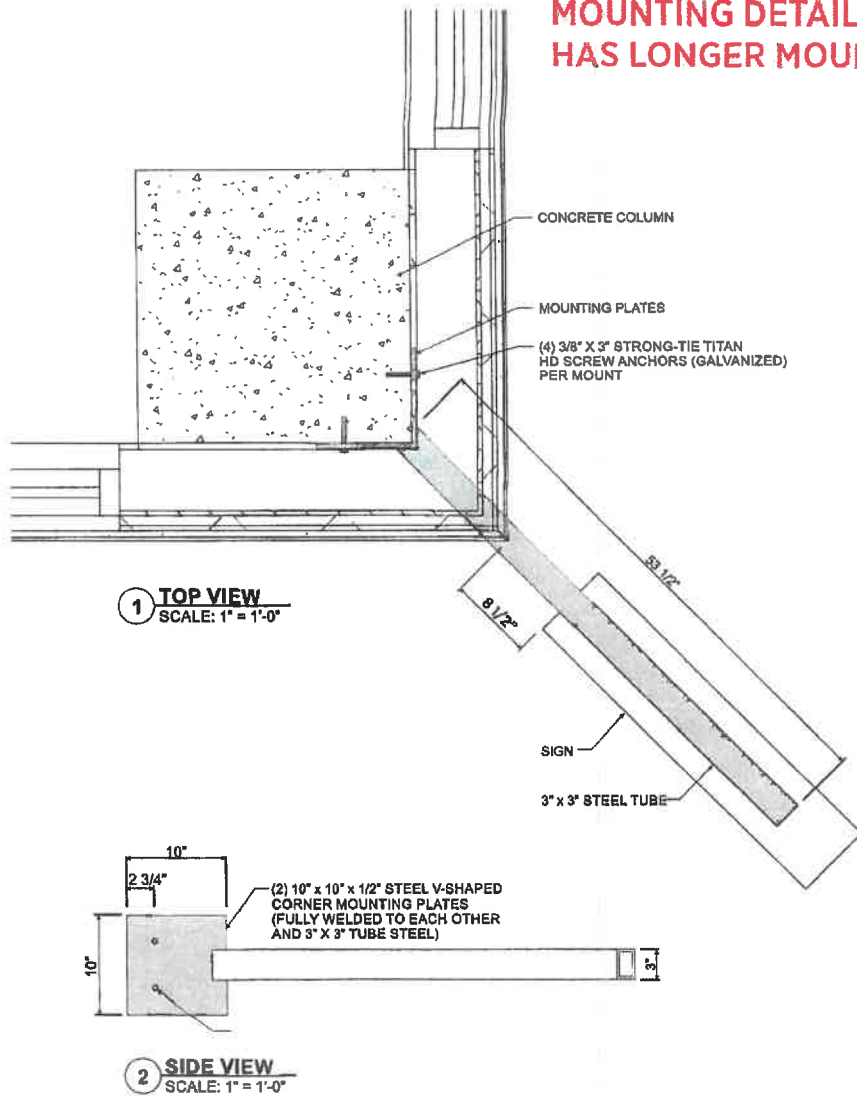
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MOUNTING DETAIL FOR SIGN #3 HAS LONGER MOUNTING ARM



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Blade Sign - Mounting - Northwest Corner Only
EXTERIOR SIGNAGE

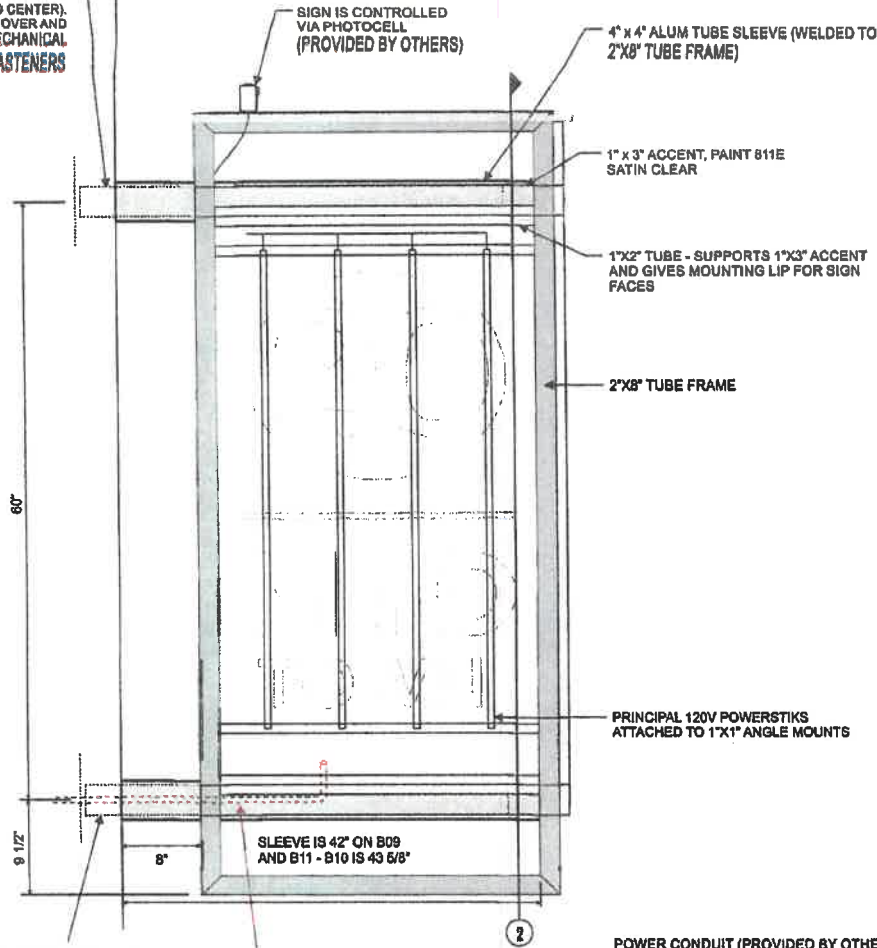
DESIGNER: ABS
MANAGER: RYAN JAMES

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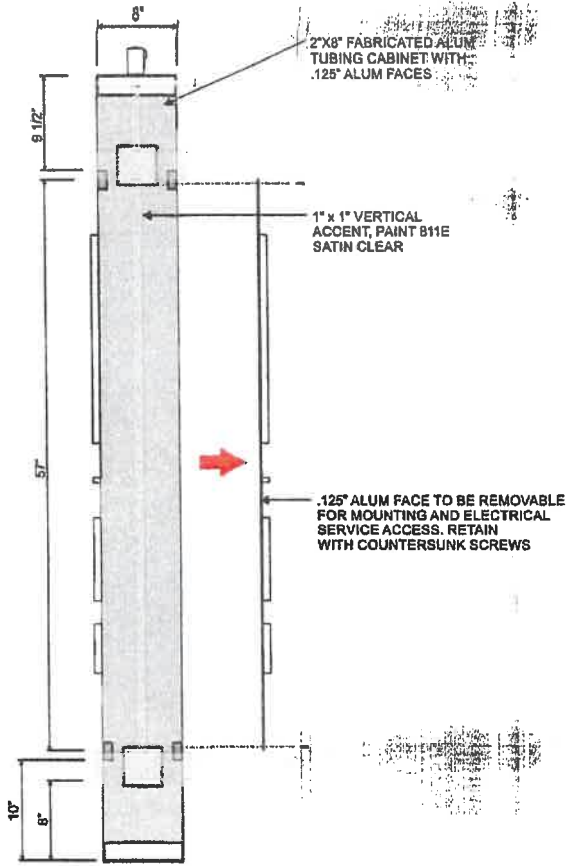
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MOUNTING BARS ARE PRE-INSTALLED ON BUILDING (60" CENTER TO CENTER). SIGN BODY SLIDES OVER AND ATTACHES WITH MECHANICAL FASTENERS



1 SIDE VIEW
SCALE: 1" = 1'-0"



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

ELECTRICAL
Each sign will require a Dedicated Circuit - 120 VAC / 20 Amp

Production Ready



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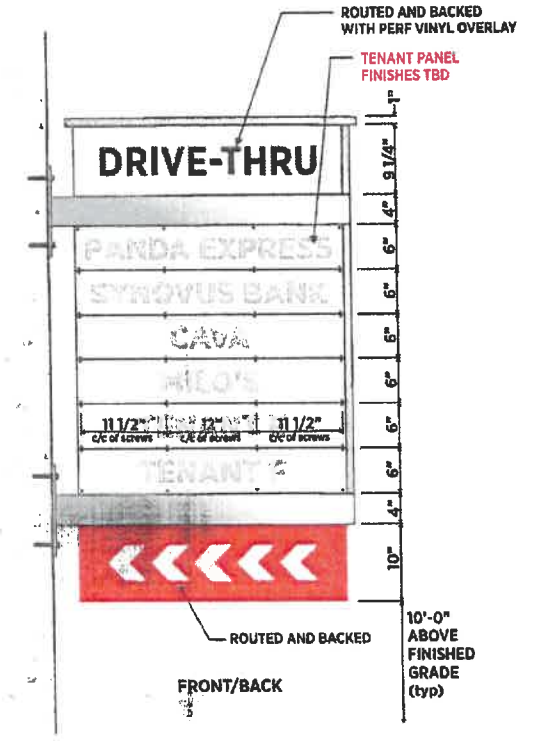
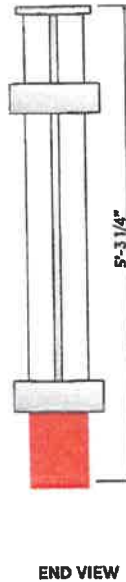
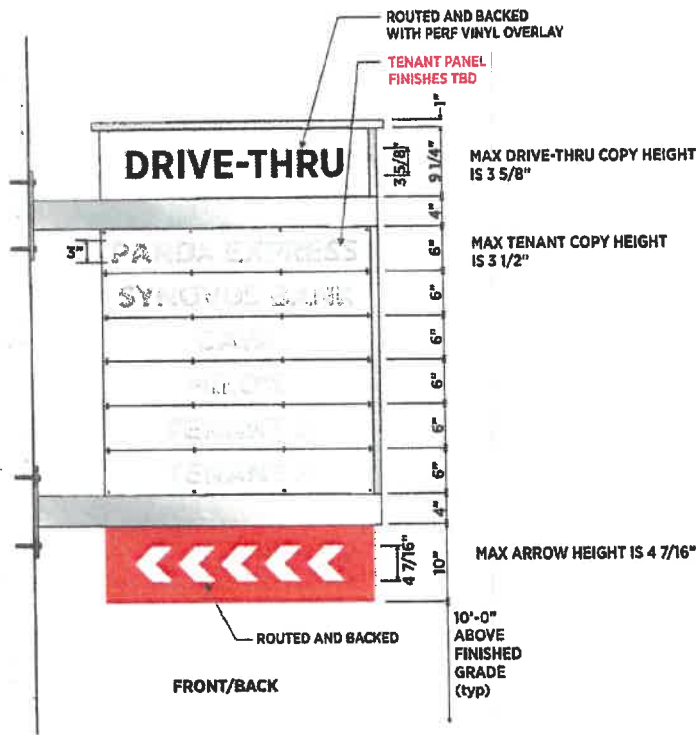
20 MIDTOWN
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EXTERIOR SIGNAGE
ABS

DESIGNER: MANAGER:
RYAN JAMES

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1 DRIVE-THRU BLADE SIGN
SCALE: 3/4" = 1'-0"

DRIVE THRU SIGN #1 & 2

2 DRIVE-THRU BLADE SIGN
SCALE: 3/4" = 1'-0"

DRIVE THRU SIGNS #3 & 4

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Drive-Thru Sign
EXTERIOR SIGNAGE

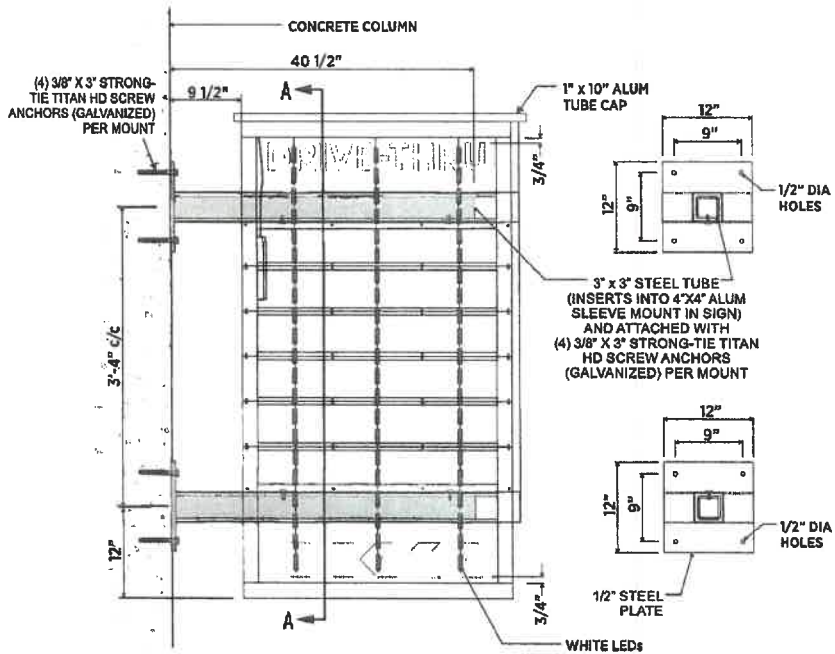
DESIGNER:
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MANAGER:
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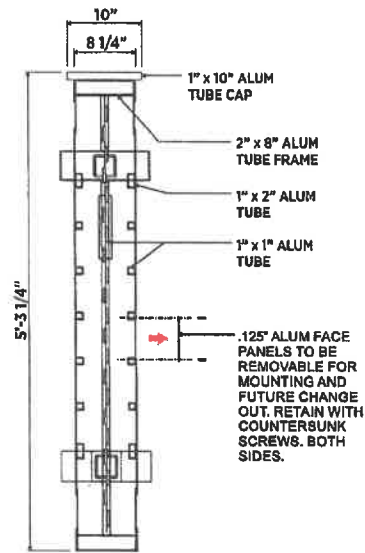
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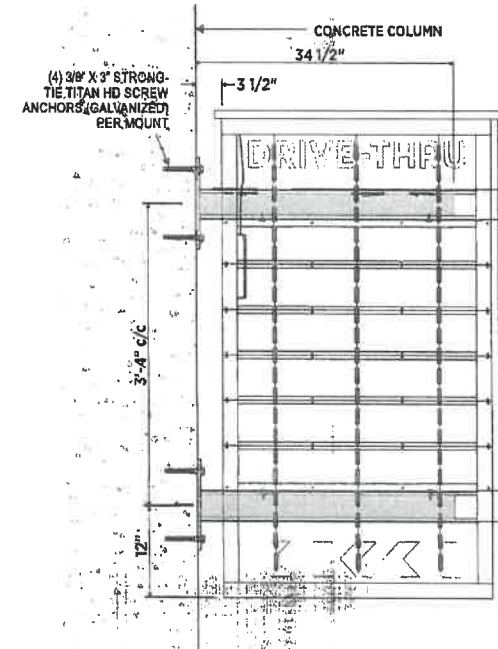
1 DRIVE-THRU BLADE SIGN FAB AND MOUNTING DETAILS
SCALE: 3/4" = 1'-0"

DRIVE THRU SIGNS #1 & #2



2 PLATE DETAILS
SCALE: 3/4" = 1'-0"

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



4 DRIVE-THRU BLADE SIGN FAB AND MOUNTING DETAILS
SCALE: 3/4" = 1'-0"

DRIVE THRU SIGNS #3 & 4

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MANAGER: RYAN JAMES
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323 20th St S



Birmingham, Alabama



Street View - Feb 2019

Advertiser at Station 1?



Google Maps 301 20th St S



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Image capture: Feb 2019 © 2022 Google

Birmingham, Alabama

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Street View - Feb 2019

Advertiser at location 12

