

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2021-00069**

**Central Park**

***Request:***

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

***Applicant:***

Pamela Tubbs

***Location:***

1343 Bessemer Rd EN 35208

Parcel # 012900073048005000

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

***Applicant's Proposal:***

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

***Staff Analysis:***

The subject property is currently zoned C-2 (Commercial Business District). The parcels located north and east of the subject property are zoned C-2 (Commercial Business District) while parcels located west and south are zoned D-3 (Single Family District). The property is not located in a special flood hazard area nor any design review district. The use prior to the event center was a medical office. The event center is 4,000 sf and requires 40 parking spaces and there is also a Family Dollar (hours of operations 8am-9pm) on the property that is 9,000sf and requires 30 parking spaces. There are a total of 61 spaces in all; therefore, only 31 of those spaces are allocated to the event center and requires a modification. There are no other parking modifications within 1,320 ft radius.

The applicant has stated additional parking is not needed because the 32 parking spaces on the west side of the building are never used by Family Dollar and remain vacant all the time. Customers visiting Family Dollar use parking in the front of the store and the customers are usually in and out within minutes. When Family Dollar closes, the event center will have access to the entire lot. Most guests will have multiple people to a car and most events are 100 guests or less. Pictures of the parking lot will be provided during the hearing.

***Per Zoning Ordinance:***

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

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

***Neighborhood Recommendation:***

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

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

Staff believes the applicant has provided enough evidence to support the special exception and modification; therefore, the request should be **APPROVED** with the following conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. Parking spaces must be striped within 30 days of approval from the Board as shown on the site plan submitted.

**PARCEL ID:** 012900073048005000

**SOURCE:** TAX ASSESOR RECORDS      **TAX YEAR:** 2019

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

**OWNER:** CALIBER BIRMINGHAM LLC

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

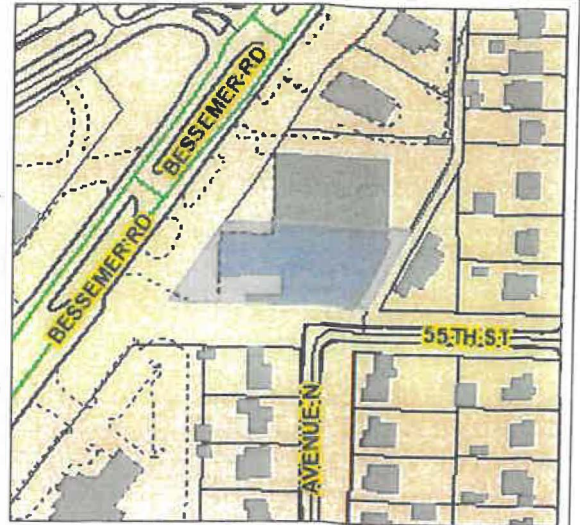
**CITY/STATE:** ATLANTA GA

**ZIP+4:** 31126

**SITE ADDR:** 1343 BESSEMER RD

**CITY/STATE:** BHAM, AL

**ZIP:** 35208



**LAND:** \$73,000.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 23,732.87

**ACRES:** 0.54

**SUBDIVISION INFORMATION:**

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

**BLOCK:** 1

**LOT:** 3&4

:

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

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Central Prk (203)

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

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

**Zoning Outline:** C2

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

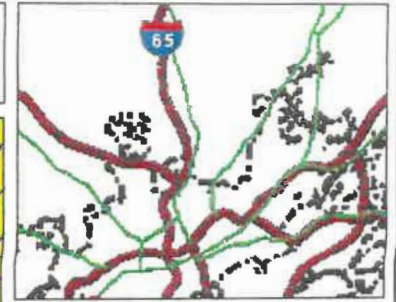
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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



Legend

- Centerline Labels
- + Railroad
- 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: 2,510

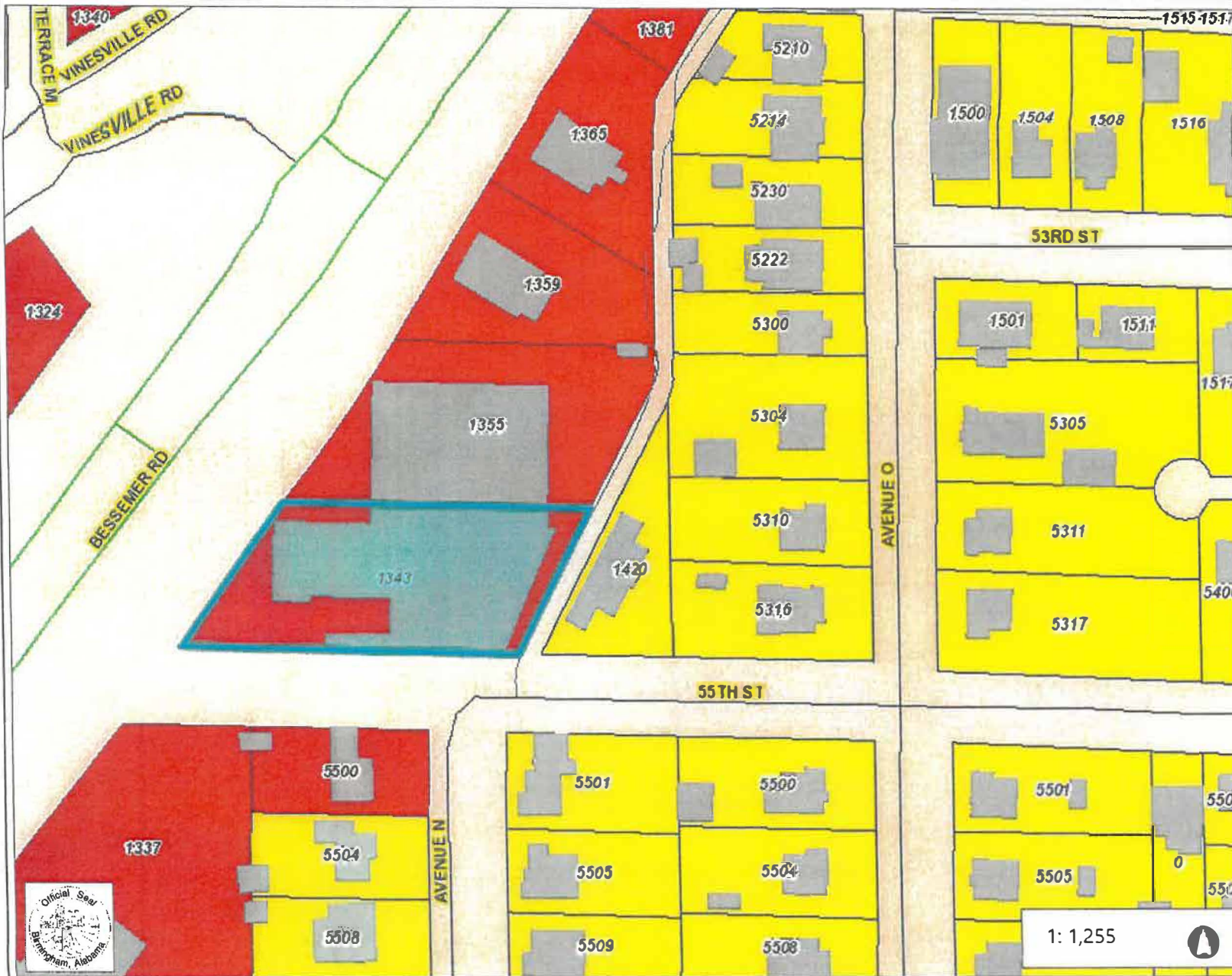
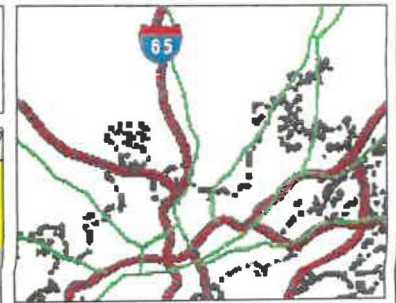


418.3 0 209.13 418.3 Feet

Notes



# ZBA2021-00069 ADOPTED LAND USE MAP



## Legend

- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
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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: 1,255



209.1 0 104.57 209.1 Feet

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

## Notes

NOTES:  
 1. THE PROPOSED SITE PLAN IS BASED UPON INFORMATION RECEIVED FROM THE  
 CLIENT AND IS SUBJECT TO THE ACCURACY OF THE INFORMATION PROVIDED.  
 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND  
 APPROVALS FROM THE LOCAL GOVERNMENT AND ALL UTILITIES SHOULD BE  
 REMOVED BY THE CLIENT.



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

**Place:** City Council Chambers

**ZBA2021-00075**

**Central Park**

***Request:***

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

***Applicant:***

Ibrahim Zaqut

***Location:***

2254 Bessemer Rd EN 35208

Parcel # 012900053024001004

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

***Applicant's Proposal:***

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

***Staff Analysis:***

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

***Per Zoning Ordinance:***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***Neighborhood Recommendation:***

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



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

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

**PARCEL ID:** 012900053024001004

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

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

**OWNER:** FIVE POINTS WEST SHOPPING CITY

**ADDRESS:** 104 OXMOOR ROAD STE 144

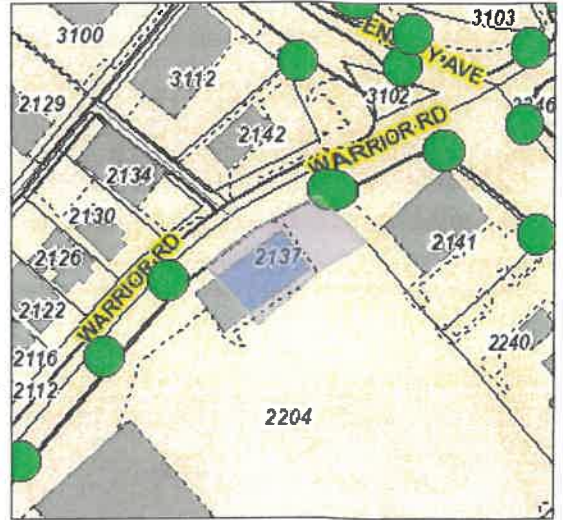
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35209

**SITE ADDR:** 2137 WARRIOR RD

**CITY/STATE:** , AL

**ZIP:** 35208



**LAND:** \$42,900.00

**BLDG:** \$339,000.00

**OTHER:** \$0.00

**AREA:** 10,003.42

**ACRES:** 0.23

**SUBDIVISION INFORMATION:**

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

**BLOCK:**

**LOT:** RV-6

**Section:** 5-18-3W

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

**Historic Districts:** Not in Historic Districts

**Commercial Revitalization District:** Five Points West

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Central Prk (203)

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

**Zoning Outline:** MUH

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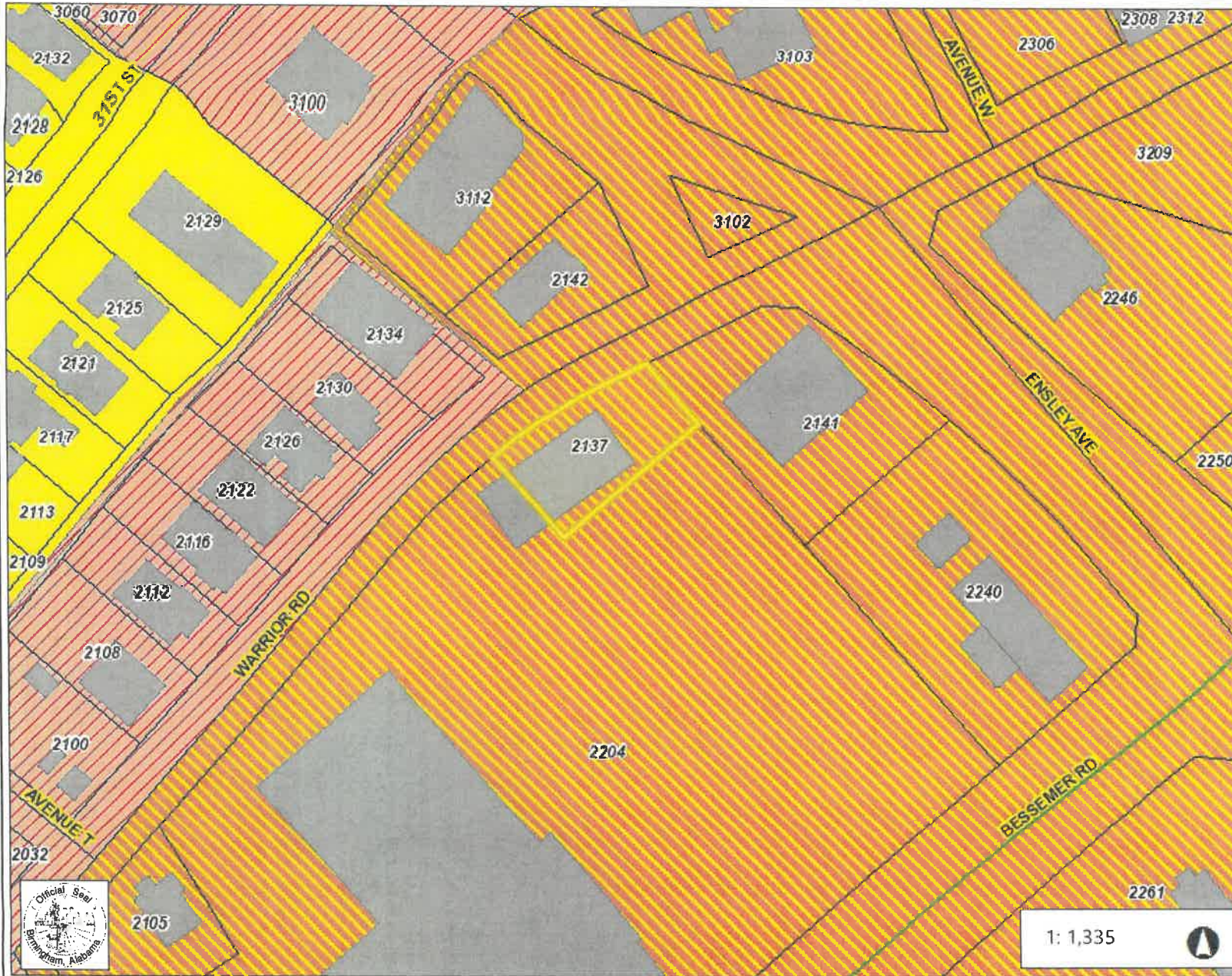
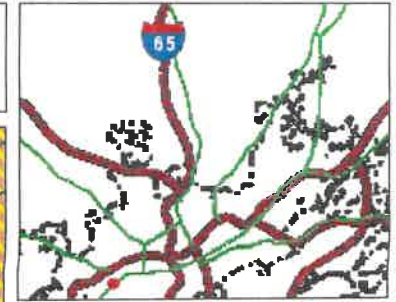
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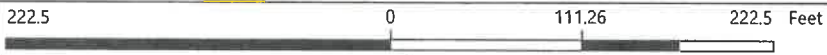


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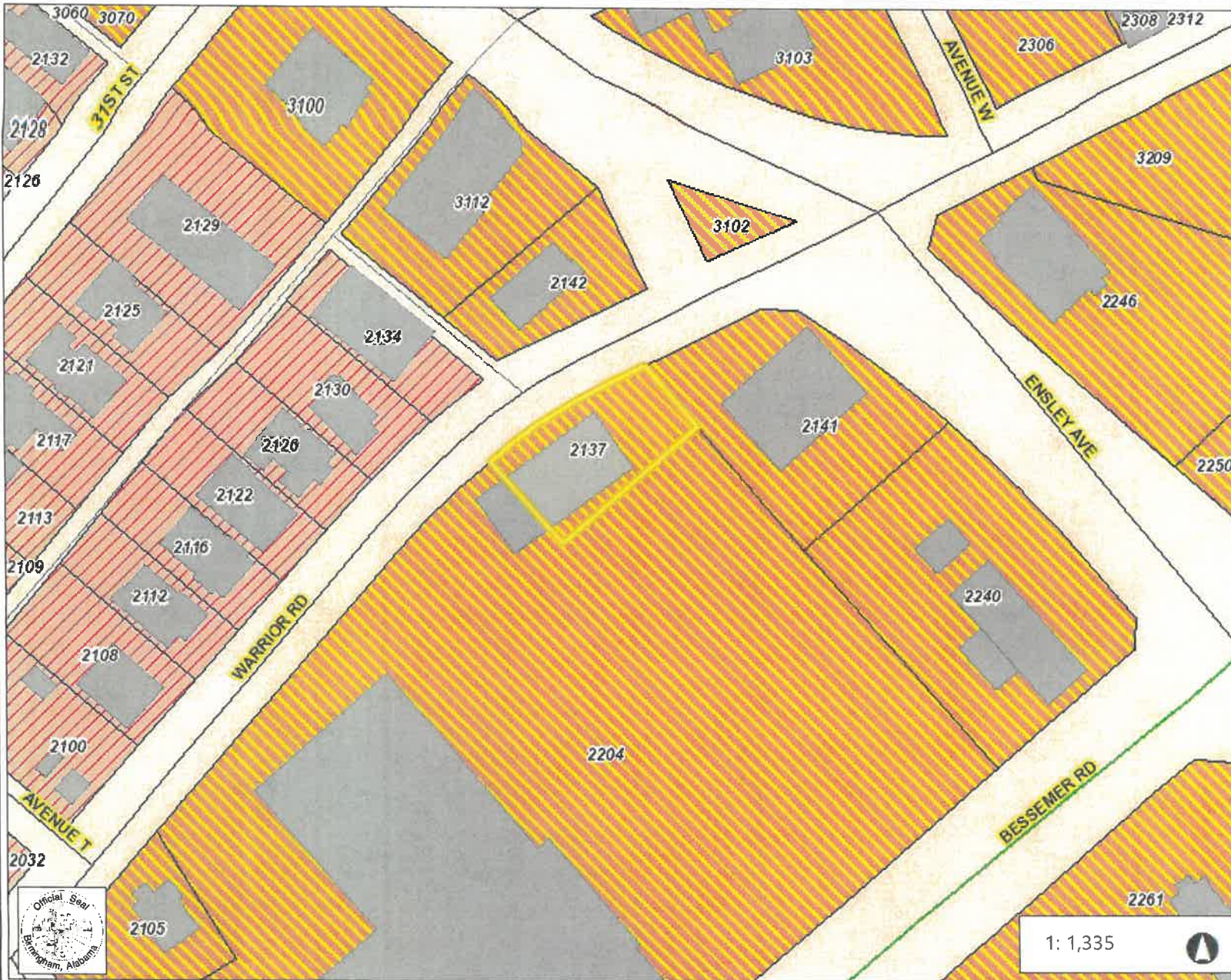
1: 1,335



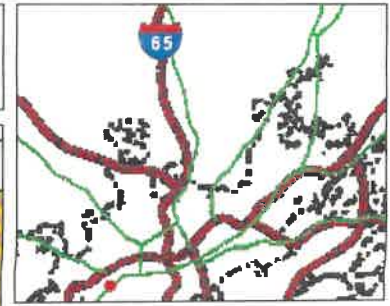
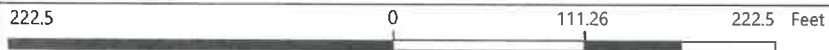
Notes



# ZBA2021-00075 ADOPTED LAND USE MAP



1: 1,335



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- Adopted LandUse Plan**
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- MXU-Low
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# The Business Proposal For EZ Deals Pawn Shop

## **EZ Deals Pawn Shop**

2254 Bessemer Road Suite 104  
Birmingham, Alabama 35208

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

### **Confidentiality Clause**

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

# The Business Proposal for Ez Deals Pawn Shop

## Executive Summary

### The Company

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

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

### Mission Statement

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

### Management

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

## Products & Markets

The Company will provide the following products and services:

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

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



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

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

## **General Company Description**

### **Company Goals and Objectives**

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

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

Thereafter, the Company will strive for a total base increase of new customers by 5% per quarter.

### **Business Philosophy**

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

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

### **Legal Form of Ownership**

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

### **Competitive Advantages**

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

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

customers to shop at EZ deals.

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

To whom it may concern:

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

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

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

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

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

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

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

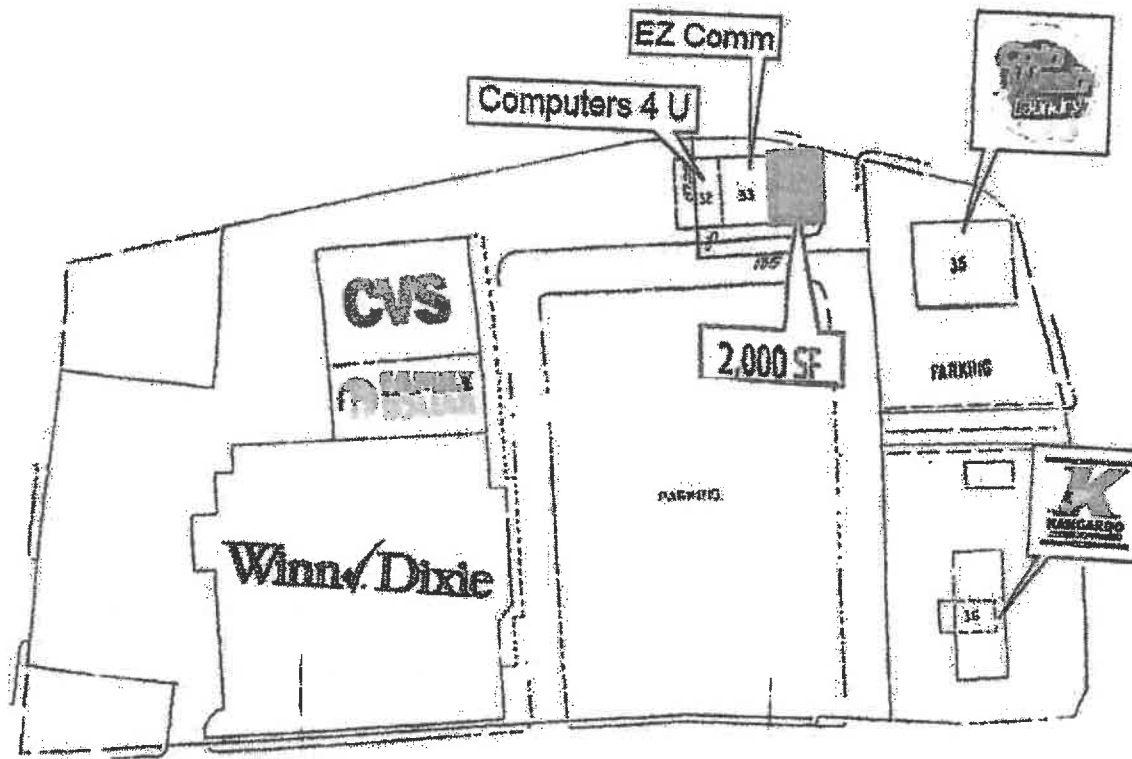
5- No injury to neighboring property: ez deals is a 3000sf out of 6500sf free standing building and I am the tenant of the entire building.

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

6- No harm to public welfare:

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

BESSEMER ROAD - FIVE POINTS WEST



**EZ DEALS**

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

**Store hours:**

**Monday 9-7**

**Tuesday 9-7**

**Wednesday 9-7**

**Thursday 9-7**

**Friday 9-7**

**Saturday 9-7**

**Sunday closed**

**The store closes on :**

**Thanksgiving**

**Christmas day**

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

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

**To whom it may concern:**

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

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

**9/16/2021**

**To whom It may concern:**

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

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

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

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

**NAME:** Raymond J Milten

**Signature:**

*Raymond J Milten*

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

*[Handwritten signature]*



**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

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

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

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

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

***NAME: Daniel Glover***

***Address : 2500 tempest Dr Sh***

***Signature : ***

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

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

**To whom it may concern:**

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

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

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

**NAME:** Chyna Wilson

**Address :** 2747 Rosebay Lane Birmingham AL  
35201

**Signature :** Chyna Wilson

**Phone number :** 205-580 3534

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

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

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

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

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

***NAME: Tiaoneka Ford***

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

***Signature: Tiaoneka Ford***

***Phone numbers -***

***205-916-8574***

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

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

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

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

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

**NAME:** Tony Bowen

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

**Signature:** Tony Bowen

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

**E-Z DEALS**

**2254 Bessemer RD suite 104**

**Birmingham Al 35208**

**205-785-4055**

**To whom it may concern:**

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

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

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

**NAME:** Tyasia Williams

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

**Signature :** Tyasia Williams

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

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2021-00082**

**Killough Springs**

***Request:***

Variance to allow an accessory structure (tree house) in the front yard instead of the required side or rear yard area. Variance to have a side yard setback of 2.6ft instead of the minimum 7ft required. Variance to allow an outdoor grill area in the front yard. Variance to allow parking in the front yard instead of the side or rear yard area.

***Applicant:***

Hector Guizar

***Location:***

1236 Birchwood St Birmingham AL 35215

Parcel # 01130025100501800

NE of Section 25, Township 16 S, Range 2 W

***Applicant's Proposal:***

The applicant is requesting multiple variances for an existing tree house, outdoor grill area and parking in the front yard.

***Staff Analysis:***

The subject property is currently zoned D-2 (Single Family District). The subject property is surrounded by parcels zoned D-2 (Single Family District). The property is not located in a special flood hazard area nor in any design review district. This property has an open zoning enforcement case. The tree house is located in the center front yard. The outdoor grill area is located in the front yard area creating a side yard setback of 2.6ft. There is an existing parking pad in the front yard that connects to the outdoor grill area.

***Per Zoning Ordinance:***

**TABLE 1.00.101  
SINGLE-FAMILY-DETACHED AND MANUFACTURED HOMES**

<b>Zoning District</b>	<b>Minimum Lot Area (in square feet per unit)</b>	<b>Minimum Lot Width (in feet)</b>	<b>Minimum Front Setback (in feet)</b>	<b>Minimum Rear Setback (in feet)</b>	<b>Minimum Side Setback (in feet one side/ total of both)</b>	<b>Maximum Building Height (in feet)</b>
AG	1 Acre	100	40	40	15	35(4)
D-1(5)	15,000	90	40(1)	40(2)	8/18(3)	35(4)
D-2(5)	10,000	75	30(1)	30(2)	7/16(3)	35(4)

**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

**Neighborhood Recommendation:**

*The Killough Springs Neighborhood Association* voted not to support the request.

**Staff's Recommendation to ZBA:**

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

**PARCEL ID:** 011300251005018000

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

**DATE:** Friday, February 4, 2022 3:00:56 PM

**OWNER:** GUIZAR HECTOR U

**ADDRESS:** 52 MEDICAL PARK DR E STE 307

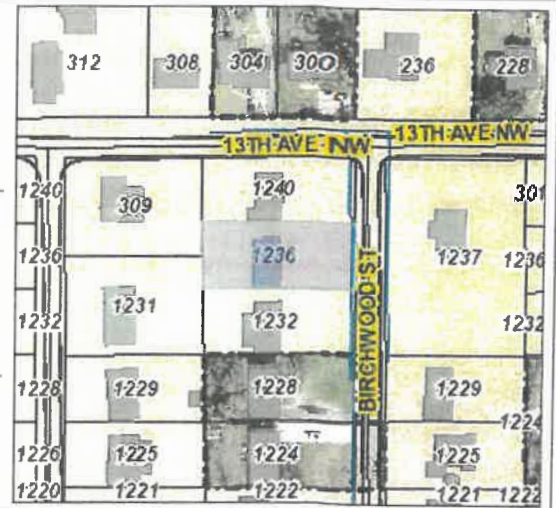
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35235

**SITE ADDR:** 1236 BIRCHWOOD ST

**CITY/STATE:** BHAM, AL

**ZIP:** 35215



**LAND:** \$15,000.00

**BLDG:** \$75,300.00

**OTHER:** \$0.00

**AREA:** 10,739.30

**ACRES:** 0.25

**SUBDIVISION INFORMATION:**

**NAME** BERKELEY HILLS 13-25-1

**BLOCK:**

**LOT:** 134

:

**Section:** 25-16-2W

**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:** Killough Springs (1002)

**Communities:** Huffman (10)

**Council Districts:** District - 1 (Councilor: Clinton Woods)

**Zoning Outline:** D2

**Demolition Quadrants:** DEM Quadrant - 4

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

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

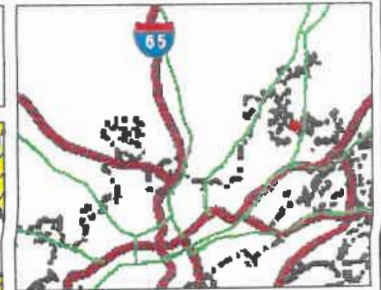
**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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





Legend

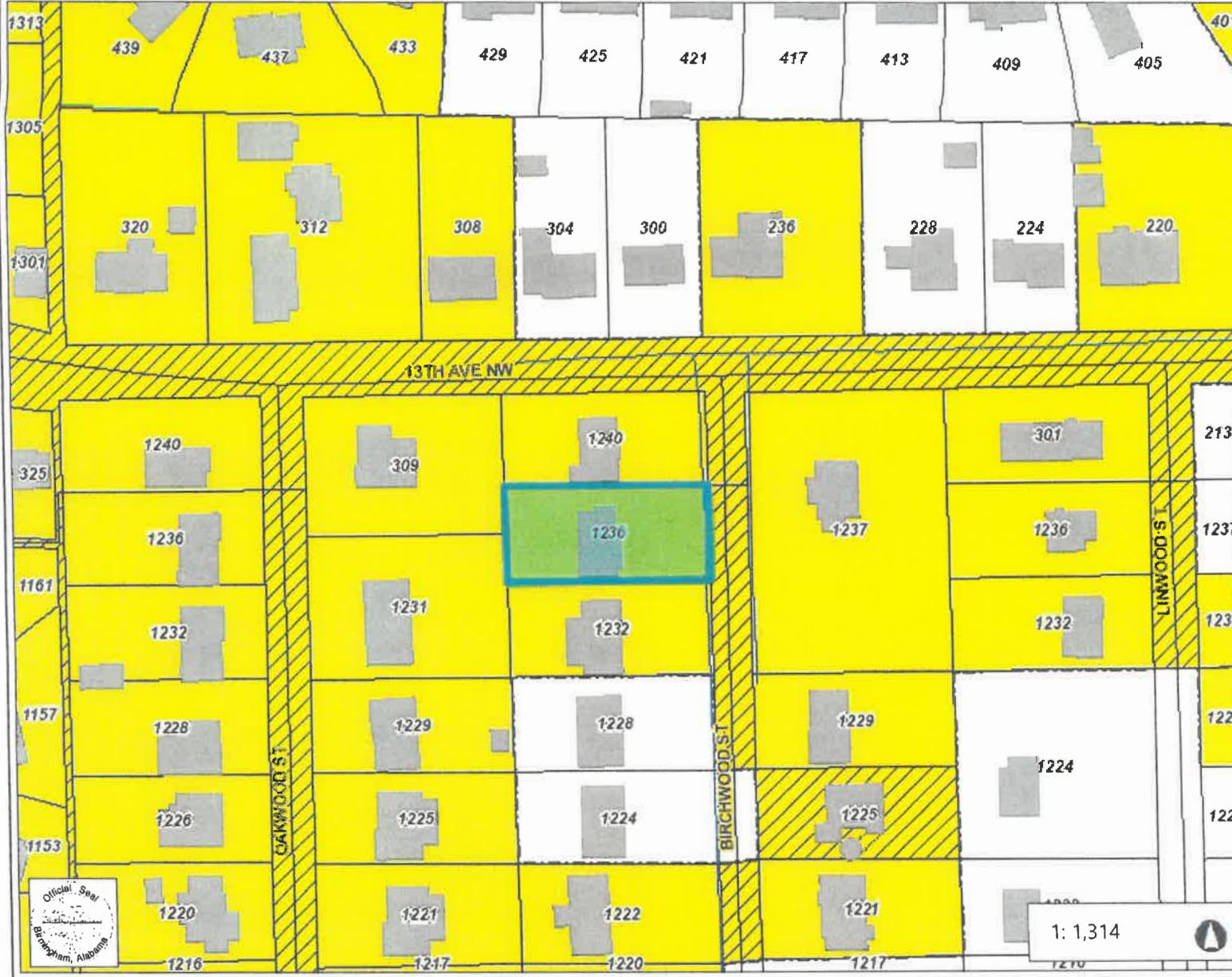
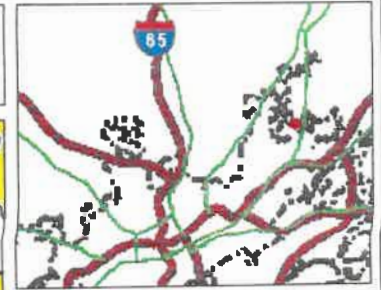
- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
  - Limited Access
  - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Zoning Shaded
  - R1; D1 - Single Family District - Cla
  - R2;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

1: 1,314

219.0 0 109.48 219.0 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: 1,314



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

Notes

## **Response to Zoning Violations**

**From Hector U. Guizar**

### ***TreeHouse Front Yard***

Between February 2020 and March 2020, COVID 19 hit the State of Alabama. Unfortunately, my family was quarantined at home for safety reasons. Our four children needed an extra play area to distract from the reality of the world. Because of dangerous storms in Alabama, we decided to cut down our only extra-large tree in the front yard. In the process of cutting the tree, my wife and I thought we had a bright idea of building a play area for the children. Since we were both raised in poverty, we never had the blessing of playing in a treehouse. So, we wanted to bless our children with a treehouse. I have been around construction all my life, so I was able to build their dream treehouse with my own two hands. I was unaware of zoning codes and rules. I have talked to all my surrounding neighbors, and none of them have a problem with it. Quite the contrary, they all love the treehouse. If there were any trees in the backyard, I would have built it there. The tree in the front yard was the only tree big enough to support the structure. If I must demolish the treehouse, it will devastate my family and the neighbors. Because of the treehouse, cars automatically slow down because they know there are children in the neighborhood, and they take pictures of it too. People stop constantly and ask me if I would build one for them. I am unable to fulfill their dreams as I am employed full-time at Jefferson State Community College.

The treehouse adds character to the neighborhood. It is unique in its structure. The shutters add to the appearance and make it look like a tiny house. The treehouse has not created a hardship on the neighborhood. No other property is affected by it. There is no harm to public welfare.

**I request a Variance to allow an accessory structure (Treehouse) in the front yard.**

### ***Driveway***

I was unaware that a driveway and parking area was subject to zoning limitation. I paid a local paving company almost \$12,000 to pave the driveway and parking area. Having permission and cooperation with the owner of Lot 133, the new driveway paving was extended to meet with the existing driveway of Lot 133. I did this as a maintenance convenience to Lot 133 and do not consider that small area as my property. The Eastern portion of the newly paved parking area has traditionally been used by the former owners of our house as a concrete parking pad, due to the lack of street parking and lack of rear parking capability. The majority of the area was gravel parking along with the concrete parking pad. Very little additional area was included in the paving project. The pavement is needed to keep parking from becoming a mud pit and is more consistent than the previous parking. The parking in the front yard has not affected the physical characteristics of the property. It has no unique characteristic. No hardship has been created. The new parking is safer and better alleviates the previous solution to off-street parking. The financial gain is there is less landscaping to be maintained. There is no injury to neighboring property. There is no harm to public welfare.

The street itself is a very busy road My children and the neighboring children use this as a step aside while cars pass by. We would appreciate the City placing 'slow down signs' and 'watch children signs'.

**I request a Variance to allow parking in the front yard which has been the traditional parking area for many years before my purchase of the property.**

***Outdoor kitchen area in the side yard***

Our family has welcomed neighbors to our home for non-commercial picnics. With limited access to the rear, the gathering area has been in front of the building since before we purchased the home. We know of no complaints. No hardship has been created. There is no injury to neighboring property. There is no harm to public welfare.

**I request a Variance for the picnic area/outdoor kitchen along the north side yard of the house.**

***Variance to encroach into the side and front yard setback***

The attached survey indicates the treehouse to not meet the 30-foot front setback if applicable. The residence does not meet the total 16-foot setback. The lot line width is 70 feet while the R2 zoning requires 75-foot width. A hardship was created in years past by the neighborhood rezoning to R2. This non-compliance has existed for many years. When the house was purchased, I was unaware of the zoning ordinance non-compliance of side yard side setbacks. No hardship has been created. There is no injury to neighboring property. There is no harm to public welfare.

**I request a variance of 5 feet from the current 16 feet total side yard requirement due to the narrow lot width. I ask for a 7-foot variance for the treehouse which is dependant on the location of the tree.**

***Variance for the relocated former carport into a new shed in the rear yard***

The rear yard improvements total 300 square feet and the total rear yard area is 3,730 square feet. Thus the rear yard improvements comprise 8% of the area which I believe is in compliance with the 30% coverage rule.

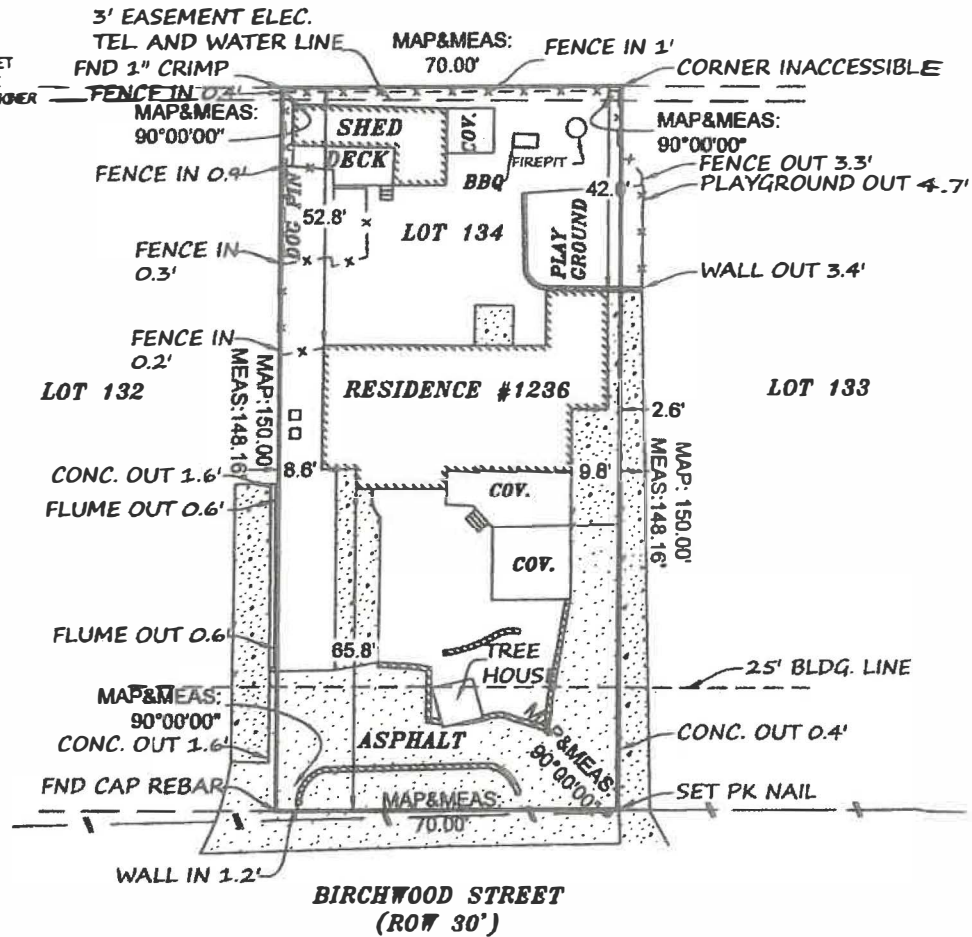
**No variance is requested for rear yard support buildings.**

**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
C	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—x—	ANCHOR
-x-	FENCE
-x-	POWER LINE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
LGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
□	WALL
□	AC



SCALE: 1"=30'



PER ZONING ORDINANCE: TITLE 2, CHAPTER 1, SECTION 3, SUBSECTION 3

- 30' FRONT SETBACK
- 35' REAR SETBACK
- ONE SIDE 7', TOTAL BOTH SIDES 16'



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 134 OF BERKLEY HILLS, as recorded in Map Volume 17, Page 44, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of NOVEMBER 1, 2021. Survey invalid if not sealed in red.

Order No.: 20212192  
Purchaser:  
Address: 1236 BIRCHWOOD STREET

*Ray Weygand*  
Ray Weygand, Reg. L.S. #24973  
189 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 dead/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cisterns or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on dead/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

To Whom It May Concern

My name is Linda Davis.

I live at 1232 Birchwood St.

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

This situation involves a tree house, which he built for his kids that they share with the local neighborhood kids. We also share the driveway and parking areas.

First of all, Mr. Guizar has been living in this property for many years. He and his family have always been great for our community and our neighborhood. He keeps his house clean and tidy inside and out. He doesn't ever disrupt or cause any issues for us. Mr. Guizar is a hard-working family man. He is very talented at what he does, from working on his own cars to building and adding beautiful structures to his home for his family's pleasure. He does not mind sharing these with others to enjoy.

Once again, my name is Linda Davis.

If you have any questions or concerns, feel free to contact me at (205) 960-4364.

*Her children love the tree house and play area*

Thank you and have a great day!

Linda Davis  
Signature

11-16-21  
Date



To Whom It May Concern, <sup>11/16/2021</sup>

My name is Deanna Davis.  
I reside at 1232 Birchwood St.  
with my mother, Linda Davis.

Hector Guizar is an  
amazing neighbor and community  
member. He was always very kind  
to my father while he was living,  
and has taken care of my  
family since. We could not have  
a better neighbor.

The treehouse he built for  
his children is very, very well  
constructed and does not in any  
way, shape or form detract from  
the neighborhood. There are a  
number of homes and yards  
on our street and the surrounding  
neighborhood that are in serious disrepair,  
but the Guizar home is well-tended.  
Please do not take such a joyous  
creation away for deserving children.  
If you want to reach me for  
further comments, my number

is 904-312-4042.

Thank you for taking  
the time to read this  
note. Again, I am happy to  
go in to more details about  
the many contributions and  
stellar character of Hector  
Guizar.

Sincerely,  
Deanna Davis



To Whom It May Concern

My name is Berry Owens.

I live at 1237 Birchwood St.

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

This situation involves a tree house, which he built for his kids that they share with the local neighborhood kids. We also share the driveway and parking areas.

First of all, Mr. Guizar has been living in this property for many years. He and his family have always been great for our community and our neighborhood. He keeps his house clean and tidy inside and out. He doesn't ever disrupt or cause any issues for us. Mr. Guizar is a hard-working family man. He is very talented at what he does, from working on his own cars to building and adding beautiful structures to his home for his family's pleasure. He does not mind sharing these with others to enjoy.

Once again, my name is Berry Owens.

If you have any questions or concerns, feel free to contact me at (205) 526-8756.

Thank you and have a great day!

B. Owens  
Signature

11-16-21  
Date

To Whom It May Concern

My name is JORGE ROSARIO.

I live at 309 13TH AVE NW 35215.

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

This situation involves a tree house, which he built for his kids that they share with the local neighborhood kids. We also share the driveway and parking areas.

First of all, Mr. Guizar has been living in this property for many years. He and his family have always been great for our community and our neighborhood. He keeps his house clean and tidy inside and out. He doesn't ever disrupt or cause any issues for us. Mr. Guizar is a hard-working family man. He is very talented at what he does, from working on his own cars to building and adding beautiful structures to his home for his family's pleasure. He does not mind sharing these with others to enjoy.

Once again, my name is \_\_\_\_\_.

If you have any questions or concerns, feel free to contact me at (205) 492 5758.

Thank you and have a great day!

Signature

Jorge Rosario

Date

20/11/21

To Whom It May Concern

My name is Mary Gordon.

I live at 300 13<sup>th</sup> Ave. NW.

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

This situation involves a tree house, which he built for his kids that they share with the local neighborhood kids. We also share the driveway and parking areas.

First of all, Mr. Guizar has been living in this property for many years. He and his family have always been great for our community and our neighborhood. He keeps his house clean and tidy inside and out. He doesn't ever disrupt or cause any issues for us. Mr. Guizar is a hard-working family man. He is very talented at what he does, from working on his own cars to building and adding beautiful structures to his home for his family's pleasure. He does not mind sharing these with others to enjoy.

Once again, my name is Mary Gordon.

If you have any questions or concerns, feel free to contact me at (205) 913-5725.

Thank you and have a great day!

Mary Gordon  
Signature

12/22/2021  
Date

To Whom It May Concern

My name is Sylvester Washington II.

I live at 300 13<sup>th</sup> Ave. Northwest.

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

This situation involves a tree house, which he built for his kids that they share with the local neighborhood kids. We also share the driveway and parking areas.

First of all, Mr. Guizar has been living in this property for many years. He and his family have always been great for our community and our neighborhood. He keeps his house clean and tidy inside and out. He doesn't ever disrupt or cause any issues for us. Mr. Guizar is a hard-working family man. He is very talented at what he does, from working on his own cars to building and adding beautiful structures to his home for his family's pleasure. He does not mind sharing these with others to enjoy.

Once again, my name is Sylvester Washington II.

If you have any questions or concerns, feel free to contact me at (205) 747-5669.

Thank you and have a great day!

Sylvester Washington II  
Signature

21 Dec 2021  
Date

To Whom It May Concern

My name is Wayne Lee

I live at 304 13th Ave NW

I am a neighbor of Mr. Hector Guizar, who lives at 1236 Birchwood St, Birmingham, AL 35215. I am aware that he is currently dealing with a situation about his property with the city of Birmingham.

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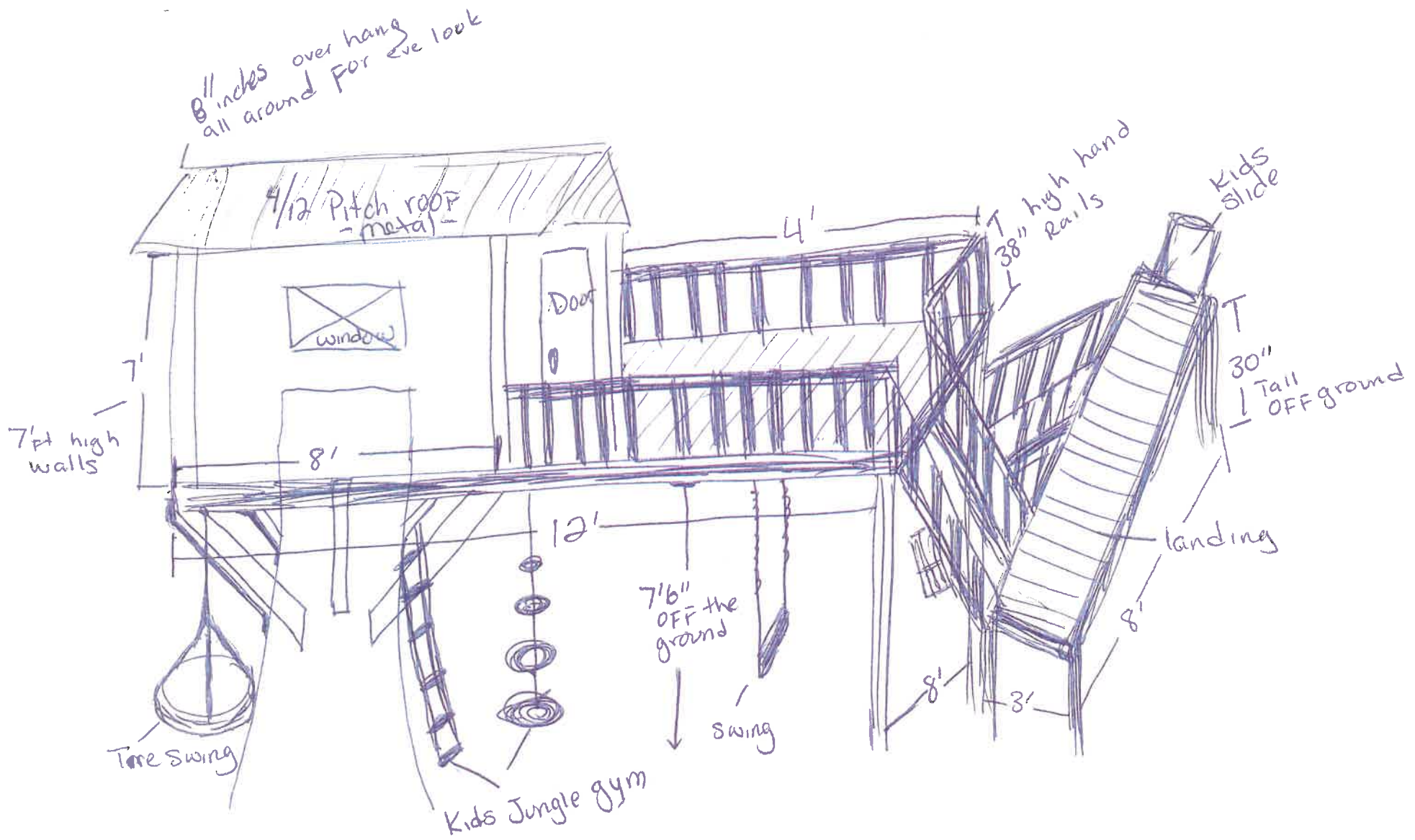
Once again, my name is Wayne Lee

If you have any questions or concerns, feel free to contact me at (205) \_\_\_\_\_.

Thank you and have a great day!

Wayne Lee  
Signature

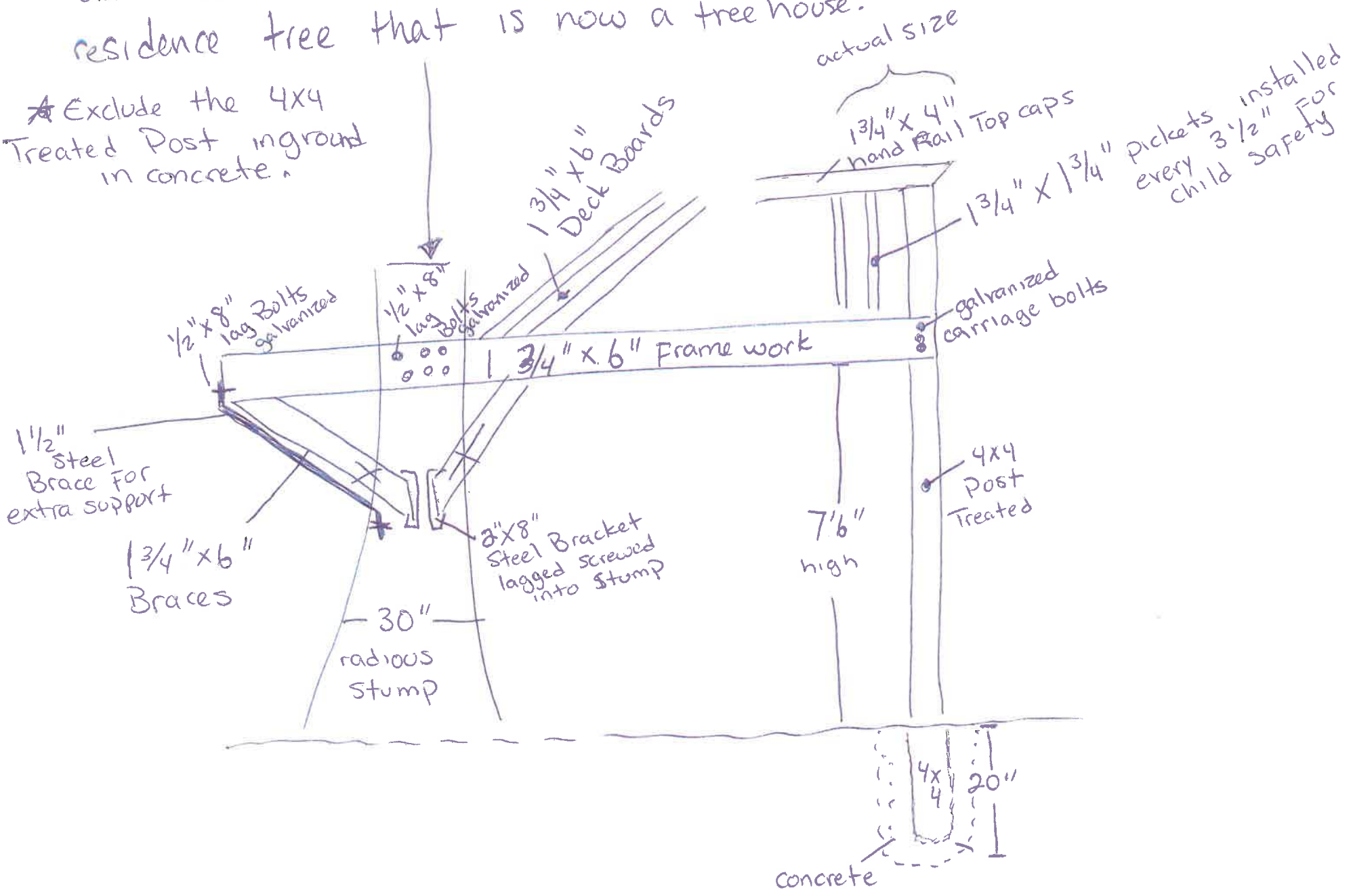
12/22/2021  
Date



- 8'ft x 8'ft Tree house
- 8'ft x 12'ft Total Floor/Deck area
- 4'ft x 8'ft Deck area outside the tree house

Please Note all the lumber used for this project was rough cut in a saw mill out of natural pine trees and some white oak out of the residence tree that is now a tree house.

\* Exclude the 4x4 Treated Post inground in concrete.

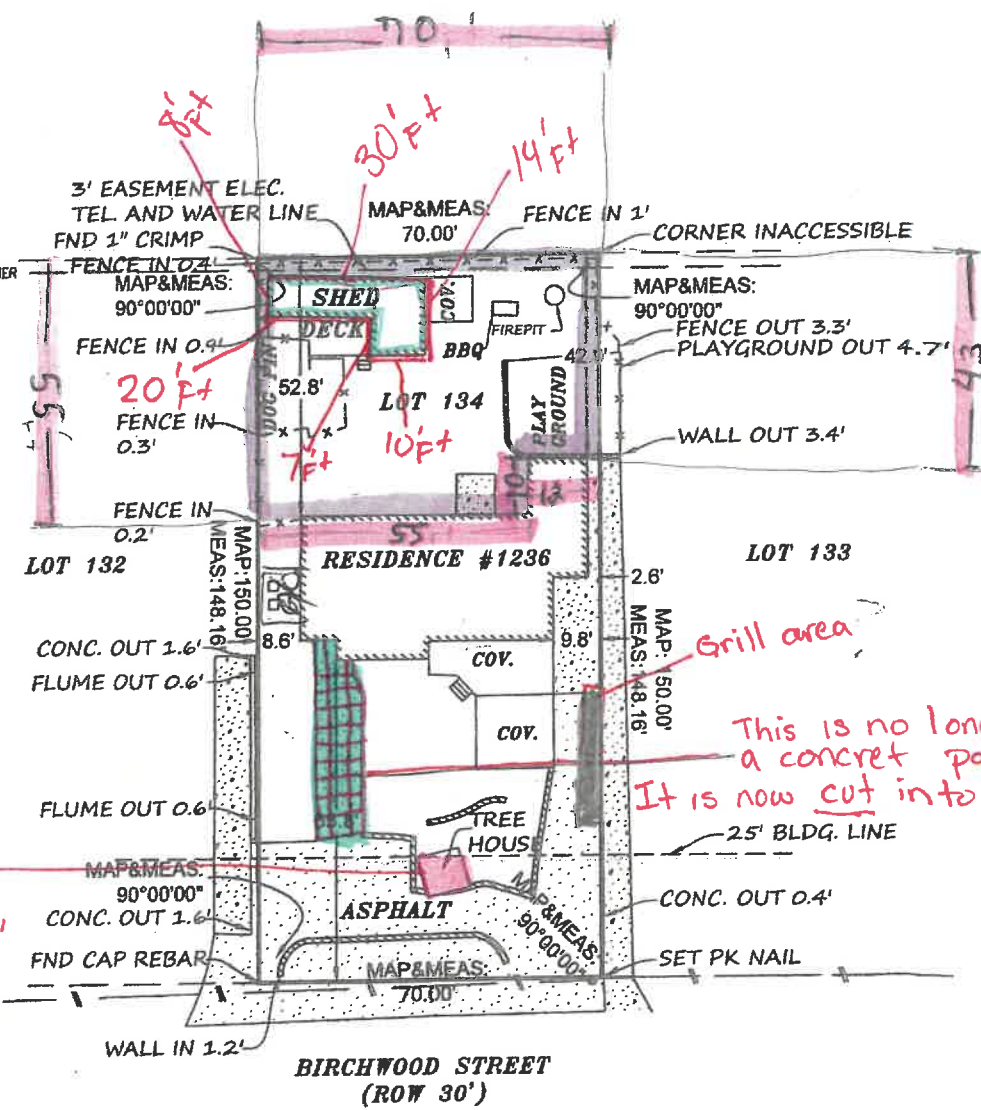


\* Total Back Yard square footage 31,100 square feet  
 \* Shed Total 300 square feet  
 \* Shed takes up 8% of the back yard

**LEGEND**

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

SCALE: 1"=30'



PER ZONING ORDINANCE: TITLE 2, CHAPTER 1, SECTION 3, SUBSECTION 3

- 30' FRONT SETBACK
- 35' REAR SETBACK
- ONE SIDE 7', TOTAL BOTH SIDES 16'



STATE OF ALABAMA)  
 JEFFERSON COUNTY)

"Property Boundary Survey"

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Order No: 20212193  
 Purchaser:  
 Address: 1238 BIRCHWOOD STREET

*Ray Weygand*  
 Ray Weygand, Reg. L.S. #24973  
 169 Oxmoor Road Homewood, AL 35208  
 Phone: (205) 942-0088 Fax: (205) 942-0087  
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Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



Google Maps 1237 Birchwood St



Image capture: Dec 2013 © 2021 Google

Birmingham, Alabama

Google

Street View - Dec 2013

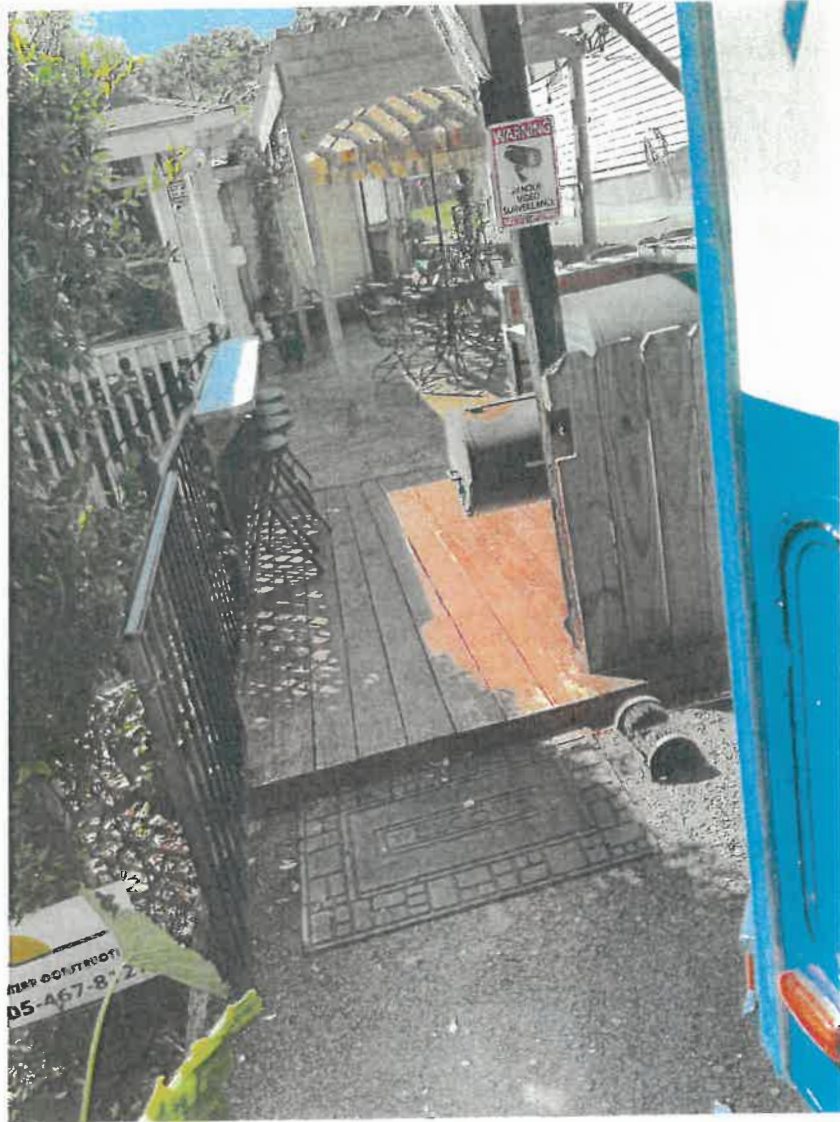










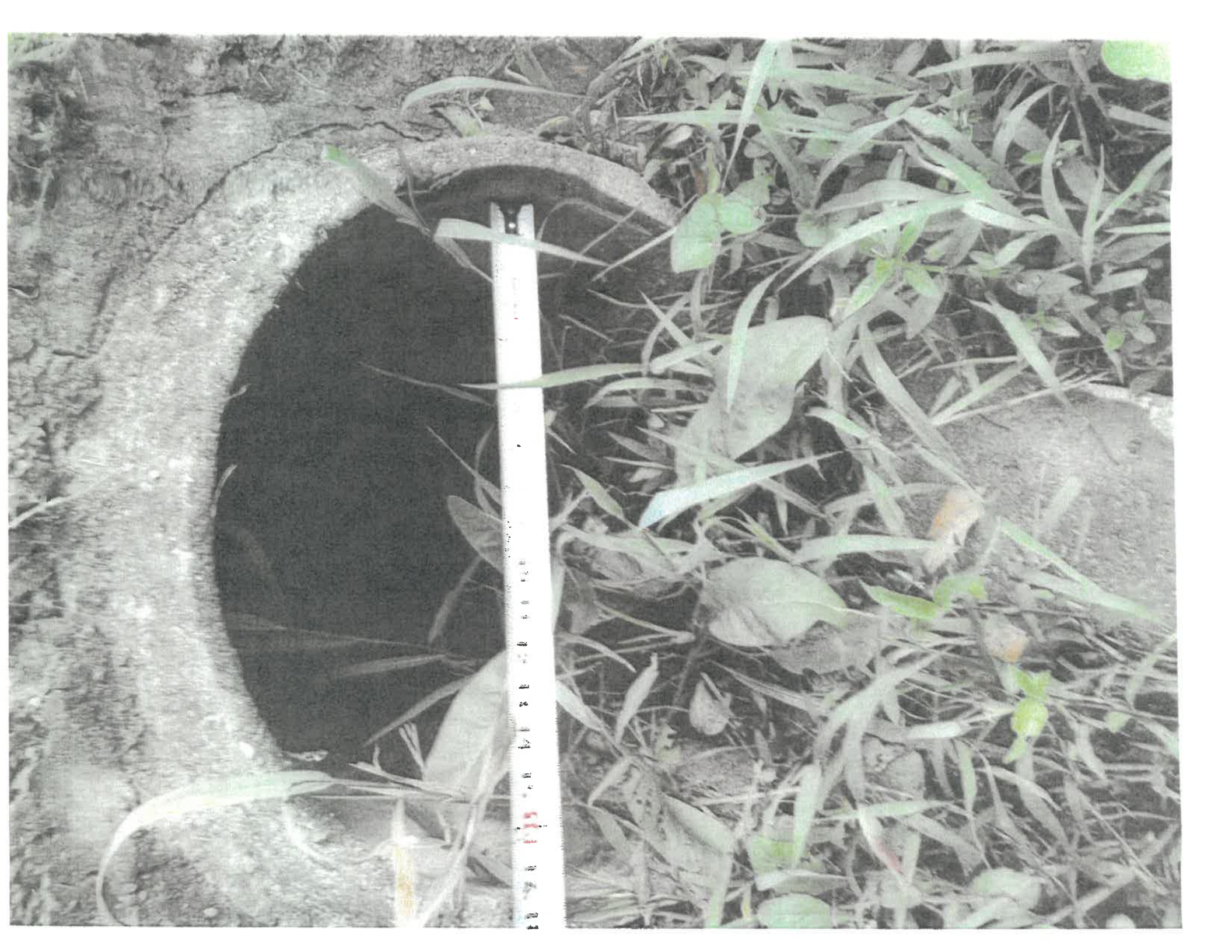


Hector Guizot

1236 Birchwood Street  
Birmingham AL 35215







# 18 in. x 20 ft. Corrugated HDPE Culvert Pipe, HDPE 1820

2.9 (23) SKU: 133085699

[Reviews](#)

[Questions & Answers](#)

[Product Details](#)

[Specifications](#)

[Documents](#)

## \$419.99



No Interest If Paid In Full Within 12 Months

[Learn More](#)

As a Neighbor, you are eligible to earn 1 point per dollar on this purchase. [Join Now](#)

The HDPE 1820 18 in. x 20 ft. Corrugated HDPE Culvert Pipe is ideal for driveway and roadway applications. Made from high density polyethylene, this pipe is built for efficient flow and excellent corrosion resistance. Take advantage of the pipe's bell and spigot with gasket to achieve a water-tight joint.

- Culvert is manufactured with a smooth interior, allowing for more efficient flow
- Designed with a bell and spigot with a gasket for a water-tight joint
- Excellent abrasion and corrosion

[Additional Product Information](#)

- Our culverts are DOT approved and will support the weight of any DOT approved vehicle when installed correctly; if unsure of how to properly install, please seek professional advice
- Pipe meets or exceeds AASHTO M252 and AASHTO M294 Type S

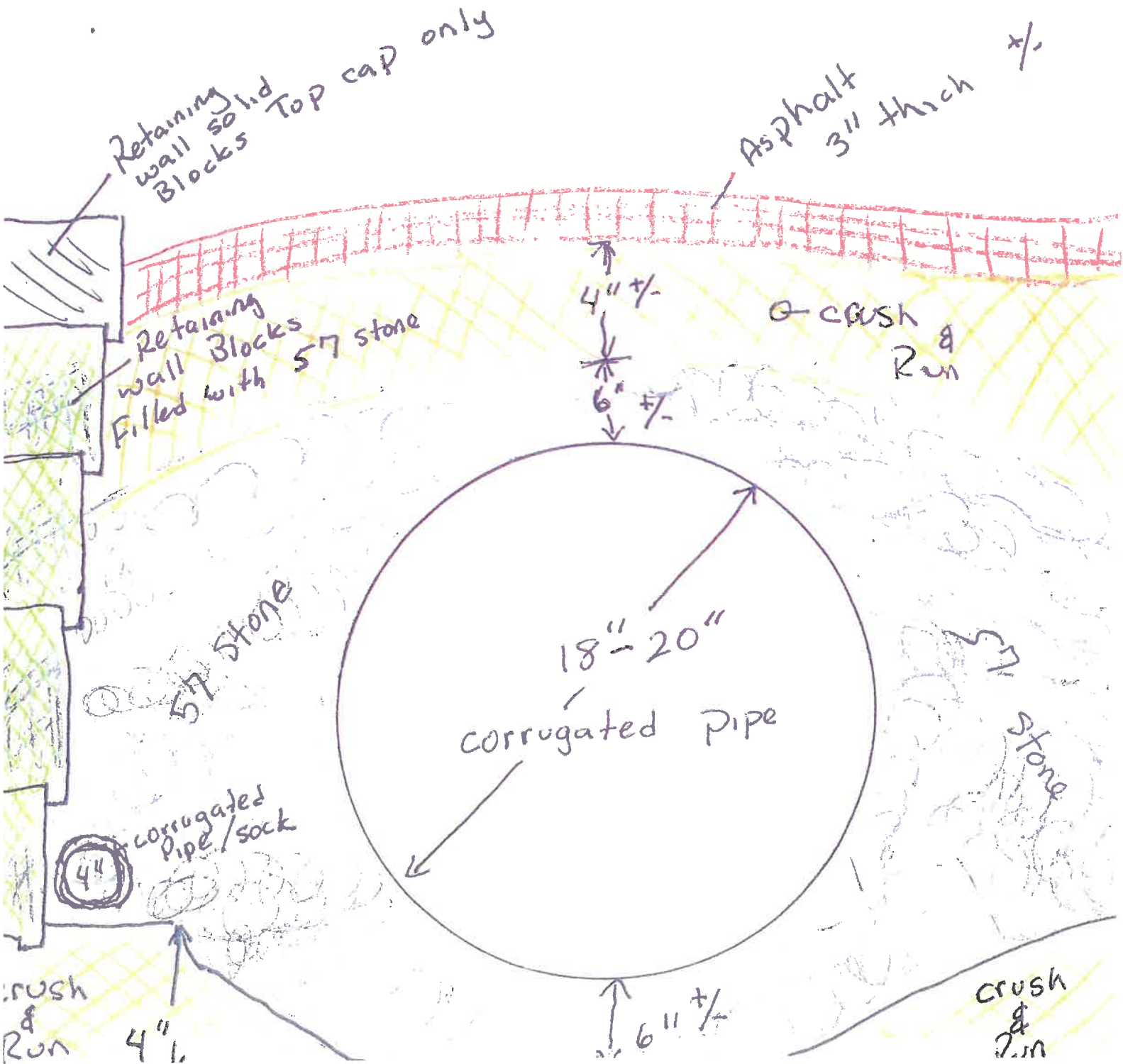
### Specifications

Specification	Description
Product Weight	129 lb.
Product Length	20 ft.
Application/Use	Used in driveway and roadway culverts
Country of Origin	Made in USA
Material	High Density Polyethylene
Maximum Operating Pressure	N/A
Number of Walls	2
Operating Temperature Range	N/A
Product Inner Diameter	18 in.
Product Outer Diameter	20.75 in.
Product Width	20.75 in.
Special Feature(s)	N/A
Product Type	HDPE Culvert
Wall Thickness	2.75 in.
Manufacturer Part Number	HDPE 1820

- Asphalt
- 57 stone
- Crush and Run
- Retaining wall Blocks Filled 57 stone
- Top cap solid Block

House ←

Road →



\* - crush and Run

- Surface was leveled to a required slope in order to match an existing slope without interfering with existing drive ways
- crush and Run was installed, damp and packed with a 15 inch x 20-1/4 inch Plate 2300 lb Force, 3600 vpm Vibration Compactor machine every 4"-6"-8" inches as needed.

\* - 57 Stone was installed and packed with a 15 inch x 20-1/4 inch Plate 2300 lb Force, 3600 vpm vibration compactor machine every 4"-6"-8" inches as needed

\* - Asphalt was installed by a local company. → packed, vibrated and rolled 3" +/- thick

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2022-00010**

**Roebuck**

***Request:***

Variance to allow the front yard setback at 32.2 feet instead of the 40 foot setback required. A variance to allow the rear yard setback at 9.3 feet instead of the 40 foot setback required.

***Applicant:***

Stan Weldy

***Location:***

12 Sunset Lane Birmingham AL 35215  
Parcel # 011300354016024000  
SE of Section 35, Township 16 S, Range 2 W

***Applicant’s Proposal:***

The applicant is proposing new residential home.

***Staff Analysis:***

The subject property is currently zoned D-2 (Single Family District). The subject property is surrounded by parcels zoned D-2 (Single Family District). The property is not located in a special flood hazard area nor in any design review district.

***Per Zoning Ordinance:***

**SINGLE-FAMILY-DETACHED AND MANUFACTURED HOMES**

<b>Zoning District</b>	<b>Minimum Lot Area (in square feet per unit)</b>	<b>Minimum Lot Width (in feet)</b>	<b>Minimum Front Setback (in feet)</b>	<b>Minimum Rear Setback (in feet)</b>	<b>Minimum Side Setback (in feet: one side/ total of both)</b>	<b>Minimum Building Height (in feet)</b>
AG	1 Acre	100	40	40	15	35(4)
D-1(5)	15,000	90	40(1)	40(2)	8/18(3)	35(4)
D-2(5)	10,000	75	30(1)	30(2)	7/16(3)	35(4)

***Neighborhood Recommendation:***

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

Jason Mitchell located at property at 10 Sunset Lane states that he is very much against the variance being granted. This lot is too small to build a house on. The house will not conform to the neighborhood and will have a negative impact on our property value.

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

Staff believes the applicant has provided evidence to support the variance requests; 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:** 011300354016024000

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

**DATE:** Tuesday, March 1, 2022 3:39:06 PM

**OWNER:** MACK CURTIS EUGENE

**ADDRESS:** 3019 APPLE VALLEY LN

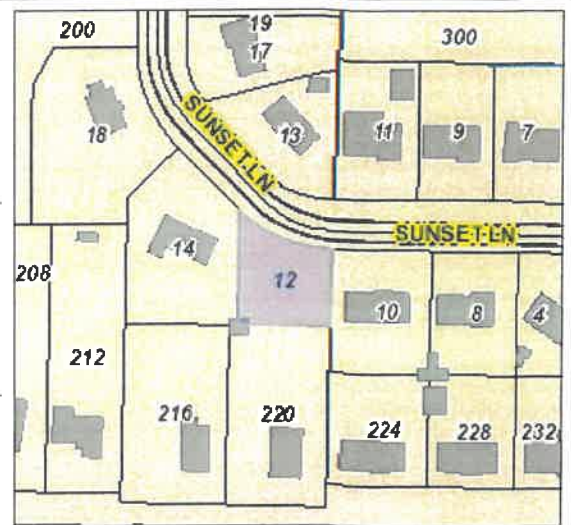
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35215

**SITE ADDR:** 12 SUNSET LN

**CITY/STATE:** BHAM, AL

**ZIP:** 35215



**LAND:** \$17,000.00

**BLDG:** \$0.00

**OTHER:** \$0.00

**AREA:** 8,417.95

**ACRES:** 0.19

**SUBDIVISION INFORMATION:**

**NAME** BOWDEN-BISHOP-ROE 13-35-4

**BLOCK:**

**LOT:** 1

**Section:** 35-16-2W

**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:** Roebuck (1501)

**Communities:** Roebuck-South East Lake (15)

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

**Zoning Outline:** D2

**Demolition Quadrants:** DEM Quadrant - 4

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

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

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

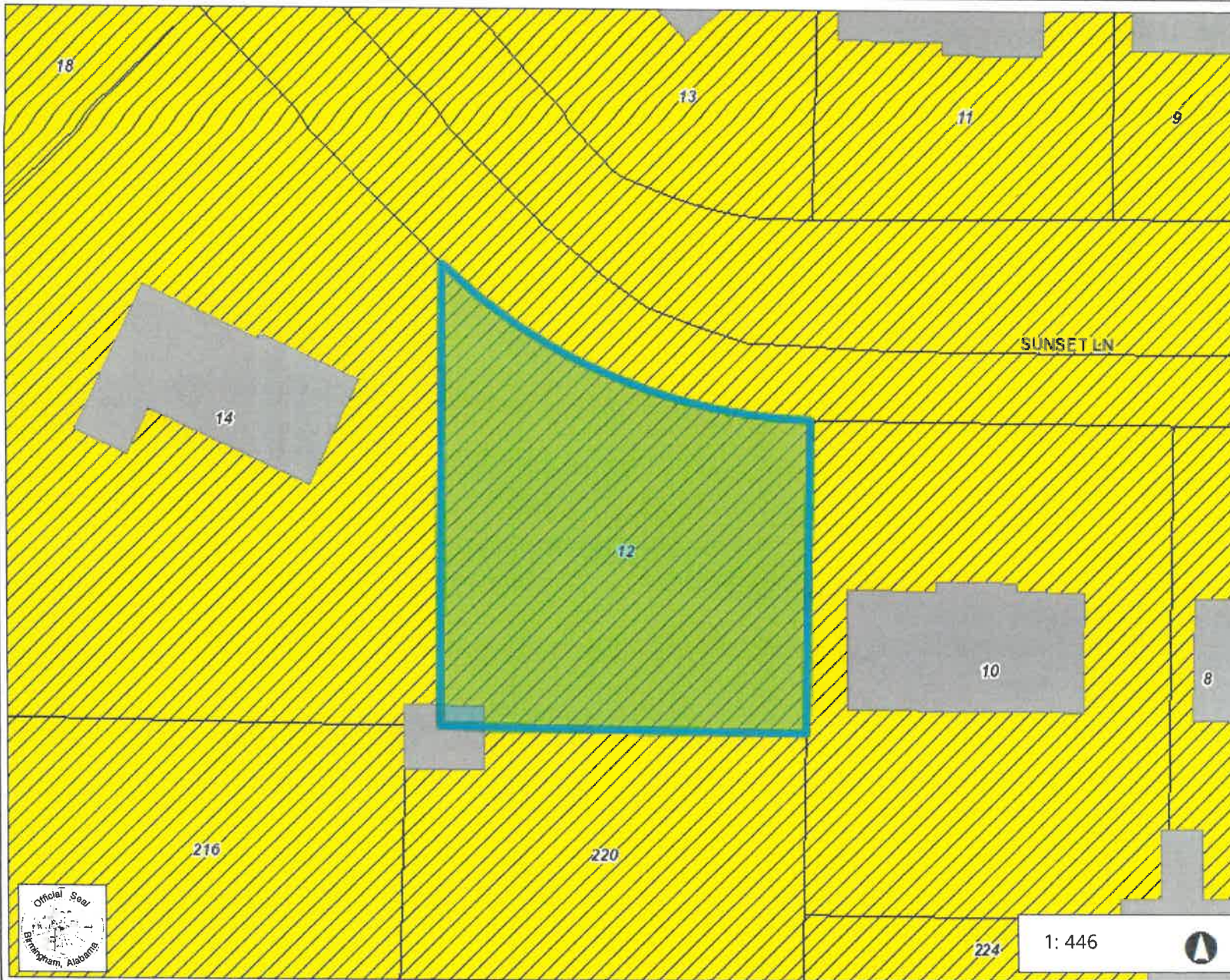
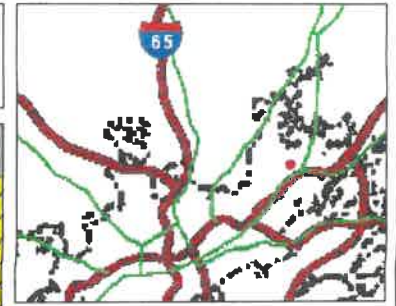
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** 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

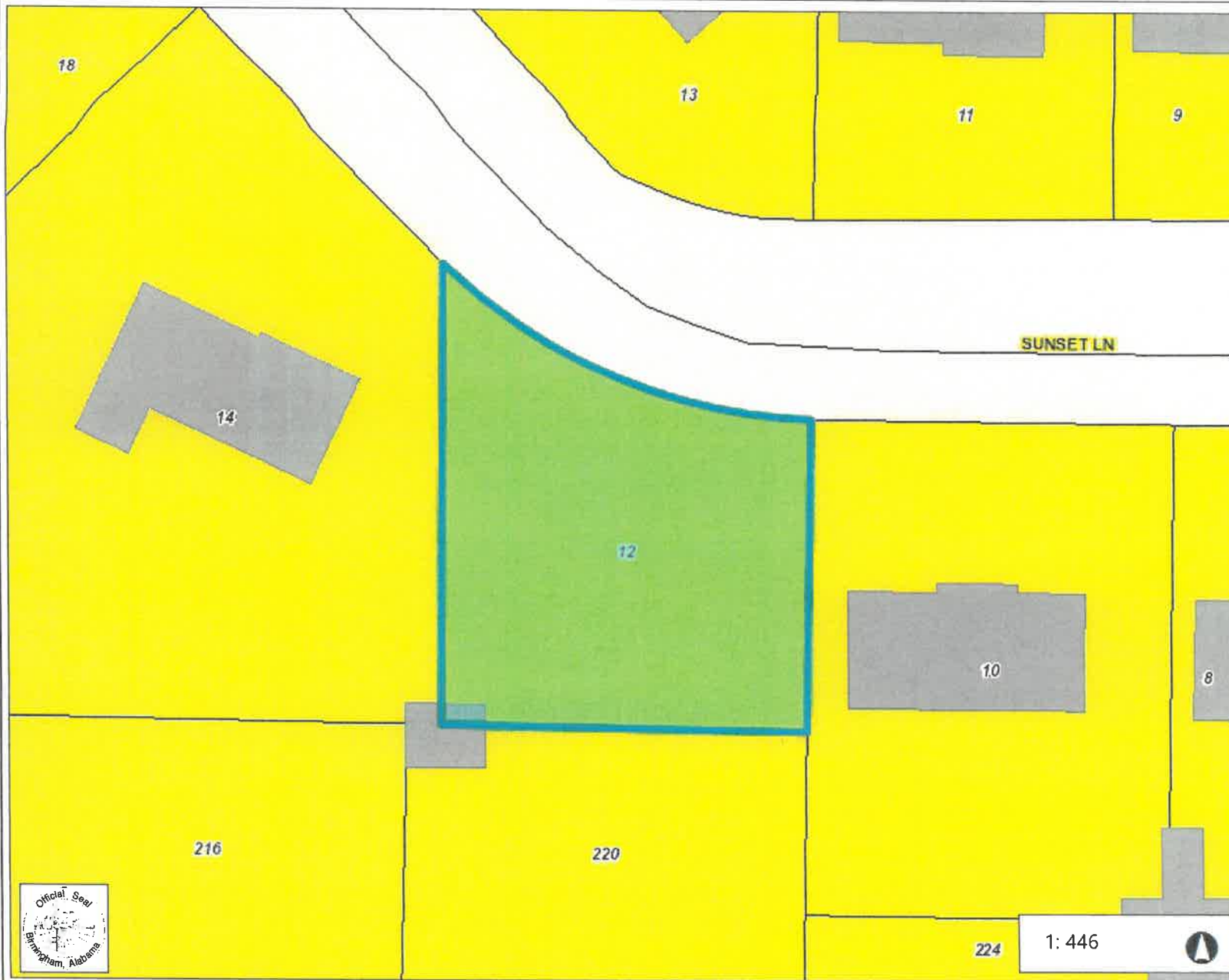


74.3 0 37.13 74.3 Feet

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

Notes



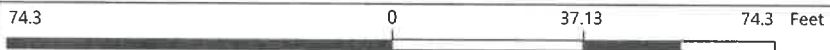


Legend

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



1: 446



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Notes

# 12 Sunset Lane Variance Meeting

## 1.) Physical Characteristics of the Property-

- The overall size of the lot is small. The GIS lists this lot as 0.20 acres. It is located in the curve of the road in this subdivision and all connecting lots have an established residence.
- Facing the front of the lot from the road, the left side length of 12 Sunset Lane is substantially shorter than the right side. This side measures approximately 70 feet in depth. The right side length is approximately 117 feet in depth.
- The width of the lot at the road frontage side has a strong curve starting shallow on the left side and finishing in a stronger curve toward the right side. The overall road frontage width is approximately 110 feet. The back width of the lot is very straight and measures roughly 102 feet from side to side.
- With the size of this lot and the required setbacks for front and back (both are 30 feet setbacks), it only leaves roughly 10 feet of workable space.
- This lot is exceptionally flat, and has an older oak tree located in the back left corner. It is a beautiful lot that is ready to build a slab house on.

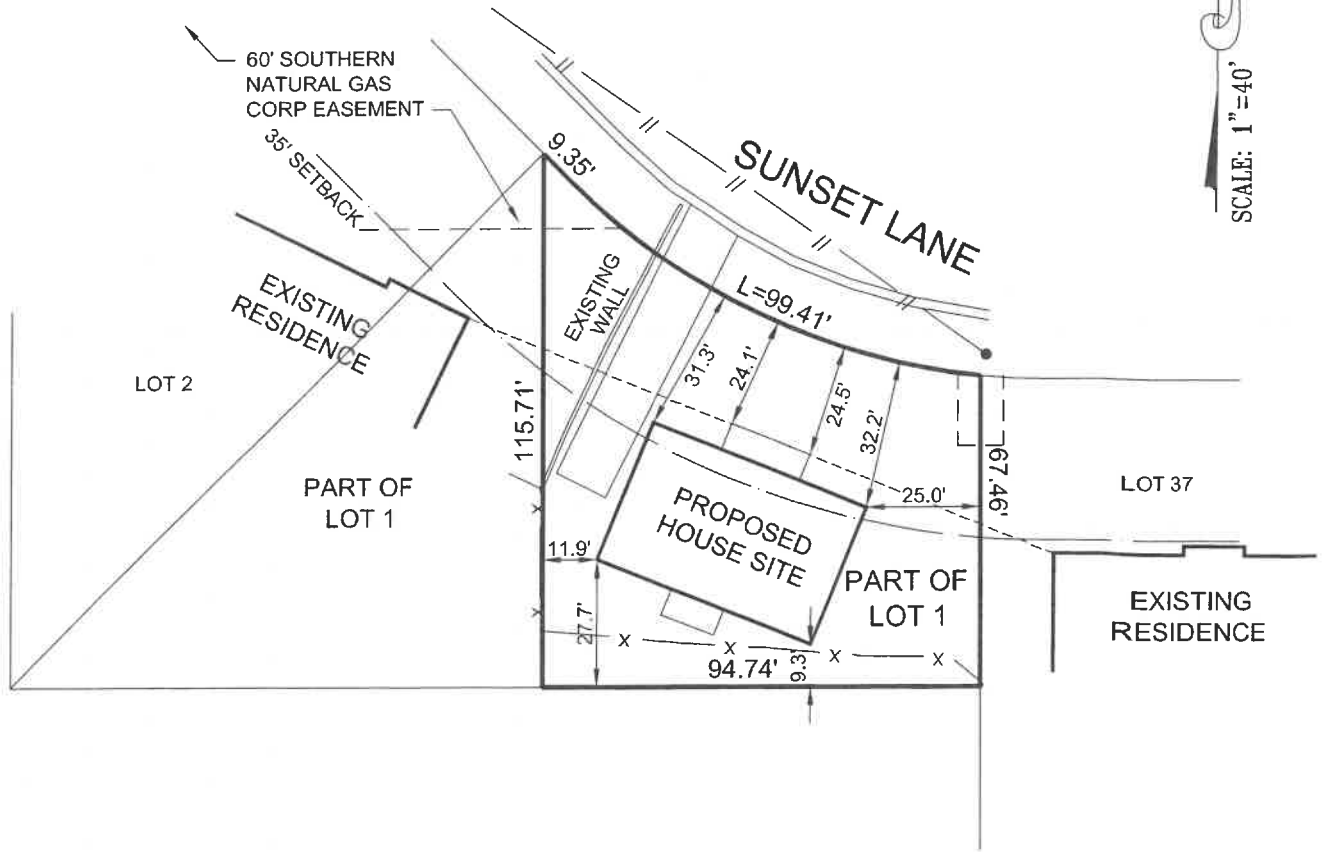
## 2.) Unique Characteristics-

- The uniqueness of this lot gives us difficulty in our progress to build because of the overall layout. The layout of this lot sits in an awkward curve in the road inside of this subdivision, which makes it particularly difficult to build with the setback requirements in this area. This curve creates a difference in depth size of both sides of the lot, leaving extremely little room to build on the left side.
- With the lot size (0.20 acres), it is a small lot that has limited our options for house plans. We have chosen a house plan that will not only compliment the houses directly beside it, but also the subdivision as a whole.

## 3.) Hardship Not Self-Imposed-

- This property has setbacks established that make it impossible to build on.
- 30 feet setbacks both in the front and in the back, with a depth of 70 feet on one side leave no room to fit a house.
- This lot sits in a curve in this subdivision.

- Not for personal financial gain
- No injury to neighboring property
- No harm to public welfare



**SITE PLAN**  
 (THIS IS NOT A PROPERTY  
 BOUNDARY SURVEY)

PART OF LOT 1  
 BOWDEN BISHOP ADDITION TO ROEBUCK

PREPARED BY: SURVEYING SOLUTIONS, INC.  
 2232 CAHABA VALLEY DRIVE SUITE M  
 BIRMINGHAM, AL 35242  
 (205) 991-8965

PREPARED FOR: CORINTH CONSTRUCTION  
 2015 3RD AVENUE NORTH  
 BIRMINGHAM, AL 35203  
 (205) 434-6186

SCALE: 1" = 40' JOB NO. 260252 DATE: 2-10-2022 REV: 3-4-2022

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2022-00011**

**Crestwood South**

***Request:***

Variance to allow the front yard setback at 17 feet instead of the 30 foot required setback.

***Applicant:***

John Forney

***Location:***

5556 12<sup>th</sup> Ave S Birmingham AL 35222  
Parcel # 012300284010032000  
SE of Section 28, Township 17 S, Range 2 W

***Applicant’s Proposal:***

The applicant is proposing new front porch.

***Staff Analysis:***

The subject property is currently zoned D-2 (Single Family District). The subject property is surrounded by parcels zoned D-2 (Single Family District). The property is not located in a special flood hazard area nor in any design review district.

***Per Zoning Ordinance:***

**SINGLE-FAMILY-DETACHED AND MANUFACTURED HOMES**

<b>Zoning District</b>	<b>Minimum Lot Area (in square feet per unit)</b>	<b>Minimum Lot Width (in feet)</b>	<b>Minimum Front Setback (in feet)</b>	<b>Minimum Rear Setback (in feet)</b>	<b>Minimum Side Setback (in feet one side/ total of both)</b>	<b>Maximum Building Height (in feet)</b>
AG	1 Acre	100	40	40	15	35(4)
D-1(5)	15,000	90	40(1)	40(2)	8/18(3)	35(4)
D-2(5)	10,000	75	30(1)	30(2)	7/16(3)	35(4)

***Neighborhood Recommendation:***

*The Crestwood South Neighborhood Association* would like to request a continuance to allow the applicant to speak to the neighborhood on March 28, 2022.

*Staff's Recommendation to ZBA:*

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

**PARCEL ID:** 012300284010032000

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

**DATE:** Wednesday, March 2, 2022 10:45:59 AM

**OWNER:** MIDDLETON JORDAN O'BRIEN & KENN

**ADDRESS:** 5556 12TH AVENUE SOUTH

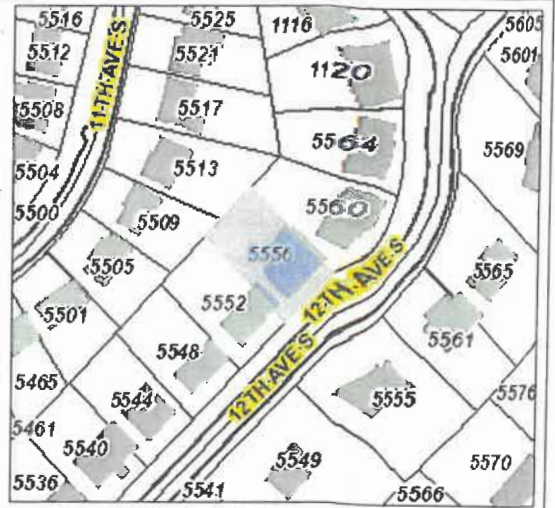
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35222

**SITE ADDR:** 5556 12TH AVE S

**CITY/STATE:** BHAM, AL

**ZIP:** 35222



**LAND:** \$148,000.00

**BLDG:** \$153,300.00

**OTHER:** \$0.00

**AREA:** 10,057.29

**ACRES:** 0.23

**SUBDIVISION INFORMATION:**

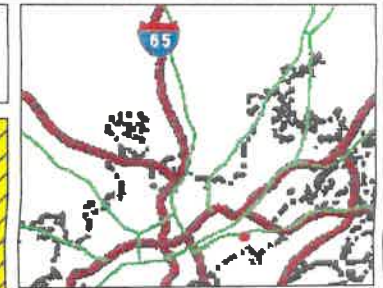
**NAME** CRESTWOOD 7TH SEC 23-27-2

**BLOCK:** 8

**LOT:** 29

**Section:** 28-17-2W  
**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:** Crestwood So (402)  
**Communities:** Crestwood (4)  
**Council Districts:** District - 2 (Councilor: Hunter Williams)  
**Zoning Outline:** R2  
**Demolition Quadrants:** DEM Quadrant - 4  
**Impaired Watersheds:** Impaired Watershed - Upper Village Creek  
**Strategic Opportunity Area:** Not in Strategic Opportunity Area  
**RISE Focus Area:** In RISE Focus Area  
**Tax Delinquent Property:** Not in Tax Delinquent Property  
**EPA Superfund:** Not in EPA Superfund  
**Opportunity Zones:** Not in Opportunity Zones  
**Judicial Boundaries:** JEFFERSON

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- 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
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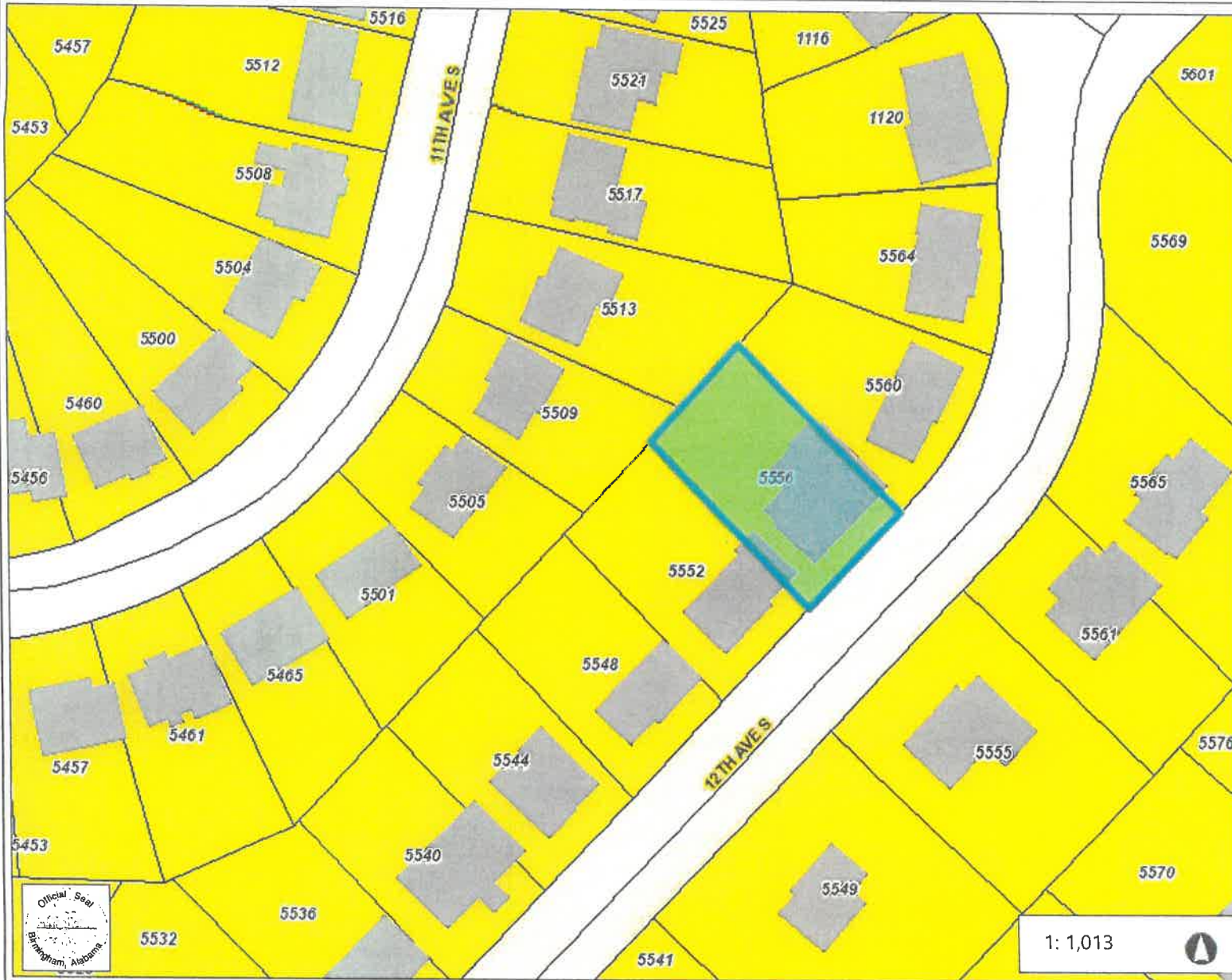
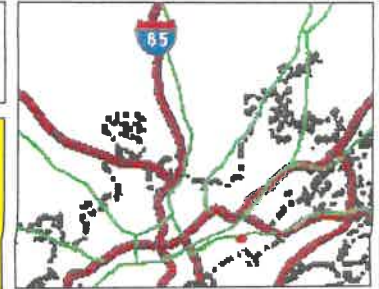
1: 1,013



168.8 0 84.40 168.8 Feet

Notes





### Legend

- Centerline Labels
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  - MXU-High



1: 1,013



168.8 0 84.40 168.8 Feet

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### Notes

Response to six variance standards (responses in **bold**)

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.

**The primary physical characteristic of the property is that it is a legacy residence that is legal nonconforming, as the front of the house is constructed beyond the R2 front setback of 30'. Therefore any renovations require a variance.**

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.

**The existing carport and front entry will be significantly improved with minimal further intrusion in the front setback. These changes are necessary for the preservation and enjoyment of the house for its owners.**

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. **The owners purchased the property in its current state. The conditions they are addressing were established before their ownership.**

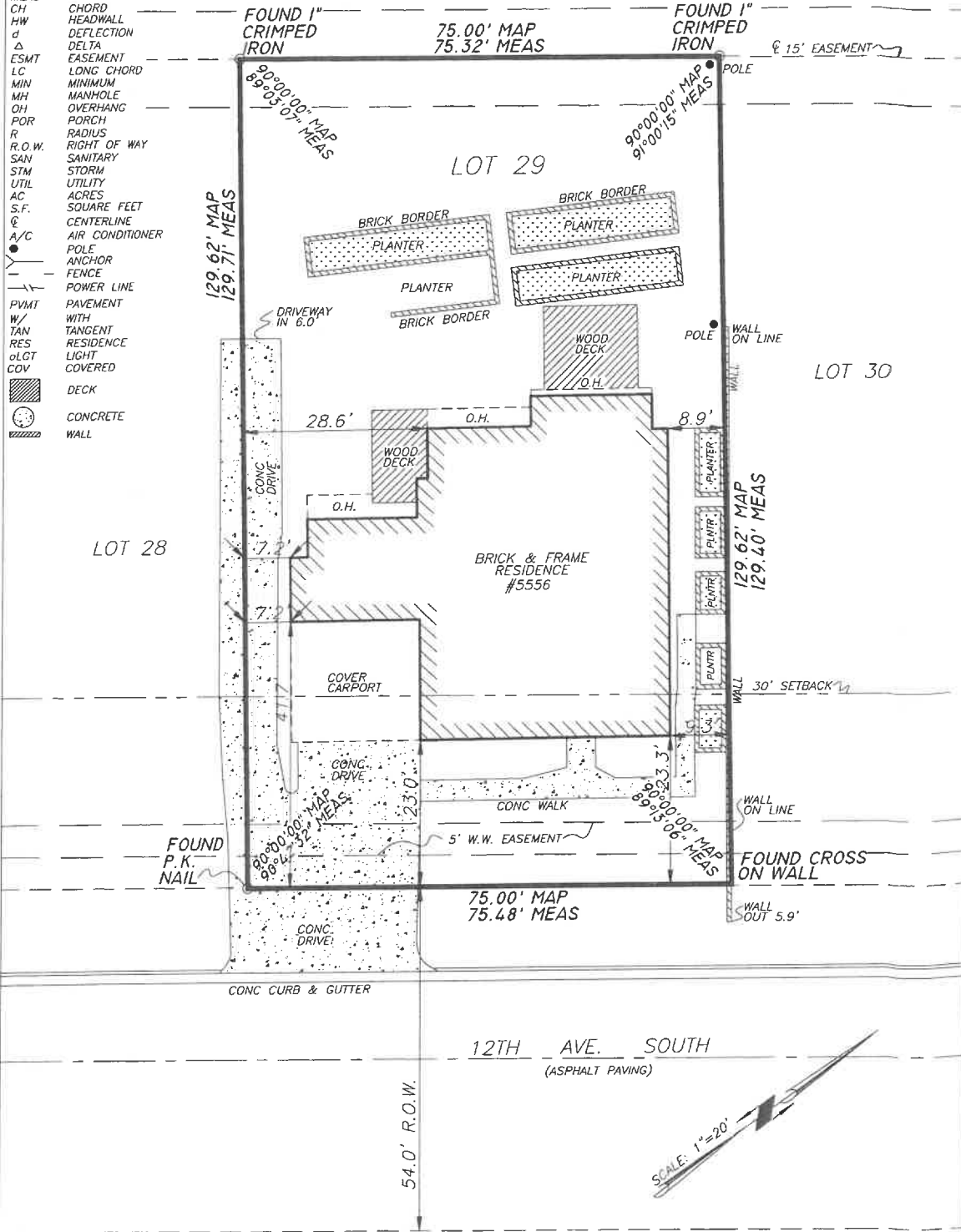
4. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance. **The motivation for the change is the preservation and enjoyment of the property, where enclosing the garage and covering the front entry will increase the comfort, security and utility of the residence.**

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. **The proposed changes will cause no injury to neighboring properties.**

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. **The proposed changes will cause no injury to public welfare.**

**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
HW	HEADWALL
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
LC	LONG CHORD
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
---	FENCE
---	POWER LINE
PVMT	PAVEMENT
W/TAN	WITH TANGENT
RES	RESIDENCE
oLGT	LIGHT COVERED
COV	COVERED
[Hatched Box]	DECK
[Dotted Box]	CONCRETE
[Diagonal Lines]	WALL



STATE OF ALABAMA  
JEFFERSON COUNTY)

"Closing Survey"

I, RAY WEYGAND, A REGISTERED LAND SURVEYOR, HEREBY CERTIFY TO THE PURCHASER OF THIS PROPERTY AT THIS TIME, THAT I HAVE SURVEYED LOT 29, BLOCK 8, CRESTWOOD ADDITION TO WOODLAWN HIGHLANDS SEVENTH SECTOR, AS RECORDED IN MAP VOLUME 44, PAGE 66 & 67 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 28, 2018. SURVEY INVALID IF NOT SEALED IN RED.

ORDER No.: 879133  
PURCHASER:  
ADDRESS: 5556 12TH AVENUE SOUTH

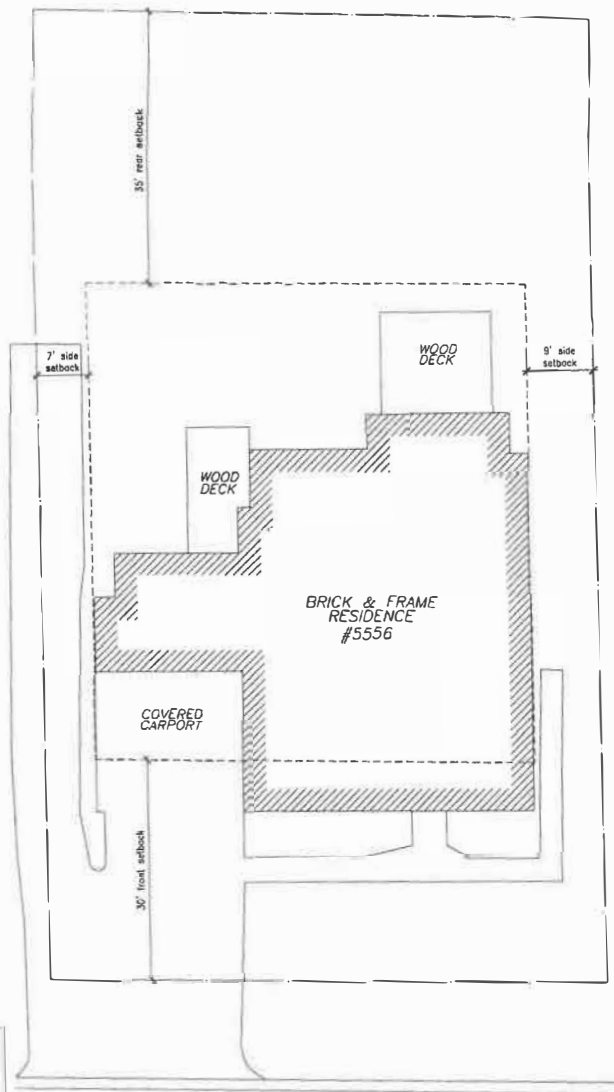
RAY WEYGAND, REG. L.S. #24973  
169 OXMOOR ROAD, HOMEWOOD, AL 35209  
PHONE: (205) 942-0086 FAX: (205) 942-0087  
COPYRIGHT ©



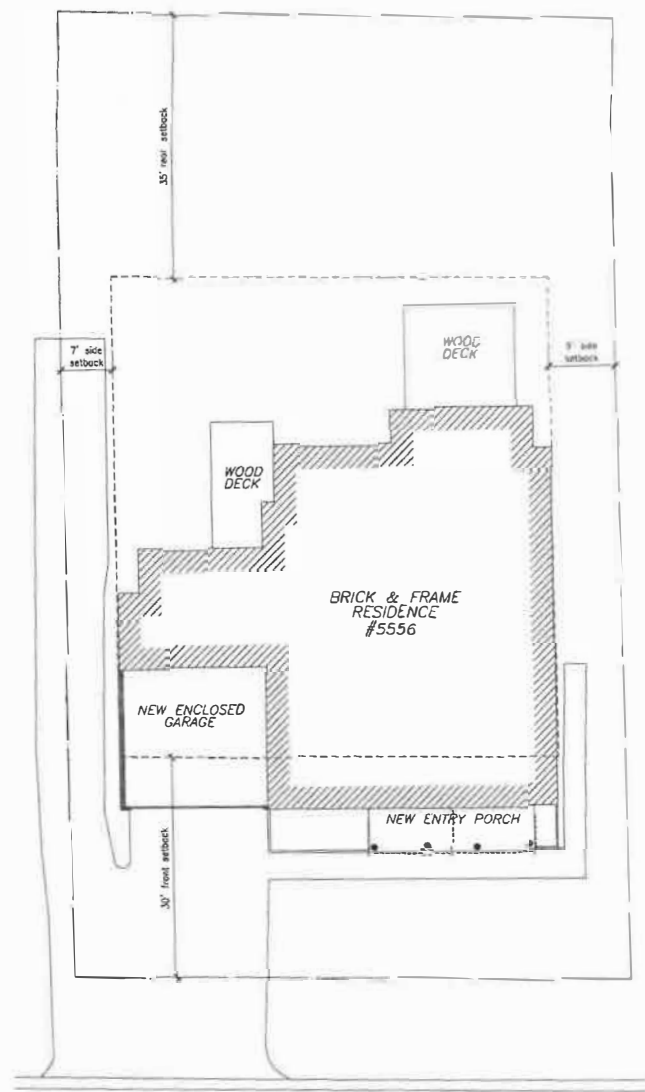
NOTE: (A) NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LAND SHOWN HEREON WAS NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY AND/OR CITY. (B) ALL BEARINGS AND/OR ANGLES, ARE DEED/RECORD MAP AND ACTUAL UNLESS OTHERWISE NOTED. (C) UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, AND/OR OTHER UNDERGROUND STRUCTURES, UTILITIES, CEMETERIES OR BURIAL SITES WERE NOT LOCATED UNLESS OTHERWISE NOTED. (D) THE SHOWN NORTH ARROW IS BASED ON DEED/RECORD MAP. (E) THIS SURVEY IS NOT TRANSFERABLE. (F) EASEMENTS NOT SHOWN ON RECORDED MAP ARE NOT SHOWN ABOVE.



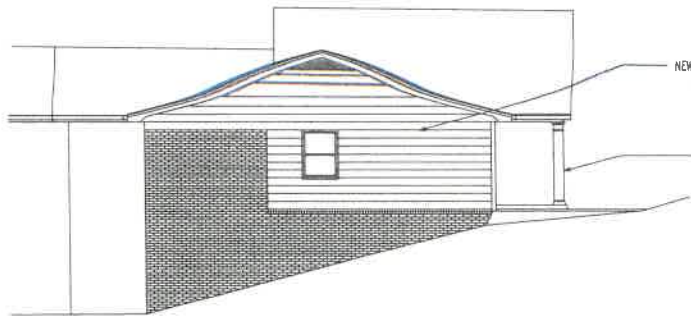
ISSUE DATE	PROJECT	ALTERNATE
2/2/22	MIDDLETON RESIDENCE 5556 12TH AVENUE SO. BIRMINGHAM, AL	S
REVISIONS PRELIMINARY	JOHN FORNEY ARCHITECT PO BOX 130082 BIRMINGHAM, AL 35213 205 385-7586	



12TH AVE. SOUTH  
EXISTING SITE PLAN



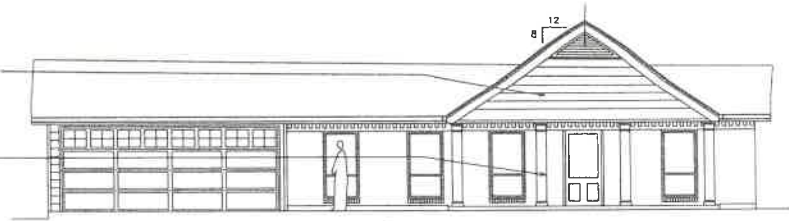
12TH AVE. SOUTH  
PROPOSED SITE PLAN



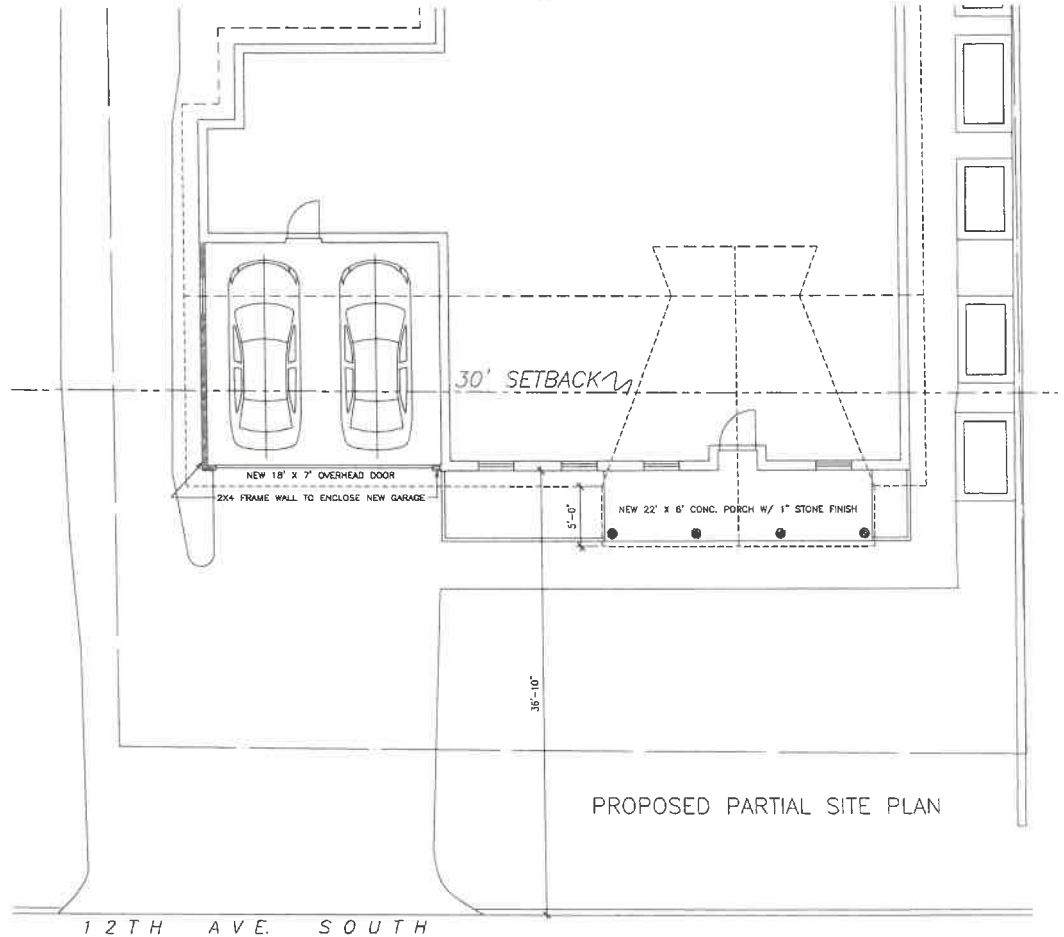
PROPOSED PARTIAL WEST ELEVATION

NEW PTD. HARDEPLANK SIDING TO MATCH EXISTING EXPOSURE AND SPACING

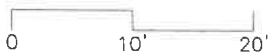
PTD. WOOD COLUMNS



PROPOSED SOUTH ELEVATION

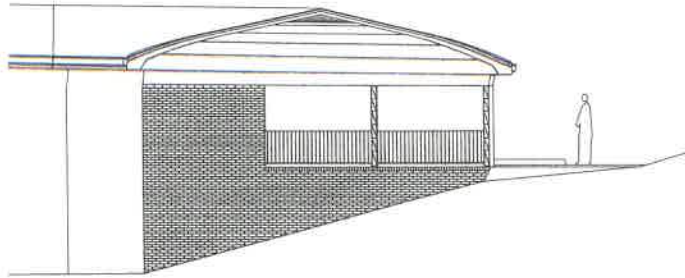


PROPOSED PARTIAL SITE PLAN

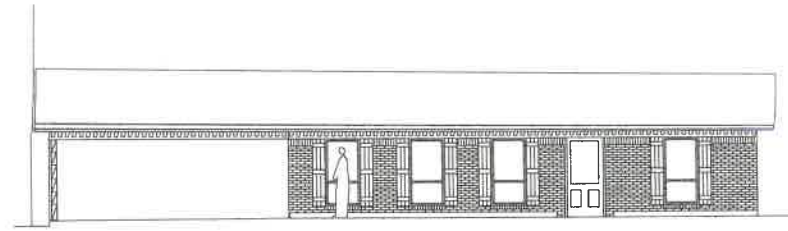


ISSUE DATE	PROJECT	ALTERNATE
1 / 11 / 22	MIDDLETON RESIDENCE 5556 12TH AVENUE SO. BIRMINGHAM, AL	A
REVISIONS	JOHN FORNEY ARCHITECT PO BOX 130082, BIRMINGHAM, AL 35213 205 585-7586	
PRELIMINARY		

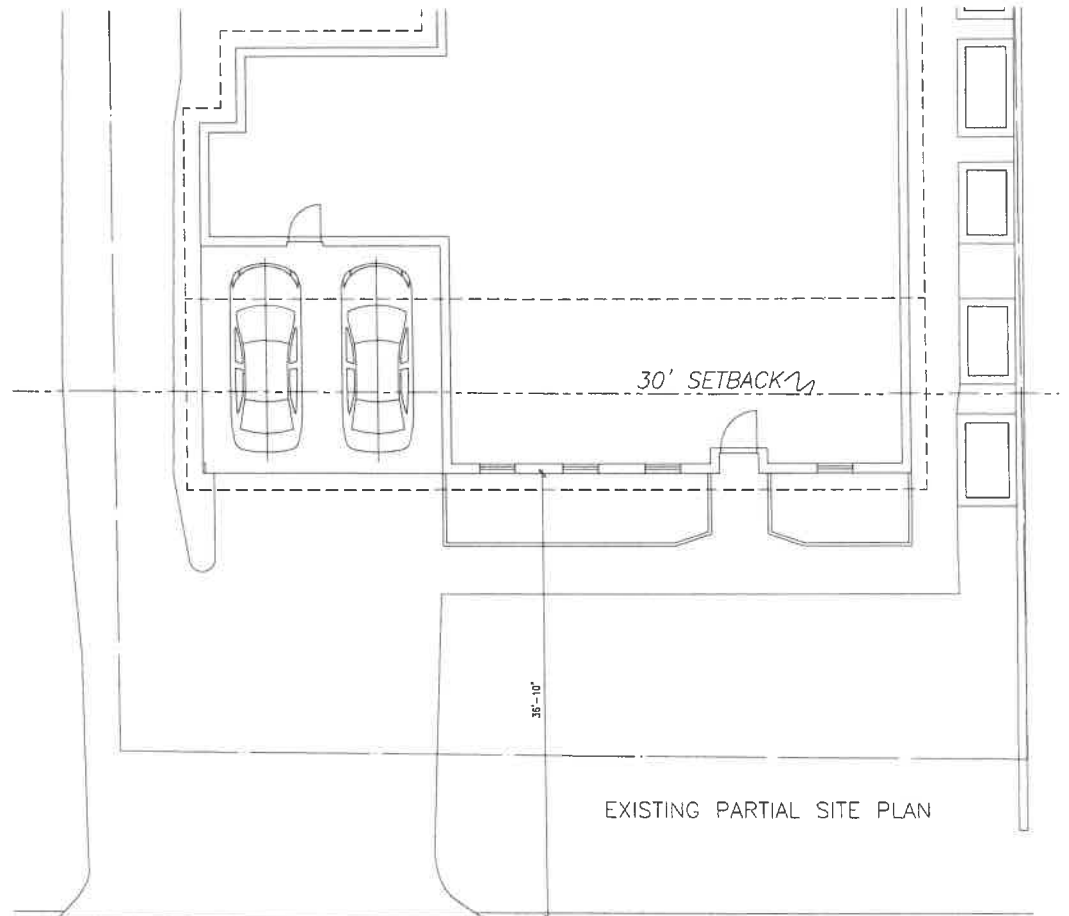




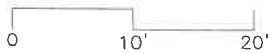
EXISTING PARTIAL WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING PARTIAL SITE PLAN



ISSUE DATE <b>1 / 11 / 22</b>	PROJECT MIDDLETON RESIDENCE 5556 12TH AVENUE SO. BIRMINGHAM, AL	ALTERNATE <b>EX</b>
REVISIONS PRELIMINARY	JOHN FORNEY ARCHITECT PO BOX 130082 BIRMINGHAM, AL 35213 205 585-7566	



12TH AVE. SOUTH

**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2022-00012**

**Fairview**

***Request:***

Special exception to allow an Event Center. A variance to allow the event center hours to extend past 12am. A variance to allow a 6ft fence in the front yard area.

***Applicant:***

Ronnie Robinson

***Location:***

1700 3<sup>rd</sup> Ave W Birmingham AL 35208

Parcel # 012900042007008000

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

***Applicant's Proposal:***

The applicant is proposing an event center that will be open 4 days a week as needed until 2am. The center will host weddings, repasses, baby showers, birthdays, anniversary, graduation, and retirement parties. The applicant is also proposing a 6ft wooden privacy fence that will enclose the event center patio area.

***Staff Analysis:***

The subject property is currently zoned C-2 (Commercial Business District). Parcels south of the subject property are zoned B-2(General Business District), parcels west are zoned M-UL(Mixed- Use Low District), parcels east are zoned C-2(Commercial Business District) and parcels north are zoned D-3(Single Family District). The property is not located in a special flood hazard area nor in any design review district. The property is 2,800sqft and therefore requires 28 parking spaces for an event center. Per the site plan, there are 30 parking spaces available. The proposed 6ft wooden privacy fence will be located on the side of the building to enclose a patio area. The property sits on a corner lot that abuts a residential district; therefore, having two front yards a variance is required for the height of the fence along the 17<sup>th</sup> St W side of the property. The adjacent properties located north are zoned residential; therefore, a variance is required to allow the hours of operations to extend beyond 12am.

***Per Zoning Ordinance:***

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

1. A traffic study may be required by the City Traffic Engineer.

2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.

### **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 Fairview Neighborhood Association** voted to support the request.

### **Staff’s Recommendation to ZBA:**

Staff believes the applicant has provided evidence to support the special exception and variance requests; 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:** 012900042007008000

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

**DATE:** Friday, March 18, 2022 8:34:36 AM

**OWNER:** J B & SON INC

**ADDRESS:** 1630 3RD AVE W

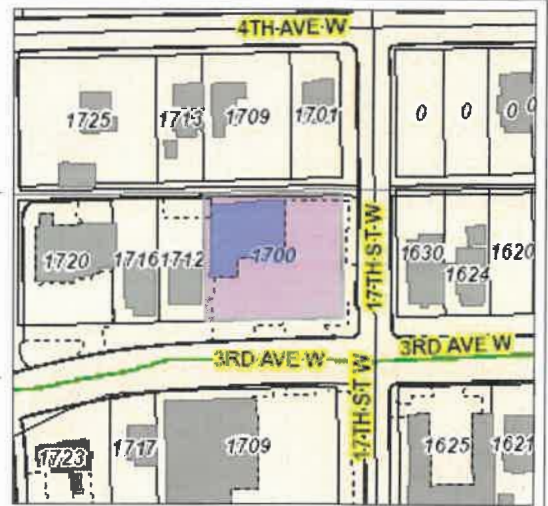
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35208--4206

**SITE ADDR:** 1700 3RD AVE W

**CITY/STATE:** BHAM, AL

**ZIP:** 35208



**LAND:** \$63,000.00

**BLDG:** \$112,300.00

**OTHER:** \$0.00

**AREA:** 20,961.61

**ACRES:** 0.48

**SUBDIVISION INFORMATION:**

**NAME** COMPTON PLACE

**BLOCK:** 53

**LOT:** 5-7

:

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

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

**Historic Districts:** Not in Historic Districts

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

**Fire District:** Not in Fire District

**Flood Zones:** Not in Flood Zones

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

**Neighborhoods:** Fairview (205)

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

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

**Zoning Outline:** C2

**Demolition Quadrants:** DEM Quadrant - 2

**Impaired Watersheds:** Not in Impaired Watersheds

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

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

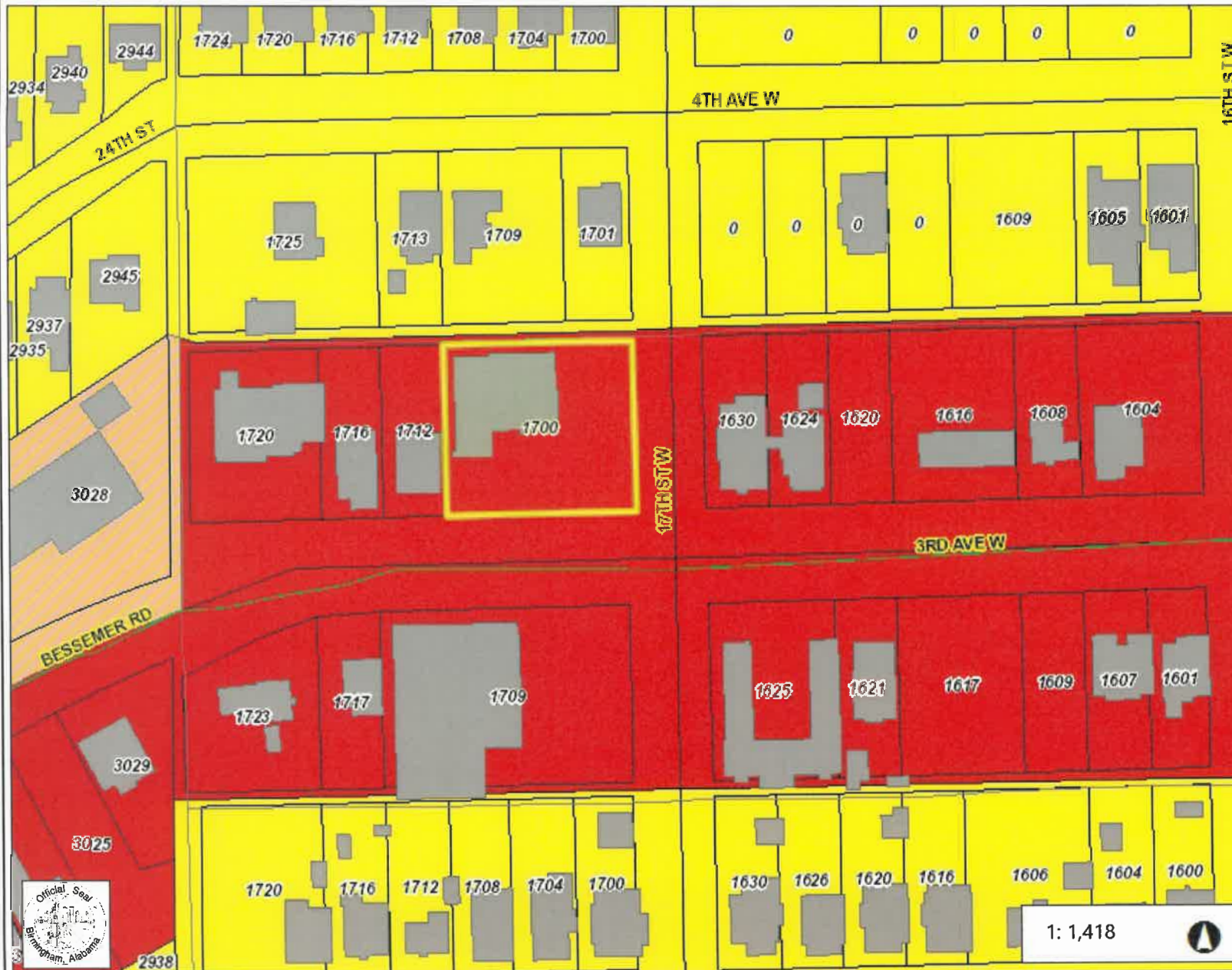
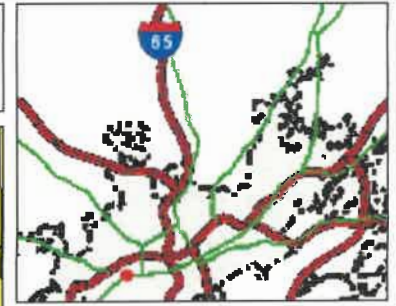
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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



Legend

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

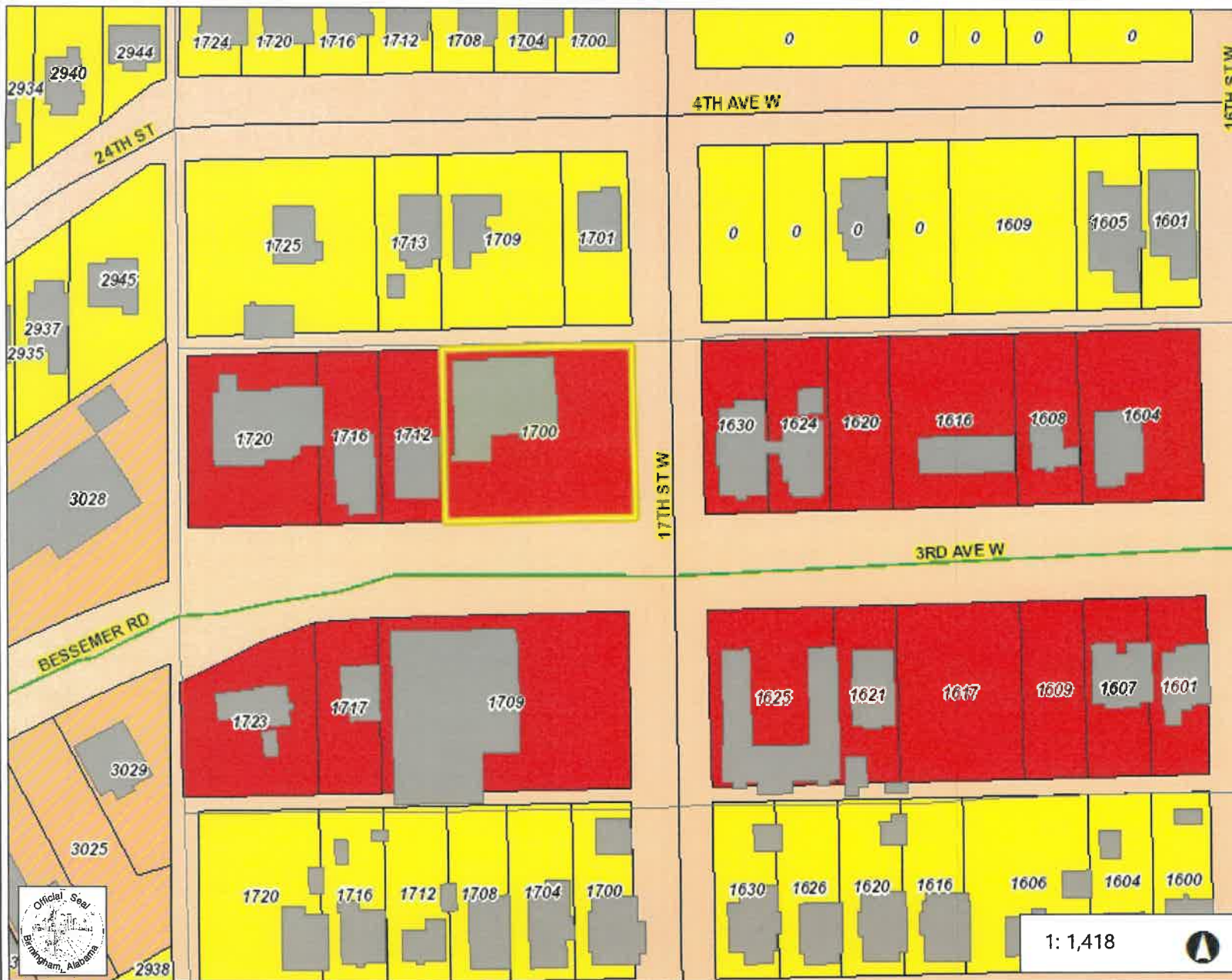
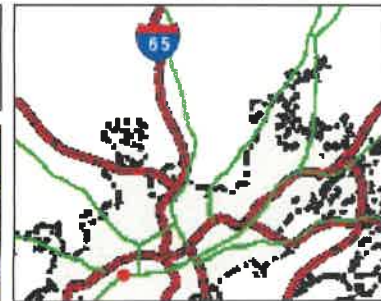


1: 1,418



236.3 0 118.14 236.3 Feet

Notes



Legend

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

Notes

236.3 0 118.14 236.3 Feet

THE EVENT CENTER IS TO BE AT 1700 3RD AVE W. THE PROPERTY CONTAINS 1 BUILDING AT ABOUT 2800 SQ FT., A PARKING LOT WITH A 35 CAR COMPACTY. THE PROPERTY HAS TWO BUILDING, BUT ONE WAS DESTROYED BY FIRE AND CLEARED AWAY. I'M PLANNING TO HOST WEDDINGS, REPASSES, BABY SHOWERS, BIRTHDAY, ANNIVERSARY, GRADUATION AND RETIREMENT PARTIES, ALSO BACHELOR AND BRIDAL SHOWERS.

I AM APPLYING FOR EXTENDED HOURS TO ALLOW CUSTOMERS ADEQUATE TIME TO ENJOY THEIR EVENT, THE LOCATION IS COMMERCIALY ZONED AND ON A MAIN BUSINESS STREET. HOURS OF OPERATION 4 DAYS A WEEK, TIME AS NEEDED TILL 2 A.M. OTHER BUSINESS ARE OPEN TIL 2 A.M UP THE STREET , DOWN THE STREET AND ACROSS THE STREET . I AM APPLYING FOR A FENCE VARIANCE TO CREATE A PATIO AREA ON THE SIDE OF THE BUILDING , THIS FENCE WILL CREATE A NOISE BARRIER FOR PROPERTY BEHIND AND ADJACENT TO THE CENTER, THE HOUSE CLOSE TO THE CENTER ACROSS THE ALLEY IN THE BACK OF THE LOT IS VACANT. THE FENCE DOESN'T CREATE A TRAFFIC PROBLEM BECAUSE IT WITHIN THE LOT, NOT ON THE PERIMETER. SO IT WILL NOT BE A PROBLEM FOR PUBLIC WELFARE. I HAVE EMPLOYED BPD FOR SECURITY AND I HAVE CAMERAS AND ACCESS TO FIRE AND RESCUE.

### VARIANCES

1: PHYSICAL CHARACTERISTIC- 1700 3RD AVE WEST IS A CORNER LOT WITH A BUILDING 2800 SQ FT , WITH PARKING SPACE FOR 30-35 VEHICLE. IT IS AN OLD BUILDING WITH CHARM, THE PREVIOUS BUSINESS WAS A NIGHT CLUB, WHICH OPERATED LATE NIGHT AND EARLY MORNING. THIS PROPERTY IS NOT IN THE HEART OF THE COMMUNITY IT IS ON THE EDGE AND MAIN STREET OF 3RD AVE WEST. THE PROPERTY IS COMMERCIAL ZONED AND ALL THE BUSINESS AROUND IT IS OPEN PASS 12 AM. I AM REQUESTING A TIME VARIANCE SO THAT MY CUSTOMERS CAN ENJOY THEIR EVENTS. I AM PROPOSING TO BE OPEN 4 DAYS A WEEK AND TIME NEEDED TILL 2 AM. THERE ARE OTHER BUSINESSES UP AND DOWN THE STREET THAT ARE OPEN PAST 12 AM. I AM APPLYING FOR A FENCE VARIANCE TO INCLOSE A PATIO AND A 6FT FENCE THAT WILL GIVE PRIVACY TO THE EVENT CENTER AS WELL AS ACT AS SOUND BARRIER FOR THE PROPERTIES AROUND THE EVENT CENTER. THE CLOSEST PROPERITIES ARE VACANT AND THE FENCE DOESN'T CREATE PROBLEMS FOR DRIVERS DUE TO IT'S LOCATION ON THE LOT. I'M PLANNING TO HOST WEDDINGS, REPASSES, BABY SHOWERS, BIRTHDAY, ANNIVERSARY, GRADUCATION AND RETIREMENT PARTIES, ALSO BACHELOR AND BRIDAL SHOWERS.

## **SPECIAL EXCEPTION**

The Event Center will be located at 1700 3<sup>rd</sup> Ave. West. The property contains a 2800 sq. ft building and a 35 car capacity parking lot. The Event Center will host weddings, receptions, celebratory occasions and tournaments. I am applying for a Variance to extend hours to align with my ABC license and hours of operation of the previous business. The location is commercially zoned and in an area with several businesses open past midnight. I am also applying for a Variance to build a 6 ft fence. This fence will create a noise barrier for properties behind and adjacent to the Event Center. The residential properties around the Event Center have been vacant for several years. The fence will not impede the supply of light and air or substantially diminish or impair property values within the area. Additionally, the Event Center will employ Birmingham Police as security guards and security cameras will be installed. The Event Center will not increase congestion or increase the danger of fire or imperil public safety. These Variances will not impair the health, safety convenience or comfort of residents in this neighborhood.

## **VARIANCE**

**1. Physical Characteristics of the Property**

1700 3<sup>rd</sup> Ave. W is a corner lot with a 2800 sq. ft one floor building with parking spaces for 30-35 vehicles. It is a boxed shaped building with a flat roof.

**2. Unique Characteristics**

This is a fenced in property and is not in shared space.

**3. Hardship Not Self-Imposed**

Extended hours are requested to align with my ABC license and hours of operation of the previous business. The location is commercially zoned and in an area with several businesses open past midnight.

**4. Financial Gain Not Only Basis**

The sole purpose of the Event Center is to provide an additional local resource to the community to hold celebratory events and tournaments.

**5. No injury to Neighboring Property**

The residential properties around the Event Center have been vacant for several years. The Event Center will not increase congestion or increase the danger of fire or imperil public safety.

**6. No Harm to Public Welfare**

The Event Center will not increase congestion or increase the danger of fire or imperil public safety. Activities at the Event Center will not impair the health, safety convenience or comfort of resident in this neighborhood.

Google Maps 1700 3rd Ave W  
Birmingham, AL 35208



Map data ©2022, Map data ©2022 20 ft



Abby

Dumbster

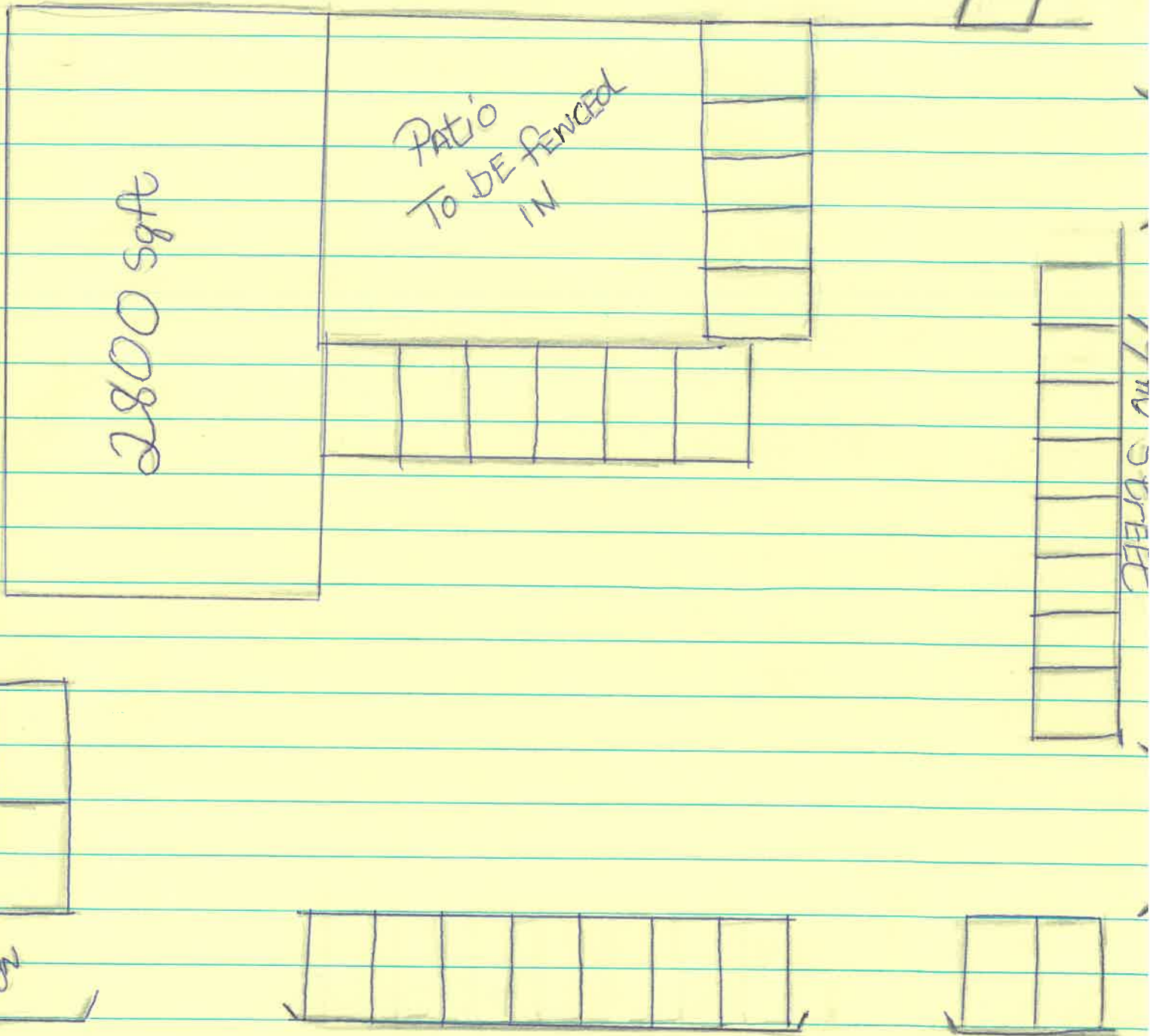
2800 sqft

PATIO  
TO BE FENCED  
IN

11th STREET

sign

3<sup>rd</sup> AVE WEST





**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2022-00013**

**Overton**

***Request:***

Variance to allow 4 freestanding signs instead of 1 that is allowed.

***Applicant:***

David Brandt

***Location:***

3680 Grandview Parkway Birmingham AL 35243

Parcel # 012800264000002000

SE of Section 26, Township 18 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing new signage for the Grandview Campus.

***Staff Analysis:***

The subject property is currently zoned QC-2 (Qualified Commercial Business District). The parcels located north and west are zoned QC-2 (Qualified Commercial Business District) and parcels located east and south are zoned HZD (Holding Zone District). The property is not located in a special flood hazard area nor in any design review district. The property is located in the Highway 280 Overlay District. The signs are all non-illuminated directional signs. Three signs are 5' tall, and 12.5sf in size, and one sign is 8'tall and 32 sf in size. There are prior ZBA cases associated with the property:

ZBA2015-00001, Variance to allow four (4) directional signs (#2,3,8,15) 7.8 SF and 8.5' height instead of the 4 SF and 3' height maximum; three (3) directional signs (#4,16,20) 3.75 SF and 6.33' height instead of the 4 SF and 3' height maximum; six (6) directional signs (#6,7,9,10,11,17) 5.16' height instead of the 3' height maximum; a directional sign (#17.1) 27 SF and 15' height instead of the 4 SF and 3' height maximum; Variance to allow four (4) building wall signs (#21 - 237 SF; #22 - 836 SF; #23 - 287; and #25 - 390 SF); two (2) canopy signs (#13 - 98 SF; #24 - 100 SF) and a monument sign (#14 - 209 SF) instead of one, 60 SF wall sign per facing street (up to two) pursuant to Article VIII Section 5.2

ZBA2015-00034, Modification of ZBA2015-00001 to allow a monument sign, pursuant to Article VIII Section 5.2

***Per Zoning Ordinance:***

***Signs Permitted for Retail and Service Establishments Which Are Not Located in a Shopping Center***

*Each building may have one building wall sign or one canopy sign per facing street. However, in no case can a building have more than two building wall signs. Each building may have only one freestanding sign. Reader boards with moveable copy may be incorporated into the sign face area of a freestanding sign. Sign face area of a reader board shall be included as part of the maximum free standing sign face area permitted by this Section.*

***1. Freestanding Sign, More Than Eight Feet in Height***

*a. Maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, or 10 feet above the center line elevation of the public street or highway which is closest to the sign. Said elevation shall be measured at the point on the centerline which is closest to the sign. Berms shall not be used to increase the height of a free standing sign.*

*b. The maximum sign face area of an internally illuminated sign shall be 55 square feet.*

*c. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet.*

*d. Signs shall be setback at least 10 feet from any property line.*

***2. Freestanding Sign, Eight Feet or Less in Height***

*a. Maximum height of the sign shall be eight feet above the average elevation of the ground at the base of the sign. Berms shall not be used to increase the height of a free standing sign.*

*b. The maximum sign face area of an internally illuminated sign shall be 66 square feet. Sign face area of the sign may be increased .5 square feet for each additional foot of building setback from the property line in excess of 50 feet, up to a maximum sign face area of 100 square feet.*

*c. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 80 square feet. Sign face area of the sign may be increased .5 square feet for each additional foot of building setback from the property line in excess of 50 feet, up to a maximum sign face area of 100 square feet.*

*d. Signs shall be set back at least 10 feet from any property line*

***Neighborhood Recommendation:***

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

***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:** 012800264000002000

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

**DATE:** Tuesday, March 1, 2022 2:39:36 PM

**OWNER:** AFFINITY HOSPITAL LLC

**ADDRESS:** PO BOX 92129

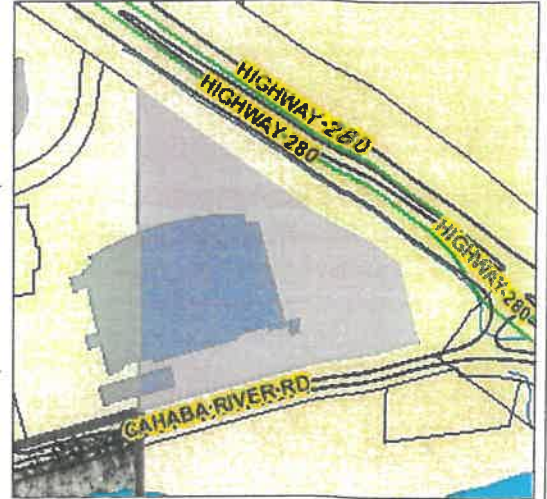
**CITY/STATE:** SOUTHLAKE TX

**ZIP+4:** 76092

**SITE ADDR:** 3690 GRANDVIEW PKWY

**CITY/STATE:** BHAM, AL

**ZIP:** 35243



**LAND:** \$2,835,600.00

**BLDG:** \$271,883,000.00

**OTHER:** \$0.00

**AREA:** 278,970.66

**ACRES:** 6.40

**SUBDIVISION INFORMATION:**

**NAME** CAHABA CTR RE #3 28-35-2&

**BLOCK:**

**LOT:** 1-E

:

**Section:** 26-18-2W

**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

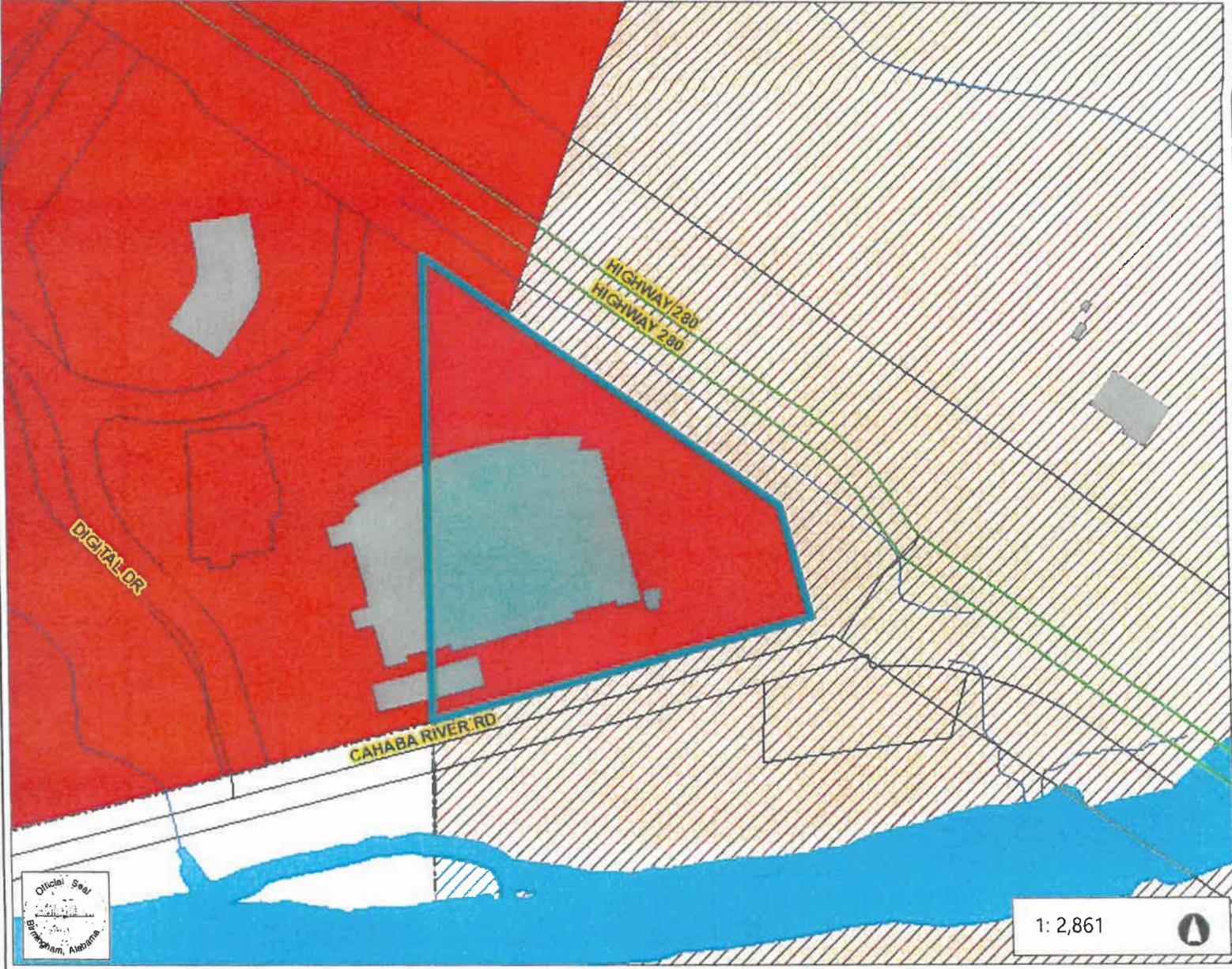
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

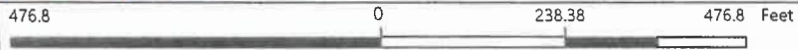
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  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - Zoning Shaded
    - R1; D1 - Single Family District - Cla
    - R2; D2 - Single Family District - Cla
    - R3; D3 - Single Family District; R3
    - R4; D4 - Two Family District; R4
    - R4A - Multiple Dwelling District
    - R5; D5 - Multiple Family District; D5
    - R6; D6 - Multiple Family District
    - R7 - Multiple Family District

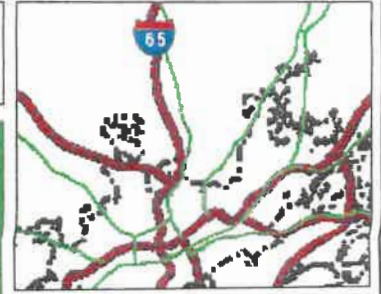
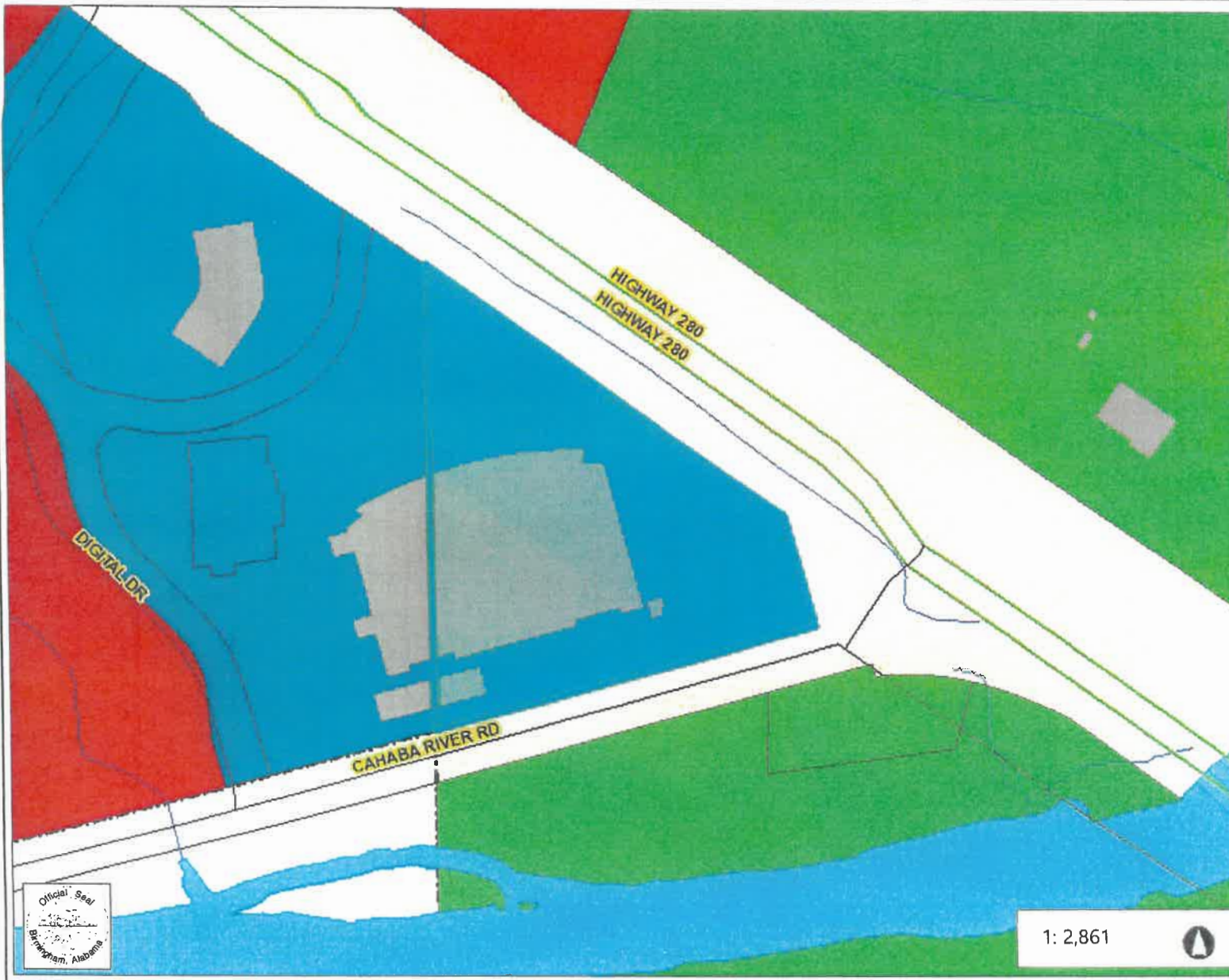


1:2,861



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

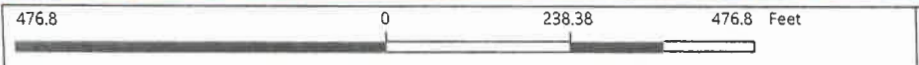
Notes



- Legend**
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  - Local Roads
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    - Limited Access
    - Ramp
  - Buildings
  - Hydrology Lines
  - Hydrology Areas
  - Parcels
  - City Parks
  - Airport
  - Adopted LandUse Plan**
    - Residential-Low
    - Residential-Medium
    - Residential-High
    - Neighborhood Commercial
    - General Commercial
    - MXU-Low
    - MXU-Medium
    - MXU-High



1: 2,861



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

Notes



## **Grandview Physicians Plaza II - Signage Variance 2022**

We are requesting the following sign variances for Grandview (3680 Grandview Parkway):

### **A. Wayfinding signage (see provided Exhibits):**

1. A variance to allow more than (1) freestanding sign on the property (allowed 1, requesting 4). ***These are locations 6, 7.1, 8.1 and 8.2 per the provided site map.***

\*Note: These are all non-illuminated directional signs. (3) are 5' tall, and 12.5 sf in size, and (1) is 8' tall and 32 sf in size. There is no advertising or logos on these signs. If they were 3' tall and 4 sf, they would be exempt from permitting.

### **Standards for Variance Request**

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

Grandview Physicians Plaza II, and the Grandview campus as a whole, is very large, and contains various vehicular drives and turns needed to get to any of the various buildings/parking lots/parking decks. As such, a thorough wayfinding signage package is essential for visitors to safely and efficiently get to their destination(s).

#### **Unique Characteristics**

The large size of the property is one of the unique characteristics that would necessitate having various wayfinding signage at the proposed locations. In addition, it is important to take into consideration that visitors of the Grandview campus, whether it be the driver or passenger, are in some cases experiencing some form of heightened stress. Concise and efficient wayfinding is especially critical in this situation.

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

The additional building (Grandview Physicians Plaza II) does result in the need for additional wayfinding, but there is nothing that the property ownership has done that has created a self-imposed hardship that would necessitate the allowance of this proposed additional wayfinding signage.

**Financial Gain Not Only Basis**

The only goal that is trying to be obtained by the allowance of these proposed (4) additional directional signs is safe, concise and efficient wayfinding for visitors of the Grandview campus.

**No Injury to Neighboring Property**

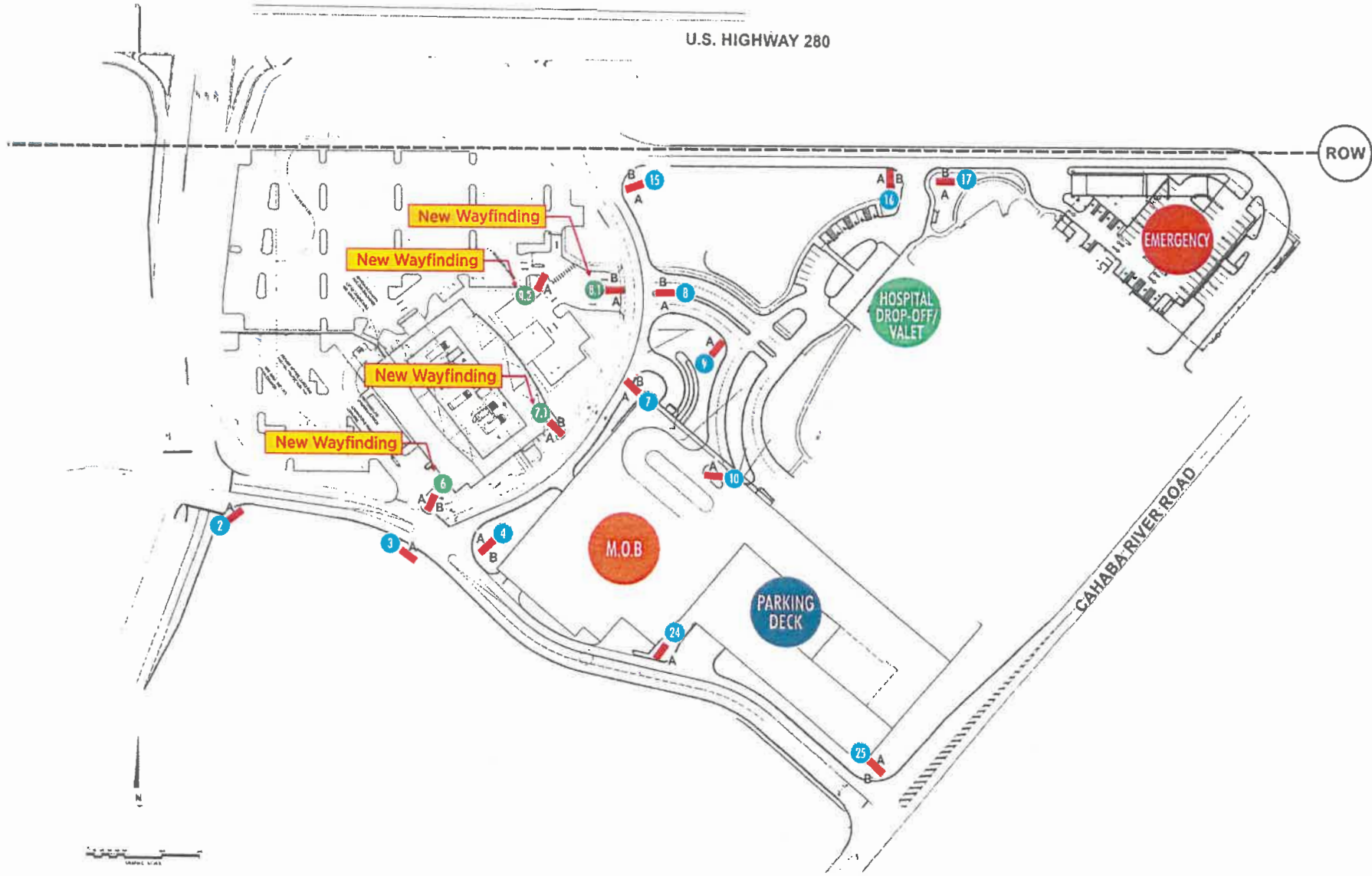
The proposed sign package poses no threat of injury to any of the neighboring properties.

**No Harm to Public Welfare**

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

U.S. HIGHWAY 280

ROW



**FRAVERT**  
 133 West Park Drive Birmingham, AL 35211  
 1.205.940.7180 1.800.743.7181  
 1.205.940.7190 - fax  
 www.fravert.com

**Grandview Medical Center**  
 DESIGN REF #: 21080501

**Location Plan**  
 EXTERIOR WAYFINDING

DESIGNER: CJB  
 MANAGER: Alison Vann

J:\21080501 - GRANDVIEW MC EXT  
 WAYFINDING\Production\Provided Designs

PAGE: 1



MATERIALS / FINISHES

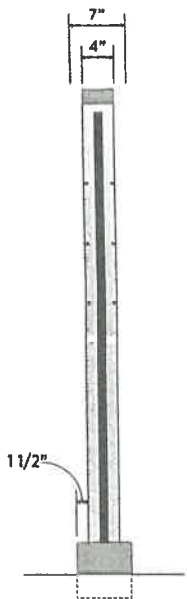
- M1** .125" Alum. Panel
- M2** 1" Sq. Alum. Tubing
- M3** 1" Sq. Alum. Angle
- M4** 2"x4" Alum. Tubing
- M5** 2" Sq. Steel Angle
- M6** 2" Dia. Steel Poles
- V1** Vinyl: Dark Gray
- V2** Vinyl: White
- V3** Vinyl: Oracal 071 "Grey"
- P1** Paint: AKZO 811E "Metallic Silver"
- P2** Paint: AKZO 496F1 "Medium Gray"
- P3** Paint: AKZO 496H1 "Dark Gray"

INSTALLATION

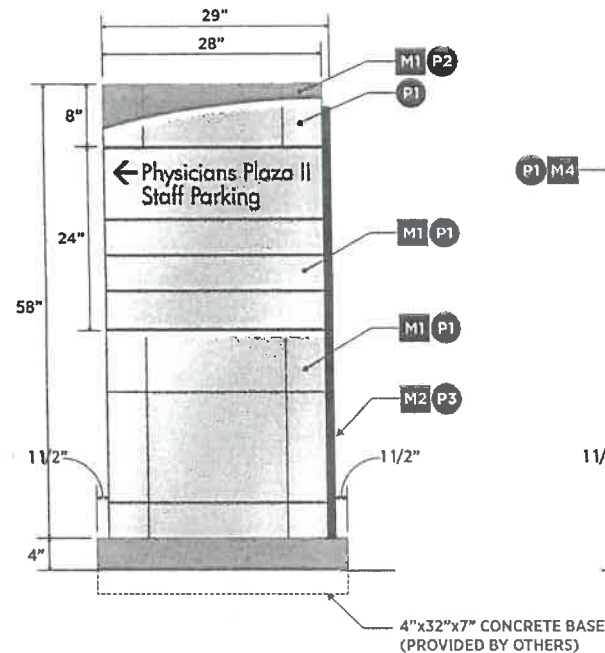
Attach to concrete base with steel poles (mounted with masonry anchors).  
7" x 32" x 4" concrete base provided by others.

STATUS

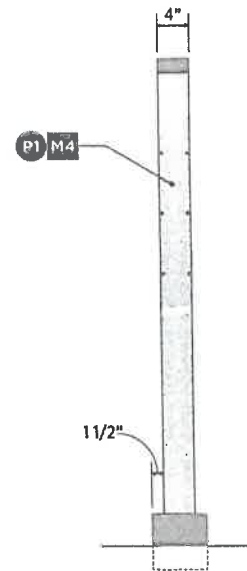
Production Ready



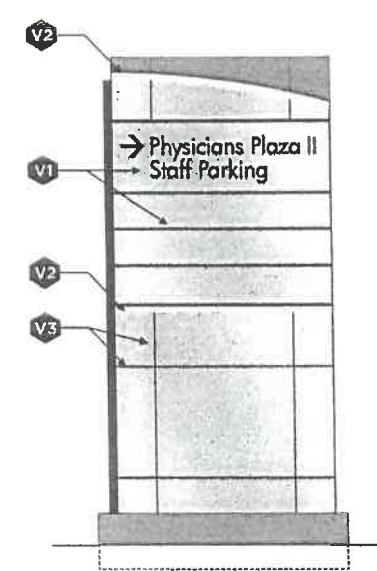
1 END VIEW  
SCALE: 3/4" = 1'



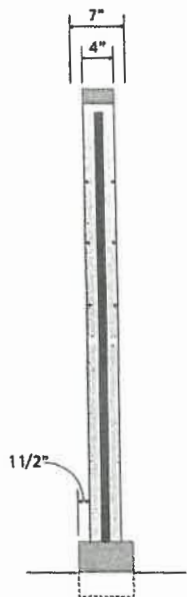
2 LAYOUT - SIDE A  
SCALE: 3/4" = 1'



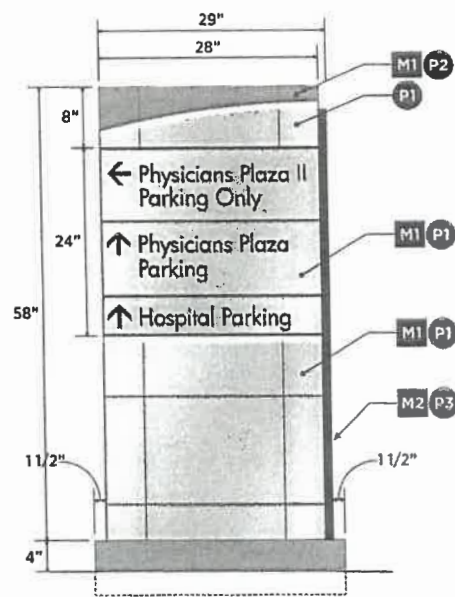
3 END VIEW  
SCALE: 3/4" = 1'



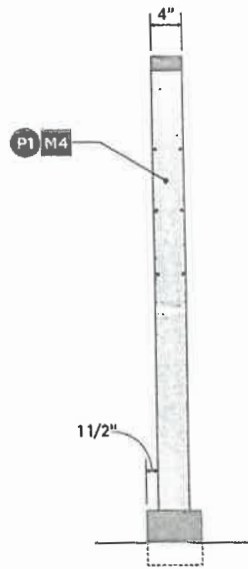
4 LAYOUT - SIDE B  
SCALE: 3/4" = 1'



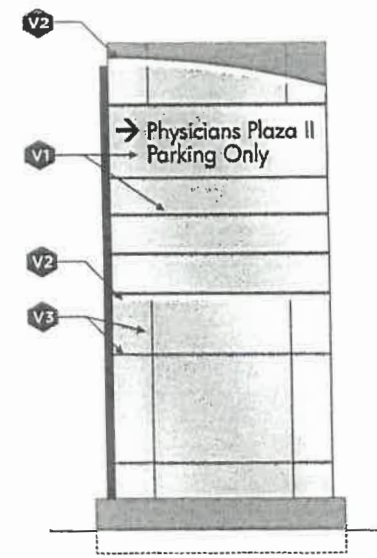
**1** END VIEW  
SCALE: 3/4" = 1'



**2** LAYOUT - SIDE A  
SCALE: 3/4" = 1'



**3** END VIEW  
SCALE: 3/4" = 1'



**4** LAYOUT - SIDE B  
SCALE: 3/4" = 1'

**MATERIALS / FINISHES**

- M1** .125" Alum. Panel
- M2** 1" Sq. Alum. Tubing
- M3** 1" Sq. Alum. Angle
- M4** 2"x4" Alum. Tubing
- M5** 2" Sq. Steel Angle
- M6** 2" Dia. Steel Poles
- V1** Vinyl: Dark Gray
- V2** Vinyl: White
- V3** Vinyl: Oracal 071 "Grey"
- P1** Paint: AKZO 811E "Metallic Silver"
- P2** Paint: AKZO 496F1 "Medium Gray"
- P3** Paint: AKZO 496H1 "Dark Gray"

**INSTALLATION**

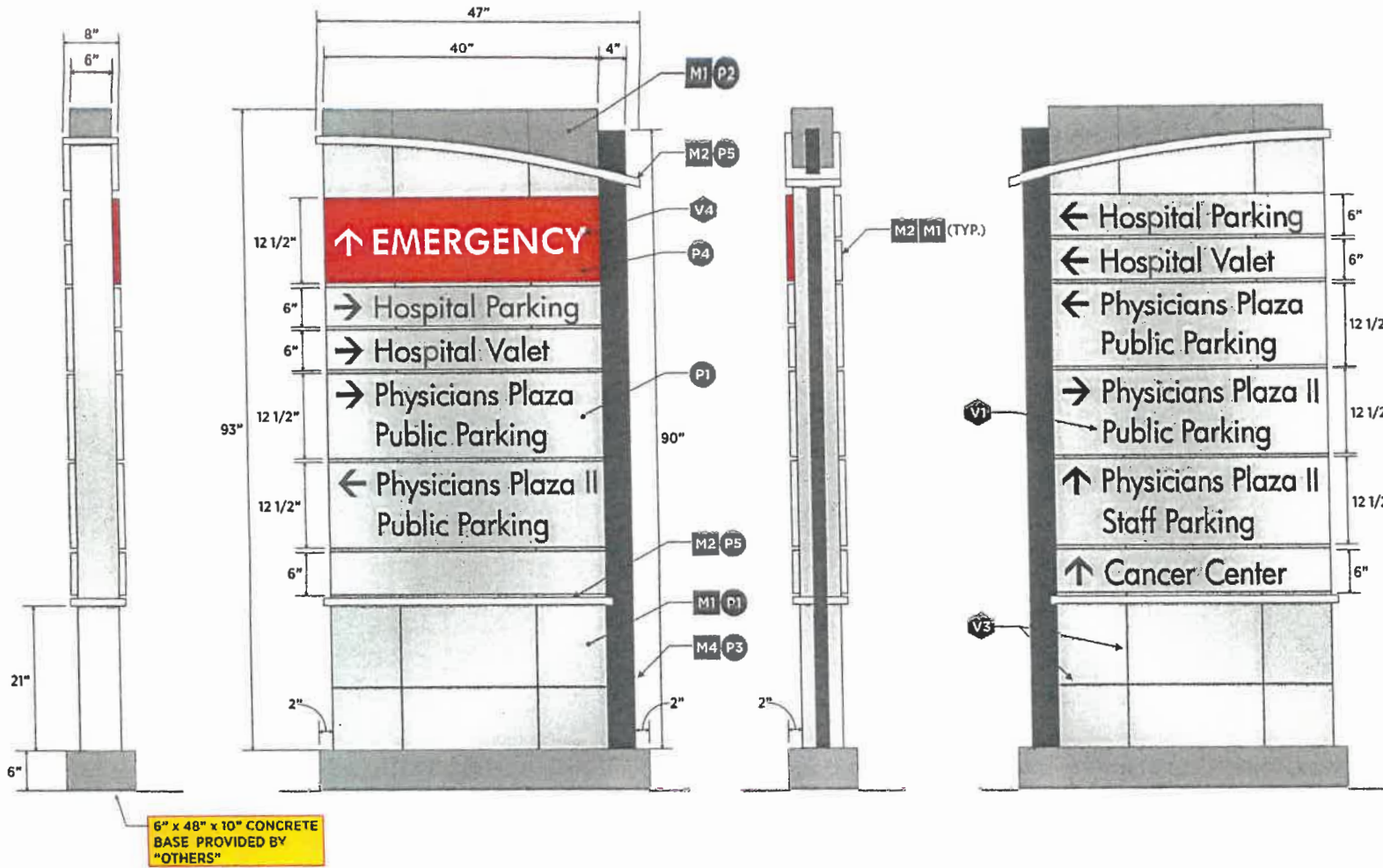
Attach to concrete base with steel poles (mounted with masonry anchors).  
7" x 32" x 4" concrete base provided by others.

**STATUS**

Production Ready

SIGN LOCATION

8.1



MATERIALS / FINISHES

- M1** .125" Alum. Panel
- M2** 1" Sq. Alum. Tubing
- M3** 1" Sq. Alum. Angle
- M4** 2"x4" Alum. Tubing
- M5** 2" Sq. Steel Angle
- M6** 2" Dia. Steel Poles
- M7** 2"x6" Alum. Tubing
- M8** 1"x2" Alum. Tubing
- V1** Vinyl: Dark Gray
- V3** Vinyl: Oracal 071 "Grey"
- V4** Vinyl: White Reflective
- P1** Paint: AKZO 811E "Metallic Silver"
- P2** Paint: AKZO 496F1 "Medium Gray"
- P3** Paint: AKZO 496H1 "Dark Gray"
- P4** Paint: PMS 186 C
- P5** Paint: AKZO 120 "White"

INSTALLATION

Attach to concrete base with steel poles (mounted with masonry anchors). 6" x 48" x 10" concrete base provided by others.

STATUS

■ Production Ready

1 END VIEW  
SCALE: 3/4" = 1'

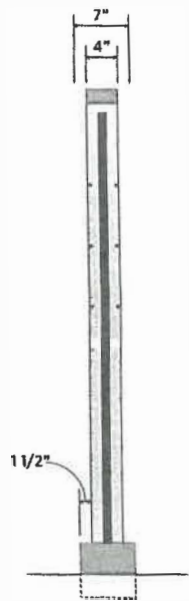
2 LAYOUT - SIDE A  
SCALE: 3/4" = 1'

3 END VIEW  
SCALE: 3/4" = 1'

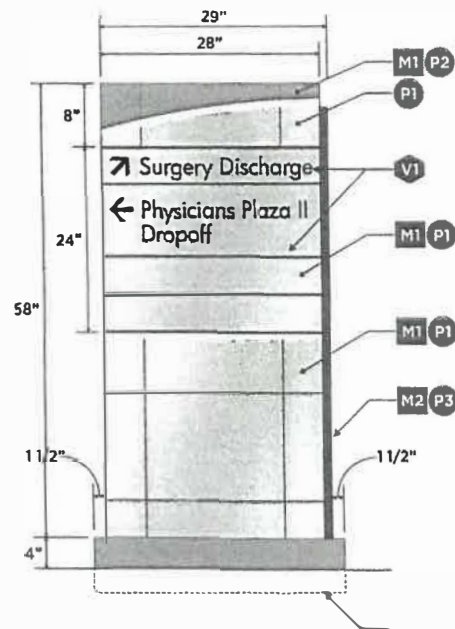
4 LAYOUT - SIDE B  
SCALE: 3/4" = 1'

© 2015 Fravert. All rights reserved. This drawing is for informational purposes only. The responsibility for correct dimensions for new construction remains with the client. All other drawings, specifications and items indicated or referenced on this drawing are the property of Fravert, Inc. and shall remain confidential. The use of any material in violation of the terms of this agreement shall constitute a breach of contract. Fravert, Inc. shall not be held responsible for any errors or omissions in this drawing. A scale indicator for the unattached sheets is provided for reference.

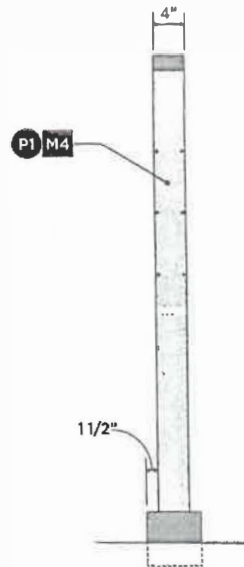
SIGN LOCATION  
**8.2**



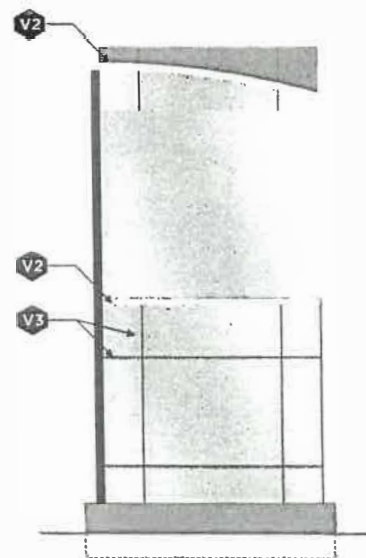
**1** END VIEW  
SCALE: 3/4" = 1'



**2** LAYOUT - SIDE A  
SCALE: 3/4" = 1'



**3** END VIEW  
SCALE: 3/4" = 1'



**4** LAYOUT - SIDE B  
SCALE: 3/4" = 1'

MATERIALS / FINISHES

- M1** .125" Alum. Panel
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- P3** Paint: AKZO 496H1 "Dark Gray"

INSTALLATION

Attach to concrete base with steel poles (mounted with masonry anchors).  
7" x 32" x 4" concrete base provided by others.

STATUS

Production Ready



**ZONING BOARD OF ADJUSTMENT**

**Meeting Date:** March 24, 2022

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

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

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

**ZBA2022-00015**

**Redmont Park**

***Request:***

Variance to allow a parking pad in the front yard instead of the side or rear yard.

***Applicant:***

Hank Long

***Location:***

3560 Altamont Road, Birmingham AL 35213

Parcel # 012300323006006000

SW of Section 32, Township 17 S, Range 2 W

***Applicant's Proposal:***

The applicant is proposing a parking pad in the front yard area.

***Staff Analysis:***

The subject property is currently zoned R-1 (Single Family District). The subject property is surrounded by parcels zoned R-1 (Single Family District) while parcels north are zoned R-3 (Single Family District). The property is not located in a special flood hazard area; however, it is located in the Red Mountain Suburbs Historic District. The proposed parking pad has already received approval from the Red Mountain Neighborhood Local Historic Advisory Committee and the Design Review Committee. Due to the topography of the lot in the rear of the property, the applicants do not utilize the existing drive. The drive does not connect to a garage or a carport which would make it difficult for the applicant to access their home off a slope.

***Per 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 Redmont Park Neighborhood Association has voted to support the request.***

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

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

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

**PARCEL ID:** 012300323006006001

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

**DATE:** Wednesday, March 9, 2022 11:47:51 AM

**OWNER:** THOMAS JULIAN M

**ADDRESS:** 3560 ALTAMONT RD

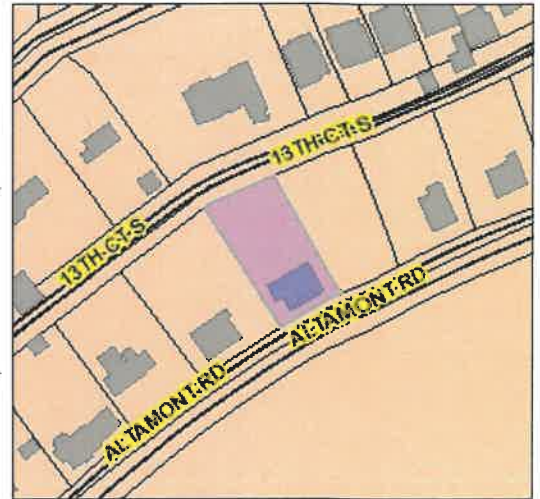
**CITY/STATE:** BIRMINGHAM AL

**ZIP+4:** 35213--2802

**SITE ADDR:** 3560 ALTAMONT RD

**CITY/STATE:** , AL

**ZIP:** 35213



**LAND:** \$295,000.00

**BLDG:** \$395,000.00

**OTHER:** \$0.00

**AREA:** 13,928.02

**ACRES:** 0.32

**SUBDIVISION INFORMATION:**

**NAME** BARNETT-RUSSELL RES #1

**BLOCK:**

**LOT:** 18-C

:

**Section:** 32-17-2W

**Land Slide Zones:** In Land Slide Zones

**Historic Districts:** Red Mountain Suburbs

**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:** Redmont Park (1403)

**Communities:** Red Mountain (14)

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

**Zoning Outline:** R1

**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

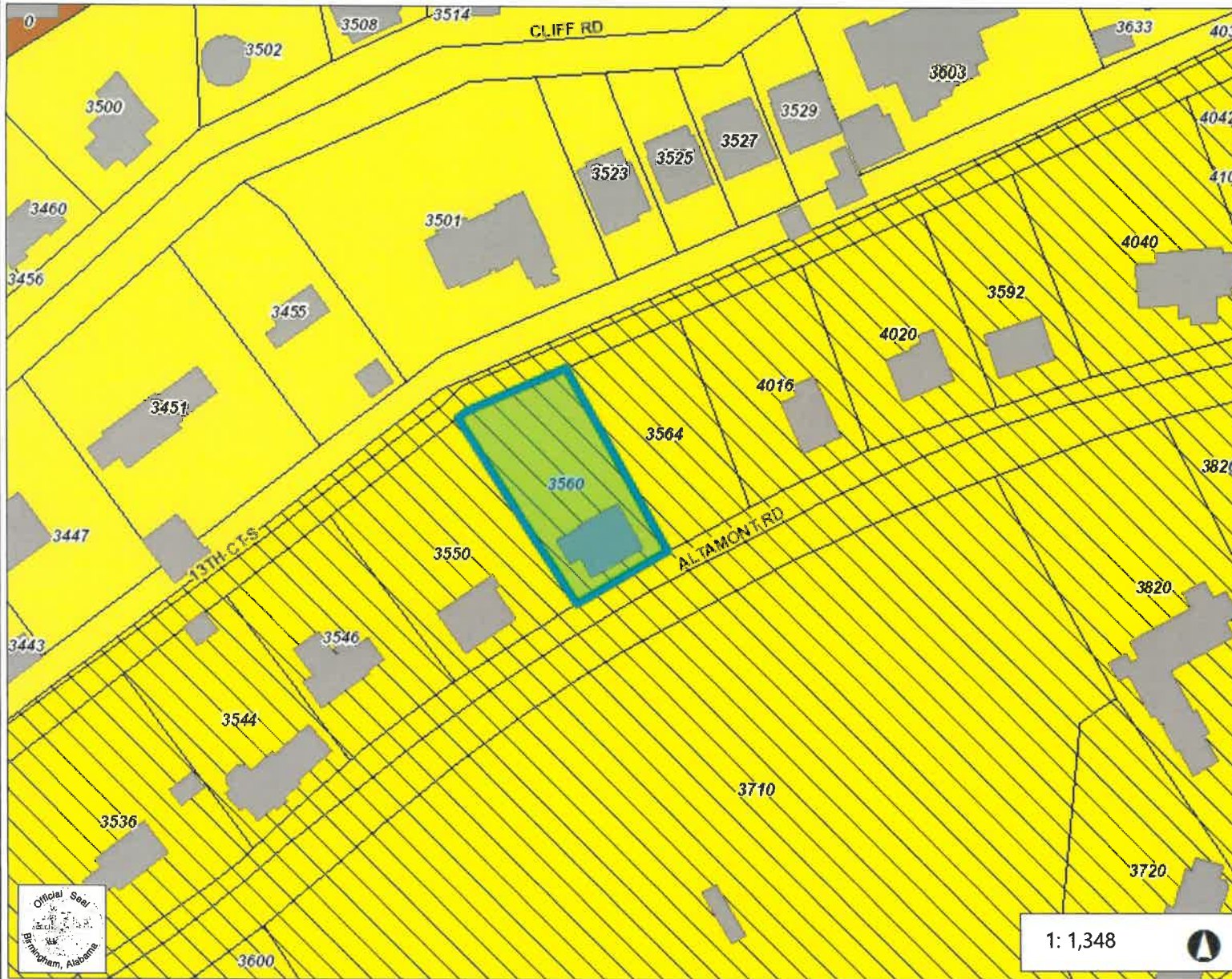
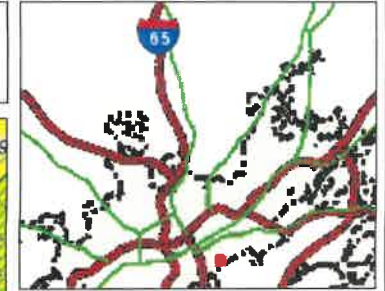
**Tax Delinquent Property:** Not in Tax Delinquent Property

**EPA Superfund:** Not in EPA Superfund

**Opportunity Zones:** Not in Opportunity Zones

**Judicial Boundaries:** JEFFERSON

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

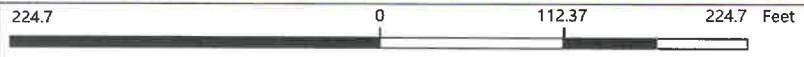


Legend

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



1:1,348

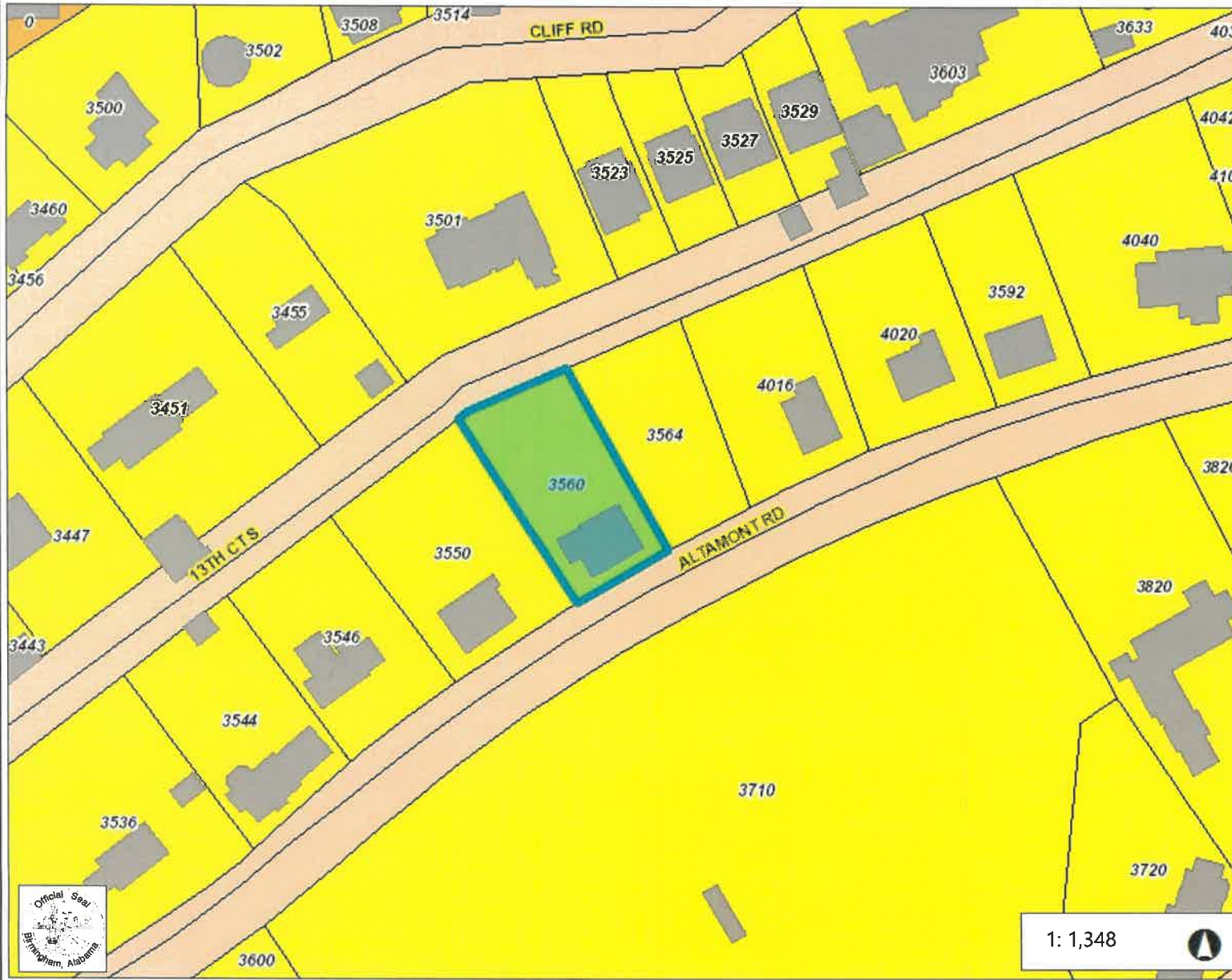
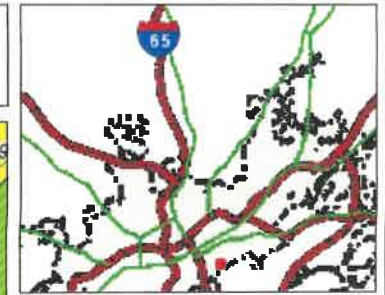


The City of Birmingham makes no warranty, expressed or implied, as to the accuracy of the information represented herein. This map is a user generated static output from an internet mapping site and is for general reference only.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Notes



# ZBA2022-00015 ADOPTED LAND USE MAP

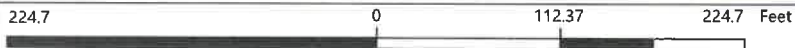


## Legend

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



1: 1,348

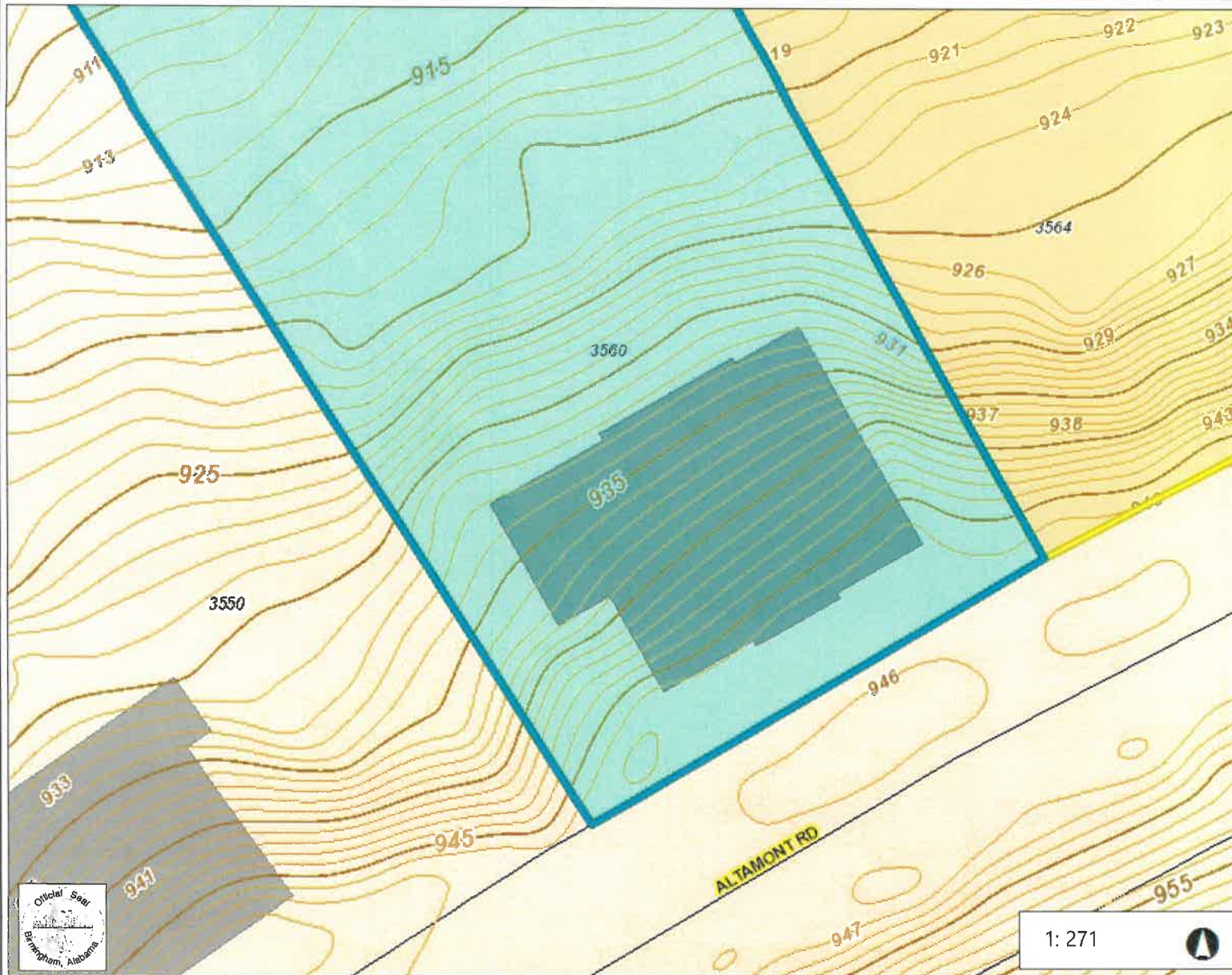
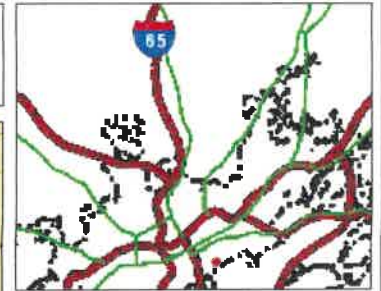


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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Notes



# ZBA2022-00015 TOPOGRAPHY MAP



## Legend

- All Contours
  - 1' Contour
  - 5' Contour
- 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: 271



45.2 0 22.61 45.2 Feet

## Notes

Application to the Zoning Board of Adjustment  
City of Birmingham

Site Address: 3560 Altamont Road, Birmingham AL 35213

1. Physical Characteristics of the Property

The site is a steep, down sloping lot on the side of Red Mountain. The front of the existing house is at street level on Altamont Road. It has a narrow front yard with a city sidewalk running through it and because of the topography, shallow side yards as well. The street in front of the house is narrow and when cars are parked on the street, there is room for only one car to comfortably pass beside the parked cars at a time. The other side of the street is the mountain, which goes straight down to the street, without even the relief of a curb. This condition results in traffic delays because cars must wait until the road is clear to pass a parked car. The construction of an off street parking area will help to alleviate some of these traffic delays by opening up the street in front of the house. Currently, there are 6 other houses on the block with curb cuts and off street parking.

2. Unique Characteristics

The unique characteristics- a steep lot, a narrow front yard with a sidewalk running through it, a narrow street in front of the house with a steep mountain on the other side of the street and zig-zagging traffic in front of the house- are hardship characteristics shared by other houses on the street. 6 other houses on the same block as this house have obtained permission to build off street parking and we request the opportunity to do the same.

3. Hardship Not Self Imposed

The hardship has not been created by the previous actions of the Owner. It is created by the natural topography of the area.

4. Financial Gain Not Only Basis

There is no financial gain to be obtained with this request.

5. No Injury to Neighboring Property

The granting of this variance will not be injurious to any other property in the area.

6. No Harm to Public Welfare

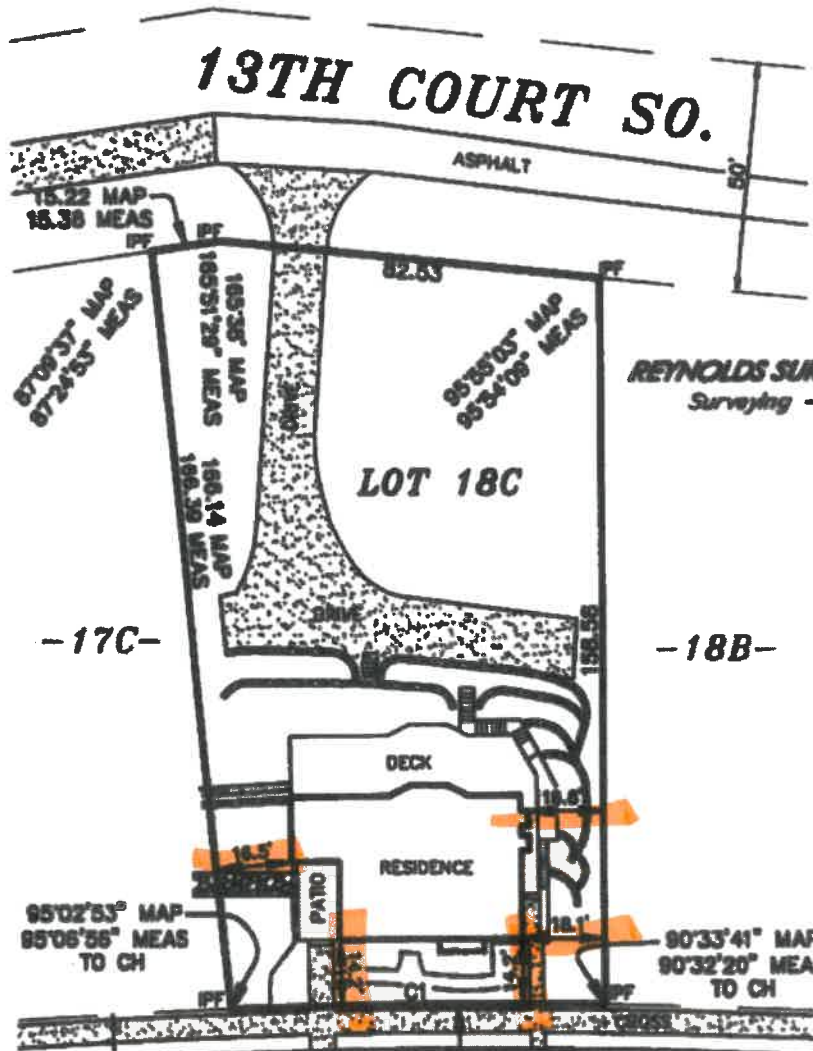
The granting of the variance will not be a detriment to public welfare. It should actually help public safety by eliminating a car parked on the street, which will allow traffic to flow more efficiently in front of the house.

Note: This project has been approved by the Red Mountain Neighborhood Architectural Review Committee and the City of Birmingham Design Review Committee.

# 13TH COURT SO.



SCALE 1"=40'



REYNOLDS SURVEYING CO., INC.  
Surveying - Land Planning

LOT 18C

-17C-

-18B-

# ALTAMONT ROAD

- U— UTILITY POLE
- S— SUIFY WIRE
- W— RETAINING WALL
- C— CONCRETE
- F— FENCE
- O— OVERHEAD ELECTRICAL
- P— HIGH PIN FOUND
- S— HIGH PIN SET

STATE OF ALABAMA  
JEFFERSON COUNTY



C1  
L=80.89 MAP  
L=80.95 MEAS  
R=1584.40  
Δ=2°55'31" MAP  
Δ=2°55'39" MEAS

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do hereby state that this is a true and correct plat or map of Lot 18C, Block -, of BARNETT-RUSSELL RESURVEY NO. 1, as recorded in Map Book 184, Page 47 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this is the 24TH day of August, 2020.

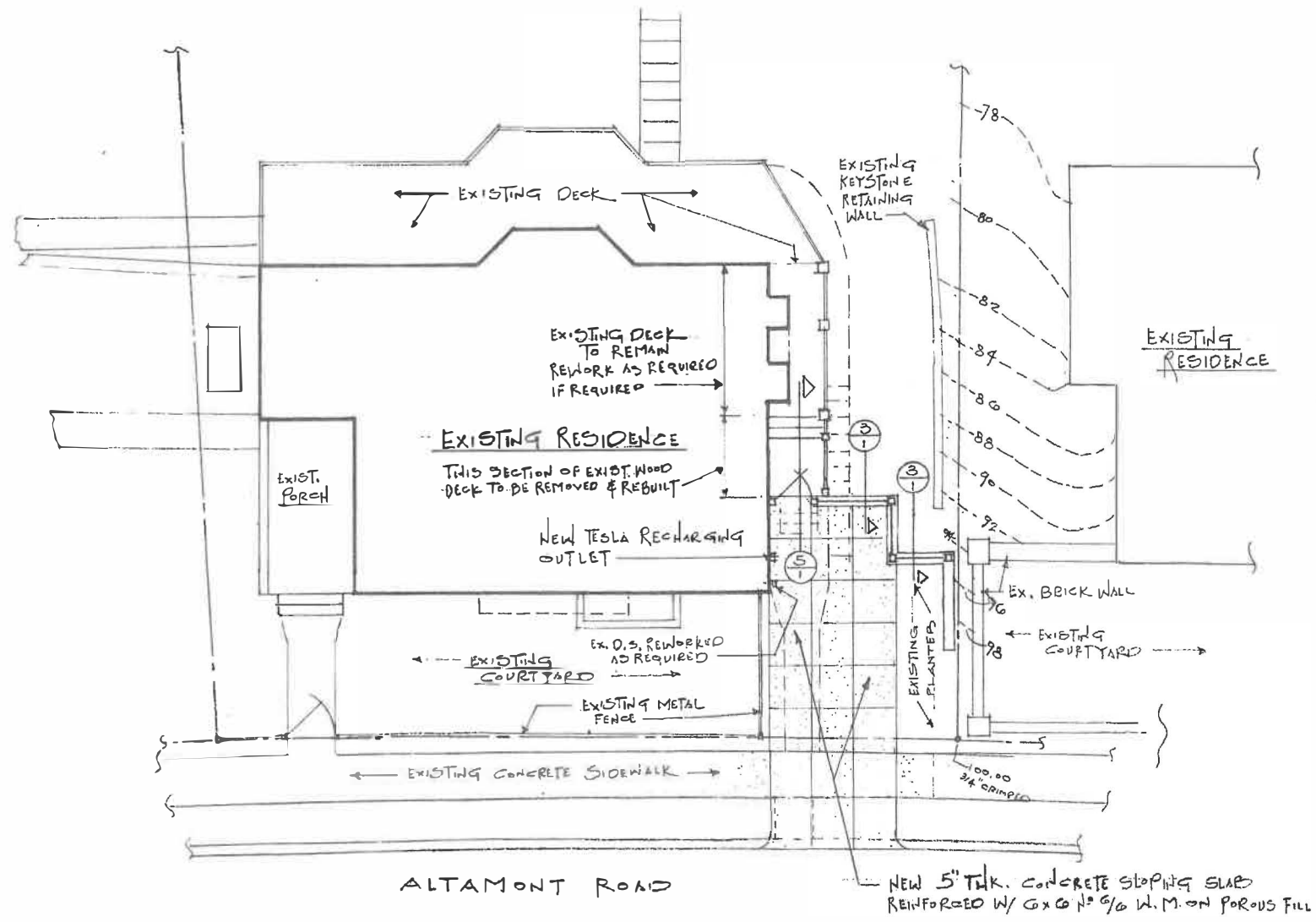
NOTE: This survey is not transferable to any additional institutions or subsequent owners. Survey is not to be used for future construction design, planning or any other purposes.

Purchaser: Thomas  
Address: 3560 ALTAMONT ROAD

*Robert Reynolds*  
Reg. No. 26657



IP.  
C.E.W.



EXISTING  
DRIVE  
PIREO

ALTAMONT ROAD

# SITE PLAN

SCALE 1"=10'-0"

EX. 2x8 P.T. FOR JOIS.  
TRIM AS REQUIRED

STRINGER CUT FROM  
2x8x16" JOIS.



NEW 5" THK. CONCRETE SLOPING SLAB  
REINFORCED W/ 6x6 #6 W.M. ON POROUS FILL

# CERTIFICATE OF APPROPRIATENESS APPLICATION

CITY OF BIRMINGHAM \* DESIGN REVIEW COMMITTEE

AGENT

Please Print Legibly

Name of Applicant: Dr. Julian Thomas -郝伯- McLaughlin - TC

Mailing Address (including zip code): 3560 Altamont Rd Bham AL 35213

Daytime Phone Number: ( ) Fax Number: ( )

Cell Phone Number: (205) 266 5066 E-mail Address: DRJTMAL@MAC.COM

Relationship of Applicant to Property: Owner  Architect/Contractor  Other

Owner's Name (if different from applicant): \_\_\_\_\_

Owner's Address: \_\_\_\_\_ Owner's Phone #: \_\_\_\_\_

Full Property Address: 3560 Altamont Rd.

Local Historic District: Anderson Place Avondale Park Cullom St. Forest Park

Highland Park Norwood Phelan Park  Red Mountain Suburbs Roebuck Springs

Permit Routing Number: \_\_\_\_\_ STAFF USE ONLY

Date of Building, Demolition, Sign, Fence, Driveway, or Soil Erosion Control Permit Application: \_\_\_\_\_

Present Zoning Classification of Property: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Residential  Commercial  Industrial  Institutional  Other

## Nature of Proposed Work:

Please describe your proposed work as simply and accurately as possible.

ADD OFF STREET PARKING - WITH VISIBLE FENCE AND BELOW GRADE WALL

Project Cost: \$ 50,000

Is there an application relevant to this property and to the subject modifications or improvements pending or contemplated before the Zoning Board of Adjustment (ZBA), City Planning Commission, or City Council?

Yes. Please specify: DRIVENWAY DOES NOT EXTEND 18' PAST HOUSE

No

Is there any approval pending by any other regulatory or administrative authority, which may have a bearing on the modifications or improvements that are the subject of this application?

Yes. Please specify: \_\_\_\_\_

No

Who will represent applicant before the Design Review Committee? (Representative should have authority to commit applicant to make changes that may be suggested or required by the DRC):

NAME: HANK LONG HANKLONG@BELL.SOUTH.NET

TITLE OR RELATIONSHIP TO APPLICANT (if other than applicant): ARCHITECT

ADDRESS (including zip code): 3106 CLAIRMONT AVENUE

TELEPHONE: (205) 323-4564 FAX: ( )

## CERTIFICATION

I hereby certify that I have read this application and that all information contained herein is true. If any portion of this information, intentionally or unintentionally, is false or is a misrepresentation of the material facts, the Certificate of Appropriateness granted will be void. I further certify that if I am not the owner, I have proper authorization from the owner to act as representative on his/her behalf and that I may be required to provide written documentation of such authorization to the City of Birmingham.

Signature of Owner (where applicable): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant (if different from owner) as Agent on Behalf of Owner: [Signature] Date: 1/19/22

## FOR STAFF USE ONLY

Memorandum to Permitting Official: A Certificate of Appropriateness has been:

Approved. Please release the building/demo/sign/fence/driveway/soil erosion control (circle one) permit in accordance with the following conditions noted in Permit Plan. Please see zoning staff for fence

Denied. Please do not release the permit or allow work.

[Signature] 2-9-2022

City Historic Preservation Officer or Urban Design Staff Date

**LOCAL HISTORIC ADVISORY COMMITTEE RECOMMENDATION**  
**Design Review**

**Date:** 2/2/22

**To:** City of Birmingham  
Dept. of Planning, Engineering & Permits  
Design Review Committee  
Attn: Historic Preservation Staff  
Room 500 City Hall  
Birmingham, AL 35203

**From:** Red Mountain Neighborhood Local Historic Advisory Committee

**Members Present at the Meeting to Consider the Matter:**  
**Laura Bartlett, Dina Hendrix, Carole Sullivan, Stan Weir**

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On 2/2/22, the Local Historic Advisory Committee (LHAC) for the **Red Mountain Neighborhood** Local Historic District heard the DRC case for the property located at **3560 Altamont Road**, and the Committee took the following action:

**Approve** (# of votes) 4;  **Approve with Conditions** (# of votes) \_\_\_\_\_;  **Deny** (# of votes) \_\_\_\_\_

The recommendation of the Local Historic Advisory Committee was to  **Approve** /  **Approve with Conditions** /  **Deny** (please select one) the design review request for the following reasons:

**1. The proposed gate and fence design is compatible in scale, character, material, and level of detail with the neighborhood.**

**2. The front parking area, while not ideal, is necessary in this instance because of the difficult parking situation on Altamont Road. The proposed off street parking will be in keeping with the neighboring properties on the street.**

The recommendation of the Local Historic Advisory Committee was based on the following sections (cite the applicable section numbers) of the local historic district's design guidelines:

**IV. Specific Element Guidelines: R. Fencing: Front yard fencing shall be appropriate to the period of the house and neighborhood as referenced in the Red Mountain Suburbs Historic District national register application, and shall be in keeping with zoning regulations. Materials used for fencing shall be consistent with those originally used in the district**

The Local Historic Advisory Committee also voted to request that the following conditions be placed upon this request (in the case of an "approval with conditions"):

\_\_\_\_\_

**Note:** The Local Historic Advisory Committee understands that the DRC, by a vote of two-thirds (2/3) majority of the DRC members present at the meeting which considers the subject case, can reverse, wholly or partially, or modify the recommendation submitted by the LHAC.

**LHAC Chairperson or Other Officer's Signature:**

\_\_\_\_\_

Original Signature of LHAC Chairperson or Other Officer  
(Preferably the chairperson or other officer who presided at the meeting where the case was presented)

Laura Bartlett  
Typed Name of LHAC Chairperson or Other Officer

2/2/22  
Date

**LOCAL HISTORIC ADVISORY COMMITTEE**  
**STANDARD OF REVIEW FINDINGS OF FACT**

**1. The proposed change, erection, or demolition:**

- Conforms to the design standards established.  
 Does not conform to the design standards established.

**2. The proposed change, erection, or demolition:**

- Is compatible with the character of the historic property and the historic district and does not detract from their historic value.  
 Is not compatible with the character of the historic property and the historic district and detracts from their historic value.

**3. The proposed erection, alteration, restoration, relocation or demolition, in whole or in part:**

- Will not detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.  
 Will detrimentally change, destroy, or adversely affect any significant architectural feature of the resource.

**4. The proposed erection, alteration, restoration, relocation or demolition, in whole or in part:**

- Will be compatible with the exterior features of other improvements within the District.  
 Will not be compatible with the exterior features of other improvements within the District.

**LHAC Chairperson or Other Officer's Signature:**

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Original Signature of LHAC Chairperson or Other Officer  
(Preferably the chairperson or other officer who presided at the meeting where the case was presented)

**Laura Bartlett**

**Typed Name of LHAC Chairperson or Other Officer**

**2/2/22**

**Date**





