

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00008

Woodlawn

Request:

Variance to allow 145 units instead of the 119 units allowed.

Applicant:

Mike Ashley

Location:

5101 MESSER-AIRPORT HWY, Birmingham AL 35212

Parcel # 012300212016007000

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

Applicant's Proposal:

The applicant is proposing 145 units instead of 119 units allowed.

Staff Analysis:

The subject property is currently zoned CB-2(Contingency General Business District. The subject property is surrounded by parcels zoned R-3 (Single Family District) while parcels north are zoned CB-2(Contingency General Business District). The property is not located in a flood plain area nor in any design review district. On the property is an existing hotel in which the owners would now like to lease the units converting the hotel into an apartment. The property meets the parking requirement with an increased unit amount.

Per Zoning Ordinance:

Subsection 3. Area and dimensional regulations.

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed.

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

Neighborhood Recommendation:

The Woodlawn Neighborhood Association has requested a continuance so that the applicant may come back before the neighborhood and address some of the concerns they have.

Recommended Conditions:

If approved by the Board, below are the recommended 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.

To Whom it may concern,

1.... The physical size of the building that was constructed in the 1970's has not changed the community surrounding the site has changed. As the new owners of the hotel, we have spent necessary funds to completely remodel the entire structure. We have 145 studio apartments that we want to rent only on long term monthly or yearly basis. The ordinance as it relates to monthly rentals requires additional land. We could continue to operate the building as a hotel with daily guest without coming before Zoning Board of Appeals.

2...The location of this property is in an area that has declined over time, by allowing us to change the property to a monthly rental vs a daily or weekly rental not only lets us have better control of property. It will help the community and the surrounding area return to the nice neighborhood it once was.

3...The hardship that was created by the previous owner/operator of the property was one that created problems for Birmingham police as well as the neighbors. By cleaning up and remodeling the property we have eliminated those problems.

4...While everyone must make a profit to stay in business, the operation of this property on a long-term rental basis by our guest makes not only lets us maintain a better living environment it also brings the standards for the neighborhood up. One block south of the apartments the Church of the Highlands is constructing a new facility that will bring good changes to the area. By allowing us to operate the apartments in a long-term rental agreement only enhances what the church is doing by making changes in the area.

5...By allowing the apartments to be operated it will enhance the area. The manner in which our managers interview our tenants by verifying income requirements and checking references we will only enhance the neighborhood. Unlike the operation that was in place prior to us taking over the property.

6...By allowing the use of 145 studio apartments it will not cause any damage to the area. By stopping the daily and weekly rentals that is currently allowed by the current zoning we will be able to stop a lot of the problems that came from this address. Changing the use to long term rentals and management of apartments it will only add to the health, safety, and general welfare of City of Birmingham.

PARCEL ID: 012300212016007000

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

DATE: Wednesday, February 9, 2022 11:44:36 AM

OWNER: MESSER AIRPORT HOTEL LLC

ADDRESS: 5100 MESSER AIRPORT HWY

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35212--3030

SITE ADDR: 5101 MESSER AIRPORT HWY

CITY/STATE: BIRMINGHAM, AL

ZIP: 35212



LAND: \$595,700.00

BLDG: \$1,676,000.00

OTHER: \$0.00

AREA: 126,678.18

ACRES: 2.91

SUBDIVISION INFORMATION:

NAME BAR-TOM 23-21-2

BLOCK:

LOT: 2

:

Section: 21-17-2W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Woodlawn (2104)

Communities: Woodlawn (21)

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

Zoning Outline: CB2

Demolition Quadrants: DEM Quadrant - 4

Impaired Watersheds: Impaired Watershed - Upper Village Creek

Strategic Opportunity Area: In Strategic Opportunity Area

RISE Focus Area: In RISE Focus Area

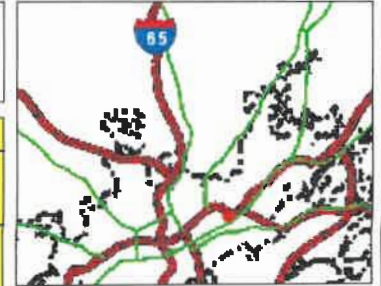
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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

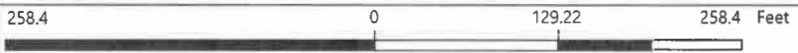


Legend

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

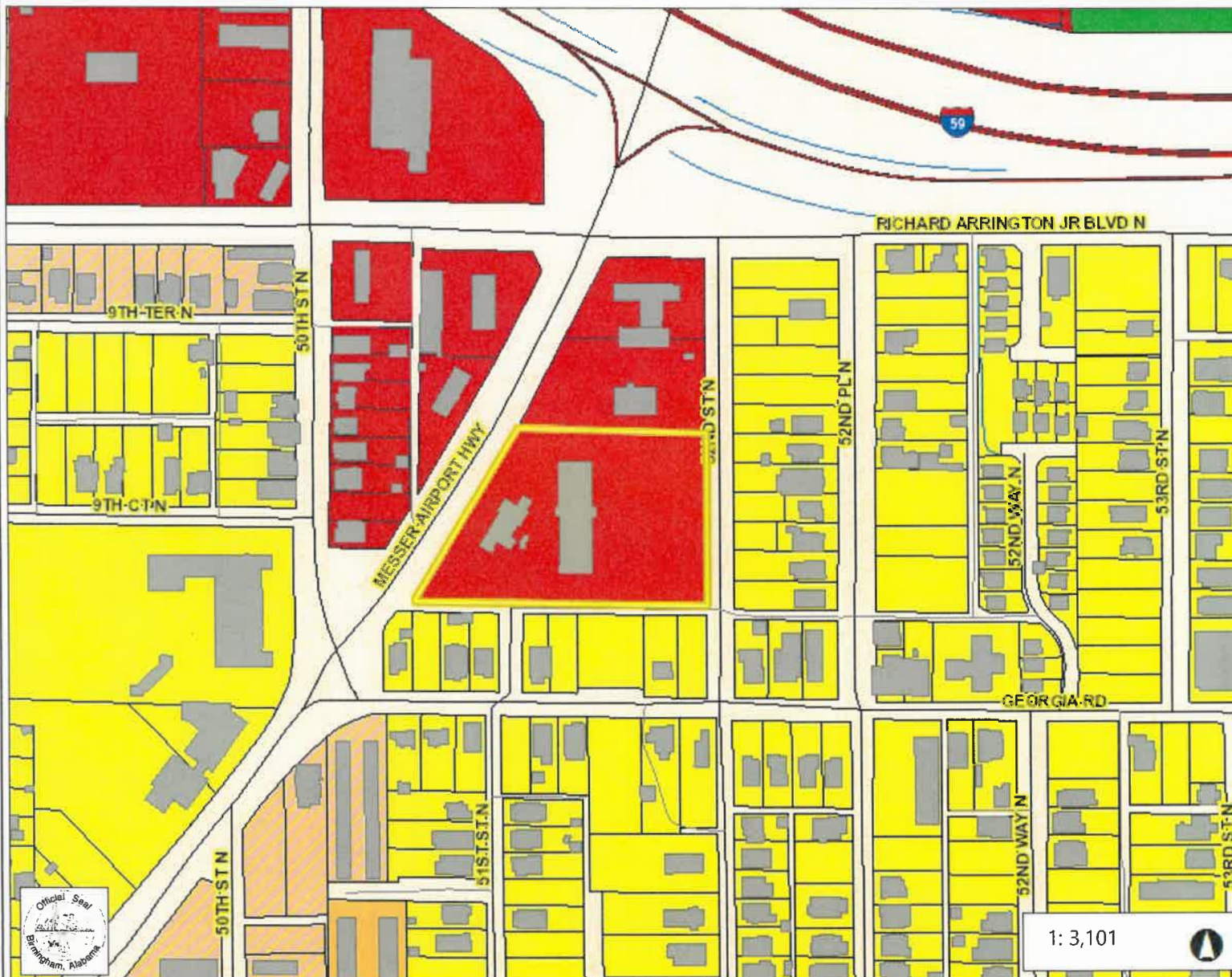
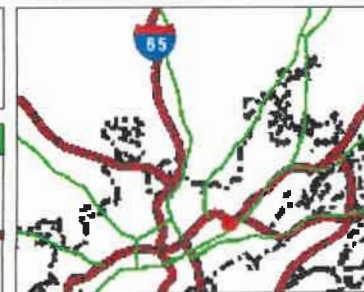


1: 1,551



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

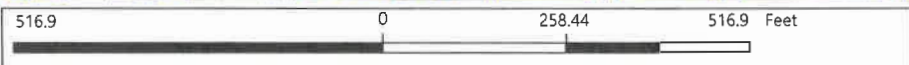
Notes



Legend

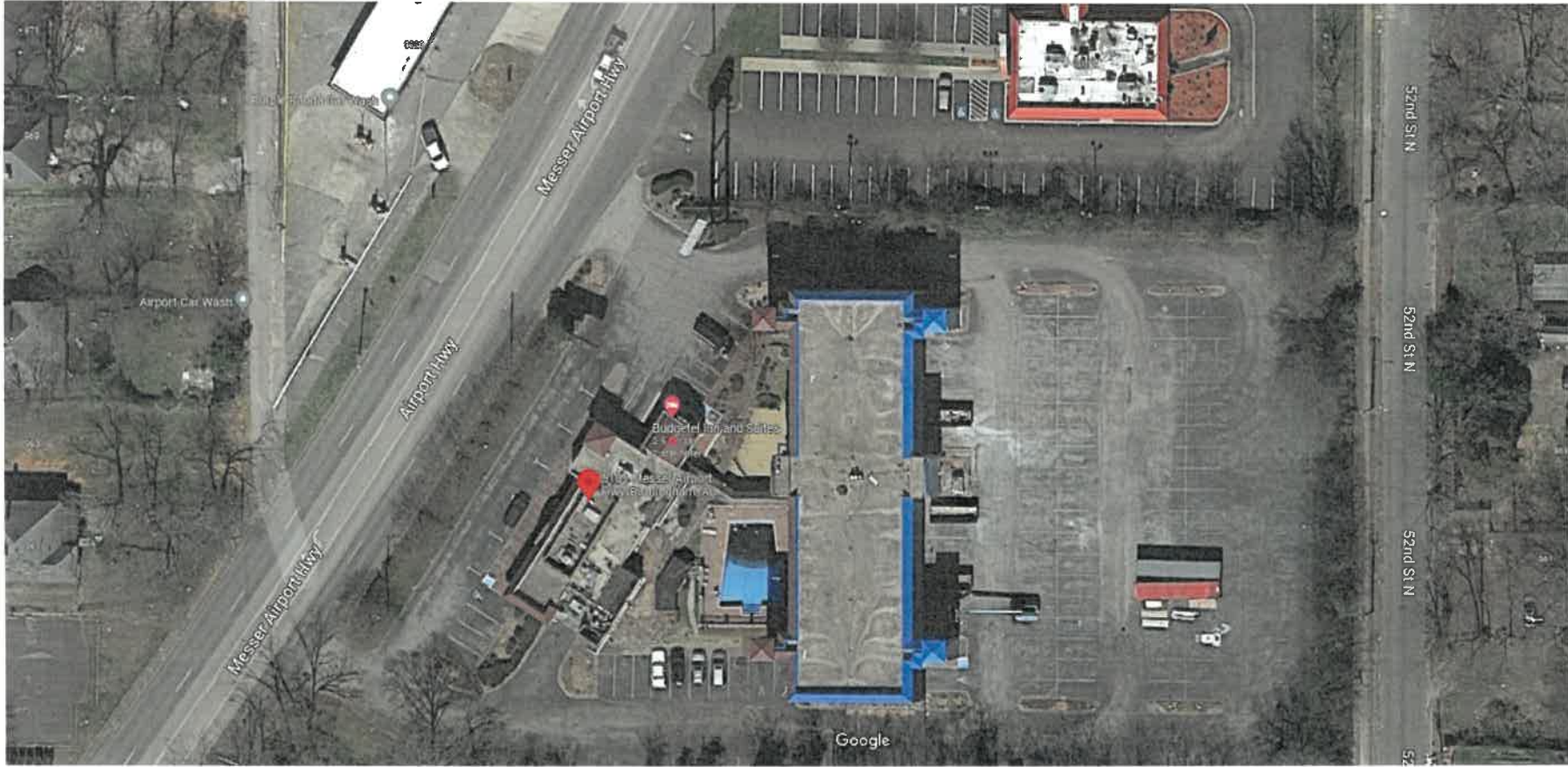
- Centerline Labels
- + Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
 - Limited Access
 - Ramp
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium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

1: 3,101



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes





Google

Image capture: Oct 2018 © 2022 Google

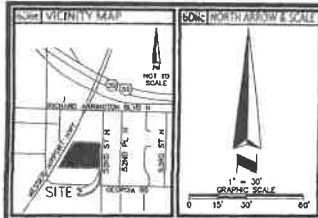
Google

Street View - Oct 2018



101 Me
wy, Biri





CURVE DATA

NUMBER	RADIUS	DELTA	LENGTH	TANGENT	CHORD(C)	CHORD BEARING(C)
C1(M)	3689.72'	4°56'04"	333.27'	166.74'	333.17'	N32°03'50"E
C1(P)	3689.72'	4°56'04"	333.27'	166.74'		
C2(M)	3689.72'	2°35'28"	175.00'	87.51'	174.99'	N20°18'04"E
C2(P)	3689.72'	2°35'28"	175.00'	87.51'		

LINE TABLE

LINE #	DIRECTION	LENGTH
L1(M)	N00°03'00"W	3.95'
L1(P)		3.57'

SCH OBSERVED POTENTIAL ENCROACHMENTS

- 1 OF OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'
- 2 OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'
- 3 OF OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'
- 4 OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'
- 5 OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'
- 6 OVERHEAD POWER CROSSING OVER PROPERTY BY AT MOST 15'

FLOOD INFORMATION

BY DRAWING NOTING THAT THIS PROPERTY LIES WITHIN THE 1% AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 02010 0302 IN MAP NO. 0202000000, WHICH BEARS AN EFFECTIVE DATE OF 05/20/2019, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, NO FIELD SURVEY HAS BEEN PERFORMED TO DETERMINE THE EXACT 1% FLOOD ELEVATION, WHICH IS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

SCH LEGEND AND ABBREVIATIONS

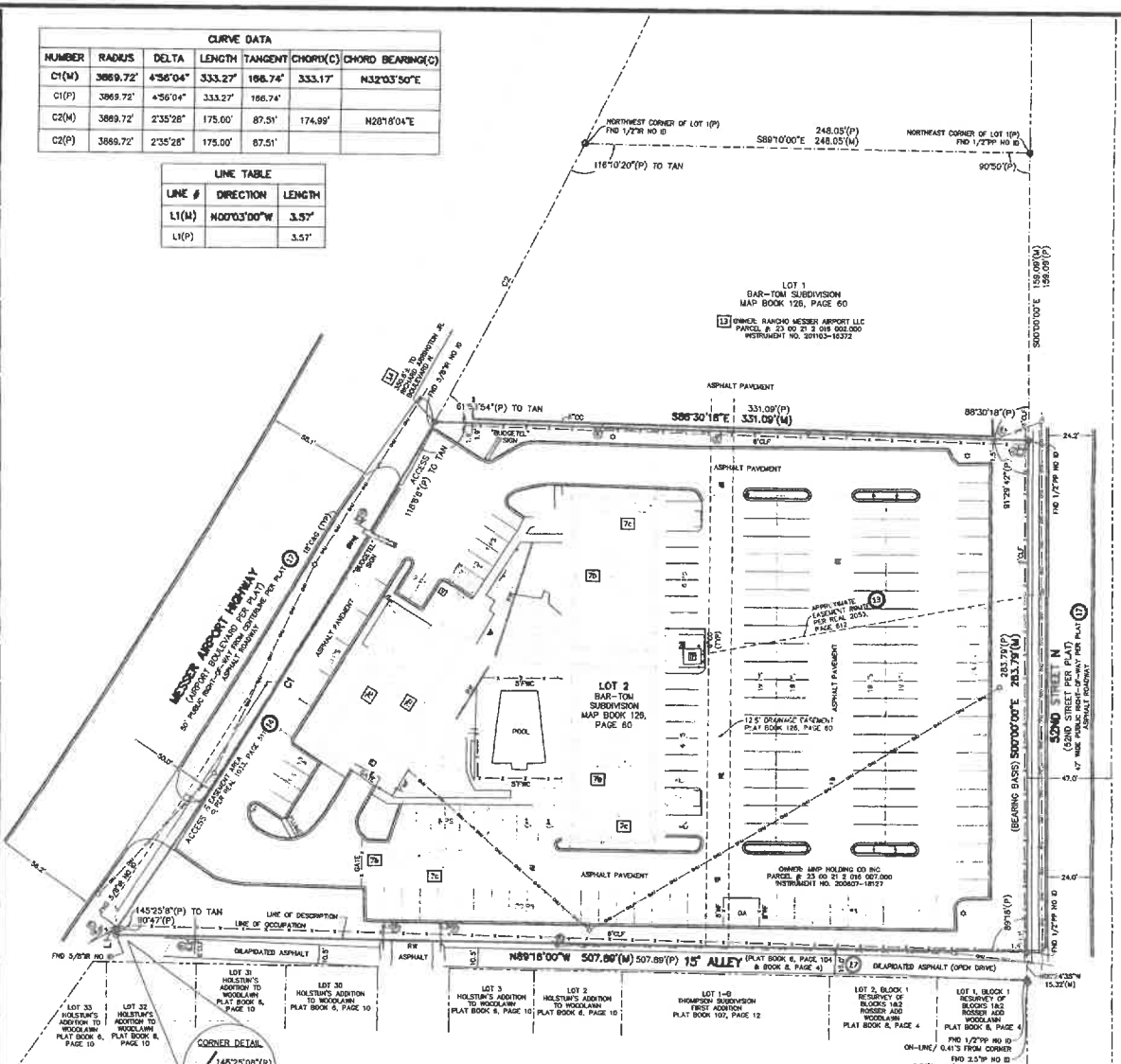
- | | |
|---|--|
| <p>CONCRETE SURFACE
NO PARKING AREA
GRAVEL AREA
LANDSCAPED AREA
CONCRETE/WALKWAY
STARWALL
HANDICAP PARKING
PARKING SPACE
ELECTRIC BOXES/STRUCTURES
UTILITY POLE
GUY ANCHOR
LIGHT PULLTAP
ELECTRIC METER
ELECTRIC TRANSFORMER
UTILITY VAULT
TRASH BIN
SANITARY MANHOLE
CLEANOUT
FIRE HYDRANT
FIRE METER
GAS METER
SEWER
BOLLARD
MONUMENT AS NOTED</p> <p>FLAGPOLE
TIME LINE
OVERHEAD UTILITY LINE
CONTINGENT</p> | <p>FOR PLAT
MAP BOOK 126, PAGE 80
FOUND
BOLDED
BOB PIPE
WOOD FENCE
WOOD FENCE
WOOD FENCE
REPAIRING WALL
DEMOLISHED AREA
CONCRETE CURB
CONCRETE CURB
TANGENT
GUY ANCHOR
IDENTIFICATION
CALCULATED</p> |
|---|--|

SCH PLATTED SETBACK OR CONTINGENT BUILDING RESTRICTION LINES

NONE PROVIDED TO THIS SURVEYOR

SCH SCHEDULE B - SECTION 27 ITEMS

- 17 TERMS AND CONDITIONS OF CABLE TELEVISION INSTALLATION AND SERVICE AGREEMENT MADE BY DE JAVIER'S TELEVISION, INC. AND ROBERTSON CABLE COMMUNICATIONS, DATED DECEMBER 21, 2004, AND RECORDED MARCH 14, 1999, IN REEL 2048, PAGE 326, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA. (APPLICABLE TO THIS PLAT.)
- 18 EASEMENT DEED FROM DAVIS WINS OF AMERICA, INC. TO ALABAMA POWER COMPANY, DATED APRIL 11, 1981, AND RECORDED MAY 1, 2003, IN REEL 2054, PAGE 412, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA. (APPLICABLE TO THIS PLAT.)
- 19 EASEMENT DEED FROM THOMPSON & ASSOCIATES, INC. TO THE CITY OF BIRMINGHAM, DATED JAN 10, 1978, RECORDED JANUARY 28, 1978, IN REEL 1033, PAGE 344, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA. (APPLICABLE TO THIS PLAT.)
- 20 TERMS AND CONDITIONS OF HOTEL/MOTEL COMPANY AMERICA TELEVISION - NETWORK AGREEMENT DATED APRIL 1, 1981, AND RECORDED FEBRUARY 10, 1981, AND RECORDED MARCH 14, 1999, IN REEL 2048, PAGE 326, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA. (APPLICABLE TO THIS PLAT.)
- 21 TERMS AND CONDITIONS OF LEASE AGREEMENT DATED APRIL 1, 1981, BETWEEN THE COMPANY OF AMERICA TELEVISION, INC. AND THE CITY OF BIRMINGHAM, ALABAMA, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA, AS A FEDERAL CORPORATION, AND AMERICAN VALLEY BROADCASTING COMPANY, A FEDERAL CORPORATION, (APPLICABLE TO THIS PLAT.)
- 22 EASEMENT, RESTRICTIONS, RIGHTS OF WAY, BOUNDARY LINE, AND PLAT RECORDING ACT FOR THE FOLLOWING PLATS:
 - a. PLAT RECORDED MAP BOOK 128, PAGE 80.
 - b. PLAT RECORDED MAP BOOK 126, PAGE 80.
 - c. PLAT RECORDED MAP BOOK 126, PAGE 4.
 - d. PLAT RECORDED MAP BOOK 126, PAGE 4.
 - e. PLAT RECORDED MAP BOOK 126, PAGE 10.
 - f. PLAT RECORDED MAP BOOK 126, PAGE 10.
 - g. PLAT RECORDED MAP BOOK 126, PAGE 10.



ALTA/MPS LAND TITLE SURVEY IDENTIFICATION TABLE

NO.	DESCRIPTION	NO.	DESCRIPTION
1	"TABLE A" PROPERTY ADDRESS	8	"TABLE E" CURVED FEATURES
2	"TABLE B" FLOOD INFORMATION	9	"TABLE F" PARKING SPACES
3	"TABLE C" LAND AREA	10	"TABLE G" INTERSECTION WALLS
4	"TABLE D" LAND ACCESS TO PROPERTY	11	"TABLE H" UTILITY INFORMATION
5	"NORTH ARROW & SCALE"	12	"TABLE I" ADJOINING OWNERS
6	"LEGEND & ABBREVIATIONS"	13	"TABLE J" INTERSECTING STREET
7	"MOONBY MAP"	14	"TABLE K" EARTH MOVING NOTE
8	"SURVEYOR'S NOTES"	15	"TABLE L" BEST OF BOTH WORLDS
9	"TITLE # ZONING INFORMATION"	16	"TABLE M" NEIGHBORHOOD CERTIFICATE
10	"TITLE # BOUNDARY LINES"	17	"TABLE N" BUILDING AREA
11	"TITLE # SURVEYOR'S CERTIFICATE"	18	"TABLE O" WIRE ENCLOSURE OR STRINGS
12	"TITLE # NORTH ARROW & SCALE"	19	"TABLE P" BUILDING HEIGHT
13	"TITLE # LEGEND & ABBREVIATIONS"		



8 SUBSTANTIAL FEATURES OBSERVED

SUBSTANTIAL ABOVE-GROUND FEATURES THAT WERE OBSERVED ON THE SUBJECT PARCEL, SUCH AS PARKING AREAS, DRIVEWAYS, WALKWAYS, PLANTINGS, POWER LINES AND CABLES, HAVE BEEN LOCATED AS SHOWN HEREON. THESE WERE NOT OBSERVED SUBSTANTIAL AREAS OF RECORD ON THE SUBJECT PARCEL FOR THE DATE OF THIS SURVEY.

DATE	REVISIONS	TECH	DATE	REVISIONS	TECH	FIELD	CH	DRAWING SCALE	1" = 30'

TABLE OF REFERENCES

NO.	DESCRIPTION	NO.	DESCRIPTION
1	"TABLE A" PROPERTY ADDRESS	8	"TABLE E" CURVED FEATURES
2	"TABLE B" FLOOD INFORMATION	9	"TABLE F" PARKING SPACES
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12	"TITLE # NORTH ARROW & SCALE"	19	"TABLE P" BUILDING HEIGHT

6044 TITLE COMMITMENT INFORMATION

THE FILE DESCRIPTION AND SERIALS FOR THIS RECORD ARE: PROJECT NO. 2019040 27699, PROJECT NO. 2019040 27699, PROJECT NO. 2019040 27699, PROJECT NO. 2019040 27699, PROJECT NO. 2019040 27699, PROJECT NO. 2019040 27699.

6045 TITLE DESCRIPTION

THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN JEFFERSON COUNTY, ALABAMA, TO WIT: LOT 2, ACCORDING TO THE SURVEY OF BAR-TON SUBDIVISION AS RECORDED IN MAP BOOK 126, PAGE 80, IN THE PUBLIC OFFICE OF JEFFERSON COUNTY, ALABAMA.

THIS SURVEY DESCRIBES AND DEPICTS THE SAID LAND AS DESCRIBED IN THE TITLE COMMITMENT AS REFERENCED ABOVE.

6046 SURVEYOR'S NOTES

1. NO ENCROACHMENTS WERE OBSERVED ON THIS SURVEY, ONLY ABOVE-GROUND, VISIBLE EVIDENCE OF UTILITIES ARE SHOWN.
2. ALL UTILITIES FROM THE CERTIFICATION AND OTHER REFERENCES (LOCATED) TO SERVICE AREAS, RELATED TO UTILITIES IMPROVEMENTS, STRUCTURAL BUILDINGS, PARTY WALLS, FENCES, EXISTENCES, SERVICES, AND ENCROACHMENTS, WE ALSO RESULT ON ABOVE-GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREIN.
3. THE SURVEY SETS OR FIXES THE SURVEY STANDARDS/THEMATIC OF CARE AS SET FORTH IN SECTION 2 OF THE ALA. ALTA/MPS SURVEY REGULATIONS.
4. THE SURVEYOR FURTHER CERTIFIES THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE PROFESSIONAL PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF HIS/KNOWLEDGE, INFORMATION, AND BELIEF.

4 LAND AREA

119,882.4 SQUARE FEET 2.7474 ACRES
BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF 52ND STREET N, WHICH IS ASSUMED TO BEAR S00°00'00"E.

9 PARKING SPACES

REGULAR = 163; HANDICAP = 8; TOTAL = 171
THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO MESSER AIRPORT HIGHWAY, A DESIGNATED PUBLIC STREET OR HIGHWAY.

36 EARTH MOVING NOTE

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

6047 CONTIGUITY STATEMENT

THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY CORNER CORNER OR DIVISIONS.

7 SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 NATIONAL STANDARD DETAIL REQUIREMENTS FOR ALTA/MPS LAND TITLE SURVEYS JOINTLY ESTABLISHED AND ADOPTED BY ALA. AND MPS, AND INCLUDES ITEMS 2, 3, 4, 7(a), 7(b), 7(c), 8, 9, 13, 14, 16, AND 20 OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON 06/28/2020. DATE OF PLAT OR MAP: 08/28/2020.

ALTA/MPS LAND TITLE SURVEY
BUDGETEL INN & SUITES
5101 MESSER AIRPORT HIGHWAY
BIRMINGHAM, ALABAMA
JEFFERSON COUNTY

ASM AMERICAN SURVEYING & MAPPING, INC.
3718 MONTICELLO BLVD., SUITE 400
DUNWOODY, GEORGIA 30340
404.485.4400
WWW.ASM-CORPORATE.COM

PROFESSIONAL LAND SURVEYOR NO. 10 34433
STATE OF ALABAMA
PROJECT NO. 2019040 27699

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd 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 12th 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

Zoning District	Minimum Lot Area (in square feet per unit)	Minimum Lot Width (in feet)	Minimum Front Setback (in feet)	Minimum Rear Setback (in feet)	Minimum Side Setback (in feet one side/ total of both)	Maximum Building Height (in feet)
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.

Recommended Conditions:

If approved by the Board, below are the recommended 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.

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.**

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

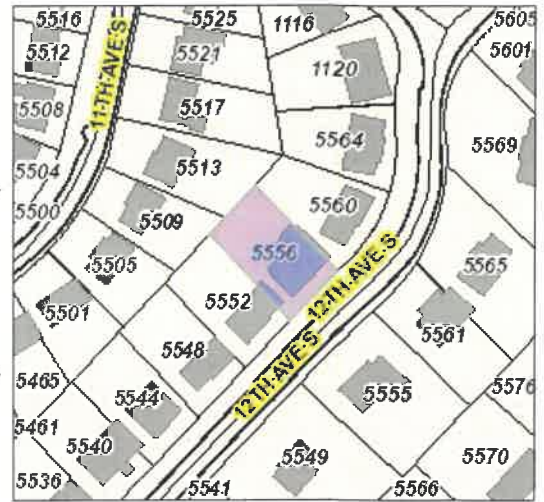
CITY/STATE: BIRMINGHAM AL

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

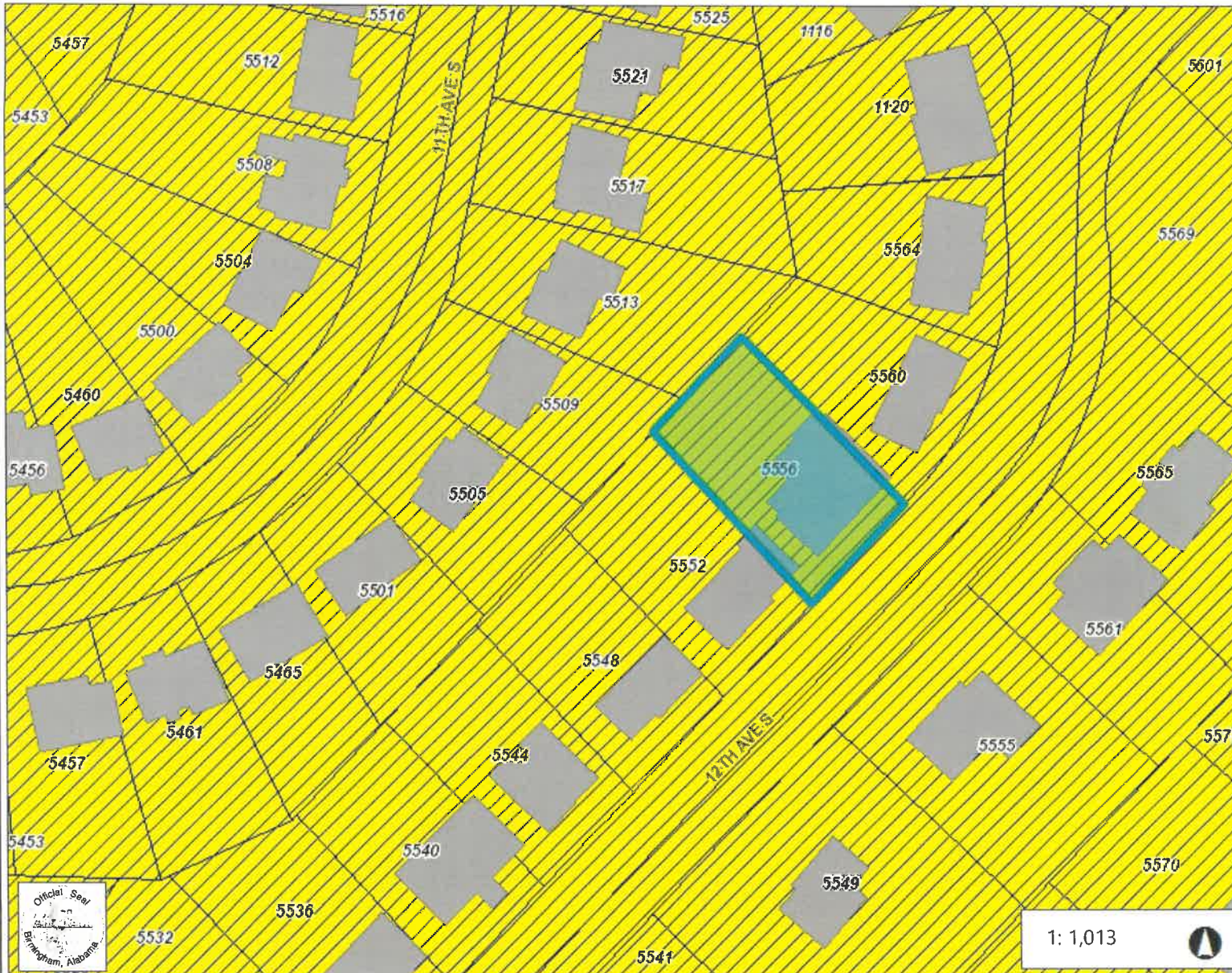
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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Legend

- Centerline Labels
- Railroad
- Alleys
- Local Roads
- Arterials
- County Highways
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- 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

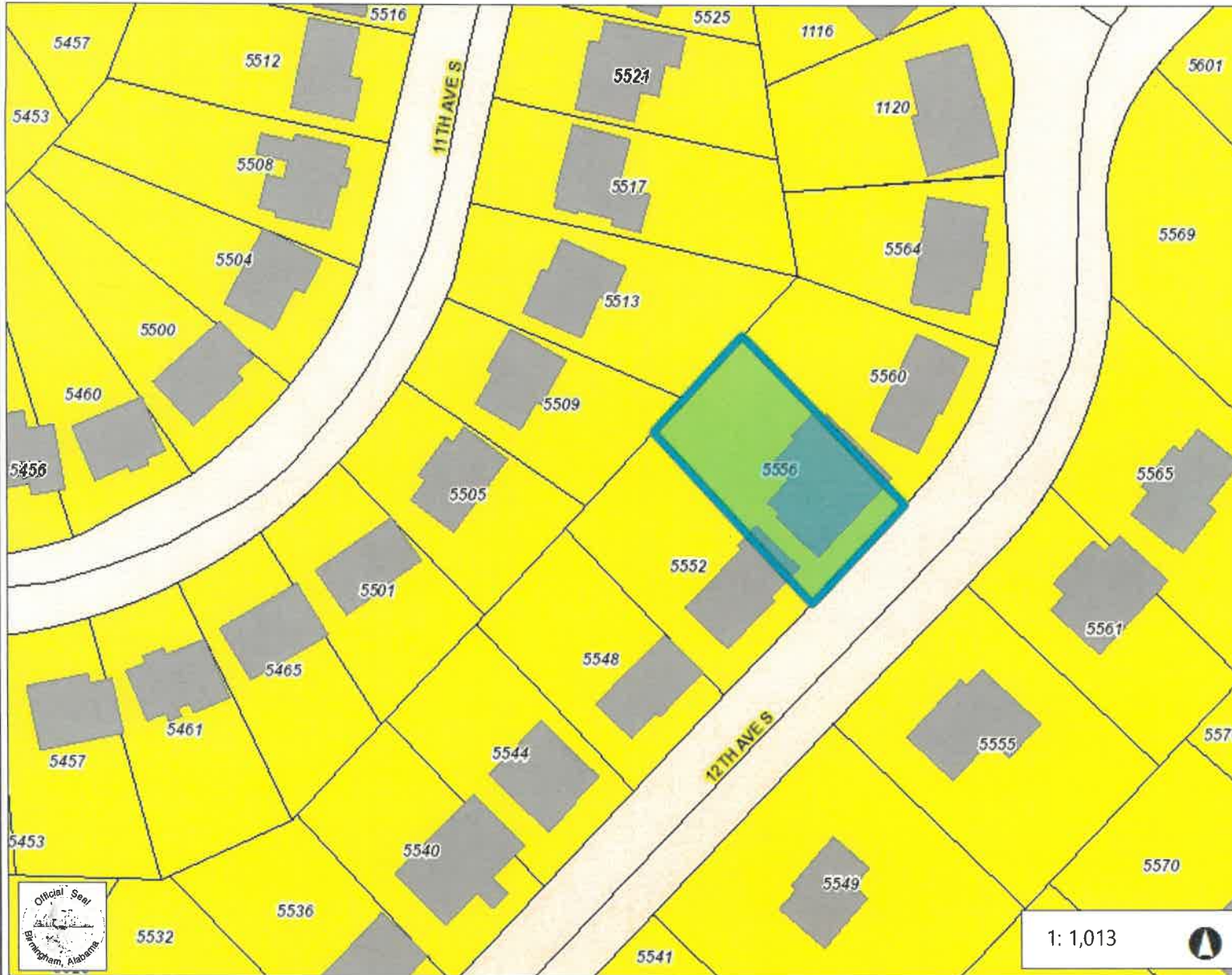
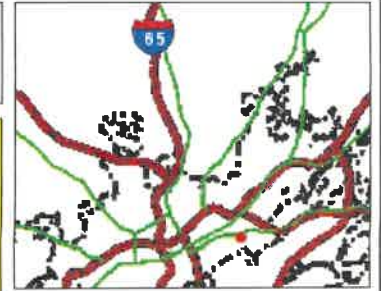


1: 1,013



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Notes



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- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High

1: 1,013



168.8 0 84.40 168.8 Feet

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Notes



Google Maps 5556 12th Ave S
78A92246011



Image capture: Jan 2022 © 2022 Google



5556 12th Ave S

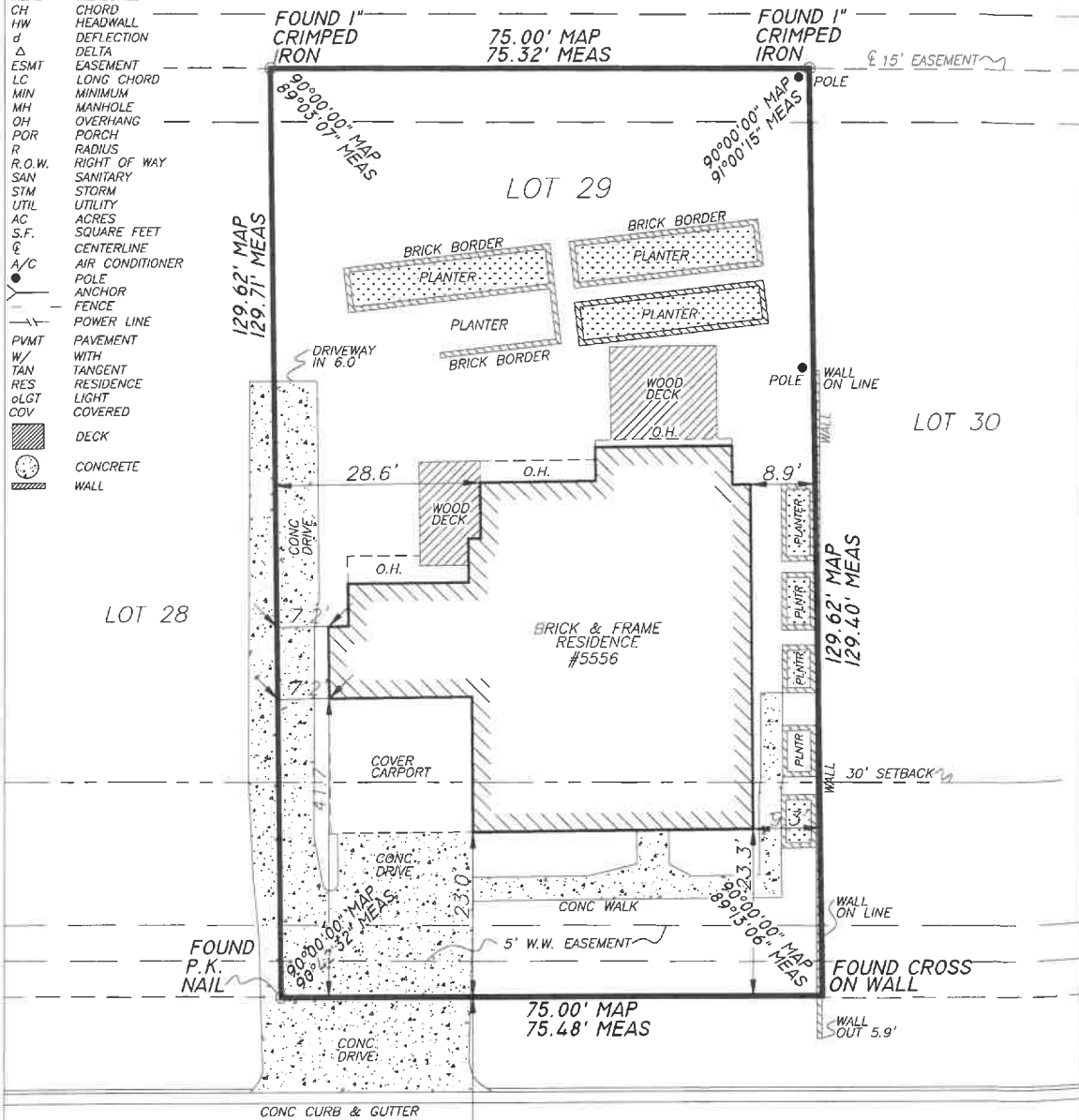
All

Street View & 360°

Birmingham, Alabama
Google
Street View - Jan 2022

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
oLOT	LIGHT COVERED
COV	COVERED
▨	DECK
⊙	CONCRETE
▩	WALL



12TH AVE. SOUTH
(ASPHALT PAVING)

54.0' R.O.W.

SCALE: 1"=20'

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 6, 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

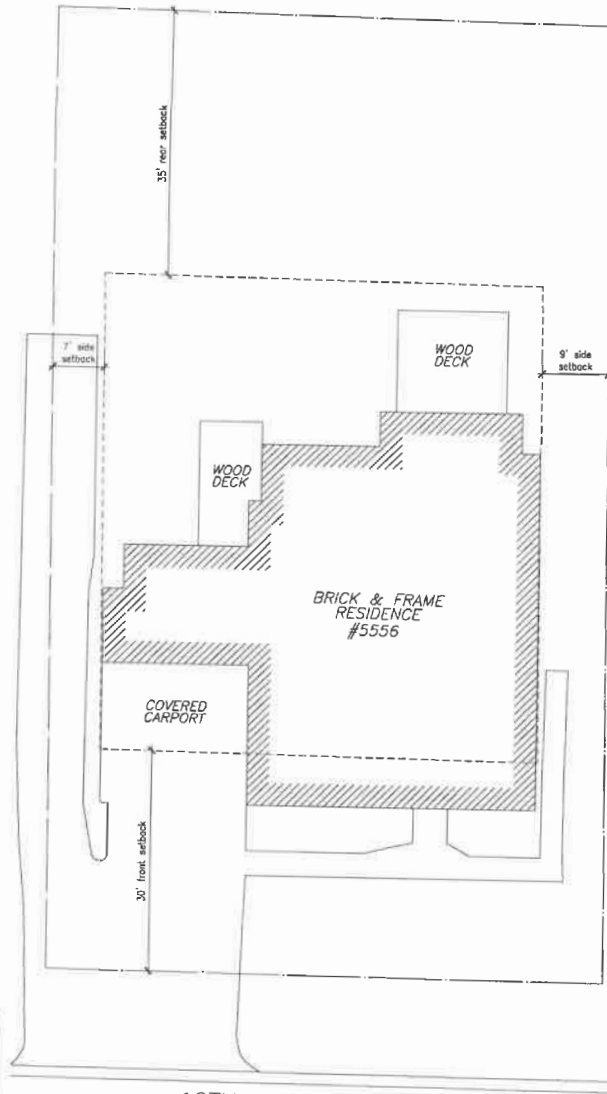
RAY WEYGAND, REG. L.S. #24973
169 OXMOOR ROAD, HOMEWOOD, AL 35209
PHONE: (205) 942-0086 FAX: (205) 942-0087
COPYRIGHT ©



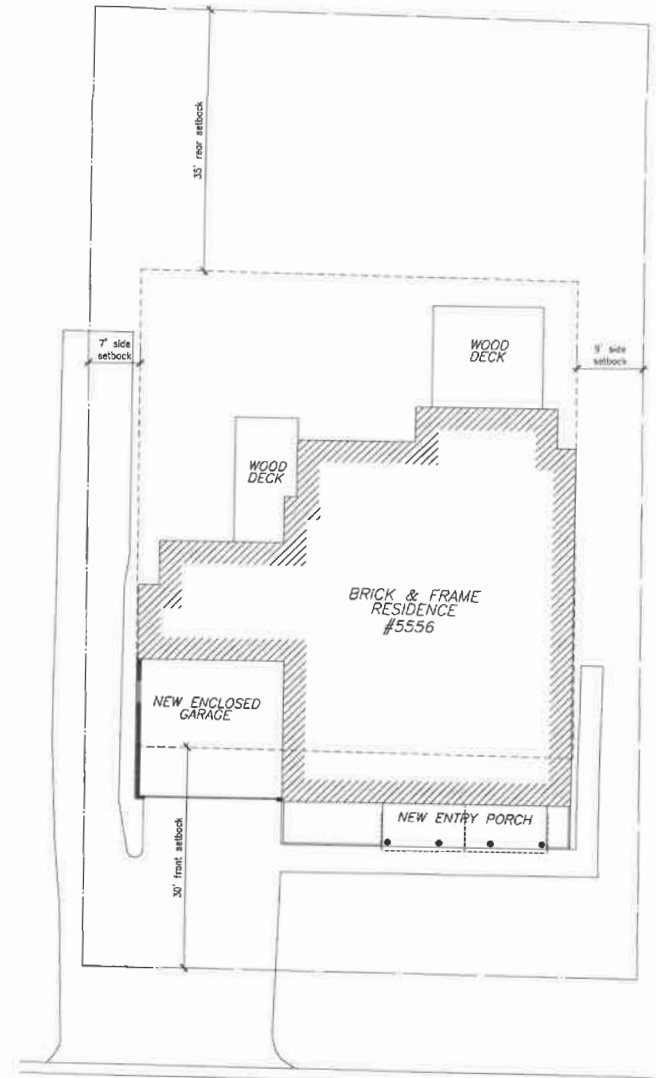
NOTE: (A) NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LAND SHOWN HEREON WAS NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS 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.



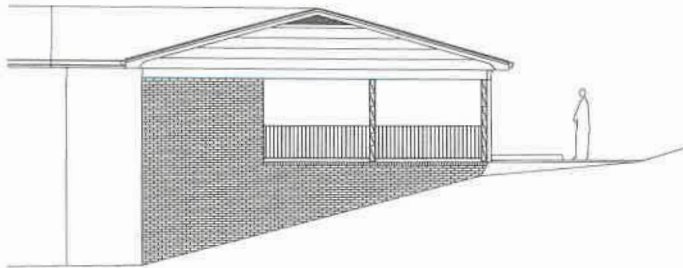
ISSUE DATE	PROJECT	ALTERNATE
2/2/22	MIDDLETON RESIDENCE 5556 12TH AVENUE SO. BIRMINGHAM, AL	S
REVISIONS PRELIMINARY	JOHN FORNEY ARCHITECT PO BOX 130082, BIRMINGHAM, AL 35213 205.345-7666	



12TH AVE. SOUTH
EXISTING SITE PLAN



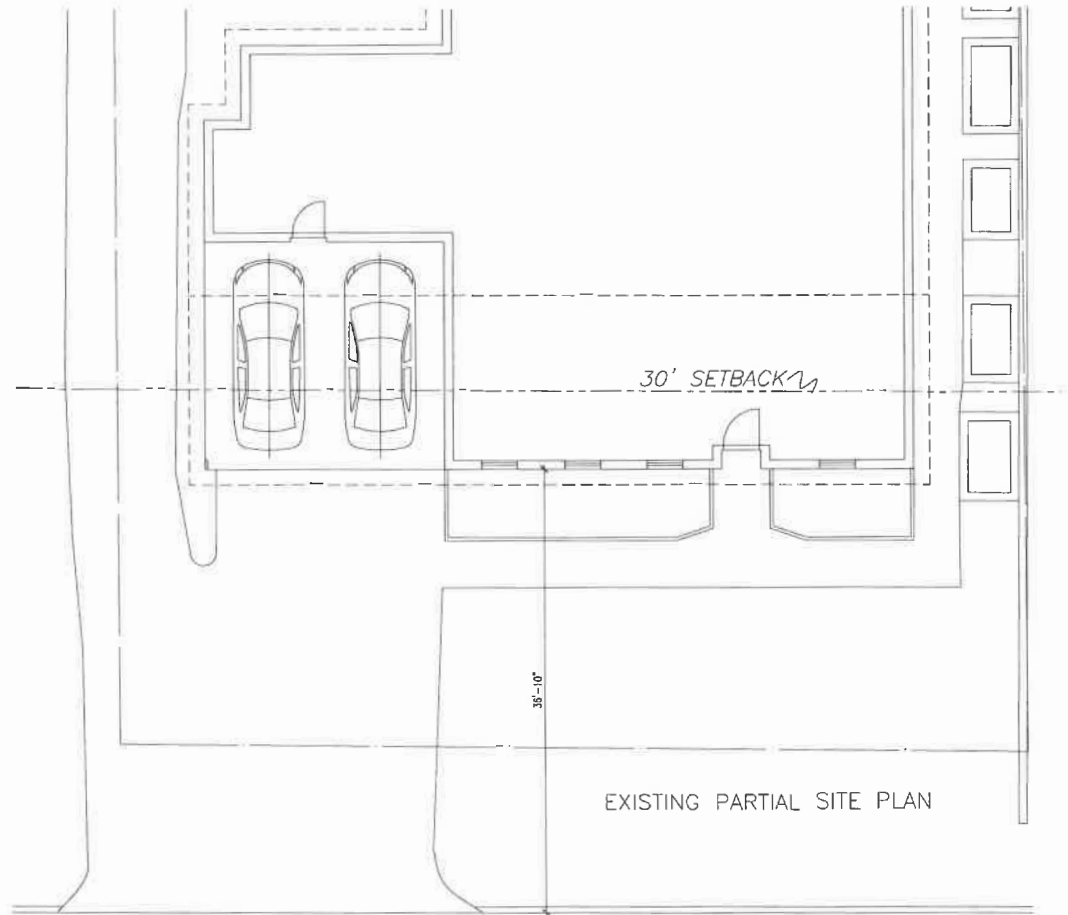
12TH AVE. SOUTH
PROPOSED SITE PLAN



EXISTING PARTIAL WEST ELEVATION



EXISTING SOUTH ELEVATION



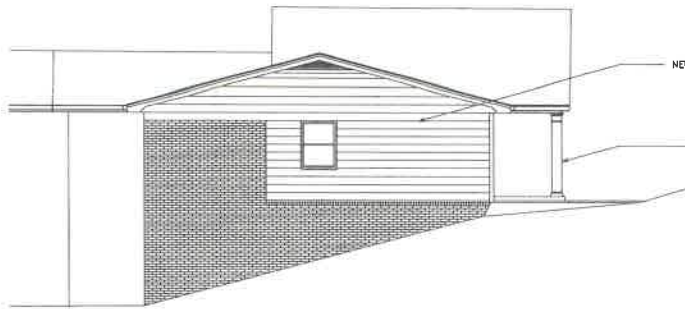
EXISTING PARTIAL SITE PLAN



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



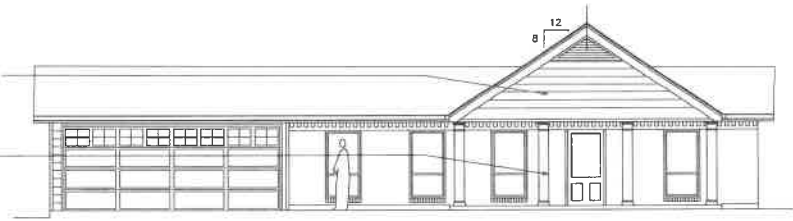
12TH AVE. SOUTH



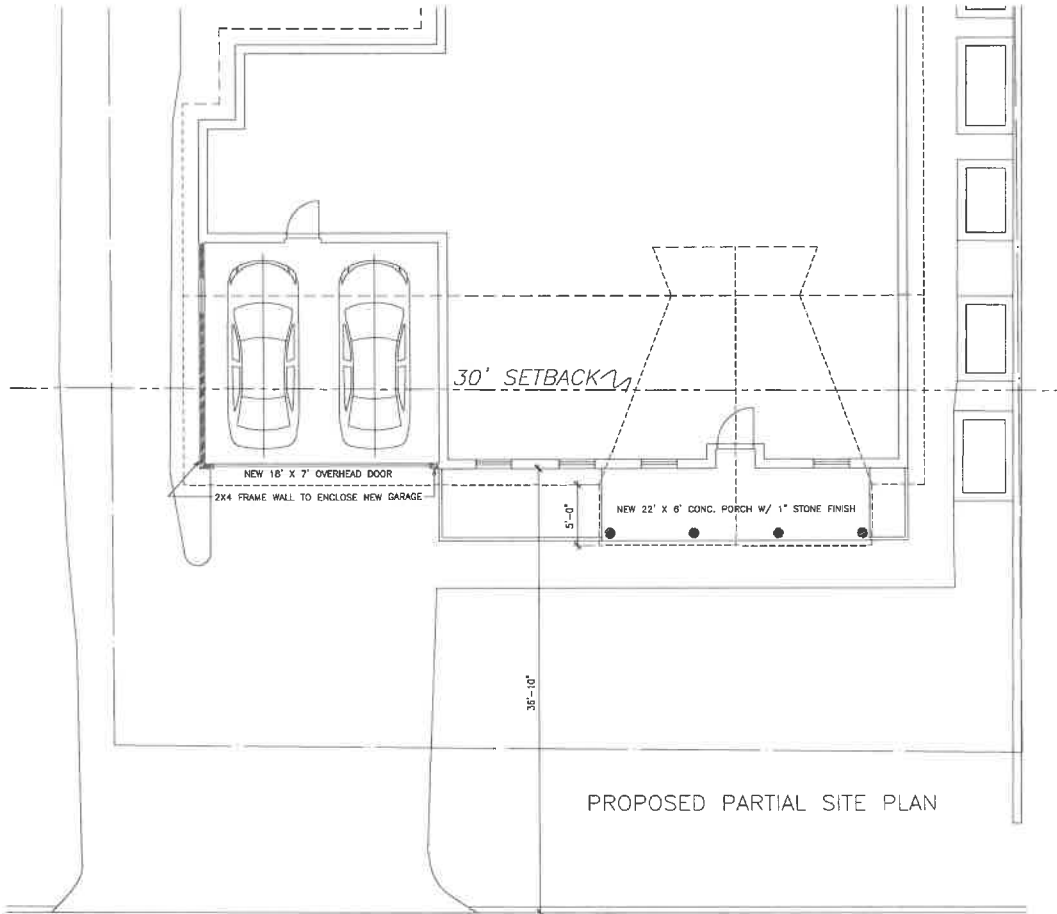
PROPOSED PARTIAL WEST ELEVATION

NEW PTD. HARDPLANK SIDING TO MATCH EXISTING EXPOSURE AND SPACING

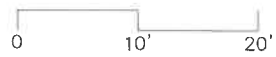
PTD. WOOD COLUMNS



PROPOSED SOUTH ELEVATION



PROPOSED PARTIAL SITE PLAN



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



12TH AVE. SOUTH

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00016

Central Park

Request:

Special exception to allow an event center. Special exception to allow remote commercial parking. A variance to allow the event center hours to extend beyond 12am.

Applicant:

Alfred Riggins

Location:

1575 Bessemer Rd EN, Birmingham AL 35208

Parcel # 012900071031002000

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

Applicant's Proposal:

The applicant is proposing an event center with the hours of 8am-2am as needed and remote parking.

Staff Analysis:

The subject property is currently zoned C-2 (Commercial Business District). The subject property is surrounded by parcels zoned C-2 (Commercial Business District) while parcels south 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 subject property was an event center prior to the change of ownership. The remote parking will be located at property 4425 Burgin Ave which is currently zoned D-3 (Single family District). The proposed event center is 3,721 sq. ft and therefore needs 37 parking spaces. There are 12 parking spaces on the property and 25 parking spaces remote.

Per Zoning Ordinance:

D. 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*

A. Automobile Parking. In the D-1, D-2, D-3, D-4, D-5 and D-6 a special exception may be granted by the Board provided that the following conditions are met:

- 1. Parking area shall adjoin a commercial, manufacturing or industrial district.*
- 2. All of the adjoining parking area is owned by and for the benefit of the adjoining commercial, manufacturing or industrial use only.*
- 3. When a parking area is located adjacent to a dwelling district, a landscape buffer shall be required per Chapter 6, Article III of this Ordinance.*

Neighborhood Recommendation:

The Central Park Neighborhood Association are not having meetings at this time.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.
3. The parking spaces must be striped as shown on the site plan.
4. Must meet the following landscape requirements:
 - The parking lot will need a 5' buffer on each side, and will need an evergreen shrub hedgerow along each of these buffers, and along Burgin Ave.
 - Add 1 tree per 40' of each buffer and Burgin Ave

Riggins Venue LLC.
1575 Bessemer Rd.
Birmingham, AL. 35208

Variance Standards request for Extended Hours

1.) Physical Characteristics of the Property:

This property was purchased AS-IS as a pre-existing, established event center that obtained multiple business licenses through the City of Birmingham for multiple years with the business hours of 8am-2am without incident. The rear parking area (LOTS 19 & 20) is adjacent to a vacant grassy area on the left side and an apartment building on the right side. I'd like to stress that this has been an event center / assembly hall for well over 10 years and the apartments, a motel and car repair service surround both Lot 4-A as well as Lots 19 & 20 with no known issues or disruption. In an effort to retain the safety and privacy of the surrounding areas we plan to install a privacy fence around the perimeter of the parking area, with entrances and exits clearly marked so no disturbances occur from flow of traffic. Safety is our top priority, we require security for ALL events taking place at Riggins Venue. Security will be on hand to reinforce no loitering, no littering of any kind from our guest, as well as keeping noise levels on the outside parameters of the building and parking area to a minimum during our hours of operation. We understand the safety concerns involved with staying open past 12am. This is also something we take very seriously and will take all necessary steps to ensure the safety for all. Riggins Venue is pleading with the ZBA to allow hours to maintain extended to 2am.

2.) Unique Characteristics

This property was purchased AS-IS as a pre-existing, established event center that operated during the hours of 8am-2am. We feel it necessary to grant the request for extended hours for the preservation of our business. In an effort to be competitive in this industry we must have flexible hours that accommodate all potential clients. Having hours that extend to 2am will allow us to operate to our full capability and accommodate events in the daytime hours as well as later hours. Most events are rented in 4hr increments with 10pm-2am being the latest times. It would cause tremendous unforeseen hardship if we lose our target clients due to hours of operation. This we feel

is a property right and not a mere convenience, especially due to the fact that this has been an event center / assembly hall for 10+ years and was purchased under the assumption that it would continue to operate during the hours.

3.) Hardship Not Self-Imposed

The unforeseen hardship of not having extended hours past 12am has been detrimental to our business. It limits the ability of our staff, vendors and potential clients prep time, set-up times and break down and cleaning times after each event. Not having competitive hours will hinder our potential to meet the needs of those seeking to rent our venue. The event center that we purchased had the operating hours of 8am-2am, it causes a disadvantage to our business not being able to offer these same hours and would eliminate us from being able to host many events. These extended hours are imperative to our business.

4.) Financial Gain Not Only Basis

As important as financial gain is to any business it is not be the sole basis for this variance request. These extended hours will ensure that we remain competitive and versatile for potential clients. Limiting the hours of operation, limits the amount of events we are able to accommodate thus hindering the growth of our clientele and business. Hours of operation are very important to any business, not being able to fully accommodate our target clients could be detrimental for our business. Hours matter when it comes to deciding where to hold your special occasion. The more accommodating we are with our hours of operation the better for the overall growth of our business. We are not looking to occupy a space for monetary gain only, we'd like to become a staple in the community, helping it thrive and grow in any way we can.

5.) No Injury to Neighboring Property

Granting the request of this variance will not be injurious to other properties in the area in any way. The steps we are taking in the renovation process we feel will help neighboring properties increase property values. Newly paved, very well lit front and back parking will add additional lighting to an otherwise dimly lit area. Extra security from 8am-2am will aid in the deterring of illegal trash dumping in the area.

6.) No Harm to Public Welfare

Granting this variance will in no way bring harm or detriment to the public welfare. We will have security during ALL hours of operation. We will take the time and care needed to keep the area around the event center clean and clear to the best of our capabilities of crime, illegal drug use or anything else that would impair the morals, health, safety,

comfort, or general welfare of the inhabitants of the City of Birmingham and will not substantially impair the intent and purpose of this ordinance.

To whom it may concern:

My hotel (Sun Inn) business is located next door to the event center that is requesting remote parking until after midnight. I would like to request to deny this request. We have seen some issues arise during these events and have taken action however, we are still seeing multiple issues. Please see the below list of issues that are still happening before, during and after the events.

- Our parking lot is being used during events and we see issues for our guests are not able to park.
- When they do park on in our parking lot, it is all over the area and not just in the parking spaces. They park on sidewalks, grass and over main water cutoffs.
- Due to parking issues, we have had to create a contract with a local wrecker company and they have put signs up for people not to park or they would be towed. However, the issue still continues as they move before the wrecker arrives.
- We have also called the police to assist us with getting our parking lot cleared.
- After the events are over, we see lots of trash left all over the ground that we have to pick up.
- The event hall uses our trash bins to throw their trash away without asking or offering to cover some of the cost.
- Our guests often complain about the loud noise that goes on after midnight and some last until after 2-3AM and our guests are not able to sleep due to the noise.

PARCEL ID: 012900071031002001

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

DATE: Tuesday, March 22, 2022 10:16:18 AM

OWNER: RIGGINS VENUE LLC

ADDRESS: 1548 DENNISON AVE SW

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35211

SITE ADDR: 1575 BESSEMER RD

CITY/STATE: , AL

ZIP: 35208



LAND: \$27,700.00

BLDG: \$25,500.00

OTHER: \$0.00

AREA: 11,152.90

ACRES: 0.26

SUBDIVISION INFORMATION:

NAME HULEN RESUR NO 1 29-7-1

BLOCK:

LOT:

4-A

:

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

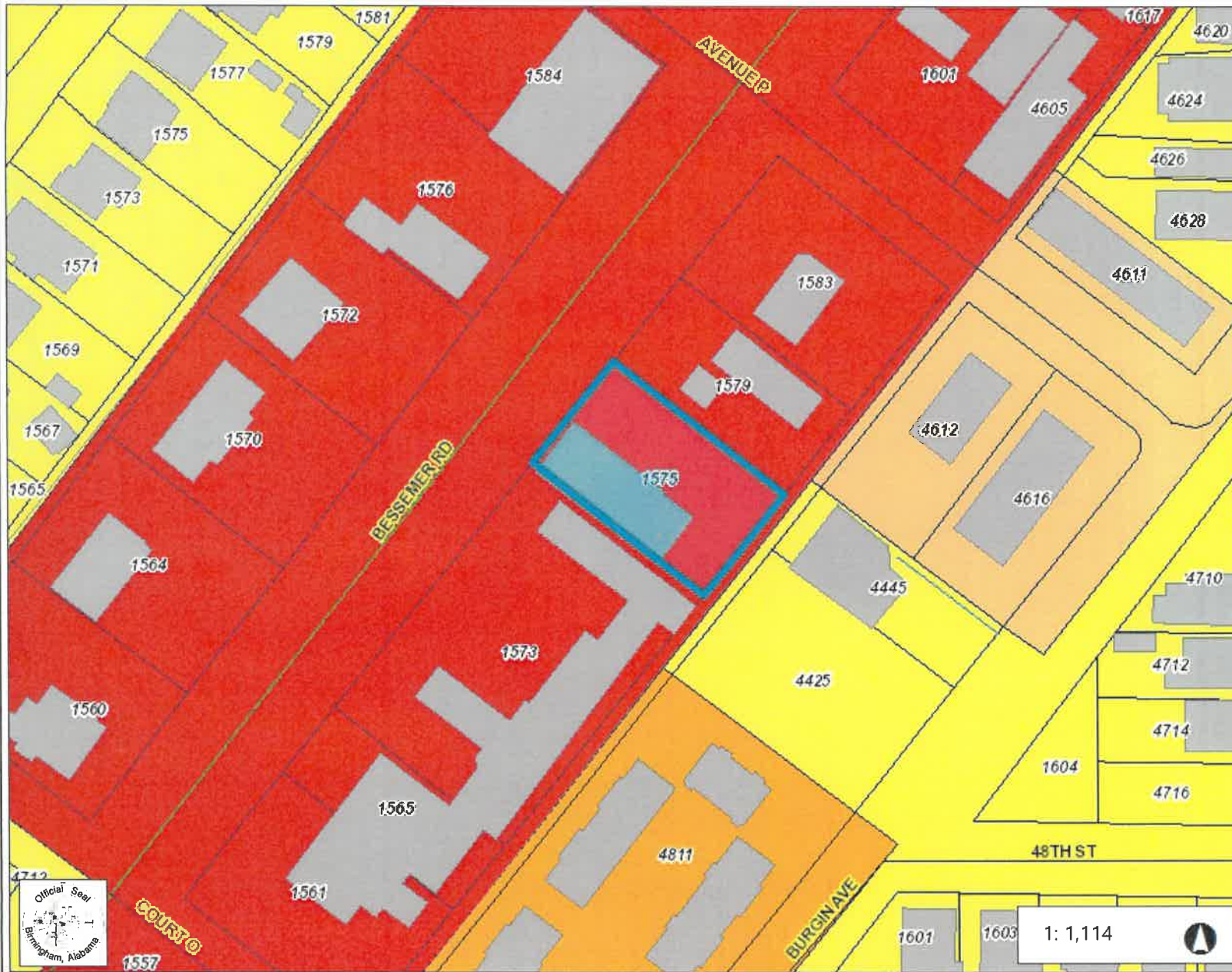
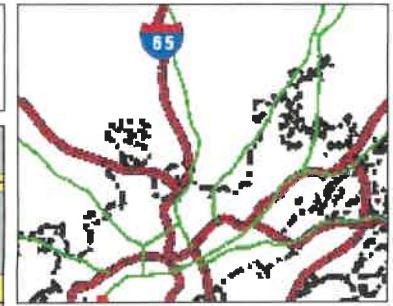
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: Not in Opportunity Zones

Judicial Boundaries: JEFFERSON

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 - R7 - Multiple Family District



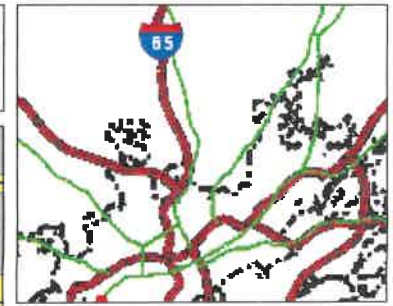
1: 1,114



185.7 0 92.83 185.7 Feet

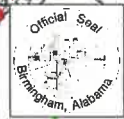
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1: 1,114



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Notes

Google Maps 1576 AL-7
ZBAV... (00...)



Image capture: Jan 2022 © 2022 Google

Birmingham, Alabama

Google

Street View - Jan 2022

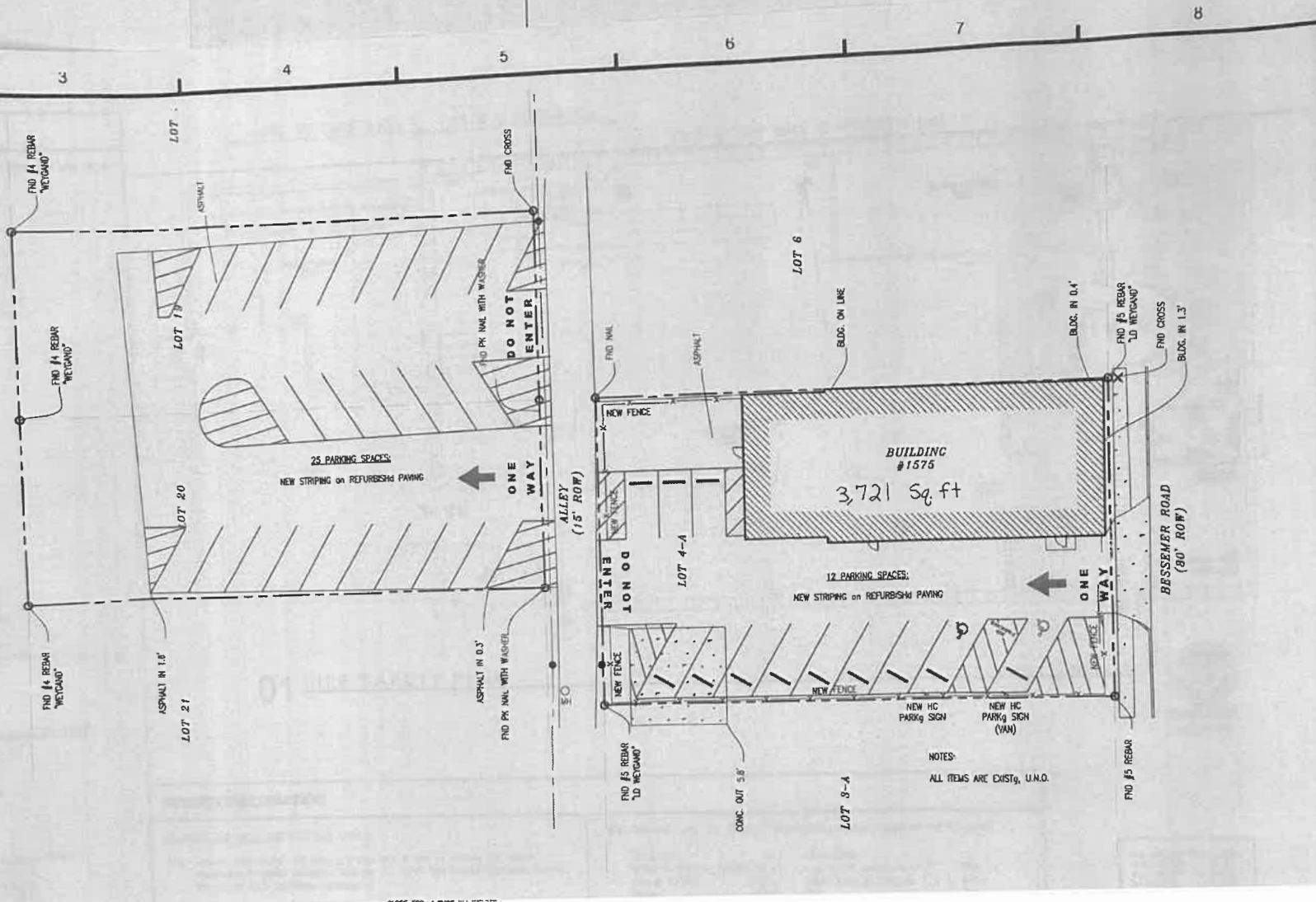


Google Maps 4425 Burgin Ave
Zip: 35208



Map data ©2022, Map data ©2022 20 ft

BURGIN AVENUE
(60' ROW)



PROJECT TITLE

RIGGINS EVENT CENTER

1575 Bessemer Road
Bessemer, AL 35203

SEAL



1721 4th AVENUE NORTH
SUITE 101
BIRMINGHAM, AL 35203
www.studio2hd.com

OFFICE: 205-254-9985
FAX: 205-254-9962

NOT FOR CONSTRUCTION
RELEASED FOR CONSTRUCTION

DATE: 30 AUG 2021

DRAWN BY: GAN

REVIEWED BY: GAN

REUSE OF DOCUMENTS

THIS DOCUMENT, THE IDEAS AND DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF STUDIO 2H DESIGN, LLC AND MUST NOT BE USED IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO 2H DESIGN, LLC.
NOLANDA HATCHER & CHRIS HOBBS

REVISIONS

NO	DATE	Description

STATE OF ALABAMA)

JEFFERSON COUNTY)

**RESTRICTIVE COVENANT
FOR OFF STREET PARKING**

This Restrictive Covenant is entered into on this the 7th day of March 2022 by Riggins Venue LLC, its successors and assigns, an Alabama corporation, as owner of the properties identified herein.

WITNESSETH

1. WHEREAS, Riggins Venue LLC is the owner of property located at 1575 Bessemer Rd. Birmingham, AL. 35208 (Lot 4-A), which contains only (12) paved and lined parking paces, and which is the office of Riggins Venue LLC, and is more particularly described as:

Lot 4-A, 1575 Bessemer Road, Birmingham, AL. 35208

2. WHEREAS, The City of Birmingham Zoning Ordinance requires a total of thirty seven (37) paved and lined parking spaces for Lot 4-A

3. WHEREAS, Riggins Venue LLC owns additional property, located at 4425 Burgin Ave Birmingham, AL. 35208 (LOT 19 & 20, BLOCK 28) which contains twenty five (25) paved and lined spaces which Riggins Venue LLC wishes to use and encumber for the benefit of its property located at 1575 Bessemer Rd. Birmingham, AL. 35208, and said LOT 19 & 20 is more particularly described as follows:

Lot 19 & 20, Block 28, 4425 Burgin Ave, Birmingham, AL. 35208

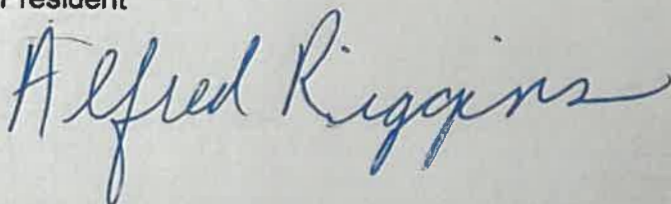
4. WHEREAS, Lot 4A is adjacent to and located within 1 foot of Lots 19 & 20

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

1. Riggins Venue LLC does hereby agree, covenant and restrict the use of the LOT 19 & 20 as parking property, irrevocably and permanently for the use and benefit of its property located at LOT 4A , unless released as provided herein. Riggins Venue LLC agrees that the 25 parking spaces located on the subject property shall not be used for other or different purposes. Riggins Venue LLC declares that the use of the 25 parking spaces located on LOT 19 & 20 shall be restricted to the parking of vehicles in connection with its business operated on Lot 4-A.
2. This Restrictive Covenant shall run with this property, and shall be binding on March 7, 2022, its successors and assigns, and may not be altered, amended or terminated unless authorized by Special Exception of the Zoning Board of Adjustment of the City of Birmingham.
3. That this agreement must be recorded in the Office of the Probate Judge of Jefferson County, for the locations listed in this agreement in order for it to be valid.
4. That a copy of the recorded agreement be given to ht planning staff of the Department of Planning, Engineering, and Permits.

IN WITNESS WHEREOF, the said Alfred Riggins / Riggins Venue LLC has executed the foregoing instrument on this 7th day of March, 2022.

BY: Alfred Riggins / Riggins Venue LLC
President

A handwritten signature in blue ink that reads "Alfred Riggins". The signature is written in a cursive style with a large initial "A".

STATE OF ALABAMA
JEFFERSON COUNTY

I, Kevin Hordley A Notary Public in and for said county and said state, hereby certify that Alfred Riggins, whose name as Sole Owner of Riggins Venue LLC, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and official seal this the 8th day of March, 2022.



Notary Public



ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00017

Southside

Request:

Variance to allow 600sqft of signage instead of the 250sqft allowed.

Applicant:

Clint Carmichael

Location:

2308 1st Ave S, Birmingham AL 35233

Parcel # 012200361018002000

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

Applicant's Proposal:

The applicant is proposing a sign at 600sqft.

Staff Analysis:

The subject property is currently zoned M-1 (Light Manufacturing District). The subject property is surrounded by parcels zoned M-1 (Light Manufacturing District). The property is not located in a special flood hazard area nor in any design review district. The subject property has existing murals on the structure. The current use of the property is a dog park/bar. The proposed sign is 20 feet wide and 30 feet tall and will take up 16.7 % of the building façade.

Per Zoning Ordinance:

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

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

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

The Southside Neighborhood Association does not have any officials.

Recommended Conditions:

If approved by the Board, below are the recommended 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.

Description of Request:

We have enclosed a few pics of the Good Dog Mural. The dimensions of our mural/sign are 20 feet wide and 30 feet tall, or 600 sq. feet. The city of Birmingham prohibits signs over 250 sq. feet, but based on the hardship and unique situation discussed below, we are requesting to allow our mural/sign to be 600 sq. feet.

Hardship and Unique Situation:

Below is the beautiful mural-covered building that Good Dog now occupies, THIS IS BEFORE GOOD DOG BECAME A TENANT. As you can see, the building is covered in large murals.



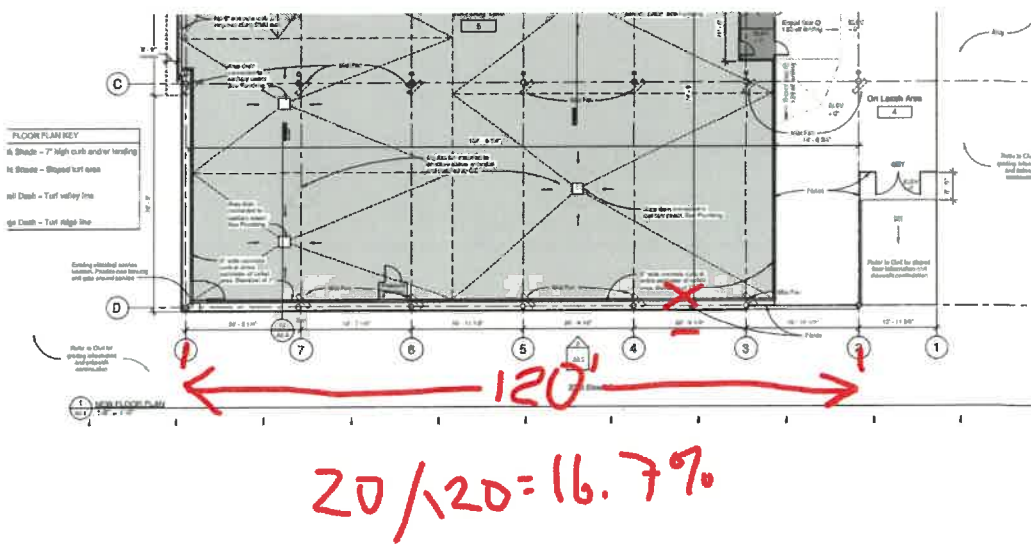
Good Dog Mural below.



- As the reader can see above, we wanted to preserve the murals as best we could so we simply painted over one abstract area of the mural, and left as much as we could.
- Our unique situation and hardship is that this building was wrapped in beautiful murals before we became a tenant of the property, and to add a traditional sign would detract from the artwork that so many Birmingham residents love to take pictures of. We wanted to preserve the look of the murals, and to add a traditional sign would not, so we wanted to do a mural.
 - Additionally, because the existing murals are so large, to have added a sign that is within the 250 sq. feet requirement, would look odd and detract from this local art piece. Please below for how a 250 sq. feet sign would look. Note that the “BHAM” mural alone is 1,000 Sq. Ft.



- The façade on which murals are located is 120' wide, and 30' tall. Our mural is 600 SF (20x30), and covers 16.7% of the building façade, which is 3,600 SF.
- Our mural location is marked with an “X” tomorrow for reference.



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.

Affirmed. We have enclosed a few pics of the Good Dog Mural below. The dimensions of our mural/sign are 20 feet wide and 30 feet tall, or 600 sq. feet. The city of Birmingham prohibits signs over 250 sq. feet, but based on the hardship and unique situation discussed below, we are requesting to allow our mural/sign to be 600 sq. feet.

This building was wrapped in beautiful murals before we became a tenant of the property, and to add a traditional sign would detract from the artwork that so many Birmingham residents love to take pictures of. We wanted to preserve the look of the murals, and to add a traditional sign would not, so we wanted to do a mural. Additionally, because the existing murals are so large, to have added a sign that is within the 250 sq. feet requirement, would look odd because the other murals are much bigger, and detract from this local art piece.

Below is the beautiful mural-covered building that Good Dog now occupies, THIS IS BEFORE GOOD DOG BECAME A TENANT. As you can see, the building is covered in large murals.



Good Dog Mural below.



Please see below for how a 250 sq. feet sign would look. It would be much smaller than the other murals and would look odd . Note that the “BHAM” mural alone is 1,000 Sq. Ft.



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.

Affirmed. See Above.

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.

Affirmed. The building was covered in murals before we got there.

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

Affirmed. Our only motivation is to add rather than takeaway from the artwork in the Birmingham community.

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.

Affirmed, our sign is a subtle mural and should not bother neighbors.

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.

Affirmed. Our mural/sign should only add to the beauty of the city and should not harm the public welfare.

April 1, 2022

Zoning Board of Adjustment
c/o Angelica Morton
710 20th Street North, Room 210
Birmingham, Alabama 35203

Re: ZBA Case No. 2022-00017 Variance to allow 600 square feet of signage

Dear ZBA Board Members,

The “hardship and unique situation” of complying with the City of Birmingham’s signage requirements, as described within Mr. Carmichael’s application, is based on two elements:

- (1) Mr. Carmichael’s desire to “preserve the murals” including “add[ing] rather than tak[ing] away from the artwork in the Birmingham community”; and
- (2) Mr. Carmichael’s suggestion that signage within the City’s size limitations “would detract from the artwork that so many Birmingham residents love to take pictures of” and “would look odd.”

We are respectfully opposed to this variance request and offer the following comments for your consideration.

With minimal effort, we identified three examples of large mural artwork with business signage -- all of which are in close proximity to the address of the variance being requested. There are likely many more examples throughout the City. All three of these businesses added signage in compliance with the City’s size requirements without detracting from the mural artwork. These include the Alabama Ballet, Hop City and Girls Inc. Attachment A provides pictures of these three murals, which rather than looking “odd” are ideal examples of mural art existing in concert with appropriately-sized signage.

Mr. Carmichael has added a mural with signage to the interior wall of this business location that has been featured on social media. A picture of this mural is included in Attachment B and would appear to be in closer proximity to the City’s size limitations – serving as another example that signage within the size limitations can be accomplished at this location.

Mr. Carmichael states in response to Question #3 of his application that the alleged hardship was not self-imposed. This is factually incorrect given that he/his contractor painted the Good Dog business logo onto 600 square feet of an existing and highly photographed mural along the Rotary Trail prior to receiving a variance. Signage of this size would appear to be solely motivated by financial interest of the business owner, contrary to Mr. Carmichael’s response to Question #4 of his application.

Finally, it is important to note that in Mr. Carmichael's previous ZBA application for two other variances at this location (Attachment C), he stated that the mural art on the building facing 1st Avenue South "would not be touched." To date, he has removed an estimated 40% of the art on this side of the building and replaced it with a clear panel and cinder block.

If signage variance is allowed on this property, we are concerned that it will be repeated throughout the City with detrimental impact to our ever-growing collection of street murals that are frequently being showcased as another bright spot to the improving image of the Magic City.

Respectfully,

A handwritten signature in blue ink that reads "Joe Bulgarella". The signature is stylized with a large, looped "J" and "B".

Joe Bulgarella

A handwritten signature in black ink that reads "Dawn Bulgarella". The signature is stylized with a large, looped "D" and "B".

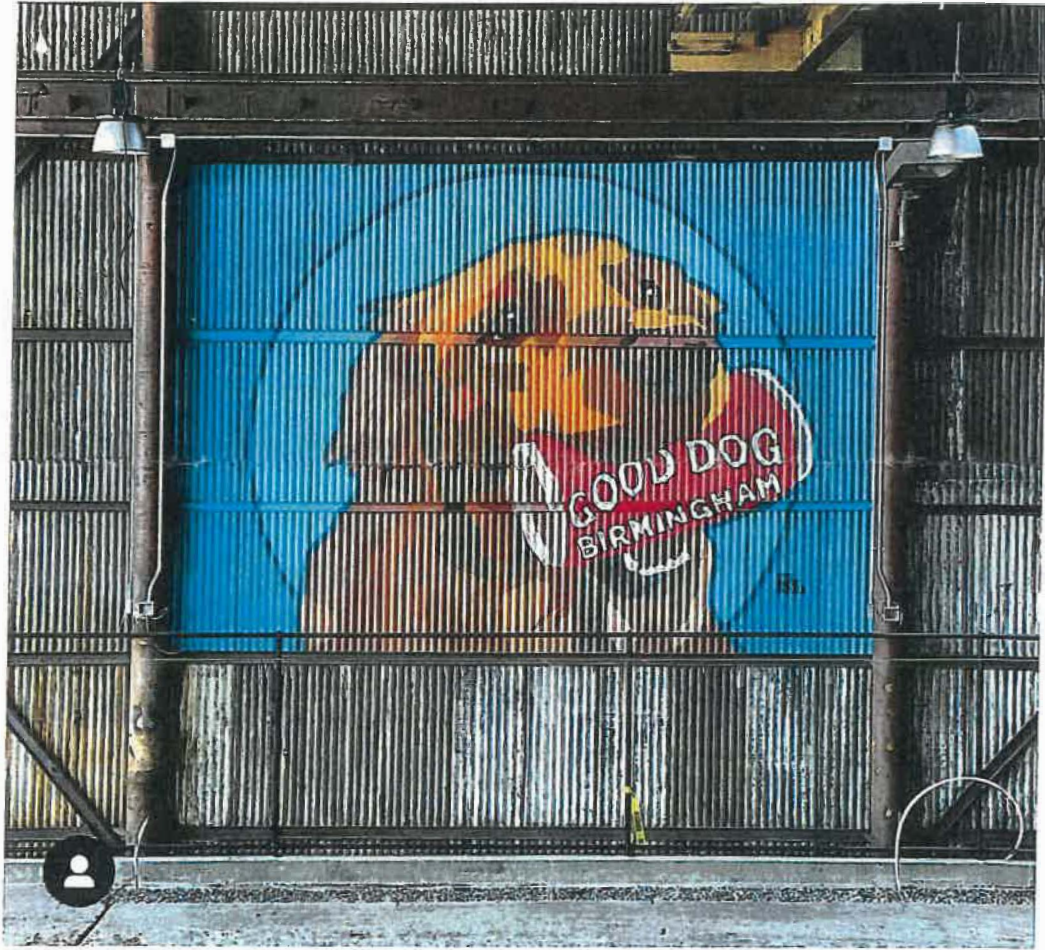
Dawn Bulgarella

2333 1st Avenue South
Birmingham, Alabama 35233

ATTACHMENT A



ATTACHMENT B



ATTACHMENT C

- We are preserving 80% of the mural. The only changes we're making to the exterior are below.



We're not touching this side, we love the mural look!



To bring in the sunlight and create a park experience, we're going to remove 1/3rd of the side of the building marked with an x, and the roof of that same section.

PARCEL ID: 012200361017002000

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

DATE: Tuesday, March 22, 2022 1:01:46 PM

OWNER: HCP TDG AVENUE A LLC

ADDRESS: 2012 1ST AVE N

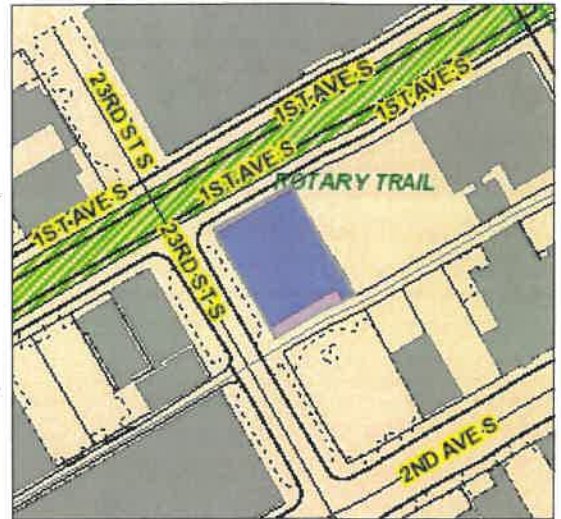
CITY/STATE: BIRMINGHAM AL

ZIP+4: 35203

SITE ADDR: 2308 1ST AVE S

CITY/STATE: BHAM, AL

ZIP: 35233



LAND: \$448,000.00

BLDG: \$26,600.00

OTHER: \$0.00

AREA: 13,948.98

ACRES: 0.32

SUBDIVISION INFORMATION:

NAME BIRMINGHAM BLOCKS

BLOCK: 118

LOT: 8-10

Section: 36-17-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Automotive

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: In Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: In Tax Increment Financing District

Neighborhoods: Southside (1703)

Communities: Southside (17)

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

Zoning Outline: M1

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

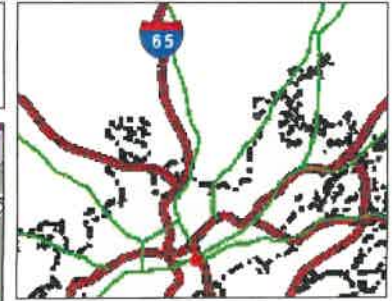
Tax Delinquent Property: Not in Tax Delinquent Property

EPA Superfund: Not in EPA Superfund

Opportunity Zones: In Opportunity Zones

Judicial Boundaries: JEFFERSON

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Legend

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



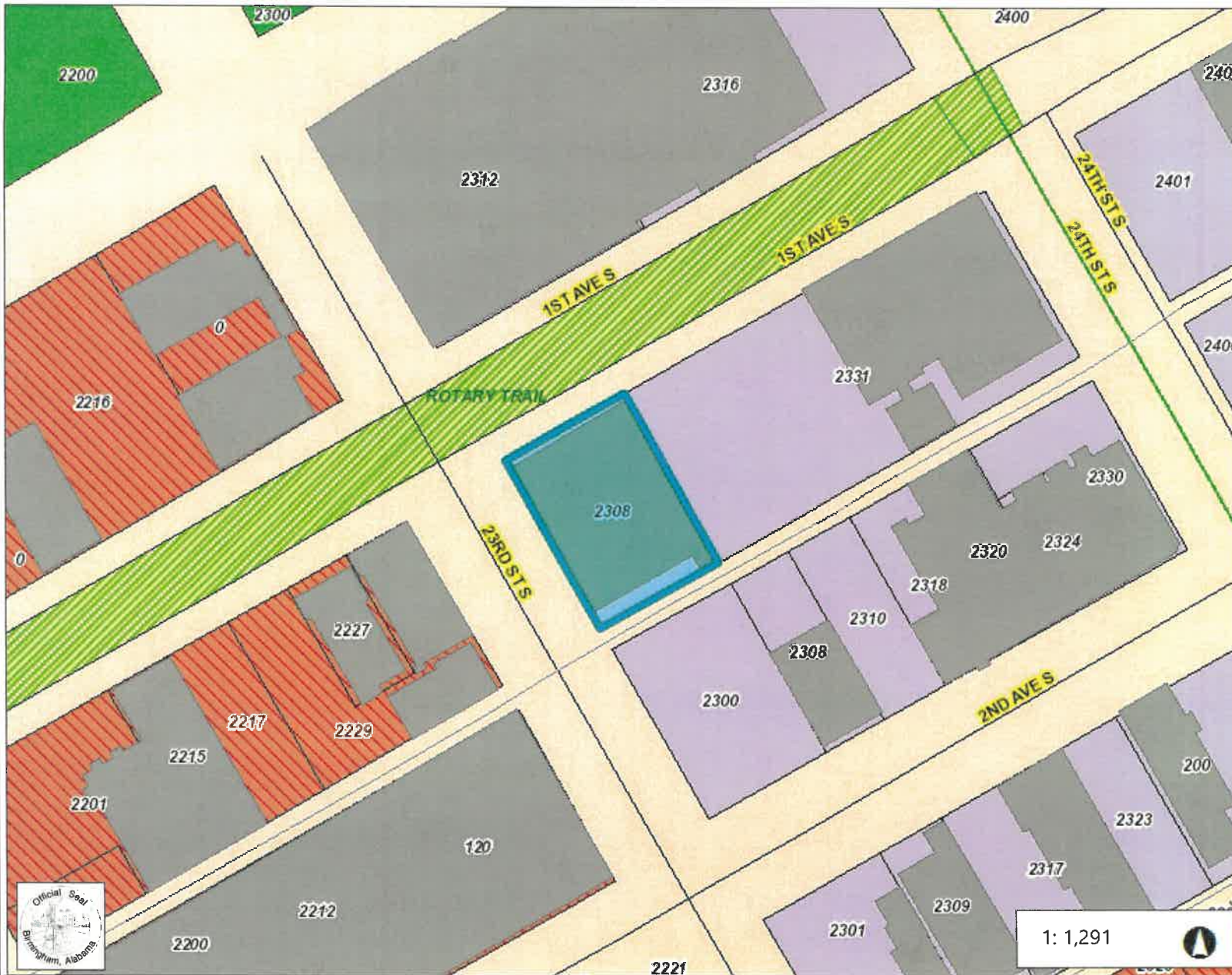
1: 1,291



215.2 0 107.62 215.2 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

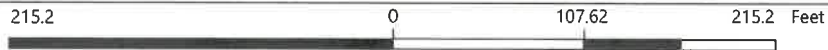


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- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- Adopted LandUse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MXU-Low
 - MXU-Medium
 - MXU-High



1: 1,291



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Notes

Boundary Survey
Lots 10-16 in Block 114H,
Lots 8-10 and 15 in Block 118
according to the Survey of Birmingham by
the Elyton Land Company

SCALE: 1"=30' OCTOBER 10, 2017



ALABAMA ENGINEERING COMPANY, INC.
 1214 ALFORD AVENUE, SUITE 200
 HOOVER, ALABAMA 35226
 (205) 963-2151

State of Alabama,
 Jefferson County,
 I, **Darryl Bannister**, a Registered Land Surveyor in the State of Alabama hereby certify to HCP 1st Ave S, LLC and Oakworth Capital Bank and its successors and/or assigns, as their interest may appear, 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 for the following described property:

- Parcel 1 - Lots 10-16 in Block 114H
- Parcel 2 - Lots 8-10 in Block 118
- Parcel 3 - Lot 15 in Block 118
- Parcel 4 - Lots 1-7 in Block 118

All according to the Present Plan and Survey of the City of Birmingham, as made by the Elyton Land Company. This survey has never been recorded and is not available for recordation.

According to my field survey this the 10th day of October, 2017.



Darryl Bannister
 Darryl Bannister, P.L.S.
 Alabama Reg. No. 24325

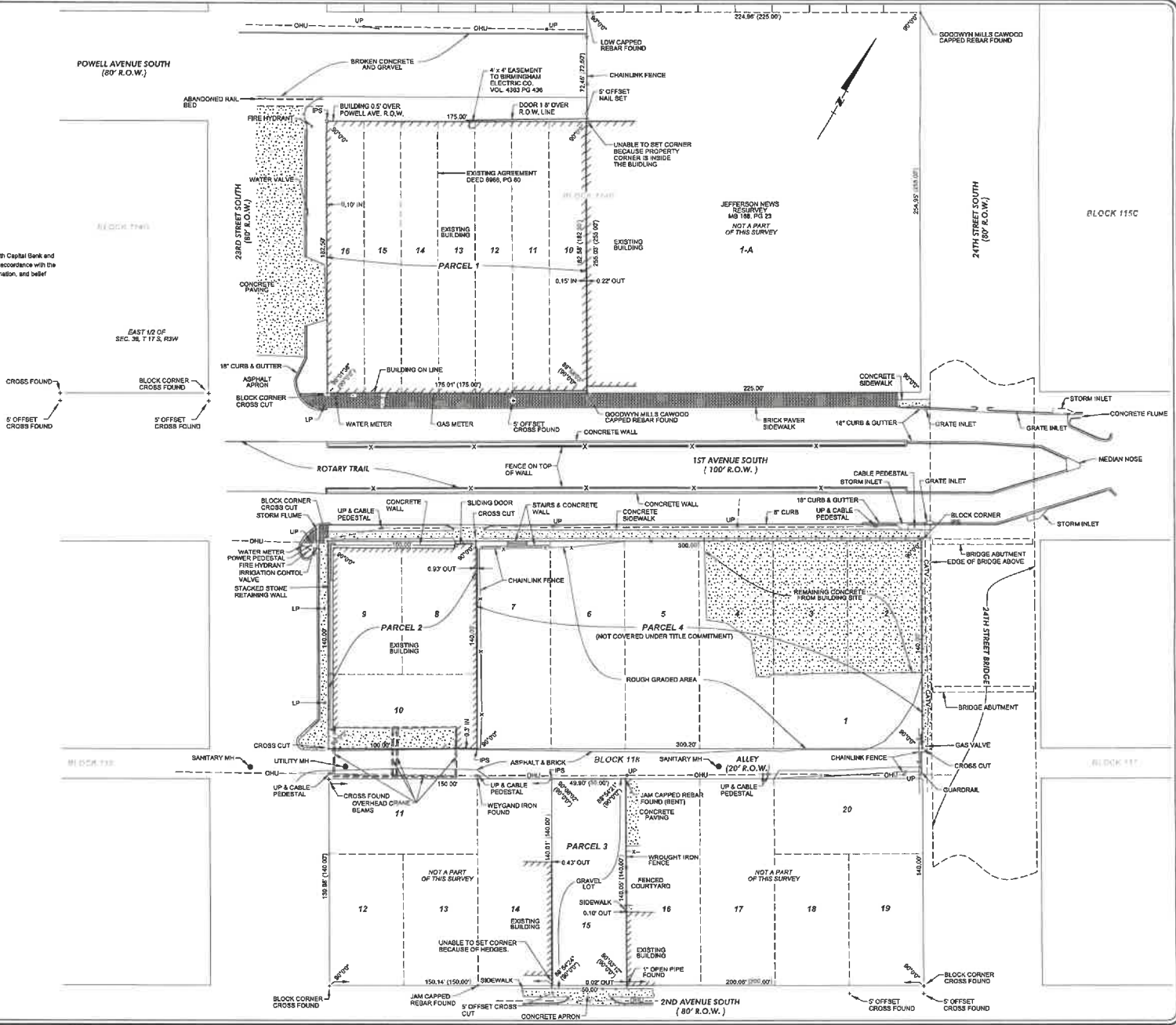
Surveyor's Comments or Exceptions to Title as Listed in Schedule B(1) of an ALTA Commitment for Title Insurance provided by First American Title Insurance Company (File No. T-38914) with an effective date of February 7, 2017 at 6:00 A.M.:

1. Items 1, 2 & 3 cannot be addressed by a surveyor.
2. Item 4 refers to this survey.
3. Items 8 & 9 are shown on this survey.

Notes:

1. Date of Fieldwork: 9/25/2017 - 10/10/2017
2. Evidence of easements and/or rights of way visible on the surface have been shown hereon. A title commitment has been provided to the surveyor and the applicable title exceptions have been shown on this survey. Other easements, rights of way, encroachments or matters affecting title may exist. This is not an ALTA/NSPS Land Title Survey.
3. Underground utilities and storm-water structures not addressed by this survey or visible on the surface may exist.
4. According to the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency, map numbers 01072C0393G no part of this site lies in a special flood hazard area.
5. All map and measured dimensions are the same unless noted otherwise.
6. IPS - Iron pin set with an "ALU END CONTROL" plastic cap.

LEGEND	
R	- RADIUS
L	- LENGTH
Δ	- CENTRAL ANGLE
CH	- CHORD
CB	- CHORD BEARING
CL	- CENTERLINE
D	- DEED DIMENSION
R.O.W.	- RIGHT OF WAY
MB	- MAP BOOK
MH	- MANHOLE
PG	- PAGE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
+	- MONUMENT FOUND
o	- CAPPED IRON SET
+	- CROSS CUT
IPS	- IRON PIN SET
VOL	- VOLUME
(123.45)	- DIMENSION FROM RECORD MAP
OHU	- OVERHEAD UTILITY
U/C	- UNDERGROUND CABLE
UP	- UTILITY POLE
LP	- LAMP POST



ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00018

Southside

Request:

Modification to allow 0 off-street parking instead of the required 55 off-street parking.

Applicant:

Tom Walker

Location:

200 28th St S, Birmingham AL 35233

Parcel # 012300312028001000

NW of Section 31, Township 17 S, Range 2 W

Applicant's Proposal:

The applicant is proposing a community gathering spot with multiple quick-service dining options, an expansive bar and an exterior patio area. The hours of operations will be:

Monday- Closed

Tuesday-Thursday 11am- 9pm

Friday 11am-10pm

Saturday 10am-10pm

Sunday 10am- 8pm

Staff Analysis:

The subject property is currently zoned M-1 (Light Manufacturing District). The subject property is surrounded by parcels zoned M-1 (Light Manufacturing District). The property is not located in a special flood hazard; however, it located in the Lakeview Commercial Revitalization District. The applicant will not have a dumpster place on the property. They will be utilizing valet trash pick-up.

The proposed restaurant/bar is 6,000sf requiring 60 parking spaces. The patio area is 3,000sf with 40 seats requiring 8 parking spaces. The 10% reduction from a nearby transit stop and 10 % reduction from bicycle racks reduce the amount to 55 parking spaces.

The applicant is purposing restaurant/bar with an exterior patio area. According to Title 1 Chapter 5 Section 4.O, it requires 1 parking space per 100sf of GFA for a restaurant/bar (6,000 sf) requiring 60 spaces and 1 parking space per 5 fixed seats; having 40 seats 8 parking spaces are required. However, with the 10% deduction for a nearby transit and 10% deductions for bike racks leaves them with 55 required parking spaces. The applicant has provided staff with

a parking study that shows surplus parking. There are other parking modification within the 1,320ft radius such as:

1. ZBA2019-00056, 2901 2nd Ave S, Modification to allow 98 off-street parking spaces instead of the required 137 off-street parking spaces. **39 spaces lacking**
2. ZBA2019-00022, 2900 4th Ave S, Modification to allow 5 off-street parking spaces instead of the required 17 off-street parking spaces. **12 spaces lacking**
3. ZBA2017-00095, 2820 5TH Ave S, Modification to allow 16 off-street parking spaces instead of the required 98 off-street parking spaces. **82 spaces lacking**
4. ZBA2017-00090, 2901 4th Ave S, Modification to allow 112 off-street parking spaces instead of the required 233 parking spaces. **121 spaces lacking**
5. ZBA2014-00054, 2817 5th Ave S, Modification to allow 28 of the required 30 parking spaces. **2 spaces lacking**
6. ZBA2013-00020, 2725 4th Ave S, Modification to allow 12 off-street parking spaces instead of the required 50 spaces. **38 spaces lacking**
7. ZBA2013-00063, 2809 3rd Ave S, Modification to allow 22 parking spaces instead of the 34 required spaces. **12 spaces lacking**

The Southside Neighborhood Association does not have any officials.

Recommended Conditions:

If approved by the Board, below are the recommended 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: 012300312028001000

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

DATE: Tuesday, March 29, 2022 12:42:02 PM

OWNER: OZ RBM SQUARED II LLC

ADDRESS: 402 OFFICE PARK DRIVE STE 150

CITY/STATE: BIRMINGHAM AL

ZIP+4: 35223

SITE ADDR: 200 28TH ST S

CITY/STATE: BHAM, AL

ZIP: 35233



LAND: \$419,600.00

BLDG: \$341,100.00

OTHER: \$0.00

AREA: 10,198.50

ACRES: 0.23

SUBDIVISION INFORMATION:

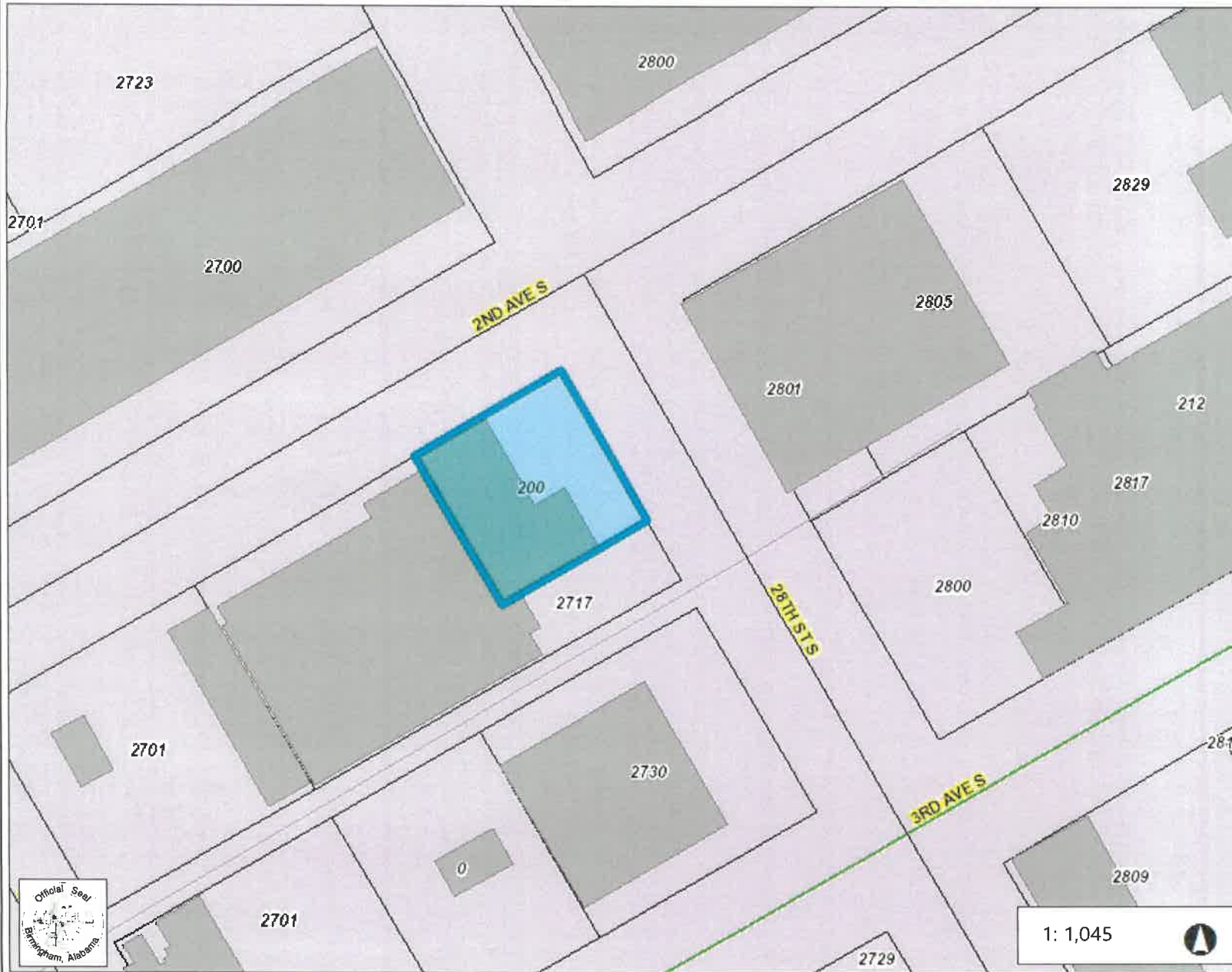
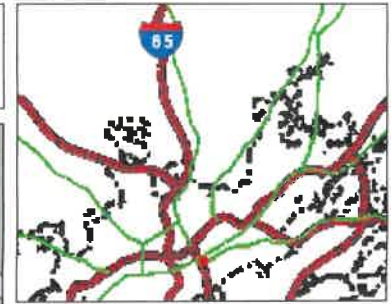
NAME BHAM RE BLK 221 23-31-2

BLOCK: 221

LOT: 2-A

Section: 31-17-2W
Land Slide Zones: Not in Land Slide Zones
Historic Districts: Not in Historic Districts
Commercial Revitalization District: Lakeview
Fire District: Not in Fire District
Flood Zones: Not in Flood Zones
Tax Increment Financing District: Not in Tax Increment Financing District
Neighborhoods: Southside (1703)
Communities: Southside (17)
Council Districts: District - 5 (Councilor: Darrell O`Quinn)
Zoning Outline: M1
Demolition Quadrants: DEM Quadrant - 3
Impaired Watersheds: Not in Impaired Watersheds
Strategic Opportunity Area: Not in Strategic Opportunity Area
RISE Focus Area: In RISE Focus Area
Tax Delinquent Property: Not in Tax Delinquent Property
EPA Superfund: Not in EPA Superfund
Opportunity Zones: In Opportunity Zones
Judicial Boundaries: JEFFERSON

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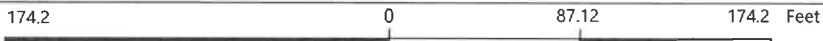


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 - R2; D2 - Single Family District - Cla
 - R3; D3 - Single Family District; R3
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 - R4A - Multiple Dwelling District
 - R5; D5 - Multiple Family District; D5
 - R6; D6 - Multiple Family District
 - R7 - Multiple Family District

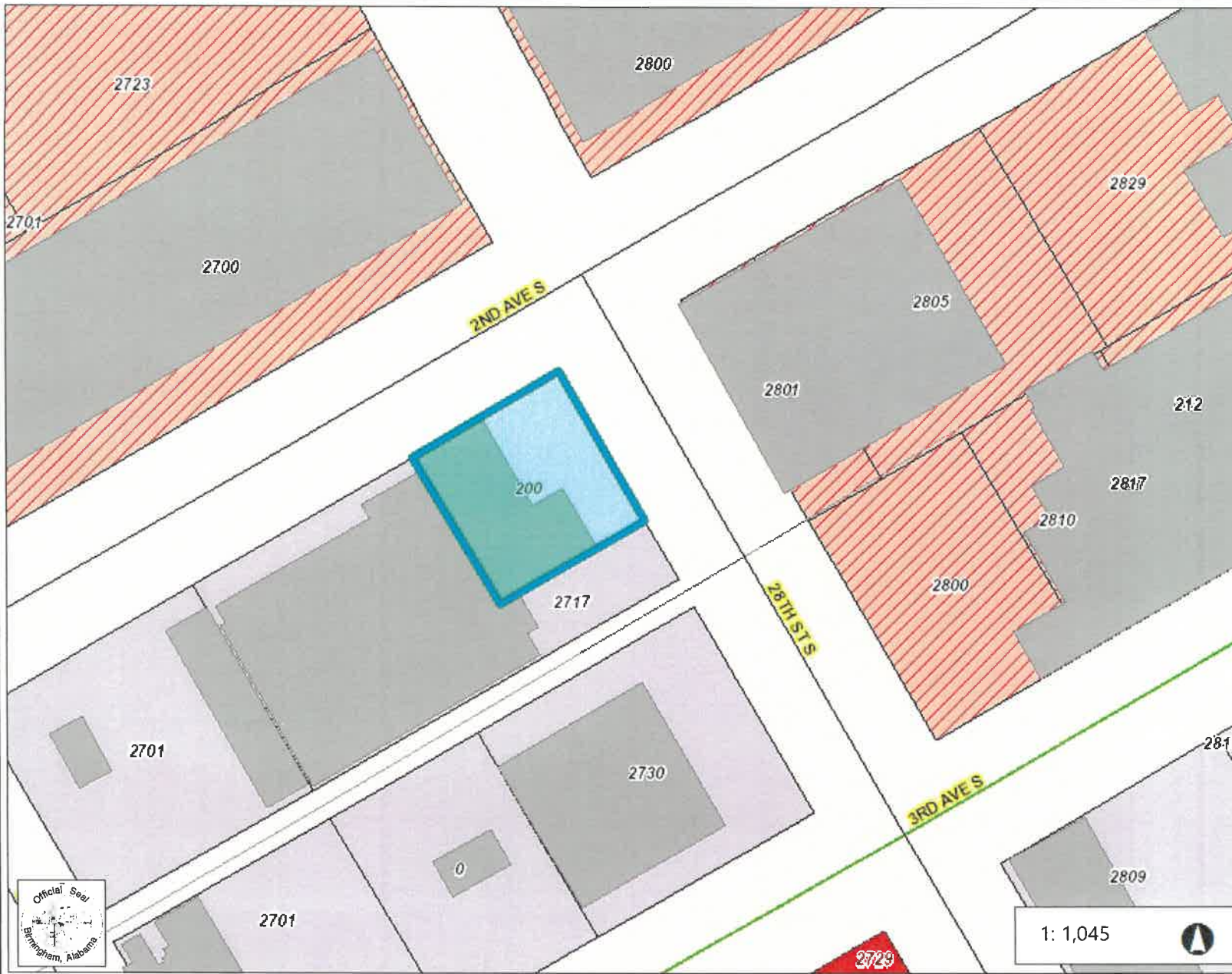
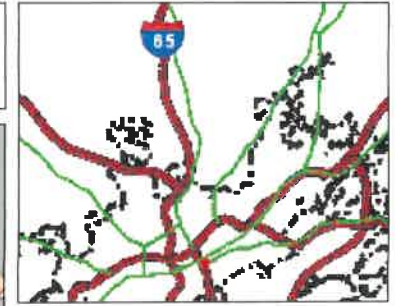


1: 1,045



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Notes



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



1: 1,045



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Notes



Adaptive Reuse Project

Former Architectural Heritage Building

200 28th Street South

Birmingham, AL 35233



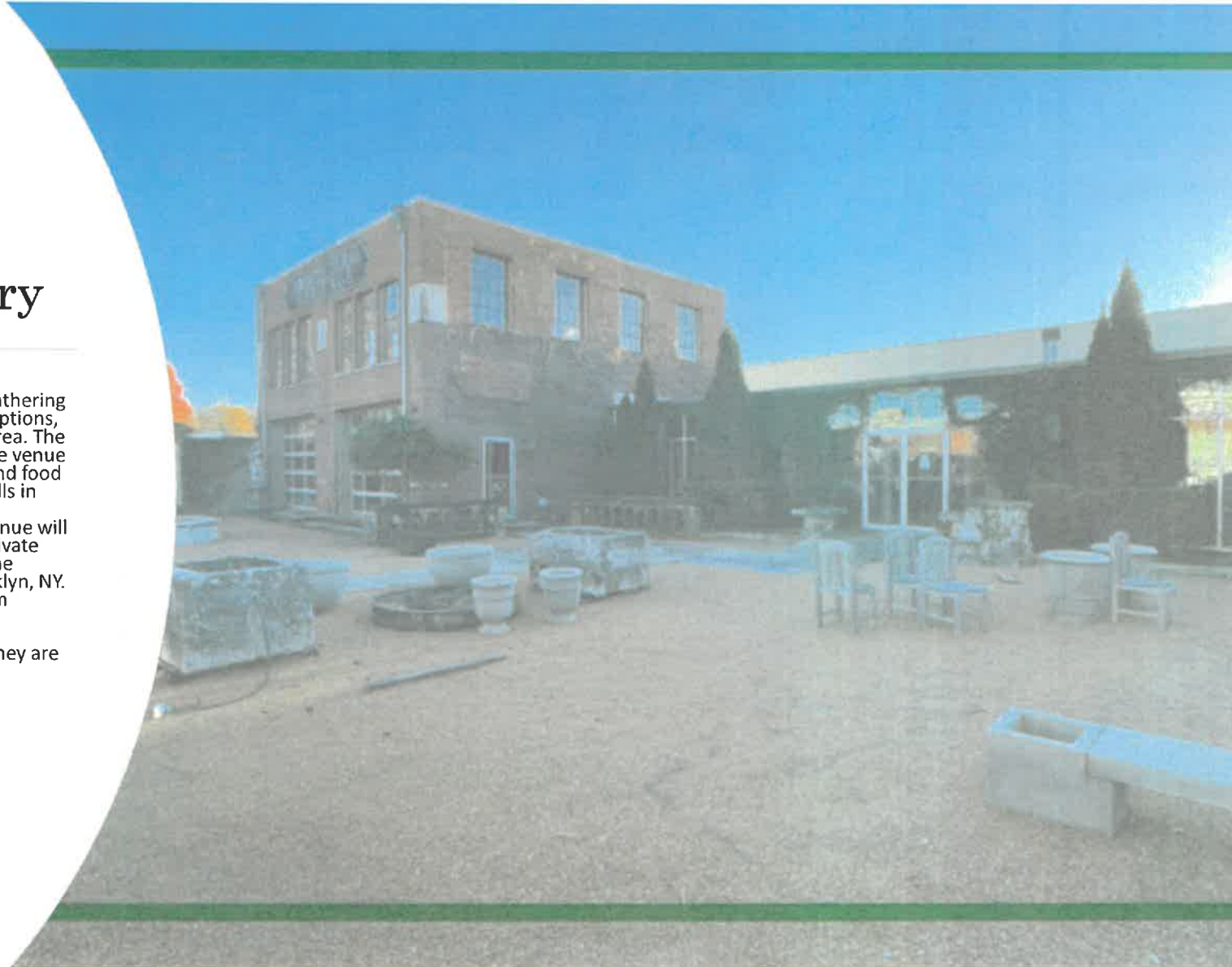
Current

- The building is located at 200 28th Street South in the vicinity of Pepper Place, Lakeview, Sloss Furnaces and the Jones Valley Trail System.
- The building is approximately 6,000 sf with an additional 3,000 sf of patio and was formerly used as an antique furnishing showroom for Architectural Heritage.



Concept Summary

- The proposed concept is a community gathering spot with multiple quick-service dining options, an expansive bar and an exterior patio area. The owners of a local favorite will operate the venue and provide the same superior service and food as their current locations. One of the stalls in operation will be the 5th location for the operator in the Birmingham area. The venue will also be capable of hosting events and private dining experiences. The inspiration for the concept is a venue called Berg'n in Brooklyn, NY. Nothing like this exists in the Birmingham market today.
- Hours of operating for the business, as they are currently planned, are below:
 - Monday: Closed
 - Tuesday – Thursday: 11:00 AM to 9:00 PM
 - Friday: 11:00 AM to 10:00 PM
 - Saturday: 10:00 AM to 10:00 PM
 - Sunday: 10:00 AM to 8:00 PM





Design Inspiration



Economic Impact

- This concept will not only bring new restaurants and an event space but will also have a strong economic impact on the City of Birmingham.
 - Projected to create 45 new jobs
 - Projected to generate \$3 Million of Revenue





Adaptive Reuse Project

Former Architectural Heritage Building

200 28th Street South

Birmingham, AL 35233



An aerial photograph of a building complex. A large yellow-shaded area on the left side of the building is labeled 'Interior Restaurant, 6,000 SF'. To its right, a green-shaded area with several rectangular window patterns is labeled 'Outdoor Patio, 3,000 SF, 40 seats'. The surrounding area includes a parking lot with several cars, a road, and some trees.

Interior Restaurant, 6,000 SF

Outdoor Patio, 3,000 SF, 40 seats

MEMORANDUM



TO: Tom Walker
President
Village Creek Development

FROM: Charles Cochran, P.E., PTOE

DATE: March 23, 2022

SUBJECT: Pepper Place Parking Study
SA #220065

Parking Study

Sain Associates, Inc. conducted a parking study in conjunction with the redevelopment of the Architectural Heritage Building at 200 28th Street S in Birmingham, AL in the Pepper Place neighborhood. The proposed redevelopment will involve the conversion of the building into a shared restaurant concept with approximately 6,000 square feet indoors and 40 seats on an outdoor patio. There will be no off-street parking for this development.

A parking inventory was conducted first, and it showed approximately 687 public, on-street parking spaces within 1,320 feet of the study site. Parking spaces marked exclusively for certain businesses were excluded, as were any roadway segments that had No Parking signs.

Next, the occupancy of the inventoried parking spaces was studied at three different times of the day (11:00 AM, 2:00 PM, and 6:00 PM) and on three different days of the week (Tuesday, March 1; Thursday, March 3; and Saturday, March 19, 2022). The results of the study are summarized in the below table and inventory and occupancy maps are attached.

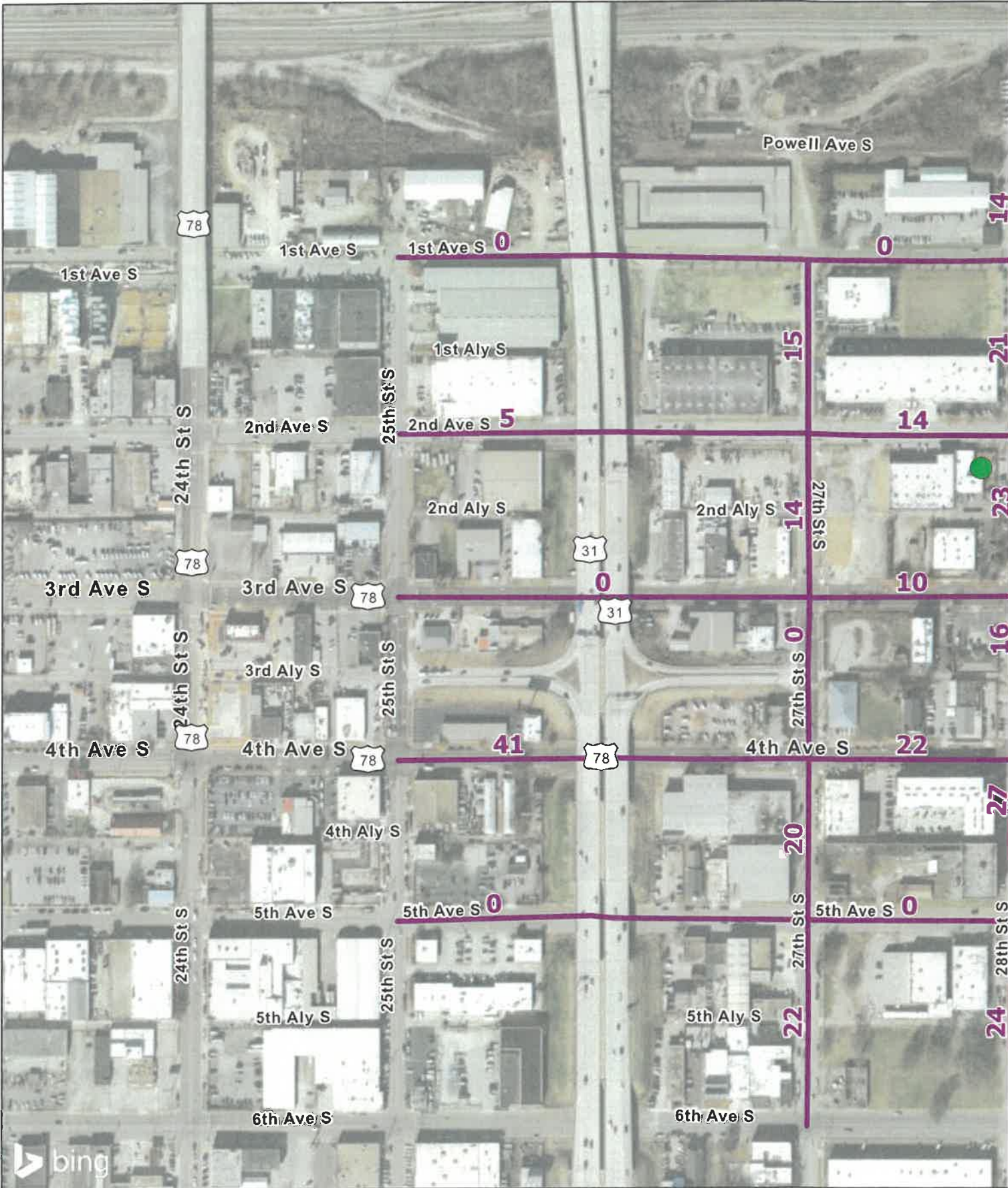
		Parking Inventory	Parking Occupancy								
			Tuesday			Thursday			Saturday		
			11:00 AM	2:00 PM	6:00 PM	11:00 AM	2:00 PM	6:00 PM	11:00 AM	2:00 PM	6:00 PM
Public, On-Street Parking	Powell Avenue S	21	15	12	0	12	8	1	0	0	0
	2nd Avenue S	90	68	57	14	62	59	24	62	23	7
	3rd Avenue S	43	21	23	22	19	21	26	30	15	8
	4th Avenue S	128	50	51	51	47	49	58	47	31	62
	5th Avenue S	61	17	20	22	23	22	25	15	11	31
	27th Street S	71	29	29	7	24	27	22	6	16	19
	28th Street S	125	40	41	35	47	61	43	51	24	56
	29th Street S	84	40	42	63	44	41	60	49	41	82
	30th Street S	64	26	47	50	27	37	52	28	47	50
	Total	687	306	322	264	305	325	311	288	208	315
%Occupied		45%	47%	38%	44%	47%	45%	42%	30%	46%	
Available Spaces		381	365	423	382	362	376	399	479	372	



Per the City of Birmingham's Zoning Ordinance, 1 space per 100 GSF (60 spaces) and 1 space per 5 outdoor seats (8 spaces) are required for this development. That results in a **total of 68 spaces**. However, there are parking space requirement reductions that can be applied.

There is a BJCTA bus stop within 1,000 feet of the site on 3rd Avenue S, so a 10% reduction can be applied. Additionally, the developer intends to install a bicycle rack with a minimum of 6 bicycle positions. The installation of a bicycle rack allows for an additional 10% reduction. So, with a 20% reduction, **55 parking spaces are required for this site**.

Although there is no on-site parking for this development, each study period showed that there were enough available on-street parking spaces within 1,320 feet of the proposed site.



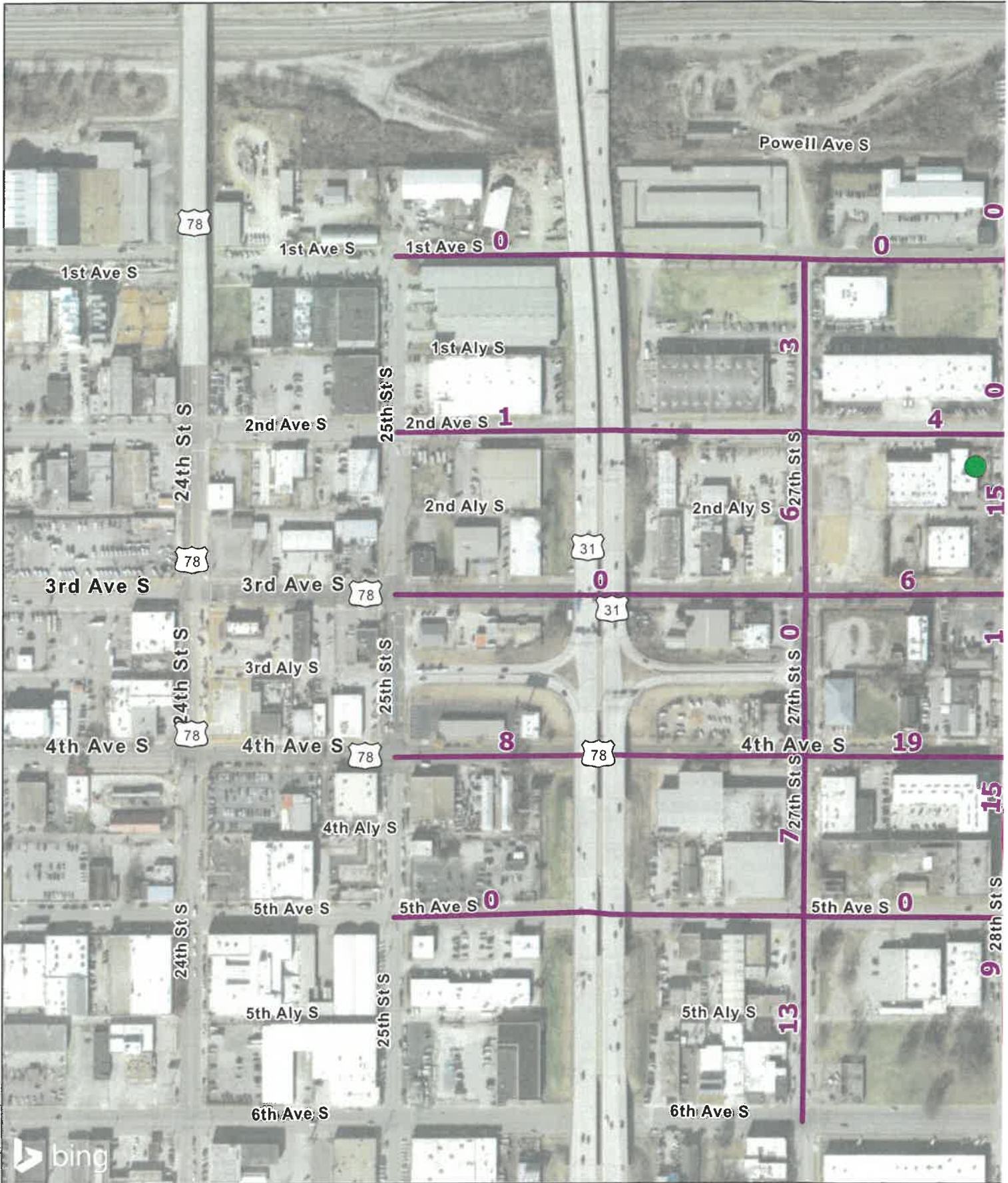
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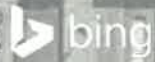
SAIN
ASSOCIATES



1" = 300'



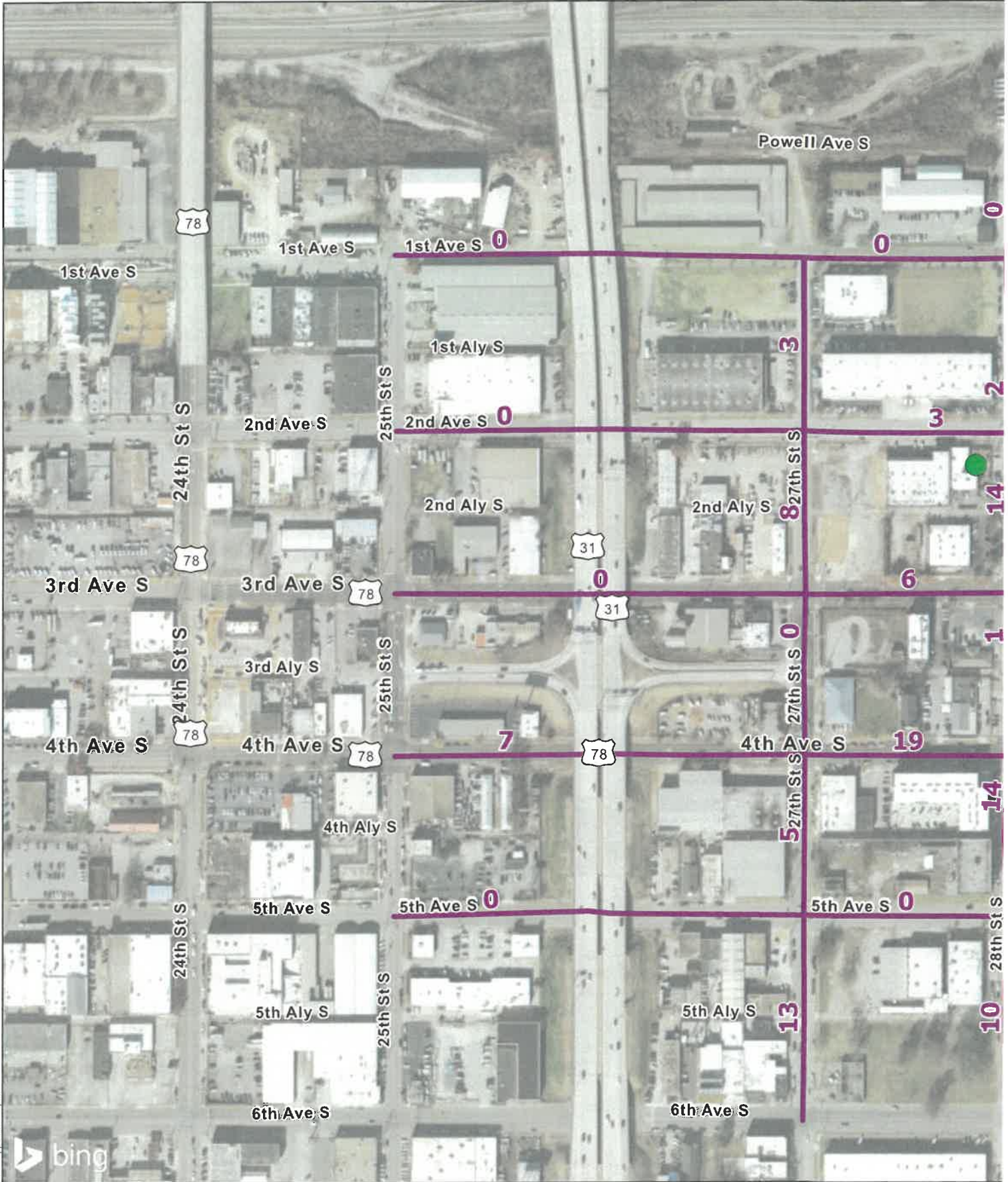
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SAIN
ASSOCIATES



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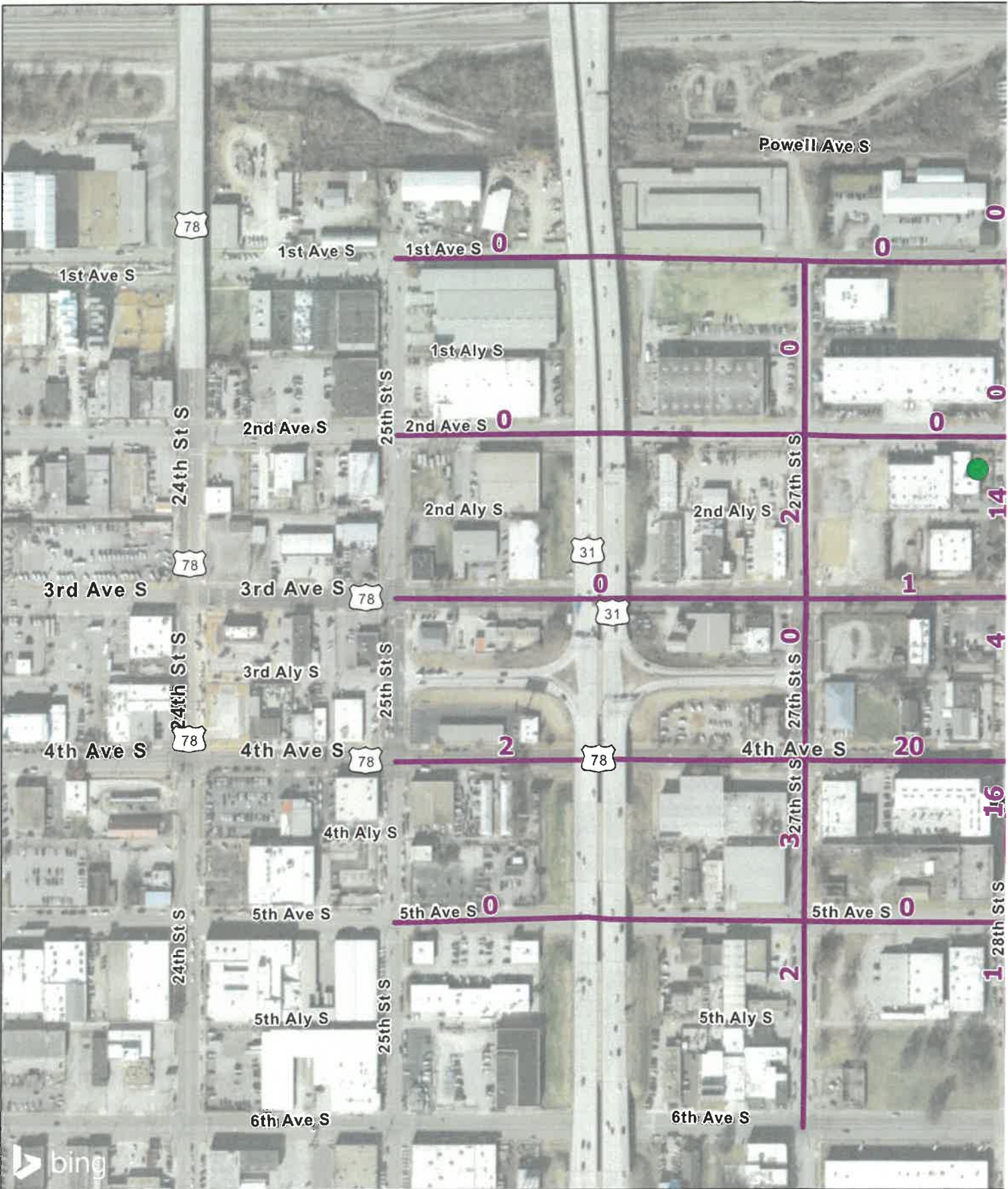
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SAIN
ASSOCIATES



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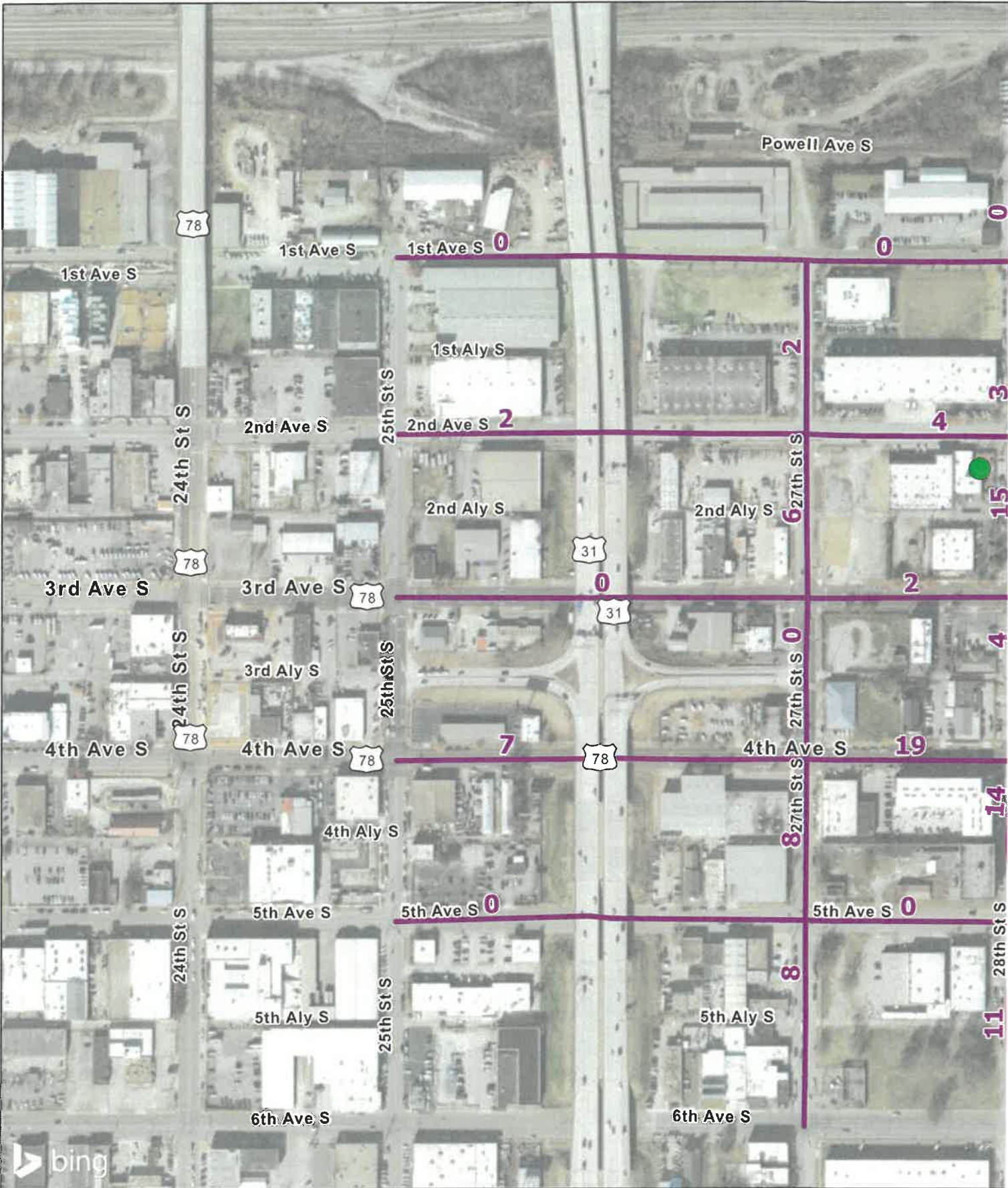
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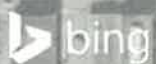
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ASSOCIATES



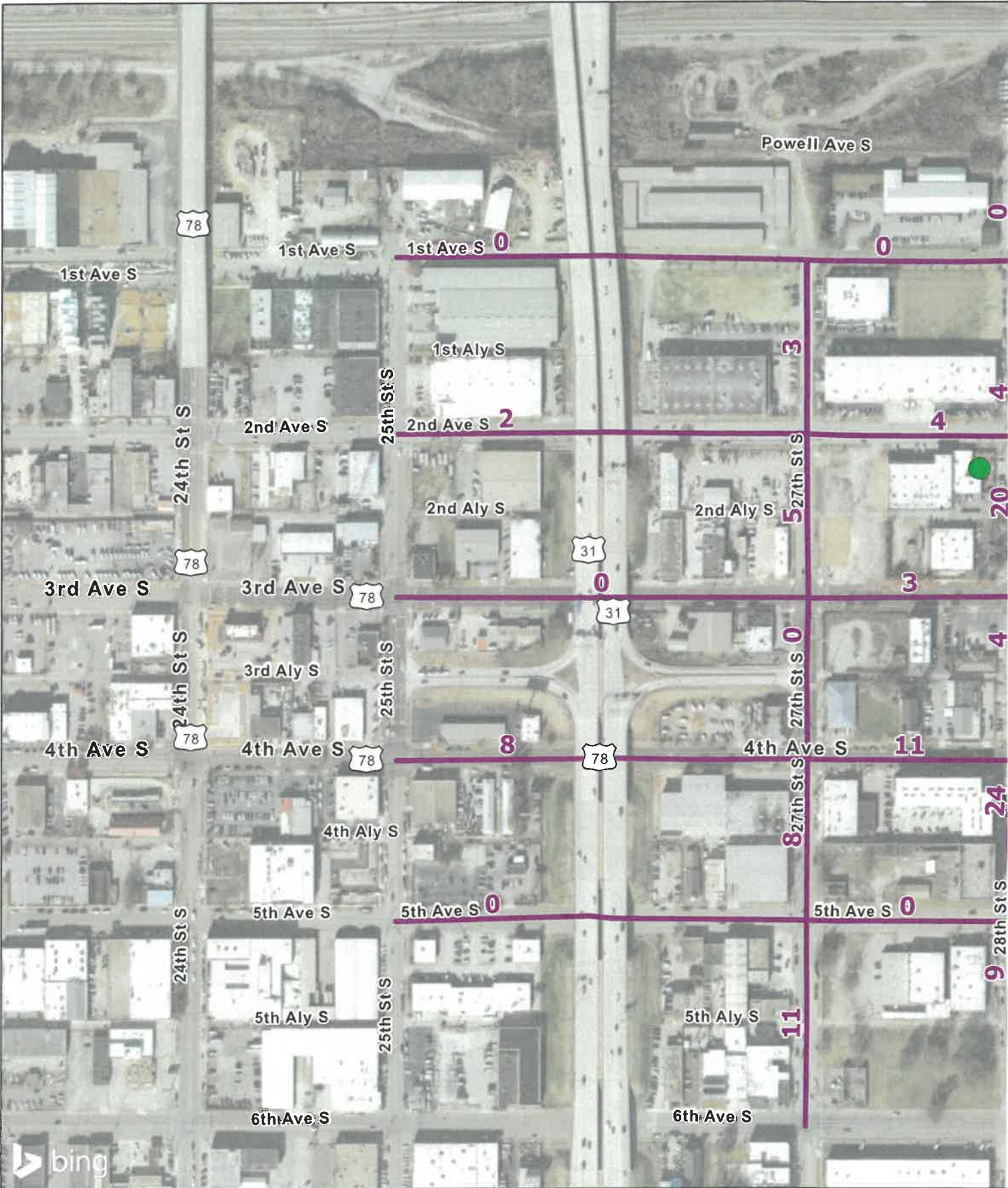
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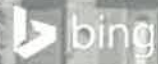
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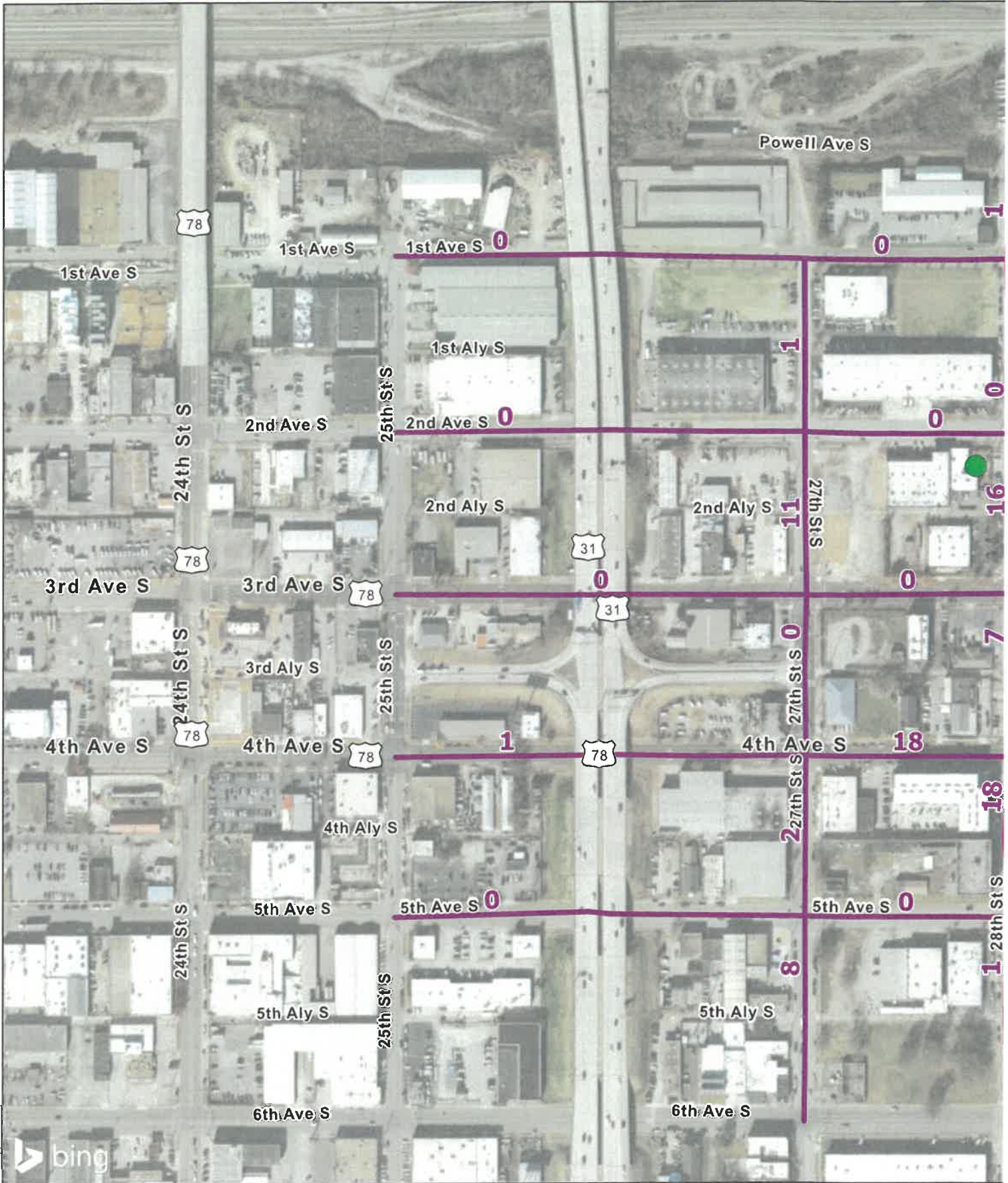
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ASSOCIATES



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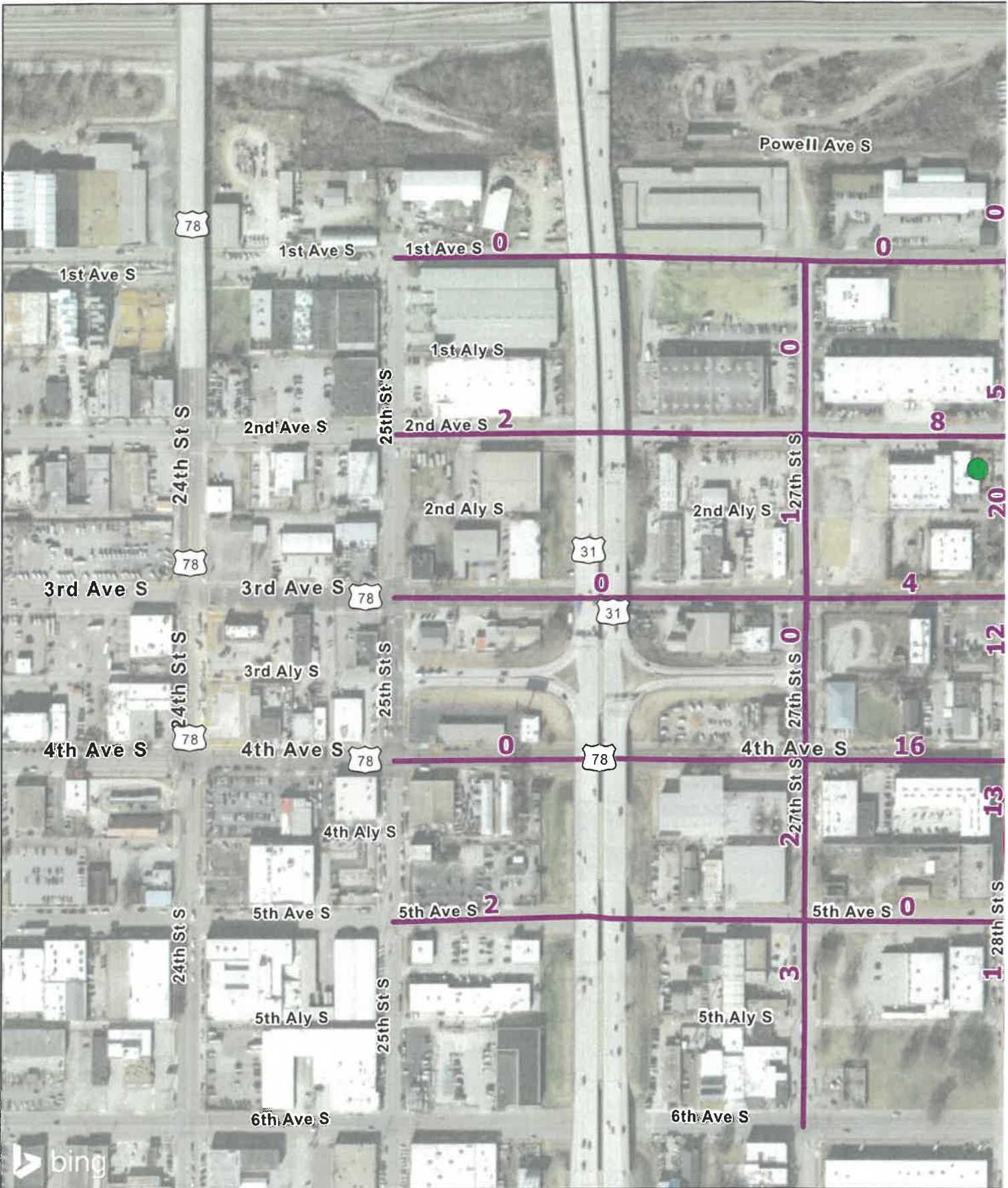
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ASSOCIATES



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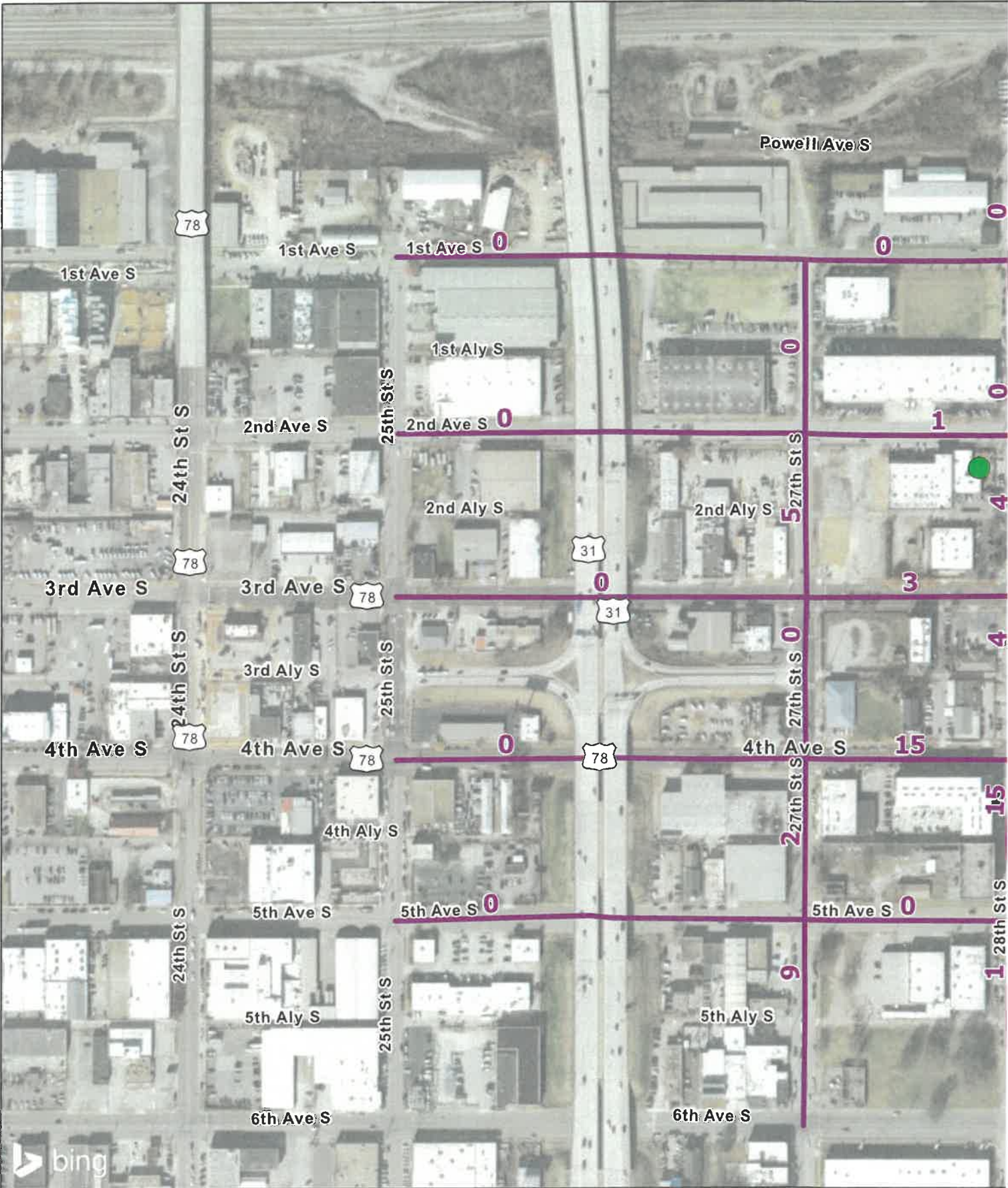
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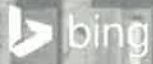
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ASSOCIATES



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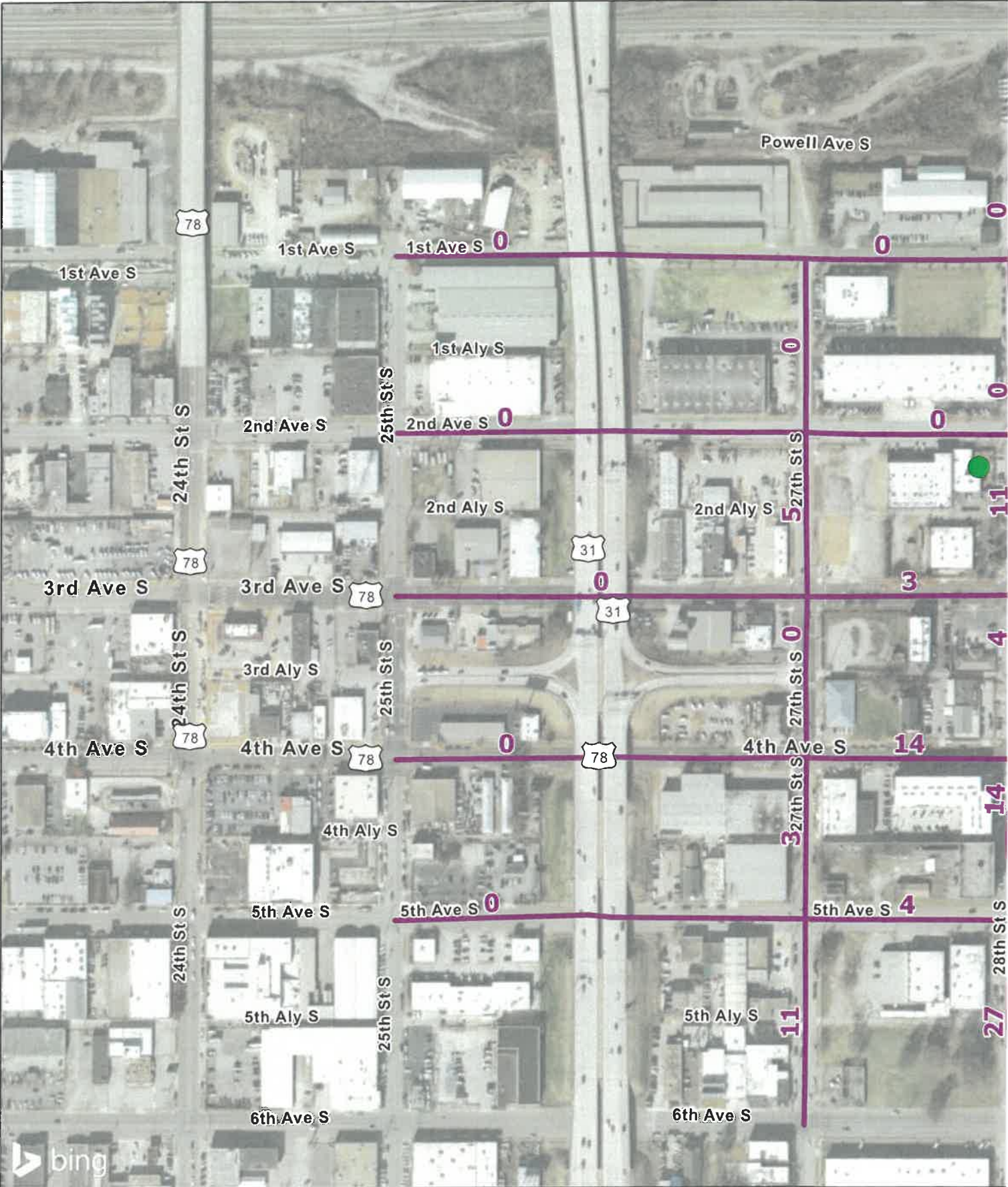
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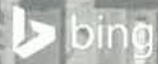
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ASSOCIATES



1" = 300'



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SAIN
ASSOCIATES



1" = 300'

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 14, 2022

Time: 2:00 P.M.

Pre-Meeting: 1:00 P.M.

Place: City Council Chambers (3rd Floor)

ZBA2022-00020

Hooper City

Request:

Variance to subdivide the lot into two lots creating substandard lots. LOT 1-A lot size will be 12, 282.67 SF and LOT 1 size will be 23,617.38 SF instead of the required 1 acre (43,560 SF).

Applicant:

Ma Espiritu Bustamante Bueno

Location:

882 Lower Coalburg Rd, Birmingham AL 35068

Parcel # 012200042000011002

NW of Section 04, Township 17 S, Range 3 W

Applicant's Proposal:

The applicant is proposing to subdivide the lot to build a single-family home.

Staff Analysis:

The subject property is currently zoned AG (Agricultural District). The parcels located south and west of the subject property are zoned AG (Agricultural District) while parcels north and east are outside the city limits. The property is not located in a special flood hazard nor in any design review district. The current lot size is 35,900.05 SF (.82 acres). Where the Lower Coalburg Rd runs through the property is how the applicant intends to subdivide the property creating two lots. Lot 1-A will be 12,282.67 SF and Lot 1 will be 23,617.38 SF.

The Hooper City Neighborhood Association waiting on vote.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

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

- 1) The physical property is not being used for agricultural purposes, nor will it affect such. It is being subdivided. It requires one acre in size, but needs double the lot regulation size to meet this. In spite of this, it will meet the setbacks.
- 2) It is one lot with a road passing through. Because of said road, the physical divide of the property is not necessary.
- 3) Will not create hardship. The road running through creates a separation between the lot. The land is being subdivided to place my sister.
- 4) There will be no financial gain. The subdivided lot is a gift to my sister.
- 5) Will not hinder neighbors. There is a railroad running behind the property and the rest is still the same lot.
- 6) Will not cause harm to public welfare as the lot will be 2 instead of 1.

PARCEL ID: 012200042000011002

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

DATE: Tuesday, March 29, 2022 2:41:53 PM

OWNER: TREJO AGUSTIN CASAS & BUENO MA

ADDRESS: 882 LOWER COALBURG RD

CITY/STATE: FULTONDALE AL

ZIP+4: 35068

SITE ADDR: 882 LOWER COALBURG RD

CITY/STATE: , AL

ZIP: 35068



LAND: \$10,500.00

BLDG: \$13,900.00

OTHER: \$0.00

AREA: 43,292.24

ACRES: 0.99

SUBDIVISION INFORMATION:

NAME

BLOCK:

LOT:

Section: 4-17-3W

Land Slide Zones: Not in Land Slide Zones

Historic Districts: Not in Historic Districts

Commercial Revitalization District: Not in Commercial Revitalization District

Fire District: Not in Fire District

Flood Zones: Not in Flood Zones

Tax Increment Financing District: Not in Tax Increment Financing District

Neighborhoods: Hooper City (1105)

Communities: North Birmingham (11)

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

Zoning Outline: AG

Demolition Quadrants: DEM Quadrant - 3

Impaired Watersheds: Not in Impaired Watersheds

Strategic Opportunity Area: Not in Strategic Opportunity Area

RISE Focus Area: Not in RISE Focus Area

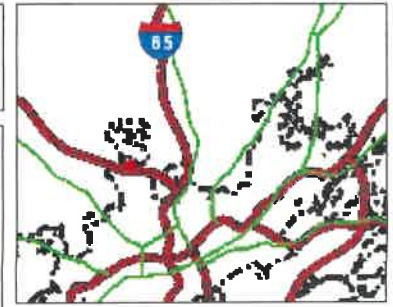
Tax Delinquent Property: Not in Tax Delinquent Property

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.

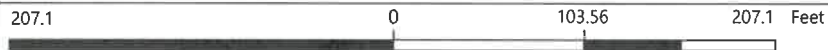


Legend

- 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

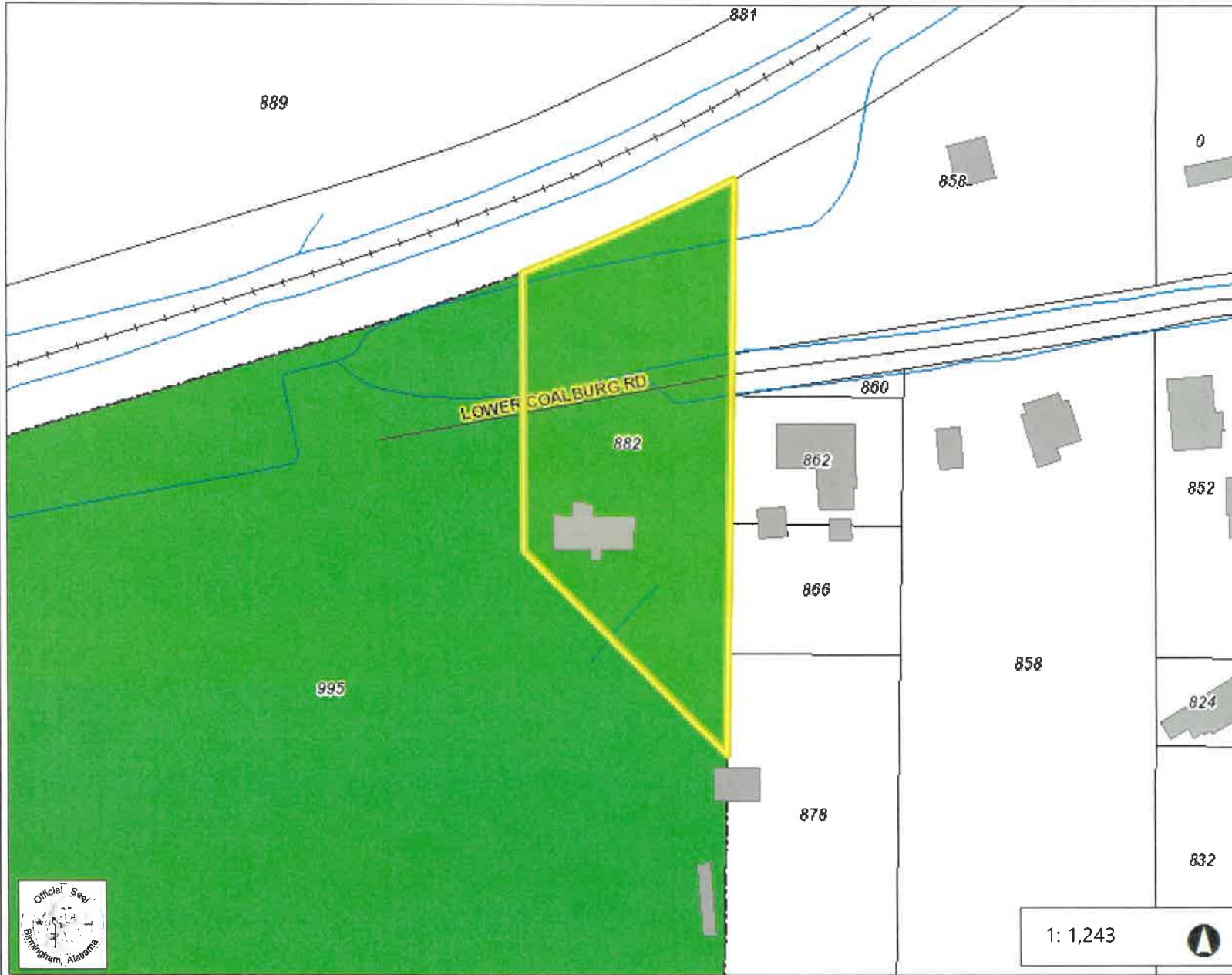
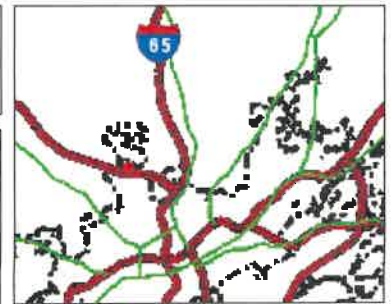


1: 1,243



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: 1,243



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Notes

Google Maps 882 Lower Coalburg Rd
ZBA...1274062



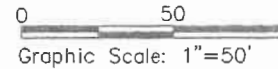
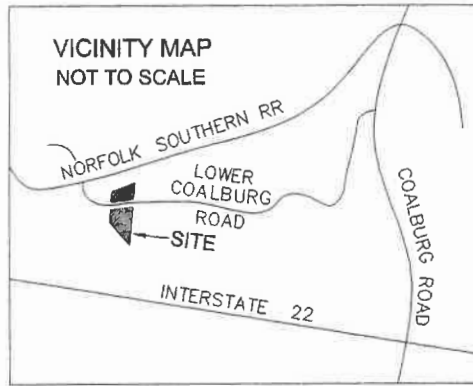
Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 50 ft

NE-COR-NW1/4-NW1/4
SEC. 4, TSP. 17S, R3W

Found 3" Capped Pipe

PRELIMINARY
BUSTAMANTE'S AD

THE NORTHWEST QUATEF
SECTION 4, TOWNSH
JEFFERS



Scale: 1"=50'
Job # 4390

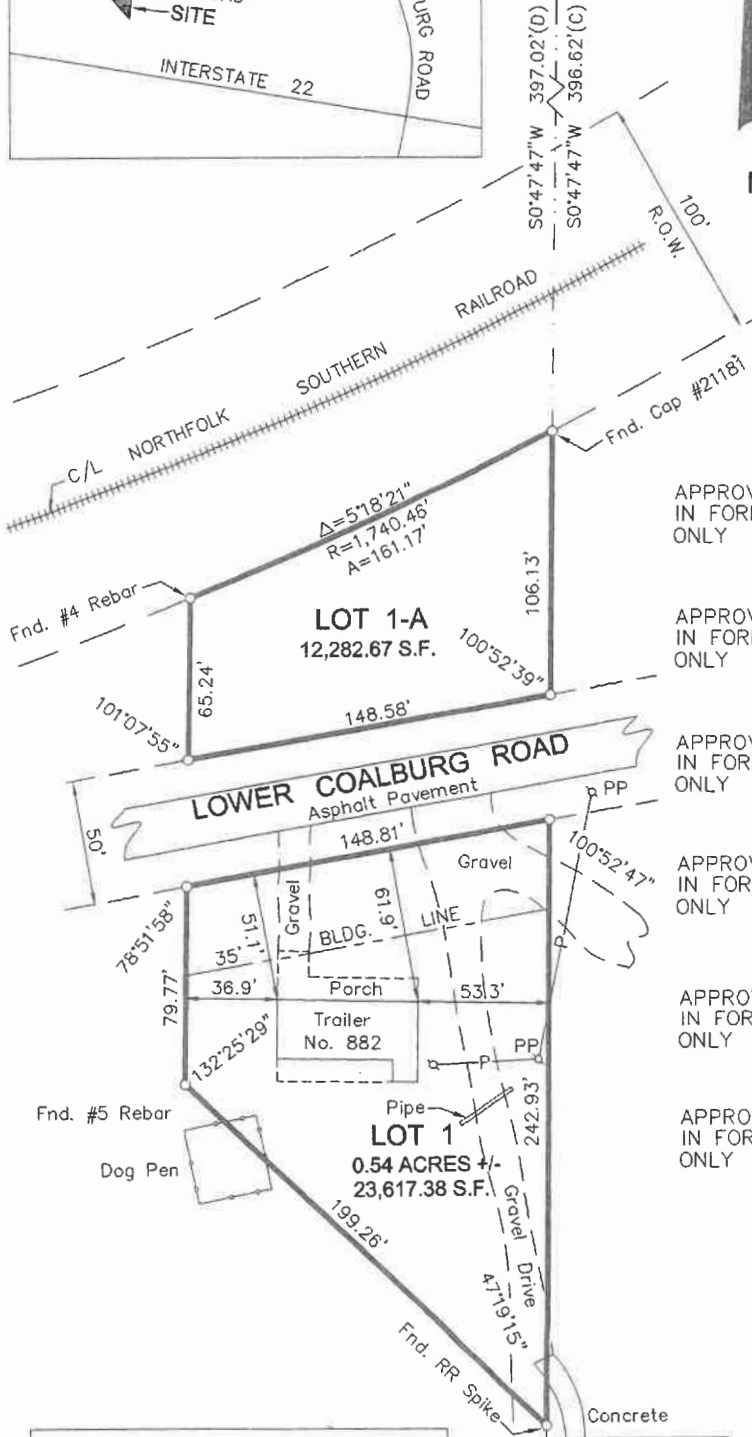
JAMES R. BOAT
704 MARY VANN
PHC
email:

ADJC

Fresh Water Land Trust
P.O. Box 549071
Birmingham, AL 35254

Perfecto Neri Chipahua
Maria De Los Angeles L
872 Lower Coalburg Ro
Coalburg, AL 35068

Mary Thornton
3215 Wisteria Circle
Vestavia, AL 35216



APPROVED: _____
IN FORMAT ONLY MAYOR, CITY BIRMINGHAM

APPROVED: _____
IN FORMAT ONLY CITY BIRMINGHAM, ENGINEE

APPROVED: _____
IN FORMAT ONLY CHAIRPERSON, PLANNING &

APPROVED: _____
IN FORMAT ONLY CITY CLERK

APPROVED: _____
IN FORMAT ONLY JEFFERSON COUNTY DEPAR

APPROVED: _____
IN FORMAT ONLY DIRECTOR OF ENVIROMENTAL

Environmental Services Dep
has been reviewed for prov
however this does not mea
built in the future. Any ch
after this date may void th

Property shown hereon lies in Flood
Zone "X", according to Firm Community
Panel 01073C0378H, effective date

Concrete
Building

"Unless otherwise shown or s
storm sewers, sanitary sewer
are to serve property within
Surface drainage not within 1
Right-Of-Way will not be mc