



Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2022-00051

Forest Park Neighborhood

Request for a **variance** to allow for the replacement of an existing 6ft tall wooden fence in the front yard along 44th Street South.

Filed by: Paul Teasley, the owner

Location: 4340 6th Avenue South, Birmingham, AL 35222, in the SE ¼ of Section 29, Township 17-S, Range 2-West. Council District 3.



Applicant's Proposal:

The applicant is replacing an existing 6-foot-tall wooden fence in the front yard along 44th Street South.



Proposal/Contract

Olympic Fence

Jeremy Darnell
205.305.8708 or 205.863.4830
olympicsales_jeremy@gmail.com

P.O. Box 585
Alabaster, AL 35007

Purchaser Name: Paul Teasley	Date: 5/10/22	
Address: 4340 6th Ave 15	Telephone: 205-612-0870	
City: Bham AL 35222	Email: Paulteasley@Rocketmail.com	
Special Instructions:		
Height: 8'6"	<p style="text-align: center;">*DUE TO FLUCTATING MATERIAL PRICES, ALL ESTIMATES ARE VALID FOR 14 DAYS*</p>	
Post Spaced:		
Style/Fence: wood primary		
Gauge: _____ Economy		
Knurled: _____		
Painted: _____		
COST DETAIL:		
_____ Linear Feet of _____		\$
_____ Linear Feet of _____		\$
_____ Linear Feet of _____		\$
<input checked="" type="checkbox"/> Clearing/Removal	\$	
_____ Terminal Posts	\$	
2 Gate(s)	\$	
Other/Misc	\$	
Total Contract Price	\$ 5680⁰⁰	
DEPOSIT 50%	\$ 2840⁰⁰	
PERMIT FEE IF REQUIRED	\$	
BALANCE DUE	\$	

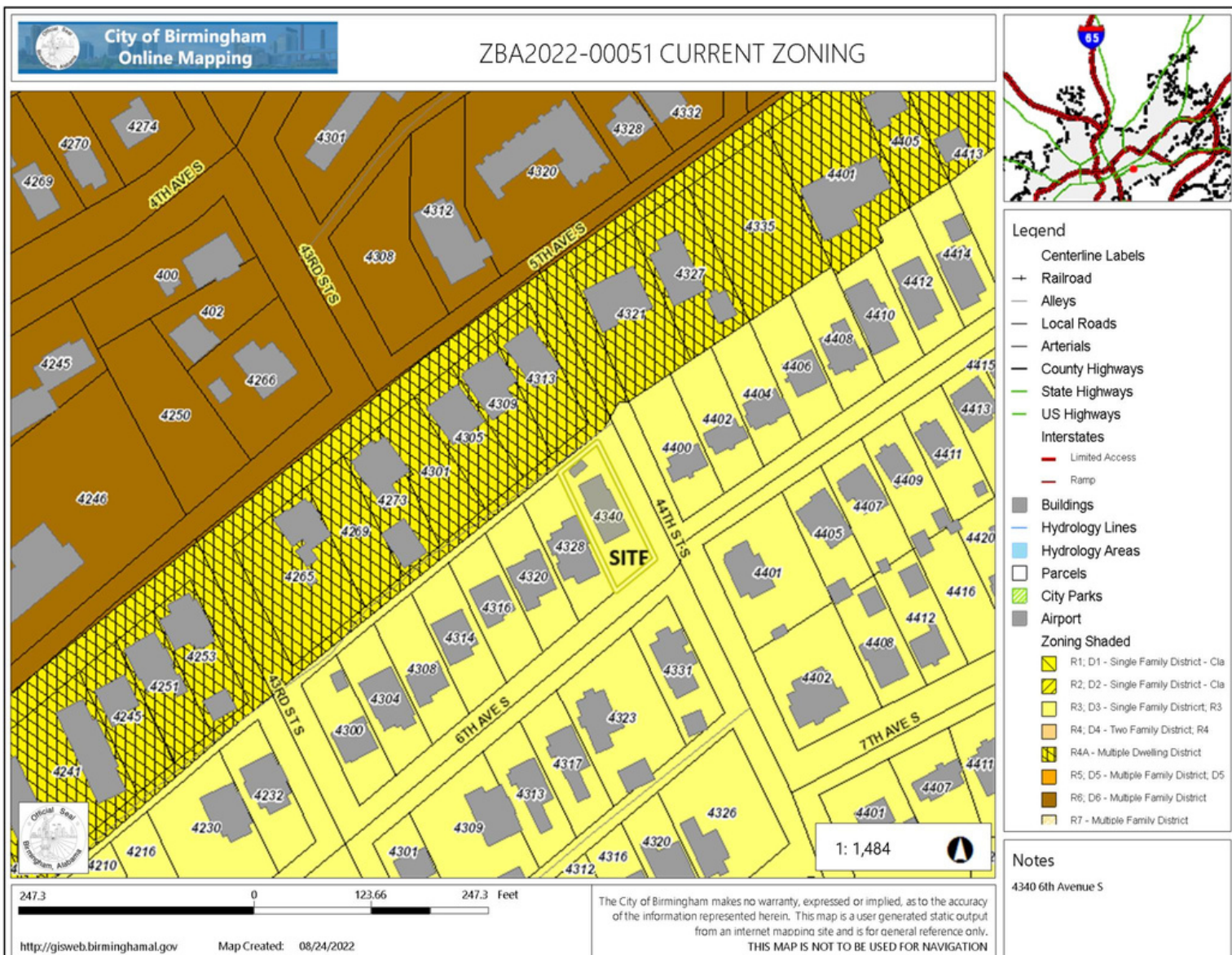
Fence Contract Terms: Olympic Fence hereinafter known as "Company," sells to the "Purchaser," listed above, fence product as described in this contract. Company will not be responsible for damage of the landscape (trees, shrubs, sod, plants, flowers, etc.) and will not be required to remove or reform soil excavated from postholes during fence installation. Purchaser agrees to locate and identify the property lines and easements. Purchaser is solely responsible for location of fence, fence style. The Purchaser is responsible for obtaining approval via HOA or ARC prior to installation. If the property lines are not clearly marked, it is highly recommended that the Purchaser have the property surveyed. Purchaser recognizes that due to the varied surface of the earth, uneven spaces may exist between the fence and the ground. Purchaser will not hold Company liable or responsible for animals or persons crossing the fence boundary in any way. If the project requires attachment of the fence to masonry structures such as concrete or walls, Purchaser recognizes that damage may occur due to natural forces and furthermore will not hold Company liable should damage occur. If Company is unable to dig postholes due to underground obstructions, additional charges of the rental equipment, plus \$25 per hole obstructed will apply. Any changes in fence style or footage require a signed changed order and possible increase/decrease in contract price. Purchaser agrees to pay minimum 50% of the Total Contract Price, prior to initiating the project and the remaining balance of the Contract Total Price upon completion of the fence project. All cancellations, will be charged 15% to 30% restocking fee. Purchaser is responsible for location of underground water lines, sewer lines, sprinkler lines and heads, and unmarked private gas lines. Olympic Fence is responsible for calling 811 call before you dig service. One year warranty on workmanship from date of installation.

Accepted by Olympic Fence "Company"	Accepted by "Purchaser"
Mark Gilbert-President	

Date: _____ Date: _____

Property and Abutting Land Uses:

The subject property is currently zoned **R-3 (Single-Family District)**. The parcels located to the north are zoned D-2 (Single-Family District) and the parcels located south, east and west are zoned R-3 (Single Family District). This property is located in within the Forest Park Historic District and the applicant is aware they will need to go before the Design Review Committee to have their fence design approved.



Uses allowed in R-3 are:

1. Accessory structures and uses
2. Apiary
3. Church or other place of worship
4. Family Day / Night Care Home
5. Farmers Market
6. Golf club or golf course
7. Home occupations

8. Nurseries or truck gardens; except, that no retail sales shall be made on the premises
9. Noncommercial greenhouse
10. Public school, elementary or high, or a parochial or private
11. Publicly owned or operated park, playground or community building, museum, library or art gallery
12. Single-family dwelling
13. Temporary signs
14. Wireless communications facility

Zoning Ordinance:

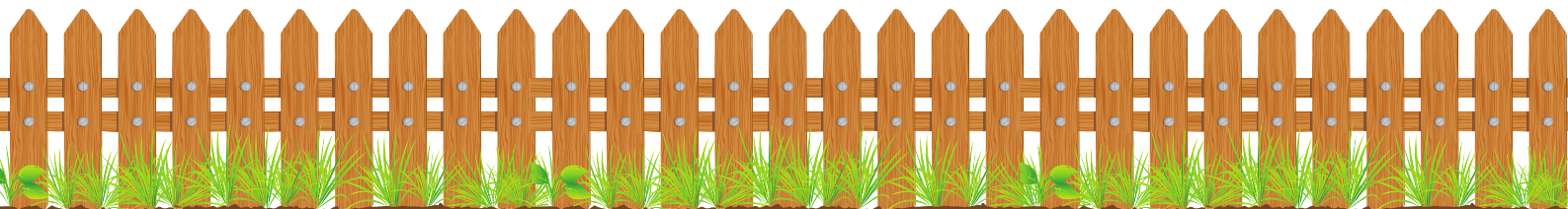
Fence or Wall. A structure, solid or otherwise, erected, placed, or constructed on a property, which is intended to be a barrier, boundary, enclosure, privacy feature, or decorative item. It is characteristic of such an item that it is normally a separate “stand-alone” structure, erected along the perimeter (or close to the perimeter) of a property.

Complete Front Yard. The area extending from the exterior wall of a structure to the front property line and located between the side lot lines. On a corner lot, the front yard also includes the area extending from the side exterior wall of a structure to the property line that adjoins a dedicated street, then continuing to a rear or side lot line. This area is to be included as a front yard whether the adjoining street is open or not. [On a vacant lot, the front yard area shall be as defined in the Definitions section of this Ordinance and in Chapter 3 or Title Three, Article VI of this Ordinance. The dimensions of this yard (setbacks) shall be determined by the zoning classification.]

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.

Construction, Materials, and Maintenance.

- A. Finished side of fence must face adjacent property and thoroughfare.
- B. Fences placed on top of retaining wall, terrace or patio in front yards shall not be opaque.
- C. Fences placed in front yards shall not be opaque, except for certain uses such as junk yards and other similar uses.
- D. All fences shall be made of the following material and be allowed in the yards:
 - 1. Natural wood permitted at front, side, and rear.
 - 2. Brick or stucco over masonry permitted at side and rear only.
 - 3. Chain link permitted inside and rear only.
 - 4. Barbed and razor wire permitted in rear only, in commercial, manufacturing, and industrial districts.
 - 5. Electrified fences are prohibited in all yards.
- E. All fences shall be well-maintained, in upright condition and free of missing and broken parts. Salvaged materials, such as, pallets shall not be allowed.



Neighborhood Association.

The **Forest Park Neighborhood Association** met at its regularly scheduled meeting on **September 6, 2022** and voted to support the request (24 votes to support).

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.





Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2022-00056

Redmont Neighborhood

Request: Application requesting a variance for a 20'-0" setback from Warwick Drive instead of the required 40'-0" setback.

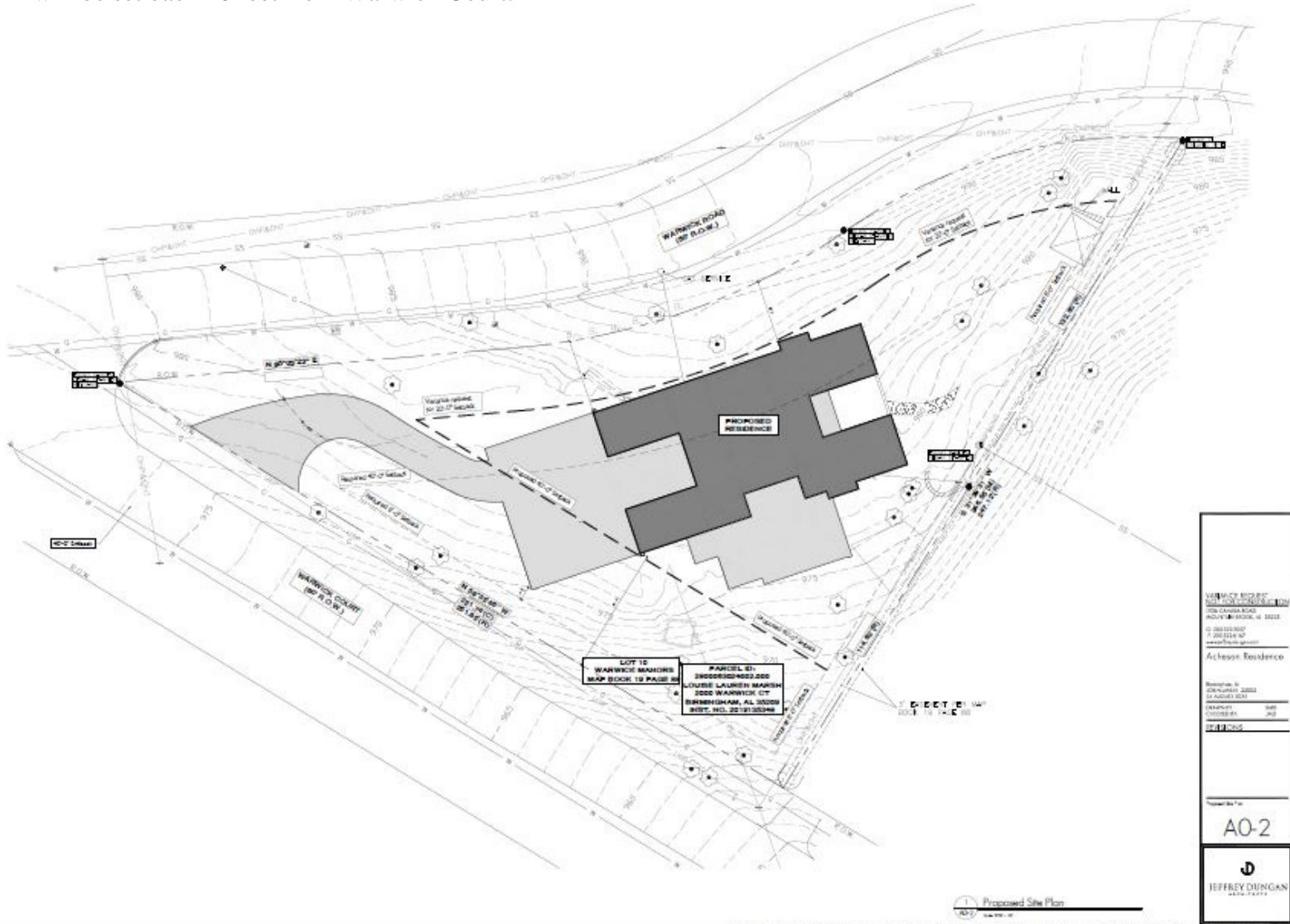
Filed by: Jeffrey Dungan of Jeffrey Dungan Architects, on behalf of the owner, Sheree Acheson.

Location: 2000 Warwick Court, Birmingham, AL 35209, in the SW ¼ of Section 06, Township 18-S, Range 2-West. Council District 3.

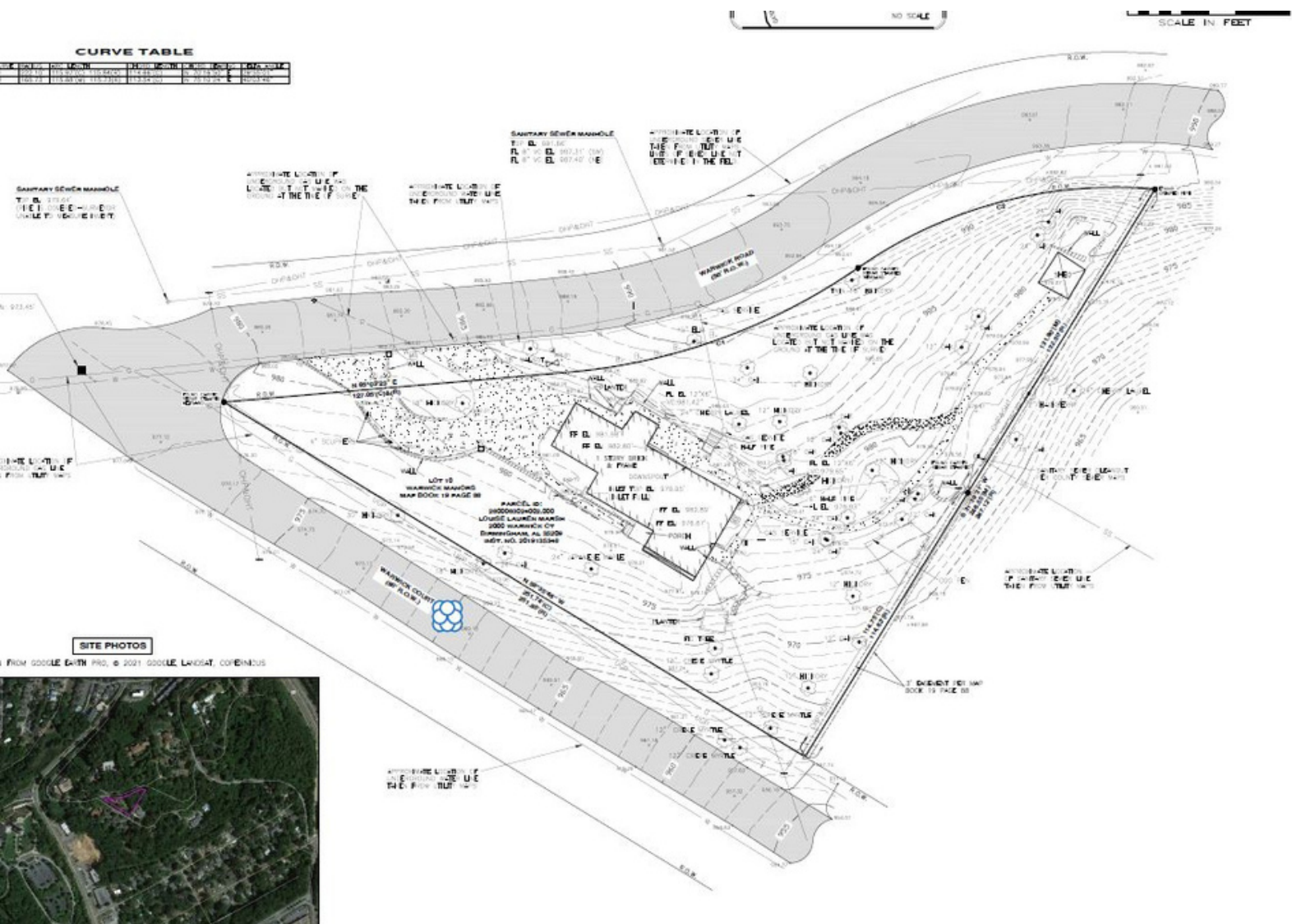


Applicant's Proposal:

The applicant is constructing a residence with a proposed 20-foot setback from Warwick Drive instead of the required 40 foot setback. The home will be oriented with the entrance facing Warwick Court, and the house will be set back 40 feet from Warwick Court.



SITE
PLAN



SURVEY

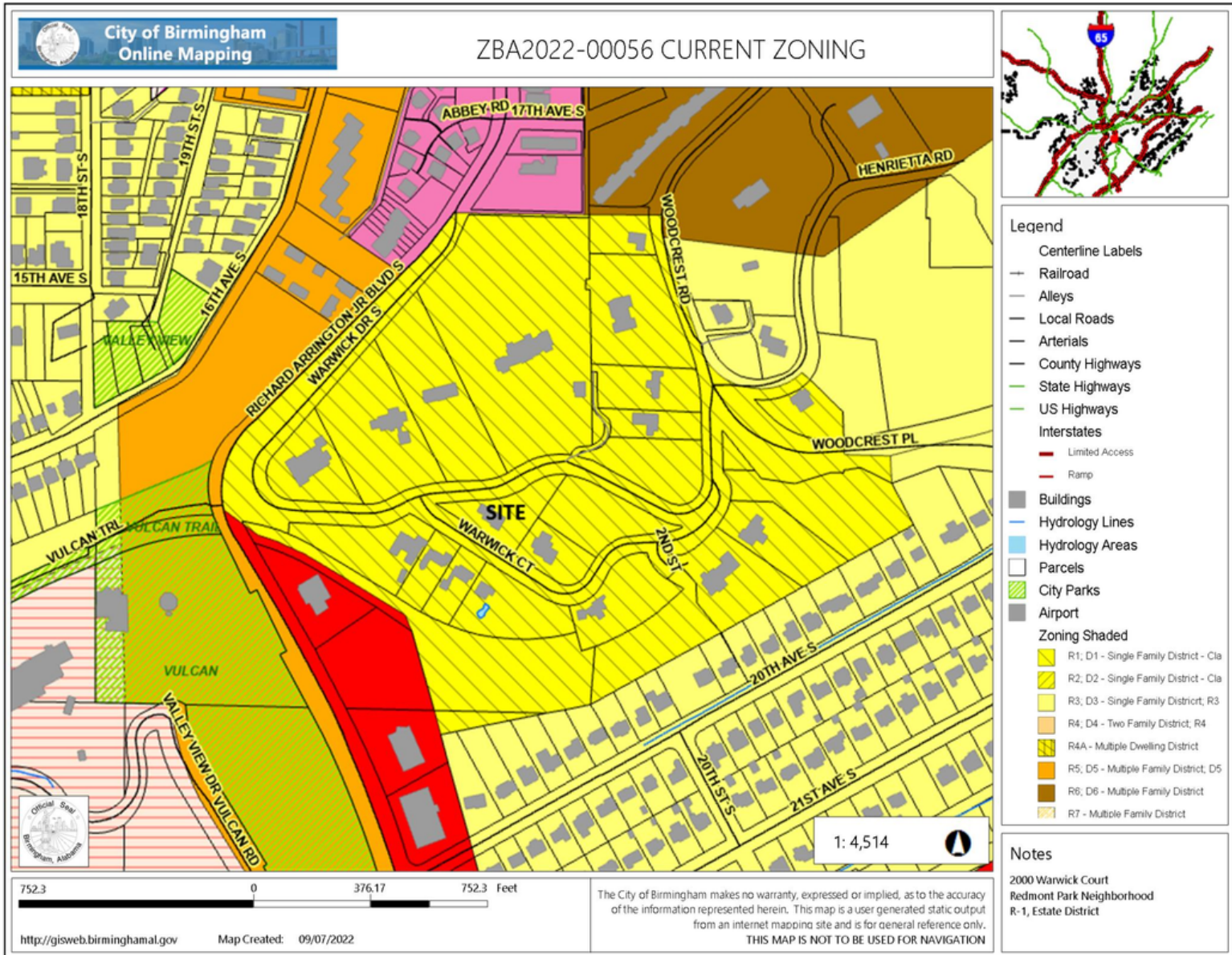
Variance Justification.

- **Physical Characteristics of the Property:** The irregular triangular shape of the lot, coupled with the steep topography is a hardship. A 40'-0" setback along Warwick Drive would significantly constrict the practical buildable area of the lot.
- **Unique Characteristics:** Other properties in the general area are wider and more regularly shaped, so a 40'-0" setback would not cause the same restrictions to the use of the property as it would for 2000 Warwick Court.
- **Hardship Not Self-Imposed:** The hardship occurs due to the shape of the lot and the setbacks currently required by zoning ordinance. It was not created by previous actions of any person having an interest in the property.
- **Financial Gain Not Only Basis:** The variance requested pertains to practical buildable area of the property and does not relate to financial gain.
- **No Injury to Neighboring Property:** The variance will have no impact on the surrounding properties. The 20'-0" setback requested would actually be further back from Warwick Drive than where the existing house currently sits (see sheet A0-1 for existing site).
- **No Harm to Public Welfare:** The variance requested will have no impact on public welfare, street congestion, fire danger, public safety, etc.



Property and Abutting Land Uses:

The subject property is currently zoned R-1 (Estate District). The parcels located to the north south, east and west are also zoned R-1 (Estate District).



Uses allowed in R-1, Estate District are:

1. Accessory structures and uses
2. Apiary
3. Church or other place of worship
4. Family Day / Night Care Home
5. Farmers Market
6. Golf club or golf course
7. Home occupations
8. Nurseries or truck gardens; except, that no retail sales shall be made on the premises
9. Noncommercial greenhouse
10. Public school, elementary or high, or a parochial or private
11. Publicly owned or operated park, playground or community building, museum, library or art gallery
12. Single-family dwelling
13. Temporary signs
14. Wireless communications facility

Zoning Ordinance.

Setback Requirements:

Maximum Height of Structure: 35 feet

Front Yard: 40 feet

Rear Yard: 40 feet

Side Yard: 15 feet

Minimum Lot Area: ½ of an acre

Minimum Lot Width: 100 feet

Neighborhood Association.

The ***Redmont Neighborhood Association***

Recommended Conditions:

If approved by the Board, the recommended conditions are:

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.





RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

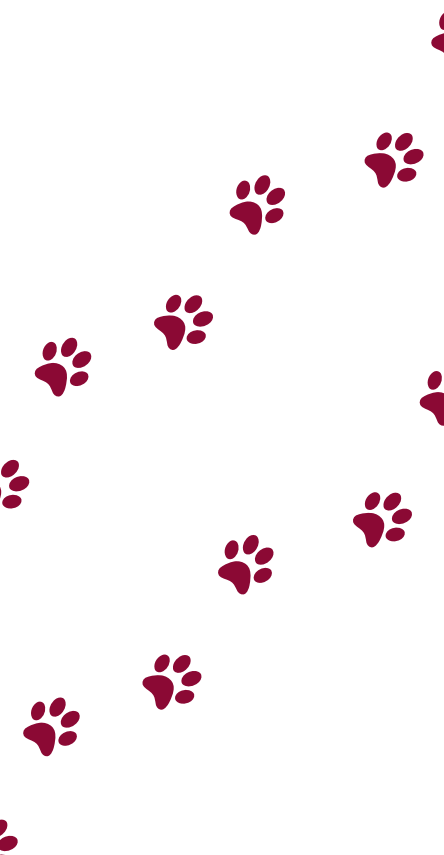
ZBA2022-00057

Five Points South Neighborhood

Request: Application requesting a variance to allow for a 19-foot setback instead of the required 50-foot setback in M-1, Light Industrial, for an outdoor door exercise yard for an animal boarding and daycare facility.

Filed by: Henson Millsap, on behalf of the owner, HESCO Parkside LLC.

Location: 1200 2nd Avenue South, Birmingham, AL 35233, in the SE ¼ of Section 35, Township 17-S, Range 3-West. Council District 5.

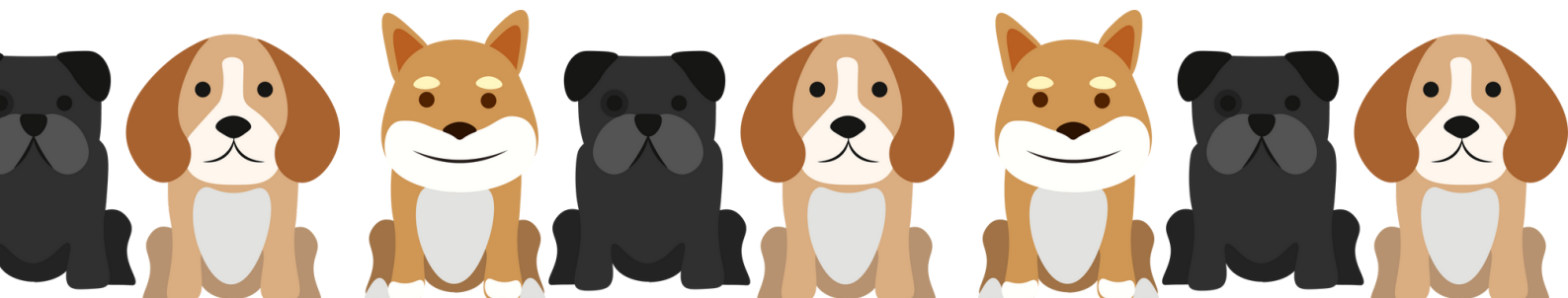


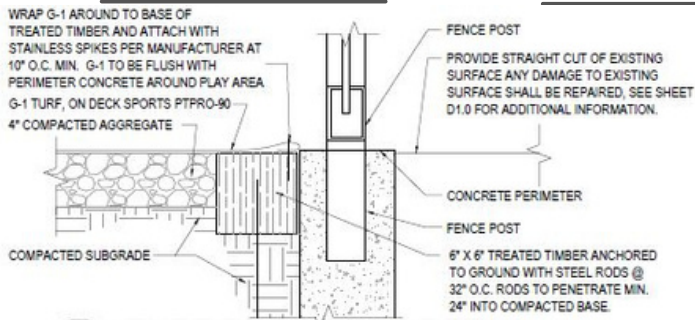
Applicant's Proposal.

The applicant is proposing an outdoor play yard for dogs that will be set back 19-feet from the public street. The play yard will be approximately 900 sq. ft. of covered turf and have dog-sized swimming pools, lounge cots, and play structures.

Variance Justification.

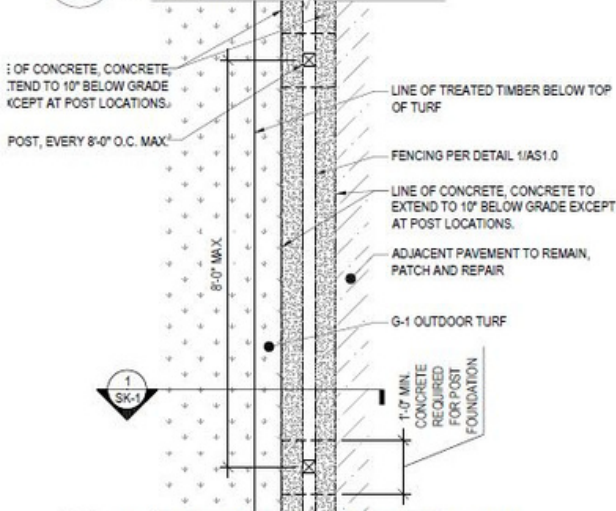
- 1. Physical Characteristics of the Property.** Compliance with the required setback is not possible on our leased portion of the Property (depicted on the site plan enclosed herewith). The outdoor exercise yard can only be located in the current parking area adjacent to our premises, which has a maximum depth of approximately 40 feet from the property line to the building.
- 2. Unique Characteristics.** The layout of the Property is unique in that the Property shape and the building size and location upon the Property prevent us from complying with the setback requirement.
- 3. Hardship Not Self-Imposed.** The 50-foot setback is a new restriction on this Property triggered by a very recent change in zoning to MU-D. The building on the Property was originally constructed in 1955, long pre-dating the MUD zoning requirements.
- 4. Financial Gain Not Only Basis.** The outdoor exercise yard is not primarily for the financial gain of us as the tenant or of the property owner. It will not affect our dog capacity. It is necessary for the benefit of our dogs, providing them with access to outdoor air in rotating shifts during the day.
- 5. No Injury to Neighboring Property.** Our outdoor exercise yard would be surrounded by an 8-foot tall vinyl privacy fence, manufactured and installed in accordance with Dogtopia brand standards. Additional specifications are enclosed. Sound impact on neighboring property owners would be negligible due to the proposed location of our yard, design of the fence materials to reduce noise escape, distance to adjoining properties, and ambient noise from traffic on 2nd Avenue South and 12th Street South. Dogs will not be present in the exercise yard outside the hours of 7 AM – 7 PM and will never be left unattended in the yard.
- 6. No Harm to Public Welfare.** The granting of the variance will not be detrimental to the public welfare and will have no impact on public street use or congestion. To the contrary, this variance will provide the residents and business community of the Parkside district with an accessible, high-quality dog daycare and boarding service, enhancing the attractiveness of the neighborhood as a place to live and work.





2 TURF PERIMETER DETAIL

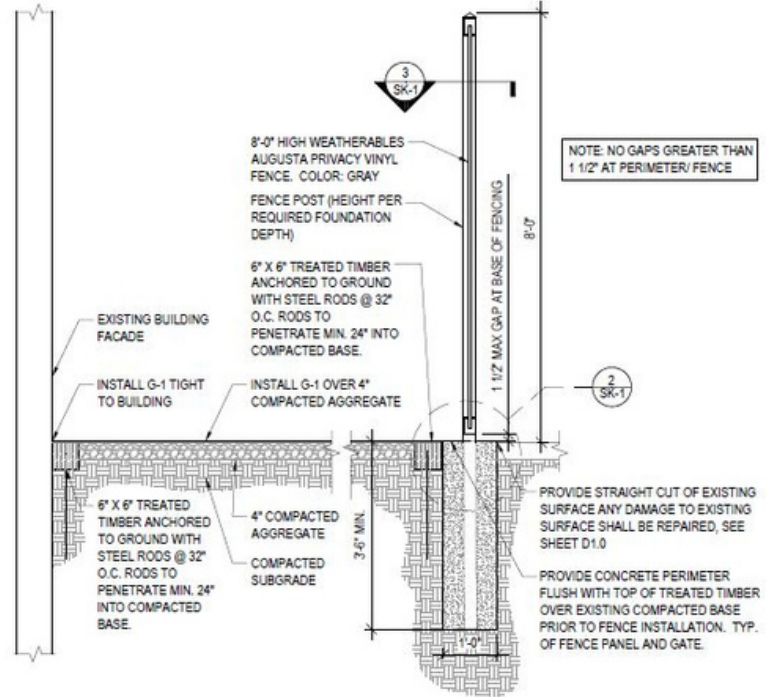
SK-1 SCALE: 1-1/2" = 1'-0"



3 PLAY AREA FENCE PLAN

SK-1 SCALE: 1/4" = 1'-0"

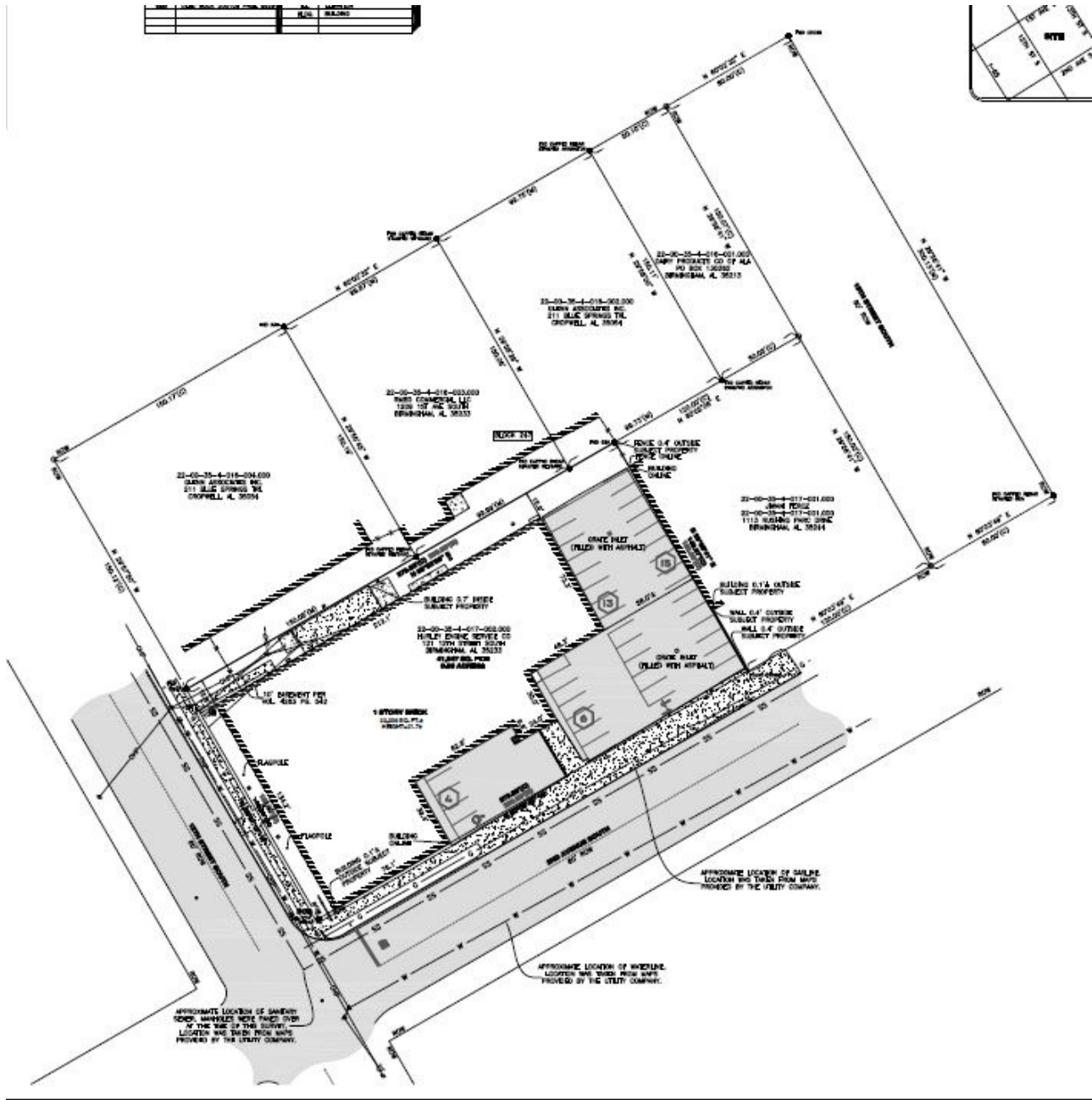
NOTE: THIS DRAWING IS NOT FOR CONSTRUCTION. SKETCH IS INTENDED TO ACT AS AN EXAMPLE / EXHIBIT. ACTUAL SITE CONDITIONS WILL VARY.



1 PLAY AREA FENCE SECTION

SK-1 SCALE: 1/4" = 1'-0"

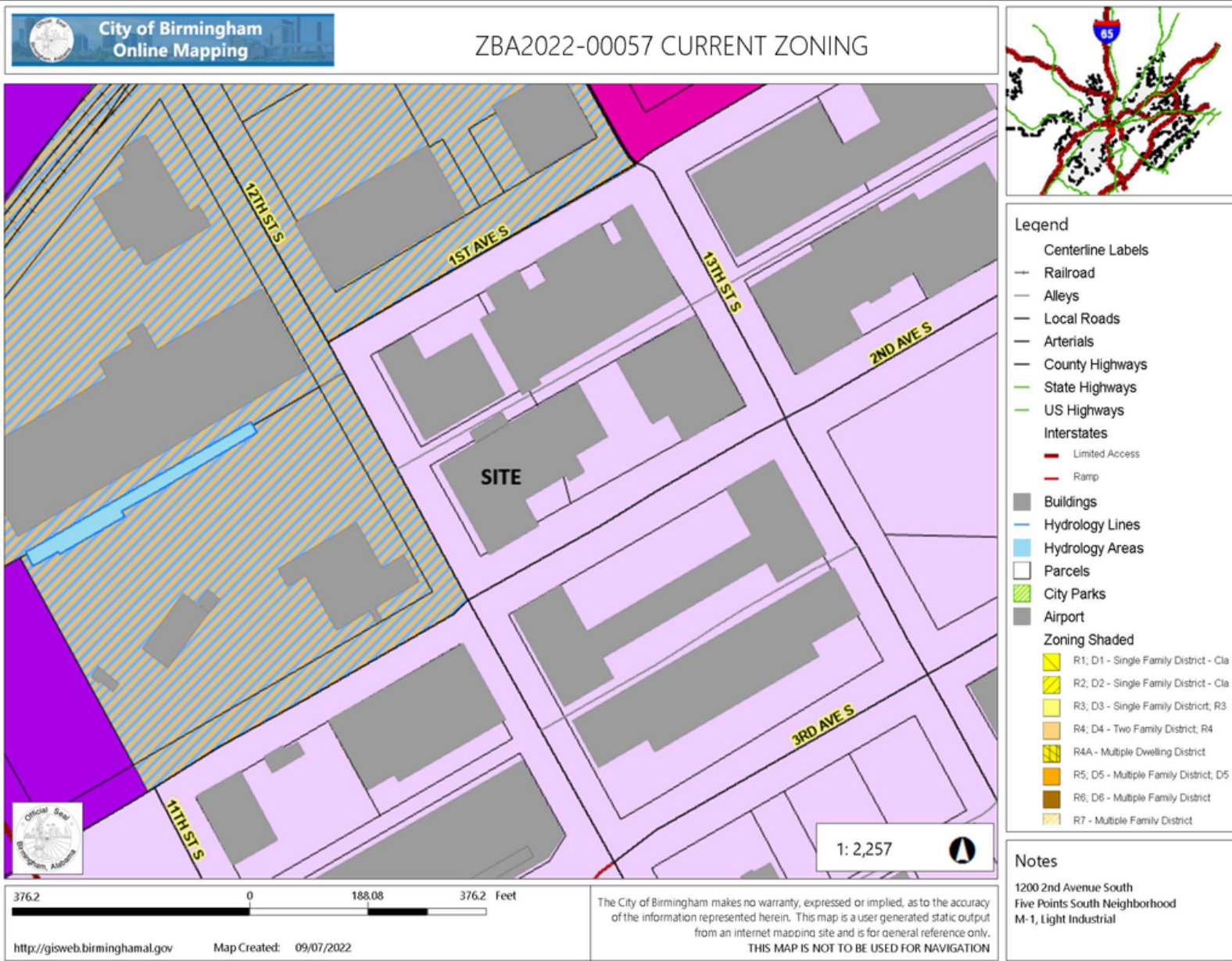




SURVEY

Property and Abutting Land Uses.

The subject property is currently zoned MU-D (Mixed-Use Downtown District). The parcels located to the North, South, and East are also zoned M-1, Light Industrial District. Parcels located to the West are zoned MUD, Mixed-Use Downtown.



The mixed-use downtown district is designed to accommodate Medium- to high-density office, residential, retail and entertainment areas that create vibrant 18–24-hour, 7-day a week live-work-play environments, typically mid-rise to high-rise; artisanal industries and small warehouses that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses. This district is focused in the downtown area, and should be transit-accessible. Uses in this district include: high density multi-family, loft, townhouse, retail and services, offices, hotels, large entertainment facilities, and live/work structures.

Zoning Ordinance.

Animal Boarding Facility. Any building used for the temporary, indoor overnight boarding, care and grooming of domesticated dogs and cats.

Animal Day Care. Any building, designated or arranged for the daytime care and grooming of domesticated dogs and cats. Does not include overnight boarding.

Animal Kennel. Any building(s), outdoor animal run or land designated or arranged for the care, breeding, boarding, training, or selling animals, primarily, but not limited to domesticated dogs and cats, whether by owners of such animals or by persons providing facilities and care, but shall not apply to the keeping of animals in a pet store, a laboratory for scientific or experimental purposes or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.

Conditions:

Animal Boarding Facility. In the following districts: AG, MU-H, MU-D, C-2, **I-1**, I-2, I-3 and PRD an animal boarding facility shall be permitted provided that the following conditions are met:

1. Outdoor exercise yards shall be permitted provided that they are completely fenced and used only between seven a.m. and seven p.m. when a staff person of the facility is present in the exercise yard. Where such outdoor activities abut a dwelling zone district or district permitting dwelling use, a 50 foot setback is required.
2. No outdoor kennels or runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than 50 feet from any existing residence located on an adjacent parcel.
4. All on-site waste shall be housed either within the boarding facility or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.



Animal Day Care. In the following districts: AG, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3 AND PRD an animal day care shall be permitted provided that the following conditions are met:

1. Building size is limited to 7,500 square feet in the MU-L and C-1 districts.
2. Outdoor exercise yards shall be permitted provided that they are completely fenced and used only between seven a.m. and seven p.m. when a staff person of the day care is present in the exercise yard. Where such outdoor activities abut a dwelling zone district or district permitting dwelling use, a 50 foot setback is required.
3. No outdoor kennels or runs are permitted.
4. 4 No part of any building or structure in which animals are housed shall be closer than 50 feet from any existing residence located on an adjacent parcel.
5. All on-site waste shall be housed either within the day care building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

Animal Kennel. In the: AG, I-1, I-2, I-3, and PRD districts an animal kennel shall be permitted provided that the following conditions are met:

1. No part of any building, structure or run in which animals are housed or kept shall be less than 500 feet from any existing residence located on an adjacent parcel.
2. Enclosures must be provided which shall allow adequate protection against weather extremes and are covered to prevent waste from entering storm drains. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks,

Setback Requirements:

- Maximum Height of Structure: 35 feet
- Front Yard: 40 feet
- Rear Yard: 40 feet
- Side Yard: 15 feet
- Minimum Lot Area: ½ of an acre
- Minimum Lot Width: 100 feet



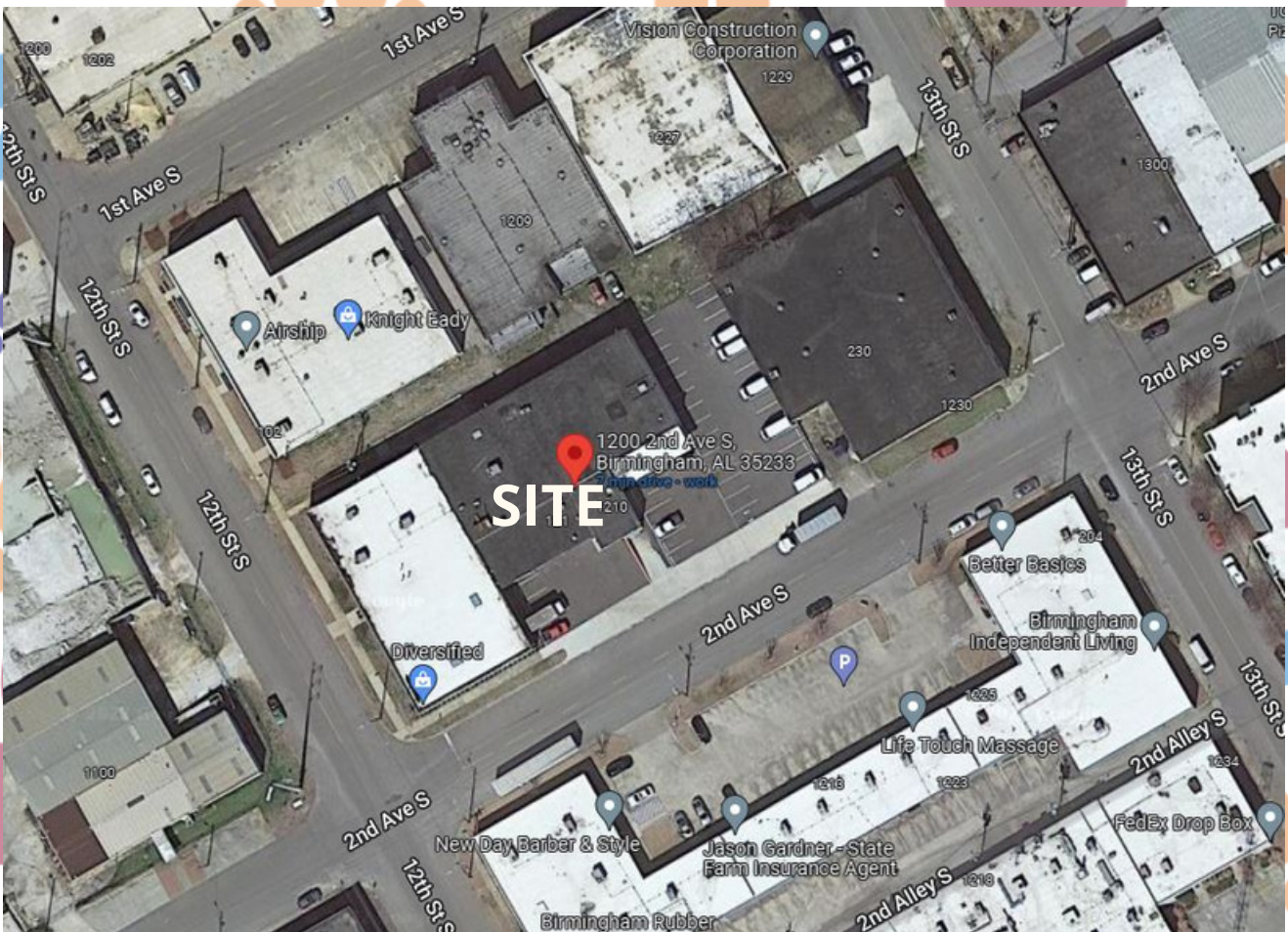
Neighborhood Association.

The **Five Points South Neighborhood Association** met at its regularly scheduled meeting on **September 20, 2022** and voted to

Recommended Conditions:

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

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.





Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2022-00060

Graymont Neighborhood

Request: Application requesting a variance to allow for an LED pole sign to be installed in an R-3, Single-Family Residential, zoning district.

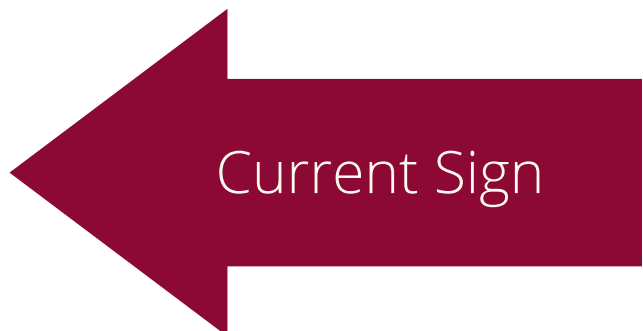
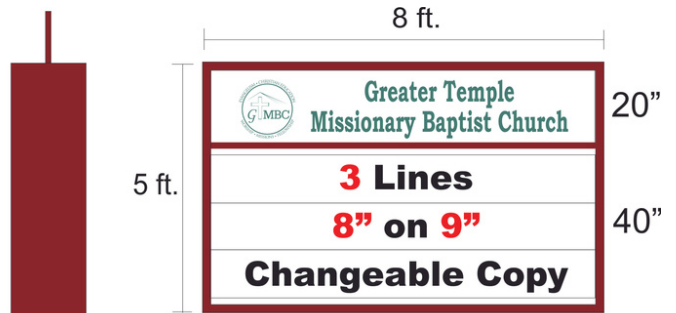
Filed by: Carlos Robinson of C&C Banners LLC, on behalf of the owner, Greater Temple Missionary Baptist Church.

Location: 300 4th Avenue West, Birmingham, AL 35204, in the SW $\frac{1}{4}$ of Section 34, Township 17-S, Range 3-West. Council District 6.



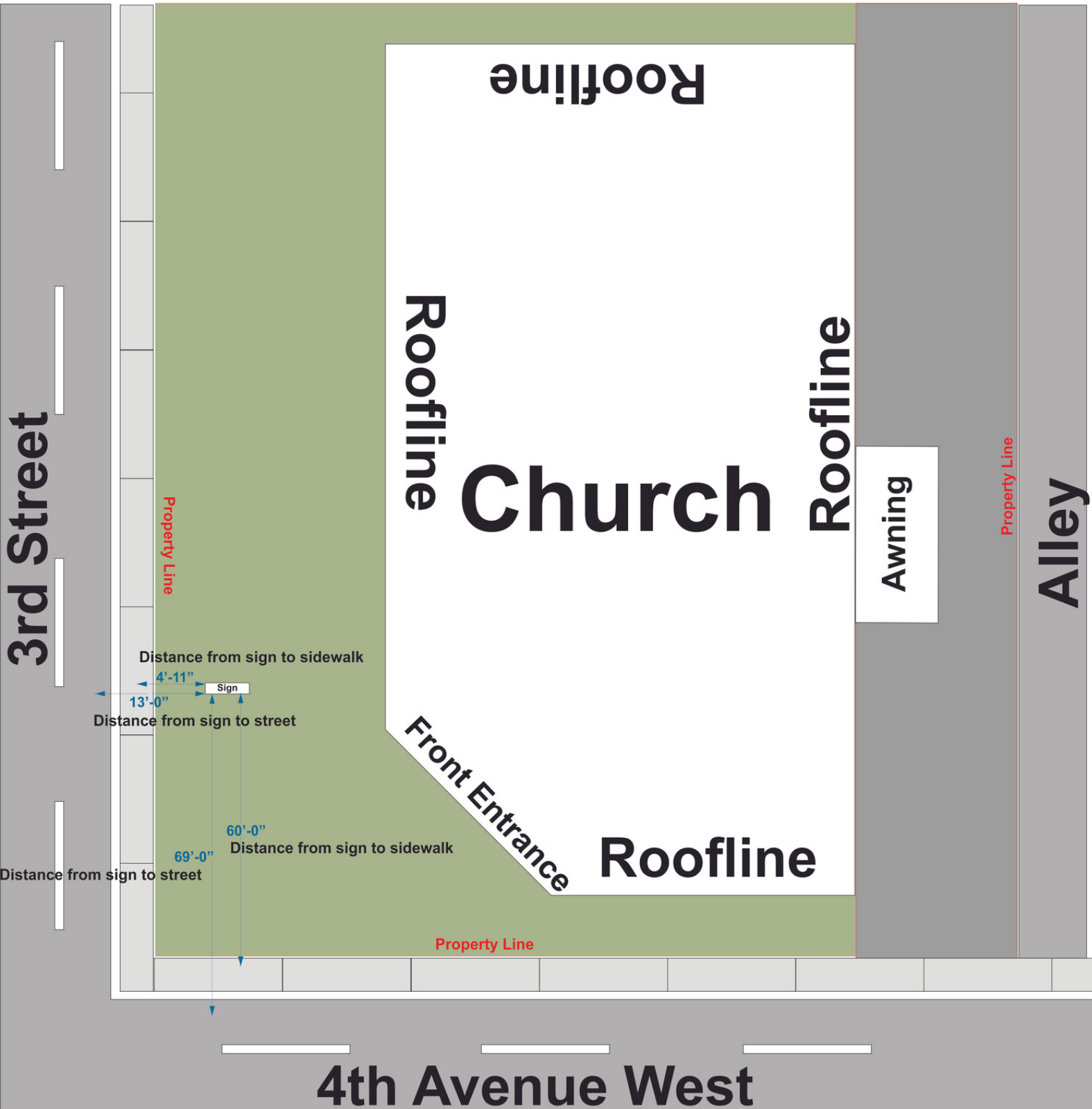
Applicant's Proposal.

The applicant is proposing an LED sign to be installed at Greater Temple Missionary Baptist Church. This sign will not only be an information resource for the church, but for the community as well. The community will be able to get out important, valuable information that is going on digitally. The programming that will be used for the sign will allow them to advertise events and inspirational messages at certain times. The sign will not display videos as we do not want to cause any driving distractions.



Variance Justification.

- **Physical Characteristics of the Property.** Please see attached site plan and proposed sign.
- **Unique Characteristics.** This is a world of digital signage. The LED sign for Greater Temple Missionary Baptist Church can be a new and powerful medium of communication that reaches out to both current and future members. We will be able to increase attendance, grow membership and promote programs and events. LED signs have been proven to be the most effective form of getting information out.
- **Hardship Not Self-Imposed.** The variance will be the minimum that will make use of the land, building or structure. LED signs are proven to be the most effective and least costly form of advertising method. The granting of the variance will not be detrimental to the community or cause damage or harm to other surrounding properties. This will not diminish or impair property values within the neighborhood.
- **Financial Gain Not Only Basis.** Financial gain is not the sole basis for the City of Birmingham granting Greater Temple Missionary Baptist Church this variance for a LED sign. LEDs provide 50-70% energy savings over traditional fluorescent lit signs. The long lifespan of LEDs will dramatically reduce maintenance costs and lower long-term operating costs. LED illumination does not require the use of ballasts or bulbs which need periodic replacement.
- **No Injury to Neighboring Property.** This sign will enhance the community and does not pose a safety risk. LEDs light operate at low voltages and are cool to the touch even when left on for hours. LEDs don't use fragile components and are able to withstand shock, vibration, and extreme temperature. Fluorescents give off UV radiation while LEDs do not.
- **No Harm to Public Welfare.** The granting of the variance will not result in an increase of public expenditures or traffic congestion as we are not on a main street to cause a disruption. Our church is located on 4th Avenue West and only receives a limited amount of traffic. The long-term impact of having a LED sign in the neighborhood will be a great as it will enable us to advertise digitally the positive events that are happening.



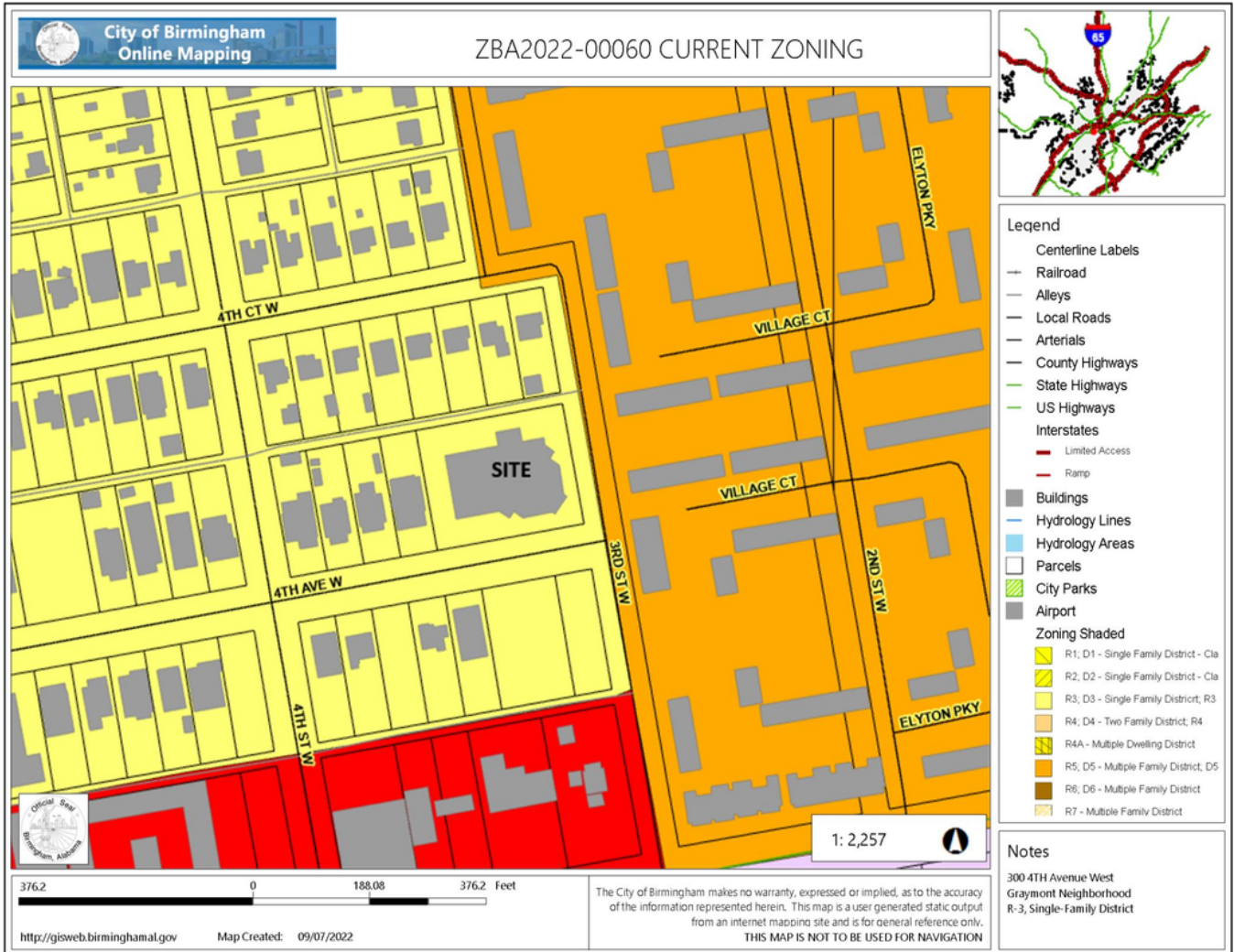
SITE PLAN

ZBA2022-00060

Graymont Neighborhood

Property and Abutting Land Uses.

The subject property is currently zoned R-3 (Single Family District). The parcels located to the North, South, and West are also zoned R-3, Single Family District. To the West is Elyton Village, zoned C-R-5, Contingency Multi-Family District.



1. Single-family dwelling.
2. Nurseries or truck gardens.
3. Noncommercial greenhouse.
4. Publicly owned or operated park, playground or community building, museum, library or art gallery.
5. Church or other place of worship.
6. Public school, elementary or high, or a parochial or private school.
7. Golf club or golf course.
8. Home occupations.
9. Accessory structures and uses.
10. A church or public building may have one bulletin board or one sign, located on the same lot as the main structure, said bulletin board or sign not to exceed 27 square feet in area nor to be animated or illuminated with intermittent light.

Uses allowed in R-3, Single-Family District are:

11. Temporary signs not exceeding a total of eight square feet in area located on the same lot pertaining to the lease, hire or sale of a building or premises.
12. A temporary sign not exceeding a total of eight square feet in area relating to the development, sale or lease of lots or houses in a subdivision containing not less than five lots, which sign shall not remain more than two years or after the sale of the last lot, whichever occurs first.
13. Family Day / Night Care Home.
14. Wireless communications facility.
15. Community Garden.
16. Farmers Market.
17. Apiary.

Zoning Ordinance.

Pole Sign. A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

Size. The sign area of any pole sign must not exceed 80 square feet.

Setback. A pole sign adjacent to any single-family or duplex residential use, public park or school must be set back at least 300 feet.

Height. A pole sign must not exceed 25 feet in height.

Illumination Elements.

All permanent signs may be non-illuminated, illuminated by internal, or internal indirect (halo), or lit by external indirect illumination and must be consistent with Title 1, Chapter 1, Article II, Section 16 of the City of Birmingham

Externally lit signs must be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Illuminated signs must comply with the following requirements:

1. **Brightness:** No sign may be brighter than is necessary for clear and adequate visibility, and no sign may be of such intensity or brilliance that impairs the vision of a motor vehicle driver with average eyesight or otherwise interferes with the driver's operation of a motor vehicle, and no sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
2. **Ambient conditions adjustment:** All signs installed after the effective date of this ordinance that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
3. **Malfunctions in dynamic elements or illumination:** Dynamic elements and illumination elements must also be equipped with a means to discontinue the element immediately if it malfunctions. The owner of a sign with a dynamic element or illumination element must immediately stop the element's operation when notified by the City that it is not complying with the standards of this chapter, except to bring it into conformance, or after conformance is confirmed by the City.
4. **Glare.** Any lighting fixture on a sign that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way except as permitted by this ordinance must be (a) aimed away from the property line, residential use, or zoning district, or public right-of-way; (b) classified as an IES Type III or Type IV lighting fixture; and (c) shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

Neighborhood Association.

The ***Graymont Neighborhood Association*** met at its regularly scheduled meeting on September 20, 2022 and voted to

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.

