



Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

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 MU-D, Mixed-Use Downtown District, for an outdoor 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.

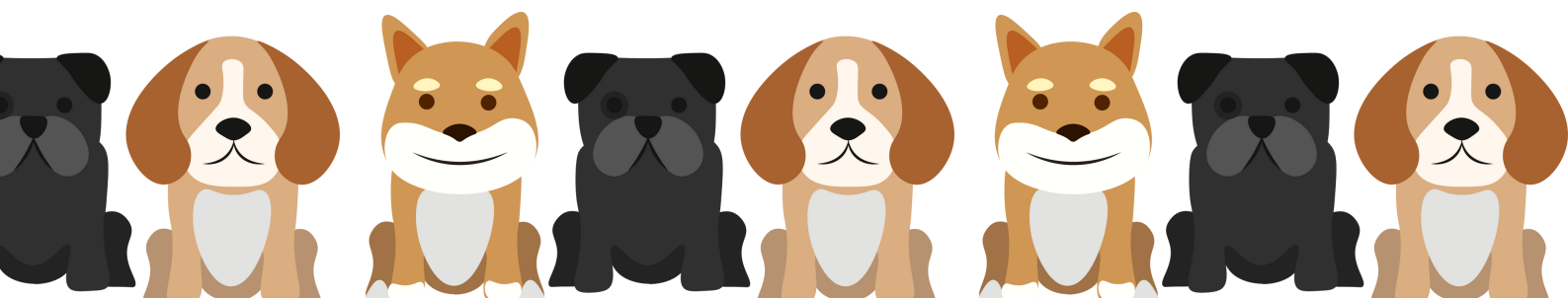


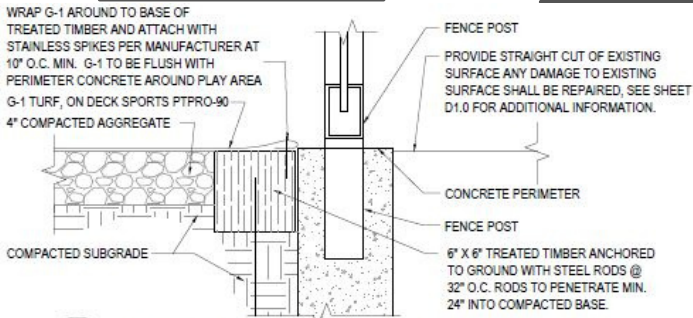
Applicant's Proposal.

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.

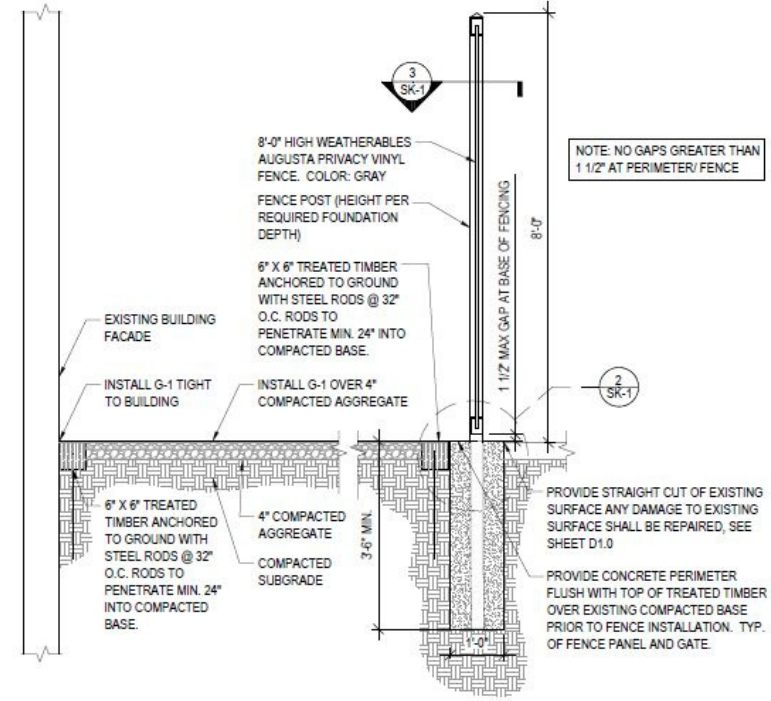
Variance Justification.

- 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.



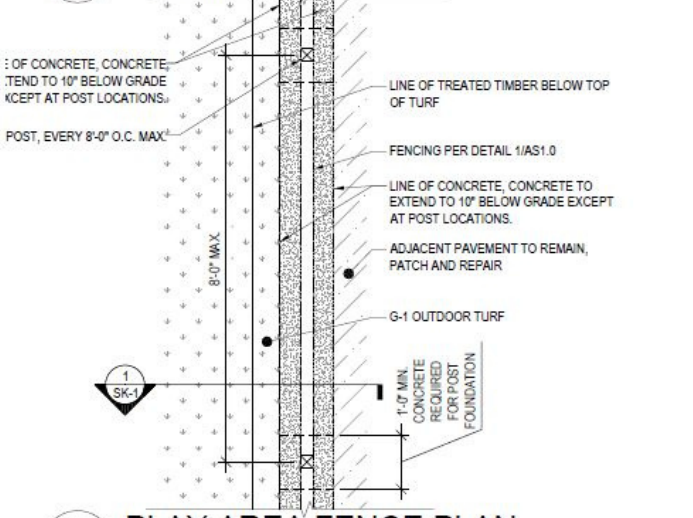


NOTE: THIS DRAWING IS NOT FOR CONSTRUCTION. SKETCH IS INTENDED TO ACT AS AN EXAMPLE / EXHIBIT. ACTUAL SITE CONDITIONS WILL VARY.



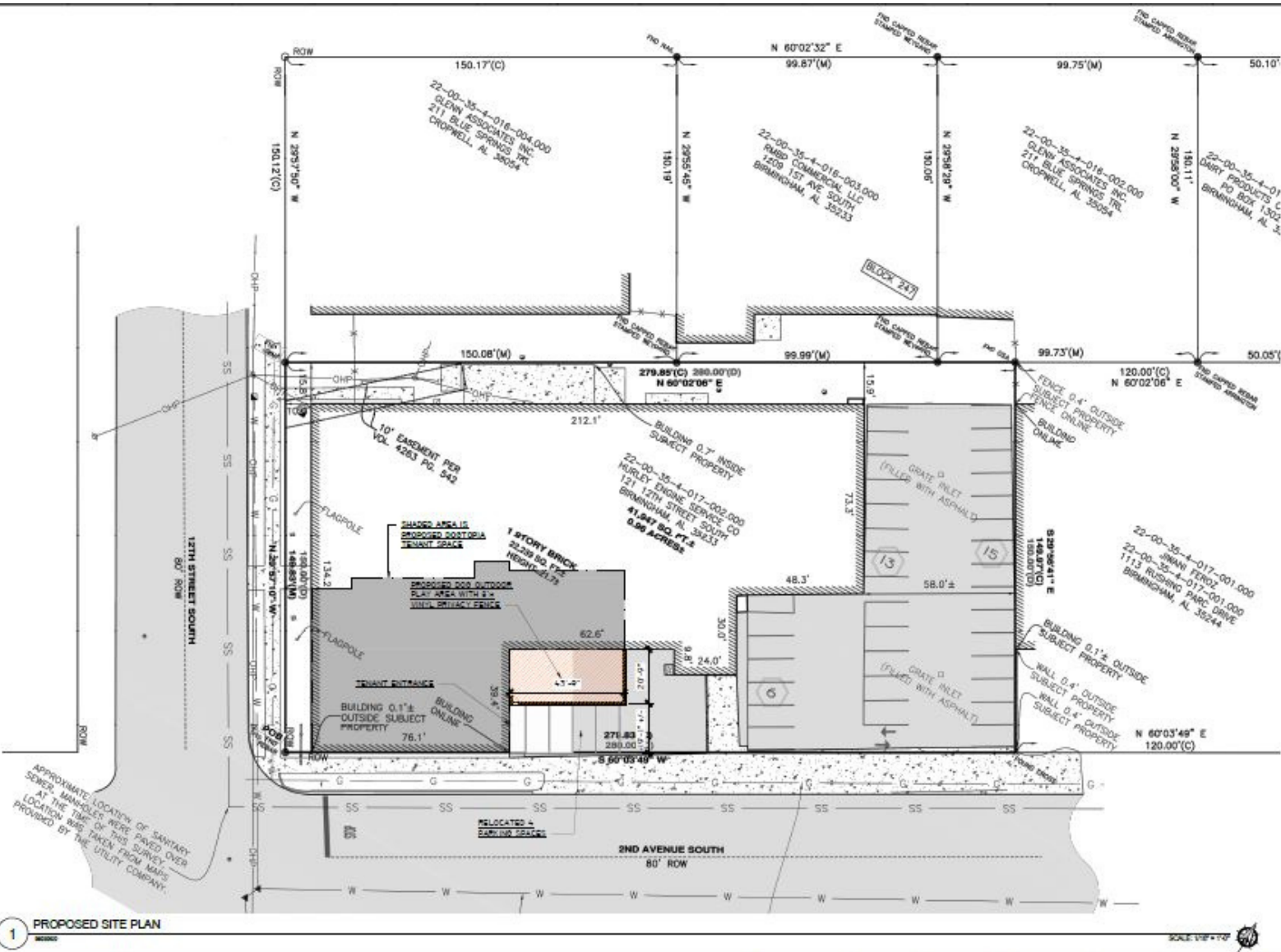
2 TURF PERIMETER DETAIL
SCALE: 1-1/2" = 1'-0"

1 PLAY AREA FENCE SECTION
SCALE: 1/4" = 1'-0"



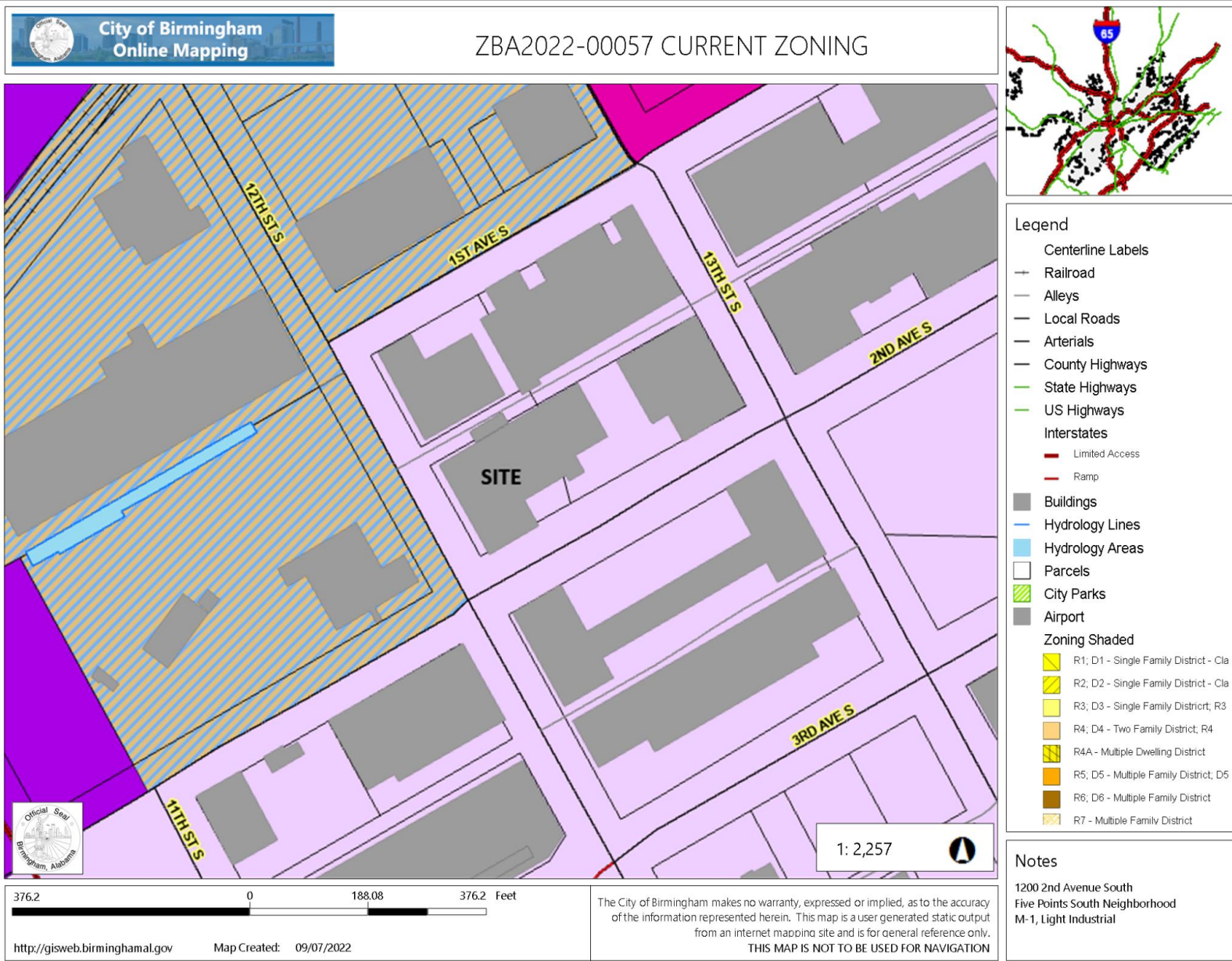
3 PLAY AREA FENCE PLAN
SCALE: 1/4" = 1'-0"





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: **MU-D** 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: **MU-D** 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.

Setback Requirements for Mixed-Use Downtown:

Maximum Height of Structure: No Limit

Front Yard: 0 feet

Rear Yard: 0 feet

Side Yard: 0 feet

Minimum Lot Area: 0 feet

Minimum Lot Width: 25 feet

Previous Actions:

ZAC2020-00016: In 2020 this property was rezoned from M-1, Light Industrial to MU-D, Mixed-Use Downtown. MU-D has no parking requirement therefore, the applicant is not required to have any off-street parking.



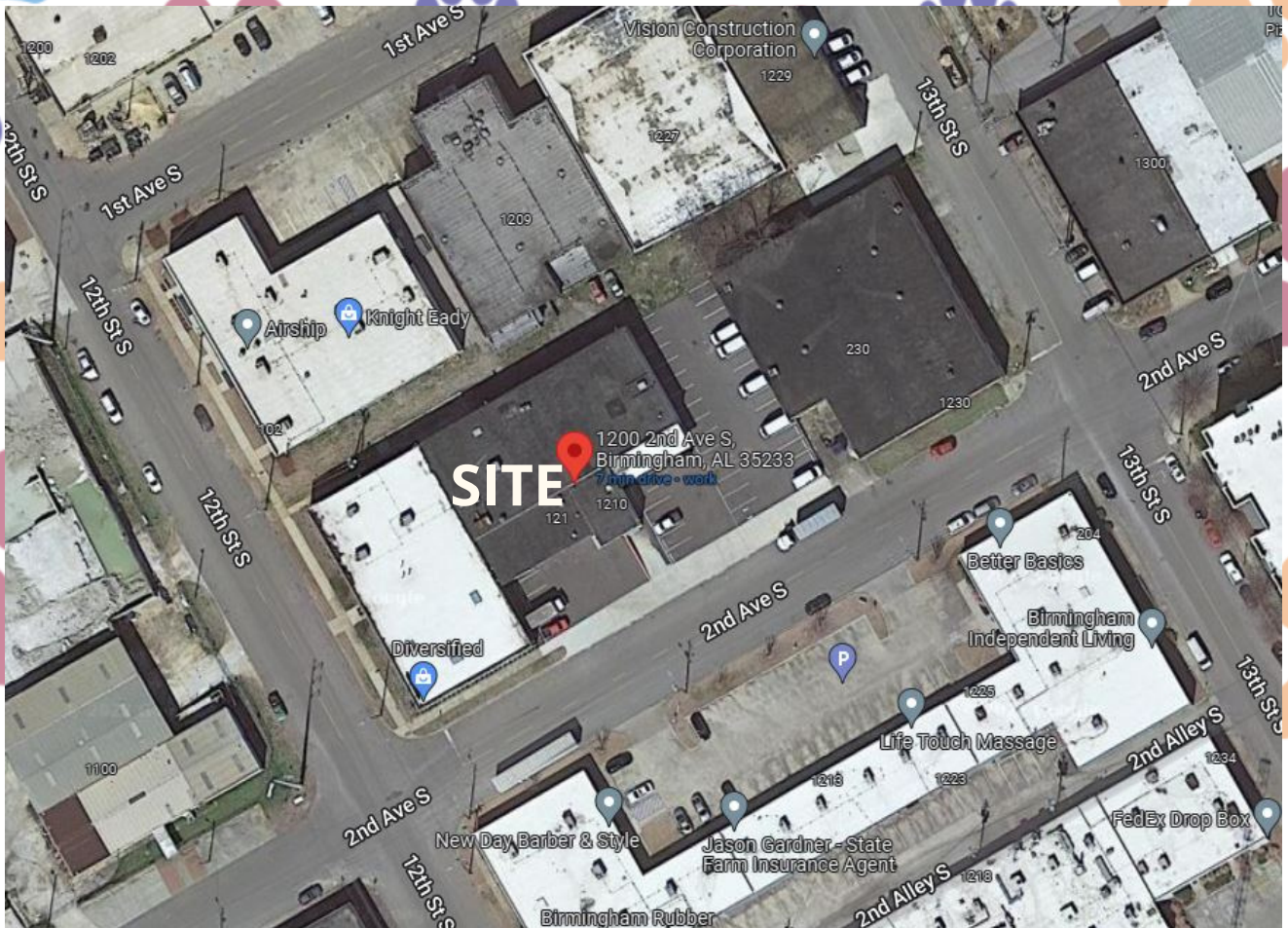
Neighborhood Association.

The ***Five Points South Neighborhood Association*** met at its regularly scheduled meeting on ***October 18, 2022*** and ***voted to unanimously approve the request (16 votes to approve)***. The neighborhood thinks another doggie keeping and doggie salon is beneficial to the downtown where so many new residents are coming. REV estimates about 40% of downtown new dwellings have dogs. There will be a building blocking the north and west side of the doggie run, blocking those beyond from any adverse impacts. To the south the neighbor is in favor. Having parking also as a buffer to the street will minimize the outdoor fenced operation. The neighbors believe this proposal is a good adaptive reuse project and the applicant's company has a good reputation nationally.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

Department of Planning, Engineering, & Permits

ZBA2022-00063

Overton Neighborhood

Request: Request for a **Variance** to allow for an expansion of wayfinding monument signs that exceeds the maximum allowed by the Zoning Ordinance.

Filed by: Katie Fitzjarrald, on behalf of the owner, Target Corporation.

Location: 4616 Highway 280 Birmingham, AL 35242 situated in the NE ¼ of Section 35, Township 18-S, Range 2-W, Shelby County.



Applicant's Proposal.

The applicant is installing 3 new wayfinding signs for the Target Drive Up spaces.





Variance Justification

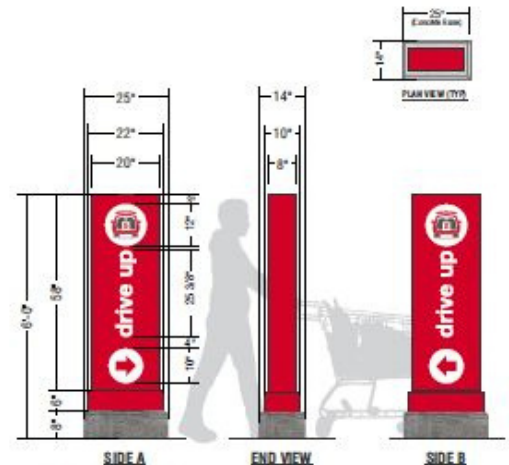
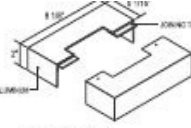
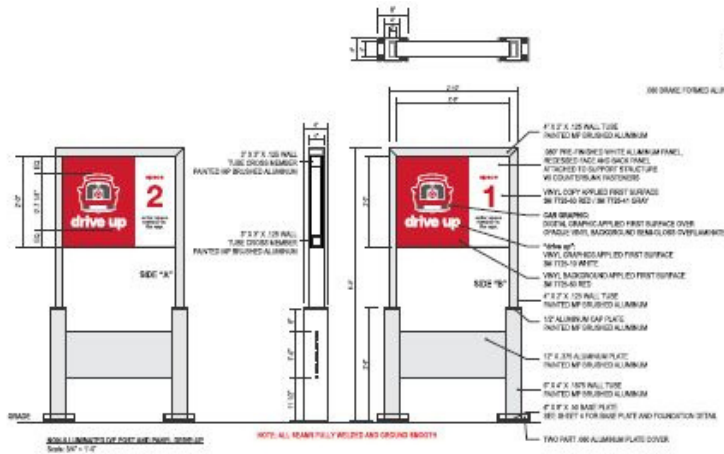
Target has identified a better way to serve customers as shopping needs have continued to change. “Drive-Up” (DU) is Target’s program that allows customers to purchase merchandise online or on their app, and then pick it up at a physical store location. A Target team member will bring the pre-paid merchandise out to the customer’s vehicle, so the customer does not have to leave their vehicle at all during the process. This has become a popular shopping option as COVID-19 made contactless/reduced person-to-person shopping critical. This program drastically reduces the time a guest is required to spend at the store, which reduces the amount of standard parking needed to serve the same number of guests and creates operational efficiencies.

Kimley Horn is requesting, on behalf of Target Corporation, an allowance of more wayfinding signage on property to allow for a safer environment for both customers and employees utilizing the Drive-Up spaces for online order pick up.

Due to the property hosting a plethora of shops with a shared parking lot wayfinding and directional signage are imperative to keep the traffic flow steady within the parking lot. There are no self-imposed hardships with this site due to any actions of a previous business and or person. There is no financial gain to be had over directional and wayfinding signage for traffic flow on site in this case, this is solely for our customers to be well guided. A granting of this proposed variance will not injurious to other property improvements in the area nor will there be any harm caused to public welfare, we are in fact trying to keep the property and shopping experience as safe as possible.

SPECIFICATIONS:

- GRAPHICS ROUTED OUT OF ALUMINUM FACE
- 18MM CLEAR PUSH-THRU ACRYLIC GRAPHICS
- WHITE A9001-T TRANSLUCENT VINYL APPLIED 1ST & 2ND SURFACE
- LOGO TO BE DIGITALLY PRINTED & APPLIED 1ST SURFACE



SIGNAL COLORS	
Red	White
Black	Grey
Blue	Green

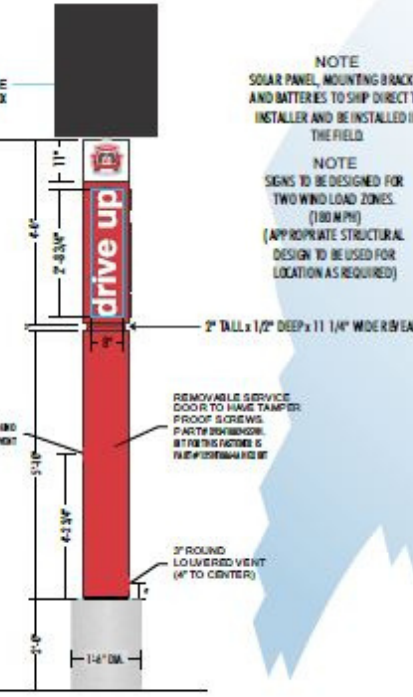
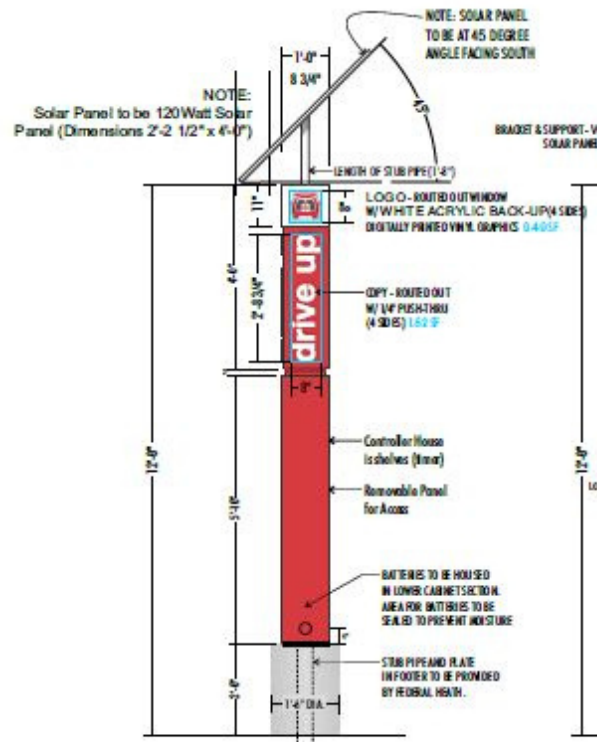


BEACON 24VOLT SOLAR POWERED DRIVE UP BEACON

MATERIAL FINISH COLORS					
2" F X 1/2" WALL TUBE CROSS MEMBER PAINTED MP BRUSHED ALUMINUM	12" ALUMINUM CAP PLATE PAINTED MP BRUSHED ALUMINUM	12" X 1/2" ALUMINUM PLATE PAINTED MP BRUSHED ALUMINUM	2" F X 1/2" WALL TUBE CROSS MEMBER PAINTED MP BRUSHED ALUMINUM	12" ALUMINUM CAP PLATE PAINTED MP BRUSHED ALUMINUM	12" X 1/2" ALUMINUM PLATE PAINTED MP BRUSHED ALUMINUM

DESCRIPTION OF WORK

MANUFACTURE AND INSTALL BEACON SIGN AS SHOWN. 1/2" ALUMINUM SKIN & FRAME - COPY TO BE ROUT-OUT WITH PUSH-THRU IS 1/2" SHOULDER-CUT CLEAR ACRYLIC W/ WHITE VINYL AND DIFFUSER. 2ND SURFACE TOP (LOGO) IS 7/32" WHITE ACRYLIC VINYL GRAPHICS. SERVICE DOORS AS REQUIRED. ALL FASTENERS TO BE COUNTER-SUNK SCREWS. FACIES AND POLE COVER TO BE PAINTED RED (SEE CHA WHITE LED ILLUMINATION WITH SOLAR PANELS. BATTERIES SELF CONTAINED AS NOTED.



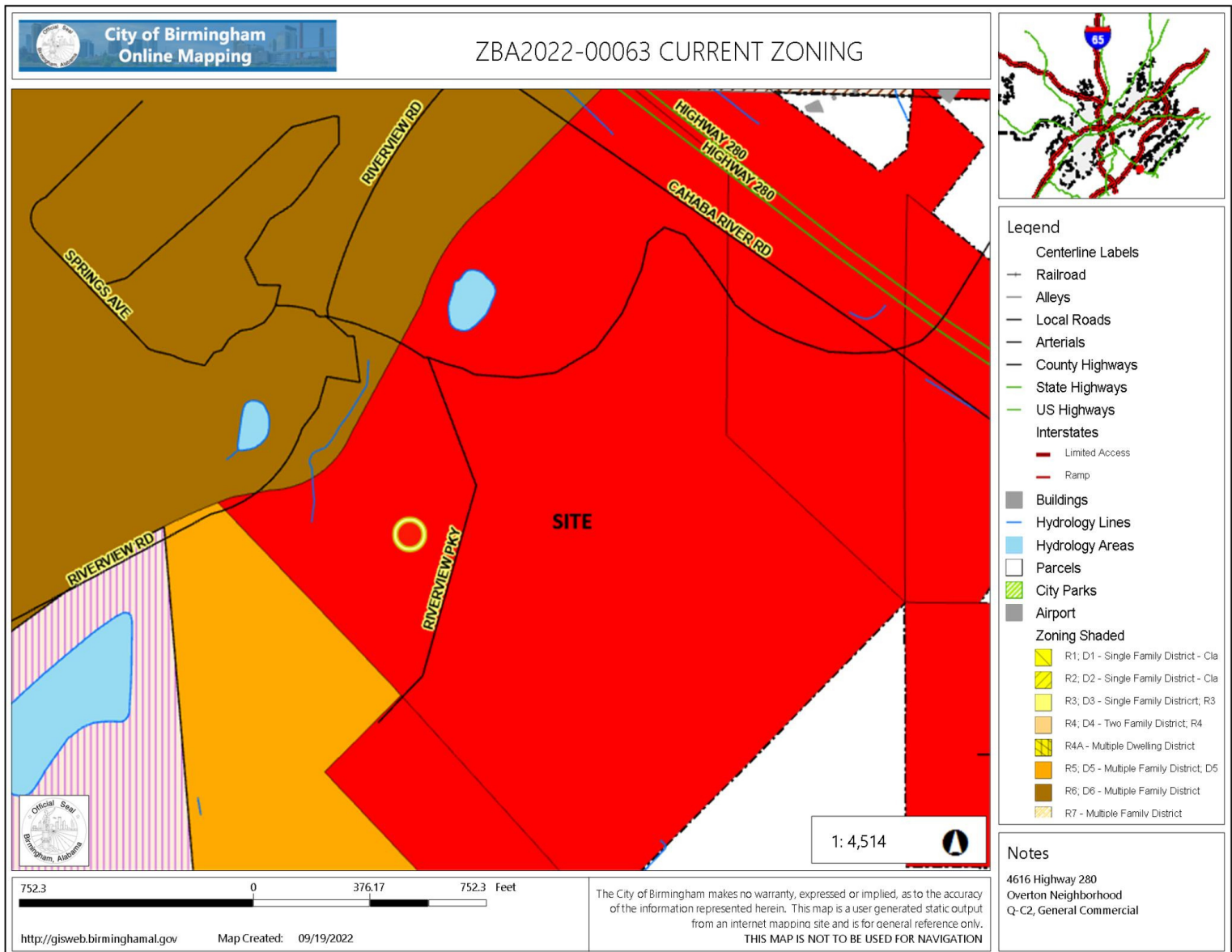
12 (FT) DRIVE-UP BEACON | FOUR(4) SIDED | SOLAR POWERED
scale 1/2" = 1'-0"

12 (FT) DRIVE-UP BEACON | FOUR(4) SIDED | SOLAR POWERED
scale 1/2" = 1'-0"

12 (FT) DRIVE-UP BEACON w/ SOLAR PANEL

Property and Abutting Land Uses.

The subject property is currently zoned **Q-C2 (Qualified General Commercial District)**. To the North are parcels zoned D-1, Single- Family District. To the South and East are parcels zoned C-C2, Contingency General Commercial District. To the West are parcels zoned HZD, Holding District.



The C-2, General Commercial District is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

Highway 280 Overlay District Sign Regulations

Section 7. Signs

A. Permits Required. A sign permit shall be obtained from the Department of Planning, Engineering & Permits prior to the erection or placement of a sign which is regulated by this Section.

B. Exempt Signs. The following signs are exempt from the requirements of this Section, provided they do not create a safety hazard as determined by the appropriate governmental authority.

1. Directional signs which do not exceed four square feet of copy area nor three feet in height, located in parking or vehicle maneuvering areas, which are intended to direct traffic through the area and do not contain any advertising.
2. Regulatory, statutory and traffic control signs necessary to promote the public health, safety and welfare; as required by the municipal, county, state or federal government.
3. Legal notices, memorial and historical markers and other official government signs.
4. Holiday lights and decorations.
5. Signs incorporated into vending machines by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine, including gasoline pumps, and telephone booths.
6. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
7. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
8. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
9. Works of art that do not constitute advertising
10. Signs carried by a person
11. One temporary, construction sign not to exceed 16 square feet in area, nor six feet in height
12. Projecting (or Blade) Signs subject to administrative review provided that said sign(s) shall not extend more than four feet from the vertical surface of the building to which it is mounted, shall be a minimum of eight feet above the exterior grade, and the total sign face area (excluding bracket or mounting device) shall not exceed 16 square feet for one sign (total for both faces), 24 square feet for two signs (total four faces), or 30 square feet for three signs (total six faces). The maximum number of projecting signs per building or tenant space shall be based on actual linear feet of frontage. Only one sign is exempted for frontage of less than 50 feet, two signs for frontage of greater than 50 feet but less than 100 feet, and three signs for frontage of greater than 100 feet with a maximum of three signs per building or tenant space. (Ord. 08-71).

Prohibited Signs

1. Signs which do not comply with the adopted building, electrical or fire codes
2. Any sign which constitutes a safety hazard, as determined by the appropriate governmental authority, including signs which obstruct visibility at intersections
3. Signs which are not permanently attached to the ground or a building, including, portable signs, inflatable signs, banners and similar devices
4. Off-premise signs
5. Signs located in the public right-of-way and signs attached to trees or poles, including signs attached to private property located in the public right-of-way
6. Animated signs, including signs which move, revolve, rotate, or appear to be animated by mechanical, electronic or other means
7. Signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs
8. Strings of light bulbs, inflatable signs, and signs which emit noise, odor or visible matter such as smoke or steam
9. Wind driven signs including banners, flags, pennants, ribbons, spinners, streamers, captive balloons and similar devices
10. Roof signs
11. Signs that incorporate projected images, emit any sound that is intended to attract attention or involve the use of live animals
12. Signs or sign structures that interfere, in any way, with the free use of any fire escape, emergency exit or standpipe, or that obstructs any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations
13. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; or, nongovernmental signs that use the words "STOP," "LOOK," "DANGER," or any similar word, phrase or symbol
14. Signs that contain any writing or control mechanism that causes unreasonable interference with radio, television or other communication signals

General Regulations for all Signs Throughout the Corridor

1. Not more than one flag of governmental, religious, charitable, or fraternal organizations may be displayed on any one parcel of land. The flag shall not exceed 15 square feet in area and shall be flown from a pole, the top of which shall be less than 35 feet in height.
2. No sign shall have more than two faces.

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

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

1. The building wall sign or canopy sign for each business shall be attached to a front or side building wall which encloses that business premises.
2. The maximum sign face area shall be 15 percent of the building wall area to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet. The maximum sign face area may be increased one square foot for every five feet of building setback in excess of 50 feet, up to a maximum sign face area of 210 square feet.

Shopping Center Identification Signs

Each shopping center may have one freestanding sign which identifies the name of the shopping center. Tenant signs are permitted, provided that the combined total sign face area for both tenant signs and the shopping center identification sign does not exceed the maximum allowable sign face area shown in Section (H)(1)(b)(c).

1. Freestanding Sign

- a. Maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 10 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the center line elevation of the nearest public street. Said elevation shall be measured at the point on the centerline which is closest to the sign. Berms shall not be used to increase the height of a free standing sign.
- b. For shopping centers with more than 300 continuous feet of public road frontage, maximum height of the sign shall be 30 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 18 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the center line of the nearest public street. Said elevation shall be measured at the point on the centerline which is closest to the sign. Berms shall not be used to increase the height of a free standing sign.
- c. The maximum sign face area of an internally illuminated sign shall be 55 square feet. Sign face area may be increased one square foot for every eight feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 96 square feet.
- d. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet. Sign face area may be increased one square foot for every five feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 120 square feet.
- e. Signs shall be setback at least 10 feet from any property line.

Previous Actions.

Z-6-88. In 1988 this parcel was rezoned from O & I, Office and Institutional, to QB-2, “Qualified” General Business District. The following “Q” Conditions were placed on the property:

1. A 25’ ft. undisturbed natural buffer on the south and east portion of the property; with landscaping from the undisturbed buffer to the proposed parking lot.

Neighborhood Association.

The **Overton Neighborhood Association** met at its regular scheduled meeting on **October 4, 2022** and voted to unanimously support the request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

ZBA2022-00066

Central Park Neighborhood

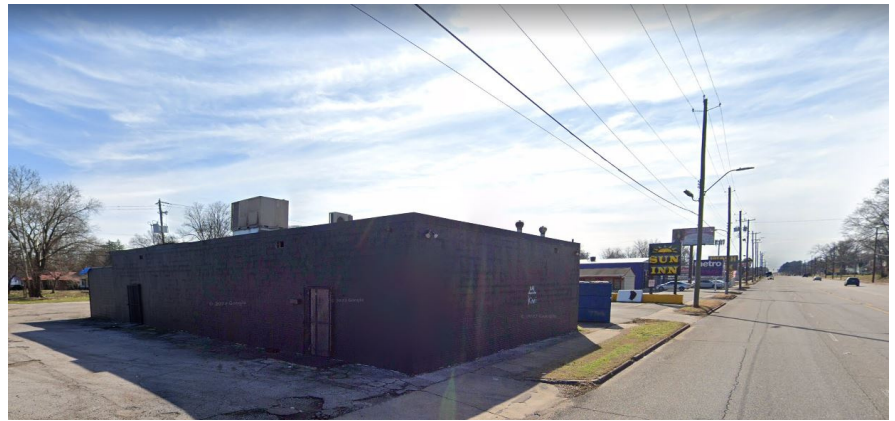
Request: Application requesting a **Variance** to allow for an event center that abuts a Single-Family Dwelling District to be open until 2:00 am.

Filed by: Shun Riggins, the owner of Riggins Venue LLC.

Location: 1575 Bessemer Road, Birmingham, AL 35208, situated in the NE ¼ of Section 07, Township 18-S, Range 3-West. Council District 8.

Applicant's Proposal.

The applicant is operating an existing event center and would like to have the operating hours extended to operate between 8:00 a.m. and 2:00 a.m.



Previous Actions.

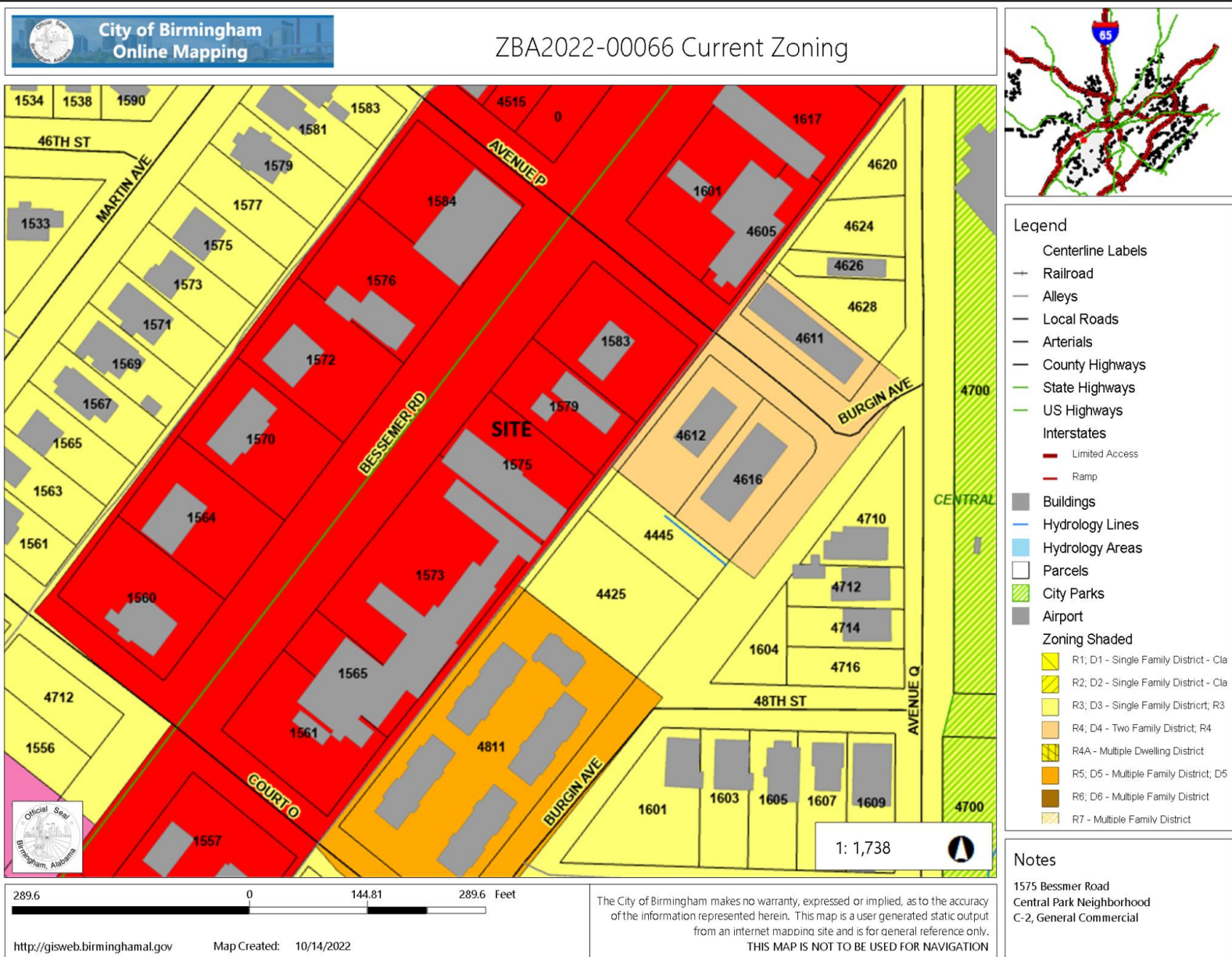
ZBA2022-00016: In April of this year the applicant came before the Zoning Board of Adjustment seeking a Special Exception to allow an event center, and a Special Exception to allow remote commercial parking. These requests were approved subject to the following conditions:

1. The parking spaces must be striped and shown on the site plan
2. Must meet the following landscape requirements:
3. Will need an evergreen shrub hedgerow along Burgin Avenue
4. Add 1 tree per 40' feet of street frontage along Burgin Avenue
5. Review by the appropriate zoning inspector to insure compliance with the Board's decision.
6. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

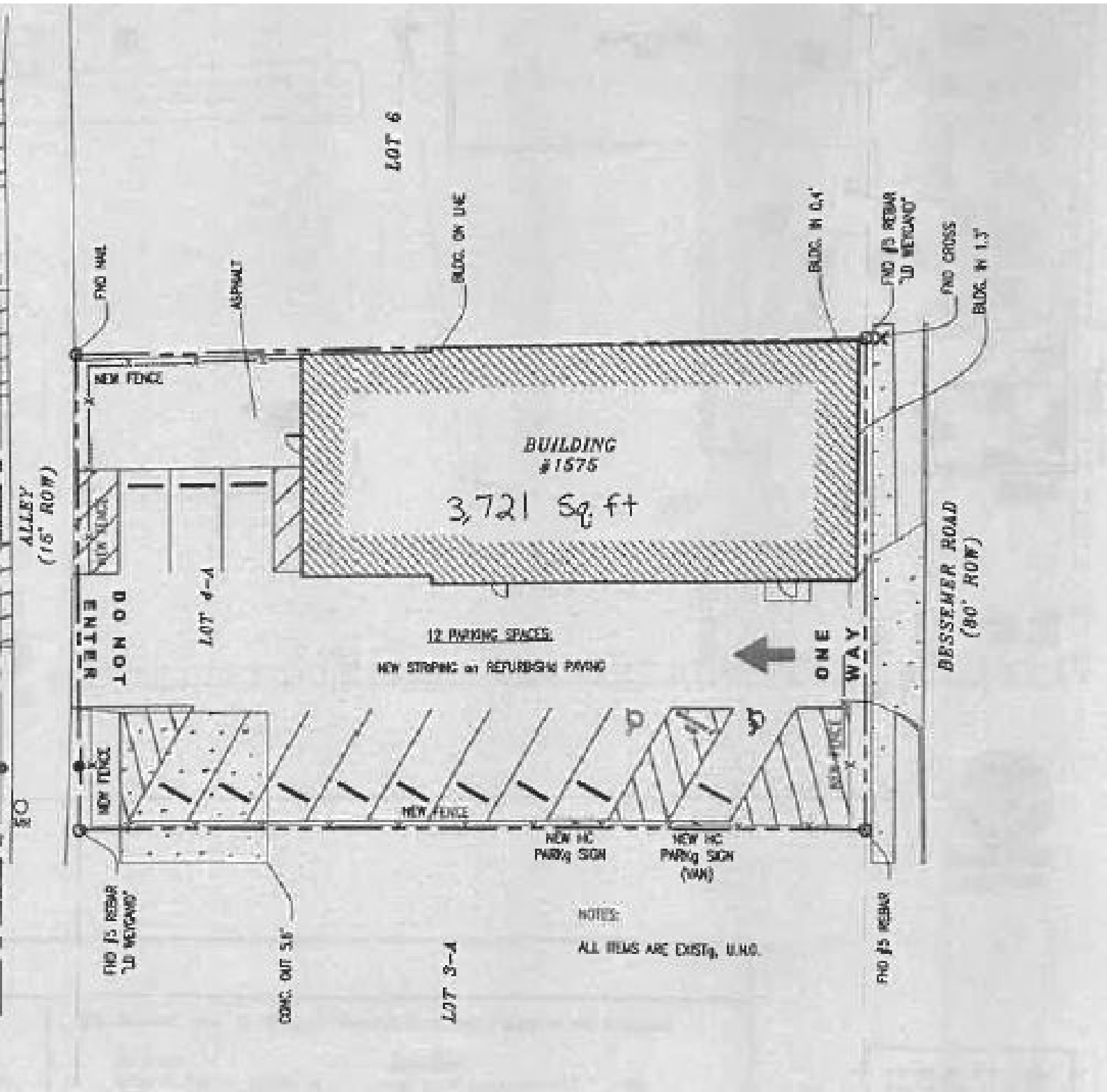
The applicant has not met these conditions.

Property and Abutting Land Uses.

The subject property is currently zoned **C-2, General Commercial**. The parcels located to the North and West are also zoned C-2, General Commercial. Parcels located to the East are zoned **D-3, Single Family Dwelling District**. Parcels located to the South are zoned C-2, General Commercial and **D-5, Multiple-Family Dwelling District**.



The **C-2, General Commercial District** is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.



SITE PLAN

VARIANCE JUSTIFICATION

Riggins Venue LLC.

1575 Bessemer Rd.

Birmingham, AL. 35208

Variance Standards request for Extended Hours 8AM/2AM

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. The property has been in use for more than 10+ years as an Event Center/ Assembly Hall and the almost 3000 square feet of interior space has a layout designed for such. This was a cash AS-IS purchase from owners who operated, marketed and sold this property as an event center. We are working closely with the City Of Birmingham to bring both the interior and exterior up to city codes and neighborhood standards. The previous owners did not take the time, effort or concern to operate in such a manner that benefited the community as well as the business. Riggins Venue has made all necessary repairs and upgrades per the city of Birmingham to bring this property too code to become an asset and staple in the community. It brings an unjust financial, business and mental hardship to myself the owner to not be allowed To continue to operate within the business hours that the previous owners were allowed to operate. Riggins Venue would be automatically excluded from any event whether it be social, political or private that last past 12am.

2.) Unique Characteristics

Most events are rented in 4hr increments with 10pm-2am being the latest times. It would cause tremendous unforeseen hardship if we lose potential clients due to hours of operations, with the major upgrades aesthetically as well as safety improvements to the property. The city landscaper has given us a mandatory layout of the exterior of the property to put a barrier of shrubbery between our lot and the surrounding residential area. We have complied to ALL requirements from the city and will continue to do so. However we cannot ignore the fact that having these limited business hours plus the cost of major upgrades that we've done to the interior and exterior of our property have already hurt the financial aspect of our business. Those two hours of unavailability from 12am-2am in the event planning community can be detrimental to business. Having extended hours until 2am is not a mere convenience but a property right since it's been in operation as such under those same business hours for 10+ years.

3.) Hardship Not Self-Imposed

The unforeseen hardship of not having extended hours past 12am has been detrimental to our business. It limits our staff, vendors and potential clients prep time, set-up/break down and cleaning times after each event. Not to mention the actual time allowed to occupy our business for said event. Having non competitive hours will hinder our potential to meet the needs of those seeking to rent our venue at no fault of our own. We have done ALL that's asked and required to operate a business that is city code approved, operating in the best interest of the community while being a successful business investment for us. I must stress that prior to Riggins Venue this has been an operating event center for 10+ years with no cooperation or compliance from the owners. The unfair hardships from the strict application of this ordinance has brought our business to a crawl.

4.) Financial Gain Not Only Basis

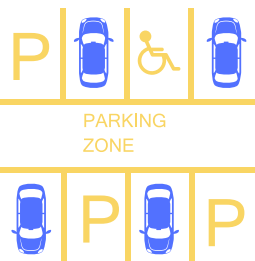
As important as financial gain is to any business it is not be the sole basis for this variance request. The purchase of this property was done with my life savings in an effort to bring a nice upscale venue to the neighborhood to help the community for years to come. The events we book will bring entry level food service jobs within walking distance to someone who may not have a vehicle to drive across town. The city landscaper provided a professional layout that provides very nice curb appeal to draw in more professional upscale events. We would possibly employ a minimum of 30 workers for one event creating financial independence for some while bringing in a more diverse potential renter. Our plan is not to be just a party venue we'd like to bring that same upscale, community building, job creating business to the west side of town that has long moved to other areas. Birmingham hosting the World Games and all the efforts the city is doing to revamp minority populated communities goes along with the vision I have for Riggins Venue. Partnering with the city and community leaders to make a real difference in our communities has been the driving force behind the plans I have for Riggins Venue.

5.) No Injury to Neighboring Property

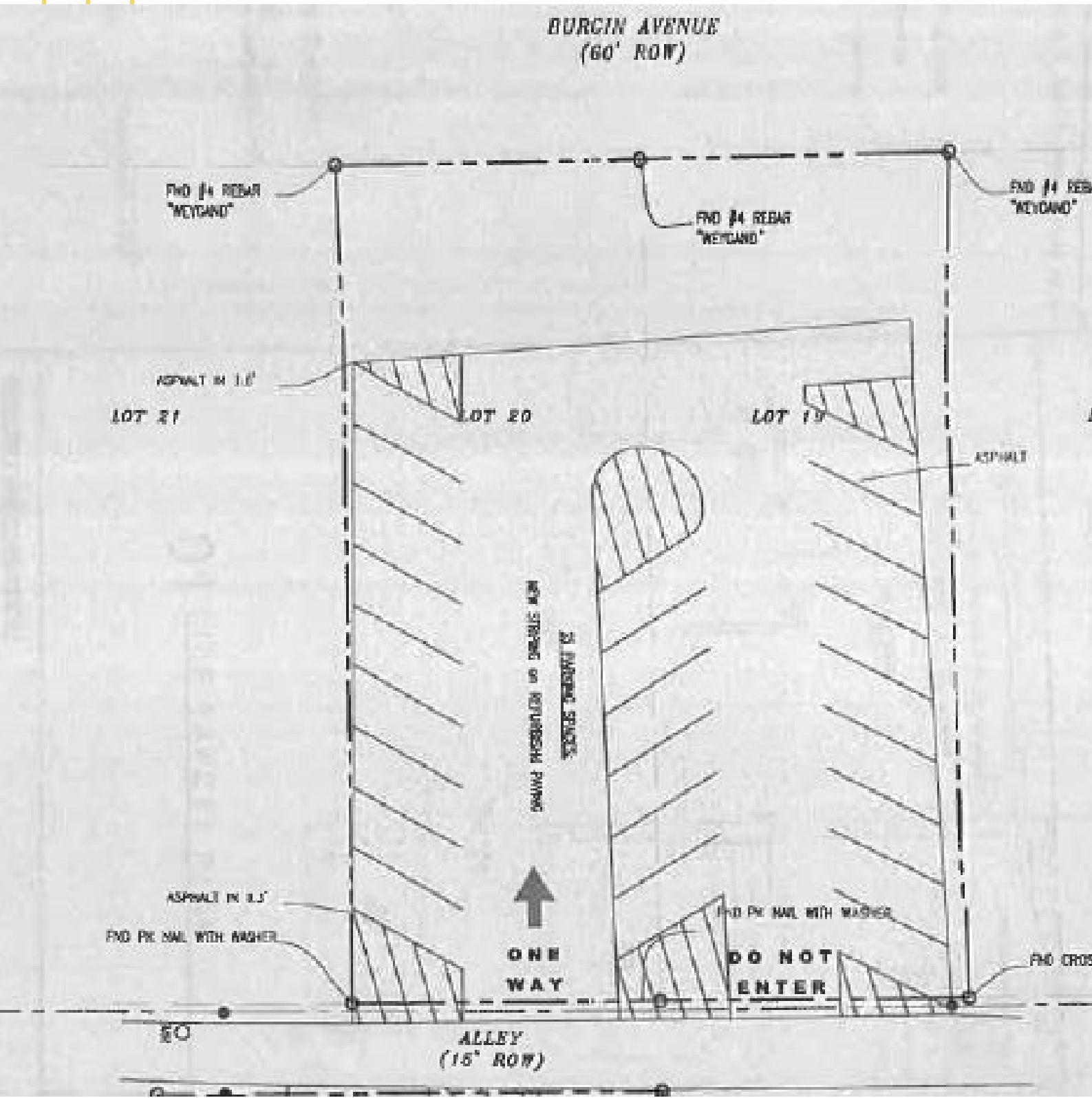
Granting the request of this variance will not be injurious to other properties in the area in any way. Per the city of Birmingham we have done all required upgrades to the exterior of the property that we feel maximizes curb appeal to both the front and rear of our property as well as provide an added layer of security with a newly paved very well lit front and back parking area that will add additional lighting to an otherwise dimly lit area. We have state of the art security cameras covering the entire exterior and interior of Riggins Venue. Added exterior security to the property by Birmingham Police officers during events from 8am-2am will aid in the deterring of illegal trash dumping and crime in the area. We have taken all steps and executed the ordinances required per city code to operate in a professional manner that in no way will be harmful or detrimental to any neighboring property.

6.) No Harm to Public Welfare

Granting this variance of extended business hours will in no way bring harm or detriment to the public welfare. First and foremost we will use ultimate discretion in selecting our renters. We will have security during ALL hours of operation. For added safety events up to 50 people are required to have one security guard, 3 guards for events up to 100 people and 4-5 security guards for any event hosting more than 100 people. Birmingham Police officers or a professional private security company will provide security for ALL events that service will be booked directly by our Safety/Operations Manager. Having adequate security will aid in the smooth flow of traffic, deter solicitors and those partaking in illegal activities from gathering outside of our property and surrounding properties. We have also installed sixteen 24hr surveillance cameras around the exterior of the property including both parking areas as well as the interior own the property. With crime being at an all time high we spared no expense in providing a safe environment for our renters, their guest, our employees and the community as a whole. 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.



REMOTE PARKING



Zoning Ordinance:

Event Center. Any building where the primary use is staging of temporary events, and may be operated by a vendor for the purpose of renting space for private functions.

Conditions:

Event Center. In the **C-2** 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.

Parking Requirement:

Event Center: 1 per 100 sq. ft. of Gross Floor Area

3,721 sq. ft. / 100 = **37 Parking Spaces Required**

Remote parking. Parking area that is not located on the same lot as the principal use, but is within 1,000 feet of principal use.

Setback Requirements:

Maximum Height of Structure: 75 feet

Front Yard: 0 feet

Rear Yard: 0 feet

Side Yard: 0 feet

Minimum Lot Area: 5,000 sq. ft.

Minimum Lot Width: 50 feet

Neighborhood Association.

The ***5 Points West Implementation Committee*** met at a regularly scheduled meeting on **November 10, 2022** and voted to

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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 and shown on the site plan
4. Must meet the following landscape requirements:
 - a. Will need an evergreen shrub hedgerow along Burgin Avenue
 - b. Add 1 tree per 40' feet of street frontage along Burgin Avenue
5. A City of Birmingham police officer must be on duty for any event larger than 50 people.





Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2022-00067

Central Park Neighborhood

Request: Application for a **Rehearing** of ZBA2022-00048 (Variance to allow a parking pad in the front yard instead of the side or rear yard area)

Filed by: Elena Ghindoc, the owner

Location: 4629 Avenue S, Birmingham, AL 35208, situated in the NE ¼ of Section 07, Township 18-S, Range 3-West. Council District 8.

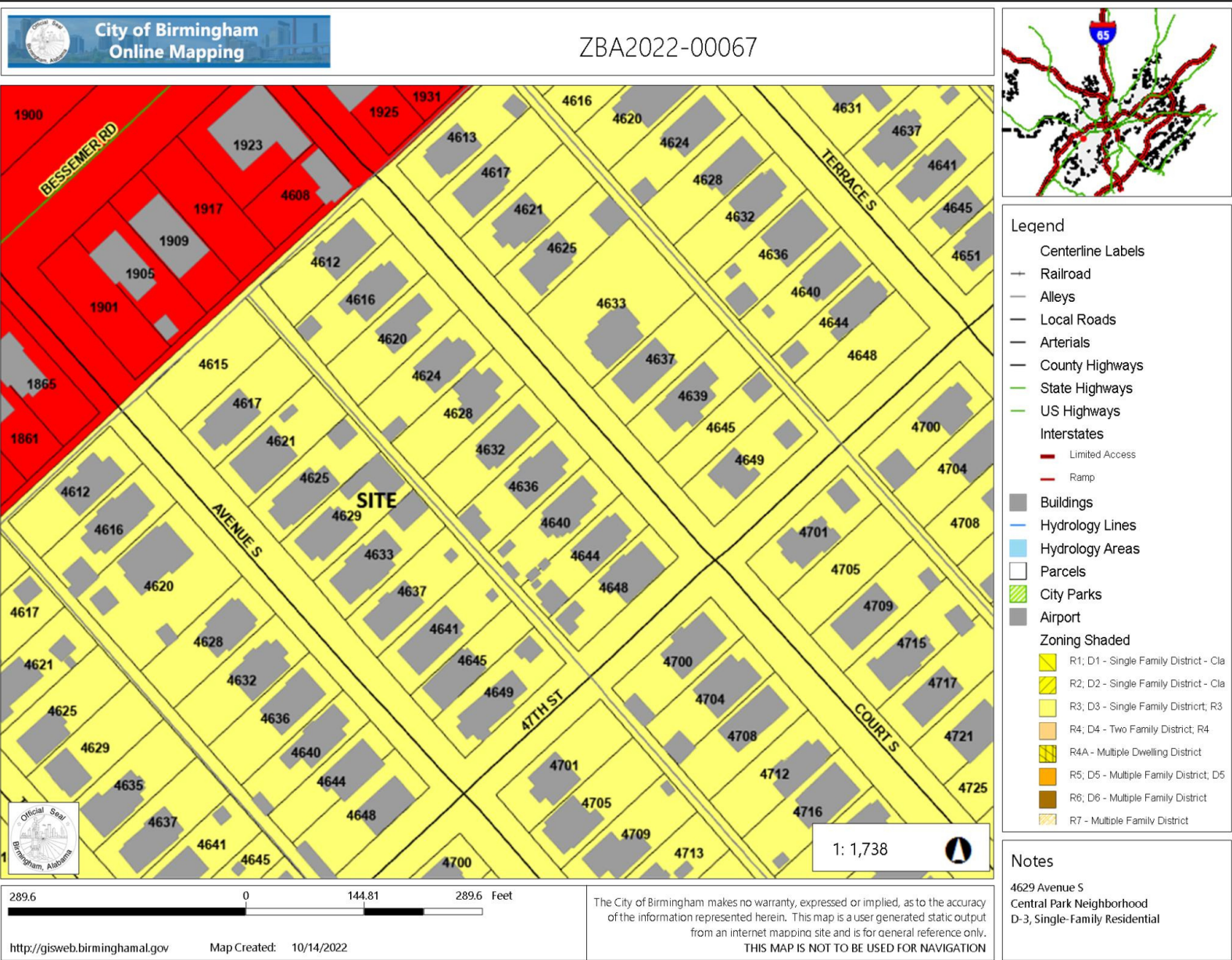


Applicant's Proposal.

The applicant would like a rehearing of ZBA2022-00048 that was requesting a Variance to allow for a parking pad in the front yard instead of the side or rear yard area where they are currently allowed by the Zoning Ordinance.

Property and Abutting Land Uses.

The subject property is currently zoned **D-3, Single-Family Dwelling District**. The property is surrounded by properties also zoned D-3, Single Family Dwelling District.



The **D-3, Single-Family Dwelling District** is designed to allow for single-family residential development at a variety of densities, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the comprehensive plan. Uses in these districts include: single-family homes, schools, churches, and neighborhood-serving public uses.

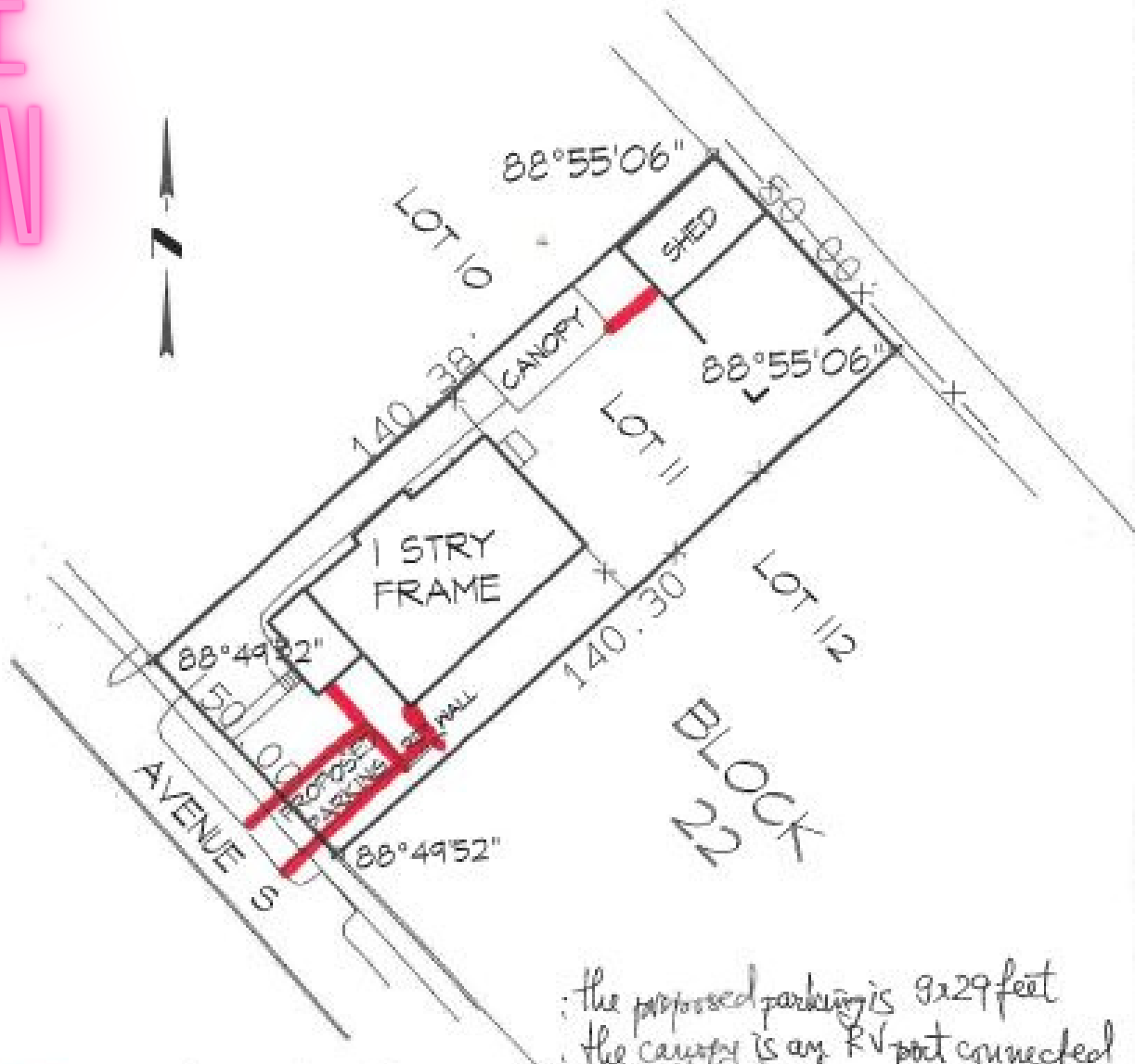
Variance Justification

The reasons for my re-apply

I applied for a variance at my address (only to be dennied) and had my hearing on 25th of August 2022, my case number was 00048

1. I was misguided about the appeal process: while I was waiting for the written decision from the board to arrive in my mailbox within 15 days from my hearing date, such a document never arrived and, after Sept the 9th I was told "my time expired" when asking questions about it.
2. Your inspector did not present to you the whole situation from my street, the fact that my asking for a variance is an absolute necessity and is due to the condition and topography of the street. Thus, your decision was done in error.
3. My survey map, although done by a professional surveyor, needs corrections that I am going to show and mark in red color.
4. I bring myself this time, additional information and pictures to demonstrate my project qualifies as variance and all this can be validated in the field by your inspector if he pays attention to surroundings.
5. My application was treated like an inquiry about where I can put a guest parking spot according to the zoning rules when in fact, it was a justified request for an exception from that rule. I had already learned, when applied, about the option given to "go around the house" or to enlarge the pre existing driveway towards South, which are both destructive to my property and unacceptable: the first option would require destruction of my backyard and the second, destruction of my front yard entryway which is not only designated to pedestrians but also to emergency interventions, furniture delivery, etcetc.
6. My project does qualify for a variance to be granted because it is not contrary to the public interest and all the 6 standards required are satisfied in this case.
7. I would kindly request from each of the members of the board to justify their negative vote in case they give one next time, so that I can build my appeal accordingly, after their decision is served in a written document, at my address.

SITE PLAN



the proposed parking is 9x29 feet
the canopy is an RV port connected to the shed
the porch extends 8 feet beyond the wall of the house

— Corrections done by owner:
DP

LOT 11; BLOCK 22 ACCORDING TO THE MAP OF FIRST SURVEY OF CENTRAL PARK LAND COMPANY AS RECORDED IN MAP BOOK 6, PAGE 42 IN PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA





**Additional photos
provided by the
applicant**

Zoning Ordinance:

Residential Driveways.

1. All driveways, maneuvering areas, and parking spaces must be a suitable hard surface or pervious surface (see Chapter 5, Section 7, C.2) as approved by the City Engineer.
2. Driveways must provide continuous access to a parking space in a side or rear yard or driveways must provide continuous access to a garage within house or an attached carport that is built of similar materials to the main structure.
3. Parking spaces in side yard must extend 18 feet beyond front edge of house.
4. Parking spaces in side yard must also be at least 18 feet by nine feet.
5. Maneuvering areas in front yards shall be limited to 20 percent of the required front yard, including hammer-heads and circular drives, and must connect to an existing driveway providing continuous access to a parking space in the side or rear yard or a garage within the structure.
6. All maneuvering areas, including hammer-heads, and circular drives shall be considered parking spaces and shall count towards the maximum parking after a 100 percent increase has been applied to the maximum parking requirement for residential uses. Driveways providing access to legal parking spaces shall not be counted as parking; provided that the driveway is designed to follow the shortest possible route to said legal parking spaces.
7. Driveways shall be no more than 12 feet wide at the right-of-way; except for driveways providing access to two-car garages, in which case, said driveway shall be no wider than 20 feet.

City Engineer.

The City Engineer does not recommend this request be approved. He has however suggested the applicant can extend the existing driveway towards the rear of the property and create a parking pad behind the house.

Previous Actions.

ZBA2022-00048: In August of this year the applicant came before the Zoning Board of Adjustment seeking a Variance to allow a parking pad in the front yard instead of the side or rear yard area. This request was denied.

ZEN2022-00115: This is a Zoning Violation case because the applicant has installed the parking pad in the front yard without the proper permit. VIOLATES THE ZONING ORDINANCE BY NEEDING PERMITS FOR RESIDENTIAL DRIVEWAY REQUIRED PER ZONING ORDINANCE PURSUANT TO TITLE 1, CHAPTER 5, ARTICLE I, SECTION 11.A

Neighborhood Association.

The ***Central Park Neighborhood*** does not currently have an active neighborhood association that could meet, review, and vote on this request. The previous Central Park President made an executive decision to deny the applicant's request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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. Approval of the parking pad's location and design by the City Engineer.



Zoning Board of Adjustment Staff Report

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2022-00068

Fountain Heights Neighborhood

Request: Application for a **Special Exception** to allow an Event Center in a B4, Central Business zoning district.

Filed by: Derek J. Simpson, the owner.

Location: 1713 4th Avenue North, Birmingham, AL 35203, situated in the NW ¼ of Section 36, Township 17-S, Range 3-West. Council District 5.



Applicant's Proposal.

The applicant is proposing an Event Center that will be named The Alcove. They will be applying for a liquor license.

The Alcove Birmingham will be a beautiful and newly renovated upscale state of the art venue. The unique style and appearance of the event space will allow clients to host small-scale intimate celebrations such as wedding receptions, rehearsal dinners, corporate events and seminars, business meetings, nonprofit fundraisers, birthday parties, reunions, formals and much more for up to 100 guests.

The space will feature projection screens, audio-visual sound capabilities, and a stage. The venue will also provide flexibility which will allow clients to use vendors of choice for a small fee or to select from a variety of our preferred vendors at no additional cost.

Our operating hours will vary depending on the event sponsor's needs but should fall within the following: Sunday thru Thursday 8:00AM - 10:00PM CT and Friday thru Saturday 8:00AM - 11:59PM CST. The venue will be operated by managing partners and will allow clients to serve alcohol with licensed bar personnel and evidenced certificates of insurance.

The success of an event is measured in many ways – but events must also be measured in terms of safety. The Alcove Birmingham will have a duty of care to provide a safe environment for events which are held at the facility, and to ensure that people are not exposed to risks to their health and safety. Below is a list of potential safety hazards and issues that may be encountered, and the tasks that management of the Alcove Birmingham will put in place to mitigate them.

- **Event Access and Egress**

- The Alcove Birmingham facility has 2 established Entry / Exit areas (at front and building rear) for clients and their guests.
- Entry / Exit areas will be clear and accessible for staff and expected attendees
- Entry / Exit area will be adequate for emergency exit and emergency services
- Thoroughfares will be well defined and clearly marked.

- **Traffic Flow Consideration**

- Controlled traffic flow and adequate signage for traffic will be erected
- Traffic management personnel will wear appropriate high visibility protection and carry communication devices
- Adequate parking supervision will be provided
- Adequate training of traffic management
- All necessary permits and certification/licensing for traffic management will be obtained
- Provision for safe passage of emergency / other vehicles through pedestrian traffic will be made available during events

- **Amenities**
 - Adequate provision /location of toilets and hand washing facilities
 - Availability of drinking water for staff and attendees
 - Adequate facilities for food catering preparation and clean up

- **Event Signage**
 - Adequate signage for entries, exits, toilets facilities, waste, or recycling bins etc.
 - Adequate signage for any hazardous /restricted areas
 - Clearly signed First Aid services and fire extinguisher locations will be clearly marked

- **Event Emergency Procedures**
 - Emergency Response personnel trained to carry out plan for event emergency
 - Current site maps available to all staff, emergency services and other relevant parties

- **Fire Prevention**
 - Suitable fire extinguishers / fire blankets are in appropriate areas, tested and in date
 - Event personnel will be trained in extinguisher / fire blanket use where appropriate
 - All staff and volunteers will be aware of the fire evacuation procedures relevant to the planned event

- **First Aid**
 - First Aid Stations will be suitably located, clearly signed and accessible, including but not limited to a defibrillator
 - First Aid facilities will be suitable for event types held
 - Effective means of communication provided between event personnel and First Aid facilities or personnel

- **Electrical Power/Generators**
 - The Alcove Birmingham will work with a licensed engineer to consult requirements for this section. All requirements will be implemented.

- **Utilities / Site Services**
 - Location of all site underground services (power/gas/electrical services /mains etc.) and overhead power lines will be identified. Relevant personnel will also have access to this information.
 - Any unsafe or restricted areas are communicated to the Client and the Event Coordinator
 - Additional or alternate waste removal services will be arranged with Client.
 - Adequate number of recycling and general waste will be organized and located.

- **Permits, Licensing and Registration**
 - Alcohol consumption for events at the Alcove Birmingham will only be permitted if the alcohol is served by a licensed bartender who provides their valid certificate of insurance.
 - Events which permit food will require a food safety license of those servicing food, or approval must be received by management of the Alcove for exceptions.
 - Permits will be acquired if traffic flow is disrupted by the Alcove Birmingham.

- **Staging and Platforms, Marquees, Stalls, Vans or Other Temporary Structures**
 - All stages must be signed off by a certified rigger/scaffolder and erected by personnel with appropriate training and certifications (as required)
 - Adequate access and egress around all staging and platforms for event patrons and emergency services will be in place
 - Marquees, tents, food vans or other structures that are erected must be sited securely and do not encroach on thoroughfares/ clear paths
- **Noise**
 - Noise control measures will be used to minimize disruption to adjoining neighborhood
- **Work at Heights**
 - Permission must be obtained from Alcove Facilities Management for erection of banners or other large display items
 - Ladders used in the facility must be well maintained and suitable for work undertaken & weight – (industrial rated)
 - No work may be done from ladders unless 3 points of contact are able to be maintained always e.g.: 2 feet and 1 hand
 - Assistance of a second person must be provided where required
 - The right type of equipment must be used for the height access job
 - Boom lifts (cherry pickers) operators must use appropriate safety body harnesses attached to the bucket.
- **Manual Handling and Lifting**
 - The Alcove Facilities Management will make allowance so that loads can be delivered as close as possible to area using vehicle or mechanical aids (e.g. trolley)
- **Weather Conditions**
 - The Alcove Facilities Management will check the current National Weather Service (<http://www.weather.gov>) information for adverse weather conditions ahead of and throughout all events.
 - Weather conditions will be planned for and monitored, e.g. non-slip mats, shade, sunscreen and drinking water available
 - Wind speeds will also be monitored to determine if hazardous conditions exist.
 - Consultations will be held ahead of events and cancellations will be made by Facilities Management if deemed necessary by the National Weather Service.
- **Personal Protective Equipment (PPE)**
 - All tasks to be undertaken by staff and volunteers will be checked for the right PPE required and PPE is provided if needed (e.g. gloves, aprons, earplugs, closed toe shoes, waterproof jacket, etc.)
 - Personnel will be trained in using, maintaining, and storing the PPE
 - High visibility safety clothing must be worn by event staff always when it is important for a person in a situation to be easily seen.

• **Security**

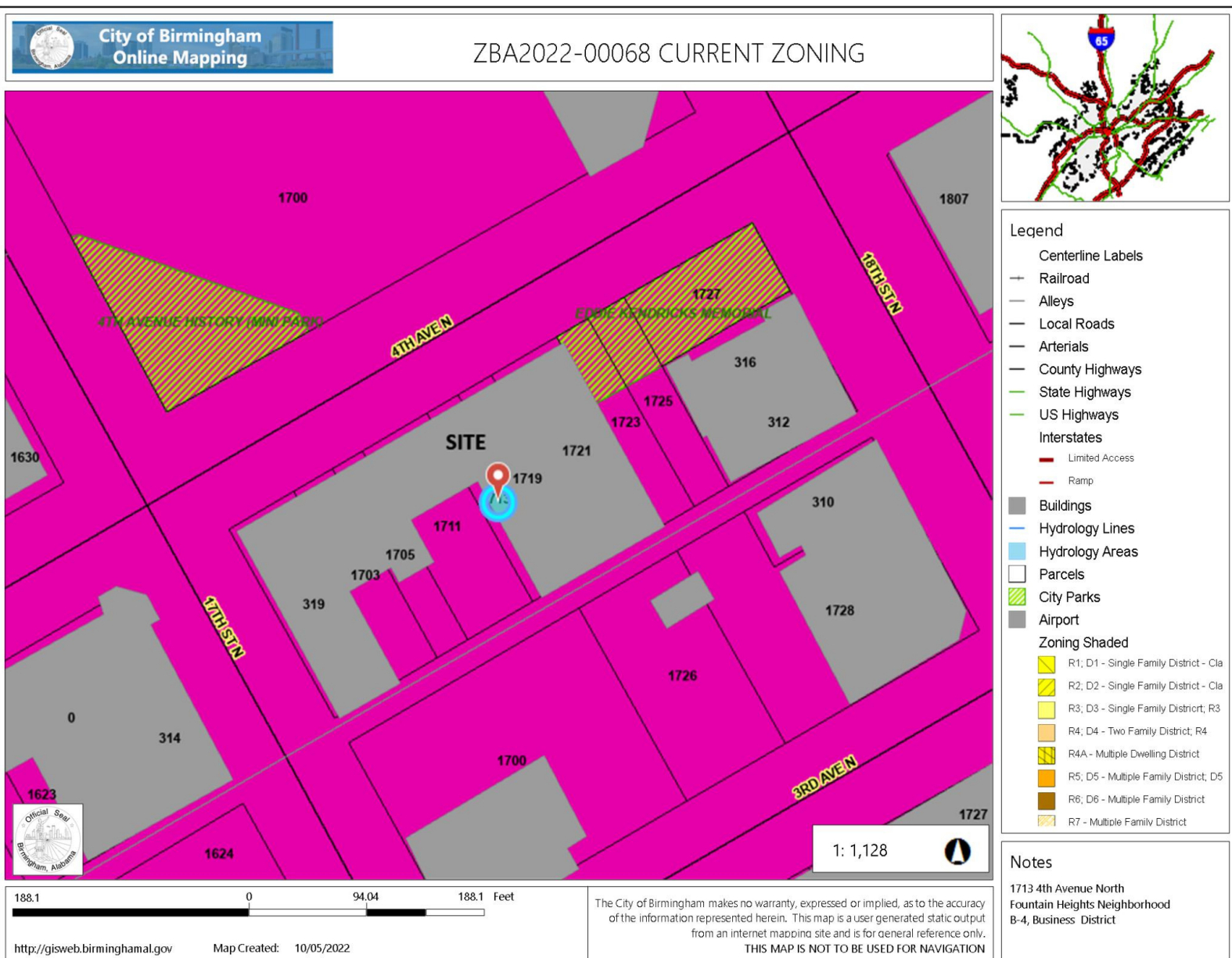
- The Alcove will partner with local authorities to arrange appropriate security levels during events.
- At least 1 police officer will be required for the duration of evening events for crowd control measures.

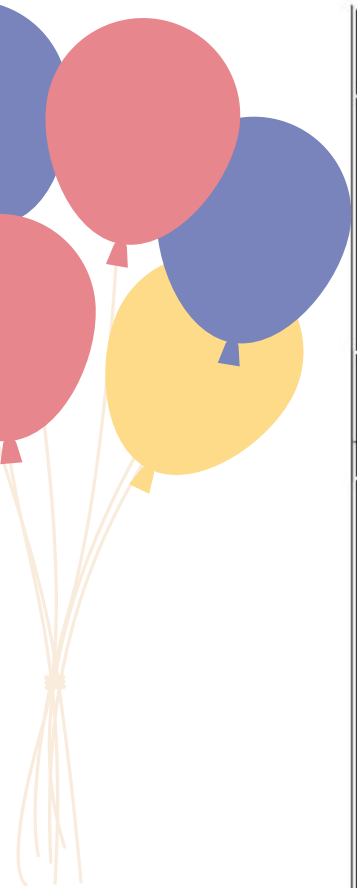
• **Accessibility**

- The Alcove entry and exit points are easily accessible for patrons with wheelchairs, with prams, or using walking aids.

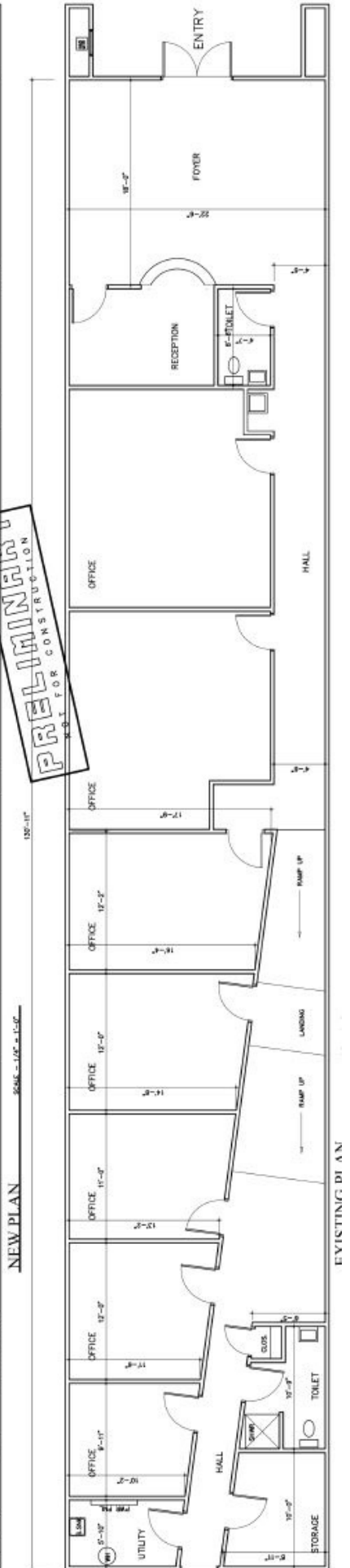
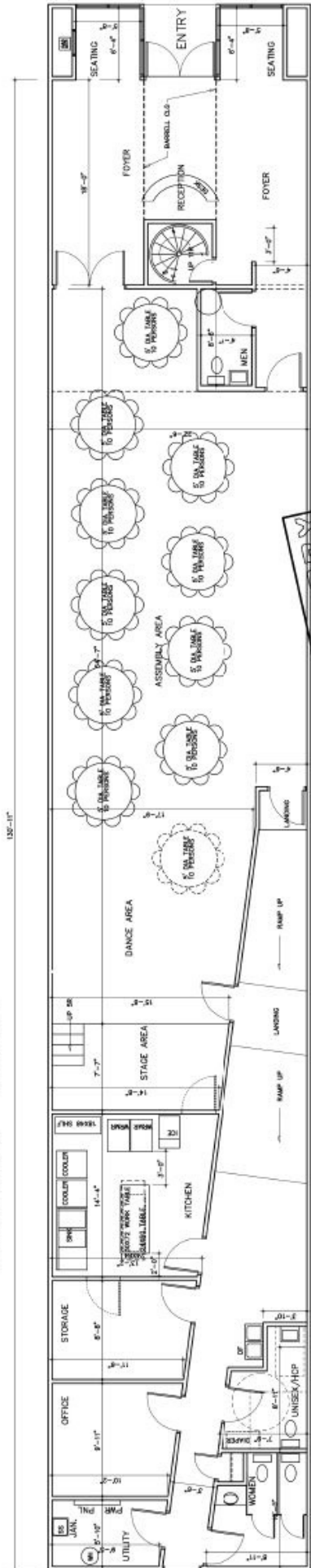
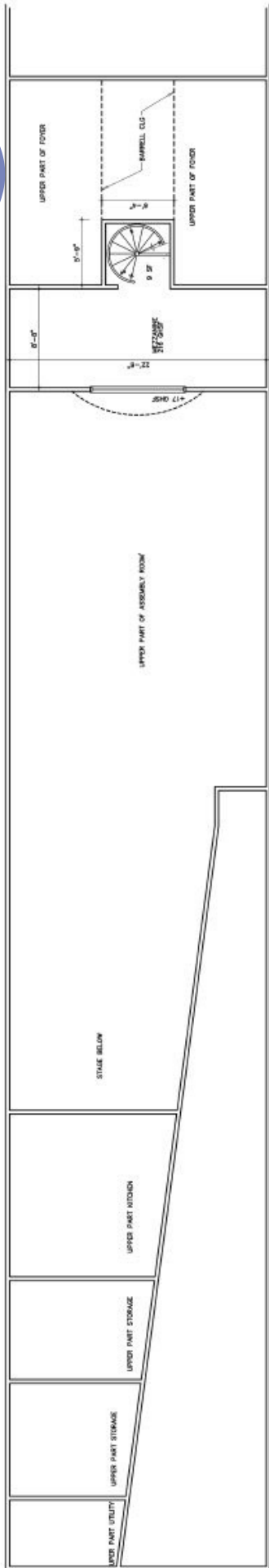
Property and Abutting Land Uses.

The subject property is currently zoned **B-4, Central Business District**. The property is surrounded by properties also zoned B-4, Central Business District. This property is located in the 4th Avenue Historic District and the applicant is aware they will need to consult with Historic Preservation.





SITE PLAN



PRELIMINARY
NOT FOR CONSTRUCTION

Findings:

Wednesday, October 12, 2022, 7-9PM

Off-Street:	Area #1: 1624 3 rd Ave North • #Total Spaces = 48 • #Spaces Occupied = 1	Area #2: 1709 3 rd Ave North • #Total Spaces = 50 • #Spaces Occupied = 3
	Area #3: 1616 4 th Ave North • #Total Spaces = 27 • #Spaces Occupied = 0	Area #4: 1702 5 th Ave North • #Total Spaces 1607
	Area #5: 18 th Street North • #Total Spaces = 19 • #Spaces Occupied = 1	Area #6: 4 th Ave North • #Total Spaces = 30 • #Spaces Occupied = 3
	Area #7: 17 th Street North • #Total Spaces = 32 • #Spaces Occupied = 4	Area #8: 3 rd Ave North • #Total Spaces = 27 • #Spaces Occupied = 8

Key Takeaways

- Area #4 is a 7-story public parking deck, which contains **1607 spaces**.
- Of the other 125 **off-street** parking spaces counted in the study, only **3.2%** (4) were occupied.
- Of the 108 **on-street** parking spaces included in the study, only **15%** (16) were occupied.
- Area #3 **off-street parking contained the lowest occupancy (0%) during this time**. Area #3 is 1-block from the Alcove.
- The **busiest** parking area during this time was **on-street area #8 with 40% occupancy** (8), which is 1 street in distance from the Alcove.

6

PARKING STUDY

Findings:

Saturday, October 15, 2022, 6:30-8:30PM

Off-Street:	Area #1: 1624 3 rd Ave North • #Total Spaces = 48 • #Spaces Occupied = 0	Area #2: 1709 3 rd Ave North • #Total Spaces = 50 • #Spaces Occupied = 3
	Area #3: 1616 4 th Ave North • #Total Spaces = 27 • #Spaces Occupied = 0	Area #4: 1702 5 th Ave North • #Total Spaces 1607
	Area #5: 18 th Street North • #Total Spaces = 19 • #Spaces Occupied = 1	Area #6: 4 th Ave North • #Total Spaces = 30 • #Spaces Occupied = 12
	Area #7: 17 th Street North • #Total Spaces = 32 • #Spaces Occupied = 5	Area #8: 3 rd Ave North • #Total Spaces = 27 • #Spaces Occupied = 11

Key Takeaways

- Area #4 is a 7-story public parking deck, which contains **1607 spaces**.
- Of the other 125 **off-street** parking spaces included in the study, only **2.4%** (3) were occupied.
- Of the 108 **on-street** parking spaces included in the study, only **27%** (29) were occupied.
- Areas #1 and 3 **off-street parking both contained the lowest occupancy (0%) during this time**. Area #3 is 1-block from the Alcove.
- The **busiest** parking area during this time was **on-street area #8 was 40.74% occupancy** (11), which is 1 street in distance from the Alcove.

15

Findings:

Sunday, October 16, 2022, 5:45-7:00PM

Off-Street:	Area #1: 1624 3 rd Ave North • #Total Spaces = 48 • #Spaces Occupied = 0	Area #2: 1709 3 rd Ave North • #Total Spaces = 50 • #Spaces Occupied = 15
	Area #3: 1616 4 th Ave North • #Total Spaces = 27 • #Spaces Occupied = 0	Area #4: 1702 5 th Ave North • #Total Spaces 1607
	Area #5: 18 th Street North • #Total Spaces = 19 • #Spaces Occupied = 6	Area #6: 4 th Ave North • #Total Spaces = 30 • #Spaces Occupied = 2
	Area #7: 17 th Street North • #Total Spaces = 32 • #Spaces Occupied = 1	Area #8: 3 rd Ave North • #Total Spaces = 27 • #Spaces Occupied = 13

Key Takeaways

- Area #4 is a 7-story public parking deck, which contains **1607 spaces**.
- Of the 125 other **off-street** parking spaces included in the study, only **12%** (15) were occupied.
- Of the 108 **on-street** parking spaces included in the study, only **20%** (22) were occupied.
- Areas #1 and 3 **off-street parking both contained the lowest occupancy (0%) during this time**. Area #3 is 1-block away from the Alcove.
- The **busiest** parking area during this time was **on-street area #8 at 48.74% occupancy** (13), which is 1 street in distance from the Alcove.

24

Zoning Ordinance.

Event Center. Any building where the primary use is staging of temporary events, and may be operated by a vendor for the purpose of renting space for private functions.

MU-D Mixed Use Downtown. **Parking spaces are not required in the B-4 and MUD Mixed Use Downtown District.** Where parking is provided in the B-4 or MU-D District all remaining requirements of this Article shall apply.

Neighborhood Association.

The *Fountain Heights Neighborhood Association* met at a special called meeting on *November 2, 2022* but have not provided staff with their vote.

Recommended Conditions:

If approved by the Board, the recommended conditions are:

1. Review by the appropriate zoning inspector to ensure 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.





CITY OF
BIRMINGHAM

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

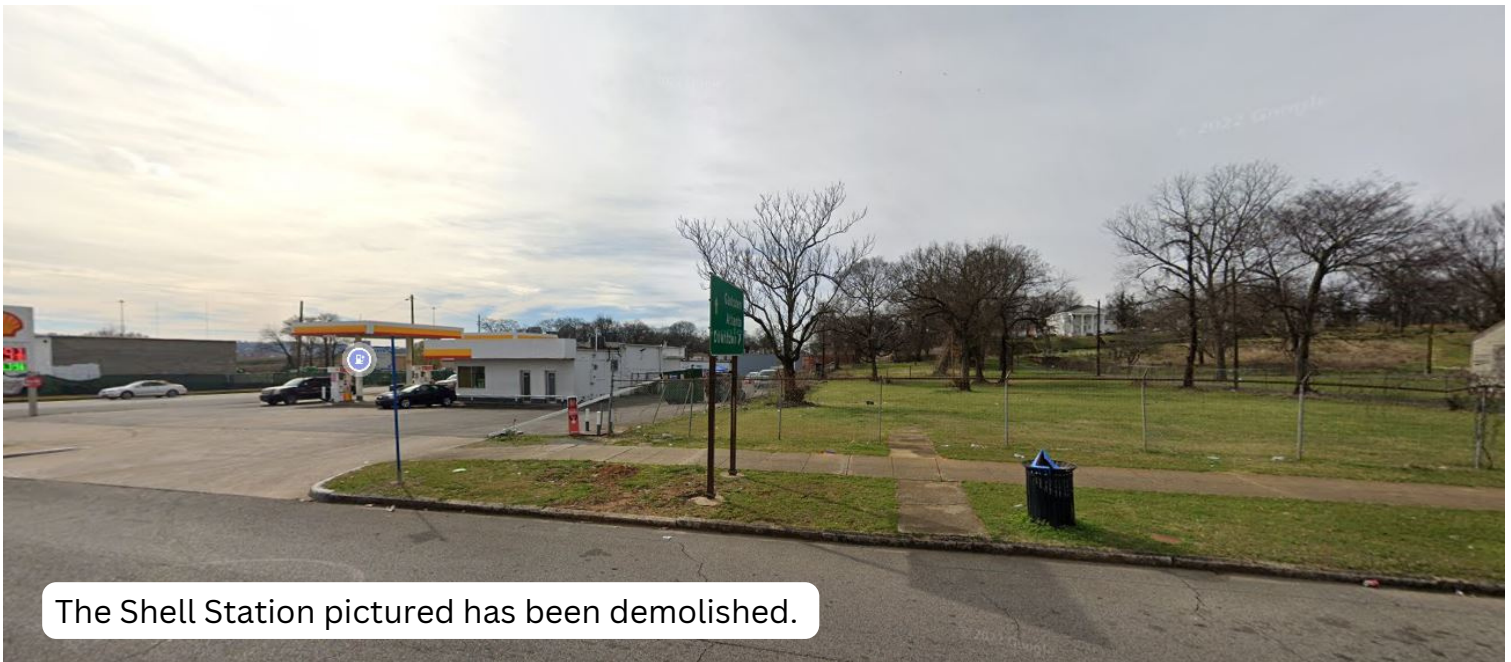
ZBA2022-00069

Norwood Neighborhood

Request: Application requesting a **Variance** to install a 6'-foot chain-link fence in the front yard along 31st St N and a **Variance** to include 3 strands of barbed wire at the top of the fence in a C-2, General Commercial District.

Filed by: Jimmy Plott of Oil Equipment Co., on behalf of the owner 12th Avenue Properties.

Location: 3030 12th Avenue North, Birmingham, AL 35234, situated in the NE ¼ of Section 25, Township 17-S, Range 3-West. Council District 4.



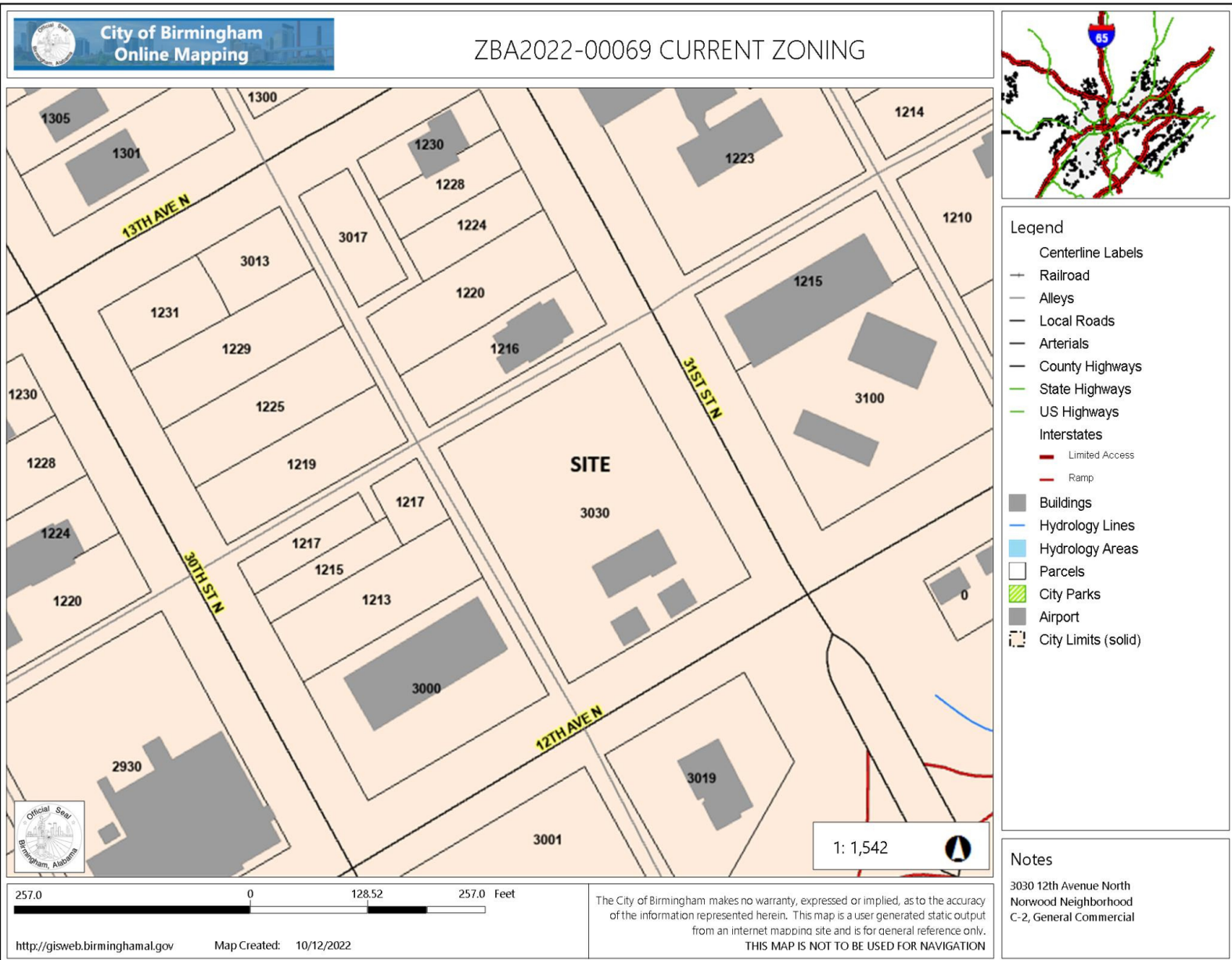
The Shell Station pictured has been demolished.

Applicant's Proposal.

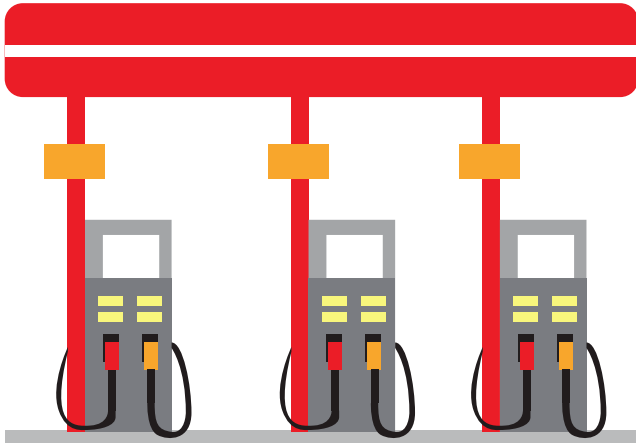
The applicant is constructing a new gas station and would like to install a 6' foot tall chain-link fence and would like to add three strands of barbed wire at the top of the new fence. The fence will be fencing in the grassy area of the northern part of the property.

Property and Abutting Land Uses.

The subject property is currently zoned **QC-2, Qualified General Commercial District**. The parcels located to the South, East, and West are also zoned C-2, General Commercial. Parcels located to the North are zoned **R-3, Single Family Residential District**. A parcel located to the Southwest is zoned **B-3, Community Business District**. Parcels located to the Northwest are zoned **R-5, Multiple Family District**.



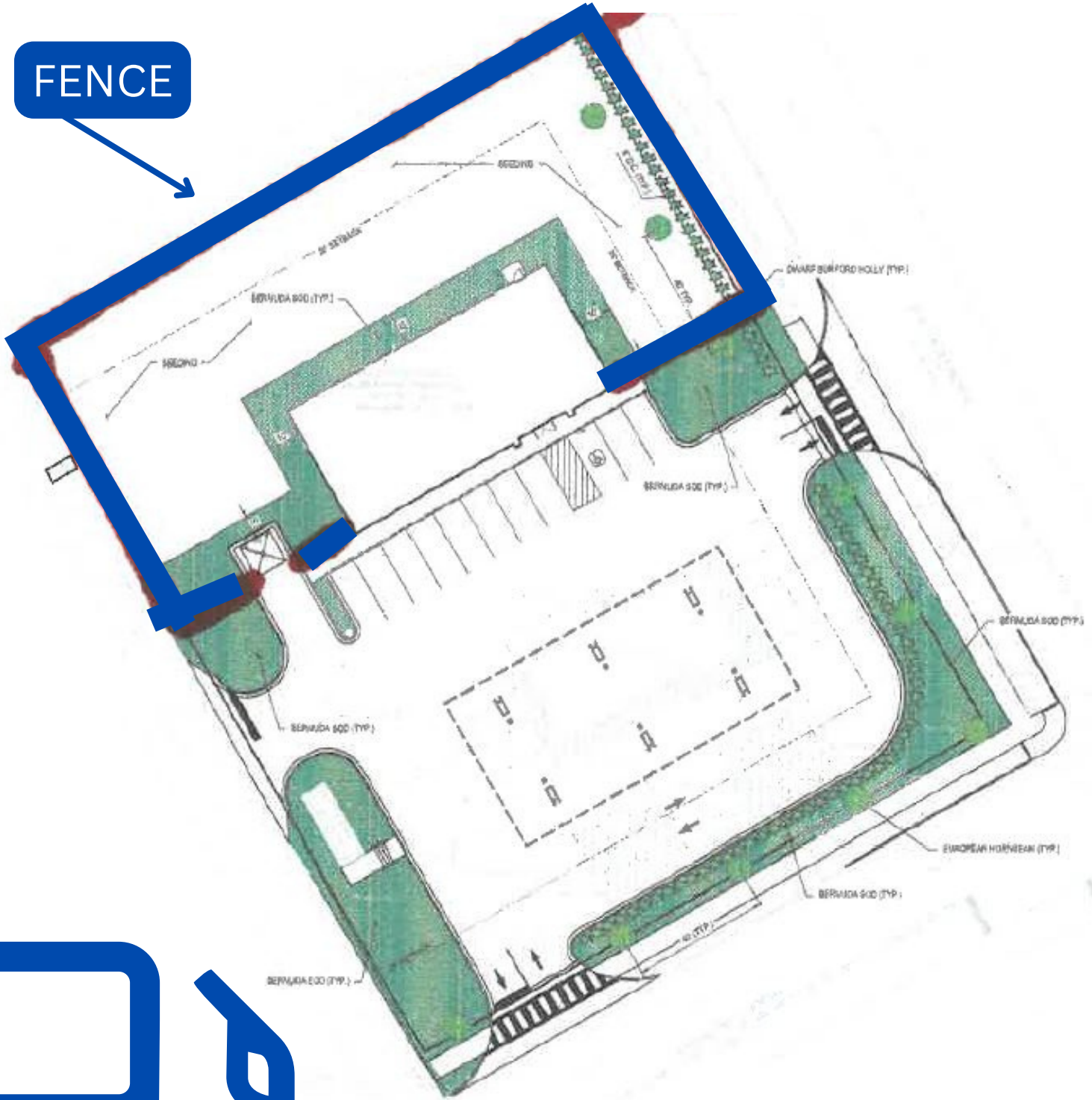
The **C-2, General Commercial District** is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.



Variance Justification

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. **This is a large property parcel, and we are only using a portion of it. We plan to install fencing and landscaping.**
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. **This is a large property parcel, and we are only using a portion of it. We are installing fencing and landscaping to preserve the property.**
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. **No hardship will be imposed.**
4. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance. **No financial gain to be had.**
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. **There will not be any injury to neighboring property or diminish any of its value.**
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. **Allowing the variance will not be detrimental to the public in any way.**

FENCE



SITE
PLAN

Zoning Ordinance:

Convenience Store. A retail establishment selling primarily food products household items, newspapers, and magazines, candy, and beverages and in which gasoline and other motor fuels, are dispensed at retail, by use of fixed approved dispensers. Convenience stores may include an automated car wash for washing one automobile at a time, within an enclosed building.

Convenience Store. In the following districts: **C-2**, a convenience store shall be permitted provided that the following conditions are met:

1. All pumps shall not be closer than 50 feet to any dwelling district, and not closer than 15 feet to a right-of-way line.
2. Any building shall be setback 25 feet from a dwelling district.
3. Automated carwashes in the MU-L, MU-M and C-1 districts shall be allowed as an accessory use by special exception pursuant to Chapter 4, Article III, Section 6, Item C of this Ordinance, and allowed as an accessory use with conditions in the MU-H, MU-D, C-2, I-1, I-2, I-3, PRD AND MXD districts pursuant to Chapter 4, Article IV, Section 5, Item B of this Ordinance.

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.

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 in side 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.

Parking Requirement:

General retail business or service establishment (not otherwise specified): 1 per 300 sq. ft. of Gross Floor Area

3,582 sq. ft. / 300 = 12 Parking Spaces Required

The site plan shows 11 parking spaces and 12 fuel pump spaces.

Previous Actions.

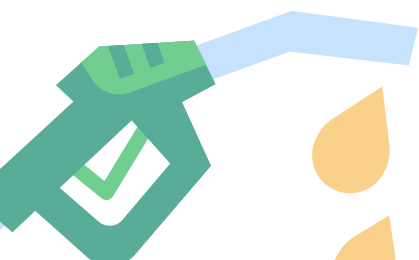
ZAC2021-00008: In 2021 this property was rezoned from C-B2 (Contingency General Business District) and C-R5 (Contingency Multiple Dwelling District) to QC-2 (Qualified General Commercial District) in order to construct a new convenience store.

"Q" Conditions placed on the property:

1. Must meet all current conditions for landscaping including required buffers, lighting that does not disturb adjacent residential properties and egress
2. Limit hours of operation, Sunday through Thursday closing not later than 10 p.m., Friday and Saturday closing no later than 12 a.m.
3. Limit all business and entertainment to inside
4. Manage and maintain parking to ensure that residents have adequate access to property from street and alley.
5. Solar Panels will only be allowed if they are screened from view

6. The following uses are prohibited:

- Communal Living Facility
- Dwelling, Caretaker
- Dwelling, Accessory
- Dwelling Unit, Other
- Accessory Structure (with the exception of dumpster for trash)
- Garage Sale/Yard Sale
- Adult Care Center
- Child Care Center
- Family Day/Night Care Home
- Family Group Day/Night Care Home
- Accessory Child Care Center
- Internment, Columbarium
- Internment, Mausoleum
- Private Club



- Rummage Sale
- Opioid Replacement Therapy Treatment Facility
- Animal Boarding Facility
- Animal Day Care
- Animal Kennel
- Automobile Sales
- Automobile Service
- Automobile/Light Truck Repair
- Off-Premise Sign
- Car Wash, Automated
- Car Wash, Manual
- Donation Box
- Donation Center
- Event Center
- Funeral Home
- Hotel
- Market, Public
- Mini-Storage Warehouse
- Payday Loan
- Title Loan/Pawnshop
- Broadcast Satellite
- Broadcast Tower
- Cellular, Microwave or Two-Way Antennas
- Cellular, Microwave or Two-Way Towers
- Apiary
- Chicken Coop
- Community Garden
- Urban Farm, Outdoor
- Bus Station
- Utility Substation
- Reservoir/Water Tank
- Water/Sewer Pumping Station
- Recycling Collection Center
- Adult Establishment
- Amphitheater
- Arena
- Amusement, Indoor
- Amusement, Outdoor
- Driving Range Free-Standing
- Stadium

Neighborhood Association.

The ***Norwood Neighborhood Association*** met at its regularly scheduled meeting on **October 26, 2022** and voted **not to support** the request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

ZBA2022-00070

East Lake Neighborhood

Request: Application for a **Special Exception** to allow a 4 bed Communal Living Facility offering maternal care to pregnant minors.

Filed by: Renetta Johnson, on behalf of the owner, Minor Breck

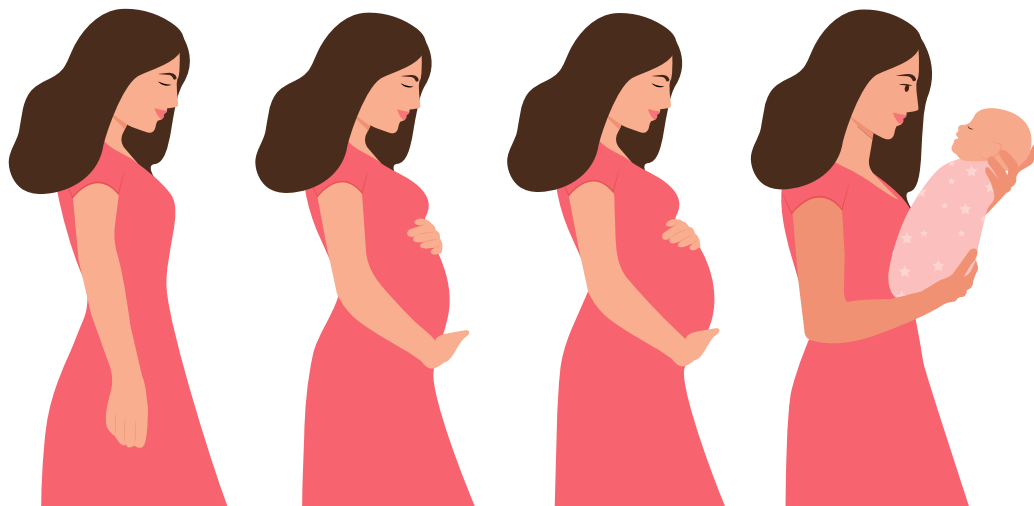
Location: 7019 1st Avenue North, Birmingham, AL 35206, situated in the SW ¼ of Section 15, Township 17-S, Range 2-West. Council District 5.



Applicant's Proposal.

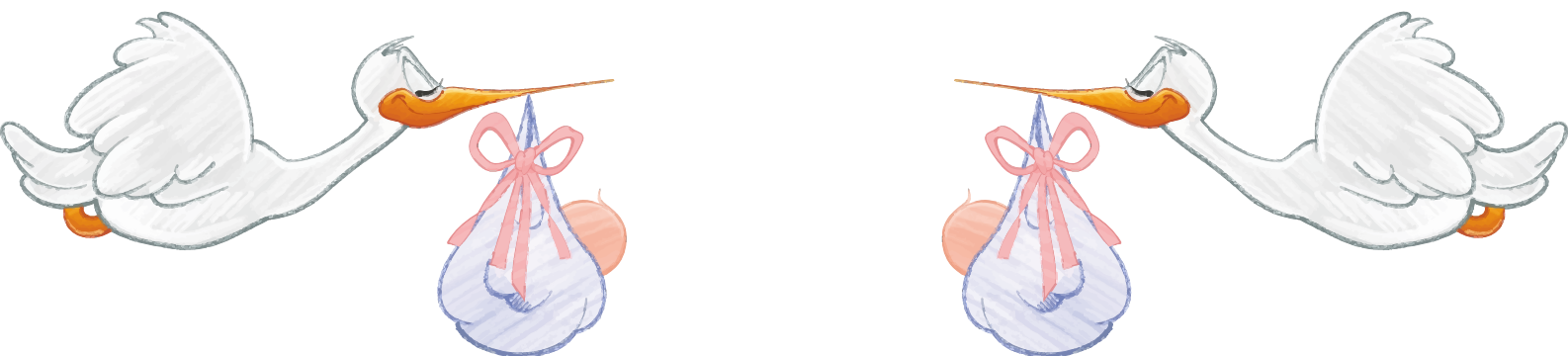
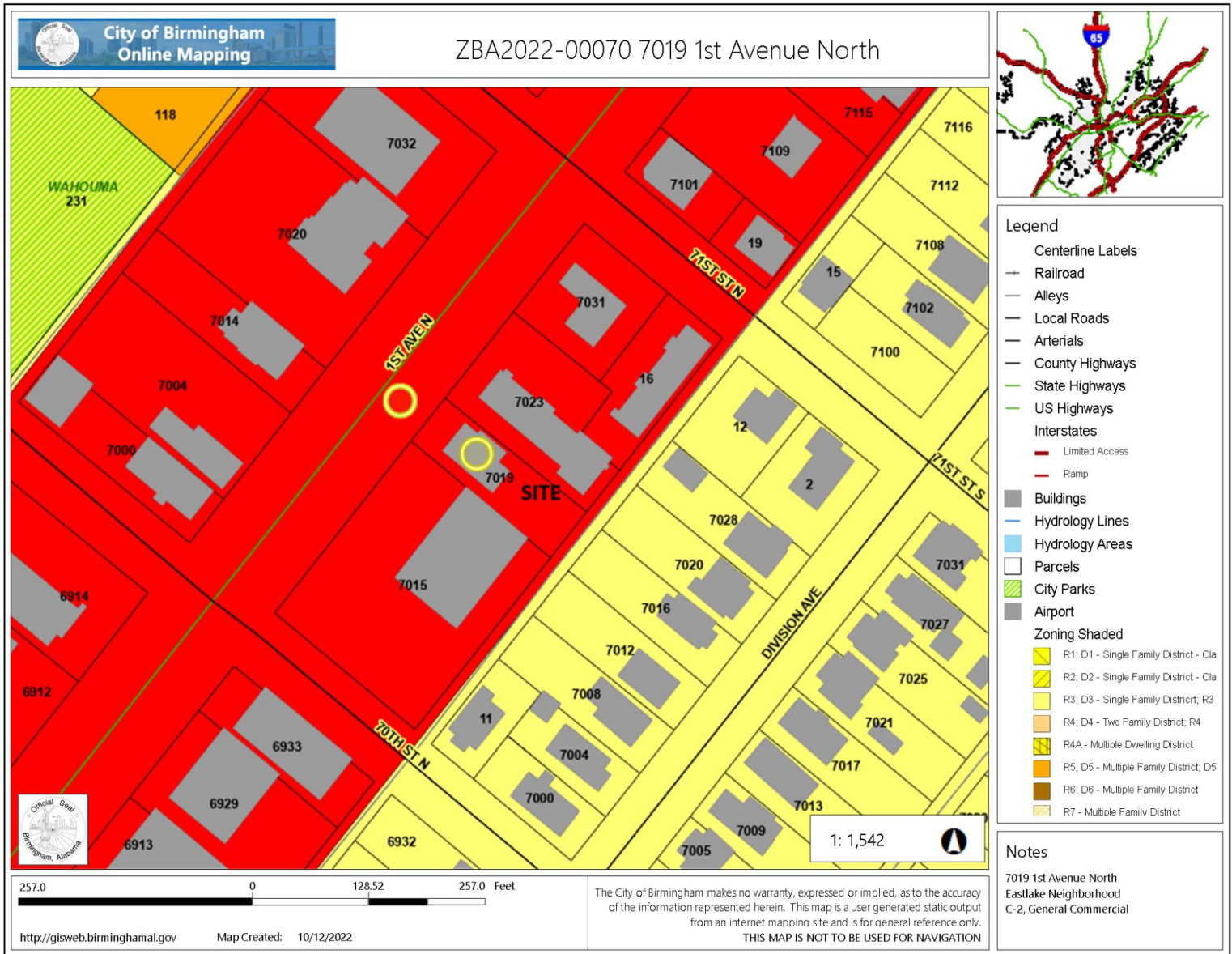
The applicant is opening a 4-bed communal living facility that will offer 24-hour maternal care to pregnant minors.

The facility shall have enough qualified paid staff to provide for each resident's physical and emotional needs and perform required tasks. The ratio of staff workers to residents shall not be less than two workers on duty for every 4 residents. Exception: During the hours of 10 PM to 7 AM the ratio of staff workers to residents shall not be less than one staff worker on duty for every 4 residents. The center provides a set of security and protection, with services to help deal with the planning of the present and future for the pregnant girl and her child. The function of the center is to provide an environment in which the minor pregnant girl is accepted as an individual with personal rights, where she is free from pressure and stigma, and where she can move through the experience of pregnancy as serenely and as securely as possible. The center provides living arrangements designed to meet basic physical needs. Daily, the minor pregnant girl lives closely with others approximately her age who have similar needs. Maternity center living includes a routine of work, recreation, community contact, and other activities providing experiences and relationships which give emotional support, encouragement, hope, a sense of responsibility, and a sense of personal worth. The services provided by the center consider the total life situation of the minor pregnant girl, including medical needs, her relationship with her child's father, and the involvement of her family members. The responsibility of the child's father will be considered as well. Many girls have experienced unhappy relationships with peers and adults. As a minor pregnant girl, she may be faced with negative attitudes toward society, her family, and her friends and will benefit from advocacy services.



Property and Abutting Land Uses.

The subject property is currently zoned **C-B2, Contingency General Business**. The parcels located to the North, East, and West are also zoned C-B2, Contingency General Business. Parcels located to the South are zoned **R-3, Single Family Residential District**.



Zoning Ordinance:

Communal living facility. Facilities in which four or more unrelated persons reside, including Assisted Living Facility, Boardinghouse, Nursing Home, Rehabilitation Facility, Sheltered Care Home, Transitional Home. Communal Living Facilities do not include child foster care facilities or facilities located in multi-family districts that are used for housing the mentally handicapped or mentally ill, where there are no more than 10 such people plus 2 unrelated persons to either the occupants of the facility or to each other. (Code of Alabama 11-52-75.1 and Board Case No. 84-95)

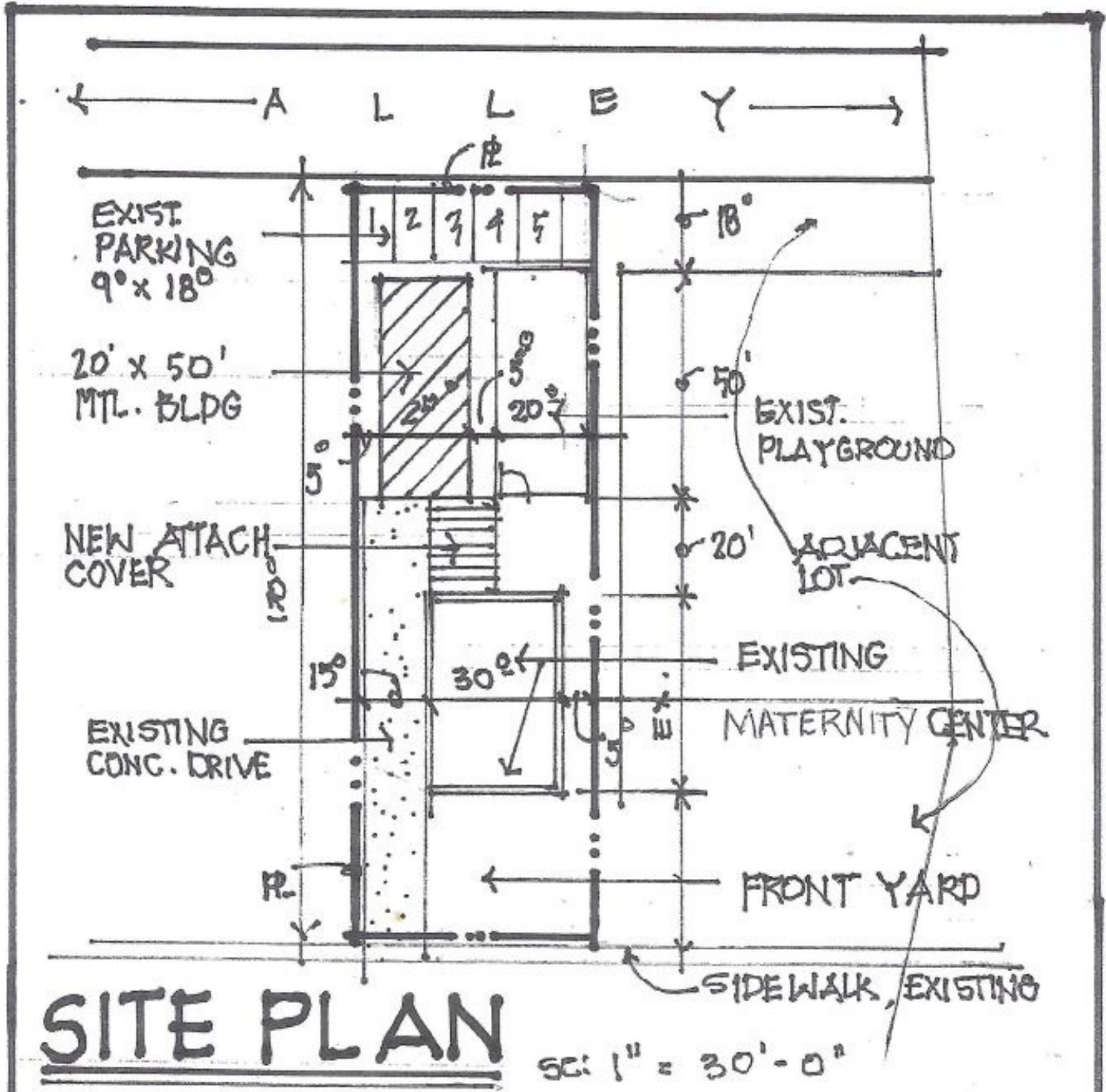
Parking Requirement:

Communal Living Facility: 1 per 2 sleeping rooms

3 sleeping rooms = **2.5 Parking Spaces Required**

The site plan shows 5 parking spaces.





CHOICE RESIDENTIAL

7019 FIRST AVENUE NORTH
BIRMINGHAM, ALABAMA
35206

JULY 27, 2022
DR BY: OLIVER

A-1
SHT. 1 OF 1

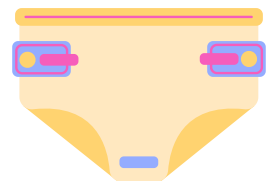
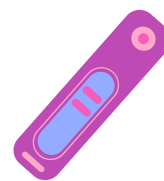
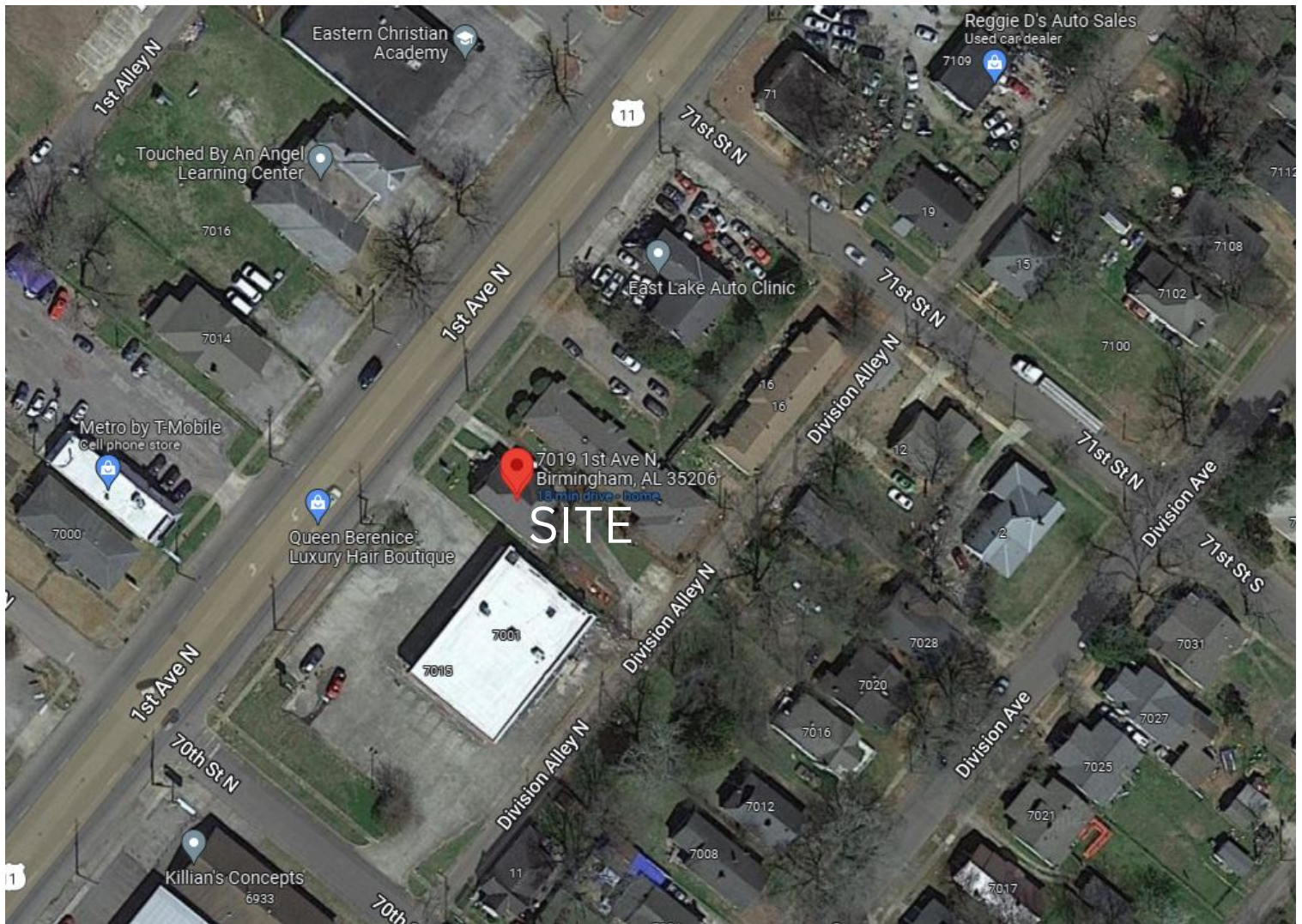
Neighborhood Association.

The **Eastlake Neighborhood Association** met at its regularly scheduled meeting on **October 18, 2022** and voted to approve the request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

ZBA2022-00071

Redmont Park Neighborhood

Request: Application requesting a **Variance** to allow a swimming pool (Accessory Structure) in the front yard along Avon Circle.

Filed by: Sissy Austin of Austin & Co., on behalf of the owner, Reynolds Thompson.

Location: 3125 Argyle Road, Birmingham, AL 35213, situated in the NW ¼ of Section 05, Township 18-S, Range 2-West. Council District 3.



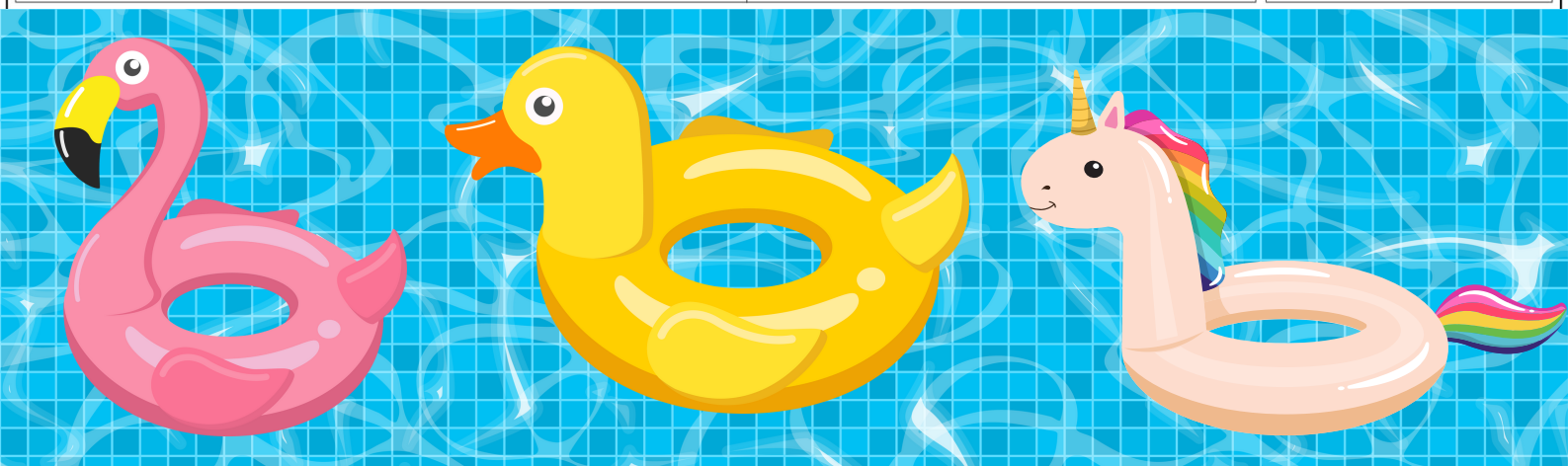
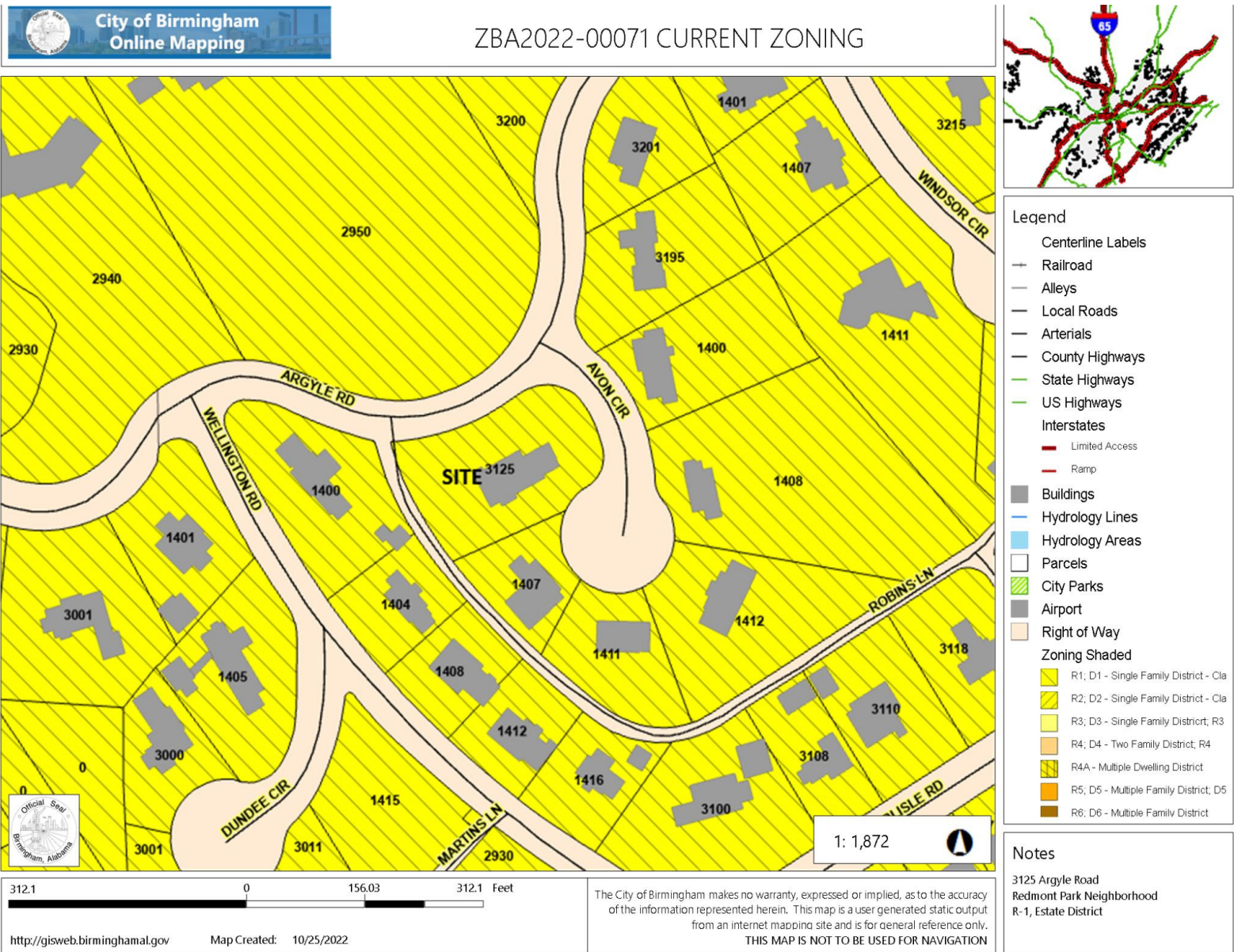
Applicant's Proposal.

The applicant is proposing a swimming pool in the front yard along Avon Circle.

Avon Circle

Property and Abutting Land Uses.

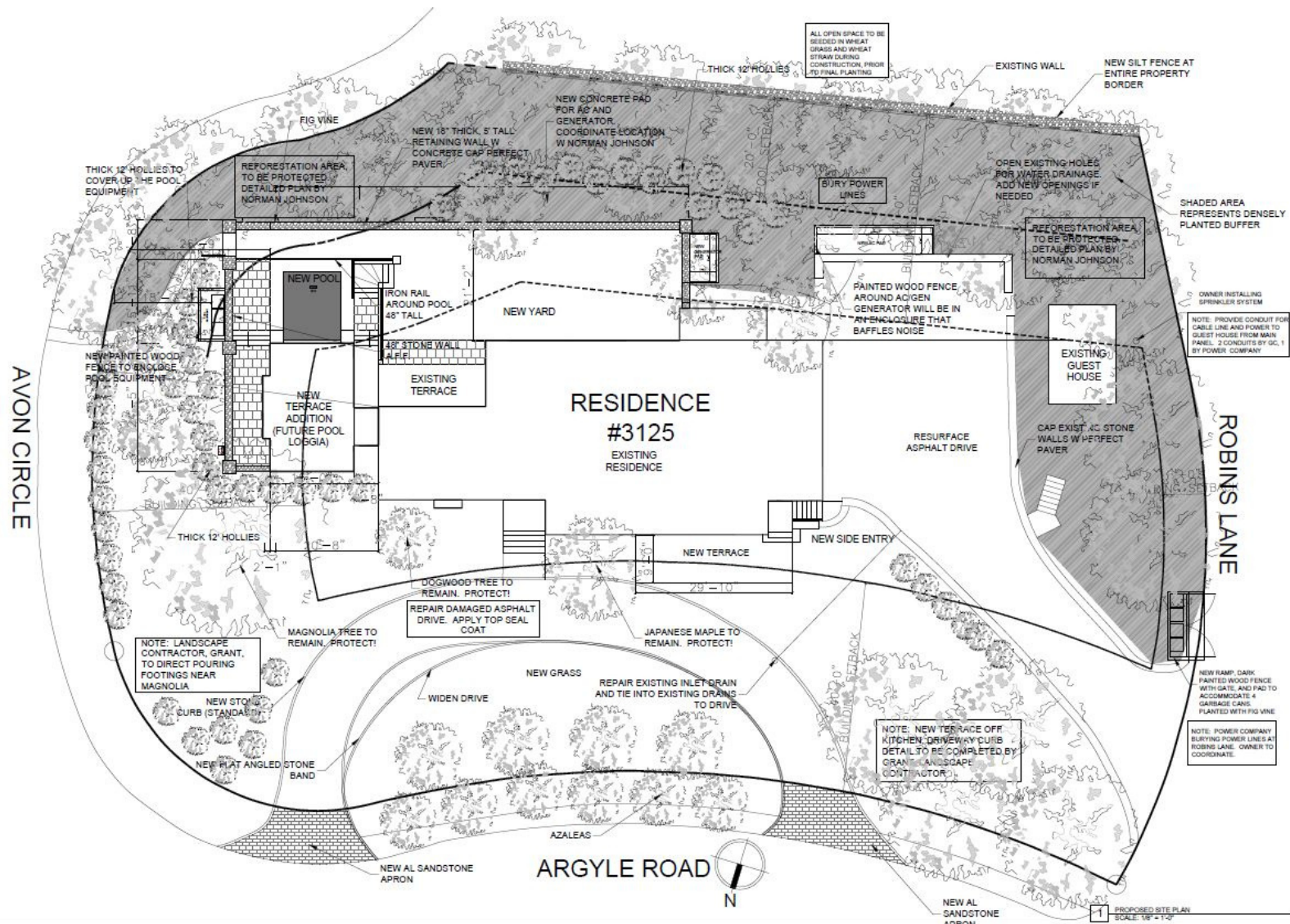
The subject property is currently zoned **R-1, Single-Family District**. The parcels surrounding the property in all directions are also zoned R-1, Single-Family District.



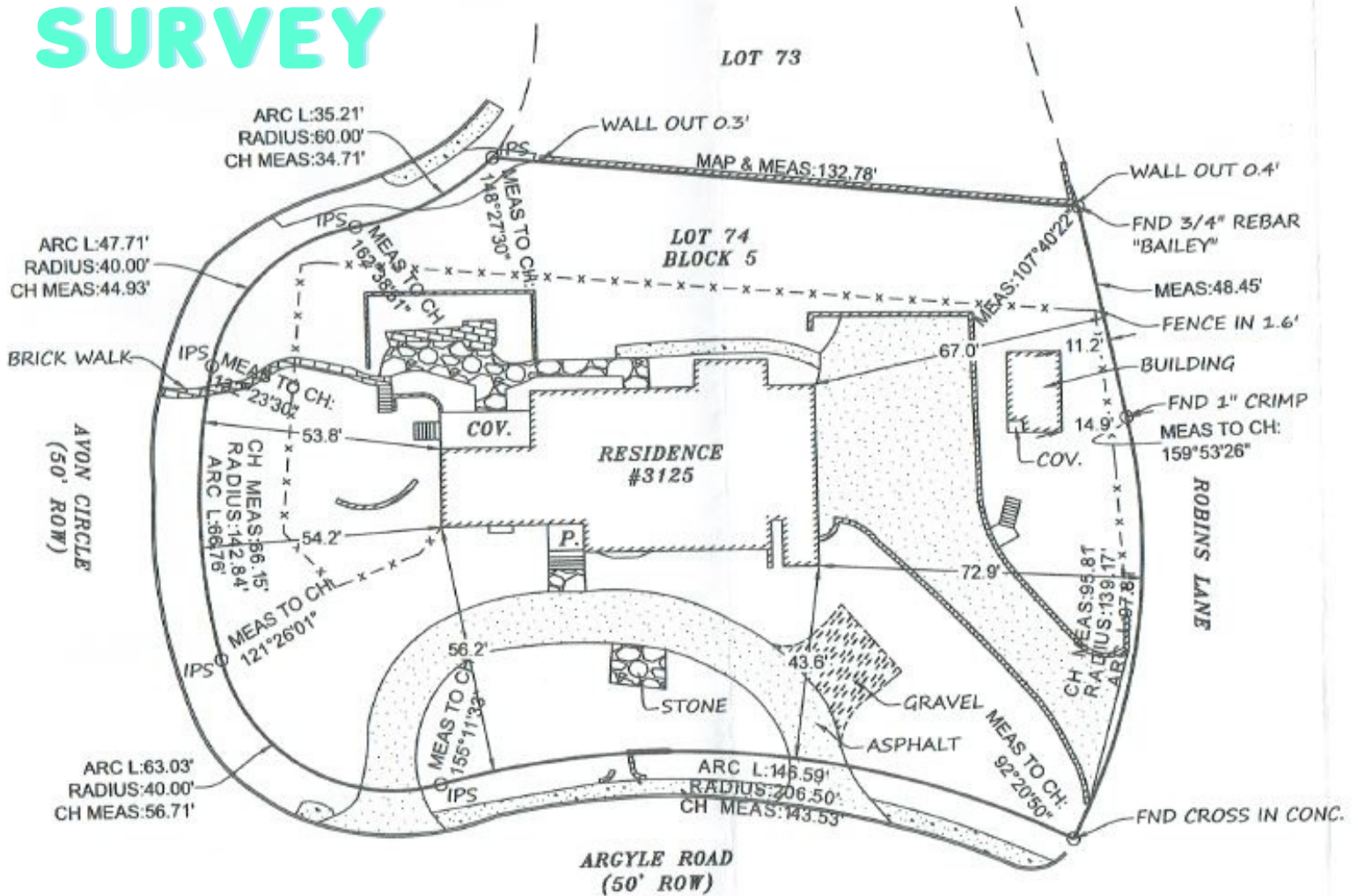
VARIANCE JUSTIFICATION

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. **This property has 3 front yards, and dramatically slopes 10' from front to back.**
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. **This property has 3 front yards. No other residences on this circle have 3 front yards.**
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 hardship is not self-imposed.**
4. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance. **There is no financial gain regarding this variance.**
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. **There is 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. **There is no harm to Public Welfare**

SITE PLAN



SURVEY



Zoning Ordinance:

In residential districts, no required yard except the rear yard shall be used for the location of a private swimming pool, and if constructed, said pool shall be enclosed by a fence of not less than four feet in height. No mechanical appurtenance or pool shall be within ten feet of any lot line.

Neighborhood Association.

The ***Redmont Park Neighborhood Association*** met at its regularly scheduled meeting on **November 3, 2022**, and voted to unanimously support the request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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. If any changes are made to the site plan provided the applicant must return to the Redmont Park Neighborhood for the neighborhood to review the changes.





CITY OF
BIRMINGHAM

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00072

North Titusville Neighborhood

Request: Application for a **Variance** to allow for a new sign that exceeds the maximum height allowed in a D-3, Single-Family Dwelling District.

Filed by: Mark Williams of Reliable Sign Service Inc., on behalf of the owner, Birmingham Board of Education.

Location: 115 4th Avenue South, Birmingham, AL 35205, situated in the SW ¼ of Section 02, Township 18-S, Range 3-West. Council District 6.



Applicant's Proposal.

The applicant is installing a 2' foot LED addition to an existing monument sign, making the overall height of the sign 9' feet and the overall square footage 71.33 sq. ft.



Variance Justification

- **Physical Characteristics of the Property:** The Booker T. Washington School building in relation to the sign to be modified with digital board is strategically placed to not only identify the building but be read by parents and students alike coming thru the traffic flow. This is important to inform of school activities, functions, and any future important emergency criteria i.e.: Amber alerts, Covid-19, weather alerts, etc.
- **Unique Characteristics:** The Booker T. Washington School building in relation to the sign to be modified with digital board is strategically placed to not only identify the building but read by parents and students alike coming thru the traffic flow. The digital sign proposed makes the best use of the existing sign and keeps limited fundraiser dollars in mind, to keep the cost within the school's budget. The digital sign is important to inform of school activities, functions, and any future important emergency criteria i.e.: Amber alerts, Covid-19, weather conditions, etc.
- **Hardship Not Self-Imposed:** Hardship has not been created by the previous actions of any person.
- **Financial gain Not Only Basis:** There is and will be no financial profit from the granting of the application.
- **No Injury to Neighboring Property:** The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.
- **No Harm to Public Welfare:** The granting of the variance will not be detrimental to public welfare in any way.

Communication to the parents, students and the community is vital, especially communication with our growing Hispanic parents and students. With the addition of the digital sign, and the ability to display bilingual messages, all families will be better served.

SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN



SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN WITH PROPOSED REFURBISH



SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN



SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN WITH PROPOSED REFURBISH

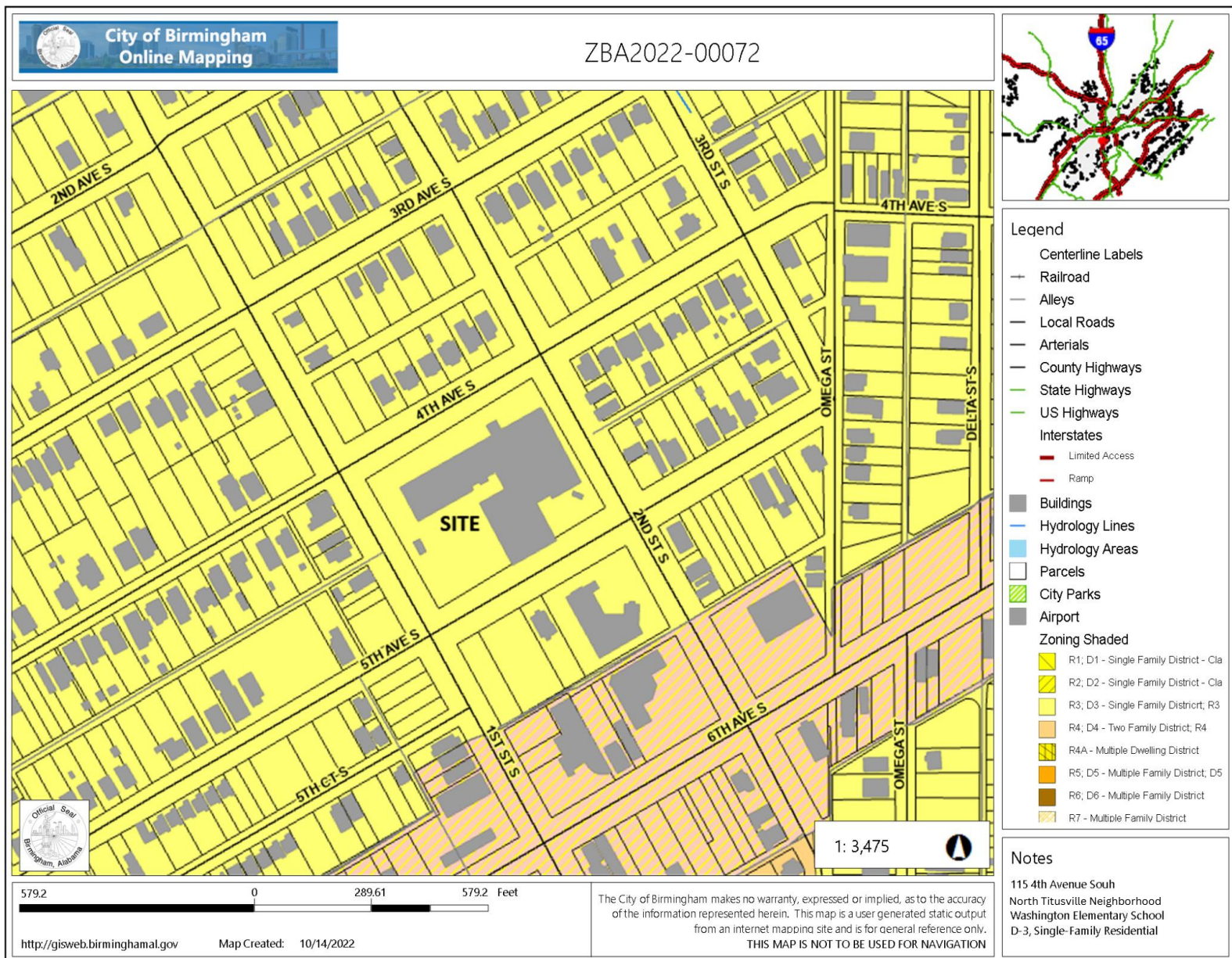


**SIGN
PLAN**



Property and Abutting Land Uses.

The subject property is currently zoned **D-3, Single-Family Dwelling**. The parcels surrounding the property in all directions are also zoned D-3, Single-Family Dwelling.



Single-Family, D-3 District. The D-3 district is designed to allow for single-family residential development at a variety of densities, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the comprehensive plan. Uses in these districts include: single-family homes, schools, churches, and neighborhood-serving public uses.

Zoning Ordinance:

Monument Sign: A sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material, and not mounted on a pole.

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

Setback. A monument sign adjacent to any single-family or duplex residential use, public park or school must adhere to the following setbacks:

1. Monument signs of 80 square feet must be set back at least 300 feet from the property line adjacent to a single-family or duplex residential use, public park or school
2. Monument signs between 60 and 80 square feet must be set back at least 200 feet from the property line adjacent to a single-family or duplex residential use, public park or school
3. Monument signs 60 square feet or less must be set back at least 100 feet from the property line adjacent to a single-family or duplex residential use, public park or school

Height. A monument sign must not exceed 8 feet in height.

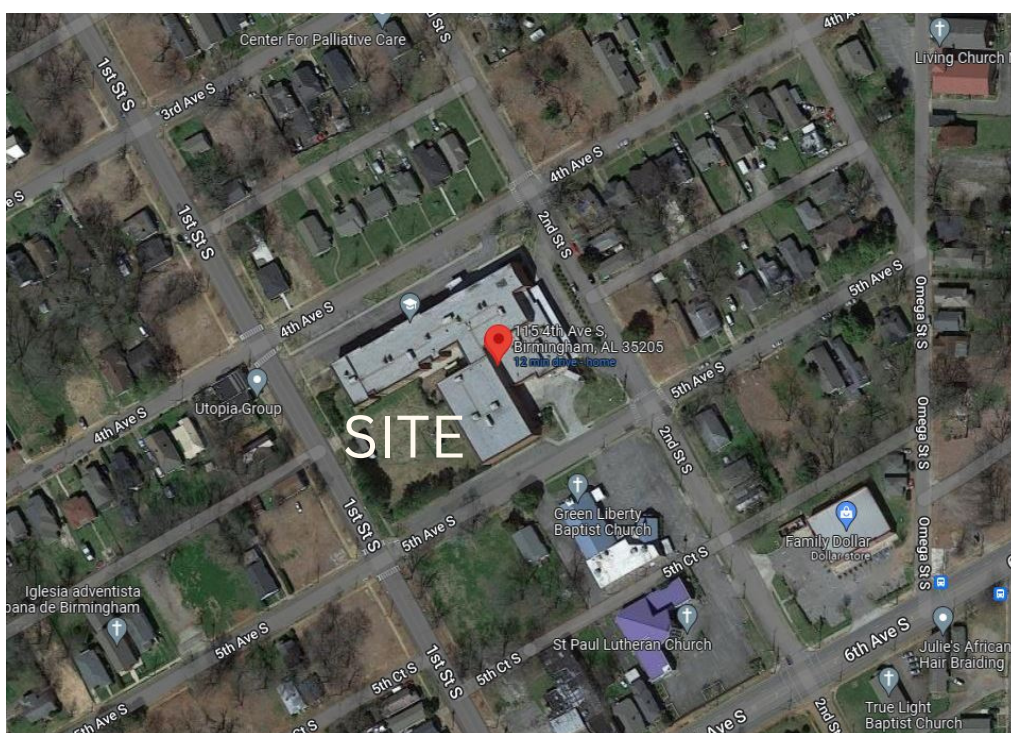
Neighborhood Association.

The *North Titusville Neighborhood Association* has approved this request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

ZBA2022-00073

Fountain Heights Neighborhood

Request: Application requesting a **Variance** for a projecting sign that exceeds the maximum square footage allowed in the Zoning Ordinance.

Filed by: Rachel Perry with Williams Blackstock Architects, on behalf of the owner, Bishop Van Moody.

Location: 1709 1st Avenue North, Birmingham, AL 35203, situated in the SW $\frac{1}{4}$ of Section 36, Township 17-S, Range 3-West. Council District 5.



Applicant's Proposal.

The applicant is installing an attached sign that will be 82 sq. ft and internally illuminated on the southwest corner of the building. This portion of the building will be a 5- story new construction addition.

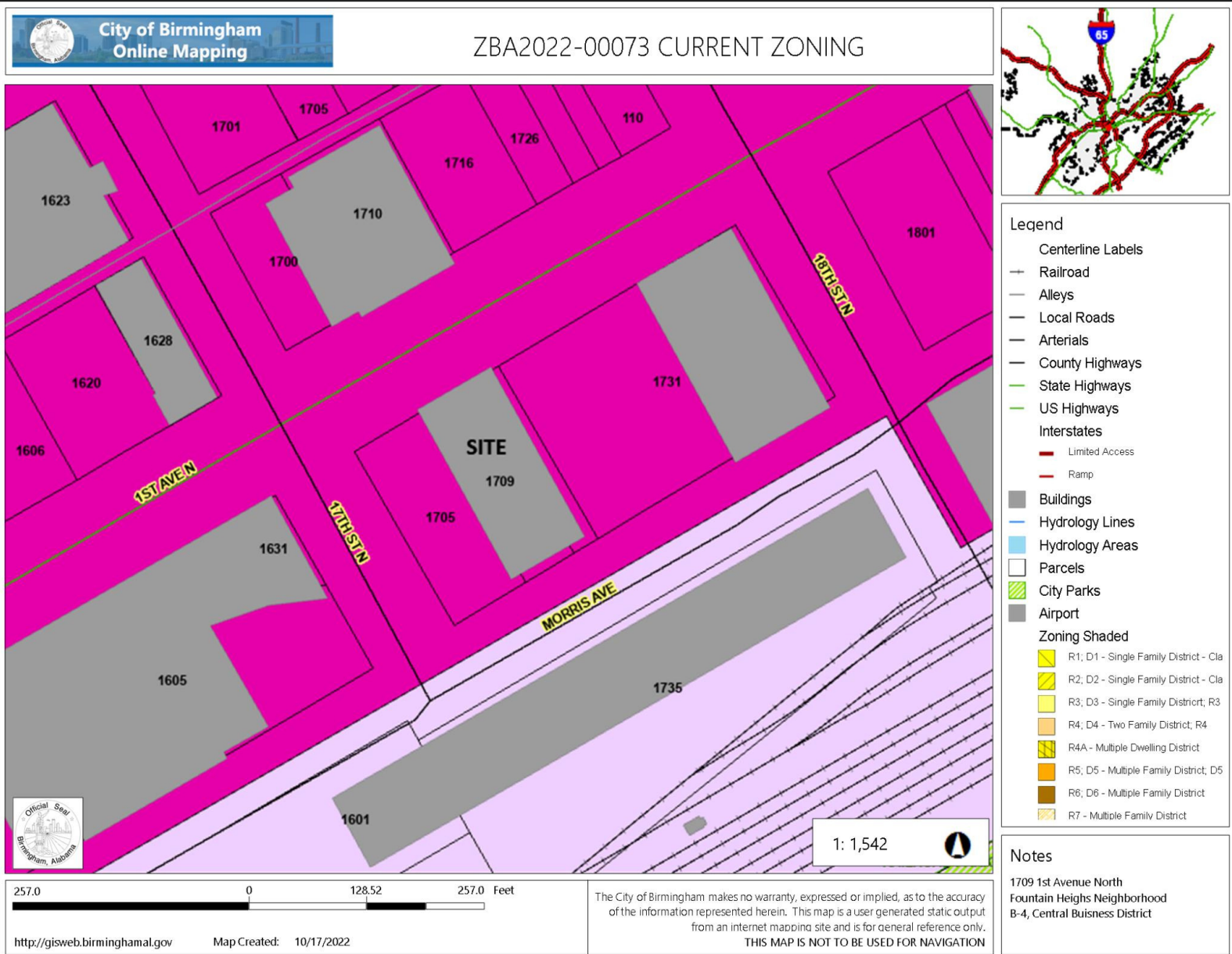
Variance Justification.

1. This purpose of this variance is with regard to signage and therefore not concerning the size or shape of the property.
2. The structure that the subject signage will be attached to is a 5 story building. The proposed height and size of the primary building signage is of appropriate scale to the overall size of the building and in keeping with historical precedence. The name of the development is “The HUB Empowerment Center” which is a long name, and also requires the height of the proposed sign to be legible.
3. This purpose of this variance is with regard to signage. The Zoning Ordinance calls for a maximum of size of a projecting sign to be no greater than 8 SF. The development name is The HUB Empowerment Center, and at 8 SF, the sign would be illegible. The size and proportion of the proposed sign is in keeping with historic precedence of this type of projected sign.
4. The name of the development is “The HUB Empowerment Center” which is a long name, and also requires the height of the proposed sign to be legible. The size of this sign is required for identification of the property by the general public.
5. The location of the proposed sign is on the corner of the structure at 17th Street North and 1st Avenue North, well away from any other adjacent properties.
6. The location of the proposed sign is on the corner of the structure at 17th Street North and 1st Avenue North and is approximately 18’ above the sidewalk and therefore not in contact with the public. The signage is required to identify the development to the general public.



Property and Abutting Land Uses.

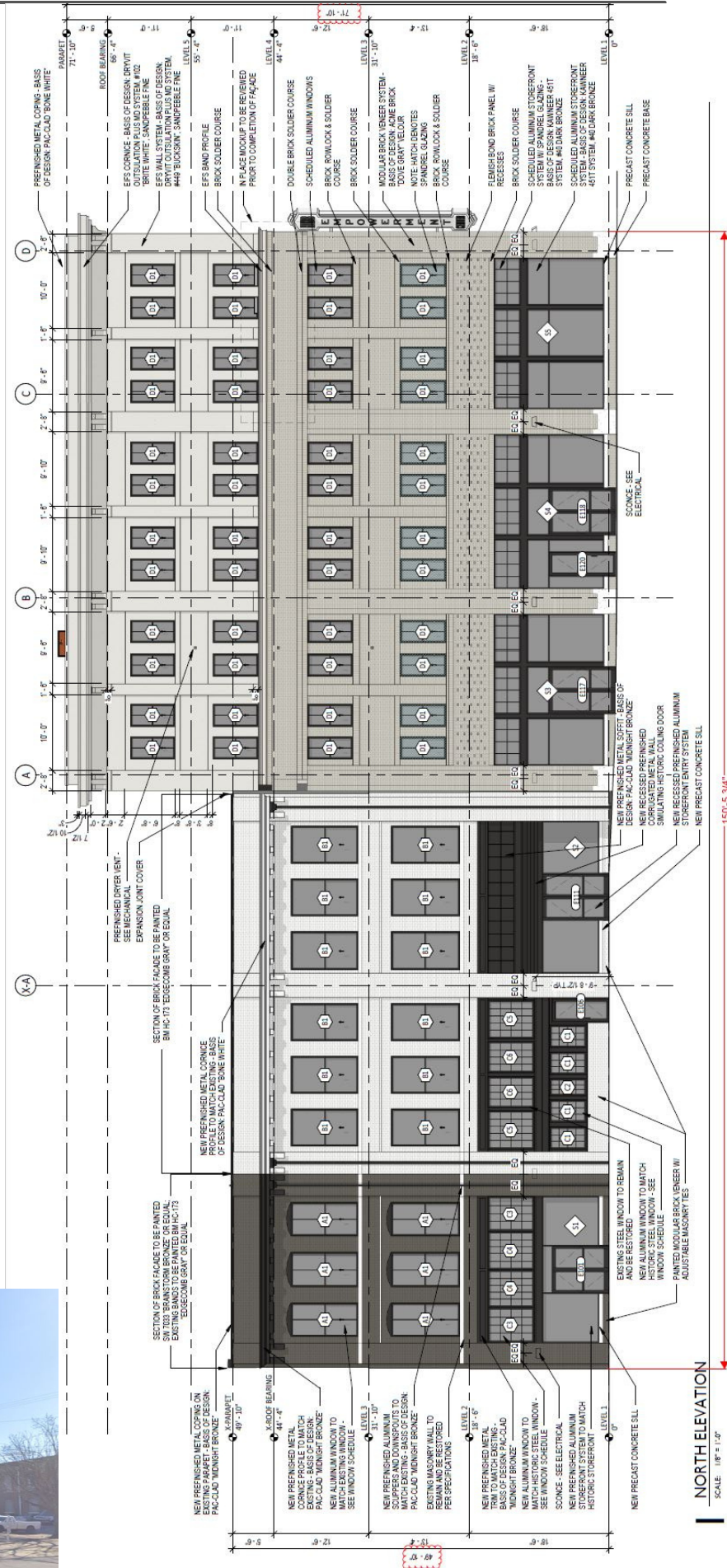
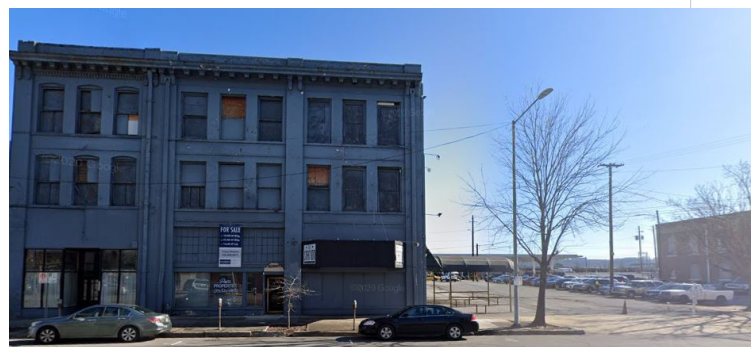
The subject property is currently zoned **B-4, Central Business District**. Parcels to the North, East, and West of the property are also zoned B-4, Central Business District. To the South of the property is zoned **M-1, Light Industrial District**.





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

SITE PLAN



NORTH ELEVATION
SCALE: 1/8" = 1'-0"

Zoning Ordinance.

Projecting Sign: A sign located off the ground, affixed to an exterior building, wall, and extending beyond it more than one foot.

Size of projecting signs. Projecting signs may be no larger than 8 square feet. Projecting signs must not project above the roofline or must not be more than 18 feet in elevation above the ground, whichever is lower.

Sign area. The sign area selected for display on a projecting sign must not exceed 8 square feet and must be subtracted from the total signable area allowed for the premise for attached signs under Section 5 in this chapter.

Neighborhood Association.

The ***Fountain Heights Neighborhood Association*** met at a special called meeting on **November 2, 2022** but have not provided staff with their vote.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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

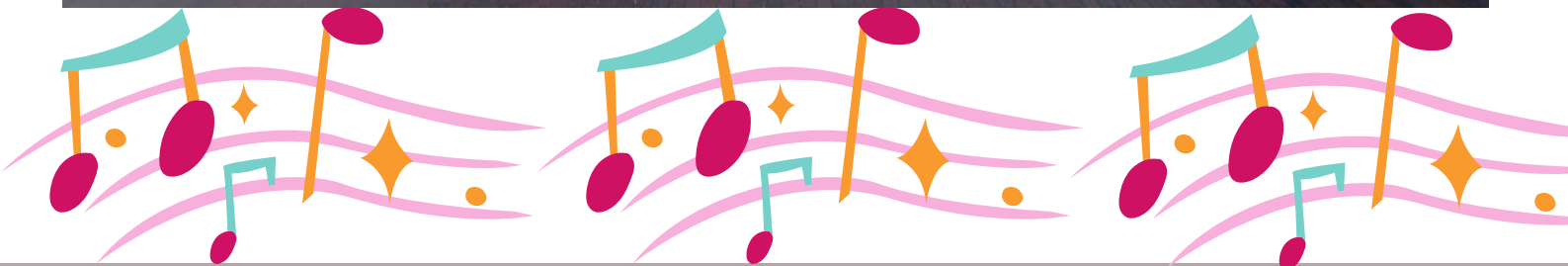
ZBA2022-00075

Woodlawn Neighborhood

Request: Application requesting a **Parking Modification** to allow for 0 off-street parking spaces instead of the required 32 off-street parking spaces. **Variance** for attached signs that exceeds the number of attached signs allowed in the Zoning Ordinance.

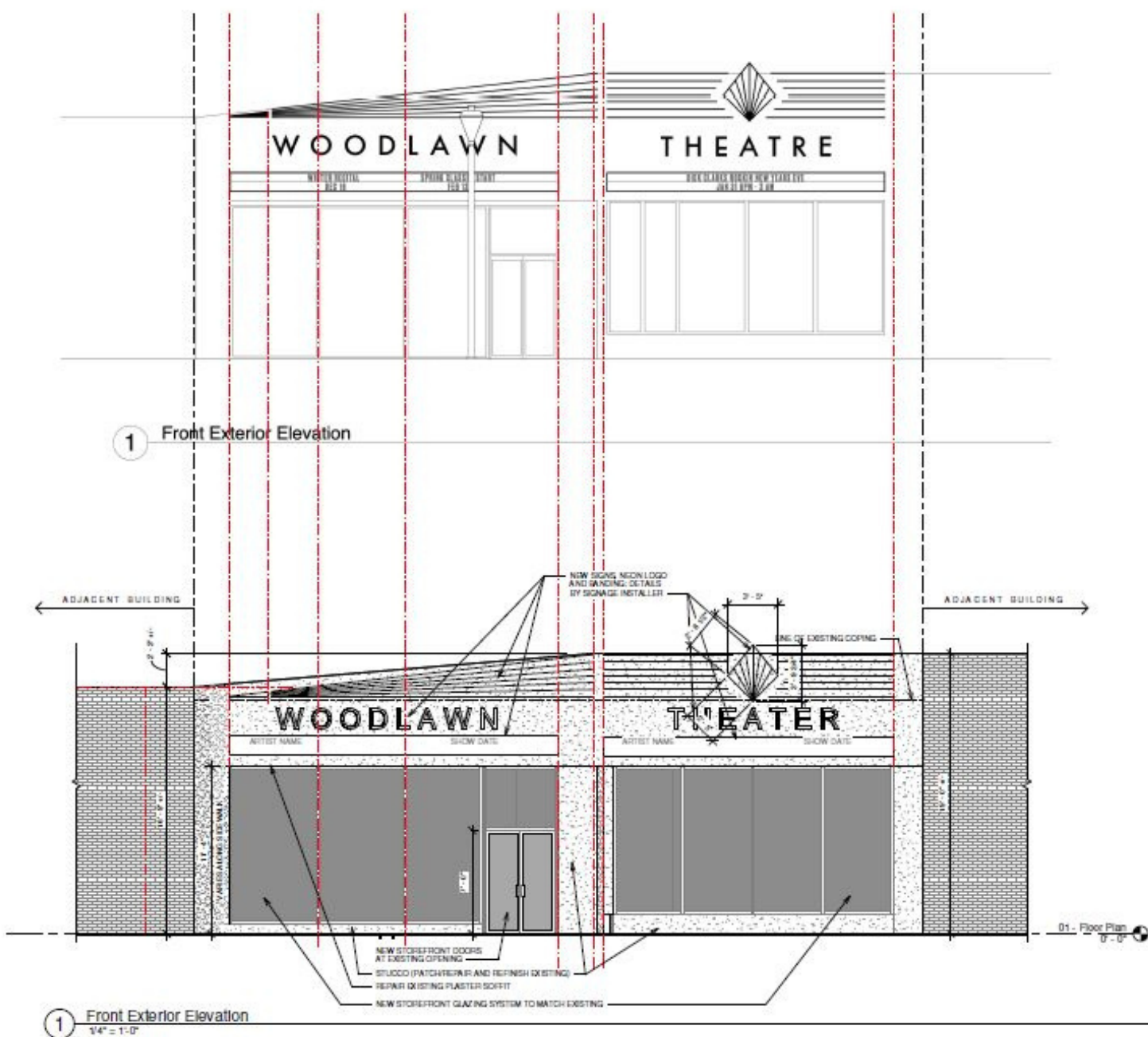
Filed by: Will Mason, the owner.

Location: 5503 1st Avenue North, Birmingham, AL 35212 situated in the SW ¼ of Section 21, Township 17-S, Range 2-W, Council District 4.



Applicant's Proposal.

The applicant is installing three new marquis signs that will be constructed of aluminum with reverse channel letters and backlit with LED's in a warm yellow or gold and flush mounted to the building. The panels will be $2 \times 22 = 44$ sq. ft. $2 \times 44 = 88$ sq. ft. The diamond sign will be $2 \times 5 = 10$ sq. ft. for a total of 98 sq. ft. of signage.

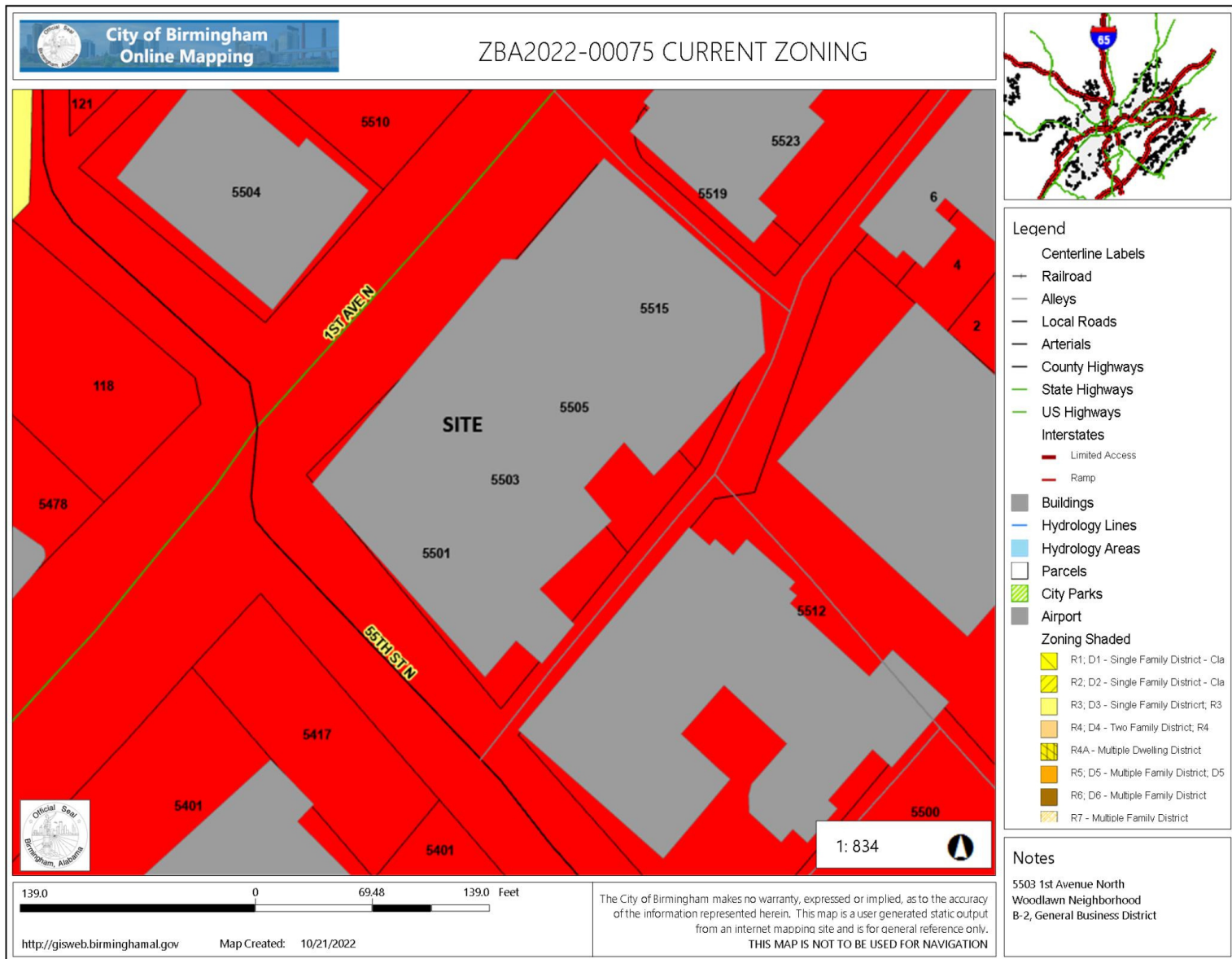


Variance Justification.

- 1. Physical Characteristics of the Property.** This is the location of the historic Woodlawn Theatre which occupied the space from 1929 – 1957. Sometime around 1958 the building was sold to another user who significantly altered the historic façade entrance, including the height of the roof line. While the current owner is not pursuing historic tax credits on this project, there is a desire to return the façade of the building to a design which incorporates elements of the original theatre, including updated architectural elements evocative of the original façade, and backlit elements such as the name of the theatre, and a marquee which will be used to promote live shows. The current zoning ordinance, which limits the size of the total signage to only 53 sq/ft, simply does not provide enough capacity to permit any of the sign element proposed, which has been approved by both neighborhood and the Design Review Committee.
- 2. Unique Characteristics.** The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area. The proposed signage and architectural elements pay homage to the original use of the building and will serve as an attractive gateway to the Woodlawn Neighborhood Commercial District.
- 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.
- 4. Financial Gain Not Only Basis.** The property owner's sole objective with the proposed signage is to create an attractive amenity for the neighborhood. The cost of the proposed façade design far exceeds that which would be allowed by the zoning ordinance which would be allowed by the zoning ordinance which limits the total square footage of signage.
- 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. To the contrary, the investment in this property could well help increase property values for adjacent or surrounding properties on the same block.
- 6. No Harm to Public Welfare.** The proposed sign design will not be detrimental to the to the public welfare, increase 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, nor will it substantially impair the intent and purpose of this Ordinance. The signage and architectural elements will be professionally installed and properly permitted.

Property and Abutting Land Uses.

The subject property is currently zoned **C-B2, Contingency General Business District**. Parcels to the North, South, East, and West of the property are also zoned C-B2, Contingency General Business District.



Zoning Ordinance.

Marquee: A vertical sign that is located either along the building frontage facade where it projects perpendicular to the frontage façade, or at the corner of the building where it projects at a 45-degree angle. Marquee signs are a structural feature of a building that provide both cover to pedestrians and sign space. These signs may extend beyond the parapet of the building if the sign projects at a 45 degree angle but may also terminate below the cornice or eave. Marquee signs often have neon lettering used in conjunction with removable or painted lettering.

SECTION 5. ATTACHED SIGNS

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

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

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

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

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

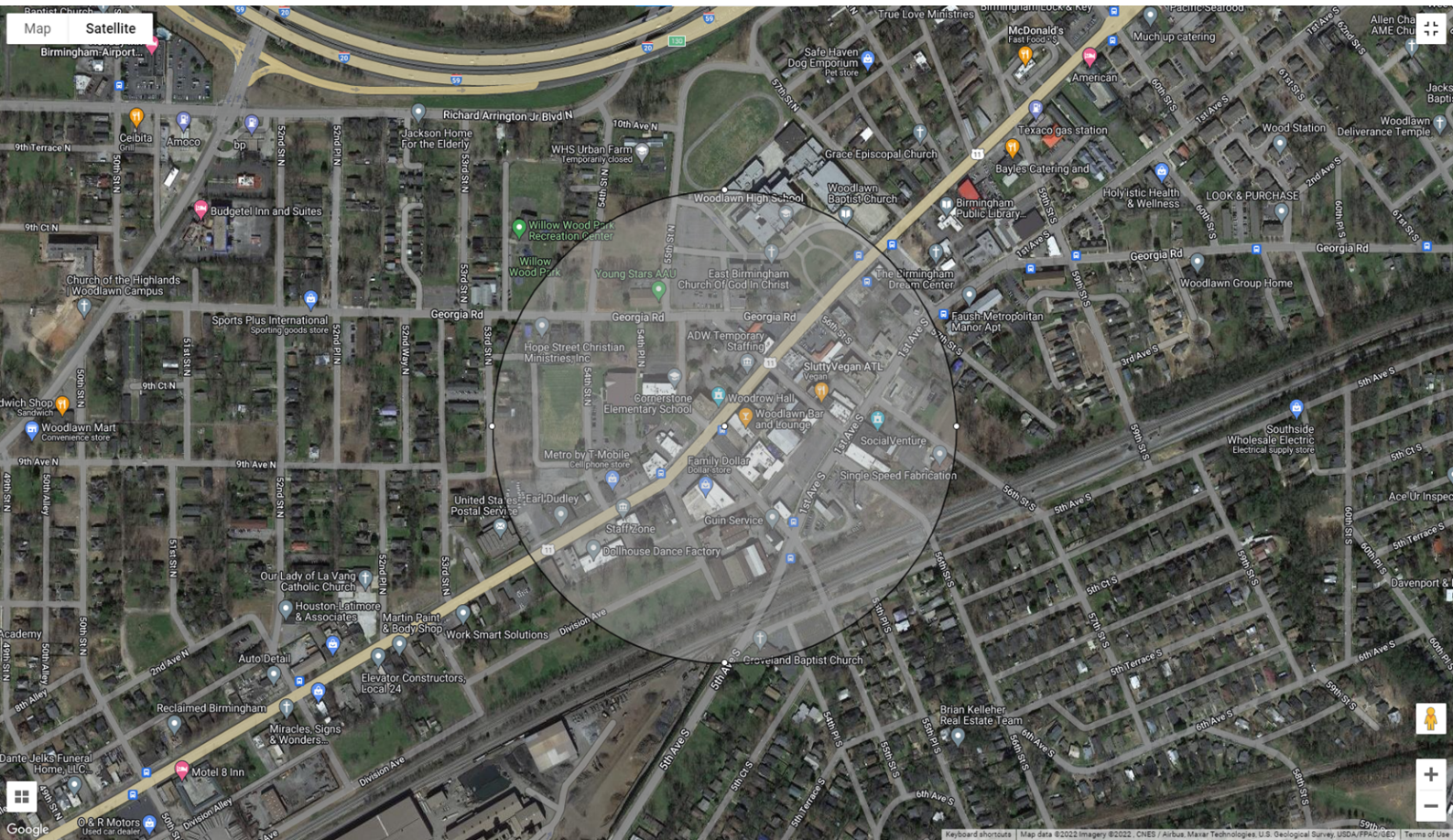
Parking Requirement.

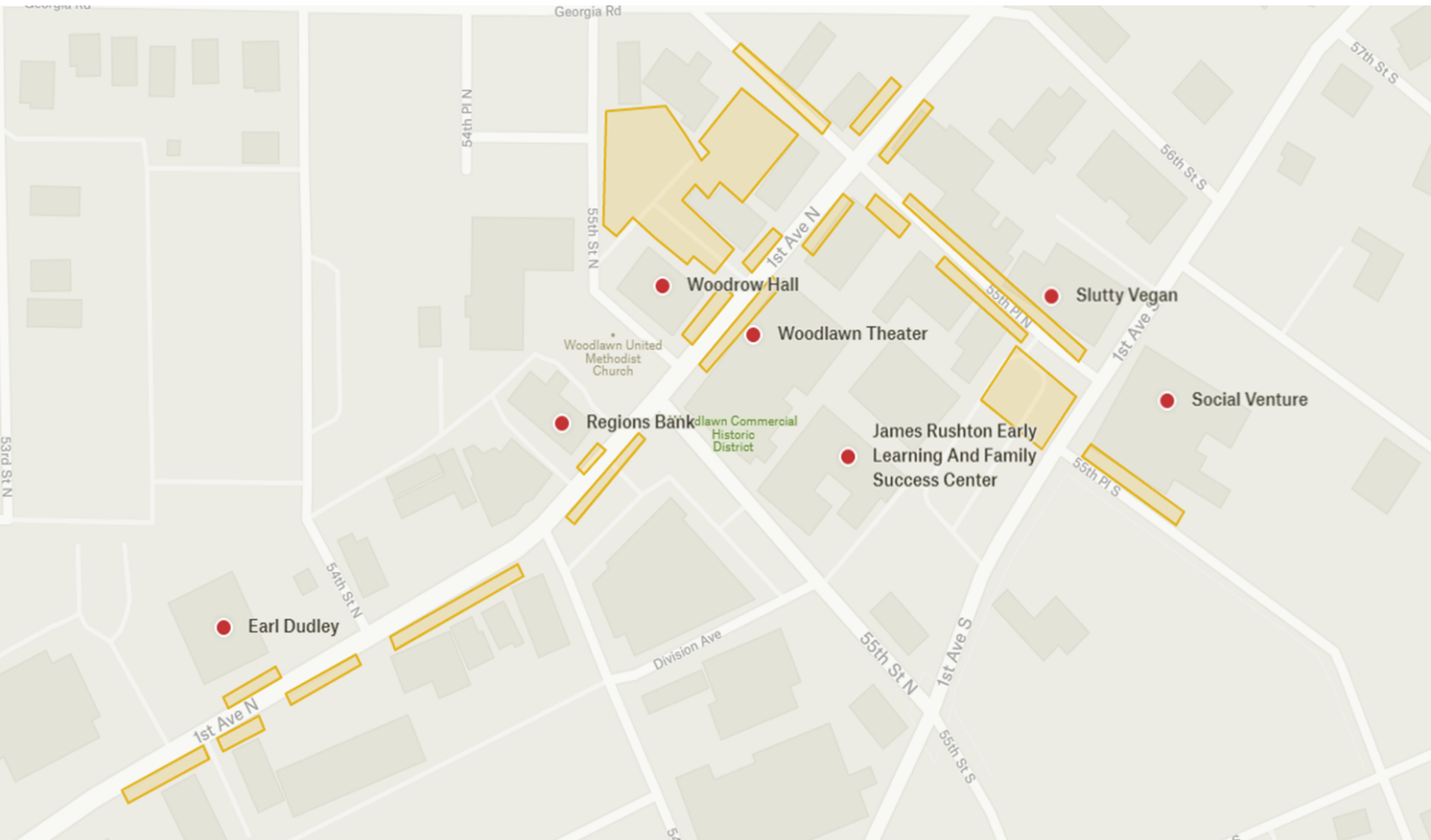
Theater: 1 per 5 seats of seating spaces.

$160 / 5 = 32$ parking spaces required

Woodlawn Theater Parking Audit-Parking Availability within 10,000 sq ft					
	Total Available	Parking Audit Dates			
		Oct 14, 2022 Friday at 2:00 PM	October 17, 2022 Monday at 2:00 PM	October 18, 2022 Tuesday at 9:30 AM	October 18, 2022 Tuesday at 12:00 PM
Earl Dudley	4	0	0	1	2
Across from Post Office Right of Cibulski MD	4	0	0	0	0
Cibulski MD	3	0	0	0	0
Dollhouse	5	1	0	0	0
Houses Next to Family dollar	6	5	4	3	4
Regions	2	1	1	0	1
Family Dollar	6	0	0	0	0
Woodlawn Theater	4	3	3	1	2
Woodrow Hall	4	0	1	0	1
Next to Municipal Parking	3	0	0	0	0
Funeral Home	4	3	0	0	0
Across From Aladdins	7	2	1	2	0
City Meats	4	0	0	0	0
Across From City Meats	4	1	0	1	3
55th Street Slutty Vegan Side	15	6	4	6	9
55th Street Audio Side	10	8	3	0	3
Municipal Lot A	65	37	31	38	36
Municipal Lot B	18	18	2	0	4
Polaris Parking	7	2	2	1	1
Total Parking	175	87	52	53	66
Percentage of Parking Occupied		49.7%	29.7%	30.3%	37.7%







Neighborhood Association.

The ***Woodlawn Neighborhood Association*** met at a special called meeting on **November 1, 2022** and voted to support the request.

Recommended Conditions:

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

1. Review by the appropriate zoning inspector to ensure 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.

