



Zoning Board of Adjustment

Minutes

Department of Planning, Engineering, & Permits

January 12, 2023
City Council Chambers
3:00 P.M.

Members Present

Chairwoman, Scottie Y. McClaney
Wanda Wright
Phillip Foster
Shia Hendricks

Staff Present

Kim Speorl, Zoning Administrator
Jess Mays, ZBA Planner
Johnathen Hogan, Zoning Inspector
Kasandra Brundidge, Zoning Supervisor

Mr. Phillip Foster made a motion to approve the minutes from the November 10, 2022 meeting.
Ms. Wanda Wright seconded this motion. All in favor, motion passes. November 10, 2022 minutes approved.

Case Number: ZBA2022-00006.....South Eastlake Neighborhood

Applicant: Bishop Jose Perry Sr.

Site Address: 7901 2nd Avenue South, Birmingham, AL 35206

Owner: Greater Emmanuel Temple Holiness Church

Description: Application requesting a Variance to allow the fence to be a height of 8’ ft instead of the 4’ ft maximum. A Variance to allow for 7 pole signs, an attached sign, and a new LED pole sign that exceed the maximum signage allowed by the Zoning Ordinance.

Shia Hendricks made a motion to approve the request with the following conditions attached:

1. Review by the appropriate zoning inspector to insure compliance with the Board’s decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within three years of approval from the Board.
3. Lots 1 – 18 must be resurveyed into one lot and combined into one lot by the Subdivision Committee and recorded with the Jefferson County Probate Court within three years of approval from the Board.

Motion to approve was seconded by Wanda Wright.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00064.....Five Points South Neighborhood

Applicant: Brandon Grant Sr.

Site Address: 1501 14th Street South Birmingham, AL 35205

Owner: Hollie and Justin White

Description: Application requesting a Variance to allow for a Single-Family home to be setback 1.2 feet instead of the required 25 feet in the rear yard.

Wanda Wright made a motion to approve the request with the following conditions attached:

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

Motion to recommend was seconded by Shia Hendricks.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00066.....Central Park Neighborhood

Applicant: Shun Riggins

Site Address: 1575 Bessemer Road, Birmingham, AL 35208

Owner: Shun Riggins

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

Wanda Wright made a motion to approve this case with the following conditions attached:

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

Motion to approve was seconded by Shia Hendricks.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00067.....Central Park Neighborhood

Applicant: Elena Ghindoc

Site Address: 4629 Avenue S, Birmingham, AL 35208

Owner: Elena Ghindoc

Description: 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)

Phillip Foster made a motion to deny this case based off no new information from the applicant demonstrating unique physical characteristics.

Motion to deny was seconded by Wanda Wright.

All in favor, motion passes.

DENIED.

Case Number: ZBA2022-00074.....Glen Iris Neighborhood

Applicant: Christopher Dishon

Site Address: 500 10th Avenue South, Birmingham, AL 35205

Owner: Christopher Dishon

Description: Application requesting a Variance to allow for a 7.5' ft opaque pressure treated pine fence in the front yard along 5th St S.

Shia Hendricks made a motion to approve this case with the following conditions attached:

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.

Motion to approve was seconded by Phillip Foster.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00078.....Five Points South Neighborhood

Applicant: Spartan Invest LLC

Site Address: 1235 18th Ave S, Birmingham, AL 35205

Owner: Spartan Invest LLC

Description: Application requesting a Parking Modification to allow for 0 off-street parking spaces instead of the required 2 parking spaces for a duplex.

Phillip Foster made a motion to continue this case for additional parking information.

Motion to continue was seconded by Wanda Wright.

Roll Call Vote:

Chairwoman Scottie Y. McClaney: Yes

Wanda Wright: Yes

Phillip Foster: Yes

Shia Hendricks: Abstain

Motion passes.

CONTINUED.

Case Number: ZBA2022-00080.....Central City Neighborhood

Applicant: Matt Foley

Site Address: 2013 – 2015 4th Avenue North, Birmingham, AL 35203

Owner: Auburn University

Description: Application for a Variance to allow for an internally illuminated projecting sign that exceeds the maximum square footage allowed by the zoning ordinance. A Variance to allow for the projecting sign to be elevated 23 feet off the ground instead of the required 18 feet.

Phillip Foster made a motion to approve the request with the following conditions attached:

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

Motion to reccomend was seconded by Shia Hendricks.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00081.....Southside Neighborhood

Applicant: Kevin Freeman

Site Address: 3401 5th Avenue South, Birmingham, AL 35222

Owner: T. Daniel Belser

Description: Application requesting a Parking Modification to allow for 11 off-street parking spaces instead of the required 45 parking spaces.

Phillip Foster made a motion to continue the request because the request needs to change from having 11 off-street parking spaces to having 0 off-street parking spaces.

Motion to continue was seconded by Wanda Wright.

All in favor, Motion passes.

CONTINUED.

Case Number: ZBA2022-00083.....Wylam Neighborhood

Applicant: LaCrystal Bradley

Site Address: 4600 7th Avenue, Birmingham, AL 35224

Owner: Clyde Anderson

Description: Application for a Variance to allow for the installation of an existing playground in the front yard along 7th Avenue.

Wanda Wright made a motion to approve the request with the following conditions attached:

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

Motion to recommend was seconded by Phillip Foster.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00084.....Eastwood Neighborhood

Applicant: Mykea Jones

Site Address: 1680 Montclair Road, Birmingham, AL 35210

Owner: Gisel McRae Cooper

Description: Application for a Special Exception to operate an event center in a B-2, General Business District.

Shia Hendricks made a motion to approve the request with the following conditions attached:

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

Motion to recommend was seconded by Wanda Wright.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-00085.....Overton Neighborhood

Applicant: Bob Easley

Site Address: 5100 Cahaba River Road, Birmingham, AL 35243

Owner: Big Oak Ranch Inc.

Description: Application for a Variance to allow parking in the front yard and a Variance to allow excess parking over the maximum allowed.

Phillip Foster made a motion to approve the request with the following conditions attached:

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

Motion to reccomend was seconded by Shia Hendricks.

All in favor, motion passes.

APPROVED.

Chairwoman Scottie McClaney adjourned the meeting.