



Zoning Board of Adjustment

Minutes

Department of Planning, Engineering, & Permits

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

April 13, 2023
City Council Chambers
3:00 P.M.

Members Present

Chairwoman, Scottie Y. McClaney
Lissy Frese
Phillip Foster
Torin Darling Brazzle

Staff Present

Kim Speorl, Zoning Administrator
Jess Mays, ZBA Planner
Kasandra Brundidge, Zoning Supervisor
Brandon Hammond, Zoning Inspector
Dedra Campbell, Zoning Inspector

Chairwoman Scottie McClaney called the meeting to order.

Mr. Phillip Foster made a motion to approve the minutes from the March 9, 2023 meeting. Ms. Lissy Frese seconded this motion. All in favor, motion passes. March 9, 2023 minutes approved.

Case Number: ZBA2023-00010.....North Birmingham Neighborhood

Applicant: Don Cosper of Davis Architects

Site Address: 2523 25th Court North, Birmingham, AL 35234

Owner: MHLC Lot 1 LLC

Description: Application requesting a Variance for a 6' foot chain link fence with barbed wire on all sides of the property. A Variance for parking on a pervious surface instead of the required paved surface. A Variance to allow for outdoor storage in a Flood Zone.

Lissy Frese made a motion to approve the request 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.
3. Concrete curbing must be installed around the parking area perimeter to confine the gravel.
4. An opaque, plastic, weatherproof fence wrap barrier that cannot be seen through must be installed all the way around on all four exterior sides of the chain link fence that surrounds the property and said barrier will be maintained or replaced as needed.
5. A solid landscape buffer that includes a living hedgerow must be installed along the exterior of the fence along 25th Street.
6. A living landscape barrier must be placed on the exterior fence boundary next to Wren Funeral Home and on the exterior fence boundary along Finley Avenue.
7. Building inspector shall confirm that the below requirements have been met prior to final approval from floodplain management staff.
8. All outdoor storage of unsecured, floatable materials, such as dumpsters, storage bins, barrels, lumber, debris, and other materials which may float and cause damage to property during flood conditions are prohibited. All such materials must be elevated to the Flood Protection Elevation and must be placed no lower than 1 feet above the nearest adjacent grade or be adequately secured to prevent floatation.

9. Registered Professional Engineer or Architect shall develop or review the structural design, specifications and plans for the foundation of the structure and certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion and scour, undermining, and the effects of water and wind acting simultaneously on all building components during the Base Flood.
10. Applicant must provide Chief Civil Engineer drawings for the catch basin to ensure the applicant is anchoring the tank, the catch basin elevation is acceptable, and they have a filtering system on the drain system for the catch basin. The tank should be anchored above and below ground. Plans must show how the anchorage will be done.
11. A fuel tank located above ground but below the Design Flood Elevation (DFE) must be secured against flotation and lateral movement. This requirement applies as well to portable fuel tanks such as propane tanks.
12. Add a restraining force by increasing the burial depth, the amount of pavement on top of the tank, or both. The burial depth should not exceed the manufacturer's recommendation.
13. Anchor the tank to a reinforced concrete pad with non-corrosive hold-down straps.
14. Install deadman anchors with straps attached outside the tank diameter alongside the tank.
15. Develop a contingency plan.
16. Any new/replaced outdoor electrical components and equipment must be either GFI protected or elevated no less than 1 foot above the nearest adjacent grade.
17. Any new/replaced indoor electrical switches and/or receptacles must be placed 1 foot above the finished floor or GFI protected. Any new/replaced wiring that is not routed overhead must be rated for wet locations.
18. Any new/replaced outdoor electrical switches and/or receptacles must be placed no lower than 1 foot above the nearest adjacent grade or GFIC protected. Any new/replaced wiring that is not routed overhead must be wired for wet locations.
19. All new/replaced or existing HVAC equipment, including the ductwork, must be placed at 1 foot above the nearest adjacent grade.
20. The applicant must provide the Hazard Mitigation Services Team a (Floodplain Staff) Spill Prevention, Control, and Countermeasure (SPCC) plan.
21. In addition, floodplain staff will not sign any building yellow card unless all utilities-related inspections have been finalized and all above-referenced requirements have been met and so noted on the yellow building permit card.

Motion to approve with attached conditions was seconded by Phillip Foster.

All in favor, motion passes.

APPROVED

Case Number: ZBA2023-00011.....Forest Park Neighborhood

Applicant: Stanley Anderson of Diversified Home Services of AL

Site Address: 4348 Cliff Road, Birmingham, AL 35222

Owner: Angela Wallace and Rob Jones

Description: Application for a Variance to allow for the side yard setbacks on a new deck to be 3.4 feet on the right side of the house instead of the required 5 feet in a side yard in an R-3, Single-Family Residential District.

Torin Darling Brazzle 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.

Motion to approve was seconded by Phillip Foster.

All in favor, motion passes.

APPROVED

Case Number: ZBA2023-00013.....South Titusville Neighborhood

Applicant: Monique Amamoo

Site Address: 37 6th Avenue South, Birmingham, AL 35205

Owner: Monique Amamoo

Description: Application requesting a Variance to allow for an accessory storage structure in the front yard along Center Way South

Torin Darling Brazzle 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: ZBA2023-00014.....Forest Park Neighborhood

Applicant: Kenneth Ellsworth of Studio SOGO

Site Address: 4105 4th Avenue South, Birmingham, AL 35222

Owner: Dan McCusker

Description: Application requesting a Parking Modification to allow for 8 off-street parking spaces instead of the required 43 parking spaces for a restaurant.

Lissy Frese 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 Torin Darling Brazzle.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2023-00015.....Roebuck Springs Neighborhood

Applicant: Lisa Collins of BRR Architecture

Site Address: 9248 Parkway East, Birmingham, AL 35206

Owner: Walmart

Description: Application requesting a Variance to install 7 new signs on the front facades of the building, exceeding the maximum number of attached signs allowed per street or frontage area per the Zoning Ordinance.

Phillip Foster 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 Torin Darling Brazzle.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2023-00016.....Central Park Neighborhood

Applicant: Cynthia Price

Site Address: 4941 Court R, Birmingham, AL 35208

Owner: Eric Walker

Description: Application for a Special Exception for resumption of a Legal Non-Conforming Use. The Legal Non-Conforming use is a childcare center.

torin Darling Brazzle 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.
3. Parking spaces must be striped, apply landscaping requirements from the ordinance if applicable and meet all sign ordinances.

Motion to reccomend was seconded by Lissy Frese.

All in favor, motion passes.

APPROVED.

Chairwoman Scottie McClaney adjourned the meeting.