

Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00072

North Titusville Neighborhood

Request: Application for a **Variance** to allow for an LED addition to an existing monument sign that exceeds the maximum height allowed in a D-3, Single-Family Dwelling District and a **Variance** to allow for the sign to be setback 79 feet from the property line instead of the required 200 feet .

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

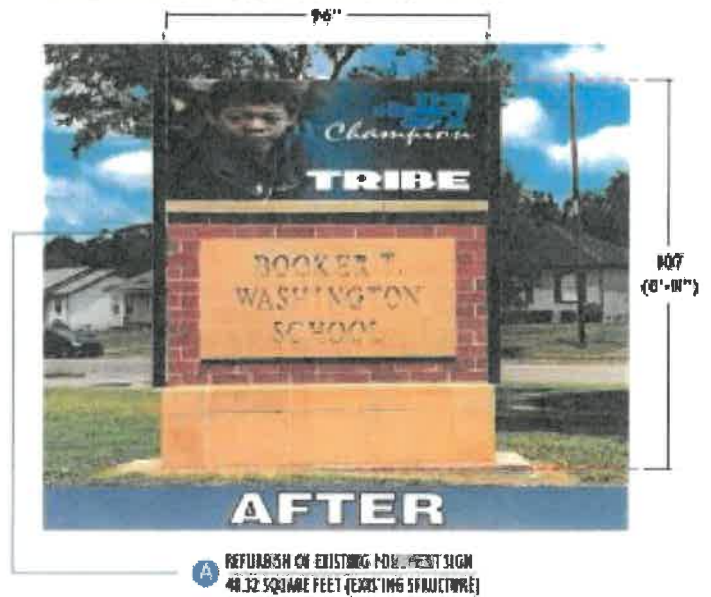
- **Physical Characteristics of the Property:** The Booker T. Washington School building in relation to the sign to be modified with digital board is strategically placed to not only identify the building but be read by parents and students alike coming thru the traffic flow. This is important to inform 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



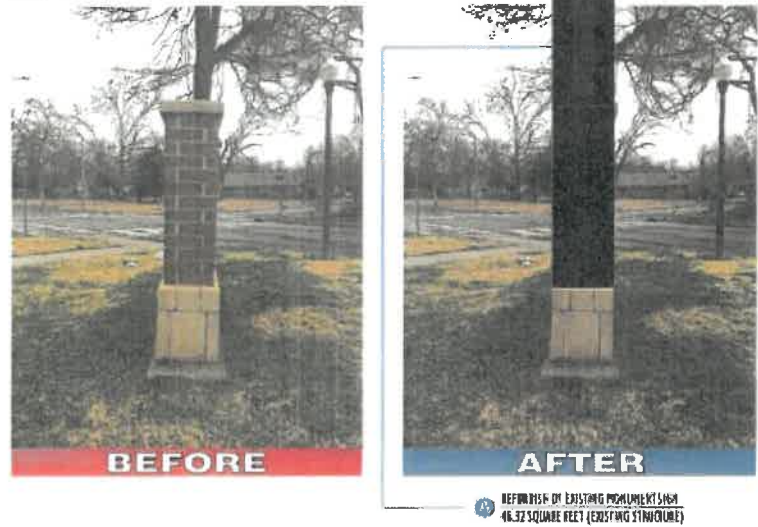
SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN WITH PROPOSED REFRESH



SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN

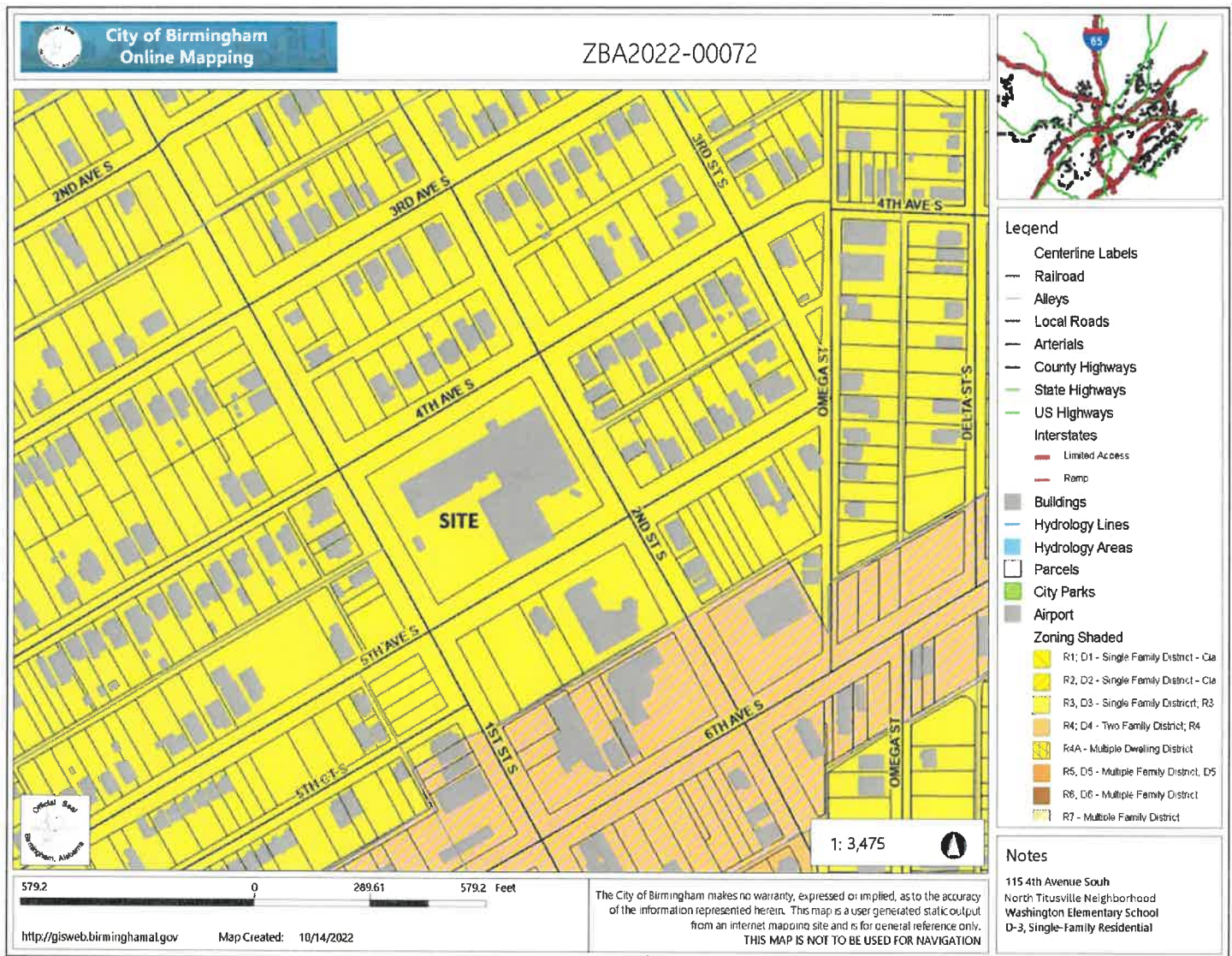


SITE SURVEY PHOTOGRAPH OF EXISTING I.D. SIGN WITH PROPOSED REFRESH



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, 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.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00078

Five Points South Neighborhood

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

Filed by: Spartan Invest LLC, the owner.

Location: 1235 18th Ave S, Birmingham, AL 35205 situated in the NW ¼ of Section 12, Township 18-S, Range 3-W, Council District 3.



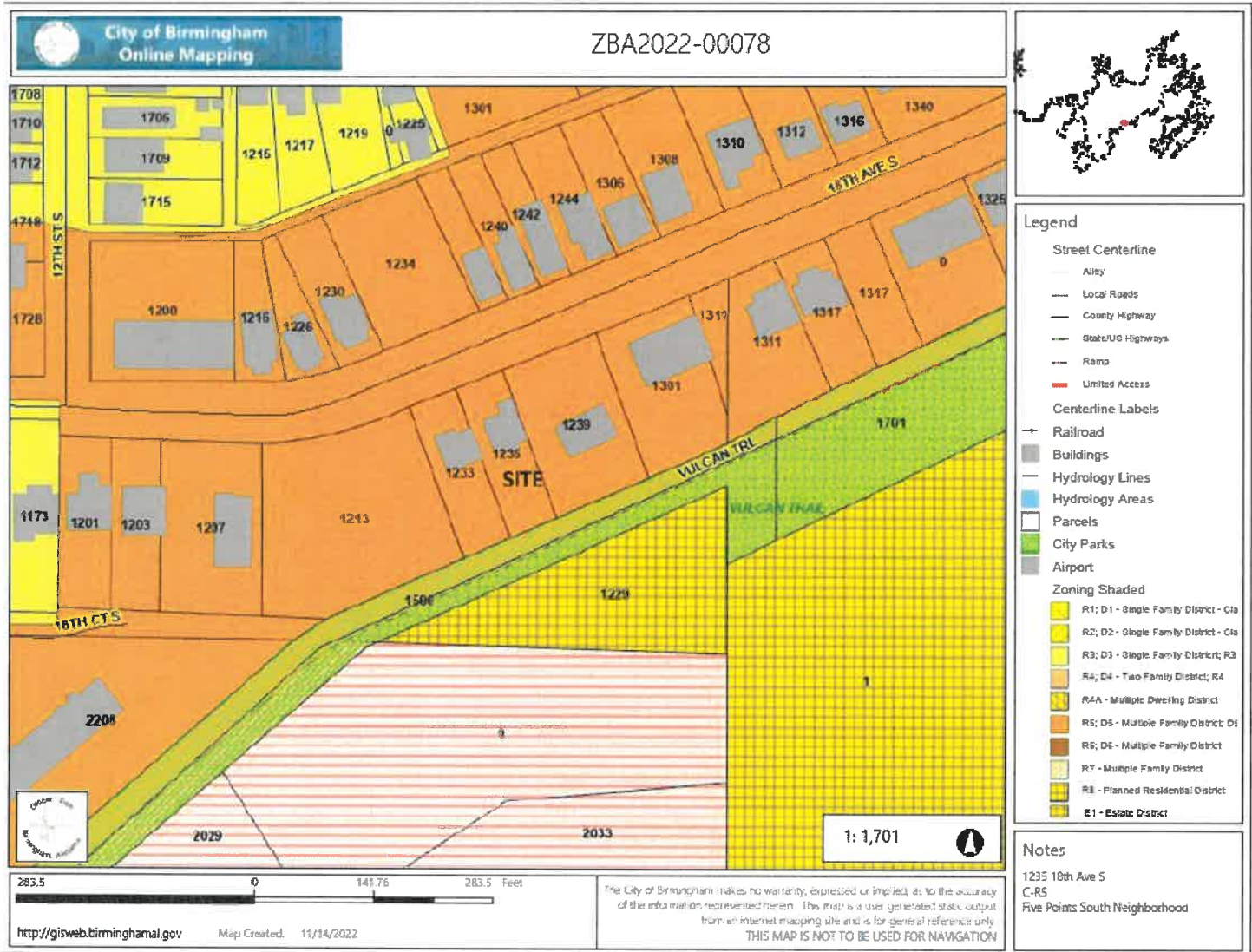
Photo from Google
Maps

Applicant's Proposal.

The applicant is proposing 0 off-street parking spaces for a duplex. The duplex occupants will be using on-street parking.

Property and Abutting Land Uses.

The subject property is currently zoned **C-R-5, Contingency Multiple Family District**. Parcels to the North, East, and West are also zoned **C-R-5, Contingency Multiple Family District**. To the South of the property is the Vulcan Trail.



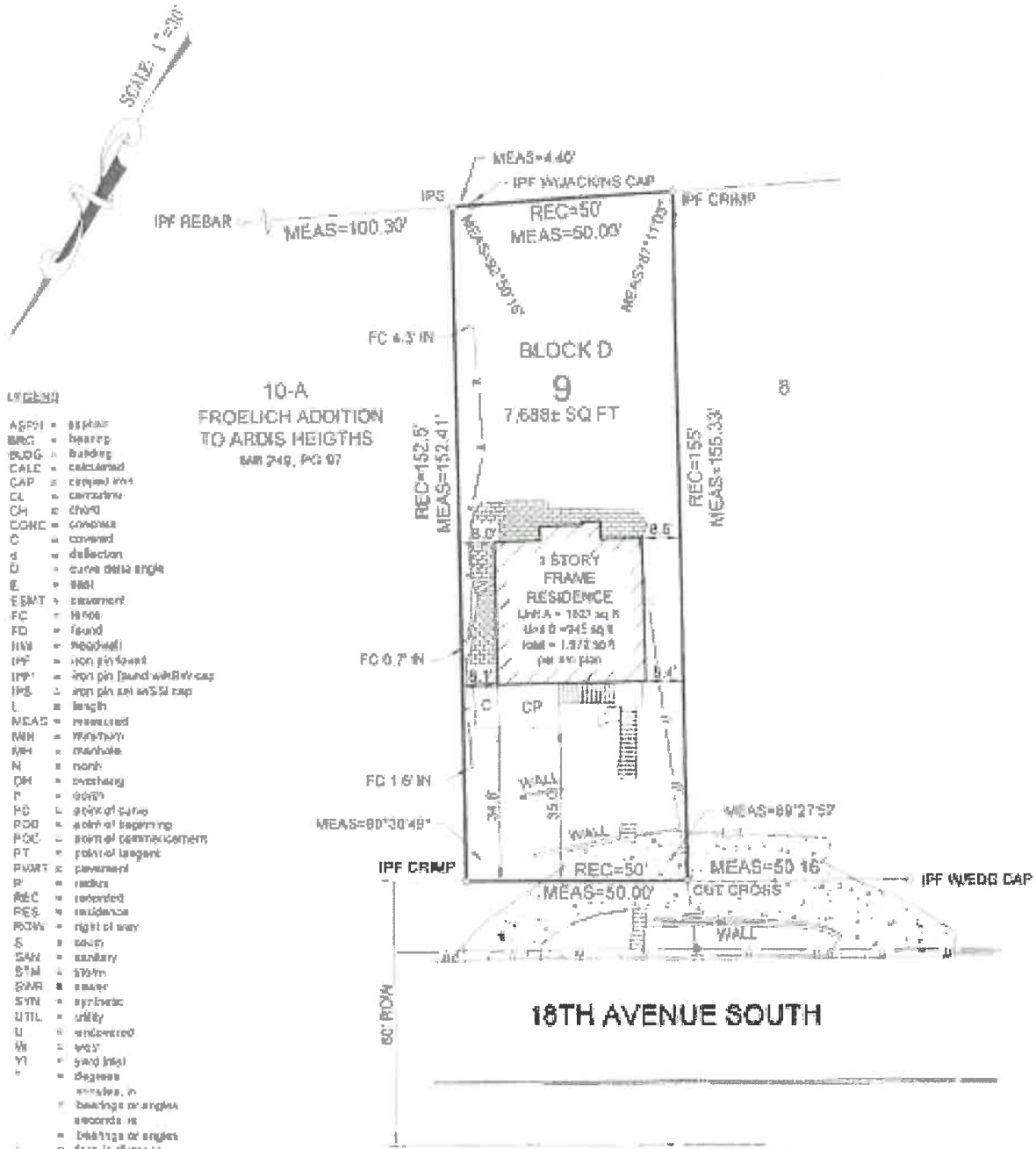
Subsection 5. Parking regulations For R-5.

- Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article V.

Zoning Ordinance:

Parking Requirement: Dwelling, Two Family 1,500 sq. ft. or less of living area: 1 per dwelling unit.

Unit A: 1,027 sq. ft. Unit B: 945 sq. ft. = **2 parking spaces required.**



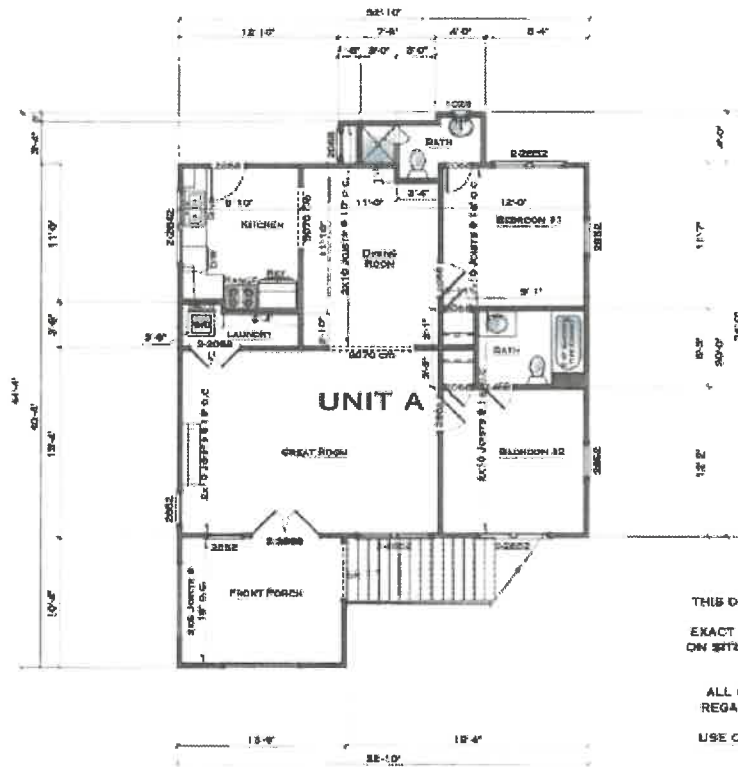
- LEGEND**
- AGPI = asphalt
 - BORG = bearing
 - BUDG = building
 - CALE = calculated
 - CAP = capped iron
 - CL = centerline
 - CH = church
 - CONC = concrete
 - C = covered
 - d = deflection
 - D = curve data angle
 - E = east
 - EASMT = easement
 - FC = fence
 - FD = found
 - HWM = headwall
 - IPF = iron pin found with/ w/o cap
 - IPF* = iron pin found with/ w/o cap
 - IPB = iron pin set w/ w/o cap
 - L = length
 - MEAS = measured
 - MH = manhole
 - MH = manhole
 - N = north
 - OH = overhang
 - P = pipe
 - PC = point of curve
 - PDD = point of beginning
 - POC = point of commencement
 - PT = point of tangency
 - PVMT = pavement
 - R = radius
 - REC = recorded
 - RES = residence
 - ROW = right of way
 - S = south
 - SAN = sanitary
 - STM = storm
 - SWR = sewer
 - SYN = synthetic
 - UTIL = utility
 - U = unenclosed
 - W = wall
 - YI = yard line
 - ° = degrees
 - ' = minutes, in
 - '' = bearing or angle
 - '' = seconds, in
 - ' = distance or angle
 - ' = feet, in distance
 - ' = zones
 - ± = more or less, or plus or minus

SURVEY



HOUSE DRAWINGS

1235 18th Avenue South



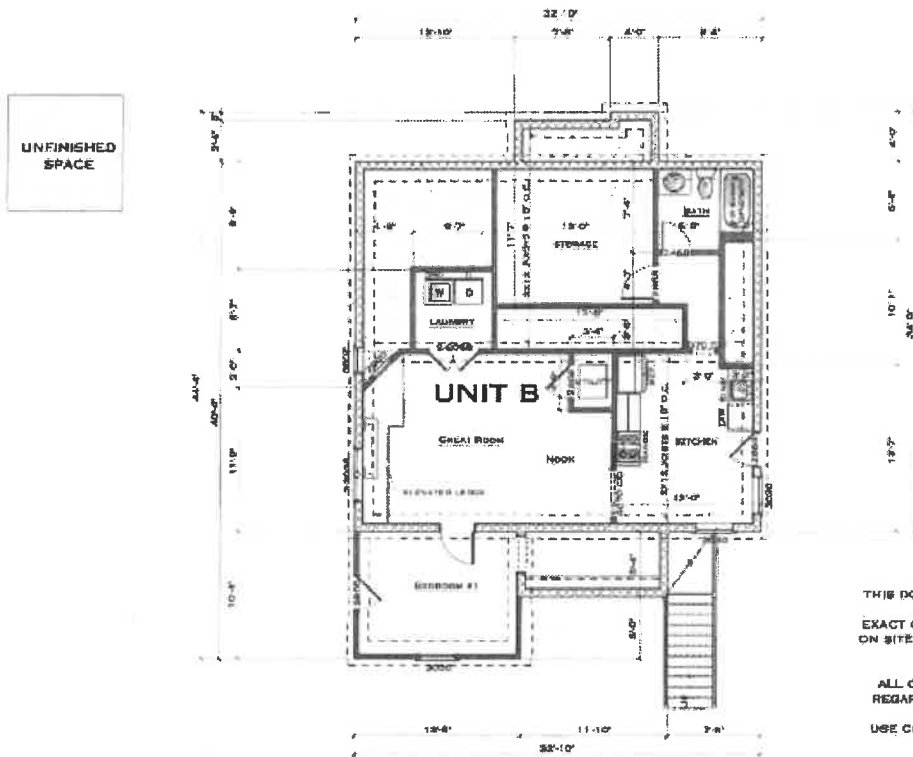
THIS DOCUMENT IS ONLY TO SHOW THE BASIC INTENT.
 EXACT CONFIGURATION AND ASPECTS OF THE ACTUAL
 ON SITE CONSTRUCTION MAY BE DIFFERENT THAN THIS
 DOCUMENT

ALL CONSTRUCTION CODES ARE TO BE FOLLOWED
 REGARDLESS OF WHAT THIS DOCUMENT REFLECTS.

USE CONTINUOUS TYPE X DRYWALL BETWEEN UNITS
 (BASEMENT CEILING).

ALL BEDROOMS ARE TO MEET EGRESS REGULATIONS.

UNIT A = 1027 SQFT



THIS DOCUMENT IS ONLY TO SHOW THE BASIC INTENT EXACT CONFIGURATION AND ASPECTS OF THE ACTUAL ON SITE CONSTRUCTION MAY BE DIFFERENT THAN THIS DOCUMENT.

ALL CONSTRUCTION CODES ARE TO BE FOLLOWED REGARDLESS OF WHAT THIS DOCUMENT REFLECTS.

USE CONTINUOUS TYPE X DRYWALL BETWEEN UNITS (BASEMENT CEILING).

ALL BEDROOMS ARE TO MEET EGRESS REGULATIONS.

UNIT B = 945 SQFT



Parking Study.

See Attached study submitted by the applicant.

Neighborhood Association.

The *Five Points South Neighborhood Association* voted to **approve** this request.

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.



Photo from Google Maps



Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00081

Southside Neighborhood

Request: Application requesting a **Parking Modification** to allow for 0 off-street parking spaces instead of the required 45 parking spaces.

Filed by: Kevin Freeman, on behalf of the owner, T. Daniel Belser.

Location: 3401 5th Avenue South, Birmingham, AL 35222 situated in the NE ¼ of Section 31, Township 17-S, Range 2-W, Council District 5.

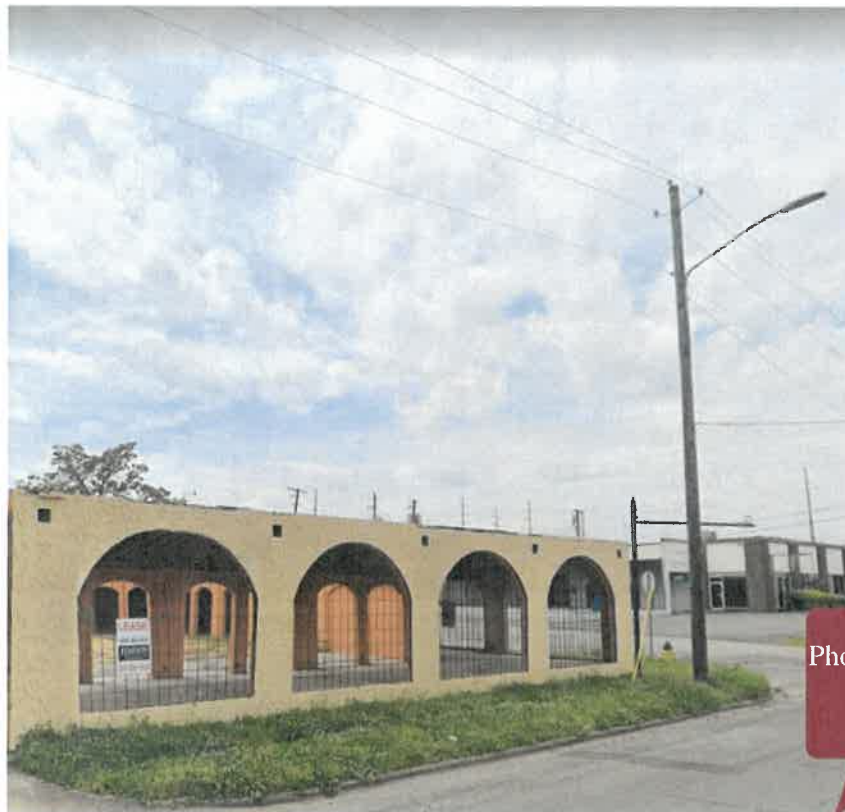


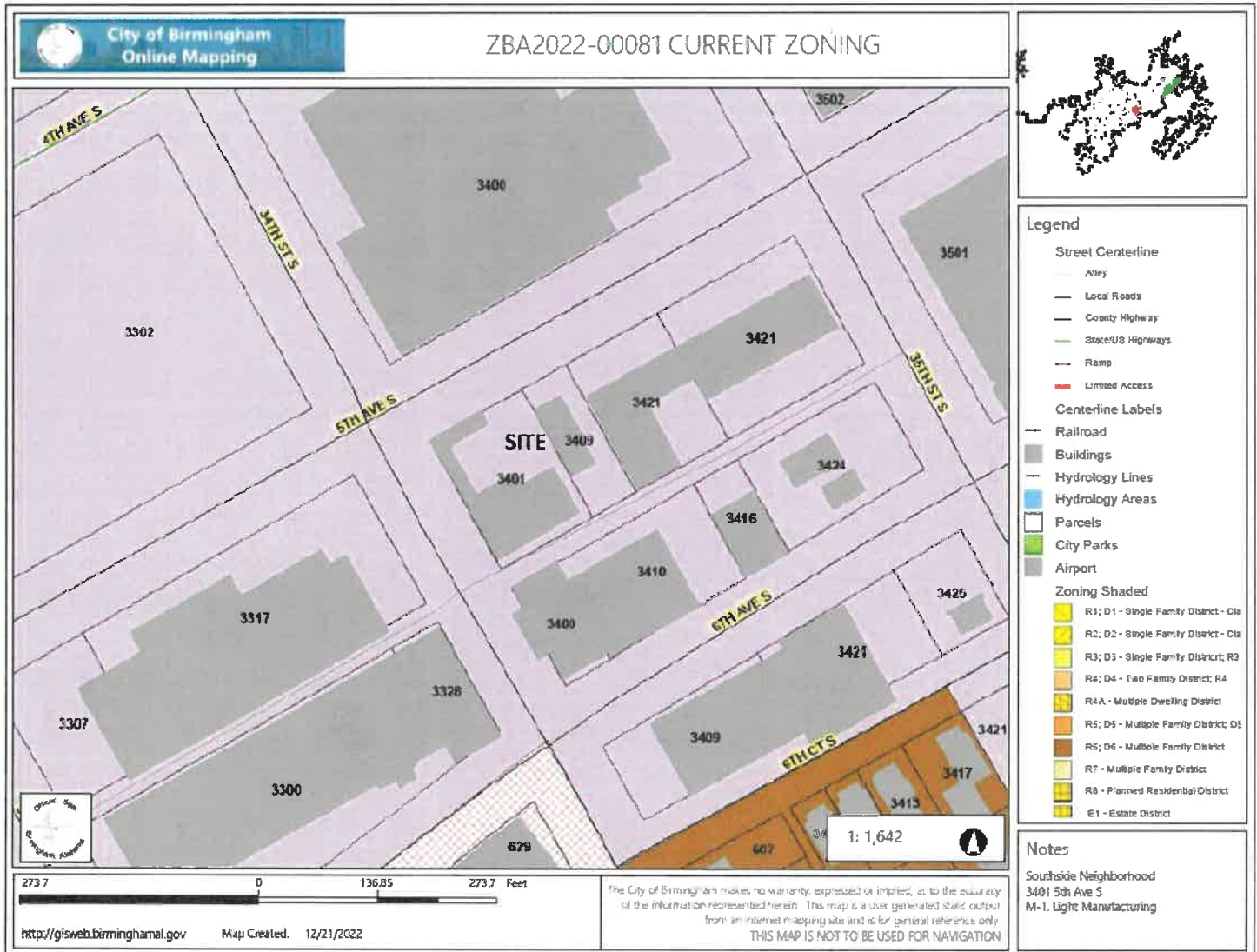
Photo from Google
Maps

Applicant's Proposal.

The applicant will have 0 off-street parking spaces for their lounge/bar.

Property and Abutting Land Uses.

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



Light Manufacturing (I-1) District. The **light manufacturing district** is designed to allow for light manufacturing and office uses, potentially in “business park” settings, and typically near major transportation routes including Interstates, State Highways, railroad spurs and airport facilities. Uses in this district include: warehouse and distribution uses, urban agriculture, supporting uses, such as minor retail and services to support the major uses. No residential uses are allowed in this district.

Zoning Ordinance:

Parking Requirement:

Night club, tavern, dance hall, brew pub or bar: 1 per 100 sq. ft. of Gross Floor Area

4,500 sq. ft. / 100 = 45 Parking Spaces

The site is short 45 parking places for the use.

Bar: Any building where liquor, beer or wine or any combination are served for consumption on the premises, with or without food.

Neighborhood Association.

The **Southside Neighborhood Association** is not currently active.

Recommended Conditions:

If approved by the Board, below 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.



Photo from Google Maps



Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00082

Woodlawn Neighborhood

Request: Application requesting a **Variance** to modify density requirements in a B-2 zoning district to allow for 146 studio apartment units instead of the 119 units allowed by the Zoning Ordinance.

Filed by: Eric Hall, on behalf of the owner, Harry Patel.

Location: 5101 Messer-Airport Highway, Birmingham, AL 35212 situated in the NW ¼ of Section 21, Township 17-S, Range 2-W, Council District 4.

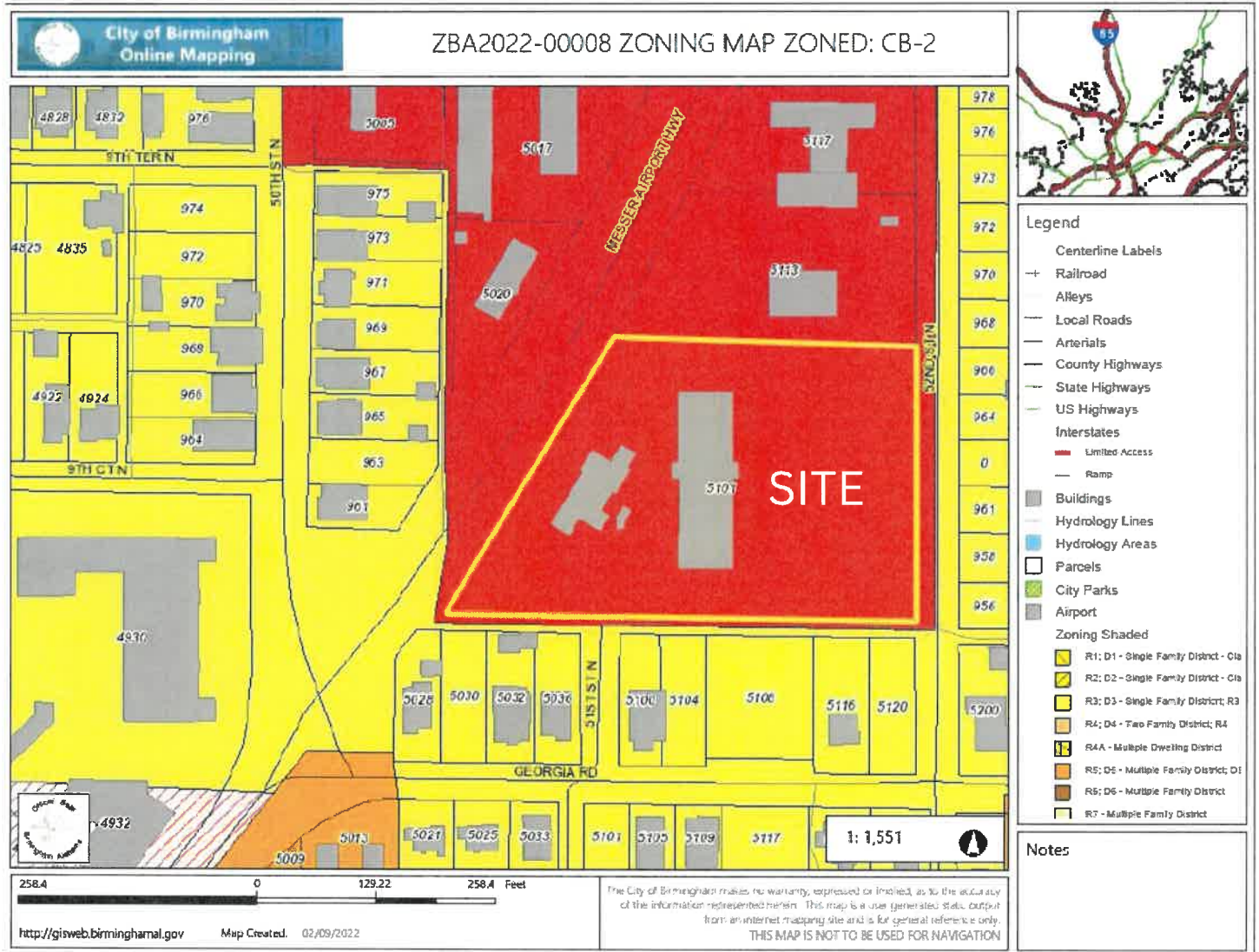


Applicant's Proposal.

The applicant has constructed 146 studio apartments in the former Budgetel Hotel structure.

Property and Abutting Land Uses.

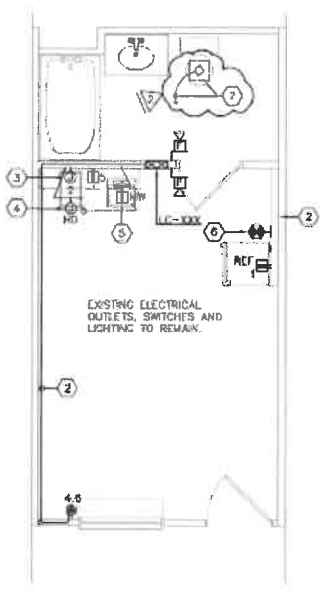
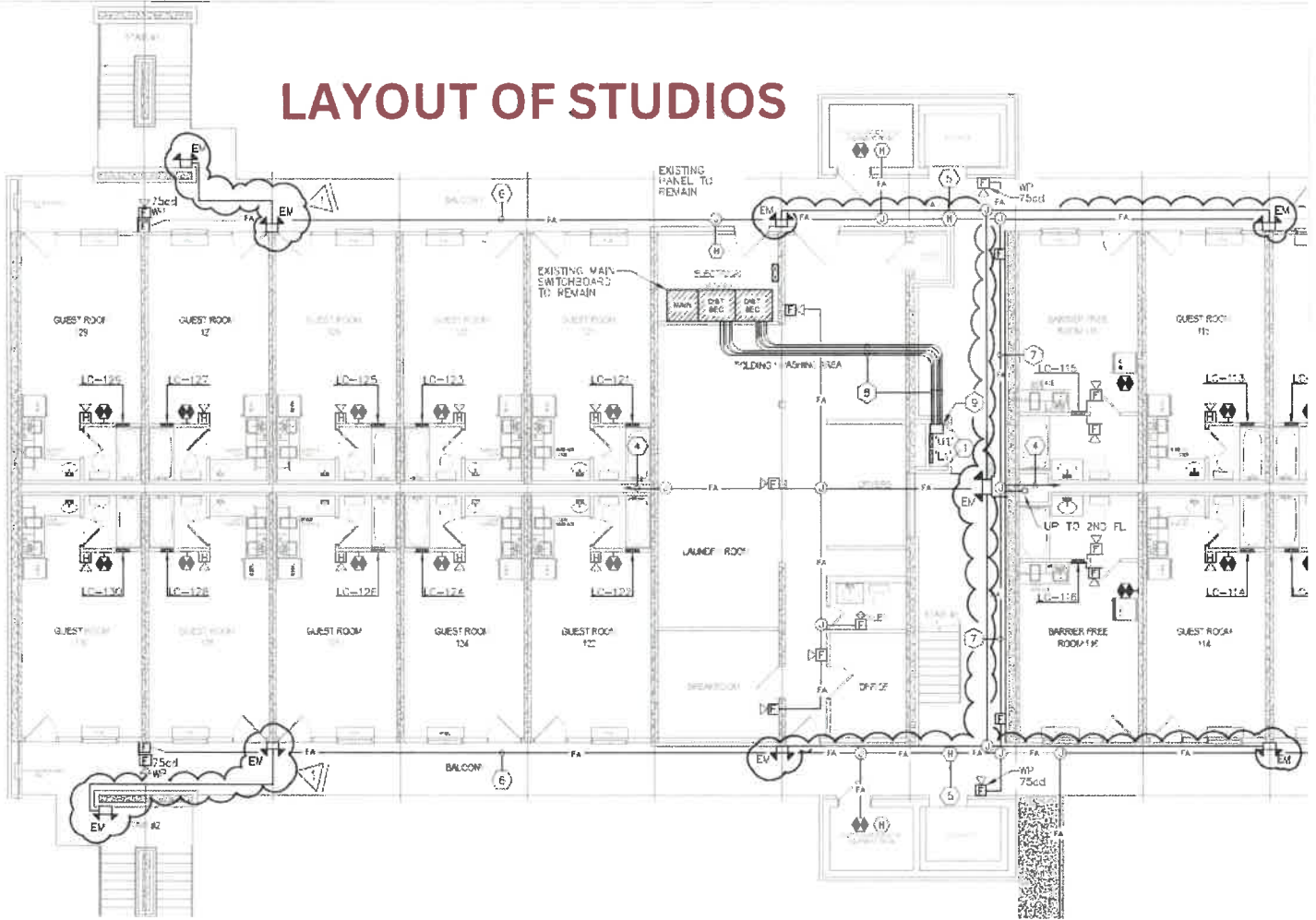
The subject property is currently zoned **CB-2, Contingency, General Business District**.
Parcels to the North are also zoned **CB-2, Contingency General Business District**.
Parcels to the East, West, and South are zoned **R-3, Single-Family Residential**.



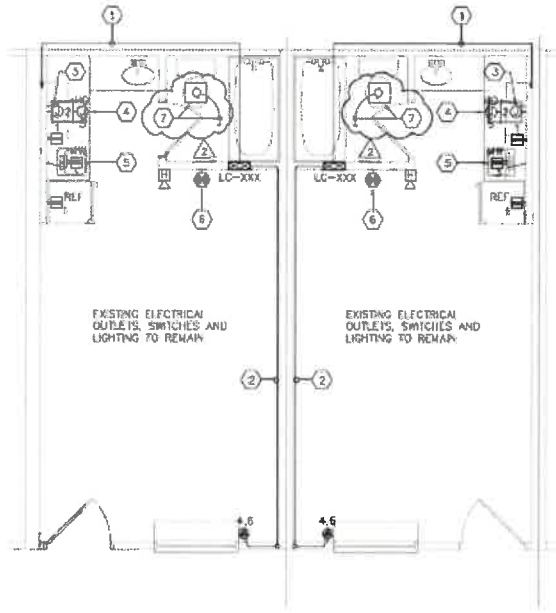
Previous Actions.

ZBA2022-00008: A request for a Variance to allow for 145 studio units was previously heard by the Zoning Board of Adjustment on April 14, 2022 and was denied.

LAYOUT OF STUDIOS



TYPICAL BARRIER FREE GUEST ROOM PLAN - ELECTRICAL
E: 1/4" = 1'-0"



TYPICAL GUEST ROOM PLAN - ELECTRICAL
SCALE: 1/4" = 1'-0"



Furniture that the applicant will be using in the studio units.

• • • • • **Variance Justification** • • • • •

First, let me begin by saying thank you for giving JDH the opportunity to discuss our most recent project at the property located at 5101 Messer Airport Highway, formerly Budgetel Inn & Suites Birmingham Airport. With the purchase of this establishment, our company has invested nearly 3 million dollars in purchase, renovations, and furnishings. This investment was made with the purest intent of fostering community growth and building a more resilient community via our Workforce Housing Community.

As The City of Birmingham grows, we must be intentional and strategic in providing affordable and alternative housing options for current and potential residents. Workforce housing is defined as housing affordable to households earning between 60 and 120 percent of the area median income (AMI). Our housing market targets young professionals such as police officers, firefighters, teachers, and the like. Simply put, we are widening the market for middle-earners who are not dependent on government-subsidized rent.

Presently, we have been approved for 119 studio apartments. We are petitioning for community support to operate 146 units. Because of these additions, we are requesting density approval. We are currently .9 acres short of the density requirement. Acceptance of this request will expedite the process and present an opportunity for Woodlawn Neighborhood Association to welcome 146 residents to the community. Lastly, see the attached supporting documents, pictures, and direct responses addressing community concerns.

I Believe In Birmingham,

Eric Hall

Zoning Ordinance:

Area and Dimensional Regulations:

- Maximum Height of Structure: 75 feet
- Front Yard Setback: None
- Rear Yard Setback: None
- Side Yard Setback: None
- **Minimum Lot Area Per Family: 1,000 sq. ft. for multiple dwellings**
- Minimum Lot Width: 50 feet

Neighborhood Association.

The **Woodlawn Neighborhood Association** met at its regularly scheduled meeting on **November 14, 2022** and voted *not to support* 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.
3. Any changes to the site plan must be presented and voted upon by the Woodlawn Neighborhood Assoc

Photo from Google Maps





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00086

Woodlawn Neighborhood

Request: Application requesting a **Variance** to allow for an existing 8' foot tall solid, steel fence. A **Variance** to allow for the existing fence to have barbed wire along the top in a front yard.

Filed by: Alex Pattillo of Schoel Engineering, on behalf of the owner, CMC Steel Inc.

Location: 8 52nd Street North, Birmingham, AL 35212 situated in the SW ¼ of Section 21, Township 17-S, Range 2-W, Council District 4.

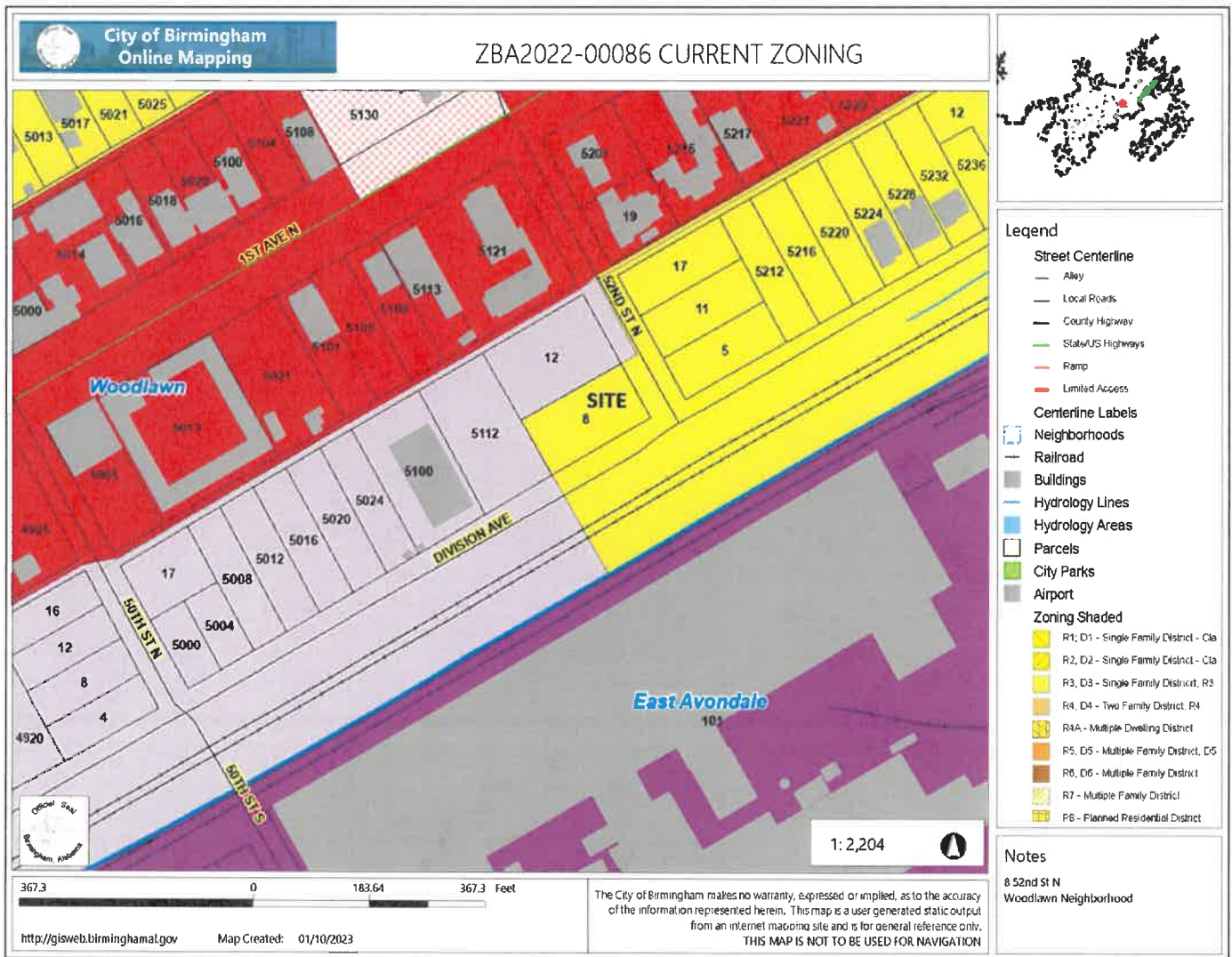


Applicant's Proposal.

The property has an existing 8' foot tall solid, steel fence with barbed wire along the top. The fence was legal non-conforming, but the property was rezoned in December 2022. Because of this the fence is no longer considered legal non-conforming and requires a Variance to remain 8 feet tall with the barbed wire.

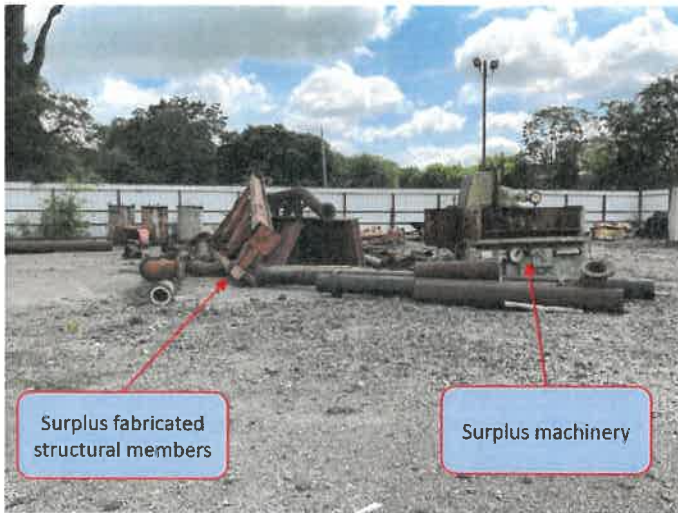
Property and Abutting Land Uses.

The subject property is currently zoned **I-1, Light Manufacturing District**. Parcels to the North and West are zoned **M-1, Light Industrial District**. Parcels to the South are zoned **M-2, Heavy Industrial District**. Parcels to the East are also zoned **I-1, Light Manufacturing District**. All of the surrounding parcels are owned by CMC Steel Inc.

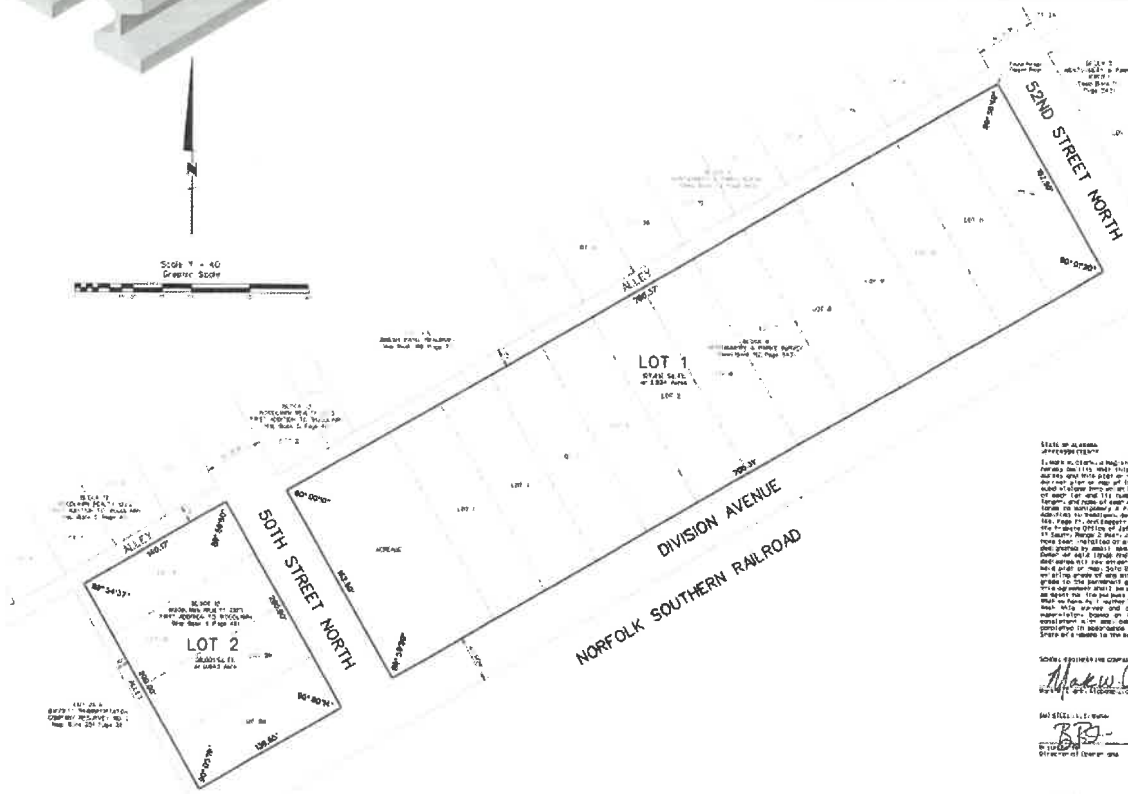
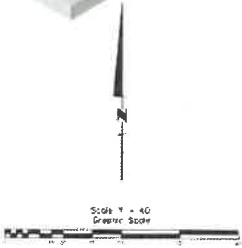


Previous Actions.

ZAC2022-00010: In November 2022 this property was rezoned from R-3, Single Family District to I-1, Light Industrial District in order to allow for outdoor storage of equipment and spare parts that are used for repairs and refurbishment of machines (motors, steel beams, etc.).



Photos of supplies kept on site



OWNER
SMI STEEL, LLC
101 SOUTH SONS STREET
BIRMINGHAM, AL 35217
205-972-8961

STATE OF ALABAMA
COUNTY OF BIRMINGHAM

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Alabama, do hereby certify that I am the author of the above and foregoing plat, and that it is a true and correct copy of the original as the same appears in my office. Witness my hand and the seal of my office this 15th day of August, 2022.

Surveyor

SMI STEEL, LLC

Director of Operations



APPROVED: [Signature]
[Signature]

STATE OF ALABAMA
COUNTY OF BIRMINGHAM

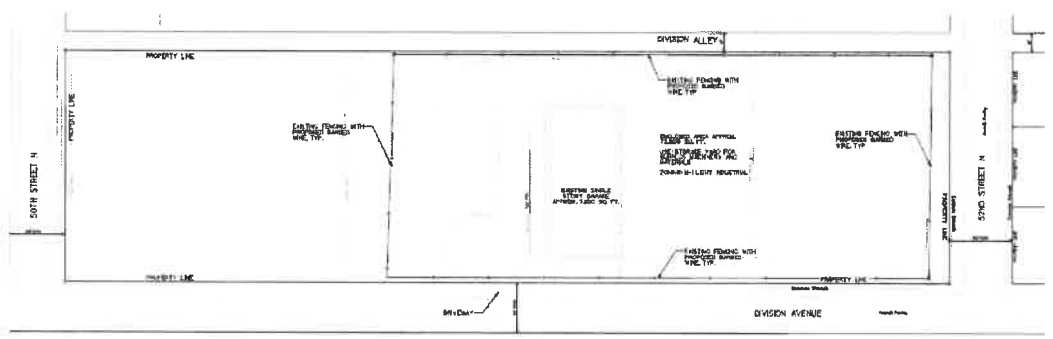
I, the undersigned, being a duly qualified and licensed Surveyor in the State of Alabama, do hereby certify that I am the author of the above and foregoing plat, and that it is a true and correct copy of the original as the same appears in my office. Witness my hand and the seal of my office this 15th day of August, 2022.

Surveyor

APPROVED: [Signature]
[Signature]



**SITE
PLAN**



VARIANCE JUSTIFICATION

CMC Steel Storage Yard – Request for Variance

The site is zoned M-1-Light Manufacturing District. There are no planned improvements for this site. Currently, the site is used as a storage yard for surplus fabricated structural members, machinery, and machinery components.

The following statement details the request for a variance to the requirements for fencing at the CMC Steel storage yard located at 5030 Division Avenue:

- To allow barbed wire atop the perimeter fencing in the front and side yards.

The request is derived from frequent theft on the property and the desire to provide additional security measures.

Description of Hardship

The following address the hardship which is the basis for the variance request as well as the standards for granting the variance request:

- **The Physical and Unique Characteristics:** The property is located in a highly populated urban setting and is easily accessed by the public. There are no natural barriers that would prevent intruders or theft without the need for man-made structures.
- **Hardship Not Self Imposed:** CMC Steel has sought other avenues of theft prevention, such as utilizing an opaque fence to hide their materials stored on the property and secured gates. However, they have continued to experience theft by individuals climbing over the fence.
- **No Financial Gain:** CMC Steel does not seek to make profit from this request, but simply protect their materials from being stolen.
- **No Injury to Neighboring Properties:** The request to allow barbed wire on the fencing will not injure neighboring properties.
- **No Harm to the Public Welfare:** The request will not pose any harm to the public welfare.

Zoning Ordinance:

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.**

Neighborhood Association.

The ***Woodlawn Neighborhood Association*** met at its regularly scheduled meeting on **January 9, 2023** and unanimously voted to **support** this request (4 votes to support) because this is the only business in the area and there is no residential property near here.

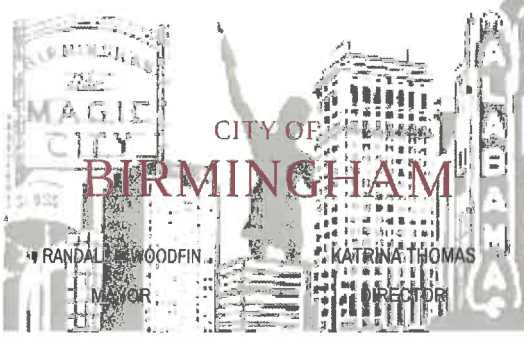
Recommended Conditions:

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.
3. Lots 1-12 and acreage must be resurveyed into one lot and combined into one lot by the Subdivision Committee and recorded with the Jefferson County Probate Court within two years of approval from the Board.

Photo from Google Maps





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00087

Ensley Neighborhood

Request: Application for a **Parking Modification** to allow for 0 off-street parking spaces instead of the required 16 off-street parking spaces for a Child Care Center that has 6 employees and 60 children.

Filed by: Jessica McKinstry, the owner

Location: 1912 Avenue G, Birmingham, AL 35218 situated in the SW ¼ of Section 31, Township 17-S, Range 3-W, Council District 9.



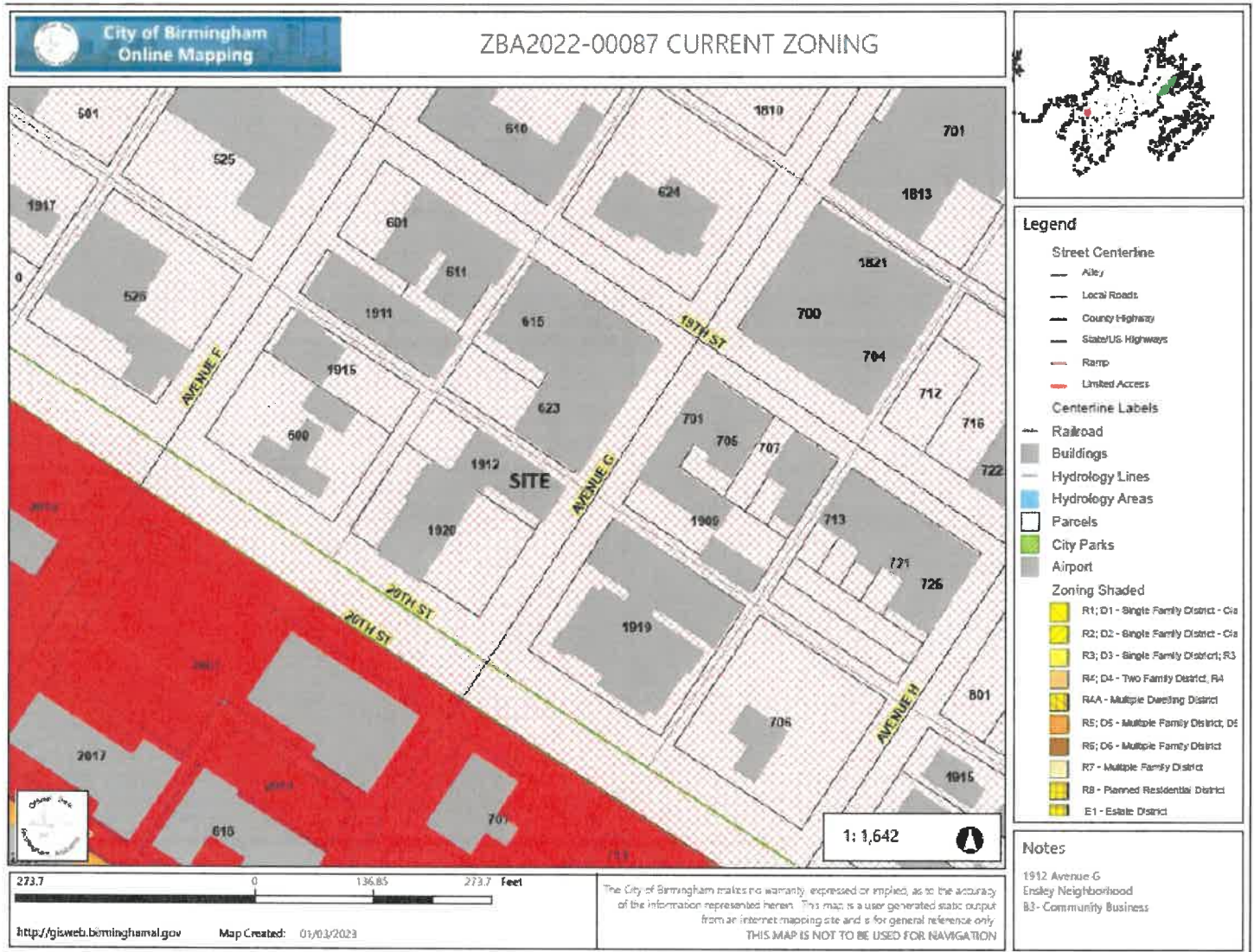
Applicant's Proposal.

The applicant is operating a childcare center that requires 16 off-street parking spaces. The childcare center will be utilizing public on-street parking along Avenue G, 19th Alley, Avenue F Alley and 19th Street.

The facility will be open from 5:30 a.m. to 7:00 p.m.

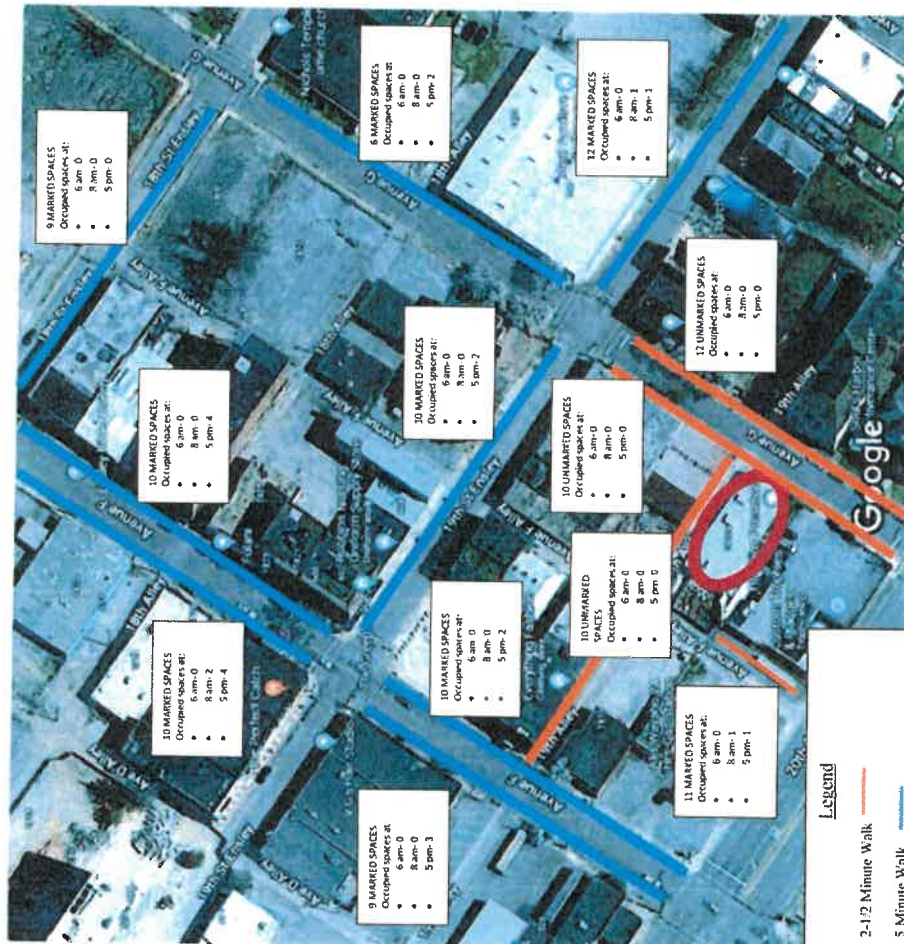
Property and Abutting Land Uses.

The subject property is currently zoned **C-B3, Contingency Community Business District**. Parcels to the North, South, East and West are also zoned **C-B3, Contingency Community Business District**. This property is located within a Historic District and a Community Revitalization District.





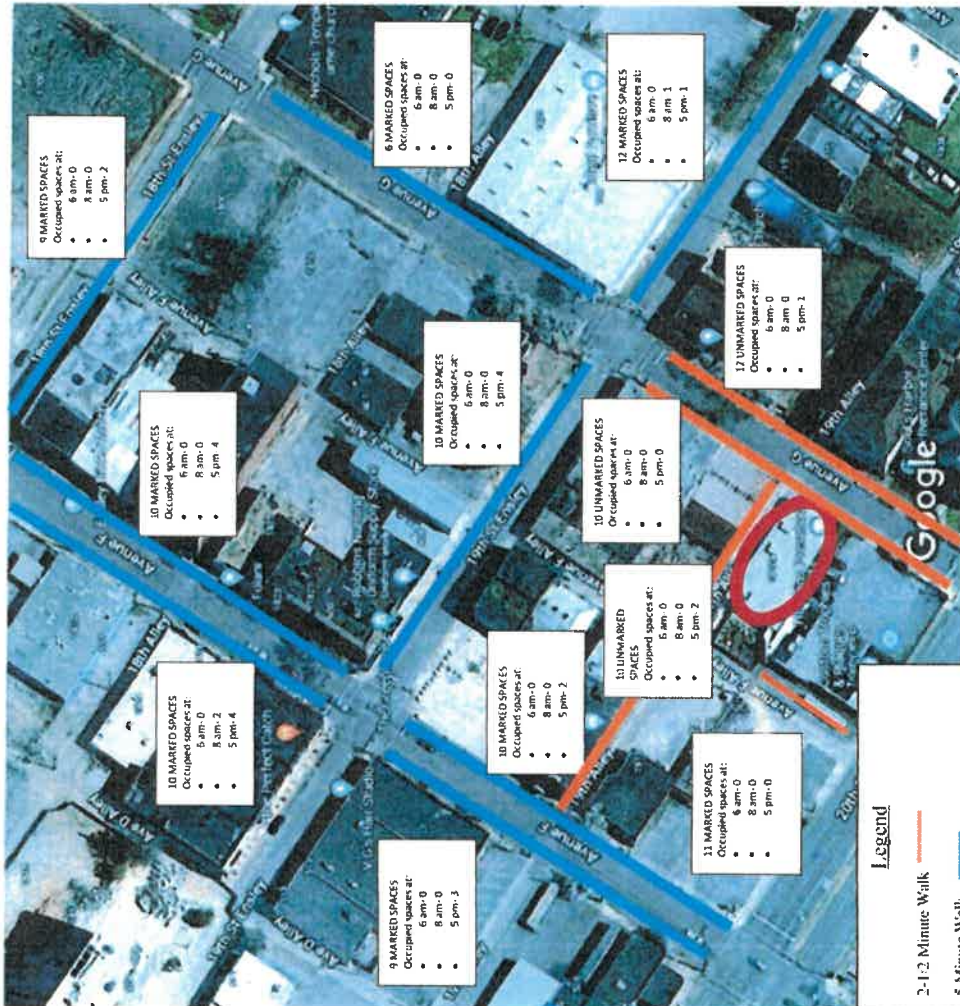
On-Street Parking Supply Analysis- 1912 Avenue G Jessica's Little Einsteins Learning Center
Monday, November 14, 2022



On-Street Parking Supply and Occupancy
Monday, November 14, 2022

On-Street Parking Location	Parking Supply			Occupied Spaces					
	2-12 Min. Walk	4 Min. Walk	5 Min. Walk	6 AM	8 AM	PM	AM	PM	5 Min. Walk
Avenue G Left side	10	0	0	0	0	0	0	0	0
Avenue G Right side	12	0	0	0	0	0	0	0	0
Avenue F Alley	11	0	0	0	1	1			
19th Alley	10	0	0	0	0	0			
Avenue G (north of 19th St)		6					0	0	2
19th Street (west of Ave G)		10					0	0	2
19th Street (east of Ave G)		12					0	1	1
18th Street		9					0	0	0
Avenue F (south of 19th St) left side		9					0	0	3
Avenue F (south of 19th St) right side		10					0	0	2
Avenue F (north of 19th St) left side		10					0	2	4
Avenue F (north of 19th St) right side		10					0	0	4
Totals	13	13	13	0	1	1	0	0	0
On-Street Parking Location	Parking Supply			Empty Space					
	2-12 Min. Walk	4 Min. Walk	5 Min. Walk	6 AM	8 AM	PM	AM	PM	5 Min. Walk
Avenue G Left side	10	0	0	10	10	10	10	10	10
Avenue G Right side	12	0	0	12	12	12	12	12	12
Avenue F Alley	11	0	0	11	10	10			
19th Alley	10	0	0	10	10	10			
Avenue G (north of 19th St)		6					6	6	4
19th Street (west of Ave G)		10					10	10	8
19th Street (east of Ave G)		12					12	11	11
18th Street		9					9	9	9
Avenue F (south of 19th St) left side		9					9	9	6
Avenue F (south of 19th St) right side		10					10	10	8
Avenue F (north of 19th St) left side		10					10	8	6
Avenue F (north of 19th St) right side		10					10	10	6
Totals	13	13	13	0	1	1	0	0	0

On-Street Parking Supply Analysis- 1912 Avenue G Jessica's Little Einsteins Learning Center
 Wednesday, November 16, 2022

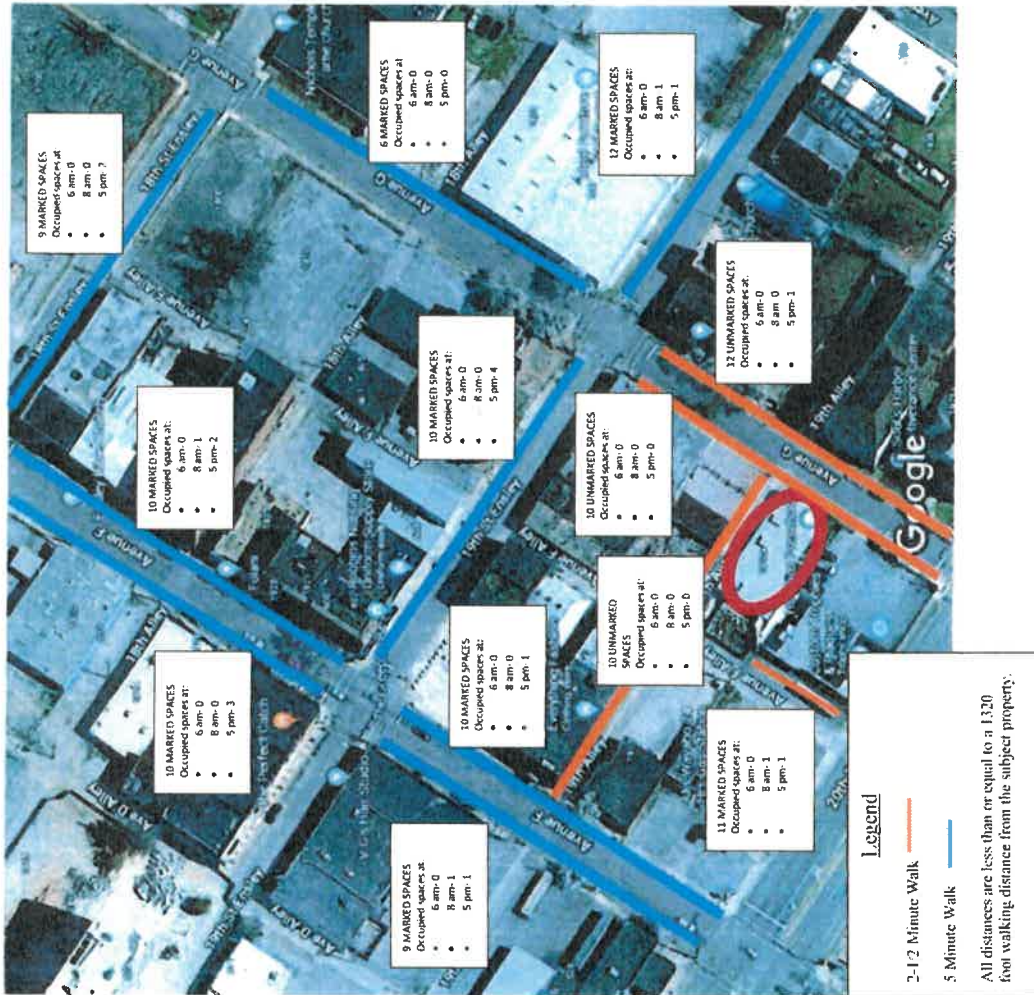


On-Street Parking Supply and Occupancy
 Wednesday, November 16, 2022

On-Street Parking Location	Parking Supply				Occupied Spaces			
	2-1/2 Min. Walk	2-1/2 Min. Walk	5 Min. Walk	5 Min. Walk	6 AM	8 AM	5 PM	8 PM
Avenue G Left side	10	0	0	0	0	0	0	0
Avenue G Right side	12	0	0	1	0	0	0	0
Avenue F Alley	11	0	0	0	0	0	0	0
19th Alley	10	0	0	0	0	0	0	0
Avenue G (north of 19th St)	6	0	0	0	0	0	0	0
19th Street (west of Ave G)	10	0	0	0	0	0	0	0
19th Street (east of Ave G)	12	0	0	0	0	0	0	0
18th Street	9	0	0	0	0	0	0	0
Avenue F (south of 19th St) left side	9	0	0	0	0	0	0	0
Avenue F (south of 19th St) right side	10	0	0	0	0	0	0	0
Avenue F (north of 19th St) left side	10	0	0	0	0	0	0	0
Avenue F (north of 19th St) right side	10	0	0	0	0	0	0	0
Totals	115	0	0	1	0	0	0	0

On-Street Parking Location	Parking Supply				Empty Spaces			
	2-1/2 Min. Walk	2-1/2 Min. Walk	5 Min. Walk	5 Min. Walk	6 AM	8 AM	5 PM	8 PM
Avenue G Left side	10	10	10	10	10	10	10	10
Avenue G Right side	12	12	12	11	12	12	11	11
Avenue F Alley	11	11	11	11	11	11	11	11
19th Alley	10	10	10	10	10	10	10	10
Avenue G (north of 19th St)	6	6	6	6	6	6	6	6
19th Street (west of Ave G)	10	10	10	10	10	10	10	10
19th Street (east of Ave G)	12	12	12	12	12	12	12	12
18th Street	9	9	9	9	9	9	9	9
Avenue F (south of 19th St) left side	9	9	9	9	9	9	9	9
Avenue F (south of 19th St) right side	10	10	10	10	10	10	10	10
Avenue F (north of 19th St) left side	10	10	10	10	10	10	10	10
Avenue F (north of 19th St) right side	10	10	10	10	10	10	10	10
Totals	115	115	115	117	115	115	115	115

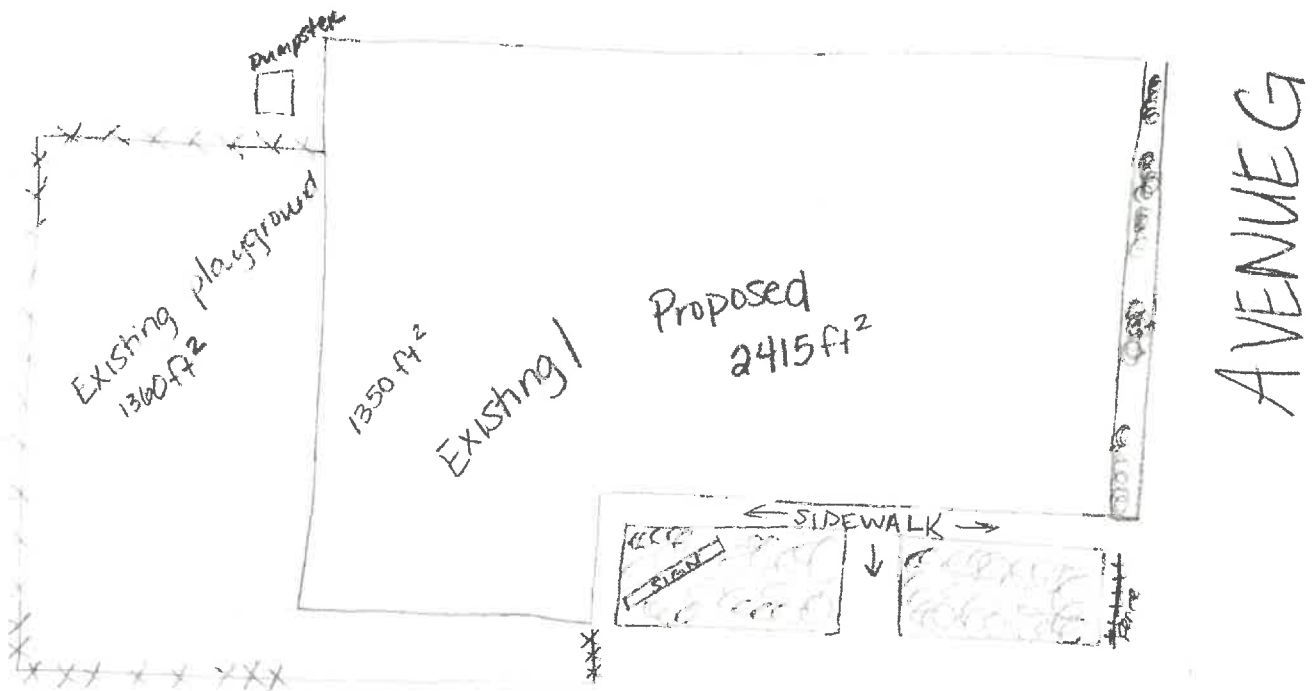
On-Street Parking Supply Analysis- 1912 Avenue G Jessica's Little Einsteins Learning Center
Friday, November 18, 2022



On-Street Parking Supply and Occupancy
Friday, November 18, 2022

On-Street Parking Location	Parking Supply			Occupied Spaces		
	2-1/2 Min. Walk	5 Min. Walk	2-1/2 Min. Walk	5 Min. Walk	5 Min. Walk	5 Min. Walk
	6 AM	8 AM	5 PM	6 AM	8 AM	5 PM
Avenue G Left side	10	0	0	0	0	0
Avenue G Right side	12	0	0	1		
Avenue F Alley	11	0	1	1		
19th Alley	10	0	0	0		
Avenue G (north of 19th St)	6			0	0	0
19th Street (west of Ave G)	10			0	0	4
19th Street (east of Ave G)	12			0	1	1
19th Street	9			0	0	2
Avenue F (south of 19th St) left side	9			0	1	1
Avenue F (south of 19th St) right side	10			0	0	1
Avenue F (north of 19th St) left side	10			0	0	3
Avenue F (north of 19th St) right side	10			0	1	2
Totals	131	0	1	11	1	11

On-Street Parking Location	Parking Supply			Employer Spaces		
	2-1/2 Min. Walk	5 Min. Walk	2-1/2 Min. Walk	5 Min. Walk	5 Min. Walk	5 Min. Walk
	6 AM	8 AM	5 PM	6 AM	8 AM	5 PM
Avenue G Left side	10	10	10			
Avenue G Right side	12	12	11			
Avenue F Alley	11	11	11			
19th Alley	10	10	10			
Avenue G (north of 19th St)	6			6	6	6
19th Street (west of Ave G)	10			10	10	6
19th Street (east of Ave G)	12			12	11	11
19th Street	9			9	9	7
Avenue F (south of 19th St) left side	9			9	9	6
Avenue F (south of 19th St) right side	10			10	10	8
Avenue F (north of 19th St) left side	10			10	10	6
Avenue F (north of 19th St) right side	10			10	10	6
Totals	131	111	111	111	111	111



SITE PLAN FOR PROPOSED
JESSICA'S LITTLE EINSTEINS
LEARNING CENTER, LLC.

**SITE
PLAN**



Zoning Ordinance:

Parking Requirement for a Childcare Center: A minimum of 1 per employee plus 1 per 6 adult patrons or 1 per 6 enrolled children.

$$1 \times 6 + 60 / 6 = 16 \text{ Spaces Required}$$

Neighborhood Association.

The *Ensley Neighborhood Association* met at its regularly scheduled meeting on **January 19, 2023** and voted to

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.



Photo from Google Maps



Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2023-00001

Roebuck Springs Neighborhood

Request: Application for a **Variance** to allow the lot size of Lot 1 to be 14,548 sq. ft. and Lot 2 to be 12,286 sq. ft. instead of the required 15,000 sq. ft. for a D-1 Zoning District and a **Variance** to allow for the lot width of Lot 2 to be 84.18 feet instead of the required 90 feet in a D-1 Zoning District, and a **Variance** to allow for the existing residence on Lot 3 to encroach 1 foot into the required 40 foot setback for a D-1 zoning district.

Filed by: Rey Weygand, on behalf of the owner Richard L. Smith.

Location: 405 Horner Drive, Birmingham, AL 35206 situated in the SW ¼ of Section 01, Township 17-S, Range 2-W, Council District 2.

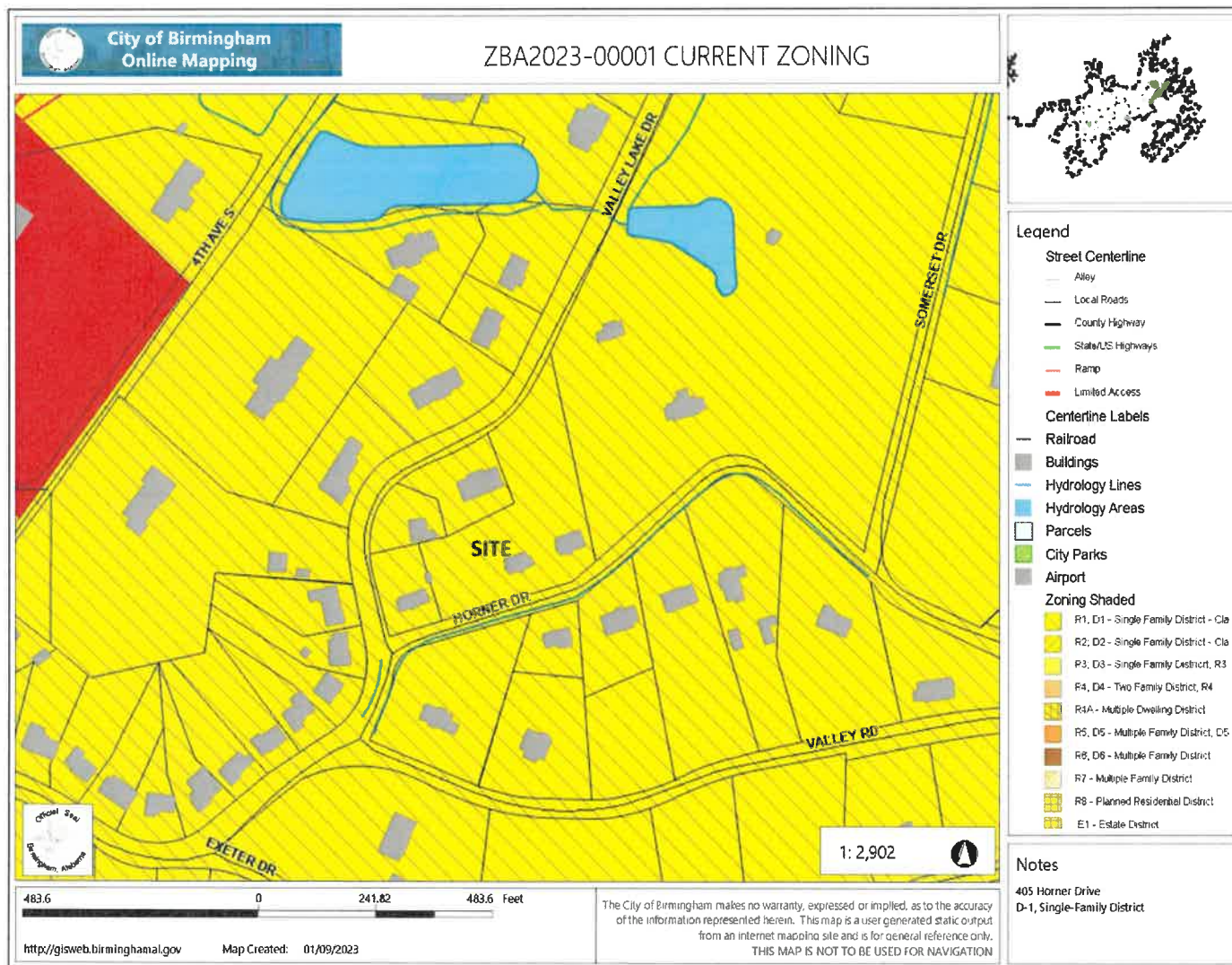


Applicant's Proposal.

The applicant is resurveying Lot 27-C into three separate lots (Lots 1-3) that will not meet the D-1, Single-Family District front setback, lot size or lot width requirements.

Property and Abutting Land Uses.

The subject property is currently zoned **D-1, Single-Family District**. Parcels to the North, South, East and West are also zoned **D-1, Single-Family District**.



The D-1 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.

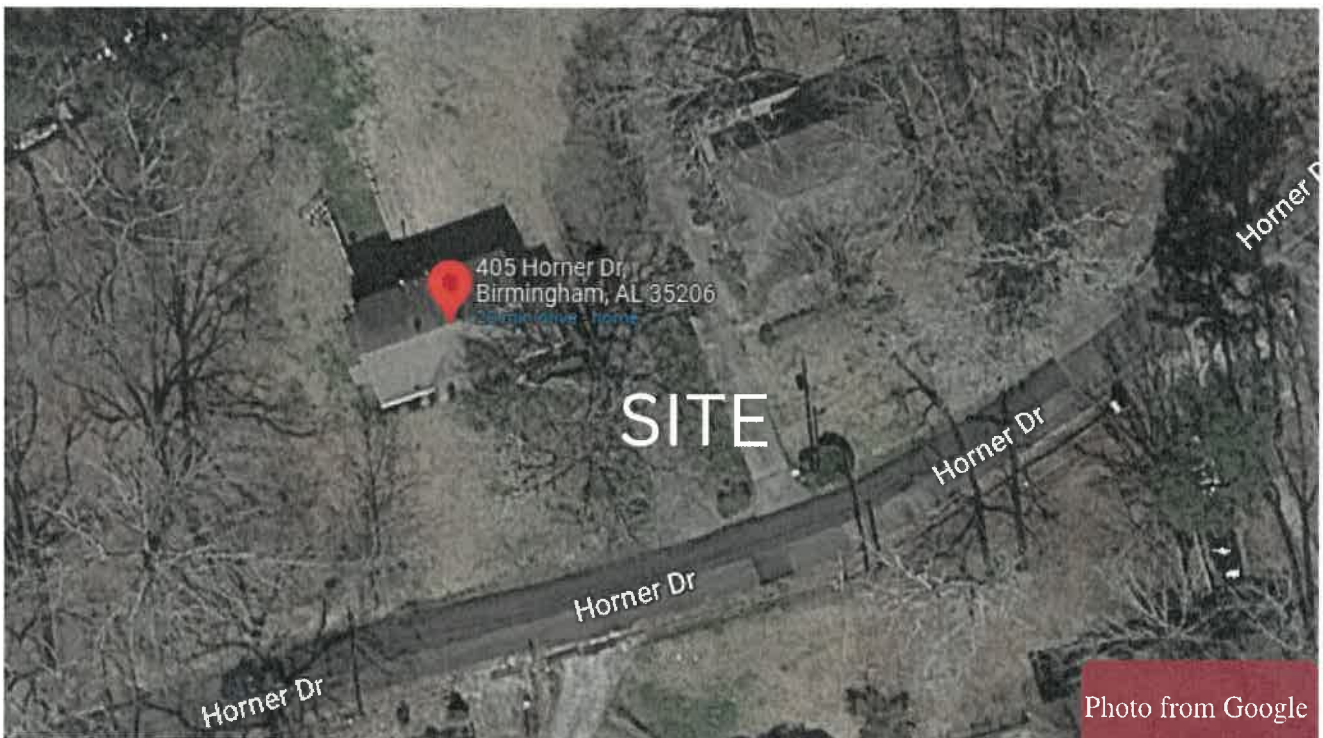
Neighborhood Association.

The ***Roebuck Springs Neighborhood Association*** could not be reached for comments.

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

Department of Planning, Engineering, & Permits

ZBA2023-00003

Central Park Neighborhood

Request: Application for a **Variance** to repair a legal non-conforming structure that has been damaged by fire to the extent that the repair of that structure is valued at 50 percent or more of its current assessed value.

Filed by: Wayne Hester of Hester & Associates on behalf of the owner, Don Smith

Location: 1923 Bessemer Road, Birmingham, AL 35208 situated in the NE ¼ of Section 07, Township 18-S, Range 3-W, Council District 8.



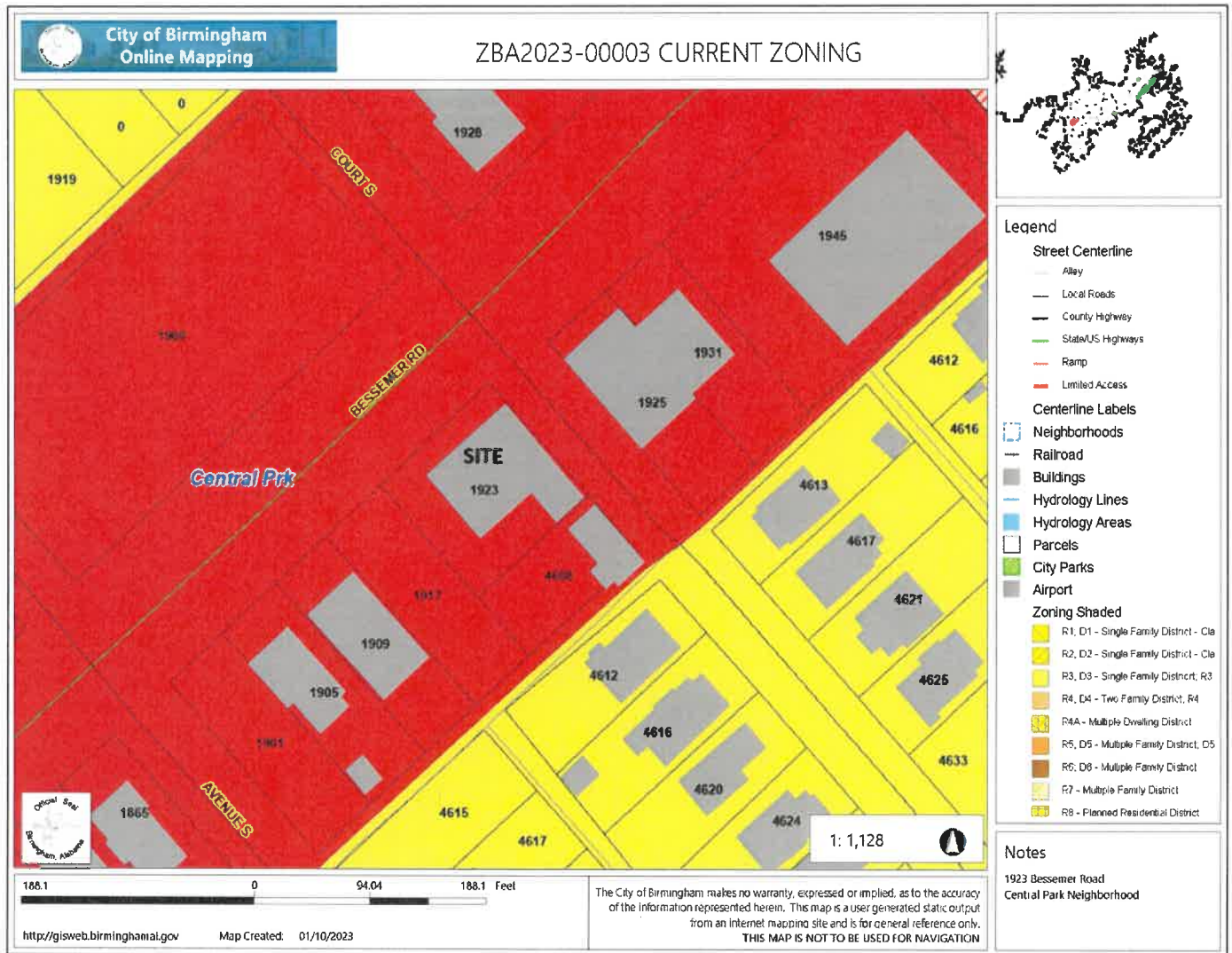
Applicant's Proposal.

The applicant is repairing a commercial structure that is legal non-conforming because it does not meet the City's current parking requirement. A building permit for repairs cannot be issued when the use of a structure cannot meet the parking requirement.

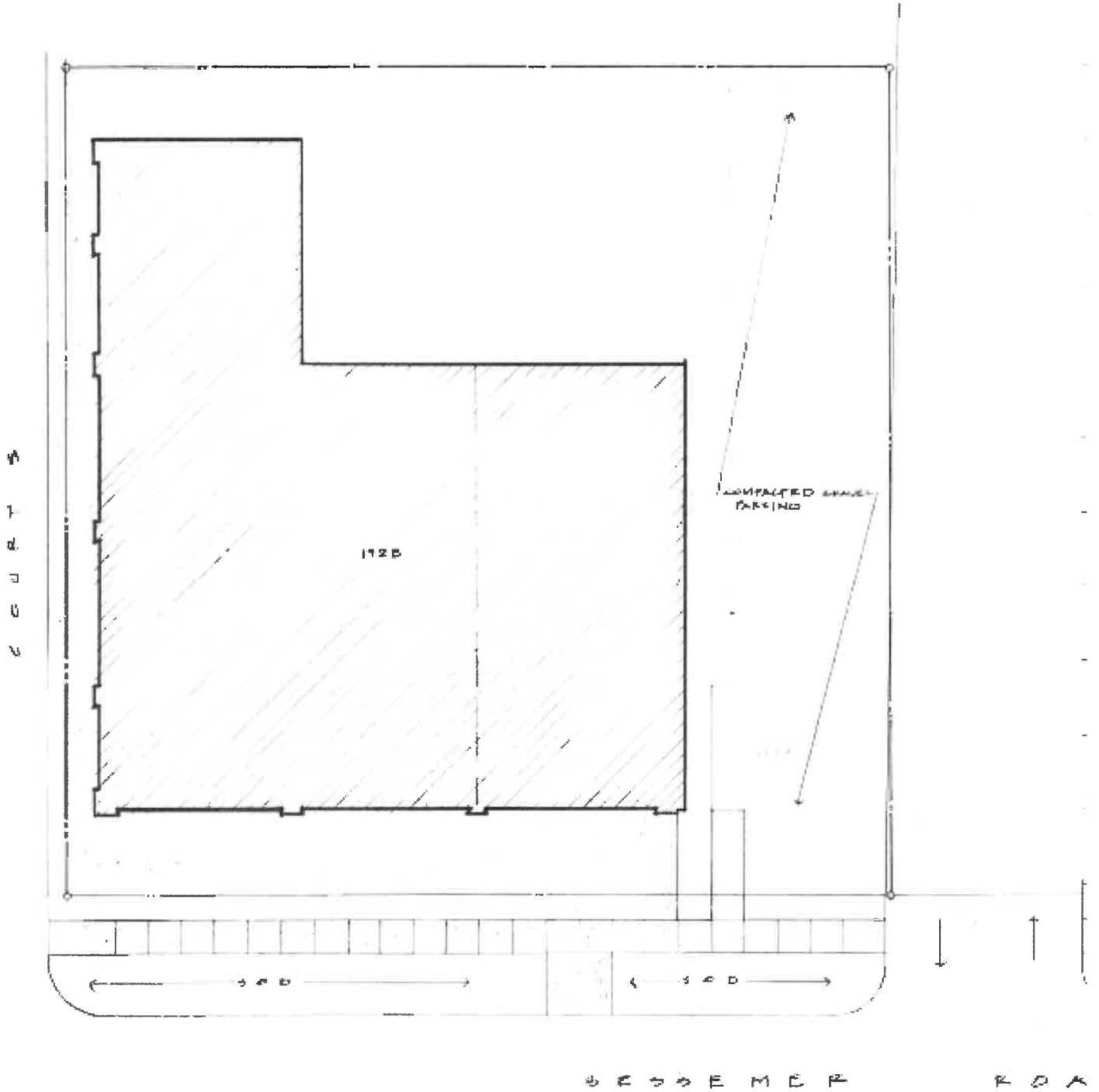
The structure's replacement cost is valued at \$316,875.00 and the permits for repair total \$375,000, exceeding the Zoning Ordinance's 50% rule.

Property and Abutting Land Uses.

The subject property is currently zoned **C-2, General Commercial**. The parcels surrounding the property to the North, South, East and West are also zoned **C-2, General Commercial**.



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

Statement From The Tenant

Bama Health Foods-Tenant of 1923 Bessemer Road

Bama Health Foods, a natural health food store in Birmingham AL, has been a community pillar/place of healing and health on the west side of Birmingham for over 70 years. Bama Health Foods was established in December 2018, by Jacquie Fazekas, to keep the small independent health food store anchored in the community.

Since this time, Bama Health Foods has been an active community partner, nourishing lives naturally. They supply needed wellness education and access to healthy foods, supplements, and herbs that are sought after by the greater Birmingham community. They are more than a health food store, they are the community wellness center, providing a safe space to be loved without judgement. They believe that everyone is worthy of good health. Do good. Feel good. They know that with healthy families, they help create healthier communities.

Because of their mission, even after the fire, around late April 2022, they found ways to quickly keep serving the community under a table and tent on the property. In September 2022, they acquired a bus to begin serving more consistently each day.

Despite the insurance support during this time, it is not enough to sustain the store operation mobility. They have been expecting to get back into the store month after month, based on promises from the contractor and landlord. Now, at the late hour, Bama Health Foods is facing closing its doors unless it is able to reestablish the store. Expediting remodel efforts is critical to ensure that the legacy of this health food store lives on to nourish the community!



Jacquie Fazekas

Owner

Bama Health Foods, Nourishing Lives

P: (205) 923-0001 **M:** (479) 366-2838

E: info@bamahealthfoods.com

W: www.BamaHealthFoods.com

A: 1923 Bessemer Rd., Birmingham, AL 35208



Variance Justification

- 1. Physical Characteristics of the Property.** This building was built in the 1930's by the grandfather of the existing Owner. It was probably built as a neighborhood store, perhaps a small grocery, which persons would walk to. As a result, there was no need for a large area for automobile parking & what little parking was needed was easily accommodated along the curb on the public street.
- 2. Unique Characteristics.** This historic structure has been the site of a unique long term tenant that provides healthy food & nutrition options in the neighborhood & beyond. The building itself is of historical significance, & if this area ever was considering historic district status, this would definitely qualify as a contributing structure.
- 3. Hardship Not Self-Imposed.** Due to the historic nature of the property built prior to modern rules & ordinances, most current regulations are not economically feasible with this property.
- 4. Financial Gain Not Only Basis.** We are trying to rebuild the structure to maintain as a stable presence as a structure & business of an otherwise struggling commercial district. Depressed property values in this area with the 50% of value rule, do not allow a proper budget to repair a somewhat small fire & its damage without initiating the full conformance statute.
- 5. No Injury to Neighboring Property.** The granting of the variance will only enhance the neighbors & adjoining properties
- 6. No Harm to Public Welfare.** The granting of the variance will not be detrimental to the public welfare & will only enforce a viable presence in the neighborhood



**Photos of
fire damage**



Zoning Ordinance:

Section 4. Restoration of damaged buildings.

Any commercial, manufacturing and or industrial building or structure damaged by explosion, fire, act of God, or public enemy, to the extent that the repair of that building or structure is valued at 50 percent or more of its current assessed or appraised value, shall not be restored except in conformity with the regulations of this Ordinance unless a variance is granted for this repair by the Board.

Parking Requirement for general retail: 1 space per 300 sq. ft. of Gross Floor Area

300 / 4,332 sq. ft = 14 Parking Spaces required

Neighborhood Association.

The **Central Park Neighborhood Association** does not currently have any officers to contact.

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.



Photo from Google Maps