



Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00079

Kingston Neighborhood

Request: Application requesting a **Variance** to allow for the minimum lot area to be 4,965.8 sq. ft. for Lot 2-B and 5,142.9 sq. ft. for Lot 4-B instead of the required 6,000 sq. ft. for an R-3, Single-Family zoning district. A **Variance** to allow for the minimum lot width of Lot 3-B to be 39.07 feet and Lot 4-B to be 49.96 feet instead of the required 50 feet in an R-3, Single-Family zoning District. A **Variance** to allow for the existing Single-Family homes on Lot 3-B and Lot 2-B to be setback 22 feet in the front yard instead of the required 25 feet front yard setback in an R-3, Single Family Zoning District. A **Variance** to allow for the existing single-family home on Lot 3-B to be setback 4.7 feet on the right side yard and 6.6 feet on the left side yard instead of the required 5/14 feet in a side yard. A **Variance** to allow for the single-family home on Lot 2-B to be setback 4.9 feet on the right side yard instead of the required 5 feet in a side yard.

Filed by: Willie Jones, Deacon, on behalf of the owner Mount Pleasant Baptist Church.

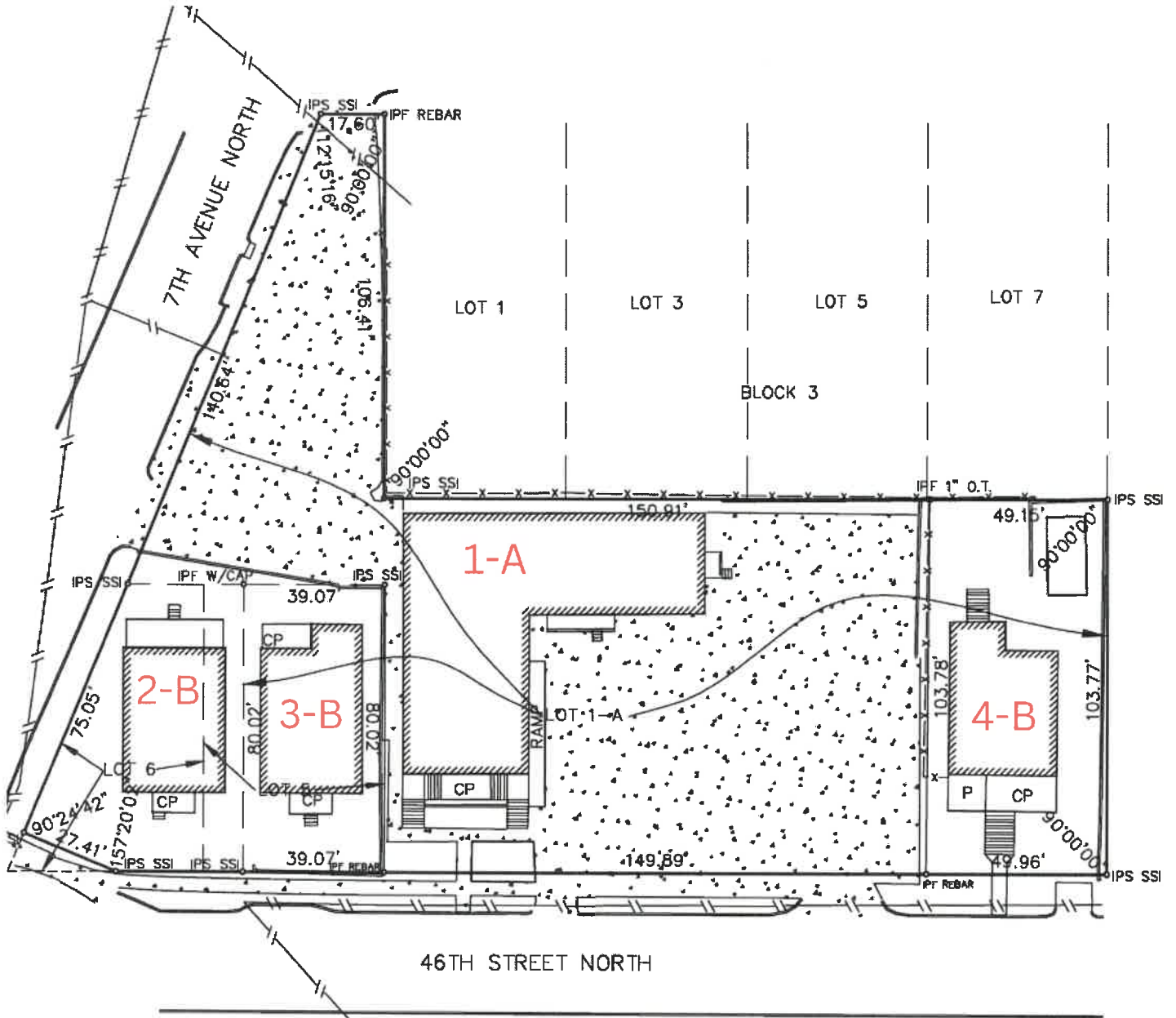
Location: 728 46th Street North, Birmingham, AL 35212 situated in the Section 20, Township 17-S, Range 2-W, Council District 4.

Photo from Google
Maps



Applicant's Proposal.

The applicant is subdividing three lots into four lots.



SURVEY

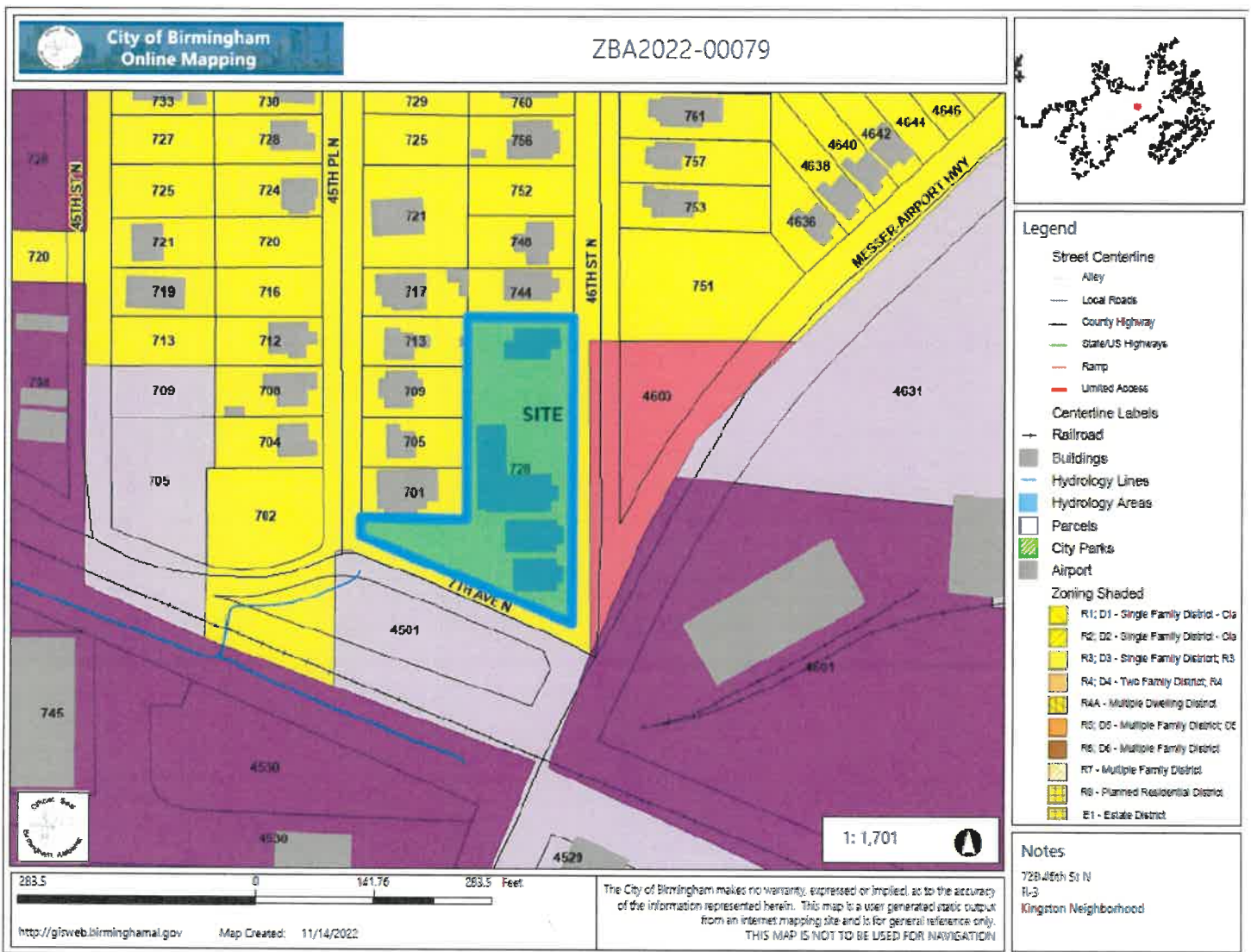
VARIANCE JUSTIFICATION

If this will do I'll get it typed up
& submit it tomorrow, or let me know about changes

1. The physical characteristics of the property: ARE 2 single family dwellings that have been separated 2 family residences.
2. Unique Characteristics:
The back of the houses have paved parking while the other has it's own drive-way
3. Hardship not self-imposed
Not at fault
4. Financial Gain Not only Basis:
The variance will continue to support neighborhood living
5. No injury to Neighboring Property
Does not affect any other property
6. No Harm to Public-Welfare
The variance will not affect public
do harm or welfare

Property and Abutting Land Uses.

The subject property is currently zoned **R-3, Single-Family District**. Parcels to the North and West are also zoned **R-3, Single-Family District**. Parcels to the South are zoned **M-1, Light Industrial District**. Parcels to the East are zoned **M-2, Heavy Industrial District** and **C-B1, Contingency Neighborhood Business District**.



Zoning Ordinance.

Minimum Lot Area Per Family: 6,000 sq. ft.

Minimum Lot Width: 50 feet

Minimum Front Yard Setback: 25 feet

Minimum Rear Yard Setback: 25 feet

Minimum Side Yard Setback: 5/14 feet



Neighborhood Association.

The ***Kingston Neighborhood Association*** could not be reached for comments.

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 1-4 must be subdivided into Lots 1-4 and approved by the Subdivision Committee and recorded with the Jefferson County Probate Court within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00002

Overton Neighborhood

Request: Application for a **Variance** to allow for an attached sign to be 384 sq. ft. instead of the allowed maximum square footage of 210 sq. ft. in the Highway 280 Overlay District.

Filed by: Daniel Signs Inc., on behalf of the owner Shoe Station

Location: 5263 Highway 280, Birmingham, AL 35242 situated in the SW $\frac{1}{4}$ of Section 31, Township 18-S, Range 1-W, Shelby County, Council District 2.



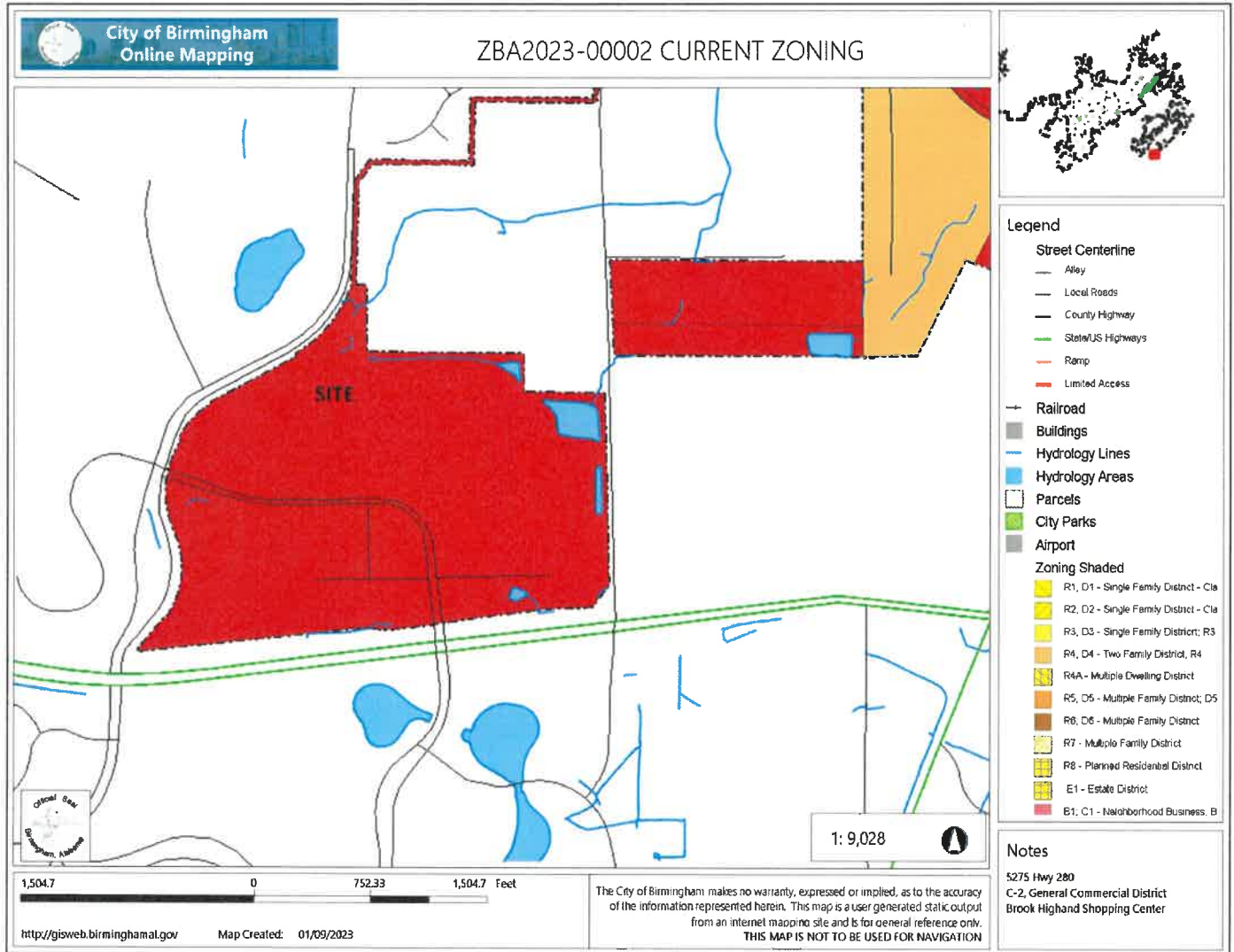
Applicant's Proposal.

The applicant is installing an attached sign to the front of the building that will be 384 sq. ft.

Property and Abutting Land Uses.

The subject property is currently zoned **C-2, General Commercial District**.

Parcels to the North, South, East and West are outside of Birmingham’s city limits.



This **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.

Zoning Ordinance:

Section 7. Highway 280 Overlay District Signs.

1. 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.
2. 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.
 - a. 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
 - b. 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
 - c. Legal notices, memorial and historical markers and other official government signs
 - d. Holiday lights and decorations
 - e. 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.
 - f. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
 - g. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers
 - h. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards
 - i. Works of art that do not constitute advertising
 - j. Signs carried by a person
 - k. One temporary, construction sign not to exceed 16 square feet in area, nor six feet in height
 - l. 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).

3. Prohibited Signs The following signs are prohibited, unless otherwise exempted or permitted by this Article.

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

D. General Regulations for all Signs Throughout the Corridor The following regulations are applicable for signs on private property 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.

E. Temporary Signs

1. Each business, institution or public building may have one temporary banner affixed to the building wall, which advertises a sale or special event. However, each business, institution or public building shall be limited to not more than a total of 30 days each calendar year, during which such a temporary sign may be displayed, except that no such sign may be erected for a period of 10 days or more. A temporary sign permit shall be obtained prior to erection of the sign.
2. Each new business may have one illuminated, temporary sign, which may be a banner, which shall not to exceed 32 square feet in sign face area and shall be attached to the building wall of the premises for a period not to exceed 30 days, or until a permanent sign is installed, whichever time period is shorter. A temporary sign permit shall be obtained prior to erection of the sign.
3. Commercial property may have one, non-illuminated, free standing, temporary identification sign per facing street, while the property is being developed, which shall not exceed 48 square feet of sign face area nor 10 feet in height. For a single tenant project, the sign shall be removed when the project is complete, or the permanent sign has been erected, whichever occurs first. For multi-tenant projects, the sign shall be removed when 75 percent of the tenant spaces have been leased, or the permanent sign has been erected, whichever occurs first.
4. Residential subdivisions with five or more lots may have one free standing, onpremise, temporary identification sign while the subdivision is being developed, which shall not exceed 32 square feet of sign face area nor 10 feet in height. The sign shall not be illuminated and shall be removed within 120 days after construction begins on the first dwelling in the subdivision, or the permanent subdivision identification sign has been erected, whichever occurs first.
5. Each premises may have one on-premise sign, which advertises the sale or lease of the property, which does not exceed six square feet of sign face area when located in a single family residential zoning district, and 24 square feet in all other zoning districts. The signs shall be removed upon the sale or lease of the premises.

F. Signs Permitted for Retail and Service Establishments Which Are Not Located in a Shopping Center Each building may have one building wall sign or one canopy sign per facing street. However, in no case can a building have more than two building wall signs. Each building may have only one freestanding sign. Reader boards with moveable copy may be incorporated into the sign face area of a freestanding sign. Sign face area of a reader board shall be included as part of the maximum free standing sign face area permitted by this Section.

1. Freestanding Sign, More Than Eight Feet in Height

- a. Maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, or 10 feet above the center line elevation of the public street or highway which is closest to the sign. 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. The maximum sign face area of an internally illuminated sign shall be 55 square feet.
- c. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet.
- d. Signs shall be setback at least 10 feet from any property line.

2. Freestanding Sign, Eight Feet or Less in Height

a. Maximum height of the sign shall be eight feet above the average elevation of the ground at the base of the sign. Berms shall not be used to increase the height of a free standing sign.

b. The maximum sign face area of an internally illuminated sign shall be 66 square feet. Sign face area of the sign may be increased .5 square feet for each additional foot of building setback from the property line in excess of 50 feet, up to a maximum sign face area of 100 square feet.

c. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 80 square feet. Sign face area of the sign may be increased .5 square feet for each additional foot of building setback from the property line in excess of 50 feet, up to a maximum sign face area of 100 square feet.

d. Signs shall be set back at least 10 feet from any property line.

3. Building Wall and Canopy Signs 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 set back in excess of 50 feet, up to a maximum of 210 square feet.

G. 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.

H. 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.

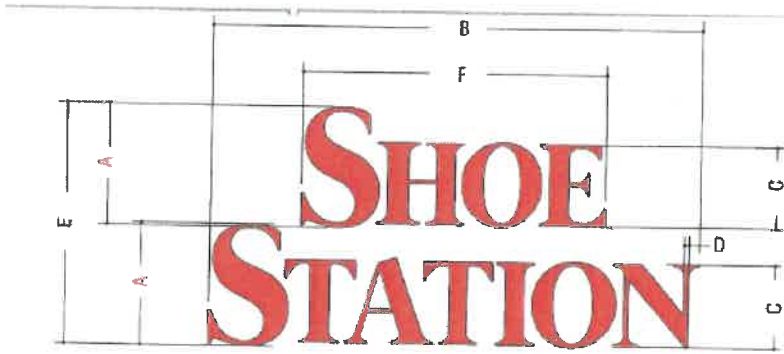


Photo from Google Maps



SURVEY AND DRAWING UPDATES REQUIRED

Scale: 3/32" = 1'-0"



N.T.S.



LED face lit letter flush mounted (Remote)

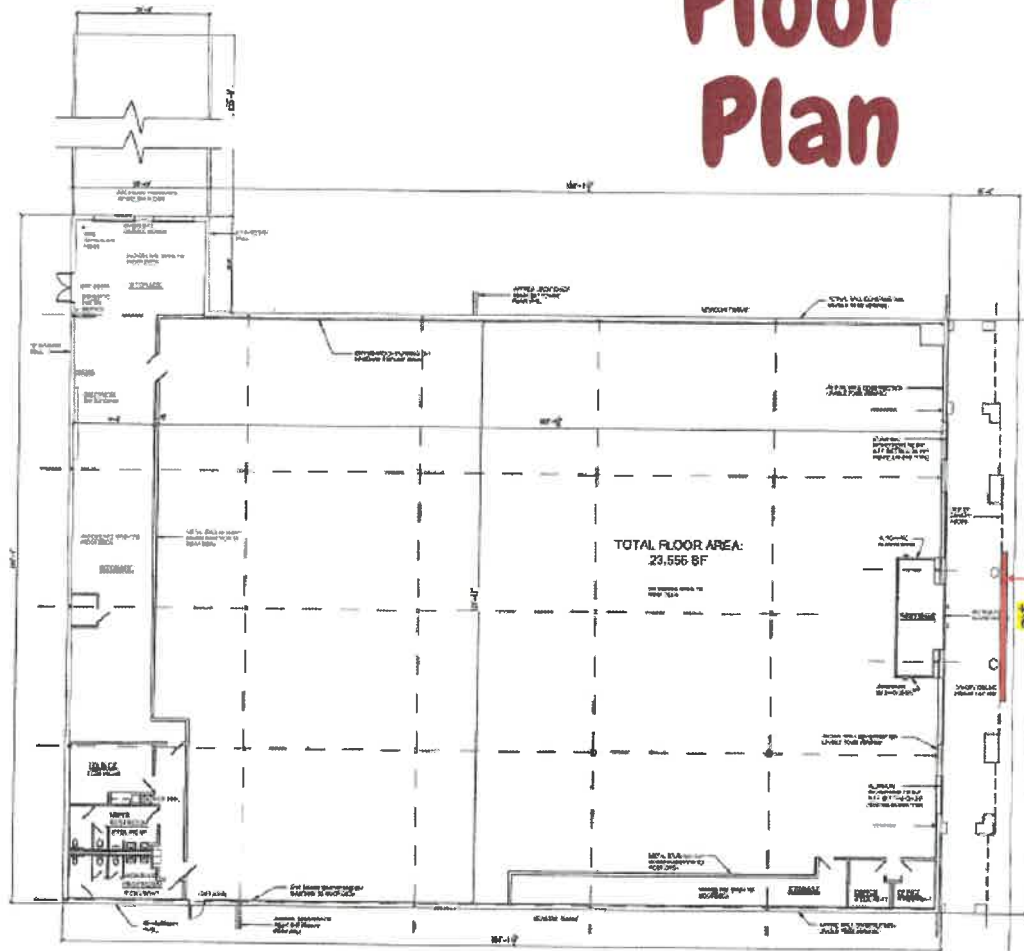
(A) ILLUMINATION	LED TYPE	HANLEY PF2080 OR EQUIV.
	COLOR	RED
(B) POWER SUPPLY	TYPE	HANLEY IZV DR EQUIV.
		-
(C) FACE	MATERIAL	ACRYLIC
	COLOR	#2793 RED
	VINYL	NA
	MATERIAL	-
(D) RETAINER	COLOR	BLACK
	TYPE	1" TRIM CAP
(E) RETURN	MATERIAL	.040 X 5.3" ALUMINUM
	COLOR	BLACK
(F) BACK	DEPTH	5"
	GAUGE	3MM
(G) MOUNTING	MATERIAL	ACM
	TYPE	MECHANICAL
(H) ELECTRICAL	FASTENER	*5/16-20NC THREADED ROD
	TYPE	PASS THRU
(I) SWITCH	TYPE	-
	LOCATION	DISCONNECT/TOGGLE BY ELECTRICIAN

*WEEP HOLE(S) PER MFG. STANDARDS
*CALC. REQUIRED
*UL LISTED PRODUCT

*NON-CORROSIVE

Note: UL labels must be visible at all times by UL standards and local city requirements.

Floor Plan



Illuminated Letters installed on Storefront Elevation

Proposed Location of New Sign Station

Illuminated Letters installed on Storefront Elevation

Off-Pylon Sign w/ SIDE STATION Toward Flag





D/F PYLON SIGN



FACE LAYOUT

(2) Faces Required

M.T.S.

SHIELD SPECIFICATIONS:

Remove existing acrylic faces. Install new 1/2" thick polycarbonate faces w/ flat cut 3/16" vinyl logo type graphics applied to 1/8" surface - SEE COLOR SCHEDULE. Faces to be surveyed for visible cracking & cut sizes, as well as replacement color faces. SURVEY REQUIRED.

COLOR SCHEDULE:

Vinyl



GM #2634-83 Red Background



White Logo type needed from Background Vinyl

SURVEY AND DRAWING UPDATES REQUIRED

Neighborhood Association.

The *Overton Neighborhood Association* met at its regularly scheduled meeting on **February 7, 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.