



RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2023-00005

Fountain Heights Neighborhood

Request: Application requesting a **Variance** for an attached sign that is not located on a wall adjacent to a street or highway on which the building has frontage.

Filed by: Don Hawes of Brand Resource Inc., on behalf of the owner, Capstone Real Estate Investments

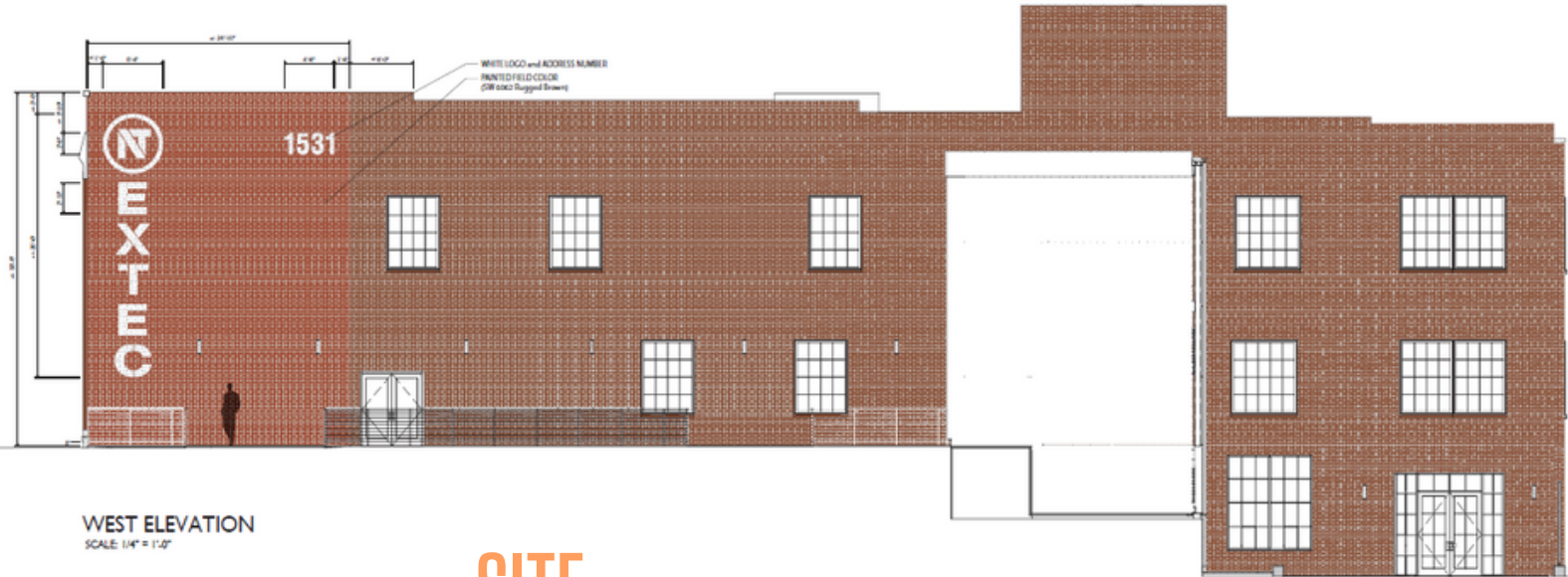
Location: 1531 Third Avenue North, Birmingham, AL 35203 situated in the SW ¼ of Section 36, Township 17-S, Range 3-West, Council District 5.

February 2020
Google Street
View Photo

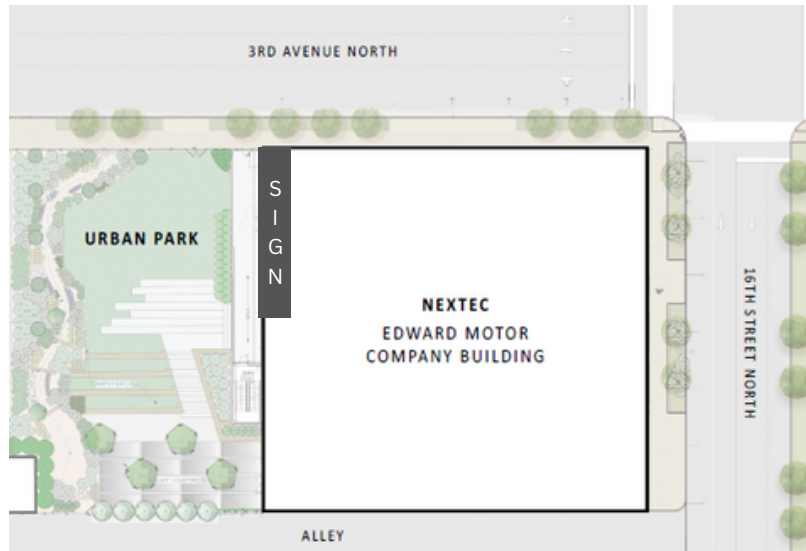


Applicant's Proposal.

The applicant has installed an attached sign on the west side of the building that does not front a street or highway. The sign says NEXTEC.



SITE PLAN



Sign Location

VARIANCE JUSTIFICATION

The basis for our variance request is to make the Nextec building more visible and accessible to clients/customers approaching the building from the west while driving along eastbound, one-way Third Avenue North.

1. The physical characteristics of the property

There is currently no signage on the exterior west side of the building. However, the previous tenant “Sticks and Stuff” did have a painted mural on the exterior west side of the building. That mural has been removed and we are proposing a replacement mural in the same location featuring the “Nextec” logo and address number to make the building more visible to clients/customers approaching from the west while driving along eastbound, one-way Third Avenue North.

The Nextec building’s design makeup, coupled with windows on the north side, prevent the mural from being located there. The mural would be placed on the northwest corner of the building which essentially fronts Third Avenue North. Also, the parcel of land between the Nextec building and the neighboring “Rex’s Auto Service” property to the west is owned by the Nextec building owners.

2. The unique characteristics of the property

The building being located along eastbound, one-way Third Avenue North, makes signage necessary for clients/customers to identify the building location/address when they are approaching from the west along eastbound, one-way Third Avenue North. Client parking is located on the north side of Third Avenue North directly across from the Nextec building. Having the name/address visible from the west side of the building will allow clients/customers traveling eastbound on Third Avenue North to turn into the parking lot prior to passing the building.

3. Hardship Not Self-Imposed

Following the zoning ordinance would make the Nextec building less identifiable to clients/customers approaching from the west while driving along eastbound, one-way Third Avenue North, potentially causing them to pass the building and fail to locate the Nextec building parking lot.

4. Financial gain not only basis

There is no financial gain by granting the variance. The building owner is simply trying to make the Nextec building more visible and accessible to clients/customers approaching the building from the west while driving along eastbound, one-way Third Avenue North.

5. No injury to neighboring property

The parcel of land between the Nextec building and the neighboring “Rex’s Auto Service” property is owned by the Nextec building owners. There is a 100-foot space of land between the west side of the Nextec building and the east side of the neighboring “Rex’s Auto Service” property. That property does not have windows on the east side of the building so the Nextec mural would not be visible to the neighboring business/property. There is no property neighboring the north side of the Nextec building, where the parking lot is located. The Nextec mural is also non-illuminated, so no light source will be emitted.

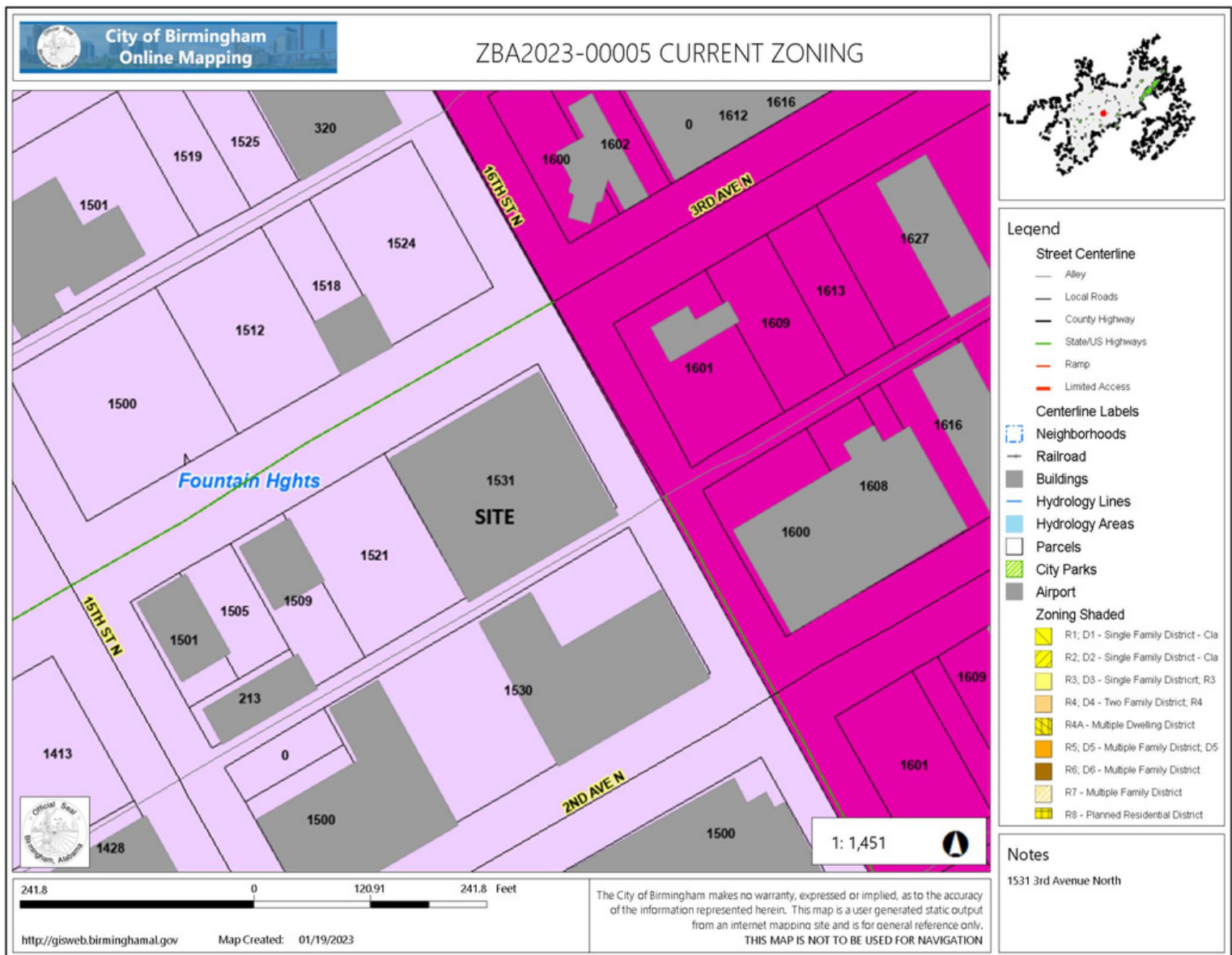
6. No Harm to the public welfare

The proposed mural is non-illuminated and would not imperil the public safety of drivers or pedestrians, nor impair the city ordinance. The mural’s sole purpose and intent is to make the Nextec building more visible and accessible to clients/customers approaching the building from the west while driving along eastbound, one-way Third Avenue North.

Property and Abutting Land Uses.

The subject property is currently zoned **M-1, Light Manufacturing District**. Parcels to the South, Northwest and West are also zoned **M-1, Light Manufacturing District**. Parcels to the Northeast and East are zoned **B-4, Central Business District**. This property is located within the Downtown West Revitalization District.

The applicant has been before the Design Review Committee.



Zoning Ordinance.

Attached Sign: a sign painted on or attached to a wall of structure and in the same plane as the wall.

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. MU-D: 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: (where no established design standards exist): 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.

Building front west elevation



Sign Location

Sign Size: 145 sq. ft.

- Maximum square footage allowed: 250 sq. ft.
- % square footage allowed based on building facade: 284.4 sq. ft.
 - $33.5 \times 141.5 = 4,470.25$
 - $4,470.25 \times .06 = 284.4$

Neighborhood Association.

The ***Fountain Heights Neighborhood Association*** met at its regularly scheduled meeting on **February 28, 2023** and unanimously voted to **approve** the 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.
3. Lots 1-4 must be resurveyed into one lot 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

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Department of Planning, Engineering, & Permits

ZBA2023-00012

South East Lake Neighborhood

Request:

- Application for a **Special Exception** to have a worship center in a D-3, Single-Family Dwelling District.
- A **Variance** to allow for the lot area to be .76 acres instead of the required 1.36 acres.
- A **Parking Modification** to allow for 22 parking spaces instead of the required 46 spaces for a Place of Worship that has 272 seats.

Filed by: Iglesia Mana del Cielo, the owner

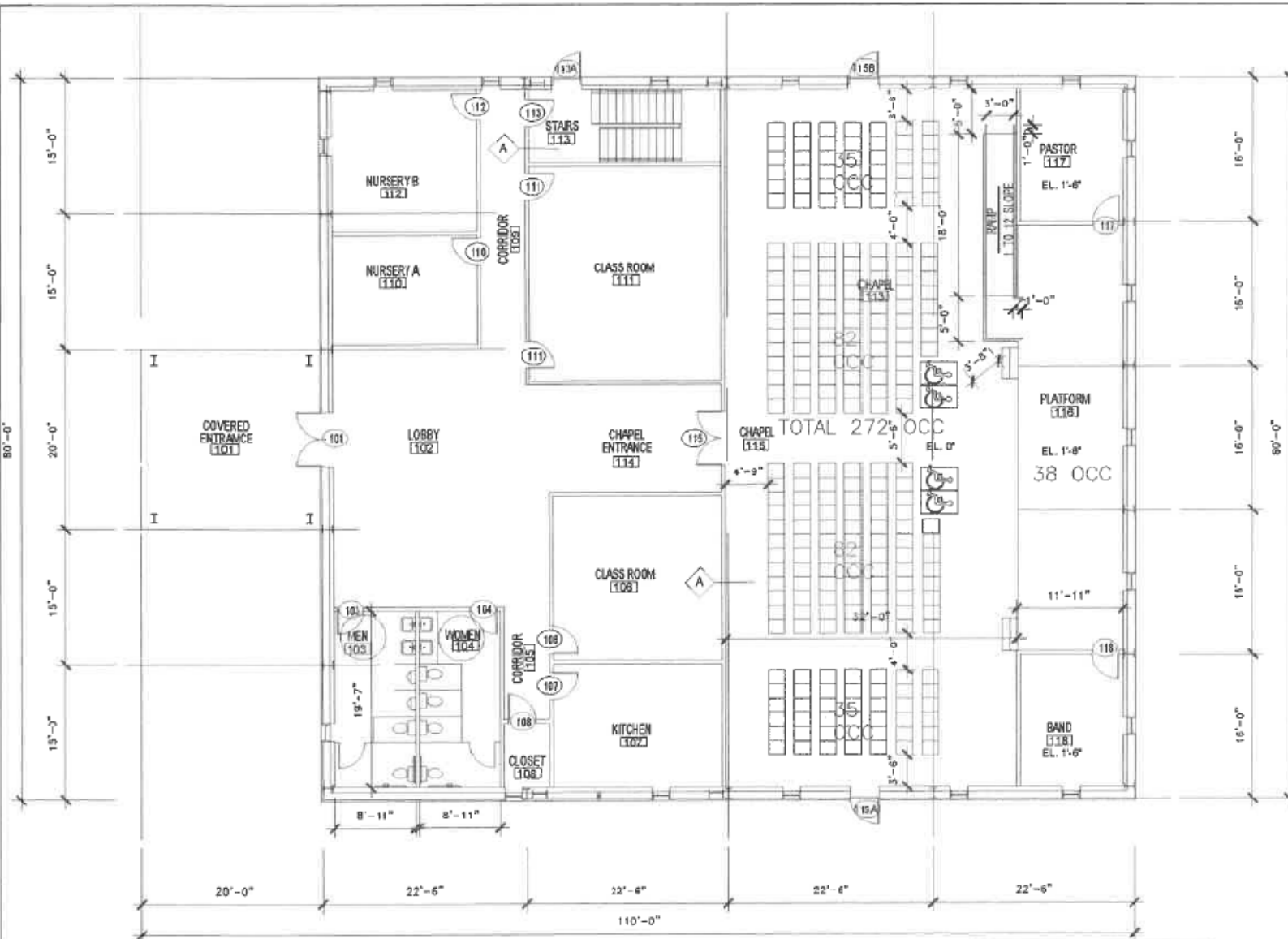
Location: 8424 Division Avenue, Birmingham, AL 35206 situated in the NW ¼ of Section 11, Township 17-S, Range 2-West, Council District 2.

March 2022
Google Street
View Photo



Applicant's Proposal.

The applicant is constructing a new church that will have 272 seats in the sanctuary. The building will have two nursery rooms, two classrooms and a kitchen. The church will be open for services and activities Tuesday and Thursday nights 7:00 pm-9:00 pm, Sundays 10:00 am -3:00 pm, and most Wednesdays 8:00am-12:00 pm.



FLOOR PLAN

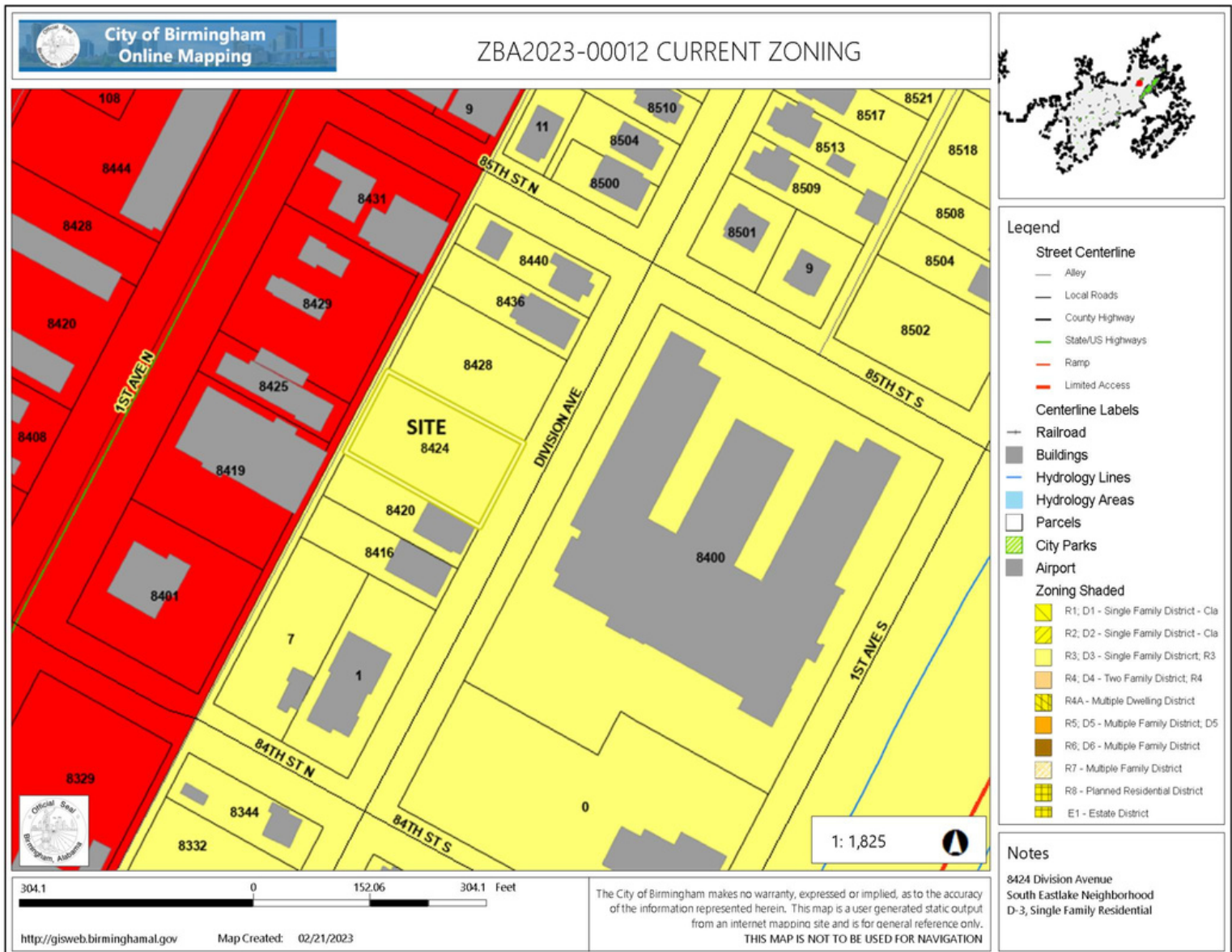
SCALE: 1/8"=1'-0"

NOTE:
NOMINAL WALL THICKNESS SHOWN
IN PLAN IS 5"

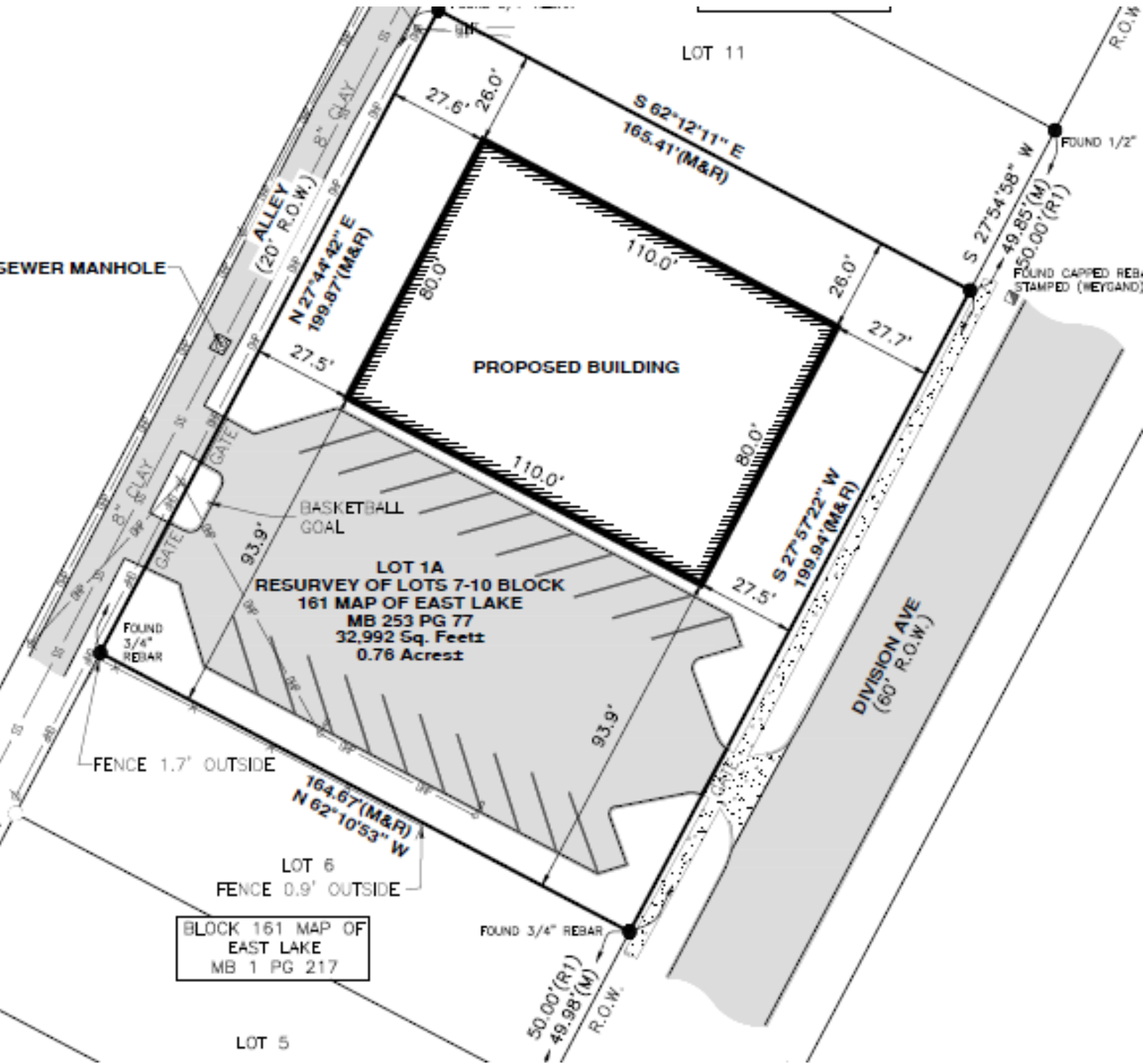


Property and Abutting Land Uses.

The subject property sits on .76 acres, currently zoned ***D-3, Single-Family Dwelling District***. The surrounding parcels to the North, South and East are also zoned ***D-3, Single-Family Dwelling District***. Parcels to the West are zoned ***C-2, General Commercial District***.



The D-3, Single-Family 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.



survey

Zoning Ordinance.

Place of Worship: Any structure or site used primarily for religious practices.

Chapter 4: Land Use Development Standards.

Place of Worship. To ensure compatibility with nearby dwelling uses, in the D-1, D-2, D-3, D-4, MU-L, and C-1 districts, a special exception may be granted by the Board provided that the following conditions are met:

1. *Any Place of Worship constructed after the effective date of the Ordinance codified in this Title shall be subject to the following standards:*

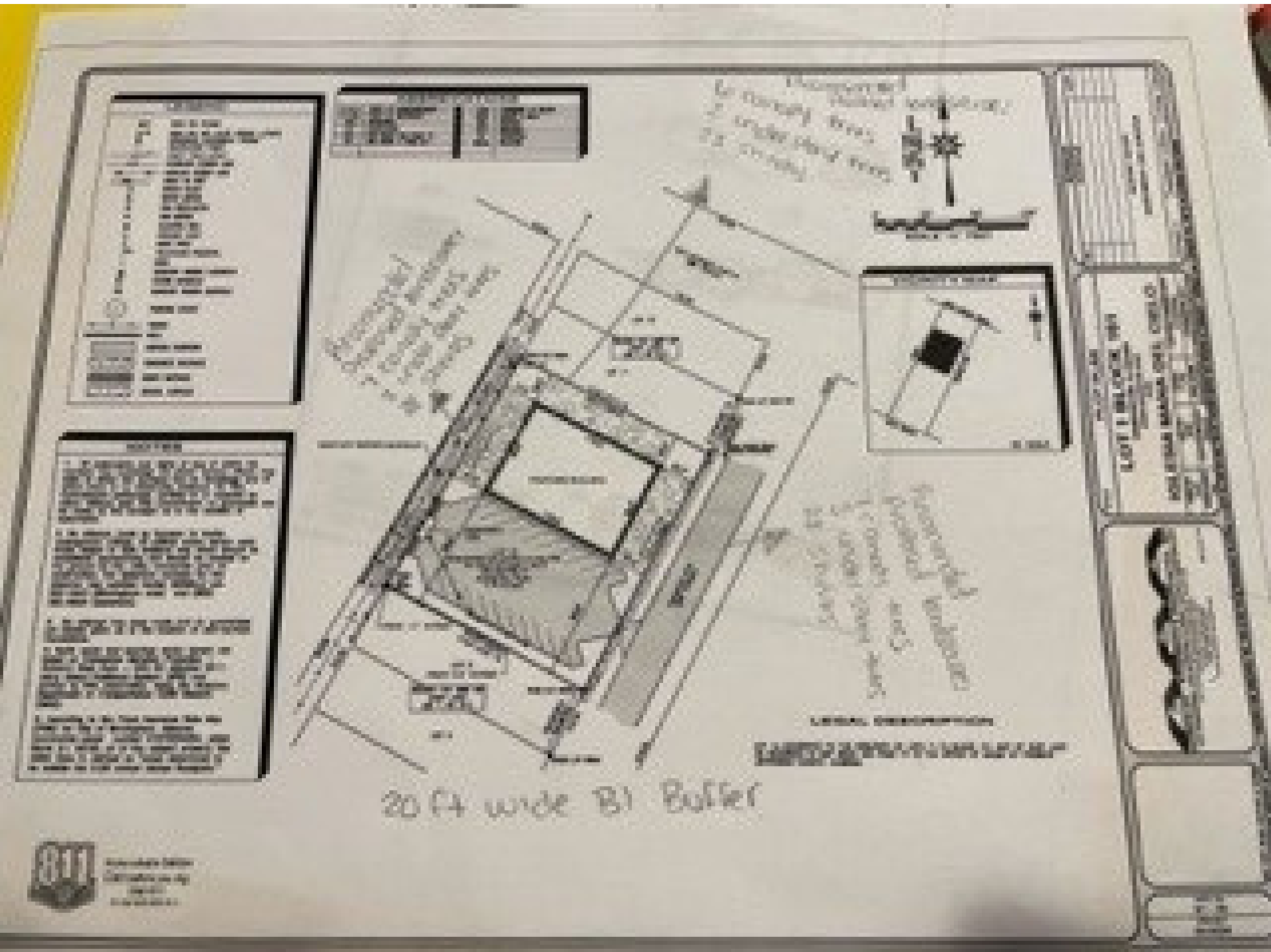
a. **Minimum Site Size.** Land area shall be provided at the rate of .005 acre for every seat in the sanctuary/assembly area. In areas considered by the board of zoning appeals to be predominately developed, and where assembling land to satisfy this site size standard is not practical, the Board may waive the minimum site size requirement, based on a determination that the proposed facility can be designed and operated in a manner which will not adversely impact abutting properties or the surrounding neighborhood.

.005 x 272 = 1.36 acres required for Minimum Site Size.

b. Screening and buffering in the form of a landscape buffer yard shall separate all structures and parking areas from all abutting property zoned for dwellings pursuant to Buffering Standard B, Chapter 6 of this Ordinance. **The City's Landscape Architect has approved the conceptual landscape plan.**

c. A cemetery, including columbariums, may be permitted by the board as an accessory use to a religious institution.

Landscape Plan



1. If Off-Site Parking is requested, approval of an off-site parking lot shall be contingent upon a demonstration that the following standards have been met:
 - a. The appellant shall demonstrate by a parking plan, reviewed by the Director, that the minimum number of parking spaces required by Chapter 5, of this Ordinance cannot be developed on the same lot containing the place of worship;
 - b. The amount of off-site parking shall not exceed the actual needs of the place of worship as demonstrated by the parking plan;
 - c. There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face;
 - d. The off-site parking area shall abut a street upon which the lot of the place of worship abuts and at least a portion of the off-site parking area shall be opposite the zone lot containing the place of worship;
 - e. Vehicular access shall be restricted to a street upon which the lot of the place of worship abuts;
 - f. All off-site parking spaces shall be within 200 feet of the lot boundary of the place of worship;
 - g. On any given block, off-site parking associated with a place of worship shall be limited to a contiguous area;
 - h. All lighting shall be shielded so that substantially all directly emitted light falls within the property. No illumination in excess of one-half foot candle shall be permitted across the boundary of any dwelling property or a public street or alley. The parking area shall only be illuminated when in use.
2. Where structures abut dwelling districts, there shall be a minimum setback of 25 feet.
3. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City.

The Birmingham Department of Transportation did not require a traffic impact study for this site.

Stormwater.

The City's Stormwater engineer has reviewed the plans and the applicant will need to obtain a commercial Soil Erosion Control permit to construct the new building.

4. Accessory structures (including Family Life Centers, Classrooms, etc.) may be constructed on property adjacent to the place of worship, subject to the following conditions:

- There shall be no vacant property that is owned by the applicant adjacent to the place of worship on the same block face that can accommodate the accessory structure;
- The accessory structure shall abut a street or alley upon which the lot of the place of worship abuts and at least a portion of the accessory structure shall be opposite the zone lot containing the place of worship;
- On any given block, accessory structures associated with a place of worship shall be limited to a contiguous area.

Parking Requirement.

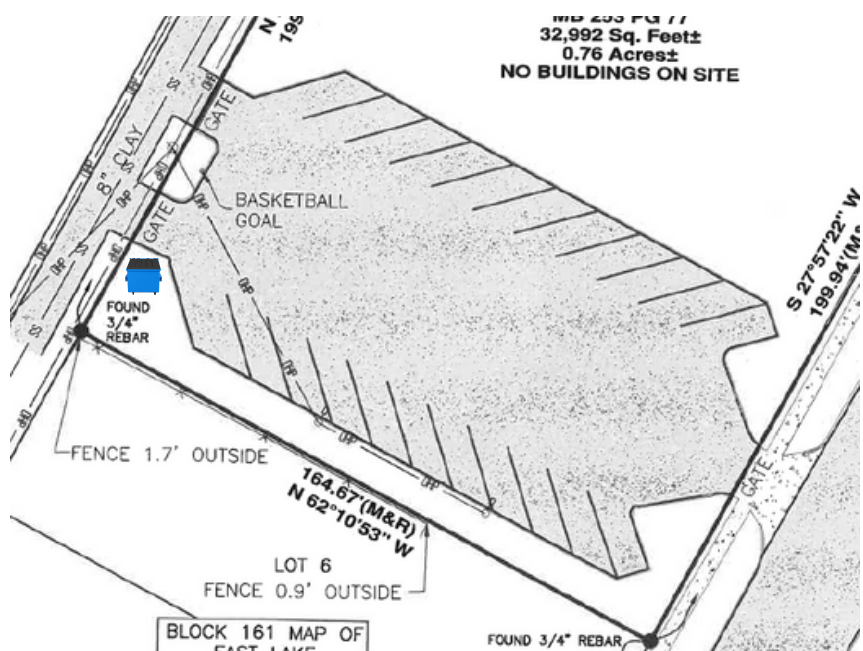
Place of Worship: 1 parking space per 6 seats in the main sanctuary.

272 seats / 6 = 45.33 **46 Parking Spaces Required.**

The site has 22 Parking Spaces, the site is 24 Parking Spaces short for the use.

See Attached Parking Study.

**Parking
Lot**



Variance Justification

Neighborhood Association.

The ***South Eastlake Neighborhood Association*** met at its regularly scheduled meeting on **March 27, 2023** and voted to *continue* the case to the April meeting for the applicant to provide more information.

The ***South Eastlake Neighborhood Association*** met again at its regularly scheduled meeting on **April 24, 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.

