

Staff Report
Zoning Board of Adjustment
City of Birmingham
Meeting Date: February 08, 2024
Time: 3:00 P.M.
Pre-Meeting: 2:30 P.M.

ZBA2023-00060..... *Forest Park Neighborhood*

Request: Variance for setbacks to utilize the existing concrete footer placement for a new impermeant garage structure

Filed by: Ira Hill, Owner

Location: 3811 4th Avenue South and situated in the SW 1/4 of Section 29, Township 17-S, Range 2-West, 35222 (Council District 5).

Applicant's Proposal

The applicant is requesting a variance for a 1ft rear and side yard setback for a new accessory garage AND a variance for an accessory structure that takes up more than 30% of the required rear yard

Property and Abutting Land Uses

The subject property is zoned R4A (Multiple Dwelling District). Properties to the north, south, east, and west are also zoned R4A.

Zoning Ordinance

From Title 1, Chapter 3 (District Area and Dimensional Regulations)

1. Accessory Buildings

- A. Accessory buildings, when located to the rear of a principal structure on a lot where the rear lot line abuts an alley, shall provide a minimum rear setback of three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be five feet.

Neighborhood Association

The ***Forest Park Neighborhood Association*** met at its regularly scheduled meeting on February 06, 2024 at 6:30p.m., and voted to support the request (20 yes votes and 0 no votes).

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.

STAFF REPORT
ZONING BOARD OF ADJUSTMENT
CITY OF BIRMINGHAM
Meeting Date: February 08, 2024
Time: 3:00PM
Pre-Meeting: 2:30PM

ZBA2023-00061 *Redmont Park Neighborhood*

Request: Variance for the expansion a legal nonconforming structure

Filed by: Cindy Coyle (Architecture Works), on behalf of the owner, Saint Rose Academy

Location: 1401 22nd Street South, Birmingham, AL 35205 situated in the NW ¼ of Section 06, Township 18-S, Range 2-West, Council District 3

Applicant's Proposal

Saint Rose Academy has operated as a school on the site since 1957. The applicant is proposing a primary school addition to the north façade of the existing Saint Rose Academy Mackin House, including three (3) Pre-K classrooms, a small chapel, tutoring room, religious atrium, restrooms, copy/break room and meeting area for staff.

Property and Abutting Land Uses

The subject property is currently zoned ***R4-A, Medium Density Residential District***. Properties to the west are also zoned R4-A. Properties to the south are zoned QR-5 (Qualified Multiple Dwelling District), R4-A and R-3 (Single Family Residential District). Properties to the east are zoned R-3. Properties to the north are zoned R-3, QO&I (Qualified Office and Institutional) and O&I (Office and Institutional).

Zoning Ordinance

Title 1, Chapter 9, Article VII, Section 3

Loss of a legal nonconforming use or structure status because of enlargement or extension. A legal nonconforming use, structure, or premise may not be structurally altered, reconstructed, enlarged, structurally altered or extended to extend the useful life of the use or structure without a variance granted by the Board. If that variance is not granted a zoning change in order to bring the property into compliance.

Title 2, Chapter 1, Article I, Section 1

Public school, elementary or high, or a parochial or private school having a curriculum including the same courses ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five feet from any side lot line.

Title 2, Chapter 1, Article I, Section 6

Maximum Height of Structure = 35 feet
Minimum Front Yard = 25 feet
Minimum rear Yard = 25 feet

Neighborhood Association

The ***Redmont Park Neighborhood Association*** met on January 23, 2024 and voted to support the request (Approved votes 19; Denied Votes 0).

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.

City of Birmingham
Zoning Board of Adjustment
Meeting Date: February 08, 2024
Time: 3:00 P.M.
Pre-Meeting: 2:30 P.M.
Location: City Council Chambers, 3rd Floor
Staff Report

ZBA2023-00064..... Collegeville Neighborhood

Request: Variance to allow a chain link fence in a front yard

Filed by: Katie Wood on behalf of Bethel Baptist Church, Owner

Location: 3228 29th Avenue North and situated in the SE of Section 13, Township 17-S, Range 3-West, 35207 (Council District 4).

Applicant's Proposal

The applicant is proposing to install a 4ft chain link fence in the front yard of the property to match the historic photo (in the file) from the period of significance (1957). Bethel Baptist Church is listed as a national Historic Landmark, a National Treasure, and part of the Birmingham Civil Rights Monument.

The intended use of this property is to act as a gallery exhibit showcasing the condition of the property during its occupancy by Fred Shuttlesworth. Tours will be operated in tandem with the Historic Bethel Baptist Church across the street.

Property and Abutting Land Uses

The subject property is zoned **D-3** (Single-Family District). Properties to the north, south, east, and west are also zoned D-3 (Single Family).

Zoning Ordinance

From Title 1, Chapter 4 (Land Use Development Standards)

Subsection 3. Residential Zoned Property

- A. Upon any "D", "E-1", or "R" zoned property, a wall or fence may be erected or placed in accordance with the following:
 - 1. Complete Front Yard- No wall or fence within a front yard area shall exceed a height of four feet and the overall height of fence, supports and other features shall not exceed a height of five feet in total, except as required for wireless communication installations as listed in Section 1 of this Article. If a retaining wall is constructed in a front yard for the purpose of leveling the yard or to control stormwater, for every four feet of retaining wall it shall be setback two feet.

Subsection 7. Construction, Materials, and Maintenance.

- D. 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.
 - 5. Electrified fences are prohibited in all yards.

Neighborhood Association

The **Collegeville Neighborhood Association** met at its regularly scheduled meeting on **February 05, 2024**, and voted to support 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.