



Zoning Board of Adjustment

Minutes

Department of Planning, Engineering, & Permits

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

September 8, 2022 City Council Chambers 3:00 P.M.

Members Present

Chairman, Philip Foster
Lissy Frese
Scottie Y. McClaney
Torin Darling Brazzle
Wanda Wright

Staff Present

Klm Speorl, Zoning Administrator
Jess Mays, Planner
Michael Ward, Principal Planner
Julie Barnard, City Attorney

Chairmen, Philip Foster called the meeting to order.

The board approved the minutes from the August 25, 2022 meeting.

Scottie McClaney made a motion to move ZBA2022-00049 to the end of the hearing agenda. That motion was seconded by Wanda Wright. All in favor, motion passes.

Case Number: ZBA2022-000050.....Central Park Neighborhood

Applicant: Foresite LLC

Site Address: 2017 Warrior Road Birmingham, AL 35208

Owner: Tony and Teresa Petelos

Description: Special Exception to allow a monopole telecommunications facility in a Mixed Use-Medium zoning district. A variance to allow the setback of the communications tower to be 53.31 feet instead of the required 200 feet setback.

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. A B-Standard Landscaping Buffer, pursuant to Title 1, Chapter 6, Section 7, Figure 1.06.302, must be installed along the western property line where the subject property abuts a parcel being used as residential housing.

Motion to recommend was seconded by Scottie McClaney.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-000052.....Central Park Neighborhood

Applicant: Tiffani Shaw

Site Address: 1517 Bessemer Road Birmingham, AL 35208

Owner: Senior Housing

Description: Special exception to allow transfer of ownership of a communal living facility.

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.

Motion to reccomend was seconded by Wanda Wright.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-000053.....Sun Valley Neighborhood

Applicant: Nakesha Davis

Site Address: 2341 Carson Road Birmingham, AL 35215

Owner: Wille Riley

Description: Special exception to allow the resumption of a legal nonconforming event center.

Lissy Frese 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. A City of Birmingham police officer must be present for any event that has 50 or more people.
- 4.

Motion to reccomend was seconded by Torin Darling Brazzle.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-000054.....East Avondale Neighborhood

Applicant: Willow Homes

Site Address: 4236 2nd Avenue S Birmingham, AL 35222

Owner: Emile Hughes

Description: Variance to allow the density requiriment for multi-family in a R-4A zoning to 2, 330 sq. ft. instead of the required 2, 500 sq. ft.

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.

Motion to reccomend was seconded by Wanda Wright.

All in favor, motion passes.

APPROVED.

Case Number: ZBA2022-000049.....Highland Park Neighborhood

Applicant: Tripp Watson

Site Address: 1025 30th Street S Birmingham, AL 35205

Owner: John Lawrence Kalousek

Description: Hearing two appeals of the Director of the Department of Planning, Engineering, and Permits decision that the subject property has lost its legal non-conforming use of multi-family apartments due to fire damage that exceeds 50% or more of its current replacement value and remaining vacant for 2 or more years.

Lissy Frese made a motion to reject the Director of the Department of Planning, Engineering, and Permits decision that the subject property has lost its legal non-conforming status due to remaining vacant for 2 or more years because it has not been abandoned, 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.

Motion to reject was seconded by Torin Darling Brazzle.

Roll call vote:

Chairman, Philip Foster: Yes

Lissy Frese: Yes

Scottie Y. McClaney: Abstain

Torin Darling Brazzle: Yes

Wanda Wright: Yes

Motion passes.

APPROVED.

Case Number: ZBA2022-000049.....Highland Park Neighborhood

Applicant: Tripp Watson

Site Address: 1025 30th Street S Birmingham, AL 35205

Owner: John Lawrence Kalousek

Description: Hearing two appeals of the Director of the Department of Planning, Engineering, and Permits decision that the subject property has lost its legal non-conforming use of multi-family apartments due to fire damage that exceeds 50% or more of its current replacement value and remaining vacant for 2 or more years.

Lissy Frese made a motion to reject the Director of the Department of Planning, Engineering, and Permits decision that the subject property has lost its legal non-conforming status due to fire damage costing 50% or more of the total replacement cost because it will cost more to replace the total structure than what the city has calculated, 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.

Motion to reject was seconded by Torin Darling Brazzle.

Roll call vote:

Chairman, Philip Foster: Yes

Lissy Frese: Yes

Scottie Y. McClaney: Abstain

Torin Darling Brazzle: Yes

Wanda Wright: Yes

Motion passes.

APPROVED.

Chairmen Philip Foster adjourned the meeting.