

How Do I File A ZBA Case?

There are 2 MAIN STEPS involved in the process of filing a ZBA case

1. Application Process

Applications are available in Room 210 of City Hall at the zoning counter or www.birminghamal.gov. Zoning staff will be glad to assist you with completing your application. **The filing deadline is four (4) weeks prior o the next ZBA meeting date.**

The **owner and applicant** (if different) both **must sign the application**

A detailed description of the proposed variance, special exception, modification or appeal must be listed and the **hardship/justification MUST be included.**

Site Plan

A site plan **must be included** with an application.

- Minimum 8 1/2 x 11 inches in size, drawn to scale
- Show what is or will be placed on the subject property
- Accurate property lines
- Location, size, & height of all existing or proposed structures
- Setback (front, side & rear yard), dimensions for all existing and proposed structures; including driveways & walkways
- For commercial developments dumpster location and landscaping must be shown

Once the application & site plan have been completed, planning staff will accept your case and notify the appropriate neighborhood association, who will be expected to provide a recommendation prior to the ZBA meeting date. Your request should be heard by the board within 4 weeks

2. Zoning Board of Adjustment Public Meeting

The applicant must present their case during the ZBA public meeting. Planning staff will begin with a brief synopsis of the request, the applicant or their agent will present additional information on the request, then the public will be allowed to speak for or against the request.

The Zoning Board of Adjustment

The ZBA usually vote on the request on the date it is presented, or continue a case to another date. The Board may approve exactly, or in part, what was requested. They may place certain requirements or conditions on the action, these are binding. They may deny the request, if this happens the aggrieved party may appeal the decision.

An appeal of a decision of the ZBA must be filed with the Circuit Court of Jefferson County within 15 calendar days of the date of the decision. No other appeal is permitted.

Zoning Board of Adjustment

City of Birmingham

RANDALL L. WOODFIN
MAYOR

Department of Planning, Engineering & Permits

KATRINA THOMAS, DIRECTOR



ROTARY TRAIL
in the
MAGIC
CITY

The Zoning Board of Adjustment (ZBA) is a quasi-judicial board

comprised of seven members,

appointed by the City Council,

representing such disciplines as

engineering, architecture,

construction, and real estate.

The ZBA meets at 2:00 P.M. on the

second and fourth Thursday of each

month (except November &

December) in the City Council

Chambers on the 3rd floor of City

Hall.

A quorum of four members is

required to vote. A two-thirds

majority is needed to approve a

request or to render a decision in an

appeal.

Application Fees

Residential: \$150

Commercial: \$500

Appeals from the decision of

the Director (this is not

ZBA) : \$300

For questions regarding the Zoning Board of

Adjustment please contact:

Jess Blankenship Mays - Zoning Board of

Adjustment Planner

Jess.blankenship@birminghamal.gov

205-254-2344

VARIANCES

SPECIAL EXCEPTIONS & MODIFICATIONS

1) To consider a request for a variance from the terms of Zoning Ordinance when it is not contrary to the public interest.

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will submit a request, accomplish a specific function, and state specific and unique circumstances that exist that would authorize consideration from the Board. Request must demonstrate they will not be contrary to the public interest and where, owing to conditions peculiar to the property the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship but where the spirit of the Ordinance shall be observed and substantial justice done. No such variance shall be granted absent an affirmative finding of fact on each of the following standards based upon the evidence presented by the applicant.

Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic conditions, or other extraordinary and exceptional conditions of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this Ordinance.

Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area, that the granting of the application is necessary for the preservation and enjoyment of a property right, and not merely to serve as a convenience to the applicant.

Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property.

Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

No Injury to Neighboring Property. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare, increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of the City of Birmingham, and will not substantially impair the intent and purpose of this Ordinance.

2) To determine whether to approve or deny an application for a SPECIAL EXCEPTION to normal zoning rules when such a use or development is specifically not authorized or limited in the zoning ordinance.

3) To hear and decide appeals of the zoning ordinance where it has been alleged that there is an error in any order, requirement, decision or determination made by a city official in the administration of the zoning ordinance. The ZBA can hear an Appeal of the Decision of the Director of the Department provided that the decision has been given in writing to the owner within (15) days. In hearing this appeal, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from; and may make such order, requirement, decision or determination as ought to be made; to that end shall have all the powers of the Director of the Planning, Engineering, and Permits Department.

4) To consider requests for a MODIFICATION from the terms of the Zoning Ordinance when it is not contrary to the public interest.

A modification is an adjustment of the strict application of the provisions of the Zoning Ordinance where such a modification may cause a permit to be issued upon a reasonable condition prescribed in the following conditions:

The extension of a district for a distance of not more than 5 feet where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of the Ordinance. The determination of the proper district applicable to particular land in cases of ambiguity or doubt arising from difference between the actual street layout on the ground and the street layout as shown on the zone map.

Reduction in the parking and loading requirements of the Ordinance whenever the character or use of a building or premises is such as to make unnecessary the full provision of parking or loading facilities, or where a public parking lot or deck is available within walking distance, equal to 1,320 feet or where the applicant can demonstrate that a surplus of on-street parking, in a commercial, mixed-use, manufacturing or industrial district, exist and is within walking distance of the subject use.