

**JEFFERSON COUNTY  
BOARD OF ZONING ADJUSTMENT  
MONDAY, MARCH 28, 2022; 1:00 PM  
COMMISSION CHAMBERS (ROOM 270), COURTHOUSE**

**NEW CASES**

**CASE NUMBER:** A-22-0002  
**PROPERTY OWNER:** Ollis Ray Ireland, Wade Eugene Ireland, & Renee Ireland Speer  
**APPLICANT:** Renee W Speer  
**REQUEST:** To allow a tract to be subdivided (proposed Ireland Property Survey), and one lot (proposed Lot 1) recorded with 6,750 square feet in lieu of the required 10,000 square feet.\*  
**ZONING DISTRICT:** R-2(Single Family)  
**PARCEL ID#:** 2200183009028002  
**SEC/TWP/RANGE:** Section 18/ Township 17/ Range 3 W  
**ADDRESS:** 1116 & 1120 Heflin Ave. W, Birmingham, AL 35214  
**ACREAGE:** 0.47 Acres +/-  
**GENERAL AREA:** Forestdale  
*\*concurrent Subdivision Case S-22-0012*

**STAFF RECOMMENDATION: Approval**

**CASE NUMBER:** A-22-0003  
**PROPERTY OWNER:** BBC Development, LLC  
**APPLICANT:** Michael D Burrow  
**REQUEST:** Variance from the terms of the zoning regulations to allow construction of a residence to be located 20 feet from back of curb in lieu of the required 25 feet.  
**LOT, SUBDIVISION:** Lot 138, The Crest Subdivision, as recorded in Map Book 256, Page 94 in the office of the Jefferson County Judge of Probate, Birmingham Division.  
**ZONING DISTRICT:** R-7(Planned Unit Development)  
**PARCEL ID#:** part of 1400171000001000  
**SEC/TWP/RANGE:** Section 17 / Township 16 / Range 3 W  
**ADDRESS:** 4881 Mae Beth Circle, Mount Olive, AL 35117  
**ACREAGE:** 0.14 Acres +/-  
**GENERAL AREA:** Mount Olive

**STAFF RECOMMENDATION: Approval with a stipulation that the garage maintain the required minimum 25-foot setback from back of curb.**

**CASE NUMBER:** A-22-0004  
**PROPERTY OWNERS:** Zachary Averhart, Taylor Collins Averhart, Timothy Llyod Averhart & Kristie Powell Averhart  
**APPLICANTS:** Zachary Austin Averhart  
**REQUEST:** Variance from the terms of the zoning regulations to allow recording of a lot (proposed Lot 2 of the proposed Corner Oaks Subdivision) having 30 ft road frontage in lieu of the required 50 feet.\*  
**ZONING DISTRICT:** A-1 (Agriculture)  
**PARCEL ID#:** 0400230000003001  
**SEC/TWP/RANGE:** Section 23 / Township 14/ Range 4 W  
**ADDRESS:** 9425 Miller Rd., Warrior, AL 35180  
**ACREAGE:** 19.66 Acres +/-  
**GENERAL AREA:** Corner  
*\*concurrent Subdivision Case S-22-0021*

**STAFF RECOMMENDATION: Approval**

**CASE NUMBER:** A-22-0005  
**PROPERTY OWNER:** Donald E. Averhart  
**APPLICANTS:** Donald Averhart  
**REQUEST:** Variance from the terms of the zoning regulations to allow recording of a lot (proposed Lot 1 of Averhart 1 Lot Survey) having 20 feet of road frontage in lieu of the required 50 feet.\*  
**ZONING DISTRICT:** Proposed A-1 (Agriculture) Zoning\*\* (property currently zoned A-1 & Institutional-1  
**PARCEL ID#:** part of 1400062000006001  
**SEC/TWP/RANGE:** Section 6 / Township 16/ Range 3 W  
**ADDRESS:** 1943 Brookside Rd, Mount Olive, AL 35117  
**ACREAGE:** 4.76 Acres +/-  
**GENERAL AREA:** Mount Olive  
*\*concurrent subdivision case S-22-0022*  
*\*\*concurrent request to rezone the entire lot to A-1 (Agriculture) Z-22-0007*  
*\*\**

**STAFF RECOMMENDATION: Approval**

**CASE NUMBER:** A-22-0006  
**PROPERTY OWNERS:** Karen Leah Boozer, Kimberly Lynne McElroy, and Justin Ross McElroy  
**APPLICANTS:** Leah Boozer  
**REQUEST:** Variances from the terms of the zoning regulations to allow two (2) accessory structures to be placed on two (2) separate lots within a recorded subdivision without first establishing a primary residence. Proposed accessory structure on Lot 3 to be located 20 feet from the road right-of-way (Gadsden Highway), five (5) feet from railroad right-of-way, both in lieu of the required 35 feet; and to allow said structure to be placed zero feet from the side lot lines in lieu of the required 15 feet. Proposed accessory structure on Lot 4 to be located 20 feet from the road right-of-way (Gadsden Highway), five (5) feet from railroad right-of-way and zero feet to the side lot lines in lieu of the required 15 feet.  
**LOT, SUBDIVISION:** Lots 3&4 inclusive in Block 2 of the Richard Beard Subdivision as recorded in Map Book 37, Page 65, in the office of the Jefferson County Judge of Probate, Birmingham Division  
**ZONING DISTRICT:** A-1 (Agriculture)  
**PARCEL ID#:** part of 1100032000005000  
**SEC/TWP/RANGE:** Section 3 / Township 16/ Range 1 E  
**ADDRESS:** 8433 Gadsden Hwy, Trussville, AL 35173  
**ACREAGE:** 3.06 Acres +/-  
**GENERAL AREA:** Trussville

**STAFF RECOMMENDATION:** Carry over for the applicant to provide the following:

1. a more detailed site plan/survey that shows the point of access, location of the proposed structures on the property, demonstrates an understanding of traffic maneuvering on the property without encroaching into the public right of way, and clearly delineates the property lines; and,
2. Access approval from the Alabama Department of Transportation,

**CASE NUMBER:** A-22-0007  
**PROPERTY OWNERS:** Don W Bagwell  
**APPLICANTS:** Don Bagwell  
**REQUEST:** Variances from the terms of the zoning regulations to allow construction of a storage building prior to construction of a primary residence; and, to allow said accessory structure to be located in front of the future residence on a lot in a recorded subdivision.  
**LOT, SUBDIVISION:** Lot 15, Cabins at Camp Creek Phase 2, as recorded in Map Book 51, Page 63 in the office of the Jefferson County Judge of Probate, Bessemer.  
**ZONING DISTRICT:** A-1 (Agriculture)  
**PARCEL ID#:** 4200201000012000  
**SEC/TWP/RANGE:** Section 20 / Township 20/ Range 4 W  
**ADDRESS:** 4587 Cabin Road Bessemer, AL 35022  
**ACREAGE:** 2.03 Acres +/-  
**GENERAL AREA:** Mccalla

**STAFF RECOMMENDATION: Approval**

**CASE NUMBER:** A-22-0008  
**PROPERTY OWNERS:** AWM Enterprises LLC  
**APPLICANTS:** Meighan Ellis  
**REQUEST:** To allow a (replacement) pylon sign to be placed on a property not adjacent to an interstate highway; or within 600 feet of the right-of-way of an Interstate Highway Interchange.  
**ZONING DISTRICT:** I-1(Light Industrial) & C-1(Commercial)  
**PARCEL ID#:** 3900242000003002  
**SEC/TWP/RANGE:** Section 24 / Township 19/ Range 3 W  
**ADDRESS:** 4535 Galleria Blvd, Birmingham, AL 35244  
**ACREAGE:** 8.99 Acres +/-  
**GENERAL AREA:** Hoover

**STAFF RECOMMENDATION: Denial**

**REASONS FOR DENIAL:**

1. The request conflicts with the spirit, intent, and multiple provisions of the Zoning Regulations and would set a precedent for allowing other non-conforming structures and uses;
2. the proposed sign is in conflict with the County Land Use Plan, as it conflicts with the allowable development pattern of the adjacent municipality (Hoover); and,
3. granting of this variance would be in conflict with past precedent set by the Board regarding pole/pylon signs.

**CASE NUMBER:** A-22-0010  
**PROPERTY OWNERS:** Melanie Waugh  
**APPLICANTS:** Melanie Waugh  
**REQUEST:** Variances from the terms of the zoning regulations to allow a structure where swine are housed, fed, and/or watered to remain as located 85 feet from the (side) property line in lieu of the required 100 feet; and, 180 feet from the right-of-way of New Castle Road in lieu of the required 300 feet.  
**ZONING DISTRICT:** A-1(Agriculture)  
**PARCEL ID#:** 1300040000008000  
**SEC/TWP/RANGE:** Section 4 / Township 16/ Range 2 W  
**ADDRESS:** 4600 New Castle Road, Gardendale, AL 35071  
**ACREAGE:** 3.04 Acres +/-  
**GENERAL AREA:** New Castle

**STAFF RECOMMENDATION:** Approval

**CASE NUMBER:** A-22-0011  
**PROPERTY OWNERS:** David Robinson  
**APPLICANTS:** David Robinson  
**REQUEST:** A special exception to allow a 5,000 square-foot garage apartment for personal or family use only.  
**ZONING DISTRICT:** A-1(Agriculture)  
**PARCEL ID#:** 0800200000016000  
**SEC/TWP/RANGE:** Section 20 / Township 15/ Range 2 W  
**ADDRESS:** 1705 Hagood Mountain Road, Morris, AL 35116  
**ACREAGE:** 39.46 Acres +/-  
**GENERAL AREA:** Glennwood

**STAFF RECOMMENDATION:** Approval

**CASE NUMBER:** A-21-0015  
**PROPERTY OWNER:** William Calvin Cosby  
**APPLICANT:** Jerry Peery  
**REQUEST:** Variances from the terms of the zoning regulations to allow a residence that was destroyed in the January 2021 tornado to be reconstructed a minimum of 17 feet from the rear property line in lieu of the minimum 35 feet required; and 35 feet\* to the centerline of Oak Street in lieu of the minimum required 60 feet.  
**ZONING DISTRICT:** A-1(Agriculture)  
**PARCEL ID#:** 1300193001031000  
**SEC/TWP/RANGE:** Section 01 / Township 16 / Range 2 W  
**ADDRESS:** 4020 Oak Street, Birmingham, 35217  
**ACREAGE:** 0.36 Acres +/-  
**GENERAL AREA:** New Castle

*\*On August 23, 2021, the Board of Zoning Adjustment granted a request to allow for the residence to be constructed 50 feet from centerline. Due to problems arising due to location of the on-site sewage disposal system, the request has been modified to allow the residence to be located 35 feet from the centerline of Oak Street in lieu of the 50 feet originally granted.*

**ALL ADJACENT PROPERTY OWNERS HAVE BEEN NOTIFIED**