



**JEFFERSON COUNTY
BOARD OF ZONING ADJUSTMENT
ZONING HEARING AGENDA
MONDAY JANUARY 22, 2024; 12:00 AM
COMMISSION CHAMBERS**

NEW CASES

A-23-0038

Lodge Jackson, owner; request a variance to allow recording of a lot having less than the minimum required one acre. Property zoned Proposed A-1 (Agriculture) (Currently R-3 Two Family)* PID# 3800214003001000 in section 21/ Township 19/ Range 4W. Part of Block 17 / McAdory vs. Bass Map 2**(Site address 604 Dixie Avenue, Bessemer, 35020)(0.88 Acres +/-)(Martintown)

A-23-0039

Forestdale Plaza, LLC, owner; Yesica Paz Ramirez, agent; request a use variance to allow a church in a C-1 (Commercial) zoning district in lieu of the Institutional-1 zoning district which would allow such. Property zoned C-1 Commercial. PID# 2200073012001000 in section 7/ Township 17/ Range 3W. Lot 2, Final Plat of Forestdale Plaza Subdivision. (Site address 1612 Forestdale Boulevard, Birmingham, 35214)(4.73 Acres +/-)(Forestdale)

A-24-0001

Matthew S. Parker, owner; request a variance to allow recording of a lot having less than the minimum required one acre. Property zoned A-1 Agriculture PID# 1900200000009002 in section 2/ Township 17/ Range 6W. Proposed Lot 10-A / Parker's Resurvey of Lots 10 & 11 Lands End*(Site address 128 Shoreline Road, Bessemer, 35023)(0.39 Acres +/-)(Warrior River)

A-24-0002

Robert Rush Smith Johnson and Alana Johnson, owners; request a variance to allow an accessory structure in absence of first establishing a primary residence within a recorded subdivision. Property zoned. A-1 Agriculture PID# 0300190000008001 in section 19/ Township 14/ Range 3W. Lot 2 / Lee Subdivision (Site address 1720 Morton Road, Warrior, 35180)(1.92 Acres +/-)(Warrior)

A-23-0003

IMBRE, LLC, owner; Michael Griffin, applicant; request variances from the terms of the zoning regulations to allow new residential construction on 13 lots within an existing subdivision to have a minimum 40-foot front setback in lieu of the required 50 feet. Property zoned E-2 Estate. PIDs# 0900063000066000, 0900063000065000, 0900063000064000, 0900063000063000, 0900063000061000, 0900063000060000, 0900063000059000, 0900063000058000, 0900063000056000, 0900063000055000, 0900063000054000, 0900063000053000, 0900063000052000 in section 6 / Township 15 / Range 1W. Lots 27-39 / Jameson Trace Phase II (Site addresses 4192, 4196, 4210, 4218, 4222, 4226, 4230, 4234, 4238, 4242, 4246, 4245, and 4241 Jordan Circle, Pinson, 35126)(7.2 Acres +/-)(Marsh Mountain)

ELECTION OF OFFICERS FOR CALENDAR YEAR 2024

JEFFERSON COUNTY
CONTRACT COVER SHEET

Originating Department:	Development Services		BID:
Department Contact	Joshua Johnson, Director of Development Services - Executive Exemp	Phone Number:	
Contract Info#: 11812	Contract Name/ID: A-23-0038/11812	Amount:	
Date Start:	Contract Type:		
Date End:			

STAFF

Prepared by Michael Morrison, Zoning Administrator and Carlton Minard, Planner

CASE/APPLICATION NUMBER

A-23-0038

APPLICANT/PROPERTY OWNER

Lodge Jackson

PUBLIC HEARING DATE

January 22, 2024

PROPERTY ADDRESS/LOCATION

604 Dixie Avenue, Bessemer, 35020

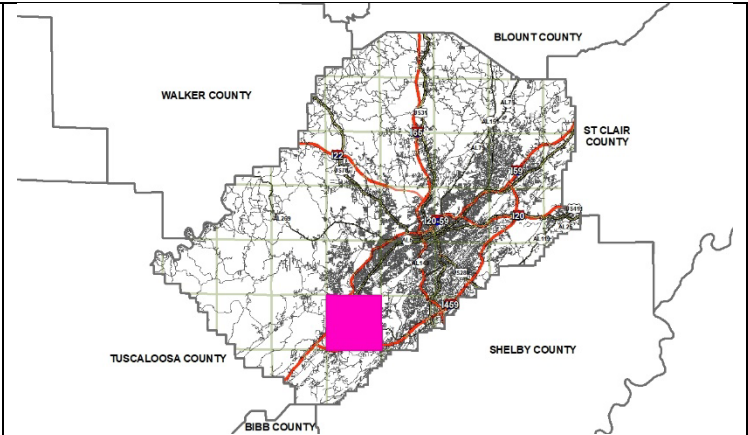
PID#s: 3800214003001000

Section/Twp/Range : 21 / 19 / 4W

SUMMARY OF REQUEST

A variance from the terms of the zoning regulations to allow a recording of a one-lot subdivision with the lot having less than the minimum required one acre.*

*concurrent rezoning request Z-23-0047

**EXISTING ZONING****EXISTING LAND USE / SITE IMPROVEMENTS****SIZE OF PROPERTY**

R-3 (Two Family);
A-1 (Agriculture) zoning
pending rezoning

Vacant/Wooded

0.88 acres +/-

SURROUNDING ZONING & LAND USE

The subject property is located in an older residential community characterized by older housing stock, small lots, narrow streets, and a few mobile homes.

STAFF RECOMMENDATION

Approval

PROPERTY HISTORY

The property consists of a part of a block in an existing subdivision that was platted in 1893. The property retains its original R-3 zoning.

COMPATIBILITY with the ZONING ORDINANCE

Section 701.02(a) Minimum Lot Size Requirement in A-1 zoning.

ATTACHMENTS

Conceptual
Development Plan

Aerial Image

Zoning Map

Attachment: A-23-0038-RPT (11812 : A-23-0038)

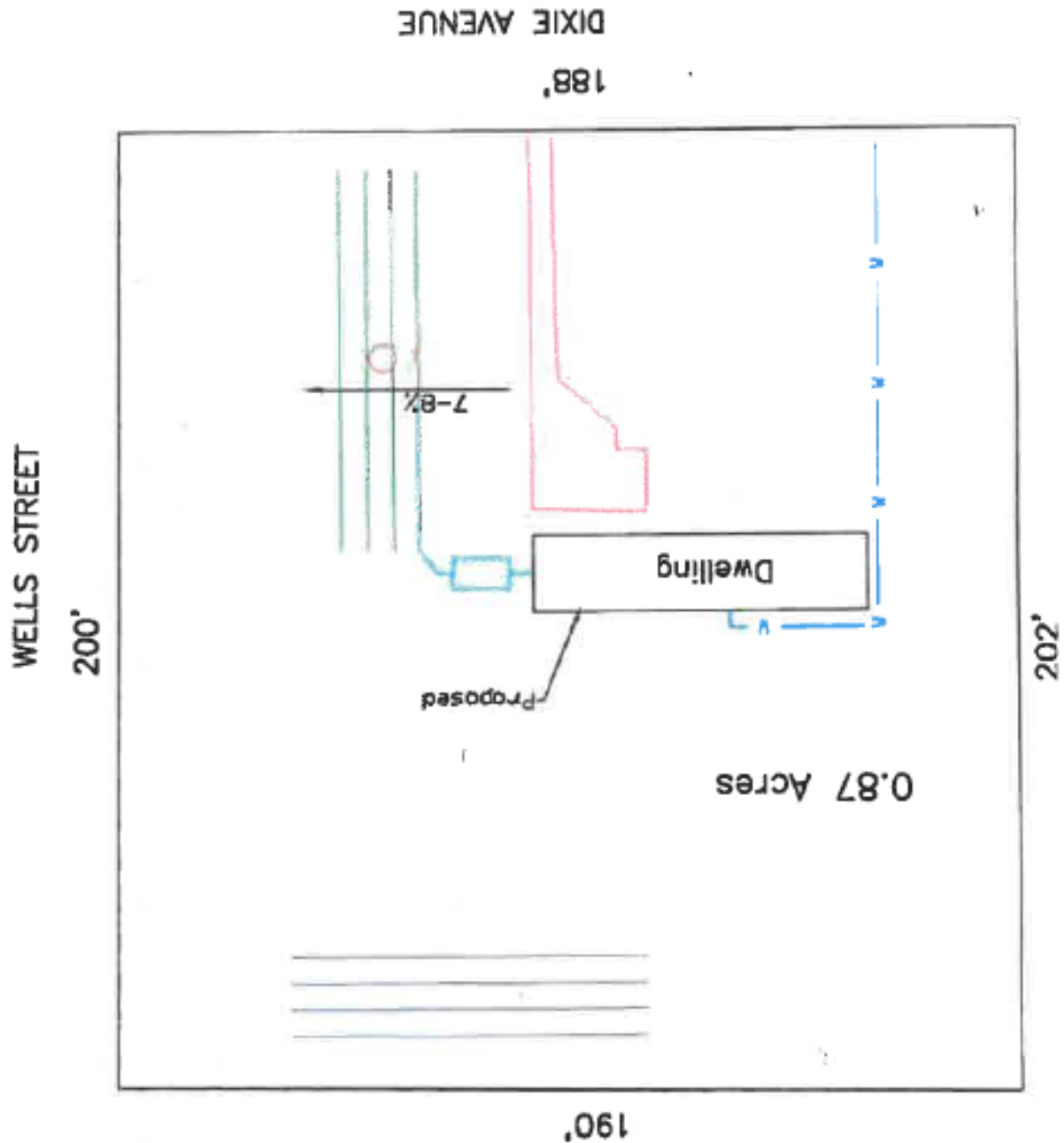
STAFF EVALUATION:

- The property owner plans to place a mobile home on the subject property, which is not something that is allowed in the property's current R-3 (two family) zoning. As most of the surrounding area is zoned A-1 (Agriculture), the applicant filed for rezoning of the property.
- The Planning & Zoning Commission recommended approval of the rezoning at the January 11, 2024 public hearing. The County Commission is scheduled to consider the rezoning on February 8, 2024 (zoning case Z-23-0047).
- The property consists of *part* of a lot in a recorded subdivision, which requires resurvey of the lot into a single lot of record. Because this requires recording of a new subdivision lot, this variance has been requested, as the language of the zoning regulations stipulates in Section 701.02 that *"any new or future division of land in an A-1 zoning district, whether by recorded subdivision or otherwise, shall have a minimum of one acre per parcel or lot."*
- This subdivision was platted in the late 1890s and consist of 27 blocks that have since been mostly split by deed (and without going through the proper subdivision process).
- Prior to 2005, the County only required a minimum of 15,000 square feet for lots in A-1 zoning.
- The majority of lots within this particular community that are zoned A-1, have less square footage than the property in question. The lots within this particular block are either the same size as the proposed lot, or they are smaller.
- As A-1 zoning is dominant in this area, and most of the existing lots/tracts have less acreage than the proposed lot, approval of this variance is not expected to result in any adverse impacts or disrupt the development pattern of the neighborhood.

Attachment: A-23-0038-RPT (11812 : A-23-0038)

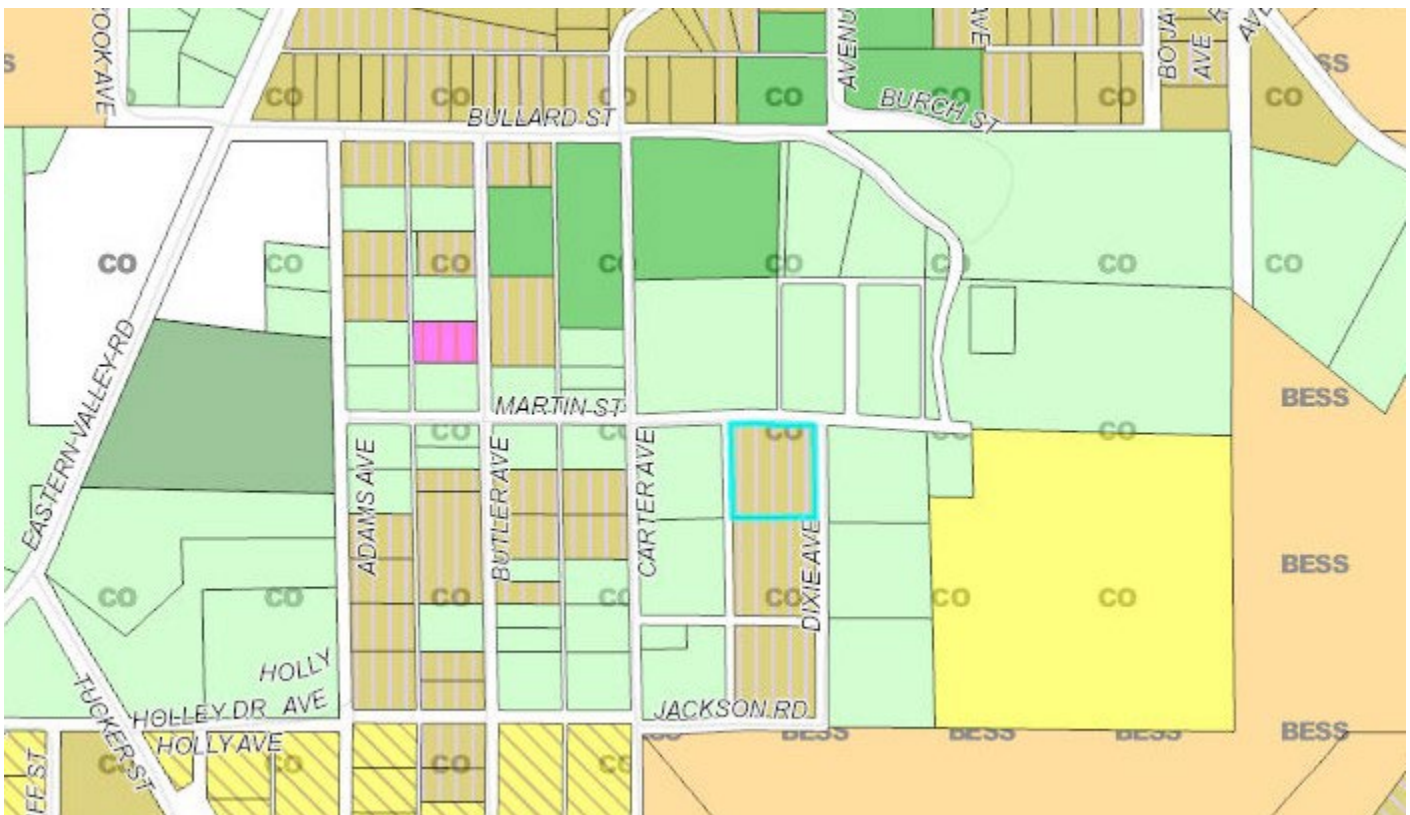
PLOT PLAN EVALUATION

The plot plan below shows the existing tract, and planned orientation of a mobile home on the property. The subdivision plat has not been submitted at this time for review.



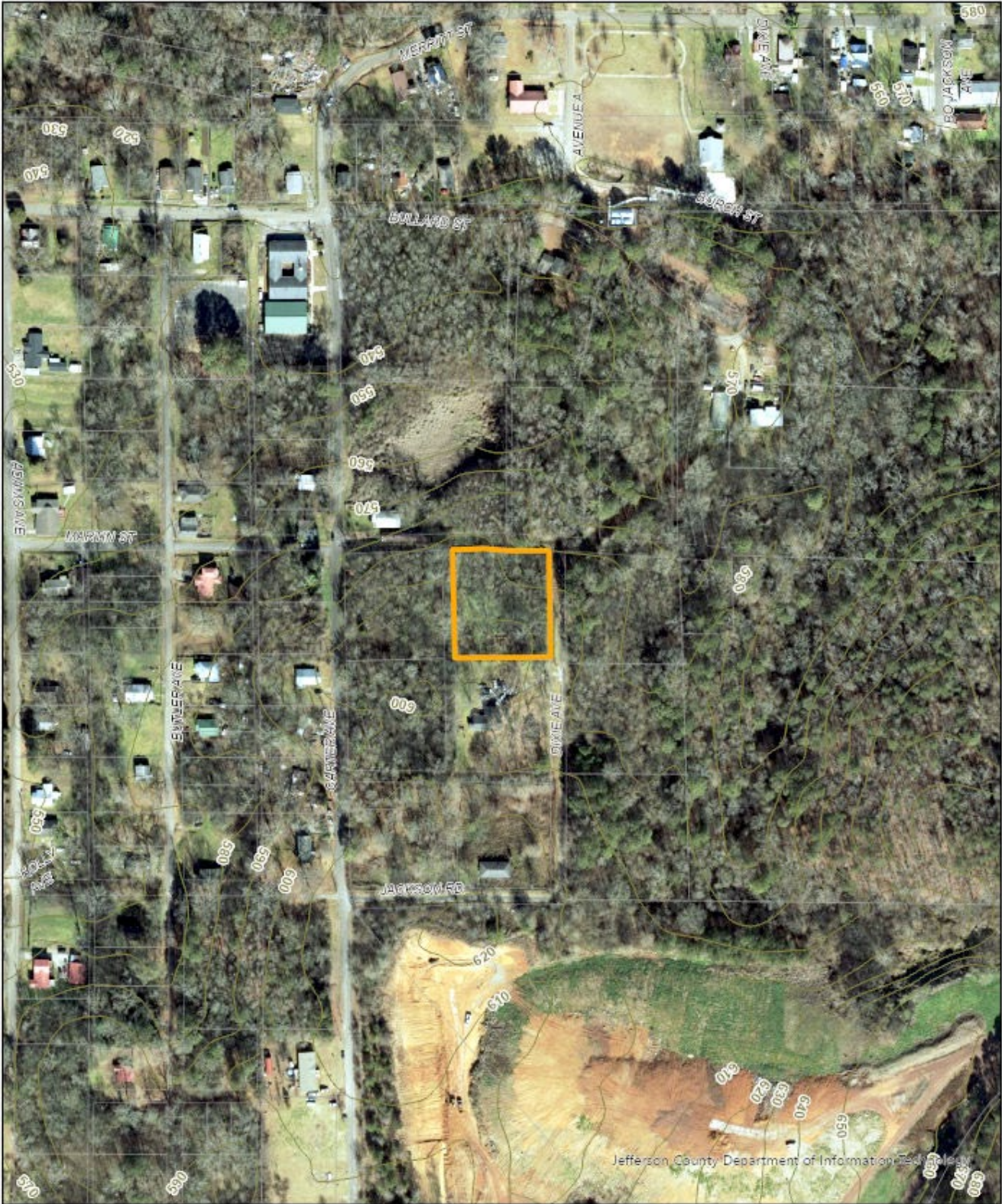
AREA LOT SIZE EVALUATION

The map below shows the subject property (outlined in turquoise) and the surrounding community that is bound between Eastern Valley Road to the west, Bullard Street to the north, The Bessemer city limits to the west, and Holly Ave/Jackson Road and the Bessemer city limits to the south. The property is roughly the same size as those within the same block (half of which are zoned A-1). Also between Adams Avenue and Carter Avenue to the west, all of the lots are smaller than the requested lot.



Aerial Photo

A-23-0038



0 200 400 800 Feet

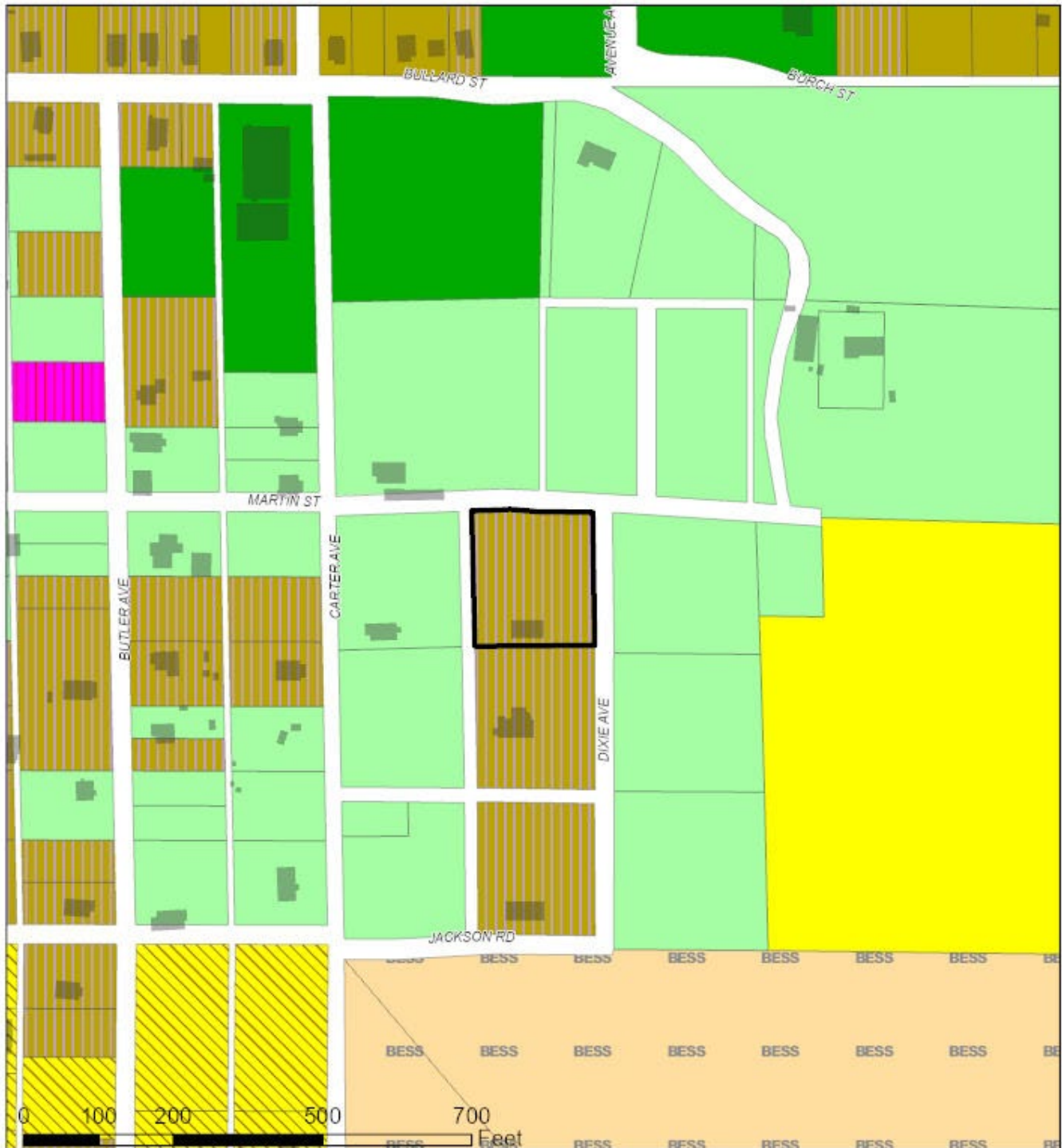


1/18/2024

Attachment: A-23-0038-RPT (11812 : A-23-0038)

Current Zoning

A-23-0038



Attachment: A-23-0038-RPT (11812 : A-23-0038)

ZoningCode

A-1 Agricultural
C-3 Commercial

INST-1 Institutional 1

R-1 Single Family

R-2 Single Family

R-3 Two Family

R-6 Single Family



1/18/2024

JEFFERSON COUNTY
CONTRACT COVER SHEET

Originating Department:	Development Services		BID:
Department Contact	Joshua Johnson, Director of Development Services - Executive Exemp	Phone Number:	
Contract Info#: 11813	Contract Name/ID: A-23-0039/11813	Amount:	
Date Start:	Contract Type:		
Date End:			

STAFF

Prepared by Michael Morrison, Zoning Administrator and Carlton Minard, Planner

CASE/APPLICATION NUMBER

A-23-0039

APPLICANT/PROPERTY OWNER

Yesica Paz Ramirez / Forestdale Plaza, LLC

PUBLIC HEARING DATE

January 22, 2024

PROPERTY ADDRESS/LOCATION

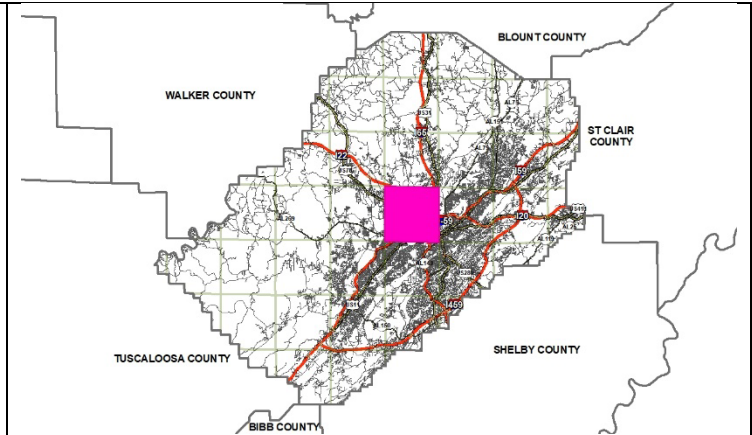
1612 Forestdale Boulevard, Birmingham, 35214

PID#s: 2200073012001000

Section/Twp/Range : 7 / 17 / 3W

SUMMARY OF REQUEST

A use variance to allow a church in C-1 (Commercial) zoning.

**EXISTING ZONING**

C-1 (Commercial)

EXISTING LAND USE / SITE IMPROVEMENTS

The property subject of this variance request is a bay within an existing shopping center.

SIZE OF PROPERTY

4.73 acres +/-

SURROUNDING ZONING & LAND USE

The property contains a commercial strip center and located along a commercial corridor (Highway 78) in primarily C-1 (Commercial) zoning. There is a small portion of the property that is zoned C-3 which would only allow for a lounge/bar. The areas to the periphery of the commercial corridor, along the collector and local street network that feed into the major arterial are zoned residential (either R-1 or R-2).

STAFF RECOMMENDATION

Approval

PROPERTY HISTORY

The commercial zoning on this property was established in 1963.

COMPATIBILITY with the ZONING ORDINANCE

Section 803.01, Use Regulations in C-1 (Commercial) zoning.

Attachment: A-23-0039-RPT [Revision 1] (11813 : A-23-0039)

STAFF EVALUATION:

- Churches, by right, are only allowed in the Institutional-1 zoning classification.
- In lieu of rezoning for what could be a somewhat temporary operation, it was suggested that the applicant file for a use variance in order to permit the church on the property. For if the property were to be rezoned to Institutional-1 and the church were to vacate the commercial bay, then only another church (or another use allowed in Institutional-1 zoning) could occupy the what would otherwise be a commercial space.
- Often alcohol sales are of concern when allowing churches in C-1 (Commercial) zones, as the zoning resolution requires that no sales of alcohol for on-premise consumption (with the exception of a “family restaurant” with alcohol sales) and no sales of liquor for off-premise consumption can be located within 1,000 feet of a church or school. *However*, it is stipulated that the 1,000-foot measurement is taken from the facility where the alcohol will be sold and the zoning district boundary line of the church or school property – thus, presuming the church or school is in an appropriate zoning district (Institutional-1). It has been the administrative policy to thus ignore any churches that are not located within the appropriate, Institutional-1 zoning district when measuring distances for alcohol sales.
- C-1 zoning allows for event centers, lodge halls, restaurants, etc. all of which have similar assembly requirements in the building code, and similar considerations with respect to parking, traffic flow, etc. In future revisions of the Zoning Regulations, it may be appropriate to consider allowing churches in Commercial zoning classifications, with a clearly stated stipulation that distance requirements from establishments selling alcohol do not apply for churches in Commercial zoning districts.

BOARD PRECEDENT EVALUATION

- Since the year 2000, there have been 13 requests to allow churches in Commercial and Industrial Zoning Classifications. However, only eight (8) different properties have been subject of the requests, as the BZA generally approved the use of churches in these zones on a time limited basis that kept having to be re-evaluated upon the end of time limitation:
 - Case A-00-151 allowed a church on Center Point Parkway to operate for two (2) years in a C-1 zone. Case A-2003-127 allowed the same church to operate at the same location for an additional three (3) years. The property has since been incorporated into the City of Center Point.
 - Case A-2002-039 allowed a church on Center Point Parkway to operate in a C-1 zone for two (2) years. Case A-2004-045 allowed the same church to operate at the same location for an additional three (3) years. The property has since been incorporated into the City of Center Point.
 - Case A-2002-120 allowed a church on Gadsden Highway to operated for 3 years and provide a signed parking arrangement with the neighboring business in an I-2 (Heavy Industrial) zoning district. Case A-2006-062 allowed the church on the property for an additional three (3) years. There is no longer a church on the property.
 - Case A-2003-154 allowed for a church on Center Point Parkway in a C-1 zoning district for a period of three (3) years. The property has since been incorporated into the City of Center Point.
 - Case A-2004-048 allowed a church on Center Point Parkway in a bay of an existing shopping center. The case was approved for 2 years, and the property has since been incorporated into the City of Center Point.
 - Case A-2006-101 allowed a church on Columbiana Road in a C-P (Preferred-Commercial) zoning district for a period of three (3) years. Case A-2010-033 allowed a church on the same property, but with no time limit.
 - Cased A-2007-146 allowed a church in a commercial bay on Forestdale Boulevard in a C-1(A) zoning district for a period of three (3) years with a stipulation the church would not oppose any alcohol sales that would otherwise be allowed in C-1(A) Zoning. Case A-2013-038 allowed a church on the same property without any time limit with the condition they not oppose establishment of the sale of alcohol that would otherwise be permitted in C-1 or C-1(A) zoning.
 - Case A-2011-069 allowed an existing church to remain on Bradford Road on property zoned I-3 with no time limit.

Attachment: A-23-0039-RPT [Revision 1] (11813 : A-23-0039)

PLOT PLAN EVALUATION

No plot plan was submitted with this request as the applicants are proposing to utilize an existing bay in an existing shopping center for the church use.

Aerial Photo

A-23-0039



0 200 400 800 Feet

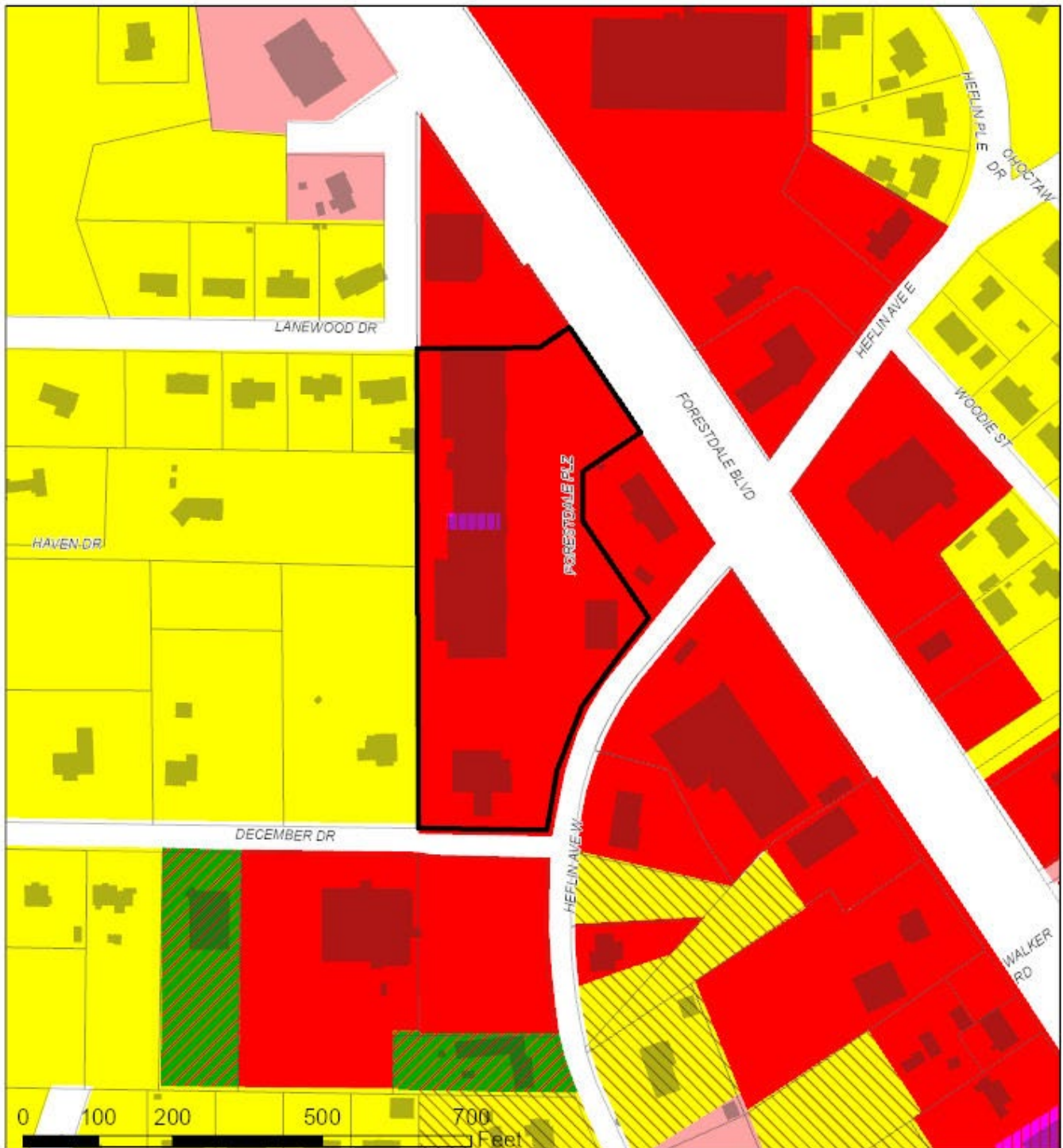


1/10/2024

Attachment: A-23-0039-RPT [Revision 1] (11813 : A-23-0039)

Current Zoning

A-23-0039



ZoningCode

■ C-1 Commercial
■ C-3 Commercial

■ C-P Preferred Commercial
■ INST-2 Institutional 2
■ R-1 Single Family
■ R-2 Single Family



1/10/2024

Attachment: A-23-0039-RPT [Revision 1] (11813 : A-23-0039)

JEFFERSON COUNTY
CONTRACT COVER SHEET

Originating Department:	Development Services		BID:
Department Contact	Joshua Johnson, Director of Development Services - Executive Exemp	Phone Number:	
Contract Info#: 11814	Contract Name/ID: A-24-0001/11814	Amount:	
Date Start:	Contract Type:		
Date End:			

STAFF

Prepared by Michael Morrison, Zoning Administrator and Carlton Minard, Planner

CASE/APPLICATION NUMBER

A-24-0001

APPLICANT/PROPERTY OWNER

Matthew S. Parker

PUBLIC HEARING DATE

January 22, 2024

PROPERTY ADDRESS/LOCATION

128 Shoreline Road, Bessemer, 35023

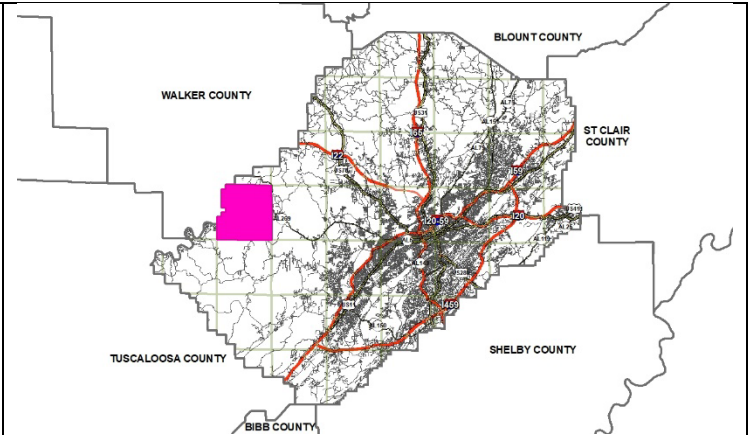
PID#: 1900200000009002

Section/Twp/Range : 2 / 17 / 6W

SUMMARY OF REQUEST

A variance to allow recording of a lot having less than the minimum required one acre.*

*concurrent subdivision request S-23-0087

**EXISTING ZONING****EXISTING LAND USE / SITE IMPROVEMENTS****SIZE OF PROPERTY**

A-1 (Agriculture)

Residence constructed in the late 1950s.

0.39 acres +/-

SURROUNDING ZONING & LAND USE

The subject property is located in an older community characterized by older housing stock, small lots, narrow streets, and mobile homes clustered around the shore and sloughs of the Warrior River.

STAFF RECOMMENDATION

Approval

PROPERTY HISTORY

The property consists of a lot in a subdivision that was recorded in 1946, prior to the establishment of County zoning or subdivision regulations.

COMPATIBILITY with the ZONING ORDINANCE

Section 701.02(a) Minimum Lot Size Requirement in A-1 zoning.

ATTACHMENTS

Conceptual
Development Plan

Aerial Image

Zoning Map

Attachment: A-24-0001-RPT (11814 : A-24-0001)

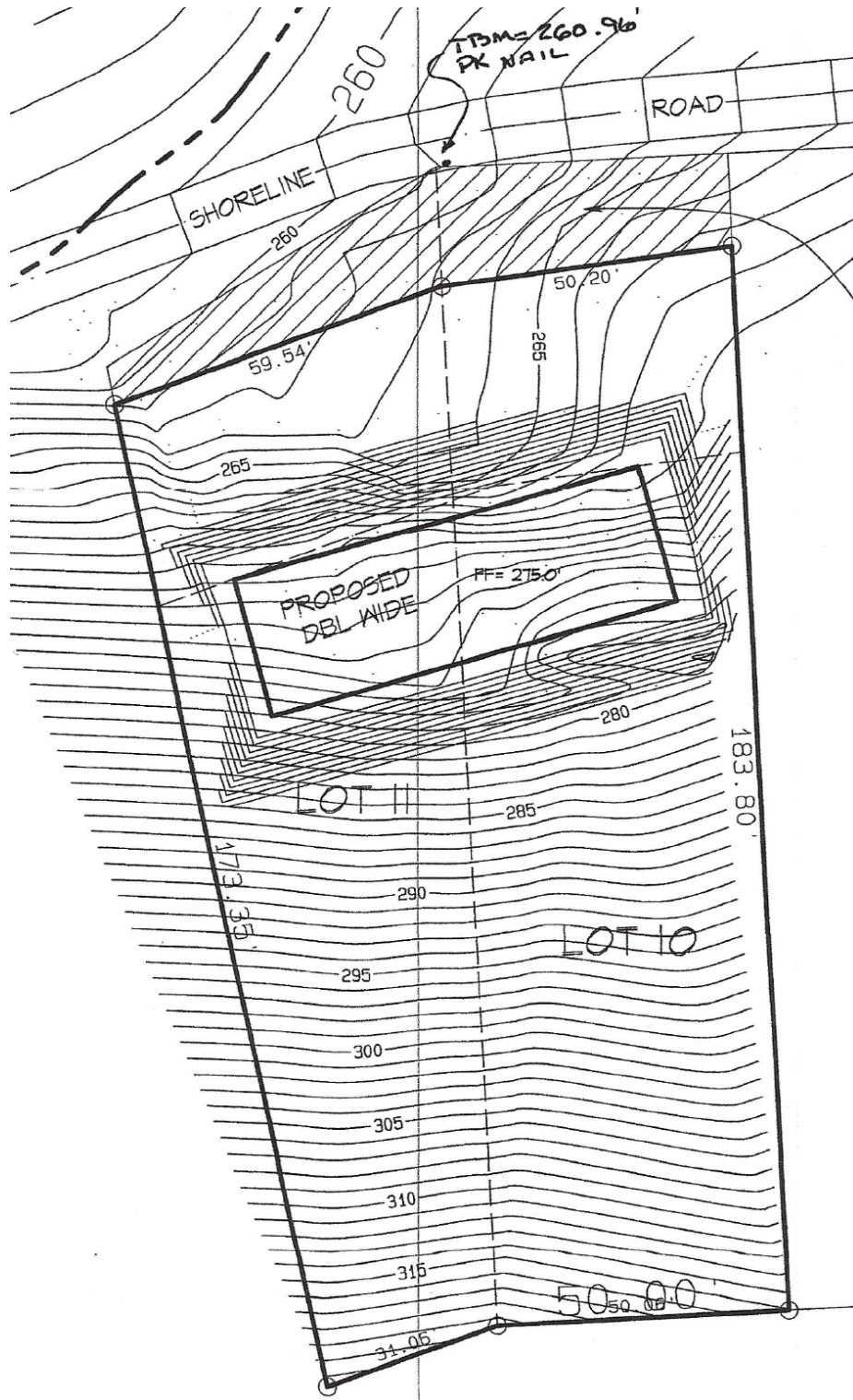
STAFF EVALUATION:

- The property owner plans to demolish an existing residence on the property and place a mobile home in its place.
- The property consists of two lots in a recorded subdivision, which requires resurvey of the lot into a single lot of record. Because this requires recording of a new subdivision lot, this variance has been requested, as the language of the zoning regulations stipulates in Section 701.02 that *"any new or future division of land in an A-1 zoning district, whether by recorded subdivision or otherwise, shall have a minimum of one acre per parcel or lot."*
- This subdivision was platted in the late 1940s and consists of 19 lots, all of which are substandard under current regulations. Many of the lots have been combined into larger tax parcels (for tax purposes only).
- Prior to 2005, the County only required a minimum of 15,000 square feet for lots in A-1 zoning.
- The majority of lots within this particular community that are zoned A-1, have less square footage than the property in question. The lots within this particular block are either the same size as the proposed lot, or they are smaller.
- Pending approval of the variance request, the Planning & Zoning Commission is scheduled to hear the subdivision request on February 8, 2024.
- As A-1 zoning is dominant in this area, and most of the existing lots/tracts have less acreage than the proposed lot, and by resurveying these two (2) lots into one results in a larger lot than the square footage of each individual lot, approval of this variance is not expected to result in any adverse impacts or disrupt the development pattern of the neighborhood.

Attachment: A-24-0001-RPT (11814 : A-24-0001)

PLOT PLAN EVALUATION

The plot plan below shows the existing tract, and planned orientation of a mobile home on the property. The subdivision plat has not been submitted at this time for review.



Attachment: A-24-0001-RPT (11814 : A-24-0001)

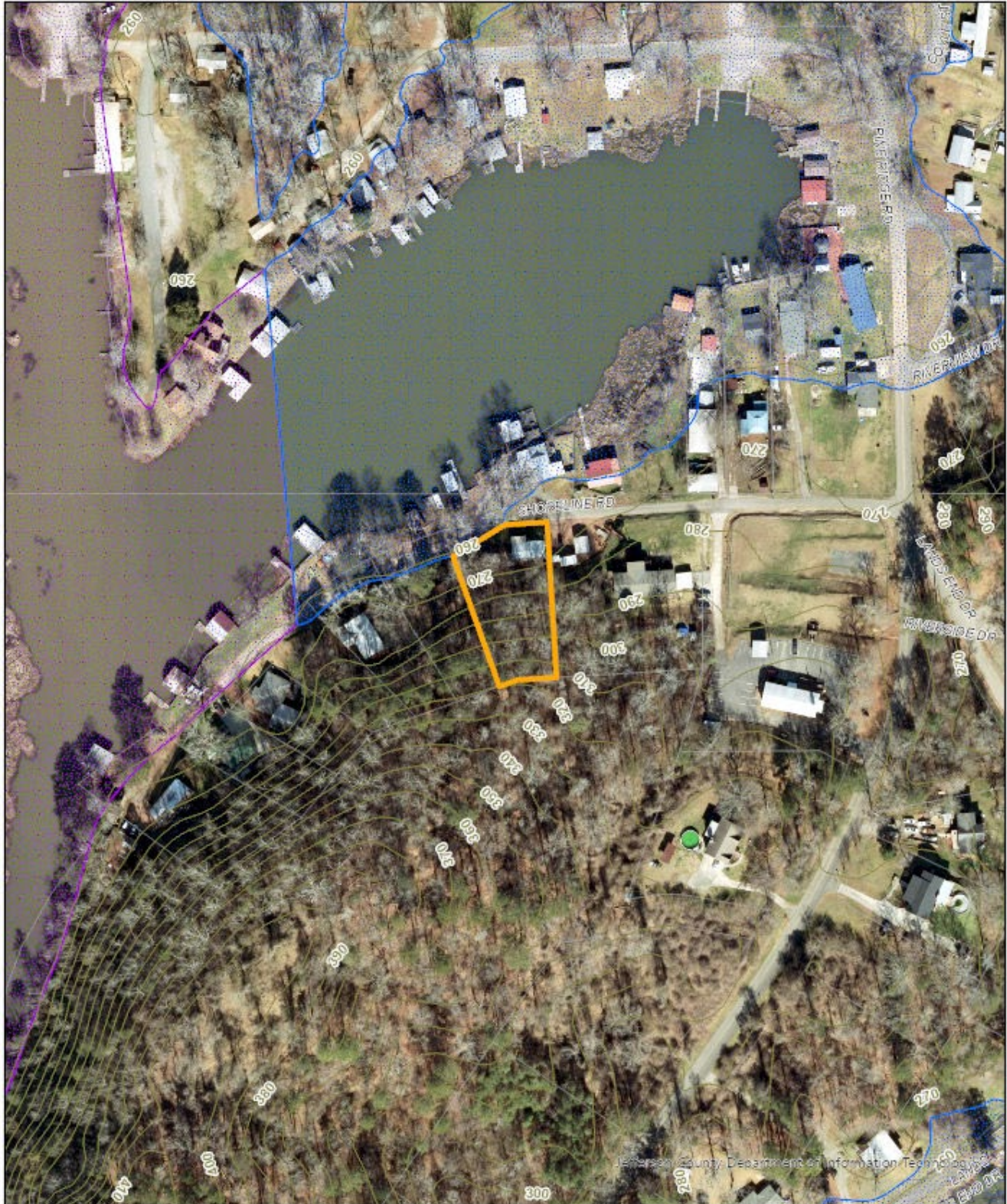
AREA LOT SIZE EVALUATION

The map below shows the subject property (outlined in turquoise) and the surrounding community that is bound by a section line to the north and the waters of the Warrior River to the east and west. The property is roughly the same size as those within the same subdivision (which are zoned A-1). There are several other lots on the peninsula that have A-1 zoning that contain less square footage than the subject property.



Aerial Photo

A-24-0001



0 100 300 600 Feet

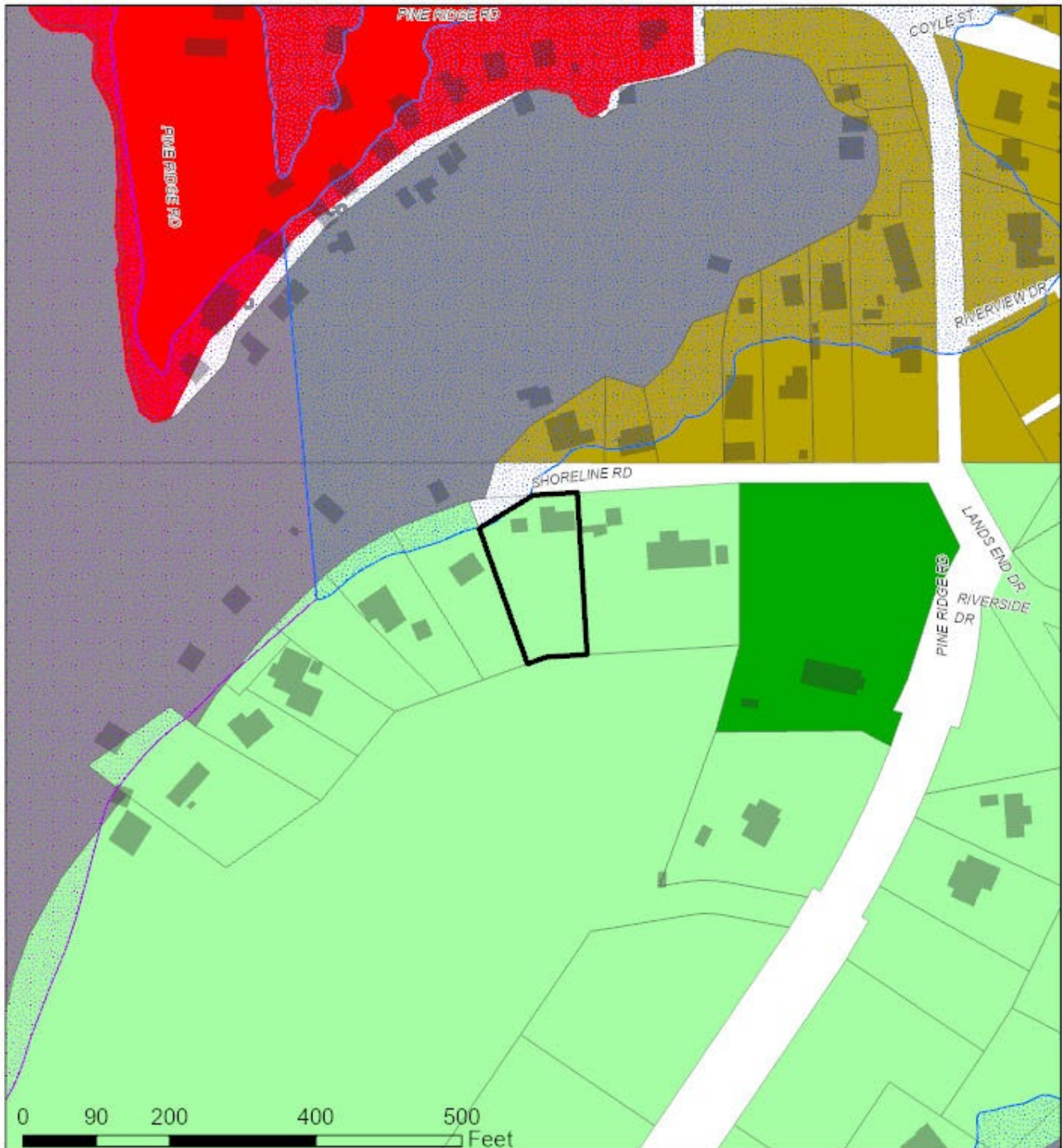


1/17/2024

Attachment: A-24-0001-RPT (11814 : A-24-0001)

Current Zoning

A-24-0001



FEMA Flood Hazard Areas ZoningCode

A
AE

A-1 Agricultural
C-1 Commercial
INST-1 Institutional 1
R-6 Single Family



Attachment: A-24-0001-RPT (11814 : A-24-0001)

JEFFERSON COUNTY
CONTRACT COVER SHEET

Originating Department:	Development Services		BID:
Department Contact	Joshua Johnson, Director of Development Services - Executive Exemp	Phone Number:	
Contract Info#: 11815	Contract Name/ID: A-24-0002/11815	Amount:	
Date Start:	Contract Type:		
Date End:			

STAFF

Prepared by Michael Morrison, Zoning Administrator and Carlton Minard, Planner

CASE/APPLICATION NUMBER

A-24-0002

APPLICANT/PROPERTY OWNER

Robert Rush Smith Johnson & Alana Johnson

PUBLIC HEARING DATE

January 22, 2024

PROPERTY ADDRESS/LOCATION

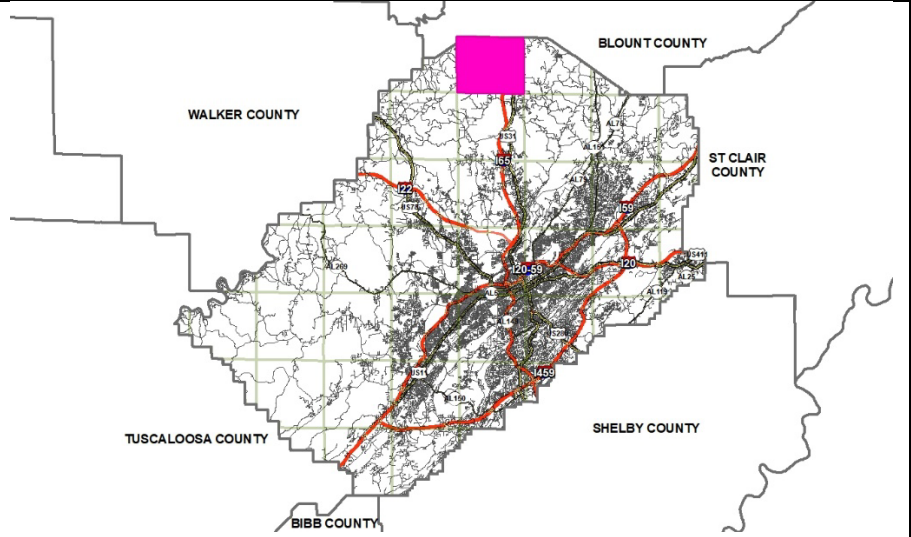
Address: 1720 Morton Road, Warrior, 35180

Parcel ID # 0300190000008001

Section/Twp/Range: 19 / 14 / 3W

SUMMARY OF REQUEST

A variance to allow construction of an accessory structure in absence of first establishing a residence in a recorded subdivision



EXISTING ZONING	SITE IMPROVEMENTS / EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SIZE OF PROPERTY
A-1 (Agriculture)	Vacant/ Undeveloped	This area consists of large vacant or residential tracts. With a few exceptions, most of the tracts along Morton Road are zoned A-1 (Agriculture). There are a few lots along the road, and the lots within the abutting conventional subdivision that are zoned R-1.	1.92 acres +/-

STAFF RECOMMENDATION

Approval

PROPERTY HISTORY

This property retains its original A-1 zoning. This subdivision was recorded in 2019.

COMPATIBILITY with the ZONING ORDINANCE

Article 11, Section 1102 requires the construction of a principal building prior to the establishment or construction of an accessory building in all residential zoning districts and in recorded subdivisions in A-1 (Agriculture) zoning.

ATTACHMENTS

Site Plan

Aerial Image

Current Zoning Map

Attachment: A-24-0002-RPT (11815 : A-24-0002)

STAFF SUMMARY

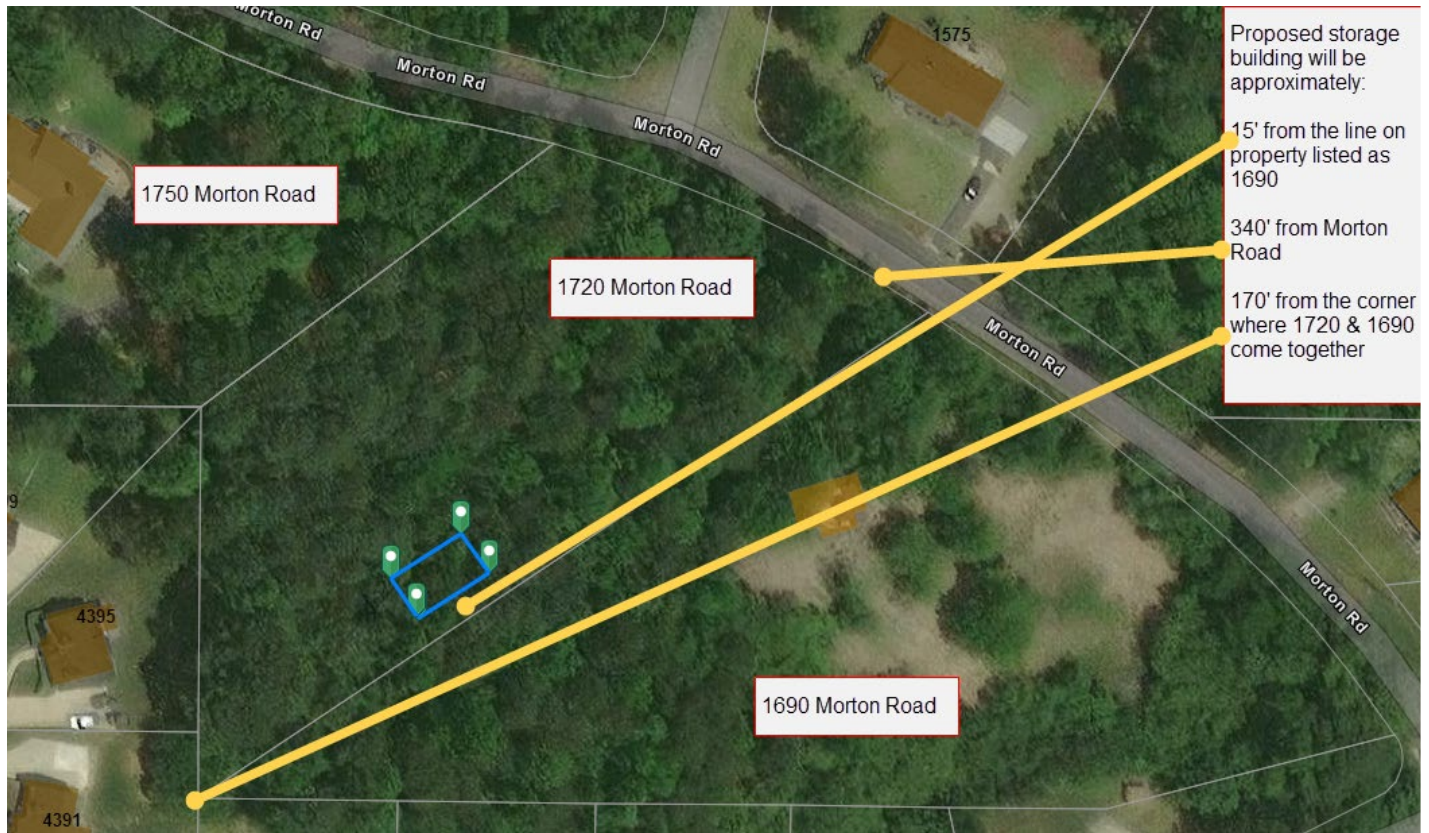
- A-1 (Agriculture) allows for placement of accessory structures on properties prior to construction of a primary dwelling and in front of the primary dwelling unit with the exception of properties within a recorded subdivision.
- The applicant has stated the structure will be used for personal storage (i.e., not for business purposes). The applicant is planning to eventually construct a residence on the property.
- The intent of the regulation in question is to restrict construction/placement and location of accessory structures on properties in more conventional single-family subdivisions that were developed in A-1 zoning prior to the establishment of the minimum lot size of one (1) acre in 2005, and prior to the proper enforcement of the County subdivision regulations in 2003.
- If this property were an acreage tract described by metes and bounds (regardless of size) there would be no need for this variance as the accessory structure could be permitted by right, provided the building would satisfy setback requirements.

BOARD PRECEDENT EVALUATION

- Since 1993, there have been 12 cases where it has been requested to construct an accessory structure prior to establishing a residence on properties zoned A-1 that are within a recorded subdivision. Each case was approved.
- Of those 11 cases, nine (9) contained more than one acre (A-1993-090, A-1993-143, A-1995-053, A-20-0029, A-21-0003, A-22-0006, A-22-0038). All eight (8) cases were approved. However, two (2) of those cases had two-year time limit for which to construct a residence.
- There were two (2) cases involving a property containing less than one (1) acre. One case involved a property consisting of three (3) lots of record along the Warrior River, which was approved without any time limit (A-2005-130). The other was a 0.80-acre lot in a small, isolated subdivision that consisted mostly of family members in the Pinson area (A-21-0008).

CONCEPTUAL DEVELOPMENT PLAN EVALUATION

The picture below depicts the approximate location of the proposed accessory structure on the property. The location of the accessory structure allows for plenty of room for construction of a residence in front of the accessory structure as required in recorded subdivisions in A-1 zoning.



Attachment: A-24-0002-RPT (11815 : A-24-0002)

Aerial Photo

A-24-0002



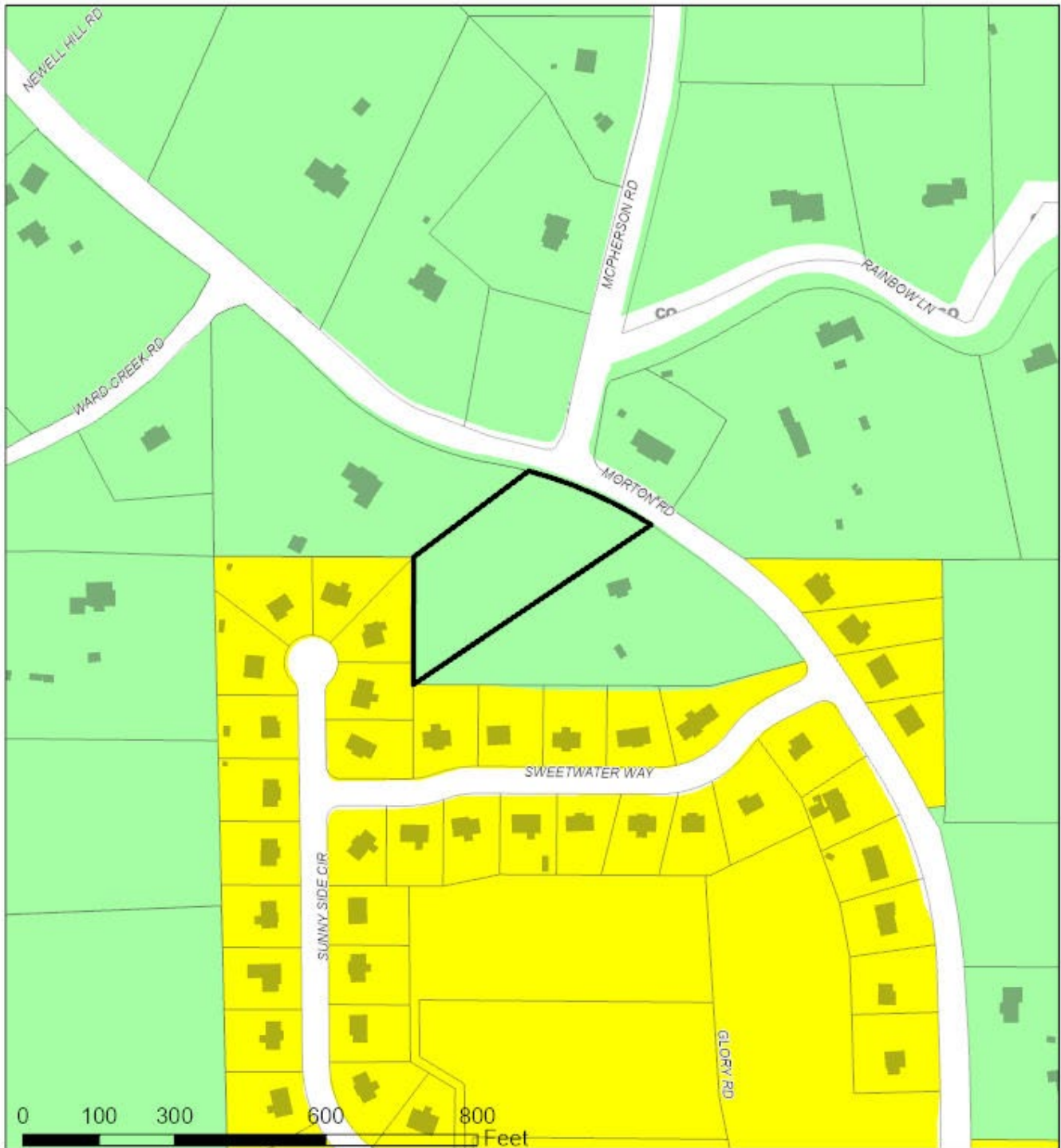
Attachment: A-24-0002-RPT (11815 : A-24-0002)

0 100 300 600 Feet



Current Zoning

A-24-0002



ZoningCode

- A-1 Agricultural
- R-1 Single Family



1/17/2024

Attachment: A-24-0002-RPT (11815 : A-24-0002)

LETTER OF SUPPORT

From: Short, Ronny <shortr@jccal.org>
Sent: Wednesday, January 17, 2024 11:28 AM
To: Contact_Zoning <Contact_Zoning@jccal.org>
Subject: CASE # A-24-0002 Jan 22, 2024

Good morning, In response to your notice of public Hearing set on January 22,2024 that was sent to my home address of 1775 SweetWater Way Warrior, AL 35180. I would like to voice to you that I have no objections to Robert Rush Johnson & Alana Johnson who will be residing soon at 1720 Morton Rd Warrior, AL 35180 for placing an accessory structure in absence of first establishing a primary residence. In fact numerous residence in the SweetWater Community welcome the Johnson's back into our community after having to sell earlier than expected due to unforeseen family health issues. They were outstanding neighbor's and I look forward to them being my neighbor again only this time behind my home. Thankyou for your time on this issue.

*Sgt. Ronny Short
Jefferson County Sheriff's Office
Sex Offender Unit
Office 205-325-5800
Cell 205-276-7756
Fax 205-521-5500*



Attachment: A-24-0002-RPT (11815 : A-24-0002)

JEFFERSON COUNTY
CONTRACT COVER SHEET

Originating Department:	Development Services		BID:
Department Contact	Joshua Johnson, Director of Development Services - Executive Exemp	Phone Number:	
Contract Info#: 11816	Contract Name/ID: A-23-0003/11816	Amount:	
Date Start:	Contract Type:		
Date End:			

STAFF

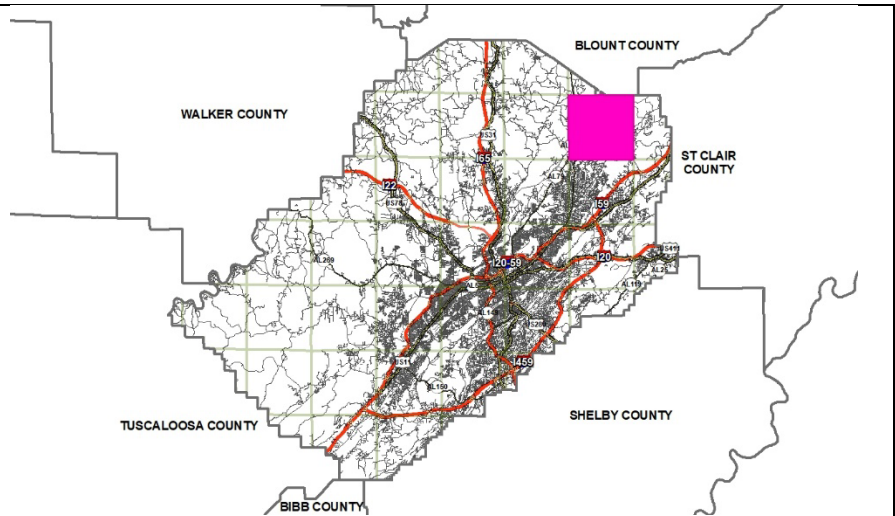
Prepared by Michael Morrison, Zoning Administrator and Carlton Minard, Planner

CASE/APPLICATION NUMBER A-24-0003	APPLICANT/PROPERTY OWNER Michael Griffin / IMBRE, LLC
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PUBLIC HEARING DATE January 22, 2024	PROPERTY ADDRESS/LOCATION Addresses: 4192, 4196, 4210, 4218, 4222, 4226, 4230, 4234, 4238, 4242, 4246, 4245, and 4241 Jordan Circle, Pinson, 35126 Parcel ID#s: 0900063000066000, 0900063000065000, 0900063000064000, 0900063000063000, 0900063000061000, 0900063000060000, 0900063000059000, 0900063000058000, 0900063000056000, 0900063000055000, 0900063000054000, 0900063000053000, 0900063000052000 Section/Twp/Range: 6 / 15 / 1W
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SUMMARY OF REQUEST

Variances from the terms of the zoning resolution to allow new residential construction on 13 lots within an existing subdivision under construction to have a minimum 40-foot front setback in lieu of the required 50 feet.



EXISTING ZONING	SITE IMPROVEMENTS / EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SIZE OF PROPERTY
E-2 (Estate)	Residential subdivision under construction	The subject property is an addition to an existing subdivision to the south, which is also zoned E-2. A-1 (Agriculture) zoning dominates the surrounding area peripheral to Highway 79. Much of the frontage along Highway 79 is zoned C-1 (Commercial).	7.2 acres +/-

STAFF RECOMMENDATION

Approval

PROPERTY HISTORY

This property retains its original A-1 zoning. This subdivision was recorded in 2019.

COMPATIBILITY with the ZONING ORDINANCE

Section 603.02(c) – Minimum Yard Requirements in E-2 zoning.

ATTACHMENTS

Site Plan

Aerial Image

Current Zoning Map

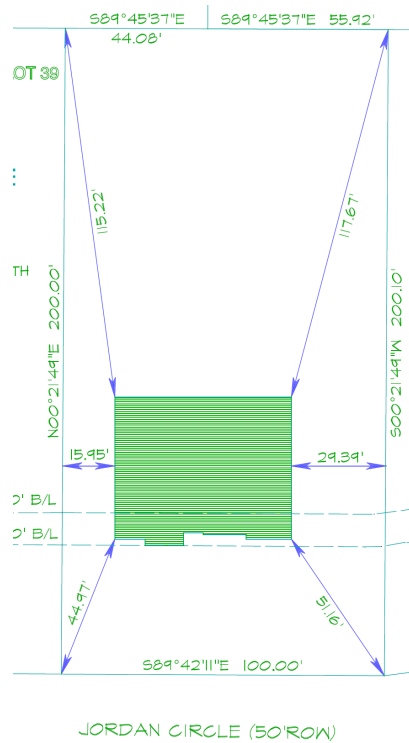
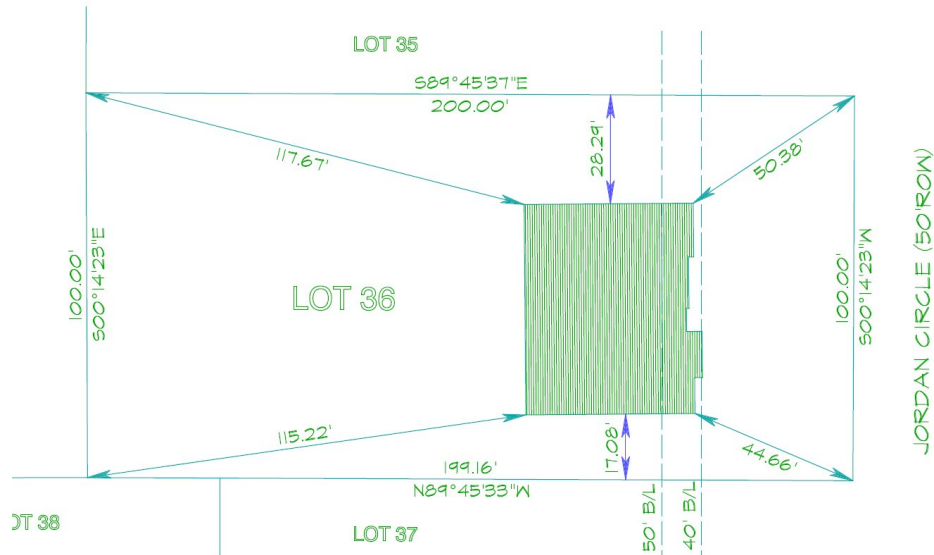
Attachment: A-24-0003-RPT (11816 : A-23-0003)

STAFF SUMMARY

- There is no land-related hardship in this particular request, but the request is minor in nature, and will not have an effect on any existing residences.
- This case was filed when it was discovered there was an error in the permitting on two (2) of these lots, where the foundations of the buildings were poured having a 40-foot setback in lieu of the minimum required 50 feet. The lots are all on one side of an otherwise undeveloped street.
- The applicant filed this case in order to “bless” an error of construction, and to establish a uniform setback for all of the buildings on the same side as the street, as well as take into account lots within a cul-de-sac where there are often issues with satisfying front setback requirements.
- As this subdivision is under construction, and granting this variance would establish a visual uniformity along the streetscape, there are no foreseen adverse impacts from granting this request.

CONCEPTUAL DEVELOPMENT PLAN EVALUATION

The two final foundation surveys below were submitted for the two (2) lots that have been permitted. Both lots are north of or west of Jordan Circle. The variance would establish a 40-yard front setback for the remainder of the lots to maintain uniformity along this side of the street.



Aerial Photo

A-24-0003



0 300 600 1,000 Feet

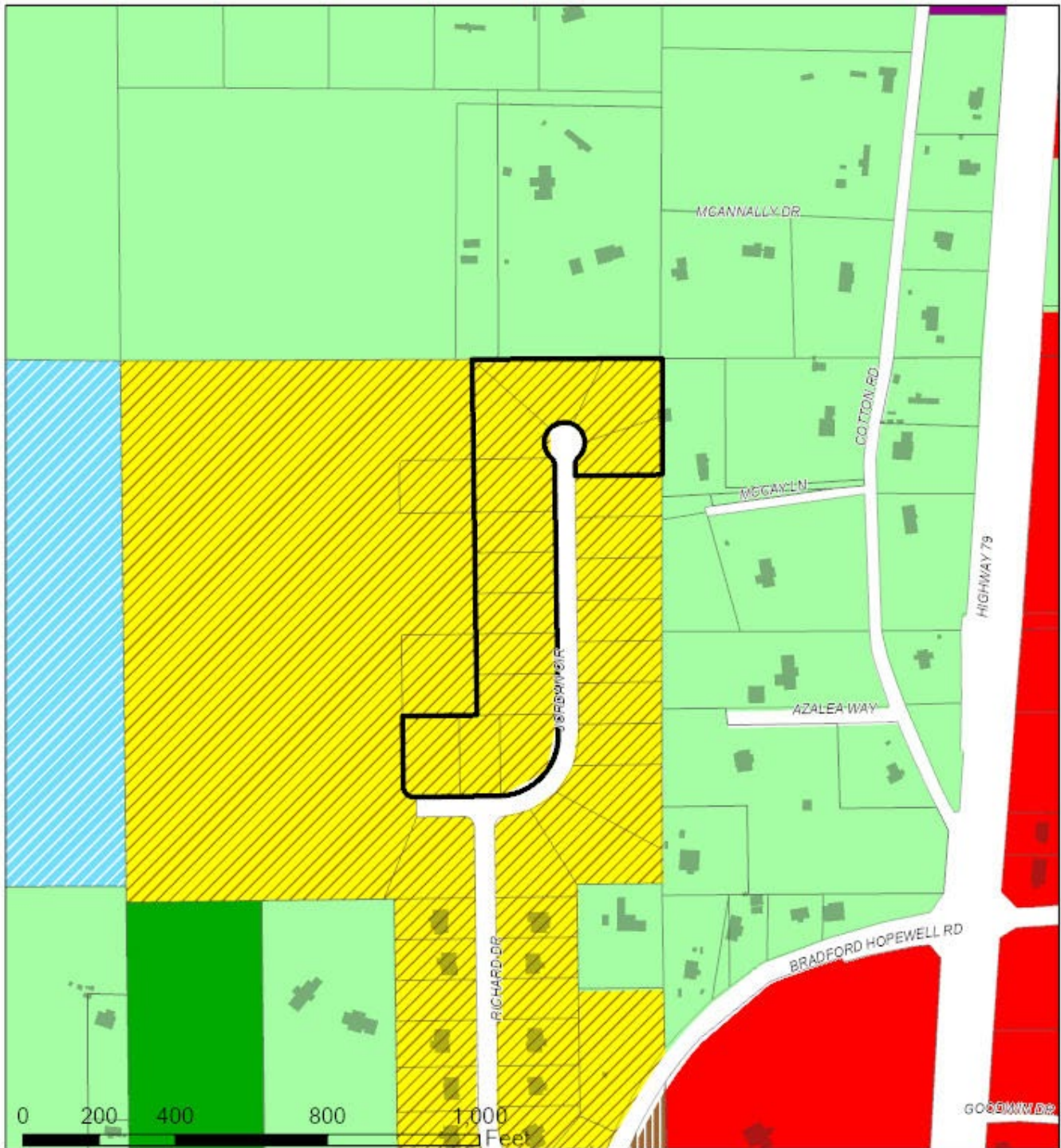


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Attachment: A-24-0003-RPT (11816 : A-23-0003)

Current Zoning

A-24-0003



ZoningCode

A-1 Agricultural

C-1 Commercial

E-2 Single Family Estate

I-1 Light Industrial

I-3 Industrial

INST-1 Institutional 1

R-5(B) Mobile Home Park



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