



CITY OF LEEDS, ALABAMA

BOARD OF ZONING ADJUSTMENTS AGENDA

City Hall Annex - 1412 9th St., Leeds, AL 35094

December 19, 2023 @ 5:00 PM

CALL TO ORDER:

ROLL CALL:

DETERMINATION OF QUORUM:

APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):

OLD BUSINESS:

OTHER BUSINESS:

1. A23-000026- A REQUEST BY GARDUNO LUCERO & ALANIS OCTAVIO, OWNERS AND APPLICANTS, TO REQUEST A REDUCTION OF THE SIDE SETBACK (SOUTH) FROM THAT REQUIRED FOR AN ACCESSORY STRUCTURE (NON-FARM) IN THE A-1, AGRICULTURE DISTRICT, TO 3' 6" (THREE FEET - SIX INCHES) LOCATED IN FRONT OF THE PRINCIPAL STRUCTURE AT 408 FOSTER DR, 35094; TPID 27 00 02 4 000 008.001; JEFFERSON COUNTY; ZONED A-1, AGRICULTURE.
2. A23-000027 - A request by Daniel Ray, Applicant and Owner, to allow for used car sales at 1437 Ashville Rd, 35094, TPID 26025150001034000, St Clair Co. Zoned- B-2, General Business District.

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 205-699-2585.

File Attachments for Item:

1. A23-000026- A REQUEST BY GARDUNO LUCERO & ALANIS OCTAVIO, OWNERS AND APPLICANTS, TO REQUEST A REDUCTION OF THE SIDE SETBACK (SOUTH) FROM THAT REQUIRED FOR AN ACCESSORY STRUCTURE (NON-FARM) IN THE A-1, AGRICULTURE DISTRICT, TO 3' 6" (THREE FEET - SIX INCHES) LOCATED IN FRONT OF THE PRINCIPAL STRUCTURE AT 408 FOSTER DR, 35094; TPID 27 00 02 4 000 008.001; JEFFERSON COUNTY; ZONED A-1, AGRICULTURE.

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NOTICE OF PUBLIC HEARING

City of Leeds, Alabama
Zoning Board of Adjustments

APPLICATION

An application to request a reduction of the side setback (south) from that required for an accessory structure (non-farm) in the A-1, Agriculture District, to 3' 6" (three feet - six inches) located in front of the principal structure at 408 Forest Dr, 35094; TPID 27 00 02 4 000 008.001; Jefferson County; Zoned A-1, Agriculture.

Zoning Board of Adjustments

The Zoning Board of Adjustments is vested with the responsibility and authority of authorizing variances that will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

CASE #:	A23-000026
APPLICANT NAME:	GARDUNO LUCERO & ALANIS OCTAVIO
PROPERTY OWNER:	GARDUNO LUCERO & ALANIS OCTAVIO
TAX PARCEL ID#S:	2700024000008001
PROPERTY ADDRESS:	408 FOSTER RD; LEEDS, AL 35094
PROPERTY ZONING:	A-1: AGRICULTURE DISTRICT

NOTICE IS HEREBY GIVEN that the Board of Zoning Adjustments will hold a public hearing on the proposed preliminary plat. The hearing is scheduled on:

Date: December 19, 2023
Time: 5:00 p.m.
Place: Leeds Annex Meeting Room
1412 9th St
Leeds, AL 35094

Public Information: Any interested persons or their representatives may appear at the meeting and comment on the application. Written comments may also be mailed to the Board

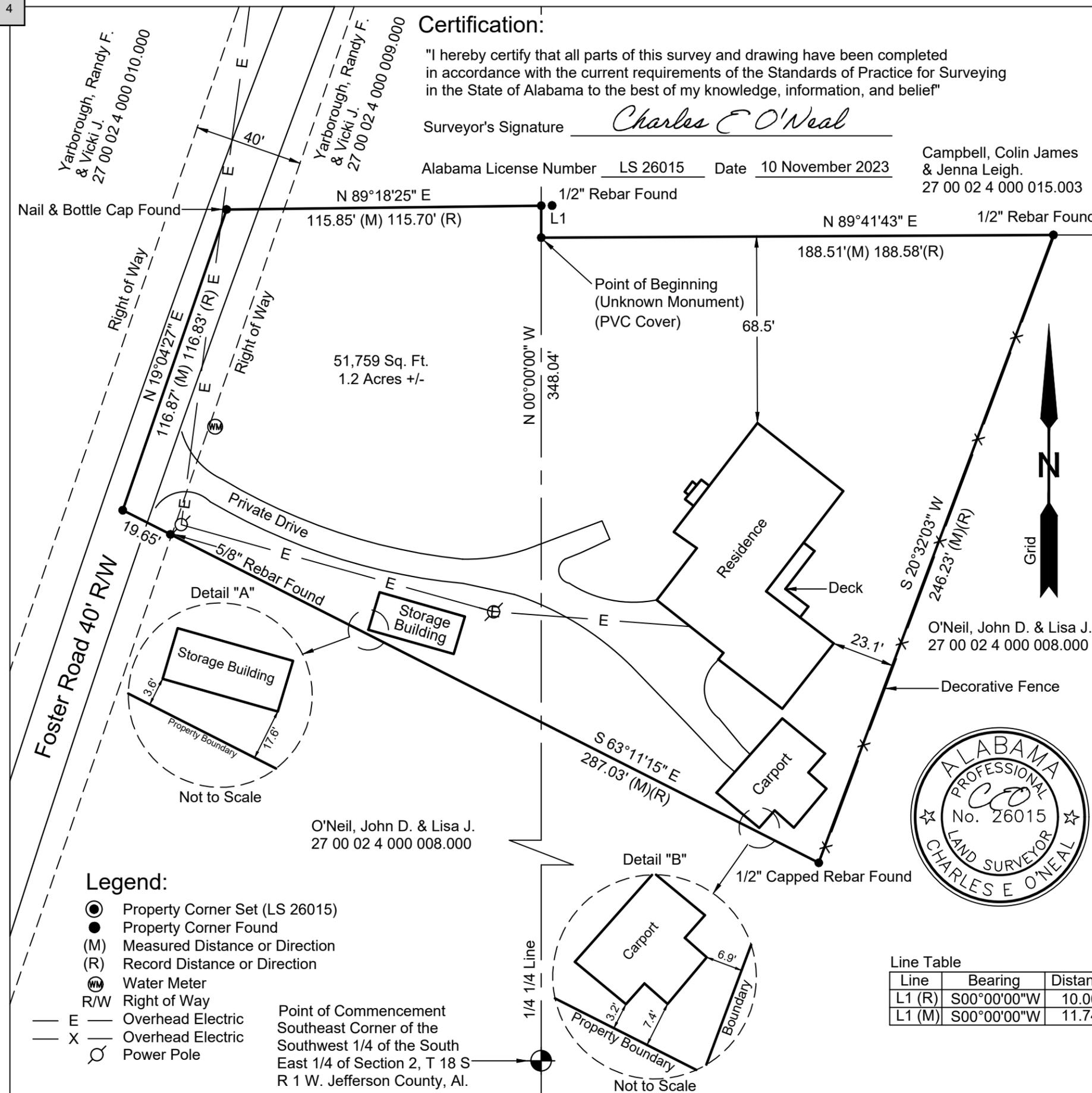
For more information about the application and related issues or to schedule an appointment:

Phone: 205-699-0943

E-mail: bwatson@leedsalabama.gov

Mailing Address:

Leeds Zoning Board of Adjustments
c/o Development Services
1404 9th Street
Leeds, AL 35094



Certification:

"I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief"

Surveyor's Signature Charles E O'Neal

Alabama License Number LS 26015 Date 10 November 2023

Campbell, Colin James & Jenna Leigh.
27 00 02 4 000 015.003

Land Description

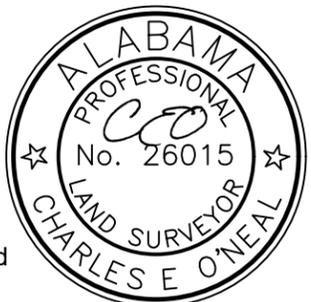
**State of Alabama
Jefferson County**

Part of the Southeast 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 18 South, Range 1 West, Jefferson County, Alabama and being more particularly described as follows:

Commence at the Southeast Corner of the Southwest 1/4 of the Southeast 1/4 of said Section 2; Thence run North along the East line of same 348.04' feet to the Point of Beginning; Thence run N 89°41'43" E a distance of 188.58' feet to an existing 1/2" Rebar; Thence run S 20°32'03" W a distance of 246.23' feet to an existing 1/2" Capped Rebar; Thence run N 63°11'15" W a distance of 287.03' feet to the Centerline of Foster Road; Thence run N19°04'27" E along the Centerline of Foster Road a distance of 116.83' feet to an existing nail and bottle cap; Thence run S 89°18'25" W a distance of 115.70' feet to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 2; Thence run S 0°00'00" W a distance of 10' feet to the Point of Beginning of herein described Parcel containing 1.2 Acres +/- . According to the survey performed by Charles E. O'Neal on the 27th of October 2023.

Notes:

1. This survey was performed without the benefit of a title search.
2. No underground utilities were located during the course of this survey unless noted.
3. The purpose of this survey is to show the Property Boundary and the associated structures located upon it. To provide information about structure location and proximity to the Boundary.
4. The subject property lies within FEMA Special Flood Hazard Area "X" according to the FEMA Flood Insurance Rate Map #01073C0601H for Jefferson County and Unincorporated Areas. effective 9/24/2021.
5. FEMA Special Flood Hazard Area "X" is defined as an area with minimal flood risk.
6. Bearings based upon GNSS observations utilizing The Alabama Department of Transportation Continuously Operating Reference Station AL.30.
7. State Plane Coordinates are based upon The North American Datum of 1983 Alabama East Zone Grid.
8. Survey is not valid without Surveyors Seal and Signature.



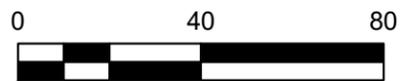
Line Table

Line	Bearing	Distance
L1 (R)	S00°00'00"W	10.00'
L1 (M)	S00°00'00"W	11.74'

Legend:

- Property Corner Set (LS 26015)
- Property Corner Found
- (M) Measured Distance or Direction
- (R) Record Distance or Direction
- ⊕ Water Meter
- R/W Right of Way
- E — Overhead Electric
- X — Overhead Electric
- ⊙ Power Pole

Point of Commencement
Southeast Corner of the
Southwest 1/4 of the South
East 1/4 of Section 2, T 18 S
R 1 W. Jefferson County, Al.



Boundary Survey

for
Ricardo Reyes & Family

Survey Date	O'Neal & Associates Inc. 870 Rivercrest Drive Vincent, Alabama 35178 (205) 500-1749 onealandassociatesinc@outlook.com CA-1128-LS
27 October 2023	
Certification Date	Property Address: 408 Foster Road Leeds, Alabama 35094
10 November 2023	
SCALE	SHEET
1"=40'	10F1

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Variance Meeting Case A23000026

Leigh Ann Harris <leigh.ann.harris@oracle.com>

Mon 12/18/2023 1:23 PM

To: Brad Watson <bwatson@leedsalabama.gov>

Leeds Zoning Board,

As a resident of Leeds, residing on Brasher Farm Road, I'm writing to express my **lack** of support for a zoning adjustment at 408 Foster Road. I pass by this property every day and the temporary structure sitting in the front yard, very close to the road, appears to be in conflict with rules and standards in the area. To maintain the value of our property in this area, I do not recommend lowering our standards and allowing this variance, which would set the precedence for others to follow suit.

Thanks,
Leigh Ann Harris

Oracle North America Cloud Infrastructure
Senior Vice President, Demand Services
Mobile: 850-890-6857

To View Campaign 360 programs or request a new program for consideration, visit the Campaign 360 tab, on the [Demand Services Portal](#).

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Variance Meeting Case A23000026

Maria Alexander <malexander2463@gmail.com>

Mon 12/18/2023 7:07 PM

To: Brad Watson <bwatson@leedsalabama.gov>

Dear Leeds Zoning Board,

As a resident of 436 Foster Road, we are writing to express our lack of support for a zoning adjustment at 408 Foster Road. This property is very close to our farm, just two properties over. The temporary structure sits in the front yard on cement blocks and is very close to the road. It appears to be in conflict with rules and standards in the area.

1. Non-residential accessory structures and buildings, up to twelve feet (12') in height, shall be permitted within five feet (5') of any side or rear property line; but, such structures shall not occupy any portion of the front yard. All accessory buildings above twelve feet (12') in height shall be set back one additional foot (1') for each four feet (4') in height above twelve feet (12') up to the maximum height limitation of the district in which located.
2. All non-residential accessory buildings and structures shall be constructed of materials that are compatible with other buildings in the district in which they are located in order to insure that the aesthetic value and appearance of the neighborhood is maintained.

So, this structure appears to violate several provisions.

1. It is in front of the house.
2. It is too close to the side setback line.
3. It is NOT constructed of materials compatible with other buildings in the district to insure that the aesthetic value and appearance of the neighborhood is maintained.

To maintain the value of our property in the valley, we do not recommend lowering our standards and allowing this variance, which would set the precedence for others to follow suit.

Thanks,

Kevin & Maria Alexander

436 Foster Road

Leeds, AL 35094

DEC 18 23 PM 1:29

12/18/2023

Leeds Zoning Board of Adjustments
c/o Development Services
1404 9th Street
Leeds, AL 35094

I will not be able to attend tomorrow's zoning meeting, but I would like to express my strong opposition to the variance request A23-000026. The request only mentions that the structure as currently placed violates the minimum setback. **My main concern is that it violates the prohibition against placing outbuildings in front of a residence.** As currently placed, this particular structure is an eyesore, and granting approval would set a very bad precedence.

I understand they are claiming a hardship due to flooding in their backyard. I cannot confirm or deny how often or how much their backyard floods, but the current structure is on blocks at least 12 inches, and would be very surprised that water could ever reach that level. In any case, the applicant does not have the "right" to an auxiliary storage building if it is in violation of current restrictions; the community does have a right for structures to be in violation of restrictions. If they are desperate for additional storage, and they find their backyard not to be suitable, there are many mini storage options within a reasonable distance from their home.

I-along with other members of the Cahaba Valley Homeowner's Association- urge you to **NOT** approve this variance.

Thank you.



Scott Christopher

7484 Mountain View Lane

Leeds, AL 35094

A23-000026 408 FOSTER RD FLOOD

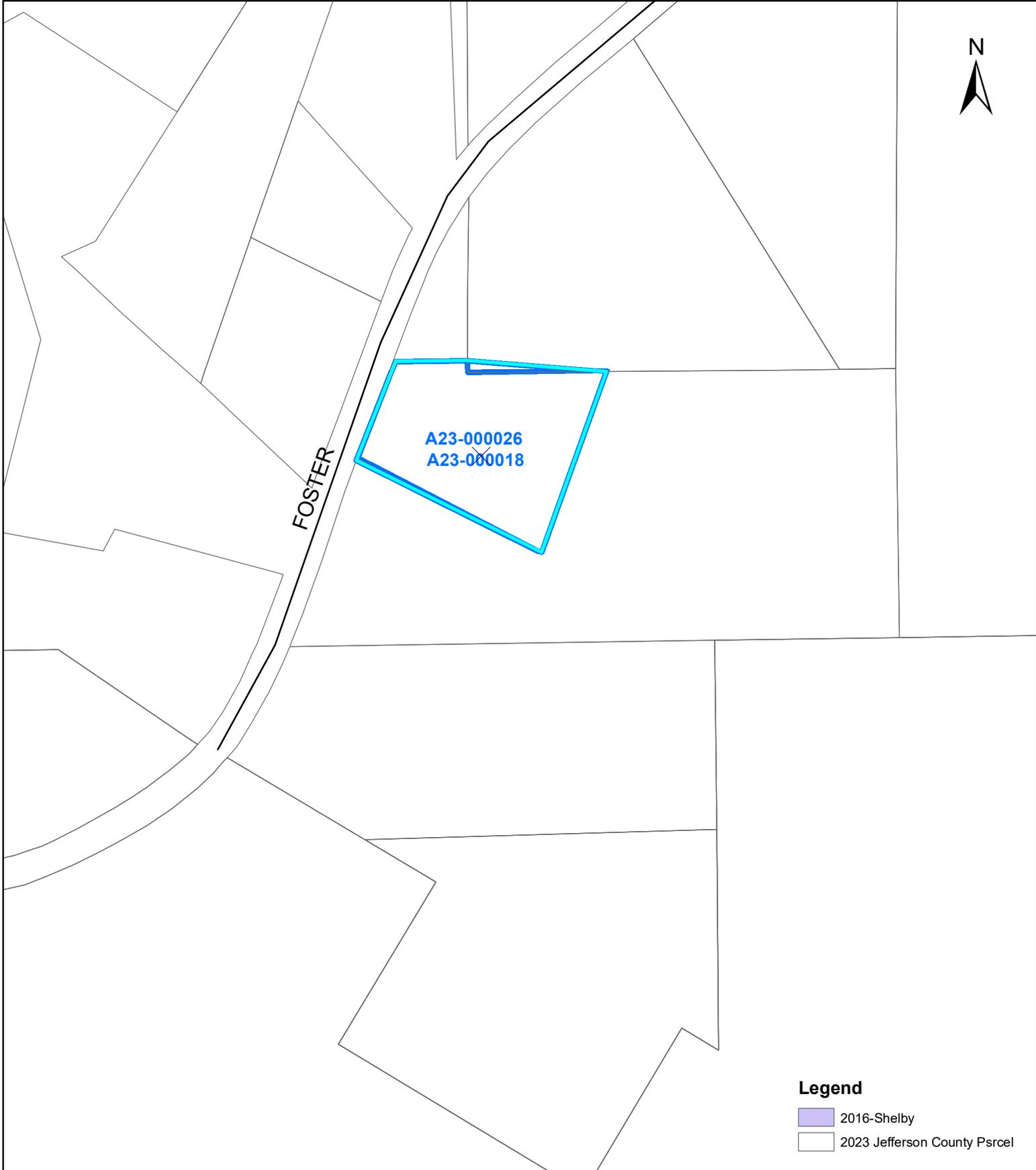


FOSTER

A23-000026
A23-000018

Legend

-  2016-Shelby
-  2023 Jefferson County Psrce



A23-000026 408 FOSTER RD ZONING



Source: Esri, Maxar, Earthstar Geo

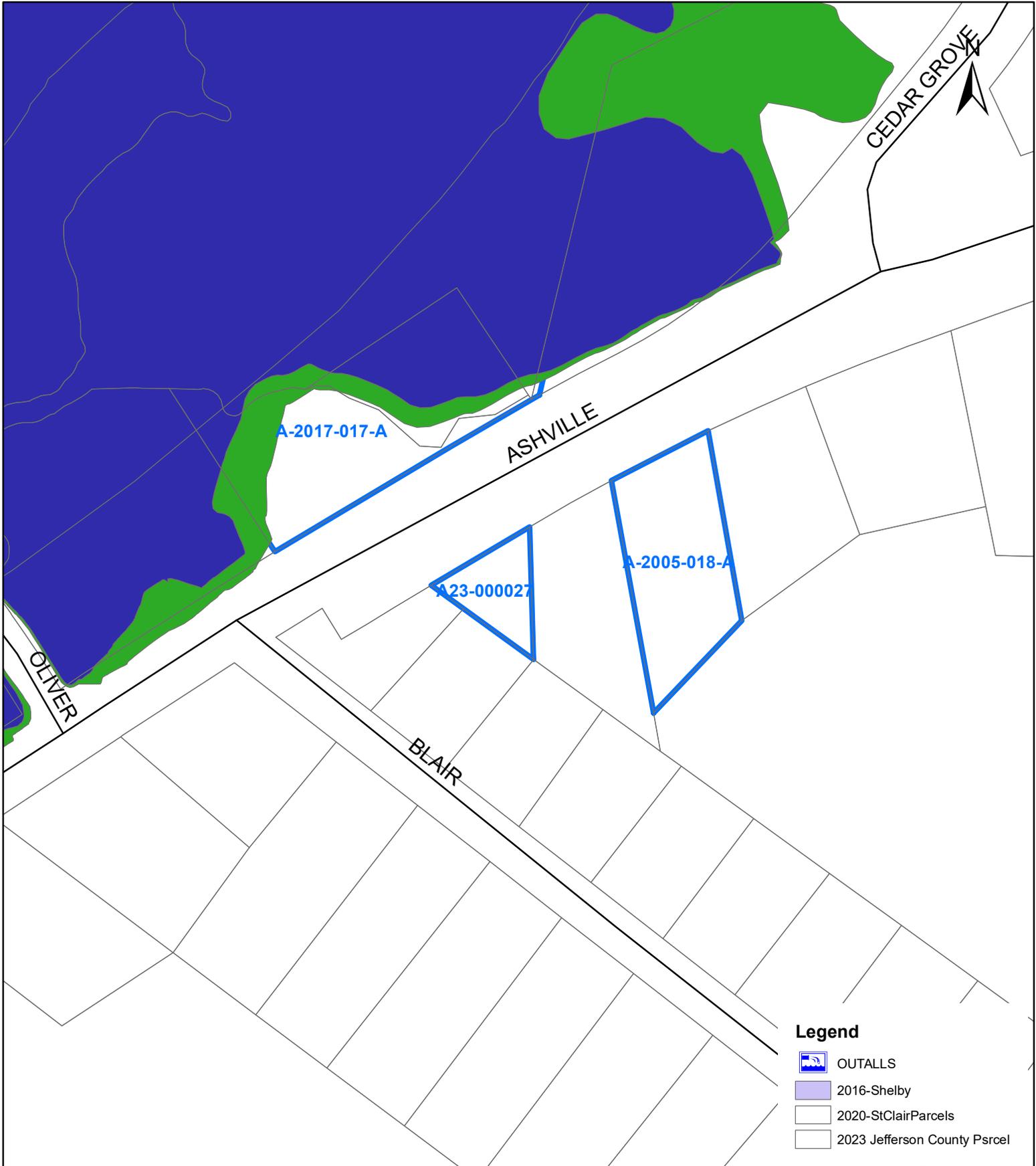
A23-000026 408 FOSTER RD AERIAL



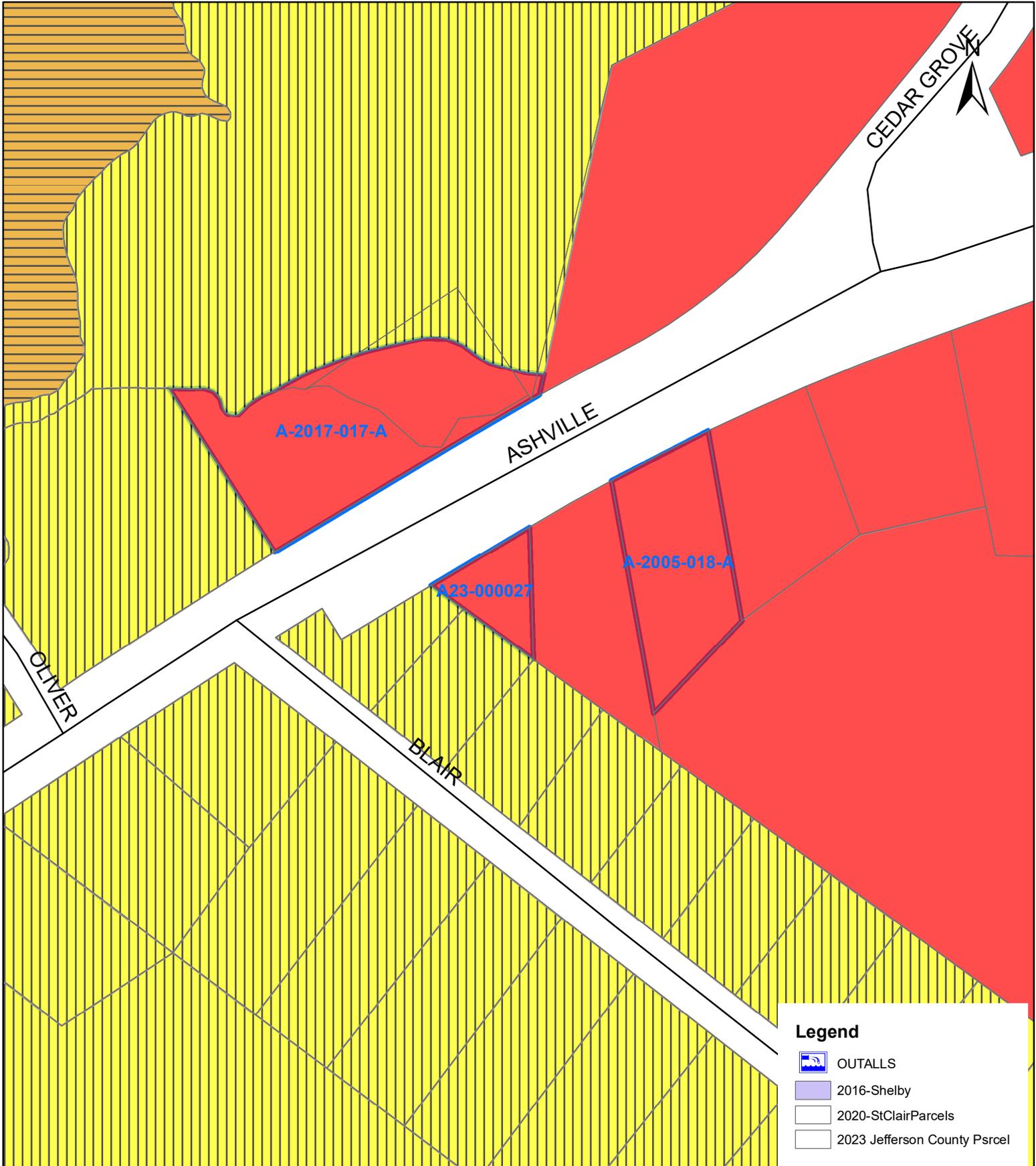
File Attachments for Item:

2. A23-000027 - A request by Daniel Ray, Applicant and Owner, to allow for used car sales at 1437 Ashville Rd, 35094, TPID 26025150001034000, St Clair Co. Zoned- B-2, General Business District.

A23-000027 1437 ASHVILLE RD FLOOD



A23-000027 1437 ASHVILLE RD ZONING



A23-000027 1437 ASHVILLE RD AERIAL



NOTICE OF PUBLIC HEARING

City of Leeds, Alabama
Zoning Board of Adjustments

APPLICATION

An application for to allow for the sale of used cars.

Zoning Board of Adjustments

The Zoning Board of Adjustments is vested with the responsibility and authority of authorizing variances which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

CASE #:	A23-000027
APPLICANT NAME:	Daniel Ray
PROPERTY OWNER:	
TAX PARCEL ID#S:	81531749
PROPERTY ADDRESS:	1437 ASHVILLE RD; LEEDS, AL 35094
PROPERTY ZONING:	B-2 : GENERAL BUSINESS DISTRICT

NOTICE IS HEREBY GIVEN that the Board of Zoning Adjustments will hold a public hearing on the proposed preliminary plat. The hearing is scheduled on:

Date: December 19, 2023
Time: 5:00 p.m.
Place: Leeds Annex Meeting Room
1412 9th St
Leeds, AL 35094

Public Information: Any interested persons or their representative may appear at the meeting and comment on the application. Written comments may also be mailed to the Commission.

For more information about the application and related issues or to schedule an appointment:

Phone: 205-699-0943

E-mail: development@leedsalabama.gov

Mailing Address:

Leeds Zoning Board of Adjustments
c/o Development Services
1404 9th Street
Leeds, AL 35094

VARIANCE APPLICATION FOR THE CITY OF LEEDS, ALABAMA
 DEPARTMENT OF INSPECTION SERVICES- ZONING DIVISION
 1404 9TH STREET, LEEDS, AL 35094 P.205.699.2585
DEVELOPMENT@LEEDSALABAMA.GOV * leedsalabama.gov

Part 1. Application	
Name of Applicant: Daniel "Shane" Ray	
Mailing Address: 1020 Glendale Drive Birmingham, Al 35242	
Telephone: 205-821-0402	E-mail: shane.ray@stockton.com
Signature: Daniel Shane Ray	

Part 2. Parcel Data		
Owner of Record: Hahvey Investments, Inc		
Owner Mailing Address: 1020 Glendale Drive Birmingham, Al 35242		
Site Address: 1437 Ashville Rd Leeds, Al 35094		
Tax Parcel ID #	Existing Zoning	Existing Land Use
26-05-15-0-001-034,000		

Part 3. Request
Section of Ordinance for which variance is requested:
Nature of Variance with reference to applicable zoning provision:

Part 4 Enclosures (Check all required enclosures with this application)
<input type="checkbox"/> Vicinity Map showing the location of the property
<input type="checkbox"/> Plot Plan drawn to scale and dimensioned, showing property boundaries and proposed Development Layout
<input type="checkbox"/> Copy of Deed as recorded in the Judge of Probate Office
<input type="checkbox"/> Application Fee \$120.00

use variance

I, [Applicant's Name], hereby submit my application for a zoning adjustment in accordance with the applicable laws and regulations set forth by the [City/County] zoning ordinance. I understand the importance of a thorough review of this application and the need for a fair and comprehensive evaluation by the Board of Zoning Adjustments.

As an applicant, I acknowledge that unforeseen circumstances may arise during the review process that could necessitate the carryover of this case to a subsequent Board meeting. In the event that such circumstances occur, I voluntarily and willingly agree to the carryover of my application to the next scheduled meeting of the Board of Zoning Adjustments.

I affirm that I will be available and present at the rescheduled meeting, and I commit to providing any additional information or documentation that may be requested by the Board during the process. Furthermore, I understand that the postponement of my case will not prejudice my rights as an applicant, and I will cooperate fully with the Board's decision-making process.

By signing below, I acknowledge my agreement to the possibility of a carryover of my application and affirm my commitment to comply with all requirements and requests from the Board of Zoning Adjustments.

Signature: *Daniel Shue Png*

NOTICE: The completed application and all required attachments must be filed at least 30 (thirty) days prior to the Leeds Zoning Board of Adjustments Public Hearing. A representative must be present at the hearing.

OFFICE USE ONLY	
Application Number:	Date Received:
Received By:	Scheduled Public Hearing Date:

