

**ORDINANCE 2023-20**

*An Ordinance to Rezone the Property Located at  
1605 Gaines Road Birmingham, Irondale, Alabama to C-2 Commercial District*

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRONDALE, ALABAMA**, in regular meeting duly assembled, a quorum being present, and by authority thereof as follows:

**Section 1. REZONING OF PROPERTY LOCATED AT 1605 GAINES ROAD BIRMINGHAM, IRONDALE, ALABAMA.** The Zoning Map of the City of Irondale, Alabama, adopted as part of the Zoning Ordinance of the City of Irondale, Alabama, as amended, be amended to provide that the property located at 1605 Gaines Road Birmingham, Irondale, Alabama 35210 is hereby rezoned from an A-1 Agriculture District to a C-2 Commercial District.

**Section 2. ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4. LEGAL RIGHTS NOT IMPAIRED.** That nothing in this ordinance or in the municipal code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

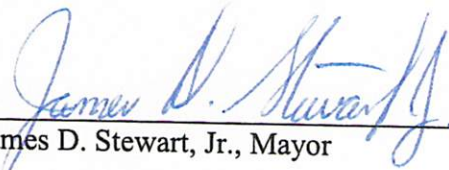
**Section 6. PUBLICATION OF ORDINANCE.** That the City Clerk of the City of Irondale is hereby ordered and directed to cause this ordinance to be published and that a copy of this ordinance be entered upon the minutes of the meeting of the City Council.

**Section 7. EFFECTIVE DATE OF ORDINANCE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**ADOPTED & APPROVED:** This 20th day of June, 2023.

  
\_\_\_\_\_  
David Spivey, City Council President

**APPROVED:**

  
\_\_\_\_\_  
James D. Stewart, Jr., Mayor

**ATTESTED:**

  
\_\_\_\_\_  
Leigh Ann Allison, City Clerk

#### **CERTIFICATION**

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 20th day of June, 2023 as the same appears in the minutes of record of said meeting.

  
\_\_\_\_\_  
Leigh Ann Allison, City Clerk

Jefferson County Parcel Look-up Find address or place

Legend Layers Basemap gallery Measure Details Print Share

(1 of 2)

Parcels: 24 00 17 3 000 030.000

Owner Name: Gordon Brenda & Hermal  
Street Address: 1605 Games Dr  
Birmingham, AL 35210

Property Area (acres): 0.61

472 District: 13  
Court Division: 1

LSN: 66  
Fire Department Name: Irondale

Click [Here](#) for additional Property Information.



# Jefferson County, AL Parcel Buffer Lookup

Parcel, Address, or Owner #

## Public Notification

Select  Clear

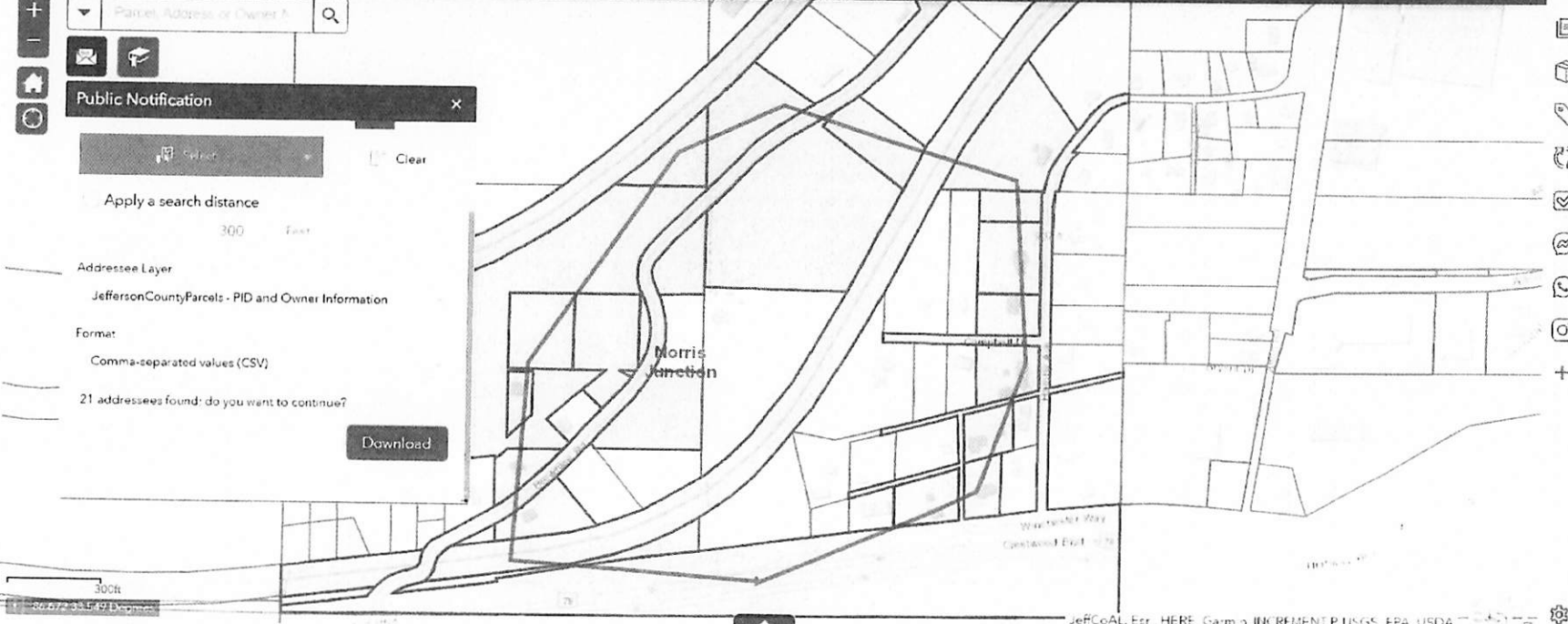
Apply a search distance  
300 Feet

Addressee Layer  
JeffersonCountyParcels - PID and Owner Information

Format  
Comma-separated values (CSV)

21 addressees found; do you want to continue?

Download



### Jefferson County, AL Parcel Buffer Lookup

Parcel, Address of Owner

Public Notification

Apply a search distance: 300 Feet

Addressee Layer: JeffersonCountyParcels - PID and Owner Information

Format: Comma-separated values (CSV)

21 addressees found; do you want to continue?

Download

Map showing parcel boundaries and a buffer zone around a road labeled "Morris Junction". The map includes a scale bar (0 to 300 feet) and a legend for the "Addressee Layer".



MAY 10, 2023

**Notice of Public Hearing for Change in Zoning District**  
**1605 Gaines Road Birmingham (Irondale), Alabama 35210**

The Planning and Zoning Board of the City of Irondale has been requested to give consideration to the application as described below for the hereinafter described property which, we understand, is adjacent to or within 500 feet of property owned by you. You are hereby given official notice, in accordance with the law, of a public hearing to be held at the Irondale City Hall, 101 20th Street South, Irondale, Alabama 35210.

**TIME OF HEARING - 6:00 p.m., Thursday, May 25, 2023**

**PROPERTY TO BE CONSIDERED -1605 Gaines Road  
Birmingham (Irondale) AL. 35210, Alabama**

**OWNER - Darryl Guarino**

**PRESENT CLASS OF ZONING A-1 (Agriculture District)**

**PROPOSED CHANGE IN ZONING - C-2 Commercial District)**

**PROPOSED USE - Power Up Electric / Contractor Business**

If you wish to speak either for or against this request, please make plans to attend this public hearing.

If you have any questions, please call the City of Irondale's Zoning Department at (205) 769-0691.



APPLICATION TO THE IRONDALE  
PLANNING AND ZONING COMMISSION

Hearing Date: \_\_\_\_\_ Hearing Time: \_\_\_\_\_ Case No.: \_\_\_\_\_

The undersigned owner (agent) hereby applies to the Irondale Planning and Zoning Commission for:

- (Check one)  Recommendation for Change in Zoning  
 Preliminary Subdivision Plat Approval  
 Final (or Resurvey) Plat Approval

Parcel ID Number(s) \_\_\_\_\_

Site Address: 1605 GAINES ROAD

From: A-1 District To: C-1 District

(Zoning Request Only)

Intended Use: ELECTRICIAN'S SHOP

\$100.00 Rezoning Application Fee; \$50.00 Home Day Care Fee; \$77.00 Subdivision ~~Fee~~

Form of Payment: Check  Cash  Credit Card  Date 10-12-2012

- Site Development Plan Required:  Yes  No (Zoning Cases Only)
- Preliminary Plat Received:  Final Plat Received
- "As Built" Survey Required for Re-survey Plat

2022-73  
receipt #

I hereby certify that I am the owner/authorized agent of the above described property

Andy D. [Signature]

Owner's/Authorized Agent's Signature

3663 LAKEVIEW DRIVE

Address

VESTALIA AL 35243

City, State & Zip

205 369-8094

Telephone Number

PLWRUP@AOL.COM

Email Address

Planning and Zoning Commission: Continued:  Approved:  Denied:   
Irondale City Council: Under Advisement:  Approved:  Denied:

General Information: \_\_\_\_\_





### Zoning District Amendment Checklist

Zoning Case Number:	2023-5-1
Property Address:	1605 Gains Rd. Irondale, AL
Applicant(s) Name:	Darryl Guarino
Applicant(s) Telephone Number:	(205) 369-8094

Y Completed rezoning application received by City  
 Yes \_\_\_\_\_ Application Yes \_\_\_\_\_ Supporting Documents  
 Yes \_\_\_\_\_ Application Fee

Date of Completion	Employee Initials
October 12, 2022	K. W.

Y Proposed Date of Planning and Zoning meeting: May 25, 2023

Y Notification letters sent within a minimum of 15 days before date of Planning and Zoning meeting by first class mail to all owners of property located in whole or in part within 500 feet from the boundaries of the property. Addresses to be used are those on the County tax assessor's records.

Date of Mailing	Employee Initials
April 10, 2023	K. K.

Y Copies of front of all envelopes mailed have been placed in file showing proper addresses and postage.

Y Agenda for Planning and Zoning meeting posted

Date of Posting	Place of Posting	Employee Initials
April 10, 2023	Water/Building Dept., Library, Post Office, City Hall	K. K.

Y Determination of Planning and Zoning Commission related to zoning case

Approved	Denied
<u>May 25, 2023</u>	<u>May 25, 2023</u>

If denied, does Applicant desire to proceed further to City Council despite denial?  
 YES or NO (Circle one)

Date of contact	Person Contacted	Employee Initials

Y Proposed Date of City Council meeting: June 20, 2023  
 (Must be within 30 days after the PZ meeting)

Y

Notification letters sent within a minimum of 15 days before date of City Council meeting by first class mail to all owners of property located in whole or in part within 500 feet from the boundaries of the property. Addresses to be used are those on the County tax assessor's records.

<i>Date of Mailing</i>	<i>Employee Initials</i>
June 5, 2023	K.K.

Y

Copies of front of all envelopes mailed have been placed in file showing proper addresses and postage.

Y

Copy of (1) proposed rezoning ordinance posted in 4 conspicuous places (one place must be Mayor's office) within the City at least 15 days in advance of City Council meeting and (2) a notice stating the time and place that the ordinance is to be considered by the City Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

<i>Date of Posting</i>	<i>Place of Posting</i>	<i>Employee Initials</i>
June 5, 2023	Water/Building Dept., City Hall, Library, Post Office	K.K.

Determination of City Council related to zoning case

<i>Approved</i>	<i>Denied</i>

Ordinance posted in three public places within the City (one place must be the Mayor's office).

NOTES:

P#2 - recommend denial  
all people showed up lived in B'ham