

BZA Packet

August 9, 2016

Hello All,

Enclosed please find your packet for the meeting of August 15, 2016.

We have:

- 2 carry over cases
- 2 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- 2016-Aug-15 BZA Agenda

If you have any questions about the cases please don't hesitate to give me a call at 802-3821 or send me an email at hazend@mtnbrook.org ...

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
AUGUST 15, 2016
PRE-MEETING: (ROOM A106) 4:30 P.M.
REGULAR MEETING: (ROOM A108) 5:00 P.M.
CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

NOTICE

Any variance which is granted today expires and becomes null and void six months from today unless construction is begun in less than six months from today on the project for which the variance is granted. If construction will not be started within six months from today, the applicant may come back in five months and ask for a six-months extension, which the Board normally grants.

Any variance which is granted, regardless of the generality of the language of the motion granting the variance, must be construed in connection with, and limited by, the request of the applicant, including all diagrams, plats, pictures and surveys submitted to this Board before and during the public hearing on the variance application.

-
1. Approval of Minutes: July 18, 2016
 2. **Case A-16-36: 1511 Amherst Circle, LLC**, owner, requests variances from the terms of the Zoning Regulations to allow retaining walls, stairs, landing and handrail to be up to 9.4 feet high in lieu of the allowed 4 feet within the 40-foot front yard setback. – **1511 Amherst Circle.** *(Continued from the July 18, 2016)*
 3. **Case A-16-37: Yakar Properties, LLC**, owner, requests variances from the terms of the Zoning Regulations to allow retaining walls, stairs, landing and handrail to be up to 9.4 feet high in lieu of the allowed 4 feet within the 40-foot front yard setback. – **1507 Amherst Circle.** *(Continued from the July 18, 2016)*
 4. **Case A-16-38: Caroline Mays**, owner, requests a variance from the terms of the Zoning Regulations to allow a covered deck, chimney and stair to be 6.4 feet from the side property line (south) in lieu of the required 12.5 feet. – **3701 Mountain Park Drive**
 5. **Case A-16-39: Susan Pitts**, owner, requests variances from the terms of the Zoning Regulations to allow a detached accessory building to be 14.6 feet from the secondary front property line (Vine Street) in lieu of the required 35 feet, 12.3 feet from the side property line (west) in lieu of the required 12.5 feet, and 8 feet from the rear property line (alley) in lieu of the required 25 feet. Also, to be 1036 square feet in area in lieu of the maximum allowed 800 square feet. - **23 Dexter Avenue.**
 6. Next Meeting: September 19, 2016
 7. Adjournment

MINUTES



To Follow Under Separate Cover

Lot 7



Variance Application - Part I

Project Data

Address of Subject Property 1511 Amherst Circle, Mountain Brook, AL 35216

Zoning Classification Residential A

Name of Property Owner(s) 1511 Amherst Circle, LLC

Phone Number 205-949-2098 Email charmullenefi@gmail.com

Name of Surveyor Surveying Solutions, Inc. Carl Daniel Moore

Phone Number 205-991-8965 Email davidentrekin@ssi-ab.com

Name of Architect (if applicable) Landscape Architect: HNP, Inc. Tommy Holcombe

Phone Number 205-870-9936 Email tommy@hnpsiteplan.com

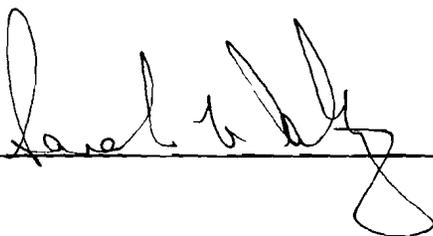
Property owner or representative agent must be present at hearing

Please fill in only applicable project information (relating directly to the variance request(s)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other Retaining Wall Height (ft)	4'		4.25' - 9.4'
Other			

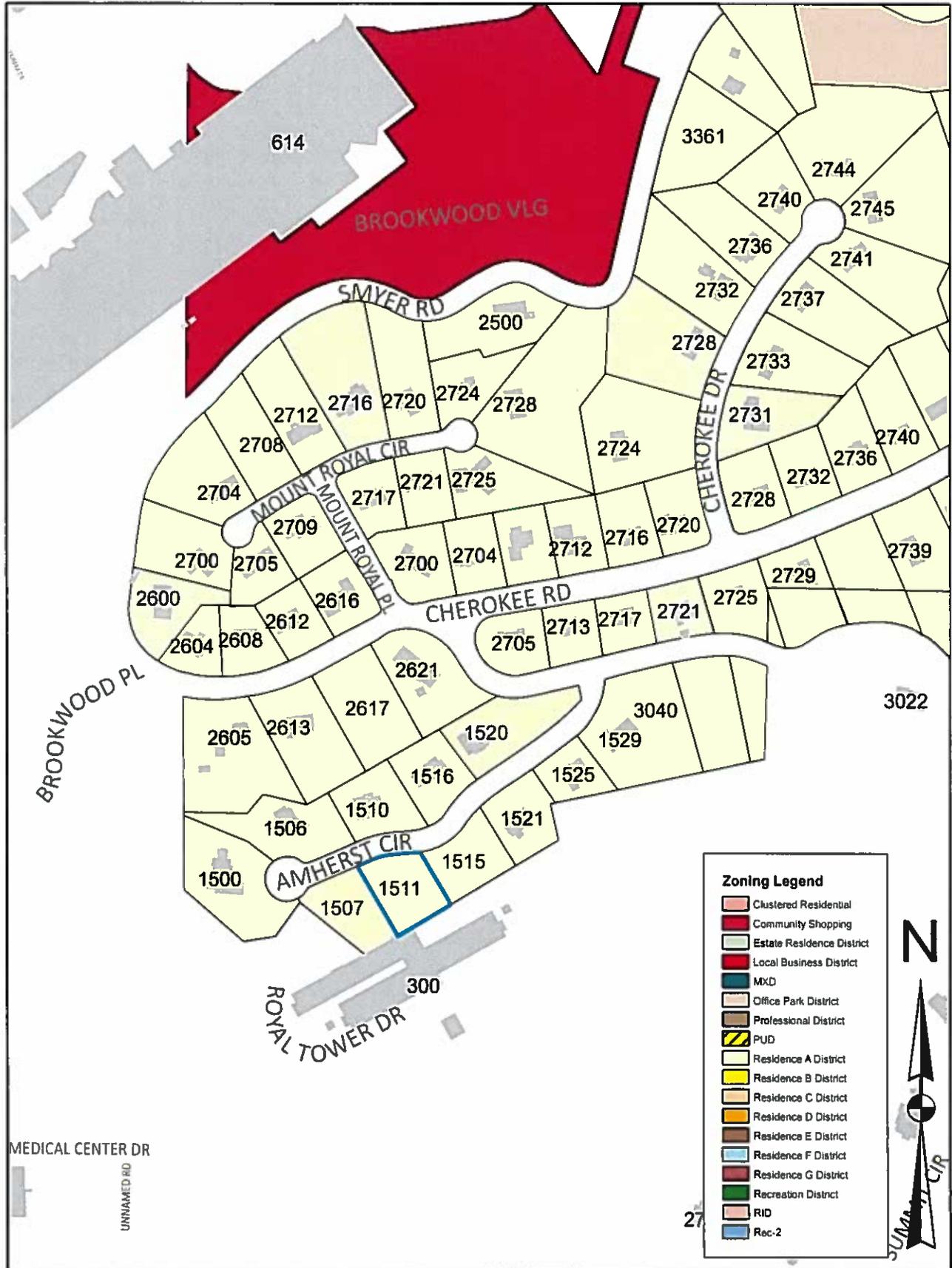
Amherst Lot 7 Variance Application

Original topography of the lot does not allow for driveway placement that would be in keeping with the established look of the neighborhood. Retaining walls are required to achieve an attractive front yard and driveway. The topography dictates that the walls be slightly above the zoning code requirement. Thus, we are requesting a variance on the wall heights in the submitted plan.

Owner or Owner's representative 

Date 6/24/15

A-16-36 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-36

Petition Summary

Request to allow retaining walls, stairs, landing and handrail to be up to 9.4 feet high in lieu of the allowed 4 feet within the 40-foot front yard setback.

Recent Background

On July 18, 2016, the Board carried this item over for a detailed landscape plan; it is attached.

Analysis

The hardship in this case is topography. As may be seen on the attached original topography map (Site/Grading Plan) the elevation at the front property line is 107 and is 150 at the rear retaining wall, for an overall grade change of 43 feet within the first 110 feet of the lot.

The proposal involves retaining walls and related improvements for the driveway and front entrance stairs and landing. Proposed retaining wall heights are shown in circles, which range from 1 foot to 6.4 feet above original grade within the 40-foot front setback. Circles highlighted in yellow reflect the portions of the wall that are above the 4-foot height limit (ranging from 4.25 feet to 6.4 feet). In addition a 3-foot high wrought iron guard rail is proposed atop the 6.4 foot wall at the stair and landing, for a total height of 9.4 feet in lieu of the allowed 4 feet. Refer to attached Sections 7A and 7B to see the grade and proposed improvements in side view.

Landscaping

Questions have been raised by neighboring property owners as to how the proposed retaining walls will be buffered with landscaping, and what sort of landscaping is proposed in the front setback; also, how landscaping could be maintained on such a steep slope.

Should the Board be inclined to approve the retaining walls, it may be prudent to ensure a proper landscape buffer to soften the effect of high walls from the street view. The top of the rail (between 35-40 feet from the front property line) is to be approximately 29 feet above the street grade at the front property line.

Photos of neighboring lots on the same side of Amherst Circle (1515, 1521, 1525 and 1529 Amherst Circle) are attached for comparison as to how adjoining steep lots have been developed and landscaped.

Letter of Opposition

Attached is a letter of opposition from the property owners at 1506 Amherst Circle (across the street). The letter addresses a variety of complaints and concerns regarding the project as a whole; chief among these are the height of the house, management of the site and the road during construction, run-off, and lack of Amherst Association approval.

The height of the house has been determined by staff to be in compliance with the 35-foot height limit and is not the subject of the variance hearing. Complaints regarding construction and conformance with City codes continue to be addressed at the staff level. The City does not get involved with Association approvals or covenants.

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

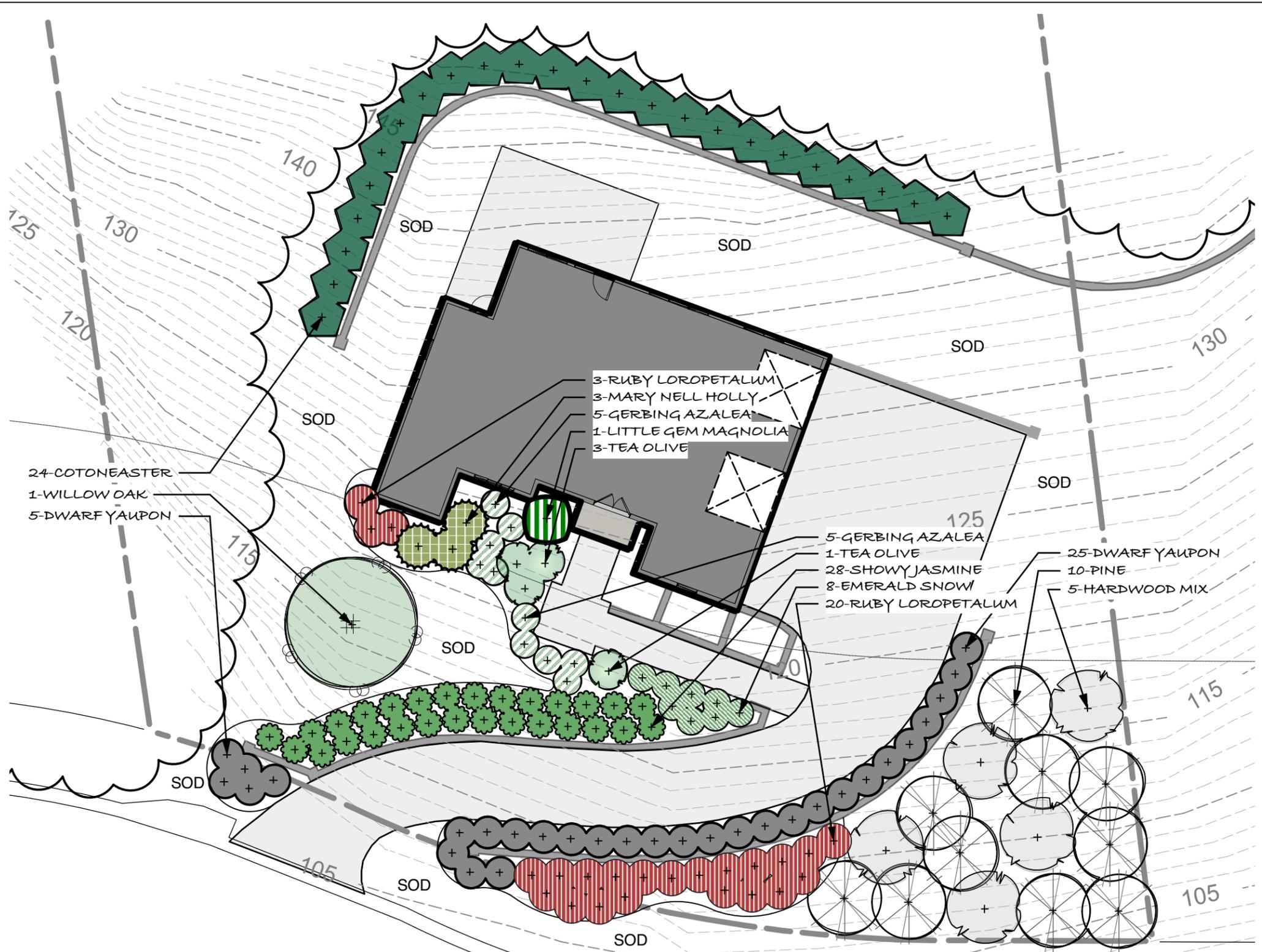
Article XIX, General Area and Dimensional Requirements; Section 129-315, Fences and Walls in Residential Districts

Appends

LOCATION: 1511 Amherst Circle

ZONING DISTRICT: Res-A

OWNER: 1511 Amherst Circle, LLC

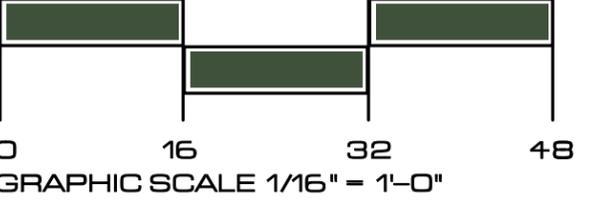


LOT 7 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

SCALE 1/16" = 1'-0"

JULY 28, 2016



PLANTING SCHEDULE

Trees						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
3	Ilex hybrid 'Mary Nell'	MARY NELL HOLLY	B&B	5'-6' ht.	6'0" o.c.	
1	Magnolia grandiflora 'Little Gem'	LITTLE GEM MAGNOLIA	B&B	8'-10' ht.	8'0" o.c.	
1	Quercus phellos	WILLOW OAK	B&B	2 - 2 1/2" cal.		Matched
Shrubs						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
10	Azalea indica 'Mrs. G. G. Gerbing'	GERBING AZALEA	Cont.	2 - 2 1/2" cal.	4'0" o.c.	
24	Cotoneaster franchetti	COTONEASTER	Cont.	15"-18" spread	5'0" o.c.	
30	Ilex vomitoria 'Nana'	DWARF YAUPON	Cont.	15"-18" spread	4'0" o.c.	
28	Jasminum floridum	SHOWY JASMINE	Cont.	15"-18" spread	4'0" o.c.	
23	Loropetalum chinense 'Ruby'	RUBY LOROPETALUM	Cont.	18"-24" spread	4'0" o.c.	
8	Loropetalum chinense 'Shang-white'	EMERALD SNOW	Cont.	15"-18" spread	3'6" o.c.	
4	Osmanthus fortunei	TEA OLIVE	B&B	3'-4' ht.	5'0" o.c.	Matched, full to ground
Groundcovers, Ornamental Grasses & Turfgrass						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
	Cynodon dactylon, '419'	Tiftway 419	Sod			
Reforestation Material						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
5	Hardwood Mix	HARDWOOD MIX	Cont.	3'-6' ht.	As Shown	Equal Mix of Red Maple and Oaks
10	Pinus taeda	LOBLOLLY PINE	Cont.	3 gal.	15' o.c.	

LOT 7 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

SCALE 1/16" = 1'-0"

JULY 28, 2016



LOT 7 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

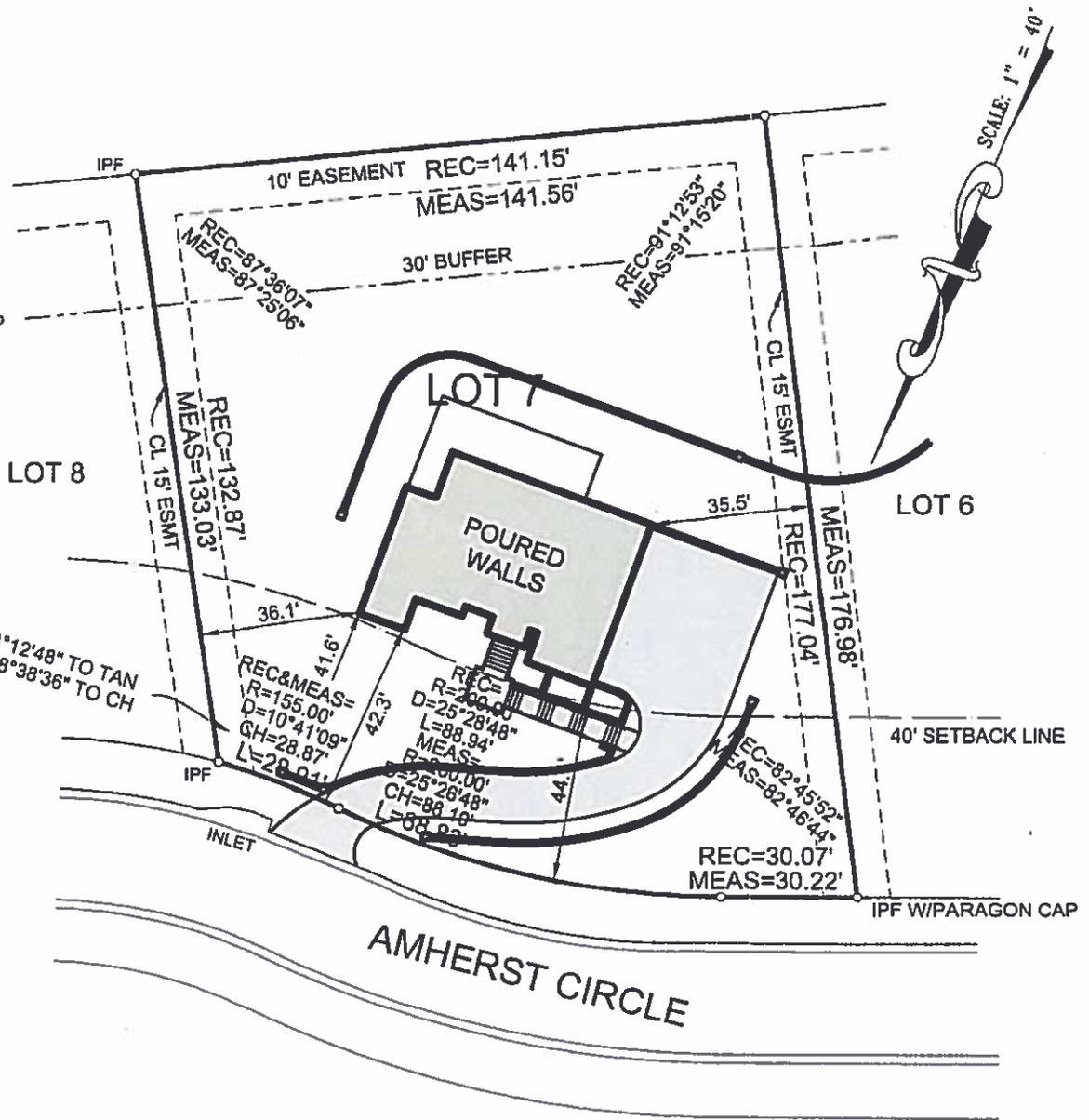
AUGUST 1, 2016



LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF' = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ' = degrees
- '' = minutes, in
- ''' = bearings or angles seconds, in
- '''' = bearings or angles feet, in distance
- AC = acres
- ± = more or less, or plus or minus

A-16-36



STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 7, AMHERST as recorded in Map Book 178, Page 10 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 1511 Amherst Circle according to my survey of February 12, 2016. Survey is not valid unless it is sealed with embossed seal or stamped in red.

Order No. 14718
Purchaser: KEAM
Type of Survey: Foundation

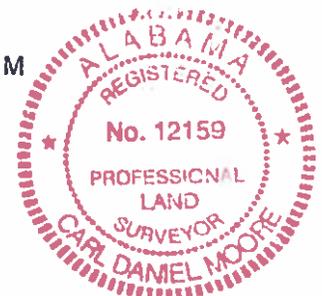
SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

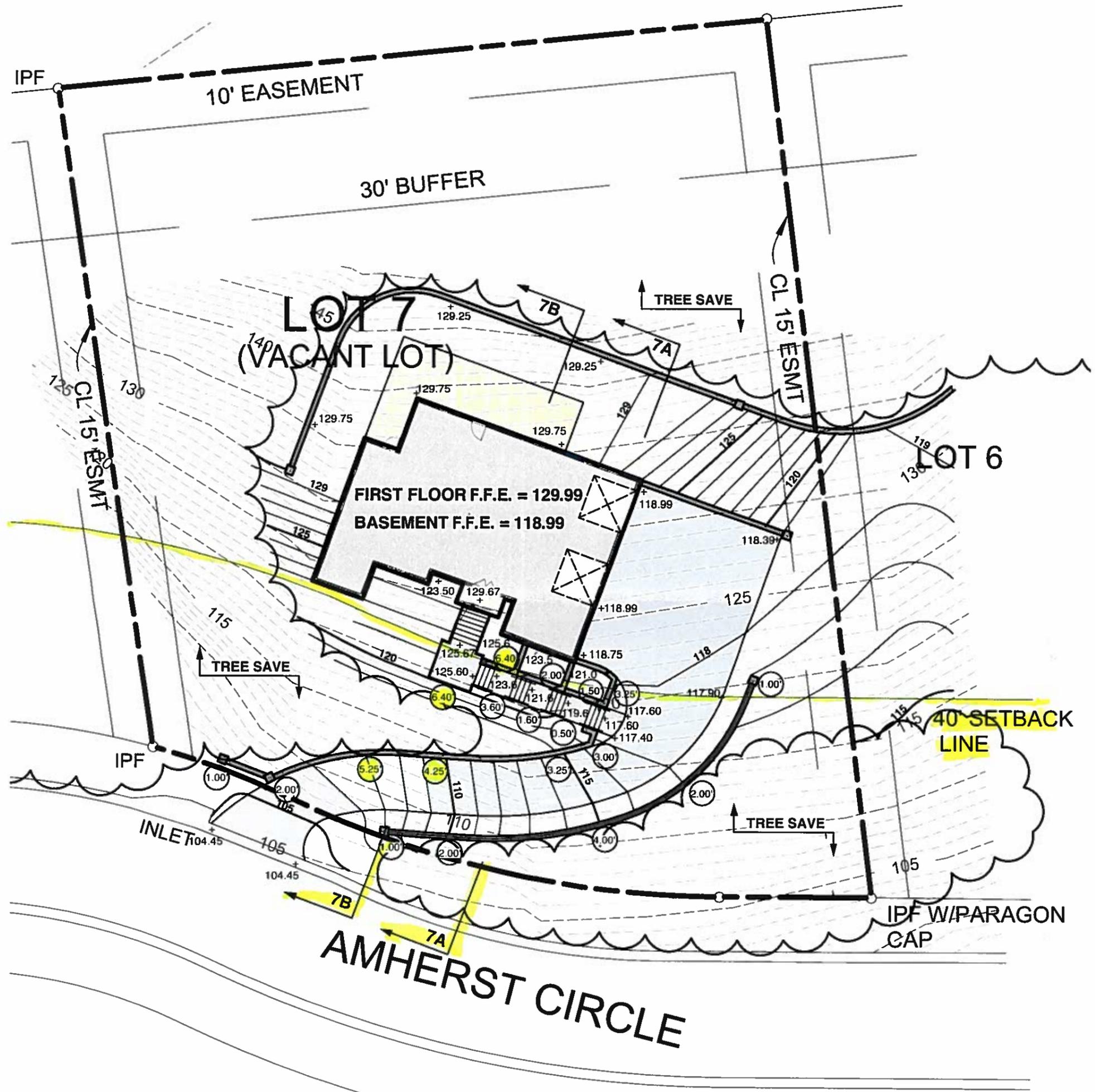
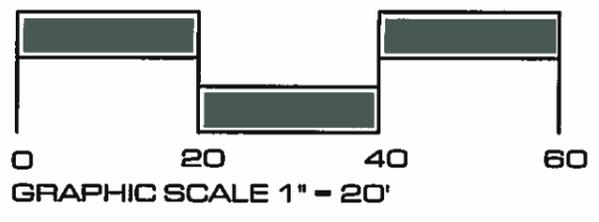
Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12159

2-17-16

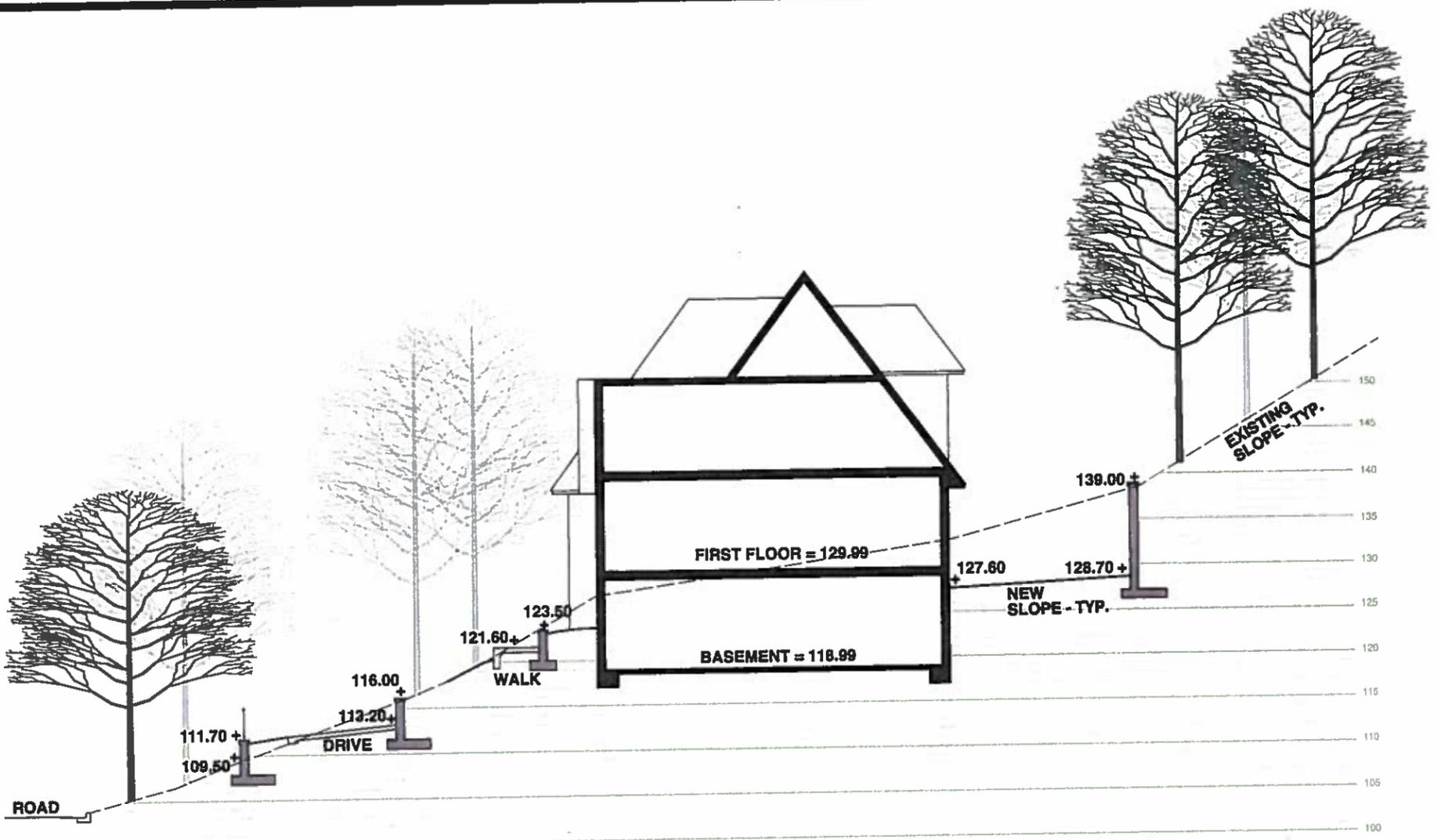
Date of Signature



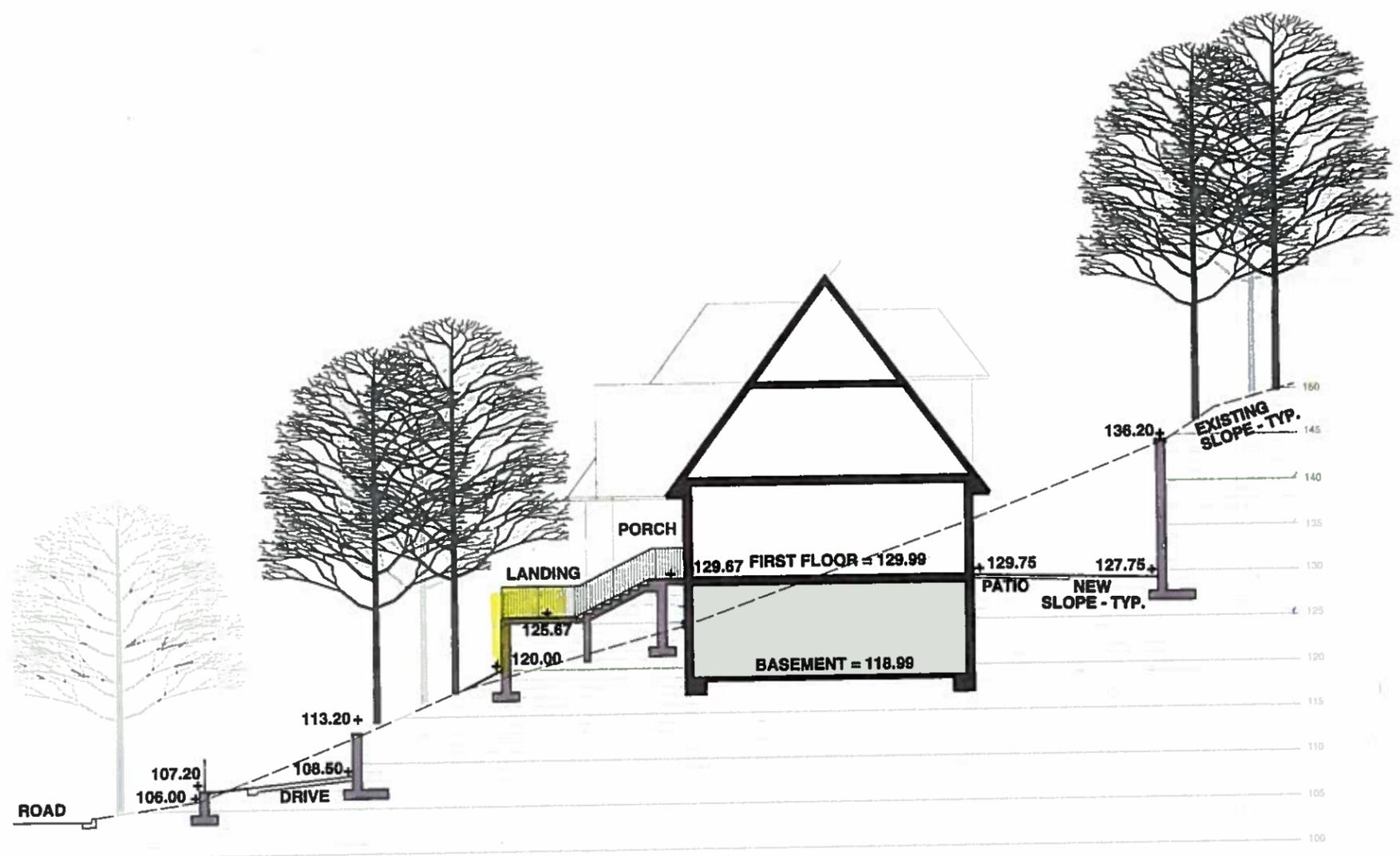


⊙ 1.00' HEIGHT OF RETAINING WALL FROM TOP OF WALL TO EXISTING GRADE OR NEW GRADE (WHICHEVER IS GREATEST)

SITE PLAN/ GRADING PLAN LOT 7 - AMHERST CIRCLE



SITE SECTION 7A



SITE SECTION 7B

SECTIONS MHERST CIRCLE

OK, ALABAMA

27, 2016

SCALE: 1/16" = 1'-0"



A-16-36 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

The original topography specific to this lot does not allow for the driveway to be in keeping with the established look of the neighborhood.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

We took no action to create the need for which relief is sought. The relief is sought due to the naturally occurring topography of this lot.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

Retaining walls are required in order to achieve a pleasing landscape design and driveway. The topography specific to this lot dictates that the retaining walls be above the zoning code requirement set forth by the city of Mountain Brook. Thus, the granting of this variance will allow us to create a beautiful landscape and driveway in keeping with the established neighborhood and the City of Mountain Brook.

Lot 4



Variance Application - Part I

Project Data

Address of Subject Property 1507 Amherst Circle, Mountain Brook, AL 35216

Zoning Classification Residential A

Name of Property Owner(s) Yakar Properties LLC

Phone Number 205.949.2098 Email charmullenefi@gmail.com

Name of Surveyor Surveying Solutions, Inc. Carl Daniel Moore

Phone Number 205.991.8965 Email davidentrekin@ssi-ala.com

Name of Architect (if applicable) Landscape Architect: HNP, Inc. Tommy Holcombe

Phone Number 205.870.9936 Email tommy@hnpsiteplan.com

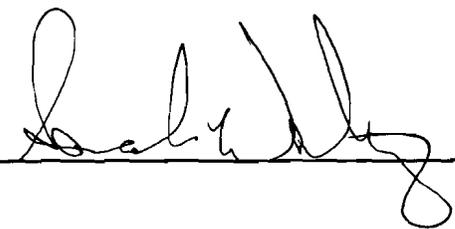
Property owner or representative agent must be present at hearing

Please fill in only applicable project information (relating directly to the variance request(s):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other <u>Retaining Wall Height (ft)</u>	<u>4'</u>		<u>4.5' - 9.4'</u>
Other			

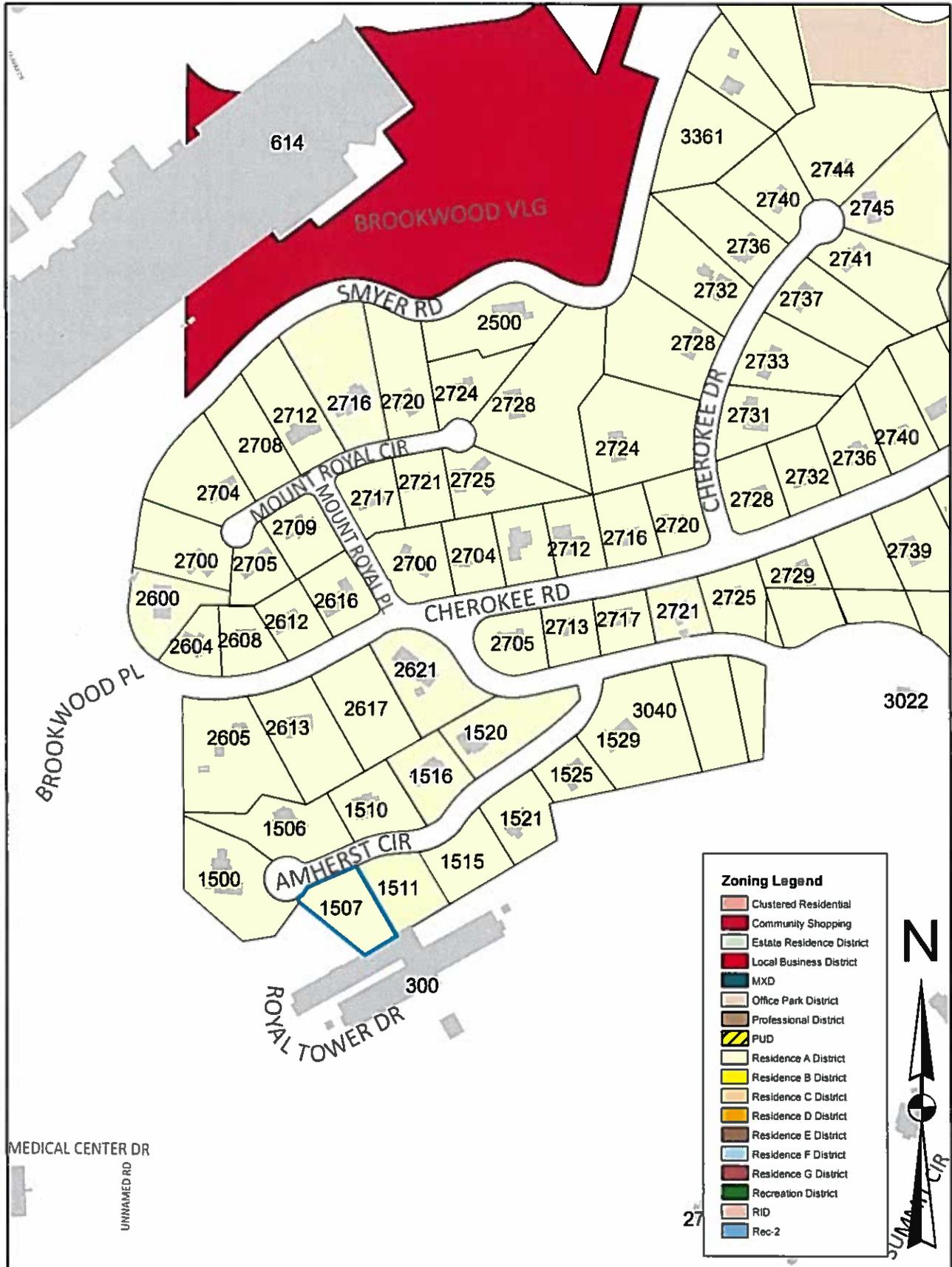
Amherst Lot 6 Variance Application

Original topography of the lot does not allow for driveway placement that would be in keeping with the established look of the neighborhood. Retaining walls are required to achieve an attractive front yard and driveway. The topography dictates that the walls be slightly above the zoning code requirement. Thus, we are requesting a variance on the wall heights in the submitted plan.

Owner or Owner's representative  _____

Date 6/24/16 _____

A-16-37 (Zoning Map)



Zoning Legend	
	Clustered Residential
	Community Shopping
	Estate Residence District
	Local Business District
	MXD
	Office Park District
	Professional District
	PUD
	Residence A District
	Residence B District
	Residence C District
	Residence D District
	Residence E District
	Residence F District
	Residence G District
	Recreation District
	RID
	Rec-2



Report to the Board of Zoning Adjustment

A-16-37

Petition Summary

Request to allow retaining walls, stairs, landing and handrail to be up to 9.4 feet high in lieu of the allowed 4 feet within the 40-foot front yard setback.

Recent Background

On July 18, 2016, the Board carried this item over for a detailed landscape plan; it is attached.

Analysis

The hardship in this case is topography. As may be seen on the attached original topography map (Site/Grading Plan) the elevation at the front property line is 90 and is 130 at the rear retaining wall, for an overall grade change of 40 feet within the first 100 feet of the lot.

The proposal involves retaining walls and related improvements for the driveway and front entrance stairs and landing. Proposed retaining wall heights are shown in circles, which range from 3 feet to 6.4 feet above original grade within the 40-foot front setback. Circles highlighted in yellow reflect the portions of the wall that are above the 4-foot height limit (ranging from 4.5 feet to 6.4 feet). In addition a 3-foot high wrought iron guard rail is proposed atop the 6.4 foot wall at the stair and landing, for a total height of 9.4 feet in lieu of the allowed 4 feet. Refer to attached Sections 6A and 6B to see the grade and proposed improvements in side view.

Landscaping

Questions have been raised by neighboring property owners as to how the proposed retaining walls will be buffered with landscaping, and what sort of landscaping is proposed in the front setback; also, how landscaping could be maintained on such a steep slope.

Should the Board be inclined to approve the retaining walls, it may be prudent to ensure a proper landscape buffer to soften the effect of high walls from the street view. The top of the rail (between 30-40 feet from the front property line) is to be approximately 36 feet above the street grade at the front property line.

Photos of neighboring lots on the same side of Amherst Circle (1515, 1521, 1525 and 1529 Amherst Circle) are attached for comparison as to how adjoining steep lots have been developed and landscaped.

Letter of Opposition

Attached is a letter of opposition from the property owners at 1506 Amherst Circle (across the street). The letter addresses a variety of complaints and concerns regarding the project as a whole; chief among these are the height of the house, management of the site and the road during construction, run-off, and lack of Amherst Association approval.

The height of the house has been determined by staff to be in compliance with the 35-foot height limit and is not the subject of the variance hearing. Complaints regarding construction and conformance with City codes continue to be addressed at the staff level. The City does not get involved with Association approvals or covenants.

Impervious Area

The proposal is in compliance with the allowable impervious surface area.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

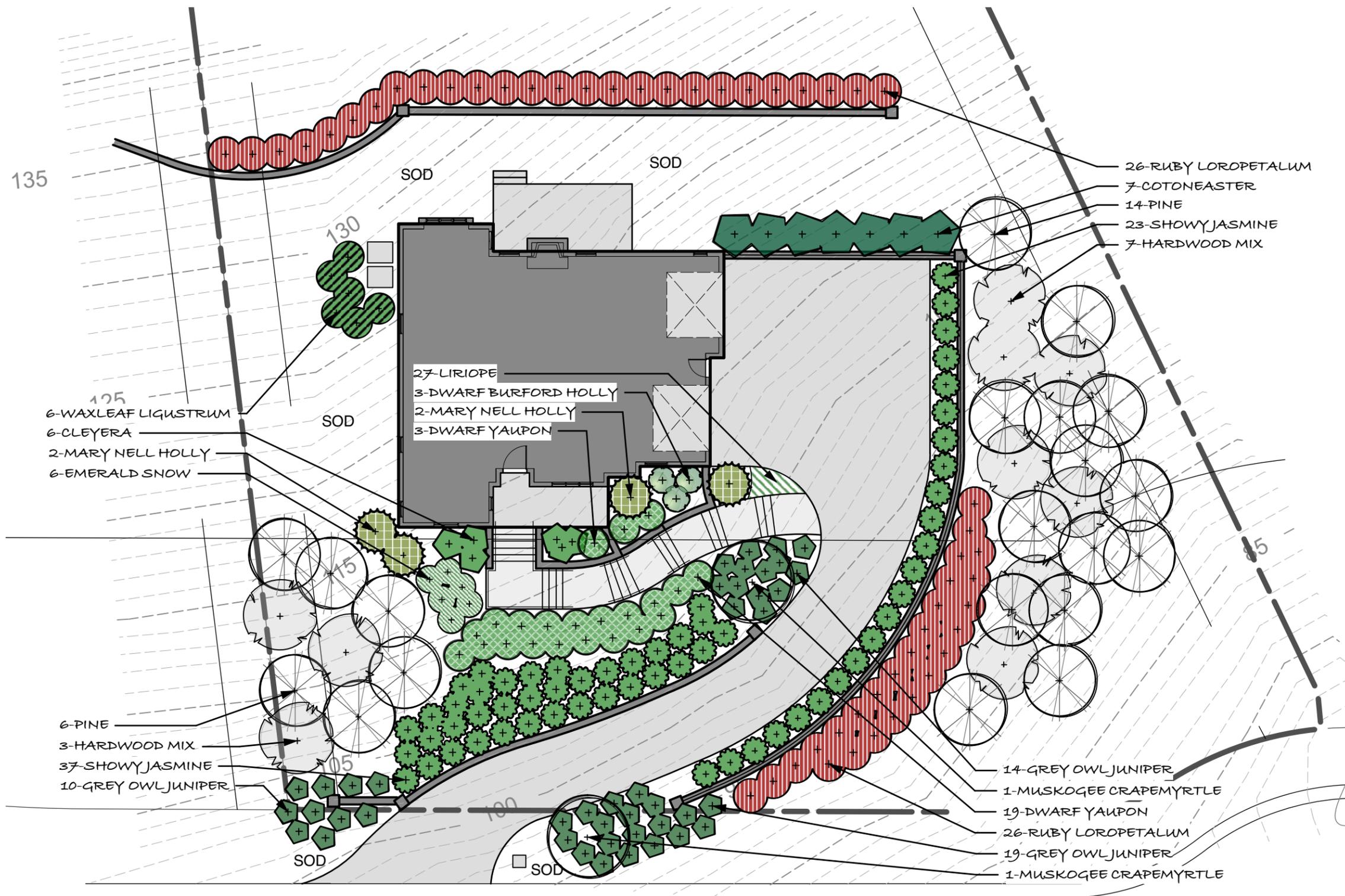
Article XIX, General Area and Dimensional Requirements; Section 129-315, Fences and Walls in Residential Districts

Appends

LOCATION: 1507 Amherst Circle

ZONING DISTRICT: Res-A

OWNER: Yakar Properties, LLC



LOT 6 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

SCALE 1/16" = 1'-0"

JULY 28, 2016



PLANTING SCHEDULE						
Trees						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
4	Ilex hybrid 'Mary Nell'	MARY NELL HOLLY	B&B	5'-6' ht. ht.	6'0" o.c.	
2	Lagerstroemia indica x fauriei 'Muskogee'	MUSKOGEE CRAPEMYRTLE	B&B	8'-10' ht.		Matched; min. 3 trunks; min. 1 1/4" per trunk
Shrubs						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
7	Cotoneaster franchetti	COTONEASTER	Cont.	15"-18" spread	5'0" o.c.	
3	Ilex cornuta 'Dwarf Burford'	DWARF BURFORD HOLLY	Cont.	24" - 30" ht.	4'0" o.c.	
22	Ilex vomitoria 'Nana'	DWARF YAUPON	Cont.	3 gal.	4'0" o.c.	
60	Jasminum floridum	SHOWY JASMINE	Cont.	18"-24" spread	4'0" o.c.	
43	Juniperus virginiana 'Grey Owl'	GREY OWL JUNIPER	Cont.	15"-18" spread	4'0" o.c.	
6	Ligustrum japonicum	WAXLEAF LIGUSTRUM	Cont.	15"-18" spread	4'0" o.c.	
52	Loropetalum chinense 'Ruby'	RUBY LOROPETALUM	Cont.	15"-18" spread	4'0" o.c.	
6	Loropetalum chinense 'Shang-white'	EMERALD SNOW	Cont.	18"-24" spread	3'6" o.c.	
6	Ternstroemia gymnanthera	CLEYERA	Cont.	18"-24" sp.	4'0" o.c.	
Groundcovers, Ornamental Grasses & Turfgrass						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
27	Liriope muscari 'Big Blue'	LIRIOPE	Cont.	2 1/4" pot	1'0" o.c.	
	Cynodon dactylon, '419'	Tiftway 419	Sod			
Reforestation Material						
Quantity	Botanical Name	Common Name	Root	Scheduled Size	Spacing	Comments
10	Hardwood Mix	HARDWOOD MIX	Cont.	3'-6' ht.	As Shown	Equal Mix of Red Maple and Oaks
20	Pinus taeda	LOBLOLLY PINE	Cont.	3 gal.	15' o.c.	

LOT 6 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

SCALE 1/16" = 1'-0"

JULY 28, 2016



LOT 6 - AMHERST CIRCLE

MOUNTAIN BROOK, ALABAMA

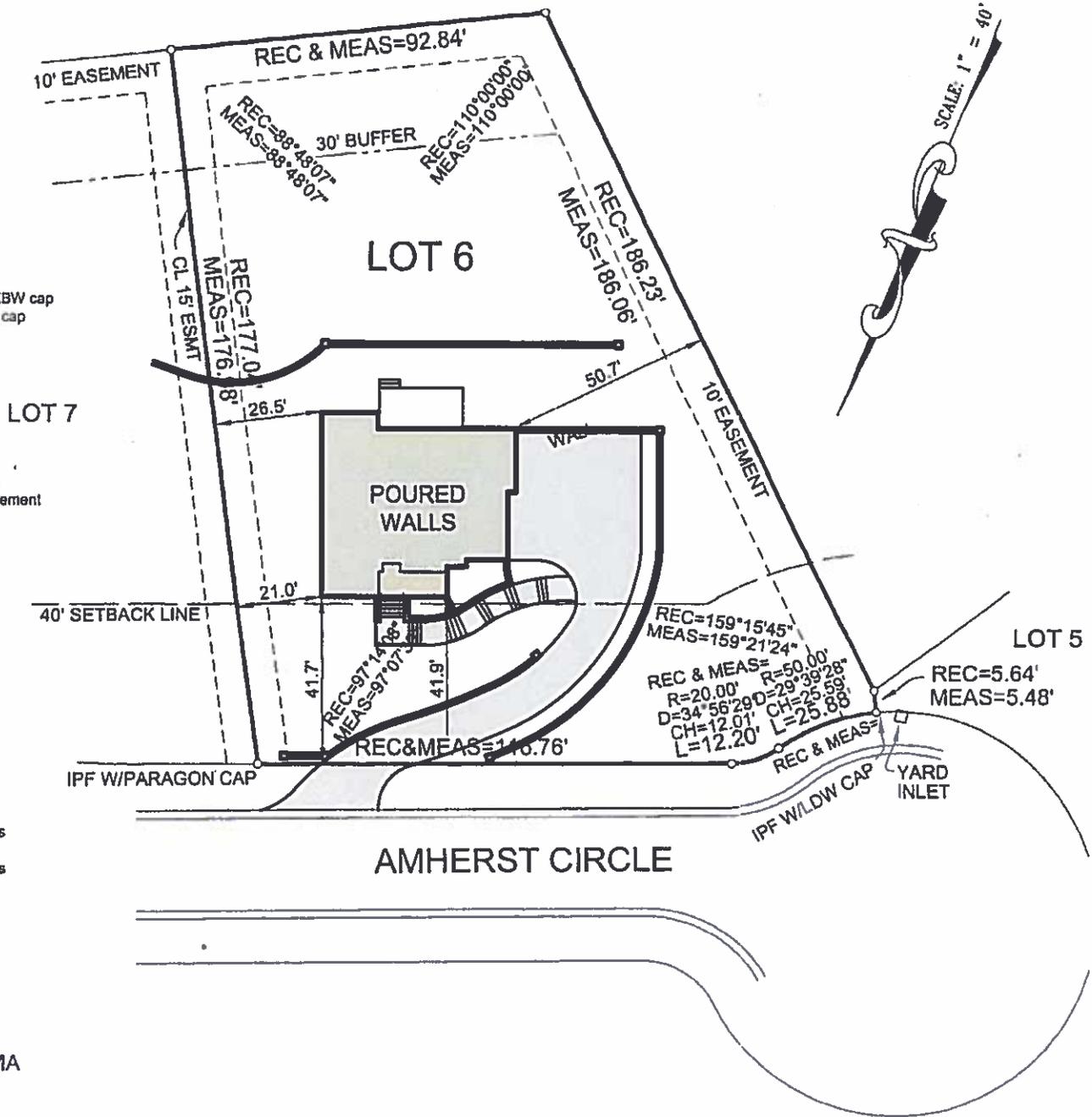
AUGUST 1, 2016



LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles seconds, in
- ' = bearings or angles feet, in distance
- AC = acres
- ± = more or less, or plus or minus

A-16-37



STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 6, AMHERST as recorded in Map Book 178, Page 10 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 1507 Amherst Circle according to my survey of February 12, 2016. Survey is not valid unless it is sealed with embossed seal or stamped in red.

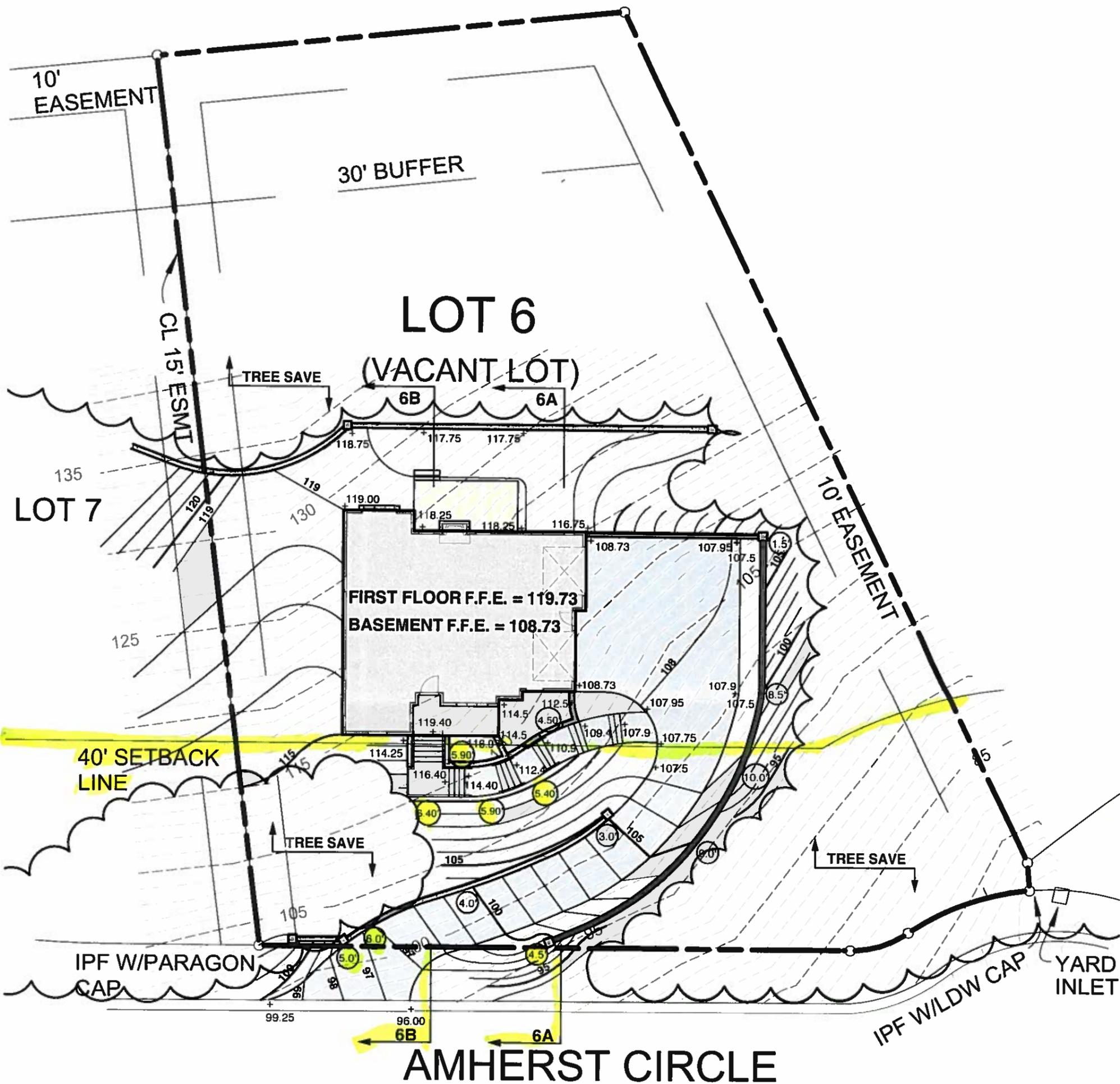
Order No. 14718
Purchaser: KEAM
Type of Survey: Foundation

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. #12159

2-17-16
Date of Signature

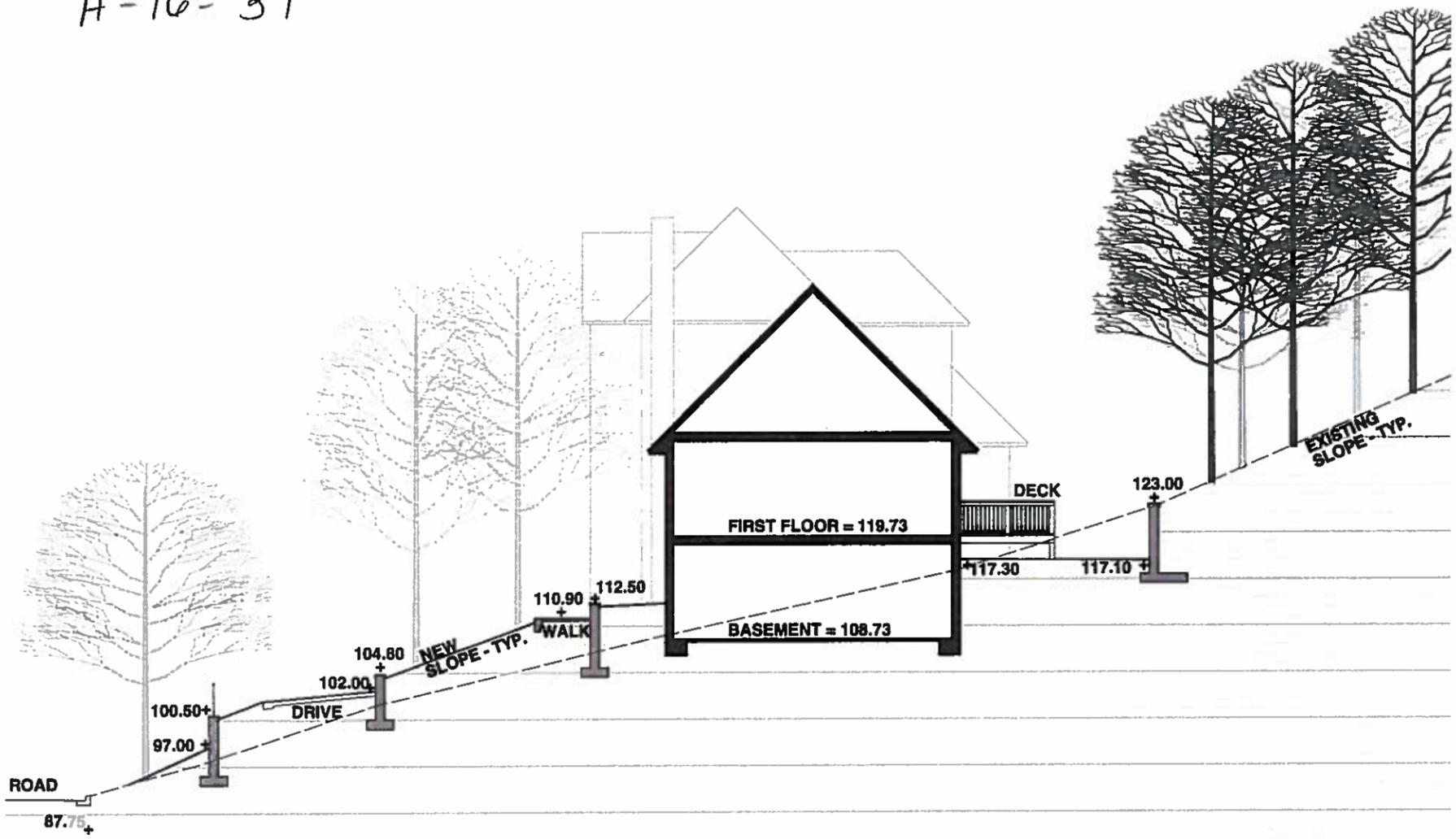




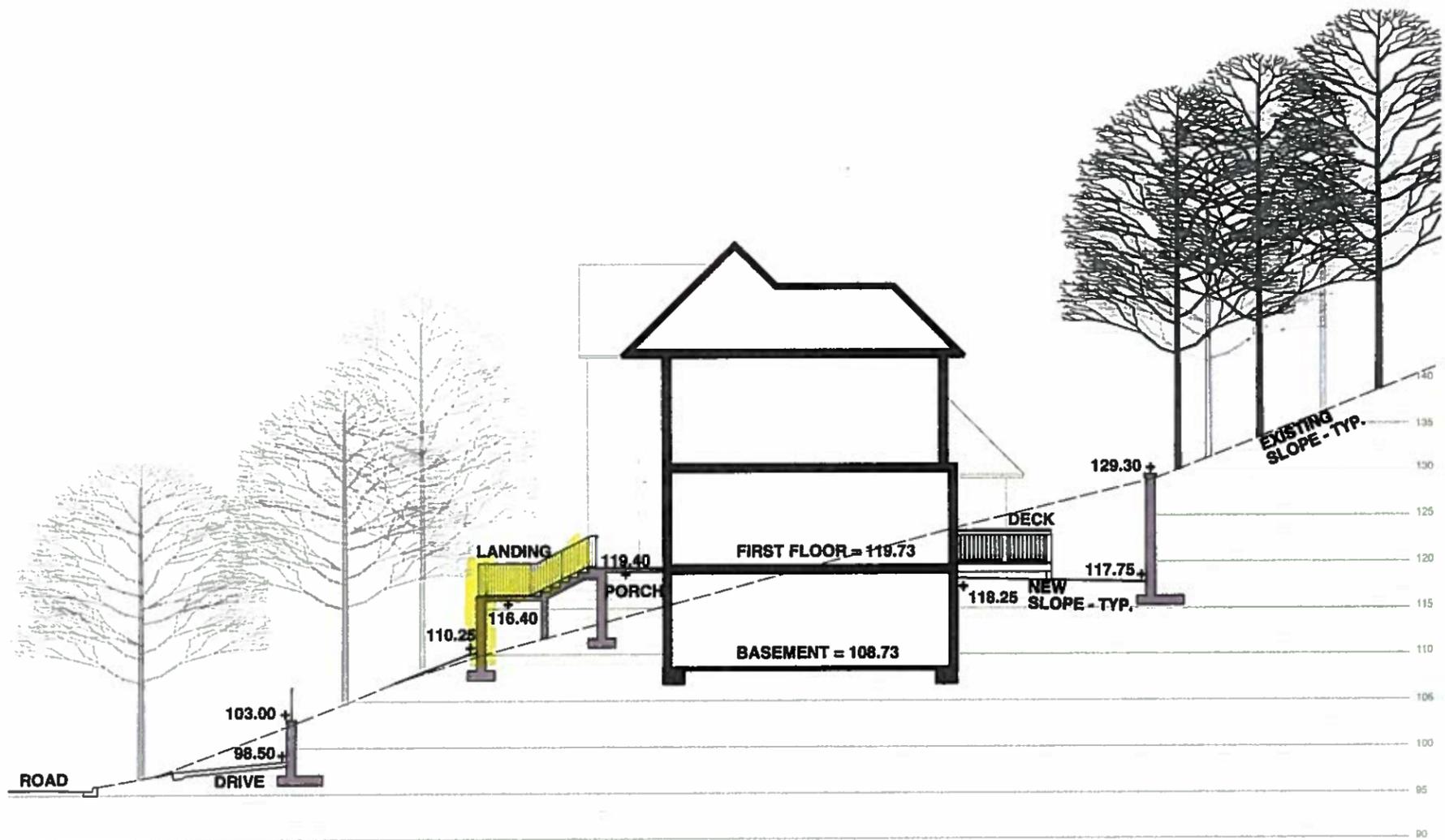
1.00' HEIGHT OF RETAINING WALL FROM TOP OF WALL TO EXISTING GRADE OR NEW GRADE (WHICHEVER IS GREATEST)

SITE PLAN/ GRADING PLAN LOT 6 - AMHERST CIRCLE

A-16-37



SITE SECTION 6A



SITE SECTION 6B

SITE S
LOTS 6 & 7 - A

MOUNTAIN BF

JUI

A-16-37 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

The original topography specific to this lot does not allow for the driveway to be in keeping with the established look of the neighborhood.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

We took no action to create the need for which relief is sought. The relief is sought due to the naturally occurring topography of this lot.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

Retaining walls are required in order to achieve a pleasing landscape design and driveway. The topography specific to this lot dictates that the retaining walls be above the zoning code requirement set forth by the City of Mountain Brook. Thus, the granting of this variance will allow us to create a beautiful landscape and driveway in keeping with the established neighborhood and the City of Mountain Brook.



Amherst Cir



















Variance Application - Part I

Project Data

Address of Subject Property 3701 Mountain Park Dr

Zoning Classification B

Name of Property Owner(s) Caroline Mays

Phone Number 205 401 8136 Email Cmeforlaw@yahoo.com

Name of Surveyor Thomas E Simmons

Phone Number 205 680 0518 Email simmons3surveyors@gmail.com

~~Name of Architect~~ (if applicable) Agent Brandon Plowden

Phone Number 205 602 1220 Email jbplowden@gmail.com

Property owner or representative agent must be present at hearing

Please **fill in only applicable** project information (relating directly to the variance request(s)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	<u>12.5'</u>	<u>9.4'</u>	<u>9.4' - 6.4'</u>
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

Report to the Board of Zoning Adjustment

A-16-38

Petition Summary

Request to allow a covered deck, chimney and stair to be 6.4 feet from the side property line (south) in lieu of the required 12.5 feet.

Analysis

The hardships in this case are the lot width (70 feet in lieu of the required 75 feet), the corner lot configuration, and the existing design constraints. The proposal involves replacing the previously existing uncovered deck with a new covered deck, stair and chimney. The previous deck was 9.4 feet from the side property line; the new covered deck will be 9.4 feet from the same (in line with the side of the house) and the new stair will be 6.4 feet from the side property line.

It should be noted that this lot is 0.55 feet over the 70-foot limit which would have qualified it for a reduced side setback of 8 feet, in which case only the stair would have needed a variance.

Impervious Area

To be forwarded at meeting.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation

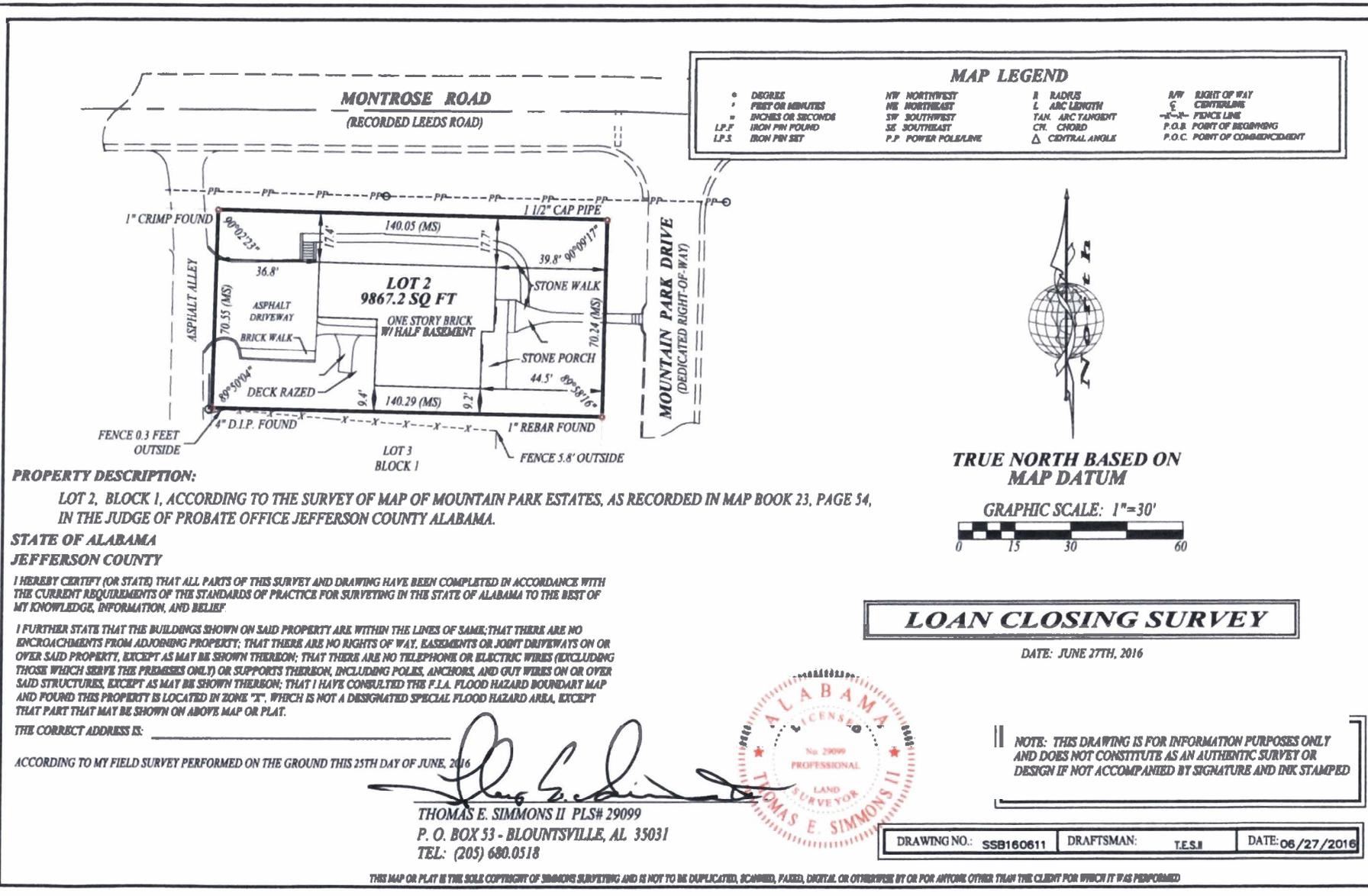
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

Appends

LOCATION: 3701 Mountain Park Drive

ZONING DISTRICT: Residence-B

OWNER: Caroline Mays



MAP LEGEND

• DEGREES	NW NORTHWEST	R RADIUS	R/W RIGHT OF WAY
' FEET OR MINUTES	NE NORTHEAST	L ARC LENGTH	☉ CENTERLINE
" INCHES OR SECONDS	SW SOUTHWEST	TAN. ARC TANGENT	-X-X- FENCE LINE
L.P.F. IRON PIN FOUND	SE SOUTHEAST	CH. CHORD	P.O.B. POINT OF BEGINNING
I.P.S. IRON PIN SET	P.P. POWER POLELINE	Δ CENTRAL ANGLE	P.O.C. POINT OF COMMENCEMENT



TRUE NORTH BASED ON
MAP DATUM

GRAPHIC SCALE: 1"=30'



PROPERTY DESCRIPTION:

LOT 2, BLOCK 1, ACCORDING TO THE SURVEY OF MAP OF MOUNTAIN PARK ESTATES, AS RECORDED IN MAP BOOK 23, PAGE 54, IN THE JUDGE OF PROBATE OFFICE JEFFERSON COUNTY ALABAMA.

STATE OF ALABAMA
JEFFERSON COUNTY

I HEREBY CERTIFY (OR STATE) 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

I FURTHER STATE THAT THE BUILDINGS SHOWN ON SAID PROPERTY ARE WITHIN THE LINES OF SAME; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS OR JOINT DRIVEWAYS ON OR OVER SAID PROPERTY, EXCEPT AS MAY BE SHOWN THEREON; THAT THERE ARE NO TELEPHONE OR ELECTRIC WIRES (EXCLUDING THOSE WHICH SERVE THE PREMISES ONLY) OR SUPPORTS THEREON, INCLUDING POLES, ANCHORS, AND GUT WIRES ON OR OVER SAID STRUCTURES, EXCEPT AS MAY BE SHOWN THEREON; THAT I HAVE CONSULTED THE F.L.A. FLOOD HAZARD BOUNDARY MAP AND FOUND THIS PROPERTY IS LOCATED IN ZONE "X", WHICH IS NOT A DESIGNATED SPECIAL FLOOD HAZARD AREA, EXCEPT THAT PART THAT MAY BE SHOWN ON ABOVE MAP OR PLAT.

THE CORRECT ADDRESS IS: _____

ACCORDING TO MY FIELD SURVEY PERFORMED ON THE GROUND THIS 25TH DAY OF JUNE, 2016

THOMAS E. SIMMONS II PLS# 29099
P. O. BOX 53 - BLOUNTSVILLE, AL 35031
TEL: (205) 680.0518



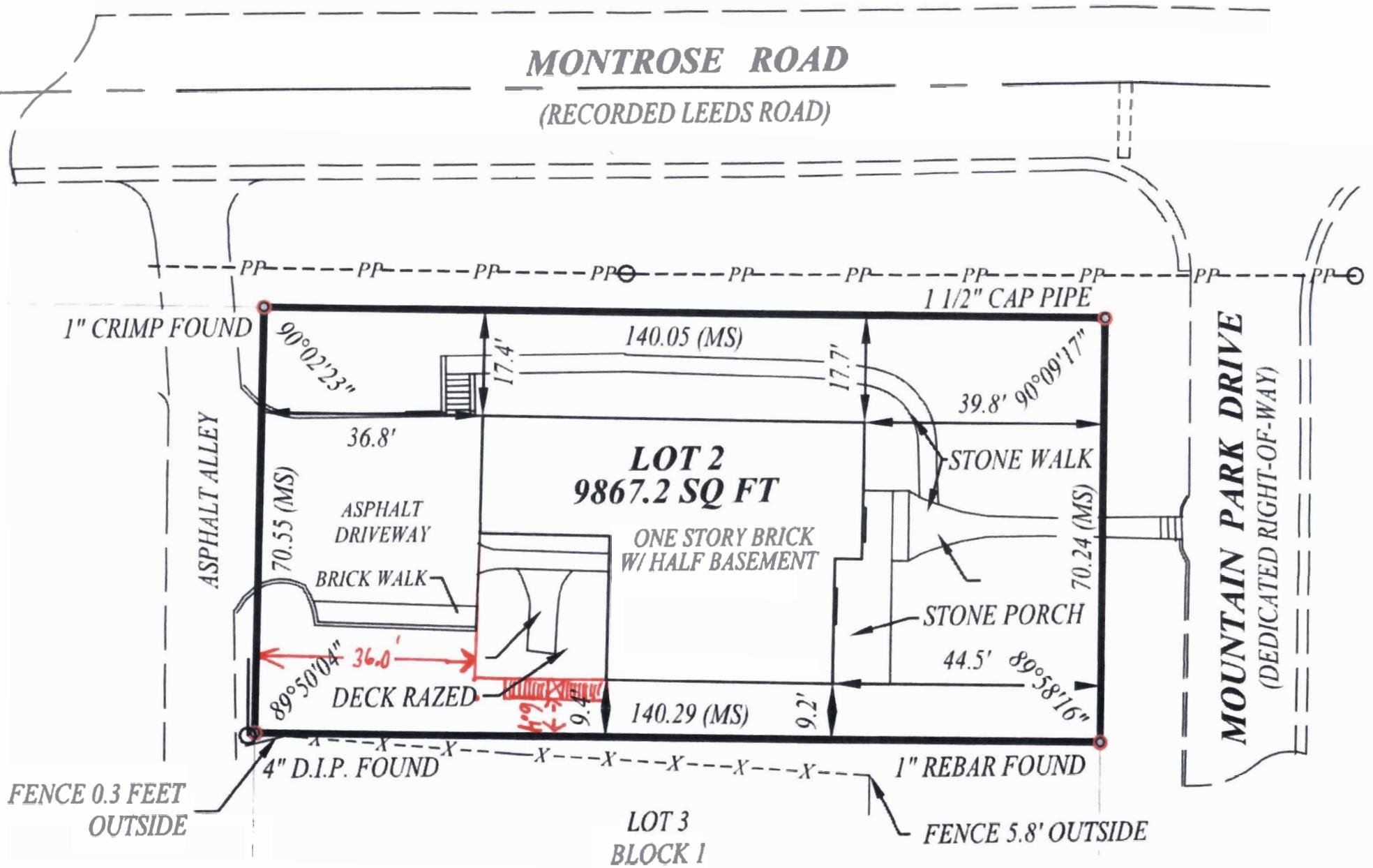
LOAN CLOSING SURVEY

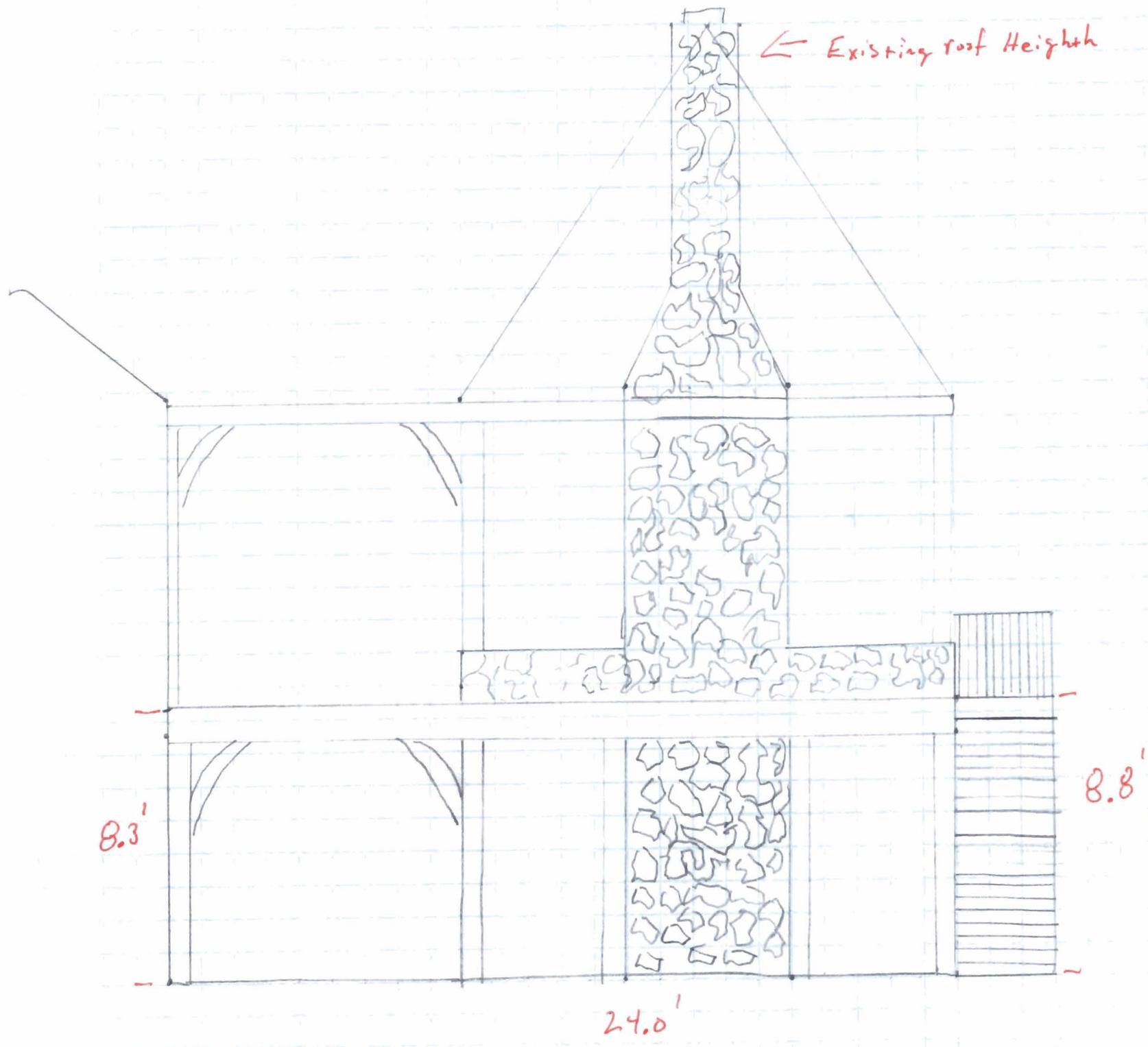
DATE: JUNE 27TH, 2016

NOTE: THIS DRAWING IS FOR INFORMATION PURPOSES ONLY AND DOES NOT CONSTITUTE AS AN AUTHENTIC SURVEY OR DESIGN IF NOT ACCOMPANIED BY SIGNATURE AND INK STAMPED

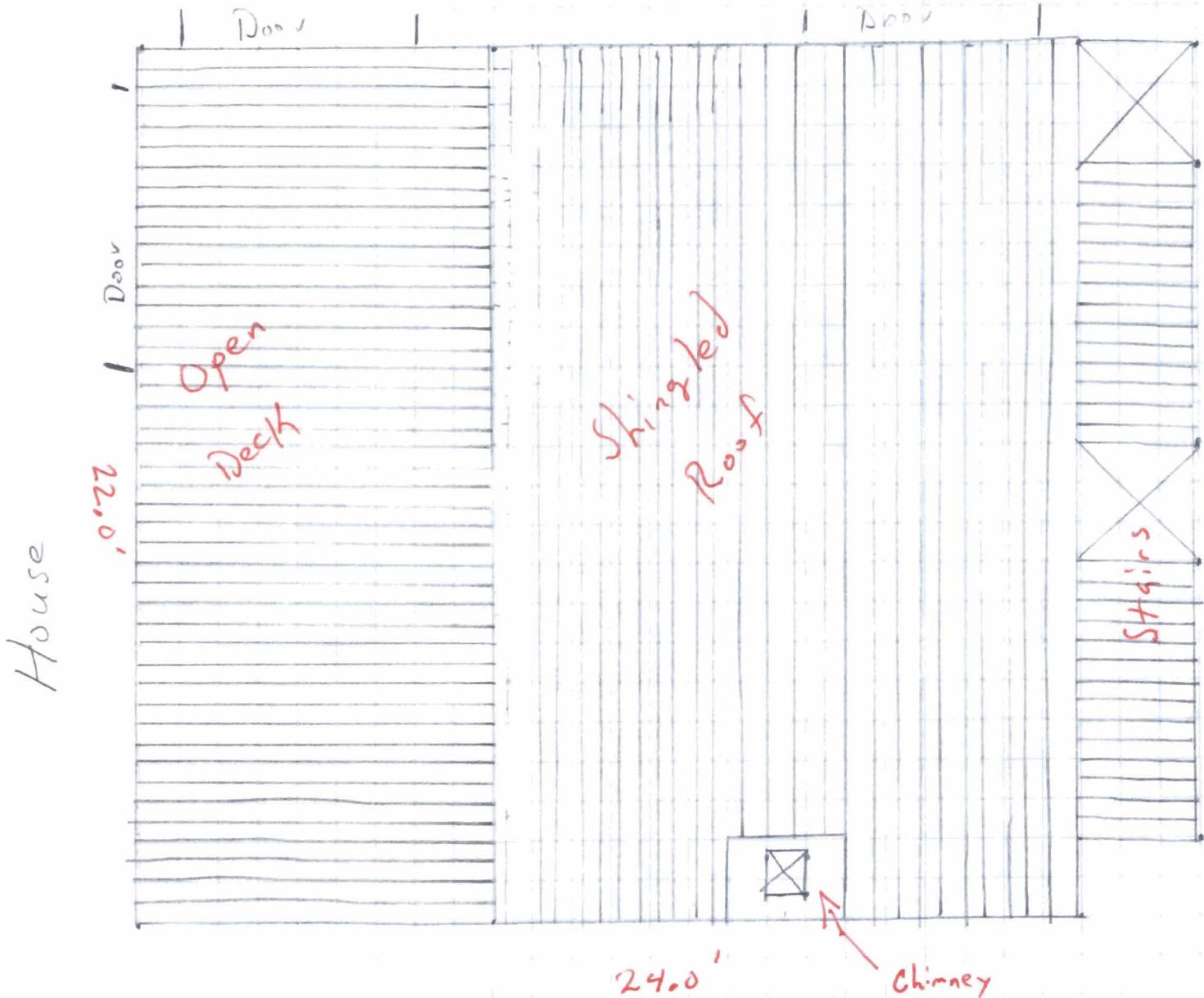
DRAWING NO.: SSB160611	DRAFTSMAN: T.E.S.II	DATE: 06/27/2016
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THIS MAP OR PLAT IS THE SOLE COPYRIGHT OF SIMMONS SURVEYING AND IS NOT TO BE DUPLICATED, SCANNED, FAXED, DIGITAL OR OTHERWISE BY OR FOR ANYONE OTHER THAN THE CLIENT FOR WHICH IT WAS PERFORMED





House







A-16-38 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

Existing design constraints of existing house are within the setbacks. The house is on a corner lot.

Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

We plan to rebuild the deck within the existing line of the house. The stairs will move to 6'4 feet away from the property line.



VARIANCE APPLICATION PART II

Project Data

Address of Property 23 DEXTER AVENUE

Zoning Classification RESIDENCE "D"

Name of Property Owner(s) SUSAN G. PINS

Phone Number (205) 871-992

Name of Representative Agent (if applicable)

J. RANDAL PINS

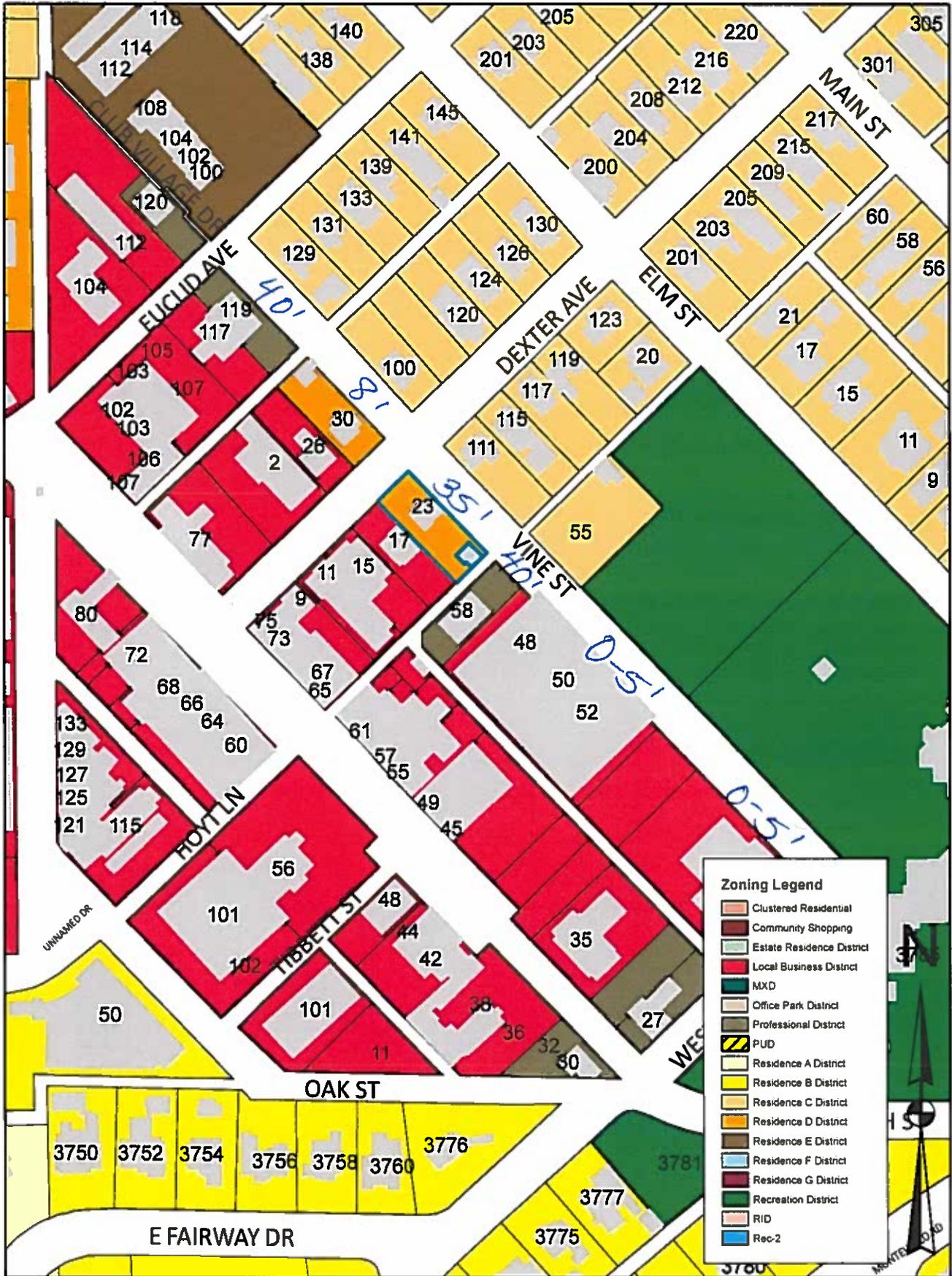
Phone Number (205) 401-6739 JRFP@SOUTHLAWLLC.COM

Property owner or representative agent must be present at hearing

Please fill in applicable project information:

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	15,000	8,625	8,625
Lot Width (ft)	100	57.5	57.5
Front Setback (ft)	35	35	35
Side Setback (ft)	12.5	20	12.3
Secondary front	35'	14.6	14.6
Rear Setback (ft)	25'	2	2
Lot Coverage (%)	37.5%	17%	17%
Building Height (ft)	45	20	20
Other			
Other	max 800 #	~400 #	1036 #

A-16-39 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-39

Petition Summary

Request to allow a detached accessory building to be 14.6 feet from the secondary front property line (Vine Street) in lieu of the required 35 feet, 12.3 feet from the side property line (west) in lieu of the required 12.5 feet, and 8 feet from the rear property line (alley) in lieu of the required 25 feet. Also, to be 1036 square feet in area in lieu of the maximum allowed 800 square feet.

Background

In May 2013, a similar request for this building was submitted to the Board (Case 4095); the difference being that the proposed rear setback was 2 feet instead of the 8 feet proposed herein. According to the minutes of that meeting, the Board agreed that imposing the required 25-foot rear setback was impractical, but that a 2-foot rear setback was too close to the property line. The Board suggested that the applicant revise the rear yard to 10 feet and carried the item over to a future meeting.

Since the first submittal of this case, the Vine Street Transitional District was approved by the City (to which this lot is eligible to rezone) and the applicant decided to wait and see whether or not to request rezoning under the new standards or continue with the variance proposal under the Residence-D zoning regulations.

Analysis

The hardships on this lot are lot size, narrow width (57.5 feet) and the fact that it is a corner lot with a secondary front on Vine Street. Also, due to the fact that its zoning is Res-D it is not eligible for the secondary front setback of 13 feet for which other similar lots in the vicinity (zoned Res-B & Res-C) are eligible. Instead, structures on this lot must maintain 35 feet from the secondary front setback along Vine.

The proposal is to replace or repair/relocate the existing detached structure. The existing structure is 14.6 feet from the secondary front and 2 feet from the rear property line along the alley. Due to the size (approx. 1036 sq. ft.) and the height (25 feet) of the proposed detached building, it is not eligible for the reduced rear setback of 10 feet for smaller accessory buildings.

For the Sake of Comparison

In future, should this property be rezoned to VST District, then the required setback along Vine Street would be 8 feet, with a required setback along the alley of 5 feet. The property across Dexter Avenue (30 Dexter Avenue) has been rezoned to VST District and has been approved for a Vine Street setback in compliance with this standard.

It should be noted that there is a mixture of zoning districts currently in place along the west side of Vine Street (see attached zoning map). The Local Business District (Board of Education and The Pig) are allowed 0-5 feet on Vine Street; the Professional District on the opposite side of the subject alley has a minimum front setback on Vine Street of

40 feet; the VST District Vine Street frontage (across Dexter) has a minimum allowance of 8 feet, and the Professional bank site at the corner of Vine Street and Euclid Avenue has a minimum Vine Street setback of 40 feet. Given these staggered Vine Street setback requirements, it is not anticipated that the proposed setback of 14.6 feet would be detrimental to the streetscape.

As to the proposed 8-foot rear setback, 10 feet is required along the same alley for commercial buildings on the same block and given the fact that there is approximately 52 feet between the existing detached building and the principal structure on the lot, there is room to relocate the detached building farther from the rear property line. However, as noted above, if zoned VST District this property would only be required a 5-foot rear setback, so the proposed 8 feet may be a reasonable request.

As to the proposed 12.3-foot interior side setback, it is drawn in line with the principle structure on this lot; but given the opportunity for the new detached building location to conform there may be no reason to allow a 0.2-foot variance for this side.

As to the request to exceed the maximum square footage of 800 square feet, it is not apparent how the lot's inherent hardships of size, width and corner configuration relate to the requested relief from the code requirements for square footage.

Impervious Area

Calculations to be forwarded at meeting.

Subject Property and Surrounding Land Uses

The property contains a single-family dwelling; with a café/retail market to the west, an office building across the alley to the south, and single family dwellings to the east and north across Vine Street and Dexter Avenue, respectively.

Affected Regulation

Article VII, Residence D District; Section 129-93, Area and Dimensional Requirements

Appends

LOCATION: 23 Dexter Avenue

ZONING DISTRICT: Residence D

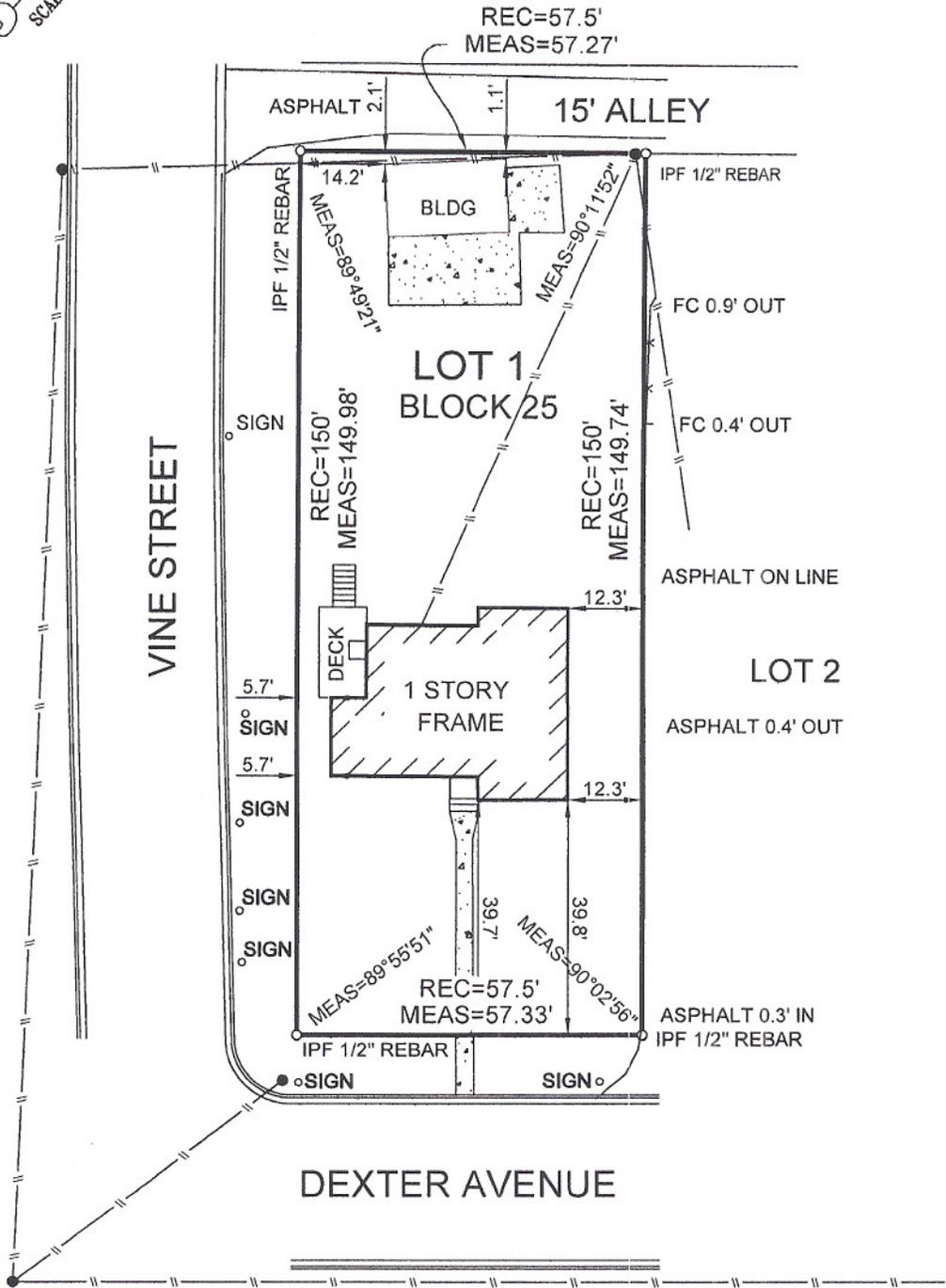
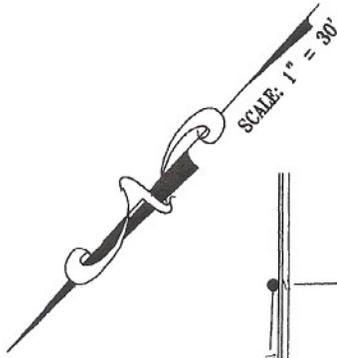
OWNER: Susan Pitts

AVERAGE LOT WIDTH: 57.5 feet M/L

AGENT: Randall Pitts

LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles
- '' = seconds, in
- ''' = bearings or angles
- '''' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus



STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 1, Block 25, CRESTLINE HEIGHTS as recorded in Map Book 7, Page 16, in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 23 Dexter Avenue, according to my survey of July 27, 2016. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

Carl Daniel Moore

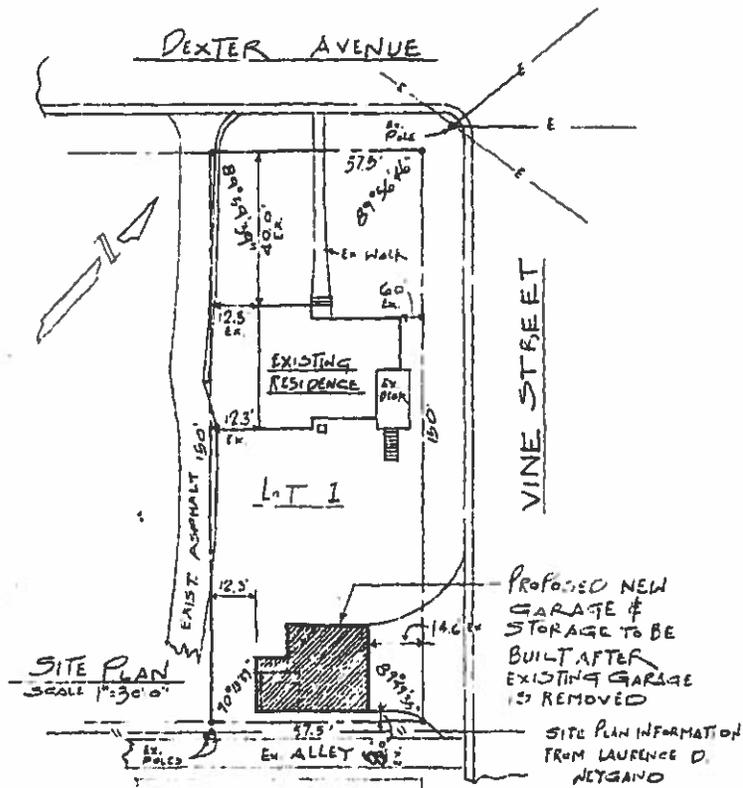
Carl Daniel Moore, Reg. L.S. #12159

8-1-2016

Date of Signature

Order No: 241971
Purchaser: Pitts
Type Survey: Closing





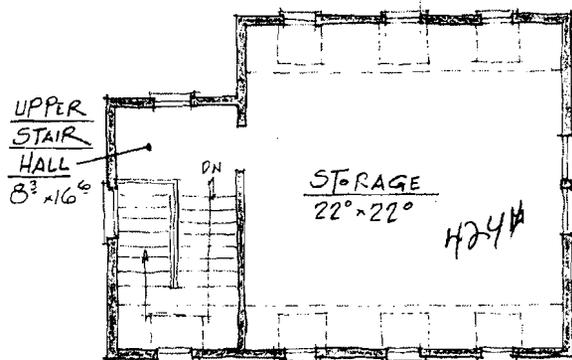
LOT N°1, BLOCK 29, CRESTLINE HEIGHTS
 AS RECORDED IN MAP VOLUME 7, PAGE 16
 IN THE OFFICE OF THE JUDGE OF PROBATE,
 JEFFERSON COUNTY, ALABAMA.

ALTERATIONS & ADDITIONS TO
 THE RESIDENCE OF

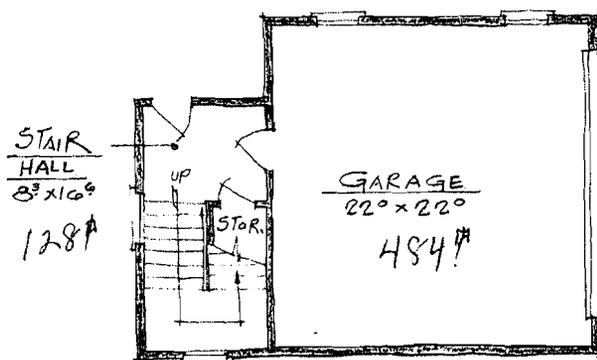
MRS. SUSAN PITTS
 MOUNTAIN BROOK, ALABAMA

HENRY STROTT LONG & ASSOCIATED ARCHITECTS
 3400 4-16-13

PROPOSED



UPPER LEVEL SCALE 1/8" = 1'-0"



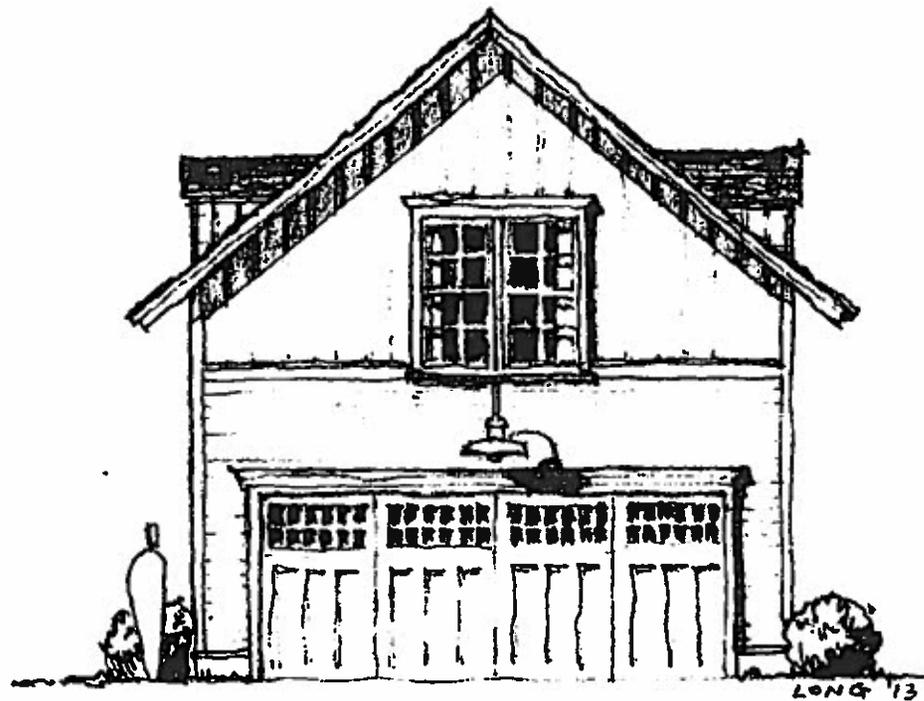
LOWER LEVEL SCALE 1/8" = 1'-0"

A GARAGE / STORAGE FOR
MRS. SUSAN PITTS

MOUNTAIN BROOK, ALABAMA
COMM. # 3400 4-17-2013

HENRY SPROTT LONG & ASSOCIATES ARCHITECTS

PROPOSED



PROPOSED

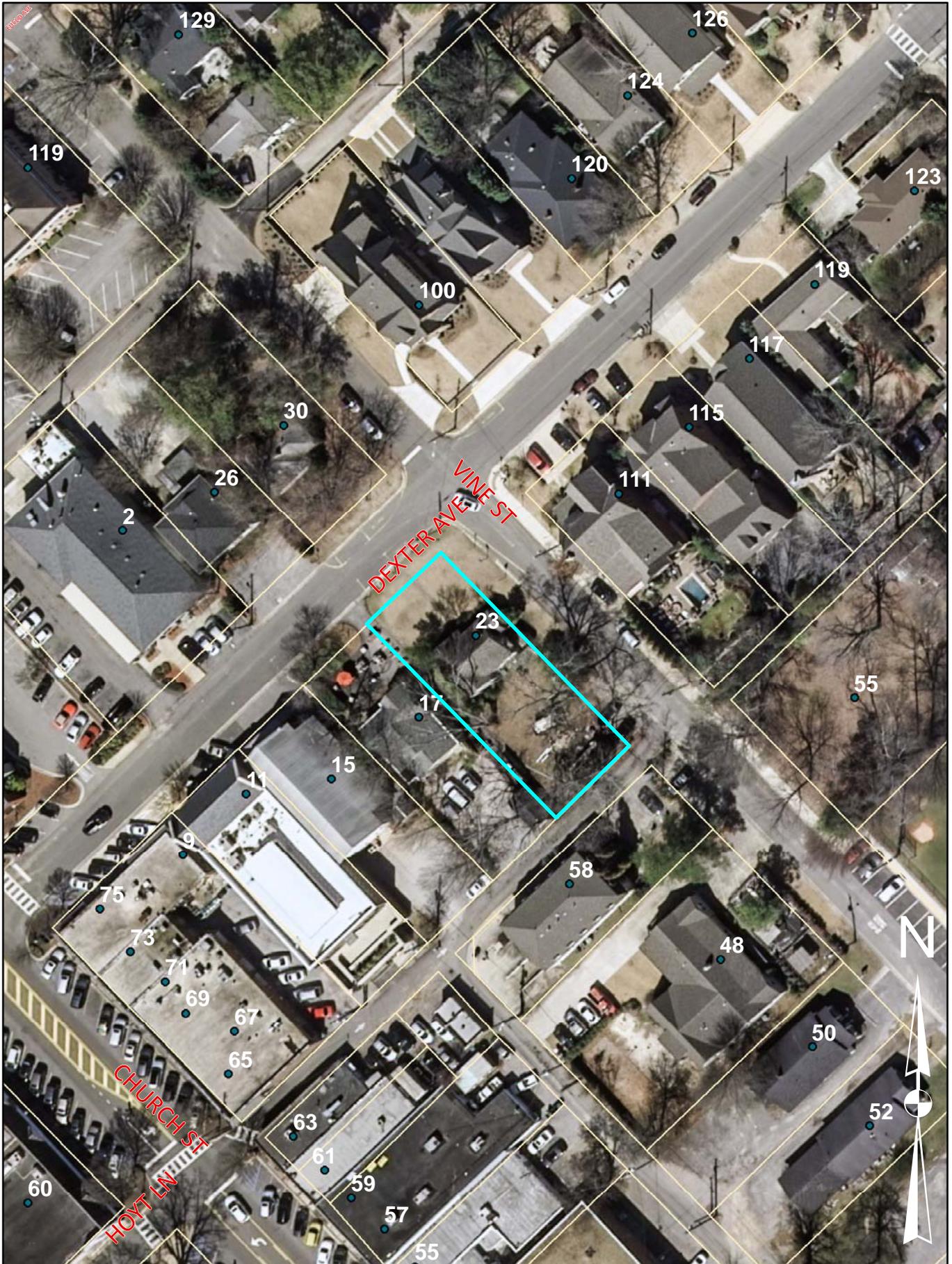
HENRY SPROTT LONG & ASSOC.

ARCHITECTS





A-16-39 (Aerial Map)



VARIANCE REQUEST PART I

Susan G. Pitts
23 Dexter Avenue

Special Circumstances Surrounding this Request

The existing house and accessory garage were approved for construction and built in 1939, well prior to the incorporation of Mountain Brook, and prior to the incorporation of zoning regulations. In accordance with Section 129-333, the building complied with all applicable laws and regulations at the time of construction. Since its construction, the zoning codes and lot requirements have changed, making the lot and buildings thereupon nonconforming. This is the only Residence D parcel remaining in Crestline. A prior application for this variance was made in 2013, but was withdrawn due to the pendency of the Vine Street Transitional District zoning approval. Since 2013, the only other remaining Residence D property located near the village has been rezoned VST.

Granting of a Variance is Necessary to Preserve Property Rights

The owner wishes to continue to have a garage and storage area as provided for in Section 129-371. In order to preserve the value of the parcel, the owner must be allowed to continue to maintain the structure.

Conditions from which Relief is Sought

This variance is not being requested as a result of any action by the applicant. In June 2012, an Act of God caused the condition from which relief is sought. Specifically, a large tree fell through a portion of the existing garage and storage area. The garage was being used at the time by the owner. The owner still needs the use of this garage and storage.

Granting of a Variance is Consistent with the Intent of the Zoning Regulations

The granting would allow the owner to restore and refurbish the garage on its original location. The variance would also allow the owner to improve the exterior presentation of the garage to better meet the current character of the neighborhood. In accordance with Sections 129-333, 129-373, and 129-456(1)(c), the BZA is empowered to grant a variance for the rebuilding of the damaged garage. Starting with the original zoning ordinances in 1953, the BZA has been granted discretionary authority to enable owners to maintain preexisting nonconforming buildings. The purpose and intent of these zoning regulations is to allow property owners to maintain those buildings which predate the incorporation of the city, as well as to maintain structures which have become nonconforming due to changes in the zoning regulations. Due to the fact that this is a unique parcel, the BZA will not be called upon to grant similar variances.

SOUTHLAW, L.L.C.

ATTORNEYS AT LAW
58 Vine Street, Suite 100
Birmingham, AL 35213
www.SouthLawLLC.com
(205) 401-6739
(866) 348-7536

July 22, 2016

Via hand delivery

Board of Zoning Adjustments
56 Church Street
Mountain Brook, AL 35213

Re: Variance Repair Request for 23 Dexter Avenue

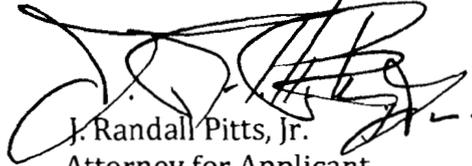
Pursuant to a letter dated July 5, 2016, from Mr. Sam Gaston, City Manager, the applicant is making this application for a variance to repair the pre-existing nonconforming structure located at 23 Dexter Avenue. The structure in question was built in 1939, three years before the City of Mountain Brook was incorporated, and thirteen years prior to the enactment of the first set of zoning ordinances. As is clear from the 1953 zoning regulations, the city intended that the Board of Zoning Adjustments make special dispensations for these grandfathered structures which were made nonconforming by the adoption of the standardized zoning code. Specifically, Section 129-371 allows for previously conforming structures and uses which were conforming prior to January 23, 1950, to be continued and allowed, even though the structure or use is currently nonconforming.

The damaged structure for which a variance is currently being sought is a private garage, and has always been used for this purpose. The use for the proposed structure will also be a private garage. The proposed rebuilt structure may either be built on the same footprint as the existing garage, or moved an appropriate distance off of the rear property line. We would suggest that if the Board deems that the structure be relocated, that a variance be granted to allow the repaired structure to be moved eight feet from the rear property line. It is currently located two feet from the rear property line. The proposed structure would not extend beyond the existing side setbacks.

As the BZA is aware, it is specifically empowered to modify the strict application of the zoning code, via Section 129-373, to allow the damaged structure to be repaired or rebuilt to its pre-damage condition. The applicant is requesting a variance, pursuant to Sec. 129-456 (1)(c), to allow the repair and/or replacement of the preexisting non-conforming building.

The applicant is in the process of getting a new survey done for the property, and should have the same prior to the BZA meeting. Please feel free to contact me directly if I can provide you with any of the materials referenced hereinabove. I may be reached by telephone at (205) 401-6739, or via email at JRP@SouthLawLLC.com.

Very truly yours,



J. Randall Pitts, Jr.
Attorney for Applicant

JRP/hb