

BZA Packet

April 12, 2016

Hello All,

Enclosed please find your packet for the meeting of April 18, 2016.

We have:

- 1 “re-do” case of an approved case that expired
- 4 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-Apr-18 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
APRIL 18, 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: March 21, 2016
 2. Case **A-16-13: Paige and Walter Scott**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of a fireplace/chimney to be 13 feet from the side property line (northeast) in lieu of the required 15 feet. – **3632 Montevallo Road**
(Previously approved as Case 4176 on April 20, 2015 – expired)
 3. Case **A-16-14: Eddie and Anne Bugg**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of an outdoor patio chimney to be 8 feet from the side property line (southwest) in lieu of the required 10 feet.
– **613 Dexter Avenue**
 4. Case **A-16-15: Mr. and Mrs. James Ashurst**, owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 9.5 feet from the side property line (southwest) in lieu of the required 10 feet. - **613 Euclid Avenue**
 5. Case **A-16-16: Andy Saag**, owner, requests variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 22 feet from the front property line (Pine Haven Drive), 29 feet from the front property line (Virginia Road) and 29 feet from the rear property line (north), all in lieu of the required 35 feet.
- **2900 Virginia Road**
 6. Case **A-16-17: Addam and Mary Evans**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of an addition to the rear of an existing single family dwelling to match the existing side setback (southwest) of 14.2 feet lieu of the required 15 feet. **3773 Montevallo Road**

7. Next Meeting: May 16, 2016
8. Adjournment

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
March 21, 2016

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, March 21, 2016, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

Board Present: Patrick Higginbotham, Chairman Absent: Henry Lapidus
William Hereford, Co-Chairman
Norman Orr
Richard Simonton
Chris Mitchell
Rhett Loveman

Also present: Dana Hazen, Director of Planning, Building & Sustainability
Glen Merchant, Building Official
Tammy Graham, Administrative Assistant

Chairman Higginbotham asked if all adjacent property owners in each of the cases on the agenda had received legal notice of this hearing. Mrs. Graham replied that, based on the information supplied by the applicants, they had been notified.

Mr. Higginbotham stated that 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-month extension.

1. The Agenda stood approved as printed.
2. Approval of Minutes - February 16, 2016:

Motion: Mr. Hereford, to approve as printed
Second: Mr. Orr
Vote: Unanimously approved

3. Case A-15-11: 50 Fairway Drive

EXHIBIT 1

Scott and Lynne Russell, owners, **request** a variance from the terms of the Zoning Regulations to allow alterations to an existing detached garage which is 5.3 feet from the side property line (northeast) in lieu of the required 15 feet, and 20 feet from the rear property line in lieu of the required 40 feet. This request is for an extension of a variance that was approved on October 19, 2015.

Motion: Mr. Orr, to grant variance extension as requested
Second: Mr. Hereford
Vote: Unanimous voice vote

Extension of variance approved by a 5 – 0 vote.

4. Case A-16-10: 3500 Mountain Lane

EXHIBIT 2

Jeffrey and Brooke Dyer-Smith, owners, request a variance from the terms of the Zoning Regulations to allow a screened porch to be 3.3 feet from the rear property line (northwest) in lieu of the required 35 feet.

Mr. Dyer-Smith stated that the variance would allow the expansion of the existing deck by 8’ toward the unimproved paper alley; the deck will be covered and screened. He has spoken with the neighbor that is on the side closest to the deck; she does not have a problem with the project (she is actually designing the deck).

Hardships: The hardships in this case are the irregular shape of the lot (wedge-shaped) and the existing design constraints.

Chairman Higginbotham: The hardship created by the lot shape is obvious. Is it common for the paper alley to be used as a part of neighboring backyards as well? Mr. Dyer-Smith: Yes.

Motion: Mr. Hereford, to grant variance as requested
Second: Mr. Simonton
Vote: Ayes: Higginbotham Nays: None
 Hereford
 Orr
 Simonton
 Mitchell

Variance approved by a 5 – 0 vote.

5. Case A-16-11: 8 Alden Lane

EXHIBIT 3

Mr. and Mrs. John Bethay, owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 22 feet from the rear property line (west) in lieu of the required 35 feet.

Mr. Bethay stated that the BZA granted a variance in October, 2015 for the remodeling of an existing house. After further study of the project, it was determined that a new house would be built instead. The amount of encroachment asked for now is less than the amount granted in October.

Hardships: The hardships in this case are the irregular shape of the lot and the corner-lot configuration (three 35-foot setbacks).

Chairman Higginbotham: Since the design is not at the full 35' front and side set back allowance, why not minimize encroachment in rear by moving forward?

Mr. Bethay:

- The front of the lot has a severe slope; toward the rear of the lot is flat.
- Building on the flat terrain helps from a design standpoint.
- This being a corner lot, moving forward would also cause the house to protrude into the neighborhood.

Mr. Merchant, Building Official: A consideration: Moving the structure forward on a slope may create the need for steps or a stoop, causing a non-conforming height at the front door.

Motion: Mr. Mitchell, to grant variance as requested

Second: Mr. Hereford

Vote: Ayes: Higginbotham Nays: None
 Hereford
 Orr
 Simonton
 Mitchell

Variance approved by a 5 – 0 vote.

6. Case A-16-12: 3813 Halbrook Lane

EXHIBIT 4

Harvey and Victoria Johnson, owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 20 feet, 10 inches from the rear property line (east) in lieu of the required 40 feet.

Mr. Brad Davis, builder on this project, presented the variance request: The existing house encroaches the set back in the rear; asking for an additional 5'3" on the rear, left corner. The driveway is on the right side, keeping the structure from sliding from encroachment.

Hardship: The hardship in this case is the shallow depth of the lot; small lot.

Chairman Higginbotham: The lot is shallow and small for Zone A.

Mr. Higginbotham: The impervious limit for the project as proposed is exceeded.

Mr. Davis: The entire driveway will be pea gravel.

Mr. Higginbotham: The encroachment in the rear is all one room? Mr. Davis: Correct; the master bedroom. Second level does not encroach. The house is 3500 sf.

Motion: Mr. Hereford, to grant variance as requested

Second: Mr. Orr

Vote: Ayes: Higginbotham Nays: None
 Hereford
 Orr
 Simonton
 Mitchell

Variance approved by a 5 – 0 vote.

- 7. Adjournment** - There being no further business to come before the Board at this time, the meeting stood adjourned at 5:14 p.m.

Tammy Graham, Administrative Assistant

Variance Application - Part I

Project Data

Address of Subject Property 3632 MONTEVALLA ROAD

Zoning Classification RES A

Name of Property Owner(s) Paige + Walter Scott

Phone Number 209 870.9042 Email WFS3@GALLOWAYSCOTT.COM

Name of Surveyor BAILEY LAND GROUP

Phone Number 209.978.0080 Email JASON@BAILEYLANDGROUP.COM

Name of Architect (if applicable) Lissy Freese

Phone Number 209.324.8864 Email LISSY@CCRARCHITECTS.NET

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	15'	15'-9"	13'
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			
Other			



A-16-13

COHEN CARNAGGIO REYNOLDS
ARCHITECTURE. INTERIORS. DESIGN

March 12, 2015

City of Mountain Brook
Board of Zoning Adjustment
56 Church Street
Mountain Brook, AL 35213

Please consider the attached request for variance.

Project Description:

Addition and renovation to a private single family residence. The owner proposes making improvements to the interior and an addition to the west side of the house. The house sits on the lot that slopes away from Montevallo Road to an alley behind the house.

Variance request:

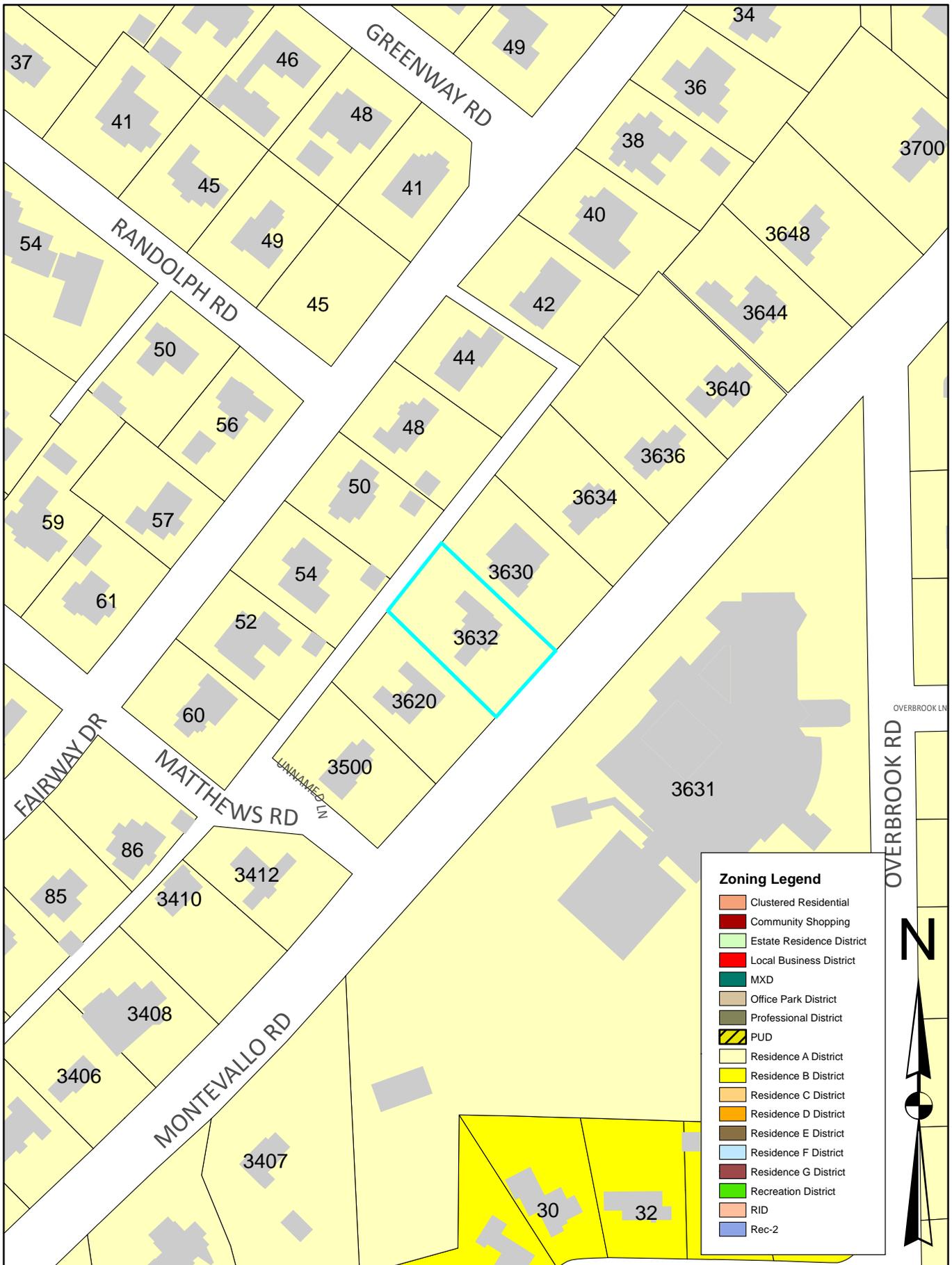
A fireplace is proposed to be added to an existing wing on the east side of the house. This wing is 15'-9" from the side property line. The fireplace will project from the house 2'-9", leaving 13' between the fireplace and the property line. The new fireplace will be on the rear portion of the house, farthest away from the street.

Thank you for your consideration.

Sincerely,

Lissy Frese

A-16-13 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-13

Petition Summary

Request to allow the construction of a fireplace/chimney to be 13 feet from the side property line (northeast) in lieu of the required 15 feet.

Background

This same case was approved on April 20, 2015 (Case 4176) and expired before implemented.

Analysis

The hardship in this case is the existing design constraint. The proposed addition is minor in nature and is not anticipated to have a detrimental effect on the adjoining property.

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

Appends

LOCATION: 3632 Montevallo Road

ZONING DISTRICT: Residence A

OWNERS: Paige and Walter Scott

A-16-13

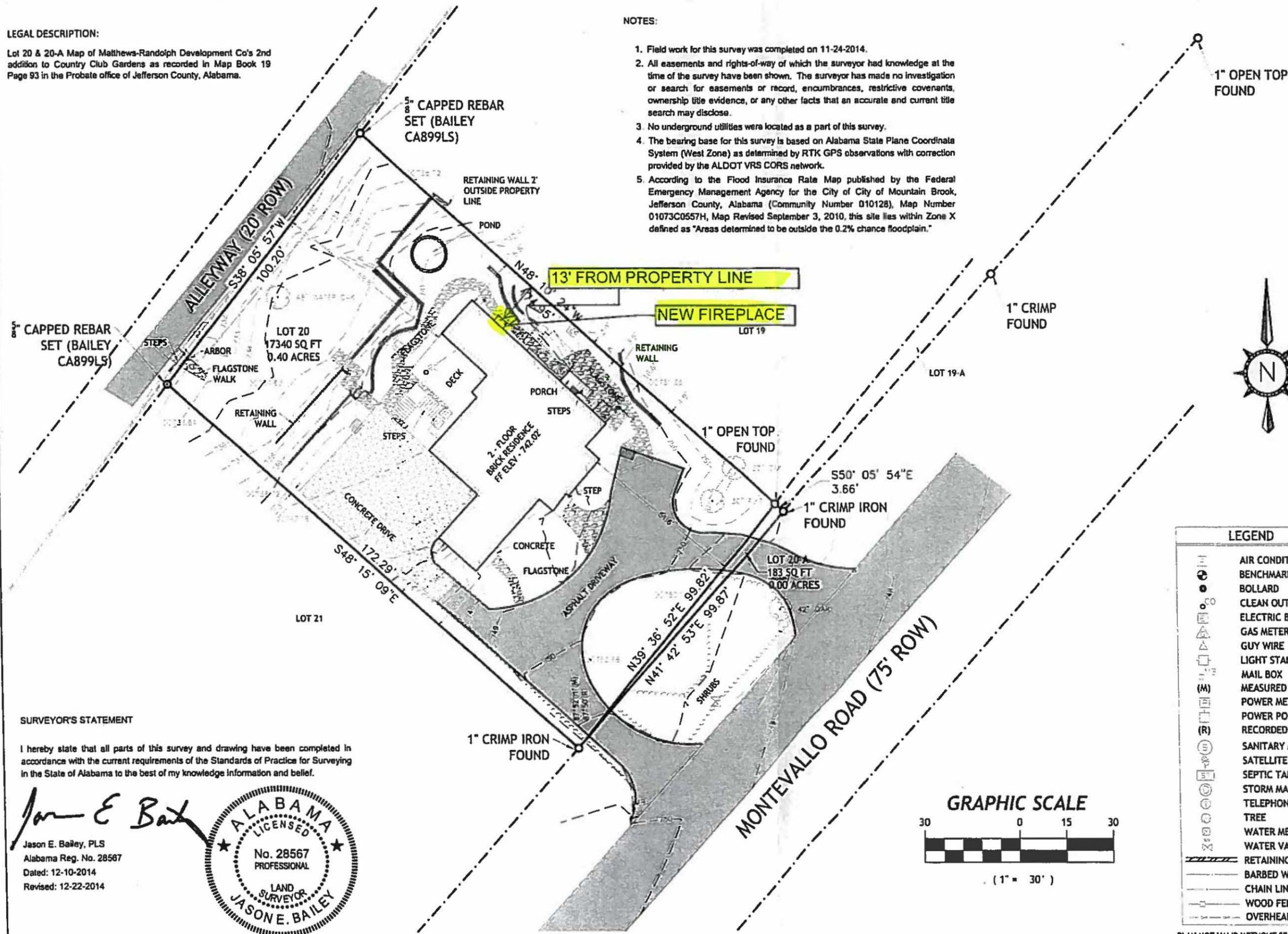
PRINTED TO SCALE ON 11" x 17" PAPER

LEGAL DESCRIPTION:

Lot 20 & 20-A Map of Mathews-Randolph Development Co's 2nd addition to Country Club Gardens as recorded in Map Book 19 Page 93 in the Probate office of Jefferson County, Alabama.

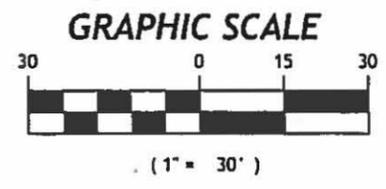
NOTES:

1. Field work for this survey was completed on 11-24-2014.
2. All easements and rights-of-way of which the surveyor had knowledge at the time of the survey have been shown. The surveyor has made no investigation or search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
3. No underground utilities were located as a part of this survey.
4. The bearing base for this survey is based on Alabama State Plane Coordinate System (West Zone) as determined by RTK GPS observations with correction provided by the ALDOT VRS CORS network.
5. According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency for the City of City of Mountain Brook, Jefferson County, Alabama (Community Number 010128), Map Number 01073C0557H, Map Revised September 3, 2010, this site lies within Zone X defined as "Areas determined to be outside the 0.2% chance floodplain."



LEGEND

	AIR CONDITIONER
	BENCHMARK
	BOLLARD
	CLEAN OUT
	ELECTRIC BOX
	GAS METER
	GUY WIRE
	LIGHT STANDARD
	MAIL BOX
	MEASURED
	POWER METER
	POWER POLE
	RECORDED
	SANITARY MANHOLE
	SATELLITE DISH
	SEPTIC TANK
	STORM MANHOLE
	TELEPHONE PEDESTAL
	TREE
	WATER METER
	WATER VALVE
	RETAINING WALL
	BARBED WIRE FENCE
	CHAIN LINK FENCE
	WOOD FENCE
	OVERHEAD POWER



SURVEYOR'S STATEMENT

I hereby 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.

Jason E. Bailey

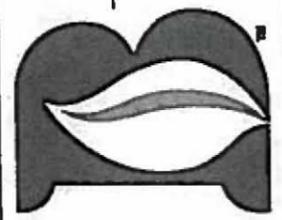
Jason E. Bailey, PLS
Alabama Reg. No. 28567
Dated: 12-10-2014
Revised: 12-22-2014



PROJECT	3632 MONTEVALLO RD MOUNTAIN BROOK, AL 35213
CLIENT	GALLOWAY & SCOTT, LLC BIRMINGHAM, AL
TITLE	PROPERTY BOUNDARY SURVEY
DRAWN BY	DJ
CHECKED BY	JEB
SCALE	1 : 30
DATE	12-10-2014

BAILEY LAND GROUP
LAND SURVEYING & ENGINEERING

2170 CLEARBROOK ROAD, SUITE 206
HOOVER, AL 35226
P: 205.978.0080 F: 205.978.0082
www.baileylandgroup.com



BIG PROJECT NO.	14-294
CLIENT/ARCH. PROJECT NO.	
SHEET NO.	1 OF 1

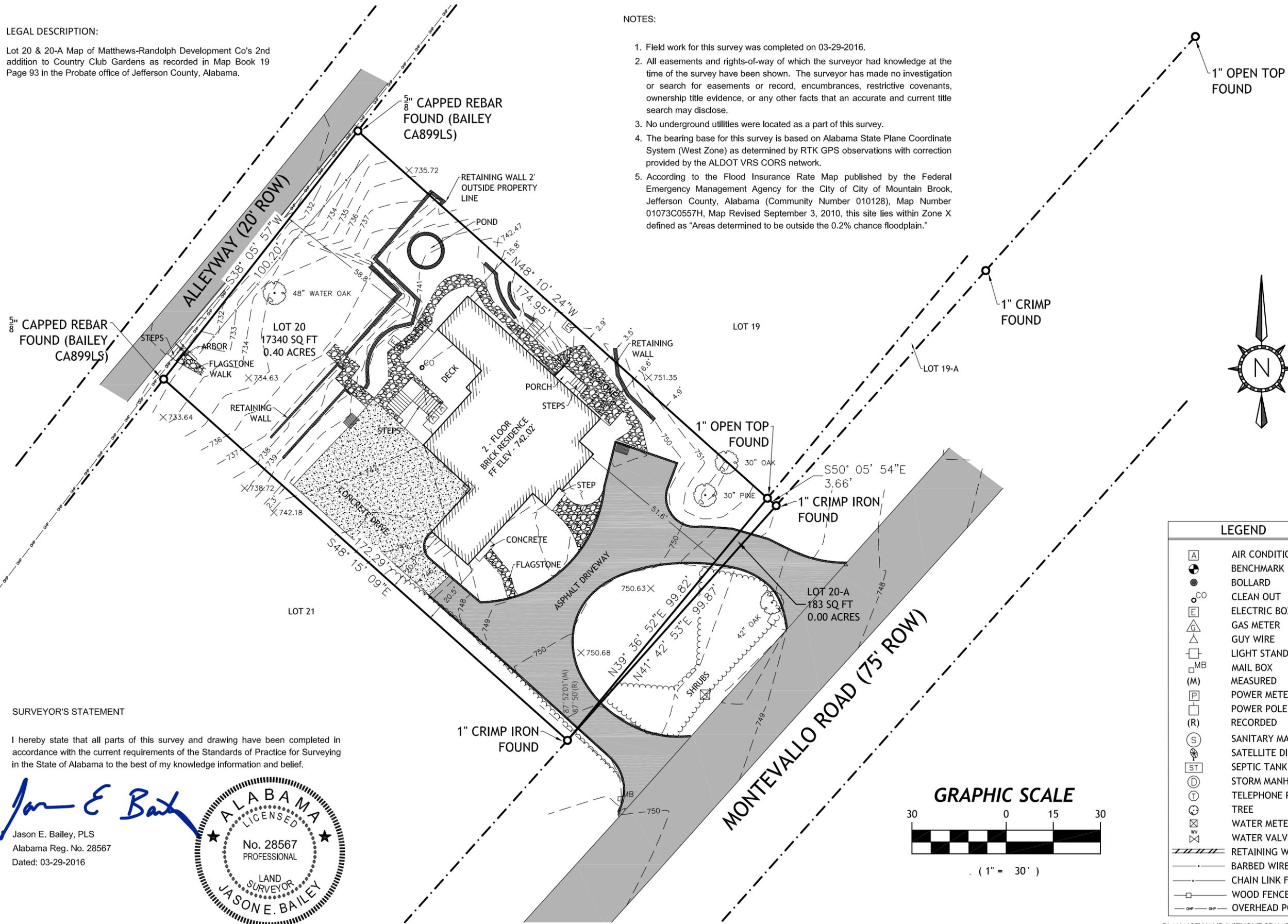
C:\Dropbox (Bailey Land Group)\Project\2014\14294 3032 MONTEVALLO RD 31140011777.DWG

LEGAL DESCRIPTION:

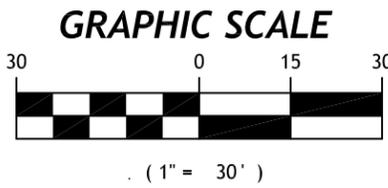
Lot 20 & 20-A Map of Matthews-Randolph Development Co's 2nd addition to Country Club Gardens as recorded in Map Book 19 Page 93 in the Probate office of Jefferson County, Alabama.

NOTES:

1. Field work for this survey was completed on 03-29-2016.
2. All easements and rights-of-way of which the surveyor had knowledge at the time of the survey have been shown. The surveyor has made no investigation or search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
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LEGEND	
[A]	AIR CONDITIONER
[B]	BENCHMARK
[C]	BOLLARD
[CO]	CLEAN OUT
[E]	ELECTRIC BOX
[G]	GAS METER
[GW]	GUY WIRE
[LS]	LIGHT STANDARD
[MB]	MAIL BOX
[M]	MEASURED
[P]	POWER METER
[PP]	POWER POLE
[R]	RECORDED
[S]	SANITARY MANHOLE
[SD]	SATELLITE DISH
[ST]	SEPTIC TANK
[SM]	STORM MANHOLE
[TP]	TELEPHONE PEDESTAL
[T]	TREE
[WM]	WATER METER
[WV]	WATER VALVE
[RW]	RETAINING WALL
[BWF]	BARBED WIRE FENCE
[CLF]	CHAIN LINK FENCE
[WF]	WOOD FENCE
[OP]	OVERHEAD POWER

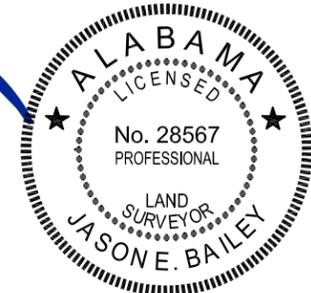


SURVEYOR'S STATEMENT

I hereby 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.

Jason E. Bailey

Jason E. Bailey, PLS
 Alabama Reg. No. 28567
 Dated: 03-29-2016



PROJECT	3632 MONTEVALLO RD MOUNTAIN BROOK, AL 35213
CLIENT	GALLOWAY & SCOTT, LLC BIRMINGHAM, AL
TITLE	PROPERTY BOUNDARY SURVEY
DRAWN BY	DJ
CHECKED BY	JEB
SCALE	1 : 30
DATE	03-29-2016

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BLG PROJECT NO.	14-294
CLIENT/ARCH. PROJECT NO.	
SHEET NO.	1 OF 1

PLAN NOT VALID WITHOUT SEAL & SIGNATURE

A-16-13 (Aerial Map)





**Variance Application
Part II**

Required Findings (Sec. 19.26.5 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 house is existing and the owner wishes to improve it by adding a fireplace. Adding to the exterior provides the best interior and exterior look. To add the fireplace within the existing house would require substantial and cost prohibitive changes to wood floor and wall framing because of fire code.

Why is the granting of a variance necessary to preserve property rights on the subject property and not be the granting of a special privilege for the applicant's convenience?

The variance is relatively minor.

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?

This work is part of a general house renovation that will increase the value of the property, maintain the character of the neighborhood, and improve the living conditions of the residents; thus it supports the purpose and intent of the zoning ordinance.



Variance Application - Part I

Project Data

Address of Subject Property 613 Dexter Ave

Zoning Classification Res C

Name of Property Owner(s) Eddie & Anne Bugg

Phone Number 205-879-2592 Email _____

Name of Surveyor Ray Weggand

Phone Number 205 942 0086 Email ray_weggand@bellsouth.net

Name of ^{Designer} Architect (if applicable) David Camp

Phone Number 205 369 4661 Email david@cccinc.co

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	10'	14'	8' @ chimney
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			
Other			

Camp Construction Company, inc.

3-25-2016

TO: City of Mountain Brook - Board of Zoning Adjustments
FROM: David Camp
RE: Side Setback Variance at 613 Dexter Avenue

Dear Members of the Board of Zoning Adjustments,

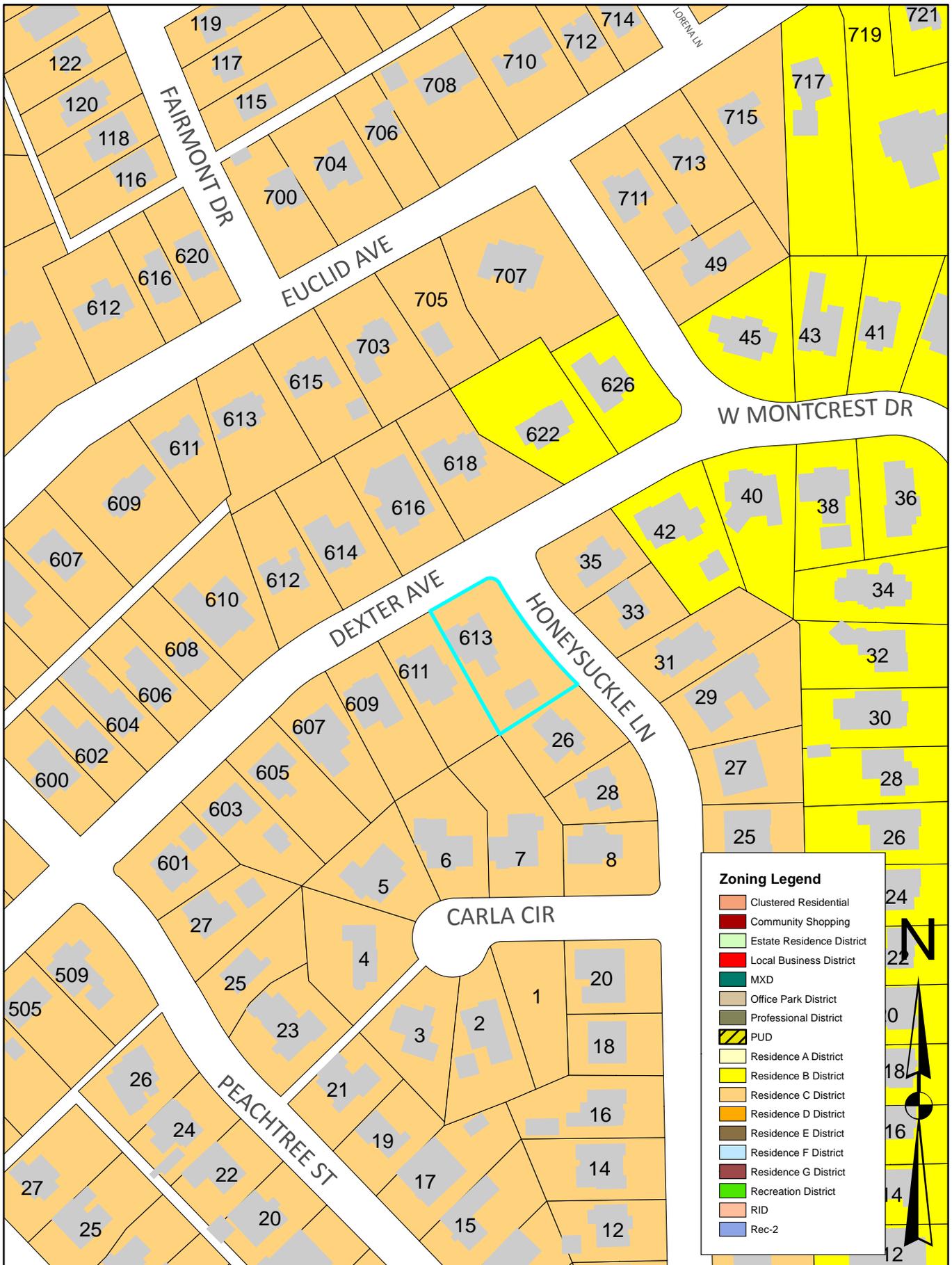
My Clients, Eddie and Anne Bugg, wish to petition the City to allow a two-foot variance to the right side setback of their home at 613 Dexter Avenue to facilitate the addition of an open porch. The only portion of the porch which will require a variance is the chimney which is 6'-4" wide at its base and 3'-8" wide at the upper section. Thank you for your consideration of this request.

Sincerely,



David R. Camp

A-16-14 (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-16-14

Petition Summary

Request to allow the construction of an outdoor patio chimney to be 8 feet from the side property line (southwest) in lieu of the required 10 feet.

Analysis

The hardship in this case is the corner lot configuration. Unlike most other corner lots along Dexter Avenue, the subject lot does not abut a dedicated alley to the rear, which makes it ineligible for a reduced secondary front setback along Honeysuckle Lane. Therefore, the house maintains a 35-foot secondary front setback instead of the reduced 15-foot secondary front setback most other property owners of lots along Dexter Avenue may utilize.

The side yard opposite the secondary front is the subject of the variance. The proposed patio chimney is 8 feet from the side property line and needs approval of a variance because it is considered to be an accessory structure which is higher than the 8-foot height limit within the side setback. Of course the chimney is required by the Building Code to be higher than 8 feet due to its proximity to the patio roof (proposed chimney height is approximately 21 feet). No detrimental effect to the adjoining property is anticipated in conjunction with an approval of this request.

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 V, Residence C District; Section 129-62, Area and Dimensional Requirements

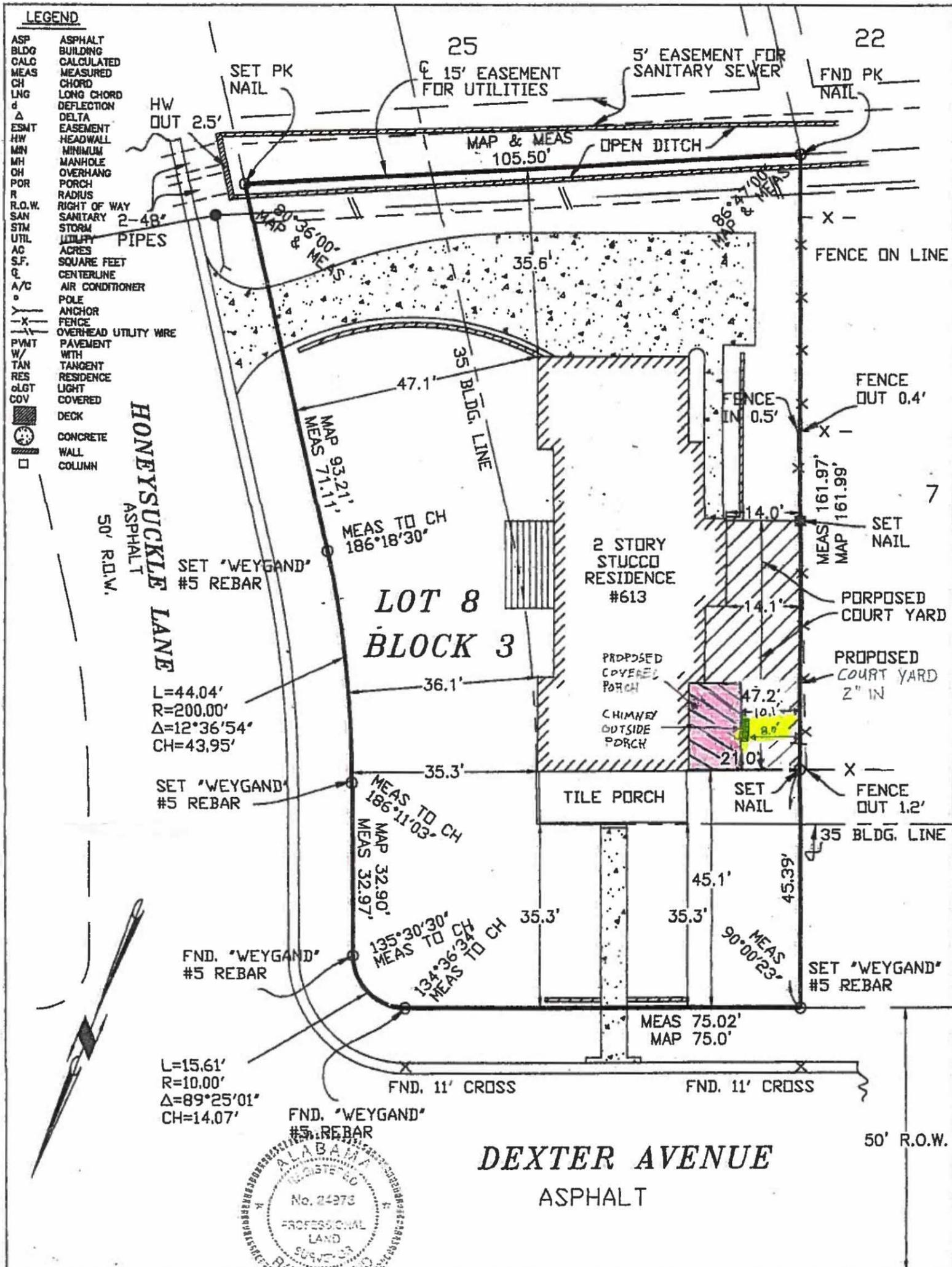
Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures on Residential Lots

Appends

LOCATION: 613 Dexter Avenue

ZONING DISTRICT: Res-C

OWNERS: Eddie and Anne Bugg



SCALE: 1"=20'

STATE OF ALABAMA
JEFFERSON COUNTY)

"Closing Survey"

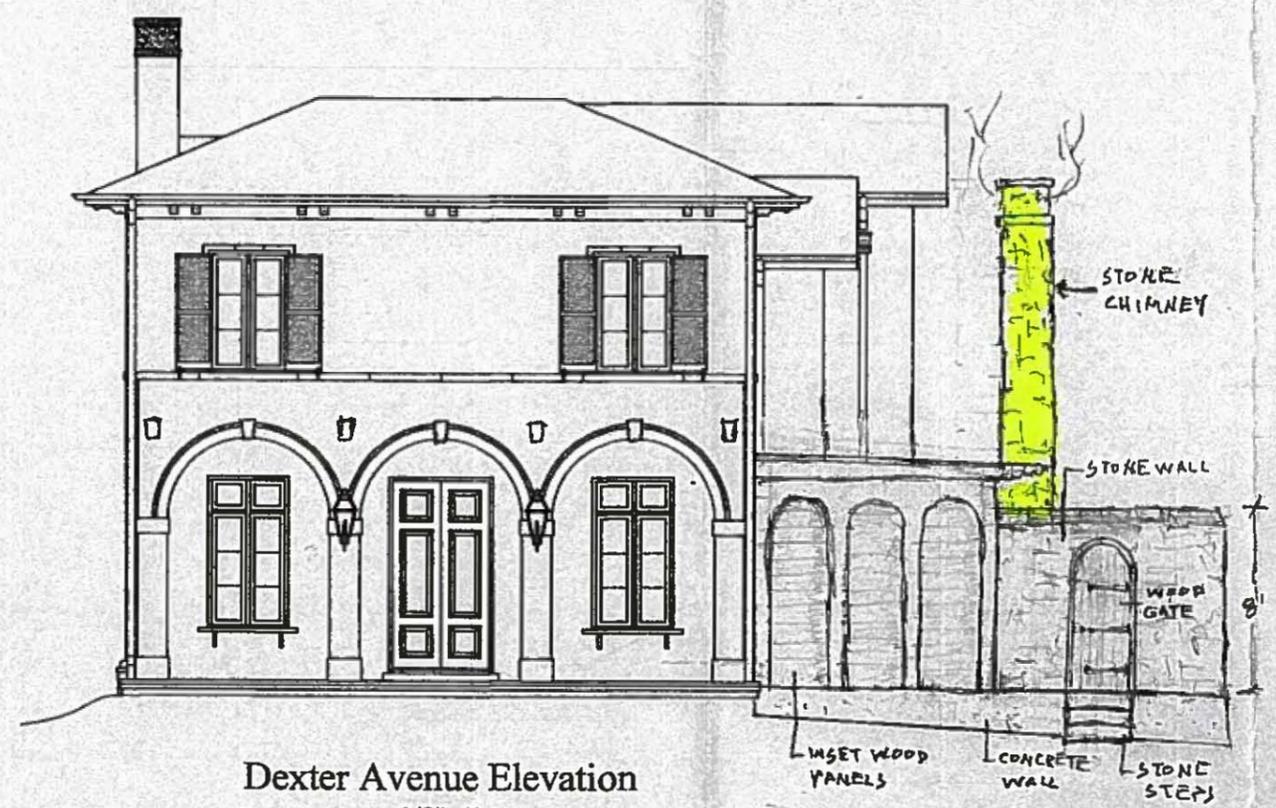
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 8, Block 3, GARBER, COOK & HULSEY'S ADDITION TO CRESTLINE HEIGHTS, as recorded in Map Volume 29, Page 16, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby 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; according to my survey of MARCH 23, 2018. Survey invalid if not sealed in red.

Order No.: 95749
Purchaser:
Address: 813 DEXTER AVENUE

[Signature]
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

A-16-14



Dexter Avenue Elevation

1/8"=1'
2-21-16
Rev 3-23-16

STONE CHIMNEY

STONE WALL

WOOD GATE

INSET WOOD PANELS

CONCRETE WALL

STONE STEPS

A-16-14



Side Elevation
1/8"=1' 3-23-16

A-16-14 (Aerial Map)



DEXTER AVE

HONEYSUCKLE LN





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)?

Current zoning for Residence C¹ property requires 70' frontage less two 10' side setbacks yielding a 50' building width. Due double frontage lot at 75' less 35' and 10' setbacks yields a 30' building width.

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. In 2005, in anticipation of building this porch addition, the owner petitioned the City of Mtn. Brook to grant a variance to the 35' Heneyuckle Lane setback. This variance request was denied by the City.

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

The design does not require a variance for the living space of the addition, only for a relatively small structure, the chimney. The granting of a variance for this chimney will not impair the supply of light & air to the adjacent property.



Variance Application - Part I

Project Data

Address of Subject Property 613 EUCLID AVENUE
 Zoning Classification A
 Name of Property Owner(s) MR and MRS JAMES ASHURST
 Phone Number 205 223 5487 Email 5487 jim.ashurst@gmail.com
 Name of Surveyor CHRISTOPHER DELUCIA
 Phone Number 205 515 7210 Email _____
 Name of Architect (if applicable) owner
 Phone Number _____ Email _____

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>	35'		40.2'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	10'	8.3'	9.5'
Left Side Setback	10'		18.9'
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)	35'		35.2'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

March 24, 2016

City of Mountain Brook
Church Street
Mountain Brook, Alabama

We are currently underway with alterations and additions to our home at 613 Euclid Avenue. The existing house is 8.3' from the right side property line and our plans for the addition tie into this existing house at a point just beyond this at 9.5' from the property line. For purposes of obtaining a building permit, we pushed the addition back .5' at this point for the required 10' setback.

We would like to ask for a variance of .5' to align with the existing house. As the survey shows the property line is at a slight angle so this infringement only occurs at this point.

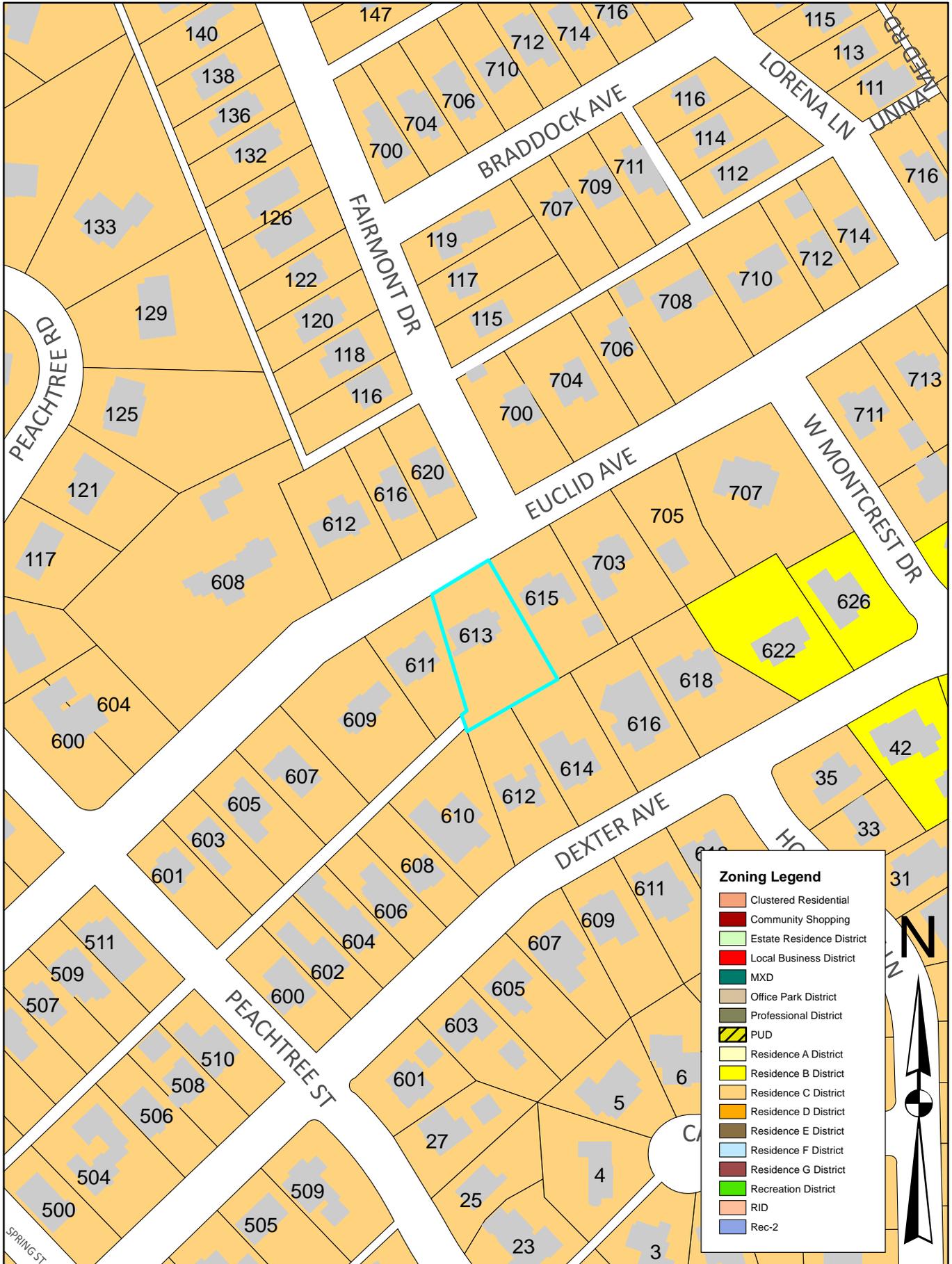
I look forward to meeting with you at the meeting on April 18, 2016.

Sincerely,



Jim Ashurst
Owner, 613 Euclid Avenue
Mountain Brook, Alabama

A-16-15 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-15

Petition Summary

Request to allow an addition to an existing single family dwelling to be 9.5 feet from the side property line (southwest) in lieu of the required 10 feet.

Analysis

The hardship in this case is the irregular shape of the lot. The existing house is 8.3 feet from the same side property line at one corner, and the proposed addition is to be 9.5 feet from the side property line for a distance of three linear feet (with the proposed side setback improving as the addition goes toward the rear of the property). Given the minor nature of this encroachment, no detrimental effect to the adjoining property is anticipated in conjunction with this request.

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 V, Residence C District; Section 129-62, Area and Dimensional Requirements

Appends

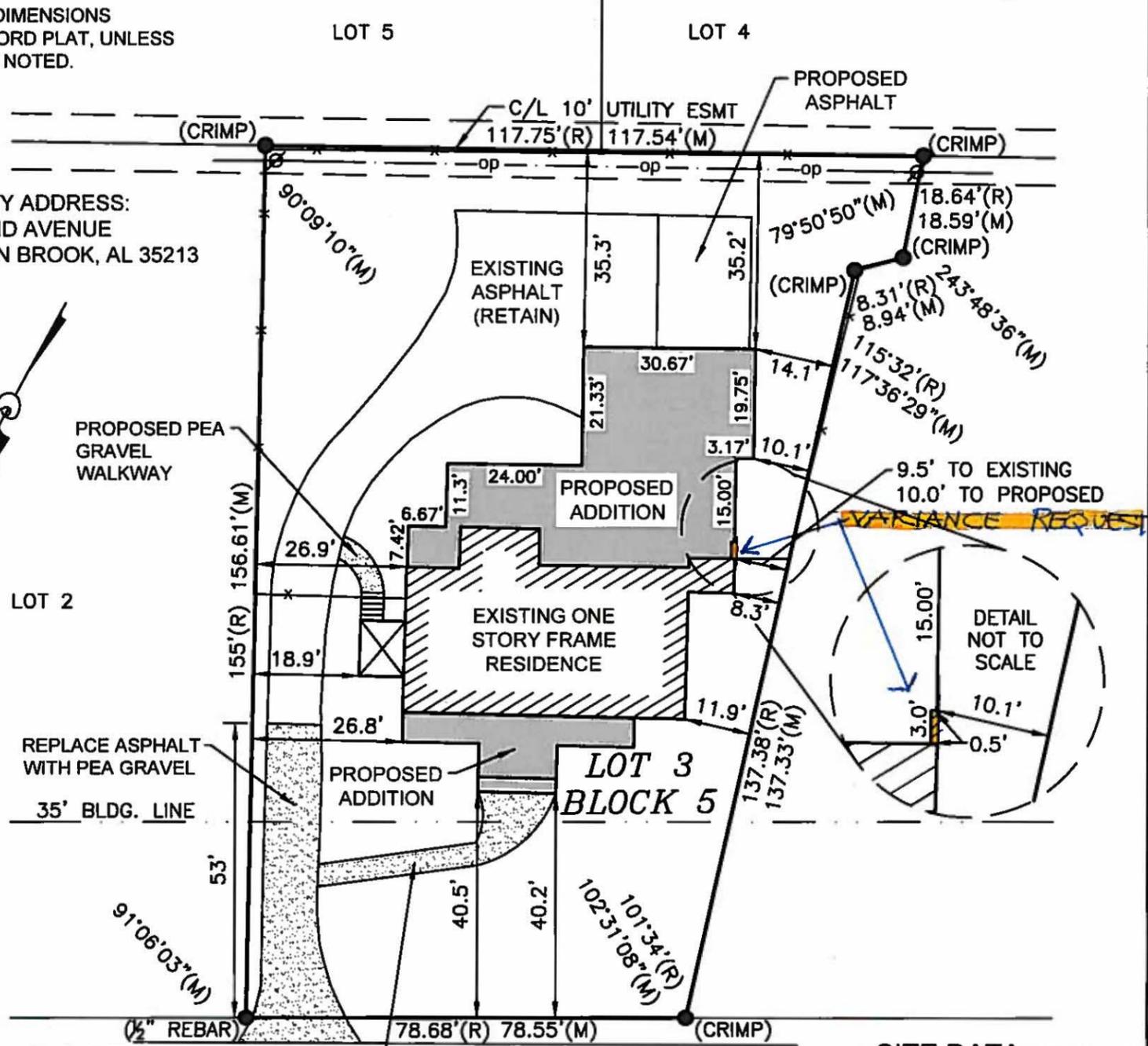
LOCATION: 613 Euclid Avenue

ZONING DISTRICT: Res-C

OWNERS: Mr. and Mrs. James Ashurst

NOTE:
PROPERTY DIMENSIONS
MATCH RECORD PLAT, UNLESS
OTHERWISE NOTED.

PROPERTY ADDRESS:
613 EUCLID AVENUE
MOUNTAIN BROOK, AL 35213



REPLACE CONCRETE WITH
PEA GRAVEL WALKWAY

REPLACE ASPHALT
WITH PEA GRAVEL
35' BLDG. LINE

PROPOSED PEA
GRAVEL
WALKWAY

PROPOSED
ASPHALT

EXISTING
ASPHALT
(RETAIN)

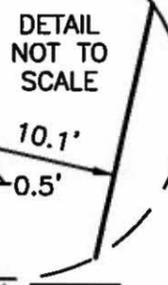
PROPOSED
ADDITION

EXISTING ONE
STORY FRAME
RESIDENCE

PROPOSED
ADDITION

LOT 3
BLOCK 5

9.5' TO EXISTING
10.0' TO PROPOSED
VARIANCE REQUEST



SITE DATA

LOT AREA = 14,839 S.F.
BLDG. FOOTPRINT = 3,455 S.F.
ASPHALT = 2,331 S.F.

IMPERMEABLE = 39%
PERMEABLE = 61%

EUCLID AVENUE

(50' R.O.W.)

Plot Plan



STATE OF ALABAMA
JEFFERSON COUNTY

TO ALL INTERESTED PARTIES:
SCALE: 1" = 30'

I hereby state that 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.

Lot 3, Block 5, according to the survey of Garber, Cook & Hulsey's Addition to Crestline Heights as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 19, Page 16.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard area and is shown in Zone "X" on the Flood Insurance Rate Map for this area (Map No. 01073C0394G, dated September 29, 2006).

GIVEN UNDER MY HAND AND SEAL, this the 1st day of March, 2016.

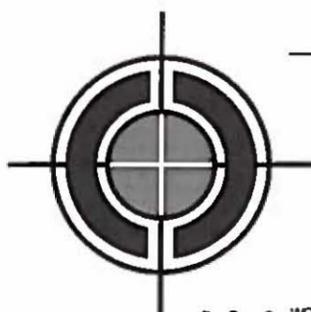
Christopher P. Delucia
CHRISTOPHER P. DELUCIA ALABAMA REG. NO. 30342



CLIENT:
WILCOX BUILDING CO.

REVISED: 3/3/2016
REVISED: 3/7/2016

Field Survey: 02-25-2016



Landmark Professionals, Inc.
RESIDENTIAL & COMMERCIAL LAND SURVEYING

1072 DUNNAVANT PLACE
BIRMINGHAM, ALABAMA 35242
PHONE: (205) 515-7210

- = WOOD FENCE
- = CONCRETE
- U.T.S. = UNABLE TO SET
- M.B.L. = MINIMUM BUILDING LINE
- = CHAIN LINK FENCE
- ▣ = COVERED PORCH/DECK
- (R) = RECORDED
- = CAPPED REBAR SET
- (M) = MEASURED
- = IRON FOUND (DESCRIPTION)
- op— = ASPH = ASPHALT
- = OVERHEAD POWER
- ⊗ = POWER POLE

A-16-15 (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 CORNER OF PREVIOUS BATHROOM.
ADDITION IS 8.3' FROM SIDE PROPERTY LINE.
PROPERTY LINE IS AT AN ANGLE. OWNER
WISHES TO TIE INTO CORNER AT 9.5' FROM
THE PROPERTY LINE IN LIEU OF THE REQUIRED
10'.

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...")

TO FLUSH WITH EXISTING WALL SURFACE

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

REQUEST OF 6" SHOULD PROVE INSIGNIFICANT
AS TO IMPACT.



Variance Application - Part I

Project Data

Address of Subject Property 2900 Virginia Rd

Zoning Classification RES-B

Name of Property Owner(s) Andy Szag

Phone Number 862-2639 Email aszag@sirote.com

Name of Surveyor Wegand

Phone Number 942-0086 Email _____

Name of Architect (if applicable) Richard Long

Phone Number 334-787-2001 Email richard@longandlongdesign.com

Property owner or representative agent must be present at hearing

3043

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	10k	12,418	—
Lot Width (ft)	—	111.24' (rear)	—
Front Setback (ft) <i>primary</i>	35'	19.6'	29' (closest pt)
Front Setback (ft) <i>secondary</i>	35'	25.2'	22' (closest pt)
Right Side Setback	12.5'	30.8'	12.5'
Left Side Setback	n/a	n/a	n/a
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)	35'	45'	29'
Lot Coverage (%)	35%	25%	30%
Building Height (ft)	35'	25'	32'
Other			
Other			



L O N G & L O N G
D E S I G N

March 28th, 2016

Attn: City of Mountain Brook

PROPOSAL FOR VARIANCE

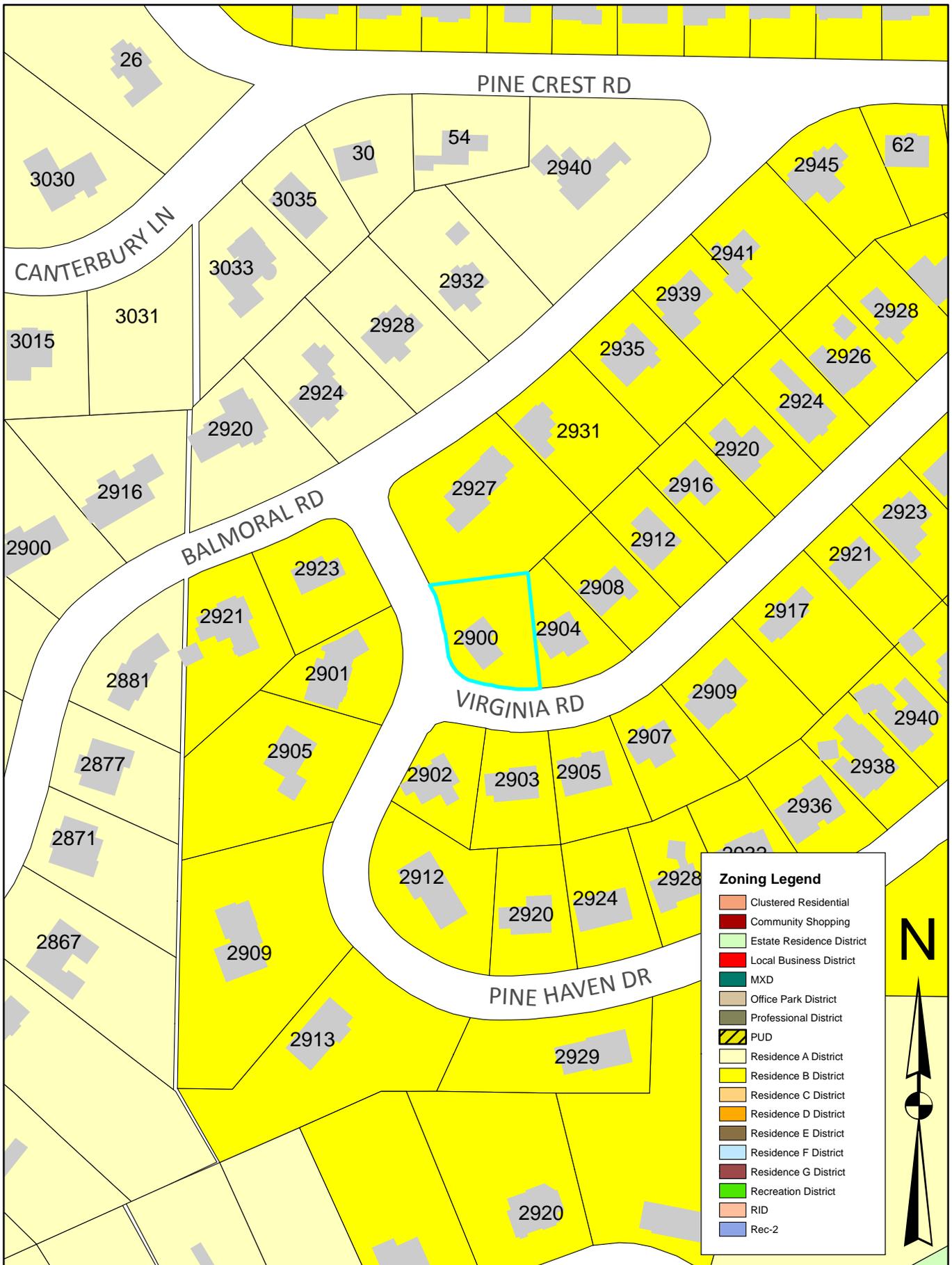
Project: Saag Residence
Owner: Andy Saag
Designer: Long and Long Design

My client, Andy Saag, wishes to construct a single family home on 2900 Virginia Road. We have designed the residence in a way that takes into consideration the lot restraints including all building setbacks, while also attempting to maintain an efficient use of the lot. In order to address the street frontage, and because of a small and irregular shaped lot, the design of the house requires a rear and front setback variance.

Thank you for your time and consideration.

Sincerely,
Richard Long

A-16-16 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-16

Petition Summary

Request to allow the construction of a new single family dwelling to be 22 feet from the front property line (Pine Haven Drive), 29 feet from the front property line (Virginia Road) and 29 feet from the rear property line (north), all in lieu of the required 35 feet.

Analysis

The hardships in this case are the irregular shape of the lot and the corner lot configuration. As may be seen on the attached survey, the existing house is between 19.6 and 25.2 feet from the front property line. The proposed house sits farther back on the lot, and the new L-shaped footprint opens up the front of the lot much more than the existing configuration.

Given the placement of this lot on a curved road, the proposed front yard encroachments don't appear to present a detriment to the streetscape. The house to north (2927 Balmoral Road) is approximately 50 feet from the secondary front (Pine Haven Drive), so even if the proposed house were to maintain the required 35-foot front yard setback along Pine Haven it would be much closer to Pine Haven than the adjoining house on Balmoral.

Likewise (in an *opposite* manner), the house at 2902 Virginia Road is much closer to Pine Haven than the proposed house (and the curvature of the road is also farther to the west), so there effectively isn't an in-line "streetscape" to protect in this instance.

The proposed house is also to encroach 6 feet into the required 35-foot rear yard setback at the northeast corner. This is due to the fact that the rear line of the house is proposed at right angles and the rear property line is a skewed angle.

Given the above noted parameters it is not anticipated that an approval of this request would be detrimental to the streetscape or adjoining properties.

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 V, Residence C District; Section 129-62, Area and Dimensional Requirements

Appends

LOCATION: 2900 Virginia Road

ZONING DISTRICT: Res-C

OWNER: Andy Saag

LEGEND

ASP	ASPHALT	MIN	MINIMUM	A/C	AIR CONDITIONER		DECK
BLDG	BUILDING	MH	MANHOLE	●	POLE		CONCRETE WALL
CALC	CALCULATED	OH	OVERHANG	—	ANCHOR		
MEAS	MEASURED	POR	PORCH	—	FENCE		
CH	CHORD	R	RADIUS	—	POWER LINE		
LNG	HEADWALL	R.O.W.	RIGHT OF WAY	—	PAVEMENT WITH TANGENT		
d	DEFLECTION	SAN	SANITARY	PVMT	PAVEMENT WITH TANGENT		
Δ	DELTA	STM	STORM	W/TAN	RESIDENCE LIGHT COVERED		
ESMT	EASEMENT	UTIL	UTILITY	RES			
HW	LONG CHORD	AC	ACRES	oLGT			
		S.F.	SQUARE FEET	COV			
		℄	CENTERLINE				

PINE HAVEN DRIVE

LOT 61

FOUND 1/2" OPEN TOP

L=76.74'
R=175.00'
Δ=25°07'22"
CH=76.12'

FND. "WEYGAND" REBAR

L=44.05'
R=40.00'
Δ=63°05'03"
CH=41.85'

FND. "WEYGAND" REBAR

MAP MEAS
L=87.98'
L=88.36'
R=183.04'
Δ=27°39'26"
CH=87.50'

VIRGINIA ROAD



SCALE: 1"=20'
STATE OF ALABAMA)
JEFFERSON COUNTY)

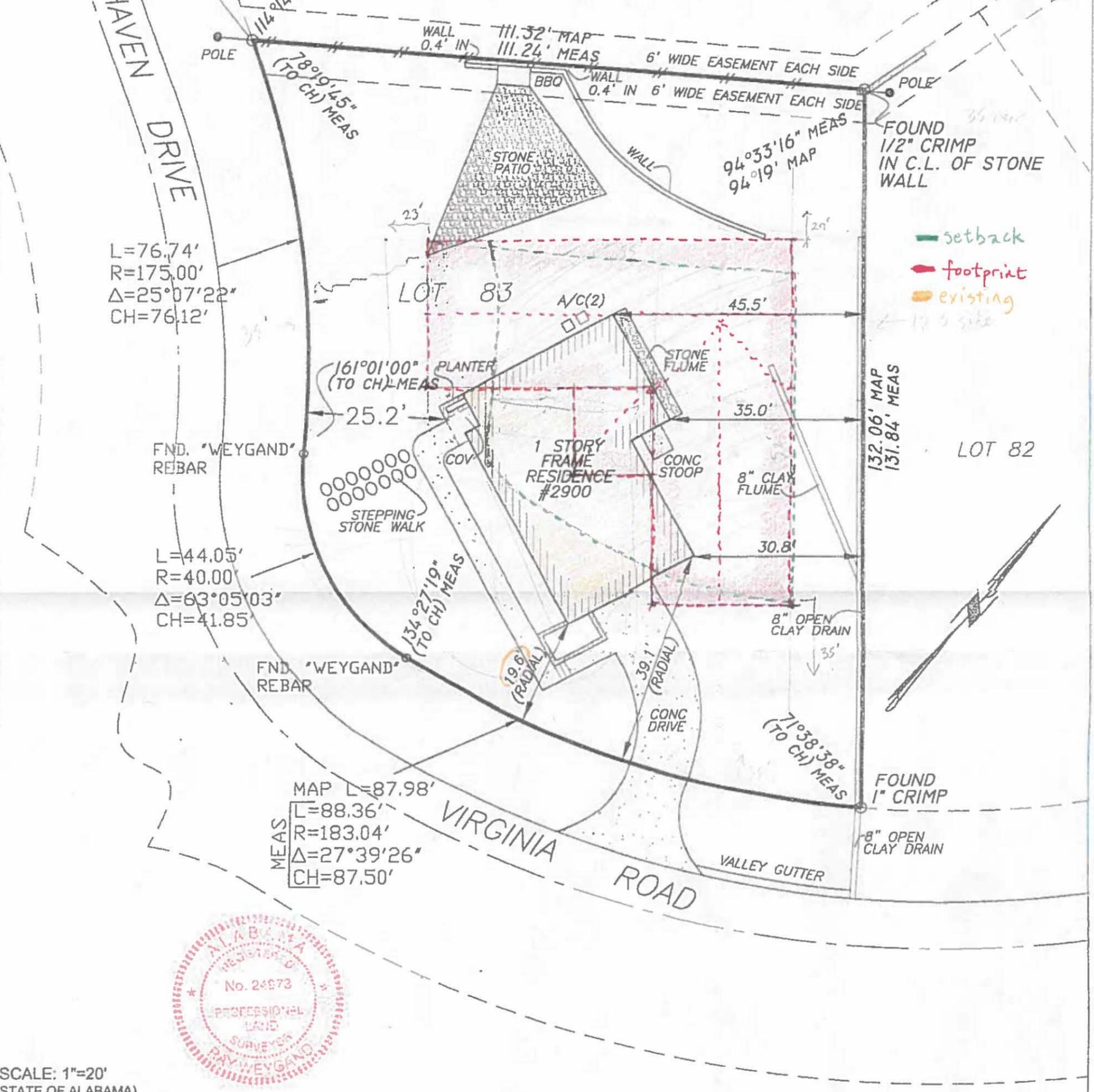
"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed LOT 83, PINE CREST, as recorded in Map Volume 18, Page 64, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby 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; according to my survey of FEBRUARY 11, 2016. Survey invalid if not sealed in red.

Order No.: 59025
Purchaser: SAG
Address: 2900 VIRGINIA ROAD 35223

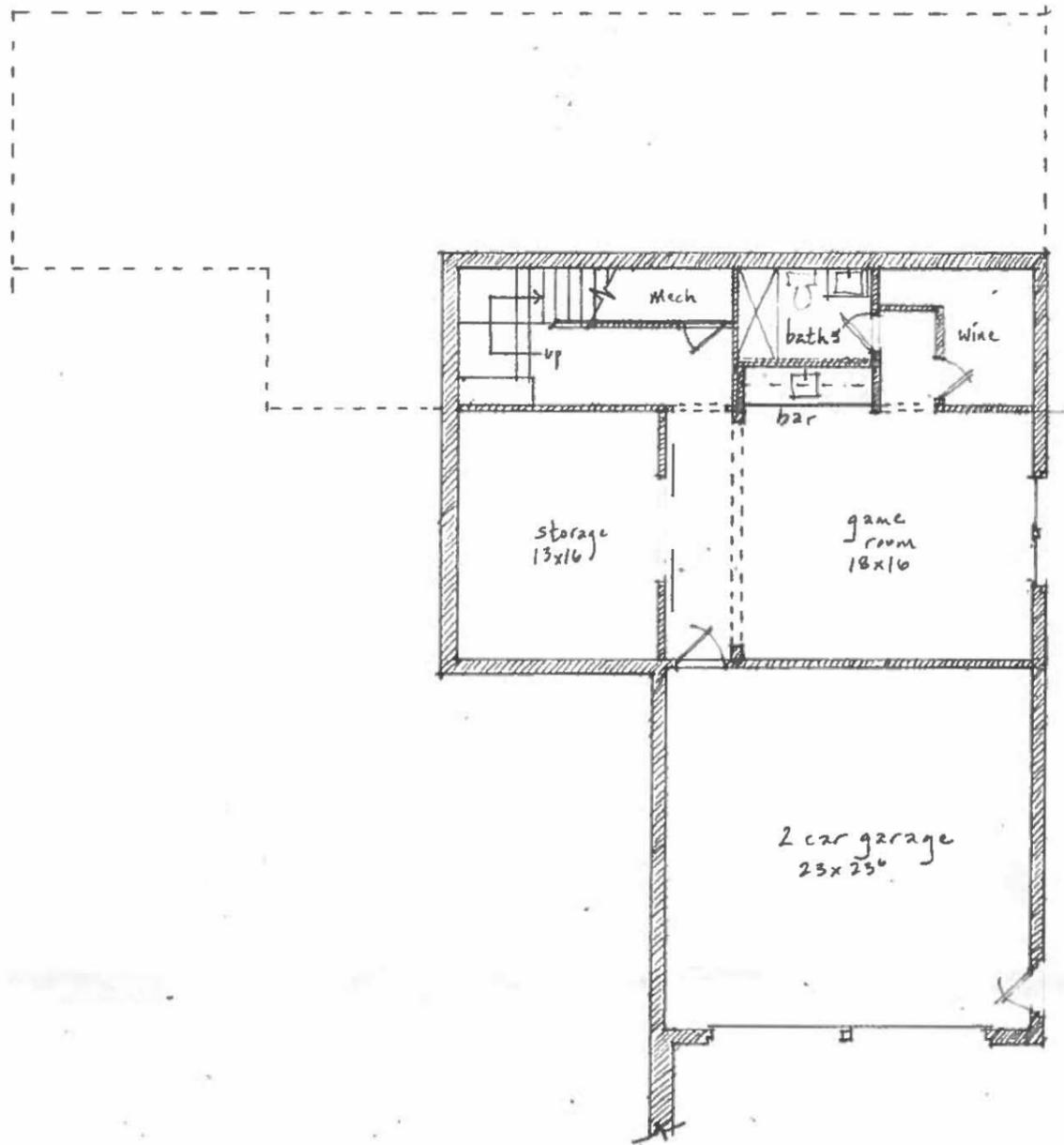
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.





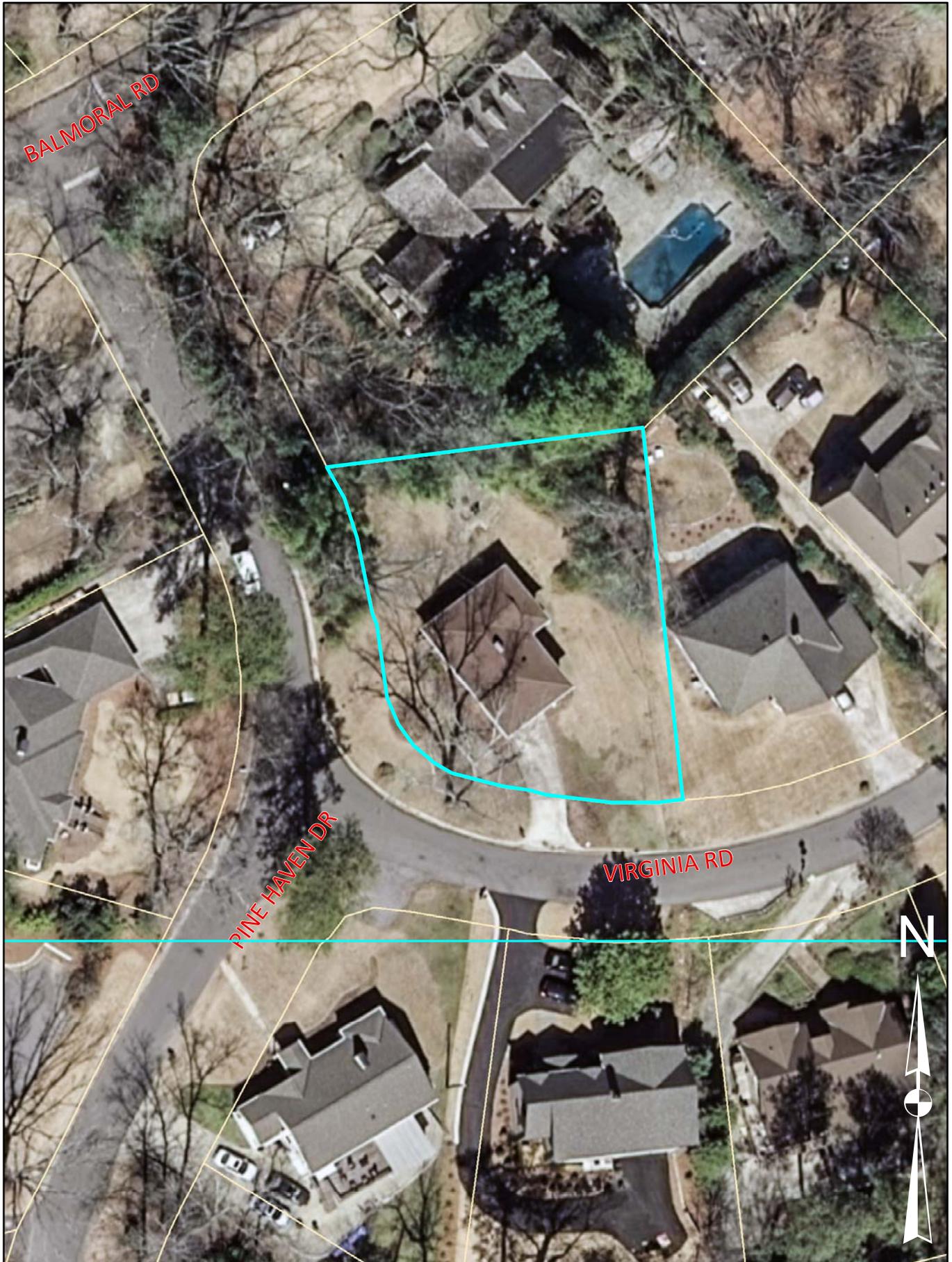
LONG & LONG
DESIGN



SOUTH ELEVATION
SCALE: 3/32"

SAAG RESIDENCE
MOUNTAIN BROOK, ALABAMA

A-16-16 (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)?

Irregular shape lot causes a small buildable area. Our proposed design seeks to limit footprint over building setbacks, while addressing the street and corner lot by receding the house from the front as much as possible.

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 intend to address Virginia Rd and Pine Haven Drive appropriately, and in scale to the neighborhood in order to use the lot efficiently and create a large front yard, which does not exist with the existing house.



Variance Application - Part I

Project Data

Address of Subject Property 3773 Montevillo Rd

Zoning Classification RES-A

Name of Property Owner(s) Adam & Mary Evans

Phone Number 542-9454 Email marygross.evans@gmail.com

Name of Surveyor Weygand

Phone Number 942-0086 Email _____

Name of Architect (if applicable) Richard Long

Phone Number 334-787-2001 Email richard@longandlongdesign.com

Property owner or representative agent must be present at hearing

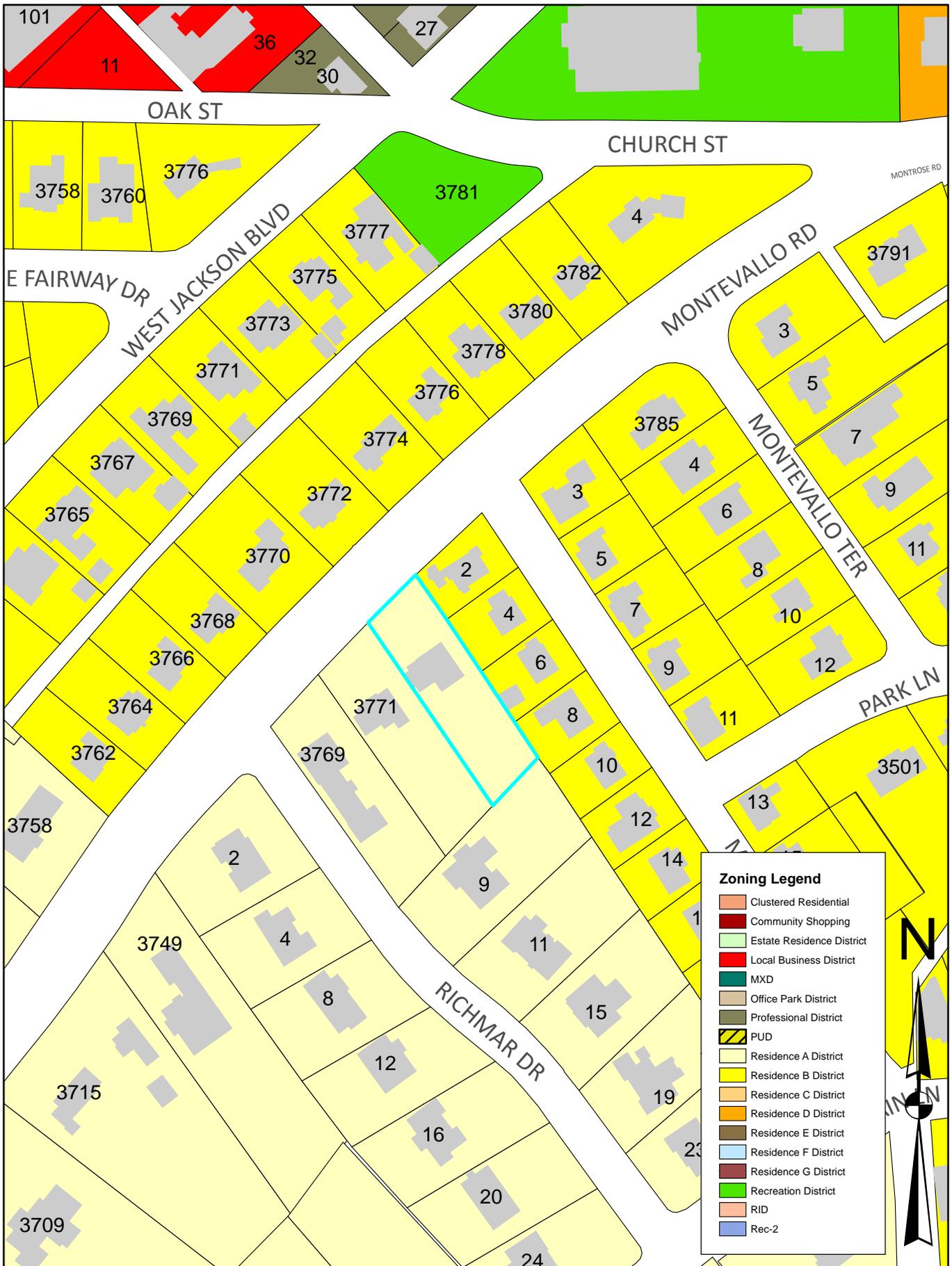
3450
2775
-250
2525

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)		20,445 sf	
Lot Width (ft)		82.54'	
Front Setback (ft) <i>primary</i>	40'	71'4"	71'-4"
Front Setback (ft) <i>secondary</i>	—	—	—
Right Side Setback	15'	14.2	14.2
Left Side Setback	15'	14'-1"	14'-1"
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)	40'	130'	110'
Lot Coverage (%)	25% max	12% house 17% driveway	13% house 12% driveway
Building Height (ft)	35'	34'-6"	34'-6"
Other			
Other			

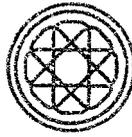
5975
6225

A-16-17 (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



L O N G & L O N G
D E S I G N

March 28th, 2016

Attn: City of Mountain Brook

PROPOSAL FOR VARIANCE

Project: Evans Residence
Owner: Addam Evans
Designer: Long and Long Design

My client, Addam Evans, wishes to construct an addition and renovation to the existing single family home on 3773 Montevallo Road. We have designed the residence in a way that takes into consideration the lot restraints including all building setbacks, while also attempting to maintain an efficient use of the lot. In order to preserve the existing home integrity with the house addition, and because of a narrow lot, we are requesting a side setback variance.

Thank you for your time and consideration.

Sincerely,
Richard Long

Report to the Board of Zoning Adjustment

A-16-17

Petition Summary

Request to allow the construction of an addition to the rear of an existing single family dwelling to match the existing side setback (southwest) of 14.2 feet in lieu of the required 15 feet.

Analysis

The hardship in this case is the narrowness of the lot (82 feet in lieu of the required 100). The existing house is 14.2 feet from the side property line at the right rear corner. The proposal includes converting the existing deck to living space and adding a new deck to the rear, all of which will match the existing side setback of 14.2 feet. No detrimental effect to the adjoining property is anticipated in conjunction with an approval of this request.

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

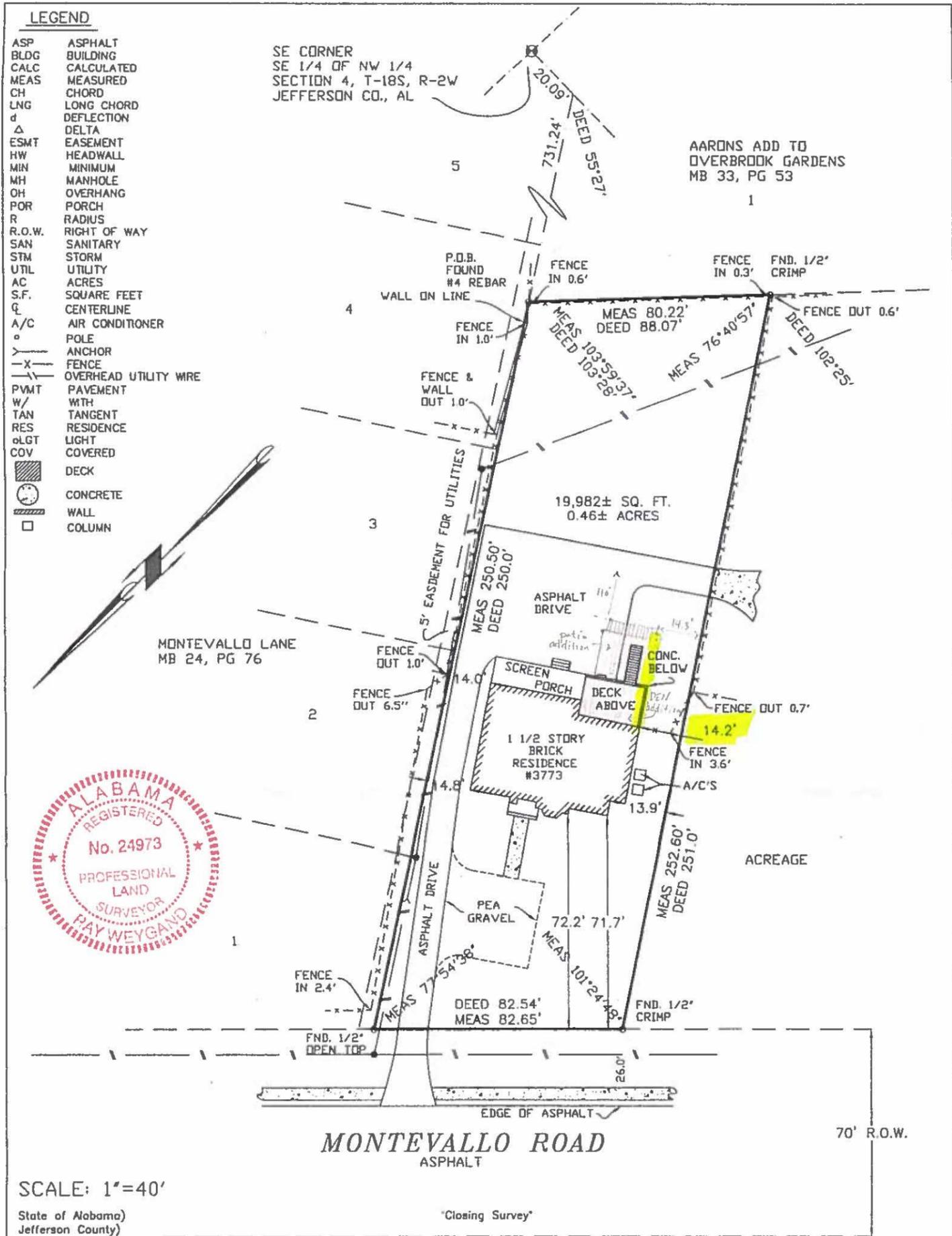
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 3773 Montevallo Road

ZONING DISTRICT: Res-A

OWNERS: Addam and Mary Evans



LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—x—	ANCHOR
—x—	FENCE
—x—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



SCALE: 1"=40'

State of Alabama
Jefferson County)

"Closing Survey"

I, Ray Weygand, a registered Land Surveyor, certify that I have surveyed the land shown and described hereon; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown. I hereby 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.

Legal Description:
Commence at the Southeast corner of the SE 1/4 of NW 1/4 of Section 4, Township 18 South, Range 2 West, thence West along South line of said 40 a distance of 20.09 feet, thence 55 degrees 27' to the right in a Northwesterly direction 731.24 feet to the point of beginning, thence 103 degrees 28' to the left in a Southwesterly direction a distance of 80.07 feet, thence an angle to the right of 102 degrees 25' and Northwesterly direction a distance of 251.0 feet more or less to a point in the Southeasterly right of way-line of Montevallo Road, thence to the right in a Northeasterly direction and along said right of way line a distance of 82.54 feet, thence to the right in a Southeasterly direction a distance of 250.0 feet to point of beginning.

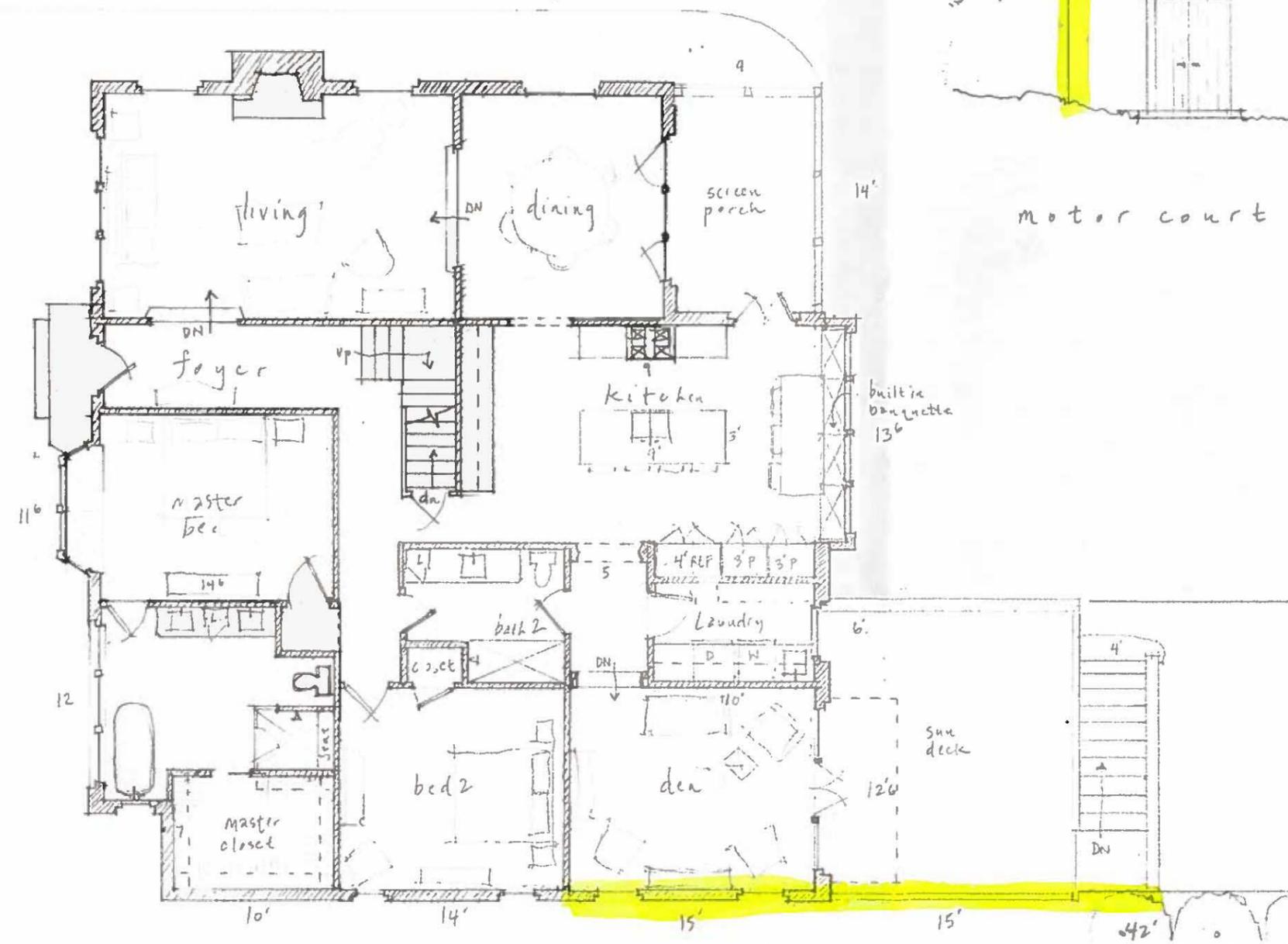
According to my survey of: MARCH 31, 2016
Order No.: 82819
Purchaser:
Address: 3773 Montevallo Road

Ray Weygand
Ray Weygand Reg. L.S. #24973
169 Oxmoor Road, PH: 942-0086
Homewood, AL 35209 © Copyright

Survey invalid if not sealed in red.



2 New Rear Elevation
 A1-1a Scale 1/4" = 1'-0"



1 New Main Level Plan
 A1-1a Scale 1/4" = 1'-0"


LONG & LONG
 DESIGN
 3616 Dabney Drive
 Vestavia Hills, Alabama 35243
 telephone 205-537-6777
 longandlongdesign.com

EVANS RESIDENCE
 Mountain Brook, Alabama

PRICING SET
 FEBRUARY 25th, 2016

REVISIONS

Floor Plans
A1-1a

A-16-17



A-16-17 (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)?

We have a narrow lot, and wish to add to the back of the house
while staying at the current distance from the side setback. This
would also allow for an improved design to the rear facade and roofline.
(addition to the west side would continue at least 14'-2" from the side setback)

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 are asking to continue the house addition in line with the existing
house structure, which is over 14' from each side setback, and well within
the rear setback, while being mindful of the integrity of the house design.