

# BZA Packet

November 16, 2016

**Hello All,**

Enclosed please find your packet for the meeting of November 21, 2016.

**We have:**

- one 6-month extension
- 3 new cases

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

[www.mtnbrook.org](http://www.mtnbrook.org)

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- 2016-Nov-21 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](mailto:hazend@mtnbrook.org) ...

**Looking forward to seeing you on Monday!**

*Dana*

**CITY OF MOUNTAIN BROOK**  
**BOARD OF ZONING ADJUSTMENT**  
**MINUTES**  
October 17, 2016

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, October 17, 2016, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

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

Absent: Rhett Loveman

Also present: Dana Hazen, Director of Planning, Building and Sustainability  
Glen Merchant, Building Official  
Virginia Smith, Council Liaison  
Tammy Graham, Administrative Assistant

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

Chairman 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 - September 19, 2016:

Motion: Mr. Hereford, to approve the minutes as printed.  
Second: Mr. Lapidus  
Vote: Approved by unanimous vote.

**3. Case A-16-43: 3800 Buckingham Lane**

**EXHIBIT 1**

Russ Vandavelde, owner, requests a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 29.1 feet from the rear property line (west) in lieu of the required 40 feet. – 3800 Buckingham Lane.

**Hardships:** The irregular shape, shallow depth, and size of the lot; corner lot configuration.

J. K. Terry, Residential Designer, represented the property owner:

Hardships:

- The lot is approximately 19,500 sf, substantially smaller than the 30,000 sf minimum size for Residence-A zoning.
- The lot measures approximately 150' wide x 131' deep.
- This is a corner lot configuration which affects the buildable area of the lot.
- The front of the lot has a shallow interior curve.

Application Overview:

- The owners are retired and need a master bedroom on the ground floor.
- The request is to build a new home with a three-car garage; because Overton Road is such a busy street, the garage will face Overton Road to act as a buffer.
- The design meets height limitations.
- The request involves an 11' encroachment into the rear setback; the master bedroom will be in that portion of the structure. All other sides adhere to setback requirements.
- The proposal is in compliance with the allowable impervious surface area (26.5%).
- The neighbor directly behind this property, Russ Doyle, supports the proposal.

Mr. Terry presented drawings of the floor plan and elevations.

Chairman Higginbotham stated that the lot is small, shallow, and irregularly shaped in the rear. It is more wide than deep. He appreciates the consideration given to the left side setback, because it is the closest to a neighboring house, and that the front setback remains as is.

Mr. Mitchell stated that from the information presented, it appears that the applicants are downsizing and prefer to have living space on the ground level because of mobility issues. Why do they request a three-car garage?

Mr. Terry stated that the applicants are in their upper 70s in age. The additional parking slot is for a van.

Public comment: None.

Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, to approve the variance as requested.

Second: Mr. Orr

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

**Variance unanimously approved as presented.**

4. Case A-16-44: 57 Fairway Drive

EXHIBIT 2

Martin Clapp and Sidney Clapp, owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 10 feet from both side property lines in lieu of the required 15 feet, and for a lot coverage of 32% in lieu of the maximum allowable 25%. - 57 Fairway Drive.

**Hardships:** Lot size and topography.

Charles Beavers, Bradley Arant Boult Cummings LLP (One Federal Place, 1819 5<sup>th</sup> Avnue N, Birmingham, Alabama), and Jim Barganier, Barganier Davis Sims Architects Associates (624 S. McDonough Street, Montgomery, Alabama) represented the property owners.

Mr. Beavers:

- By granting this request, it will allow the applicants to construct a new home that will be consistent in size and configuration with a Residence-A property and will be consistent with the neighborhood.
- This lot is small for a Residence-A lot (15,000 sf; 30,000 sf is the minimum for this zone).
- The topography of the lot slopes down significantly in the rear half of the lot, necessitating the house to be placed forward on the property.
- The lot is situated between the rear lot lines of the two properties on either side.
- This plan will result in the removal of a 12' front yard encroachment.
- Both the front and rear setbacks are maintained.
- The porte cochère, on the left side, is completely open and extends for a length of approximately 30'. This feature will allow entrance to the house on the main level. The property line encroachment, due to the porte cochère, is 5'. The house itself is more than 20' off of the left side property line as you view from the front.
- This request also includes a lot coverage variance of 32% in lieu of the maximum allowable 25%, due to the smallness of the lot.
- None of the hardships were self-imposed; they existed when the property was purchased.

Chairman Higginbotham asked if the second floor will encroach into the setbacks. Mr. Terry said that the proposed second floor maintains all required setbacks.

Chairman Higginbotham: What is the front setback of the proposed structure?

Mr. Terry: The front setback will be 40'; the rear setback will be 40' as well. The existing house is 28.4', plus approximately 5' of a covered porch, from the front property line. The proposed plan will eliminate approximately 12' of existing encroachment from the front property line.

Chairman Higginbotham asked if the garage is in the rear. Mr. Terry said that the garage is totally underneath and to the rear.

Chairman Higginbotham asked how the stormwater runoff will be mitigated. Mr. Barganier stated that the civil engineer will design a retention area to the rear of the property because the lot is lower than the street. All of the driveway will be porous.

Chairman Higginbotham stated that it is a small lot. He appreciates the applicant's effort to stay out of the front and rear setbacks. He asked, "On the left side, what is the width of the structure (porte cochère)?"

Mr. Terry said it is 12' wide, of which approximately 5' will encroach into the setback. Mr. Barganier stated that the part that encroaches into the setback is basically two columns. Chairman Higginbotham stated that the porte cochère could not be enclosed because it would cut off access to the garage.

Mr. Terry said that the applicant has talked with neighbors and they approve of the design.

Public comment:

John Seymour (54 Fairway Drive, Mountain Brook, Alabama) lives across the street from the applicant's property. He likes the design of the house; he does not have a problem with the proposal.

John Livingston (56 Randolph Road, Birmingham, Alabama) stated that the Notice of Hearing was delivered to him about twenty minutes prior to him speaking. He asked for an opportunity to review the documents supporting this request. His property is to the right of 57 Fairway Drive.

Mrs. Smith asked why he had just received the notice. Mr. Livingston said that a Post Office employee hand-delivered the notice just before his appearance at the meeting; he was asked to sign for it. Livingston was asked if he had just moved to this address. He stated that the property belongs to his parents.

Mrs. Hazen said that the City is required by law to mail the Notice of Hearing ten days prior to the hearing date. Even so, on some occasions, they are received late or even after the meeting date. Mr. Livingston said that the notice was postmarked ten days prior to this meeting.

Chairman Higginbotham stated that if the applicant is willing, they can step out of the meeting to look at the plans. They agreed to this suggestion. Chairman Higginbotham tabled further discussion of this case at 5:22 p.m.; discussion will resume at the end of the meeting.

Chairman Higginbotham resumed discussion at 5:31 p.m. He asked for Mr. Livingston to address the Board. Mr. Livingston said that upon review of the information, he is in agreement with the proposed plan.

Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, to approve the variance as requested.

Second: Mr. Orr

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

**Variance unanimously approved as presented.**

**5. Case A-16-45: 2929 Pine Haven Drive**

**EXHIBIT 3**

Donald Blumenthal, owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 25 feet from the front property line (Pine Haven Drive) and 17 feet from the rear property line (south), both in lieu of the required 35 feet. - 2929 Pine Haven Drive.

**Hardships:** The lot size and shallow depth.

John Parks, civil engineer and land surveyor, represented the property owner. Mr. Blumenthal owns Lots 133 and 134, Pinecrest Survey; he presently lives on Lot 134 in a two-story house. His wife passed away; he 81 years old. He wants to build a one-story house on Lot 133. Because the lot is very shallow, the proposed structure will require front and back variances. The lot is 8,231 sf in size.

Chairman Higginbotham stated that the lot is small for a Residence-B zoning and it is shallow. He asked if the lot is level.

Mr. Parks said that the property slopes from front to back. There is a ditch/creek in the front portion.

Chairman Higginbotham asked if the lot slopes up or down toward the rear and if the footprint of the proposed structure will be in the ditch/creek area? Mr. Parks said that the property slopes upward in the back. The house itself will be built away from the creek. Mr. Parks showed the Board a topography map of the property. The driveway will have a headwall and a pipe underneath to transport water. The driveway will be a common driveway for both lots.

Glen Merchant, Building Official, addressed Chairman Higginbotham. He suggested having an easement for the common driveway for both properties. When the house is placed, the foundation survey can be submitted with the easement included as a matter of record.

Public comment: None.

Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, to approve the variance as requested.

Second: Mr. Simonton

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

**Variance unanimously approved as presented.**

**6. Case A-16-46: 908 Sheridan Drive**

**EXHIBIT 4**

Rockridge Development, owner, requests variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 34 feet from the front property line (Sheridan Drive) in lieu of the required 35 feet, and 9.1 feet from the side property line (east) in lieu of the required 12.5 feet. – 908 Sheridan Drive.

**Hardship:** The irregular shape of the lot; the side property lines are not perpendicular to the front property line.

Eric Dale, Residence Designer (935 Landale Road, Birmingham, Alabama 35222), represented the property owner:

- The variance request is to keep the front and right-side walls as they are and to add a partial second floor.
- They are asking for a small (approximately 1') variance along the front of the structure to extend the brick to the second floor and to add architectural accents.
- The covered front porch will be removed; this will improve the front setback encroachment.
- A small addition to the back is also requested; will keep the right side 12.5' setback.

The property lines are skewed on this street and that creates a hardship. The house is centered on the front setbacks, with 12.5' on both sides; but the back, right side, is only 9.1' from the right side (east) property line.

Chairman Higginbotham: The lot is slightly skewed and the house is placed toward the right side and the street. Looking at the zoning map, it seems that some of the other houses nearby are toward the front as well. Also, this plan slightly exceeds the allowable impervious surface area.

Mr. Dale said that the impervious area overage will be addressed by using a permeable surface for some of the driveway. Total impervious area is just slightly over the allowable 40%; the building itself is below the 35% allowable amount.

Mr. Dale added that the house to the right is in line with the proposed structure; it appears that there is at least 25' between these houses. He reviewed the plans with the neighbor to the right and he was not opposed to the plan.

Public comment: None.

Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, to approve the variance as requested.

Second: Mr. Orr

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

**Variance unanimously approved as presented.**

7. **Adjournment** - There being no further business to come before the Board at this time, the meeting stood adjourned at 5:37 p.m.

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Tammy Graham, Administrative Assistant

MEETING AGENDA  
CITY OF MOUNTAIN BROOK  
BOARD OF ZONING ADJUSTMENT  
NOVEMBER 21, 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-month 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: October 17, 2016
  2. **Case A-16-19: Mr. and Mrs. Grantland Rice**, owners, request variances from the terms of the Zoning Regulations to allow an addition to a detached garage to match the existing rear setback of 4.8 feet from the rear property line (east) in lieu of the required 40 feet; and to allow the construction of a new single family dwelling which, taken together with the garage addition, will result in a lot coverage of 29% in lieu of the maximum allowable 25%. – **47 Greenway Road.**  
***Extension from May, 2016***
  3. **Case A-16-47: William J. and Langston S. Hereford**, owners, request a variance from the terms of the Zoning Regulations to allow a second floor addition to an existing single family dwelling to be 14.3 feet from the side property line (northeast) in lieu of the required 15 feet. - **3813 Glencoe Drive**
  4. **Case A-16-48: Julia Compton**, owner, requests a variance from the terms of the Zoning Regulations to allow a retaining wall (ranging in height from 4 to 7.5 feet) to be within 15 feet of the front property line (English Village Lane) in lieu of the required 35-foot front setback. - **2218 English Village Lane**
  5. **Case A-16-49: George Ladd, Ladd Real Estate**, owner, requests a variances from the terms of the Zoning Regulations to allow the construction of a new elevator shaft and lobby to be 24 feet from the front property line (Office Park Circle) in lieu of the required 40 feet. - **2 Office Park Circle**
  6. Next Meeting: December 19, 2016
  7. Adjournment

**JAMES F. CARTER, INC.**  
**• ARCHITECT •**  
2100 SOUTHRIDGE PARKWAY • SUITE 440  
BIRMINGHAM, ALABAMA 35209  
(205) 871-7873 • FAX (205) 871-2316

August 16, 2016

City of Mountain Brook  
City Hall, 56 Church Street  
Mountain Brook, AL 35213

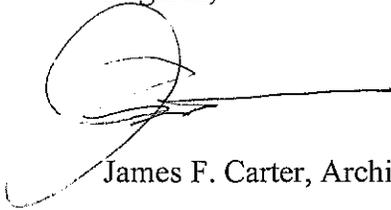
Attention: Board of Zoning Adjustment

Dear Tammy Graham,

The Variance Request for No. 47 Greenway Road, Case No. A-16-19, was approved at the May 2016 meeting. We would like to be placed on the November BZA agenda in order to request an extension be granted. Please let us know if we are required to resubmit any materials to support our request and inform us of the November meeting date and time.

We appreciate your attention in this matter.

Regards,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish at the end.

James F. Carter, Architect

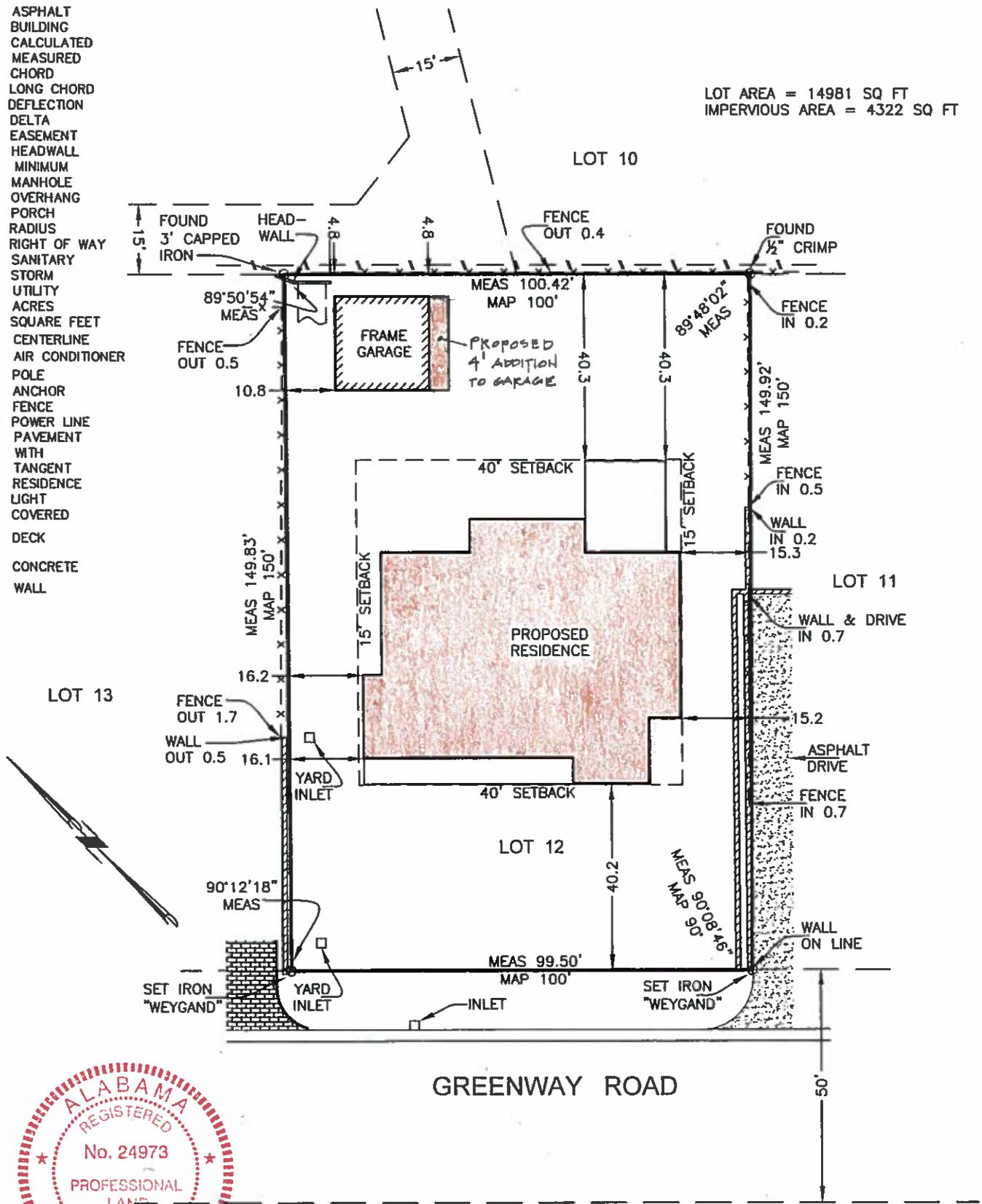
JFC/swr

A-16-19

**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
—○—	ANCHOR
-X-	FENCE
-  -	POWER LINE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
GLT	LIGHT
COV	COVERED
▨	DECK
●	CONCRETE
▨	WALL

LOT AREA = 14981 SQ FT  
IMPERVIOUS AREA = 4322 SQ FT



SCALE: 1"=30'  
STATE OF ALABAMA  
JEFFERSON COUNTY)

"Plot Plan"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 12, MATHEWS-RANDOLPH DEVELOPMENT CO'S SECOND ADDITION TO COUNTRY CLUB GARDENS, as recorded in Map Volume 19, Page 93, 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 APRIL 1, 2016. Survey invalid if not sealed in red.

Order No.: 74953  
Purchaser:  
Address: 47 GREENWAY ROAD

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 flp 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.



## Variance Application - Part 1

### Project Data

Address of Subject Property 3813 Glencoe Drive

Zoning Classification Residence A

Name of Property Owner(s) William J. and Langston S. Hereford

Phone Number 205-445-3541 Email whereford@blharbert.com

Name of Surveyor Ray Weygand

Phone Number 205-942-0086 Email ray@weygandsurveyor.com

Name of Architect (if applicable) N/A

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)	30,000	17,301	17,301
Lot Width (ft)	100'	90' - 55'	90' - 55'
Front Setback (ft) <i>primary</i>	40'	40.9'	40.9
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	15'	15'
Left Side Setback	15'	14.3	14.3
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			

October 18, 2016

Ms. Dana Hazen  
Director of Planning, Building and Sustainability  
City of Mt. Brook  
56 Church Street  
Mt. Brook, AL 35213

RE: Variance Request for 3813 Glencoe Drive

Dear Ms. Hazen,

My wife and I are the property owners at 3813 Glencoe Drive. We have recently purchased the home and are planning a renovation of the property. The house is currently a single story home with a full basement. Our plan is to renovate the existing home and add a second story consisting of two bedrooms and two bathrooms.

We are seeking a variance to add this second story since the house is existing non-conforming on the left side at 14.3 feet from the property line. We are basing our variance request on following three hardships:

1. **The siting of the house on the subject property.** The house was originally constructed 14.3 feet from the side property line and the setback requirement for Residence A District is 15 feet.
2. **The size of the lot.** The subject property is 17,301 square feet which is much less than the 30,000 square feet requirement for Residence A District.
3. **The narrowness of the lot.** The lot is 90 feet wide at the street and tapers to 55 feet in the rear of the lot. Both of these dimensions are less than the 100 foot width requirement for Residence A District.

I have attached the information requested on the application checklist. Please contact me if you should need additional information.

Sincerely,



William J. Hereford

## Report to the Board of Zoning Adjustment

**A-16-47**

### ***Petition Summary***

Request to allow a second floor addition to an existing single family dwelling to be 14.3 feet from the side property line (northeast) in lieu of the required 15 feet.

### ***Analysis***

The hardships in this case are the narrowness of the lot (90 feet in lieu of the required 100 feet), the lot shape (narrows to 55 feet wide at rear property line), the lot size (17,301 in lieu of the required 30,000 square feet) and existing design constraints (house was originally constructed 14.3 feet from the side property line).

The proposal is to add a second floor to match the side setback that already exists for the basement and main level. No detrimental effects to the adjoining property are 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

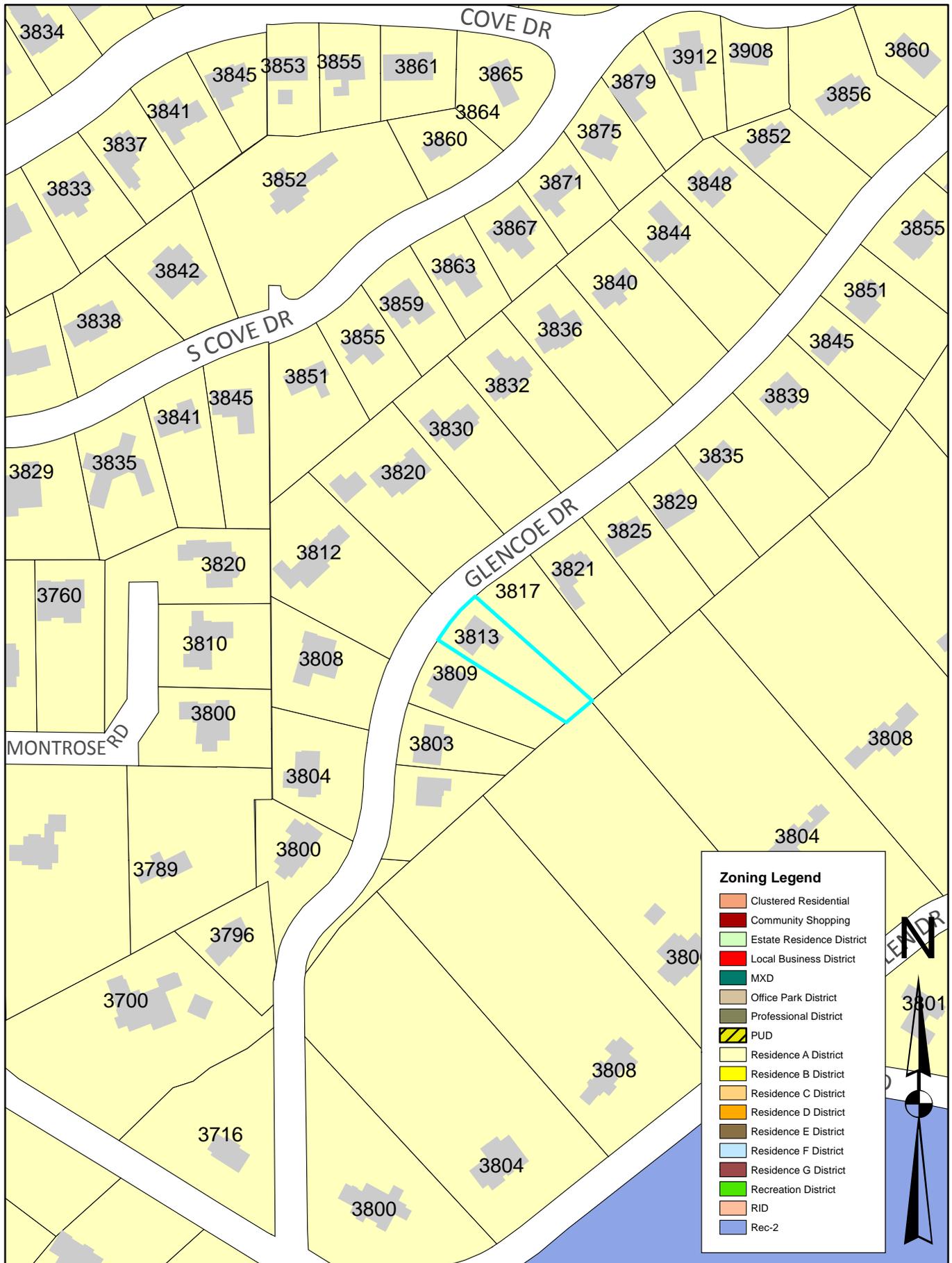
### ***Appends***

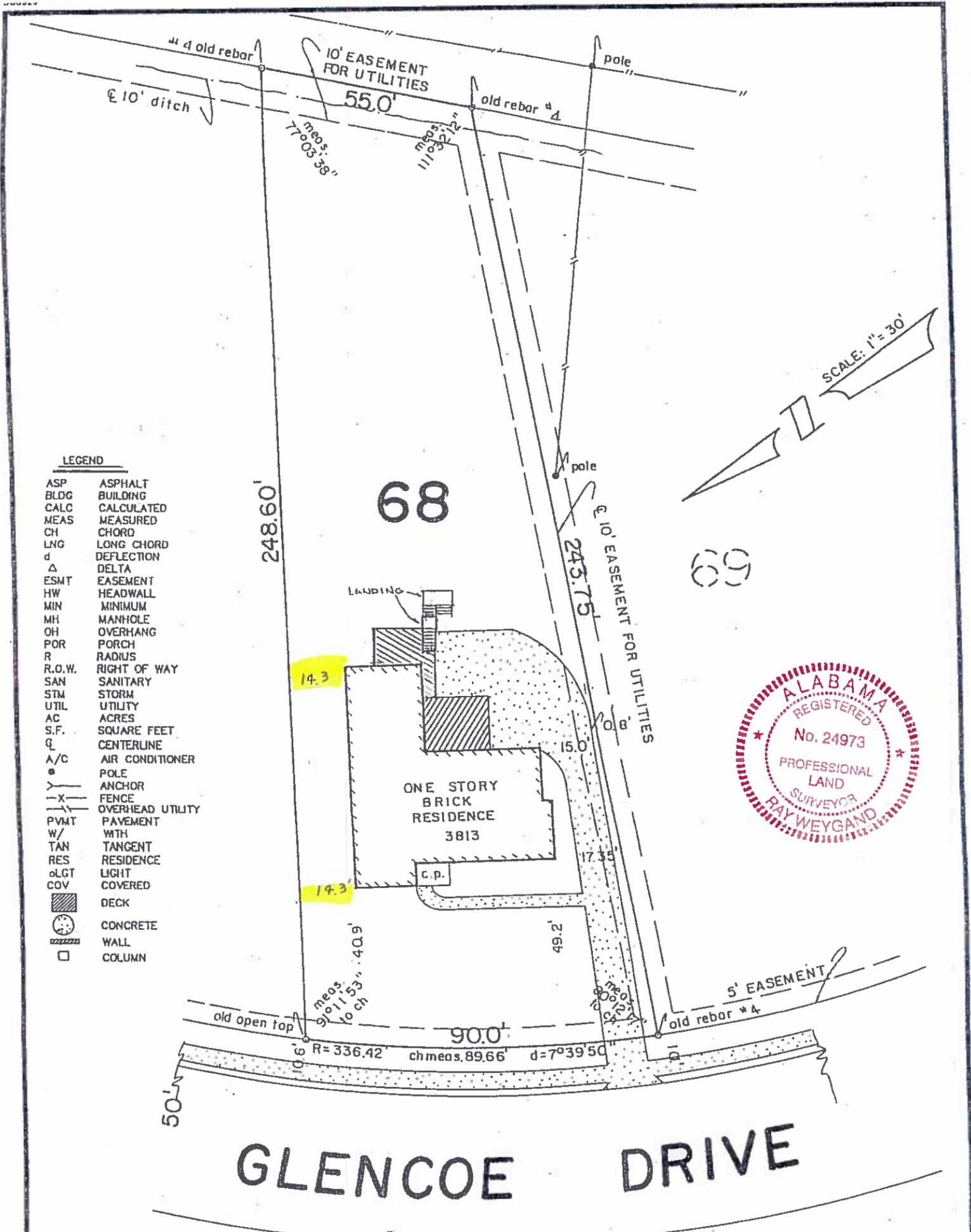
LOCATION: 3813 Glencoe Drive

ZONING DISTRICT: Res-A

OWNERS: William and Langston Hereford

# A-16-47 (Zoning Map)





**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
○	ANCHOR
-X-	FENCE
-X-	OVERHEAD UTILITY
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



STATE OF ALABAMA  
JEFFERSON COUNTY)

"Closing Survey"

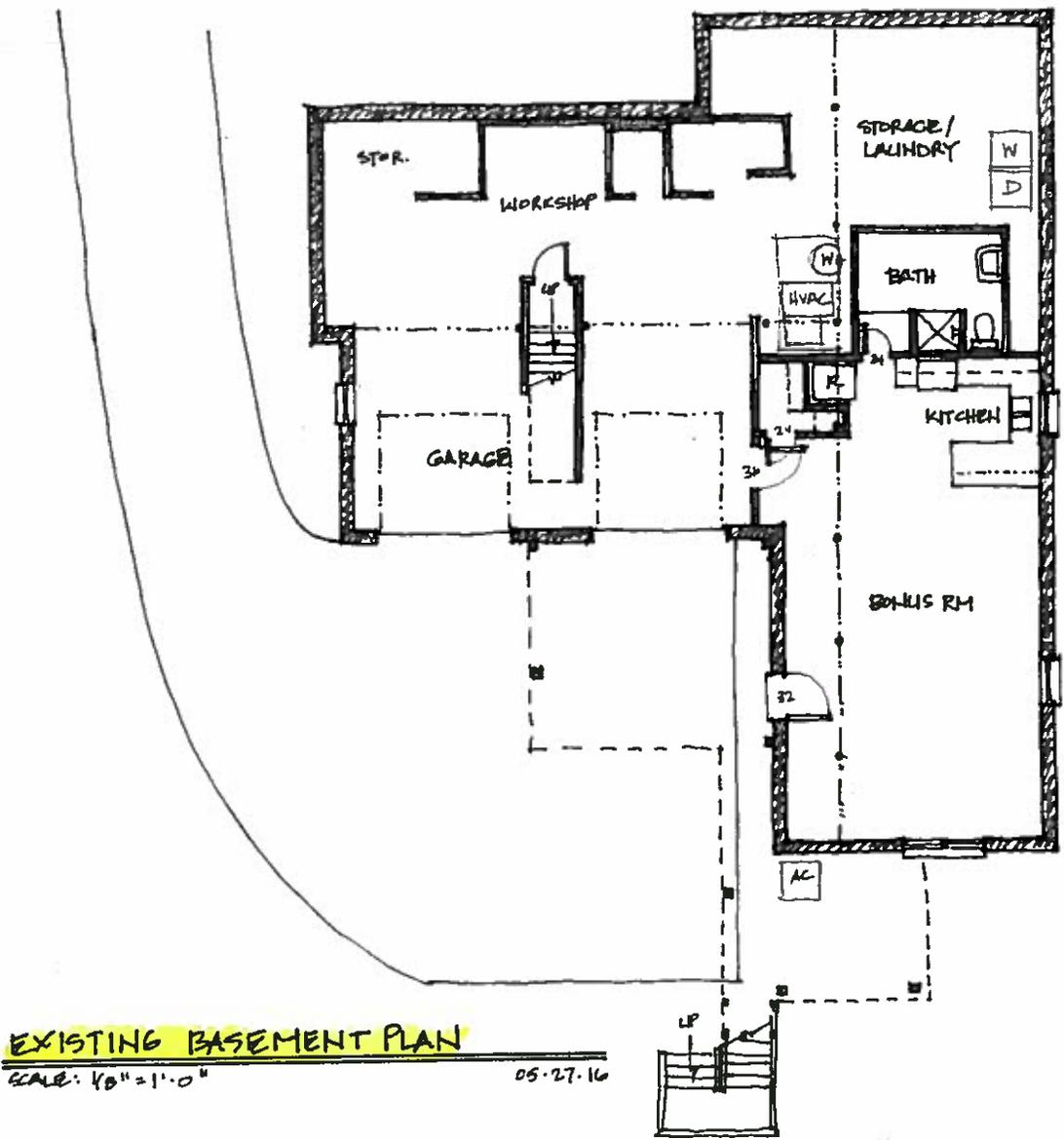
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 68 Glencoe as recorded in Map Volume 28, Page 17, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways 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 OCT 18, 2016. Survey invalid if not sealed in red.

Order No.: 86545  
Purchaser:  
Address: 3813 GLENCOE DR

Ray Weygand, Reg. L.S. #24973  
168 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.

17-10-47



**EXISTING BASEMENT PLAN**

SCALE: 1/8" = 1'-0"

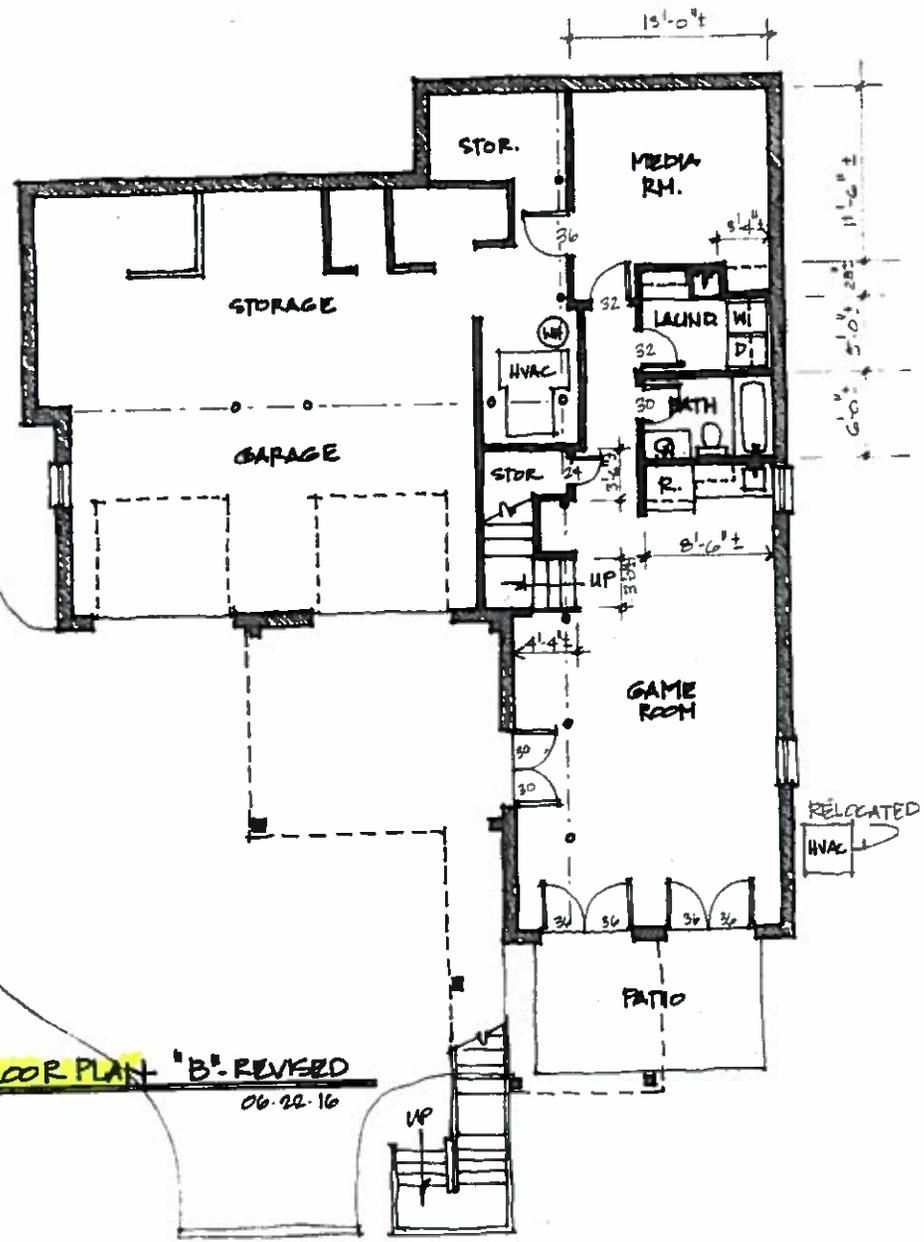
05-27-16

**ALONSO DESIGN**

Residential Design Services

**3813 Glencoe Drive**

Birmingham, Alabama 35213



Proposed

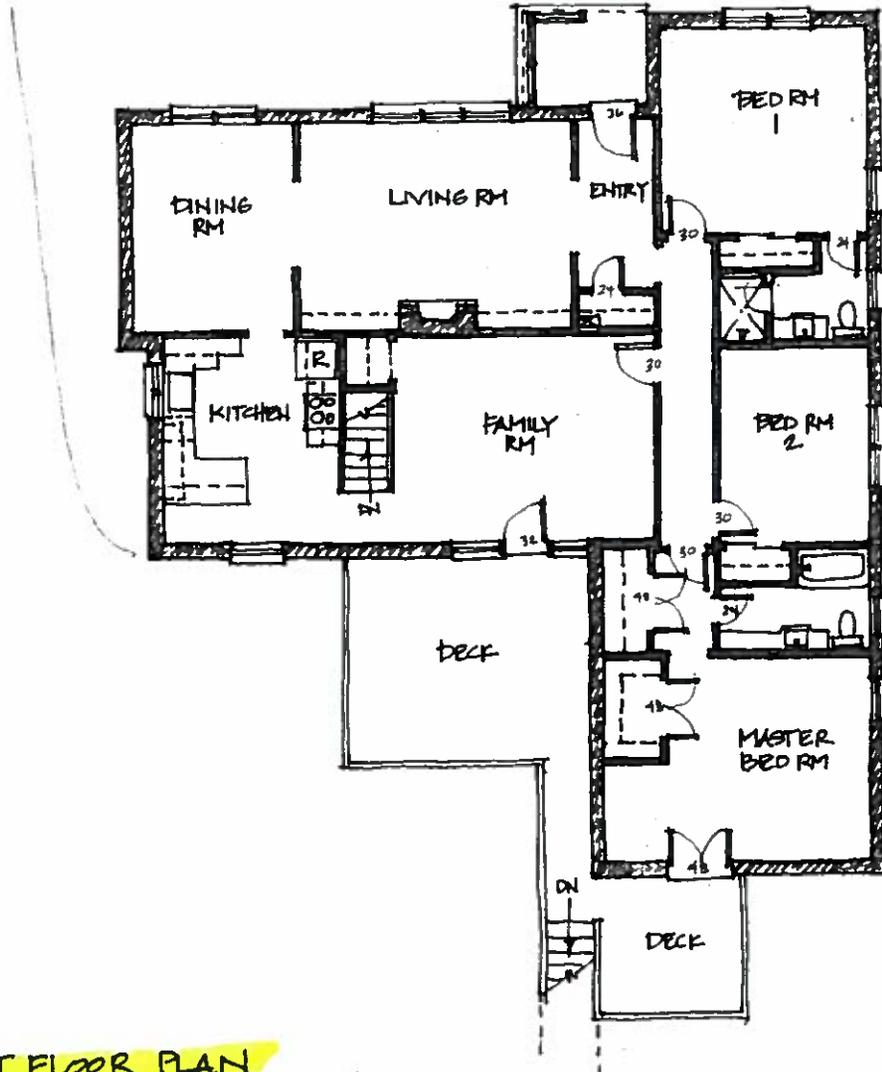
SCHEMATIC BASEMENT FLOOR PLAN "B" - REVERSED  
SCALE: 1/8" = 1'-0" 06.22.16

**ALONSO DESIGN**  
Residential Design Services

3813 Glencoe Drive  
Birmingham, Alabama 35213

A-16-47

A-16-47



**EXISTING FIRST FLOOR PLAN**

SCALE: 1/8" = 1'-0"

05.27.16

**ALONSO DESIGN**

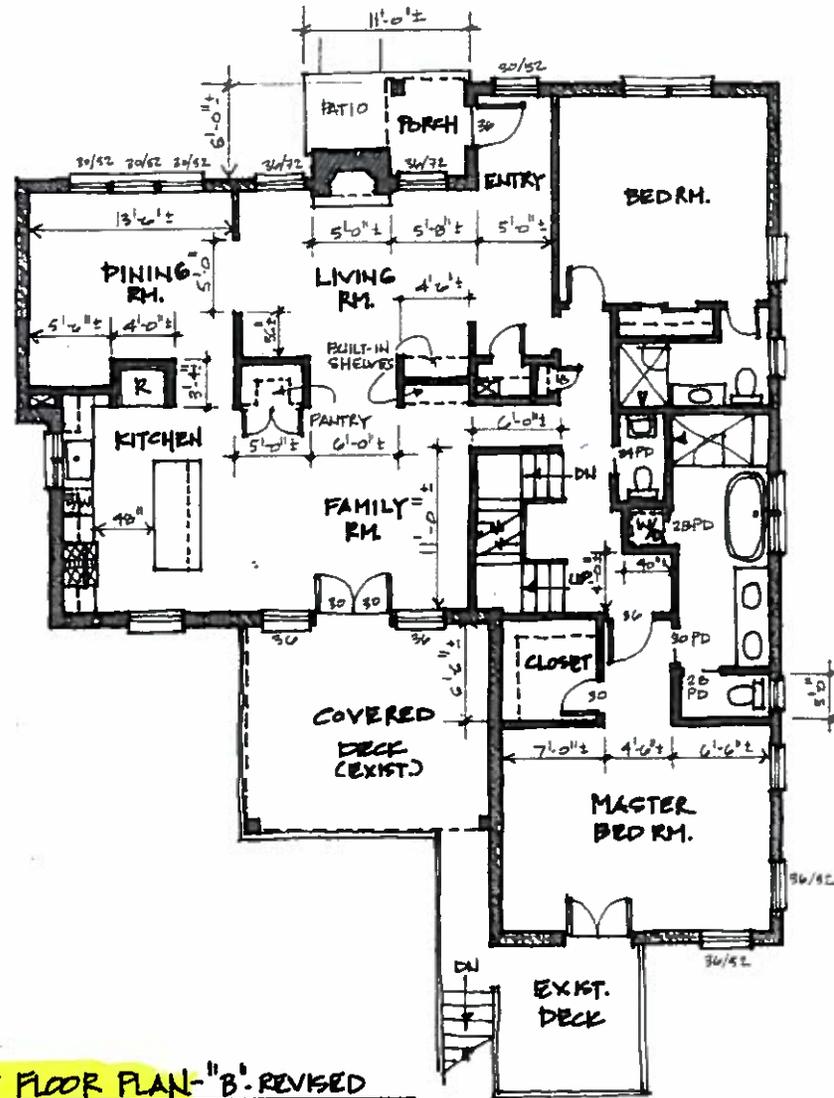
Residential Design Services

**3813 Glencoe Drive**

Birmingham, Alabama 35213

A-16-47

A-16-47



Proposed

SCHEMATIC FIRST FLOOR PLAN - "B" - REVISED

SCALE: 1/8" = 1'-0"

00-22-16

ALONSO DESIGN

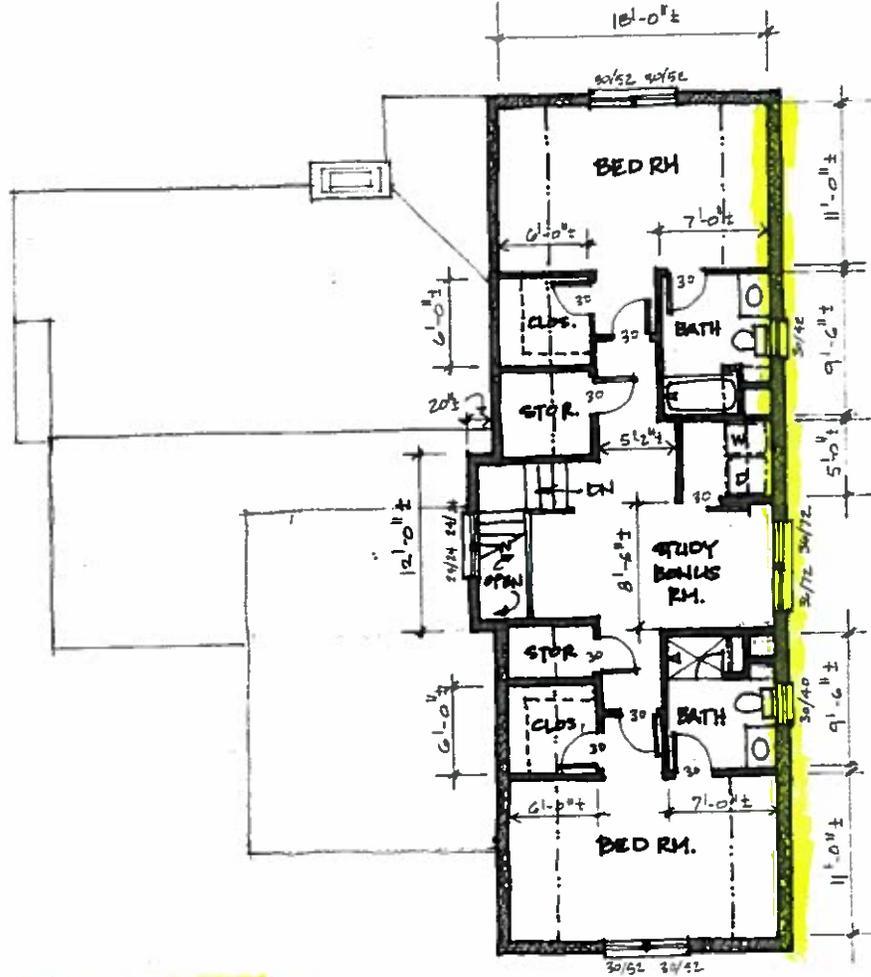
Residential Design Services

3813 Glencoe Drive

Birmingham, Alabama 35213

A-16-47

A-16-47



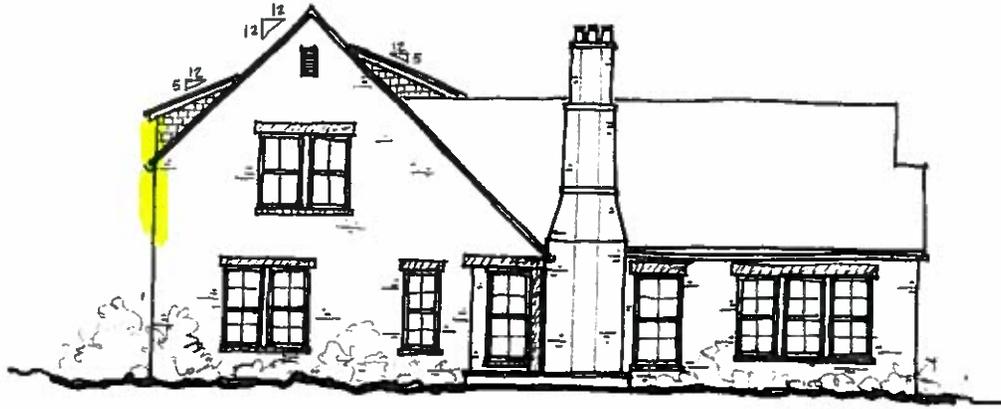
**Proposed**  
**SCHEMATIC SECOND FLOOR PLAN - B. REVISED**  
 SCALE: 1/8" = 1'-0"  
 06.22.16

**ALONSO DESIGN**  
 Residential Design Services

3813 Glencoe Drive  
 Birmingham, Alabama 35213

A-16-47

A-16-47



**SCHEMATIC FRONT ELEVATION**

SCALE: 1/8" = 1'-0"

06.22.16



**SCHEMATIC NORTH SIDE ELEVATION**

SCALE: 1/8" = 1'-0"

06.22.16

**ALONSO DESIGN**

Residential Design Services

**3813 Glencoe Drive**

Birmingham, Alabama 35213

A-16-47

A-16-47



**SCHEMATIC REAR ELEVATION**  
 SCALE: 1/8" = 1'-0"

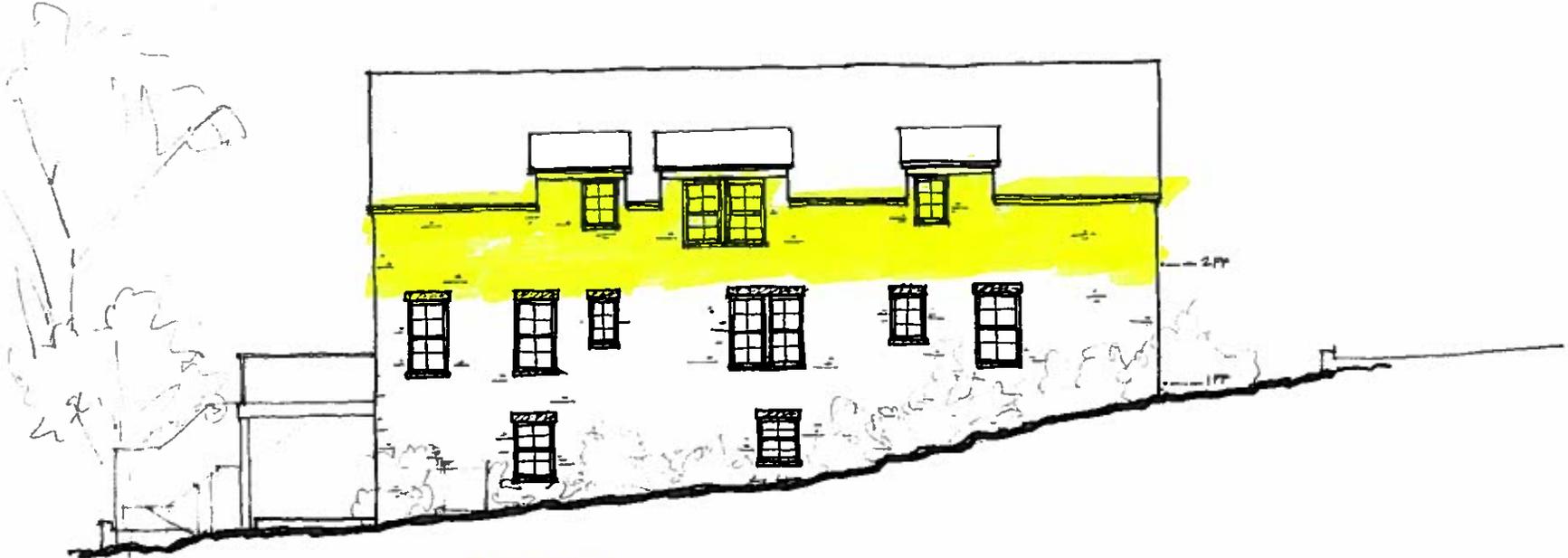
06.22.16

**ALONSO DESIGN**  
 Residential Design Services

**3813 Glencoe Drive**  
 Birmingham, Alabama 35213

A-16-47

A-16-47



**SCHEMATIC SOUTHSIDE ELEVATION**

SCALE: 1/8" = 1'-0"

06.22.16

**ALONSO DESIGN**  
 Residential Design Services

**3813 Glencoe Drive**  
 Birmingham, Alabama 35213



## 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)?

There are three hardships that need to be considered for this variance. The siting of the house on the subject property, the size of the lot and the narrowness of the lot. The existing structure was built within 14.3' of the left side property line, so it is existing non-conforming for Residence A. At 17,301 square feet the lot is undersized for Residence A. The lot is 90' wide at the street and tapers to 55' at the rear of the property, both of which are less than the 100' width requirement for Residence A.

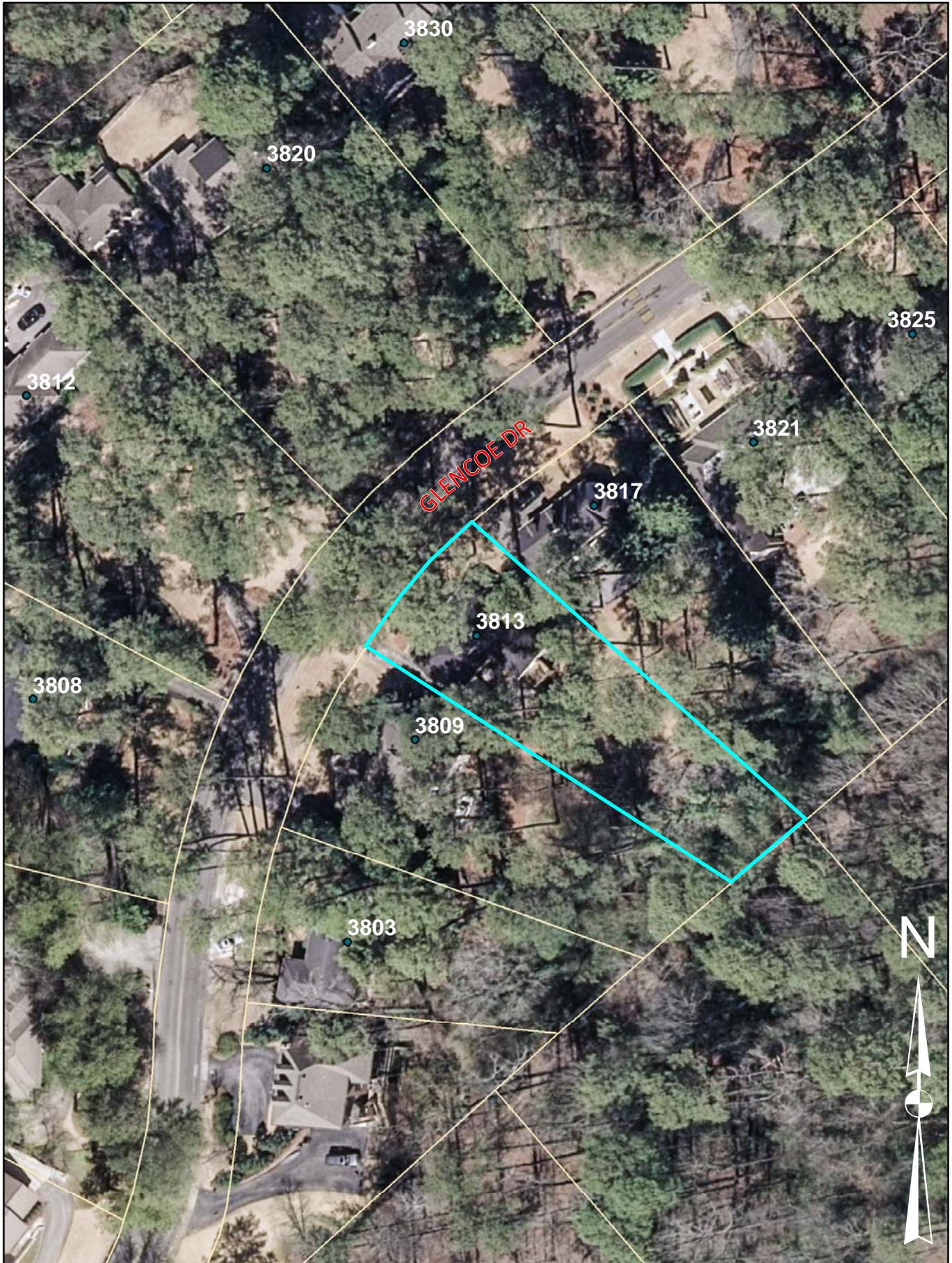
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No. We are attempting to add a second story to an existing non-conforming structure.

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

Since the house is existing non-conforming, i feel that granting the variance would be consistent with the purpose and intent of the zoning regulations. We are trying to limit the encroachment in to the setbacks and adding the second floors achieves this with minimal disturbance to the lot.

# A-16-47 (Aerial Map)





Dana Hazen &lt;hazend@mtnbrook.org&gt;

---

## Request for Variance for 3813 Glencoe Drive

1 message

---

**Cissy Jackson** <cissyjackson@charter.net>

Sun, Nov 13, 2016 at 5:52 PM

To: hazend@mtnbrook.org

Cc: Steve Jackson &lt;sjackson@maynardcooper.com&gt;, "Hereford, Will" &lt;WHereford@blharbert.com&gt;

Dear Ms. Hazen,

We received your Notice regarding the request for zoning variance submitted by our neighbors, the Herefords. The Herefords showed and explained to us the plans for their renovation several months ago, and we have no objections. We hope you will approve their request for variance without delay.

Thank you,  
Cissy Jackson

Sarah B. Jackson  
3817 Glencoe Drive  
Birmingham, AL 35213  
tel: [205-401-6153](tel:205-401-6153)  
fax: [205-871-6153](tel:205-871-6153)

Confidentiality Notice - The information contained in this e-mail and any attachments to it is intended only for the named recipient and may be legally privileged and include confidential information. If you are not the intended recipient, be aware that any disclosure, distribution or copying of this e-mail or its attachments is prohibited. If you have received this e-mail in error, please notify the sender immediately of that fact by return e-mail and permanently delete the e-mail and any attachments to it. Thank you.



## Variance Application - Part I

### Project Data

Address of Subject Property 2218 English Village Lane

Zoning Classification Residence C

Name of Property Owner(s) Julia Compton

Phone Number 205-871-6193 Email julia\_compton@yahoo.com

Name of Surveyor Ray Weygard

Phone Number 205-942-0084 Email \_\_\_\_\_

Name of Architect (if applicable) \_\_\_\_\_

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>	<u>35</u>		
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>4.0' to 7.5' retaining</u>
Other			<u>wall within 35' setback</u>

November 10, 2016

Julia Compton  
2218 English Village Lane  
Mountain Brook, AL 35223

Re: Board Zoning Adjustment Variance Request, 11/21/16 meeting date

Request:

Approval for variance to allow retaining wall higher than 4' in the 35' front setback

Situation:

Rear sloping lot; steep topography, grade falls right to left as face house.

Former retaining wall on tear down house was non-conforming and made from cinder blocks. Request to build replacement retaining wall, non-conforming, made of poured concrete with brick facade. The new retaining wall will be much more attractive and approximately 7.5' tall at point where it meets the house. The wall will step down as move toward street as grade allows. Anticipated distance of portion taller than 4' will not exceed 20'. Need for 7.5' retaining wall is to control water run-off toward street and prevent water run-off from moving toward drive and on to neighbor property. The finish floor elevation of new house is same as the former home and no alterations to lot were made which created the need for non-conforming wall. Attached is a photo of former house showing wall greater than 4' in front of setback and drive in same location as new house.

Attachments:

Item A: photo of former house with retaining wall greater than 4' in front of setback

Item B: front and right elevation

Item C: rear and left elevation

Item D: Weygand survey

Item E: Weygand survey enlarged with requested variance area highlighted

The Board's approval of a variance to build a more attractive replacement retaining wall is much appreciated.

Regards,

  
Julia



## Report to the Board of Zoning Adjustment

**A-16-48**

### ***Petition Summary***

Request to allow a retaining wall (ranging in height from 4 to 7.5 feet) to be within 15 feet of the front property line (English Village Lane) in lieu of the required 35-foot front setback.

### ***Analysis***

The hardship in this case is topography, with the lot sloping from front to back and right side to left side. The proposal is in conjunction with the construction of a new single family dwelling (under construction), replacing a previously existing driveway and related retaining wall to the right of the driveway (see attached photo of previously existing house and retaining wall along driveway). The retaining wall is necessary to control the flow of water runoff, directing it to the street instead of across the driveway and into the adjoining lot. No detrimental effect to the streetscape 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

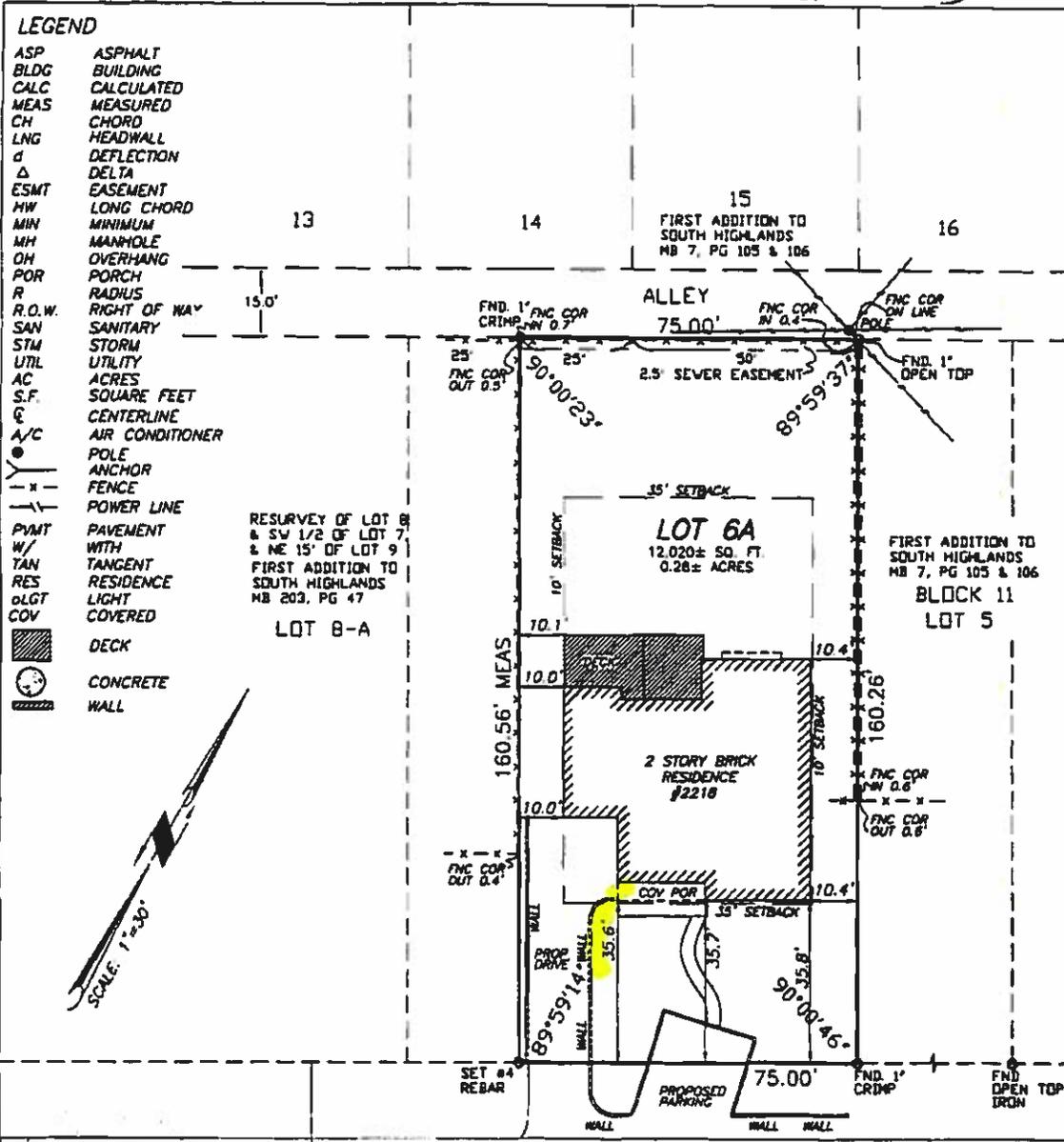
### ***Appends***

LOCATION: 2218 English Village Lane

ZONING DISTRICT: Res-C

OWNER: Julia Compton

Item D



50' R.O.W. ENGLISH VILLAGE LANE

STATE OF ALABAMA  
JEFFERSON COUNTY

Plot Plan

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of the property at this time, that I have surveyed LOT 6A, COMPTON'S SOUTH HIGHLANDS RESURVEY BEING A RESURVEY OF LOT 6 AND THE N.E. HALF OF LOT 7, BLOCK 11 OF MAP OF RESURVEY OF FIRST ADDITION TO SOUTH HIGHLANDS, as recorded in Map Volume 7, Page 105 in the Office of the Judge of Probate, Jefferson County, Alabama. 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 OCTOBER 28, 2016. Survey invalid if not sealed in red.

Order No. 40440  
Purchaser: COMPTON  
Address: 2218 ENGLISH VILLAGE LANE

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



Note: (a) No blue 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, cisterns or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



Item B

A-16-48

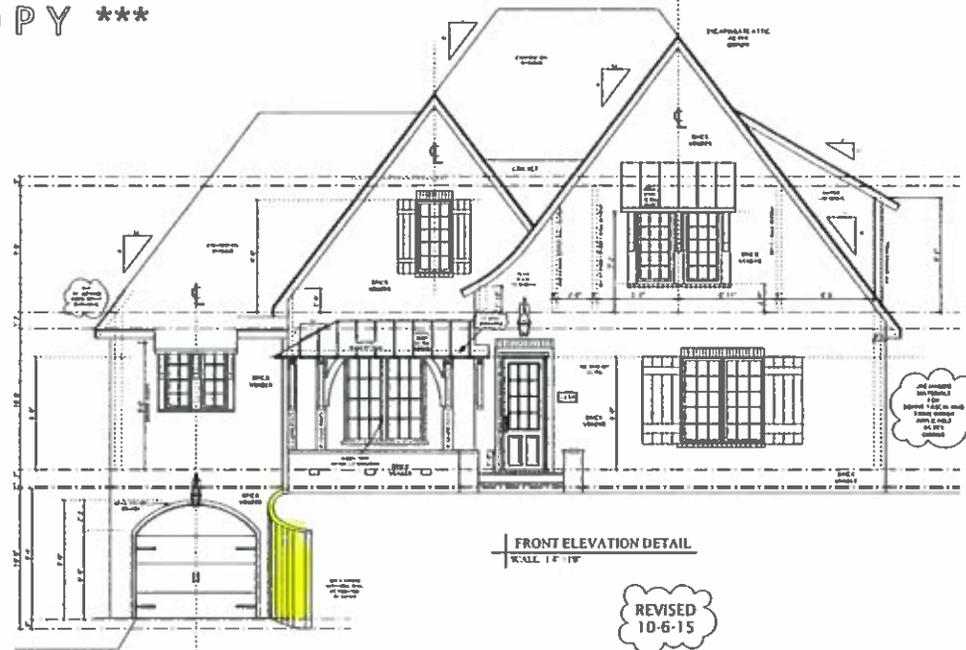
\*\*\* NOT A PERMIT COPY \*\*\*

IMPORTANT INFORMATION - PLEASE READ CAREFULLY BEFORE STARTING CONSTRUCTION

It is the responsibility of the owner to provide the following information to the architect... The architect shall not be responsible for the accuracy of the information provided by the owner... The architect shall not be responsible for the accuracy of the information provided by the owner...

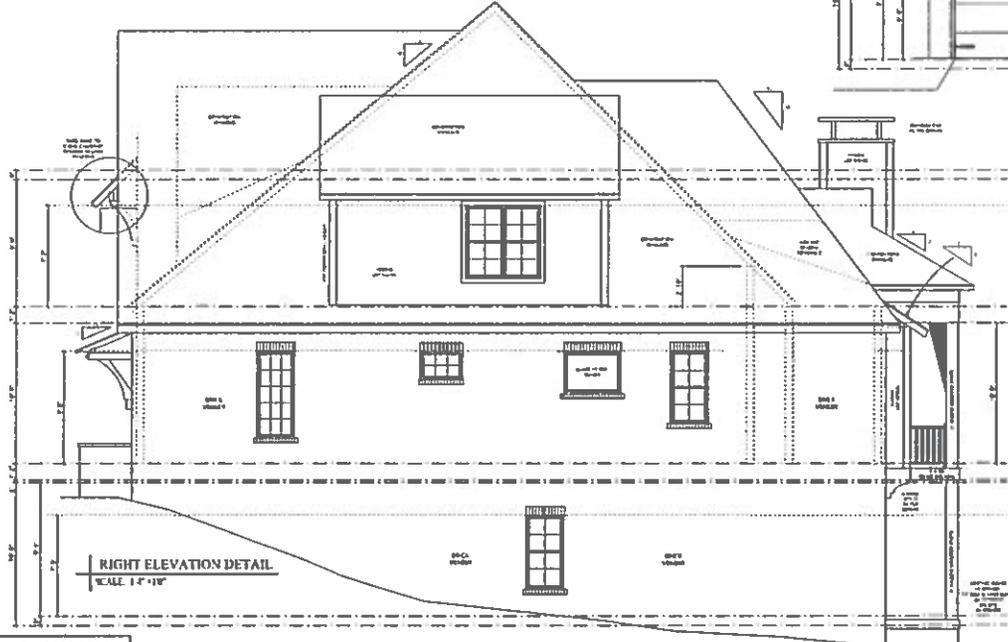
It is the responsibility of the owner to provide the following information to the architect... The architect shall not be responsible for the accuracy of the information provided by the owner... The architect shall not be responsible for the accuracy of the information provided by the owner...

THESE DRAWINGS ARE THE PROPERTY OF FRUSTENO ARCHITECTS, P.C. AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF FRUSTENO ARCHITECTS, P.C.



FRONT ELEVATION DETAIL SCALE 1/4" = 1'-0"

REVISED 10-6-15



RIGHT ELEVATION DETAIL SCALE 1/4" = 1'-0"

IMPORTANT NOTES: SCALE ALL STUCCO DETAILS FROM THE BLENDED DRAWINGS. REFERENCE ROOF LAYOUT FOR DIFFERENT OVERHANG DEPTHS. NOTICE DIFFERENT LIFE SIZES HEIGHTS FOR HOUSE PROPORTIONS. REFERANCE ALL WINDOWS ON FLOORPLAN WITH DIMENSIONS & NOTIFY OWNER AND/OR DESIGNER OF ANY OCCASIONAL WINDOW ORDERING WINDOW PACKAGES. \*\* NOTIFY ARCHITECT AS SHOWN ON THIS PLAN MAY VARY WITH DIFFERENT MANUFACTURER WINDOW SIZES. \*\* CHECK ALL WINDOW SIZES SHOULD CLOSELY MATCH WINDOWS SHOWN ON ELEVATIONS.

CONSTANT NOTES TO HOME APPEARANCES: 1. CONFIRM ALL WALL, ROOF, TRIM, HEADERS AND SILLING HEIGHTS AS SHOWN FOR PROPER PROPORTION. 2. SCALE ALL STUCCO DETAILS FROM BLENDED PACKS. 3. REFERENCE ROOF LAYOUT FOR DIFFERENT OVERHANG DEPTHS. 4. NOTIFY DIFFERENT ANGLE SIZES HEIGHTS FOR HOUSE PROPORTIONS. 5. REFERENCE ALL ELEVATION WINDOWS WITH FLOORPLAN WINDOWS SHOWN ON ELEVATION ARE PREFERRED.

\*\* NOTIFY ARCHITECT AS SHOWN ON THIS PLAN MAY VARY WITH DIFFERENT MANUFACTURER WINDOW SIZES. \*\* CHECK ALL WINDOW SIZES SHOULD CLOSELY MATCH WINDOWS SHOWN ON ELEVATIONS.

PROPERTY OF FRUSTENO ARCHITECTS, P.C. ALL INFORMATION ON THIS PLAN IS THE PROPERTY OF FRUSTENO ARCHITECTS, P.C. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF FRUSTENO ARCHITECTS, P.C.

AMERICAN INSTITUTE OF BUILDING DESIGN PROFESSIONAL REGISTER

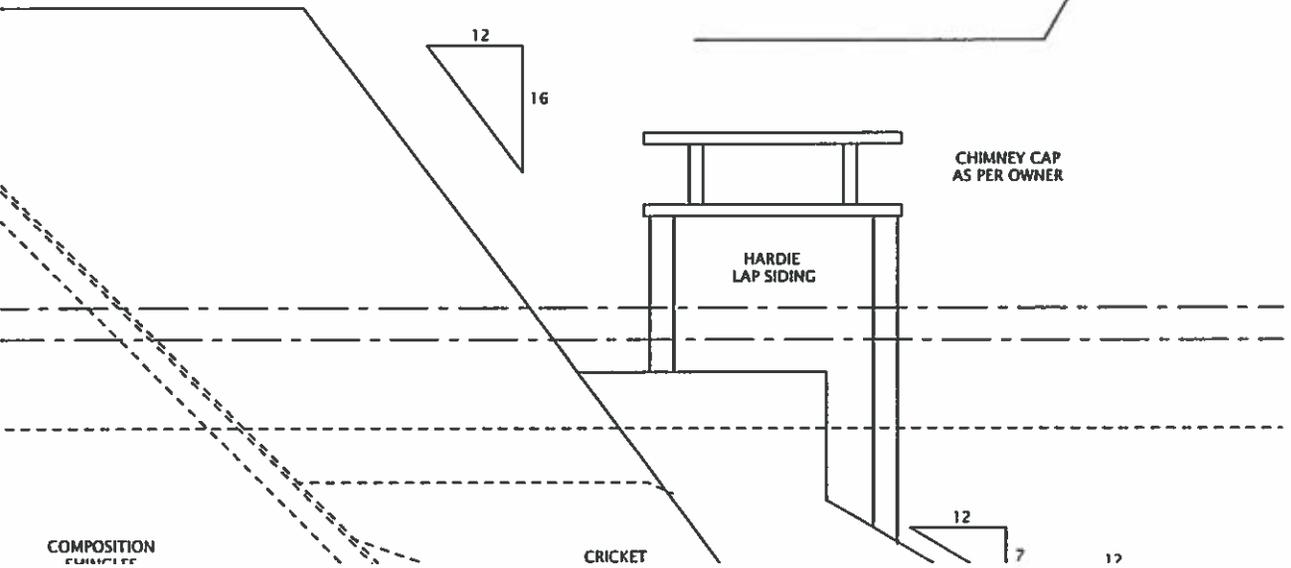
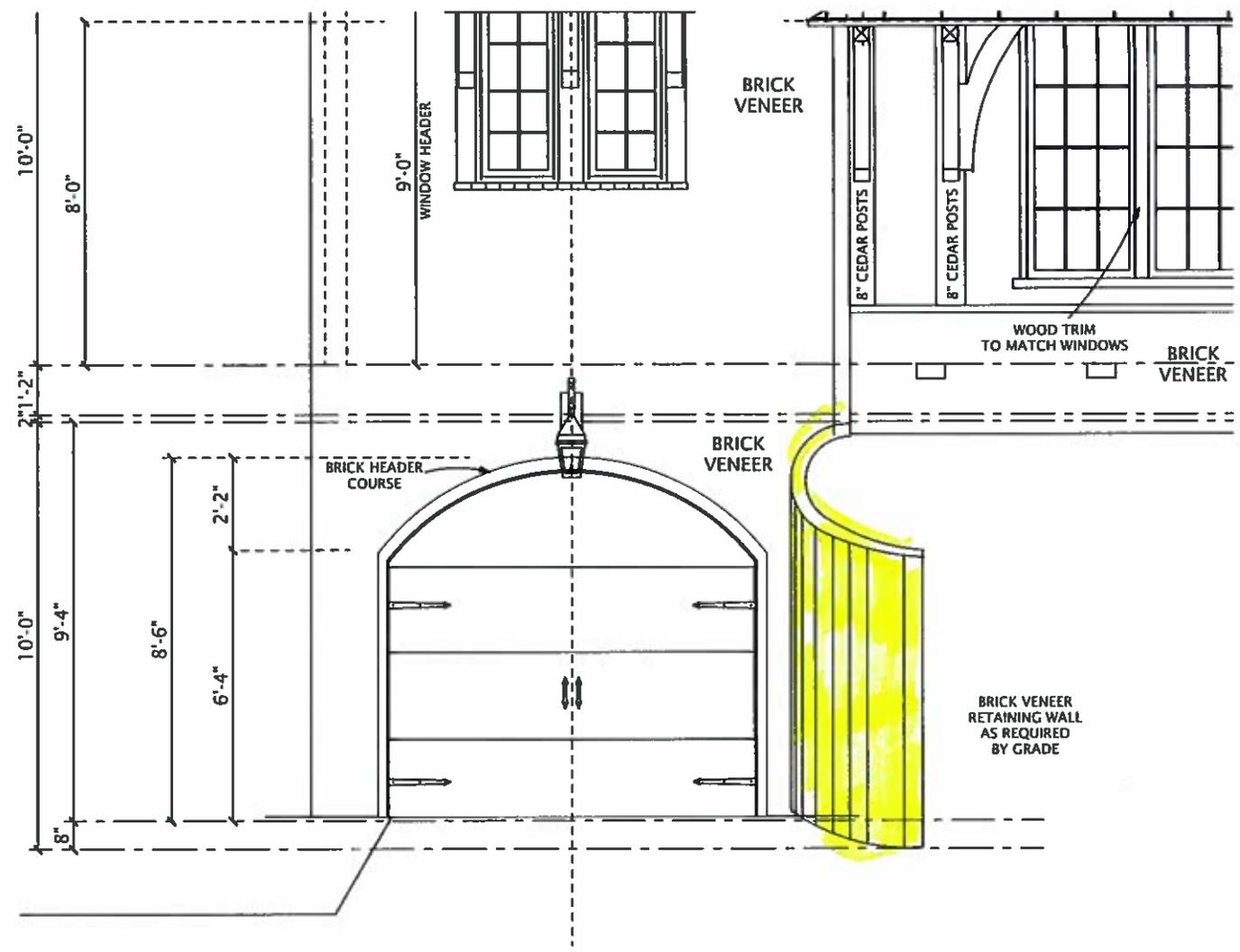
CUSTOM HOME DOCUMENTS FOR RESIDENCE

frusteno ARCHITECTS, P.C.

DESIGN DATE: 10/15/15 PERIOD OF THIS PERMIT: 12 MONTHS SHEET: 2 OF 2

1099-1014

FEDERAL COPYRIGHT REGISTERED BUILDING PERMIT \*\*COPYRIGHT WARNING\*\*



SCAI  
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Item C

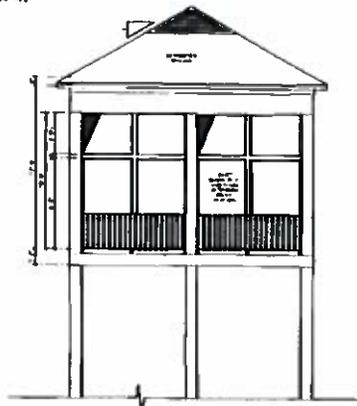
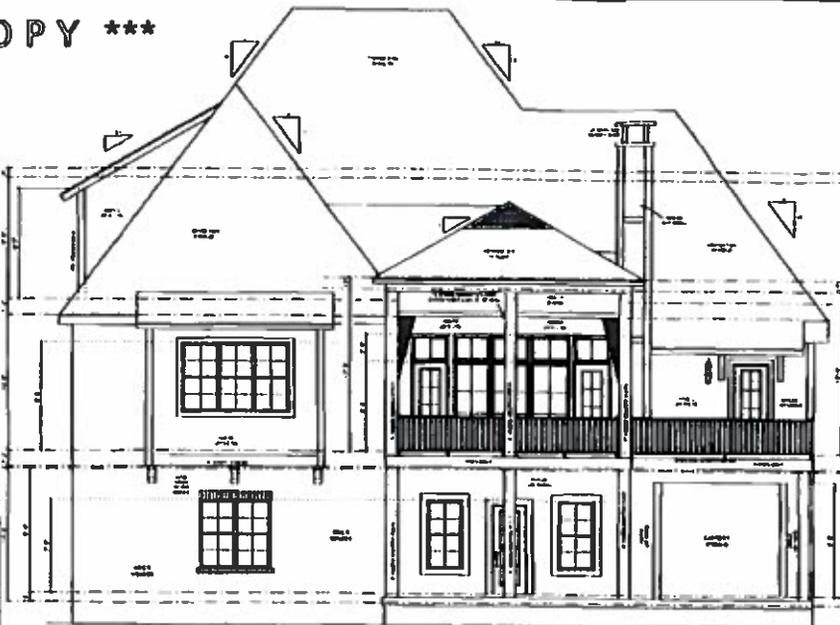
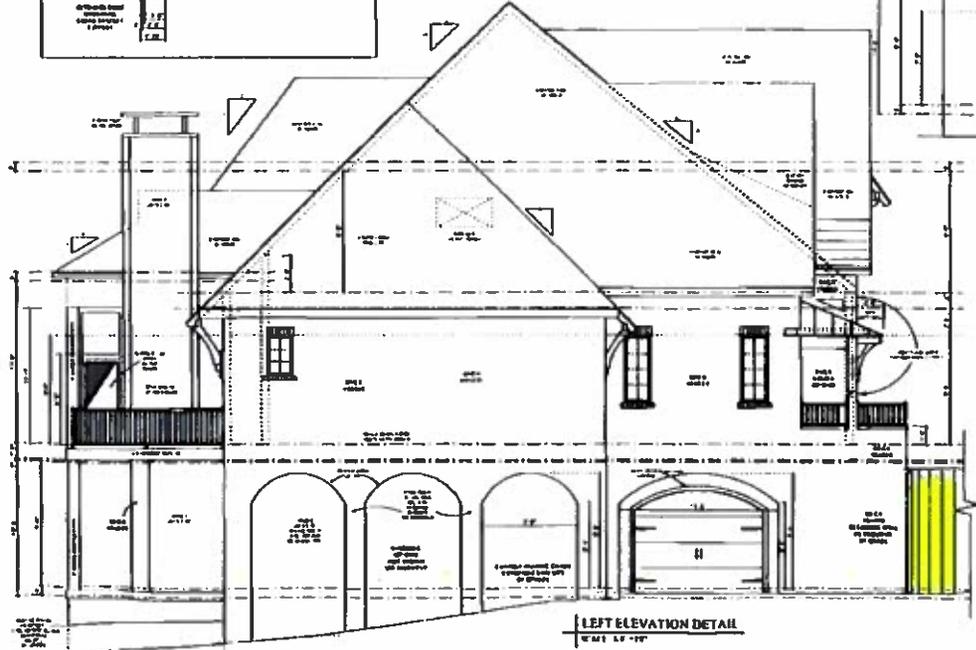
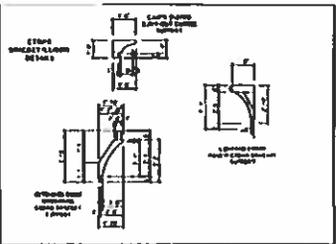
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**OWNER'S OBLIGATIONS**  
 The owner shall be responsible for obtaining all necessary permits and for providing the contractor with a safe working environment. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment.

**IMPORTANT INFORMATION**  
 PLEASE READ CAREFULLY  
 BEFORE STARTING CONSTRUCTION

1. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment.

2. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment. The contractor shall be responsible for obtaining all necessary permits and for providing the owner with a safe working environment.



REVISED 10-6-15

JOB # 1099-1014

FRUSTERO ARCHITECTURE  
 1099-1014  
 1099-1014

PROPERTY OF FRUSTERO  
 ALL RIGHTS RESERVED  
 NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FRUSTERO ARCHITECTURE.

**A-16-48**

*Item A*





## 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)?

Steep topography  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

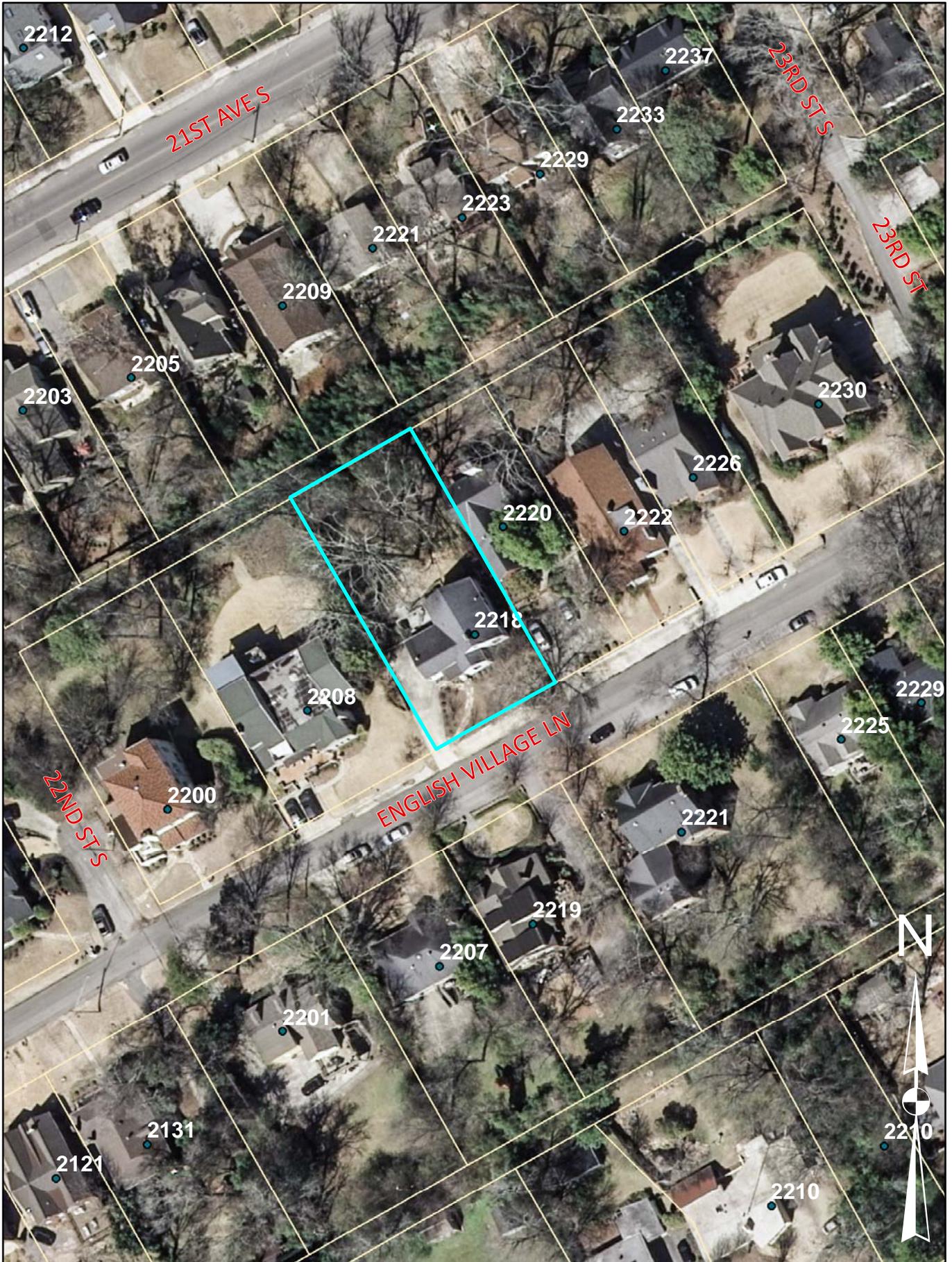
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

NO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Desired relief will not yield detriment to the public and provides high consideration for proper safety and water run-off. The variance will not substantially derogate the intent or purpose of ordinance and is necessary to  
\_\_\_\_\_  
\_\_\_\_\_

# A-16-48 (Aerial Map)





## Variance Application - Part I

### Project Data

Address of Subject Property 2 Office Park Circle

Zoning Classification Office Park

Name of Property Owner(s) George Ladd represented by Ladd Real Estate

Phone Number 205-879-4777 Email Ladd@laddmgt.com

Name of Surveyor Goodwyn Mills Cawood

Phone Number 205-879-4462 Email jeffrey.brewer@gmcnetwork.com

Name of Architect (if applicable) Blackmon Rogers Architects, LLC

Phone Number 205-837-4886 Email david@blackmonrogers.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)	15,000 sf	69,696 sf	69,969 sf
Lot Width (ft)	100'-0"	248'-0"	248'-0"
Front Setback (ft) <i>primary</i>	40'	34'-0"	24'-0"
Front Setback (ft) <i>secondary</i>	40'	N/A	N/A
Right Side Setback	20'	94'-0"	94'-0"
Left Side Setback	20'	93'-6"	93'-6"
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'-0"	84'-0"	84'-0"
Lot Coverage (%)	25%	17%	17%
Building Height (ft)	60'	40'	40'
Other			
Other			

# ***LADD* | REAL ESTATE**

Management Company Inc.

## **2 Office Park Circle Elevator Project**

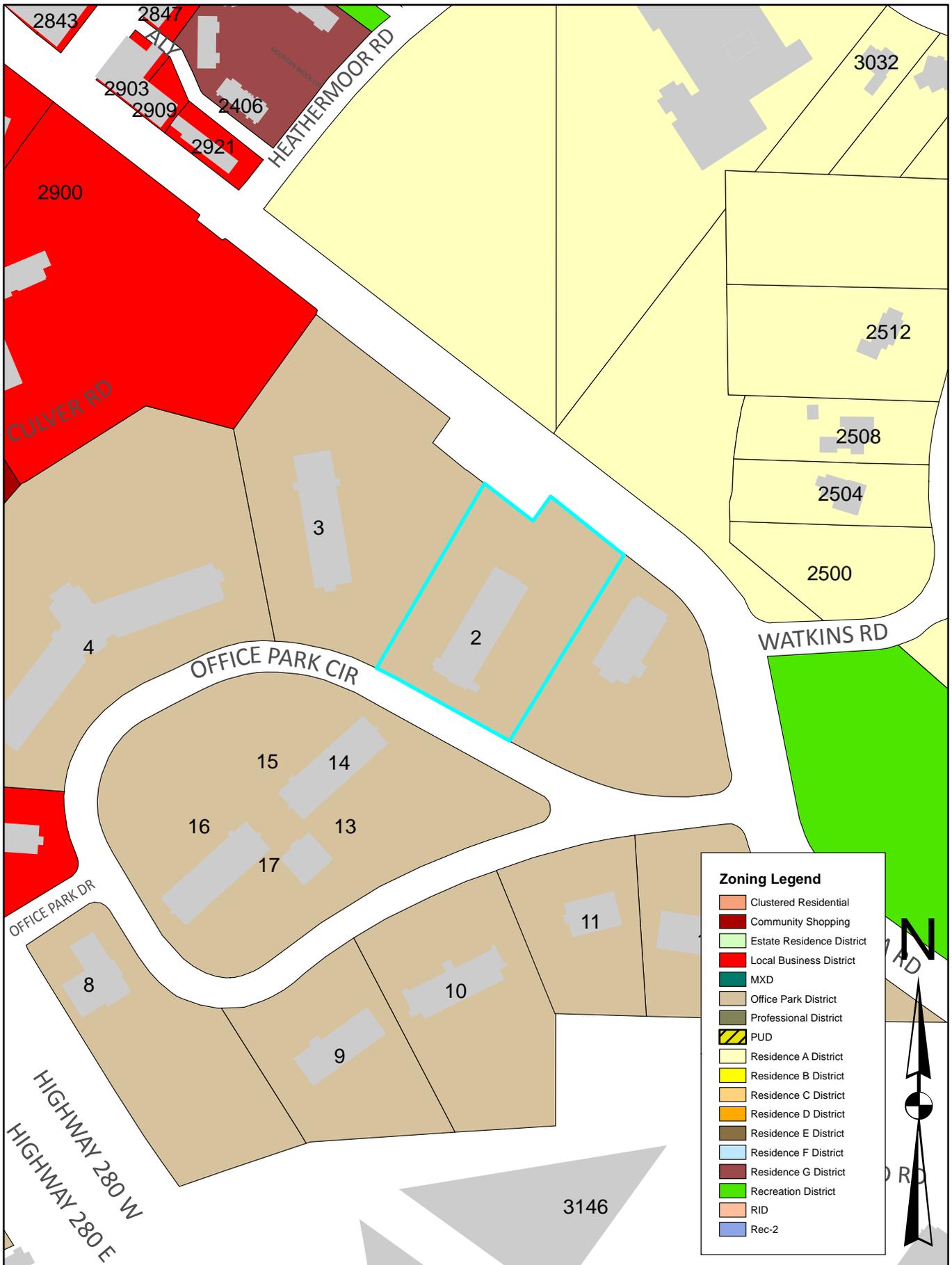
To make the building more accessible (ADA), we are seeking to add an elevator on the end of the building closest to the lobby and Office Park Circle. We have studied the building and plans and have concluded that the most feasible location is such. To do so, we are seeking a variance from the setback.

If approved, the scope of the project would be to construct an elevator shaft and small elevator lobby to connect into the side of the existing stairwell.



Ladd Tucker, President

# A-16-49 (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-16-49**

### ***Petition Summary***

Request to allow the construction of a new elevator shaft and lobby to be 24 feet from the front property line (Office Park Circle) in lieu of the required 40 feet.

### ***Analysis***

The hardship in this case is the existing design constraint of the building, being 34 feet from the front property line in lieu of the required 40 feet. The building was built in 1966, before accessibility requirements were common. The proposal is to add an elevator shaft at the front of the building. As may be seen on the attached zoning map, the buildings on this same side of Office Park Circle are not “in-line.” Given the staggered nature of the existing setbacks along this street, it is not anticipated that an approval of this request would be detrimental to the streetscape.

### ***Impervious Area***

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

### ***Subject Property and Surrounding Land Uses***

The property contains an office building on three sides, with the Mountain Brook Elementary recreation fields across Cahaba Road to the north.

### ***Affected Regulation***

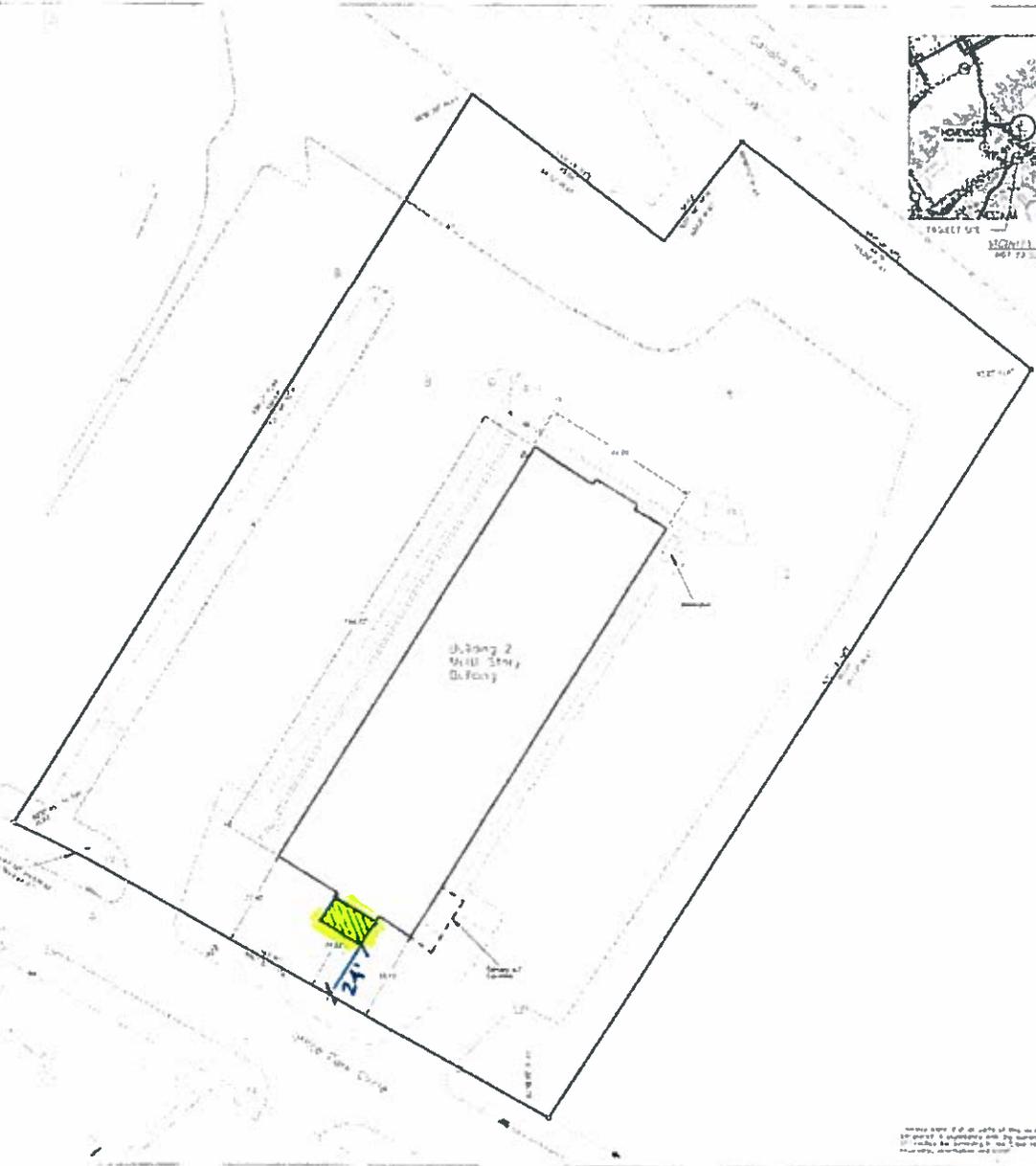
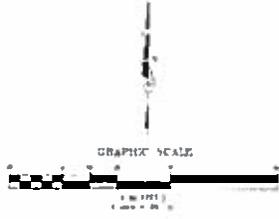
Article XI, Office Park District; Section 129-172, Area and Dimensional Requirements

### ***Appends***

LOCATION: 2 Office Park Circle

ZONING DISTRICT: Office Park District

OWNER: George Ladd



**LEGEND**

1. PROPERTY	2. STAKE
3. ADJ. PROP.	4. EXISTING FOUNDATION
5. EXIST. FOUNDATION	6. EXIST. FOUNDATION
7. EXIST. FOUNDATION	8. EXIST. FOUNDATION

**UTILITIES**

- 9. 12" WATER MAIN
- 10. 12" WATER MAIN
- 11. 12" WATER MAIN

**STAKE**

- 12. 12" WATER MAIN
- 13. 12" WATER MAIN

**SCALE**

1" = 100'

**Boundary Survey**

**Lead Properties Building 2**  
 2100 W. Ave South, Suite 100 | Birmingham, AL 35211  
 Tel: 205-879-2400 | GENCENTR@GMC.COM

**GOODWYN MILLS CAWOOD**

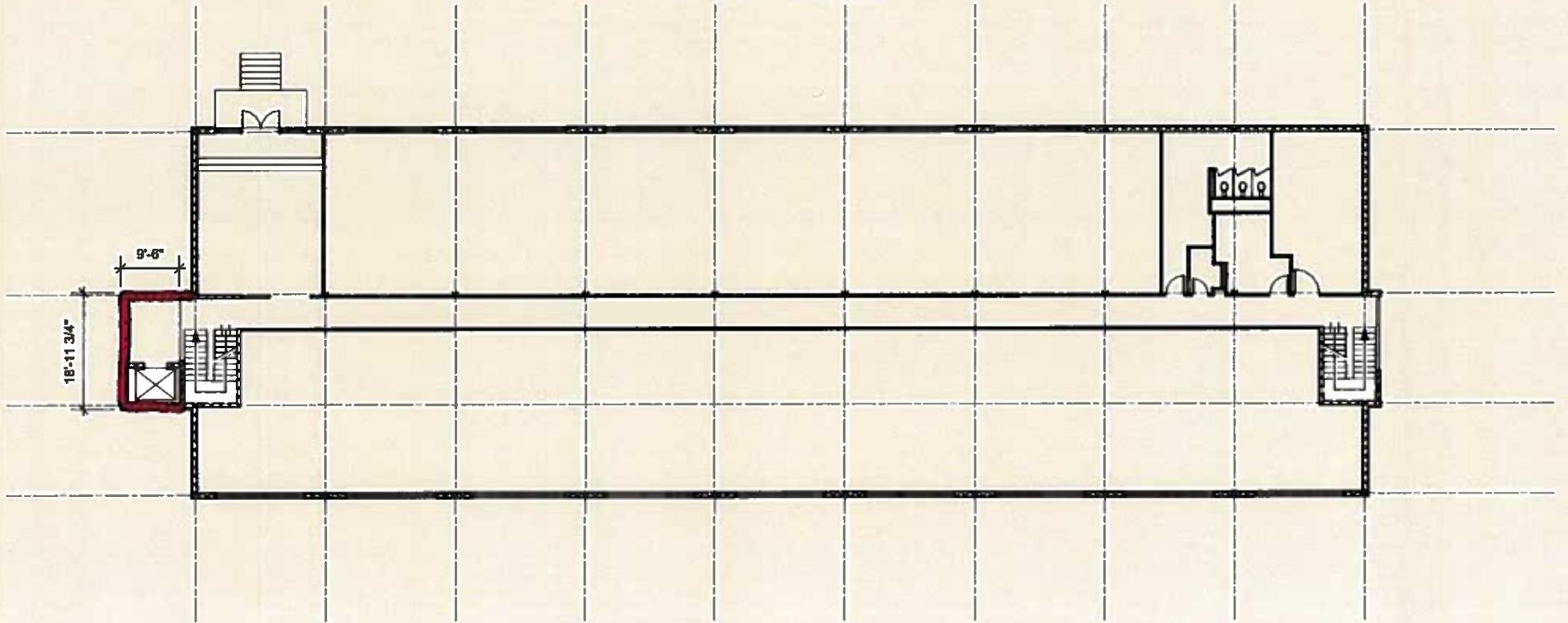
**CBH/MIGNON**

**ISSUE DATE**

11/21/16

Sheet 1 of 1

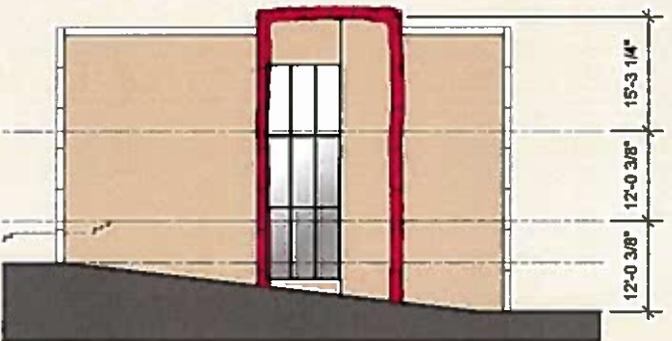
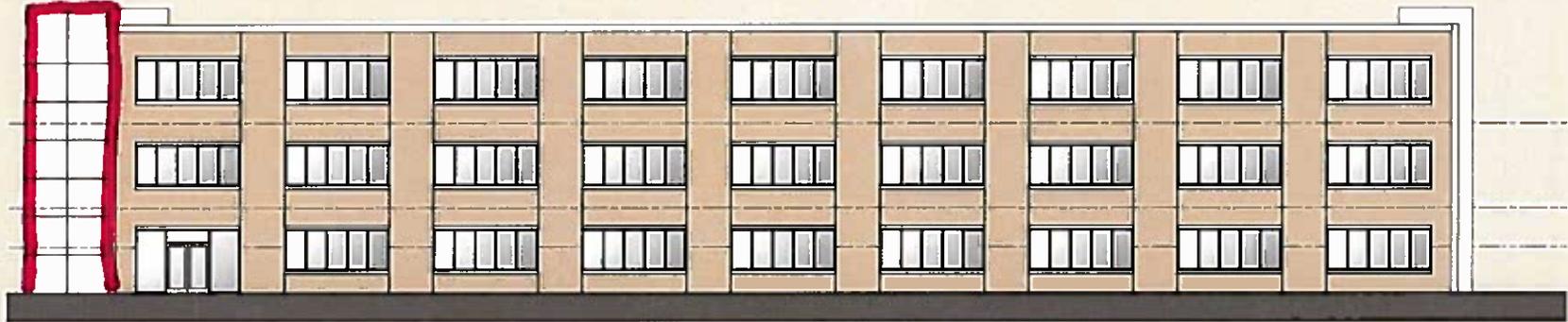
Under any & all parts of this survey and every part hereof, the surveyor and the client agree that the surveyor shall be held harmless for any errors, omissions, and claims.



Office Park Circle  
Building #2  
Birmingham, Alabama

Scheme A  
10/20/16

BLACKMON ROGERS  
ARCHITECTS LLC



Office Park Circle  
Building #2  
Birmingham, Alabama

Scheme A  
10/20/16

BLACKMON ROGERS  
ARCHITECTS LLC



## 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 existing 50 year old building along with the topography limit our options of where to locate a new elevator.

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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. The building was originally constructed in 1966 before elevators in such buildings were common place. Safety and accessibility requirements have evolved greatly over the past 50 years. We now need to add an elevator to provide access to teach floor. The proposed location is the most convenient to the accessible route.

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

We believe the proposed location provides the most sensitive addition to the existing building and site. The design seeks to maintain the character of the existing office park and minimize encroachment into the front setback.

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# A-16-49 (Aerial Map)

