

# BZA Packet

October 12, 2016

**Hello All,**

Enclosed please find your packet for the meeting of October 17, 2016.

**We have:**

- 4 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-Oct-17 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*

MEETING AGENDA  
CITY OF MOUNTAIN BROOK  
BOARD OF ZONING ADJUSTMENT  
OCTOBER 17, 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: September 19, 2016
  2. **Case A-16-43: 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**
  3. **Case A-16-44: 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.**
  4. **Case A-16-45: 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.**
  5. **Case A-16-46: 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.**
  6. Next Meeting: November 21, 2016
  7. Adjournment

**CITY OF MOUNTAIN BROOK**  
**BOARD OF ZONING ADJUSTMENT**  
**MINUTES**  
September 19, 2016

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, September 19, 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 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 - August 15, 2016:

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

Chairman Higginbotham stated that all four Board members will have to vote in the affirmative to obtain a variance approval.

3. Case **A-16-40: 2917 Fairway Drive** **EXHIBIT 1**

Mr. and Mrs. Russell Vandavelde, property owners, request variances from the terms of the Zoning Regulations to allow an existing porch (108 square feet) to be enclosed, increasing the square footage of an accessory building from approximately 1,539 square feet to 1,647 square feet in lieu of the maximum allowable 1,508 square feet (20% of the principle structure); also, for the enclosed porch to remain as located 17 feet 4 inches from the rear property line (south) in lieu of the required 40 feet. - 2917 Fairway Drive.

**Hardship:** Existing design constraints.

Hank Long (Henry Sprott Long & Associates, Inc., 3016 Clairmont Avenue, Birmingham, Alabama) represented the applicants. The proposed alterations to the existing non-conforming detached structure, built with the original house in the 1930s, are mainly to the interior of the structure and the enclosure of an existing covered porch. The enclosure of the porch will not result in any changes to the current roofed footprint of the structure and will require one wall to be built in line with the existing columns that support the existing roof above the porch.

The slate roofing over the covered porch will not be affected, and the added wall will match the colors and materials of the existing porch.

By enclosing the porch, the square footage of the building will change from approximately 1,539 square feet to 1,647 square feet, resulting in approximately 108 square feet of heated space above the allowable amount. Approval of this overage is part of the variance request.

The applicant also requests that the existing rear setback remain at 17'4".

The hardship is that this structure was built toward the back of the property because of the topography. At the time of construction, the setback restrictions were not the same as today and the applicants believe it is reasonable to ask approval of the variance to allow the requested alterations.

Chairman Higginbotham asked if this property went before the Planning Commission. Mr. Long said that the property owner submitted an application to the Planning Commission for approval of a clean-up resurvey which was granted on September 6, 2016.

Mr. Simonton stated that the positioning of the porch will make it difficult to see from any vantage point. Mr. Long confirmed that the porch is at the rear and cannot be seen from the street.

Chairman Higginbotham agreed that the location of the structure on the property causes a hardship and limits opportunities. He acknowledged that the existing house was built before the City's ordinances were written.

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  
Simonton  
Loveman

**Variance unanimously approved as presented.**

**4. Case A-16-41: 121 Crestwood Drive**

**EXHIBIT 2**

David and Kristie Stewart, owners, request a variance from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 5.2 feet from the side property line (north) in lieu of the required 9 feet. - 121 Crestwood Drive.



Scott Boomhover (Boomhover Architectural Studio, 3500 Mountain Park Drive, Mountain Brook, Alabama) represented the applicant. The requested variance is for the side of the house. The lot is small with a density issue. There is a severe drop-off toward the back of the lot. These issues make this side the only place to build.

The proposal is to add approximately 4' along the northeast side of the house, which will encroach 1' into the 15' side yard setback; therefore, a 12" variance is requested along that side.

Chairman Higginbotham agreed that the lot is small for Residence-A zoning. Since only 1' of the 4' requested is in the setback, why not make the addition 3'?

Mr. Boomhover said that 4' is needed to get the space to function because the house is small; also, there is a retaining wall underneath to contend with. Instead of building a basement to support the addition, which is one story above grade, the property owner has chosen to use columns so as to impact the soil density as little as possible. By allowing the retaining wall underneath to remain, there will be less soil disturbance next to the house and erosion kept to a minimum. The additional footage into the setback will allow the columns to be placed outside of that retaining wall.

Chairman Higginbotham stated that this is a load-bearing issue. Mr. Boomhover agreed.

Mr. Hereford asked if the lower space will be enclosed. Mr. Boomhover said that the space will not be enclosed. There will be foundation footings with columns up to the bottom side of the extended area. This will create a colonnade from the neighbors' view and those that pass by. The lower side is currently painted CMU (concrete masonry units), but the proposal is to extend cedar shake cladding all the way down the side to match the existing exterior walls. The variance will cover from the front corner to the rear corner, the entire length of house.

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  
              Simonton  
              Loveman

**Variance unanimously approved as presented.**

- 6. Adjournment** - There being no further business to come before the Board at this time, the meeting stood adjourned at 5:22 p.m.

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Tammy Graham, Administrative Assistant



## Variance Application - Part I

### Project Data

Address of Subject Property 3800 BUCKINGHAM LANE

Zoning Classification RES A

Name of Property Owner(s) RUSS VANDEVELDE

Phone Number 205 360-0577 Email rhvandevelde@charter.net

Name of Surveyor WEYGAND

Phone Number 205 942-0086 Email ray-weygand@bellsouth.net

Name of Architect (if applicable) J.F. TERRY

Phone Number 205-908-2016 Email jkterry@bellsouth.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)	30,000	19,080	
Lot Width (ft)		145	
Front Setback (ft) <i>primary</i>		40	
Front Setback (ft) <i>secondary</i>		40	
Right Side Setback		40	
Left Side Setback		15	
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	29.1 (10.9' REQUEST)
Lot Coverage (%)		APPROX 21%	
Building Height (ft)		30±	
Other			
Other			

## REQUEST FOR VARIANCE

3800 Buckingham Lane

This variance request is for an 11-foot encroachment into the required 40-foot rear setback as defined by the City of Mountain Brook for structures zoned Residence A. The variance is requested due to the shape, size and street frontage of the lot.

The lot, measuring approximately 150' (w) x 130' (d), totaling approximately 19,500 square feet, (see attached survey), is substantially smaller than the 30,000 square foot minimum size for lots zoned Residence A as defined in sections 129-34 in the current City of Mountain Brook Zoning Ordinance.

The challenges of this particular lot are further exacerbated by the shallowness of the lot and the fact that it is situated on a corner, which by definition means it basically has two front yards, each requiring a 40-foot setback, impacting the buildable area of the lot.

The retired couple for which this variance is being requested, desire a home with all day to day living and sleeping areas to occupy the main level of the residence, and additionally the desire for a main level three-car garage facing Overton Road, similar to the adjacent home recently completed on the corner of Buckingham Place and Overton Road, and for which a rear setback variance was granted.

Your Consideration of this Request for Variance will be greatly appreciated.

---

*J. K. Terry – Owner Representative*

*Date*



## Report to the Board of Zoning Adjustment

### A-16-43

#### ***Petition Summary***

Request 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.

#### ***Analysis***

The hardships in this case are the irregular shape and shallow depth of the lot, as well as the lot size (19,080 in lieu of the minimum 30,000 for Res-A) and the corner lot configuration (resulting in three required 40-foot setbacks). The proposal is for a new single family dwelling to be between 31.6 feet (right rear corner) and 29.1 feet (left rear corner) from the rear property line. The proposed house will maintain larger than required secondary front (Overton Road) and interior side setbacks.

#### ***Similar Background***

Since the applicant's request mentions a similar variance (A-15-01, August 2015) on the adjoining property to the rear of the subject property, the survey for that property (3801 Buckingham Place) is included in the packet. The approved variance was for a portion (screened porch) of a new single family dwelling to be 32.92 feet from the rear property line (in lieu of the required 40 feet). Hardships on that case were of a similar nature as to the subject case.

#### ***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: 3800 Buckingham Lane

ZONING DISTRICT: Res-A

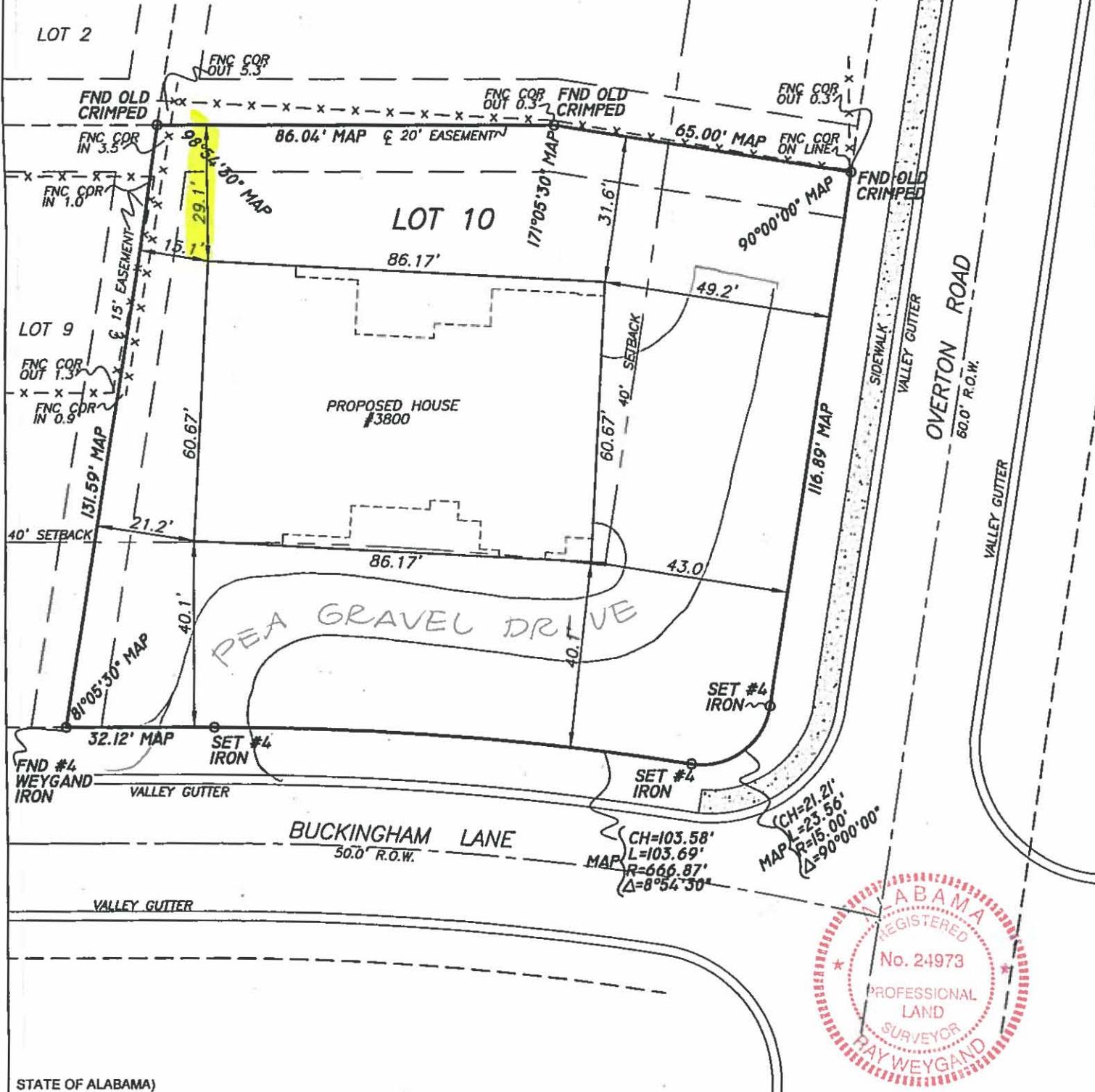
OWNER: Russ Vandavelde

**LEGEND**

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

SCALE: 1"=30'

LOT 1



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 10, MOUNTAIN BROOK GARDEN ESTATES, BLOCK 6** as recorded in Map Volume 56, Page 73 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 **SEPTEMBER 16, 2016**. Survey invalid if not sealed in red.

Order No.: 76602  
Purchaser: **VANDELVE**  
Address: **3800 BUCKINGHAM LANE**

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



## 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)?

THIS IS A SHALLOW CORNER LOT WITH  
40 FOOT SETBACKS ON 3 SIDES WHICH  
ALL CONTRIBUTE TO THE RESTRICTIVE  
ALLOWABLE BUILDING FOOTPRINT

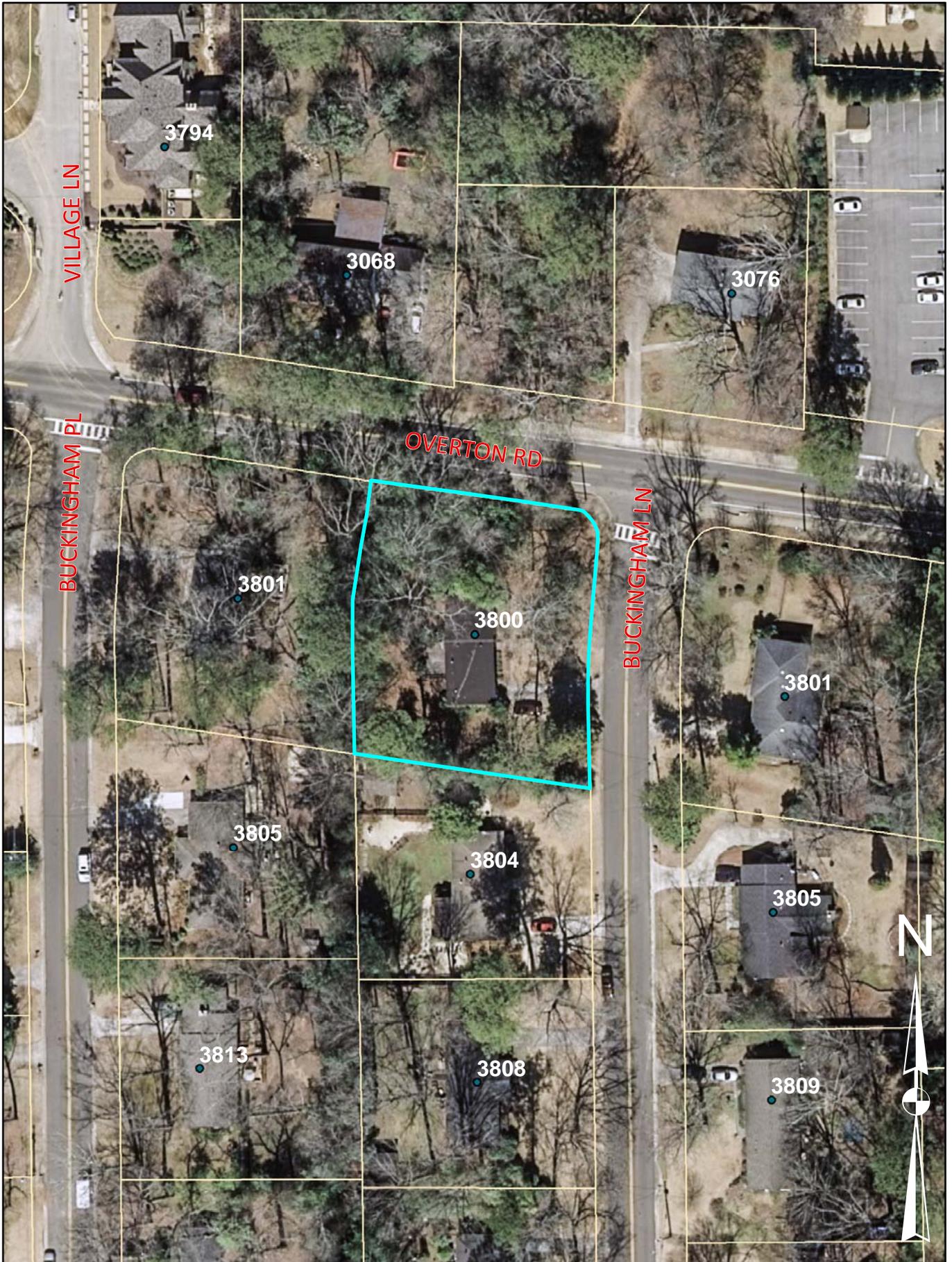
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

NO

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

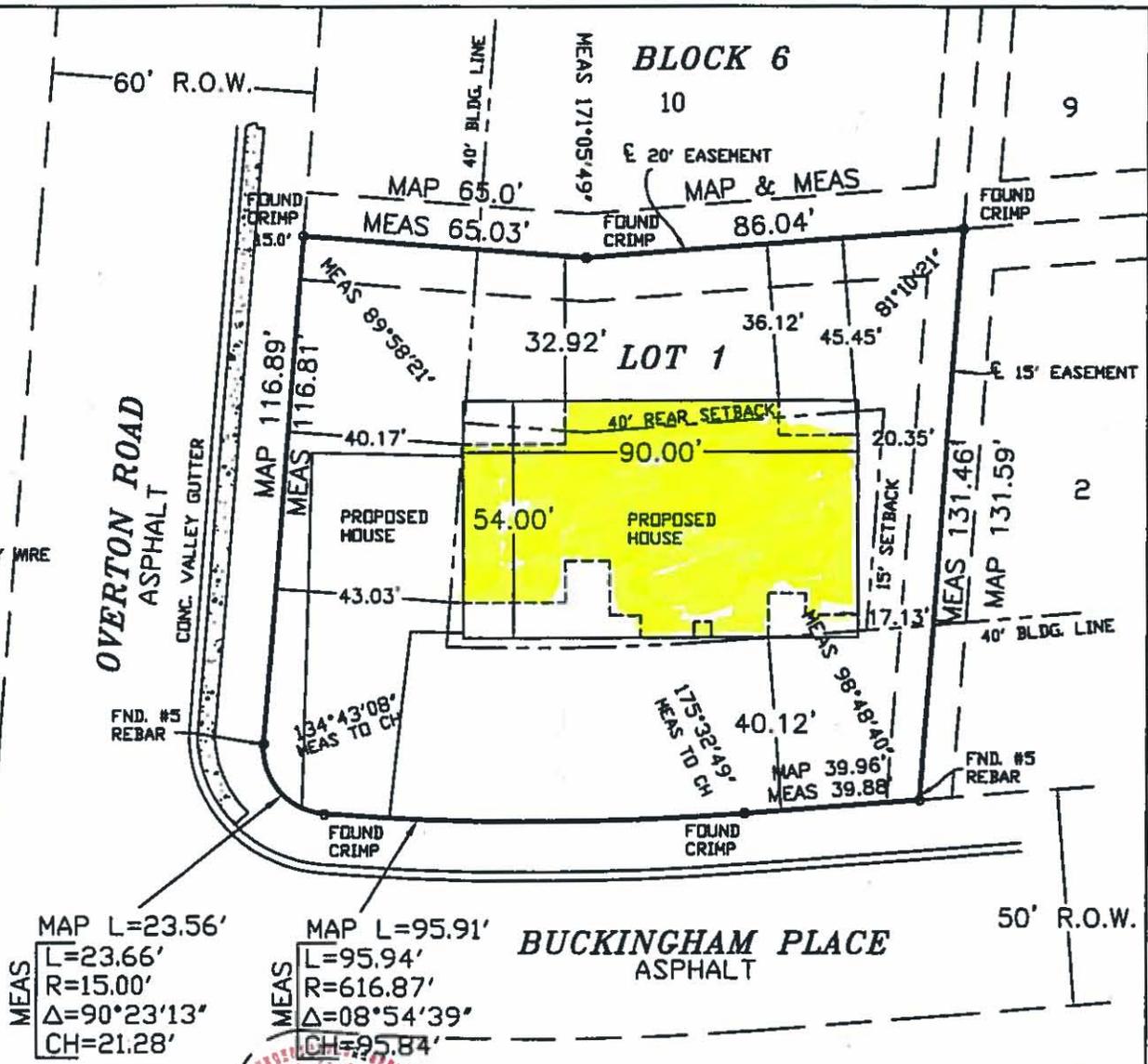
THE HOME PROPOSED ON THIS LOT IS SIMILAR  
TO THE NEW ADJACENT HOME ON BUCKINGHAM  
PLACE. THE SINGLE STORY HOME ON THE LOT  
WILL BE REMOVED

# A-16-43 (Aerial 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
—A—	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

"PLOT PLAN"

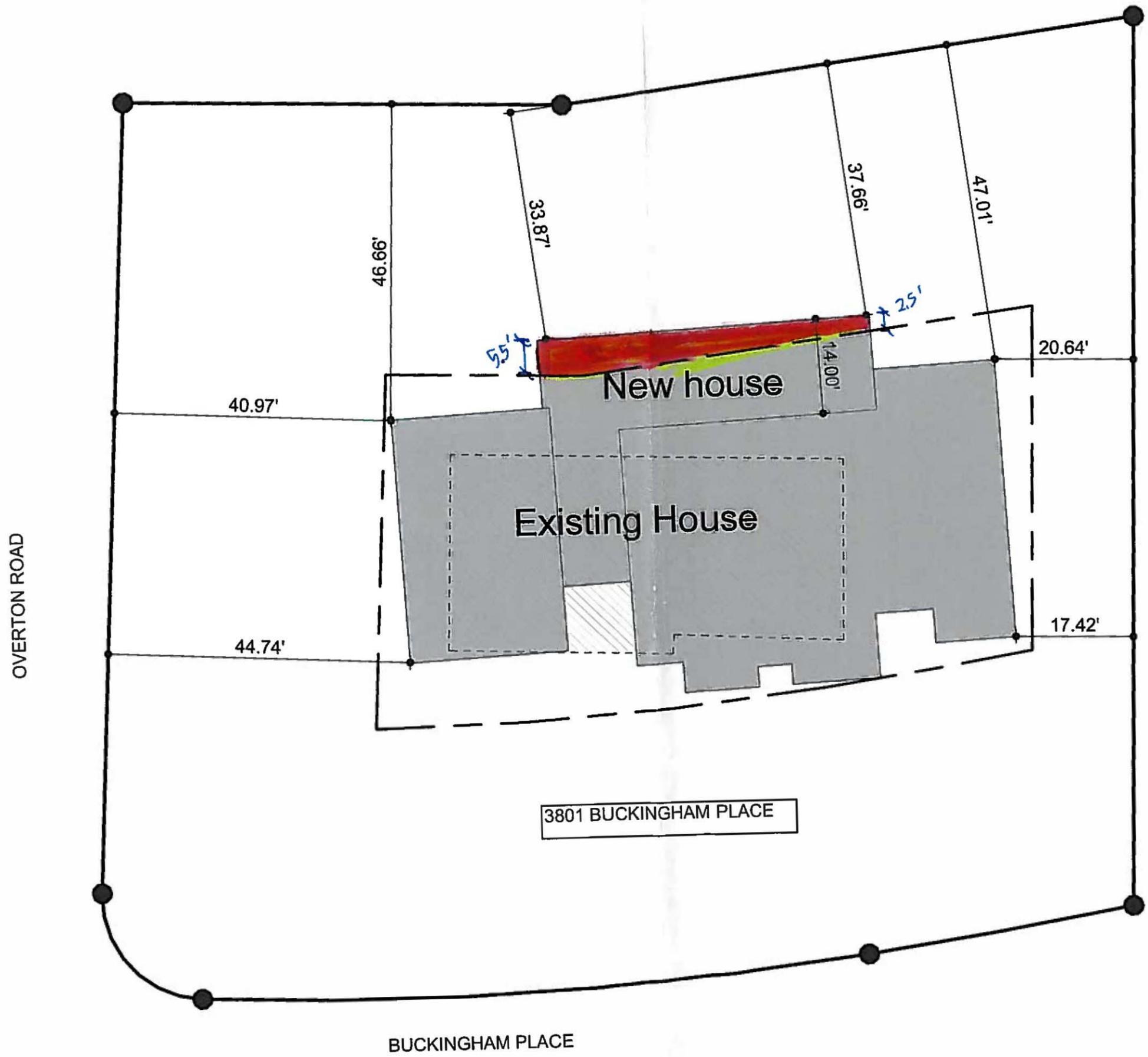
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, Block 6, MOUNTAIN BROOK GARDEN ESTATES, as recorded in Map Volume 58, Page 73, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, 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 JULY 23, 2015. Survey invalid if not sealed in red.

Order No.: 48992  
Purchaser:  
Address: 3801 BUCKINGHAM PLACE

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

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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 8 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 I

### Project Data

Address of Subject Property 57 Fairway Drive, Mountain Brook, Alabama

Zoning Classification Residence A

Name of Property Owner(s) Martin Clapp and Sidney Clapp

Phone Number (205) 838-0787 Email mclapp@woodfruitticher.com

Name of Surveyor Ray Weygand

Phone Number (205) 942-0086 Email ray\_weygand@bellsouth.net

Name of Architect (if applicable) Jim Barganier

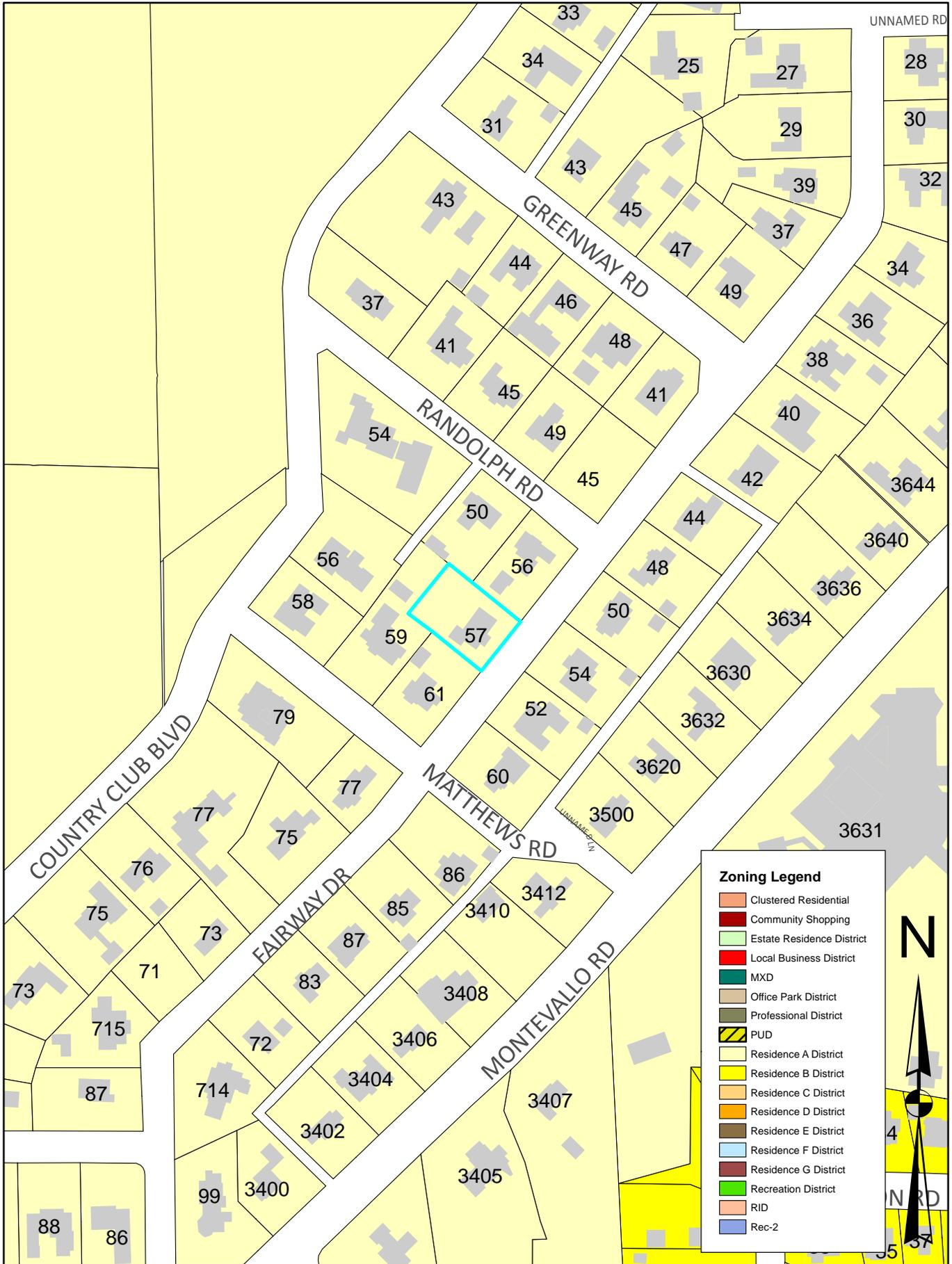
Phone Number (334) 834-2038 Email j.barganier@bdarch.com

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)	30,000 sf	15,000 sf	15,000 sf
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40 ft	28.4 ft	40 ft
Front Setback (ft) <i>secondary</i>			
<b>Right Side Setback</b>	15 ft	19.5 ft	10 ft
<b>Left Side Setback</b>	15 ft	14.8 ft	10 ft
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)			
<b>Lot Coverage (%)</b>	25%	18%	32%
Building Height (ft)			
Other			
Other			

# A-16-44 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-44

#### *Petition Summary*

Request 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%.

#### *Analysis*

Hardships cited in the applicant's statement are the lot size (15,000 in lieu of the required 30,000 for Res-A) and the topography. Another peculiarity of this site is that it is the only lot on this side of the block of Fairway Drive that has a primary front on Fairway Drive; adjoining properties to the northeast and southwest front on Randolph Road and Matthews Road, respectively, "sandwiching" the subject lot between the two adjoining rear yards.

As may be seen on the existing survey, the existing house is 28.4 feet from the front property line (with a covered porch that is even closer to the street). The new house is proposed to conform to the required 40-foot front yard setback, thereby improving the streetscape.

The proposed left side encroachment is a 30-foot long, open porte cochere, and the proposed right side encroachment consists of the full length of the first floor living area. The proposed second floor living area maintains all required setbacks.

Given the fact that both subject side property lines abut the rear property lines of adjoining properties, no detrimental effects to the flow of light and air to those adjoining properties are anticipated.

#### *Lot Coverage and Impervious Area*

The proposal exceeds the maximum lot coverage of 25% (by 7%), as well as the allowable impervious area. Lot coverage variances have been granted by the Board for new houses in the vicinity, siting inadequate lot sizes in the surrounding subdivision.

Should the proposed variance for lot coverage be approved by the Board, the applicant will mitigate the impervious area coverage via measures allowed by the Stormwater Ordinance.

#### *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*

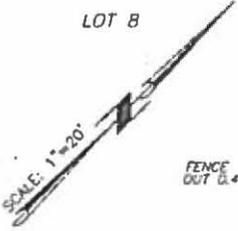
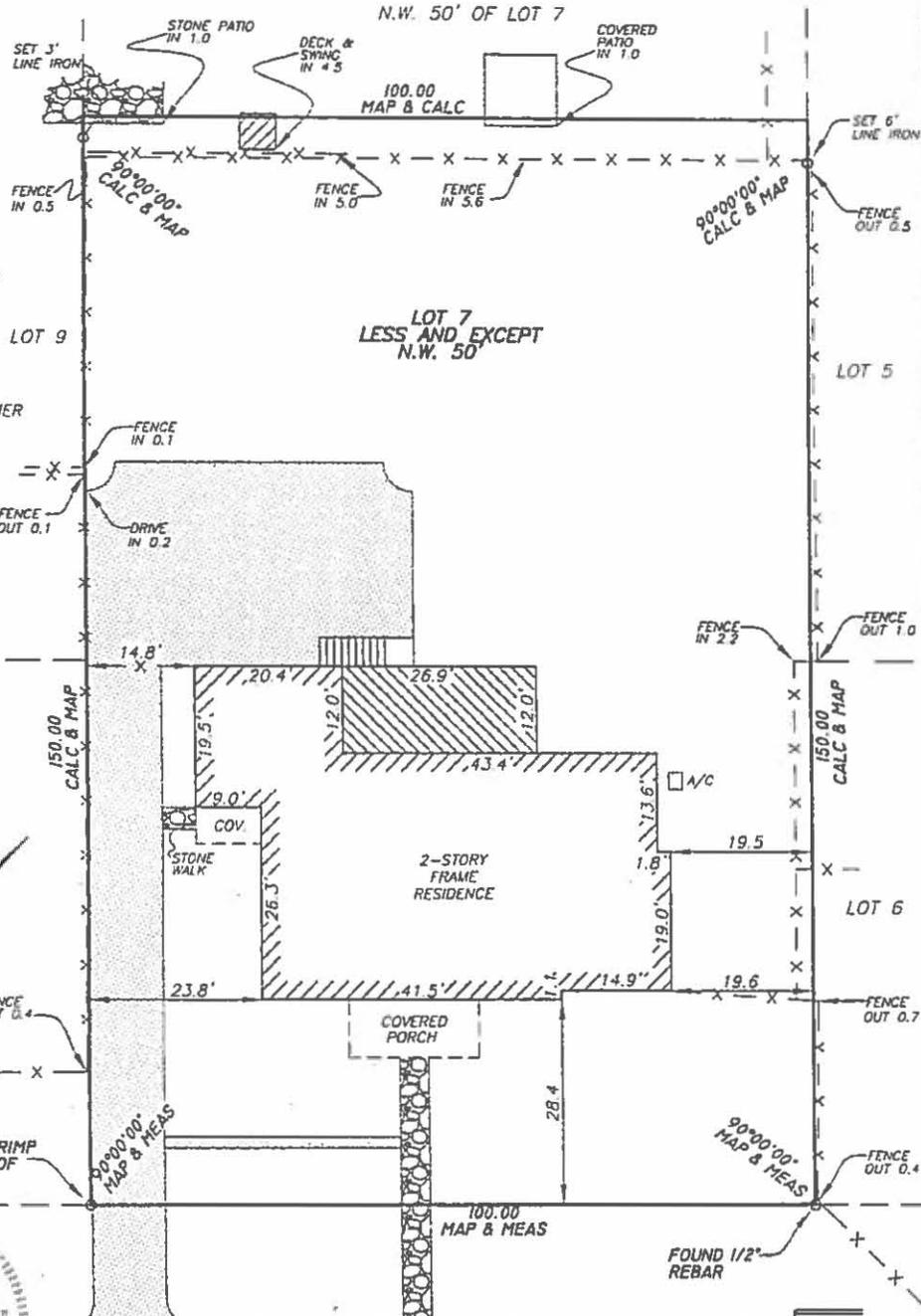
LOCATION: 57 Fairway Drive

ZONING DISTRICT: Res-A

OWNERS: Martin and Sidney Clapp

**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG HEADWALL
- Δ DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW LONG CHORD
- 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- POWER LINE
- PVMT PAVEMENT WITH TANGENT RESIDENCE LIGHT COVERED
- DECK DECK
- CONCRETE WALL



FAIRWAY DRIVE  
50' R.O.W. Existing

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 7, BLOCK 5, LESS AND EXCEPT THE N.W. 50 FEET OF LOT 7, MATTHEW RANDOLPH DEVELOPMENT CO'S SECOND ADDITION TO COUNTRY CLUB GARDENS as recorded in Map Volume 15, Page 10 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 JULY 27TH, 2016. Survey invalid if not sealed in red.

Order No: 78184  
Purchaser: CLAPP  
Address: 57 FAIRWAY DRIVE

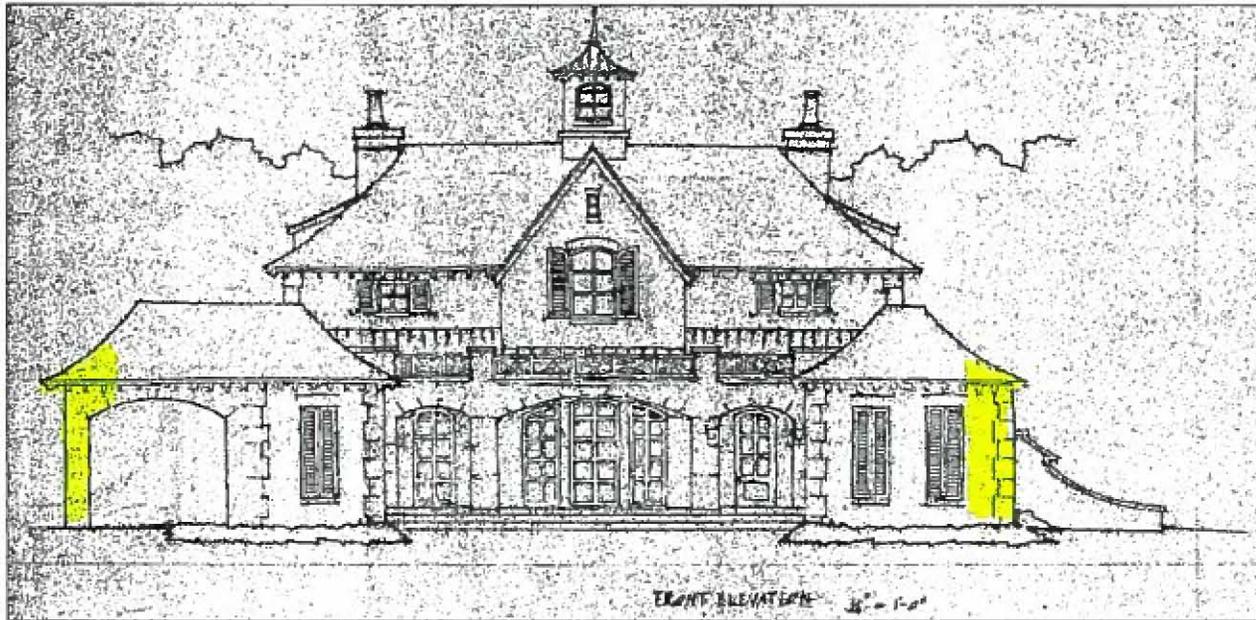
*[Signature]*  
Ray Weygand, Reg. L.S. #24973  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0088 Fax: (205) 942-0087  
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A-16-44



FRONT ELEVATION

Bargner  
Davis  
Sims  
Architects  
Associated  
PA



824 South Henderson St.  
Montgomery,  
Alabama  
36104  
(334) 834-2030

RENOVATIONS TO THE  
CLAPP RESIDENCE  
BY BARNEY SIMS  
MOUNTAINBROOK, ALABAMA

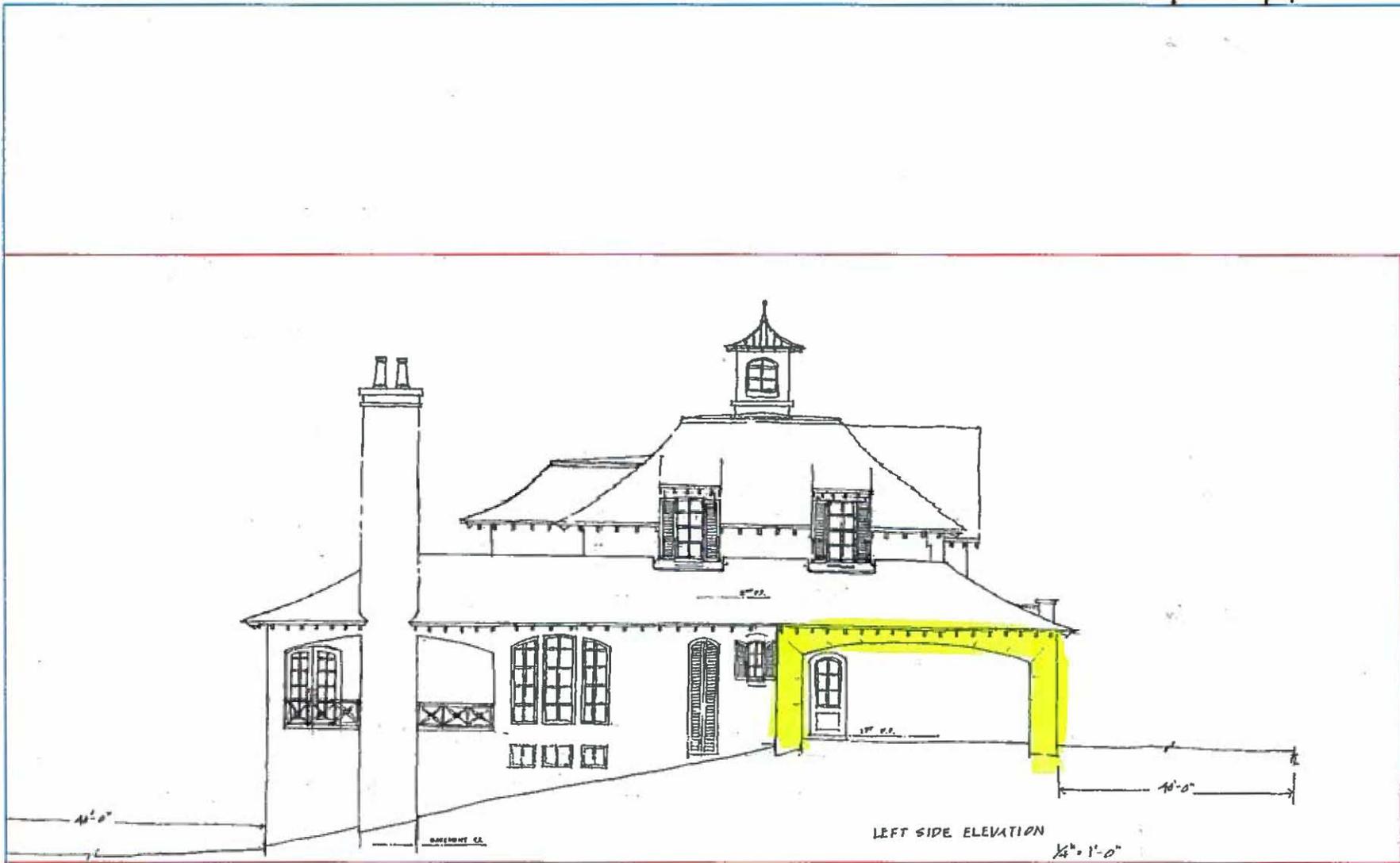
DATE	BY

THE

SCHEME G

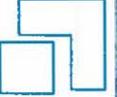
PRELIMINARY

A-16-44



1 SIDE ELEVATION  
A22 SCALE: 1/4" = 1'-0"

Bergonier  
Davis  
Sims  
Architects  
Associated  
AIA



625 South McClellan St.  
Birmingham  
Alabama  
35202  
(205) 834-2038

RENOVATIONS TO THE  
CLAPP RESIDENCE  
BY MERRITT SIMS  
ARCHITECTS, P.C.

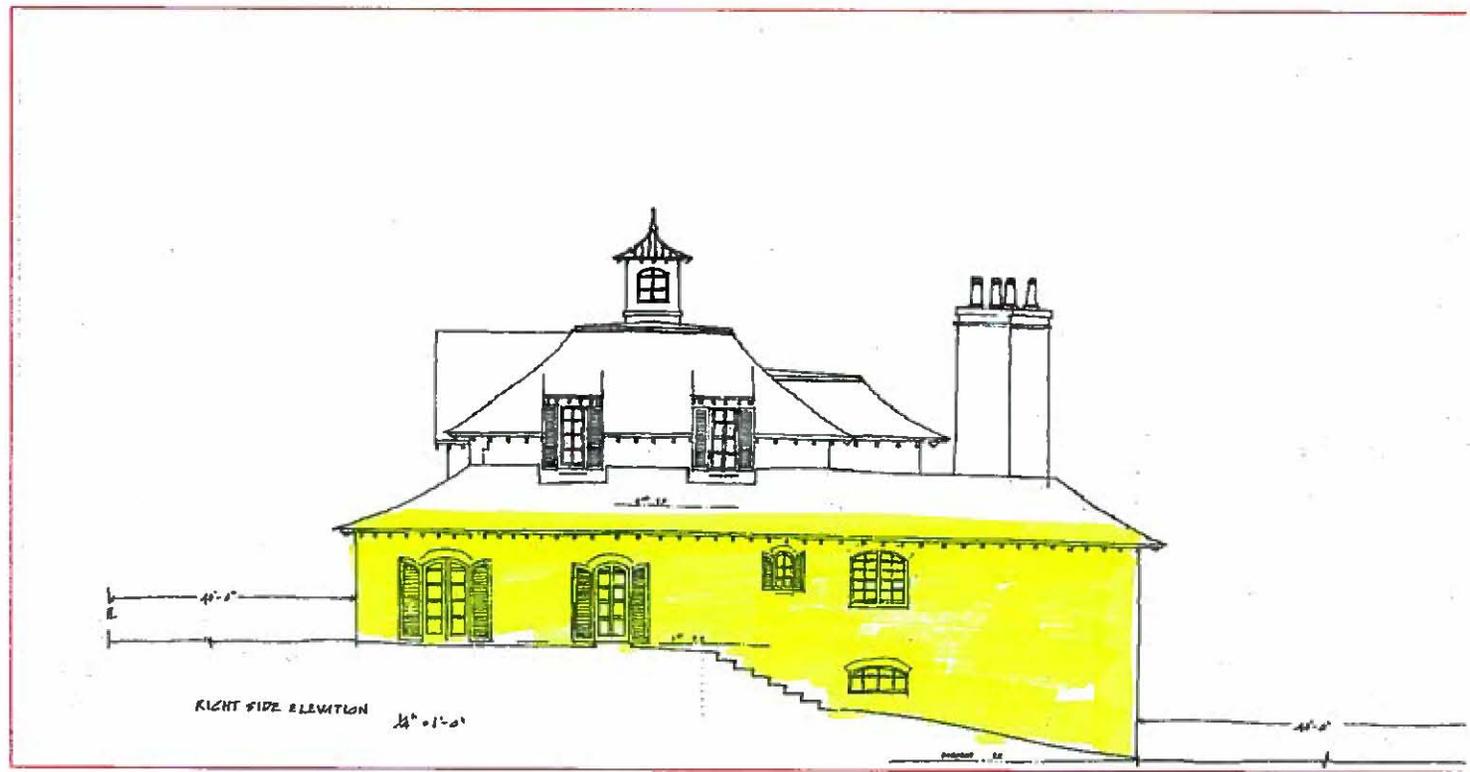
Project No. 14-001  
Scale: 1/4" = 1'-0"  
Drawing No. A-22  
Date: 08-08-2014  
Prepared by: MERRITT SIMS  
Checked by: MERRITT SIMS  
Date: 08/08/2014

DRAWING TITLE  
SIDE  
ELEVATION

SHEET NO.  
A-2.2

PRELIMINARY

A-16-44



RIGHT SIDE ELEVATION 14'-0"

1 SIDE ELEVATION  
A-2.3 SCALE: 1/4" = 1'-0"

Bergonier  
Davis  
Sims  
Architects  
Associated  
AIA



675 South Tallapoosa St.  
Montgomery,  
Alabama  
36104  
(334) 831-9238

RENOVATIONS TO THE  
CLAPP RESIDENCE  
27 FARMWAY DRIVE  
MOUNTAIN BROOK, ALABAMA

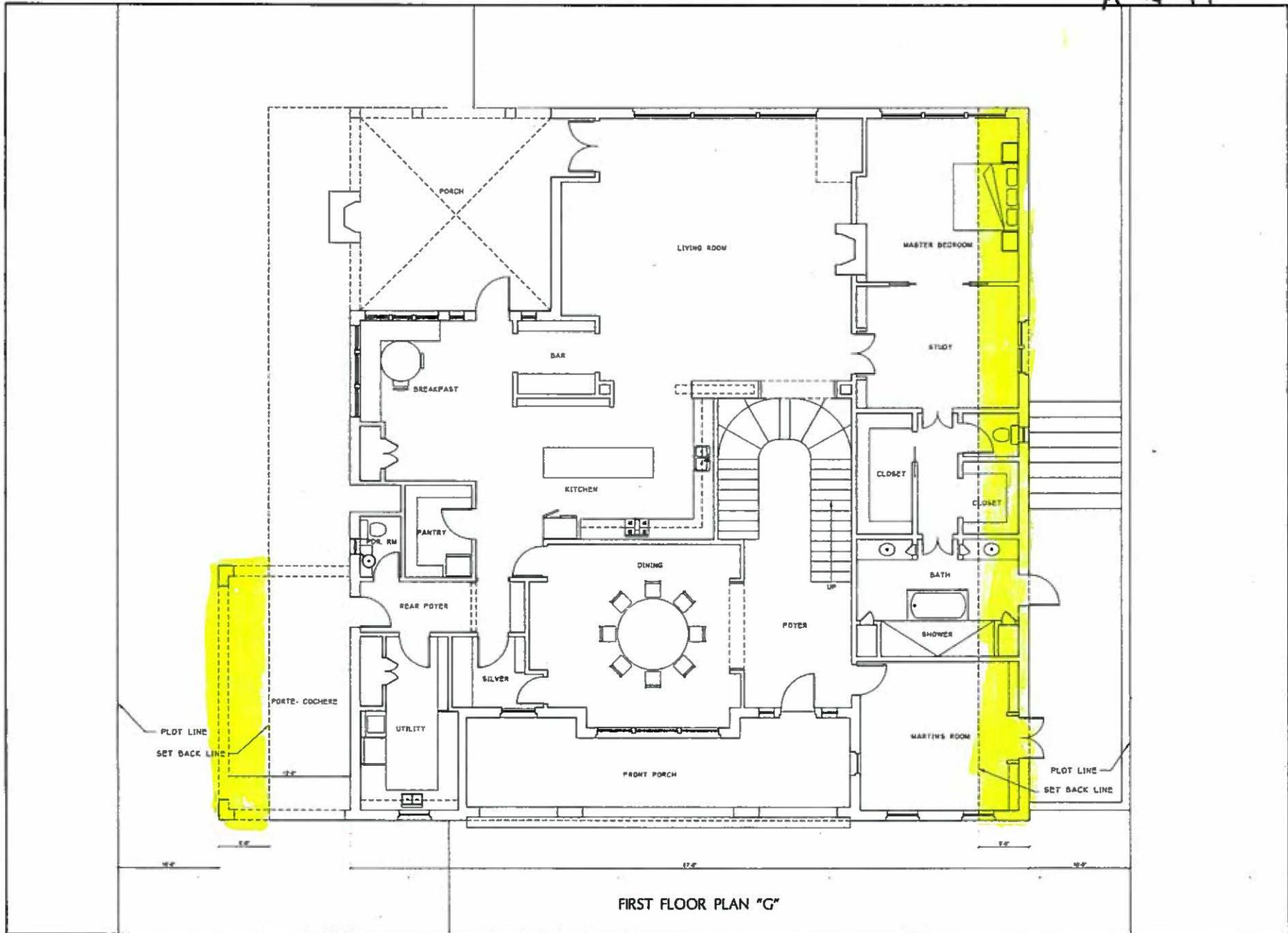
PROJECT NO. 14-0-1-0  
DATE 07-0-200  
DRAWN BY  
CHECKED BY 09/23/2004  
DATE ISSUED

CRAWLING TITLE  
SIDE  
ELEVATION

SHEET NO.  
A-23

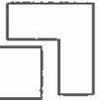
PRELIMINARY

A-16-44



FIRST FLOOR PLAN "G"

Borgner  
Davis  
Sims  
Architects  
Associated  
AIA



624 South McDougough St.  
Montgomery,  
Alabama  
36104  
(205) 834-2038

RENOVATIONS TO THE  
CLAPP RESIDENCE  
17 FARWAY DRIVE  
MOUNTAIN BROOK, ALABAMA

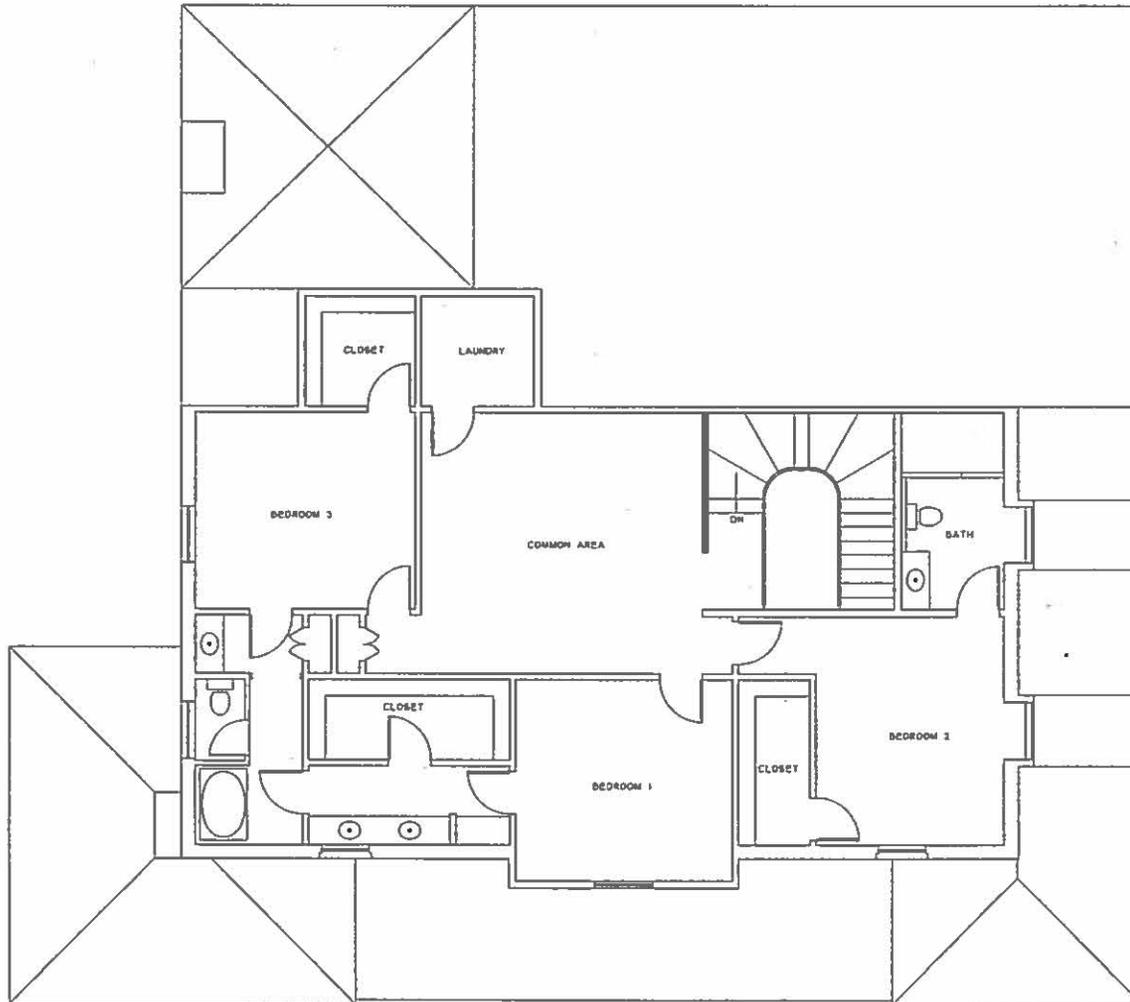
PROJECT NO.	83-24
DATE	1-27-78
SCALE	1/4" = 1'-0"
DRAWN BY	W.C.S.
CHECKED BY	D.S.M.
DATE	1-27-78

TITLE

SCHEME G

PRELIMINARY

THE INFORMATION CONTAINED IN THIS DRAWING IS COPYRIGHTED MATERIAL AND SHALL NOT BE REPRODUCED, COPIED, OR REMITTED IN WHOLE OR IN PART, WITHOUT THE WRITTEN CONSENT OF BORGNER DAVIS SIMS ARCHITECTS ASSOCIATED



SECOND FLOOR PLAN "G"

Borpanier  
Down  
Sims  
Architects  
A PROFESSIONAL  
AIA



824 South McDonough St.  
Montgomery,  
Alabama  
36104  
(334) 834-2038

RENOVATIONS TO THE  
**CLAPP RESIDENCE**  
BY FARAWAY BANG  
MONTGOMERY, ALABAMA

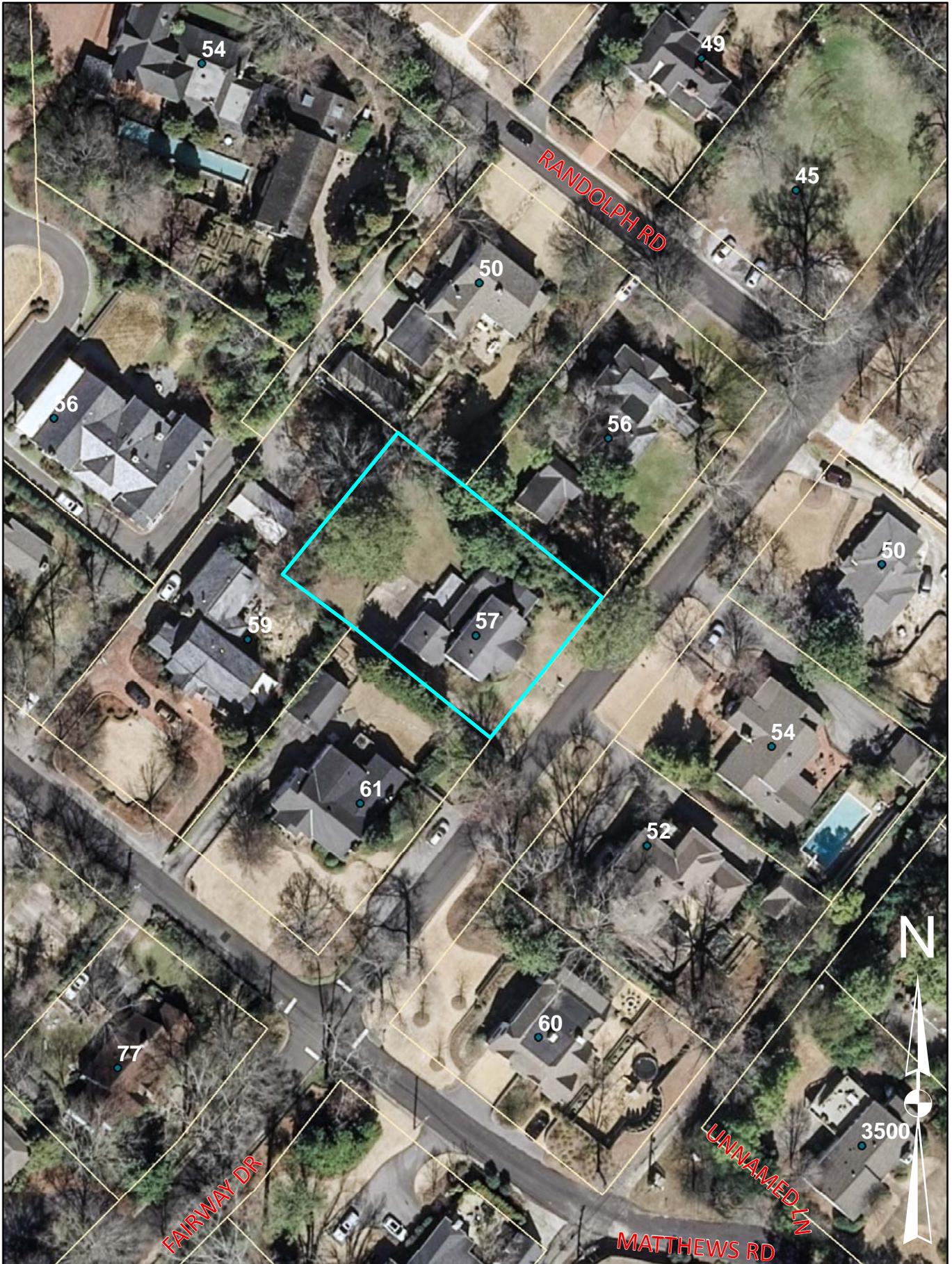
Project No.	16-44
Scale	1/2" = 1'-0"
Date	07-13-2016
Client	CLAPP RESIDENCE
Project Location	12222222
Drawn by	

TITLE

SCHEME G

PRELIMINARY

# A-16-44 (Aerial Map)



## EXHIBIT A

1. The lot is small for a Residence A lot (15,000 sf); the topography of the lot slopes down in the rear half of the lot; and the lot is situated between the rear lot lines of the two lots on either side. The house has been designed to fit within the setbacks with the exception of an open porte cochère which is 13 ft in width. The topography of the lot is such that covered entry into the first floor of the dwelling cannot be achieved except via the front portion of the lot along the side of the dwelling. To accomplish an appropriately sized Residence A dwelling on this lot, within the front and rear setbacks, the dwelling has to include a sufficient width, which does not leave room for the side entry porte cochère. Rather than extending into the front or rear yards, an extension into the side yard was deemed more appropriate because both side yards are adjacent to rear yards which have significant open space. Without the right side setback variance, the porte cochère would crowd the left side yard and the placement of the dwelling on the lot would be unbalanced. The proposed site plan will result in the elimination of an approximately 12 ft current encroachment into the front yard. **The lot coverage variance is necessary because of the size of the lot.**
2. None of these conditions were self-imposed. All of the conditions described above are tied to the land and were in existence when the property was purchased by Martin and Sidney.
3. The granting of this request will allow the Clapps to construct a new home of the size and configuration consistent with a Residence A property and consistent with the neighborhood; **will result in the removal of a 12 ft front yard encroachment; will maintain both the front and rear setbacks**, notwithstanding the small size of the lot; and will maintain appropriate actual and visual separation between the new residence and the existing residences on either side because of the large expanse of rear yards on either side. Also, **the porte cochère is open and extends for a length of only approximately 30 feet.**



*Deadline  
Sept 23 Friday  
Meeting  
Oct 17 Monday night*

## Variance Application - Part I

### Project Data

Address of Subject Property 2929 Pine Haven Drive, Mtn. Brook, AL 35223

Zoning Classification Residence B

Name of Property Owner(s) Bette Anne Pearl Blumenthal (D), Donald L. Blumenthal

Phone Number (205) 871-2630 Email \_\_\_\_\_

Name of Surveyor John Stanley Parks

Phone Number (205) 617-7475 Email jspark539@gmail.com

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)	10,000	8,231	8,231
Lot Width (ft)	75	83	83
Front Setback (ft) <i>primary</i>	35	N/A	25
Front Setback (ft) <i>secondary</i>	N/A	N/A	N/A
Right Side Setback	12.5 ft	N/A	16 ft
Left Side Setback	12.5 ft	N/A	16 ft
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Rear Setback (ft)	35	N/A	17
Lot Coverage (%)	35 MAX.	N/A	29.2
Building Height (ft)	35 MAX	N/A	27
Other <i>Stories</i>	2 MAX.	N/A	1
Other			

N/A = Not Applicable

September 23, 2016

To: The City of Mtn. Brook, Albemarle

The owner of the lot 133, Pine Crest Survey at 2929 Pine Haven Drive wishes to build a one-story house in which he intends to live.

He presently resides next door on Lot 134 in a two-story residence. He is 81 years old and has difficulties with the stairs.

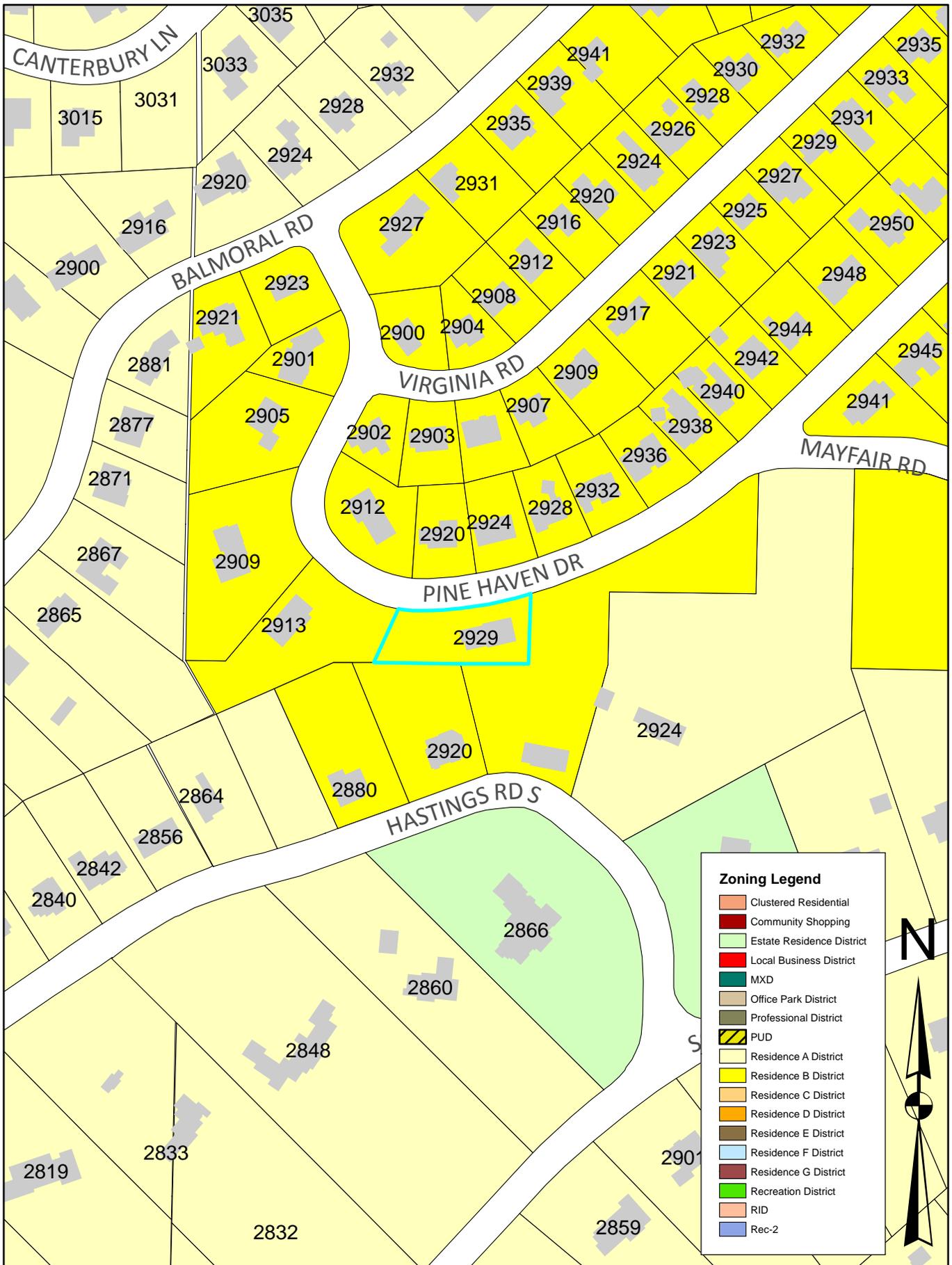
Owner and Applicant

~~Donald L. Blumenthal~~

Signed by Representative

John S. Parks  
John S. Parks

# A-16-45 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-45

#### ***Petition Summary***

Request 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.

#### ***Analysis***

The hardships in this case are the lot size (8,231 in lieu of the required 10,000 for Res-B) and the shallow lot depth. The proposed new house is to encroach into the front and rear setbacks, but will maintain more than the required side setbacks.

Given the location of this lot in the curve of Pine Haven Drive, it is not anticipated that the proposed front yard encroachment would be detrimental to the streetscape; and given the ample distance of existing houses on properties to the immediate south (see zoning map) no detrimental effect to those adjoining properties is likewise anticipated.

#### ***Lots vs. Parcels***

It should be noted that, although the subject lot appears on the zoning map to be part of the parcel to the east, it is actually a legal stand-alone lot that is owned by the same owner as the property to the east, which is why the County map (which the City's zoning map uses as a base map) shows it as one parcel. It is a legally recorded, buildable lot.

#### ***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***

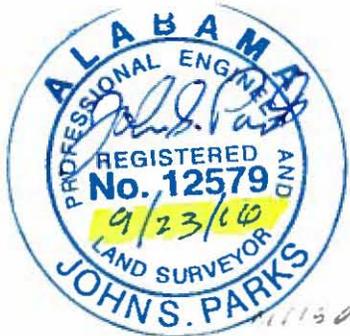
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

#### ***Appends***

LOCATION: 2929 Pine Haven Drive

ZONING DISTRICT: Res-B

OWNER: Donald Blumenthal



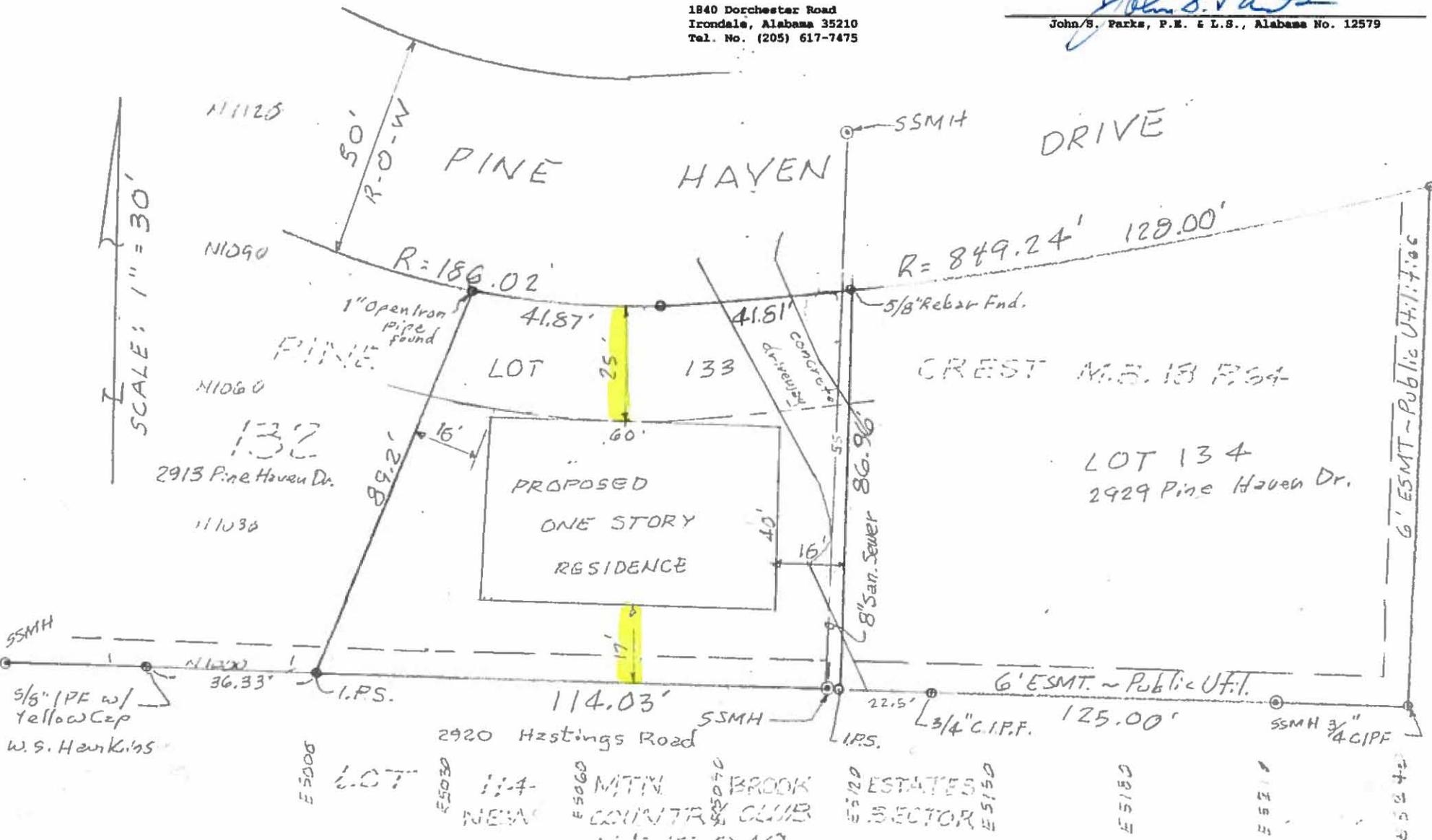
I, John S. Parks, a Professional Land Surveyor, do hereby certify that I have surveyed Lot 133, Pine Crest Survey, as recorded in Map Volume 18, page 64, in the office of the Judge of Probate Jefferson County, Alabama, that the building serving the premises is within the lines of same; that there are no encroachments on said lot except as shown; that improvements are located as shown above; 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 visible electric or telephone wires (excluding wires which serve premises only) or structures or supports therefore, including poles, anchors and guy wires, on or over said premises except as shown; that I have contacted the Federal Emergency Management Agency Flood Hazard Boundary or Insurance Rate Map for this area and found that this property is located outside the 0.2% chance flood zone according to the information within the map or related study; and that the correct address is as follows: Pine Haven Drive, Birmingham, Alabama 35223, according to my survey of June 20, 2016.

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

File No. 16-010 Owner(s): Donald L. Blumenthal  
FEMA PANEL 01073C0557H, Revised September 03, 2010 SONE \*

1840 Dorchester Road  
Irondale, Alabama 35210  
Tel. No. (205) 617-7475

*John S. Parks*  
John S. Parks, P.E. & L.S., Alabama No. 12579



# A-16-45 (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)?

*Because of the shallow lot size of 82 feet, there is inadequate depth. The building space available with current zoning setbacks is only 12'.\* If a 40-foot depth were available, a single story house could be built which would make the house more easily accessible for the elderly owner or future owners.*

*\*82'-35'-35'=12'*

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?

*There would be a resulting lower impact structure that would serve the owner and not require an additional driveway. Also it makes use of a vacant lot and contribute added revenue to the City.*



# Variance Application - Part I

## Project Data

Address of Subject Property 908 Sheridan Drive

Zoning Classification B

Name of Property Owner(s) Rockridge Development

Phone Number 205.901.3730 Email Kcrommelin@raypaynor.com

Name of Surveyor Chris Delucia / Landmark Professionals Inc.

Phone Number 205.515.7210 Email chris@landmarkpro.org

Name of Architect (if applicable) Michael Eric Dale

Phone Number 205.599.6949 Email eric@ericdale.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35	28.9	34.0
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12.5	9.1	9.1
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			

**M I C H A E L E R I C D A L E**  
RESIDENCE DESIGN  
INTERIOR DESIGN

September 23, 2016

Board of Zoning Adjustment  
City of Mountain Brook, Alabama

Re: 908 Sheridan Drive

Dear Board Members:

We are planning additions and alterations to an existing cottage. We want to add a partial second floor and also raise the pitch of the existing roof where there is only attic space.

The problem we have encountered is that the side property lines were skewed, yet the house is parallel with the street. The 50 foot wide house appears to have been centered on the front property line, allowing the 12.5 feet required on each side. The angled side lines, however, meant that the right side setback got smaller toward the rear of the house- 9.1 at the right rear corner.

We are not asking to lessen the right setback; but only approval to alter the house along the existing setback line. Please note that we are planning small additions to the rear that would conform to the current setback requirements.

Another problem is 34.7 feet from the front setback for the line of existing brick veneer on the center portion of the house. We would like to be able to continue the brick up the wall at this dimension, plus another few inches for brick/ stone accents and window sills. Thus, we ask for 34.0 for random finish work, keeping the actual foundation and frame wall in their existing locations. Although this is less than the 35 feet required by the code, we are planning on the removal of a front porch that is presently only 28.9 feet from the front setback.

Thanks you for your consideration,



Eric Dale

# A-16-46 (Zoning Map)



Zoning Legend	
[Light Orange]	Clustered Residential
[Dark Red]	Community Shopping
[Light Green]	Estate Residence District
[Red]	Local Business District
[Dark Green]	MXD
[Light Brown]	Office Park District
[Dark Green]	Professional District
[Yellow with Diagonal Lines]	PUD
[Light Yellow]	Residence A District
[Yellow]	Residence B District
[Light Orange]	Residence C District
[Orange]	Residence D District
[Dark Orange]	Residence E District
[Light Blue]	Residence F District
[Dark Red]	Residence G District
[Light Green]	Recreation District
[Light Orange]	RID
[Blue]	Rec-2



## Report to the Board of Zoning Adjustment

### A-16-46

#### ***Petition Summary***

Request 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.

#### ***Analysis***

The hardship in this case is the irregular shape of the lot; the side property lines are not perpendicular to the front property line. The existing right rear corner of the house is 9.1 feet from the side property line, and the right front corner is 10.9 feet. The existing front setback is 34.7 feet (with a covered porch that encroaches even farther into the front setback).

The proposal involves adding a partial second floor and raising the pitch of the roof within the side and front setbacks to match existing setbacks (a small allowance has been requested by the applicant along the front for architectural accents and window sills). It should be noted that the covered front porch is to be removed in conjunction with this remodel, thereby improving the streetscape.

Additions to the rear of the house are also proposed, but these are shown to maintain the required side and rear setbacks.

#### ***Impervious Area***

The proposal is in compliance with lot coverage, but slightly exceeds the allowable impervious surface area. The applicant is prepared to amend the impervious surfaces in order to comply with the Stormwater ordinance.

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

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

#### ***Affected Regulation***

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

#### ***Appends***

LOCATION: 908 Sheridan Drive

ZONING DISTRICT: Res-B

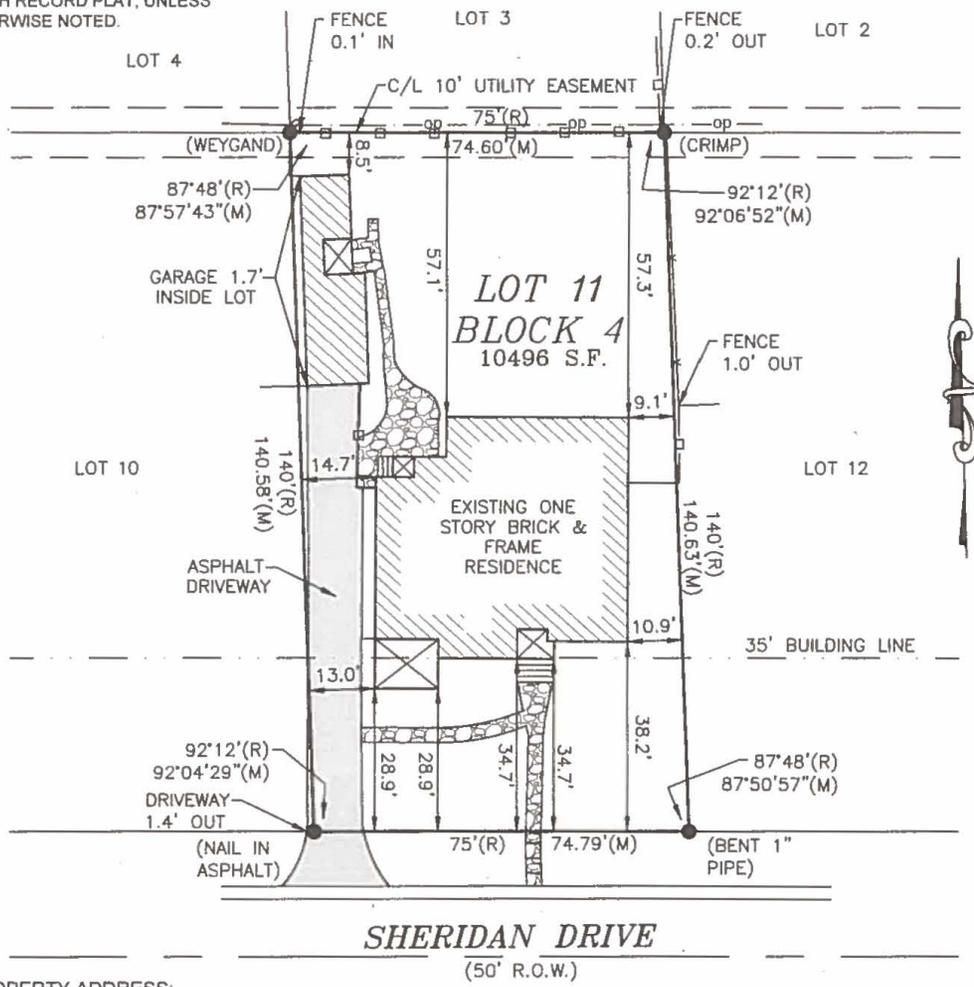
OWNER: Rockridge Development

Existing

A-16-46

PROJECT # 16-09015

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



PROPERTY ADDRESS:  
908 SHERIDAN DRIVE  
MOUNTAIN BROOK, AL 35213

Lot Survey



STATE OF ALABAMA  
JEFFERSON COUNTY

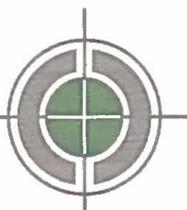
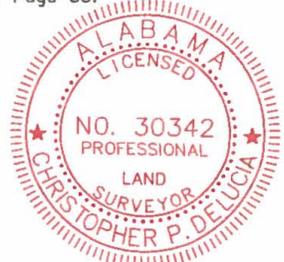
TO ALL INTERESTED PARTIES:  
SCALE: 1" = 30'

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 11, Block 4, according to the survey of Euclid Estates, First Sector, as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 31, Page 35.

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. 01073C0413G, dated September 29, 2006).

GIVEN UNDER MY HAND AND SEAL, this the 27th day of September, 2016.



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

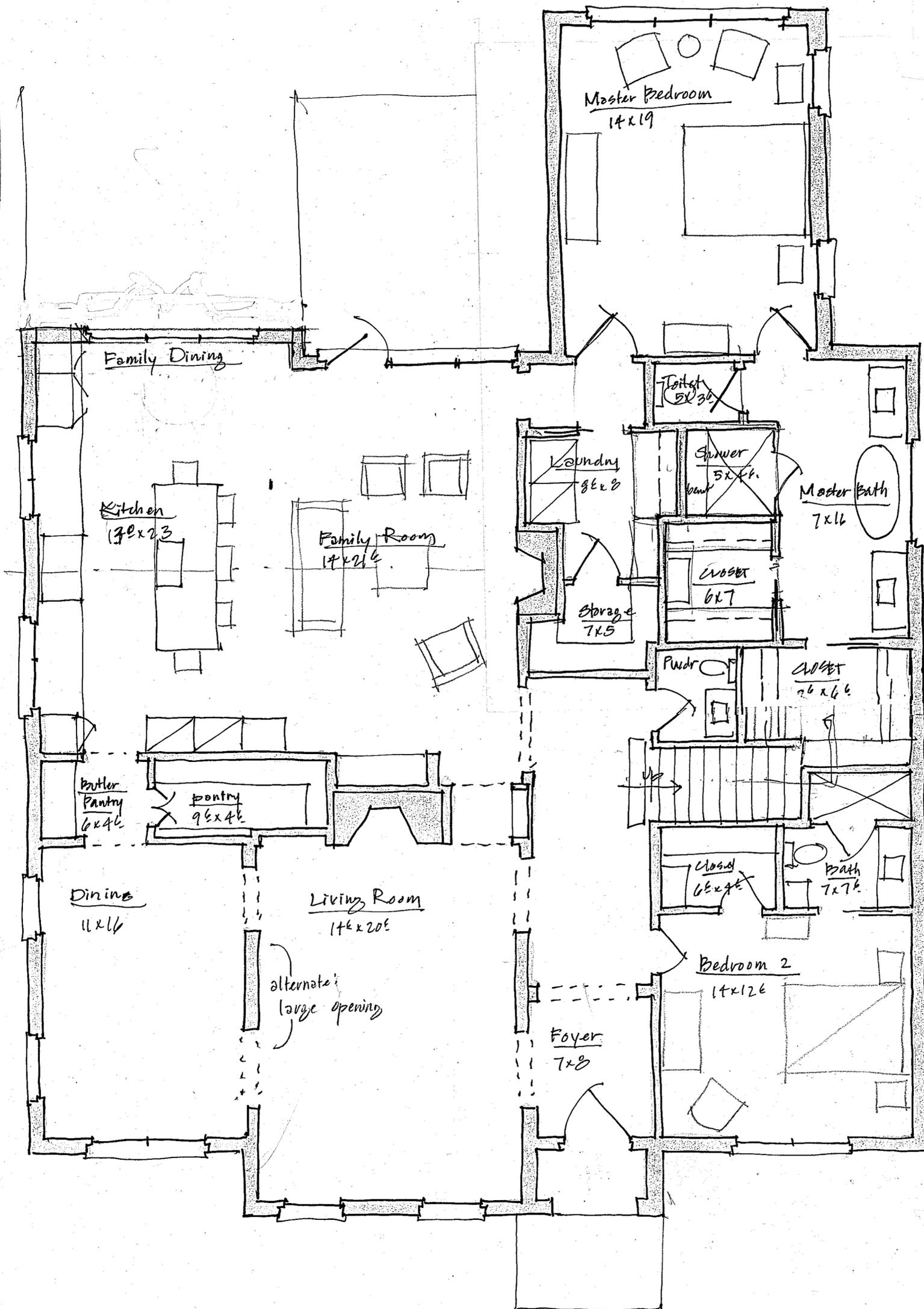
CLIENT:  
 HARRIET COCHRANE  
 Field Survey: 09-27-2016

**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
- ASP. = ASPHALT
- = CHAIN LINK FENCE
- ⊠ = COVERED PORCH / PATIO
- (R) = RECORDED
- = CAPPED REBAR SET
- = OVERHEAD POWER
- (M) = MEASURED
- = IRON FOUND (DESCRIPTION)
- ⊠ = POWER POLE



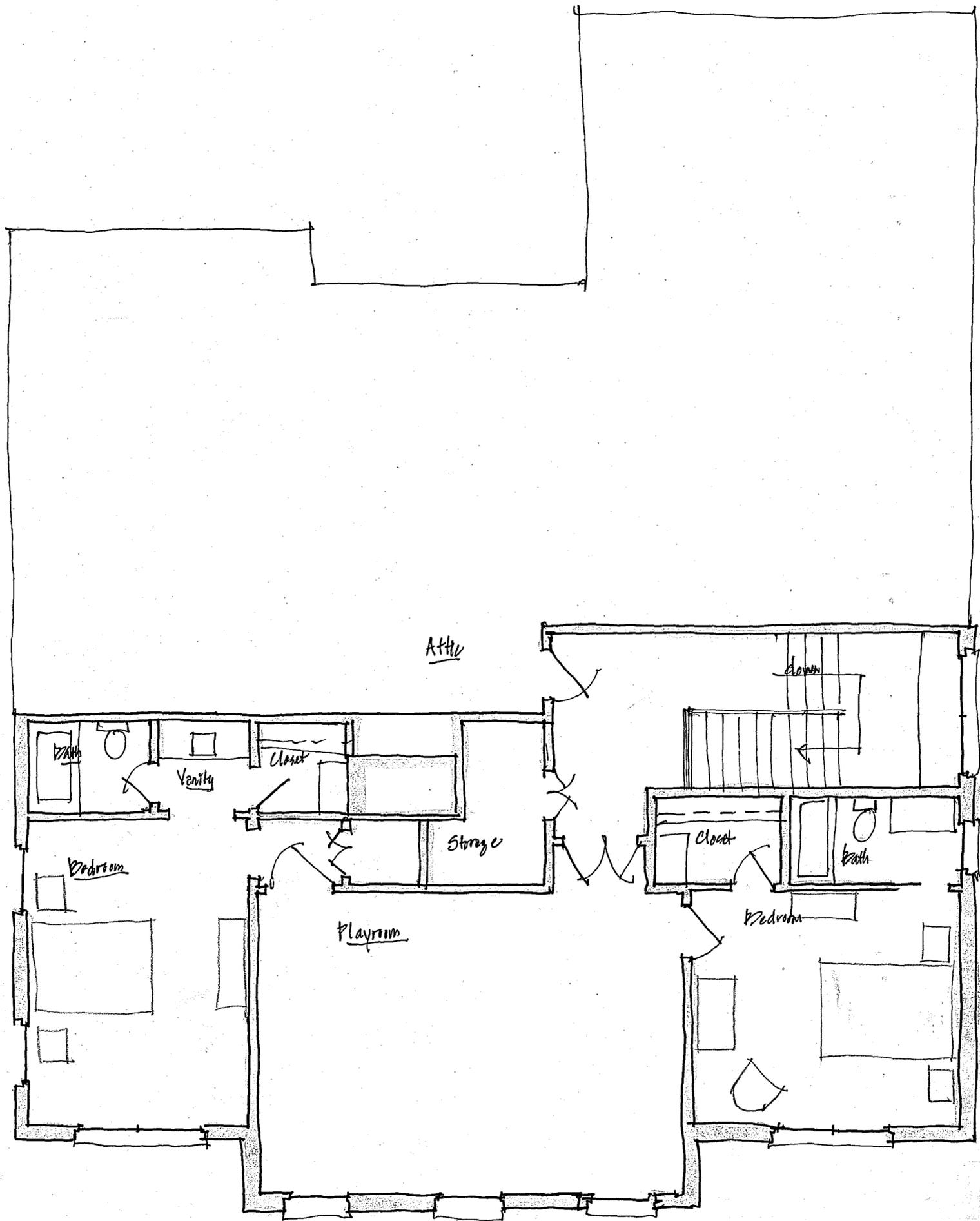


2300  
2350

2300  
285  
2585  
50  
2635  
463  
3098 stair  
1000 drive  
4100

4200 allowed

Date Issued	Description
Project	Additions & Alterations 308 Sheridan Drive Mountain Brook, AL
Date	October 3, 2016
Description	First Floor Plan
Scale	1/4"=1'-0"
Reference North	Drawing #
	DD.1
<p><b>Note to Contractor:</b> Contractor must verify all dimensions &amp; conditions at the site, without exception. Report any discrepancies to the Designer and Owner before proceeding with any related work.</p>	



Date Issued	Description
Project	Additions & Alterations 308 Sheridan Drive Mountain Brook, AL
Date	October 3, 2016
Description	Second Floor Plan
Scale	1/4" = 1'-0"
Reference North	Drawing #
	DD.2
<b>Note to Contractor:</b> Contractor must verify all dimensions and conditions at the site, without exception. Report any discrepancies to the Designer and Owner before proceeding with any related work.	

**Michael Eric Dale**

935 Landale Road, South  
Birmingham, Alabama 35222  
205.599.6949

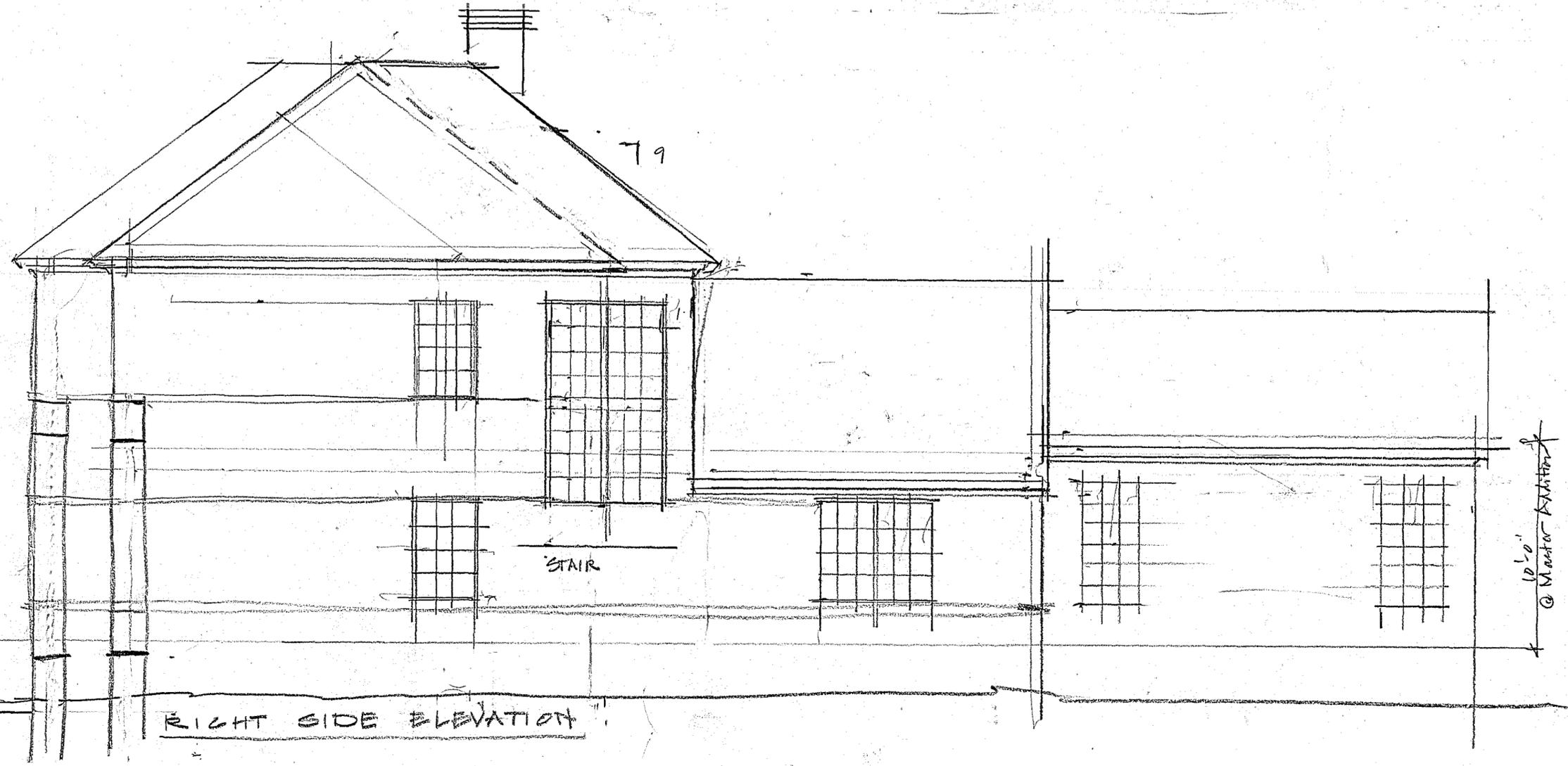
eric@ericdale.com

79



FRONT ELEVATION

79



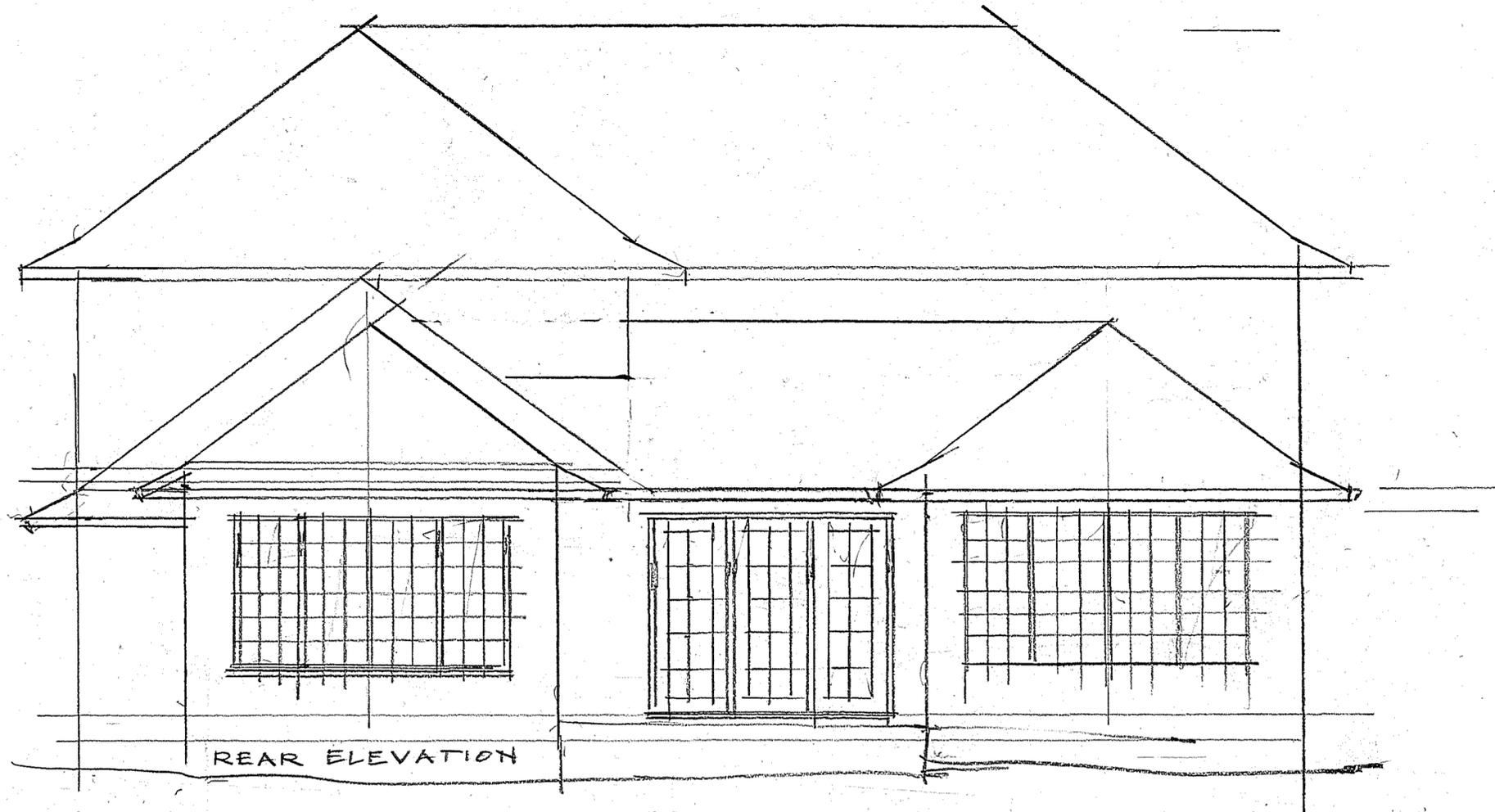
RIGHT SIDE ELEVATION

Date	Description
Issued	
Project	Additions & Alterations 308 Sheridan Drive Mountain Brook, AL
Date	October 3, 2016
Description	Exterior Elevations
Scale	1/4"=1'-0"
Reference North	Drawing #
	DD.4

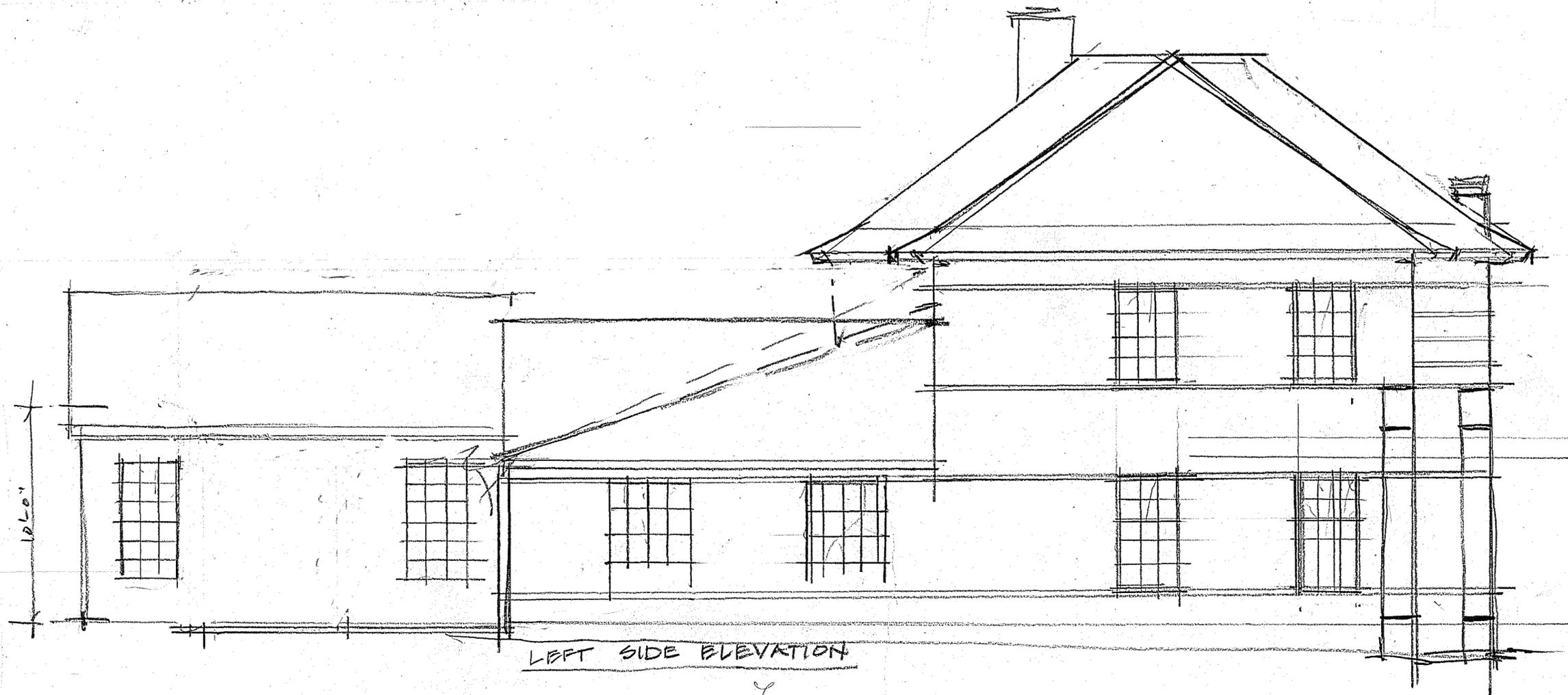
**Michael Eric Dale**

935 Landale Road, South  
Birmingham, Alabama 35222  
205.599.6949

eric@ericdale.com



REAR ELEVATION



LEFT SIDE ELEVATION

Date Issued

Project

Additions & Alterations  
308 Sheridan Drive  
Mountain Brook, AL

Date

October 3, 2016

Description

Exterior Elevations

Scale

1/4"=1'-0"

Reference North



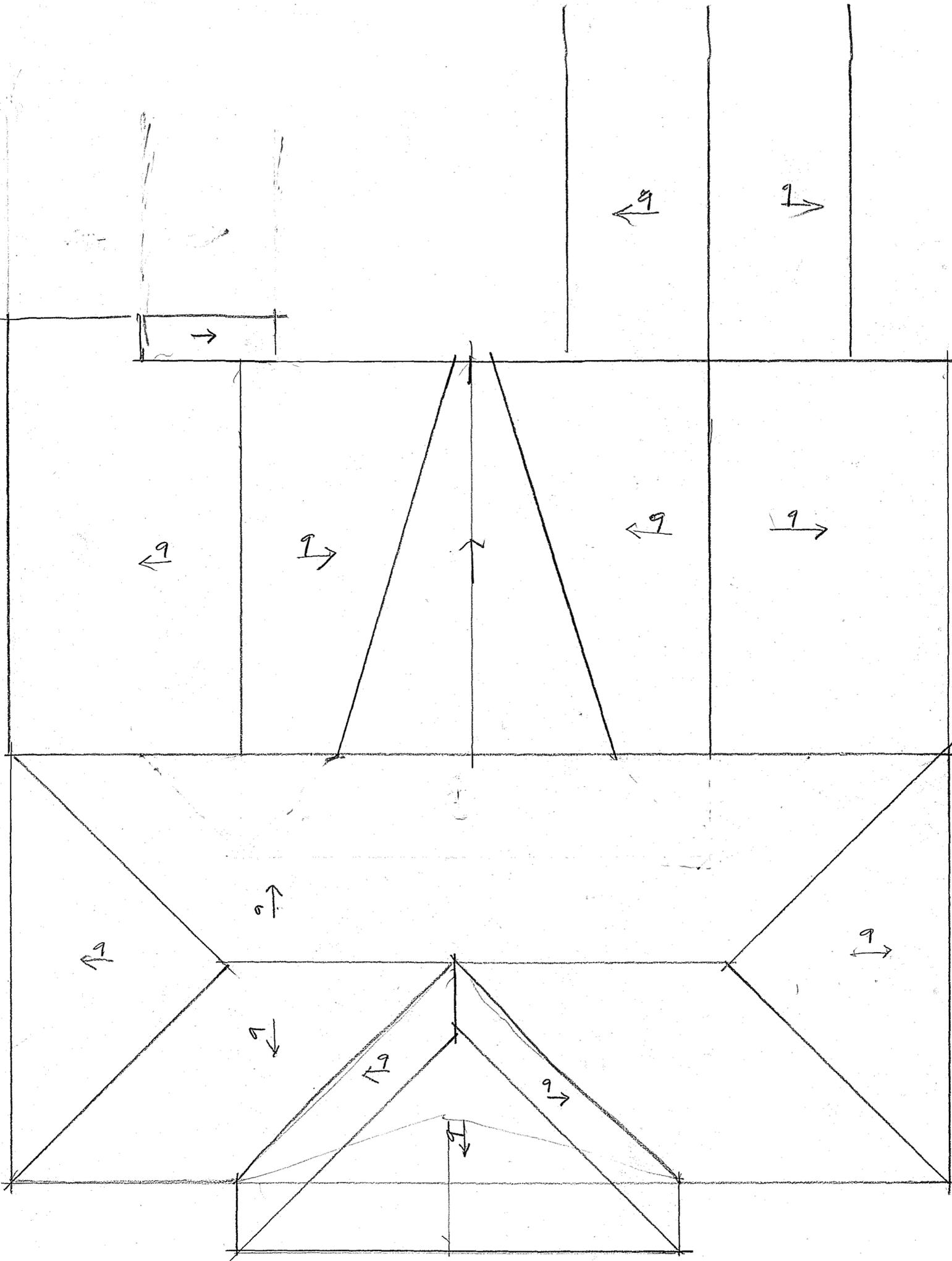
Drawing #

DD.5

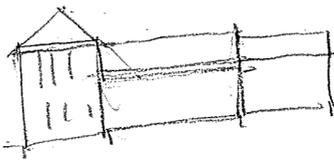
**Michael Eric Dale**

935 Landale Road, South  
Birmingham, Alabama 35222  
205.599.6949

eric@ericdale.com

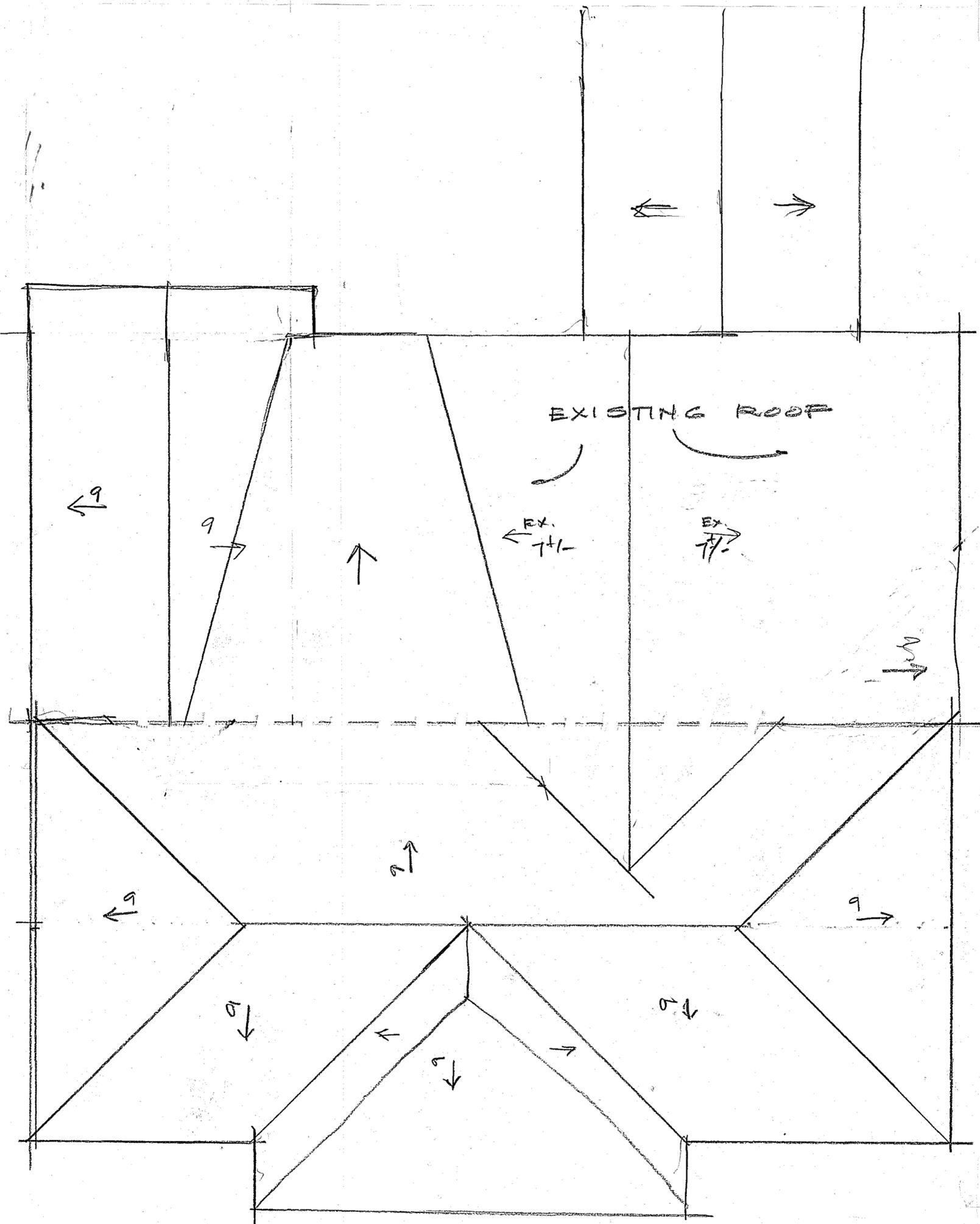


ROOF PLAN - ALL NEW



Date Issued	Description
	Project
	Additions & Alterations 308 Sheridan Drive Mountain Brook, AL
Date	October 3, 2016
Description	Roof Plan
Scale	1/4" = 1'-0"
Reference North	Drawing #
	DD.3a

**Note to Contractor:**  
Contractor must verify all dimensions & conditions at the site, without exception. Report any discrepancies to the Designer and Owner before proceeding with any related work.



ROOF PLAN  
IF PORTION OF EXISTING IS USED

Date	Description
ISSUED	
Project	Additions & Alterations 308 Sheridan Drive Mountain Brook, AL
Date	October 3, 2016
Description	Alternate Roof Plan
Scale	1/4"=1'-0"
Reference North	Drawing #
	DD.3b
<b>Note to Contractor:</b> Contractor must verify all dimensions and conditions at the site, without exception. Report any discrepancies to the Designer and Owner before proceeding with any related work.	

# A-16-46 (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)?

- side lot lines are skewed at an angle with house parallel to street
- house is centered at front property line with 12.5 on each side, but angled right property line puts the right side out of conformance with requirements of zoning code.
- existing brick veneer is about 4' into the required 35' front setback (also existing brick window sills are 1" beyond this 34.7 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 not asking to change existing front and right side locations and sizes of foundation and finish walls, only to be allowed to alter them with a partial second floor, higher-pitch roof and brick finish on the front.