

BZA Packet

November 10, 2015

Hello All,

Enclosed please find your packet for the meeting of November 16, 2015.

We have:

- one “re-do” of a case that expired without the benefit of an extension
- 5 new cases
- 1 appeal of the zoning official’s interpretation of Section 129-572 of the zoning code

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

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- 2015-Nov-16 BZA Agenda

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

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
NOVEMBER 16, 2015
PRE-MEETING: (ROOM A106) 4:15 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 19, 2015

 2. **Case A-15-13: Norman Investment Group, LLC, owner;** requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 29 feet from the secondary front (Peachtree Road) in lieu of the required 35 feet. – **600 Euclid Avenue**

 3. **Case A-15-14: Reynolds & Hamilton Thompson, owners;** request variances from the terms of the Zoning Regulations to allow a new pool house to the rear of a new single family dwelling, to be 10.6 feet from the side property line (west) in lieu of the required 15 feet, and 28.6 feet from the rear property line (south) in lieu of the required 40 feet. – **3 Ridge Drive**

 4. **Case A-15-15: Merrill Stewart, owner;** requests variances from the terms of the Zoning Regulations to allow a single family dwelling to be 36 feet from the side property line (northeast) and 34 feet from the side property line (southwest), both in lieu of the required 40 feet. – **2732 Abingdon Road**

 5. **Case A-15-16: Mr. & Mrs. Jason Grubbs, owners;** request a variance from the terms of the Zoning Regulations to allow an addition to a single family dwelling to be 27.2 feet from the rear property line (south) in lieu of the required 35 feet. – **38 Norman Drive**

 6. **Case A-15-17: Mike & Laura Baker, owners;** request a variance from the terms of the Zoning Regulations to allow an addition to a single family dwelling to match the existing side setback of 5.7 feet from the side property line (southeast) in lieu of the required 9 feet. – **403 Cherry Street**

7. Case **A-15-18: Crestline Commercial Partners, LLC**, requests an appeal from the decision of the zoning officer as to the permitted uses in the Vine Street Transitional District with respect to urgent care and professional office uses. – **30 Dexter Avenue**

8. Case **A-15-19: Ford & Kate Hamilton**, owners; request a variance from the terms of the Zoning Regulations to allow a new deck and screened porch to replace an existing deck within 10 feet of the rear property line (southeast) in lieu of the required 35 feet.
- **169 Peachtree Circle**
Withdrawn

9. Next Meeting: December 15, 2015

10. Adjournment

MEETING MINUTES
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
October 19, 2015

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, October 19, 2015, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

Present were Chairman Patrick Higginbotham, Co-Chairman William Hereford, Richard Simonton, Chris Mitchell and Rhett Loveman. Also present were City Council Liaison Virginia Smith, Director of Planning, Building & Sustainability Dana Hazen, Building Official Glen Merchant and Administrative Assistant Tammy Graham. Henry Lapidus and Norman Orr were absent.

No changes were made to the presented agenda.

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

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

1. Approval of Minutes - September 21, 2015:

Motion: Mr. Hereford to approve

Second: Mr. Loveman

Vote: Unanimously approved

2. Case 4173: 62 Norman Drive

Matt and Katie Morrow, owners, request variances from the terms of the Zoning Regulations to allow first floor additions to match the front building line (32.8 feet from the front property line) and to match the rear building line (15.5 feet from the rear property line, east), both in lieu of the required 35 feet. Also, to remove and rebuild an existing covered front porch stoop which is 28.3 from the front property line in lieu of the required 35 feet. *(April 20, 2015)*

Katie Morrow, owner: The original variance was granted in April at the beginning of the building process. Final pricing should be completed in 30 to 60 days.

Motion: Mr. Hereford, to grant extension
Second: Mr. Simonton
Vote: Ayes Nays
 Higginbotham None
 Hereford
 Simonton
 Mitchell
 Loveman

Extension approved by a 5 – 0 vote.

EXHIBIT 1

3. Case A-15-08: 98 Country Club Boulevard

Troy Rhone, owner, requests variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be 4.5 feet from the side property line (west) in lieu of the required 15 feet, and 6 feet from the secondary front property line (Montevallo Road) in lieu of the required 40 feet. Also, to allow an increase in lot coverage from the existing 36% (1,814 sf) to 37.4% (1,847 sf). These additions include a staircase (west façade) and a chimney (south façade).

Chairman Higginbotham: Summarized the case since it was a carry-over from last meeting.

Setback hardships:

- The triangular shape of the lot.
- The size of the lot (4,937 sf in lieu of the 30,000 sf minimum for Res-A).
- Lot has a primary and a secondary front, each with required 40-foot setbacks.
- The Country Club of Birmingham has dedicated a perpetual use easement on the west side of the property for the exclusive use of this property. This easement is for improvements such as parking and landscaping, but may not be used for buildings.

Charles Perkins represented the owner, Troy Rhone:

- Mr. Perkins stated that Mr. Rhone submitted drawings to the Country Club of Birmingham and that an email was sent to Mrs. Hazen affirming that the Club has no objection to the variance. Mrs. Hazen indicated that she received the email. (Email from Trip Umbach of Starnes, Davis, Florie, LLP dated October 19, 2015 to Mrs. Hazen – Informing in writing that the Country Club of Birmingham has no objection to the variance sought by Mr. Rhone.)

No public comments.

Motion: Mr. Mitchell, to approve
Second: Mr. Hereford amended the motion by adding the requirement that the Building Official approve the Storm Water Divergence Plan prior to issuance of a building permit.

Amended motion: Mr. Mitchell, to approve
Second: Mr. Hereford
Vote: Ayes Nays
Higginbotham None
Hereford
Simonton
Mitchell
Loveman

Variance approved, with stated caveat, by a 5 – 0 vote.

EXHIBIT 2

4. **Case A-15-09: 8 Alden Lane**

Mr. and Mrs. Jack Bethay, owners, request a variance from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be within 17 feet of the rear property line (west) in lieu of the required 35 feet.

Chairman Higginbotham stated that Mr. Mitchell has recused himself from voting on this case.

Bruce McLeod, McLeod Architecture, represented Mr. and Mrs. Bethay.

Setback Hardship: Corner lot configuration; irregularly shaped lot.

No public comments.

Motion: Mr. Hereford, to grant variance
Second: Mr. Loveman
Vote: Ayes Nays
Higginbotham None
Hereford
Simonton
Loveman

Variance approved by a 4 – 0 vote.

EXHIBIT 3

5. **Case A-15-10: 2939 Balmoral Road**

Bill and Lisa Maclean, owners, request a variance from the terms of the Zoning Regulations to allow a detached garage to be 12 feet from the rear property line (southeast) in lieu of the required 35 feet.

James Wagon, Historical Home Designs, Inc., represented Mr. and Mrs. Maclean:

Setback Hardship: Topography – This small lot slopes significantly from front to rear; placement of house presents a hardship as well.

- Applicant wants to create parking off of the street to eliminate long-term parking in front of the house and to provide parking for larger vehicles
- Garage size: 26' wide by 28' deep and 1 ½ story tall. The extra depth is needed to add a staircase to the unfinished storage area in the loft. Standard garage size is 24' by 24'.
- No place to build the garage without getting into rear setbacks. Changing location would require building up the entire back yard.
- The size of the garage will not have a visual impact from the street. Because of the drastic slope in the rear, while on the property line looking toward rear houses, the line of vision is roof tops.
- The rear turn-around gives access to the basement two-car garage; not an option to build there.

Board:

- The lot size, technically, is not small for Res-B Zoning; therefore, does not qualify as a hardship because of size. Minimum lot size 10,000 sf; this lot is 14,000 sf.
- Addition of such a large structure may over-build the lot; proposed garage is too large.
- A 20' by 20', 15' tall structure (under 400 sf) could be placed within 10 feet of the property line, and would not require a variance.
- Concerned about impact on property owners to the rear.
- Retaining wall in rear – if a second retaining wall is needed and is not part of the structure, another variance will be required.
- Appears there are other placement options.
- No significant hardship presented.

No public comments.

Motion: Mr. Loveman, to approve
 Second: Mr. Higginbotham
 Vote: Ayes Nays
 None Higginbotham
 Hereford
 Simonton
 Mitchell
 Loveman

Variance denied by a 5 – 0 vote.

EXHIBIT 4

6. **Case A-15-11: 50 Fairway Drive**

Scott and Lynne Russell, owners, request a variance from the terms of the Zoning Regulations to allow alterations to an existing detached garage which is 5.3 feet from the side property line (northeast) in lieu of the required 15 feet, and 20 feet from the rear property line in lieu of the required 40 feet.

J. K. Terry, Landscape Architect and Residential Designer, representative for the property owners:

- This is a remodel of an existing structure to compliment the house that will be built.
- No footage added.
- One-story structure, 20’ by 24’.
- Final construction plans for the house are expected by November; building permits in February.
- Construction of house and remodel of garage will coincide.

Question from Board: Will the remodel look as presented? Mr. Terry: “Yes”

Motion: Mr. Hereford, to approve variance
 Second: Mr. Simonton
 Vote: Ayes Nays
 Higginbotham None
 Hereford
 Simonton
 Mitchell
 Loveman

Variance approved by a 5 – 0 vote.

EXHIBIT 5

7. **Case A-15-12: 2821 Shook Hill Circle**

Herbert Beville, Jr., owner, requests a variance from the terms of the Zoning Regulations to construct a pool house in the front yard (100 feet from Shook Hill Circle) in lieu of the requirement for such structures to be in the rear yard.

Setback hardship: A setback variance was granted in August, 2014, case number 4135. Present variance request is to alter previous plans for location of the cabana (pool house) from one side of the house to the other; aesthetic reasons.

The previous variance was approved with the condition that greenery is planted for privacy. Mr. Beville stated that landscaping has begun; installing 6' to 8' tall greenery on every tier.

Motion: Mr. Hereford, to approve variance

Second: Mr. Mitchell

Vote: Ayes Nays
 Higginbotham None
 Hereford
 Simonton
 Mitchell
 Loveman

Variance approved by a 5 – 0 vote.

EXHIBIT 6

There being no further business to come before the Board at this time, the meeting adjourned at 5:40 p.m.

Tammy Graham, Administrative Assistant

Part 2
Project Data

A-15-13
600 Euclid Avenue

Address of Property: **600 Euclid Ave Mountain Brook, AL 35213**
 Zoning Classification: **Residence C**
 Name of Property Owner(s): **Norman Investment Group, LLC**
 Name of Representative Agent: **Davis Building Group**
 Phone Number: **205-873-4412**

BJ Davis
369-4258

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	7500	9425	9425
Lot Width (ft)	69.29'	69.29'	69.29'
Front Setback (ft)	35'	35'	35'
Side Setback (ft)	35'	35'	29'
Side Setback (ft)	10'	10'	10'
Rear Setback (ft)	10'	10'	10'
Lot Coverage (%)	35.00%	less than 35%	less than 35%
Building Height (ft)	maximum of 35'	less than 35'	less than 35'
Other	x	x	x
Other	x	x	x

Part 3
Plans

(PROVIDED)

Adjacent Property Owners

Mary Williamson
608 Euclid Ave
Mountain Brook, AL 35213

James and Judy Hard
603 Euclid Ave
Mountain Brook, AL 35213

Carolyn Lackey
101 Peachtree Rd
Mountain Brook, AL 35213

Eugene and Laura Millsap
601 Euclid Ave
Mountain Brook, AL 35213

Ellen Rushton McClees
512 Euclid Ave
Mountain Brook, AL 35213

Jacob and Madeline Reiss
511 Euclid Ave
Mountain Brook, AL 35213

update w/ certified list

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

A-15-13
600 Euclid Avenue

To Whom It May Concern,

Davis Building Group, the applicant, on behalf of Norman Investment Group, LLC, the property owner, is requesting a variance at 600 Euclid Ave Mountain Brook, AL 35213 for the purpose of constructing a new home. Under the Residence C zoning ordinance the width of the home would presently be limited to 25'. We are requesting a 6' variance to the current side setback from Peachtree Road to allow for construction of a home comparable to those nearby. The proposed home will be 1.5 stories and 2500-3500 ft² and the footprint of the home would be approximately 30.8' x 50'.

Thank you sincerely for your consideration.

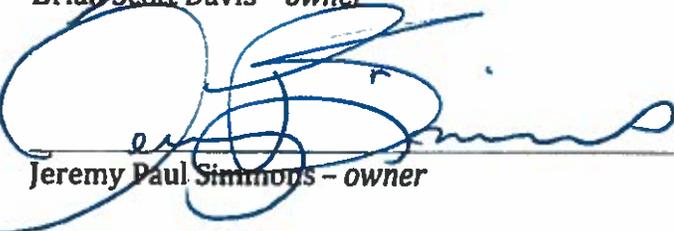
Regards,



Brian Scott Davis - owner

12/18/14

date

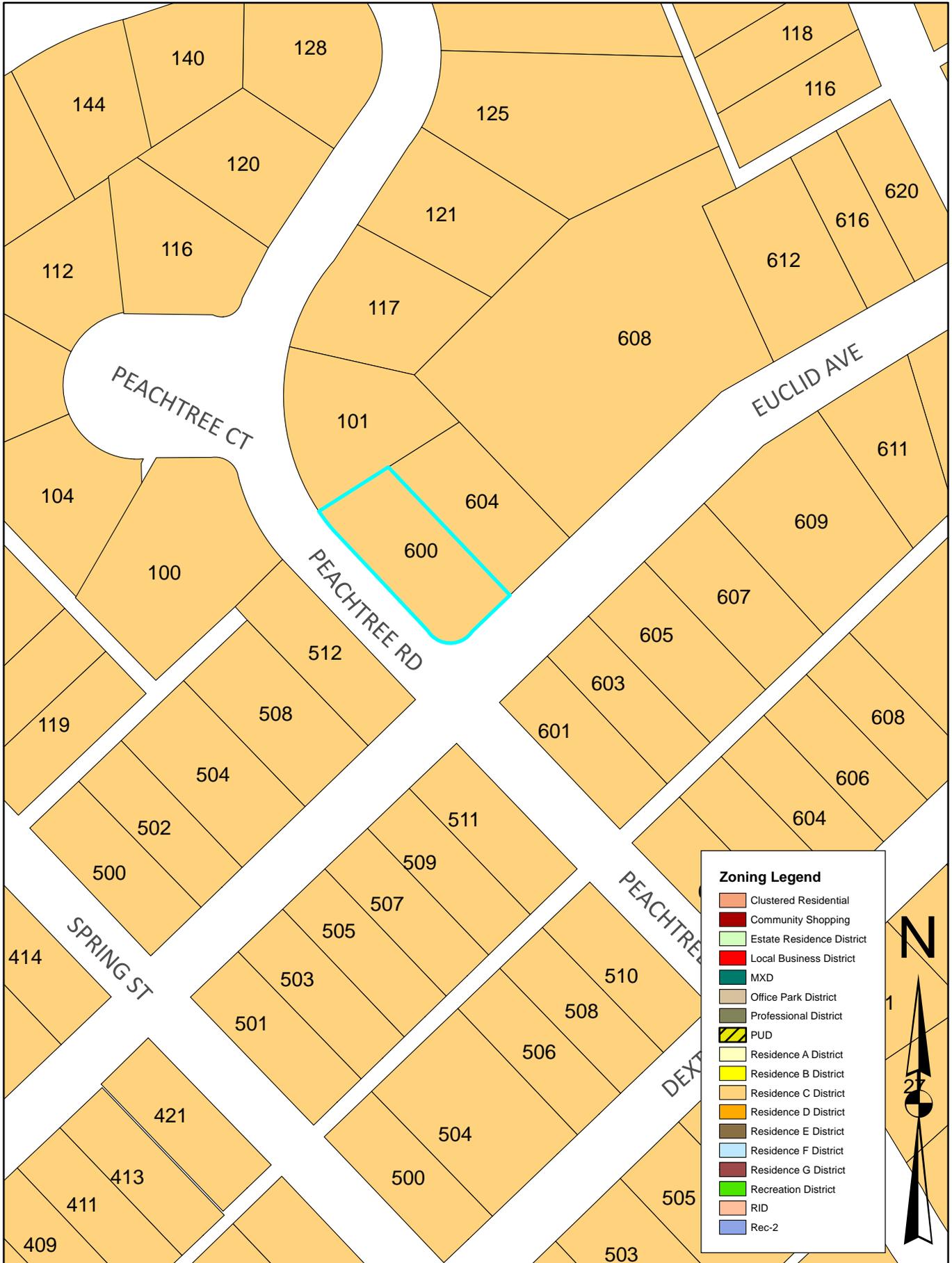


Jeremy Paul Simmons - owner

12/18/14

date

A-15-13 (Zoning)



Report to the Board of Zoning Adjustment

A-15-13

Petition Summary

Request to allow a new single family dwelling to be 29 feet from the secondary front (Peachtree Road) in lieu of the required 35 feet.

Background

On January 12, 2015, the Board approved this same request (Case 4161) to allow a new single family dwelling to be 29 feet from the secondary front (Peachtree Road) in lieu of the required 35 feet. *The case expired in June 2015 as an extension was not filed.*

On December 8, 2014, the applicant withdrew Variance Case 4158 (which was a request to allow a new single family dwelling to be 25 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet) in an attempt to redesign a project that would be more satisfactory to neighbors who had expressed opposition to the impending variance at the December 1, 2014 Planning Commission hearing of the resurvey case.

On December 1, 2014, the Planning Commission approved Case 1937, which was a request to subdivide an existing large lot at 600 Euclid Avenue into two 70-foot wide conforming Res-C lots. The new Lot 1-A, at the intersection of Euclid and Peachtree, is the subject of this application for a new single family dwelling.

Analysis

The hardship in this case is the two “front” setbacks on a corner lot. The proposal involves a new single family dwelling to be 29 feet from the secondary front (Peachtree) in lieu of the required 35 feet. It should be noted that if there was an existing alley at the rear of this property then the zoning code would automatically allow the construction of a new single family dwelling to be 17.5 feet from the secondary front property line.

The importance of the alley in the writing of this code requirement is that when an alley exists to the rear of a lot such as the subject lot on Euclid, often an alley separates the rear property line from other properties along the secondary front (in this case, Peachtree) that have that same secondary street as a primary frontage (or 35 feet). Clear as mud? The point is that with a natural alley break between the rear property line of such a lot and those lots whose primary frontage is along the same street, it can serve as a protection for the streetscape.

In this case Peachtree is not a “straight street” and actually bends up away from the subject lot to the northeast. Therefore, allowing an encroachment into the secondary front in this case would not necessarily be detrimental to the streetscape along the same side of Peachtree.

It should be noted that all three of the other lots at the intersection of Euclid and Peachtree are 57 feet side, with houses that are less than 35 feet from the secondary front of Peachtree Street. The two houses that front the south side of Euclid do have the alley configuration on the secondary front and so would automatically qualify for the reduced setback of 17.5 feet. The house at 512 Euclid does not have the rear alley configuration, and without a survey an exact dimension for that house is not known, but it is safe to say that is not 35 feet from Peachtree if the lot is 57 feet wide.

Impervious Area

Since the complete lot design has not been developed (as to driveways, walkways, etc.) the proposed impervious area is not know at this time, but will have to conform to the 40% maximum in order to obtain any building permit.

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

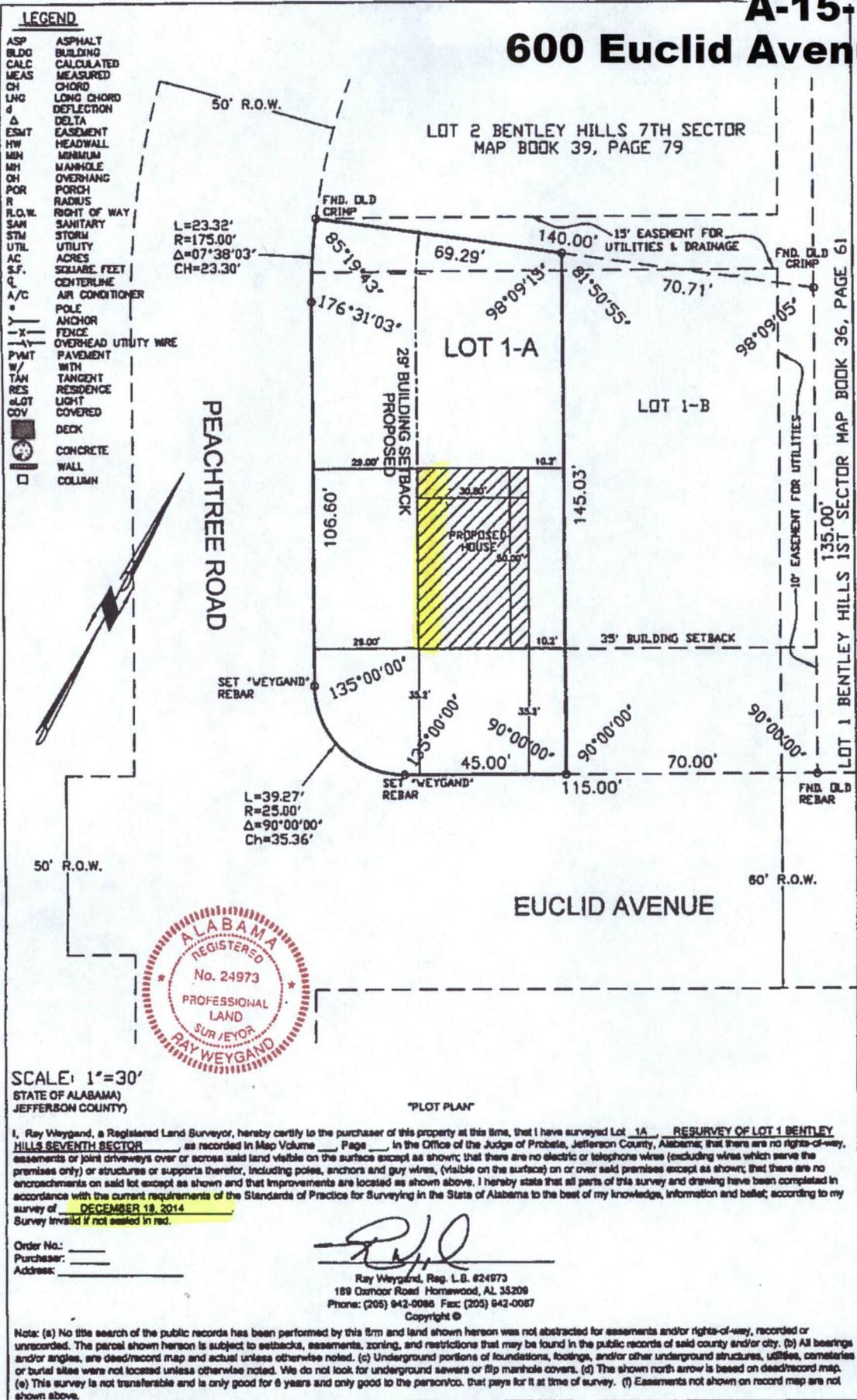
LOCATION: 600 Euclid Avenue

ZONING DISTRICT: Residence C

OWNER: Norman Investment Group, LLC

AGENT: Davis Building Group

600 Euclid Avenue



A-15-13 (Aerial)



Application for Variance

**A-15-13
600 Euclid Avenue**

Part 1

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)?

1. Based on Sec. 129-62 of the City of Mountain Brook building code the minimum front (primary) yard setback is 35'. Because the property is a corner lot and there is no dedicated alley, the code currently requires a 35' setback from both Euclid Ave and Peachtree Rd. Considering the side yard setback of 10' from the adjacent lot, the width of the proposed home would be limited to 25'.
2. A 25' limitation for the width of a home does not generally apply to other buildings in the vicinity
3. A 35' set back from both streets on a corner lot without a dedicated alley does not generally apply to other buildings in the vicinity.

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

The granting of this variance will preserve the owners right to:

1. Maximize the value of their property
2. Build a home similar in style and dimension to those adjacent and nearby

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...")

1. The condition from which relief is being sought is not a result of action by the applicant. The applicant has been contracted by the owners to construct a new home on the property. The applicant is seeking a variance to decrease the required set back from Peachtree Road to 29' to build a new home comparable to homes adjacent to and surrounding the property.

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

The granting of this variance:

1. Will maximize the value of this property and potentially increase the value of adjacent properties
2. Will allow for the construction of a new home that is consistent in both style and dimension with those being built in the area
3. Will not impair adequate supply of light and air to adjacent property
4. Will not increase noise or danger of fire
5. Will not imperil the public safety
6. Will not increase the congestion in public streets
7. Will not increase risk of flooding or water damage
8. Will not unreasonably diminish or impair established property values within the surrounding areas.
9. Will not in any other respect, impair the health, safety, comfort, morals or general welfare of the inhabitants of the city.

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for a variance in the Zoning Ordinance, as applied to the property located at **600 Euclid Avenue**, has been filed by **Norman Investment Group, LLC**.

The requested variance would authorize the construction of a new single family dwelling as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Residence-C Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-15-13: Norman Investment Group, LLC, owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 29 feet from the secondary front (Peachtree Road) in lieu of the required 35 feet. – **600 Euclid Avenue**

**This is the same request that was approved on January 12, 2015 (Case 4161). The case expired in June 2015. An extension was not filed.*

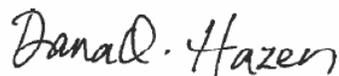
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 (*to view survey select link associated with the case number on the agenda*)

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org



Variance Application - Part I

Project Data

Address of Subject Property 3 MOORE DRIVE

Zoning Classification RESIDENCE A

Name of Property Owner(s) MEYNOWS AND HAMILTON THOMPSON

Phone Number 404.684.5550 (C) Email MNORTH@BELL-SOUTH.NET

Name of Surveyor WEYGAND

Phone Number 992.0086 Email _____

Name of Architect (if applicable) BILL WILSON ARCHITECT

Phone Number 205.324.5599 Email BILL@BILLWILSONARCHITECT.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)		28,000 SF ±	
Lot Width (ft)		125' ±	
Front Setback (ft) <i>primary</i>	40'		75'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'		10' AT ACC. STRUCTURE
Left Side Setback	15'		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'		25' AT ACC. STRUCTURE
Lot Coverage (%)		4131 ±	4131 SF ±
Building Height (ft)	35'		34' MAIN HOUSE
Other			
Other			

A-15-14

VARIANCE REQUEST
CITY OF MOUNTAIN BROOK

BOARD OF ZONING ADJUSTMENT

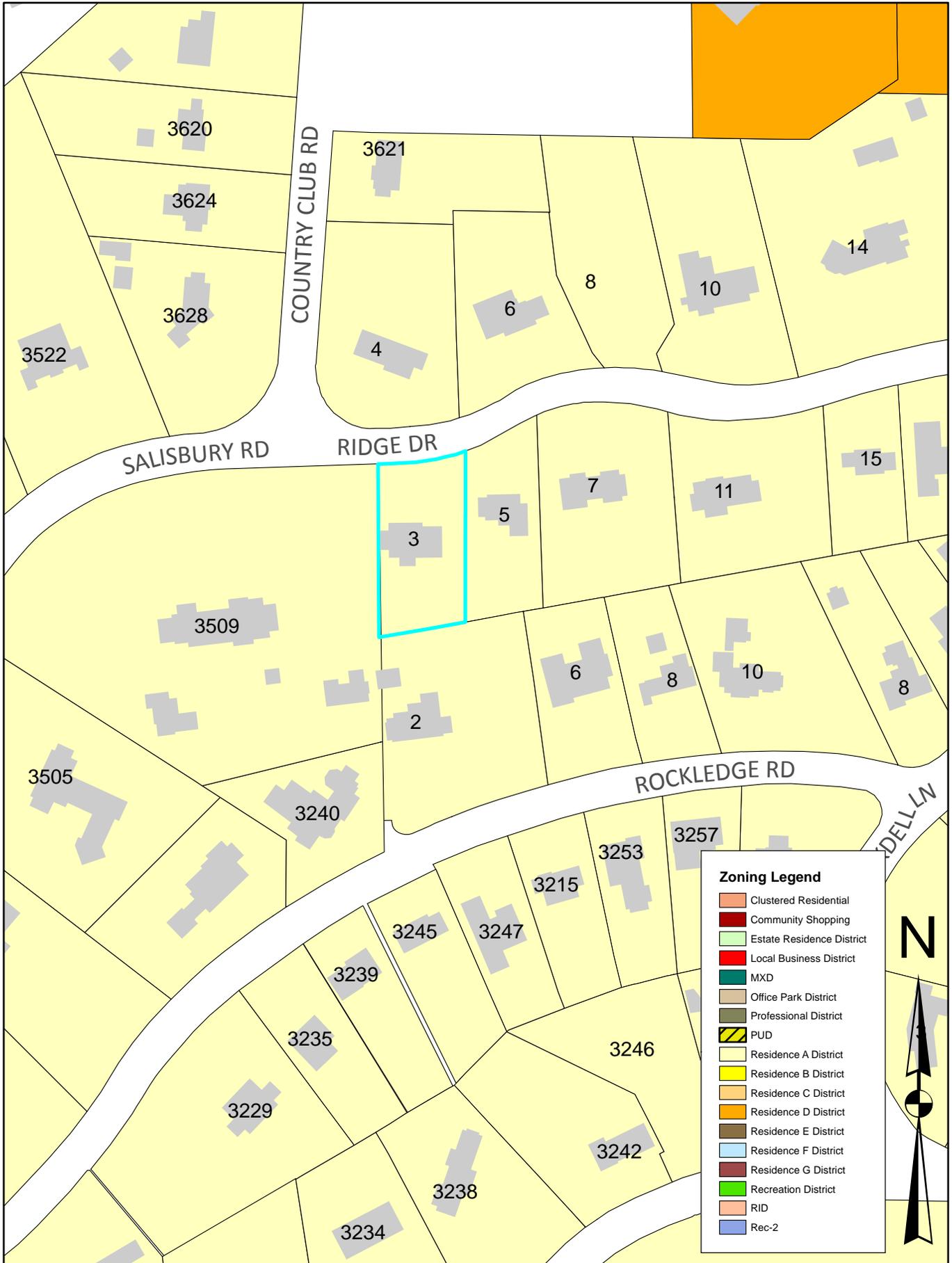
PROJECT STATEMENT:

A NEW HOUSE AND POOL HOUSE LOCATED
AT N. 3 MOORE DRIVE - MOUNTAIN BROOK,
ALABAMA

SUBMITTED FOR
MR. AND MRS. C. REYNOLDS THOMPSON

BY
BILL INGRAM ARCHITECT
MOUNTAIN BROOK, ALABAMA

A-15-14 (Zoning)



Report to the Board of Zoning Adjustment

A-15-14

Petition Summary

Request to allow a new pool house to the rear of a new single family dwelling, to be 10.6 feet from the side property line (west) in lieu of the required 15 feet, and 28.6 feet from the rear property line (south) in lieu of the required 40 feet.

Analysis

The hardships in this case are topography and a large rock outcropping in the front yard. As may be seen on the attached site plan, the new single family dwelling proposed for this lot is well behind the required 40-foot front setback line, due to the rock outcropping on the northwest corner of the site. Therefore, the entire development scheme for this property is pushed toward the rear of the lot. For this reason, a portion of the proposed pool house is to be located within the required 40-foot rear setback. Also, the topography at the rear of the site drops from northwest to southeast, making it more practical to locate the pool house closer to the west side property line (10.6 feet where 15 feet is required); it is also higher than 15 feet.

The proposed pool house is approximately 687 square feet, which disqualifies it from utilizing the reduced side and rear setbacks of 10 feet for detached structures less than 400 square feet in area.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

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

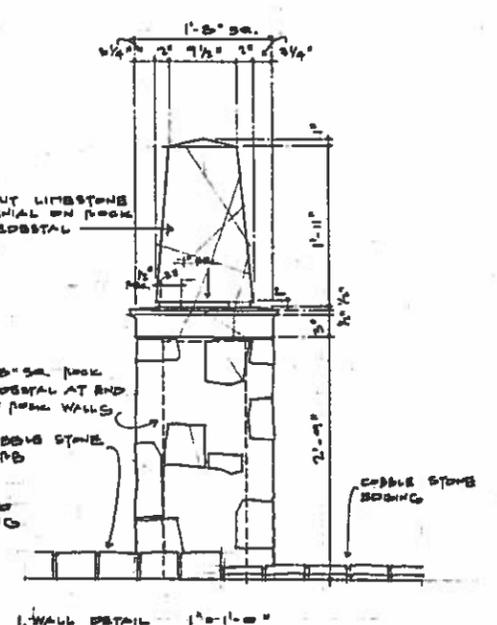
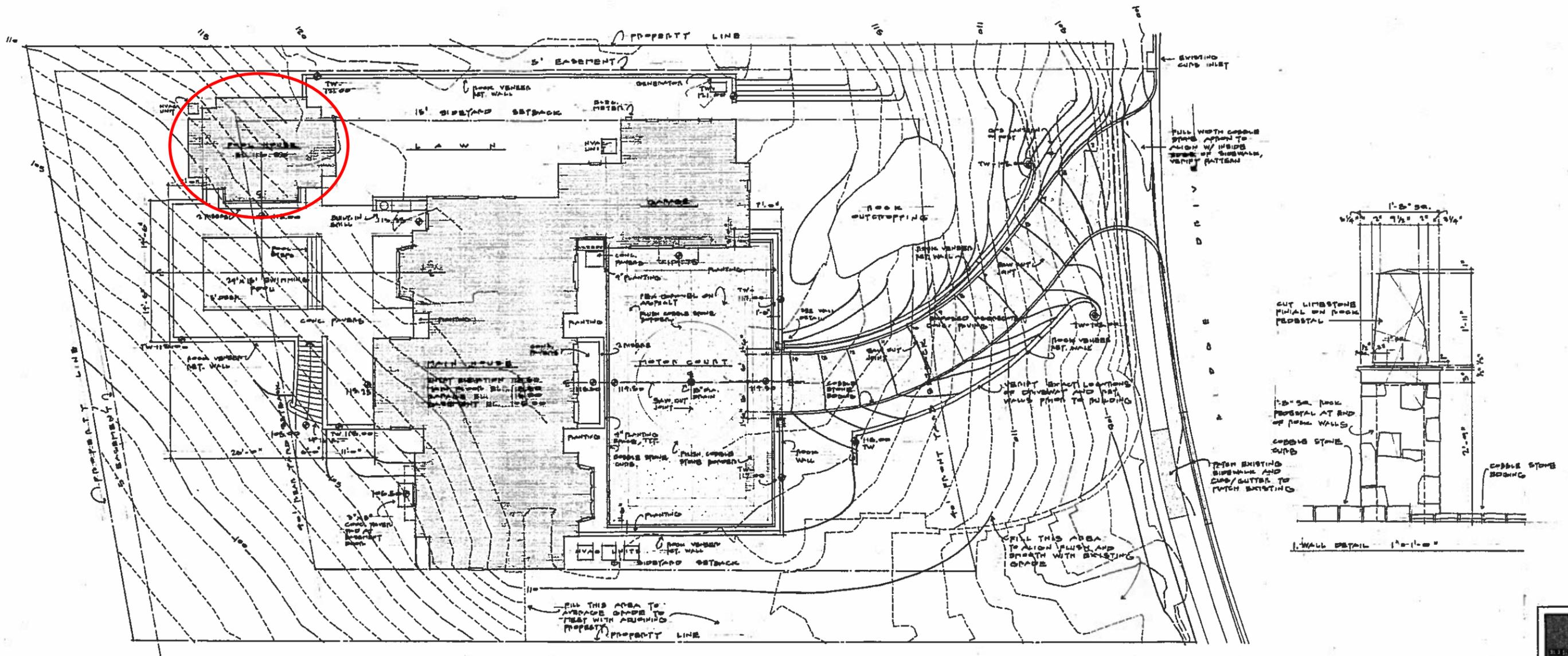
Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures on Residential Lots

Appends

LOCATION: 3 Ridge Drive

ZONING DISTRICT: Res-A

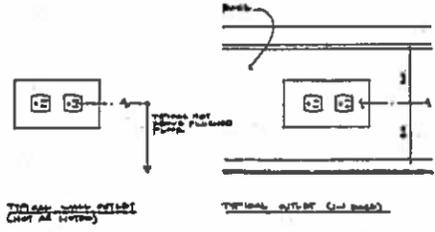
OWNERS: Reynolds and Hamilton Thompson



SITE PLAN 1"=1'-0"
 VERIFY THESE TO BEGIN


2732 SPRING LAKE BIRMINGHAM, ALABAMA 35244-3131 (205) 252-3274
A NEW HOUSE FOR RAYMOND AND BETHNOLD THOMPSON 1755 DODGE MOUNTAIN BROOK, AL SITE PLAN
MARCH 20, 2015
AI

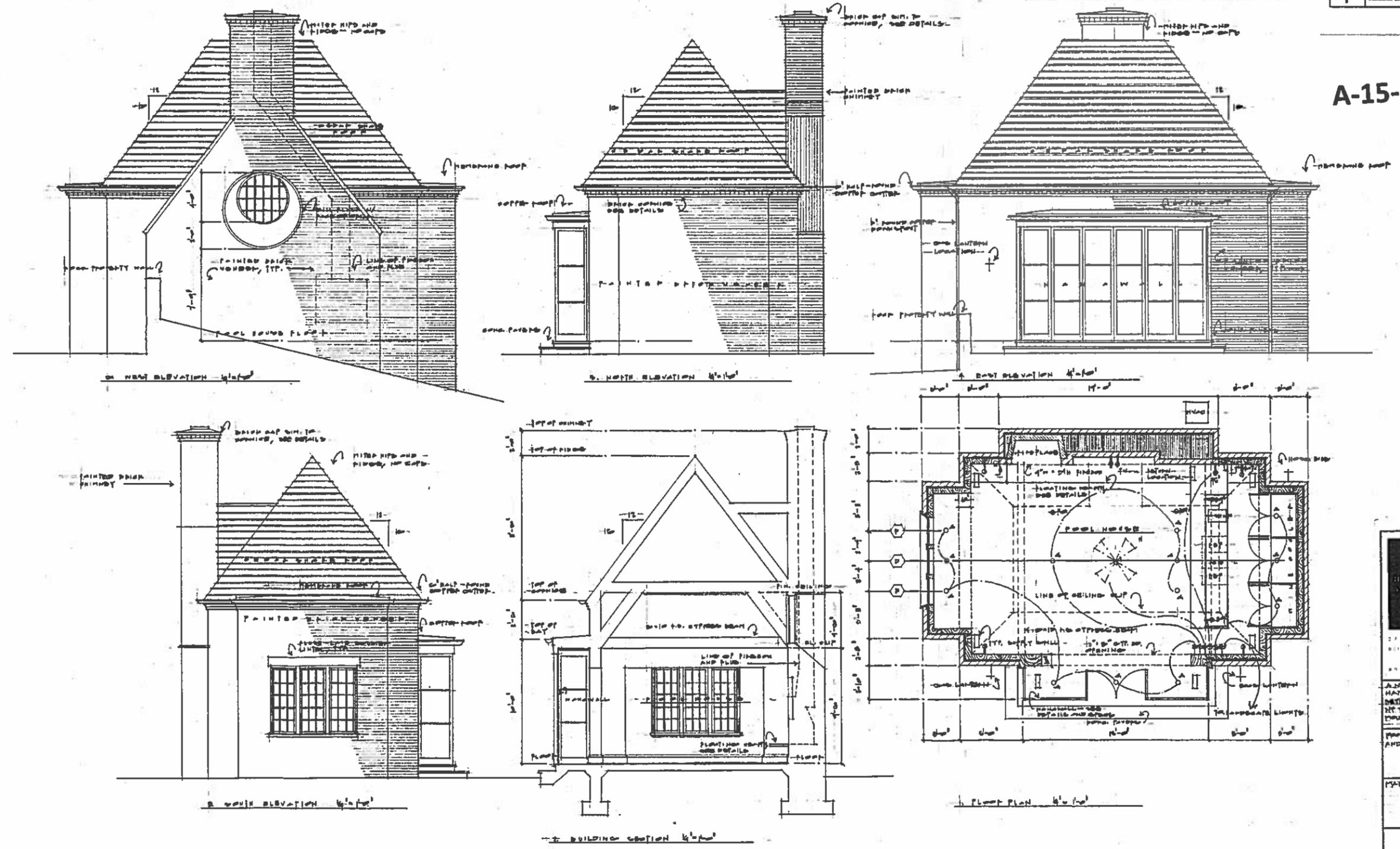
Proposed Pool House



- electrical and lighting notes**
1. mount all electrical outlets horizontally 6" A.F.F. unless noted otherwise.
 2. all light switches are to be mounted at 36" A.F.F. - verify switch type.
 3. most fixtures are located by center lines, bridge frame if necessary for correct fixture location, joints and reflectors to be laid out with spans on center line of rooms, doorways, eaved openings, and windows to allow for fixtures to be centered.
 4. all floor outlets are to be located by interior designer and/or architect, verify locations prior to installation.
 5. verify location of all phone and cable television outlets with owner.
 6. for clarity, no outlets are shown on plan for kitchen, butler's pantry, or laundry room appliances or whirlpool tubs. see floor plans and specifications for locations and requirements.
 7. landscape lighting to be located by architect.
 8. door bell and door bell chime-Nutone PB-11L and LB-14.

- lighting schedule**
- A. small aperture, low voltage, recessed down light:
Halo H1499T w/ pinhole aperture 1419, 50w, MR16
 - B. slot aperture, low voltage, recessed down light:
Halo H1499T, 1420 w/50w MR16 lamp
 - C. small aperture, incandescent, recessed down light:
Halo H99T w/black baffle 993P 55w, PAR 16 halogen lamp
 - D. chandelier or pendant fixture:
by owner, installed by contractor
 - E. interior wall sconce, mount between 5'-4" & 5'-8" A.F.F. (verify height):
by owner, installed by contractor
 - F. exterior wall sconce, verify mounting height:
by owner, installed by contractor
 - G. shower light:
Halo H27T w/ 71 drop opal lens
 - H. ceiling fan:
Hunter "original", 4 blade w/black housing, paint blades black, no light
 - I. exhaust fan:
Nutone #BR14
 - J. parabolic one piece keyless incandescent lampholder
 - K. closet light:
Progress Lighting P2524-60
 - L. step light:
verify fixture
under cabinet continuous halogen lighting:
Sore Task by Cal HCS4W
 - N. hockey puck light:
Progress Lighting P7520-30
 - O. dome light:
Progress Lighting P5711-31
 - P. well light by owner

○	recessed or surface mounted fixture
○	wall mounted fixture
⊗	exhaust fan
⊗	ceiling fan
⊕	chandelier or pendant fixture
⊖	under cabinet or corner fixture
⊕	switch
⊕	three way switch
⊕	switch with rheostat
⊕	three way switch with rheostat
⊕	outlet
⊕	floor mounted outlet
⊕	weather proof outlet
⊕	outlet mounted at varied height c.f.f.
⊕	door switch, Leviton only
⊕	recessed clock outlet



A-15-14

HELI DESIGN ARCHITECTURE

3732 CONROE ROAD
DUBLIN, GA 30128
404.261.3221
800.426.3224

A POOL HOUSE FOR
HAMILTON AND
KATHERINE THOMPSON
1175 WOOD
MOUNTAIN DRIVE, AL

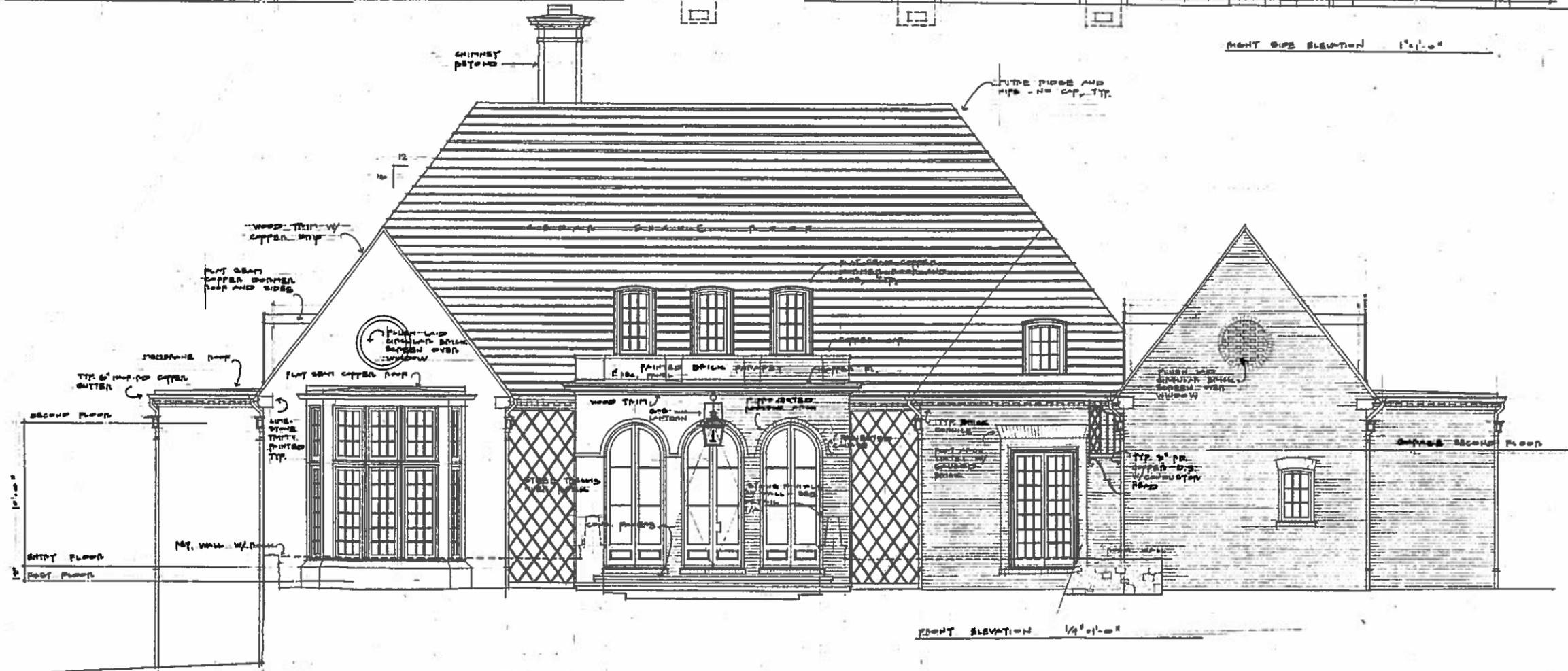
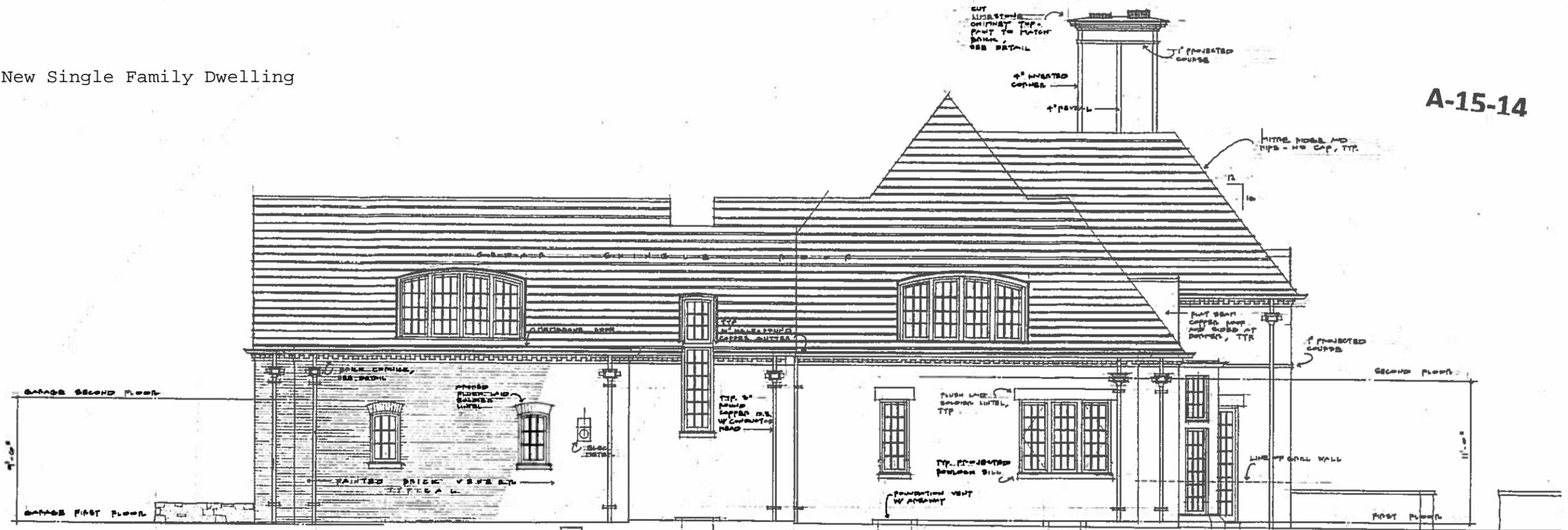
POOL HOUSE PLAN
AND ELEVATIONS

MARCH 20, 2015

A15

Proposed New Single Family Dwelling

A-15-14



BILL INGRAM ARCHITECT

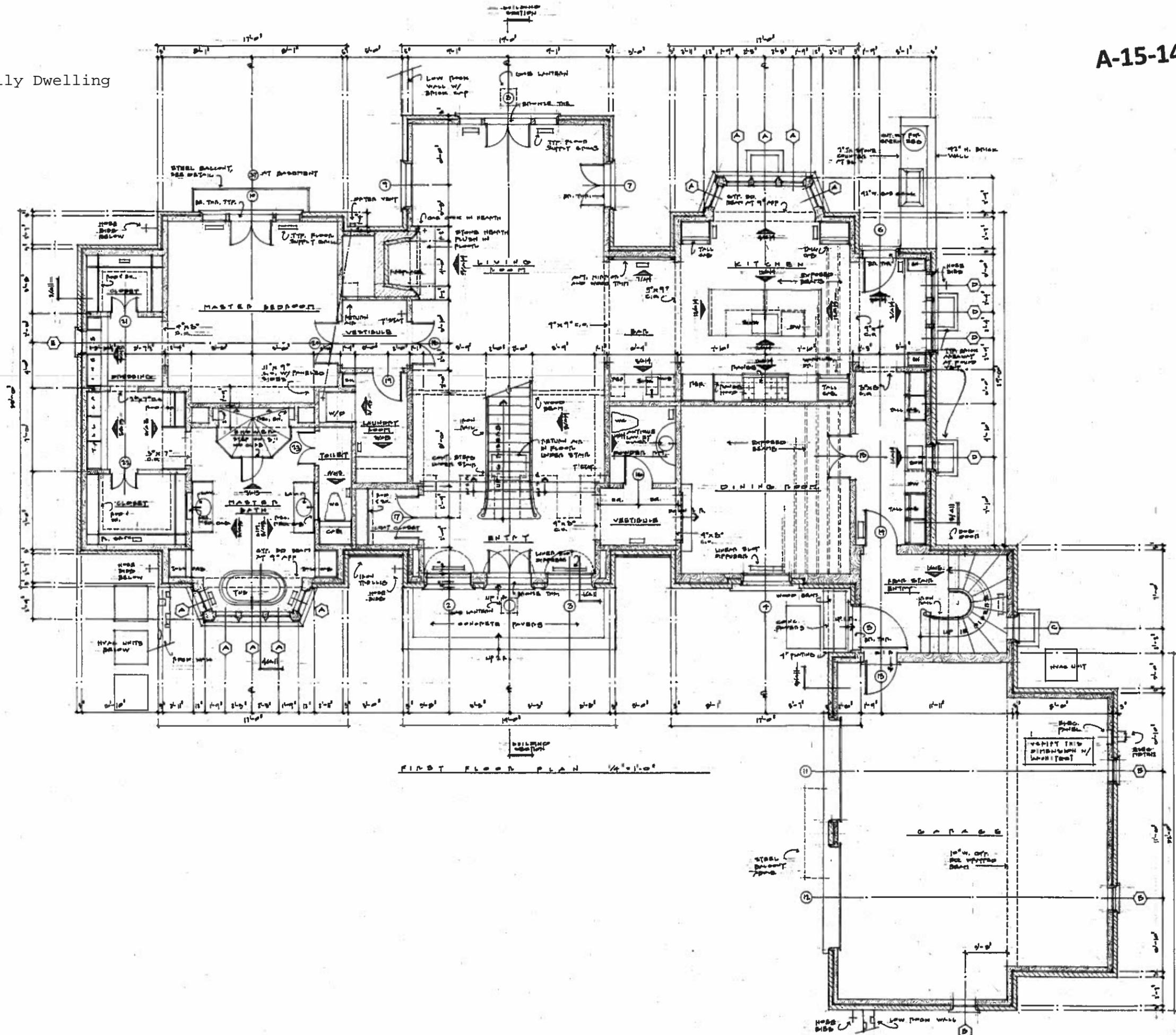
3722 SHELBY ROAD
BIRMINGHAM ALABAMA 35223
PHONE 205.324.5577

A NEW HOUSE FOR
HAMILTON AND
RENEE'S THOMPSON
473 MOUNTAIN BROOK, AL

EXTERIOR
ELEVATIONS

MARCH 20, 2015

A7



HILL, TOWNSON
 ARCHITECTS
 2737 UNIVERSITY AVENUE
 BIRMINGHAM, ALABAMA
 35223
 PHONE 252-324-2377
 A NEW HOUSE FOR
 HAMILTON AND
 RAYMOND THOMPSON
 113 BIRD
 MOUNTAIN BROOK, AL
 FIRST FLOOR PLAN
 MARCH 20, 1955
 A5

A-15-14 (Aerial2)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

STEEP TOPOGRAPHY AND MAJOR ROCK OUTCROPPINGS IN FRONT. SEPTIC FIELD LINE IN REAR AT SE SIDE.

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

TO RELOCATE POOL HOUSE LOWER THAN CLOSEST SIDE NEIGHBOR AND PRESERVE VIEW FROM OWNER'S HOUSE WHILE NOT INTERFERING WITH SEPTIC LINES.

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...")

CONSTRUCTION.

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

POOL HOUSE ISNT VISIBLE FROM STREET OR SIDE NEIGHBOR. IT WILL BE IN CLOSE LOCATION OF EXISTING RAISED TERRACE AND THIS FURTHER AWAY FROM REAR NEIGHBOR THAN MOUNDING IT OVER.

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for variances in the Zoning Ordinance, as applied to the property located at **3 Ridge Drive**, has been filed by **Reynolds & Hamilton Thompson**.

The requested variances would authorize the construction of a pool house as part a new home as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Res-A Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variances from the terms of the Zoning Regulations:

Case A-15-14: Reynolds & Hamilton Thompson, owners, request variances from the terms of the Zoning Regulations to allow a new pool house to the rear of a new single family dwelling, to be 10.6 feet from the side property line (west) in lieu of the required 15 feet, and 28.6 feet from the rear property line (south) in lieu of the required 40 feet.
- 3 Ridge Drive

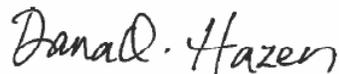
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 *(to view survey select link associated with the case number on the agenda)*

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org



Variance Application - Part I

Project Data

Address of Subject Property 2732 ABINGDON ROAD

Zoning Classification ESTATE LOT - RESIDENTIAL - 3

Name of Property Owner(s) MERRILL STEWART

Phone Number 205-414-0000 Email MSTEWART@STEWARTPERRY.COM

Name of Surveyor GONZALES STRENGTH & ASSOCIATES

Phone Number 205-942-2484 Email BEHARRIS@gonzales-strength.com

Name of Architect (if applicable) MICHAEL O'KELLEY

Phone Number 205-238-9334 Email MOKELLEY@CMHARCHITECTS.COM

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	40'	N/A	30' -4.00'
Left Side Setback	40'	N/A	34' -6.00'
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			

Variance Request Written Description for **2732 Abingdon Road** Mountain Brook, Alabama 35243

A request for Setback Variance for both the left and right 40' Building Setbacks for a new construction Residence on a currently empty Residential Estate Lot located at 2732 Abingdon Road, Mt Brook 35243 is being submitted for possible approval.

The Property owner is trying to preserve the character and aesthetic of the surrounding neighbors, as well as, utilize the topography to minimize impact on adjacent properties and ensure proper siting to capitalize on a Low Impact Design and solar orientation of the proposed home.

The House is sited in line with neighboring homes and capitalizes on the ridge's crest to provide the proposed home with a traditional front and back yard, a graceful entry drive off of Abingdon Rd to a side motor court and guest parking. Due to proposed siting, minor encroachment on either side 40' building setbacks; 6.00' on the left (West) side and 4.00' on the left (East) side, resulting in our request for variance.

Due to steep topography on much of the rear of the property and a narrowing lot width, that narrows below the required 200' minimum width, from the street line to the 100' setback line (Sect. 129-72.a.2) these coupled issues have resulted in a hardship in this particular case.

We are seeking request for a minor setback Variance on either side setbacks and hope the BZA and the City of Mountain Brook can assist us in gaining approval or helping gain better insight into this request.

Much obliged,



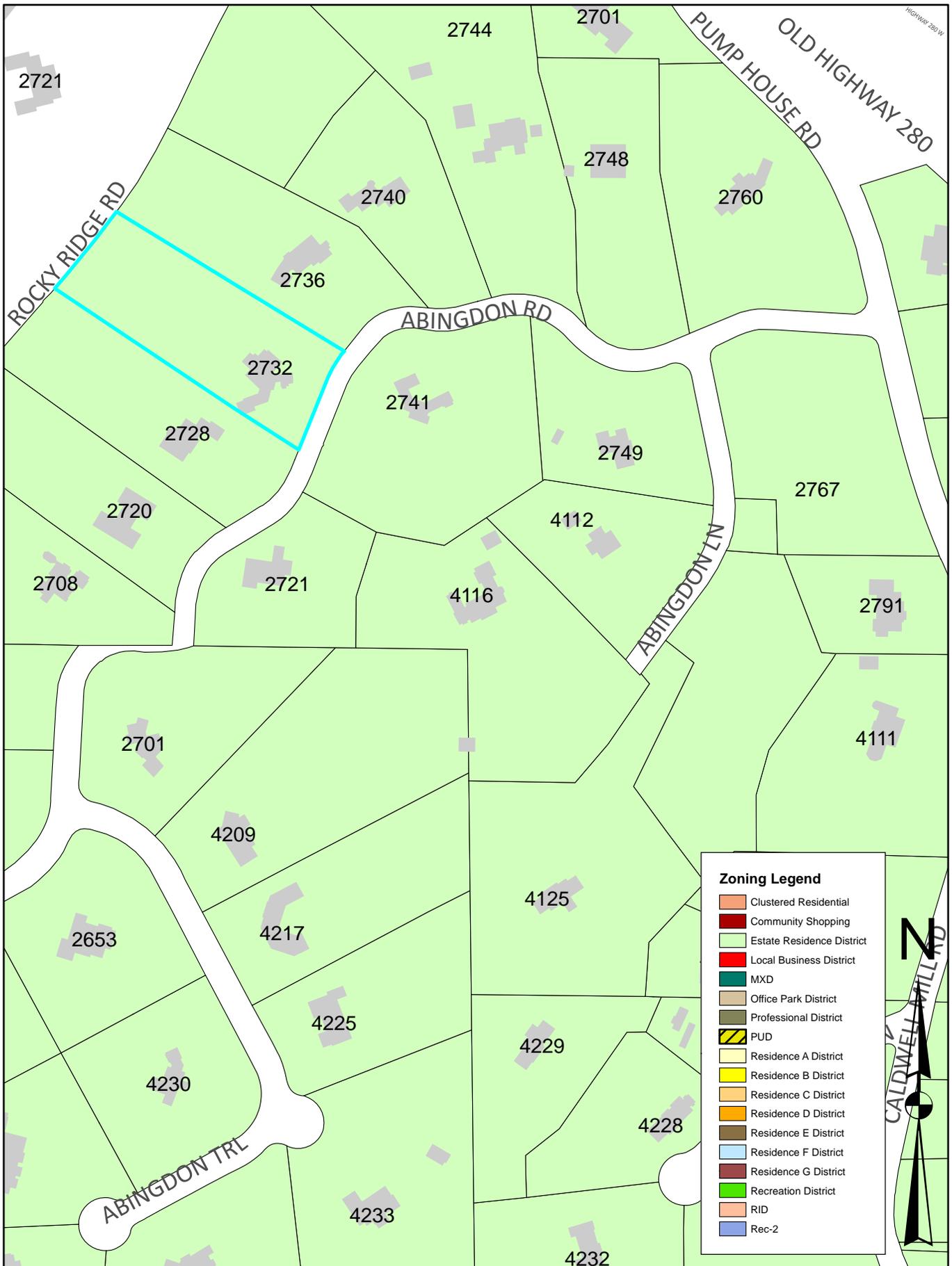
10-22-2015

Abraham Odrezin P.L.A AL#775

Principal, Lorberbaum Odrezin Associates, LLC

(L&O Associates, Acting as the Owner's Representative to the City of Mt. Brook BZA for this Variance Request.)

A-15-15 (Zoning)



Report to the Board of Zoning Adjustment

A-15-15

Petition Summary

Request to allow a single family dwelling to be 36 feet from the side property line (northeast) and 34 feet from the side property line (southwest), both in lieu of the required 40 feet.

Analysis

The hardships in this case are topography and the narrowness of the lot. As may be seen on the attached site plan, the proposed house is to be located on the crest of the ridge, resulting is a floor plan that spans the width of the lot rather than the length. The lot is 193 feet wide, where 200 feet is required by the Estate zoning district; therefore deficient by 7 feet. The proposed encroachments, taken together, are 10 feet. Given the small scale of the proposed encroachments, no detrimental effect to adjoining properties 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

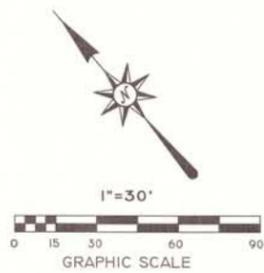
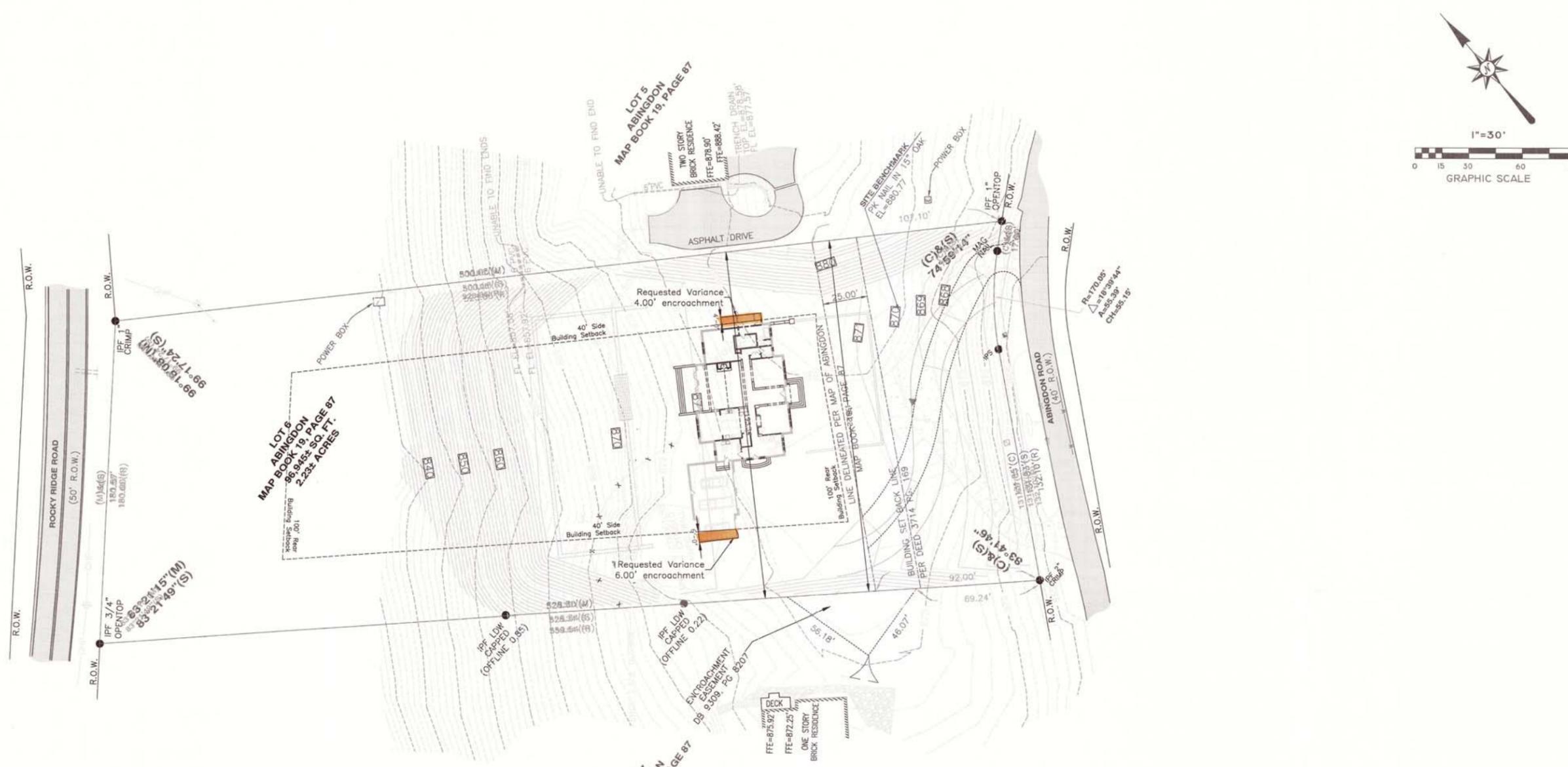
Article VI, Estate Residence District; Section 129-72, Area and Dimensional Requirements

Appends

LOCATION: 2732 Abingdon Drive

ZONING DISTRICT: Estate

OWNER: Merrill Stewart



- SITE PREPARATION NOTES**
- All demolition, construction debris, clearing, and excess excavation shall be disposed of in a legal manner off-site.
 - Strip all topsoil within building and pavement areas, and stockpile for later use. Dispose of any excess topsoil in locations on site as directed by the owner.
 - Prior to placing fill in pavement, surfacing, or in building pad areas, exposed subgrade shall be proof rolled with a heavily loaded dump truck. All areas showing signs of pumping, rutting or any deleterious materials found in place (organic, wet, soft, loose, or unstable material) shall be undercut and replaced.
 - All fill placed in undercut areas shall meet the requirements of these specifications and be placed in accordance with these specifications.
 - Prior to placing fill and in cut areas exposed at subgrade, contractor shall scarify existing soils to a depth of 8" and recompact to the specified density and moisture content.
 - Material to be used as fill shall be composed of soil with a maximum dry density in excess of 100 pounds per cubic foot (pcf), Plasticity Index (PI) less than 25, and a Liquid Limit (LL) less than 50.
 - Fill shall be placed in loose lifts not to exceed 8" and compacted per ASTM D-698 as follows:
 - Building area - compact to 98%.
 - Paving areas - compact to 98%.
 - All fill shall be compacted within 2% of optimum moisture content.
 - Contractor shall furnish compaction test reports on all soils placed or scarified to the owner based on a frequency of one test per 2500 S.F. of area per lift.
 - A geotechnical report is not available for this project.

- RETAINING WALL NOTES**
- All retaining walls are design/build by contractor. The design shall be performed by a registered professional engineer licensed in the State of Alabama and specializing in retaining wall design.
 - The contractor and retaining wall engineer shall examine the location of the wall as it relates to property boundaries, buildings, parking areas and improvements. It is the sole responsibility for the contractor and the retaining wall engineer to determine what type of wall is applicable for each location and is acceptable to the owner.
 - Top and bottom of wall shown on this plan is to proposed finished grade. The contractor and the retaining wall engineer shall determine actual top and bottom of wall as required for their design.

LEGEND

	EXISTING STORM SEWER
	EXISTING BUILDING LINE
	PROPOSED BUILDING LINE
	EXISTING IMPROVEMENTS
	EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER
	PROPERTY LINE
	EXISTING PAINT STRIPING
	PROPOSED IMPROVEMENTS
	FENCE
	SETBACK LINE
	EXISTING FLOW
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED FLOW
	PROPOSED STORM SEWER
	PROPOSED SANITARY SEWER
	PROPOSED TELEPHONE
	PROPOSED WATER
	PROPOSED GAS LINE
	EXISTING SANITARY SEWER
	EXISTING TELEPHONE
	EXISTING WATER
	EXISTING GAS LINE

EXISTING ELEVATION	+ 500.00
PROPOSED ELEVATION	- 500.00
SANITARY SEWER CLEANOUT	C.O.
WATER METER	WM
WATER VALVE	WV
WATER FACET	WF
FIRE HYDRANT	FH
POWER POLE	PP
LIGHT POLE	LP

NO.	ISSUED FOR APPROVAL	REVISIONS	DESCRIPTION	DATE
0				11/7/14

TITLE GRADING & DRAINAGE PLAN
2732 ABINGDON ROAD
 MOUNTAIN BROOK, ALABAMA
MERRILL STEWART
 BIRMINGHAM, ALABAMA

DRAWN BY: B. HARRIS, P.E.
 SCALE: 1"=30'
 DATE: 11/7/14

GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION

2 HOOPER, ALABAMA 35244
 PHONE: (205) 942-2486
 FAX: (205) 942-3023
 www.Gonzalez-Strength.com

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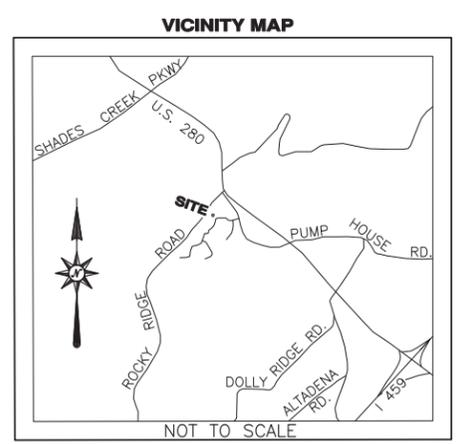
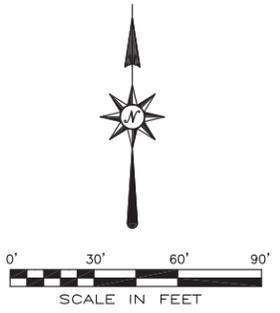
DWG. NO. C1 - R0
 PROJECT 13MES01

THIS DRAWING IS THE PROPERTY OF GONZALEZ - STRENGTH AND ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR ALTERED IN WHOLE OR IN PART FOR ANY PURPOSE WITHOUT THE APPROVAL OF GONZALEZ - STRENGTH AND ASSOCIATES, INC. AND TO BE RETURNED UPON REQUEST.

LEGEND	
●	IRON PIN FOUND
○	IRON PIN SET (5/8" REBAR w/CAP)
—	UTILITY POLE w/GUY
—	OVERHEAD POWER LINE
—	RIGHT OF WAY
▲	WATER VALVE
■	WATER METER
□	GAS METER
+	SIGN
—	FENCE
▭	ASPHALT SURFACE
▭	CONCRETE SURFACE

- NOTES**
- All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
 - No attempt made by Surveyor to locate underground utilities. All utilities shown hereon were drawn based on field evidence only which should be considered approximate and should be marked on the ground by the utility companies prior to construction. The telephone numbers for the Alabama Line Location Center (MISSALL) are 252-4444 (Birmingham area) and (800) 292-8525 (elsewhere).
 - No attempt has been made and no guarantees are hereby given as to the location of sub-surface foundations.
 - According to the Flood Insurance Rate Map (FIRM) for Jefferson County, Alabama (community-panel number 01073C 0559 H, dated September 3, 2010), all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
 - North arrow shown hereon is assumed.

ABBREVIATIONS			
P.O.C.	POINT OF COMMENCEMENT	T18S	TOWNSHIP 18 SOUTH
P.O.S.	POINT OF BEGINNING	R2W	RANGE 2 WEST
(M)	MEASURED	SEC.	SECTION
(C)	CALCULATED	R.R.	RAILROAD
(R)	MAP BOOK 19 PAGE 87	EL.	ELEVATION
(S)	SURVEY BY GEORGE SHELL WITH EEFS ON 5/20/03.	BLDG.	BUILDING



REVISIONS	
NO.	DESCRIPTION
1	ADDED FRONT 250 FEET OF TOPO
2	ADDITIONAL TOPO
3	TOPO AFTER SITE WAS CLEARED
4	TOPO AFTER GRADING

DATE: 10/31/12, 4/01/13, 03/28/14, 10/31/2014

QUARTER - SECTION: NW 1/4 OF THE NW 1/4

TOWNSHIP 18S RANGE 2W SECTION 21

LEGAL DESCRIPTION

Lot 6, in the Survey of Abingdon as recorded in map Book 19 on Page 87 in the Probate Office of Jefferson County, Alabama.

TOPOGRAPHIC SURVEY

2732 ABINGDON ROAD
MOUNTAIN BROOK, ALABAMA

MERRILL STEWART

DWN. BY: [Signature]
C.D. BY: [Signature]
R.O.W.: [Signature]
C.R.E.W. CHIEF: [Signature]

SCALE: 1"=30'
D.W.G. NAME: 2732.DWG
FIELD BOOK/PAGE: 2732B.DWG

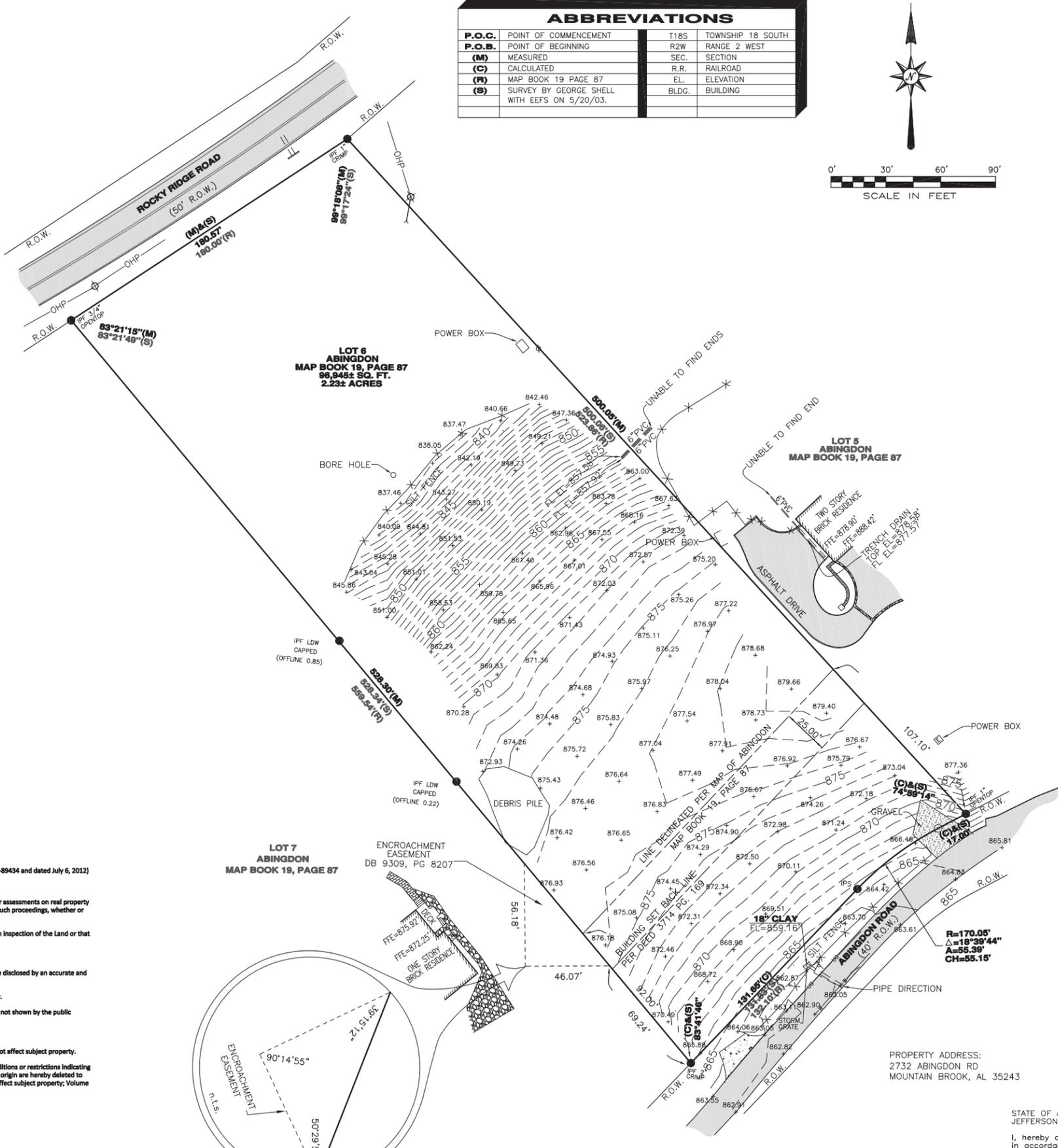
LAST FIELD SURVEY DATE: 10/26/2014
COORDINATE FILE: 2732B.DWG

GONZALEZ & ASSOCIATES, INC.
LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
CIVIL ENGINEERING - LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
2176 PARKWAY LAKE DRIVE
HOOVER, ALABAMA 35244
PHONE: (205) 942-2486
FAX: (205) 942-3033
www.Gonzalez-Strength.com

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DWG. NO. S1 - RO
PROJECT 27369



TITLE COMMITMENT

Surveyor's comments on exceptions listed in Schedule B, Section II for the commitment for Title Insurance (File No. T-89434 and dated July 6, 2012) by The Title Group as agents for First American Title Insurance Company.

- Taxes or assessments that are not shown as existing by the records of any taxing authority that levies taxes or assessments on real property by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. Not addressed by surveyor.
- Any fact, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the land or that may be asserted by persons in possession of the land. Not addressed by surveyor.
- Easements, liens of encumbrances, or claims thereof, not shown by the Public Records. (See Note #1)
- Any encroachment, encumbrance, violation, variation, or adverse circumstances affecting the title that would be disclosed by an accurate and complete survey of the land and not shown by the Public Records.
- Any mining or mineral rights leased, granted or retained by current or prior owners. Not addressed by surveyor.
- Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. Not addressed by surveyor.
- Taxes or assessments for 2012 and subsequent years and not yet due and payable. Not addressed by surveyor.
- Right of Way granted to Alabama Power Company by instrument(s) recorded in Volume 2230, Page 437. Does not affect subject property.
- Restrictions appearing of record in Volume 2079, Page 284 and Volume 3714, Page 169. NOTE: Covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604(c). Volume 2079, Page 284 does not affect subject property; Volume 3714, Page 169 affects subject property and is shown hereon.
- Declaration of Easement in Instrument No. 9309/8207. Affects subject property and is shown hereon.

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.

STATE OF ALABAMA
JEFFERSON COUNTY

I, hereby certify 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.

10/31/2014
Date:

[Signature]
Derek S. Meadows, PLS
Alabama License No. 29996

A-15-15 (Aerial)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

THE LOT WIDTH NARROWING UNDER THE MINIMUM 200' LOT WIDTH - SEC. 129-73. a.2
ALSO, TOPOGRAPHY - SEVERELY SLOPED, LIMITS TURNING THE PROPOSED HOME.

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

DUE TO NARROWING LOT & LIMITED TOPOGRAPHY - THE PROPOSED HOME
IS SITED SUCH TO BE FAIRLY IN LINE WITH NEIGHBORING HOMES -
FOLLOWING THE NATURAL 'CREST' OF THE RIVER.

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, LOT WIDTH AND STEEP TOPOGRAPHY HAVE LIMITED THE HOUSE FOOTPRINT
TO ALLOW A HOME SITE WITH ENTRY DRIVE, LAWN AREAS, & FITTING IN
WITH NEIGHBORING PROPERTIES. AND STREET PRESENCE.

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

TO KEEP WITH EXISTING NEIGHBORING HOMES, SITE CONDITIONS LIMIT
OUR POSSIBLE BUILDING AREA WITHOUT ENCROACHING TOO MUCH OF THE
REQUIRED 40' SIDE SET BACKS.

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for variances in the Zoning Ordinance, as applied to the property located at **2732 Abingdon Road**, has been filed by **Merrill Stewart**.

The requested variances would authorize the construction of a new single family dwelling as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Estate Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variances from the terms of the Zoning Regulations:

A-15-15: Merrill Stewart, owner; requests variances from the terms of the Zoning Regulations to allow a single family dwelling to be 36 feet from the side property line (northeast) and 34 feet from the side property line (southwest), both in lieu of the required 40 feet. – **2732 Abingdon Road**

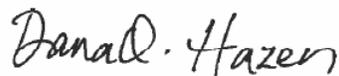
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 (*to view survey select link associated with the case number on the agenda*)

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org



Variance Application - Part I

Project Data

Address of Subject Property 38 NORMAN DRIVE
 Zoning Classification RES. "B"
 Name of Property Owner(s) MR. & MRS. JASON CRUIERS
 Phone Number _____ Email _____
 Name of Surveyor ROLAND JACKINE
 Phone Number 870.3390 Email _____
 Name of Architect (if applicable) CAROL HOLLANDER
 Phone Number 907.3711 Email ch3arch@aol.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)		18,800	SAME
Lot Width (ft)		VARIES	SAME
Front Setback (ft) <i>primary</i>	35.0	30.5	30.5
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12.5	21.2	21.2
Left Side Setback	12.5	12.2	12.2
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
* Rear Setback (ft)	35.0	27.2	27.2 EXIST MAIN 27.2 NEW WPTER
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

* VARIANCE REQUESTED



October 22, 2015

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

RE: 38 Norman Drive

Dear Board Members,

On behalf of Mr. and Mrs. Jason Grubbs I submit a request for variance for the property at 38 Norman Drive. The Owner requests relief from the rear setback due to the position of the existing garage structure in relation to the angled property line.

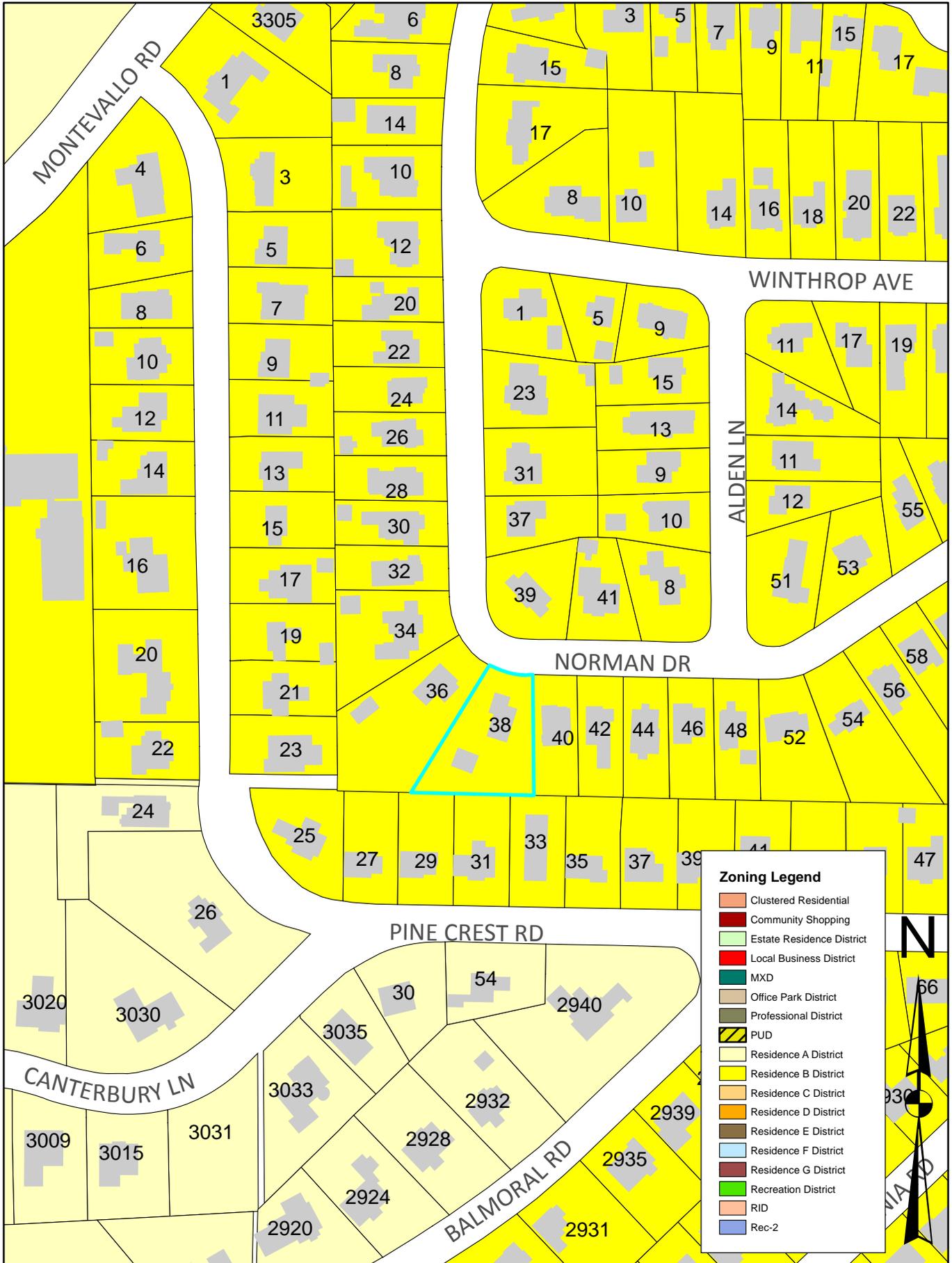
It is proposed that the existing detached garage will become part of the main house structure by connecting with the main level and with the addition of a playroom above. The new upper level rear wall will be three feet behind the existing rear main level wall. Please note that the non-conforming portion is only a small corner of the structure as illustrated on the attached site plan.

Thank you for your consideration,

Very Truly Yours,

Carey F. Hollingsworth, III, AIA

A-15-16 (Zoning)



Report to the Board of Zoning Adjustment

A-15-16

Petition Summary

Request to allow an addition to a single family dwelling to be 27.2 feet from the rear property line (south) in lieu of the required 35 feet.

Analysis

The hardships in this case are the irregular shape of the lot and an angled rear property line (not parallel to the front property line), resulting in the rear of the house not being parallel to the rear property line.

The proposal involves connecting an existing detached accessory building to the main structure, and adding a second story to what is currently the detached accessory building. The existing detached structure is 27.2 feet from the rear property line, and the new second floor is to be 30.2 feet from the same. It should be noted that only the corner of this structure is proposed to encroach into the rear setback, due to the angle of the rear property line.

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

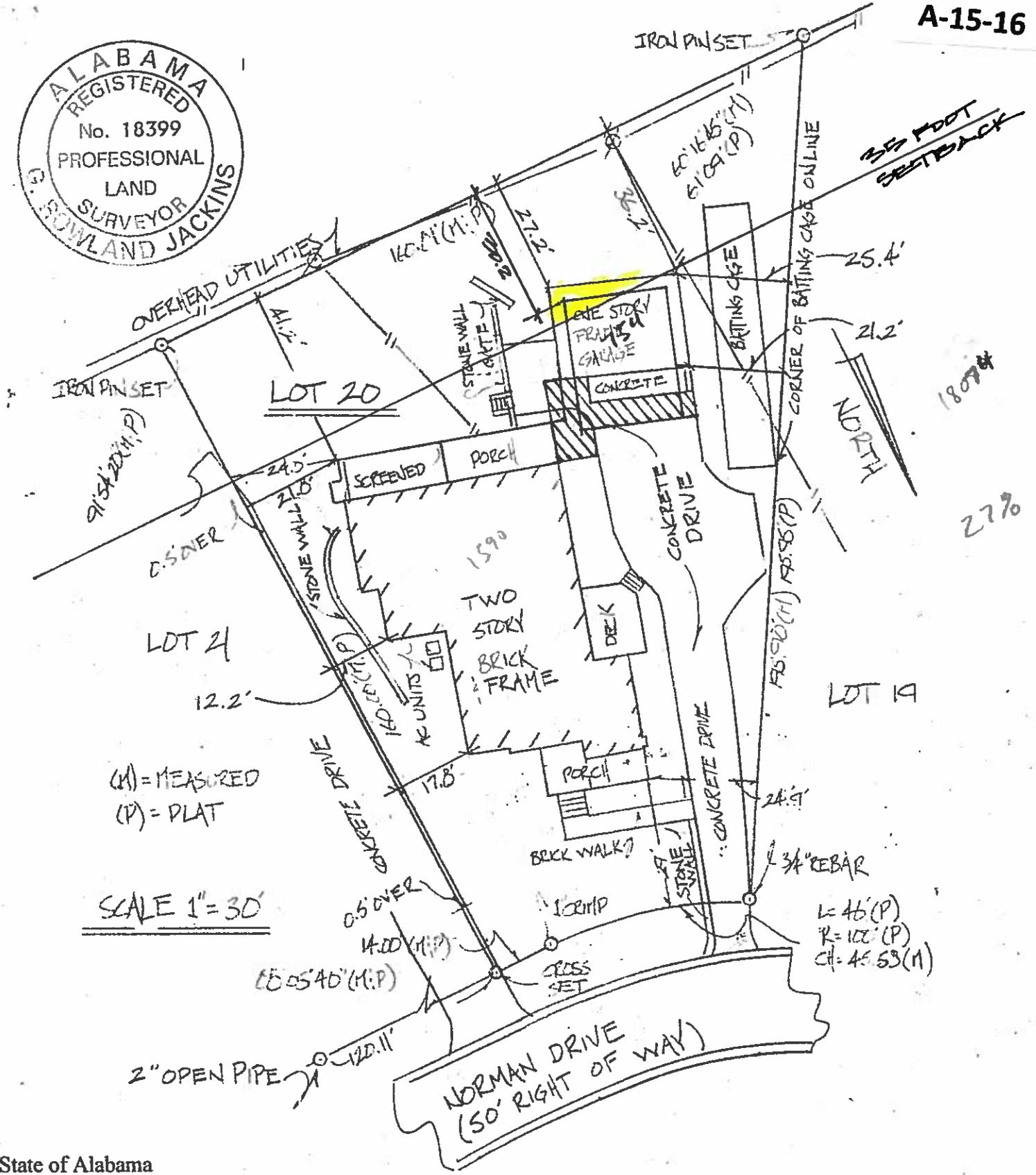
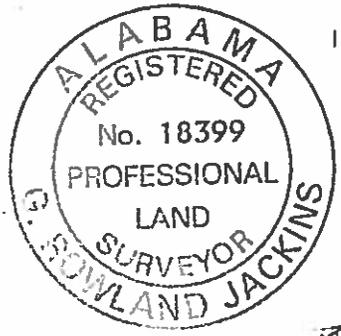
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

Appends

LOCATION: 38 Norman Drive

ZONING DISTRICT: Res-B

OWNERS: Mr. and Mrs. Jason Grubbs



State of Alabama
Jefferson County

I, Rowland Jackins, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information, and belief for the following described property:

Lot 20 according to the Map of Colonial Hills as recorded in Map Book 18, Page 122, as it appears in the records of the Judge of Probate of Jefferson County, Alabama, Birmingham Division, as follows:

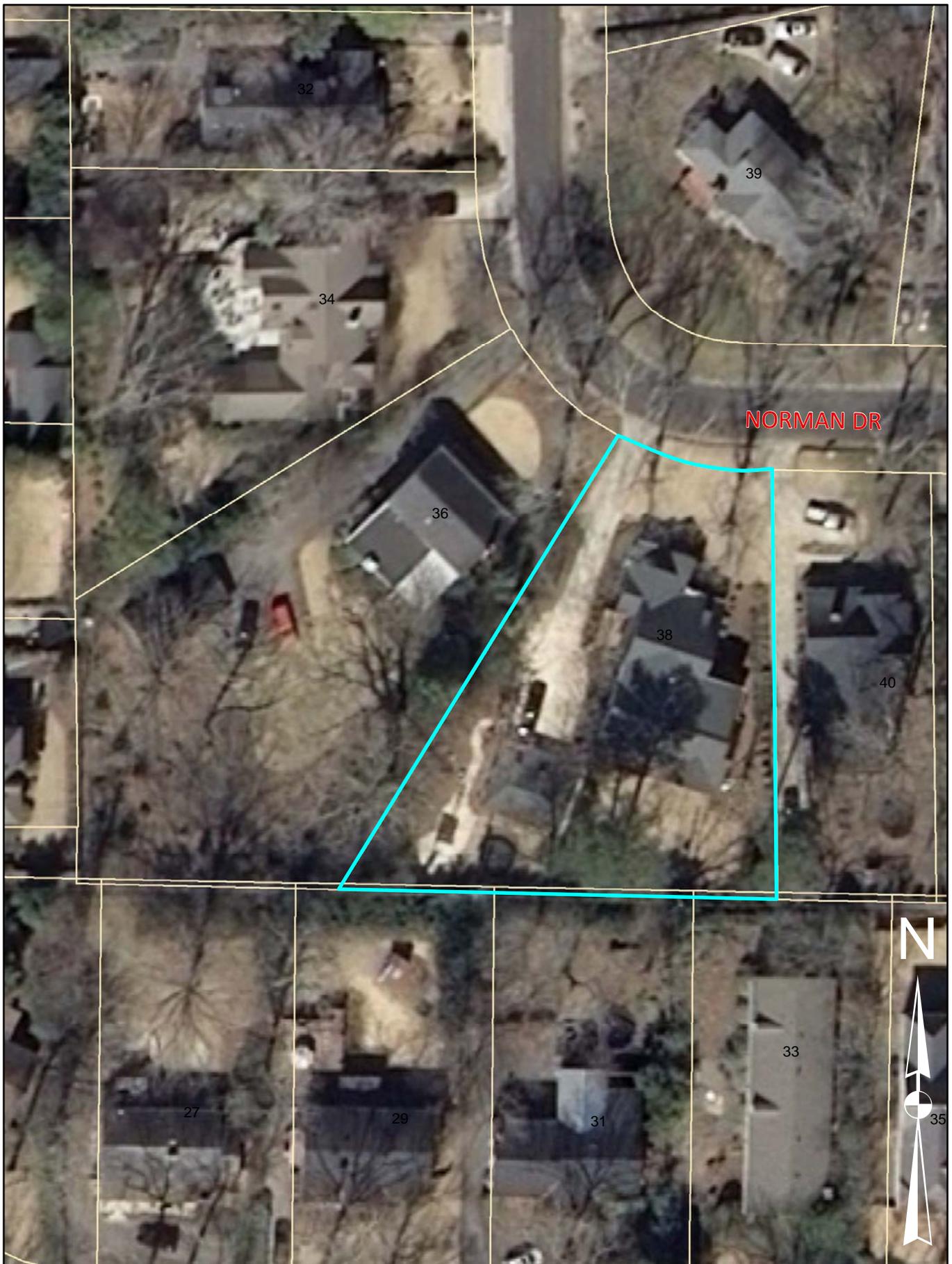
I further state that there are no rights of ways, easements or joint driveways over or across said land visible on the surface except as shown, that there are no electric or telephone wires (excluding those which serve the premises only) or structures of supports thereof, including poles, anchor or guy wires on or over said property except as shown; that there are no encroachments except as shown, that the improvements are located as shown above.

According to my field survey of September 1, 2015.

Rowland Jackins, PLS, Alabama Reg. No. 18399
Jackins, Butler & Adams, Inc, 3430 Independence Drive, Suite 30
Birmingham, Alabama 35209 (205) 870-3390

REVISION 9-14-15: ADDED DIMENSIONS TO PROPERTY LINES FROM BUILDINGS

A-15-16 (Aerial)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

- PIE SHAPED, IRREGULAR LOT
- ANGLED REAR PROPERTY LINE
- POSITION OF EXISTING STRUCTURE

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

- ADDITIONAL OUTSIDE EXIST. 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?

- HARDSHIP UNIQUE TO THIS CONDITION
- VARIANCE SMALL IN NATURE

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for a variance in the Zoning Ordinance, as applied to the property located at **38 Norman Drive**, has been filed by **Mr. and Mrs. Jason Grubbs**.

The requested variance would authorize the construction of an addition connecting an existing single family dwelling and a detached garage, and adding a second story to the garage as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Res-B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

A-15-16: Mr. and Mrs. Jason Grubbs, owners, request a variance from the terms of the Zoning Regulations to allow an addition to a single family dwelling to be 27.2 feet from the rear property line (south) in lieu of the required 35 feet.
- 38 Norman Drive

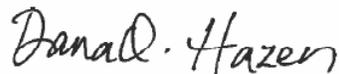
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 *(to view survey select link associated with the case number on the agenda)*

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org



Variance Application - Part I

Project Data

Address of Subject Property 403 Cherry Street

Zoning Classification R-B

Name of Property Owner(s) Mike and Laura Baker

Phone Number 205-873-4019 Email msbakes@gmail.com

Name of Surveyor _____

Phone Number _____ Email _____

Name of Architect (if applicable) Pete Pritchard

Phone Number 205-803-3011 Email pete@petepritchard.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)	75'	60'	60'
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8'	5.7'	5.7'
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			

Mike Baker

403 Cherry Street, Birmingham, AL 35213 | 205-873-4019 | msbakes@gmail.com

October 23, 2015

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

Dear Members of the Board:

I would like to request a variance for the addition of approximately 90' square feet of living space to our house at 403 Cherry Street.

The house was built in 1947 prior to incorporation of the City of Mountain Brook and the establishment of the current city zoning setbacks. We are in Zone R-B and for pre-1950 houses the right side yard setback is 8'. **The back half of our house sits within that setback.**

The proposed addition will align with the face of the existing non-compliant portion of the house but not project additionally into the setback. No other setbacks are affected.

Enclosed please find a Request for Variance application along with a check for the hearing fee. Please advise if there is additional information we need to provide.

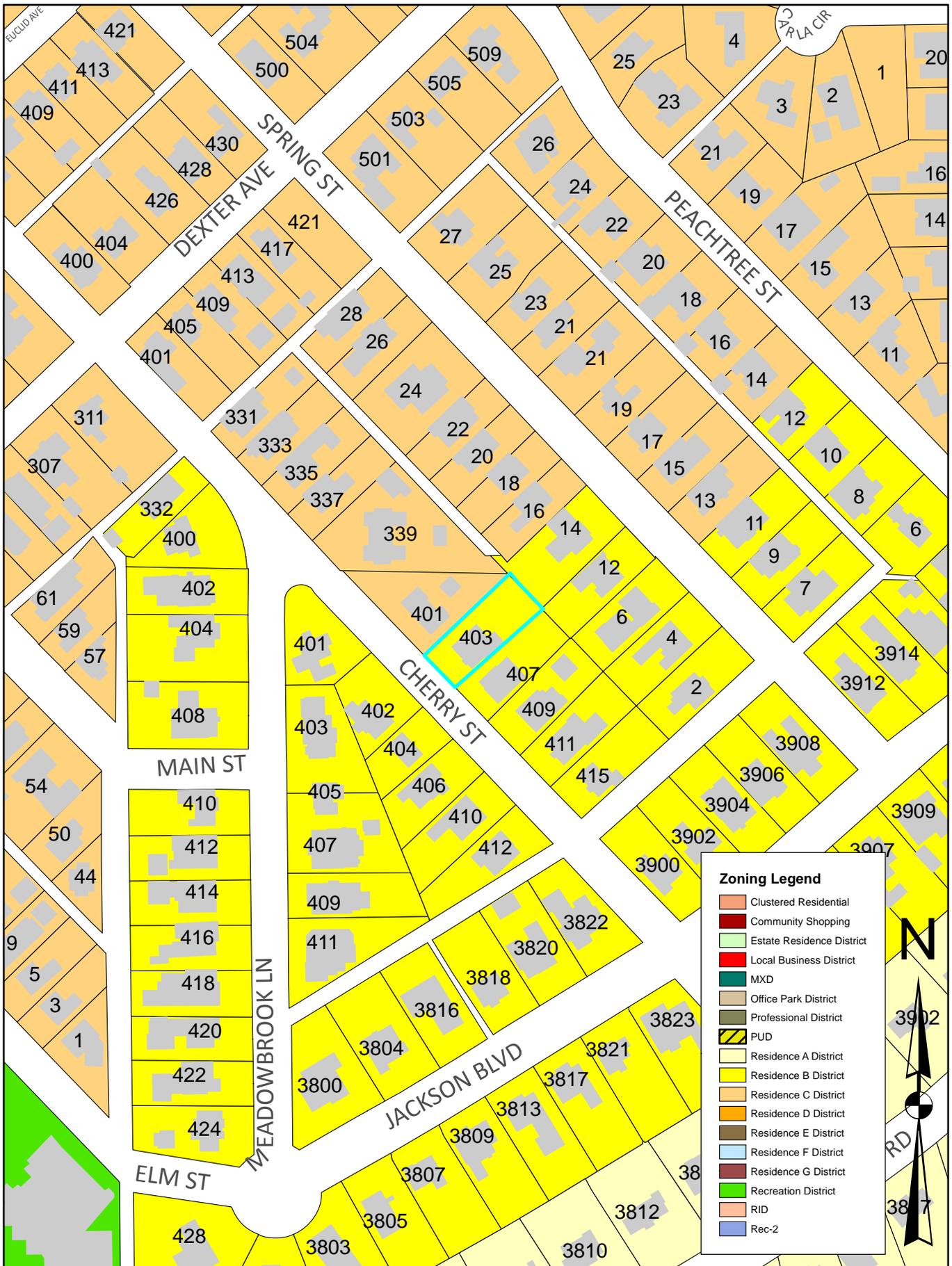
Thank you for your attention to this matter.

Sincerely,



Mike Baker

A-15-17 (Zoning)



Report to the Board of Zoning Adjustment

A-15-17

Petition Summary

Request to allow an addition to a single family dwelling to match the existing side setback of 5.7 feet from the side property line (southeast) in lieu of the required 9 feet.

Analysis

The hardship in this case is the narrowness of the lot (60 feet). The proposal is to match the exiting side setback with an addition to the kitchen/dining room. As may be seen in the attached photos, there is a 12-foot high brick wall along the side property line. Given this, it is not anticipated that an approval of this request would affect the flow of light and air to the adjoining property.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article IV, Residence B District; Section 129-53, Special Provisions for Nonconforming Residence B Lots

Appends

LOCATION: 403 Cherry Street

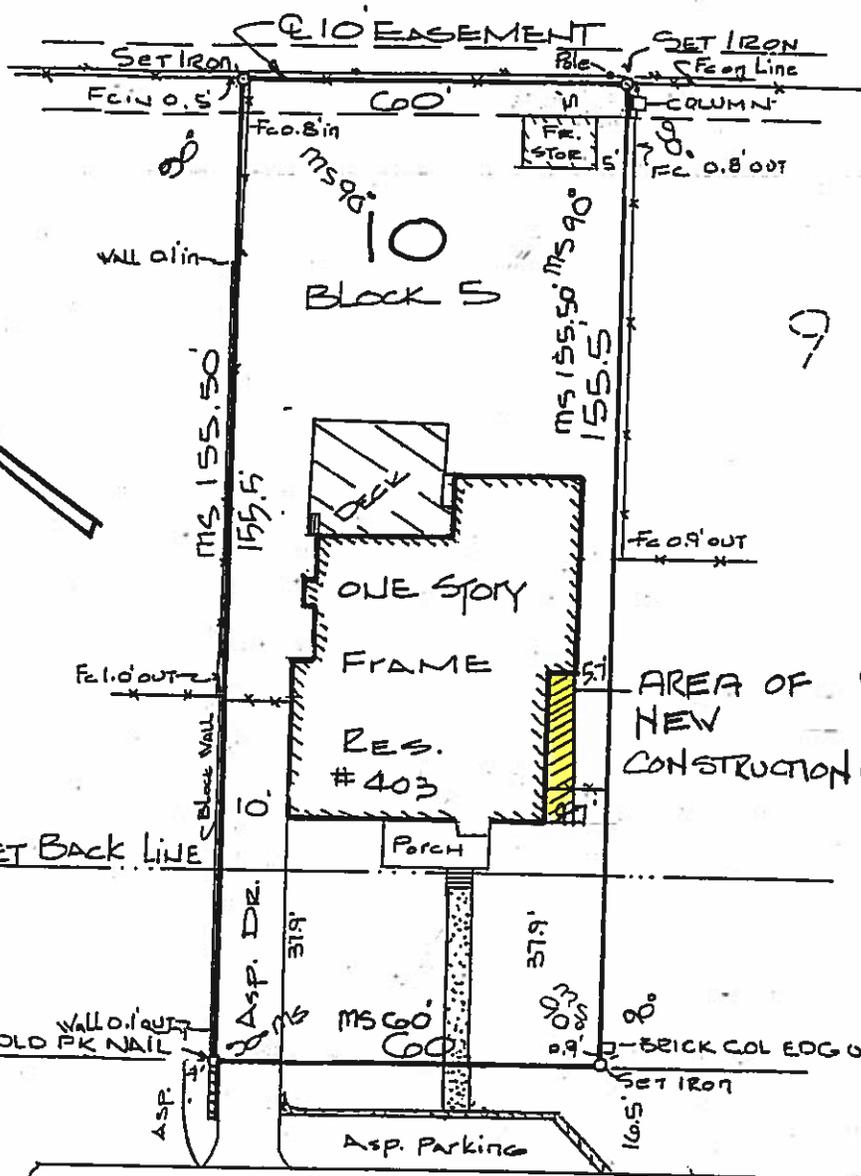
ZONING DISTRICT: Res-B

OWNERS: Mike and Laura Baker

LEGEND

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

Scale: 1" = 30'



54'

CHERRY STREET

STATE OF ALABAMA
JEFFERSON COUNTY)

"Closing Survey"

* VALLEY GARDENS *

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10 BLOCK 5, SHADES * as recorded in Map Volume 24, Page 68, 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 14, 2015. Survey invalid if not sealed in red.

Order No: 48455
Purchaser:
Address: 403 CHERRY ST.

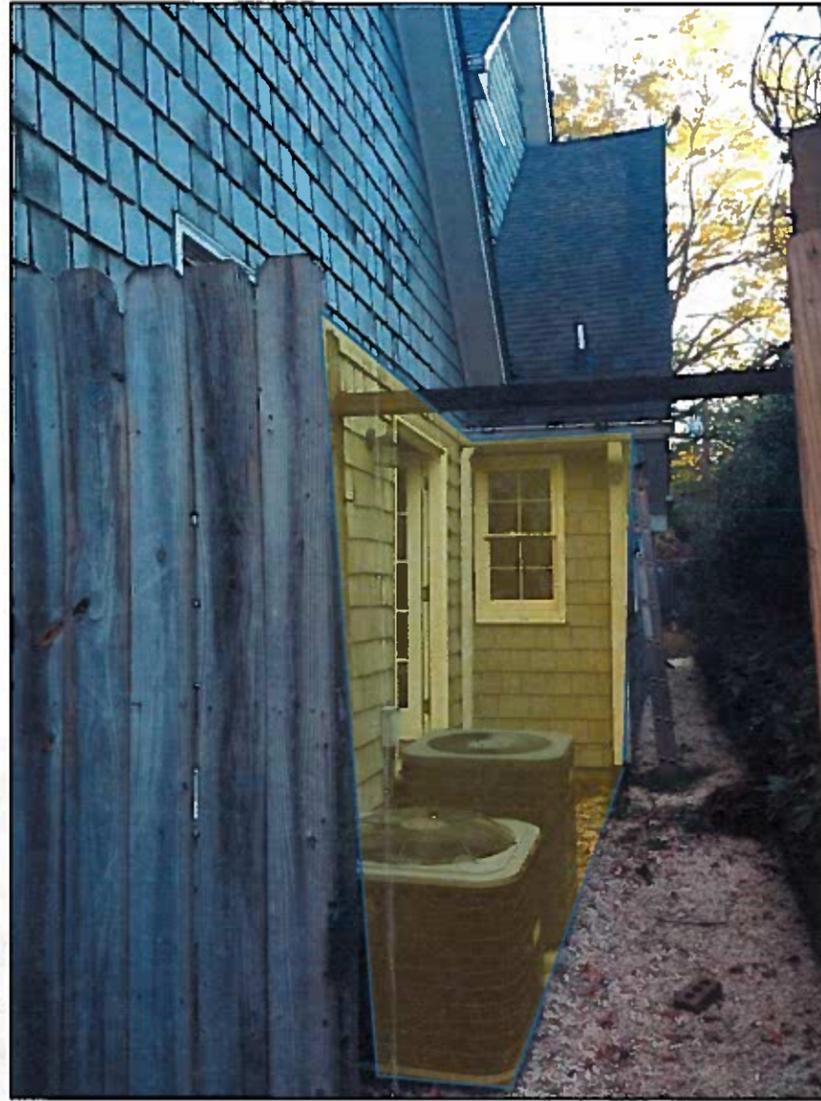
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087

Copyright ©

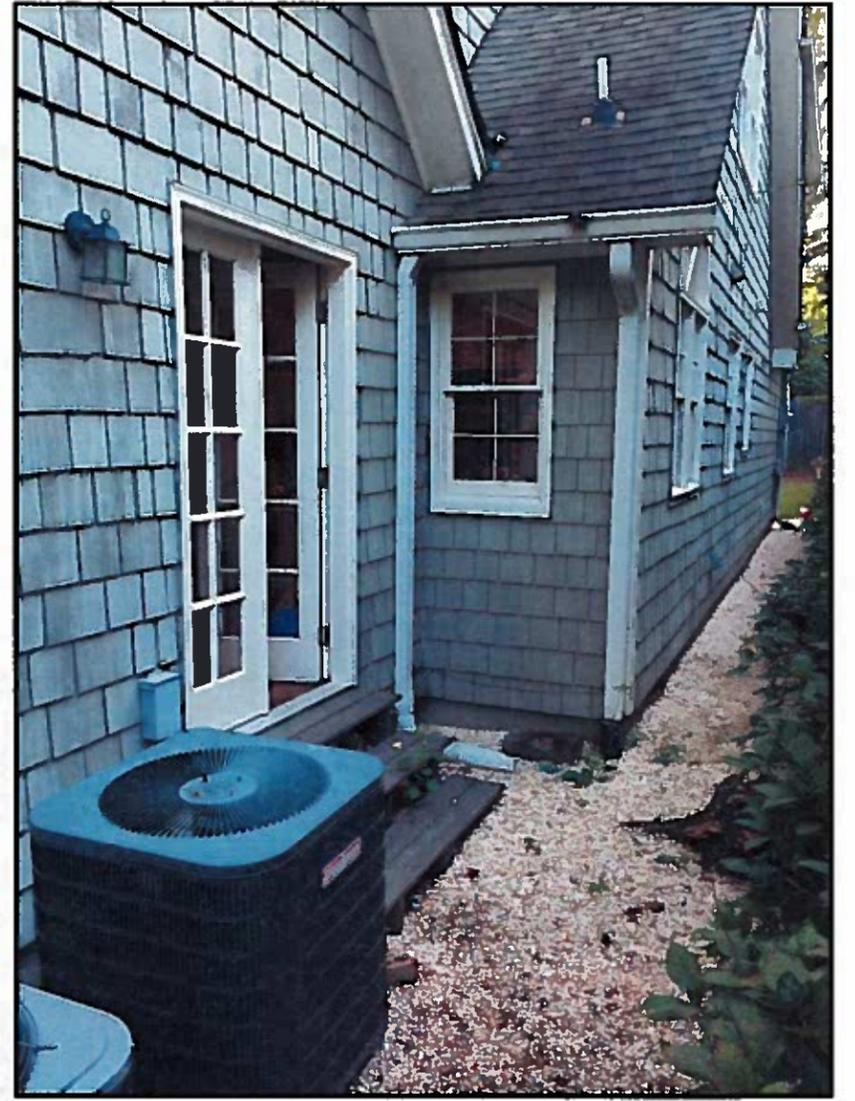
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records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



~12' brick wall



A-15-17



A-15-17 (Aerial)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

Our 60' lot is smaller than the minimum 75' required per our zoning.

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

Our house is an existing non-compliant structure.

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...")

It is not.

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

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for a variance in the Zoning Ordinance, as applied to the property located at **403 Cherry Street**, has been filed by **Mike and Laura Baker**.

The requested variance would authorize the construction of an addition to an existing single family dwelling as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Res-B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

A-15-17: Mike and Laura Baker, owners, request a variance from the terms of the Zoning Regulations to allow an addition to a single family dwelling to match the existing side setback of 5.7 feet from the side property line (southeast) in lieu of the required 9 feet. - **403 Cherry Street**

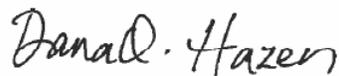
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 (*to view survey select link associated with the case number on the agenda*)

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org



Variance Application - Part I

Project Data

Address of Subject Property 30 Dexter Avenue, 35213

Zoning Classification VST District

Name of Property Owner(s) Crestline Commercial Partners, LLC

Phone Number 368-2249 (John Bryant) Email c/o Len Shannon ls@shanwalt.com

Name of Surveyor Laurence D. Weyand

Phone Number 205-942-0086 Email info@weygandsurveyors.com

Name of Architect (if applicable) Scott P. Phillips, Boomhover Phillips Architecture

Phone Number 205-335-8187 Email sphillips@boomphillips.com

Property owner or representative agent must be present at hearing

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

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

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for an appeal from the decision of the zoning officer as to the uses permitted in the Vine Street Transitional District, has been filed by Crestline Commercial Partners, LLC. In the decision being appealed, the zoning officer found that a proposed urgent care medical care facility did not constitute a “professional office” use under the City’s zoning ordinance and was therefore not permitted in the Vine Street Transitional District.

The appeal requests a finding by the Board of Zoning Adjustment that an urgent care medical facility is, by definition, a “professional office,” and that, therefore, the establishment of an urgent care medical facility is permitted as a matter of right on any property zoned Vine Street Transitional District, subject to the development regulations set forth in Section XXXII of the Municipal Code of Mountain Brook. At the meeting the following appeal will thus be heard:

A-15-18: Crestline Commercial Partners, LLC, requests an appeal from the decision of the zoning officer as to the permitted uses in the Vine Street Transitional District with respect to urgent care and professional office uses.
- 30 Dexter Avenue

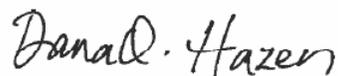
The public hearing with respect to case A-15-18 will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear and be heard, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

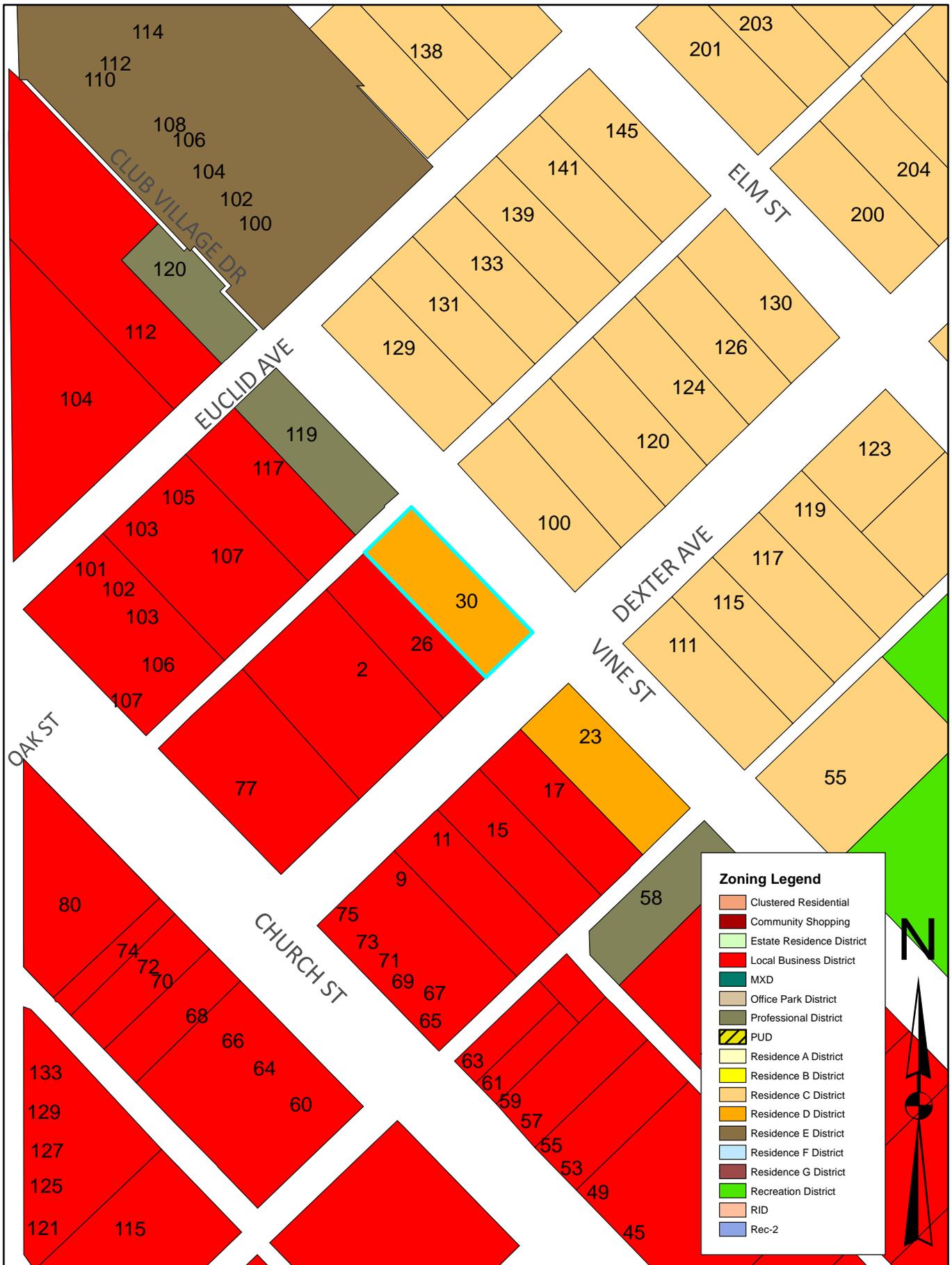
- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 (*to view survey select link associated with the case number on the agenda*)

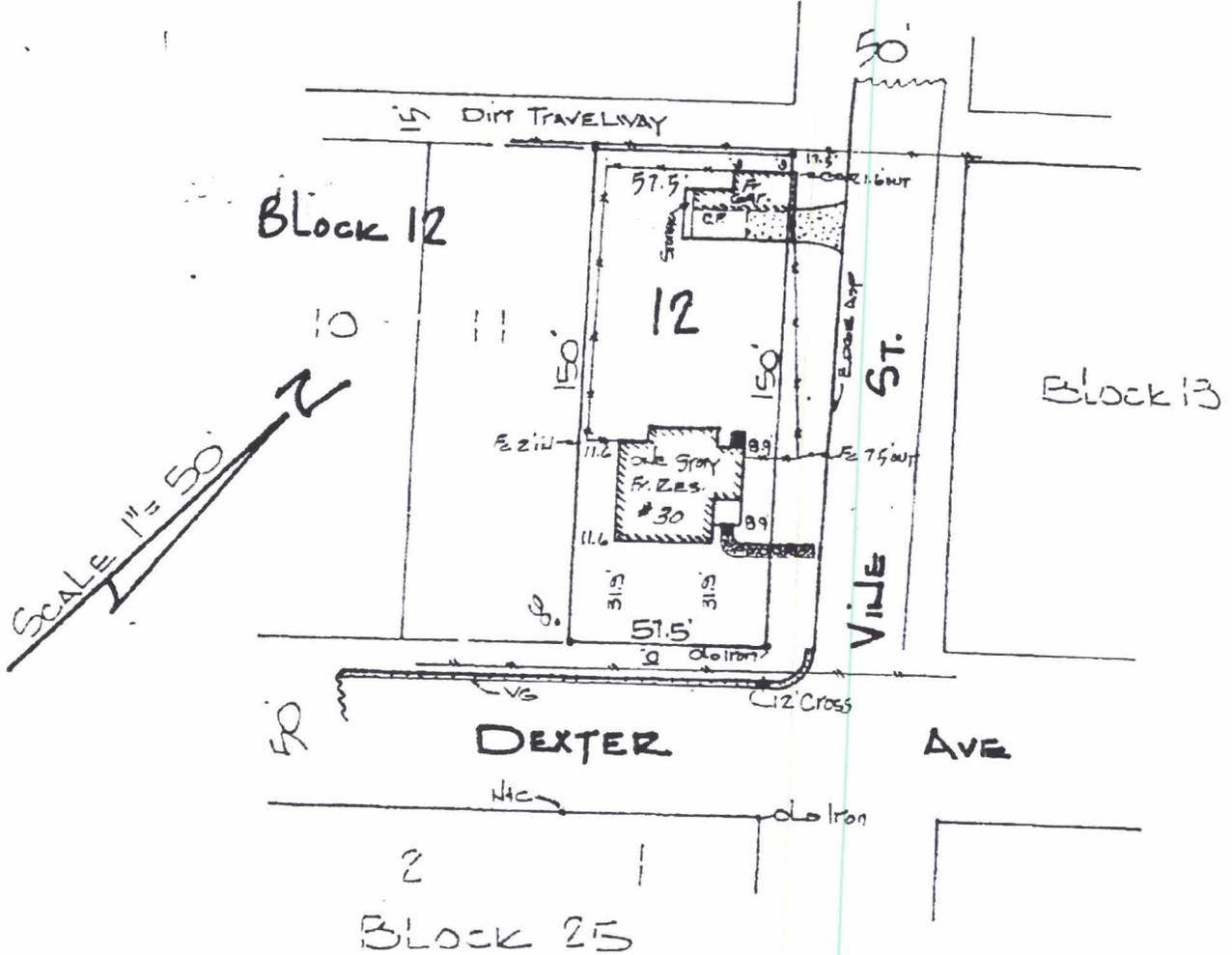
Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org

A-15-18 (Zoning)





STATE OF ALABAMA
JEFFERSON COUNTY

I, Laurence D. Weygand, a registered Engineer, Land Surveyor, certify that I have surveyed Lot 12, Block 12, CRESTLINE HEIGHTS as recorded in Map Volume 7, Page 10, 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 premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area", that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 30 DEXTER AVE. according to my survey of: MARCH 31, 1988 942-0050

Clearge

Survey invalid if not sealed in red.

Laurence D. Weygand

Laurence D. Weygand, Reg. No. 10 373 phone: 871-7620
1700 So. 29th Court Suite 120 Birmingham, AL 35209

Order No. 56331

CAMPBELL | GUIN
WILLIAMS, GUY & GIDIERE, LLC

Andrew P. Campbell
Andy.campbell@campbellguin.com
205.224.0751
505 20th Street North
16th Floor
FINANCIAL CENTER
Birmingham, AL 35203

September 30, 2015

Via Email & U.S. Mail

Mr. Whit Colvin
Bishop, Colvin, Johnson & Kent, LLC
1910 1st Avenue North
Birmingham, AL 35203
wcolvin@bishopcolvin.com

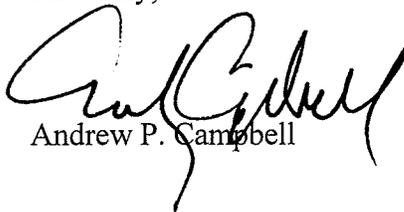
RE: Village Care and Wellness

Dear Whit:

This letter is written to request formally that Dana Hazen, the City Planner Officer, give my client her position on whether the planned location of the above-described Physician's office at 300 Dexter Avenue is a permissible use under the applicable zoning regulation. As we have discussed on several occasions, we believe the planned use as a Physician's office fully complies with the appropriate uses for the VST District.

However, prior to closing on this property we need a firm decision from the City Planner officer as to whether she will accept this as a permissible use pursuant to Section 129-411 of the Ordinance. If she takes the position that it is not a permissible use, we will appeal under Section 129-453 to the BZA. As you are Counsel for the city I am directing this letter to you because of your active involvement. I would appreciate your client's review and prompt response so that my clients may proceed accordingly.

Sincerely,



Andrew P. Campbell

APC/jmo

cc: Dr. R. Lee England, IV



Dana O. Hazen, AICP
Director of Planning, Building
& Sustainability
56 Church St
Mountain Brook, Alabama 35213-0009
Telephone: 205/802-3805
hazend@mtnbrook.org

October 12, 2015

Andrew Campbell
Campbell, Guin, Williams, Guy & Gidiere LLC
505 20th St N, Suite 1600
Birmingham, AL 35203

RE: 30 Dexter Avenue

Dear Mr. Campbell,

Thank you for your letter of September 30, 2015 requesting a formal interpretation of whether or not a walk-in medical clinic is a permissible use under the zoning regulations for the Vine Street Transitional District. As you know, the Vine Street Transitional District includes as a permissible use "Professional Office."

Your client is an entity that owns and operates walk-in medical clinics and the representative for that entity, at least for purposes of the present request, is Dr. Lee England, a local resident. Dr. England has described the nature of the proposed business in detail. The proposal is to establish a walk-in urgent care medical clinic at the proposed site. Although Dr. England is a physician, the clinic is not proposed to be his office or a permanent office for any particular physician. It will instead be staffed by independent contractors (or employees) who may or may not be regularly assigned there and it is not any particular "doctor's office." The walk in clinic is proposed to be open to the general public seven days per week with extended hours from 8:00 a.m. to 8:00 p.m. For the business model to work, the necessary minimum patient load per day was described to be at least 30-50 patients per day. Volume was explained to be a major driver of profitability. Service will be provided on a "first come-first served" basis without appointments. The clinic will provide emergency care in addition to general medical practice. Unlike a traditional medical practice where "customers" are limited by appointment and physician availability, in this context, the limitations are instead based on available space to provide service or to queue customers, parking and demand. While the zoning of the subject property allows "Professional Office" as a use, it is my interpretation that the proposed walk-in clinic does not constitute a "Professional Office" use as it is contemplated in this district, given the nature of the use described above.

The Vine Street Transitional District is one that was created by the City, in cooperation with the property owners of the single family dwellings in the immediate vicinity of the subject property, to allow "soft" uses that would serve as a transition from the Local Business District of Crestline Village to the single family district on the northeast side of Vine Street. Professional or business offices anticipated for this zoning district were those that provide employment and space for the administrative affairs of business, but that would not generally involve frequent or intensive interactions by clients or general consumers on a daily basis. Uses with high patronage (such as restaurants, banks, and salons) were purposely and mindfully excluded from this district so as to protect the residential character of the neighborhood on the northeast side of Vine Street.

It is my conclusion that the proposed use, due to the operational characteristics described to me by Dr. England, may not be considered a professional office. It is a contemporary variation of a traditional physician's office (which has historically been a 9:00-5:00 Monday-Friday type of use) and is not a use currently anticipated or allowed by the City of Mountain Brook's code in any district. It is a use that may warrant further study by the city for inclusion in the list of permitted uses in the Local Business District, but certainly was not anticipated by the City Council, Planning Commission or neighborhood representatives who contrived the Vine Street Transitional District as one that would permit soft uses that would provide a good "buffer" for the protection of the single family neighborhood along Vine Street.

Sincerely,

Dana O. Hazen

1941

Petition Summary

Request to rezone property at 30 Dexter Avenue from Residence-D District to Vine Street Transitional (VST) District.

Background

The VST District ordinance was adopted by the City Council in November 2013 as a potential zoning district choice for eligible properties along the west side of Vine Street. It is intended to provide the opportunity for compact, appropriate-scaled buildings consisting of either detached or attached (townhouse) single family dwellings, professional and business offices, or mix of commercial and residential uses, with offices on the ground level and residential above.

The district is intended to establish an effective transition from the Local Business District in Crestline Village to the residential neighborhoods on the perimeter of the Village. It is also intended to provide an opportunity for eligible properties to be developed with a building form and façade design that is transitionally compatible with the neighboring commercial and residential zoning districts.

On December 1, 2014, the Planning Commission voted to recommend approval of this rezoning request.

Analysis

The proposed use is office, with a one or two suite option. The plans are in substantial conformance with the VST District development regulations, and the building scale and materials have been developed with “transitional” characteristics. Proposed setbacks are still under staff review and may undergo some revision. New on-street parking and sidewalks along Vine Street and Dexter Avenue are proposed in conjunction with this development. Seventeen parking spaces are proposed on the street (and will be credited to this project’s minimum 21 space parking requirement) and four spaces will be provided on-site, taking access from the alley.

VDR

The applicant has initiated the Village Design Review process and as received initial feedback from the VDR, all of which was positive. Final review and approval by VDR is anticipated subsequent to zoning approval.

Binding Effect

The VST ordinance (similar to a PUD) requires that the master plan submitted for zoning approval shall be an integral and essential element of any zoning approval and shall be binding on the property and any subsequent development thereof. Therefore, the submitted plan will become part of any rezoning approval.

Subject Property and Surrounding Land Uses

The subject property contains a single family dwelling, with the same across Vine Street (zoned Res-C) and Dexter Avenue (zoned Res-D), and commercial uses to the west and north (zoned LB).

Affected Regulation

Article XXXI, Village Overlay Standards; Sections 129-554 through 129-557

Appends

LOCATION: 30 Dexter Avenue

EXISTING ZONING DISTRICT: Res-D

PROPOSED ZONING DISTRICT: Vine Street Transitional (VST)

OWNER: Crestline Commercial Partners, LLC



August 28, 2015

Dr. R. Lee England, IV
Phone: (205) 249-5593

Re: Zoning & Permitted Use for the Vine Street Transitional District
Proposed Village Urgent Care Center
30 Dexter Avenue, Mountain Brook, AL 35213
BPA Project #15022

Dr. England,

As you have requested, I have again researched the City of Mountain Brook Zoning Code with regards to the above listed property, and my opinion remains that the existing regulations, as written and approved for the Vine Street Transitional (VST) District, allow Professional and Business Offices specifically, and this project should be classified as such.

I do not see anything in the Zoning Code for the VST District that would indicate otherwise or restrict Professional Medical Office use. This exact parcel was specifically approved for use as "Office" in Zoning Ordinance #1931, adopted February 23, 2015 (recommended for approval by the Planning Commission on December 1, 2014).

However, as you know, City Planner Dana Hazen has indicated she would reject the project outright, and considers your project something other than Professional Office use. This appears to be in conflict with the ordinance and to her email to Len Shannon (of Shannon Waltchack) on July 9, 2015 verifying that a professional medical office use is allowed. On August 3rd, George Elliott (Shannon Waltchack) also emailed Dana Hazen to confirm the use, and at this point mentioned that the type of medical office would be urgent care. Dana Hazen did not respond to George's email. In my telephone conversation with Dana Hazen on August 19th, she stated that she had not replied to George because she was concerned about a "mini-hospital" and wanted to consult with the City Attorney regarding how she could deny this use. Also as you know, in our meeting with Dana Hazen on August 20, 2015, she confirmed that the Zoning Code does allow Medical Office use, but stated "this is not what we had in mind for this property", and again referred to the project as a "mini-hospital". She also indicated she will likely press for a revision to the VST District Ordinance to block such a use.

Dana Hazen's references to the project as a "mini-hospital" is not accurate based on the Building Code's definitions of a Hospital vs. Business. The City of Mountain Brook has adopted and is regulated by the International Building Code (IBC). Your proposed project is specifically classified under IBC Section 304.1 as Business Occupancy, which lists: "*Professional services (architect, attorneys, dentists, physicians, engineers, etc.)*" for this classification, including outpatient clinics. A Hospital is defined by the International Building Code Section 308.4 as Institutional Occupancy which specifically states is a facility "*used for*



medical care on a 24-hour basis for more than five persons who are incapable of self-preservation". Urgent Care is a Doctor's Professional Office, and not a mini-hospital in any regards. You also clarified that Urgent Care is confirmed as a Physician's Professional Office under Federal guidelines, but this was disregarded as her response was to encourage us to seek direct approval from the Planning Commission as she intended to reject the project outright, stating that she had never anticipated this type of project for this site.

Your project meets the stated intent of the VST (emphasis added):

Sec. 129-571. - Intent and purpose.

The Vine Street Transitional (VST) District is intended to provide compact, appropriate-scaled buildings along the west side of Vine Street in Crestline Village for detached single-family, attached single-family (townhouse dwelling), professional and business offices and mixed use (residential above office). The district may be applied to sites which can establish an effective transition from the Local Business District in Crestline Village to adjacent residential neighborhoods and the Crestline Elementary School site. The district is intended to provide a high degree of pedestrian connectivity within Crestline Village to increase accessibility and patronage of businesses, and to enhance the pedestrian character of Crestline Village.

Regarding the building design, Dana Hazen indicated that any slight variation from the Conceptual Design package (the Master Development Plan) would force us to return before the Planning Commission as if it were a brand-new application and would be an opportunity to deny this project. The written text of the VST District Ordinance does not support this as the intent. While the Master Development Plan is binding, there is an allowance for minor modifications needed that are likely to occur as a project moves from the Conceptual state to Final implementation (emphasis added):

Sec. 129-577. - Intent and purpose.

(d) Binding effect of approved master development plan. The master development plan that is required to be submitted with an application for zoning or rezoning shall be deemed an integral and essential element of any zoning or rezoning approved hereunder; and the plan, if and as modified and approved by the city council, shall be binding on the property and any subsequent development thereof unless and until the property is subsequently rezoned or modified in the manner prescribed by law; provided, however, that in order to accommodate such minor adjustments to the approved master development plan as may be required by engineering or other circumstances unforeseen at the time of its approval by the city council, the city's zoning officer is authorized to approve alterations to the master development plan which, in his [her] opinion, are incidental or minor in scope, and which maintain the intent and character of the approved master development plan.



While the approval of any modification rests with the zoning officer, the written text does not indicate that the purpose is to block a project for minor changes. If Dana Hazen's opinion of the project's classification can be addressed, minor changes to the design should be allowed as long as the intent and character of the approved Master Development Plan is maintained.

Please feel free to contact me with questions or with anything I can do to assist in trying to move the project forward. You have my direct number at 205-335-8187 or by email at sphillips@boomphillips.com.

Respectfully,

A handwritten signature in black ink that reads 'Scott Phillips'.

Scott P. Phillips, Architect
Boomhover Phillips Architecture, LLC

cc: George Elliott, Shannon Waltchack

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Rezoning Application

Sec. 129-433. - Basic requirements for application for rezoning.

An application for any change in the zoning classification of a parcel must include the following items and information:

(1) Present zoning classification of the parcel; **R-D**

(2) Zoning classification to which the applicant wishes to have the property changed; **VST District**

(3) The address, real estate tax parcel identification number and legal description of the parcel, and the size of the parcel in square feet and acreage;

30 Dexter Avenue, 35213

- **Parcel ID: 28-04-2-012-007**
- **Legal Lot 12, Blk 12 Crestline Heights**
- **Size: 8,625 SF**

(4) Name and address of the owner of the parcel;

Crestline Commercial Partners, LLC
Attn: John Bryant
120 18th Street South, Suite 101
Birmingham, AL 35233

(5) Name and address of the applicant, if he is someone other than the owner;

Crestline Commercial Partners, LLC
Attn: John Bryant
120 18th Street South, Suite 101
Birmingham, AL 35233

(6) If the application is made by anyone other than all of the owners of the parcel, written authorization from the other owners with respect to the filing of the application;

Crestline Commercial Partners, LLC
Attn: John Bryant
120 18th Street South, Suite 101
Birmingham, AL 35233

(7) Name and address of any party who holds a mortgage on the parcel, or any part thereof;

Servis First Bank
850 Shades Creek Parkway, Suite 200
Birmingham, Alabama 35209

(8) Statement of how the parcel is to be used if the rezoning application is granted;
Parcel will be used to construct an office building for commercial use

Master Devel. Plan (VST) 1941
 requirements:

A. Written documentation, including:

(a) A legal description and confirmation of current zoning of the subject property.

Legal Description: Lot 12, Blk 12, Crestline Heights as recorded in MV 7, page 16, as recorded in the office of the probate judge, Jefferson County; current zoning is Residence-D.

(b) The names and addresses of the applicant and owner of the property.

i. Owner of Subject Property:

Crestline Commercial Partners, LLC
 120 18th Street South, suite 101
 Birmingham, Al 35233

**ii. Members: John Bryant, Kevin Gann, Seed Corn, LLC
 Managing Member: Len Shannon**

(a) A statement of development objectives to be achieved through the particular approach proposed by the applicant, including a detailed description of the character of the proposed development and its relationship to surrounding areas.

Applicant intends to build an office building (option for one-two suites). The exterior design of which is to be compatible and harmonious with the adjoining residential neighborhood. Roof lines are residential in nature and building materials are the same as used in neighboring houses. The height, scale and massing of the proposed building will be compatible with the adjoining residential neighborhood, and will serve as a transition of building form between that of the heavy commercial to the west and single family neighborhood to the east



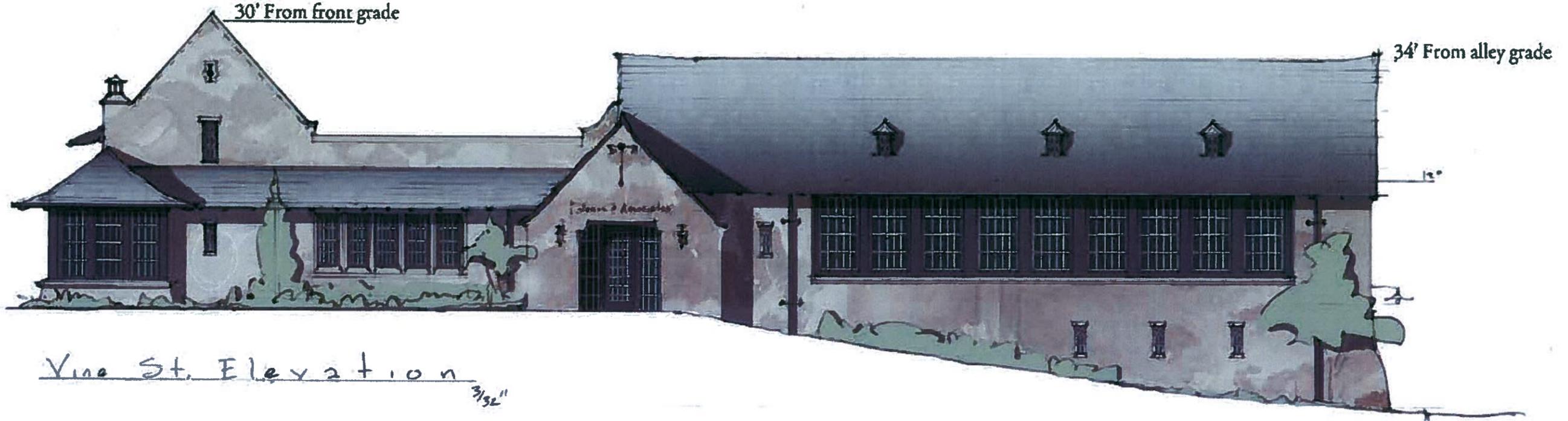
30' From grade



Dexter Ave

- Painted brick exterior
- Clad wood windows with aluminum SDL
- Roofs Facing Streets - Architectural Shingle

30' From front grade

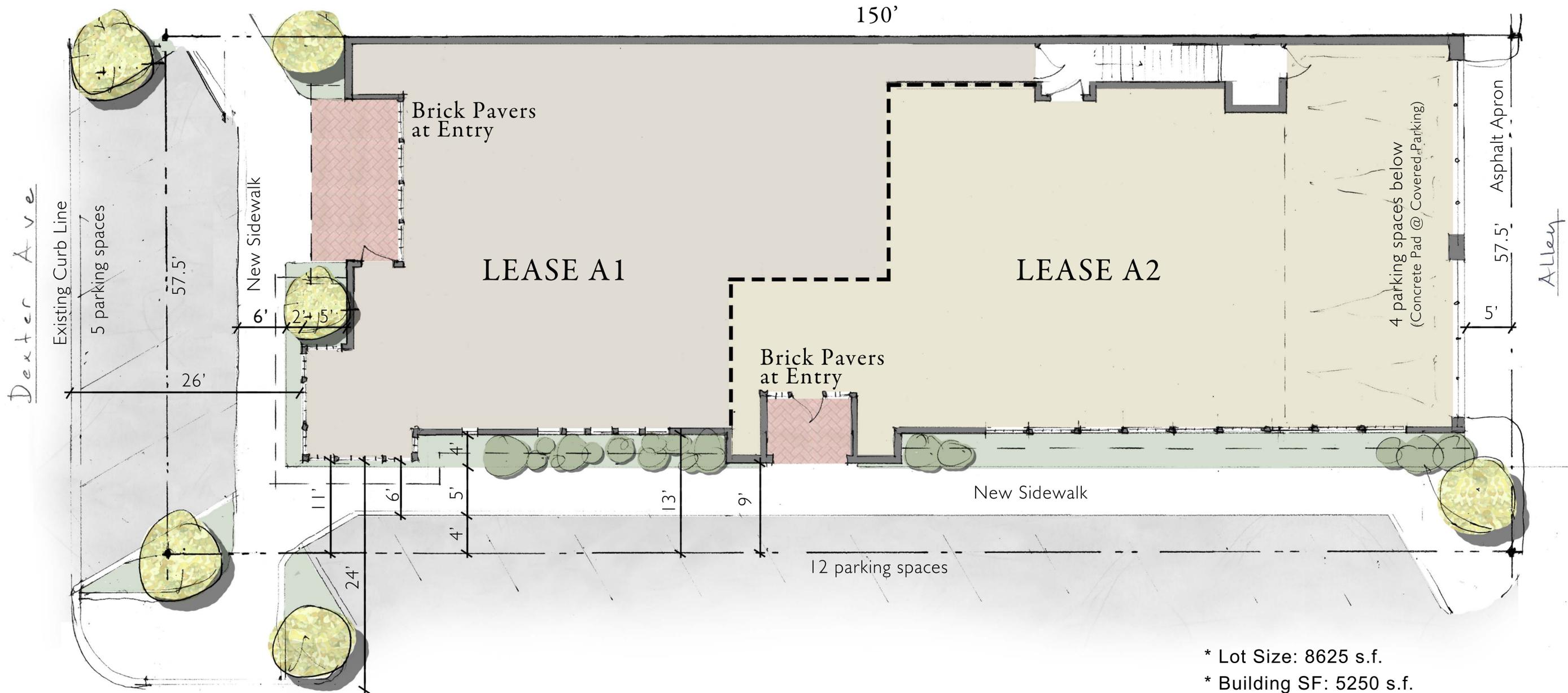


34' From alley grade

Vine St. Elevation 3/32"

30 DEXTER AVENUE

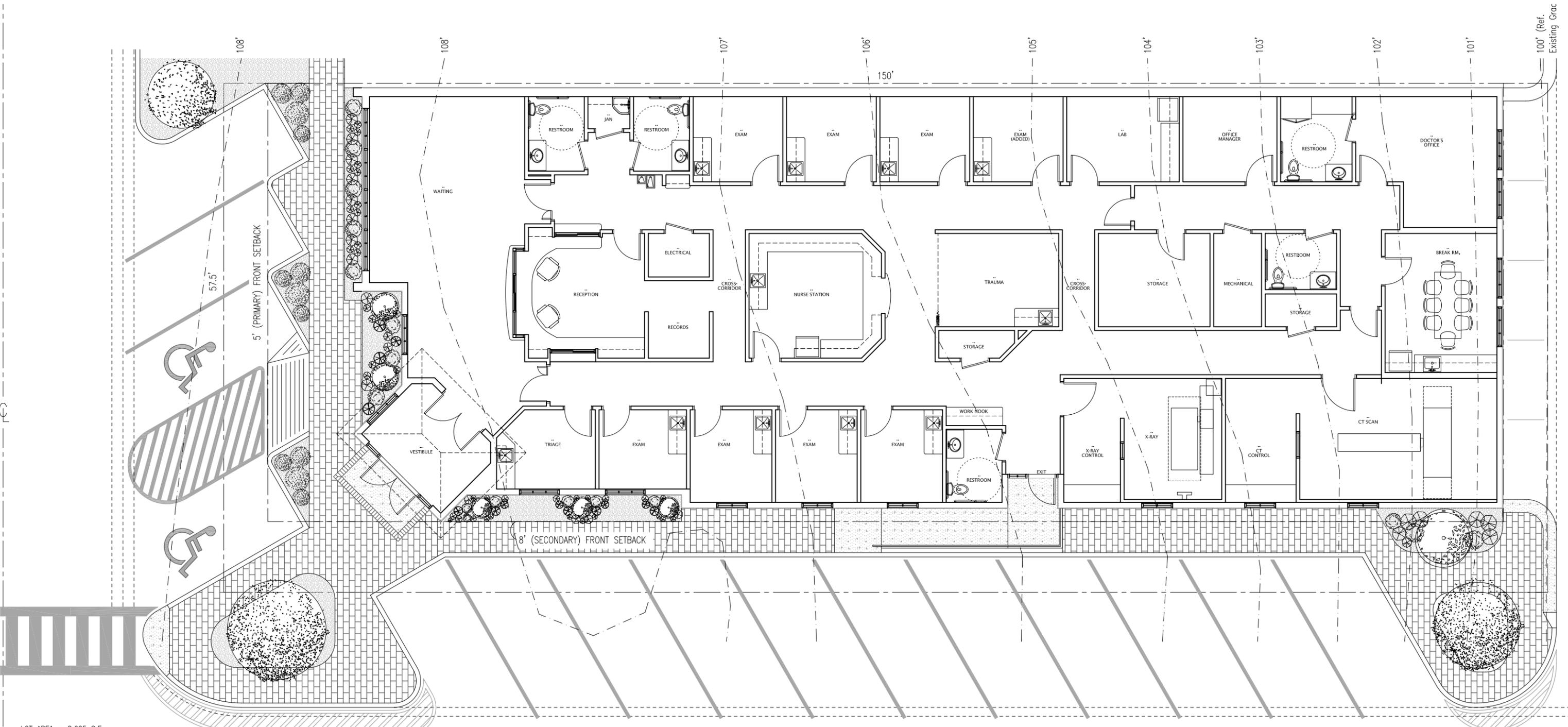
DUNGAN NEQUETTE ARCHITECTS



CONCEPTUAL SITE PLAN
SCALE: 3/16" = 1'-0"



- * Lot Size: 8625 s.f.
- * Building SF: 5250 s.f. (net of Mech & Common)
- * Parking Required: 21 spaces
- * Parking Provided: 21 spaces
- * Lot Coverage: 65%
- * Open Green Space: 8%
- * Building Height: 30'
- * Parking - 9'x19' Min.



LOT AREA = 8,625 S.F.
 80% MAX BUILDABLE AREA =
 6,900 S.F. FOOTPRINT, MAX.
 (6,116 S.F. SHOWN)



1 DRAWING TITLE
 SCALE: 3/32" = 1'-0"



A-15-18 (Aerial)

