

BZA Packet

August 13, 2015

Hello All,

Enclosed please find your packet for the meeting of August 17, 2015.

We have:

- 3 new cases

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

www.mtnbrook.org

- Departments
- Planning
- Pending/Recent Agendas and Cases
- Board of Zoning Adjustment Agendas and Cases
- August 17, 2015

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

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
AGENDA
5:00 P.M.
AUGUST 17, 2015

NOTICE

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

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

- 1 Approval of Minutes: June 15, 2015

2. **A-15-01: Russell Doyle, owner**, requests a variance from the terms of the Zoning Regulations to allow the construction of a new single family dwelling, the screen porch of which is proposed to be 32.92 feet from the rear property line (east) in lieu of the required 40 feet. – **3801 Buckingham Place**

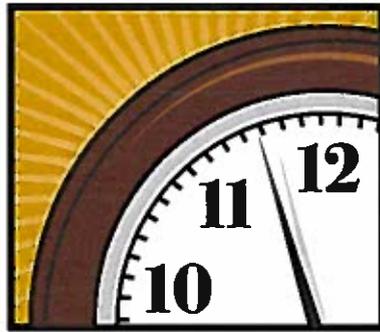
3. **A-15-03: NJK, LLC, owner**, requests variances from the terms of the Zoning Regulations to allow a pool to be 4.65 feet from the rear property line (west) and 9.18 feet from the secondary front property line (Montclair Road), both in lieu of the required 10 feet, and to be located within the secondary front yard (Montclair Road), in lieu of the requirement to be behind the front building line. - **102 Calton Lane**

4. **A-15-04: Angela Wood, applicant**, requests a variance from the terms of the Zoning Regulations to allow an existing tennis court to be 8 feet from the newly-established rear property line (southeast) (Planning Commission Case 1961) in lieu of the required 40 feet. – **3097 Salisbury Road**

5. Next Meeting: September 21, 2015

6. Adjournment

MINUTES



**CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
JULY 20, 2015**

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, July 20, 2015, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

Present were Co-Chairman William Hereford, Rhett Loveman, Henry Lapidus, Norman Orr, Richard Simonton, and Chris Mitchell. Also present were City Planner Dana Hazen, Building Official Glen Merchant and Administrative Assistant Tammy Graham. Absent were City Council Liaison Virginia Smith and Chairman Patrick Higginbotham. There were no changes made to the presented agenda.

Co-Chairman Hereford 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. Hereford 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:** June 15, 2015

Mr. Orr moved approval of the minutes as submitted. Mr. Lapidus seconded the motion and, when put to a vote, the vote was unanimous for approval.

CARRY OVER:

2. **4180: Victoria Owens**, owner, requests variances from the terms of the Zoning Regulations to allow the addition of an attached garage/storage room to be 10.9 feet from the side property line (south) in lieu of the required 15 feet, and 39.9 feet from the front property line (Halbrook Lane) in lieu of the required 40 feet.
– **3808 Halbrook Lane**

Mrs. Victoria Owens Brown and Mr. Chris Brown appeared before the Board regarding the request. Mrs. Brown expressed the following points:

- The proposed garage will go where the existing patio is now.
- The front variance requested is a one-foot protrusion which will match the other side of the house.

- This lot is approximately 15,000 square foot in comparison to the more common lot size of 30,000 square foot, thereby a hardship.
- No garage or carport. Visitors must park on the street, thereby causing a hazard.
- No basement or attic for storage; the attic space above proposed garage will provide storage.
- Neighbors have not expressed objection.
- Will provide a higher level of security.
- Addition could increase property value.

No one in the meeting spoke in opposition of this variance request.

Co-Chairman Hereford asked if other locations on the property were considered. Mrs. Brown stated that the other side of the property would require a variance as well. If placed in back of the property, the garage would consume most of the backyard area, and thereby not a desirable option.

Mr. Orr stated that he agrees that the lot size does present a hardship.

Mr. Lapidus made a motion to grant the presented variance request. Mr. Orr seconded the motion and, when put to a vote, the following results were recorded:

Ayes: Hereford
 Lapidus
 Simonton
 Orr
 Mitchell

Nays: None

Co-Chairman Hereford thereupon declared that the said variance is granted by unanimous vote.

NEW CASE:

3. **4182: Harrison and Vicki Brannon**, owners, request a variance from the terms of the Zoning Regulations to allow a detached accessory building (potting shed) to be located in a front yard (75 feet from the front property line on Overcrest Road) (southeast) in lieu of the requirement to be behind the front building line. – **3301 Cherokee Road**

Mr. Harrison Brannon, owner, and Mr. Richard Howell, builder, appeared before the Board. Points addressed:

- This variance is necessary because of the positioning of the lot, most of the area is considered front yard; no side yard.
- Would like to have a potting shed away from the house structure.

- Elevation plays into the positioning of the shed. Tallest point of structure will be approximately ten feet below sidewalk level on the Overcrest Road side, well below pitch point of the house.
- Privet and pine trees will provide cover, making structure less noticeable.
- If placed in rear yard, the structure would be more obvious to neighbors.

No one in the meeting spoke in opposition of this variance request.

Comments from the Board:

- It is a challenging lot because so much is considered front yard
- If added on to the existing structure, would not need a variance

Mr. Mitchell asked about a structure shown on the site plan. Mr. Brannon stated that it was demolished before he purchased the property and that placing the potting shed where it had been would not give the benefit of camouflage as would the desired area.

Mr. Orr made a motion to grant the presented variance request. Mr. Simonton seconded the motion and, when put to a vote, the following results were recorded:

Ayes: Hereford
Lapidus
Simonton
Orr
Mitchell

Nays: None

Co-Chairman Hereford thereupon declared that the said variance is granted by unanimous vote.

4. **Next Meeting:** August 17, 2015

5. **Adjournment:**

There being no further business to come before the Board at this time, the meeting was adjourned at 5:16 p.m.

Tammy Graham, Administrative Assistant



Variance Application - Part I

Project Data

Address of Subject Property 3801 Buckingham Place

Zoning Classification R-A

Name of Property Owner(s) Russell Doyle

Phone Number (205) 965-5823 Email russ@harrisdoyle.com

Name of Surveyor Weygand Surveyors

Phone Number (205) 942-0086 Email ray_weygand@bellsouth.net

Name of Architect (if applicable) _____

Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
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)	40'	approx 50'	34' covered porch
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			



HARRIS DOYLE
HOMES

7/22/2015

RE: 3801 Buckingham Place Rear Setback Variance

To Whom It May Concern:

I am applying for a setback variance for the rear setback line at 3801 Buckingham Place. My plan is to demolish the existing structure and build a new home for my family.

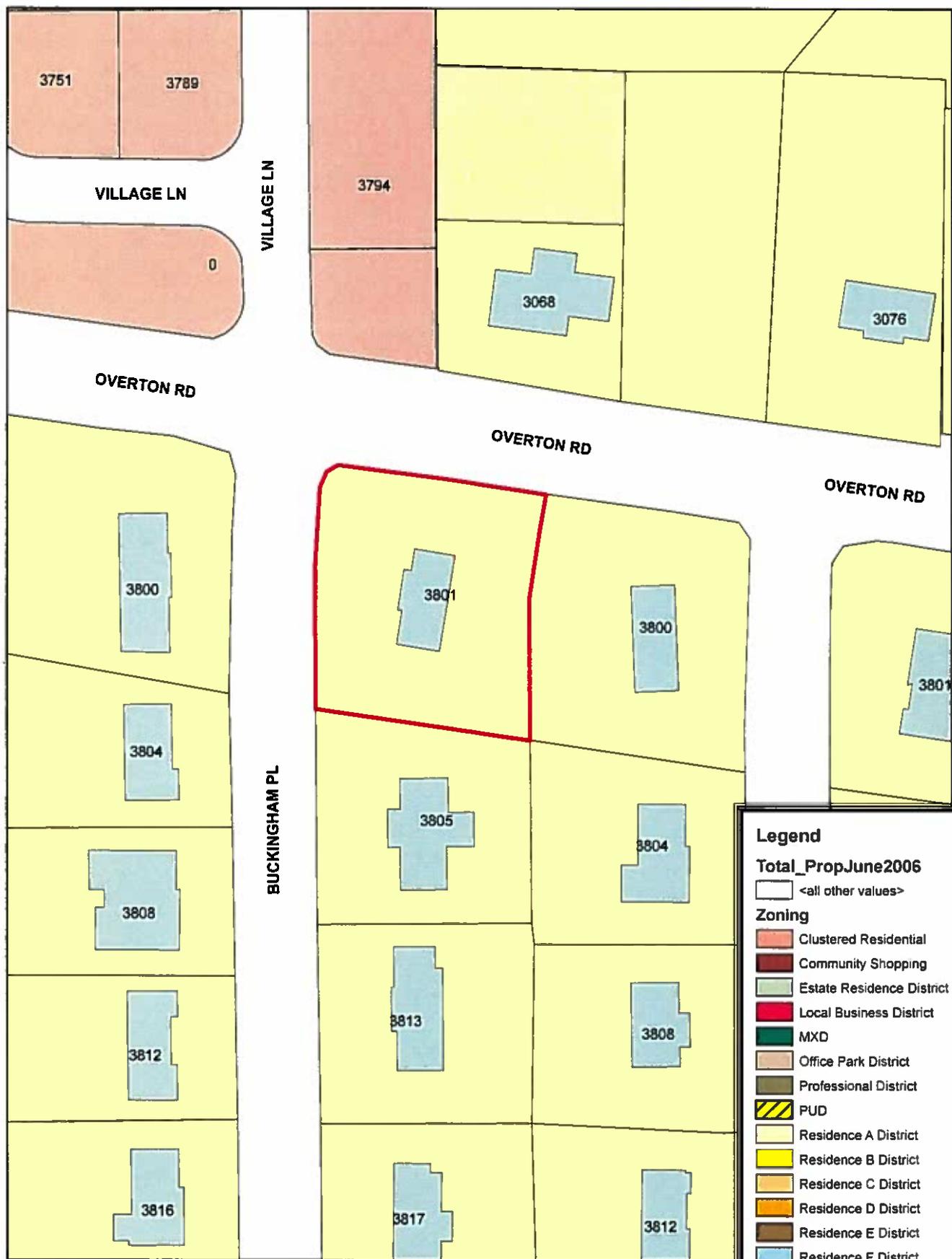
The variance is for a maximum of 5'6" past the rear setback line for the covered porch of the new home. We will install a privacy fence and backyard landscaping which will buffer the new covered patio from the neighbor in the rear.

Feel free to give me a call at (205) 965-5823 or email me at russ@harrisdoyle.com if you have any questions or concerns.

Thank you,



Russ Doyle



Legend

Total_PropJune2006

- <all other values>

Zoning

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

Report to the Board of Zoning Adjustment

A-15-01

Petition Summary

Request to allow the construction of a new single family dwelling, the screen porch of which is proposed to be 32.92 feet from the rear property line (east) in lieu of the required 40 feet.

Analysis

The hardships in this case are that it is a corner lot, it is a shallow lot and is somewhat irregularly shaped (including a “bend” in the rear property line). Given these constraints, it appears that the proposed house is reasonably placed on the lot, with a portion of the rear porch encroaching into the rear setback.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

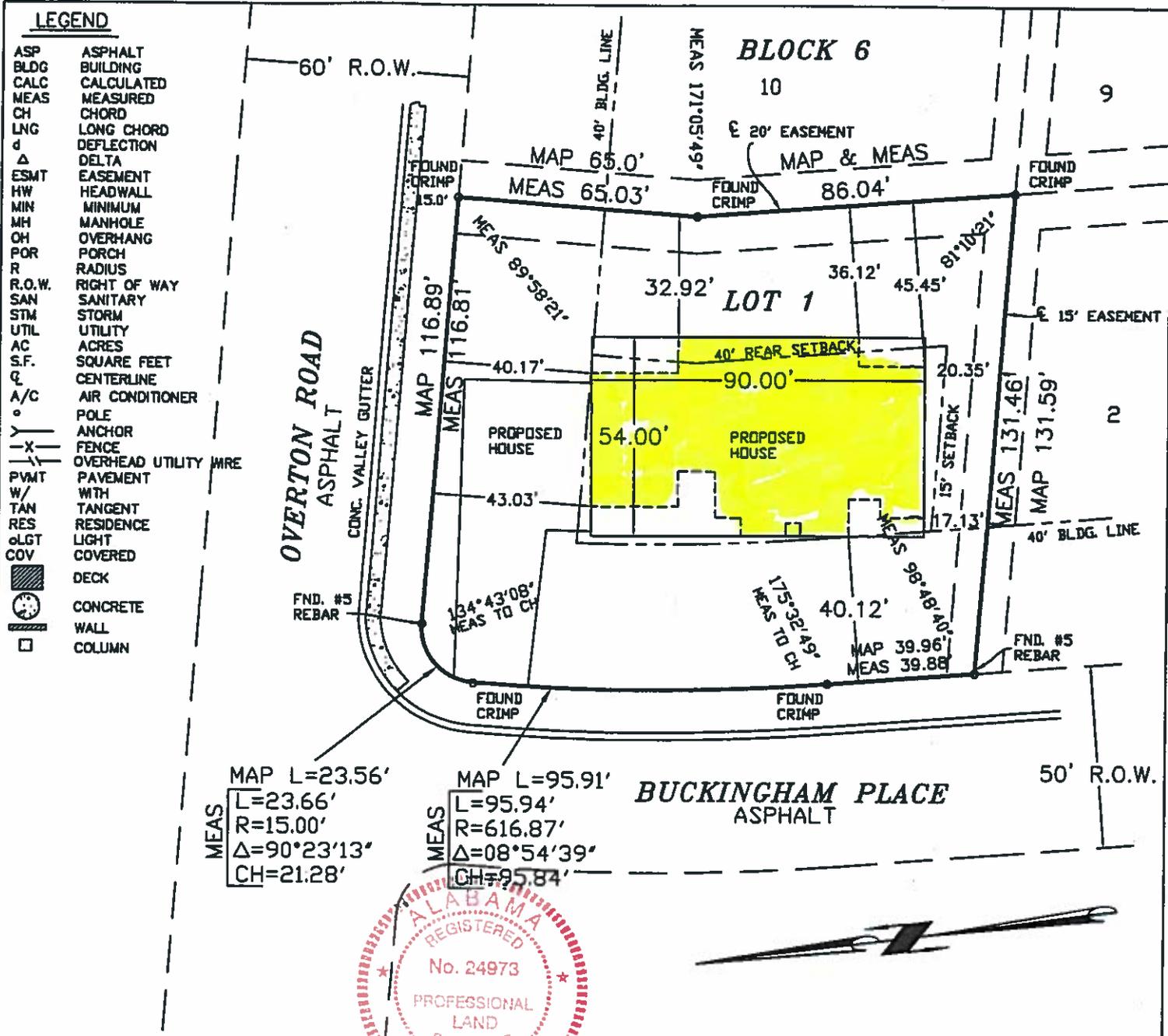
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 3801 Buckingham Place

ZONING DISTRICT: Residence A

OWNER: Russell Doyle



MEAS MAP L=23.56'
L=23.66'
R=15.00'
Δ=90°23'13"
CH=21.28'

MEAS MAP L=95.91'
L=95.94'
R=616.87'
Δ=08°54'39"
CH=95.84'



SCALE: 1"=40'

STATE OF ALABAMA
JEFFERSON COUNTY

"PLOT PLAN"

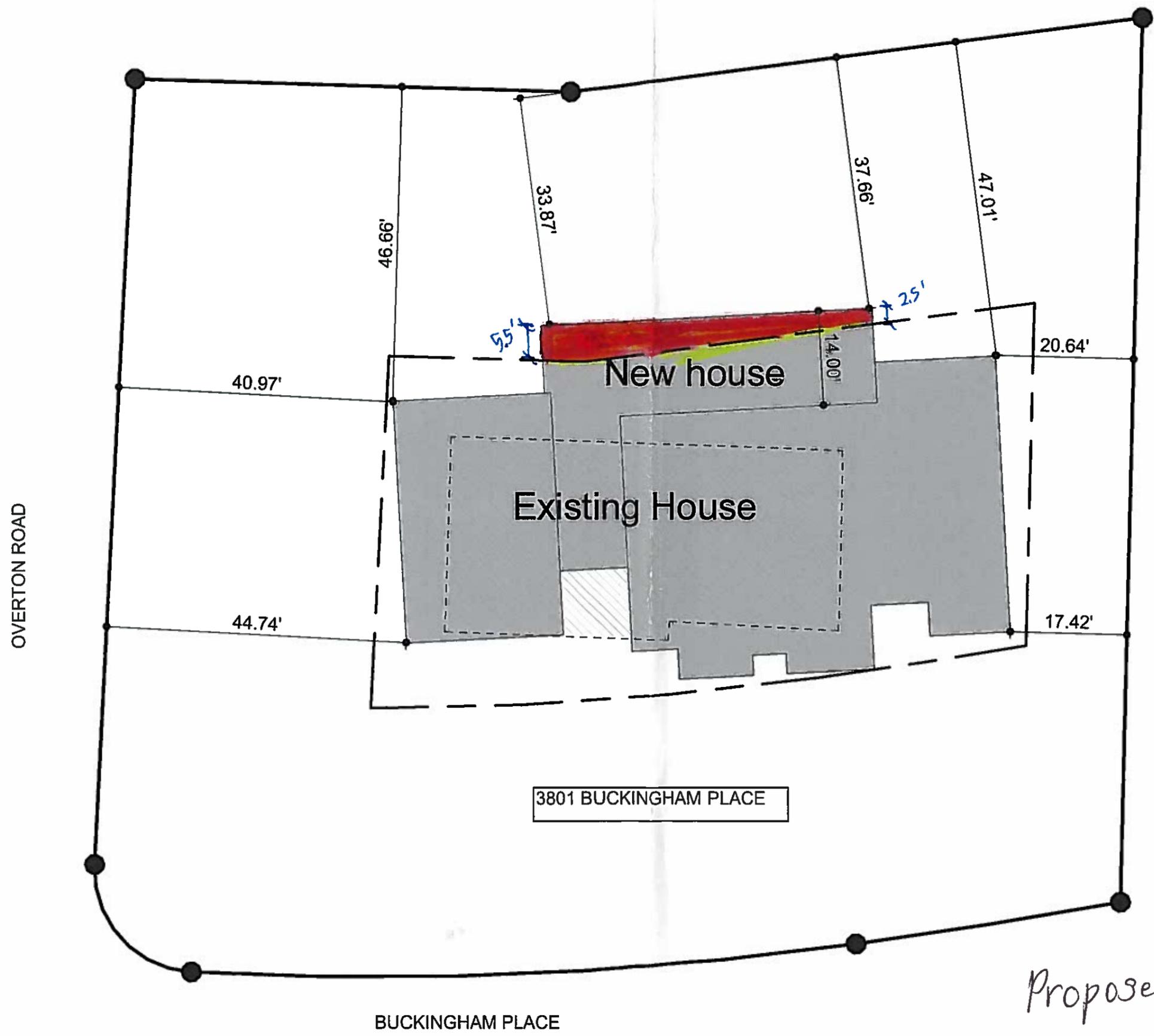
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, Block 6, MOUNTAIN BROOK GARDEN ESTATES, as recorded in Map Volume 58, Page 73, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of JULY 23, 2015. Survey invalid if not sealed in red.

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

[Signature]

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

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.



Proposed Site Plan

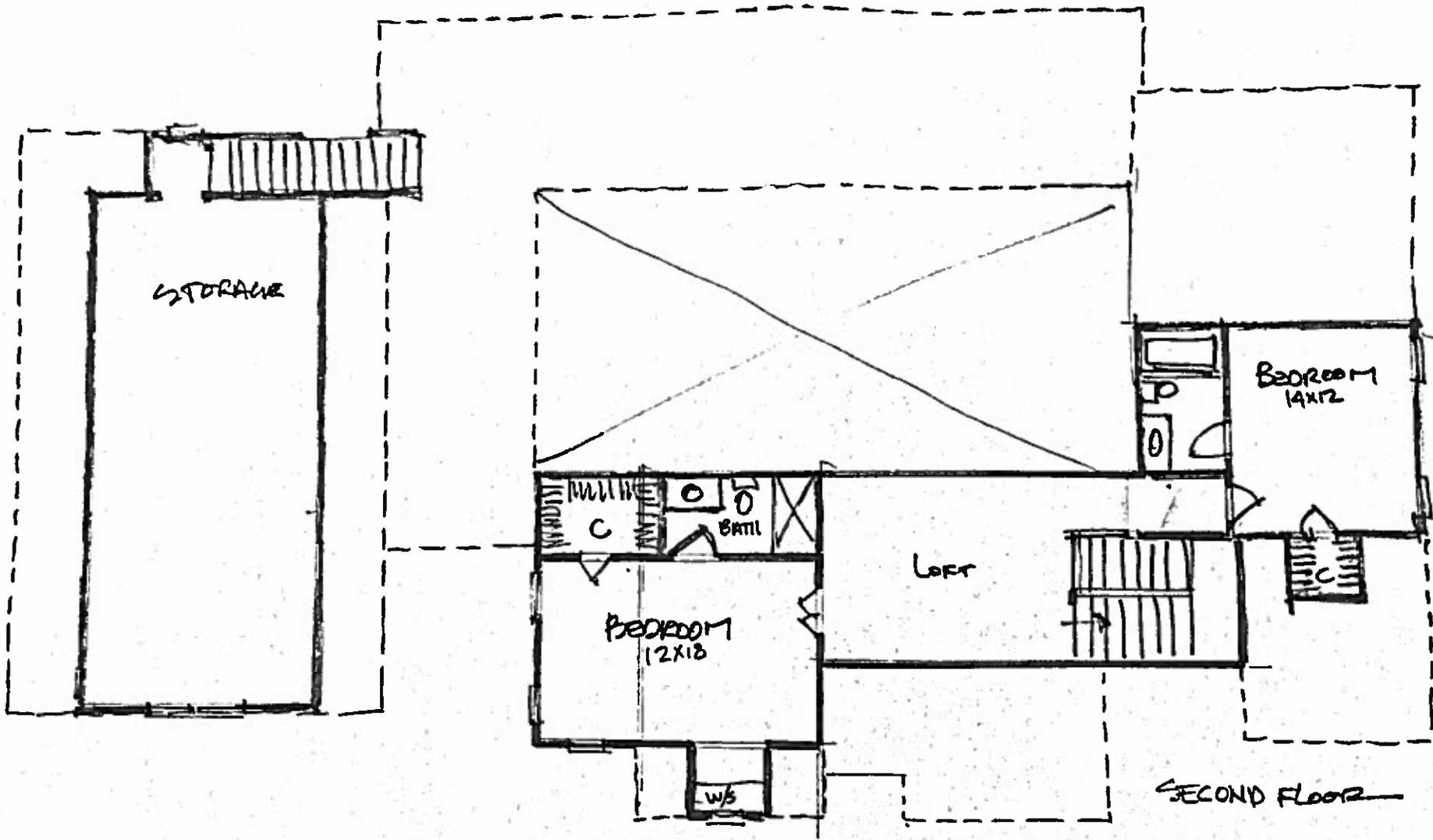
A-15-01

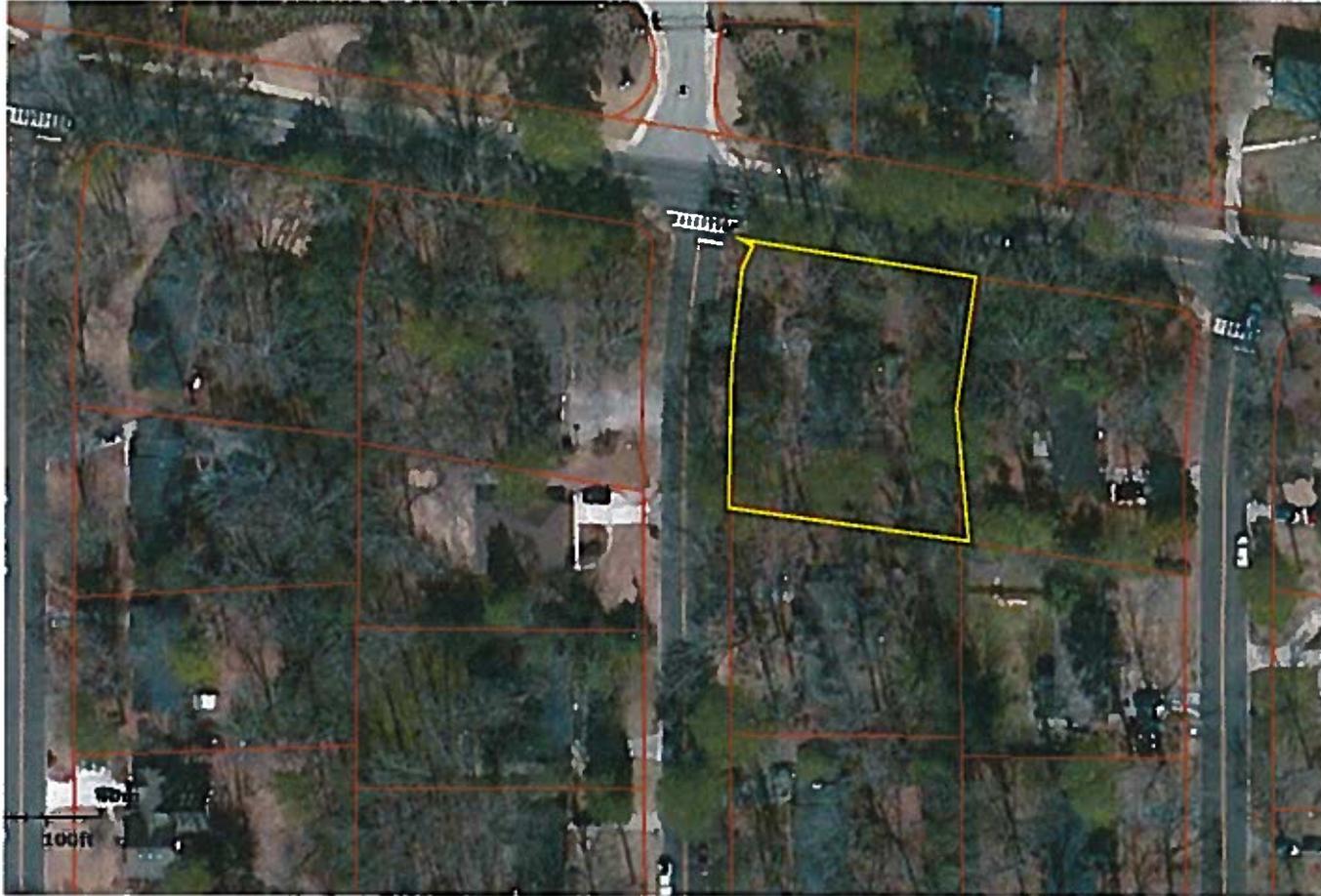


Rock

RUSS DOYLE

A-15-01





A-15-01





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 is shallow and has an inset in the property line in the middle of the lot.

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?

In order to get a home plan relevant to today's Mountain Brook standards, more depth is needed.

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

No. The existing home will be demolished and a new home erected in its place.

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

The 40' rear setback zoning code is intended to make sure adjacent rear neighbors have adequate privacy. If this variance is granted, owner will install a privacy fence along rear property line to maintain privacy.



Variance Application - Part I

Project Data

Address of Subject Property 102 CAITON LANE

Zoning Classification R1D (Residential Infill District)

Name of Property Owner(s) NJK, LLC

Phone Number 205-985-7171 Email CKessler1@BellSouth.NET

Name of Surveyor GONZALEZ + STRENGTH

Phone Number _____ Email _____

Name of Architect (if applicable) Jim Kelly

Phone Number 621-0067 Email customhome designs@hotmail.com

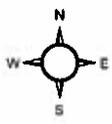
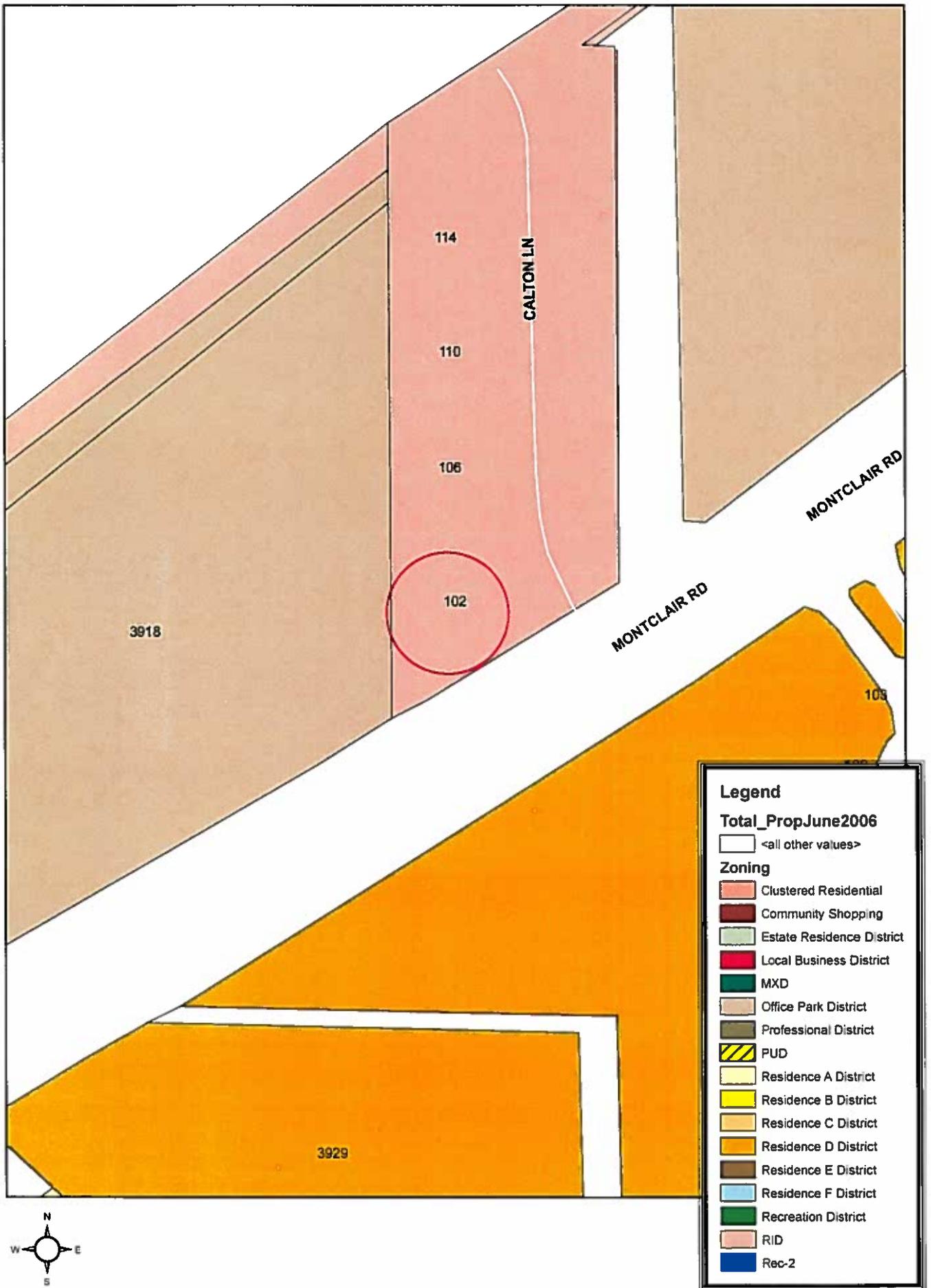
Property owner or representative agent must be present at hearing

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

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

Calton Hill - Rezoning request for Pool

We back up to an office building where we border Montclair Road. The road is a 5 lane road and we are approximately 6 feet higher than the road. Once you add the height of the wall and add shrubbery no one can see the proposed pool from any angle.



Report to the Board of Zoning Adjustment

A-15-03

Petition Summary

Request to allow a pool to be 4.65 feet from the rear property line (west) and 9.18 feet from the secondary front property line (Montclair Road), both in lieu of the required 10 feet, and to be located within the secondary front yard (Montclair Road), in lieu of the requirement to be behind the front building line

Analysis

The hardships on this lot are that it is a corner lot and is irregularly shaped. Given the fact that the proposed pool is adjacent to the 8-foot high subdivision boundary wall along Montclair Road and along the parking lot of the office building to the west, it is not anticipated that the approval of this request would be detrimental to adjoining properties or the streetscape along Montclair Road.

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 XXVIII, Residential Infill District, Section 129-493, Area and Dimensional Requirements

Article XIX, General Area and Dimensional Requirements; Section 129-318, Private Recreational Facilities on Residential Lots

Appends

LOCATION: 102 Calton Lane

ZONING DISTRICT: RID (Residential Infill District)

OWNERS: NJK, LLC



A-15-03





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

The house Faces our Private Road but it also Fronts Montclair and There fore is considered also a Front yard. There is only 8' of Rear yard so we cannot build a Pool. The Side yard is Buffered with an 8' wall and will have 10' Shrubbery behind The wall MAKING it impossible to see the pool.

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?

There is no other way to build a pool; The pool is in a side yard & will Never be seen. it poses NO precedent for building pools in Front yards in the Future.

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

No, we bought The property and The Roads Lots, etc were constructed.

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

Although it could be considered that this is a Front yard & not a side yard as it borders Montclair. However, it is a walled community with heavy landscaping and once viewed it is apparent it is not a Front yard.



Variance Application - Part I

Project Data

Address of Subject Property 3097 Salisbury Rd.

Zoning Classification Res A

Name of Property Owner(s) Angela Wood

Phone Number 283-6756 Email dunad3@woodfrutticher.com

Name of Surveyor Ray Weygand

Phone Number 942-0086 Email ray_weygand@bellsouth.net

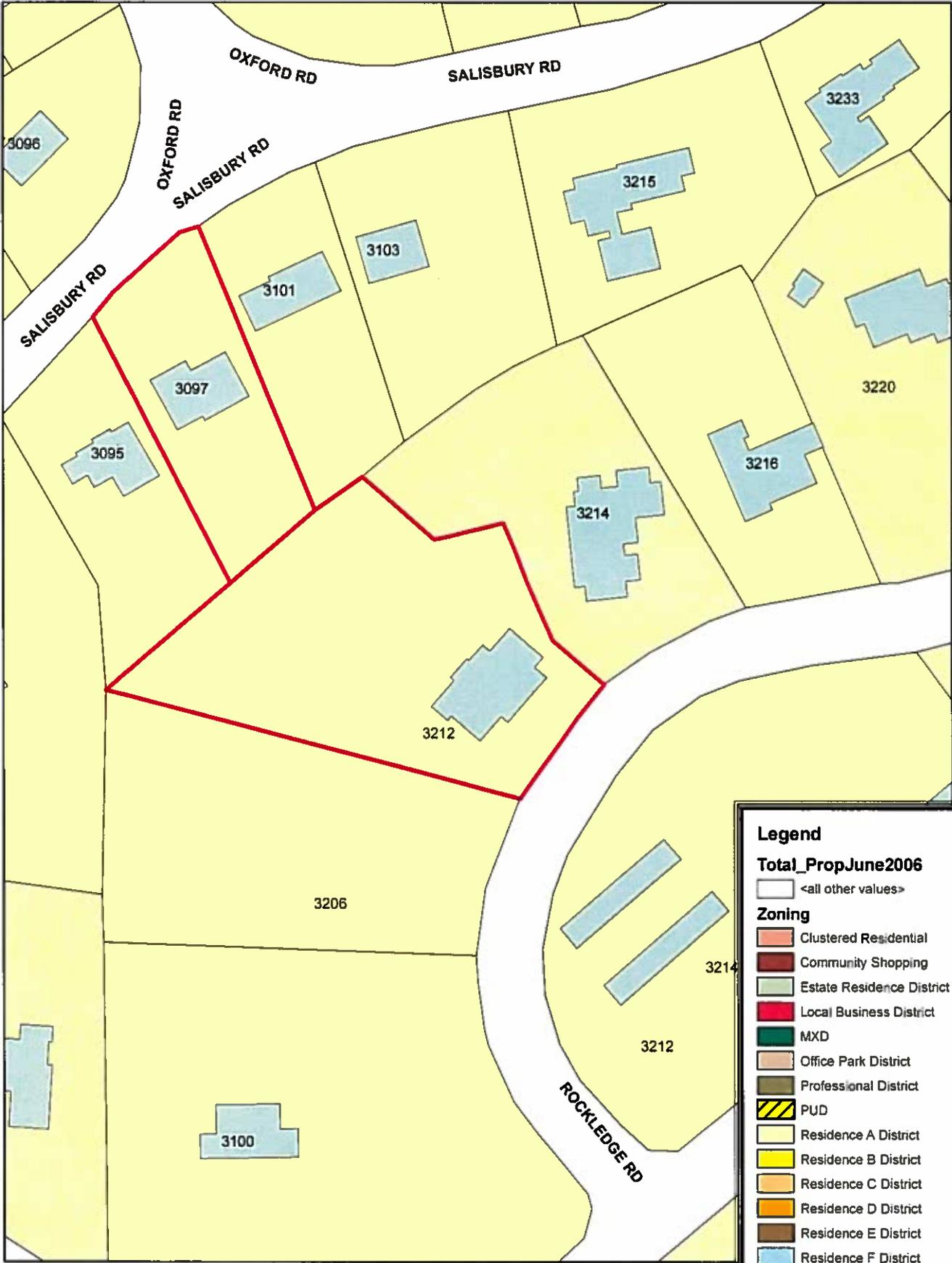
Name of Architect (if applicable) N/A

Phone Number N/A Email N/A

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)	40 ft	N/A	8'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			



Legend

Total_PropJune2006

- <all other values>

Zoning

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



Report to the Board of Zoning Adjustment

A-15-04

Petition Summary

Request to allow an existing tennis court to be 8 feet from the newly-established rear property line (southeast) (Planning Commission Case 1961) in lieu of the required 40 feet.

Background/Analysis

On August 3, 2015, the Planning Commission approved a request to resurvey Lots 17-D (on Rockledge) and Lot 28-A (on Salisbury) so as to convey the rear 75 feet of Lot 17-D to Lot 28-A. In simpler terms, the owners of the Salisbury lot desire to purchase the tennis court on the rear of the Rockledge lot (see attached resurvey). This Planning Commission approval was conditioned upon the applicant securing BZA approval of a variance for the new property line to be 8 feet from the existing tennis court.

It should be noted that the tennis court portion of Lot 17-D is at a topographic elevation much higher than the house on the same lot, and is virtually unusable to the current property owners of the tennis court; however it is on a similar topographic elevation as Lot 28-A on Salisbury, so it makes practical sense to resurvey it into Lot 28-A.

Impervious Area

Impervious area is not affected by this application in that all improvements are existing.

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 129-318, Private Recreational Facilities on Residential Lots

Appends

LOCATION: 3097 Salisbury Road

ZONING DISTRICT: Residence A

OWNER: Angela Wood

LEGEND

SQ. FT.	SQUARE FEET
AC	ACRES
±	MORE OR LESS
Δ	DELTA ANGLE
∠	DEFLECTION ANGLE
T	TANGENT
R	RADIUS
CH	CHORD
L	LENGTH
ESMT	EASEMENT
EX	EXISTING
M.B.	MAP BOOK
PG.	PAGE
FND	FOUND
ROW	RIGHT-OF-WAY
O	REBAR SET
MRL	MIDLINE
C	CENTERLINE
D.B.	DEED BOOK
---	NOT TO SCALE

WOOD - ELLIOTT RESURVEY

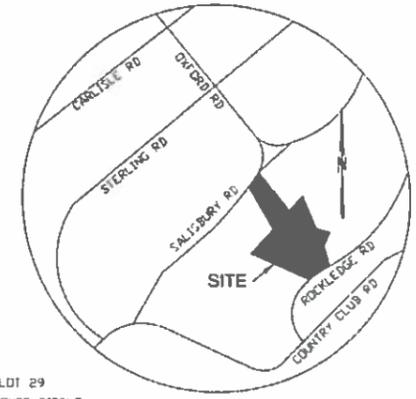
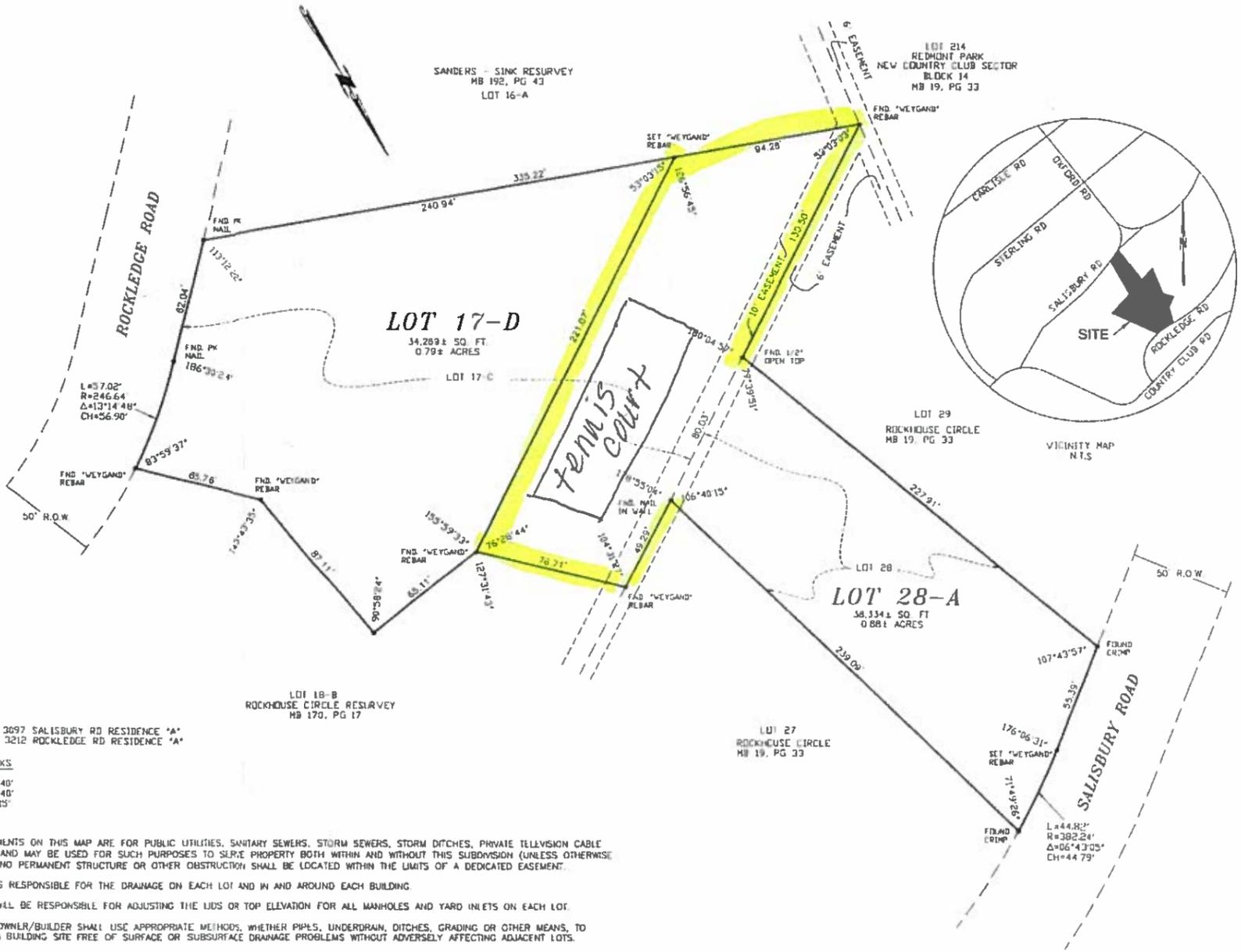
BEING A RESURVEY OF LOT 28 OF ROCKHOUSE CIRCLE AS RECORDED IN MAP BOOK 19, PAGE 33 AND LOT 17-C OF SANDERS - SINK RESURVEY AS RECORDED IN MAP BOOK 192, PAGE 43 ALL IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA

SCALE 1"=30'

SITUATED IN THE NE 1/4 OF SW 1/4 & SE 1/4 OF NW 1/4 SECTION 5, T-16S, R-2W, JEFFERSON COUNTY, ALABAMA

DATE: JULY 2015

WEYGAND SURVEYORS, INC.
 Roy Weygand, Reg. L.S. #24973
 168 Ochsler Road, Homewood, AL 36208
 Phone (205) 842-0086 Fax: (205) 942-0087



STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Roy Weygand, Registered Land Surveyor, State of Alabama, and Angie Wood, Owner Lot 28-A and David A. Elliott and wife Martha M. Elliott, Owners Lot 17-D, whose names are signed to this certificate, do hereby certify that this is a true and correct map of a survey made by Roy Weygand, Land Surveyor, of the property shown on this map with the dimensions of the lots together with the streets, avenues, alleys and other public ways shown thereon and giving the name and width of each street and avenue and the number and dimensions of each lot and block and showing the relation of the land so plotted to the map of WOOD - ELLIOTT RESURVEY and to the government survey of Section 5, Township 18 South, Range 2 West, 1, Roy Weygand, 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. Said owners also certify that they are owners of said land and that the same is not subject to any mortgage.

IN WITNESS WHEREOF, we have hereunto set our hands this 7 day of July 2015.

By: Roy Weygand Roy Weygand, Reg. L.S. #24973
 By: Angie Wood Angie Wood - Owner Lot 28-A
 By: David A. Elliott David A. Elliott - Owner Lot 17-D
 By: Martha M. Elliott Martha M. Elliott - Owner Lot 17-D

STATE OF ALABAMA
JEFFERSON COUNTY

I, Jamie J. Neely, a Notary Public in and for said County and State hereby certify that Roy Weygand, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, on this day, that being informed of the contents of the certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 7th day of July 2015.

By: Jamie J. Neely
 Notary Public - My commission expires: 7-7-18

STATE OF ALABAMA
JEFFERSON COUNTY

I, Jamie J. Neely, a Notary Public in and for said County and State hereby certify that Angie Wood, whose name is signed to the foregoing certificate as Owners of Lot 28-A, and who are known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, they executed same voluntarily on the day the same bears date.

Given under my hand and seal this 7th day of July 2015.

By: Jamie J. Neely
 Notary Public - My commission expires: 7-7-18

STATE OF ALABAMA
JEFFERSON COUNTY

I, Jamie J. Neely, a Notary Public in and for said County and State hereby certify that David A. Elliott, and wife, Martha M. Elliott, whose names are signed to the foregoing certificate as Owners of Lot 17-D, and who are known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, they executed same voluntarily on the day the same bears date.

Given under my hand and seal this 7th day of July 2015.

By: Jamie J. Neely
 Notary Public - My commission expires: 7-7-18

APPROVED: _____ DATE: _____
 Chairman, Mountain Brook Planning Commission

APPROVED: _____ DATE: _____
 Secretary, Mountain Brook Planning Commission

NOTE: ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR FUTURE JEFFERSON COUNTY SANITARY SEWERS, HOWEVER, THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGE IN THE RIGHT OF WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DIRECTOR OF ENVIRONMENTAL SERVICES _____ DATE: _____

ZONING 3697 SALISBURY RD RESIDENCE "A"
 3212 ROCKLEDGE RD RESIDENCE "A"

SETBACKS
 FRONT 40'
 REAR 40'
 SIDE 15'

NOTES:
 ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION (UNLESS OTHERWISE NOTED). NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT.

BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING.
 BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT.
 THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN, DITCHES, GRADING OR OTHER MEANS, TO PROVIDE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.
 THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.
 ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.

NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN TWO (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.

NO FENCE SHALL IMPEDE THE FLOW OF WATER IN ANY DRAINAGE WAY.

WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.

NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

NOTE:
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0557H, DATED SEPTEMBER 3, 2010.

Resurvey approved
 by P/C Aug 3, 2015



1961





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)?

Rock cliff makes a natural border. Property already in violation we are just changing ownership of tennis court/Basketball court. Massive Rock Outcrop/cliff will prevent to court from ever being moved.

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 comply with the rear set back would conflict with the natural Boundary created by the rock cliff. By granting the variance allows for congruent ~~to~~ natural flow of Both properties.

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

NO.

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

The property in question is much more accessible/valuable to the Salisbury lot and is inaccessible and out of sight from the rockledge lot. Because of the massive Rock cliff and topography