

BZA Packet

December 14, 2015

Hello All,

Enclosed please find your packet for the meeting of December 21, 2015.

We have:

- 4 new cases

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

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- **2015-Dec-21 BZA Agenda**

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

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
12/21/2015
PRE-MEETING: (ROOM A106) 4:30 P.M.
REGULAR MEETING: (ROOM A108) 5:00 P.M.
CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

NOTICE

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

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

-
1. Approval of Minutes: 11/16/2015
 2. **Case A-15-20: 66 Pine Crest LLC**, owner, requests variances from the terms of the Zoning Regulations to allow additions to a single family dwelling to be 9 feet 2 inches from the side property line (west) in lieu of the required 12.5 feet, 20 feet 7 inches from the rear property line (south) in lieu of the required 35 feet, and 34 feet 9 inches from the front property line (Pine Crest Road) in lieu of the required 35 feet. - **66 Pine Crest Road**
 3. **Case A-15-21: Bryan and Kathleen Boudreaux**, owners, request variances from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 37 feet from the rear property line (southeast) in lieu of the required 40 feet, and to match the existing side setback (southwest) of 14.9 feet in lieu of the required 15 feet.
- **87 Fairway Drive**
 4. **Case A-15-22: Joe Baugh**, owner, requests a variance from the terms of the Zoning Regulations to allow a portion of an existing detached garage to remain 8 feet from the side property line (east) in lieu of the required 10 feet - **7 West Montcrest Drive**
 5. **Case A-15-24: Bob Eichelberger**, owner; Jason Vickers, agent, request variances from the terms of the Zoning Regulations to allow a swimming pool to be 4.8 feet from the rear property line (east) in lieu of the required 10 feet, and for a portion of the pool to be located within a front yard (south), in lieu of the requirement to be behind the front building line.– **3751 Village Lane**
 6. Next Meeting: 12/18/2015
 7. Adjournment

W. 25th Deadline for Dec 21st Hearing.

A-15-20

Chris's Office # 205-413-8531



Monday 9:30
Tuesday @ 10:00

Variance Application - Part I

Project Data

Address of Subject Property 66 Pine Crest Road.

Zoning Classification Residence B District.

Name of Property Owner(s) 66 Pine Crest Road, LLC / Josh & Kate Hartman

Phone Number 205-777-2670 Email kate.d.hartman@gmail.com.

Name of Surveyor ~~Christopher Hartman~~ RAY WEYGANT

Phone Number ~~205-800-0000~~ Email _____

Name of Architect (if applicable) Christopher Architecture + Interiors.

Phone Number 205-413-8531 Email chris@christopherai.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)	10,000	9,389	SAME
Lot Width (ft)	75	101'	SAME
Front Setback (ft) primary	35	34.8'	SAME
Front Setback (ft) secondary	35 17 1/2'		
Right Side Setback	12 1/2	12.3'	9'-2"
Left Side Setback	12 1/2	12.5'	12.9'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A		
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A		
Rear Setback (ft)	35	28'-1"	20'-7"
Lot Coverage (%)	35	20%	
Building Height (ft)	35	35	34'
Other			
Other			

NEW 2ND STORY

A-15-20



3040 INDEPENDENCE DRIVE
BIRMINGHAM, AL 35209
TEL: (205) 413-8531
FAX: (205) 413-8533

CHRISTOPHERAI.COM

Date: November 25, 2015

Re: Project Description
66 Pine Crest Road

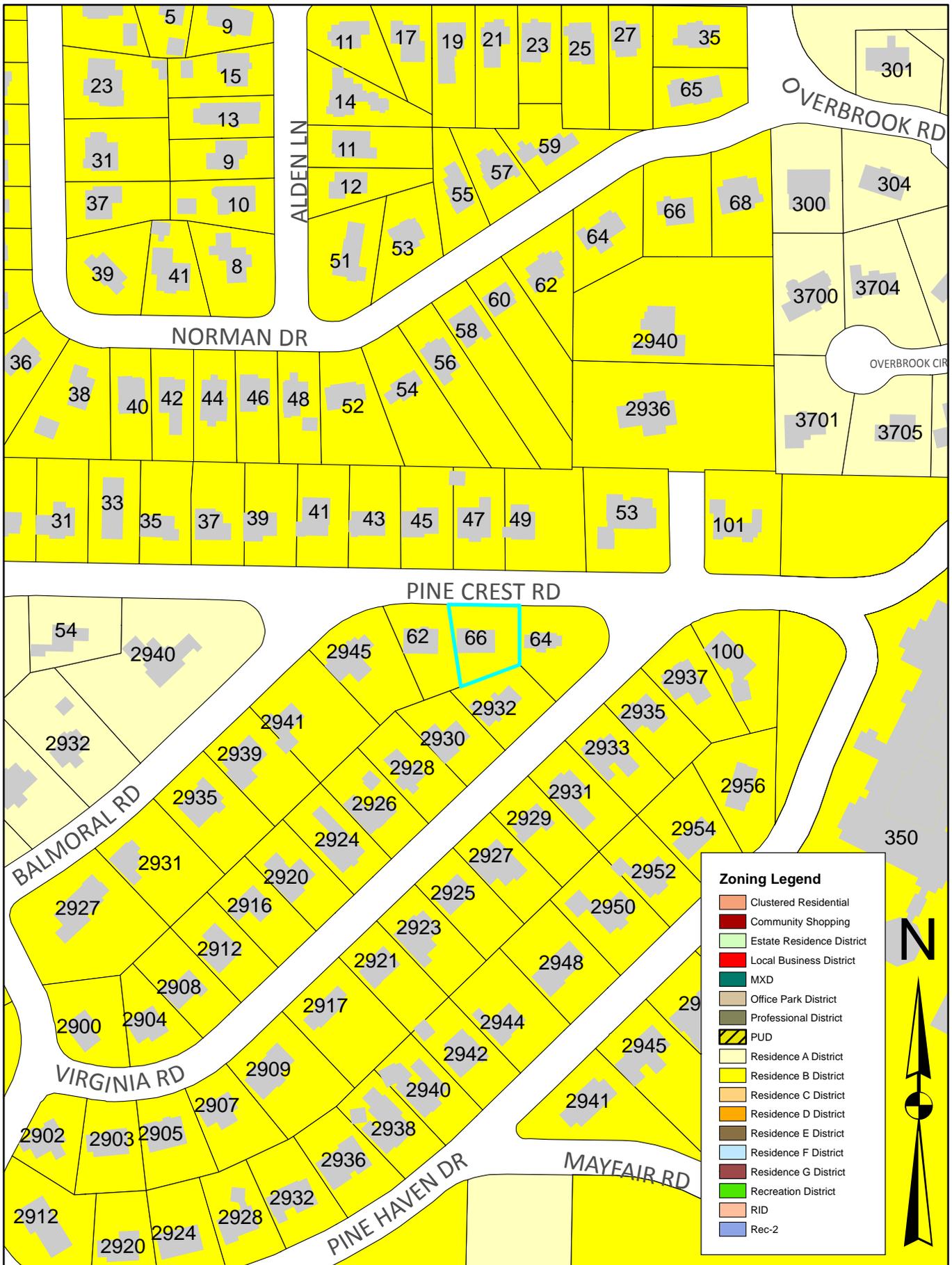
This project is a renovation of an existing structure to add additional space on the ground floor and add a second story.

Regards



T. Scott Carlisle
For Christopher Architecture & Interiors

A-15-20 (Zoning Map)



Zoning Legend

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



Report to the Board of Zoning Adjustment

A-15-20

Petition Summary

Request to allow additions to a single family dwelling to be 9 feet 2 inches from the side property line (west) in lieu of the required 12.5 feet, 20 feet 7 inches from the rear property line (south) in lieu of the required 35 feet, and 34 feet 9 inches from the front property line (Pine Crest Road) in lieu of the required 35 feet.

Analysis

The hardships in this case are the irregular shape of the lot and its shallow depth. The southeast corner of the existing house is 28 feet 1 inch from the rear property line; the new second floor addition is proposed to match (see yellow highlight on survey). Portions of the new first and second floor addition to the rear of the house are proposed to be 20 feet 7 inches from the rear property line and 9 feet 2 inches from the side property line (see red highlight on survey).

Two existing front setback encroachments are proposed to be removed (see pink and yellow highlights on survey), and an interior stair addition (turret) to the front of the house is proposed to be 34 feet 9 inches from the front property line (see red highlight on survey).

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

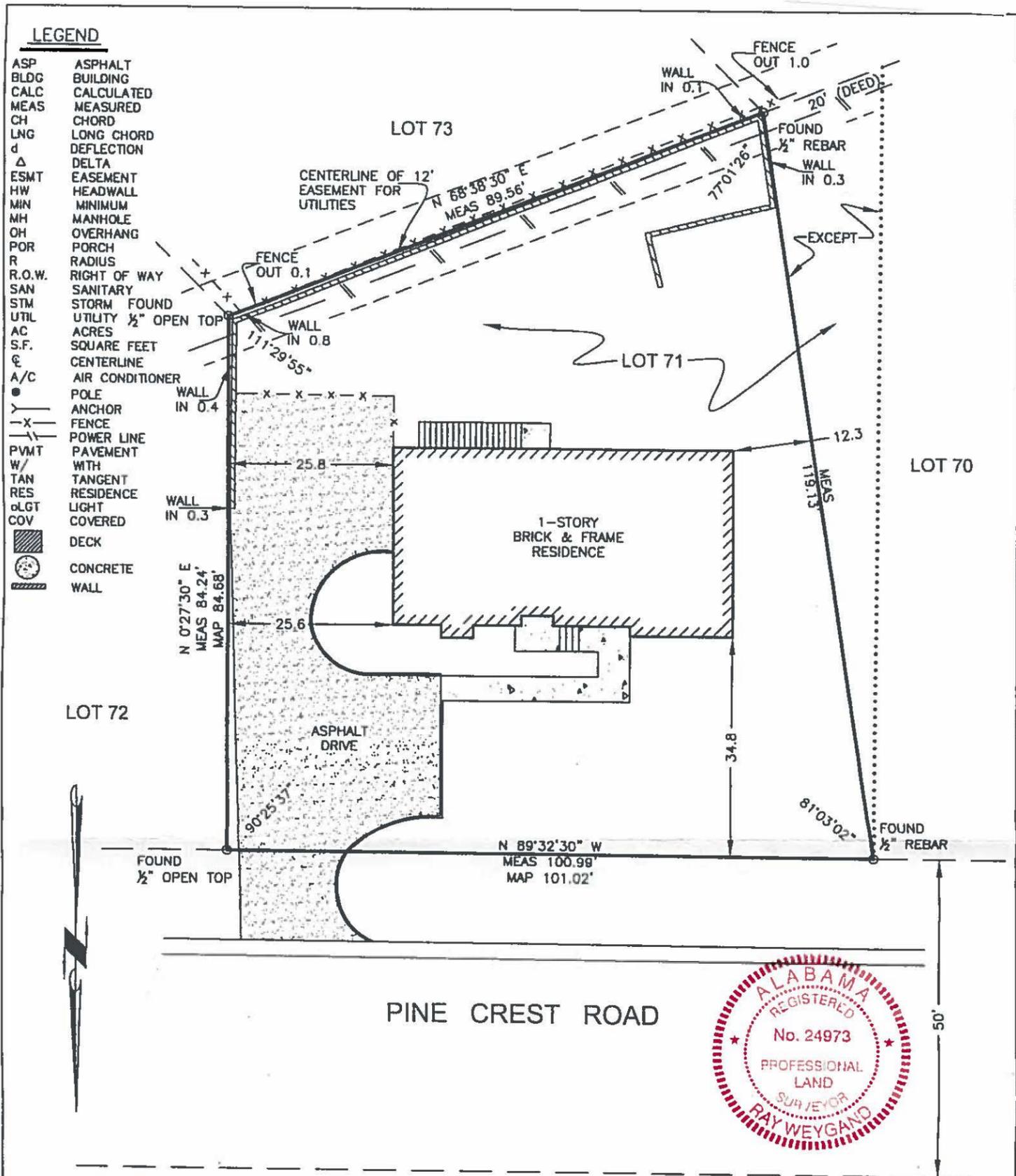
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

Appends

LOCATION: 66 Pine Crest Road

ZONING DISTRICT: Res-B

OWNERS: 66 Pine Crest LLC



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

NOTES:
1. BEARINGS SHOWN ARE FROM RECORD MAP.
2. ANGLES SHOWN ARE AS MEASURED.

"Closing Survey"

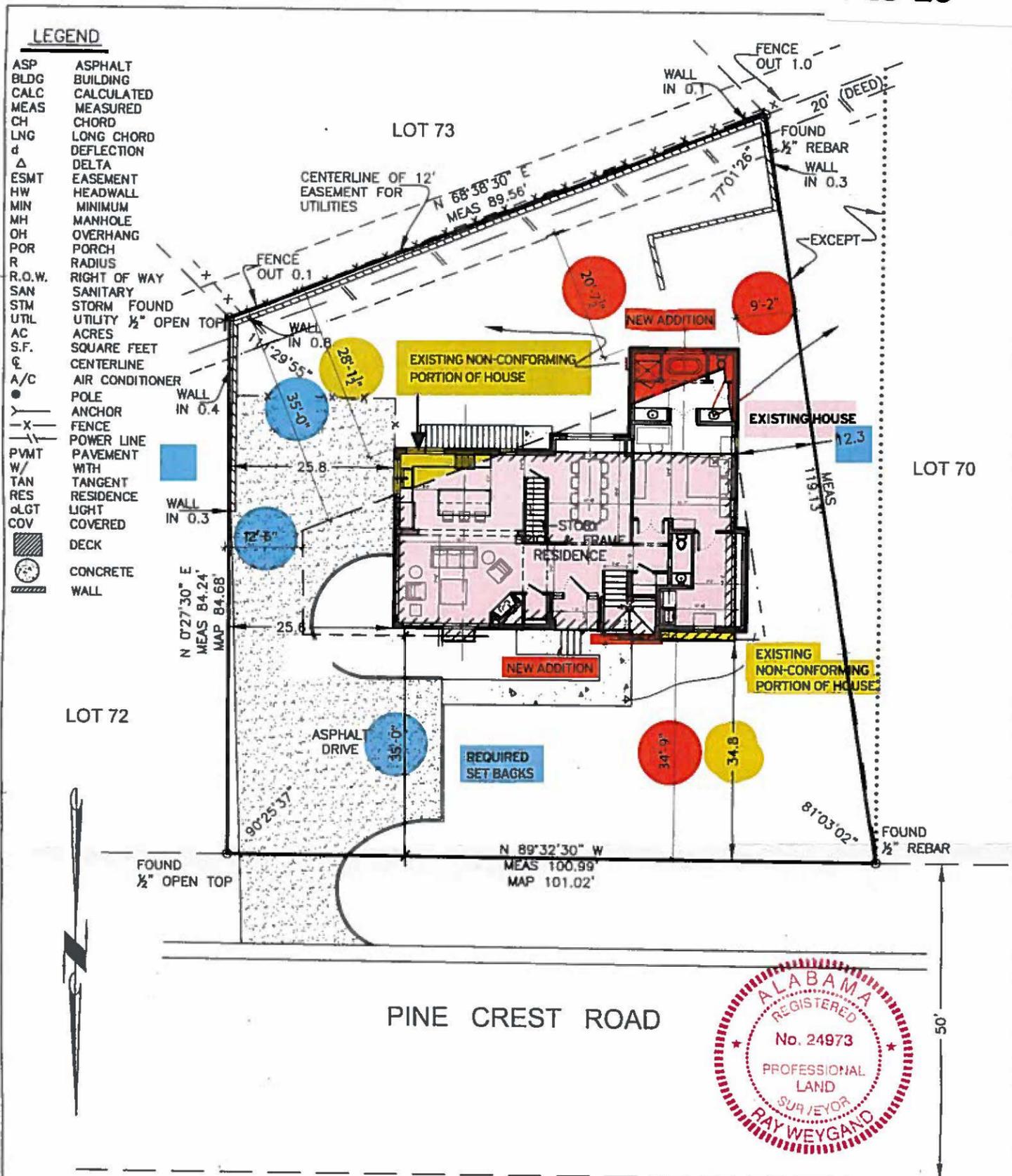
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 71, PINE CREST, as recorded in Map Volume 18, Page 64, in the Office of the Judge of Probate, Jefferson County, Alabama, except that part of said Lot more particularly described as follows; Begin at the Southwest corner of said Lot 71; run thence East along South line thereof 20 feet; thence in a Northwardly direction in a straight line to the Northwest corner of said Lot 71; thence South along the West line of said Lot 71 and the East line of Lot 70 to the Point of Beginning; 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 AUGUST 19, 2015. Survey invalid if not sealed in red.

Order No.: 48901
Purchaser: RUSHING
Address: 66 PINE CREST ROAD

Ray Weygand, Reg. L.S. #24973
189 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.



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

NOTES:
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Order No: 48901
Purchaser: RUSHING
Address: 66 PINE CREST ROAD

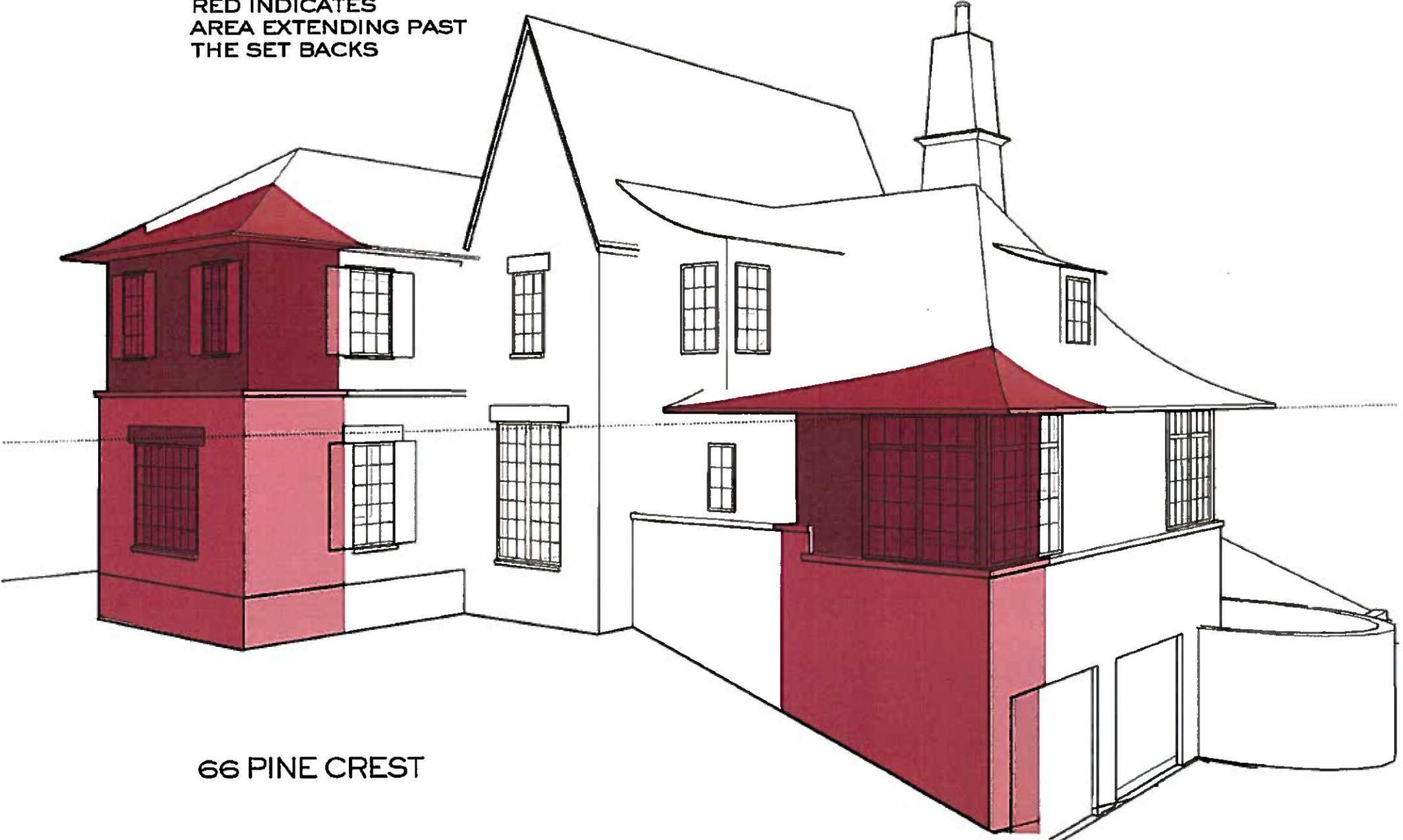
[Signature]

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

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A-15-20

RED INDICATES
AREA EXTENDING PAST
THE SET BACKS

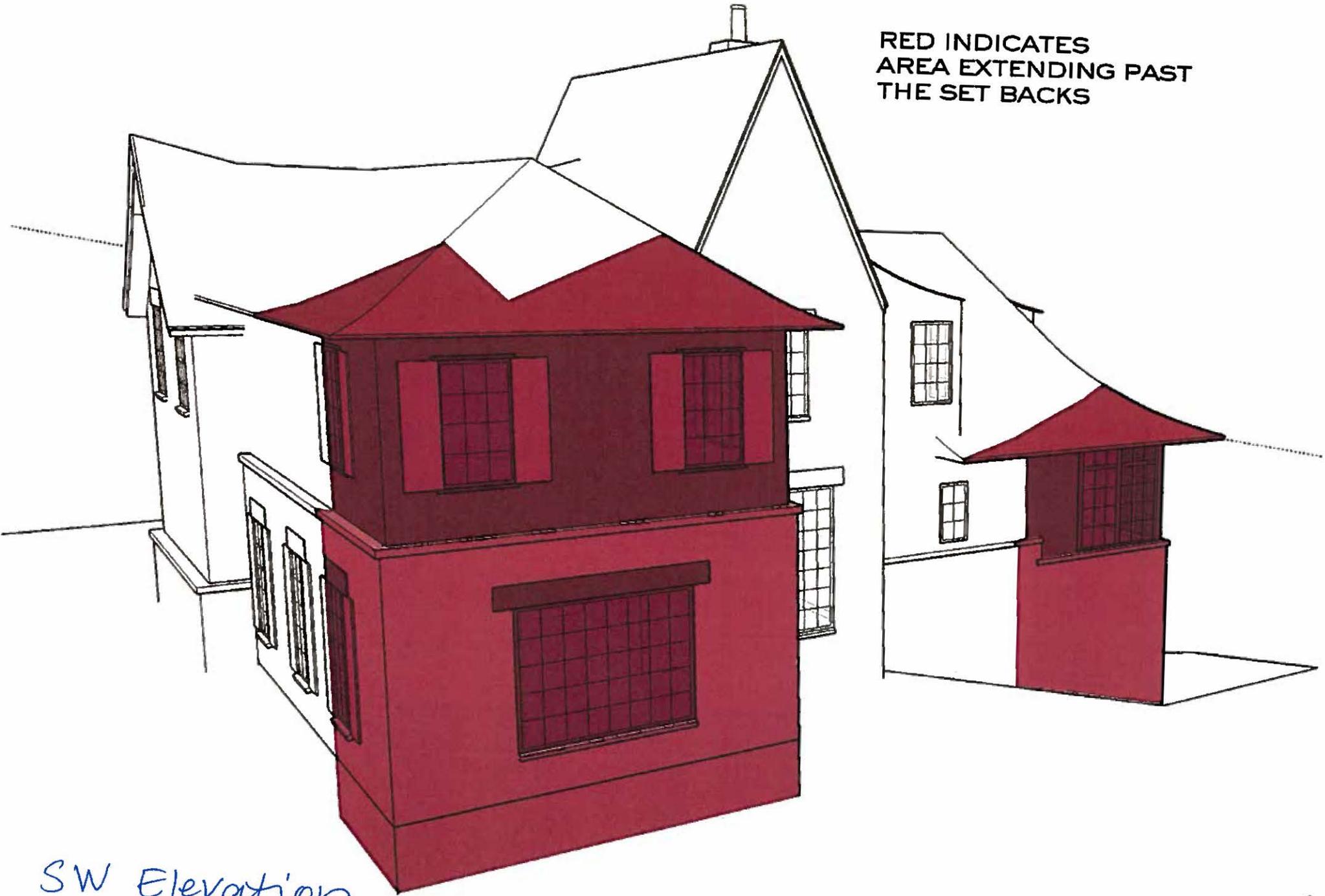


66 PINE CREST

SE Elevation

A-15-20

RED INDICATES
AREA EXTENDING PAST
THE SET BACKS



SW Elevation

66 PINE CREST

A-15-20





A-15-20

A-15-20 (Aerial Map)





A-15-20

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)?

NON-CONFORMING EXISTING CONDITIONS!
LOT AREA & SETBACKS

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?

WE ARE DEALING W/ EXISTING CONDITIONS

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...")

PARTIALLY WE ARE SEEKING TO EXTEND A
SMALL PORTION OF THE ADDITION INTO THE SETBACK

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

WE ARE ADDRESSING EXISTING NON-CONFORMITIES



Variance Application - Part I

Project Data

Address of Subject Property 87 Fairway Drive Mountain Brook, AL 35213

Zoning Classification RES-A

Name of Property Owner(s) Bryan & Kathleen Boudreaux

Phone Number (205) 240-2251 Email Bryan1883@aol.com

Name of Surveyor Weygand

Phone Number (205) 942-0086 Email _____

Name of Architect (if applicable) Kelvin Terry

Phone Number (205) 250-0062 Email jkterry@bellouth.net

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000	15,000	15,000
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40'	52'	
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15' <i>14.9'</i>	15' <i>14.9'</i>	<i>14.9'</i>
Left Side Setback	15'	22'	
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'	55.7'	37'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

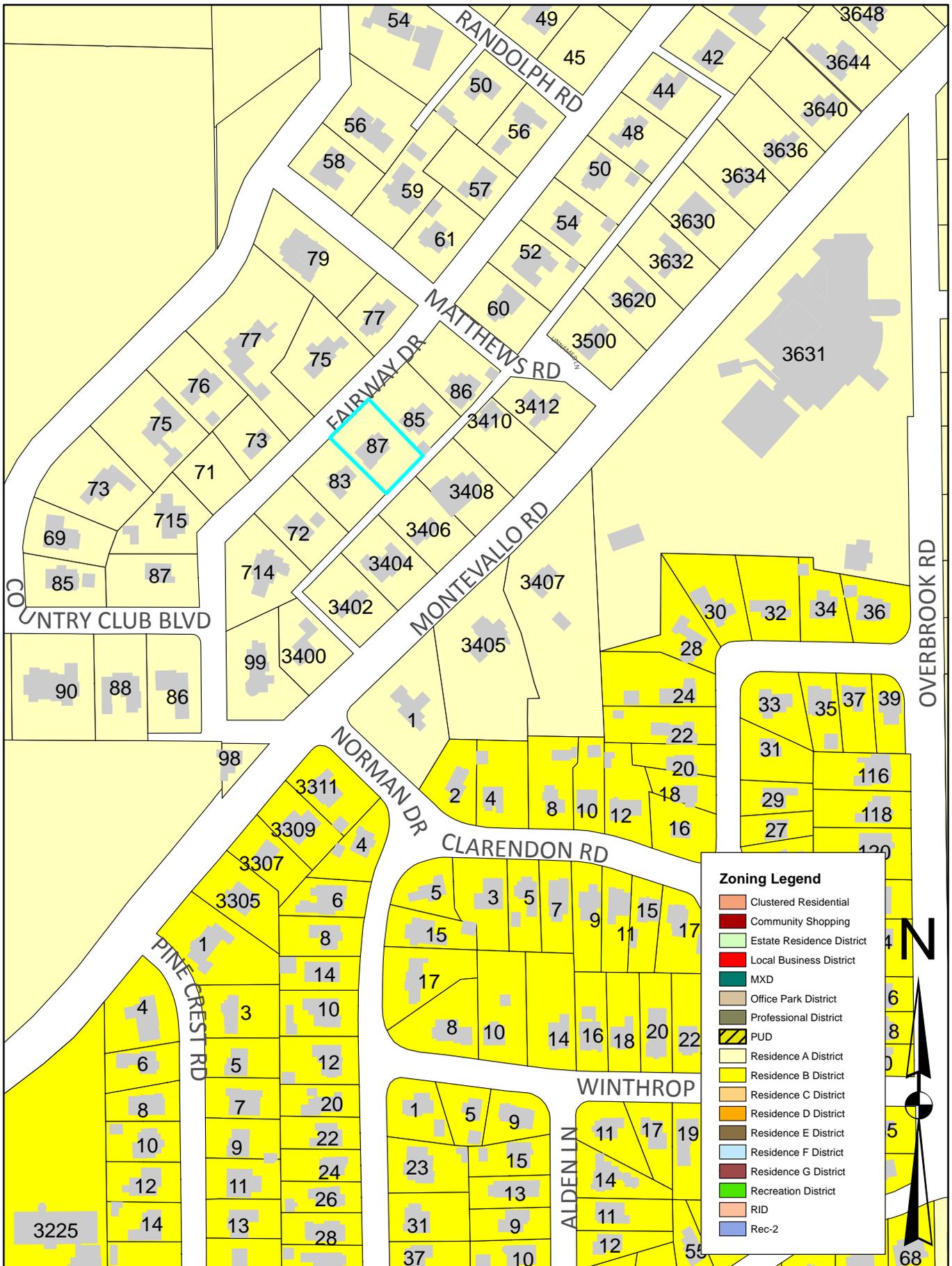
November 24, 2015

Dear Ms. Hazen,

Please see the enclosed documents for consideration in support of our application for a zoning variance. We hope to build a master bedroom addition off the rear of our existing house. To have sufficient space, we request permission to variate from the established setback of 40', asking for permission to build an additional 3' towards the rear of the property, resulting in a rear setback on that portion of the house of 37'. Our current house was originally built 52' from the front property line, and a large hill exists to the front as well as rear of the property, leaving us with only the proposed area in which to expand. Thank you for your consideration.

Sincerely,
Bryan and Kathleen Boudreaux

A-15-21 (Zoning Map)



Zoning Legend

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

Report to the Board of Zoning Adjustment

A-15-21

Petition Summary

Request to allow an addition to an existing single family dwelling to be 37 feet from the rear property line (southeast) in lieu of the required 40 feet, and to match the existing side setback (southwest) of 14.9 feet in lieu of the required 15 feet.

Analysis

In the application, the applicant notes topography as the hardship in this case; other hardships include the lot size (15,000 in lieu of the required 30,000 for Res-A) and the design constraint of the existing front setback (52 feet). Given the fact that the houses to the rear of the subject lot are across an alley, and are at a much higher elevation than the property in question, it is not anticipated that an approval of this request would be detrimental to adjoining properties.

Impervious Area

While the proposal is in compliance with the maximum building area (19% existing), it is not in compliance with the allowable 30% maximum impervious surface area for this zoning district. The existing impervious area is 34%, with the proposal totaling 38%. If the Board approves this variance, the applicant will either have to remove some of the existing impervious area (to keep the total under 34%) or conduct a detention study to analyze other methods of achieving conformance with the storm water ordinance.

Subject Property and Surrounding Land Uses

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

Affected Regulation

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

Appends

LOCATION: 87 Fairway Drive

ZONING DISTRICT: Res-A

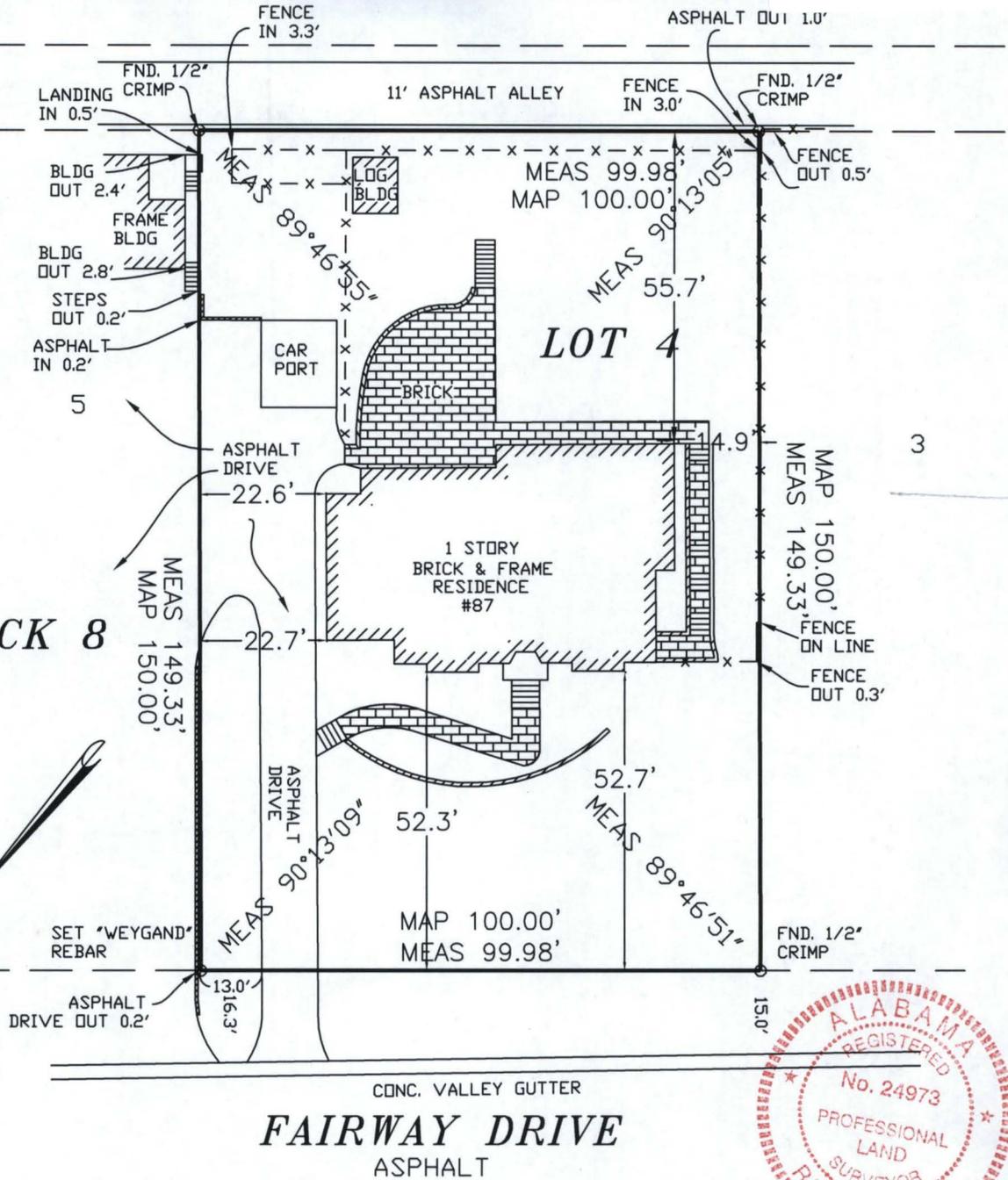
OWNERS: Bryan and Kathleen Boudreaux

LEGEND

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

BUILDING SETBACKS:
 FRONT = 40'
 REAR = 40'
 SIDES = 15'

BLOCK 8



SCALE: 1"=30'

STATE OF ALABAMA)
 JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 4, Block 8 COUNTRY CLUB GARDENS, as recorded in Map Volume 15, 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 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 **AUGUST 13, 2015**. Survey invalid if not sealed in red.

Order No.: 48867
 Purchaser: BOUDREAUX
 Address: 87 FAIRWAY DRIVE

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

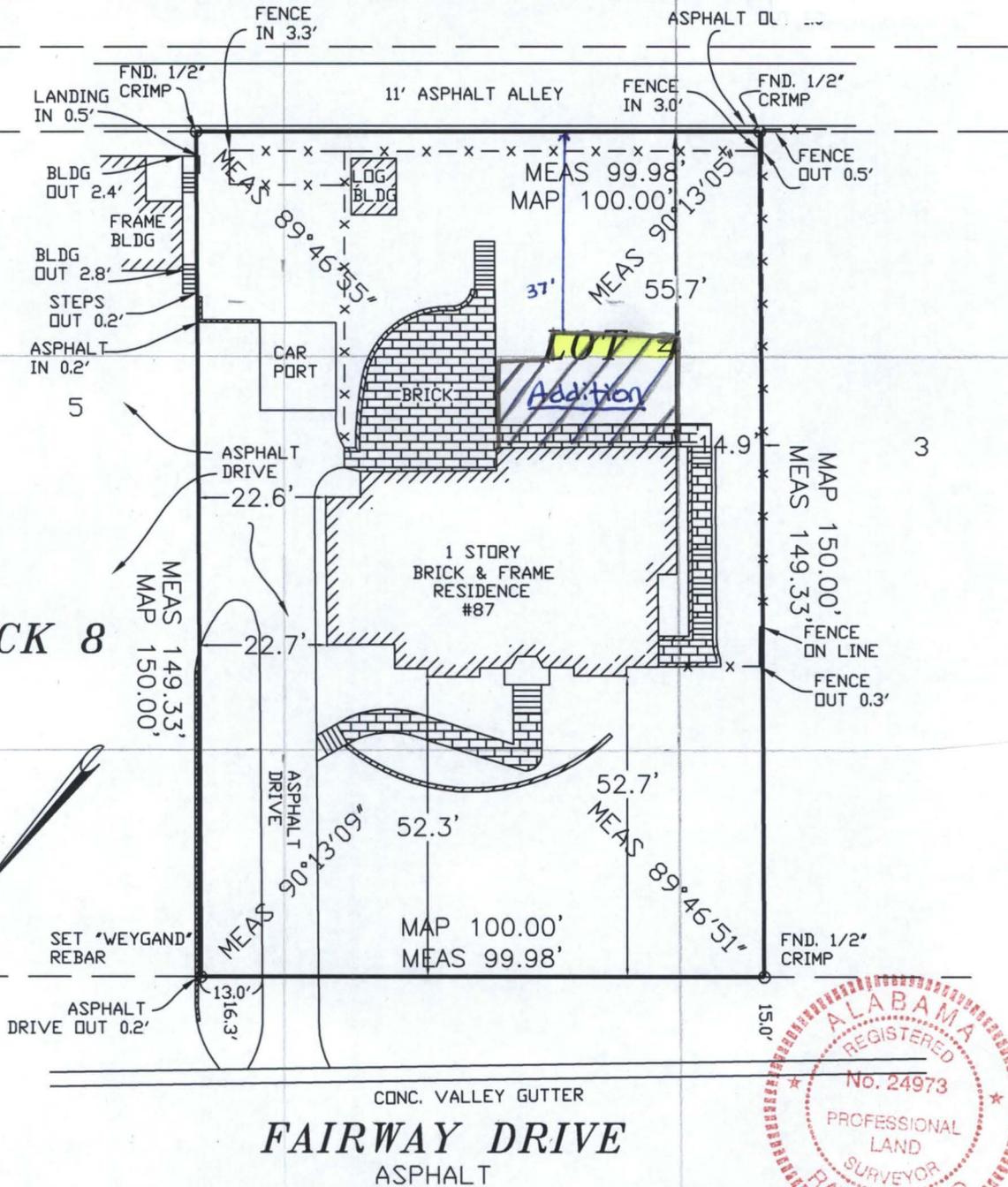
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LEGEND

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

BLOCK 8

BUILDING SETBACKS:
 FRONT = 40'
 REAR = 40'
 SIDES = 15'



SCALE: 1"=30'

STATE OF ALABAMA
 JEFFERSON COUNTY)

"Closing Survey"

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Order No.: 48867
 Purchaser: BOUDREAUX
 Address: 87 FAIRWAY DRIVE

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

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A-15-21

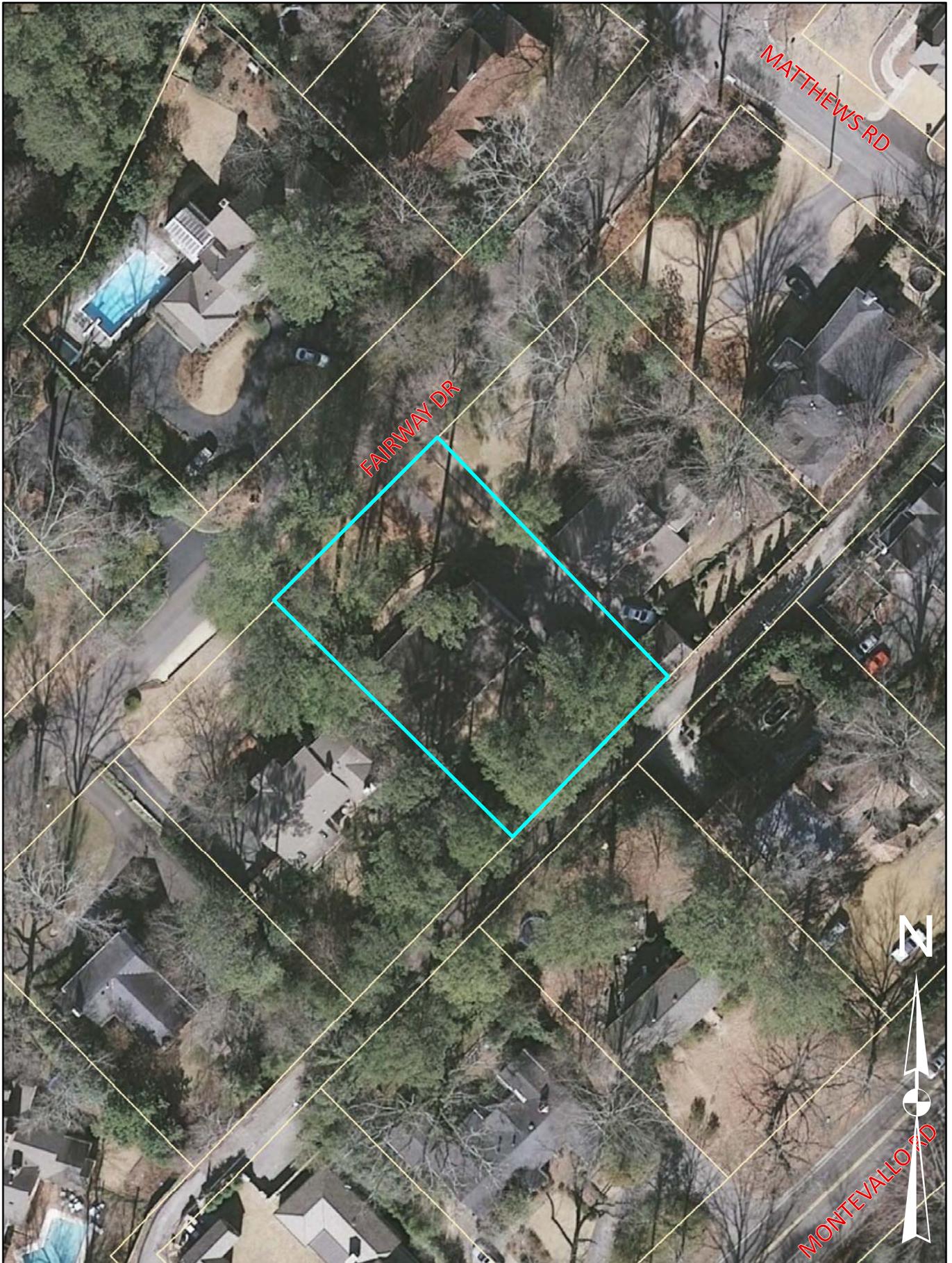


Views of rear yard
and hill
• Alley is behind
rear property line



View of rear
yard and hill
behind proposed
house addition

A-15-21 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

The size of the lot is only 15,000 sq. ft. Existing design constraints due to the original structure being built 52' from the front property line. Also, the topography of the lot, consisting of large hills in the front and rear of the property

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 the existing design constraints, coupled with the topography of the lot, adding on to the house in this particular location is required in order to preserve a usable yard for the property

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

No

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

We believe the granting of this variance will allow us to make the best use of our property despite the constraints posed by the existing structure and unique topography, without infringing upon the property rights of neighboring properties



Variance Application - Part I

Project Data

Address of Subject Property #7 West Montcrest Drive
 Zoning Classification R-B
 Name of Property Owner(s) Joe Baugh
 Phone Number 253-6739 Email _____
 Name of Surveyor Weygand (Ray)
 Phone Number 942-0086 Email _____
 Name of Architect (if applicable) N/A
 Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	10'	8'	8'
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			

Chris Franks: email
 franksbuildingco@gmail.com



PO Box 130834

Mtn. Brook, AL 35213

205-966-6917

Nov. 24th 2015

Dear Board of Zoning and Adjustments,

On behalf of Joe Baugh, Franks Building Company, Inc. is proposing the property at 7 West Montcrest Drive for a variance. The property is zoned residence B which requires for a 10' set back on accessory structures under 400 Sf. The existing garage is 8' off the right side property line.

We are trying to reduce the size of the existing garage by 175sf. We are proposing leaving the right wall which is currently 8' off the right property line, half the slab and half of the front and back wall. We would remove the roof and left wall of the existing structure and reduce the size of the 22'x25' garage to a 15'x 25' garage. These walls would then be reconstructed to keep with the existing structure with the same exterior finish and roofing. If this variance is granted it would allow the Baughs to increase the greenspace in their back yard by planting sod and shrubs. Thanks for taking your time to hear this case.

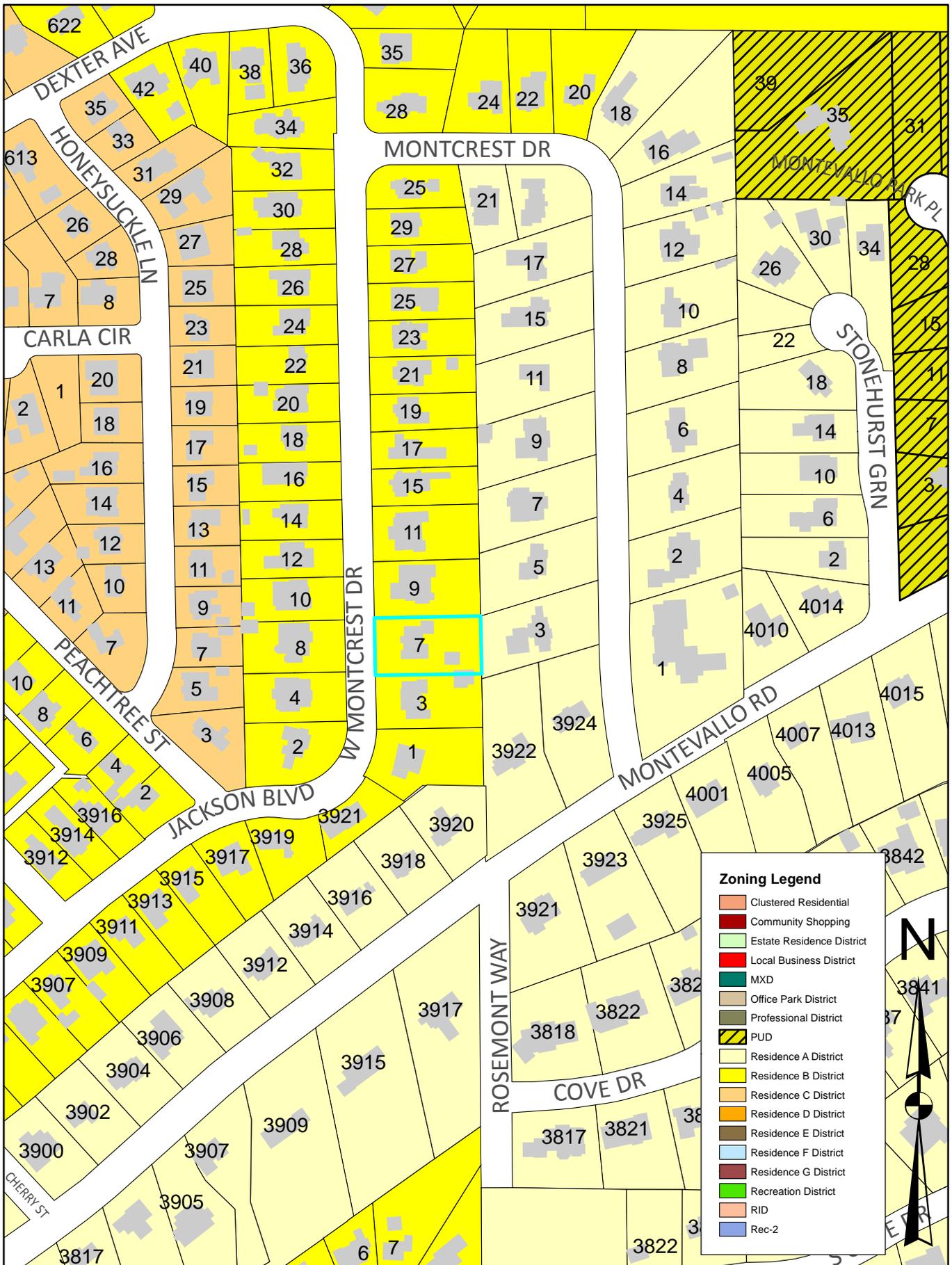
Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Franks', written in a cursive style.

Chris Franks

Franks Building Company, Inc.

A-15-22 (Zoning Map)



Report to the Board of Zoning Adjustment

A-15-22

Petition Summary

Request to allow a portion of an existing detached garage to remain 8 feet from the side property line (east) in lieu of the required 10 feet.

Analysis

The only apparent hardship in this case is the existing design constraint of the garage. The proposal is to reduce the size of the existing nonconforming garage by taking away the portion facing the interior of the lot. The garage is presently nonconforming in that it is 25 feet from the rear property line (where 35 feet is required) and 8 feet from the side property line (where 12.5 feet is required) due to the fact that it is presently larger than 400 square feet.

The proposal will make the garage less nonconforming in that it will reduce the size to less than 400 square feet, making the rear setback conforming (10 feet will be required instead of 35 feet) and leaving the side setback at 8 feet (where 10 feet will be required instead of 12.5 feet).

See applicant's letter for details of the proposed demolition and construction.

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

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

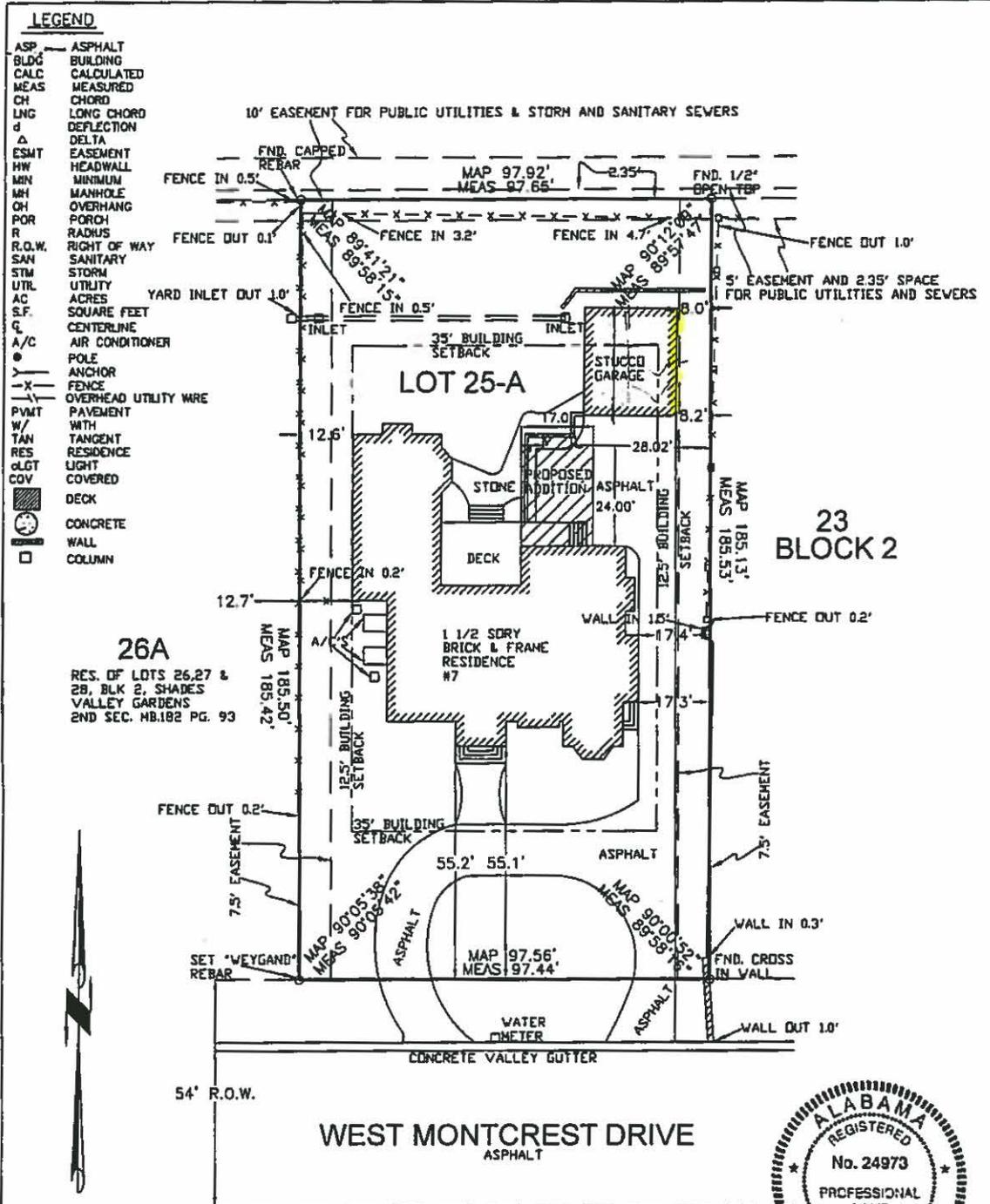
Appends

LOCATION: 7 West Montcrest Drive

ZONING DISTRICT: Res-B

OWNER: Joe Baugh

A-15-22



SCALE: 1"=30'

STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 25-A, AGNEW RESURVEY, as recorded in Map Volume 181, Page 49, 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.

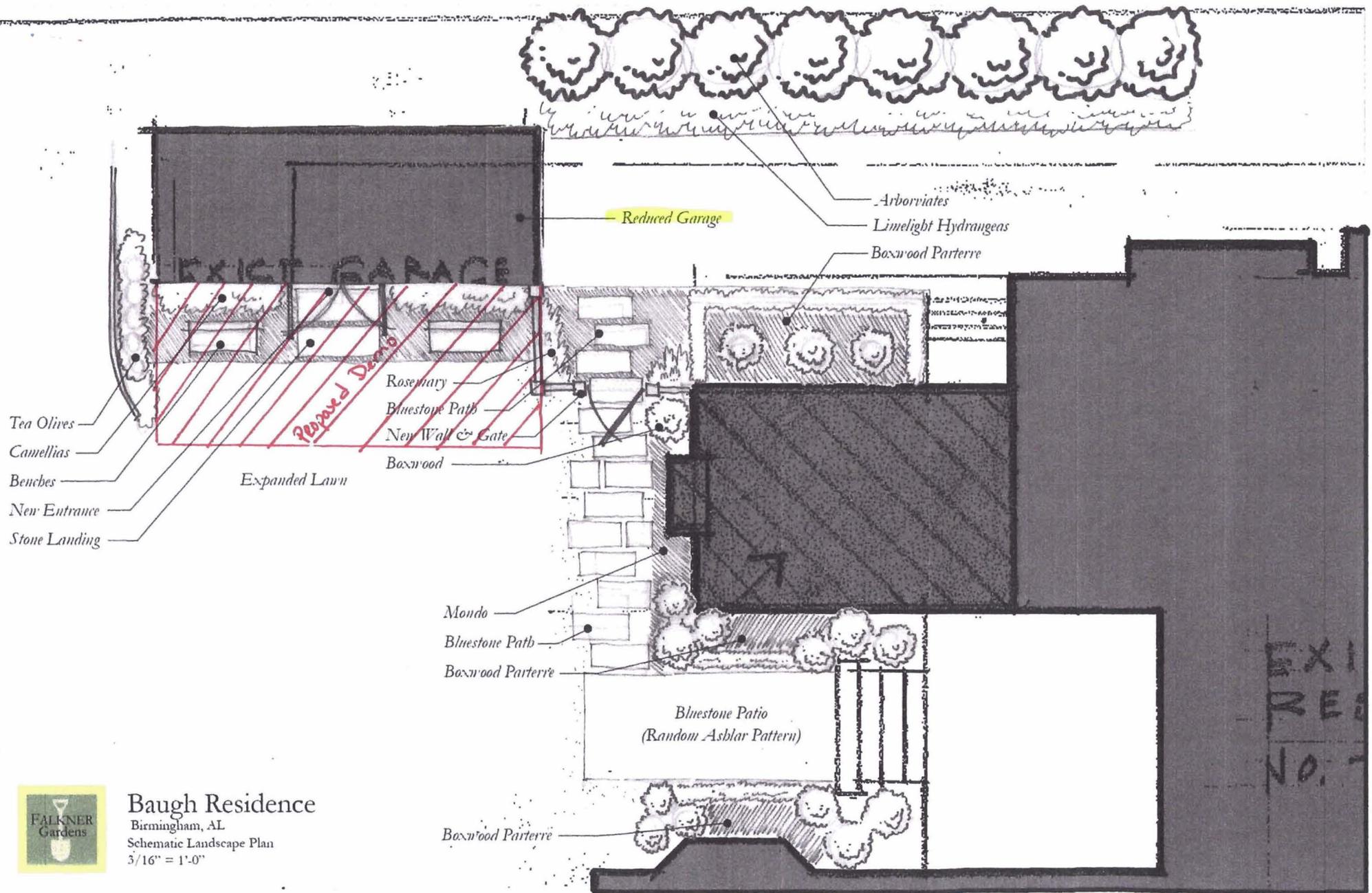
Order No.: 48975
Purchaser: Baugh
Address: 7 West Montcrest Drive

[Signature]

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

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 8 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.





- Tea Olives
- Camellias
- Benches
- New Entrance
- Stone Landing

Expanded Lawn

- Rosemary
- Bluestone Path
- New Wall & Gate
- Boxwood

- Arborvites
- Limelight Hydrangeas
- Boxwood Parterre

- Mondo
- Bluestone Path
- Boxwood Parterre

Bluestone Patio
(Random Asblar Pattern)

- Boxwood Parterre

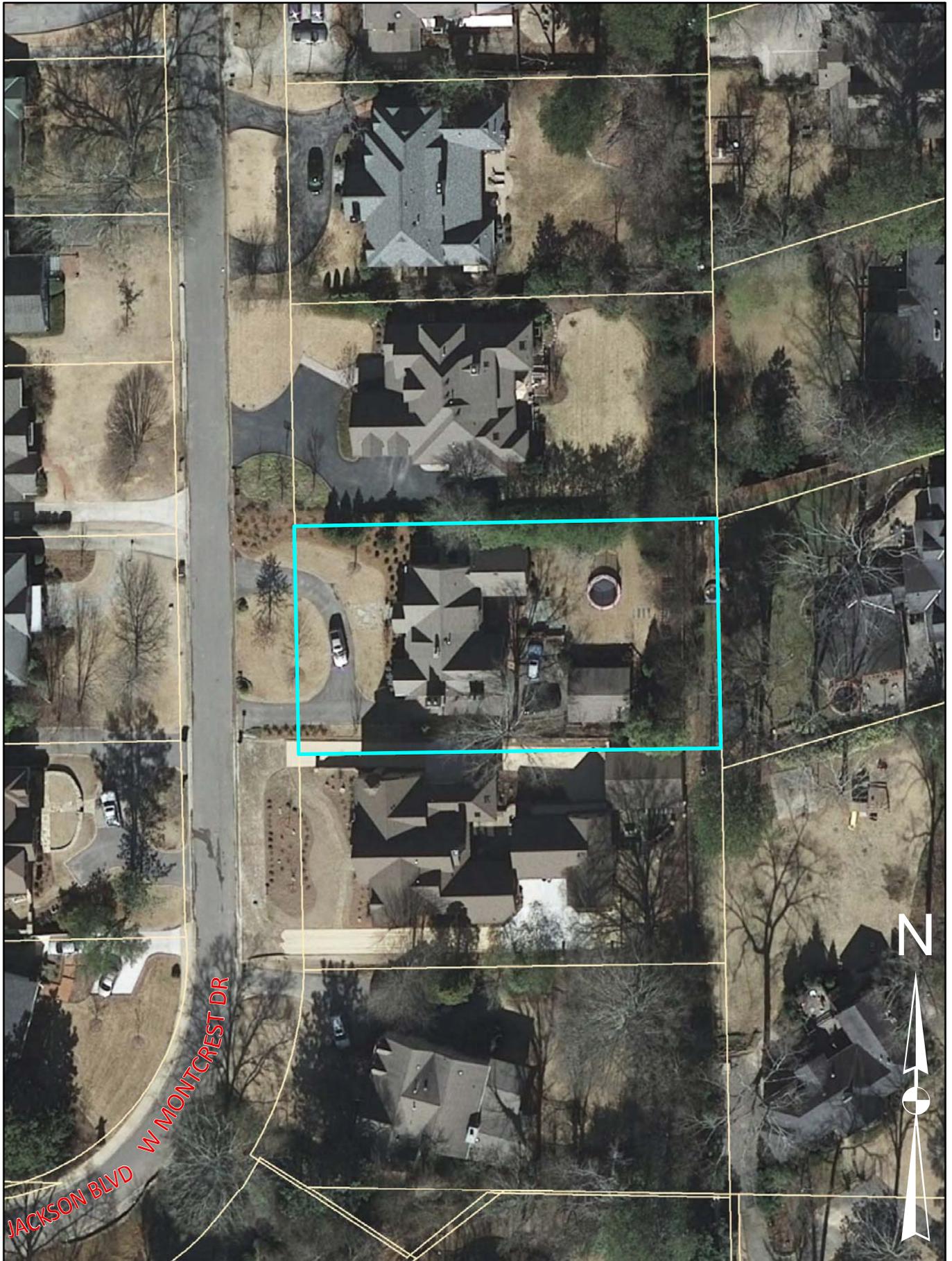


Baugh Residence
 Birmingham, AL
 Schematic Landscape Plan
 3/16" = 1'-0"

EXISTING
 NO.



A-15-22 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

The existing garage structure is in keeping with these detached garages that were built in the same time period and setbacks.

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?

This is an existing structure and by allowing the variance it would improve the greenspace of the lot by allowing for more sod + shrubs.

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?

It would allow an existing structure to be reduced in size and ~~and~~ allow for more greenspace.



Variance Application - Part I

Project Data

Address of Subject Property 3751 Village Lane

Zoning Classification R1D

Name of Property Owner(s) Dr. Bob Eichelberger

Phone Number 205-223-9188 Email Bobsima@hotmail.com

Name of Surveyor Weygand Surveyors

Phone Number 205-942-0086 Email _____

Name of Architect (if applicable) Gen. Con./Watershape Contractor; Jason L. Vickers

Phone Number 205-283-1413 Email vickerspools@gmail.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 →	*Pool meets requirements		
Rear Setback (ft)	10'	18'	4.8'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

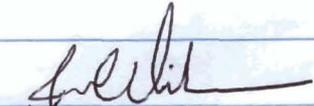
to be in front yard / R1D allows house 15' from curb.

To The Board of Zoning,

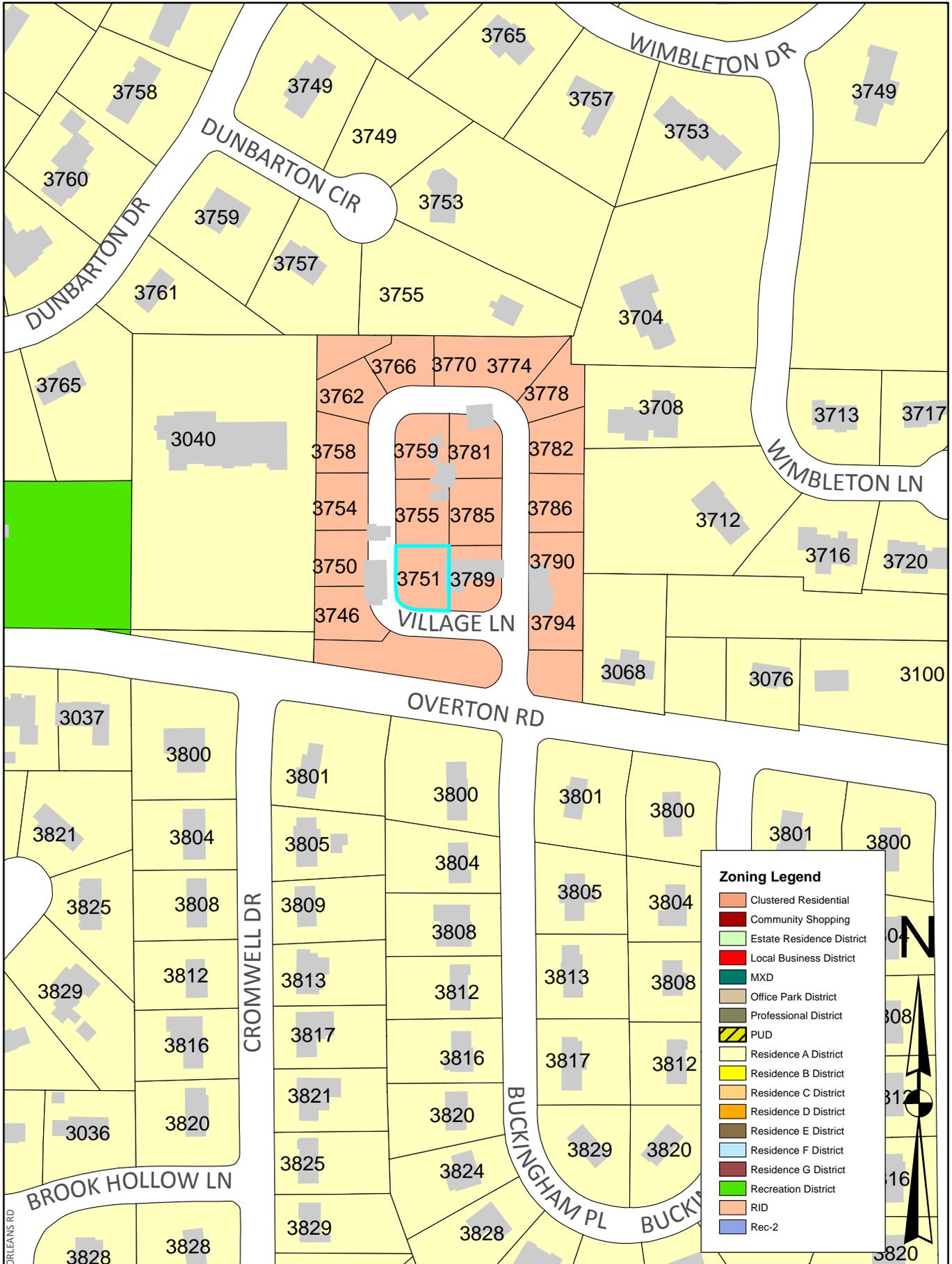
12-9-15

My name is Jason Vickers, I am the Watershape Designer/Builder on record humbly requesting approval for the construction of our watershape on behalf of my client Dr. Bob Eichelberger. I have been licensed for fifteen years and actively travelling around the country and Caribbean designing and building beautiful, high quality watershapes at my clients request. We have the highest rapport with Mt. Brook Building Department, and maintained a consistent track record for many years. I was raised in Vestavia Hills where I reside with my family currently. I operate offices in Chattanooga and Nashville as well.

The variance we are requesting is for the small courtyard behind the home of my client. There is an existing ten foot wall along the rear of the property and a six foot wall along the side. Setback requirement is 10' currently. We are asking of the Board to allow 7.2'. We already meet the other requirements, I'm including the landscape design drawings as well for you too view. These drawings are not scaled per variance request however, the survey "as built" from Roy Weyand is scaled. Thank you for your time and consideration on behalf of myself and Dr. Eichelberger.

Sincerely, 
Vickers Pools of the Southeast, Inc.

A-15-24 (Zoning Map)



Report to the Board of Zoning Adjustment

A-15-24

Petition Summary

Request to allow a swimming pool to be 4.8 feet from the rear property line (east) in lieu of the required 10 feet, and for a portion of the pool to be located within a secondary front yard (south), in lieu of the requirement to be behind the front building line

Analysis

While RID zoning does not have a minimum lot size, it is clear that the hardship in this case is the small lot; also, that it is a corner lot. The general accessory structure regulations were not necessarily developed with RID lots in mind. RID is a custom zoning district that allows lots of this size which, in this case, is smaller than a Res-C lot (6,536 square feet). In this particular RID, houses are permitted to be 5 feet from the side property line and 10 feet from the rear property line; so it may follow that requiring the typical 10-foot accessory building setback may be too stringent. The required front setback in this subdivision is 15 feet from the *curb* (as shown on the attached survey).

The proposed pool is behind the required 15-foot front setback, but a portion of it is approximately 2 feet in front of the house. However, it is proposed behind an existing courtyard wall and will not be visible from the street.

No detrimental effects to adjoining properties are anticipated in conjunction with an approval of this request.

Background

In November 2014, the Board approved a similar request in this same subdivision, located at 3781 Village Lane. The request was to allow a swimming pool to be 3 feet from the rear property line (west). The Board approved a revised version of the request to be 5 feet from the rear property line.

In August 2015, the Board approved a similar request in another RID subdivision (Calton Hill). Case A-15-03 was a request to allow a pool to be located within the secondary front yard (Montclair Road), in lieu of the requirement to be behind the front building line. This pool is also behind a courtyard wall and is not visible from the street.

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 XIX, General Area and Dimensional Requirements; Section 129-318, Private Recreational facilities in Residential Districts.

Appends

LOCATION: 3751 Village Lane

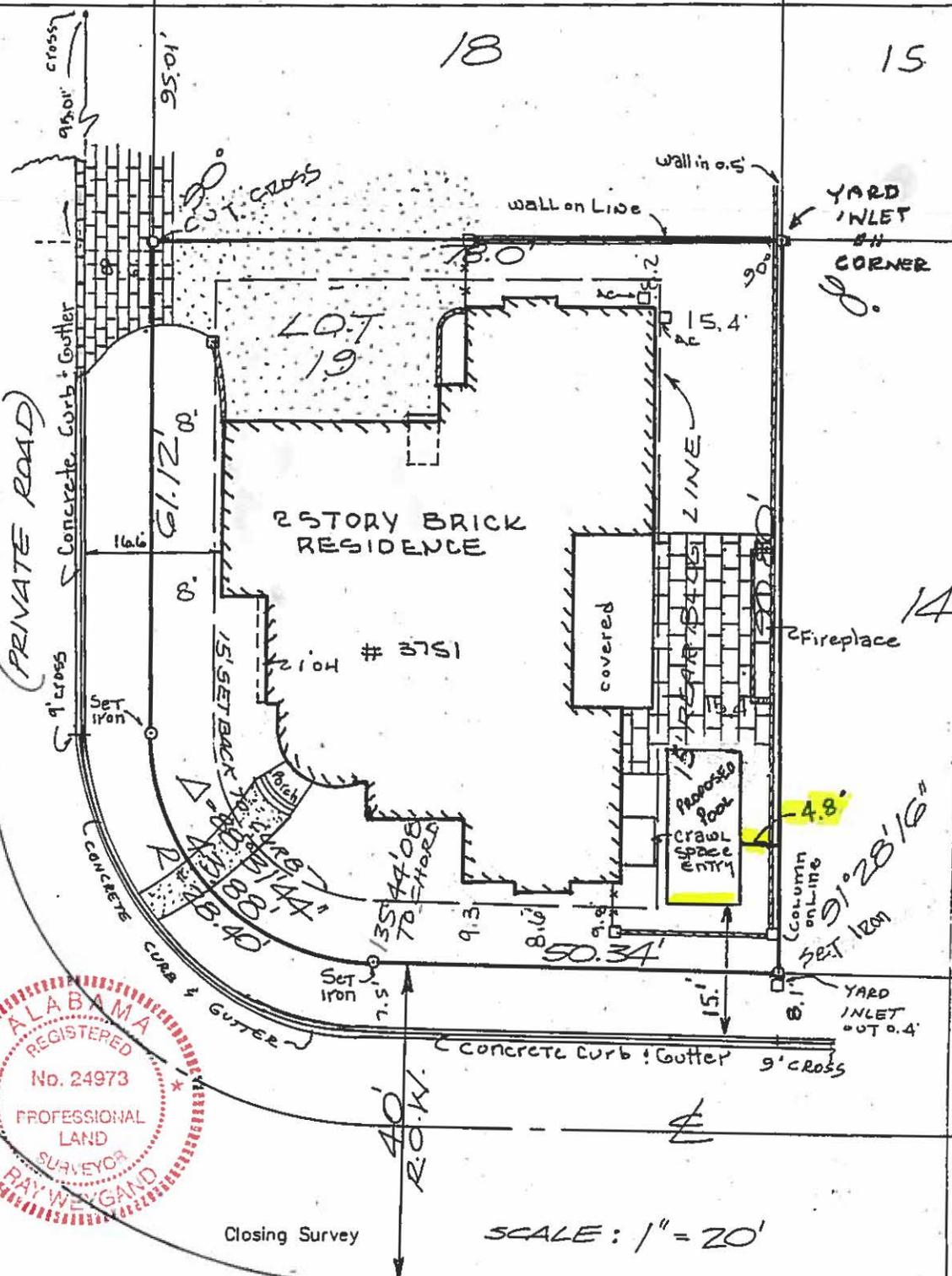
ZONING DISTRICT: Residential Infill (RID)

OWNER: Bob Eichelberger

LEGEND

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

VILLAGE LANE
(PRIVATE ROAD)



STATE OF ALABAMA
JEFFERSON COUNTY)

Closing Survey

SCALE: 1" = 20'

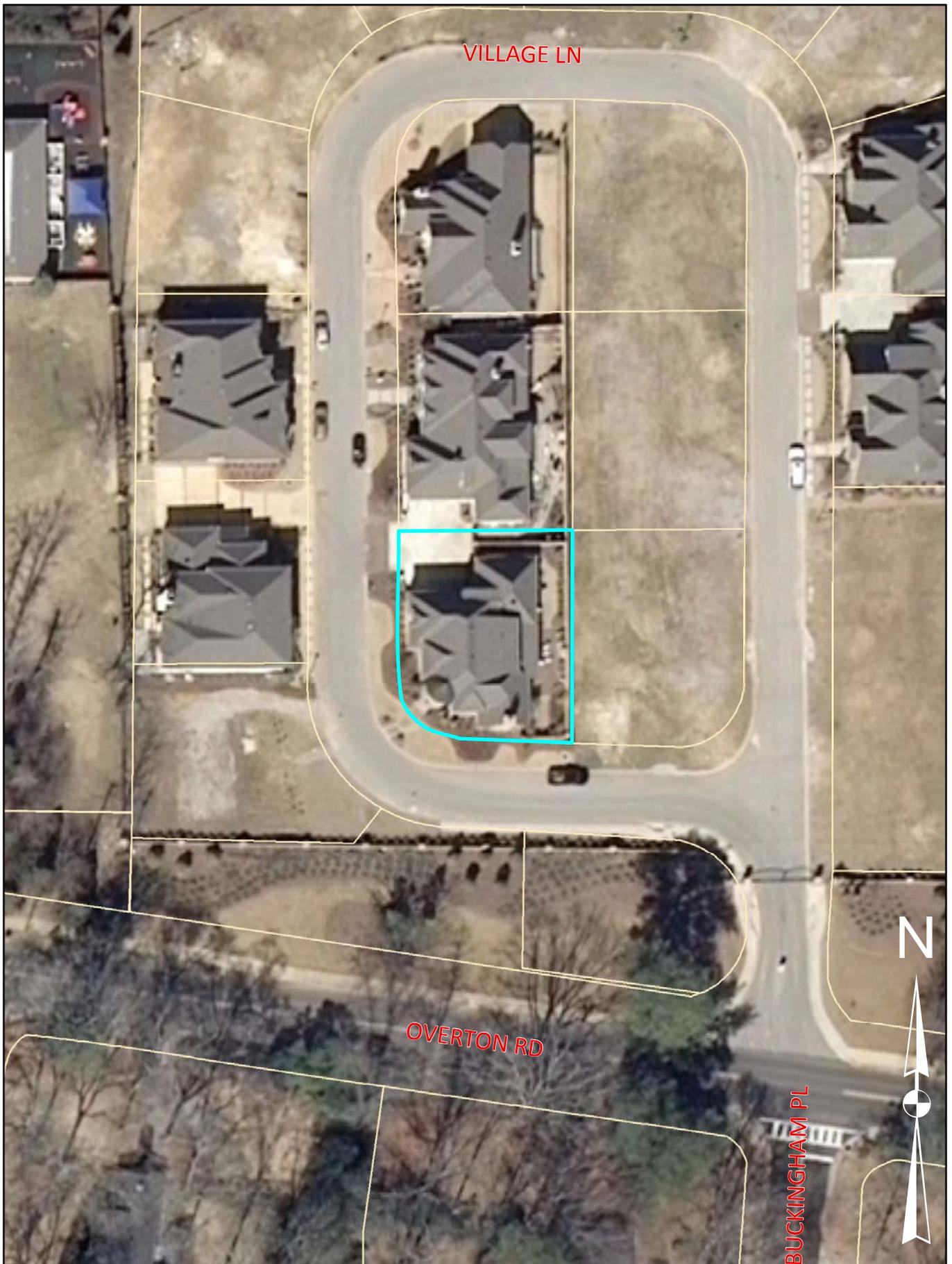
I, Laurence D. Weygand, a registered Engineer—Land Surveyor, or Ray Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 19, Block 2, THE PARK AT OVERTON, as recorded in Map Volume 215, Page 60, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no 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, 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 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 DEC. 9, 2015.
Survey invalid if not sealed in red.

Order No.:
Purchaser:
Address: 375 VILLAGE LANE
Flood Zone: X Map Number: 91073C 0578G

Laurence D. Weygand, Reg. P.E.—L.S. #10373
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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A-15-24 (Aerial Map)



VILLAGE LN

OVERTON RD

BUCKINGHAM PL

N



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)?

We live in a gated community with small yards. As land owners in Mountain Brook we expect to afford the right to improving our properties with the same amenities as large properties but on an appropriate scale that our property allows.

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?

We aren't the first home in our small, gated community to build a pool. Keith Russell built a pool almost identical to what we are requesting one year ago. We intend to use the same builder so we can guarantee the same quality.

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

No

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

We are seeing a trend in larger homes being built on smaller, more manageable property. This is also true with the trend of smaller "cocktail pools" to accent them. Our property is surrounded by a 6' brick wall that encompasses the pool area. The complete is very tasteful and maximizes the aesthetic potential for our property.