

BZA Packet

February 5, 2016

Hello All,

Enclosed please find your packet for the meeting of **Tuesday** February 16, 2016.

We have:

- 1 carry over case
- 3 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)
- 2016-Feb-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 **Tuesday!**

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
2/16/2016

PRE-MEETING: (ROOM A106) 4:30 P.M.

REGULAR MEETING: (ROOM A108) 5:00 P.M.

CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

NOTICE

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

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

-
1. Approval of Minutes: 1/19/2016

 2. **Case A-16-04:** Herbert Beville, Jr., owner, requests a variance from the terms of the Zoning Regulations to construct a recreational structure (basketball court) in the front yard (62 feet from Shook Hill Circle) in lieu of the requirement for such structures to be in the rear yard. - **2821 Shook Hill Circle**
(Carried Over from the Meeting of January 19, 2016)

 3. **Case A-16-07: Wil and Dawson Cooper,** owners, request variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to include a chimney extension and new brick veneer to be 5 feet from the side property line (northwest), a new roof over an existing portion of the house to be 4 feet 8 inches from the side property line (northwest), and an arbor/overhang to be 6 feet from the side property line (southeast), all in lieu of the required 8 feet. Also for a new second floor, portions of which to be 8 feet from both side property lines, in lieu of the required 12 feet. - **26 Spring Street.**

 4. **Case A-16-08: Dale Trammell, Jr,** owner, requests a variance from the terms of the Zoning Regulations to allow the extension of an existing 6-foot high wood fence along the rear property line (alley) to extend to the southeast corner of the property, in lieu of the requirement to be no higher than 4 feet within 15 feet of the Cherry Street property line. *(Existing fencing along the Cherry Street property line to be reduced to 4 feet in height).* - **311 Dexter Ave.**

 5. **Case A-16-09: Charlie and Jennifer Reagan,** owners, request a variance from the terms of the Zoning Regulations to allow the construction of an uncovered auto court, the retaining walls of which will range from 3 feet to 8.5 feet in height (approximately 28 feet from the front property line), where walls are limited to 4 feet in height within the 40-foot front yard setback. - **3916 Glencoe Drive.**

6. Next Meeting: 3/21/2016

7. Adjournment

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
January 19, 2016

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, January 19, 2016, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

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

Also present: Virginia Smith, Council Liaison
Dana Hazen, Director of Planning, Building & Sustainability
Glen Merchant, Building Official
Hunter Simmons, GIS Manager
Tammy Graham, Administrative Assistant

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 applicants, 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 - December 21, 2015:

Motion: Mr. Hereford, to approve as printed
Second: Mr. Orr
Vote: Unanimously approved

2. Case A-16-01: 3420 Mountain Lane

EXHIBIT 1/APPENDIX 1

Heather and Carter Clay, owners, request a variance from the terms of the Zoning Regulations to allow the construction of a single family dwelling, portions of which to be within 12 feet 6 inches from the side property line (east) in lieu of the required 15 feet.

Mr. Clay presented his request for a variance that would allow him to proceed with a demolition/construction project at this address.

Hardships: The irregular shape of the lot and the existing design constraints.

Eric Dale, architect:

- The plan is to build a new house on the existing foundation.
- Mountain Lane is not retained on a grid; turns at a hard angle. To keep the houses aligned with the street, they were built at an angle to the property line. This poses an awkward design situation.
- The right rear corner of the existing structure is nonconforming. A brick veneer will be used on the new structure, adding an additional 6”.
- There is a significant amount of space between this house and the house to the right.
- Proposing to rebuild the existing attached carport and requesting a 12 ½’ setback.
- The new carport will be a significant improvement over the existing structure; it will add design integrity and blend with the house.

Mr. Hereford: The new carport will be closer to the property line by 2’-2 ½’.

Mr. Dale: Yes.

Chairman Higginbotham stated that the lot is irregularly shaped and the placement of the structure is closer to parallel to the street than parallel to the side property line. The encroachments would involve two corners and would not involve a lot of the building structure or floor space.

Motion: Mr. Hereford, to grant variance as presented

Second: Mr. Simonton

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

Variance approved by a 5 – 0 vote.

3. Case A-16-02: 111 Crestview Drive

EXHIBIT 2/APPENDIX 2

Laura and John Carter, owners, request variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be 32.8 feet from the front property line (Crestview Drive) in lieu of the required 35 feet, 11 feet from the side property line (north) and 10.3 feet from the side property line (south), both in lieu of the required 12.5 feet, and 20 feet from the rear property line (east) in lieu of the required 35 feet.

Hardships: The irregular shape of the lot (narrows from front to back), the existing design constraints and small size of the lot.

Anna Evans, architect, presented the application:

- This lot is smaller than the minimum for the Res-B zone, approximately 8,000 sf.
- The existing 1 ½ story house is slightly nonconforming on all sides.
- The roof will be removed and reconstructed to gain footage on the second floor.
- Front and side encroachments remain the same. Back encroachment will be less; will match existing 33.8' in right corner and extend across.
- Rear wall will extend upward to second floor. No further encroachment.

Chairman Higginbotham clarified:

- Left side, no further encroachment on the first floor and no encroachment on the second floor.
- Front encroachment stays the same.
- Right side, no further encroachment on the first floor; on the second floor there is encroachment and a dormer is added.

Ms. Evans affirmed and added that the chimney reconfiguration will be shorter and will not add to the encroachment.

Mr. Hereford: The addition at the back will square off to match the other side, with only the chimney projecting. That will be an improvement. Ms. Evans: Yes.

Mr. Higginbotham: Is the existing deck taller than the proposed deck? Is the deck measurement the same?

Ms. Evans: New deck is 18" lower; total overall height, with railing, is 8'. Deck measurement is the same.

Ms. Evans asked to amend the variance request by withdrawing the deck portion because the overall deck height is 8' or less.

Motion: Mr. Hereford, to grant the variance as amended by the applicant.

Amendment: Remove the deck portion of the variance because the overall deck height is 8' or less.

Second: Mr. Orr

Vote:	<u>Ayes</u>	<u>Nays</u>
	Higginbotham	None
	Hereford	
	Lapidus	
	Orr	
	Simonton	

Variance approved by a 5 – 0 vote.

4. Case A-16-03: 64 Pine Crest Road

EXHIBIT 3/APPENDIX 3

Christopher and Candace Stanley, owners, request a variance from the terms of the Zoning Regulations to allow the conversion of an existing uncovered deck to a covered deck and screened porch, to remain 8 feet 5 inches from the side property line (southwest) in lieu of the required 12 feet 6 inches.

Hardships: An irregularly shaped lot, two road frontages and existing design constraints.

Sissy Austin, architect, presented the variance request:

- The applicants would like to roof a portion of the existing deck and make it a screened-in porch.
- Only one corner of the existing structure is nonconforming.
- The portion of the porch that is roofed will be screened; the remainder is unroofed.

Comments from the Board:

- The lot is almost triangle shaped, with two frontages.
- Southwest encroachment will be unchanged; exterior stairs will move from west to east side, improving the nonconforming situation.
- One corner is in the setback.

Motion: Mr. Orr, to grant variance as requested

Second: Mr. Hereford

Vote: <u>Ayes</u>	<u>Nays</u>
Higginbotham	None
Hereford	
Lapidus	
Orr	
Simonton	

Variance approved by a 5 – 0 vote.

5. Case A-16-04: - 2821 Shook Hill Circle

EXHIBIT 4/APPENDIX 4

Herbert Beville, Jr., owner, requests a variance from the terms of the Zoning Regulations to construct a recreational structure (basketball court) in the front yard (62 feet from Shook Hill Circle) in lieu of the requirement for such structures to be in the rear yard.

Due to no representation, the case was not heard. Questions were allowed from the public.

Sharon Burrow, 2817 Shook Hill Circle: Will the basketball court be fenced and have lighting? Will shrubbery be planted to screen from the road? Concerned about exposure to neighbors. Landscaping not completed from previous variances approved.

Chairman Higginbotham: It is the Board's understanding that lighting and fencing will not be allowed; would have to meet other requirements; has proposed at this time a concrete pad and two goal posts. As for landscaping, the project is still in the construction process.

Mr. McCleod, 2846 Shook Hill Circle, representing Shook Hill Homeowners Association: The Association feels Mr. Beville is doing a respectable job overall.

Motion: Mr. Hereford, to continue one month

Second: Mr. Orr

Vote: Unanimous

6. Case A-16-05: 311 Euclid Avenue

EXHIBIT 5/APPENDIX 5

William Black, owner, requests a variance from the terms of the Zoning Regulations to allow the construction of an addition to a single family dwelling to be 4.3 feet from the side property line (northeast) in lieu of the required 8 feet.

Hardships: The narrowness of the lot (50 feet); placement of structure on the lot.

Mr. Black presented the variance request:

- House is not centered on the property.
- Existing structure is 4.3' from the side property line (northeast). Proposing an addition straight back on left of the structure, following that same side line.
- Maintaining same roof line.
- To meet impervious area requirements, the brick and mortar walkway across the back will be removed, as well as 14' of the parking pad in the right front yard. This will bring impervious area into compliance.

Comments from the Board:

- Agrees that the lot is narrow.
- Concerned about how close the house is to the property line and possible future implications by allowing the variance. Variance would make the situation worse.

- Mr. Black was asked if he had considered stepping the addition back; not adding to the existing encroachment. Mr. Black: That area involves the master suite restroom and would cause design issues.
- Mr. Hereford: Could you shift the whole addition to the other side where a variance would not be required? Mr. Black: I do not want to make it look like an offset addition. Would like for addition to look like a part of the existing house. The area of the addition that is in the encroachment is where a restroom is located and the layout is difficult and tight any other way. Chairman Higginbotham: That is a design issue, not a hardship.
- Mr. Mitchell: It appears from the aerial photo that the adjoining property most affected by this proposed variance is a vacant area.
- Mr. Hereford: There is a structure in back of the mentioned adjoining property.
- If adjoining property added something later, it would be very tight.

Mr. Black asked to amend his variance request to 6.3 feet from the property line.

Motion: Mr. Hereford, to grant the variance as amended by the applicant, to allow the construction of an addition to a single family dwelling to be 6.3 feet from the side property line (northeast) in lieu of the required 8 feet.

Second: Mr. Orr

Vote:	<u>Ayes</u>	<u>Nays</u>
	Higginbotham	None
	Hereford	
	Lapidus	
	Orr	
	Simonton	

Variance approved by a 5 – 0 vote.

7. Case A-16-06: 3415 Mountain Lane.

EXHIBIT 6/APPENDIX 6

Jobie and J. Reid Lynch, owners, request a variance from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to match the existing foundation of 14.1 feet from the side property line (west) in lieu of the required 15 feet.

Hardships: The irregular shape of the lot and the existing design constraints.

Mr. and Mrs. Lynch presented the variance request:

- They would like to build a new home on the existing foundation.
- There is an existing encroachment on the side property line (west).
- First level only will encroach.

Chairman Higginbotham: Is the house already demolished? Mrs. Lynch: Yes, to sub-floors.

Chairman Higginbotham: How much of the side from the back is encroaching? Mrs. Lynch: 4'-5'; back, right corner.

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

Second: Mr. Simonton

Vote:	<u>Ayes</u>	<u>Nays</u>
	Higginbotham	None
	Hereford	
	Lapidus	
	Orr	
	Simonton	

Variance approved by a 5 – 0 vote.

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

Tammy Graham, Administrative Assistant



A-16-004

Variance Application - Part I

Address of Subject Property 2821 Shook Hill Cir

Zoning Classification Estate Residence Zoning District

Name of Property Owner(s) Herbert Beville, Jr

Phone Number 205-283-3204 Email hbeville@AOL.com

Name of Surveyor _____

Phone Number _____ Email _____

Name of Architect (if applicable) _____

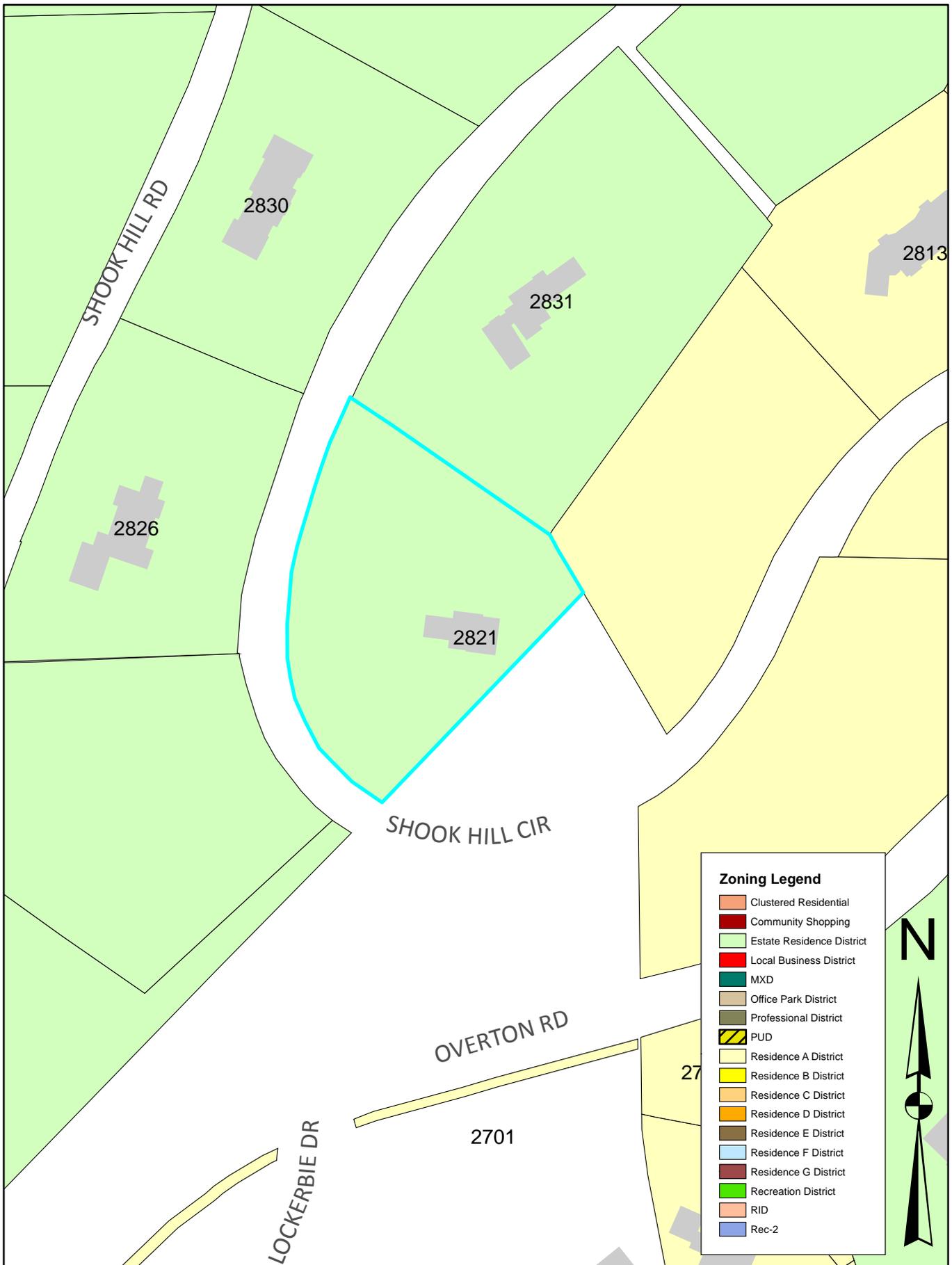
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	100 ft Setback		
Front Setback (ft) <i>secondary</i>			
Right Side Setback	100 ft 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 →	100 ft Setback		
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	100 ft Setback		
Rear Setback (ft)	100 ft Setback		
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-16-07 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-04

Petition Summary

Request to construct a recreational structure (basketball court) in the front yard (62 feet from Shook Hill Circle) in lieu of the requirement for such structures to be in the rear yard.

Background

On October 19, 2015, the Board approved Case A-15-12 for a request on this same property 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.

On August 11, 2014, the Board approved Case 4135 which allowed variances on this lot to construct a swimming pool and pool house in the front yard (114.5 feet and 105.2 feet, respectively, from Shook Hill Circle) in lieu of the requirement for such structures to be in the rear yard. The condition of approval was that there is to be an evergreen privacy hedge along the upper terrace. The project had been permitted and construction had commenced; however, the pool house location was revised to the opposite side of the pool (facilitating the need for a new variance for that aspect of the project).

Analysis

The hardships in this case are the irregular shape of the lot, the fact that the majority of the lot's boundary is situated on a curved road (resulting in most of the lot having a 100-foot "front" setback) and the orientation of the house (front door facing north, with the "rear yard" facing the street).

The proposal is to construct a basketball court in the yard that actually serves as the home's rear yard, but is the "front" as defined by code. However, the code does not allow for detached accessory buildings in a front yard. The topography of the lot is such that the area where the basketball court is proposed is much higher than the street, limiting visibility to the proposed improvements. No lighting or fencing is proposed in conjunction with the basketball court. As such, no detrimental effect to the street or surrounding properties is anticipated 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

Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures on Residential Lots and Section 129-318 Private Recreational Facilities in Residential Districts.

Appends

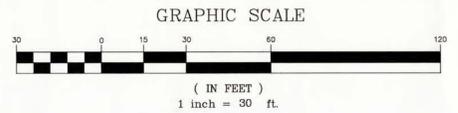
LOCATION: 2821 Shook Hill Circle

ZONING DISTRICT: Estate Residence

OWNER: Herbert Beville, Jr.

**BOUNDARY SURVEY OF
2821 SHOOK HILL CIRCLE
MOUNTAIN BROOK, AL. 35223**

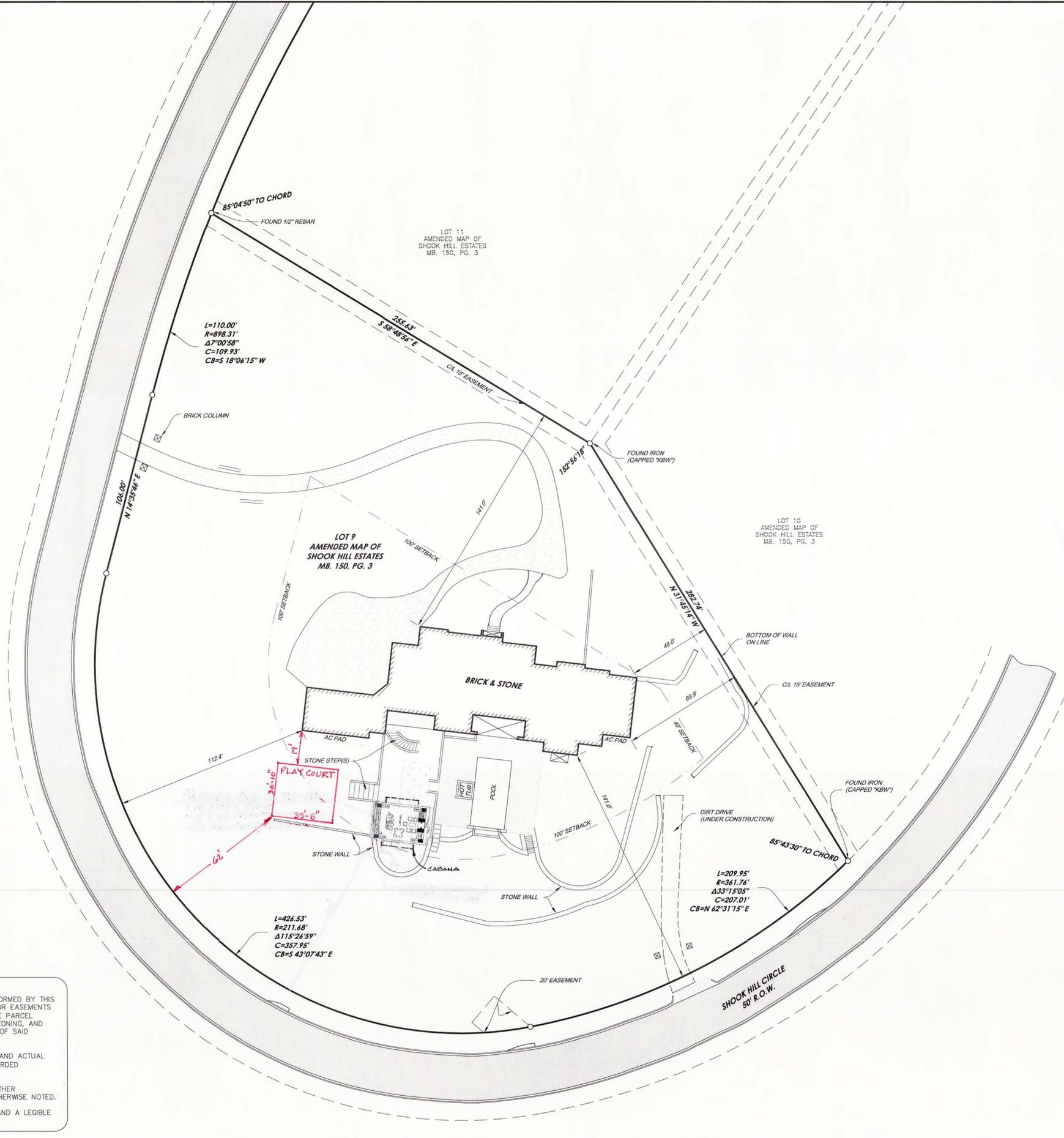
SITUATED IN THE WEST 1/2 OF SECTION 16,
TOWNSHIP 18 SOUTH, RANGE 2 WEST,
JEFFERSON COUNTY, ALABAMA



PREPARED FOR:
DAVID ISAAC
1100 LEE BRANCH LANE
BIRMINGHAM, AL 35242
(205) 980-3250

LEGEND

- WALL
- ROCK
- CONCRETE
- GRAVEL



DESCRIPTION: LOT 9, ACCORDING TO THE AMENDED MAP OF SHOOK HILL ESTATES, AS RECORDED IN MAP BOOK 150, PG. 3, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SURVEYOR:
Jeff D. Arrington
JEFF D. ARRINGTON
ALABAMA NO. 18664
DATE: 9-21-15

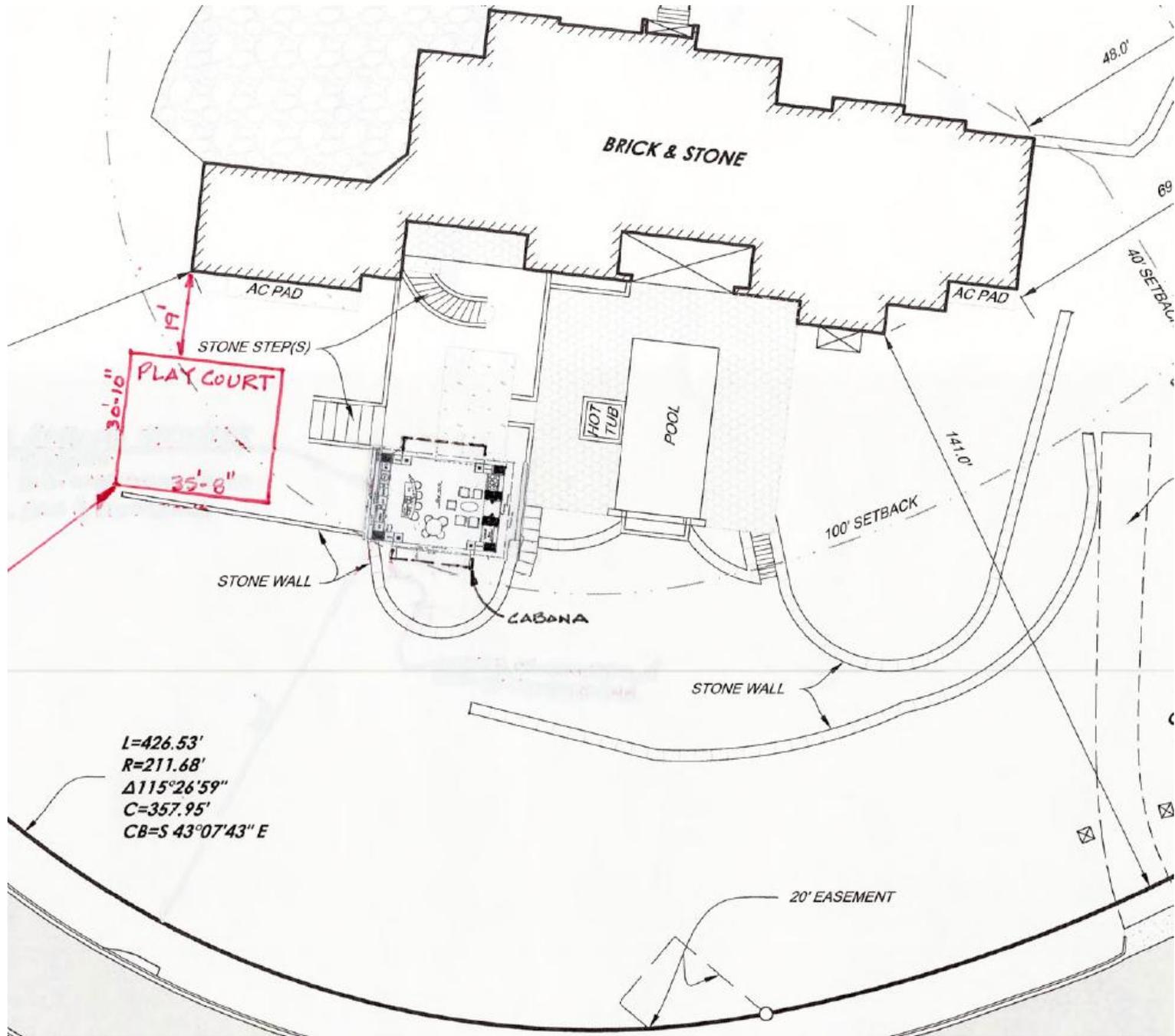
DATE OF FIELD WORK: 09-17-15 (UNDER CONSTRUCTION AT TIME OF SURVEY)

ARRINGTON ENGINEERING
Civil Engineers - Surveyors - Land Planners

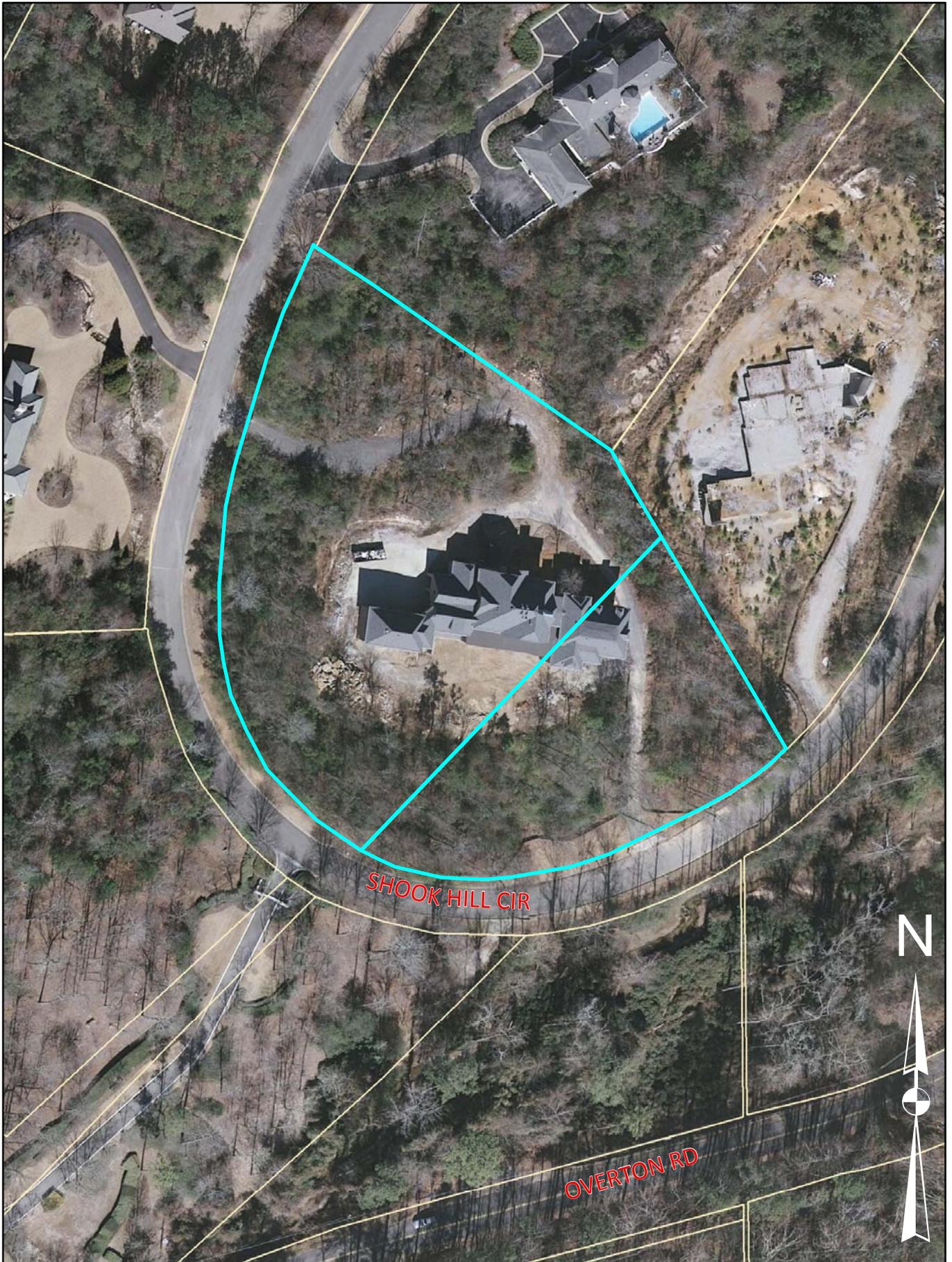
Office: (205) 985-9315
Fax: (205) 985-9385
2032 Valleydale Road
Birmingham AL 35244

- NOTES:**
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORD OF SAID COUNTY.
 - ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); MEASURED=(M); RECORDED MAP=(RM).
 - UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
 - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

DRAWING TITLE BOUNDARY SURVEY OF 2821 SHOOK HILL CIRCLE MOUNTAIN BROOK, AL. 35223		DRAWN BY	MBA
		CHECKED BY:	JDA
		DATE:	09-17-15
		SCALE:	1"=30'
		PARTY CHIEF	KCS
LOCATION & DESCRIPTION SITUATED IN THE WEST 1/2 OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA		PROJECT NO.:	59054
		SHEET	59054



A-16-04 (Aerial Map)



12/2/15

A-16-004

To Whom it may Concern:

I Herbert Beville, Jr am requesting a variance to
place a basketball court at 2821 Shook Hill Cir
Nto Brook, Al 35223. I thank you

Sincerely,

↵



Variance Application - Part I

Project Data

Address of Subject Property 26 Spring St

Zoning Classification R-C

Name of Property Owner(s) Wil + Dawson Cooper

Phone Number 903-7142 Email dawsondcooper@gmail.com

Name of Surveyor Ray Weygand

Phone Number 942-0086 Email info@weygandsurveyors.com

Name of Architect (if applicable) Richard Long

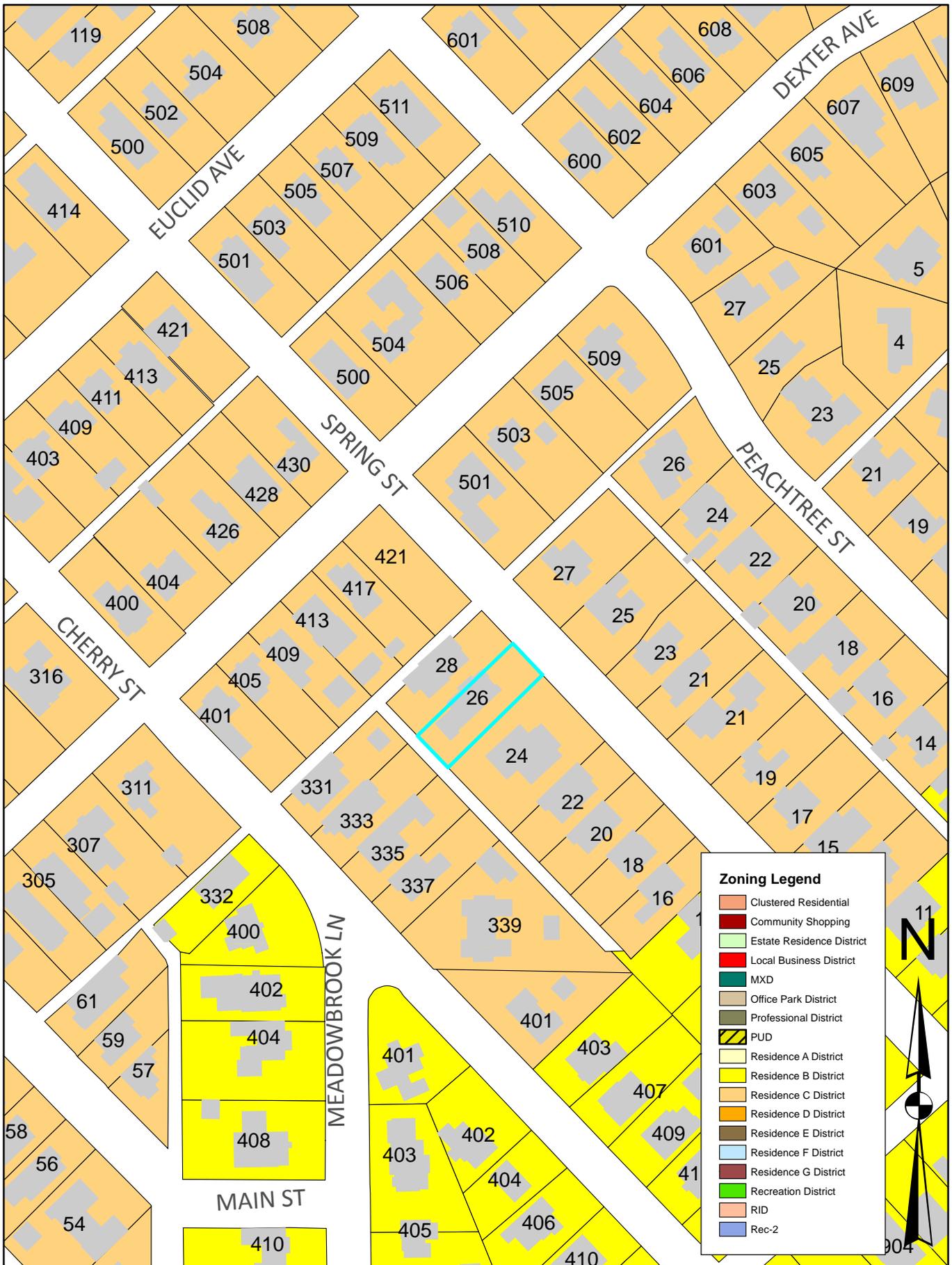
Phone Number 334-787-2001 Email richard@longandlongdesign.com

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)	50'-2"		
Front Setback (ft) <i>primary</i>	35'		no change
Front Setback (ft) <i>secondary</i>			
Right Side Setback	8'	4'8" (kitchen)	no change
Left Side Setback	8'	7'4" (back room)	no change
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8' 12'	(one story) 8'	2nd level 12' setback to be set at 25'8" above grade
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8' 12'	(one story) 8'	2nd level 12' setback to be set at 24'4" above grade
Rear Setback (ft)	30'	27'9"	no change
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-16-07 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-07

Petition Summary

Request to allow additions to an existing single family dwelling to include a chimney extension and new brick veneer to be 5 feet from the side property line (northwest), a new roof over an existing portion of the house to be 4 feet 8 inches from the side property line (northwest), and an arbor/overhang to be 6 feet from the side property line (southeast), all in lieu of the required 8 feet. Also for a new second floor, portions of which to be 8 feet from both side property lines, in lieu of the required 12 feet.

Analysis

The hardships in this case are the narrowness of the lot (50 feet in lieu of the required 70 feet for Res-C) and the exiting design constraints. Given the minor nature of the proposed encroachments, no detrimental effects to adjoining properties are anticipated.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article V, Residence C District; Section 129-63, Special Provisions for Nonconforming Residence C Lots

Appends

LOCATION: 26 Spring Street

ZONING DISTRICT: Res-C

OWNERS: Wil and Dawson Cooper



1 Front Elevation
A2-1 Scale 1/4" = 1'-0"



2 Side Elevation
A2-1 Scale 1/4" = 1'-0"



LONG & LONG
DESIGN

3616 Debussy Drive
Vestavia Hills, Alabama 35243
Telephone: 205.537.8777
longandlongdesign.com

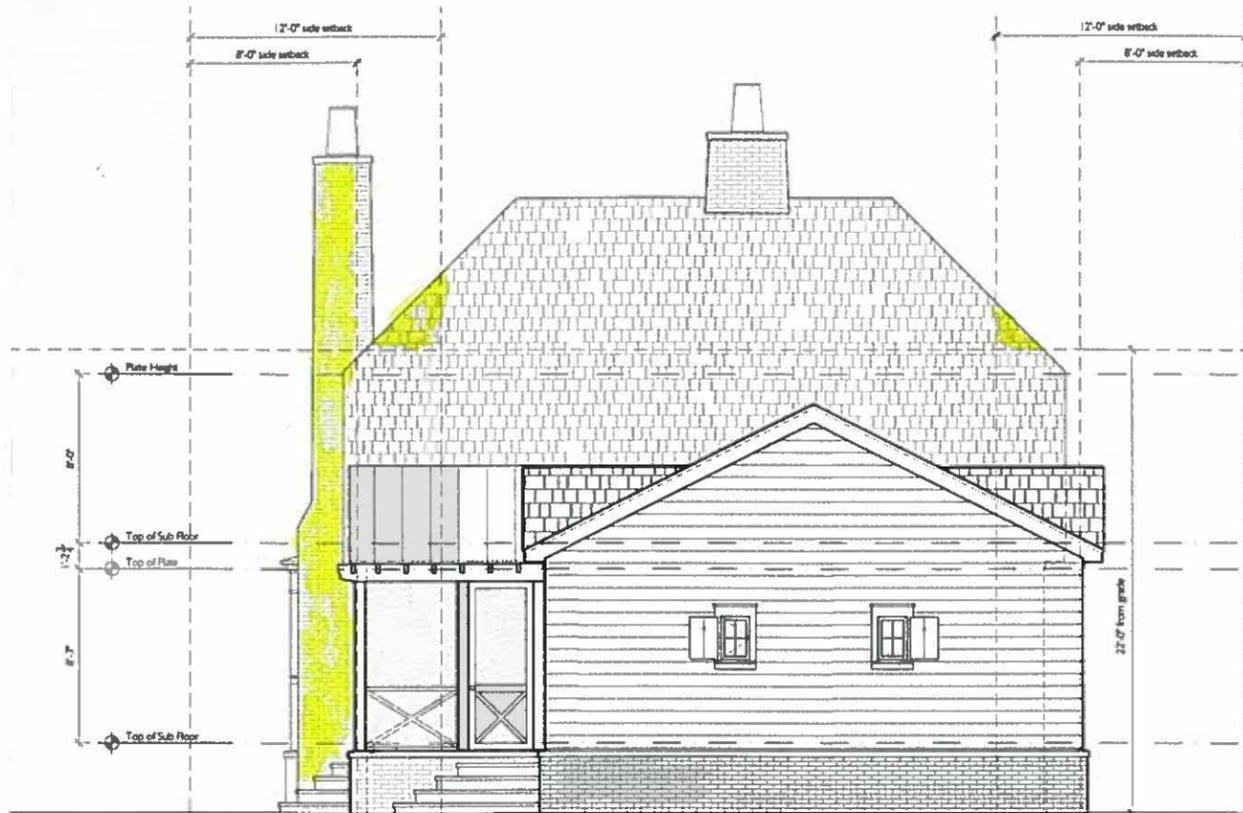
COOPER
RESIDENCE
Mountain Brook, Alabama

PERMIT
SET
January 22nd, 2016

REVISIONS

Exterior Elevations

A2-1



1 Rear Elevation
A2-2 Scale: 1/8" = 1'-0"



2 Side Elevation
A2-2 Scale: 1/8" = 1'-0"



LONG & LONG
DESIGN
3616 Debaey Drive
Vestavia Hills, Alabama 35243
Telephone: 205 537 6777
longandlongdesign.com

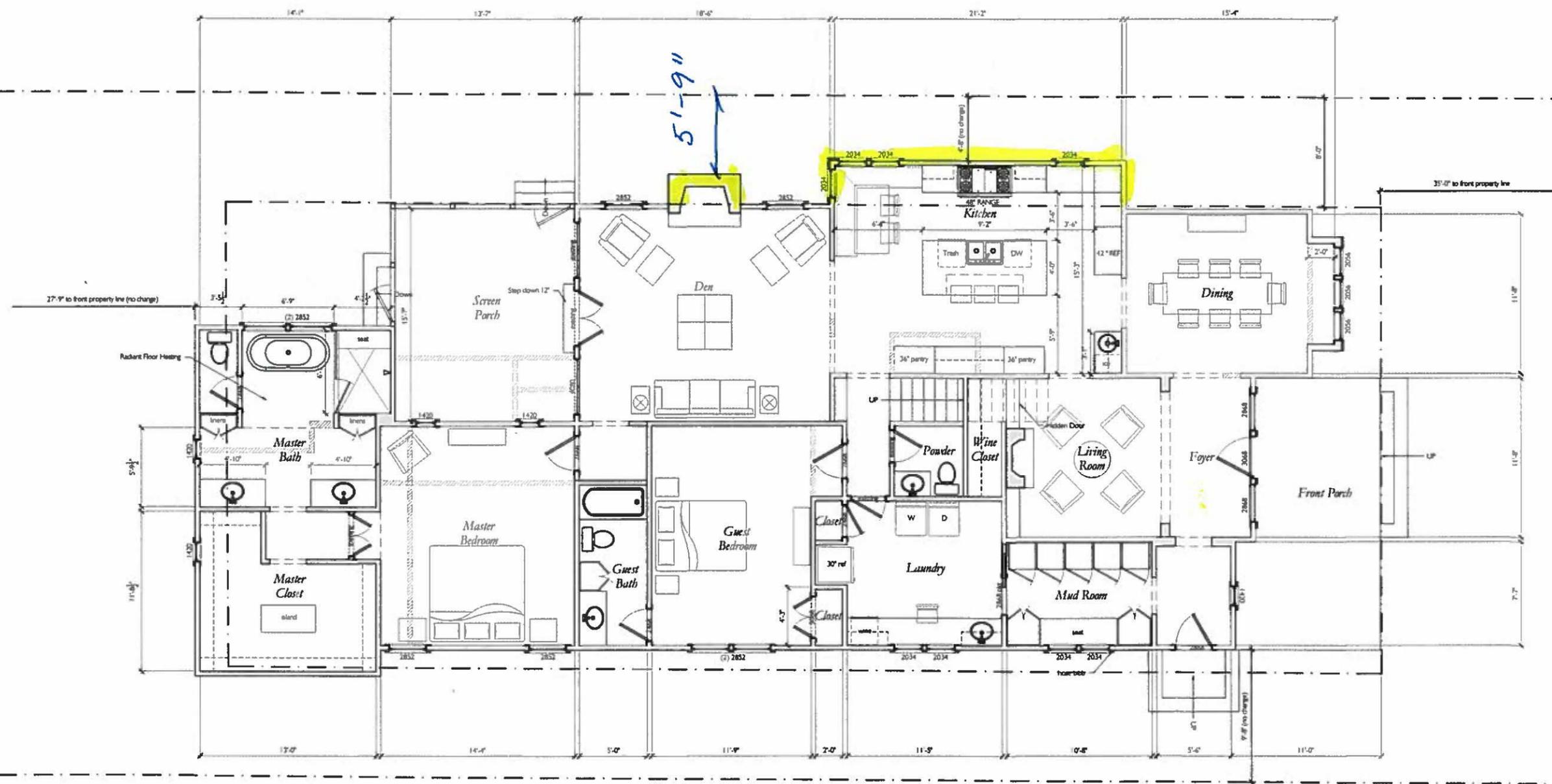
COOPER RESIDENCE
Mountain Brook, Alabama

PERMIT SET
January 22nd, 2016

REVISIONS

Exterior Elevations

A2-2



1 Main Level Plan
 A1-2 Scale 1/4" = 1'-0"


LONG & LONG
 DESIGN
 3618 Dabney Drive
 Vestavia Hills, Alabama 35243
 Telephone: 205.337.6711
 longandlongdesign.com

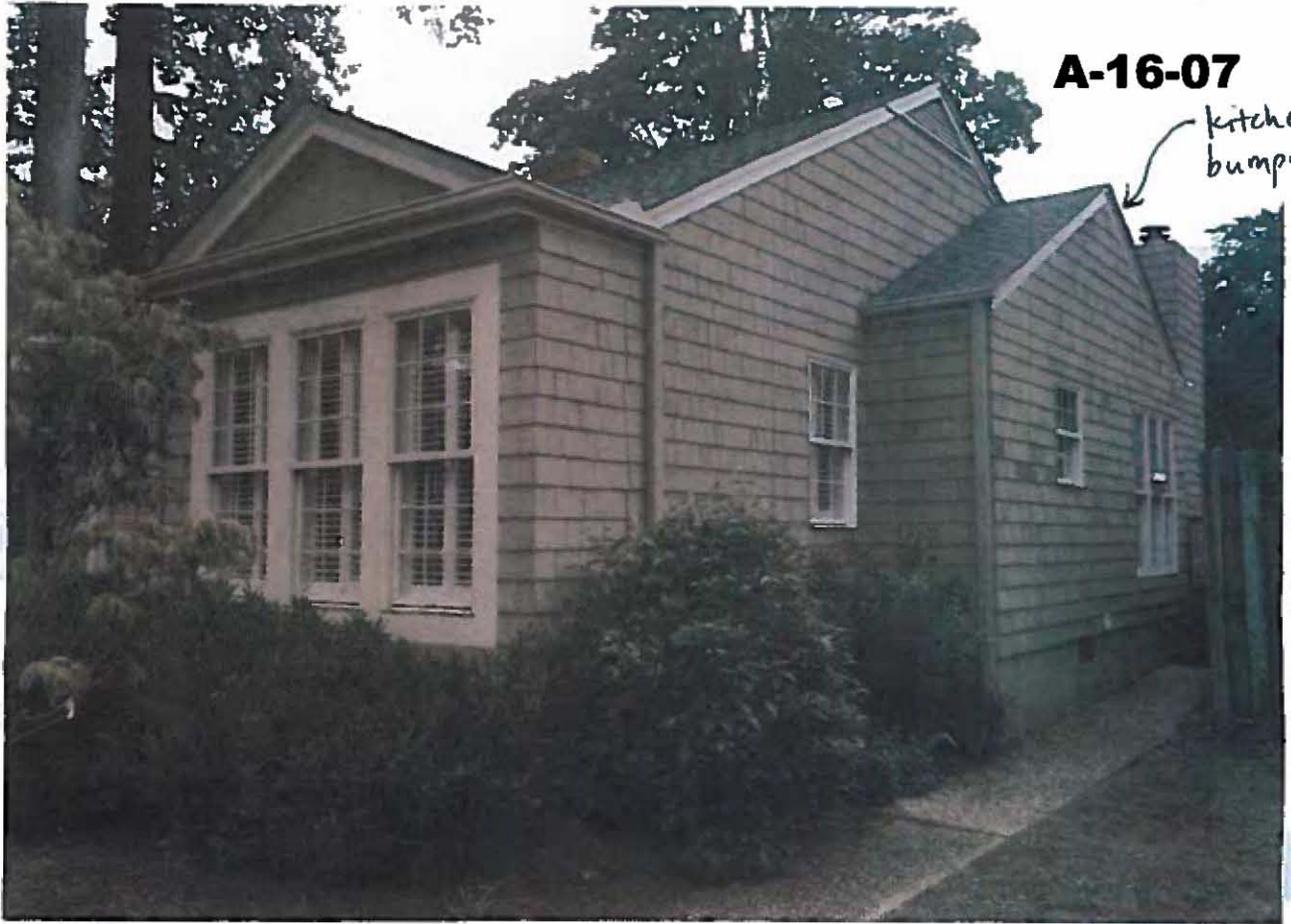
COOPER RESIDENCE
 Mountain Brook, Alabama

PERMIT SET
 January 22nd, 2016

REVISIONS

Main Level Plan

A1-2



A-16-07

*kitchen
bumpout*

A-16-07 Aerial





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

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

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

- Small lot width (50')
- first floor ceiling ht is 8'
- second floor addition ceiling ht is 8'
- side setback proposed non-conforming addition is roof only (hipped)
- existing nonconforming sides (2) and rear no change, except for modification of existing kitchen roof (compare picture of existing to drawings)

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 Seeking variance to allow side setback encroachments of 2nd level addition
- ② seeking variance to allow existing, non-conforming one story structure as shown (three areas - back of house, right side kitchen, and left side in back)
- ③ seeking variance to renovate existing one-story kitchen bump out gable to shed (roof)

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

The second level addition maintains a minimum height of ceiling and roof design is such that it will minimize encroachment.



Variance Application - Part I

Project Data

Address of Subject Property 311 Dexter Ave

Zoning Classification Residential - C

Name of Property Owner(s) Dale E. Trammell Jr

Phone Number 205-567-1000 Email tramtrammell@yahoo.com

Name of Surveyor Ray Weygand

Phone Number 205-942-0087 Email ***

Name of Architect (if applicable) Bruce McLeod

Phone Number 205-940-7611 Email brucetmcleod@gmail.com

Please project information (relating directly to the variance request(s):

	Zoning Code	Existing Development	Proposed Development
Lot Area (sf)	12,294 sq ft		
Lot Width (ft)	82.25'		
Front Setback (ft) <i>primary</i>	35'	35'	
Front Setback (ft) <i>secondary</i>	15'	15.4'	
Right Side Setback	10'	10.1'	
Left Side Setback	15'		Proposed conforming 4' fence on left / east (Cherry) 0' property line*
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'	Existing conforming 6' fence on rear (south) 0' line currently extends along Peachtree Alley from garage on the SW corner eastward to the 15' setback mark from SE corner (Cherry)	Extend existing 6' fence along alley further eastward (to the left) from 15' setback mark to SE corner property line, which is the corner of Peachtree Alley & Cherry St **
Lot Coverage (%)	40%	38.52%	
Building Height (ft)	35'	34.07'	
Other			* Proposed conforming 4' fence on Cherry, replaces previous 6' fence
Other			** Proposed 15' segment of non-conforming 6' fence on alley, replaces old 6' fence present for > 25 years

Scope of project for fence construction – 311 Dexter Ave

Trammell Family

Prior to the renovation of our home, which was completed in 2014, there was a 6' wooden privacy fence around our back yard that had been in place for over 25 years. The fence has always been desperately needed because of the exposure of the back yard on three sides between the busy cut through roads of Cherry Street and Peachtree Alley.

The plan with the renovation of our home was to replace the old wooden 6' fence with a similar new and improved 6' wooden fence, which would be grand-fathered with respect to the newer Mountain Brook Ordinances. The problem was that a section of the fence was taken down to allow construction materials to be delivered into the back side of the house, and we were told afterward that once any non-conforming section was removed, it could not be replaced. Had we known this at the time, we would have never taken down any part of it and just replaced it board by board.

We were discussing the problem with our surrounding neighbors and the Langstons, who live in the catty-corner house to ours (see attached County records), also on the corner of Dexter and Cherry, had the exact same problem with their mirror image lot a year beforehand, which set a precedence. They had a 6' privacy fence that was taken down when they razed and renovated their house, but they were restricted on rebuilding their fence to a 4' height on the secondary setback (on the Cherry side), which also would extend 15' eastward along their alley. As a result of the NW corner of their lot having a 4' fence, cars traveling southward on Cherry would look straight over this and into the back of their home, which was a major invasion of privacy, exactly like our own. For this reason, they applied for a variance to rebuild the 6' fence the entire length of the alley all the way to the NW corner and this variance was granted.

Rather than requesting to rebuild the entire 6' fence around our back yard, we are requesting a variance only to extend the 6' portion along the length of Peachtree Alley to the SE corner of the lot to keep it uniform and to block the view of northbound traffic along Cherry Street. Then, along the secondary setback, on the Cherry side, we will plan to build a conforming 4' ornamental metal fence and then plant shrubs along the side yard to act as a barrier in conjunction with the 4' fence. One other reason for the 6' fence along the alley, is that there is not enough room to plant shrubs between the fence and the pavement, as there is on the Cherry side.

As shown on the schematic on the survey, the variance request for the segment of 6' fence will only apply to the eastern-most 15 feet of fence along Peachtree Alley, drawn in pink. Another way of describing this would be that we need two extra feet of height along this 15 foot strip of fence running along the alley of the back of the lot in order to block the view of oncoming northbound traffic on Cherry Street, that would, otherwise, have a straight line of sight into our den, bedroom and master bathroom.

The rest of the fence will be conforming with current city ordinances.

Thank you for your consideration.

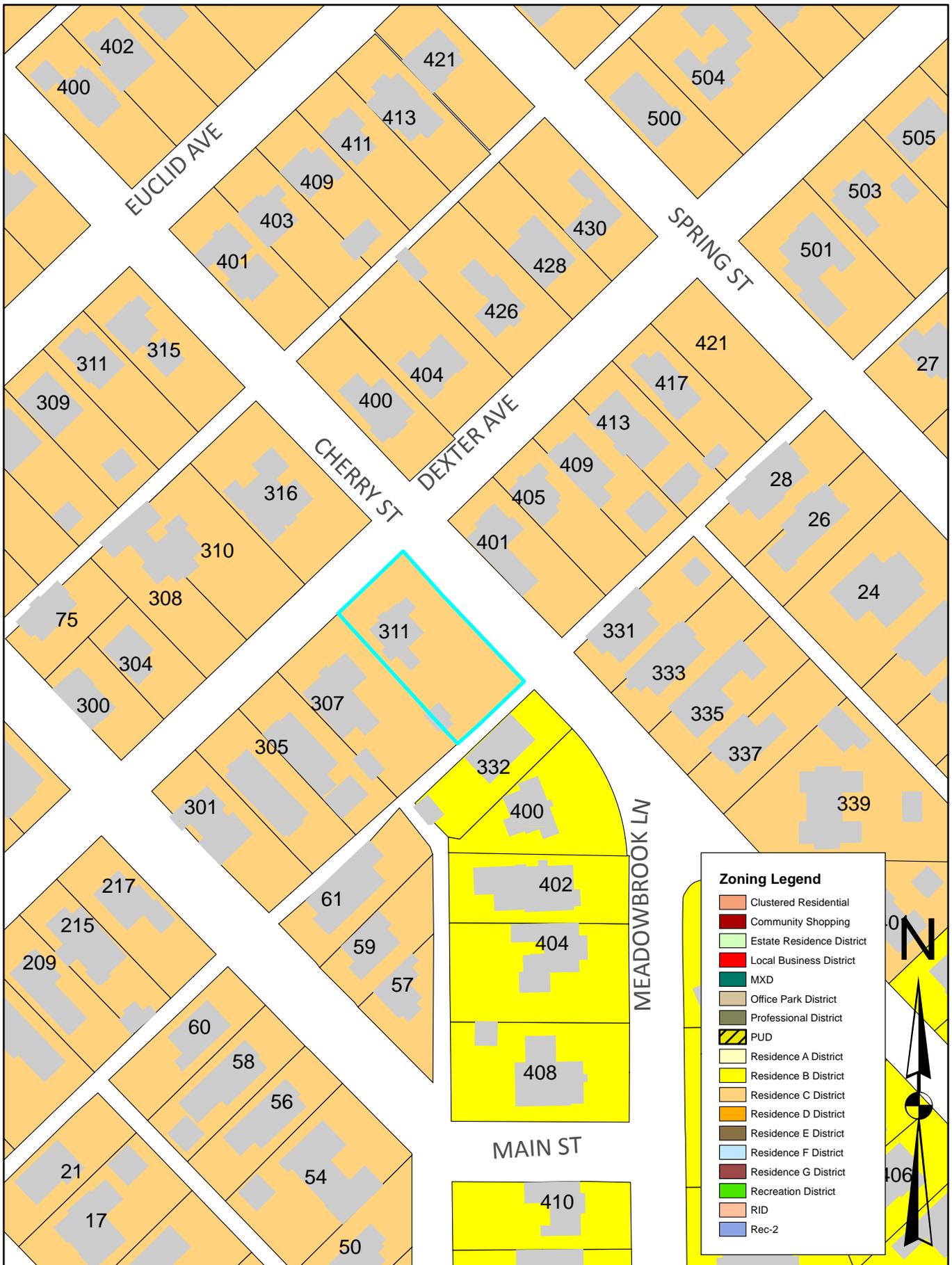


Dale E Trammell Jr

Date

2/3/2016

A-16-08 (Zoning Map)



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



Report to the Board of Zoning Adjustment

A-16-08

Petition Summary

Request to allow the extension of an existing 6-foot high wood fence along the rear property line (alley) to extend to the southeast corner of the property, in lieu of the requirement to be no higher than 4 feet within 15 feet of the Cherry Street property line.

Analysis

The hardship in this case is the corner lot configuration. As may be seen on the attached photograph of previously existing site conditions, a 6-foot high fence existed along the Cherry Street (secondary front) property line. The previous fence was demolished in conjunction with the construction of the new house.

The applicant originally sought to replace the 6-foot high fence in its previous location, but has since amended his application to comply with the 4-foot height limit along the Cherry street property line, seeking only to extend the existing 6-foot high wooden fence along the rear (alley) property line to the southeast corner of the property (where the height limit is 4 feet).

Staff has reviewed vehicular sight distance at the intersection of the alley and Cherry Street and has determined that the proposed 6-foot high fence will not obstruct sight distance at this location (see attached photos of alley intersection with Cherry 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 V, Residence C District; Section 129-62, Area and Dimensional Requirements

Article XIX, General Area and Dimensional Requirements; Section 129-315, Fences and Walls in Residential Districts

Appends

LOCATION: 311 Dexter Avenue

ZONING DISTRICT: Res-C

OWNER: Dale Trammell

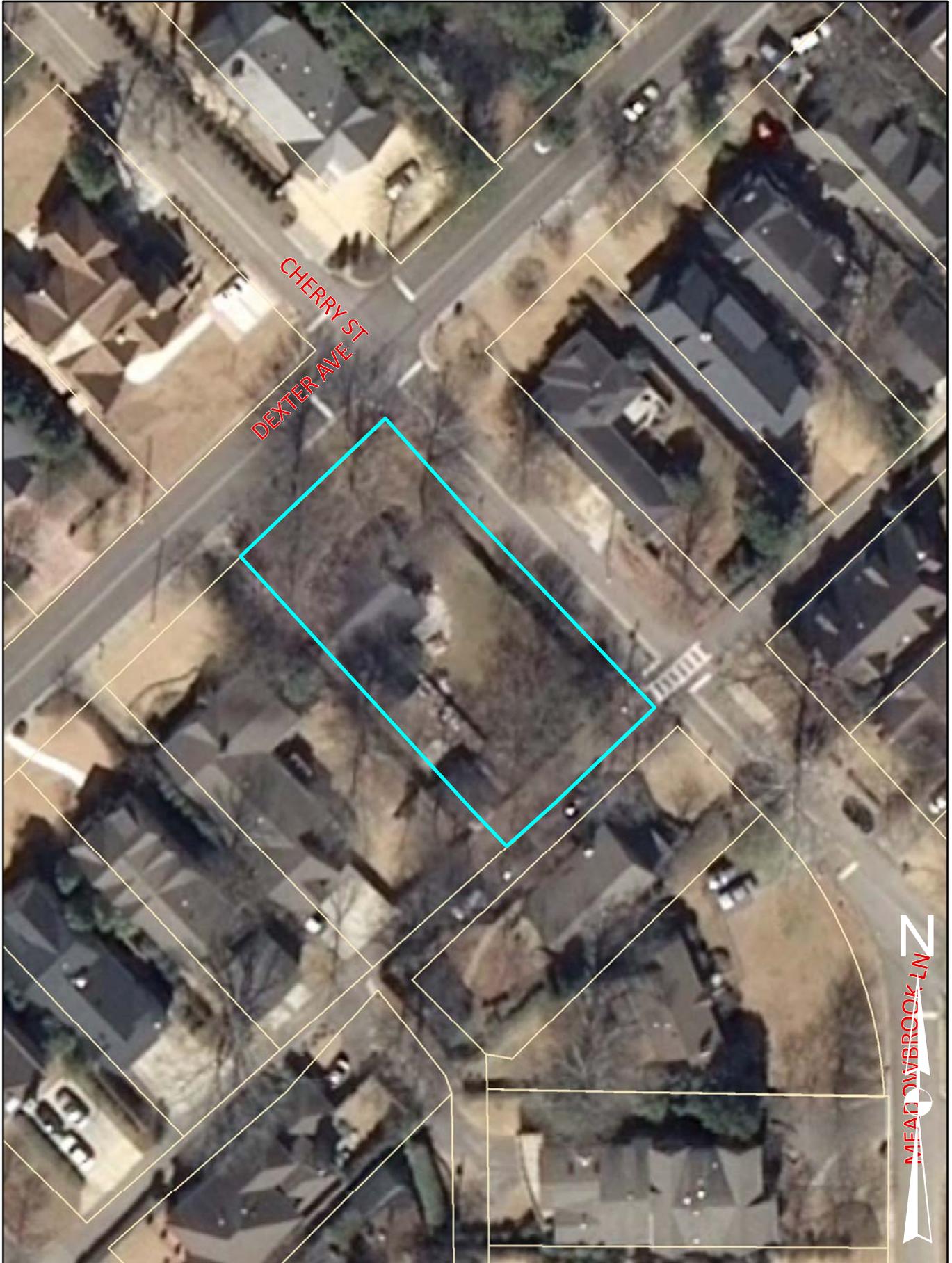






NO
OUTLET

A-16-08 Aerial





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

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

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

The primary concern on this particular lot is the significant lack of privacy due to being located on the busy corner of Dexter & Cherry St. When cars are traveling northward on Cherry St, the cut-through between Montevallo and Euclid, drivers have a clear line of sight straight into the back of our home, including our den, master bedroom and master bathroom. At dusk or night, when the lights are on, it magnifies the problem Due to the topography and elevation of the lot, a conforming 4' fence in the SE corner, at the intersection of Cherry St and Peachtree Alley, does no good at all (please refer to photos to illustrate the lack of privacy and the magnitude of the problem). As demonstrated in the photos, the line of sight of the drivers would drivers would be straight over a 4' fence, but would be blocked by a 5-6' fence.

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. This request is to simply replace the previous 6' wooden privacy fence along the rear of the lot along Peachtree Alley that had been present for over 25 years. Please refer to the previous survey demonstrating this 6' fence going back to 11-21-1989.



Variance Application

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

It would be helpful for the Variance board to alleviate the hardship that has been created by the restriction of replacing our previous 6' privacy fence along the rear of our property with a 4' fence which offers no privacy against busy traffic traveling north on Cherry Street that have a direct line of sight into the back of our home at all hours of the day, including our den, master bedroom & master bathroom. A simple solution to the problem would be to allow us to extend the existing 6' wooden fence 15' eastward along the rear property line to the SE corner of the lot.

Required Boundary Survey

Boundary surveys shall be to-scale and fully dimensioned and show the following information for the subject property:

- North arrow
- Scale of plan
- Existing property lines
- Location of existing and proposed structures, additions, utilities, driveways and walkways
- Any structures to be relocated or demolished
- Existing and proposed setbacks
- Locations, names, dimensions and description of all existing and proposed right-of-way lines, dedications and easements
- Information block indicating name and contact number of licensed and registered surveyor who prepared the survey
- Date of survey

Surveys must be current (not be more than one year old from date of variance submittal)



Variance Application - Part I

Project Data

Address of Subject Property 3916 Glencoe Drive, Mt. Brook, AL 35213

Zoning Classification Residence

Name of Property Owner(s) Charlie + Jennifer Reagan

Phone Number Home 879-2865 Email regans@bham.net
Cell 999-6911

Name of Surveyor Laurence D. Weygard

Phone Number 205 942-0086 Email _____

Name of Architect (if applicable) Randy McDaniel

Phone Number 960-6978 Email rmacdaniel001@bham.rr.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) <i>wall</i>	<u>4'</u>		<u>8.5'</u>
Other			
Other			

To Whom it may concern,

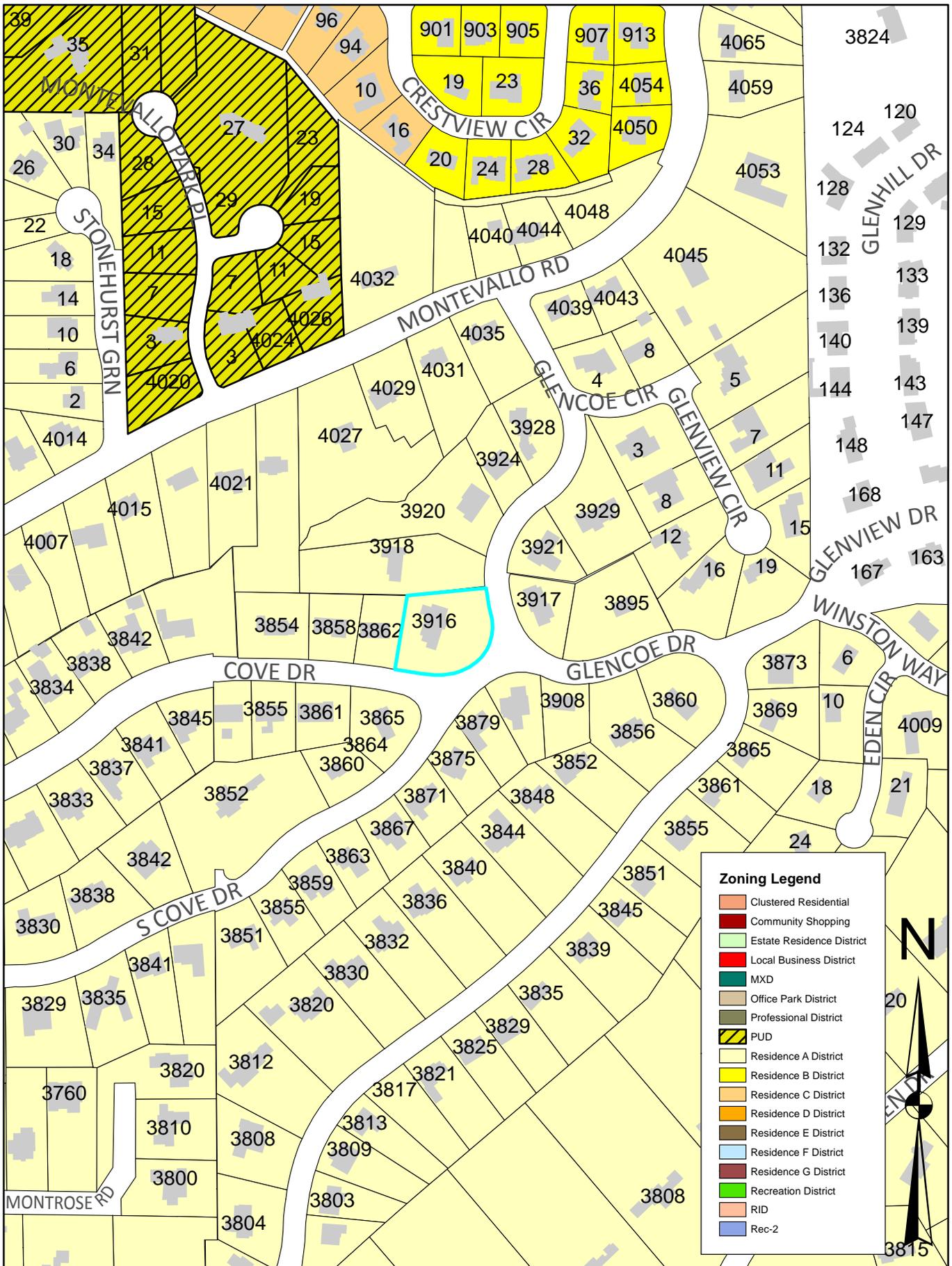
We are requesting a variance to build a retaining wall that exceeds the zoning code. In order to put a driveway at the front of the residence for better access to residence, the wall must be part of the project. Our intention is to build an attractive wall that in no way takes away from this property or any other. The wall will be constructed of stacked moss stone and the area in front of wall will have attractive landscaping. The area of the yard where the wall is to be built is a low grade. This makes the wall appear less significant from the road. The height of the wall does not exceed the zoning requirement for the entire length. One end of the wall is 3' high and gradually increases to a height of 8'.

Rob Davis for Charlie and Jennifer Regan

Rob Davis 1-22-16

Daviscapes, Inc.
205-453-5275

A-16-09 (Zoning Map)



Report to the Board of Zoning Adjustment

A-16-09

Petition Summary

Request to allow the construction of an uncovered auto court, the retaining walls of which will range from 3 feet to 8.5 feet in height (approximately 28 feet from the front property line), where walls are limited to 4 feet in height within the 40-foot front yard setback.

Analysis

The hardship in this case is the irregular shape of the lot and the unusual topography of the front yard. As may be seen in the photos and on the survey, the lot slopes down from the street and then back up again toward the front of the house, so even though the proposed retaining wall will be up to 8.5 feet above the grade below it, it will be at or below street grade. Therefore, no detrimental effect to the streetscape is anticipated in conjunction with an approval of this request.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article XIX, General Area and Dimensional Requirements; Section 129-315, Fences and Walls in Residential Districts

Appends

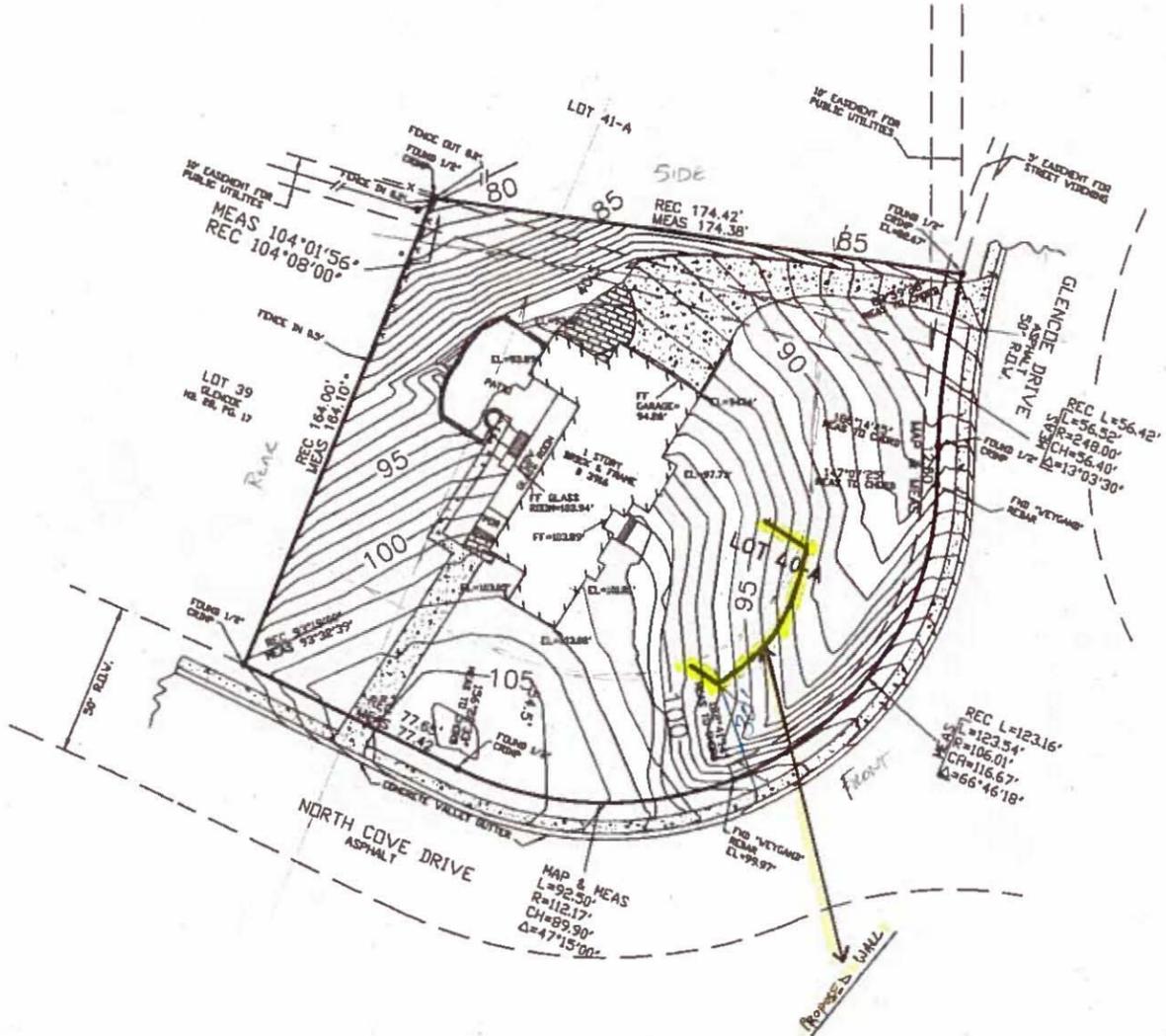
LOCATION: 3916 Glencoe Drive

ZONING DISTRICT: Res-A

OWNERS: Charlie and Jennifer Reagan

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CLCD CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- REF REFLECTION
- Δ BETA
- ESMT EARTHCHIT
- HPT HEADWALL
- MSE MANSOLE
- MSI MANSOLE
- CH OVERHANG
- PCB PORCH
- R RADII
- R.G.W. RIGHT OF WAY
- SAH SANITARY
- STM STORM
- UTL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- C CENTERLINE
- A/C AIR CONDITIONER
- POLC POLE
- ANOPR ANCHOR
- FENCE FENCE
- OVERHEAD UTILITY WIRE OVERHEAD UTILITY WIRE
- PAVMT PAVEMENT
- W/W WET
- TAN TANGENT
- REC RECORD
- ALGT ALIGHT
- CONCD CONCRETE
- SECK SECK
- CONCRETE CONCRETE
- WALL WALL
- COLUMN COLUMN



STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygard, a Registered Land Surveyor, hereby certify to the purchaser of this property of the here, that I have surveyed Lot 40-A, A RESURVEY OF LOTS 39 & 41 GLENDE AND LOT 3-A RESURVEY OF LOTS 3-A, F.F. BRIDGEMAN SURVEY AND A PART OF THE N.W. 1/4 OF SEC. 34 TWP. 17N. 87W. as recorded in Map Volume 52 Page 51, in the Office of the Judge of Probate, Jefferson County, Alabama, that there are no rights-of-way, easements or joint interests over or across said land visible on the surface except as shown; that there are no electric or telephone wires (including wires which serve the premises only) or structures or supports thereon, 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 the 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 28th DAY 2018, Survey Booked if not stated in red.

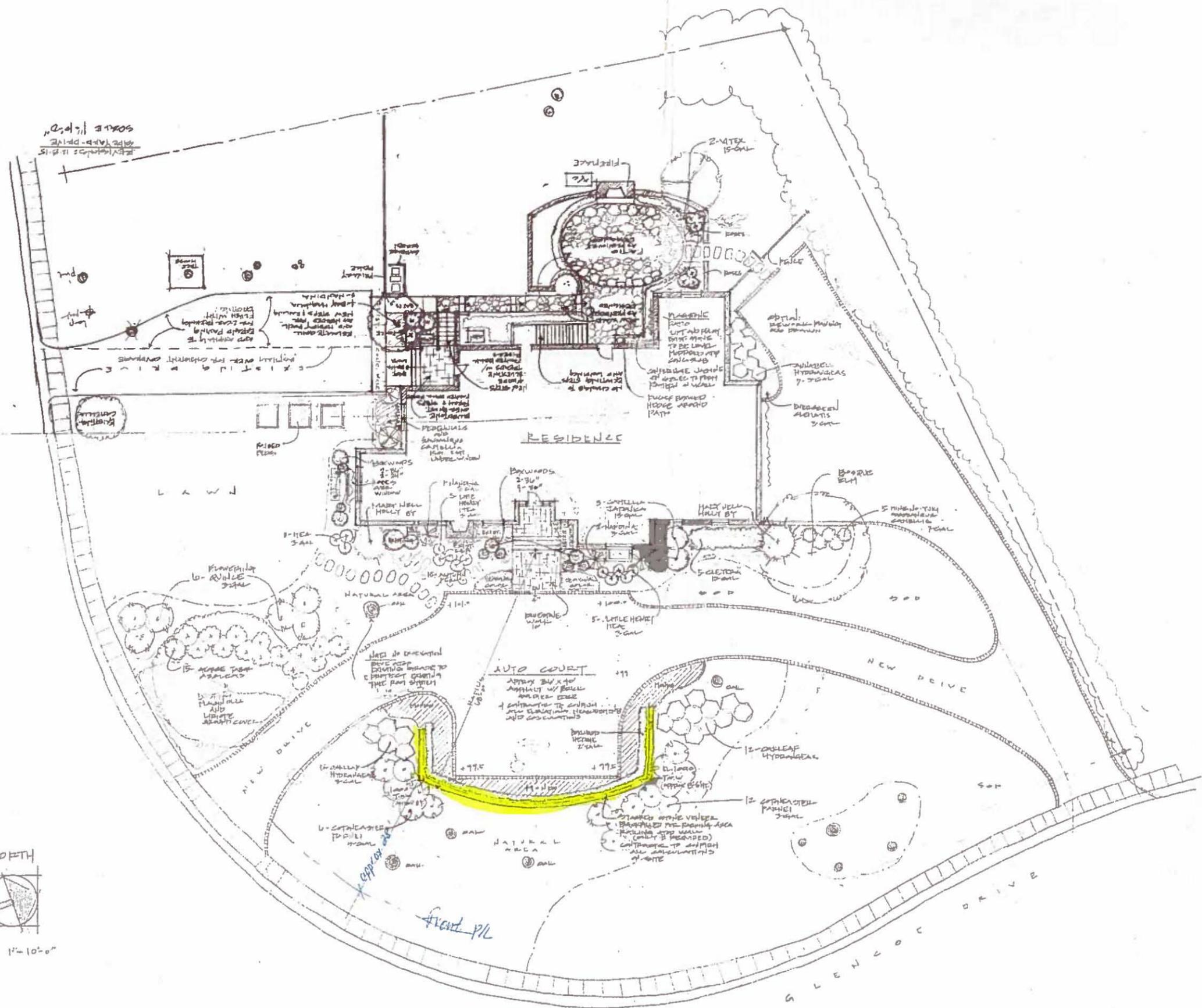
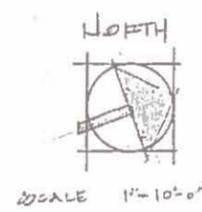
Order No. 15217
 Purchaser:
 Address: 28118 GLENDE DRIVE

Ray Weygard, Reg. L.S. #24873
 108 Cannon Road, Homewood, AL 36208
 Phone: (205) 943-0888 Fax: (205) 943-0887
 Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown herein was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown herein is subject to easements, servitudes, mortgages, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles are depicted on this map and adjust unless otherwise noted. (c) Underground portions of foundations, buildings, and/or other underground structures, utilities, conduits or buried wires were not located unless otherwise noted. We do not look for underground owners or the records covers. (d) The shown north arrow is based on a declination map. (e) This survey is not transferable and is only good for 8 years and only good to the persons that pay for it at time of survey. (f) Easements not shown on record map are not shown above.

SCALE 1/4" = 1'-0"



A LANDSCAPE DEVELOPMENT PLAN FOR THE
REGAN RESIDENCE
3910 GLENCOE DRIVE - MOUNTAIN BROOK, ALABAMA



109 15th AVENUE S
BIRMINGHAM, AL 35205
205 916 0790







A-16-09 (Aerial Map)





Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

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

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

This lot has a steep grade. The wall is necessary to add parking area for safe and convenient access to residence.

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...")

We are seeking to convert an unsightly hole into an improved area for parking.

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

The wall will be an attractive addition and will not detract from the surrounding area. The wall will be constructed with moss stacked stone and landscaping in front of the wall. All parts of the wall are not 8' high. The wall grades down to a 3' ht. Due to the lay of the land from street level - the height of the wall will not be so noticeable.