

# BZA Packet

September 8, 2016

**Hello All,**

Enclosed please find your packet for the meeting of September 19, 2016.

**We have:**

- 2 new cases
- 1 semi-new case (was approved in the recent past, but has been revised)

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

[www.mtnbrook.org](http://www.mtnbrook.org)

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- 2016-Sept-19 BZA Agenda

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

**Looking forward to seeing you on Monday!**

*Dana*

MEETING AGENDA  
CITY OF MOUNTAIN BROOK  
BOARD OF ZONING ADJUSTMENT  
SEPTEMBER 19, 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: August 15, 2016
  2. **Case A-16-40: Mr. and Mrs. Russell Vandavelde**, owners, request variances from the terms of the Zoning Regulations to allow an existing porch (108 square feet) to be enclosed, increasing the square footage of an accessory building from approximately 1,539 square feet to 1,647 square feet in lieu of the maximum allowable 1,508 square feet (20% of the principle structure); also, for the enclosed porch to remain as located 17 feet 4 inches from the rear property line (south) in lieu of the required 40 feet. - **2917 Fairway Drive**
  3. **Case A-16-41: David & Kristie Stewart**, owners, request a variance from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 5.2 feet from the side property line (north) in lieu of the required 9 feet. - **121 Crestwood Drive.**
  4. **Case A-16-42: Mary Ponder Porter**, owner, requests variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be 14 feet from the side property line (northeast) in lieu of the required 15 feet. - **3636 Mountain Park Drive**
  5. Next Meeting: October 17, 2016
  6. Adjournment

MINUTES



To Follow Under Separate Cover



## Variance Application - Part I

### Project Data

Address of Subject Property 2917 FAIRWAY DRIVE

Zoning Classification RESIDENCE 'A'

Name of Property Owner(s) MR. & MRS. RUSSELL VANDEVELDE

Phone Number 271-7021 Email russellv@ebscomp.com

Name of Surveyor RAY WEYGAND

Phone Number 942-0086 Email \_\_\_\_\_

Name of Architect (if applicable) HANK LONG / HENRY SPROTT LONG & ASSOC.

Phone Number 323-4564 Email hanklong@bellsouth.net

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	39,000 SQ.FT.	89,228 SQ.FT	89,228 SQ.FT. ±
Lot Width (ft) <u>AT STREET</u>	100 FT.	195 FT.	195 FT.
Front Setback (ft) <u>primary</u>	40 FT.	245 FT. ±	245 FT. ±
Front Setback (ft) <u>secondary</u>			
Right Side Setback	15 FT.	24 FT. ±	24 FT. ±
Left Side Setback	15 FT.	278 FT. ±	278 FT. ±
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high <input type="checkbox"/> 22' high or greater <input type="checkbox"/>			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high <input type="checkbox"/> 22' high or greater <input type="checkbox"/>			
Rear Setback (ft)	40 FT.	15 FT.	15 FT.
Lot Coverage (%)	25 %	9.5%	9.5%
Building Height (ft)	35 FT.	18 FT. ±	18 FT. ±
Other			
Other			

Henry Sprott Long & Associates  
ARCHITECTS

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August 24, 2016

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

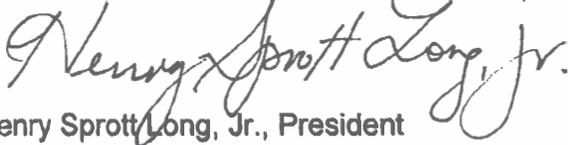
RE: Vandevelde Residence, 2917 Fairway Drive

Ladies and Gentlemen:

The proposed alterations to the existing non-conforming Accessory Structure include renovations to the interior of the structure and enclosure of an existing Covered Porch. The enclosure of the Porch will not result in any changes to the existing roofed footprint of the structure and will require one wall to be built in line with the existing columns that support the existing roof above the Porch. The wall will be built with materials that match the existing siding at the Porch and will be painted the same color as the existing building. Therefore, the variance is requested to allow the Covered Porch to be enclosed by the wall as described above. (Note: The Owner has also submitted an application and "Clean Up" resurvey to the Planning Commission for review at its September 6, 2016 meeting).

Sincerely,

HENRY SPROTT LONG & ASSOCIATES, INC.

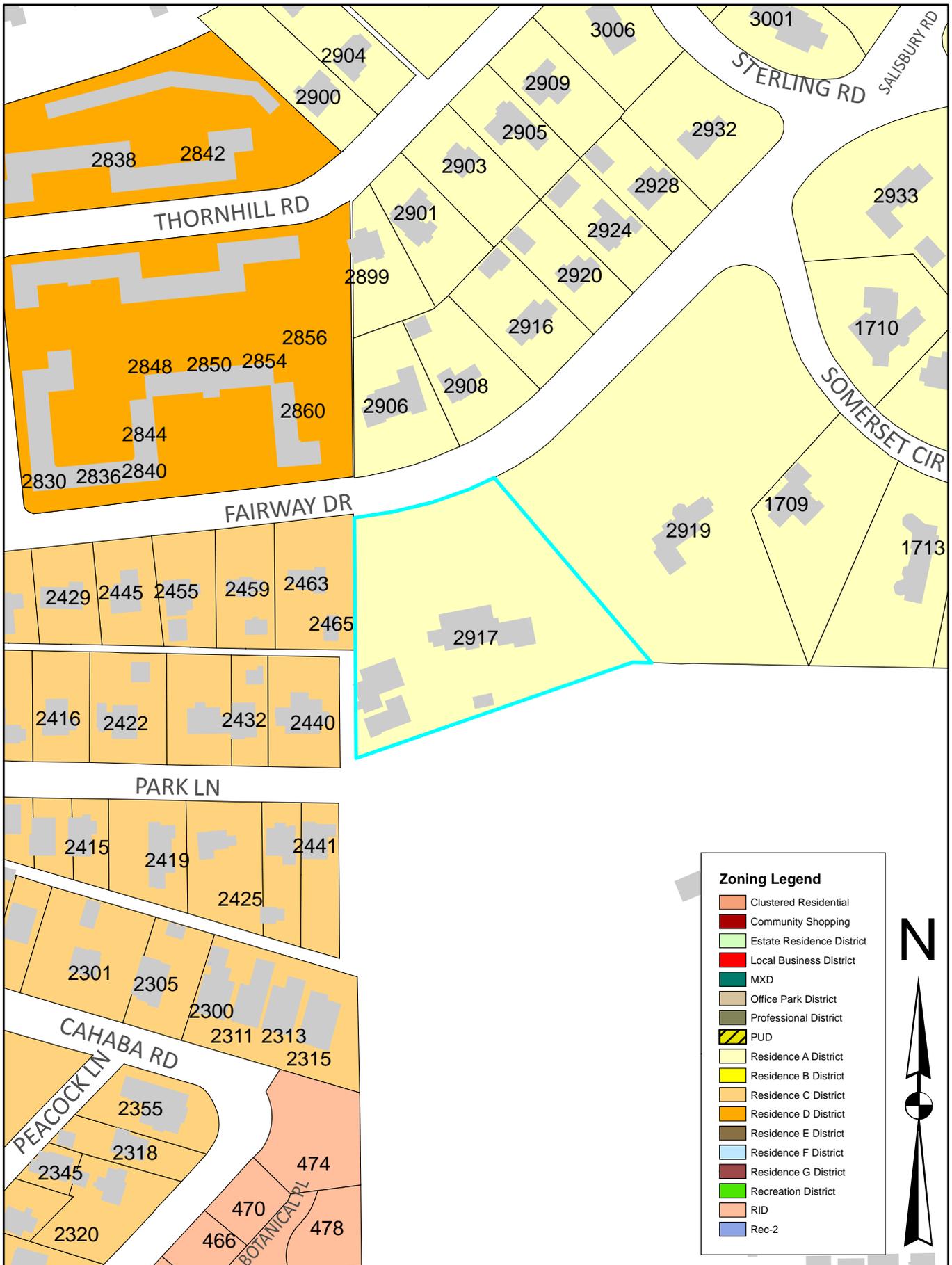


Henry Sprott Long, Jr., President

HSLjr/ab

Enclosures

# A-16-40 (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-16-40

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

Request to allow an existing porch (108 square feet) to be enclosed, increasing the square footage of an accessory building from approximately 1,539 square feet to 1,647 square feet in lieu of the maximum allowable 1,508 square feet (20% of the principle structure); also, for the enclosed porch to remain as located 17 feet 4 inches from the rear property line (south) in lieu of the required 40 feet.

#### ***Analysis***

The hardship in this case is the existing design constraints. The house was built in the 1930's, prior to incorporation into the City of Mountain Brook, and as may be seen on the attached survey, all of the improvements are in the rear half of the property.

The subject proposal is to enclose an existing covered porch, which will not encroach as far to the rear as the exterior wall of said structure (it is set in from the rear wall by 2 feet 4 inches) and will not impact the existing lot coverage or impervious area.

Also, property to the rear of the subject belongs to the Birmingham Botanical Gardens, and is "open space" for all intents and purposes, so the approval of this request will not be detrimental to the adjoining property.

As to the square footage of the accessory building, while it is technically and increase in enclosed area, it is already under the roof and will not increase the footprint in any way.

#### ***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 to the north, east and west, with the Birmingham Botanical Gardens to the south.

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

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

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

#### ***Appends***

LOCATION: 2917 Fairway Drive

ZONING DISTRICT: Res-A

OWNERS: Mr. and Mrs. Russell Vandavelde

State of Alabama  
Jefferson County)

"Closing Survey"

A-16-40

I, Ray Weygand, a registered Land Surveyor, certify that I have surveyed the land shown and described hereon; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown. 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.

Legal Description:

Parcel I: Lots 264 and 265, in Block 18, according to the map and survey of Fifth Sector, Redmont Park, as recorded in Map Book 16, Page 41, in the Office of the Judge of Probate of Jefferson County, Alabama.

Parcel II: Part of the SW 1/4 of the SW 1/4 of Section 5, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, being more particularly described as follows: Beginning at the NW corner of said 1/4 Section; thence south along the West line of said Section 5 a distance of 135 feet; thence northeast to a point on the North line of said 1/4 Section, 900 feet east of the NW corner of said 1/4 Section; thence west along said North line 368 feet to the point of beginning.

Parcel III: A triangular strip off the SW side of Lot 266, in Block 18, according to the survey of Fifth Sector, Redmont Park, as recorded in Map Book 16, Page 41, in the Office of the Judge of Probate of Jefferson County, Alabama, said strip being more particularly described as follows: Beginning at the NW corner of said Lot 266, thence run southeasterly parallel with the Easterly line of said lot to the South line of said lot; thence in a westerly direction along the South line of said lot to the SW corner of said lot; thence northwesterly along the Southwesterly line of said lot to the point of beginning.

According to my survey of: July 14, 2016

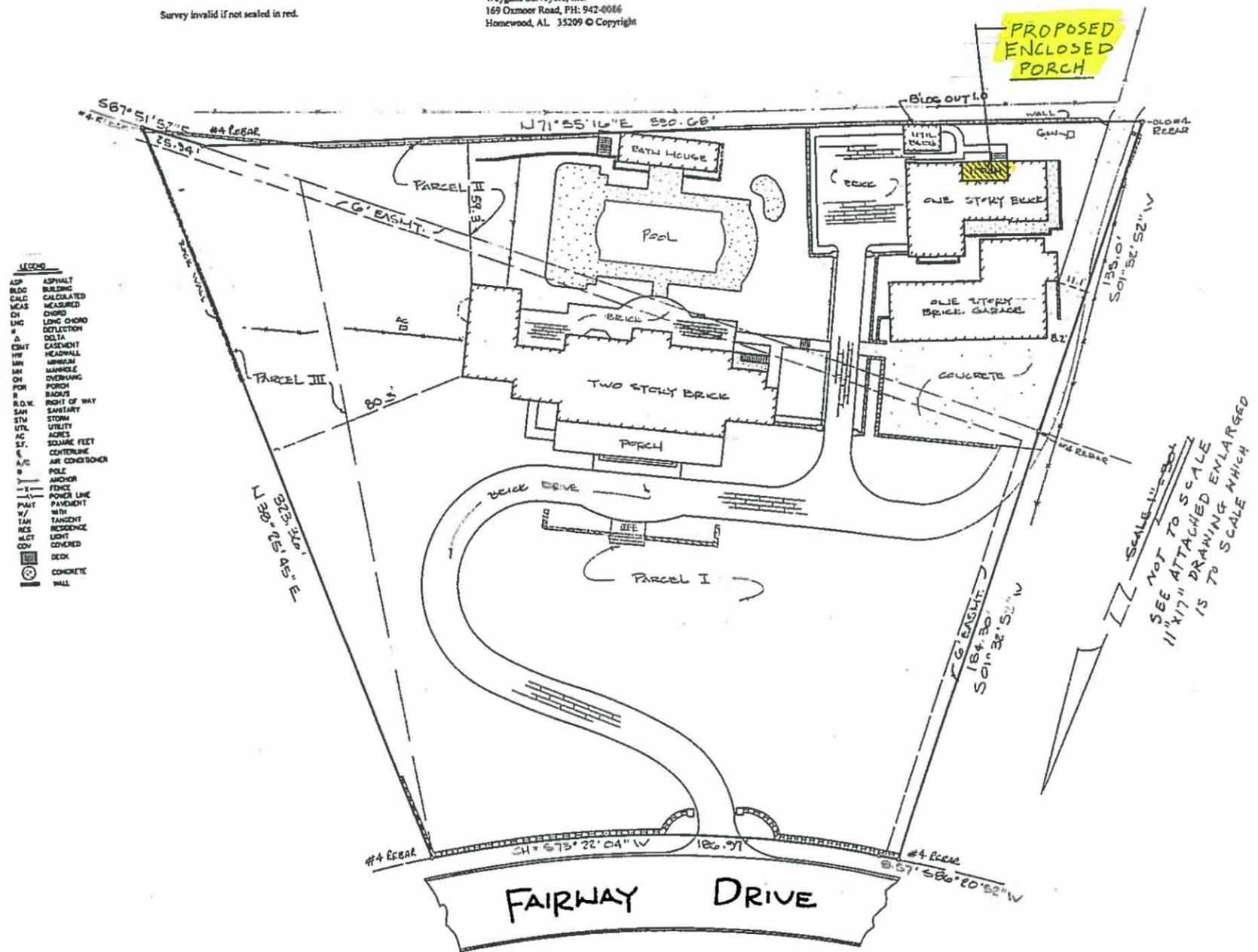
Order No.: 76077

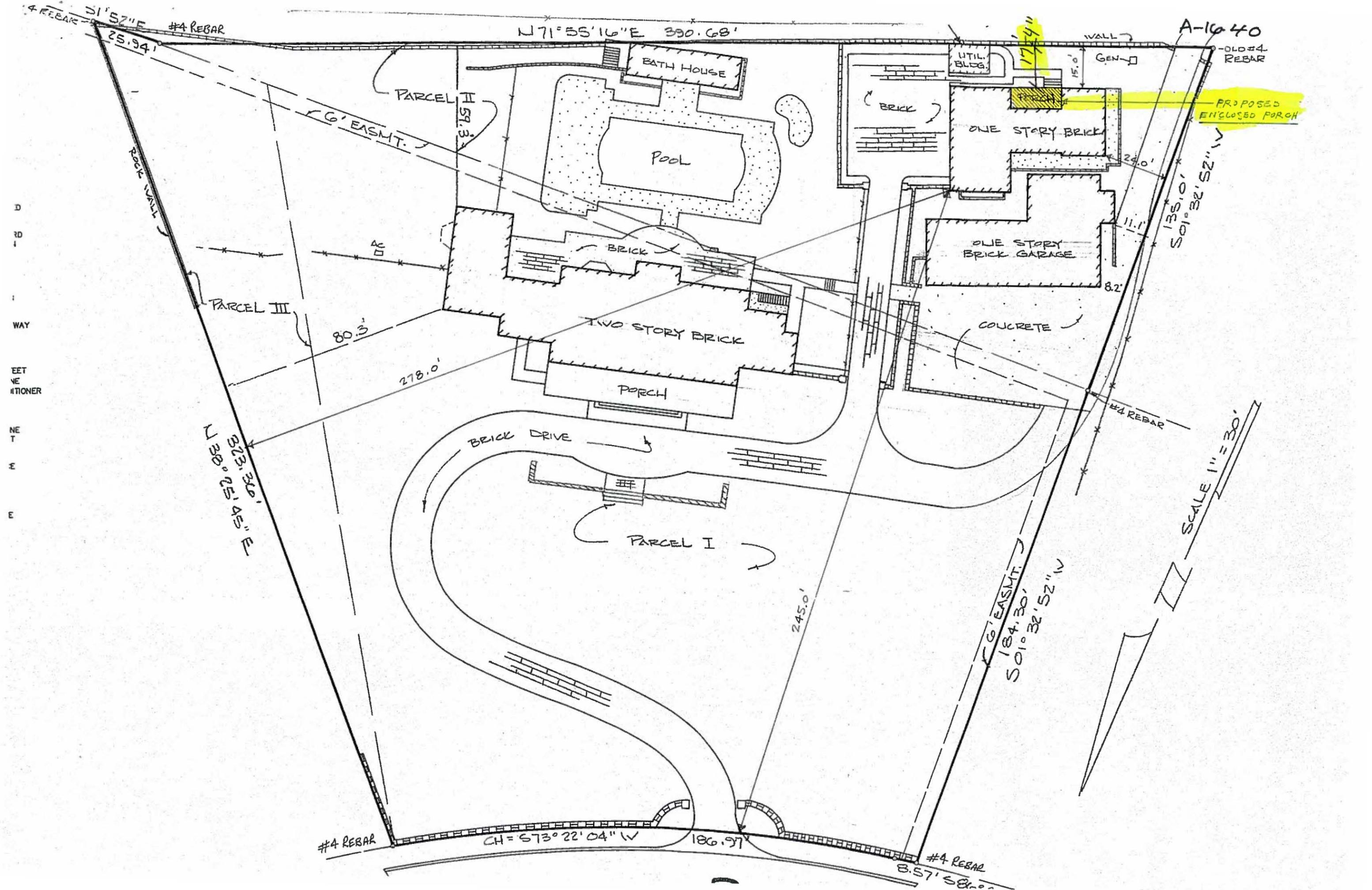
Purchaser:

Address: 2917 Fairway Drive

Survey invalid if not sealed in red.

  
Ray Weygand Reg. L.S. #24973  
Weygand Surveyors, Inc.  
169 Oxmoor Road, FH: 942-6086  
Homewood, AL 35209 © Copyright





A-16-40

ALTERATIONS & ADDITIONS  
TO THE EXISTING POOL HOUSE FOR  
MR. & MRS. RUSSELL VANDEVELDE

MOUNTAIN BROOK, ALABAMA

Henry Sprott Long & Associates, Inc.

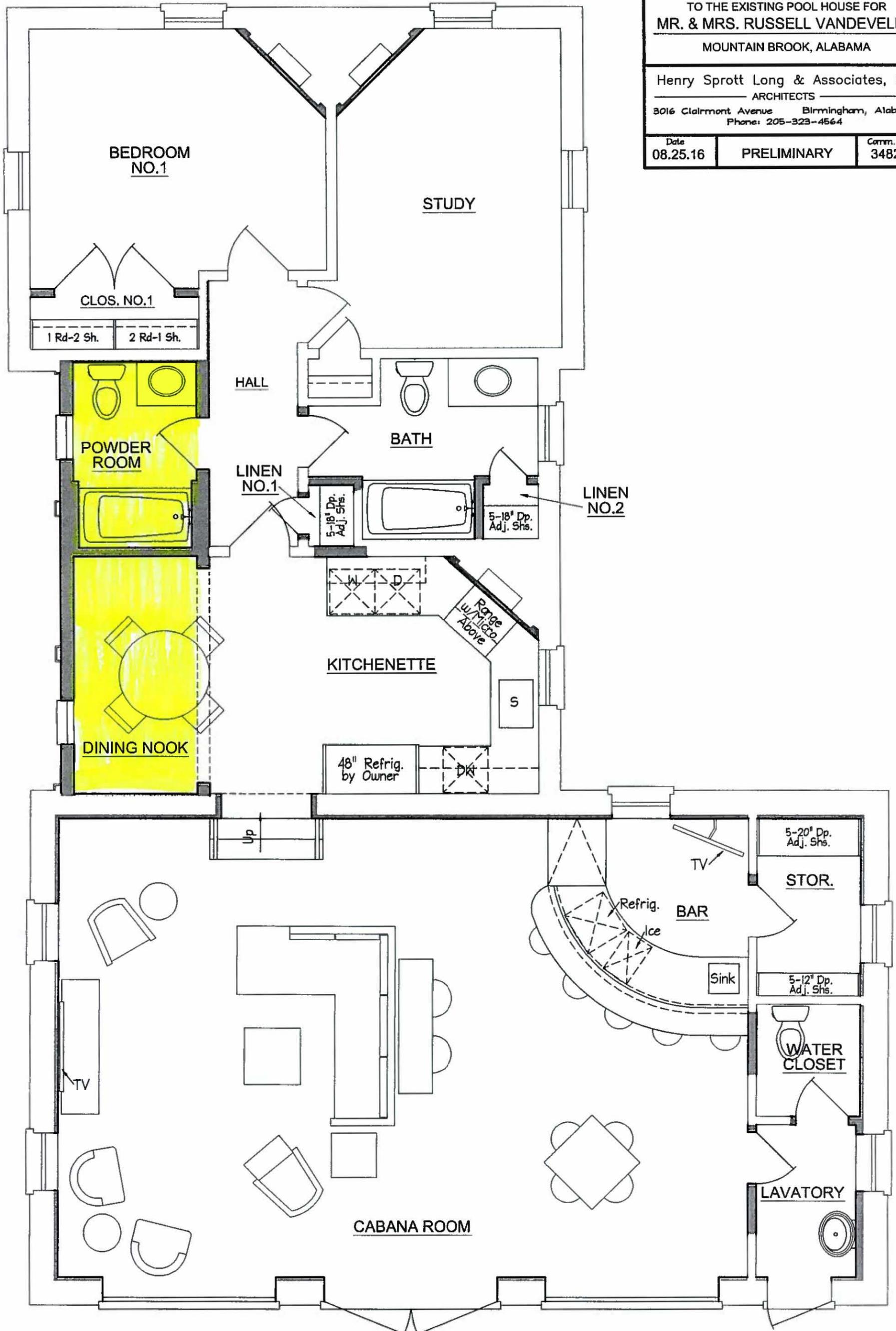
ARCHITECTS

3016 Clairmont Avenue Birmingham, Alabama  
Phone: 205-323-4564

Date  
08.25.16

PRELIMINARY

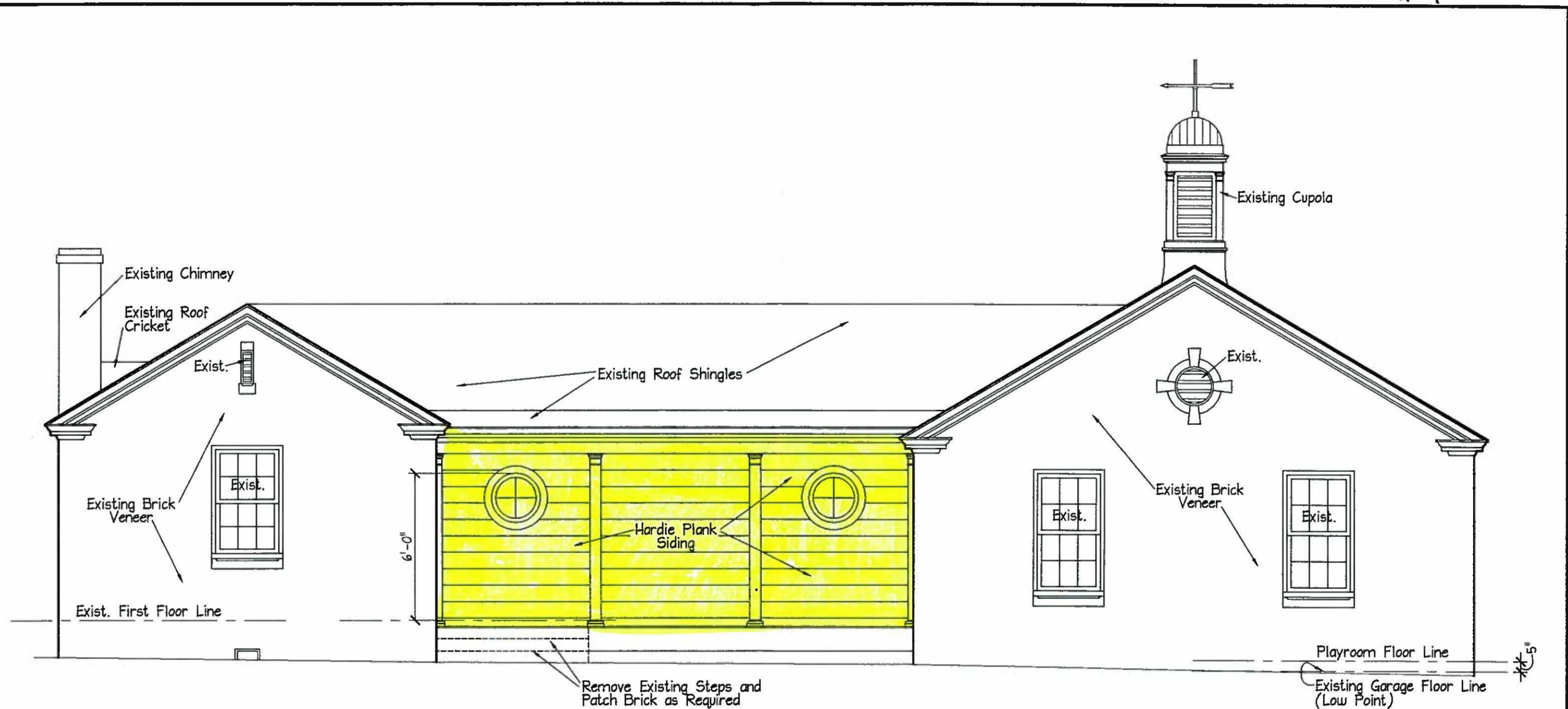
Comm. No.  
3482-A



# POOL HOUSE FLOOR PLAN

SCALE 1/4" = 1'-0"

A-16-40



# LEFT SIDE ELEVATION

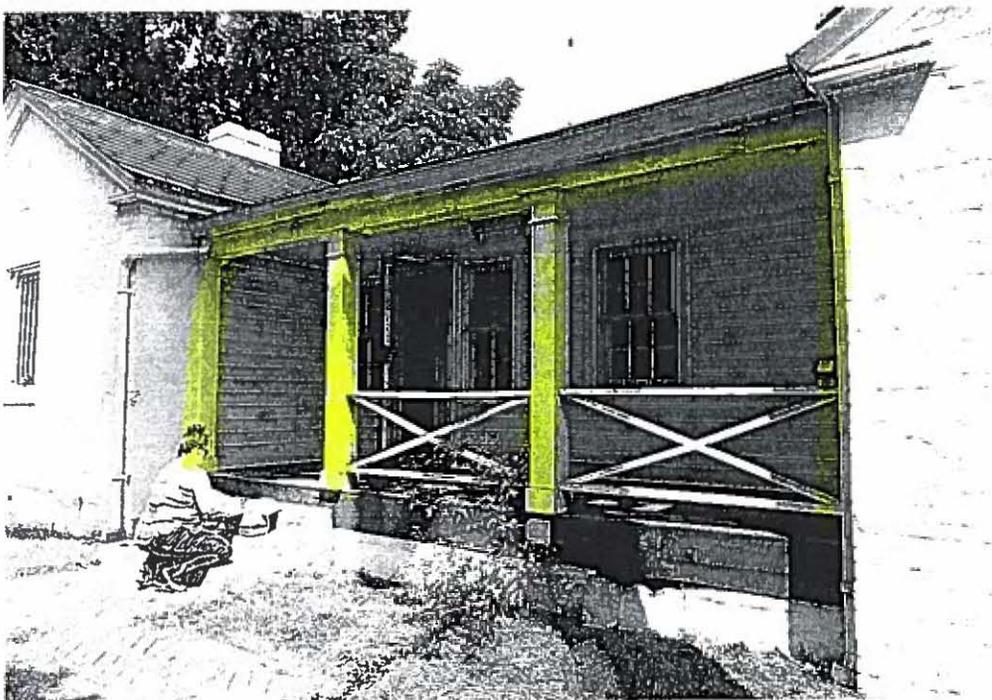
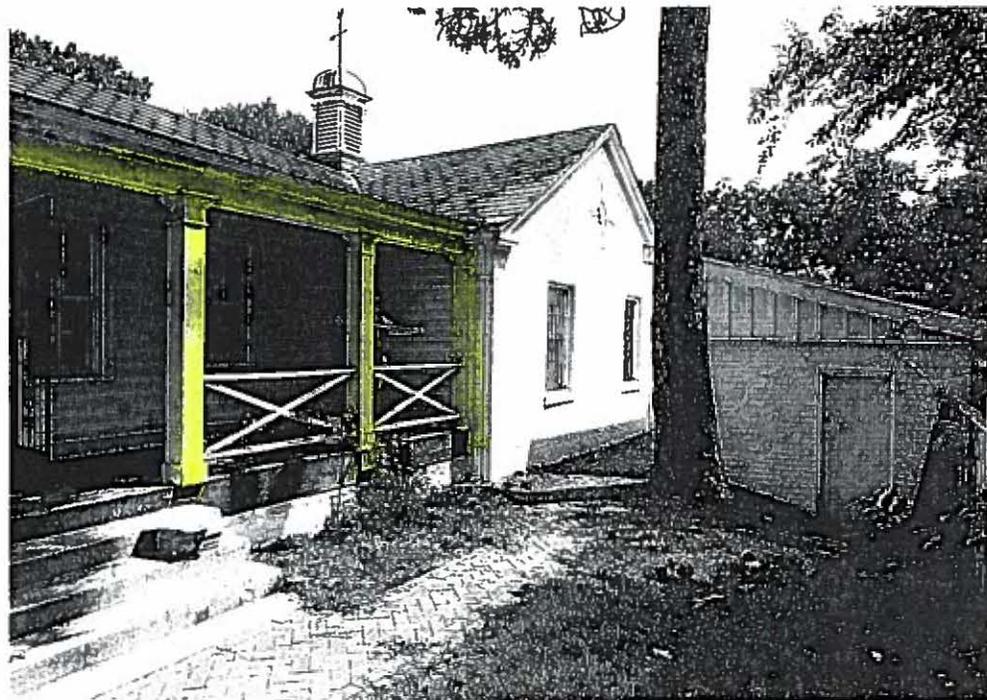
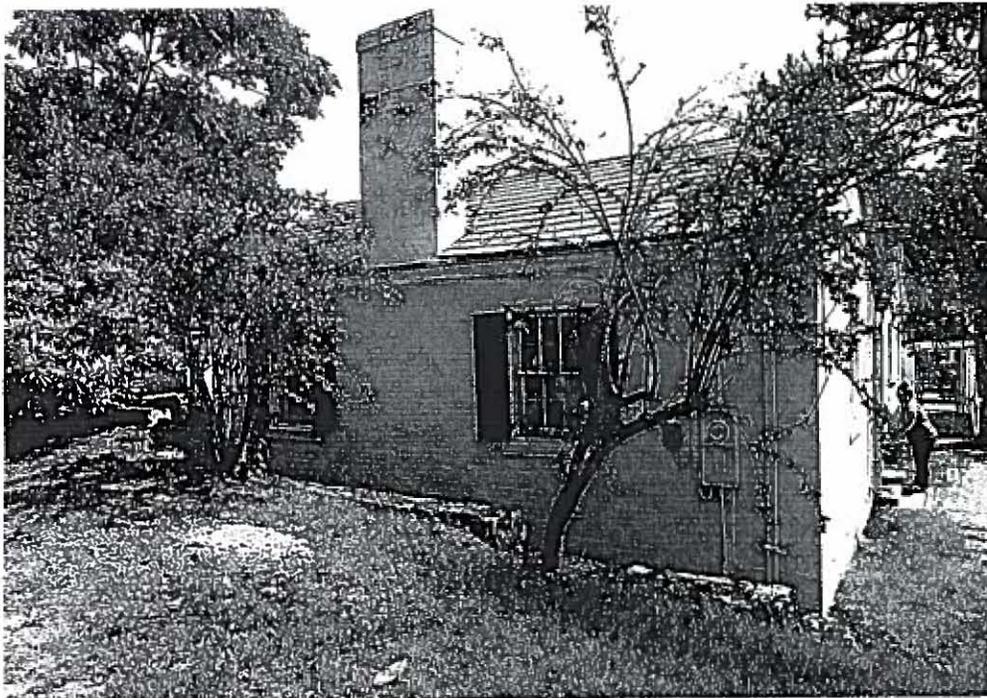
SCALE 1/4" = 1'-0"

ALTERATIONS & ADDITIONS  
TO THE EXISTING POOL HOUSE FOR  
**MR. & MRS. RUSSELL VANDELDE**  
MOUNTAIN BROOK, ALABAMA

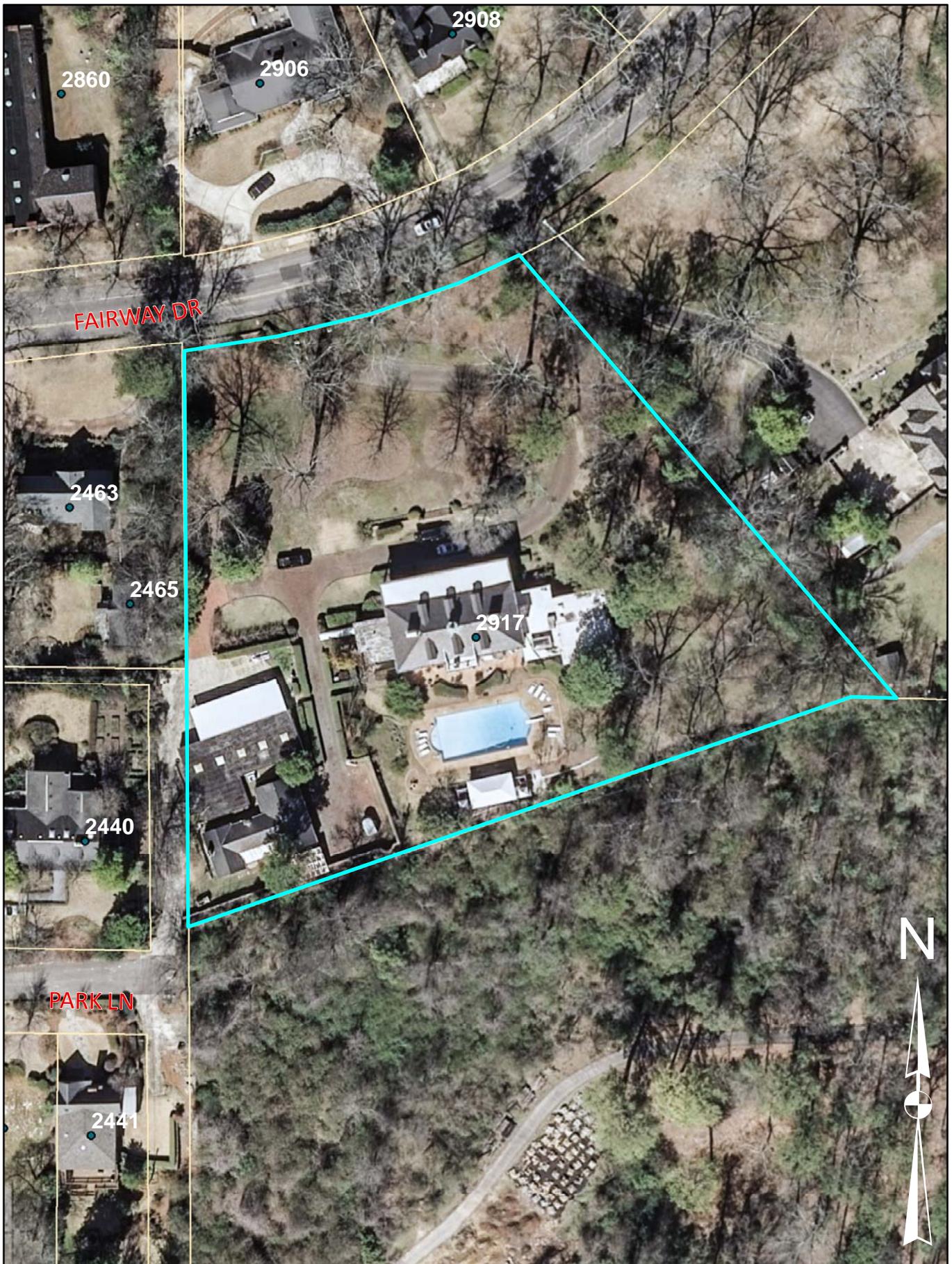
Henry Sprot Long & Associates, Inc.  
ARCHITECTS  
3016 Clairmont Avenue Birmingham, Alabama  
Phone: 205-323-4564

Date 08.25.16	PRELIMINARY	Comm. No. 3482-A
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A-66-40



# A-16-40 (Aerial Map)



City of Mountain Brook  
Variance Application  
Part II

**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 accessory structure in question was built, along with the main house, in 1930 before the city of Mountain Brook's current zoning ordinance was enacted. At the time of construction, the house and accessory structure were allowed and setbacks were not the same as required by today's Zoning Ordinance. The location, size and setback for the accessory structure were allowed in 1930 and should be "grandfathered" because the proposed alterations to the accessory structure will all occur within the footprint of the existing roofed area of the accessory structure.

**Was the condition from which relief is sought a result of action by the applicant's (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...")?**

The condition from which relief is sought is not a result of a previous action by the applicant.

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

Since the proposed alterations to the existing non-conforming accessory structure consist primarily of interior refinishing, and since the construction of the wall enclosing the Porch is not expanding or changing the footprint of the existing roofed structure, then the granting of a variance would be in accord with the intent of the zoning regulations which allow an existing non-conforming structure and use to remain as noted in Article III- Residence "A" District Section 129-31, subparagraph (b) Accessory Structures.



## Variance Application - Part I

### Project Data

Address of Subject Property 121 Crestwood Dr

Zoning Classification R-B

Name of Property Owner(s) David & Kristie Stewart

Phone Number 218-5056 Email Dstewart@bradley.com

Name of Surveyor Reynolds

Phone Number 585-7902 Email reynoldssurvey@bellsouth.net

Name of Architect (if applicable) Richard Long

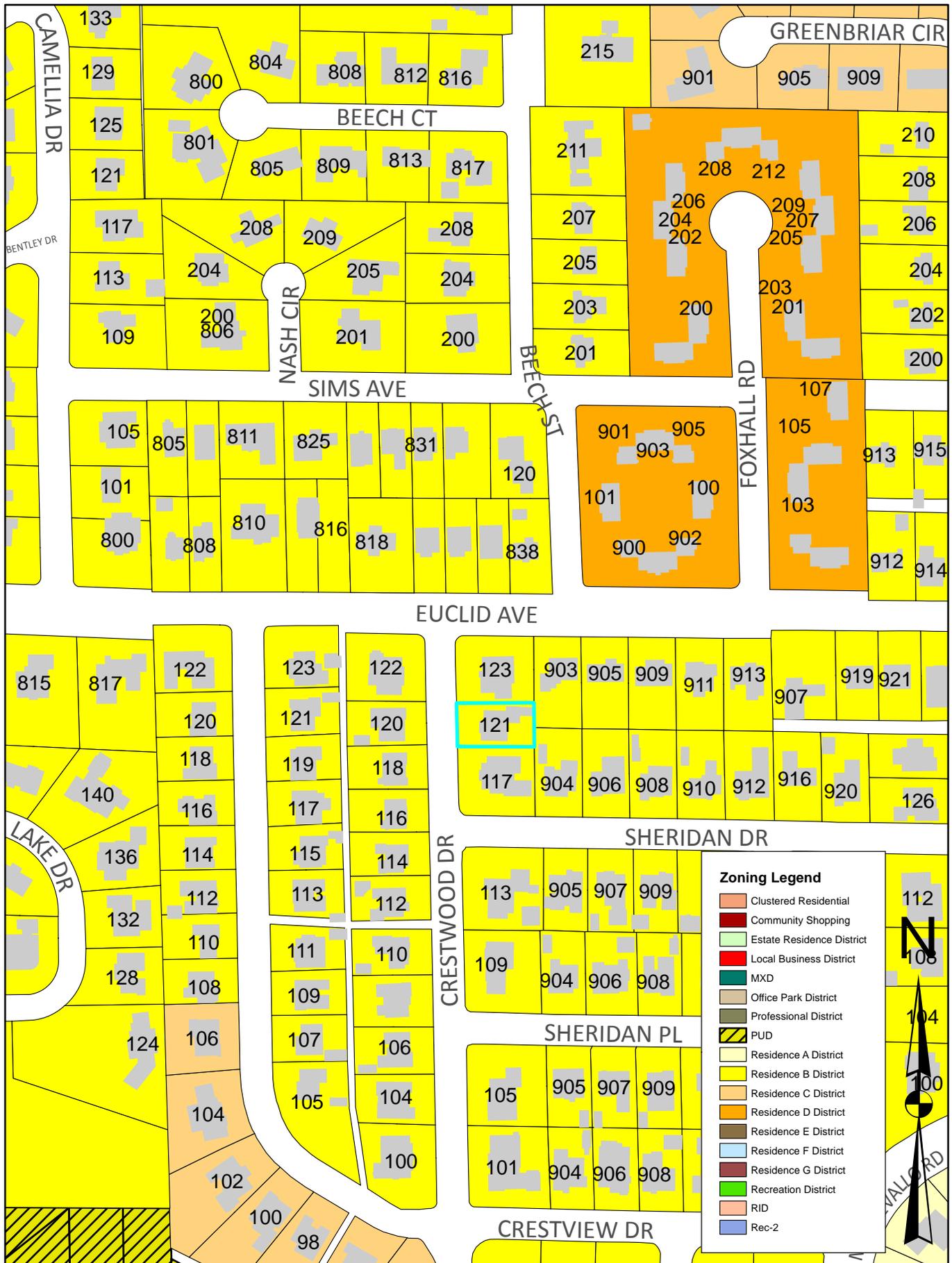
Phone Number 334-787-2001 Email richard@longandlongdesign.com

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)		8400 sf	
Lot Width (ft)	75'	69.95 sf	
Front Setback (ft) <i>primary</i>	35'	33.1'	32' (approved)
Front Setback (ft) <i>secondary</i>	17'1/2	n/2	n/2
Right Side Setback	12'1/2'	12.1'	10' (approved)
Left Side Setback	12'1/2'	5.2'	5.2'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	35'	5.1'	13' (approved)
Lot Coverage (%)	35%	26%	34%
Building Height (ft)	35'	25'	35'
Other			
Other			

# A-16-41 (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-16-41

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

Request to allow additions and alterations to an existing single family dwelling to be 5.2 feet from the side property line (north) in lieu of the required 9 feet.

#### ***Background/Analysis***

Case A-16-27 was approved for this property in June 2016, to allow additions and alterations to an existing single family dwelling to be 32 feet from the front property line (Crestwood Drive) and 12 feet from the rear property line, both in lieu of the required 35 feet; *and to be 5.8 feet from the side property line (north) in lieu of the required 9 feet.*

Apparently there was an error made in the 5.8 feet to the side property line; it should have been 5.2 feet to the side property line. The subject request is a correction of that dimension as well as an addition of an outdoor storage closet in the same setback, which slightly lengthens the amount of side yard encroachment.

No detrimental effect to the adjoining property is anticipated in conjunction with the approval of the revision from the previously approved variance.

Plans from previous and current applications are attached.

#### ***Analysis from June 20, 2016***

The hardships in this case are the lot width (69.95 where a minimum of 75 feet is required), lot shape and the existing design constraints. The proposal involves the addition of a new second floor (front yard encroachment to match first floor) and first floor additions to the front, side and rear.

There is an existing first floor encroachment on the left rear corner of the house that is within 5.1 feet of the rear property line. This room is to be demolished, with a new screened porch and exterior storage closet to be built in its place; however, this new construction is to be 12 feet from the rear property line (the proposed floor plan indicates a 13-foot rear setback, but appears to be measured perpendicular with the rear of the house instead of parallel to the rear property line, so it has been “noticed” at 12 feet).

The closest point from the front property for the existing house is 33.1 feet. The proposal is to fill in the right and left front corners of the house to be in line with the front wall of the existing house (32 feet at the right corner and 34.5 feet at the left corner).

As may be seen on the attached zoning map, the other two houses on this same side of Crestwood Drive (on the same block) are roughly in line with the existing and proposed front setback of the subject house; therefore no detrimental effect to the streetscape is anticipated in conjunction with an approval of the front encroachments. As to the proposed left side, the linear amount of side yard encroachment is proposed to be reduced by approximately 8 feet, and the rear yard encroachment is to be reduced by the same.

***Impervious Area***

The application indicates a proposed lot coverage in compliance with the maximum 35%. Staff is still working with the applicant to determine the proposed impervious area, but compliance with the stormwater ordinance will be required for any building permit issuance.

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

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

***Affected Regulation***

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

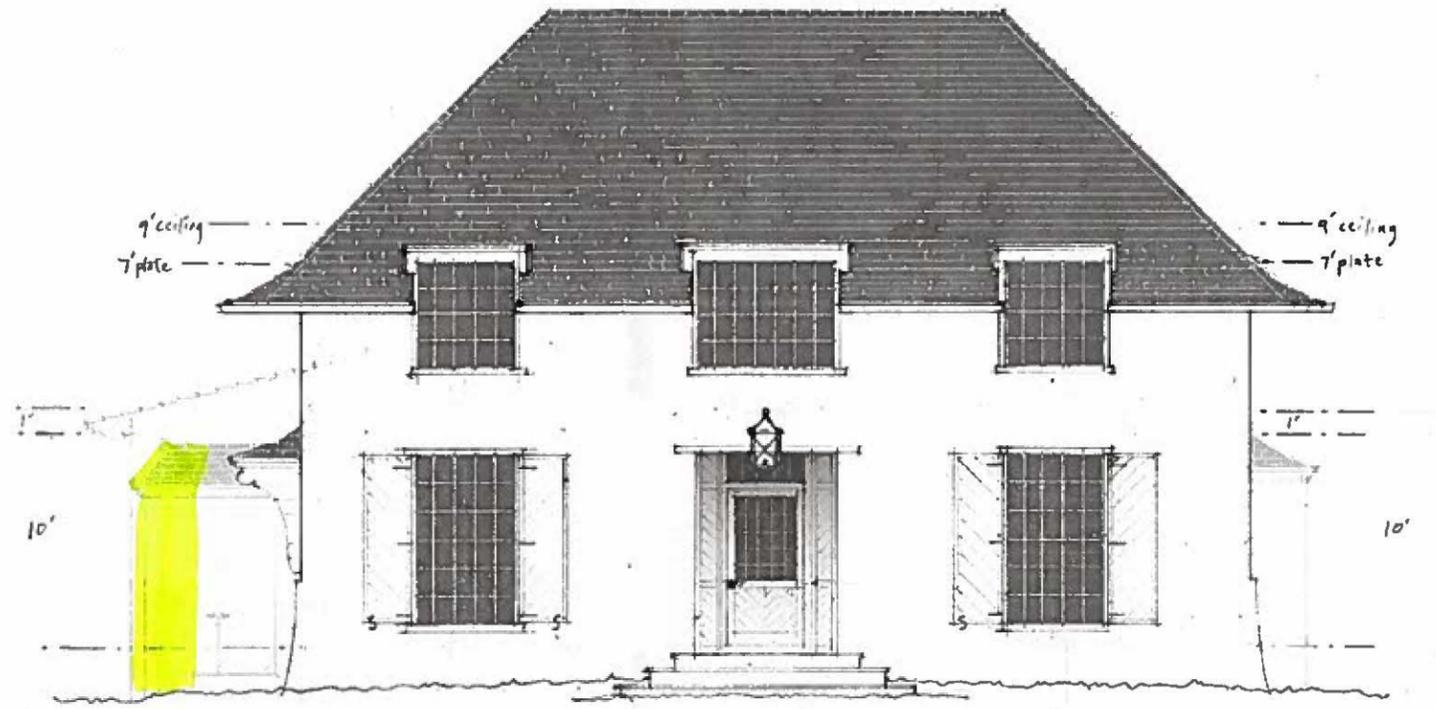
***Appends***

LOCATION: 121 Crestwood Drive

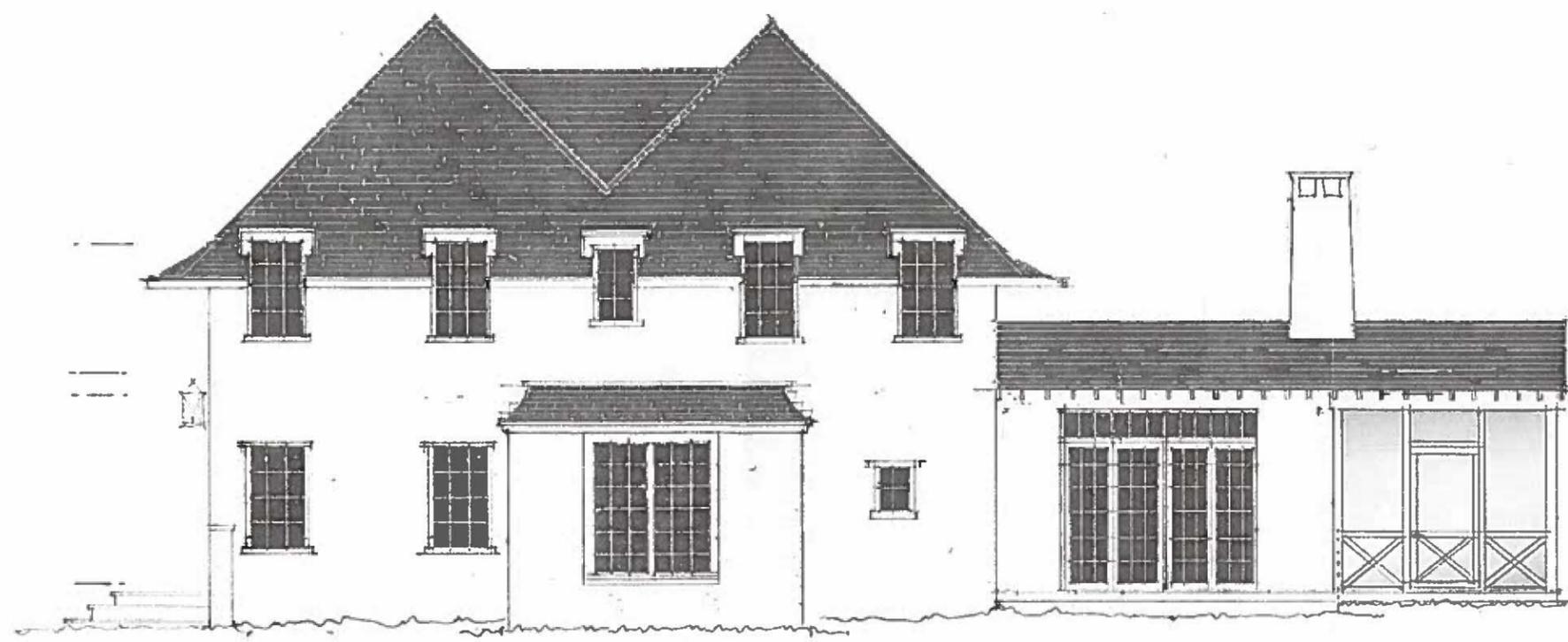
ZONING DISTRICT: Res-B

OWNERS: David and Kristie Stewart





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



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

  
**LONG & LONG**  
 DESIGN  
3616 Deboey Drive  
 Vestavia Hills, Alabama 35243  
 Telephone: 205-337-6777  
 longandlongdesign.com

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**STEWART RESIDENCE**  
Mountain Brook, Alabama

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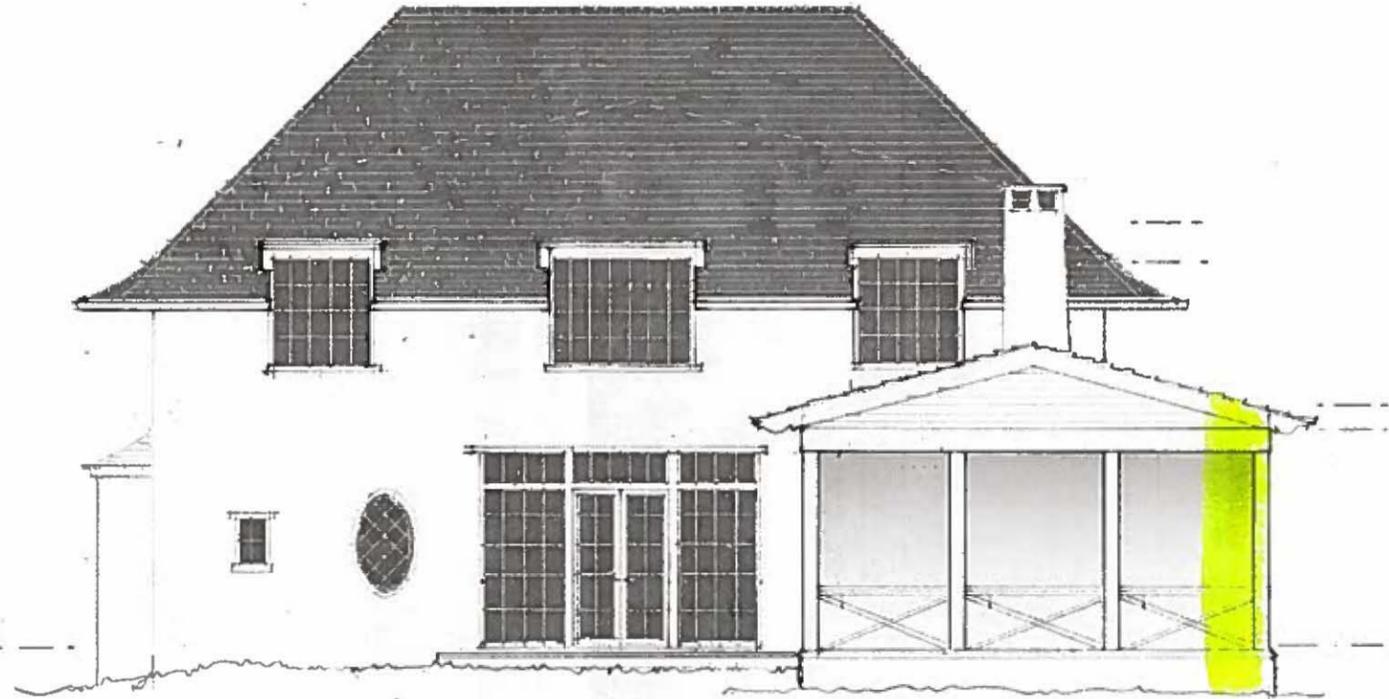
**PRICING SET**  
AUGUST 10, 2016

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**REVISIONS**

Exterior Elevations

A2-1



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



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



**LONG & LONG**  
DESIGN

3616 DeBussy Drive  
Vestavia Hills, Alabama 35243  
Telephone: 205.937.4777  
longandlongdesign.com

**STEWART  
RESIDENCE**  
Monteale Breck, Alabama

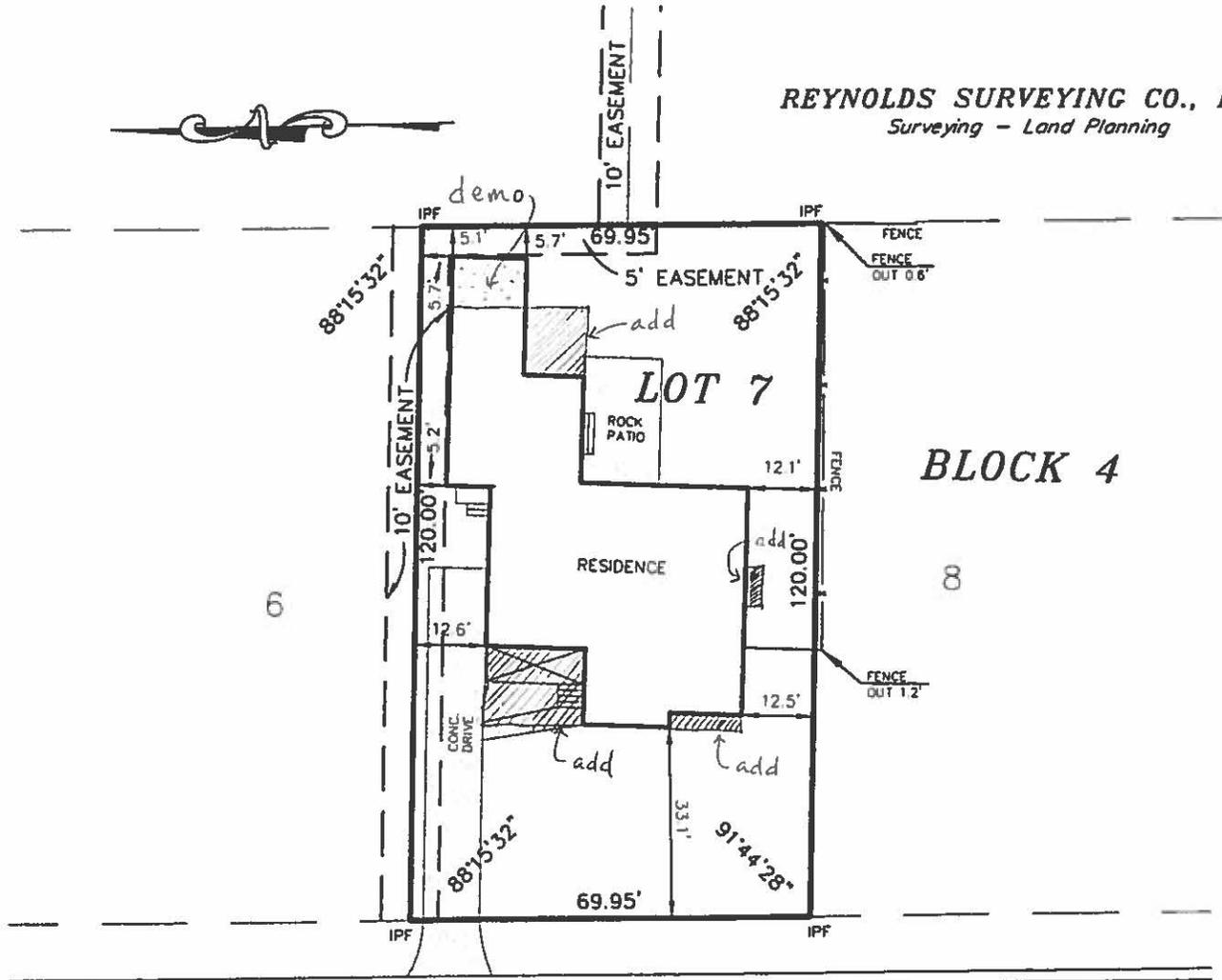
**PRICING  
SET**  
AUGUST 19, 2016

REVISIONS

Exterior Elevations

A2-1

REYNOLDS SURVEYING CO., INC.  
Surveying - Land Planning

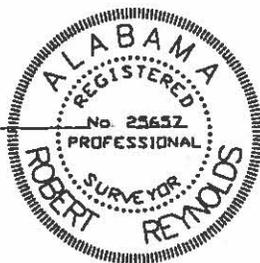


SCALE: 1" = 30'

### CRESTWOOD DRIVE

50' R.O.W.

- LEGEND**
- UTILITY POLE
  - Y— GUY WIRE
  - |— RETAINING WALL
  - ▨ CONCRETE
  - X- FENCE
  - OE- OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET



STATE OF ALABAMA  
JEFFERSON COUNTY

#### "PROPERTY SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7, Block 4, of EUCLID ESTATES FIRST SECTOR, as recorded in Map Book 31, Page 35 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 18 th day of April, 2016.

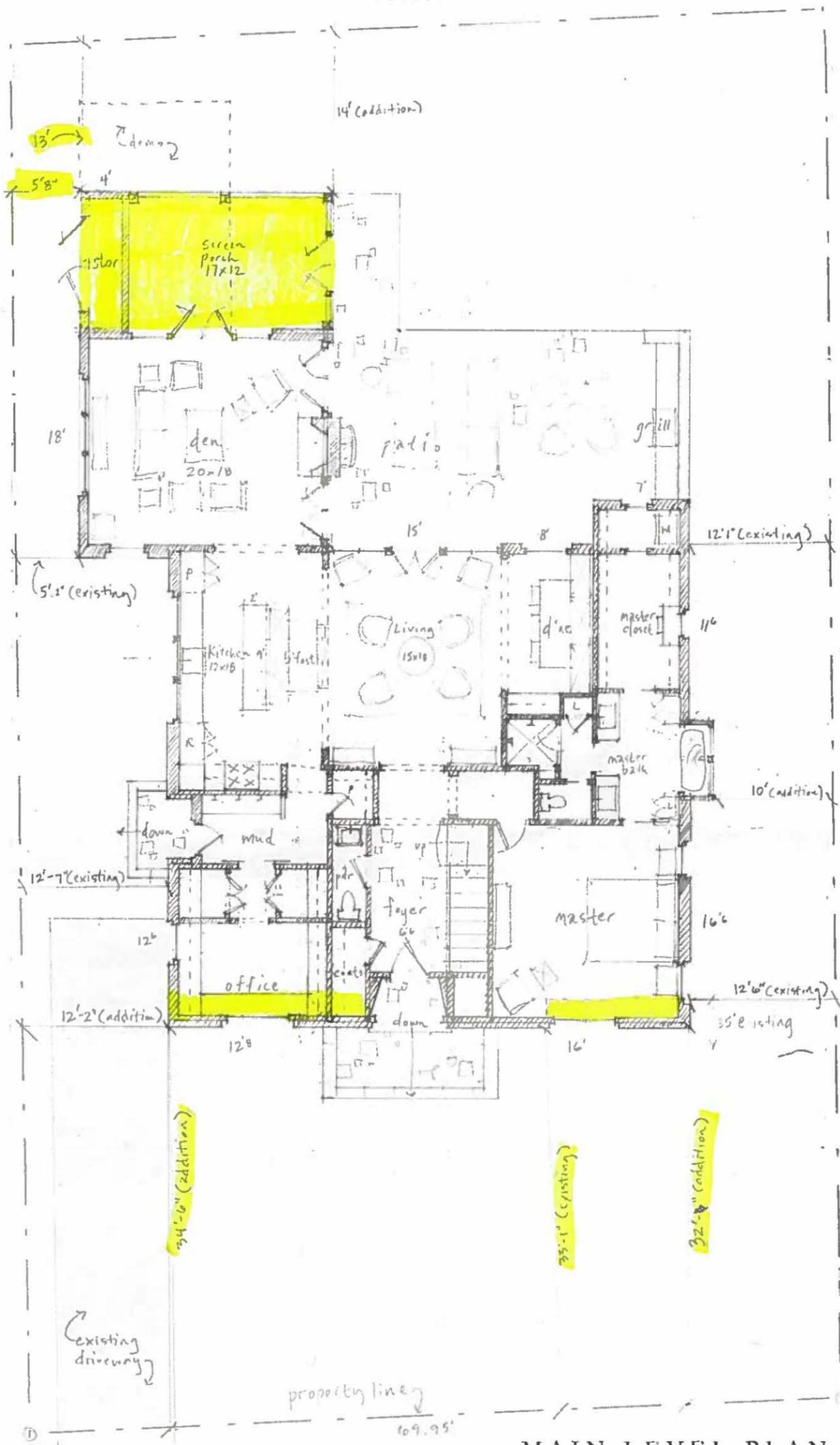
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Stewart  
Address: 304 Dexter Ave.

*Robert Reynolds*  
Reg. No. 25657



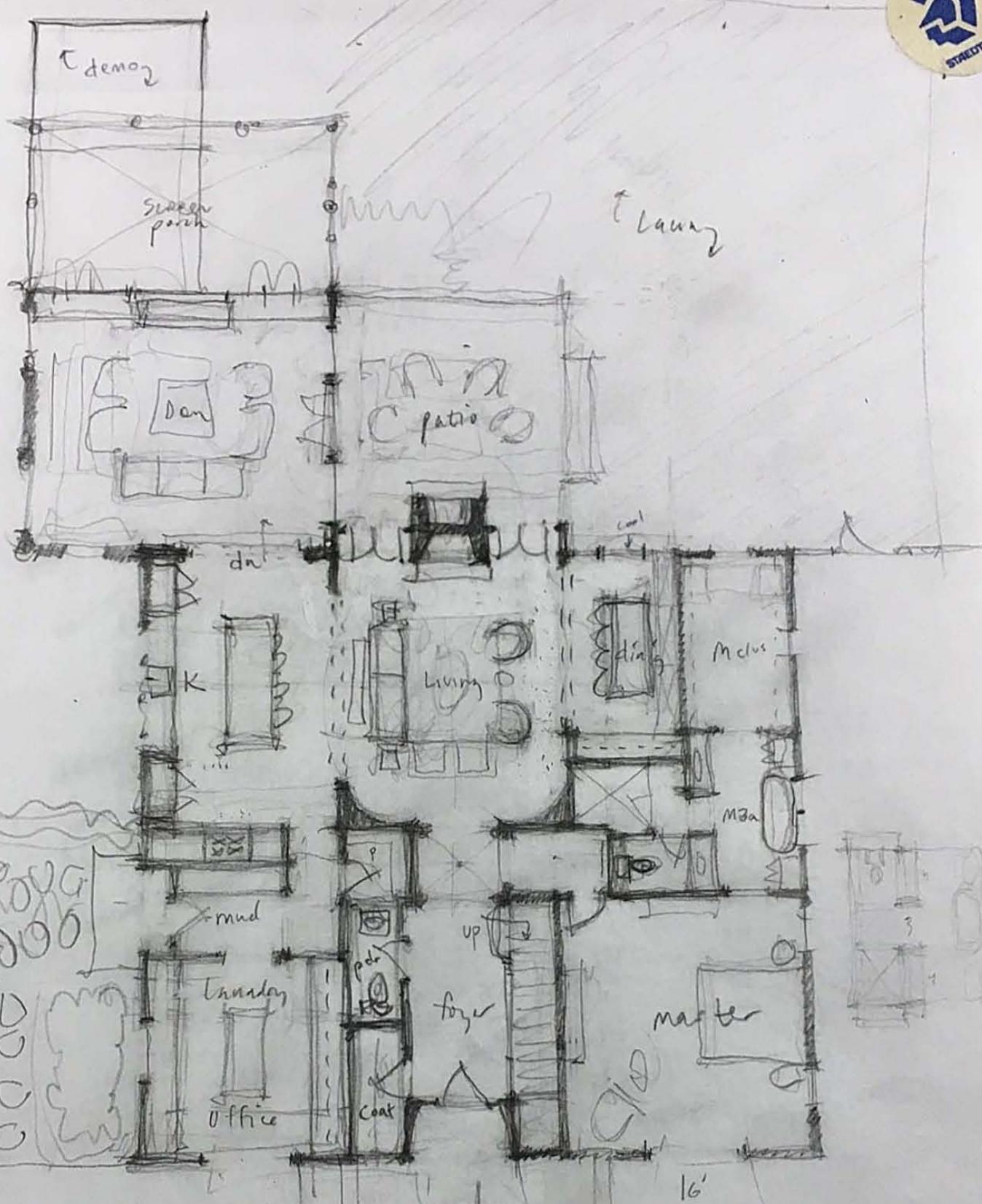
LONG & LONG  
DESIGN



MAIN LEVEL PLAN  
SCALE: 3/32" = 1'-0"

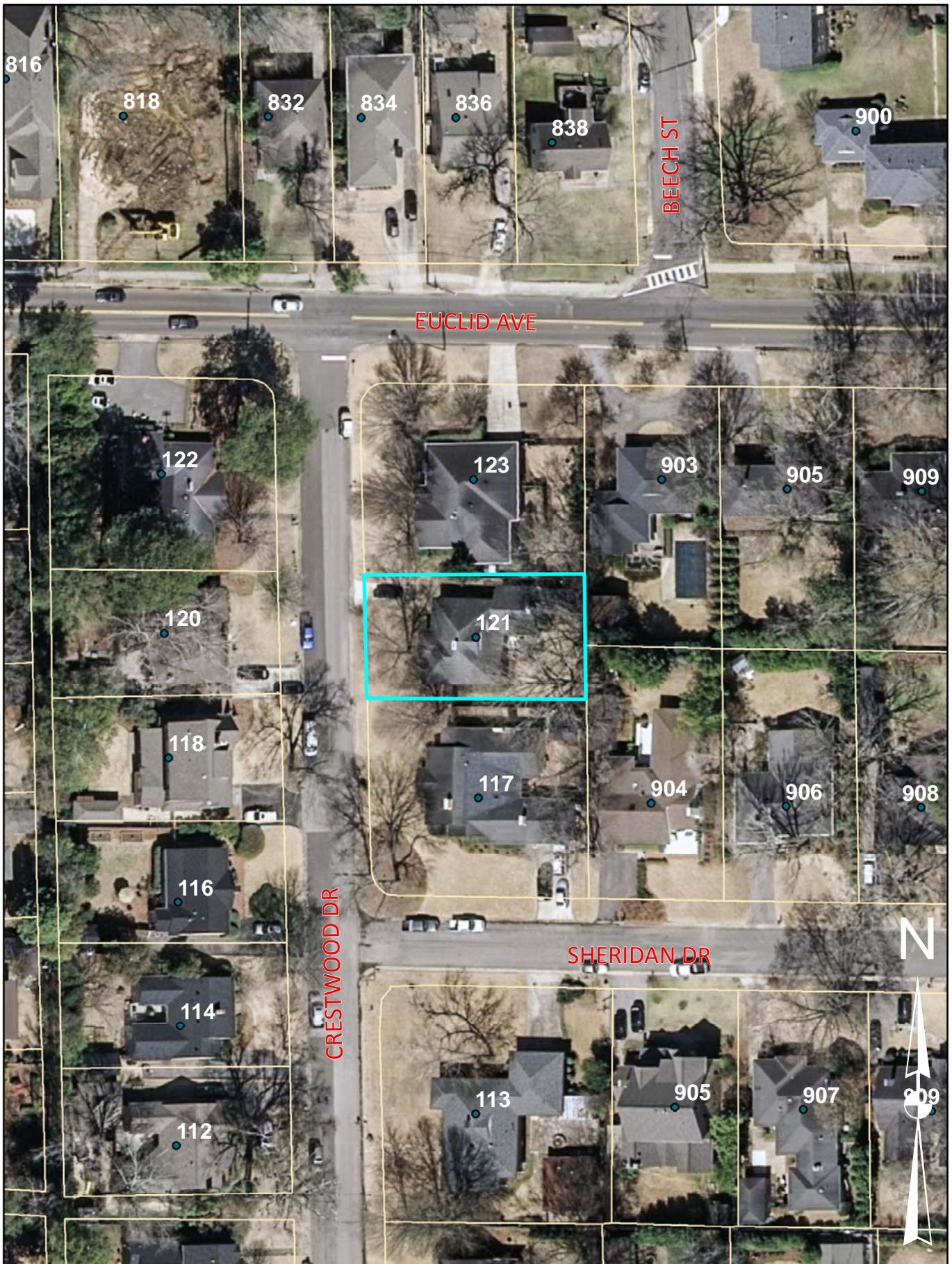
STEWART RESIDENCE  
MOUNTAIN BROOK, ALABAMA





stewart home

# A-16-41 (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)?

*Small lot size, existing non-compliant footprint (per previous submittal).*

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...")

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

*(within)*  
• *For the left side setbacks, we are maintaining the 5.2' existing distance in adding the storage room (4'-4" length)*

✓ **VARIANCE APPLICATION**  
 ✓ **PART II**

✓ Project Data

Address of Property 3636 Mountain Park Drive

Zoning Classification Residential A1

Name of Property Owner(s) Mary Ponder Porter

Phone Number 746-1389

Name of Representative Agent (if applicable)

Architect: Scott Boomhover - Boomhover Architecture

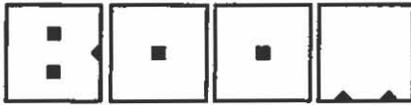
Phone Number 616-0621



Property owner or representative agent must be present at hearing

Please fill in applicable project information:

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000 sq. ft.	11,283 sq. ft.	16 sq. ft.
Lot Width (ft)	100 ft.	70' ft.	0 sq. ft.
Front Setback (ft)	40'-0"	44'-0"	0 sq. ft.
<b>Side Setback (ft)</b>	<b>15'-0"</b>	<b>18.2'</b>	<b>4' = .8' - 12" var'c</b>
Side Setback (ft)	15'-0"	11.4'	0
Rear Setback (ft)	40'-0"		0
Lot Coverage (%)	25%		0
Building Height (ft)	35'-0"		0
Other	(2) max. stories		0
Other			



**BOOMHOVER**  
ARCHITECTURE

## REQUEST FOR VARIANCE

Porter Residence  
3636 Mountain Park Drive  
Mountain Brook, AL

August 26, 2016

### I. Existing House

- A. A two story wood frame single family residence located on basement walls at the rear and a small crawl space at the front of the house.
- B. The existing house is 2,000 +/- sq. ft.
- C. Stone cladding that transitions into cedar shakes.
- D. The roof is asphalt shingles.
- E. The house is located to the front of the lot resulting in a sloped drive and a rear yard with one 3'-0" berm step to a decrease slope and erosion
- F. A stone retaining wall is located at the front face of the structure and allows a 10'-0" drop to occur from the front drive to the rear yard.

### II. Scope of Work

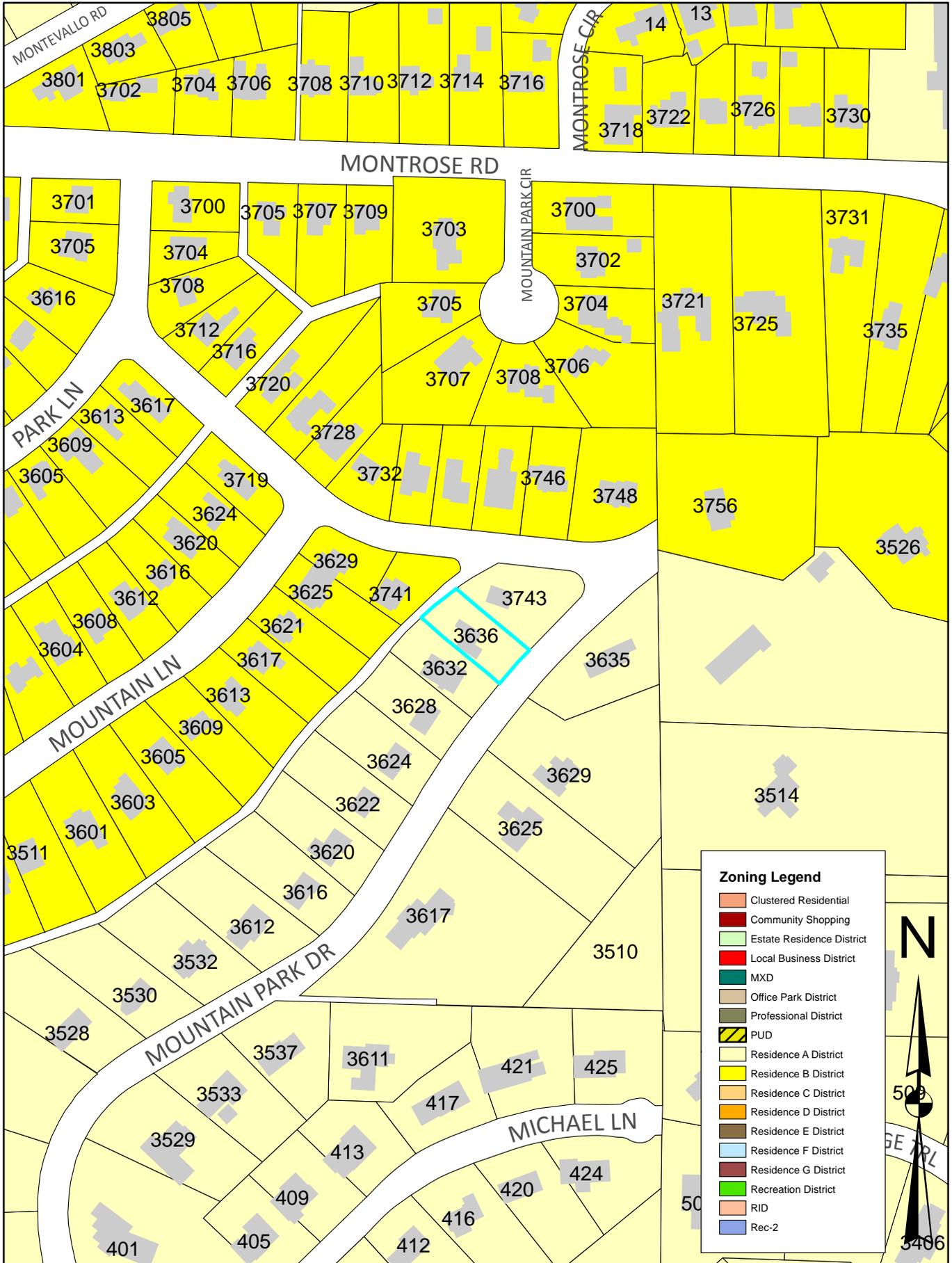
- A. The construction included in this 12" side property setback variance request is as follows:
  1. 4'-0" side addition X 20'-0" toward rear of cedar shake dimensional lumber framed addition on the north side of the house (address above) which will encroach 10"+/- into the setback.
  2. The dining room and den will be increased without adding to the rear of the house.
    - a) Additional construction and cost will be required if the structure is placed at the rear of the property
    - b) By adding to the side of the structure, disturbance of the presently compacted soil located on the sloping can remain undisturbed.
  3. This addition will involve addition to the roof zenith due to making the structure wider.
  4. A new roof system will be installed due to the addition of the area.
  5. New cedar shake cladding will match existing exterior walls.
  6. Instead of a basement we have chosen to support the first floor addition, which is one story above grade, on columns to impact the soil density as little as.
    - a) This decision will allow an existing retaining wall to remain resulting in less soil disturbance next to the house to keep erosion to a minimum.
    - b) These columns also result in a more open area at the ground level resulting in less visual impact perception by neighbors
  7. These columns will be decorative to create the best possible aesthetic to passersby and neighbors.

Sincerest Regards,

Scott Boomhover AIA, NCARB, NCIDQ  
Boomhover Architecture

cc: file  
attachments: variance application

# A-16-42 (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-16-42

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

Request to allow additions to an existing single family dwelling to be 14 feet from the side property line (northeast) in lieu of the required 15 feet.

#### ***Analysis***

The hardships in this case include small lot size (11,238 in lieu of the required 30,000 for Res-A), narrow lot width (70 feet in lieu of the required 100 feet for Res-A) and steep topography. The proposal is to add approximately 4 feet along the northeast side of the house, which will encroach 1 foot into the required 15-foot side yard setback.

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

To be forwarded at the meeting.

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

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

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

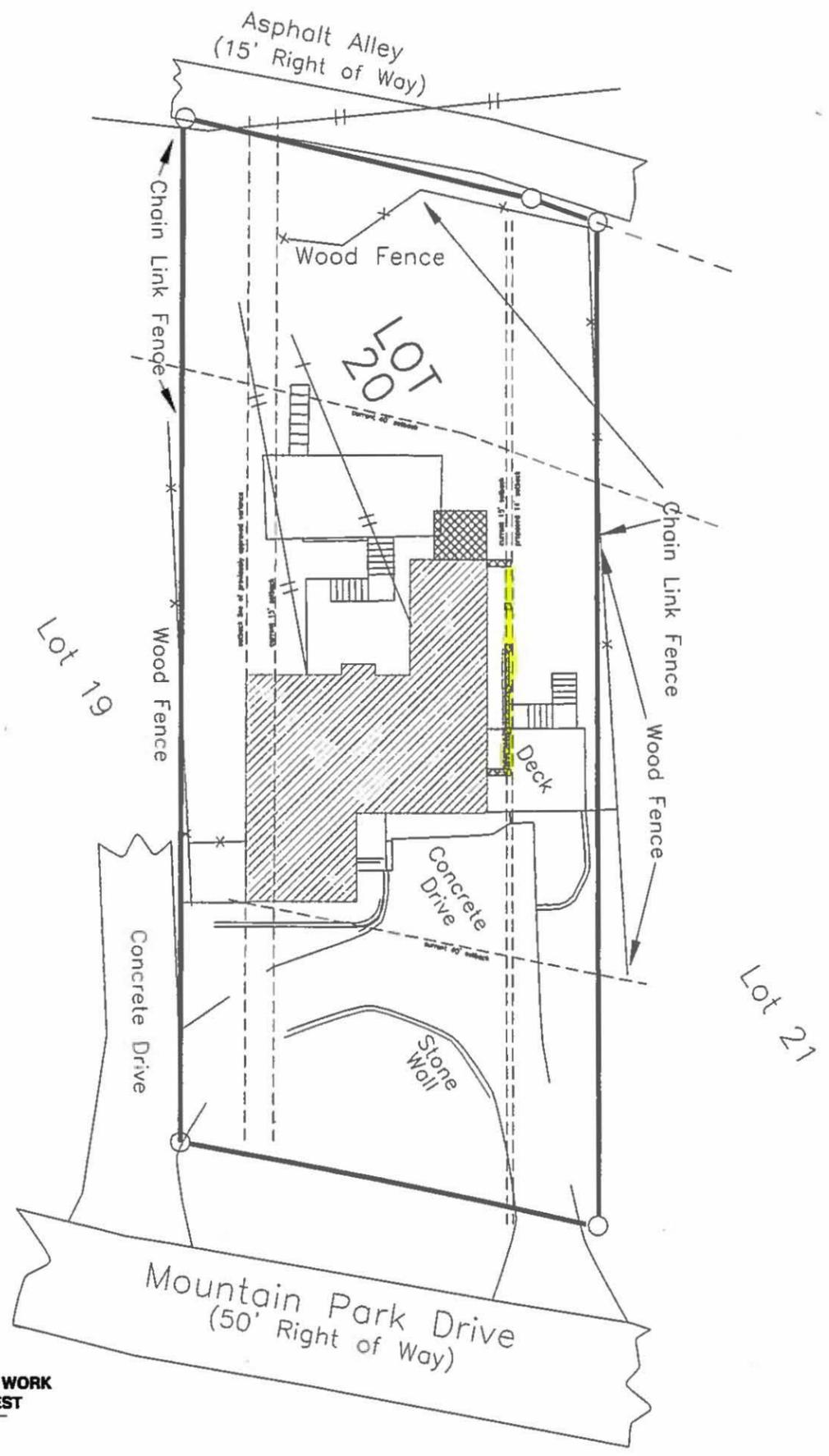
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

#### ***Appends***

LOCATION: 366 Mountain Park Drive

ZONING DISTRICT: Res-A

OWNER: Mary Ponder Porter



**SITE PLAN - NEW WORK  
VARIANCE REQUEST**

1  
A-2.1  
Not to Scale

**A RENOVATION TO  
THE RESIDENCE OF**

**THE  
PORTER FAMILY**

**3636 MOUNTAIN PARK DRIVE  
MOUNTAIN BROOK, ALABAMA  
35213 - 4428**

**ISSUED FOR PERMIT:  
dd-mm-yyy**

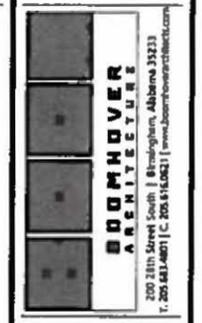
**ARCHITECT:**  
BOOMHOVER ARCHITECTURAL STUDIO  
3500 MOUNTAIN PARK DRIVE  
BIRMINGHAM, AL 35213  
TEL: 205 616-0621 SCOTT@BOOMHOVER.COM  
CONTACT: SCOTT BOOMHOVER

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- A-1.0 TITLE SHEET
- A-2.0 DEMOLITION PLANS
- A-2.1 FLOOR PLANS
- A-2.2 EXTERIOR ELEVATIONS
- A-2.3 BUILDING SECTION
- A-2.4 FOUNDATION/ FRAMING PLANS
- A-2.5 FRAMING/ROOF PLAN
- A-2.6 PLUMBING, MECHANICAL, ELECTRICAL
- A-2.7 INTERIOR ELEVATION/SCHEDULES

**GENERAL NOTES**

1. ALL WORK SHALL BE PERFORMED BY LICENSED CONTRACTORS, IN ACCORDANCE WITH STANDARD ACCEPTABLE CONSTRUCTION PRACTICES OF THE PROJECT AS A WHOLE AND OF EACH TRADE WITHIN.
2. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND STANDARDS.
3. THIS PROJECT SHALL BE PERMITTED BY THE MOUNTAIN BROOK, ALABAMA AND SUBJECT TO THE RULES AND REGULATIONS OF THE MOUNTAINBROOK INSPECTIONS DEPARTMENT.



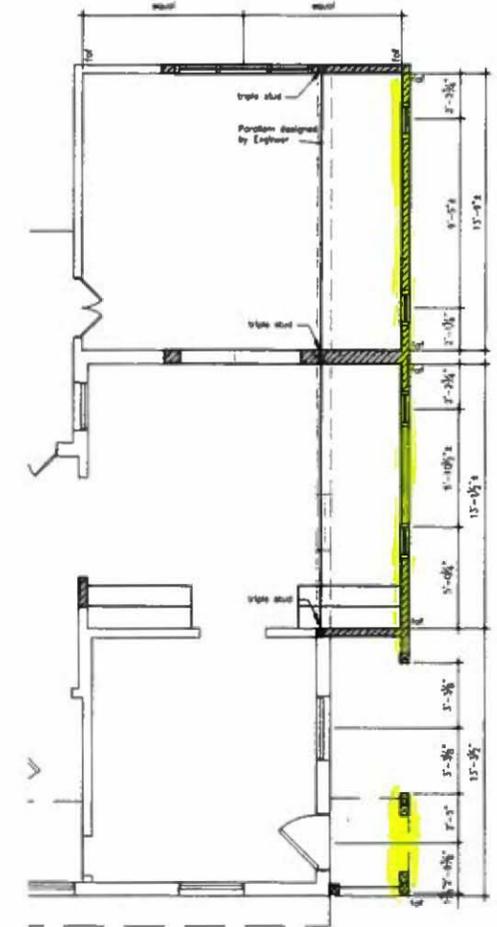
A Renovation of an Existing Residence for:  
**The Porter Family**  
3636 MOUNTAIN PARK DRIVE  
Birmingham, Alabama 35213

**PRELIMINARY  
NOT FOR CONSTRUCTION**

NO.	DATE	REVISION

-Project No-  
16013  
-Issue Date-  
08.30.2016  
-Issued For-  
Variance Review

TITLE SHEET  
**A1.0**  
SHEET 1 OF 1



**LEGEND**

- EXISTING BUILDING AREA NOT EFFECTED BY NEW CONSTRUCTION
- EXISTING BUILDING AREA EFFECTED BY NEW CONSTRUCTION
- EXISTING ELEMENTS TO BE REMOVED
- EXISTING WOOD STUD WALL CONSTRUCTION
- NEW 2 x 4 WOOD STUD WALL CONSTRUCTION W/ GYPSUM WALL BOARD EA. SIDE
- NEW 2 x 4 WOOD STUD EXTERIOR WALL CONSTRUCTION
- NEW 2 x 4 WOOD STUD WALL (U.G.A.) - INSULATION BETWEEN STUDS FOR SOUND ATTENUATION - TYP.
- EXISTING DOOR TO BE REMOVED
- EXISTING DOOR TO REMAIN
- NEW WOOD DOOR
- DOOR SIZE IN FEET/INCHES AS SUPPLIED
- C.H. = CEILING HEIGHT
- TRIPLE WOOD CASMENT WINDOW WEATHERSHIELD 3 1/2\"/>

**PARTIAL FIRST FLOOR PLAN - NEW WORK**

SCALE: 1/4" = 1'-0"

**NOTES**

1. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. BRING DISCREPANCIES TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH WORK.
2. ALL INTERIOR DIMENSIONS ARE TO FACE OF GYP. DO ALL EXTERIOR DIMENSIONS ARE TO FACE OF STUD/ CMU.
3. PERFORM ALL WORK IN ACCORDANCE WITH ALL APPLICABLE CODES. CONTRACTOR SHALL OBTAIN A BUILDING PERMIT FOR THIS WORK.

**AREAS**

TOTAL AREA OF 1ST FLOOR ADDITION/RENOVATION = 30.71

**BOMHOVER**  
ARCHITECTURE  
200 24th Street South | Birmingham, Alabama 35233  
T: 205.883.4801 | C: 205.616.8261 | www.bomhoverarch.com

A Renovation of an Existing Residence for:  
**The Porter Family**  
3636 MOUNTAIN PARK DRIVE  
Birmingham, Alabama 35333

**PRELIMINARY**  
NOT FOR CONSTRUCTION

NO.	REVISION	DATE

-Project No- 16013  
-Issue Date- 08.30.2016  
-Issued For- Variance Review

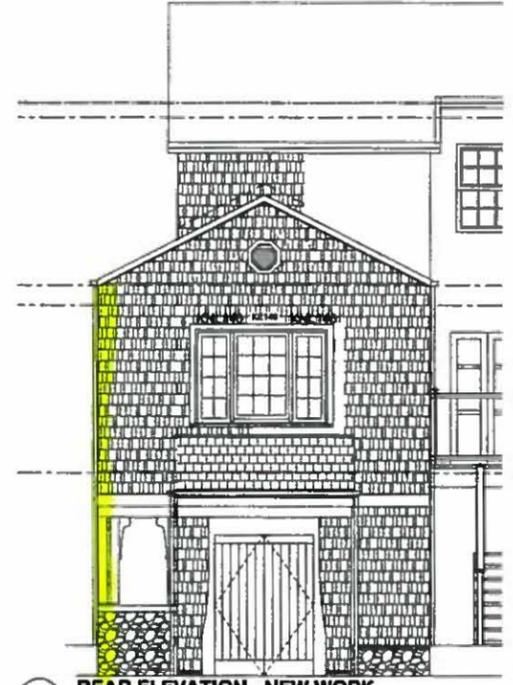
FLOOR PLANS

A2.1  
SHEET 2 OF 3

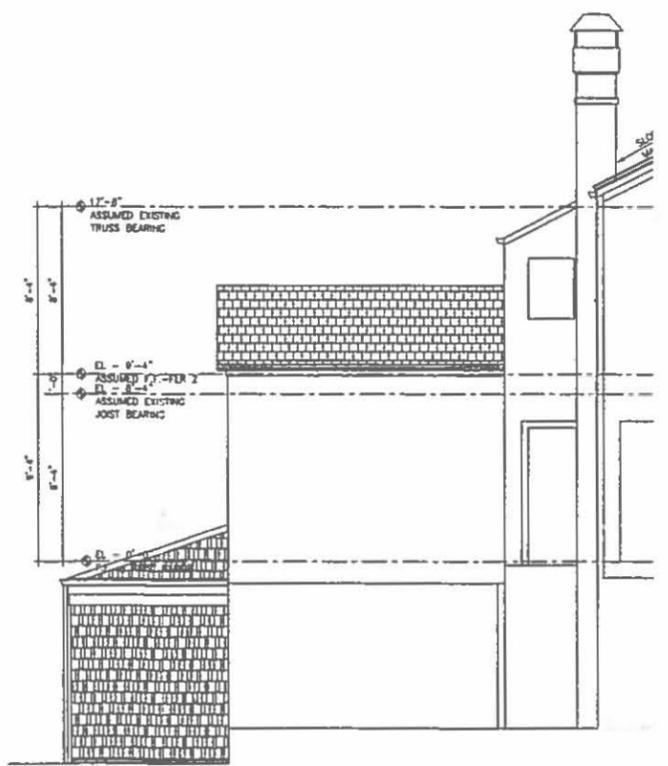
A-16-4a



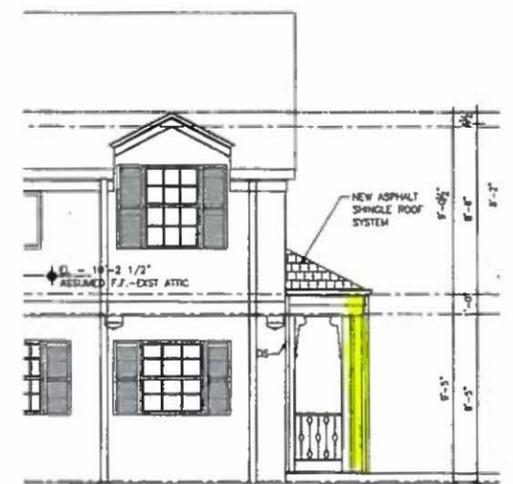
**SIDE ELEVATION - NEW WORK**  
SCALE 1/4" = 1'-0"



**REAR ELEVATION - NEW WORK**  
SCALE 1/4" = 1'-0"



**SIDE ELEVATION - NEW WORK**  
SCALE 1/4" = 1'-0"



**FRONT ELEVATION - NEW WORK**  
SCALE 1/4" = 1'-0"



**BOOMHOVER**  
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200 28th Street South | Birmingham, Alabama 35233  
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A Renovation of an Existing Residence for:  
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3636 MOUNTAIN PARK DRIVE  
Birmingham, Alabama 35333

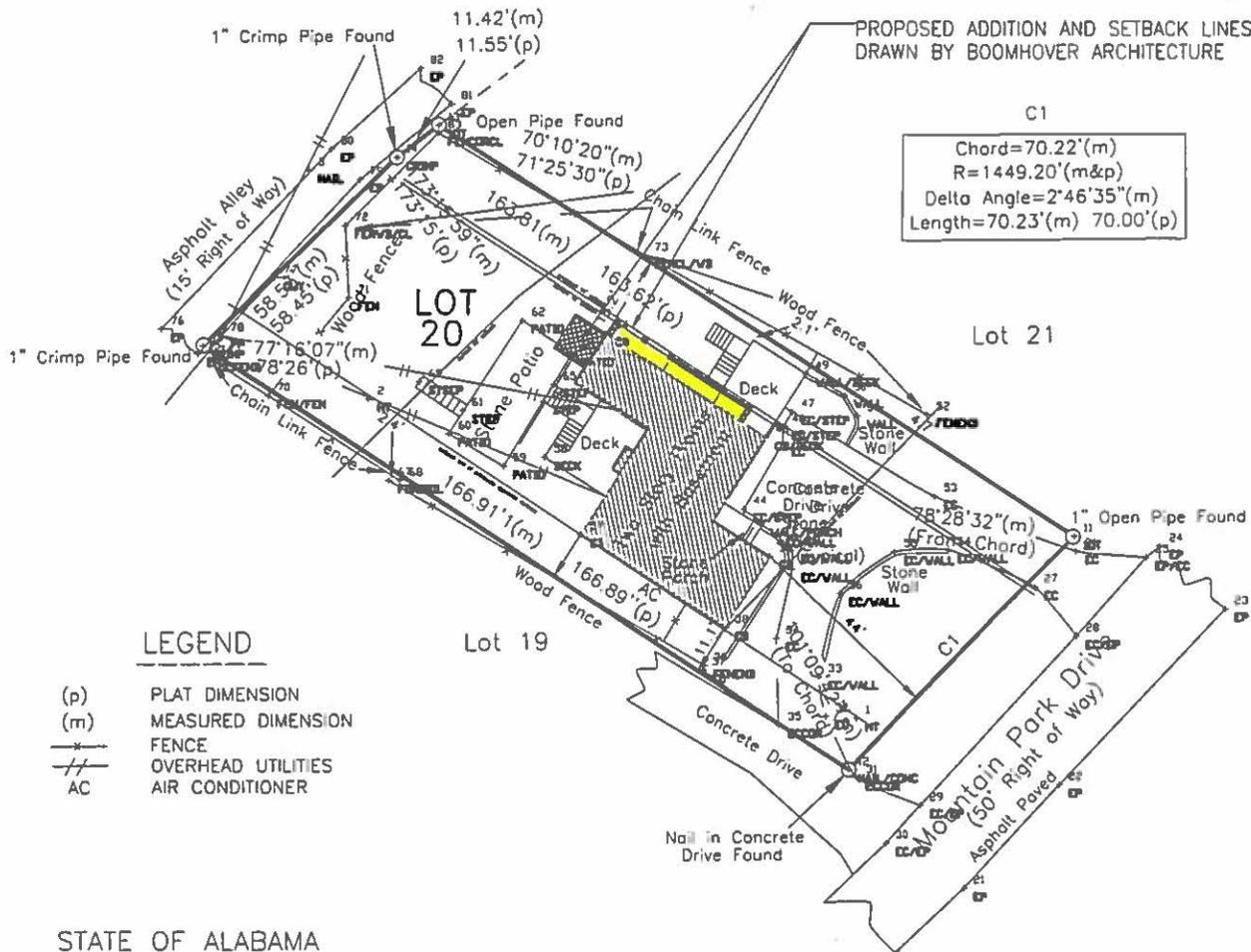
**PRELIMINARY**  
NOT FOR CONSTRUCTION

NO.	REVISION	DATE

Project No- 16013  
Issue Date- 08.30.2016  
Issued For- Variance Review

EXTERIOR ELEVATIONS  
**A2.2**  
SHEET 4 OF 8

A-16-42



**LEGEND**

- (p) PLAT DIMENSION
- (m) MEASURED DIMENSION
- FENCE
- /// OVERHEAD UTILITIES
- AC AIR CONDITIONER

STATE OF ALABAMA  
JEFFERSON COUNTY

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

Lot 20, Block 4, according to the Map of Mountain Park Estates, as recorded in Map Book 23, Page 54, in the Probate Office of Jefferson County, Alabama;

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

According to my field survey of November 11, 2015;



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

PROPOSED ADDITION AND SETBACK LINES  
DRAWN BY BOOMHOVER ARCHITECTURE

Scale: 1 inch = 40 feet File: S-1431/15-A

# A-16-42 (Aerial Map)



# VARIANCE APPLICATION

## PART I

### 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 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)?

1. The existing lot density: The density of the lot, as it was built in the 1930's is an existing non-conforming building by the Residential A-1 Zoning overlay presently being applied by  
 the zoning regulations.
2. The property is located 90 degrees to the neighbor's property located on the corner which is  
 also on a small lot resulting in no rear yard in order to handle water run-off between the two sites.
3. The area in which the construction is required is min. 1 floor above the grade due to the slope of the property. An existing retaining wall at the front facade of the house requires all construction to be located on columns or basement walls approximately one story above the grade due to the slope of the property as it falls off to the rear setback.
4. Due to the site configuration, size and existing topographic conditions, adding to the rear of  
 the house puts any first floor construction 1.5 stories above grade due to the slope at the rear and the required, existing, retaining wall at the front.
5. The size of the property is non-conforming to the required density requirements.

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?

The granting of the variance will not result in the granting of a special privilege due to the originality of the lot size and existing conditions of the existing 1930's era house proper.

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...")

The hardship is not self-imposed, as the topography of the lot, configuration and zoning overlay are not in the owners control.

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

The granting of this request will create a very small impact on the site coverage required by the Zoning Regulations, because it will be supported on columns in lieu of basement walls. This will impact the site coverage less severely and not require more disruption of already compacted soil.