

# BZA Packet

January 13, 2016

**Hello All,**

Enclosed please find your packet for the meeting of *Tuesday* January 19, 2016.

**We have:**

- 6 new cases

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-Jan-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 ...

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

*Dana*

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
1/19/2016

PRE-MEETING: (ROOM A106) 4:15 P.M.

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

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

**NOTICE**

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

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

- 
1. Approval of Minutes: 12/21/2015
  2. **Case A-16-01:** 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. - **3420 Mountain Lane**
  3. **Case A-16-02:** 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. - **111 Crestview Drive**
  4. **Case A-16-03:** 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. - **64 Pine Crest Road**
  5. **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**
  6. **Case A-16-05:** 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. - **311 Euclid Avenue**

7. **Case A-16-06:** 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. - **3415 Mountain Lane.**
8. Next Meeting: 2/16/2016
9. Adjournment

**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
MINUTES  
December 21, 2015

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, December 21, 2015, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

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

Also present: 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 - November 16, 2015:**

Motion: Mr. Hereford to approve  
Second: Mr. Lapidus  
Vote: Unanimously approved

**2. Case A-15-20: 66 Pine Crest Road**

66 Pine Crest LLC, owner, requests variances from the terms of the Zoning Regulations to allow 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.

**Hardship:** Irregular shaped lot; shallow depth; small.

Scott Carlisle, architect, represented the property owner:

- Existing house is non-conforming – part of the front is over setback.
- Shape of the lot is an issue; also very small.
- Renovations will include adding a second story and extending out the back.
- A portion of the rear of the structure will be over the setback.
- Addition to front does not encroach setbacks more than existing structure; just moving from left to right side of the structure to match house line.

The Board asked questions regarding the rear setback amount based on the survey. Mr. Carlisle agreed that the requested 20 feet 7 inches is incorrect and should be 25 feet 7 ½ inches.

Mr. Carlisle asked to amend the variance request as follows: The requested variance from the rear property line amended from 20 feet 7 inches to 25 feet 7 ½ inches, thereby requiring less encroachment than shown on the initial survey.

Chairman Higginbotham stated that since the change would cause less encroachment, the request can be amended.

Public comment: Kane Burnett, 49 Pine Crest Road, asked for confirmation that the front setback encroachment would be 3". Mr. Carlisle confirmed.

Motion: Mr. Hereford, to grant variance as amended to 25 feet 7 ½ inches from rear setback

Second: Mr. Lapidus

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

Variance approved by a 5 – 0 vote.

**EXHIBIT 1**

**3. Case A-15-21: 87 Fairway Drive**

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.

**Hardship:** Topography; small lot; design constraint of existing front setback.

Bryan and Kathleen Boudreaux:

- Request to extend the master bedroom on the right back side, approximately 1/3 of the width of the structure.
- Will extend 3' into rear setback.
- Cannot extend to the front of the property because of steep topography.

Chairman Higginbotham added that the lot is small – 15,000 feet. The minimum size for Residential A zoning is 30,000 feet. Also, Mr. Higginbotham referenced a letter from the landscape architect on this project, Kelvin Terry, regarding the impervious area. The property owners will need to address this issue to get a permit if the variance is approved.

Board: Requested to see the interior plans of the addition and site elevations.

Mr. Boudreaux presented the requested information.

Motion: Mr. Hereford, to grant variance as presented

Second: Mr. Lapidus

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

Variance approved by a 5 – 0 vote.

**EXHIBIT 2**

**4. Case A-15-22: 7 West Montcrest Drive**

Joe Baugh, owner, requests variances 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.

**Hardship:** Placement of existing garage.

Chris Franks, Franks Building Company, presented the request on behalf of the property owner, Joe Baugh:

- Existing garage is 8 feet from setback on the right side rather than the required 10 feet; the rear of the garage is over the setback allowance as well.
- Would like to reduce garage size from 22'x25' to 15'x25'. Resizing will relieve rear setback; right setback encroachment will remain as is.
- Structure to remain one story.

Chairman Higginbotham stated that the change in size will improve the encroachment situation; eliminates the rear setback overage.



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

Variance approved by a 5– 0 vote.

**EXHIBIT 4**

- 6. Adjournment** - There being no further business to come before the Board at this time, the meeting stood adjourned.

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Tammy Graham, Administrative Assistant



## Variance Application - Part I

### Project Data

Address of Subject Property 3420 MOUNTAIN LANE

Zoning Classification A

Name of Property Owner(s) HEATHER & CARTER CLAY

Phone Number 205-807-0147 Email Carter@hollis-wright.com

Name of Surveyor Chris DeLucia @ South Central Surveying

Phone Number 205-515-7210 Email chris@landmarkpro.org

Name of <sup>Designer</sup> Architect (if applicable) MICHAEL ERIC DALE

Phone Number 205-599-6949 Email eric@ericdale.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)		27,968	27,968
Lot Width (ft)	100	109 perp to sides 120 along line	same
Front Setback (ft) <i>primary</i>	40	49.4	49.4
Front Setback (ft) <i>secondary</i>	-	-	-
Right Side Setback	15	14.5	14
Left Side Setback	15	15.6	15.6
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	140 +/-	140 +/-
Lot Coverage (%)			
Building Height (ft)	35	22 +/-	35 max
→ Other <i>rt. side @ airport</i>	15	10	12.5
Other			

**MICHAEL ERIC DALE**

RESIDENCE DESIGNER  
REGISTERED INTERIOR DESIGNER

December 15, 2015

Board of Zoning Adjustment  
City of Mountain Brook  
Mountain Brook, AL

Re: 3420 Mountain Lane 35213  
Heather & Carter Clay, Owners

Dear Board Members:

We are planning a new home that will be built on an existing foundation, along with new additions. We are addressing two separate setback issues in the same general area on the right side of the house:

Home:

Although most of the existing home is well within the required setbacks, the existing right rear corner of the house is at 14.5 from the right property line. Since we are planning to reuse the existing foundation, we are required to seek a variance for this corner. Since we would like to add brick veneer to the dimension for the existing wood-sided walls, we are asking for an additional 6" to accommodate the brick for a request of 14'-0" from the right property line. Please note that an adjacent small porch roof is also planned at this same dimension. Both of these will cover a very small amount of space-about one square foot each.

Carport:

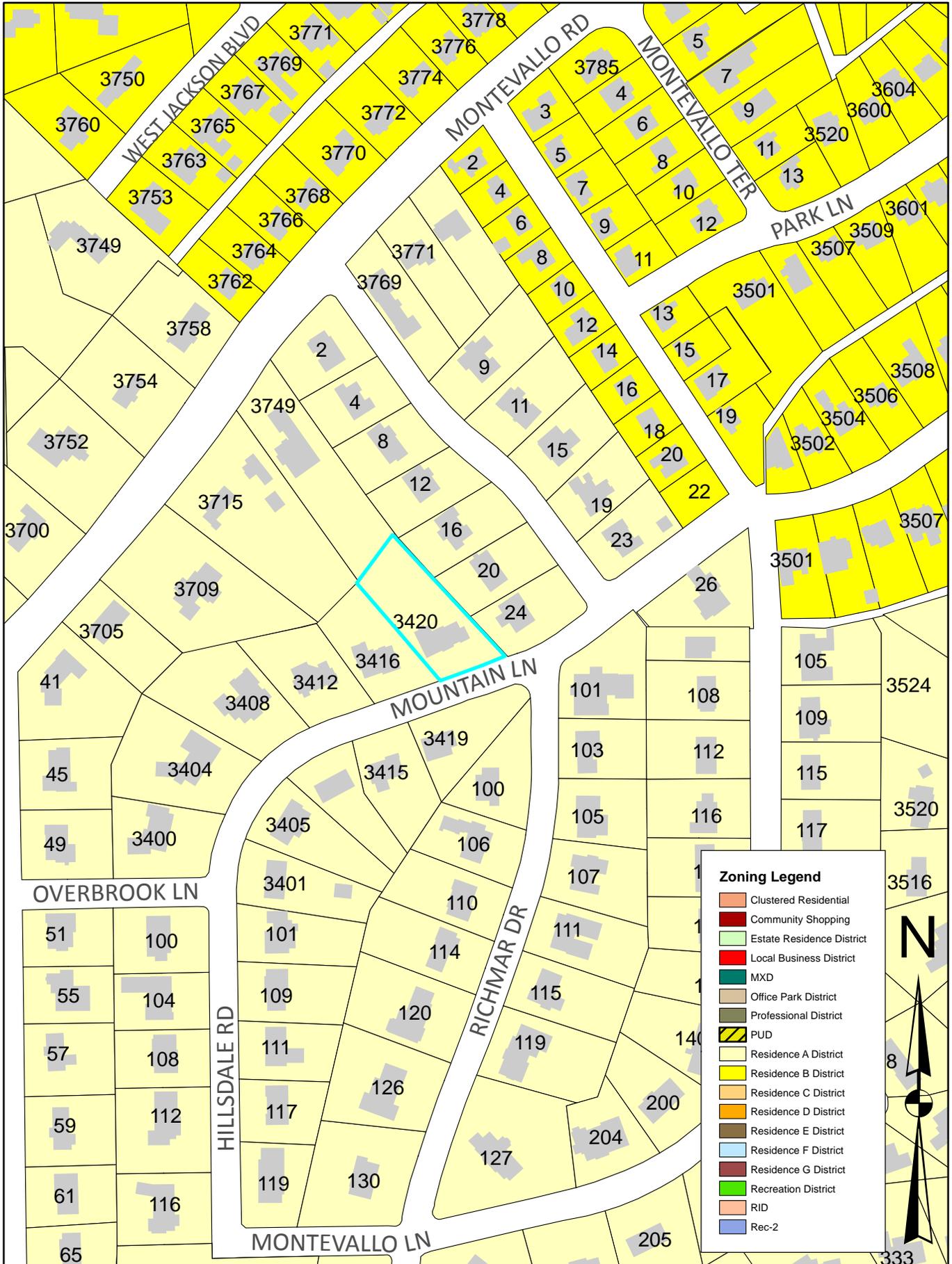
There also is an existing attached carport of utilitarian design at the basement level of the house. The existing line of steel support columns is only 10 feet from the right property line, along with a projecting eave of about 42" beyond the column line. We would like to rebuild this carport in the same location. We recognize that 10 feet is a lot to ask for in an A zone. Even though this is only at the right rear corner, we are asking for a variance at the B zoning level of 12.5 feet at the right rear corner, with eaves projecting the standard city zoning allowance of 2 feet beyond the support columns. The supports will be brick and the structure will remain open, but with a brick parapet wall as a front accent. The roof will be a relatively low pitch, probably of metal but possibly of the same roof material as the house. There is an existing hedge landscape screen between this home and the home to the right. Also, please note that the home to the right faces Richmar so there is an approximate rear setback of 30-35 feet.

We appreciate very much your consideration of these requests.

Eric Dale

935 LANDALE ROAD  
BIRMINGHAM, AL 35222  
TEXTS: 205.873.1676  
VOICE: 205.599.6949  
ERIC@ERICDALE.COM

# A-16-01 (Zoning Map)



Zoning Legend	
[Light Orange Box]	Clusters Residential
[Red Box]	Community Shopping
[Light Green Box]	Estate Residence District
[Red Box]	Local Business District
[Dark Green Box]	MXD
[Light Brown Box]	Office Park District
[Dark Green Box]	Professional District
[Yellow Box]	PUD
[Light Yellow Box]	Residence A District
[Yellow Box]	Residence B District
[Light Orange Box]	Residence C District
[Orange Box]	Residence D District
[Brown Box]	Residence E District
[Light Blue Box]	Residence F District
[Dark Brown Box]	Residence G District
[Light Green Box]	Recreation District
[Light Orange Box]	RID
[Blue Box]	Rec-2

## Report to the Board of Zoning Adjustment

### A-16-01

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

Request to allow the construction of a new single family dwelling on an existing foundation, portions of which to be within 12 feet 6 inches from the side property line (east) in lieu of the required 15 feet.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot and the existing design constraints. The proposal is to utilize the existing foundation for the new house. As may be seen on the attached survey, the side lot lines are not perpendicular to the front property line; however the existing house (and foundation) are oriented so as to be parallel to the street, and the existing front setbacks range from 49 to 59 feet. This results in the east corners of the existing house and carport being 14 feet and 10 feet, respectively, from the side property line.

The new construction, while still encroaching in to the east side setback, will result in a slight increase of 6 inches for the corner of the main structure, and a decrease of 2.5 feet for the corner of the carport.

Also, it should be noted that the east side property line for the subject property abuts the rear property line for the adjoining property to the east, so the nearest house to the east is at least 40 feet from the common property line.

Given that these two corner encroachments are minor in nature and abut the rear setback of the adjoining property, it is not anticipated that an approval of these requests would be detrimental to the adjoining property.

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

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

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

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

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

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

#### ***Appends***

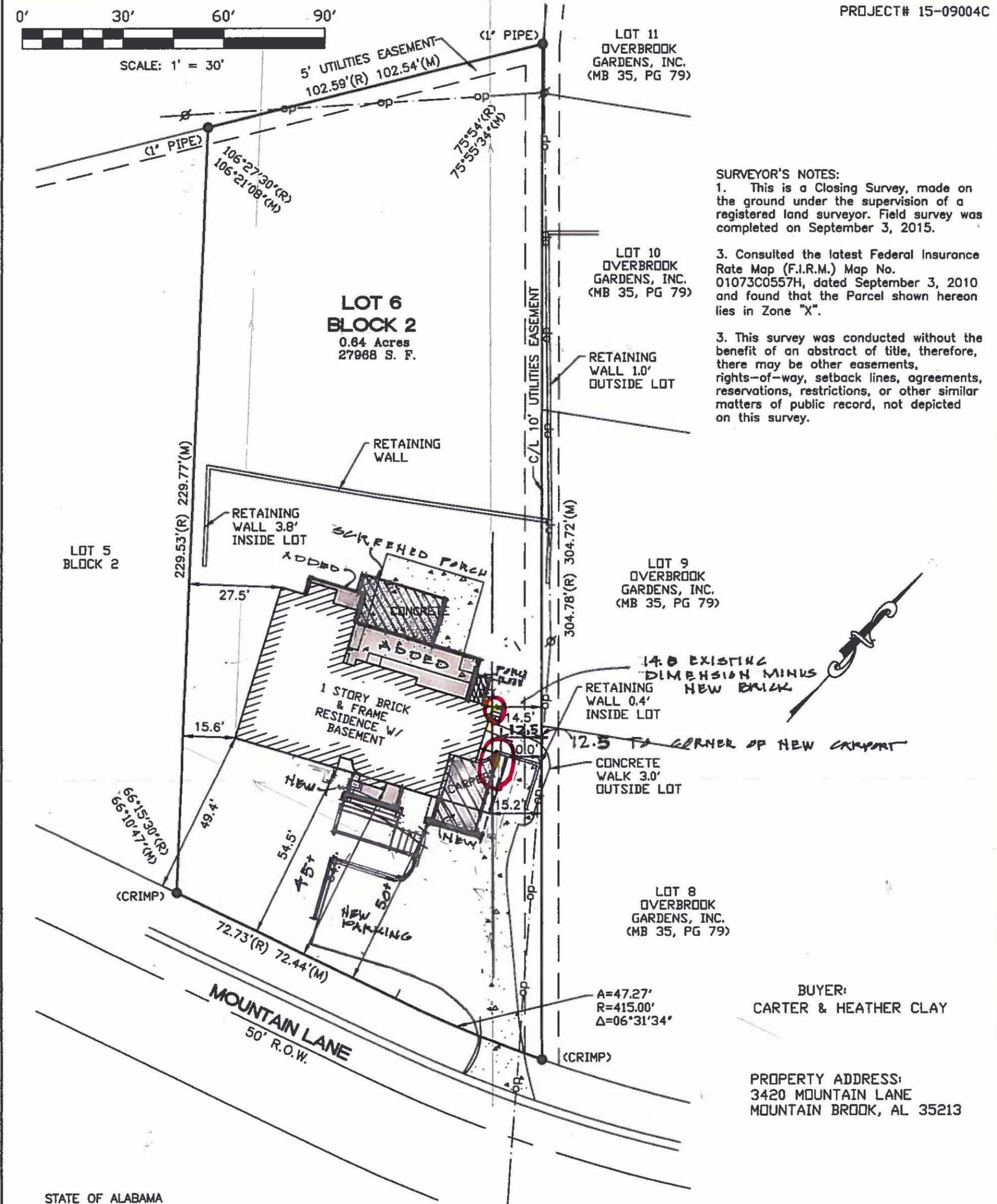
LOCATION: 3420 Mountain Lane

ZONING DISTRICT: Res-A

OWNERS: Heather and Carter Clay



SCALE: 1" = 30'



**SURVEYOR'S NOTES:**

1. This is a Closing Survey, made on the ground under the supervision of a registered land surveyor. Field survey was completed on September 3, 2015.
3. Consulted the latest Federal Insurance Rate Map (F.I.R.M.) Map No. 01073C0557H, dated September 3, 2010 and found that the Parcel shown hereon lies in Zone "X".
3. This survey was conducted without the benefit of an abstract of title, therefore, there may be other easements, rights-of-way, setback lines, agreements, reservations, restrictions, or other similar matters of public record, not depicted on this survey.

BUYER:  
CARTER & HEATHER CLAY

PROPERTY ADDRESS:  
3420 MOUNTAIN LANE  
MOUNTAIN BROOK, AL 35213

STATE OF ALABAMA  
JEFFERSON COUNTY

Lot 6, in Block 2, according to a Resurvey, as recorded in Map Book 37, Page 72, in the Probate Office of Jefferson County, Alabama, of Lots 1 to 7, Block 2, Overbrook Gardens, Inc.

I hereby state that 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.

Given under my Hand and Seal this 4th day of September, 2015.

*Christopher P. DeLucia*  
 \_\_\_\_\_  
 Christopher P. DeLucia  
 AL Reg. No. 30342



**South Central Surveying, LLC**  
RESIDENTIAL & COMMERCIAL LAND SURVEYING

166 SUNSET TRAIL  
ALABASTER, ALABAMA 36007  
PHONE 205-816-7210

-op- = OVERHEAD POWER	A = GUY WIRE	U.T.S. = UNABLE TO SET	PO = POWER POLE	-o-o- = WOOD FENCE	ASPH = ASPHALT
C/L = CENTERLINE	-+ = NOT TO SCALE	RD = RECORDED	CP = CAPPED REBAR SET	■ = CONCRETE MONUMENT	CONC = CONCRETE
		MD = MEASURED	IF = IRON FOUND (DESCRIPTION)		--- = BARD WIRE FENCE

0' 30' 60' 90'



SCALE: 1" = 30'

LOT 11  
OVERBROOK  
GARDENS, INC.  
(MB 35, PG 79)

LOT 10  
OVERBROOK  
GARDENS, INC.  
(MB 35, PG 79)

LOT 9  
OVERBROOK  
GARDENS, INC.  
(MB 35, PG 79)

LOT 8  
OVERBROOK  
GARDENS, INC.  
(MB 35, PG 79)

**LOT 6  
BLOCK 2**  
0.64 Acres  
27968 S. F.

**SURVEYOR'S NOTES:**  
1. This is a Closing Survey, made on the ground under the supervision of a registered land surveyor. Field survey was completed on September 3, 2015.

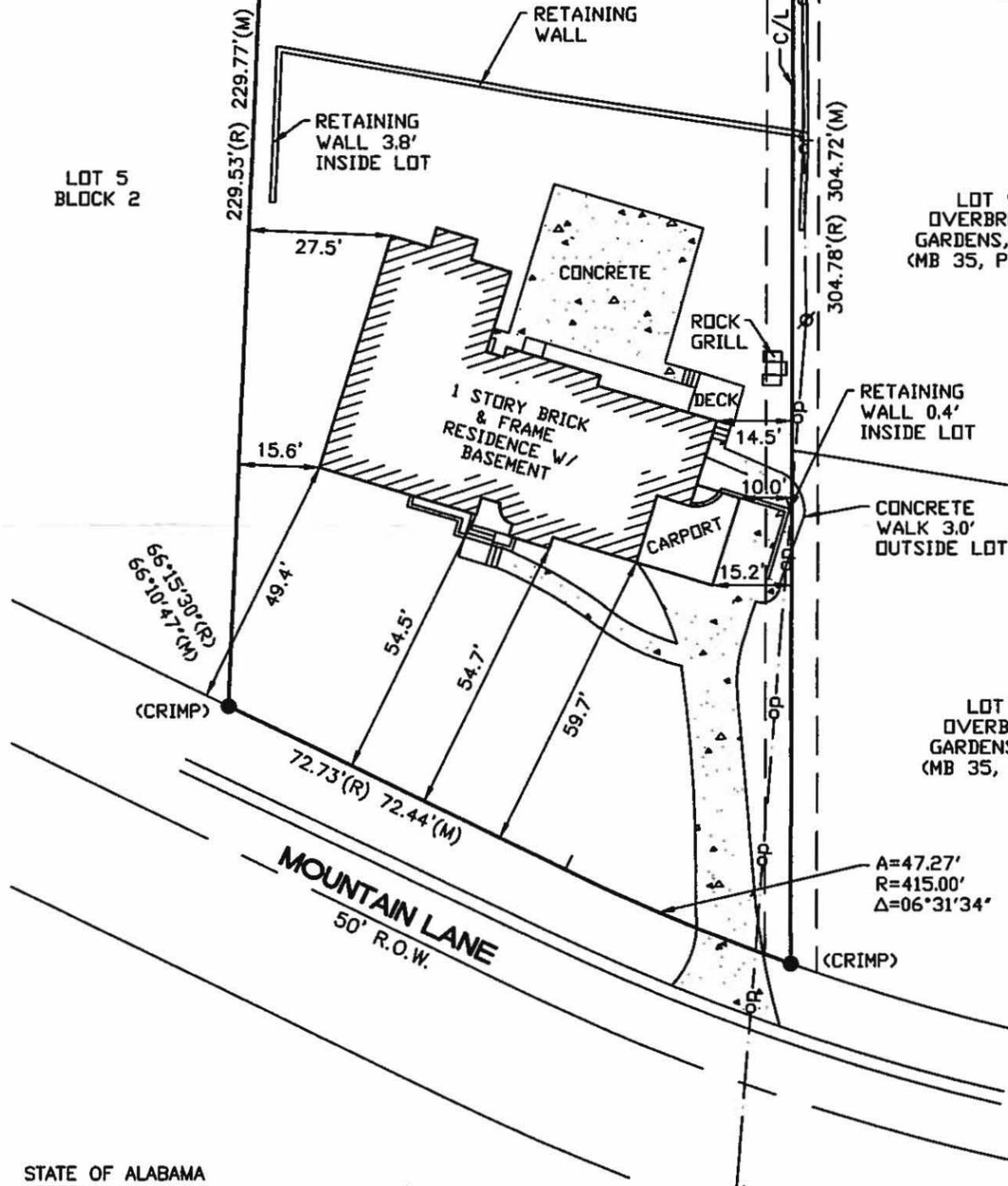
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BUYER:  
CARTER & HEATHER CLAY

PROPERTY ADDRESS:  
3420 MOUNTAIN LANE  
MOUNTAIN BROOK, AL 35213



STATE OF ALABAMA  
JEFFERSON COUNTY

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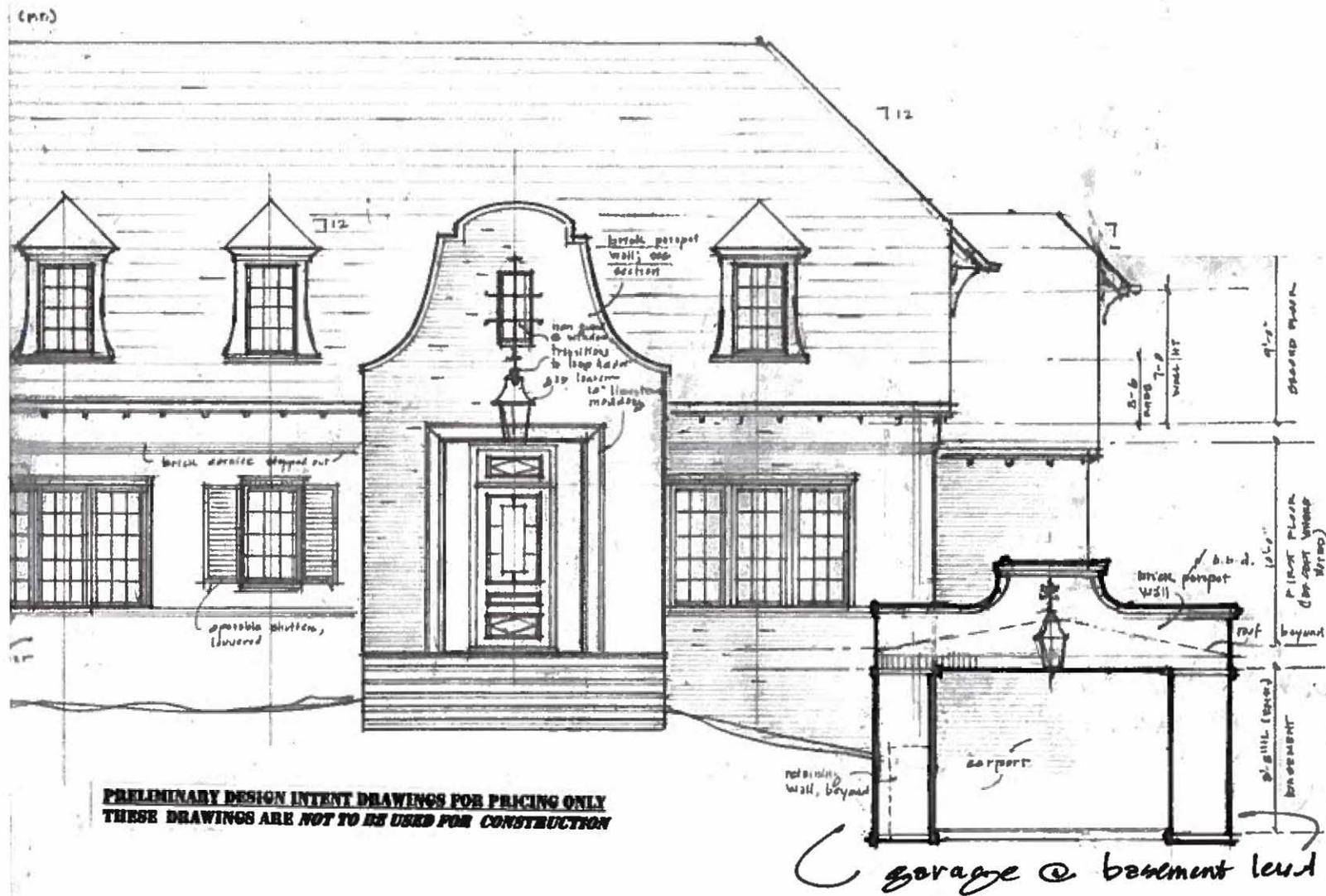
*Christopher P. DeLucia*  
\_\_\_\_\_  
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AL Reg. No. 30342



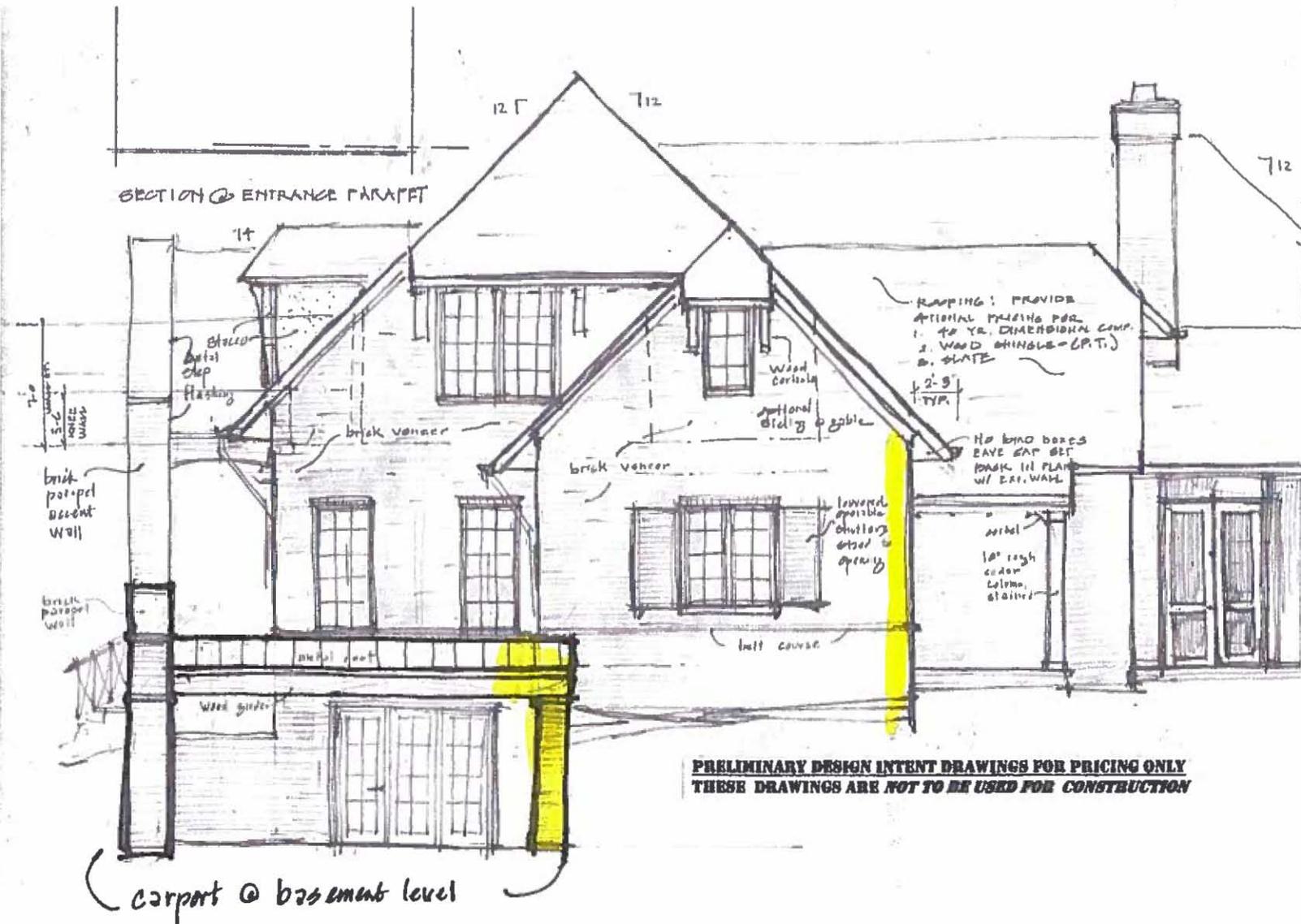
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● = IRON FOUND (DESCRIPTION)    ---|--- = BARRIER FENCE



Proposed Carport at Basement Level- Front View  
 Approx Scale 1/8"=1'-0"

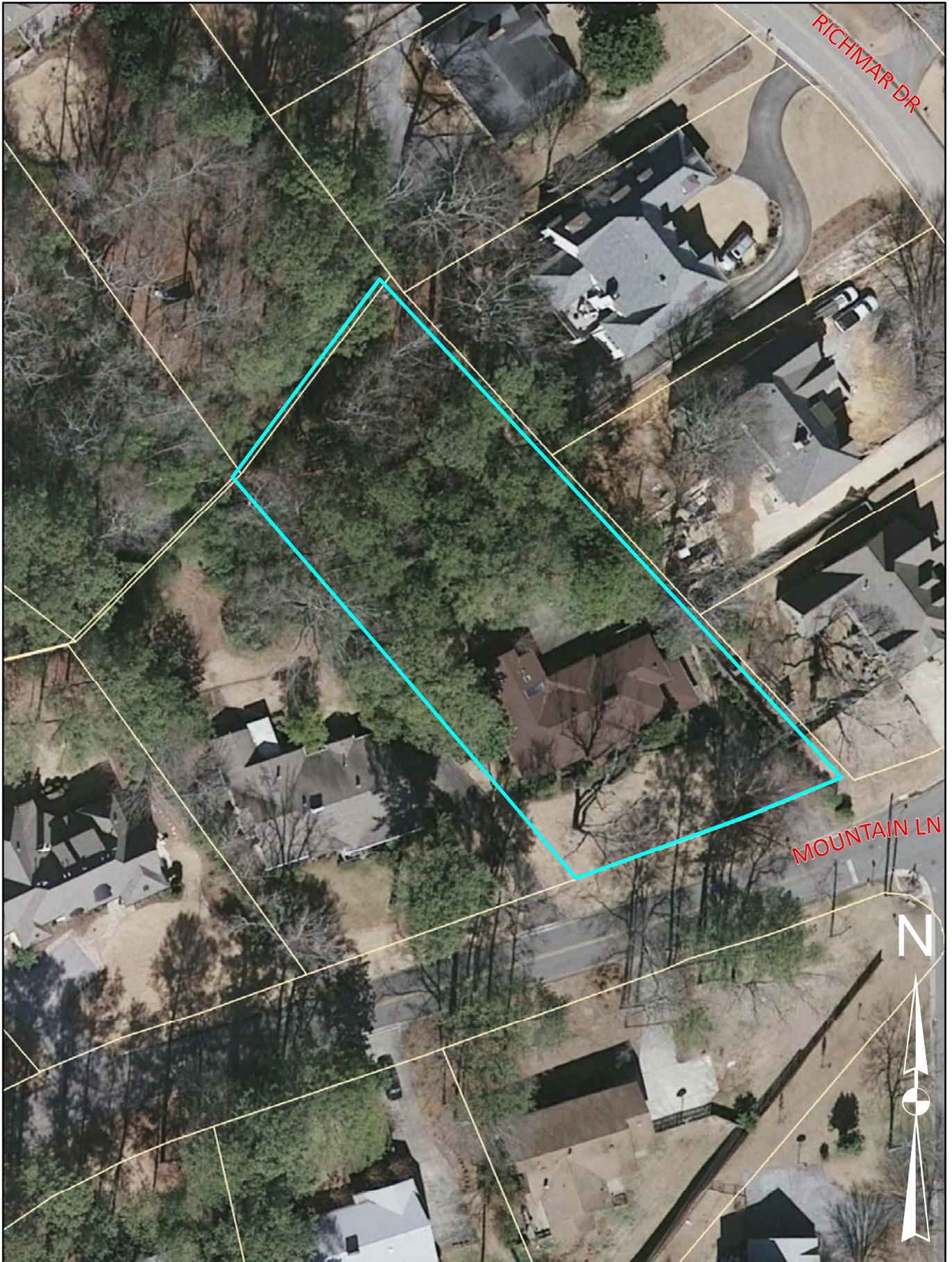


Proposed Carport at Basement Level- Right Side View  
 Approx Scale 1/8"=1'-0"



Existing Carport

# A-16-01 (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)?

- rebuilding on existing foundation that is 14.5 from rt side rather than the required 15.
- house was set at a considerable angle to side property lines to align with street.
- existing carport: We would like to remove existing utilitarian carport currently at 10'-0" from side property line and rebuild new @ 12.5'

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?

- Other homes on this block also align with this home and are set at angles from their side property lines, so we would want to keep the house in alignment with neighboring homes. We believe tearing down the existing foundation would be wasteful when it can be utilized for our new plans.

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

No, the house was sited by the builder approximately 60 years ago.

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

- It would preserve the existing alignment of the house, roughly parallel with the street.
- Removing and rebuilding the existing carport would locate the right side nearer the required setback, at the right rear corner.



# A-16-02 REVISED

## Variance Application - Part I

### Project Data

Address of Subject Property 111 CRESTVIEW DRIVE

Zoning Classification RESIDENCE B

Name of Property Owner(s) LAURA & JOHN CARTER

Phone Number 249-9675 Email jcarter@mcgriff.com

Name of Surveyor ROBERT REYNOLDS

Phone Number 823-7900 Email reynoldssurvey@bellsouth.net

Name of Architect (if applicable) ANNA EVANS

Phone Number 879-5451 Email anna@annaevansarchitect.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 SF		
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35'	32.8' / 34.5'	32.8' / 34.5'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12.5'	10.3' / 10.7'	10.3' / 10.7'
Left Side Setback	12.5'	11' / 12.4'	11' / 12.4'
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'	28.4' / 33.8'	31' / 33.8'
Lot Coverage (%)		DECK 20'	DECK 20'
Building Height (ft)			
Other			
Other			

December 23, 2015

Project description:

renovations & additions for  
**Laura & John Carter**  
111 crestview drive  
mountain brook, alabama 35213

*The existing residence's Main Floor is to be altered as shown in the attached drawings. The existing residence's Upper Floor and roof is to be removed and a new Upper Floor and roof added as shown in the attached drawings.*

Representative:



Anna Evans

Anna Evans Architect, LLC

(205) 879-5451

# A-16-02 (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-16-02

#### *Petition Summary*

Request 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.

#### *Analysis*

The hardships in this case are the irregular shape of the lot (narrows from front to back) and the existing design constraints. The existing house encroaches into all required setbacks. The proposal includes mainly interior changes to the existing first floor, a reconfiguration of the rear deck and great room at rear setback, and an expansion of the floor area on the second floor. Attached plans are ordered for comparison of existing and proposed design comparisons.

- The north side (first floor) encroachment is to remain the same; the second floor maintains the required 12.5-foot setback.
- The rear encroachments at the center and left corner of the structure are to be minimized (made more conforming) for the first floor great room and deck; the second floor rear encroachment matches that of the first floor at the right rear corner of the structure.
- The south side setback encroachments are to remain the same for the first floor; the second floor matches the first floor for a portion on the new addition.
- The front encroachment is to remain the same (new windows and reconfigured chimney).

In summary, it appears that an effort has been made on the part of the applicant to minimize encroachments and improve some of the encroaching elements of this project.

#### *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

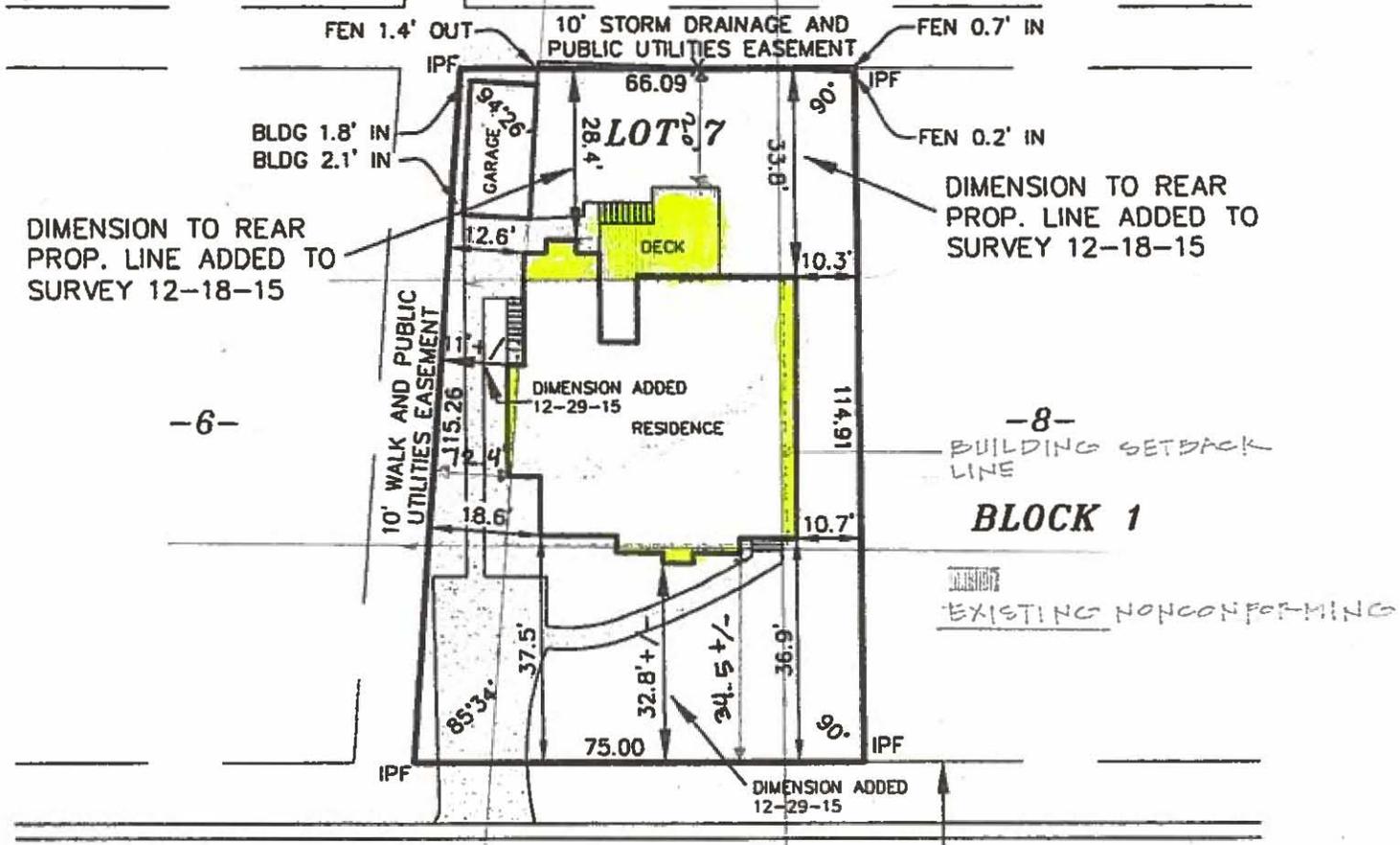
#### *Appends*

LOCATION: 111 Crestview Drive

ZONING DISTRICT: Res-B

OWNERS: Lauran and John Carter

1 EX.



CRESTVIEW DRIVE

- LEGEND
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - FENCE
  - OVER-HEAD ELECTRICAL
  - IRON PIN FOUND
  - IRON PIN SET



SCALE 1"=30'



STATE OF ALABAMA  
 JEFFERSON COUNTY

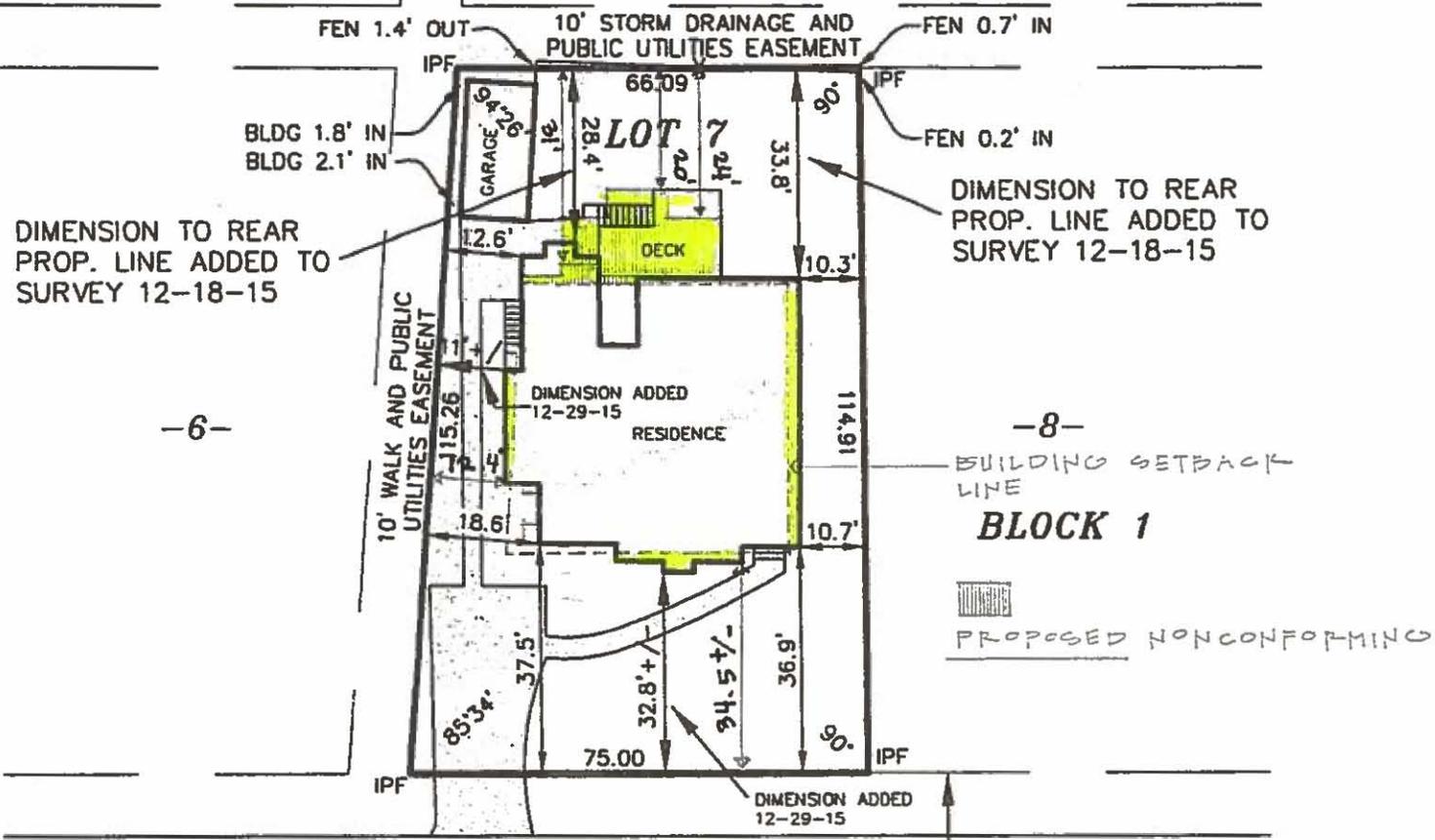
I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7, Block 1, of EUCLID ESTATES 2ND SECTOR, as recorded in Map Book 34, Page 25 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been 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 4TH day of SEPTEMBER, 2015.

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

Owner: CARTER  
 Address: 111 CRESTVIEW DRIVE

*Robert Reynolds*  
 Reg. No. 25657 763/42

1 PRO.



CRESTVIEW DRIVE

- LEGEND
- UTILITY POLE
  - GUY WIRE
  - ▬ RETAINING WALL
  - ▨ CONCRETE
  - x- FENCE
  - OE- OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET



SCALE 1"=30'



STATE OF ALABAMA  
 JEFFERSON COUNTY

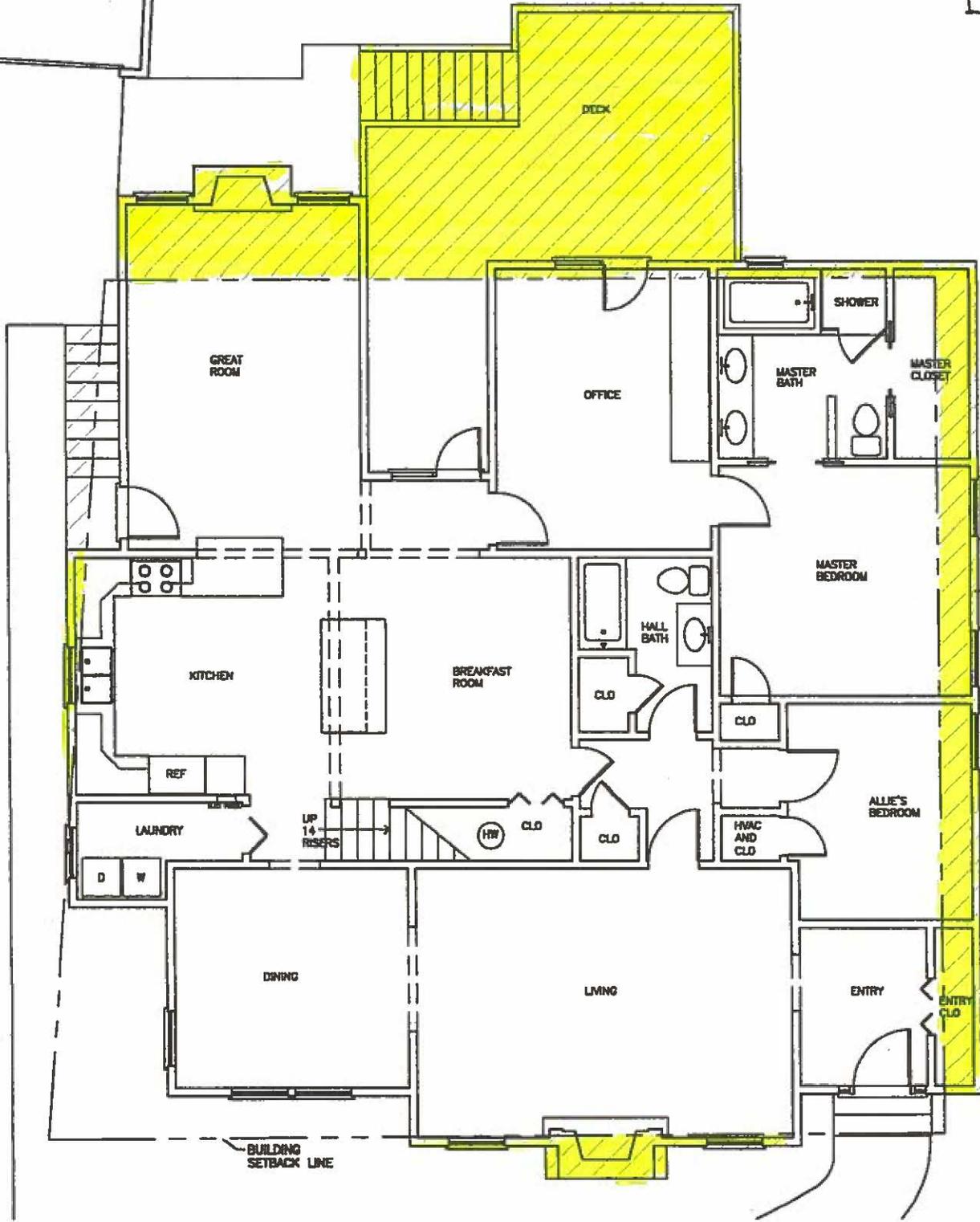
I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7, Block 1, of EUCLID ESTATES 2ND SECTOR, as recorded in Map Book 34, Page 25 in the Office of the Judge Of Probate in JEFFERSON County, Alabama. All parts of this survey and drawing have been 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 4TH day of SEPTEMBER, 2015.

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

Owner: CARTER  
 Address: 111 CRESTVIEW DRIVE

*Robert Reynolds*  
 Reg. No. 25657 763/42

2 EX.

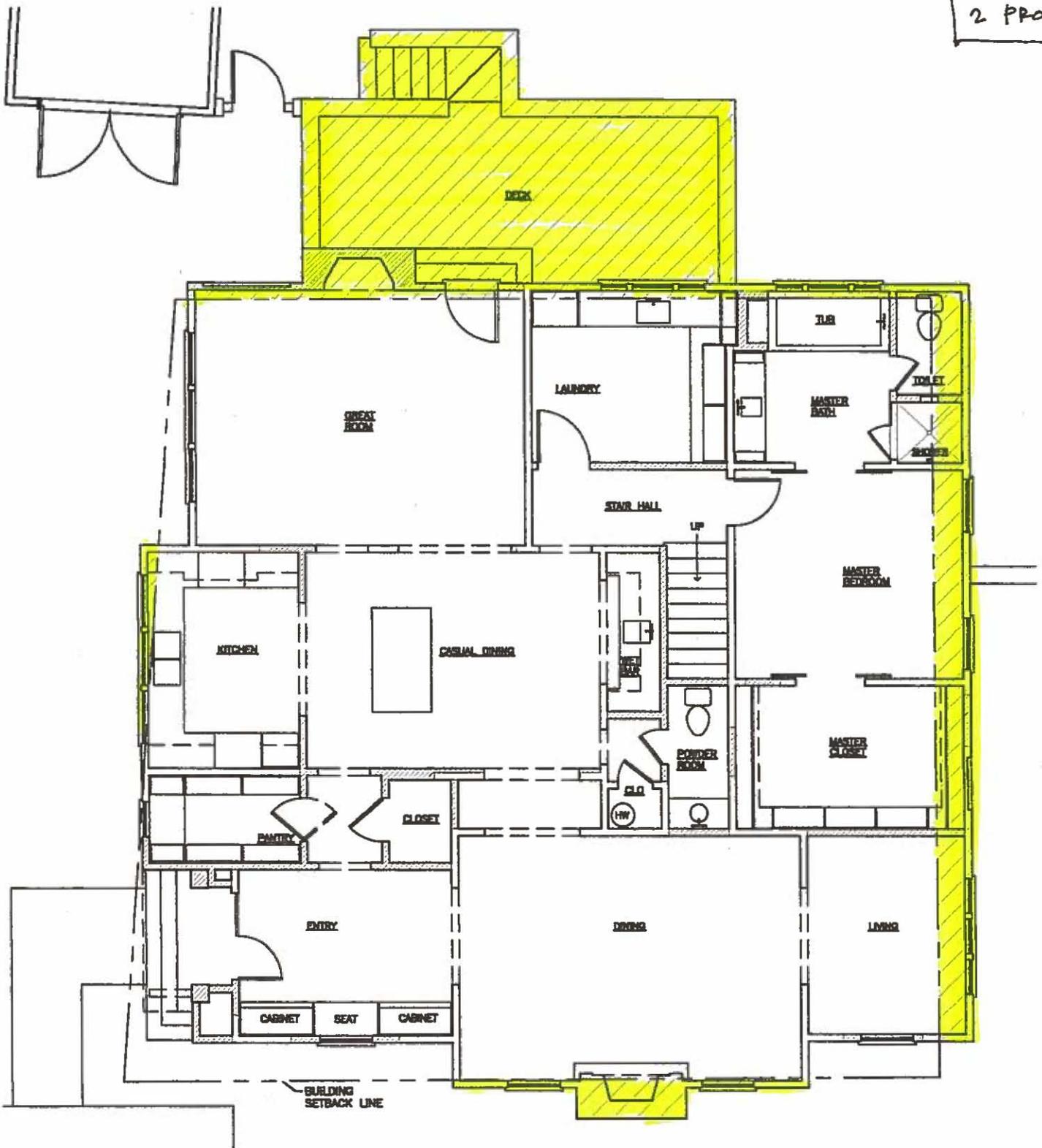


**Carter Residence**  
**EXISTING Main Floor Plan**  
 Scale: 1/8"=1'-0"  
 12/23/2015

**LEGEND**  
 Existing  
 Non-Conforming

ANNA  
 EVANS  
 ARCHITECT

1-3  
 1-4



**Carter Residence**  
**PROPOSED Main Floor Plan**  
 Scale: 1/8"=1'-0"  
 12/23/2015

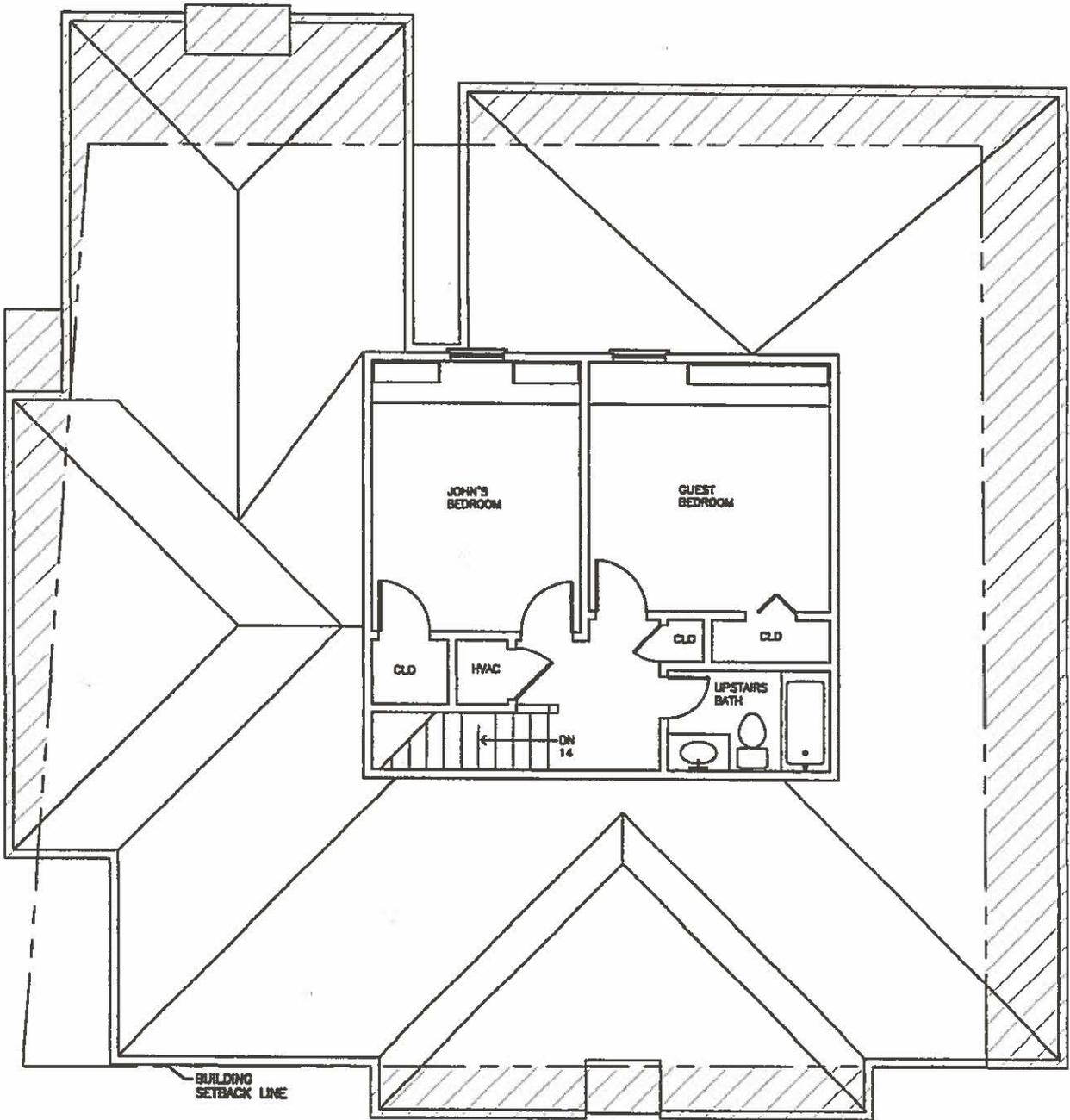
**LEGEND**

-  Proposed
-  Non-Conforming

**ANNA  
 EVANS**  
 ARCHITECT

108 W. 10th  
 Suite 101 - 402 2nd - 552 10  
 333.779.2411 | anna@aeva.com

3 EX.



# Carter Residence

EXISTING Second Floor Plan

Scale: 1/8"=1'-0"

12/23/2015

## LEGEND

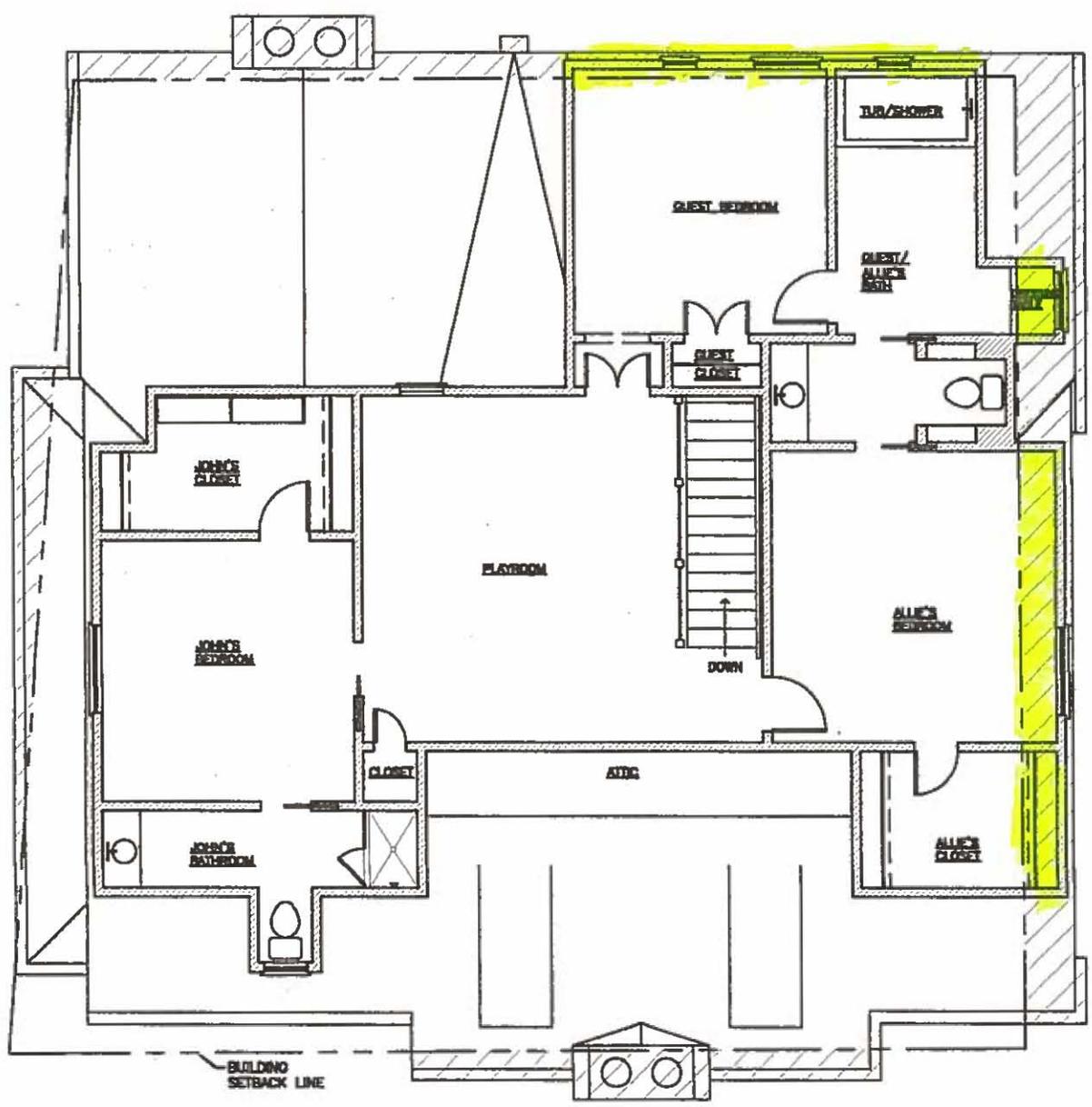


Existing

Non-Conforming

ANNA  
EVANS  
ARCHITECT

1111 11th Street  
San Francisco, CA 94103  
415.774.1111 | annaevansarch.com

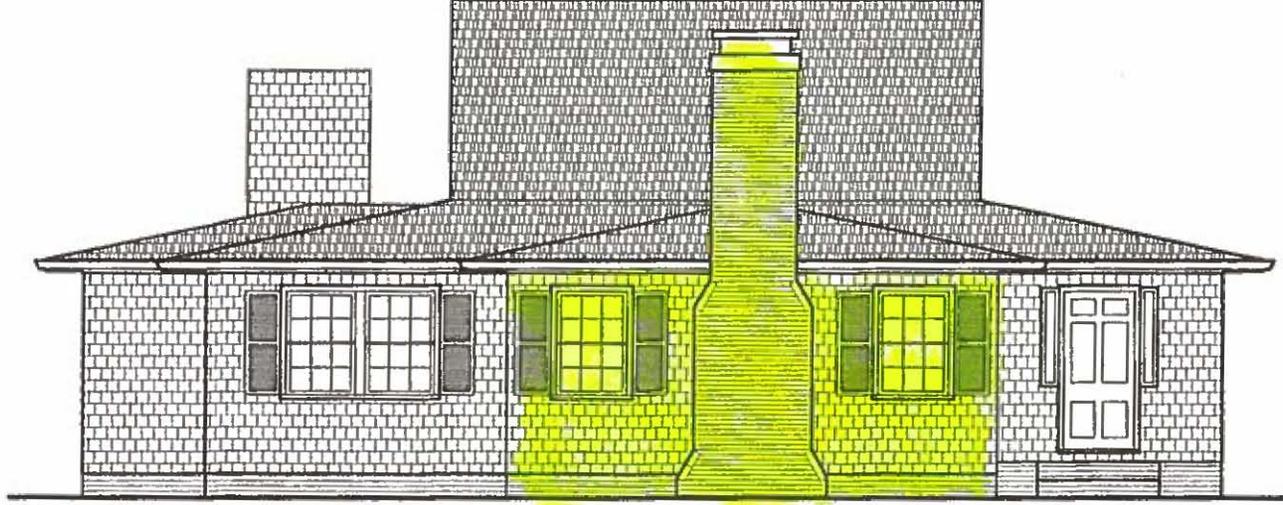


**Carter Residence**  
**PROPOSED Second Floor Plan**  
 Scale: 1/8"=1'-0"  
 12/23/2015

**LEGEND**  
 Proposed  
 Non-Conforming

**ANNA  
 EVANS**  
 ARCHITECT  
 125 4th Ave  
 Berkeley, CA 94704  
 415.864.2457 / anna@evans.net

4 EX.



**Carter Residence**  
EXISTING Front Elevation  
Scale: 1/8"=1'-0"  
12/23/2015

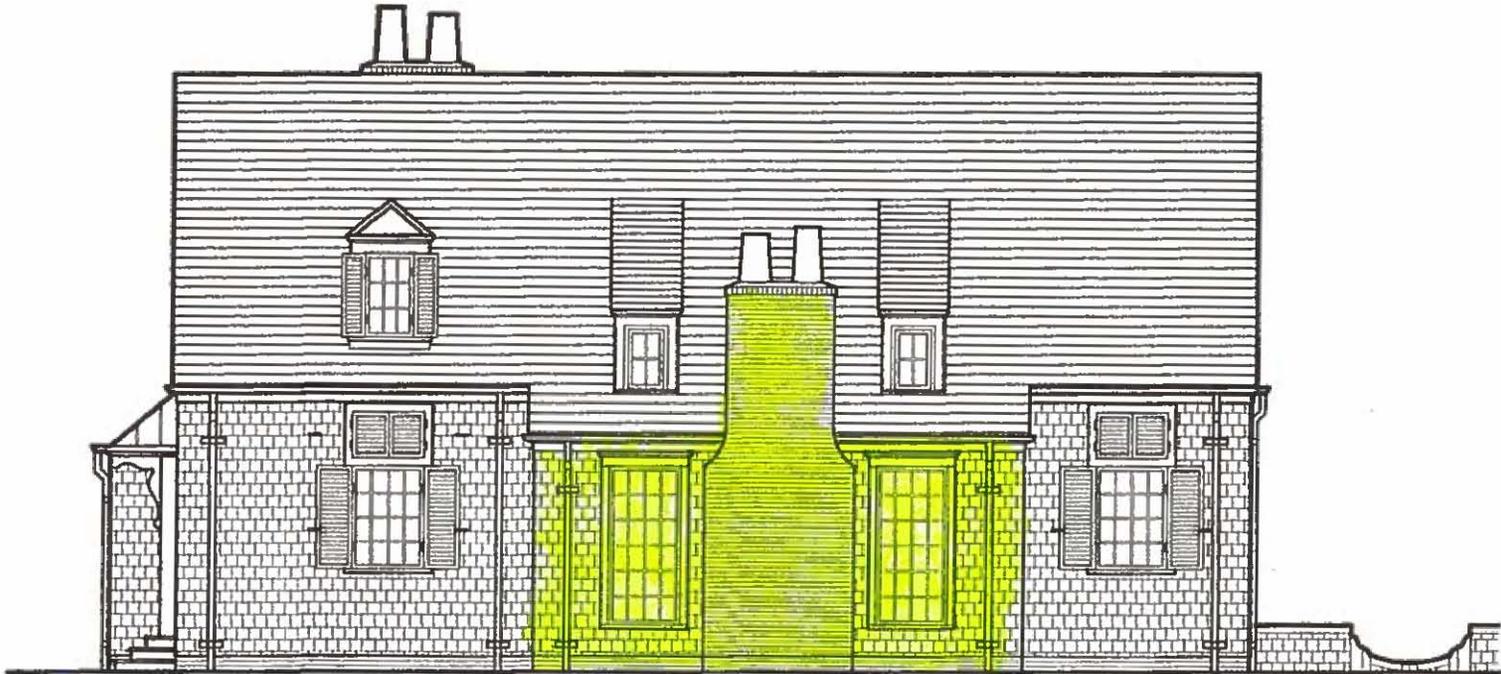
ANNA  
EVANS  
ARCHITECT

127 Pine Street  
Seattle, WA 98101  
206.461.1111  
anna@annaevans.com

4 PRO.

ANNA  
EVANS  
ARCHITECT

12/23/2015



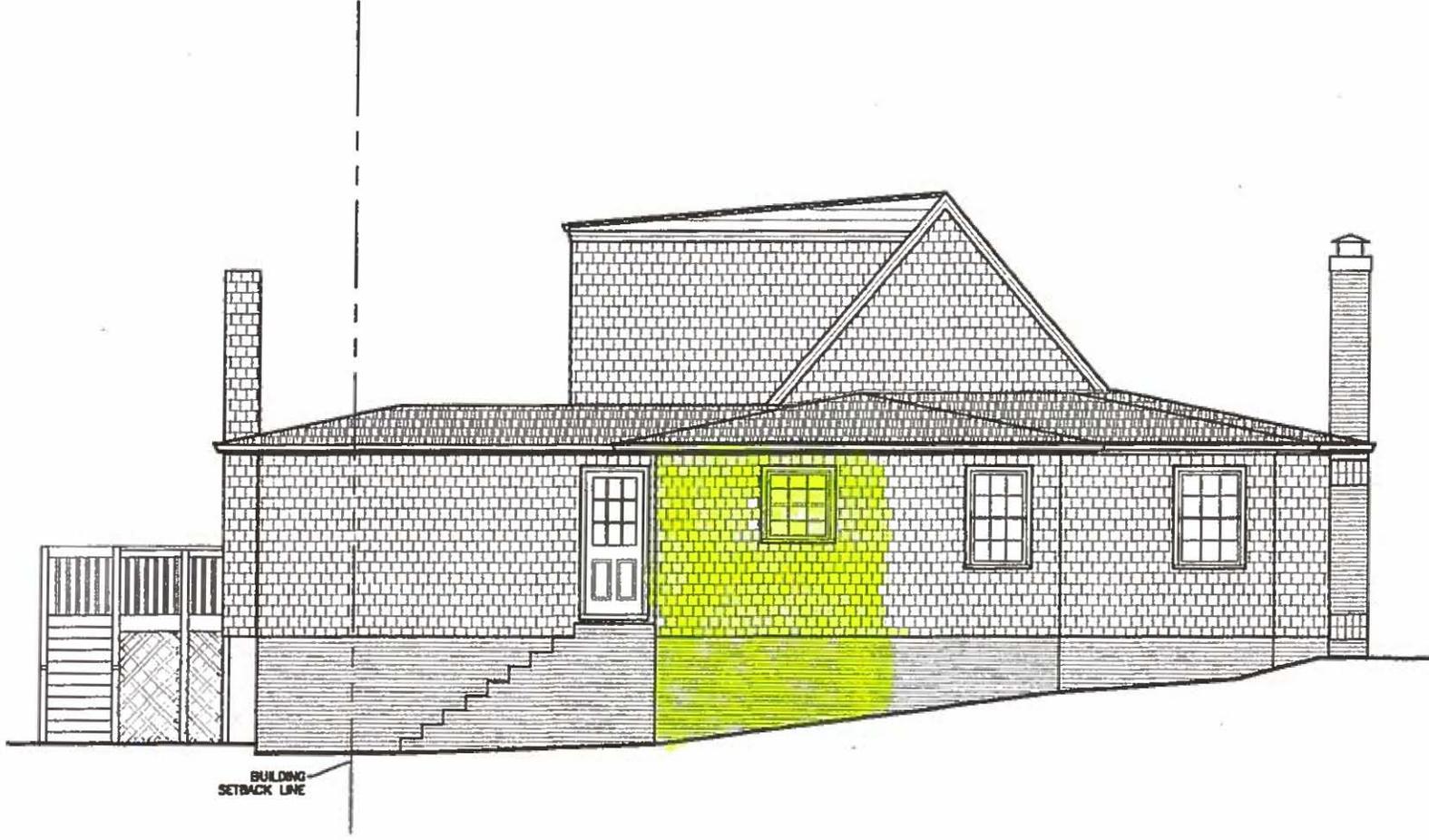
A.1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

**Carter Residence**  
PROPOSED Front Elevation  
Scale: 1/8"=1'-0"  
12/23/2015

5 EX.

ANNA  
EVANS  
ARCHITECT

12/23/2015



**Carter Residence**  
**EXISTING Side Elevation**  
**Scale: 1/8"=1'-0"**  
**12/23/2015**

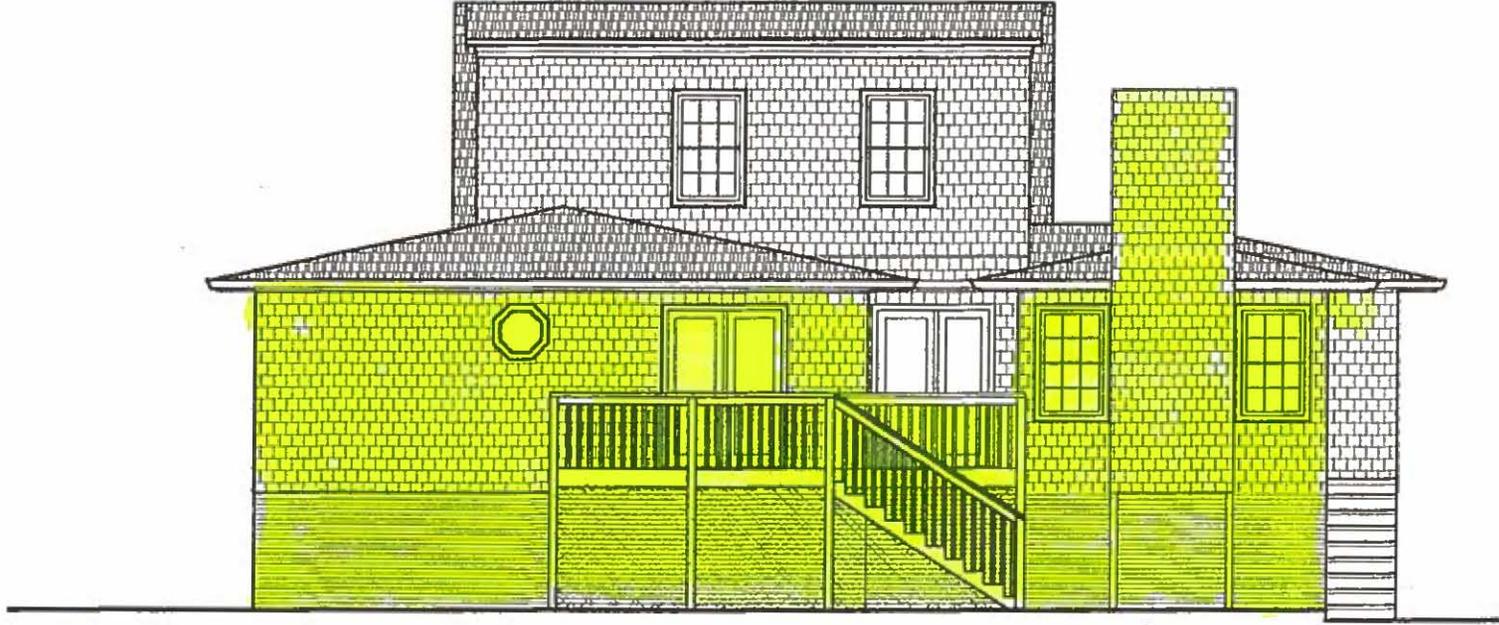
5 Plo.

ANNA  
EVANS  
ARCHITECT



**Carter Residence**  
PROPOSED Side Elevation  
Scale: 1/8"=1'-0"  
12/23/2015

EX.



**Carter Residence**  
**EXISTING Rear Elevation**  
**Scale: 1/8"=1'-0"**  
**12/23/2018**

**ANNA  
EVANS  
ARCHITECT**

28 West Street  
Newport, Rhode Island 02840  
401.846.2527 • www.aevanarchitect.com

6 PPO.

ANNA  
EVANS  
ARCHITECT

117 W. 11th  
Portland, Oregon 97201  
503.228.7271 - annaevans.com

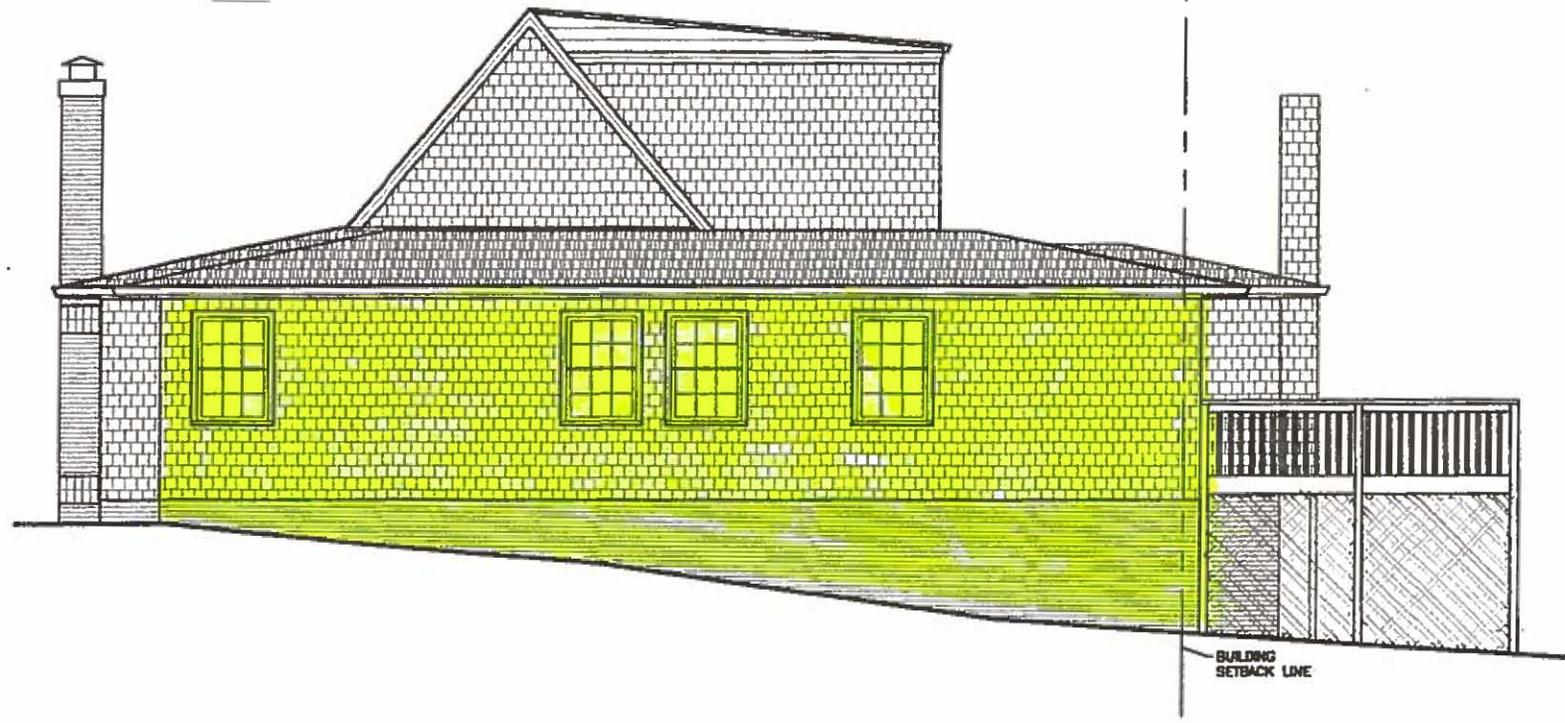


A.3 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

**Carter Residence**  
**PROPOSED Rear Elevation**  
**Scale: 1/8"=1'-0"**  
**12/23/2015**

7 EX.

ANNA  
EVANS  
ARCHITECT

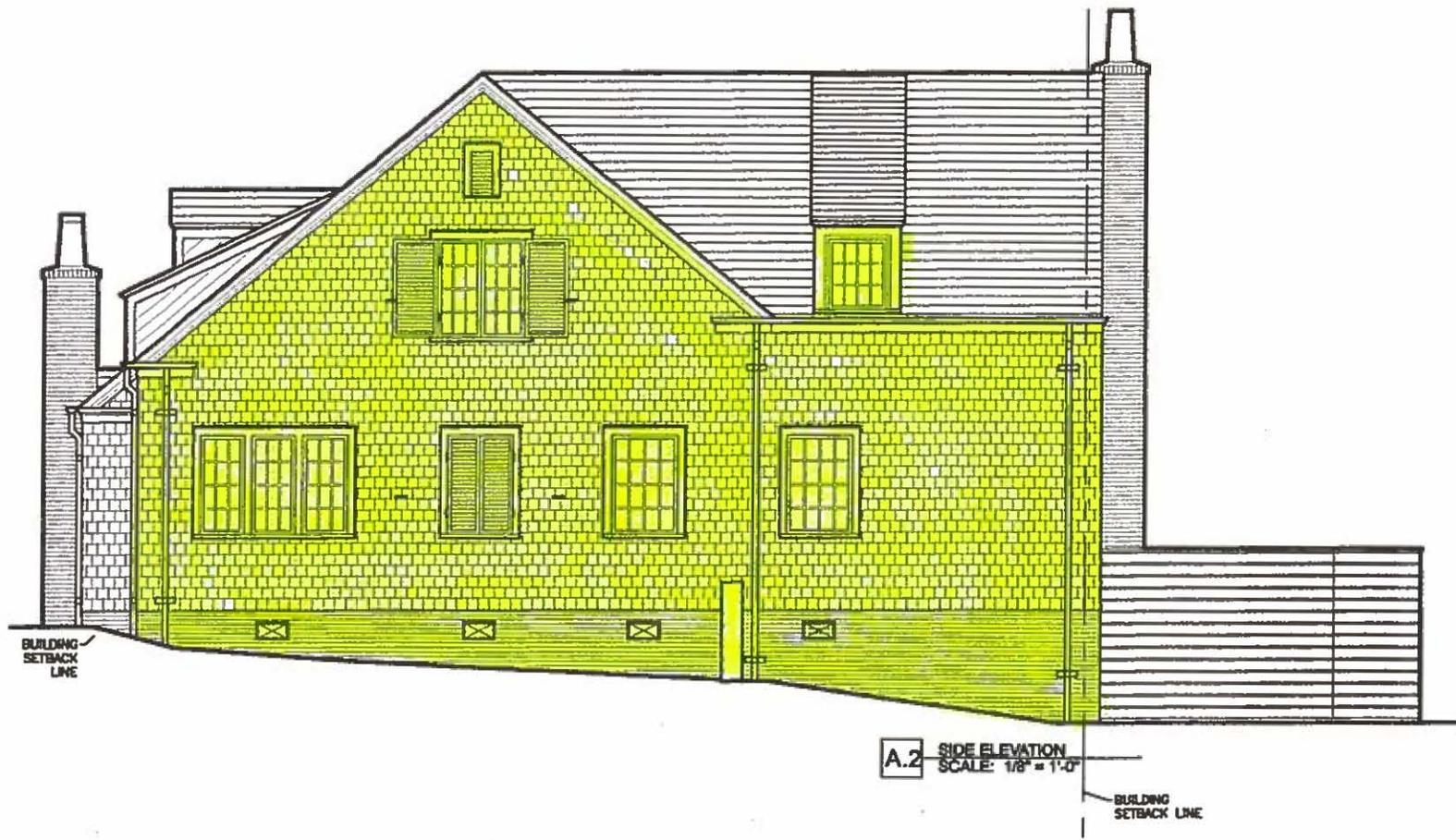


**Carter Residence**  
EXISTING Side Elevation  
Scale: 1/8"=1'-0"  
12/23/2015

7 PPO.

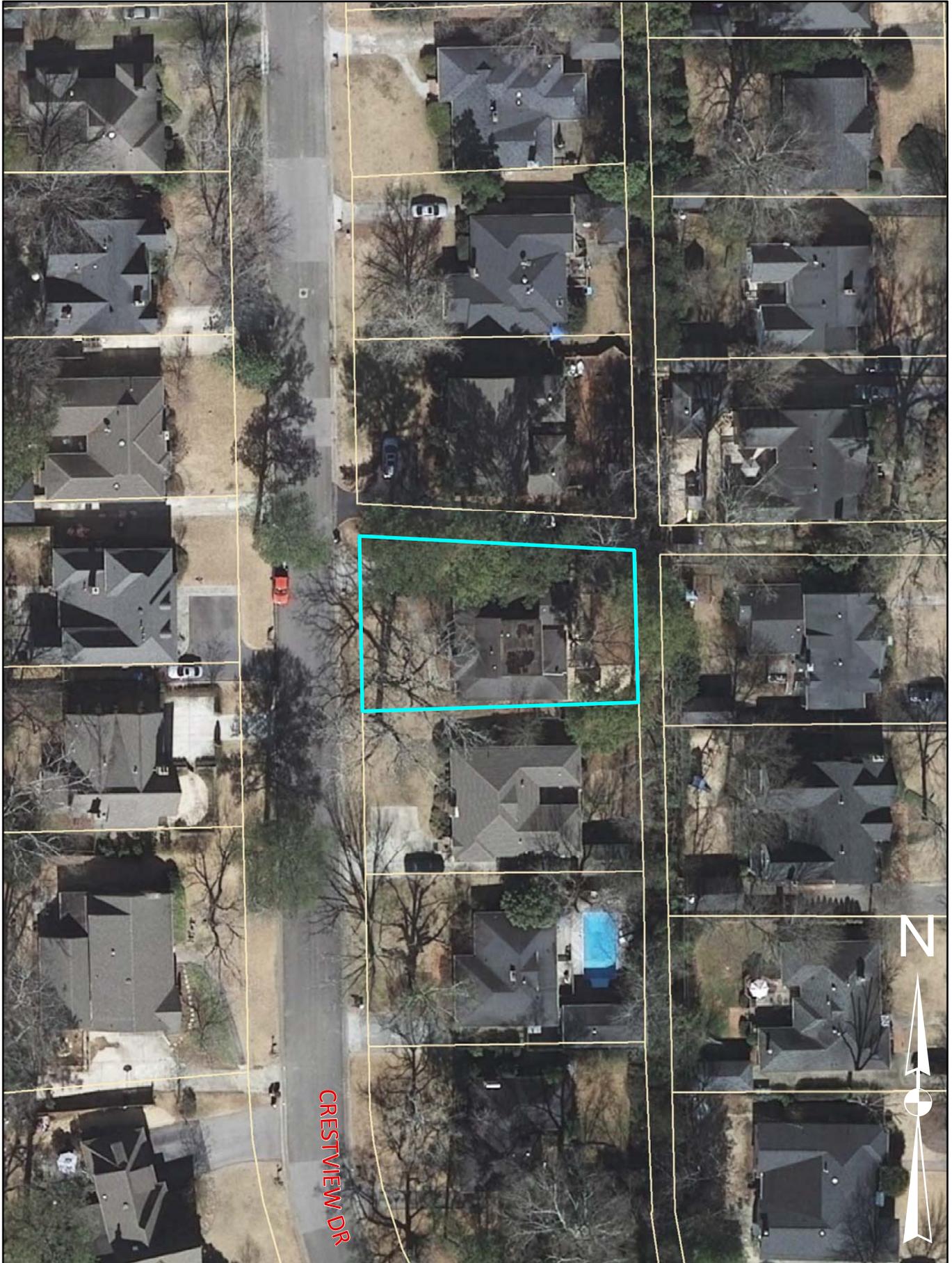
ANNA  
EVANS  
ARCHITECT

1000 W. 10TH STREET  
SEATTLE, WA 98101  
206.461.1111  
annaevansarchitect.com



**Carter Residence**  
**PROPOSED Side Elevation**  
**Scale: 1/8"=1'-0"**  
**12/23/2018**

# A-16-02 (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)?

- DEALING WITH EXISTING DESIGN CONSTRAINTS  
- LOT SIZE SMALLER THAN 10,000 SF (RES 'B' MINIMUM)

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



A-16-003

### Variance Application - Part I

#### Project Data

Address of Subject Property 64 PINE CREST ROAD

Zoning Classification R-B

Name of Property Owner(s) Christopher & Candace Stanley

Phone Number \_\_\_\_\_ Email csstanley71@gmail.com

Name of Surveyor Ray Weygand

Phone Number 205-942-0086 Email ray-weygand@bellsouth.net

Name of Architect (if applicable) Sissy Austin

Phone Number 917-860-9615 Email sissy@sissyaustin.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)	35'	8'-8"	8'-8"
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

WRITTEN STATEMENT FOR VARIANCE APPLICATION  
December 23, 2015

TO: Tammy Graham  
Executive Assistant  
City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213

FROM: Sissy Austin  
Sissy Austin Design  
2301 Peacock Lane  
Birmingham, AL 35223  
(917) 860-9615

RE: WRITTEN STATEMENT

To Whom It May Concern,

The property owners at 64 Pine Crest Road, 35223, would like to put a roof over part of their existing deck, and turn this into a screened-in porch. They wish to request that a variance is granted regarding their rear setback. The house is currently non-conforming at the rear setback. Additionally, the lot is irregularly shaped and has 2 "fronts".

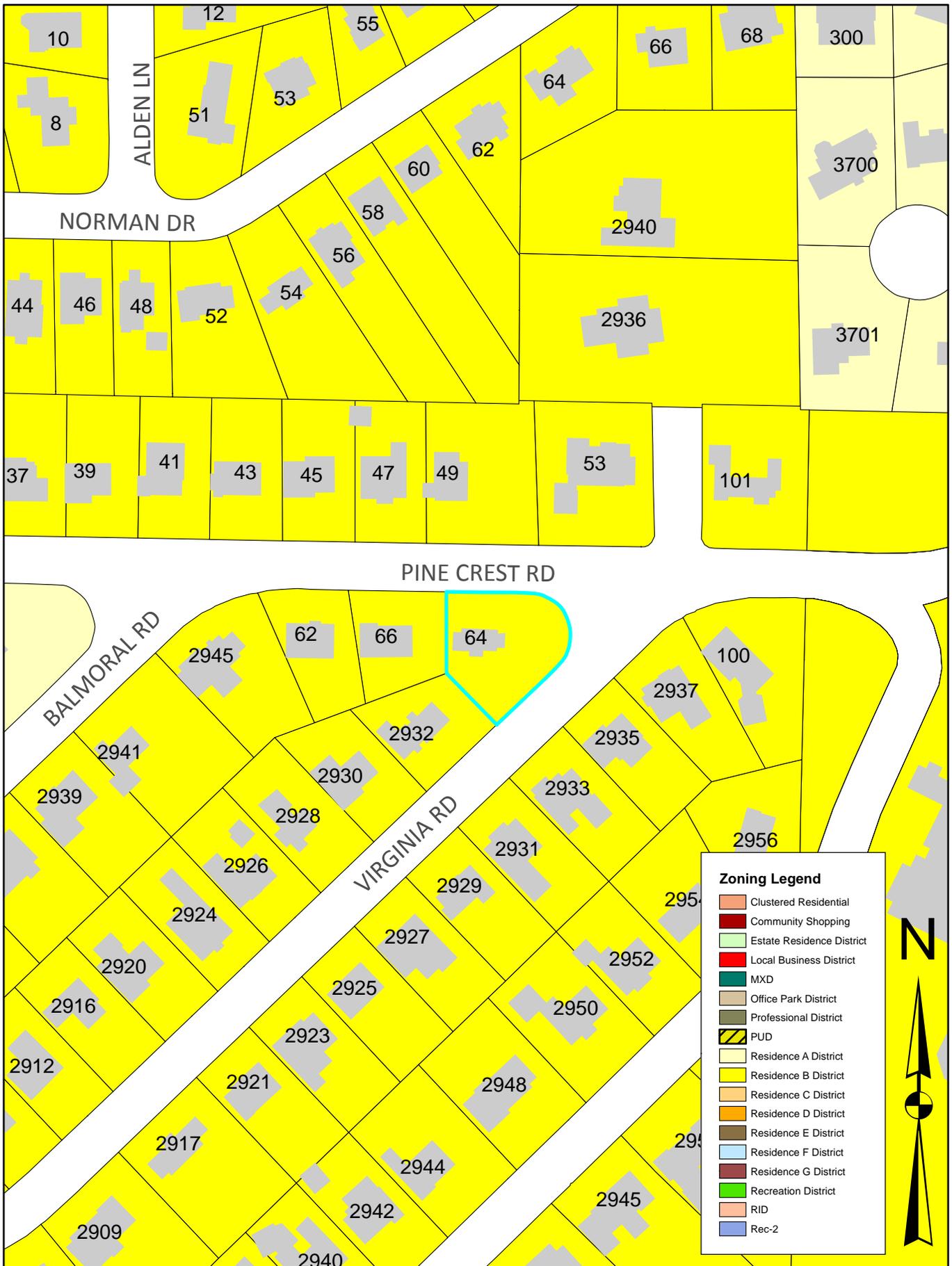
Please see our drawings and information, attached.

Sincerely,



Sissy Austin

# A-16-03 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-03

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

Request 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.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot, two road frontages, and existing design constraints. The proposal involves converting an existing deck into a covered/screened porch, the encroachment of which into the southwest side setback will be unchanged. However, the existing exterior stair (which is 9 feet 4 inches from the west side property line) is to be removed and relocated to the east side of the deck, improving the non-conforming situation.

It is not anticipated that an approval of this request would be detrimental to adjoining properties.

#### ***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***

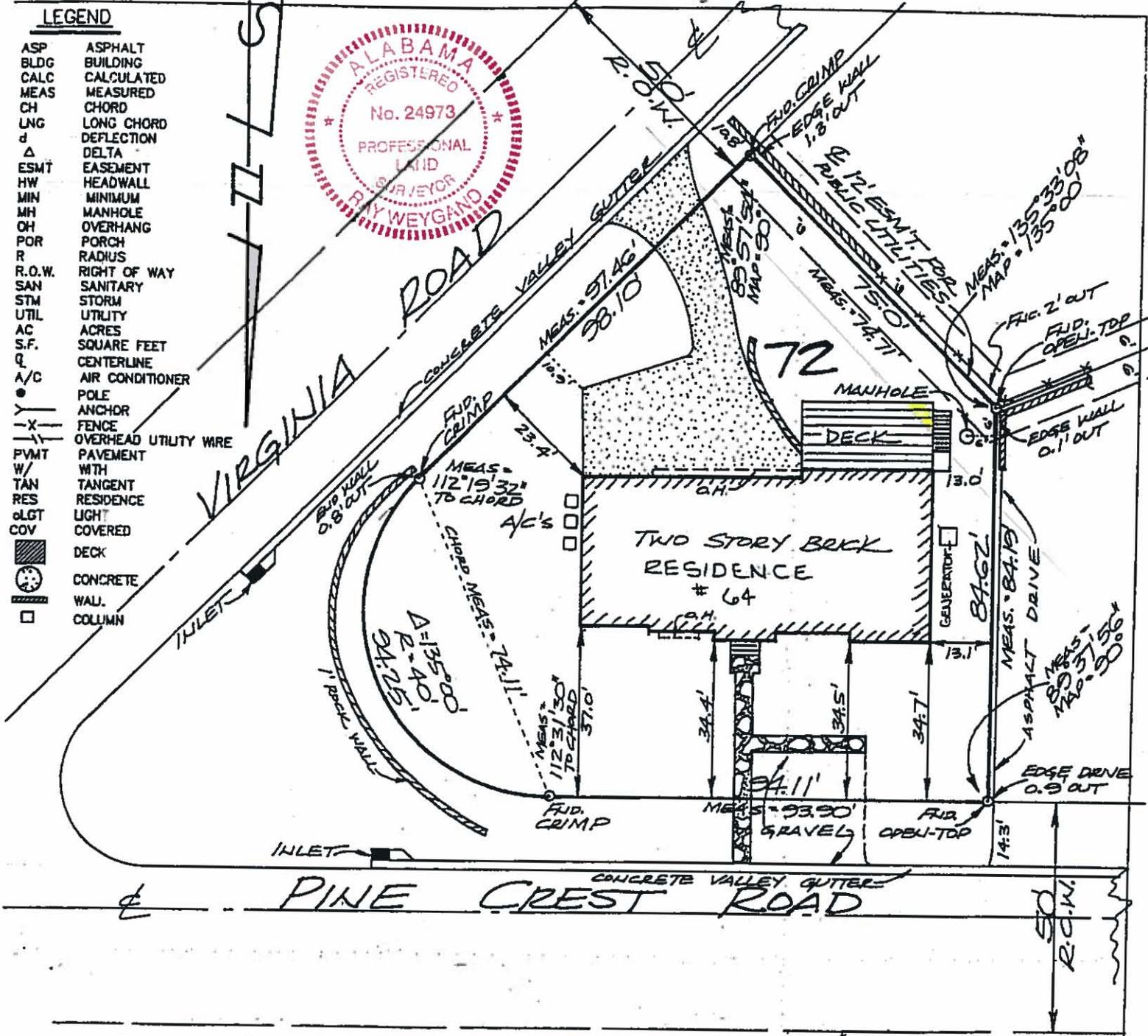
LOCATION: 64 Pine Crest Road

ZONING DISTRICT: Res-B

OWNERS: Christopher and Candace Stanley

**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNK 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
- Y ANCHOR
- X FENCE
- OVERHEAD UTILITY WIRE
- PVMT PAVEMENT
- W/TAN WITH TANGENT
- RES RESIDENCE
- oLGT LIGHT COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL
- COLUMN



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 72 PINE CREST as recorded in Map Volume 18 Page 64 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 9/2/15. Survey invalid if not sealed in red.

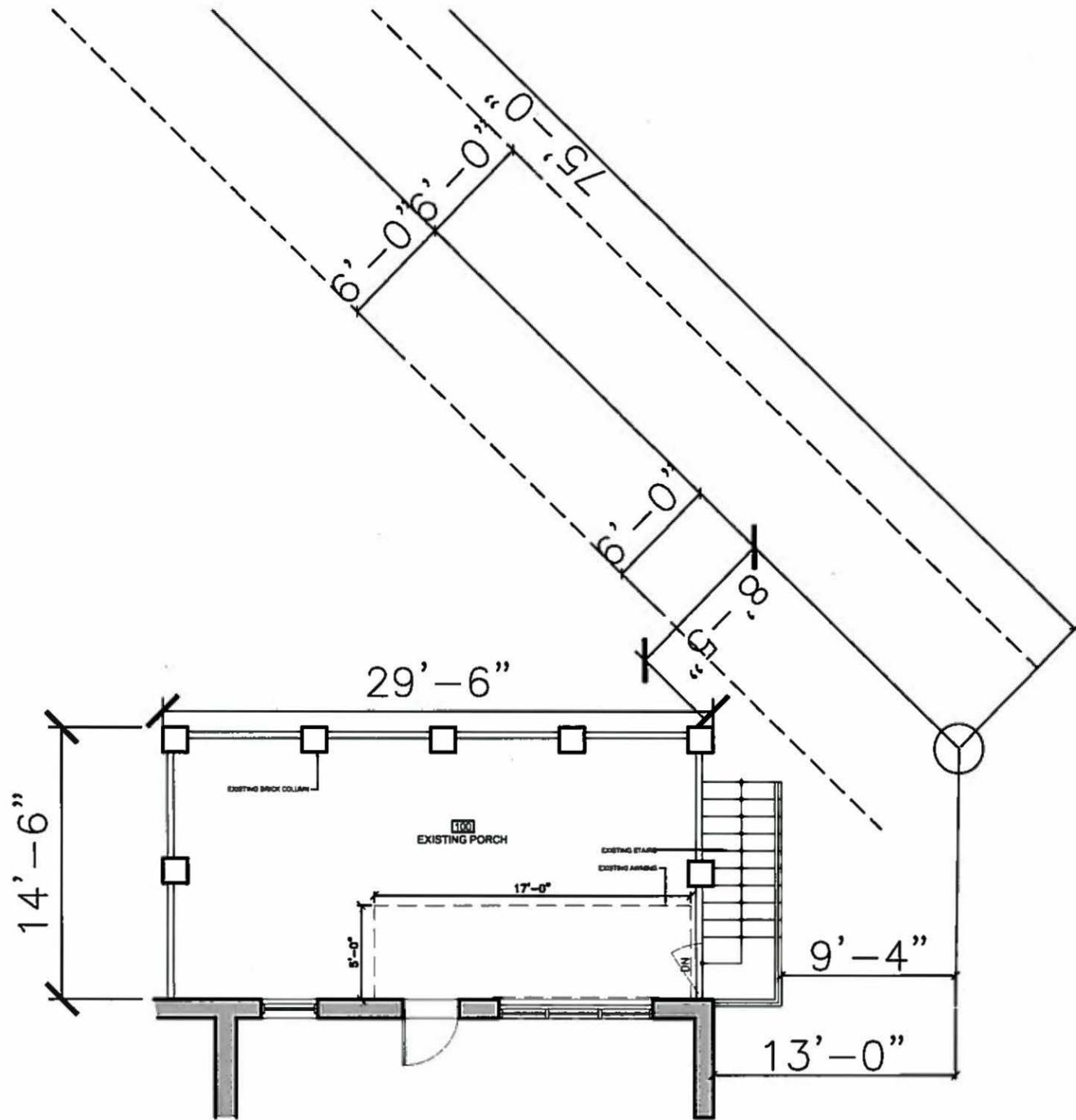
Order No: 48734  
Purchaser: STANLEY  
Address: 64 PINE CREST ROAD

*[Signature]*

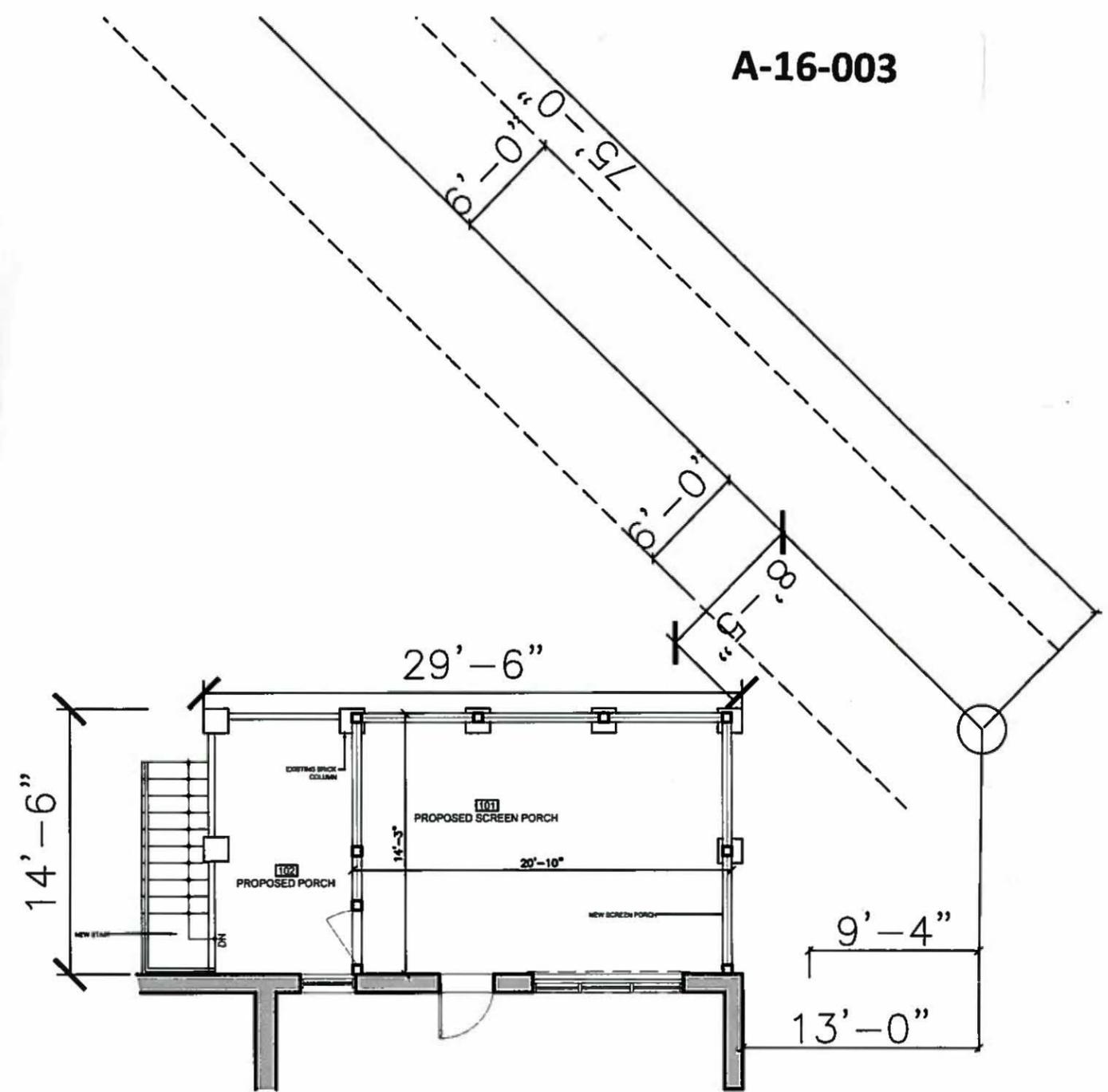
Ray Weygand, Reg. L.S. #24973  
189 Oxmoor Road Homewood, AL 35209  
Phone: (205) 842-0086 Fax: (205) 842-0087  
Copyright ©

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.

A-16-003



**1** EXISTING PORCH PLAN  
SCALE: 1/8" = 1'-0"

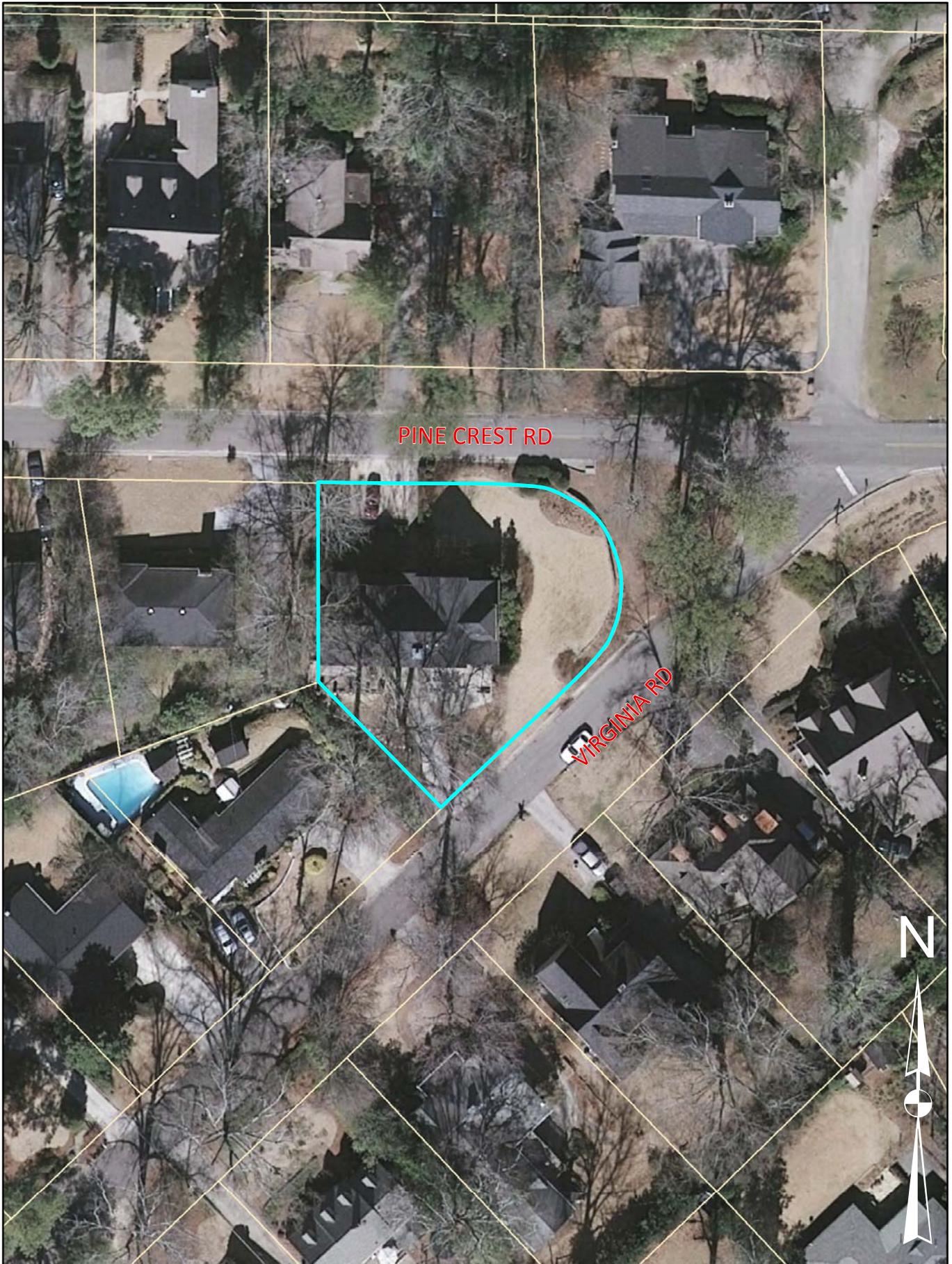


**2** PROPOSED SCREENED PORCH PLAN  
SCALE: 1/8" = 1'-0"

PLAN  
SCALE 1/8" = 1'-0"  
DECEMBER 20, 2015

NOTE: CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD. DRAWING REPRESENTS DESIGN INTENT ONLY  
Betsy Austin Design LLC 2501 Passaic Lane Birmingham, AL 35223 [betsy@betsyad.com](mailto:betsy@betsyad.com)  
THIS DRAWING IS THE PROPERTY OF BETHAUSTIN DESIGN LLC. IT IS NOT TO BE REPRODUCED, COPIED OR ALTERED IN WHOLE OR IN PART. IT IS NOT TO BE USED FOR ANY PURPOSE WITHOUT THE APPROVAL OF BETHAUSTIN AND IS TO BE RETURNED ON REQUEST.

# A-16-03 (Aerial Map)





A-16-003

## 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)?

- Irregularly shaped lot
- lot has 2 fronts
- Existing design constraints, Non-conforming at rear setback

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 Stanley's would like to be able to enjoy their existing back deck with a new roof.

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

No. The existing deck was there when home was purchased.

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

The Stanley's would like to be able to enjoy their deck by covering part of it with a roof. Because of the configuration of the lot, the deck + part of the house go into the rear setback.



**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>	100ft Setback		
Front Setback (ft) <i>secondary</i>			
Right Side Setback	100ft 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)	100ft Setback		
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

12/2/15

**A-16-004**

To Whom it may Concern:

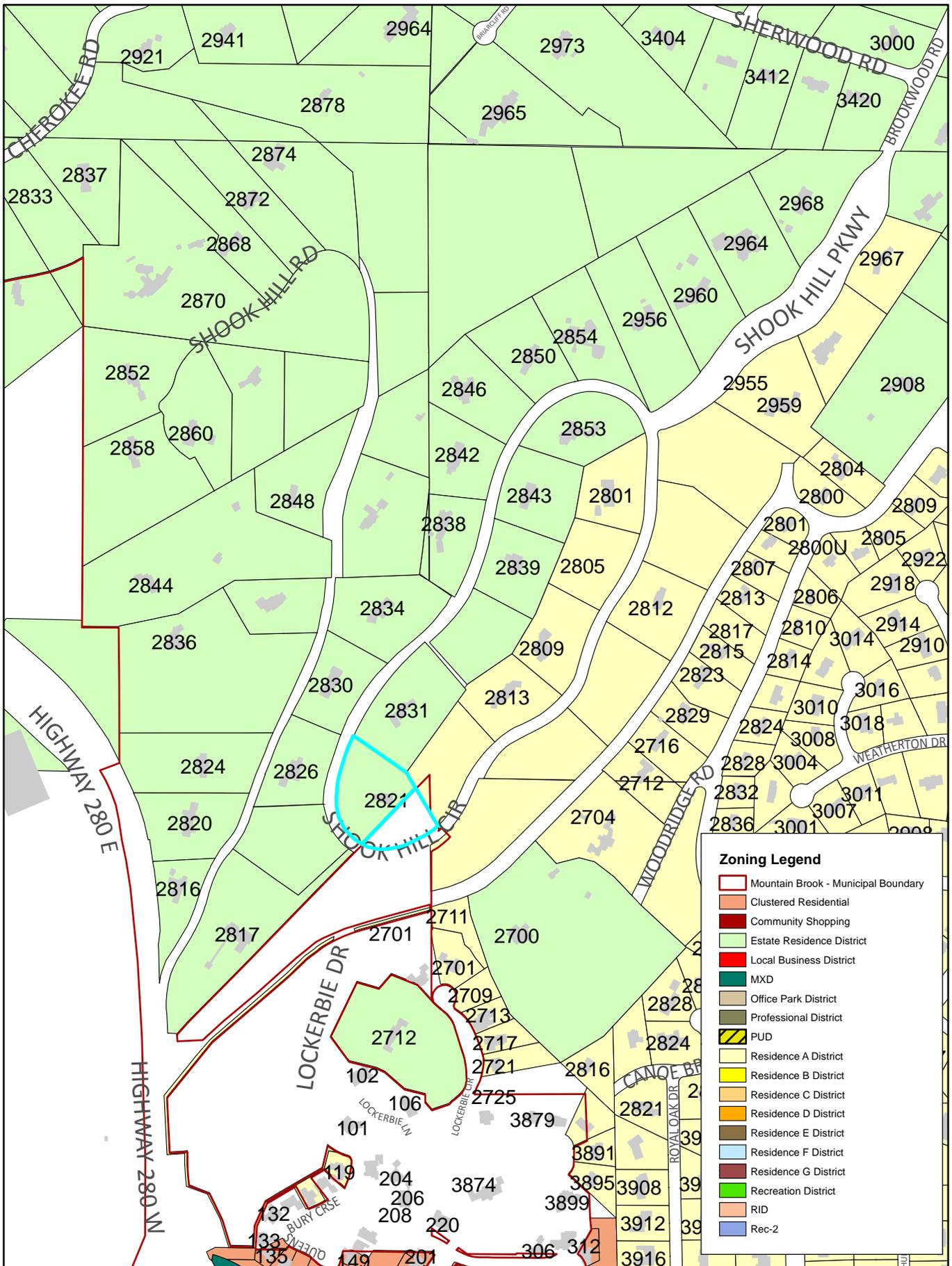
I Herbert Beville, Jr am requesting a variance to  
place a basketball court at 2821 Shook Hill Cir  
Nto Brook, Al 35223. I thank you

Sincerely,

↵

---

# A-16-04 (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***

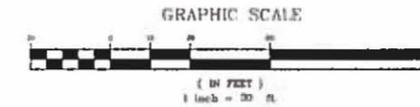
LOCATION: 2821 Shook Hill Circle

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

DESCRIPTION: LOT 9, ACCORDING TO THE AMENDED MAP OF SHOOK HILL ESTATES, AS RECORDED IN MAP BOOK 154, 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 DATE: 09-21-15  
ALABAMA NO. 18064

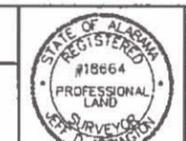
DATE OF FIELD WORK: 09-17-15 (UNDER CONSTRUCTION AT TIME OF SURVEY)

**ARRINGTON ENGINEERING**  
Civil Engineers - Surveyors - Land Planners

Office: (205) 935-9315  
Fax: (205) 965-9315  
2032 Valleybrook Road  
Birmingham, AL 35244

DRAWING TITLE:  
BOUNDARY SURVEY OF  
2821 SHOOK HILL CIRCLE  
MOUNTAIN BROOK, AL 35223

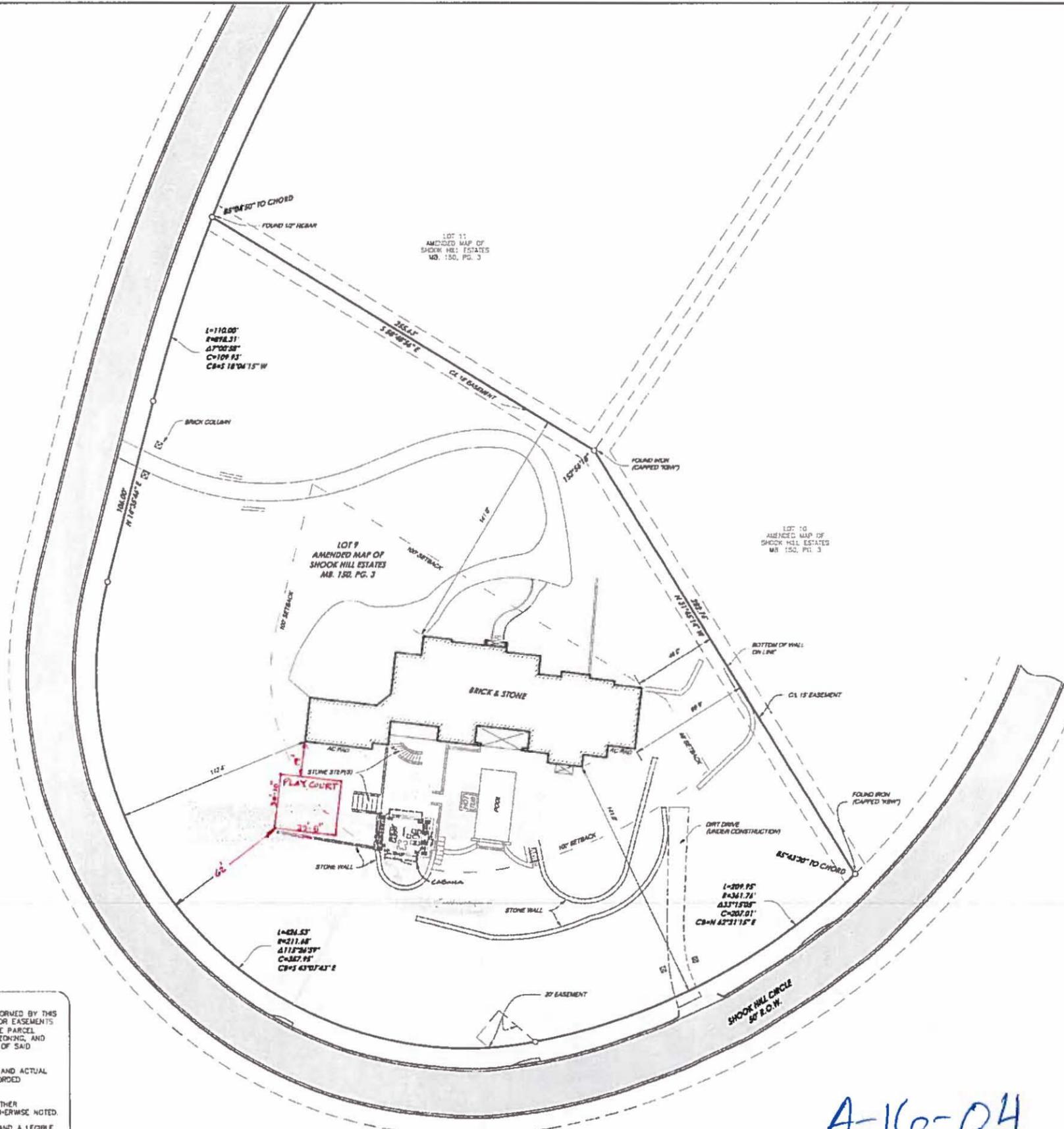
LOCATION & DESCRIPTION:  
SITUATED IN THE WEST 1/2 OF  
SECTION 16,  
TOWNSHIP 18 SOUTH, RANGE 2  
WEST,  
JEFFERSON COUNTY, ALABAMA



DRAWN BY: MSA  
CHECKED BY: JDA  
DATE: 09-17-15  
SCALE: 1"=30'  
PARTY CHIEF: KS  
PROJECT NO.: 59054  
SHEET: 59054

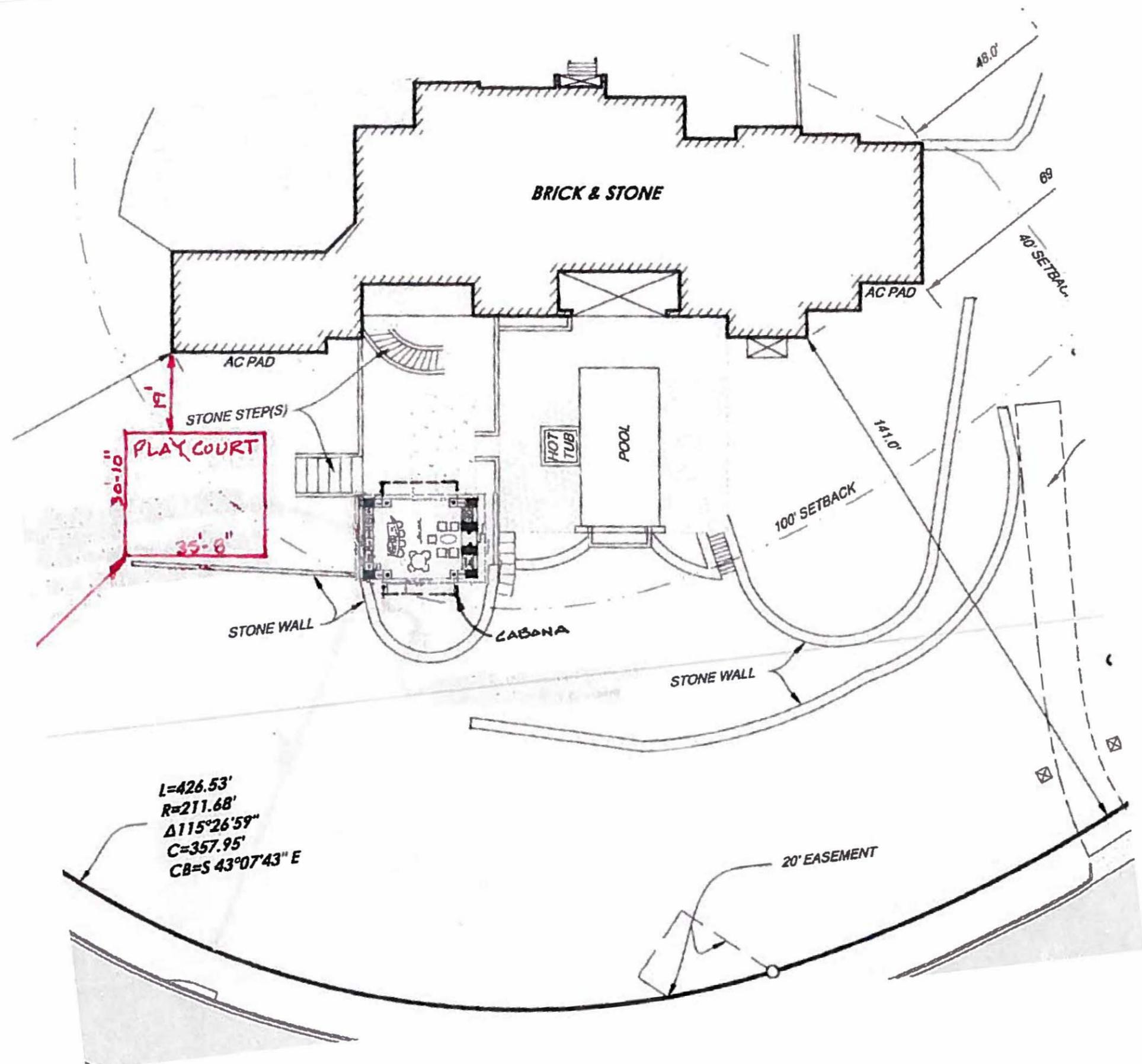
**LEGEND**

- WALL
- ROCK
- CONCRETE
- GRAVEL



- 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.

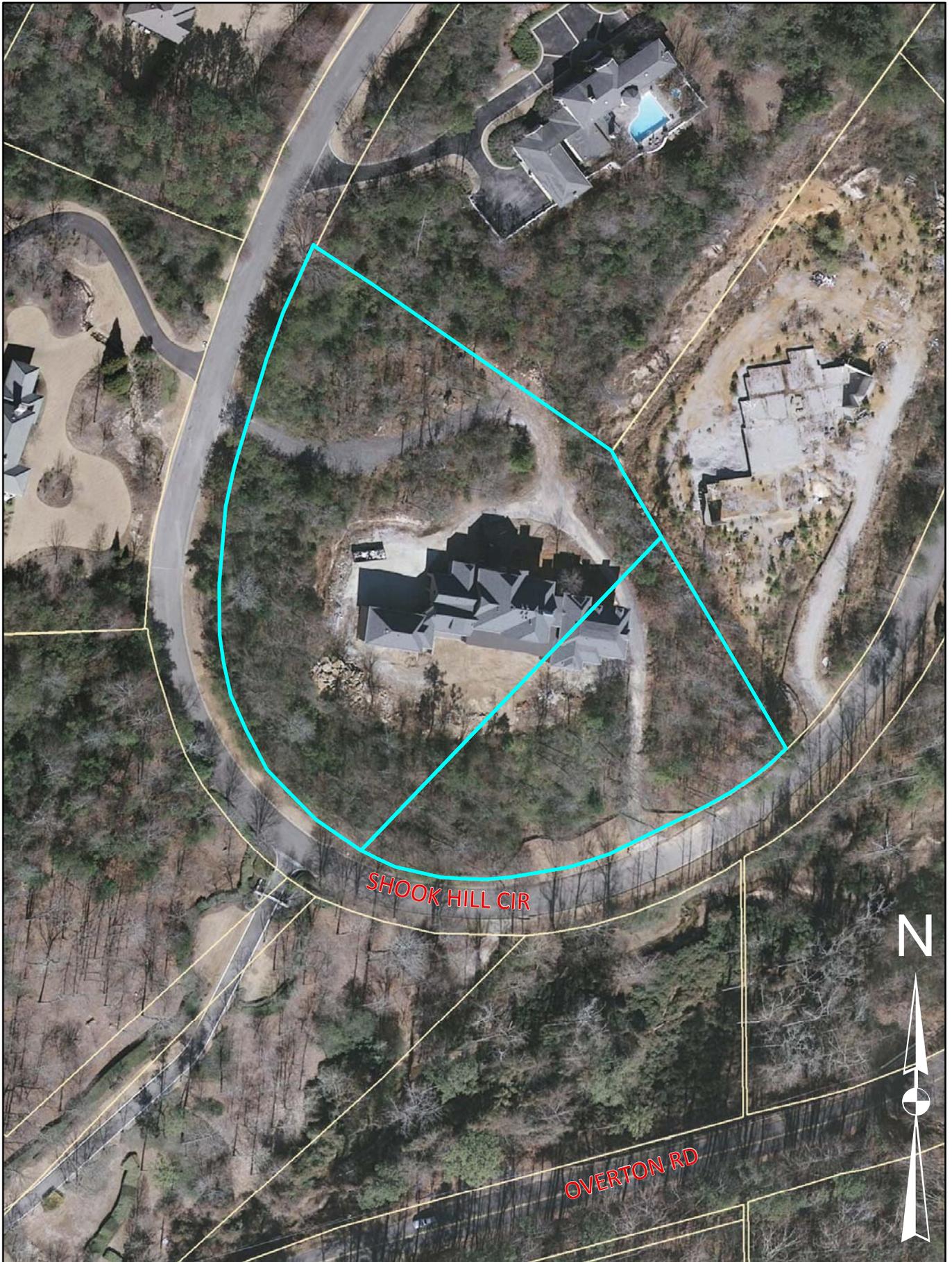
A-16-04



$L=426.53'$   
 $R=211.68'$   
 $\Delta 115^{\circ}26'59''$   
 $C=357.95'$   
 $CB=S 43^{\circ}07'43'' E$

20' EASEMENT

# A-16-04 (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)?

I am requesting a variance for recreational purpose, I am requesting to place a half court basketball court on the property. The property is unique because I occupy a circular lot. And my front is considered the back of my home; vice versa for the back is considered the front.

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 variance requested is in line with recreational areas variance granted previous. The granting of variance is necessary to enhance the overall health and wellness of property owners.

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 due to the uniqueness of the property. The property is circular in shape. This cause the back to be considered the front and vice versa.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### Variance Application - Part I

#### Project Data

Address of Subject Property 311 Euclid Avenue - 35213

Zoning Classification Residence - C District

Name of Property Owner(s) William Black

Phone Number (205) 266-3018 Email wtblack@gmail.com

Name of Surveyor Ray Weygand

Phone Number (205) 942-0086 Email ray\_weygand@bellsouth.net

Name of Architect (if applicable) \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)		50'	
Front Setback (ft) <i>primary</i>		21.8'	21.8'
Front Setback (ft) <i>secondary</i>			
Right Side Setback		15.2'	15.2'
Left Side Setback		4.4'	4.4'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8'	15.2'	15.2'
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8'	4.4'	4.4'
Rear Setback (ft)		44.5'	46.5'
Lot Coverage (%)		29.5%	29.7%
Building Height (ft)		1 story	1 story
Other			
Other			

December 23, 2015

City of Mountain Brook  
Board of Zoning Adjustment

RE: 311 Euclid Avenue

The existing structure at 311 Euclid Ave is a single story, 2 bedroom, 1 bath residence. Due to the size of the 50' wide lot, we are asking for a hardship variance on the left side of the property. According to the survey completed by Ray Weygand, the existing structure was built 4.4' from the left side of the property. If in 1935 the structure would have been **centered** on the lot, there would be 12' on the left and right sides of the structure, thus meeting the current setbacks for Mountain Brook.

The existing structure has a straight roof, and our goal is to put a master suite/screened porch on the back of the house. We'd like to do this by continuing the existing roofline as well as the left and right walls. The goal of the project is to keep the addition looking as seamless as possible, flowing well with the original house.

Without the 3.6' variance, the left side of the addition would be inset 3.6' from the back left of the existing structure. This creates an inset for the addition and a change in the roof line as well. The inset and awkward roofline would not be aesthetically pleasing because of it's choppy appearance.

Currently there is a 32' deck off the back of the existing structure. The variance would allow for this deck to be replaced with the 26' addition: 2/3 of that would be the master suite and 1/3 would be the screened porch.

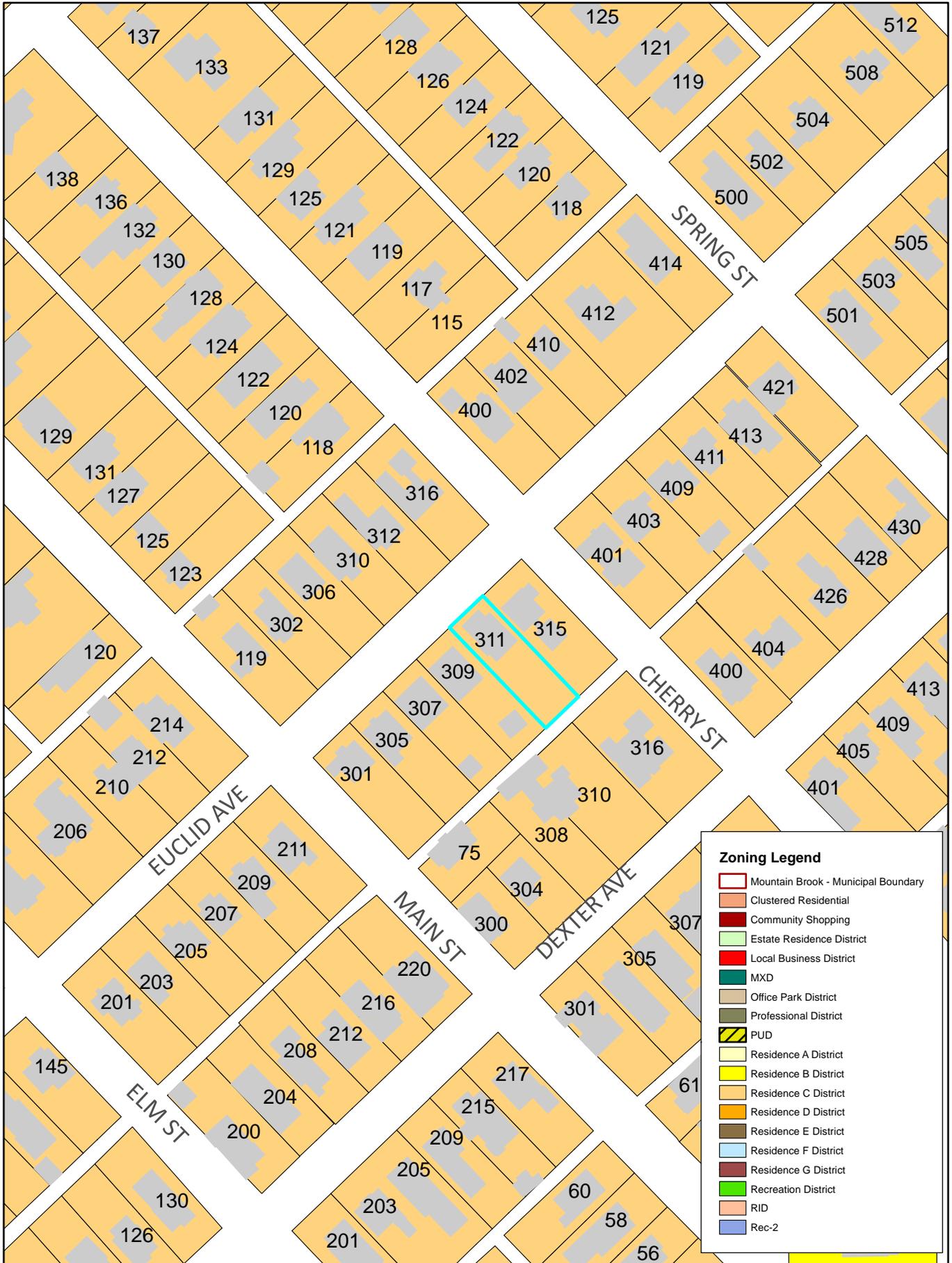
I appreciate your time and consideration. I hope that this will be a beautiful addition to the City of Mountain Brook.

Sincerely,

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

William Black

# A-16-05 (Zoning Map)



Zoning Legend	
	Mountain Brook - Municipal Boundary
	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-16-05

#### *Petition Summary*

Request 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.

#### *Analysis*

The hardship in this case is the narrowness of the lot (50 feet). The existing house is 4.4 feet from the side property line (northeast). The proposal is to add a master suite and screened porch to the rear of the structure, which would match the existing line the left side of the house. Since the side property line and the house are not parallel, the proposed construction would result in a side setback of 4.3 feet at the rear left corner.

There is an existing deck at the rear of the house, which is proposed to be demolished in conjunction with the proposed construction. It appears this deck is approximately 6 feet from the left side property line.

#### *Impervious Area*

The proposal is in not compliance with the allowable impervious surface area. The maximum impermeable area allowed by code for this lot is 40%. The existing impervious area is 33%, with the proposed being 42%. The applicant has been advised that should this variance be approved, adjustments to other lot surfaces must be made to comply with the maximum 40% impervious 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

#### *Appends*

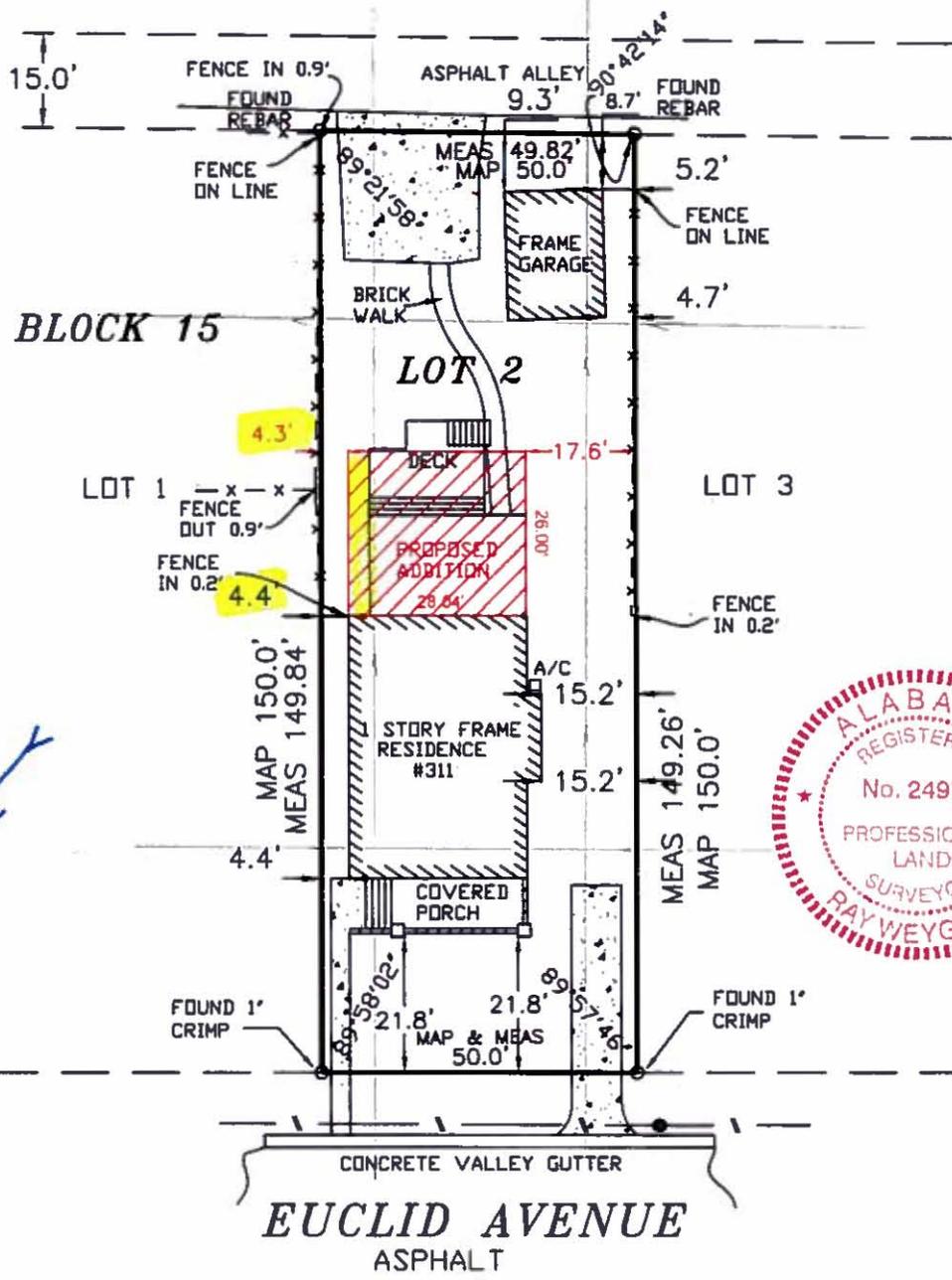
LOCATION: 311 Euclid Avenue

ZONING DISTRICT: Res-C

OWNER: William Black

**LEGEND**

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



50' R.O.W.

**EUCLID AVENUE**  
ASPHALT

SCALE: 1"=30'

"PLOT PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2, Block 15, CRESTLINE HEIGHTS, as recorded in Map Volume 7, Page 16, 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 DECEMBER 10, 2015. Survey invalid if not sealed in red.

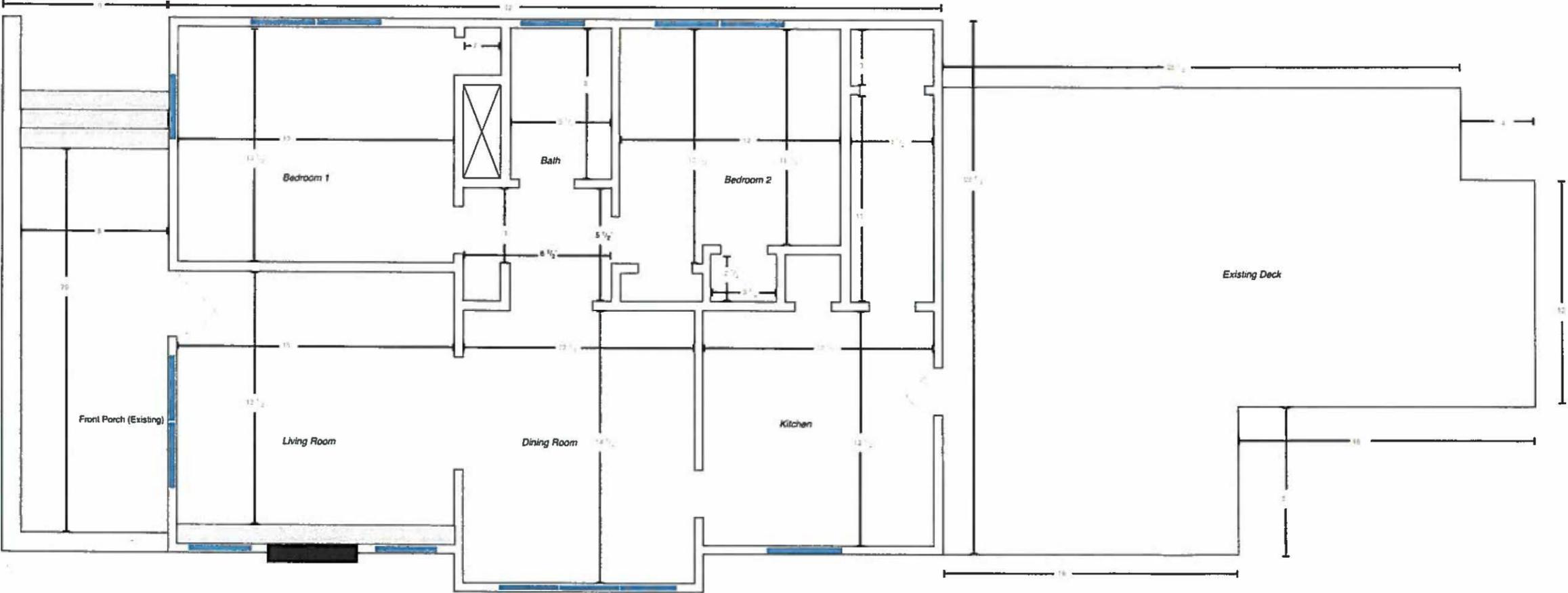
Order No: 59286  
Purchaser: BLACK  
Address: 311 EUCLID AVENUE

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

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

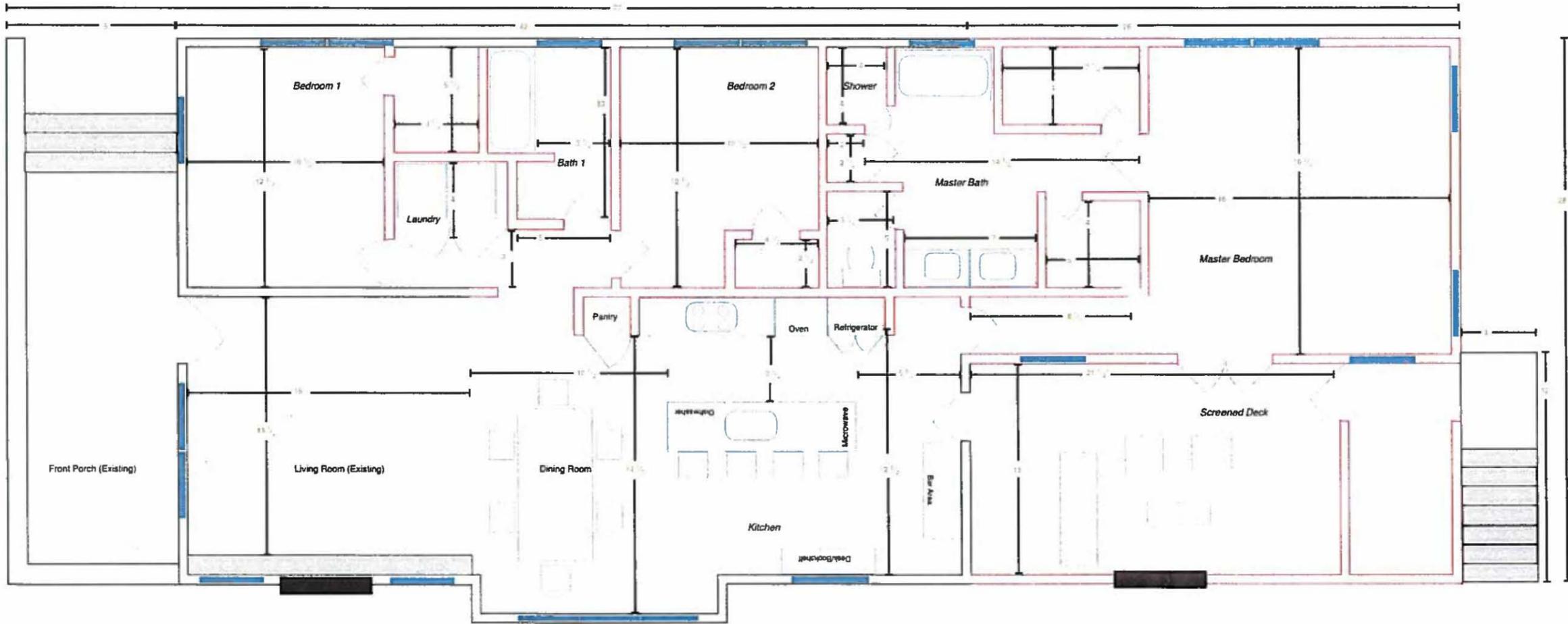
A-16-005

311 Euclid Avenue  
Current Drawing



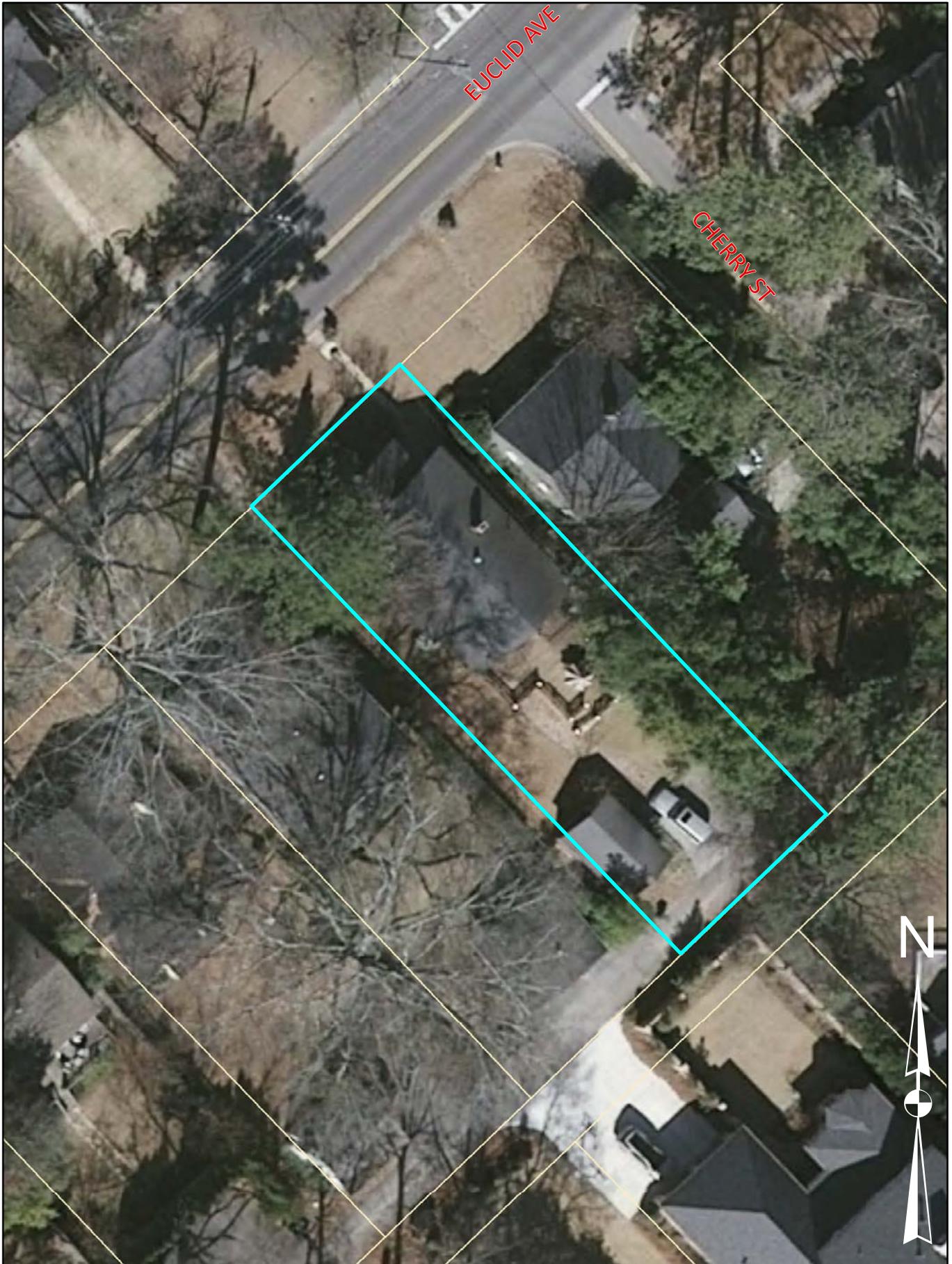
Existing

311 Euclid Avenue  
New Addition Drawing (Variance Request)



Proposed

# A-16-05 (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 current structure is 28.04' wide and 4 4' from the property's edge. Would like to put 26' master suite on the back of the house w/ a covered deck. The roof line would continue straight back w/ the goal being to make the addition look seamless, like it was part of the original structure. Without a variance, this would not be possible because the overall look of the house would be choppy.

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

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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...")

n/a

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

The existing structure was not centered on the lot when built in 1935. With a hardship of 50' lot and a 28.04' wide structure, there would be enough room to meet the Zoning Regulations if it was centered on the lot (leaving almost 12' on the left and right). In addition, trying to ensure the addition looks as uniform to the existing structure, as well as keeping the roof line uniform.



# Variance Application - Part I

## Project Data

Address of Subject Property 3415 Mountain Lane

Zoning Classification Res-1A

Name of Property Owner(s) Jobie & J. Reid Lynch

Phone Number (205) 529-6616 Email jobie.lynch@gmail.com

Name of Surveyor Ray Weygard

Phone Number 942-10086 Email ray-weygard@belsouth.net

Name of Architect (if applicable) \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	14.1'	14.1'
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			

1/5/16

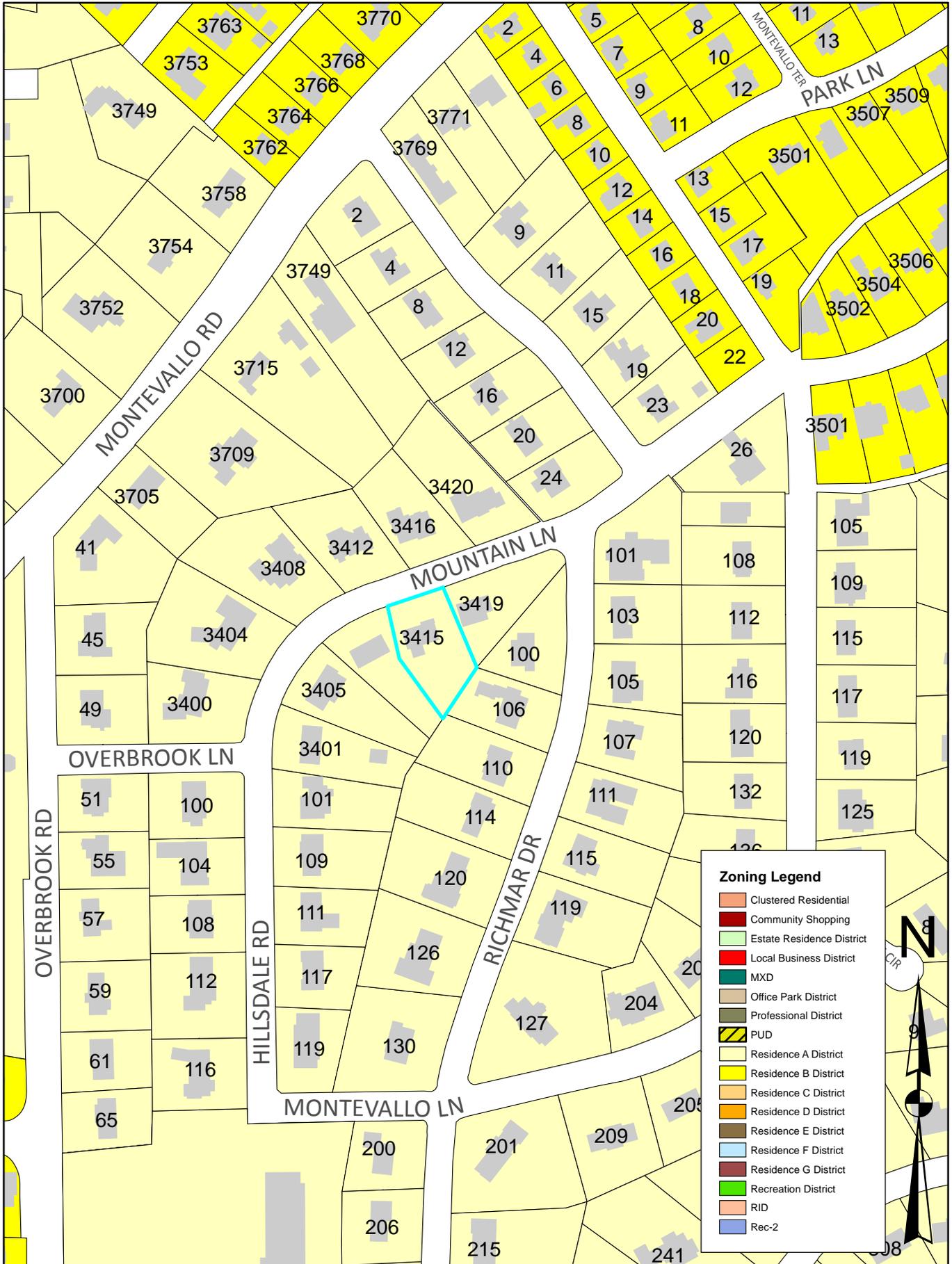
A-16-06

Please put me on the agenda for January 19. I am requesting a variance to construct a new house on an existing foundation which is 14.1 feet from the side property line (west).

Thank you,

Julie Lynch

# A-16-06 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-06

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

Request 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.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot and the existing design constraints. The proposal is to utilize the existing foundation for the new house. As may be seen on the attached survey, the side lot lines are not perpendicular to the front property line; however the existing house (and foundation) are oriented so as to be parallel to the street, and the existing front setbacks range from 50 to 55 feet. This results in the west rear corner of the existing house being 14.1 feet from the side property line.

The new construction will match the existing right side setback (existing foundation), resulting in a portion (approximately 5 feet in length) encroaching to within 14.1 feet of the side property line at the right rear corner of the structure.

Given that this corner encroachment is minor in nature, it is not anticipated that an approval of this request would be detrimental to the adjoining property.

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

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

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

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

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

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

#### ***Appends***

LOCATION: 3415 Mountain Lane

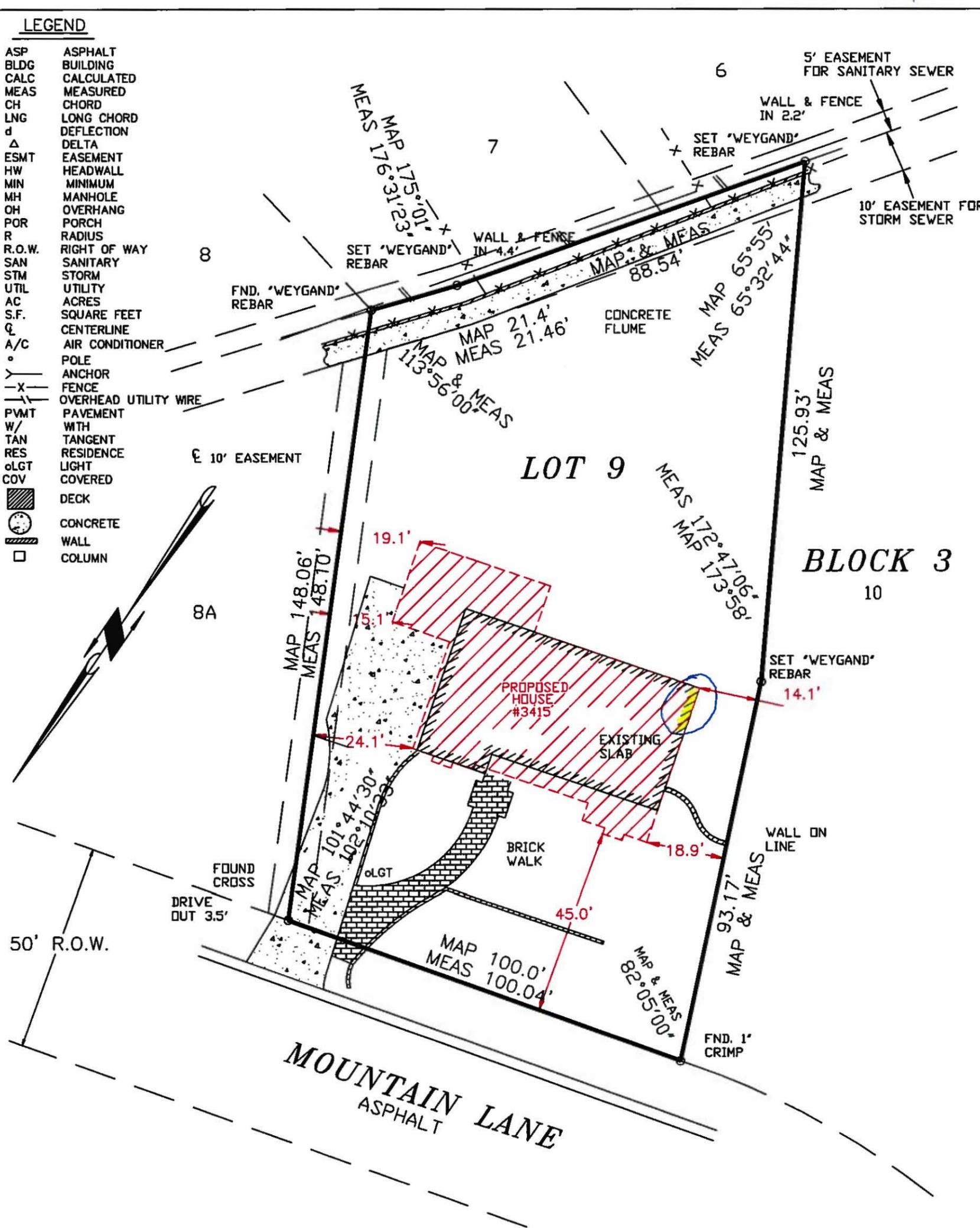
ZONING DISTRICT: Res-A

OWNERS: Jobie and Reid Lynch

A-16-06

**LEGEND**

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



SCALE: 1"=30'  
STATE OF ALABAMA  
JEFFERSON COUNTY)

**"PLOT PLAN"**

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 9, Block 3, OVERBROOK GARDENS INC., as recorded in Map Volume 35, Page 17, 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 wire 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 DECEMBER 30, 2015. Survey invalid if not sealed in red.

Order No.: 58382  
Purchaser:  
Address: 3415 MOUNTAIN LANE

Ray Weygand, Reg. L.S. #24973  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0088 Fax: (205) 942-0087  
Copyright ©

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

A-16-04



REVISION TABLE		
NUMBER	DATE	DESCRIPTION

Exterior Elevation Front

designed for **Reid & Jobie Lynch**

DATE:  
1/4/2016  
SCALE:  
1/4"=1'-0"  
SHEET:  
1A

free consultation

**Jim Keagy**  
CUSTOM HOME DESIGN

205-223-6582  
e-mail: customhomedesign@hotmail.com

A-16-06



Exterior Elevation Left



Exterior Elevation Right



Exterior Elevation Back

REVISION TABLE		
NUMBER	DATE	DESCRIPTION

designed for Reid & Jobie Lynch

DATE:  
1/4/2016

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

SHEET:  
2A

free consultation

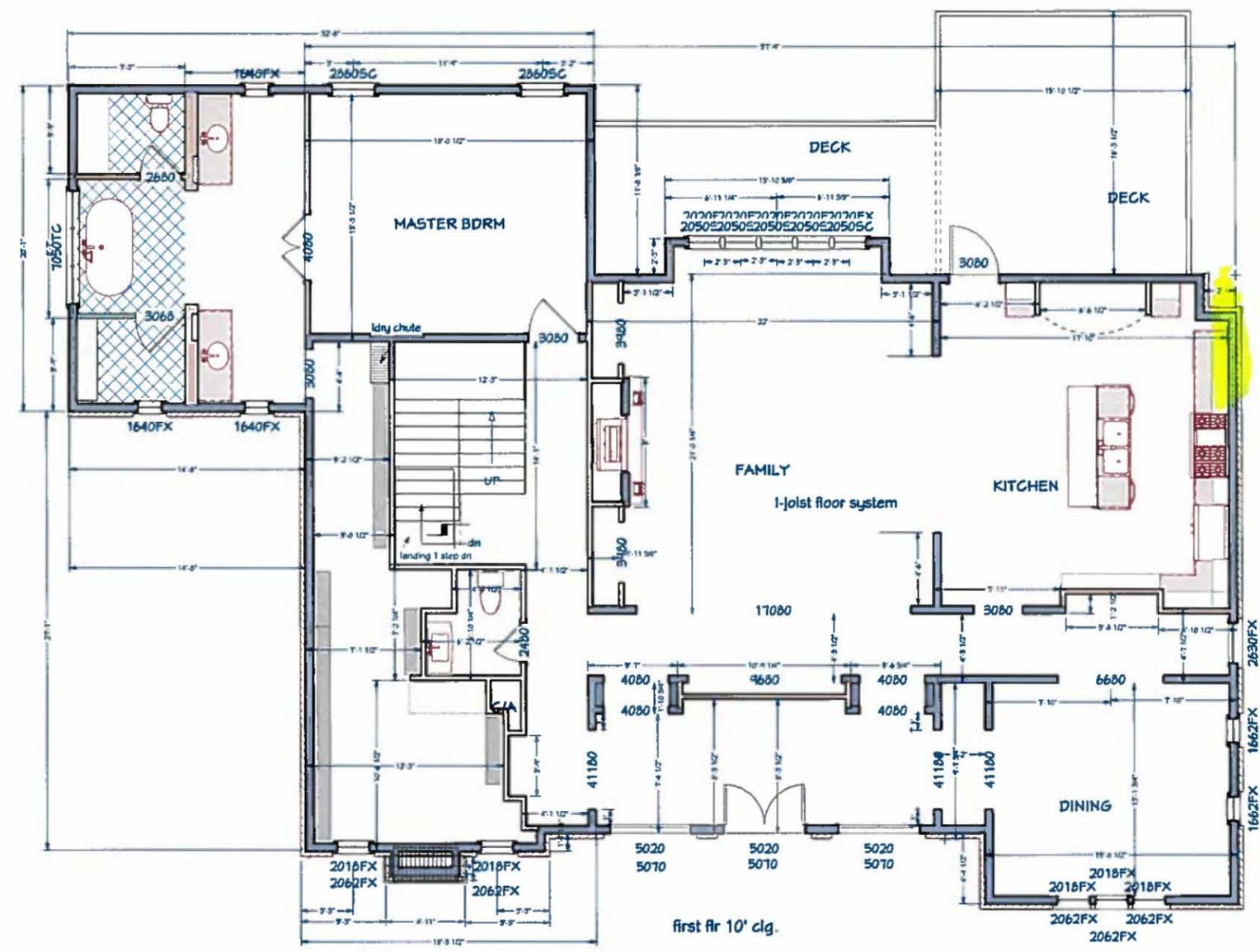
**Jim Kelly**  
CUSTOM HOME DESIGN

205-223-6582

email: customhomedesign@hotmail.com



A-16-06



LIVING AREA  
2604 sq ft

1st Floor

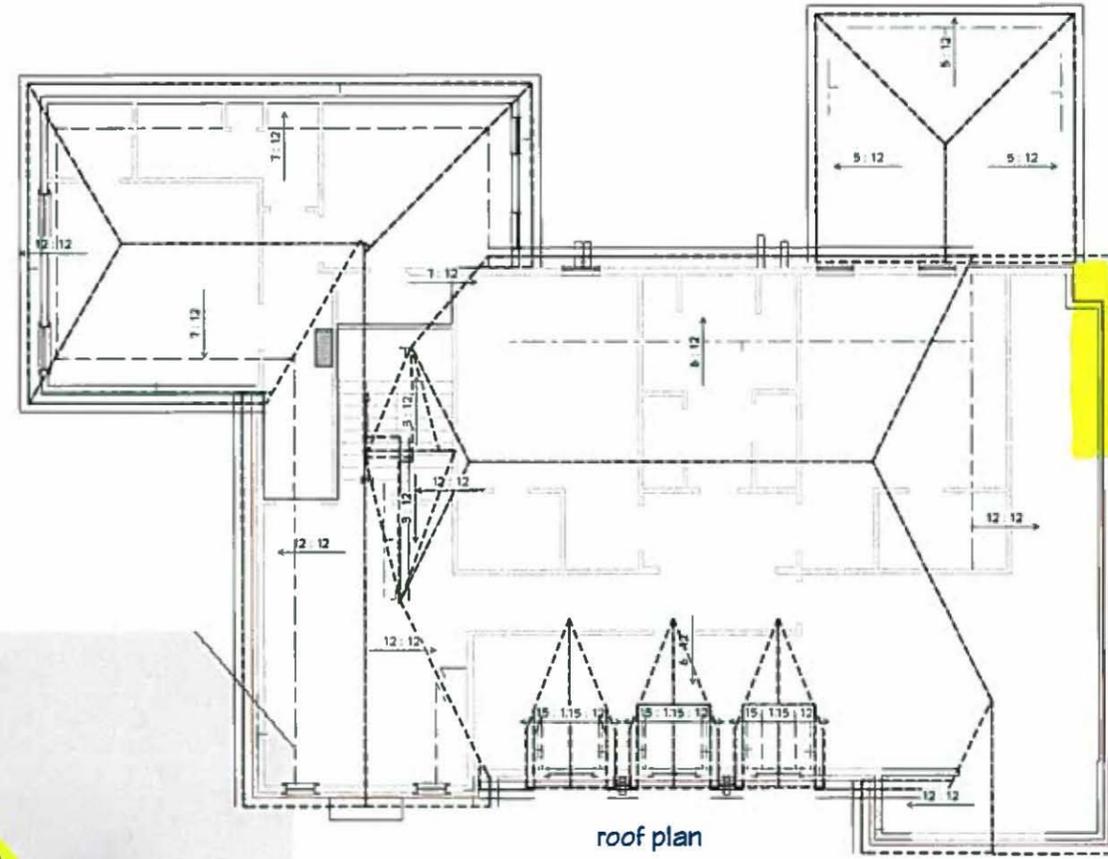
REVISION TABLE			
NUMBER	DATE	REVISOR	DESCRIPTION

designed for Reid & Jobie Lynch

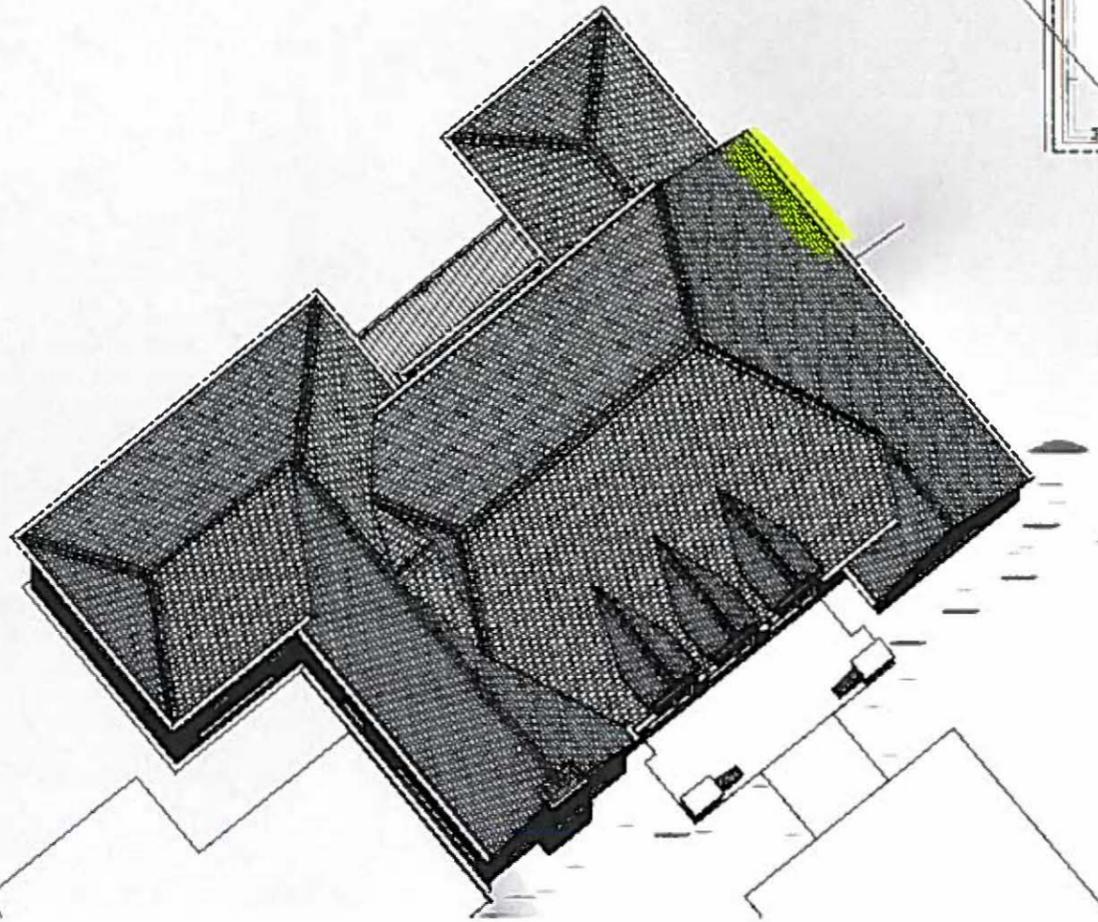
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1/4/2016  
SCALE:  
1/4"=1'-0"  
SHEET:  
6A



A-16-06



roof plan



REVISION TABLE		
NO.	DATE	DESCRIPTION

designed for **Reid & Jobie Lynch**

DATE:

1/4/2016

SCALE:

1/4"=1'-0"

SHEET:

8A

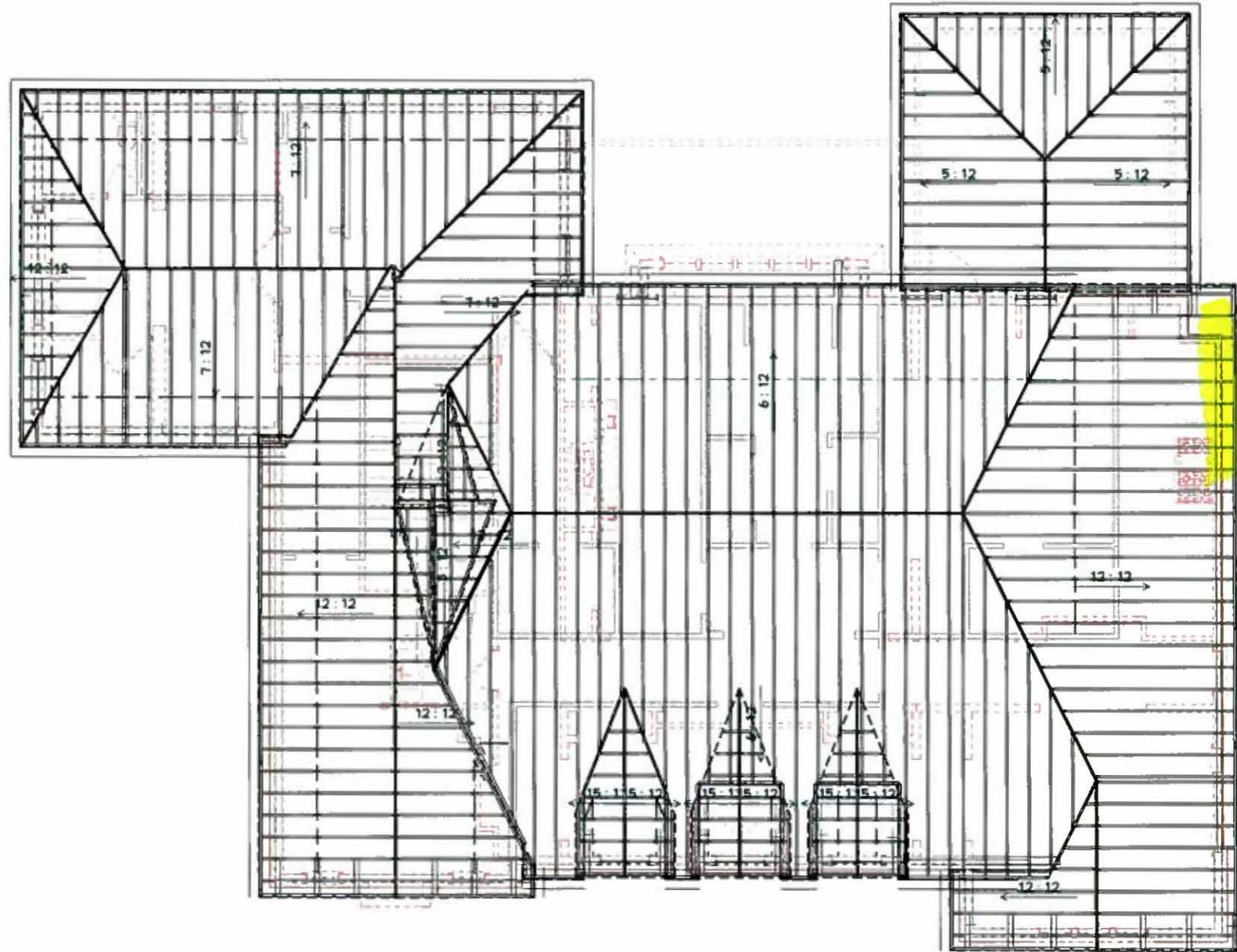
free consultation

**Jim Keagy**  
CUSTOM HOME  
DESIGN

205-223-6582

[customhomedesign@outlook.com](mailto:customhomedesign@outlook.com)

A-16-04



designed for **Reid & Jobie Lynch**

DATE:

1/4/2016

SCALE:

1/4"=1'-0"

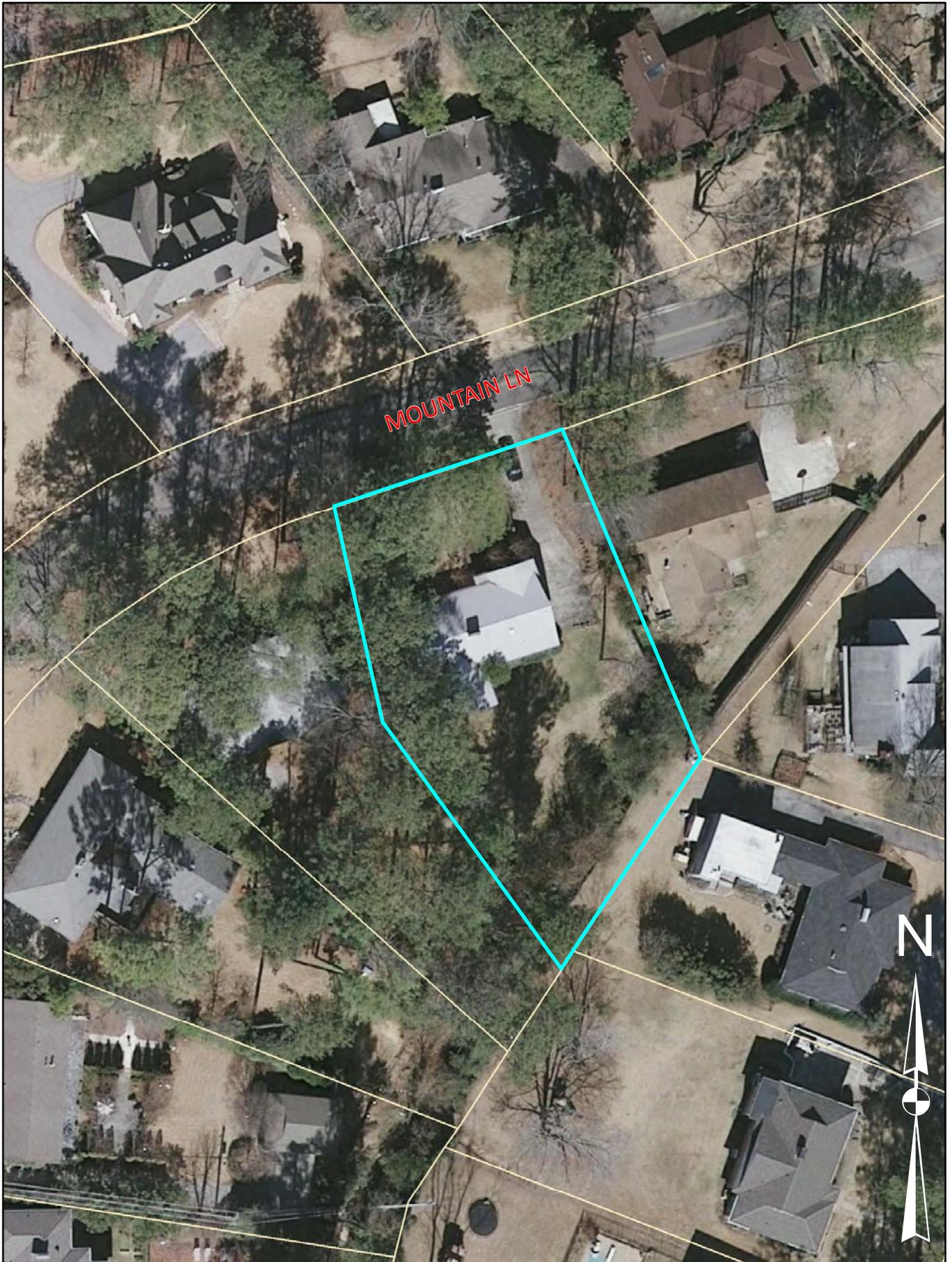
SHEET:

9A

REVISION TABLE		
NO.	DATE	REVISION

free consultation  
**Jim Keagy**  
CUSTOM HOME DESIGN  
205-223-6582  
email: customhomedesign@jkeagy.com

# A-16-06 (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)?

irregularly shaped lot and existing design constraints

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...")

previous owners built house at 14.1

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

the purpose of a side setback is to preserve the flow of light and air to adjoining residential properties. the proposed encroachment is minor in nature and will not affect the flow of light and air to the adjoining residential property