

BZA Packet

June 15, 2016

Hello All,

Enclosed please find your packet for the meeting of June 20, 2016.

We have:

- 5 new cases

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

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment (BZA)
- 2016-June-20 BZA Agenda

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

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
JUNE 20, 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-months extension, which the Board normally grants.

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

-
1. Approval of Minutes: May 16, 2016
 2. **Case A-16-25: Oak Property Solutions**, owner, requests variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling (on existing foundation and basement walls) to be 75.2 feet from the front property line (Wynward Road) in lieu of the required 100 feet, and 32.9 feet from the side property line (east) in lieu of the required 40 feet. – **2717 Wynward Road**
 3. **Case A-16-26: Harry and Julie Foster**, owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 14 from the rear property line (south) in lieu of the required 40 feet, and 14 feet from the side property line (west) in lieu of the required 15 feet. - **54 Pine Crest Road**
 4. **Case A-16-27: David and Kristie Stewart**, owners, request variances from the terms of the Zoning Regulations 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. – **121 Crestwood Drive.**
 5. **Case A-16-28: Brantley and Sally McDuffie**, owners, request variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 7.86 feet from the side property line (northwest) in lieu of the required 15 feet; and for a second floor addition to the carriage house to match existing setbacks, 2.2 feet from the rear property line (southwest) in lieu of the required 40 feet and zero (0) feet from the side property line (northwest) in lieu of the required 15 feet. Also, for the lot coverage to be 31.1% in lieu of the maximum allowable 25%. – **44 Greenway Road.**

6. **Case A-16-29:** Ruth Siegler, owner; Brandon Davis, agent; request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 25.1 feet from the primary front property line (Clarendon Road) and 12.5 feet from the secondary front property line (Overbrook Road), both in lieu of the required 35 feet. **39 Clarendon Road.**
7. Next Meeting: July 18, 2016
8. Adjournment

MINUTES



To Follow Under Separate Cover



Variance Application - Part I

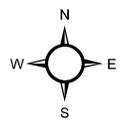
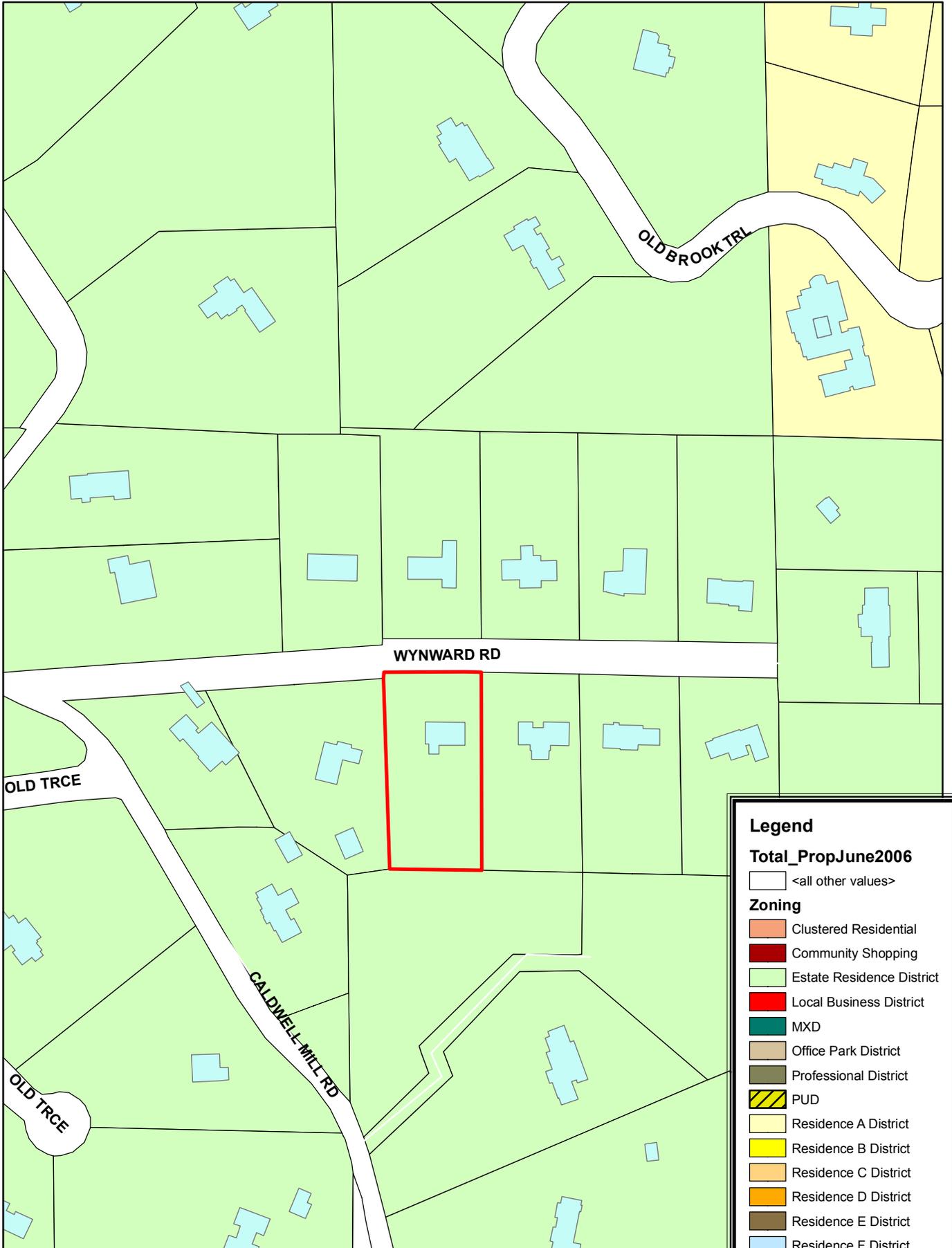
Project Data

Address of Subject Property #2717 Wynward Rd
 Zoning Classification Estate
 Name of Property Owner(s) Beth Pierpoint ^{Cherie Minor} (Oak Property Solutions)
 Phone Number 205-907-9973 Email bpierpoint@oakpropertysolutions
 Name of Surveyor Ray Weyand
 Phone Number 205-942-0086 Email _____
 Name of Architect (if applicable) Studio C Architecture
 Phone Number 205-322-2315 Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	100'	75.2	75.2
Front Setback (ft) <i>secondary</i>			
Right Side Setback	40'	32.9	32.9
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			



Legend

Total_PropJune2006

- <all other values>

Zoning

- 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
- Recreation District
- RID
- Rec-2

Report to the Board of Zoning Adjustment

A-16-25

Petition Summary

Request to allow the construction of a new single family dwelling (on existing foundation and basement walls) to be 75.2 feet from the front property line (Wynward Road) in lieu of the required 100 feet, and 32.9 feet from the side property line (east) in lieu of the required 40 feet.

Analysis

The hardship in this case is the narrow width of the lot, being 150 feet in lieu of the required 200 feet in the Estate District. Also, when this and some 57 other neighboring lots were annexed from the County into the City, they were zoned Estate even though the lot sizes and existing setbacks would have better conformed to the Res-A District. The homeowners asked that the City zone the annexed lots to Estate to be more in conformance with permitted uses in the neighborhood and to prevent further subdivision in the area. However, the zoning to Estate created many non-conforming lot sizes and some non-conforming setbacks for existing houses.

The proposal in this case is to replace the existing house in the same location (on existing foundation and basement walls). As may be seen on the attached zoning map, the majority of the houses on Wynward Road are approximately 75 feet from the front property line, and many are closer than 40 feet to the side property line.

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

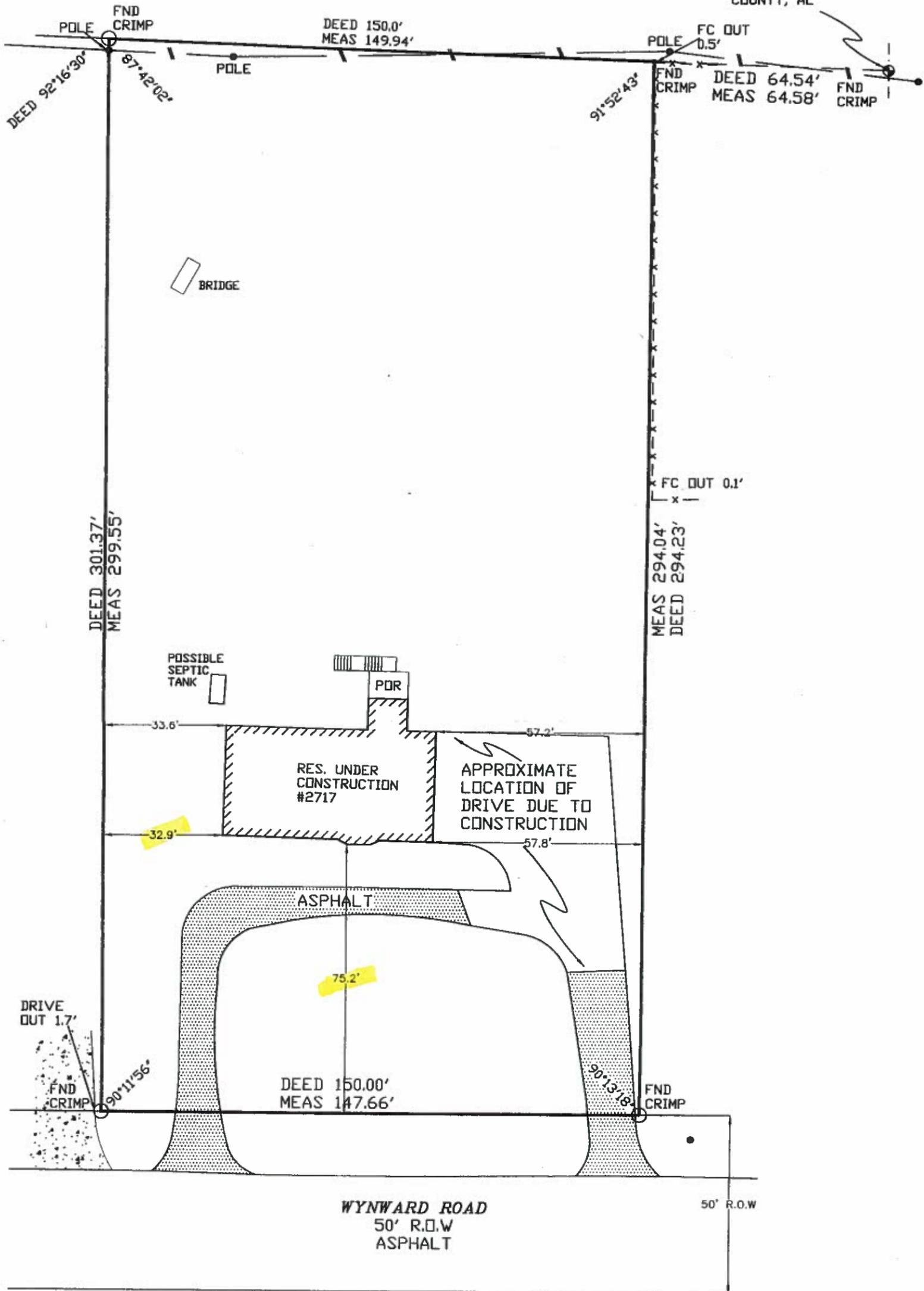
Appends

LOCATION: 2717 Wynward Road

ZONING DISTRICT: Estate Residence

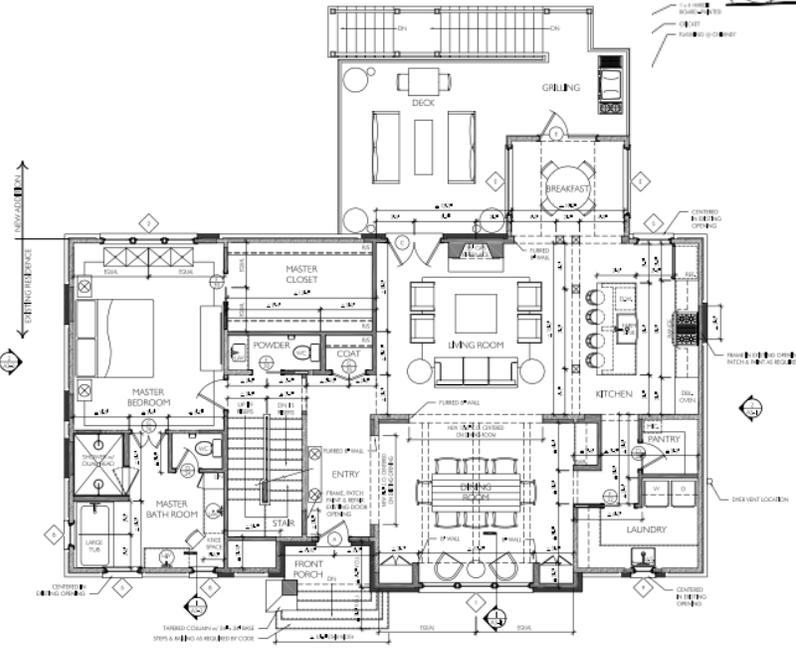
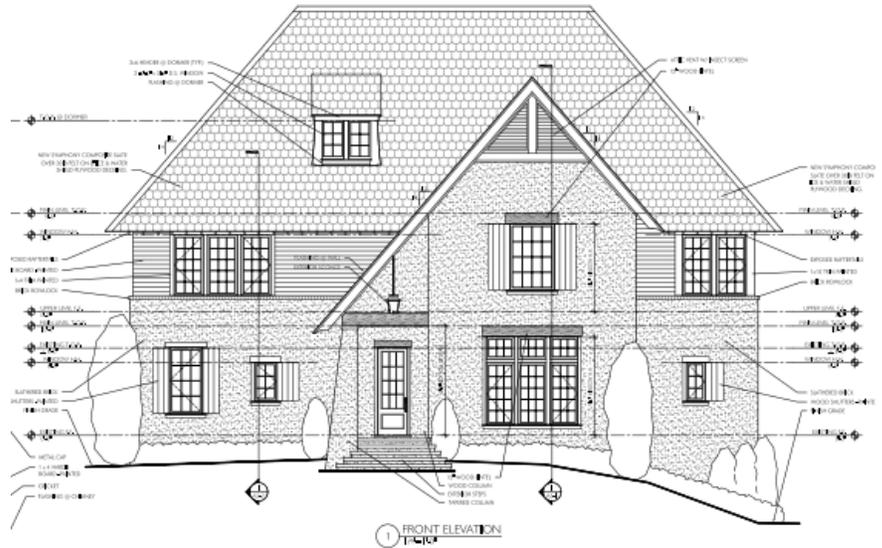
OWNER: Oak Property Solutions

SW CORNER, NW 1/4 OF THE
SW 1/4, OF SEC 21,
T-18S, R-2W, JEFFERSON
COUNTY, AL



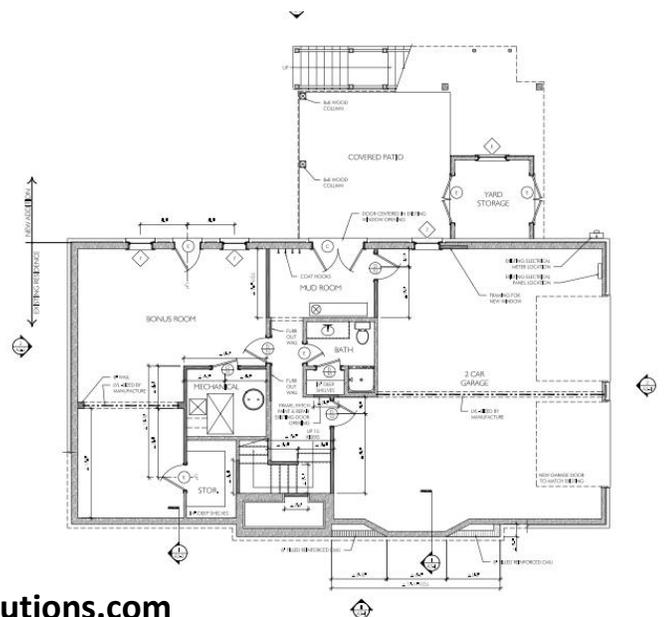
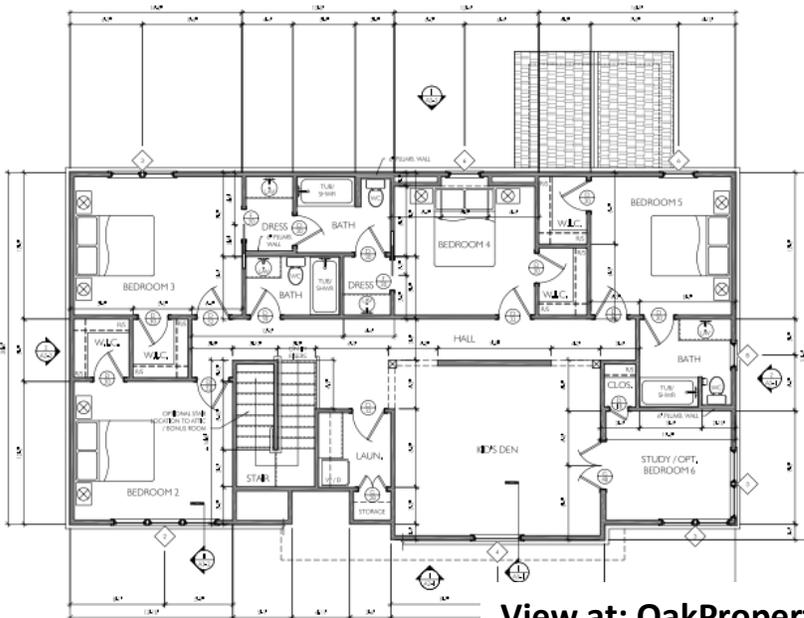
100
08
40

2717 Wynward Road



- 5 Beds
- 5 Baths
- 1 Half baths
- Chef's Kitchen
- Laundry: Main level and upstairs
- Manicured 1 acre lot
- Media/Bonus Room
- 6th/bedroom or Study

Custom Selections available now!



View at: OakPropertySolutions.com

Call Theresa: 205-586-0971



City of
Mountain Brook

Tammy Graham <grahamt@mtnbrook.org>

Re: Variance Application/Mountain Brook

1 message

Beth Pierpoint <bpierpoint@oakpropertysolutions.com>
To: Tammy Graham <grahamt@mtnbrook.org>

Wed, May 25, 2016 at 2:46 PM

Ms. Graham,

Thank you so much for the email.

The property that we are renovating was a 1860 square foot ranch that we are renovating to improve to over 4500 square feet of finished livable space.

The old structure foundation and basement walls and subfloor of the main level are staying, and we are raising the roof and adding a second floor to provide proper bedrooms for a mid size family.

The Main floor will have a completely gutted and remodeled floor including a chef's kitchen, new enlarged master suite, main level laundry and an open concept kitchen and great room with a semi open formal dining room and bar.

The second floor will be appointed with 4 new bedrooms, 3 bathrooms a den for kids. On this floor we are also adding a second story laundry.

The basement will be reconverted back to a two car garage with half of the space being renovated for a full bath, and a large bedroom/den/media room. There will also be a mudroom added on this area.

Mechanicals: All new HVAC, water heater, fireplace

Roof: All new roof

Decks: All new decks with extension

Windows and Doors: All new

Wiring: All new with upgraded panel

Plumbing: All new with inline water heater

Exterior: Stucco exterior of the brick will merge up to new Hardiplank siding.

Landscape: There is already mature landscape that will be remaniced back to it's original stunning glory. There will be new landscape added to the front where all of the new waterproofing has been performed.

This will be a completely new house on an existing footings and basement walls.

Please let me know if you require any additional information.

Thank you again for hearing our request for variance. We are so excited to begin on this project and the neighbors are so excited to watch it's project.

Sincerely,

Beth Pierpoint
COO
Oak Property Solutions, LLC
205-907-9973

On Fri, May 20, 2016 at 2:33 PM, Tammy Graham <grahamt@mtnbrook.org> wrote:



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)?

Narrow lot
All existing homes on street are on smaller lots than
estate zoning requirements dictate

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 existing home does not meet the setback requirements

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

Existing footprint of home on the lot is not changing
All homes on the street are less than 100' from
road and setbacks off property lines are narrow



A-16-25



Variance Application - Part I

Project Data

Address of Subject Property 54 Pine Crest Mountain Brook, AL 35223

Zoning Classification Res A

Name of Property Owner(s) Harry A. and Julie Z. Foster

Phone Number 205-834-6335 Email harry.a.foster@gmail.com

Name of Surveyor Weygand Surveyors

Phone Number (205) 942-0086 Email info@weygandsurveyors.com

Name of Architect (if applicable) N/A

Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	14'	14'
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	40'	16.9'	14' 17'
Lot Coverage (%)			
Building Height (ft)			
Other Rear setback	40'	20	20
Other			



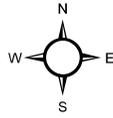
Legend

Total_PropJune2006

- <all other values>

Zoning

- 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
- Recreation District
- RID
- Rec-2



Report to the Board of Zoning Adjustment

A-16-26

Petition Summary

Request to allow additions and alterations to an existing single family dwelling to be 14 feet from the rear property line (south) in lieu of the required 40 feet, and 14 feet from the side property line (west) in lieu of the required 15 feet.

Analysis

The hardships in this case are the irregular shape and shallow depth of the lot. The proposal for the main house is to add 3 feet across the rear of the second floor to match existing first floor setbacks (existing and proposed left rear corner is 15.7 feet).

The proposal for the detached garage and living area above is to demolish and rebuild a 2-story structure in its place, and to expand it to the left and front, while attaching it to the main house. The new left rear corner is to be 15.9 feet, the existing and proposed right rear corner is to be 20 feet and the existing and proposed side setback is to be 14 feet.

The topography of this lot is such that the house to the rear of the subject property is at a much higher elevation than the subject lot. Given the topography and existing encroachments, it does not appear that the proposed improvements would be detrimental to adjoining properties.

Impervious Area

The proposal exceeds the maximum 30% impervious area by 1.7% and will have to be mitigated in accordance with the City's stormwater ordinance for permit issuance.

Subject Property and Surrounding Land Uses

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

Affected Regulation

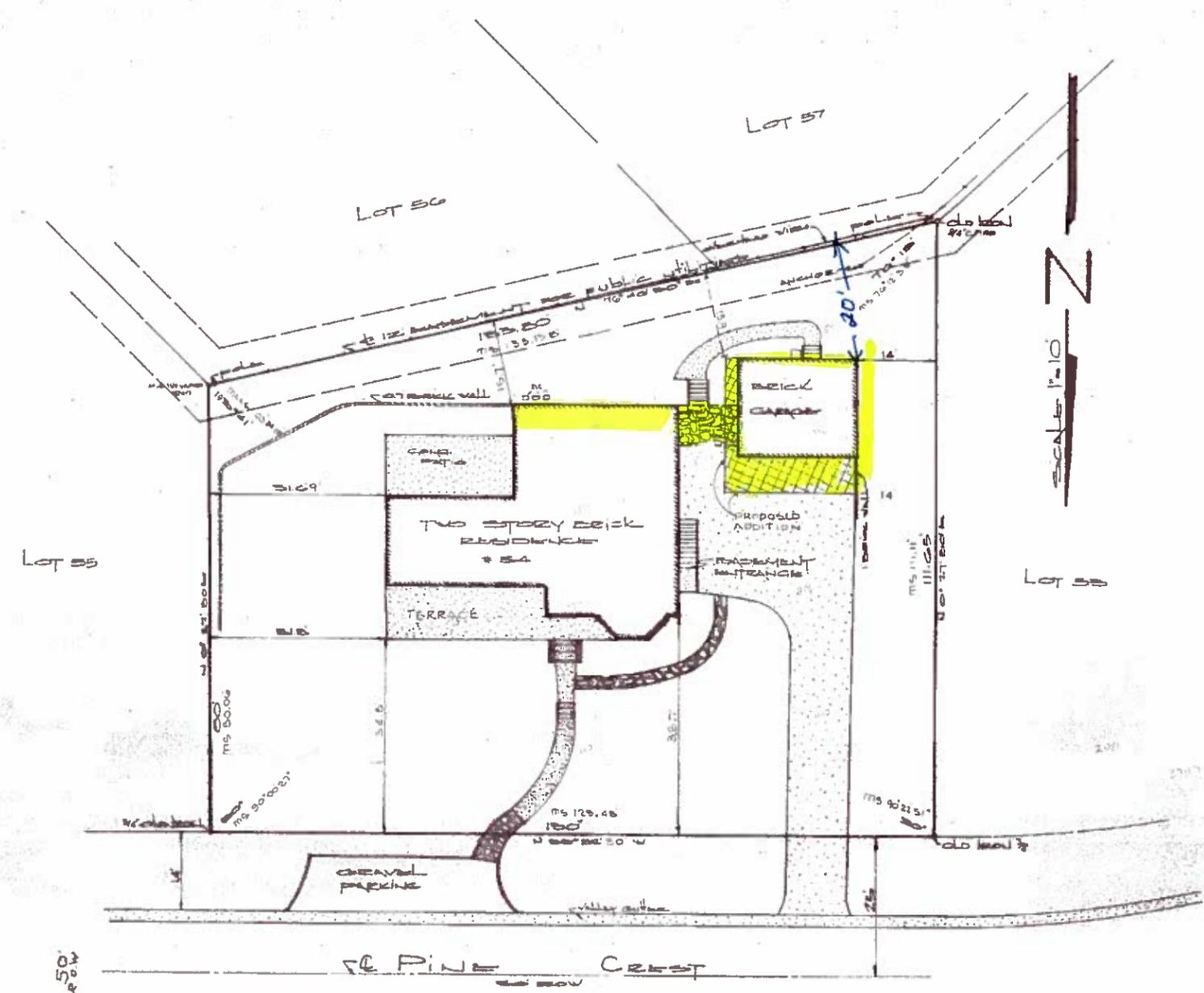
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 54 Pine Crest Road

ZONING DISTRICT: Res-A

OWNERS: Harry and Julie Foster



CONSTRUCTION LAYOUT PLAN

State of Alabama
Jefferson County

I, Ray W. Ryland, a registered Land Surveyor, certify that I have surveyed the land shown and described herein; that there are no rights-of-way, easements, or joint driveway areas or servitudes and land visible on the surface except as shown; that there are no obstructions or telephone wires (including wires which serve premises only) or structures of any nature thereon, including poles, towers 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

Lot 54, Pine Crest, as recorded in Map Book 18, Page 64, in the Office of the Judge of Probate, Jefferson County, Alabama.

According to my survey of _____
 Center No. 714123
 Purchaser: _____
 Address: 54 Pine Crest Road
 Survey provided if not noted to end.

Ray W. Ryland
 Ray W. Ryland, S.S. #24973
 169 Chesser Road, P.O. Box 2086
 Homewood, AL 35209 © Copyright





VARIANCE TO SIDE / REAR SETBACKS
54 PINE CREST ROAD



EXISTING HOME

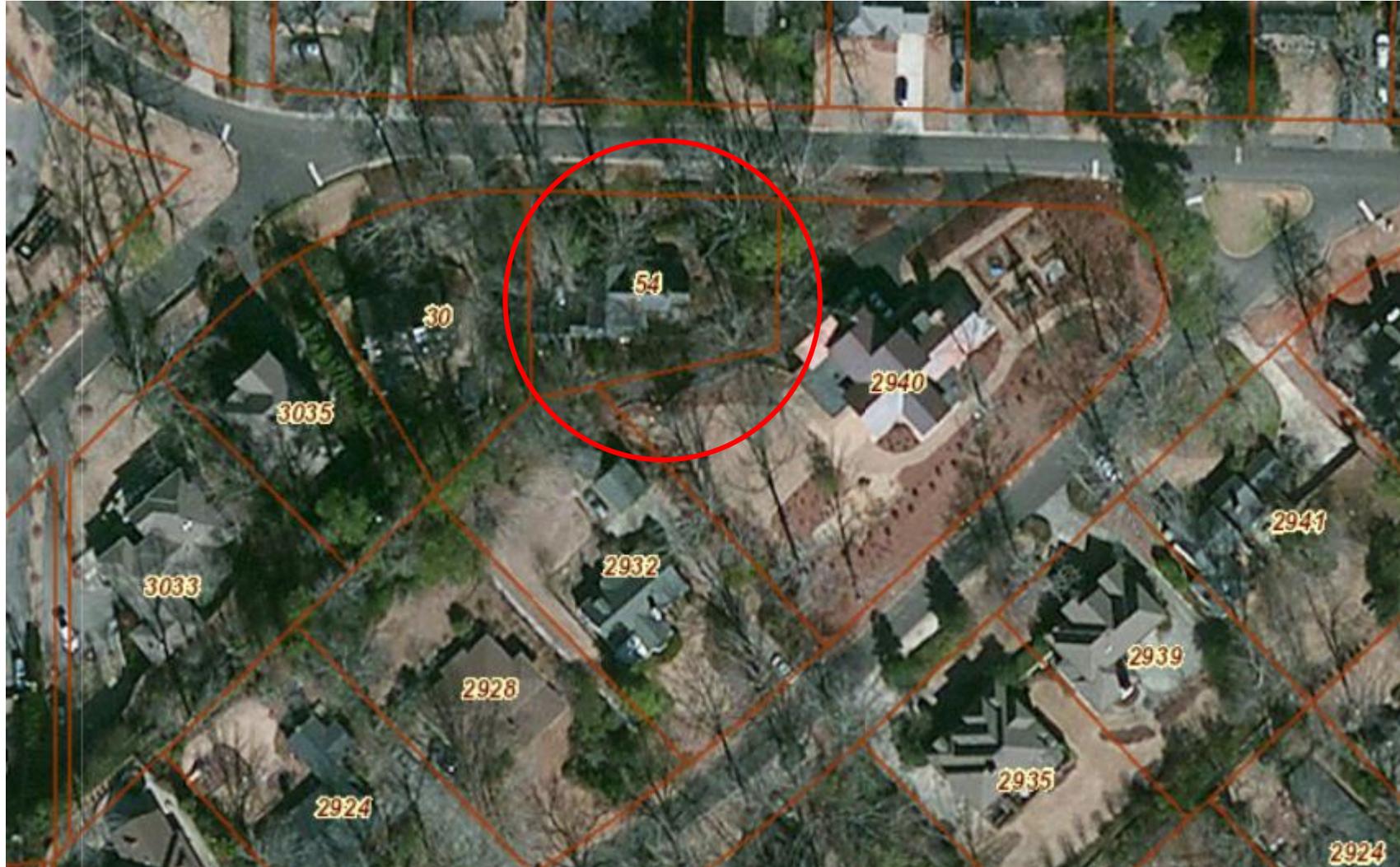
REPLACE MAID'S QTRS, GARAGE, BREEZEWAY

PROJECT SCOPE:

DEMOLISH 1927 MAID'S QUARTERS, GARAGE AND BREEZEWAY. CONSTRUCT TWO STORY BED ROOM / KITCHEN EXPANSION AND EXPANDED GARAGE & MASTER SUITE. MAINTAIN EXISTING SIDE SETBACK LINES. ~~EXPAND~~ REDUCE LEFT REAR GARAGE SETBACK SLIGHTLY TO ALLOW WIDER GARAGE FOR MODERN CARS (FOOTPRINT IS THE SAME LINE. SETBACK REDUCED DUE TO ANGLE OF REAR PROPERTY LINE). EXTEND REAR OF HOUSE SECOND FLOOR TO ALIGN WITH FIRST FLOOR (ABOUT 4 FOOT "BUMP OUT"). SECOND FLOOR ALIGNS WITH 1ST FLOOR AND IS NOT CANTILEVERED.

Deey G W

HARRY A. FOSTER
HOMEOWNER



A-16-26



Variance Application Part II

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

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

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

This request seeks relief from rear and side setbacks on existing 1927 2 story garage footprint. It also requests relief from rear setback on existing breezeway to construct a 10x12 2 story connector to the new garage. The existing garage and breezeway are in earth contact and not structurally sound. The lot is steep and the 1927 house is set on a narrow terrace near the back of the small lot. In addition, three large old growth oak trees limit the ability to move a new garage forward. We would like to rebuild in existing footprint, extending front slightly to accommodate modern cars.

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...")

Homeowners hired an engineer to assess the integrity of the garage in order to convert existing maids quarters into usable space connected to the main house. A structural evaluation determined the garage was unsound and beyond economical repair. The connector between the garage and the house is presently an open breezeway in earth contact. We propose constructing a two story connector that will not extend past the rear of the current house. In addition, we intend to extend the second floor of the house toward the rear about four feet to align with the rear of the first floor.

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

Granting this variance allows the homeowners to maintain the value of their home, improves safety by removing a structure that is failing structurally, preserves old growth oaks by allowing garage to remain in its existing footprint, improves surrounding home values by updating an historic home in a style consistent with its architecture.



Variance Application - Part I

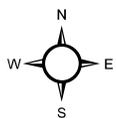
Project Data

Address of Subject Property 121 Crestwood Drive
 Zoning Classification R-B
 Name of Property Owner(s) David and 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 33 1'	32'
Front Setback (ft) <i>secondary</i>	17 1/2'	-	-
Right Side Setback	12 1/2'	12.1'	10'
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'
Lot Coverage (%)	35%	26%	30%
Building Height (ft)	35'	25'	35'
Other			
Other			



Legend

Total_PropJune2006

- <all other values>

Zoning

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

Report to the Board of Zoning Adjustment

A-16-27

Petition Summary

Request 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.

Analysis

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

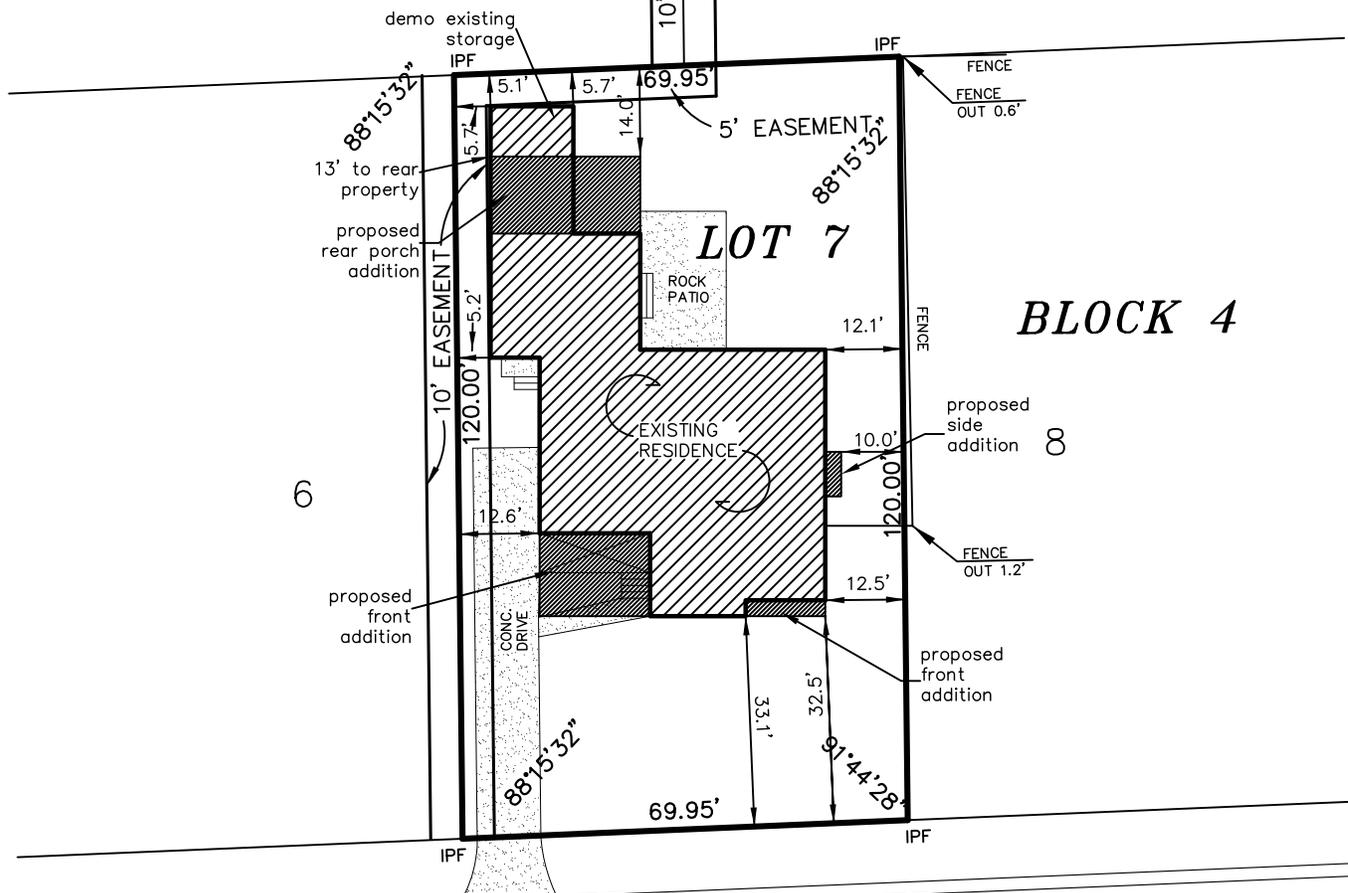
LOCATION: 121 Crestwood Drive

ZONING DISTRICT: Res-B

OWNERS: David and Kristie Stewart

REYNOLDS SURVEYING CO., INC.

Surveying — Land Planning

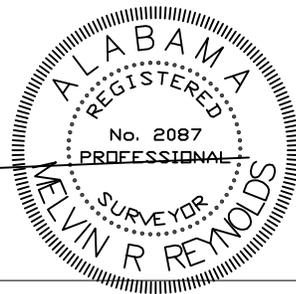


6

BLOCK 4

50' R.O.W.

CRESTWOOD DRIVE



LEGEND

- UTILITY POLE 30'
- GDY WIRE
- RETAINING WALL
- CONCRETE
- FENCE
- OVERHEAD ELECTRICAL
- IPF IRON PIN FOUND
- IPS IRON PIN SET

STATE OF ALABAMA
_____ COUNTY

"CLOSING SURVEY"

I, Melvin R. Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot _____, Block _____, of _____, as recorded in Map Book _____, Page _____ in the Office of the Judge Of Probate in _____ 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 _____ day of _____, _____.

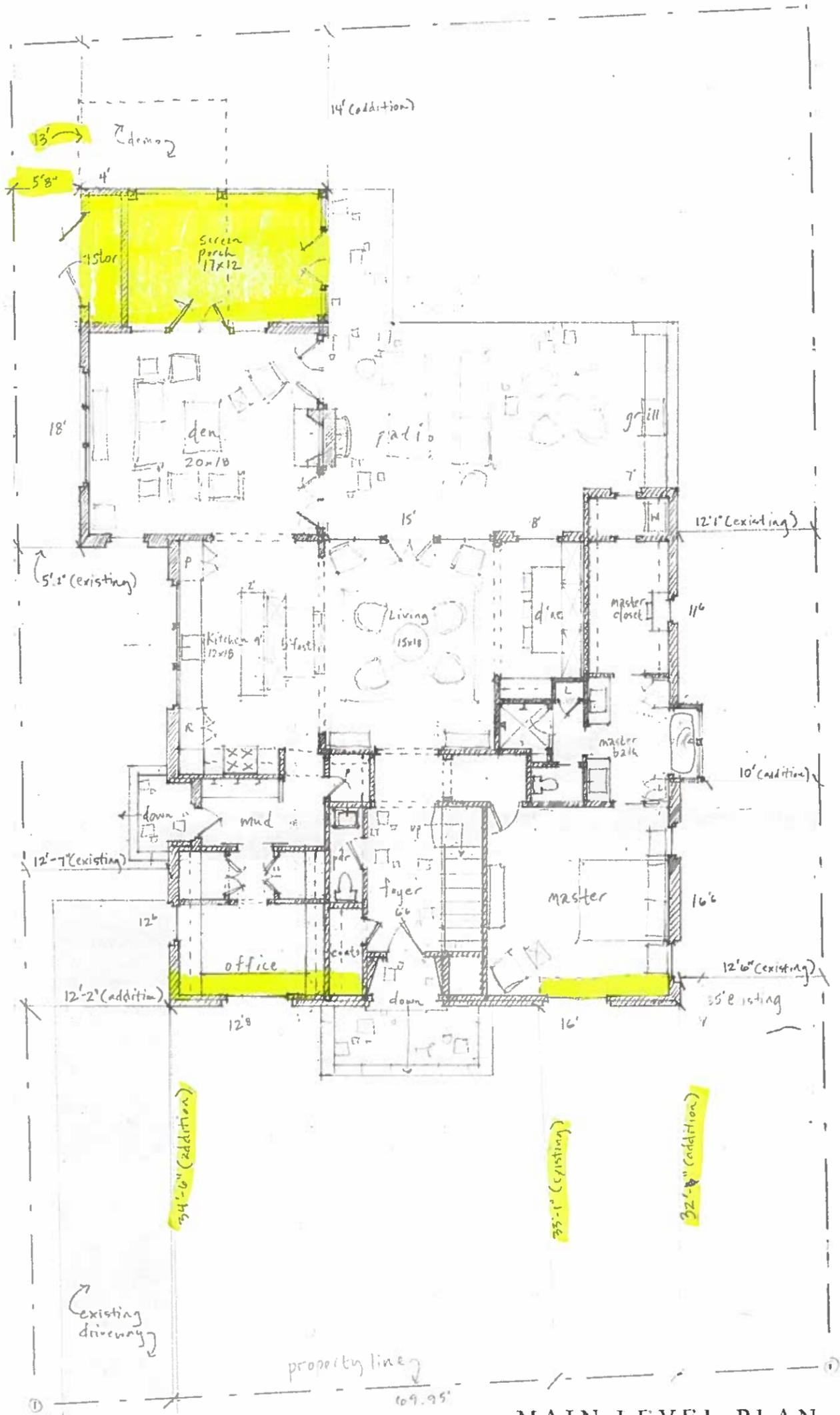
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser:
Address:

Reg. No. 25657



LONG & LONG
DESIGN

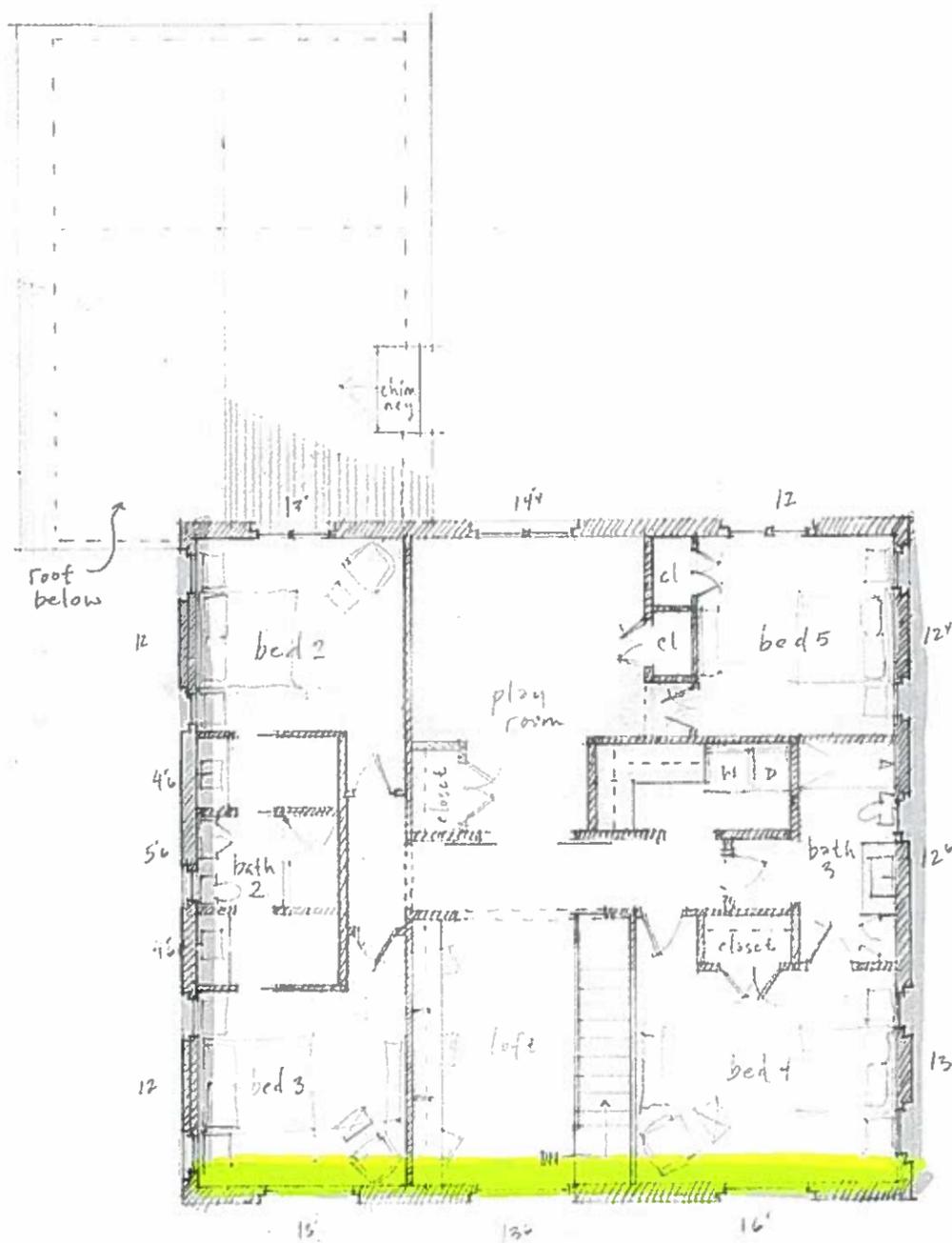


MAIN LEVEL PLAN
SCALE: 3 / 32" = 1' - 0"

STEWART RESIDENCE
MOUNTAIN BROOK, ALABAMA

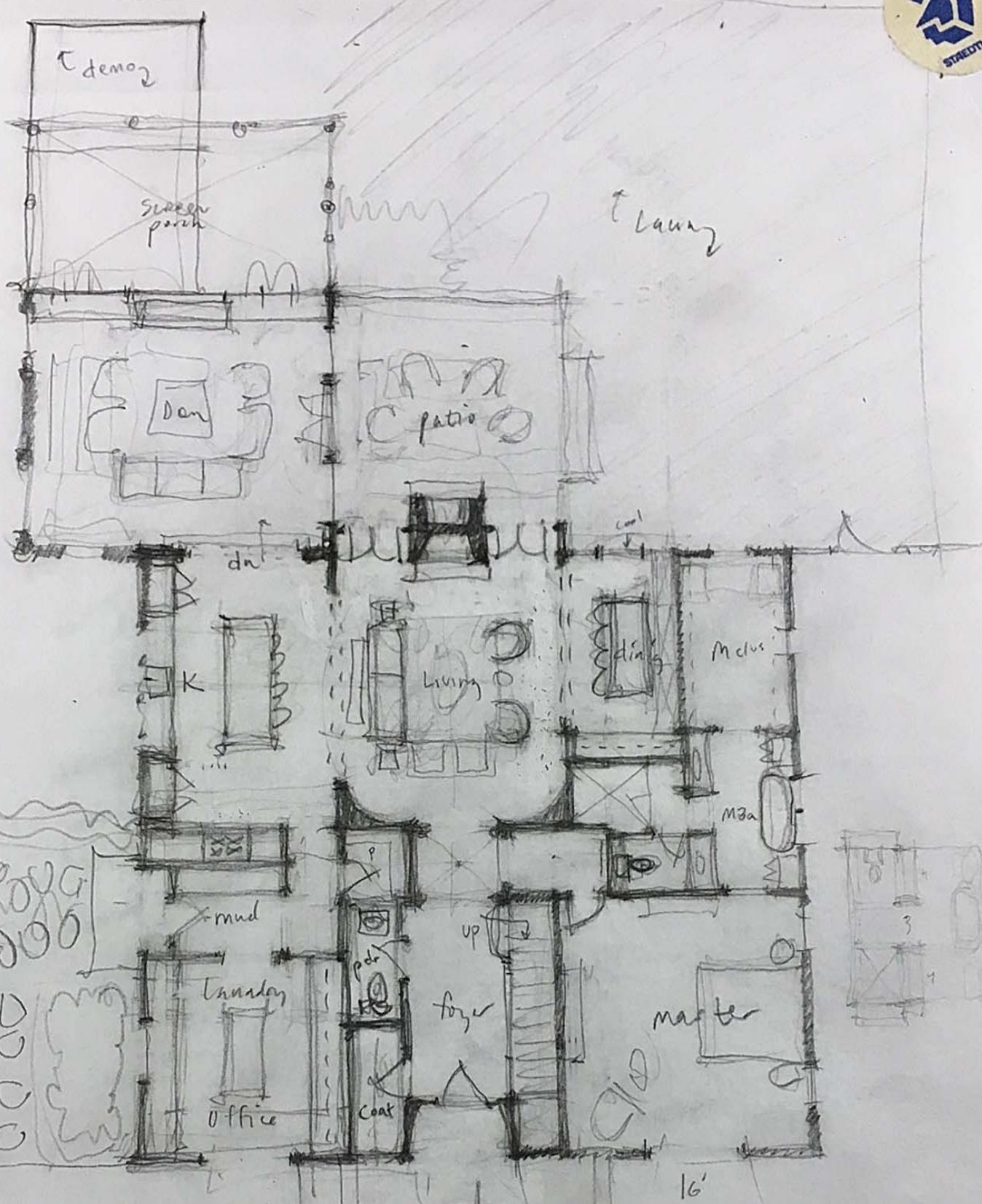


LONG & LONG
DESIGN



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

STEWART RESIDENCE
MOUNTAIN BROOK , ALABAMA



Stewart home



A-16-27



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)?

Hardships that the Owner has inherited include the lot size being small as well as the existing house being non-compliant with the front, rear, and one side (left side).

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?

- ① As for the front setback, we are adding to the house but not beyond the existing front of house.
- ② For the rear setback, we are reducing the footprint to be more compliant.
- ③ For the left side setback, we are maintaining existing footprint
- ④ For the right side setback, we are asking for a variance for a small single story bay window addition.



Variance Application - Part I

Project Data

Address of Subject Property 44 Greenway Road, Mountain Brook, Alabama 35213

Zoning Classification Residence A

Name of Property Owner(s) Brantley Troy McDuffie and Sally Vann McDuffie

Phone Number (205) 218-9572 Email mcduffieb@stifel.com

Name of Surveyor Ray Weygand

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

Name of ~~Agent~~ (if applicable) Agent Charles A. J. Beavers, Jr.

Phone Number (205) 521-8620 Email cbeavers@bradley.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)	30,000 sq ft	13,244 sq ft	13,244 sq ft *
Lot Width (ft)	100 ft	84.37 ft	84.37 ft *
Front Setback (ft) <i>primary</i>	40 ft	35.37 ft	40 ft
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15 ft	9.49 ft and 8 ft	9.38 ft and 7.86 ft *
Left Side Setback	15 ft	14.8 ft and 14.9 ft	15 ft
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	* Effective lot area will be 14,771 sq ft; and the effective lot width will be 95 ft; and the effective right side setback of the new residence will be 21 ft; and the effective right side setback of the carriage house will be 11.86 ft; with the addition of the area within the exclusive use easement.		
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) (carriage house)	40 ft	2.2 ft	2.2 ft
Lot Coverage (%)	25%	27.4%	31.1% **
Building Height (ft)	** Effective lot coverage will be 27.9% with exclusive use easement.		
Other Right side setback of carriage house	15 feet	-0-	-0- *
Other Allowable impervious area is 30% of the lot. The current impervious area is 43.7% of the lot.			

The proposed improvements would be 46.1% of the lot. The proposed improvements would be 43.1% of the lot together with the area within the exclusive use easement.



Narrative Response to Variance Application Part II

This lot was created prior to 1936 and includes 13,244 square feet, is 84.37 feet wide at the street, and 80.70 feet wide at the rear. The lot is currently improved with a residence and carriage house. The residence is 35.37 feet from the front line as measured from the covered porch, 39.9 feet from the front line on one corner, 40.24 feet from the front line on the other corner, 14.9 feet from the left side line, 8.0 feet and 9.49 feet from the right side line. The carriage house is 615 square feet and is 2.2 feet off of the rear line and encroaches over the adjacent property to the right by 2.1 to approximately 3.0 feet. The existing driveway on the lot encroaches onto the adjacent property by 1.7 to 2.1 feet. The existing fence along the right side of the lot encroaches onto the adjacent property by 4.9 feet at one end, and up to 6.8 feet on the other end.

None of these conditions were created by the applicant.

The applicant has reached an agreement with the owner of the property to the right of the lot, upon which the carriage house, drive and fence encroach, for a permanent exclusive use easement, which will allow applicant and all future owners and occupants of the lot to the exclusive use of an adjacent strip of land which is 150.33 feet in length, 10.67 feet in width at the front line, and 14.3 feet in width at the rear line. The easement will allow greater yard and area width as an appurtenance to the existing lot, and will result in the new home, which is to be constructed on the lot, being effectively further from the right side yard line than the current home. The distance from the right side of the new home to the far edge of the exclusive use easement will be 21 feet (well in excess of the 15 feet wide setback required in the ordinance) and the carriage house will be 11.86 feet from the far edge of the exclusive use easement. The exclusive use easement will also result in an effective reduction in the percentage of lot coverage and in the percentage of impervious area, as shown in Part I of the application.

This lot is small and narrow. The proposed improvements are not significantly different in size and location than the current improvements, and will be consistent with other homes in the area. The exclusive use easement will provide the yard area that has, to some degree, been appurtenant to the subject property by actual use over the years, and which brings the property, as a practical matter, into full compliance with respect to some ordinance requirements and much closer to full compliance with respect to others.

Report to the Board of Zoning Adjustment

A-16-28

Petition Summary

Request to allow the construction of a new single family dwelling to be 7.86 feet from the side property line (northwest) in lieu of the required 15 feet; and for a second floor addition to the carriage house to match existing setbacks, 2.2 feet from the rear property line (southwest) in lieu of the required 40 feet and zero (0) feet from the side property line (northwest) in lieu of the required 15 feet. Also, for the lot coverage to be 31.1% in lieu of the maximum allowable 25%.

Background

Please see Applicant Statement of Hardship for a thorough explanation of the background and proposed use easement on adjoining property.

Analysis

The hardships in this case are the lot size and width, as well as existing design constraints for the carriage house.

Setbacks

The proposal is to demolish the existing house (which encroaches into the front setback and both side setbacks) and to build a new house which will encroach only into the right side setback. Also, the proposal includes a second floor addition to the existing carriage house, to maintain the same setbacks as exist (2.2 feet to the rear property line and zero feet to the right side property line). While the proposed use easement does not change the actual side yard encroachments, it will effectively serve to improve the setbacks (coming closer to meeting the *spirit* of the code) resulting in the carriage house at 11.62 feet from the right side of the easement line and the main house at 21 feet from the same, in lieu of the 15-foot setback to the property line.

Lot Coverage

The allowable lot coverage is 25%. The existing lot coverage is 27.4% and the proposed is 31.1%. While the proposed use easement cannot be used for purposes of meeting this requirement, it effectively will ease the coverage, *practically* reducing the proposed lot coverage from 31.1% to 27.9%.

In looking at the attached zoning map it is evident that many of the houses in the immediate vicinity exceed the 25% lot coverage. In fact, BZA (in May 2016) approved the lot coverage for a new single family dwelling at 47 greenway to be 29%. It appears that the subject proposal is in keeping with the conventional lot size/house ratio in the neighborhood.

Impervious Area

The allowable impervious area for this lot is 30%. The existing is 43.7% and the proposed is 46.1%. While the use easement will *effectively* reduce the proposed

impervious area to 43.1%, it may not be used to meet the requirements of the stormwater ordinance. The applicant is prepared to mitigate through stormwater detention methods.

Subject Property and Surrounding Land Uses

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

Affected Regulation

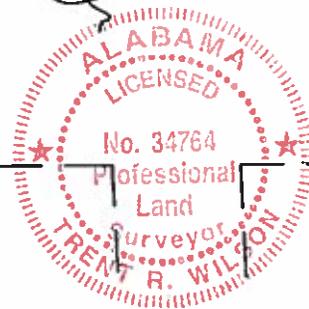
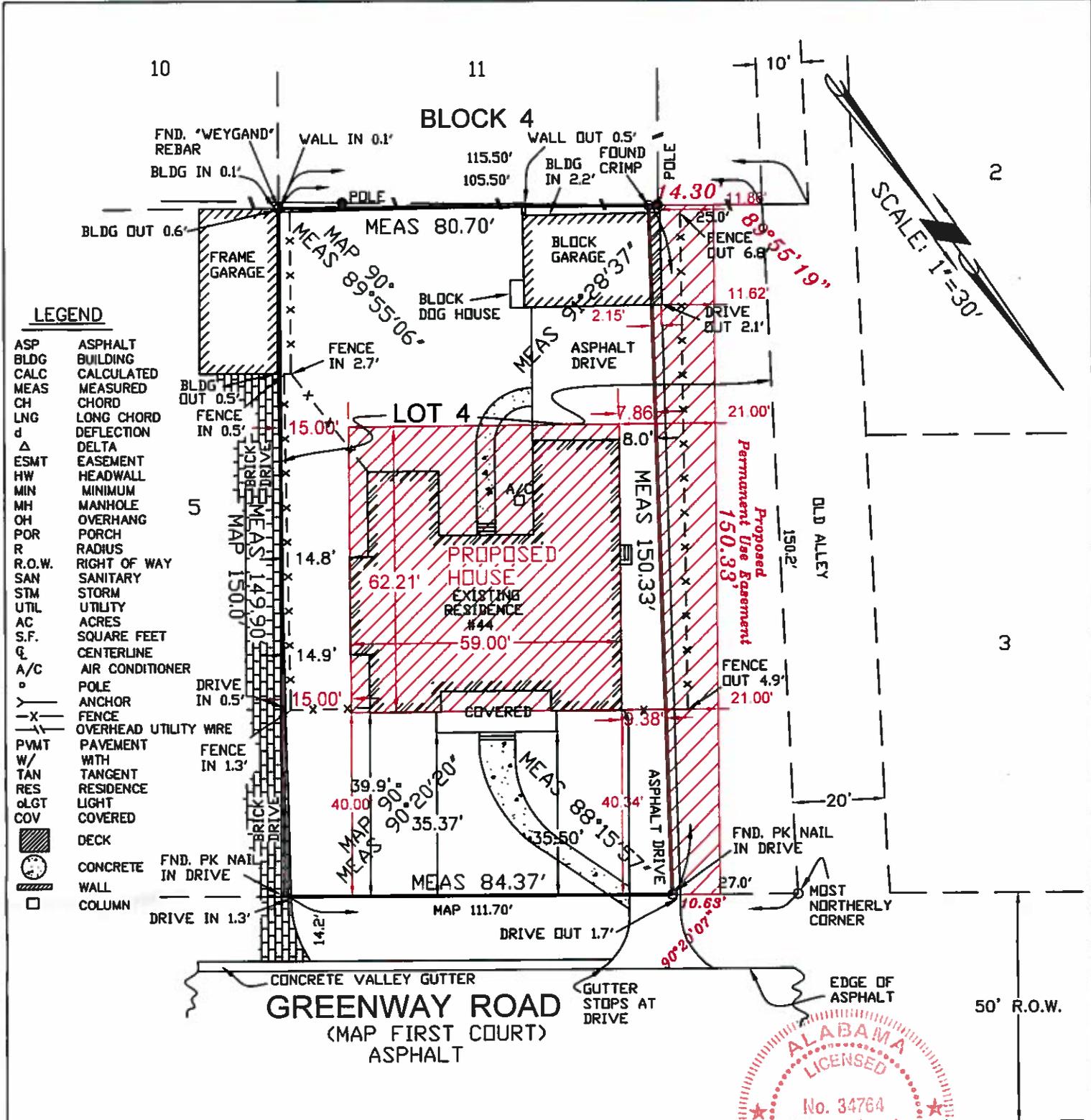
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 44 Greenway Road

ZONING DISTRICT: Res-A

OWNERS: Brantley and Sally McDuffie



State of Alabama
Jefferson County)

"PLOT PLAN"

I, Trent R. Wilson, a registered Land Surveyor, certify to the purchaser of this property at this time, 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 I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property is not located in a special flood hazard area; that there are no encroachments on said lot except as shown and that improvements are located as shown. 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:

Lot 4, Block 4 Country Club Gardens, as recorded in Map Volume 15, Page 10, in the Office of the Judge of Probate, Jefferson County, Alabama; Less and except that portion of said lot more particularly described as follows: Commence at the most Northerly corner of said lot; thence in a Southeasterly direction along the Southwest line of First Court, 27 feet; thence in a Southwesterly direction to a point on the Southwesterly line of said lot which is 25 feet Southeast of the most Westerly corner of said lot; thence in a Northwesterly direction along the Southwesterly line of said lot a distance of 25 feet to the Westerly corner of said lot on the Southeasterly line of an alley; thence in a Northeasterly direction a distance of 150.2 feet to the point of beginning;

According to my survey of: April 18, 2016.

Order No.: 74816

Purchaser: McDuffie

Address: 44 Greenway Rd

Flood Zone: "X" Map# 01073C0557H

Survey invalid if not sealed in red.

Proposed permanent use easement

Trent R. Wilson

Trent R. Wilson Reg. L.S. #34764

Weygang Surveyors INC. 169 Oxmoor Road, PH: 942-0086

Homewood, AL 35209 © Copyright

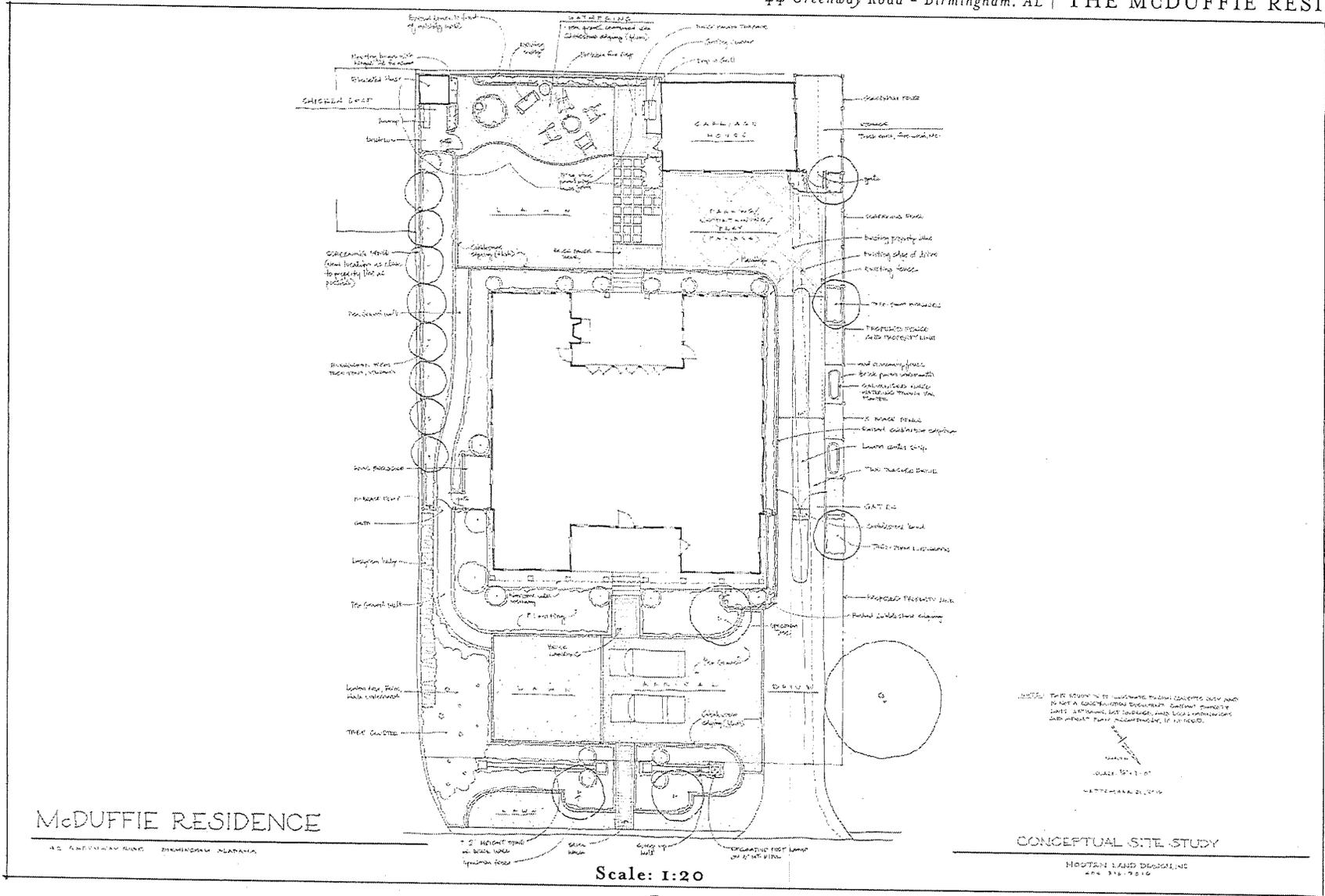
Commence at the south east corner of Lot 4, Block 4 Country Club Gardens as recorded in map volume 15, page 10, and the Office of the Judge of Probate, Jefferson County, Alabama, and thence run in a northwesterly direction along the south western boundary of aforementioned lot for a distance of 80.70 feet to the point of beginning of the permanent use easement herein described; thence continue along last mentioned course for a distance of 14.30 feet to a point; thence deflect 89° 55' 19" to the right and run in a northeasterly direction for a distance of 150.33 feet to a point on the southwesterly right-of-way line of Greenway Road; thence deflect 90° 20' 07" and run in a south easterly direction along the southwesterly right-of-way line of Greenway Road for a distance of 10.63 feet to a point; thence deflect 88° 15' 57" and run in a southwesterly direction for a distance of 150.33 feet, more or less, to the point of beginning.



THE McDUFFIE RESIDENCE
44 Greenway Road - Birmingham, Alabama

conceptual design/ 2015.09.28

HISTORICAL CONCEPTS
ARCHITECTURE & PLANNING



PLAN KEY
scale: 1/8" = 1'-0"

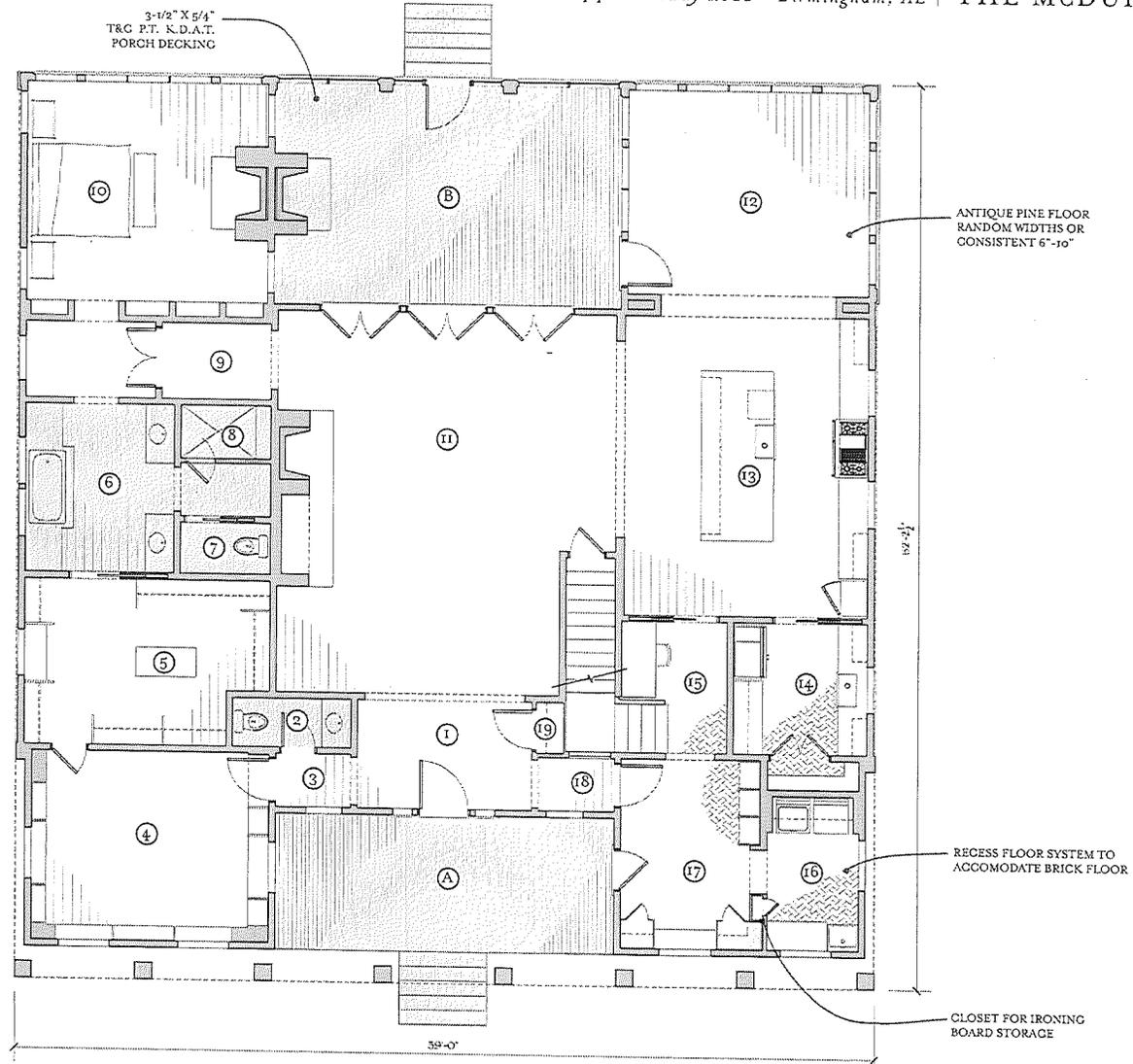
FIRST FLOOR
Conditioned: 2,915 SF
Unconditioned: 600 SF

INTERIOR

1. Entry (12'-0" x 7'-6")
2. Powder Room (8'-2" x 3'-4")
3. Office Vestibule
4. Office (16'-3" x 13'-0")
5. Master Closet (16'-10" x 11'-5")
6. Master Bathroom (11'-5" x 11'-6")
7. Powder Room
8. Shower (5'-0" x 3'-7")
9. Master Vestibule
10. Master Bedroom (16'-6" x 21'-8")
11. Living Room (19'-6" x 26'-3")
12. Dining Room (16'-6" x 14'-0")
13. Kitchen (16'-8" x 20'-7")
14. Scullery (9'-2" x 9'-0")
15. Kitchen Office (7'-2" x 9'-0")
16. Laundry (6'-3" x 8'-1")
17. Mudroom (8'-10" x 13'-0")
18. Service Vestibule
19. Coats

EXTERIOR

- A. Front Porch (23'-3" x 9'-7")
- B. Back Porch (23'-10" x 15'-8")



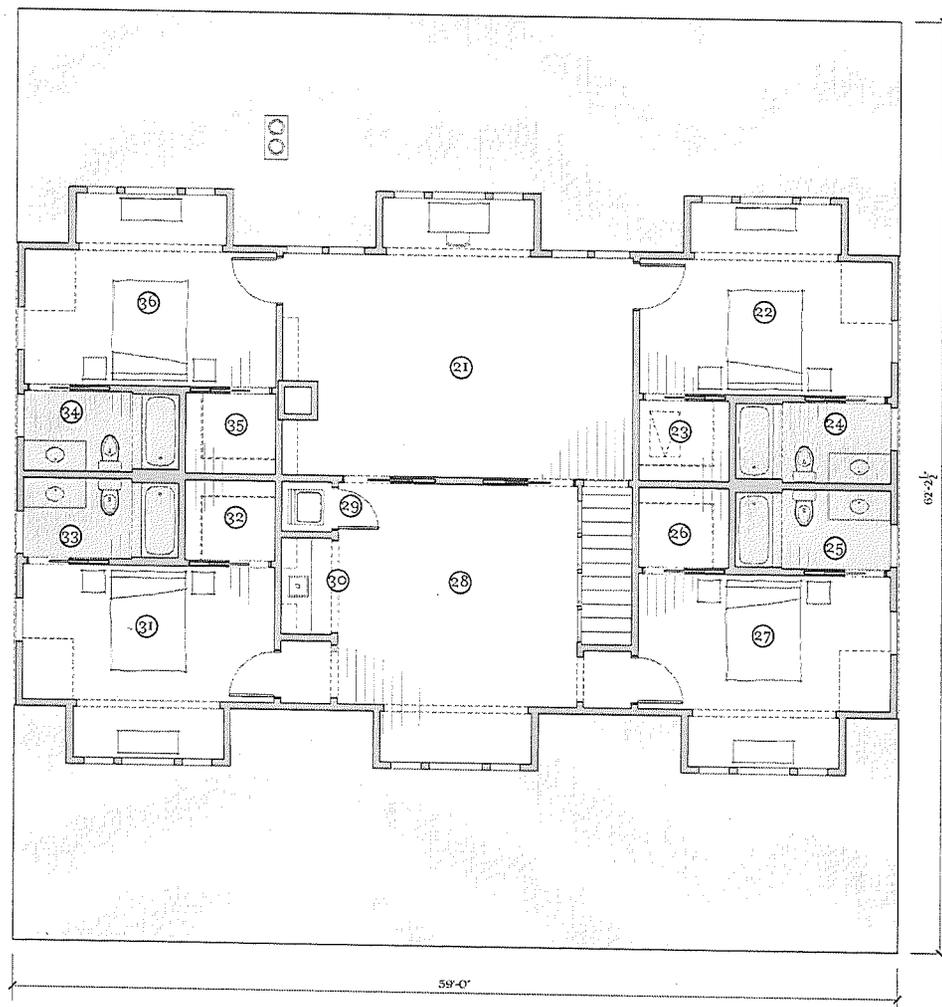
FIRST FLOOR

PLAN KEY
scale: 1/8" = 1'-0"

SECOND FLOOR
Conditioned: 2,038 SF

INTERIOR

- 21. Entertainment Room (23'-3" x 14'-9")
- 22. Bedroom #1 (16'-10" x 9'-0")
- 23. Closet #1 (6'-0" x 5'-4")
- 24. Bathroom #1 (10'-4" x 5'-4")
- 25. Bathroom #2 (10'-4" x 5'-4")
- 26. Closet #2 (6'-0" x 5'-4")
- 27. Bedroom #2 (16'-10" x 9'-0")
- 28. Game Room (15'-10" x 14'-9")
- 29. Stackable Laundry
- 30. Kitchenette
- 31. Bedroom #3 (16'-10" x 9'-0")
- 32. Closet #3 (w/ attic access) (6'-0" x 5'-4")
- 33. Bathroom #3 (10'-4" x 5'-4")
- 34. Bathroom #4 (10'-4" x 5'-4")
- 35. Closet #4 (6'-0" x 5'-4")
- 36. Bedroom #4 (16'-10" x 9'-0")



SECOND FLOOR



FRONT ELEVATION

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

conceptual design



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44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



REAR ELEVATION

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

conceptual design



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SIDE ELEVATION

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

conceptual design



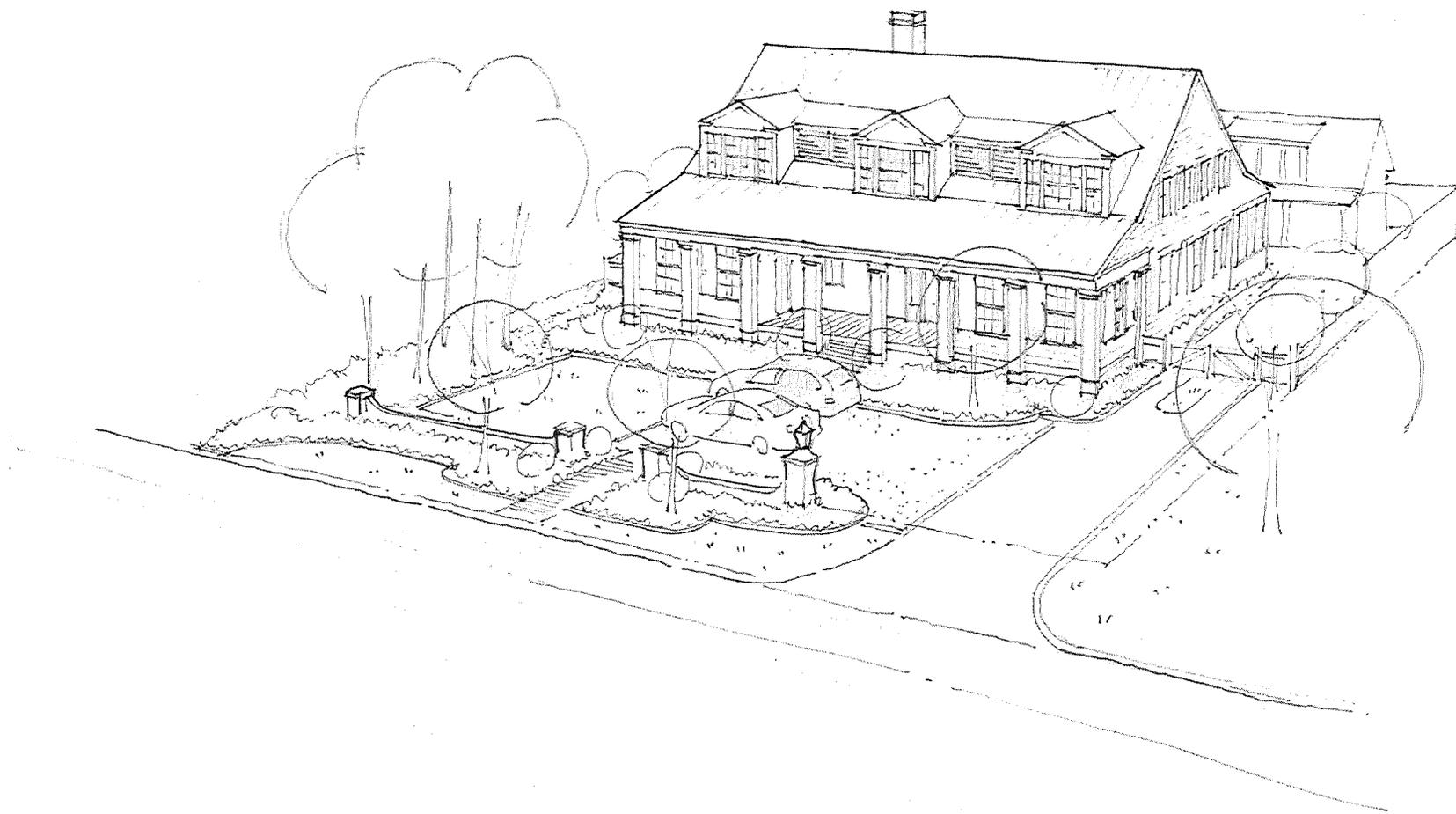
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44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



SIDE ELEVATION
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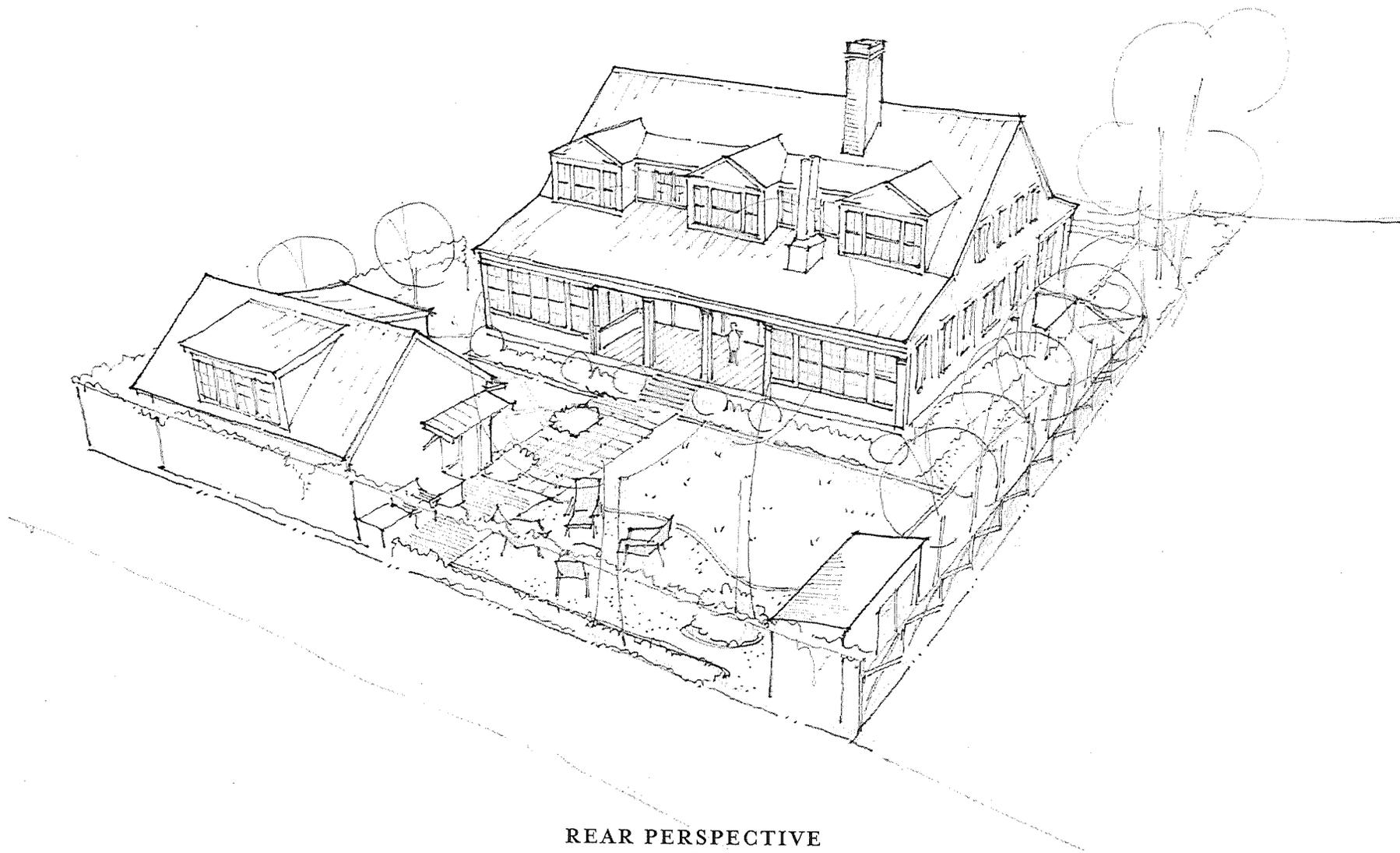
44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



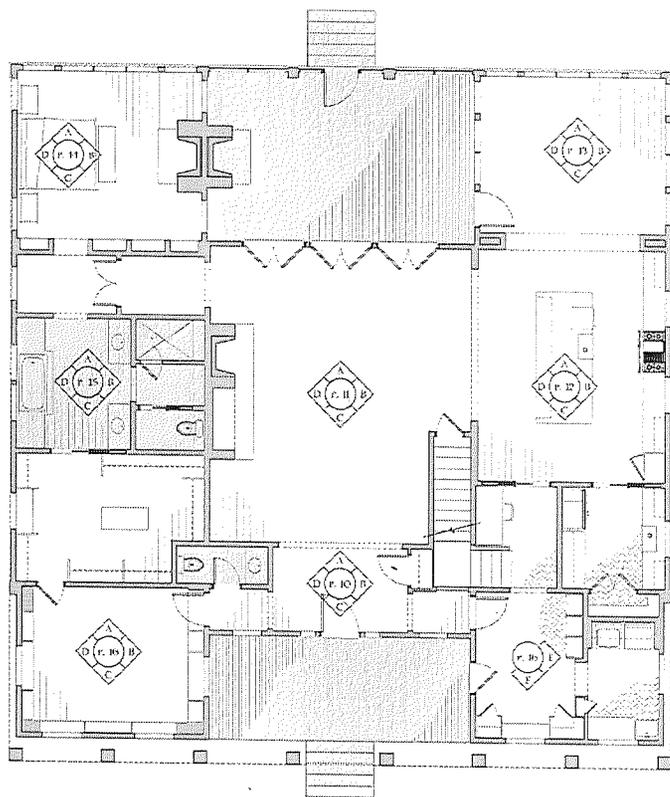
FRONT PERSPECTIVE

conceptual design  2015.september.28 | 9

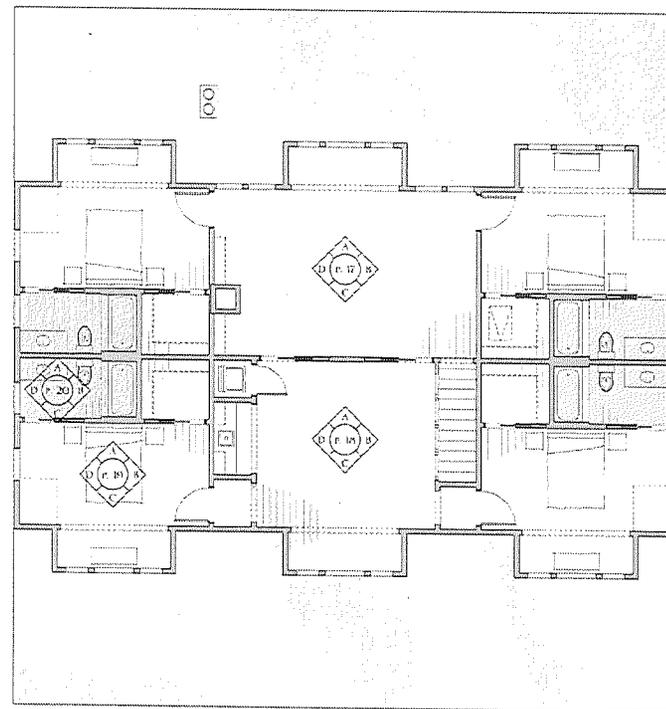
44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



REAR PERSPECTIVE



FIRST FLOOR

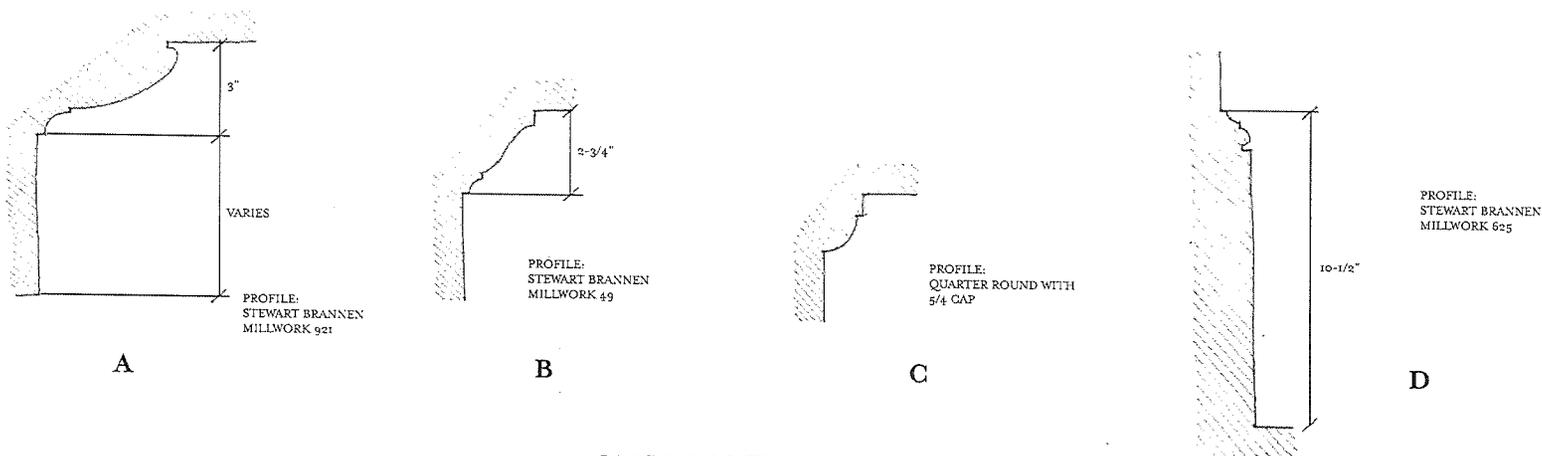


SECOND FLOOR

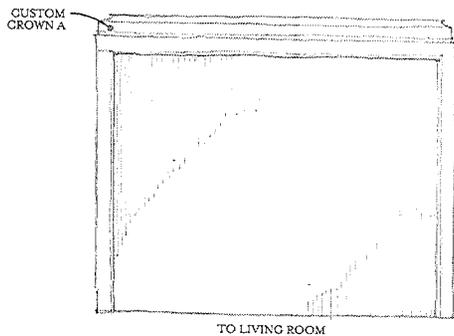
INTERIOR REFERENCE PLAN

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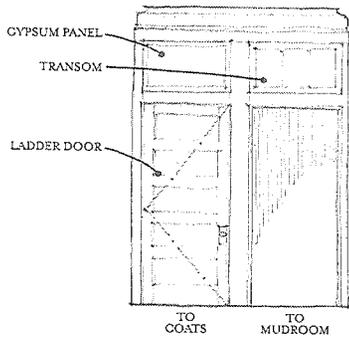




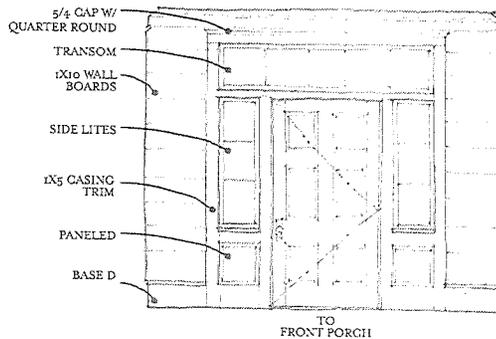
CUSTOM TRIM PROFILES
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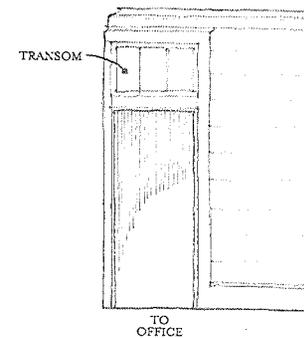
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(B)



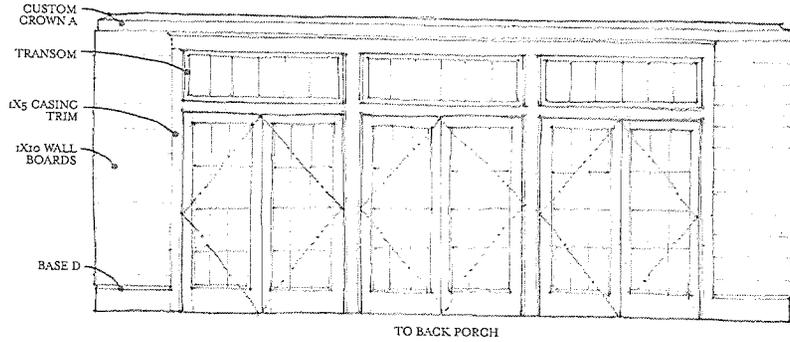
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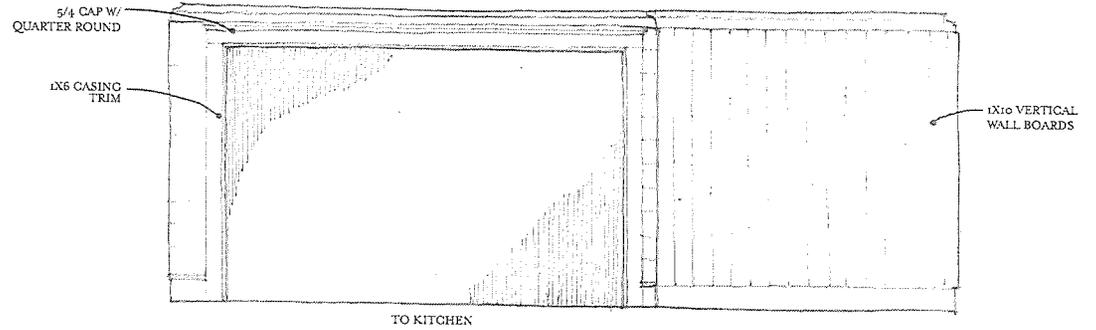
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ENTRY
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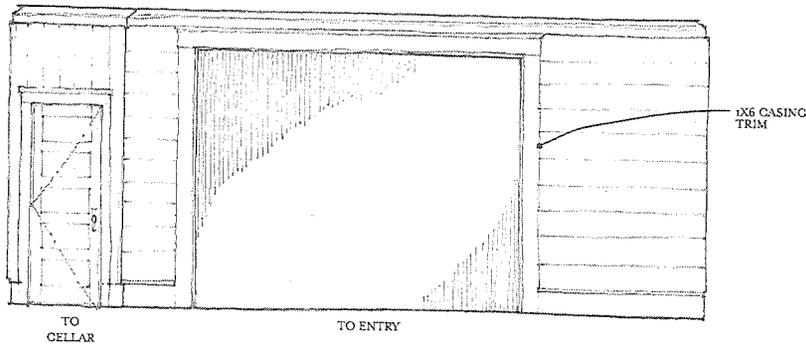




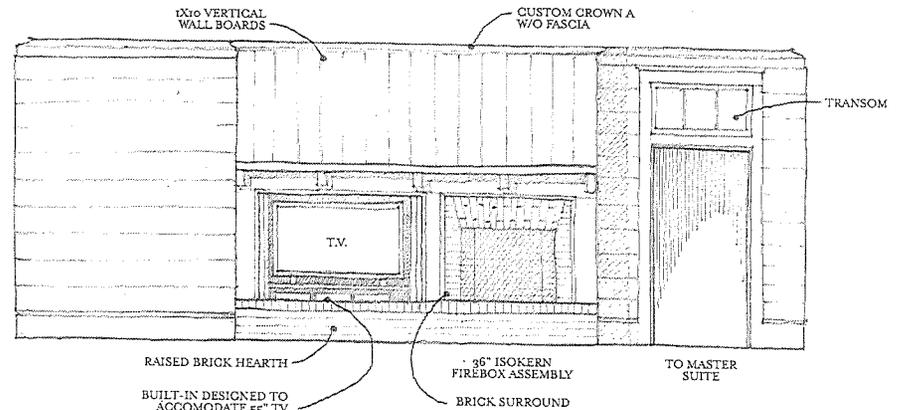
A



B



C

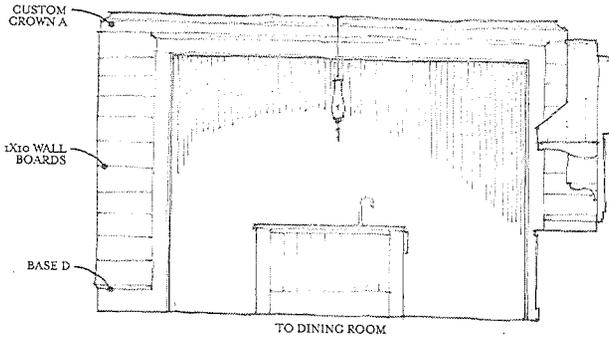


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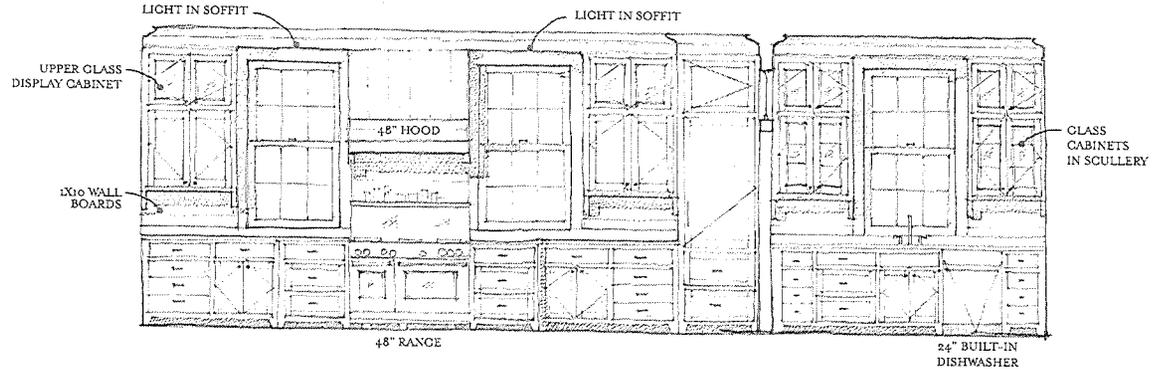
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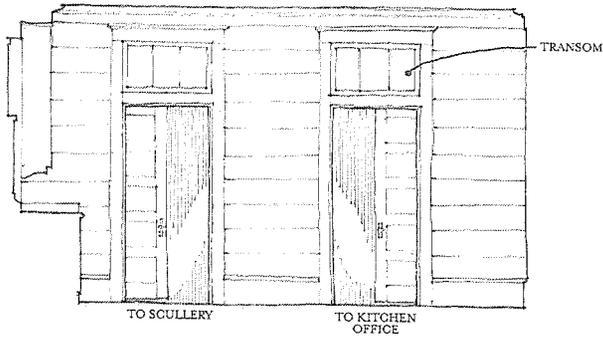




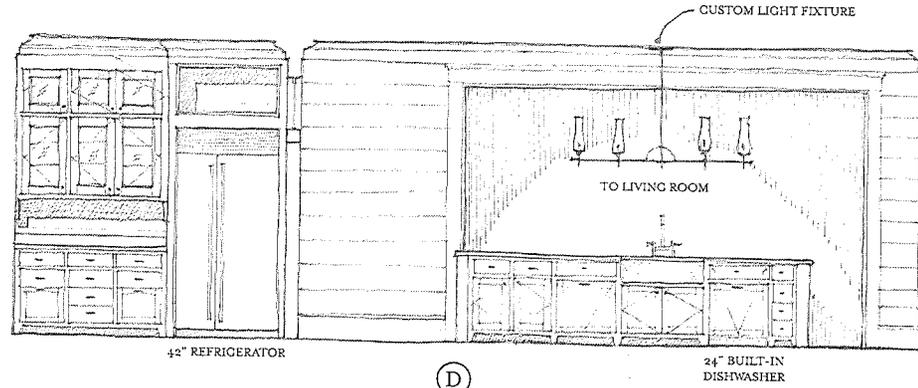
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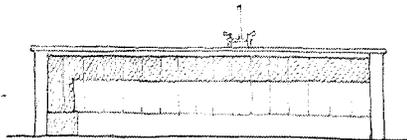
(B)



(C)



(D)



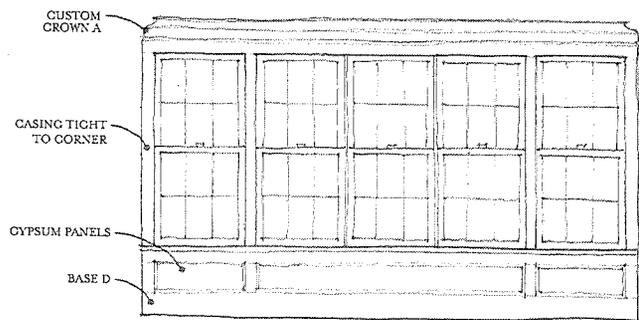
KITCHEN ISLAND WITH HEIGHT FOR BAR STOOL SEATING

KITCHEN

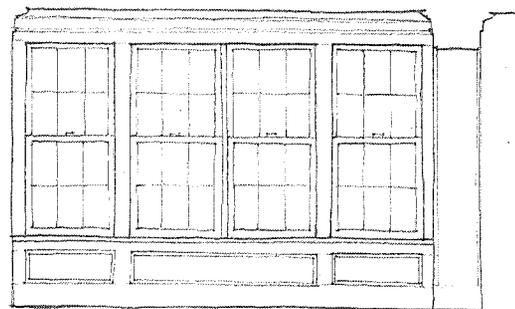
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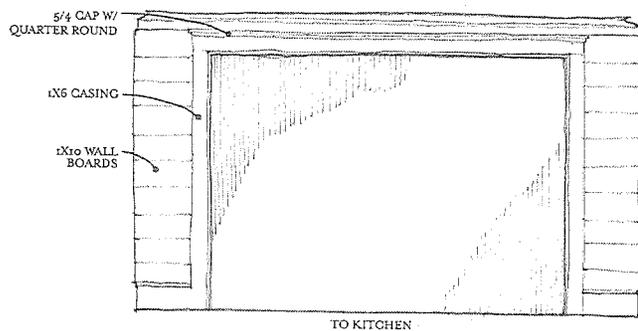
44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



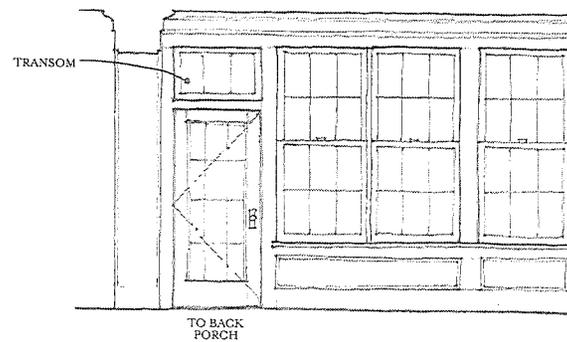
A



B



C

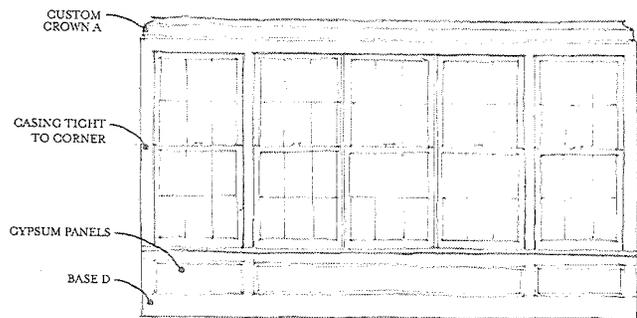


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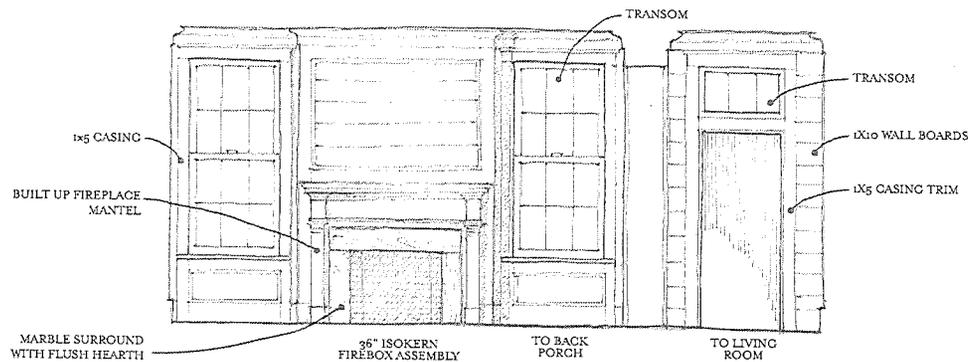
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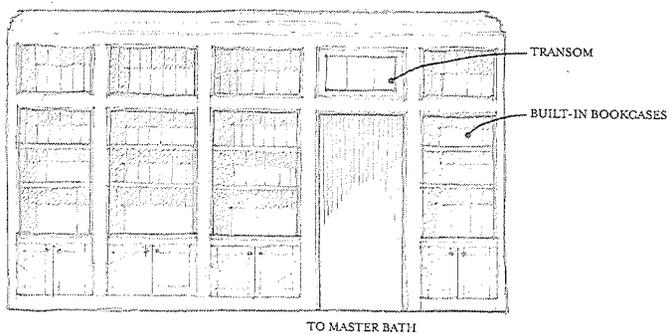




(A)



(B)



(C)



(D)

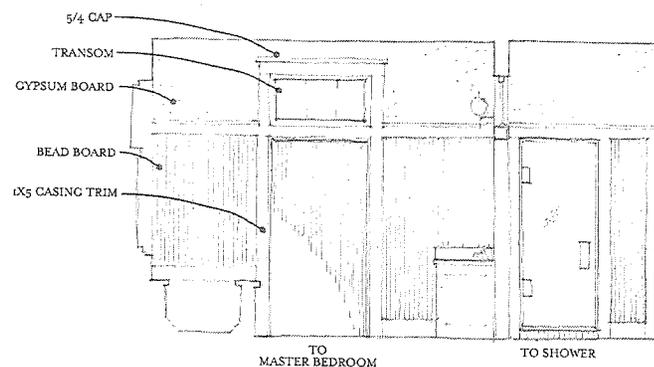
MASTER BEDROOM

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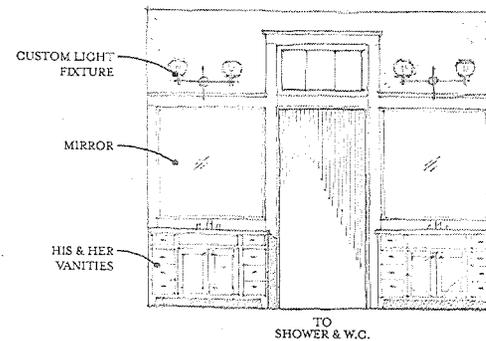
conceptual design



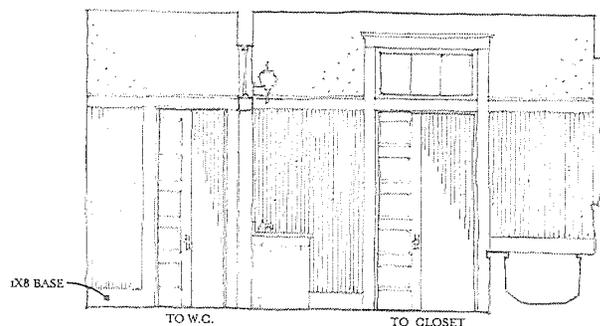
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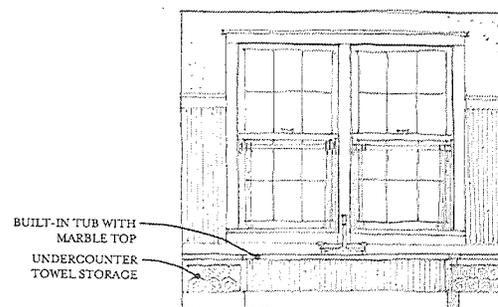
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(B)



(C)



(D)

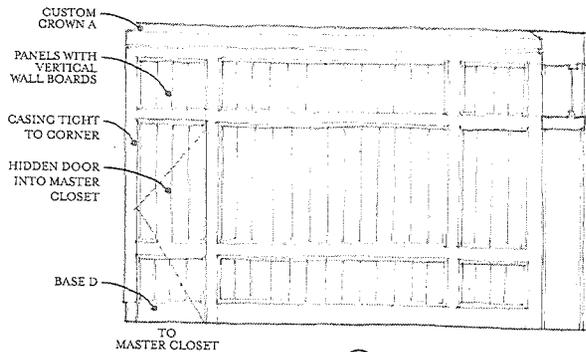
MASTER BATHROOM

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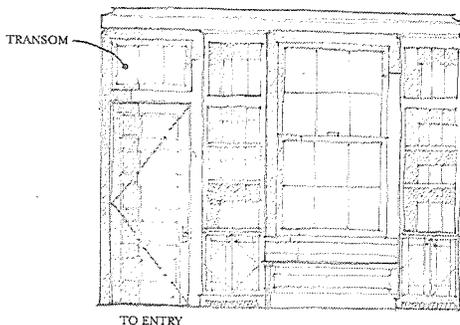
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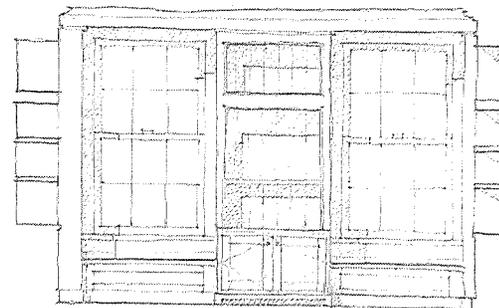
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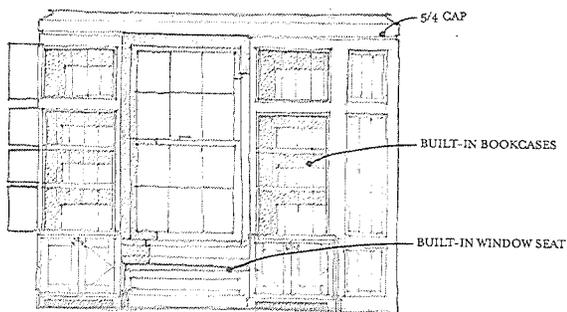


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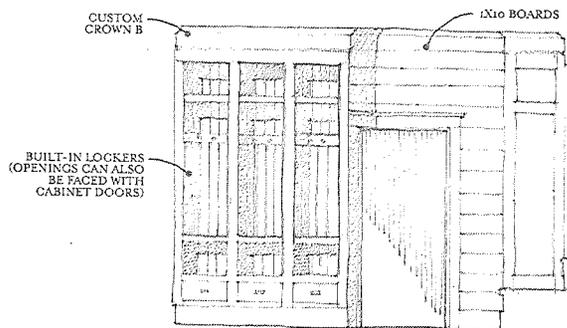


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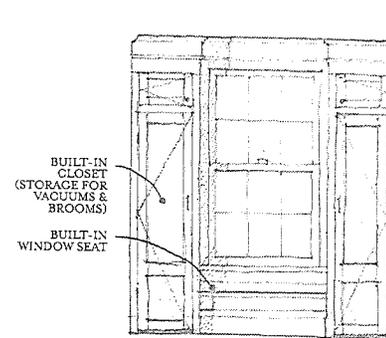
OFFICE
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(D)



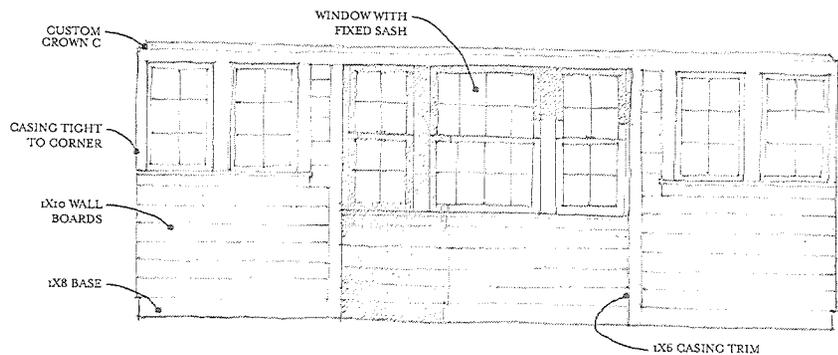
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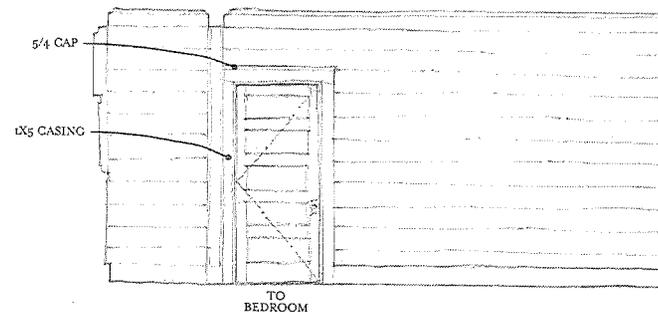
(F)

MUD ROOM
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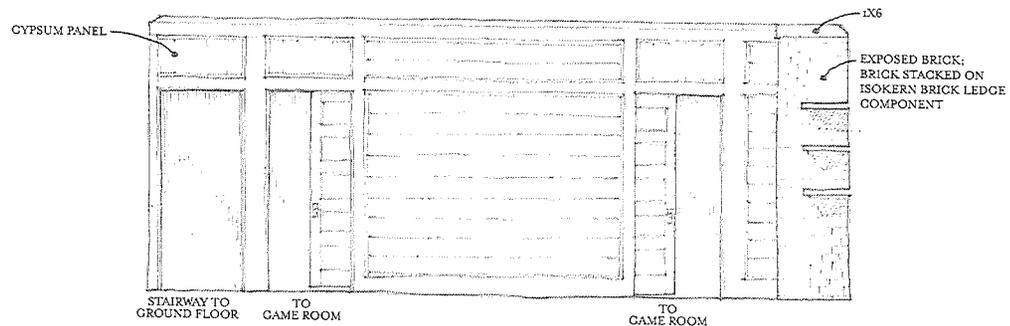




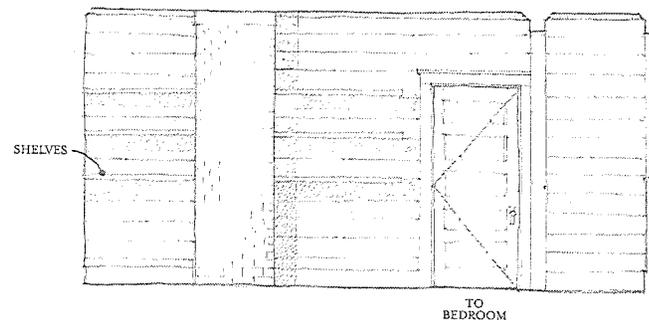
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(B)



(C)



(D)

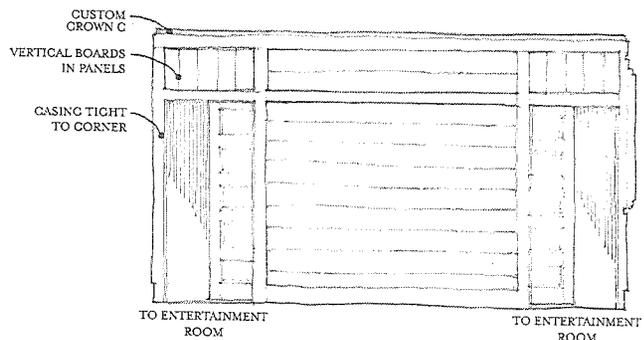
ENTERTAINMENT ROOM

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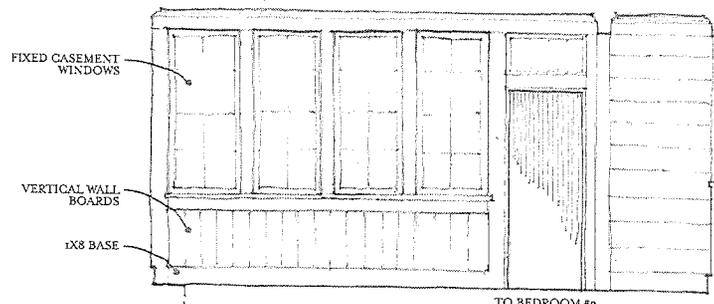
conceptual design



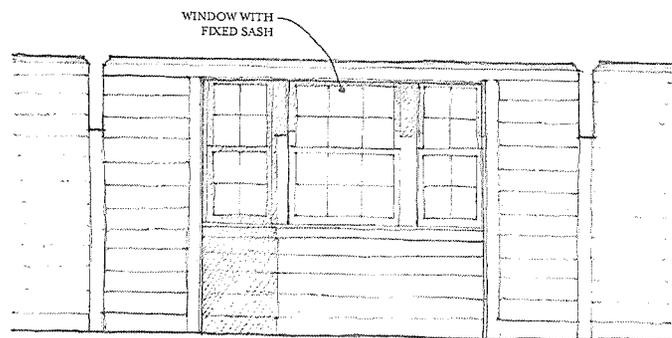
2015.september.28 | 19



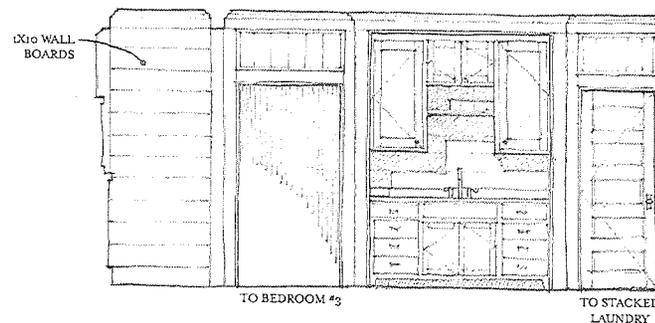
(A)



(B)



(C)

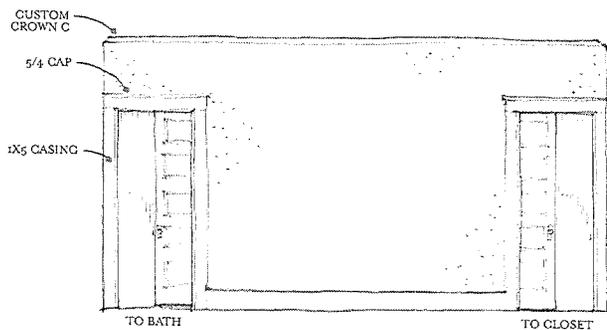


(D)

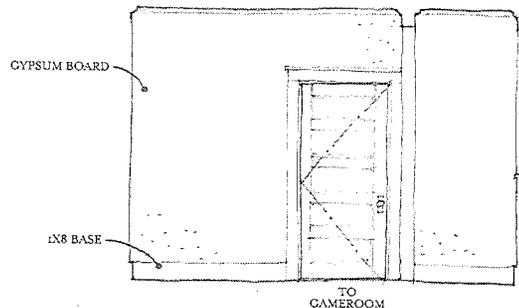
GAME ROOM

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

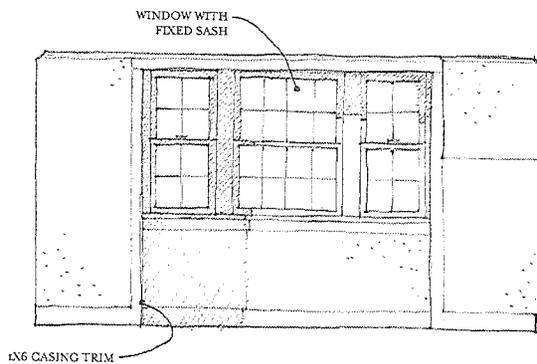




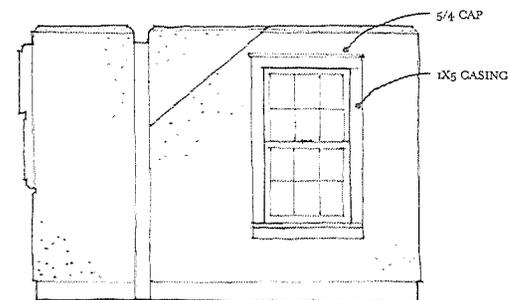
A



B



C

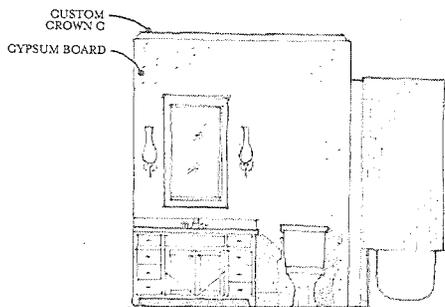


D

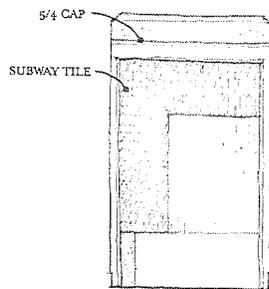
UPSTAIRS BEDROOM

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

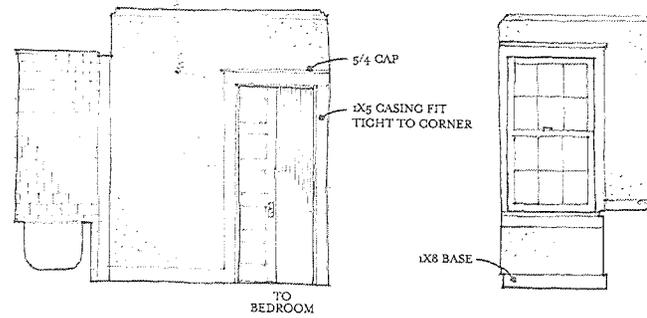




(A)



(B)



(C)

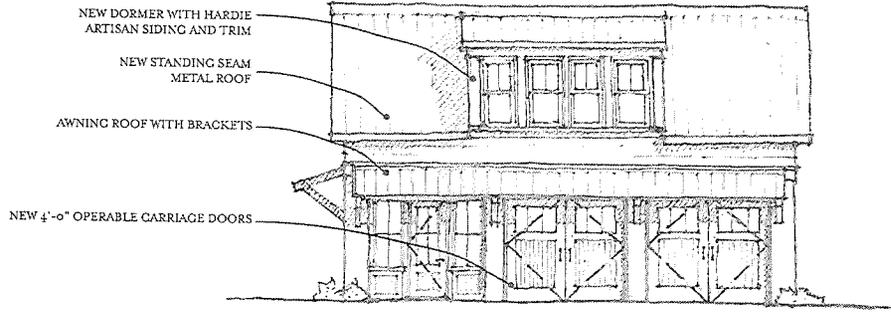
(D)

UPSTAIRS BATHROOM

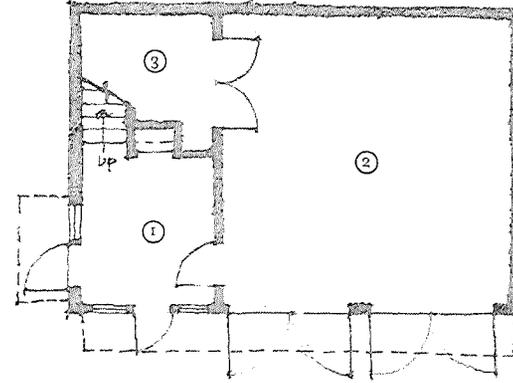
Scale: 1/4" = 1'-0"



44 Greenway Road - Birmingham, AL | THE McDUFFIE RESIDENCE



FRONT ELEVATION

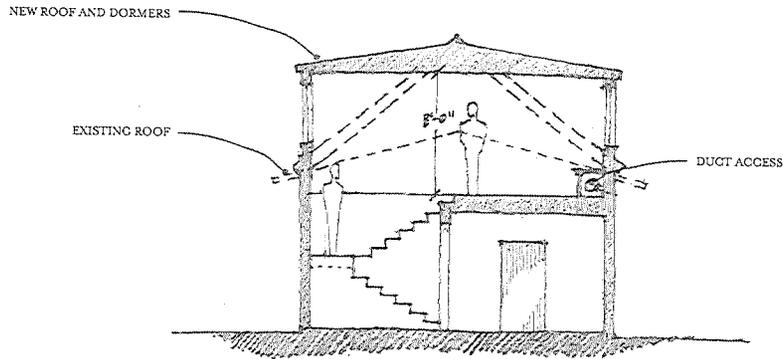


GROUND FLOOR PLAN

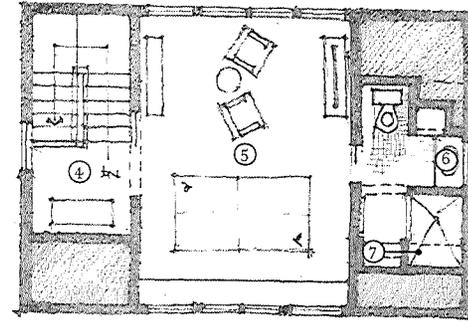
PLAN KEY
scale: 1/8" = 1'-0"

Conditioned: 1,200 SF

- 1. Entry
- 2. Workshop (19'-6" x 19')
- 3. Storage/ Mechanical
- 4. Hall
- 5. Play Room/ Suite (14' x 19')
- 6. Bath
- 7. Closet



SECTION



UPPER FLOOR PLAN

CARRIAGE HOUSE

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

conceptual design



2015.september.28 | 23





DRAFT

A-16-28

*This instrument prepared by:
Charles A. J. Beavers, Jr.
Bradley Arant Boult Cummings LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2119*

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into as of this _____ day of _____, 2016, by and between **DOROTHY FAY HALL**, an unmarried woman (“Grantor”) and **BRANTLEY TROY McDUFFIE and SALLY VANN McDUFFIE** (“Grantees”), as follows:

WITNESSETH:

WHEREAS, Grantor is the owner of that certain real property (the “Hall Property”) situated in Jefferson County, Alabama, and more particularly described on **Exhibit A** attached hereto; and

WHEREAS, Grantees are the owners of that certain real property (the “McDuffie Property”) situated in Jefferson County, Alabama, and more particularly described on **Exhibit B** attached hereto; and

WHEREAS, for many years a portion of the Hall Property has been encroached upon by improvements which serve the McDuffie Property;

WHEREAS, Grantor and Grantees have reached an agreement with respect to said properties;

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and conditions hereinafter set forth, faithfully to be kept by the parties hereto, it is agreed as follows:

1. Grant of Easement. In consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Grantor by Grantees, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto Grantees, for the benefit of the McDuffie Property, an exclusive and perpetual easement in, under, over, and across that certain portion of the Hall Property (the “Easement Property”) which is more particularly described on **Exhibit C** attached hereto, and depicted on the survey dated April 18, 2016, by Weygand Surveyors, and attached hereto as **Exhibit D**, and which adjoins the northwesterly boundary of the McDuffie Property, for the following purposes:

- a. Ingress and egress to and from the McDuffie Property;
- b. Improving all or any portion of the Easement Property with paving, curbing, fencing, and landscaping in such manner as Grantees may desire, in the sole discretion of Grantees;
- c. Maintaining, replacing, expanding, or relocating the block building which encroaches from the McDuffie Property onto the Easement Property; and
- d. Using and occupying all or any portion of the Easement Property as a yard and appurtenance to the McDuffie Property, for vehicular parking, for the installation and maintenance of utility lines and facilities, and for such other uses as Grantees shall desire, including, but not limited to, the construction of a garage or other outbuildings, an addition to the dwelling situated upon the McDuffie Property, or such other improvements as Grantees shall determine to be appropriate.

2. Maintenance. Grantees and their heirs, executors, personal representatives, and assigns shall be responsible for maintaining the Easement Property and for the payment of any ad valorem taxes attributable to the value of the Easement Property and any improvements thereto or thereon, and shall assess the Easement Property for taxes with the office of the Jefferson County, Alabama Tax Assessor.

3. Occupancy. Grantor and her heirs, executors, personal representatives, and assigns shall not in any manner enter, occupy, alter, improve, or otherwise exercise any control over the Easement Property or interfere with the use or occupancy thereof by Grantees and their heirs, executors, personal representatives, and assigns for the purposes set forth herein.

4. Indemnity. Grantees and their heirs, executors, personal representatives, and assigns shall indemnify, defend, and hold the owners of the Hall Property harmless from and against any and all claims, suits, judgments, or demands arising from the use, occupancy, or improvement of the Easement Property by Grantees and their heirs, executors, personal representatives, successors, assigns, invitees, agents, or contractors, or otherwise with respect to the Easement Property, except any such claims, suits, judgments, or demands which arise out of the negligence, actions, or wrongful conduct of the owners of the Hall Property or the heirs, executors, personal representatives, successors, assigns, invitees, agents, or contractors of the owners of the Hall Property.

5. Run with Land. The foregoing Easement is and shall be a covenant running with the land and shall inure to the benefit of and shall be binding upon Grantor and Grantees, and their respective heirs and assigns, and all future owners of the Hall Property and the McDuffie Property.

To have and to hold unto Grantees, their heirs and assigns, forever and in perpetuity.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed on the day and date first above written.

Dorothy Fay Hall

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Dorothy Fay Hall, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal the ____ day of _____, 2016.

Notary Public

[NOTARIAL SEAL]

My commission expires _____

DRAFT

Brantley Troy McDuffie

Sally Vann McDuffie

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Brantley Troy McDuffie and Sally Vann McDuffie, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal the _____ day of _____, 2016.

Notary Public

[NOTARIAL SEAL]

My commission expires _____

DRAFT

A-16-28

EXHIBIT A

Hall Property

A part of Lot 4, in Block 4, according to the Survey of Country Club Gardens, as recorded in Map Book 15, page 10, in the Office of the Judge of Probate of Jefferson County, Alabama, said part of Lot 4 being more particularly described as follows:

Begin at the most northerly corner of Lot 4; thence run southeastwardly along the northeasterly line of said Lot 4, being also the southwesterly line of Greenway Road, for a distance of 27 feet; thence run southwestwardly to a point on the southwesterly line of said Lot 4; thence run northwestwardly along the southwesterly line of Lot 4, 25 feet to the most westerly line of Lot 4 to the point of beginning.

DRAFT

A-16-28

EXHIBIT B

McDuffie Property

Lot 4, Block 4, according to the Survey of Country Club Gardens, as recorded in Map Book 15, page 10, in the Office of the Judge of Probate of Jefferson County, Alabama.

Less and except that portion of said lot more particularly described as follows: Commence at the most northerly corner of said lot; thence in a southeasterly direction along the southwest line of First Court 27 feet; thence in a southwesterly direction to a point on the southwesterly line of said lot which is 25 feet southeast of the most westerly corner of said lot; thence in a northwesterly direction along the southwesterly line of said lot a distance of 25 feet to the westerly corner of said lot on the southeasterly line of an alley; thence in a northeasterly direction a distance of 150.2 feet to the point of beginning.

DRAFT

A-16-28

EXHIBIT C

Easement Property

Commence at the southeast corner of Lot 4, Block 4, Country Club Gardens, as recorded in Map Book 15, page 10, in the Office of the Judge of Probate of Jefferson County, Alabama, and thence run in a northwesterly direction along the southwestern boundary of the aforementioned lot for a distance of 80.70 feet to the point of beginning of the permanent use easement herein described; thence continue along last mentioned course for a distance of 14.30 feet to a point; thence deflect $89^{\circ} 55' 19''$ to the right and run in a northeasterly direction for a distance of 150.33 feet to a point; thence deflect $90^{\circ} 20' 07''$ and run in a southeasterly direction for a distance of 10.63 feet to a point; thence deflect $88^{\circ} 15' 57''$ and run in a southwesterly direction for a distance of 150.33 feet, more or less, to the point of beginning.

DRAFT

A-16-28

EXHIBIT D

Survey



Variance Application - Part I

Project Data

Address of Subject Property 39 CLENDON Road
 Zoning Classification RES-B
 Name of Property Owner(s) RUTH SIEGLER RUTHSIEGLER3913@GMAIL.COM
 Phone Number (205) 332-4898 Email DAVISCONSTRUCTIONSERVICESLLC@GMAIL.COM
 Name of Surveyor ROBERT REYNOLDS
 Phone Number (205) 823-7900 Email _____
 Name of ~~AGENT~~ (if applicable) BRANDON DAVIS
 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) <u>8400±</u>	<u>10,000</u>	<u>8,400</u>	<u>8,400</u>
Lot Width (ft) <u>56'-65'</u>	<u>75'</u>	<u>56'-65'</u>	<u>same</u>
Front Setback (ft) <u>primary 35'</u>	<u>35</u>	<u>26'</u>	<u>35'</u>
Front Setback (ft) <u>secondary 35'</u>	<u>35</u>	<u>11.0</u>	<u>12.5</u>
Right Side Setback <u>12.5'</u>			
Left Side Setback <u>35'</u>			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → <u>9'</u> 22' high or greater → <u>12.5'</u>	<u>9'</u> <u>13'</u>	<u>10.4</u>	<u>9'</u> <u>13'</u>
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) <u>35'</u>	<u>35</u>	<u>56</u>	<u>35</u>
Lot Coverage (%) <u>± 29%</u>	<u>30%</u>		<u>29%</u>
Building Height (ft)			
Other			
Other			

6/7/16

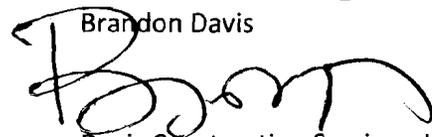
Subject Property: 39 Clarendon Avenue

To Whom it May Concern:

My name is Brandon Davis and I am seeking approval to be able to tear down the existing house at 39 Clarendon Avenue and re-build in its approximate current location. My hardship is this is a small lot (+- 8,400 sq ft) and it is also a corner lot therefore subject to the secondary front setback on the left side of the property of 35'. I am requesting a variance to be able to build the house with a *secondary front* on the left side of 12.5' (variance requested would be 22.5'). Secondly, due to the way the property line in the front rounds off in the corner, the front left corner will now be ahead of the allowed 35' setback and be at 25.1' off the front property line at that particular spot only (variance requested would be 9.9').

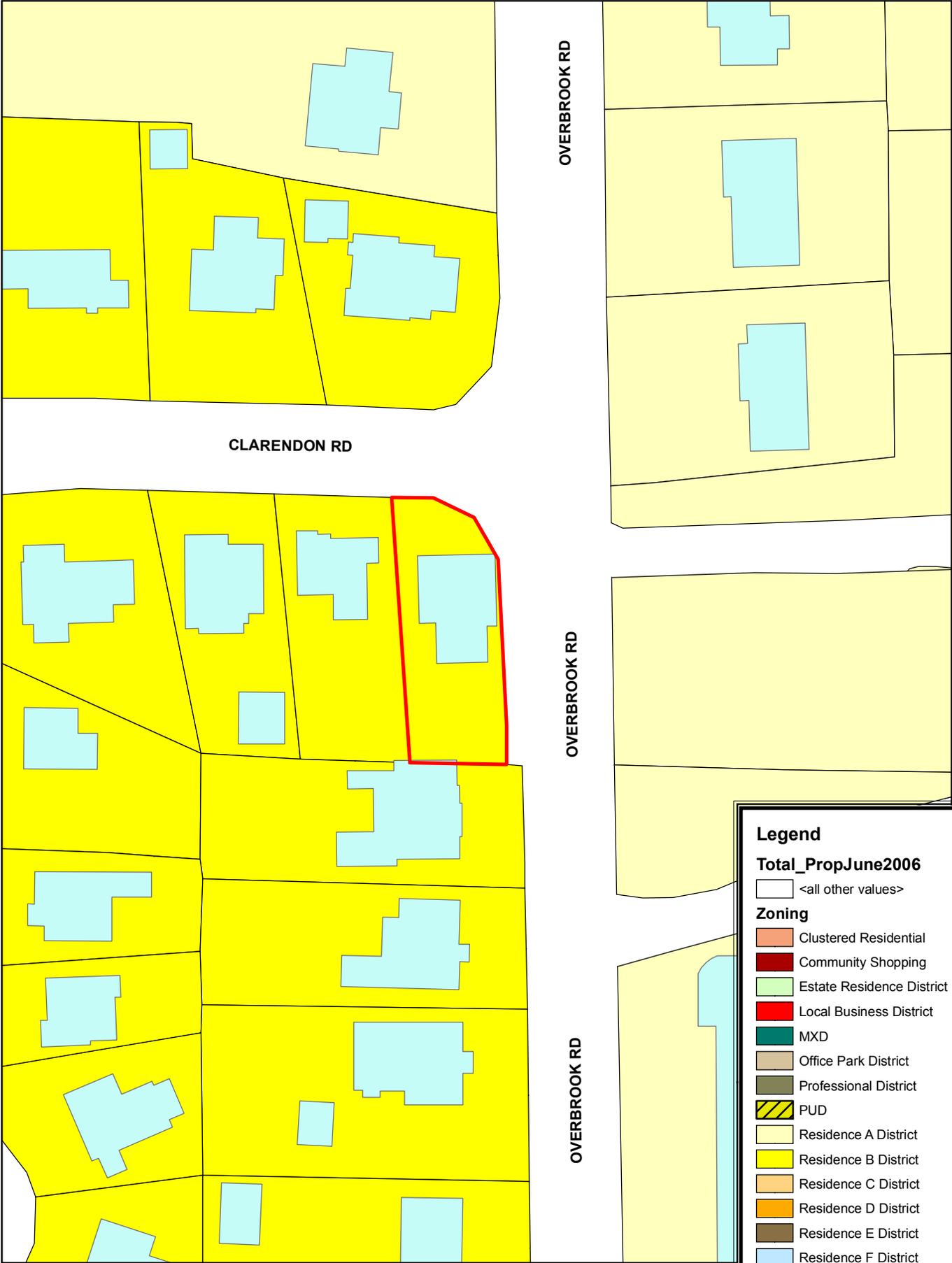
Thanks,

Brandon Davis



Davis Construction Services, LLC

205.332.4898



CLARENDON RD

OVERBROOK RD

OVERBROOK RD

OVERBROOK RD

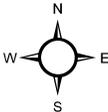
Legend

Total_PropJune2006

□ <all other values>

Zoning

- 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
- Recreation District
- RID
- Rec-2



Report to the Board of Zoning Adjustment

A-16-29

Petition Summary

Request to allow a new single family dwelling to be 25.1 feet from the primary front property line (Clarendon Road) and 12.5 feet from the secondary front property line (Overbrook Road), both in lieu of the required 35 feet.

Analysis

The hardships in this case are the corner lot configuration, and the narrow width and irregular shape of the lot. The existing house is 11.5 feet from the secondary front property line (Clarendon). The applicant proposes to bring the house 1 foot farther from said property line (12.5 feet).

The existing house exceeds the required primary front setback at the northwest corner of the house (38.5 feet), but as the front lot line curves toward Overbrook Road, closer to the front building line, the existing setback reduces to approximately 26 feet at the east corner of the house. The proposed footprint is to be 35 feet at the west corner, and 25.1 feet at the east corner.

Proposed rear and interior setbacks are to be in compliance.

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 129-53, Special Provisions for Nonconforming Residence B Lots

Appends

LOCATION: 39 Clarendon Road

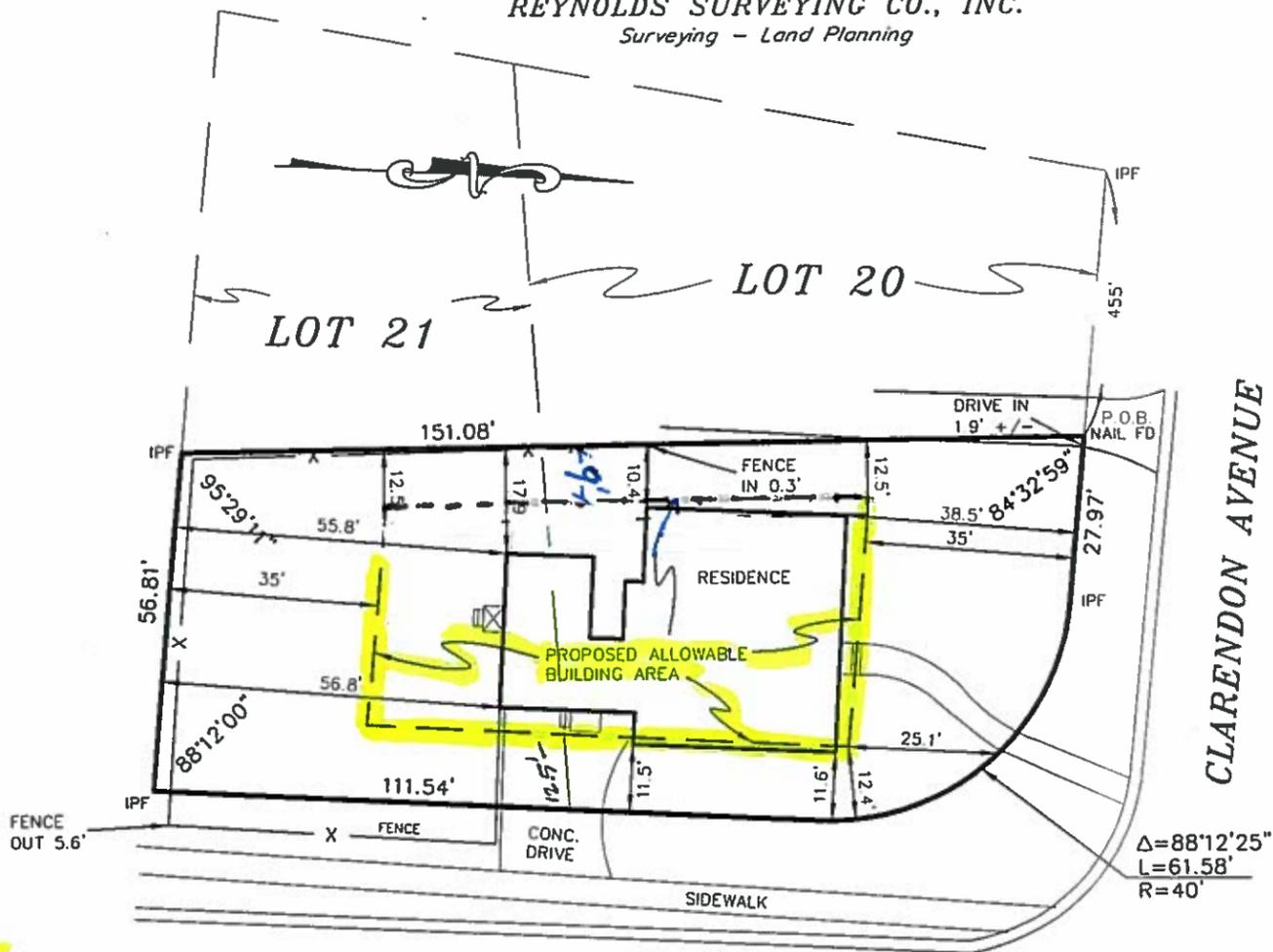
ZONING DISTRICT: Res-B

OWNER: Ruth Seigler

AGENT: Brandon Davis

REYNOLDS SURVEYING CO., INC.

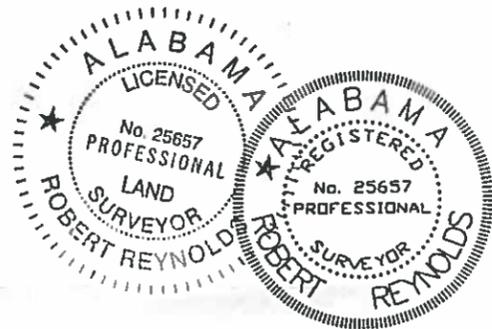
Surveying - Land Planning



PROPOSED NEW OVERBROOK ROAD
 HOUSE LOCATION
 VARIABLE R.O.W.

SCALE: 1" = 30'

- LEGEND
- UTILITY POLE
- GUY WIRE
- RETAINING WALL
- CONCRETE
- FENCE
- OVERHEAD ELECTRICAL
- IRON PIN FOUND
- 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 part of Lots 20 and 21, according to the survey of Colonial Hills, Morrow Sector, as recorded in Map Book 18, Page 91, in the Office of the Judge of Probate of Jefferson County, Alabama, more particularly described as follows: Begin on the North line of said Lot 20 at a point 45 feet east of the Northwest corner of said Lot 20, run thence in an Easterly direction along the North line of Lot 20, a distance of 27.91 feet to the intersection with a tangent of a curve to the right of said lot line, thence in a Southeasterly direction along said curve of said lot line a distance of 61.58 feet, thence in a Southerly direction along the East line of said Lots 20 and 21, a distance of 111.54 feet, thence in a Westerly direction along the South line of Lot 21 a distance of 56.5 feet, thence in a Northerly direction a distance of 150.94 feet, more or less to the point of beginning. 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 3rd day of June, 2016.

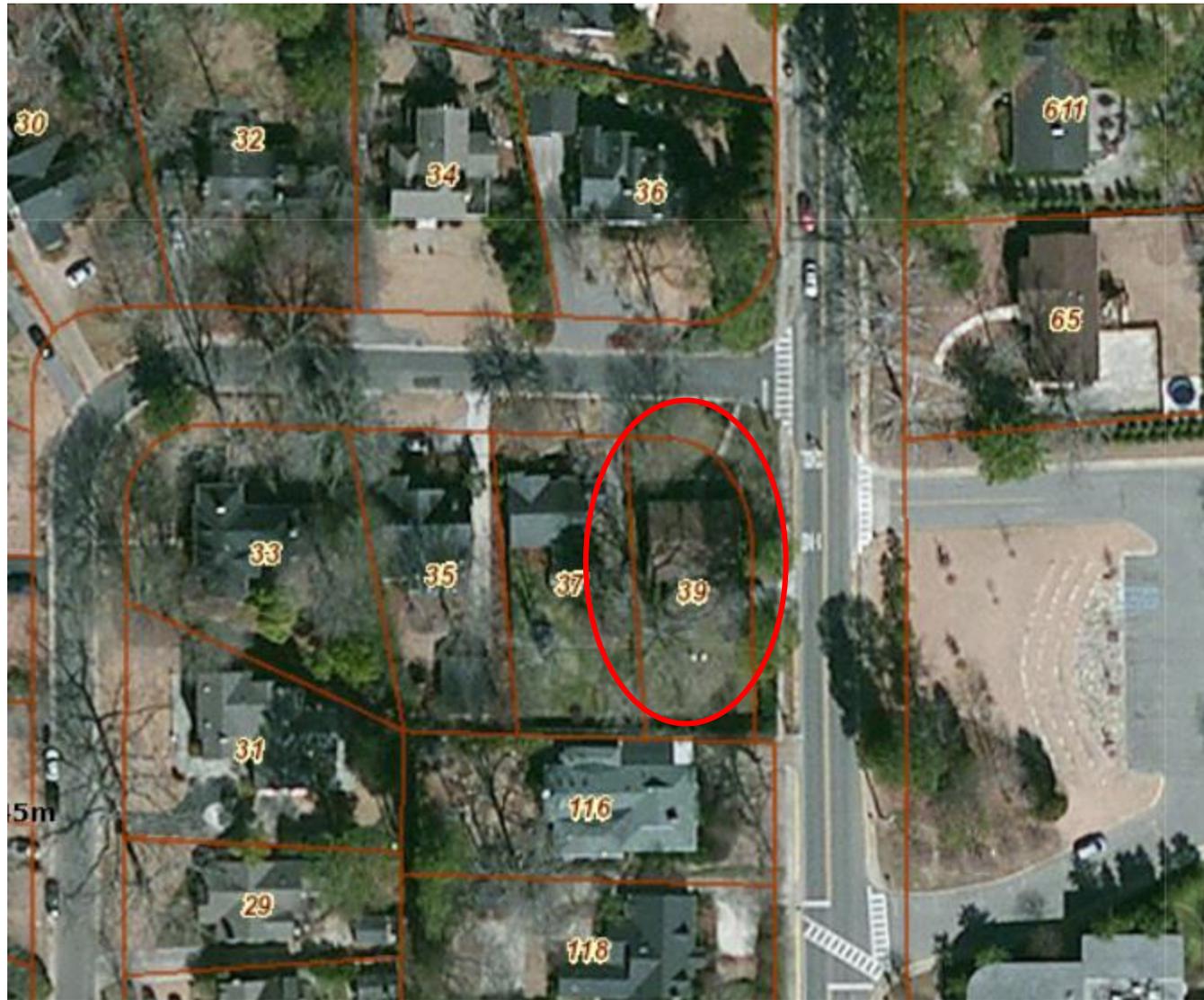
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser: Davis
Address: 39 Clarendon Ave.

Robert Reynolds
 Reg. No. 25657







A-16-29



Variance Application Part II

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

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

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

THIS LOT IS ON A CORNER OF THE ROAD
IS ASSESSED A FRONT SETBACK (35') ON THE
SIDE OF OVERBROOK ROAD WHICH MAKES THE
BULWARK AREA TOO NARROW.

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...")

YES. PLAN IS TO TEAR DOWN EXISTING
STRUCTURE & RE-BUILD NEW PROPERTY
BASICALLY WHERE THE EXISTING HOUSE IS LOCATED.

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

WE ARE JUST SEEKING APPROVAL TO BUILD
HOUSE WITH FOUNDATION IN ITS APPROXIMATE
LOCATION.