

# BZA Packet

May 9, 2016

**Hello All,**

Enclosed please find your packet for the meeting of May 16, 2016.

**We have:**

- two 6-month extensions
- 7 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-May-16 BZA Agenda

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

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

*Dana*

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
MAY 16, 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-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.*

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1. Approval of Minutes: April 18, 2016
  2. Case **A-15-15: Merrill Stewart**, owner, requests variances from the terms of the Zoning Regulations to allow a single family dwelling to be 36 feet from the side property line (northeast) and 34 feet from the side property line (southwest), both in lieu of the required 40 feet. – **2732 Abingdon Road** (*Extension: original approval November 16, 2015*)
  3. Case **A-15-21: Bryan and Kathleen Boudreaux**, owners, request variances from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 37 feet from the rear property line (southeast) in lieu of the required 40 feet, and to match the existing side setback (southwest) of 14.9 feet in lieu of the required 15 feet.  
- **87 Fairway Drive** (*Extension: original approval December 21, 2015*)
  4. Case **A-16-18: Mr. and Mrs. Reese Murray, III**, owners, request variances from the terms of the Zoning Regulations to allow a screened porch addition to be 16 feet from the rear property line in lieu of the required 25 feet; and to allow an associated increase in lot coverage from 40.4% to 41.9% in lieu of the maximum allowable lot coverage of 25%. – **2009 Garden Place Drive.**
  5. Case **A-16-19: Mr. and Mrs. Grantland Rice**, owners, request variances from the terms of the Zoning Regulations to allow an addition to a detached garage to match the existing rear setback of 4.8 feet from the rear property line (east) in lieu of the required 40 feet; and to allow the construction of a new single family dwelling which, taken together with the garage addition, will result in a lot coverage of 29% in lieu of the maximum allowable 25%.  
– **47 Greenway Road.**

6. Case **A-16-20**: Chris and Jane Brakefield, owners, request a variance from the terms of the Zoning Regulations to allow a new fence to remain as located 20 feet from the secondary front property line (Ashbury Place) in lieu of the required 40 feet – **3133 Overton Road.**
7. Case **A-16-21**: TDL Homes, LLC, owners, request a variance from the terms of the Zoning Regulations to allow the construction of a new single family residence to be 15 feet from the rear property line (west) in lieu of the required 40 feet. – **3924 Montevallo Road.**
8. Case **A-16-22**: Kenneth Henson Millsap, owner, requests variances from the terms of the Zoning Regulations to allow the construction of a screened porch and chimney to be 14.7 feet and 13.7, respectively, from the rear property line (east), both in lieu of the required 35 feet. – **21 Peachtree Street.**
9. Case **A-16-23**: Emily and Samuel Heide, owners, request a variance from the terms of the Zoning Regulations to allow the construction of an uncovered deck to be 21.3 feet from the secondary front property line (Cambridge Road) in lieu of the required 40 feet. – **2600 Heathermoor Road.**
10. Case **A-16-24**: C. Laura and Joshua Haralson, owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 20 feet from the rear property line in lieu of the required 35 feet, and 11 feet from the side property line (west) in lieu of the required 12.5 feet. - **4 Montrose Circle.**
11. Next Meeting: June 20, 2016
12. Adjournment

**CITY OF MOUNTAIN BROOK**  
**BOARD OF ZONING ADJUSTMENT**  
MINUTES  
April 18, 2016

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, April 18, 2016, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

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

Also present: Council Liaison, Virginia Smith  
Dana Hazen, Director of Planning, Building & Sustainability  
Glen Merchant, Building Official  
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. The Agenda stood approved as printed.

2. Approval of Minutes - March 21, 2016:

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

3. Case A-16-13: 3632 Montevallo Road

**EXHIBIT 1**

**Paige and Walter Scott**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of a fireplace/chimney to be 13 feet from the side property line (northeast) in lieu of the required 15 feet. – **3632 Montevallo Road**  
(Previously approved as Case 4176 on April 20, 2015 – expired)

Paige Scott presented the variance request: This variance request is the same as the one approved in April of 2015, which expired before implementation because final plans were not firm. Mrs. Hazen verified that the records show the requests are the same.

**Hardship:** Existing design restraints.

Motion: Mr. Lapidus, to grant variance as requested  
Second: Mr. Orr  
Vote: Ayes: Higginbotham Nays: None  
Lapidus  
Orr  
Simonton  
Mitchell

Variance approved by a 5 – 0 vote.

**4. Case A-16-14: 613 Dexter Avenue**

**EXHIBIT 2**

**Eddie and Anne Bugg**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of an outdoor patio chimney to be 8 feet from the side property line (southwest) in lieu of the required 10 feet – **613 Dexter Avenue**

Eddie Bugg presented his variance request.

**Hardship:** The hardship in this case is the corner lot configuration; two frontages.

Chairman Higginbotham: Placement of the existing structure presents a hardship.

Mr. Mitchell: Since this is a large lot, could you alter placement? Mr. Bugg: When the house was built in 2005, it was placed to meet the 35' setback requirement on both sides.

Motion: Mr. Orr, to grant variance as requested  
Second: Mr. Lapidus  
Vote: Ayes: Higginbotham Nays: None  
Lapidus  
Orr  
Simonton  
Mitchell

Variance approved by a 5 – 0 vote.

**5. Case A-16-15: 613 Euclid Avenue**

**EXHIBIT 3**

**Mr. and Mrs. James Ashurst**, owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 9.5 feet from the side property line (southwest) in lieu of the required 10 feet. - **613 Euclid Avenue**

Jim Ashurst presented the variance request.

**Hardships:** The hardships in this case are the irregular shape of the lot and placement of existing non-conforming structure.

Mr. Orr: Has construction begun? Mr. Ashurst: Yes.

Chairman Higginbotham: Did you obtain a permit? Mr. Ashurst: Yes; the builder said that plans could adjust according to the outcome of this hearing.

Motion: Mr. Lapidus, to grant variance as requested  
Second: Mr. Orr  
Vote: Ayes: Higginbotham                      Nays: None  
                    Lapidus  
                    Orr  
                    Simonton  
                    Mitchell

Variance approved by a 5 – 0 vote.

**6. Case A-16-16: 2900 Virginia Road**

**EXHIBIT 4**

**Andy Saag**, owner, requests variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 22 feet from the front property line (Pine Haven Drive), 29 feet from the front property line (Virginia Road) and 29 feet from the rear property line (north), all in lieu of the required 35 feet.- **2900 Virginia Road**

Mr. Orr recused himself from this case. Chairman Higginbotham stated that four affirmative votes are required to approve this variance.

Richard Long, Long and Long Design, addressed the Board as representative for the applicant. He stated that the submitted application listed Andy Saag as the property owner, but he actually is a prospective buyer, and that the application would be corrected as needed. Mr. Long introduced the property owner, Seth Muse.

**Hardships:** The hardships in this case are the irregular shape of the lot, the corner lot configuration, and small lot size.

Mr. Long:

- Old structure to be demolished. New structure will align with the eastern property line, further back from Virginia Street.
- Rear topography slopes and has vegetation.
- Relocation will create a front yard.
- Adding a second floor, but not requesting a height variance.

Chairman Higginbotham: Drawing shows closet not shown on the plat and is not listed on the application.

Mr. Long: An oversight on my part. Adding the closet will require an additional 7' into setback.

Chairman Higginbotham: The closet was not included on the application and cannot be considered at this time. The 29' request is all that can be considered for approval.

Mr. Merchant, Building Official: The SW front corner setback is not labeled on the survey.

Mr. Long: The survey was not labeled; the amount, 29', was entered on the application.

Mrs. Smith, Council Liaison: Does the fireplace shown on the drawing extend beyond the setback?

Mr. Long: Yes, it would be inside the setback. It was not included on the survey.

Chairman Higginbotham: The fireplace variance was not included in the application and cannot be considered at this meeting.

Mr. Mitchell: Total square footage current house and proposed house?

Mr. Long: Current square footage – 1,500; Proposed square footage – 4,000 (2,800/2,900 on main level).

Public comment:

Joyce Baker and her husband David, 2904 Virginia Road, next door neighbors: Main concern is the height of the structure after the addition of the second floor. Mr. Long said that the height would not need a variance because it is in allowable range. Mrs. Baker asked if the retaining wall and vegetation would remain. Mr. Long stated he did not anticipate altering either. Mrs. Baker said that she had no objection to the proposal.

Matt Johnson, 2901 Pine Haven (property to the west, on the hill overlooking case property): In agreement with improvements; feels it will increase property values.

Mr. Muse presented a letter from Reid Manley, 2923 Balmoral Road (property that is catty-corner from the subject property) in support of the variance request.

Motion: Mr. Lapidus, to grant variance as requested

Note: The chimney (east side setback) and master closet (rear setback) shown on the floor plan were excluded on the survey and are not part of the variance request or approval.

Second: Mr. Simonton

Vote: Ayes: Higginbotham Nays: None  
Lapidus  
Simonton  
Mitchell

Variance approved by a 4 – 0 vote.

**7. Case A-16-17: 3773 Montevallo Road**

**EXHIBIT 5**

**Addam and Mary Evans**, owners, request a variance from the terms of the Zoning Regulations to allow the construction of an addition to the rear of an existing single family dwelling to match the existing side setback (southwest) of 14.2 feet lieu of the required 15 feet. **3773 Montevallo Road**

**Hardship:** The hardship in this case is the narrowness of the lot (82 feet in lieu of the required 100).

Richard Long, Long and Long Design, presented the variance request: Proposed an addition off the back of the house on the same plane as the existing, non-conforming house.

- Proposed patio is 15’ and is not covered or enclosed; will be 10 to 12 feet above grade because of the basement.
- Overhang added over French doors on patio.
- Sundeck on back will be enclosed and conditioned.

Chairman Higginbotham: The planned addition is over the allowable impervious surface area limit; you will need to address this issue if the variance is approved.

Mr. Long: (presented additional elevations) To lower the percentage of impervious surface area, the motor court will be smaller and should bring within the limit.

Chairman Higginbotham: The encroachment is less than one foot. For what length?  
Mr. Long: Fifteen feet, plus stairs, for a total of nineteen feet.

Mr. Lapidus: Will the pea gravel area in front remain? Mr. Long: Yes. Parking area.

Motion: Mr. Orr, to grant variance as requested

Second: Mr. Simonton

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

Variance approved by a 5 – 0 vote.

8. **Adjournment** - There being no further business to come before the Board at this time, the meeting stood adjourned at 5:37 p.m.

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Tammy Graham, Administrative Assistant



## Variance Application - Part I

### Project Data

Address of Subject Property 2009 Garden Place Drive

Zoning Classification Residence 'D'

Name of Property Owner(s) Mr. and Mrs. Reese Murray III

Phone Number 807-5386 (c) Email jrm3rd@bellsouth.net

Name of Surveyor Ray Weygand

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

Name of Architect (if applicable) Hank Long/ Henry Sprott Long & Associates, Inc.

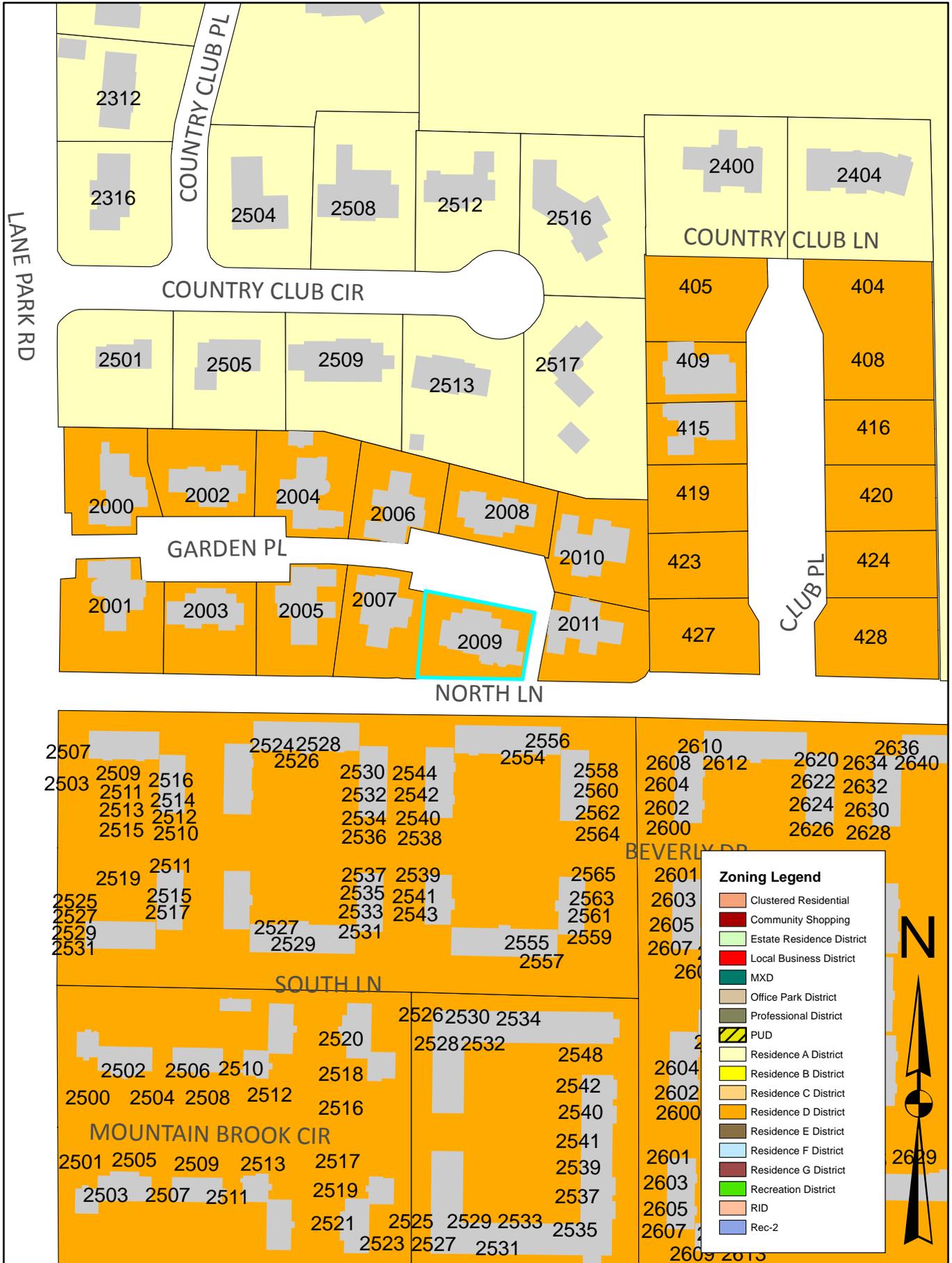
Phone Number 323-4564 Email hanklong@bellsouth.net

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	Min. total site area 15,000 s.f.	10,034 +/- s.f.	10,034 +/- s.f.
Lot Width (ft)	100.0'	121.0 +/-	121.0' +/-
Front Setback (ft) <i>primary</i>	35.0' req'd Res. D	10.0'	10.0'
Front Setback (ft) <i>secondary</i>	N.A.	N.A.	N.A.
Right Side Setback	12.5'	16.0'	16.0'
Left Side Setback	12.5'	7.5'	7.5'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N.A.	N.A.	N.A.
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N.A.	N.A.	N.A.
Rear Setback (ft)	25.0'	10.7'	10.7' (New addition will be 16.0')
Lot Coverage (%)	25% total area	40.4% +/-	41.9% +/-
Building Height (ft)	45.0'	36.0'	36.0'
Other			
Other			

# A-16-18 (Zoning Map)



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

**Henry Sprott Long & Associates**  
ARCHITECTS

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April 12, 2016

Board of Zoning Adjustments  
The City of Mountain Brook  
Post Office Box 13009  
Mountain Brook, AL 35213

ATTENTION: Dana Hazen

RE: Alterations and Additions to the Residence of  
Mr. and Mrs. Reese Murray, III

Ladies and Gentlemen:

This letter is submitted in accordance with the standards for request of a variance for construction in the City of Mountain Brook.

2 variances are requested in association with a proposed addition to the residence of Mr. and Mrs. Reese Murray, III at 2009 Garden Place Drive, which is zoned Residence 'D'. The proposed Screen Porch addition will occur over an existing paved patio and steps and results in a rear setback, for the addition, of 16.0'. The existing setback for the house is 10.7' rather than the required 25.0'. All other side and front setbacks will not require variances. We are also requesting a variance for the percentage of lot coverage because current Residence 'D' zoning does not allow for single family lots.

Graphic explanation of the proposed addition is included along with a list of the adjacent property owners and a \$ 100.00 check to cover the hearing fee. All information is submitted in preparation for the zoning board meeting on Monday, May 16, 2016.

Thank you for your consideration in this matter.

Sincerely,

HENRY SPROTT LONG & ASSOCIATES, INC.



Henry Sprott Long, Jr., President

HSLjr/ab

Enclosures

cc: Mr. and Mrs. Reese Murray, III

## Report to the Board of Zoning Adjustment

### A-16-18

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

Request to allow a screened porch addition to be 16 feet from the rear property line in lieu of the required 25 feet; and to allow an associated increase in lot coverage from 40.4% to 41.9% in lieu of the maximum allowable lot coverage of 25%.

#### ***Analysis***

The hardships in this case are the shallowness of the lot and the existing design constraints. The lot has an average depth of 68 feet (required front and rear setbacks, taken together, equal 50 feet). The area to be converted to a screened porch consists of an enclosed solarium and associated concrete steps leading the rear yard.

The history of the Garden Place subdivision is somewhat unclear as to the established lot coverage and setbacks (see zoning map for setback and lot coverage comparison). Many of the lots are well over 25% lot coverage, and several are closer to the rear property line than 25 feet. Staff was unable to locate minutes or the case file for the approved subdivision to investigate whether or not there are any conditions of approval that allowed the established setbacks and lot coverage. At the time of construction single family dwellings were a permitted use in Res-A (which is no longer the case), so there are no guidelines in today's code that outline the development parameters for single family dwellings in Res-D.

In speaking with the City's former Building Superintendent (Jerry Weems) he indicated that setback cases in this gated community were not typically brought to BZA, but were allowed with Community Association approval as long as the impervious area did not increase.

Staff has elected to bring this case to BZA as a formal method of approval. The conversion of the solarium and concrete steps to a screened porch will not encroach as close to the rear property line as the existing house (existing 10.8 feet at the closest point), and the impervious area will not change. The lot coverage will increase by 1.5%. No detrimental effects to adjoining neighbors are anticipated in conjunction with the approval of these variances.

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

Although the existing impervious area is over the allowable percentage, no increase is proposed and a permit may be issued.

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

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

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

Article VII, Residence D District; Section 129-93, Area and Dimensional Requirements

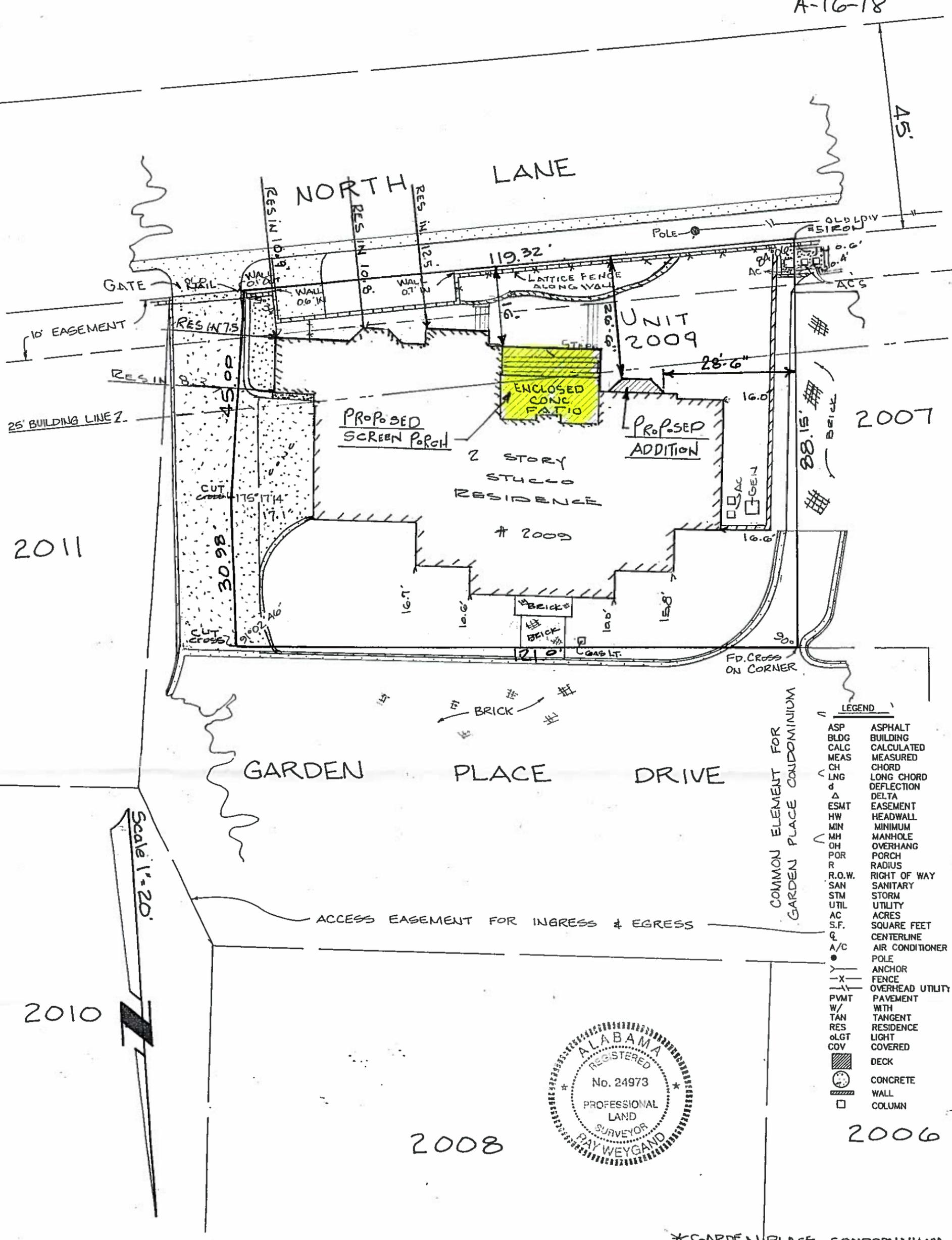
#### ***Appends***

LOCATION: 2009 Garden Place Drive

ZONING DISTRICT: Res-D

OWNERS: Mr. and Mrs. Reese Murray

AGENT: Hank Long



2011

2007

2010

2008

2006



STATE OF ALABAMA  
JEFFERSON COUNTY

"Closing Survey"

\*GARDEN PLACE CONDOMINIUM\*

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2009 THIRD AMENDED PLAT as recorded in Map Volume 81 Page 93 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 MARCH 3, 2016. Survey invalid if not sealed in red.

Order No.: 58880  
 Purchaser:  
 Address: 2009 GARDEN PLACE

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





North Ln

North Ln

North Ln

North Ln

North Ln

# A-16-18 (Aerial Map)



**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 is for a variance for a single family residence in a Residence 'D' zoning district. Residence 'D' no longer allows single family, so technically the entire house is non-conforming by today's ordinance. The proposed Screen Porch addition occurs over an existing paved patio and steps and results in a rear setback, for the addition, of 16.0'. The existing setback is 10.7' rather than the required 25.0'. Therefore, the proposed addition will be 5.3' further from the rear property line than the existing residence. All other side and front setbacks will not require variances. We are also requesting a variance for % of lot coverage because current Residence 'D' zoning does not allow single family lots.

**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 variance request is not because of any previous action by the applicant.

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

The zoning ordinance for Residence 'D' zoning has been changed since this residence and this development were first created. Therefore, under the current zoning for Residence 'D', it is virtually impossible to add onto a single family residence in the development because of lot size and most setback requirements. Because of this, a hardship has been created which basically voids the opportunity for any alterations to the existing residences to occur within this development. Therefore, the granting of a variance would be consistent with the intent of the regulations to allow this BZA to address specific and unusual hardships such as this.



## Variance Application - Part I

### Project Data

Address of Subject Property 47 GREENWAY RD. MTH. BROOK, AL. 35213

Zoning Classification RESIDENCE A

Name of Property Owner(s) MR. & MRS. GRANTLAND RICE

Phone Number 205-874-1209 (0) Email GRICE@COBBSALLEN.COM

Name of Surveyor RAY WEYGAND

Phone Number 205-942-0080 Email RAY-WEYGAND@BELLSOUTH.NET

Name of Architect (if applicable) JAMES F. CARTER

Phone Number 205-871-7873 Email JAMES@JAMESFCARTER.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)	14981		
Lot Width (ft)	100'		
Front Setback (ft) <i>primary</i>	40'		
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'		
Left Side Setback	15'		
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'		
Lot Coverage (%)	25%		28.07%
Building Height (ft)	35'		31'-6"
Other <u>ACCESSORY/</u>	<u>10' REAR</u>	<u>48 REAR</u>	<u>ACTUAL (TO REMAIN)</u>
Other <u>GARAGE</u>	<u>10' SIDE</u>	<u>10.8 SIDE</u>	<u>ACTUAL (TO REMAIN)</u>

**JAMES F. CARTER, INC.**  
**• ARCHITECT •**  
2100 SOUTHBRIDGE PARKWAY • SUITE 440  
BIRMINGHAM, ALABAMA 35209  
(205) 871-7873 • FAX (205) 871-2316

April 19, 2016

City of Mountain Brook  
City Hall, 56 Church Street  
Mountain Brook, AL 35213

Attention: Board of Zoning Adjustment

Dear City of Mountain Brook,

My firm was asked by the owners of No. 47 Greenway Road to create a plan for removing the existing main house and designing a new two-story residence to take its place. We are hoping to modify and reuse the existing separate garage structure at the rear of the property. The property is zoned Residence 'A'. Our preliminary design requires that we ask for two variances.

We are asking for a variance to construct a residence that, along with the existing garage, would exceed the maximum area of 25% coverage of the gross area of the lot by 572 sq. ft. or by 3.87%. The total area of the property is 14,981 sq. ft. The current minimum size for a Residence 'A' is 30,000 sq. ft.

We feel that a hardship variance is warranted by the small size of the property and the fact that the other properties on the street and in the area of similar size appear to have all been built well beyond the 25% limit. Our clients are reasonable people and they have no desire to overwhelm the neighborhood. However, given the rising value of the property, they would like to end up with a home having the expected amenities that would somewhat reflect their investment.

We are also asking for a variance to keep the existing location of the single garage with staff apartment but enlarge it by four feet in width so that it would accommodate two standard sized vehicles. The additional space would be added to the south side of the existing structure and would not intrude any further on the current side (north) or rear setbacks. The current rear setback of 4.8 ft. makes the existing garage nonconforming on its rear setback.

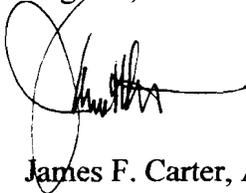
We feel that a hardship variance for the garage structure is warranted because the current maximum area of 400 sq. ft. for an accessory structure is not large enough to accommodate two modern vehicles. Moreover, because of the small size of the property

and the lack of rear alley access, if a proposed garage were built within the rear part of the building envelope, most of the rear yard would be lost to vehicle turnaround space. Our clients would like to have some rear yard. We also do not want to move the garage to the front part of the property as it would create a patio style home arrangement which we feel would not be appropriate in an older neighborhood.

Please note that if the second variance is granted, the coverage on the property will increase to 4,362 sq. ft. or 4% over the allowed amount of impervious coverage.

No other variances are requested. We appreciate your attention in this matter.

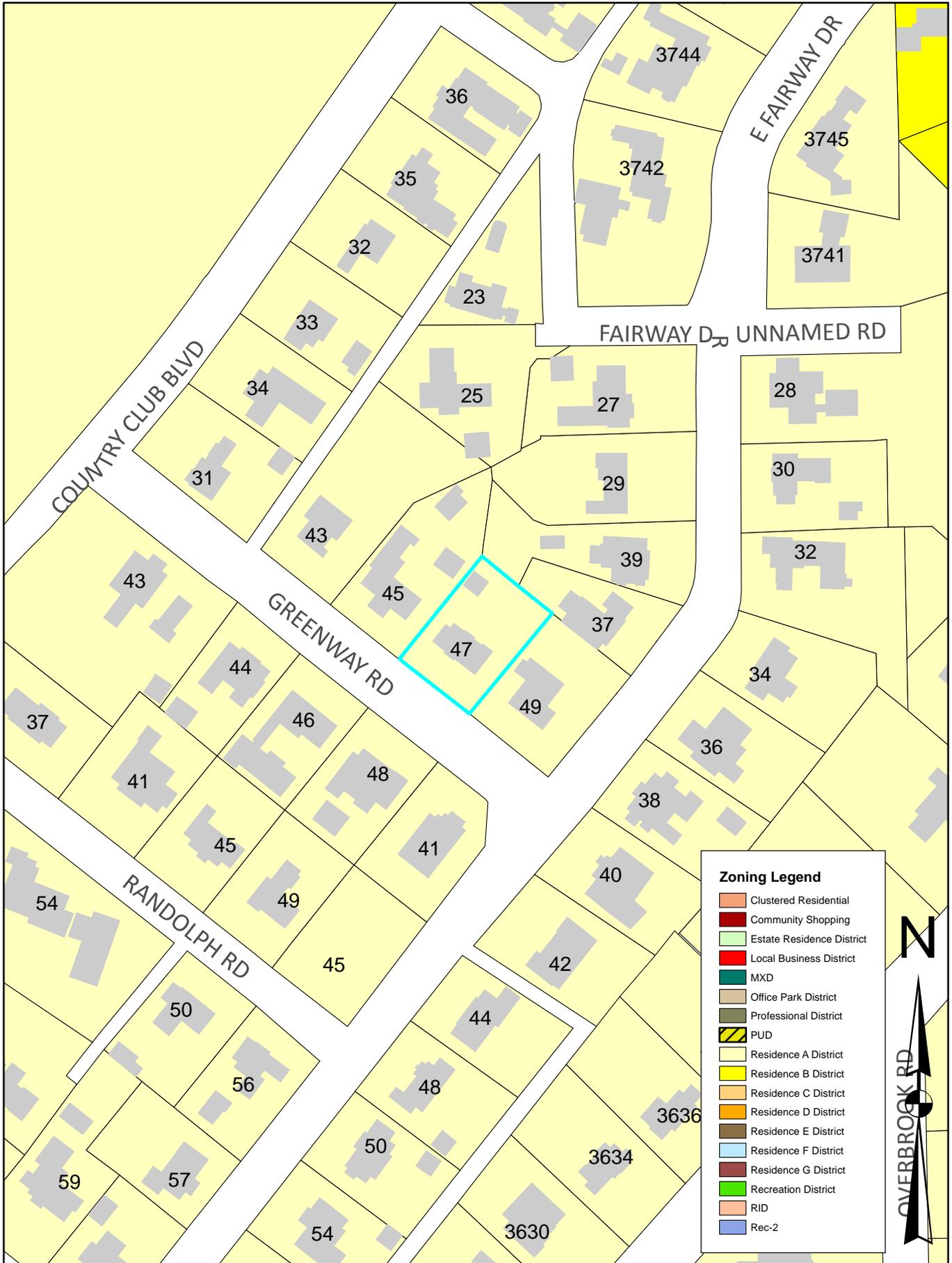
Regards,

A handwritten signature in black ink, appearing to read 'James F. Carter', with a large, stylized initial 'J'.

James F. Carter, Architect

JFC/swr

# A-16-19 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-19

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

Request to allow an addition to a detached garage to match the existing rear setback of 4.8 feet from the rear property line (east) in lieu of the required 40 feet; and to allow the construction of a new single family dwelling which, taken together with the garage addition, will result in a lot coverage of 29% in lieu of the maximum allowable 25%.

#### ***Analysis***

The hardships in this case are the lot size (15,000 in lieu of the required 30,000 square feet) and the existing design constraints of the detached garage.

The proposal involves a 4-foot addition to the interior (south) side of the garage that currently encroaches to within 4.8 feet of the rear property line in lieu of the required 10 feet. (It should be noted that the proposed 4-foot addition would increase the size of the garage to over 400 square feet, thereby making ineligible for future reduced side or rear setbacks of 10 feet, so the public notice reflects a required 40-foot rear yard setback).

The proposed new house meets all required setbacks, but would exceed the maximum lot coverage when taken together with either the existing garage footprint or with the proposed 4-foot addition.

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

The proposal exceeds the allowable 30% impervious area, however the applicant intends to mitigate other surface areas on the lot to comply with the code.

#### ***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

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

#### ***Appends***

LOCATION: 47 Greenway Road

ZONING DISTRICT: Res-A

OWNERS: Mr. and Mrs. Grantland Rice

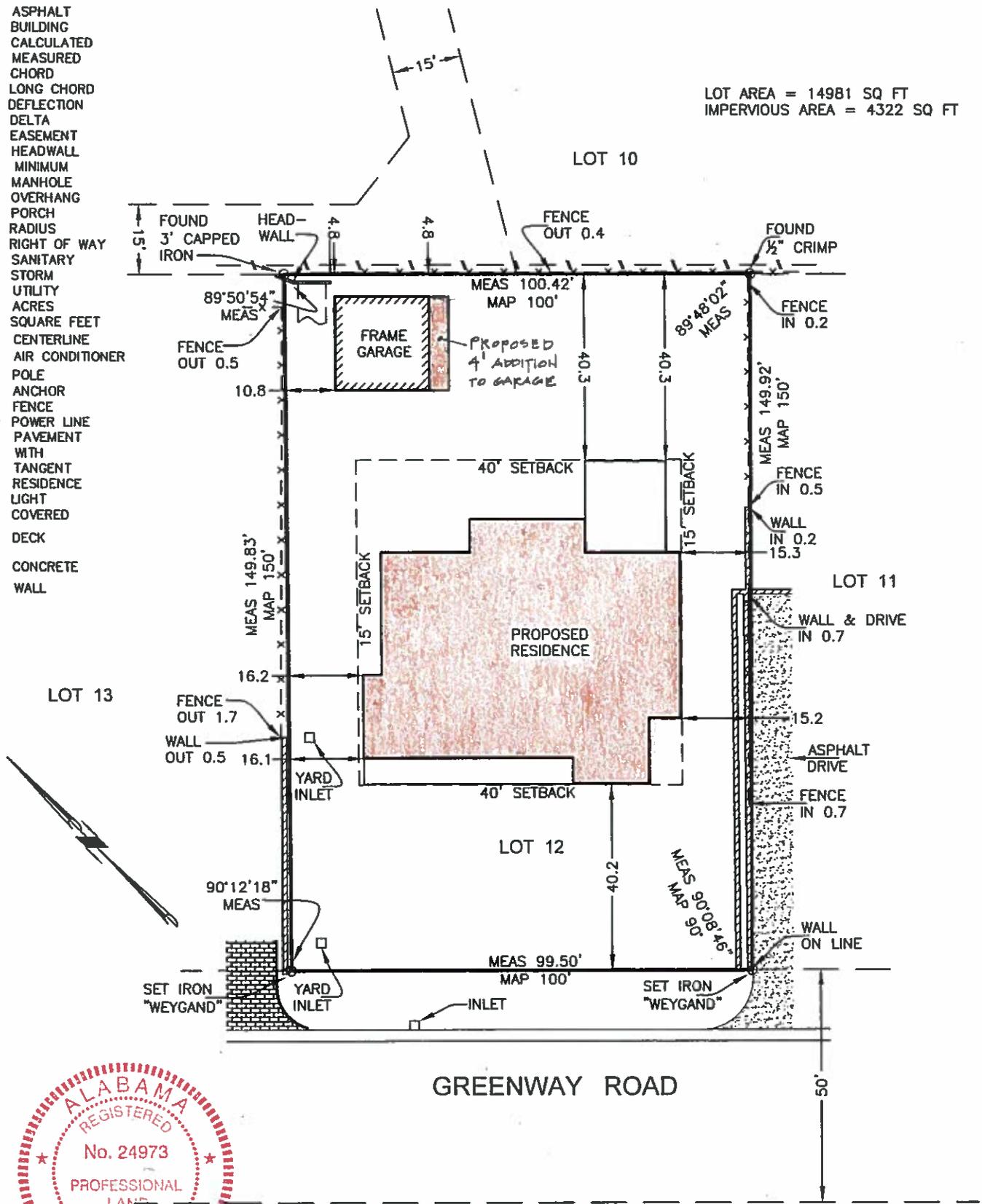
AGENT: James Carter

A-16-19

**LEGEND**

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

LOT AREA = 14981 SQ FT  
IMPERVIOUS AREA = 4322 SQ FT



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 12, MATHEWS-RANDOLPH DEVELOPMENT CO'S SECOND ADDITION TO COUNTRY CLUB GARDENS, as recorded in Map Volume 19, Page 93, 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 APRIL 1, 2016. Survey invalid if not sealed in red.

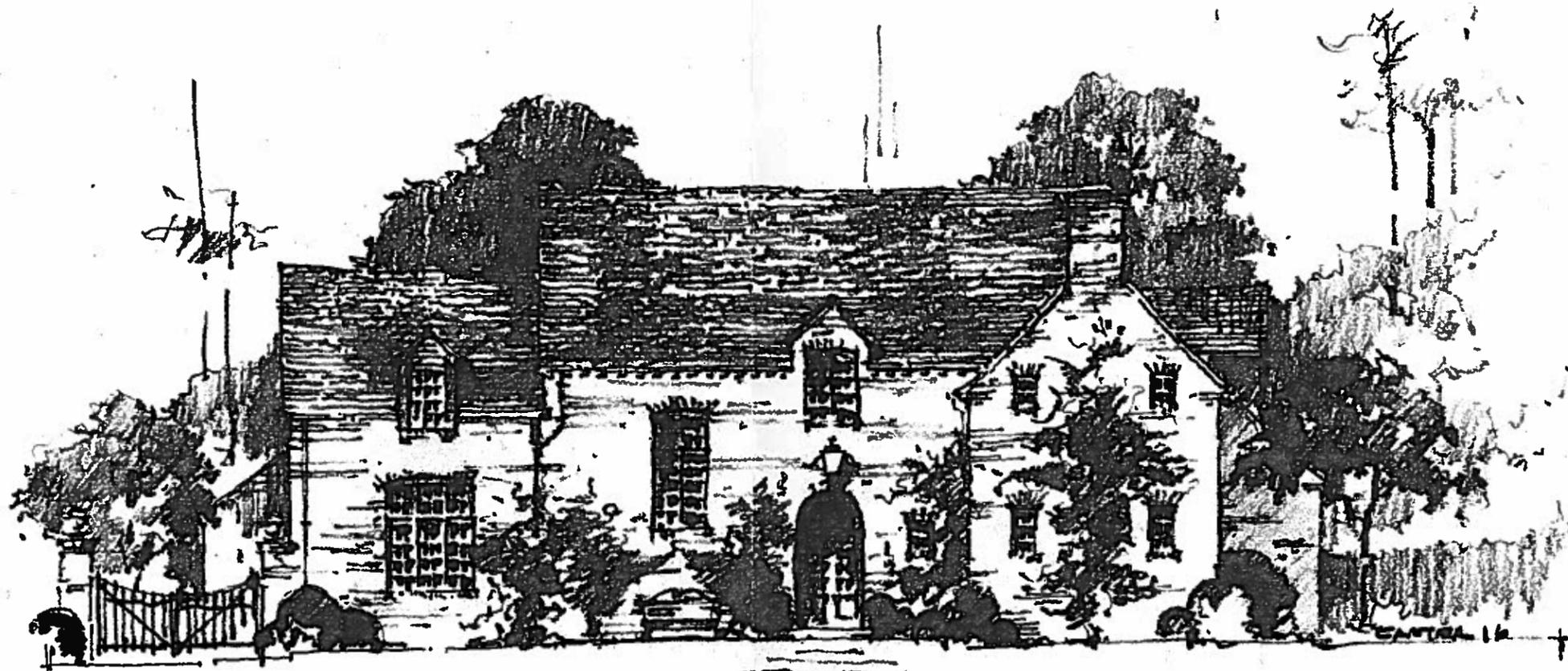
Order No.: 74953  
Purchaser:  
Address: 47 GREENWAY ROAD

*[Signature]*

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

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flp 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-16-19



JAMES F. CARTER, ARCHITECT

PRELIMINARY

EXISTING GARAGE

ARBOR

LAWN

RED'G SETBACK

SCREENED PORCH  
16' x 17'

LIVING ROOM  
19' x 27'

MASTER BED ROOM  
18' x 15'

LAUNDRY  
11' x 9'

REAR ENTRY  
8' x 4'

KITCHEN  
20' x 15'

PANTRY  
6' x 9'

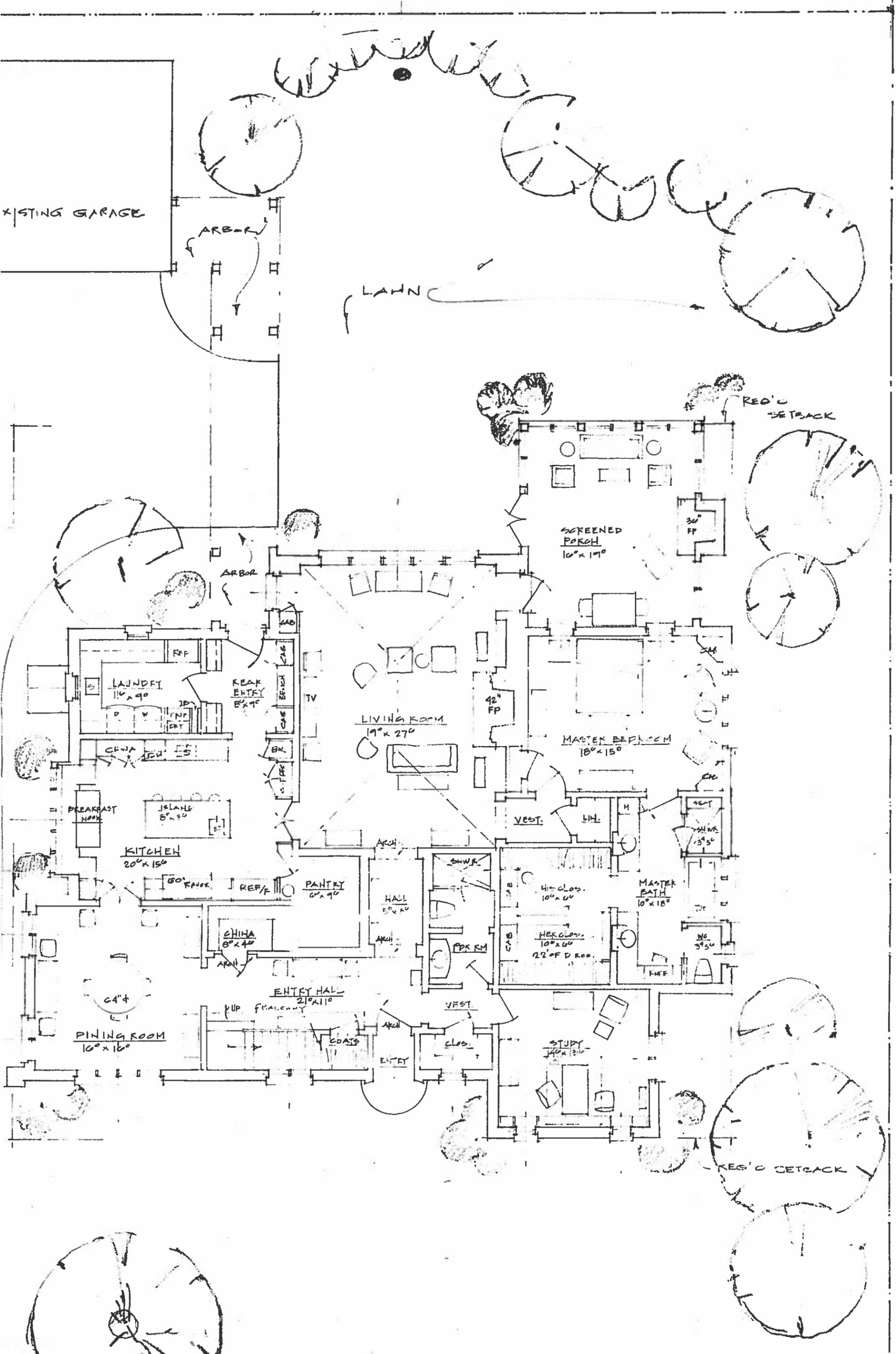
MASTER BATH  
10' x 18'

PINING ROOM  
10' x 16'

ENTRY HALL  
21' x 11'

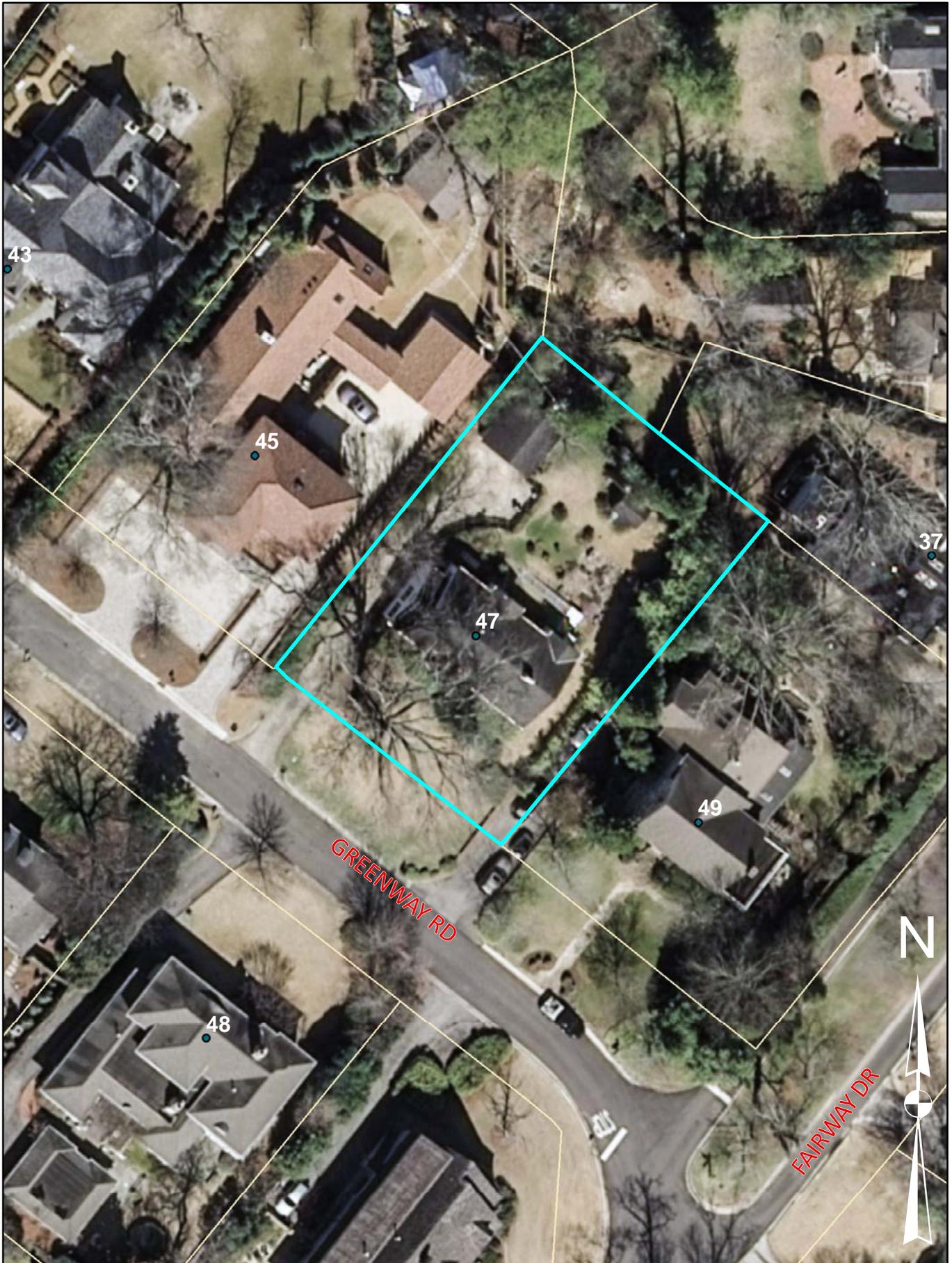
STUDY  
14' x 13'

RED'G SETBACK





# A-16-19 (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)?

THE PROPERTY IN QUESTION IS LESS THAN HALF THE SIZE OF THE CURRENT MINIMUM RESIDENCE A WITH NO SECONDARY ACCESS TO THE PROPERTY.

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

NO. THE RESIDENCE PROPOSED IS ALL NEW. THE GARAGE SIZE AND LOCATION IS EXISTING.

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

IT WOULD ALLOW THEM SOME RELIEF IN DEALING WITH THE SMALL SIZE OF THEIR LOT AS OTHERS HAVE DONE SO IN THE AREA.



## Variance Application - Part I

### Project Data

Address of Subject Property 3133 OVERTON ROAD, MT. BROOK, AL 35223

Zoning Classification \_\_\_\_\_

Name of Property Owner(s) CHRIS & JANE BRAKEFIELD

Phone Number 205-910-3349 Email jbrakefield@capstoneemail.com

Name of Surveyor WEYGAND

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

Name of Architect (if applicable) N/A

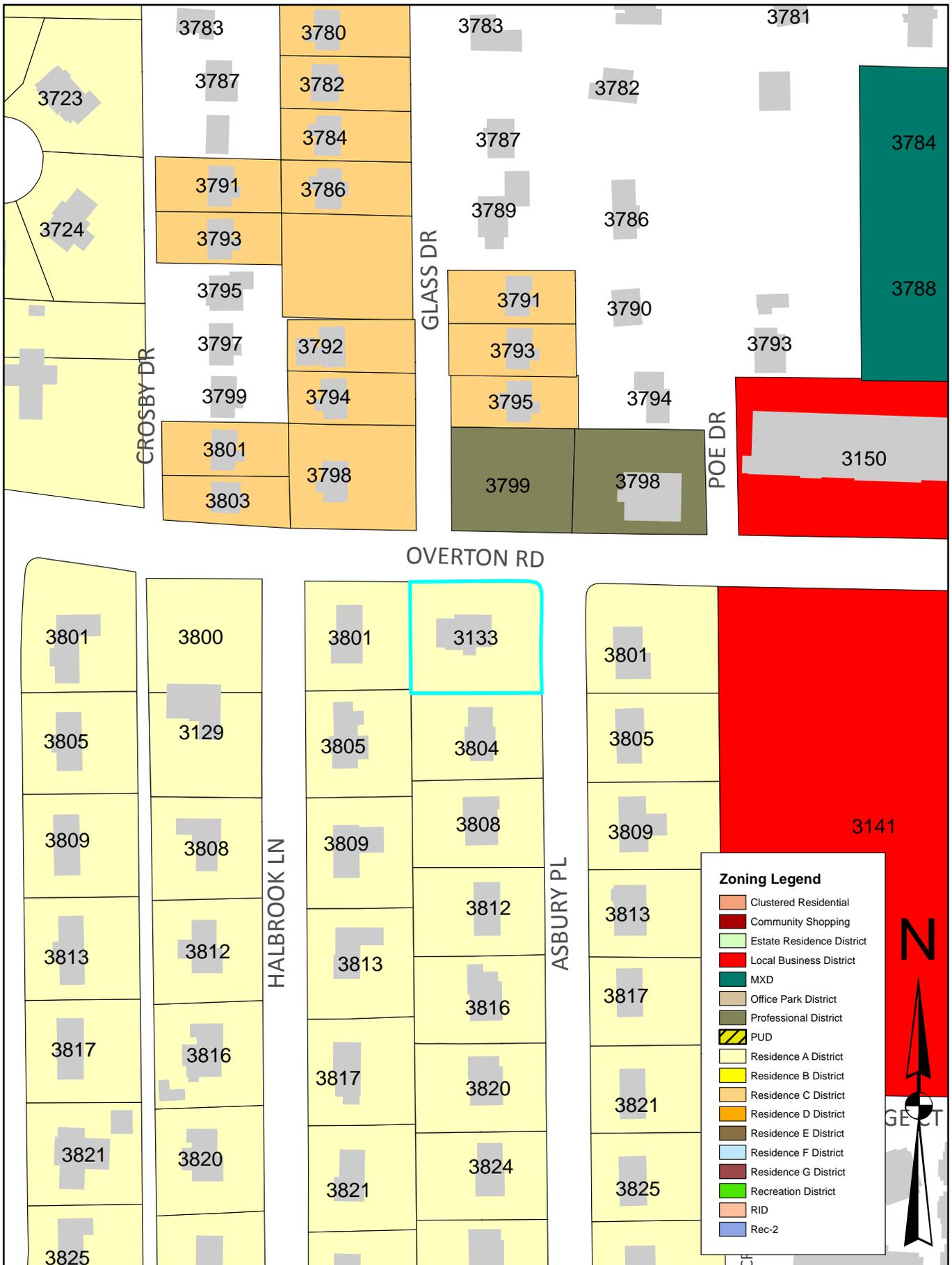
Phone Number N/A Email \_\_\_\_\_

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			
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			

# A-16-20 (Zoning Map)



**Zoning Legend**

- 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
- Residence G District
- Recreation District
- RID
- Rec-2



## Report to the Board of Zoning Adjustment

### A-16-20

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

Request to allow a new fence to remain as located 20 feet from the secondary front property line (Ashbury Place) in lieu of the required 40 feet

#### ***Analysis***

The hardship in this case is the corner lot configuration. The new fence replaced a previously existing fence of the same height in the same location. Given that the subject lot is at a lower elevation than the house to the rear (which fronts on Ashbury) the fence encroachment into the required 40-foot front setback along Ashbury does not appear to be detrimental to the adjoining property or the streetscape.

#### ***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

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

#### ***Appends***

LOCATION: 3133 Overton Road

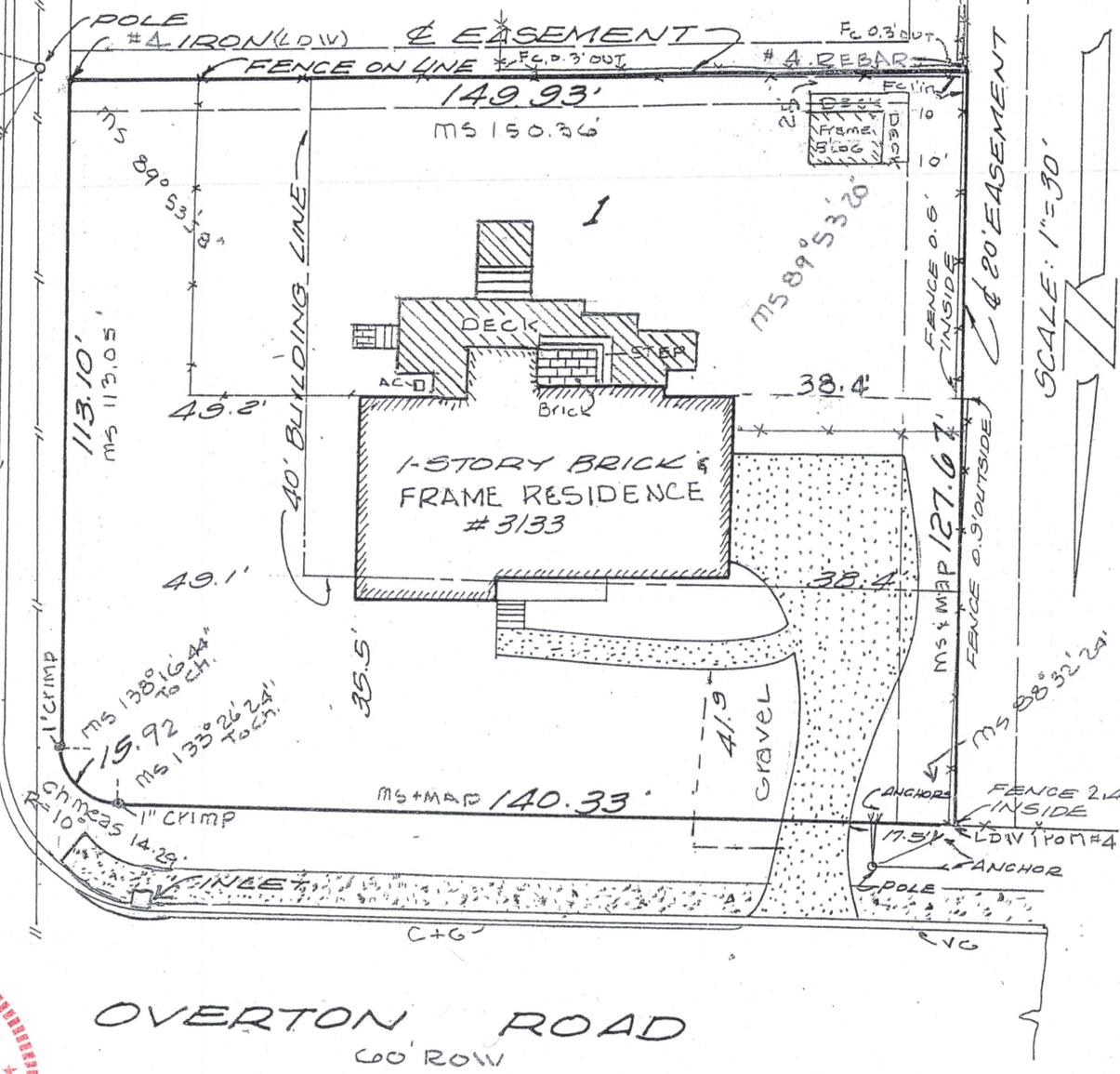
ZONING DISTRICT: Res-A

OWNERS: Chris and Jane Brakefield

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
- ☉ CENTERLINE
- A/C AIR CONDITIONER
- POLE
- Y ANCHOR
- X FENCE
- OVERHEAD UTILITY
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK

ASBURY PLACE 50' ROW



OVERTON ROAD  
60' ROW

\* MOUNTAIN BROOK GARDEN ESTATES

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 1 PASTS ADDITION TO as recorded in Map Volume 66 Page 78 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 MAY 4, 2010. Survey invalid if not sealed in red.

Order No.: 74688  
Purchaser: BEAUFIELD  
Address: 3133 OVERTON ROAD

Ray Weygand, Reg. L.S. #24973  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087  
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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-16-20 (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)?

WE REPLACED AN EXISTING ROTTEN 6' HIGH WOODEN FENCE (4-28 YEARS OLD) WITH A NEW 6' HIGH WOODEN FENCE IN THE SAME LOCATION THAT THE EXISTING FENCE WAS BUILT. WE DO NOT WANT TO HAVE TO PAY TO HAVE THE FENCE RELOCATED OR CUT TO 4' HIGH. OUR ADJACENT NEIGHBORS COMMENTED THAT HE LOVES THE 6' HEIGHT & SAID HE WOULD LOVE IT IF IT COULD BE HIGHER. WE WILL LOSE PRIVACY WITH A 4' FENCE WITH THE WAY OUR YARD SLOPES UP HILL FROM THE FENCE. IT

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 - WE WERE NOT AWARE OF NEW ORDINANCES THAT REQUIRE THE FENCE TO BE EITHER MOVED TO STAY 6' OR CUT TO 4'. IF THE FENCE IS MOVED TO SET BACK LOCATION, WE WILL LOSE A LOT OF YARD SPACE WE HAVE IN OUR BACKYARD & WILL ~~INCUR~~ <sup>INCUR</sup> EXPENSES WE DO NOT HAVE A BUDGET TO DO THIS. WILL BE AN ADDED EXPENSE TO RE-LANDSCAPE IF MOVED TO KEEP IF 6' HIGH.

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

THERE ARE SEVERAL HOUSES WITHIN LESS THAN 1/2 MILE FROM OUR HOUSE THAT APPEAR TO BE WITHIN THEIR SET BACKS WITH 6' FENCES. WE WILL BE MOST GRATEFUL IF WE CAN KEEP THE FENCE AT 6' HIGH WHERE IT HAS BEEN LOCATED FOR 4-28 YEARS AS A 6' HIGH FENCE.



## Variance Application - Part I

### Project Data

Address of Subject Property 3924 MONTEVALLO ROAD

Zoning Classification RESIDENCE-A

Name of Property Owner(s) TDL HOMES, LLC

Phone Number 205-515-0681 Email John Lyon 1 @ ME.COM

Name of Surveyor R. WEYGAND

Phone Number 205-942-0086 Email info @ WEYGAND SURVEYORS.COM

Name of Architect (if applicable) BRENT UPTAIN

Phone Number 205-540-7546 Email BRENT UPTAIN @ GMAIL.COM

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000	25,735	25,735
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)	40		15
Lot Coverage (%)	25		17
Building Height (ft)			
Other			
Other			

TDL Homes, LLC  
1 Montcrest Drive  
Mountain Brook, AL 35213

April 21, 2016

City of Mountain Brook  
Board of Zoning Adjustment  
City Hall  
Mountain Brook, AL 35213

Re: 3924 Montevallo Road

Board Members,

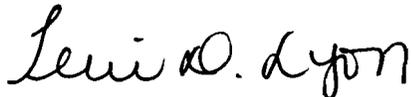
We are requesting Variances be granted for a rear setback and lot size for the construction of a single family home. The property, 3924 Montevallo Road, sits on a corner lot which slopes downward considerably from South to North. Because it is a corner lot, there will be requirement for three 40' building setbacks. Because the house is on Montevallo Road the previous owner exclusively used Montcrest Drive for all access including the location of the mailbox. Montevallo Road is a main thoroughfare through the city and difficult and dangerous to access from a drive. An adjoining property, 1 Montcrest Drive, is also a corner lot and faces and uses Montcrest drive as access.

The existing lot is 25,735 sq feet in size and is irregular in shape. 1,860 sq feet was sold to the owner of 3922 Montevallo Road by the previous owner for the purpose of building a safer circular driveway to access Montevallo Rd thus reducing the size of the lot at 3924 Montevallo Road.

As you will note on the site plan, the proposed structure fits within building setbacks with the assumption of a Montevallo facing house. Regardless of what is deemed to be the "front" of the house, the footprint of the structure will not change. The proposed structure is in keeping with the neighboring house across Montcrest to face Montcrest Drive and its use and function work best facing Montcrest Drive. Regardless of which way the house "faces" the back of the house will face the side of the adjoining property.

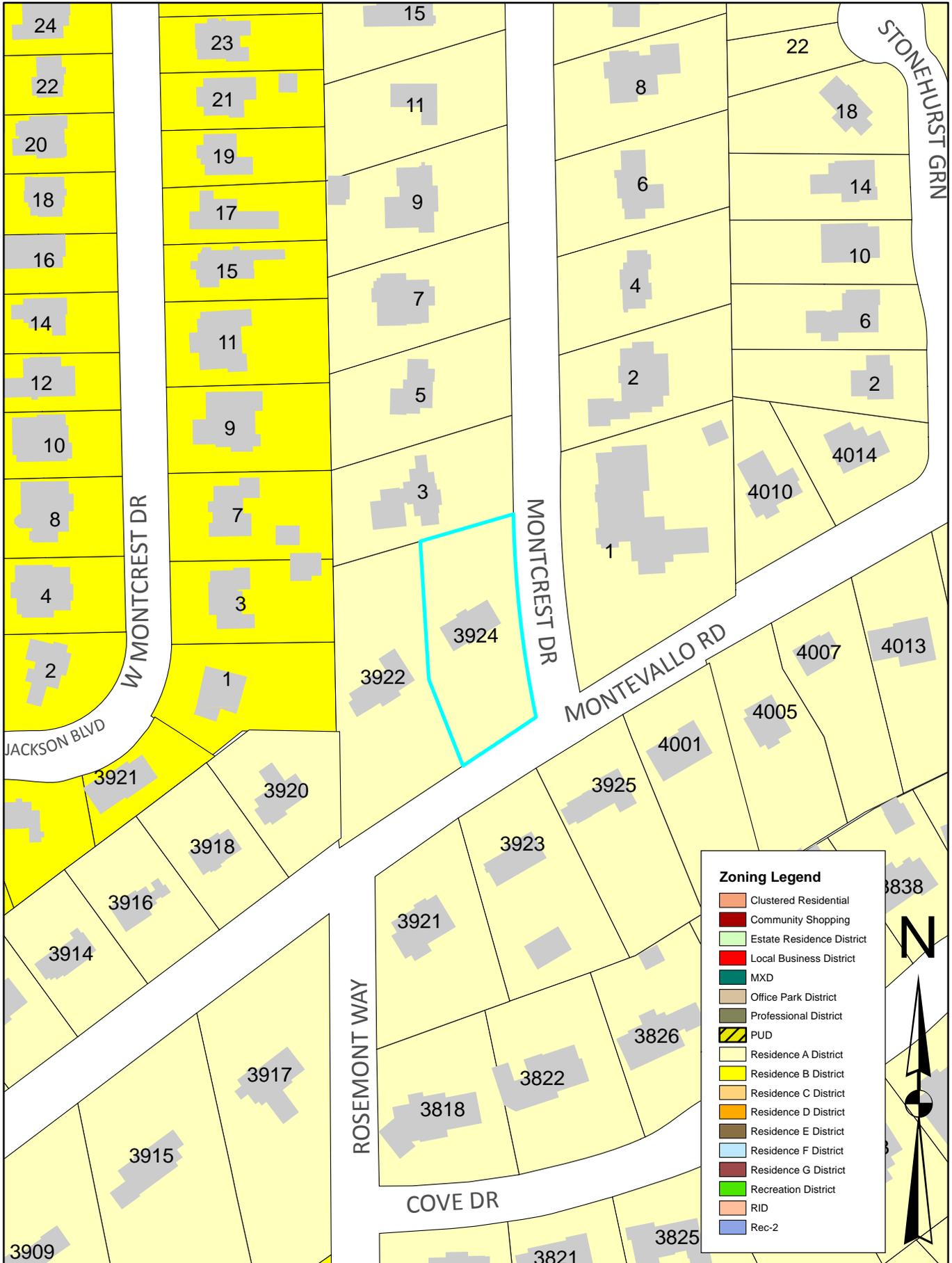
We thank you for your consideration and ask that the variances be approved. We are ready to begin construction as soon as possible.

Thank you,



Terri D. Lyon, Manager  
TDL Homes, LLC

# A-16-21 (Zoning Map)



### Zoning Legend

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



## Report to the Board of Zoning Adjustment

### A-16-21

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

Request to allow the construction of a new single family residence to be 15 feet from the rear property line (west) in lieu of the required 40 feet.

#### ***Analysis***

The hardship in this case is the corner lot configuration. The Res-A zoning requires three 40-foot setbacks in this case; primary and secondary fronts and a rear. Historically, staff has implemented the zoning code such that the rear setback is opposite the primary front, the primary front being the street in which the house faces and where the address is located. In this case the house will face Montcrest Drive and the address is presently on Montevallo Road.

As drawn on the survey, the proposal is to allow the west property line to serve more as a side (15 feet) and the north to serve more as a rear (40 feet) in lieu of the reverse, as normal administrative interpretation would have it.

#### ***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: 3924 Montevallo Road

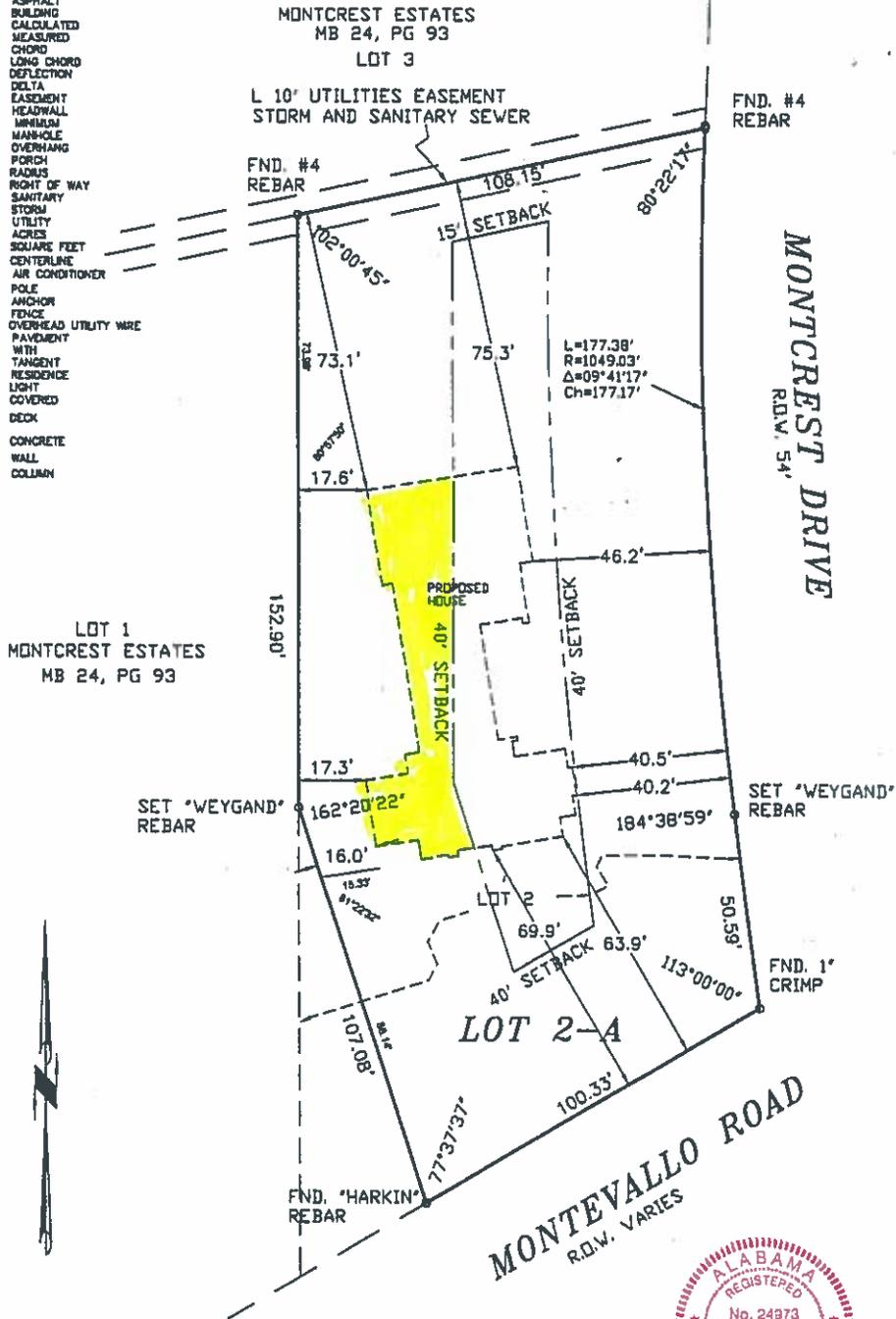
ZONING DISTRICT: Res-A

OWNER: TDL Homes, LLC

A-16-21

LEGEND

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



SCALE: 1"=30'

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"PLOT PLAN"

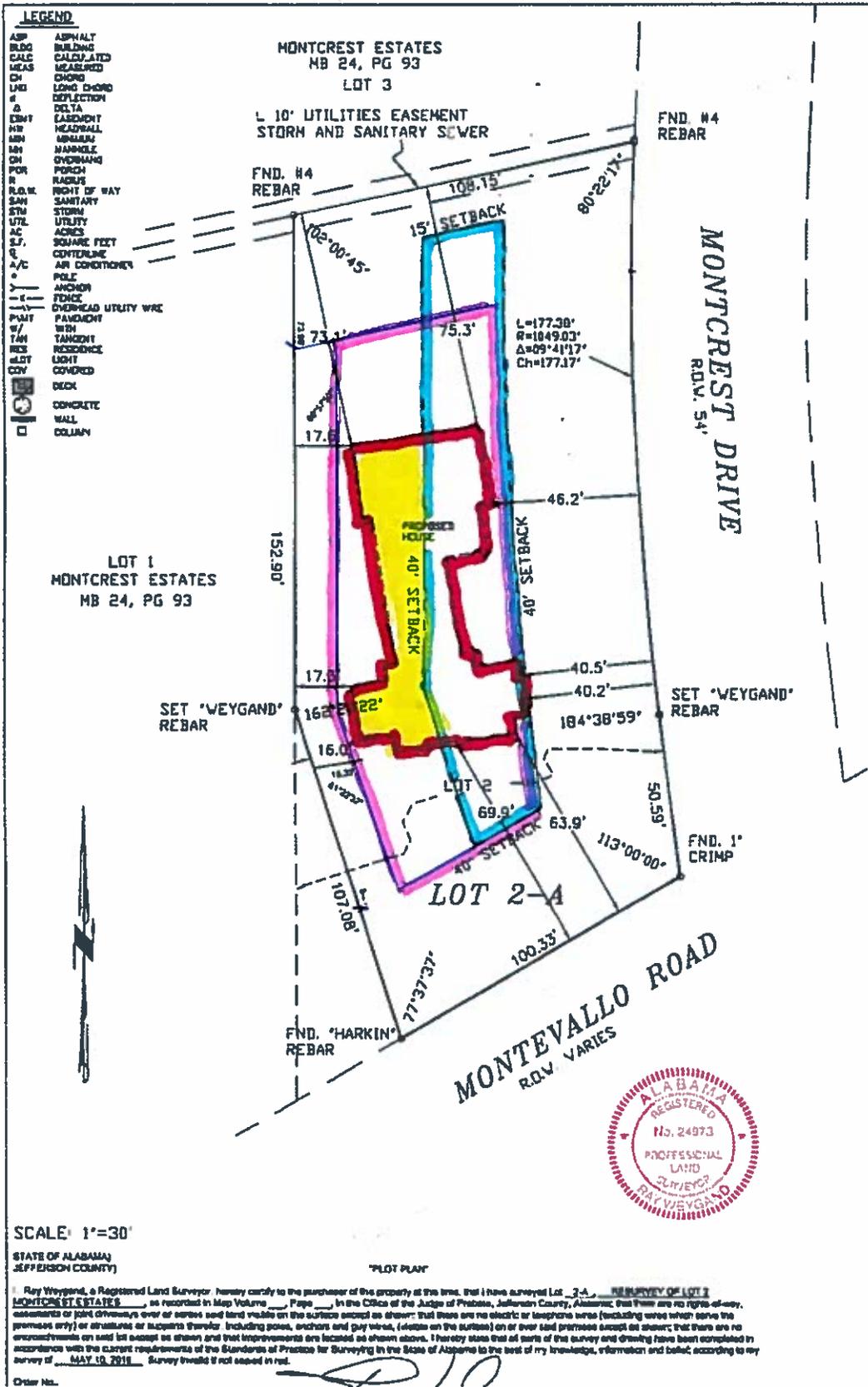
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at the time, that I have surveyed Lot 2-A, RESURVEY OF LOT 2 MONTCREST ESTATES, as recorded in Map Volume \_\_\_\_\_, Page \_\_\_\_\_ in the Office of the Judge of Probate, Jefferson County, Alabama; that there 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 MAY 10, 2016. Survey invalid if not sealed in red.

Order No. \_\_\_\_\_  
 Purchaser \_\_\_\_\_  
 Address: 3224 MONTEVALLO ROAD

Ray Weygand, Reg. L.S. #24973  
 180 Osborn 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 dead/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, easements or easel all were not located unless otherwise noted. We do not look for underground sewers or rip manhole cover. (d) The shown north arrow is based on dead/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person(s) that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

- Required setbacks if house faces Montevallo
- Required setbacks if house faces Montcrest
- Proposed house facing Montcrest
- (yellow) Proposed rear encroachment under Montcrest scenario



A-16-21

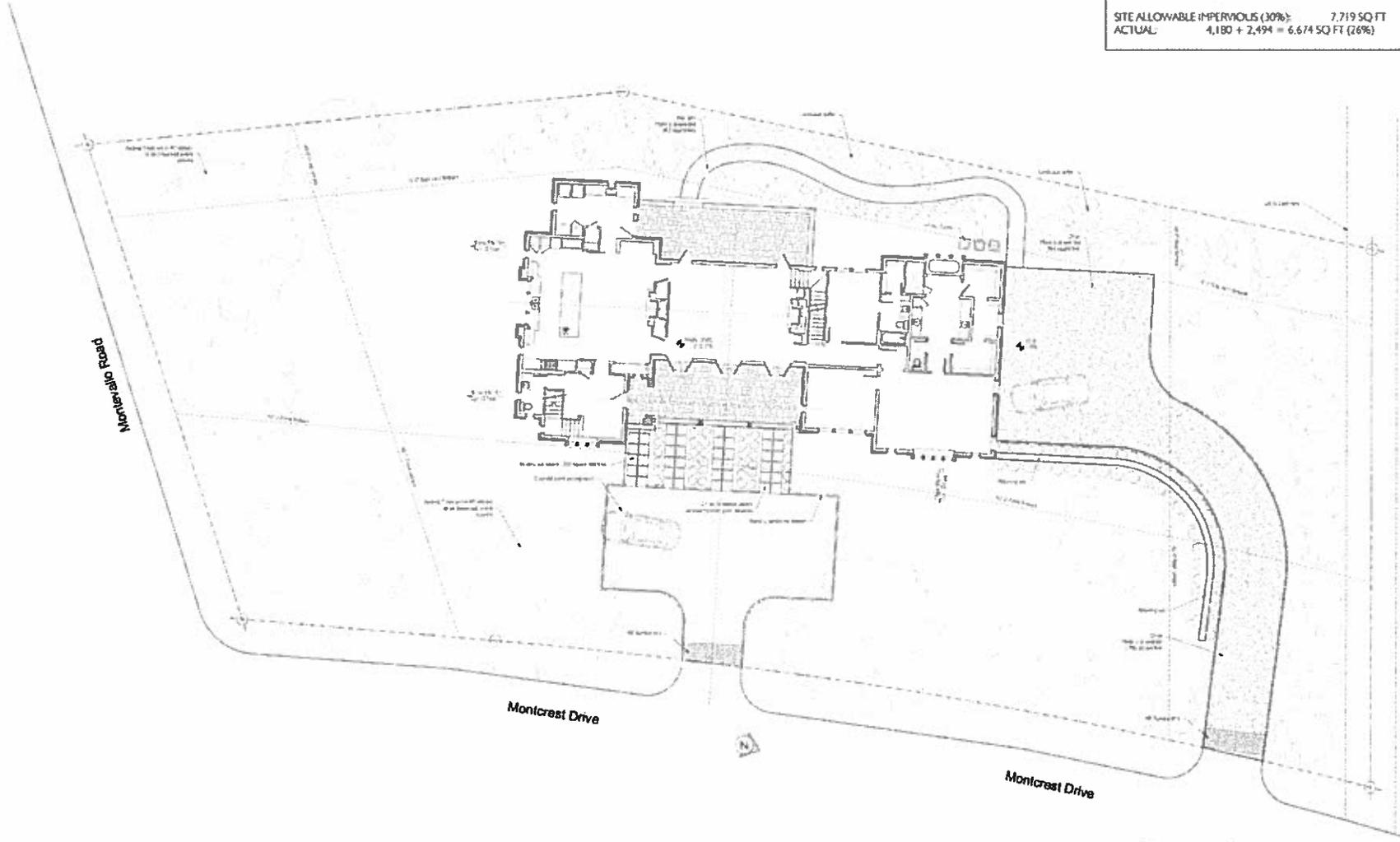
A-16-21

STUDIO J. BRENT  
ARCHITECTS

1000 West 1st Street  
West Los Angeles  
California 90024  
Tel: 310.440.7344



SITE DATA	
ZONING:	RA
FRONT SETBACK:	40 FEET (2 FRONTS)
SIDE SETBACKS:	15 FEET
REAR SETBACK:	40 FEET
TOTAL LOT AREA:	25,731 SQ FT
ALLOWABLE BUILT AREA (25%):	6,537 SQ FT
ACTUAL:	4,180 SQ FT (17%)
SITE ALLOWABLE IMPERVIOUS (30%):	7,719 SQ FT
ACTUAL:	4,180 + 2,494 = 6,674 SQ FT (26%)



Permit/Pricing  
Set

A New Home at  
3924 Montevideo  
Road

REVISIONS:

Architectural Site Plan  
Date: 07-15-10

Architectural Site Plan

A0-1









# A-16-21 (Aerial Map)





## Variance Application Part II

### Required Findings (Sec. 19.26.5 of the Zoning Ordinance)

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

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

THE LOT IS A CORNER LOT WITH THREE 40' SET BACKS.  
1,860 SQ FEET OF THE PROPERTY WAS SOLD TO 3922 MONTEVALLO RD  
PRIOR TO OUR PURCHASE. THE PROPERTY SLOPES SOUTH TO NORTH AND  
MONTEVALLO RD IS A MAIN THOROUGHFARE THROUGH THE CITY.

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?

THE PREVIOUS HOME ON THE PROPERTY FACED MONTEVALLO BUT ALL  
ACCESS WAS VIA MONTEREST DRIVE. THE HOUSE ON THE CORNER ACROSS  
MONTEREST ALSO FACES MONTEREST AND THIS PROPERTY WILL SIT & FUNCTION  
BEST BY FACING MONTEREST.

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?

THE GRANTING OF THE VARIANCE WOULD NOT CREATE ANY ADVERSE  
CONDITION FOR ADJOINING PROPERTY OWNERS NOR CREATE A STRUCTURE NOT IN  
KEEPING WITH THE EXISTING NEIGHBORHOOD. IT WILL ALSO PROVIDE BEST  
USE AND ENJOYMENT FOR THE OWNER.



## Variance Application - Part I

### Project Data

Address of Subject Property 21 PEACHTREE ST.

Zoning Classification RESIDENCE C

Name of Property Owner(s) KENNETH HENSON MILLSAP

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

Name of Surveyor RAY WEYGAND - WEYGAND SURVEYORS

Phone Number 205.942.0086 Email RAY.WEYGAND@BELLSOUTH.NET

Name of Architect (if applicable) HOME BUILDER J.FANTE STUDIO / JENNIFER FANTE

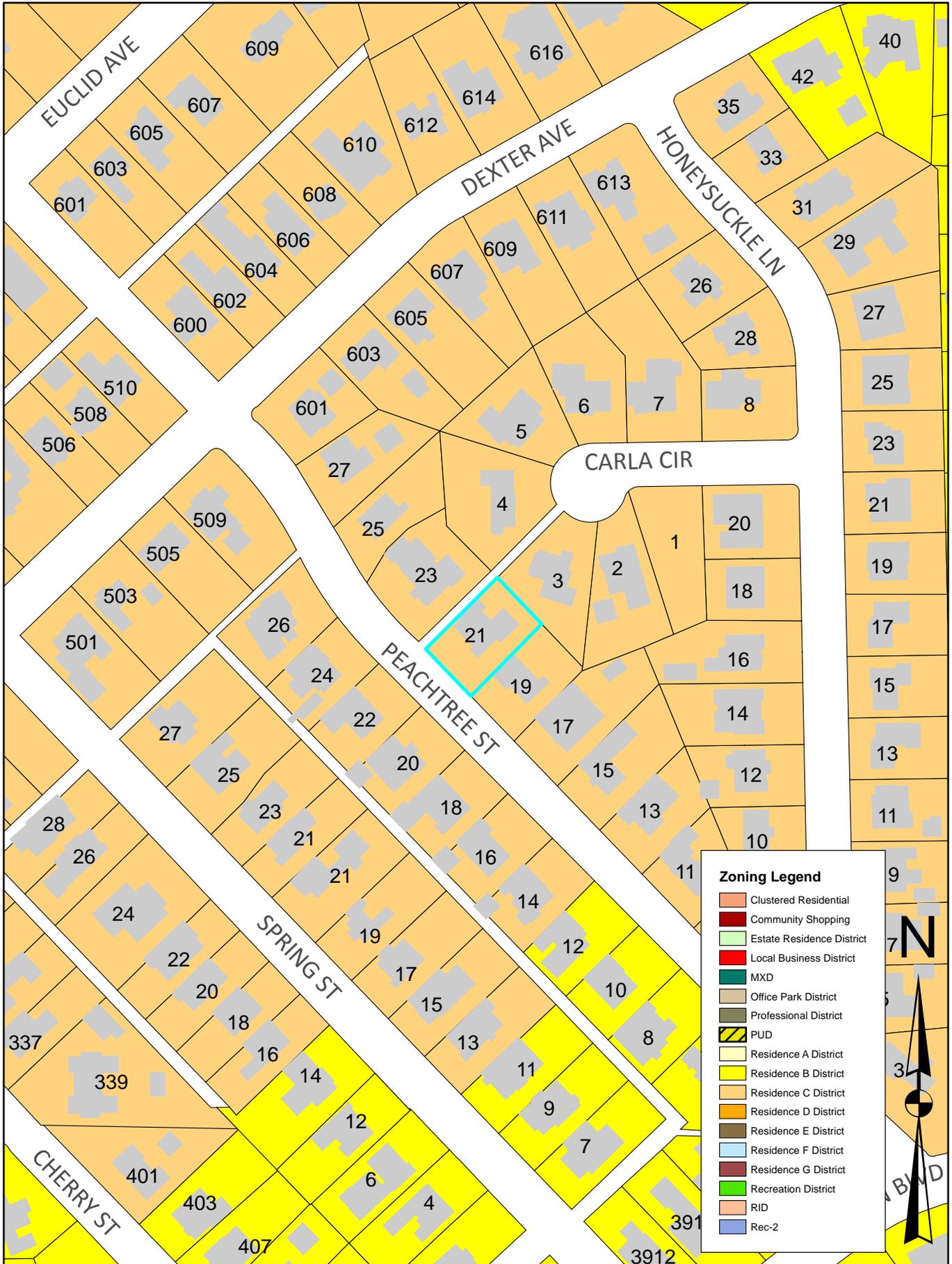
Phone Number 205.223.4419 Email JENNIFER@JFANTESTUDIO.COM

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)	7,500 SF	≈ 8500 SF	≈ 8500 SF / NO CHANGE
Lot Width (ft)	70 FT		NO CHANGE
Front Setback (ft) <i>primary</i>	35 FT		NO CHANGE
Front Setback (ft) <i>secondary</i>	15 FT		NO CHANGE
Right Side Setback	10 FT		NO CHANGE
Left Side Setback	10 FT		NO CHANGE
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	< 60' WIDE = 8 FT 60'-70' WIDE = 9 FT < 60' WIDE = 12 FT 60'-70' WIDE = 13 FT		NO CHANGE
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	< 60' WIDE = 8 FT 60'-70' WIDE = 9 FT < 60' WIDE = 12 FT 60'-70' WIDE = 13 FT		NO CHANGE
Rear Setback (ft)	35 FT	15 FT	15 FT
Lot Coverage (%)	35%	≈ 29%	≈ 32%
Building Height (ft)	35 FT		
Other - <u>STORIES MAX</u>	2	1	1
Other			

# A-16-22 (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-16-22

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

Request to allow the construction of a screened porch and chimney to be 14.7 feet and 13.7, respectively, from the rear property line (east), both in lieu of the required 35 feet.

#### ***Analysis***

The hardships in this case are the existing design constraints; the existing front yard being overly ample (39 - 45 feet from the front property line where only 35 feet is required) and the existing rear yard being deficient (14.7 feet from the rear property line where 35 feet is required). Also, the lot is 115 feet deep, where standard Crestline lots are typically 150 feet deep. In looking at other shallow lots on the same side of Peachtree (as well as across the street) it appears that it is not uncommon for the houses to have reduced rear setbacks in this neighborhood.

The proposal involves the removal of an uncovered rear deck and the construction of a new screened porch to match the existing rear setback of 14.7 feet. Also, for an associated chimney to extend one foot beyond the screened porch.

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

It appears that the impervious area exceeds the allowable percentage. This condition will be properly mitigated prior to any permit issuance for an addition.

#### ***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***

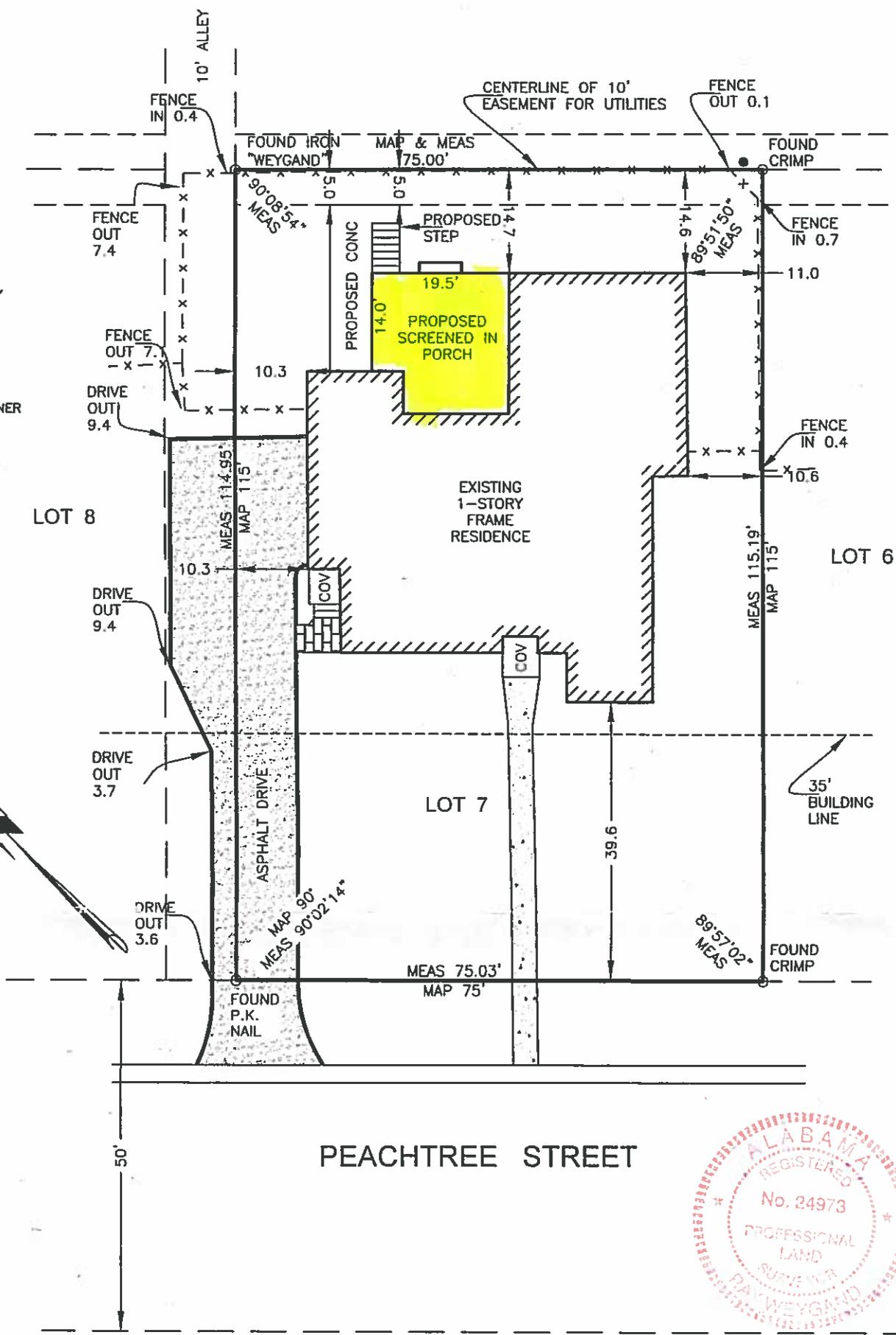
LOCATION: 21 Peachtree Street

ZONING DISTRICT: Res-C

OWNER: Kenneth Henson Millsap

**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- DEF 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
- ☉ CENTERLINE
- A/C AIR CONDITIONER
- POLE
- > ANCHOR
- x- FENCE
- /— POWER LINE
- PVMT PAVEMENT
- W/TAN WITH TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- ⊙ CONCRETE
- ▩ WALL



PEACHTREE STREET



SCALE: 1"=20'  
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 7, Block 2, GARBER COOK & HULSEY'S ADDITION TO CRESTLINE HEIGHTS, as recorded in Map Volume 29, 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 APRIL 26, 2016. Survey invalid if not sealed in red.

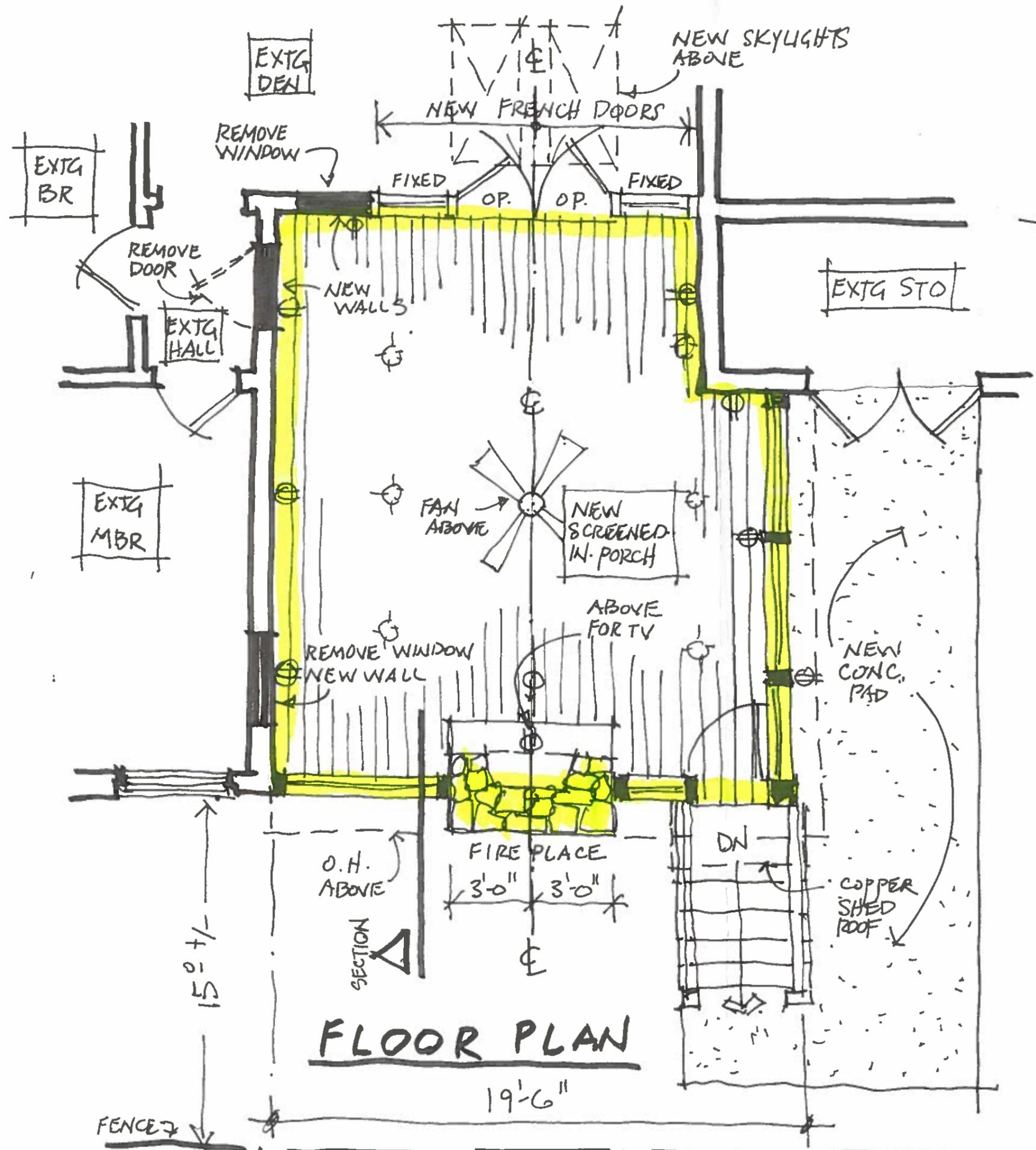
*[Signature]*

Order No.: 74879  
Purchaser: MILLSAP  
Address: 21 PEACHTREE STREET

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.

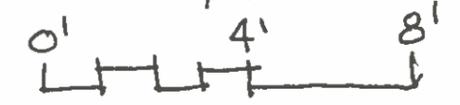


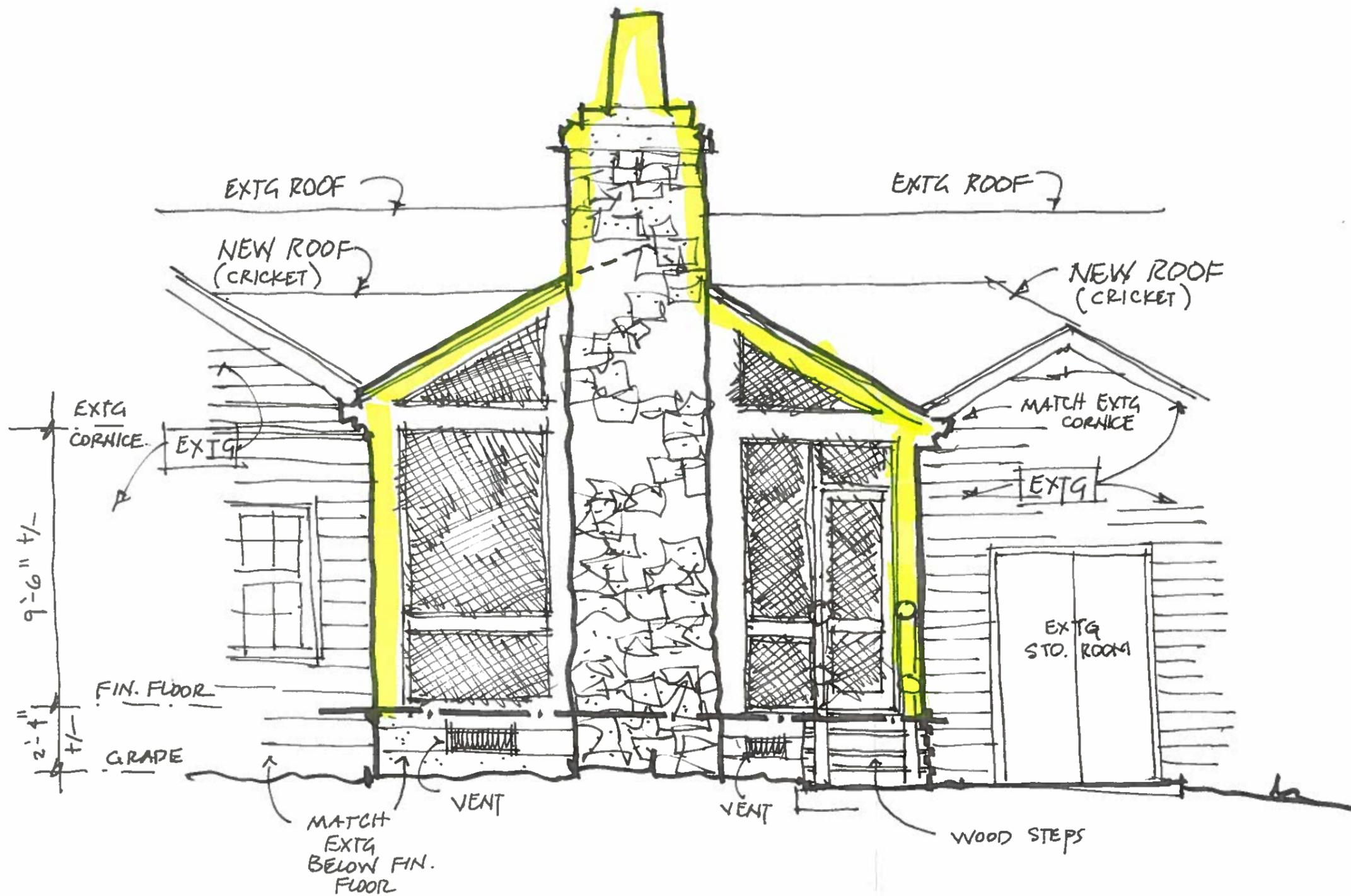


NOTE: FIELD VERIFY ALL DIMENSIONS

# MILLSAP RESIDENCE

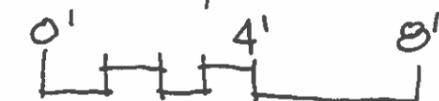
NOV 16, 2015





# MILLSAP RESIDENCE

NOV 16, 2015



201

# A-16-22 (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)?

SEE ATTACHMENT

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...")

SEE ATTACHMENT

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

SEE ATTACHMENT



j.fante studio  
design + construction

Date: 04/22/2016  
Project: 1604

**RE:** Variance Request  
21 Peachtree Street  
Birmingham, AL 35213

### VARIANCE APPLICATION PART II:

1. The lot shape for this property is excessively shallow. With front and rear setbacks of 35'-0" each, this only allows for a building to inhabit an area approximately 35'-40' in depth. The zoning map of this neighborhood shows that it is fairly common for homes to be approximately 15' from the rear yard property line.
2. The condition from which relief is sought is not a result of action by the applicant.
3. This variance would allow our clients to replace their existing back deck and utilize their current outdoor living space that is uncovered and deteriorating from its exposure to the elements. Covering the porch will also alleviate moisture and mildew problems on the North-facing side of the home that doesn't get a ton of sunlight currently to help dry it out. The proposed structure does not project further past the current extents of the building and will be approximately 15' from the rear property line. This is congruent with the structures on adjacent lots in the neighborhood.

### PROJECT SCOPE:

The proposed project scope at 21 Peachtree St is to replace the existing wood deck with a screened porch to allow for utilization of outdoor living space for an extended portion of the year. This porch will also address the current moisture issues on the North-facing side of the property where the existing deck currently exists.

Signature of client's representative: \_\_\_\_\_

*Jennifer Fante*  
Jennifer Fante, j.fante studio

Date: \_\_\_\_\_

4.22.16



## Variance Application - Part I

### Project Data

Address of Subject Property 2600 Heathcreek Road  
 Zoning Classification Residence A  
 Name of Property Owner(s) Emily and Samuel Heide  
 Phone Number 205-790-4925 <sup>703-371-5669</sup> Email evburdick@hotmail.com  
 Name of Surveyor Weygand Surveyors Inc  
 Phone Number 205-942-0086 Email jamie-weygand@bellsouth.net  
 Name of Architect (if applicable) Fifth Dimension  
 Phone Number 205 585 9509 Email dan@5dani.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)):

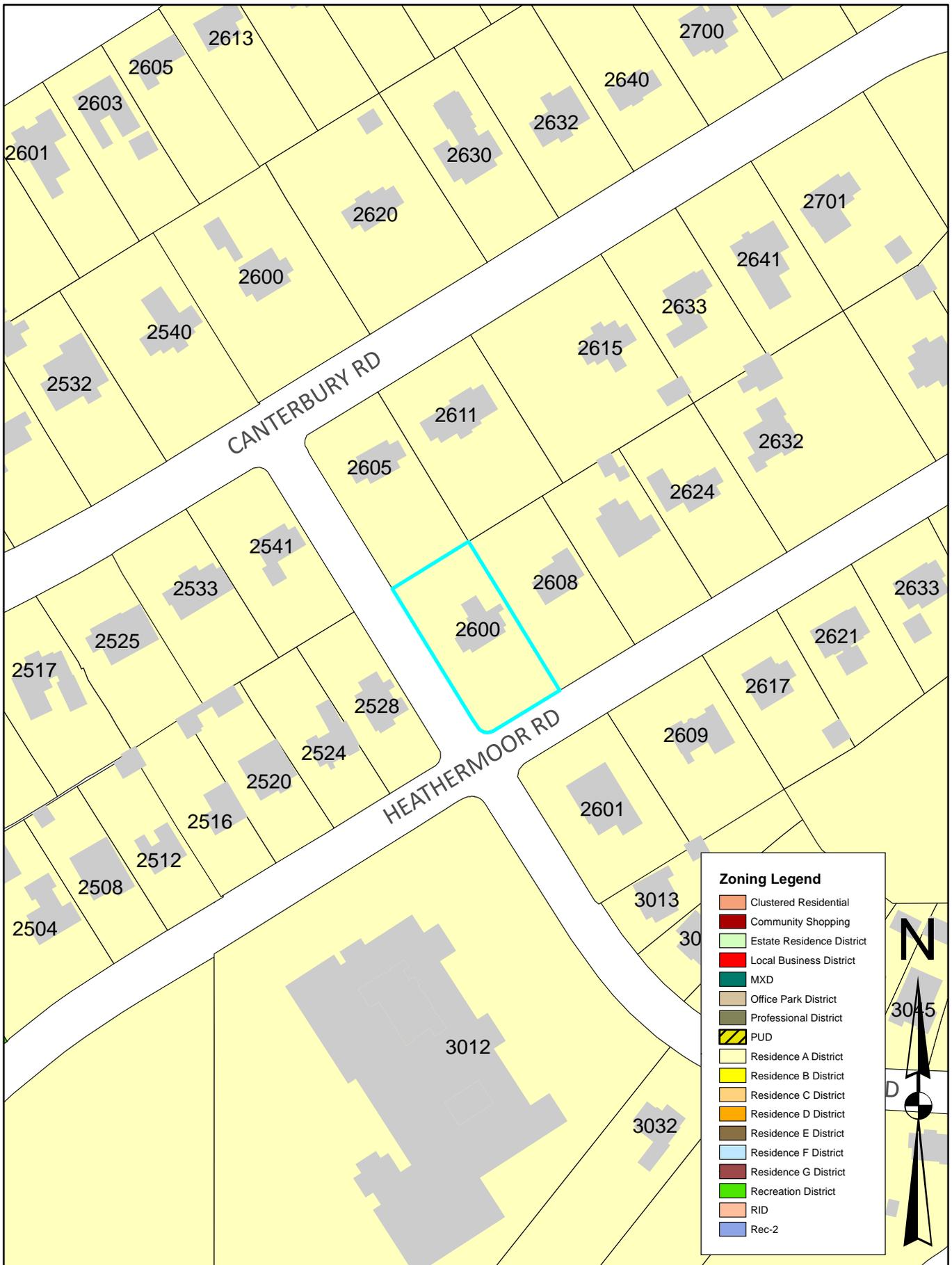
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000 sq ft	+/- 19,825 sq ft	+/- 19,825 sq ft
Lot Width (ft)	100'	100'	100'
Front Setback (ft) primary	40'	+/- 80'	+/- 80'
Front Setback (ft) secondary	40'	+/- 18'	21.7'
Right Side Setback	15'	14.6'	14.6'
Left Side Setback	N/A	N/A	
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Rear Setback (ft)			
Lot Coverage (%)	75%	95.9%	9.59%
Building Height (ft)	35'	29'	29'
Other			
Other			

## Scope of work:

Remove existing deck that detracts from the appearance of the home and replacing it with a brick pier construction that matches the home as well as no longer projects beyond the original footprint of the home. We will be providing a more attractive facade in keeping with the character of the neighborhood.

---

# A-16-23 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-23

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

Request to allow the construction of an uncovered deck to be 21.3 feet from the secondary front property line (Cambridge Road) in lieu of the required 40 feet.

#### ***Analysis***

The hardship in this case is the corner lot configuration. The proposal is to demolish an existing deck that is 18 feet from the secondary front property line and replace it with a deck that is smaller (3.3 feet farther from the secondary front and rear property lines).

As may be seen on the zoning map, the secondary front on this block of Cambridge Road does not line up with any primary front yards on the same block. Therefore, it is not anticipated that an approval of this request would be detrimental to the streetscape, but actually an improvement over the existing encroachment.

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

#### ***Appends***

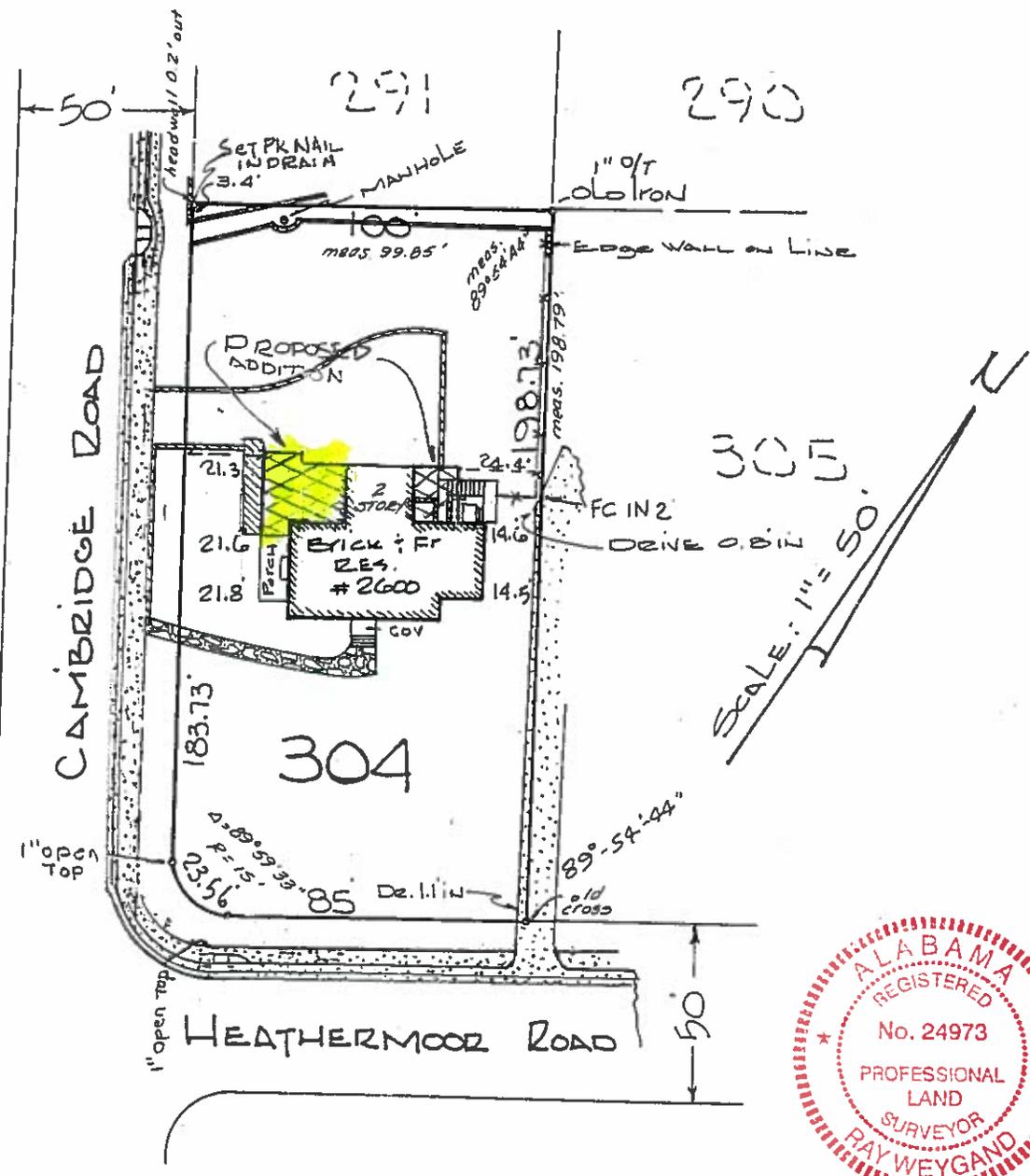
LOCATION: 2600 Heathermoor Road

ZONING DISTRICT: Res-A

OWNERS: Emily and Samuel Heide

**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
- C CENTERLINE
- A/C AIR CONDITIONER
- POLE
- Y ANCHOR
- X- FENCE
- OVERHEAD UTILITY
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▩ WALL
- COLUMN



"PLOT PLAN"

STATE OF ALABAMA  
JEFFERSON COUNTY)

\* ESTATES - CANTERBURY SECTOR

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 304 MOUNTAIN BROOK as recorded in Map Volume 19, Page 40, 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 APRIL 21, 2016.  
Survey invalid if not sealed in red.

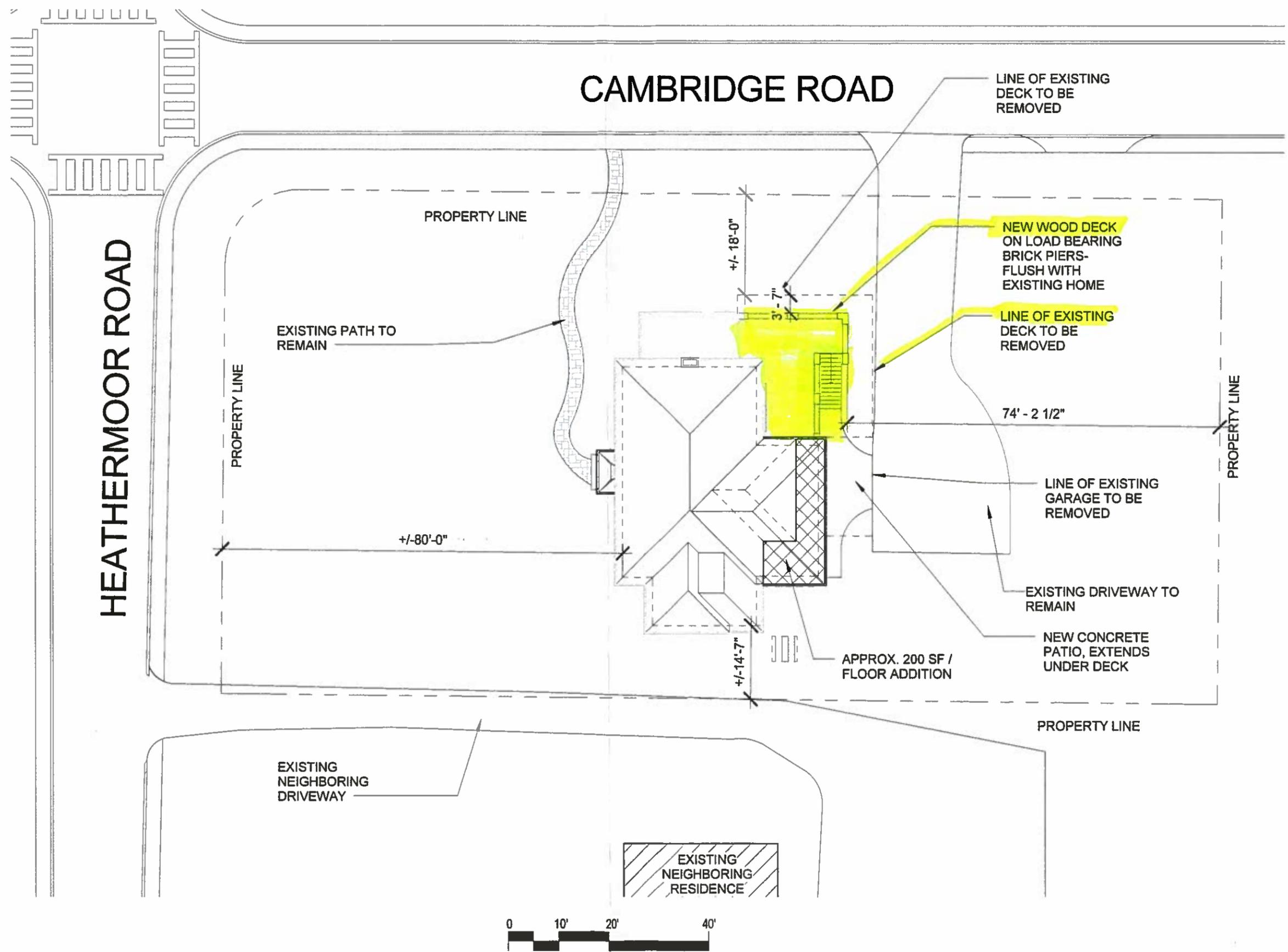
Order No. 75091  
Purchaser:  
Address: 7500 HEATHERMOOR ROAD

*[Signature]*

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

202172301700



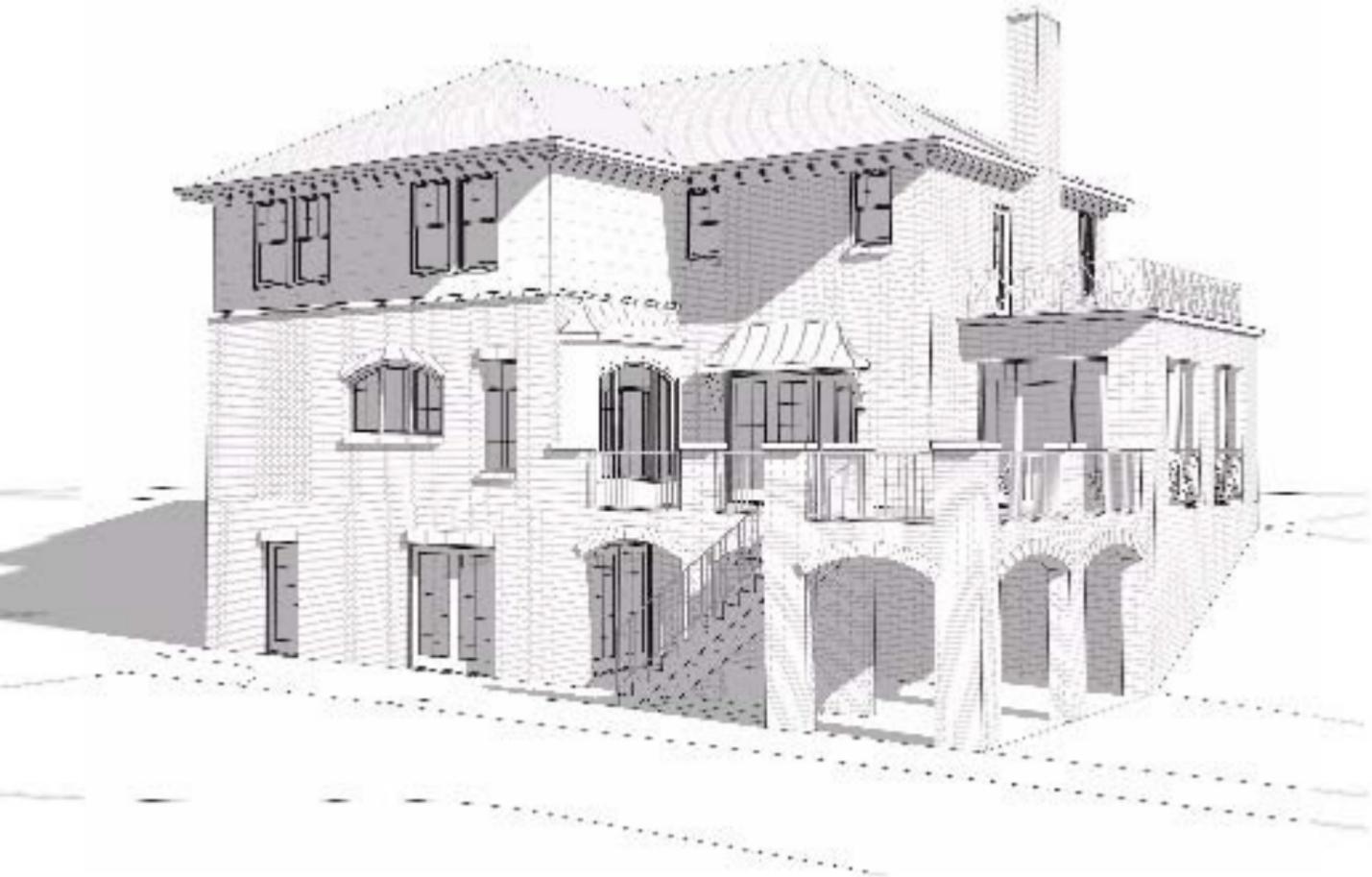
## Residence Renovation for Mr. and Mrs. Sam Heide

Sam & Emily Heide - 2600 Heathermoor Road, Mountain Brook, Alabama 35223  
 SITE PLAN - 04/22/16



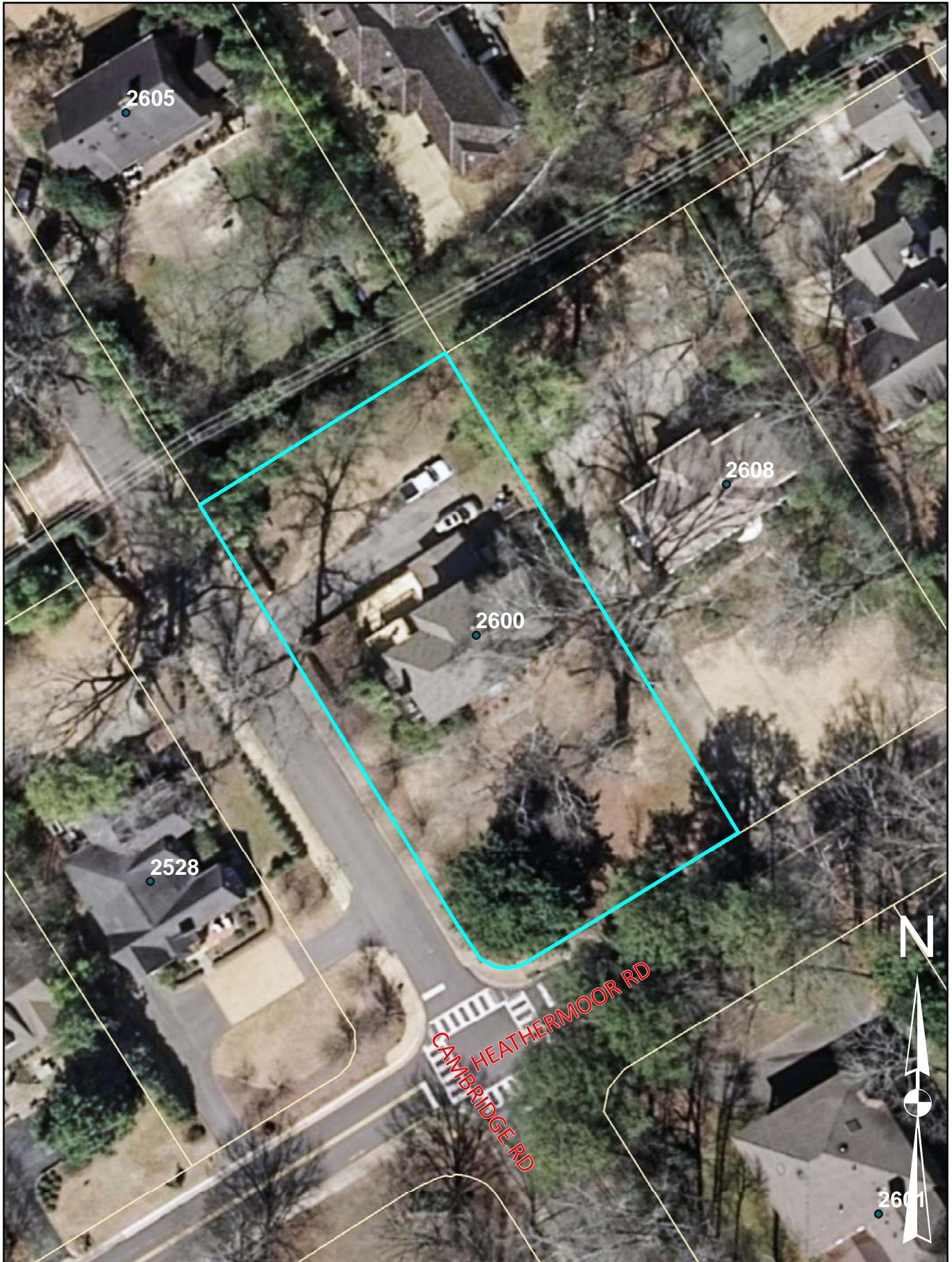
Cambridge





**CONCEPTUAL REAR PERSPECTIVE**

# A-16-23 (Aerial Map)





## Variance Application Part II

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

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

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

*This home is an existing construction on a corner lot. With the corner lot, the set backs become larger from side to side than the actual buildable width.*

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?

*By removing an existing deck that detracts from the appearance of the home and replacing it with a brick pier construction that matches the home as well as, no longer projects beyond the original footprint of the home, we will be providing a more attractive facade in keeping with the character of the neighborhood.*



## Variance Application - Part I

### Project Data

Address of Subject Property 4 Montrose Circle  
 Zoning Classification R-3  
 Name of Property Owner(s) C. Laura and Joshua Haralson  
 Phone Number 901-210-0409 Email josh@haralsonpr.com  
 Name of Surveyor Ray Weygand  
 Phone Number 205-942-0086 Email \_\_\_\_\_  
 Name of Architect (if applicable) Tyler Price  
 Phone Number 205-292-8226 Email tyler@tgparch.tecture.com

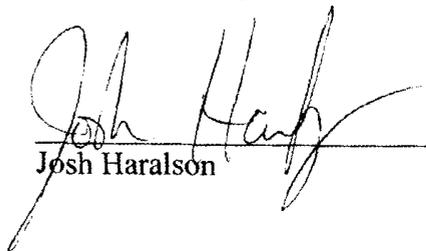
Property owner or representative agent must be present at hearing

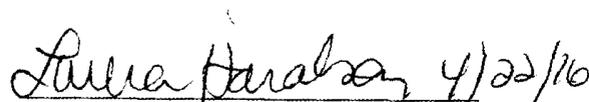
Please fill in only applicable project information (relating directly to the variance request(s)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)		11,326	11,326
Lot Width (ft)		100	100
Front Setback (ft) <i>primary</i>	40	40	40
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15	12.2	12.5
Left Side Setback	15	11	11
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	23	20
Lot Coverage (%)		.19	.19
Building Height (ft)			
Other			
Other			

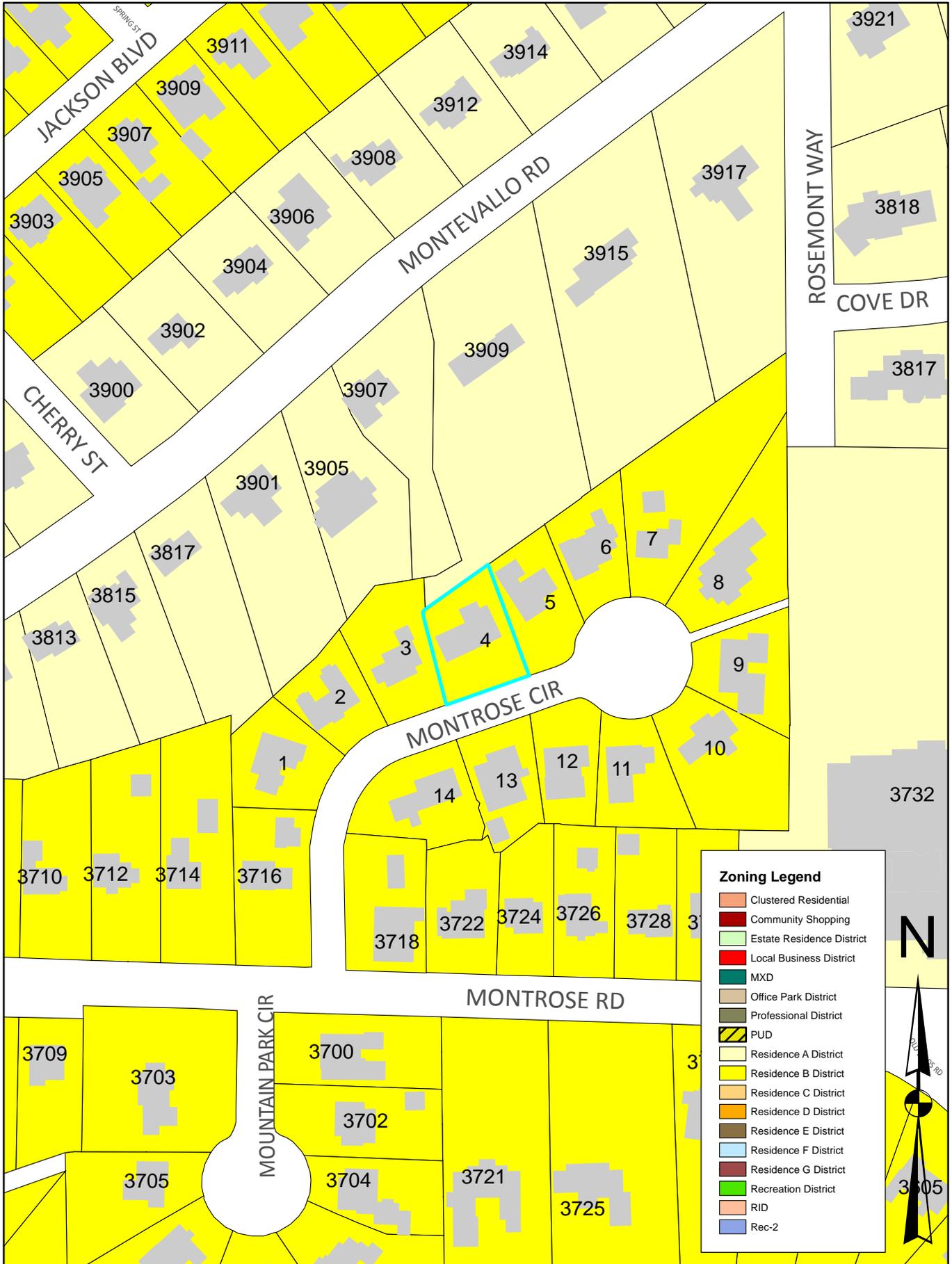
04-22-16

We are asking for a variance because we need additional space for our family to live in and we are certain that any future families would as well. In order for our house to keep with the current trend, increasing size, and price of other homes in the neighborhood this additional square footage must be added to our home. Due to the irregular trapezoidal shape of the lot, the existing house is currently already built over the setback. We are not asking to build over the setbacks beyond its existing condition. We would like to use the current footprint and create a second story on top of what is already there. We believe that by creating a story and a half elevation and roofline, that we can gain the additional space we need while still being very respectful of our neighbors. Our hardship is that the only other option would be to tear this house down and start over, which we still believe we would have problems fitting another house on this irregular lot.

  
Josh Haralson 4/22/16

  
Laura Haralson 4/22/16

# A-16-24 (Zoning Map)



## Report to the Board of Zoning Adjustment

### A-16-24

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

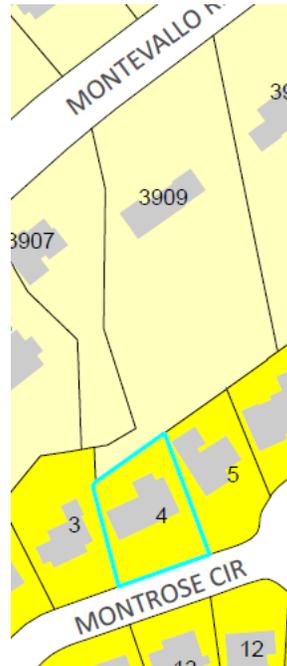
Request to allow additions and alterations to an existing single family dwelling to be 20 feet from the rear property line in lieu of the required 35 feet, and 11 feet from the side property line (west) in lieu of the required 12.5 feet.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot, as well as the existing design constraints; the existing front yard being overly ample (42 - 46 feet from the front property line where only 35 feet is required) and the existing rear yard being deficient (23 feet from the rear property line where 35 feet is required).

The proposal involves a second floor addition to match existing west side and rear encroachments, and to add a covered porch and small first floor addition that will encroach into the rear setback. The existing carport on the east side of the house will be converted to livable area, and the existing east side carport post encroachment (12.2 feet from the property line) will be made to conform. Proposed improvements to the front of the house will conform to required setbacks as well.

As may be seen on the zoning map, the subject lot is the smallest and most shallow lot on this side of Montrose Circle, and the rear property line adjoins an irregular “jut-out” of property located at 3909 Montevallo. Given the unique relationship of the subject lot to the lot to the rear, no detrimental effects to the Montevallo lots are anticipated.



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

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

#### ***Subject Property and Surrounding***

##### ***Land Uses***

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

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

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

***Appends***

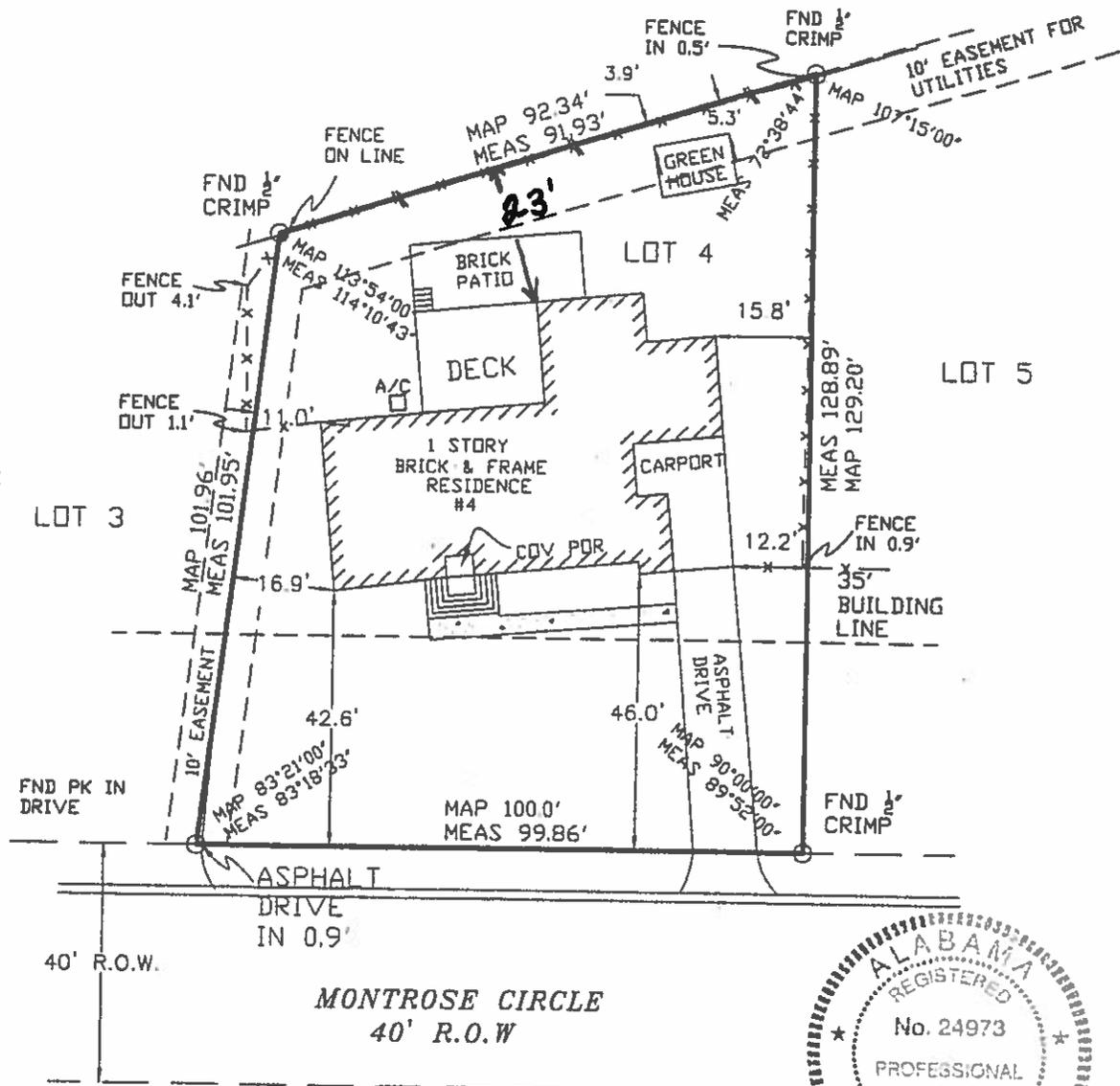
LOCATION: 4 Montrose Circle

ZONING DISTRICT: Res-B

OWNERS: Laura and Joshua Haralson

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—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

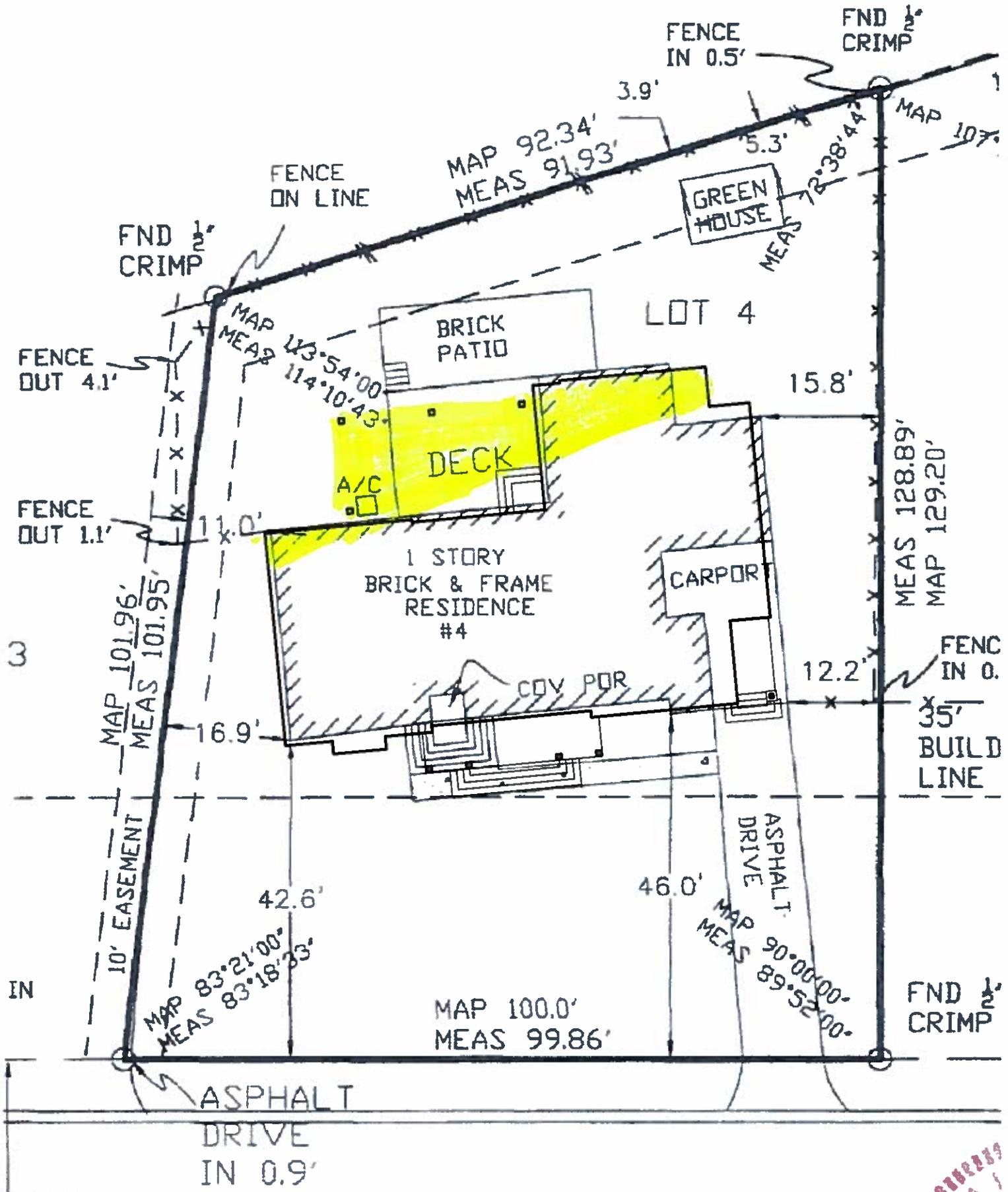
"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 4, AMENDED MAP MONTROSE CIRCLE, as recorded in Map Volume 33, Page 37, 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 APRIL 15, 2016. Survey invalid if not sealed in red.

Order No.: 75079  
 Purchaser: HARALSON  
 Address: 4 MONTROSE CIRCLE

Ray Weygand, Reg. L.S. #24973  
 189 Oxmoor Road Homewood, AL 35208  
 Phone (205) 942-0088 Fax: (205) 942-0087  
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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.



12002289  
 4/1





new first & second floor encroachments



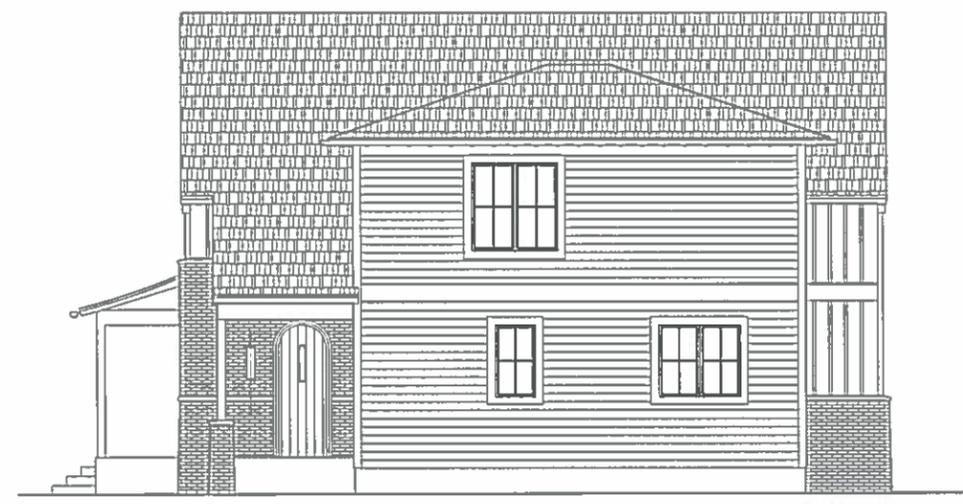
**A4** SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



**A3** REAR ELEVATION  
SCALE: 1/4" = 1'-0"

tyler g price architecture  
P.O. BOX 26031  
BIRMINGHAM, ALABAMA 35260

DATE:	
FILE NAME:	
NO.	DESCRIPTION
1	
DRAWING ELEVATIONS	
PROJECT HARALSON RESIDENCE	
4 MONTROSE CIRCLE MOUNTAIN BROOK ALABAMA	
SHEET A201	



**A2** SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



**A1** FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

- DETAIL NOTES**
1. NEW SIDING BOARD LAP SIDING
  2. NEW SIDING BOARD AND BUTTS SIDING - MATCH TO EXISTING 1" O.C.
  3. NEW SIDING, END SIDING SIDING - MATCH TO SIDING SIDE SUE
  4. NEW FIBERGLASS INSULATED SHEATHING - MATCH TO EXISTING SHEATHING
  5. NEW BRICK VENEER - MATCH TO EXISTING VENEER - MATCH TO EXISTING
  6. NEW STAINLESS STEEL DOORS TO MATCH EXISTING - SEE 11 LOCATED ON PLANS
  7. NEW SIDING - MATCH TO EXISTING
  8. NEW BRICK VENEER - MATCH TO EXISTING
  9. NEW BRICK VENEER - MATCH TO EXISTING
  10. NEW BRICK VENEER - MATCH TO EXISTING
  11. NEW BRICK VENEER - MATCH TO EXISTING
  12. NEW BRICK VENEER - MATCH TO EXISTING
  13. NEW BRICK VENEER - MATCH TO EXISTING
  14. NEW BRICK VENEER - MATCH TO EXISTING
  15. NEW BRICK VENEER - MATCH TO EXISTING

A-16-24

# A-16-24 (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)?

The irregular lot shape makes this lot unique. The trapezoidal shape has resulted in the existing house already being over the side and rear setbacks.

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, we are working within the existing footprint to add the additional square footage that we need.

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

We are detailing the structure to appear as a story and a half. With this detail and roofline the exterior walls will be lower than they would be if we were to have to rebuild and do a full 2 story roofline home within the setbacks.