



V-15-19

Variance Application - Part I

Project Data

Address of Subject Property 169 PEACH TREE CIRCLE

Zoning Classification RESC

Name of Property Owner(s) FORD & KATE HAMILTON

Phone Number 205-871-7584 Email KATEHAMILTON@ME.COM

Name of Surveyor WEYGAND

Phone Number 942-0086 Email

Name of Architect (if applicable) DEAN ROBINSON

Phone Number 229-0371 Email DEANARCH@CARTHINK.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)):

Table with 4 columns: Zoning Code Requirement, Existing Development, Proposed Development. Rows include Lot Area (sf), Lot Width (ft), Front Setback (ft) primary/secondary, Right Side Setback, Left Side Setback, Right Side Setback (ft) for non-conforming narrow lots, Left Side Setback (ft) for non-conforming narrow lots, Rear Setback (ft), Lot Coverage (%), Building Height (ft), and Other.



V-15-19

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 original land was plotted with rear property as part of the adjacent lot instead of part of this parcel creating an irregular shaped lot.

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

The angled shape of the lot creates a hardship that would not exist if the property had been plotted in a regular fashion and makes it difficult for the owners to use the proportion of lot that is allowed by code. The building area is currently 21% and the new work would only increase it to 22%.

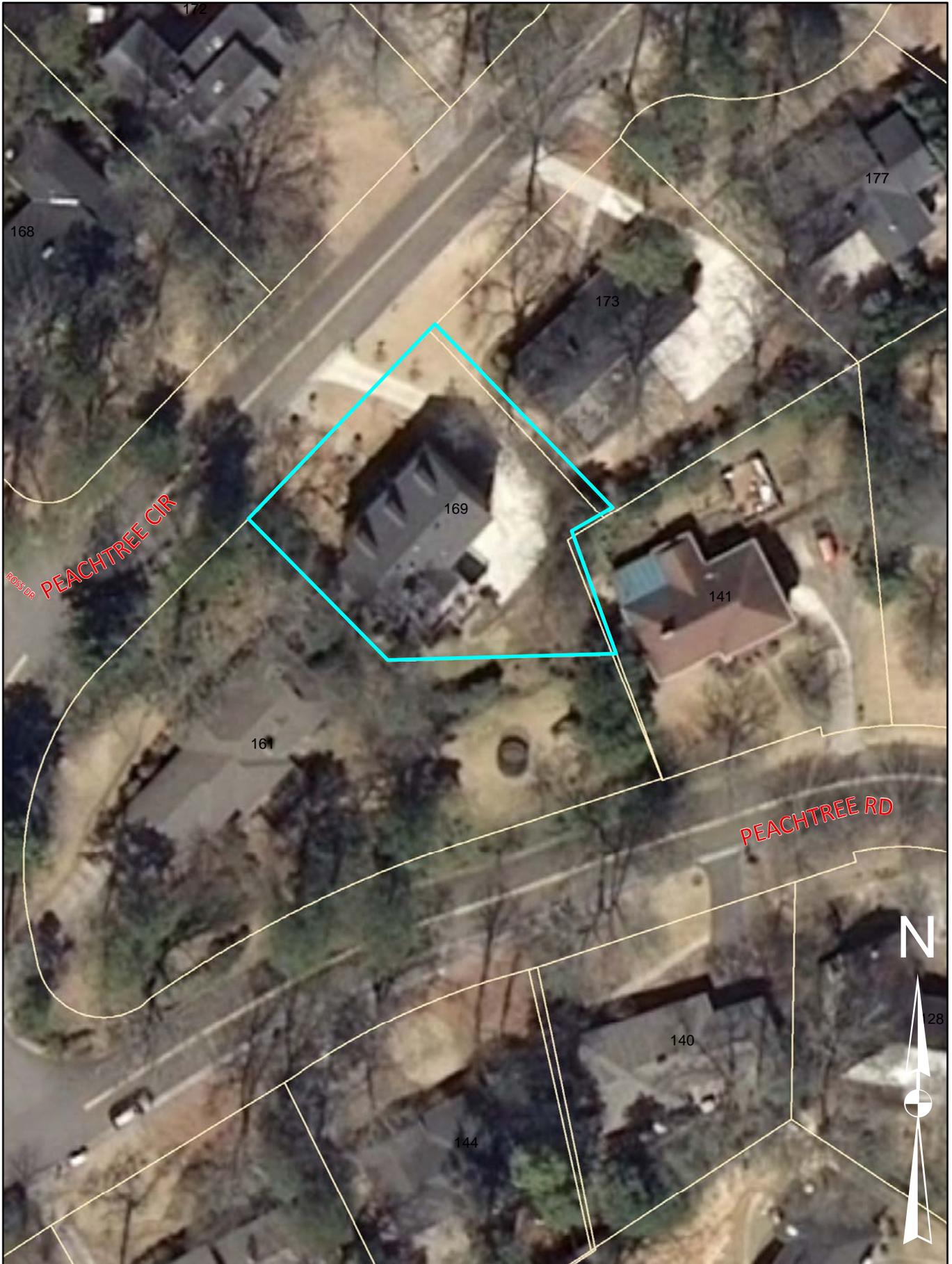
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No

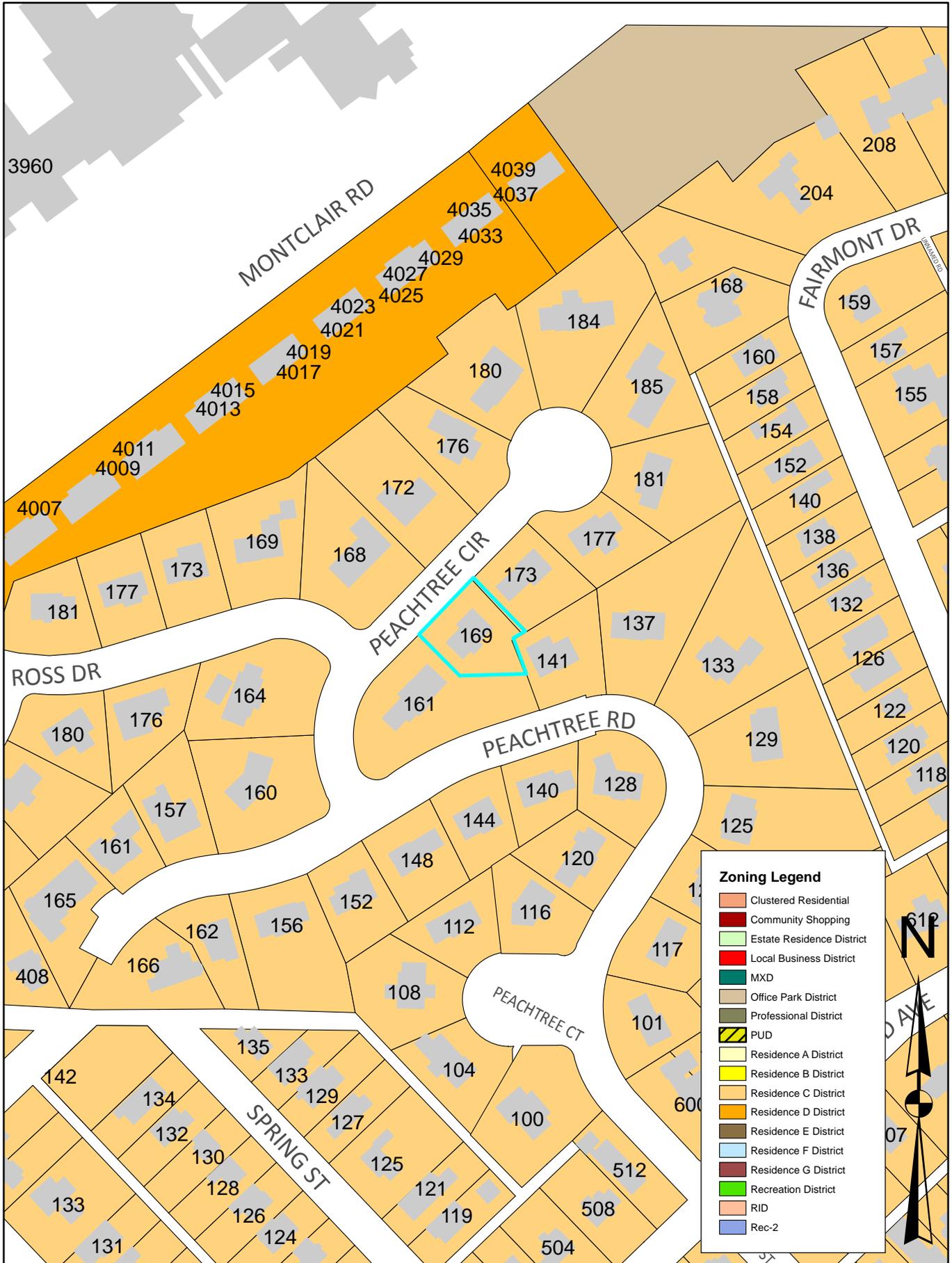
How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations?

The new work would not be closer to existing neighbors than the current structure and only increase lot coverage by 1%. Important goals of the zoning code to protect owners of adjacent properties and maintain open space would be met by this project.

A-15-19 (Aerial)



A-15-19 (Zoning)

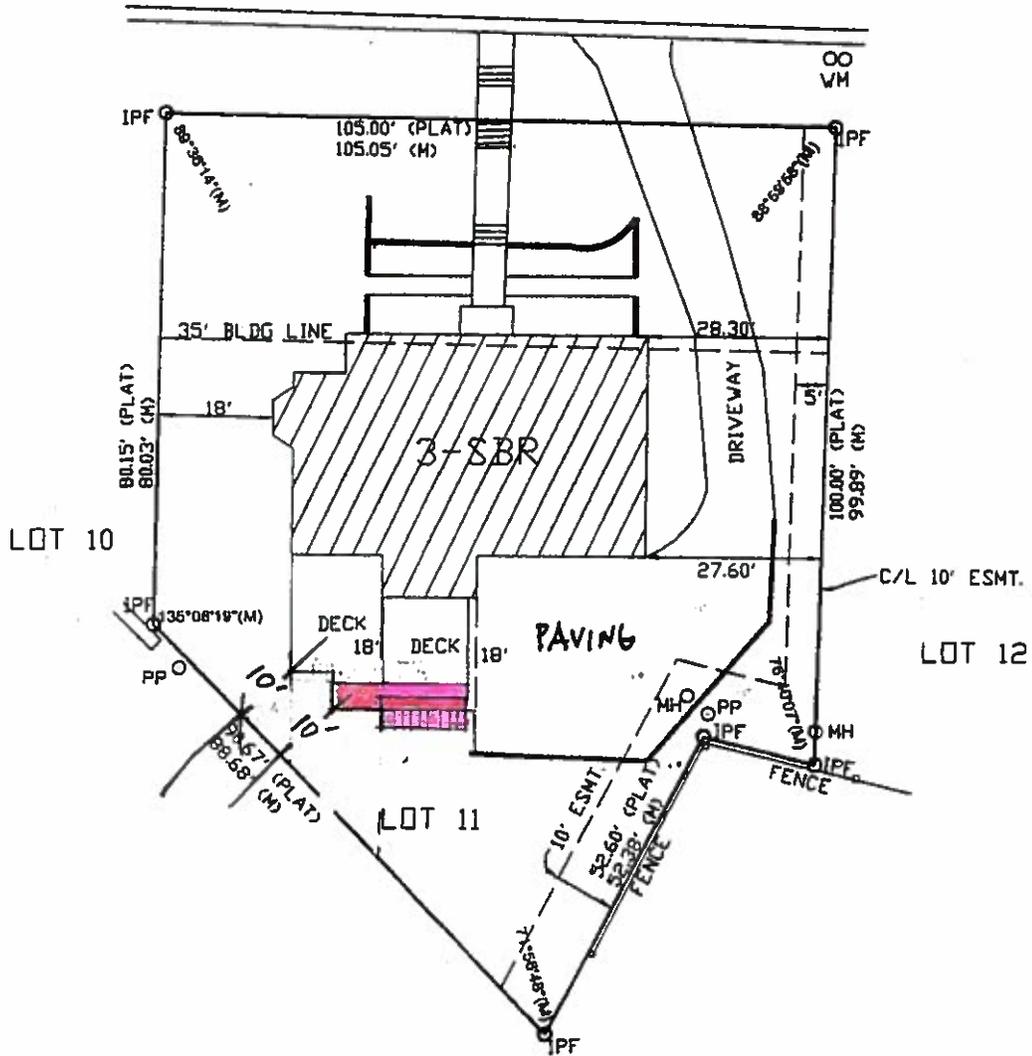




Assumed
SCALE: 1"=30'

A-15-19

PEACHTREE CIRCLE (54' R.O.W.)



STATE OF ALABAMA
COUNTY OF JEFFERSON

LOT 11, ACCORDING TO THE AMENDED MAP OF BENTLEY HILLS, EIGHTH
SECTOR, AS RECORDED IN MAPBOOK 44, PAGE 24, IN THE OFFICE OF JUDGE
OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

SOURCE OF TITLE: M.B. 44 PAGE 24 (JEFFERSON CO.)

DATE: 28 OCTOBER 2015

"I hereby (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief."

Surveyor's Signature: *Amos F. Reese*

Alabama License No. 31576 Date October 31, 2015

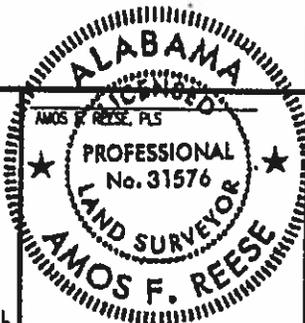
TPE: AS-BUILT

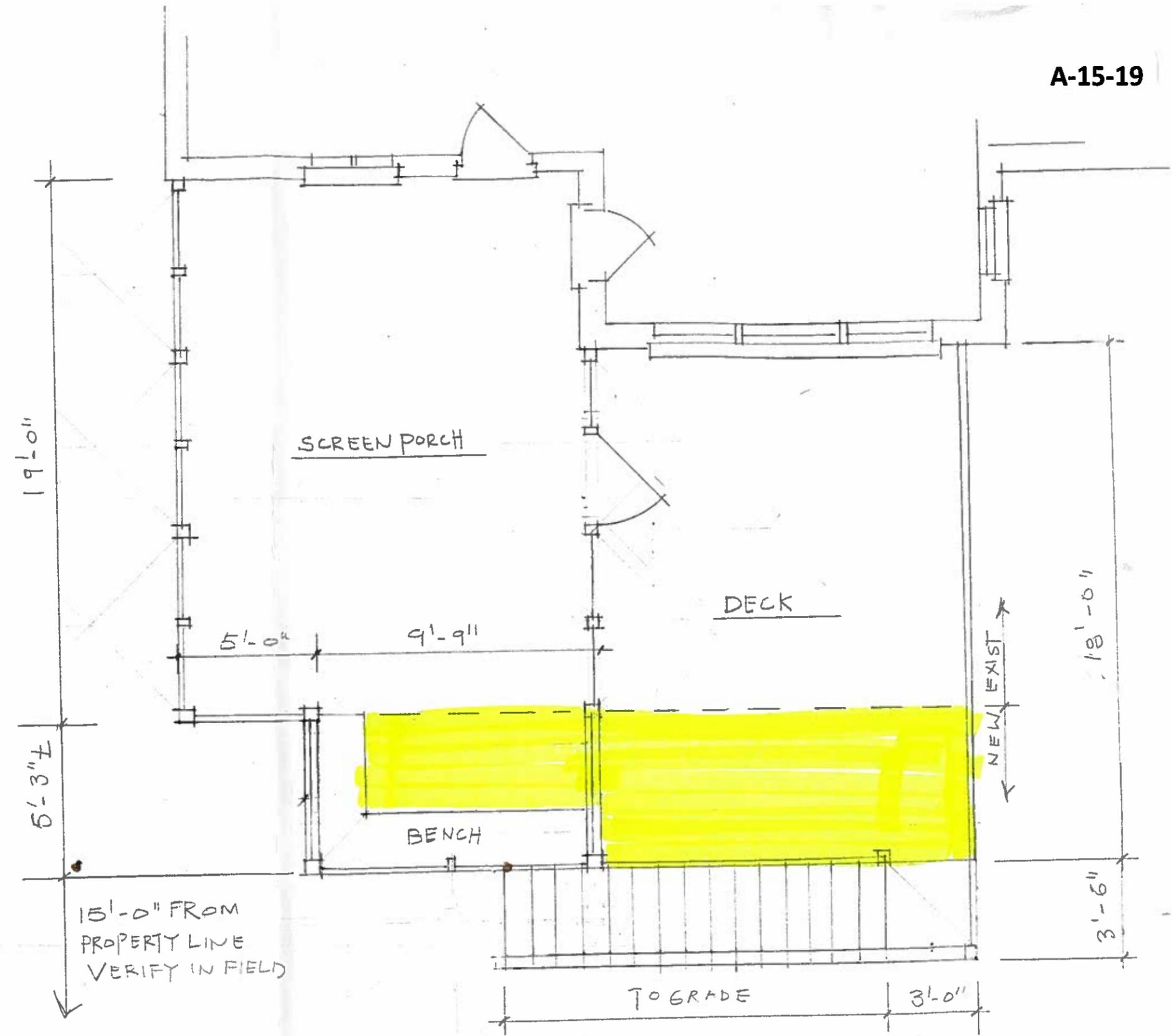
169 Peachtree Circle
Mountain Brook, AL 35213

AMOS F. REESE
3558 GREAT OAK LANE
BIRMINGHAM, AL 35223
PHONE: 205.276.5598

CIR- CAPPED IRON ROD
 OPF-OPEN PIN FOUND
 IPF-IRON PIN FOUND
 CALC-CALCULATED
 (PLAT)-PLAT DIMENSION
 (M)-MEASURED DIMENSION
 ROW-RIGHT OF WAY
 CONC-CONCRETE
 PP-POWER POLE
 FC-FENCE CORNER
 MTL-METAL
 BM-BENCH MARK FOUND
 WM-WATER METER
 PB-POWERBOX

N-NORTH
 S-SOUTH
 W-WEST
 E-EAST
 POC-POINT OF COMMENCEMENT
 POB-POINT OF BEGINNING
 ●-POINT SET
 ○-POINT FOUND
 ■-POINT CALC.
 △-POINT NOT SET
 --- FENCE LINE
 --- EASEMENT LINE
 --- OHP-OVERHEAD POWER/TEL
 MH - Manhole

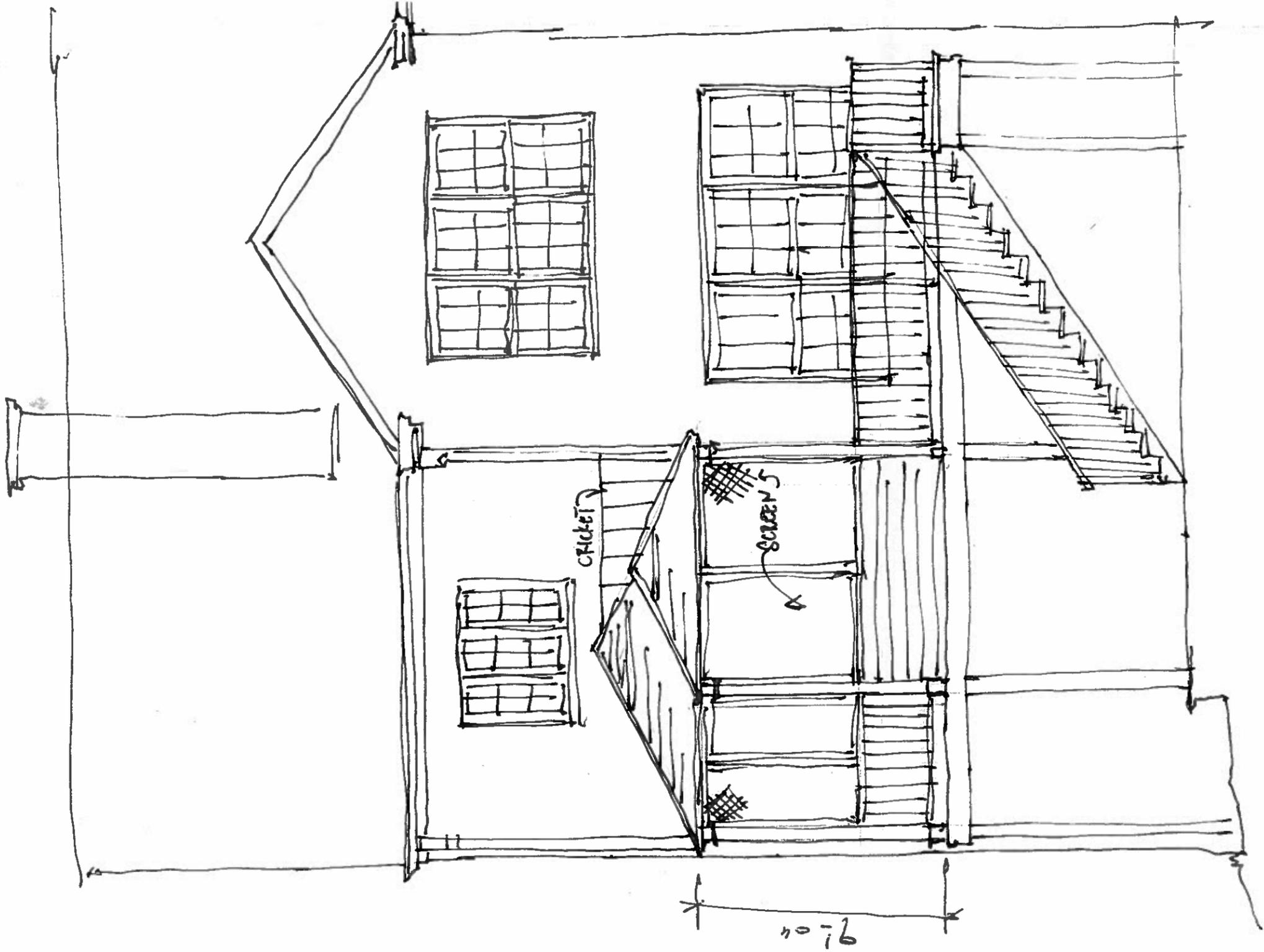




PLAN

1/4" = 1'-0"

A-15-19



1/4" = 1'0"

REAR ELEVATION

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

A request for a variance in the Zoning Ordinance, as applied to the property located at **169 Peachtree Circle**, has been filed by **Ford & Kate Hamilton**.

The requested variance would authorize the construction of a deck and screened porch in place of an existing deck as per plot plan on file at Mountain Brook City Hall.

The property is located in the **Res-C Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-15-19: Ford & Kate Hamilton, owners, request a variance from the terms of the Zoning Regulations to allow a new deck and screened porch to replace an existing deck within 10 feet of the rear property line (southeast) in lieu of the required 35 feet.
- 169 Peachtree Circle

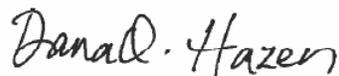
A public hearing will be held by the Board of Zoning Adjustment on **MONDAY, November 16, 2015 at 5:00 p.m.** in Mountain Brook City Hall, at which time you may appear, if you so desire, either in person or by agent or by attorney.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street or by viewing:

www.mtnbrook.org

- Government
- Other Meeting Agendas
- Board of Zoning Adjustment
- November 16, 2015 (*to view survey select link associated with the case number on the agenda*)

Sincerely,



Dana O. Hazen, MPA, AICP
Director of Planning, Building & Sustainability
(205) 802-3821
hazend@mtnbrook.org

Robinson Architecture. P.C.
924 Linwood Road
Birmingham, Al 35222
t. 205.595.0684 cell 205.229.0377
deanarch@earthlink.net

To Members of Mountain Brook BZA

Ford and Kate Hamilton of 169 Peachtree Circle are requesting a variance to 15'-0" from the rear property line of their residence. The project will replace an aging existing deck with a permanent covered structure. The closet point of the existing deck is 15' -0" from the rear property line. That point will remain the same. The point at which the deck will be 15'-0" from property line does not bring the project closer to adjacent residences. The Lots in this section of Crestline seem to have been determined by electrical easements which resulted in irregular shaped lots, and what would have typically been included as the rear yard of 169 Peachtree was plotted as part of the adjacent lot even though the property is in the rear of 169 not 161 Peachtree Circle.

The Screen Porch will be built on areas where the deck already exists. The point where the 15 foot variance is requested is where the stair to the rear yard will be relocated.

Ford and Kate ask you give consideration to their request. The new screened porch will allow them to enjoy the rear of their residence in a manner that the exiting deck does not. It will provide needed shade to exiting house and result in a structure that is easier to maintain.

Sincerely



Dean Robinson
