

ORDINANCE NO. 1932

AN ORDINANCE TO AMEND THE MASTER DEVELOPMENT PLAN FOR THE PARK AT OVERTON, IN THE CITY OF MOUNTAIN BROOK, ALABAMA, TO ALLOW A PATIO COVER ON LOT 6 (3766 VILLAGE LANE) TO BE 4.98 FEET FROM THE REAR PROPERTY LINE IN LIEU OF THE REQUIRED 15 FEET.

WHEREAS, after due consideration, the City Council has determined that the subject lot is irregular in shape, making compliance with the required 15-foot setback particularly difficult.

WHEREAS, after due consideration, the City Council has determined that the portion of the subject lot where the setback encroachment is to occur abuts a common lot set aside for storm water detention, and, therefore, the subject encroachment will not be detrimental to adjoining properties within or along the perimeter of The Park at Overton subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook as follows:

1. Master Development Plan. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-497 of the Mountain Brook City Code, are made a part hereof and are specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the affected Property, subject to modification only as provided for in Article XXVIII, Chapter 129 of the Mountain Brook City Code.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

LOT 6, ACCORDING TO THE SURVEY OF THE PARK AT OVERTON, MAP BOOK 215
PAGE 60, RECORDED IN THE PROBATE OFFICE OF JEFFERSON COUNTY,
ALABAMA.

3. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

4. Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

5. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.'

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance.”

BE IT FURTHER RESOLVED that the City Clerk be, and he hereby is, further authorized and directed to give written notice of the hearing to the owners of the property located in whole or in part within 500 feet from the boundaries of the property described in this resolution in the form and manner and within the time required by Act No. 1123 of the 1973 Regular Session of the Legislature of Alabama.

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, further authorized and directed to post the Notice herein above set out, which includes the proposed ordinance, in four conspicuous places within the City at least fifteen (15) days prior to the public hearing set hereby.

ADOPTED: This 23rd day of March, 2015.



Council President

APPROVED: This 23rd day of March, 2015.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on March 23, 2015, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on March 24, 2015 in four (4) conspicuous places within the City of Mountain Brook, as follows:

City Hall, 56 Church Street

Gilchrist Pharmacy, 2805 Cahaba Road

Overton Park, 3020 Overton Road

The Invitation Place, 3150 Overton Road



City Clerk

The Park at Overton Amended Development Plan – Lot 6

Petition Summary

Request to amend the master development plan for The Park at Overton to allow a patio cover to be 4.98 feet from the rear property line in lieu of the required 15 feet.

The current proposal is to allow one corner of the patio cover on a new house to encroach into this setback by 10 feet. The subject lot is irregularly shaped and does not abut another residential lot; it abuts a common lot dedicated for a detention pond. Due to the lot's shape and proximity to the boundary of the subdivision, this case would be a good variance case if BZA could review this request, but since the RID development plan serves as the zoning for this subdivision the property owner in this case is ineligible to apply to BZA for this encroachment.

This RID development was originally approved with a 15 foot boundary setback for the rear yards of those lots along the subdivision boundary. However, the portion of the subject lot where the reduced setback is proposed is not actually along the *boundary* of the development (since it abuts a dedicated lot for the detention pond). Therefore, this portion of the rear property line of the subject lot serves more as a rear setback for an interior lot than that of a subdivision boundary lot. It is not anticipated that the approval of this request would be detrimental to surrounding properties.

Background

On August 4, 2014 the Planning Commission recommended approval of a similar request to amend the Park at Overton master development plan to allow a cover patio cover to be 12 feet from the rear property line in lieu of the required 15 feet. This request was subsequently approved by the City Council on September 8, 2014.

That case was for Lot 5 (adjoining the subject property to the southwest and along the same detention pond at the rear of the property).

On February 2, 2015, the Planning Commission recommended approval of this request for Lot 6.

Subject Property and Surrounding Land Uses

The subject development contains single family dwellings and is surrounded by the same.

Affected Regulation

Article XXVIII, Residential Infill District

Appends

LOCATION: 3766 Village Lane

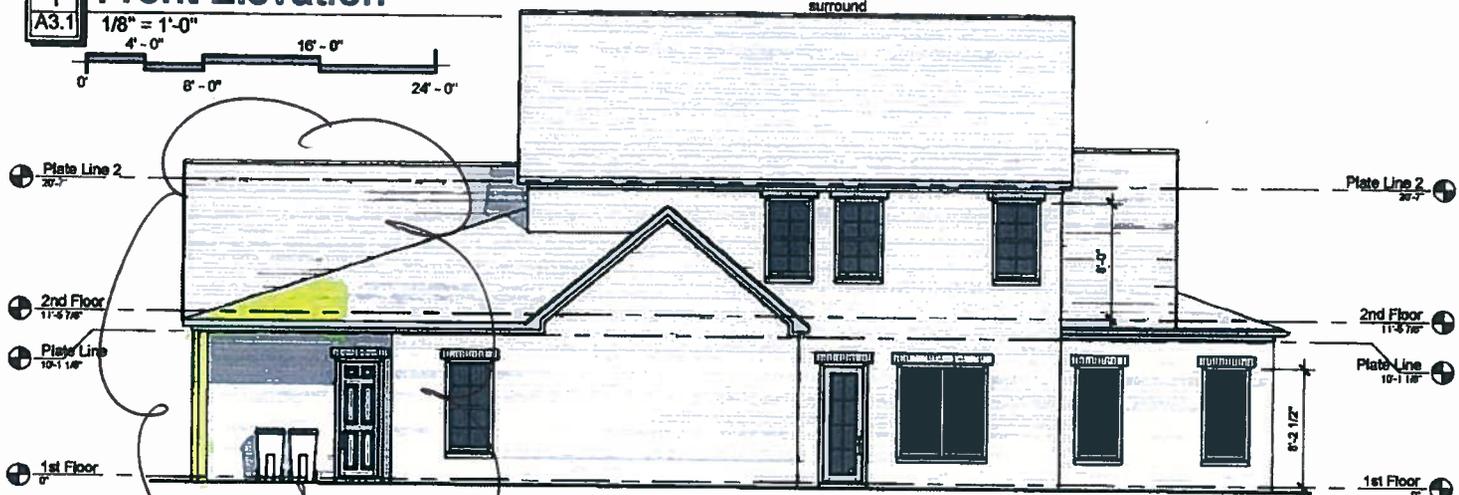
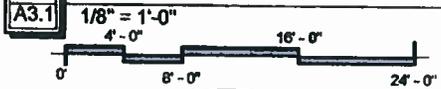
CURRENT ZONING: Residential Infill District (RID)

APPLICANT: Harris Doyle Homes, Inc.

AGENT: Brooks Harris



1 Front Elevation



2 Rear Elevation



Plan Information

Project Name:
 Community:
 Overton Park
 Lot Number:
 Lot 6
 Client Name:
 Client Name
 PDF Creation Date:
 12/5/2014 9:28:31 AM
 David Smelcer Design
 David Smelcer Design, LLC
 205.228.3635
 101 Waterloo Drive
 Birmingham, AL 35242

David Smelcer Design

Revisions

Date	Description
	Prelim. Design
	Design Docs.
	Const. Docs.

Sheet Information

A3.1
 Exterior Elevations

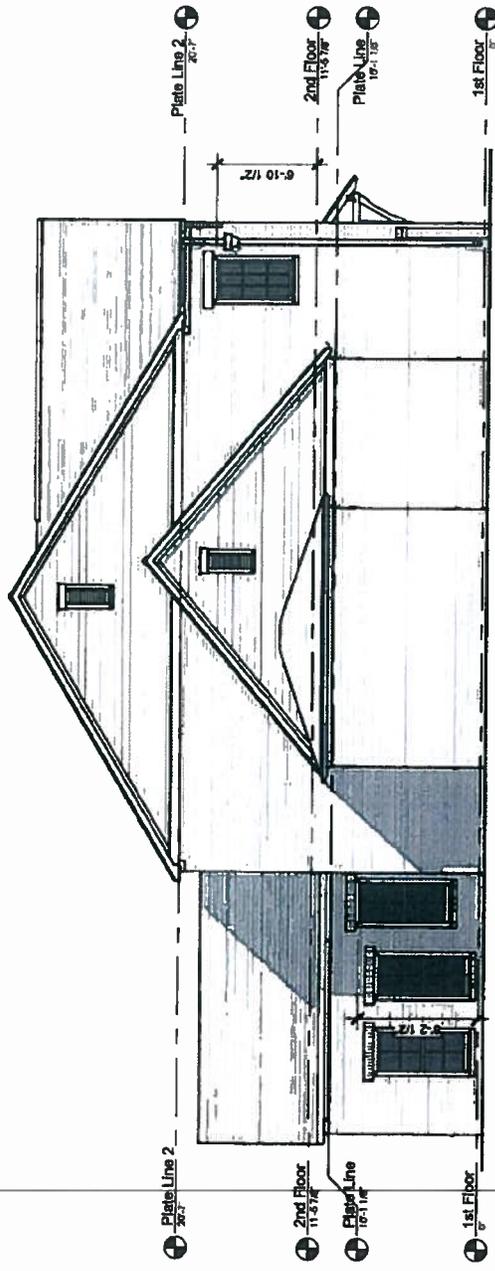
Plan Information

Project Name:
 Community:
 Overton Park
 Lot Number:
 Lot 6
 Client Name:
 Client Name
 PDF Creation Date:
 12/6/2014 6:26:33 AM
 David Smelcer Design
 OvertonParkDesign.com
 205.279.3833
 101 Wetmore Drive
 Birmingham, AL 35242



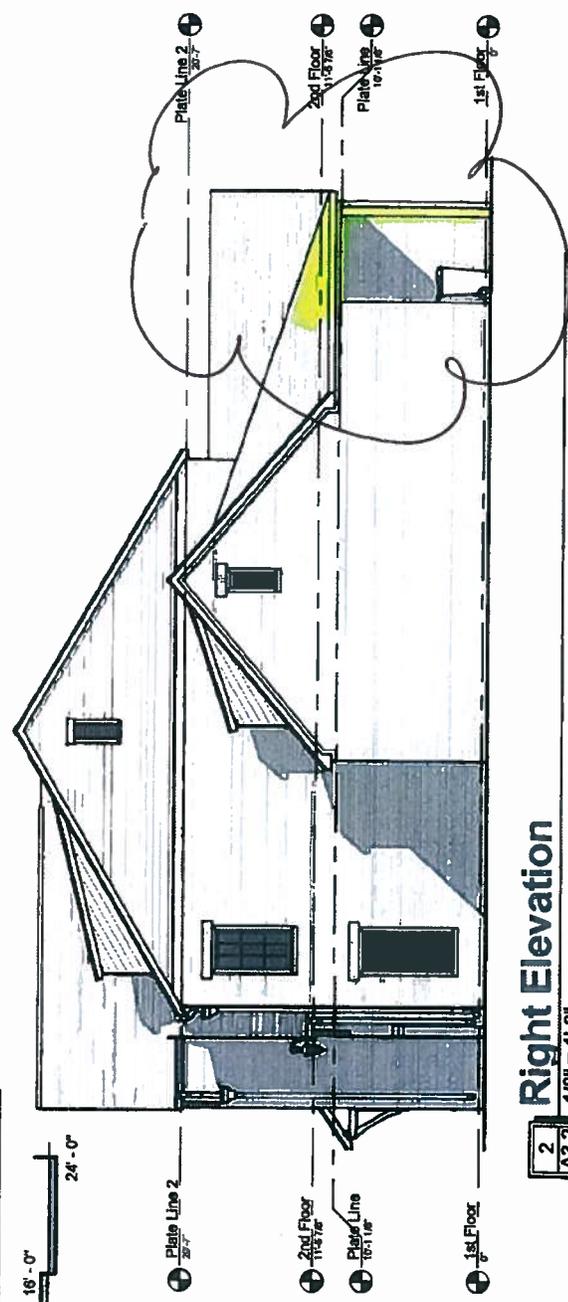
Date	Description
	Prelim. Design
	Design Docs.
	Const. Docs.

Sheet Information
A3.2
 Exterior Elevations



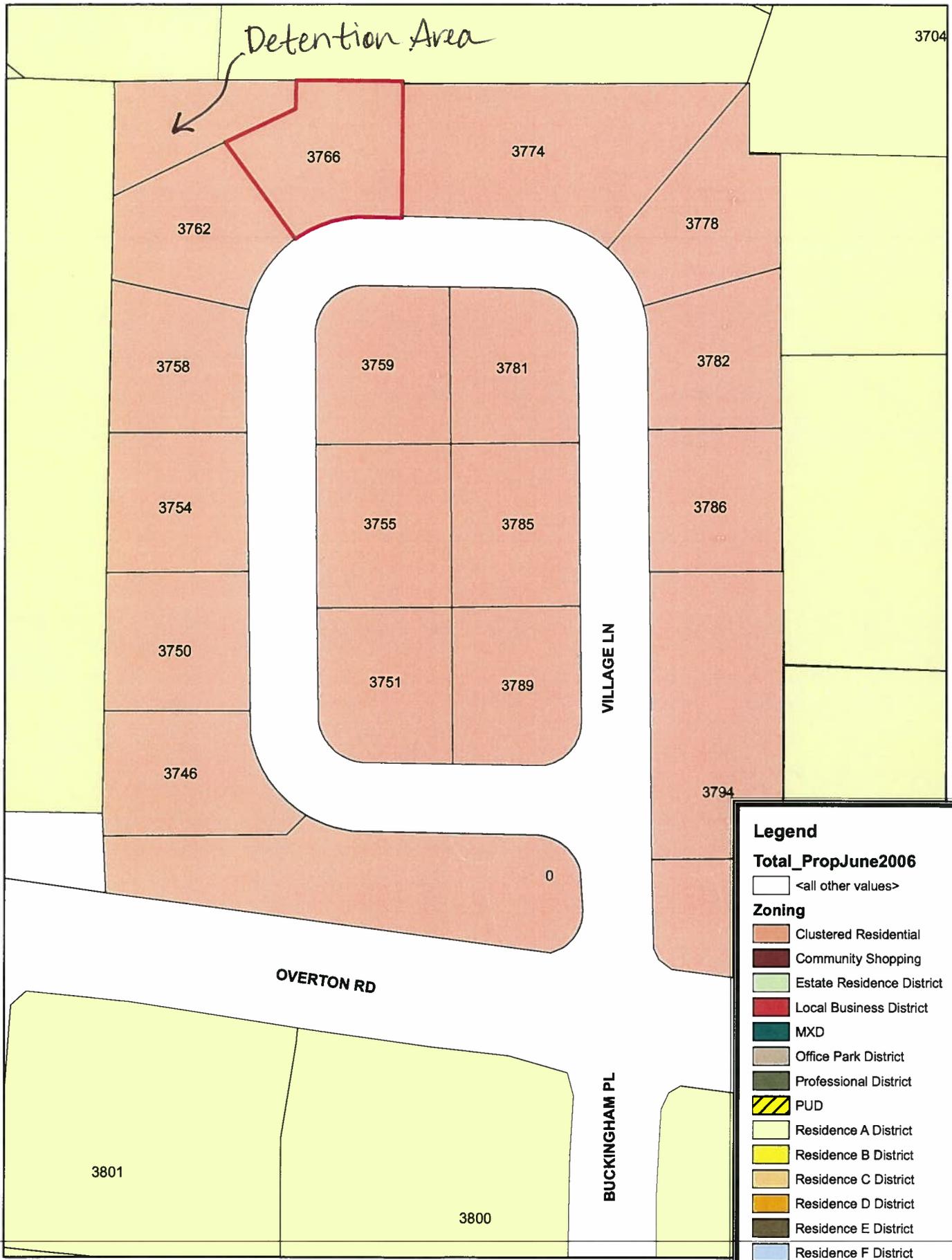
1
A3.2
 Left Elevation

1/8" = 1'-0"
 0' 4'-0" 8'-0" 16'-0" 24'-0"



2
A3.2
 Right Elevation

1/8" = 1'-0"
 0' 4'-0" 8'-0" 16'-0" 24'-0"



Detention Area

3704

3766

3774

3762

3778

3758

3759

3781

3782

3754

3755

3785

3786

3750

3751

3789

VILLAGE LN

3794

0

OVERTON RD

3801

3800

BUCKINGHAM PL

Legend

Total_PropJune2006

<all other values>

Zoning

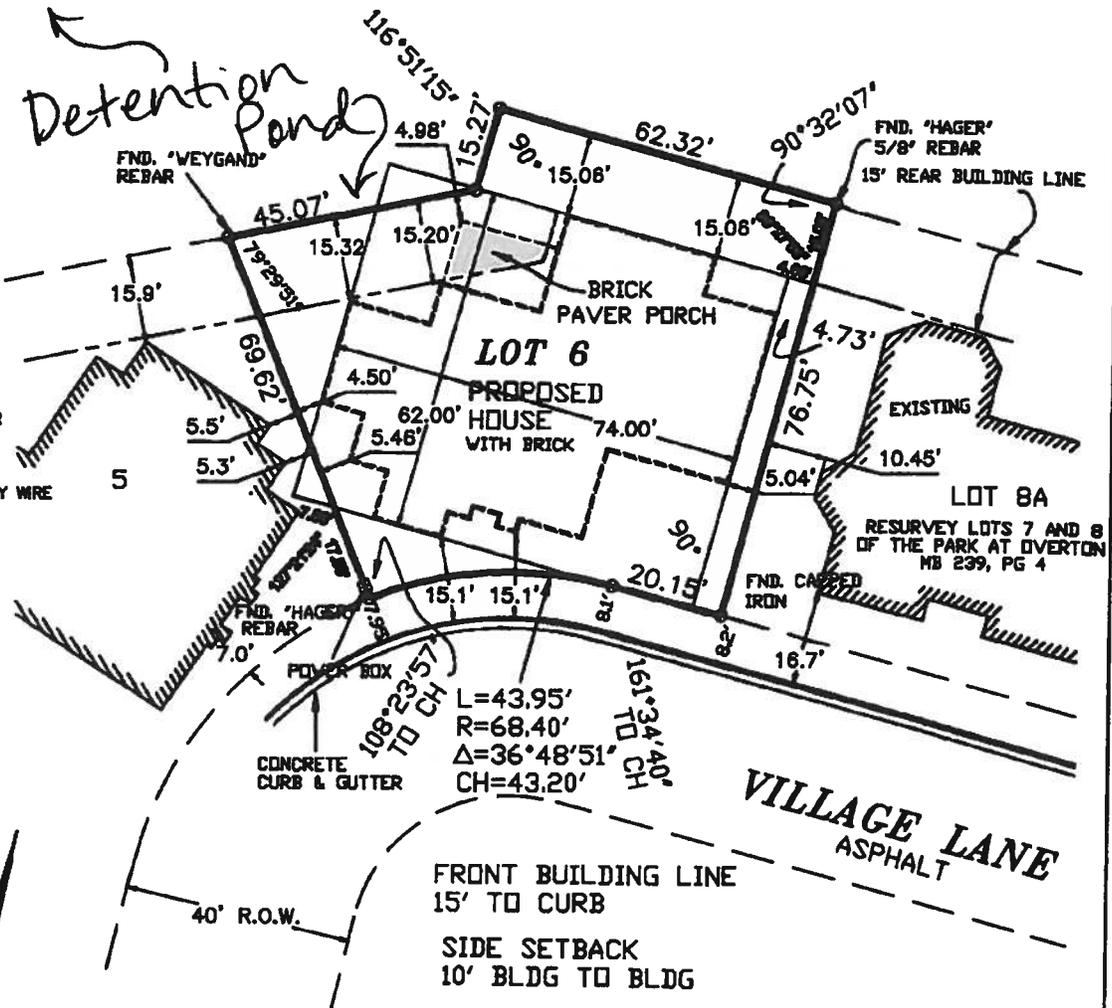
- Clustered Residential
- Community Shopping
- Estate Residence District
- Local Business District
- MXD
- Office Park District
- Professional District
- PUD
- Residence A District
- Residence B District
- Residence C District
- Residence D District
- Residence E District
- Residence F District
- Recreation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



LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MN 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 POLE
- ANCH ANCHOR
- FENCE FENCE
- OVERHEAD UTILITY WIRE OVERHEAD UTILITY WIRE
- PVMT PAVEMENT WITH TANGENT RESURFACING
- RES RESURFACING
- LOT LIGHT
- COV COVERED
- DECK DECK
- CONCRETE WALL
- COLUMN COLUMN

Detention Pond



PLOT PLAN
SCALE: 1"=30'
Lot - 6
THE PARK AT OVERTON

WEYGAND SURVEYORS, INC.
189 OXMOOR ROAD
HOMESWOOD, AL 35209
T:(205)942-0086
F:(205)942-0087

JOB #35625
Date, DECEMBER 8, 2014

This is NOT a survey.