

# BZA Packet

May 15, 2019

**Hello All,**

Enclosed please find your packet for the meeting of May 20, 2019.

**We have:**

- 1 carry over case
- 5 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)

- Calendar (upper right corner)
- Board of Zoning Adjustment (May 20, 2019)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

If you have any questions about the cases please don't hesitate to give me a call at 802-3816 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 20, 2019  
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 one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months and ask for a six-month extension, which the Board normally grants.*

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

- 
1. Approval of Minutes: April 15, 2019
  2. **Case A-19-11:** Jack and Lane Bethay, property owners, request a variance from the terms of the Zoning Regulations to allow a new screened porch to be 10 feet from the rear property line (southwest) in lieu of the required 35 feet, and for an existing fireplace/chimney to remain as located 8.5 feet from the rear property line (in lieu of the required 10 feet for a detached accessory structure). - **8 Alden Lane.**  
*(Carried over from April 15, 2019; subsequently withdrawn by applicant)*
  3. **Case A-19-13:** Charles and Ashley Parrish, property owners, request a variance from the terms of the Zoning Regulations to allow a new detached accessory building to be 1.6 feet from the side property line (northwest) in lieu of the required 10 feet. - **3021 Cambridge Road.** *(Carried over from April 15, 2019)*
  4. **Case A-19-14:** Thomas and Dorothy King, property owners, request variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be 5 feet and 11 feet from the side property line (north), and 10 feet and 0 feet from the side property line (south), all in lieu of the required 15 feet. Also, for an addition to cross the south side property line into a dedicated easement on the adjoining property (49 Greenway Road), to be 0 feet from the rear property line on the adjoining lot in lieu of the required 40 feet. Additions will result in a lot coverage of 29% in lieu of the allowable 25%. - **37 Fairway Drive.**
  5. **Case A-19-15:** Kyle and Chelsey Heslop, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 11 feet from the side property line (east) and 10 feet from the side property line (west), both in lieu of the required 12.5 feet. - **43 Pine Crest Road.**
  6. **Case A-19-16:** Mr. and Mrs. Benny LaRussa, property owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 10 feet from the side property line (north) in lieu of the required 15 feet; and two chimneys to

be 8 feet from the side property line (north) in lieu of the required 13 feet. – **3031 Canterbury Road.**

7. **Case A-19-17:** John Phillips, property owner, requests a variance from the terms of the Zoning Regulations to allow a new detached garage to be 67.6 feet from the secondary front property line (Pump House Road) in lieu of the required 100 feet. - **2760 Abingdon Road.**
8. **Case A-19-18:** Scott and Jennifer Settle, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 31.8 feet from the front property line (Beech Lane) in lieu of the required 35 feet. - **940 Beech Lane.**
9. Next Meeting: June 17, 2019
10. Adjournment



allow an existing outdoor chimney to remain as located 0.2 feet from the side property line (north) and 0.8 feet from the rear property line (west), both in lieu of the required 10 feet.

**Hardship:** The hardship in this case is the irregular shape of the lot.

Charles Kessler, NJK LLC, is the developer and contractor for the Calton Hill subdivision. He stated that a fireplace was installed at the subject property prior to obtaining a variance from the Board. Mr. Kessler:

- All of the properties around this lot belong to the applicant.
- There is a 16 (+/-)-foot tall retaining wall where the fireplace is located, with a wooden fence above it. There is an approximate 20-foot-wide alley between the wooden fence and the adjacent townhomes. This alley provides vehicle access to basement parking for the townhomes.
- The north property line of the subject property abuts a common area and the west property line abuts a parking lot for an office building.
- The distance between the house structure and the fireplace meet building code requirements.

Chairman Higginbotham stated that the lot is an irregular shape. He noted that the Planning Commission approved (March 4, 2019) a request for a lot line adjustment between the subject lot and the community association common property to the immediate north to contain the chimney totally on private property. Also, the Residential Infill District does not have required side or rear yard setbacks from property lines for principal structures. Accessory structures in this zoning district require a 10-foot side and rear yard setback for detached accessory structures.

Chairman Higginbotham asked why a permit was not obtained to build the fireplace. Mr. Kessler said it was an oversight.

There were no public comments. Chairman Higginbotham called for a motion.

Motion: Mr. Orr, motion to approve the variance request as submitted.

Second: Mr. Mitchell

|       |              |              |
|-------|--------------|--------------|
| Vote: | <u>Ayes:</u> | <u>Nays:</u> |
|       | Higginbotham | None         |
|       | Orr          |              |
|       | Simonton     |              |
|       | Mitchell     |              |
|       | Garner       |              |

The variance request stands approved as submitted.

### 3. Case A-19-11: 8 Alden Lane

### EXHIBIT 2

Jack and Lane Bethay, property owners, request variances from the terms of the Zoning Regulations to allow a new screened porch to be 10 feet from the rear property line (southwest) in lieu of the required 35 feet, and for an existing fireplace/chimney to remain as located 8.5 feet from the rear property line (in lieu of the required 10 feet for a detached accessory structure).

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

Mr. Mitchell recused himself from participating in this case.

Richard Long, Long and Long Design, 1616 2<sup>nd</sup> Avenue South, Birmingham, Alabama, represented the applicants. The requests are: To add a screened-in porch to the existing home; approval for the existing fireplace/chimney to remain as built.

- The hardships in this case: There is a small buildable area because of the corner-lot configuration; the lot is an irregular shape; the western property line is not parallel to the front of the house.
- A building permit was not obtained for the existing fireplace; the fireplace and patio were installed at the same time, after construction of the house.
- The height of the chimney will be raised two feet above the roofline; the porch will be approximately 12-feet tall and the chimney will be approximately 14-feet tall.
- Proposing to keep the existing footprint of the patio for the screened porch. The porch will connect to the firebox opening side; most of the brick work will be outside of the porch.
- There is a vegetation buffer along the fence line to the rear of the fireplace.

Chairman Higginbotham confirmed that the lot is shallow and the existing structure is placed to the rear of the lot. It is noted that a previous variance for a new single-family dwelling to be 22 feet from the rear property line (west) was granted in 2016 (Case A-16-11).

Board discussion:

- The fireplace and proposed screened porch are oriented to the side of the adjacent property, which faces Norman Drive.
- The requested encroachment is intrusive.
- The placement of the fireplace is a concern.
- It is noted that a building permit was not obtained prior to construction.

Mr. Orr asked if the fireplace meets building code. Glen Merchant, Building Official, asked the height of the chimney. Mr. Long said that he thinks it is 8 to 10 feet tall and that it is at least 10 feet from the house.

Mrs. Smith asked about the porch addition shown on the drawing on the right-hand side. Mr. Long said they plan to enclose the existing side porch and to add a new porch outside of the existing footprint of the house; these improvements are not part of the variance request presented. Mr. Merchant clarified that the existing 22-foot variance only covers the structure for which it was granted. Any additional changes will require a new variance approval.

Mr. Long proposed the possibility of demolishing the chimney and rebuilding two feet closer to the house. After further discussion, he asked for this case to carry over to the May meeting.

There were no public comments. Chairman Higginbotham called for a motion.

Motion: Mr. Orr, motion to approve the applicant's request to carry the case over to the May 20, 2019 meeting.

Second: Mr. Simonton

Vote: Ayes:                      Nays:  
          Higginbotham        None  
          Orr  
          Simonton  
          Garner

The applicant's request to carry the case over to the May 20, 2019 meeting stands approved.

**4. A-19-12: 940 Beech Lane**

**EXHIBIT 3**

Scott and Jennifer Settle, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 29.6 feet from the front property line (Beech Lane) in lieu of the required 35 feet.

**Hardships:** The hardships in this case are the irregular shape of the lot, and the corner-lot configuration (curved, in this case).

Luke Cobb, CLC Construction Services, represented the applicants. Mr. Settle also attended the meeting. The existing house is non-conforming on the north side (9.7 feet from the property line in lieu of the required 10 feet), and on the south-facing front (29.5 feet in lieu of the required 35 feet). The proposal is to add an entry foyer to the west-facing front, to be 29.6 feet from the property line. Mr. Cobb:

- During this renovation project it was determined that the existing interior stairs did not meet building code requirements.
- Stairs were rebuilt to meet code requirements, which resulted in the bottom step being approximately 2 feet from the front door entrance.
- Adding a foyer will relieve this situation by providing additional space between the stairs and the entrance door.
- The foyer will extend approximately 8 feet out from the existing house.

Chairman Higginbotham affirmed the presented hardships of an irregularly shaped lot and corner-lot configuration. The house is currently non-compliant. He asked if a landing could be incorporated with the stairs so that they could turn another direction, thereby eliminating the need to extend the structure to the front. Mr. Cobb said that could be done, but that it would take up a lot of space and the object is to open up the floor plan to gain space.

Chairman Higginbotham stated that by extending into the front as proposed will change the streetscape because it appears that it would be the only house in this immediate area that extends that far toward the front property line. This Board is generally protective of the front setbacks.

The applicant, Mr. Settle, stated that this addition will give the house a better look because as is, the second floor overhangs/cantilevers two feet forward from the main front wall. Also, the front door hits the first step when entering.

Mr. Cobb asked for the opportunity to go to the subject property to look at alternative options. Chairman Higginbotham stated that this case will resume following the last case on the agenda. The applicant and representative left the meeting.

Following Case A-19-13, Chairman Higginbotham resumed Case A-19-12. Mr. Cobb stated that he would like to amend the original variance request. The new request is for only one foot of encroachment of the front property line, to allow an addition to be 34 feet from the front property line (Beech Lane) in lieu of the required 35 feet.

There were no public comments. Chairman Higginbotham called for a motion.

Motion: Mr. Mitchell, motion to approve the variance request as amended:  
The property owners request a variance from the terms of the Zoning Regulations to allow an addition to be ~~29.6~~ **34** feet from the front property line (Beech Lane) in lieu of the required 35 feet.

Second: Mr. Orr

|       |              |              |
|-------|--------------|--------------|
| Vote: | <u>Ayes:</u> | <u>Nays:</u> |
|       | Higginbotham | None         |
|       | Orr          |              |
|       | Simonton     |              |
|       | Mitchell     |              |
|       | Garner       |              |

The variance request stands approved as amended.

#### 5. Case A-19-13: 3021 Cambridge Road

#### EXHIBIT 4

Charles and Ashley Parrish, property owners, request a variance from the terms of the Zoning Regulations to allow a new detached accessory building to be 1.6 feet from the side property line (northwest) in lieu of the required 10 feet.

**Hardships:** The hardships in this case are the irregular shape of the lot, the lot size (14,451 sf in lieu of the required 30,000), and existing design constraints.

Mr. Orr recused himself from participating in this case.

Katrina Porter, Katrina Porter Designs, 9 Office Park Circle, Birmingham, Alabama, and Mrs. Parrish presented the variance request. Ms. Porter stated that the existing one-story detached accessory building must be demolished due to termite damage; this structure is non-conforming in that it is 1.6 feet from the side property line in lieu of the required 10 feet. It is desired to construct a two-story accessory building in the same footprint.

Ms. Porter:

- The hardships are the size and shape of the lot, and placement of the existing structure.
- The second floor will have a kitchenette and restroom; bottom floor is for storage.
- Exterior (open) stairs will access the second floor, on the pool side.
- There is a 3 to 3 ½ feet wide walkway between the garage and the pool; French drains are there.
- The pool is above grade.

- There is some landscaping between the existing garage and the adjacent property that provides a buffer; more will be added.
- The lot adjacent to the structure is at a lower elevation by approximate 8-feet.

Chairman Higginbotham stated that the lot size and shape are hardships; however, there is concern about the requested amount of encroachment.

Public comment:

Billy Reed, 3017 Cambridge Road, Mountain Brook, Alabama, lives adjacent to the subject property, on the left side when facing from the road, and is the closest neighbor to the structure. He confirmed that there is a difference in elevation between the two properties of approximately 8 feet. A two-story structure, 1.6 feet from the property line, will negatively impact his view and enjoyment of his property, and he feels it will have a negative impact on the property value. He asked that an alternative plan be considered.

Mrs. Parrish said that the structure could not be moved further back due to the location of the swimming pool mechanical equipment; also, moving it would compromise the pool decking. There is a 4-5 foot step-up to the pool area. Also, the elevation prohibits use of the lot at the rear of the pool.

Chairman Higginbotham asked if a one-story building is an option. He feels the two-story structure increases the encroachment. Replacement using the existing footprint and height would be more amenable. Mr. Mitchell concurred.

Glen Merchant, Mountain Brook Building Official, stated that the structure will have to be sprinklered if it is habitable space and is less than 5' from the property line. This applies whether one-story or two. Storage/utility space with a restroom would not be considered habitable. This determination will be handled through the city's Building Inspections department.

Mrs. Parrish stated that the first floor is for much needed storage and that a bathroom is a must. There is no room for a restroom on the first level.

Ms. Porter discussed carrying the case over to the next meeting and possibly returning with a revision that will remove the second floor request and add the raising of the roofline from 8' to 9'; she subsequently asked to carry over to the May meeting.

Motion: Mr. Garner, motion to approve the applicant's request to carry the case over to the May 20, 2019 meeting.

Second: Mr. Simonton

|       |              |              |
|-------|--------------|--------------|
| Vote: | <u>Ayes:</u> | <u>Nays:</u> |
|       | Higginbotham | None         |
|       | Simonton     |              |
|       | Mitchell     |              |
|       | Garner       |              |

The request to continue the case to May 20, 2019 stands approved.

6. **Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 6:17 p.m. The next meeting is scheduled for Monday, May 20, 2019.

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Tammy Reid, Administrative Analyst



## Variance Application - Part I

### Project Data

Address of Subject Property 3021 Cambridge Rd 35223

Zoning Classification Residential

Name of Property Owner(s) Charles and Ashley Parrish

Phone Number 705-387-1818 Email ashleyoparrish@gmail.com

Name of Surveyor \_\_\_\_\_

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

Name of Architect (if applicable) DESIGNER: KATRINA PORTER DESIGNS

Phone Number (205) 335-1901 Email KATRINA@KATRINAPORTERDESIGNS.COM

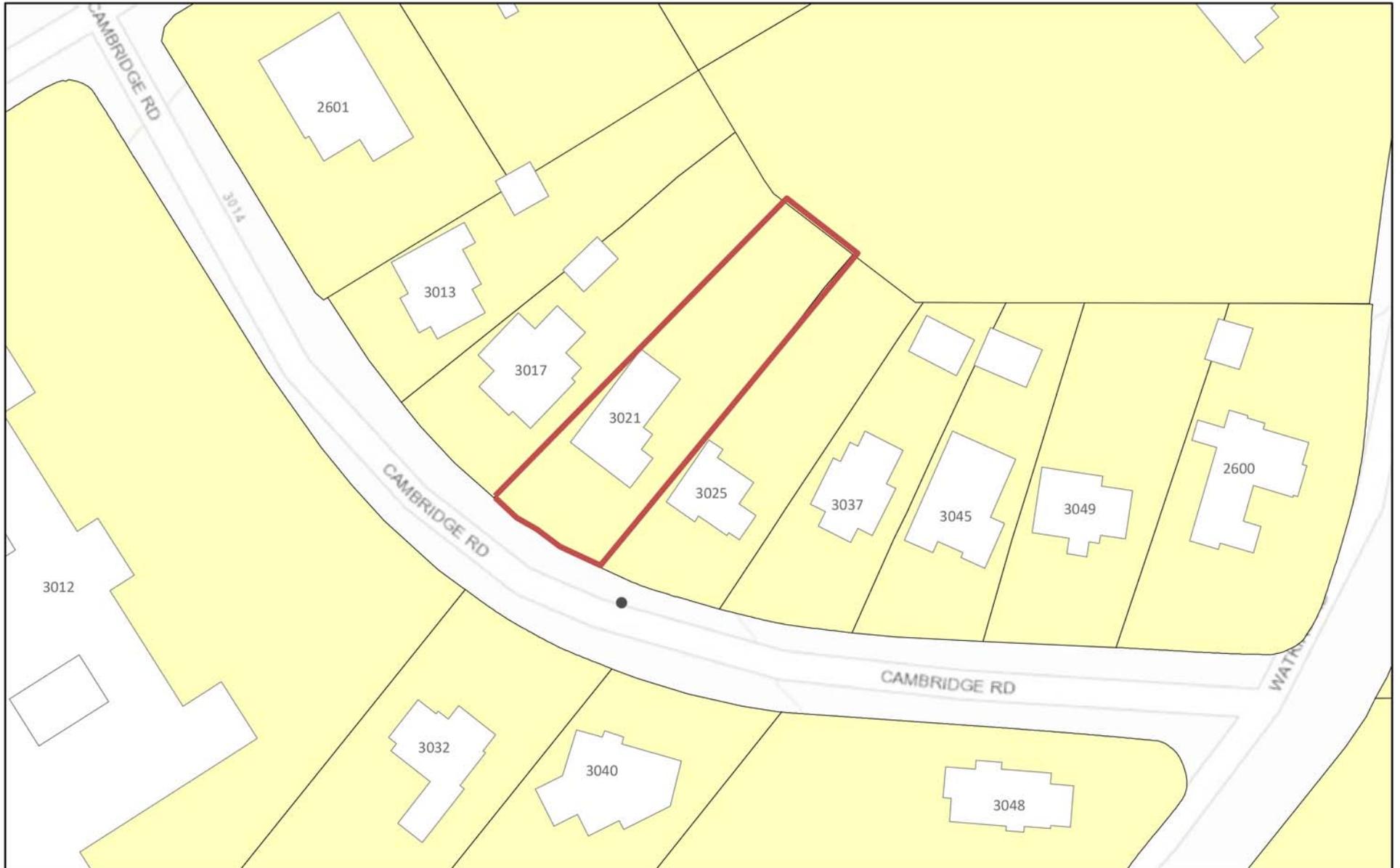


Property owner or representative agent must be present at hearing

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

|  | Zoning Code Requirement | Existing Development | Proposed Development |
|--|-------------------------|----------------------|----------------------|
| Lot Area (sf)  |                         |                      |                      |
| Lot Width (ft)   |                         |                      |                      |
| Front Setback (ft) <i>primary</i>  |                         |                      |                      |
| Front Setback (ft) <i>secondary</i>  |                         |                      |                      |
| Right Side Setback   |                         |                      |                      |
| Left Side Setback  |                         | X                    |                      |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → |                         |                      |                      |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  | 10'                     | 1.6                  | 1.6                  |
| Rear Setback (ft)  |                         | X                    |                      |
| Lot Coverage (%)   |                         |                      |                      |
| Building Height (ft)   |                         | X                    |                      |
| Other  |                         |                      |                      |
| Other  |                         |                      |                      |

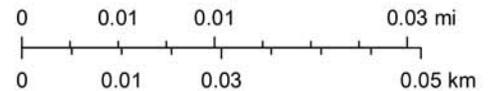
# A-19-13



4/4/2019, 5:01:48 PM

SiteAddressPoints Tax\_Parcels  
BuildingFootprints Residence A District

1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

## Report to the Board of Zoning Adjustment

### A-19-13

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

Request to allow a new detached accessory building to be 1.6 feet from the side property line (northwest) in lieu of the required 10 feet.

#### ***Recent Background***

On April 15, 2019, the Board carried this case over for revisions. The attached plans have been revised to eliminate the second floor.

#### ***Analysis*** (April 15)

The hardships in this case are the irregular shape of the lot, the lot size (14,451 sf in lieu of the required 30,000), and existing design constraints. The site contains a one-story detached accessory building, shown on the survey to be 1.6 feet from the side property line at the rear left corner and 3.5 feet from the same at the front left corner.

The proposal is to raze the existing detached building and construct a two-story accessory building in the same footprint. (It should be noted that the floor plan (with a “kitchenette”) is allowed, and the building meets the height limit (25 feet) for accessory buildings).

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

The proposal is in compliance with the allowable lot coverage. No change to impervious area of lot coverage is proposed.

#### ***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: 3021 Cambridge Road

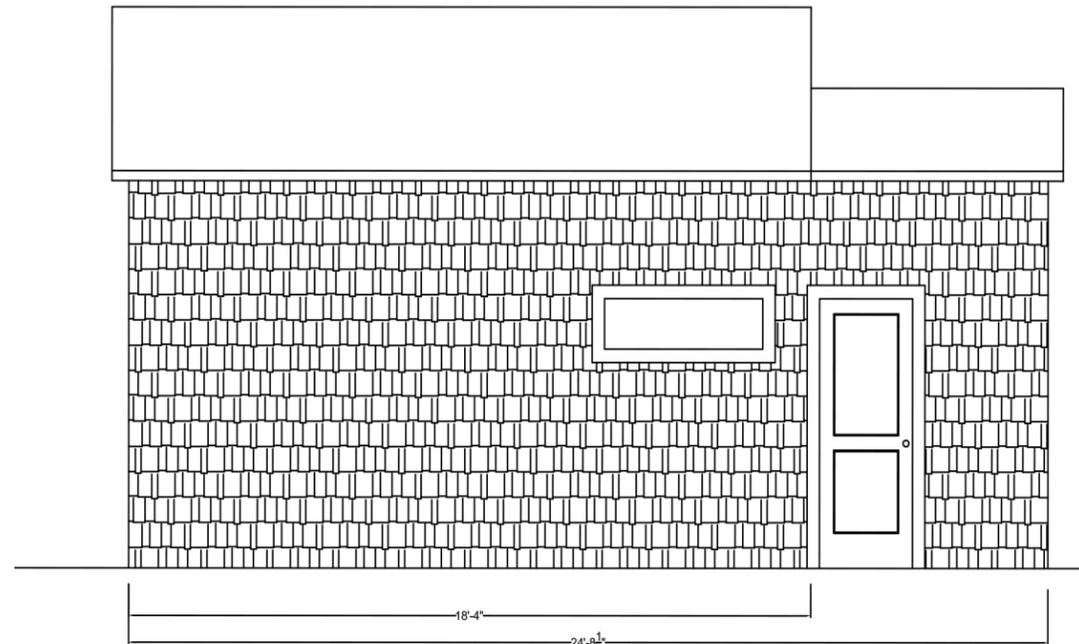
ZONING DISTRICT: Res-A

OWNERS: Charles and Ashley Parrish

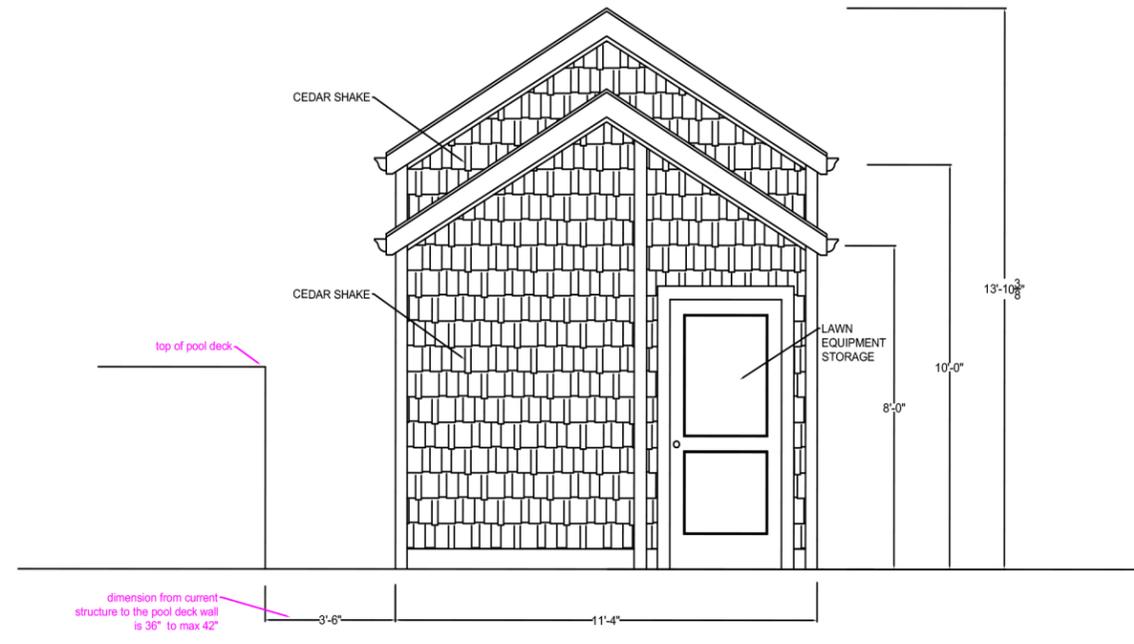


KATRINA PORTER DESIGNS

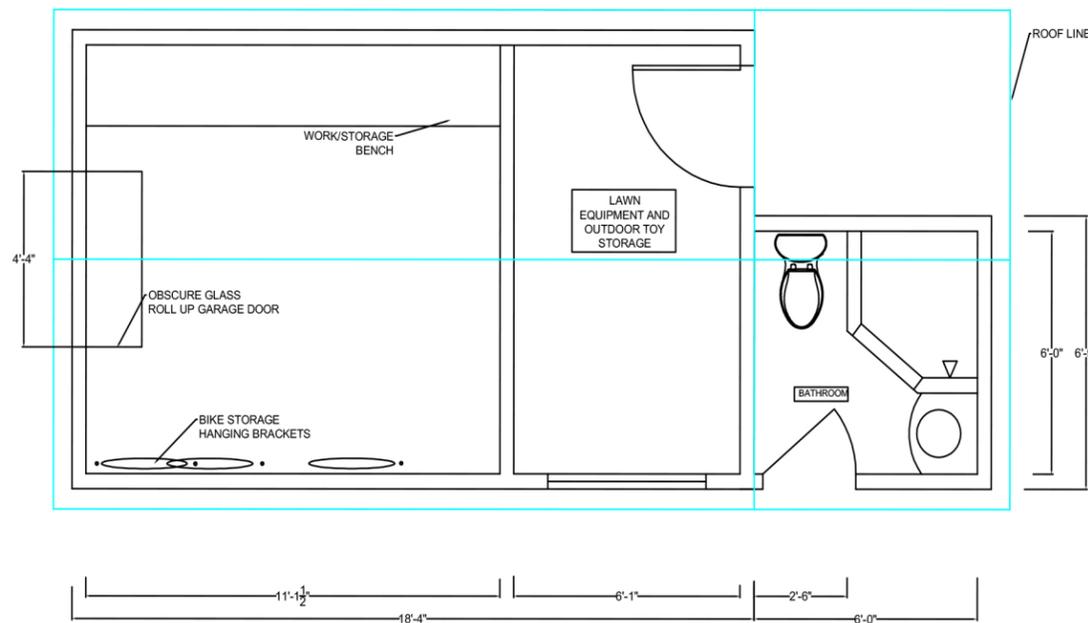
A-19-13



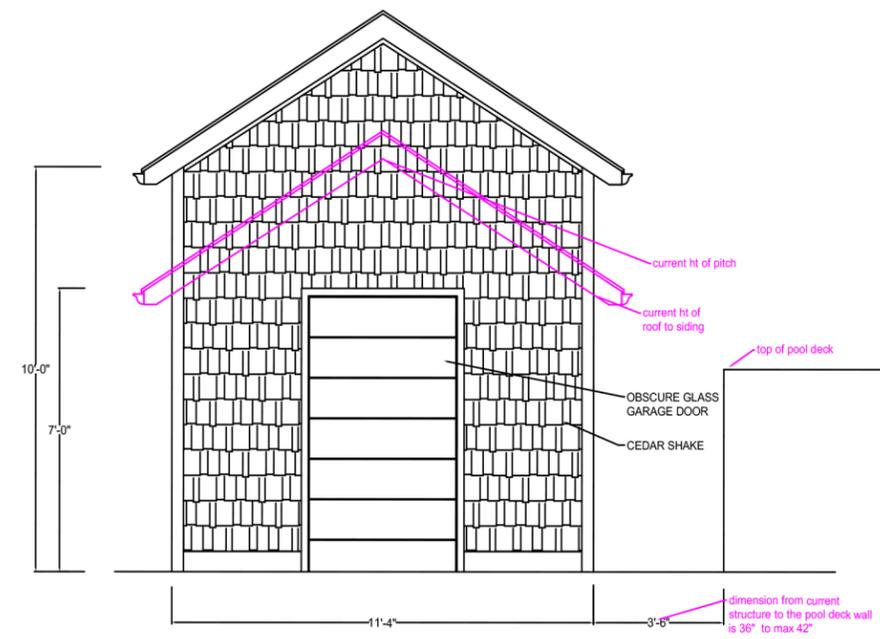
POOL SIDE ELEVATION  
ADDING POOL BATH TO BACK OF SHED



REAR EXTERIOR ELEVATION  
ADDING POOL BATH TO BACK OF SHED



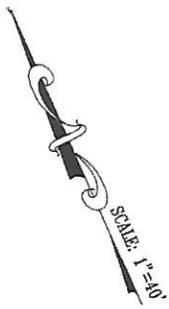
STORAGE SHED PLAN VIEW



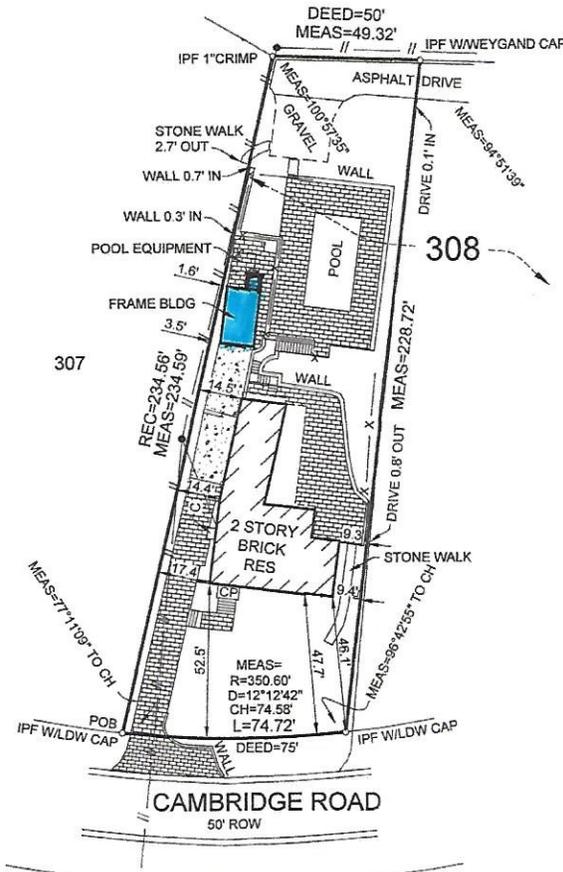
FRONT EXTERIOR ELEVATION  
ADDING THREE FEET TO WALL HEIGHT.

SHED PROJECT

3021 CAMBRIDGE ROAD - MOUNTAIN BROOK, ALABAMA



- LEGEND**
- ASPH = asphalt
  - BRG = bearing
  - BLDG = building
  - CALC = calculated
  - CAP = capped iron
  - CL = centerline
  - CH = chord
  - CONC = concrete
  - C = covered
  - d = deflection
  - D = curve delta angle
  - E = east
  - ESMT = easement
  - FC = fence
  - FD = found
  - HW = headwall
  - IPF = iron pin found
  - IPF\* = iron pin found w/K&W cap
  - IPS = iron pin set w/SSI cap
  - L = length
  - MEAS = measured
  - MIN = minimum
  - MH = manhole
  - N = north
  - CH = overhang
  - P = porch
  - PC = point of curve
  - POB = point of beginning
  - POC = point of commencement
  - PT = point of tangent
  - PVMT = pavement
  - R = radius
  - REC = recorded
  - RES = residence
  - ROW = right of way
  - S = south
  - SAN = sanitary
  - STM = storm
  - SWR = sewer
  - SYN = synthetic
  - UTIL = utility
  - U = uncovered
  - W = west
  - YI = yard inlet
  - ' = degrees
  - ' = minutes, in
  - " = bearings or angles
  - ' = seconds, in
  - ' = bearings or angles
  - ' = feet, in distance
  - ' = across
  - ± = more or less, or plus or minus



STATE OF ALABAMA  
SHELBY COUNTY

I, David B. Entekin, a registered Land Surveyor, certify that I have surveyed:

Part of Estate #308, Canterbury Sector, Mountain Brook Estates, according to map and survey of Canterbury Sector of Mountain Brook Estates, recorded in Map Book 19, Page 40, in the Office of the Judge of Probate of Jefferson County, Alabama, Birmingham Division, more particularly described as follows:

Begin at the point on the easterly line of Cambridge Road where the Southerly line of said Estate intersects the line between said Estate and Estate #307 in said survey run thence in a Northeasterly direction along the line dividing said Estates to the Northeasterly line of said Estate #308; run thence in a Southeasterly direction along the Northeasterly line of said Estate #308 for a distance of 50 feet; thence at an angle to the right of 95°02'40\" run in a Southwesterly direction to a point on the Southerly line of Estate #308 which is 75 feet Southeasterly from the point of beginning; run thence in a Northwesterly direction along the Southerly line of said Estate #308 to the point of beginning, being all that part of said Estate lying West of a line drawn from the middle point of the Northeast line of said Estate to the middle point of the Southwest line of said Estate.

I furthermore certify 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, that the correct address is as follows: 3021 Cambridge Road according to my survey of April 3, 2019. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.  
2232 CAHABA VALLEY DRIVE SUITE M  
BIRMINGHAM, AL 35242  
PHONE: 205-991-8965

*David B. Entekin*  
David B. Entekin, Reg. L.S. #30345

4-4-2019  
Date of Signature



Order No. 171087  
Purchaser: Parrish  
Type of Survey: Closing



SHED



# PARRISH SHED PROJECT

CURRENT SHED

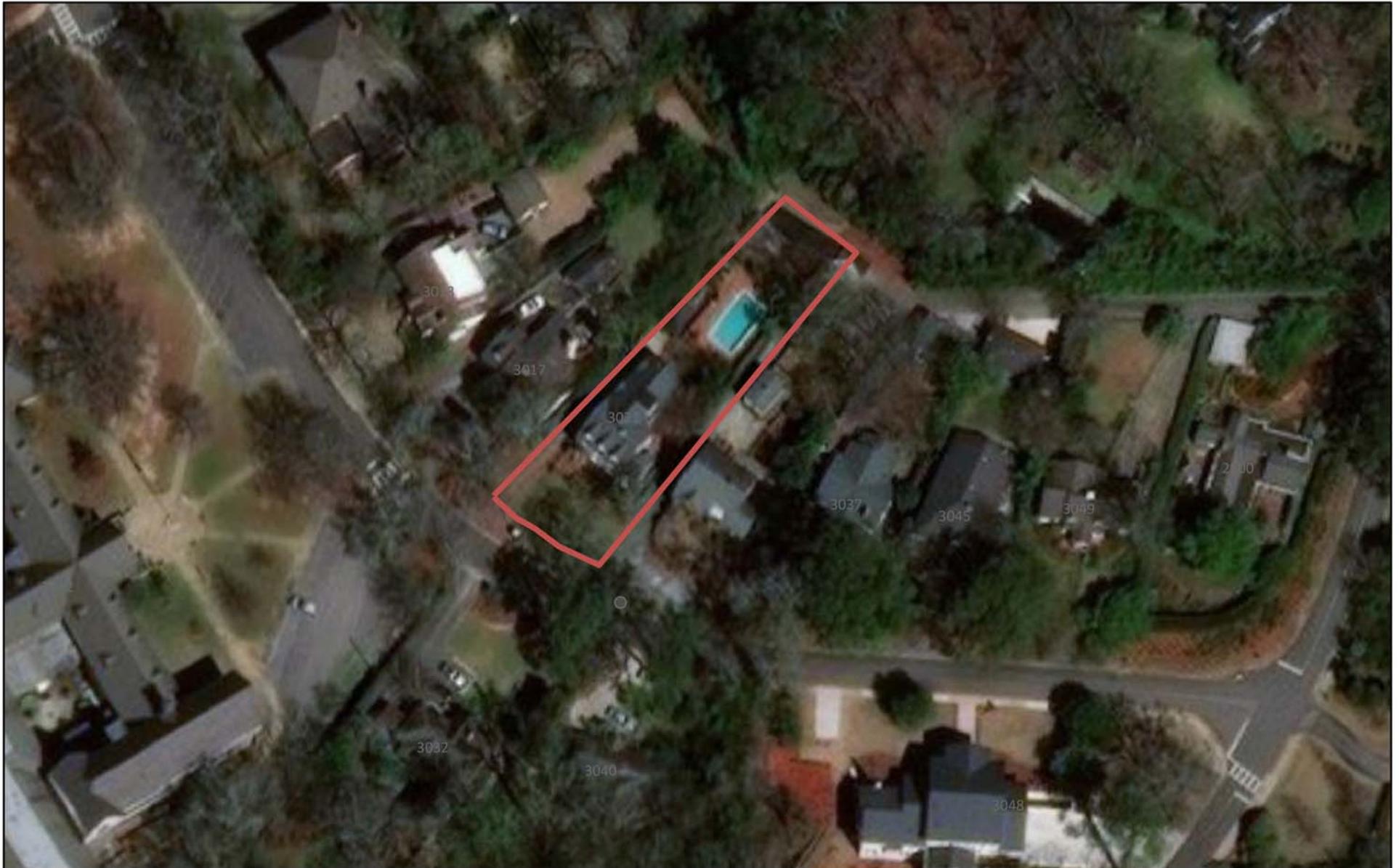


Google Maps 3021 Cambridge Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft

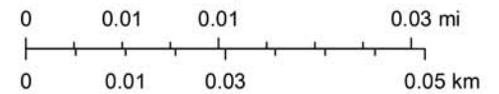
# A-19-13



4/4/2019, 5:05:23 PM

SiteAddressPoints

1:1,128



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |



## 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 existing structure now poses a threat to surrounding homes due to the termite. It has been recommended that we to fix the structure down due to the importance of the structure.*

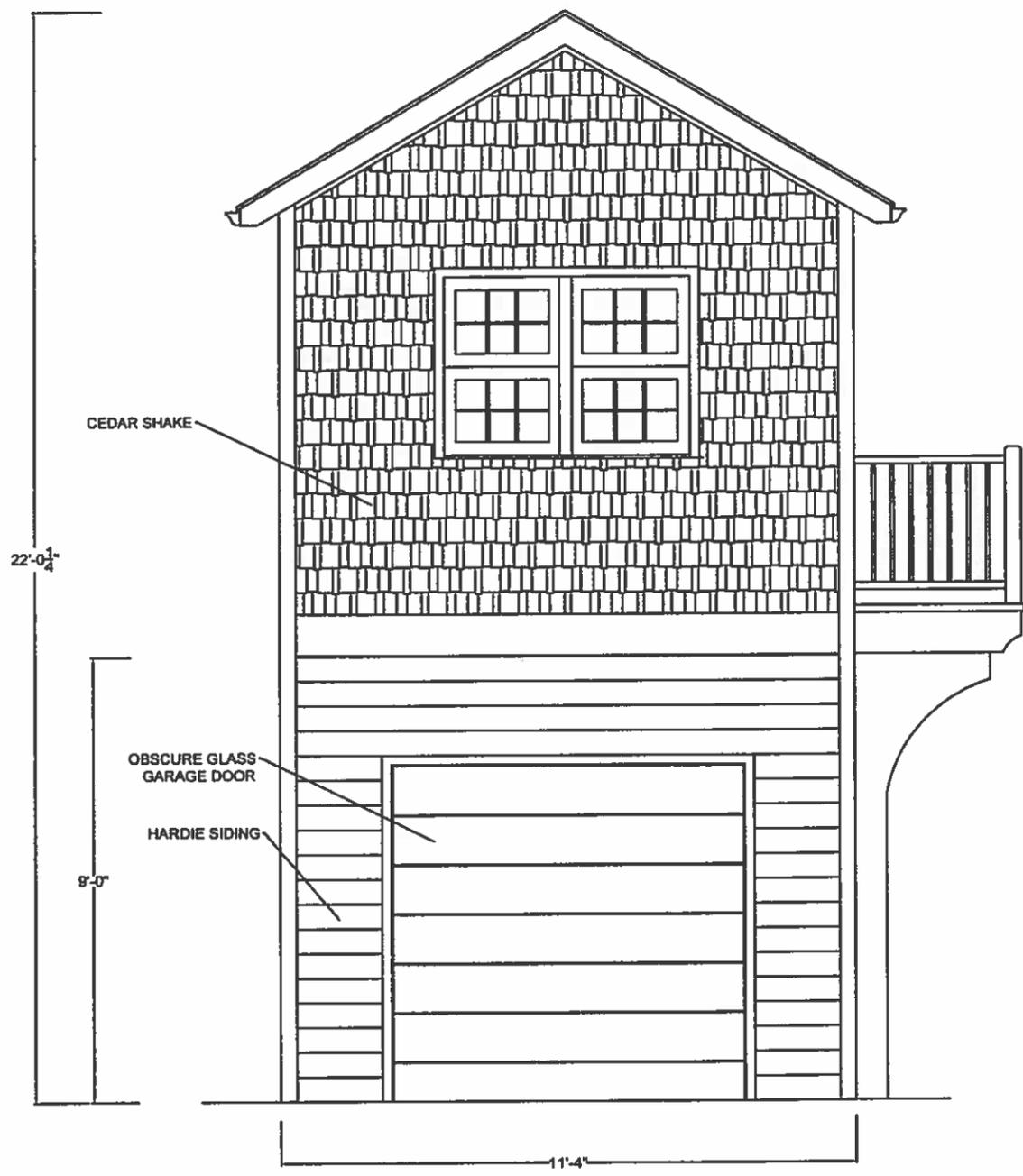
*The existing structure was initially built very close to the lot line. We are not changing the footprint of the structure. We are requesting to go back into existing footprint and adding second story.*

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...")

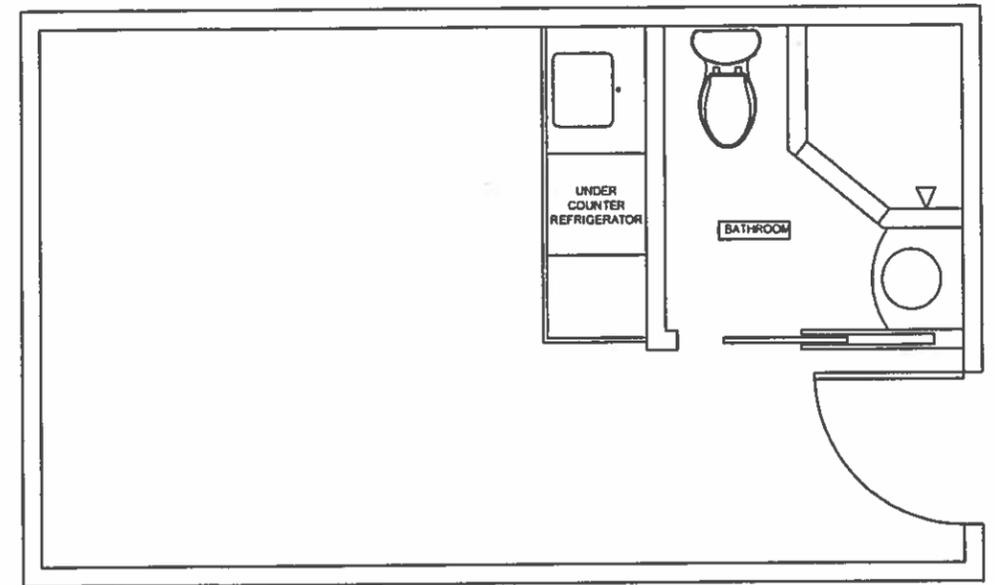
*No. We purchased the home in April 2010. We have not done any work to the structure.*

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

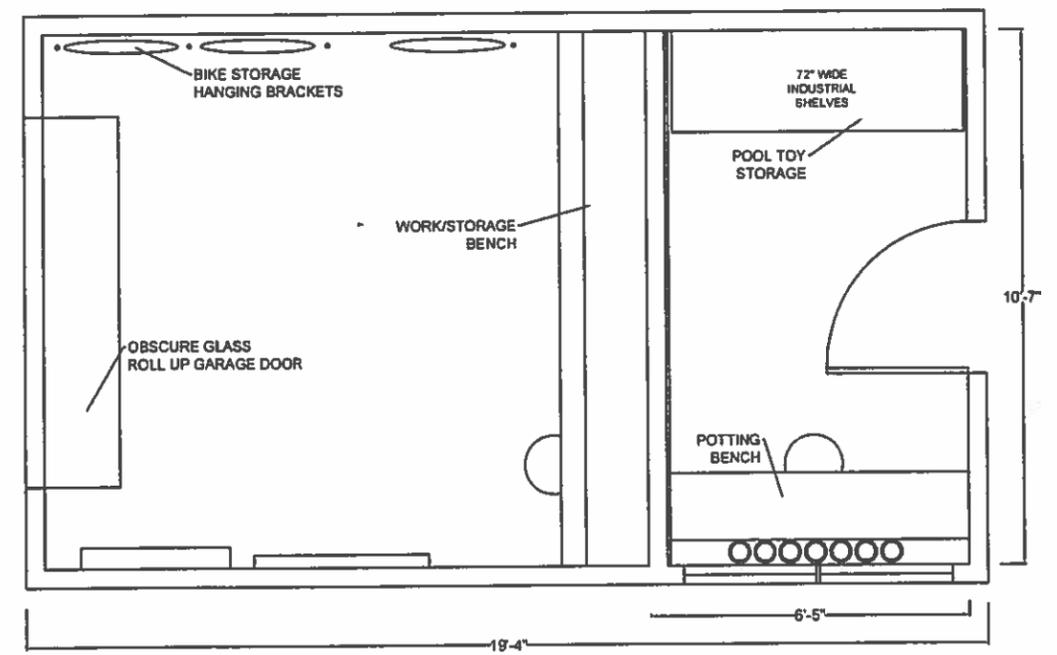
*The granting of this variance would remove the threat of an imminent disaster caused by the termites. We are rebuilding the structure which would improve the integrity of the structure as well as the look of the structure.*



FRONT EXTERIOR ELEVATION



SECOND FLOOR PLAN



FIRST FLOOR PLAN

# PARRISH SHED PROJECT

THESE ARE NOT FOR CONSTRUCTION - DRAWINGS ARE CONCEPTUAL





Dana Hazen &lt;hazend@mtnbrook.org&gt;

---

## Parrish Addition to the Shed- 3021 Cambridge Road

1 message

---

**Billy Reed** <breed@slco.com>

Wed, May 15, 2019 at 2:14 PM

To: "hazend@mtnbrook.org" &lt;hazend@mtnbrook.org&gt;

Good afternoon,

I really appreciate the conversation we had yesterday in regards to the revised plans the Parrish's have suggested. I have looked over them again, and I have actually looked at the area that they are going to add on to. I have decided not to protest this revised plan. If they stick to the plans, it will not be an negative issue going forward.

Once again, thank you for your time.

Regards,

Billy Reed

3017 Cambridge Road

Mountain Brook, AL 35223

Stringfellow Lumber

Sales Manager

P.O. Box 100549

Birmingham, AL 35210

800-825-9413 - work

205-271-2413 - work

205-271-2414 - fax

205-835-6977 - cell



## Variance Application - Part I

### Project Data

Address of Subject Property 37 FAIRWAY DR 35213

Zoning Classification RES-A

Name of Property Owner(s) THOMAS P & DOROTHY C. KING

Phone Number 205-266-6593 Email tpk8@aol.com

Name of Surveyor ROB REYNOLDS

Phone Number 205-585-7902 Email reynoldssurvey59@bellsouth.net

Name of Architect (if applicable) Richard P. Holman

Phone Number 205-792-0999 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)  | 30,000 sq ft  | Lot 10: 11,778 / VACATED ALLEY: 969 sq ft        |                          |
| Lot Width (ft)   |   |  |                          |
| Front Setback (ft) <i>primary</i>  |   |  |                          |
| Front Setback (ft) <i>secondary</i>  |   |  |                          |
| Right Side Setback   | 15'   | 3.5'   | 5' AND 11'               |
| Left Side Setback  | 15'   | 10'  | 0' AND 4.5' *            |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → | * REQUESTING CAR PORT TO WITHIN THE EASEMENT AREA (FROM THE E' BOUNDARY | EXTENSION OF ONTO ADJACENT 4.5' FROM THE EDGE OF | OPEN SIDED EASEMENT AREA |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  | OF THE EASEMENT AREA) (SEE ATTACHED DRAWING)                            |  |                          |
| Rear Setback (ft)  |   |  |                          |
| Lot Coverage (%)   | 25%   | 22.2%  | 29%                      |
| Building Height (ft)   |   |  |                          |
| Other  |   |  |                          |
| Other  |   |  |                          |

APPLICATION OF PAT AND DORIE KING TO  
THE MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT

The square footage within Lot 10 is less than the 30,000 square feet called for under the current applicable zoning classification. Lot 10 includes 11,778 square feet. Lot 10 is also irregular in shape. The lot has almost 100 feet of frontage on Fairway Drive; however, the lot narrows to only 38.30 feet at the rear property line. This squeezes and restricts the area of the lot within which the dwelling is located.

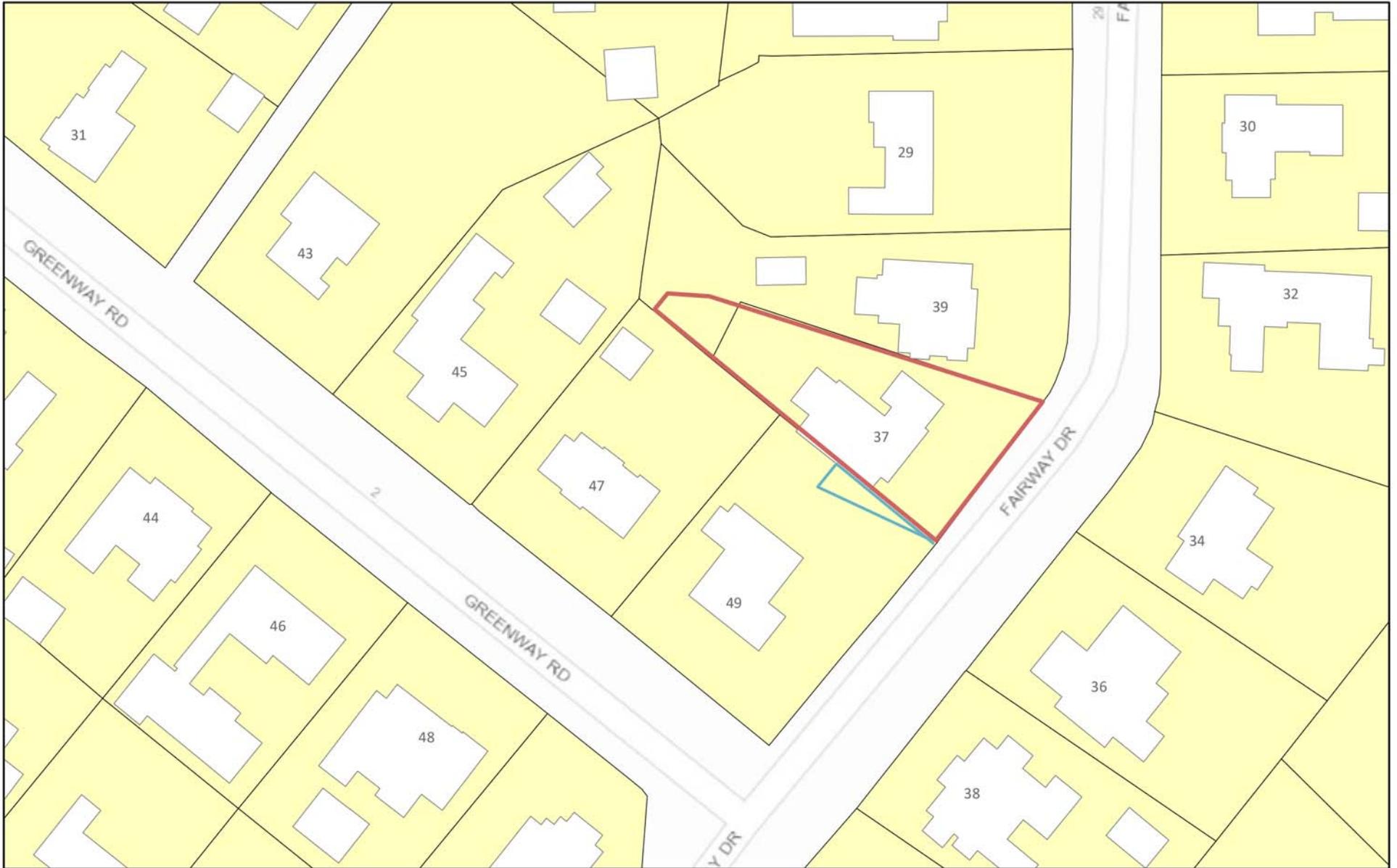
The applicants also hold title to (i) approximately 969 square feet of a vacated alley which is adjacent to Lot 10 at the lot's rear boundary line; and (ii) an exclusive use easement across approximately 400 square feet of the rear yard of the adjacent Lot 11. This area is a part of the front and side yard of Lot 10 and has been occupied by and incorporated into the yard of lot 10 for over 50 years, with a driveway, parking area, fencing, landscaping, a playhouse, and other improvements appurtenant to Lot 10 and used exclusively by the owners and occupants of Lot 10.

The conditions affecting Lot 10 have resulted in the current dwelling being located 3.5 feet from the right side boundary of Lot 10.

The conditions from which relief is being requested were not created by the applicants.

The granting of the variances requested will permit the improvement of the existing residential dwelling to a standard which is enjoyed by the owners of other dwellings in the immediate area, including the addition of covered parking, which is not currently a part of the improvements on the lot.

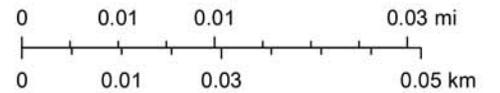
# A-19-14 Zoning



5/14/2019, 10:23:26 AM

SiteAddressPoints Tax\_Parcels  
BuildingFootprints Residence A District

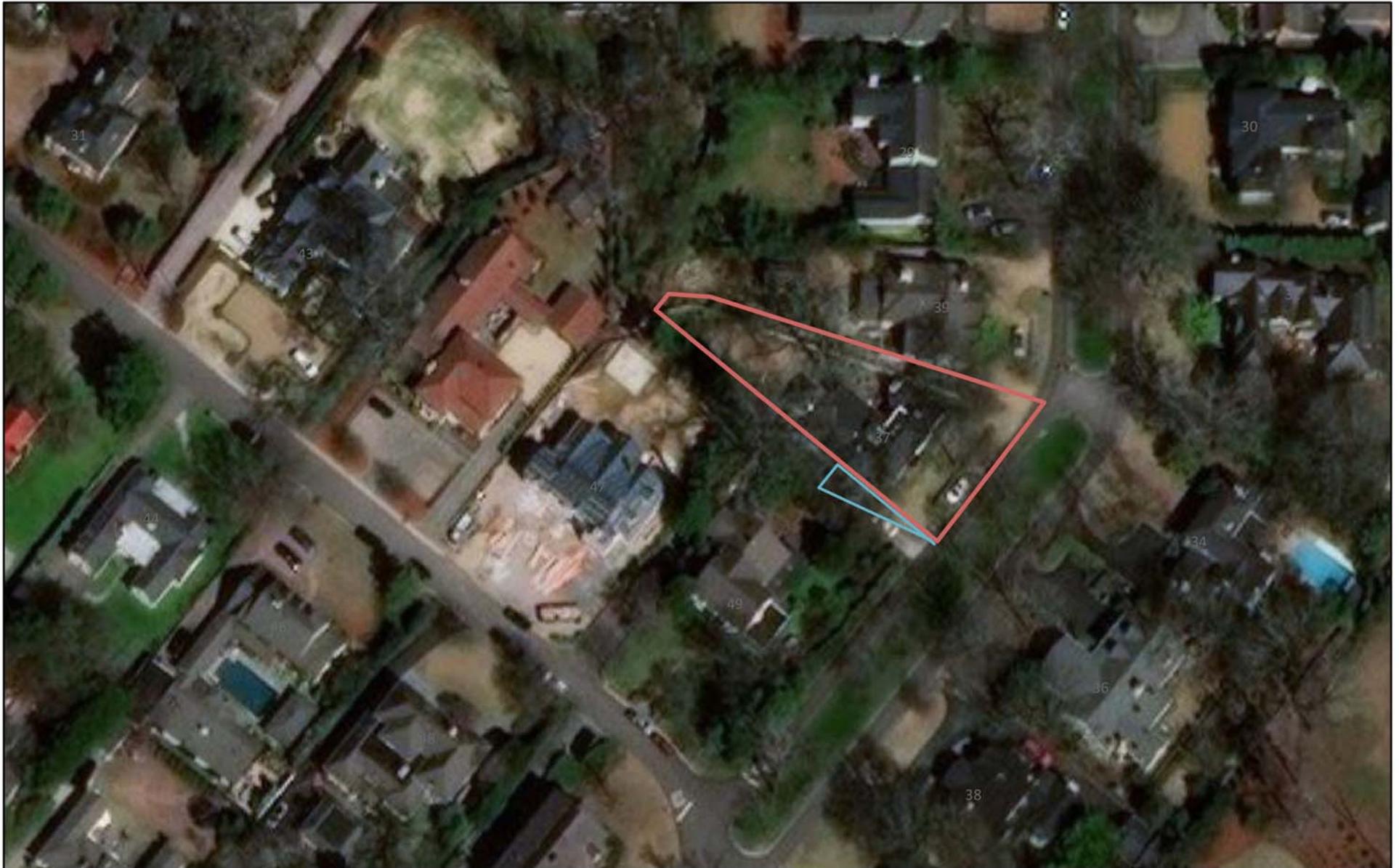
1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

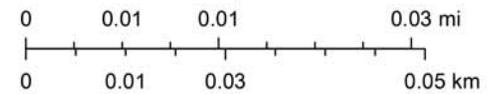
# A-19-14 Aerial



5/14/2019, 10:26:48 AM

SiteAddressPoints

1:1,128



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |

## Report to the Board of Zoning Adjustment

### A-19-14

#### *Petition Summary*

Request to allow additions to an existing single family dwelling to be 5 feet and 11 feet from the side property line (north), and 10 feet and 0 feet from the side property line (south), all in lieu of the required 15 feet. Also, for an addition to cross the south side property line into a dedicated easement on the adjoining property (49 Greenway Road), to be 0 feet from the rear property line on the adjoining lot in lieu of the required 40 feet. Additions will result in a lot coverage of 29% in lieu of the allowable 25%.

#### *Analysis*

The hardships in this case are the lot size (11,778 sf in lieu of the minimum 30,000), lot shape, and existing design constraints. Proposed additions of living space include both rear corners of the house; 10 feet from the left property line and 14 feet from the right property line, respectively.

The area denoted on the survey as “stone patio” is an uncovered patio that is proposed to be converted to a screened porch.

The area denoted on the survey as “concrete drive” is a proposed porte cochere, which is proposed to cross the side property line into the rear of the adjoining property (49 Greenway Road) for which said property owner has agreed to an exclusive perpetual use easement. The porte cochere is proposed to be 4.5 feet from the southwest easement line on the adjoining property. The easement area has been fenced in, to the benefit and use of 37 Greenway Road, for many years.

\*\*Since the submission of this application, it has been determined by the city attorney that the city cannot issue a building permit to allow a structure to cross a property line onto an adjoining property. As such, the applicant may revise his request for the porte cochere to be 0 feet from the side property line, which would be approximately 7-10 feet from the southwesterly edge of the use easement (existing fence line).

#### *Lot Coverage*

Proposed additions constitute the increase in lot coverage to 29%. The area of vacated alley to the rear of the subject property (denoted in blue on the survey) has been deeded to the subject property by the property owner to the north, and has been included in the lot coverage calculations.

The use easement to the southwest has not been used for said calculations. However, while the easement cannot technically be used for the purposes of lot coverage calculations it may be noted that the inclusion of the easement area in the lot coverage calculations would bring the subject property into compliance in this regard. Also, the property at 47 Greenway Road (easement donor) currently maintains a lot coverage of only 16%.

Lot coverage variances have been granted by the Board for new houses in the vicinity, siting inadequate lot sizes in the surrounding subdivision.

Should the proposed variance for lot coverage be approved by the Board, the applicant will mitigate the impervious area overage via measures allowed by the Stormwater Ordinance.

***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

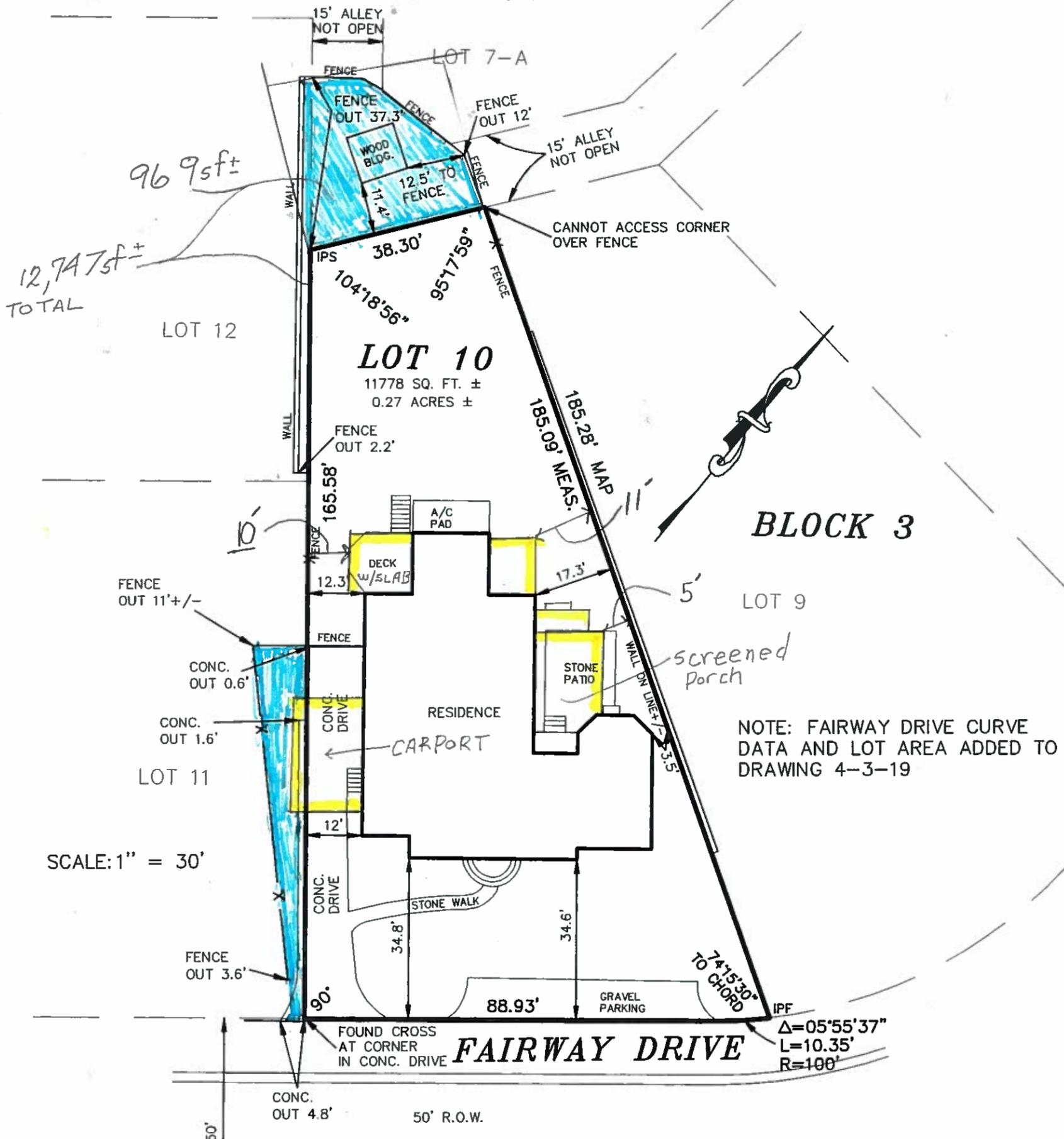
***Appends***

LOCATION: 37 Fairway Drive

ZONING DISTRICT: Res-A

OWNERS: Thomas and Dorothy King

REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning



BLOCK 3

NOTE: FAIRWAY DRIVE CURVE DATA AND LOT AREA ADDED TO DRAWING 4-3-19

SCALE: 1" = 30'

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



STATE OF ALABAMA  
 JEFFERSON COUNTY

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 10, Block 3, of COUNTRY CLUB GARDENS SECOND ADDITION, as recorded in Map Book 19, Page 93 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 27th day of March, 2019.

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

*Robert Reynolds*  
 Reg. No. 25657

Address: 37 Fairway Drive

Google Maps 37 Fairway Dr

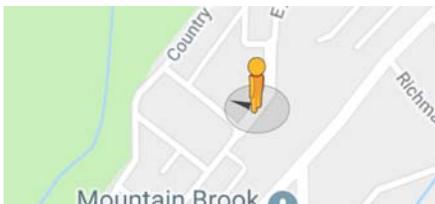


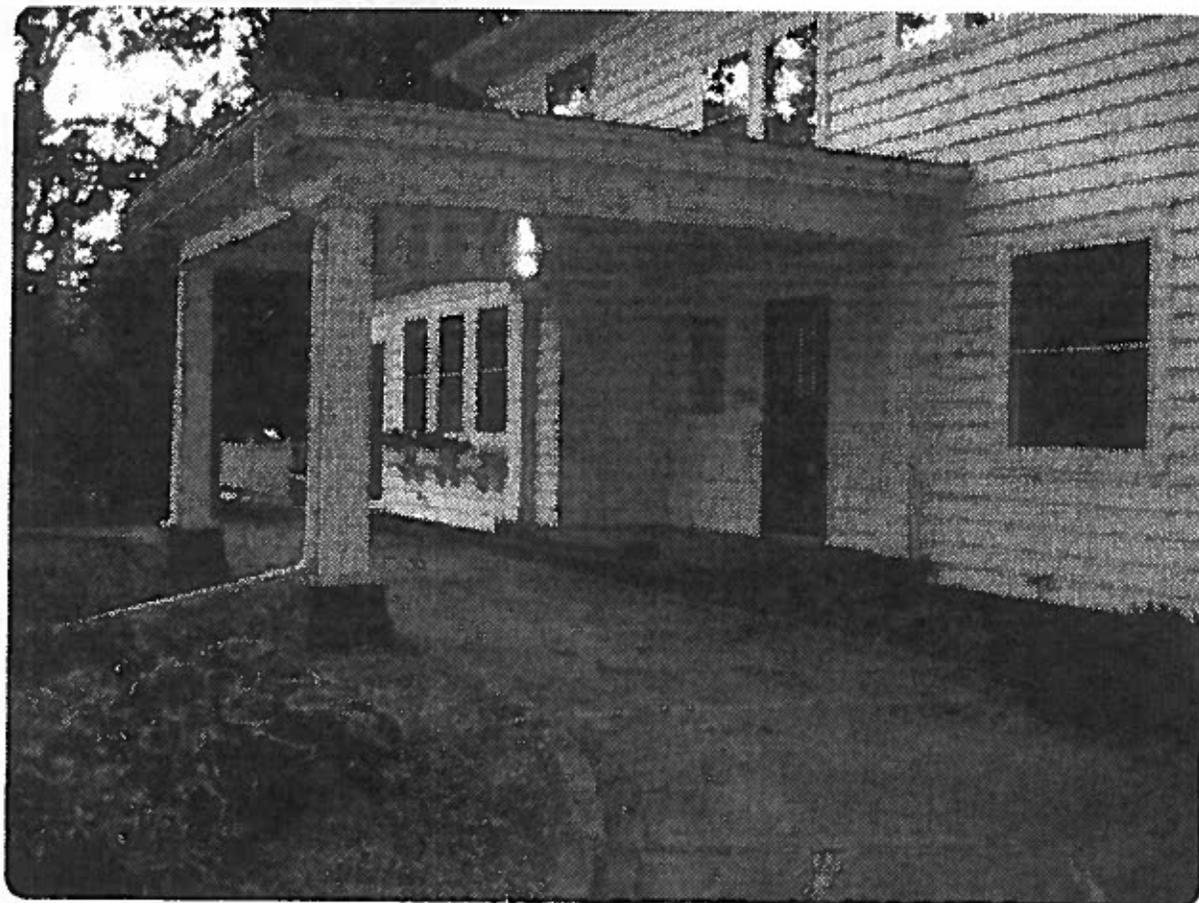
Image capture: Jun 2015 © 2019 Google

Mountain Brook, Alabama



Street View - Jun 2015

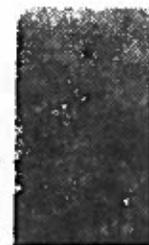




[oldhouse.blogspot.org](http://oldhouse.blogspot.org)

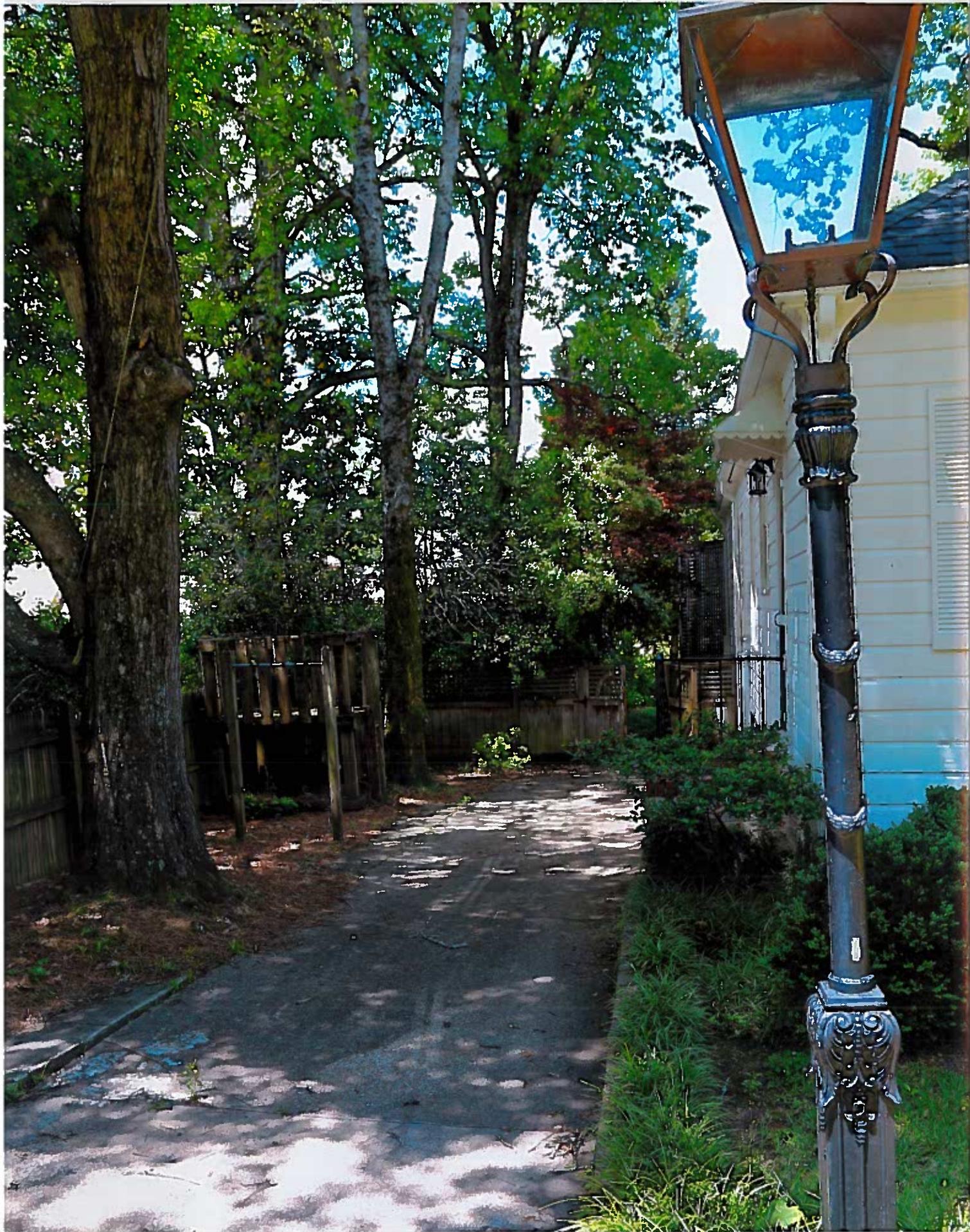
**Tara Franklin Brown** saved to  
**House Love**

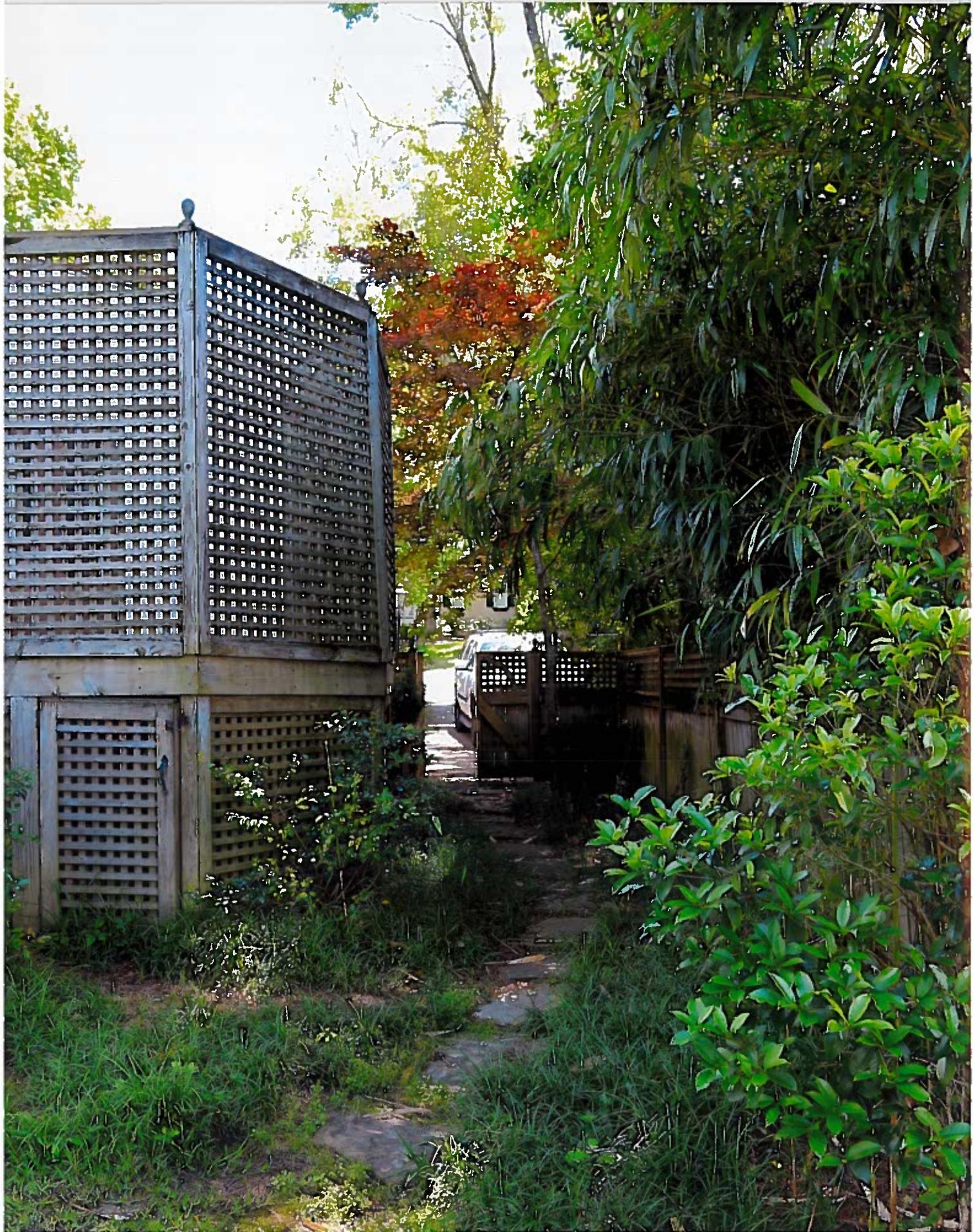
911















County Division Code: AL040  
Inst. # 2019038493 Pages: 1 of 4  
I certify this instrument filed on  
4/25/2019 8:24 AM Doc: D  
Alan L. King, Judge of Probate  
Jefferson County, AL. Rec: \$25.00  
DeedTx: \$0.50  
Clerk: MORRISL

STATE OF ALABAMA

JEFFERSON COUNTY )

This instrument prepared by:  
Charles A. J. Beavers, Jr.  
Bradley Arant Boult Cummings LLP  
1819 Fifth Avenue North  
Birmingham, Alabama 35203  
(205) 51-8000

### EXCLUSIVE USE EASEMENT

The undersigned, **ELIZABETH B. GRESHAM** (hereinafter, "Gresham") is the owner of Lot 11, Block 3, according to the map and survey of Matthews-Randolph Development Company's Second Addition to Country Club Gardens, as recorded in Map Book 19, Page 93, in the Office of the Judge of Probate of Jefferson County, Alabama (the "Gresham Lot"). **FELIX M. DRENNEN, III**, and wife, **ELIZABETH PATTON DRENNEN** (the "Drennens") are the owners of Lot 10, Block 3, according to said map and survey (the "Drennen Lot"). The Gresham Lot and the Drennen Lot are adjacent to one another, as shown on the survey prepared by Robert Reynolds, dated March 27, 2019, and attached hereto as Exhibit A (the "Survey").

As shown on the Survey, a portion of the Gresham Lot has been fenced-in and incorporated into the use and occupancy of the Drennen Lot (the "Fenced-In Area"). The Fenced-In Area has been occupied and maintained as a part of the Drennen Lot by the owners and occupants of the Drennen Lot, for over 40 years, and has been considered by Gresham and the Drennens to be a part of the Drennen Lot. The use and occupancy of the Fenced-In Area by the Drennens and their predecessors in title have included a portion of the concrete driveway which serves the residence located on the Drennen Lot, and the maintenance of various types of structures, vegetation, and landscaping for over 40 years.

In consideration of the foregoing recitals, Ten Dollars and No/10 (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned, Elizabeth B. Gresham, does hereby grant, bargain, sell and convey unto the Drennens, an exclusive easement over, under and across the Fenced-In Area, for the use and occupancy by the Drennens and all future owners and occupants of the Drennen Lot, to the exclusion of all others, for such uses as the Drennens or any future owners and occupants of the Drennen Lot shall determine, including the maintenance of a yard, driveway, carport, or such other uses as they shall determine. Gresham shall have no responsibility or obligation for the maintenance of any portion of the Fenced-In Area. The provisions of this Exclusive Use Easement shall bind and run with the land, for the benefit of the Drennen Lot, forever.

The Gresham Lot is Gresham's homestead; accordingly, Gresham's husband, William M. Gresham, joins in the execution of this instrument to evidence his consent.

TO HAVE AND TO HOLD unto the Drennens and their heirs and assigns forever.

(Signatures on the following page)

IN WITNESS WHEREOF, Elizabeth B. Gresham, and her husband, William M. Gresham, have set their signatures and seals on this the 12 day of April, 2019.

X Elizabeth B. Gresham  
Elizabeth B. Gresham

X William M. Gresham  
William M. Gresham

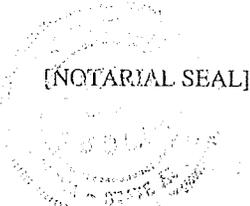
STATE OF ALABAMA )  
: )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that ELIZABETH B. GRESHAM, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 12 day of April, 2019.

Carol Evans  
Notary Public

My commission expires: 4/20/20



[NOTARIAL SEAL]

STATE OF ALABAMA )  
: )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that WILLIAM M. GRESHAM, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 12 day of April, 2019.

Carol Evans  
Notary Public

My commission expires: 4/20/20



[NOTARIAL SEAL]

STATE OF ALABAMA     )  
                                  :  
JEFFERSON COUNTY     )

DESCRIPTION OF FENCED AREA OF GRESHAM LOT

The fenced-in area depicted in crosshatch on the Survey of Lot 10, Block 3, Country Club Gardens Second Addition, as recorded in Plat Book 19, Page 93, in the Office of the Judge of Probate of Jefferson County, Alabama, a copy of which is attached hereto as **Exhibit "A"**, is described as follows:

Begin at the most Easterly corner of Lot 11, Block 3 of Country Club Gardens Second Addition as recorded in Plat Book 19, Page 93, in the Office of the Judge of Probate of Jefferson County, Alabama; thence Northwesterly along the most Northerly line of said Lot 11, 80.32 feet; thence left 90 degrees 32 minutes 34 seconds Southwesterly along a fence line, 11.60 feet; thence left 95 degrees 47 minutes 32 seconds Southeasterly along a fence line, 72.36 feet; thence right 14 degrees 33 minutes 56 seconds Southeasterly, 8.38 feet to a point on the most Easterly line of said Lot 11; thence left 98 degrees 13 minutes 50 seconds Northeasterly, 4.80 feet to the point of beginning.

Dated this 18<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
Robert Reynolds  
Registered Surveyor  
Reg. No. 25657

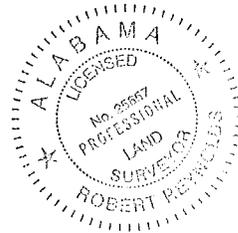
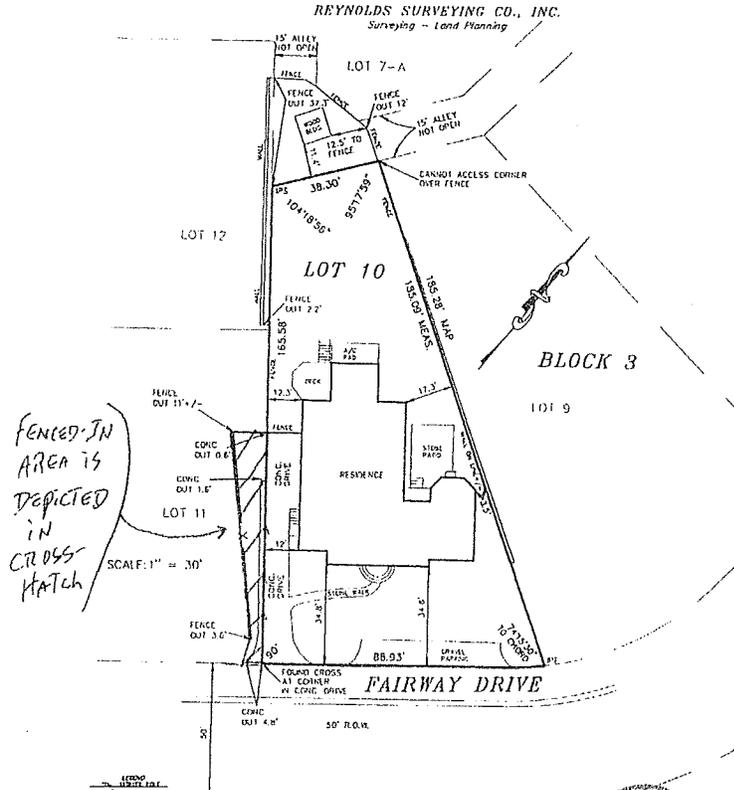


EXHIBIT "A"



LEGEND  
 --- CONCRETE  
 --- FENCE  
 --- OVERHEAD ELECTRICAL  
 --- 4" PIPES  
 --- 6" PIPES  
 --- 8" PIPES



STATE OF ALABAMA  
JEFFERSON COUNTY

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 10, Block 3, of COUNTRY CLUB GARDENS SECOND ADDITION, as recorded in Map Book 19, Page 93, in the Office of the Judge of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 27th day of March, 2019.

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

Address: 37 Fairway Drive

*Robert Reynolds*  
Reg. No. 25637

B122/67



Variance Application - Part I

Project Data

Address of Subject Property 43 PINE CREST ROAD, 35223

Zoning Classification RESIDENCE B

Name of Property Owner(s) CHELSEY AND KYLE HESLOP

Phone Number (205) 254-1986 Email kheslop@maynardcooper.com

Name of Surveyor Steven Allen ALLSURV, LLC

Phone Number (205) 663-4251 Email leftahair1@yahoo.com

Name of Architect (if applicable) ANNA EVANS ARCHITECT, LLC

Phone Number (205) 879-5451 Email anna@annaevansarchitect.com

Property owner or representative agent must be present at hearing

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

|   | Zoning Code Requirement | Existing Development | Proposed Development |
|---|-------------------------|----------------------|----------------------|
| Lot Area (sf)   |                         |                      |                      |
| Lot Width (ft)  |                         |                      |                      |
| Front Setback (ft) <i>primary</i>   |                         |                      |                      |
| Front Setback (ft) <i>secondary</i>   |                         |                      |                      |
| Right Side Setback  | 12.5'                   | 10' - 11'            | 11' - 11.5'          |
| Left Side Setback   | 12.5'                   | 10'                  | 10'                  |
| Right Side Setback (ft):<br>For non-conforming narrow<br>lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → |                         |                      |                      |
| Left Side Setback (ft):<br>For non-conforming narrow<br>lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  |                         |                      |                      |
| Rear Setback (ft)   |                         |                      |                      |
| Lot Coverage (%)  |                         |                      |                      |
| Building Height (ft)  |                         |                      |                      |
| Other   |                         |                      |                      |
| Other   |                         |                      |                      |

April 26, 2019

Dana Hazen  
Director Planning, Building, and Sustainability  
56 Church Street  
City of Mountain Brook  
Mountain Brook, Alabama 35213

**VARIANCE APPLICATION**

On behalf of the owners, Chelsey and Kyle Heslop, enclosed is a variance application for 43 Pine Crest Road, Mountain Brook, Alabama 35223. The scope of the project includes renovations and additions to an existing structure, as noted in the provided drawings.

Sincerely,

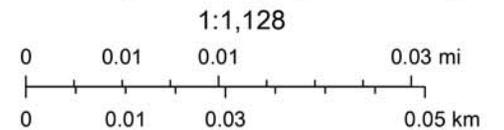
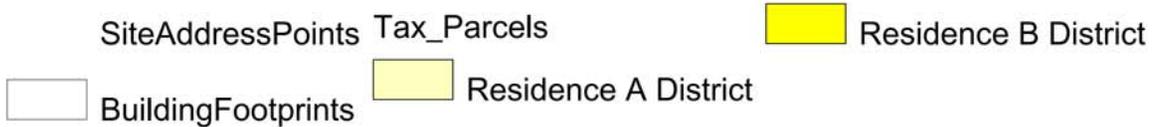
A handwritten signature in black ink, appearing to read "Anna Evans". The signature is fluid and cursive, with the first name "Anna" and last name "Evans" clearly distinguishable.

Anna Evans

# A-19-15 Zoning



5/15/2019, 4:11:24 PM



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## **Report to the Board of Zoning Adjustment**

### **A-19-15**

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

Request to allow additions and alterations to an existing single family dwelling to be 11 feet from the side property line (east) and 10 feet from the side property line (west), both in lieu of the required 12.5 feet.

#### ***Analysis***

The only apparent hardship in this case is the existing design constraint. The existing house currently encroaches into both required 12.5-foot side setbacks. The proposal involves a new roof over the left side encroachment (see front and west side elevation). A new addition is proposed in the right rear to match the existing right side setback of 11 feet. It should be noted that the proposed left side rear addition meets the required 12.5-foot side setback.

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

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

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

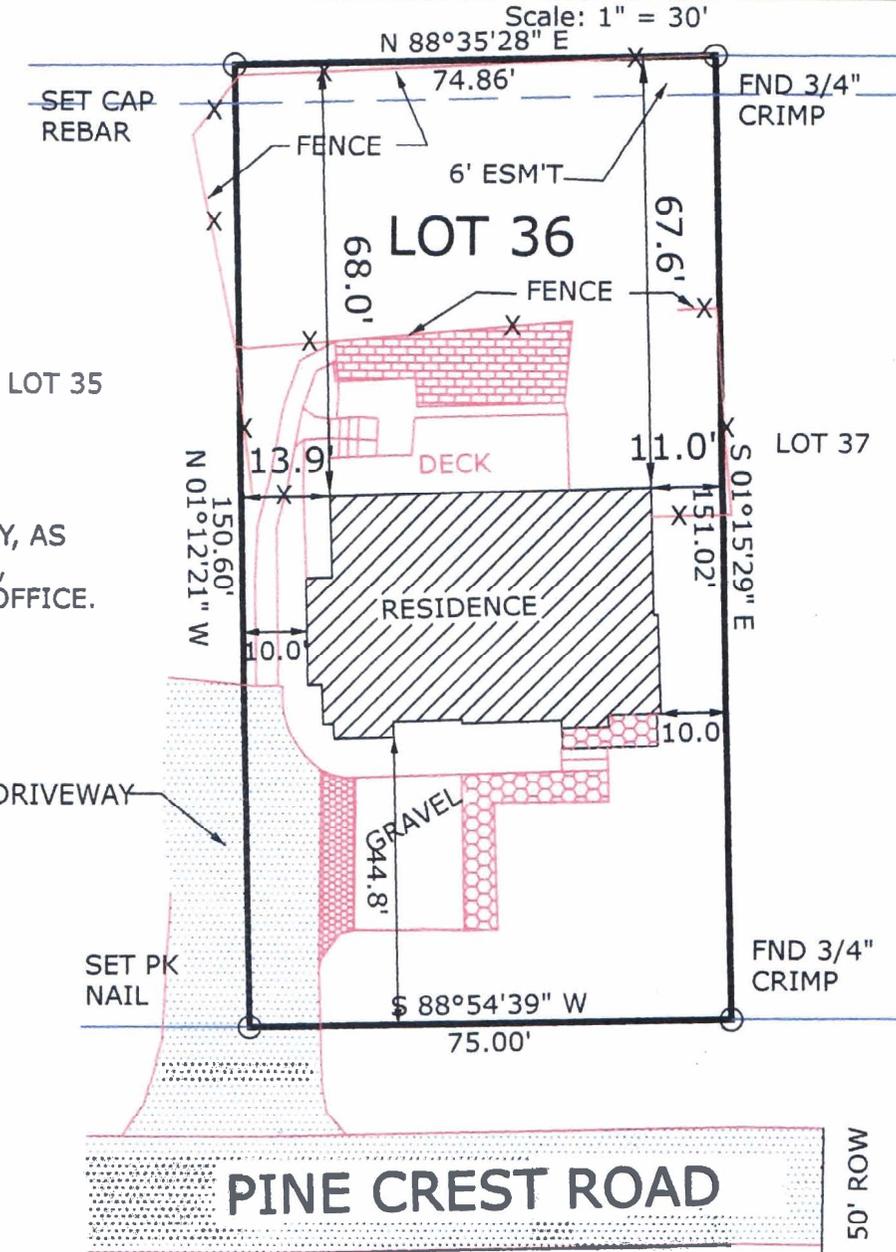
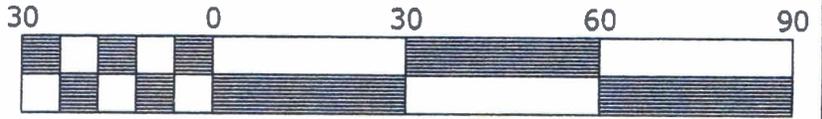
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

#### ***Appends***

LOCATION: 43 Pine Crest Road

ZONING DISTRICT: Res-B

OWNERS: Kyle and Chelsey Heslop



DESCRIPTION  
 LOT 36, PINE CREST SURVEY, AS  
 RECORDED IN MAPBOOK 36,  
 PAGE 89, IN THE PROBATE OFFICE.



STATE OF ALABAMA  
 JEFFERSON COUNTY

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.

*SMA*

*4-15-19 REV. FOR SET BACK DB.*

S. M. ALLEN PLS NO 12944

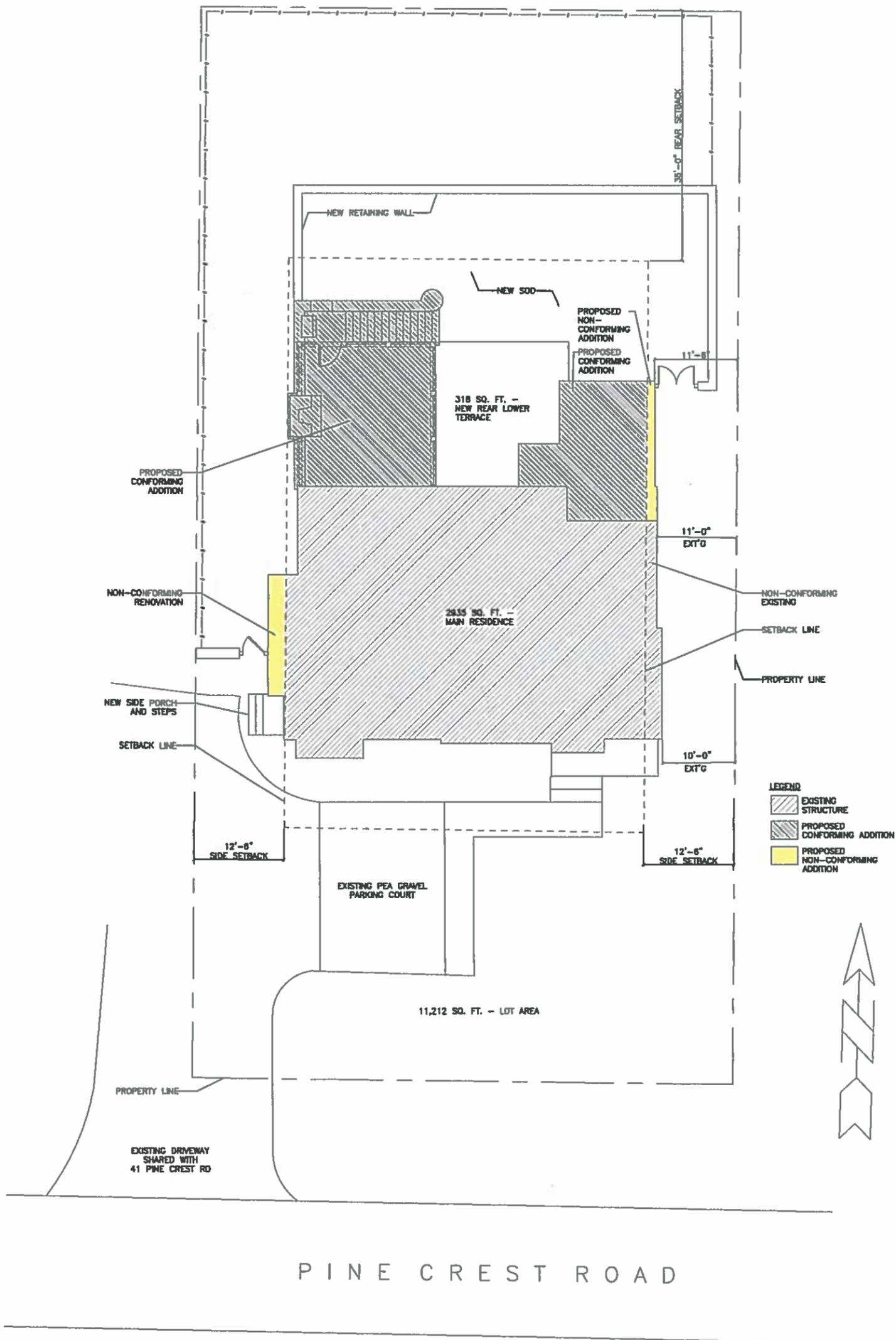
DATED

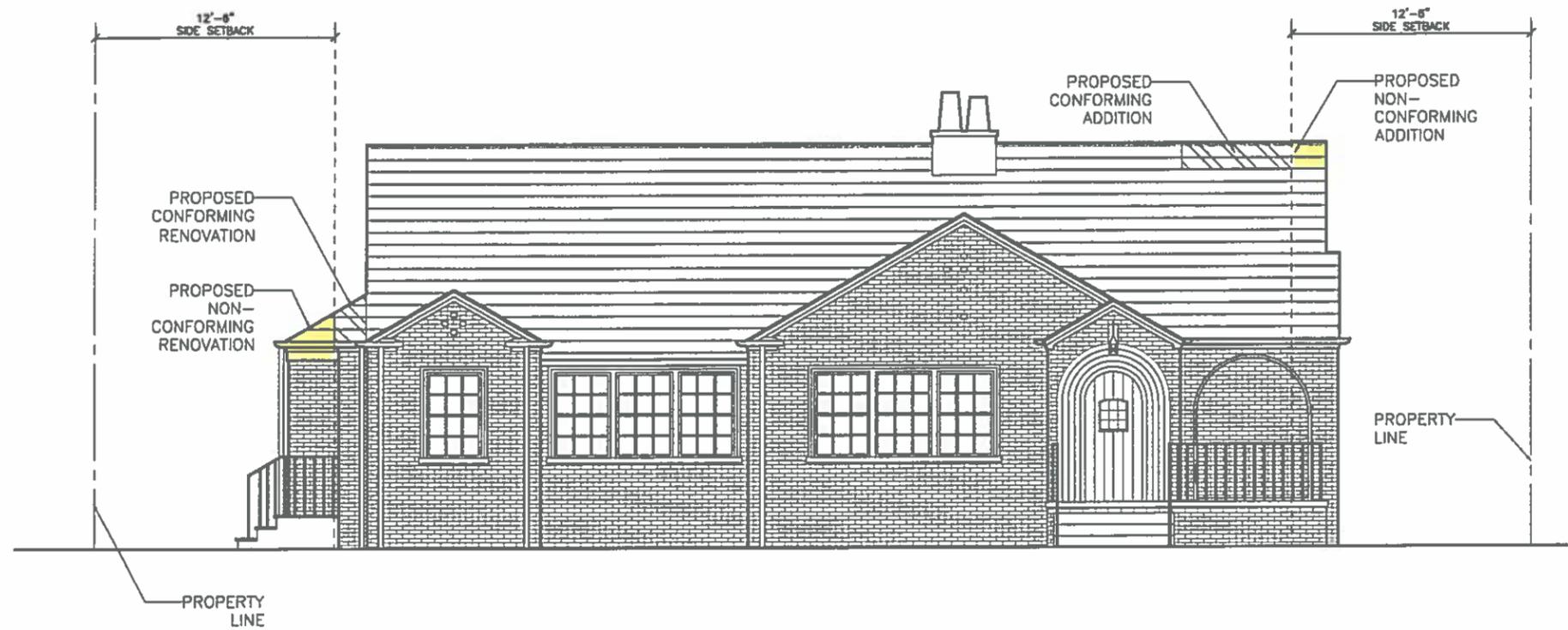
|              |          |
|--------------|----------|
| DRAWN BY:    | SMA      |
| DATE:        | 11-20-18 |
| DWG. NO.:    | 15487    |
| APPROVED BY: | SMA      |

PROJECT SPOT SURVEY  
 DATE OF FIELD SURVEY 11-20-18  
 BEARINGS ASSUMED NORTH  
 CLOSURE 1:20000

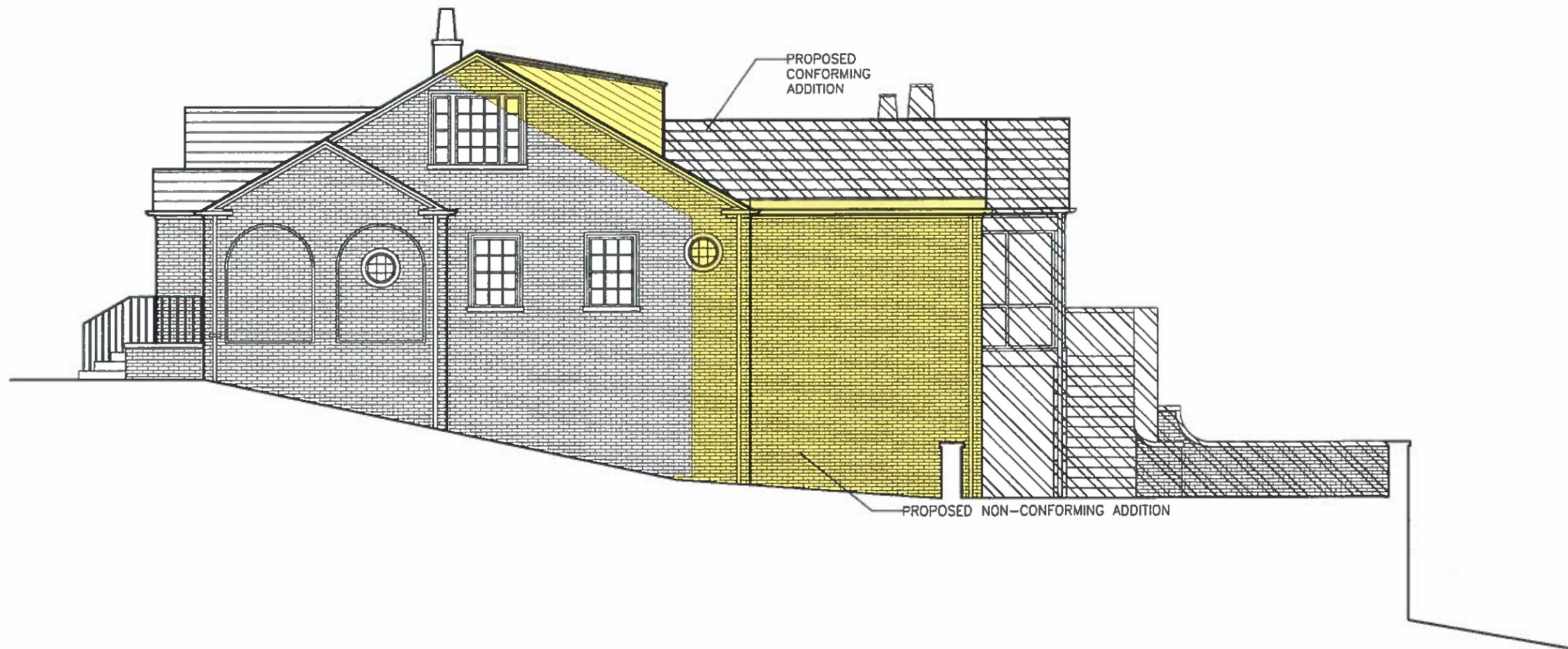
**ALLSURV, LLC**

S.M. ALLEN, PLS 12944  
 9378 HIGHWAY 119  
 SUITE B  
 ALABASTER, AL. 35007  
 205 663-4251

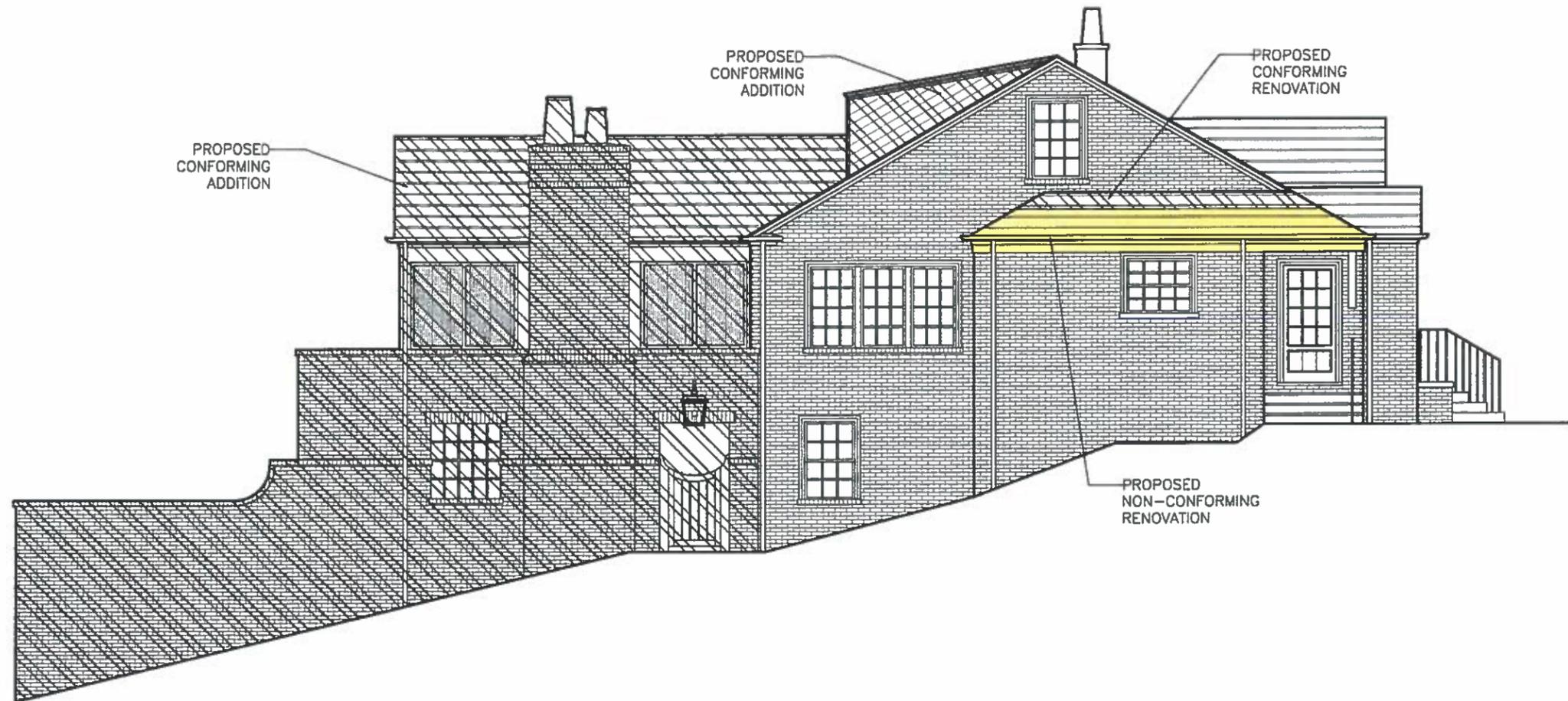




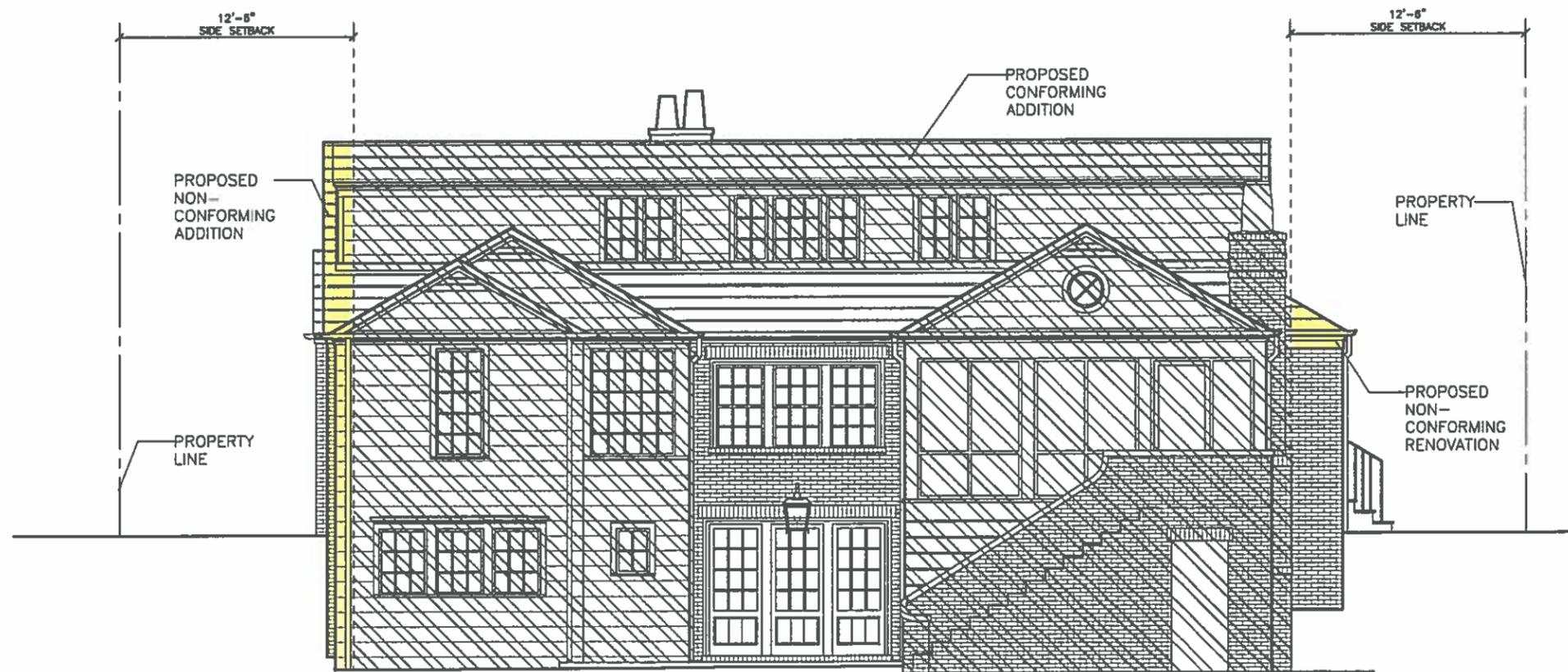
FRONT ELEVATION - PINE CREST ROAD  
1/8" = 1'-0"



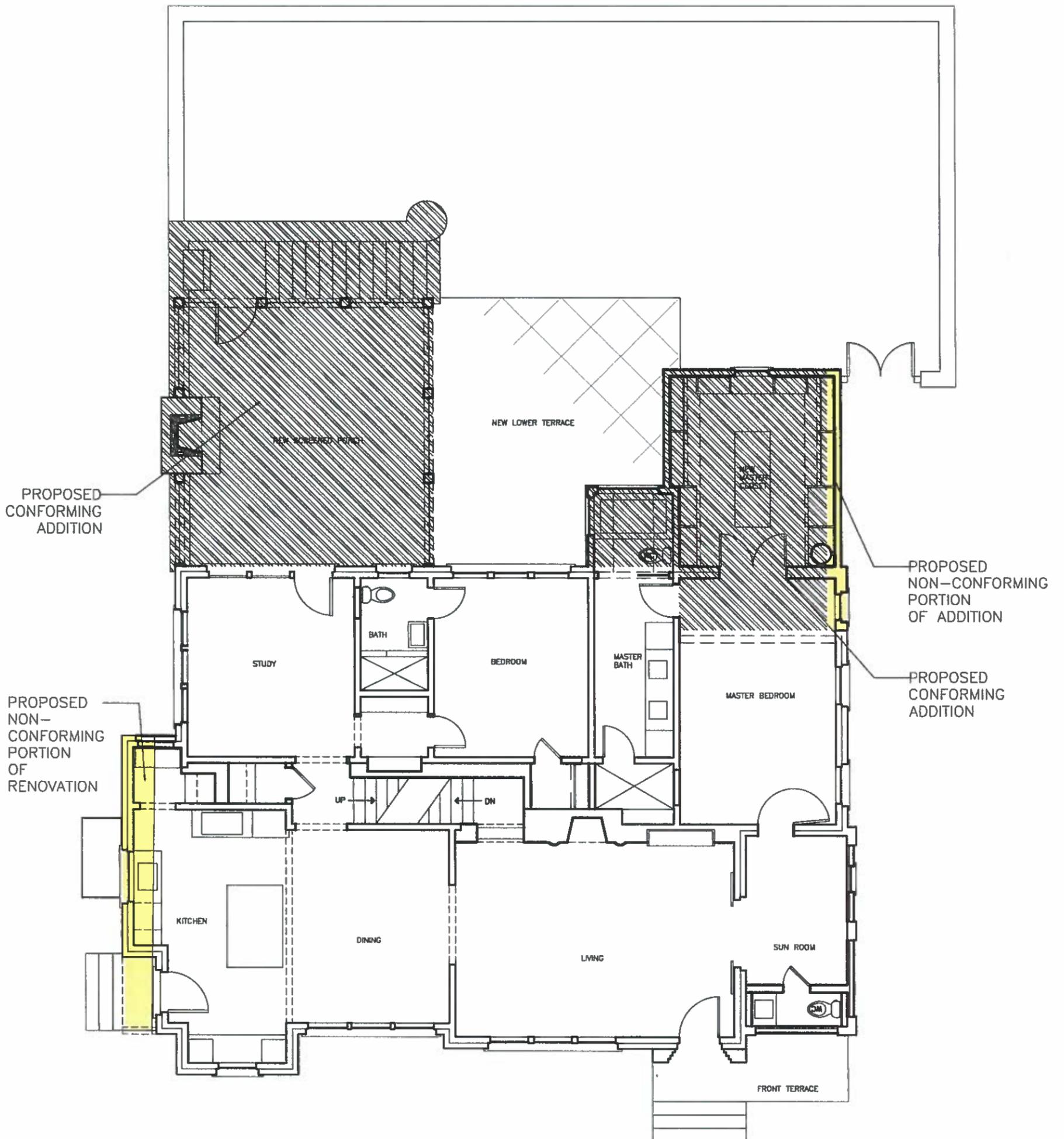
EAST SIDE ELEVATION  
1/8" = 1'-0"

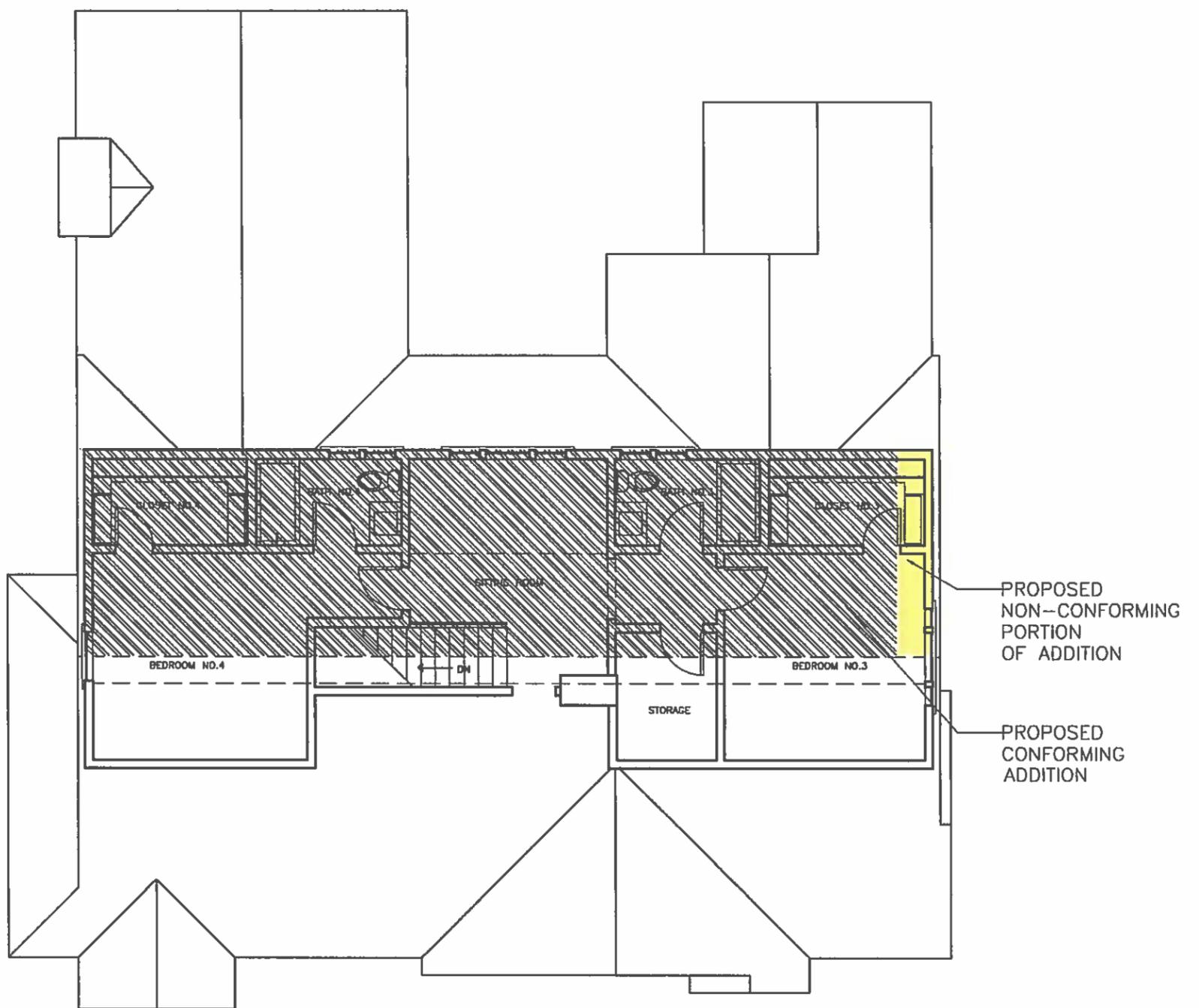


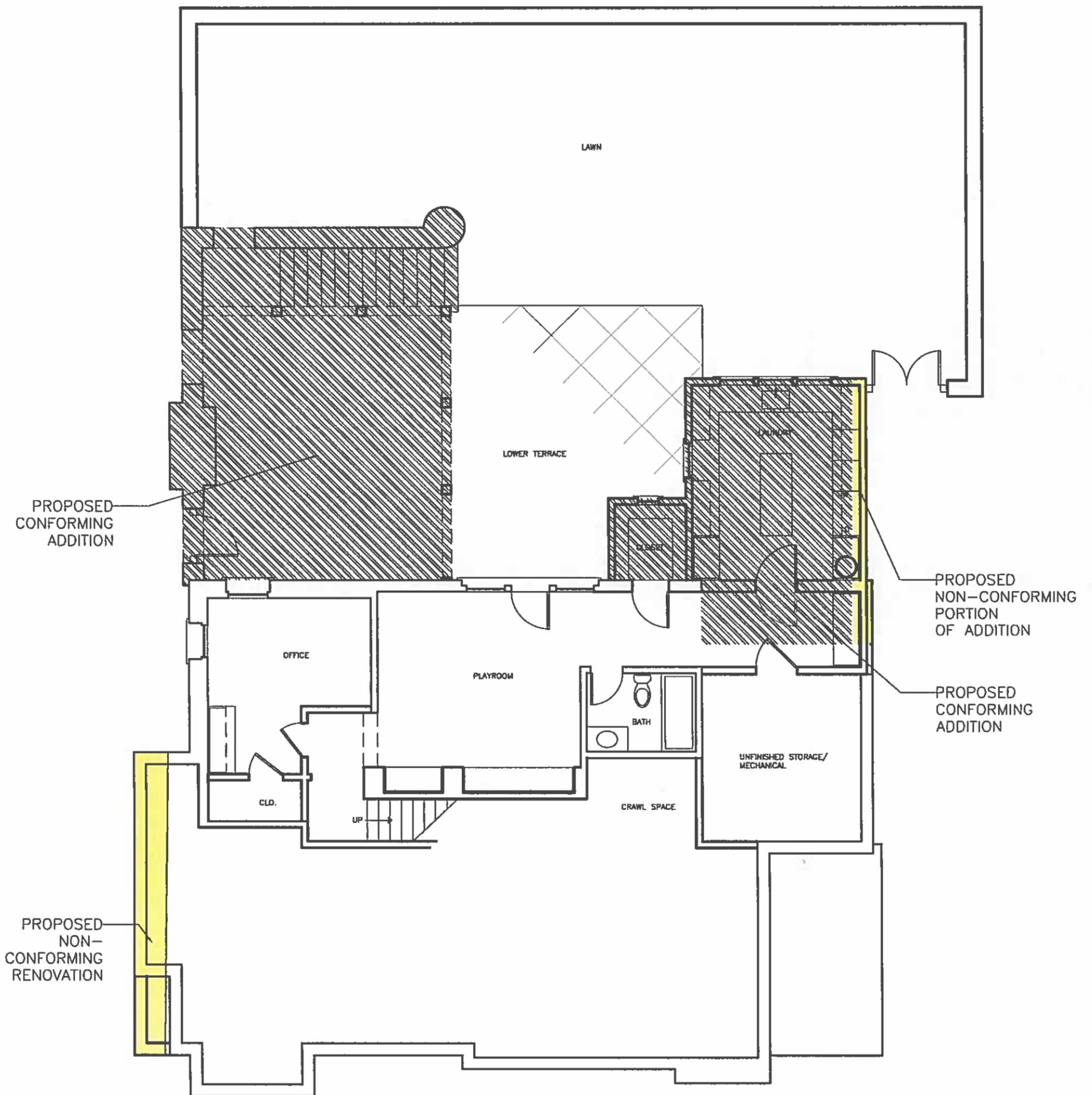
WEST SIDE ELEVATION  
1/8" = 1'-0"



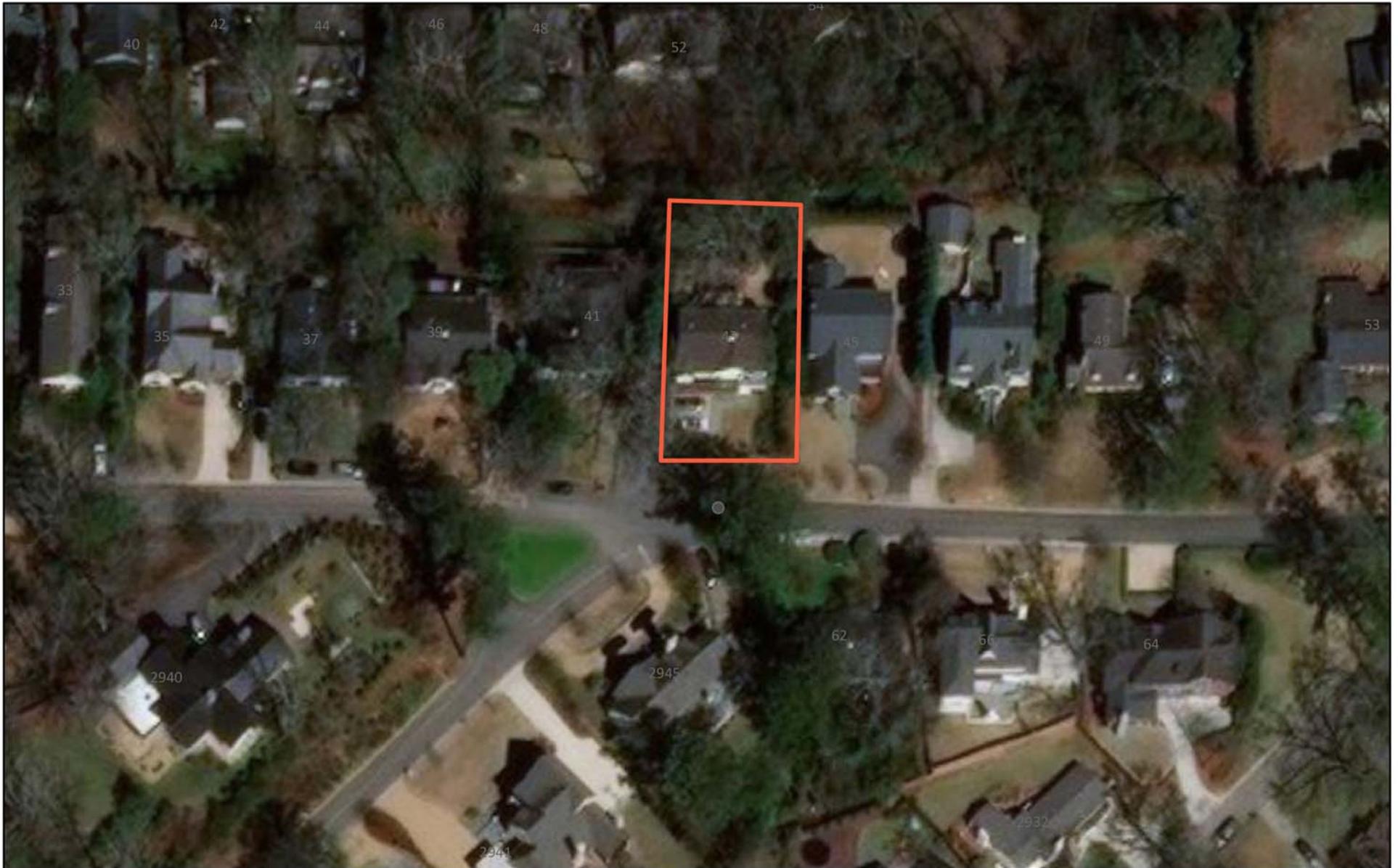
REAR ELEVATION  
1/8" = 1'-0"





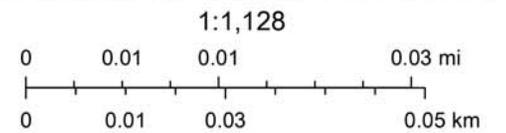


# A-19-15 Aerial



5/15/2019, 4:13:52 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |



## 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)?

Existing non-conforming design constraints.

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

No

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

Flow of air & light will be maintained.



## Variance Application - Part I

### Project Data

Address of Subject Property 3031 Canterbury Road

Zoning Classification Residence A

Name of Property Owner(s) Mr. and Mrs. Benny LaRussa

Phone Number 908-9245 Email blarussa@sterlingmanagement.com

Name of Surveyor Weygand Surveyors

Phone Number 942-0087 Email ray@weygandsurveyor.com

Name of Architect (if applicable) 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)  | 30,000 sq. ft.          | 22,962 +/- sf        | 22,962 +/- sf        |
| Lot Width (ft)   | 100 ft.                 | *85 ft. front elev.  | *85 ft. front elev.  |
| Front Setback (ft) <i>primary</i>  | 40 ft.                  | 68.0 ft.             | 61 ft.               |
| Front Setback (ft) <i>secondary</i>  | NA                      | NA                   | NA                   |
| Right Side Setback   | 15 ft.                  | 10.2 ft.             | 15 ft.               |
| Left Side Setback  | 15 ft.                  | 10.0 ft.             | ** 10.0 ft. at house |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → | NA                      | NA                   | NA                   |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  | NA                      | NA                   | NA                   |
| Rear Setback (ft)  | 40.0 ft.                | 93.0 ft.             | 70.0 ft.             |
| Lot Coverage (%)   | 25%                     | 11.13%               | 16.86%               |
| Building Height (ft)   | 35 ft.                  | 27.0 ft.             | 34.0 ft.             |
| Other  |                         |                      |                      |
| Other  |                         |                      |                      |

\* 82 feet at front setback.

\*\* 8.0 ft. at 2 chimneys.

Henry Spratt Long & Associates  
ARCHITECTS

---

April 25, 2019

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

ATTENTION: Dana Hazen

RE: A Proposed New Residence for Mr. and Mrs. Benny LaRussa

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.

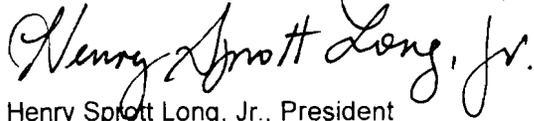
We are requesting a variance to allow the construction of a new residence on the non-conforming parcel at 3031 Canterbury Road. The existing residence will be removed. The new residence will be two stories on the front portion and the rear wing will be one story with various offsets (see attached Site Plan). We are requesting a variance on the left side to allow the residence to be 10'-0" and 2 chimneys to be 8'-0" from the left side rather than the required 15 feet. The new residence will meet all of the other requirements for Residence "A" zoning. This non-conforming parcel does not have the required lot area, the required lot width nor the required street frontage to meet the current Residence A zoning requirements. .

Four copies of the graphic explanation of the proposed residence are 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 20, 2019.

Thank you for your consideration in this matter.

Sincerely,

HENRY SPROTT LONG & ASSOCIATES, INC.



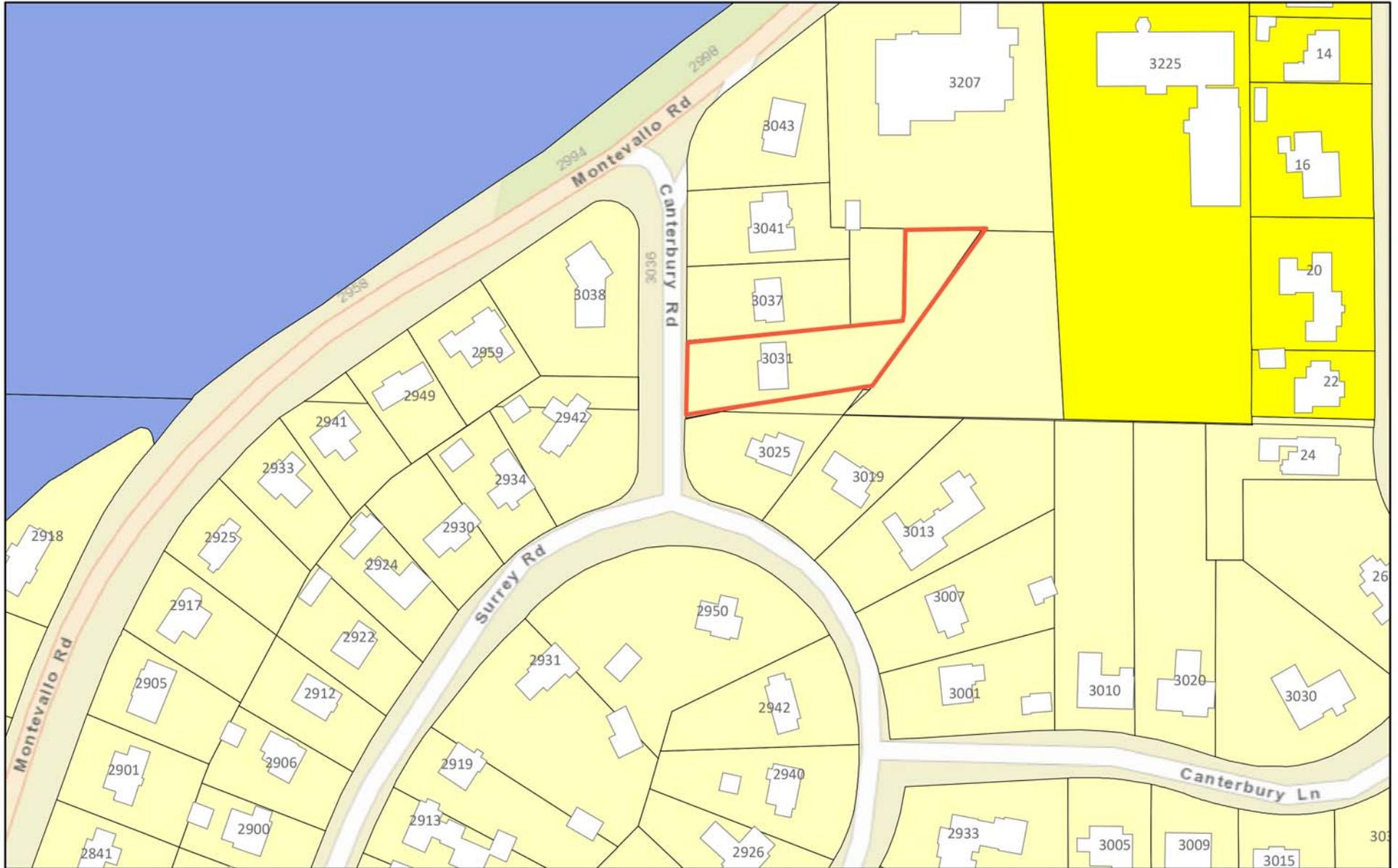
Henry Spratt Long, Jr., President

HSLjr/ab

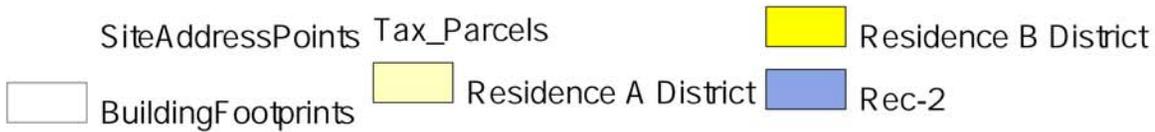
Enclosures

cc: Mr. and Mrs. Benny LaRussa

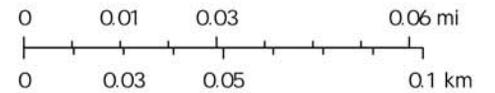
# A-19-16 Zoning



5/15/2019, 4:59:42 PM



1:2,257



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Web AppBuilder for ArcGIS  
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

## Report to the Board of Zoning Adjustment

### A-19-16

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

Request to allow a new single family dwelling to be 10 feet from the side property line (north) in lieu of the required 15 feet; and two chimneys to be 8 feet from the side property line (north) in lieu of the required 13 feet.

#### ***Analysis***

The hardships in this case are the lot size (22,962 sf in lieu of the minimum 30,000), the lot width (82 feet at the front setback line in lieu of the required 100 feet), and the irregular shape of the lot (narrows from front to back).

As may be seen on the attached survey, the existing house encroaches into both required 15-foot side setbacks. The new house will conform to the south side setback, and will encroach into the north side setback (main structure and chimneys). A 62-foot front yard setback is proposed in lieu of the allowable 40 feet.

#### ***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

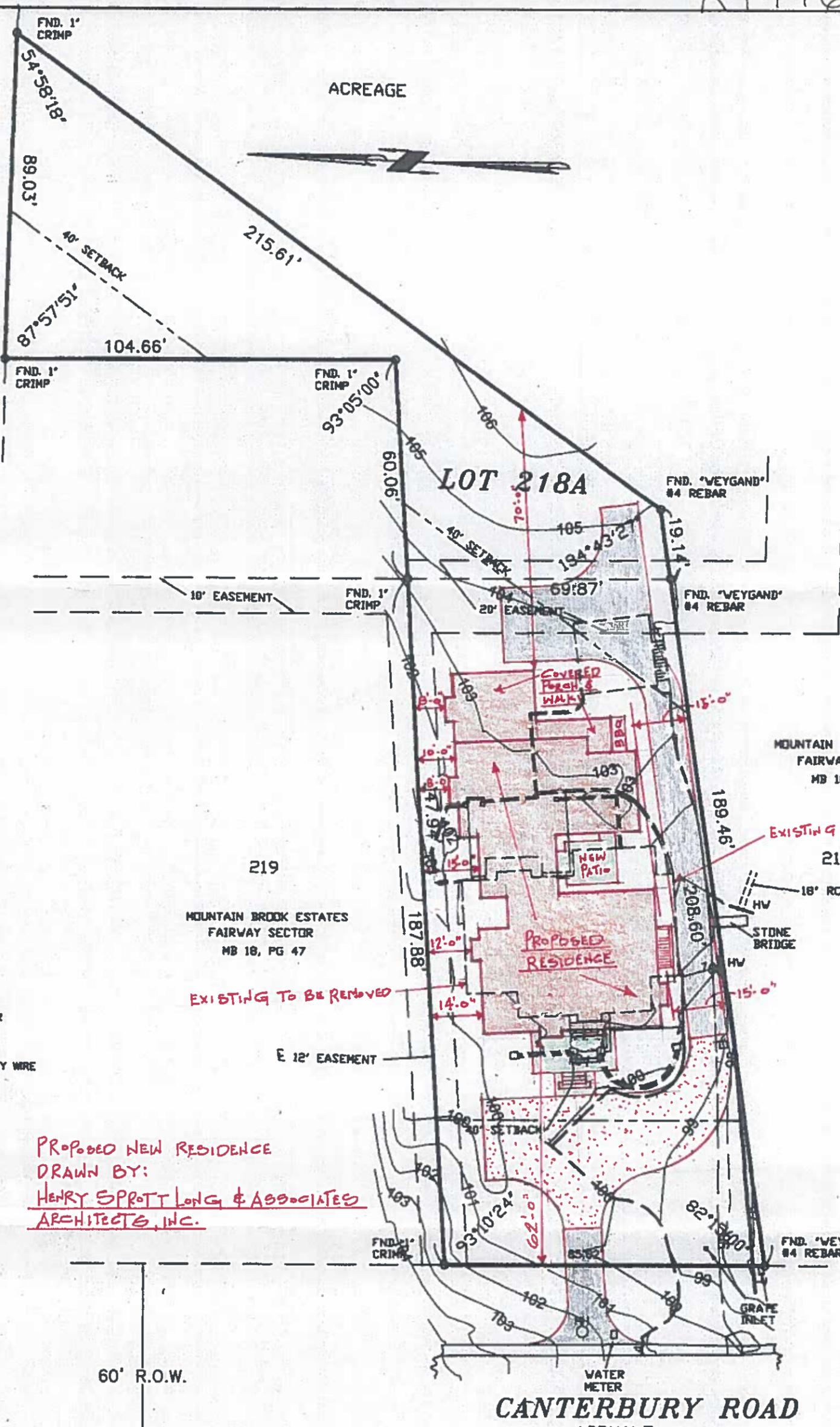
#### ***Appends***

LOCATION: 3031 Canterbury Road

ZONING DISTRICT: Res-A

OWNERS: Mr. and Mrs. Benny LaRussa

ACREAGE



LEGEND

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

PROPOSED NEW RESIDENCE  
 DRAWN BY:  
HENRY SPROTT LONG & ASSOCIATES  
ARCHITECTS, INC.

SCALE: 1"=30'

STATE OF ALABAMA)  
 JEFFERSON COUNTY)

"Topographic Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 218A, CALLAHAN CANTERBURY ROAD RESURVEY, as recorded in Map Volume, Page, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of MARCH 22, 2019. Survey invalid if not sealed in red.

Order No.: 2437  
 Purchaser:  
 Address: 3031 CANTERBURY ROAD

Ray Weygand, Reg. L.S. #24873  
 109 Ozmoor Road, Homewood, AL 36209  
 Phone: (205) 942-0086 Fax: (205) 942-0087  
 Copyright ©



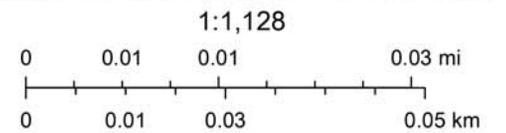
Notes: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records 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. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.

# A-19-16 Aerial



5/15/2019, 5:02:29 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |

Attachment to the Variance Application for Mr. and Mrs. Benny LaRussa

**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 at 3031 Canterbury Road is zoned Residence "A" is non-conforming as follows:

1. Required minimum lot size is 30,000 square feet. The actual lot contains 22,962 sq. ft. +/-.
2. Required lot width is 100 feet from street line to front setback line. The front property line is 85 feet +/- wide and the front setback is 82 feet wide +/-.
3. The lot is an unusual shape and tapers to a narrower dimension from the front setback width of 82 feet +/- to a setback width of 71 feet +/- at the easement in the rear yard.
4. Minimum number of feet which must abut a street is 100 feet and this lot measures 88 feet +/- at the street.

Therefore, the lot is non-conforming in all areas of the Mountain Brook Zoning Ordinance for Residence "A", Sec. 129-34.a.

**Was the condition from which relief is sought 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...")**

We are proposing to tear down the existing residence at 3031 Canterbury Road and build a new residence on the lot. The new residence will be 2 story on the front portion of the house and the rear wing will be 1 story with various offsets (see attached Site Plan). Items 1-4 listed in the paragraph above have created the hardship in that we don't have the lot size or width that is typically required for Residence "A" zoning. We meet all of the other Residence "A" requirements except we are asking for a variance for a setback of 10'-0" on the left side (8'-0" at two chimneys that are 7 feet wide each). Note: The existing residence is 10 feet from the left side. Also, the main front section of the proposed new house which is most adjacent to the house on the left side, will be 14'-0" from the left side property line.

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

The nonconforming width and the tapered shape of the lot create a hardship that is difficult to address. As an example, the width of the existing house is 57 feet +/- and is 10 feet from each side property line. The total width of the proposed new residence is 52 feet +/-, not including chimneys, but would still require a variance on the left side. If the lot were the required 100 foot width, we would not require a variance. Therefore, the granting of a variance would be consistent with the purpose and intent of the Zoning Regulations because it would address the hardship of the non-conforming lot size and width.



## Variance Application - Part I

### Project Data

Address of Subject Property 2760 ABINGDON ROAD  
 Zoning Classification ESTATE RESIDENCE DISTRICT  
 Name of Property Owner(s) JOHN R. PHILLIPS  
 Phone Number 205 567-9840 Email jphillips@ptortho.com  
 Name of Surveyor RAY WEYGAND  
 Phone Number 942.0086 Email ray@weygandsurveyor.com  
 Name of Architect (if applicable) J.K. TERRY  
 Phone Number 205.908.2016 Email jkterry@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)  | 3.1 AC ±                |                      |                      |
| Lot Width (ft)   | VARIES                  | VARIES               |                      |
| Front Setback (ft) <i>primary</i>  | 100'                    |                      |                      |
| Front Setback (ft) <i>secondary</i>  | 100'                    |                      |                      |
| Right Side Setback   | 100'                    | 67.6'                | 67.6'                |
| Left Side Setback  | 40'                     |                      |                      |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → |                         |                      |                      |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  |                         |                      |                      |
| Rear Setback (ft)  | 100'                    |                      |                      |
| Lot Coverage (%)   | <10%                    |                      |                      |
| Building Height (ft)   |                         |                      |                      |
| Other  |                         |                      |                      |
| Other  |                         |                      |                      |

## John R. & Kate Phillips – 2760 Abingdon Road

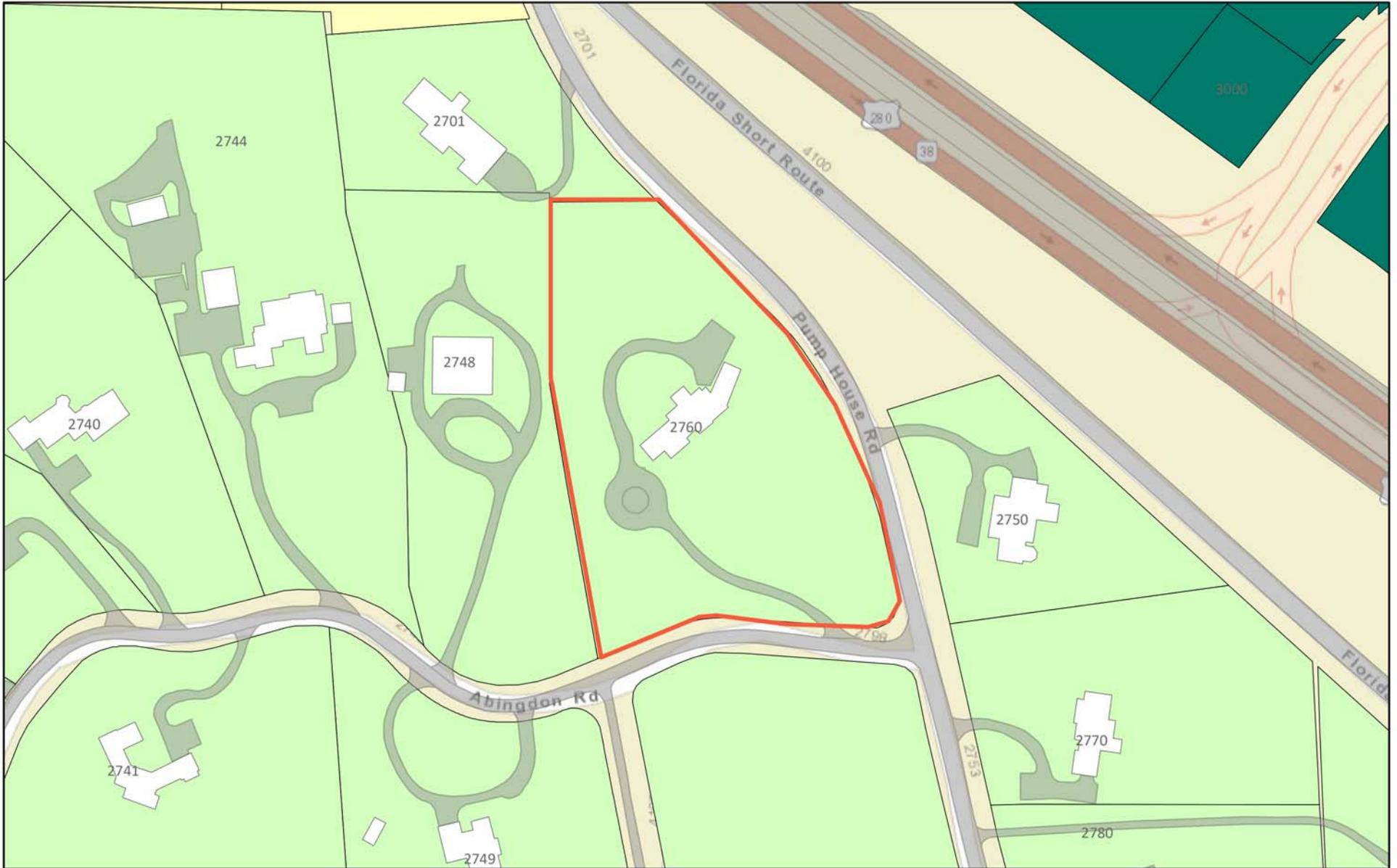
Dr. & Mrs. John Phillips have entered into a contract with me to design a new garage in conjunction with a Landscape Master Plan for their beautiful estate lot in the historical Abingdon neighborhood. Their home is situated on an oddly shaped corner lot over two acres in size. Due to the fact that it is an oddly shaped corner lot, the placement of a garage on the lot is greatly limited. Based on modern setback regulations, the only place to situate the proposed garage, would be confined to a small area in the middle of a lawn area in the mature garden directly behind the home.

The existing home encroaches 32' into the 100' (secondary) front setback along the right (east) side of the property, and the proposed garage would encroach no closer than that to the property line. Additionally, the proposed garage would be situated at a point on the lot where there are no residential properties across from it. This particular location is directly across from the rights-of-way at the intersection of Pump House Road (Cahaba Road, according to plat), and US Highway 280.

The placement of the garage at the requested location would serve as a buffer between the intersection and the home, perhaps even acting as a barrier to the road noise from that busy intersection. Additionally, the proposed location of the garage would not require the removal of any trees within the area between there and the right-of-way, and the garage would not be visible from any road.

Your consideration of this request for variance is greatly appreciated.

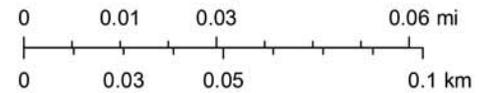
# A-19-17 Zoning



5/15/2019, 5:40:16 PM

- SiteAddressPoints
- BuildingFootprints
- Pavement
- Tax\_Parcels
- Estate Residence District
- MXD
- Residence A District

1:2,257



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Web AppBuilder for ArcGIS  
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

## Report to the Board of Zoning Adjustment

### A-19-17

#### *Petition Summary*

Request to allow a new detached garage to be 67.6 feet from the secondary front property line (Pump House Road) in lieu of the required 100 feet.

#### *Analysis*

The hardships in this case are the corner lot configuration and the irregular shape of the lot. The new garage is proposed to be in-line with the existing secondary front setback of the principal structure (67.6 feet from the front property line along Pump House Road). The subject property is situated along a curve in Pump House Road, such that the house on the lot the northwest is not in-line with the subject property; also, there is no house or lot directly across Pump House Road (Hwy 280 right-of-way) from the proposed garage. Therefore, it is not anticipated that an approval of this request would be detrimental to the streetscape along Pump House Road.

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

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

#### *Affected Regulation*

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

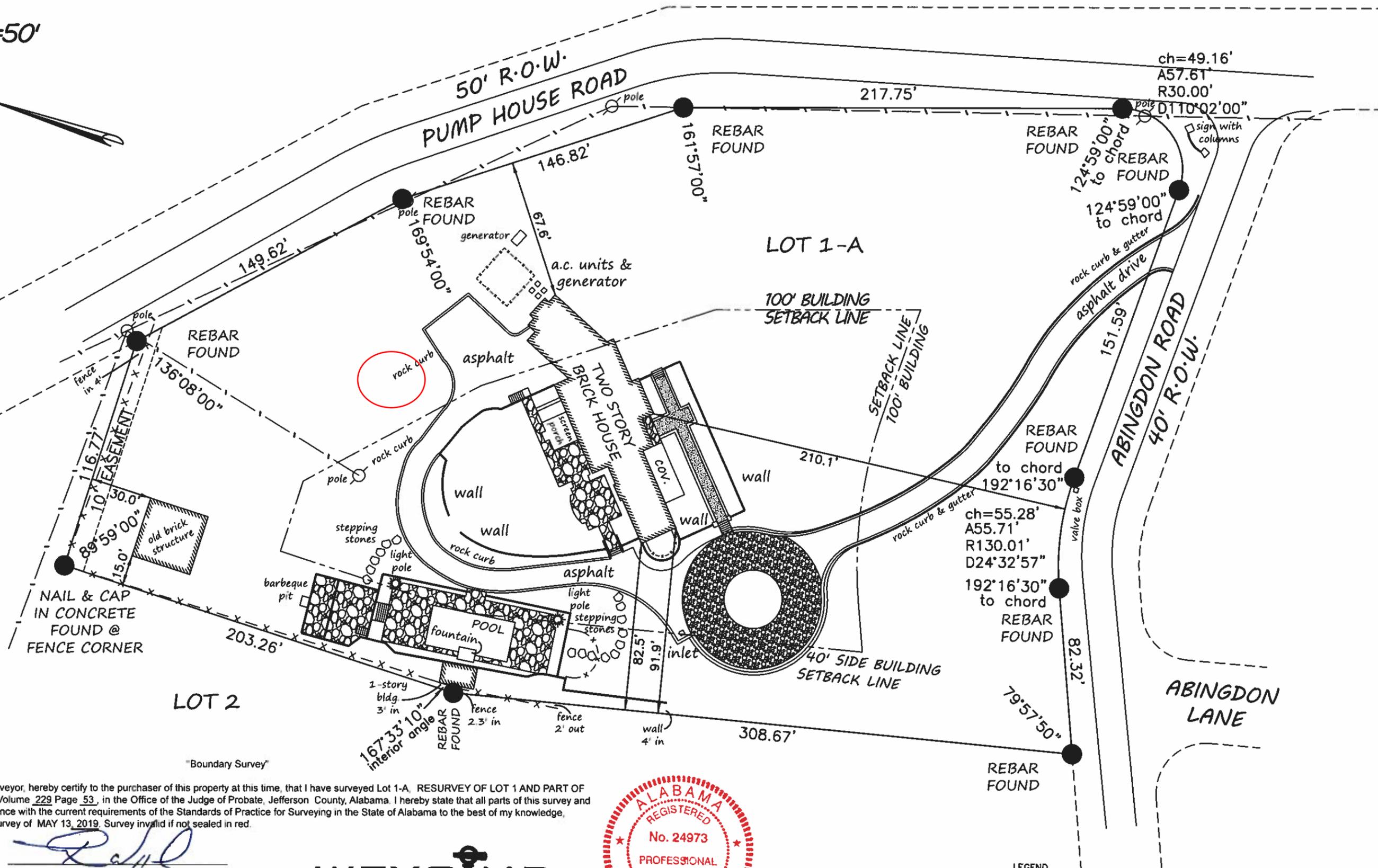
#### *Appends*

LOCATION: 2670 Abingdon Road

ZONING DISTRICT: Estate

OWNERS: John Phillips

SCALE: 1"=50'



STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Boundary 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-A, RESURVEY OF LOT 1 AND PART OF LOT 2, ABINGDON, as recorded in Map Volume 229 Page 53, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of MAY 13, 2019. Survey invalid if not sealed in red.

Order No.: 2845  
Purchaser: PHILLIPS  
Address: 2760 ABINGDON ROAD

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



LEGEND

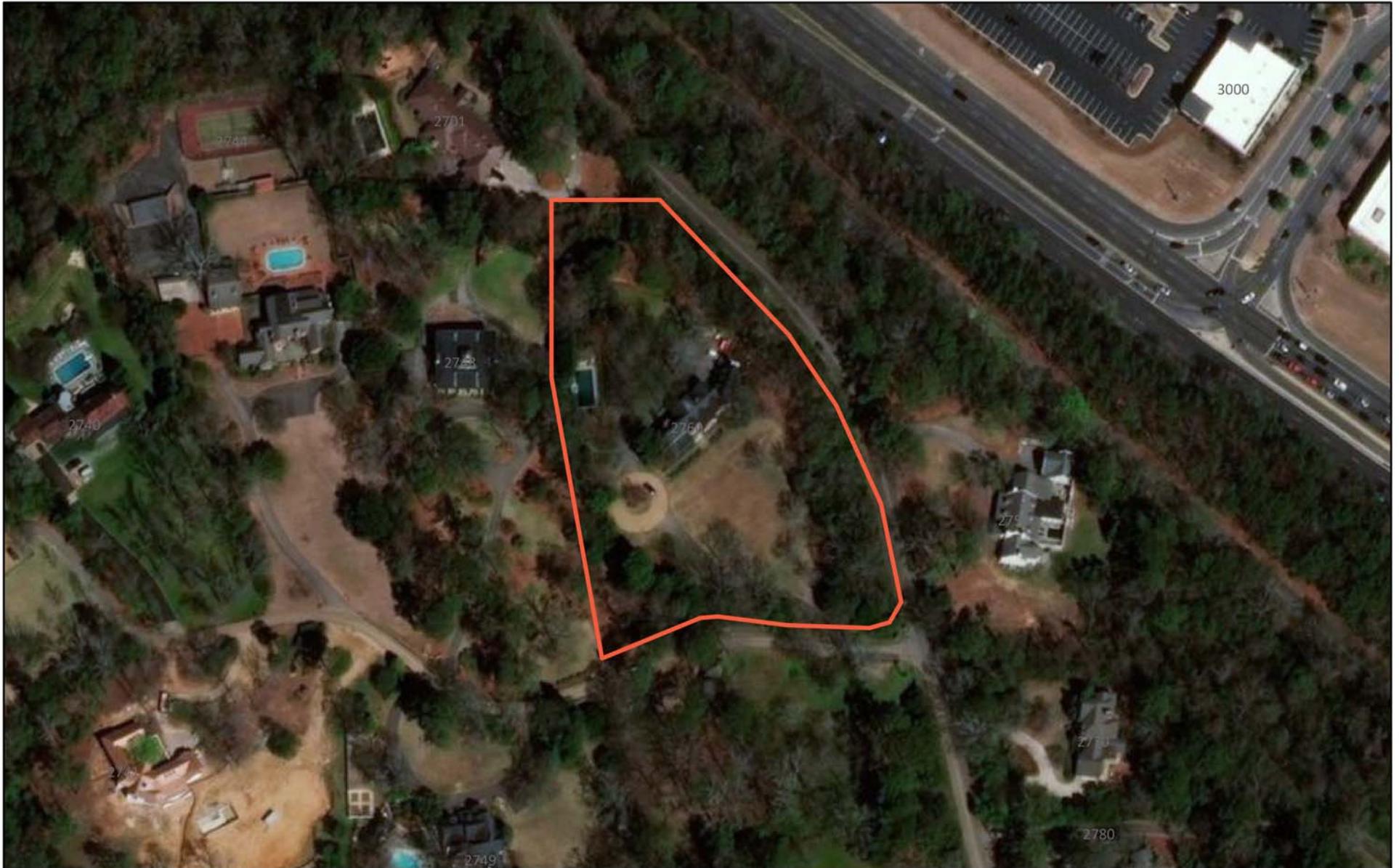
|      |            |       |                       |          |          |            |
|------|------------|-------|-----------------------|----------|----------|------------|
| ASP  | ASPHALT    | HW    | HEADWALL              | oLGT     | LIGHT    | ANCHOR     |
| BLDG | BUILDING   | MIN   | MINIMUM               | COV      | COVERED  | R          |
| CALC | CALCULATED | MH    | MANHOLE               | DECK     | DECK     | R.O.W.     |
| MEAS | MEASURED   | OH    | OVERHANG              | CONCRETE | CONCRETE | SAN        |
| CH   | CHORD      | PVMT  | POWER LINE            | WALL     | WALL     | STM        |
| LNG  | LONG CHORD | W/TAN | PAVEMENT WITH TANGENT | FENCE    | FENCE    | UTIL       |
| d    | DEFLECTION | RES   | RESIDENCE             | POR      | PORCH    | AC         |
| Δ    | DELTA      |       |                       |          |          | S.F.       |
| ESMT | EASEMENT   |       |                       |          |          | ACRES      |
|      |            |       |                       |          |          | SQ. FEET   |
|      |            |       |                       |          |          | CENTERLINE |

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. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



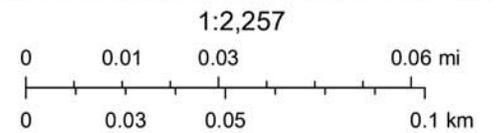


# A-19-17 Aerial



5/15/2019, 5:41:51 PM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |



## 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 PROPERTY IS A CORNER LOT THAT IS WIDEST AT THE PRIMARY STREET (ABINGDON ROAD) AND NARROWS TOWARD THE REAR LIMITING PLACEMENT OF THE PROPOSED STRUCTURE

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...")

THIS HISTORIC PROPERTY HAS DEVELOPED GARDENS AND TREES WHICH WERE PLANTED AND MATURED DURING PREVIOUS OWNERSHIP. THE PRESENCE OF THESE GARDENS LIMIT THE PLACEMENT OF PROPOSED GARAGE WITHIN THE SETBACKS

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

THIS IS THE RARE OPPORTUNITY TO FURTHER DEVELOP A HISTORIC ESTATE AS IT MAY HAVE BEEN DONE PRIOR TO THE ESTABLISHMENT OF SETBACK REQUIREMENTS.

Contact:

Luke Cobb  
 205-639-3444  
 C. LukeCobb@gmail.com



Variance Application - Part I

Project Data

Address of Subject Property 940 Beech Lane  
 Zoning Classification \_\_\_\_\_  
 Name of Property Owner(s) Scott & Jennifer Settle  
 Phone Number 205-567-4447 Email Jenniferzsettle@gmail.com  
 Name of Surveyor Robert Reynolds  
 Phone Number 205 8237900 Email Reynoldssurveys9@Bellsouth.net  
 Name of Architect (if applicable) NA  
 Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

|  | Zoning Code Requirement | Existing Development     | Proposed Development |
|--|-------------------------|--------------------------|----------------------|
| Lot Area (sf)  | <u>10760</u>            | <u>10760<sup>4</sup></u> | <u>16</u>            |
| Lot Width (ft)   |                         |                          |                      |
| Front Setback (ft) <i>primary</i>  | <u>29.6 35</u>          | <u>39.6</u>              | <u>31.8</u>          |
| Front Setback (ft) <i>secondary</i>  | <u>29.8 35</u>          | <u>39.8</u>              | <u>32.0</u>          |
| Right Side Setback   |                         |                          |                      |
| Left Side Setback  |                         |                          |                      |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → |                         |                          |                      |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  |                         |                          |                      |
| Rear Setback (ft)  |                         |                          |                      |
| Lot Coverage (%)   |                         | <u>62.5%</u>             | <u>63.8%</u>         |
| Building Height (ft)   |                         |                          |                      |
| Other  |                         |                          |                      |
| Other  |                         |                          |                      |

940 Beech Lane

The existing stairs from the second floor to the main level did not and could not be made or modified to MEET CODE relative to headheight.

We had to turn them down 180° to have room for proper stairs. They are less than two feet from the existing front door. We would like to build a foyer to allow reasonable access to the home

Easy to be kind,

Luke Cobb  
205-639-3444

## Report to the Board of Zoning Adjustment

### A-19-18

#### ***Recent Background***

On April 15, 2019, the applicant made a variance request (A-19-12) to allow an addition to be 29.6 feet from the front property line (Beech Lane) in lieu of the required 35 feet.

*At that meeting the applicant amended the request to allow an addition to be 34 feet from the front property line (Beech Lane) in lieu of the required 35 feet, and the Board approved the request.*

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

A new application has been submitted, revising the request to allow an addition to be 31.8 feet from the front property line (Beech Lane) in lieu of the required 35 feet.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot, and the “corner lot” configuration (curved, in this case). The existing house is non-conforming on the north side (9.7 feet in lieu of the required 10 feet), and on the south-facing front (29.5 feet in lieu of the required 35 feet).

The proposal is to add an entry foyer to the west-facing front, to be 31.8 feet from the property line. The applicant has noted, in the application, a set of interior circumstances that have led to the request for the foyer addition.

As may be seen on the attached zoning map, houses along the same side of Beech Lane appear to be in-line with one another, approximately 35 feet from the front property line. Given the linear layout of the street, an approval of the proposed addition may be detrimental to the streetscape.

#### ***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

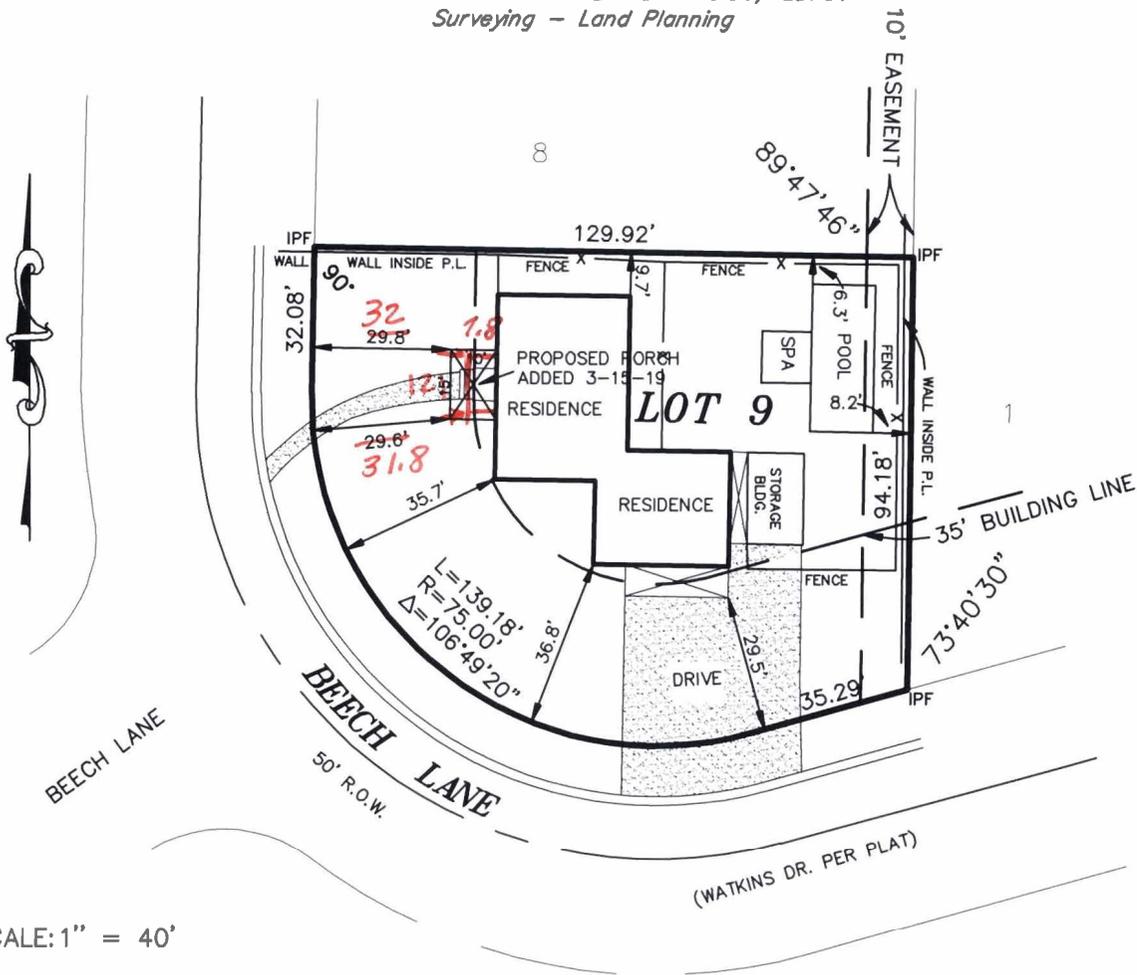
#### ***Appends***

LOCATION: 940 Beech Lane

ZONING DISTRICT: Res-B

OWNERS: Scott and Jennifer Settle

**REYNOLDS SURVEYING CO., INC.**  
*Surveying - Land Planning*



- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL CONCRETE
  - FENCE
  - OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET



STATE OF ALABAMA  
 JEFFERSON COUNTY

"PROPERTY SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 9, Block -, of BEECH HILLS FIFTH SECTOR, as recorded in Map Book 59, Page 81 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 27th day of February, 2019.

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

Owner: Settle  
 Address: 940 Beech Lane

*Robert Reynolds*  
 Reg. No. 25657



## 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 on surroundings)?

The setback in the front is radial and to create Access A foyer to the front is requested to be allowed

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...")

in order to comply with code we had to turn stairs 180° making them land < 2' from the front door

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

The ADJACENT HOME which is a true parallel extends with porch beyond us = to where we wish to build

Luke Cobb  
205-639-3444



Variance Application - Part I

Project Data

Address of Subject Property 940 Beech Lane  
 Zoning Classification \_\_\_\_\_  
 Name of Property Owner(s) Scott & Jennifer Settle  
 Phone Number 205-567-4447 Email Jenniferzsettle@gmail.com  
 Name of Surveyor Robert Reynolds  
 Phone Number 205 8237900 Email Reynoldssurveys9@Bellsouth.net  
 Name of Architect (if applicable) NA  
 Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

|  | Zoning Code Requirement | Existing Development        | Proposed Development        |
|--|-------------------------|-----------------------------|-----------------------------|
| Lot Area (sf)  | <u>10760</u>            | <u>10760<sup>4</sup></u>    | <u>10</u>                   |
| Lot Width (ft)   |                         |                             |                             |
| Front Setback (ft) <i>primary</i>  | <u>29.6 35</u>          | <u>39.6</u>                 | <u>29.6</u>                 |
| Front Setback (ft) <i>secondary</i>  | <u>29.8 35</u>          | <u>39.8</u>                 | <u>29.8</u>                 |
| Right Side Setback   |                         |                             |                             |
| Left Side Setback  | <u>10'</u>              | <u>9.7'</u>                 | <u>19'</u>                  |
| Right Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater → |                         |                             |                             |
| Left Side Setback (ft):<br>For non-conforming narrow lots in Res-B or Res-C:<br>Less than 22' high →<br>22' high or greater →  |                         |                             |                             |
| Rear Setback (ft)  |                         |                             |                             |
| Lot Coverage (%)   | <u>35%</u>              | <del>62.5%</del> <u>21%</u> | <del>63.8%</del> <u>22%</u> |
| Building Height (ft)   |                         |                             |                             |
| Other  |                         |                             |                             |
| Other  |                         |                             |                             |

940 Beech LANE

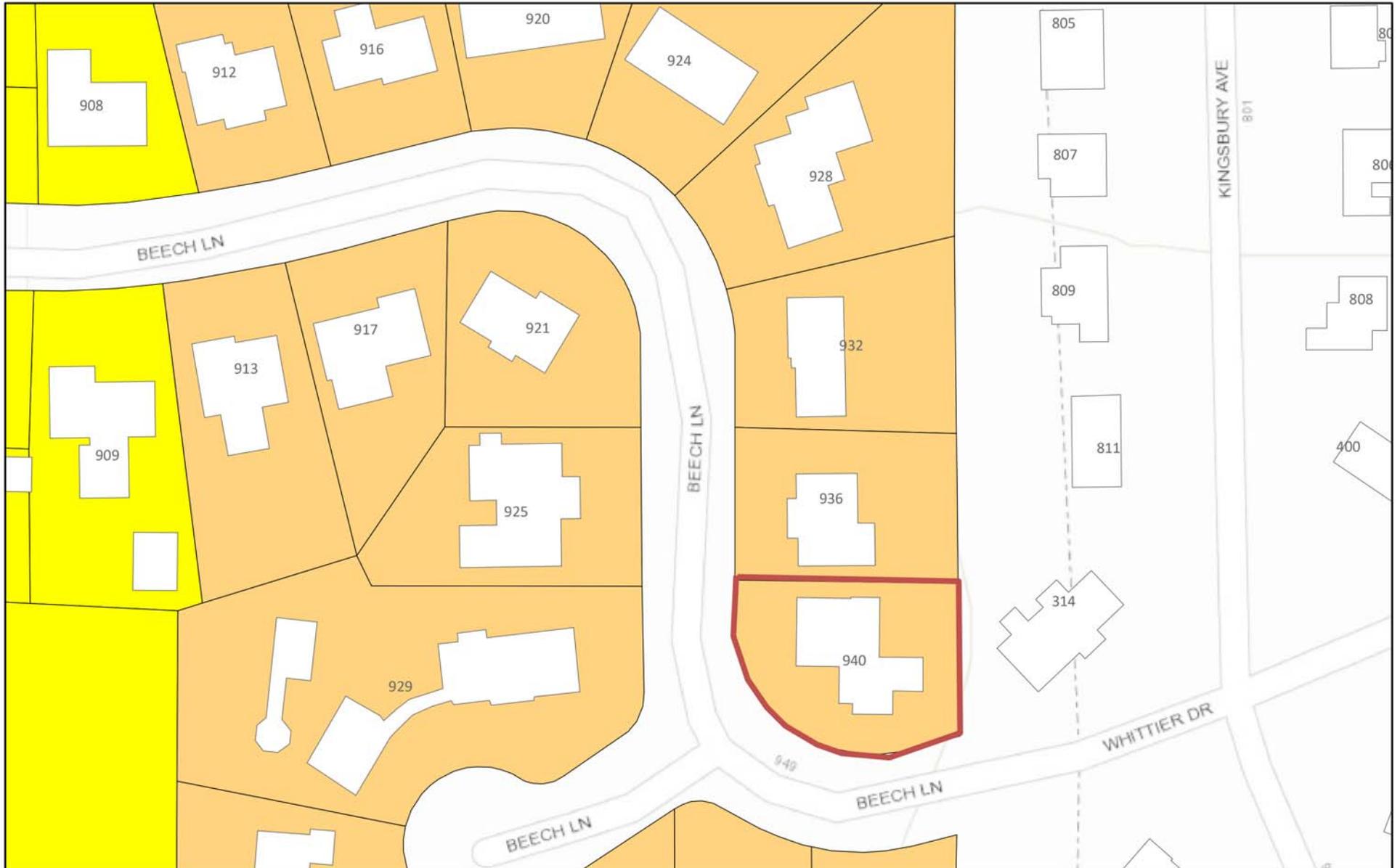
The existing stairs from the second floor to the main level did not and could not be made to MEET code. We had to have them come down 180° to meet code requirements. They are 2 feet ± from the existing front door. We would like to build a foyer to allow access to the home.

Please call with any questions

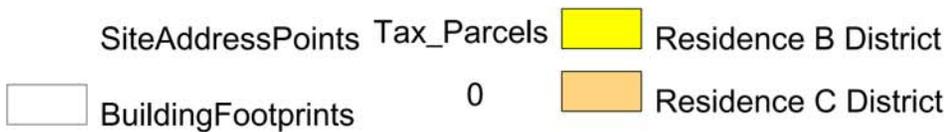
Easy to be kind,

Luke Cobb  
205-639-3444

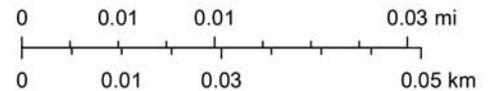
# A-19-12



4/4/2019, 10:51:36 AM



1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## Report to the Board of Zoning Adjustment

### A-19-12

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

Request to allow an addition to be 29.6 feet from the front property line (Beech Lane) in lieu of the required 35 feet.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot, and the “corner lot” configuration (curved, in this case). The existing house is non-conforming on the north side (9.7 feet in lieu of the required 10 feet), and on the south-facing front (29.5 feet in lieu of the required 35 feet). The swimming pool is 8.2 feet and 6.3 feet from the rear and side property lines, respectively (in lieu of the required 10 feet).

The proposal is to add an entry foyer to the west-facing front, to be 29.6 feet from the property line. The applicant has noted, in the application, a set of interior circumstances that have led to the request for the foyer addition.

As may be seen on the attached zoning map, houses along the same side of Beech Lane appear to be in-line with one another, approximately 35 feet from the front property line. Given the linear layout of the street, an approval of the proposed addition may be detrimental to the streetscape.

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

The proposal is in compliance with the allowable lot coverage; the proposal exceeds the allowable impervious area (which would need to be rectified with the Building Official to conform with the Stormwater Ordinance prior to any permit issuance for the proposed construction).

#### ***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

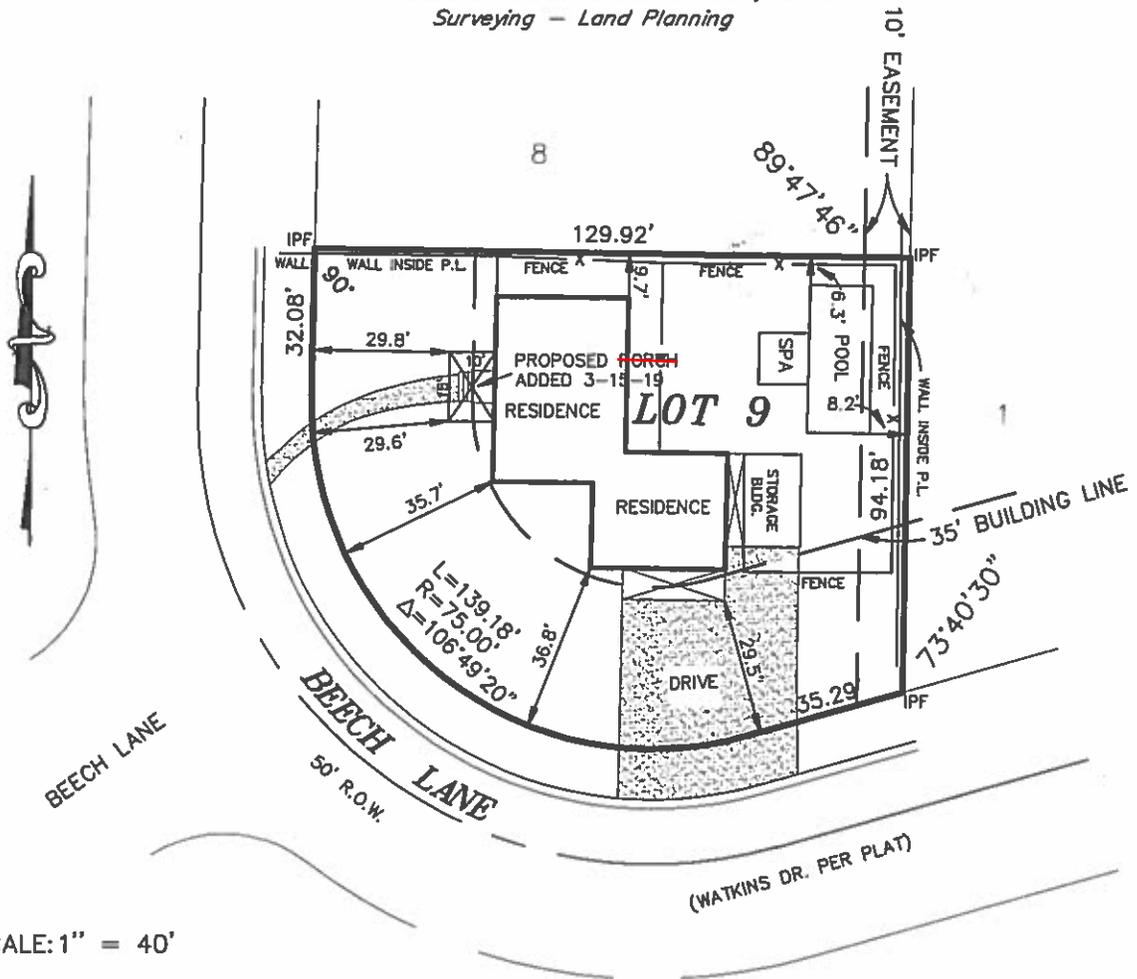
#### ***Appends***

LOCATION: 940 Beech Lane

ZONING DISTRICT: Res-B

OWNERS: Scott and Jennifer Settle

REYNOLDS SURVEYING CO., INC.  
Surveying - Land Planning

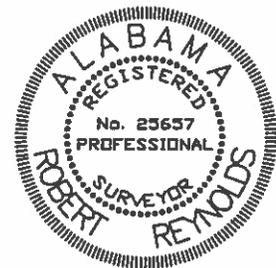


SCALE: 1" = 40'

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

STATE OF ALABAMA  
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"PROPERTY SURVEY"



I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 9, Block -, of BEECH HILLS FIFTH SECTOR, as recorded in Map Book 59, Page 81 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 27th day of February, 2019.

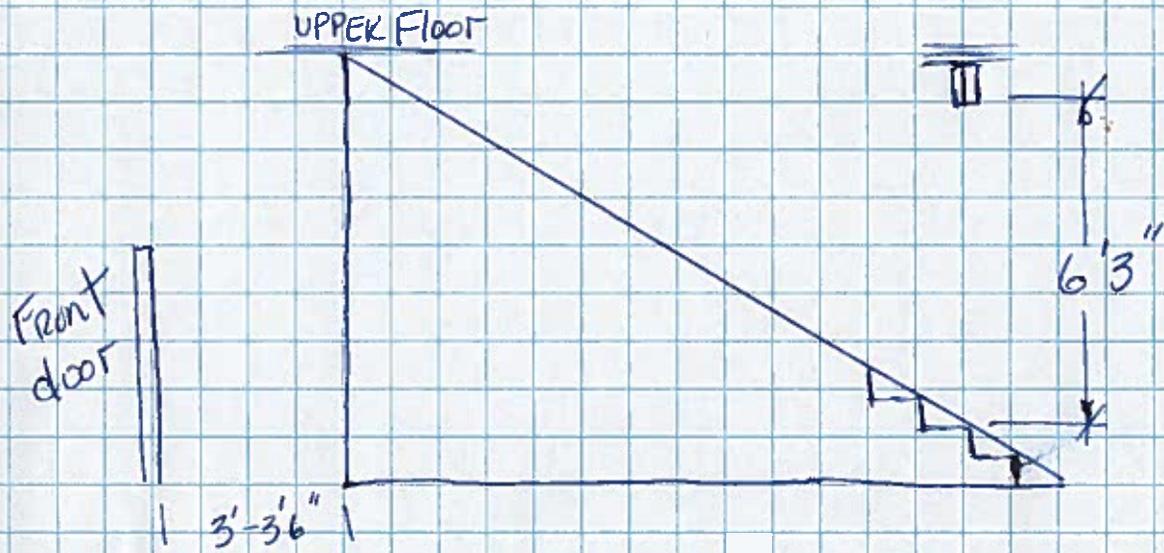
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Settle  
Address: 940 Beech Lane

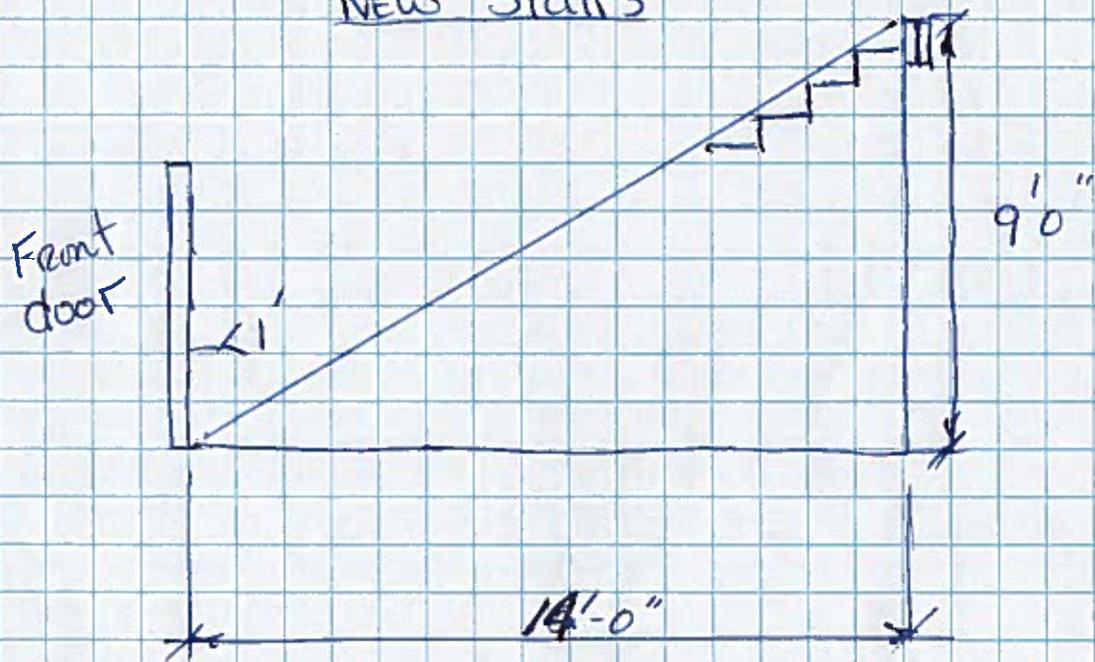
*Robert Reynolds*  
Reg. No. 25657

940 Beech Lane

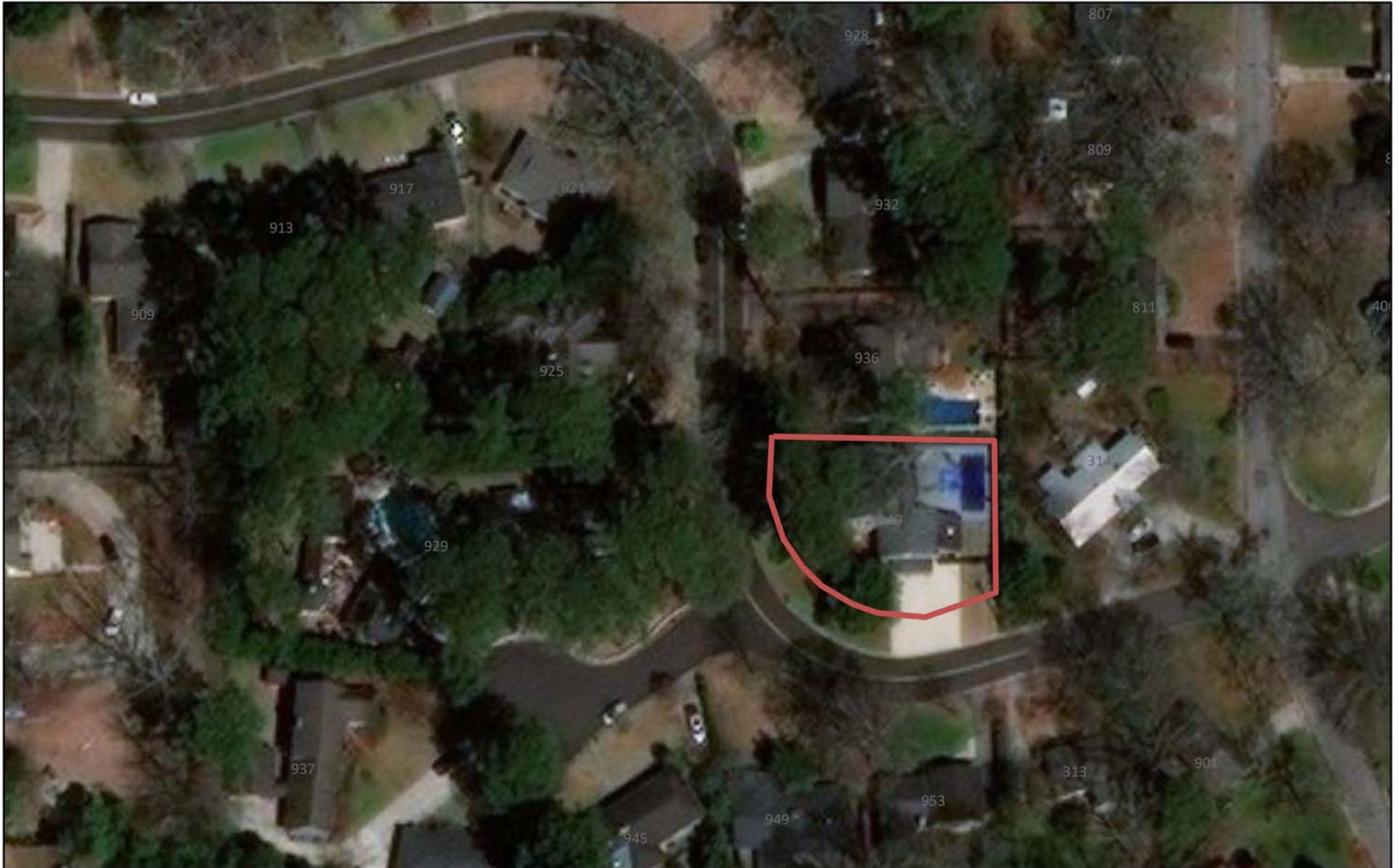
EXISTING Stairs



NEW STAIRS

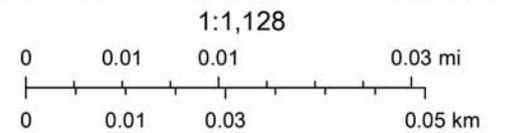


# A-19-12



4/4/2019, 10:53:32 AM

SiteAddressPoints



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |



## Variance Application Part II

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

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The front is a radial property line and to aid access and appearance a foyer add on the front is requested

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...")

Existing stairwell was not code, had to turn stairs the other way which puts them ending 2' 1/2" from the existing front door

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

The house existing where it is presents the hardship