BZA Packet

March 14, 2019

Hello All,

Enclosed please find your packet for the meeting of March 18, 2019.

We have:

- 4 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:
www.mtnbrook.org
- Calendar (upper right corner)
- Board of Zoning Adjustment (March 18, 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 …

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MARCH 18, 2019
PRE-MEETING: (ROOM A106) 4:30 P.M.
REGULAR MEETING: (ROOM A108) 5:00 P.M.
CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK, AL 35213

NOTICE

Any variance which is granted today expires and becomes null and void 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.

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1. Approval of Minutes: February 19, 2019

2. **Case A-19-06:** Randall and Melinda Curtis, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 81.8 feet from the front property line (Old Leeds Road) in lieu of the required 100 feet. **– 4200 Old Leeds Road**

3. **Case A-19-07:** Scott and Maria Bellot, property owners, request a variance from the terms of the Zoning Regulations to allow a covered porch to be 30 feet from the rear property line in lieu of the required 35 feet. **- 100 Lake Drive**.

4. **Case A-19-08:** Hafiz Chandiwala and Orooj Fasiuddin, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 30 feet from the secondary front property line (Overton Road) and 28 feet 3 inches from the rear property line (west), both in lieu of the required 40 feet. **3800 Arundel Drive**

5. **Case A-19-09:** Thayer Moor and Gregory Mayberry, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 4.8 feet from the side property line (northwest), in lieu of the required 10 feet, and 5.4 feet from the rear property line in lieu of the required 30 feet. **– 18 Peachtree Street**

6. Next Meeting: Monday, April 15, 2019

7. Adjournment

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
February 19, 2019

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Tuesday, February 19, 2019, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

Board Present:	Patrick Higginbotham, Chairman	Absent:	Norman Orr
	William Hereford, Co-Chairman		Rhett Loveman
	Richard Simonton		Virginia Smith, Council Liaison
	Chris Mitchell		
	Gerald Garner		

Also present: Dana Hazen: Director of Planning, Building & Sustainability
Glen Merchant: Building Official
Tammy Reid: Administrative Analyst

Chairman Higginbotham asked if all adjacent property owners in each of the cases on the agenda received legal notice of this hearing. Ms. Reid confirmed that, based on the information supplied by the applicants, they had been notified.

Chairman Higginbotham stated that any variance which is granted today expires and becomes null and void twelve months from today, unless construction is begun in less than twelve months from today on the project for which the variance is granted. If construction will not be started within twelve months from today, the applicant may come back in eleven months and ask for a six-month extension.

_____

The agenda stood approved as printed.

1. Approval of Minutes – January 22, 2019

Motion: Mr. Hereford, motion to approve the minutes as printed.
Second: Mr. Simonton
Vote:

Ayes:	Nays:
Higginbotham	None
Hereford	
Simonton	
Garner	

Motion carries by unanimous voice vote of those attending the January meeting.

2. Case A-19-05: 101 Camellia Drive **EXHIBIT 1**

Mr. and Mrs. Taylor McElroy, property owners, request a variance from the terms of the Zoning Regulations to allow a screened porch to replace an existing deck, 10.6 feet from the side property line (north) in lieu of the required 12.5 feet - **101 Camellia Drive**.
(Initial approval on July 17, 2017 and 6-months extension approved on June 18, 2018.)

Hardships: The hardships in this case are the existing design constraints.

Carey Hollingsworth, Carey Hollingsworth Architect Inc., Birmingham, Alabama, represented the property owners. A variance request was approved on July 17, 2017, followed by a 6-months extension that was approved on June 18, 2018, under case number A-17-27. The request submitted is the same as previously approved. The footprint of the house will remain the same.

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

Motion: Mr. Hereford, motion to approve the variance request as submitted.
Second: Mr. Simonton

Vote:	Ayes:	Nays:
	Higginbotham	None
	Hereford	
	Simonton	
	Mitchell	
	Garner	

The variance request stands approved as submitted.

3. **Adjournment**: There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 5:05 p.m. The next meeting is scheduled for Monday, March 18, 2019.

_____
Tammy Reid, Administrative Analyst

Variance Application - Part I

Project Data

Address of Subject Property 4200 OLD LEEDS ROAD

Zoning Classification Estate

Name of Property Owner(s) RANDALL + MELINDA CURTIS

Phone Number (205)283-8373 Email CURTIS@HOAR.COM

Name of Surveyor RAY WEYGAND

Phone Number (205)942-0086 Email RAY@WEYGANDSURVEYOR.COM

Name of ~~Architect~~ CONTRACTOR (if applicable) TED GIBBS

Phone Number (205)503-3830 Email TED@GIBBSCONSTRUCTION.SERVICES

☒ 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) *primary*	100'	86.2'	81.8'
Front Setback (ft) *secondary*			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

4200 Old Leeds Road Renovation

To whom it may concern,

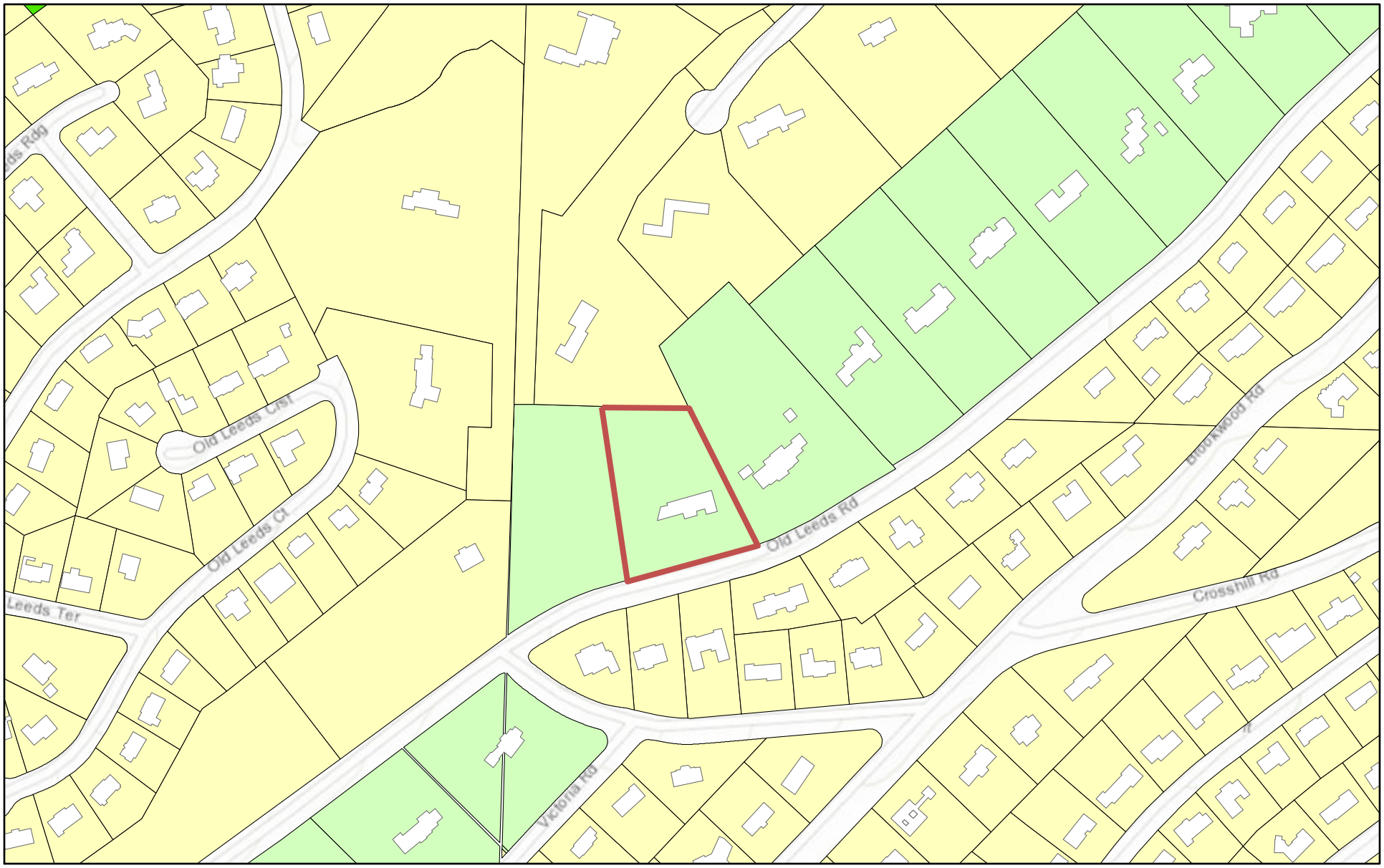
In an effort to break up the main elevation of the above referenced home and protect the new entry doors and the home from solar elements, we are proposing to build a covered porch area. The columns will be painted wood, with masonry bases, painted wooden cornice and natural cedar ceiling. Porch will be wired for can lights and sconces between doors. The porch roof material is proposed to be standing seam metal, bronze color to match the roof. The porch foundation and stairs visible from the street will be masonry (painted brick). Floor material has yet to be determined.

The porch itself will stand proud of the home by eight feet (8') and will be the full length of center portion of the home (approximately 27'). This puts the new portion of the home in violation of the 100' setback.

Very Best,

Ted Gibbs
Gibbs Construction Services
205-503-3830

A-19-06



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1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

BuildingFootprints

Tax_Parcels

Residence A District

Estate Residence District

Recreation District

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-19-06

Petition Summary
Request to allow an addition to be 81.8 feet from the front property line (Old Leeds Road) in lieu of the required 100 feet.

Analysis
The hardship in this case is the existing design constraint; the house is located in the right front corner of the lot and is 86 feet from the front property line. The proposal is to add a 27-foot wide covered entry and porch to the front of the house. Given the curve of Old Leeds Road at this location, it is unlikely that an approval of this request would be detrimental to the streetscape. Also, the subject house and the house to the immediate east are the only 2 houses along this stretch of Old Leeds Road that are not at least 200 feet from the front property line.

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

Subject Property and Surrounding Land Uses
The property contains a single-family dwelling, and is surrounded by same.

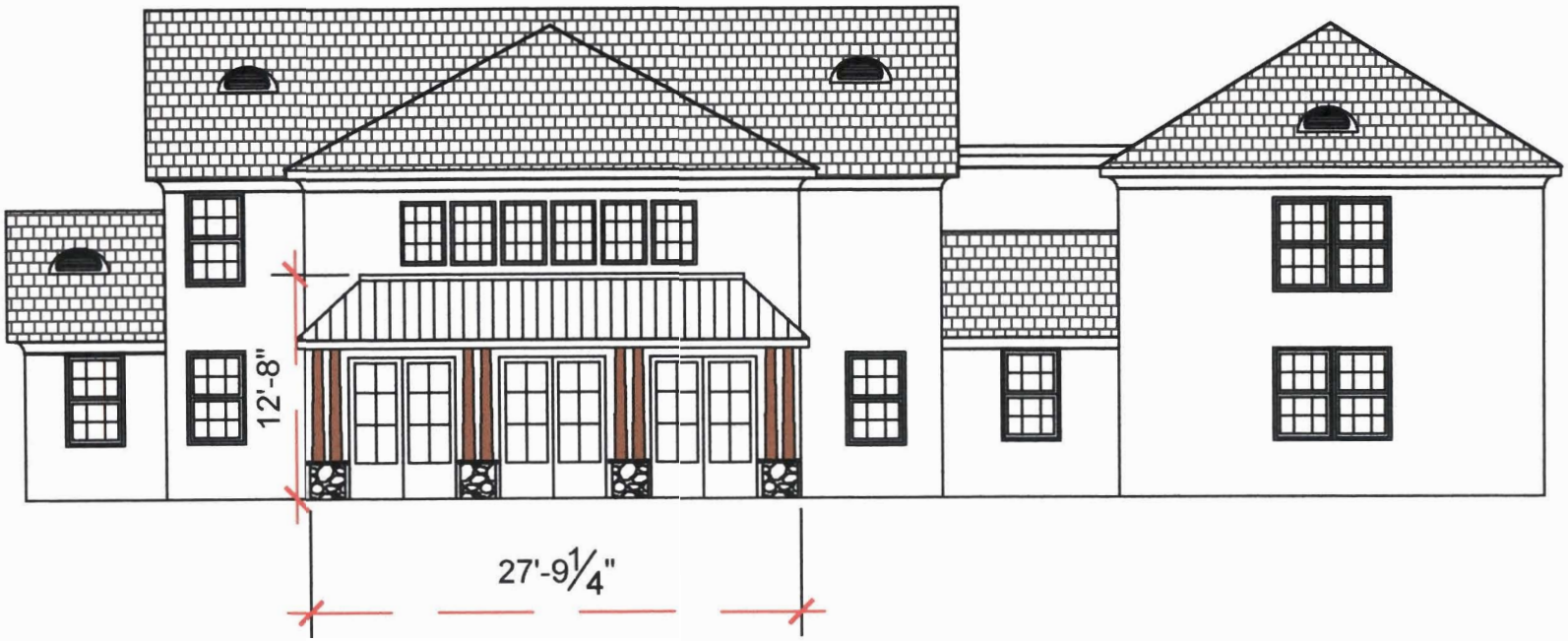
Affected Regulation
Article VI, Estate Residence District; Section 129-72, Area and Dimensional Requirements

Appends
LOCATION: 4200 Old Leeds Road

ZONING DISTRICT: Estate

OWNERS: Randall and Melinda Curtis

A-19-06



Scale 3/32=1'

1. Install brick in all areas where EIFS was removed unless above roof
2. Install "Hardi type" stucco board where EIFS was removed
3. Replace two foward gables with hip roofs.
4. Install (4) roof vents shown over front door and garage.
5. Build front porch as draw to the demensions on cut section.

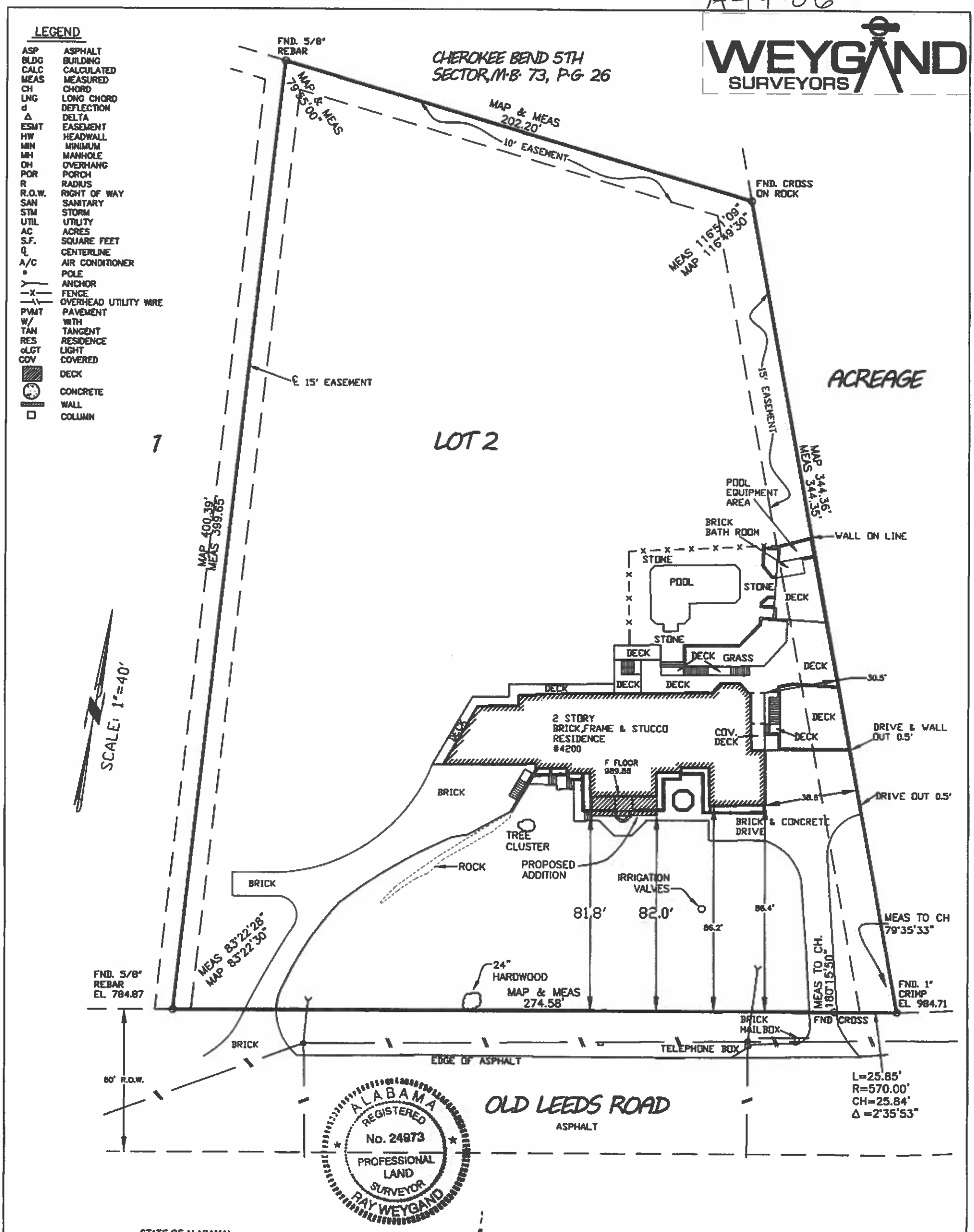
Gibbs Construction Services

Curtis Residence
4200 Old Leeds Road

Front Elevation

A-19-06

WEYGAND SURVEYORS



"PLOT PLAN"

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2, LICHTENSTEIN'S ADDITION TO MOUNTAIN BROOK, as recorded in Map Volume 61, Page 1, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of JANUARY 24, 2019.

Survey invalid if not sealed in red.

Order No.: 2006
Purchaser: ELGIN
Address: 4200 Old Leeds Road

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

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

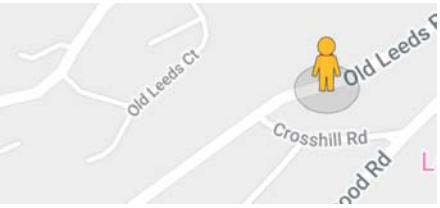
Google Maps 4209 Co Rd 64

Image capture: Nov 2013 © 2019 Google

Mountain Brook, Alabama

Google

Street View - Nov 2013



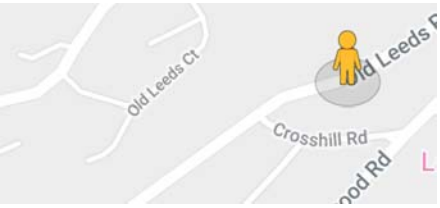
Google Maps 4213 Co Rd 64

Image capture: Nov 2013 © 2019 Google

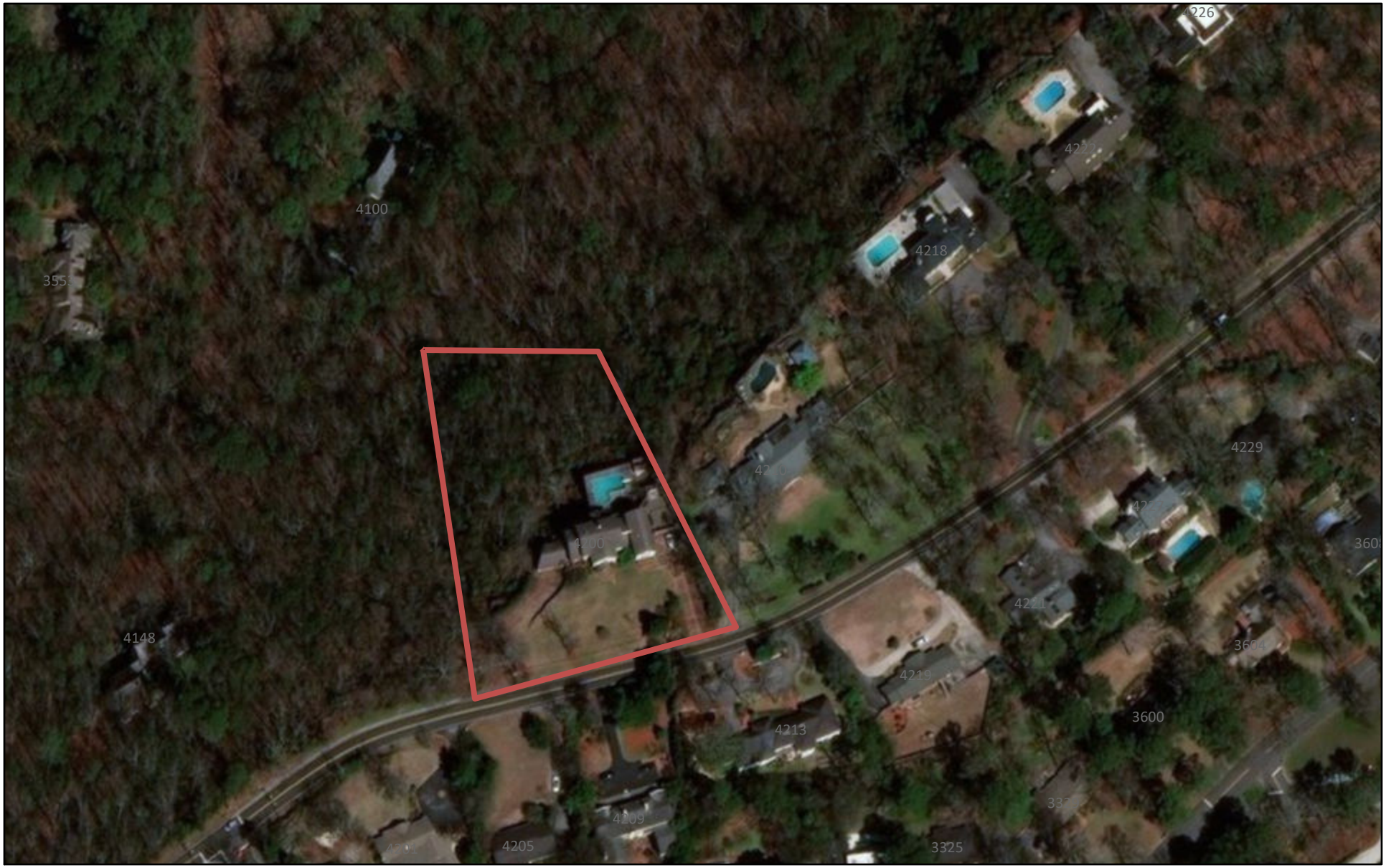
Mountain Brook, Alabama

Google

Street View - Nov 2013



A-19-06



3/13/2019, 2:11:13 PM

SiteAddressPoints

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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)?

ALL OTHER HOUSES IN THE NEIGHBORHOOD HAVE A PORCH OR ENTRY SIMILAR TO WHAT WE WOULD LIKE TO ADD.

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

YES, DURING EIFS REMEDIATION THE FRONT ENTRANCE DOORS NEED PROTECTION ACHIEVED BY ADDING AN ATTRACTIVE FRONT PORCH.

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

CURB APPEAL ADDING TO NEIGHBORHOOD + PROPERTY IMPROVEMENT

Variance Application - Part I

Project Data

Address of Subject Property 100 Lake Drive

Zoning Classification B

Name of Property Owner(s) Scott & Maria Bellot

Phone Number 205-757-6675 Email bellotmaria@yahoo.com

Name of Surveyor Weygand

Phone Number 205-942-0086 Email

Name of Architect (if applicable) Martin McCayna

Phone Number 205-229-2031 Email

☒ Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) *primary*			
Front Setback (ft) *secondary*			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	35 feet	stone patio existing 30 ft	30 Feet
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-19-07

City of
Mountain Brook

Tammy Reid <reidt@mtnbrook.org>

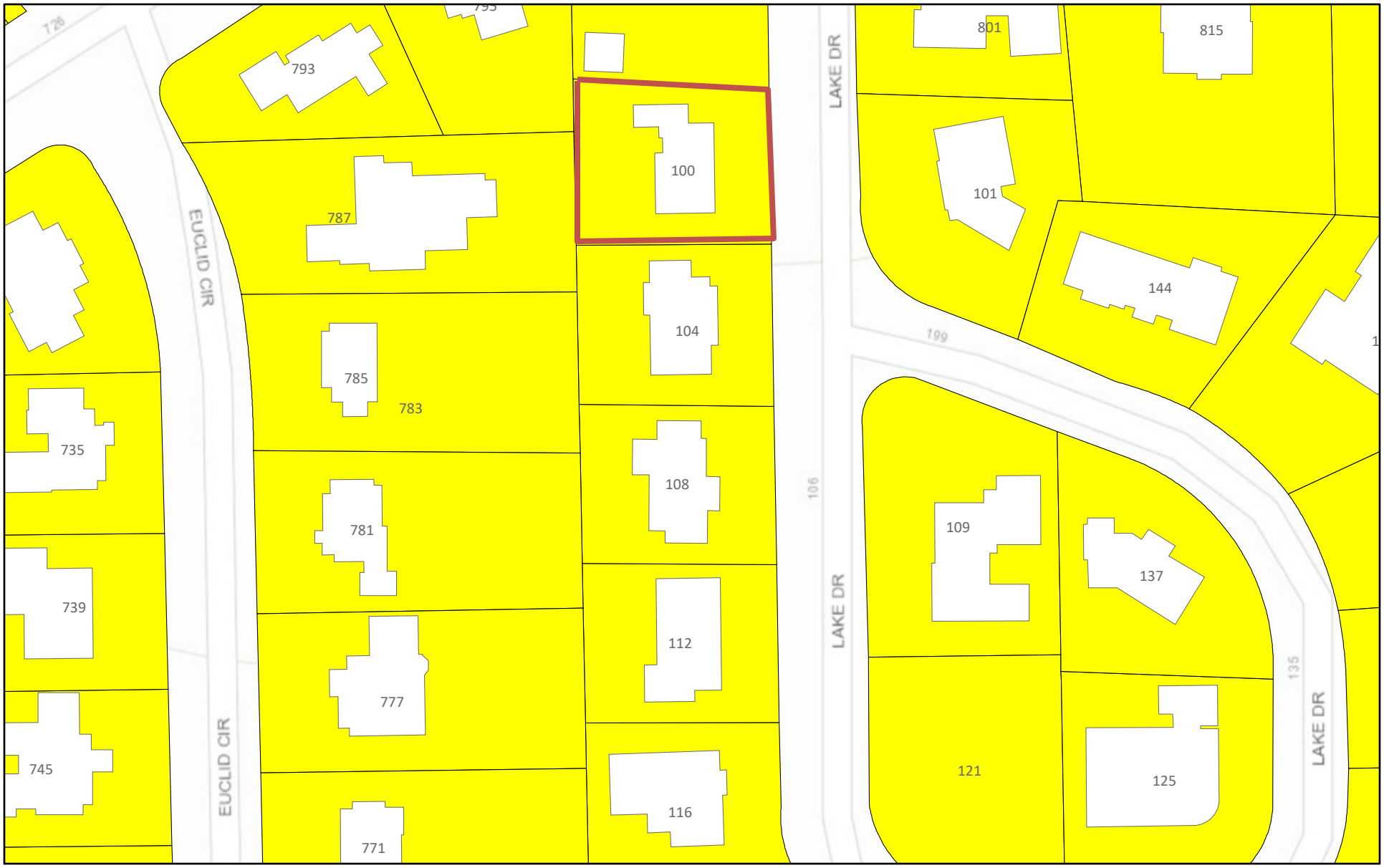
Maria & Scott Bellot 100 lake drive

maria Bellot <bellotmaria@yahoo.com> Mon, Feb 18, 2019 at 4:22 PM
Reply-To: maria Bellot <bellotmaria@yahoo.com>
To: reidt@mtnbrook.org

We are wanting to build a screened in porch on part of the existing brick patio.

Thank you,
Maria Bellot

A-19-07



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SiteAddressPoints

BuildingFootprints

Tax_Parcels

Residence B District

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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-19-07

Petition Summary
Request to allow a covered porch to be 30 feet from the rear property line in lieu of the required 35 feet.

Analysis
The hardships in this case the shallowness of the lot (112 feet) and the existing design constraint (the house maintains a 39-foot front setback, where only 35 feet is required). The proposal is to add a screened porch to the rear of the house, to encroach 5 feet into the required 35-foot rear setback.

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

Subject Property and Surrounding Land Uses
The property contains a single-family dwelling, and is surrounded by same.

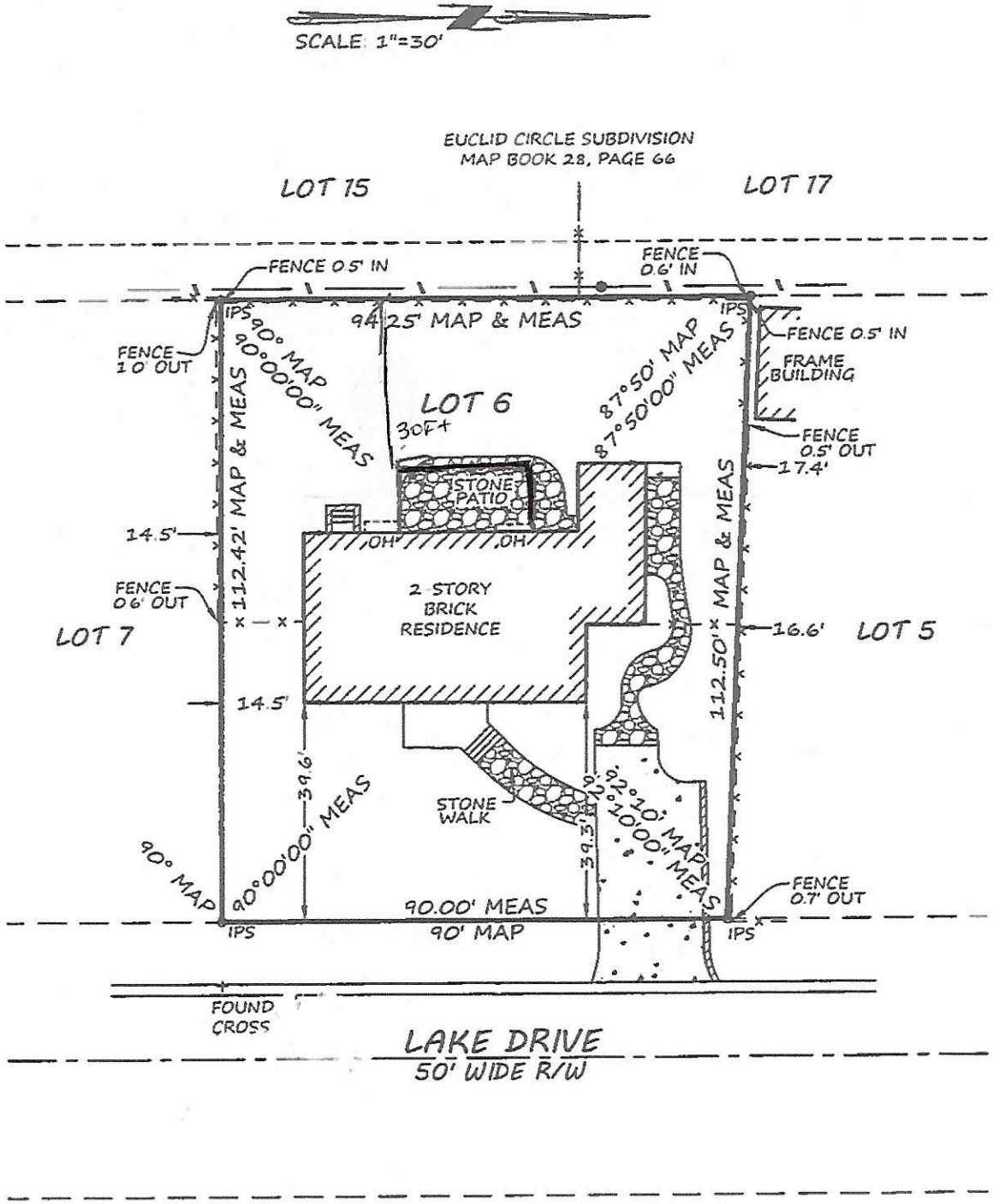
Affected Regulation
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

Appends
LOCATION: 100 Lake Drive

ZONING DISTRICT: Res-B

OWNERS: Scott and Maria Bellot

A-19-07



LEGEND

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

ALABAMA REGISTERED No. 24973 PROFESSIONAL LAND SURVEYOR RAY WEYGAND

STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

I Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6, BENTLEY HILLS - FIFTH SECTOR, as recorded in Plat Book 36, Page 85, 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 DECEMBER 5, 2018. Survey invalid if not sealed in red.

Order No 1771
Purchaser
Address 100 LAKE DRIVE

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

Copyright ©

WEYGAND SURVEYORS

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-19-07

3/13/2019, 2:44:23 PM

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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 HOUSE IS 30' FROM REAR AND WE WISH TO SCREEN IN STONE PATIO EQUAL TO 30' SECTION OF HOUSE AT REAR LOT IS ONLY 112' DEEP. HOUSE SITS BACK 40' ON LOT CAUSING REAR AREA TO BE SHALLOW

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...")

SHALLOW LOT OF 112'. EXISTING HOUSE WOULD ONLY ALLOW FOR A 4' COVERED PATIO / SCREENED PORCH TO 35' LINE

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

FOR A NARROW LOT WITH SAME CONDITIONS OR ALLEY AT REAR 30' SETBACK IS RECOGNIZED IN RESIDENTAL C ZONING EXISTING HOUSE IS 30' AND THE SCREENED PORCH WOULD BE NO FURTHER INTO SET BACK THAN EXISTING STRUCTURE SIMULAR TO NEIGHBORS

Variance Application - Part I

Project Data

Address of Subject Property 3800 ARUNDEL DRIVE

Zoning Classification RESIDENCE A

Name of Property Owner(s) HAFIZ CHANDIWALA & OROOJ FASIUDDIN

Phone Number 205.937.8855 Email hafiz.chandiwala@gmail.com

Name of Surveyor WEYGAND

Phone Number 205.942.0086 Email ray-weygand@bellsouth.net

Name of Architect (if applicable) BRIAN ROBERSON

Phone Number 205.458.8055 Email brian@bdota.com

☒ Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000	19,650	
Lot Width (ft)		150'	
Front Setback (ft) *primary*	40'		
Front Setback (ft) *secondary*	40'		30'.0" - 32'.1"
Right Side Setback			
Left Side Setback	15'		
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	40'		28'.3" - 29'.8"
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

bDot

February 20, 2019

Board of Zoning Adjustment
City of Mountain Brook, Alabama

Dear Board Members:

This variance request is for two encroachments (10'-4" to 11'-9") into the required 40' Rear Setback as defined for lots zoned Residence A as well as a single encroachment (7-11" to 10') into the required 40' secondary Front Setback along Overton Road for a porte-cochère. The variance is requested due to the shape, size and street frontage of the lot.

The lot, measuring approximately 150' wide x 130' deep and totaling approximately 19,650 square feet, is substantially smaller than the 30,000 square foot minimum size lots zoned Residence A as defined in Section 129-34 in the Zoning Ordinance. Also, the buildable area inside the setbacks is smaller that the 25% maximum building area for the lot.

The challenges of this particular lot are further exacerbated by the shallowness of the lot, its irregular shape, and the fact that it is situated on a corner, thus requiring two front setbacks of 40'and a 40' rear setback, impacting the buildable area of the lot.

The couple, for which this variance is being requested, is looking to retire in this house, thus desiring the day to day living and sleeping areas to occupy the main level of the residence along with a three car garage facing Overton Road. The proposed layout is similar to the recently completed homes at 3801 Buckingham Place and 3800 Buckingham Lane for which rear setback variances were granted.

Thank you for your consideration.

Sincerely,

Brian Roberson, AIA

bDot Architecture | 1201 2nd Avenue North, Suite A | Birmingham, AL 35203 | P:205-458-8055

A-19-08

3/13/2019, 3:54:09 PM

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

SiteAddressPoints

LotLines

Tax_Parcels

0

BuildingFootprints

Residence A District

Residence C District

RID

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-19-08

Petition Summary
Request to allow a new single family dwelling to be 30 feet from the secondary front property line (Overton Road) and 28 feet 3 inches from the rear property line (west), both in lieu of the required 40 feet.

Analysis
The hardships in this case are the shallowness of the lot (approximately 133 feet), the size of the lot (20,000 sf in lieu of the required 30,000), the irregular shape of the lot, and the corner lot configuration (resulting in three required 40-foot setbacks).

The proposal is for a new single family dwelling with three encroachments, two along the rear of the house and one along Overton Road. As may be seen on the attached survey, the proposed house is not parallel to either street, so some of the proposed encroachments are imposed by angles, and there are also vacancies within the allowable buildable area.

The proposed rear yard encroachments consist of livable area, and the encroachment along Overton consists of a porte cochere.

Background for Similar Variances in the Vicinity (rear setback encroachments)
On August 17, 2015, the Board approved a variance to allow the construction of a new single family dwelling, the screen porch of which is 32.92 feet from the rear property line (east) in lieu of the required 40 feet. Hardships on that case were of a similar nature to that of the subject case (approved survey is attached). **– 3801 Buckingham Place (A-15-01)**

On October 17, 2016, the Board approved a variance to allow the construction of a new single family dwelling to be 29.1 feet from the rear property line (west) in lieu of the required 40 feet. . Hardships on that case were of a similar nature to that of the subject case (approved survey is attached). **– 3800 Buckingham Lane (A-16-43)**

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

Subject Property and Surrounding Land Uses
The property contains a single-family dwelling, and is surrounded by same to the east, south and west. Knesseth Israel synagogue is across Overton Road to the north.

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

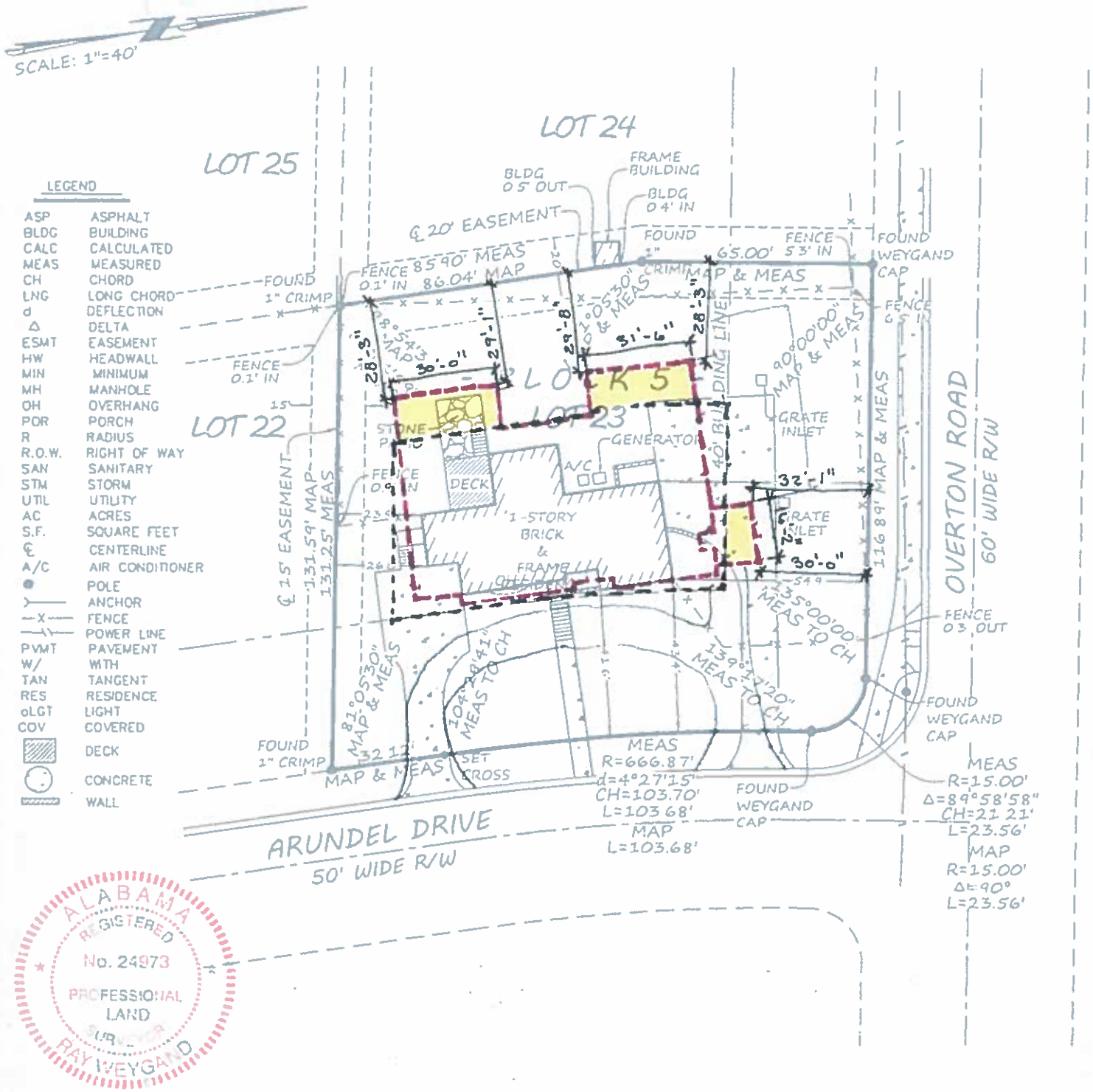
Appends

LOCATION: 3800 Arundel Drive

ZONING DISTRICT: Res-A

OWNERS: Hafiz Chandiwala and Orooj Fasiuddin

A-19-08



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Property 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 23 BLOCK 5 MOUNTAIN BROOK GARDENS ESTATES as recorded in Plat Book 56, Page 73, 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 NOVEMBER 13, 2018 Survey invalid if not sealed in red

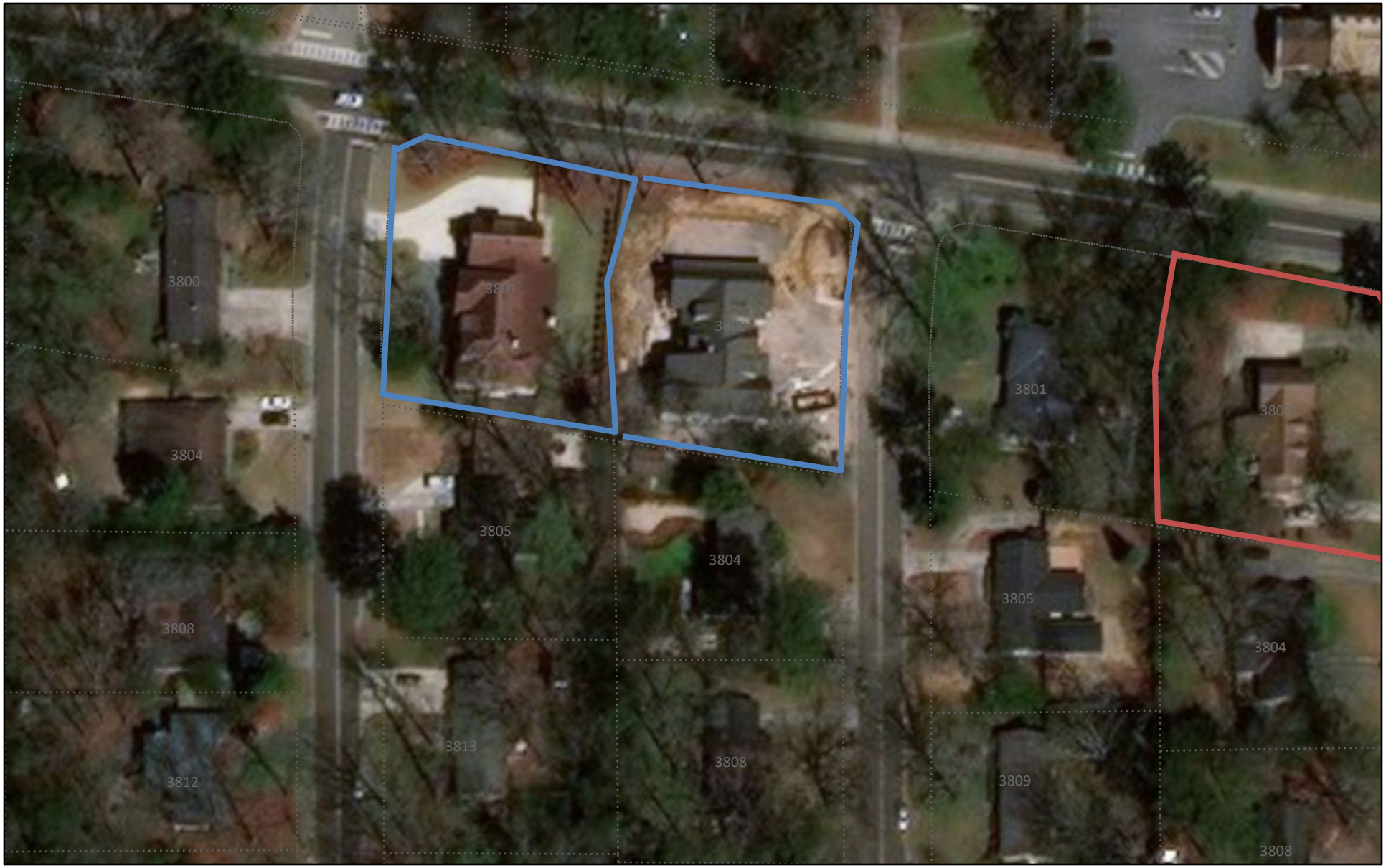
Order No 1669
Purchaser
Address 3800 ARUNDEL DRIVE

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

WEYGAND SURVEYORS

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-19-08



3/13/2019, 3:56:05 PM

SiteAddressPoints

LotLines

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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 IS A SHALLOW, IRREGULARLY SHAPED, CORNER LOT WITH 40' SETBACKS ON THREE SIDES WHICH ALL CONTRIBUTE TO THE RESTRICTIVE ALLOWABLE BUILDING FOOTPRINT AND BUILDING SIZE FOR THIS RESIDENCE A LOT. ALSO, THE BUILDABLE AREA WITHIN THE SETBACKS IS LESS THAN THE MAXIMUM BUILDING AREA ALLOWED (25% OF THE TOTAL AREA OF THE PARCEL).

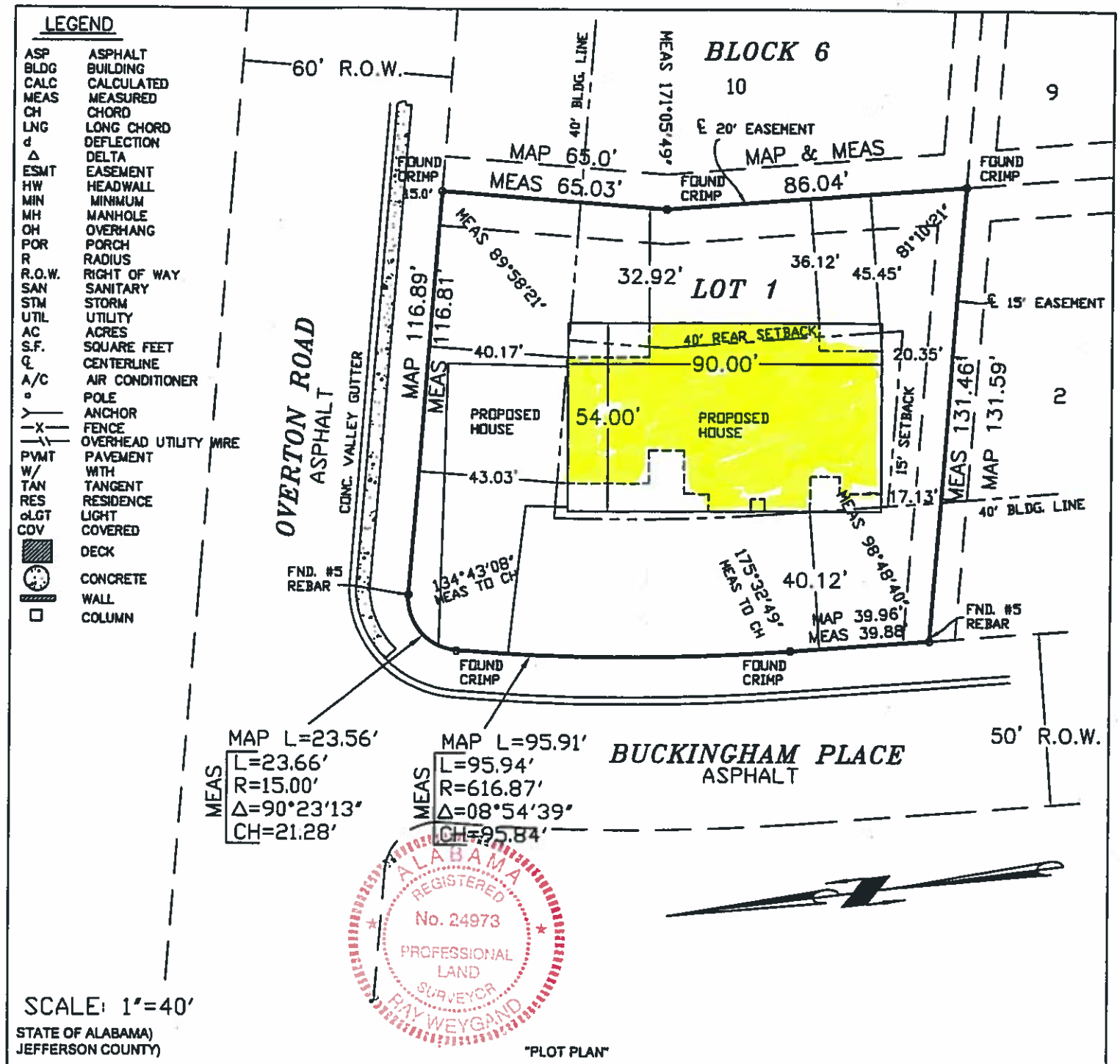
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No

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

THE NEW HOME TO BE LOCATED ON THIS LOT IS SIMILAR IN SCALE TO THE NEW HOMES AT 3800 BUCKINGHAM PLACE AND 3801 BUCKINGHAM LANE WHICH HAVE BOTH BEEN GRANTED SIMILAR REAR VARIANCES. THE SINGLE STORY HOME ON THE LOT WILL BE REMOVED.

A-15-01



STATE OF ALABAMA)
JEFFERSON COUNTY)

"PLOT PLAN"

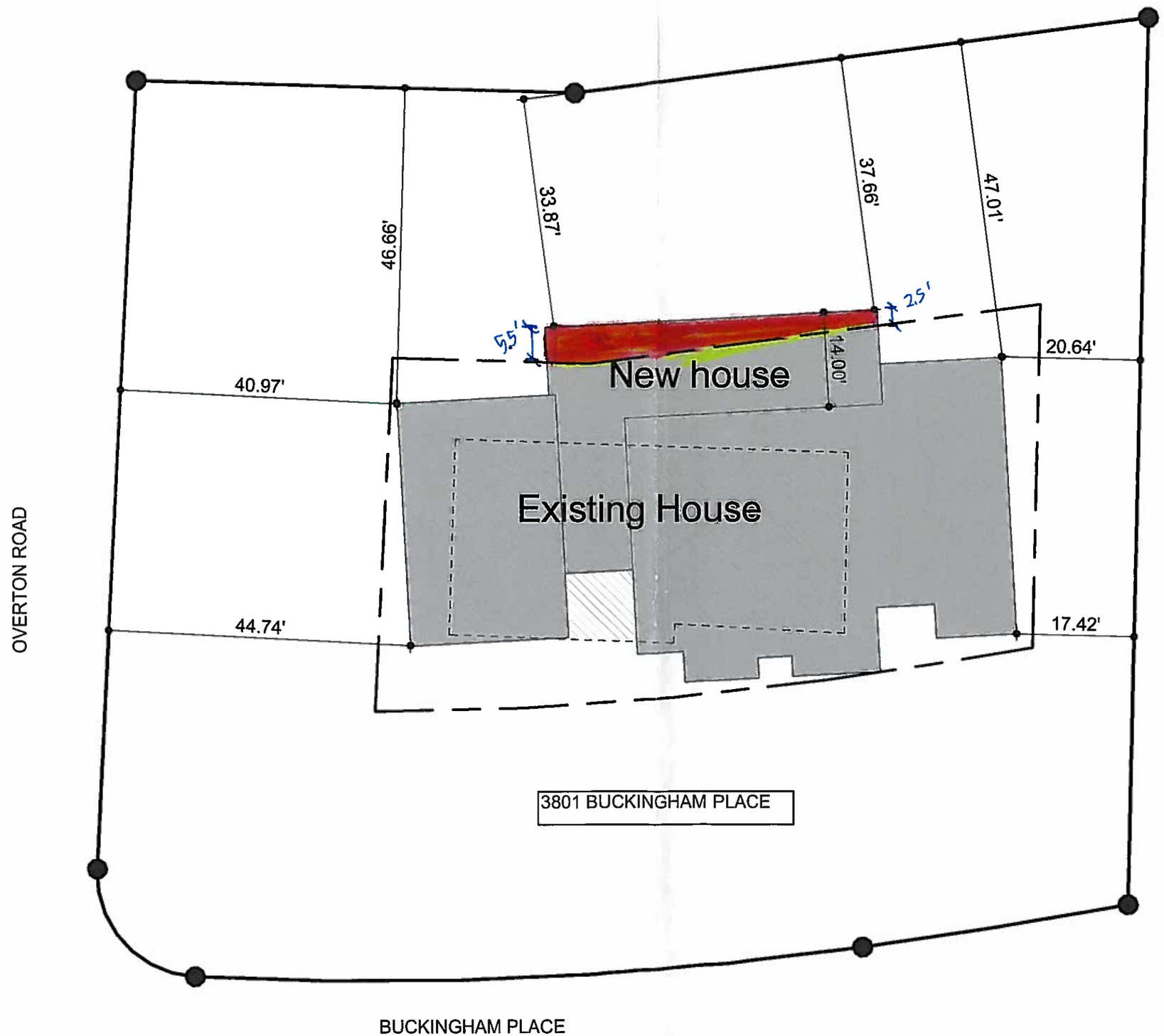
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, Block 6, MOUNTAIN BROOK GARDEN ESTATES, as recorded in Map Volume 58, Page 73, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of JULY 23, 2015. Survey invalid if not sealed in red.

Order No.: 48992
Purchaser: _____
Address: 3801 BUCKINGHAM PLACE

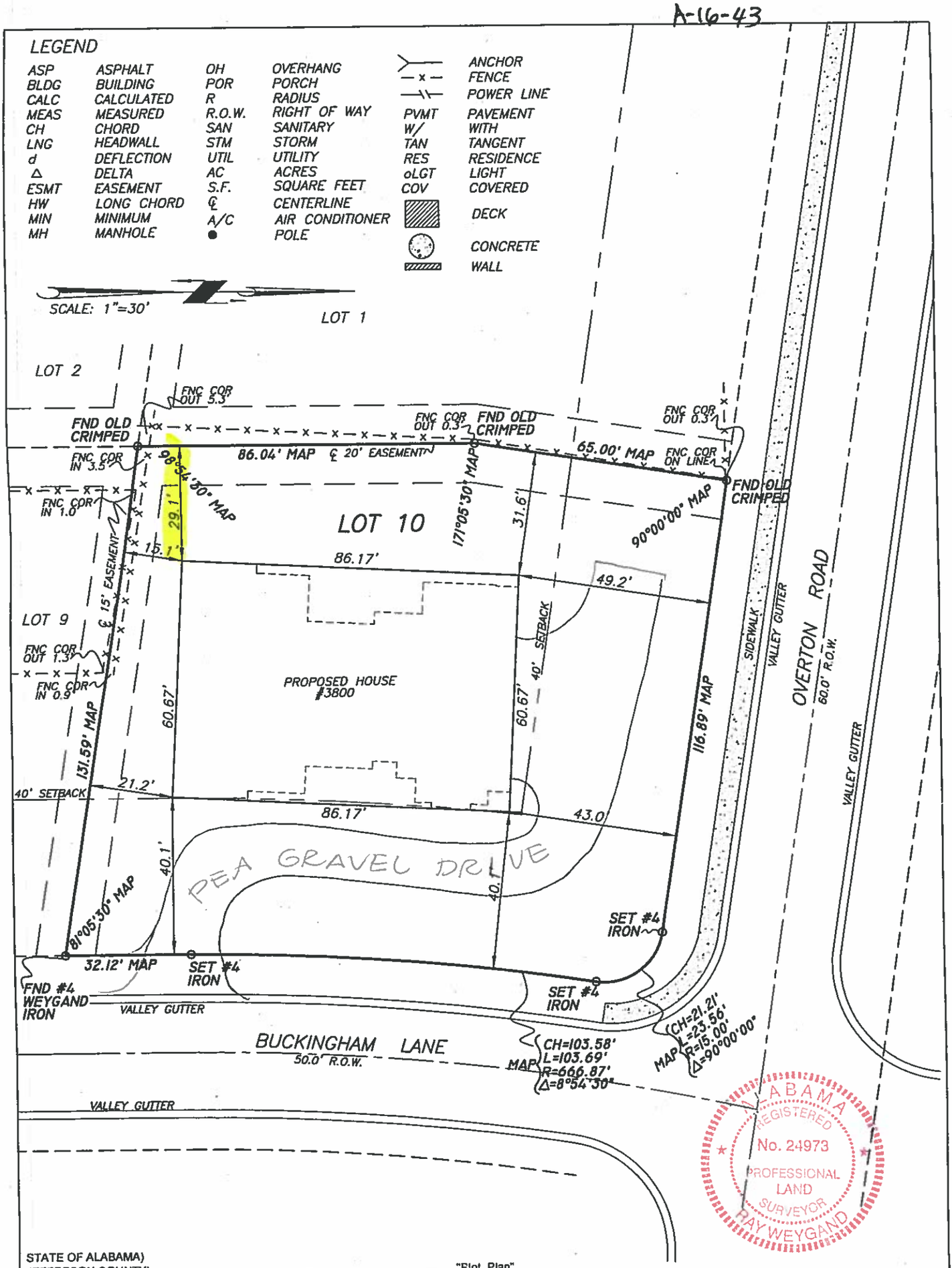
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

A-15-01


33.87'
46.66'
37.66'
47.01'
5.5'
2.5'
14.00'
20.64'
40.97'
New house
Existing House
44.74'
17.42'
OVERTON ROAD
3801 BUCKINGHAM PLACE
BUCKINGHAM PLACE

A-16-43



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Plot Plan"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed LOT 10, MOUNTAIN BROOK GARDEN ESTATES, BLOCK 6 as recorded in Map Volume 56, Page 73 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 SEPTEMBER 16, 2016. Survey invalid if not sealed in red.

Order No.: 76602
Purchaser: VANDEVELDE
Address: 3800 BUCKINGHAM LANE

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

WEYGAND SURVEYORS

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.

Variance Application - Part I

Project Data

Address of Subject Property 18 PEACHTREE ST., 35213

Zoning Classification C

Name of Property Owner(s) THAYER MOOR & GREGORY MAYBERRY

Phone Number 205-616-5421 Email 18peachtreest@gmail.com

Name of Surveyor ROBERT REYNOLDS

Phone Number 205-823-7900 Email reynoldssurvey@bellsouth.net

Name of ~~Architect~~ Designer (if applicable) ERIC DALE

Phone Number 205-873-1676 Email eric@ericdale.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) *primary*	35	34.8	35
Front Setback (ft) *secondary*			
Right Side Setback	10	9.8/4.8	10/ 4.8
Left Side Setback	10	9.8	10
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	NA		
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	NA		
Rear Setback (ft)	30	32.9 / 5.4	30 / 5.4
Lot Coverage (%)	35+5	34+15=49	35+5=40
Building Height (ft)			
Other			
Other			

A-19-09

MICHAEL ERIC DALE
RESIDENCE DESIGN
INTERIOR DESIGN

February 19, 2019

Board of Zoning Adjustment
City of Mountain Brook

Re: 18 Peachtree Street

Dear Board Members:

We are planning a new home on this small lot in Zone C. The home is to replace an outdated structure built in the late 1940's that currently lies slightly outside the standard required setbacks. At only 110 feet, the lot is sorely lacking in depth, creating a significant problem in providing sufficient square footage for the floor plate.

To help with this problem, we want to keep and re-use a later addition built in 1974 that does not fall within the required zoning setbacks. We want to re-attach this addition back to the new home. It is our understanding that once the original building is removed, the setbacks of the remaining addition will not be grandfathered and that therefore we must seek a new variance to retain this structure.

To tear down this structure would be very wasteful. We are not planning any revision of the wall height or roof. The existing structure that is outside the required setbacks will remain in its present form. We understand that updating finishes such as siding and roofing, along with windows and doors is permissable so long as the existing form of the structure remains.

Peachtree Street has been much slower in rebuilding than nearby streets, probably because of small lot size. Nevertheless, the street is now seeing redevelopment with new homes. We would like to continue this progress and we are planning a beautiful new home that truly enhances the streetscape. We are actually slightly reducing the floor plate of the new building to conform with the zone C setbacks; therefore we do not ask for variance from the setback requirements for the new structure.

We are only asking to retain setbacks that are already in place for the 1974 addition.

A mitigating consideration is the unimproved and natural-state 20 feet wide alley. This effectively places the rear of the addition at 25.4 feet rather than the required 30 feet from the neighbor's rear property line.

We do recognize that the existing impermeable surfaces on the lot must be significantly reduced so as not to exceed the required total of 40% of the lot square footage.

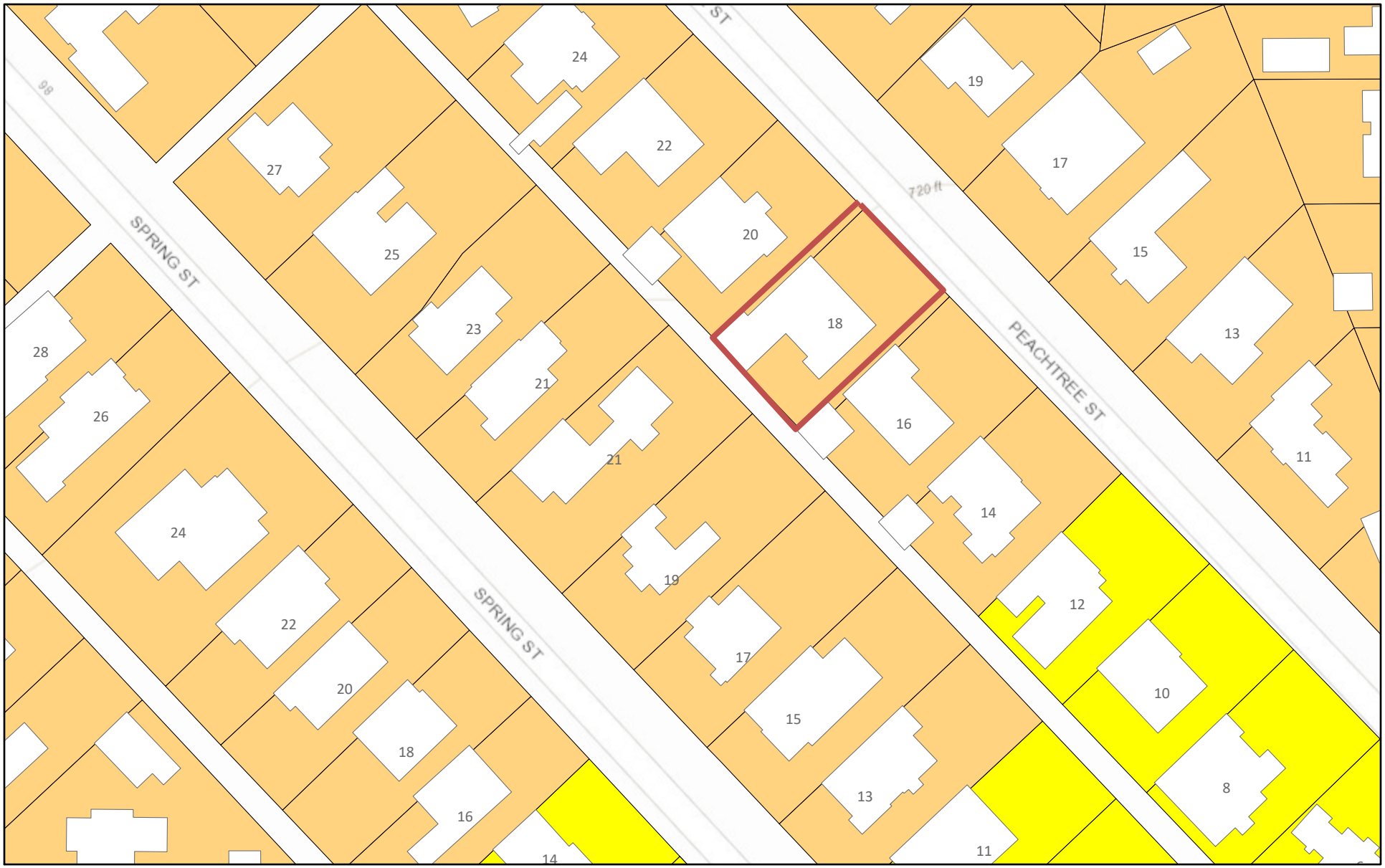
Thank you very much for your consideration,

Eric Dale

Eric Dale

935 LANDALE ROAD
BIRMINGHAM, AL 35222
CELL: 205.873.1676
ERIC@ERICDALE.COM

A-19-09



3/14/2019, 3:55:18 PM

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

SiteAddressPoints

Tax_Parcels

Residence C District

BuildingFootprints

Residence B District

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-19-09

Petition Summary
Request to allow a new single family dwelling to be 4.8 feet from the side property line (northwest), in lieu of the required 10 feet, and 5.4 feet from the rear property line in lieu of the required 30 feet.

Analysis
The hardship in this case is the shallow lot depth (110 feet where a typical Crestline lot is 150 feet deep), and existing design constraints. The proposal involves the construction of a new single family dwelling (new construction to conform to required setbacks), as well as the retention on a 1974 non-conforming addition at the rear of the lot to remain as located, and to be attached to the new construction.

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

Subject Property and Surrounding Land Uses
The property contains a single-family dwelling, and is surrounded by same.

Affected Regulation
Article V, Residence C District; Section 129-62, Area and Dimensional Requirements

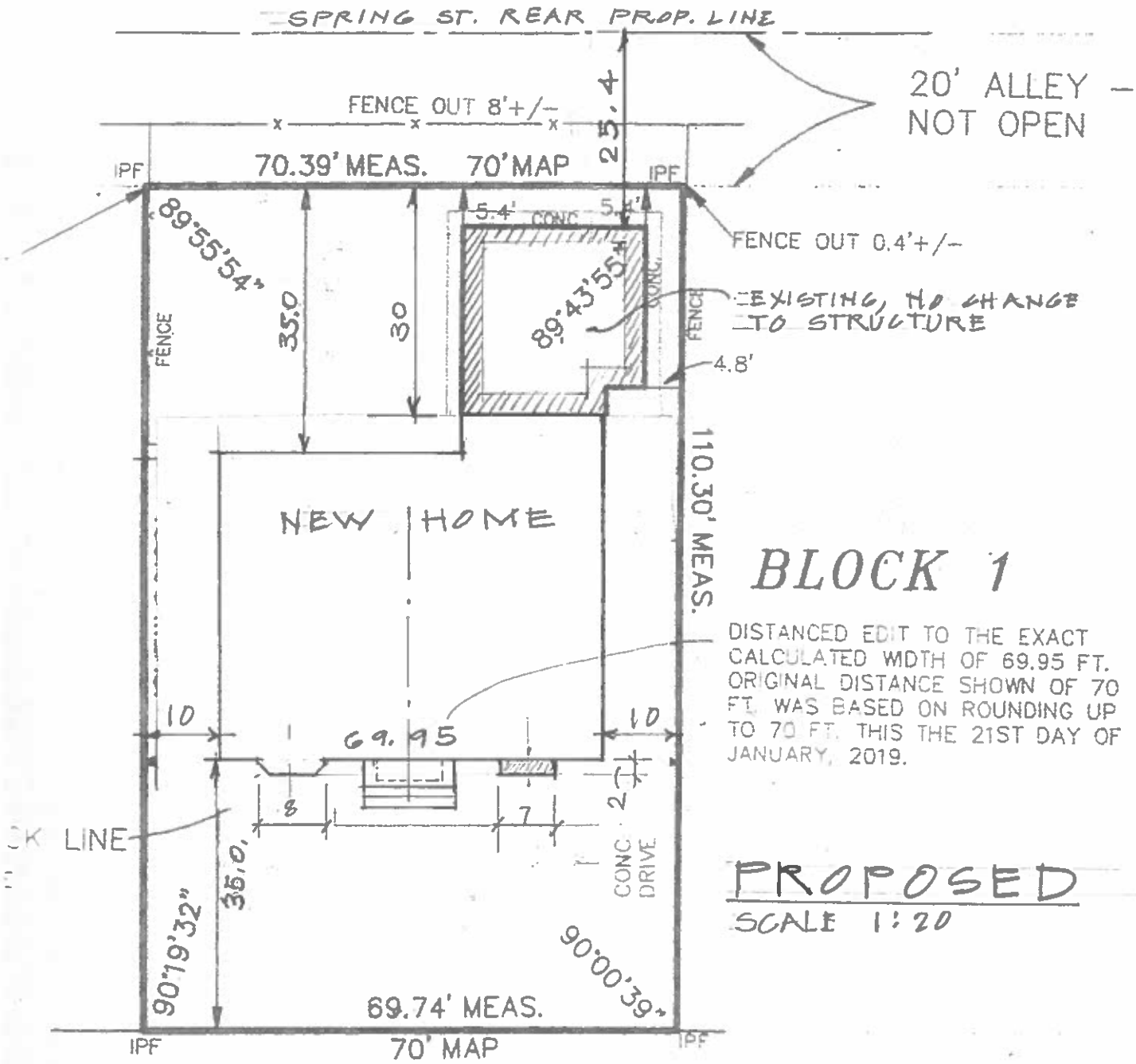
Article V, Residence C District; Section 129-63, Special Provisions for Nonconforming Residence C Lots

Appends
LOCATION: 18 Peachtree Street

ZONING DISTRICT: Res-C

OWNERS: Thayer Moor and Gregory Mayberry

A-19-09



PEACH TREE STREET

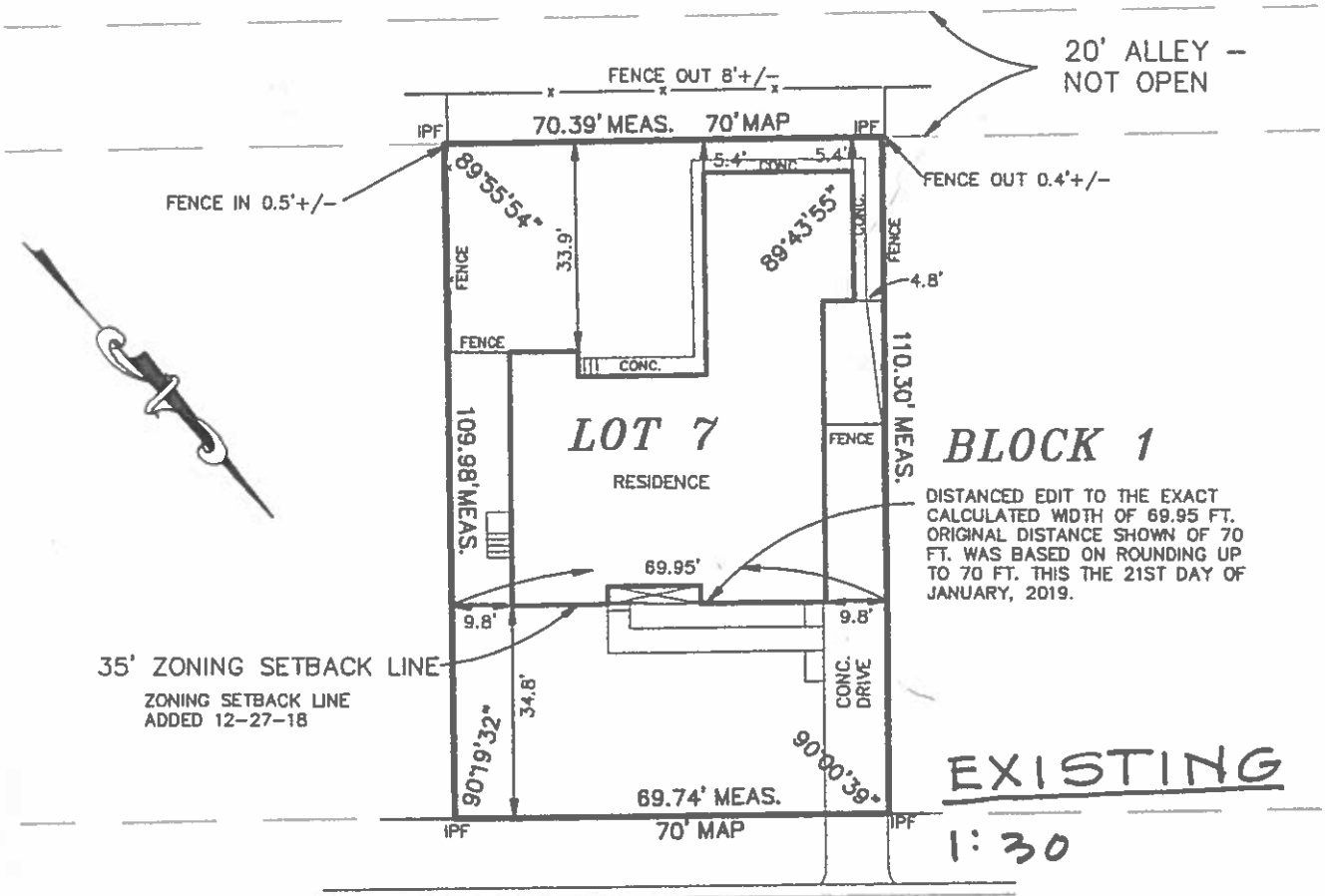
50' R.O.W.

ALABAMA REGISTERED No. 25657 PROFESSIONAL SURVEYOR ROBERT REYNOLDS

"PROPERTY SURVEY"

A-19-09

REYNOLDS SURVEYING CO., INC.
Surveying – Land Planning



SCALE: 1" = 30'

PEACH TREE STREET

50' R.O.W.

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

ALABAMA REGISTERED No. 25657 PROFESSIONAL SURVEYOR ROBERT REYNOLDS

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 7, *Block* 1, *of* GARBER, COOK AND HULSEY'S ADDITION TO CRESTLINE HEIGHTS, *as recorded in Map Book* 29, *Page* 16 *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* 18th *day of* December, 2018.

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

Owner: Moor
Address: 18 Peach Tree Street

Robert Reynolds
Reg. No. 25657

A-19-09

3/14/2019, 3:56:50 PM

SiteAddressPoints

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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 1974 addition is still viable, usable, and useful, but was built outside the required setbacks.

-The lot depth is only 110, while the adjacent Spring Street lot is 150 feet deep.

-A 20 feet wide unimproved alley in a natural state effectively brings the rear of the addition to 24.5 feet from the rear neighbor's property line.

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...")

We are removing and replacing the original residence with an up-to-date structure that will enhance the neighborhood.

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

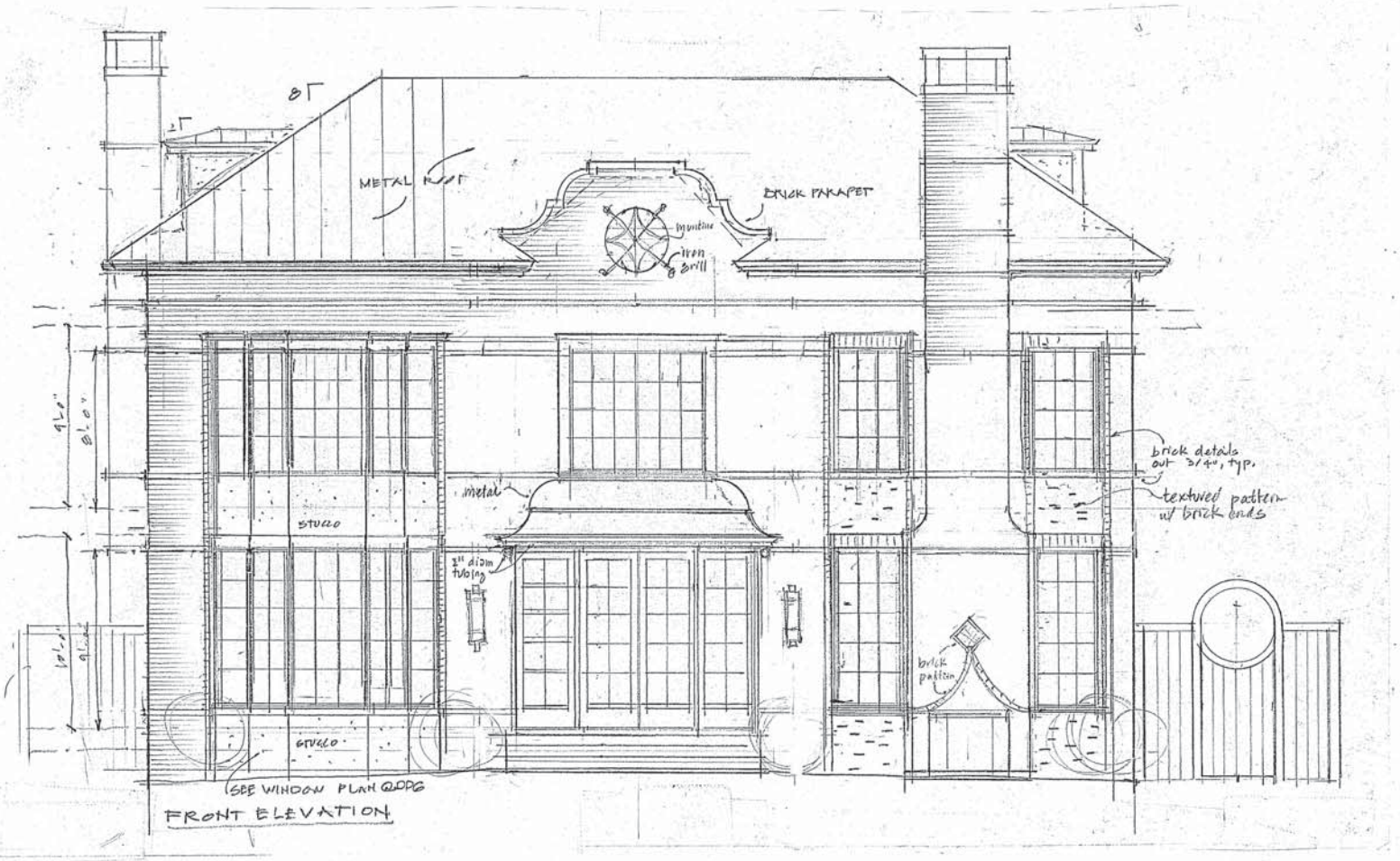
-We are not asking for anything that does not already exist.

-We actually are reducing the footprint of the new structure to conform with the setback requirements for Zone C.

Michael Eric Dale

935 Landale Road, South
Birmingham, Alabama 35222
205.873.1676

eric@ericdale.com



FRONT ELEVATION

Date	Revised Description
2-27	

Issued

Project
New Home & Alterations
18 Peachtree Street
for
Thayer Moor & Greg Mayberry

Date
February 6, 2019

Description
Front Elevation

Scale
1/4" = 1'-0"

Reference North

Drawing #
4DD.7

Michael Eric Dale

935 Landale Road, South
Birmingham, Alabama 35222
205.873.1676

eric@ericdale.com

2.27 REVISED

Preliminary Pricing Drawings
Not for Construction

Date	Description
2-7	Review

Issued

Project
New Home & Alterations
18 Peachtree Street
for
Thayer Moor & Greg Mayberry

Date
February 6, 2019

Description
Left Side Elevation

Scale
1/4" = 1'-0"

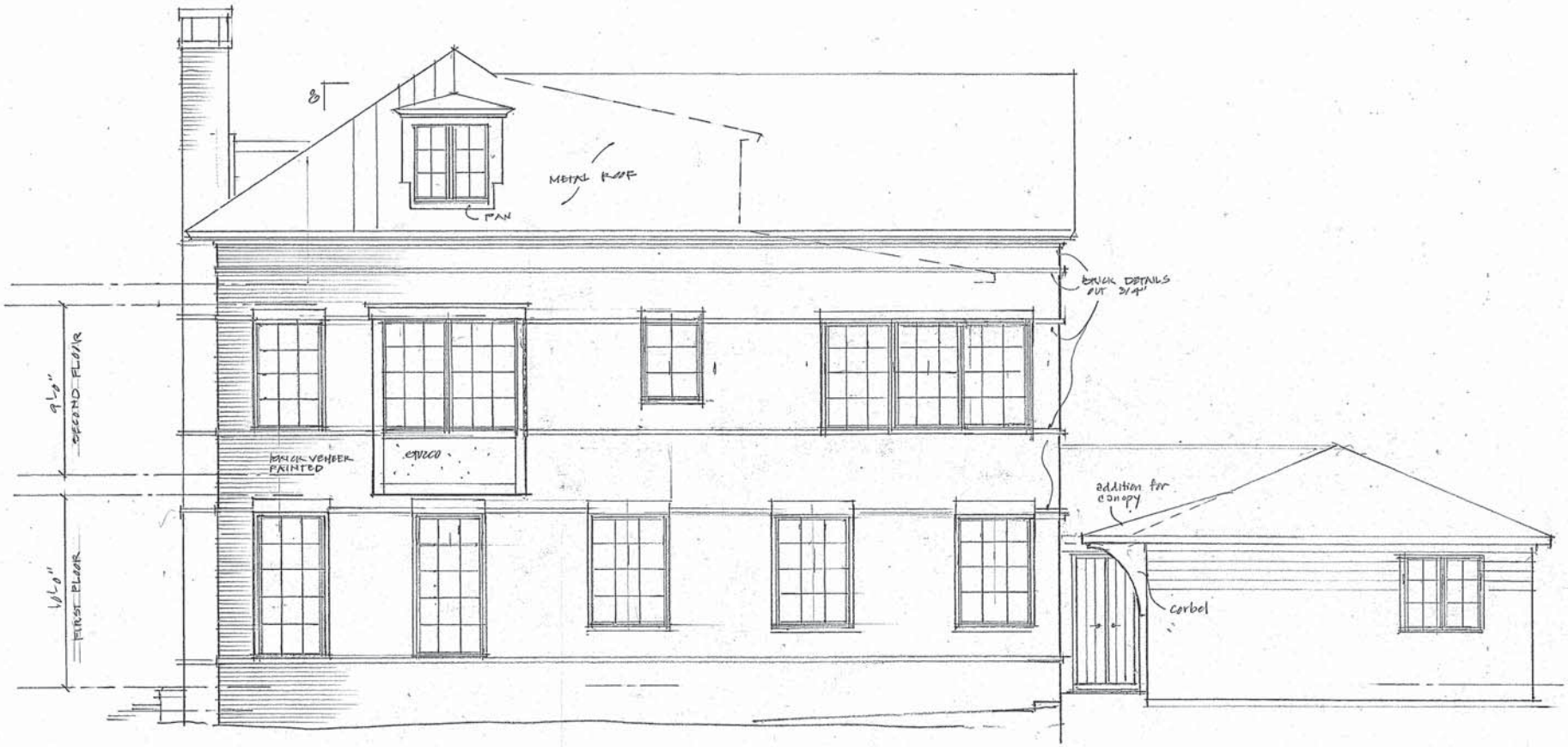
Reference North

Drawing #
4DD.8

Michael Eric Dale

935 Landale Road, South
Birmingham, Alabama 35222
205.873.1676

eric@ericdale.com



Preliminary Pricing Drawings
Not for Construction

Date	Description
2-13	Review

Issued

Project
New Home & Alterations
18 Peachtree Street
for
Thayer Moor & Greg Mayberry

Date
February 12, 2019

Description
Right Side Elevation

Scale
1/4" = 1'-0"

Reference North

Drawing #
4DD.9