BZA Packet

June 14, 2019

Hello All,

Enclosed please find your packet for the meeting of June 17, 2019.

We have:

- 1 carry over case
- 2 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 (June 17. 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
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: May 20, 2019

2. 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 and May 20, 2019)

3. Case A-19-19: Ben and Kate Sutlive, property owners, request variances from the terms of the Zoning Regulations to allow a portion of the first floor to be 8 feet from the side property line (south) in lieu of the required 9 feet; a portion of the second floor to be 9 feet 7 inches from the side property line (south) in lieu of the required 13 feet. 8 Montevallo Terrace.

4. Case A-19-20: Caroline Clark, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 9 feet 4 inches from the side property line (northeast), and to be 13 feet 2 inches from the side property line (southwest); both in lieu of the required 15 feet. 2900 Thornhill Road.

5. Next Meeting: July 15, 2019

6. Adjournment
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 205-387-1818  Email ashleyparrish@gmail.com

Name of Surveyor

Phone Number Email

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

Phone Number (205) 389-1901 Email KATRINA@KATRINA-PORTRER

DESIGNS.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):

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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
SHED PROJECT
3021 CAMBRIDGE ROAD - MOUNTAIN BROOK, ALABAMA
STATE OF ALABAMA

SHELBY COUNTY

I, David B. Entrekin, 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 10, 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 Northeasternly line of said Estate #308; run thence in a Southeasterly direction along the Northeasternly 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 Southwesterly 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 Northeastern 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.

David B. Entrekien, Reg. L.B. W0345
4-4-2019
Date of Signature

Order No. 171037
Purchaser: Parish
Type of Survey: Closing
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 was originally built very close to the lot line. We are not changing the footprint of the structure. The requirements are stuck onto existing footprint and allow 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...")

The Wi 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 improve the livability of the
neighborhood as it would allow the structure to be expanded without
restricting the height of the house.
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 8 MONTEVALLO TERRACE BIRMINGHAM, AL 35213

Zoning Classification RESIDENCE B NON-CONFORMING

Name of Property Owner(s) KATE AND BEN SUTLIEVE

Phone Number 706-338-7891 Email KATEBPT@GMAIL.COM

Name of Surveyor ROBERT REYNOLDS

Phone Number 205-823-7900 Email REYNOLDSSURVEY59@BELLSOOUTH.NET

Name of Architect (if applicable) MARY COLEMAN CLARK ARCHITECT LLC

Phone Number 205-999-0304 Email MCC@MCCARCHITECT.COM

Property owner or representative agent must be present at hearing

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May 24, 2019

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

Variance Application

On behalf of the Owners, Kate and Ben Sutliff, enclosed is a variance application for 8 Montevallo Terrace, Mountain Brook, AL 35213. The scope of the project includes a new residence, as shown in the provided supplemental drawings.

Sincerely,

Mary Coleman Clark
Petition Summary
Request to allow a portion of the first floor to be 8 feet from the side property line (south) in lieu of the required 9 feet; a portion of the second floor to be 9 feet 7 inches from the side property line (south) in lieu of the required 13 feet.

Analysis
The hardships in this case are the lot size (9,750 in lieu of the required 10,000) and the lot width (65 feet in lieu of the required 75 feet). The existing house encroaches into the front setback, but is to be demolished. The new house will conform to all required setbacks with the exception of that requested herein. It should be noted that the proposed right side setback is greater than the required minimum, in order to accommodate a driveway that will access the rear of the property.

As may be seen on the attached survey and plans, only a small portion of the first floor (less than 20 linear feet) is to encroach into the required 9-foot side setback (for portions of the building that are less than 22 feet high). Also, only two triangular portions of the roof are to encroach into the required 13-foot side setback (for portions of the building which are higher than 22 feet). The chimney complies with the required 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 129-53, Special Provisions for Nonconforming Residence B Lots

Appends
LOCATION: 8 Montevallo Terrace

ZONING DISTRICT: Res-B

OWNERS: Ben and Kate Sutlive
STATE OF ALABAMA
JEFFERSON COUNTY

PROPERTY SURVEY

I, Robert Reynolds, a Registered Surveyor, do hereby certify that this is a true
and correct plat or map of Lot 10, Block 50, of MONTEVALLO TERRACE
as recorded in Map Book 35, Page 38, 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 12th day of August 2019.

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

Owner: Subuser:
Address: 8 Montevallo Terrace

Reg. No. 25567
801/53
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)?

8 MONTEVALLO TERRACE IS A RESIDENCE B NON-CONFORMING LOT WITH A LOT WIDTH OF 64.31'.
ON THE PROPERTY LINE OF THE RIGHT SIDE OF THE HOUSE, THE NEIGHBOR'S EXISTING WOOD FENCE IS TO REMAIN.

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

NO, THE OWNER WOULD LIKE TO BUILD A NEW RESIDENCE AT 8 MONTEVALLO TERRACE. THE VARIANCE REQUEST IS A RESULT OF THE OWNER WANTING TO ACHIEVE ADEQUATE CLEARANCE ON THE RIGHT SIDE OF THE HOUSE TO ALLOW FOR A DRIVEWAY AND ACCESS TO A GARAGE.

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

THE EXISTING RESIDENCE TO BE DEMOLISHED IS NOT IN COMPLIANCE WITH THE 35'-0" FRONT SETBACK REQUIREMENT; THE PROPOSED NEW STRUCTURE WILL BE IN COMPLIANCE WITH THE FRONT SETBACK. THE VARIANCE REQUEST FOR THE LEFT SIDE SETBACK SHOULD NOT IMPEDIE THE NEIGHBOR’S ACCESS TO LIGHT AND AIR AS THE MAJORITY OF THE LEFT ELEVATION IS IN COMPLIANCE WITH THE ZONING CODE REQUIREMENTS.
# Variance Application - Part I

## Project Data

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<tr>
<td>Zoning Classification</td>
<td>Residence &quot;A&quot;</td>
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<tr>
<td>Name of Property Owner(s)</td>
<td>Caroline Clark</td>
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<tr>
<td>Phone Number</td>
<td>205 566-2782</td>
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<tr>
<td>Email</td>
<td><a href="mailto:mobilemom1@gmail.com">mobilemom1@gmail.com</a></td>
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<tr>
<td>Name of Surveyor</td>
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<td>Phone Number</td>
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<td><a href="mailto:reynoldssurvey59@bellsouth.net">reynoldssurvey59@bellsouth.net</a></td>
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<td>Name of Architect (if applicable)</td>
<td>Carraway and Associates</td>
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<td>Email</td>
<td><a href="mailto:liz@carrawawayarchitects.com">liz@carrawawayarchitects.com</a></td>
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⚠️ Property owner or representative agent must be present at hearing

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May 24, 2019

Board of Zoning Adjustments:

On behalf of Ms Caroline Clark, I am requesting a variance to the side yard setbacks for a new 1 1/2 story residence at 2900 Thornhill Road. Our client wishes to demolish the existing house and to rebuild within the requested setbacks as described below. The property has a Residence A zoning classification. The required width for a lot with Residence A zoning is 100 feet with 15 foot side yard setbacks making the allowable building width 70 feet. Ms Clark’s lot is 70 feet wide and subtracting 30 feet total side yard setbacks reduces the allowable building width to 40 feet. The overall reduced width of Ms Clark’s lot within Residence A zoning presents a hardship by reducing the allowable building width from 70 feet to 40 feet.

The requested variance is to the east and west side yards where the setbacks are 15 feet each side. On the east side the existing house is 9.9’ from the property line and we are requesting an additional 6’. The proposed structure would be 9’- 4” from the property line. One the west side yard the existing house is 12.8’ from the property line and we are requesting 13’- 2”. We are pulling the house in slightly on the west side to allow more room for an already tight driveway.

I have enclosed, along with the Variance Request Form, a copy of a 2018 survey by Robert Reynolds that shows the footprint of the existing structure within a dashed blue line and the proposed new residence highlighted in yellow. I also enclose a larger site plan showing the proximity of the adjacent neighbor to Ms. Clark’s property.

Please feel free to call me concerning the requested variance. Thank you for your consideration in this matter.

Very truly yours,

John Carraway

cc: Caroline Clark
    File
Petition Summary
Request to allow a new single family dwelling to be 9 feet 4 inches from the side property line (northeast), and to be 13 feet 2 inches from the side property line (southwest); both in lieu of the required 15 feet.

Analysis
The hardships in this case are the lot size (17,000 in lieu of 30,000) and the lot width (70 feet in lieu of the required 100). The existing house encroaches into both side setbacks. The right side setback will decrease from 9.9 feet to 9.3 feet, and the left side setback will increase from 13 feet to 13 feet 2 inches. The existing and proposed front setback is well behind the required 40-foot minimum, at 57 feet.

While the majority of the right side of the proposed house encroaches into the required 15-foot side setback, the walls are staggered so that the encroachment is not a steady line. On the left side, the proposed encroachment is mainly at the front half of the house. See the proposed site plan for a depiction of the allowable buildable area verses the proposed exterior walls.

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: 2900 Thornhill Road

ZONING DISTRICT: Res-A

OWNER: Carolyn Clark
Sec. 129-34. - Area and dimensional requirements applicable to permitted uses in section 129-31(a)–(c).

(a) Minimum dimensions of parcel.

(1) Minimum area of parcel: 17,845 square feet.

(2) Minimum width of parcel at all points between the street line and the front setback line: 100 feet.

(2) Minimum number of feet of the parcel which must abut a street: 100 feet.

(b) Minimum yards and building setbacks.

(1) Minimum front yard setback: 40 feet.

(2) Minimum rear yard setback: 40 feet.

(c) Minimum side yard setback: 15 feet.

(d) Building limitations.

(1) Maximum building area: 35 percent of the total area of the parcel.

(2) Maximum building height: 35 feet.

(3) Maximum number of stories: 2.

Minimum area of parcel: 30,000 square feet.

Existing Survey and Proposed Site Plan

Area and Dimensional Requirements

Residence for

Caroline Clark

Mountain Brook, Alabama
Variance Application
Part II

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

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

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

The property at 2900 Thornhill Road is particularly narrow. Our client’s lot is 30 feet less than what is required for Residence A zoning. This reduces her allowable building width to 40 feet because the lot does not conform to the 100 foot wide Residence A requirement. The existing house sits 9.9’ from the property line on the east side and 12.8’ on the west side. The proposed new residence will not exceed the existing conditions on the west side, but we are requesting an additional 6” on the east side.

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…”)

not applicable

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

There are lots on Thornhill Road that are challenged by the current allowable setbacks and homeowners have been permitted to work within a reduced setback requirement or permitted to work within existing non-conforming setback and still maintain the modest scale of the street. The scale of the proposed residence will be in keeping with the scale of the street and the smaller setbacks of the neighboring homes.