

BZA Packet

July 9, 2019

Hello All,

Enclosed please find your packet for the meeting of July 15, 2019.

We have:

- 5 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 (July 15, 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@mtntbrook.org ...

Looking forward to seeing you on Monday!

Dana

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
JULY 15, 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.

-
1. Approval of Minutes: May 20, 2019 and June 17, 2019
 2. **Case A-19-21:** 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 22 feet from the rear property line (southwest) in lieu of the required 35 feet. - **18 Peachtree Street.**
 3. **Case A-19-23:** Coates and Lib Covington, property owners, request a variance from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 20.27 feet from the rear property line (south) in lieu of the required 35 feet, to remain as located 11.41 from the side property line (east) and to be 12.38 from the side property line (south), both in lieu of the required 12.5 feet. - **14 Montrose Circle.**
 4. **Case A-19-24:** Art and Marie Freeman, property owners, request a variance 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 (northeast) in lieu of the required 15 feet. - **3532 Rockhill Road.**
 5. **Case A-19-25:** Ramon Bean, property owner, requests a variance from the terms of the Zoning Regulations to allow an outdoor fireplace/chimney to be zero feet from the property line (west) in lieu of the required 10 feet. - **3789 Village Lane.**
 6. **Case A-19-26:** Jason and Audrey Brewer, property owners, request a variance from the terms of the Zoning Regulations to allow a new detached accessory building in a secondary front yard (Overton Road) where the code requires that detached accessory buildings be located behind the front building line. - **3731 River Bend Lane.**
 7. Next Meeting: August 19, 2019
 8. Adjournment



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 ^{Designer} Architect (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) <i>primary</i>	35	34.8	35
Front Setback (ft) <i>secondary</i>			
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			

M I C H A E L E R I C D A L ERESIDENCE DESIGN
INTERIOR DESIGN

February 19, 2019

Board of Zoning Adjustment
City of Mountain BrookRe: 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 permissible 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.

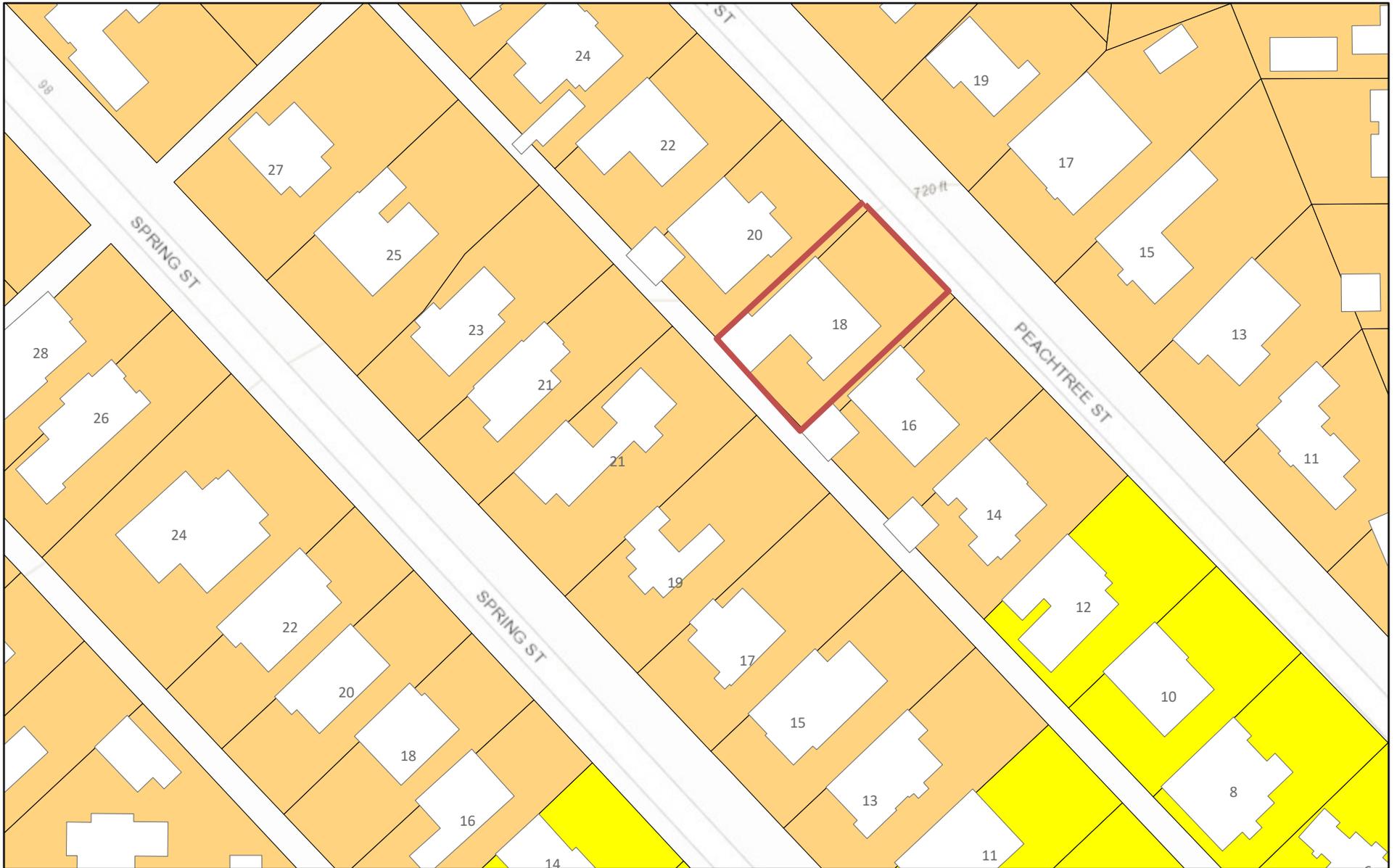
We do recognize that the existing impermeable surfaces on the lot must be significantly reduced so as not to exceed the required total of 40% of the lot square footage.

Thank you very much for your consideration,



Eric Dale

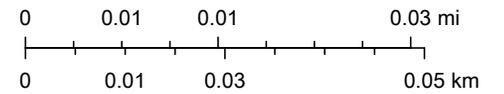
A-19-09



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1:1,128

SiteAddressPoints Tax_Parcels
BuildingFootprints Residence B District
Residence C 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

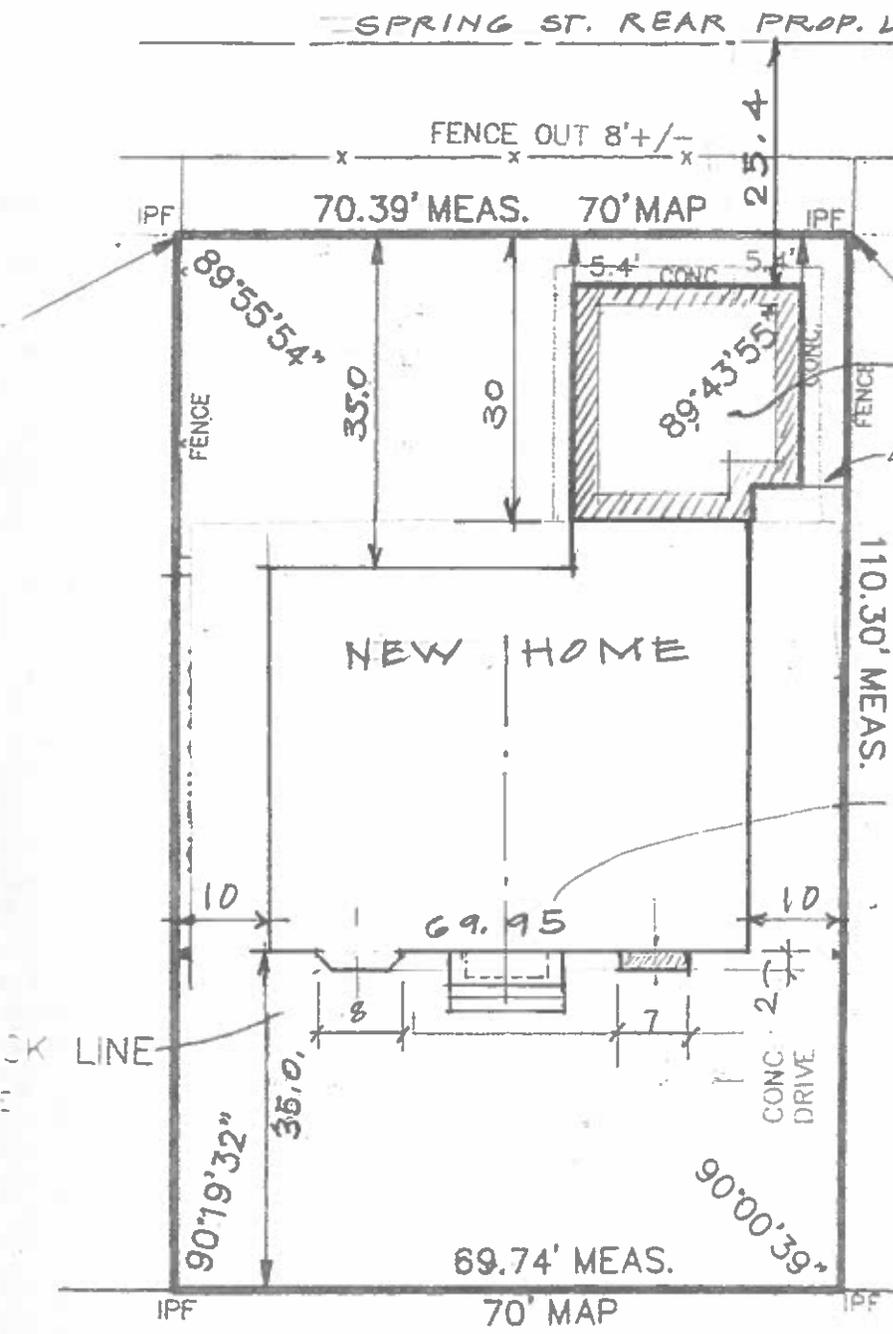
Article V, Residence C District; Section 129-63, Special Provisions for Nonconforming Residence C Lots

Appends

LOCATION: 18 Peachtree Street

ZONING DISTRICT: Res-C

OWNERS: Thayer Moor and Gregory Mayberry



25.4

20' ALLEY - NOT OPEN

FENCE OUT 8'+/-

FENCE OUT 0.4'+/-

EXISTING, NO CHANGE TO STRUCTURE

BLOCK 1

DISTANCED EDIT TO THE EXACT CALCULATED WIDTH OF 69.95 FT. ORIGINAL DISTANCE SHOWN OF 70 FT. WAS BASED ON ROUNDING UP TO 70 FT. THIS THE 21ST DAY OF JANUARY, 2019.

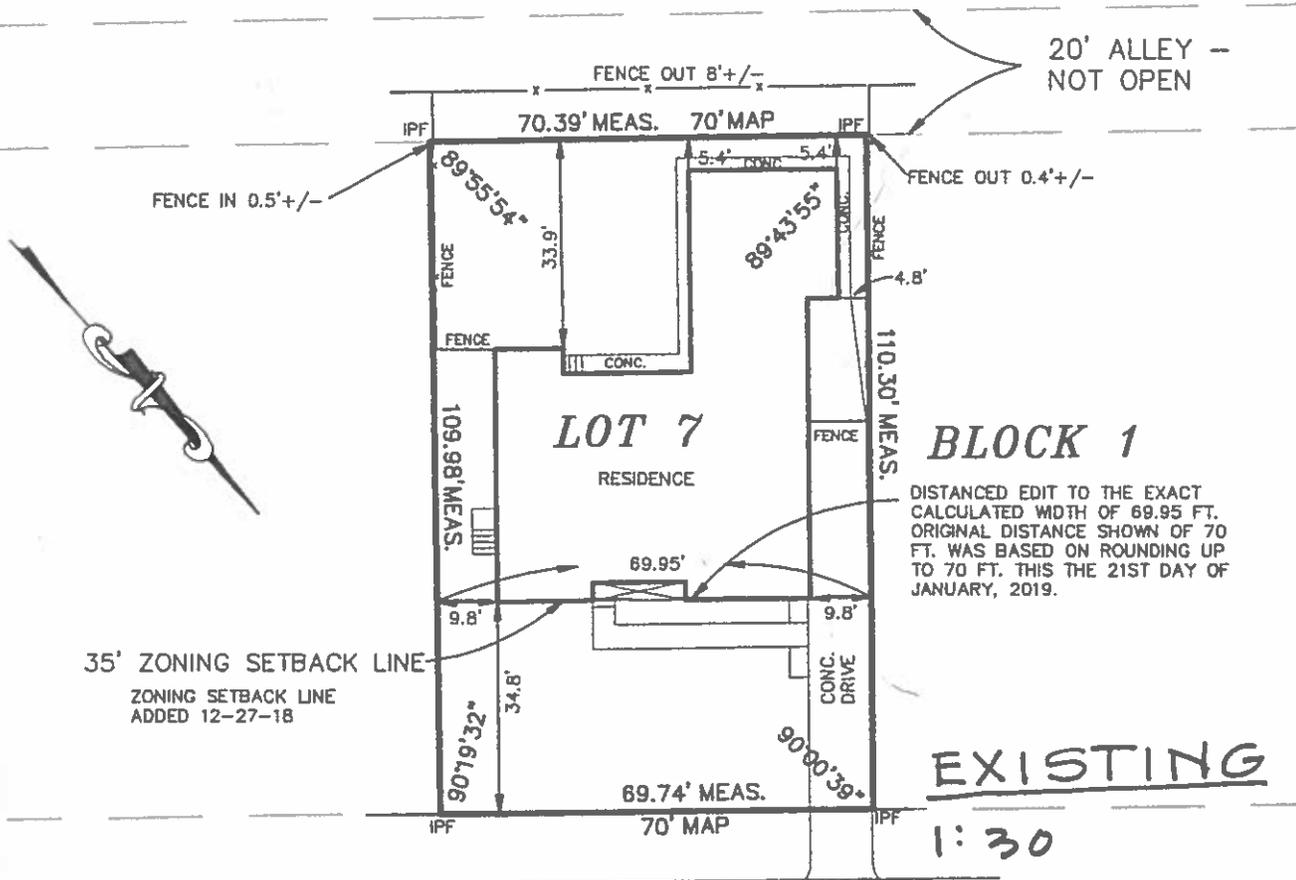
PROPOSED
SCALE 1:20

PEACH TREE STREET

50' R.O.W.



REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



SCALE: 1" = 30'

- LEGEND**
- UTILITY POLE
 - Y— GUY WIRE
 - RETAINING WALL
 - CONCRETE
 - X— FENCE
 - OE— 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 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

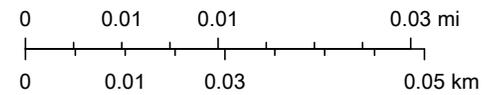
A-19-09



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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 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.



Variance Application - Part I

Project Data

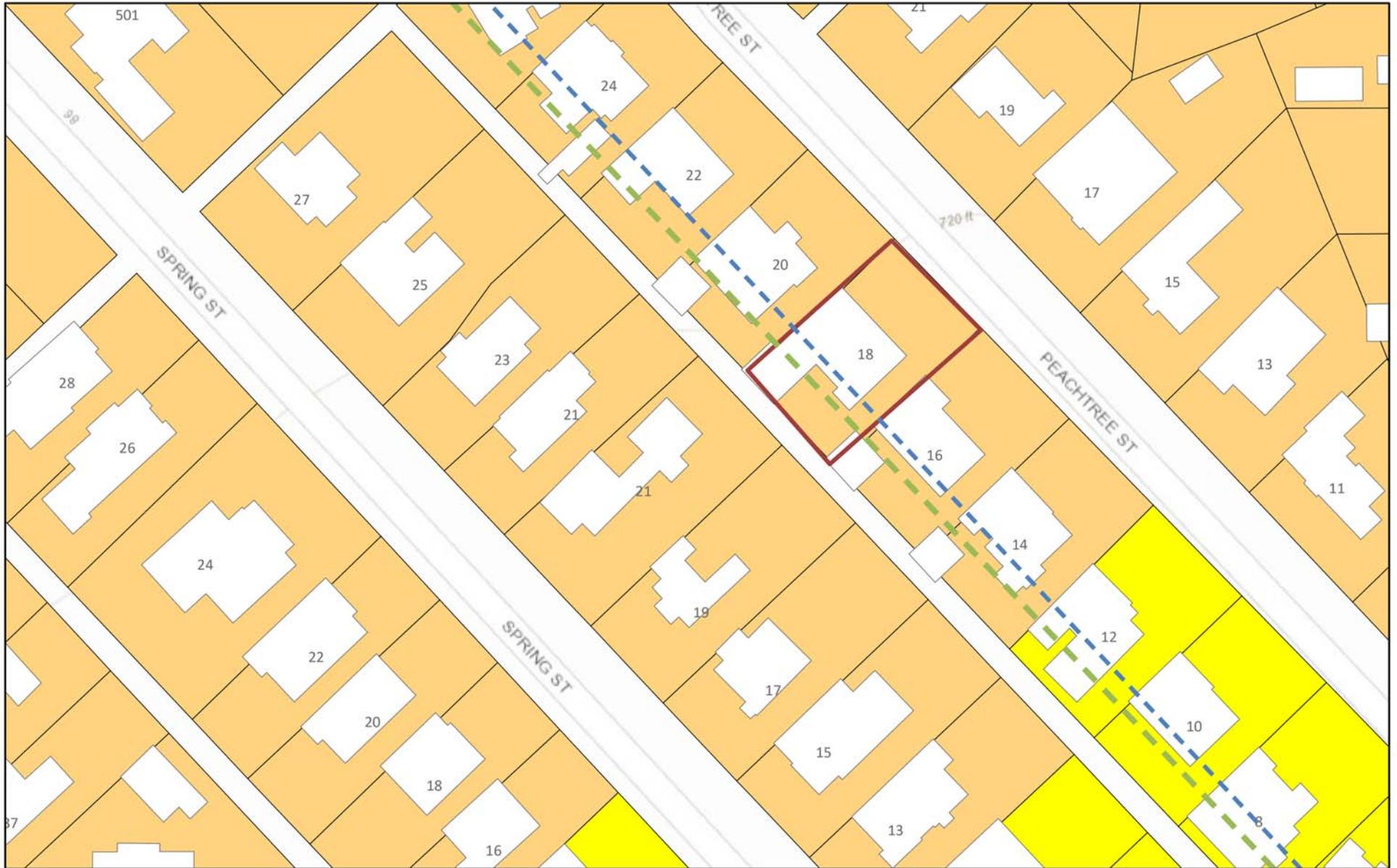
Address of Subject Property 18 PEACHTREE ST., 35213
 Zoning Classification C
 Name of Property Owner(s) THAYER MOOR & GREGORY MAYBERRY
 Phone Number 205-616-5421 Email 18peachtreest@gmail.com
 Name of Surveyor ROBERT REYNOLDS
 Phone Number 205-823-7900 Email reynoldssurvey@bellsouth.net
 Name of Architect (if applicable) ERIC DALE (with edits)
 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) <i>primary</i>	35	34.8	35
Front Setback (ft) <i>secondary</i>			
Right Side Setback	10	9.8/4.8	10
Left Side Setback	10	7.8	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	22
Lot Coverage (%)	35 + 5	34 + 15 = 49	35 + 5 = 40
Building Height (ft)			
Other			
Other			

A-19-21 Zoning



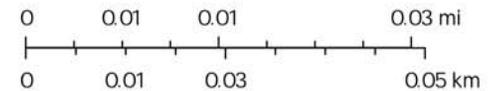
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Tax_Parcels

 Residence B District

 Residence C 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-19-21

Petition Summary

Request to allow a new single family dwelling to be 22 feet from the rear property line (southwest) in lieu of the required 35 feet.

Background

On February 19, 2019, the Board denied a request (A-19-09) on this same property 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.

The proposal involved 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 (previous proposal attached).

At the meeting the applicant amended the variance request as follows:

- Windows on the existing structure that are facing the back property line will be eliminated.
- The request for the structure to be 4.8 feet from the side property line (northwest) is withdrawn so that the structure will line up with the approximate 10-foot setback for the length of the structure.

Analysis

The hardship in this case is the shallow lot depth (110 feet where a typical Crestline lot is 150 feet deep. As such, there are several houses along the same side of Peachtree Street that encroach into the required 35-foot rear setback. For the sake of comparison, the attached zoning map indicates the 35-foot setback by a red dashed line, and the proposed 22-foot setback by a green dashed line. The existing house encroaches to within 5.4 feet of the rear property line and 4.8 feet of the side property line (northwest).

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

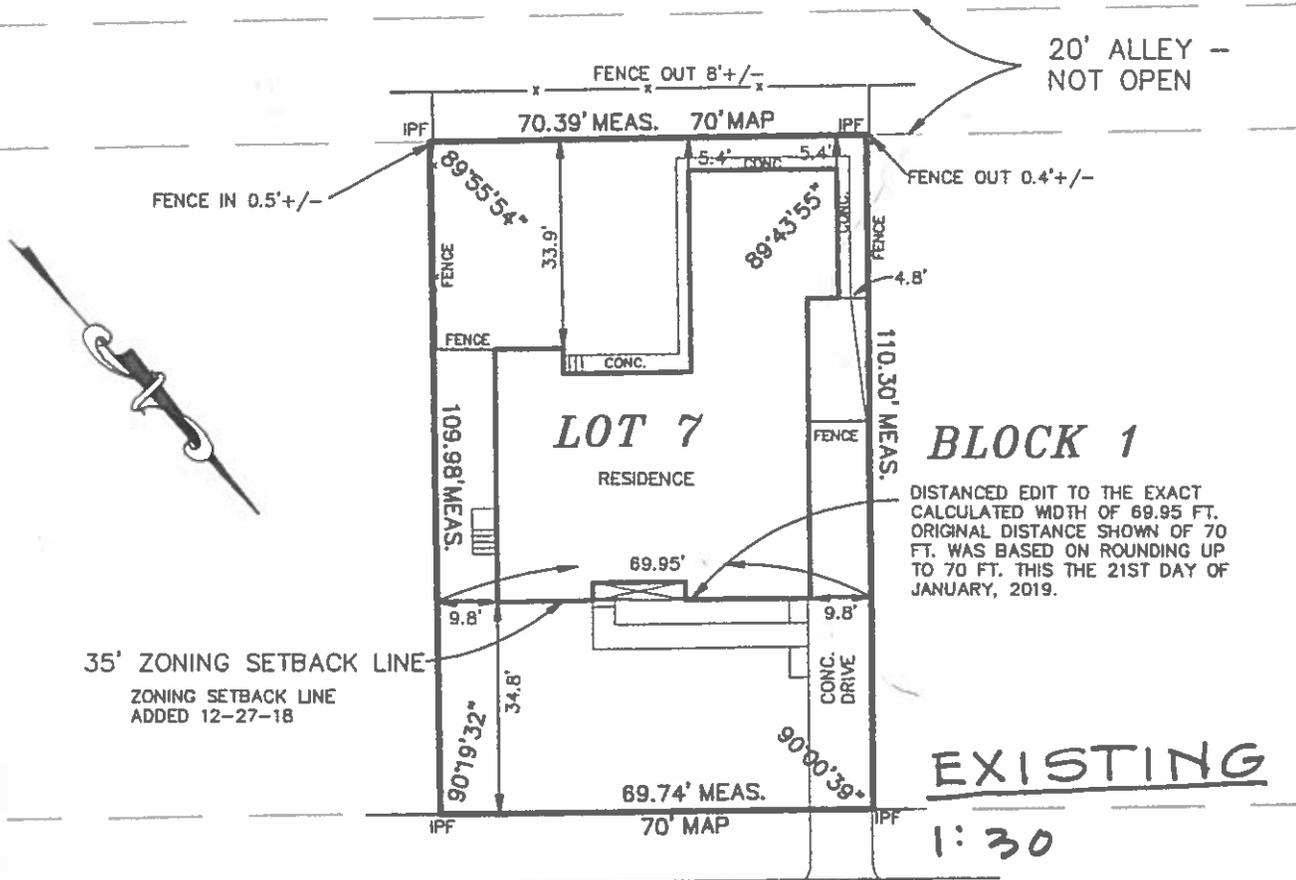
Appends

LOCATION: 18 Peachtree Street

ZONING DISTRICT: Res-C

OWNERS: Thayer Moor and Gregory Mayberry

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



SCALE: 1" = 30'

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

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPERTY SURVEY"

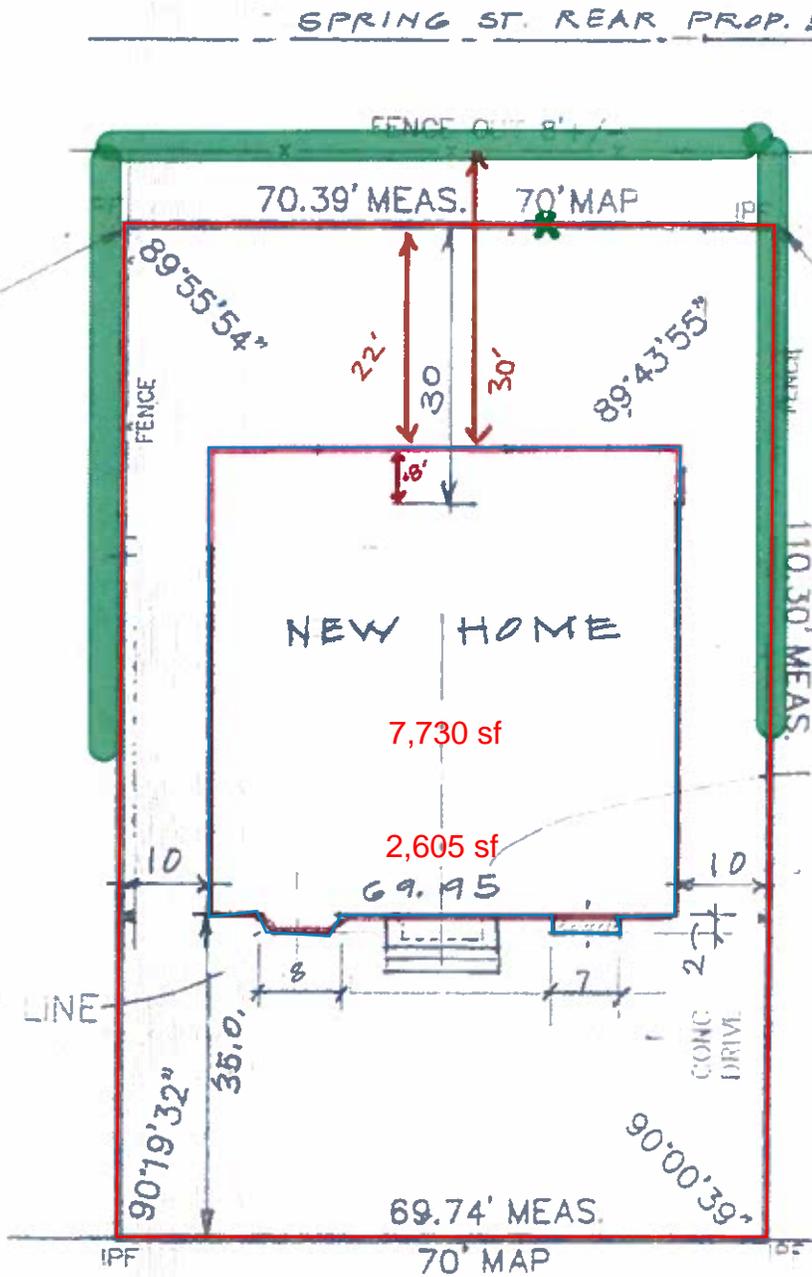


I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7, Block 1, of GARBER, COOK AND HULSEY'S ADDITION TO CRESTLINE HEIGHTS, as recorded in Map Book 29, Page 16 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this 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



20' ALLEY - NOT OPEN

FENCE OUT 8' +/-

FENCE OUT 0.4 +/-

- Fenced area, back yard

BLOCK 1

DISTANCED EDIT TO THE EXACT CALCULATED WIDTH OF 69.95 FT. ORIGINAL DISTANCE SHOWN OF 70 FT WAS BASED ON ROUNDING UP TO 70 FT THIS THE 21ST DAY OF JANUARY 2019.

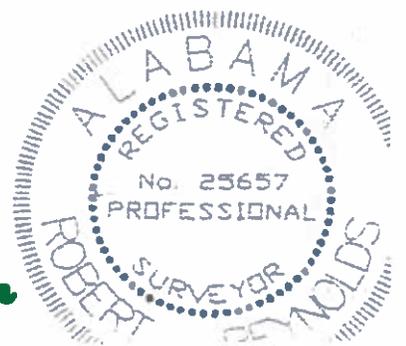
PROPOSED
SCALE 1:20

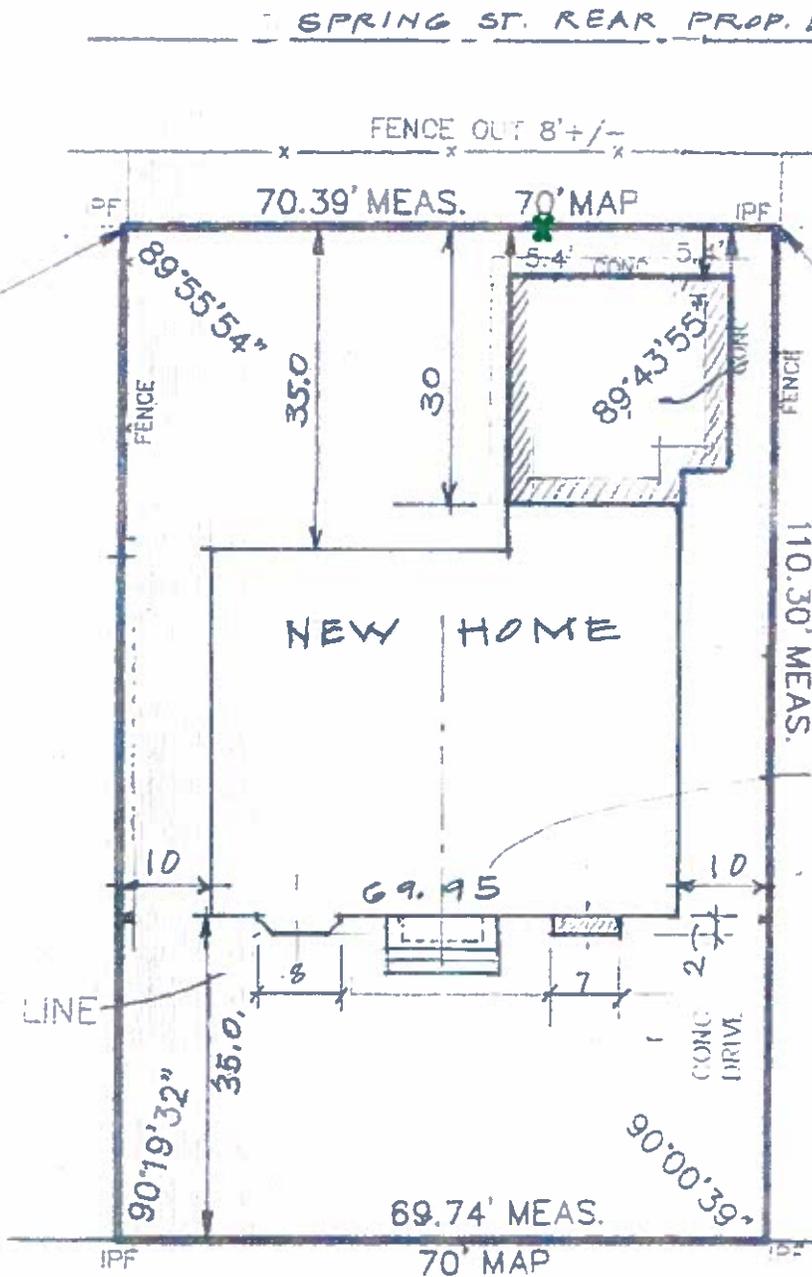
PEACH TREE STREET

50' P.O.W.

NEW APPLICATION

x: power/telephone pole





BLOCK 1

DISTANCED EDIT TO THE EXACT
CALCULATED WIDTH OF 69.95 FT.
ORIGINAL DISTANCE SHOWN OF 70
FT WAS BASED ON ROUNDING UP
TO 70 FT. THIS THE 21ST DAY OF
JANUARY, 2019.

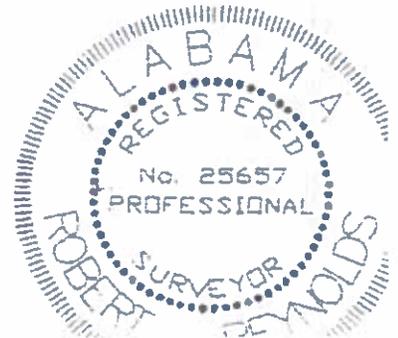
OLD
PROPOSAL
SCALE 1:20

PEACH TREE STREET

50' R.O.W.

OLD APPLICATION

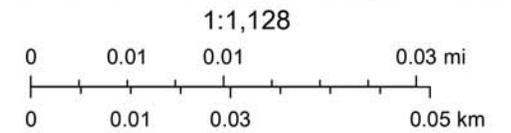
x: power/telephone pole



A-19-21 Aerial



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

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |



CITY OF MOUNTAIN BROOK

A-19-09

Department of Planning, Building &
Sustainability
56 Church Street
Mountain Brook, Alabama 35213
Telephone: 205.802.3810
www.mtnbrook.org

**BOARD OF ZONING ADJUSTMENT
MEETING SUMMARY**

Meeting Date: March 18, 2019
Case Number: A-19-09
Case Address: 18 Peachtree Street
Property Owner(s): Thayer Moor and Gregory Mayberry
18peachtreest@gmail.com
Representative: Eric Dale
eric@ericdale.com

Type Request: Thayer Moor and Gregory Mayberry, property owners, request variances 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.

Amended Request: At the meeting the applicant amended the variance request as follows:

- Windows on the existing structure that are facing the back property line will be eliminated.
- The request for the structure to be 4.8 feet from the side property line (northwest) is withdrawn so that the structure will line up with the approximate 10-foot setback for the length of the structure.

Action Taken: The Board of Zoning Adjustment denies the variance application as amended.

Dana O. Hazen

Dana O. Hazen, MPA, AICP
Director of Planning, Building and Sustainability



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)?

- Narrow Lot (<70')
- The lot depth is only 110, while the adjacent Spring Street lot is 150 feet deep.
- Sloped back yard
- Power/telephone pole 8' from fence line into yard (see proposal images)
- Current Master Suite is ~5' & ~4' from rear side of property

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 are removing and replacing the 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?

- Further setbacks from neighboring properties.
- Keeping within 35% permeability
- Removing 650⁺ sqft for additional 400^{sqft} along back of house to be able to have pantry and laundry room
(current master) (3' x 11.75')



Variance Application - Part I

Project Data

Address of Subject Property 14 Montrose Circle, 35213

Zoning Classification Residence B

Name of Property Owner(s) Lib and Coates Covington

Phone Number 205-447-0101 Email coatescovington0@gmail.com

Name of Surveyor MTM Engineers - Joey Miller

Phone Number 205-283-5878 Email jmiller@mtmengineers.com

Name of Architect (if applicable) _____

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)	10,000 min.	12,632	12,632
Lot Width (ft)	75 min. 75 min.	121.84	121.84
Front Setback (ft) <i>primary</i>	35 ft	35 ft	35 ft
Front Setback (ft) <i>secondary</i>	NA	NA	NA
Right Side Setback	NA NA	NA NA	NA NA
Left Side Setback	NA NA	NA NA	NA NA
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	12.5 ft 12.5 ft	12 ft	12 ft
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	12.5 ft 12.5 ft	12 ft	12 ft
Rear Setback (ft)	35 ft	35 ft	20.27 ft
Lot Coverage (%)	35%	11%	15%
Building Height (ft)	35 ft	22 ft	22 ft
Other			
Other			

Board of Zoning Adjustment
City of Mountain Brook, Alabama
56 Church Street
Mountain Brook, AL 35213

Dear Board,

The purpose of this document is to provide a written statement for the scope of the remodel project to be completed at 14 Montrose Circle, Mountain Brook, AL 35213.

The project will consist of retaining a large portion of the existing property (east side) including block foundation, first story, second story, and roof. A small section of the property (west side) is built on a slab and does not match the level of the east side of the home to remain. This section would be demolished and rebuilt to match the level of floor as existing.

The swimming pool would be filled and compacted to allow for a rear kitchen addition requiring the variance requested with the attached application. The addition will encompass two upstairs bedrooms as well.

The breezeway and pool house will be demolished and a connecting garage would be built in its place.

All rebuilt or new additions to the home will have a roof line height equal to or less than the existing roof line on the portion of the house that remains.

All front and side setbacks will be adhered to as shown on the survey and plans provided. The variance request encompasses the rear setback line in an area that will have the least impact on adjacent neighbors/properties.

Sincerely,

Lib Covington

A handwritten signature in black ink, consisting of a stylized 'L' followed by a large, loopy '8'.

Lib and Coates Covington

6/17/2019

A-19-23 Zoning Map



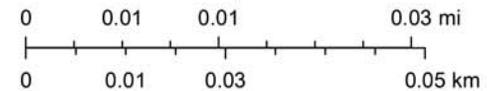
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Tax_Parcels

Residence A District

Residence B 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-19-23

Petition Summary

Request to allow additions and alterations to an existing single family dwelling to be 20.27 feet from the rear property line (south) in lieu of the required 35 feet, to remain as located 11.41 from the side property line (east) and to be 12.38 from the side property line (south), both in lieu of the required 12.5 feet.

Background

On August 20, 2018, the Board approved a request on this same property (A-18-19) to allow a new single family dwelling to be 8.6 feet from the rear property line (south) in lieu of the required 35 feet (see attached survey from 2018).

Analysis

The hardship in this case is the irregular shape of the lot. As may be seen on the attached proposed survey, the allowable buildable area is shallow from front to back.

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

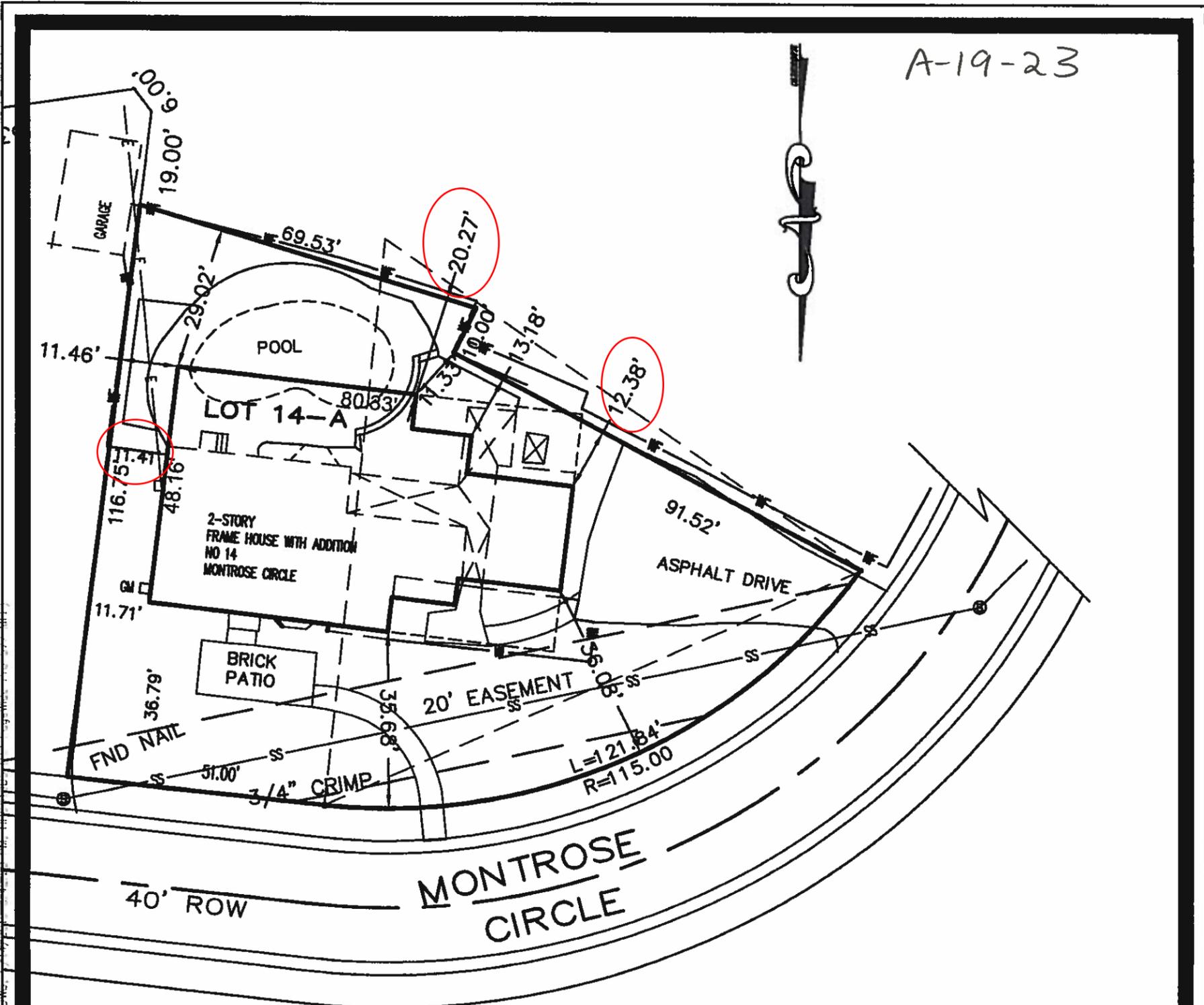
Appends

LOCATION: 14 Montrose Circle

ZONING DISTRICT: Res-B

OWNERS: Lib and Coates Covington

A-19-23



STATE OF ALABAMA
JEFFERSON COUNTY

I, JOSEPH A. MILLER, IN A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY TO:
THE OWNER LISTED BELOW ON THE DATE SHOWN BELOW
THAT THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME AND DESCRIBED OF:
RECORD SURVEY AND PLOT PLAN FOR ADDITION:
LOT 14 A OF RESURVEY OF LOT 14 MONTROSE
AS RECORDED IN MAP BOOK 248, PAGE 73, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NONEXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAINING 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 BUILDINGS NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVENWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING SERVICE WIRES THAT SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, INCLUDING POLES, ANCHORS, AND GUY WIRES, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA PANEL NUMBER 0107300413 G DATE: SEPTEMBER 29, 2006, THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, ZONING RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY OF EASEMENTS OR RESTRICTIONS.

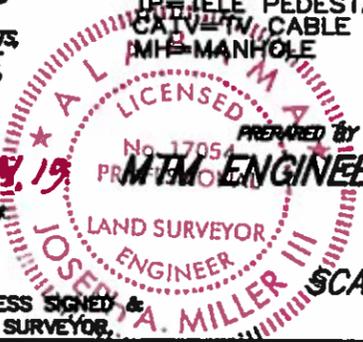
THE CORRECT STREET ADDRESS IS: 14 Montrose, Mountain Brook, AL

FEMA PANEL: # 0107300413 G DATED: SEPTEMBER 29, 2006
DATE: 06.14.19 FILED: MONTROSE RESURVEY 14A
INVOICE NO. 190296 ATTORNEY: NONE
ORDERED BY: COVINGTON 65.23.19
OWNER: COATES COVINGTON
FIELD FILE: RESURVEY OF LOT 14 MONTROSE.TXT
SURVEYOR AND FIELD WORK DATE: JBC-06.14.19
DRAWN BY AND DATE: JBC ON 06.14.19

JOSEPH A. MILLER, III, P.E. & L.S. NO 17054
2217 10TH COURT SOUTH
BIRMINGHAM, ALABAMA 35205
TELEPHONE (205) 320-0114

ORIGINAL SURVEY—NOT VALID UNLESS SIGNED & SEALED IN RED INK BY THE ABOVE SURVEYOR.

- IPS=SET 5\8" REBAR
- IPF=FOUND REBAR
- X=CROSS
- CO=CLEANOUT
- ICV=IRRIGATION CONTROL VALVE
- MB=MAILBOX
- LP=LIGHTPOST
- GM=GASMETER
- PM=POWER METER
- WM=WATER METER
- PB=POWER BOX
- TP=TELE PEDESTAL
- CAV=TV, CABLE BOX
- MF=MANHOLE



PREPARED BY
MTM ENGINEERS, INC.

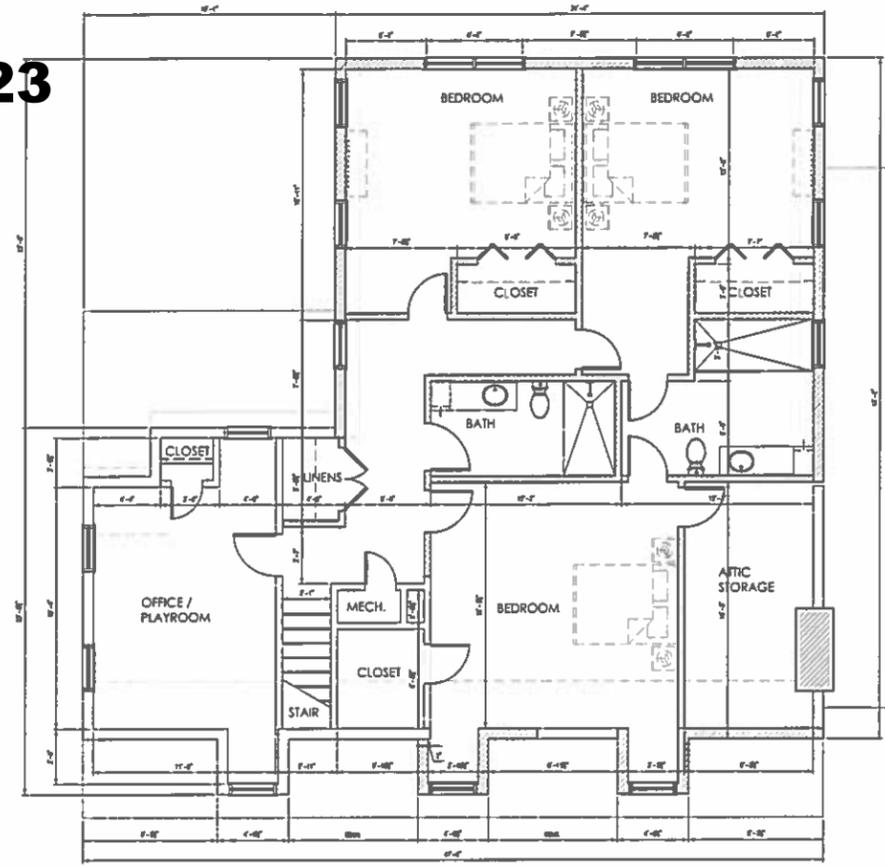
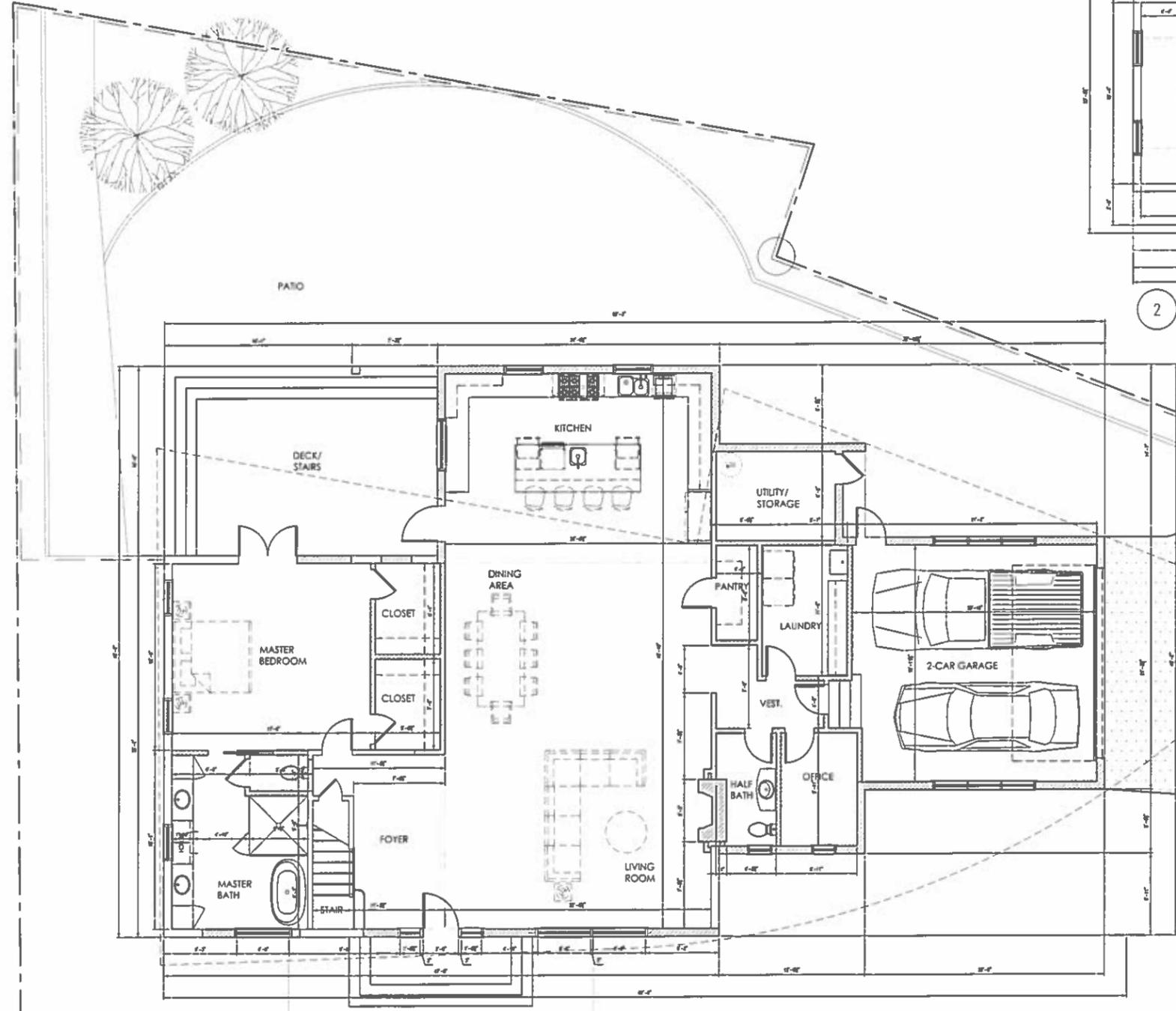
SCALE: 1" = 30'

A-19-23

NOT FOR
CONSTRUCTION

PROJECT NAME.

PRIVATE RESIDENCE AT
14 MONTROSE CIRCLE
MOUNTAIN BROOK, ALABAMA



NO.	REVISION	DATE

DATE: 5/29/19

PROJECT NO.

SHEET NO.

MAIN & SECOND LEVEL
NEW CONSTRUCTION
PLANS

A2.1

A-19-23

NOT FOR
CONSTRUCTION

PROJECT NAME.

PRIVATE RESIDENCE AT
14 MONTROSE CIRCLE
MOUNTAIN BROOK, ALABAMA

NO.	REVISION	DATE

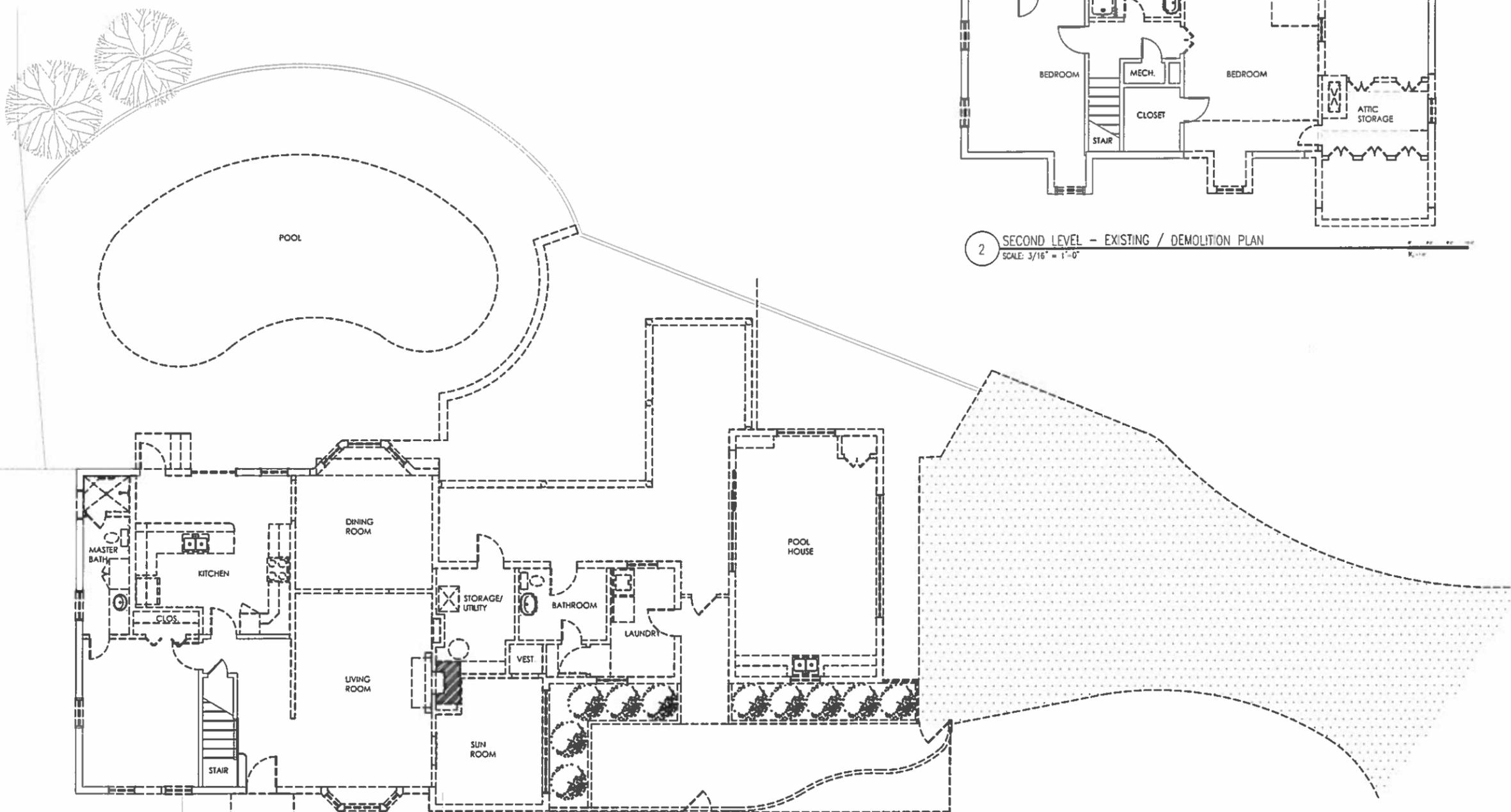
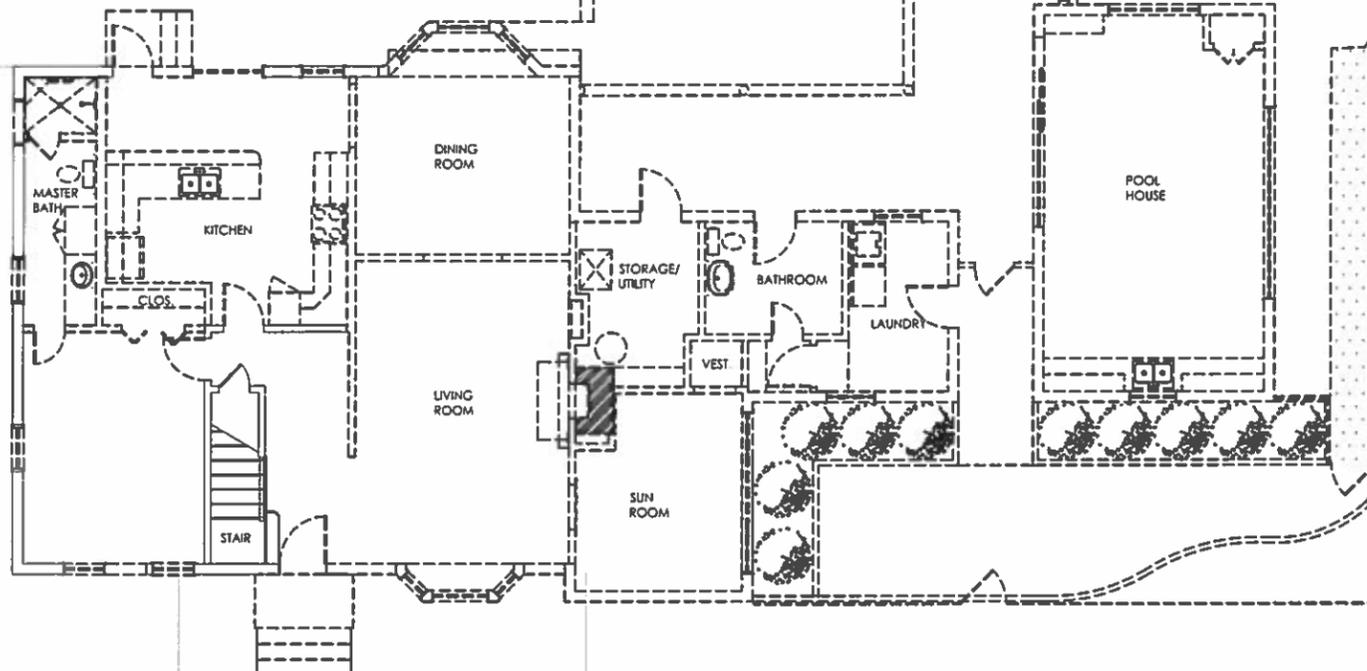
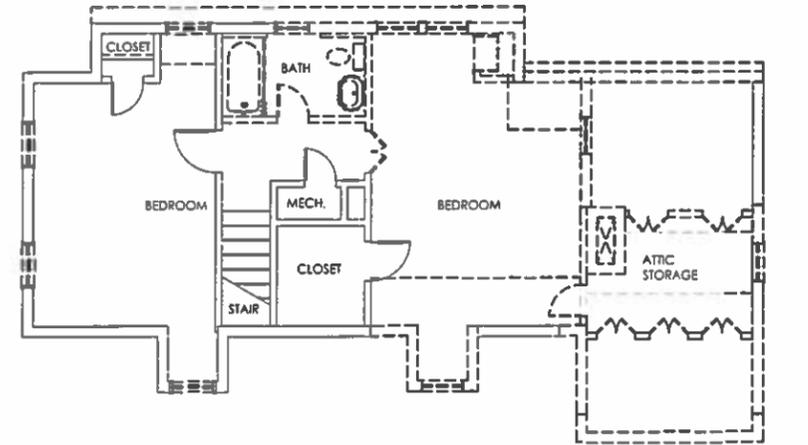
DATE:
5/29/19

PROJECT NO.

SHEET NO.

MAIN & SECOND LEVEL
EXISTING/
DEMOLITION PLANS

AI.1



A-19-23

NOT FOR
CONSTRUCTION

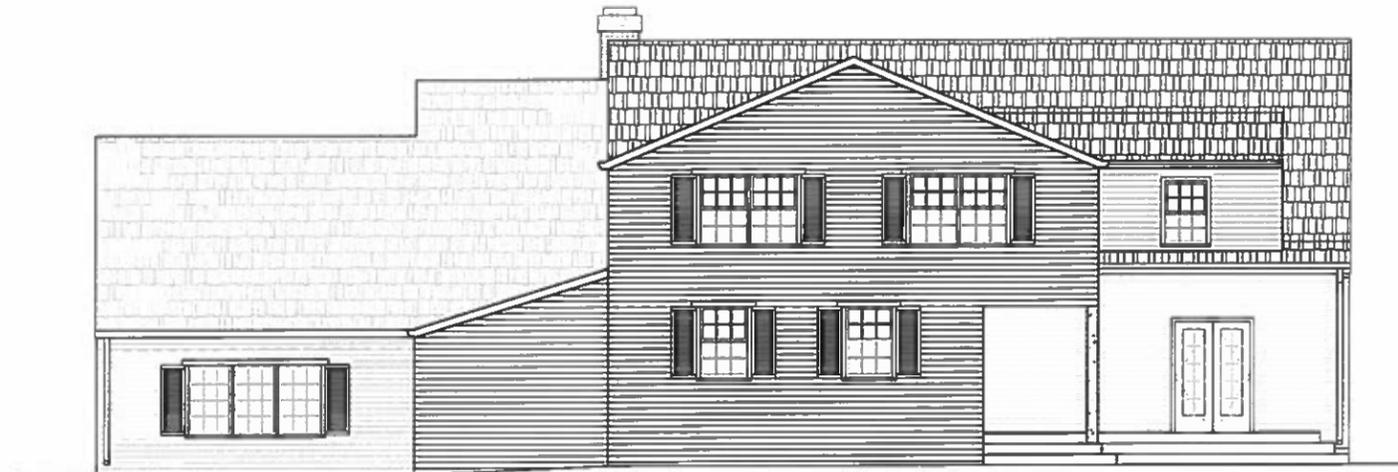
PROJECT NAME



A FRONT ELEVATION (05.28.2019)
SCALE: 3/16" = 1'-0"



B RIGHT SIDE ELEVATION (05.28.2019)
SCALE: 3/16" = 1'-0"



C BACK ELEVATION (05.28.2019)
SCALE: 3/16" = 1'-0"



D LEFT SIDE ELEVATION (05.28.2019)
SCALE: 3/16" = 1'-0"

PRIVATE RESIDENCE AT
14 MONTROSE CIRCLE
MOUNTAIN BROOK, ALABAMA

NO.	REVISION	DATE

DATE: 5/29/19

PROJECT NO.

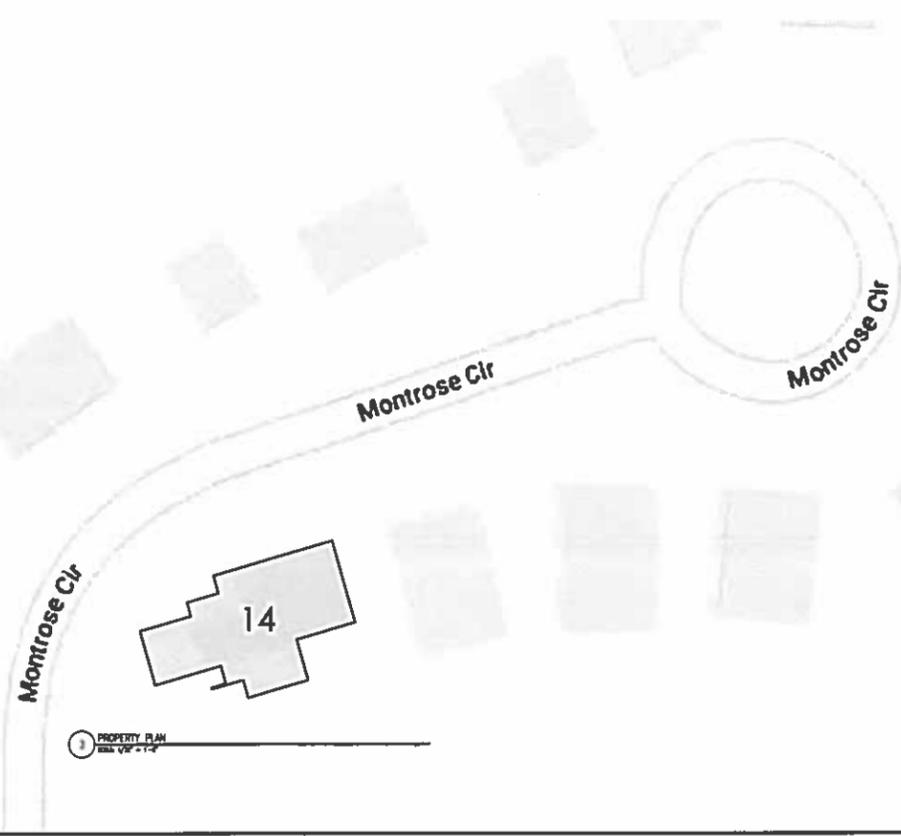
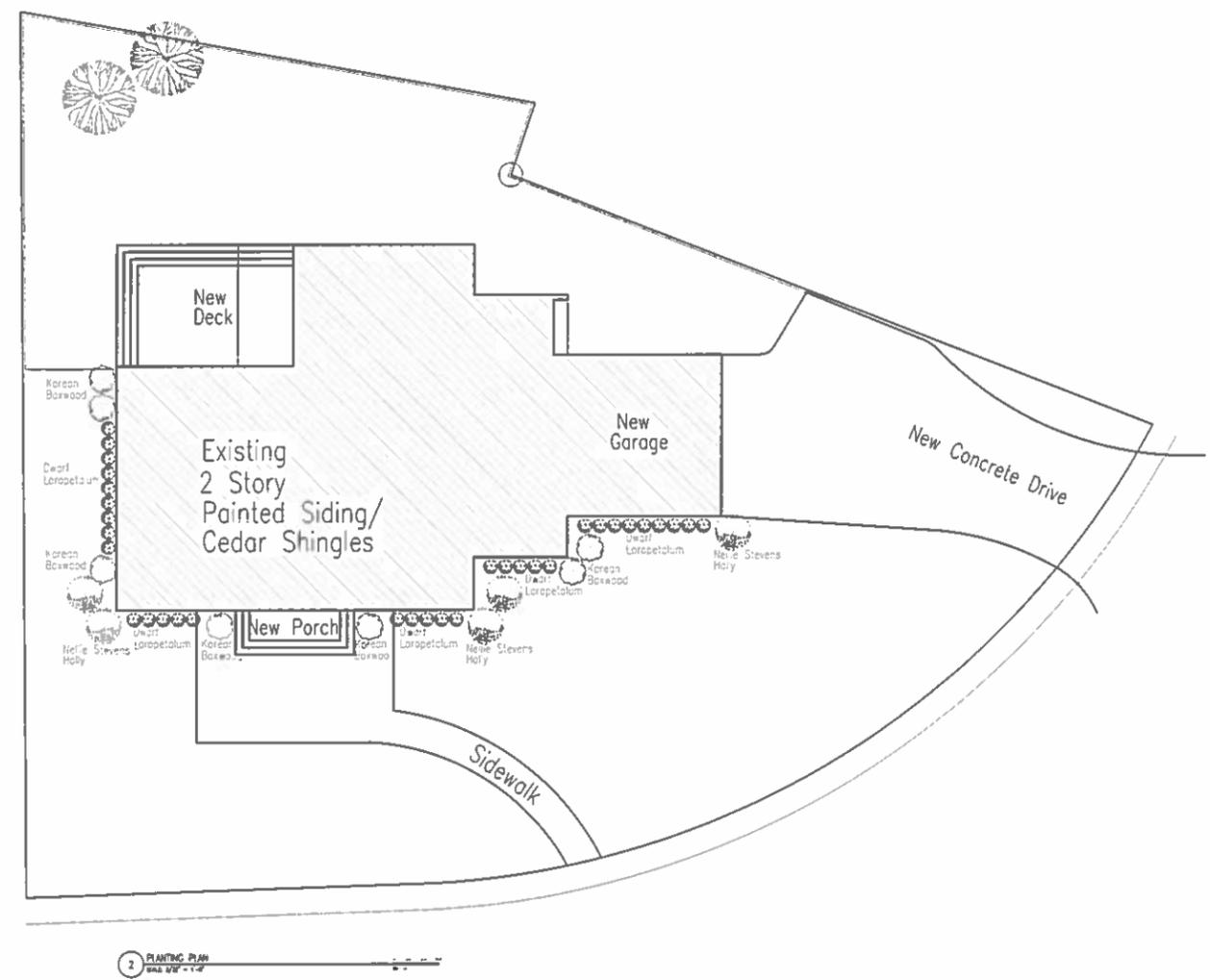
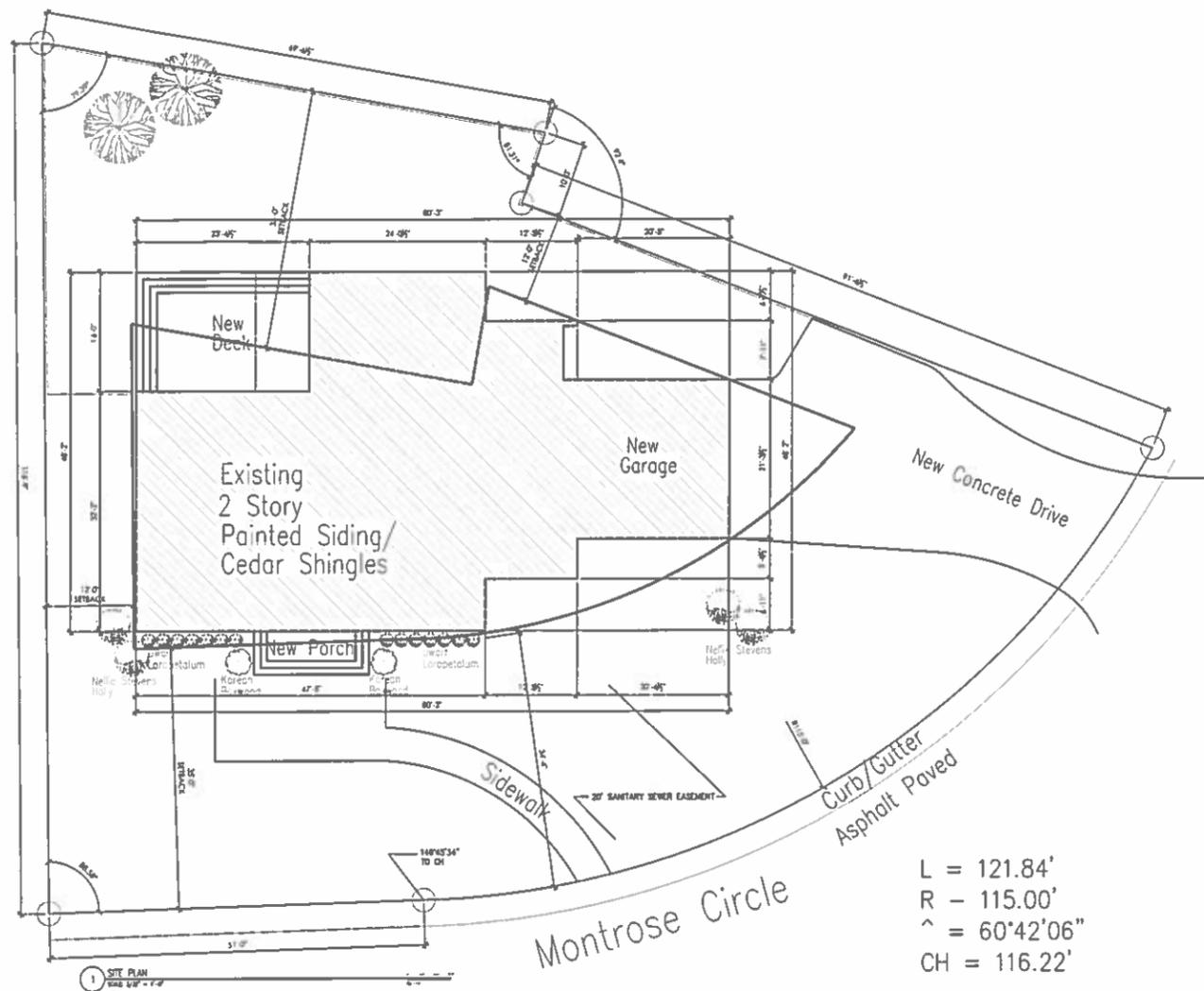
SHEET NO.

EXTERIOR
ELEVATIONS
A4.1

**NOT FOR
CONSTRUCTION**

PROJECT NAME

**PRIVATE RESIDENCE AT
14 MONTROSE CIRCLE
MOUNTAIN BROOK, ALABAMA**



NO.	REVISION	DATE

DATE: 5/29/19

PROJECT NO.

SHEET NO.
SITE PLAN,
PLANTING PLAN,
PROPERTY PLAN

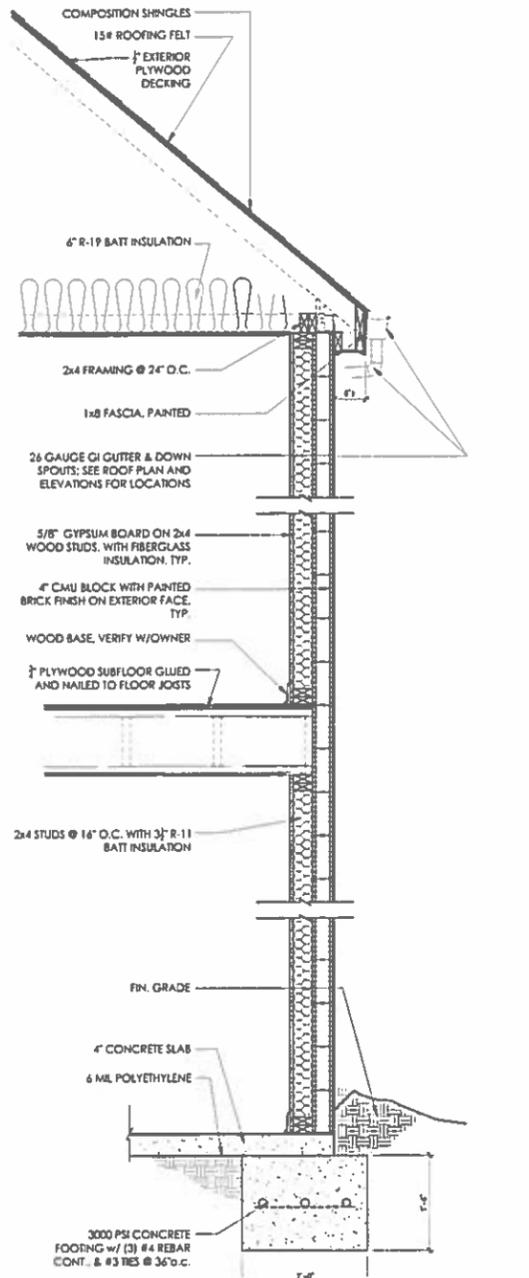
A5.1

A-19-23

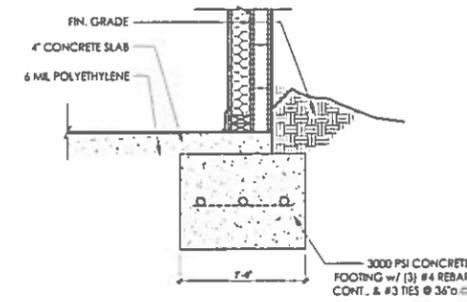
NOT FOR CONSTRUCTION

PROJECT NAME.

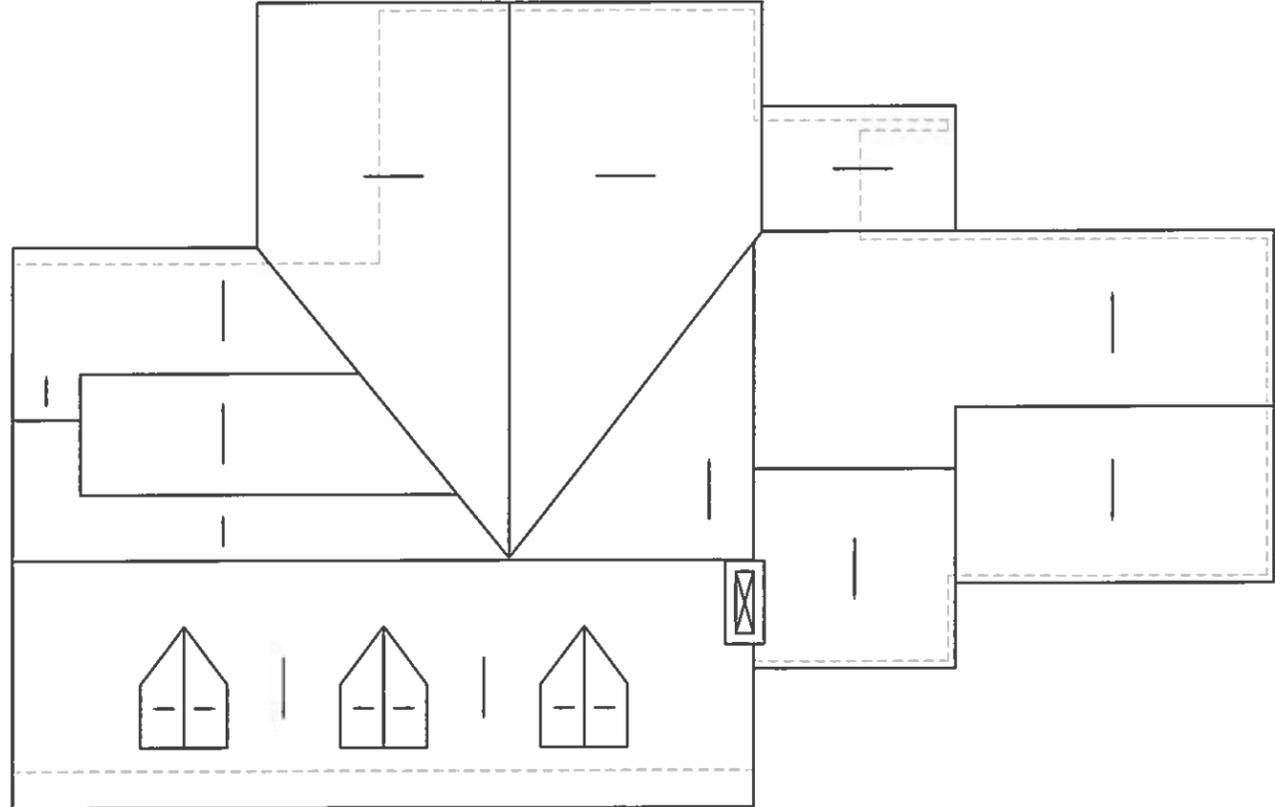
PRIVATE RESIDENCE AT
 14 MONTROSE CIRCLE
 MOUNTAIN BROOK, ALABAMA



A TYP. WALL SECTION
 3/4" = 1'-0"
 SCALE: 0 8" 1'-4" 2'-8"



B TYP. FOOTING DETAIL
 3/4" = 1'-0"
 SCALE: 0 8" 1'-4" 2'-8"



1 PROPOSED NEW ROOF PLAN (05.28.2019)
 SCALE: 3/16" = 1'-0"

NO.	REVISION	DATE

DATE: 5/29/19

PROJECT NO.

SHEET NO.

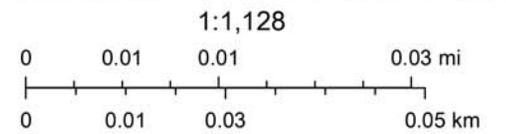
ROOF PLAN /
 ELEVATION /
 WALL SECTION

A3.1

A-19-23 Aerial



7/11/2019, 11:02:27 AM



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 odd shape of the parcel is the direct cause of hardship. The lot is in the crux of surrounding parcels and was originally sacrificed to allow

for cleaner lot lines on adjacent properties. It is a pie shape that narrows toward the rear and it has severe offsets on the side and rear lot lines.

A substantial amount of area within the setbacks is unbuildable because of the triangular and radial bounds. The approximate unbuildable area is

greater than that of what is being requested at the rear. Also, the rear extension is significantly shorter than the neighboring home.

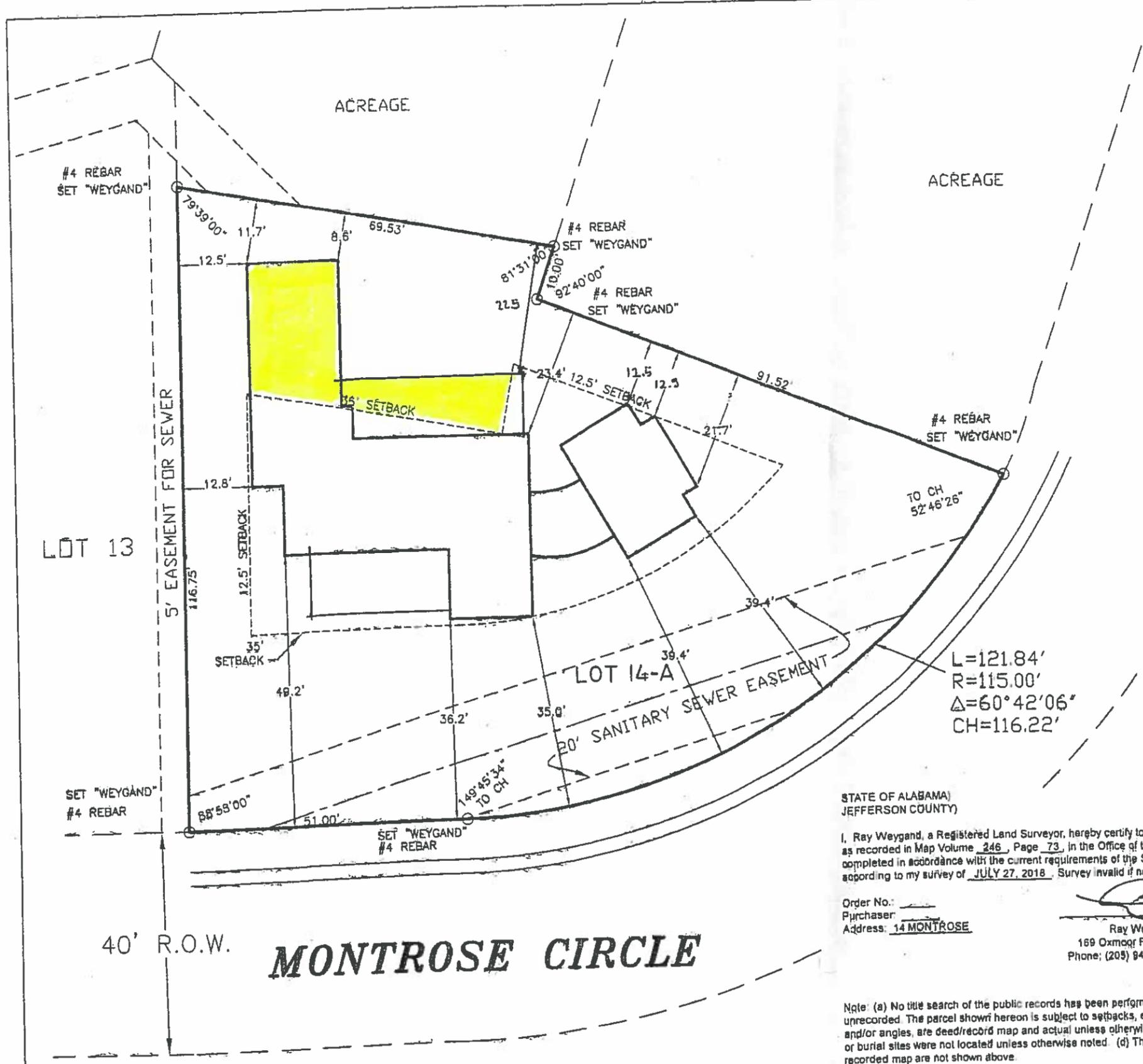
Was the condition from which relief is sought a result of action by the applicant? (i.e., *self-imposed hardship* such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

No. All conditions are preexisting

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

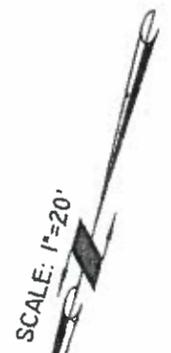
The proposed residence is a direct reponse to the shape of the lot. It is in harmony with the intent of the zoning regulations and is respectfully in keeping with the scale of the surrounding (original) houses.

Previous Approval A-18-19



LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LONG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
M/H	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
C	CENTERLINE
A/C	AIR CONDITIONER
●	POLE
—x—	ANCHOR
-x-	FENCE
—x—	POWER LINE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL



"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 14-A, RESURVEY OF LOT 14 MONTROSE, as recorded in Map Volume 246, 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 JULY 27, 2018. Survey invalid if not sealed in red.

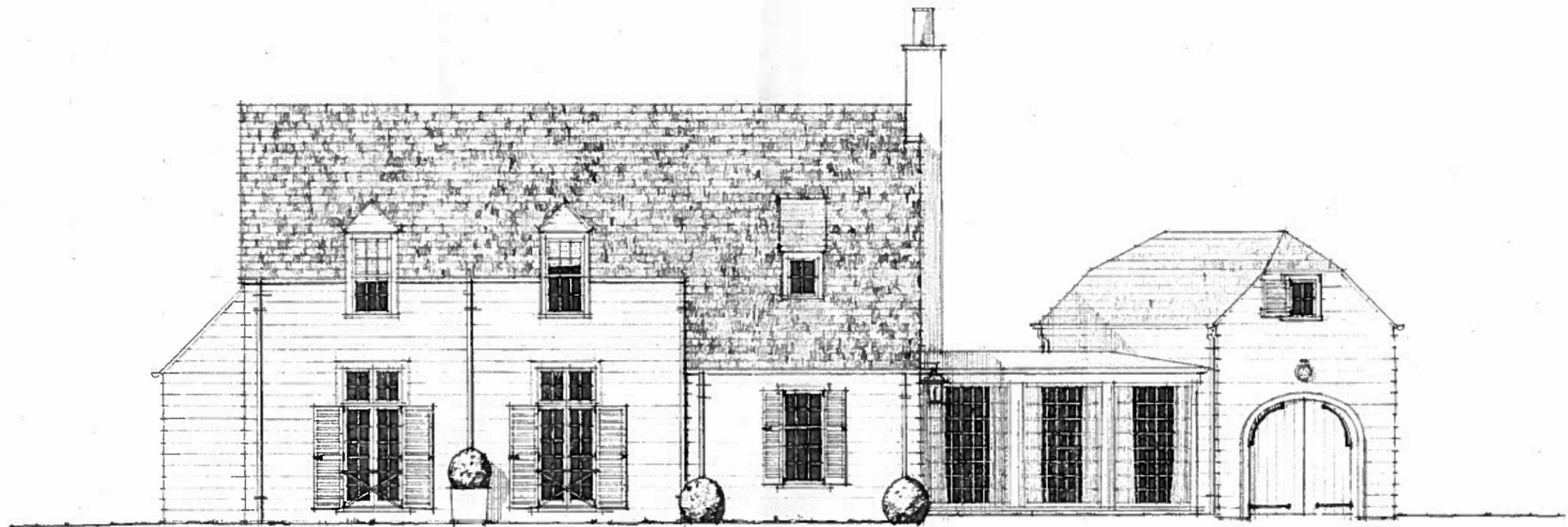
Order No.: _____
 Purchaser: _____
 Address: 14 MONTROSE

[Signature]
 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. (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.

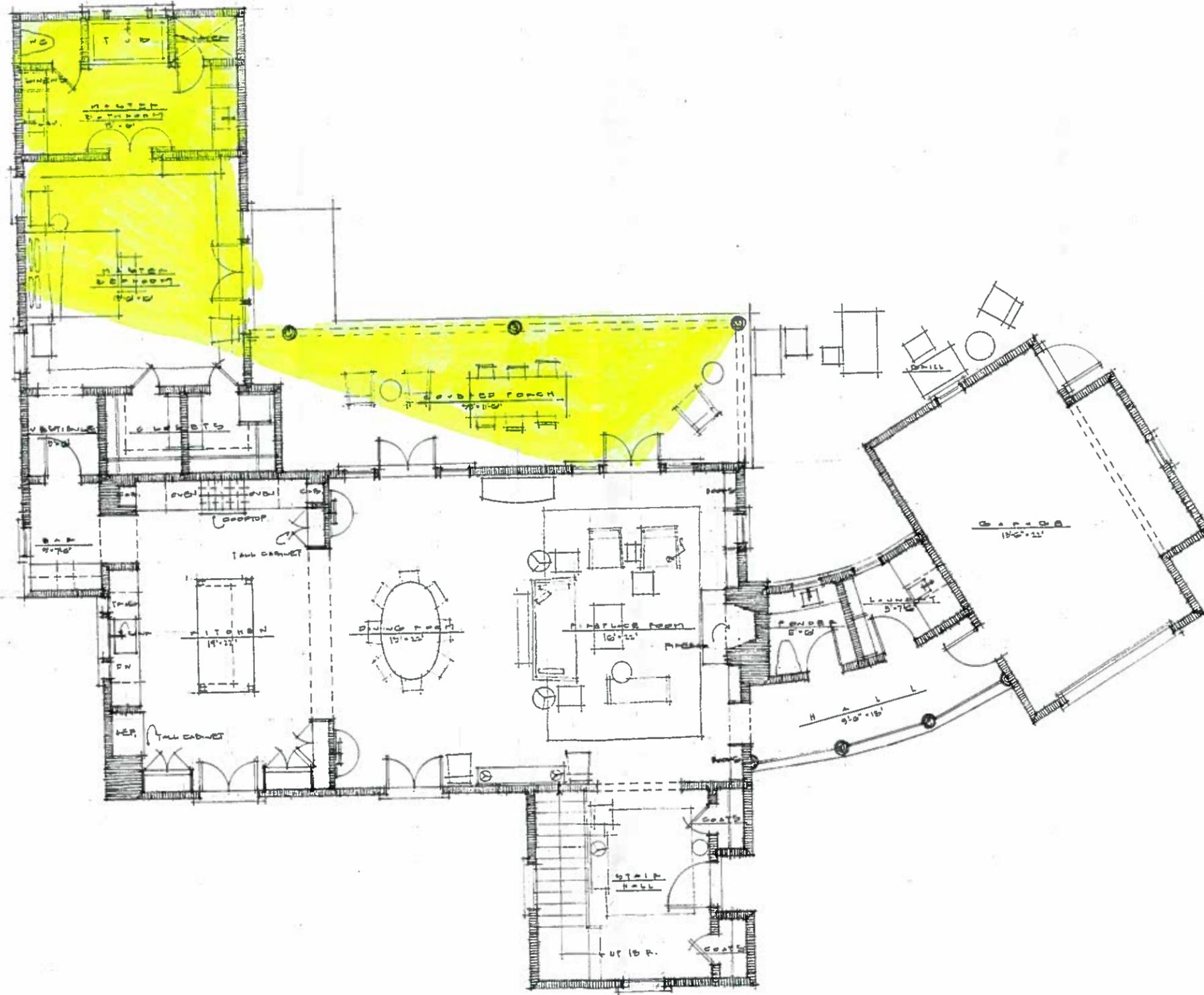
Previous Approval A-18-19



renovations and additions for
lib & coates covington

14 montrose circle
mountain brook, alabama

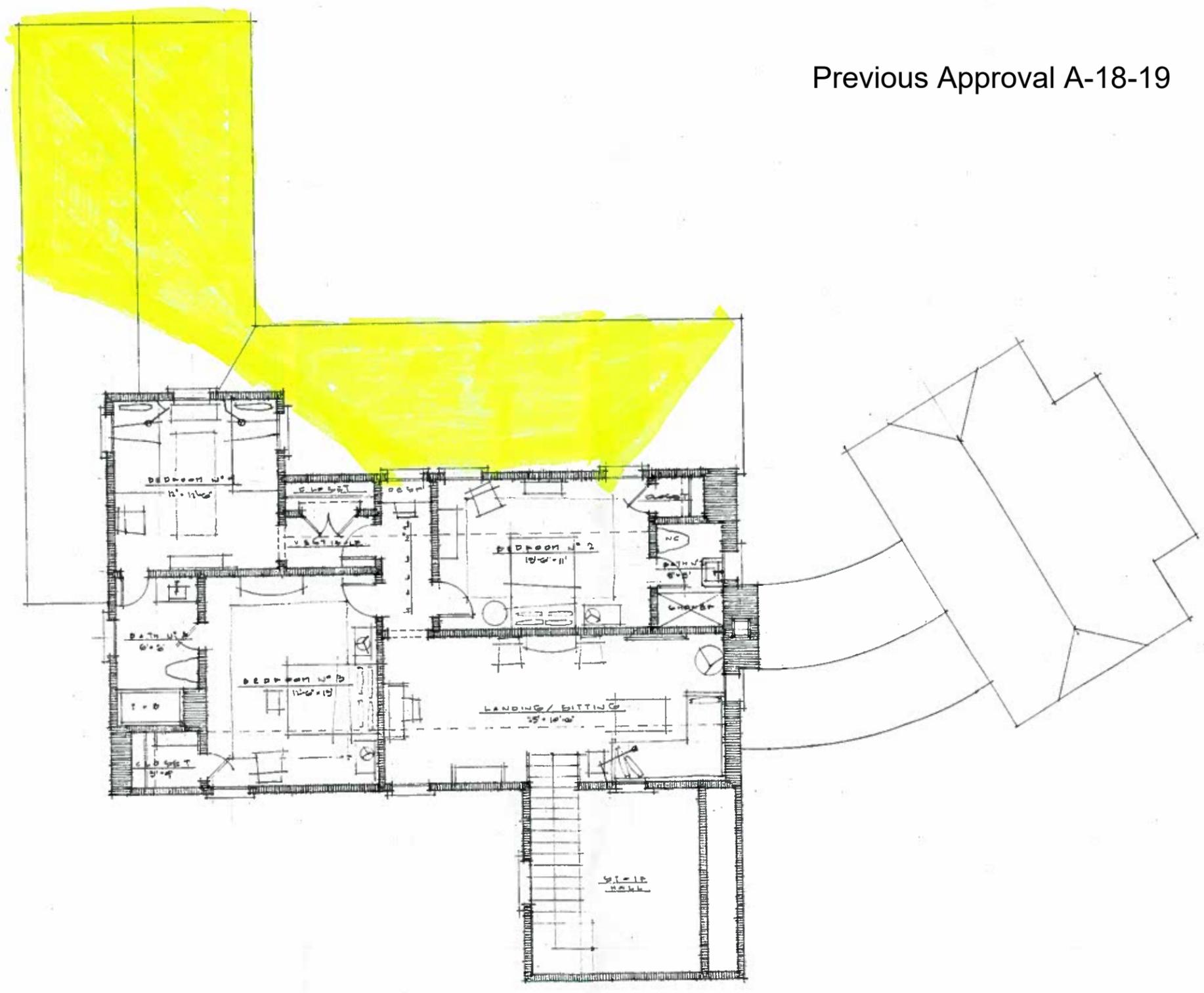
JAMES LAUGHLIN



main floor plan
1/4" = 1'-0"

JAMES LAUGHLIN

Previous Approval A-18-19



upper floor plan
7-1-0

JAMES LAUGHLIN

Previous Approval A-18-19



entry/rear elevation
West

JAMES LAUGHLIN



Variance Application - Part I

Project Data

Address of Subject Property 3532 ROCKHILL RD

Zoning Classification RESIDENCE A DISTRICT

Name of Property Owner(s) ART AND MARIE FREEMAN

Phone Number (205) 908-1437 Email ART.FREEMAN@GMAIL.COM

Name of Surveyor ORIGINAL - JOSEPH MILLER, JR CURRENT: JOSEPH MILLER, III

Phone Number (205) 320-0114 Email SDUGAN@MTMENGINERS.COM
JMILLER@MTMENGINERS.COM

Name of Architect (if applicable) DESIGN INITIATIVES

Phone Number (205) 757-8311 Email KRIS@DESIGN-INITIATIVE.NET

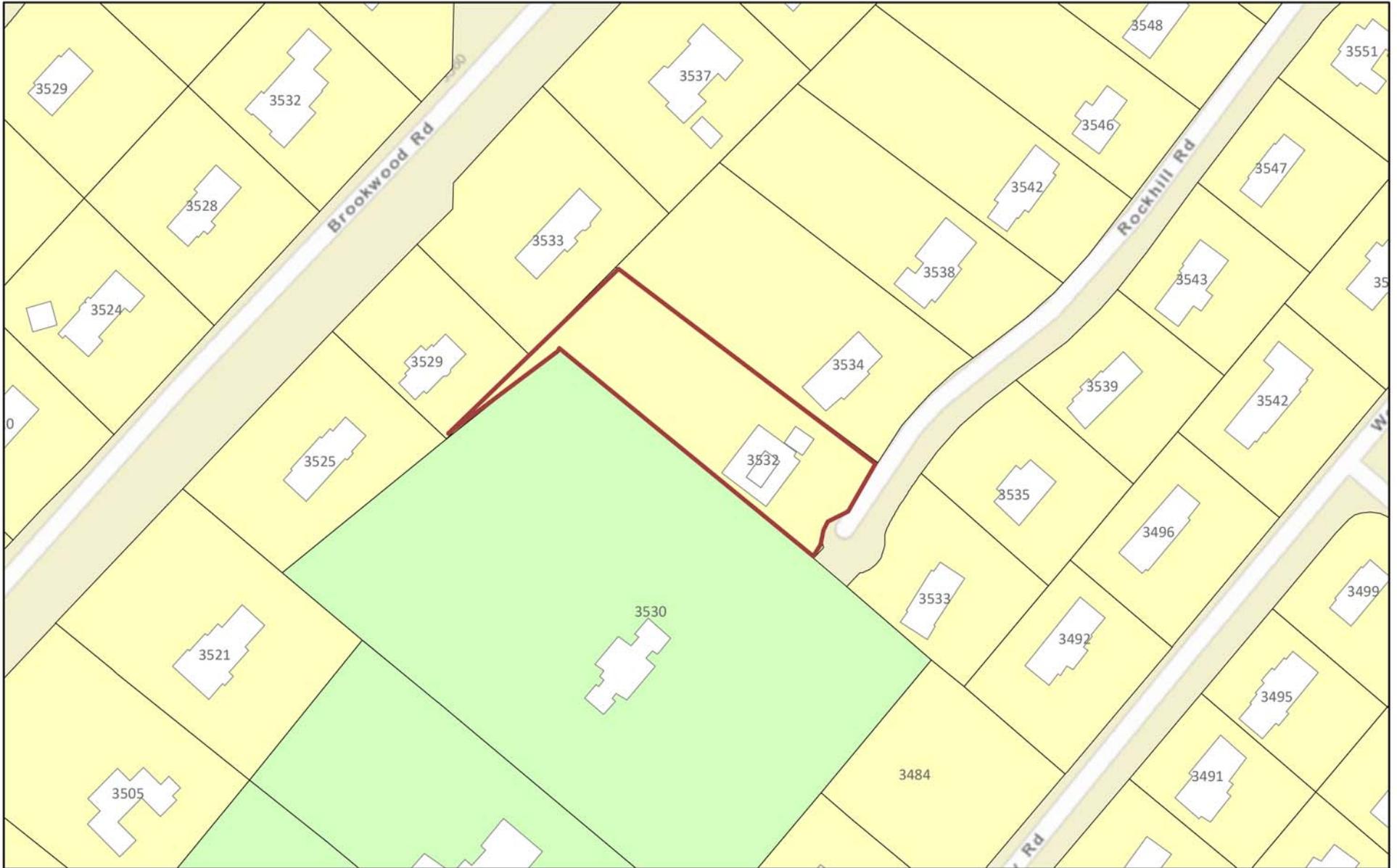


Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15 FT	19 FT	11 FT
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			

A-19-24 Zoning



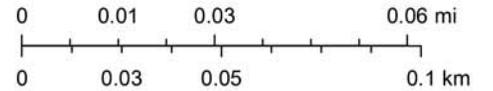
7/11/2019, 12:00:25 PM

Tax_Parcels

Estate Residence District

Residence A District

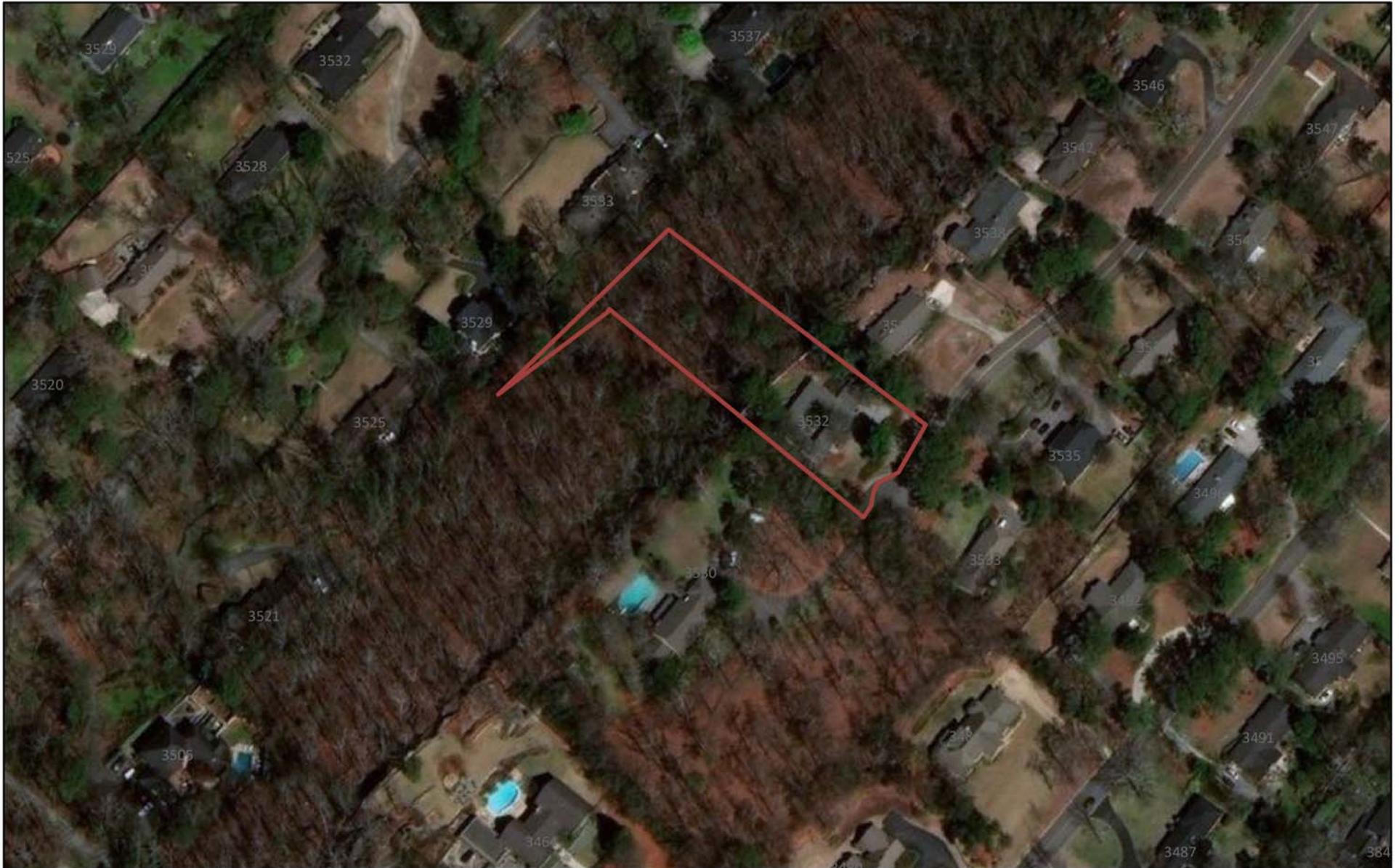
1:2,257



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

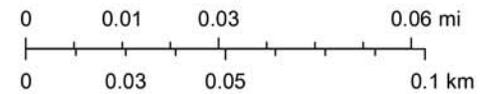
Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

A-19-24 Aerial



7/11/2019, 12:02:16 PM

1:2,257



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

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

Report to the Board of Zoning Adjustment

A-19-24

Petition Summary

Request to allow additions and alterations to an existing single family dwelling to be 11 feet from the side property line (northeast) in lieu of the required 15 feet.

Analysis

The hardships in this case are topography (steep front and rear yards) and existing design constraints. The proposal involves a new carport with an open deck above; additions and alterations along the right side property line require variance approval.

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

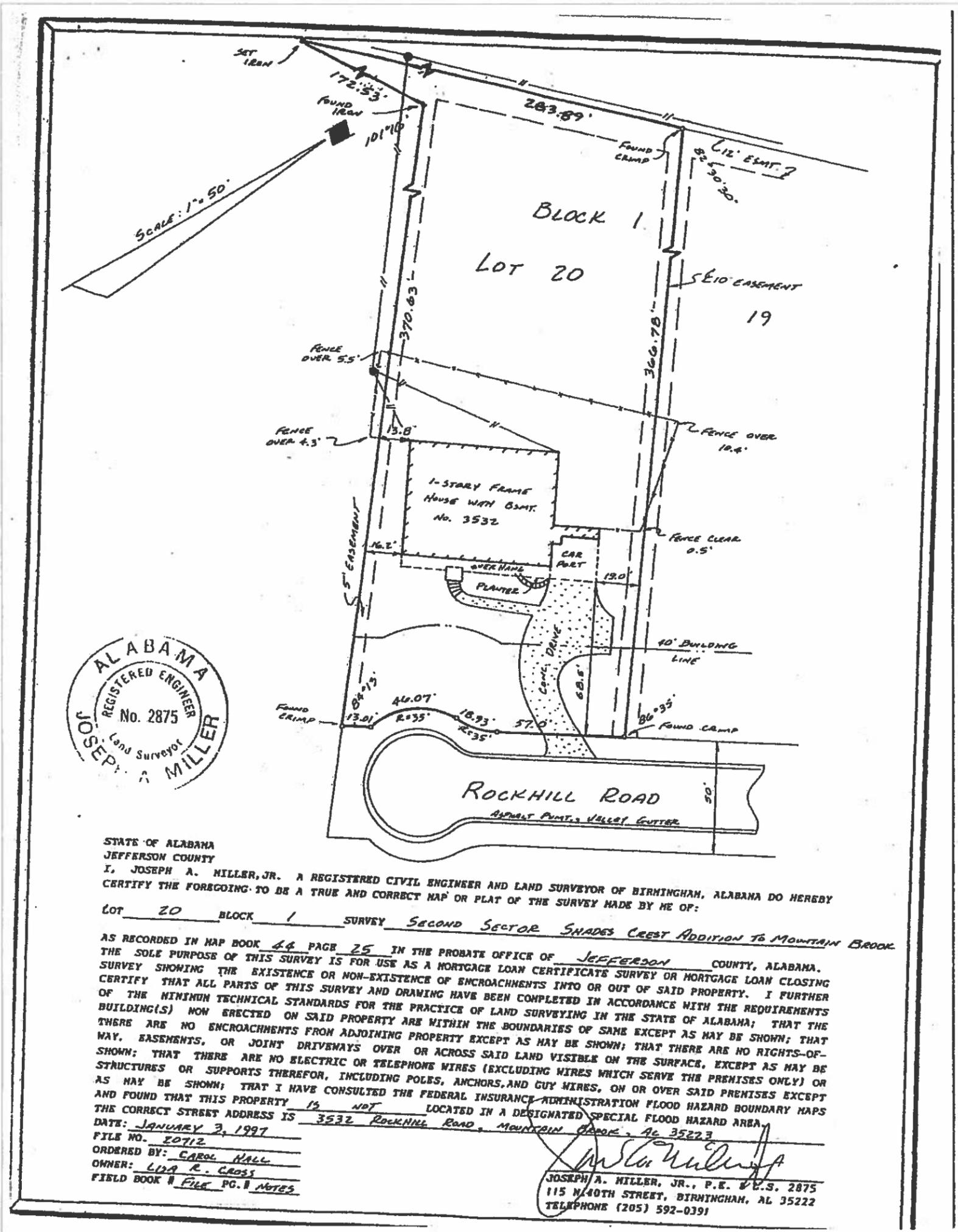
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 3532 Rockhill Road

ZONING DISTRICT: Res-A

OWNERS: Art and Marie Freeman



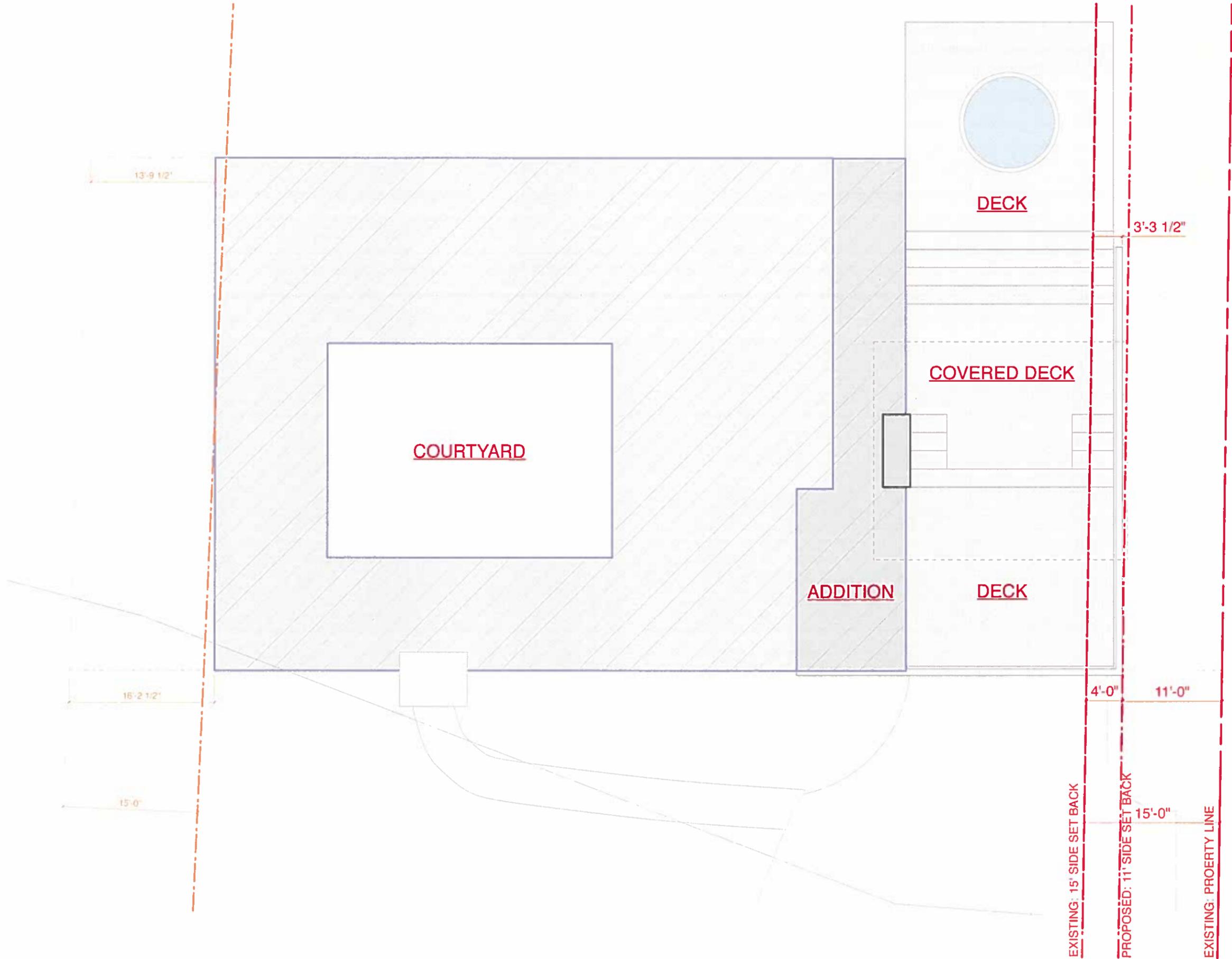
STATE OF ALABAMA
JEFFERSON COUNTY
I, JOSEPH A. MILLER, JR. A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME OF:

Lot 20 Block 1 SURVEY SECOND SECTOR SHADES CREST ADDITION TO MOUNTAIN BROOK

AS RECORDED IN MAP BOOK 44 PAGE 25 IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA. THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NON-EXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA; THAT THE BUILDING(S) NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS-OF-WAY, EASEMENTS, OR JOINT DRIVENAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE, EXCEPT AS MAY BE 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, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED SPECIAL FLOOD HAZARD AREA.

DATE: JANUARY 3, 1997
FILE NO. 20712
ORDERED BY: CAROL HALL
OWNER: LISA R. CROSS
FIELD BOOK # FILE PG. 8 NOTES

Joseph A. Miller, Jr.
JOSEPH A. MILLER, JR., P.E. No. 2875
115 N. 40TH STREET, BIRMINGHAM, AL 35222
TELEPHONE (205) 592-0391



EXISTING: 15' SIDE SET BACK

PROPOSED: 11' SIDE SET BACK

EXISTING: PROERTY LINE



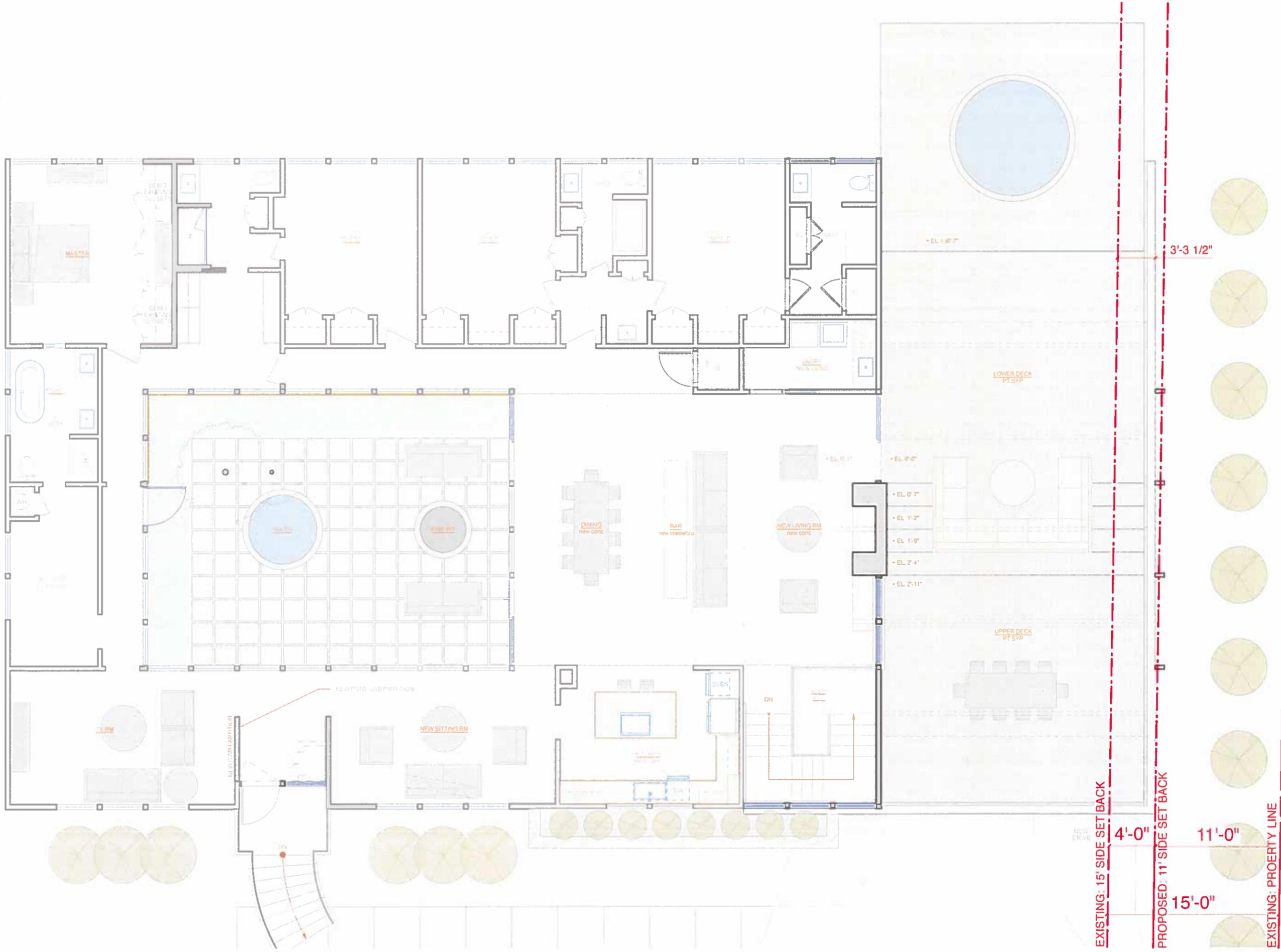
SITE PLAN - PROPOSED

FREEMAN RESIDENCE
3532 ROCKHILL ROAD
BIRMINGHAM, AL 35223

SCALE: 3/32" = 1'-0"
DATE: 21 JUNE 2019



A-01



EXISTING: 15' SIDE SET BACK

PROPOSED: 11' SIDE SET BACK

EXISTING: PROPERTY LINE

15'-0"

4'-0"

11'-0"

3'-3 1/2"



SITE PLAN - PROPOSED

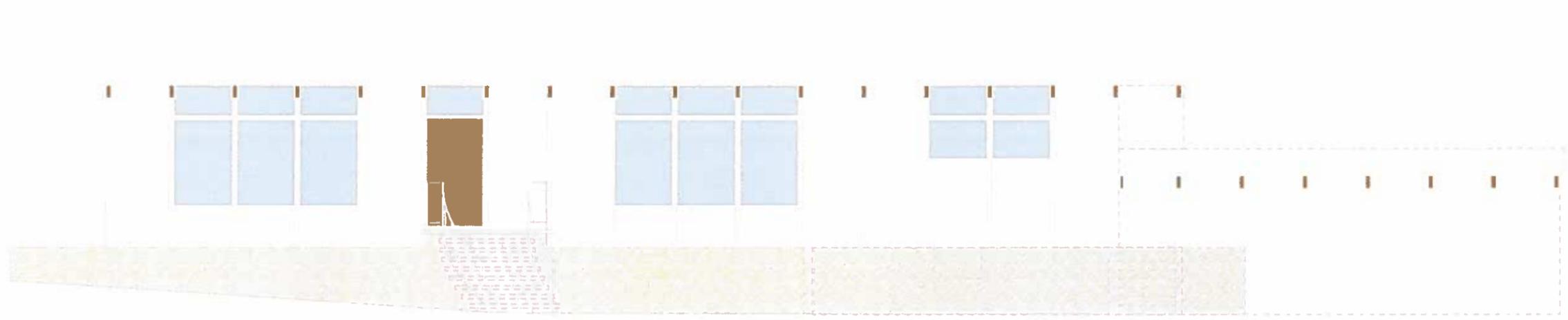
FREEMAN RESIDENCE
 3532 ROCKHILL ROAD
 BIRMINGHAM, AL 35223

SCALE: 1/8" = 1'-0"
 DATE: 21 JUNE 2019

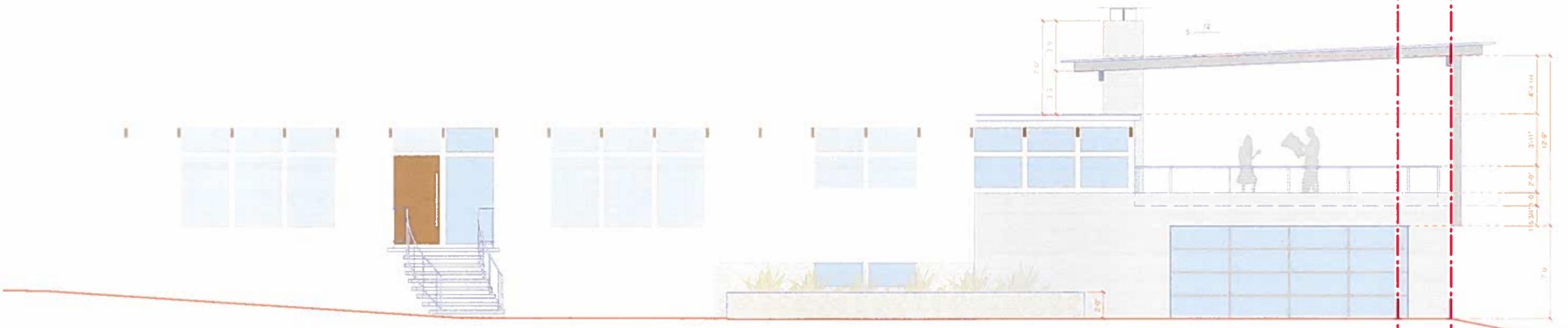
design
 initiative

2405 1ST AVENUE SOUTH, SUITE 101, BIRMINGHAM, AL 35233





EXISTING ELEVATION



PROPOSED ELEVATION

EXISTING:
15' SIDE SET BACK

PROPOSED:
11' SIDE SET BACK

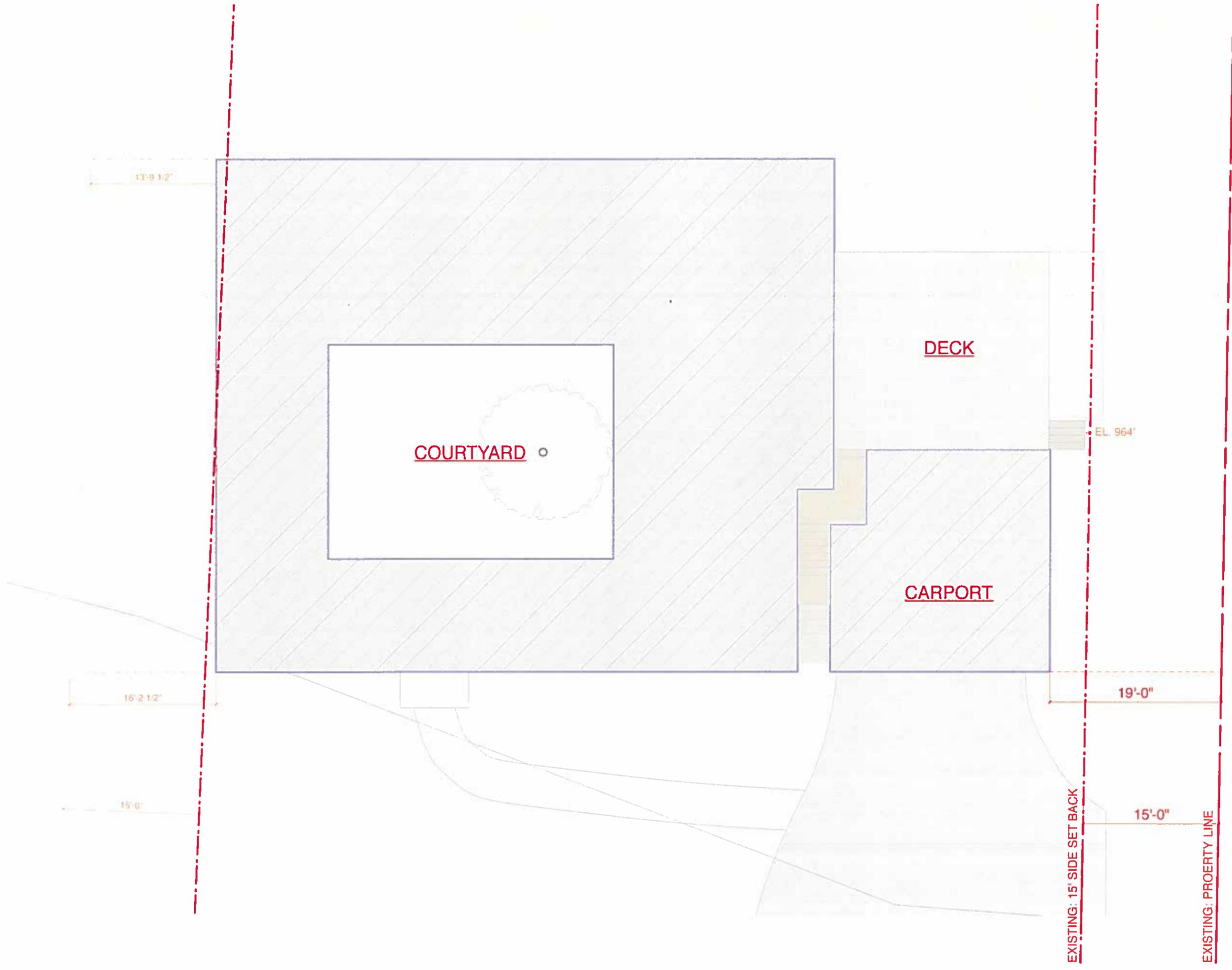
ELEVATION - SOUTH FACING

FREEMAN RESIDENCE
3532 ROCKHILL ROAD
BIRMINGHAM, AL 35223

SCALE: 1/8" = 1'-0"
DATE: 21 JUNE 2019

2405 1ST AVENUE SOUTH, SUITE 101, BIRMINGHAM, AL 35233





SITE PLAN - EXISTING

FREEMAN RESIDENCE
3532 ROCKHILL ROAD
BIRMINGHAM, AL 35223

SCALE: 3/32" = 1'-0"
DATE: 21 JUNE 2019



E-01



3500 Rockhill Rd

A-19-24

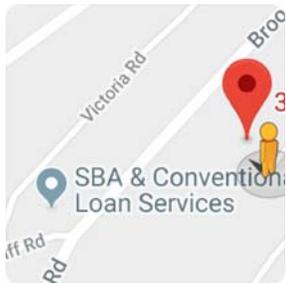


Image capture: Nov 2013 © 2019 Google

Mountain Brook, Alabama



Street View - Nov 2013





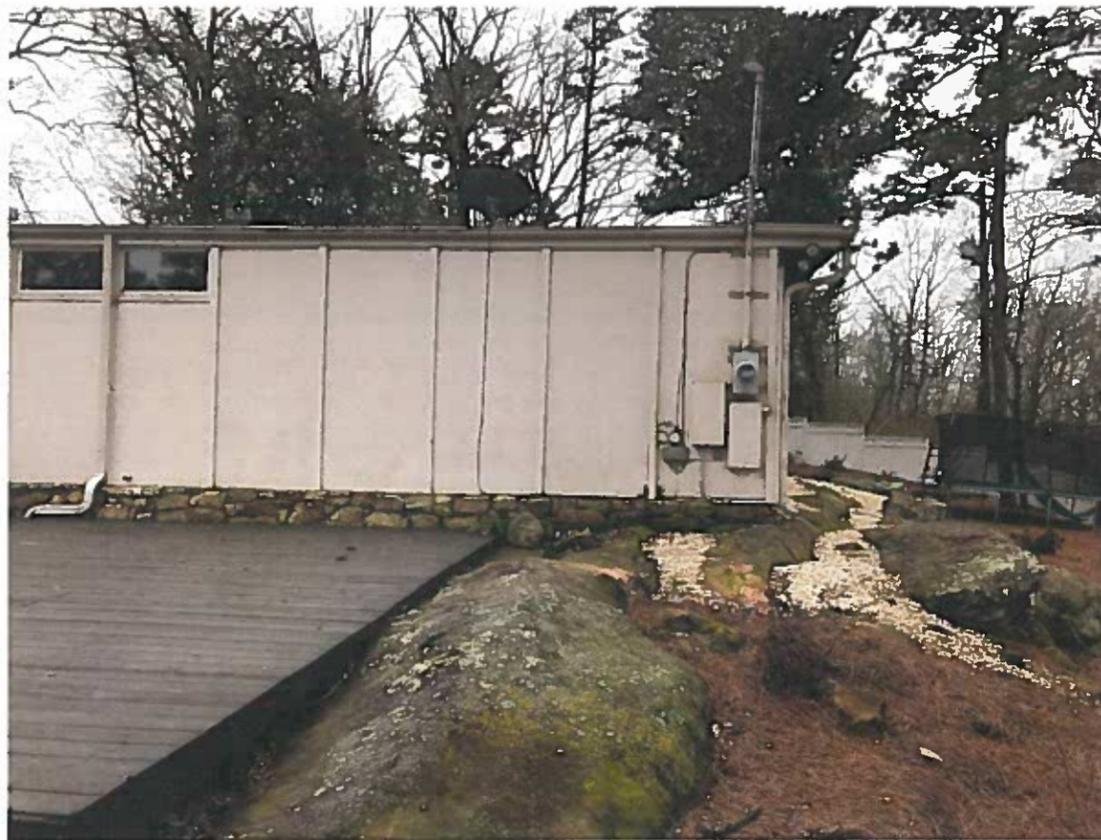
EXISTING CARPORT FROM FRONT



EXISTING CARPORT / EXTERIOR STAIR



EXISTING CARPORT / DECK FROM REAR



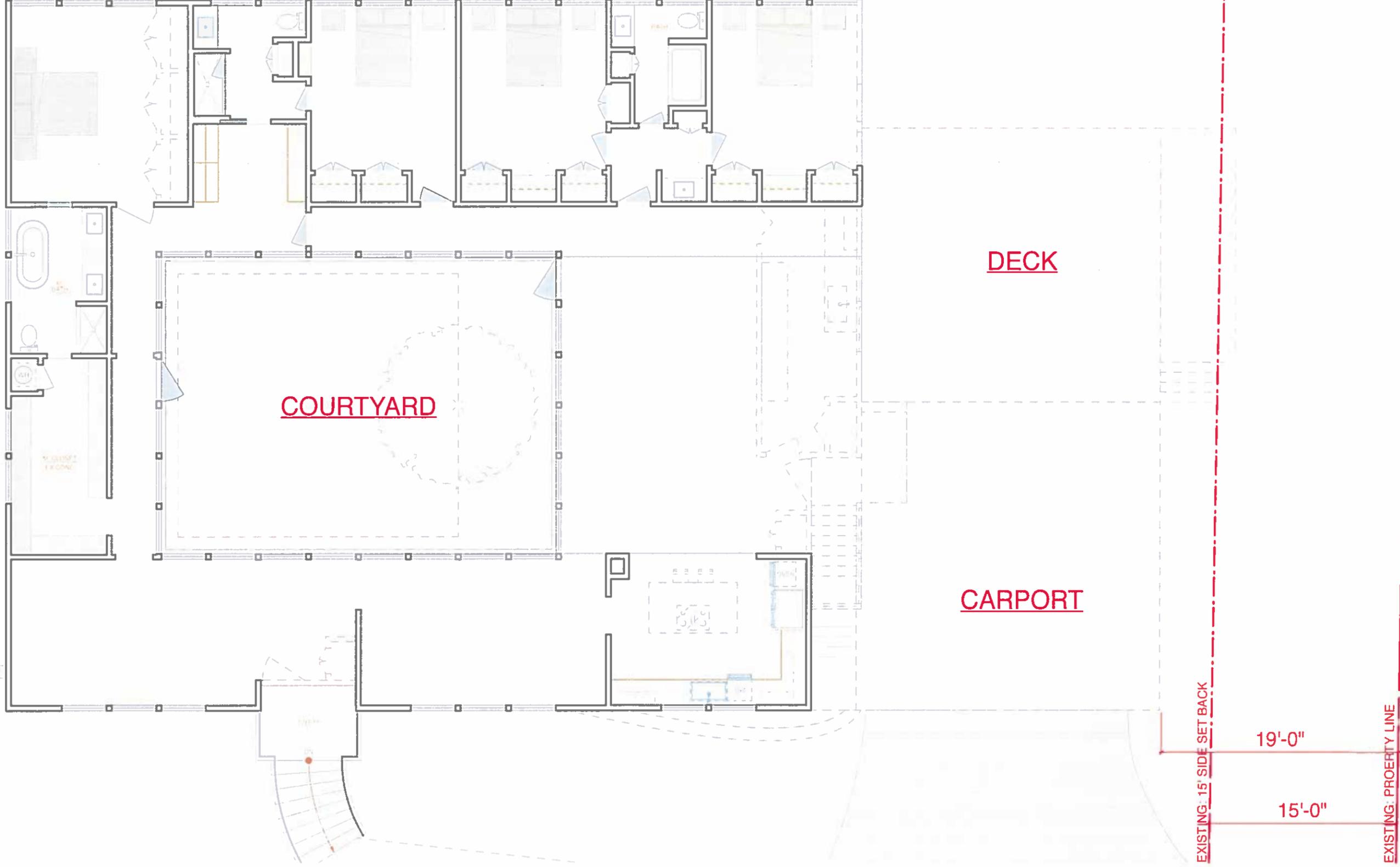
EXISTING REAR GEOLOGY

SCALE: NTS
DATE: 21 JUNE 2019

EXISTING PHOTOS
FREEMAN RESIDENCE
3532 ROCKHILL ROAD
BIRMINGHAM, AL 35223

2405 1ST AVENUE SOUTH, SUITE 101, BIRMINGHAM, AL 35233

A-19-24



FLOOR PLAN - MAIN LEVEL - EXISTING / DEMO

FREEMAN RESIDENCE
3532 ROCKHILL ROAD
BIRMINGHAM, AL 35223

SCALE: 1/8" = 1'-0"
DATE: 21 JUNE 2019

design
initiative

2405 1ST AVENUE SOUTH, SUITE 101, BIRMINGHAM, AL 35233

(205)757-8311



E-02

Anderson Nikolich Design Initiative
Limited Liability Corporation

Freeman Residence – Variance Application

Birmingham, Alabama

Prepared by Design Initiative, LLC

June 21, 2019

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 residence is sited on the top of a rocky ridge with a steep drop off to the front- and rear- yard. The existing home and carport are within the side setbacks and 4ft short of the NW (right) side setback.

The existing carport is undersized for modern vehicles and needs to be enlarged to suit current standards. The existing stair from the carport to the main level of the house is unenclosed, awkward and not code compliant.

Was the condition from which relief is sought a result of the 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 shape and configuration of the house and carport are as originally designed and built.

How would the granting of this variance be consistent with the purpose and intent of the zoning regulations?

While the proposed garage addition will be closer to the adjacent property by 4ft, there will still be 11' of buffer for landscaping between the garage and the property line. In total, the separation between the houses would be approximately 26ft: 11ft for the modified setback plus the neighbors' 15ft setback. The existing front and rear setback as well as the existing 10ft utility easement will be maintained.



Variance Application - Part I

Project Data

Address of Subject Property 3789 VILLAGE LANE

Zoning Classification _____ BROOK RUSSELL 283-6228

Name of Property Owner(s) RAMON BEAN (REP BY RUSSELL BUILDING CO.)

Phone Number 202-3513 Email TROOKARUSSELL@GMAIL.COM

Name of Surveyor SURVEYING SOLUTIONS

Phone Number 991-8965 Email _____

Name of Architect (if applicable) KELVIN TERRY

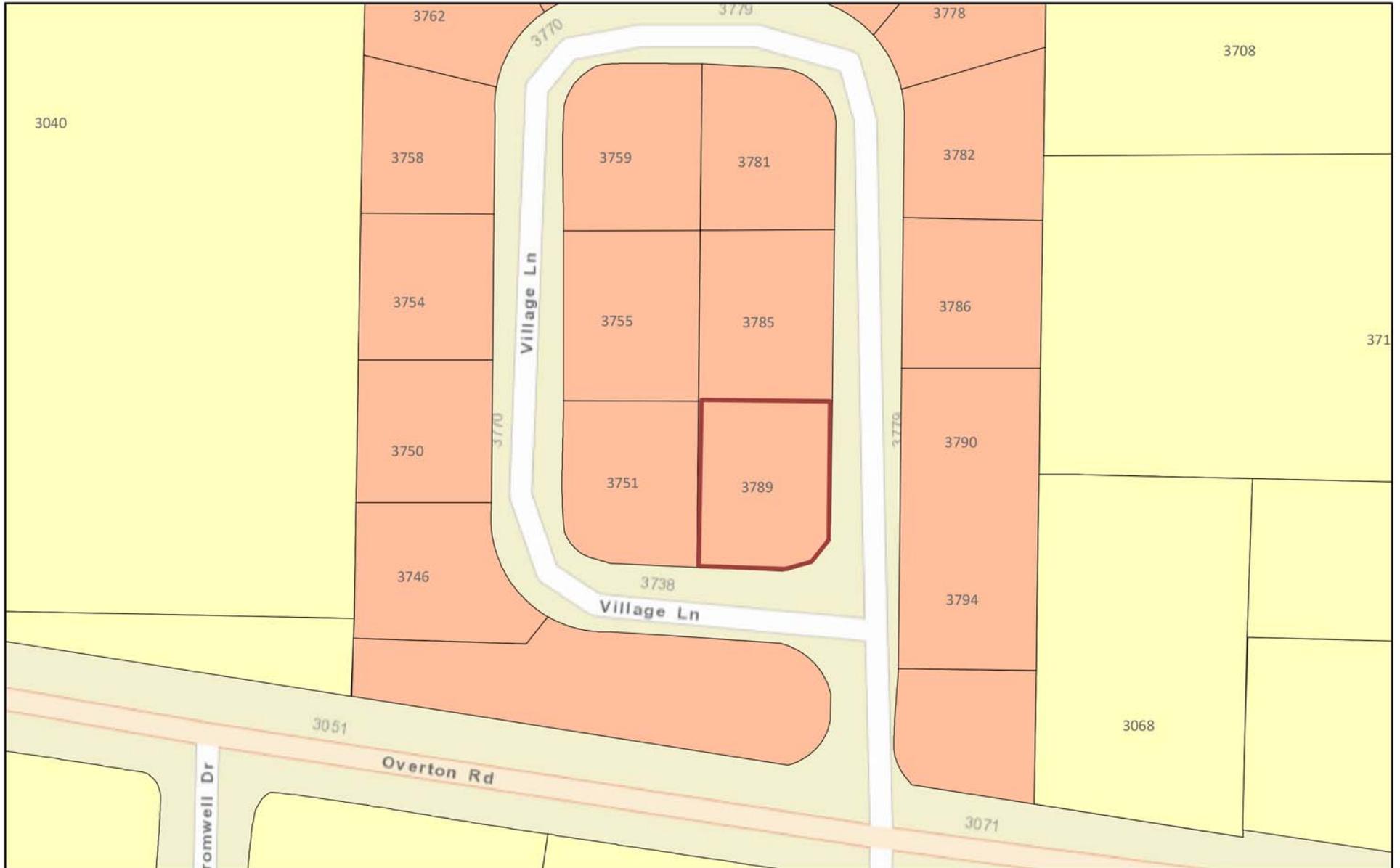
Phone Number 908-2016 Email _____

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>6825</u>		
Lot Width (ft)	<u>96.80</u>		
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	<u>5</u>		
Left Side Setback	<u>5</u>		
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)	<u>10</u>		
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-19-25 Zoning



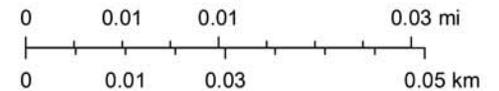
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Tax_Parcels

 RID

 Residence A District

1:1,128



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-19-25

Petition Summary

Request to allow an outdoor fireplace/chimney to be zero feet from the property line (west) in lieu of the required 10 feet.

Analysis

While RID zoning does not have a minimum lot size, it is clear that the hardship in this case is the small lot; also, that it is a corner lot. The general accessory structure regulations were not necessarily developed with RID lots in mind. RID is a custom zoning district that allows lots of this size which, in this case, is smaller than a Res-C lot (6,536 square feet). In this particular RID, houses are permitted to be 5 feet from the side property line and 10 feet from the rear property line; so it may follow that requiring the typical 10-foot accessory building setback may be too stringent.

Background

On September 18, 2017, the Board approved a variance (A-17-38) *on this same property* to allow a swimming pool to be 5 feet 4 inches from the side property line (north) and 5 feet 4 inches from the rear property line (west), both in lieu of the required 10 feet.

On September 18, 2017, the Board approved a variance (A-17-39) at 3785 Village Lane to allow a swimming pool to be 7 feet 11 inches from the side property line (south) and 5 feet 11 inches from the rear property line (west), both in lieu of the required 10 feet.

In November 2014, the Board approved a variance at 3781 Village Lane to allow a swimming pool to be 5 feet from the rear property line (west).

On December 21, 2015 the Board approved a variance at 3751 Village Lane) to allow a swimming pool to be 5 feet from the rear property line (east).

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 XIX, General Area and Dimensional Requirements; Section 129-318, Private Recreational facilities in Residential Districts.

Appends

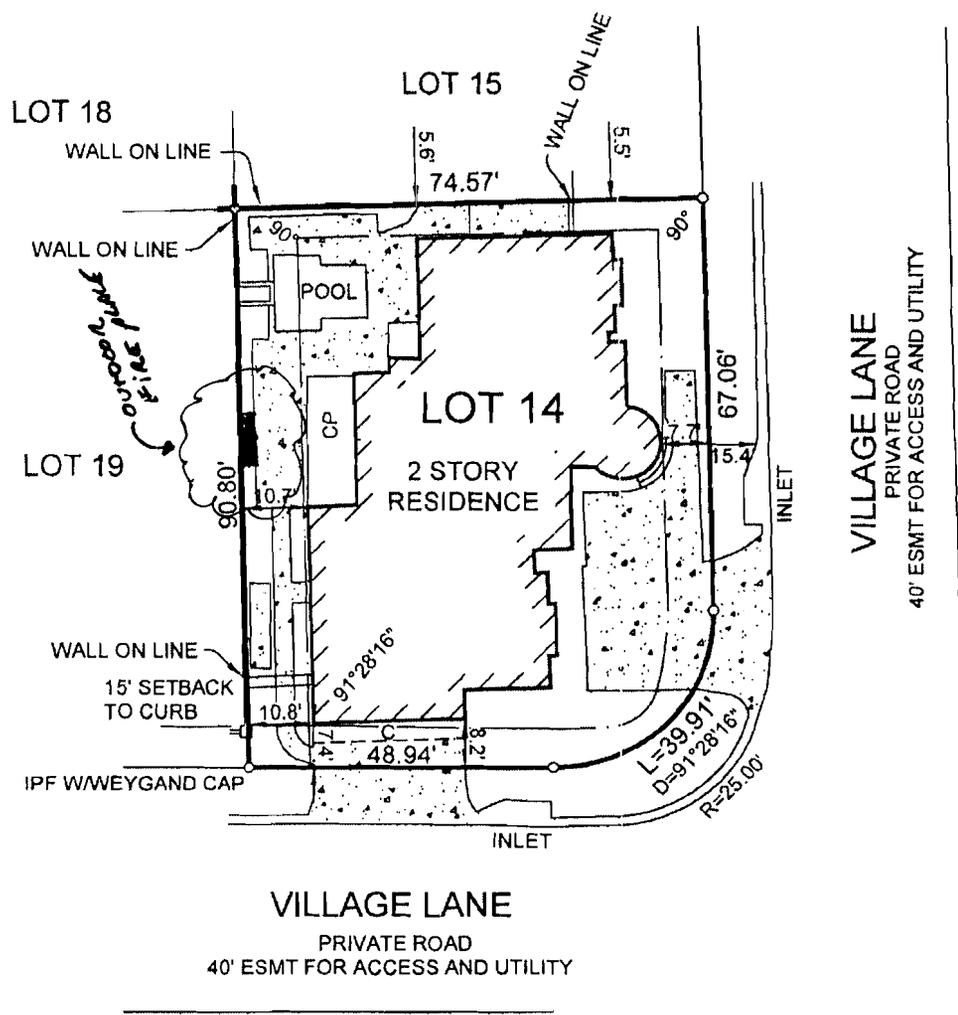
LOCATION: 3789 Village Lane

ZONING DISTRICT: Residential Infill (RID)

OWNER: Ramon Bean

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/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = 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
- AC = acres
- ± = more or less, or plus or minus

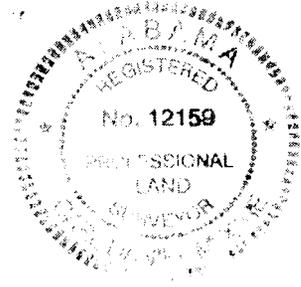


STATE OF ALABAMA
SHELBY COUNTY

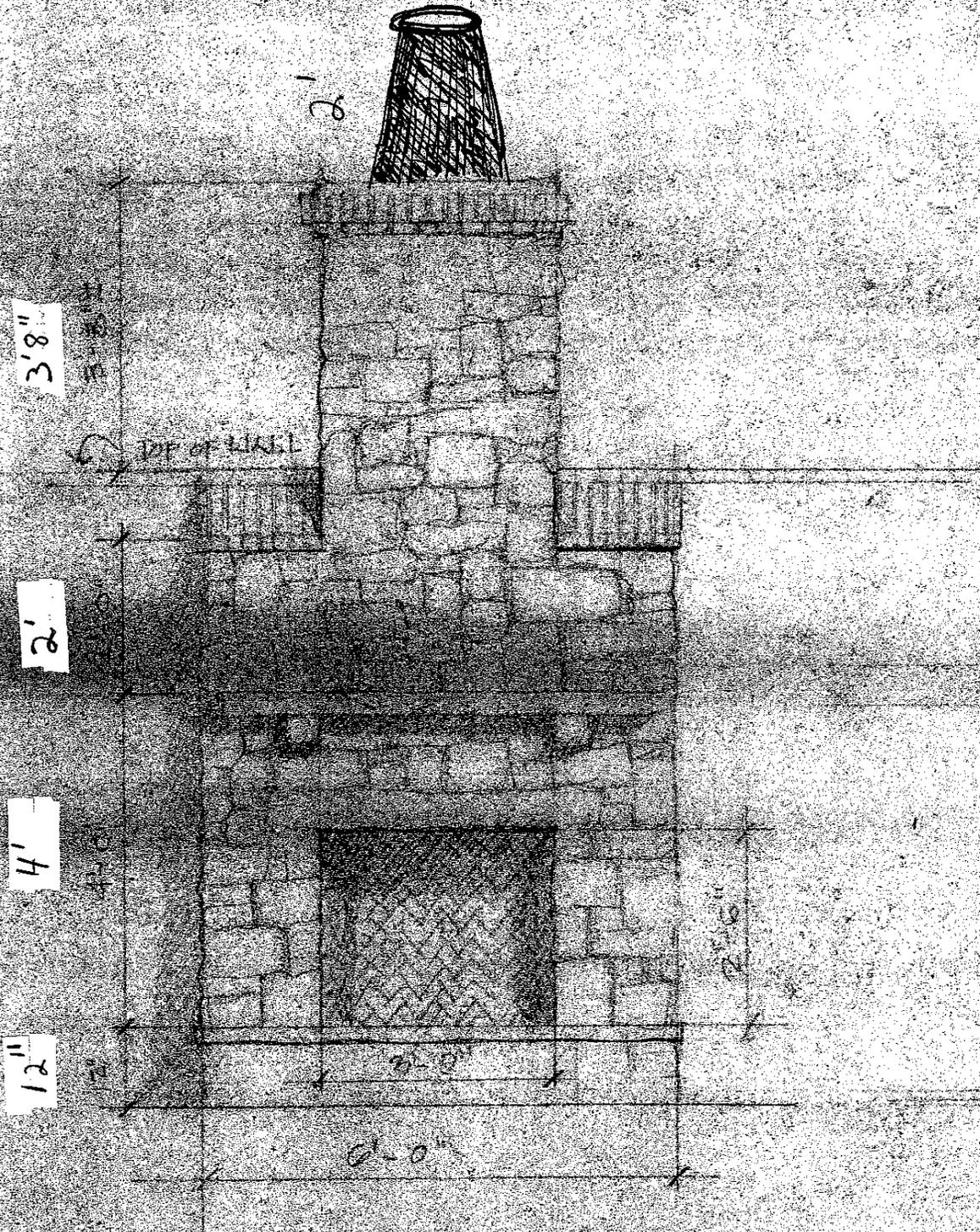
I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 14, THE PARK AT OVERTON as recorded in Map Book 215, Page 60 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current 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: 3789 Village Lane according to my survey of June 26, 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

Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. #12159
6-27-2019
Date of Signature



Order No. 171292
Purchaser: Russell Building Company
Type of Survey: Asbuilt



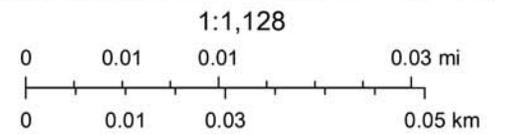
FIREPLACE ELEVATION

SCALE 1/2" = 1'-0"

A-19-25 Aerial



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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)?

SMALL LOT, OWNER WOULD LIKE TO HAVE AN OUTDOOR FIREPLACE

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?

THERE ARE ALREADY 3 OUTDOOR FIREPLACES IN
SUBDIVISION. NEW OWNER IS DOWNSIZING BUT STILL WOULD
LIKE THE SAME AMENITIES

Efrain Horta
 Horta Construction
 205-602-9394



Variance Application - Part I

Project Data

Address of Subject Property 3731 RIVER BEND LN 35223

Zoning Classification _____

Name of Property Owner(s) JASON & ANDREY BREWER

Phone Number 972-977-1662 Email andrey.brewer@ymail.com

Name of Surveyor ROBERT REYNOLDS

Phone Number 205-823-7900 Email _____

Name of Architect (if applicable) none N/A

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)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40'	40'	
Front Setback (ft) <i>secondary</i>	40'	40'	
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			

A-19-26 Zoning

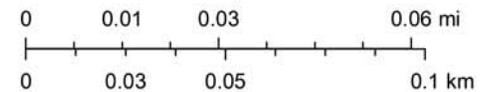


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Tax_Parcels

0		Estate Residence District
0		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-19-26

Petition Summary

Request to allow a new detached accessory building in a secondary front yard (Overton Road) where the code requires that detached accessory buildings be located behind the front building line.

Analysis

The hardship in this case is the corner lot configuration. The proposed detached building is to be behind the 40-foot secondary front setback (Overton) and would be screened from Overton Road by heavy vegetation. As may be seen on the attached zoning map, Overton Road is a secondary front for neighboring properties (with a large institutional property across Overton Road), and the property directly across River Bend Lane has a detached accessory building sited similar to the subject proposal, within the secondary front along Overton (see street views).

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 on three sides, with Brookwood Baptist Church across Overton Road.

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

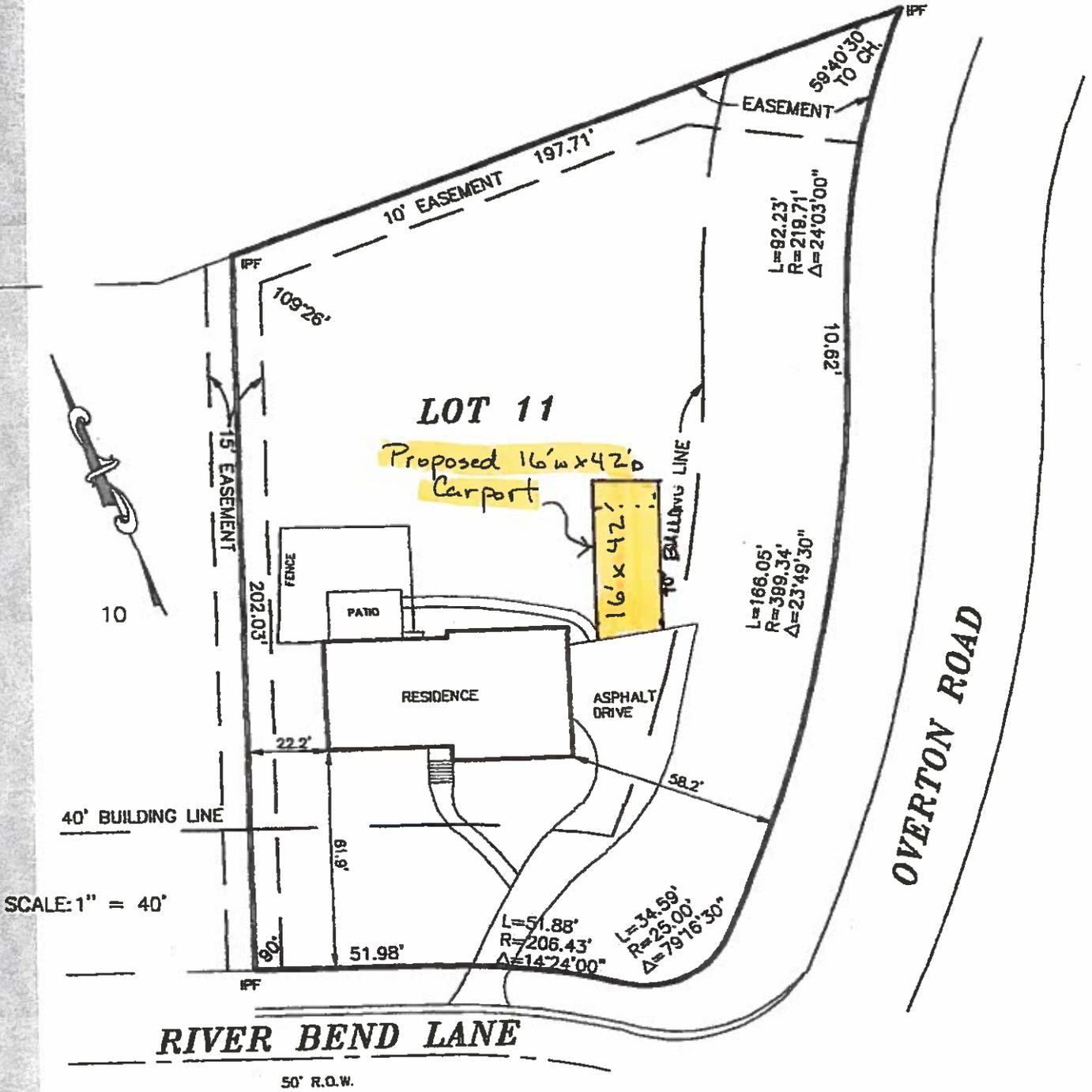
Appends

LOCATION: 3731 River Bend Lane

ZONING DISTRICT: Res-A

OWNERS: Jason and Audrey Brewer

REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning



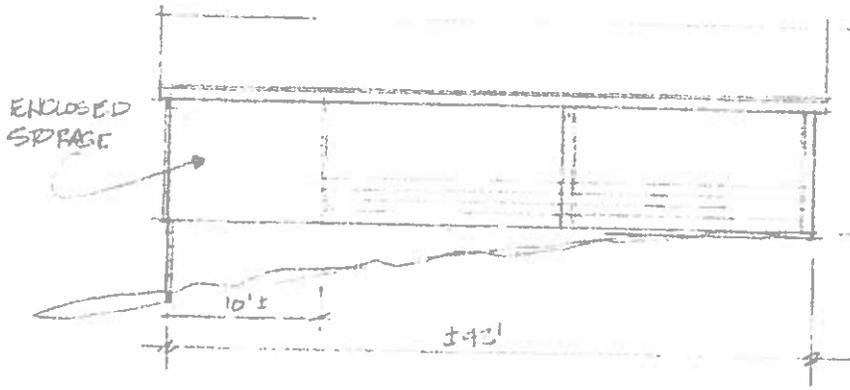
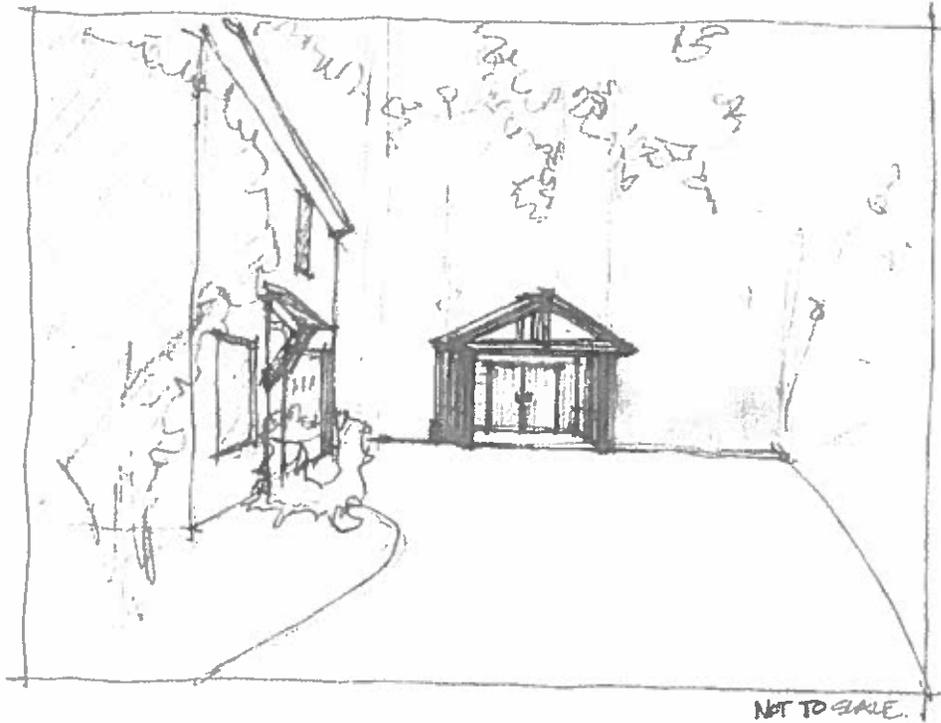
SCALE: 1" = 40'

- LEGEND
- UTILITY COLE
 - Y— GUY WIRE
 - X— RETAINING WALL
 - CONCRETE
 - X— FENCE
 - OVERHEAD ELECTRICAL
 - PF— IRON PIN FOUND
 - PS— IRON PIN SET

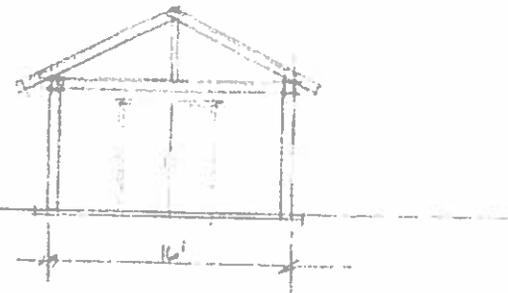
STATE OF ALABAMA
 JEFFERSON COUNTY

"CLOSING SURVEY"





SIDE ELEVATION
SCALE: 1/8" = 1'0"



FRONT ELEVATION
SCALE 1/8" = 1'0"

373 RIVER BEND LANE - CARPORT



3457 Overton Rd

A-19-26 Subject Property as seen from Overton Road



Image capture: Apr 2016 © 2019 Google

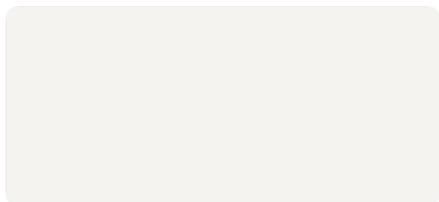
Mountain Brook, Alabama



Street View - Apr 2016



Currently shown: Apr 2016





3731 River Bend Ln

A-19-26 Subject PProperty as seen from River Bend Lane

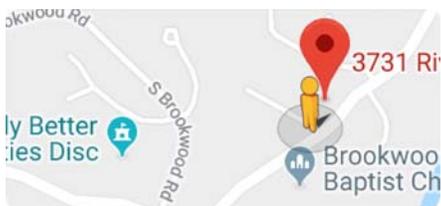


Image capture: Jun 2013 © 2019 Google

Mountain Brook, Alabama



Street View - Jun 2013





3728 River Bend Ln

A-19-26 (across the street from subject property)

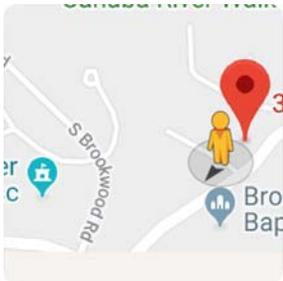


Image capture: Jun 2013 © 2019 Google

Mountain Brook, Alabama



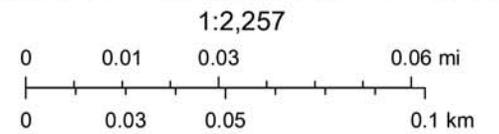
Street View - Jun 2013



A-19-26 Aerial



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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 house sits on a corner lot. Current conditions will not allow building of secondary structure in side yard because the side yard is a secondary front yard.

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. There is no structure there, presently. We are seeking relief in order to build a detached carport.

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

The aim of the regulation, as written, is to prevent the building of new structures on building fronts. However, in the case of corner lots, this prevents building of secondary structures which would otherwise be generally allowed on non-corner lots. The addition is well-buffered from view due to dense vegetation on the Overton Rd. side.