Hello All,

Enclosed please find your packet for the meeting of August 19, 2019.

We have:

- 7 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 (August 19, 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
AUGUST 19, 2019
PRE-MEETING: (ROOM A106) 4:20 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 July 15, 2019

2. Case A-19-22 - Ann Thomas, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 15 feet from the rear property line (north) in lieu of the required 40 feet; also for the lot coverage to be 37% in lieu of the maximum allowable 25%. - 2504 Country Club Circle.

3. Case A-19-27: Michael and Elizabeth Choy, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet. – 817 Beech Court.

4. Case A-19-28: Clayton and Blair Trotter, property owners, request a variance from the terms of the Zoning Regulations to allow a covered porch and chimney to be 30 feet from the rear property line (west) in lieu of the required 35 feet. - 104 Lake Drive.

5. Case A-19-29: Clark and Carra Trimmer, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 32.3 feet from the secondary front property line (Azalea Road) and 18.6 feet from the rear property line (north), both in lieu of the required 35 feet. 742 Euclid Avenue.

6. Case A-19-30: Richard Abernethy, property owner, requests variances from the terms of the Zoning Regulations to allow a new screened porch to be 24.43 feet from the rear property line in lieu of the required 25 feet. -2312 Brookshire Place.

7. Case A-19-31: Peyton and Kim Paisley, property owners, request a variance from the terms of the Zoning Regulations to allow a new ADA accessible ramp and related walls to be 33 feet 3 inches from the front property line (Rock Brook Lane) in lieu of the required 40 feet. - 3744 Rock Brook Lane.
8. **Case A-19-32:** Larry and Kathryn Lavender, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 29 feet from the front property line (in lieu of the required 35 feet), and 7.7 feet from the right side property line (northeast) and 8.7 feet from the left side property line (southwest), both in lieu of the required 9 feet (for portions less than 22 feet high) and 13 feet (for portions exceeding 22 feet high). -2106 English Village Lane.

9. **Next Meeting:** September 16, 2019

10. **Adjournment**
Variance Application - Part I

Project Data

Address of Subject Property 2504 Country Club Dr.
Zoning Classification RES A
Name of Property Owner(s) Ann Thomas
Phone Number 205-362-2013 Email othomas@raypqsm.com
Name of Surveyor Weygand
Phone Number 205-942-8086 Email ray@weygandsurveyor.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):

<table>
<thead>
<tr>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>40</td>
<td>43</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Petition Summary
Request to allow a new single family dwelling to be 15 feet from the rear property line (north) in lieu of the required 40 feet; also for the lot coverage to be 37% in lieu of the maximum allowable 25%.

Analysis
The hardship in this case is the corner lot configuration. The applicant in this case is under contract for the subject property, and, therefore has not developed precise plans for the new house. As such, the request is for a “box,” or buildable area wherein the north (rear) setback is proposed to be 15 feet.

As may be seen on the attached aerial, the house on the adjoining property to the north is located to the northeast of the subject house (approx. 100 feet separation), such that the entire subject lot is forward/west of the house on the adjoining lot. As such, any approval of this variance request would not hinder the flow of light and air to the adjoining property as presently developed.

Alternately, the property to the north could be developed to within 15 feet of the subject property, so the common property line between it and the subject property “acts” more like a side property line than a rear. The required side setback for Res-A is 15 feet.

Impervious Area and Lot Coverage
The proposed buildable area “box,” as drawn, would exceed the maximum allowable 25% lot coverage, up to 37%. In turn, the maximum impervious area would be exceeded (max allowed is 30%). There is no apparent hardship that would warrant approval of the request to exceed the allowable lot coverage; however, the proposed setbacks could be approved such that a house be designed within the buildable area, but not to exceed the allowable lot coverage and buildable 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: 2504 Country Club Drive

ZONING DISTRICT: Res-A

OWNER: Ann Thomas
Note: (a) No title search of the public records has been performed by this firm and land shown herein was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown herein 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 on the deed record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, and 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  817 Beech Court, Mountain Brook 35213
Zoning Classification  Residential
Name of Property Owner(s)  Elizabeth Choy and Michael Choy
Phone Number  205/401-2389   Email  mchoy@burr.com
Name of Surveyor  Ray Weygand
Phone Number  205/942-0086   Email  ray@weygandsurveyor.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)):

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)  primary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)  secondary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>25'</td>
<td></td>
<td>27'9&quot;</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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)?

We are requesting a variance to the current building setback (35') at 817 Beech Court. The current setback requirement of (35') prohibits the depth of the design of the proposed house to be built on this lot. We propose a variance to the rear setback at (27'). We propose to build a 3500 square foot, 4 BR, 4 BA house at 817 Beech Court.

Michael Chory 7/26/2019

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?

It is my understanding that similar variances have been granted in the past under substantially similar circumstances.
Petition Summary
Request to allow the construction of a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet.

Analysis
The hardships in this case are the corner lot configuration and the shallowness of the lot (112 feet). The existing house encroaches into the primary front (Beech Court), the rear and the right side setbacks (see existing survey). The proposed new house is to encroach only into the rear; an improvement from the existing setback configuration. Also, a larger than required right side setback is proposed (16 feet in lieu of the required 12.5 feet).

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: 817 Beech Court
ZONING DISTRICT: Res-B
OWNERS: Michael and Elizabeth Choy
STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

1. Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time that I have surveyed Lot 1, BEECH COURT as recorded in Map Volume 34 Page 32 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 6, 2012. Survey invalid if not sealed in red.

Order No. 3296
Purchaser: CH37
Address: 811 BEECH COURT

Ray Weygand, Reg. LS #24973
169 Drumor Road Homewood, AL 35209
Phone (205) 943-0086 Fax: (205) 943-0687

Copyright ©

Notice: (a) No site search of the public records has been performed by this firm and land shown herein was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown herein 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 as drawn on the map and actual unless otherwise noted. (c) All underground portions of foundations, buildings, 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.
Foundation Plan for proposed House on Beech Court
Variance Application - Part I

Project Data

Address of Subject Property 104 Lake Drive
Zoning Classification B
Name of Property Owner(s) Clayton and Blair Trotter
Phone Number 205-585-3694 Email bt@jlhbuilding.com
Name of Surveyor Weygand
Phone Number 205-942-0086 Email
Name of Architect (if applicable) Eric Smelcer
Phone Number 205-761-0308 Email eric@esmelcer.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)):

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>secondary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>35'</td>
<td>31.5'</td>
<td>30'</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
July 17, 2019

Board of Zoning Adjustment
City of Mountain Brook, Alabama

Dear Board Members:

We are planning on demolishing the existing house and rebuilding a new home on this shallow lot in Zone B. This variance request is for a five foot (5') encroachment into the thirty-five foot (35') rear setback as required in Residential-B Zoning.

This variance is requested due to the shallowness of the lot. The lot, measuring 90' wide and 112' deep and totaling 10,060 square feet.

I have enclosed, along with the Variance Request Form, a copy of a 2019 survey. The new residence is depicted in red and the area encroaching on the rear setback is shaded in yellow.

Please feel free to contact me with any questions or concerns.

Sincerely,

[Signature]

Blair Trotter
Petition Summary
Request to allow a covered porch and chimney to be 30 feet from the rear property line (west) in lieu of the required 35 feet.

Analysis
The hardship in this case is the shallow depth of the lot. The proposed rear yard encroachment is for a covered porch and chimney (17 feet 8 inches wide). Given that the encroachment is open in nature, it does not appear that an approval of this request would be detrimental to the adjoining property to the rear. Also, it appears that all other houses on this same side of Lake Drive encroach in at least an equal amount into the required rear setback (see attached zoning map).

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: 104 Lake Drive

ZONING DISTRICT: Res-B

OWNERS: Clayton and Blair Trotter
STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at the time, that I have surveyed Lot 7, BENTLEY HILLS-FIFTH SECTOR, as recorded in Plat Book 34, Page 26, 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 January 19, 2019. Survey invalid if not executed.

Order No: 1006
Purchaser: [Name]
Address: 104 LAKE DRIVE

Ray Weygand, Reg. L.B. #24473
169 Cimmaron Road Homewood AL 35209
Phone: (205) 942-0288 Fax: (205) 942-0097
Copyright ©

Note: (a) the title search of the public records has been performed by this firm and land shown herein was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown herein 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 angles are deadreckon 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 deadreckon map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.
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 lot. The depth is only 112'. The lots to the rear of the parcel are greater than 190' deep.

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? For a narrow lot with same conditions or alley at rear, 30' setback is recognized in Res C zoning. Existing house is 31.5' and the proposed covered porch would be 30', which is similar to the neighbors.
## Variance Application - Part I

### Project Data

- **Address of Subject Property**: 742 Euclid Ave, Mountain Brook, AL 35213
- **Zoning Classification**: Residence B
- **Name of Property Owner(s)**: Clark & Carma Trimmer
- **Phone Number**: 205-712-0881, Email: clark.trimmer@gmail.com
- **Name of Surveyor**: Weygand Surveyors
- **Phone Number**: 205-942-0086, Email: ray@weygandsurveyor.com
- **Name of Architect (if applicable)**: Adams Grondt Design Group
- **Phone Number**: 705-921-1213, Email: adam@adams-grondt.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)):

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft) <strong>primary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft) <strong>secondary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td><strong>35’</strong></td>
<td><strong>32.3’</strong></td>
<td><strong>32.3’</strong></td>
</tr>
<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22’ high or greater →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22’ high or greater →</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td><strong>35’</strong></td>
<td><strong>18.6’</strong></td>
<td><strong>18.6’</strong></td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
July 24, 2019

City of Mountain Brook
Variance Review

VARIANCE REQUEST FOR THE HOME AT 742 EUCLID AVENUE

The owners of the home located at 742 Euclid Avenue would like to renovate their existing one-story home and add a second level addition to the home. The scope of the project includes a full renovation of the existing main level space, the addition of three bedrooms and two bathrooms in an upper level expansion, and a small addition to the main level. The goal is to utilize as much of the existing home as possible with minimal additional foundation being added to the structure. It has been determined that the existing home does not comply with the setbacks per the current zoning. The property is a corner lot so there are two front yard set backs. The second front yard set back is 35 feet and the existing property is located 32 feet 4 inches from the property line. The side yard is designated as a rear yard setback also at 35 feet. The existing structure is located 18 feet 6 inches off the property line. As the current set back requirements are 35 feet from the property line on three sides of the property and the existing structure is not located within those setbacks we are requesting two variances to allow for the renovation of the existing structure including a second level addition and a small main level expansion as shown on the attached site plan.

[Signature]

Adam Gerndt
Adams Gerndt Design Group
Representative for owners Clark and Carra Trimmer
Report to the Board of Zoning Adjustment

A-19-29

Petition Summary
Request to allow additions and alterations to an existing single family dwelling to be 32.3 feet from the secondary front property line (Azalea Road) and 18.6 feet from the rear property line (north), both in lieu of the required 35 feet.

Analysis
The hardships in this case are the corner lot configuration, irregular lot shape, and existing design constraints. Although the proposal is a complete renovation of the main level (and addition of second level), it is proposed that the existing foundation and basement level will be retained.

The foundation and basement level currently encroach into the required secondary front setback (Azalea Road) and the rear setback (north). The house exists well behind the required front yard setback (approx 45 feet in lieu of the required 35 feet); aligning with the other houses along this same block of Euclid.

Attached is a map showing the proximity of the subject house with those adjoining on either side along Euclid and Azalea, indicating that it is in-line with both. It is not anticipated that an approval of this request would be detrimental to adjoining properties nor to the streetscape.

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

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

Appendix
LOCATION: 742 Euclid Avenue

ZONING DISTRICT: Res-B

OWNERS: Clark and Carra Trimmer
Proximity to Neighboring Structures Diagram

Scale: None
Question #1

The hardships are
1. The property is a corner lot with 2 front yards setbacks
2. The property is an irregular shaped lot
3. The existing home is not located within the setbacks based on the current zoning so any modifications to the existing structure make it non-compliant. Specifically, the existing home is located 2.5 over the current second front yard setback. The rear of the existing home is 16.5 over the current rear yard setback.

Question #2

The homeowners' goal is to put an upper level addition on their home without significant additions to the footprint of the home. As the existing home is not located within the current setbacks the issue is primarily based on a conflict between the location of the existing structure and current zoning for the property.

Question #3

1. The front of the existing house aligns with the front of the neighbor's home on Euclid Avenue. We would need to move the front of the house forward 16.5 feet so the new structure would be located a significant distance in front of the neighbor's home. If the intent of the front yard setback is to maintain continuity with the front façade of homes the variance with allow us to accomplish this.
2. The property directly behind the home on Azalea has a side yard property line that backs up to this property. The side of their home is approximately 12 feet off the property line. The requested rear yard variance will allow the back of the structure to have a more consistent relationship to the property line as see from Azalea.

Adam Gerndt
Adams Gerndt Design Group
Variance Application - Part I

Project Data

Address of Subject Property: 2312 Brochure Place

Zoning Classification: ____________________________

Name of Property Owner(s): Richard Abernathy

Phone Number: (205) 504-3381  Email: rabernathy@mobtelecom.net

Name of Surveyor: Weygand Surveyors

Phone Number: 205-942-0077  Email: rweygand@bellsouth.net

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):

<table>
<thead>
<tr>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>primary</td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>secondary</td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →</td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →</td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>25'</td>
<td>25' 7/16&quot;</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Petition Summary
Request to allow a new screened porch to be 24.43 feet from the rear property line in lieu of the required 25 feet.

Analysis
The hardship in this case is the existing design constraint. The townhome development is closer than 25 feet to the exterior boundary line for the development (required by the Res-D district); it may have been constructed prior to annexation into the city of Mountain Brook.

The proposal is to cover and screen-in an existing second floor deck. The encroachment in minor in nature, an approval of which is not anticipated to be detrimental to the adjoining single family property.

Subject Property and Surrounding Land Uses
The property contains a multi-family development, and is surrounded by a mixture of single family, multi-family, and park properties.

Affected Regulation
Article VII, Residence D District; Section 129-92, Area and Dimensional Requirements

Appends
LOCATION: 2312 Brookshire Place

ZONING DISTRICT: Res-D

OWNER: Richard Abernathy
NEW SCREENED PORCH ROOF FRAMING
NEW SCREENED PORCH FLOOR FRAMING

EXISTING DECK

BASE DETAIL

42" GUARD RAIL W/ PICKETS @ 4" O.C.
TYPICAL AT PERIMETER

2 - 2 X 12 TREATED W/ PLATE 1/2" X 11"

TS 6 X 6 X 1/4
PLATE 1/2 X 8 X 12
1/2" DIA EXPANSION ANCHORS

EXISTING MASONRY WALL AND FOOTING

REMOVE CLAY BRICK AT AREA OF BASE PLATE
EXISTING MASONRY WALL AND FOOTING

FIELD VERIFY

25'-0"
FIELD VERIFY

23'-0"
FIELD VERIFY

40'-0"
FIELD VERIFY

SEE BASE DETAIL.
SECTION THROUGH SCREENED PORCH

GENERAL NOTES

1. Footings shall rest on compacted soil capable of supporting 2 tons per square foot. After the footing is formed, it shall be constructed according to the specifications for the footing. The concrete mix shall contain 40% water, 33% portland cement, 20% crushed stone, and 9% fine aggregate. The aggregate size shall be consistent and gradation used as a rebar.

2. Felt and bar tack metal shall be compacted in one layer. Clean compacted to 90% dry density.

3. The structural concrete of the footings and slab shall have a minimum compressive strength of 3000 psi, with cylinders in 28 days. At placing the slump of concrete shall not exceed 4 inches. A plasticizer may be used to improve the finishing characteristics. The slump of the concrete shall be not less than 4 inches and not greater than 6 inches. Concrete shall be vibrated, but the concrete shall not be moved laterally by vibrators.

4. All reinforcing shall consist of ASTM A615, A616 or A817 with a minimum yield strength of 60 ksi per square inch. The placing of reinforcing shall be in accordance with ASTM Specification A615-07. Field bent reinforcing must be hand curved to a suitable ACI size. Bar legs and bar crowns shall be fully bevelled, 45 degree bevel. Bar ties shall be used where required. All ties shall be of standard grade steel wire mesh or rod. Tying of reinforcing shall be done by hand.

5. It is the contractors responsibility to fulfill the requirements of the U.S. Government Construction Safety and Health Act.

CONNECTION DETAIL AT STEEL COLUMNS
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)?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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...")

[Handwritten: No. Deck location has not been altered since original built date.]

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Variance Application - Part I

Project Data

Address of Subject Property: 3744 Rock Brook Lane
Zoning Classification: Residence A
Name of Property Owner(s): Peyton & Kim Paisley
Phone Number: (205) 514-4008 Email: PPaisley09@gmail.com
Name of Surveyor: Weygand
Phone Number: (205) 942-0816
Name of Architect (if applicable): Designer: Jessica Conner
Phone Number: (205) 713-0716 Email: Design@JessicaConner.com

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

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td>30,000</td>
<td>34,510</td>
<td>34,510</td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td>100'</td>
<td>145'</td>
<td>145'</td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td>40'</td>
<td>33' 3&quot;</td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td>43'</td>
<td>33' 3&quot;</td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td>15'</td>
<td>27'</td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td>15'</td>
<td>31' 31&quot;</td>
</tr>
<tr>
<td>Right Side Setback (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 22' high</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22' high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>40</td>
<td>114'</td>
<td>114'</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>25%</td>
<td>14%</td>
<td>15%</td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td>35'</td>
<td>35'</td>
<td>35'</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Scope of Work at 3744 Rock Brook Lane

The homeowners are planning an addition to the front porch of their home in order to add an ADA accessible ramp from their driveway to their front door. The ramp would start approximately 13 feet from the driveway and extend 27 feet at a 1/12 slope. The 5 foot wide ramp would finish at a tiled patio area with a compliant turn radius. The existing front stairs would be moved approximately 6 feet forward and extend down to a new concrete pathway. The entire addition will be clad with brick that matches the existing homes brick and the surface will be a slip resistant porcelain tile that will not impede the use of a wheelchair. The homeowners are seeking to complete this ramp in order to give their six year old daughter with cerebral palsy, who is bound to a motorized wheelchair, the ability to enter and exit their home on a regular basis but also to not impede her exit from the home in the event of a fire or other act of God.

Homeowner: ____________________________

Designer: ____________________________
Petition Summary
Request to allow a new ADA accessible ramp and related walls to be 33 feet 3 inches from the front property line (Rock Brook Lane) in lieu of the required 40 feet.

Analysis
The hardship in this case is the existing design constraint of the existing front setback (43 feet). The proposal is to add an ADA ramp and associated walls. The wall height ranges from 5 feet 3 inches to 6 feet 9 inches within the front setback, where the maximum wall height is 4 feet.

Given that the other houses on this short block are built far behind the 40-foot front setback allowance (approx. 100 feet) it is not anticipated that the proposed wall height and encroachment would be detrimental to the streetscape.

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

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

Appends
LOCATION: 3744 Rock Brook Lane

ZONING DISTRICT: Res-A

OWNERS: Peyton and Kim Paisley
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)?  

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________  

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...”)

**Homeowners are seeking a variance to the front setback in order to build a compliant ramp to their front door for egress for their six year old daughter that is wheelchair bound.**

__________________________________________________________________________________________________________________________________________________________  

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

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________  

__________________________________________________________________________________________________________________________________________________________
Variance Application - Part I

Project Data

Address of Subject Property 2100 ENGLISH VILLAGE LN. 35223
Zoning Classification REG - C
Name of Property Owner(s) KATHRYN & LARRY LAVENDER
Phone Number (205) 740-0488 Email klavender958@gmail.com
Name of Surveyor RAY WEYGAND
Phone Number (205) 942-0086 Email lillian@weygandsurveyor.com
Name of Architect (if applicable) SHEPARD AND DAVIS
Phone Number (205) 322-7770 Email shepardanddavis@bellsouth.net

Property owner or representative agent must be present at hearing Ben Shepard - 205 322-0092

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

<table>
<thead>
<tr>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td>63.05</td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>35</td>
<td>32.9</td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high</td>
<td>9</td>
<td>7.7</td>
</tr>
<tr>
<td>22' high or greater</td>
<td>13</td>
<td>-</td>
</tr>
<tr>
<td>Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high</td>
<td>9</td>
<td>8.1</td>
</tr>
<tr>
<td>22' high or greater</td>
<td>13</td>
<td>-</td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td>35</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
July 25, 2019

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

Subject: Written Statement

Katherine and Larry Lavender have engaged Shepard and Davis to assist with the renovation and second floor addition to their home located at 2106 English Village Lane, Mountain Brook, AL 35223.

Ben Shepard
Darla Davis
Petition Summary
Request to allow additions and alterations to an existing single family dwelling to be 29 feet from the front property line (in lieu of the required 35 feet), and 7.7 feet from the right side property line (northeast) and 8.7 feet from the left side property line (southwest), both in lieu of the required 9 feet (for portions less than 22 feet high) and 13 feet (for portions exceeding 22 feet high).

Analysis
The hardships in this case are the narrow lot width, existing design constraints, and steep topography in the rear. The proposal involves renovations to the main level (which currently encroaches into both required side setbacks and the front setback) as well as an addition of a second floor and an addition to the rear of the house. See attached elevations for highlighted sections of proposed encroachments.

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 129-63, Special Provisions for Nonconforming Residence C Lots

Appends
LOCATION: 2106 English Village Lane
ZONING DISTRICT: Res-C
OWNERS: Larry and Kathryn Lavender
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)?

1. The existing structure is in conflict with the front setback and both side yard setbacks.

2. This is a narrow lot with extreme grade change to the rear.

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 proposed changes would be an improvement to this property's value and would maintain the neighborhood style.