Hello All,

Enclosed please find your packet for the meeting of September 16, 2019.

We have:

- 1 carry over case
- 3 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 (September 16, 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
SEPTEMBER 16, 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: July 15, 2019 and August 19, 2019

2. Case A-19-22: Edward Goodwin, 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. (Carried over from the August 19, 2019 meeting.)

3. Case A-19-33: Jerry and Mary Louise Choate, property owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 22.6 feet from the front property line, and 28.3 feet (house) and 23.3 feet (uncovered stair and rail) from the rear property line, all in lieu of the required 35 feet; and to be 10.1 feet from the side property line (north), and 12.1 feet from the side property line (south), both in lieu of the required 12.5 feet. - 12 Montevallo Lane.

4. Case A-19-34: Justin and Claire Drummond, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to be 27 feet from the primary front property line (Randolph Road), and to be 36.5 feet from the secondary front property line (Fairway Drive), both in lieu of the required 40 feet. - 56 Randolph Road.

5. Case A-19-35: Burnham Hawk, property owner, requests variances from the terms of the Zoning Regulations to allow a covered deck (26 feet high at midpoint of roof) to be 5.2 feet from the side property line (northeast), and a stair/handrail (15 feet high) to be 1 foot from the side property line (northeast), both in lieu of the required 8 feet. - 2121 English Village Lane.

6. Next Meeting: October 21, 2019

7. Adjournment
Varian 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@raypc.wp.com

Name of Surveyor ray@raylandersurveyor.com

Phone Number 205-942-8086 Email ray@raylandersurveyor.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>
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</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
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<tr>
<td>Lot Width (ft)</td>
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<tr>
<td>Front Setback (ft) primary</td>
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<tr>
<td>Front Setback (ft) secondary</td>
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<td>Right Side Setback</td>
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<td>Left Side Setback</td>
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<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high</td>
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<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: 22’ high or greater</td>
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<td>Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: 22’ high or greater</td>
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<td>Rear Setback (ft)</td>
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<td>15</td>
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<tr>
<td>Lot Coverage (%)</td>
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<td>Building Height (ft)</td>
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<td>Other</td>
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<tr>
<td>Other</td>
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</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
COUNTRY CLUB PLACE

SCALE: 1"=30'

STATE OF ALABAMA
JEFFERSON COUNTY

"Property Boundary Survey"

1. Ray Weygand, a Registered Land Surveyor, hereby certifies to the purchaser of this property at this time, that I have surveyed Lot 9, GRASSMERE ESTATES BEING A RESURVEY OF LOTS 1, 2 AND 3, GRASSMERE SURVEY, as recorded in Map Volume 51, Page 22, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of MARCH 3, 2019. Survey invalid if not sealed in red.

Order No.: 2832
Purchaser: 2504 COUNTRY CLUB CIRCLE
Ray Weygand, Reg. L.S. #24973
169 Osmer 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 and 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 non-transferable. (f) Easements not shown on recorded map are not shown above.
**Variance Application - Part I**

**Project Data**

Address of Subject Property: 122 MONTEVALLO LANE, BIRMINGHAM, AL 35218

Zoning Classification: B

Name of Property Owner(s): MARY LOUISE AND GARY CHOLTE

Phone Number: 205.901.6104  Email: mchoate@fixturesandspecifics.com

Name of Surveyor: SURVEYING SOLUTIONS, INC

Phone Number: 205.911.8165  Email:

Name of Architect (if applicable): PAUL RAYBURN ARCHITECTS (EREHULLOS)

Phone Number: 404.931.6889  Email: bcps@paulrayburnarchitects.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>Lot Area (sf)</th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
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<td></td>
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<td>23</td>
</tr>
<tr>
<td>Front Setback (ft) secondary</td>
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<td>10.1</td>
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<tr>
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<tr>
<td>Left Side Setback</td>
<td>12.5</td>
<td>12.1</td>
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</tr>
<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high: 22' high or greater:</td>
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<tr>
<td>Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high: 22' high or greater:</td>
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<tr>
<td>Rear Setback (ft)</td>
<td>25</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>25%</td>
<td>21%</td>
<td>21%</td>
</tr>
<tr>
<td>Building Height (ft)</td>
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<tr>
<td>Other</td>
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<td>Other</td>
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</tbody>
</table>
We are proposing to build a new house on the existing foundation of the existing house. The existing house is nonconforming to the current setbacks. The existing basement is to remain, the new framing will start at the main level of the house.
Petition Summary
Request to allow a new single family dwelling to be 22.6 feet from the front property line, and 28.3 feet (house) and 23.3 feet (uncovered stair and rail) from the rear property line, all in lieu of the required 35 feet; and to be 10.1 feet from the side property line (north), and 12.1 feet from the side property line (south), both in lieu of the required 12.5 feet.

Analysis
The hardships in this case are the lot size (7,000 in lieu of the required 10,000), the shallow lot depth (100 feet), and the existing design constraints. The proposal is to construct a new house atop the existing foundation. Additional main level square footage is to be added to the right rear corner, matching side and rear yard encroachments; the new second floor is to match the foundation’s front and side setbacks, but will maintain the required rear setback.

As staff and the Board have noted in the past, all of the lots on both sides of Montevallo Lane were platted with 20-foot front yard setbacks (County zoning prior to annexation into the city) and all of the houses exist at 20 feet from the front property line. Also, as noted below (Background section), the Board has approved similar variances for a front yard setbacks to be in line with others along the same street.

Background
On September 17, 2018, the Board approved Case A-18-28 for 7 Montevallo Lane to allow additions and alterations to the front porch of an existing single family dwelling to be 19.5 feet from the front property line (Montevallo Lane) in lieu of the required 35 feet.

On July 18, 2016, the Board approved Case A-16-31 for 8 Montevallo Lane to allow additions and alterations to an existing single family dwelling to be 25.4 feet from the rear property line (southwest) in lieu of the required 30 feet.

On December 19, 2016, the Board approved Case A-16-51 for 6 Montevallo Lane to allow a new single family dwelling to be 20 feet from the front property line (Montevallo Lane) in lieu of the required 35 feet.

On January 17, 2017, the Board approved Case A-17-03, for 10 Montevallo Lane, to allow a new single family dwelling to be 20 feet from the front property line (Montevallo Lane) in lieu of the required 35 feet.

Impervious Area
The proposal is in compliance with the allowable lot coverage, but exceeds the allowable impervious area (53% where the maximum allowed is 40%). Should the Board approve this case the project will have to comply with the maximum impervious area of 40%, either by reducing the proposed impervious area or mitigating it with on-site detention.
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: 12 Montevallo Lane

ZONING DISTRICT: Res-B

OWNERS: Jerry and Mary Louise Choate
Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 6, MONTEVALLO LANE as recorded in Map Book 24, Page 76 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: 12 Montevallo Lane according to my survey of August 1, 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, Reg. L.S. #12159

Date of Signature
8-2-19
MONTEVALLO LANE

LOT = 7,000± SQ FT
IMPERVIOUS BLDG = 1,948 SQ FT = 27.83%
IMPERVIOUS SURFACE = 1,879 SQ FT = 26.84%

SITE PLAN
(THIS IS NOT A SURVEY)
LOT 6
MONTEVALLO LANE

PREPARED BY: SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE  SUITE M
BIRMINGHAM, AL 35242
(205) 991-8965

PREPARED FOR: MARY LOUISE GARBRICK CHOATE
12 MONTEVALLO LANE
BIRMINGHAM, AL 35213
(205) 901-6104

SCALE: 1" = 30'  JOB NO. 171365  DATE: 8-2-2019 REV: 9-4-2019

ACAD\SUBDIVISION\JEFFERSON COUNTY\MONTEVALLO LANE\LOT6 MONTEVALLO LANE
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 BUILDING FOUNDATION, WHICH WE ARE REBUILDING ON TOP OF DOES NOT CONFORM TO THE CURRENT SETBACKS IMPOSED ON THE LOT.

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?

THIS VARIANCE WOULD ALLOW 12 MONTEVALLO LANE, TO BE CONSISTENT WITH NON CONFORMING ADJACENT PROPERTIES.
# Variance Application - Part I

## Project Data

**Address of Subject Property**  
56 Randolph Rd  

**Zoning Classification**  
Residence 'A'  

**Name of Property Owner(s)**  
Justin M. Drummond and Claire M. Drummond  

**Phone Number**  
205. 515 - 4226  
**Email**  
jdrummond@stonebuilding.com  

**Name of Surveyor**  
Walter Reed Engineering by Joseph F. Breighner, Jr.  

**Phone Number**  
205. 323 - 6166  
**Email**  
jfb@school.com  

**Name of Architect (if applicable)**  
barrett Architecture Studio, by Lauren Barrett  

**Phone Number**  
205. 250 - 6161  
**Email**  
lauren@barrettarchstudio.com  

![(property owner or representative agent must be present at hearing)](image)

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

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<tr>
<td>Lot Width (ft)</td>
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<td></td>
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</tr>
<tr>
<td>Front Setback (ft)</td>
<td>Primary 40'</td>
<td>30'</td>
<td>30' *</td>
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<tr>
<td>Front Setback (ft)</td>
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<td>19.6'</td>
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<tr>
<td>Right Side Setback</td>
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| 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                  |                         |                      | * 3' cantilevered canopy |
| Other                  |                         |                      |                      |
August 22, 2019

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

re: BZA Application - 56 Randolph Road

To Members of the Board of Zoning Adjustment,

In support of the attached application and documents for the variance request for the referenced property, please consider the following:

a. The subject property is within the Residence 'A' District, and pre-dates current zoning regulations and setbacks. Being a corner property fronting both Randolph Road and Fairway Drive, both the primary and secondary front setbacks are set at 40 feet.

b. The "primary front" of the existing house faces Randolph Road and is 30' from the front property line. Part of this variance request is for a 3' deep wood framed cantilevered canopy over the existing front door, which presently has no cover from the weather. The new canopy will be supported from the wall without columns.

c. The "secondary front" of the existing house faces Fairway Drive and is 19.6' from the property line. Part of this variance request is for 'filling-in' a portion of a recessed area, and the small area will be approximately 37' from the property line, but will not extend beyond any portion of the existing house.

d. The variance request is based on the fact that the current front yard setbacks were established a number of years after the home was originally constructed, and the line of the cantilevered canopy is consistent with other homes on the street; and, the 'filling-in' portion the request will be significantly behind the current wall of the house (and further from the street) facing Fairway Drive.

e. The requested variance is fully in harmony with the purpose and intent of the Zoning Regulations.

The attached site plan and architectural drawings demonstrate the existing setbacks and the proposed new work.

Regards,

Barrett Architecture Studio, LLC

Lauren Barrett, AIA
Petition Summary
Request to allow additions and alterations to an existing single family dwelling to be 27 feet from the primary front property line (Randolph Road), and to be 36.5 feet from the secondary front property line (Fairway Drive), both in lieu of the required 40 feet.

Analysis
The hardships in this case are the existing design constraints and the corner lot configuration. The proposal includes the addition of a 3-foot deep cantilevered canopy at the front door (facing Randolph Road); also, to “fill in” a recessed area on the portion of the house that faces Fairway Drive. Both encroachments are minor in nature; the approvals of which are not anticipated to be detrimental to the streetscapes.

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: 56 Randolph Road

ZONING DISTRICT: Res-A

OWNERS: Justin and Claire Drummond
STATE OF ALABAMA
JEFFERSON COUNTY

I, Joseph F. Breighner, Jr., a Registered Professional Land Surveyor in the State of Alabama, hereby certify that this survey and drawing of the parcel described herein, were made by individuals under my supervision (Field Work performed on May 20, 2019), and 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.

This property is not located within the 100 year flood area and is in Unshaded Zone "X" (areas determined to be out of 0.2% annual chance floodplain) as shown on the National Flood Insurance Programs "FIRM" Flood Insurance Rate Map of Jefferson County, Alabama, according to Panel 557 of 755, Map Number 010730057H dated September 3, 2010, as published by the Federal Emergency Management Agency.

SCHOEL ENGINEERING CO., INC.

Joseph F. Breighner, Jr., Alabama License No. 17518
Issue Date: May 21, 2019

LEGAL DESCRIPTION

Lot 6, Block 5, Country Club Gardens, as recorded in Map Book 15, Page 10 in the Office of the Judge of Probate of Jefferson County, Alabama.

Containing 15,000 Square Feet or 0.344 Acres.
### Building Coverage Data

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<td>15,000 SF</td>
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<td>20.6%</td>
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<tr>
<th>Impervious Surfaces</th>
<th>Allowable for 15,000 SF Lot</th>
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<tbody>
<tr>
<td>Existing</td>
<td>2,941.95 SF</td>
</tr>
<tr>
<td>Proposed</td>
<td>3,095.69 SF</td>
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### Renovation Notes

1. **Selective Demolition**
   - Protect all hardwood floors with a minimum of one layer of 46mil Ram Board Protection Roll before beginning demolition operations. Maintain floor protection throughout demolition activities. Carefully protect existing front door for duration of construction; and/or remove and temporarily replace with a construction door while protecting existing door frame. Protect all interior handrails noted to remain from damage during the entire construction phase.

2. **General Notes**
   - **Existing Free-Standing Garage Structure** is not in scope of work.
   - Examine all brick veneer to remain in place for excessive erosion of mortar joints and settlement of brick veneer. Point-up joints in a manner consistent with good masonry practice.
   - Examine all joints in metal roofing where adjacent to brick veneer. Clean and re-caulk with sealant appropriate to the application. Note any flashing that has deteriorated or is unsound, and contact Architect or Owner for proposed remediation.
   - If during the build-back, the Contractor becomes aware of any condition, structural soundness, prior termite infestation, water damage, and the like, he shall immediately contact Architect and Owner before proceeding.

### Site Plan

- **Lot 6**
  - Remove patio, see DWG A1 for extent
  - Remove River Birch tree
  - Remove brick veneer with hand tools wherever possible. Clean and store as directed all sound half and whole brick for future re-use on house.

- **Lot 5**
  - Remove stone walk
  - Remove floor, gas and electric pipes in necessary areas otherwise disjointed by Owner.
  - Remove all plaster and lath from existing walls and ceilings, including insulation unless noted otherwise.

- **PROPOSED SITE PLAN**
  - Remove existing exterior brick and separating interior brick.
  - Turn off gas, water and electricity at meter or panel boards unless otherwise directed by Owner.

### Construction Notes

- **Do not remove or damage existing windows and exterior doors prior to replacement.**
- **Carefully mark limits of all proposed selective wall, door and window openings for approval prior to cutting.**
- **Remove all plaster and lath from existing walls and ceilings, including insulation unless noted otherwise.**
- **Remove all existing ceramic tile floor and wainscoting to face of studs.**
- **Turn off water, gas and electricity at meter or panel boards unless otherwise directed by Owner.**
- **Disconnected all plumbing fixtures from supplies and drains prior to removal of all plumbing fixtures.**
- **Protect existing HVAC equipment, refrigerant lines, ductwork, and openings from damage during demolition and build-back activities.**
- **Do not remove any existing roof until immediately prior to re-roofing. Expose only the amount of roof to be replaced during each work day. Examine existing roof deck and verify any deck that is not sound. Provide a material and labor allowance per SF to remove and replace unsound decking. Document any unsound wood deck with photographs for confirmation.**
- **Carefully mark extent of exterior demolition of walks, patios, steps and the like for approval prior to cutting and removal.**
- **All trees marked for removal shall be removed in their entirety.**

### Legal Notes

- This drawing is the property of Barrett Architecture Studio, LLC and is not to be reproduced, copied or altered in any way or used for any purpose without the approval of Barrett Architecture Studio, LLC and is to be returned upon request.

### Project Information

- **Title Sheet Number:** A0
- **Revision Schedule:**
  - **Revision Number:** 08.09.19
  - **Date:** 18-045

- **Location:** 56 Randolph Road, Mountain Brook, Alabama

- **Contact:**
  - Barrett Architecture Studio, LLC
  - 205.250.6161
  - barrettarchstudio.com

- **Architect:** Barrett Architecture Studio, LLC
- **Project:** Drummond Residence Renovations
- **Scale:** 1" = 20'
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 was constructed prior to the establishment of setbacks, as were other houses on the same street. Because the house is closer to the front property lines than permitted under current regulations, the house is deemed compliant based on Section 129-39(a)(1). A cantilevered canopy not exceeding 3' is allowed on the house, measured from the 4' setback. The "infill" on the Fairway Drive side is not reducing the distance between the house and the 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...")

The condition was created due to the house being constructed before zoning setbacks were established.

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

1) The front of the house that faces Randolph Road is very closely aligned with the front of the other houses.

2) The front of the house that faces Fairway Drive is 19.6' from the property line. The proposed "infill" is significantly further from the street than the wall that is 19.6' feet away.
# Variance Application - Part I

## Project Data

**Address of Subject Property:** 2121 English Village Lane  
**Zoning Classification:** Residence C District  
**Name of Property Owner(s):** Bummar Hawk  
**Phone Number:** 256-738-4373  
**Email:** bummarhawk@gmail.com  
**Name of Surveyor:** Ray Weygard  
**Phone Number:** 205-912-0036  
**Email:** info@weygardsurveyors.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>
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</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
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<tr>
<td>Lot Width (ft)</td>
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<tr>
<td>Front Setback (ft)</td>
<td>primary</td>
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<tr>
<td>Front Setback (ft)</td>
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<tr>
<td>Right Side Setback</td>
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<td>Left Side Setback</td>
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<td>Right Side Setback (ft):</td>
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<td>For non-conforming narrow lots in Res-B or Res-C:</td>
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<td>Less than 22’ high →</td>
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<td>22’ high or greater →</td>
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<td>Left Side Setback (ft):</td>
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<td>Less than 22’ high →</td>
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<td>22’ high or greater →</td>
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<td>Rear Setback (ft)</td>
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<td>Lot Coverage (%)</td>
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<td>Building Height (ft)</td>
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<td>19</td>
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<td>Other</td>
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<tr>
<td>Other</td>
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</tbody>
</table>
2121 English Village Project Scope:

The proposed project is the replacement of an existing 20 x 20 deck that has been deemed unsafe due to old age and weathering. The new build is the exact same footprint as the existing deck with the only change being an added roof covering half of the area to allow for a screened in section.
Petition Summary
Request to allow a covered deck (26 feet high at midpoint of roof) to be 5.2 feet from the side property line (northeast), and a stair/handrail (15 feet high) to be 1 foot from the side property line (northeast), both in lieu of the required 8 feet.

Analysis
The hardships in this case are the narrowness of the lot (50 feet), the existing design constraints, and the steep topography at the rear of the property. The proposal is to replace and existing deteriorated deck and stair in the same location; the existing deck and stair are open; the proposed new deck is to be covered and screened in. The reason for the improvements being proposed close to the east side property line is that the driveway and parking take access from the site’s west side.

Article IV of the zoning code allows a house on a narrow Res-C lot to be up to 22 feet high within 8 feet of the side property line. Any open stair is allowed to be up to the side property line, but is then limited to 8 feet in height.

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 129-63, Special Provisions for Nonconforming Residence C Lots

Appends
LOCATION: 2121 English Village Lane

ZONING DISTRICT: Res-C

OWNER: Burnham Hawk
STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify that the purchaser of this property at the time, that I have surveyed Lot 7, BLOCK 5, MAP OF RESURVEY OF FIRST ADDITION OF SOUTH HIGHLANDS, as recorded in Map Volume 1, Page 195 & 196, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawings 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 AUGUST 29, 2019. Survey sealed if not sealed in red.

Order No. 1162
Purchase Address 2171 ENGLISH VILLAGE LANE

WEYGAND
SURVEYORS

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are on record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.
A-19-35 Proposed Encroachments

--

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

205/802-3816 phone
205/879-6913 fax
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
All Structural Material on screened in area to be rough saw cedar

Match front of house with 12" overhang

Equal Spacing for columns and posts

Renderings
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 current lot size is 20 feet while the setback regulations call for 30 feet on a 30 foot lot. Additionally, the current topography and surrounding areas of the lot parking and garage access from the right side of the deck. Because of this, the additional support beams for the roof must be on the left side of the deck to not block access to those parking spots – including garage access.

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 - Due to the existing home being 3 feet in the setback because the lot is 50 feet and not the standard 200.

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

Because the existing home is in the setback by 3 feet, the proposed new roof will be as well. There is no proposed setback on the build that is closer to the setback than the current home.
2121 English Village Lane: Variance

Blake Smith <blakesmith187@gmail.com>  
To: Burnham Hawk <burnhamhawk@gmail.com>

Approve. It's going to look great!

-Blake

On Tue, Aug 20, 2019 at 7:42 PM Burnham Hawk <burnhamhawk@gmail.com> wrote:

Hey Blake,

Hope all is well with you and Nancy. As you know, we are building a new deck/screened porch on the back of our house and are having to apply for a variance from the Mountain Brook Board of Zoning. The zoning code states that any roof line must be 8 feet from the property line. But since our current roof is only 5 feet from the property line, the new roof will be as well (snip below).
Burnham Hawk <burnhamhawk@gmail.com>

2121 English Village Lane: Variance

Jay Friedman <jayfriedman@friedman-lawyers.com>
To: Burnham Hawk <burnhamhawk@gmail.com>

Burnham,

We approve. Looks like a beautiful project. Please let me know if I can do anything else.

Jay

FRIEDMAN
DAZZIO, ZUANAS & BOWLING, P.C.

Jay Friedman
3800 CORPORATE WOODS DRIVE, BIRMINGHAM, ALABAMA 35242
P. 205-278-7057 F: 205-278-7001 FRIEDMAN-LAWYERS.COM

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From: Burnham Hawk [mailto:burnhamhawk@gmail.com]
Sent: Tuesday, August 20, 2019 8:54 AM
To: Jay Friedman
Subject: 2121 English Village Lane: Variance
2121 English Village Lane: Variance

Lauryn Walker <laurynwalker@me.com>  Thu, Aug 22, 2019 at 9:54 AM
To: Burnham Hawk <burnhamhawk@gmail.com>

Approved!!!

Lauryn

On Aug 20, 2019, at 9:02 AM, Burnham Hawk <burnhamhawk@gmail.com> wrote:

Lauryn,

Thanks for hopping on the phone today. As mentioned, we are building a new deck/screened porch on the back of our house and are required to apply for a variance from the Mountain Brook Board of Zoning. The zoning code states that any roof line must be 8 feet from the property line but since our current roof line is only 5 feet from the line, the new roof will be as well (snip below).

<image.png>

I'm also attaching our plans for the deck. Note that the new build is the exact same footprint as our old deck with the only difference being the roof.

Your approval is not a required piece of the application, but I want to make sure all basis are covered when we apply for the variance. If you could please respond with a simple "approve", it would be greatly appreciated. If you have any questions, please do not hesitate to reach out.

Thank you,
Burnham
(256) 738-4373

--
Burnham S. Hawk
(256) 738-4373

<2121 English Village Lane (1) (.pdf>
Jay,

Nice speaking with you on Sunday. As mentioned, we are building a new deck/screened porch on the back of our house and are required to apply for a variance from the Mountain Brook Board of Zoning. The zoning code states that any roof line must be 8 feet from the property line but since our current roof line is only 5 feet from the line, the new roof will be as well (snip below).

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Thank you.

Burnham

(256) 738-4373