Hello All,

Enclosed please find your packet for the meeting of January 21, 2020.

**We have:**
- 1 case that was carried over from December (A-19-40)
- 1 new case

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 (January 21, 2020)
- 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 802-3811 or send me an email at slatent@mtnbrook.org …

Looking forward to seeing you on Tuesday!

Tyler
MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
JANUARY 21, 2020
PRE-MEETING: (ROOM A106) 4:45 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: December 16, 2019

2. Case A-19-40: Craig and Christopher Hey, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 6 feet 2 inches from the side property line (northeast) in lieu of the required 15 feet. – 3514 Grand Rock Circle. (Carry-over from December 16, 2019)

3. Case A-20-01: Chuck and Patsy Thomas, property owners, request a variance from the terms of the Zoning Regulations to allow an existing wall to remain as located in the side and rear yards (north and east); the wall is up to 13 feet tall where the height limit is 8 feet. – 2796 Pump House Road.

4. Next Meeting: Tuesday, February 18, 2020

5. Adjournment
Variance Application - Part I

Project Data

Address of Subject Property  3514 Grand Rock Circle

Zoning Classification  A

Name of Property Owner(s)  Craig St. & Christopher L. Hey

Phone Number  205-966-0739 Email  Craighey67@gmail.com

Name of Surveyor  David McKinney - SMW Engineering

Phone Number  205-397-6784 Email  DMckinney@SMWEngineering.com

Name of Architect (if applicable)  Brent Uptain

Phone Number  205-540-7540 Email  BrentUptain@Gmail.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>
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Petition Summary
Request to allow an addition to an existing single family dwelling to be 6 feet 2 inches from the side property line (northeast) in lieu of the required 15 feet.

This request was carried over from the 12-16 BZA meeting to allow the applicant to revise the submittal. The applicant has chosen to continue with the original request.

Analysis
The hardships in this case are the existing design constraints, the irregular shape of the lot, and the topography. The garage addition is proposed at the terminus of an existing driveway. The irregular shape and topography of the property have dictated the location of the existing house, atop a knoll in the center of the property. Topographic challenges are such that the grade falls away from the house, especially at the rear (see attached topography map, embedded in upper right corner of attached “Topography and Second Floor Plan”).

The existing garage is being converted to a new livable space; therefore, this proposal could be perceived as a self-imposed hardship.

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

Append
LOCATION: 3514 Grand Rock Circle

ZONING DISTRICT: Res-A

OWNERS: Craig and Christopher Hey
LEGEND

- 5/8" CAPPED REBAR SET
  (CA-627 LS)
- FOUND PROPERTY MARKER
  (SEE DWG FOR SIZE & TYPE)
- CALCULATED POINT
- MEASURED
- RECORDED REFERENCE

ASPHALT
CONCRETE

RIGHT OF WAY
ROW

NOTE: RECORDED & MEASURED ANGLES
AND DISTANCES ARE THE SAME UNLESS
OTHERWISE NOTED

SCALE: 1" = 50'

AS-BUILT SURVEY
STATE OF ALABAMA
COUNTY OF JEFFERSON

I, David D. McKinney, Alabama Registered No. 30350, hereby state that all parts of this survey, performed on the 30th day of November, 2019, and the 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.

Legal Description (As supplied by client recorded in Instrument # 201320-17805)

A parcel of land located in the NE ¼ of the NE ¼ of Section 36, Township 17 South, Range 2 West, more particularly described as follows:

Begin at the most Northerly corner of Lot 1, Block 3, of Duncan & Gilliam Addition to Cherokee Bend-North Section-First Addition as recorded in Map Book 121, Page 85, in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a Northerly direction along the projection of the Westerly line of said Lot 1, a distance of 100.00 feet; thence 91 degrees 45 minutes right, in an Easterly direction, a distance of 161.81 feet; thence 58 degrees 31 minutes 15 seconds right in a Southerly direction a distance of 199.62 feet; thence 90

Note: No title or abstract research was performed by the undersigned.

GIVEN UNDER MY HAND AND SEAL, this the 30th day of November, 2019.

David D. McKinney
Alabama Registered No. 30350

SMW Engineering Group, Inc.
168 Buccaneers Center Drive
Birmingham, Alabama 35244
Phone: 205-252-6986
www.smweng.com

TYPE OF SURVEY
MORTGAGE SURVEY

CLIENT
CRAIG HEY
3514 GRAND ROCK CIRCLE
BIRMINGHAM, AL 35223

REVISIONS

DATE: 11/30/19
DRAWN: DM
CHECKED: DM
SCALE: 1"=50'

Project No. 14-0535
Proposed Roof Plan  $\frac{1}{8}" = 1'-0"$

(+/- 30'-0"
(Per original drawings)
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 lot is abnormally shaped. Currently we have 4 cars parking 20' win 2' of the property line. We would like to build a 60' attached Carport. We do not plan on removing the hedge in place.

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..."

Additional space was needed. Our house sits on a large rock outcropping. We could not push back to not build out of the garage. Going forward logically require a setback.

We are living to thoughtfully expand our space in an architecturally desirable way. We think we will bring up property values. Our neighbors have been very supportive of what we're doing.

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

We are bound by an irregular lot with notable topography. We feel this will create a more beautiful house, meet the requirements for a variance and will help property values.
Drs. R. Jobe and Kathleen Fix  
3501 Grand Rock Circle  
Mountain Brook, AL 35223-35213  
December 15, 2019

Mountain Brook Board of Zoning Adjustment  
56 Church St  
Mountain Brook, AL  

Dear Board Members:

We were informed this weekend, by Dr. Dennis Delgado, about a proposed variance to a zoning regulation at the property adjacent to the Delgado's residence at 3510 Grand Rock Circle. This was the first time we had heard about this issue – we were not previously informed of this proposal. We live across the street from the Delgados.

We understand the Heys propose converting their existing garage space into a master bedroom, and then adding a garage at the existing driveway, which would move the garage to 8.8 feet from the Delgado's master bedroom. This would violate the existing ordinance requirement of 15 feet. We would like to state that we are opposed to this ordinance variance request.

We appreciate all the work the Heys have done on their property – they have made it into a lovely home. However, the Delgado’s also have a lovely and peaceful home, with a private master bedroom. This peace and quiet would be sacrificed if a garage is built 8.8 feet away from their bedroom. The Heys have expressed a desire to have a large master suite, but this should not take precedence over the Delgado’s comfort in their existing home. This home was purchased by the Delgados in the full expectation of being able to enjoy the privacy and tranquility of their home, and especially their bedroom, for the long term. To have this taken away for the sake of a garage seems unfair and unduly burdensome. The existing ordinances are in place to for a reason – to ensure appropriate usage of properties, support property values and maintain amicability between neighbors. We are concerned that this variance would affect property values in our neighborhood and set a precedent that would be very unwelcome. We are also concerned that we were not notified of this variance request. We are asking that this variance request be denied.

We wish for our email and the information contained within be placed in the packet for the public hearing of the Board of Zoning Adjustment regarding case A-19-40, scheduled for Monday, December 16, 2019, at the Mountain Brook City Hall.

Sincerely,

Dr. R. Jobe Fix  
Dr. Kathleen Fix  
katfix@mac.com
Mountain Brook Board of Zoning Adjustment.

Re: Case A-19-40

Dear Board Members:

As 30 year residents of 3502 Grand Rock Circle 3 homes down and sharing the cul-de-sac with 3514 Grand Rock Circle we disapprove of the request for variance to the zoning ordinance. According to the proposed structural addition the variance will result in a significant compromise to the established zoning ordinance of 15 feet from their property line and an obvious “cramped” appearance between the home of 3514 Grand Rock Circle and the adjacent home of 3510 Grand Rock Circle. This infringement will be obvious to any onlooker from the street level and likely decrease the property value of the homes in our cul-de-sac. Hence, we respectfully request the Board not accept the requested variance.

Sincerely,

T.L and Pat Cloar

[Signature]

[Signature]
December 13, 2019

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

Re: Response to Notice to Owners of Adjacent Property to 3514 Grand Rock Circle

Dear Board Members:

We have resided at 3510 Grand Rock Circle for 28 years. On Monday, December 9th, we received a Notice to Owners of Adjacent Property describing Craig and Christopher Hey’s request for a variance to Zoning Regulation Case A-19-40, which requires any dwelling on one’s property to sit 15 feet from the property line. Currently, the Heys’ dwelling sits approximately 29+ feet from the property line. They are requesting an ordinance variance of 8.8 feet, which would move their dwelling 23 feet closer to our property line and home, and over half of the 15 feet ordinance requirement.

We respectfully oppose the Heys’ request as it will affect our property value. A benefit of living in Mountain Brook is the privacy the 30 feet required separation between dwelling spaces allows for residents. If the Heys are granted their request, they will be cutting the 30-foot separation down almost by a third, and moving their dwelling space 23 feet closer to our home. The resale value of our home will be negatively affected by this variance.

In addition, their request will interfere with our privacy and create noise and light disturbances. Our master bedroom and master bathroom are the portion of our home that sit closest to the property line. According to the Heys’ proposed architectural plan, what is now their garage will be converted to a master suite, and their current driveway space will be converted to a garage. This structure will require them to park their cars with the accompanying disruptions 23 feet closer to our property line and home.

Therefore, for the reasons listed above, we respectfully ask the Board to deny the Heys’ request for a variance to the zoning ordinance.

Sincerely,

Dr. and Mrs. Dennis G. Delgado

[Signature]

[Signature]
**Variance Application - Part I**

**Project Data**

Address of Subject Property: **2796 Pump House Road**

Zoning Classification: **Estate**

Name of Property Owner(s): **Patsy and Chuck Thomas**

Phone Number: **396-7251** Email: **Aquaticgardens@Bellsouth.net**

Name of Surveyor: **South Central Surveying**

Phone Number: **229-1993** Email: **SouthcentralSurveying.com**

Name of Architect (if applicable) **Paul Bates**

Phone Number: **414-9939** Email: **PaulBates@architects.com**

- Property owner or representative agent must be present at hearing

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

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<td>Front Setback (ft) <strong>primary</strong></td>
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<td>Front Setback (ft) <strong>secondary</strong></td>
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A-20-01 Zoning

1/14/2020, 11:33:15 AM

Pavement
Residence A District
Tax_Parcels
Estate Residence District

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,
Web AppBuilder for ArcGIS
Hunter Simmons | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |
Petition Summary
Request to allow an existing wall to remain located in the side and rear yards (north and east); the wall is up to 13 feet tall where the height limit is 8 feet.

Analysis
The hardships in this case are the topography of the lot, irregular shape of the lot and location of an existing septic tank. The existing wall is proposed as a means to level the lot and make use of the retained topography in order to create a landscape plan that controls water runoff and allows adequate field lines for septic tanks. The applicant has indicated that the wall is a necessary component, to level the subject area of the property which will allow for a parking pad and motor court.

The lot’s topography falls off to the rear of the property.

The lot is an irregular shape that consists of a triangle. The narrow corner of the triangle limits the usable area in the rear of the property.

There is an existing septic tank in the front yard that precludes the use of this area for the construction of the proposed improvements.

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 129-315, Fences and Walls in Residential Districts (b).

Appends
LOCATION: 2796 Pump House Road

ZONING DISTRICT: Estate District

OWNERS: Patsy and Chuck Thomas
STATE OF ALABAMA
JEFFERSON COUNTY

I hereby state that 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.

Lot 1-A, according to the MAP OF A RESUBDIVISION OF LOTS 1, 2 AND 3 OF NOLAND'S SURVEY, as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 59, Page 94.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded maps, except as shown. That this survey shows the improvements located on said property, and that there are no electrical or telephone wires, (including wire which serve the premises only) or structures on supports thereof, including poles, arches and guy wires, on or over said property, except as shown, and that the property is not located in a special hazard area and is shown in a Zone "X" on the Flood Insurance Rate Map for this area (Map No. 010703000566, dated September 3, 2010).

GIVEN UNDER MY HAND AND SEAL this the 12th day of February, 2018.

William D. Callahan, Jr., PLS

PROPERTY ADDRESS:
2736 PUMP HOUSE ROAD
MT. BROOK, AL 35243

REvised: 02-05-2019
(Signed Proposedchanges)
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 topography of the lot, irregular shape of lot, and location of existing septic tank.**

Was the condition from which relief is sought a result of action by the applicant? (i.e., selfimposed 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?  
**Estate lots in the Abingdon area require walls to level lots and make use of retained topography in order to create a landscape plan that controls water runoff and allows adequate field lines for septic tanks.**