

# BZA Packet

February 10, 2020

**Hello All,**

Enclosed please find your packet for the meeting of February 18, 2020.

**We have:**

- 1 case that was carried over from January (A-19-40)
- 4 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:

[www.mtnbrook.org](http://www.mtnbrook.org)

- Calendar (upper right corner)
- Board of Zoning Adjustment (February 18, 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](mailto:slatent@mtnbrook.org) ...

**Looking forward to seeing you on Tuesday!**

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
FEBRUARY 18, 2020

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: January 21, 2020
  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 and January 21, 2020.*)
  3. **Case A-20-02:** Christopher and Lauren Tanner, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a detached accessory building to be located in a front yard in lieu of the requirement to be behind the front building line, and be 48.2 feet from the front property line (northeast) in lieu of the required 100 feet. **-2780 Pump House Road.**
  4. **Case A-20-03:** Russ Doyle, property owner, requests variances from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 15.75 feet from the rear property line (north) in lieu of the required 35 feet. **-32 Clarendon Road.**
  5. **Case A-20-04:** Laura McCrary Gasser, Trustee of the Markie Management Trust, requests a variance from the terms of the Zoning Regulations to allow a chain link fence to be constructed in the front yard in lieu of the requirement to be behind the front building line. **-3910 Hunters Lane.**
  6. **Case A-20-05:** Frank and Allison Davies, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a new attached garage to be 13.75 feet from the side property line (southwest) in lieu of the required 15 feet. **-3571 Westbury Road**
  7. Next Meeting: Monday, March 16, 2020
  8. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 3514 Grand Rock Circle  
 Zoning Classification H  
 Name of Property Owner(s) Craig S. & Christopher L. Hey  
 Phone Number 205-966-0779 Email Craighey@gmail.com  
 Name of Surveyor David McKinney - SMW Engineering  
 Phone Number 205-397-6784 Email DMcKinney@SMW@gmail.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)):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15	30	~16
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-19-40

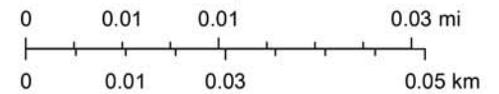


12/2/2019, 12:41:41 PM

Tax\_Parcels

 Residence A District

1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## Report to the Board of Zoning Adjustment

### A-19-40

#### ***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

#### ***Appends***

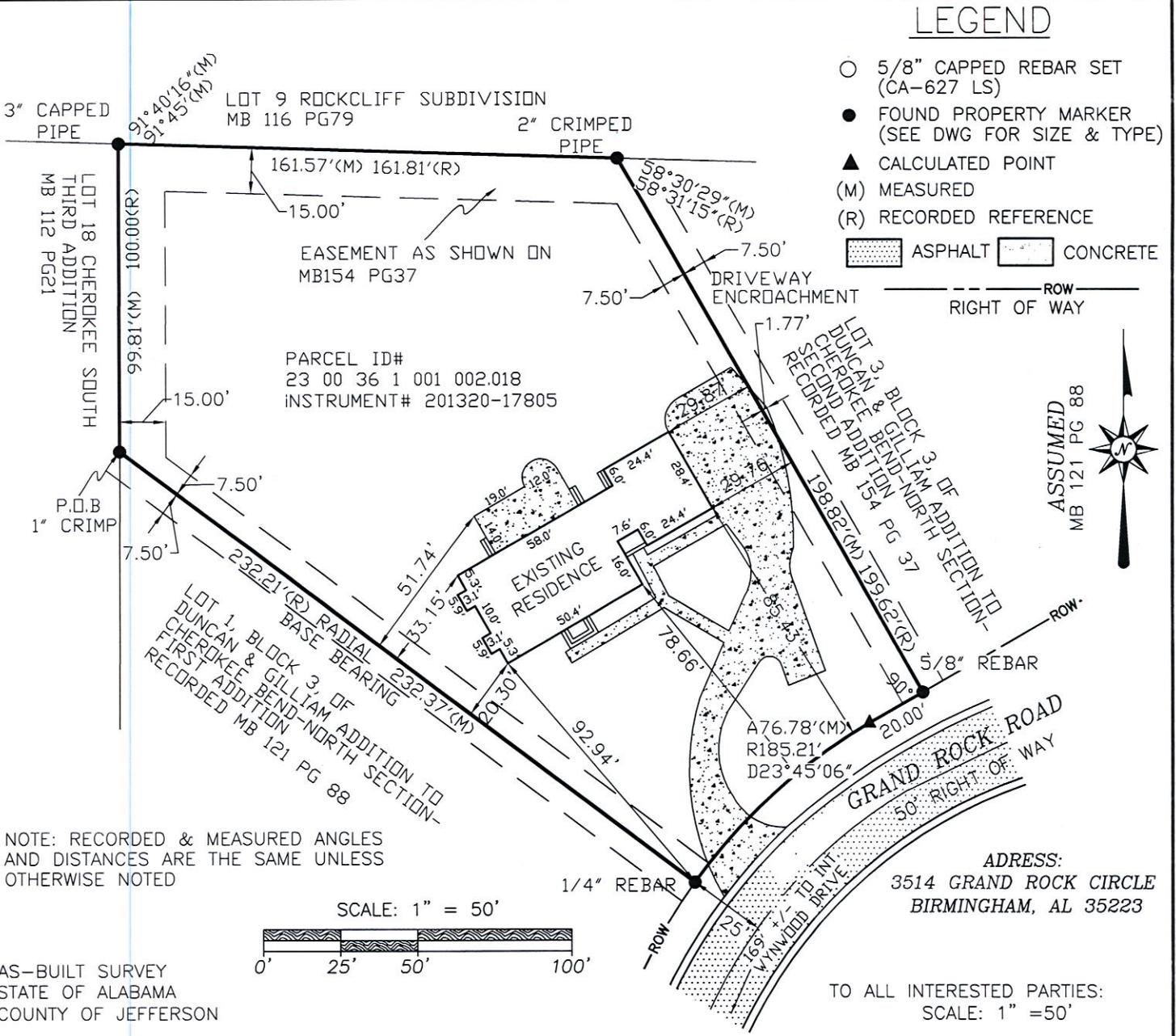
LOCATION: 3514 Grand Rock Circle

ZONING DISTRICT: Res-A

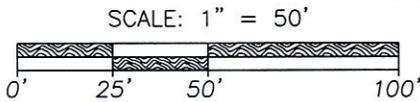
OWNERS: Craig and Christopher Hey

**LEGEND**

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



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



AS-BUILT SURVEY  
STATE OF ALABAMA  
COUNTY OF JEFFERSON

ADDRESS:  
3514 GRAND ROCK CIRCLE  
BIRMINGHAM, AL 35223

TO ALL INTERESTED PARTIES:  
SCALE: 1" = 50'

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 88, 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 a 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 right in a Southwesterly direction a distance of 20.00 feet to the beginning of a curve to the left, having a central angle of 23 degrees 41 minutes 36 seconds and a radius of 185.21 feet; thence in a Southwesterly direction along said curve, a distance of 76.60 feet to the most Easterly corner of said Lot 1; thence in a Northwesterly direction along a line radial to said curve, a distance of 232.21 feet to the point of beginning.

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



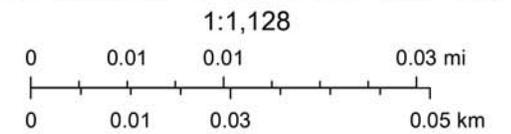
PROJECT NO. 14-0535

 <b>SMW</b> ENGINEERING GROUP, INC.	SMW Engineering Group, Inc. 158 Business Center Drive Birmingham, Alabama 35244 Ph: 205-252-6985 www.smweng.com	TYPE OF SURVEY <b>MORTGAGE SURVEY</b>						
	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE				CLIENT <b>CRAIG HEY</b> 3514 GRAND ROCK CIRCLE BIRMINGHAM, AL 35223
NO.	DESCRIPTION	DATE						
DATE: 11/30/19    DRAWN: DM    CHKD: DM    SCALE: 1"=50'		DATE: 11/30/19    DRAWN: DM    CHKD: DM    SCALE: 1"=50'						

# A-19-40 Aerial

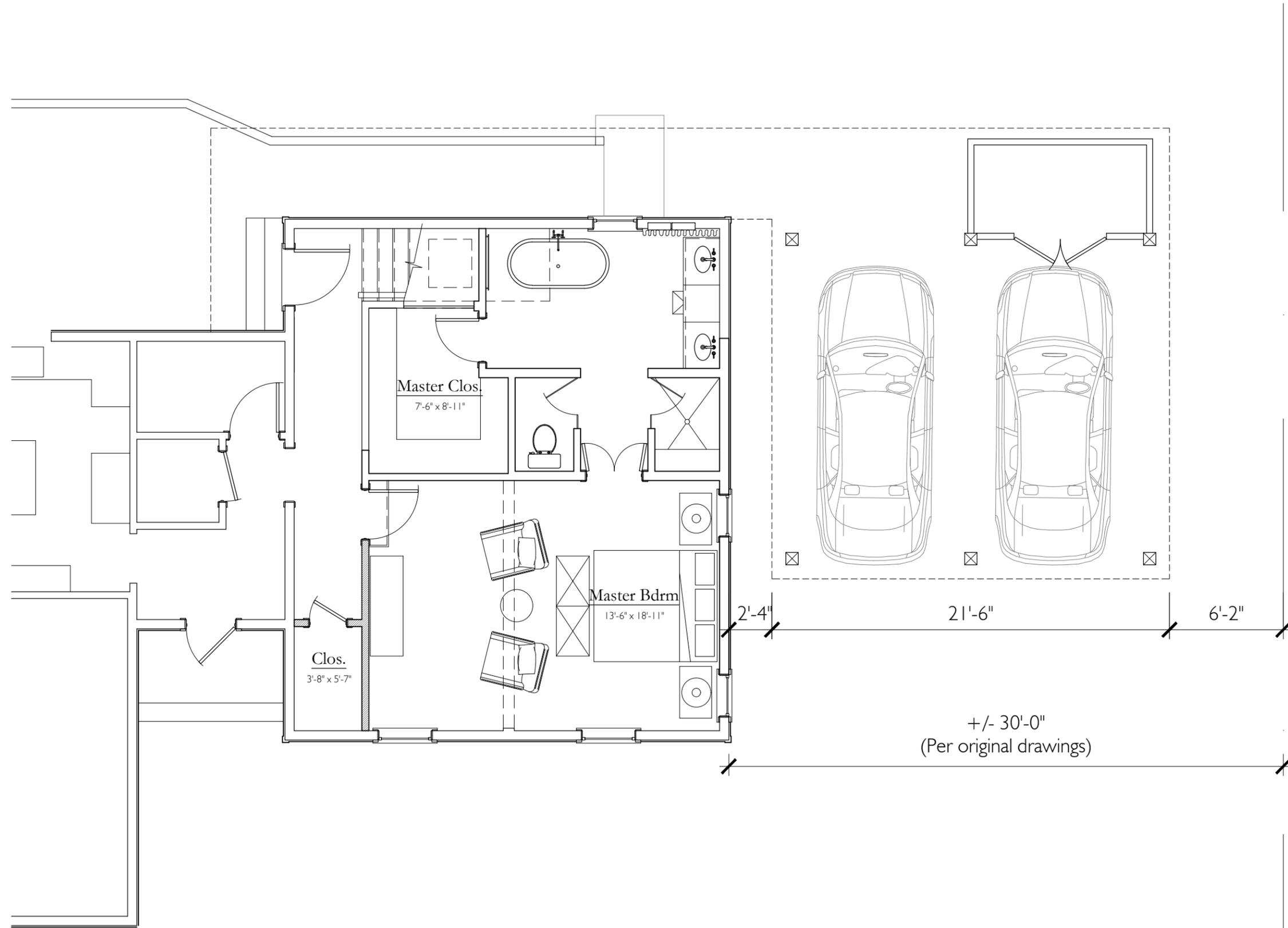


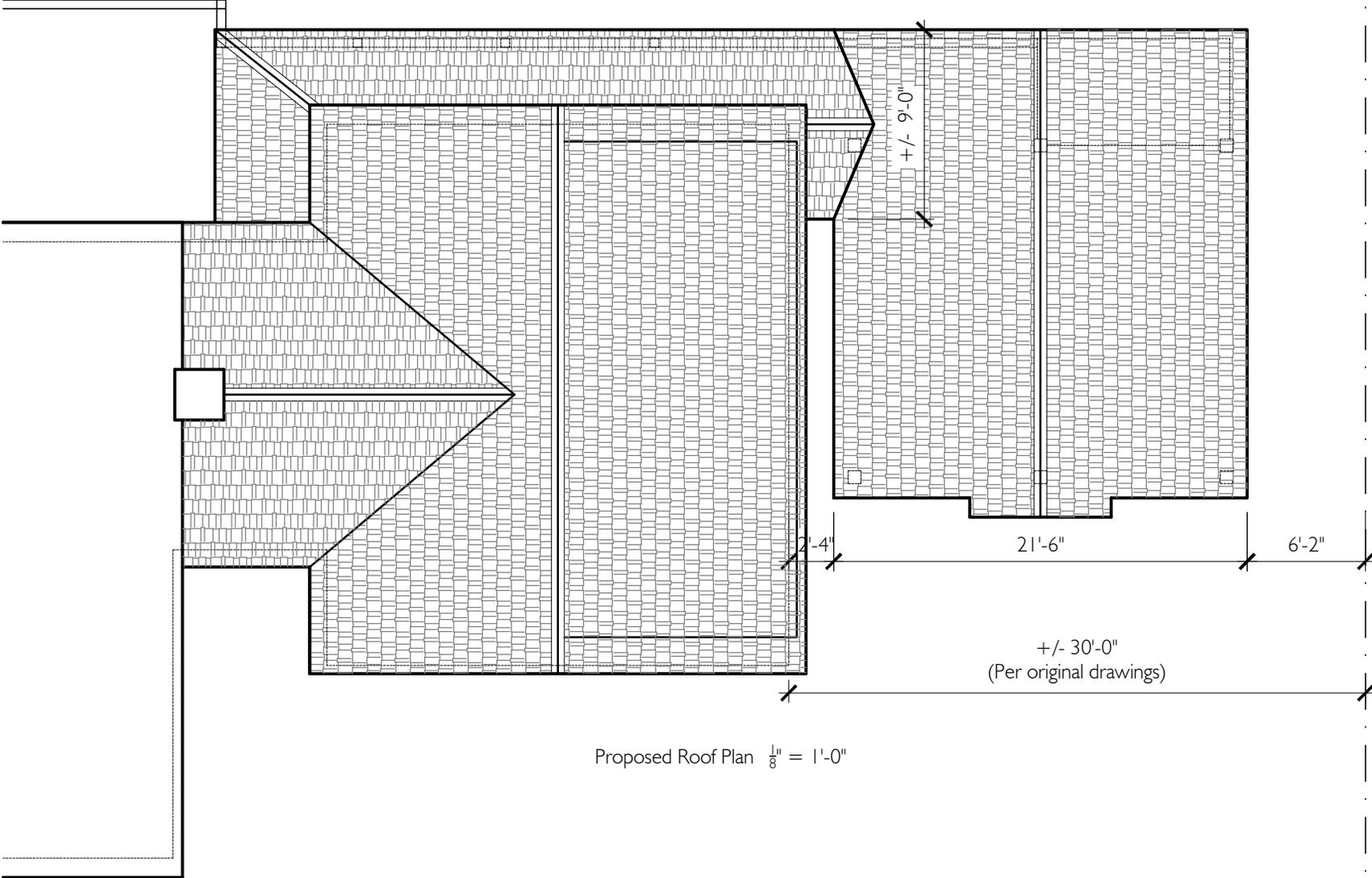
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS  
Hunter Simmons | Shelby Co GIS/ALDOT/USGS, DigitalGlobe, Microsoft |









## Variance Application Part II

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

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

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

The lot is abnormally shaped. Currently we have paved parking to w/in 3' of the property line. We would like to build the attached Carport. We do not plan on removing the hedge in place.

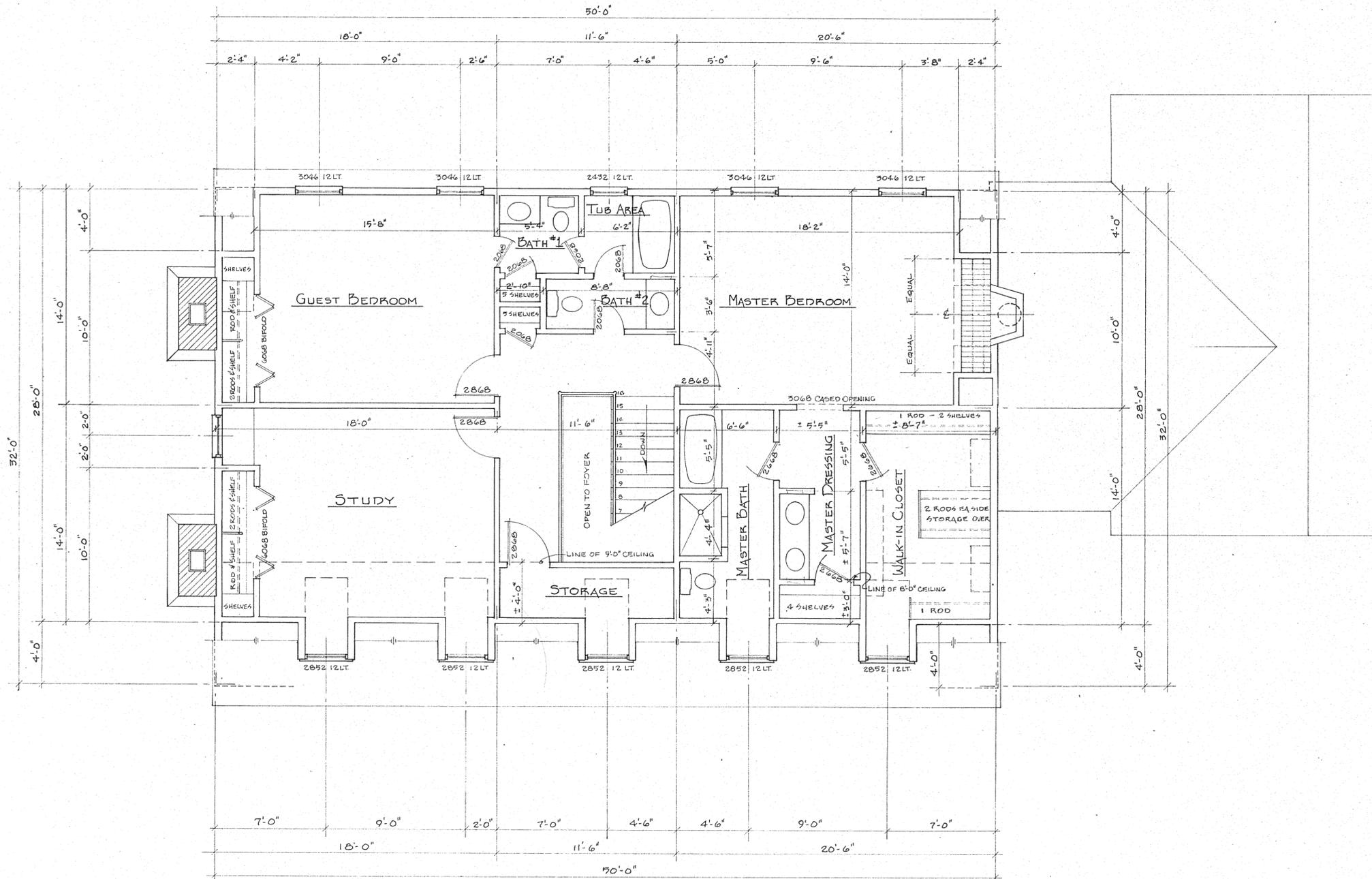
Was the condition from which relief is sought a result of action by the applicant? (i.e., self-imposed hardship such as: "...converted existing garage to living space and am now seeking a variance to construct a new garage in a required setback...")

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

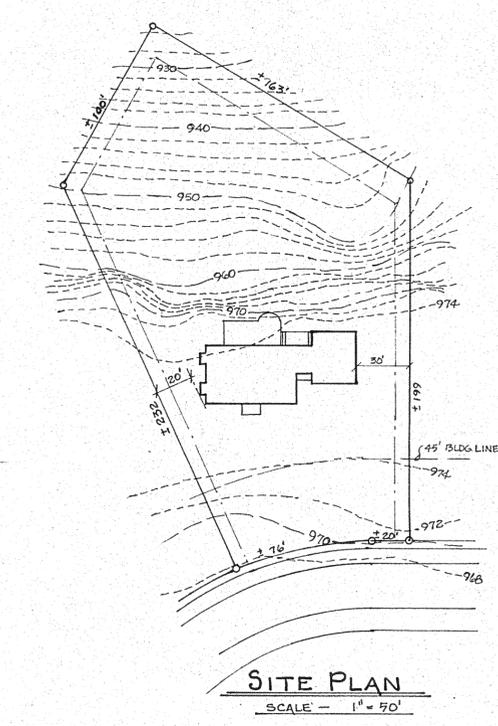
We are trying to thoughtfully expand our space in an architecturally desirable way. We think we will bring up property values. Our neighbors have been very supportive of what we're doing.

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. ~~This setback~~ We feel this will create a more beautiful house, meet the requirements w/a Variance and will help property values.



**SECOND FLOOR PLAN**  
SCALE 1/4" = 1'-0"



**SITE PLAN**  
SCALE - 1" = 50'

A RESIDENCE FOR  
**DR. WILLIAM E. DOGGETT, III**  
 MOUNTAIN BROOK, ALABAMA

DRAWING DATE  
**80-681**  
 COMMISSION NO.

**EDWARD BAILEY & ASSOCIATES, INC. — ARCHITECTS**  
 BIRMINGHAM, ALABAMA — MEMBER AMERICAN INSTITUTE OF ARCHITECTS

**SECOND FLOOR PLAN, SITE**  
**PLAN, FINISH SCHEDULES**

SHEET

Drs. R. Jobe and Kathleen Fix  
3501 Grand Rock Circle  
Mountain Brook, AL 3522335213  
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

A handwritten signature in black ink that reads "T.L. & Pat Cloar". The signature is written in a cursive style with a small heart symbol between the names.

Dr. and Mrs. Dennis G. Delgado  
3510 Grand Rock Circle  
Birmingham, AL 35223  
(205) 335-7142 (cell)  
[ddelgado@uabmc.edu](mailto:ddelgado@uabmc.edu)

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 9<sup>th</sup>, 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




## Variance Application - Part I

### Project Data

Address of Subject Property 2780 Pump House Road, Mountain Brook, Alabama 35243

Zoning Classification Residence Estate District

Name of Property Owner(s) Mr. Christopher Tanner and Dr. Lauren Tanner

Phone Number (205) 401-4821 Email Tanner6@gmail.com

Name of Surveyor Ray Weygand

Phone Number (205) 942-0086 Email lillian@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):

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	100ft	100ft	48.8ft
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

2 January, 2020

Mr. Christopher and Dr. Lauren Tanner  
2780 Pump House Road  
Mountain Brook, Alabama 35243

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

Ref: Board of Zoning Adjustment, Variance Request for 2780 Pump House Road

Dear Mrs. Hazen:

We appreciate the zoning board taking the time to consider our variance request. We have lived at 2780 Pump House Road with our two children Patrick (5) and Lily (2), since 2016 and I grew up at 28 Country Club Blvd., where my parents still reside.

This previously subdivided estate residence lot is a very irregular triangle shape with the residence constructed at the apex of the triangle facing Florida Short Route, but the property is accessed via a long driveway easement from Pump House Road between 2770 and 2778. The portion of the lot upon which improvements can be constructed is limited by a number of conditions relative to the lot, which are shown on the survey and aerial/zoning maps filed with this application, including the following: (i) the lot shape is highly unusual; (ii) the topography of the lot is very steep in the rear yard; (iii) due to the shape the lot, most of the property available for improvements are constrained by the 100' minimum front yard setback.

There are no properties across from the 100' front yard setback variance request and only one residence on Florida Short Route/Old Hwy No. 280 (4100). The proposed location is intended to be at ground level, accessed by existing driveway and to maximize the distance from both neighboring properties. The front of the property allows a side setback of at least 90' and a front set back of 48.2' and is over 150' from the nearest adjacent property, obscured by heavy woods.

The purpose of the requested variance is to allow the addition of a guest cottage for in-laws and visiting family.

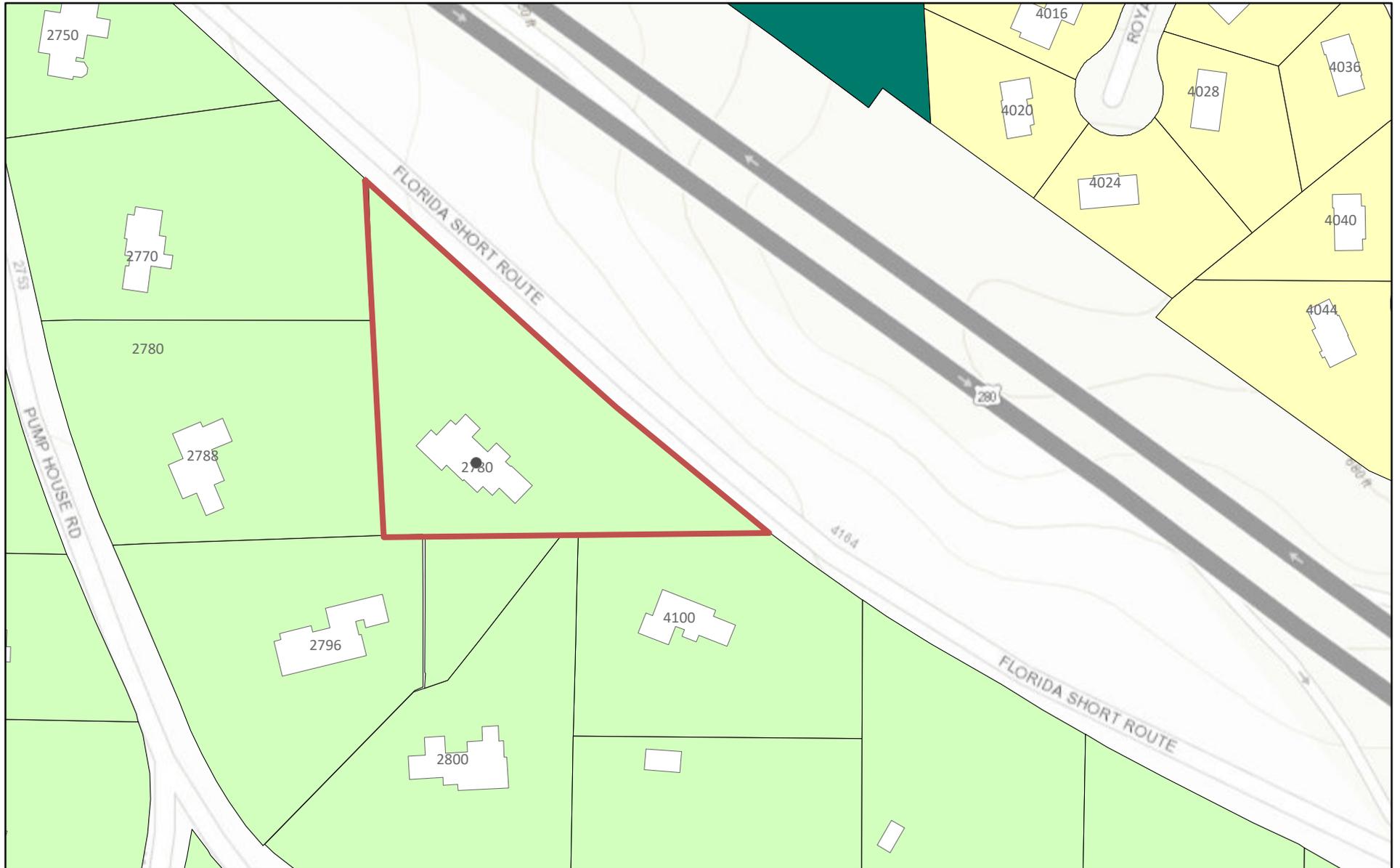
The proposed addition would permit the improvement of our home in a manner not inconsistent with other proposed homes in the area. Other properties on Pump House Road have guest structures with a Florida Short Route/Old Hwy No. 280 setback variance (2750). Thank you for your consideration.

Very Respectfully,



Christopher Tanner  
(205) 401-4821  
[Tanner6@gmail.com](mailto:Tanner6@gmail.com)

# A-20-02 Zoning



1/28/2020, 2:18:13 PM

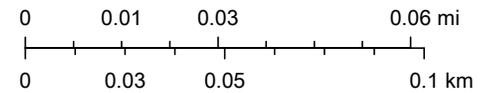
Tax\_Parcels

Estate Residence District

MXD

Residence A District

1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## Report to the Board of Zoning Adjustment

### A-20-02

#### ***Petition Summary***

Request to allow the construction of a detached accessory building to be located in the front yard, not behind the front building line, and within the front setback at 48.2 feet in lieu of the required 100 feet.

#### ***Analysis***

The hardships in this case are the irregular shape of the lot and the topography. The detached accessory structure is proposed in front of the front building line of the house, but in a location that will provide easy access to the existing driveway.

The lot is an irregular shape that consists of a triangle. The rear of the house is built at the apex pointing into a steep hill so the terrain and property setbacks do not allow for additional construction inside the buildable area.

The property's topographical challenge appears to be a steep incline to the rear of the house.

#### ***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 VI, Estate Residence District, Section 129-72, Area and Dimensional Requirements

#### ***Appends***

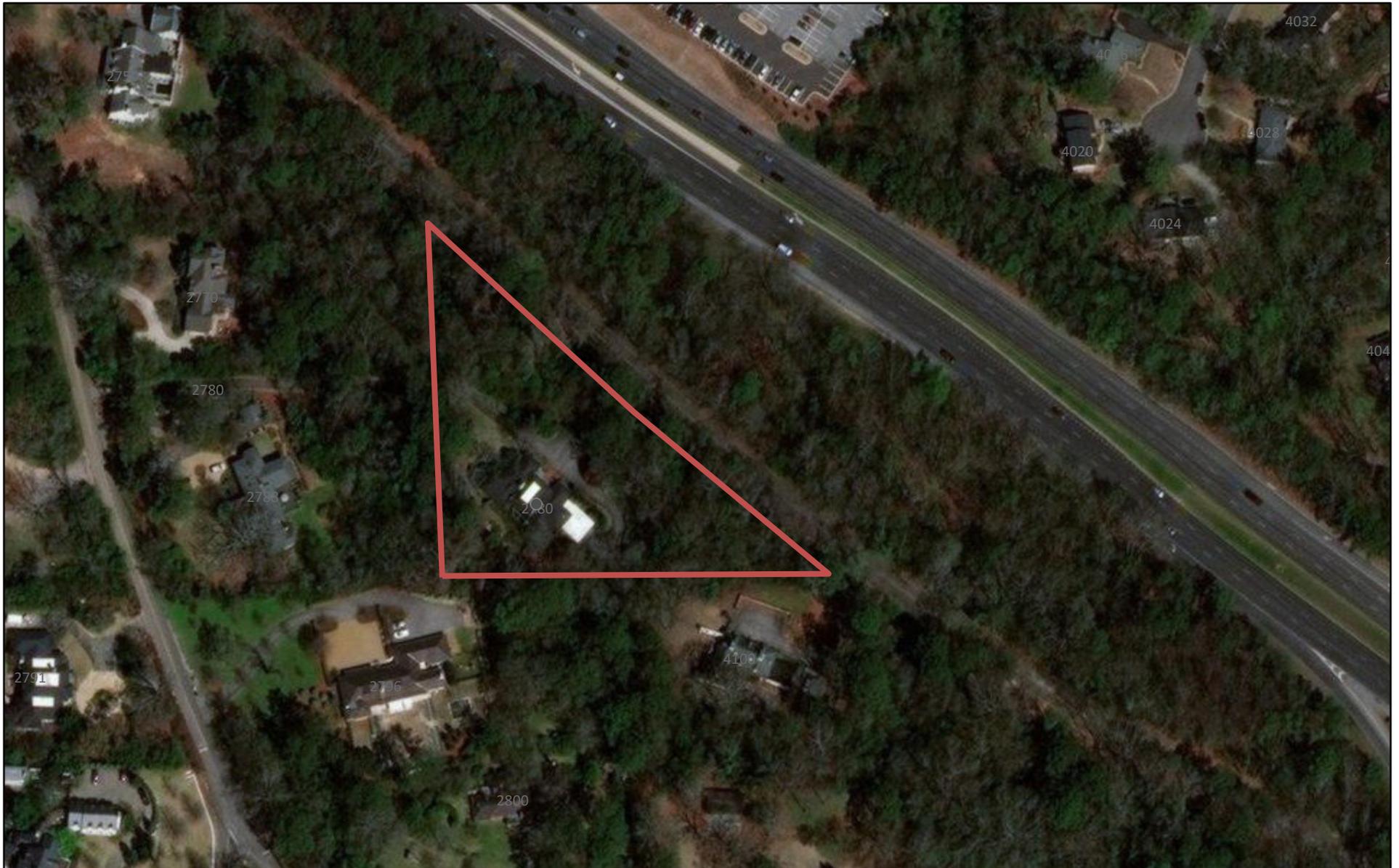
LOCATION: 2780 Pump House Road

ZONING DISTRICT: Estate District

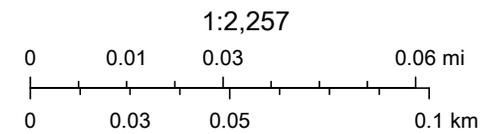
OWNERS: Christopher and Lauren Tanner



# A-20-02 Aerial



2/12/2020, 8:40:20 AM



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

Web AppBuilder for ArcGIS  
Hunter Simmons | Shelby Co GIS/ALDOT/USGS, DigitalGlobe, Microsoft |



## Variance Application Part II

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

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

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

The property is a non-standard shape, triangle lot with the rear of the house built at the apex pointing into a steep hill so that terrain and property setbacks do not allow for additional construction inside current restrictions, despite 2+ acres of heavily wooded property. This is the only property in this area that is access via easement from Pump House Road, but property faces Florida Short Route/Old Rte 280.

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...")

Location where relief is sought gives easy access from existing property driveway, while keeping distance of guest cottage location in relation from both adjacent neighbors maximized. Proposed location would not be an infringement since property sits over 150ft from closest neighbor in a 2 acre, heavily wooded area.

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

This Front Setback request is for Florida Short Route/Old Rte 280, on which there is only one property (4100) and guest cottage will still be obscured from road. There are no homes across from this setback request. Other properties on Pump House Road currently have guest house setback variances for Florida Short Route/Old Rte 280(2750).



## Variance Application - Part I

### Project Data

Address of Subject Property 32 Clarendon Road

Zoning Classification Res-B

Name of Property Owner(s) Russ Doyle

Phone Number (205) 965-5823 Email russ@harrisdoyle.com

Name of Surveyor Arrington Engineering & Land Surveying

Phone Number (205) 985-9315 Email dave@arringtonengineering.com

Name of Architect (if applicable) David Smelcer

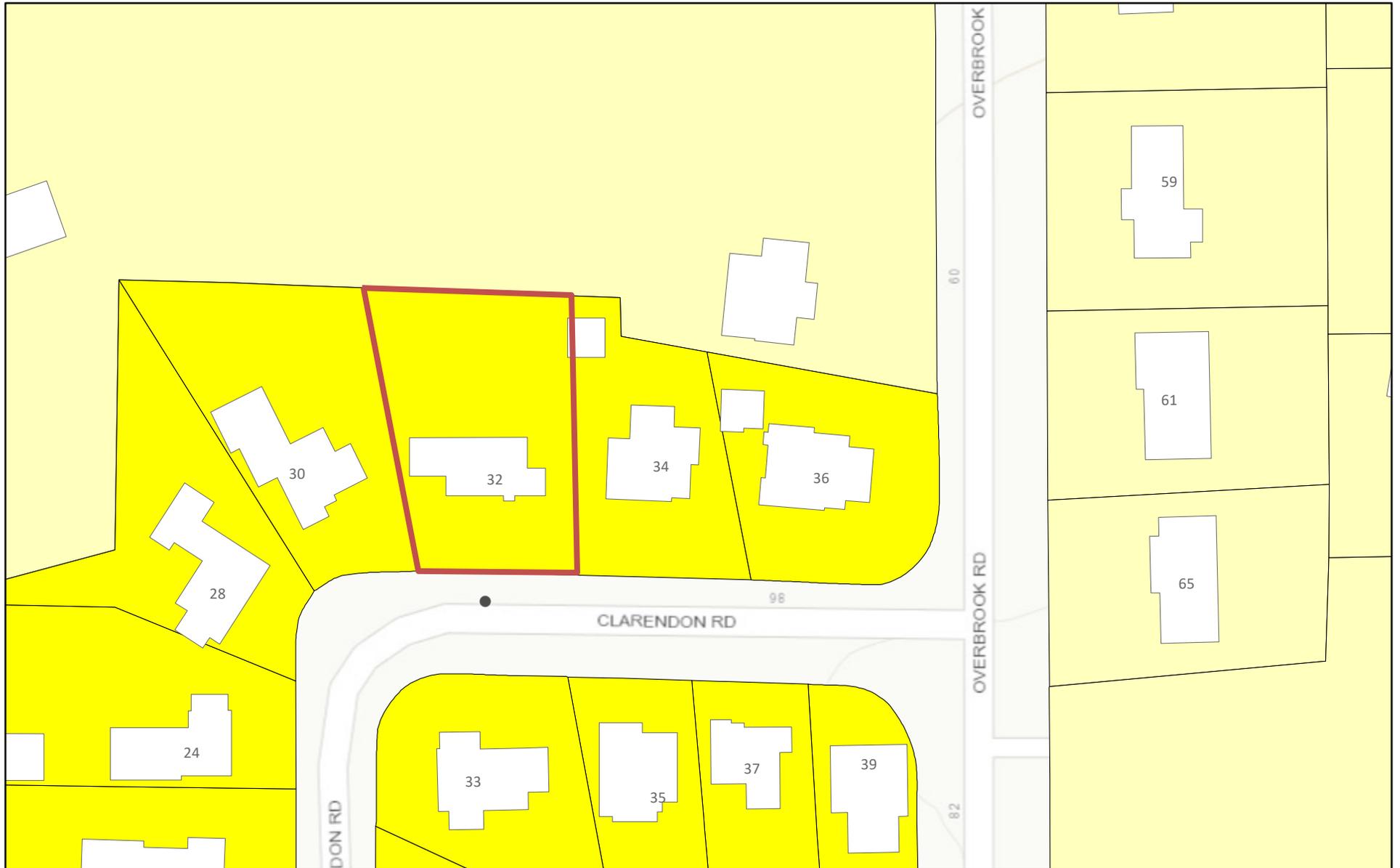
Phone Number 205-229-3835 Email djsmelcer@yahoo.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	35'	49'	15.75'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-20-03 Zoning



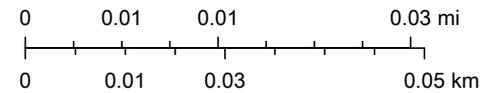
1/29/2020, 10:04:25 AM

Tax\_Parcels

 Residence B District

 Residence A District

1:1,128



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## Report to the Board of Zoning Adjustment

### A-20-03

#### ***Petition Summary***

Request to allow the construction of a new single family home with a portion of the attached garage to be located in the rear setback at 15.75 feet in lieu of the required 35 feet.

#### ***Analysis***

The hardship in this case is the irregular shape of the lot. The lot is wider at the rear and narrower towards the front. Due to this shape much of the lot's usable space in the rear is in the rear setback.

The lot abuts Mountain Brook Baptist Church's parking lot to the rear. The rear is also heavily vegetated for privacy. There would be no impact to a single family residence due to the proposed rear setback variance.

Given that the subject property contain all of Lot 11 and a portion of Lot 12, a clean-up resurvey will be required prior to the issuance of any permits.

#### ***Impervious Area***

The proposal is in not compliance with the allowable impervious surface area. The applicant is aware that alternate storm water mitigation techniques would have to be employed to comply with this provision.

#### ***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

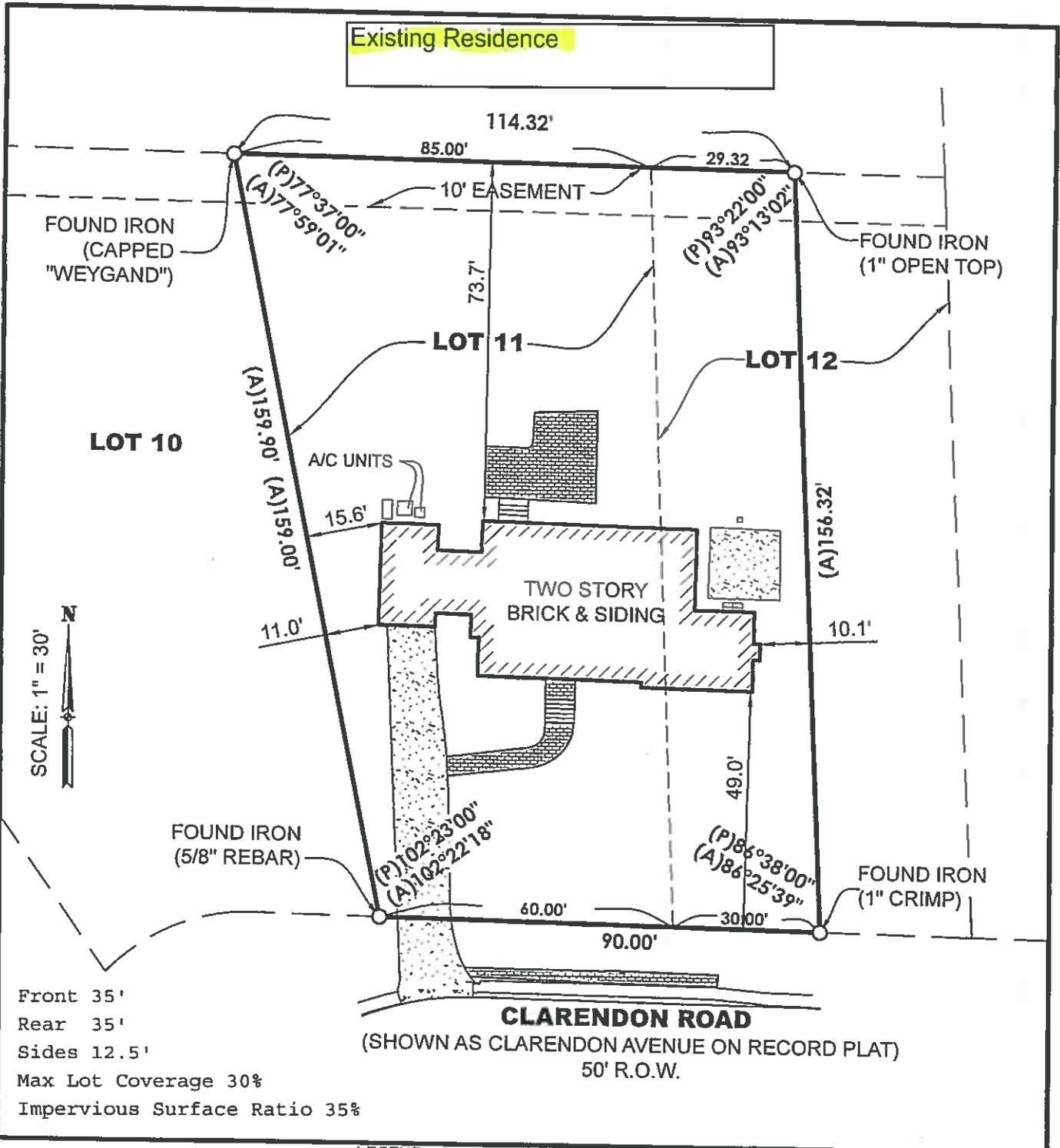
#### ***Appends***

LOCATION: 32 Clarendon Road

ZONING DISTRICT: Residence B District

OWNERS: Russ Doyle

Existing Residence



Front 35'  
Rear 35'  
Sides 12.5'

Max Lot Coverage 30%  
Impervious Surface Ratio 35%

**CLARENDON ROAD**  
(SHOWN AS CLARENDON AVENUE ON RECORD PLAT)  
50' R.O.W.

LEGEND			
• DEGREE	N NORTH	E EAST	L ARC LENGTH
• FEET OR MINUTES	S SOUTH	W WEST	R RADIUS
• INCHES OR SECONDS	P.O.B. POINT OF BEGINNING		⊗ FIRE HYDRANT
⊠ GAS METER	R.O.W. RIGHT OF WAY		⊕ UTILITY POLE
	C/L CENTER LINE		□ JUNCTION BOX
			— UTILITY LINE
			—x— CHAIN LINK FENCE
			⊠ WOODEN FENCE
			⊠ CONCRETE

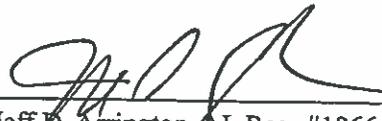
- NOTES:
1. NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY.
  2. ALL BEARING AND/OR ANGLE, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); MEASURED=(M); RECORD MAP/PLAT=(P).
  3. UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
  4. THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.
  5. BEARING REFERENCE IS BASED ON RECORDED PLAT AND SOURCE OF INFORMATION IS RECORDED PLAT AND FIELD EVIDENCE.
  6. TYPE OF SURVEY: FINAL SURVEY

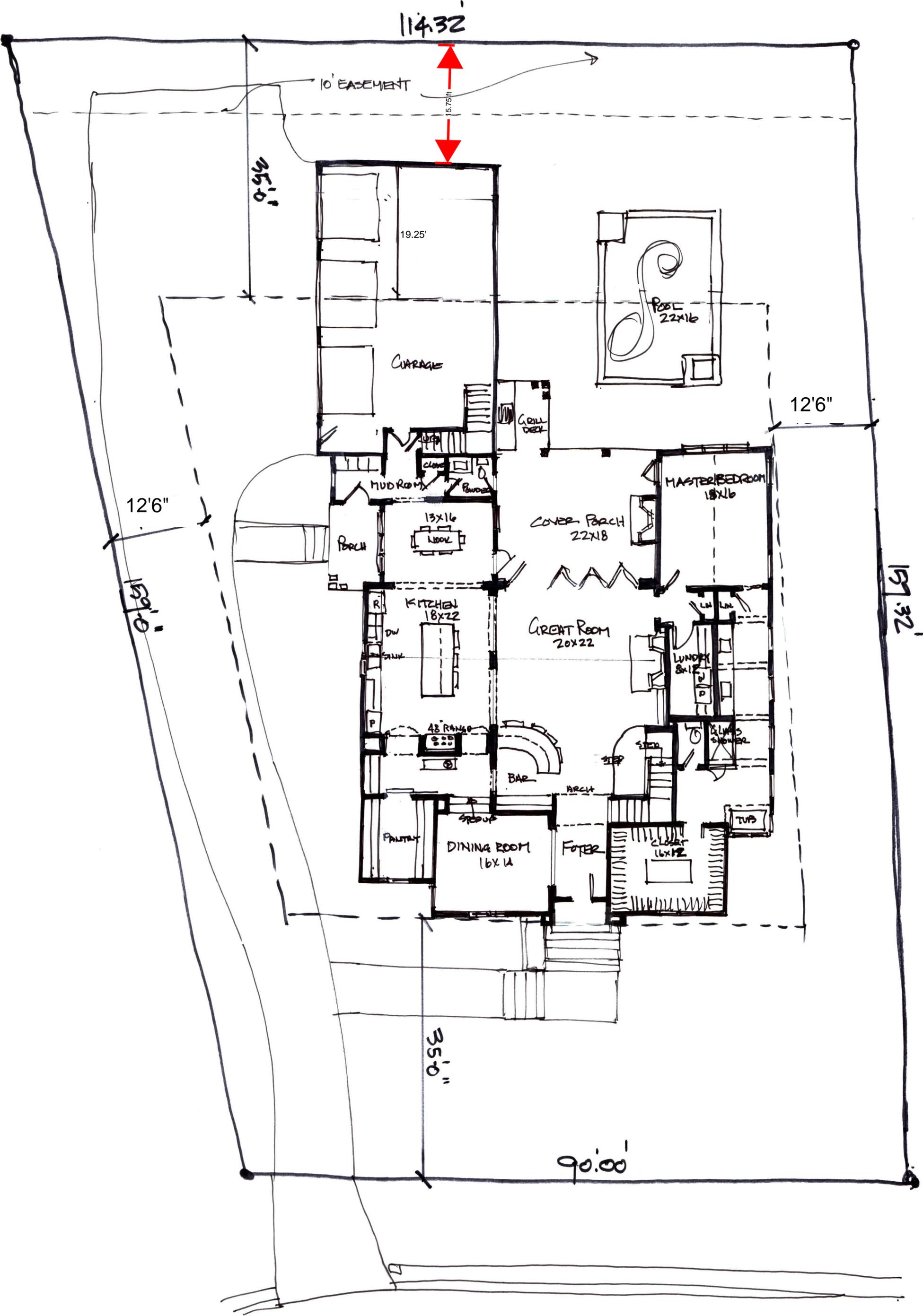


STATE OF ALABAMA  
JEFFERSON COUNTY

I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed Lot 11 & WEST 1/2 LOT 12, according to the survey of MAP OF COLONIAL HILLS MORROW SECTOR, as recorded in Map Volume 18, Page 91, 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 there are no encroachments on said lot except as shown; That improvements are located as shown above. No Flood Zone Determination was requested or performed as part of this survey.

Address: 32 CLARENDON ROAD  
Drawing Date: 01/03/2020 By: MA  
Date of Survey: 12/30/2019 Party Chief: JJ  
Order No. 73948  
For: RUSS DOYLE

  
Jeff D. Arrington, AL Reg. #18664  
Arrington Engineering & Land Surveying, Inc.  
2032 Valleydale Road, Birmingham, AL 35244  
Phone: (205) 985-9315 (Fax 205-985-9385)



114.32'

10' EASEMENT

15.75 ft

35'0"

19.25'

POOL  
22x16

Garage

12'6"

12'6"

MUD ROOM

MASTER BEDROOM  
18x16

COVER PORCH  
22x18

13x16  
NOOK

PORCH

GREAT ROOM  
20x22

KITCHEN  
18x22

LAUNDRY  
8x12

48" RANGE

SHOWER

BAR

PATIO

DINING ROOM  
16x14

PORCH

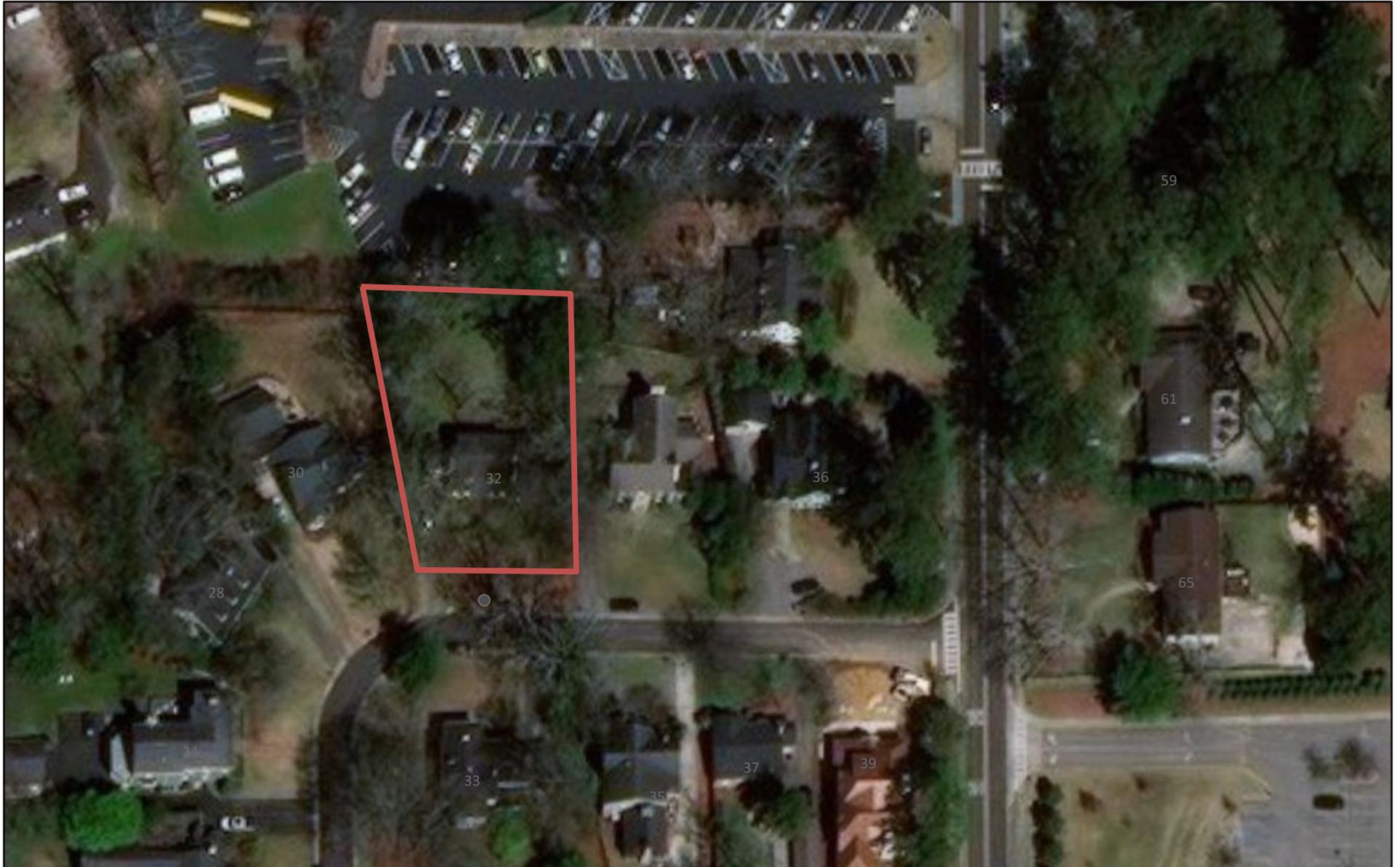
CLOSET  
16x12

35'0"

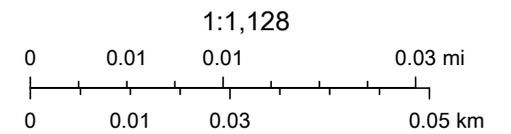
90:00

159.32'

# A-20-03 Aerial



1/29/2020, 10:06:35 AM



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

Web AppBuilder for ArcGIS  
Hunter Simmons | Shelby Co GIS/ALDOT/USGS, DigitalGlobe, Microsoft |



## Variance Application Part II

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

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

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

The rear setback is difficult due to the lot's shape. Due to it being wide the rear and narrower in the front, much of the lot's usable space in the rear is in the rear setback. This lot is backing up to the Mountain Brook Baptist Church rear parking lot and is heavily vegetated for privacy.

Many existing homes on the street have garages already in the rear setback, so this would not be a "spot-zoning" variance.

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...")

Donating the old home to Build-Up and moving it to Ensley. Building a new home for my family.

We are requesting the a rear setback variance from 35' to 15.75'.

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

The intent of the rear setback is so homes are not built to close to each other. By granting this variance, we would not be affecting anyone's privacy.



## Variance Application - Part I

### Project Data

Address of Subject Property 3910 HUNTERS LANE

Zoning Classification \_\_\_\_\_

Name of Property Owner(s) GASSER, LAURA MCLARY TRUSTEE OF THE MARKE

Phone Number 404 213 7586 Email JGAS27@GMAIL.COM

Name of Surveyor SURVEYING SOLUTIONS INC

Phone Number 205 991 8965 Email dannymoore@ssi-ala.com

Name of Architect (if applicable) \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

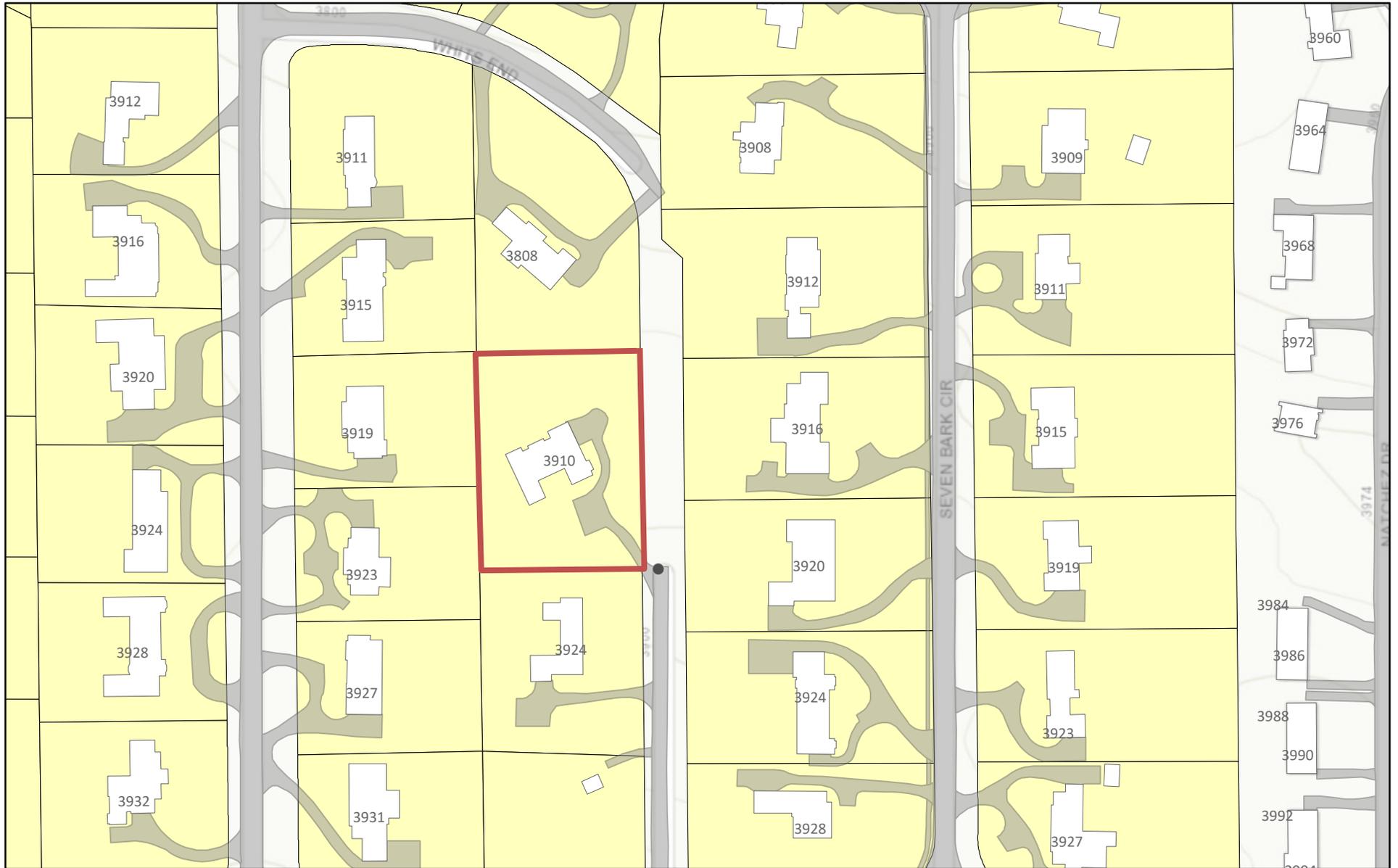
Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other		NONE	BLACK VINYL
Other			4FT CHAIN LINK FENCE WITH ORNAMENTAL IRON GATE

3

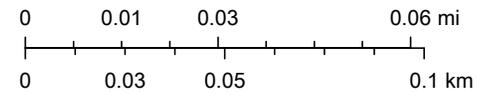
# A-20-04 Zoning



1/29/2020, 10:26:53 AM

-  Pavement Tax\_Parcels
-  Residence A District

1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

**REQUEST FOR VARIANCE**

**Scope:**

**Variance being applied for by John Gasser at 3910 Hunters Lane, Mountain Brook, Alabama 35243 for authorization to install a 4 ft black vinyl chain link fence around the perimeter of our property with an iron ornamental gate.**

**John Gasser**

J. Gasser

**Date**

1/24/20

## Report to the Board of Zoning Adjustment

### A-20-04

#### *Petition Summary*

Request to allow the construction of a chain link fence in the front yard.

#### *Analysis*

The hardship in this case is the topography of the lot. There is also the unique situation of an unimproved right of way along the front of the property.

The lot has a sloping topography with the low point being at the front where the proposed fence will be located. The proposed chain link would allow storm water to flow through where it would be impeded by a solid fence material.

The unique aspect of this property is it does not front on a road. The front of the property directly abuts an unimproved right of way that is wooded and heavily vegetated. The homes in that area that abut the property along the unimproved right of way are situated such that the rear of the structures would be facing the fence.

#### *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, Fence and Walls in Residential Districts, Section 129-315,

#### *Appends*

LOCATION: 3910 Hunters Lane

ZONING DISTRICT: Residence A District

OWNERS: Laura McCrary Gasser

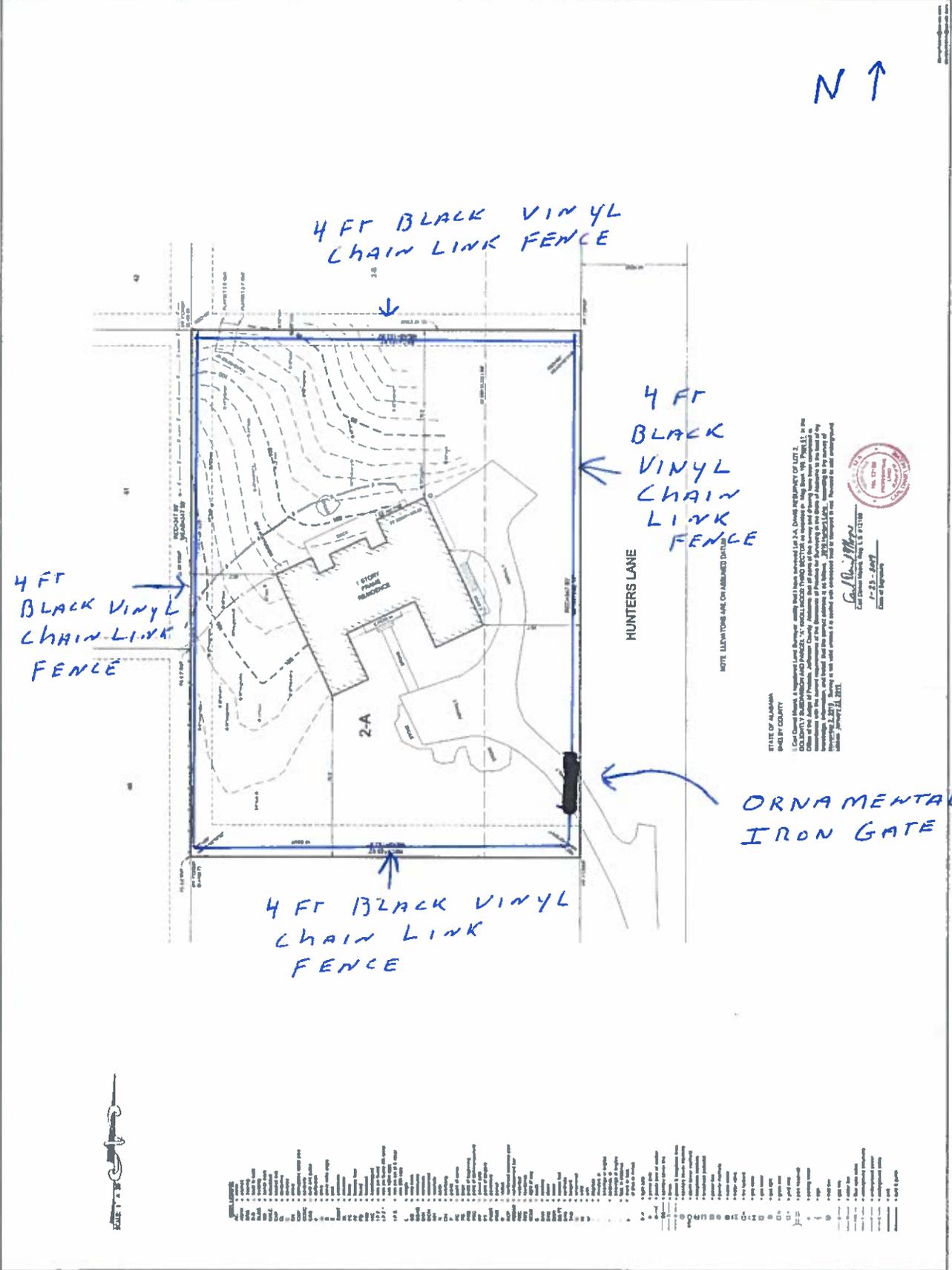
PREPARED FOR  
BRIAN HALTERMAN  
3910 HUNTERS LANE  
MOUNTAIN VIEW, AL 35453  
(205) 946-9077

205-991-0965  
205-991-0965  
TOPOGRAPHIC SURVEY OF PART OF LOT 2-B  
DAVIS RESURVEY OF LOT 2, GOUGHTLY  
AND PARCEL A KNOWLEDGE THIRD SECTOR  
P.O. Box 380083  
Birmingham, AL 35238-0055

DATE: 11-2-2014  
REVISED: 11-2-2014  
CHECKED: CMH  
DRAWN: PVE

SHEET TITLE

DRAWN BY  
ALABAMA PROFESSIONAL SURVEYOR  
DAVIS RESURVEY OF LOT 2, GOUGHTLY  
AND PARCEL A KNOWLEDGE THIRD SECTOR  
SHEET NO. 2 OF 2



4 FT  
BLACK VINYL  
CHAIN LINK  
FENCE

4 FT BLACK VINYL  
CHAIN LINK FENCE

4 FT  
BLACK  
VINYL  
CHAIN  
LINK  
FENCE

4 FT BLACK VINYL  
CHAIN LINK  
FENCE

ORNAMENTAL  
IRON GATE

NOTE: ELEVATIONS ARE ON MEAN SEA LEVEL DATUM

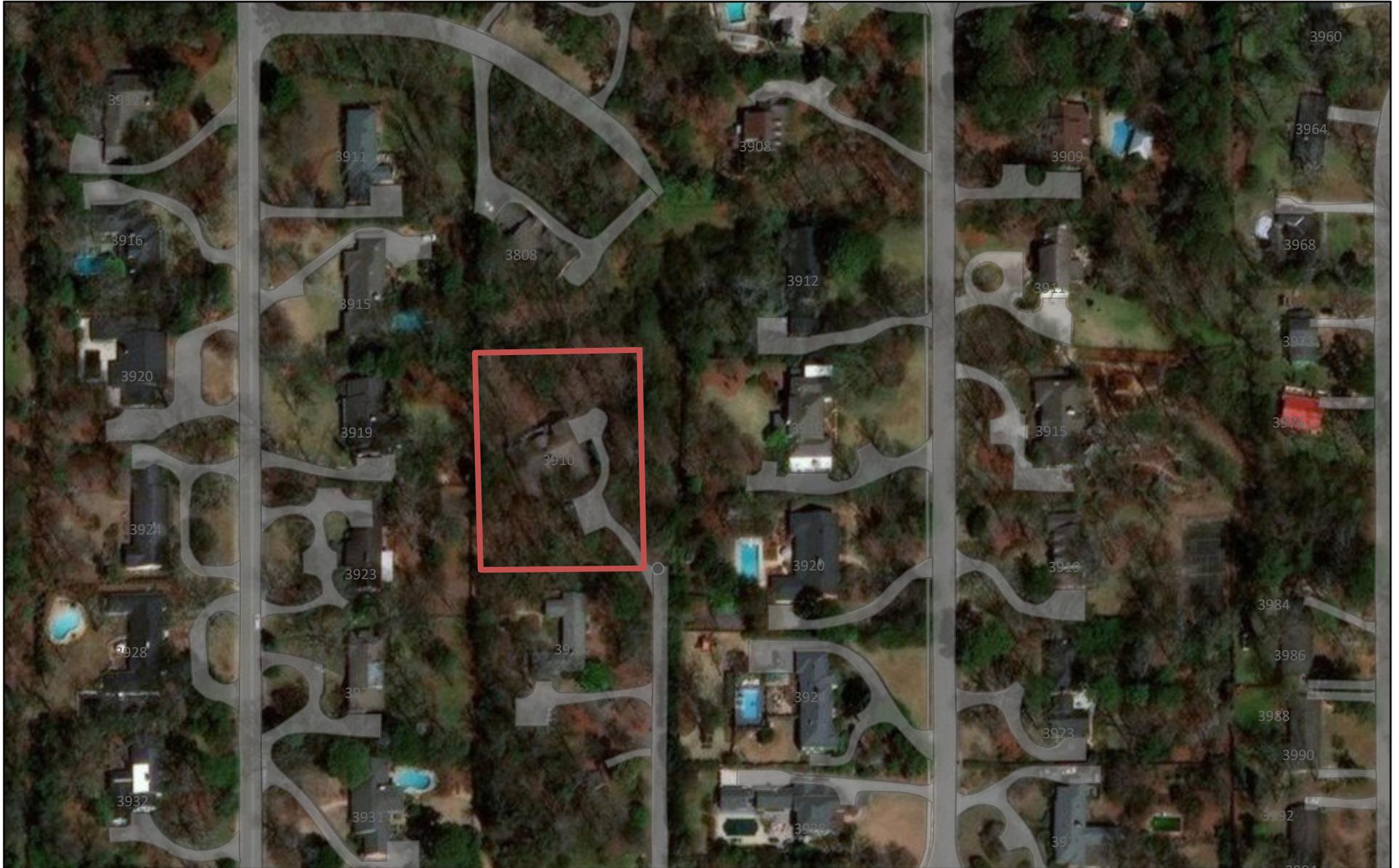


Gail B. Morgan  
17188  
Commission Expires 12-31-2017  
State of Alabama  
Surveyor

Legend table with various symbols and their corresponding descriptions for the survey map.



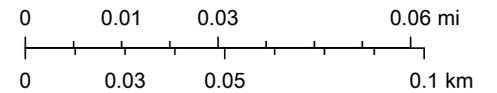
# A-20-04 Aerial



1/29/2020, 10:28:24 AM

 Pavement

1:2,257



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

Web AppBuilder for ArcGIS  
Hunter Simmons | Shelby Co GIS/ALDOT/USGS, DigitalGlobe, Microsoft |



## Variance Application Part II

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

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

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

*House sets diagonally on the property and faces the side of the only other house on Hunters Lane. Property has no true road frontage and the driveway extends to the dead end of Hunters Lane. A Right of Way planned in the mid 70s, now obsolete, borders one side of the property. The ROW has large trees and is overgrown with vegetation and a potential home for a variety of unwanted wildlife. The topography of the property is very irregular and has a long steep slope to a creek and soggy area during rainy periods.*

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*

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

*A chain link fence would be the best choice for the sloping topography of the lot on the side adjoining the right of way because it would allow water drainage where a solid fence structure would not. A chain link fence would also allow occupants of property to clearly see any safety hazard in the ROW area such as sparks from lightening as well as monitoring the increase of wildlife inhabitants. A chain link fence will not be visible to homeowners on the other side of the ROW due to distance, trees and overgrowth. Since the original intent and purpose of making this ROW a road through from Hunters Lane to Witts End is no longer part of the City plan, a chain link fence is the most natural choice.*

**A-20-04**



**A-20-04**





## Variance Application - Part I

### Project Data

Address of Subject Property 3571 WESTBURY RD

Zoning Classification A

Name of Property Owner(s) ALLISON ↓ FRANK DAVIES

Phone Number 205-703-5449 Email addavies@charter.net

Name of Surveyor SOUTH CENTRAL SURVEYING - BUCK CALLAHAN

Phone Number 205-229-1993 Email BUCK@southcentralsurveying.com

Name of <sup>Designer</sup> Architect (if applicable) ERIC DALE

Phone Number 205-873-1676 Email eric@ericdale.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)		21,774	
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40	55	45
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15	14	*13.75
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	40	58	58
Lot Coverage (%)	30	30.5	
Building Height (ft)			
Other			
Other			

\* Surveyor request additional 3" leeway in layout.

**M I C H A E L E R I C D A L E**

RESIDENCE DESIGN

Board of Zoning Adjustment  
City of Mountain Brook, AL

January 23, 2019

Re: 3571 Westbury Road

Dear Board Members:

We are planning additions to this home, located in ZONE A.

The existing home aligns with the street, however the side property lines are set at an angle from the front property line. Therefore, the house is skewed in relationship to the side property lines.. This creates a hardship in adding on to the home within the required side setbacks. The existing home is built slightly outside the required 15 feet setback at right front and left rear corners.

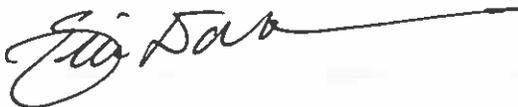
The existing garage is too small in both directions for use; consequently it is not used for car parking and cars must remain on the front driveway. Its front right corner is at 14 feet from the right side property line. Therefore the garage cannot be added onto without a significant variance.

The owners want a larger master suite. It makes sense for us to utilize the undersized garage and build a small addition at the right rear for that use.

We would also like to build a usable garage in front of the existing that would have dimensions large enough to store cars and get them out of the driveway. The problem again becomes the right front corner. Essentially, we would like to maintain the existing 14 feet right side setback at the front right corner. The surveyor asks that we include an additional 3 inches for leeway, as is customary.

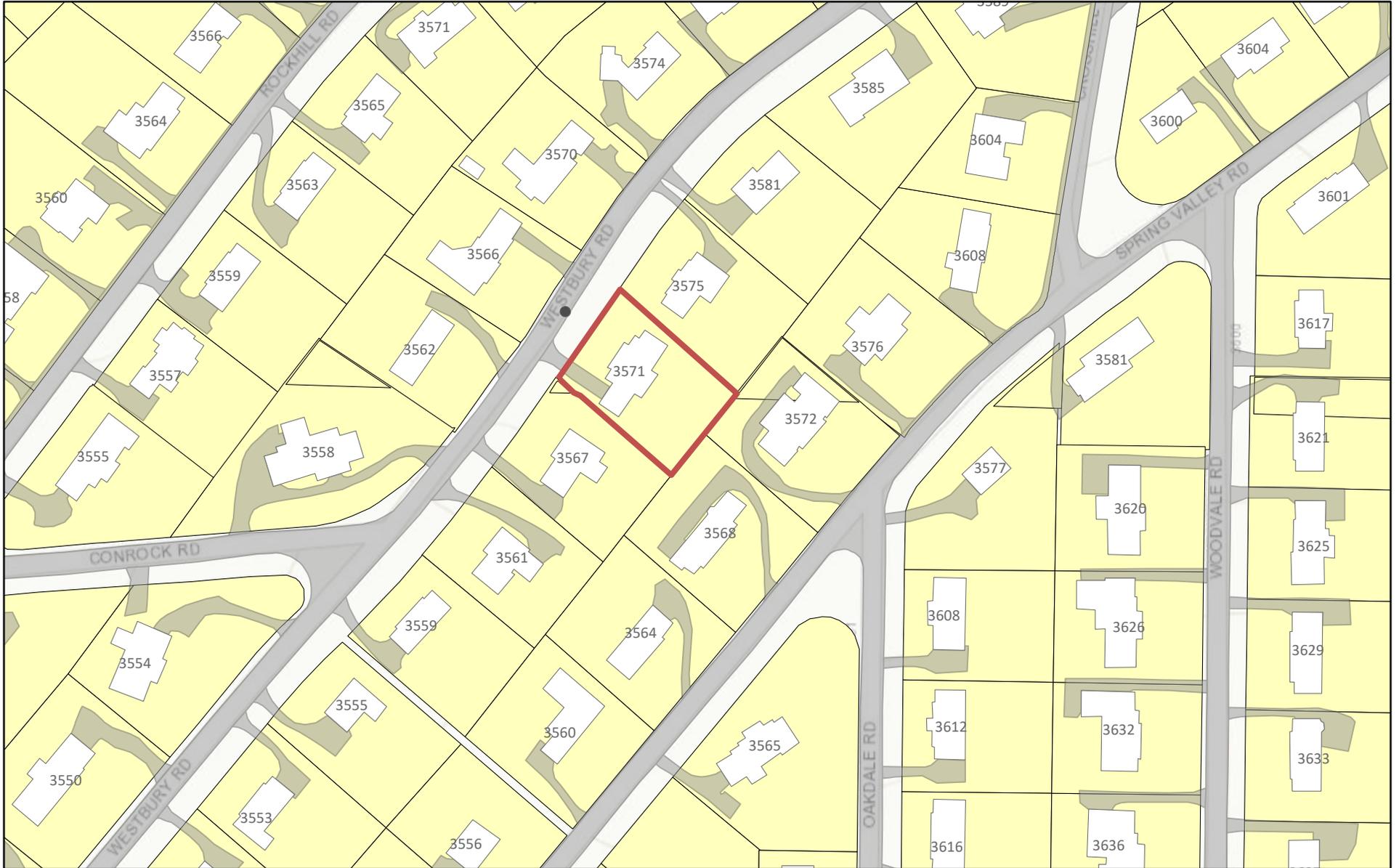
So we are asking for a right side setback of 13.75 in lieu of the required 15 feet. Please note that the area involved in this wedge of space is very small, not the full depth of the garage.

Thank you for your consideration,



Eric Dale

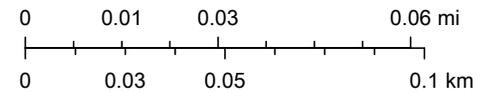
# A-20-05 Zoning



1/29/2020, 12:33:07 PM

-  Pavement
-  Residence A District

1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

## Report to the Board of Zoning Adjustment

**A-20-05**

### ***Petition Summary***

Request to allow the construction of a new attached garage to be 13.75 feet from the side property line (southwest) in lieu of the required 15 feet.

### ***Analysis***

The hardship is the existing design constraints. This is related to the orientation of the existing house to the side property line and the existence of a septic tank.

The house is aligned with the road, but skewed from the side property line. The requested setback variance is only needed for a small wedge of the proposed structure.

The proposed location is most suitable for the addition. The left rear of the property is not viable due to a septic tank. By placing the attached garage on the right side, a large portion of impervious paving will be covered greatly mitigating the effects of the addition from a runoff standpoint.

### ***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 129-131, Area and Dimensional Requirements

### ***Appends***

LOCATION: 3571 Westbury Road

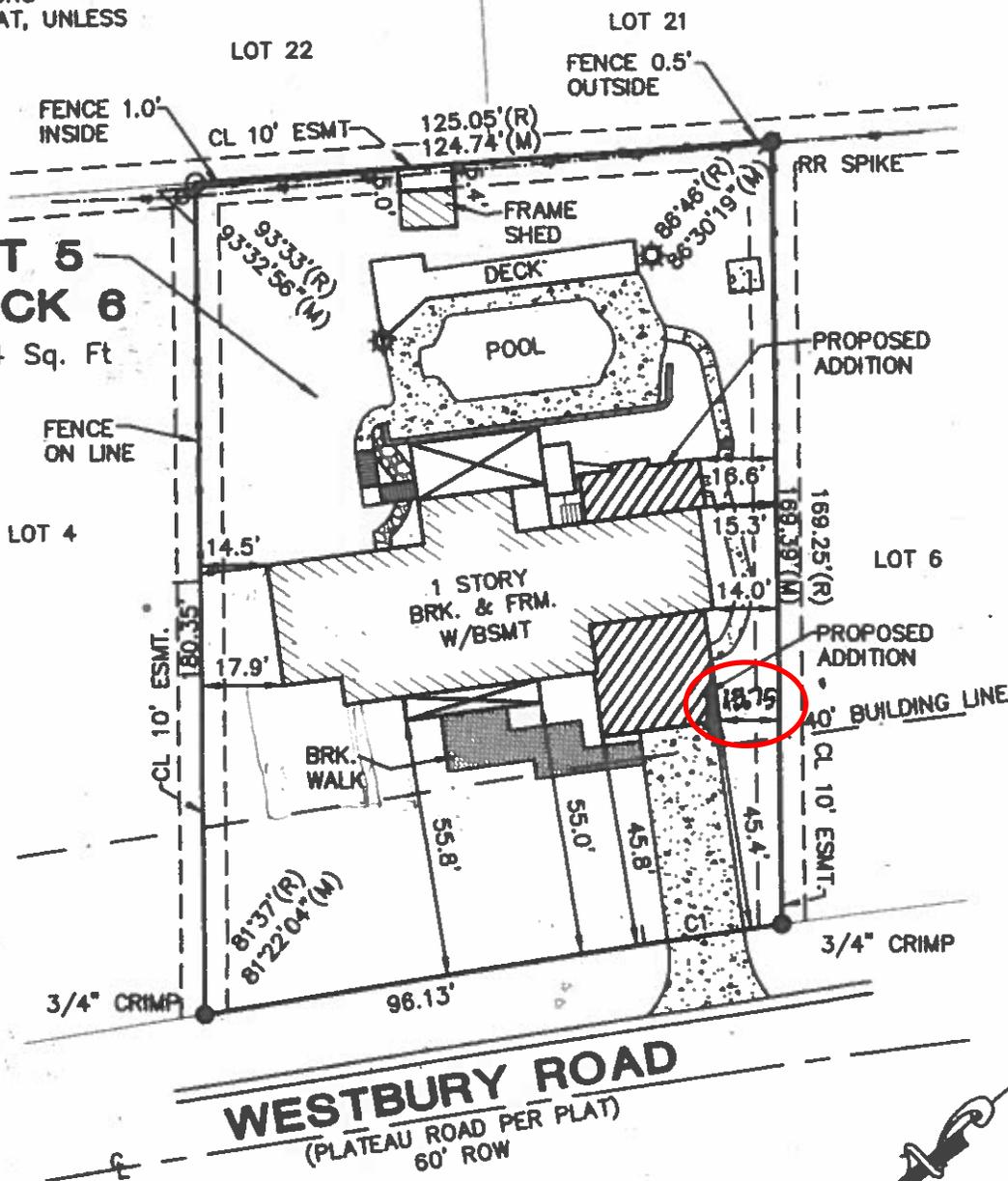
ZONING DISTRICT: Residence A District

OWNERS: Allison and Frank Davies

NOTE: PROPERTY DIMENSIONS MATCH RECORD PLAT, UNLESS OTHERWISE NOTED.

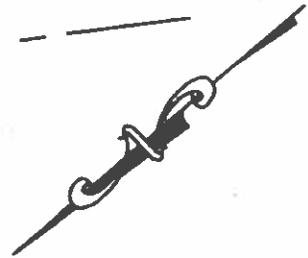
LOT 5  
BLOCK 6

21774 Sq. Ft



C1  
 A=29.87'  
 R=1870.88'  
 Δ=00°54'53"  
 C=29.87'

**WESTBURY ROAD**  
 (PLATEAU ROAD PER PLAT)  
 60' ROW



Lot Survey/ Plot Plan 0' 40' 80' 120'

STATE OF ALABAMA  
 JEFFERSON COUNTY



TO ALL INTERESTED PARTIES:  
 SCALE: 1" = 40'

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 5, Block 6, according to the survey of SECOND SECTOR SHADES CREST ADDITION TO MOUNTAIN BROOK as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 44, Page 25.

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 map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports therefor, including poles, anchors 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. 01073C0578G, dated September 29, 2006).

GIVEN UNDER MY HAND AND SEAL, this the 7th day of January, 2020.

*William D. Callahan, Jr.*

William D. Callahan, Jr., PLS  
 AL Reg # 28251

PROPERTY ADDRESS:  
 3571 WESTBURY ROAD  
 BIRMINGHAM, AL 35223

CLIENT:  
 ALISON DAVES

Field Survey: 12-11-2019



**South Central Surveying, LLC**  
 RESIDENTIAL & COMMERCIAL LAND SURVEYING

100 BLUE TRAIL  
 ALABASTER, ALABAMA 35007  
 PHONE 205-229-1003

- WOOD FENCE
- CHAIN LINK FENCE
- CONCRETE
- ▨ COVERED PORCH/DECK
- U.T.S. - UNABLE TO SET
- - RECORDED MEASUREMENT
- M.B.L. - MESSAGI BUILDING LINE
- - CAPPED REBAR SET
- - IRON FOUND (ELECTRIFIED)
- - LIGHT POLE
- - OVERHEAD POWER
- - POWER POLE

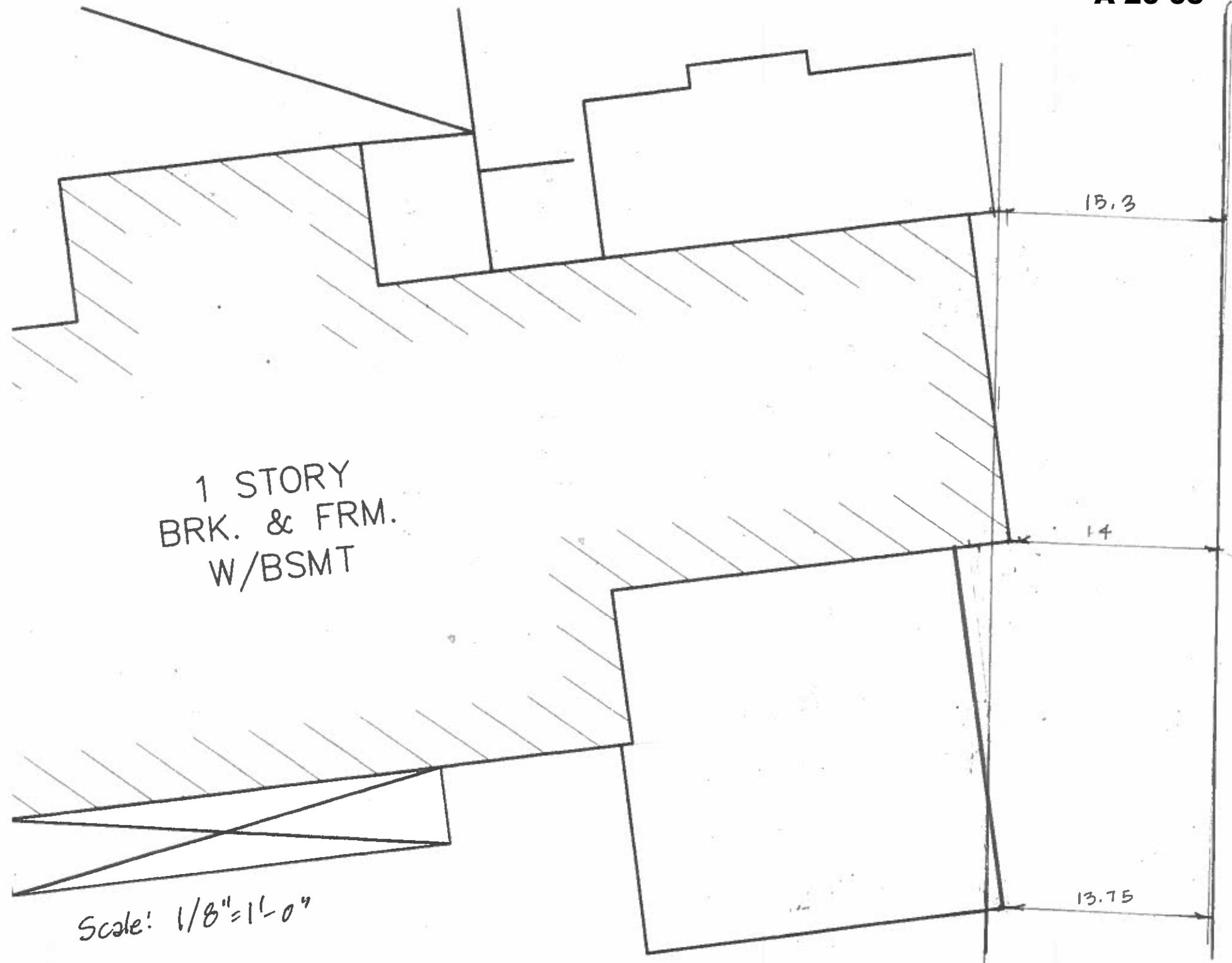
1 STORY  
BRK. & FRM.  
W/BSMT

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15.3

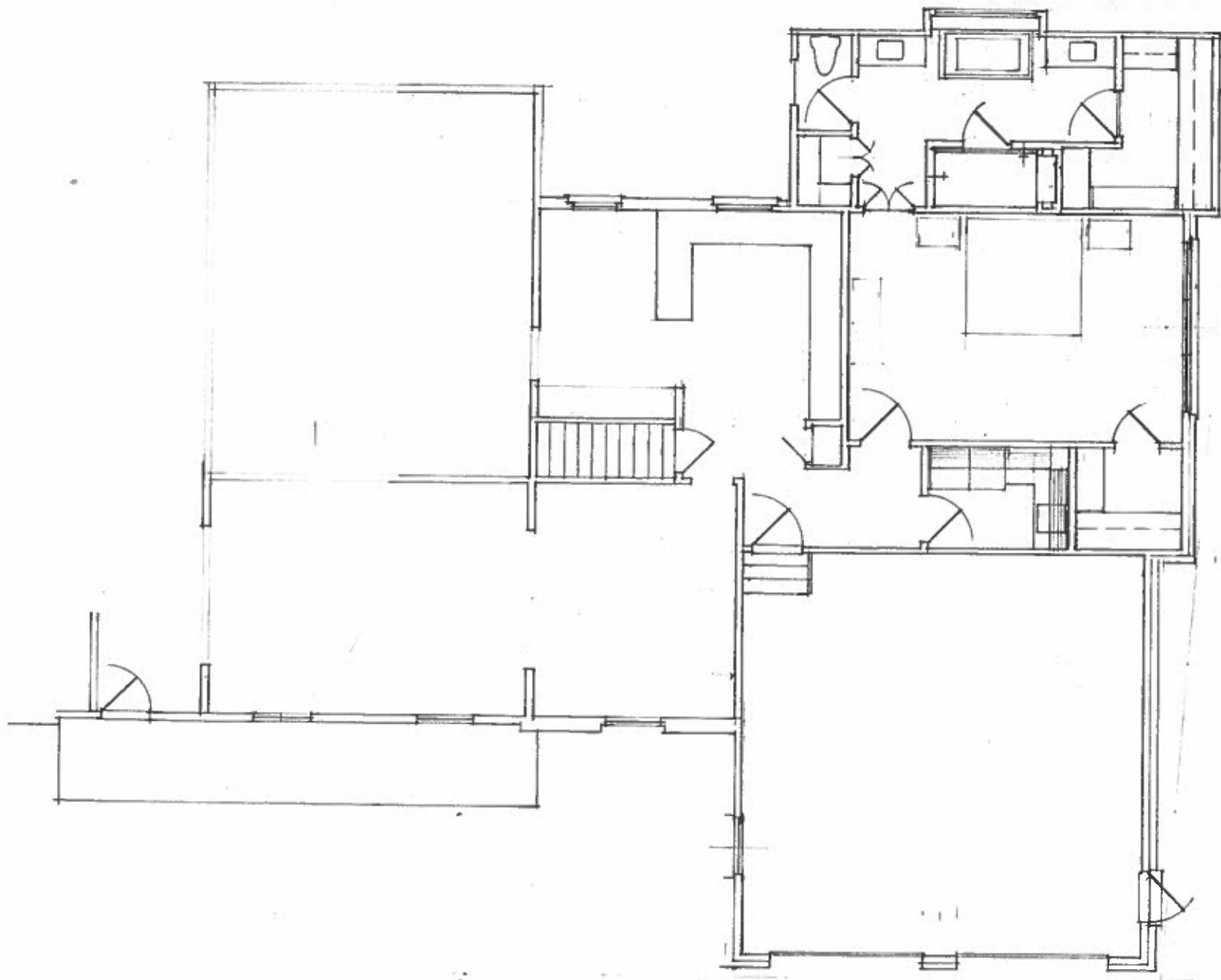
14

13.75



**Michael Eric Dale**

925 Lonsdale Road, South  
Birmingham, Alabama 35222  
205.873.1676  
eric@ertcda.com



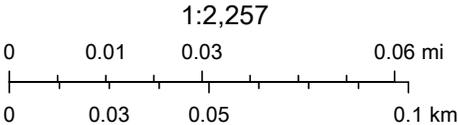
Scale	1/4" = 1'-0"
North Arrow	⊕
Sheet	A.2
Project	Alterations to 3571 Westbury Road Mountain Brook, AL 35223 for Allison & Frank Davies
Date	November 4, 2019
Description	First Floor Plan

Contractor must verify all dimensions and conditions at the site, without exception. Report any discrepancies to the Designer and Owner before proceeding with any construction. © All rights reserved. All other Designer's permission.

# A-20-05 Aerial



1/29/2020, 12:34:36 PM



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



## 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)?

- building is aligned with road, but skewed from side property lines
- this is the only location that is suitable for the addition
  - left rear is location of septic system
  - by placing at right, we replace existing impervious to a great extent, mitigating the effects of the addition in this regard.

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 house alignment is existing.
- the existing garage is being replaced because it is too small to be usable, but is suitable for a new bedroom.

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

- we are only asking for a small wedge of approximately 5 square feet to allow owners sufficient width for a garage to get vehicles off driveway and into a usable garage.
- this will align closely with the existing setback.