

# **BZA Packet**

May 18, 2020

**Hello All,**

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

**We have:**

- 2 extension requests
- 3 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 (May 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 Monday!**

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
MAY 18, 2020  
PRE-MEETING: 4:30 P.M.  
REGULAR MEETING: 5:00 P.M.

**MEETING TO BE HELD VIRTUALLY USING ZOOM VIDEO CONFERENCING  
(ACCESS INSTRUCTIONS ON MEETING WEBPAGE)**

**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.*

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1. Approval of Minutes: April 20, 2020
  
2. **Case A-19-19:** Ben and Kate Sutlive, property owners, request variances from the terms of the Zoning Regulations to allow a portion of the first floor to be 8 feet from the side property line (south) in lieu of the required 9 feet; a portion of the second floor to be 9 feet 7 inches from the side property line (south) in lieu of the required 13 feet. **8 Montevallo Terrace.** (*Extension request – original case approved on June 17, 2019.*)
  
3. **Case A-19-21:** Thayer Moor and Gregory Mayberry, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 22 feet from the rear property line (southwest) in lieu of the required 35 feet. - **18 Peachtree Street.** (*Extension request – original case approved on July 15, 2019.*)
  
4. **Case A-20-09:** John and Marie Joseph, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a home to be located be 34.8 feet from the secondary front property line (Pine Crest Rd) in lieu of the required 35 feet, 12.3 feet from the side property line (north) in lieu of the required 12.5 feet and a wall to be located in the secondary front setback (Pine Crest Rd) to be 10 feet tall in lieu of the maximum allowed height of 4 feet. **1 Pine Crest Road.**
  
5. **Case A-20-10:** Jody and Kendall Quick, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a home to be located 17.5 feet from the secondary front property line (Eastis St) in lieu of the required 35 feet. **4 Eastis Street.**
  
6. **Case A-20-11:** Peyton and Lillian Falkenburg, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a home to be located 10 feet from the front property line (Montevallo Rd) in lieu of the required 40 feet and 10.7 feet from the rear property line (east) in lieu of the required 40 feet. **2541 Montevallo Road.**

7. Next Meeting: Monday, June 15, 2020

8. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 8 MONTEVALLO TERRACE BIRMINGHAM, AL 35213

Zoning Classification RESIDENCE B NON-CONFORMING

Name of Property Owner(s) KATE AND BEN SUTLIVE

Phone Number 706-338-7891 Email KATEBPT@GMAIL.COM

Name of Surveyor ROBERT REYNOLDS

Phone Number 205-823-7900 Email REYNOLDSSURVEY59@BELLSOUTH.NET

Name of Architect (if applicable) MARY COLEMAN CLARK ARCHITECT LLC

Phone Number 205-999-0304 Email MCC@MCCARCHITECT.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	9'-0"	9.2'	7'-2 1/4"
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 →	9'-0" / 13'-0"	9.2'	7'-2 1/4" / 7'-2 1/4"
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

MCCDA

May 24, 2019

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

**Variance Application**

On behalf of the Owners, Kate and Ben Sutlive, enclosed is a variance application for 8 Montevallo Terrace, Mountain Brook, AL 35213. The scope of the project includes a new residence, as shown in the provided supplemental drawings.

Sincerely,

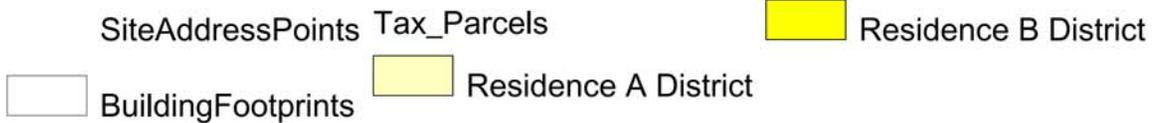


Mary Coleman Clark

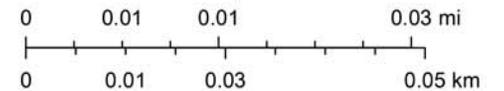
# A-19-19 Zoning



6/14/2019, 5:54:41 PM



1:1,128



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

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

## Report to the Board of Zoning Adjustment

### A-19-19

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

Request to allow a portion of the first floor to be 8 feet from the side property line (south) in lieu of the required 9 feet; a portion of the second floor to be 9 feet 7 inches from the side property line (south) in lieu of the required 13 feet.

#### ***Analysis***

The hardships in this case are the lot size (9,750 in lieu of the required 10,000) and the lot width (65 feet in lieu of the required 75 feet). The existing house encroaches into the front setback, but is to be demolished. The new house will conform to all required setbacks with the exception of that requested herein. It should be noted that the proposed right side setback is greater than the required minimum, in order to accommodate a driveway that will access the rear of the property.

As may be seen on the attached survey and plans, only a small portion of the first floor (less than 20 linear feet) is to encroach into the required 9-foot side setback (for portions of the building that are less than 22 feet high). Also, only two triangular portions of the roof are to encroach into the required 13-foot side setback (for portions of the building which are higher than 22 feet). The chimney complies with the required side setback.

#### ***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 129-53, Special Provisions for Nonconforming Residence B Lots

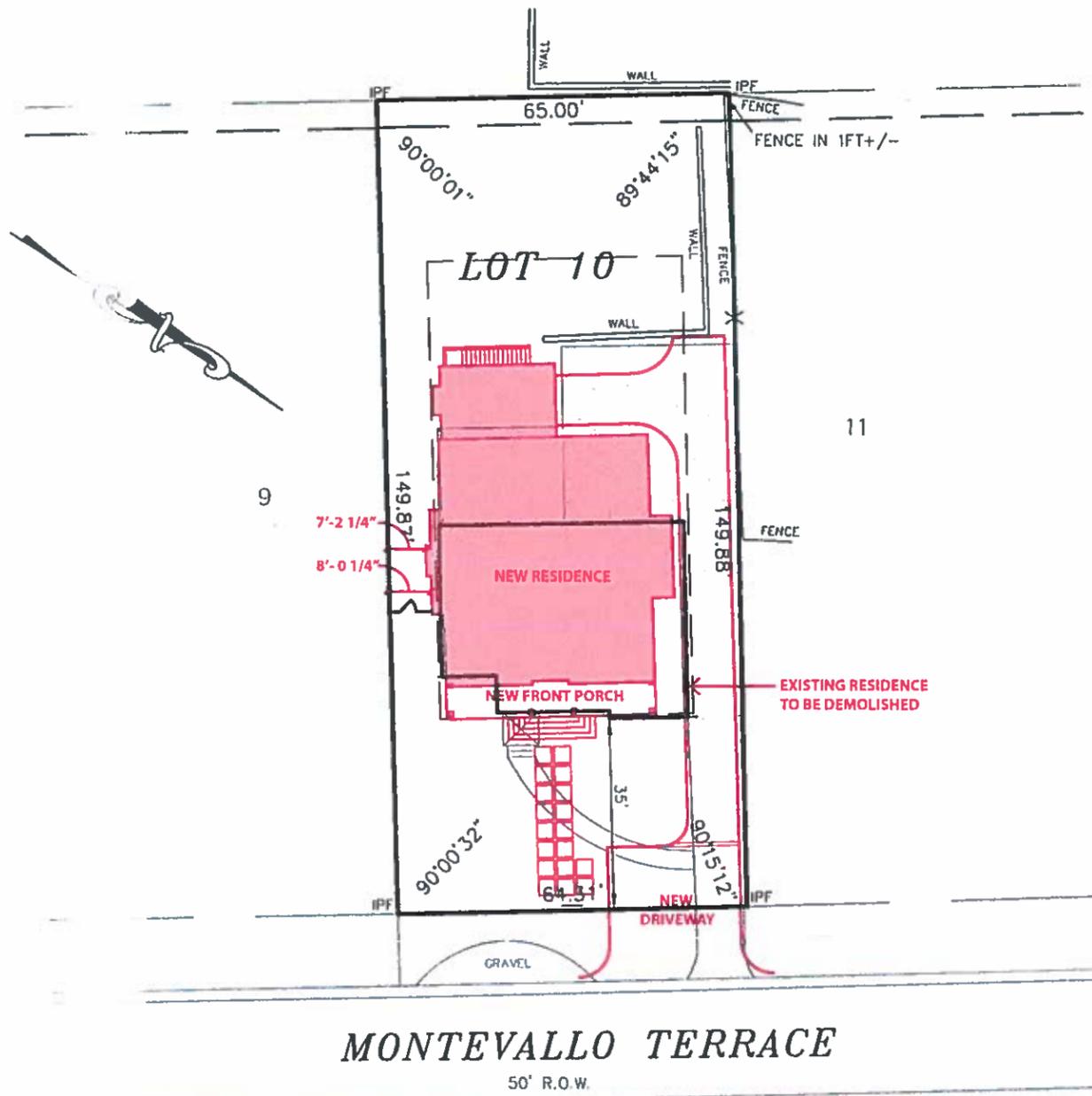
#### ***Appends***

LOCATION: 8 Montevallo Terrace

ZONING DISTRICT: Res-B

OWNERS: Ben and Kate Sutlive

REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning



SCALE: 1" = 30'

- LEGEND
- UTILITY POLE
  - > GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - X- FENCE
  - OC- OVERHEAD ELECTRIAN
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET

STATE OF ALABAMA  
 JEFFERSON COUNTY

"PROPERTY SURVEY"

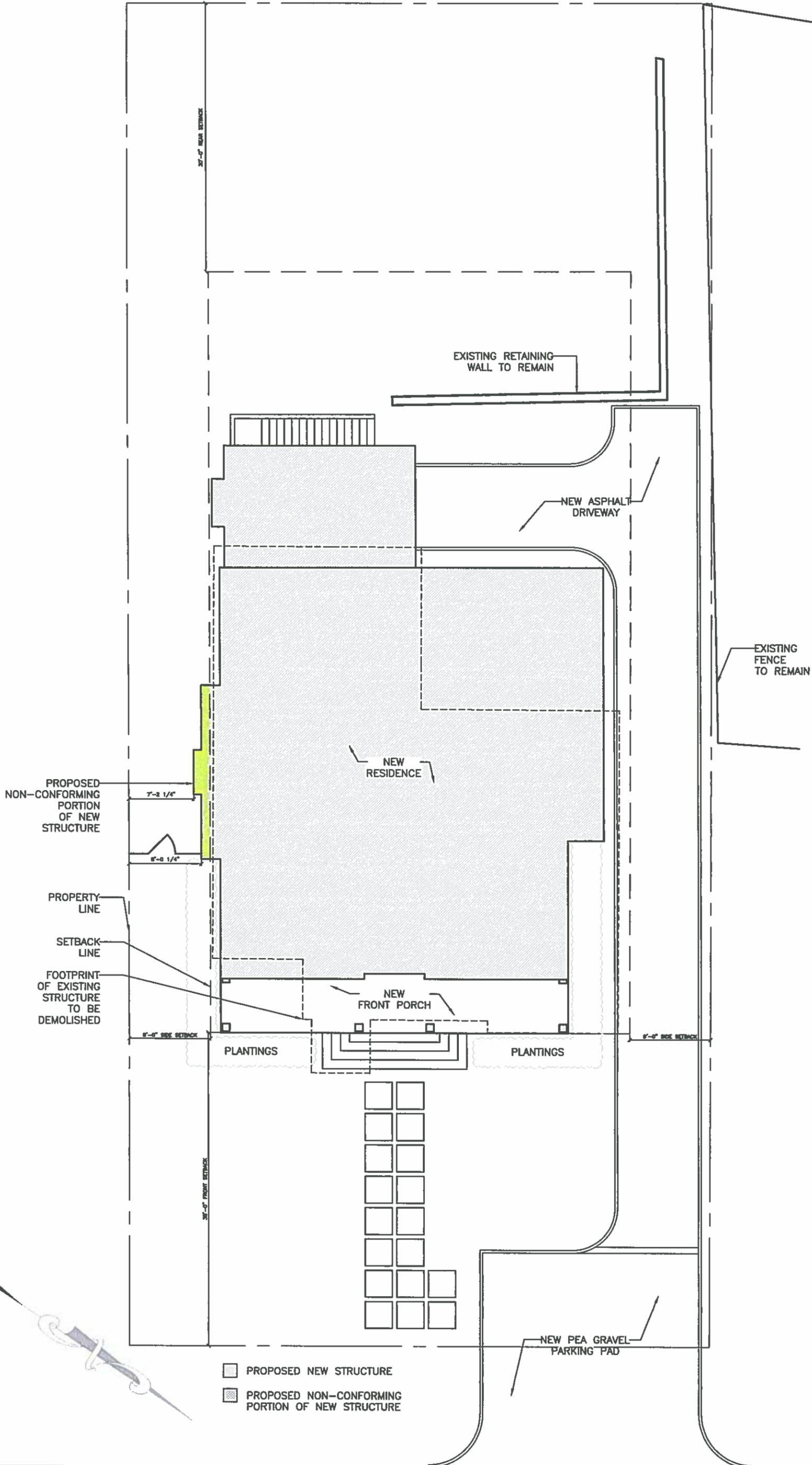


I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 10, Block ---, of MONTEVALLO TERRACE, as recorded in Map Book 25, Page 38 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 12th day of March, 2019.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Sultiva  
 Address: 8 Montevallo Terrace

*Robert Reynolds*  
 Reg. No. 25657





FRONT EXTERIOR ELEVATION  
1/8" = 1'-0"

A NEW HOUSE FOR  
THE SUTLIVES  
8 MONTEVALLO TERRACE  
BIRMINGHAM, AL 35213

MAY 24, 2019  
VARIANCE APPLICATION  
SUPPLEMENTAL DRAWINGS



LEFT EXTERIOR ELEVATION  
1/8" = 1'-0"

A NEW HOUSE FOR  
THE SUTLIVES  
8 MONTEVALLO TERRACE  
BIRMINGHAM, AL 35213

MAY 24, 2019  
VARIANCE APPLICATION  
SUPPLEMENTAL 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)?

8 MONTEVALLO TERRACE IS A RESIDENCE B NON-CONFORMING LOT WITH A LOT WIDTH OF 64.31'.  
ON THE PROPERTY LINE OF THE RIGHT SIDE OF THE HOUSE, THE NEIGHBOR'S EXISTING WOOD FENCE  
IS TO REMAIN.

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. THE OWNER WOULD LIKE TO BUILD A NEW RESIDENCE AT 8 MONTEVALLO TERRACE. THE VARIANCE  
REQUEST IS A RESULT OF THE OWNER WANTING TO ACHIEVE ADEQUATE CLEARANCE ON THE RIGHT  
SIDE OF THE HOUSE TO ALLOW FOR A DRIVEWAY AND ACCESS TO A GARAGE.

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

THE EXISTING RESIDENCE TO BE DEMOLISHED IS NOT IN COMPLIANCE WITH THE 35'-0" FRONT SETBACK  
REQUIREMENT; THE PROPOSED NEW STRUCTURE WILL BE IN COMPLIANCE WITH THE FRONT SETBACK. THE  
VARIANCE REQUEST FOR THE LEFT SIDE SETBACK SHOULD NOT IMPEDE THE NEIGHBOR'S ACCESS TO LIGHT AND AIR  
AS THE MAJORITY OF THE LEFT ELEVATION IS IN COMPLIANCE WITH THE ZONING CODE REQUIREMENTS.



## Variance Application - Part I

### Project Data

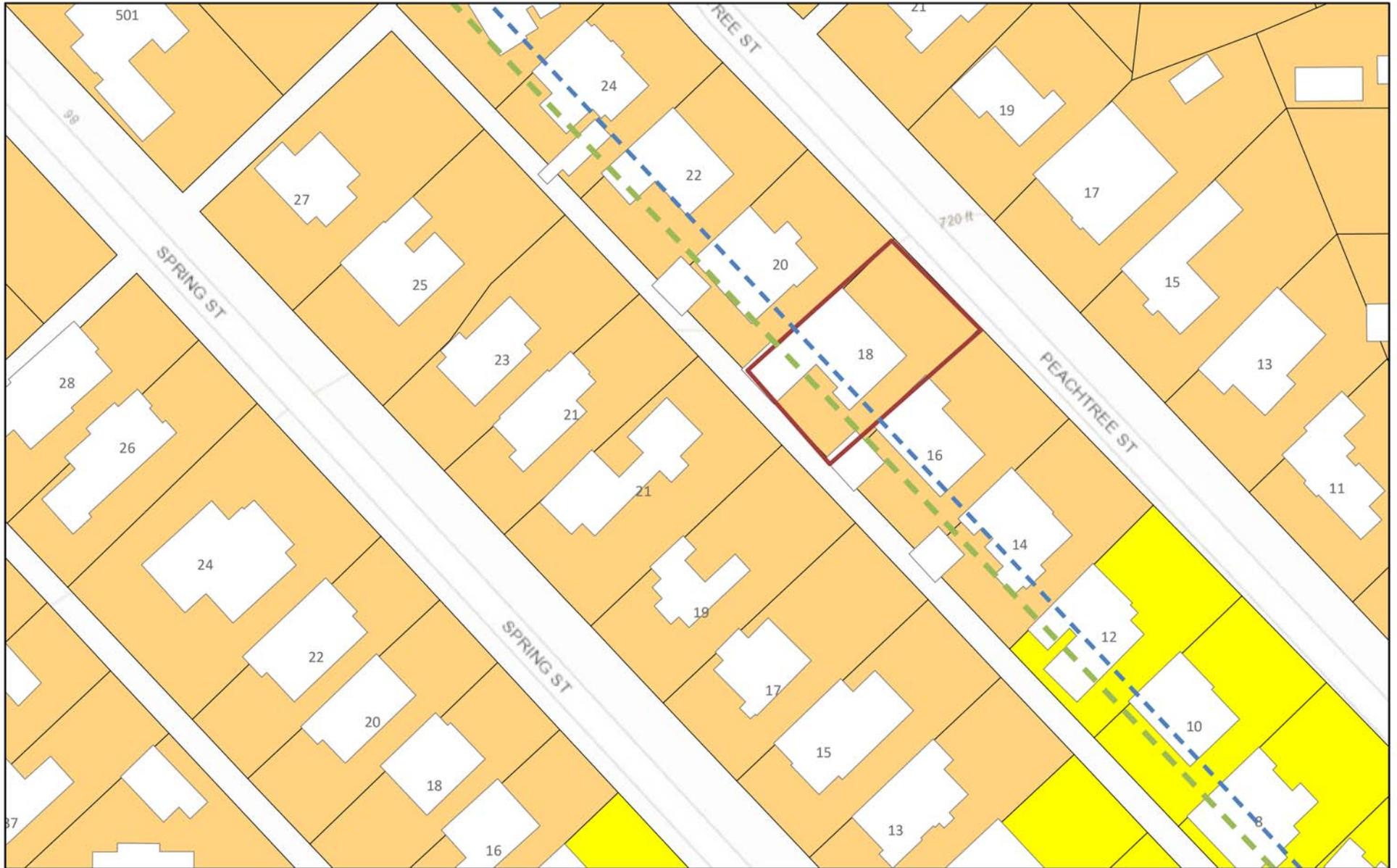
Address of Subject Property 18 PEACHTREE ST., 35213  
 Zoning Classification C  
 Name of Property Owner(s) THAYER MOOR & GREGORY MAYBERRY  
 Phone Number 205-616-5421 Email 18peachtreest@gmail.com  
 Name of Surveyor ROBERT REYNOLDS  
 Phone Number 205-823-7900 Email reynoldssurvey@bellsouth.net  
 Name of Architect (if applicable) ERIC DALE (with edits)  
 Phone Number 205-873-1676 Email eric@ericdale.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35	34.8	35
Front Setback (ft) <i>secondary</i>			
Right Side Setback	10	9.8/4.8	10
Left Side Setback	10	9.8	10
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	NA		
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	NA		
Rear Setback (ft)	30	32.9 / 5.4	22
Lot Coverage (%)	35 + 5	34 + 15 = 49	35 + 5 = 40
Building Height (ft)			
Other			
Other			

# A-19-21 Zoning



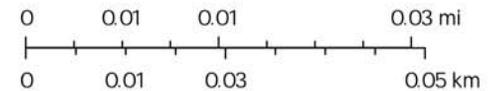
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Tax\_Parcels

Residence B District

Residence C District

1:1,128



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

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

## Report to the Board of Zoning Adjustment

### A-19-21

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

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

#### ***Background***

On February 19, 2019, the Board denied a request (A-19-09) on this same property to allow a new single family dwelling to be 4.8 feet from the side property line (northwest), in lieu of the required 10 feet, and 5.4 feet from the rear property line in lieu of the required 30 feet.

The proposal involved the construction of a new single family dwelling (new construction to conform to required setbacks), as well as the retention on a 1974 non-conforming addition at the rear of the lot to remain as located, and to be attached to the new construction (previous proposal attached).

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

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

#### ***Analysis***

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

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

The proposal is in compliance with the allowable impervious surface area.

#### ***Subject Property and Surrounding Land Uses***

The property contains a single-family dwelling, and is surrounded by same.

#### ***Affected Regulation***

Article V, Residence C District; Section 129-62, Area and Dimensional Requirements

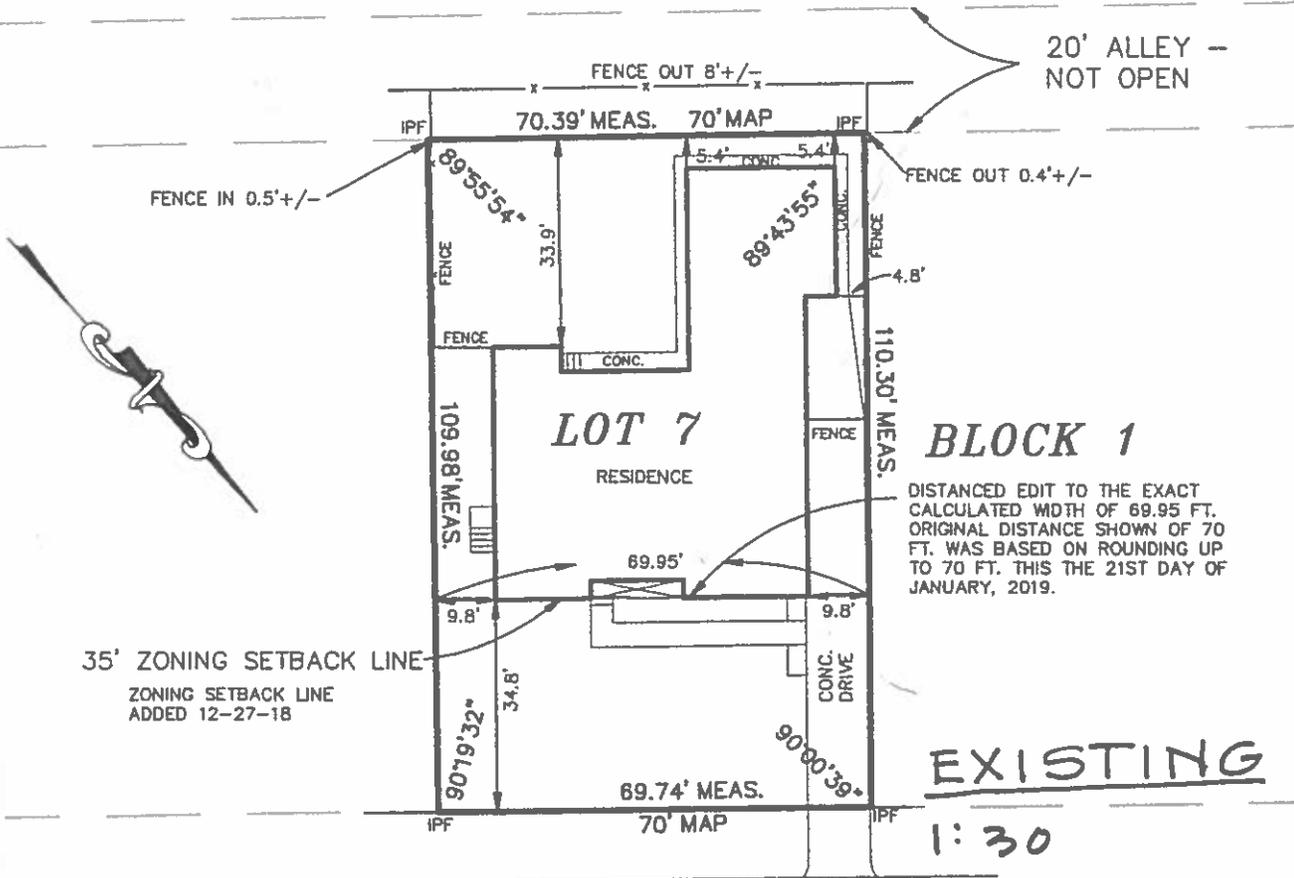
#### ***Appends***

LOCATION: 18 Peachtree Street

ZONING DISTRICT: Res-C

OWNERS: Thayer Moor and Gregory Mayberry

**REYNOLDS SURVEYING CO., INC.**  
*Surveying - Land Planning*



SCALE: 1" = 30'

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

STATE OF ALABAMA  
 JEFFERSON COUNTY

"PROPERTY SURVEY"

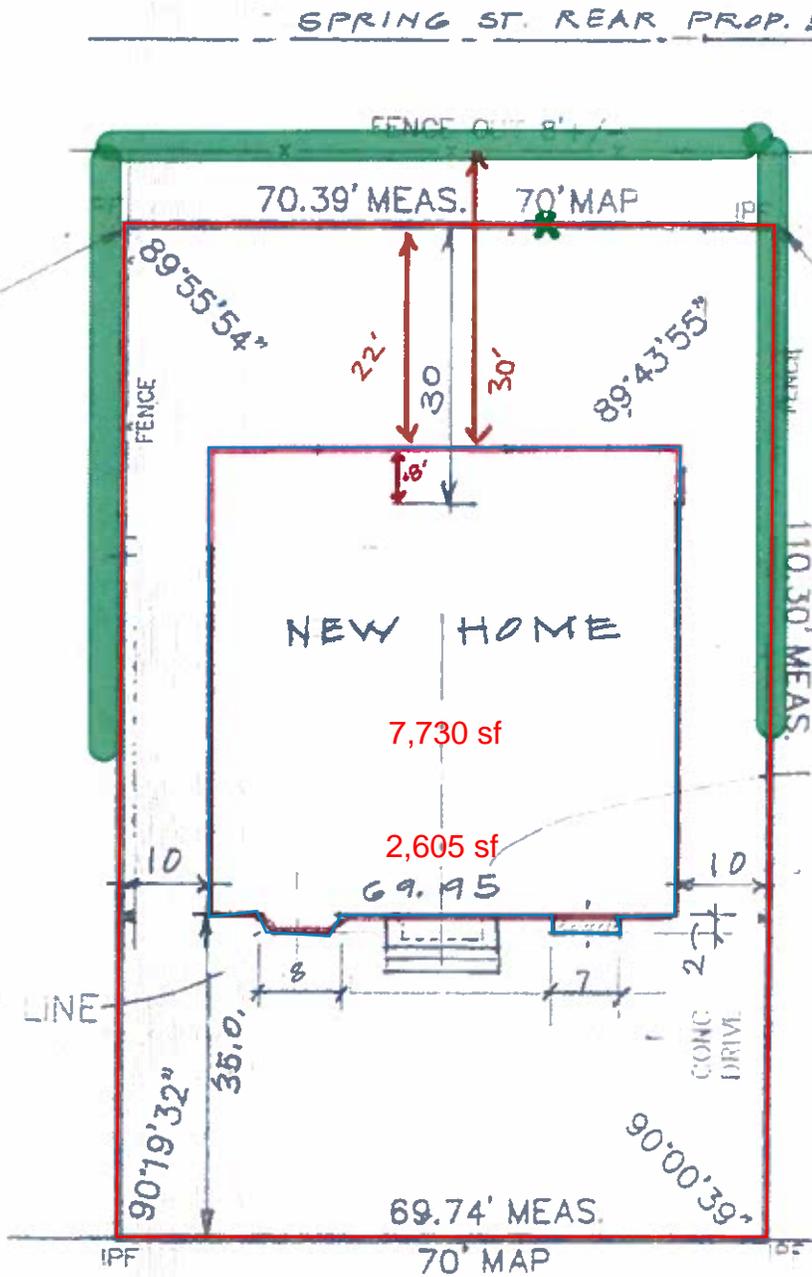


I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7, Block 1, of GARBER, COOK AND HULSEY'S ADDITION TO CRESTLINE HEIGHTS, as recorded in Map Book 29, Page 16 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 18th day of December, 2018.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Moor  
 Address: 18 Peach Tree Street

*Robert Reynolds*  
 Reg. No. 25657



20' ALLEY - NOT OPEN

FENCE OUT 8' +/-

FENCE OUT 0.4' +/-

**Fenced area, back yard**

### BLOCK 1

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

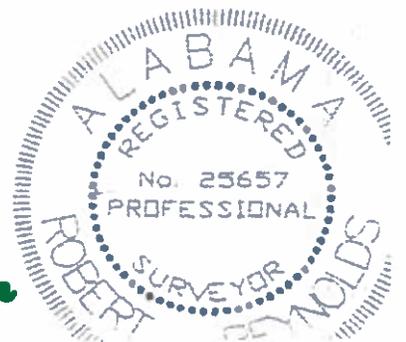
**PROPOSED**  
SCALE 1:20

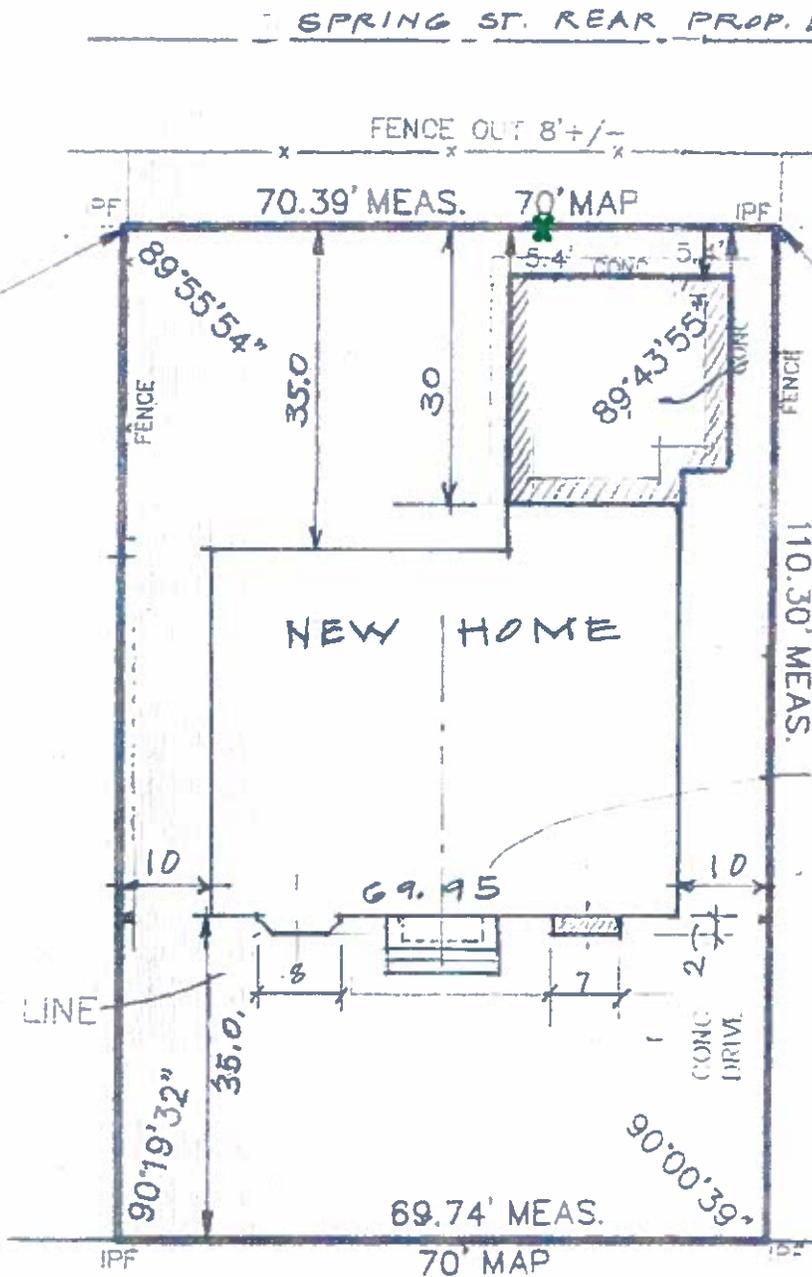
## PEACH TREE STREET

50' P.O.W.

**NEW APPLICATION**

**x: power/telephone pole**





**BLOCK 1**

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

**OLD PROPOSAL**  
SCALE 1:20

**PEACH TREE STREET**

50' R.O.W.

**OLD APPLICATION**

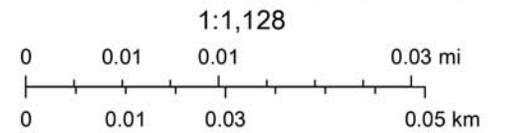
x: power/telephone pole



# A-19-21 Aerial



7/9/2019, 3:37:50 PM



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

Web AppBuilder for ArcGIS  
Hunter Simmons | DigitalGlobe, Microsoft |



**CITY OF MOUNTAIN BROOK**

**A-19-09**

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

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**BOARD OF ZONING ADJUSTMENT  
MEETING SUMMARY**

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

**Type Request:** Thayer Moor and Gregory Mayberry, property owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 4.8 feet from the side property line (northwest), in lieu of the required 10 feet, and 5.4 feet from the rear property line in lieu of the required 30 feet.

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

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

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

*Dana O. Hazen*

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



## Variance Application Part II

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

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

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

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

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

No.

We are removing and replacing the residence with an up-to-date structure that will enhance the neighborhood.

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

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



## Variance Application - Part I

### Project Data

Address of Subject Property 1 PINE CREST RD.

Zoning Classification RESIDENCE B

Name of Property Owner(s) JOHN & MARIE JOSEPH

Phone Number (205) 862-8191 Email john-josephe@cloud.com

Name of Surveyor SURVEYING SOLUTIONS

Phone Number (205) 991-8965 Email dauidentrekin@ssi-ala.com

Name of Architect (if applicable) N/A

Phone Number N/A Email N/A

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>	<u>35.6</u>	<u>58.7'</u>	<u>58.7'</u>
Front Setback (ft) <i>secondary</i>			
Right Side Setback	<u>33.0'</u>	<u>34.8'</u>	<u>34.8'</u>
Left Side Setback	<u>12.5'</u>	<u>12.3'</u>	<u>12.3'</u>
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	<u>35'</u>	<u>64.1'</u>	<u>64.1'</u>
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			



April 24, 2020

**Variance Application Statement**

**John and Marie Joseph**

**1 Pine Crest Rd.**

**Mountain Brook, AL 35213**

**City of Mountain Brook**

To Planning and Zoning Committee

Variance Committee,

John and Marie Joseph are seeking a variance due to a accidental movement of foundation forms during the pouring of foundation of their home at 1 Pine Crest Rd.

Original home front door faced Montevallo Rd., as does new home and is a corner Lot.

1. Variance is for 2 inches on left side of home changing set back from 12.5 ft. to 12.3 ft.
2. Variance is for 4 inches on right side (Pine Crest Rd. Side) from 35 ft. to 34.8 ft. (Original structure was only 15.3 ft. of Pine Crest Rd).

The approval of variance would avoid stress and expense for all by an unintentional mistake by parties and does not appear to do harm to surrounding property owners.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald R. Proctor', written in a cursive style.

Donald R. Proctor, President  
Proctor Building Company, Inc.  
205.281.0940

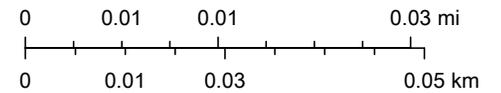
# A-20-09 Zoning



5/11/2020, 12:40:17 PM

- Pavement
- Tax\_Parcels
- Residence A District
- Residence B District
- Rec-2

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 | Jefferson County Information Technology Services |

## Report to the Board of Zoning Adjustment

**A-20-09**

### ***Petition Summary***

Request to allow the construction of a home to be located 34.8 feet from the secondary front property line (Pine Crest Rd) in lieu of the required 35 feet, 12.3 feet from the side property line (north) in lieu of the required 12.5 feet and a wall to be located in the secondary front setback (Pine Crest Rd) to be 10 feet tall in lieu of the maximum allowed height of 4 feet.

### ***Analysis***

The hardship in this case with regard to the building footprint according to the applicant is the foundation company was working in very difficult conditions due to the rain and did not realize the foundation wall had moved a couple inches until the forms were removed.

The applicant stated that the topography of the lot made the retaining wall necessary. The lot slopes from the high side along Montevallo Rd and falls away toward the back of the property.

### ***Impervious Area***

The proposal is in compliance with the allowable impervious surface area.

### ***Subject Property and Surrounding Land Uses***

The property contains a single-family dwelling, and is surrounded by same.

### ***Affected Regulation***

Article IV, Sec. 129-52, Area and dimensional requirements

### ***Appends***

LOCATION: 1 Pine Crest Road

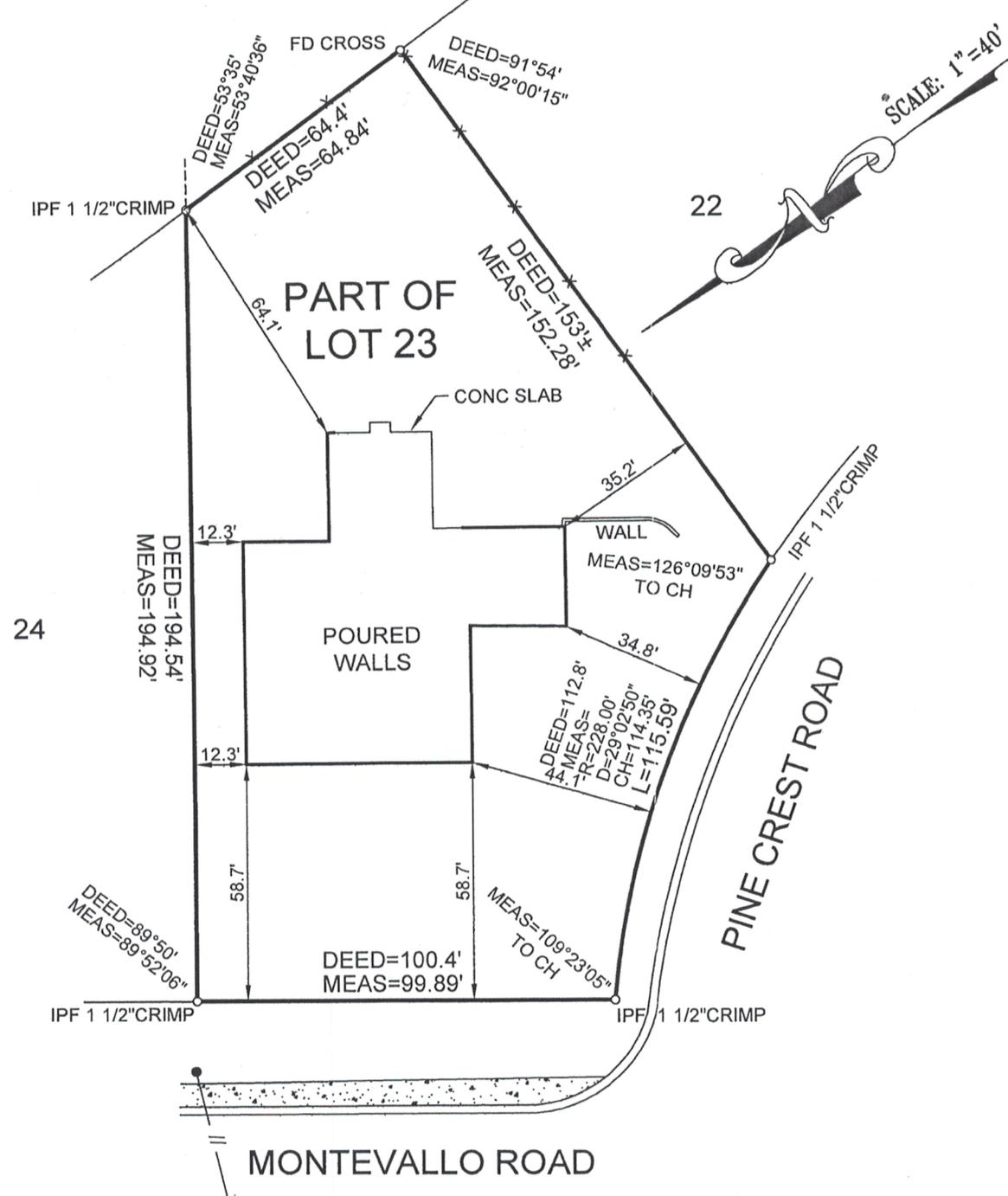
ZONING DISTRICT: Residence B District

OWNERS: John and Marie Joseph



SCALE: 1"=40'

- LEGEND:**
- ASPH = asphalt
  - BRG = bearing
  - BLDG = building
  - CALC = calculated
  - CAP = capped iron
  - CL = centerline
  - CH = chord
  - CONC = concrete
  - C = covered
  - d = deflection
  - D = curve delta angle
  - E = east
  - ESMT = easement
  - FC = fence
  - FD = found
  - HW = headwall
  - IPF = iron pin found
  - IPF\* = iron pin found w/KBW cap
  - IPS = iron pin set w/SSI cap
  - L = length
  - MEAS = measured
  - MIN = minimum
  - MH = manhole
  - N = north
  - OH = overhang
  - P = porch
  - PC = point of curve
  - POB = point of beginning
  - POC = point of commencement
  - PT = point of tangent
  - PVMT = pavement
  - R = radius
  - REC = recorded
  - RES = residence
  - ROW = right of way
  - S = south
  - SAN = sanitary
  - STM = storm
  - SWR = sewer
  - SYN = synthetic
  - UTIL = utility
  - U = uncovered
  - W = west
  - YI = yard inlet
  - ° = degrees
  - ' = minutes, in
  - " = bearings or angles
  - seconds, in
  - ' = bearings or angles
  - feet, in distance
  - AC = acres
  - ± = more or less, or plus or minus



SUBJECT PARCEL IS ZONED  
RESIDENCE B DISTRICT

MINIMUM FRONT YARD SETBACK 35'  
MINIMUM REAR YARD SETBACK 35'  
MINIMUM SIDE YARD SETBACK 12 1/2'

STATE OF ALABAMA  
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed:

That part of Lot 23, according to the Map and Plan of Shadow Lawn as same appears in the Office of the Judge of Probate of Jefferson County, Alabama, in Map Book 15, page 33; said Survey also known as Pine Crest, according to instrument recorded in Volume 1852, page 576, in the said Probate Office; said Lot being situated in part of the Southeast 1/4 of the Southeast 1/4 of Section 5, Township 18 South, Range 2 West, and in part in the Southwest 1/4 of Southwest 1/4 of Section 4, Township 18 South, Range 2 West, and being particularly described as follows:

Taking the point of intersection of the Southeasterly line of Montevallo Road as same appears in Map Book 19, pages 35 and 36, in the Office of the Judge of Probate of Jefferson County Alabama, and the Northeasterly line of Shadow Lawn Road (or Pine Crest Road) as the same appears on said map for a Point of Beginning; thence in a Northeasterly direction and along the Southeasterly line of Montevallo Road 100.4 feet to a point; the at an angle to the right of 89°50' and in a Southeasterly direction a distance of 194.54 feet to a point; thence at an angle to the right of 53°35' and in a southeasterly direction a distance of 64.4 feet to a point; thence at an angle to the right of 91°54 and in a westerly direction a distance of 153 feet, more or less, to a point on the Northeasterly line of Shadow Lawn Road; thence in a Northwesterly direction and along the Northeasterly line of Shadow Lawn Road, a distance of 112.8 feet, more or less, to the Point of Beginning.

I furthermore certify 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: 1 Pine Crest Road according to my survey of April 14, 2020. Survey is not valid unless it is sealed with embossed seal or stamped in red. Revised to show setbacks note April 16, 2020.

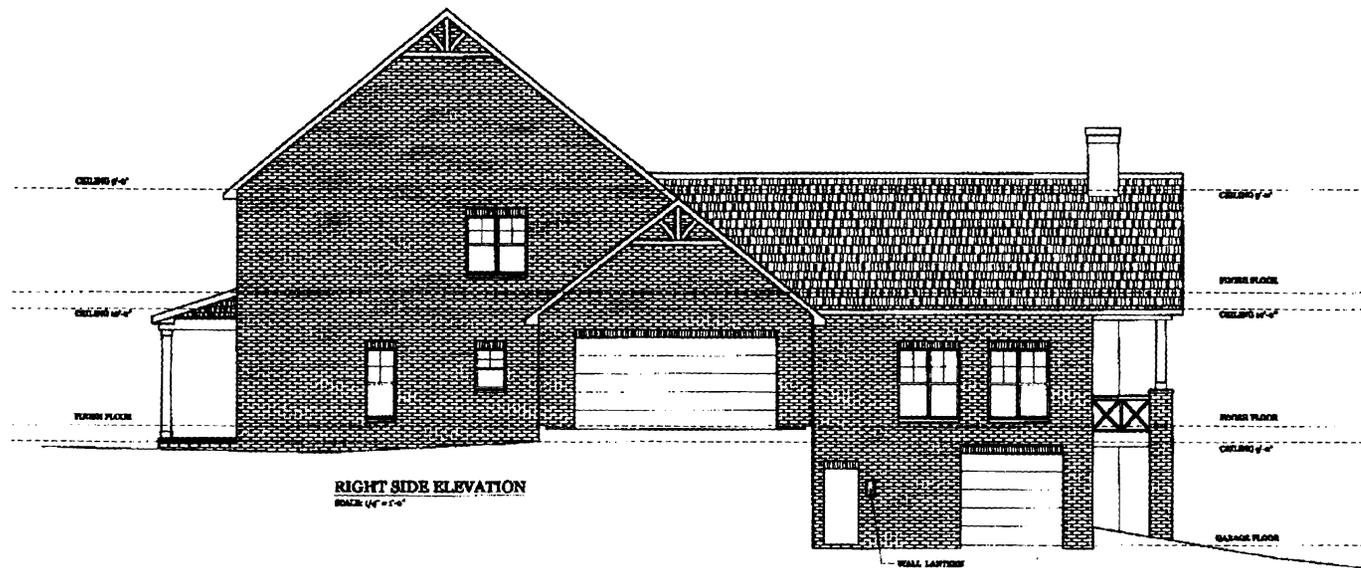
SURVEYING SOLUTIONS, INC.  
2232 CAHABA VALLEY DRIVE SUITE M  
BIRMINGHAM, AL 35242  
PHONE: 205-991-8965

*Carl Daniel Moore*  
Carl Daniel Moore, Reg. L.S. #12159  
4-16-2020  
Date of Signature

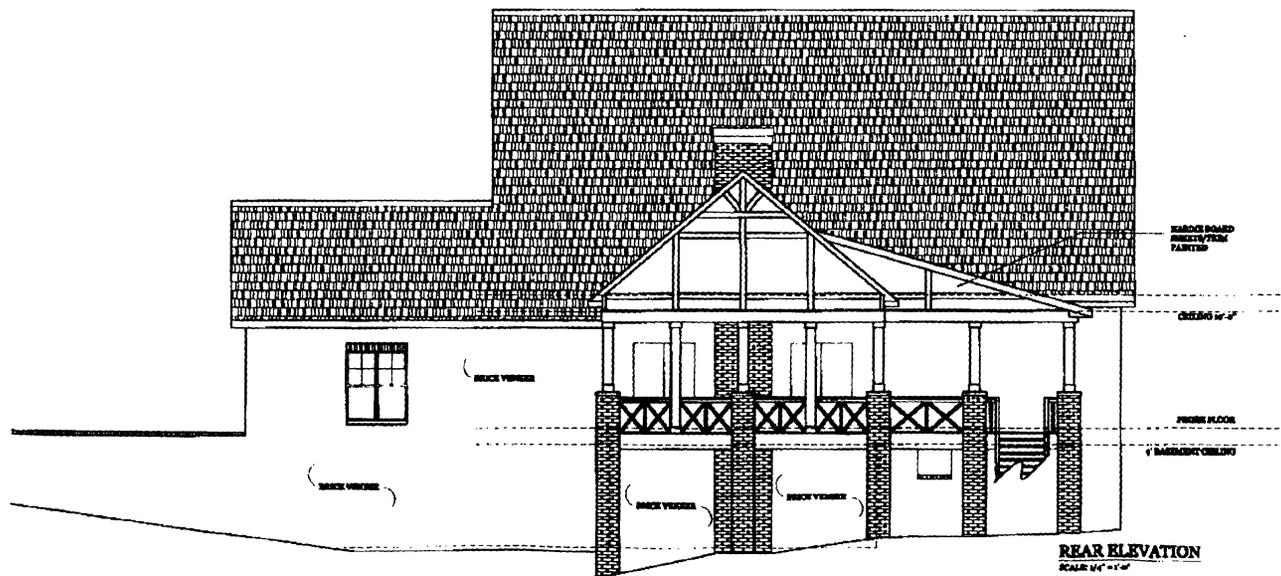


Order No. 171497  
Purchaser: Proctor  
Type of Survey: Foundation





**RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

JOSEPH RESIDENCE  
1 PINECREST ROAD  
MOUNTAIN BROOK, AL

\*CONTRACTOR TO  
VERIFY DIMENSIONS.

Project:	JOSEPH PROJECT	<b>A1.6</b>
Rev:	01.01.20	
Date:	02.02.2020	
By:	DDI DWG	

CATHERINE PRINGLE DESIGN  
CATHERINEPRINGLEDESIGN@GMAIL.COM 205.225.0810

# A-20-09 Aerial





## Variance Application Part II

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

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

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

1. Corner lot Current Foundation now at approx. 2' over set back on left side
2. Right side of lot faces Pine Crest with 35' set back squeezing lot foundation saving to be approx 4' over 35'
- 3.

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 Foundation Company was working in rough conditions (RAIN) and wall moved could not tell (All the RAIN) until forms were removed. The Original foundation of House there was much closer than 35' set back to Pine Crest so we adjusted it to current but missed due to conditions.

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

It would allow Home to proceed without massive reconstruction of overall foundation and cost for the 2" and 4".



ds

## Variance Application - Part I

### Project Data

Address of Subject Property 4 Eastis Street Mt. Brook, AL 35213 Lot 1 & 2

Zoning Classification Residence B District

Name of Property Owner(s) Jody and Kendall Quick

Phone Number 205-527-7099 Email - jody@onesourceair.com

Name of Surveyor Waygand Surveyors, Inc.

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>			
Front Setback (ft) <i>secondary</i>	17.5		17.5
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			

## 4 Eastis Street Mountain Brook, AL 35213

### Lots 1 & 2

#### Scope of project-

- Acquire variance for Secondary frontage set back of 17.5' in the spirit of (Article IV- Residence B District Sec. 129-52 (b)(4)).
- Rezone Lots 1 & 2. Combining to have 100' frontage on Sims Ave with 150' secondary frontage on Eastis Street.
- Demo existing structure
- Build, Single Family Dwelling

It is our intent to build our family home. My name is Jody Quick. I represent my wife Kendall, daughter Neelie, and soon to be son James.

Jody W. Quick

March 27, 2020

# A-20-10 Zoning

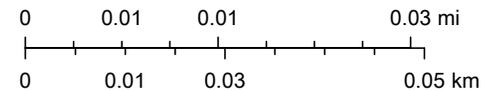


5/11/2020, 12:49:22 PM

Tax\_Parcels

 Residence B District

1:1,128



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

## Report to the Board of Zoning Adjustment

### A-20-10

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

Request to allow the construction of a home to be located 17.5 feet from the secondary front property line (Eastis St) in lieu of the required 35 feet.

#### ***Analysis***

The applicant is requesting the 17.5 foot setback along the secondary front (Eastis St) as would be allowed if the primary front were opposite a dedicated alley. An alley opposite of this front did exist at one point, but it was vacated.

The current structure is oriented in a way that the front faces Eastis St.

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

The proposal is in compliance with the allowable impervious surface area.

#### ***Subject Property and Surrounding Land Uses***

The property contains a single-family dwelling, and is surrounded by same.

#### ***Affected Regulation***

Article IV, Sec. 129-52, Area and dimensional requirements

#### ***Appends***

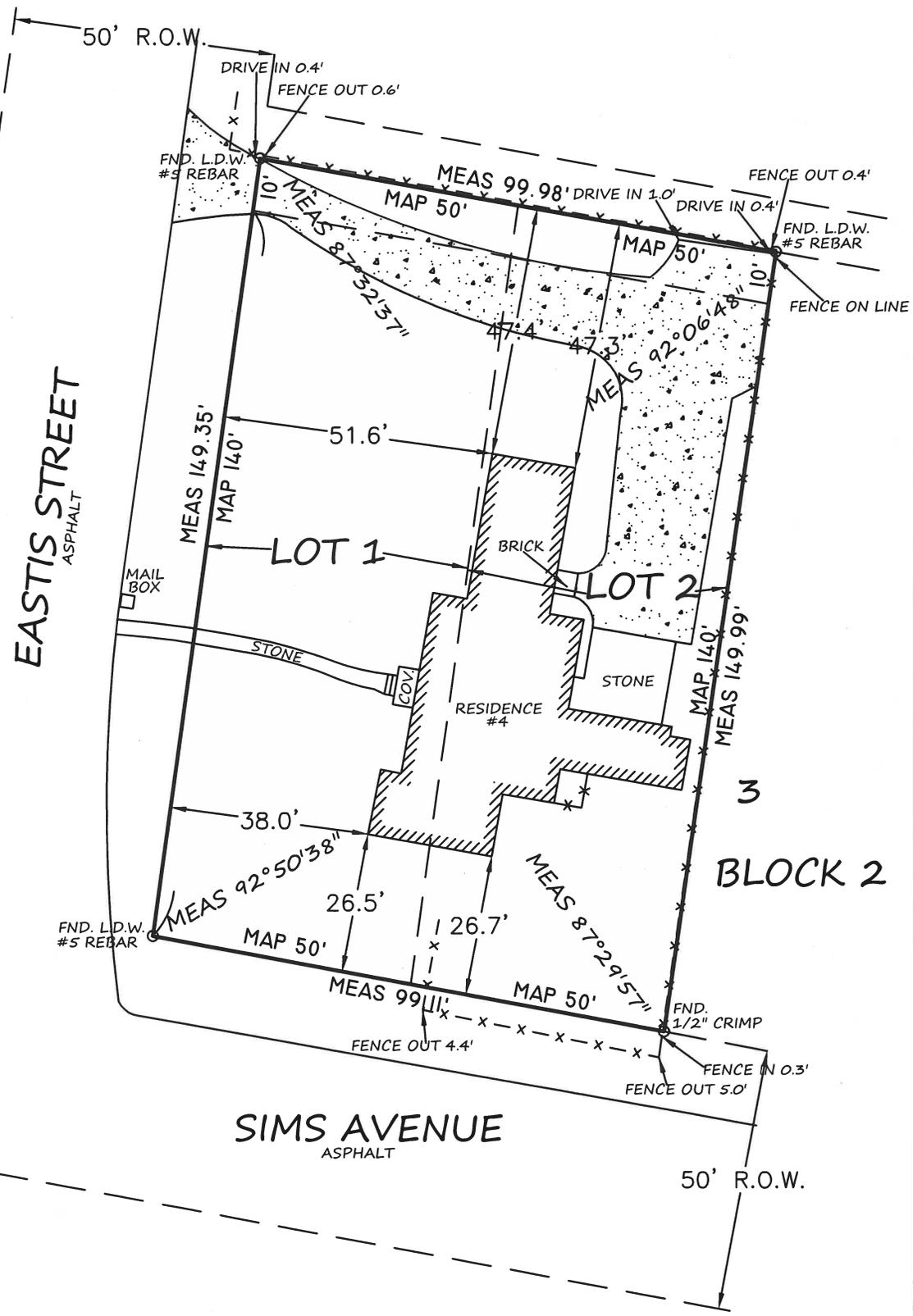
LOCATION: 4 Eastis Street

ZONING DISTRICT: Residence B District

OWNERS: Jody and Kendall Quick

**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
⊕	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—x—	ANCHOR
—x—	FENCE
—x—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
▩	CONCRETE
▧	WALL
□	COLUMN



SCALE: 1"=30'

Legal Description: The North 10 feet of that certain alley adjacent to lots 1 and 2, block 2, according to the survey of mcelwaine, as recorded in Map Volume 3, Page 47, in the Office of the Judge of Probate, jefferson County, Alabama.

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1 & 2, BLOCK 2, MCELWAINE, as recorded in Map Volume 3, Page 47, 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 APRIL 20, 2020. Survey invalid if not sealed in red.

Order No.: 20200562  
Purchaser:  
Address: 4 EASTIS STREET

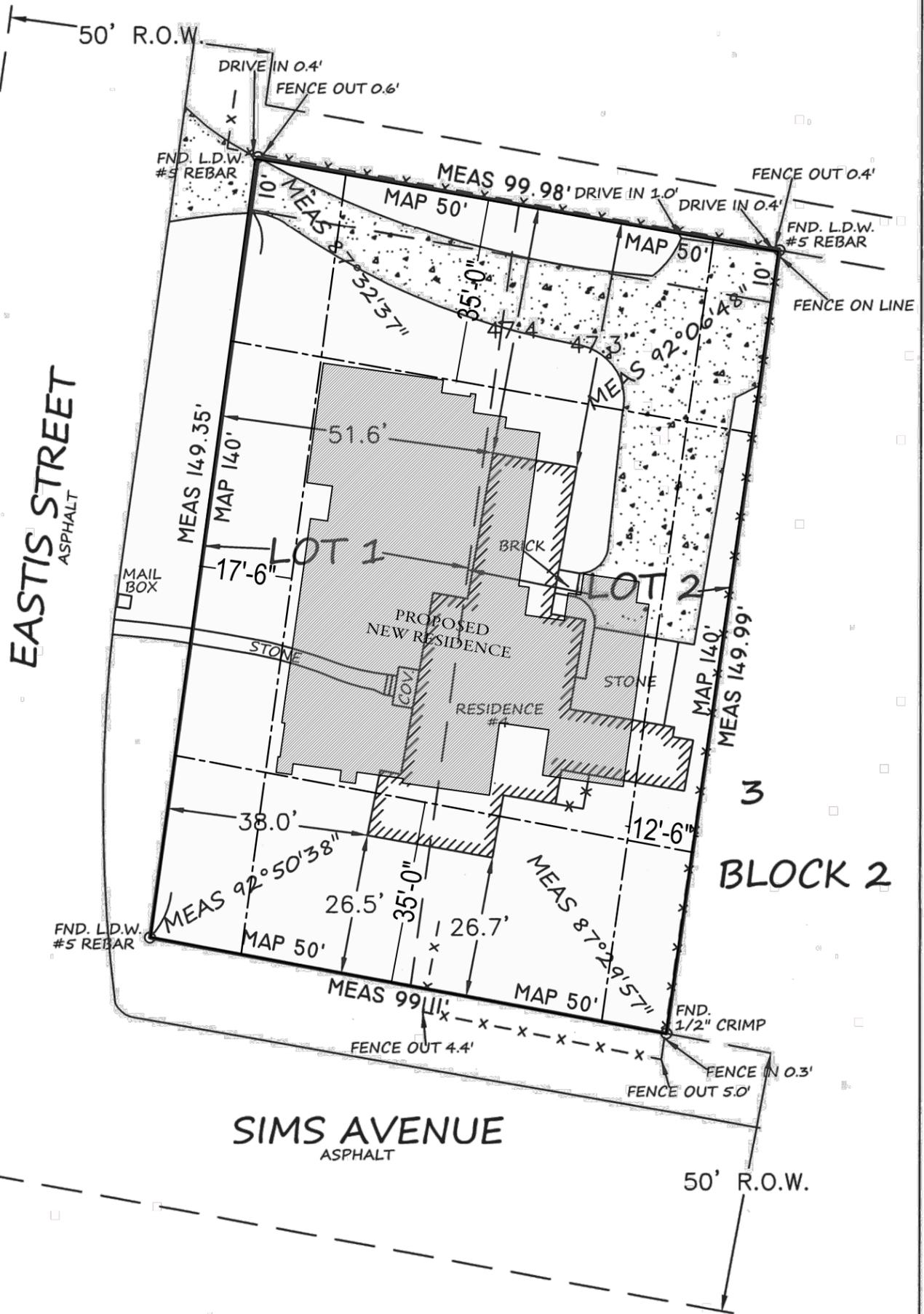
Ray Weygand, Reg. L.S. #24973  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087  
Copyright ©



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

**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—x—	ANCHOR
—x—	FENCE
—x—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



**DOUGLAS C DAVIS**  
 & ASSOCIATES

SCALE: 1"=30'

Legal Description: The North 10 feet of that certain alley adjacent to lots 1 and 2, block 2, according to the survey of mcelwaine, as recorded in Map Volume 3, Page 47, in the Office of the Judge of Probate, jefferson County, Alabama.

STATE OF ALABAMA)  
 JEFFERSON COUNTY)

"Property Boundary Survey"

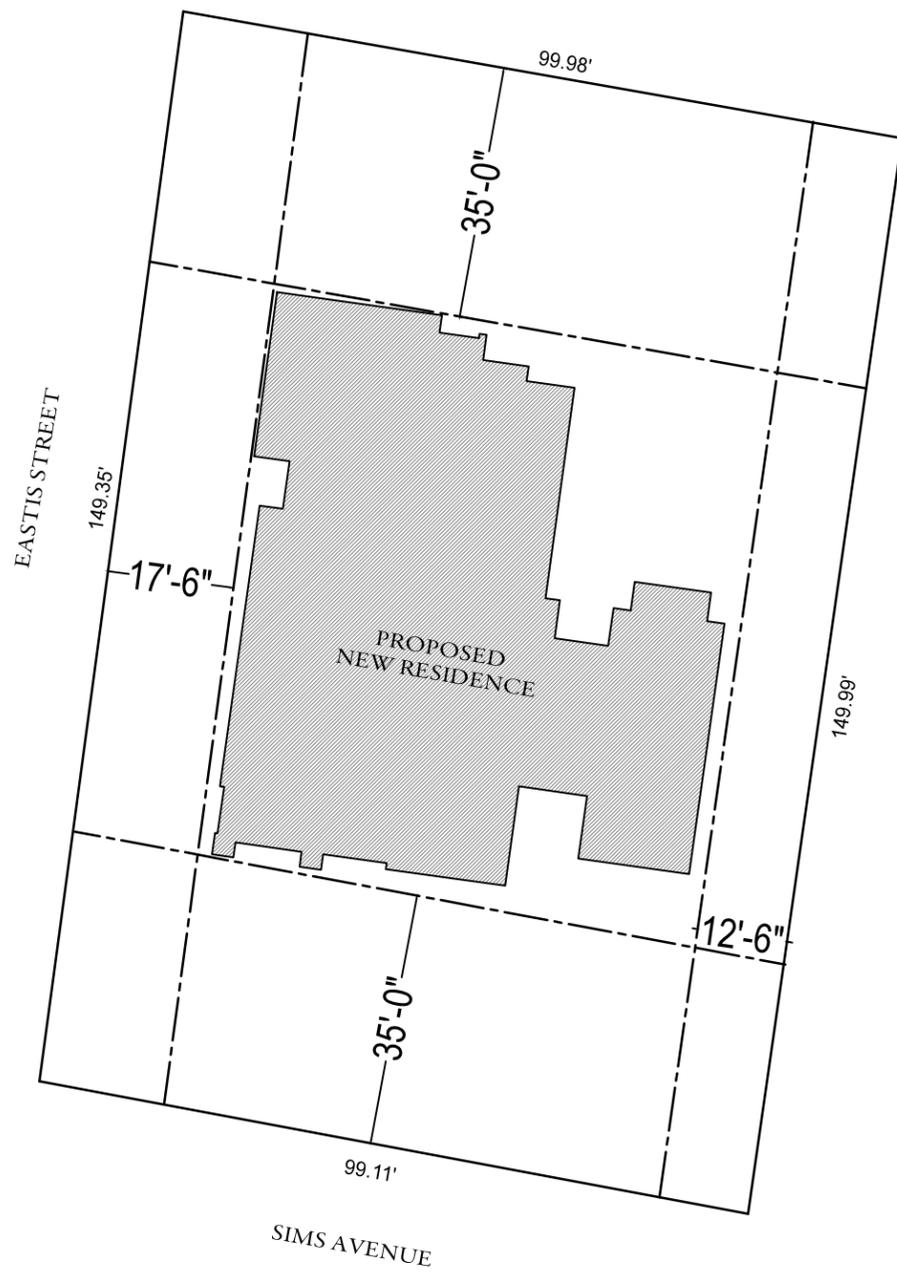
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1 & 2, BLOCK 2, MCELWAINE, as recorded in Map Volume 3, Page 47, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this 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 APRIL 20, 2020. Survey invalid if not sealed in red.

Order No.: 20200562  
 Purchaser:  
 Address: 4 EASTIS STREET

Ray Weygand, Reg. L.S. #24973  
 169 Oxmoor Road Homewood, AL 35209  
 Phone: (205) 942-0086 Fax: (205) 942-0087  
 Copyright ©



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



DOUGLAS C DAVIS  
& ASSOCIATES

# A-20-10 Aerial



5/11/2020, 12:50:33 PM

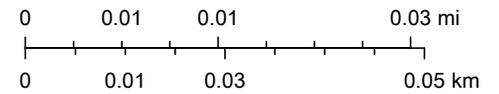
2018 Aerial

Red: Band\_1

Green: Band\_2

Blue: Band\_3

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 | Jefferson County Information Technology Services |



\_\_\_ It will help to maintain the street scape on both Sims Avenue and Eastis Street in the spirit of Article IV-Residence B District Sec. 129-52 (b) (4)

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## Variance Application - Part I

### Project Data

Address of Subject Property 2541 MONTEVALLO DALE MOUNTAIN BROOK, AL 35222  
 Zoning Classification 'A'  
 Name of Property Owner(s) LILLIAN & PEYTON FALKENBURG  
 Phone Number (205) 677-5217 Email PEYTON.FALKENBURG@GMAIL.COM  
 Name of Surveyor ROBERT REYNOLDS  
 Phone Number (205) 585-7902 Email REYNOLDSR@BELLGOUTH.NET  
 Name of Architect (if applicable) JAMES LACHMAN  
 Phone Number (205) 807-7814 Email JIMMY@JAMESBLANCHARD.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>	40 FT		35 FT
Front Setback (ft) <i>secondary</i>	40 FT		18.6 FT
Right Side Setback	15 FT		10.7 FT
Left Side Setback	15 FT		10 FT
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 (%)	25% BLDG. + 5% IMP.		25% BLDG. + 5% IMP.
Building Height (ft)			
Other			
Other			

April 24, 2020

James B. Laughlin  
4337 10<sup>th</sup> Avenue South  
Birmingham, AL 35222

Lillian and Peyton Falkenburg  
2541 Montevallo Drive  
Mountain Brook, AL 35223

To whom it may concern,

I am an architect representing Lillian and Peyton Falkenburg. The subject property is located at 2541 Montevallo Drive.

The owners plan on removing the existing residence as it is derelict and beyond repair. Both the existing and new residences are non-conforming as the setbacks of the property supersede the area of the lot. In other words, there is no buildable area.

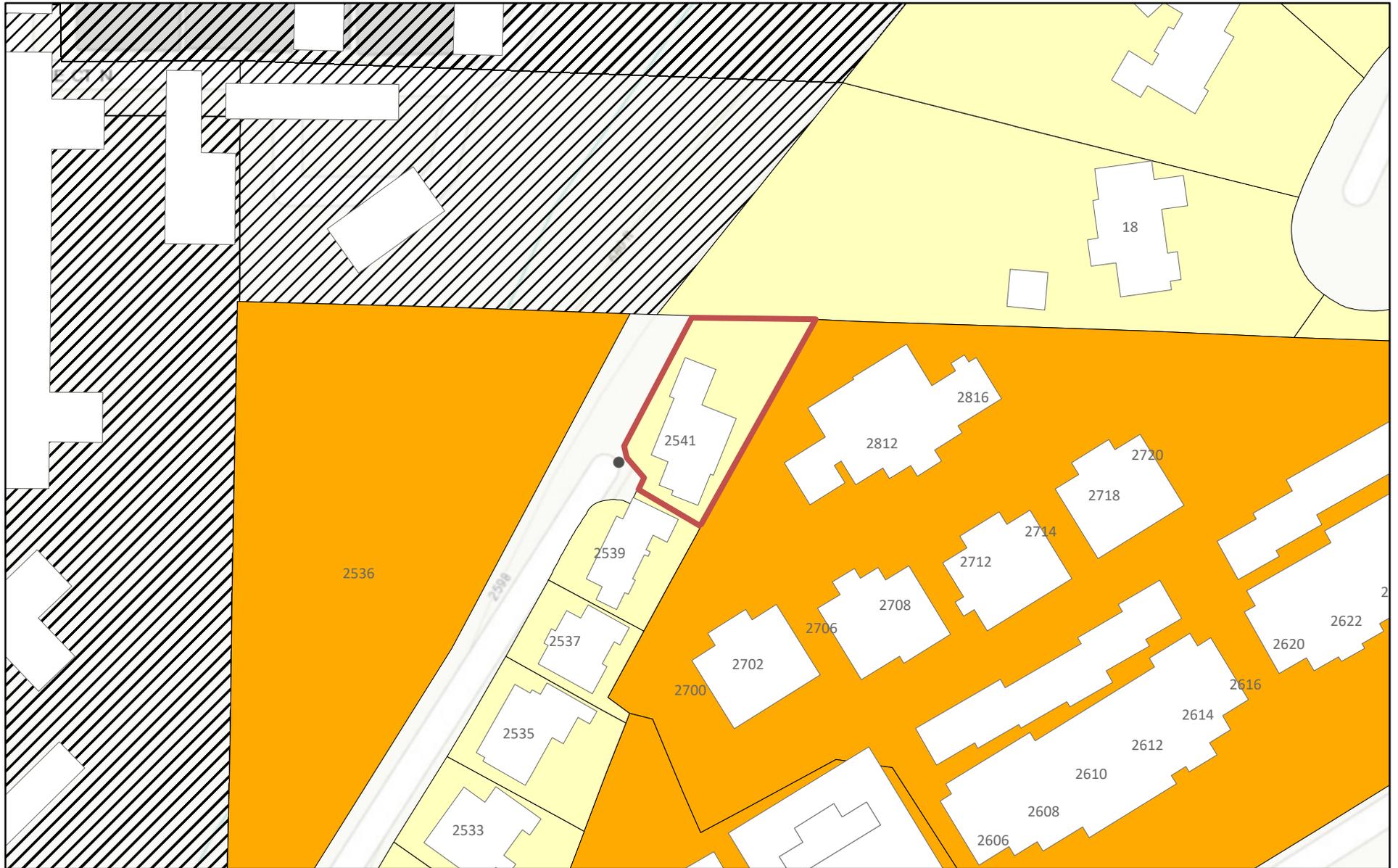
The encroachment of the proposed residence equals that of the existing on the northwest side (10 feet) and is significantly more distant (30 feet) on the southeast side or front.

We find this proposal to be in keeping with the intent of the zoning board as it creates a distance approximately 200% greater to the adjacent neighbor and the placement on the site further aligns with the front facades of all neighboring residences on Montevallo Drive.

Best regards,

James Laughlin

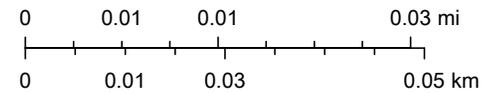
# A-20-11 Zoning



5/11/2020, 1:00:21 PM

Tax\_Parcels  Residence A District  
 PUD  Residence D District

1:1,128



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

## Report to the Board of Zoning Adjustment

### A-20-11

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

Request to allow the construction of a home to be located 10 feet from the front property line (Montevallo Rd) in lieu of the required 40 feet and 10.7 feet from the rear property line (east) in lieu of the required 40 feet

#### ***Analysis***

The applicant stated that the hardship in this case is the geometry of the lot and the setbacks supersede the area of the lot rendering it unbuildable.

The applicant also stated that the proposed footprint would increase the distance between the new structure and the adjacent neighbors compared to the existing non-conforming residence. The current structure sits very close to the side of the property with an adjacent home.

#### ***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, Sec. 129-34, Area and dimensional requirements

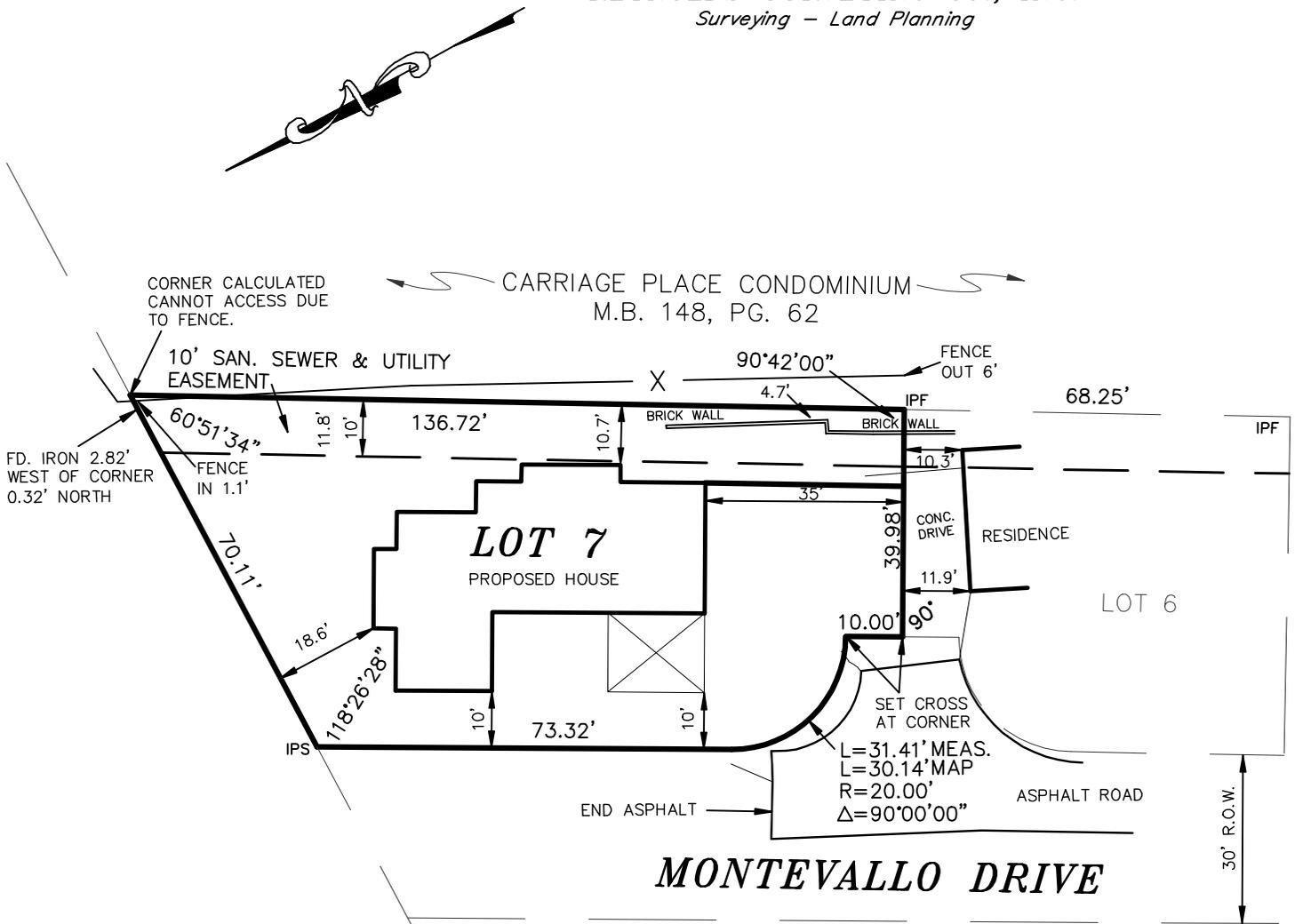
#### ***Appends***

LOCATION: 2541 Montevallo Drive

ZONING DISTRICT: Residence A District

OWNERS: Lillian and Peyton Falkenburg

**REYNOLDS SURVEYING CO., INC.**  
*Surveying - Land Planning*



SCALE: 1" = 30'

**LEGAL DESCRIPTION**

A RESURVEY AND SUBDIVISION OF LOTS 3, 4, 5, 6 AND PART OF LOT 1, BLOCK "D" ACCORDING TO MAP OF CANTERBURY CROSSROADS FIRST ADDITION TO MOUNTAIN BROOK VILLAGE

- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - FENCE
  - OVERHEAD ELECTRICAL
  - IRON PIN FOUND
  - IRON PIN SET

STATE OF ALABAMA  
 JEFFERSON COUNTY

**PLOT PLAN**



NOTE: PROPOSED HOUSE  
 LOCATION ADDED  
 4-24-20

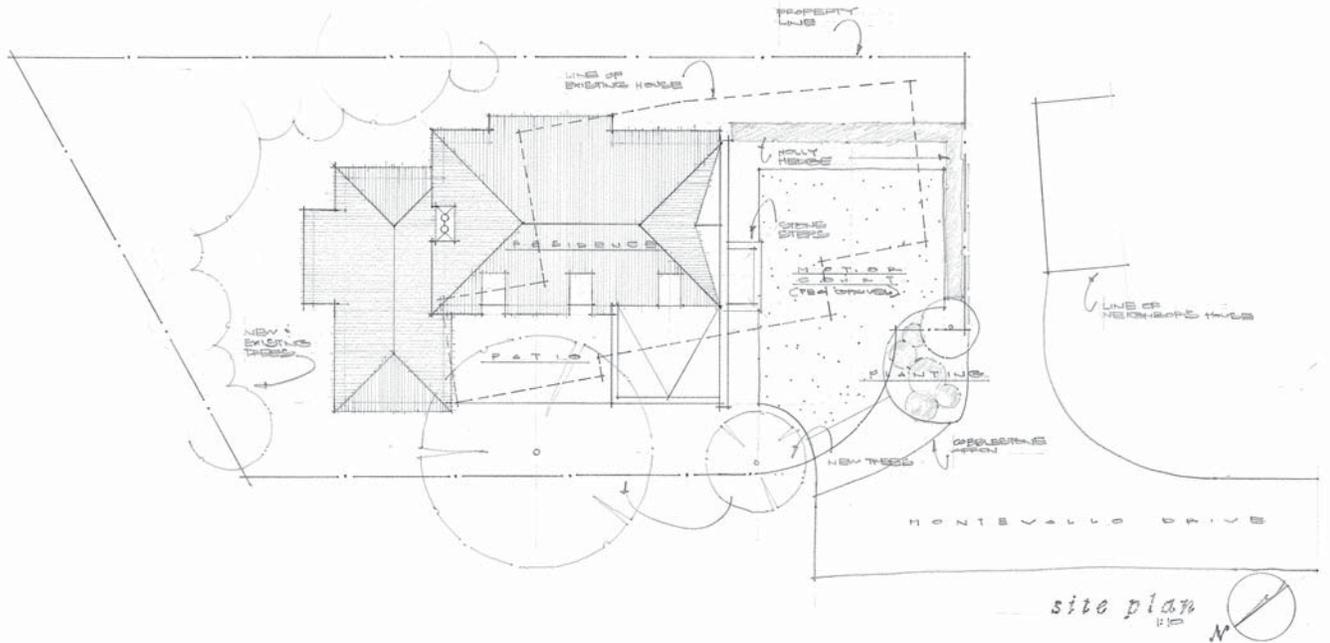
*Robert Reynolds*  
 Reg. No. 25657 A771/71

Purchaser: Falkenburg  
 Address: 2541 Montevallo Drive

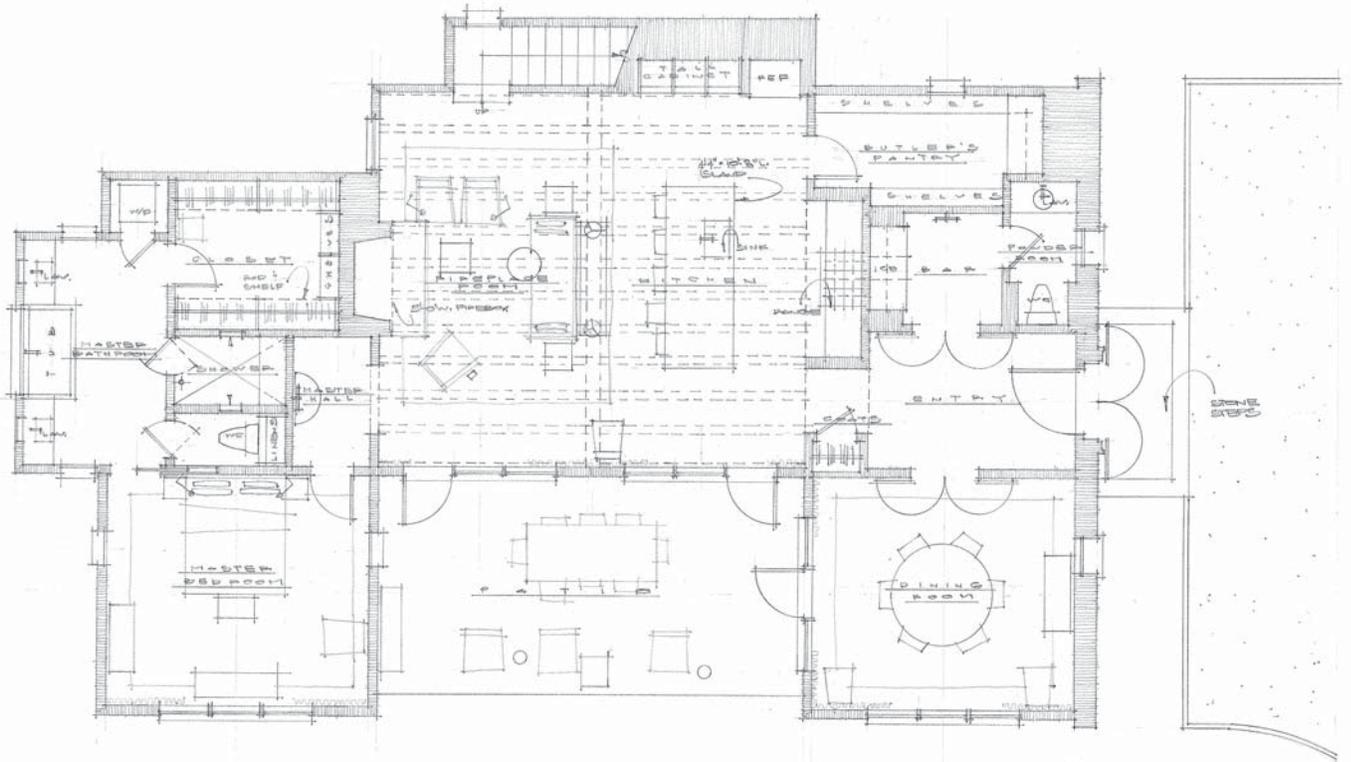


a new house for  
*lillian & peyton falkenburg*  
no. 2541 montevallo drive . mountain brook, alabama

JAMES B. LAUGHLIN

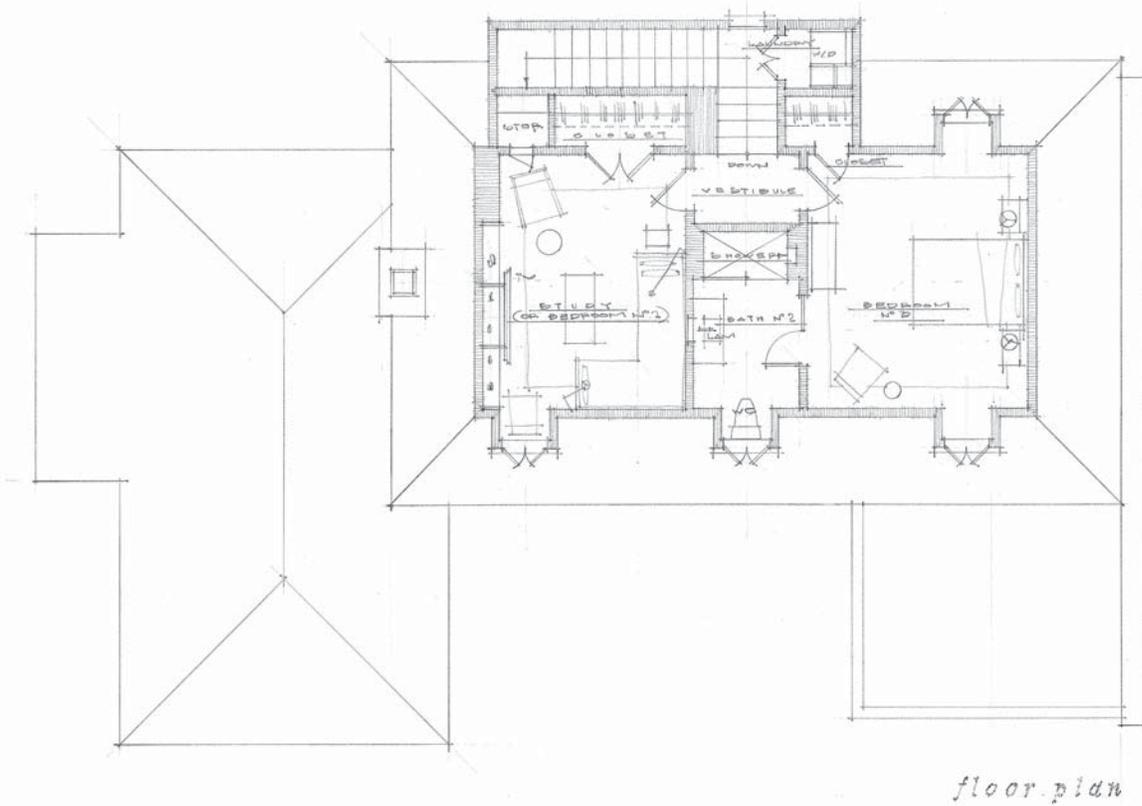


JAMES B. LAUGHLIN



*floor plan*

JAMES B. LAUGHLIN



JAMES B. LAUGHLIN



*hillside elevation*

JAMES B. LAUGHLIN

# A-20-11 Aerial



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2018 Aerial

Red: Band\_1

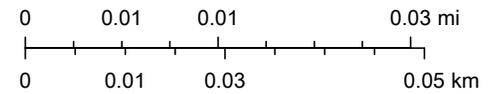


Green: Band\_2



Blue: Band\_3

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 | Jefferson County Information Technology Services |



## 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)?

OUR HARDSHIP IS THE RESULT OF THE GEOMETRY  
OF THE LOT IN QUESTION — THE SETBACKS  
SUPERSEDE THE AREA OF THE LOT. THERE IS  
NO BUILDABLE AREA.

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

No.

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

IT FURTHERS DISTANCE BETWEEN ADJACENT NEIGHBORS  
AND RESPONDS TO THE SURROUNDING NEIGHBORHOOD  
PACIS. THE PROPOSED RESIDENCE IS MORE IN KEEPING  
W/ THE INTENTS OF THE ZONING BOARD THAN THE  
EXISTING NON-CONFORMING RESIDENCE.