BZA Packet

October 19, 2020

Hello All,

Enclosed please find your packet for the meeting of October 19, 2020.

We have:
- 5 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:
www.mtnbrook.org
- Calendar (upper right corner)
- Board of Zoning Adjustment (October 19, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

If you have any questions about the cases please don’t hesitate to give me a call at 802-3811 or send me an email at slatent@mtnbrook.org …

Looking forward to seeing you on Monday!

Tyler
NOTICE

Any variance which is granted today expires and becomes null and void one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months and ask for a six-month extension, which the Board normally grants.

Any variance which is granted, regardless of the generality of the language of the motion granting the variance, must be construed in connection with, and limited by, the request of the applicant, including all diagrams, plats, pictures and surveys submitted to this Board before and during the public hearing on the variance application.

1. Approval of Minutes: July 20, 2020, August 17, 2020 and September 21, 2020

2. Case A-20-30: Mark and Michelle Walters, property owners, request variances from the terms of the Zoning Regulations to allow an outdoor fireplace/chimney to be zero feet from the property line (west) in lieu of the required 10 feet. - 3781 Village Lane

3. Case A-20-31: John and Sumner Rives, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a screened in porch addition to be 37 feet from the rear property line in lieu of the required 40 feet. - 3000 Southwood Road

4. Case A-20-32: John Boydstun, property owner, request variances from the terms of the Zoning Regulations to allow the construction of a fence 6 feet in height in lieu of the maximum allowed fence height of 4 feet in a secondary front yard. - 145 Euclid Avenue

5. Case A-20-33: John and Sue Roberts, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a covered porch to be located 2 feet from the side property line in lieu of the required 8 feet and allow the lot coverage to be 38 percent in lieu of the maximum lot coverage allowed of 35 percent. - 128 Cherry Street

6. Case A-20-34: Philip Yacko, property owner, requests variances from the terms of the Zoning Regulations to allow the creation of a Residence A lot that is 17,757 square feet in area in lieu of the required 30,000 square feet and 87.38 feet wide in lieu of the required 100 feet wide. - 3080 Overton Road

7. Next Meeting: November 16, 2020

8. Adjournment
Variance Application - Part I

Project Data

Address of Subject Property 3781 Village Lane

Zoning Classification

Name of Property Owner(s) Mark A. Walters & Michelle B. Walters

Phone Number (70) 846-1163 Email WALTERSMARKCAOL.COM

Name of Surveyor Weygand Surveyors

Phone Number (205) 942-0084 Email

Name of Architect (if applicable) N/A

Phone Number N/A 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)):

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<th>Lot Area (sf)</th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
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| Front Setback (ft) primary |                         |                      |                     |
| Front Setback (ft) secondary |                         |                      |                     |
| 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 |                         |                      |                     |
Petition Summary
Request to allow an outdoor fireplace/chimney to be zero feet from the property line (west) in lieu of the required 10 feet.

Analysis
While RID zoning does not have a minimum lot size, it is clear that the hardship in this case is the small lot; also, that it is a corner lot. The general accessory structure regulations were not necessarily developed with RID lots in mind. RID is a custom zoning district that allows lots of this size, in this case, is smaller than a Res-C lot (approximately 6,700 square feet). In this particular RID, houses are permitted to be 5 feet from the side property line and 10 feet from the rear property line; so it may follow that requiring the typical 10-foot accessory building setback may be too stringent.

Background
On July 15, 2019, the Board approved a variance (A-19-25) for the same request to allow an outdoor fireplace/chimney to be zero feet from the property line in lieu of the required 10 feet.

On September 18, 2017, the Board approved a variance (A-17-38) to allow a swimming pool to be 5 feet 4 inches from the side property line (north) and 5 feet 4 inches from the rear property line (west), both in lieu of the required 10 feet.

On September 18, 2017, the Board approved a variance (A-17-39) at 3785 Village Lane to allow a swimming pool to be 7 feet 11 inches from the side property line (south) and 5 feet 11 inches from the rear property line (west), both in lieu of the required 10 feet.

In November 2014, the Board approved a variance at 3781 Village Lane to allow a swimming pool to be 5 feet from the rear property line (west).

On December 21, 2015 the Board approved a variance at 3751 Village Lane to allow a swimming pool to be 5 feet from the rear property line (east).

Impervious Area
RID development within subdivision detention. No percentage requirements.

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

Affected Regulation
Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures and Accessory Buildings on Residential Lots

Appends
LOCATION: 3781 Village Lane
ZONING DISTRICT: Residential Infill Lane
OWNERS: Mark and Michelle Walters
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)?

Small lot. Owner would like to outdoor fireplace to improve the aesthetics of the back

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?

There are already at least 5 outdoor fireplaces in the subdivision. Case No. 19-25 was approved last year by the City of Mt. Hood for a similar fireplace in the same subdivision.
Variance Application - Part I

Project Data

Address of Subject Property 3000 Southwood Road, Mountain Brook, Alabama 35223
Zoning Classification Residence A
Name of Property Owner(s) Mr. John Rives and Mrs. Sumner Rives
Phone Number 205.871.0003 Email jrives@blharbert.com sumnerrives@icloud.com
Name of Surveyor Weygand Surveyors
Phone Number 205.942.0086 Email quickbooks@notificationintuit.com
Name of Architect (if applicable) Alex Krumdieck
Phone Number 205.324.9669 Email jwinslett@krumdieck.com

Property owner or representative agent must be present at hearing

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

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<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
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<td>Lot Width (ft)</td>
<td>min. 100'</td>
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<td>No Change</td>
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<td>Front Setback (ft)</td>
<td>40'</td>
<td>154'</td>
<td>No Change</td>
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<td>Front Setback (ft)</td>
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<td>15'</td>
<td>57'</td>
<td>37'</td>
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<td>50'</td>
<td>No Change</td>
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<td>Right Side Setback (ft):</td>
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<td>22’ high or greater</td>
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<tr>
<td>Rear Setback (ft)</td>
<td>40'</td>
<td>25’ (10’ Carriage)</td>
<td>37’</td>
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<td>Lot Coverage (%)</td>
<td>25% + 5% Imperv.</td>
<td>21% w/Imperv.</td>
<td>23% w/Imperv.</td>
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<td>Building Height (ft)</td>
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<td>30’</td>
<td>30’</td>
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<td>Other</td>
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September 21st, 2020
Krumdieck A + I
200 28th Street South
Birmingham, AL 35233

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

Re: Variance Application Written Statement

Members of the Board,

Thank you for the opportunity to present our proposal for a Rear Setback Variance for our clients, Mr. John Rives and Mrs. Sumner Rives. Our client’s property is located at 3000 Southwood Road, Mountain Brook, AL 35233.

The renovation and addition project that we have been hired to complete includes the addition of approximately 900 square feet of front porch, screen porch, and living room expansion. The only part of the addition that requires the variance is the screen porch which is located on the side of the home. Currently the rear corner of the porch addition sits approximately 9” over the rear setback line. Including overhang and a step, the addition sits approximately 34” over the rear setback line.

The historic placement of the home toward the rear of the property and the angle to be parallel to Mountain Brook Parkway, has resulted in the addition to the side of the home encroaching on the rear setback. If the home would have been placed similarly as its neighbors, as shown in our provided image, there would be multiple areas to add on to the house addressing the clients growing family needs without encroaching on any setback.

As historical precedence: the property currently still has the original carriage house, completely within the rear setback, as originally allowed, and a carport extending 15’ within the rear setback. Our proposed addition would not encroach beyond those points.

Sincerely,

[Signature]
Alex Krumdieck, AIA
AK/klz
Enclosures
Petition Summary
Request to allow the construction of a screened in porch addition to be 37 feet from the rear property line in lieu of the required 40 feet.

Analysis
The applicant is requesting the variance in order to construct a screened in porch on the right side on the existing home. The orientation of the existing home is a hardship as the design constrains the ability of the applicant to construct this addition without the need for a variance.

The home is set back considerably farther to the rear of the property than the surrounding homes in the streetscape limiting the room in the rear for the porch addition. The home is approximately 168’ from the front property line. The adjacent homes in the block are set back from 75’-100’ on average. The home is also situated at an angle that makes the proposed porch extend into the rear setback at an angle. There is an existing carport and original carriage house to the rear of this home that are situated closer to the rear property line that the proposed porch.

Impervious Area
The proposed additions would comply with the regulations for lot coverage and impervious surfaces.

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

Appendix
LOCATION: 3000 Southwood Road

ZONING DISTRICT: Residence A District

OWNERS: John and Sumner Rives
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 77, MOUNTAIN BROOK ESTATES, as recorded in Map Volume 16, Page 76 & 77, 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 SEPTEMBER 8, 2020. Survey invalid if not sealed in red.

Order No.:
2020196

Purchaser:
________________________________________

Address:
3000 SOUTHWOOD ROAD

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.

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

Copyright ©
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 historical placement of the home so far to the rear of the property and the angle at which it is placed, **causes the rear setback to come very close to the home’s existing north eastern corner.**

If the house were positioned closer to the street in line with its neighbors, as shown in the supplied image, the hardship would not exist.

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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 clients have not previous had a porch and the existing house placement so close to the rear setback has caused the hardship.

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

This variance, if granted, would not allow this new construction to exceed any previously allowed or historic condition within the rear setback. The existing carport and carriage house are within the rear setback.

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Variance Application - Part I

Project Data

Address of Subject Property  145 Euclid Ave
Zoning Classification  RC
Name of Property Owner(s)  John Boydston
Phone Number  601.826.0800  Email  john.boydstun@gmail.com
Name of Surveyor  Ray Weygand - completing new/updated survey on Monday, 9/28/2020
Phone Number  __________________  Email  __________________
Name of Architect (if applicable)  __________________
Phone Number  __________________  Email  __________________

Property owner or representative agent must be present at hearing

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<td>Front Setback (ft)</td>
<td>35</td>
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<td>Front Setback (ft)</td>
<td>13 (Elm - left side/front setback)</td>
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<td>To allow a 6-foot high fence in secondary front yard</td>
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Property is under contract, pending sale on October 14, 2020. John and Sarah Boydstun propose a 6’ wrought iron privacy fence from the left rear corner of property (at corner of Elm and Vine Alley) that runs northwest to the back left corner of the home and southwest to the side of the garage (see enclosed picture).

The Boydstuns have 3 children under the age of 5 and are concerned for their safety and privacy while playing in the backyard. The below photos demonstrate that the sightlines are completely clear and intact for driver (in drivers seat) to see left up Elm. Mr. Boydstun is 6ft and is standing at the corner of the property. Driver was not pulled all the way to the intersection of Elm and Vine Alley which further demonstrates that sightlines are not an issue. The sightlines are impeded south of subject property by the power pole and pedestrian sign to the right down Elm. Picture enclosed for the councils information. Also included is a neighbor's fence across the street with example of requested 6’ privacy fence.
Sightlines looking the other direction from property - south on Elm - were taken from the same location/angle as the above pictures of Mr. Boystun at the corner of subject property.

Across Elm on opposite corner of Elm and Vine Alley, is example of what the Boydstuns are requesting. Privacy fence for the rear corner of property.
Petition Summary
Request to allow the construction of a fence 6 feet in height in lieu of the maximum allowed fence height of 4 feet in a secondary front yard.

Analysis
The hardship in this case is the corner lot configuration, with the applicant attempting to afford privacy and security in the rear yard (which is limited by secondary front fence regulations).

Examples of similar fence construction along secondary fronts exist throughout Crestline (some with variances, others perhaps not).

Since the zoning code makes special provisions for secondary front setbacks (for the primary structure) in blocks of this type of grid configuration, perhaps a similar allowance should be made for taller privacy fences along secondary fronts, given that the secondary fronts do not align with primary fronts on the same block/street.

However, there is a provision in the zoning code for sight distance at the intersection of the alley and the road that should be taken into consideration:

Sec. 129-313. - Street corner visibility in residential and recreational districts.

(a) It shall be unlawful to erect, install, or maintain a sign, hedge, planting, wall, post, or other fixture or structure:

(1) At or near the intersection of two or more public streets, roads, or thoroughfares;

(2) At or near the intersection of a public street, road, or thoroughfare and a private roadway or driveway; or

(3) Elsewhere in a public road right-of-way such that the sign, hedge, planting, wall, post, or other fixture or structure obstructs, interferes with, impairs, or denies the driver of a vehicle approaching the intersection or entering the roadway a clear view of all other vehicular traffic approaching the driveway or approaching the intersection or roadway from other intersecting streets, roads, or thoroughfares.

Photos of sight distance at the intersection of the alley and Elm Street are attached for review.

Another alternative might be to allow some encroachment in the secondary front setback, but perhaps with the fence built at an angle at the intersection of the alley and Elm Street, in order to improve vehicular visibility over that which exists with the current fence configuration.
**Impervious Area**
No proposed changes to lot coverage or impervious coverage.

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

**Affected Regulation**
Article XIX, Residence C District; Section 129-315, Fence and Walls in Residential Districts

**Appends**
LOCATION: 145 Euclid Avenue

ZONING DISTRICT: Residence C District

OWNERS: John Boydstun
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)?

Corner lot - therefore, back yard is considered a front yard and only allows up to a 4 ft fence. Requesting permission for a 6 ft fence for privacy and protection of 3 young children and pet.

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...”)

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

The requested 6 ft fence would be on property line and not obstruct view at all from alley on to Elm. Property line ends behind where driver would stop before turning. So, the fence does not obstruct vision at all. Please see pictures...
Variance Application - Part I

Project Data

Address of Subject Property  128 Cherry Street  Mountain Brook, AL 35213

Zoning Classification  Res-C

Name of Property Owner(s)  Sue and John Sharp Roberts

Phone Number  1-205-907-1226  Email  jsgroberts@me.com

Name of Surveyor  Weygand Surveyors

Phone Number  1-205-942-0086  Email  info@weygandsurveyor.com

Name of Architect (if applicable)  Scott Heywood

Phone Number  1-205-277-9082  Email  scottheywood74@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):

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<td>Less than 22’ high (\rightarrow) 22’ high or greater (\rightarrow)</td>
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<td>Less than 22’ high (\rightarrow) 22’ high or greater (\rightarrow)</td>
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<td>Rear Setback (ft)</td>
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<tr>
<td>Lot Coverage (%)</td>
<td>35%</td>
<td>32%</td>
<td>38%</td>
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<td>Building Height (ft)</td>
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<td>Other</td>
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Petition Summary
Request to allow the construction of a covered porch to be located 2 feet from the side property line in lieu of the required 8 feet and allow the lot coverage to be 38 percent in lieu of the maximum lot coverage allowed of 35 percent

Analysis
This Res-C lot has a required side setback of 8 feet due to the lot width being less than 60’. The subject lot is small, but not inconsistent with other lots in the block face and surrounding area. The applicant is requesting to construct a covered porch addition into the side setback 2 feet from the side property line. Existing walking surfaces are currently in this location, but are deteriorating and pose a safety concern to the property owners who are in their 70s.

These surfaces are going to be replaced with safe long lasting surfaces, and the owners are requesting to construct a covered porch over them to protect them from the elements. The requested covered porch addition would push the lot coverage to approximately 38% which exceed the maximum allowed of 35% requiring an additional variance request.

Impervious Area
The proposed lot coverage of approximately 38% would exceed the Residence C District limit of 35%.

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

Append
LOCATION: 128 Cherry Street

ZONING DISTRICT: Residence C District

OWNERS: Sue and John Sharp Roberts
"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 7, Block 8, CRESTLINE HEIGHTS, as recorded in Map Volume 7, Page 18, 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 SEPTEMBER 22, 2020. Survey invalid if not sealed in red.

Order No.: 20202127
Purchaser: 128 CHERRY STREET
Address: 169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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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.
Variance Application
Part II

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

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

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

The existing lot is narrower than many at 50' wide which makes it more difficult to make improvements to the sides of the structure due to the width of the side setbacks set forth in the zoning ordinance.

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 exterior walking surfaces are deteriorating and pose a safety concern to the property owners, who are in their mid-70's, and guests. These existing impervious surfaces are already within the allowed side yard setback, and carry to the property line. This variance request will allow for these surfaces to be replaced with safe, long-lasting surfaces and the addition of a roof covering over these surfaces will protect them from the elements. The roof will also provide the owners some additional privacy due to the new 3 story house being constructed on the adjacent property. This new roof covering will extend into the existing side yard setback.

How would the granting of this variance be consistent with the purpose and intent of the Zoning Regulations? It is understood that the zoning regulations are in place to protect the general health, welfare, and safety of the citizens of Mountain Brook as it relates to land use, and it is our opinion that replacing deteriorating walking surfaces and providing a covered area to protect those new surfaces will uphold the purpose and intent of the Zoning Regulations.
A-20-33 Aerial

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, EPA, USDA | Hunter Simmons | Jefferson County Information Technology Services |
# Variance Application - Part I

## Project Data

- **Address of Subject Property**: 3080 OVERTON RD
- **Zoning Classification**: RESIDENCE A
- **Name of Property Owner(s)**: PHILIP YACKO
- **Phone Number**: ____________________  **Email**: ____________________
- **Name of Surveyor**: RAY WEYGAND  **Email**: ray@weygandsurveyor.com
- **Phone Number**: 205-942-0086
- **Name of Architect (if applicable)**: ____________________  **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)):

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<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
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<td>Lot Area (sf)</td>
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<td>17,757</td>
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<td>Lot Width (ft)</td>
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<tr>
<td>Front Setback (ft)</td>
<td><strong>secondary</strong></td>
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<tr>
<td>Right Side Setback</td>
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<td>Left Side Setback</td>
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<td>Right Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high → 22’ high or greater →</td>
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<td>Left Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high → 22’ high or greater →</td>
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A-20-34 Zoning

9/29/2020, 3:43:25 PM
Petition Summary
Request to allow the creation of a Residence A lot that is 17,757 square feet in area in lieu of the required 30,000 square feet and 87.38 feet wide in lieu of the required 100 feet wide

Analysis
The applicant is requesting variances from the area and dimensional requirements of the Residence A District to create a substandard lot that does not meet the minimum requirement for square feet or lot width. The subject parcel is a remnant from surrounding subdivisions. It is slightly smaller than the direct adjacent properties on either side and is close to some of the other smaller lots in the immediate area. The hardship in this case is that this piece of property was left at a slightly substandard size through other actions, and without a variance allowing it to be created as a smaller lot the property would essentially become unbuildable.

Impervious Area
No proposed changes to lot or impervious coverages.

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: 3080 Overton road

ZONING DISTRICT:  Residence A District

OWNERS: Philip Yacko
Variance Application
Part II

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

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

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

THIS PIECE OF PROPERTY IS A REMANENT PIECE THAT IS SURROUNDED BY SUBDIVISIONS.

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

NO

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

THIS IS AN EXISTING PARCEL THAT IS SIMILAR IN SIZE TO NEIGHBORS AND THE LOTS IN THE SURROUNDING AREA