Hello All,

Enclosed please find your packet for the meeting of November 16, 2020.

We have:
- 1 case that was continued from the October meeting
- 1 new case (previously approved in 2019)

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 (November 16, 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
MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
NOVEMBER 16, 2020
PRE-MEETING: 4:45 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.

1. Approval of Minutes: October 19, 2020

2. 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 5 feet from the side property line in lieu of the required 8 feet and allow the lot coverage to be 37 percent in lieu of the maximum lot coverage allowed of 35 percent. -128 Cherry Street (Carry over from the October 19, 2020 meeting.)

3. Case A-20-35: Bundi Reynolds, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 25 feet from the rear property line (southeast) in lieu of the required 30 feet, and for two second floor dormer windows to be 15 feet from the secondary front property line (Elm Street) in lieu of the required 17 feet. -201 Dexter Avenue (Duplicate of expired Case A-19-37, approved on October 21, 2019)

4. Next Meeting: Monday, December 21, 2020

4. Adjournment
**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)):

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
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</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td>7,500 SF</td>
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<tr>
<td>Lot Width (ft)</td>
<td></td>
<td>50 FT</td>
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<tr>
<td>Front Setback (ft) <em>primary</em></td>
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<tr>
<td>Front Setback (ft) <em>secondary</em></td>
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<tr>
<td>Right Side Setback</td>
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<td>Left Side Setback</td>
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<td>Right Side Setback (ft):</td>
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<tr>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
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<td>Less than 22’ high → 8 FT</td>
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<td>22’ high or greater → 8 FT</td>
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<td>Left Side Setback (ft):</td>
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<tr>
<td>Rear Setback (ft)</td>
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<td></td>
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</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>35%</td>
<td>32%</td>
<td>37%</td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td>14 FT</td>
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<tr>
<td>Other</td>
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<tr>
<td>Other</td>
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</tbody>
</table>
Petition Summary
Request to allow the construction of a covered porch to be located 5 feet from the side property line in lieu of the required 8 feet and allow the lot coverage to be 37 percent in lieu of the maximum lot coverage allowed of 35 percent. (The applicant has revised the proposal from a setback request of 2 feet and lot coverage of 38 %.)

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 5 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 37% which exceed the maximum allowed of 35% requiring an additional variance request.

Impervious Area
The proposed lot coverage of approximately 37% 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

Appends
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 16, 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: 
Address: 128 CHERRY STREET

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

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.
DEMO STONE TO THIS LINE

DEMO TO THIS LINE

NORTH 104' +/- 37' +/- 6' MAX SPACING EQ. TYP.

ALIGN NEW EXIST NEW EXIST

11'-9"

ALL WORK ASSOCIATED WITH PLANS 3 AND 4 TO BE AN ALTERNATE, PROVIDE BUDGET ESTIMATE BASED ON WORK SHOWN. FURTHER DEVELOPMENT TO FOLLOW.

NEW WORK KEYNOTES

1 PROVIDE NEW 6' HIGH STAINED HORIZONTAL WOOD FENCING WITH POSTS AT A MINIMUM OF 6' OC SPACING, EVENLY SPACED PER LENGTH OF FENCE

2 PROVIDE NEW 4" 3000 PSI DECORATIVE STAINED CONCRETE W/ WWF REINFORCNG ON GRANULAR FILL WITH SAW CUT CONTROL JOINTS. SUBMIT JOINTING PLAN PRIOR TO INSTALLATION.

3 INFILL STONE PAVING WITH SALVAGED MATERIAL TO BE FLUSH AND SQUARE WITH NEW CONCRETE PAVING

4 PROVIDE NEW GALVANIZED CHIMNEY CAP OVER NEW EXTERIOR FIREPLACE ENCLOSURE

5 PROVIDE DOWNSPOUTS SIZED TO ACCOMMODATE BIRMINGHAM, ALABAMA RAINFALL AMOUNTS PER CODE. TIE DOWNSPOUTS TO NEW UNDERGROUND STORM DRAIN TO RUN PARALLEL TO FENCE, DRAINING TO DAYLIGHT

6 PROVIDE NEW GUTTER SIZED TO ACCOMMODATE BIRMINGHAM, ALABAMA RAINFALL AMOUNTS PER CODE.

7 INSTALL NEW 30 YR DIMENSIONAL ASPHALT SHINGLES TO MATCH EXISTING ROOF ON BUILDING PAPER ON NEW 3/4" EXT. GRADE PLYWOOD SHEATHING ON PRE-ENGINEERED WOOD TRUSSES

8 RE-ROOF ENTIRE FACE OF ROOF WITH NEW SHINGLES TO MATCH NEW ROOF

9 PROVIDE NEW RIDGE CAP

10 PROVIDE 4" SSTL TRENCH DRAIN FLUSH WITH PAVING

11 PROVIDE AREA DRAIN TO BE TIED INTO NEW STORM WATER PIPING

12 PROVIDE NEW UG PVC STORM PIPING, SIZED TO PICK UP NEW AND EXISTING ROOF LEADERS AND SURFACE WATER FROM HIGH END OF SITE, DRAIN TO DAYLIGHT AT WEST END OF SITE

DEMO KEYNOTES

1 DEMO EXISTING WOOD FENCING AND POSTS IN THEIR ENTIRETY.

2 DEMO CONCRETE PAVING IN ITS ENTIRETY.

3 DEMO ELEVATED WOOD AND STONE DECKING IN ITS ENTIRETY.

4 REMOVE EXISTING WOOD SIDING AND AIR BARRIER. PREP FOR INSTALLATION OF NEW SIDING AND AIR BARRIER

5 REMOVE EXISTING PLUMBING FIXTURES, EXTEND PLUMBING TO NEW FIXTURE LOCATIONS

6 REMOVE EXISTING FLOORING IN ITS ENTIRETY

7 REMOVE EXISTING MEP DEVICES AND FIXTURES, EXTEND WIRING AND DUCTWORK TO NEW DEVICE LOCATIONS

8 REMOVE DOOR IN ITS ENTIRETY

9 REMOVE EXISTING GYP BD WALL AND FRAMING IN ITS ENTIRETY, PATCH EXISTING FINISHES TO REMAIN

10 REMOVE EXISTING CASEWORK IN ITS ENTIRETY, PATCH EXISTING FINISHES TO REMAIN

11 REMOVE EXISTING WINDOW IN ITS ENTIRETY, INFILL EXTERIOR WALL TO MATCH ADJACENT CONSTRUCTION

12 DEMO PORTION OF EXTERIOR WALL TO ACCEPT NEW SCHEDULED WINDOW

13 REMOVE EXISTING CREPE MYRTLE TREE WITHOUT DAMAGING PAVING TO REMAIN

14 REMOVE EXISTING STONE PATIO TO LINE OF STAIR AND SALVAGE FULLTILES
Remove existing siding and provide new 2x8 PT WD ledger attached to existing wall studs. Remove shingles as required to install new trusses. Maintain watertight envelope.

New 30 year dimensional asphalt shingles to match existing on 3/4" plywood sheathing.

2x WD paint grade fascia and trim.

Painted WD siding.

NEW PRE-ENGINEERED WD TRUSSES @ 24" OC W/ 1x6 WD CEILING PLANKING

CMU fireplace structure with mortar parged finish.
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 existing 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.

____________________________________________________
### Variance Application - Part I

#### Project Data

- **Address of Subject Property**: 201 Dexter Ave.
- **Zoning Classification**: Residence C, nonconforming
- **Name of Property Owner(s)**: Bindi Reynolds
- **Phone Number**: 205-907-7833
- **Email**: reynolds33@bellsouth.net
- **Name of Surveyor**: Engineering Design Group
- **Phone Number**: 205-403-1158
- **Email**: nkd Maverick
- **Name of Architect (if applicable)**: Twin Interiors, LLC
- **Phone Number**: 205-802-3920
- **Email**: crystal@twincompanies.com

Property owner or representative agent must be present at hearing.

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

<table>
<thead>
<tr>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td>8625 sq ft</td>
<td>8625 sq ft</td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td>27’</td>
<td>57.5’</td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>35’</td>
<td>35’</td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>13’/17’</td>
<td>10’/6’</td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
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<tr>
<td>Left Side Setback</td>
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<td></td>
</tr>
</tbody>
</table>

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
Bundi Reynolds
201 Dexter Avenue
Mt. Brook, Alabama 35213

Scope of Work – New Construction

Existing home will be removed and new home will be built per plans.

William N. Siegel
Twin Construction
Petition Summary
Request to allow a new single family dwelling to be 25 feet from the rear property line (southeast) in lieu of the required 30 feet, and for two second floor dormer windows to be 15 feet from the secondary front property line (Elm Street) in lieu of the required 17 feet.

Background
On October 21, 2019, the Board approved this same request (A-19-37), which has expired. The applicant seeks a new variance for the same plans. The 2019 decision letter is attached.

Analysis
The hardships in this case are the lot width (57.5 feet in lieu of 70 feet), and the corner lot configuration. Given the hardships the proposal generally meets the intent of the zoning regulations. Also, it should be noted that the entire allowable buildable area is not proposed to be covered.

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

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

Affected Regulation
Article V, Residence C District; Section 129-63, Special Provisions for Nonconforming Residence C Lots

Appends
LOCATION: 201 Dexter Avenue

ZONING DISTRICT: Res-C

OWNER: Bundi Reynolds
DESCRIPTION

LOT 6, BLOCK 23 OF CRESTLINE HEIGHTS AS RECORDED IN MAP BOOK 7 PAGE 16 IN THE OFFICE OF THE JUDGE OF PROBATE IN JEFFERSON COUNTY, ALABAMA.

I hereby 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.

Surveyor’s Signature: ____________________________
Alabama License Number 26013 Date: September 13, 2019

NOTE:
1. North arrow based on Plot.
2. Survey not valid without original signature.

Address: 201 Dexter Avenue
Date of Fieldwork: 2019-09-05
Date of Survey: 2019-09-11
Job Number: RT190001
Drawn By: MBA
Survey For: Reynolds
Type of Survey: Site Plan

LEGEND
(M) MEASURED
(RM) RECORD MAP
X WOOD FENCE
ASPHALT
CONCRETE
2ND LEVEL FLOOR PLAN

Scale: \( \frac{1}{4}'' = 1'-0'' \)
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 is a narrow corner lot which limits the 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?
The rear variance will allow a connected garage for a senior citizen living alone. The 2nd variance on the 2nd floor rear windows will keep the dormer windows from being sunlight into the roof.
Meeting Date: October 21, 2019
Case Number: A-19-37
Case Address: 201 Dexter Avenue
Property Owner(s): Bundi Reynolds
reyn7833@bellsouth.net
Representative: Twin Interiors, LLC
crystal@twincompanies.com
Type Request: Bundi Reynolds, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 25 feet from the rear property line (southeast) in lieu of the required 30 feet, and for two second floor dormer windows to be 15 feet from the secondary front property line (Elm Street) in lieu of the required 17 feet.
Action Taken: The Board of Zoning Adjustment approves the variance request as submitted.

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