Hello All,

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

We have:
  • 3 new case

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:
www.mtnbrook.org
- Calendar (upper right corner)
- Board of Zoning Adjustment (December 21, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

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

Looking forward to seeing you on 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: November 21, 2020

2. Case A-20-37: Bubba and Ginny Willings, property owners, request variances from the terms of the Zoning Regulations to allow a detached accessory structure to be constructed 5 feet from the rear property line in lieu of the required 10 feet. - 4 Peachtree Street

3. Case A-20-38: Mr. and Mrs. John Shelsea, property owners, request variances from the terms of the Zoning Regulations to allow additions to an existing home to be constructed 9.4 feet from the side property line in lieu of the required 12.5 feet and 32 feet from the rear property line in lieu of the required 35 feet. - 13 Montrose Circle

4. Case A-20-39: Brad Friedmon, property owner, requests variances from the terms of the Zoning Regulations to allow the construction of a pool to be located within the secondary front yard setback at 34.5 feet in lieu of the required 40 feet, construction of an accessory structure in the secondary front yard and to allow the accessory structure to be located within in the secondary front setback at 18.11 feet in lieu of the required setback of 40 feet. - 3337 Sandhurst Road

5. Next Meeting: Monday, January 4, 2021

7. Adjournment
Variance Application - Part I

Project Data

Address of Subject Property: 4 PEACHTREE STREET

Zoning Classification: B

Name of Property Owner(s): GINNY AND BUBBA WILLING

Phone Number: 205-482-2469, Email: dcwilling@gmail.com

Name of Surveyor: SM ALLEN

Phone Number: 205-403-9251

Name of Architect (if applicable): EBEE TILLOS

Phone Number: 404-931-6889, Email: ebettillos@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>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td>7725</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td>15.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td>25.1</td>
<td>25.1</td>
</tr>
<tr>
<td>Right Side Setback</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high</td>
<td>35</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>22’ high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For non-conforming narrow lots in Res-B or Res-C: Less than 22’ high</td>
<td>35</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>22’ high or greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>35</td>
<td>5’</td>
<td>5’</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Petition Summary
Request to allow a detached accessory structure to be constructed 5 feet from the rear property line in lieu of the required 10 feet.

Analysis
The hardship in this case is a shallow lot. The lot is approximately 100 feet deep. This is about 15 feet less than the average lot for the rest of this block face. The lot depth for the subject location is an outlier compared to the surrounding area. The existing home is non-conforming and sits 5 feet from the rear property line. The proposed structure would be in line with, but not closer to the rear property than the existing home.

Impervious Area
The proposed lot coverage is 31% and the impervious coverage is 81%. The applicant has proposed the removal of 470.75 square feet of impervious surfaces to comply with the impervious surface requirements of the Stormwater Ordinance.

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: 4 Peachtree Street

ZONING DISTRICT: Residence B District

OWNERS: Ginny and Bubba Willings
STATE OF ALABAMA
JEFFERSON COUNTY

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.

S. M. ALLEN  PLS NO 12944  DATED

DESCRIPTION
LOT 14, BLOCK 1, GARBER COOK & HULSEY ADDITION TO CRESTLINE HEIGHTS,
AS RECORDED IN MAPBOOK 29, PAGE 16, IN THE PROBATE OFFICE.

ALLSURV, LLC
S.M. ALLEN, PLS 12944
9374 HIGHWAY 110
SUITE B
ALABASTER, AL 35007
205-687-4214
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)?

A shallow lot.

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...")

We would like to place an accessory structure in the rear yard, outside the required 10'-0" setback.

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

We are asking for a 5'-0" setback from the rear property line for the new accessory structure. The existing house sits 5'-0" from the rear property line. We would like to align with it.
A garage sits directly behind our proposed location. (See attached picture)
# Variance Application - Part I

## Project Data

<table>
<thead>
<tr>
<th>Address of Subject Property</th>
<th>13 Montrose Circle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Classification</td>
<td>RES-B</td>
</tr>
<tr>
<td>Name of Property Owner(s)</td>
<td>Mr. &amp; Mrs. John G. S. F. E. R.</td>
</tr>
<tr>
<td>Phone Number</td>
<td>205-612-7924</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:shufre_john@gmail.com">shufre_john@gmail.com</a></td>
</tr>
<tr>
<td>Name of Surveyor</td>
<td>Gain Associates, Robert Joiner</td>
</tr>
<tr>
<td>Phone Number</td>
<td>205-940-0420</td>
</tr>
<tr>
<td>Name of Architect (if applicable)</td>
<td>Carey Hollingsworth</td>
</tr>
<tr>
<td>Phone Number</td>
<td>205-917-3711</td>
</tr>
<tr>
<td>Email</td>
<td>chharchsatt.net</td>
</tr>
</tbody>
</table>

Property owner or representative agent must be present at hearing.

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

<table>
<thead>
<tr>
<th>Lot Area (sf)</th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,000 sf</td>
<td>10,000 sf</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td>Varies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft) <strong>primary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft) <strong>secondary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td>12.5'</td>
<td>9.0'</td>
<td>9.4'</td>
</tr>
<tr>
<td>Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high</td>
<td>22' high or greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high</td>
<td>22' high or greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td>35.0'</td>
<td>32.5'</td>
<td>32.0'</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>35%</td>
<td>33.79%</td>
<td>34.19%</td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Impervious</td>
<td>40%</td>
<td>53.53%</td>
</tr>
</tbody>
</table>

Other

3
Petition Summary
Request to allow additions to an existing home to be constructed 9.4 feet from the side property line in lieu of the required 12.5 feet and 32 feet from the rear property line in lieu of the required 35 feet.

Analysis
The hardships in this case are the design constraint of the existing home and the irregular lot shape that narrows toward the rear. The applicant is seeking variances for an addition of approximately 20 square feet. The addition would square up and fill in the corner of the home.

Impervious Area
The proposed lot coverage is 34% and the impervious coverage is 59%. The applicant is proposing to remove apportion of existing impervious surfacing to be compliant with the Stormwater Ordinance regulations.

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

Affected Regulation
Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

Appends
LOCATION: 13 Montrose Circle

ZONING DISTRICT: Residence B District

OWNERS: Mr. and Mrs. John Sheller
LEGAL DESCRIPTION

Lot 13 of MONTROSE CIRCLE as recorded in Map Book 33, Page 37 in the City of Mountain Brook, Alabama

SURVEYOR'S STATEMENT

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.

Roger V. Jainer, PLS
SAIN ASSOCIATES, INC.
Alabama Reg. No. 23343

CLOSING SURVEY

LOT 13
MONTROSE PLACE

REVISED FOR ADDITIONAL READOFFS ON 12/3/2020
November 24, 2020

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

RE: 13 Montrose Circle

Dear Board Members,

On behalf of Mr. and Mrs. John Ashley Sheller I submit a request for variance for the property at 13 Montrose Circle. The Owner requests relief from the left side setback and rear setback to square up the left rear corner of the existing single story with a 20 square foot addition.

The existing roof of the previous addition will be removed and rebuilt after raising the ceiling height of the rear addition from 8'-3" to 10'-0". The roof will be rebuilt at approximately the same pitch with the enclosed space being an attic, not living space.

An addition of approximately 25 square feet will also be added in a different location that will not require a variance. The project will total approximately 45 square feet. Due to the allowed impervious area already being exceeded, the impervious area will be reduced by the same amount added so there will be no increase in impervious area.

Thank you for your consideration,

Very Truly Yours,

Carey F. Hollingsworth, III
A-20-38 Aerial

12/11/2020, 10:54:02 AM

2018 Aerial

Red: Band_1
Green: Band_2
Blue: Band_3

Jefferson County Information Technology Services, JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons | Jefferson County Information Technology Services | ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons | Jefferson County Information Technology Services |
Variance Application - Part I

Project Data

Address of Subject Property 3337 Sandhurst Road
Zoning Classification
Name of Property Owner(s) Brad Friedman
Phone Number 205-907-8498 Email Brad@CityPaperCompany.com
Name of Surveyor Ray Weigand
Phone Number Email
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)):

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code Requirement</th>
<th>Existing Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sf)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Width (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Setback (ft)</td>
<td>secondary</td>
<td>40.64</td>
<td></td>
</tr>
<tr>
<td>Right Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less than 22' high →</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>22' high or greater →</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Side Setback (ft):</td>
<td>For non-conforming narrow lots in Res-B or Res-C:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less than 22' high →</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>22' high or greater →</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (ft)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Petition Summary
Request to allow the construction of a pool to be located within the secondary front yard setback at 34.5 feet in lieu of the required 40 feet, construction of an accessory structure in the secondary front yard and to allow the accessory structure to be located within in the secondary front setback at 18.11 feet in lieu of the required setback of 40 feet.

Analysis
This request has been revised by the applicant. After some exploratory work, the builders realized they had slightly more room than originally thought for the pool construction that would not affect the septic system. The pool can be constructed behind the 40 foot front setback line removing the need for that variance request. The new requests just relate to the pavilion. The requested variances are to allow an accessory structure in a secondary front yard (the front yard is established by the location of the existing home that is 30.7 feet from the secondary front property line) and to allow it in the secondary front setback at 25.5 feet from the property line in lieu of the required 40 feet.

The hardships in this case are the corner lot configuration along the cul-de-sac, the shape of the lot and the location of the septic system in the rear yard. The requested variances are to the rear of the home, but they fall within the secondary front as this side of the property fronts a cul-de-sac.

The lot shape is also a hardship. The lot narrows toward the rear along the Sandhurst Circle side. This reduces the buildable area in the rear yard along the secondary front.

The location of the septic system in the rear yard is another hardship. The proposed project is pushed as far into the yard as the location of the septic system will allow.

Impervious Area
The proposed lot coverage is 31% and the impervious coverage is 59%.

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: 3337 Sandhurst Road

ZONING DISTRICT: Residence A District

OWNERS: Brad Friedman
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)?

We have a corner lot. Currently a street line in middle of property. We are trying to put a garage in middle back of yard which prevents me from placing it elsewhere otherwise.

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 will not have a negative impact on adjacent property owners - this will be directly behind the house so you cannot see from street.