

BZA Packet

December 21, 2020

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

8MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
DECEMBER 21, 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.

-
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 Shelfer, 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 RUBBA WILLINGS

Phone Number 205.482.2469 Email dcwillings@gmail.com

Name of Surveyor SM ALLEN

Phone Number 205.663.4251 Email _____

Name of Architect (if applicable) EBEE TULLOS

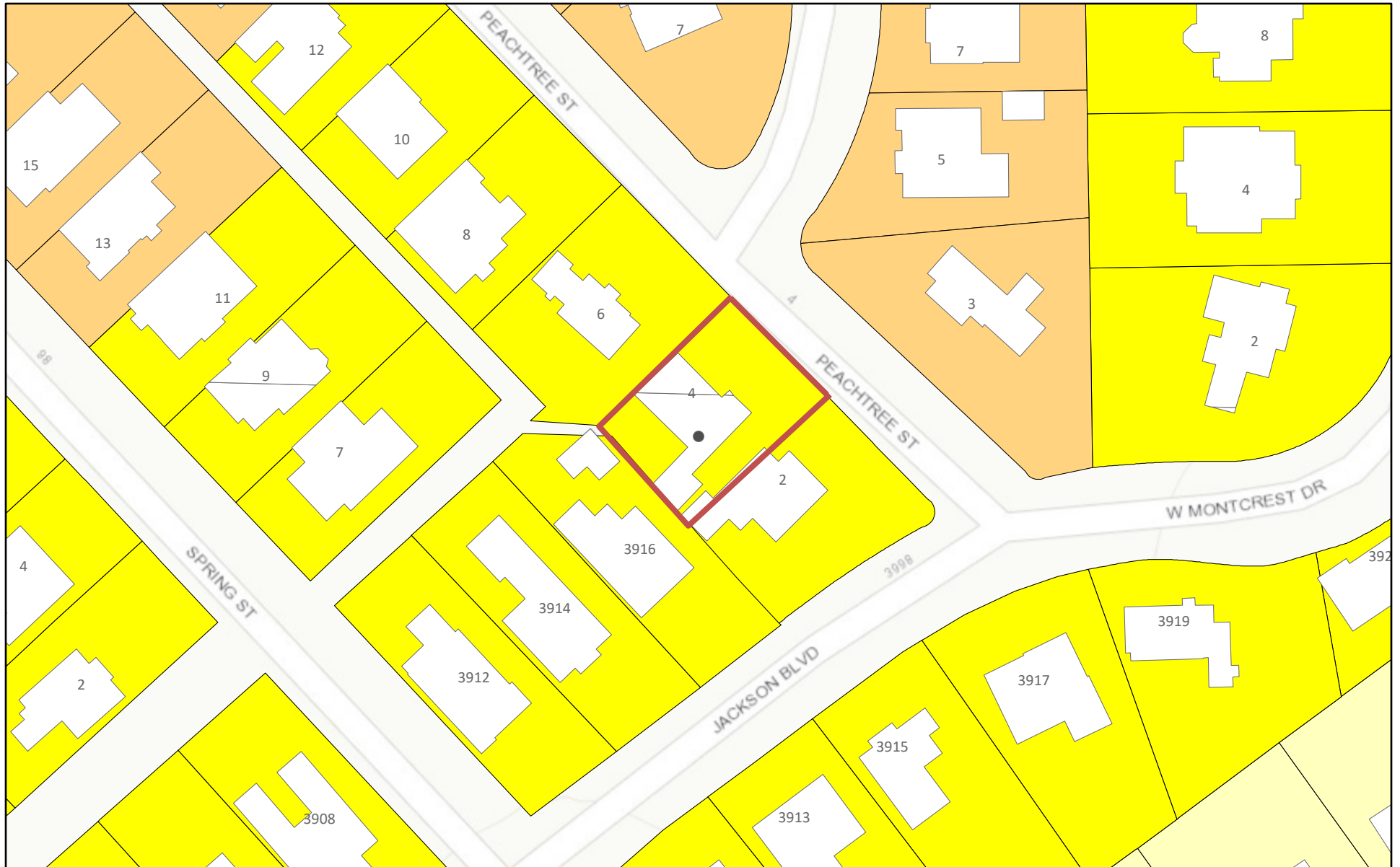
Phone Number 404.931.6889 Email EBEE TULLOS@gmail.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	7725		
Lot Width (ft)	75.79		
Front Setback (ft) <i>primary</i>	35		
Front Setback (ft) <i>secondary</i>			
Right Side Setback	10		
Left Side Setback	10		
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	35	5'	5'
Lot Coverage (%)	81		
Building Height (ft)			
Other			
Other			

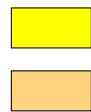
A-20-37 Zoning



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Tax_Parcels

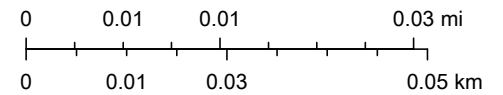
Residence A District



Residence B District

Residence C District

1:1,128



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ArcGIS Web AppBuilder

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Report to the Board of Zoning Adjustment

A-20-37

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

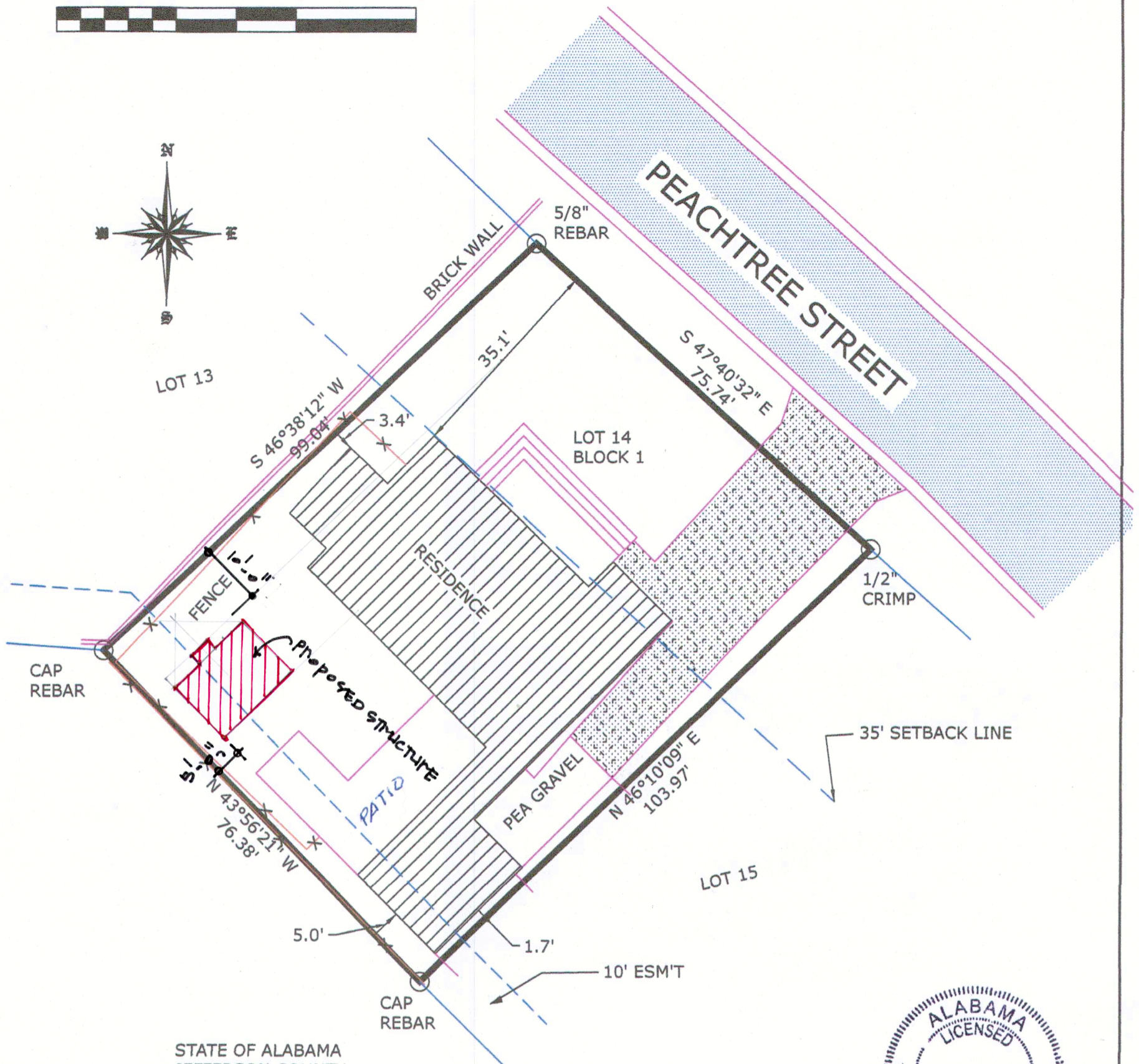
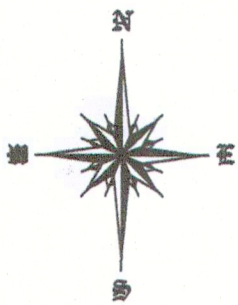
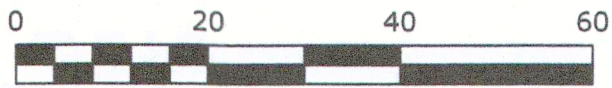
Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures and Accessory Buildings on Residential Lots

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.



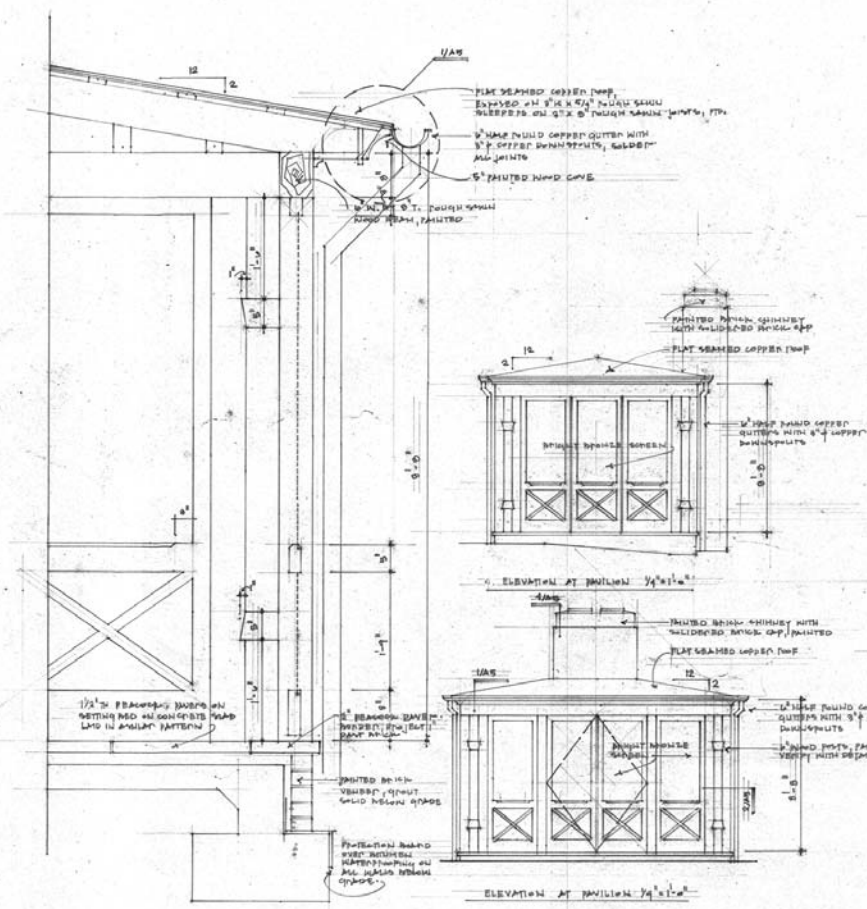
Steven M. Allen 10-21-2020
S. M. ALLEN PLS NO 12944 DATED

DESCRIPTION

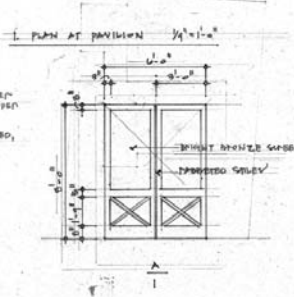
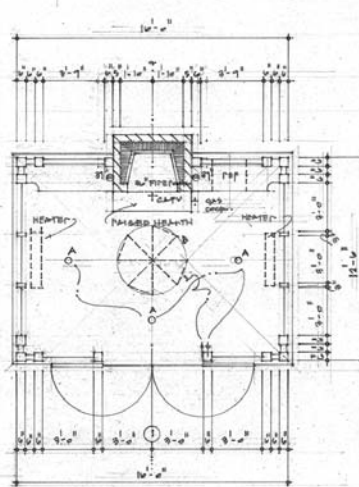
LOT 14, BLOCK 1, GARBER COOK & HULSEY ADDITION TO CRESTLINE HEIGHTS,
AS RECORDED IN MAPBOOK 29, PAGE 16, IN THE PROBATE OFFICE.

DRAWN BY:	SMA	REVISIONS	PROJECT	SPOT SURVEY	ALLSURV, LLC S.M. ALLEN, PLS 12944 9378 HIGHWAY 119 SUITE B ALABASTER, AL. 35007 205 663-4251
DATE:	10-20-2020		DATE OF FIELD SURVEY	10-17-20	
DWG. NO.:	16151		BEARINGS ASSUMED	NORTH	
APPROVED BY:	SMA		CLOSURE	1:20000	

A-20-37



- A. DOWN PAIN LIGHT
- B. HUNTER PAN



E BEE TULLIOS
 412 MORRIS BOULEVARD
 BIRMINGHAM, ALABAMA
 3 5 2 0 9
 ebetullios@gmail.com
 205-421-3110

PAVILION DRAWING
 412 MORRIS BOULEVARD
 BIRMINGHAM, ALABAMA

PAVILION DRAWING

DATE: 10, 2020

A-20-37



A-20-37





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)

A-20-37 Aerial



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2018 Aerial

 Red: Band_1

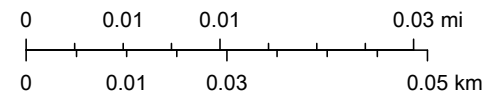


Green: Band_2



Blue: Band_3

1:1,128



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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 13 MONTROSE CIRCLE
 Zoning Classification RES B
 Name of Property Owner(s) MR. & MRS. JOHN SHELPER
 Phone Number 205-612-7904 Email shelperjohn@gmail.com
 Name of Surveyor JOAN ASSOCIATES, ROBER JOINER
 Phone Number 205-940-0420 Email _____
 Name of Architect (if applicable) CAREY HOLLINGSWORTH
 Phone Number 205-987-3711 Email ch3archeatt.net

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)	19,000 SF	10,020 SF	10,020 SF
Lot Width (ft)	VARIABLE		
Front Setback (ft) primary			
Front Setback (ft) secondary			
Right Side Setback			
Left Side Setback	12.5'	9.6'	9.4'
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 →			
Rear Setback (ft)	35.0'	32.5'	32.0'
Lot Coverage (%)	35%	33.75%	34.19%
Building Height (ft)			
Other IMPERVIOUS	40%	55.53%	55.97%
Other			

A-20-38 Zoning



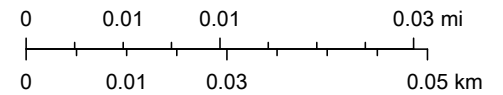
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Tax_Parcels

Residence A District

Residence B District

1:1,128



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Report to the Board of Zoning Adjustment

A-20-38

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

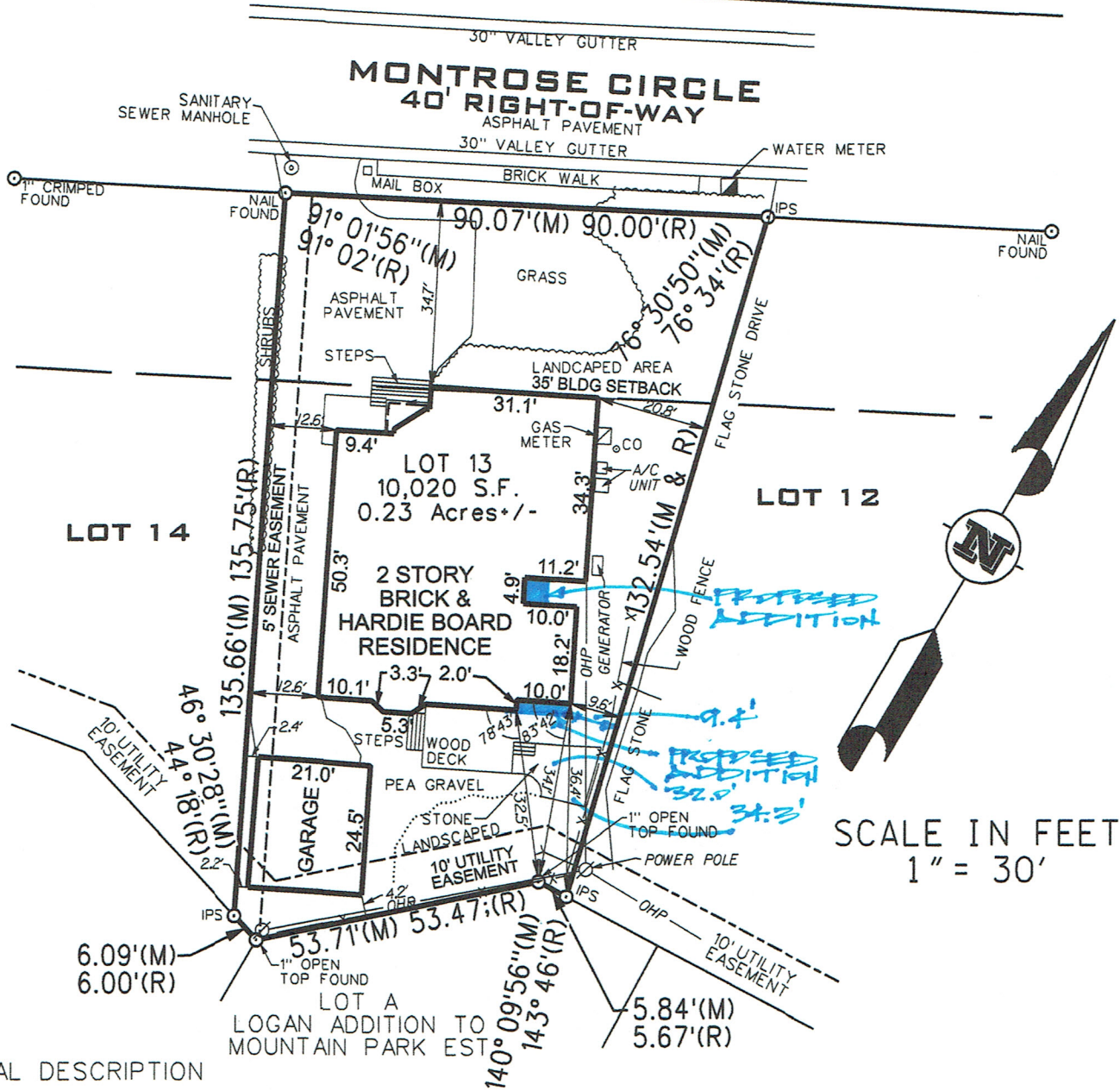
Appends

LOCATION: 13 Montrose Circle

ZONING DISTRICT: Residence B District

OWNERS: Mr. and Mrs. John Shelfer

THE INFORMATION CONTAINED IN THESE PLANS MAY NOT, IN WHOLE OR IN PART, BE REPRODUCED OR REVISED WITHOUT THE WRITTEN CONSENT OF SAIN ASSOCIATES, INC.

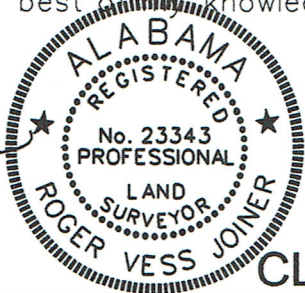


LEGAL DESCRIPTION

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. Joiner
 Roger Vess Joiner, PLS
 SAIN ASSOCIATES, INC.
 Alabama Reg. No. 23343
 Dated: December 3, 2020.

CLOSING SURVEY

	<p>SAIN ASSOCIATES Two Perimeter Park South Suite 500 East Birmingham, Alabama 35243 Phone: (205) 940-8420 Website: www.sain.com</p>	<p>LOT 13 MONTROSE PLACE</p>	<p>REVISED FOR ADDITIONAL READOFFS ON 12/3/2020</p>
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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 Shelfer 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



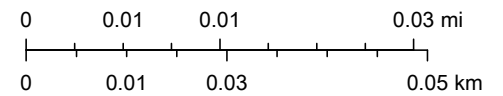
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2018 Aerial

 Red: Band_1

 Green: Band_2  Blue: Band_3

1:1,128



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Variance Application - Part I

Project Data

Address of Subject Property 3337 Sandhurst Road

Zoning Classification _____

Name of Property Owner(s) Brad Friedman

Phone Number 205-907-8698 Email Brad@CityPaperCompany.com

Name of Surveyor Ray Wraymond

Phone Number _____ Email _____

Name of Architect (if applicable) _____

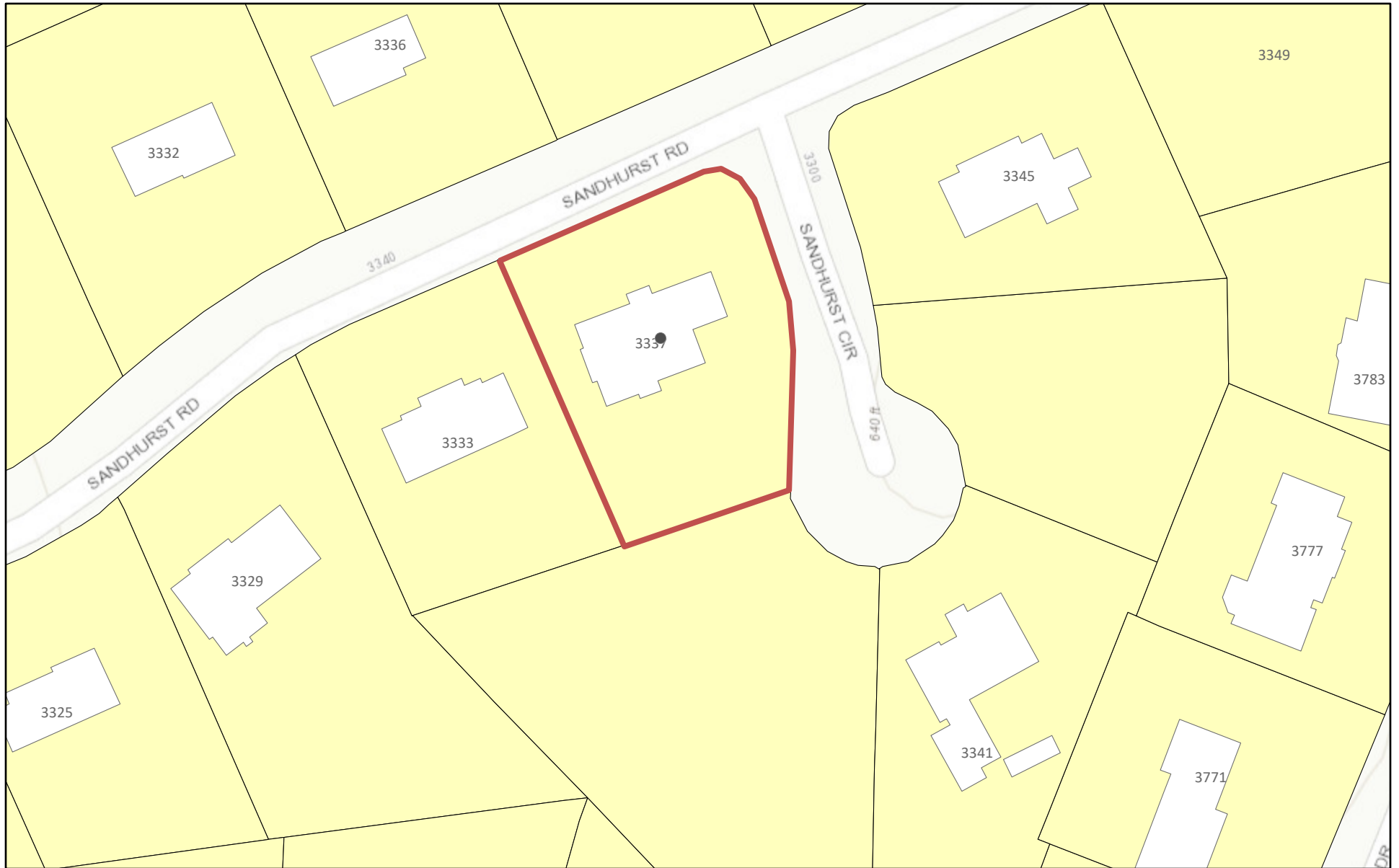
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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


	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>	<u>40 ft</u>		
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			

A-20-39 Zoning

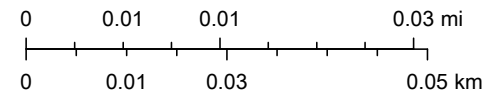


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Tax_Parcels

 Residence A District

1:1,128



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Report to the Board of Zoning Adjustment

A-20-39

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

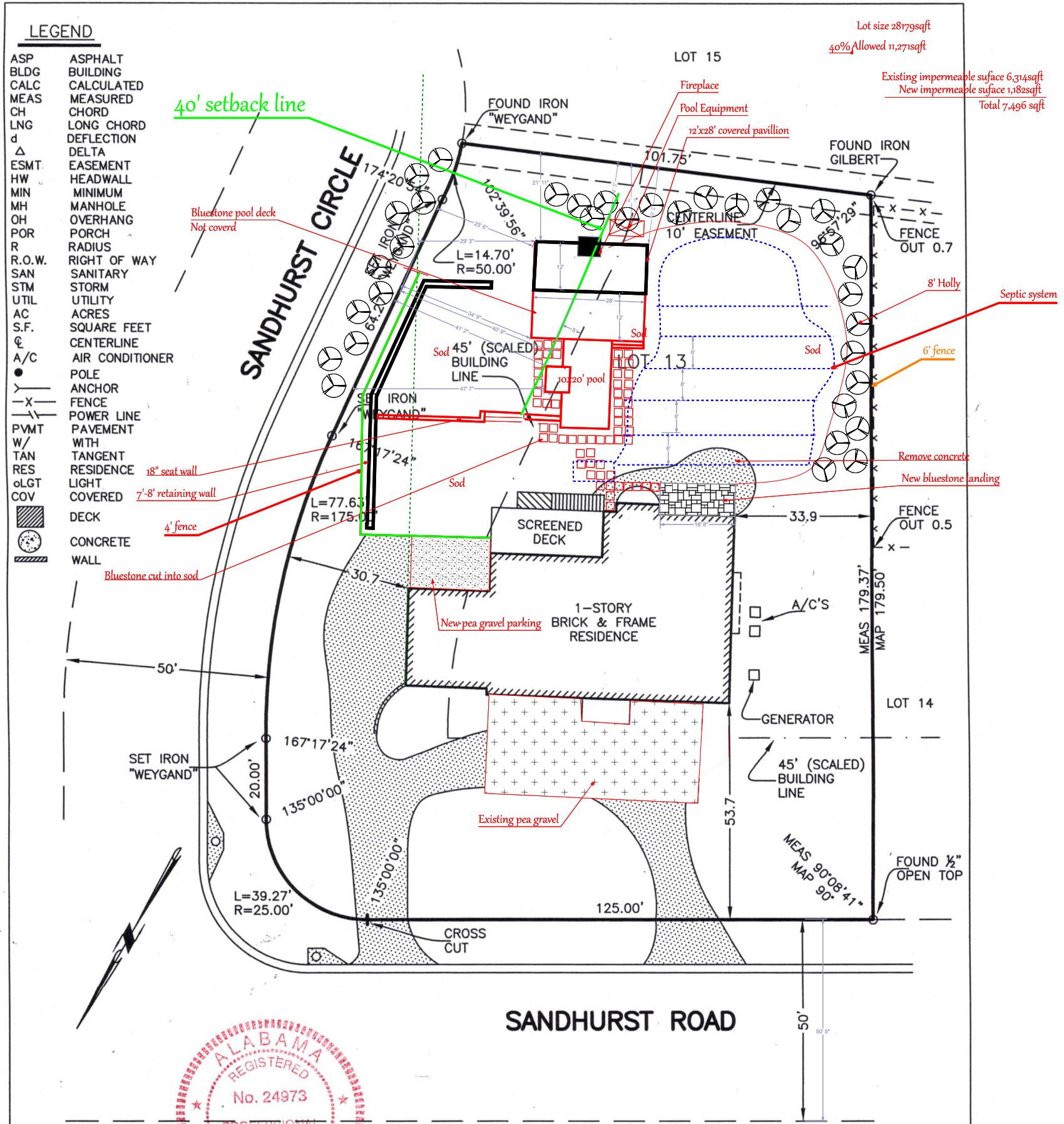
LOCATION: 3337 Sandhurst Road

ZONING DISTRICT: Residence A District

OWNERS: Brad Friedman

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—	POWER LINE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
▨	CONCRETE
▨	WALL



Lot size 28179sqft
 40% Allowed 11,271sqft
 Existing impermeable surface 6,314sqft
 New impermeable surface 1,182sqft
 Total 7,496 sqft



NOTES:
 1. ALL ANGLES AND DISTANCES ARE AS MEASURED AND PER MAP UNLESS OTHERWISE SHOWN.
 2. ANGLES ALONG CURVES ARE TO THE CHORD.

SCALE: 1"=30'
 STATE OF ALABAMA
 JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 13, REESE-KING ADDITION TO NOTTINGHAM ACRES, THIRD SECTOR, as recorded in Map Volume 49, Page 86, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. 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 JULY 30, 2014. Survey invalid if not sealed in red.

Order No.: 82141
 Purchaser:
 Address: 3337 SANDHURST ROAD

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. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record 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)?

WE have a corner lot configuration & Field lines in middle of backyard
we are trying to put a garage in middle back of yard which prevents me from
placing it somewhere else.

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



A-20-39 Aerial



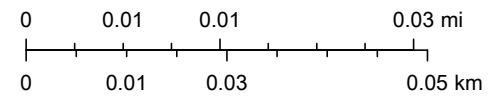
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2018 Aerial

 Red: Band_1

 Green: Band_2  Blue: Band_3

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ArcGIS Web AppBuilder

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