

BZA Packet

July 19, 2021

Hello All,

Enclosed please find your packet for the meeting of July 19, 2021.

We have:

- 1 extension request
- 2 carry overs
- 4 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 (July 19, 2021)
- 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@mtntbrook.org ...

Looking forward to seeing you on Monday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
TUESDAY, July 19, 2021
PRE-MEETING: 4:30 P.M.
REGULAR MEETING: 5:00 P.M.

**MEETING WILL BE HELD BOTH VIRTUALLY (USING ZOOM VIDEO CONFERENCING)
AND IN-PERSON AT CITY HALL, 56 CHURCH STREET, MOUNTAIN BROOK.**
**ACCESS ZOOM INSTRUCTIONS ON CITY WEBPAGE:
MTNBROOK.ORG - CALENDAR (UPPER RIGHT CORNER)
- BOARD OF ZONING ADJUSTMENT - (JULY 19, 2021)**

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: June 21, 2021
 2. **Case A-20-17: Extension, Patrick Moulton**, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet. - **920 Sheridan Drive** (*Originally approved on July 20, 2020*)
 3. **Case A-21-30: Don and Lila Wooten**, property owners, request variances from the terms of the Zoning Regulations to allow an addition to be 5 feet 6 inches from the side property line (west) in lieu of the required 15 feet. - **3669 Rockhill Road**. (*Carry-over from the June 21, 2021 meeting.*)
 4. **Case A-21-33: Buford Todd**, property owner, requests a variance from the terms of the Zoning Regulations to allow pool equipment to be 8 inches from the side property line (north) in lieu of the required 10 feet. - **17 Montcrest Drive** (*Carry-over from the June 21, 2021 meeting.*)
 5. **Case A-21-34: Andrew and Morgan Gearhart**, property owners, request variances from the terms of the Zoning Regulations to allow an existing accessory structure to remain as located, 1.7 feet from the side property line (west) in lieu of the required 10 feet, and 3 feet from the principal structure (east) in lieu of the required 5 feet. - **752 Bentley Drive**
 6. **Case A-21-35: Caroline Clark**, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be located 9.127 feet from the side property line (northeast) in lieu of the required 15 feet. - **2900 Thornhill Road**

7. **Case A-21-36: Lloyd and Jane Timberlake Cooper**, property owners, request variances from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 32.4 feet from the primary front property line (Mountain Avenue) in lieu of the required 35 feet, and 8.5 feet from the secondary front property line (Main Street), in lieu of the required 13 feet. - **210 Mountain Avenue**
8. **Case A-21-37: Stephen and Lane Cross**, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of an accessory structure to be 8 feet from the rear property line (southwest) in lieu of the required 10 feet. - **332 Cherry Street**
9. Adjournment. Next Meeting: **Monday**, August 16, 2021



Variance Application - Part I

Project Data

Address of Subject Property 920 SHERIDAN DRIVE
 Zoning Classification RESIDENCE "B"
 Name of Property Owner(s) JOHN PATRICK MOULTON
 Phone Number 205.796.7946 Email patrickmoulton@gmail.com
 Name of Surveyor WEYGAND SURVEYORS
 Phone Number 205.942.0086 Email office@weygandsurveyor.com
 Name of Architect (if applicable) HENRY SPROTT LONG
 Phone Number 205.323.4564 Email HANKLONG@bellsouth.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)	10,500 SF	10,500 SF	10,500 SF
Lot Width (ft)	75 FEET	75 FEET	75 FEET
Front Setback (ft) <i>primary</i>	35 FEET	35 FEET	35 FEET
Front Setback (ft) <i>secondary</i>	17.5 FEET	17.5 FEET	17.5 FEET
Right Side Setback	12.5 FEET	12.5 FEET	12.5 FEET
Left Side Setback	10 FEET	2.9 FEET	2.9 FEET
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	N/A	N/A	N/A
Rear Setback (ft)	35 FEET	8.4 FEET	8.4 FEET
Lot Coverage (%)	35 percent	28 percent	28 percent
Building Height (ft)	35 FEET	14 FEET	14 FEET
Other			
Other			

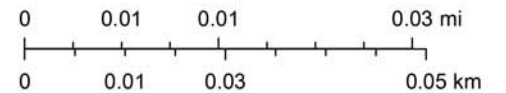
A-20-17



7/14/2020, 2:56:40 PM

 Pavement Tax_Parcels
 Residence B District

1:1,128



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

ArcGIS Web AppBuilder

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

Report to the Board of Zoning Adjustment

A-20-17

Petition Summary

Request to allow the replacement of a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet, and 2.9 feet from the side property line in lieu of the required 10 feet.

Analysis

The only apparent hardship is existing design constraints. The applicant is reusing the existing roofing and siding materials for the detached garage, but is replacing the footings and support studs.

It should be noted that the lot is somewhat unique in context with its configuration and the context of adjoining lots. The lot to the rear is across an alley, which helps to add more separation between the proposed structure and those to the north. The lot to the east is rotated to front on Greenbriar Lane, so the rear property line of the subject lot aligns with the side property line of the adjoining lot, the house for which could be two stories and as close as 8 feet from its side property line without a variance.

Impervious Area

The proposal is in compliance with the allowable lot coverage (proposed is 34%); but exceeds the allowable impervious area (proposed is 45%). However, since the proposal is a replacement of the same footprint, the stormwater ordinances will allow it as long as the impervious area does not increase.

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

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

Appends

LOCATION: 920 Sheridan Drive

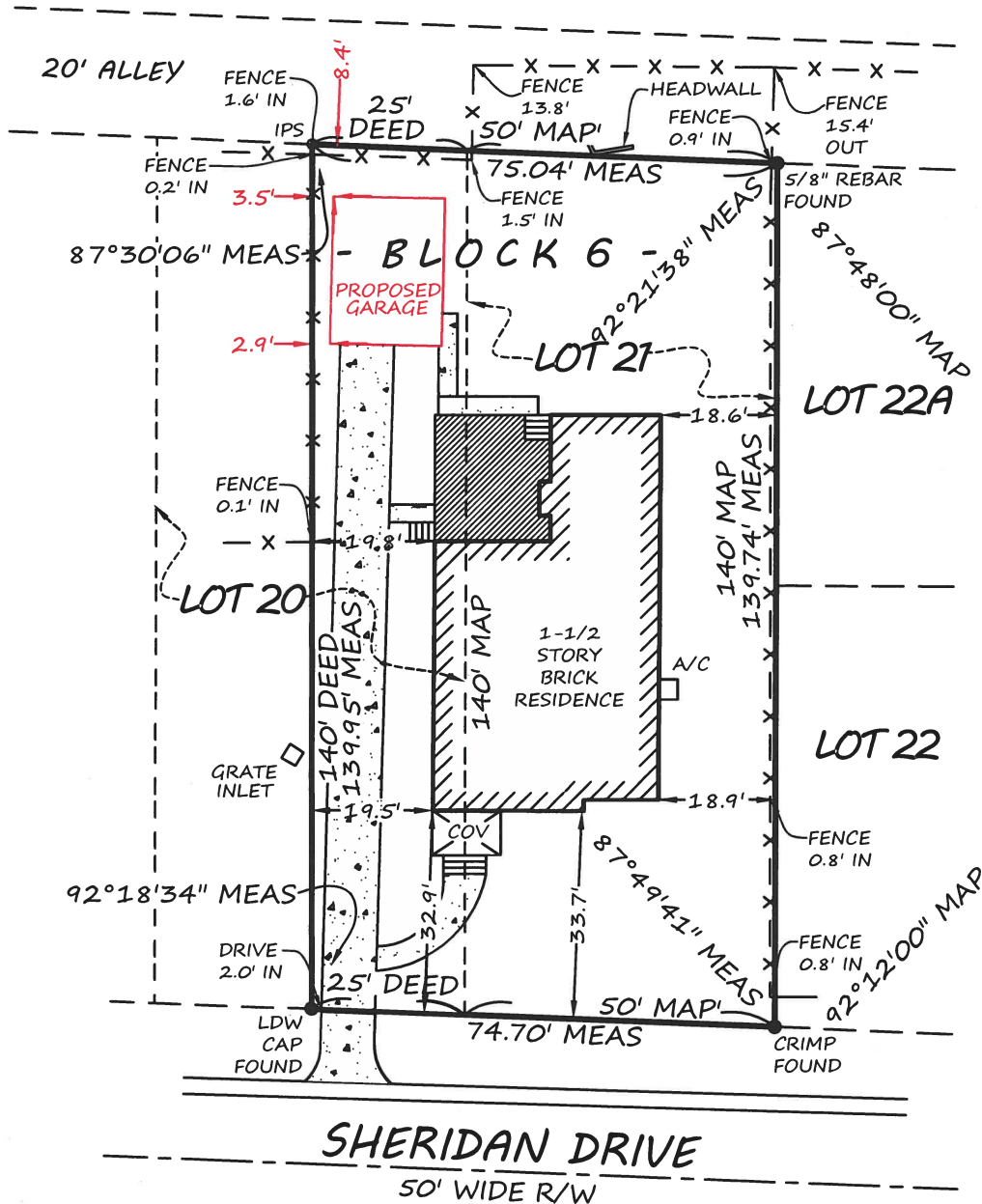
ZONING DISTRICT: Res-B

OWNER: Patrick Moulton



LEGEND

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



STATE OF ALABAMA
JEFFERSON COUNTY)

"Plot Plan"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 21 AND THE EAST 1/2 OF LOT 20, BLOCK 6, McELWAIN, as recorded in Plat Book 3, Page 47, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of JULY 8, 2020. Survey invalid if not sealed in red.

Order No.: 20201473
Purchaser:
Address: 920 SHERIDAN DRIVE

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



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









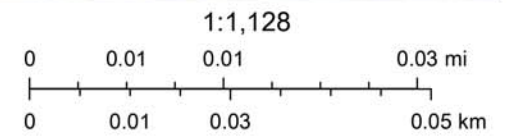




A-20-17 Aerial



7/14/2020, 3:04:59 PM



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | Microsoft, Maxar |



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)?

Existing Structure is a non-conforming Accessory Building which was erected in 1952. This structure is unique in that it was erected 2.9 feet from the western property line, and 8.4 feet from the northern property line, which would later classify it as non-conforming.

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 existing building was on the property when I purchased the home. Severe structural damage was present due to no footing being poured in 1952. Building will remain in the exact location it has stood for the last 68 years, just in safer condition.

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

According to Article II, Sec 129-12: "In both their interpretation and application, the zoning regulations were adopted for the promotion of public health, safety, morals, convenience, and general welfare of the city." I don't see this Accessory building conflicting with this ethos, and I think it has been an attractive, well-accepted structure in the neighborhood since its inception in 1952.



Variance Application - Part I

Project Data

Address of Subject Property 3669 Rockhill Road, Mountain Brook, AL 35229

Zoning Classification Res-A

Name of Property Owner(s) Lila and Don Wooten

Phone Number 205-234-5930 Email lila.wooten@lexialearning.com

Name of Surveyor Ray Weygand, L.S. #34764

Phone Number 205-942-0086 Email ray@weygandsurveyor.com

Name of Architect (if applicable) _____

Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	22'7"	5'6"
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-21-30 Zoning

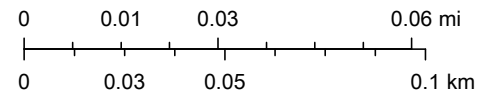


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Tax_Parcels

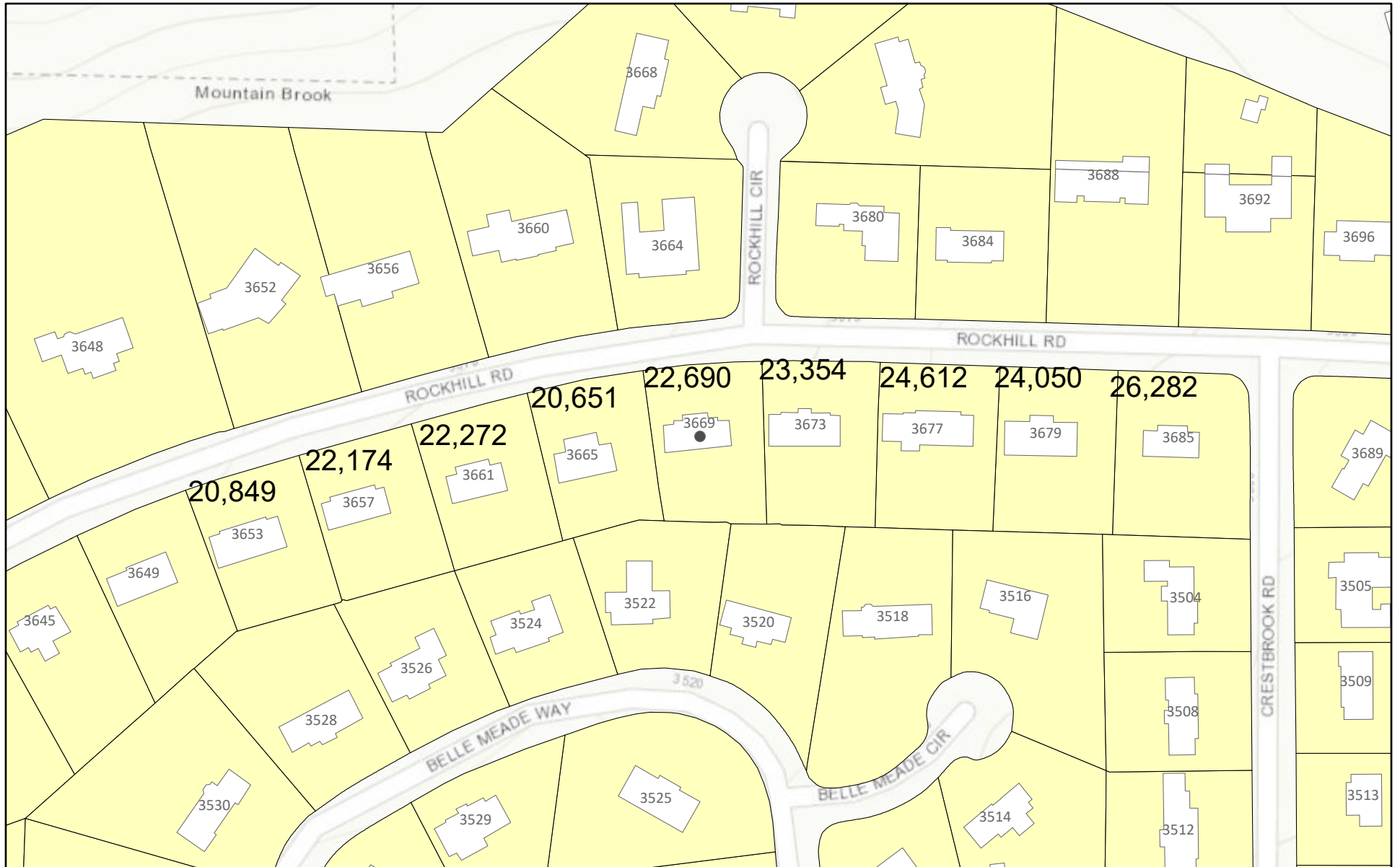
 Residence A District

1:2,257



JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

A-21-30 Adjacent Lot Size

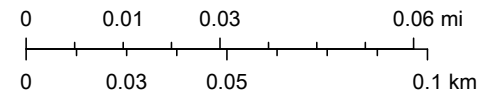


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Residence A District

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JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

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

Report to the Board of Zoning Adjustment

A-21-30

Petition Summary

Request to allow an addition to be 5 feet 6 inches from the side property line (west) in lieu of the required 15 feet.

Scope of Work

The scope of work includes the construction of a covered patio addition with outdoor fireplace in the side setback. There is currently an uncovered patio on this side of the single family dwelling. The proposal would extend the roofline off the main structure to cover a portion of the uncovered patio.

Variance Request for Side Setback

Nexus: there is no apparent nexus between the lot width, shape, or size, and the degree of the proposed encroachment.

Possible Findings for Denial: The lot width of the subject lot meets the minimum zoning requirements for Res-A; *there is no apparent hardship* as it relates to this request. Given that the zoning code requires a 15-foot side setback, it can be concluded that covered addition is not anticipated by the zoning code to be appropriate in side setbacks between houses on Res-A lots.

The lot is approximately 22,690 square feet in area. This does not meet the minimum of 30,000 square feet required for a Res-A lot. However, the minimum lot area for the adjacent four lots on either side of the subject property is approximately 23,030 resulting in a lot that is not peculiar to the surrounding area, and is similarly situated to the eight adjacent lots along this streetscape. Please refer to the map showing average lot size along this street.

That the granting of this variance:

- a. May merely serve as a convenience to the applicant (since the existing uncovered patio is allowed without a variance);
- b. May impact the flow of light and air to the adjoining property (given the proposed encroachment comprises 2/3 of the required side setback).
- c. Is not in harmony with the spirit and intent of the zoning ordinance (given that the proposal is not appropriate in a side yard in the Res-A district lot that meets the minimum lot width).

Possible Findings for Approval: Existing design constraints may warrant an approval of a side yard encroachment to some degree. The applicant sights the location of a septic system and field lines to the rear of the house, somewhat limiting the placement of a covered porch in the rear yard.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article III, Residence A District; Section 129-34, Area and Dimensional Requirements.

Appends

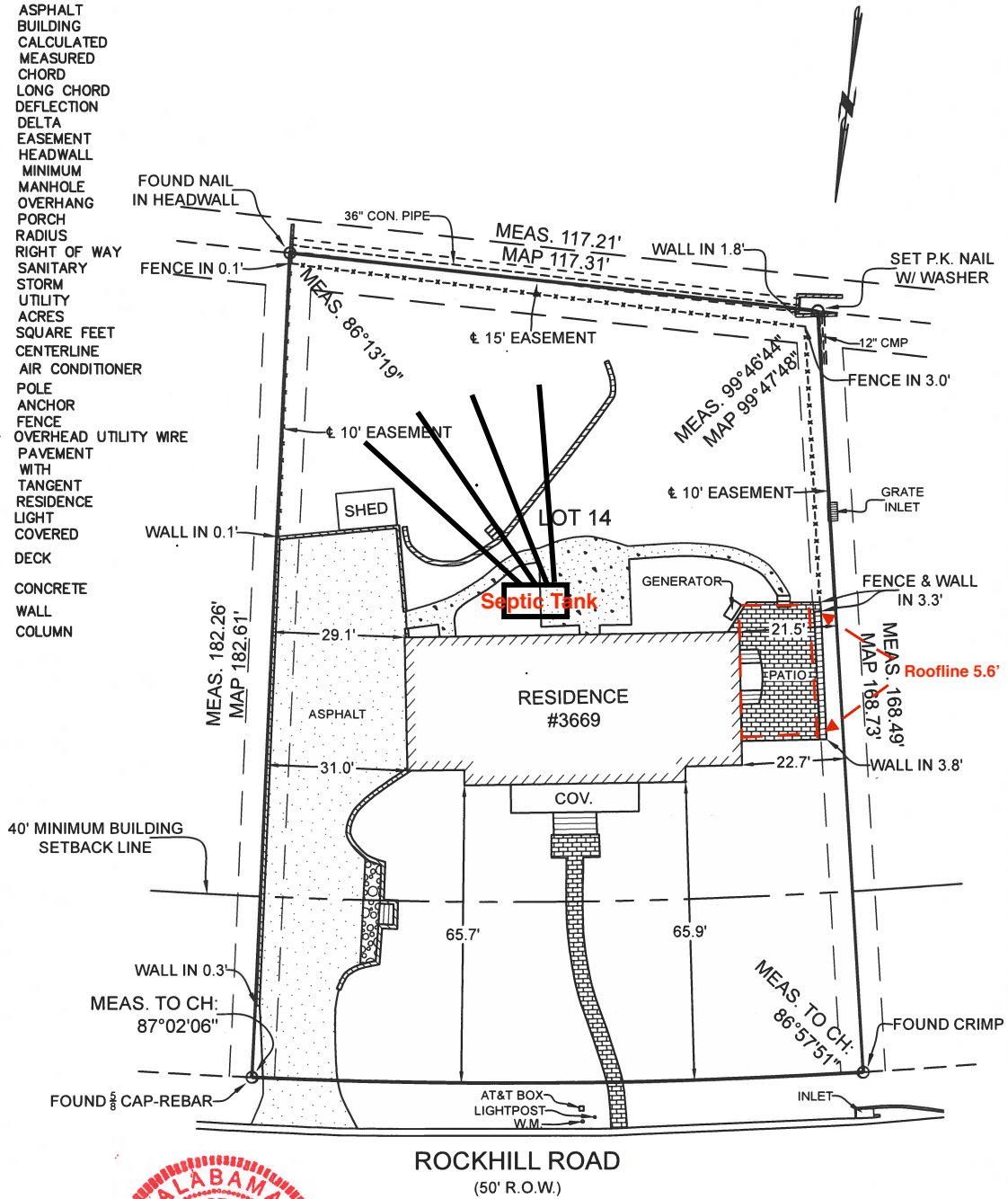
LOCATION: 3669 Rockhill Road

ZONING DISTRICT: Residence A District

OWNERS: Mr. and Mrs. Don and Lila Wooten

LEGEND

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



SCALE: 1" = 30'

STATE OF ALABAMA)
JEFFERSON COUNTY)

ROCKHILL ROAD
(50' R.O.W.)

"Property Boundary Survey"

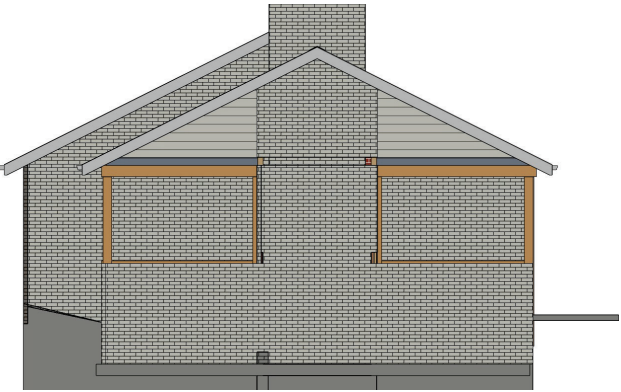
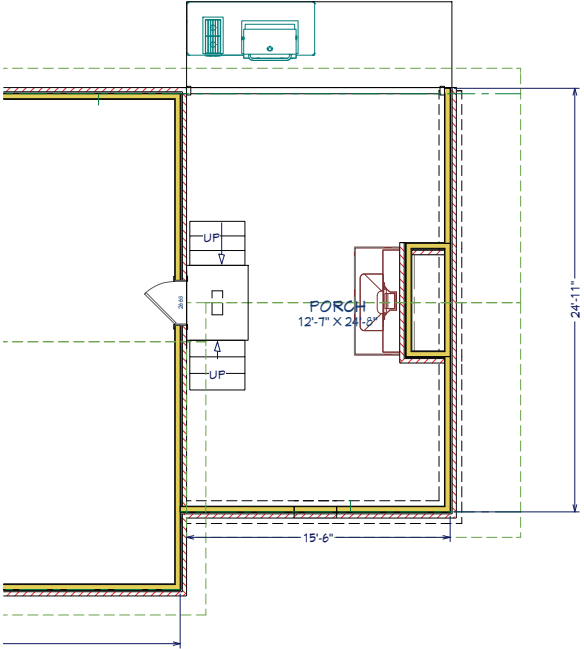
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 14, Block 6, Belle Meade Add. to Mountain Brook 2nd Sector as recorded in Map Volume 63, Page 3, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby 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 February 2, 2021. Survey invalid if not sealed in red.

Order No.: 20210163
Purchaser:
Address: 3669 Rockhill Road
(Mountain Brook, AL) 35223

Ray Weygand, Reg. L.S. #34764
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
Copyright ©



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



Elevation 3



Camera 4



Camera 2

PROJECT DESCRIPTION:		Wooten Porch Renovation	
NO.	DESCRIPTION	BY	DATE
SHEET TITLE:			
DRAWINGS PROVIDED BY:		Craft Home Design LLC	
DATE:			
SCALE:			
SHEET:		A-1	

Lila and Don Wooten
3669 Rockhill Road
Mountain Brook, AL 35223

205-234-5930
lila.wooten@lexialearning.com
346-328-1002
dcwooten@att.net

04/09/2021

City of Mountain Brook Office of Planning and Sustainability
56 Church Street
Mountain Brook, AL 35213

To Whom It May Concern:

In regard to the requested permit for covering the existing patio at 3669 Rockhill Road, Mountain Brook, AL 35223, discussions and agreements to proceed have been obtained by the three neighbors that are most closely adjacent to patio.

Emily Rose and Buddy Morris
3665 Rockhill Road
Mountain Brook, AL 35223



Lisa and Skip Donnell
3664 Rockhill Road
Mountain Brook, AL 35223



Donald Slaphey
3660 Rockhill Road
Mountain Brook, AL 35223



Sincerely,

Lila and Don Wooten



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 applicants are proposing to extend the roof of the existing home over an exiting 15'25' walled patio for a covered outdoor seating area. The homeowners want to keep the existing patio's footprint and simply cover it. This is the only possibly location for a covered patio based on the existing location of the septic system and field lines. Additionally, the rear window and roof lines are prohibitive to a covered outdoor structure in the rear of the home.

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?


Area and dimensional requirements applicable to permitted uses: minimum side yard setback: 15 feet. The spirit and intent of the ordinance (side yard setback) is to require space between buildings/improvements and the adjacent lot as well as maintaining the space between structures. Additionally it is to provide consistency from one property to the next in this setback. The proposed side yard setback would not impinge any further than the existing walled patio. The structure will not impact views from the neighboring properties. The homeowner has received signatures of approval from property owners of parcels adjacent the the subject parcel.



A-21-30 Aerial



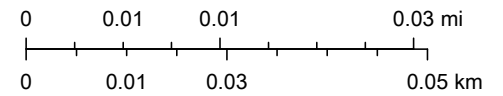
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2018 Aerial

 Red: Band_1

 Green: Band_2  Blue: Band_3

1:1,128



Jefferson County Information Technology Services, JeffCoAL, Esri, HERE,

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

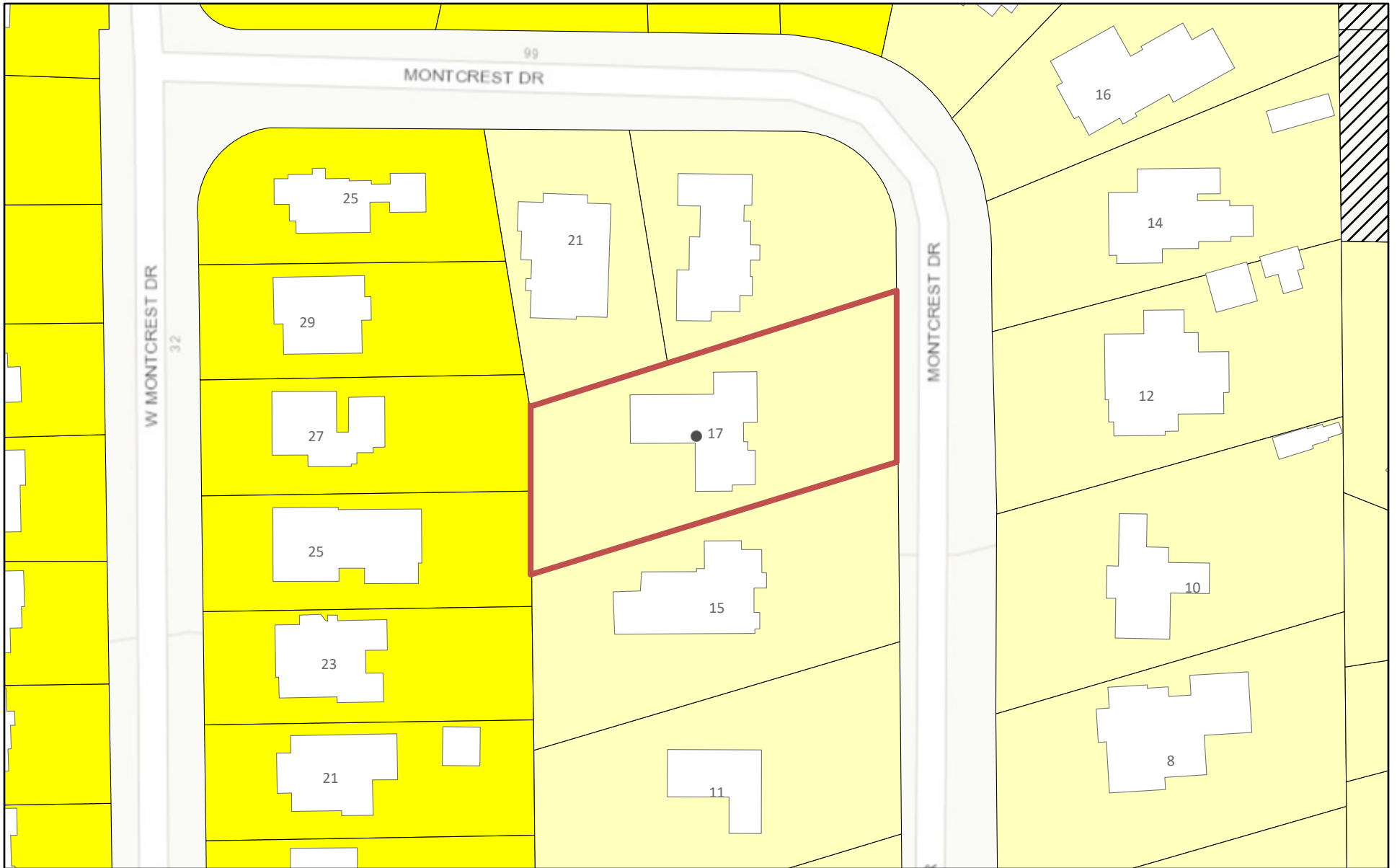
Address of Subject Property 17 MONTCREST DRIVE LOT 9A
 Zoning Classification RESIDENTIAL
 Name of Property Owner(s) BURFORD TODD
 Phone Number 205-704-0789 Email TODD@SIGNATURE-HELIX.COM
 Name of Surveyor CARL DANIEL MOORE (SURVEYING SOLUTION INC.)
 Phone Number 205-991-8965 Email _____
 Name of Architect (if applicable) DOUG TRAVIS (LIBERTY ENVIRONMENTAL)
 Phone Number 205-369-2189 Email dt.lec.75@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)	21,462 sq ft		
Lot Width (ft)	98.88		
Front Setback (ft) <i>primary</i>	40 FT		
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15 FT		8" FROM FENCE TO FILTER
Left Side Setback	10 FT		(8" TO 31'5")
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)	40 FT		
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

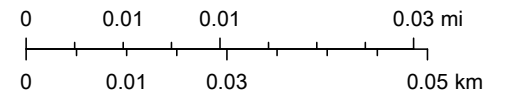
A-21-33 Zoning



6/10/2021, 10:19:25 AM

Tax_Parcels  Residence A District
 PUD  Residence B District

1:1,128



JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Report to the Board of Zoning Adjustment

A-21-33

Petition Summary

Request to allow pool equipment to be 8 inches from the side property line (north) in lieu of the required 10 feet.

Scope of Work

The scope of work includes the construction of pool equipment.

Variance Request for Side Setback

Nexus: None.

Possible Findings for Denial: The lot size and width of the subject lot are slightly smaller than the minimum zoning requirements for Res-A; however, *there is no apparent hardship* as it relates to the location of the pool equipment. The applicant provided a plan showing some utility locations that would limit the potential viable locations for the pool equipment, but there still appears to be viable conforming locations on the lot.

It is anticipated that an approval of such variance:

- a. will likely increase noise to the adjoining property (given its proposed proximity to the adjoining residence, and absence of any proposed noise suppression system);
- b. may merely serve as a convenience to the applicant (since the equipment could be located in the rear yard);
- c. is not in harmony with the spirit and intent of the zoning ordinance (given that the code specifically anticipates that pool equipment is not appropriate in a side yard closer than 10 feet to a property line).

Impervious Area

The impervious surface area for this lot is 55%, but the applicants are removing approximately 2,400 square feet of driveway to comply with the Stormwater Ordinance.

Subject Property and Surrounding Land Uses

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

Affected Regulation

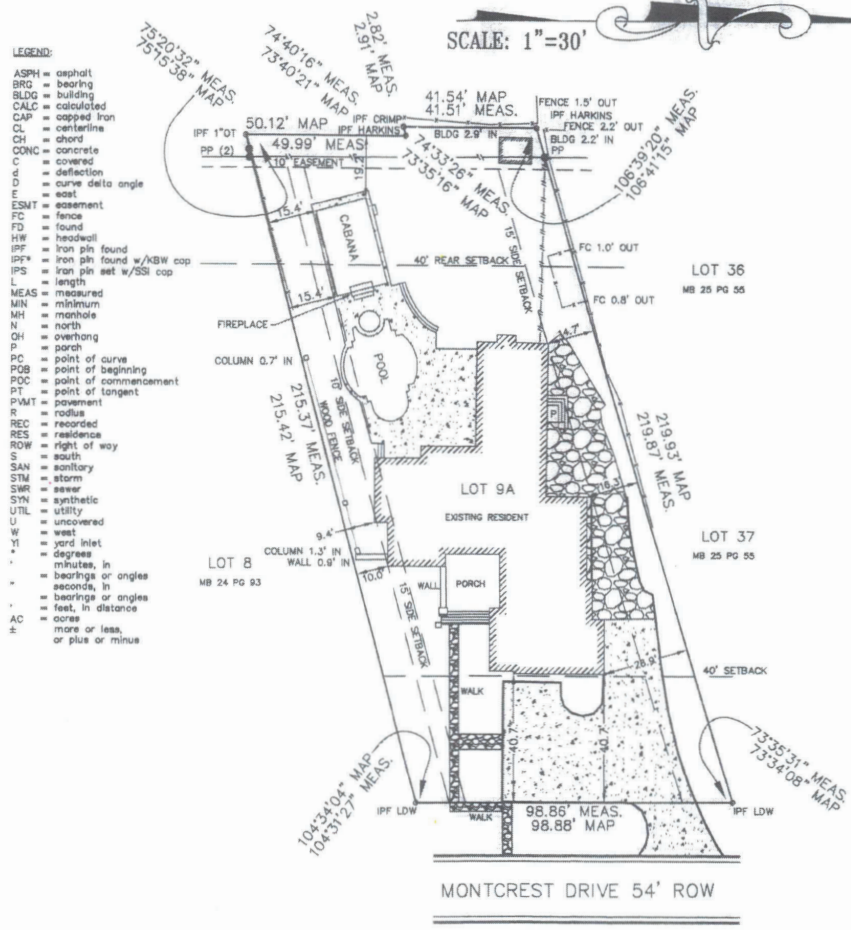
Article XIX, General Area and Dimensional Requirements; Section 129-318, Private Recreational Facilities in Residential Districts.

Appends

LOCATION: 17 Montcrest Drive

ZONING DISTRICT: Residence A District

OWNERS: Burford Todd



STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 9-A, SOBERA'S RESURVEY as recorded in Map Book 240, Page 84 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 17 MONTCREST DRIVE according to my survey of March 22, 2021. Survey is not valid unless it is sealed with embossed seal or stamped in red.

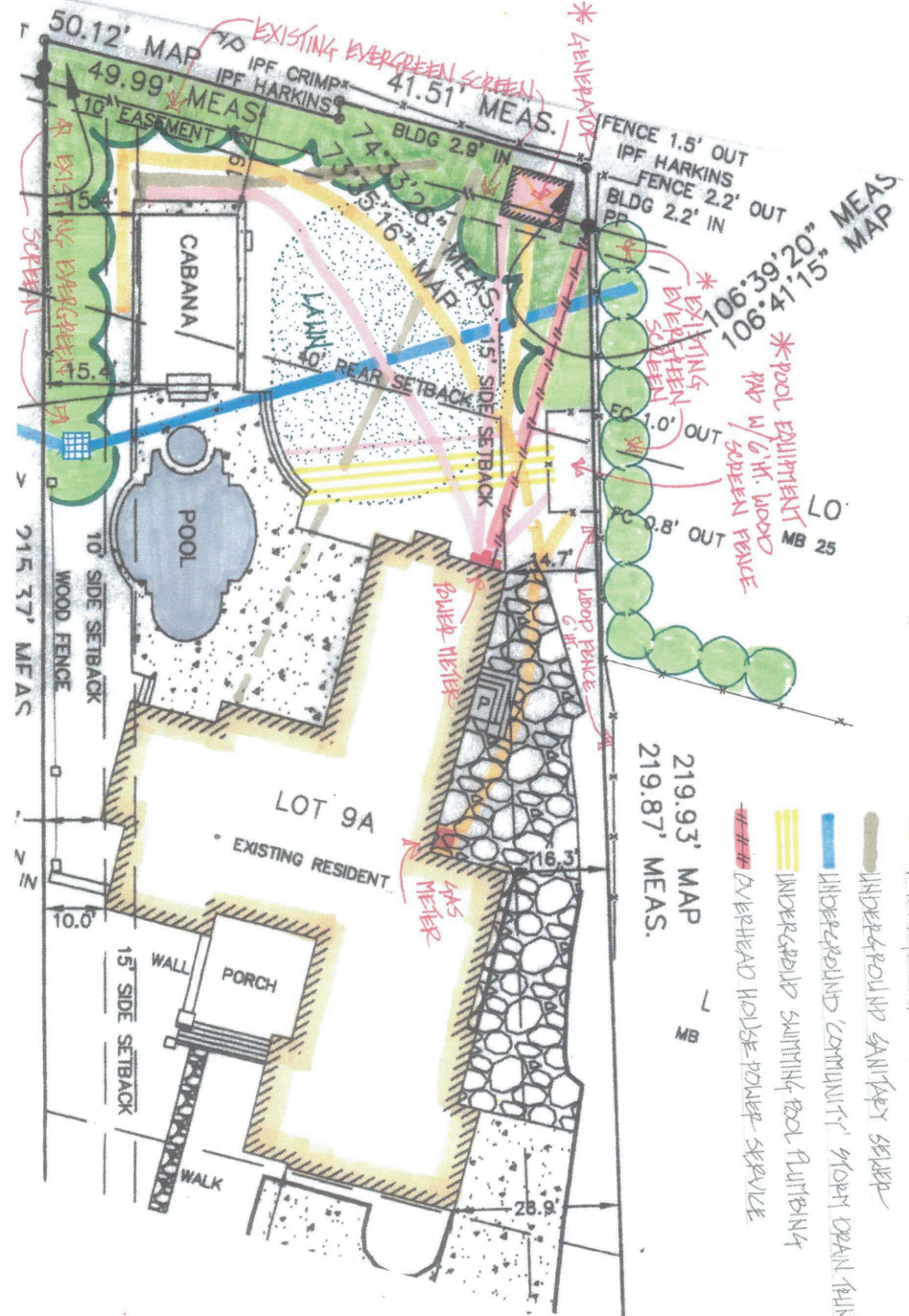
SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8985

Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. #12159



Order No. 332446
Purchaser:
Type of Survey: PROPERTY
BOUNDARY

3-24-2021
Date of Signature

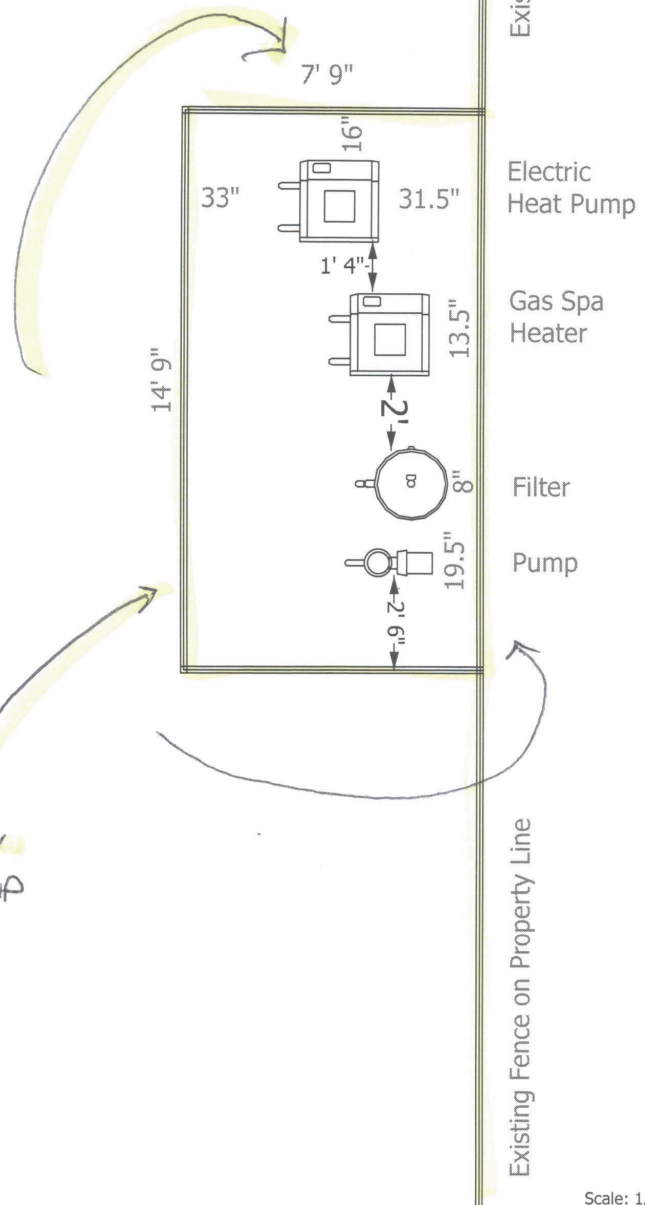


219.93' MAP
 219.87' MEAS.

- UNDERGROUND ELECTRICAL
- UNDERGROUND NATURAL GAS
- UNDERGROUND SANITARY SEWER
- UNDERGROUND SWIMMING POOL PLUMBING
- UNDERGROUND 'COMMUNITY' STORM DRAIN PLUMBING
- OVERHEAD HOUSE POWER SERVICE

Owner: Todd Burford - Doug Travis
Address: 17 Montcrest Dr
City: Mountain Brook State: AL
Zip: _____ Email: _____
Phone: _____

6' PRIVACY
FENCE
ALL THE WAY
AROUND EQUIP



Scale: 1/4" = 1 ft



111 Medical Center Dr, Prattville Al, 36066 Phone: 334-277-3100
www.bluehaven.com

To Whom it May Concern:
4-15-2021

Blue Haven Pools is requesting a variance on the placement of the pool equipment to be placed within a 10ft set back at 17 Montcrest Dr.

The variance is being requested due to an old complex system of drainage and electrical/gas lines running through the yard (see attached drawings)

Based on this plan this is the best location for the pool equipment so we do not create any drainage issues for the homeowner or surrounding homeowners.

Thanks
Jon Mitchell
Owner/GM
Blue Haven Pools Central Al

A handwritten signature in black ink, appearing to read "Jon Mitchell", is written over the typed name.



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 VARIANCE IS BEING REQUESTED FOR POOL EQUIP
DUE TO AN OLD COMPLEX SYSTEM OF DRAINAGE ELECTRICAL
GAS LINES.

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...")

N/D.

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


MOVING POOL EQUIPMENT ANYWHERE ELSE COULD
DAMAGE EXISTING DRAINAGE AND CREATE DRAINAGE
ISSUES FOR NEIGHBORS.



A-21-33 Aerial



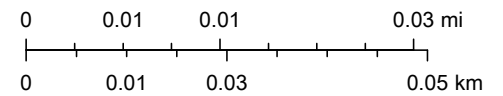
6/10/2021, 10:20:40 AM

2018 Aerial

 Red: Band_1

 Green: Band_2  Blue: Band_3

1:1,128



Jefferson County Information Technology Services, JeffCoAL, Esri, HERE,

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 752 Bentley Dr. Birmingham, AL 35213

Zoning Classification Residential

Name of Property Owner(s) Andrew + Morgan Gearhart

Phone Number 205-563-0630 Email gearhart707@gmail.com

Name of Surveyor Ray Weygand

Phone Number 205-942-0086 Email office@weygandsurveyor.com

Name of Architect (if applicable) _____

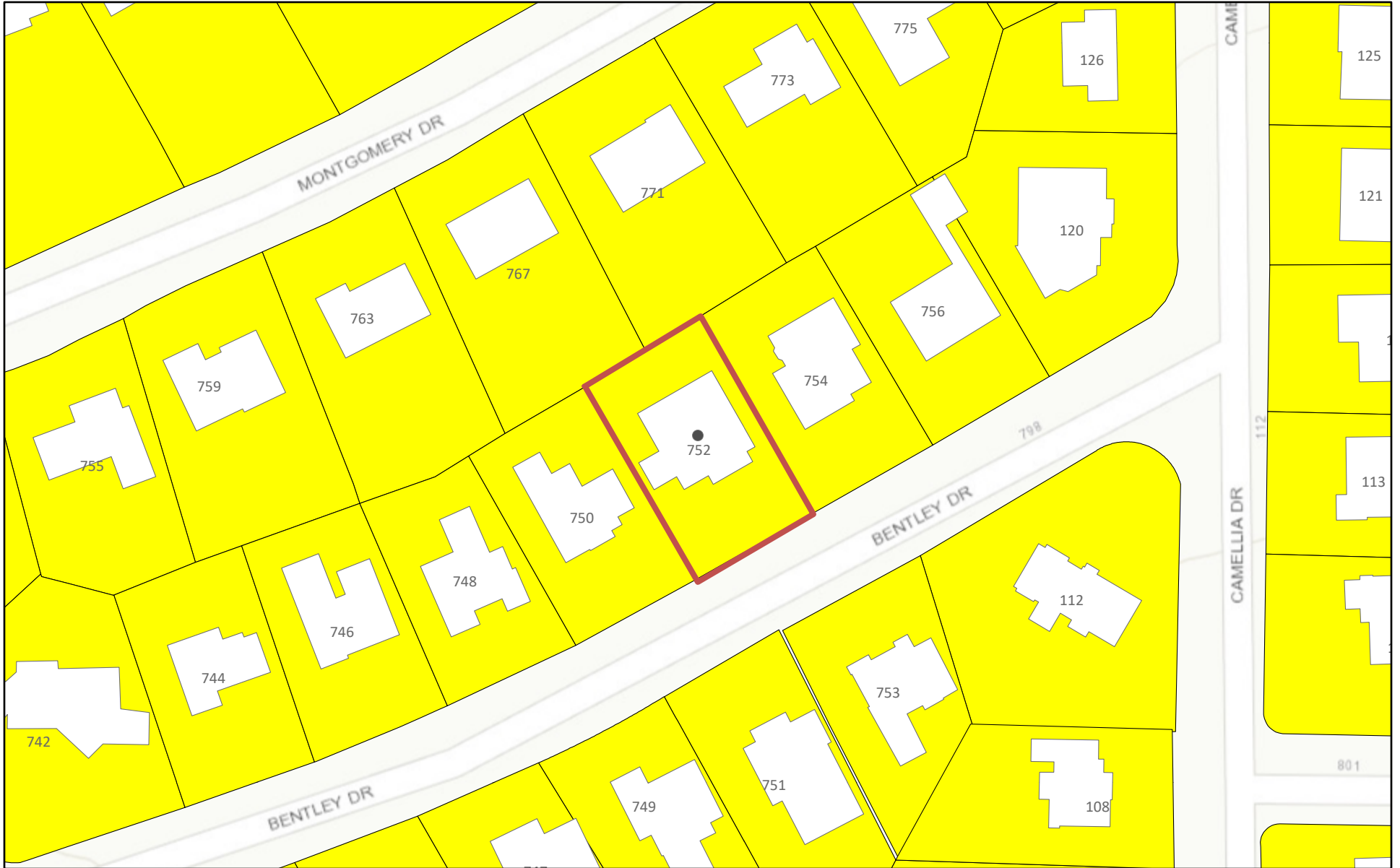
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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


	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			57.5'
Front Setback (ft) <i>secondary</i>			
Right Side Setback			3'
Left Side Setback			1.7'
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)			41.5'
Lot Coverage (%)			
Building Height (ft)			10'
Other			
Other			

A-21-34 Zoning

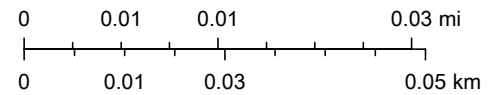


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Tax_Parcels

 Residence B District

1:1,128



JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

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

Report to the Board of Zoning Adjustment

A-21-34

Petition Summary

Request to allow an existing accessory structure as located, 1.7 feet from the side property line (west) in lieu of the required 10 feet, and 3 feet from the principal structure (east) in lieu of the required 5 feet.

Scope of Work

The accessory structure is existing and was built without a permit in the location related to the requested variances. It consists of a post frame structure with a roof and is open on the sides.

Side Setback Variance

There is no apparent hardship inherent to the lot that merits an encroachment into the required side setback. In the Applicant Statement of Hardship, it is noted by the applicants that they replaced an existing non-conforming accessory structure in the same location that it had existed previously. The structure was in disrepair and needed to be removed. However, there is no evidence of a hardship on the lot that prevents placement of an accessory structure in a conforming manner.

Nexus: There is no apparent nexus between the lot width, shape, or size, and the degree of the proposed encroachment. The lot meets the minimum width and area required in the Zoning Ordinance.

Possible Findings for Denial of Side and Principal Structure Setback

Encroachments:

That the granting of this variance:

- a. may increase the danger of fire to adjoining residential properties to the rear and the principal structure, (as attested to by the fact that the proposed distance to the side property line and dwelling would be closer than allowed);
- b. would merely serve as a convenience to the applicant (it appears that there are other viable locations for the structure, but the applicants just want to place it where the previous non-conforming accessory structure was located);
- c. is not in harmony with the spirit and intent of the zoning ordinance (in that the code already makes provision for detached buildings of this size to have side and rear setback relief).

Impervious Area

The proposal is not in compliance with the allowable impervious surface area; it is proposed to be 43% where the stormwater ordinance limits it to 40%. Such overage would have to be mitigated to comply prior to any permit issuance.

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

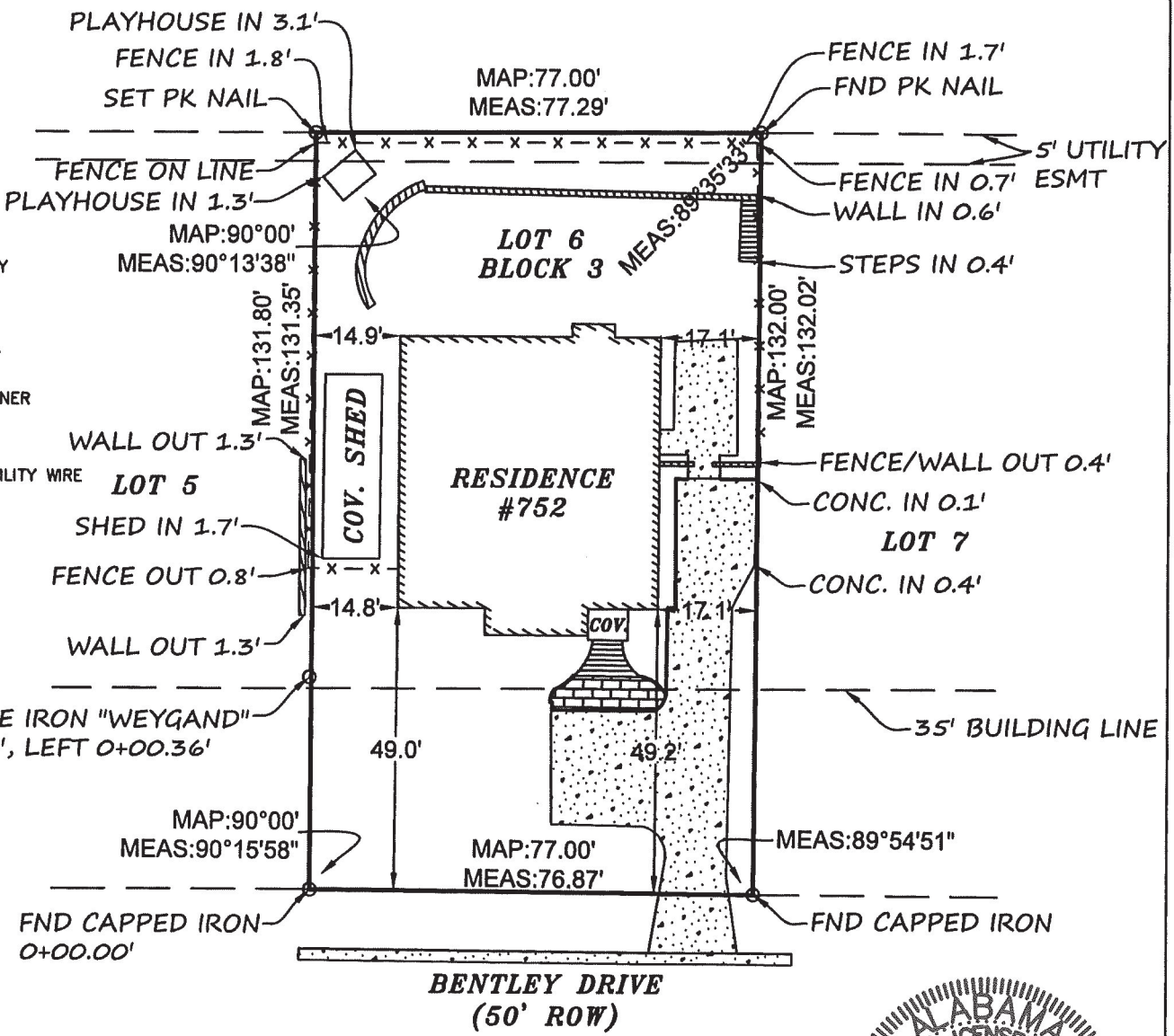
LOCATION: 752 Bentley Drive

ZONING DISTRICT: Residence B District

OWNERS: Andrew and Morgan Gearhart

LEGEND

- ASP ASPHALT
- BLOG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- ⊕ CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X— FENCE
- X— OVERHEAD UTILITY WIRE
- PVMT PAVEMENT WITH TANGENT RESIDENCE LIGHT COVERED
- ▨ DECK
- ⊙ CONCRETE WALL
- COLUMN
- ⊕ FND LINE IRON "WEYGAND" 0+36.90', LEFT 0+00.36'



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

"Property Boundary Survey"



I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6 BLOCK 3, BENTLEY HILLS 2ND SECTOR, as recorded in Map Volume 30, Page 50, 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 MAY 28, 2021. Survey invalid if not sealed in red.

Order No.: 20211004
Purchaser:
Address: 752 BENTLEY DRIVE

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



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

To all Board Members:

Morgan and I want to thank you for your time in reviewing this variance mishap caused by our ignorance of the process. We acknowledge that we are asking for forgiveness, and doing things out of order, although not intentionally.

We purchased 752 Bentley Drive in June of 2020, and moved into the home in August. This is our second home in "Bentley Hills" as we moved down one street from Montgomery Drive (our first home of five years). We love our neighbors and this area, and would never want to jeopardize our relationships.

When we purchased this home, it had a fenced in backyard and a covered shed on the west side of the house. We have spent countless hours trimming back bushes and getting the yard in shape over the past year—it never occurred to us that a rotten, old fence and shed would have required prior approval to replace. The shed essentially fell down because it was infested with carpenter bees. The shed was originally placed directly behind the fence on the west side of the house because the east side of the house has a stone patio. The majority of the backyard is either sloped or has a large retaining wall, and a small grassy area for the kids to play. The only area where you can feasibly put a shed is to the west side. It is directly behind the fence for storage of bikes, strollers, and lawn equipment. After some research, we believe the original shed was standing for over 30 years. We intended to make the shed safer and better looking, while retaining the storage it provided.

We are asking the board to let us keep the current structure as they are, and forgive our ignorance for not seeking approval before replacing the old structure. The structure is in the same place as it previously was—very close to the property line and very close to our home. The covered shed was too dilapidated to repair and had become a hazard to all neighborhood children.

The fence and pole shed do not block the flow of water, and we have improved drainage by adding grass and laying down construction grade crushed rock. The natural light has been improved as we have removed numerous scrub and brush from along the property line. We are hoping this will only improve the values of our home and our neighbors by not having debris and a dilapidated structure in sight, but a neat and manicured yard with bikes, strollers, outside toys and lawn equipment out of sight.

We appreciate your full consideration and welcome any questions.

A handwritten signature in black ink, appearing to read "Drew and Morgan Gearhart". The signature is fluid and cursive, with a long horizontal line extending to the right.

Drew and Morgan Gearhart



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 are seeking a variance for a shed to be placed in the same position as it previously was in (for around 30 yrs). This is for outdoor equipment, bikes, strollers. It is the only place on our property for such structure as we have an existing retaining wall in the back and patio on the right side of the property.

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

NO - Previous shed was infested with carpenter bees and very unstable with rot. Building was collapsing and new structure was erected in same spot. Applicant wrongly assumed that prior structure was already approved.

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

This structure replaces an existing structure that was extremely dangerous and unsightly. It does not adversely affect our neighbors property, light, water flow, or view. Additionally, it protects unsightly equipment, bikes, strollers, etc. from view.

Re: Gearhart Covered Shed

To all Board Members:

The group of people listed below own property contiguous to our property on Bentley Drive and Montgomery Drive. All neighbors listed, by their signature, confirm that they are in support of us having the covered shed. We have acknowledged that we did not obtain the required variance approval in advance of erecting the structure, because of a wrong assumption that the previous structure was "grandfathered in" and therefore acceptable.

The new structure, once completed, will be more visually appealing and safer than the previous structure. It is the same distance from the property lines as the previous structure and does not impede water flow or natural light to our neighbors.

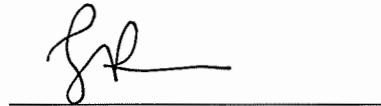
Please use these signatures as consideration for allowing us to keep the structure and all unsightly toys, bikes, and lawn equipment from view.

Thank you,

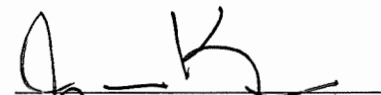


Drew and Morgan Gearhart

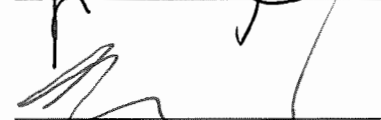
Matthew and Taylor Brown- 750 Bentley Drive



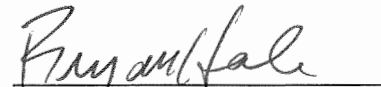
Jessica Kribbs-753 Bentley Drive



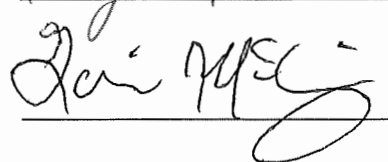
Gates Smallwood- 771 Montgomery Drive



Bryan and Melissa Hale-767 Montgomery Drive



Gavin and Nina McKinney-754 Bentley Drive




Gerry Belt- 751 Bentley Drive Unable to locate as her home was destroyed by storm and house is vacant.

A-21-34 Aerial




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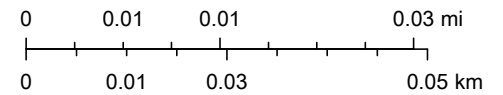
2018 Aerial

 Red: Band_1

 Green: Band_2

 Blue: Band_3

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Jefferson County Information Technology Services, JeffCoAL, Esri, HERE,

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 2900 Thornhill Road 35213

Zoning Classification Residence "A"

Name of Property Owner(s) Caroline Clark

Phone Number 205 566-2782 Email mobilemom1@gmail.com

Name of Surveyor Robert Reynolds

Phone Number 205 823-7900 Email reynoldssurvey59@bellsouth.net

Name of Architect (if applicable) Carraway and Associates

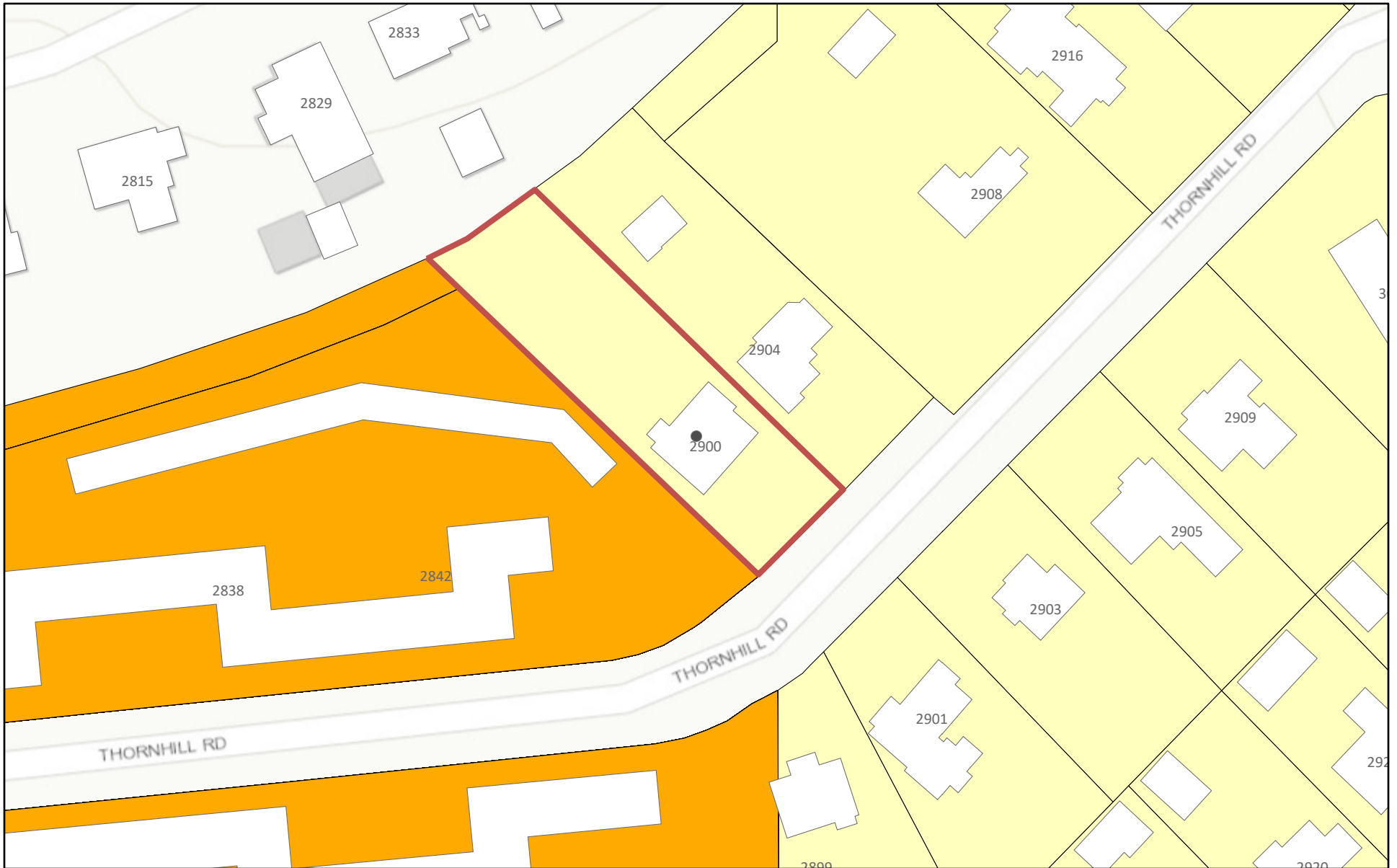
Phone Number 205 381-0356 Email liz@carrawayarchitects.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'-0"	9.9'	9.127'
Left Side Setback	15'-0"	12.8'	15.0'
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-21-35 Zoning



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Tax_Parcels

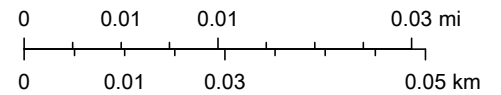


Residence D District



Residence A District

1:1,128



JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

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

Report to the Board of Zoning Adjustment

A-21-35

Petition Summary

Request to allow a new single family dwelling to be located 9.127 feet from the side property line (northeast) in lieu of the required 15 feet.

Scope of Work

The scope of work involves the construction of a new single family dwelling.

Variance Request for Side Setback

The applicant is proposing to tear down an existing structure and construct a new 1.5 story single family dwelling. The existing home is non-conforming with regard to both side setbacks at 12.8 feet on the left side and 9.9 feet on the right, both in lieu of the required 15 feet. The lot width of 70 feet is less 30 feet less than the minimum required width of 100 feet in Res-A. The lot area is approximately 14,280 square feet which is considerably less than the required minimum lot area of 30,000 square feet in Res-A. This reduces the buildable by more than 50% compared to the minimum required lot size for this Zoning district.

Hardship

In the Applicant Statement of Hardship, it is noted that the *narrowness* of the lot is the hardship as it relates to the side yard encroachment.

Nexus: There appears to be a reasonable relationship between the narrowness of the lot and the proposed side yard encroachment.

Possible Findings for Approval side setback request:

1. Is minor in nature, and is not anticipated to impact the flow of light and air to the adjoining properties (given the proposed encroachment is less than 1 foot more than the previous dwelling)
2. Would reduce side setback encroachments from both sides to just 1 side thus lessening the overall encroachment (given that the existing home is located in both side setback and the proposed new home will comply with the side setback on one side while only increasing the encroachment by less than 1 foot ultimately reducing both encroachments by 2 feet total)

Impervious Area

The proposal is not in compliance with the allowable impervious surface area; it is proposed to be 41% where the stormwater ordinance limits it to 30%. Such overage would have to be mitigated to comply prior to any permit issuance.

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article III, Residence C District; Section 129-34, Area and Dimensional Requirements

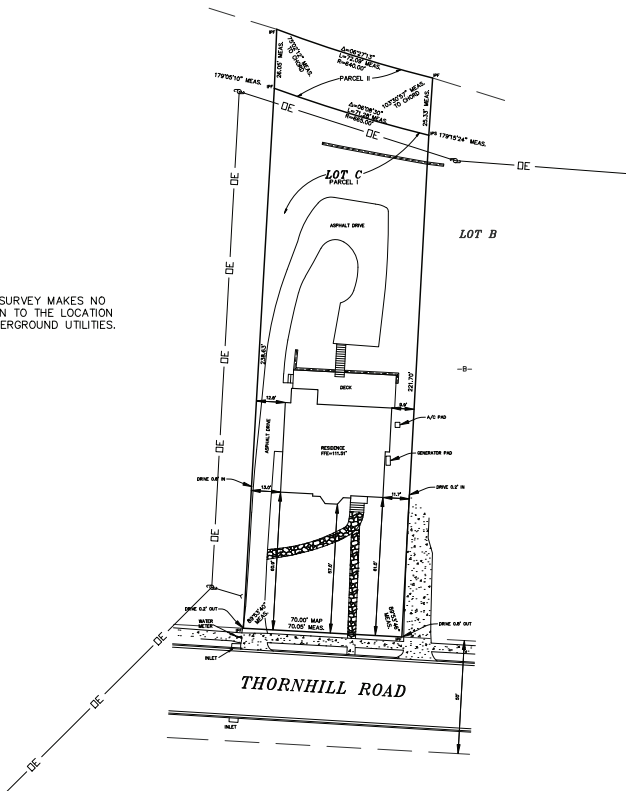
Appends

LOCATION: 2900 Thornhill Road

ZONING DISTRICT: Residence A District

OWNER: Caroline Clark

NOTE: THIS SURVEY MAKES NO CERTIFICATION TO THE LOCATION OF ANY UNDERGROUND UTILITIES.



DEED
 PLAT
 SURVEY
 RECORD
 STATE OF ALABAMA
 JEFFERSON COUNTY
 "PROPERTY A TOPOGRAPHIC SURVEY"
 I, Robert Reynolds, a Registered Surveyor, do hereby state that this is a true and correct plat or map of Lot _____ Block _____ of _____ as recorded in Map Book _____ Page _____ in the Office of the Judge of Probate in Jefferson County, Alabama. A part of this survey and drawing have been compared in accordance with the several requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The encroachments on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this is the _____ day of _____ 2007.
 NOTE: This survey is not transferable to any additional certificates or subsequent surveys.
 Address: 2900 THORNHILL ROAD
 Robert Reynolds
 Reg. No. 25557

PARCEL I
 LOT C, ACCORDING TO THE SURVEY OF LOTS A, B AND C BEING LOT 160 - REDMONT PARK AND TRIANGLE TRACT WEST OF IT, MAP BOOK 22, PAGE 24
 PARCEL II
 A STRIP OR PARCEL OF LAND 25 FEET IN WIDTH, BEING ON THE SOUTHEAST SIDE OF THE CENTER LINE OF THE MAIN TRACK OF THE RED GAP BRANCH, ABANDONED, OF THE RAILROAD OF THE GRANTOR, IN THE COUNTY OF JEFFERSON, STATE OF ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT IN THE CENTER LINE OF THE MAIN TRACK, ABANDONED, SAID POINT BEING IN THE PROPERTY LINE BETWEEN THE GRANTOR AND REDMONT VILLAGE, INC., SAID POINT BEING IN THE SOUTHWEST CORNER OF LOT "C" (IF EXTENDED ACROSS THE RIGHT OF WAY OF THE GRANTOR) OF REDMONT PARK RESURVEY; THENCE EXTENDING IN A NORTHEASTERLY DIRECTION WITH A WIDTH OF 25 FEET, LYING ON THE SOUTHEAST SIDE OF SAID CENTER LINE OF MAIN TRACK, ABANDONED, A DISTANCE OF 72.07 FEET, MORE OR LESS, TO A POINT IN THE PROPERTY LINE BETWEEN THE GRANTEE AND YIELDING REALTY COMPANY, SAID POINT ALSO BEING IN THE LOT LINE BETWEEN LOTS "C" AND "B" OF SAID RESURVEY, AND BEING IN THE NORTHEAST ¼ OF SOUTHEAST ¼ SECTION 6, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA, AND BEING PART OF THE SAME PROPERTY CONVEYED TO THE GRANTOR BY THE BIRMINGHAM MINERAL RAILROAD COMPANY BY DEED DATED 1-11-1904, RECORDED IN VOLUME 353 OF DEEDS, PAGE 208, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.



Sec. 129-34. - Area and dimensional requirements applicable to permitted uses in section 129-31(a)-(c).

A. Minimum dimensions of parcel

- (1) Minimum area of parcel 30,000 square feet **17,845 Square Feet Lot Area**
- (2) Minimum width of parcel at all points between the street line and the front setback line 100 feet **Actual 70 Feet**
- (3) Minimum number of feet of the parcel which must abut a street 100 feet **Actual 70 Feet**

B. Minimum yards and building setbacks

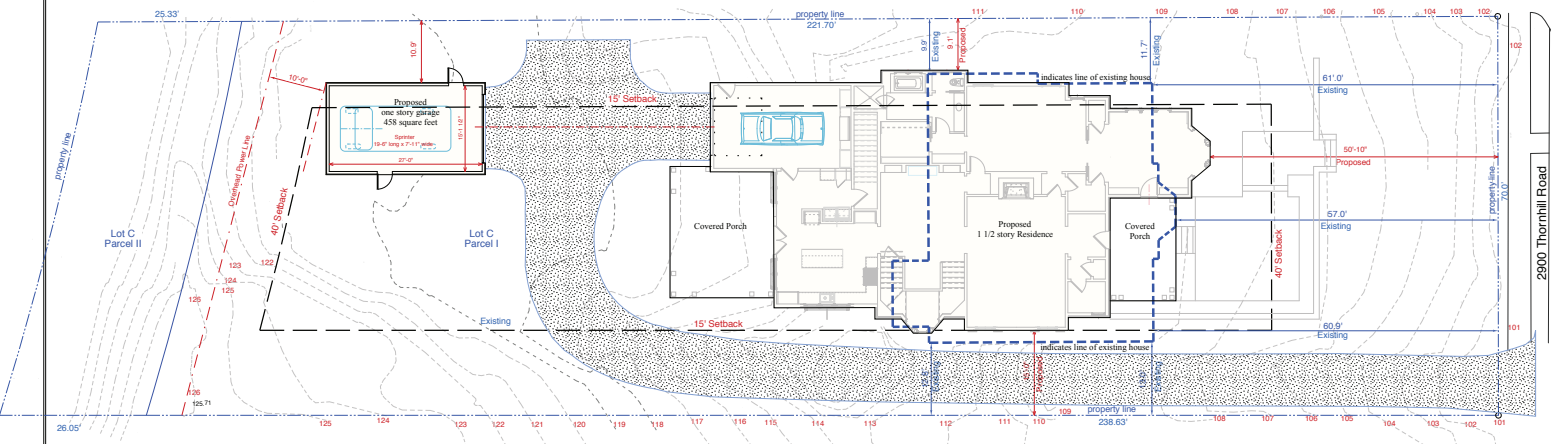
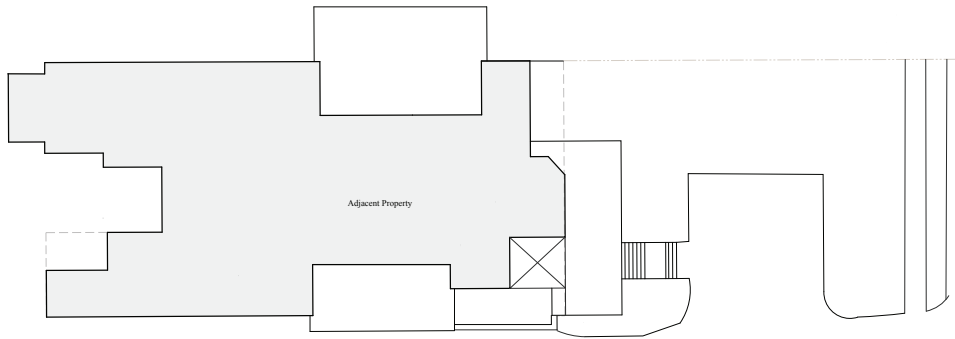
- (1) Minimum front yard setback 40 feet
- (2) Minimum rear yard setback 40 feet
- (3) Minimum side yard setback 15 feet **existing right side 9.9 feet proposed 9 feet 1 inch existing left side 12.8 feet proposed 15 feet 0 inches**

C. Building limitations

- (1) Maximum building area 25 percent of the total area of the parcel
 $17,845 \text{ square feet} \times 25\% = 4,461 \text{ square feet allowable}$
 $3791 \text{ square feet actual}$

Impervious surfaces are limited to 5 percent more than the allowed maximum building area, as specified in subsection 113-222(e) of chapter 113.
 4873 square feet impervious area allowable
 (4,461 x 1.05 = 4873)
 proposed impervious area = 3200 square feet

- (2) Maximum building height 35 feet **35'-0" or less Proposed**
- (3) Maximum number of stories 2 **One and One Half Stories**



Proposed Site Plan w Adjacent Property

Proposed Residence for
Caroline Clark
 Mountain Brook, Alabama

PROJECT NO.	1354	DATE	June 24, 2021
ARCHITECTURAL NO.	EGC		
	110		

CARRAWAY & ASSOCIATES INC. ARCHITECTS
 200 PARK LANE SUITE 1000 BIRMINGHAM ALABAMA 35203
 205.975.0555
 carrawayarchitects.com



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 property at 2900 Thornhill Road is particularly narrow. Our client's lot is 30 feet less than what is required for Residence A zoning. This reduces her allowable building width to 40 feet because the lot does not conform to the 100 foot wide Residence A requirement. The existing house sits 9.9' from the property line on the east side and 12.8' on the west side. The proposed new residence will be within the 15'-0" setback on the west side if granted the additional .773" on the east side changing the setback from existing 9.9' to 9.127".

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...")

not applicable

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


There are lots on Thornhill Road that are challenged by the current allowable setbacks and homeowners have been permitted to work within a reduced setback requirement or permitted to work within existing non-conforming setback and still maintain the modest scale of the street. The scale of the proposed residence will be in keeping with the scale of the street and the smaller setbacks of the neighboring homes.

A-21-35 Aerial



7/8/2021, 2:04:16 PM

2018 Aerial

 Red: Band_1

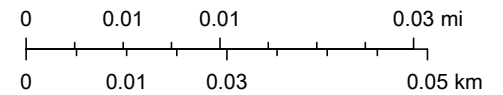


Green: Band_2



Blue: Band_3

1:1,128



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ArcGIS Web AppBuilder

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Variance Application - Part I

Project Data

Address of Subject Property 210 MOUNTAIN AVENUE

Zoning Classification RESIDENCE C

Name of Property Owner(s) LLOYD AND JANE TIMBERLAKE COOPER

Phone Number 205-223-3583 Email LLOYD@PUSHPD.COM

Name of Surveyor RAY WEYGAND

Phone Number 205-942-0086 Email RAY@weygandsurveyor.com

Name of Architect (if applicable) T SCOTT CARLISLE

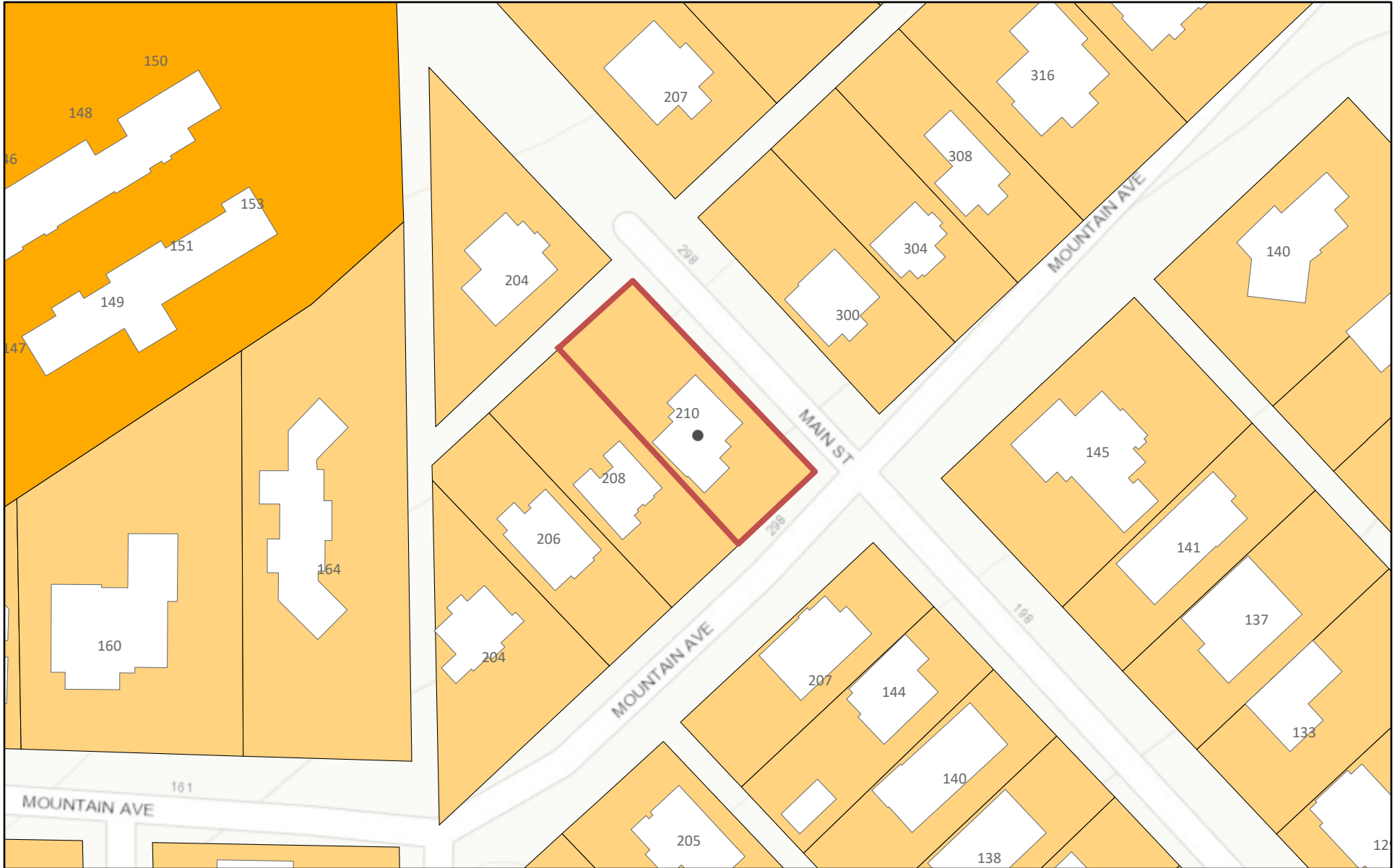
Phone Number 205-587-4868 Email SCOTT@CARLISLEMOOREARCHITECTS.COM

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)	70 FEET	57.33 FEET	
Front Setback (ft) <i>primary</i>	35 FEET	32.2 FEET	32.2 FEET
Front Setback (ft) <i>secondary</i>			
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 →	13 FEET	8.5 FEET	8.5 FEET
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-21-36 Zoning



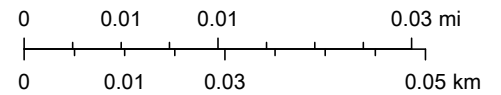
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Tax_Parcels

 Residence D District

 Residence C District

1:1,128

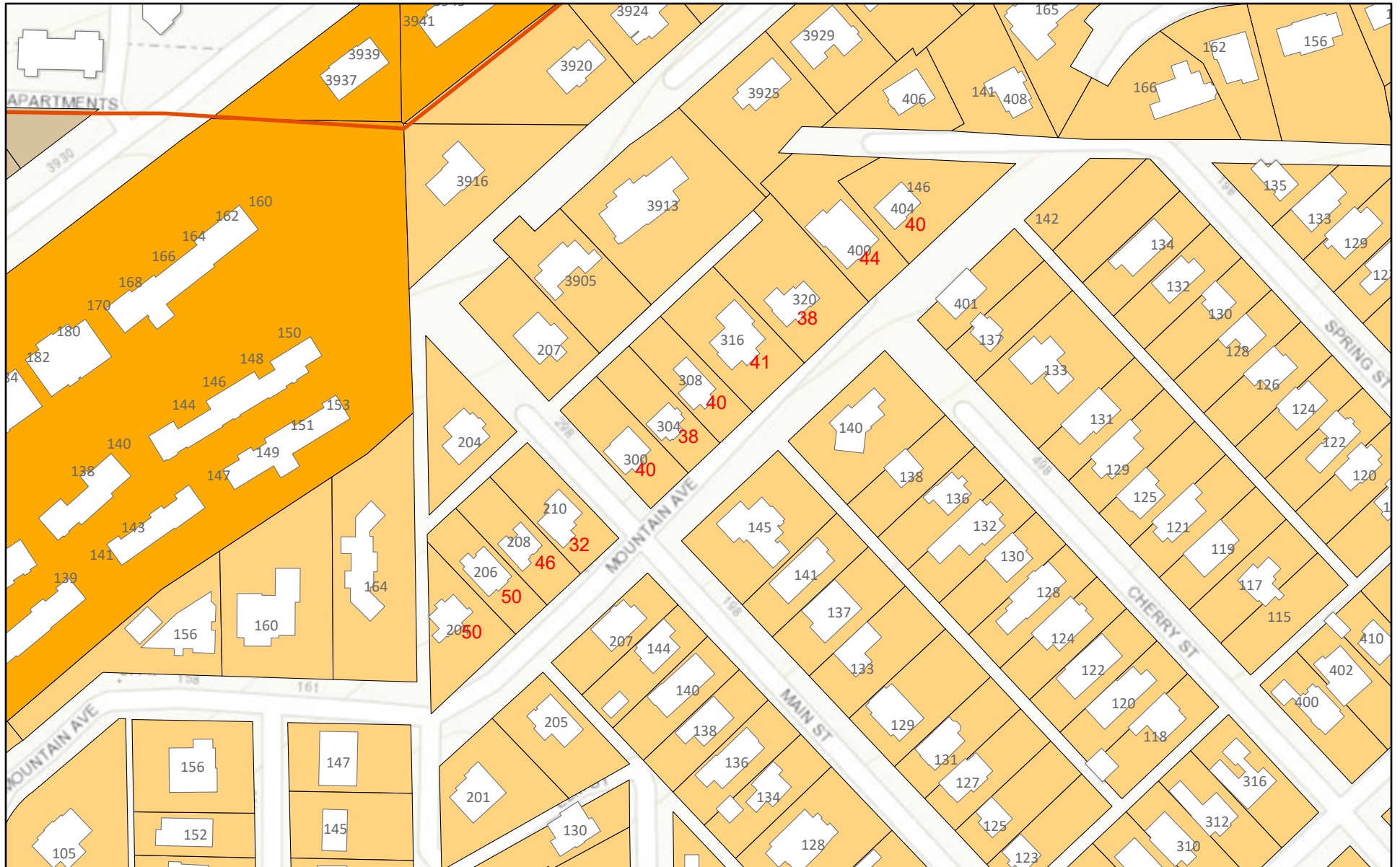


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ArcGIS Web AppBuilder

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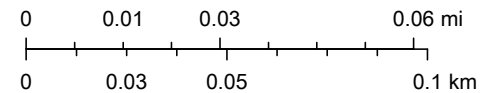
Mountain Ave Streetscape Comparison



7/14/2021, 8:18:39 AM

- Municipal Boundary
- Residence C District
- Residence D District
- Office Park District
- Tax_Parcels

1:2,257



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ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-21-36

Petition Summary

Request to allow an addition to be 32.4 feet from the primary front property line (Mountain Avenue) in lieu of the required 35 feet, and 8.5 feet from the secondary front property line (Main Street) in lieu of the required 13 feet.

Scope of Work

The scope of work entails an addition to the existing non-conforming home to enlarge the living room and create a small porch. The proposal would extend the front wall of the house approximately 6 feet.

Variance Request for Primary Front (Mountain Avenue) Setback

Nexus: The request to encroach into the primary front setback is reasonably related to the hardship of the *existing design constraint* (to match the existing front façade at 32.4 feet). Despite the existing home being an outlier along this block face with regard to its non-conforming front setback (see streetscape comparison map) the proposal is *minor in nature* such that an approval of this request would not be detrimental to the streetscape along Mountain Avenue since the addition would not encroach closer than the current structure.

Variance Request for Secondary Front (Main Street) Setback

Nexus: The request to encroach into the secondary front setback is reasonably related to the hardship of the *existing design constraint* (to match the existing front façade at 8.5 feet). The proposed addition would extend the wall along the secondary front and is *minor in nature* not encroaching closer than what is currently there.

It is anticipated that an approval of the variances:

- a. Would not be detrimental to the streetscape along Mountain Avenue or Main Street more than existing structure (as the proposed addition extend the front and side walls do not encroach closer to the street than the existing);
- b. is minor in nature, and is not anticipated to impact the flow of light and air to the adjoining properties (given the proposed addition is a small and at the same setback as the current dwelling)

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

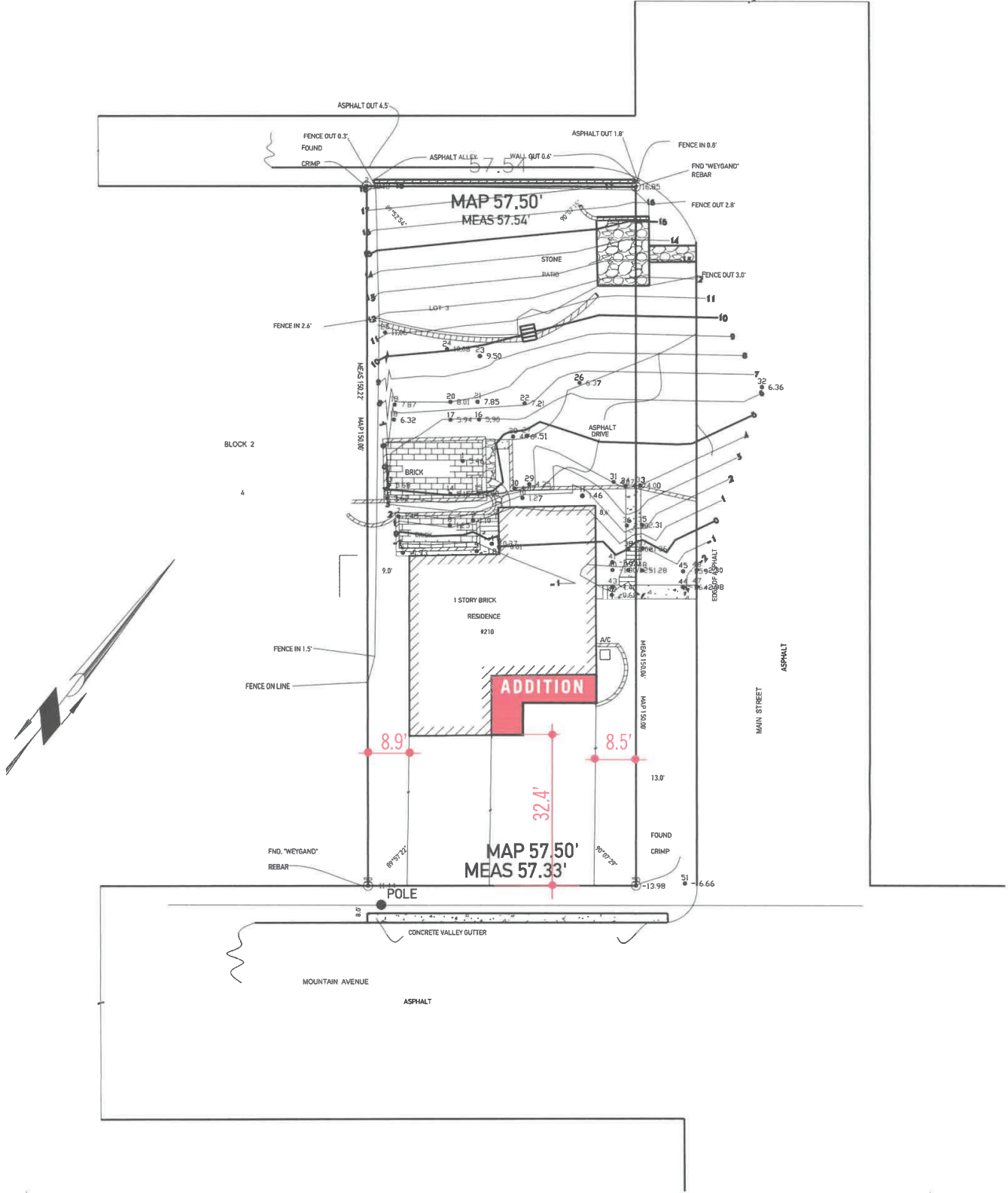
Article V, Residence C District; Section 129-62, Area and Dimensional Requirements

Appends

LOCATION: 210 Mountain Avenue

ZONING DISTRICT: Residence C District

OWNERS: Lloyd and Jane Timberlake



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Topographic Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 3, Block 2, 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 DECEMBER 31, 2018. Survey invalid if not sealed in red.

Order No.: 1690
Purchaser:
Address: 210 MOUNTAIN AVENUE

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



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



8'-5"
EXISTING

PORTION OF ADDITION
OVER THE SETBACK

ZONING VARIANCE

June 25, 2021

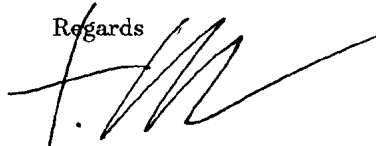
Board of Zoning Adjustment
56 Church Street
City of Mountain Brook
Mountain Brook, AL 35213

**CARLISLE
MOORE**
ARCHITECTS

To The Board:

Thank you for considering our Zoning Variance. This project is a small addition to the existing house at 210 Mountain Avenue. It is an enlargement of the front living room by extending the front wall of the house out approximately 6' and creating a small front porch/entrance.0

Regards



T. Scott Carlisle
For the Firm

T. SCOTT CARLISLE
(205) 987-4868

BILL MOORE
(205) 966-2554

2814 PETTICOAT LANE
MOUNTAIN BROOK, AL 35223

CARLISLEMOOREARCHITECTS.COM



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 house is non-conforming at both the FRONT setback at Mountain Avenue and the SECONDARY FRONT SETBACK at Main Street. The addition as proposed is in-line with the existing house footprint on both the front setback at Mountain Avenue and the secondary front setback at Main Street** —

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 existing house is over the setback lines.** —

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


— **It would allow the owner to add to their existing house in keeping with it's current configuration and does not seek any additional setback relief beyond what is existing.** —

A-21-36 Aerial



7/8/2021, 2:07:02 PM

2018 Aerial

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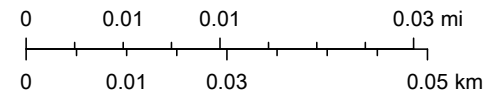


Green: Band_2



Blue: Band_3

1:1,128



Jefferson County Information Technology Services, JeffCoAL, Esri, HERE,

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 _____

Zoning Classification _____

Name of Property Owner(s) _____

Phone Number _____ Email _____

Name of Surveyor _____

Phone Number _____ Email _____

Name of Architect (if applicable) _____

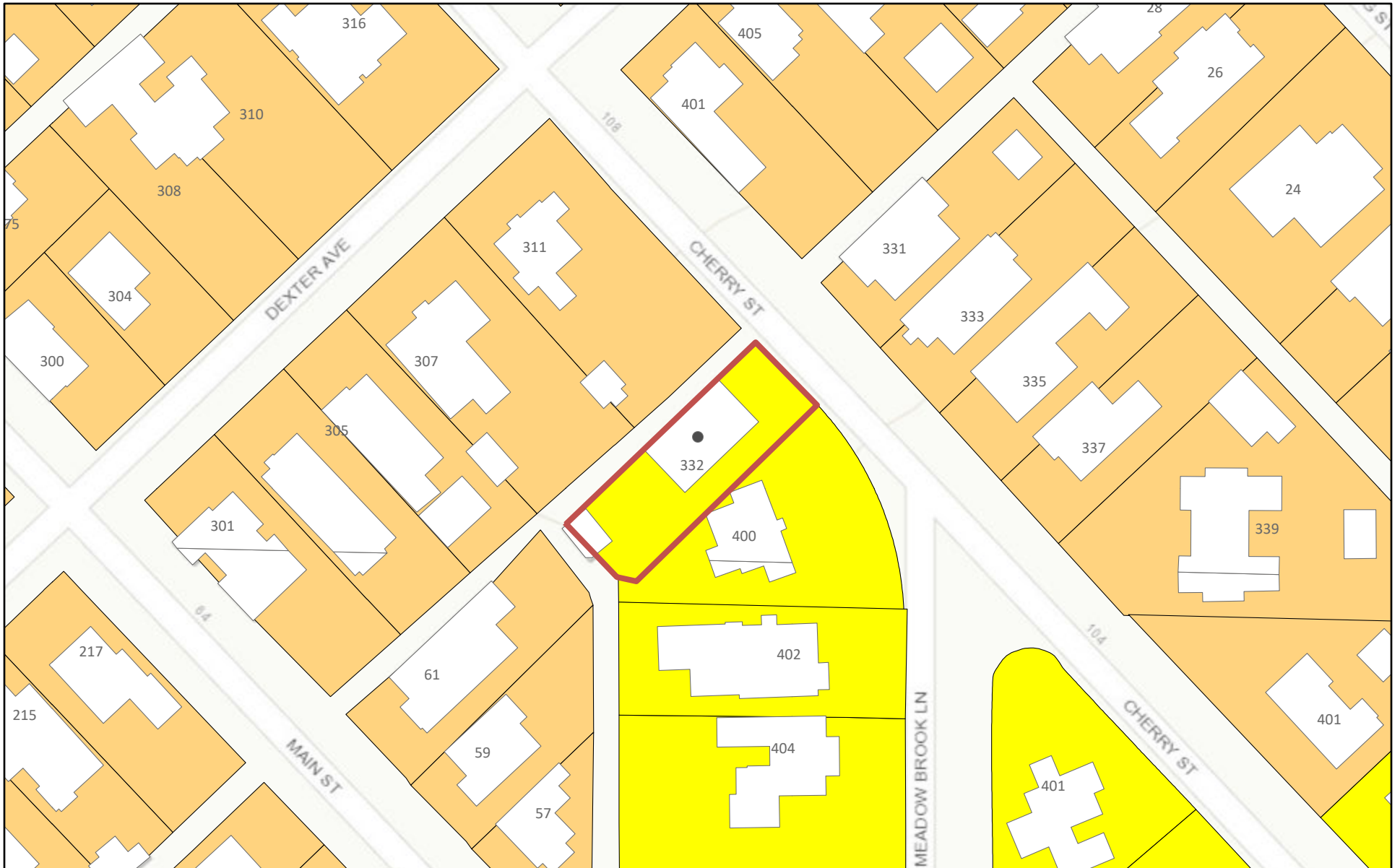
Phone Number _____ Email _____

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>			
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-21-37 Zoning



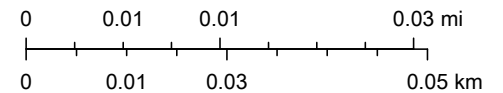
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Tax_Parcels

 Residence C District

 Residence B District

1:1,128



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Report to the Board of Zoning Adjustment

A-21-37

Petition Summary

Request to allow the construction of an accessory structure to be 8 feet from the rear property line (southwest) in lieu of the required 10 feet.

Scope of Work

The scope of work includes the construction of a new detached garage. The proposed structure would be 576 square feet in size and 24 feet in height.

Rear Setback Variance

There is no apparent hardship inherent to the lot that merits an encroachment into the required rear setback. The applicant mentions in the Applicant Statement of Hardship that the required setback of 10 feet would render the backyard nearly useless. The lot is approximately 50 feet wide which is less than the minimum required for Res-B of 75 feet, and the lot area is approximately 7,500 square feet which does not meet the minimum Res-B lot area of 10,000. However, the ordinance makes exceptions for narrow lots of less than 60 feet and the proposed request is related to the rear or depth of the lot and not the width.

Nexus: While it is true that the lot is narrow (50 feet) the *narrowness of the lot* does not reasonably relate to the proposed rear encroachment as noted in the findings for denial below:

Possible Findings for Denial:

1. The narrowness circumstance is not peculiar to this lot; and this circumstance generally applies to other lots in the immediate vicinity.
2. It appears that the proposed rear yard encroachment will merely serve as a convenience to the applicant, in that sufficient space is available to the rear of the principal structure to place a garage farther away from the rear property line and would not require a variance if only moved from 8 feet to 10 feet.
3. Is not in harmony with the spirit and intent of the zoning ordinance (in that the code already makes provision for detached buildings to have rear setback relief).

Impervious Area

The proposal is not in compliance with the allowable impervious surface area; it is 45% where the stormwater ordinance limits it to 40%. Such overage would have to be mitigated to comply prior to any permit issuance.

Subject Property and Surrounding Land Uses

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

Affected Regulation

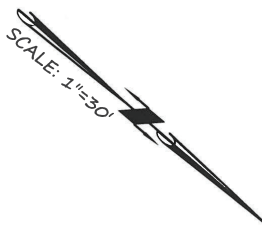
Article XIX, General Area and Dimensional Requirements; Section 129-314, Accessory Structures and Accessory Buildings on Residential Lots

Appends

LOCATION: 332 Cherry Street

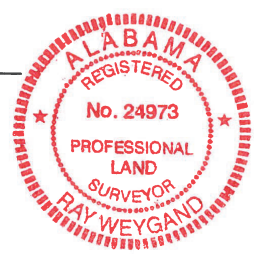
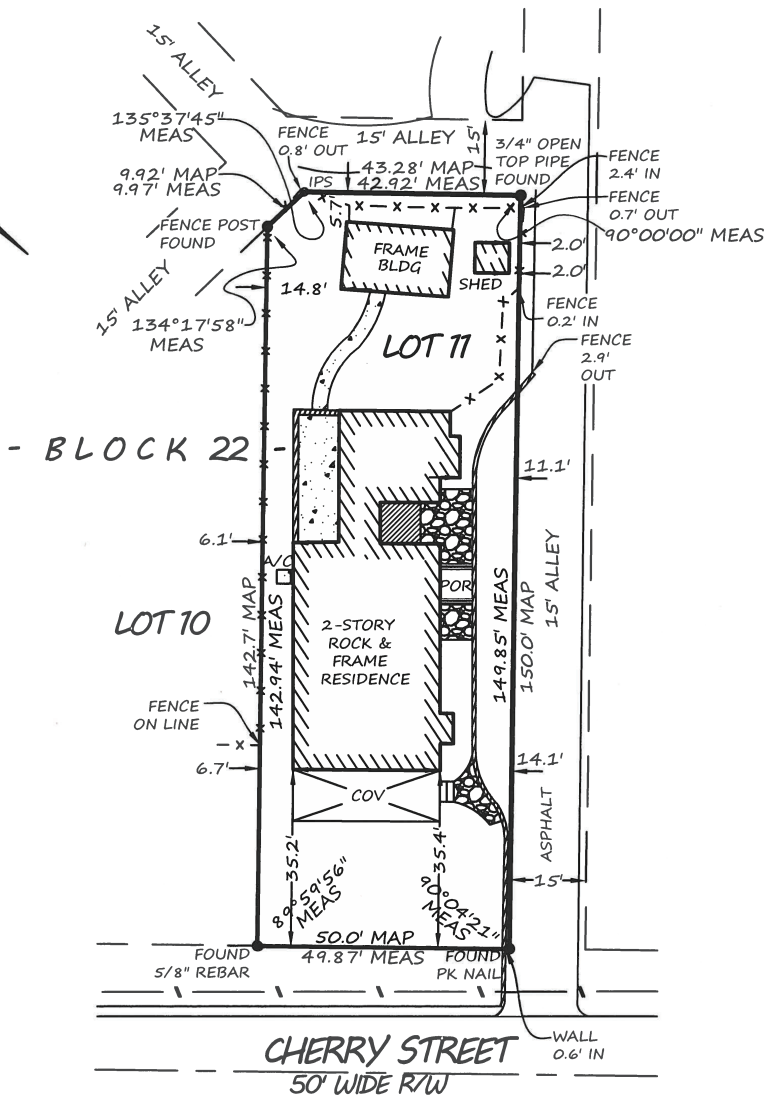
ZONING DISTRICT: Residence B District

OWNERS: Stephen and Lane Cross



LEGEND

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



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

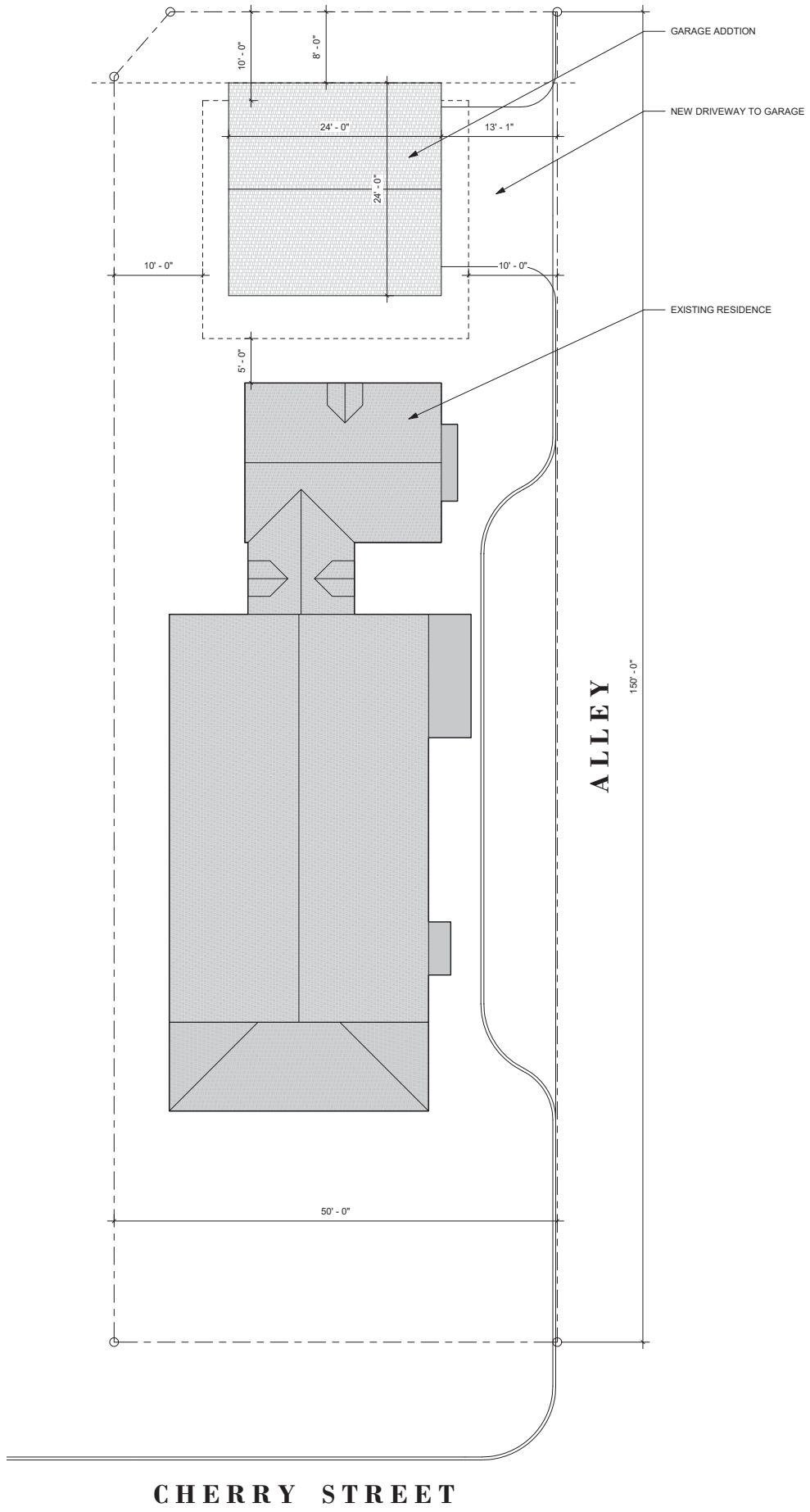
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 11, BLOCK 22, CRESTLINE HEIGHTS, as recorded in Plat Book 7, Page 16, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of 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.: 20201973
Purchaser:
Address: 332 CHERRY STREET

Ray Weygand
Ray Weygand, Reg. L.S. #24973
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.



CHERRY STREET



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)?

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?

A-21-37 Aerial



7/8/2021, 2:10:28 PM

2018 Aerial

 Red: Band_1

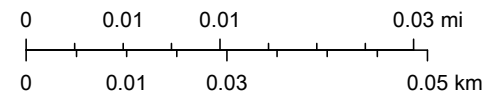


Green: Band_2



Blue: Band_3

1:1,128



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