

BZA Packet

May 16, 2022

Hello All,

Enclosed please find your packet for the meeting of May 16, 2022.

We have:

- 1 carryover
- 2 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 (May 16, 2022)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

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

Looking forward to seeing you on Monday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
May 16, 2022
PRE-MEETING: 4:30 P.M.
REGULAR MEETING: 5:00 P.M.

**MEETING TO BE HELD IN PERSON AT CITY HALL AND 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: April 18, 2022
 2. **Case A-22-12:** *This case carried over from the April 18, 2022 meeting, per the request of the applicant.*

Emily Brown Cotney, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 7.4 feet from the side property line (south) in lieu of the required 9 feet for portions of the home less than 22 feet in height; to be 7.3 feet from the side property line (north) in lieu of the required 9 feet for portions of the home to be less than 22 feet in height; and to be 25.6 feet from the rear property line in lieu of the required 30 feet. - **406 Cherry Street**

3. **Case A-22-15: Doug Levene**, property owner, requests a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 32.2 feet from the rear property line (west) in lieu of the required 40 feet. - **3800 Buckingham Place**
4. **Case A-22-16: John and Melanie Laird**, property owners, request a variance from the terms of the Zoning Regulations to allow a retaining wall in the front yard to be up to 7 feet in height in lieu of the maximum wall height allowed of 4 feet. - **141 Spring Street**
5. Next Meeting: **June 20, 2022**
6. Adjournment



Variance Application - Part I

Project Data

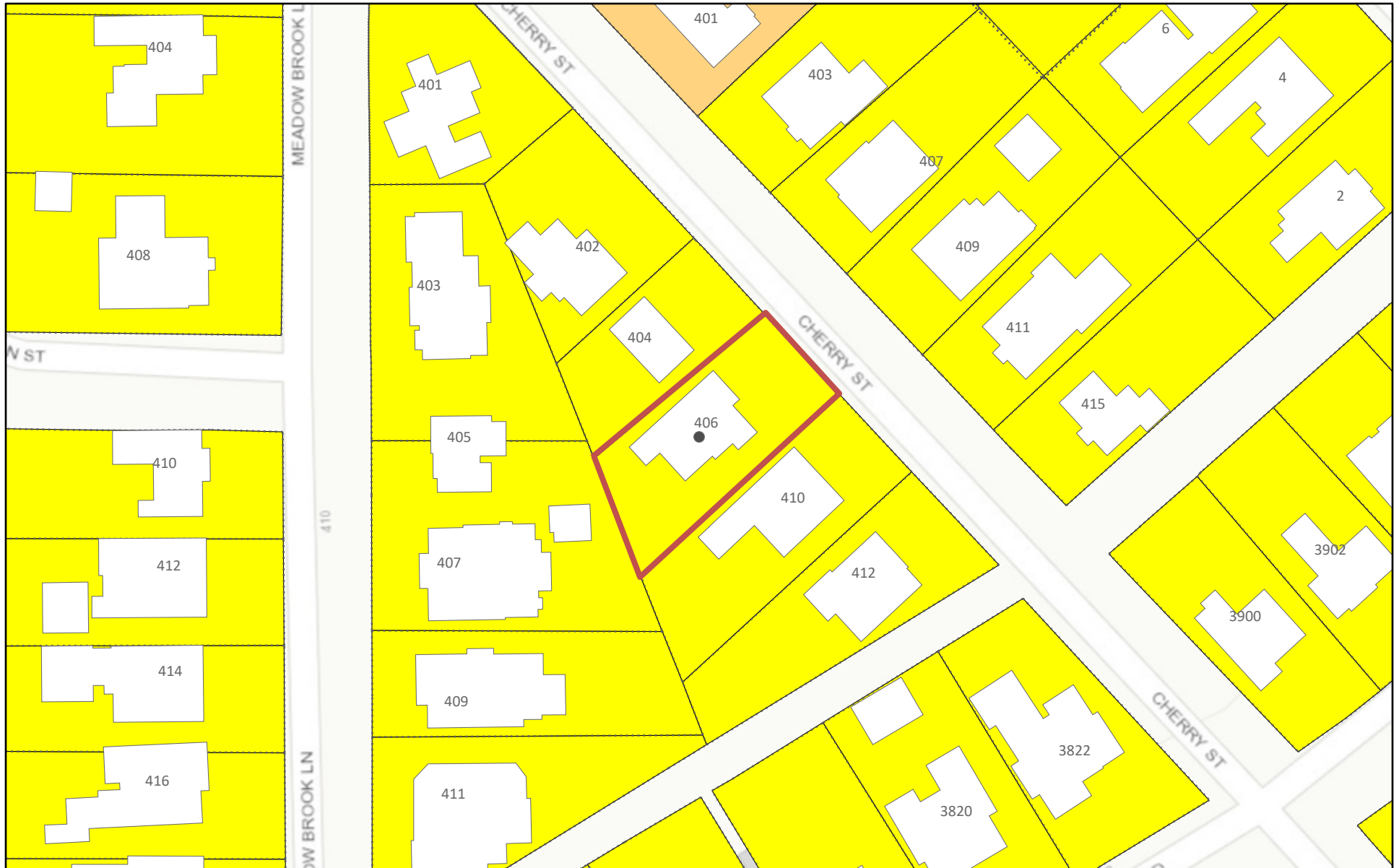
Address of Subject Property 406 Cherry Street, Mountain Brook, AL 35213
 Zoning Classification Res B
 Name of Property Owner(s) Emily & Chris Cotney
 Phone Number 205-317-5481 Email ebrown@buffalorock.com
 Name of Surveyor Wayland Surveyors
 Phone Number 205-942-0086 Email office@waylandsurveyor.com
 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):

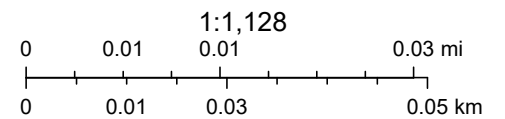
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	9	6.4	7.3
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	9	12.1	7.4
Rear Setback (ft)	30	31.2	25.6
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-22-12 Zoning



4/1/2022, 3:34:18 PM

- LotLines
- Residence C District
- Tax_Parcel
- Residence B District



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

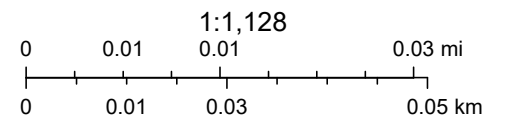
ArcGIS Web AppBuilder

A-22-12 Aerial



4/1/2022, 3:35:29 PM

..... LotLines 2018 Aerial
■ Red: Band_1
■ Green: Band_2
■ Blue: Band_3



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-12

Original Petition Summary from April 18, 2022

South Side Setback

Request to allow a new single family dwelling to be 7.4 feet from the side property line (south) in lieu of the required 9 feet for portions of the home less than 22 feet in height; and to be 9.4 feet from the side property line (south) in lieu of the required 13 feet for portions of the home greater than 22 feet in height.

North Side Setback

Also, to be 7.3 feet from the side property line (north) in lieu of the required 9 feet for portions of the home to be less than 22 feet in height; and to be 7.4 feet from the side property line (north) in lieu of the required 13 feet for portions of the home greater than 22 feet in height.

Rear Setback

To be 25.6 feet from the rear property line in lieu of the required 30 feet.

Revised Petition Summary

Request to allow a new single family dwelling to be 7.4 feet from the side property line (south) in lieu of the required 9 feet for portions of the home less than 22 feet in height; to be 7.3 feet from the side property line (north) in lieu of the required 9 feet for portions of the home to be less than 22 feet in height; and to be 25.6 feet from the rear property line in lieu of the required 30 feet.

The applicant revised the request by changing the second story of the proposed home, including the roof pitch, in a way that removed all parts of the structure above 22 feet in height to be outside of the required setback of 13 feet.

Scope of Work

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

Hardships

In the Applicant Statement of Hardship, it is noted that the *narrowness* of the lot is the hardship.

Nexus: The relationship between the narrowness of the lot and the requested side setback variances are somewhat related.

Possible Findings for Approval: The applicant has designed the proposed home in a way in which the majority of the house is conforming. The proposed sections below 22 feet in height are small (approximately 27 feet in total depth for both sides combined) and only encroach 1.7 feet into the setbacks.

That the granting of these variances:

1. Are minor in nature (given the scope of the encroachments as compared to the depth of the buildable area).

Variance Requests for Rear Setback

The applicant is also proposing that a small triangle of the rear porch be 25.6 feet from the rear property line, which is angled.

Possible Findings for Approval:

As the applicant has noted, the rear property line is irregularly angled and makes the right side of the property approximately 23 feet more shallow than the left side (rear porch does not encroach on the left side at the rear).

That the granting of this variance:

1. Will not impair an adequate supply of light and air to adjacent property (since only a small sliver of the rear porch encroaches in the setback).
2. The proposed rear encroachment is minor in nature (the porch is one story and only encroaches along a small portion of the back left corner).

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 IV, Residence B District; Section 129-53, Special Provisions for Non-Conforming Res-B Lots

Appends

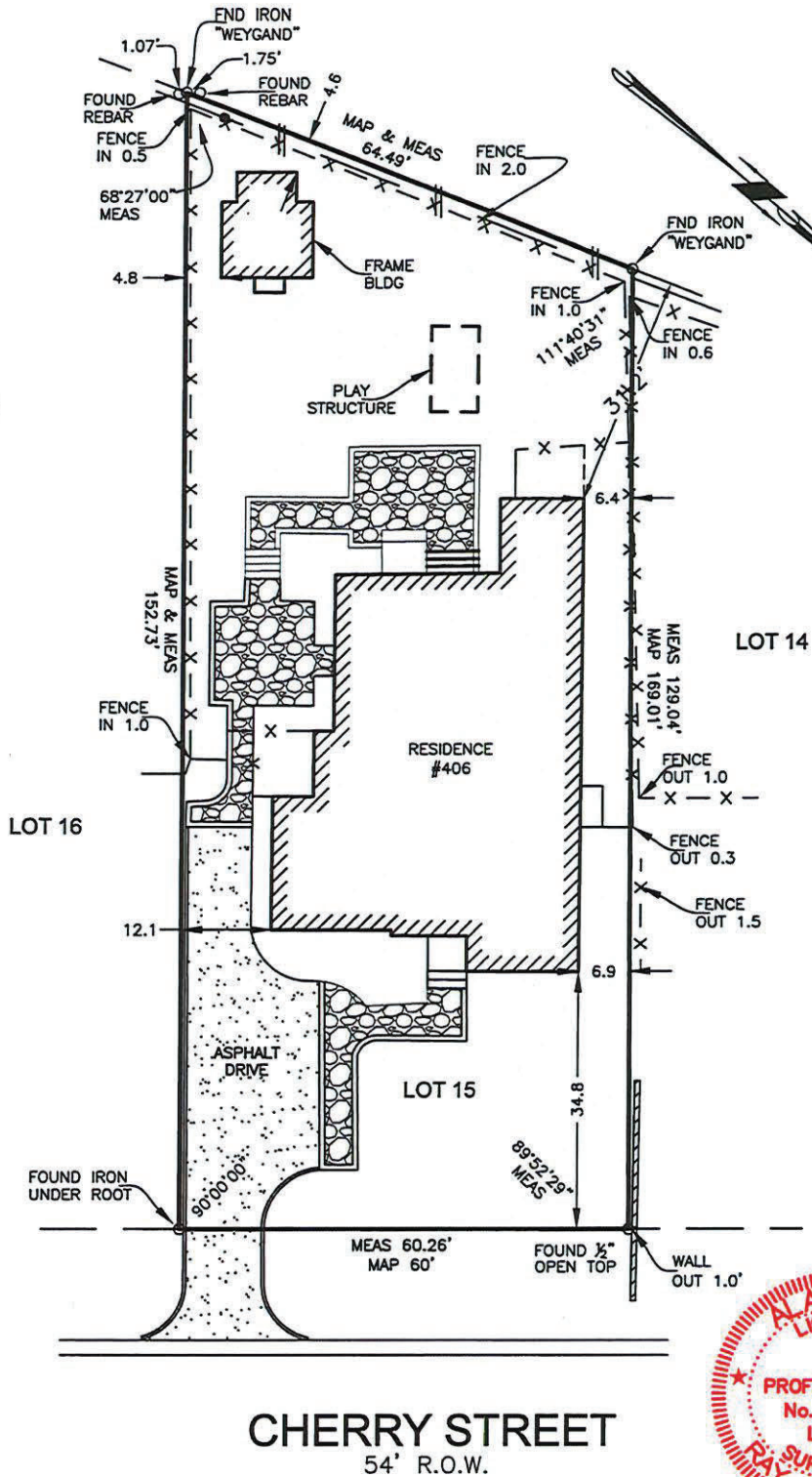
LOCATION: 406 Cherry Street

ZONING DISTRICT: Residence B District

OWNER: Emily and Chris Cotney

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
⊗	ANCHOR
-X-	FENCE
-X-	POWER LINE
PVMT	PAVEMENT
W/TAN	WITH TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
▩	CONCRETE
▧	WALL



CHERRY STREET
54' R.O.W.

SCALE: 1"=20'
STATE OF ALABAMA)
JEFFERSON COUNTY)

"PROPERTY BOUNDARY SURVEY"

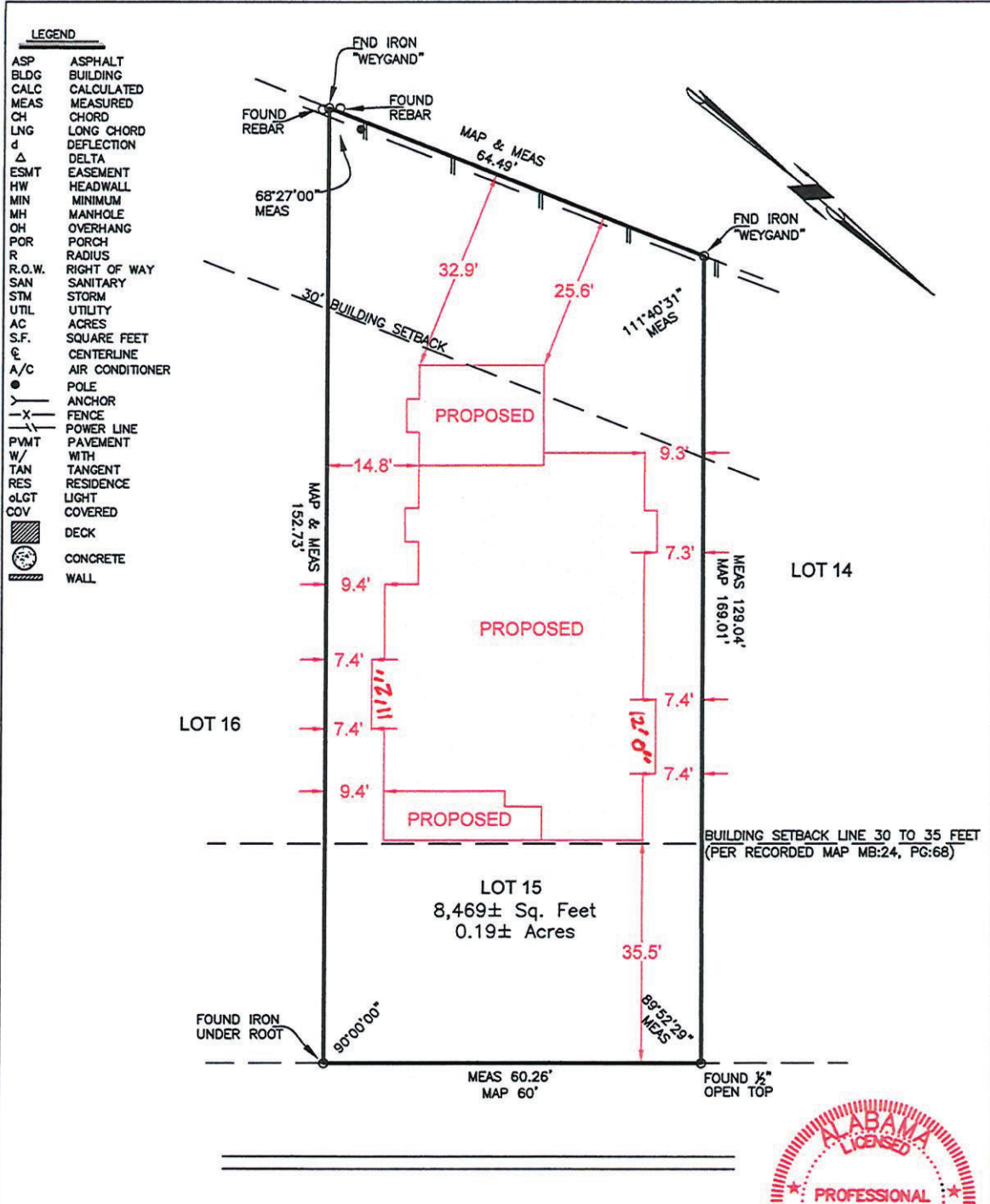
Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 15, BLOCK 4 SHADES VALLEY GARDENS is recorded in Map Volume 24, Page 68, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of 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 MARCH 20, 2022. Survey invalid if not sealed in red.

Order No.: 20220336
Purchaser:
Address: 406 CHERRY STREET

[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.



NOTE:
TOTAL SQAURE FOOTAGE OF PROPOSED
STRUCTURE AND COVERED AREAS IS
2,811± SQ. FEET

SCALE: 1"=20'
STATE OF ALABAMA)
JEFFERSON COUNTY)

CHERRY STREET
54' R.O.W.

"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 15, BLOCK 4 SHADES VALLEY GARDENS, as recorded in Map Volume 24, Page 68, 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 MARCH 25, 2022. Survey invalid if not sealed in red.

Order No.: 20220497
Purchaser:
Address: 406 CHERRY STREET

[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.



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)?

Residence Lot B at 406 Cherry Street is a non-conforming lot that is comprised of a diagonal rear boundary line and topography sloping front-to-back and left-to-right both of which contribute to the necessity to seek a variance.

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 structure has not had any significant improvements since its purchase in 2008 by the current owners. The lot was non-conforming since its inception.

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

The granting of this variance would support the purpose and intent of the Zoning Regulations by allowing the structure to be constructed in a way that brings the property more in line overall with regulations while also increasing public safety, decreasing congestion on public streets, increase property values, ensuring the safest design for the lot topography, and providing benefits to the health of the inhabitants.



www.buffalorock.com

ebrown@buffalorock.com

O: 205.944.3404

111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY

Senior Vice President
Chief Employee Experience Officer & Legal Counsel

March 25, 2022

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

ATTENTION: Tammy Reid

Dear Board of Zoning Adjustment,

I am the owner of the subject property at 406 Cherry Street, Mountain Brook, AL 35213, and I have owned this property since 2008. Since that time, the residential structure has remained in more or less the same condition as when purchased, although it is certainly showing more of its old age. As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a residence more suitable for our needs.

At this time, we are exploring donating our current home to a local charity, Build Up, that we believe will not only allow us to move forward constructing a new residence, but also provide benefits to the greater Birmingham area as the home is used to skill and educate youth and eventually becomes home to a new family in the future.

Our goal is to construct a new two-story home on the property at 406 Cherry Street. Due to the irregular lot shape, depth constraints created by the shallow lot shape and sloping topography of the lot left-to-right, the plans require us seek variances.

It is worth noting that our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure.

The irregular lot shape creates a significant hardship to the design of the home in numerous ways. There are three areas that are minor in nature for which relief is sought.

- 1) A variance is requested from the terms of the Zoning Regulations to allow a minor portion of a rear covered porch to be 4 feet and 6 inches from the rear diagonal property line in lieu of the required 30 feet due to the irregular lot shape and shallow lot depth. The topography also impacts the property necessitating the placement of the porch to be on the longer side of the property which minimizes the amount of variance requested to the greatest extent possible and allows for the safest placement for the inhabitants.

- 2) A variance is requested from the terms of the Zoning Regulations to allow a pantry area on the left side of the residence to be 11 feet and two inches wide in lieu of the maximum width of 8 feet due to the irregular lot shape and shallow lot depth which heavily constraints the design. This area is impacted by the irregular lot shape and depth issues which for which a variance is needed to allow for the area to be accessed from the adjoining rooms which requires enough width for both doors.
- 3) A variance is requested from the terms of the Zoning Regulations to allow a stairwell to be 12 feet wide in lieu of the maximum width of 8 feet due to the irregular lot shape and shallow lot depth which heavily constraints the design on the shortest side of the property. This is the minimum width required for a stairwell of this type, and it is noteworthy that the stairwell will fall along the current placement of the existing side of the house which has posed no hardship to the existing neighboring properties.

These variances would allow us to undertake this project, which we believe will have a positive impact to the neighborhood home values and improve public safety with off-street parking as well. The varying depths of the lot makes the design of the home a significant challenge, and we would be most appreciative to the City of Mountain Brook and to the Board of Zoning Adjustment if these variances are granted.

Best,



Emily Brown Cotney



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors

RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,

Emily Cotney (205) 317-5481

Chris Cotney (205) 440-8537

406 Cherry Street

Handwritten signature of Julie H. Bradford

Signature

410 Cherry St.

Address



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors

RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,

Emily Cotney (205) 317-5481

Chris Cotney (205) 440-8537

406 Cherry Street

Handwritten signature

Signature

412 Cherry St., Mtn. Brook, AL 35213

Address



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors

RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,

Emily Cotney (205) 317-5481

Chris Cotney (205) 440-8537

406 Cherry Street



Signature



Address

Address



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors
RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,
Emily Cotney (205) 317-5481
Chris Cotney (205) 440-8537
406 Cherry Street

Handwritten signature: Hans Reis
Signature
401 Cherry St 35213
Address



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors

RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,

Emily Cotney (205) 317-5481

Chris Cotney (205) 440-8537

406 Cherry Street

Handwritten signature: Jan Baskin
Signature
403 Cherry St.
Address



www.buffalorock.com
ebrown@buffalorock.com
O: 205.944.3404
111 Oxmoor Rd. Birmingham, AL 35209

EMILY BROWN COTNEY
Senior Vice President
Chief Employee Experience Officer & Legal Counsel

April 7th, 2022

TO: Cherry Street Neighbors

RE: City of Mountain Brook Variance Request

Dear Neighbors,

Soon you will receive a notice from the City of Mountain Brook regarding a variance request we have submitted to the City of Mountain Brook Board of Zoning Adjustment (BZA). As our family has grown, we find ourselves needing more space. Cherry Street has been a wonderful location for us, and our desire is to construct a new two-story residence more suitable for our needs on our same lot starting this summer.

Due to the irregular diagonal lot shape, depth constraints created by the shallowness of the lot, and below average lot square footage, the plans require us to seek variances. Our existing home is non-conforming as to the side setbacks, and the construction of a new structure would bring the residence into compliance with the applicable regulations to a much greater extent than the current structure. This will allow the home to become centered on the lot and allow for a back patio to become a covered porch. A pair of two-foot in depth bump outs (for a butler's pantry cabinet area and staircase end piece), the side setbacks, and the second story require us to seek these variances. We have made every effort to make our request as minimal as possible with mostly the same footprint trying to preserve as much of the yard as possible for the children.

Our belief is that this will be a positive development for Cherry Street. Our house has increasingly shown its age over time. Building a new structure will hopefully add to everyone's home value and the curb appeal of the street overall. We also plan to have more off-street parking, which should benefit all as well.

We have been told the City of Mountain Brook BZA will take the support of neighbors into consideration when evaluating variance requests. We would greatly appreciate the opportunity to present a signature of support from each of our neighbors. I have included with this letter an illustration of the future footprint and front elevation, so you have an idea of what the plans include. Please do not hesitate to reach out to either of us with a phone call or text with any questions you may have. If you could express your support with your signature below and place the same in our mailbox by April 14th, we would be most grateful to be able to submit them to the City of Mountain Brook BZA in support of our request.

Sincerely,

Emily Cotney (205) 317-5481

Chris Cotney (205) 440-8537

406 Cherry Street

Handwritten signature on a line labeled 'Signature'
Handwritten address '409 Cherry Street' on a line labeled 'Address'



Variance Application - Part I

Project Data

Address of Subject Property 3800 Buckingham Place

Zoning Classification RA

Name of Property Owner(s) Doug Levene

Phone Number 205-229-4000 Email llevene@bellsouth.net

Name of Surveyor Engineering Design Group

Phone Number 205-403-9158 Email dutton@edgalabama.com

Name of Architect (if applicable) Jim Kelly -Designer

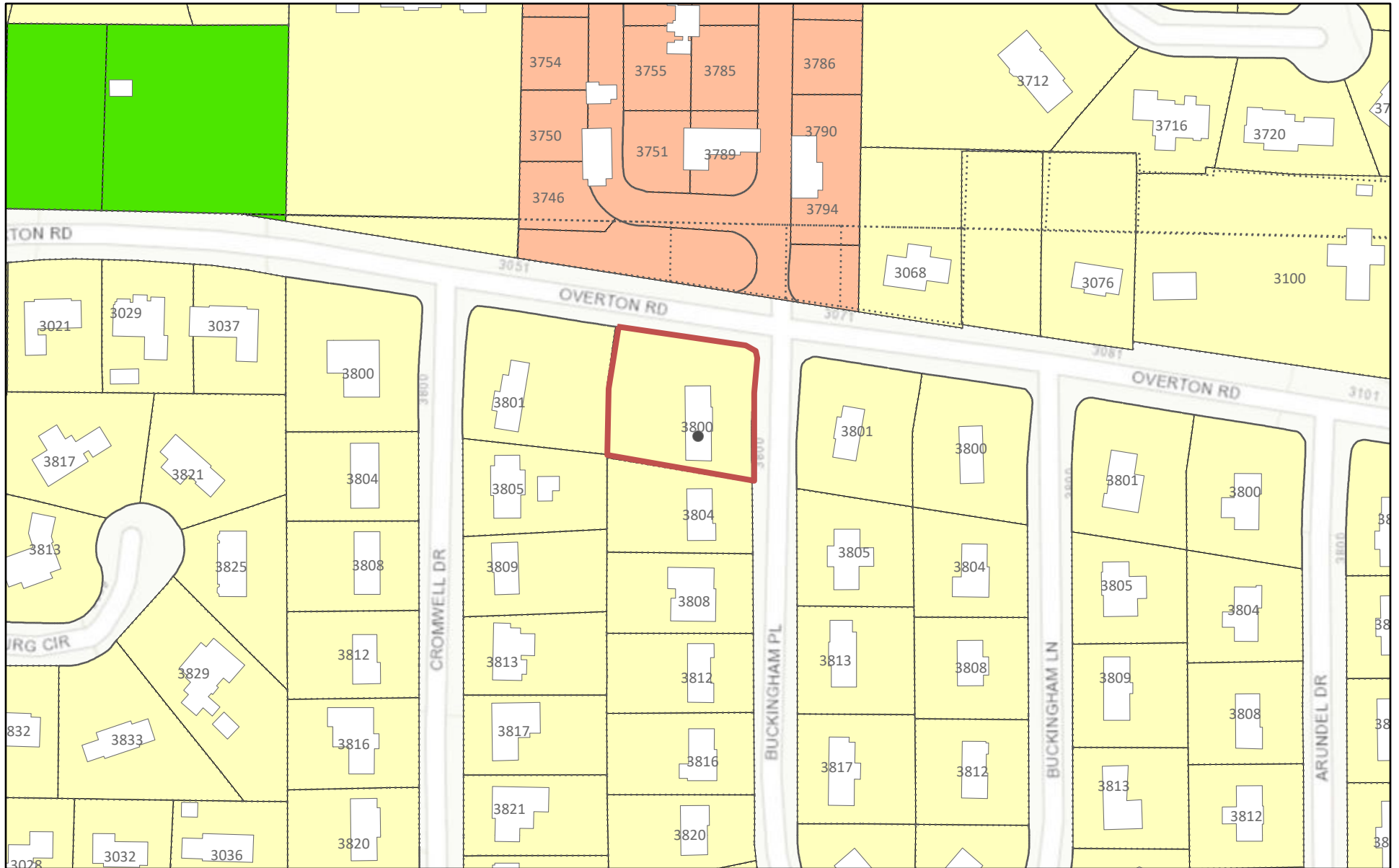
Phone Number 205-223-6582 Email customhomedesigns@hotmail.com

Property owner or representative agent must be present at hearing

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

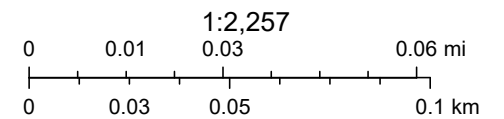
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 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)	40'		32.2'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-22-15 Zoning



4/26/2022, 11:40:16 AM

..... LotLines Tax_Parcels 2021
Residence A District Recreation District
RID



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

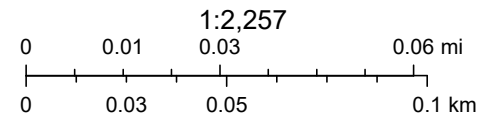
JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons |

A-22-15 Aerial



4/26/2022, 11:41:55 AM

..... LotLines 2018 Aerial
Red: Band_1
Green: Band_2
Blue: Band_3



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Jefferson County Information Technology Services | Hunter Simmons |

Report to the Board of Zoning Adjustment

A-21-39

Petition Summary

Request to allow a new single family dwelling to be 32.2 feet from the rear property line (west) in lieu of the required 40 feet.

Scope of Work

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

Variance Request for Rear Setback

Nexus: The request to encroach into the rear setback is related to the hardships of *the corner lot configuration and lot shape*. The overall lot area of 24,874 is also less than the minimum lot area required for Res-A which is 30,000.

Similar Background

There are similar examples of variances in the immediate vicinity. The approved variances were for a new single family dwelling to be 32.92 feet (A-15-01) and for a new single family dwelling to be 29.1 (A-16-43) feet from the rear property line (both in lieu of the required 40 feet). Hardships on those cases were of a similar nature as to the subject case.

Possible Findings for Approval: Three of the four required setbacks for the subject lot are *40-foot setbacks* with the exception of the interior side yard (south) reduce the buildable area when compared to similar sized non-corner lots in the area. The rear property line (west) is also angled in an irregular way.

It is anticipated that an approval of such variance:

- a. will not impair an adequate supply of light and air to adjacent property (since the adjoining property (on Cromwell) presents the subject property with a rear);
- b. is minor in nature (since the proposed encroachment spans only two small portions of the rear façade);
- c. does not merely serve as a convenience to the applicant (in that the corner lot configuration depletes the allowable building coverage below that of similarly-sized interior lots in the vicinity);

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

Appends

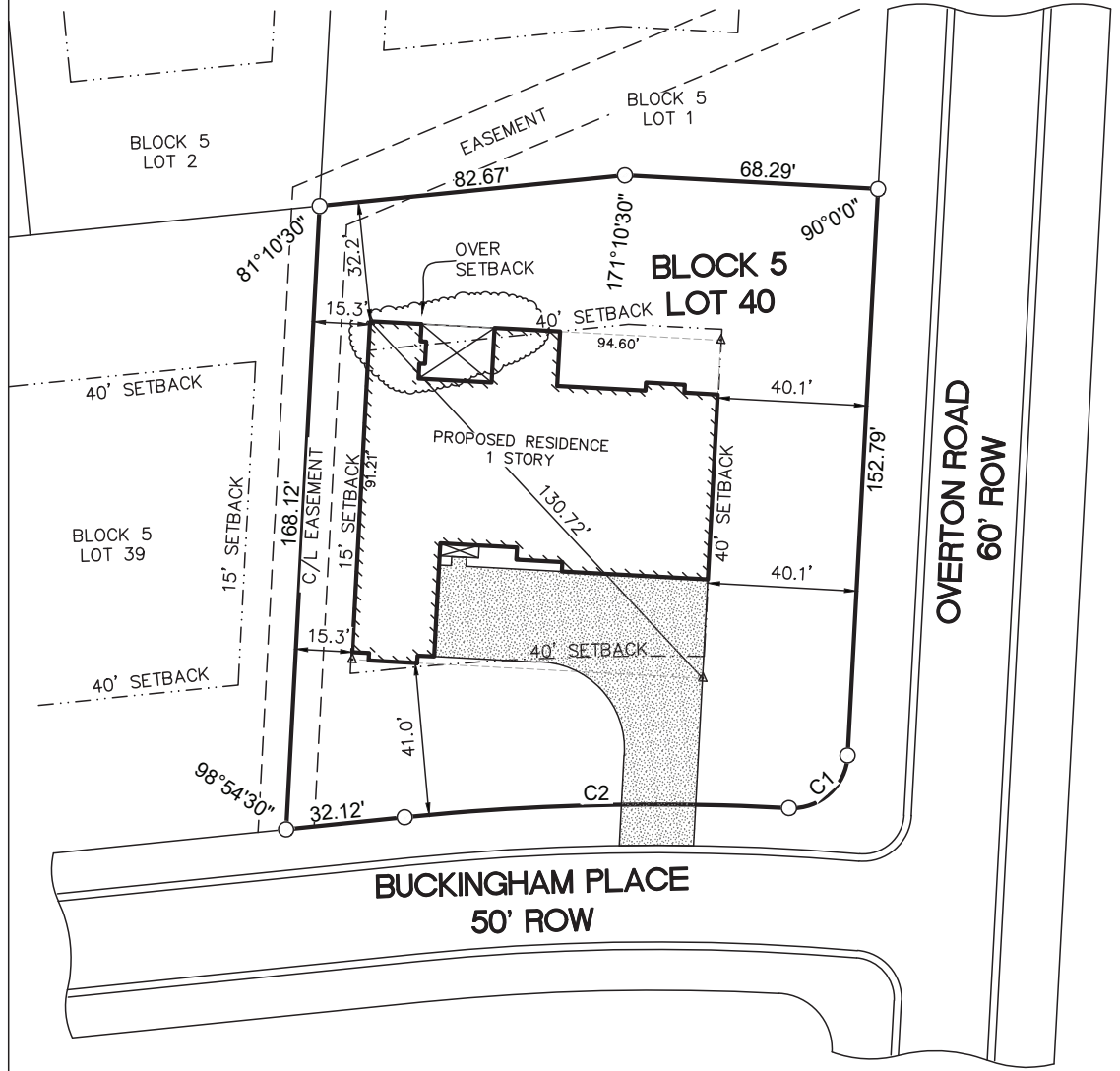
LOCATION: 3800 Buckingham Lane

ZONING DISTRICT: Residence A District

OWNERS: Doug Levine

PLOT PLAN BLOCK 5 LOT 40
 MOUNTAIN BROOK GARDEN ESTATES
 MAP BOOK 56, PAGE 73
 JEFFERSON COUNTY, ALABAMA

ZONED:
 SETBACKS:
 FRONT: 40'
 REAR: 40'
 SIDE: 15'



Curve	Arc Length	Radius	Delta
C1	23.56'	15.00'	90°00'00"
C2	103.68'	666.87'	8°54'30"

NORTH ARROW BASED ON PLAT.

NOT A BOUNDARY SURVEY. FOR INFORMATION PURPOSES ONLY. HOUSE DIMENSIONS SHOW ARE FROM BUILDING PLANS SUPPLIED.

△ PROPOSED BOX CORNERS

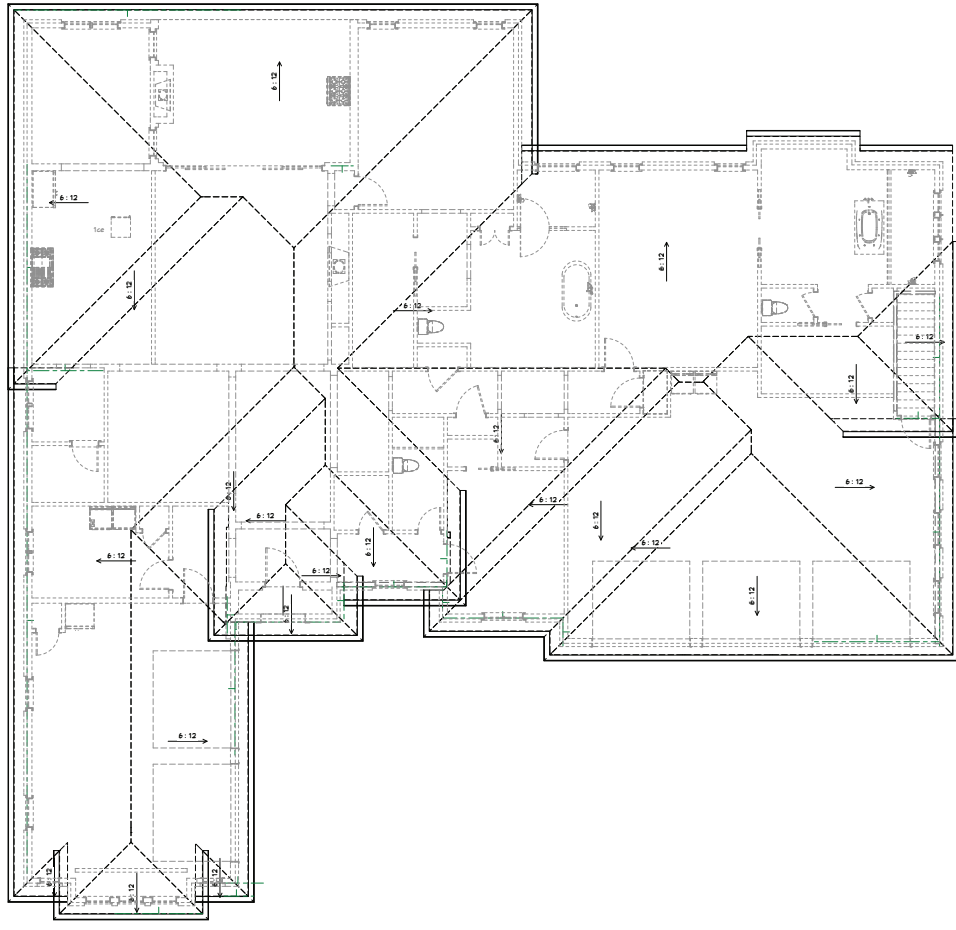
SCALE: 1"=40'



PREPARED FOR: KADCO HOMES
JOB# KESS0099
DATE: April 18, 2022
FOR INFORMATION ONLY

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124





roof plan

NO.	DATE	DESCRIPTION

levene overton rd 10 8 2021 B

Jim Kelly
CUSTOM HOME
DESIGNS

725-223-6262
 email: ccd@jimkellydesigns.com

DATE:	4/15/2022
SCALE:	1/4"=1'-0"
SHEET:	



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 proposed residence is on a corner lot which means it includes two 40' front setbacks which is very restrictive. Other lots on the street and in the neighborhood do not have to contend with the double front setbacks. The rear lot line is also not square as the rear left side cuts back into the lot, reducing the buildable footprint.~~

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 double 40' front setbacks are already in place and the lot owner simply wishes to build a one level home which is made difficult by the restrictive double front setbacks.~~

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

~~The proposed home is in keeping with other homes recently built in the area and the variance requested is for only a small corner portion of the home in the rear. There remains a large buffer between the rear of this home and the rear of the home on Cromwell. The variance request does not negatively affect anyone. The 40' front setback off of Overton Road is to remain unchanged.~~

DocuSigned by:

Jason Kessler 4/15/2022

DEFE3C2634BD42C...

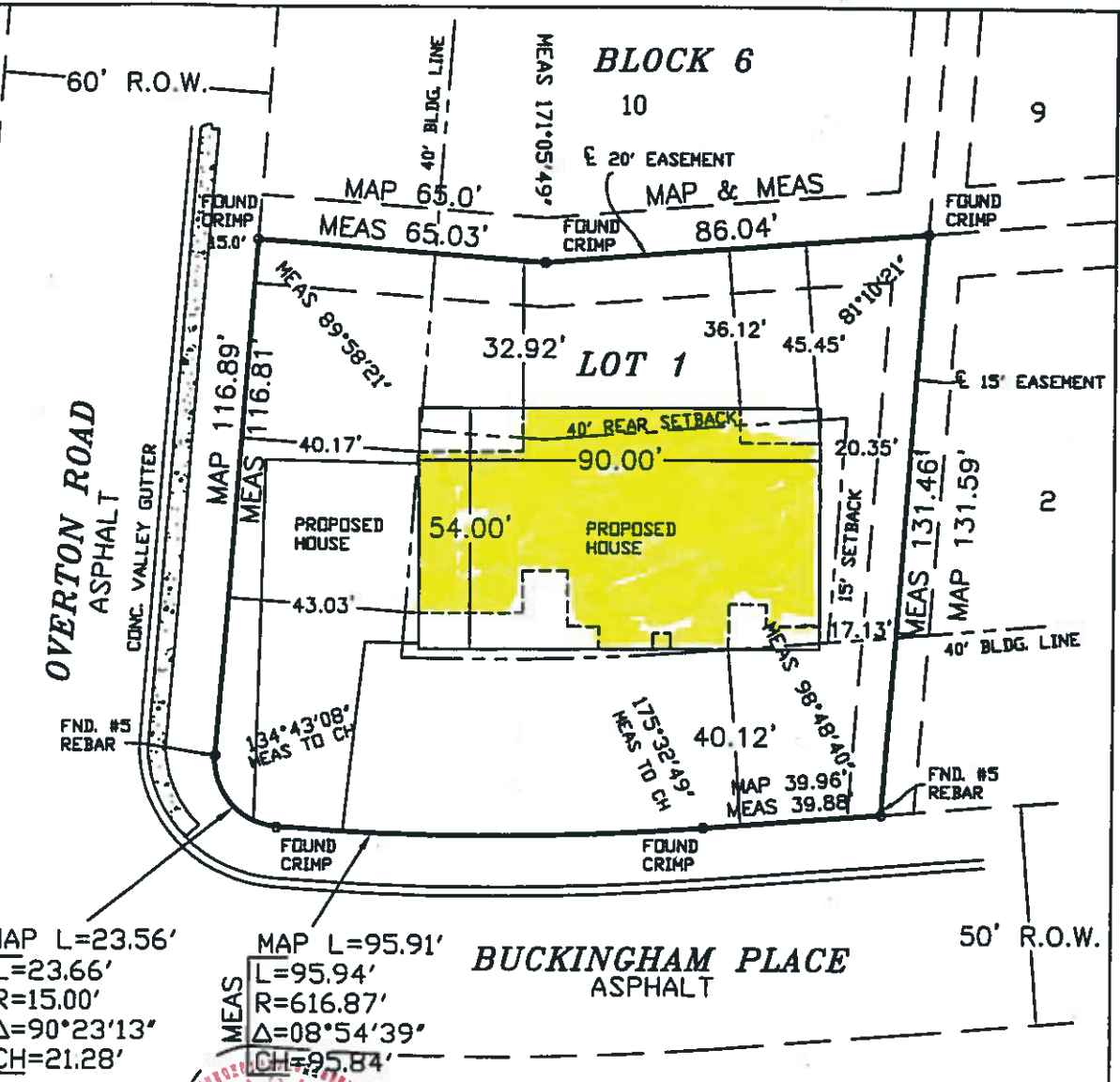
DocuSigned by:

Doug Levens 4/15/2022

6A0E07D93FBE493...

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—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
○LGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



MEAS
MAP L=23.56'
L=23.66'
R=15.00'
Δ=90°23'13"
CH=21.28'

MEAS
MAP L=95.91'
L=95.94'
R=616.87'
Δ=08°54'39"
CH=95.84'



SCALE: 1"=40'
STATE OF ALABAMA
JEFFERSON COUNTY

"PLOT PLAN"

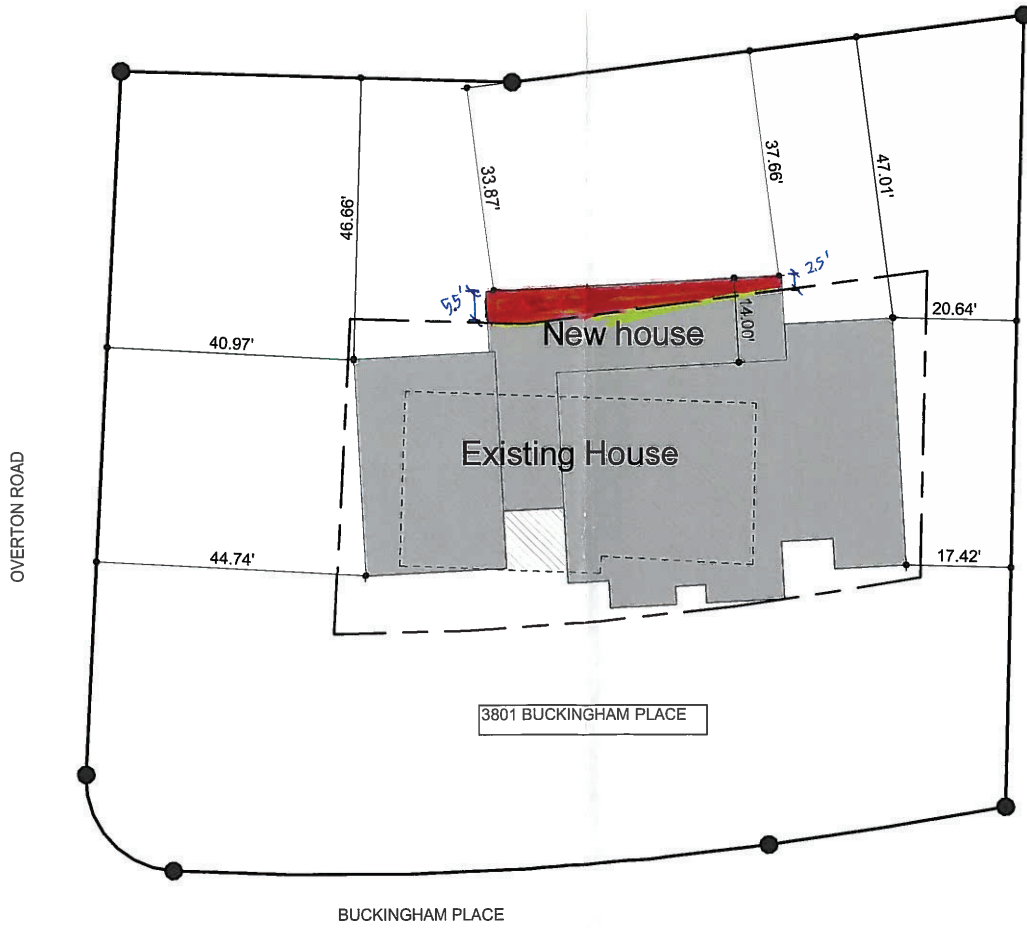
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, Block 6, MOUNTAIN BROOK GARDEN ESTATES, as recorded in Map Volume 58, Page 73, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, 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 23, 2015. Survey invalid if not sealed in red.

Order No.: 48992
Purchaser:
Address: 3601 BUCKINGHAM PLACE

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

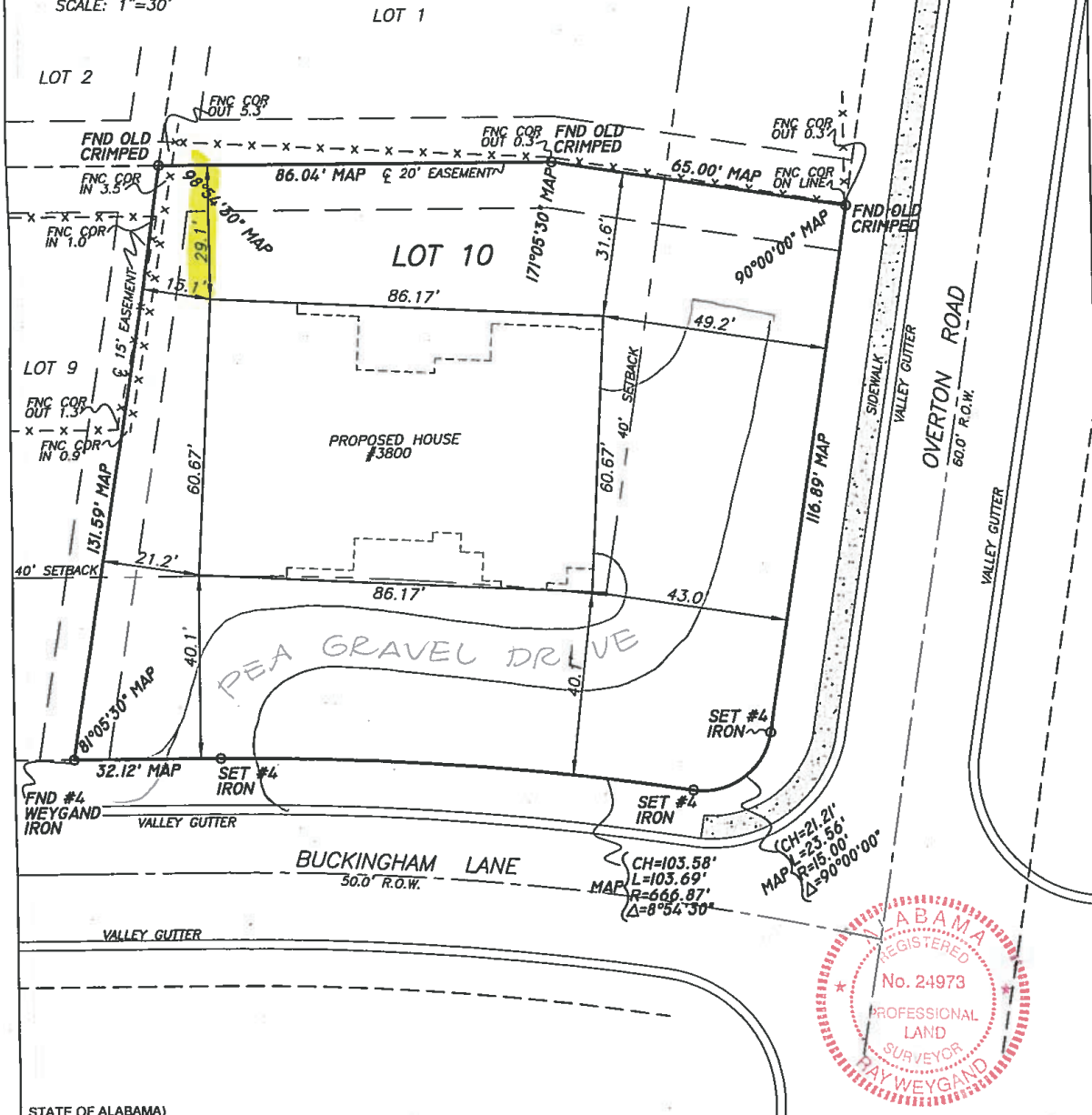
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records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

A-15-01



LEGEND

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



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 10, MOUNTAIN BROOK GARDEN ESTATES, BLOCK 6 as recorded in Map Volume 56, Page 73 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 16, 2016. Survey invalid if not sealed in red.

Order No.: 76602
Purchaser: VANDELVEDE
Address: 3800 BUCKINGHAM LANE

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.



Variance Application - Part I

Project Data

Address of Subject Property 141 Spring Street, Birmingham, AL

Zoning Classification Residential 35213

Name of Property Owner(s) John & Melanie Laird

Phone Number 205-260-5705 Email melanielaird@bellsouth.net

Name of Surveyor Weygand Surveyors

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

Name of Architect (if applicable) _____

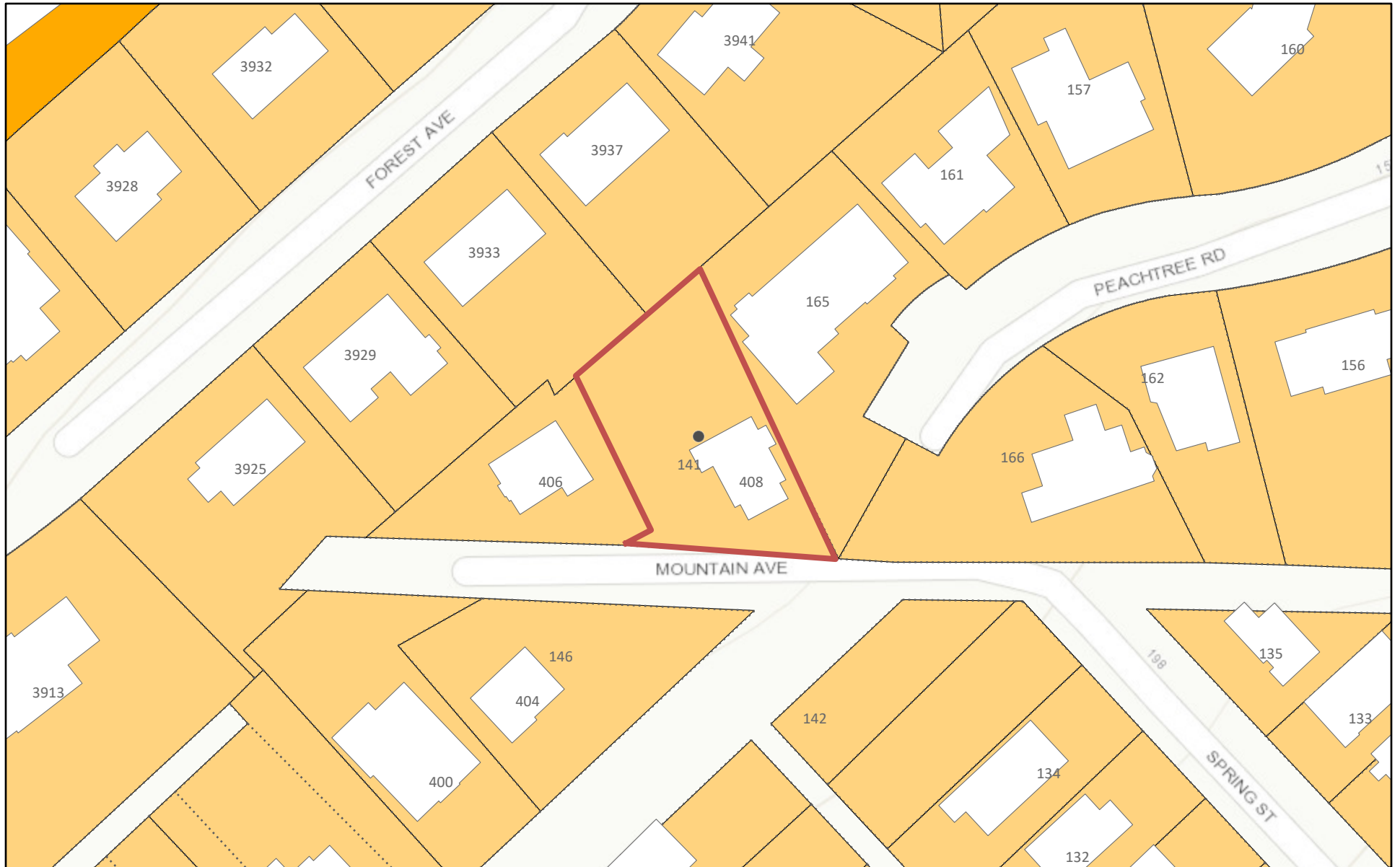
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

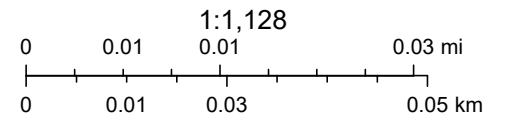
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 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 <u>Retaining Wall</u>	<u>4 ft. height</u>	<u>4-7 ft. Max height</u>	<u>4-7 ft max height</u>
Other			

A-22-16 Zoning



5/9/2022, 8:01:34 AM

- LotLines
- Tax_Parcels 2021
- Residence D District
- Residence C District



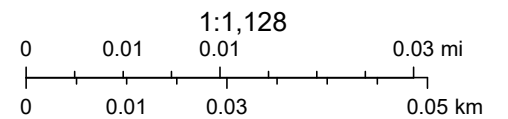
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

A-22-16 Aerial



5/9/2022, 8:02:30 AM

..... LotLines 2018 Aerial
■ Red: Band_1
■ Green: Band_2
■ Blue: Band_3



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-16

Petition Summary

Request to allow a retaining wall in the front yard to be up to 7 feet in height in lieu of the maximum wall height allowed of 4 feet.

Scope of Work

The scope of work includes the construction of a retaining wall in the front yard that ranges from 4 to 7 feet in height. The proposed retaining wall is 7 feet in height at the tallest point from the natural grade.

Variance Request for Retaining Walls

Nexus: The hardship in this case is topography and the request is reasonably related to the request for the retaining wall to be up to 7 feet in height in the front yard.

Possible Findings for Approval: The topography of this property is the hardship. The street level sits below the grade of the property along the front. An existing stone retaining wall has failed (please see street view) and needs to be rebuilt in this location.

That the granting of the variance for the screened porch:

- a. is minor in nature (in that the encroachment is only for the portions of the wall at the lowest points of the property along the front);
- b. will not adversely affect the streetscape (given the steepness of the lot at the front of the property);
- c. does not merely serve as a convenience to the applicant (in that existing topography dictates the location and height of the walls);

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 XIX, General Area and Dimensional Requirements; Section 129-315, Fence and Walls in Residential Districts

Appends

LOCATION: 141 Spring Street

ZONING DISTRICT: Residence C District

OWNERS: John and Melanie Laird

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LN LG 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
- ANCHOR
- X- FENCE
- X- OVERHEAD UTILITY WIRE
- P/MT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- SLST LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- WALL
- COLUMN

SCALE: 1"=30'

"Topographic Survey"

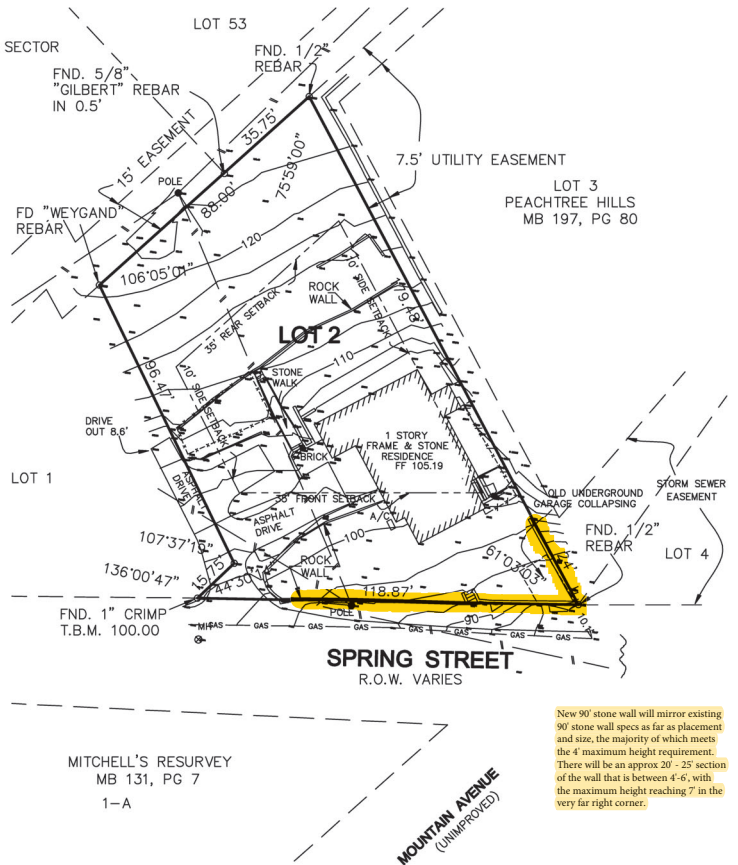
STATE OF ALABAMA
JEFFERSON COUNTY)

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, or Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2, Block _____, MARTIN SPRING STREET SUBDIVISION, as recorded in Map Volume 234, Page 24, 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. That I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area" 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 JUNE 21, 2013. Survey invalid if not sealed in red.

Order No.: 50458
Purchase: _____
Address: 141 SPRING STREET
Flood Zone: X, Map Number: 01073C0394G

Laurence D. Weygand, Reg. PELS #10373
Ray Weygand, Reg. LS #24973
189 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0088 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 dead/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, conduits 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 dead/record map. (e) This survey is not transferable and is only good for 8 years and only good to the person/who, that pays for it at time of survey. (f) Easements not shown on record map are not shown above.



New 90' stone wall will mirror existing 90' stone wall specs as far as placement and size, the majority of which meets the 4' maximum height requirement. There will be an approx 20' - 25' section of the wall that is between 4'-6', with the maximum height reaching 7' in the very far right corner.

LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF* = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- PQC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles
- ' = seconds, in
- " = bearings or angles
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus

NOTE: EXISTING DRIVE TO BE REMOVED.

SETBACKS
35' FRONT
35' REAR
10' SIDE

STATE OF ALABAMA
SHELBY COUNTY

LOT 12,708± SQ FT
IMPERVIOUS 4,467 SQ FT
IMPERVIOUS = 35.15%

New 90' stone wall will mirror existing 90' stone wall specs as far as placement and size, the majority of which meets the 4' maximum height requirement. There will be an approx 20' - 25' section of the wall that is between 4'-6', with the maximum height reaching 7' in the very far right corner.

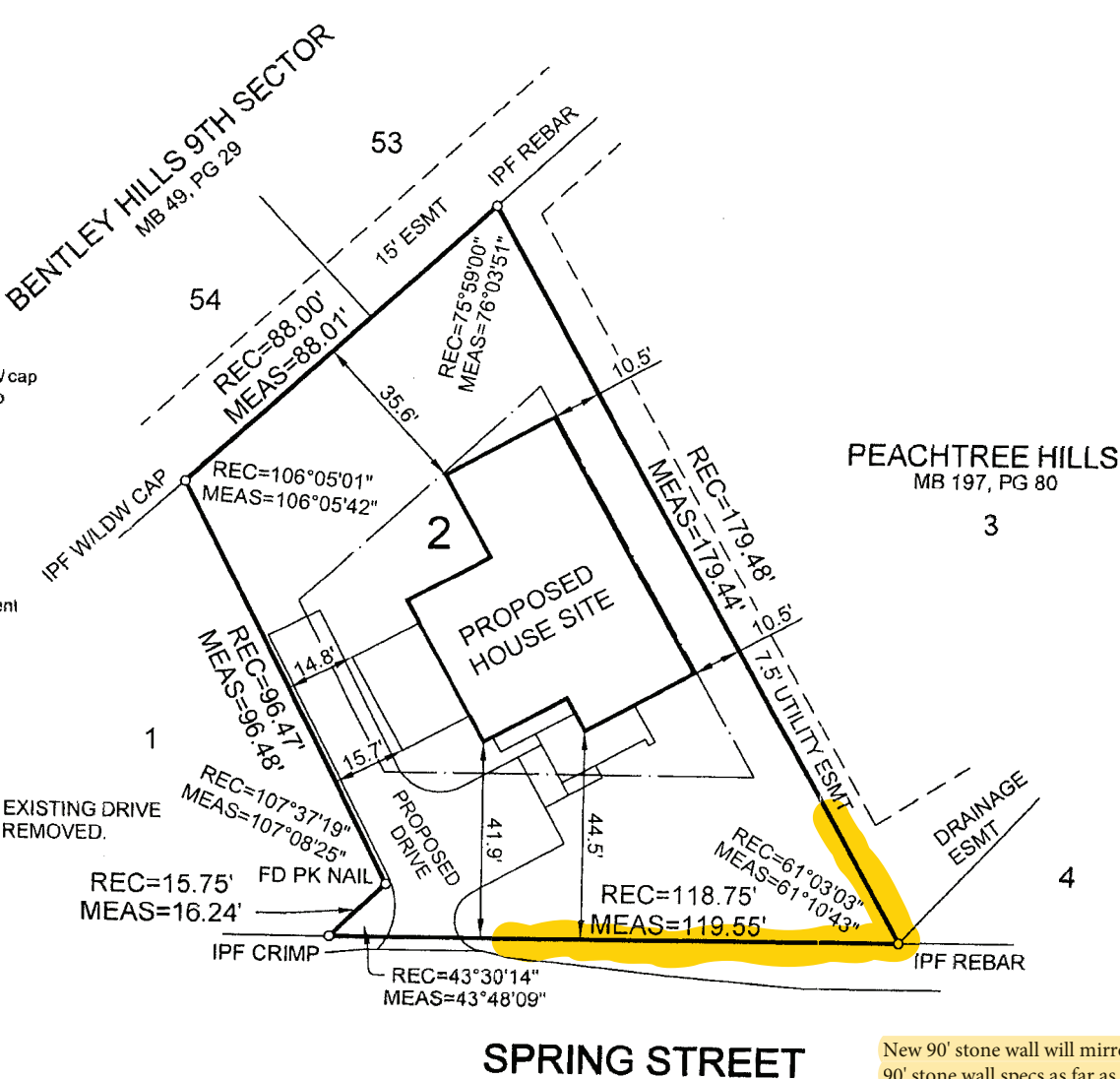
I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 2, MARTIN SPRING STREET as recorded in Map Book 234, Page 24 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current 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: 141 Spring Street according to my survey of January 29, 2018. 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: 205-991-8965

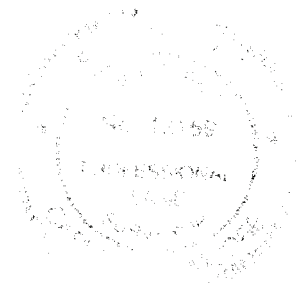
Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. #12159

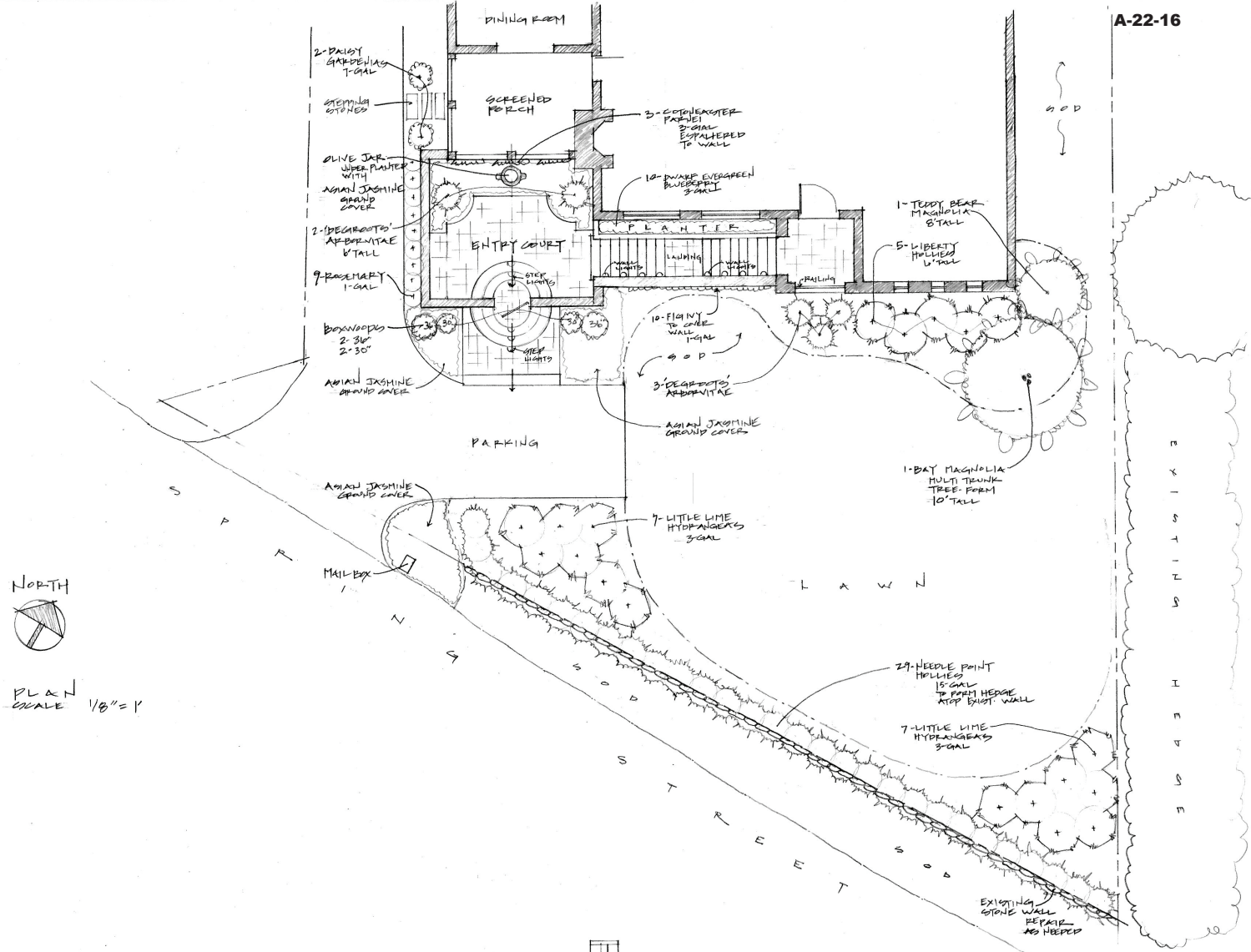
2-01-2018
Date of Signature

VACAD\SUBDIVISION\JEFFERSON COUNTY\MARTIN SPRING STREET\LOT2 MARTIN SPRING SP



Order No. 24273
Purchaser: RTS Construction
Type of Survey: Special Purpose to Show Proposed Residence





PLAN SCALE 1/8"=1'

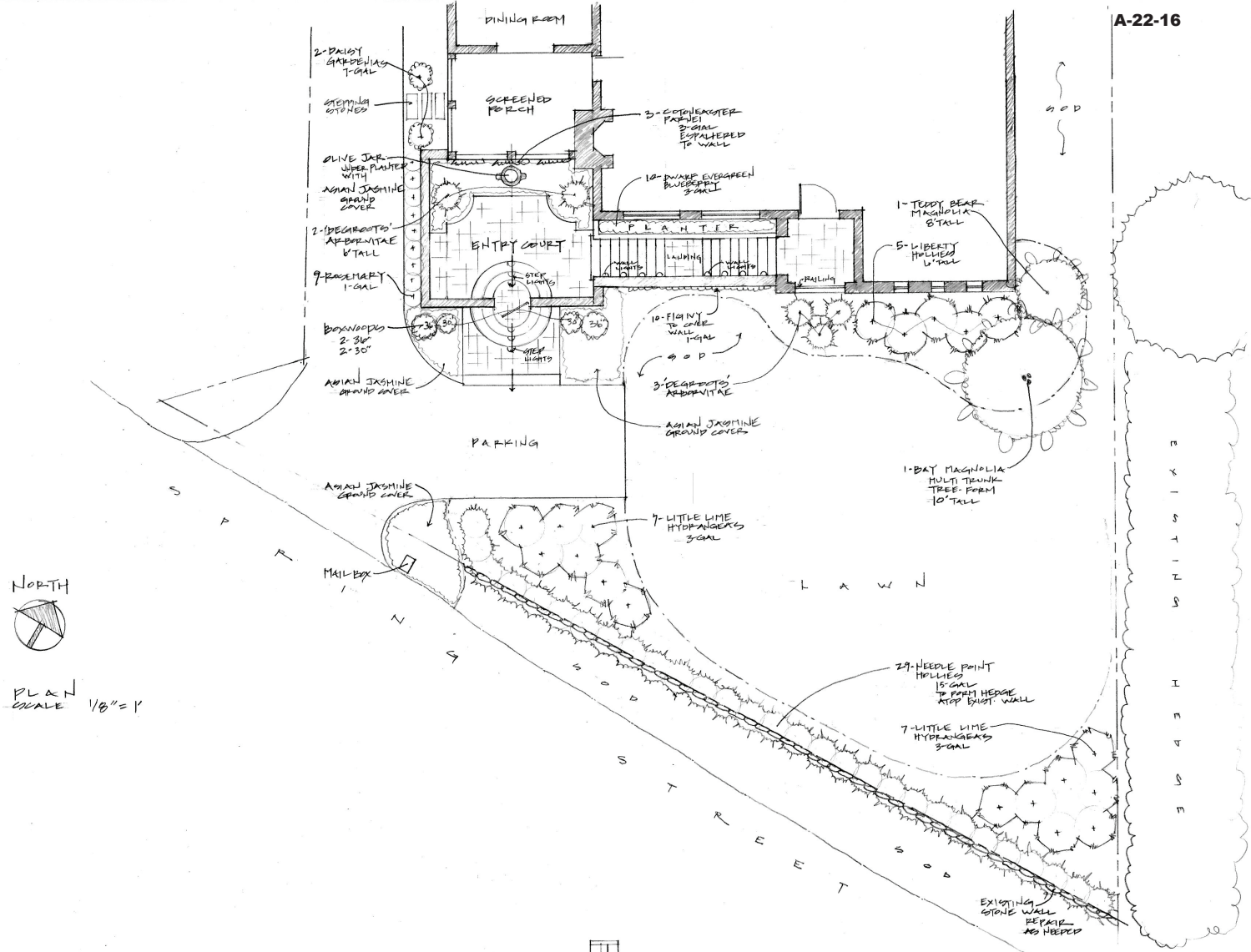
ELEVATION SCALE 1/8"=1'



A LANDSCAPE DEVELOPMENT PLAN FOR THE
LAIRD RESIDENCE
141 SPRING STREET - MOUNTAIN BROOK, AL

FRONT YARD / ENTRY COURT

FEBRUARY 13, 2019



PLAN SCALE 1/8"=1'

ELEVATION SCALE 1/8"=1'



A LANDSCAPE DEVELOPMENT PLAN FOR THE
LAIRD RESIDENCE
141 SPRING STREET - MOUNTAIN BROOK, AL

FRONT YARD / ENTRY COURT

FEBRUARY 13, 2019



Google

Image capture



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 portion of our existing 90' stone retaining wall washed out and collapsed, due to the recent rains. We plan to rebuild the existing wall in the same placement with the same size and height specs but without the stairs in the middle. There is a section of approximately 4-6 ft high for 20-25 ft, with approx 7ft high at far right corner, in lieu of the 4 ft that are allowed.

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...")

Hardships, such as topography and existing design constraints, are caused by no fault or action of the applicants.

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

Granting of this variance would result in minimizing erosion.