

# **BZA Packet**

August 15, 2022

**Hello All,**

Enclosed please find your packet for the meeting of August 15, 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](http://www.mtnbrook.org)

- Calendar (upper right corner)
- Board of Zoning Adjustment (August 15, 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@mtntbrook.org](mailto:slatent@mtntbrook.org) ...

**Looking forward to seeing you on Monday!**

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
August 15, 2022  
PRE-MEETING: 4:40 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: June 20, 2022 and July 18, 2022
  1. **Case A-22-21: Mary Conyers and Jordan Hicks**, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 25 feet from the secondary front property line (Pine Haven Drive) in lieu of the required 35 feet. **-2923 Balmoral Road** (*carried over from the July 18<sup>th</sup> BZA meeting*)
  2. **Case A-22-23: Jay and Theresa Friedman**, property owners, request a variance from the terms of the Zoning Regulations to allow 1 onsite parking space in lieu of the required 7 spaces. **-2716 Culver Road**
  3. **Case A-22-24: David Williams and Barbara Burton**, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 23 feet 6 inches from the rear property line (south) in lieu of the required 25 feet. **-2011 Garden Place**
  4. Next Meeting: **September 19, 2022**
  5. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 2923 Balmoral Road

Zoning Classification Res B.

Name of Property Owner(s) Hicks/Jernigan

Phone Number 205 910 5200 Email mcjernigan B6@gmail.com

Name of Surveyor Ray James

Phone Number 205 245 3243 Email jim.ray@rayandgilliland.com

Name of Architect (if applicable) Jason Robb

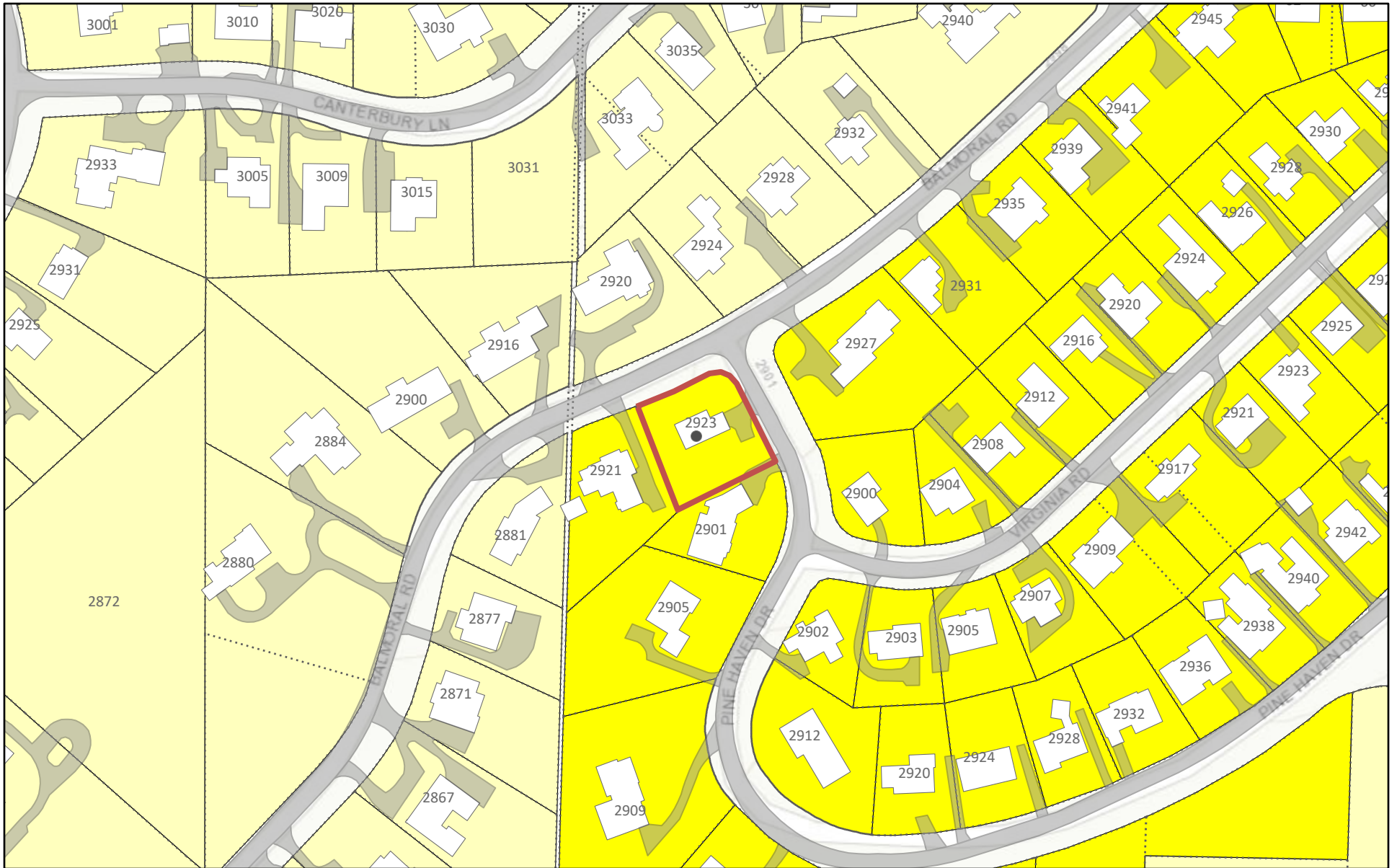
Phone Number 205 478 9379 Email jason@jasonrobbarchitecture.com

Property owner or representative agent must be present at hearing






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

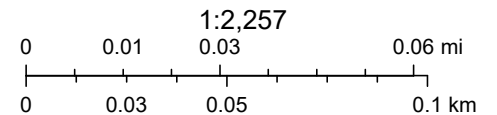
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>	<u>35' or 17.5'</u>	<u>17' +/-</u>	<u>25'</u>
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-22-21 Zoning



6/20/2022, 2:06:10 PM

-  Pavement
-  LotLines
-  Tax\_Parcels 2021
-  Residence A District
-  Residence B District








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

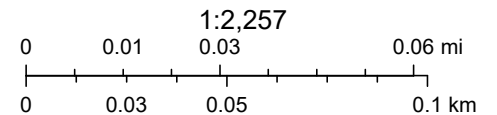
ArcGIS Web AppBuilder

# A-22-21 Aerial



6/20/2022, 2:08:10 PM

 Pavement	 Red: Band_1	 Green: Band_2
 LotLines	 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-22-21

### ***Petition Summary***

Request to allow a new single family dwelling to be 20 feet from the secondary front property line (Pine Haven Drive) in lieu of the required 35 feet.

### ***Scope of Work***

The scope of work entails a proposed new single family dwelling.

### ***Variance Request for Secondary Front (Pine Haven Drive) Setback***

**Nexus:** The hardship in this case is the corner lot configuration which is reasonably related to the request for the home to be located in the secondary front yard.

**Possible Findings for Approval:** The proposed new single family dwelling will be replacing an existing non-conforming dwelling. The existing dwelling is non-conforming with respect to the secondary front setback existing approximately 17 feet from Pine Haven Drive. The proposal to build at 20 feet would reduce the current setback encroachment by approximately 3 feet.

The curvature of Pine Haven and existing setbacks of dwellings in the vicinity results in inconsistency in the streetscape. There appear to be 3 houses along the street with non-conforming front setbacks and a few that appear setback farther than the minimum.

### ***It is anticipated that an approval of such variance:***

- a. would be not detrimental to the streetscape along Pine Haven Drive (the proposed new home would reduce the setback encroachment from the dwelling that has existed in this location by approximately 3 feet, and would not be out character with the inconsistent streetscape);
- b. is somewhat minor in nature (in that only a portion of the façade along the secondary front would encroach into the setback rather than the entire structure).

### ***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 129-52, Area and Dimensional Requirements

***Appends***

LOCATION: 2923 Balmoral Road

ZONING DISTRICT: Residence B District

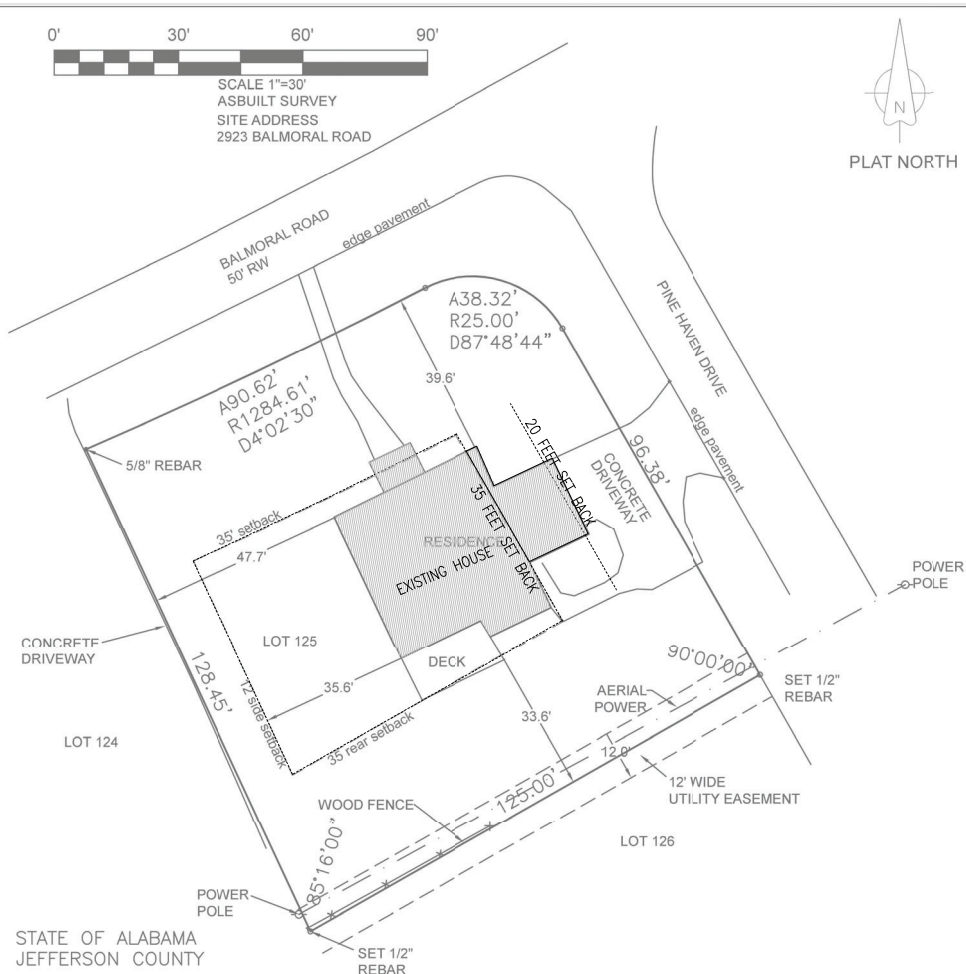
OWNERS: Mary Conyers and Jordan Hicks



SCALE 1"=30'  
 ASBUILT SURVEY  
 SITE ADDRESS  
 2923 BALMORAL ROAD



PLAT NORTH



STATE OF ALABAMA  
 JEFFERSON COUNTY

I, James M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama, being more particularly described as follows, to-wit: Lot 125 PINE CREST Subdivision as shown in the office of the Judge of Probate of JEFFERSON County, Alabama in map book 18 page 64

I, further certify that the building now erected on said lot is within the boundaries of the same, except as shown above, that there are no encroachments by buildings except as shown above, that there are not joint driveways over or across said lot visible on the surface, or structures or supports, thereof, including poles, anchors or guy wires over or across said premises, except as shown above.

According to my survey this the 1ST DAY OF JULY 2021.

*James M. Ray*  
 James M. Ray, Ala. Reg. No. 18383  
 Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS



Note: 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.

Underground portions of foundations and footings and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewer or flip manhole covers.

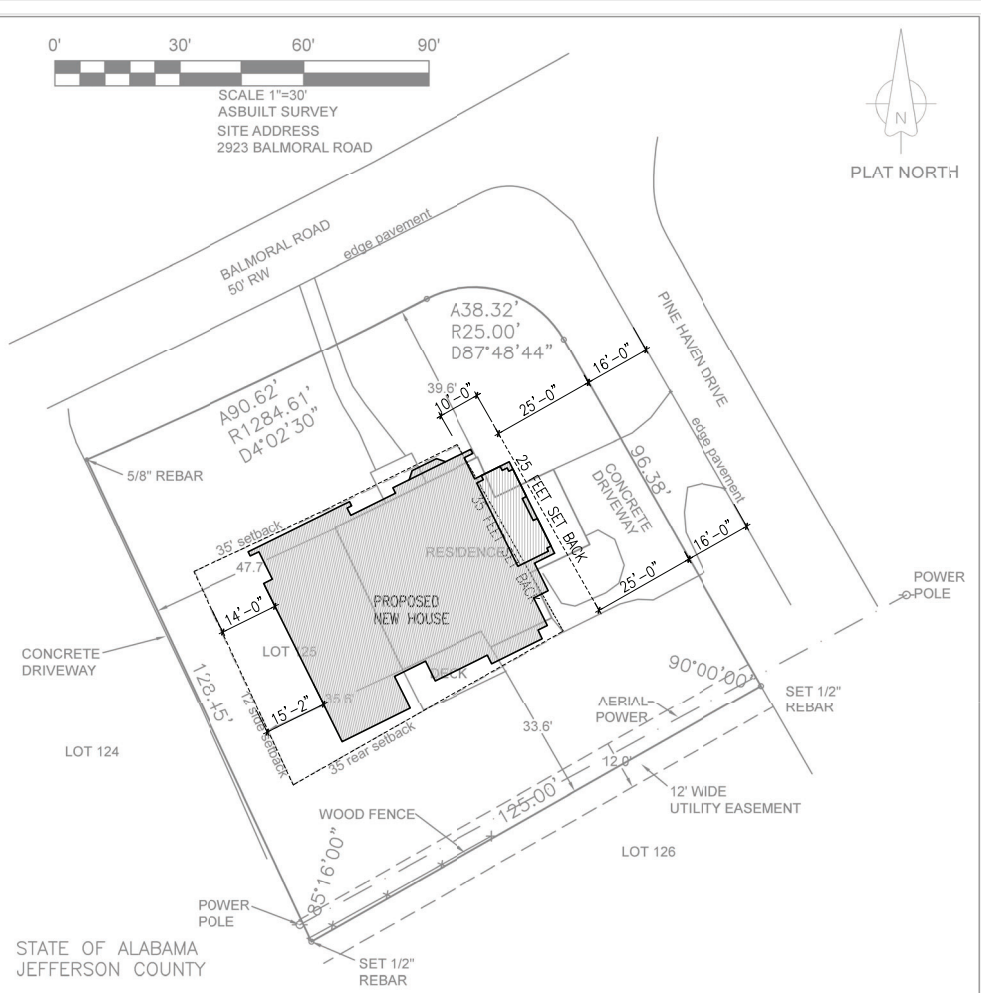
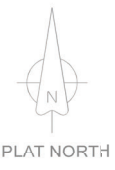
This survey is not transferable and may only be used by the person/company that pays for it at time of survey.

RAY & GILLILAND, P.C.	
122 NORTH CALHOUN STREET P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL. NO. (256) 245-3243 FAX NO. (256) 245-3202
DRAWN BY: JMR	FILE: ERICAONEAL
BOUNDARY SURVEY	SCALE: 1" = 30'





SCALE 1"=30'  
 ASBUILT SURVEY  
 SITE ADDRESS  
 2923 BALMORAL ROAD



STATE OF ALABAMA  
 JEFFERSON COUNTY

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I, further certify that the building now erected on said lot is within the boundaries of the same, except as shown above, that there are no encroachments by buildings except as shown above, that there are not joint driveways over or across said lot visible on the surface, or structures or supports, thereof, including poles, anchors or guy wires over or across said premises, except as shown above.

According to my survey this the 1ST DAY OF JULY 2021.

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<b>RAY &amp; GILLILAND, P.C.</b>	
122 NORTH CALL-OUN STREET P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL NO. (256) 245-3243 FAX NO. (256) 245-3202 FILE: ERICAONEAL
DRAWN BY: JMR	SCALE: 1" = 30'
BOUNDARY SURVEY	



2901 Virginia Rd

A-22-21 - 2923 Balmoral Road

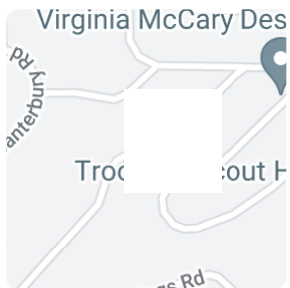


Image capture: Jun 2015 © 2022 Google

Mountain Brook, Alabama

Google

Street View - Jun 2015





## 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)?

See attached

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...")

See attached

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

See attached

Attachment for 2923 Balmoral Road Variance request:

Response to question 1:

Section 129-52 provides for a 35-foot front (primary) yard setback and a 17½-foot front (secondary) yard setback on corner lots when the primary frontage is opposite a dedicated alley. The proposed plot plan would fully comply with all setback requirements and a variance would be unnecessary if the southern (rear) boundary line of the subject property bordered a dedicated alley instead of the dedicated public utility easement applicable to this property. No apparent basis exists to require a setback greater than 17½ feet on the eastern (front secondary) boundary line based on whether an alley or utility easement abuts the southern (rear) boundary of the property.

Response to question 2:

No. The applicant's hardship is a result of the existing zoning regulation's application to a corner lot platted in 1928.

Response to question 3:

The requested variance would simply afford the applicant the same spatial requirements expressly allowed to other property owners under similar circumstances. Furthermore, the variance would increase the width of the side yard which will provide for additional fire protection, light and air space, pervious surface and alleviate congestion.



# Variance Application - Part I

## Project Data

Address of Subject Property 2716 Culver Road, Mountain Brook, AL 35213

Zoning Classification \_\_\_\_\_

Name of Property Owner(s) Jay and Theresa Friedman

Phone Number (205) 305-0559 Email Jayfriedman@friedman-lawyers.com

Name of Surveyor TBD

Phone Number TBD Email TBD

Name of Architect (if applicable) Andrew Taylor, Davis Architects

Phone Number (205) 322-7482 Email ataylor@dadot.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)			
Lot Coverage (%)			
Building Height (ft)			
Other	No elimination of on site parking spaces (Art.XXXI, Section 129-555(b)(1) b.	2 Parking Spaces	1 Parking Space
Other			





## Report to the Board of Zoning Adjustment

### A-22-23

#### ***Petition Summary***

Request to allow one onsite parking space in lieu of the required seven spaces, in conjunction with the remodel and expansion (outdoor seating) of a previous restaurant space (Sneaky Pete's).

#### ***Scope of Work***

The subject site is non-conforming with regard to on-site parking, wherein it contains two parking spaces while the zoning code requires seven parking spaces. With regard to on-site parking, the code allows uses of the same parking requirement to be replaced with like uses without having to bring on-site parking up to code. So, a food service may be replaced with another food service as long as the existing on-site parking is maintained.

The proposed scope of work involves the removal of one of the existing two on-site parking spaces to allow the construction of an outdoor patio at the rear of the property. As may be seen on the attached proposed floor plans, the proposed indoor capacity is 42 seats, and the additional (new) patio seating contains 22 seats. Given the seating increase over and above that of the previous Sneaky Pete's it is apparent that the on-site parking demand would increase with the addition of the subject outdoor seating.

#### ***Variance Request for Parking Reduction***

If approved, the proposed variance would allow the reduction of required onsite parking from seven spaces to one space. The Zoning Ordinance states the following as it relates to the Board of Zoning Adjustment's authority to reduce required parking:

“The board shall not grant a variance to allow a structure or use in a district restricted against such structure or use except as specifically provided in the following subsections (1) and (2).

1. (e)The reduction in the parking space requirements of this chapter *whenever the character or use of a building or a parcel makes unnecessary the required number of parking spaces*, or where such regulations would impose an unreasonable hardship, such as structural difficulties, upon the use of the premises.” Given the proposed increase in parking demand (associated with the proposed outdoor seating) the above finding for the number of on-site parking spaces does not appear to be made unnecessary for the proposed use of the building.

#### ***Hardship***

In the Applicant Statement of Hardship, the applicant cites the irregular lot shape which creates an existing design constant and precludes efficient utilization of the building area. However, the existing design constraint and lot shape presently contain two existing parking spaces.

Nexus: None. The lot irregular lot shape and design constraints are not hardships as it relates to the reduction of existing non-conforming parking. Those arguments are not



reasonably related to the request which requires evidence that the use renders the required parking unnecessary. The additional seating area of the outdoor patio would increase the actual on-site parking demand while, at the same time, reducing the amount of parking that is inadequate and non-conforming in its current state.

### **Potential Findings for Denial**

1. That the proposed use of the building and parcel does not make unnecessary the required number of parking spaces.
2. That the granting of the variance would be detrimental to the surrounding area as it relates to parking (in that the expansion of usable restaurant space would coincide with a reduction of onsite parking, which would add additional parking demand to the surrounding area).

### ***Subject Property and Surrounding Land Uses***

The property contains a commercial building, and is surrounded by same.

### ***Affected Regulation***

Article XII, Sec. 129-555, Parking, vehicle and pedestrian access standards

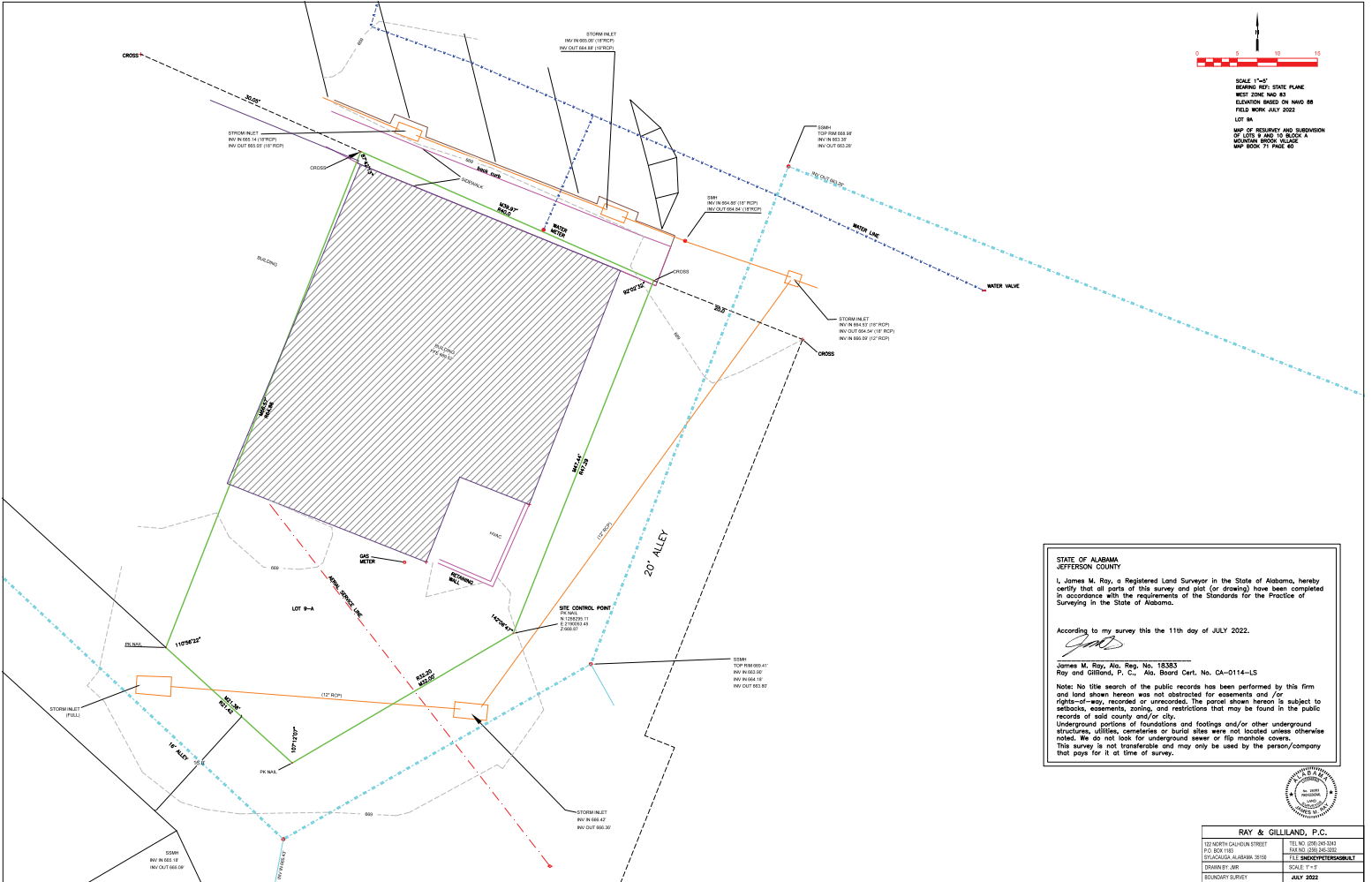
Article XXVI, Sec 129-456 Granting of Variances, 1. (e) Reduction in Parking Spaces.

### ***Appends***

LOCATION: 2716 Culver Road

ZONING DISTRICT: Local Business District

OWNER: Jay and Theresa Friedman



SCALE 1"=40'  
 BEARING: RED STATE PLANE  
 WEST ZONE, NAD 83  
 ELEVATION BASED ON NAVD 88  
 FIELD WORK: JULY 2022  
 LOT 9-A  
 MAP OF RESURVEY AND SUBDIVISION  
 OF LOTS 9 AND 10, BLOCK 4  
 WILSON BROOKVILLE  
 MAP BOOK 71 PAGE 67

STATE OF ALABAMA  
 JEFFERSON COUNTY

I, James M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plot (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Surveying in the State of Alabama.

According to my survey this the 11th day of JULY 2022.

*James M. Ray*  
 James M. Ray, Ala. Reg. No. 16383  
 Ray and Gilliland, P. C., Ala. Board Cert. No. CA-0114-LS

Note: No title search of the public records has been performed by this firm and land shown hereon was not abstracted for assessments 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. Underground portions of foundations and footings and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not hold for underground sewer or flip manhole covers. This survey is not transferable and may only be used by the person/company that pays for it at time of survey.

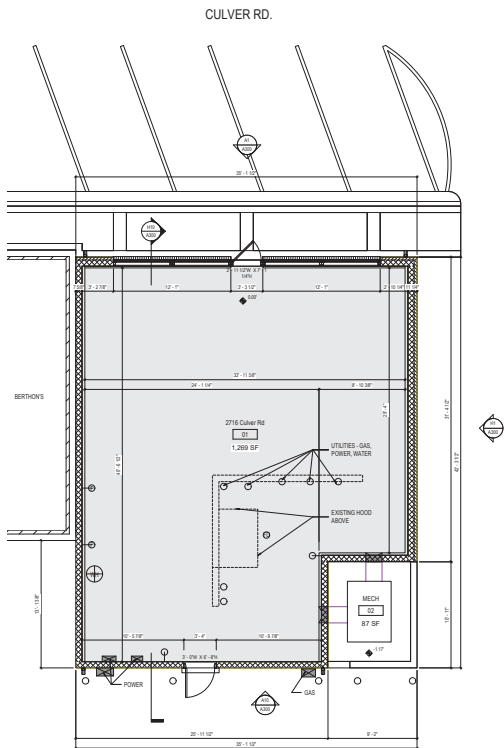


<b>RAY &amp; GILLILAND, P.C.</b>	
122 NORTH CALHOUN STREET P.O. BOX 110 PRICHARD, ALABAMA 36869	TEL. NO. 256-243-3300 FAX NO. 256-243-3302 F.L.E. SHERK@PEPPERHAWKLLP
TOWNSEND, MOE	SCALE: 1"=40'
BOUNDARY SURVEY	JULY 2022

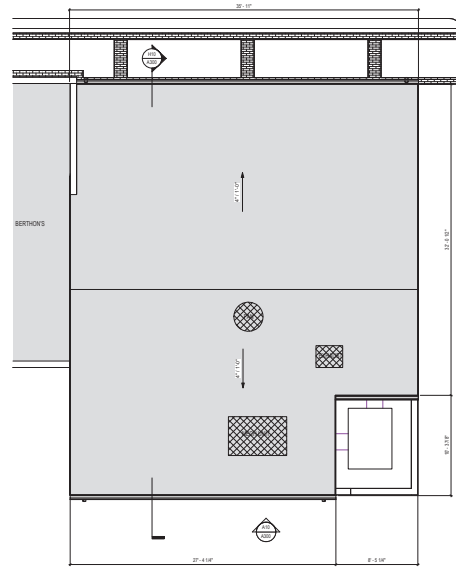
EXISTING BUILDING CONDITIONS

2716 CULVER ROAD  
MOUNTAIN BROOK, AL 35223

NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.



NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.



PRE-BIDDING  
NOT FOR CONSTRUCTION

OLD SNEAKY PETE'S -  
EXISTING CONDITIONS



JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:  
JAY & Theresa Friedman  
4716 Mt. Vernon  
MOUNTAIN BROOK, AL  
ARCHITECT:  
DAVIS ARCHITECTS, PC  
100111 Mountain Brook  
Birmingham, AL 35223  
205.975.1100  
ATTN: ANDREW TAYLOR



DATE: JANUARY 21, 2022  
PROJECT: EXISTING CONDITIONS

DESIGNER: DAVIS ARCHITECTS PROJECT NO: XXXX

DESCRIPTION: FLOOR PLAN & ROOF PLAN

A1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"

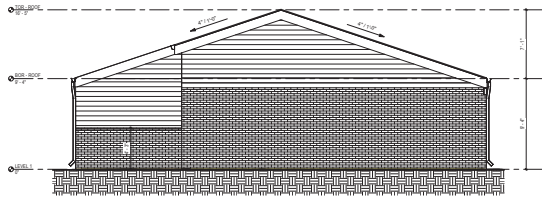


A10 ROOF PLAN  
SCALE: 1/8" = 1'-0"



A101

NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.

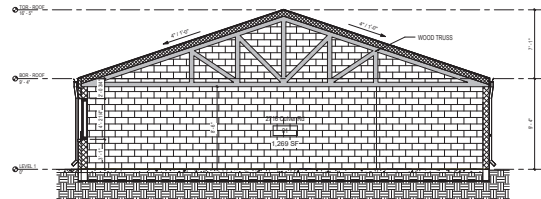


H1 ELEVATION - SIDE

SCALE: 1/4" = 1'-0"



NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.

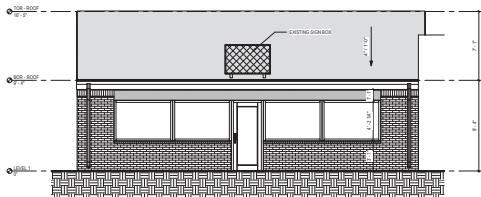


H10 BUILDING SECTION - A

SCALE: 1/4" = 1'-0"



NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.

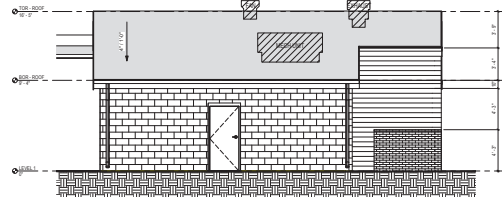


A1 ELEVATION - FRONT

SCALE: 1/4" = 1'-0"



NOTES:  
ALL DIMENSIONS TO BE FIELD  
VERIFIED BY CONTRACTOR.



A10 ELEVATION - BACK

SCALE: 1/4" = 1'-0"



PRE-CONSTRUCTION  
NOT FOR CONSTRUCTION

OLD SNEAKY PETE'S -  
EXISTING CONDITIONS



JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:  
JAY & Theresa Friedman  
4714 40th Street  
ARCHITECT:  
DAVIS ARCHITECTS, PC  
10011 Mountain Brook  
Birmingham, AL 35203  
205.975.1100  
ATTN: ANDREW TAYLOR



JANUARY 21, 2022  
EXISTING CONDITIONS

DAVIS ARCHITECTS PROJECT: XXXX

ELEVATIONS & SECTION

A300

# 2716 CULVER RD RESTAURANT RENOVATIONS & ADDITION

JAY & THERESA FRIEDMAN; BIRMINGHAM, ALABAMA

DAI PROJECT # 3982  
BC# TBD

## CONDITIONAL USE APPLICATION

JUNE 23, 2022



PREPARED  
FOR CONSTRUCTION

2716 CULVER RD. RENOVATION  
& ADDITION

JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:

Jay & Theresa Friedman

2716 Culver Rd, Suite 202

Birmingham, AL 35202

AT&T City Planner

ARCHITECT:

Davis Architects, Inc.

1000 19th Street, Suite 200

Birmingham, AL 35202

205-988-3333

AT&T City Planner

GENERAL CONTRACTOR:

Marion Builders, Inc.

2000 East 9th Ave, Suite 200

Birmingham, AL 35204

205-933-1334

AT&T City Planner

CIVIL ENGINEER:

Mark Spangher, Inc.

300 20th St, N.E. # 100

Birmingham, AL 35202

205-933-3333

AT&T City Planner

STRUCTURAL ENGINEER:

Mark Spangher, Inc.

300 20th St, N.E. # 100

Birmingham, AL 35202

205-933-3333

AT&T City Planner

MECHANICAL ENGINEER:

Shelby's Engineers

2000 19th Street, Suite 200

Birmingham, AL 35202

205-988-3333

AT&T City Planner

PLUMBING ENGINEER:

Shelby's Engineers

2000 19th Street, Suite 200

Birmingham, AL 35202

205-988-3333

AT&T City Planner

ELECTRICAL ENGINEER:

Mark Spangher, Inc.

300 20th St, N.E. # 100

Birmingham, AL 35202

205-933-1334

AT&T City Planner

DATE: JUNE 23, 2022

PROJECT: 3982

TITLE: CONDITIONAL USE APPLICATION

DRAWN BY: JAV

CHECKED BY: JAV

DATE: JUNE 23, 2022

PROJECT: 3982

TITLE: COVER SHEET

G100

**PRE-APPROVED  
NOT FOR CONSTRUCTION**

**2716 CULVER RD. RENOVATION  
& ADDITION**

**JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL**

**DAVIS**

**OWNER**  
JAY & THERESA FRIEDMAN  
2716 CULVER RD. SE  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN

**ARCHITECT**  
DAVIS ARCHITECTS, P.C.  
2000 W. BRIDGES BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN

**GENERAL CONTRACTOR**  
MOUNTAIN BROOK, P.C.  
2000 W. BRIDGES BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN

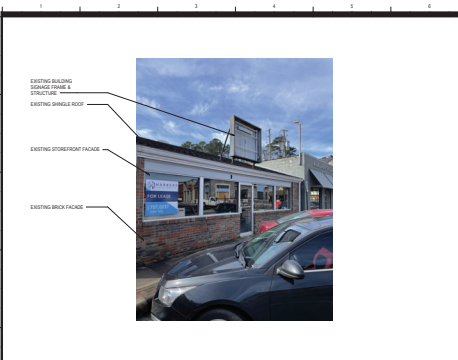
**CIVIL ENGINEER**  
MOUNTAIN BROOK, P.C.  
2000 W. BRIDGES BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN

**STRUCTURAL ENGINEER**  
MOUNTAIN BROOK, P.C.  
2000 W. BRIDGES BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN

**MECHANICAL ENGINEER**  
MOUNTAIN BROOK, P.C.  
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**PLUMBING ENGINEER**  
MOUNTAIN BROOK, P.C.  
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MOUNTAIN BROOK, AL 35222  
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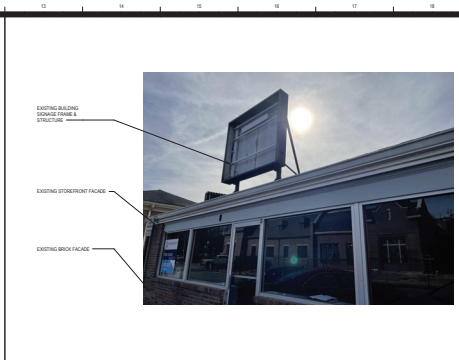
**ELECTRICAL ENGINEER**  
MOUNTAIN BROOK, P.C.  
2000 W. BRIDGES BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: JAY FRIEDMAN



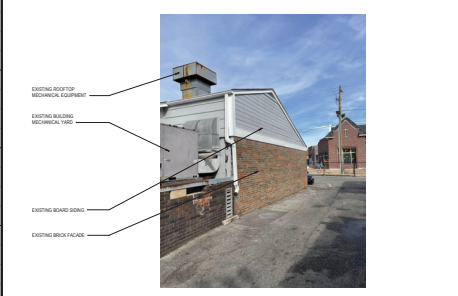
**K1 EXISTING BUILDING STREET FACADE**  
SCALE: 1/16" = 1'-0"



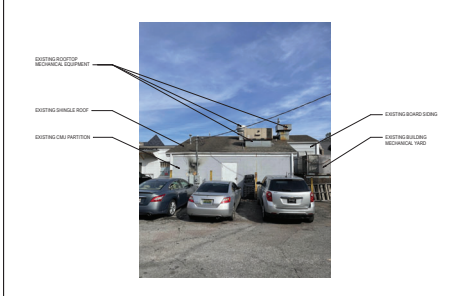
**K7 EXISTING BUILDING STREET FACADE**  
SCALE: 1/16" = 1'-0"



**K13 EXISTING BUILDING SIGNAGE**  
SCALE: 1/16" = 1'-0"



**E1 EXISTING BUILDING ALLEY FACADE**  
SCALE: 1/16" = 1'-0"



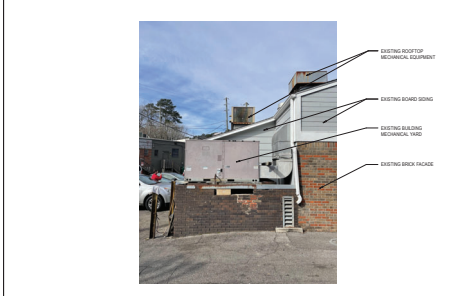
**E7 EXISTING BUILDING BACK OF HOUSE FACADE**  
SCALE: 1/16" = 1'-0"



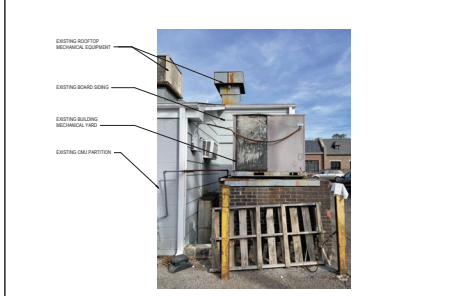
**E13 EXISTING BUILDING BACK OF HOUSE FACADE**  
SCALE: 1/16" = 1'-0"



**A7 EXISTING BUILDING BACK OF HOUSE FACADE Copy 1**  
SCALE: 1/16" = 1'-0"



**A13 EXISTING BUILDING BACK OF HOUSE FACADE Copy 2**  
SCALE: 1/16" = 1'-0"



**A13 EXISTING BUILDING BACK OF HOUSE FACADE Copy 2**  
SCALE: 1/16" = 1'-0"



JUNE 23, 2022  
CONDITIONAL USE APPLICATION  
DAVIS ARCHITECTS PROJECT # 3392  
EXISTING BUILDING PHOTOS

**G110**

PRELIMINARY  
NOT FOR CONSTRUCTION

2716 CULVER RD. RENOVATION  
& ADDITION

JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

- OWNER  
JAY & THERESA FRIEDMAN  
2716 CULVER RD. SE  
MOUNTAIN BROOK, AL 35222  
ATTN: Jay Friedman
- ARCHITECT  
DAVIS ARCHITECTS, PC  
2000 W. BRIDGES BLVD.  
BIRMINGHAM, AL 35202  
205-988-3333  
ATTN: Anna Taylor
- GENERAL CONTRACTOR  
MAYNARD BUILDERS, INC.  
2025 EAST AVE. #110  
BIRMINGHAM, AL 35204  
205-933-1333  
ATTN: Tom Maynard
- CIVIL ENGINEER  
M&E ENGINEERS, INC.  
300 20th St. N.E. #102  
BIRMINGHAM, AL 35203  
205-933-3333  
ATTN: Tom Collins
- STRUCTURAL ENGINEER  
M&E ENGINEERS, INC.  
300 20th St. N.E. #102  
BIRMINGHAM, AL 35203  
205-933-3333  
ATTN: Mark Owens
- MECHANICAL ENGINEER  
DAVIS ARCHITECTS, PC  
2000 W. BRIDGES BLVD. SUITE 200  
BIRMINGHAM, AL 35202  
205-988-3333  
ATTN: Chris Robinson
- PLUMBING ENGINEER  
DAVIS ARCHITECTS, PC  
2000 W. BRIDGES BLVD. SUITE 200  
BIRMINGHAM, AL 35202  
205-988-3333  
ATTN: Chris Robinson
- ELECTRICAL ENGINEER  
M&E ENGINEERS, INC.  
300 20th St. N.E. #102  
BIRMINGHAM, AL 35203  
205-933-3333  
ATTN: Joseph Harris



PROPOSED FRONT FACADE



ROUGAROUX SIGN LAYOUT



PREVIOUS SNEAKY PETE'S FRONT FACADE & SIGN

DATE: JUNE 23, 2022  
 PROJECT: CONDITIONAL USE APPLICATION  
 DRAWING NO.: DAVIS ARCHITECTS 3392  
 TITLE: FRONT FACADE - SIGN STUDY

PRELIMINARY  
NOT FOR CONSTRUCTION

2716 CULVER RD. RENOVATION  
& ADDITION

JAY & THERESA FRIEDMAN :  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:  
2716 Culver Rd  
Mountain Brook, AL 35226  
ATTN: Jay Friedman

ARCHITECT:  
Davis Architects, PC  
300 Oak Street, Suite 200  
Birmingham, AL 35203  
ATTN: Jay Friedman

GENERAL CONTRACTOR:  
Mason Builders, PC  
2000 Oak Park Dr, Suite 100  
Birmingham, AL 35244  
ATTN: Jay Friedman

CIVIL ENGINEER:  
M&E Engineers, Inc.  
300 Oak St, Suite 200  
Birmingham, AL 35203  
ATTN: Jay Friedman

STRUCTURAL ENGINEER:  
M&E Engineers, Inc.  
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Birmingham, AL 35203  
ATTN: Jay Friedman

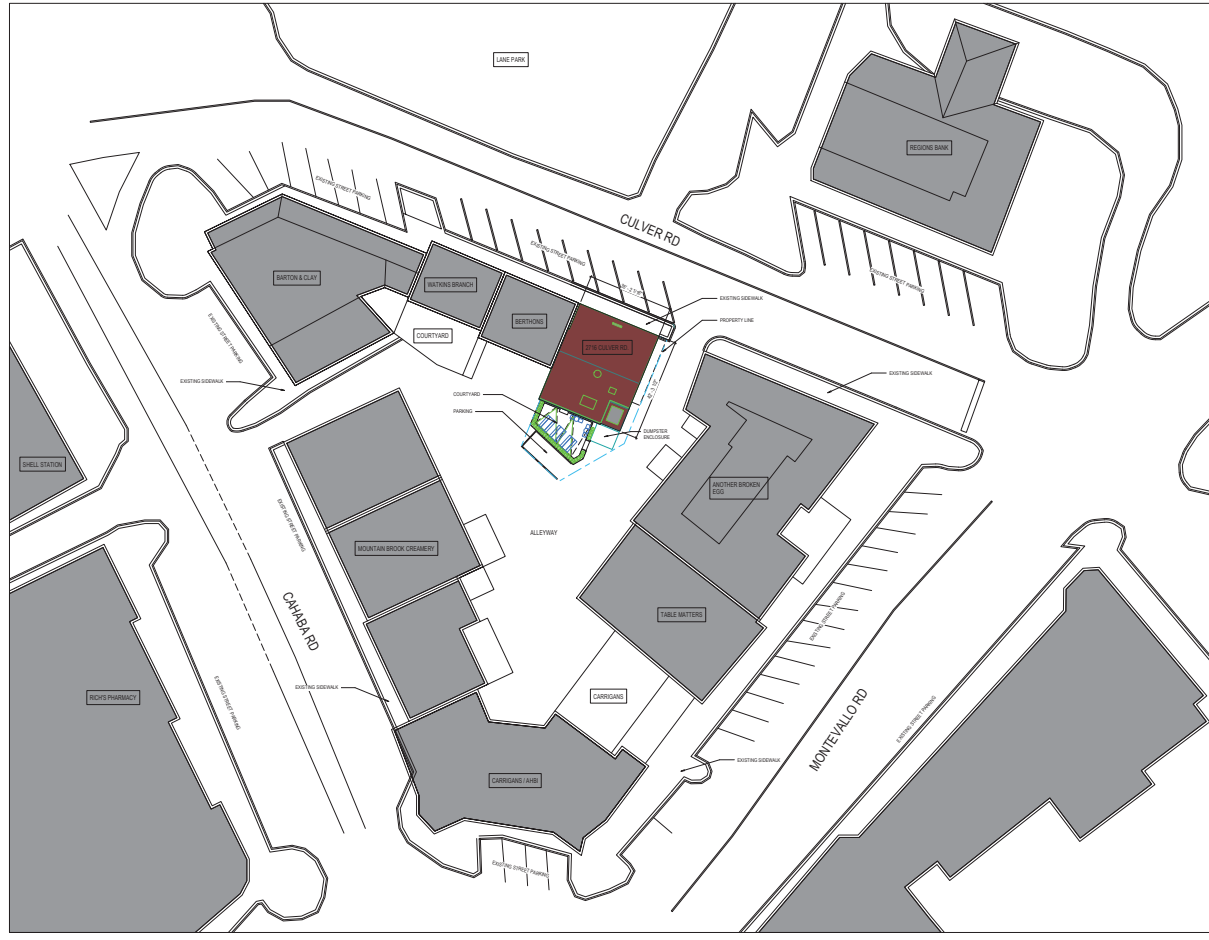
ELECTRICAL ENGINEER:  
M&E Engineers, Inc.  
300 Oak St, Suite 200  
Birmingham, AL 35203  
ATTN: Jay Friedman



JUNE 23, 2022  
CONDITIONAL USE APPLICATION

DAVIS ARCHITECTS PROJECT 3392  
ARCHITECTURAL SITE PLAN

A001



A1 SITE PLAN  
SCALE: 1/8" = 1'-0"



PRELIMINARY  
NOT FOR CONSTRUCTION

2716 CULVER RD. RENOVATION  
& ADDITION

JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:  
JAY & THERESA FRIEDMAN  
2716 CULVER RD. SE  
MOUNTAIN BROOK, AL 35222  
ATTN: Jay Friedman

ARCHITECT:  
DAVIS ARCHITECTS, P.C.  
2000 W. WOODBRIDGE BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: Anna Taylor

GENERAL CONTRACTOR:  
MOUNTAIN BROOK CONSTRUCTION  
2000 W. WOODBRIDGE BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: Jay Friedman

CIVIL ENGINEER:  
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STRUCTURAL ENGINEER:  
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MECHANICAL ENGINEER:  
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2000 W. WOODBRIDGE BLVD.  
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PLUMBING ENGINEER:  
MOUNTAIN BROOK ENGINEERS  
2000 W. WOODBRIDGE BLVD.  
MOUNTAIN BROOK, AL 35222  
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ELECTRICAL ENGINEER:  
MOUNTAIN BROOK ENGINEERS  
2000 W. WOODBRIDGE BLVD.  
MOUNTAIN BROOK, AL 35222  
ATTN: Jay Friedman



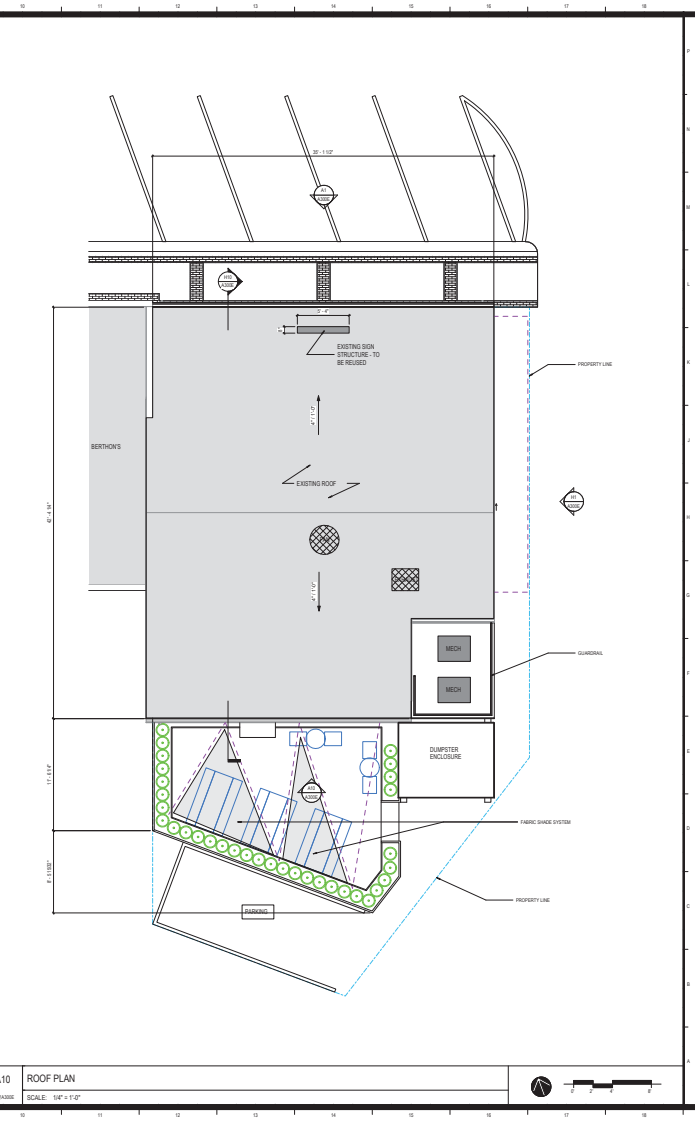
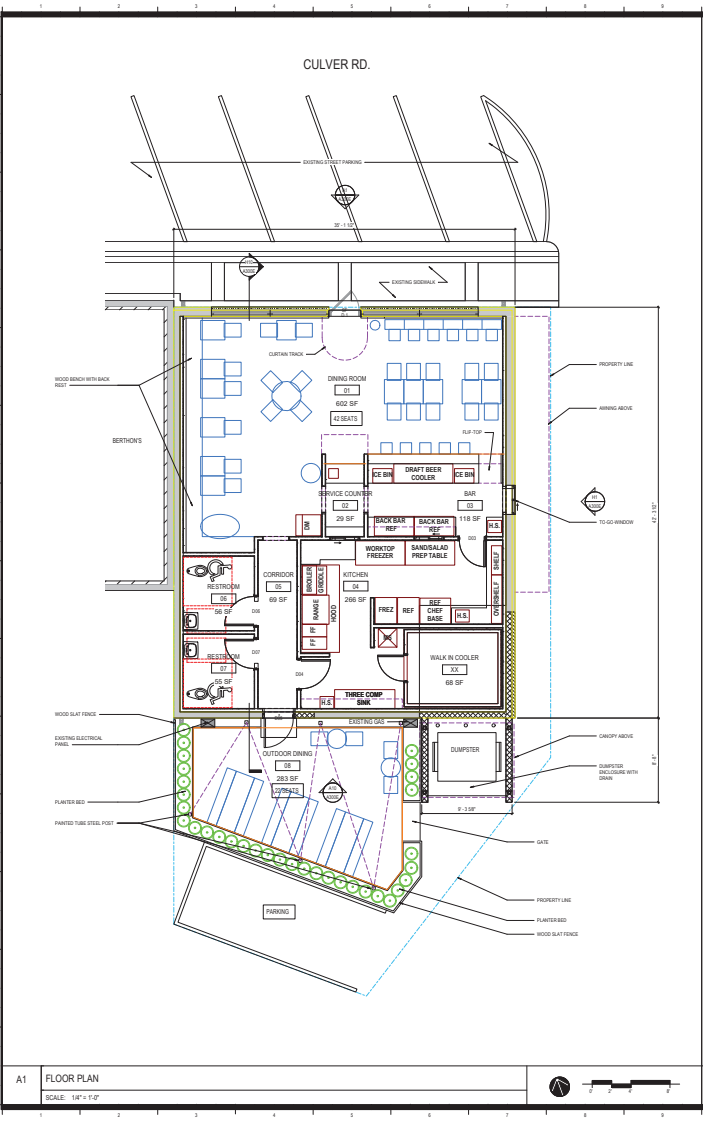
JUNE 23, 2022

CONDITIONAL USE APPLICATION

DAVIS ARCHITECTS PROJECT 3392

FLOOR PLAN & ROOF PLAN

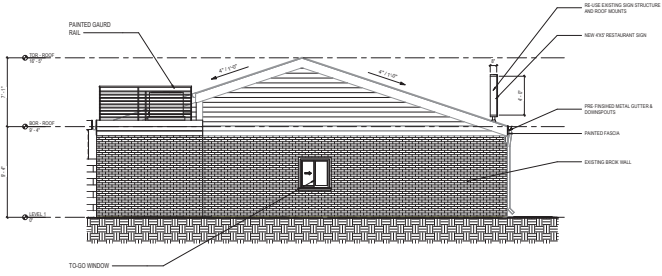
A101



A1 FLOOR PLAN SCALE: 1/8" = 1'-0"

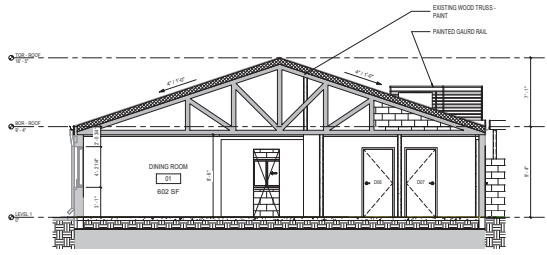
A10 ROOF PLAN SCALE: 1/8" = 1'-0"

NOTES:  
1. ALL DIMENSIONS TO BE FIELD VERIFIED.



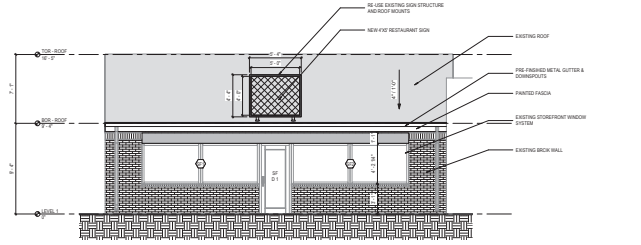
H1 ELEVATION - SIDE  
SCALE: 1/4" = 1'-0"

NOTES:  
1. ALL DIMENSIONS TO BE FIELD VERIFIED.



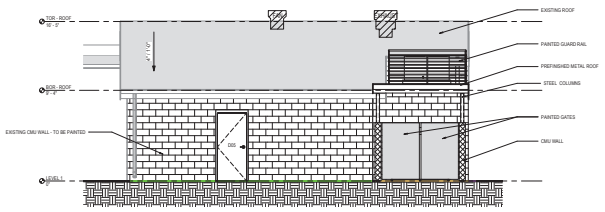
H10 BUILDING SECTION - A  
SCALE: 1/4" = 1'-0"

NOTES:  
1. ALL DIMENSIONS TO BE FIELD VERIFIED.



A1 ELEVATION - FRONT  
SCALE: 1/4" = 1'-0"

NOTES:  
1. ALL DIMENSIONS TO BE FIELD VERIFIED.



A10 ELEVATION - BACK  
SCALE: 1/4" = 1'-0"

PRE-ANNUAL  
NOTICE OF CONSTRUCTION

2716 CULVER RD. RENOVATION & ADDITION

JAY & THERESA FRIEDMAN  
MOUNTAIN BROOK, AL

**DAVIS**

OWNER:  
JAY & THERESA FRIEDMAN  
2716 CULVER RD. SE  
BIRMINGHAM, AL 35205  
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Birmingham, AL 35203  
ATTN: Anna Taylor

GENERAL CONTRACTOR:  
MAYNARD BUILDERS, INC.  
2000 Eastview Dr. SE  
Birmingham, AL 35204  
ATTN: Tom Maynard

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Birmingham, AL 35203  
ATTN: Chris Robinson

ELECTRICAL ENGINEER:  
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ATTN: Chris Robinson

ELECTRICAL ENGINEER:  
MAYNARD BUILDERS, INC.  
2000 Eastview Dr. SE  
Birmingham, AL 35204  
ATTN: Tom Maynard



JUNE 23, 2022  
CONDITIONAL USE APPLICATION

DAVIS ARCHITECTS PROJECT: 3392  
ELEVATIONS & SECTION

A300E

JAY FRIEDMAN  
[jayfriedman@friedman-lawyers.com](mailto:jayfriedman@friedman-lawyers.com)  
DIRECT DIAL NUMBER:  
(205) 278-7057

July 18, 2022

Board of Zoning Adjustments  
Tyler Slaten, City Planner  
slatent@mtnbrook.org  
*Sent Via E-Mail*

RE: Variance Application  
2716 Culver Road  
Mountain Brook, Alabama 35213

To the Board of Zoning Adjustment,

We hope this letter finds you well. Please allow this letter to serve as a formal Variance Application for relief from current Zoning Regulations governing parking requirements. As set forth more fully below, a variance is necessary to accommodate the proposed future tenant at 2716 Culver Road (formerly Sneaky Pete's)—The Rougaroux. Rougaroux is owned and operated by local, successful Birmingham-based restaurateurs Ed Stacey and Ryan Champion. Rougaroux, as proposed, is in keeping with the historical use of the property and would be a tremendous addition to Mountain Brook Village.

This letter is divided into two parts. Part I is an explanation of the concept and scope of the proposal to bring Rougaroux to Mountain Brook Village. Part II details the request for variance. Thank you in advance for your consideration.

## **I. The Rougaroux at 2716 Culver Road.**

### **A. The Concept**

Rougaroux is a casual counter-service restaurant concept that serves authentic New Orleans po-boys, gumbo, house-made boudin, muffuletta, burgers, and other classic takes on Cajun dishes. The atmosphere is laid-back, offering authentic Cajun food in a relaxed setting. The aesthetic is kitschy and quirky, paying tribute to casual and relaxed creole culture as well as Bywater shotgun-style architecture of the French Quarter. Rougaroux prides itself on sourcing the best ingredients. For example, Rougaroux sources bread from the Leidenheimer, a classic New Orleans bakery, meats from Cochon, a classic New Orleans butcher shop, and only serves fresh

wild-caught Gulf seafood. Rougaroux’s food travels well, allowing Rougaroux to offer an array of to-go and catering options, meeting a need for those who wish to enjoy their food at home. A menu is attached hereto as Exhibit “A.”

## **B. Design and Build**

### **1. Davis Architects**

Architect Andrew Taylor of Davis Architects (“Davis”) will serve as the lead architect on the project. Davis is a nationally recognized architecture, design, and planning studio located in Birmingham, Alabama. Davis has been involved in many transformative projects, such as the Alys B. Stephens Center, the Bryant-Denny Stadium endzone expansions, the Brock School of Business at Samford University, and numerous others, both locally and nationally.

### **2. Hallmark Builders**

Hallmark Builders, Inc. (“Hallmark”) is a commercial contractor that has been in business for more than sixty years. Hallmark has completed many notable projects, including work for Altec Industries, Burr & Forman, P.C., Barber Advanced Design Center, and many others. Hallmark has also been involved with several build-outs in both phases of the Lane Parke development. Hallmark will serve as the general contractor for the construction of Rougaroux.

## **C. The Rougaroux Team**

### **1. Ed Stacey**

Mr. Stacey is a restaurateur that specializes in concept development, restaurant operations, and sourcing fresh seafood and meats. Mr. Stacey worked a fresh seafood distributor for many years, requiring much travel back and forth from New Orleans. He opened the first Rougaroux in Forest Park, repurposing a 19<sup>th</sup> century house into the restaurant. He also developed Hotbox at Parkside with co-owner Ryan Champion.

### **2. Ryan Champion**

Mr. Champion is a professional chef with experience in working in elite restaurants all over the United States. Mr. Champion has worked in Michelin star restaurants. Locally he has served as a chef at Bottega under renowned chef Frank Stitt III. Mr. Champion also spent years as a chef at Commander’s Palace in New Orleans. Mr. Champion has worked alongside Mr. Stacey to develop successful local concepts Rougaroux and the Hotbox at Parkside.

## **D. Operations**

### **1. Site and Business Specifics**

- a. Zoning: Local Business
- b. Site Size: .05 Acres
- c. Tenant Space Size: 1,269 Square Feet
- d. Proposed Use of Tenant Space: Fast-Casual Restaurant

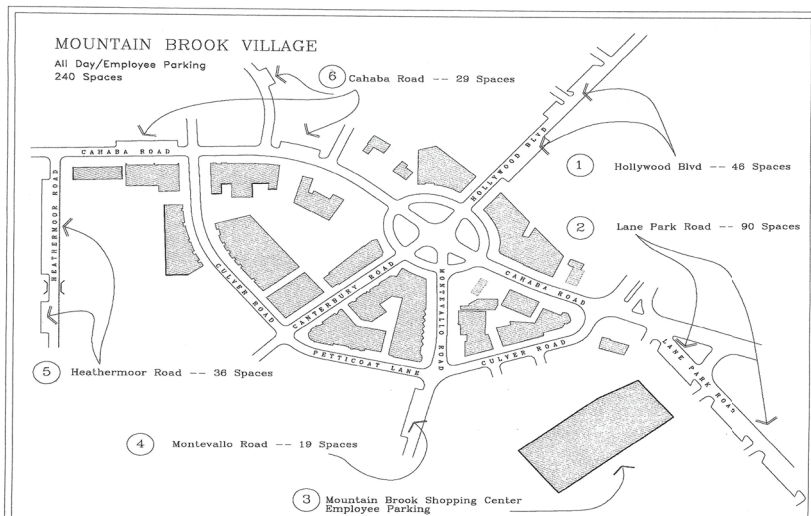
- e. Existing Parking Spaces: 2
- f. Proposed Parking Spaces: 0 Additional Spaces
- g. Proposed Hours of Operation:
  - Monday—Saturday 11:00 AM to 9:00 PM
  - Sunday—Closed (except when the Saints are playing)
- h. Number of Employees: 5
  - Daytime Employees: 5
  - Nighttime Employees: 5

**2. Number of Tables and Breakdown of Seating**

The proposed restaurant will be housed in 1,269 square feet of space. The restaurant dining room as proposed is 602 square feet and features forty-two (42) seats total. Eleven (11) of these seats will be counter seating. The design, as proposed, also calls for a small outdoor patio dining area capable of seating twenty-two (22) patrons. To accomplish this, one on-site parking space behind the building will be eliminated, reducing the parking from two spaces to one. Relief from current parking regulations to create a patio is the basis of the application for variance, *supra*. The proposed Rougaroux site plan and layout is attached hereto as Exhibit “B,” pp. 5-6.

**3. Employee Parking**

There will be one on-site parking space located directly behind the building. This spot will be utilized for staff parking. All other staff will park around the perimeter of Mountain Brook Village in accordance with the parking strategy set forth in the Mountain Brook Village Master Plan. *See Village Parking Plan*. Rougaroux anticipates needing just five (5) employees to operate the restaurant at full capacity. As proposed, the plan would add an additional one parking space burden to the existing two hundred and forty (240) designated employee parking spaces in comparison to the parking burden of the former Sneaky Pete’s.



#### **4. Rate of Turnover**

Lunch time turnover is usually less than an hour. The average patron stays between forty (40) and sixty (sixty) minutes. Please note that this is premised on traffic to Rougaroux existing location in Forest Park (817 39<sup>th</sup> St. S., Birmingham, Alabama 35222). Rougaroux anticipates the rate of turnover to be greater at the Property due to pedestrian circulation in Mountain Brook Village. The proposed pick-up window will also facilitate quicker service and pedestrian circulation.

#### **5. Destination Use**

Given the fast-casual nature of Rougaroux's proposed service, Rougaroux anticipates that it will cater primarily to existing foot-traffic at its lunchtime service. Rougaroux will also provide another quick, casual option for patrons and employees of Mountain Brook Village. Rougaroux does expect some degree of destination use. Though the food will be elevated from Sneaky Pete's, the fast-casual, counter-service Rougaroux concept is consistent with the historical use of the Property. Rougaroux anticipates much of its lunchtime service will be generated from foot traffic versus destination use and served via the proposed pick-up window.

#### **E. Impacts**

##### **1. Fast-casual food service is consistent with the previous use of the Property.**

The former Sneaky Pete's opened in 1986 until it closed due to the pandemic. Sneaky Pete's featured counter-service hotdogs and hamburgers as well as grab and go drinks. The footprint of the restaurant was approximately 1,300 square feet. Sneaky Pete's was one of the few places in Mountain Brook Village where one could grab a casual lunch.

While Rougaroux's food is elevated in comparison to Sneaky Pete's, the overall fast-casual nature of the concept remains. Rougaroux's primary offerings are po-boys, gumbo, muffuletta sandwiches, and house ground brisket hamburgers ordered at the counter and served on disposable picnic ware and cutlery. Rougaroux's fast casual nature and affordability price points are very similar to that of Sneaky Pete's.

The Rougaroux, as proposed, will keep the same dining room footprint and cater to a similar sector of consumer as Sneaky Pete's. The counter service concept is also in keeping with previous fast-casual concept Sneaky Pete's. Like Sneaky Pete's, there will be no table wait service. The fast-casual style is consistent with the historical use of the property and will have similar benefits and parking burdens.

##### **2. No disparate impacts to vehicle circulation or pedestrian circulation as compared to historical uses.**

The fast-casual nature of Rougaroux's lunchtime service and proposed walk-up, pick-up window lends itself to pedestrian circulation and vehicular circulation. Furthermore, this protects against patrons of the Rougaroux occupying prime parking spots in Mountain Brook Village. As proposed, the Rougaroux will not significantly change the traffic operations at nearby intersections because the three parking spots in front of the restaurant will remain unchanged. The service area

for Rougaroux will remain behind the Property where it was when Sneaky Pete’s was in business. The service area is accessible via alleyway which prevents traffic from being frustrated on Culver Road. Vehicle circulation and pedestrian circulation will be in keeping with the historical use of the Property as a fast-casual, counter-service restaurant.

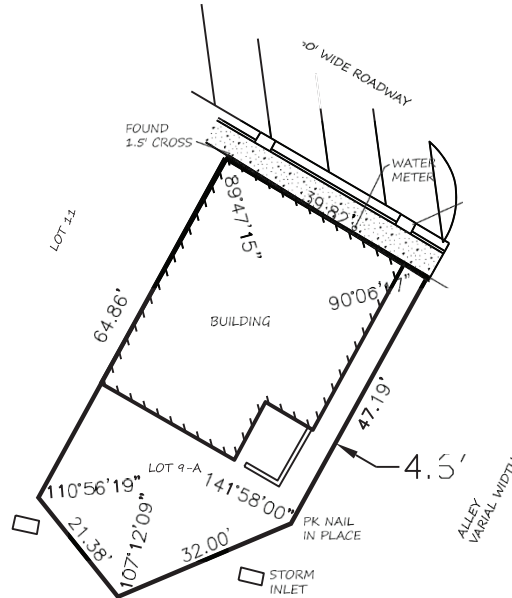
**3. The proposed use is compatible with surrounding existing uses.**

Rougaroux’s offerings are completely unique to Mountain Brook Village. Rougaroux as proposed will not compete with existing food service businesses and will enhance retail businesses by increasing foot traffic in the area. As illustrated below, there is no restaurant with similar offerings to what is proposed by Rougaroux.

<b>Address</b>	<b>Tenant</b>	<b>Food Offering</b>
2418 Montevallo Road	Another Broken Egg	Breakfast and brunch focused foods including omelets, eggs benedicts, pancakes, waffles, and some burger, sandwich, and salad offerings.
2708 Culver Road	Watkins Branch Bourbon and Brasserie	Food inspired by traditional French brasserie, robust plates and concentrated craft cocktails
2837 Culver Road	Daniel George	Fine dining, white table-cloth offerings featuring a daily changing menu of seafood, wild and domestic game, meats, poultry, and fresh produce.
2805 Cahaba Road	Gilchrist	Old-fashioned soda fountain featuring simple sandwiches, chicken/tuna salads, and milkshakes.
900 Jemison Lane	Char Bar No. 7	Sports Bar and Grill featuring steaks, burgers, sandwiches, and salads.
291 Rele Street	Chop N Fresh	Gourmet salads, greens, and grains, with made-from-scratch dressings.
920 Lane Parke Ct.	Sol Y Luna	Mexican restaurant featuring unique tapas, tacos, flautas, and more.
2838 Culver Road	Olexa’s	European style bakery featuring crepes, sandwiches, salads, and baked goods.
2400 Montevallo Road	Carrigan’s Public House	Gastropub featuring American fare and craft cocktails.

**II. Request for variance from the zoning regulations of Article XXXI, Section 129-555 governing parking requirements.**

**A. Due to the irregular shape of the lot, strict application of the zoning regulations creates an existing design constraint, causing undue hardship.**



As illustrated above, 2716 Culver Road features an irregular lot shape. Due to the irregular shape of the lot, strict application of Article XXXI, Section 129-555(b)(1)(b), which prohibits the elimination of existing on-site parking, effectively prevents utilization of approximately thirty percent (30%) of the lot's buildable area. Thus, strict application under these circumstances would impose an unreasonable hardship upon the use of the premises. These conditions are inherent to this lot and do not apply to other buildings or land in the area. Patio seating is essential to the post-covid era restaurant, as many would-be customers still do not feel comfortable sitting in a crowded dining room. Here, strict application of the zoning code creates an existing design constraint, causing undue hardship.

**B. The hardship is not self-imposed.**

The building pre-dates the existing code requirements with respect to parking. Thus, as soon as Sneaky Pete's went out of business, any use, even one in perfect harmony with the code and planning, would not be able to meet the parking requirements set forth Article XXXI, Section 129-555. This is not the fault of anyone or anything—it is the present reality of space constrained, historic nature of Mountain Brook Village. As it stands, thirty percent of the lot is now unable to be utilized under a strict application of code.

Diligence shows there is precedent for this request. Currently, two businesses have converted parking spaces into outdoor patio seating with great success. Watkin's Branch, two doors down from Sneaky Pete's, eliminated two parking spaces in the Culver Alley to construct a patio space behind its building (pictured below). The patio does not impede traffic.





[With Parking]



[With Patio]

Similarly, Golden Age Wine, also on Culver Road, converted two public street parking spaces into patio space.

Rougaroux’s proposal seeks to utilize only one parking space. The plan, as proposed is less burdensome from a parking standpoint than Watkin’s Branch and Golden Age. Similar to Golden Age and Watkins Branch, this patio space would be well received and frequently enjoyed. As evidenced by the utilization of Watkin’s Branch and Golden Age’s patio seating, the benefits outweigh the burdens. Here, strict application of the zoning code precludes a great amenity for Mountain Brook Village that stands to be enjoyed by many.

**C. Granting this variance is consistent with the broader goals and intent of the Zoning Regulations and Village Master Plan.**

The Property is zoned for Local Business, which prefers retail and restaurant uses. Rougaroux, as proposed, is in keeping with this zoning designation, and in keeping with the vision, values, and goals set forth in Mountain Brook’s Village Master Plan (“the Plan”). The Plan contemplates preserving Mountain Brook’s unique character, facilitating eclectic complementary architecture while preserving the past, and promoting independent and local businesses to ensure a unique and local flavor. *See* § 3.1, Vision. Rougaroux also meets the stated goal of seeking more opportunities for evening business activity. *Id.*

Furthermore, Rougaroux also satisfies the land use policy set forth in the Plan. *See generally* Section 3.2. Pursuant to the Land Use Policy Map, the Property’s recommended land use is General Commercial—Retail Dominant. This particular use prefers ground level activity which generates a high degree of pedestrian activity and are generally retail and restaurant type uses. This particular category of land use disfavors ground level service and office uses at these key locations.

Rougaroux fits squarely within the narrow zoning window and preferred uses as contemplated by the Plan. Rougaroux, as proposed, is consistent with the goals set forth in the Plan to promote independent local businesses and preserve Mountain Brook's character. In short, Rougaroux is a great fit for Mountain Brook Village and the 2716 Culver Road location.

### III. CONCLUSION

In consideration of the foregoing, we respectfully request that the Board of Zoning Adjustments grant this variance request. Please let us know if there is anything else you would like to know, and we will provide it. We are excited for the opportunity to bring Rougaroux to Mountain Brook Village.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Friedman". The signature is written in a cursive, flowing style.

Jay Friedman

Enclosures:

- (A) Rougaroux Menu
- (B) 2716 Culver Road Renovation & Addition Conditional Use Application Drawing Set
- (C) 2716 Culver Road Existing Conditions
- (D) Variance Application, Parts 1 and 2
- (E) Jefferson County Certified List of Adjacent Property Owners
- (F) Survey for 2716 Culver Road



## 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 condition from which relief is sought is the irregular lot shape which creates an existing design constraint under a strict application of the Zoning Regulations and precludes efficient utilization of the building area.

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

The condition from which relief is sought is not a result of action by the applicant.

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

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# Culver Alley

A-22-23 Rear of Subject Building

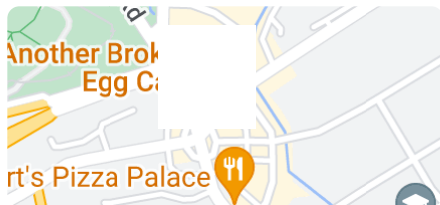


Image capture: Dec 2016 © 2022 Google

Mountain Brook, Alabama

Google

Street View - Dec 2016





## Variance Application - Part I

### Project Data

Address of Subject Property 2011 Garden Place

Zoning Classification Res. D (w/ setbacks per recorded "condominium" plat map for development)

Name of Property Owner(s) David Williams & Barbara Burton

Phone Number 205.602.2738 (David) Email dwilliams@harbert.net

Name of Surveyor Weygand Surveyors

Phone Number 205.942.0086 Email ray@weygandsurveyor.com

Name of Architect (if applicable) Williams Partnership: Architecture, Inc., Melissa & Joel Williams

Phone Number 205.249.5207 (Melissa) Email partners@williamspartnership.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)	1 acre / 43,560 sq.ft.	10,898.4 sq.ft	10,898.4 sq. ft.
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)	25' (recorded plat map)	25'	23'-6"
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			





## Report to the Board of Zoning Adjustment

A-22-24

### ***Petition Summary***

Request to allow an addition to be 23 feet 6 inches from the rear property line (south) in lieu of the required 25 feet.

### ***Scope of Work***

The scope of work involves the addition of a new rear porch.

### ***Variance Request for Rear Setback***

The proposed variance would allow a small portion of the addition to be located 1 foot 6 inches into the rear setback. The porch addition would be a one story screened porch with a flat roof. The height would be approximately 11 feet 4 inches above the existing grade.

### ***Hardship***

The shallowness of the lot and angled rear property line are hardships for this property. The house is oriented to sit aligned with the front of the property, but the angled rear lot line cuts into the area of the proposed addition.

Nexus: There appears to be a reasonable relationship between the shallow lot depth, angled rear lot line and the requested variance for the addition.

### **Potential Finding for Approval**

#### **That the granting of the variance for the screened porch encroachment:**

1. is minor in nature (in that the encroachment is only for a small sliver of the addition and 1 foot 6 inches at its deepest).

### ***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***

Rear setback established by approved plat.

### ***Appends***

LOCATION: 2011 Garden Place

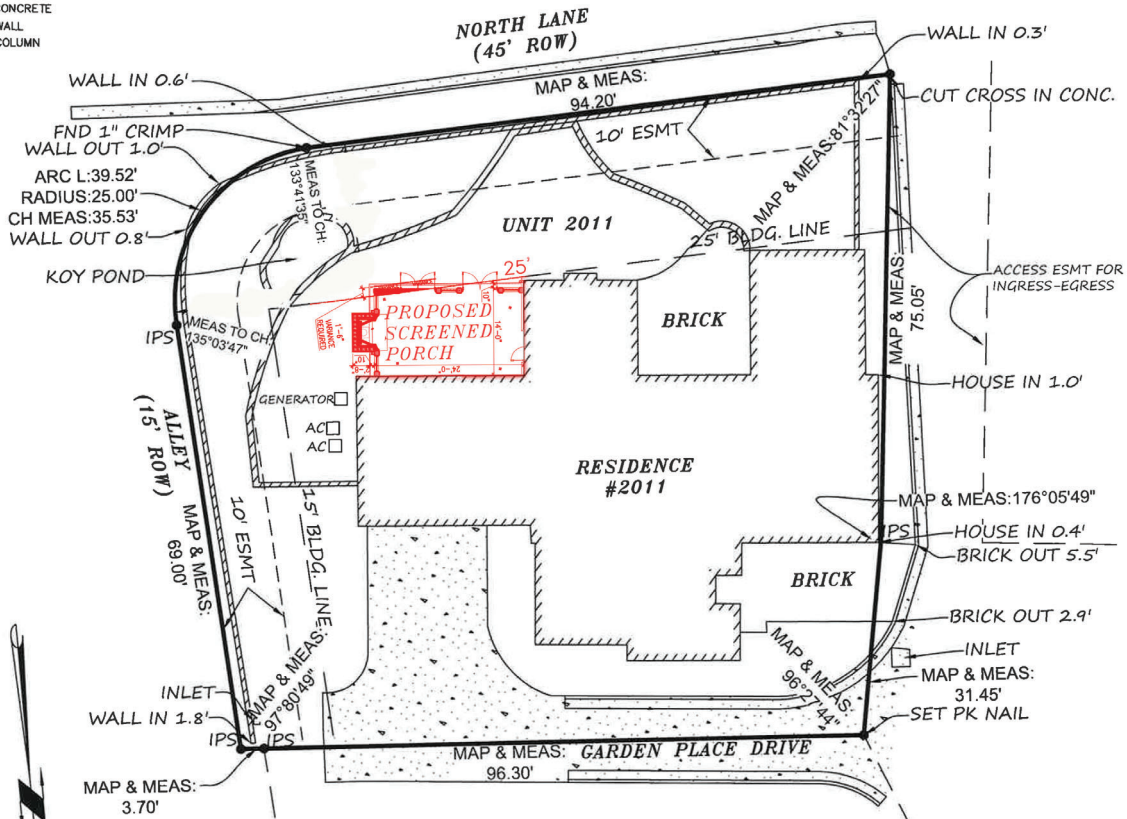
ZONING DISTRICT: Residence D District

OWNER: David Williams and Barbara Burton



**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
Δ	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
qLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



SCALE: 1"=20'

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 Unit 2011, THIRD AMENDED PLAT GARDEN PLACE CONDOMINIUM, as recorded in Map Volume 187, Page 62, 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 JUNE 17, 2022. Survey invalid if not sealed in red.

Order No.: 20221008  
Purchaser:  
Address: 2011 GARDEN PLACE

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

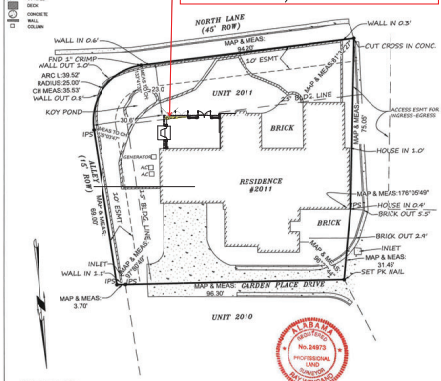


Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records 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.

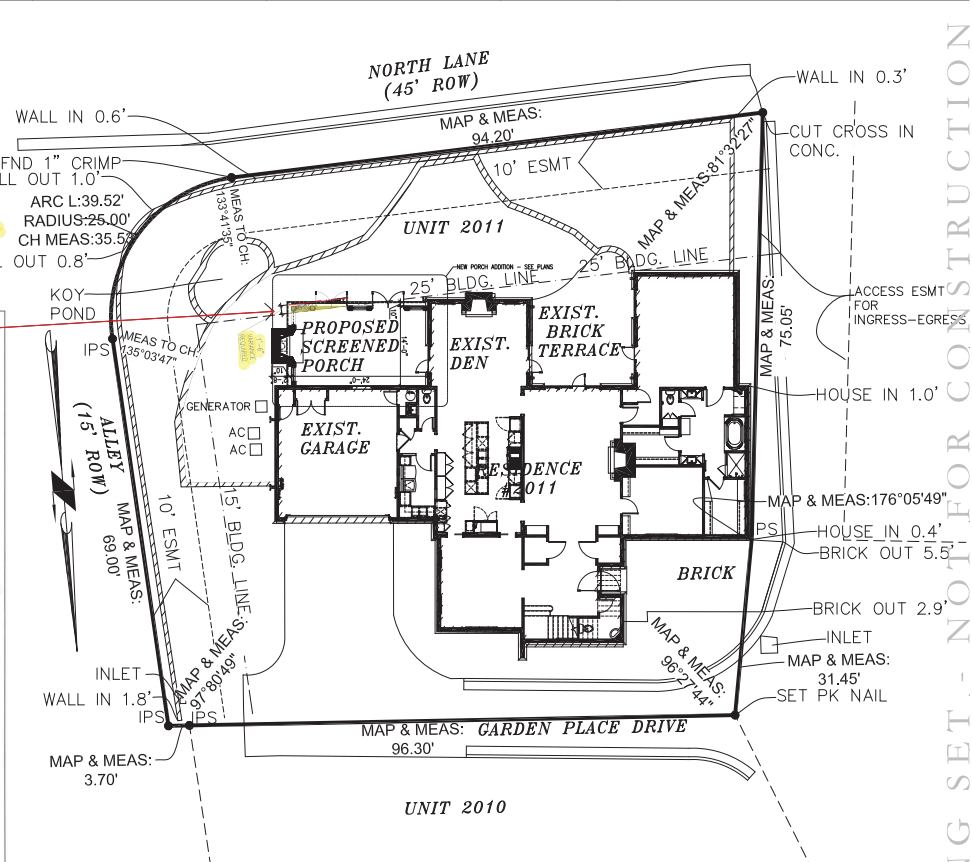


01 GIS TAX MAP EXCERPT SHOWING APPROX. ADDITION NOT TO SCALE

1'-6" SETBACK VARIANCE REQUIRED (APPROX. 5.8 SQ.FT. OF ADDITION IS OVER SETBACK)



01 SURVEY OF EXISTING SHOWING FOOTPRINT OF ADDITION 1" = 20'-0"



02 ARCHITECTURAL SITE PLAN W/ SCREENED PORCH ADDITION 1/8" = 1'-0"

NOTE: THIS PLAN IS ORIENTED TO MATCH THE WEYGAND SURVEY (WITH NORTH AT THE BOTTOM OF THE DRAWINGS, SOUTH AT THE TOP) - DRAWINGS ON SHEET A202 WERE PREPARED PRIOR TO WEYGAND'S SURVEY AND ARE ORIENTED WITH NORTH AT THE TOP OF THE DRAWINGS, SOUTH AT THE BOTTOM

MARK	DESCRIPTION
[Symbol]	EXISTING FOUNDATION WALL OR WOOD FRAMING; STUDY TO BE DEMOLISHED
[Symbol]	EXISTING WOOD FRAME WALL TO REMAIN
[Symbol]	NEW WOOD FRAME; SHOWER FLOOR, WALLS, CEILING, COP., ETC. TO BE DEMOLISHED
[Symbol]	NEW WOOD FRAME WALL - SEE SECTIONS, DETAILS & MECHANICAL CONSTRUCTION NOTES
[Symbol]	NEW WOOD FRAME WALL - SEE SECTIONS, DETAILS & MECHANICAL CONSTRUCTION NOTES
[Symbol]	NEW BRICK VENEER - SEE SECTIONS, DETAILS & MECHANICAL CONSTRUCTION NOTES

Williams Partnership  
 PROFESSIONAL ARCHITECTS  
 1000 W. ...  
 BARBARA BURTON & DAVID WILLIAMS  
 ARCHITECTS  
 1000 W. ...  
 A 201  
 2023.07.15  
 17:00:00





## 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 addition partially fills a void in the building footprint - The narrowness of the lot and skew of house on lot relative to the rear property line result in a small triangle at the corner of the addition being over the setback, despite the addition being smaller than the rectangular void defined by adjacent existing exterior walls.
- The rear yard/property line fronts North Lane and is separated from North Lane by a privacy wall that surrounds the Garden Place development) so no immediately adjacent neighbors are directly impacted by this variance
- The triangle over the setback is 5.8 sq.ft. in area, 10' wide, as little as 0" over to as much as 1'-4" over (requested 1'-6" variance to provide some margin of error)
- The addition is one story, open air (screened), and flat roofed with a max height of approx. 11'-4" above existing grade - the height of the wall surrounding the Garden Place development results in this addition likely not being visible by a person standing in adjacent yards/streets.

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 condition is existing.

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

- The resulting footprint is in keeping with other existing footprints in the Garden Place development and, should the variance be awarded, will result in a footprint that is farther from the North Lane property line than the adjacent property, 2009 Garden Place (as demonstrated in GIS Tax Map excerpt included in the Architect's documents)
- The requested variance is minor in nature & will not impair adequate supply of light & air to adjacent properties