

BZA Packet

September 19, 2022

Hello All,

Enclosed please find your packet for the meeting of September 19, 2022.

We have:

- 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 (September 19, 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
September 19, 2022
PRE-MEETING: 4:45 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 from the date of the original variance approval and ask for a six-month extension (18 months from the date of original variance approval), 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: August 15, 2022
 2. **Case A-22-25: Ingrum and Lois Bankston**, property owners, request a variance from the terms of the Zoning Regulations allow an addition to a single family dwelling to be 10 feet 7 inches feet from the rear property line (east) in lieu of the required 40 feet, to be 11 feet from the side property line (north) in lieu of the required 15 feet and to allow the building area to be 37 percent in lieu of the maximum building coverage allowed of 25 percent. -**2855 Surrey Road**
 3. **Case A-22-26: Mathieu and Hannah Nader**, property owners, request variances from the terms of the Zoning Regulations to allow a 12 foot high uncovered rear deck and railing to be 14 feet 10 inches feet from the rear property line (east) in lieu of the required 25 feet. -**19 Montevallo Park Circle**
 4. Next Meeting: **October 17, 2022**
 5. Adjournment



Variance Application - Part I

Project Data

Address of Subject Property 2855 SURREY ROAD

Zoning Classification RESIDENTIAL PRIVATE

Name of Property Owner(s) LOIS & INGRUM BANKSTON

Phone Number 205.568.8396 Email loisowens@me.com

Name of Surveyor SOUTH CENTRAL SURVEYING

Phone Number 205.229.1993 Email bcallahan0401@charter.net

Name of Architect (if applicable) N/A

Phone Number - Email -

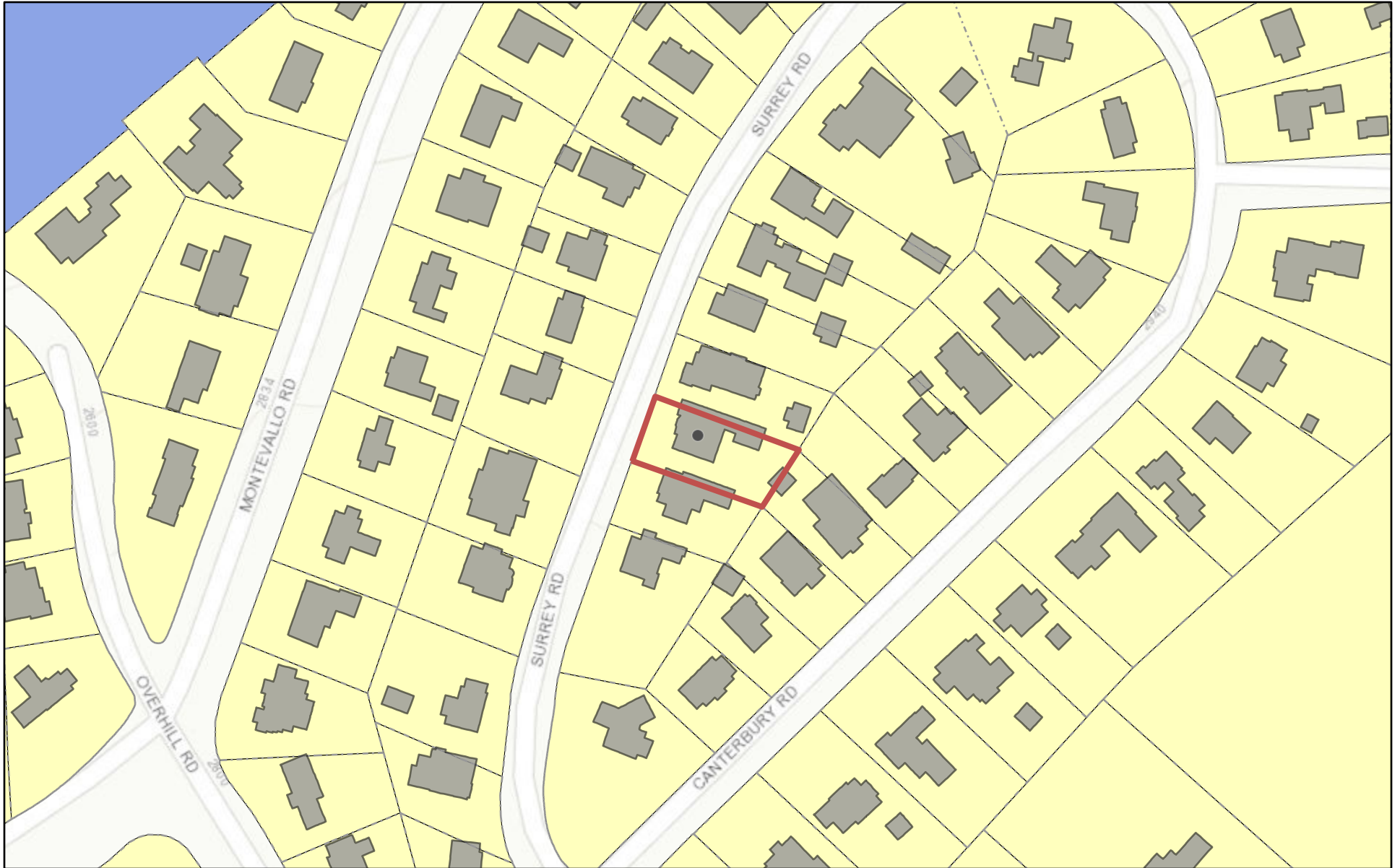


Property owner or representative agent must be present at hearing

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

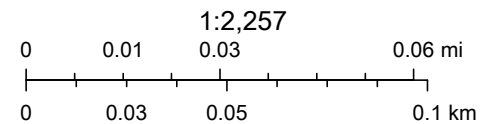
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	15'	9'3"	11'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: 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'	18.6'	10'7"
Lot Coverage (%)	25%	37%	
Building Height (ft)			
Other			
Other			

A-22-25 Zoning



9/6/2022, 3:28:22 PM

- Building Footprints 2020v1
- Tax_Parcels 2021
- Lot Lines
- Residence A District
- Rec-2



JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

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

A-22-25 Aerial



9/6/2022, 3:30:49 PM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Jefferson County Department of Information Technology | JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-25

Petition Summary

Request to allow an addition to a single family dwelling to be 10 feet 7 inches from the rear property line (east) in lieu of the required 40 feet, to be 11 feet from the side property line (north) in lieu of the required 15 feet and to allow the building area to be 37 percent in lieu of the maximum building coverage allowed of 25 percent.

Background

On August 21, 2017 the Board of Zoning Adjustment voted to approve variance requests for this property to allow additions to an existing single family dwelling to be 13.1 feet from the rear property line (east) in lieu of the required 40 feet, 9.8 feet from the side property line (north) and 12.9 feet from the side property line (south), both in lieu of the required 15 feet, and for the lot coverage to be 33% in lieu of the maximum allowable 25%.

Scope of Work

The scope of work entails a proposed storage room addition on the rear of the existing attached garage. The dimensions of the addition would be 18 feet long by 6 feet deep.

Variance Request for Side and Rear Setback

Nexus: The applicant's stated hardships (narrowness of the lot and angled rear property line) are somewhat related to the requested setback variances.

The approximate average lot size for the surrounding area in this block is 13,861 square feet, the average lot width is 82 feet, and the average lot depth is 169 feet.

The approximate lot size of the subject property is 12,776 square feet, the lot width is 75 feet, and the lot depth is 179 feet.

The lot is not a perfect rectangle with its angled rear lot line, but this angled rear lot line configuration is shared by the majority of lots on this side of Surrey Road.

Variance Request for Building Coverage

Nexus: Weak. There is no apparent hardship that would justify the proposed building coverage percentage of 37% in lieu of the maximum allowed of 25%. The lot is fairly close to the average lot size in the surrounding area and does not warrant the 12% increase over the maximum allowed.

Potential Findings for Approval:

- a. scope of work is minor in nature (in that it is approximately 108 square feet).

Potential Findings for Denial:

- a. excessive number of variances (in that approval of these variances would amount to 6 variances granted for the subject property, which is not unique as to size and shape when compared to the surrounding area)
- b. storm water concerns (in that the maximum lot and impervious coverages would significantly exceed the percentages allowed, leading to potential storm water and run-off issues).

Impervious Area

If the proposed variances are approved, the resulting impervious area would be 68% of the parcel which exceeds the maximum allowed of 30%. Mitigation measures in accordance with the city's storm water ordinance would have to be employed by the home owner in order for a building permit to be issued.

Subject Property and Surrounding Land Uses

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

Affected Regulation

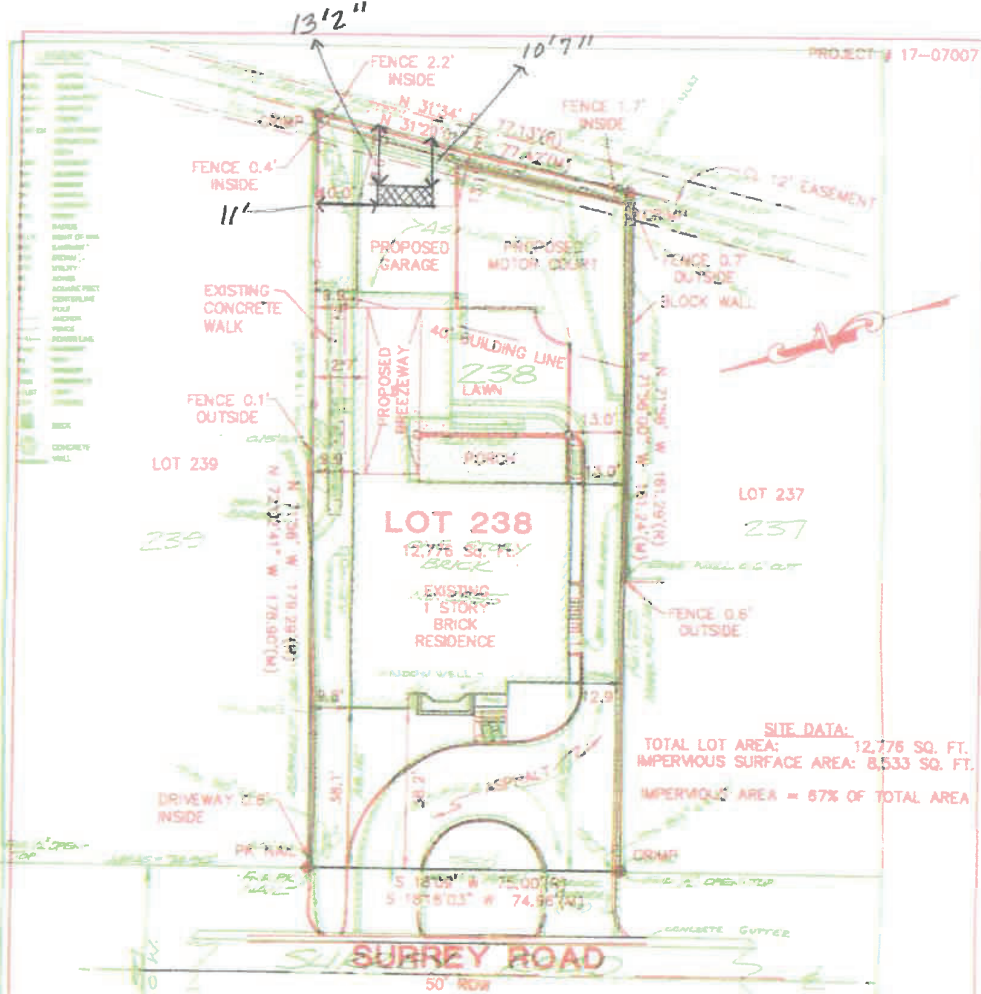
Article III, Residence A District; Section 129-34, Area and Dimensional Requirements

Appends

LOCATION: 2855 Surrey Road

ZONING DISTRICT: Residence A District

OWNERS: Lois and Ingram Bankston



SITE DATA:
 TOTAL LOT AREA: 12,776 SQ. FT.
 IMPERVIOUS SURFACE AREA: 8,533 SQ. FT.
 IMPERVIOUS AREA = 67% OF TOTAL AREA

**PLOT PLAN
 LOT 238
 MOUNTAIN BROOK ESTATES
 FAIRWAY SECTOR**

STATE OF ALABAMA
 SURVEYING
 I, **William D. Callahan, Jr.**, Licensed Professional Surveyor, No. 12345, do hereby certify that this is a true and correct copy of the original survey and drawing as shown to me by the client, Philip Wood Homebuilder, on 07-26-2017.



SCALE: 1" = 30'

Survey and drawing have been prepared 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.

PROPERTY ADDRESS:
 2855 SURREY ROAD
 MT. BROOK, AL 35223

CLIENT:
 PHILIP WOOD HOMEBUILDER
 Field Survey: 07-26-2017

William D. Callahan, Jr.
 William D. Callahan, Jr., PLS
 AL Reg # 28251



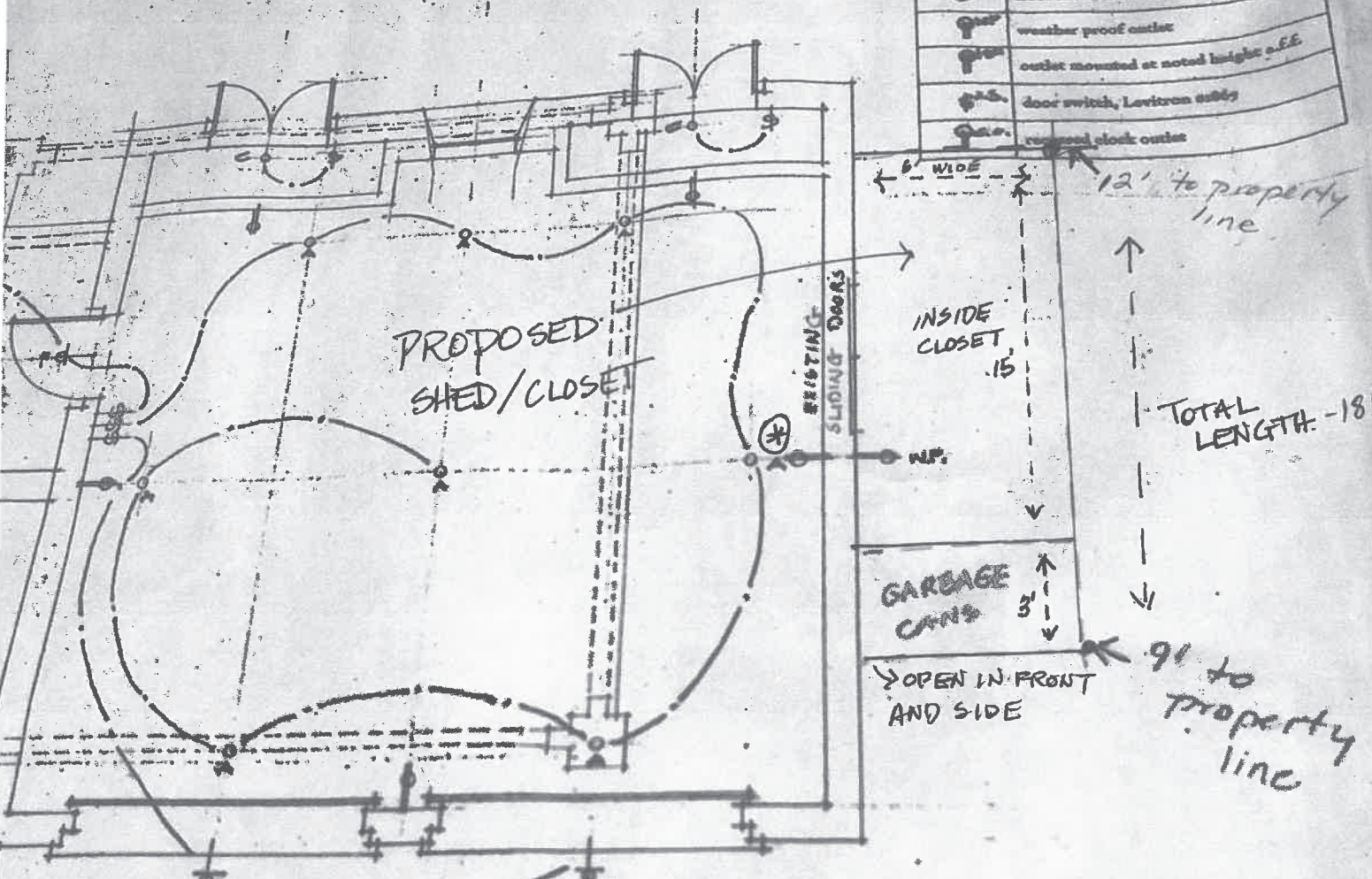
South Central Surveying
 RESIDENTIAL & COMMERCIAL LAND SURVEYING

109 SURREY TRAIL
 ALABASTER, ALABAMA 38007
 PHONE 205-228-9898

- WOOD FENCE
- AL = ASH
- UNCLE TO BE
- CONC = CONCRETE
- OVERHEAD POWER
- CHAIN LINK FENCE
- [Symbol] COVERED PORCH/DECK
- [Symbol] RECORDED
- [Symbol] MEASURED
- [Symbol] BORN POND (OR SIMILAR)

THE SHAPE OF OUR PARCEL IS NOT SQUARE AT THE REAR OF THE PROPERTY, WHICH ADDS TO OUR LIMITATIONS

Electrical	
○	recessed or ceiling fixture
○	wall mounted fixture
⊠	exhaust fan
⊗	ceiling fan
⊕	chandelier or pendant fixture
—	under cabinet or counter fixture
⊕	switch
⊕	three way switch
⊕	switch with rheostat
⊕	three way switch with rheostat
⊕	outlet
⊕	floor mounted outlet
⊕	weather proof outlet
⊕	outlet mounted at noted height A.F.F.
⊕	door switch, Leviton style
⊕	recessed clock outlet



- INSIDE GARAGE SLIDING DOORS TO OUTSIDE ARE EXISTING

- CEILING HEIGHT AT GARAGE WALL - 10'6" TO ACCOMMODATE EXISTING LIGHT. NO NEED TO WIRE FOR LIGHTING

- CEILING HEIGHT AT OUTSIDE WALL - 9'3"

- CUBBY FOR GARBAGE CANS - APPROX. 3' TO CONCEAL FROM NEIGHBORS
 - INSIDE CLOSET - ONLY PAINTED PLYWOOD AND SHELVING.
 - NO PLUMBING, GAS
 - NO HVAC

electrical and lighting notes

1. mount all electrical outlets horizontally 6" A.F.F. unless noted otherwise.
2. all light switches are to be mounted at 36" A.F.F. - wavy switch type.
3. most fixtures are located by center lines, bridge lines necessary by central fixture location, joists and rafters to be laid out with space on center line of rooms, doorways, cased openings, and windows to allow for fixtures to be centered.
4. all floor outlets are to be located by interior design.
5. verify location of all phone and cable television outlets.
6. for clarity, no outlets are shown on plan for this area.



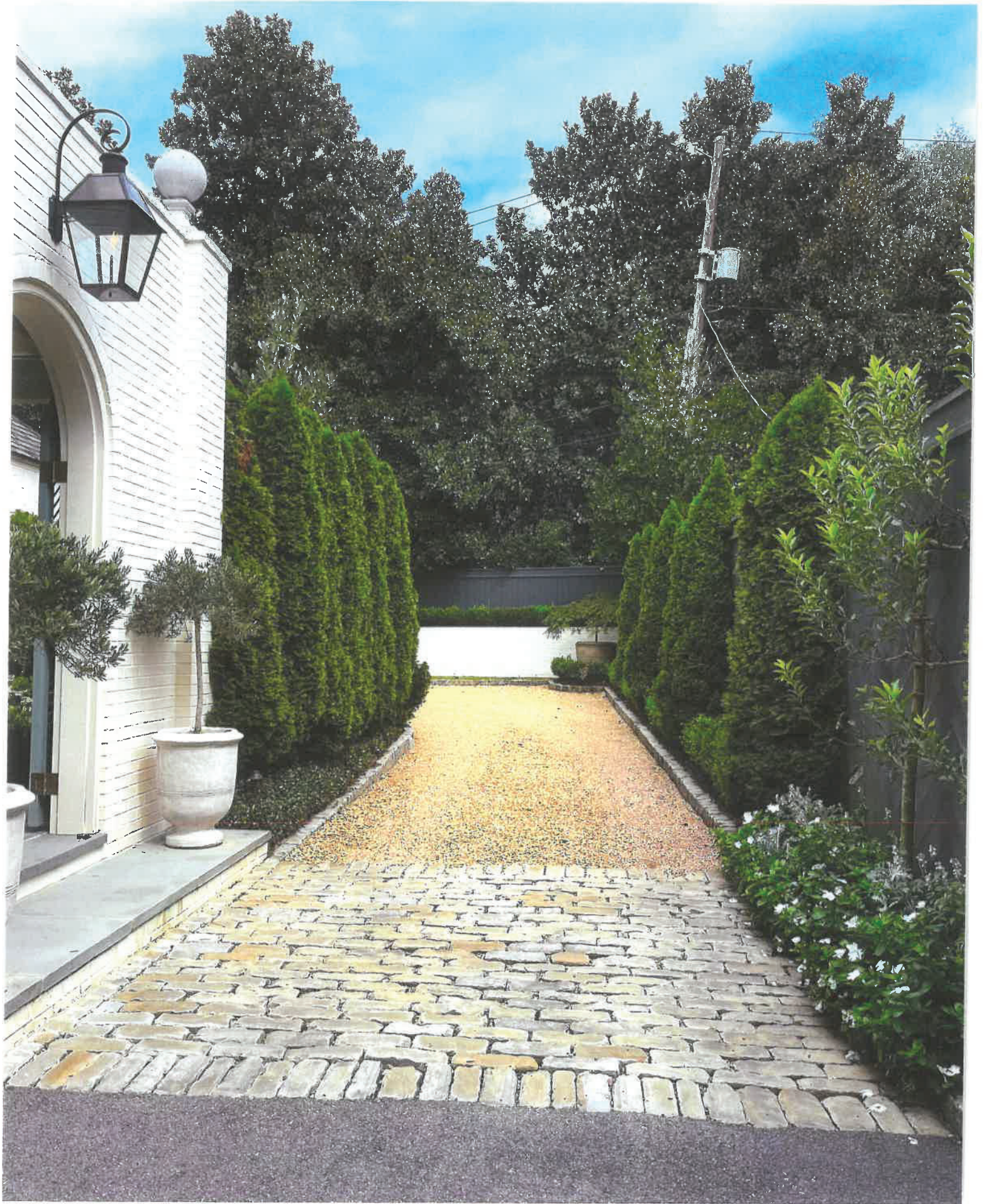
VIEW FROM KUDULIS BACK YARD NEXT DOOR
OF OUR BACK GARAGE



VIEW FROM CAREY BACK YARD NEXT DOOR
OF OUR GARAGE



VIEW OF REAR OF GEORGE TAYLOR'S BACKYARD / DIRECTLY BEHIND US



VIEW OF BANKSTON DRIVEWAY

VIEW OF BANKSTON BACK YARD





VIEW OF BANKSTON GARAGE



SIDE VIEW OF CLOSET ALREADY BEGUN

8/21/22

Dear Members of the Mountain Brook Zoning Board,

I have lived at 2849 Surrey Road for the past 25 years. We moved here from the Chicago area and loved raising our family in Mountain Brook. One of the benefits of living in this neighborhood has been wonderful neighbors like Lois and Ingram Bankston. They informed me that they would like to build a storage room at the rear of their property. Everything they have done to their home has been in great taste which beautifies their home and the entire neighborhood. I have no reservations about the construction of this storage space.

Thank you,

Patricia Carey
Retired from Mountain Brook Schools



HUDULIS
REISINGER
PRICE

August 21, 2022

Attn: Board of Zoning Adjustments
City of Mountain Brook City Hall
56 Church Street
Mountain Brook, AL 35213

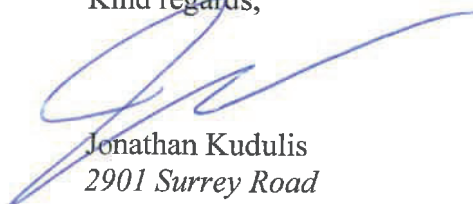
Re: 2855 Surrey Road

Dear City of Mountain Brook Board of Zoning Adjustments:

I am writing to support for approval of the construction that has been proposed at the residence of Lois and Ingram Bankston, at 2855 Surrey Road. The proposed structure will be placed behind their garage and is hidden by a tall brick fence. It will not be visible to any of the surrounding neighbors and therefore should not be a concern for anyone besides the Bankstons.

We have lived next door to the Bankstons for over five years and have witnessed a couple of different projects on their property. Everything the Bankstons have done demonstrates exceptional craftsmanship and complements the existing design. I have no doubt that this upcoming project will be any different.

Kind regards,



Jonathan Kudulis
2901 Surrey Road

LIGHTFOOT
2850 SURREY ROAD
MOUNTAIN BROOK, ALABAMA
35223

August 22, 2022

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

Dear Board of Zoning Adjustment:


We are writing to inform you that we live directly across the street from Lois and Ingram Bankston on Surrey Road and do not oppose their building a storage room near the rear of their property.

The Bankstons are wonderful neighbors and any improvement they have ever made to their property has only added to our neighborhood's beauty. I have no doubt that this construction would be the same.

Sincerely,



Valerie Y. Lightfoot



Warren B. Lightfoot, Jr.

Joseph E. Welden, Jr., MD
2862 Surrey Road
Birmingham, Alabama 35223

8.21.22

Re: 2588 Surrey Road

Dear Board

I have no objection to the
proposed variance. I have
reviewed the proposal.

Joe Welden Jr. MD.













George M. Taylor, III
Direct Dial: (205) 458-5254
Direct Fax: (205) 244-5711
Email: gtaylor@burr.com

420 North 20th Street
Suite 3400
Birmingham, AL 35203

September 14, 2022

Office (205) 251-3000
Fax (205) 458-5100

Mountain Brook Board of Zoning Adjustment
56 Church Street
Mountain Brook, Alabama 35223

BURR.COM

Attn: Mr. Tyler Slaten, City Planner

Re: Case No. A-22-25, Request for Variance to Add to an Existing Non-Conforming Structure at 2855 Surrey Road, Louis and Ingrum Bankston

Ladies and Gentlemen:

The purpose of this letter to is to object to the issuance of a further variance from current Mountain Brook zoning ordinances for the residence located at 2855 Surrey Road. The structure proposed to be added to has already been the subject of a variance request that places it well beyond applicable set back lines and was the subject of hearings in 2017 which scaled back the proposed initial use. Having denied construction on a larger footprint in 2017, the Board should not now permit an addition to this non-conforming structure which places it even further into the rear setback line of the house.

1. Background. My wife, Honey, and I live at 2864 Canterbury Road, which is the house directly behind the residence in question. We are the Mountain Brook residents most affected by this addition. The Surrey Road house was purchased by the Bankstons in 2017. We noticed renovation underway in 2018 and were shocked when a former one-story garage was moved further towards the bank of the property and was then framed up to extend to two-story height. The garage itself was already a non-conforming use in that it sat within the rear set-back area. When we inquired about whether a variance had been obtained, we learned that a hearing has been conducted and a variance approved, all without our knowledge. The Bankstons contend adamantly that a notice of the variance hearing was put in our mailbox. While we do not question their sincerity, we did not receive the notice. Neither did one other neighbor on Canterbury. Our concern for lack of notice does not even take into account the uniform practice of folks in our neighborhood in reaching out in person to neighbors about variance requests so that can questions can be answered and controversies (like this) avoided. The resulting structure not only encroaches upon the setback line but is entirely within the setback area, with the closest point being within 15 feet of the rear property line.

2. Fencing. In the aftermath of the surprise variance, we considered some sort of action to account for our lack of notice but corresponded with the Bankstons and received

assurances from them that fencing would diminish the impact of the structure. By email dated May 4, 2018, Mrs. Bankston committed to build an 6 to 8 foot fence appropriately painted a mossy green color to blend in with the landscaping. The fence which they eventually constructed was only five feet in height (actually 4'10" where I measured) and does not comply with Mountain Brook ordinances requiring that its finished side face the exterior. In addition to the unfinished side facing our house, our side is not painted at all. The fence does nothing to diminish the impact of the existing two-story structure.

3. Unpermitted Construction. We were surprised once again by the Bankstons on the weekend of August 13, 2022, when we noticed construction behind our house and saw that they were adding on to the existing non-conforming two-story garage. I asked their contractor if he had a permit and he said I would have to ask the owners. Dr. and Mrs. Bankston came out into the yard, engaged in terse conversation and left the impression that no variance had been requested and no building permit was in place. The building inspector visited the site on the following Monday, August 15, to confirm that construction could not continue.

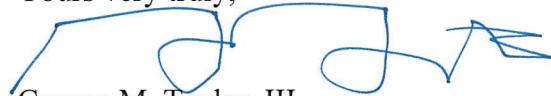
4. Filing of Variance Request. After our objection and the visit by the building inspector, the Bankstons have submitted a request for a variance, citing the fact that the structure cannot be seen by neighbors and enclosing multiple letters from neighbors attesting to their character as nice people. The application incorrectly states that the structure cannot be seen by any of the neighbors. We have submitted pictures showing the new structure clearly visible from our back yard. The new building merely adds to the mass of the structure occupying what should be an unoccupied building setback area.

4. Lack of Hardship. As I understand it, the procedures that the Board follows require a showing of hardship and a showing that if hardship exists it has not been caused by the applicant. As to the existence of hardship, there is no showing that any aspect of the occupancy and enjoyment of their property will be adversely impacted by your failure to approve the variance. The property includes a two-story garage that must surely obtain room for tool storage. Moreover, there is an obligation on the part of applicants both to take steps to remediate any hardship and to not cause hardship themselves. The structure sought to be built could easily fit on the outside of the opposite side of the two-story garage where it would not encroach further into the setback area (and to which we would not object). To the extent the Bankstons argue that there is no alternative space for their additional storage shed anywhere on the site, that would appear to be the result of their using every other square inch of buildable space on their property for other purposes, something well within their control. Their inability to add 90 square feet of tool storage area within ten feet of the rear property line is not by any definition evidence of hardship.

5. General Grounds for Denial. The residence in question already has a footprint that far exceeds anything that would be permitted for current construction on that lot. The residents have already received a very generous variance that likely would not be granted under current circumstances. For the Board to permit further expansion of this non-conforming outbuilding is inconsistent with its purpose in promoting orderly growth in Mountain Brook and in preserving property values and sets a bad precedent for other projects in the neighborhood. We encourage the Board to deny this request.

Thank you for your consideration of this matter and for your service to our community.

Yours very truly,



George M. Taylor, III

GMT/jl

August 20, 2022

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

Dear Members of the Zoning Adjustment committee,

We would like to request a building permit for an attached storage room at the rear of our property behind our garage, as we are in need of a place to store garden equipment, dry logs, and gardening supplies. Because of the proximity of this proposed closet to our property line, a variance will be required for us to be able to move forward.

The room we would like to construct will be less than 90 square feet, as shown in the attached drawings. Also, as is clearly visible in the attached survey, the shape of our parcel is not square at the rear of our property, which adds to the difficulties we are facing.

The closet we would like to build will not be visible to any of our neighbors on any side. We have contacted our neighbors on the right and the left, along with those across the street, and no one had the slightest reservation to our project. Please see their attached letters of support. Truly, we believe this addition will only add to the attractiveness of our property for any future owner. We have done everything we possible could to make our home beautiful, both inside and out, for our neighborhood. Indeed, we would never want to do anything to cause any problem for any of our neighbors.

The storage closet would not need electricity, plumbing, gas, or HVAC. The proposed height of the roof would cover an existing exterior light, which would provide sufficient lighting for the interior of the closet. The interior of the room would consist only of painted plywood and shelves. There is an existing barn door in our garage to the outside, which would serve as the door to the closet from the garage. The roof of the closet would be metal, matching the roof over our loggia and over our grill. We plan to use masonry board on the exterior and paint it the color of the house and garage. There would be a three-foot-deep cubby at one end to hide our garbage cans.

At one end of the proposed structure, the closet would be 12 feet from the property line, and 9 feet at the other, because of the shape of our lot. We have an existing retaining wall and privacy fence above it at the rear of our property for privacy for our neighbors behind us. I would like to add that there is a 12 foot utility easement behind that wall which we believe would add an extra layer of distance. At any rate, the room would not be visible to our neighbors to our rear.

We understand that there are water issues in Mountain Brook and have installed French drains in that area to insure there is no water problem. We have never had a water issue back there. Please see the attached photos of our yard, driveway, and garage. We believe this closet would be a very helpful and attractive addition to our property.

Thank you very much for any consideration you might give our request.

Sincerely yours,

Luis and Inguem Bankston
2855 Surrey Road 35223



Variance Application Part II

Required Findings (Sec. 129-455 of the Zoning Ordinance)

To aid staff in determining that the required hardship findings can be made in this particular case, please answer the following questions with regard to your request. **These findings must be made by the Board of Zoning Adjustment in order for a variance to be granted** (please attach a separate sheet if necessary).

What special circumstances or conditions, applying to the building or land in question, are peculiar to such building or land, and do not apply generally to other buildings or land in the vicinity (including size, shape, topography, location or surroundings)?

We would like to add a storage room/closet to the back of our garage at the rear of our property. In addition to the fact that our lots are rather narrow, the shape of our parcel at the rear of our property is not square, making it more difficult to stay near setbacks at both rear corners of our proposed closet/shed.

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

No

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

We need a covered space to hold garden, maintenance equipment, logs. It is our belief that such a closet would be very attractive and useful to any future homeowner of our property. Additionally, we would like to conceal our garbage cans, which would add to the attractiveness of the property. We are very intent to enhance our neighborhood. This room is not visible to us or any of our other neighbors. Total square footage is less than 90 square feet.



A-17-33

CITY OF MOUNTAIN BROOK

Department of Planning, Building &
Sustainability
56 Church Street
Mountain Brook, Alabama 35213
Telephone: 205.802.3810
www.mtnbrook.org

BOARD OF ZONING ADJUSTMENT MEETING SUMMARY

Meeting Date: September 18, 2017
Case Number: A-17-33
Case Address: 2855 Surrey Road
Property Owner(s): Lois and Ingrum Bankston
Representative: Philip Woods, Home Builder
pwhbphilip@gmail.com

Type Request: The property owners request variances from the terms of the Zoning Regulations to allow additions to an existing single family dwelling to be 13.1 feet from the rear property line (east) in lieu of the required 40 feet, 9.8 feet from the side property line (north) and 12.9 feet from the side property line (south), both in lieu of the required 15 feet, and for the lot coverage to be 33% in lieu of the maximum allowable 25%.

Action Taken: The Board of Zoning Adjustment approved the variance request as submitted.

Dana O. Hazen

Dana O. Hazen, MPA, AICP
Director of Planning, Building and Sustainability



Variance Application - Part I

Project Data

Address of Subject Property 19 Montevallo Park Circle

Zoning Classification PUD

Name of Property Owner(s) Hannah and Mathieu Nader

Phone Number _____ Email mwnader@gmail.com

Name of Surveyor Weygand Surveyors

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

Name of Architect (if applicable) Anna Evans Architect

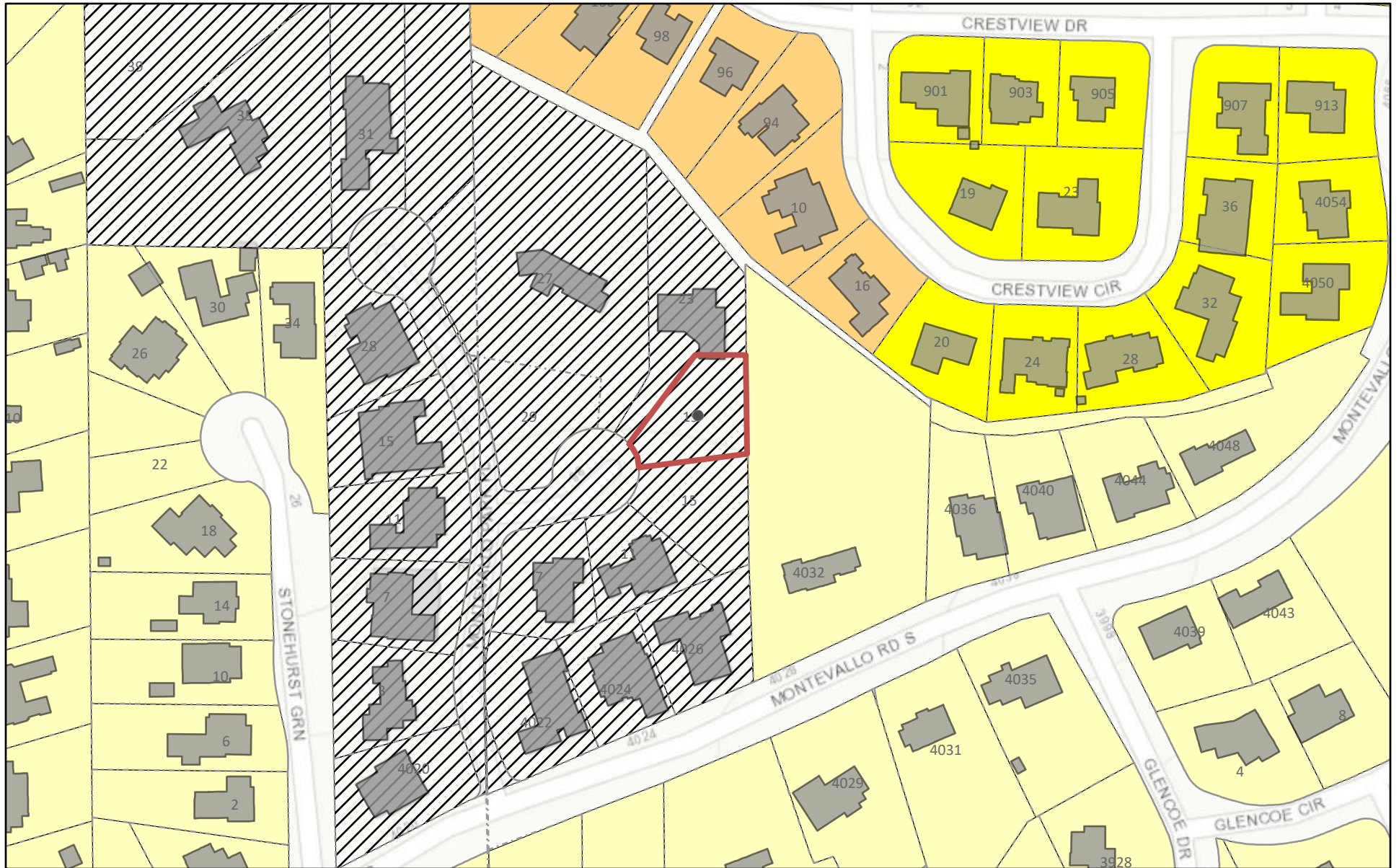
Phone Number 205-370-8227 Email anna@annaevansarchitect.com

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 <u>Section 129-315</u>	<u>8'-0" max wall height</u>	<u>n/a</u>	<u>9'-0" wall with 3'-0" rail</u>
Other			

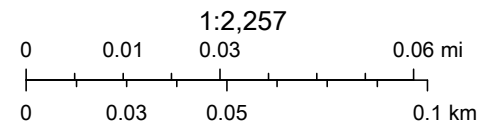
A-22-26 Zoning



9/6/2022, 3:22:21 PM

- Building Footprints 2020v1
- Lot Lines
- PUD
- Residence A District
- Residence B District
- Residence C District

Tax_Parcels 2021



JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

A-22-26 Aerial



9/6/2022, 3:24:02 PM

Aerial 2021

Red: Band_1



Green: Band_2



Blue: Band_3

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Jefferson County Department of Information Technology | JeffCoAL, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-22-26

Petition Summary

Request to allow a 12 foot high uncovered rear deck and railing to be 14 feet 10 inches feet from the rear property line (east) in lieu of the required 25 feet.

Scope of Work

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

Variance Request for Deck Height in Rear Setback

Nexus: The hardships in this case are the unusual lot shape and topography. The lot slopes downward from front to back losing approximately 25 feet in elevation.

Possible Findings for Approval: The proposed new single family dwelling will feature an uncovered deck that is 9 feet in height with an additional 3 feet in height for an added railing around the top. A portion of the uncovered deck area encroaches into the rear setback. The actual structure of the home will conform to the setbacks of the PUD.

It is anticipated that an approval of such variance:

- a. Will not impact the flow of light and air to adjoining properties (the proposed new uncovered deck would not be visible from adjoining properties as there is a heavily wooded area abutting this side of the lot);

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

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

Appends

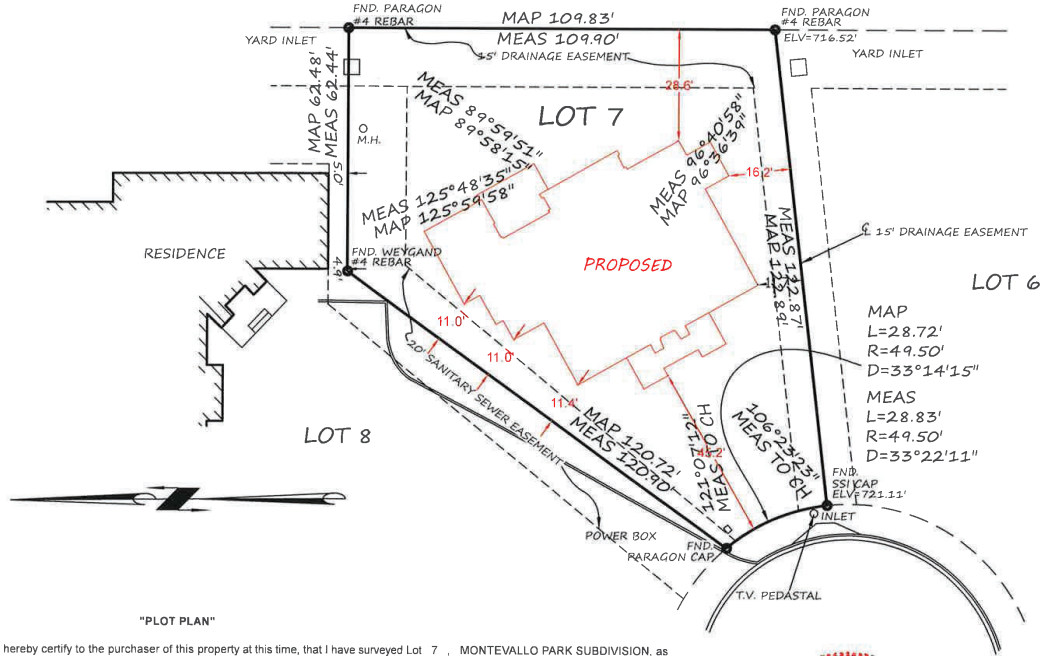
LOCATION: 19 Montevallo Park Circle

ZONING DISTRICT: Planned Unit Development

OWNERS: Hannah and Mathieu Nader

LEGEND

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



SCALE: 1"=30'
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 7, MONTEVALLO PARK SUBDIVISION, as recorded in Map Volume 218, Page 47, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of AUGUST 19, 2022. Survey invalid if not sealed in red.

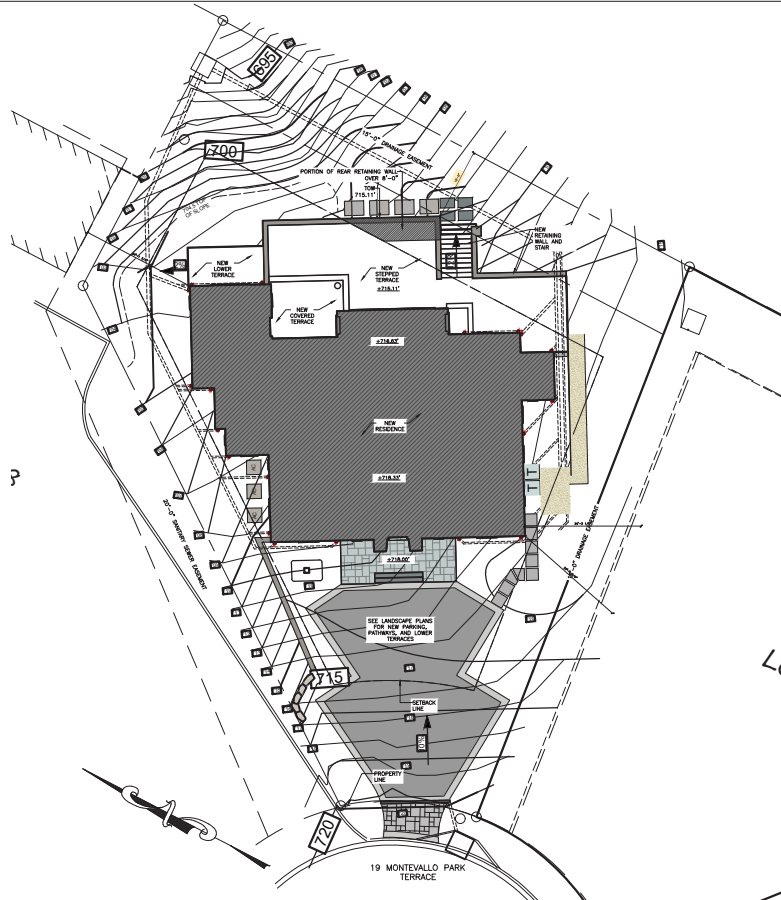
Order No.: 20221371
Purchaser:
Address: 19 MONTEVALLO PARK CIRCLE

[Signature]

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.



SITE PLAN
 1" = 20'-0"
 AUGUST 26, 2022

VARIANCE APPLICATION FOR
 19 MONTEVALLO PARK CIRCLE
 MOUNTAIN BROOK, AL 35213



REAR EXTERIOR ELEVATION
1" = 20'-0"
AUGUST 26, 2022

VARIANCE APPLICATION FOR
19 MONTEVALLO PARK CIRCLE
MOUNTAIN BROOK, AL 35213

August 26, 2022

Dana Hazen
Director of Planning, Building, and Sustainability
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Variance Application

On behalf of the Owners, Hannah and Mathieu Nader, enclosed is a variance application for 19 Montevallo Park Circle, Mountain Brook, AL 35213. The scope of the project includes a new residence, as shown in the provided supplemental drawings.

Sincerely,

A handwritten signature in black ink, appearing to read 'AEC', written in a cursive style.

Anna Evans Architect



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)?

This property has a significant topographic change along the rear property line, resulting in almost 24'-0" of elevation change in the grade. In addition, the lot is irregularly shaped, which limits buildable area at the front setback line.

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 applicant did not create the topographic hardship nor the irregular lot shape.

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

The adjoining properties will not be adversely affected by the granting of this variance as it will not impact their access to light and air. The rear property line is wooded and the portion of the proposed retaining wall and rail that are in the rear setback will be visibly obscured by the existing vegetation.
