

BZA Packet

January 17, 2023

Hello All,

Enclosed please find your packet for the meeting of January 17, 2023.

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 (January 17, 2023)
- 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 Tuesday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
January 17, 2023
PRE-MEETING: 4:30 P.M.
REGULAR MEETING: 5:00 P.M.

**MEETING TO BE HELD IN PERSON AT CITY HALL AND VIRTUALLY USING ZOOM VIDEO
CONFERENCING
(ACCESS INSTRUCTIONS ON MEETING WEBPAGE)**

NOTICE

Any variance which is granted today expires and becomes null and void one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months and ask for a six-month extension, which the Board normally grants.

Any variance which is granted, regardless of the generality of the language of the motion granting the variance, must be construed in connection with, and limited by, the request of the applicant, including all diagrams, plats, pictures and surveys submitted to this Board before and during the public hearing on the variance application.

-
1. Approval of Minutes: December 19, 2022
 2. **Case A-23-01: Jody Quick**, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a detached accessory structure (garage) to be located 19 feet from the secondary front property line (Eastis St) in lieu of the required 35 feet, and to be located in a required front yard, where the code limits its location to a side or rear yard. **-4 Eastis Street**
 3. **Case A-23-02: Jack and Ensley Darnall**, property owners, request variances from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be located 25 feet from the secondary front property line (Mathews Road) in lieu of the required 40 feet; to be 10 feet from the side property line (northeast) in lieu of the required 15 feet; and to allow the building coverage to be 28 percent in lieu of the maximum allowed of 25 percent. **-58 Country Club Drive**
 4. **Case A-23-03: Patrick Moulton**, property owner, requests an appeal of the Director's decision regarding the construction of a detached accessory structure. **-920 Sheridan Drive**
 5. Next Meeting: **Tuesday, February 21, 2023**
 6. Adjournment



Variance Application - Part I

Project Data

Address of Subject Property 4 Eastis Street Mountain Brook, AL 35213

Zoning Classification Residence B

Name of Property Owner(s) Jody and Kendall Quick

Phone Number 205-527-7099 Email jody@onesourceair.com

Name of Surveyor Weygand Surveyors

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

Name of Architect (if applicable) _____

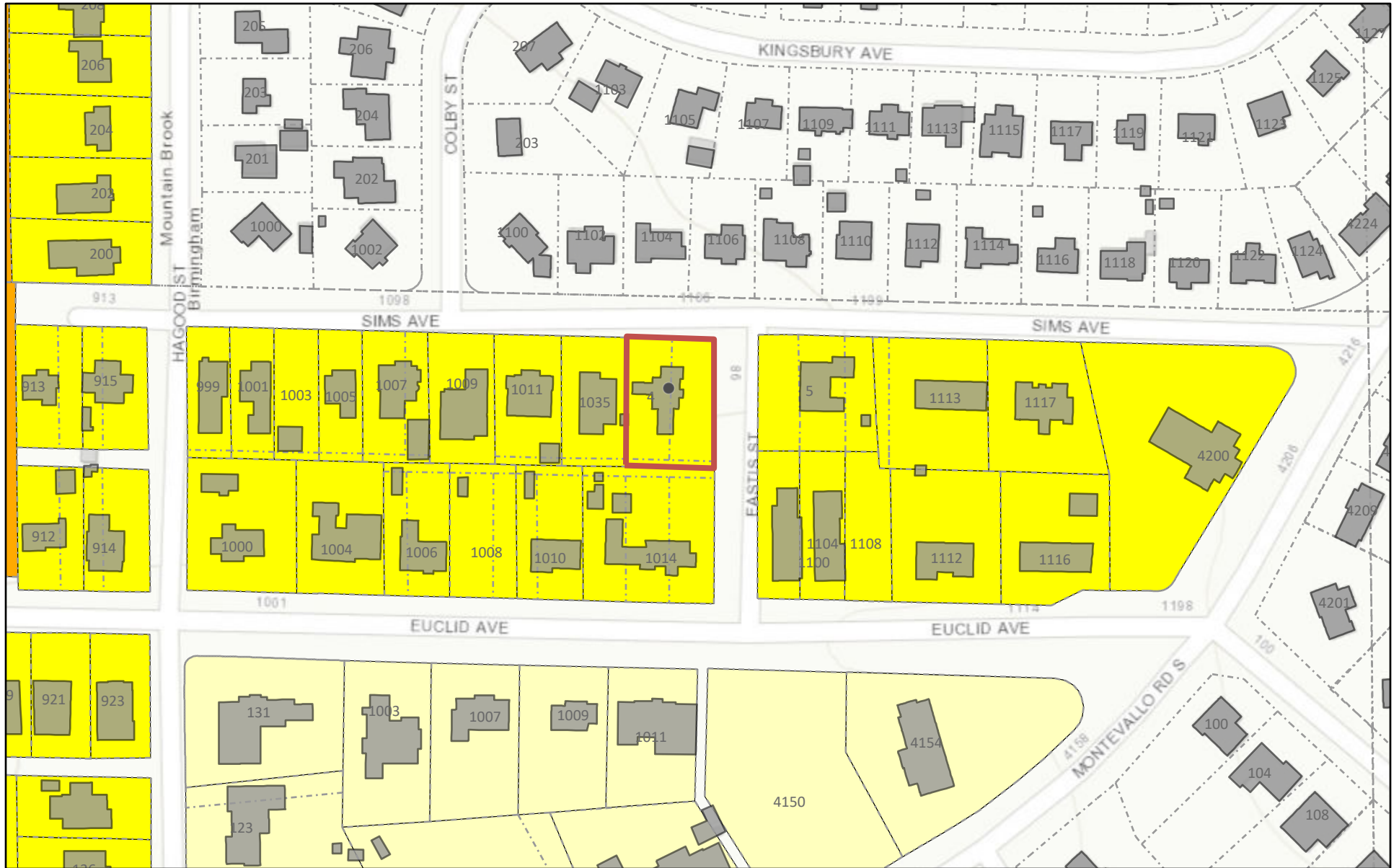
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

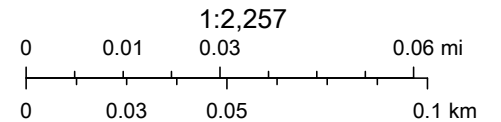
| | Zoning Code Requirement | Existing Development | Proposed Development |
|--|-------------------------|---------------------------|----------------------------|
| Lot Area (sf) | | 14,884 | |
| Lot Width (ft) | | 99.11' | |
| Front Setback (ft) <i>primary</i> | | 35' | |
| Front Setback (ft) <i>secondary</i> | | 17.5' w/ current variance | |
| Right Side Setback | | 12.5' | |
| 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) | | 35' | |
| Lot Coverage (%) | | | 5,358 sq.ft.-(36%) |
| Building Height (ft) | | | |
| Other <u>New attached Garage</u> | 10' from property line | N/A | 19' actual- 17.5' variance |
| Other | | | |

A-23-01 Zoning



1/4/2023, 1:11:50 PM

- Building Footprints 2020v1
- Lot Lines
- Residence B District
- Residence A District
- Residence D District
- Tax_Parcels 2021



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

ArcGIS Web AppBuilder

A-23-01 Aerial



1/4/2023, 1:13:11 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, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-23-01

Petition Summary

Request to allow the construction of a detached accessory structure (garage) to be located 19 feet from the secondary front property line (Eastis St) in lieu of the required 35 feet, and to be located in a required front yard, where the code limits its location to a side or rear yard.

Background

On May 18, 2020, the Board of Zoning Adjustment granted a variance on the subject site to allow the construction of a new single family home to be 17.5 feet from the secondary front property line (Eastis Street) in lieu of the required 35 feet.

Scope of Work

The scope of work entails the construction of a new detached accessory structure (garage).

Variance Request for Front and Rear Setbacks

Nexus: The hardship in this case is the corner lot configuration which limits the buildable area of the lot.

It should be noted that if the primary front (Sims Avenue) were opposite a dedicated alley then a 17.5 foot secondary front setback (Eastis Street) as would be automatically allowed. Such an alley did exist prior to being vacate, but even so the resulting subdivision configuration remains the same; such that the Eastis Street serves as a secondary front for all houses on this block along this same side of Eastis Street. Therefore, the proposed setback of 19 feet is not anticipated to be detrimental to the streetscape.

It is anticipated that an approval of such variance:

- a. will not be detrimental to the streetscape (due to the fact that the homes along Eastis are not oriented in such a way as to utilize Eastis Street as a primary front and the accessory structure will be behind the principal dwelling with regard to setback).

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, Sec. 129-52, Area and dimensional requirements

Appends

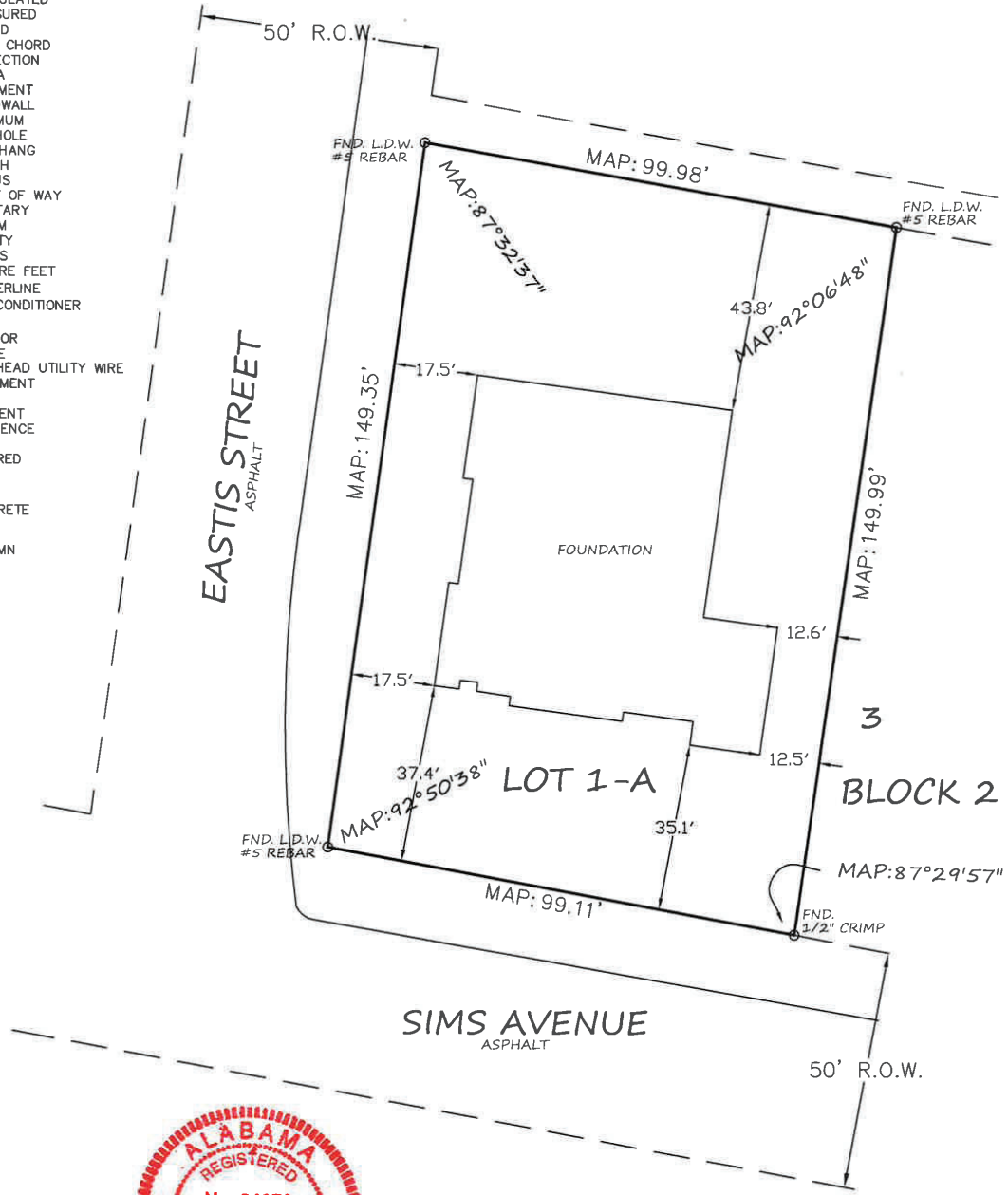
LOCATION: 4 Eastis Street

ZONING DISTRICT: Residence B District

OWNERS: Jody and Kendall Quick

LEGEND

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



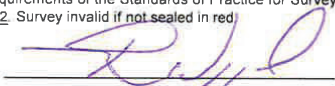
SCALE: 1"=30'

STATE OF ALABAMA)
JEFFERSON COUNTY)

"FOUNDATION SURVEY"

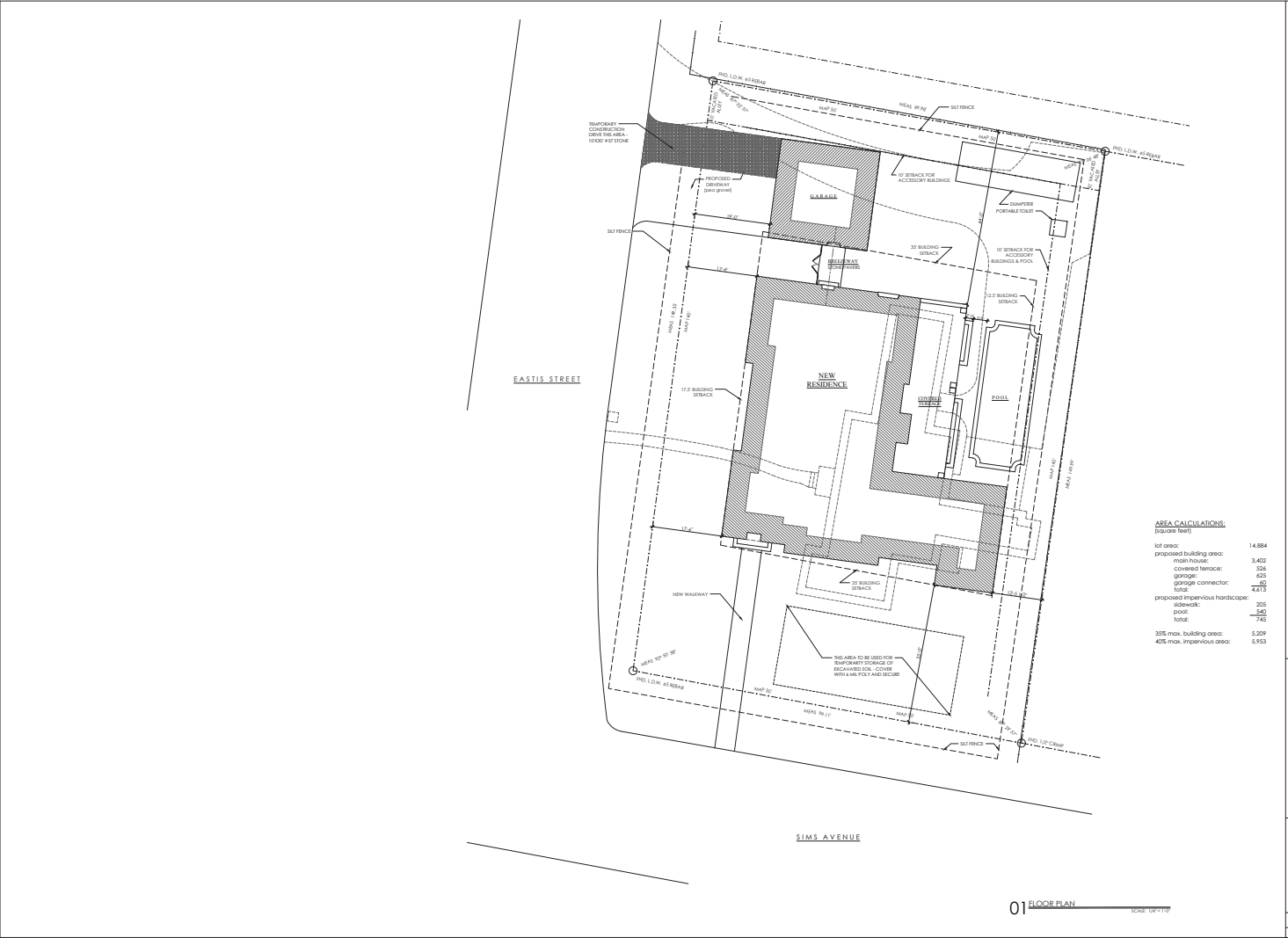
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1-A, QUICK EASTIS STREET RESURVEY, as recorded in Map Volume 258, Page 65, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts 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 17, 2022. Survey invalid if not sealed in red.

Order No.: 20221333
Purchaser:
Address: 4 EASTIS STREET


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.



AREA CALCULATIONS:
(square feet)

| | |
|---------------------------------|--------------|
| lot area: | 14,884 |
| proposed building area: | 3,402 |
| main house: | 576 |
| garage: | 625 |
| garage connector: | 60 |
| total: | 2,267 |
| proposed impervious hardscapes: | |
| sidewalk: | 205 |
| pool: | 540 |
| total: | 745 |
| 35% max. building area: | 5,209 |
| 40% max. impervious area: | 5,933 |

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

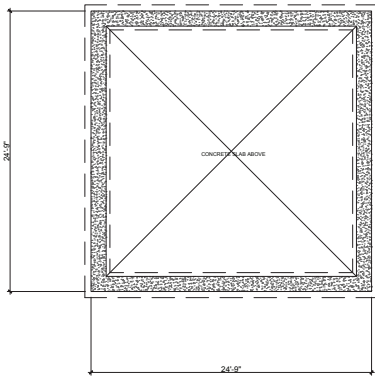
MULBERRY
STUDIO, LLC

96 Dunes Park Circle
Blount Springs, Alabama 35079
PH: 205-678-0113
jquade@themulberrystudio.com

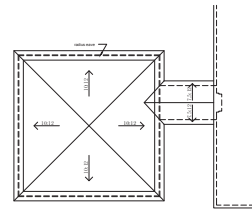
A Garage for
Jody & Kendall Quick
4 Basin Street
Mountain Brook, Alabama 35213

Date: 08/02/2022
Revisions: _

A1.0
FOR REVIEW



02 FOUNDATION PLAN SCALE: 1/4" = 1'-0"



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



01 FLOOR PLAN SCALE: 1/4" = 1'-0"



THE MULBERRY STUDIO, LLC

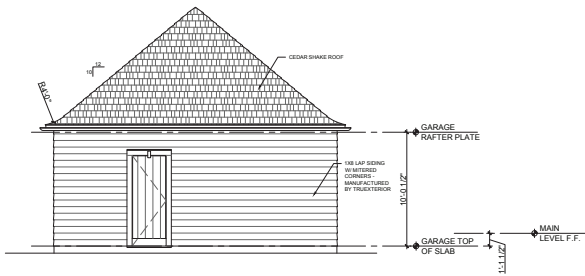
96 Dunes Park Circle
Blount Springs, Alabama 35079
PH: 205-678-0113
jwade@themulberrystudio.com

A Garage for
Jody & Kendall Quick
4 Easton Street
Mountain Brook, Alabama 35213

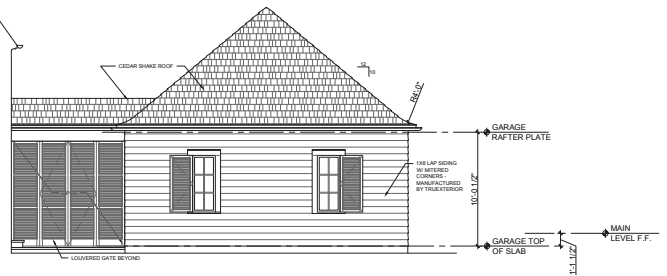
Date: 08/02/2022

Revisions: _

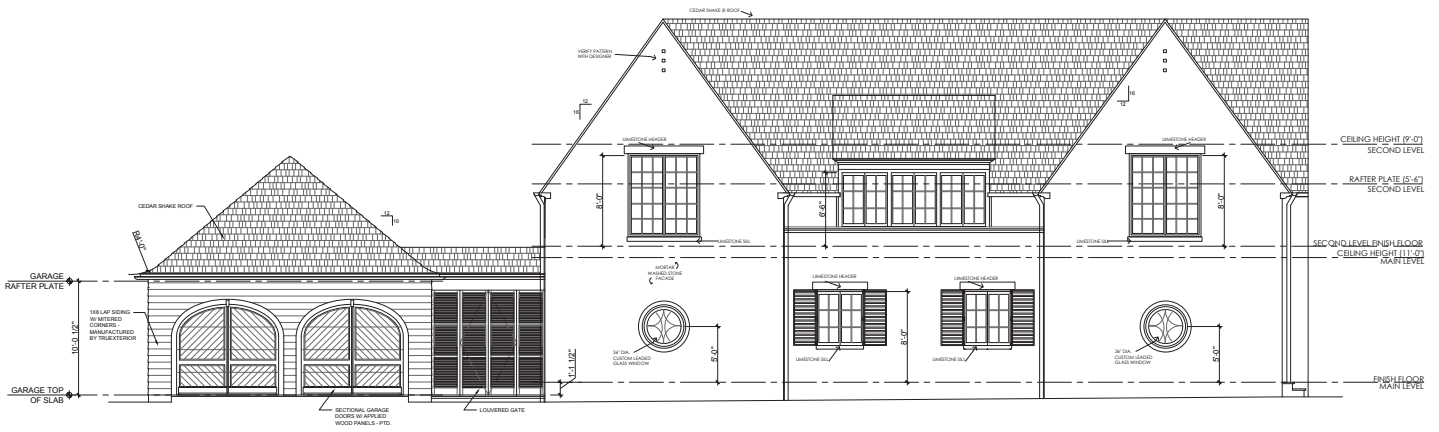
A1.1
FOR REVIEW



03 GARAGE - LEFT SIDE ELEVATION SCALE: 1/8" = 1'-0"



02 GARAGE - REAR ELEVATION SCALE: 1/8" = 1'-0"



01 EASTIS STREET ELEVATION SCALE: 1/8" = 1'-0"



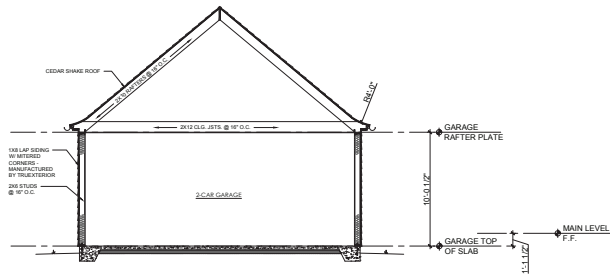
MULBERRY
STUDIO, LLC

96 Dunes Park Circle
Blount Springs, Alabama 35079
PH: 205-678-0113
jquack@themulberrystudio.com

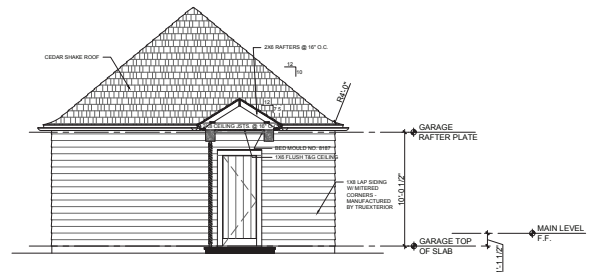
A Garage for
Jody & Kendall Quick
4 Lanes Drive
Mountain Brook, Alabama 35213

Date: 08/02/2022
Revisions: _

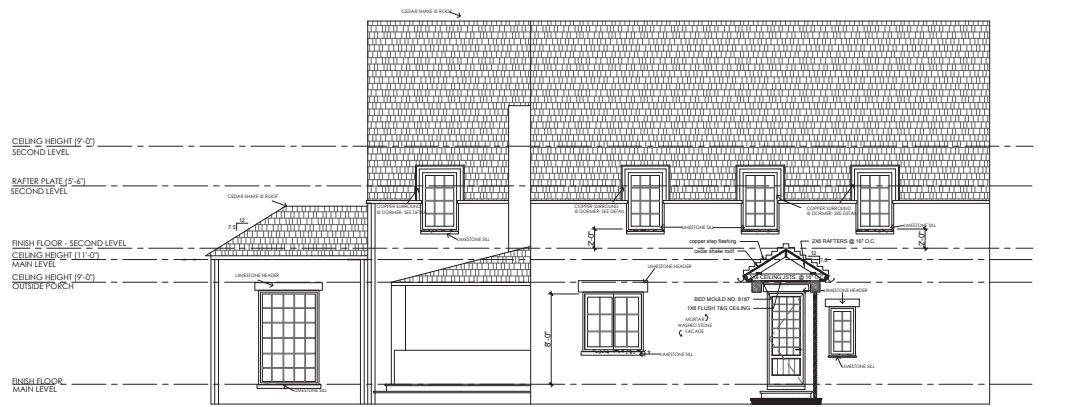
A1.2
FOR REVIEW



03 BUILDING SECTION SCALE 1/8" = 1'-0"



02 GARAGE - RIGHT SIDE ELEVATION SCALE 1/8" = 1'-0"



01 REAR MAIN HOUSE ELEVATION & BREEZEWAY SECTION SCALE 1/8" = 1'-0"



MULBERRY STUDIO, LLC

96 Dunes Park Circle
Blount Springs, Alabama 35079
PH: 205-678-0113

jquade@themulberrystudio.com

A Garage for
Jody & Kendall Quick
4 Basin Street
Mountain Brook, Alabama 35213

Date: 08/02/2022

Revisions: _

A1.3
FOR REVIEW

Variance Application Scope of Work
The Quick Family Residence
4 Eastis Street Mountain Brook, AL 35213

Scope -

- Variance to allow a parking garage to be built within a 19' setback of a secondary front. Rear setback will remain at required 10' to accessory structure. Height will be 25'.
- 25'x25' structure at 625 square feet. Connected to main house with a 6' wide by 10' long breeze way

Purpose –

Our goal will be to move the parking garage structure up to the existing/approved variance relating to the main building, secondary front set back of 17.5.

- This will help to maintain streetscape along Eastis Street
- Cause no negative impact on surrounding neighborhood
- Allow for covered access from main house to garage
- Help create a wonderful back yard

Hardship –

- Corner lot configuration. Please note: In conjunction with new construction main house design constraints due to corner lot configuration

12/14/2022

Jody W. Quick



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)?

2 seperately dedeed lots, resurveyed to 1 lot, with corner lot configuration

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, Corner lot configuration existed prior to construction and previous variance

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

Maintaining streetscape along Eastis St. running north-south



A-20-10

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: May 18, 2020
Case Number: A-20-10
Case Address: 4 Eastis Street
Property Owner(s): Jody and Kendall Quick
jody@onesourceair.com

Type Request: Jody and Kendall Quick, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a home to be located 17.5 feet from the secondary front property line (Eastis St.) in lieu of the required 35 feet.

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

Tyler Slaten
Planner
City of Mountain Brook
56 Church St
Mountain Brook, AL 35213
Office 205-802-3811



CITY OF MOUNTAIN BROOK

**A-20-10
Extension**

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**

Original Approval Date: May 18, 2020
First Extension Date: May 17, 2021
Second Extension Date: October 18, 2021

Case Number: A-20-10

Case Address: 4 Eastis Street

Property Owner(s): Jody and Kendall Quick
jody@onesourceair.com

Type Request: Requested is an extension of the approved variance:
Jody and Kendall Quick, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a home to be located 17.5 feet from the secondary front property line (Eastis St.) in lieu of the required 35 feet.

Action Taken: The Board of Zoning Adjustment approves a second variance extension as requested, for a period of six months.

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



December 23, 2022

Via email: slaten@mtnbrook.org

Mr. Tyler Slaten
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Re: Appeal to City of Mountain Brook Board of Zoning & Adjustments - 920 Sheridan Drive

Dear Tyler:

Attached hereto is a letter dated November 30, 2022 from Dana Hazen to John Patrick Moulton. This letter directs Mr. Moulton to remove portions of construction work that have been done on the accessory structure on the property located at 920 Sheridan Drive (the "Property"). Mr. Moulton objects to the issuance of this letter and the characterization therein that he was previously issued a formal "Stop Work Order".

This appeal is taken pursuant to §129-453 of the Mountain Brook Zoning Code. Mr. Moulton asks that the BZA overrule the directives in Ms. Hazen's letter and allow the accessory structure to be completed in conformity with the building permit previously issued by the City of Mountain Brook. The accessory structure at issue is being built consistent with the subject building permit, and the efforts to stop such work and require removal of portions of the improvements have and continue to cause damage to the construction materials, the structure, and Mr. Moulton's ability to use and enjoy the same.

At the hearing of this appeal, Mr. Moulton will present photographs of the Property and documents relating to the issuance of the building permit. As there is no prescribed form for an "appeal" to the BZA, I ask that this letter and the attached survey and list of adjoining owners serve as the submission for this appeal to be heard at the upcoming January meeting of the BZA.

Sincerely,

Frank C. Galloway III
Attorney for John Patrick Moulton

FCGIII/twm

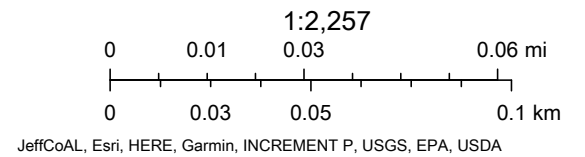
Attachments

A-23-03 Zoning



1/4/2023, 2:26:06 PM

- Building Footprints 2020v1
 - Lot Lines
 - Residence B District
 - Residence A District
 - Residence D District
- Tax_Parcels 2021



A-23-03 Aerial



1/4/2023, 2:33:54 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, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

Report to the Board of Zoning Adjustment

A-23-03

Petition Summary

Request to appeal the City Planning Director's decision regarding the construction of a detached accessory structure.

Background Timeline

In July of 2020, the City of Mountain Brook became aware of unpermitted construction taking place on a non-conforming detached accessory structure (garage) on the subject property. The city communicated the need for a building permit, which also necessitated the need for a variance to allow the construction as was proposed in the required side and rear setbacks.

On July 20, 2020, the Board of Zoning Adjustment approved Case A-20-17, allowing variances for construction on the accessory structure to be 8.4 feet from the rear property line (north) and 2.9 feet from the side property line (west) both in lieu of the required 10 feet. The application stated the existing development and the proposed development to be identical in height at 14 feet. At the meeting prior to the approval, the applicant was asked if the replacement structure will be identical in size to the previous, to which he replied that it would be the same height and size as the initial structure.

On July 19, 2021, the property owner requested and was granted a 6 month extension of variance Case A-20-17.

A building permit was subsequently issued for construction of said detached accessory building, but in April of 2022, the city notified the property owner that all ongoing repairs and improvements to the detached accessory structure must be ceased because the improvements, as reflected in the building permit, did not conform to the approved variance. The work was ceased at this time and has not recommenced to date. The structure remains in the same state as when the work was stopped.

The city of Mountain Brook issued a letter to the property owner on November 30, 2022 regarding the unfinished non-conforming structure, giving the owner 30 days to either bring the structure into conformity with the original variance approval (A-20-17), or seek additional relief from the BZA by filing a new variance case to allow the improvements as proposed in the building plans that accompanied the building permit.

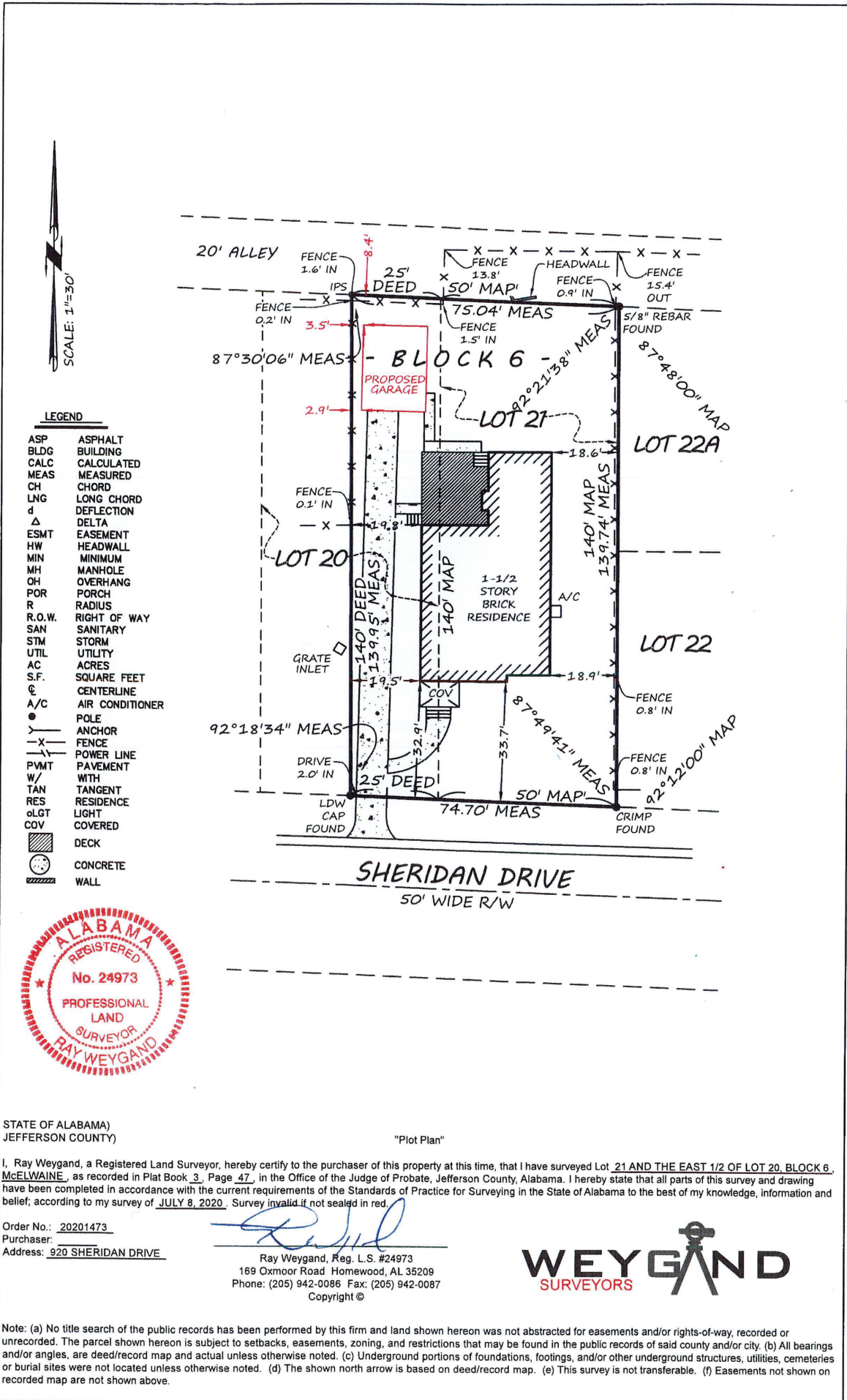
The applicant is now seeking to appeal the decision of the City's Planning Director that either the structure must be brought into conformity with the variance A-20-17 approved by the BZA on July 20, 2020 or additional relief from the BZA must be sought. The Applicant has requested that the BZA "overrule the directives in Ms. Hazen's letter" and permit construction to be completed in conformity with the plans submitted as part of the building permit request, which do not conform to variance A-20-17

Appends

LOCATION: 920 Sheridan Drive

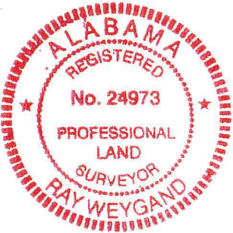
ZONING DISTRICT: Residence B District

OWNERS: Patrick Moulton



LEGEND

| | |
|--------|-----------------|
| ASP | ASPHALT |
| BLDG | BUILDING |
| CALC | CALCULATED |
| MEAS | MEASURED |
| CH | CHORD |
| LNG | LONG CHORD |
| d | DEFLECTION |
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| CL | CENTERLINE |
| A/C | AIR CONDITIONER |
| ● | POLE |
| —X— | ANCHOR |
| —X— | FENCE |
| —X— | POWER LINE |
| PWMT | PAVEMENT |
| W/ | WITH |
| TAN | TANGENT |
| RES | RESIDENCE |
| oLGT | LIGHT |
| COV | COVERED |
| ▨ | DECK |
| ○ | CONCRETE |
| ▨ | WALL |



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Plot Plan"

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

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

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.



CITY OF MOUNTAIN BROOK

Dana Hazen
56 Church Street
Mountain Brook, Alabama 35213
Telephone: 205/802-3816
Fax: 205.879.6913
hazend@mtnbrook.org
www.mtnbrook.org

November 30, 2022

John Patrick Moulton
920 Sheridan Drive
Mountain Brook, Alabama 35213

RE: Permit B-052317
Improvements located at 920 Sheridan Drive

Dear Mr. Moulton:

On or about April 25, 2022, the City ordered that work be stopped under Permit B-052317. The work permitted consists of repairs and improvements to a detached garage on the premises. The improvements were the subject of a variance granted by the Mountain Brook Board of Zoning Adjustment ("BZA") in case number A-20-17. The work was stopped because the improvements are not permitted under the Mountain Brook Zoning Ordinance and do not conform to the variance obtained from the BZA.

The Stop Work Order was issued approximately seven months ago and the condition, a non-conforming, unfinished structure remains in place. Within thirty (30) days from the date of this letter, the structure either needs to be brought into conformity with the original variance you requested and obtained by the Board of Zoning Adjustment, with the height and square footage limitations provided thereby; or you must request additional relief from the BZA to allow the improvements as currently situated, by filing a new variance case for the next available hearing.

I am glad to answer any questions or be of assistance if needed. Thank you for your help. We look forward to getting closure for you, the City and your neighbors.

Sincerely,

Dana O. Hazen
Director of Planning, Building, & Sustainability



Variance Application - Part I

Project Data

Address of Subject Property 920 SHERIDAN DRIVE
 Zoning Classification RESIDENCE "B"
 Name of Property Owner(s) JOHN PATRICK MOULTON
 Phone Number 205.796.7946 Email patrickmoulton@gmail.com
 Name of Surveyor WEYGAND SURVEYORS
 Phone Number 205.942.0086 Email office@weygandsurveyor.com
 Name of Architect (if applicable) HENRY SPROTT LONG
 Phone Number 205.323.4564 Email HANKLONG@bellsouth.net



Property owner or representative agent must be present at hearing

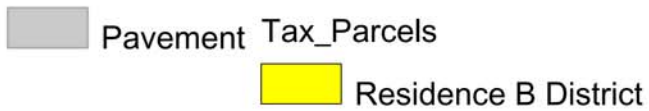
Please **fill in only applicable** project information (relating directly to the variance request(s)):

| | Zoning Code Requirement | Existing Development | Proposed Development |
|---|-------------------------|----------------------|----------------------|
| Lot Area (sf) | 10,500 SF | 10,500 SF | 10,500 SF |
| Lot Width (ft) | 75 FEET | 75 FEET | 75 FEET |
| Front Setback (ft) <i>primary</i> | 35 FEET | 35 FEET | 35 FEET |
| Front Setback (ft) <i>secondary</i> | 17.5 FEET | 17.5 FEET | 17.5 FEET |
| Right Side Setback | 12.5 FEET | 12.5 FEET | 12.5 FEET |
| Left Side Setback | 10 FEET | 2.9 FEET | 2.9 FEET |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | N/A | N/A | N/A |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | N/A | N/A | N/A |
| Rear Setback (ft) | 35 FEET | 8.4 FEET | 8.4 FEET |
| Lot Coverage (%) | 35 percent | 28 percent | 28 percent |
| Building Height (ft) | 35 FEET | 14 FEET | 14 FEET |
| Other | | | |
| Other | | | |

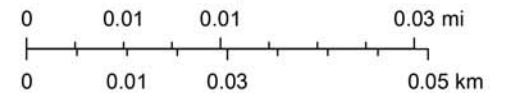
A-20-17



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



1:1,128



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

ArcGIS Web AppBuilder

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

Report to the Board of Zoning Adjustment

A-20-17

Petition Summary

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

Analysis

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

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

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

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

Appends

LOCATION: 920 Sheridan Drive

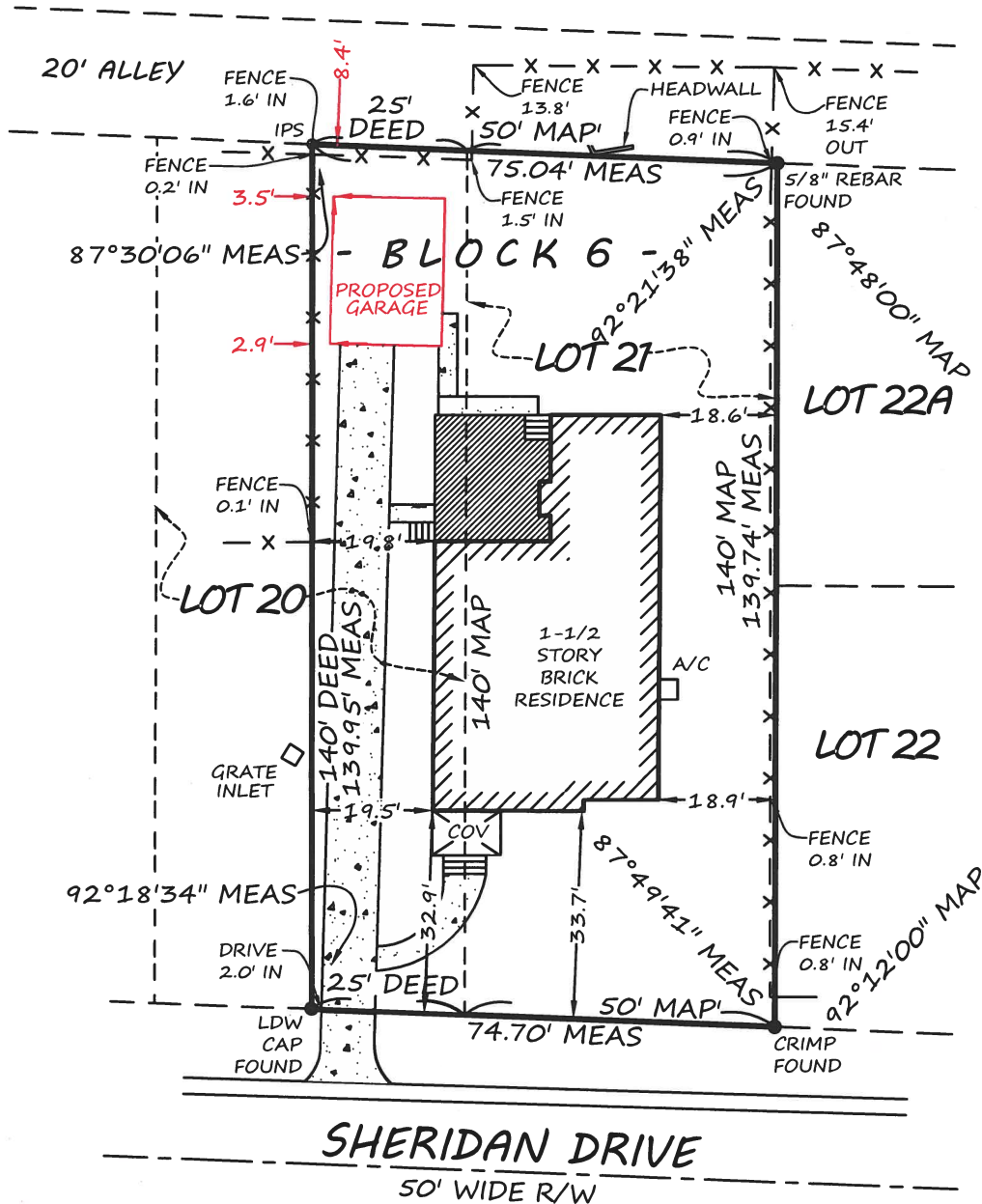
ZONING DISTRICT: Res-B

OWNER: Patrick Moulton



LEGEND

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



STATE OF ALABAMA
JEFFERSON COUNTY)

"Plot Plan"

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

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

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



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









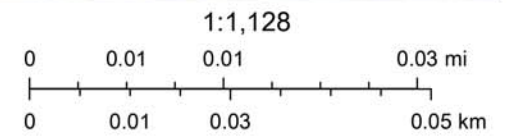




A-20-17 Aerial



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



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

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



Variance Application Part II

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

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

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

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

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

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

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

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



CITY OF MOUNTAIN BROOK

A-20-17

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: July 20, 2020
Case Number: A-20-17
Case Address: 920 Sheridan Drive
Property Owner(s): John Patrick Moulton, patrickmoulton@gmail.com

Type Request: Patrick Moulton, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet.

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

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



CITY OF MOUNTAIN BROOK

**A-20-17
Extension**

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**

Extension Meeting Date: July 19, 2021

Original Meeting Date: July 20, 2020

Case Number: A-20-17

Case Address: 920 Sheridan Drive

Property Owner(s): John Patrick Moulton, patrickmoulton@gmail.com

Type Request: Extension Request: Patrick Moulton, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet.

Action Taken: The Board of Zoning Adjustment approves the variance extension for a period of six months as requested.

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
July 20, 2020

In response to COVID-19 social distancing mandates, the meeting was held via audio conferencing.

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on July 20, 2020, at 5:00 p.m., via audio conferencing. The roll was marked as follows:

Board Present: Norman Orr, Co-Chairman Absent: None
 Scott Boomhover
 Noel Dowling
 Gerald Garner
 Rhett Loveman
 Chris Mitchell
 Richard Simonton

Also present: Virginia Smith: Council Liaison
 Dana Hazen: Director PBS
 Tyler Slaten: City Planner
 Glen Merchant: Building Official
 Tammy Reid: Administrative Analyst

Co-Chairman Orr asked if all adjacent property owners in each of the cases on the agenda received legal notice of this hearing. Ms. Reid confirmed that, based on the information supplied by the applicants, they had been notified.

Mr. Orr stated that any variance which is granted today expires and becomes null and void twelve months from today, unless construction is begun in less than twelve months from today on the project for which the variance is granted. If construction will not be started within twelve months from today, the applicant may come back in eleven months and ask for a six-month extension.

The agenda stood approved as presented.

Mr. Orr stated that a variance approval will require four affirmative votes. He also welcomed new board member, Noel Dowling. Mr. Dowling will serve as a supernumerary member; Gerald Garner will move from supernumerary to regular member status.

1. Approval of Minutes – June 15, 2020

Motion: Mr. Mitchell, motion to approve the June 15, 2020 minutes as printed.

Second: Mr. Garner

Vote: Aye: Nay:
 Boomhover None
 Garner
 Loveman

Mitchell
Orr
Simonton

The June 15, 2020 minutes stand approved as printed.

2. Case A-19-27: Extension – 817 Beech Court

EXHIBIT 1

Mr. Orr recused himself from this case.

Michael and Elizabeth Choy, property owners (new property owners are Marshall and Dailey Clay), request a variance from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet. (*Original variance approved on August 19, 2019.*)

Hardships: Corner lot configuration and the shallowness of the lot.

Marshall Clay, 200 Haygood Street, addressed the Board. He is the new property owner of 817 Beech Court. Construction design is complete; now in the bidding process. Mr. Clay asks for an extension of the variance approved on August 19, 2019, as submitted.

Mr. Mitchell asked if the new construction will stay within the 27.9 feet rear variance previously approved. Mr. Clay stated that the new construction will meet the variance stipulations. The previous owner, Michael Choy, demolished the existing structure prior to Mr. Clay purchasing the property. Mr. Clay stated that there is an old garage remaining on the property at this time; he plans to demolish that structure.

Mrs. Hazen said that the applicant needs to meet with her and Mr. Merchant to insure that the new plans meet the intention of the approved variance.

Eric Dale, project designer, attended the meeting. Mrs. Hazen asked for a copy of the floor plan to insure the existing variance will apply. Should the construction plan not meet the variance intent, the applicant will need to apply for a new variance.

There were no public comments. Mr. Mitchell called for a motion.

Motion: Mr. Simonton, motion to approve the variance extension request for a period of six months, subject to the applicant working with the Department of Planning, Building and Sustainability to insure that the new construction plan complies with the original approval.

Second: Mr. Loveman

Vote: Aye:
Garner
Loveman
Mitchell
Simonton
Boomhover

Nay: None

The variance extension request stands approved as submitted and specified.

3. Case A-20-13: 403 Cherry Street**EXHIBIT 2**

Mike and Laura Baker, property owners, request a variance from the terms of the Zoning Regulations to allow a porch extension to be located 28.5 feet from the front property line (Cherry Street) in lieu of the required 35 feet.

Hardship: Existing design constraint.

Jeremiah Wade, 96 Drennan Park Circle, Blount Springs, AL, represented the applicants. The existing porch needs repair, so the applicant wishes to replace the existing porch columns and to extend the porch 16 inches further into the front setback. The existing porch already encroaches into the front setback.

Mr. Orr said that this house was likely build under the Jefferson County zoning regulations prior to the annexation of Crestline into Mountain Brook, which would account for the non-conforming front setback. Other houses along the same side of Cherry maintain similarly non-conforming front setbacks. He also noted that the stated hardship is the existing design constraint of the house being built toward the front of the lot. The request is to replace the existing porch with the addition of 16 inches further into the front setback. The Board typically protects encroachments into the front setback.

There were no public comments. Chairman Orr called for a motion.

Motion: Mr. Garner, motion to approve the variance as submitted.

Second: Mr. Simonton

Vote: Aye: Nay: None
 Garner
 Loveman
 Mitchell
 Orr
 Simonton

The variance request is approved as submitted.

4. Case A-20-14: 3704 Montrose Road**EXHIBIT 3**

Sandra Crockett, property owner, requests a variance from the terms of the Zoning Regulations to allow an addition to an existing home to be 16 feet from the rear property line (north) in lieu of the required 35 feet.

Hardships: The irregular lot shape, the shallowness of the lot depth, and existing design constraints.

Ebee Tullos represented the property owner. Proposed is an addition to the rear elevation. The existing house sits in the prescribed setback; therefore this addition will be built in the rear setback. There is a 200sf addition at the left side of the house and a small 60sf addition to the right side of the house. Also, a 30sf bay will be added to the rear façade.

Mr. Orr added that in addition to the existing design constraints, another hardship is the angle of the rear property line. Mr. Mitchell added that the size of the lot is also a hardship in that it limits the buildable area.

There were no public comments. Chairman Orr called for a motion.

Motion: Mr. Loveman, motion to approve the variance request as submitted.

Second: Mr. Simonton

Vote: Aye: Garner
Loveman
Mitchell
Orr
Simonton
Nay: None

The variance request stands approved as submitted.

5. **Case A-20-15:** Application withdrawn by the applicant.

6. **Case A-20-16: 4153 Kennesaw Drive**

EXHIBIT 4

Southern Home Solutions, property owner, requests a variance from the terms of the Zoning Regulations to allow the construction of a garage to be located 26.6 feet from the front property line in lieu of the required 40 feet.

Hardships: Topography and existing design constraints.

Shah Nateghi, Southern Home Solutions, presented the application.

- The living quarters will be moved to the lower floor. This new design will bring the first floor to grade to mitigate the water flow.
- There will be two garages; one on each side of that the structure that mirror each other. The left side garage is conforming; the right side garage is non-conforming.
- On the far right there is a sloped area with shrubbery that allows extreme water flow on to the property and floods the house. Vegetation will be added to help with the water flow and to improve the view from neighbor's perspective. It is noted that the neighbor's carport is on that side.

Chairman Orr clarified that a variance is not needed for the left garage; only the right one. He asked about the topography at the rear of the lot and if there are any other possible building areas.

Mr. Nateghi said there is a severe slope upwards in the rear, with power lines and rocks. Also, regarding the orientation of the house to the front, there is a large curve in the road that presents design restrictions.

Mr. Mitchell noted that this house is closer to the street than adjoining houses; it is important to protect the streetscape. He also asked the need for a second garage and the plan if the variance is not approved. Mr. Nateghi said that both garages are needed for architectural design/symmetry and water diversion. If not approved, they will revisit the drawing board, but hope that this request will be granted.

Mr. Dowling asked for confirmation that the structure will go from two garages to four garages. The applicant confirmed.

Mr. Simonton expressed concern of setting a precedent by allowing this front encroachment; the Board historically protects the streetscape.

John Doody, 4157 Kennesaw Drive lives to the left of the subject property (vacant over five years). He is glad that someone is interested in improving the property. There has been ongoing water and having that fixed would be good. He feels that it seems out of character to have two, two-car garages. He appreciates the vegetation between the properties, but feels that a one and one-half story garage will feel on top of them. He prefers that the garage on the right be accepted rather than the on the left side.

Chairman Orr stated that the garage indicated on the left side of the property meets setback requirements and is not in question in this variance request. It is the additional garage on the right that requires a variance. He thanked Mr. Doody for his comments.

Chairman Orr that the Board tries to protect streetscape at all cost; it is hard to approve since the structure already sits toward the street.

Cynthia Gore, 4117 Kennesaw Drive, asked why the angle of house has anything to do with the curve of the road. This house already extends further forward than other houses. Why not build one garage on each side for symmetry and stay within the setback?

Mr. Nateghi said that he has never seen a design with two, one car garages. The garages will be one-story structures with pitched roofs. This design was selected due to the grade the land, the water issue, to increase the value of the home and add symmetry. Also, the proposed is different than the initial garage rendering; there will be one large door each side, not four separate

Gore: No other homes with four garage spaces.

There were no public comments. Chairman Orr called for a motion.

Motion: Mr. Mitchell, motion to deny the variance request as submitted. (A 'yes' vote will signify agreement to deny the variance.)

Second: Mr. Simonton

| | | |
|-------|--------------|--------------|
| Vote: | <u>Aye</u> : | <u>Nay</u> : |
| | Garner | Loveman |
| | Mitchell | |
| | Orr | |
| | Simonton | |

The variance request stands denied as submitted.

7. Case A-20-17: 920 Sheridan Drive

EXHIBIT 5

Patrick Moulton, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet.

Hardship: Existing design constraint.

Mr. Moulton, the applicant, presented the variance request that will allow for the replacement of a deteriorated detached accessory structure.

Chairman Orr asked what will remain from the existing structure. Mr. Moulton said that he hopes to keep one wall, but the structure is in poor condition. Mr. Orr: Will the replacement structure be identical in size to previous? Moulton stated that it will be the same size and height as the initial structure. Also, there will be no space used as a living area, just a slab garage for vehicle.

There were no public comments. Chairman Orr called for a motion.

Motion: Mr. Simonton, motion to approve the variance request as submitted.

Second: Mr. Loveman

Vote: Aye: Garner
Loveman
Mitchell
Orr
Simonton
Nay: None

The variance request stands approved as submitted.

8. A-20-18: 73 Fairway Drive

EXHIBIT 6

Will and Mary McDonald, property owners, request variances from the terms of the Zoning Regulations to allow alterations to an existing house, located 19 feet from the front property line in lieu of the required 40 feet; and to allow an addition to be 30 feet from the rear property line in lieu of the required 40 feet.

Hardships: Shallow depth of the lot and the existing design constraint.

Richard Long, Long and Long Design, represented the property owners. The approval of the requested variance will allow an existing non-conforming addition in the front and a reasonable addition in the rear. The porch addition on the side is conforming. The rear addition will include a two-story garage/bedroom.

Chairman Orr verified that the lot is shallow for Res-A zoning and there are existing design constraints. He stated that the Board traditionally protects the streetscape; it is difficult to consider a variance for the front without seeing design plans. Also, the proposal exceeds the allowable impervious surface area and will need to be mitigated in accordance with the storm water ordinance prior to issuance of permits.

Mr. Mitchell: Expressed concern about granting a variance without seeing what is planned.

Mr. Garner: Suggested that the applicant might consider carrying the case over so that plans can be submitted.

Chairman Orr: Reason why plans were not submitted? Long: Plans were not complete at the time of application submittal.

Long: The applicant requests to carry this case over to the next meeting.

There were no public comments. Chairman Orr called for a motion.

Motion: Mr. Mitchell, motion to carry the case to the next meeting, per applicant request.

Second: Mr. Garner

Vote: Aye: Nay: None
 Garner
 Loveman
 Mitchell
 Orr
 Boomhover

The case will carry over to the next meeting, August 17, 2020.

4. Election of Officers

Mr. Mitchell made a motion to elect Norman Orr as Chairman of the Board.

Second: Loveman

Vote: Aye: Nay: None
 Garner
 Loveman
 Mitchell
 Simonton

Mr. Orr accepted the position.

Mr. Orr nominated Richard Simonton to serve as board Co-Chairman.

Second: Loveman

Vote: Aye: Nay: None
 Garner
 Loveman
 Mitchell
 Orr

Mr. Simonton accepted the position.

5. **Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 6:13 p.m. The next meeting is scheduled for Monday, August 17, 2020.

Tammy Reid

Tammy Reid, Administrative Analyst

M I C H A E L E R I C D A L E

R E S I D E N C E D E S I G N
I N T E R I O R D E S I G N

July 8, 2020

Ms. Dana Hazen
City Planner
City of Mountain Brook, AL
35213

Re: Case A-19-27; Board of Zoning Adjustment

Property Address: 817 Beech Court,
Mountain Brook, AL 35213

Current Property Owners: Dailey (mdboschung@gmail)
& Marshall Clay (marshall@welchgroup.com)

Dear Dana:

Approval was granted for a zoning change for this property on August 19, 2019.

The owner of the property at that time decided not to build and sold the empty lot to Dailey & Marshall Clay. We have been working on plans for a new house and are now beginning the pricing process. This brings us close to the end of the time period for beginning the project.

We are asking to extend the variance for an additional six months to allow us time to get the project underway.

Thank you very much,



Eric Dale



CITY OF MOUNTAIN BROOK

A-19-27

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: August 19, 2019
Case Number: A-19-27
Case Address: 817 Beech Court
Property Owner(s): Michael and Elizabeth Choy
mchoy@burr.com

Type Request: Michael and Elizabeth Choy, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet.

Action Taken: The Board of Zoning Adjustment approves 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 817 Beech Court, Mountain Brook, 35213
 Zoning Classification Residential
 Name of Property Owner(s) Elizabeth Choy at Michael Choy
 Phone Number 205/401-2389 Email mchoy@burr.com
 Name of Surveyor Ray Weygard
 Phone Number 205/942-0086 Email ray@weygardsurveyor.com
 Name of Architect (if applicable) _____
 Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

| | Zoning Code Requirement | Existing Development | Proposed Development |
|--|-------------------------|----------------------|----------------------|
| Lot Area (sf) | | | |
| Lot Width (ft) | | | |
| Front Setback (ft) <i>primary</i> | | | |
| Front Setback (ft) <i>secondary</i> | | | |
| Right Side Setback | | | |
| Left Side Setback | | | |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Rear Setback (ft) | <u>35'</u> | | <u>27'9"</u> |
| Lot Coverage (%) | | | |
| Building Height (ft) | | | |
| Other | | | |
| Other | | | |



Variance Application Part II

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

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

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

We are requesting a variance to the current building setback (35') at 817 Beech Court. The current setback requirement of (35') prohibits/restricts the depth of the design of the proposed house to be built on this lot. We propose a variance on the rear setback of (27' 9"). We propose to build a 3500 square foot, 4BR, 4 BA house at 817 Beech Court. Michael Chong 7/26/2019

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?

It is my understanding that similar variances have been granted in the past under substantially similar circumstances.

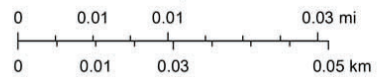
A-19-27 Zoning



8/8/2019, 11:48:21 AM

Tax_Parcels
Residence B District
Residence C District
Residence D District

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

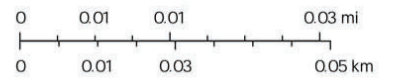
Web AppBuilder for ArcGIS
Hunter Simmons | Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

A-19-27 Aerial



8/8/2019, 11:52:06 AM

1:1,128



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Web AppBuilder for ArcGIS
Hunter Simmons | DigitalGlobe, Microsoft |

Report to the Board of Zoning Adjustment

A-19-27

Petition Summary

Request to allow the construction of a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet.

Analysis

The hardships in this case are the corner lot configuration and the shallowness of the lot (112 feet). The existing house encroaches into the primary front (Beech Court), the rear and the right side setbacks (see existing survey). The proposed new house is to encroach only into the rear; an improvement from the existing setback configuration. Also, a larger than required right side setback is proposed (16 feet in lieu of the required 12.5 feet).

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

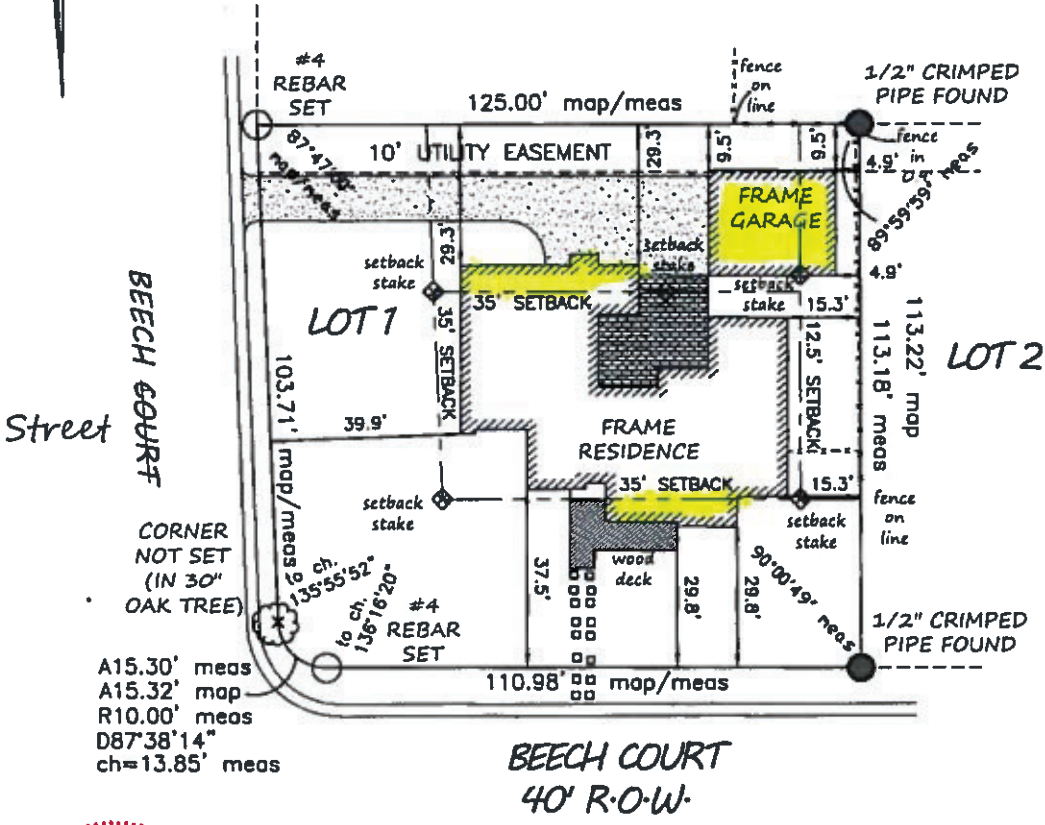
LOCATION: 817 Beech Court

ZONING DISTRICT: Res-B

OWNERS: Michael and Elizabeth Choy

LEGEND

| | | | | | | | |
|------|------------|-------|--------------|----------------------|----------|--------|--------------|
| ASP | ASPHALT | HW | HEADWALL | GLT | LIGHT | — | ANCHOR |
| BLOG | BUILDING | MIN | MINIMUM | COV | COVERED | R | RADIUS |
| CALC | CALCULATED | OH | OVERHOLE | [Hatched Box] | DECK | R.O.W. | RIGHT OF WAY |
| MEAS | MEASURED | MANH | MANHOLE | [Circle with X] | CONCRETE | SAN | SANITARY |
| CH | CHORD | OV | OVERHANG | [Circle with Dotted] | WALL | STM | STORM |
| LNG | LONG CHORD | PL | POWER LINE | [Hatched Box] | CONCRETE | UTL | UTILITY |
| d | DEFLECTION | PVMT | PAVEMENT | [Hatched Box] | WALL | AC | ACRES |
| Δ | EASEMENT | W/TAN | WITH TANGENT | [Hatched Box] | WALL | S.F. | SQUARE FEET |
| ESMT | EASEMENT | RES | RESIDENCE | [Hatched Box] | WALL | ± | CENTERLINE |



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

SCALE: 1"=30'

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, BEECH COURT as recorded in Map Volume 38 Page 38 in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of JULY 8, 2019. Survey invalid if not sealed in red.

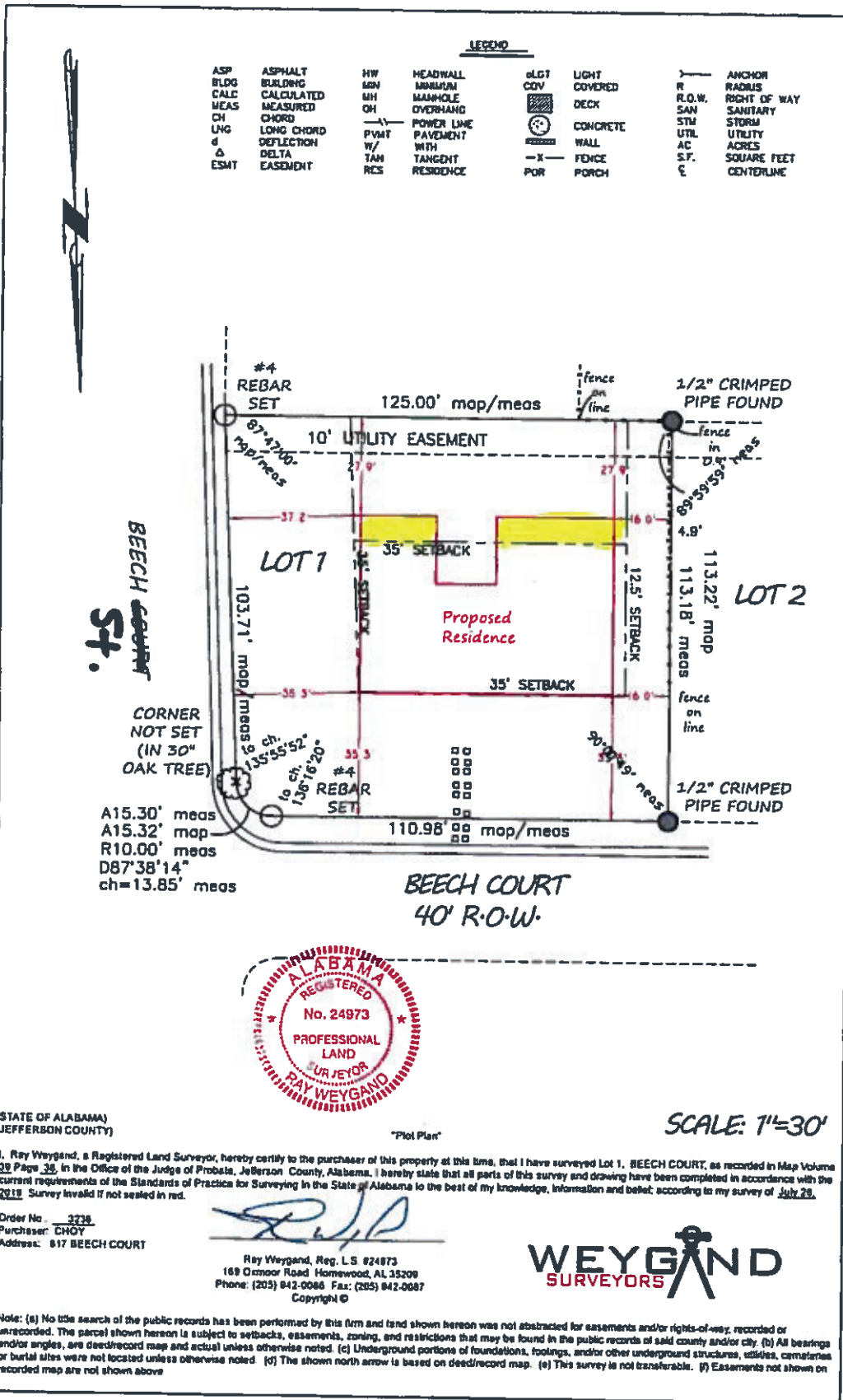
Order No. 3236
Purchaser: CHOY
Address: 817 BEECH COURT

[Signature]

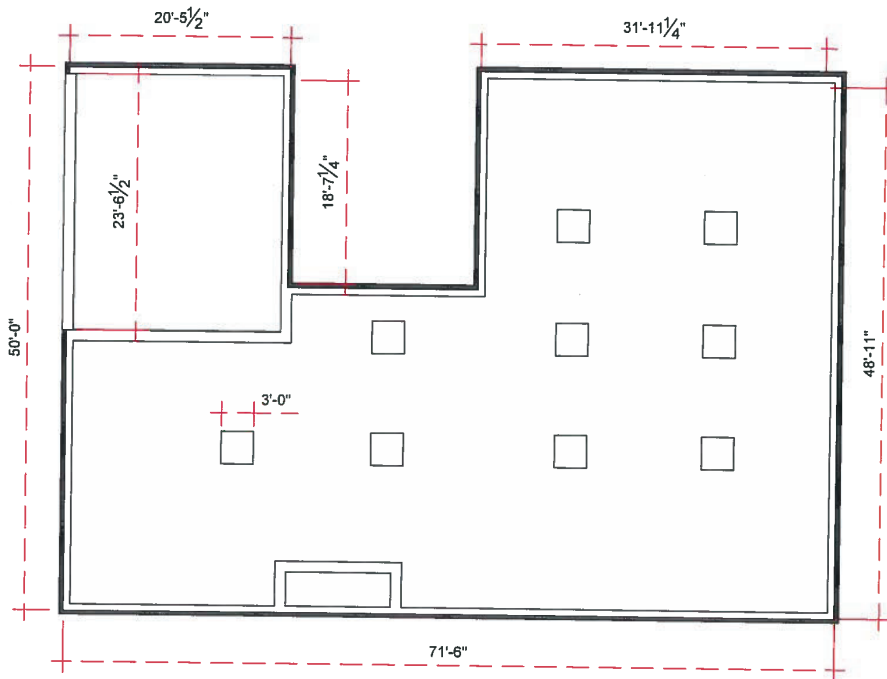
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone (205) 942-0086 Fax: (205) 942-0087
Copyright ©



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



A-19-27



GCS
Ted Gibbs
205-503-3830

Choy Foundation
817 Beech Court

Foundation Plan for proposed House on
Beech Court

EXHIBIT 2



CITY OF MOUNTAIN BROOK

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

A-20-13

BOARD OF ZONING ADJUSTMENT MEETING SUMMARY

Meeting Date: July 20, 2020

Case Number: A-20-13

Case Address: 403 Cherry Street

Property Owner(s): Mike and Laura Baker, msbakes@gmail.com

Representative: Jeremiah Wade, The Mulberry Studio, LLC
jwade@themulberrystudio.com

Type Request: Mike and Laura Baker, property owners, request a variance from the terms of the Zoning Regulations to allow for a porch extension to be located 28.5 feet from the front property line (Cherry Street) in lieu of the required 35 feet.

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

Tyler Slaten
Planner
City of Mountain Brook
56 Church St
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 403 Cherry Street, Mt. Brook 35213

Zoning Classification Residence B

Name of Property Owner(s) Mike & Laura Baker

Phone Number (205) 873-4019 Email msbakes@gmail.com

Name of Surveyor Ray Weygand

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

Name of Architect (if applicable) The Mulberry Studio, LLC (Jeremiah Wade)

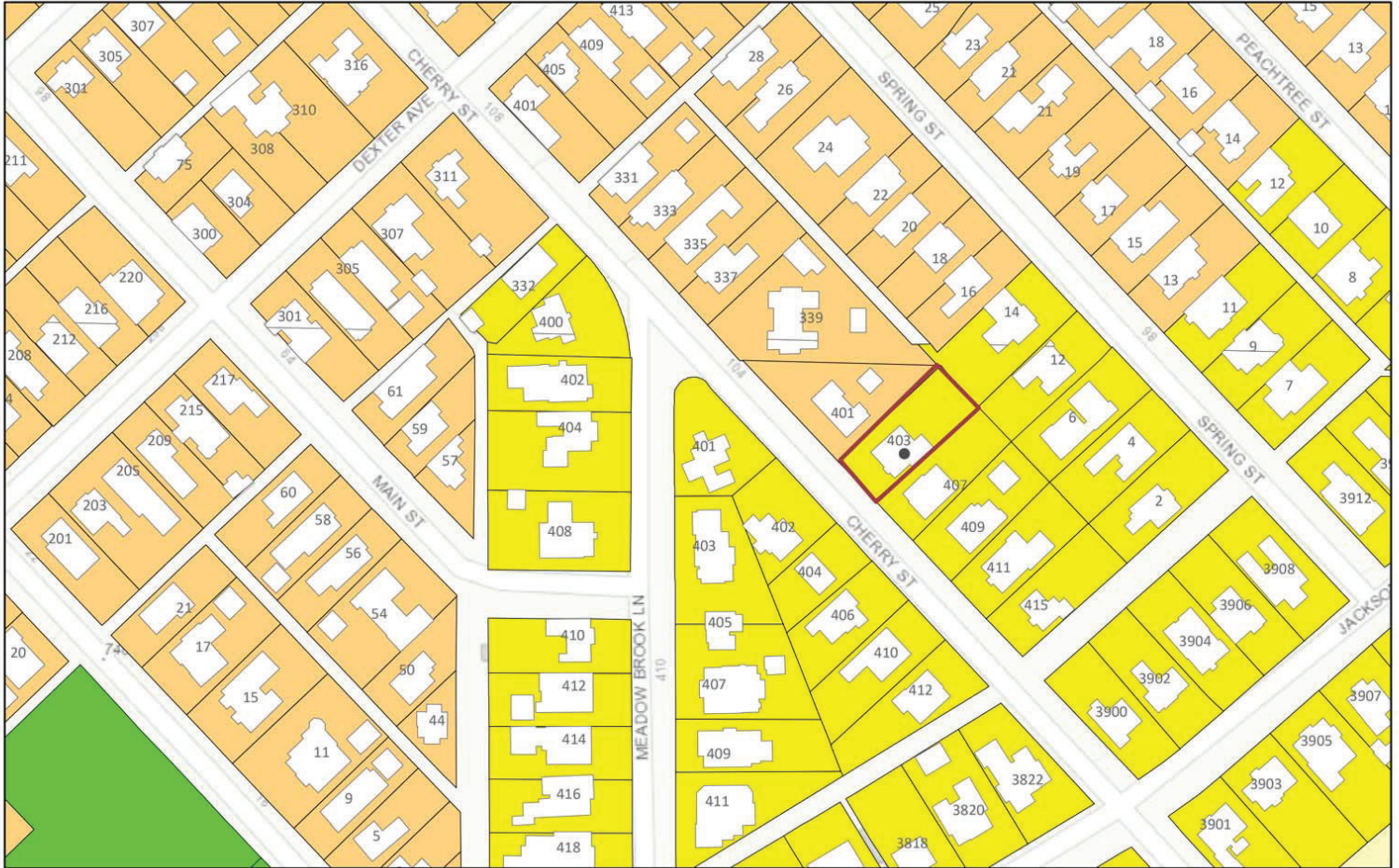
Phone Number 205-478-0113 Email jwade@themulberrystudio.com

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> | 35' | 29.8 | 28.5 |
| Front Setback (ft) <i>secondary</i> | | | |
| Right Side Setback | | | |
| Left Side Setback | | | |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Rear Setback (ft) | | | |
| Lot Coverage (%) | | | |
| Building Height (ft) | | | |
| Other | | | |
| Other | | | |

A-20-13 Zoning

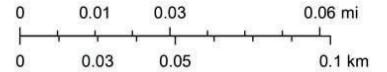


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1:2,257

Tax_Parcels

- Residence A District
- Residence B District
- Residence C District
- Recreation District



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

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

Report to the Board of Zoning Adjustment

A-20-13

Petition Summary

Request to allow a 16-inch porch extension to be 28.5 feet from the front property line (Cherry Street) in lieu of the required 35 feet.

Analysis

The hardship in this case is the existing design constraint, in that the existing house encroaches into the required front setback. The applicant wishes to replace the existing porch columns and to extend the porch 16 inches further into the front setback.

The subject house was likely built under the Jefferson County zoning regulations prior to the annexation of Crestline into Mountain Brook, which would account for the non-conforming front setback. Other houses along the same side of Cherry maintain similarly non-conforming front setbacks (see attached zoning map).

While it has typically not been the practice of the BZA to allow encroachments into the front setbacks, it is not anticipated that a replacement of the subject covered porch in the same location (or even a 16-inch enlargement toward the front) would be detrimental to the streetscape along the same side of Cherry, in that other houses appear to be closer to the front property line than the subject porch.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article IV, Residence B District; Section 129-53, Special Provisions for Nonconforming Residence B Lots

Appends

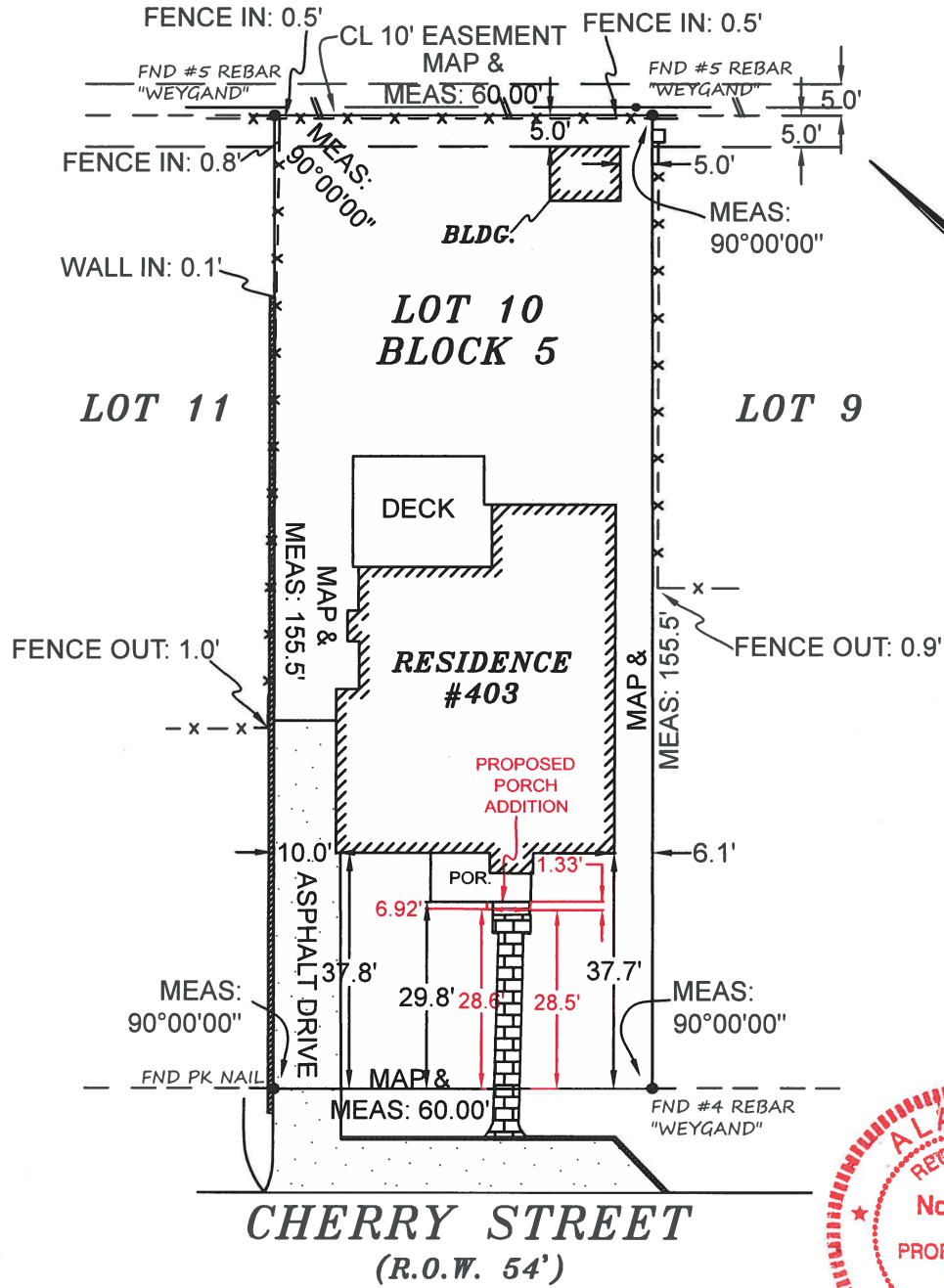
LOCATION: 403 Cherry Street

ZONING DISTRICT: Res-B

OWNERS: Mike and Laura Baker

LEGEND

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



STATE OF ALABAMA)
JEFFERSON COUNTY)

"PLOT PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10, Block 5, SHADES VALLEY GARDENS, as recorded in Map Volume 24, Page 68, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of JULY 6, 2020. Survey invalid if not sealed in red.

Order No.: 20201425
Purchaser: WADE
Address: 403 CHERRY STREET

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



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





A-20-13



A-20-13

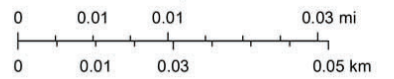


A-20-13 Aerial



7/14/2020, 1:11:01 PM

1:1,128



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,
ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | Microsoft, Maxar |



Variance Application Part II

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

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

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

According to Dana Hazen, the residence is "existing non-conforming" due to the fact that it was constructed prior to annexation by the city of Mountain Brook. The front setback enforced by Mt. Brook is beyond the existing front porch as indicated on the drawings. The front porch structure is faulty in its design and deteriorating. The porch surface does not have adequate slope to drain rain water away from the house and off of its surface which has caused the porch columns to decay.

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...")

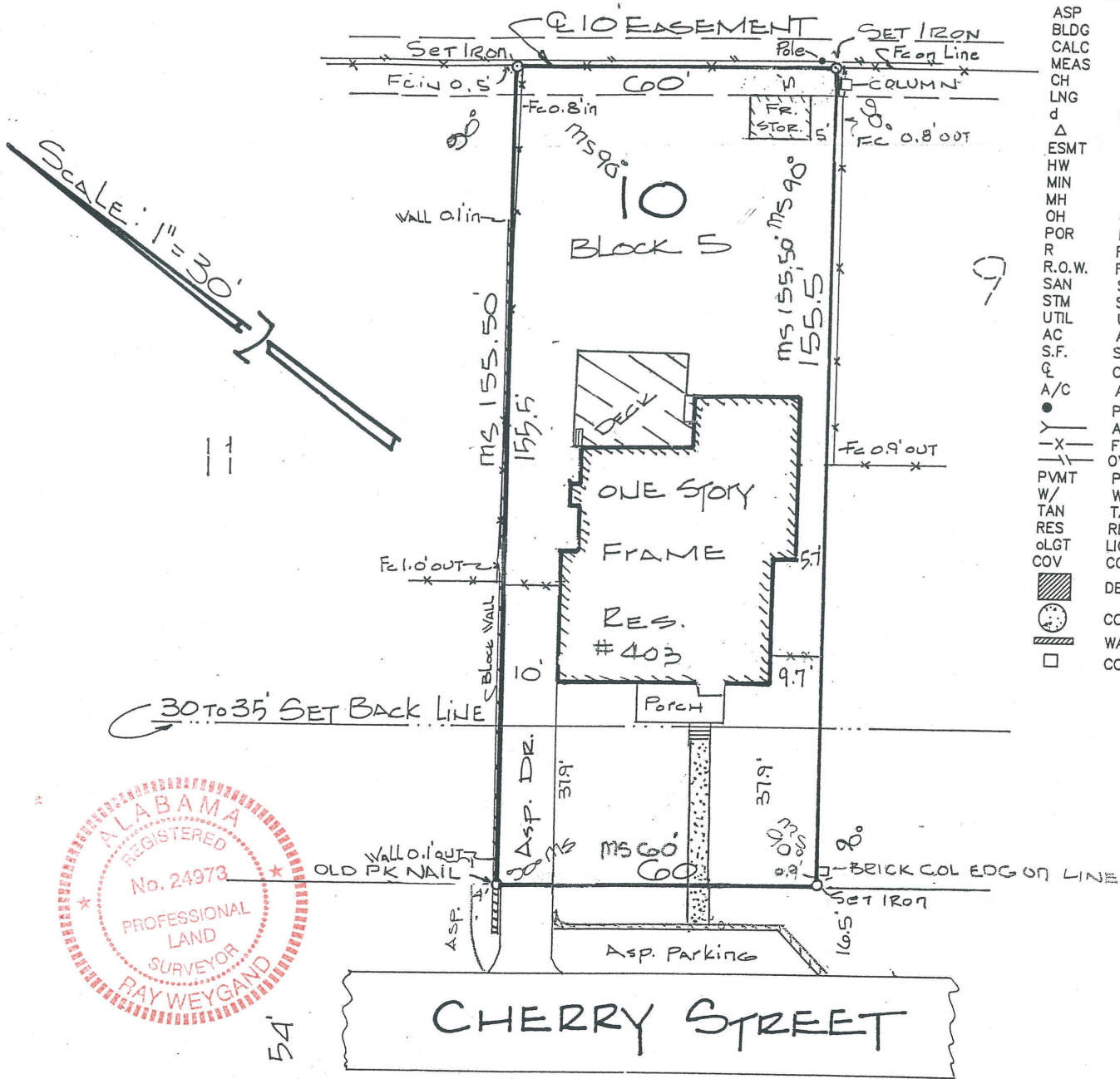
No, see above.

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

According to Dana Hazen, the other houses on the same side of Cherry are also non-conforming with regard to the existing front setback. The homeowners are seeking to replace their existing, deteriorating porch structure with one that is more weather resistant, durable, and safe. The footprint of the new porch is almost exactly the same as the old, with a small 16" extension at the steps.

LEGEND

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



STATE OF ALABAMA
JEFFERSON COUNTY)

"Closing Survey"

* VALLEY GARDENS

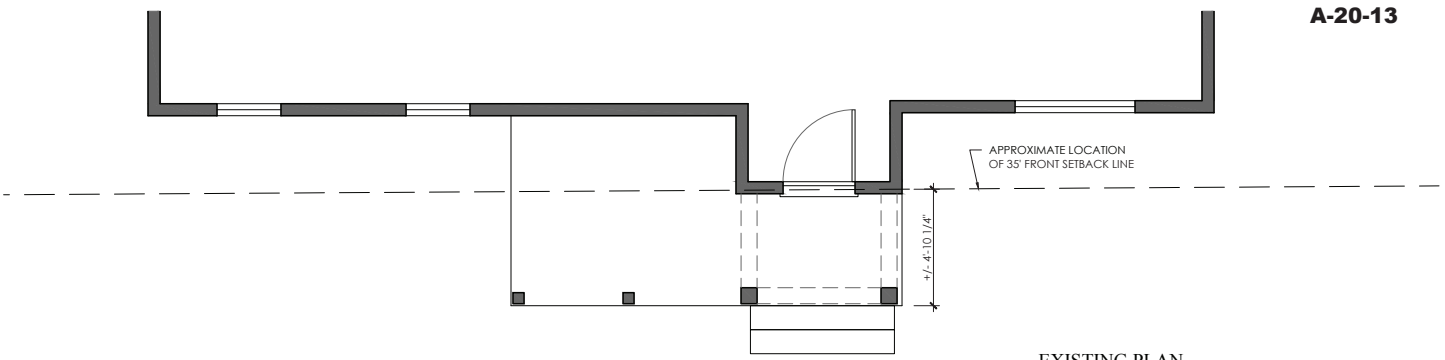
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10 Block 5, SHADES* as recorded in Map Volume 24, Page 68, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of OCT 14, 2015. Survey invalid if not sealed in red.

Order No.: 48455
Purchaser:
Address: 403 CHERRY ST.

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

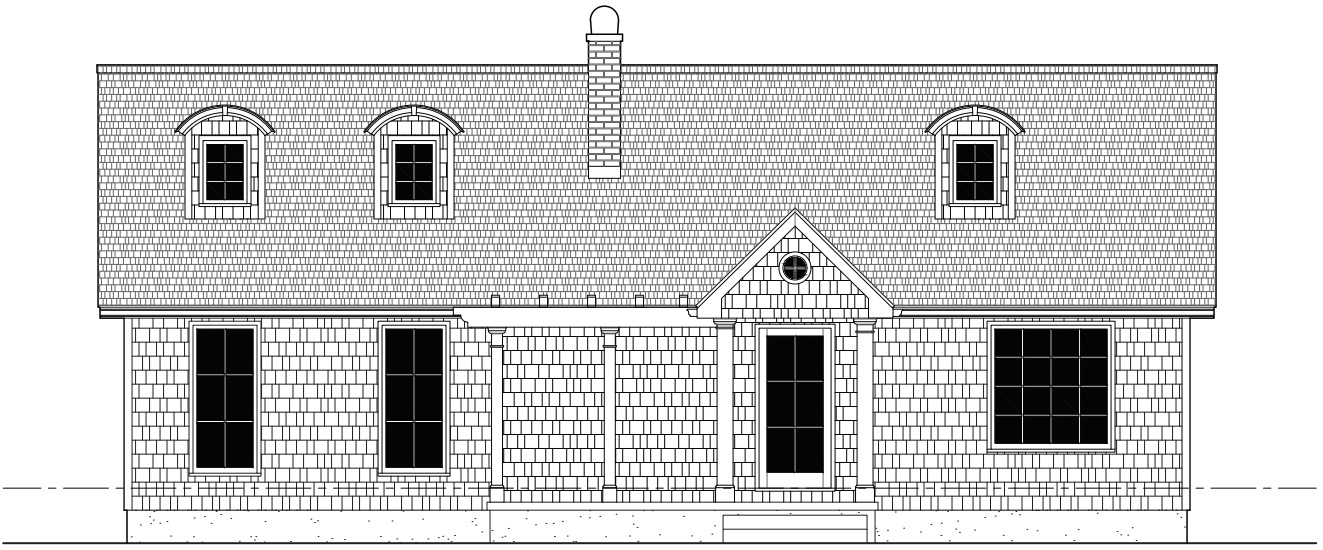
Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

A-20-13



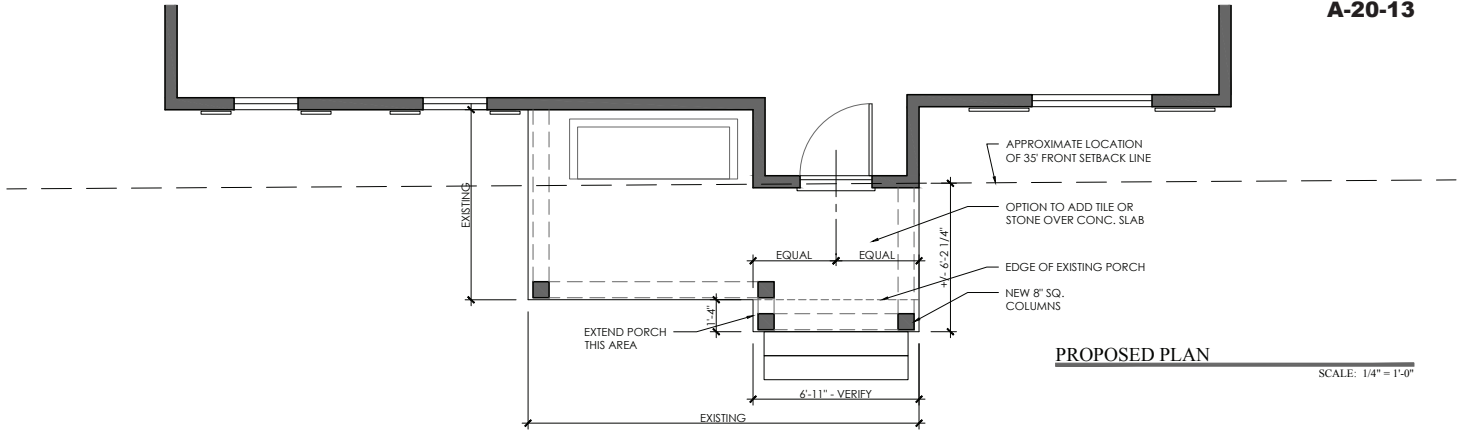
EXISTING PLAN

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



EXISTING FRONT ELEVATION

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



**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for a variance from the Zoning Ordinance, as applied to the property located at 403 Cherry Street, has been filed by Mike and Laura Baker. The requested variance would allow for a porch extension to be located within the required front setback.

The property is located in the **Residence B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-20-13: Mike and Laura Baker, property owners, request a variance from the terms of the Zoning Regulations to allow for a porch extension to be located 28.5 feet from the front property line (Cherry Street) in lieu of the required 35 feet. – **403 Cherry Street.**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, July 20, 2020, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street, or by viewing:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (July 20, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans select link associated with the case number)

Tyler Slaten
Planner
(205) 802-3811
slatent@mtnbrook.org



CITY OF MOUNTAIN BROOK

A-20-14

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: July 20, 2020

Case Number: A-20-14

Case Address: 3704 Montrose Road

Property Owner(s): Sandra Crockett, sandy@cflp.biz

Representative: Ebee Tullos, ebeetullos@gmail.com

Type Request: Sandra Crockett, property owner, requests a variance from the terms of the Zoning Regulations to allow for an addition to an existing home to be located 16 feet from the rear property line (north) in lieu of the required 35 feet.

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

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 3704 MONTROSE ROAD BIRMINGHAM, AL 35213

Zoning Classification RESIDENCE D

Name of Property Owner(s) SANDRA CROCKETT

Phone Number _____ Email SANDY@cfip.biz

Name of Surveyor WILLIAM CALLAHAN

Phone Number 205.229.1913 Email BUCK@SOUTHCENTRALSURVEYING.COM

Name of Architect (if applicable) EBEE TULLOS

Phone Number 404.931.6889 Email EBEETULLOSE@GMAIL.COM

Property owner or representative agent must be present at hearing

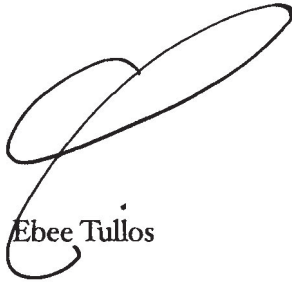
Please fill in only applicable project information (relating directly to the variance request(s):

| | Zoning Code Requirement | Existing Development | Proposed Development |
|--|-------------------------|----------------------|----------------------|
| Lot Area (sf) | 9996 sq' | | |
| Lot Width (ft) | 94' | | |
| Front Setback (ft) <i>primary</i> | 35'-0" | | |
| Front Setback (ft) <i>secondary</i> | | | |
| Right Side Setback | 12.5' | | |
| Left Side Setback | 12.5' | | |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Rear Setback (ft) | 35'-0" | 20.6 | 16 |
| Lot Coverage (%) | | | |
| Building Height (ft) | | | |
| Other | | | |
| Other | | | |

Request for Variance

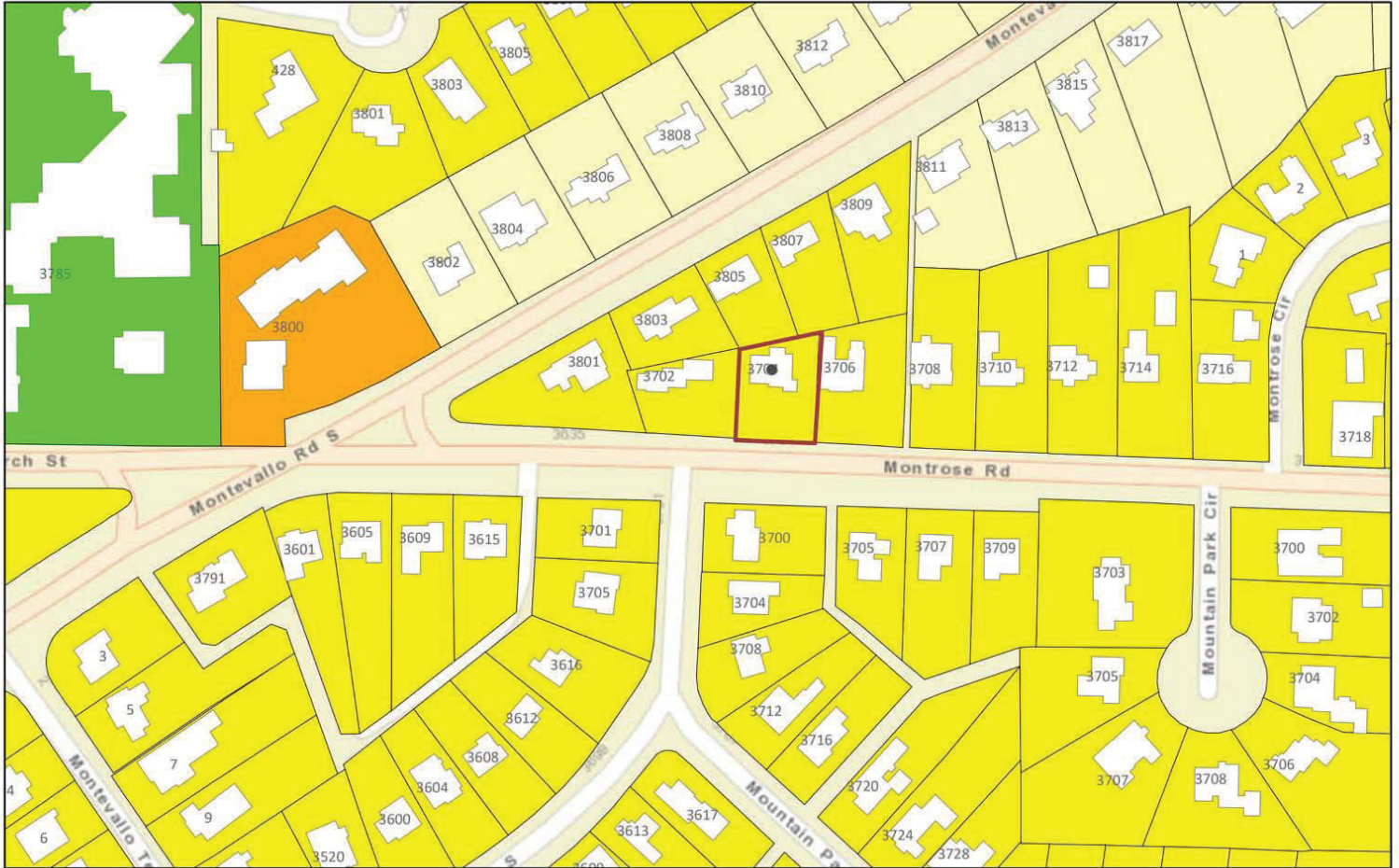
June 26, 2020

We are proposing an addition to the rear elevation of 3704 Montrose Rose. The existing house sits in the prescribed setback, therefore this addition will be built in the rear setback. There is a 200 square foot addition at the left side of the house, and a small 60 square foot addition to the right side of the house. On the right side, we are simply squaring up the corner to make the interior space that is awkward and unusable, function. We are also adding a 30 square foot bay to the rear facade of the house, for additional room in the kitchen. With exception of the bay, these two additions do not project out from any existing house corner, as you can see on the survey.



Ebee Tullos

A-20-14 Zoning

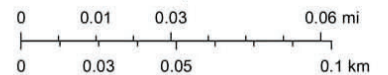


7/14/2020, 1:36:57 PM

1:2,257

Tax_Parcels

- Residence B District
- Recreation District
- Residence A District
- Residence D District



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Report to the Board of Zoning Adjustment

A-20-14

Petition Summary

Request to allow an addition to an existing home to be 16 feet from the rear property line (north) in lieu of the required 35 feet.

Analysis

The hardships in this case are the shallowness of the lot depth, the irregular lot shape, and the existing design constraints. The lot depth is an average of only 114 feet (where the average lot depth in Crestline is 150 feet), and the bulk of the existing house is 50 feet behind the front property line (where only 35 feet is required). Also, the rear property line is at an angle not parallel to the rear of the house.

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

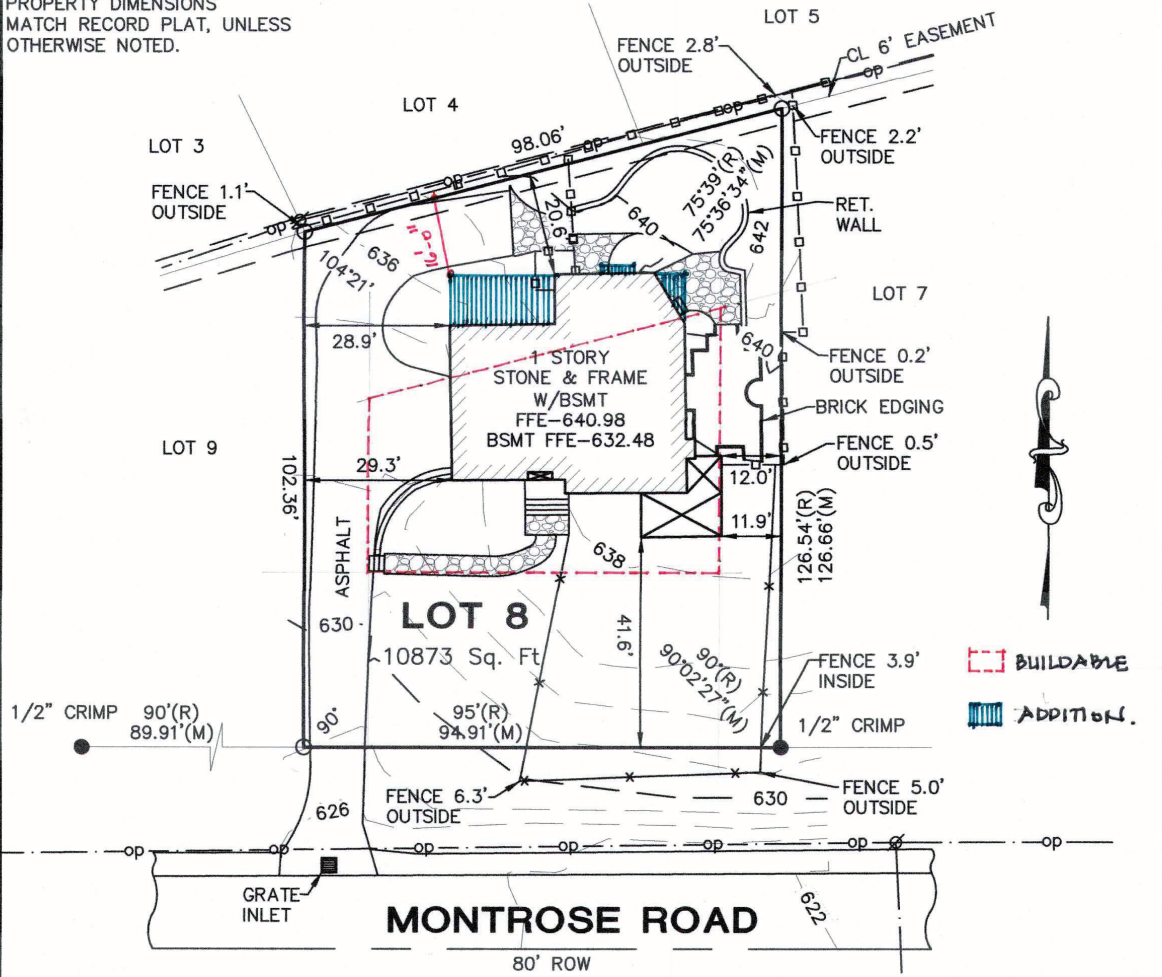
Appends

LOCATION: 3704 Montrose Road

ZONING DISTRICT: Res-B

OWNER: Sandra Crockett

NOTE:
PROPERTY DIMENSIONS
MATCH RECORD PLAT, UNLESS
OTHERWISE NOTED.



NOTE: CONTOURS ARE BASED ON ASSUMED DATUM.



STATE OF ALABAMA
JEFFERSON COUNTY

TO ALL INTERESTED PARTIES:
SCALE: 1" = 30'

I hereby state that 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.

Lot 8, according to the survey of EXUM & WHITMIRE ADDITION TO MOUNTAIN PARK ESTATES, as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 24, Page 19.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard area and is shown in a Zone "X" on the Flood Insurance Rate Map for this area (Map No. 01073C0394G, dated September 29, 2006).

GIVEN UNDER MY HAND AND SEAL, this the 11th day of June, 2020.

William D. Callahan, Jr.

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

PROPERTY ADDRESS:
3704 MONTROSE ROAD
MT. BROOK, AL 35213

CLIENT:
SANDRA CROCKETT

Field Survey: 06-10-2020

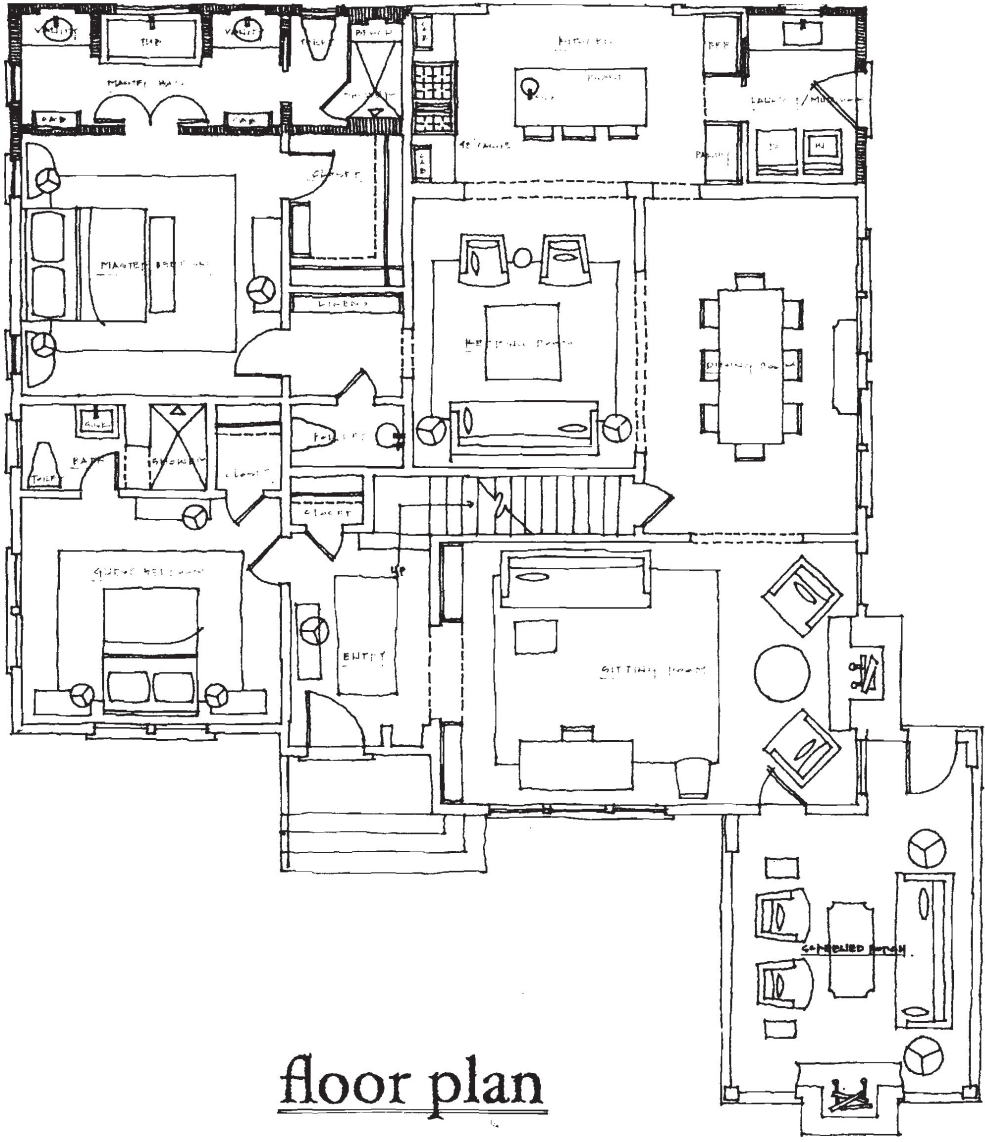


South Central Surveying, LLC
RESIDENTIAL & COMMERCIAL LAND SURVEYING

166 SUNSET TRAIL
ALABASTER, ALABAMA 35007
PHONE 205-229-1993

- WOOD FENCE
- CHAIN LINK FENCE
- CONCRETE
- COVERED PORCH/DECK
- U.T.S. = UNABLE TO SET
- (R) = RECORDED
- (M) = MEASURED
- M.B.L. = MINIMUM BUILDING LINE
- = CAPPED REBAR SET
- = IRON FOUND (DESCRIPTION)
- ASPH. = ASPHALT
- CAPED REBAR SET
- OVERHEAD POWER
- = POWER POLE

A-20-14



floor plan



ELEVATION AT REAR OF HOUSE (ADDITION TO RIGHT SIDE)



ELEVATION AT SIDE OF HOUSE.



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)?

SHALLOW LOT WITH AN ANGLED REAR PROPERTY 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...")

YES, WANTING TO ADD SQUARE FOOTAGE TO THE REAR OF HOUSE TO MAKE EXISTING LIVING SPACE MORE ADEQUATE.

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

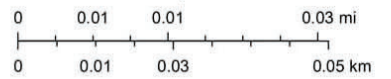
WHAT WE ARE ASKING FOR IS WITHIN THE FOOTPRINT OF THE HOUSE. THE BACK WALL OF THE HOUSE IS ALREADY NOW CONFORMING TO THE CODE.

A-20-14 Aerial



7/14/2020, 1:39:11 PM

1:1,128



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,
ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | Microsoft, Maxar |

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for variances from the Zoning Ordinance, as applied to the property located at 3704 Montrose Road, has been filed by Sandra Crockett. The requested variance would allow for an addition to the rear of the house to be located within the rear setback.

The property is located in the **Residence B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-20-14: Sandra Crockett, property owner, requests a variance from the terms of the Zoning Regulations to allow for an addition to an existing home to be located 16 feet from the rear property line (north) in lieu of the required 35 feet. – **3704 Montrose Road.**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, July 20, 2020, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street, or by viewing:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (July 20, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans select link associated with the case number)

Tyler Slaten
Planner
(205) 802-3811
slatent@mtnbrook.org



CITY OF MOUNTAIN BROOK

A-20-16

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: July 20, 2020
Case Number: A-20-16
Case Address: 4153 Kennesaw Drive
Property Owner(s): Southern Home Solutions, sterlinghomeanddesign@gmail.com

Type Request: Southern Home Solutions, property owner, requests variances from the terms of the Zoning Regulations to allow the construction of two garages to be located 26.6 feet from the front property line in lieu of the required 40 feet.

Action Taken: The Board of Zoning Adjustment denies the variance request as submitted. The Board feels that it is important to protect the front streetscape and that approval might set an unfavorable precedent.

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 4153 KENNESAW DR. MOUNTAIN BROOK AL 35213

Zoning Classification RESIDENTIAL

Name of Property Owner(s) SOUTHERN HOME SOLUTIONS

Phone Number 205 - 643 - 0460 Email _____

Name of Surveyor WEYGAND SURVEYORS

Phone Number 205 - 942 - 0086 Email _____

Name of Architect (if applicable) NA

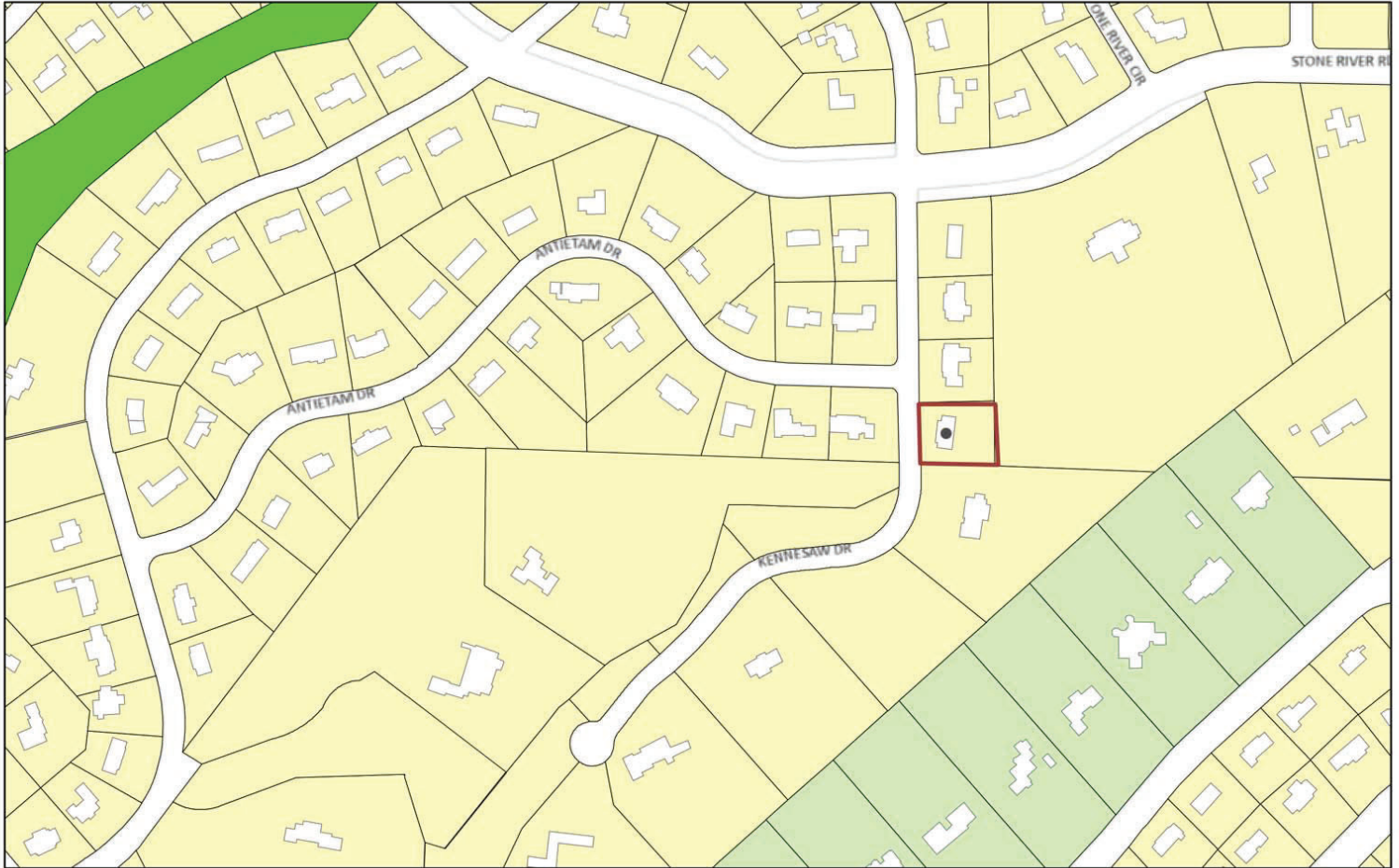
Phone Number _____ Email _____

Property owner or representative agent must be present at hearing

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

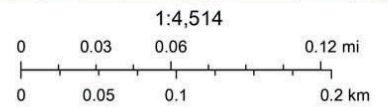
| | Zoning Code Requirement | Existing Development | Proposed Development |
|--|---|----------------------|--------------------------|
| Lot Area (sf) | | 24,467 | 24,467 |
| Lot Width (ft) <u>8</u> | | | |
| Front Setback (ft) <i>primary?</i> | | | |
| Front Setback (ft) <i>secondary?</i> | <u>NOT SURE</u> <u>TRIED CALLING MY TOWN</u> | 52.9 | 26.4 one side 37.6 other |
| Right Side Setback | | | |
| Left Side Setback | | | |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | | | |
| Rear Setback (ft) | | | |
| Lot Coverage (%) | | | |
| Building Height (ft) | | | |
| Other | | | |
| Other | | | |

A-20-16 Zoning



7/14/2020, 2:16:33 PM

Tax_Parcels
Residence A District
Estate Residence District
Recreation District



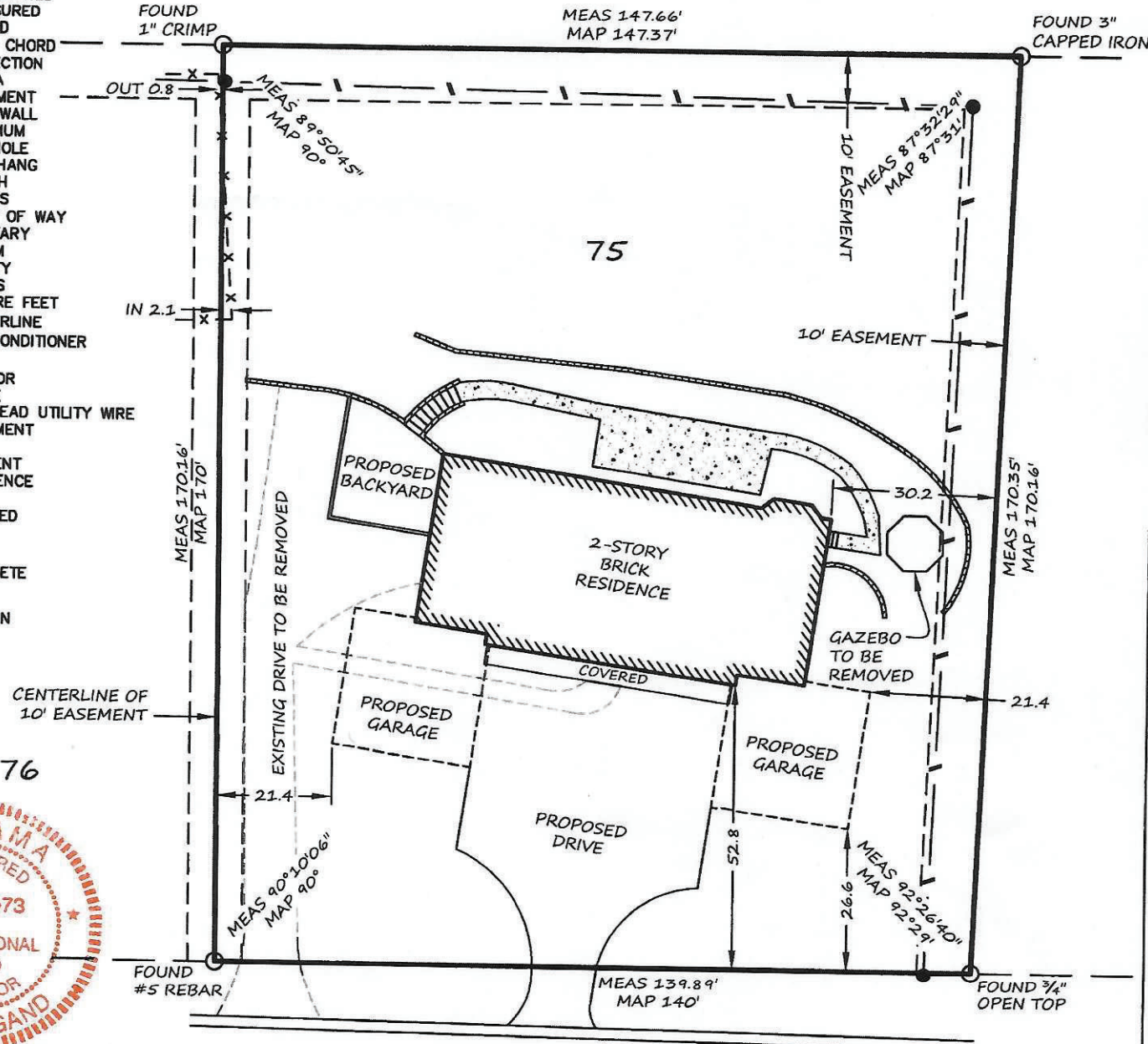
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

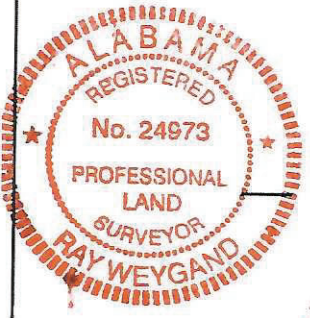
LEGEND

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

LOT AREA: 24,467 Sq. Feet +/-
 PRE - CON. IMPERVIOUS: 5,042 SQ. FT. +/- PRE-CON. IMPERVIOUS: 20.60%
 PRE - CON. IMPERVIOUS: 6,712 SQ. FT. +/- POST-CON. IMPERVIOUS: 27.43%



76



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

KENNESAW DRIVE
 50' R/W

"Property Boundary Survey & Site Plan"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 75, CHEROKEE BEND 3RD SECTOR, as recorded in Map Volume 72, Page 38, 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 23, 2020. Survey invalid if not sealed in red.

Order No.: 20201033
 Purchaser: Nateghi
 Address: 4153 Kennesaw Drive

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.

Report to the Board of Zoning Adjustment**A-20-16*****Petition Summary***

Request to allow the construction of attached a garage to be located 26.6 feet from the front property line in lieu of the required 40 feet.

Analysis

The applicant indicates that topography is the hardship associated with the request; the lot appears to slope from side to side and back to front (see attached street views; no topography map was submitted.) According to the applicant there is a steep slope at the rear of the house, making an addition to the rear of the house unfeasible.

The existing design constraints are such that the house is not parallel to the front property line. The original application did not include a survey that showed the required 40-foot front setback line, so it was presumed that both new garages were to encroach into the required front setback; but a supplemental survey shows that only the garage on the right is encroaching into the required front setback. One corner of the proposed garage is to be 13.4 feet into the required 40-foot front setback.

According to the zoning map, the subject house is already encroaching into the existing streetscape along Kennesaw (in front of the houses to the north, but still 52.8 feet front the front property line), so any addition to the front of the house (even one that did not need a variance) would be “in front of” the other houses. It should be noted that there is a large curve in the road to the south of the subject lot, and that the proposed encroachment is on the south corner of the house. It is not anticipated that the proposed encroachment would impact the streetscape along the south side of Kennesaw.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

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

Appends

LOCATION: 4153 Kennesaw Drive

ZONING DISTRICT: Res-A

OWNER: Southern Home Solutions

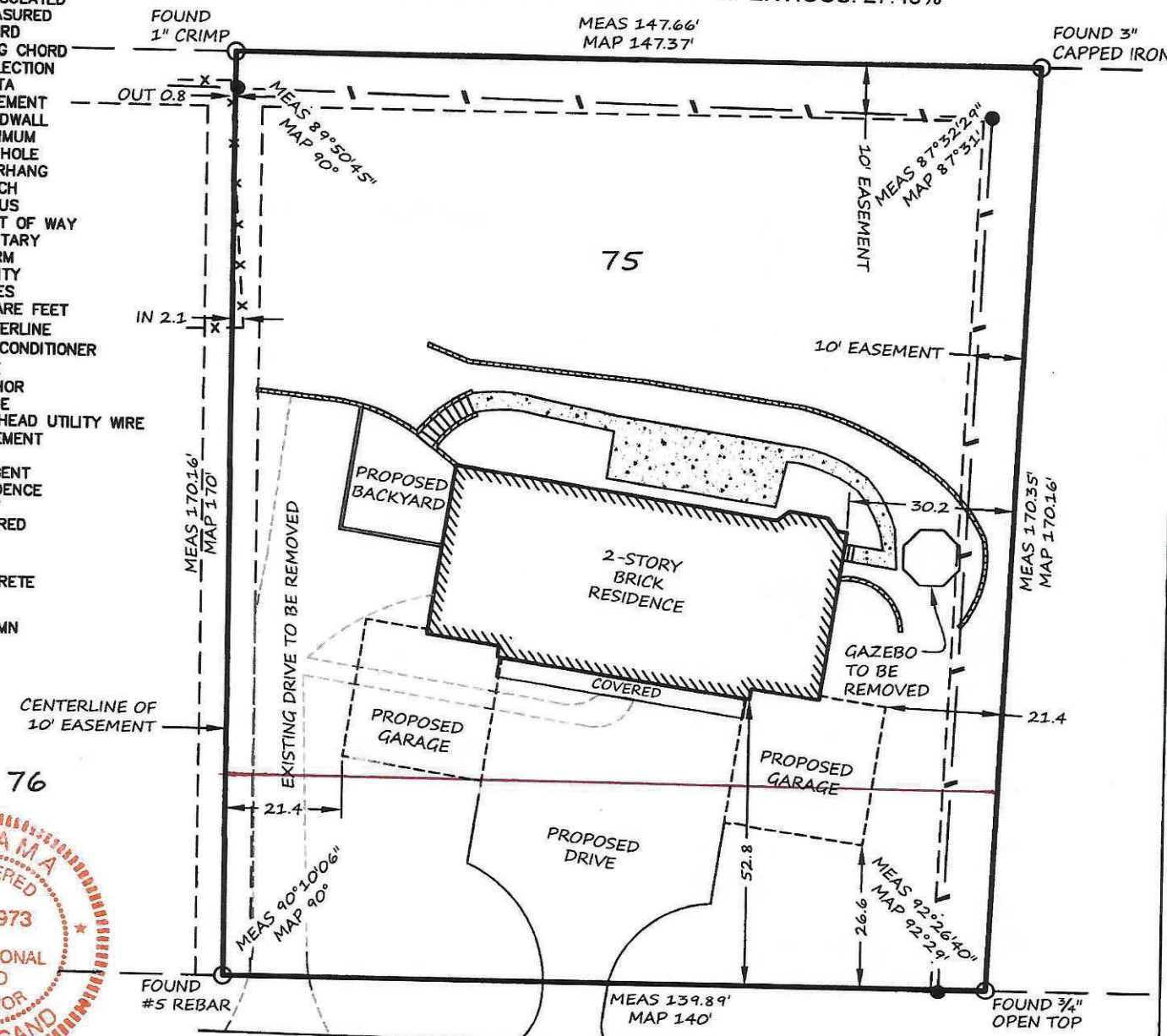
LEGEND

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

LOT AREA: 24,467 Sq. Feet +/-

PRE - CON. IMPERVIOUS: 5,042 SQ. FT. +/- PRE-CON. IMPERVIOUS: 20.60%

PRE - CON. IMPERVIOUS: 6,712 SQ. FT. +/- POST-CON. IMPERVIOUS: 27.43%



KENNESAW DRIVE

50' R/W

"Property Boundary Survey & Site Plan"

SCALE: 1"=30'

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 75, CHEROKEE BEND 3RD SECTOR, as recorded in Map Volume 72, Page 38, 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 23, 2020. Survey invalid if not sealed in red.

Order No.: 20201033
Purchaser: Nateghi
Address: 4153 Kennesaw Drive

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



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Report to the Board of Zoning Adjustment

A-20-16

Petition Summary

Request to allow the construction of attached two garages to be located 26.6 feet from the front property line in lieu of the required 40 feet.

Analysis

The applicant indicates that topography is the hardship associated with the request; however it is not readily apparent how the topography relates to the front yard request. The lot appears to slope from side to side and back to front (see attached street views; no topography map was submitted.) According to the zoning map, the subject house is already encroaching into the streetscape along Kennesaw (in front of the houses to the north); there is a large curve in the road just the south of the subject 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

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

Appends

LOCATION: 4153 Kennesaw Drive

ZONING DISTRICT: Res-A

OWNER: Southern Home Solutions



4154 Kennesaw Dr

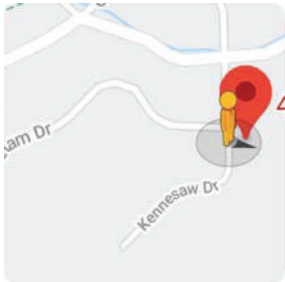


Image capture: Nov 2012 © 2020 Google

Mountain Brook, Alabama



Street View



Google Maps 4153 Kennesaw Dr

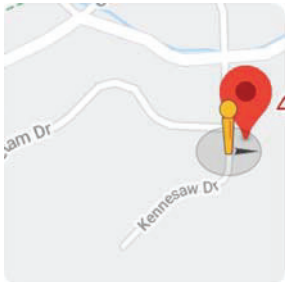


Image capture: Nov 2012 © 2020 Google

Mountain Brook, Alabama



Street View



Google Maps 4153 Kennesaw Dr

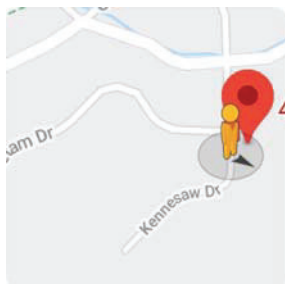


Image capture: Nov 2012 © 2020 Google

Mountain Brook, Alabama



Street View



Google Maps 4157 Kennesaw Dr

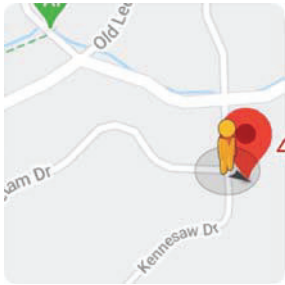


Image capture: Jun 2019 © 2020 Google

Mountain Brook, Alabama



Street View





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 GRADE OF OUR LAND IS UNLIKE ANY OF OUR NEIGHBORS. OUR 1ST FLOOR IS UNDER THE DIRT ALONG WITH 1.5 SIDES OF THE HOME BELOW GRADE. WE ALSO HAVE AN INCREDIBLY STEEPER GRADE MAKING IT IMPOSSIBLE TO ATTACH A GARAGE TO THE SIDES AS IT WILL GO INTO THE NEIGHBORS PROPERTY. THE GRADE OF SLOPE FORCES HOUSE FURTHER FORWARD WITHIN THE LOT THEN ADJOINING PROPERTIES.

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 CURRENT HOME IS COMPLETELY UPSIDE DOWN IN DESIGN. TO MAKE THE HOME MORE ADA FRIENDLY DESIGN IS MOVING ALL COMMON AREAS TO FIRST FLOOR FOR EASIER ACCESS VS. CURRENT DESIGN. THE HOME IS BOMBARDED WITH WATER INTRUSION & PROPERTY'S GRADING CAUSING MANY WATER ISSUES. BY GRADING PROPERLY, ADDRESSING FRONT HOLE, ADDING CATCH BASIN AND LEVELING WE CORRECT THIS WORSENING ISSUE. THOROUGH CARE APPEAL FOR THIS HOME AND AREA IS CRITICAL. CURRENT GRACES WILL BE LIVING SPACE.

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

NOT A PROFESSIONAL HOWEVER WE BRING A HOME THAT'S AN EYE SORE TO CHEROKEE BLVD AND MOUNTAINBROOK TO A LEVEL FITTING FOR ITS LOCATION. WE CORRECT SEVERE GRADING ISSUE THAT ARE SEVERE TO THE HOME AND FRONTAGE WHICH CAN AND WILL WORSEN AND ULTIMATELY NEGATIVELY IMPACT SURROUNDING AREAS. ALLOWING A FEW FEET TO GRAIN SO MUCH IS RETURN IS A WIN-WIN FOR ALL PARTIES.

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for a variance from the Zoning Ordinance, as applied to the property located at 4153 Kennesaw Drive, has been filed by Southern Home Solutions. The requested variance would allow for the construction of two garages to be located within the front setback.

The property is located in the **Residence A Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-20-16: Southern Home Solutions, property owner, requests variances from the terms of the Zoning Regulations to allow the construction of two garages to be located 26.6 feet from the front property line in lieu of the required 40 feet. – **4153 Kennesaw Drive.**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, July 20, 2020, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street, or by viewing:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (July 20, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans select link associated with the case number)

Tyler Slaten
Planner
(205) 802-3811
slatent@mtntbrook.org



CITY OF MOUNTAIN BROOK

A-20-17

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: July 20, 2020
Case Number: A-20-17
Case Address: 920 Sheridan Drive
Property Owner(s): John Patrick Moulton, patrickmoulton@gmail.com

Type Request: Patrick Moulton, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet.

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

Tyler Slaten, Planner
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 920 SHERIDAN DRIVE
 Zoning Classification RESIDENCE "B"
 Name of Property Owner(s) JOHN PATRICK MOULTON
 Phone Number 205.796.7946 Email patrickmoulton@gmail.com
 Name of Surveyor WEYGAND SURVEYORS
 Phone Number 205.942.0086 Email office@weygandsurveyor.com
 Name of Architect (if applicable) HENRY SPROTT LONG
 Phone Number 205.323.4564 Email HANKLONG@bellsouth.net



Property owner or representative agent must be present at hearing

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

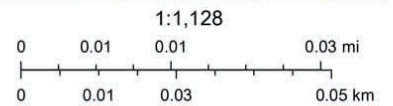
| | Zoning Code Requirement | Existing Development | Proposed Development |
|---|-------------------------|----------------------|----------------------|
| Lot Area (sf) | 10,500 SF | 10,500 SF | 10,500 SF |
| Lot Width (ft) | 75 FEET | 75 FEET | 75 FEET |
| Front Setback (ft) <i>primary</i> | 35 FEET | 35 FEET | 35 FEET |
| Front Setback (ft) <i>secondary</i> | 17.5 FEET | 17.5 FEET | 17.5 FEET |
| Right Side Setback | 12.5 FEET | 12.5 FEET | 12.5 FEET |
| Left Side Setback | 10 FEET | 2.9 FEET | 2.9 FEET |
| Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | N/A | N/A | N/A |
| Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater → | N/A | N/A | N/A |
| Rear Setback (ft) | 35 FEET | 8.4 FEET | 8.4 FEET |
| Lot Coverage (%) | 35 percent | 28 percent | 28 percent |
| Building Height (ft) | 35 FEET | 14 FEET | 14 FEET |
| Other | | | |
| Other | | | |

A-20-17



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

- Pavement Tax_Parcels
- Residence B District



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

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

Report to the Board of Zoning Adjustment

A-20-17

Petition Summary

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

Analysis

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

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

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article IV, Residence B District; Section 129-52, Area and Dimensional Requirements

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

Appends

LOCATION: 920 Sheridan Drive

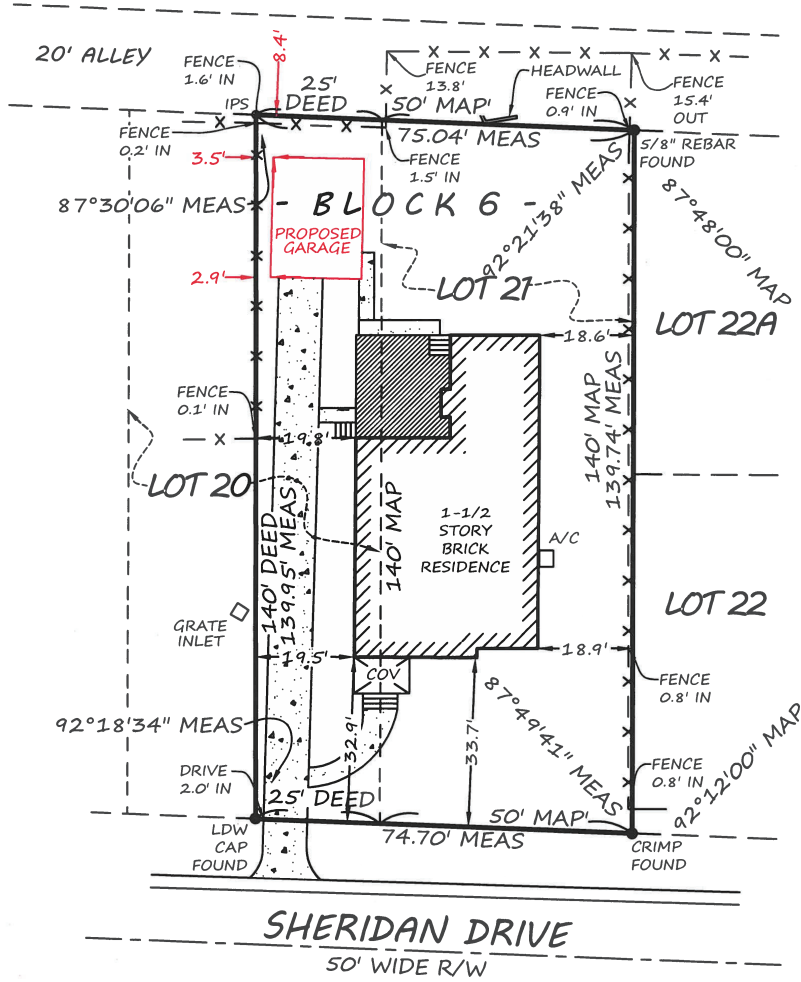
ZONING DISTRICT: Res-B

OWNER: Patrick Moulton



LEGEND

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



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Plot Plan"

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

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

[Signature]

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



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



Variance Application Part II

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

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

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

EXISTING STRUCTURE IS A NON-CONFORMING ACCESSORY BUILDING WHICH WAS ERECTED IN 1952. THIS STRUCTURE IS UNIQUE IN THAT IT WAS ERECTED 2.9 FEET FROM THE WESTERN PROPERTY LINE, AND 8.4 FEET FROM THE NORTHERN PROPERTY LINE, WHICH WOULD LATER CLASSIFY IT AS NON-CONFORMING.

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

NO. THE EXISTING BUILDING WAS ON THE PROPERTY WHEN I PURCHASED THE HOME. SEVERE STRUCTURAL DAMAGE WAS PRESENT DUE TO NO FOOTING BEING POURED IN 1952. BUILDING WILL REMAIN IN THE EXACT LOCATION IT HAS STOOD FOR THE LAST 68 YEARS, JUST IN SAFER CONDITION.

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

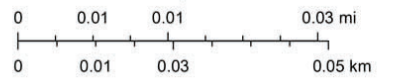
ACCORDING TO ARTICLE II, SEC 129-12: "IN BOTH THEIR INTERPRETATION AND APPLICATION, THE ZONING REGULATIONS WERE ADOPTED FOR THE PROMOTION OF PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, AND GENERAL WELFARE OF THE CITY." I DON'T SEE THIS ACCESSORY BUILDING CONFLICTING WITH THIS ETHOS, AND I THINK IT HAS BEEN AN ATTRACTIVE & WELL-ACCEPTED STRUCTURE IN THE NEIGHBORHOOD SINCE ITS INCEPTION IN 1952.

A-20-17 Aerial



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

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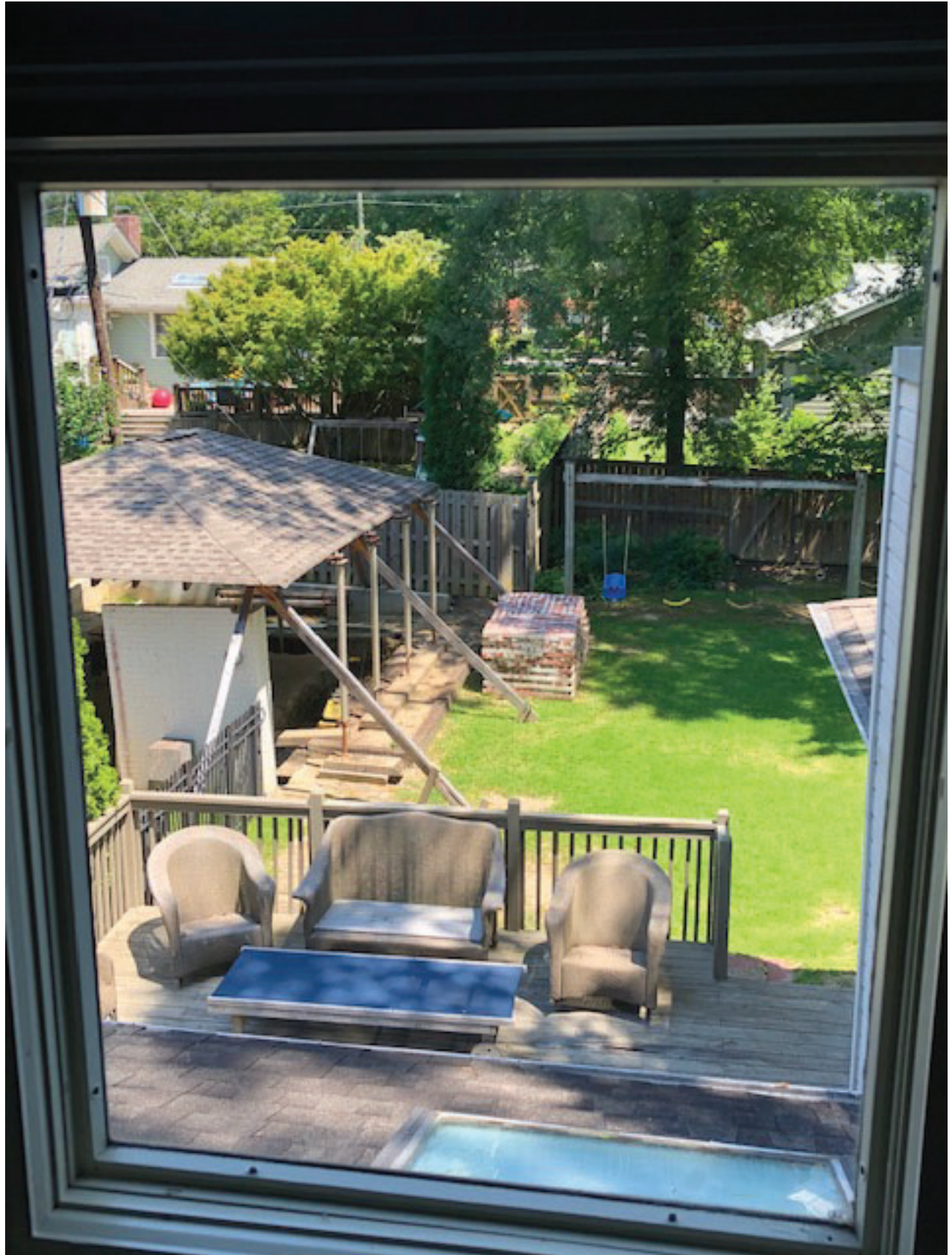


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

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













**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for variances from the Zoning Ordinance, as applied to the property located at 920 Sheridan Drive, has been filed by Patrick Moulton. The requested variances would allow for construction to replace a non-conforming detached accessory structure that is located 8.4 feet from the rear and 2.9 feet from the side property lines.

The property is located in the **Residence B Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-20-17: Patrick Moulton, property owner, requests variances from the terms of the Zoning Regulations to allow for construction to replace a non-conforming detached accessory structure to be located 8.4 feet from the rear property line in lieu of the required 10 feet and 2.9 feet from the side property line in lieu of the required 10 feet. – **920 Sheridan Drive.**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, July 20, 2020, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street, or by viewing:

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (July 20, 2020)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans select link associated with the case number)

Tyler Slaten
Planner
(205) 802-3811
slatent@mtntbrook.org



CITY OF MOUNTAIN BROOK

A-20-18

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: July 20, 2020

Case Number: A-20-18

Case Address: 73 Fairway Drive

Property Owner(s): Will and Mary McDonald, wmcdonaldiv@gmail.com

Representative: Richard Long, Long and Long Design
Richard@longandlongdesign.com

Type Request: Will and Mary McDonald, property owners, request variances from the terms of the Zoning Regulations to allow the existing non-conforming home to be located at 19 feet from the front property line in lieu of the required 40 feet and allow for an addition to the home to be located in the rear setback at 30 feet in lieu of the required 40 feet.

Action Taken: The Board of Zoning Adjustment approves the applicant's request to carry the case over to the August 17, 2020 meeting.

Tyler Slaten
Planner
City of Mountain Brook
56 Church St
Mountain Brook, AL 35213
Office 205-802-3811



Variance Application - Part I

Project Data

Address of Subject Property 73 Fairway Drive

Zoning Classification Res A

Name of Property Owner(s) Will and Mary McDonald

Phone Number 612-7575 Email wmcdonaldiv@gmail.com

Name of Surveyor Robert Reynolds

Phone Number 823-7900 Email reynoldssurvey59@bellsouth.net

Name of Architect (if applicable) Richard Long (Long and Long Design)

Phone Number 205-637-5777 Email richard@longandlongdesign.com

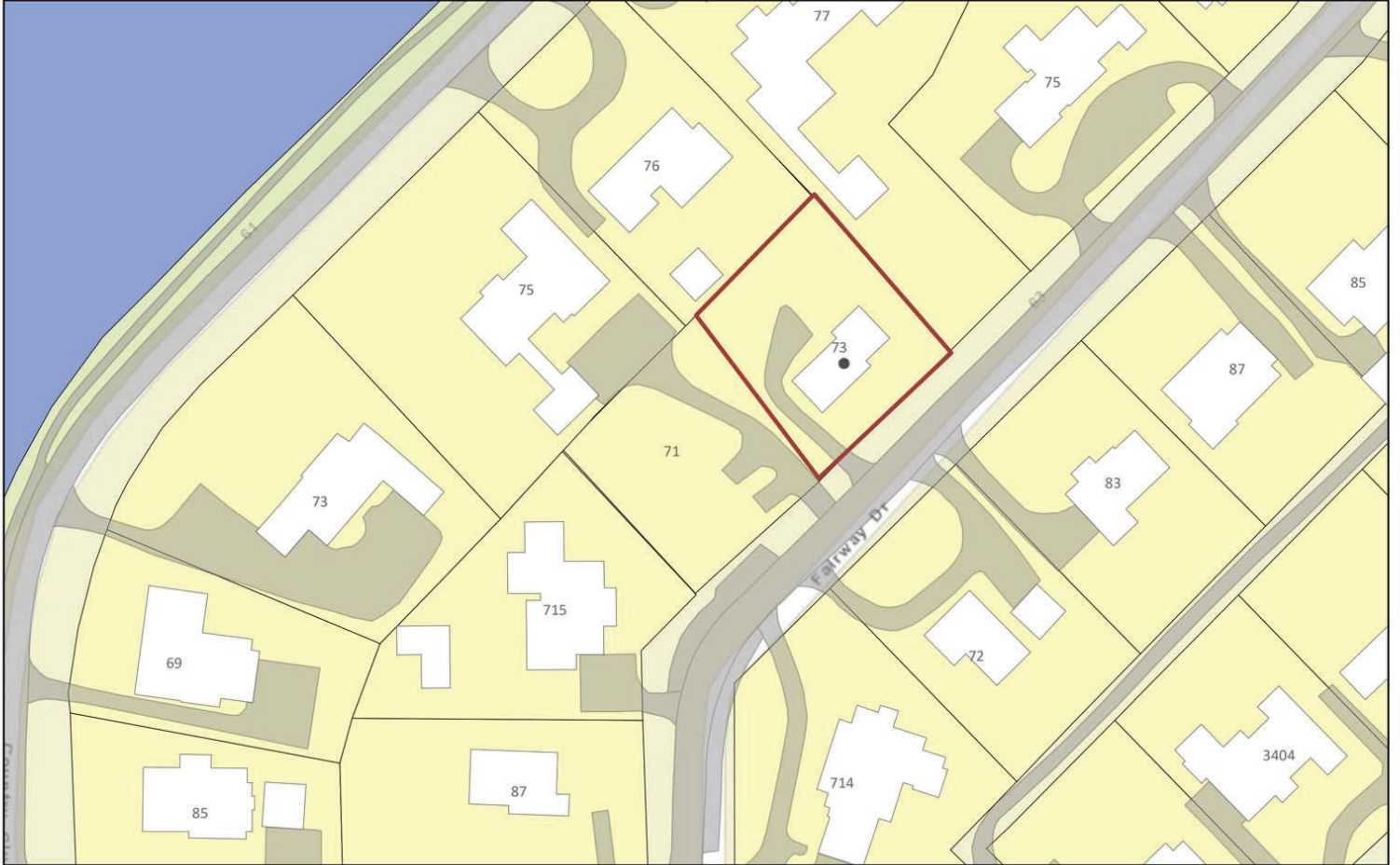
Property owner or representative agent must be present at hearing

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

| | Zoning Code Requirement | Existing Development | Proposed Development |
|---|-------------------------|--|----------------------|
| Lot Area (sf) | 11,611 30k | 11,611 | 11,611 |
| Lot Width (ft) | 100' | 100' | 100' |
| Front Setback (ft) <i>primary</i> | 40' | 25' (does not include ^{include} _{6' steep}) | 25' to house |
| Front Setback (ft) <i>secondary</i> | | | 79' to steep porch |
| Right Side Setback | 15' | 21.2' | 15' |
| Left Side Setback | 15' | 20.1' | 20.1' |
| 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' | 61' | 30' |
| Lot Coverage (%) | 25% (30% IMP) | 39% | 39% |
| Building Height (ft) | 35' | 28' | 28' |
| Other | | | |
| Other | | | |

61' house to Rear P - 31' Rear addition = 90' Rear variance

A-20-18 Zoning

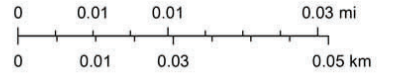


7/14/2020, 3:41:28 PM

Pavement Rec-2

Tax_Parcels
Residence A District

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, NGA, USGS |

Report to the Board of Zoning Adjustment

A-20-18

Petition Summary

Request to allow alterations to an existing house, located 19 feet from the front property line in lieu of the required 40 feet; and to allow an addition to be 30 feet from the rear property line in lieu of the required 40 feet.

Analysis

The hardship in this case is the shallow depth of the lot (115 feet), and the existing design constraint along the front (19 feet for the covered entry porch, and 25 feet for the house). The new construction is proposed in the rear setback, but conforms to the side setback.

Impervious Area

The proposal is in compliance with the allowable lot coverage (25%), but exceeds the allowable impervious surface area (39% proposed). The impervious area will need to be mitigated in accordance with the stormwater ordinance prior to issuance of permits associated with any approval of the variance request.

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

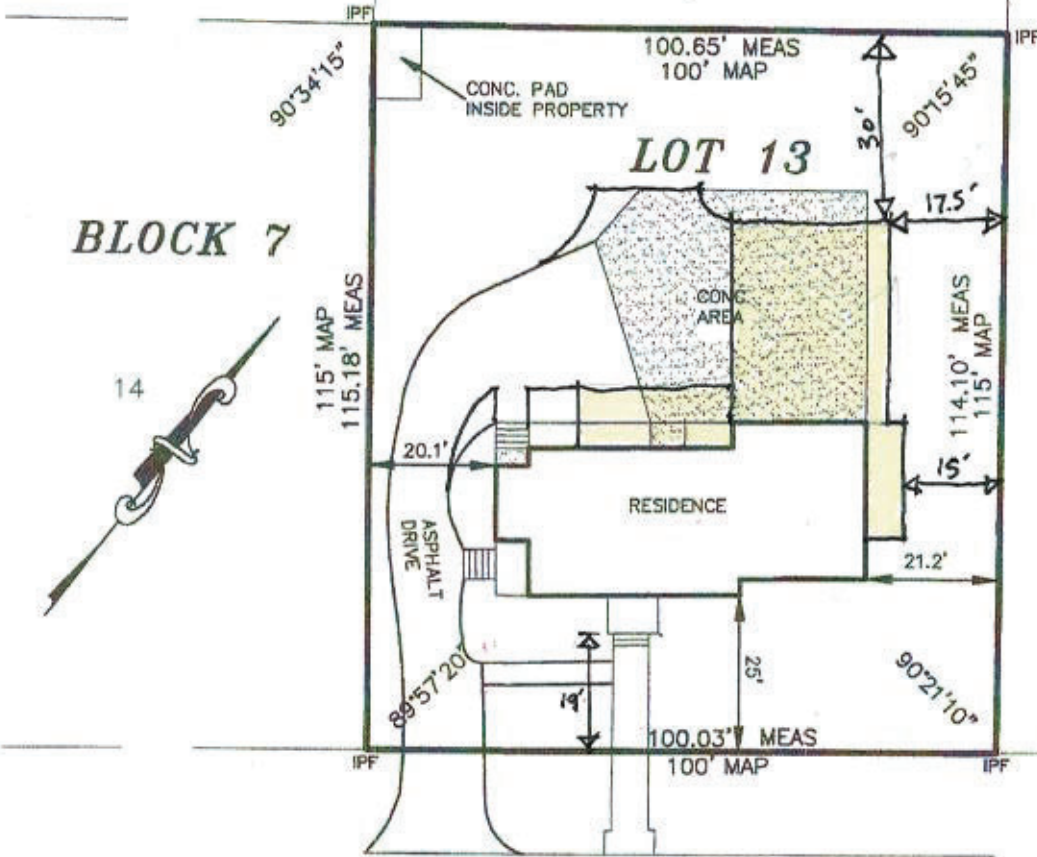
LOCATION: 73 Fairway Drive

ZONING DISTRICT: Res-A

OWNERS: Will and Mary McDonald

REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning

6



BLOCK 7

14

11-A

FAIRWAY DRIVE

50' R.O.W.

SCALE: 1" = 30'

- LEGEND
- UTILITY POLE
- GUY WIRE
- RETAINING WALL
- CONCRETE
- FENCE
- OVERHEAD ELECTRICAL
- IRON PIN FOUND
- IRON PIN SET



STATE OF ALABAMA
JEFFERSON COUNTY

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 13, Block 7, of COUNTRY CLUB GARDENS FIRST ADDITION, as recorded in Map Book 17, Page 87 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 20 th day of February, 2018.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Purchaser: N/A
Address: 73 Fairway Drive

Robert Reynolds
Reg. No. 25657

Google Maps 72 Fairway Dr

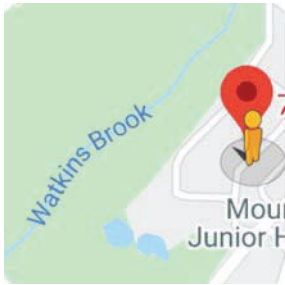


Image capture: Jun 2015 © 2020 Google

Mountain Brook, Alabama



Street View





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 is a non-conforming lot size (meets width, but only 11,611 sf lot area), relative to Res-A requirements.

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...")

Regarding Front Setback variance, the existing house and porch is non-conforming at 19' to property line. We would like a 19' front variance as we intend to make improvements to the existing footprint.

Regarding Rear Setback, a 40' Rear setback is a hardship based on the lot being smaller than min. required. We request a 30' variance to allow the two story Garage/Bedroom addition.

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

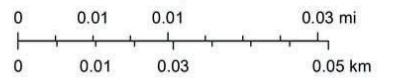
The variance would allow an existing non-conforming condition in the front, and a reasonable addition in the back considering the size of lot under Res-A standards.

A-20-18 Aerial



7/14/2020, 3:43:10 PM

1:1,128



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,
ArcGIS Web AppBuilder
Hunter Simmons | Jefferson County Information Technology Services | Microsoft, Maxar |

**MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA**

NOTICE TO OWNERS OF ADJACENT PROPERTY

Dear Sir/Madam:

A request for variances from the Zoning Ordinance, as applied to the property located at 73 Fairway Drive, has been filed by Will and Mary McDonald. The requested variances would allow the existing non-conforming house to remain in the front setback at 19 feet as well as allowing an addition to the rear to be located to be located 30 feet from the property line.

The property is located in the **Residence A Zoning District**, and requires approval by the Board of Zoning Adjustment for the following variance from the terms of the Zoning Regulations:

Case A-20-18: Will and Mary McDonald, property owners, request variances from the terms of the Zoning Regulations to allow the existing non-conforming home to be located at 19 feet from the front property line in lieu of the required 40 feet and allow for an addition to the home to be located in the rear setback at 30 feet in lieu of the required 40 feet. – **73 Fairway Drive.**

A public hearing will be held virtually by the Board of Zoning Adjustment on **Monday, July 20, 2020, at 5:00 p.m.**, using Zoom video conferencing. Please see the webpage detailed below for instructions on how to access this meeting.

The application and related material are available for inspection during regular business hours at City Hall, 56 Church Street, or by viewing:

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