

# BZA Packet

February 21, 2023

**Hello All,**

Enclosed please find your packet for the meeting of February 21, 2023.

**We have:**

- 6 new cases

If you receive any citizen inquiries regarding these cases the proposed plans may be viewed by going to:

[www.mtnbrook.org](http://www.mtnbrook.org)

- Calendar (upper right corner)
- Board of Zoning Adjustment (February 21, 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](mailto:slatent@mtnbrook.org) ...

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

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
February 21, 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: January 17, 2023
  2. **Case A-23-04:** Joe and Darcy Mosley, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 15.4 feet from the rear property line (east) in lieu of the required 35 feet. **-185 Peachtree Circle**
  3. **Case A-23-05:** Andrew and Tiffany Linn, property owners, request a variance from the terms of the Zoning Regulations to allow a retaining wall to be up to 8.9 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet. **-401 Michael Lane**
  4. **Case A-23-06:** Eugene Erwin Raughley and Whitney Raughley, property owners, request a variance from the terms of the Zoning Regulations to allow additions and alterations to be 34 feet from the front property line (Delmar Terrace) and 32.5 feet from the rear property line (east) both in lieu of the required 35 feet; and to be 11.5 feet from the side property line (south) and 12 feet from the side property line (north) both in lieu of the required 12.5 feet. **-103 Delmar Terrace**
  5. **Case A-23-07:** Jack and Ensley Darnall, property owners, request variances from the terms of the Zoning Regulations to allow a new single family home to be 20 feet from the secondary front property line (Matthews Road) and 32 feet from the rear property line (southeast) both in lieu of the required 40 feet; and to allow the building area to be 31 percent in lieu of the maximum building area allowed of 25 percent. **-58 Country Club Boulevard**
  6. **Case A-23-08:** Marshall and Dailey Clay, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet. **-817 Beech Court**

7. **Case A-23-09:** Chad Trull, property owner, requests variances from the terms of the Zoning Regulations to allow a detached accessory structure to be 40 feet from the rear property line (south) in lieu of the required 100 feet. **-4276 Old Brook Trail**
8. Next Meeting: **March 20, 2023**
9. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 185 Peachtree Circle Birmingham Al 35213

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

Name of Property Owner(s) Joe & Darcy Mosley

Phone Number (770)633-5895 Email mosle011@gmail.com

Name of Surveyor Arrington Engineering

Phone Number (205)985-9315 Email Dave@arringtonengineering.com

Name of Architect (if applicable) \_\_\_\_\_

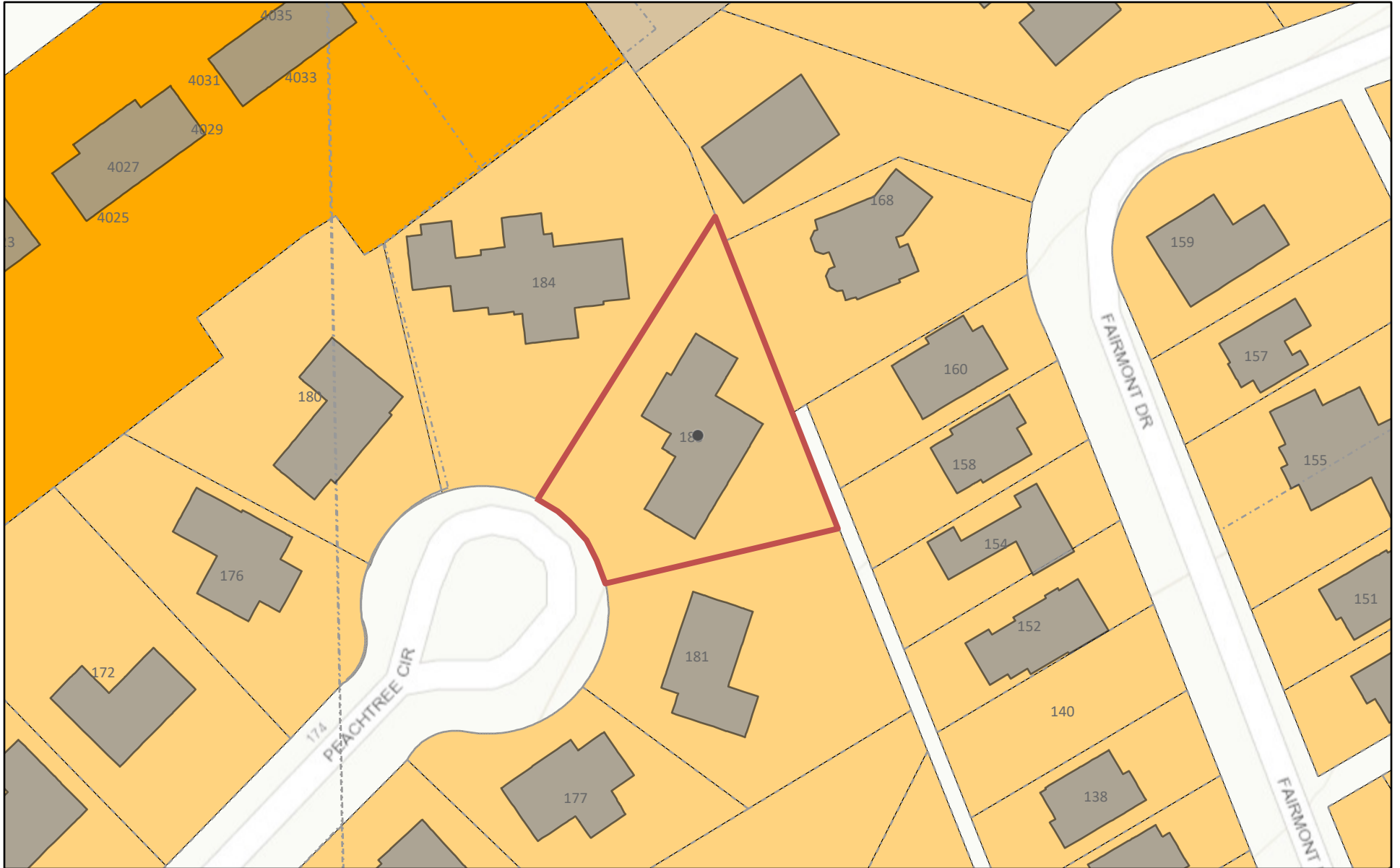
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

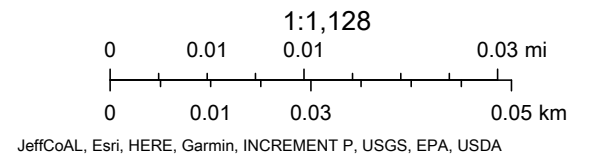
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 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)	<del>30'</del> <b>35'</b>	25'	15.4
Lot Coverage (%)			
Building Height (ft)		Uncertain	Will not exceed existing structure
Other			
Other			

# A-23-04 Zoning



2/1/2023, 1:52:50 PM

- Building Footprints 2020v1
- Tax\_Parcels 2021
- Lot Lines
- Office Park District
- Residence C District
- Residence D District






# A-23-04 Aerial

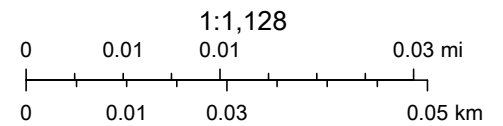


2/1/2023, 1:54:12 PM

Aerial 2021

 Red: Band\_1

 Green: Band\_2  Blue: Band\_3



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-23-04**

### ***Petition Summary***

Request to allow an addition to be 15.4 feet from the rear property line (east) in lieu of the required 35 feet.

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

The scope of work includes a one story addition to the rear of a non-conforming single family dwelling.

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

**Nexus:** The hardships in this case are the existing design constraint of the non-conforming house and the irregular lot shape. The existing house is slightly angled and encroaches into the rear setback. The area of the proposed addition includes what is currently an uncovered rear deck.

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

- a. will not impair an adequate supply of light and air to adjacent property (since the proposed addition is one story and not substantially different as it relates to the encroachment of the current non-conforming structure).

### ***Impervious Area***

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

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

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

### ***Affected Regulation***

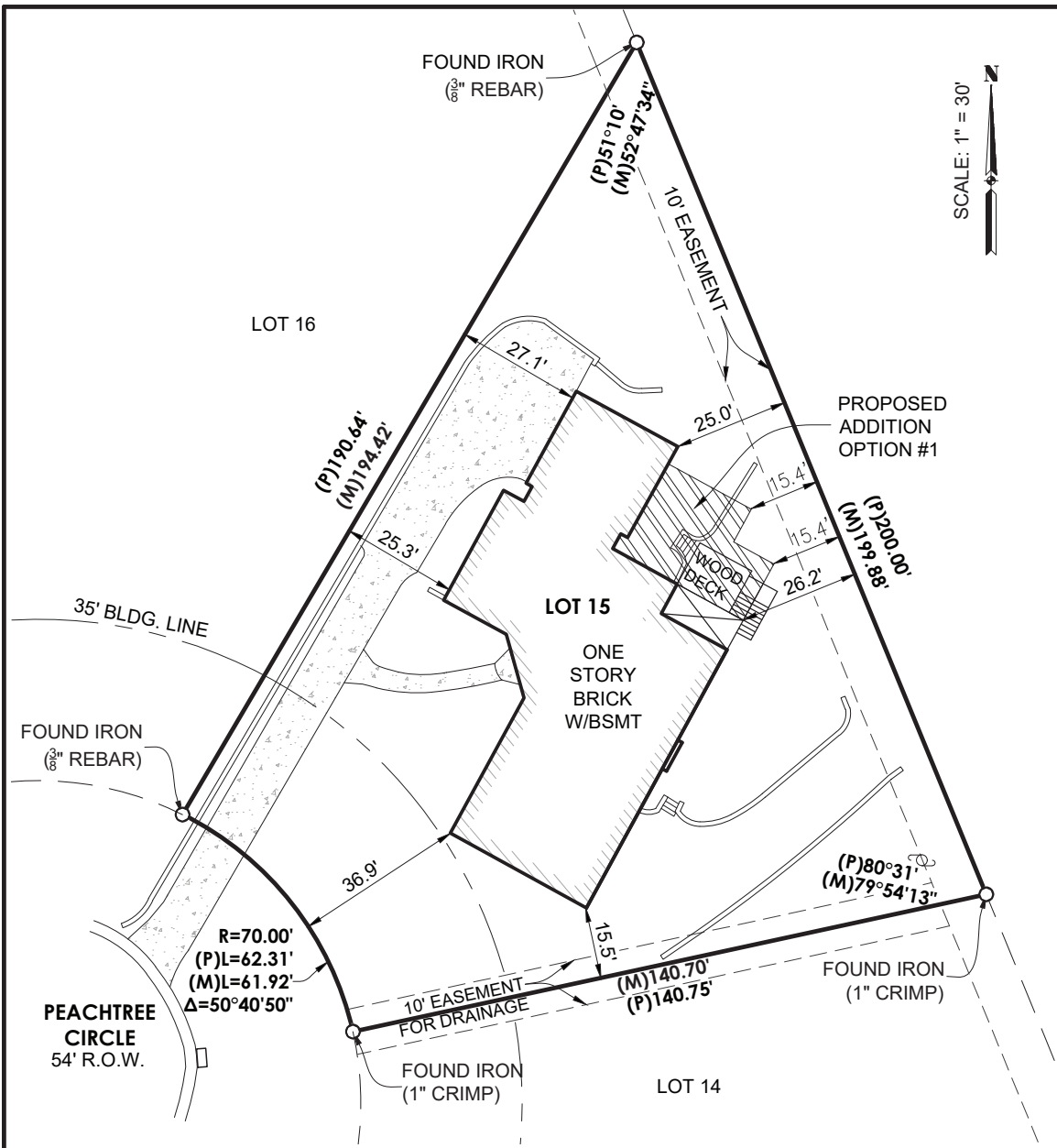
Article V, Section 129-62 Area and dimensional requirements

### ***Appends***

LOCATION: 185 Peachtree Circle

ZONING DISTRICT: Residence C District

OWNERS: Joey and Darcy Mosley



LEGEND			
° DEGREE	N NORTH E EAST	L ARC LENGTH	—oe— UTILITY LINE
' FEET OR MINUTES	S SOUTH W WEST	R RADIUS	—x— CHAIN LINK FENCE
" INCHES OR SECONDS	P.O.B. POINT OF BEGINNING	⊗ FIRE HYDRANT	□ WOODEN FENCE
⊗ GAS METER	R.O.W. RIGHT OF WAY	⊕ UTILITY POLE	▨ CONCRETE
	C/L CENTER LINE	□ JUNCTION BOX	

- NOTES:
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAYS, 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.
  - ALL BEARING AND/OR ANGLE, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); MEASURED=(M); RECORD MAP/PLATS=(P).
  - UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
  - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.
  - BEARING REFERENCE IS BASED ON RECORDED PLAT AND SOURCE OF INFORMATION IS RECORDED PLAT AND FIELD EVIDENCE.
  - TYPE OF SURVEY: FINAL SURVEY



STATE OF ALABAMA  
JEFFERSON COUNTY

I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed Lot 15, according to the survey of AMENDED MAP BENTLEY HILLS EIGHTH SECTOR, as recorded in Map Volume 44, Page 24, in the office of the Judge of Probate Jefferson County, Alabama; That all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; That there are no encroachments on said lot except as shown; That improvements are located as shown above. No Flood Zone Determination was requested or performed as part of this survey.

Address: 185 PEACHTREE CIRCLE  
 Drawing Date: 12/01/2022 By: MA  
 Date of Survey: 11/29/2022 Party Chief: KS  
 Order No. 80819  
 For: HARMON CONSTRUCTION

Jeff D. Arrington, AL Reg. #18664  
 Arrington Engineering & Land Surveying, Inc.  
 2032 Valleydale Road, Birmingham, AL 35244  
 Phone: (205) 985-9315 (Fax 205-985-9385)









A-23-04

Joe & Darcy Mosley  
185 Peachtree Circle  
Birmingham Al, 35213

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)?

At 185 Peachtree Circle, the special condition is the cumulative effect of the three following circumstances - the shape of our lot, placement of our building (built 1958, reno 2004 - the two previous owners) and the topography of the terrain. Generally, looking at those in the vicinity - some have similar topography but have conventionally shaped lots. A few have unique lot shapes but limited topographical challenges. Fewer have both, but the placement of the building on those lots has afforded them natural expansion opportunities (including adding a covered outdoor living space) that don't require variances. With a 4-year-old, 2 year old, and newborn, the family loves being outside as much as possible. Due to the topography of our lot, numerous retaining walls in our yard and the ages of our young children, active supervision (constantly paying attention, watching, listening and being within reach of children under 4yrs) is a prerequisite for the children to enjoy the outdoors. Additionally, Peachtree Circle receives a lot of inadvertent, wrong turn through traffic because of the Peachtree Road/Ross Drive cut through which makes the front yard and cul de sac require the same, if not more, active supervision. It is not feasible to single-handedly manage all three children in these conditions. Adding a covered outdoor living area over the current uncovered deck's footprint is the natural solution. Due to our circumstances in the aggregate, we respectfully request a variance to accommodate a covered outdoor space as a natural extension of the home.

Anecdotally, the property line in question is lined with tall, thick greenery. This requested variance will not impair adequate supply of light or air to adjacent property, nor increase noise (as all the neighbors are regularly on decks/porches), nor generate a material adverse condition to the neighborhood. However, it will materially improve the subject property value from which neighbors will tangentially benefit.

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## 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)?

Please see seperate sheet attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

No this was an existing condition when we purchased the property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Variance Application - Part I

### Project Data

Address of Subject Property 401 MICHAEL LANE

Zoning Classification RESIDENTIAL

Name of Property Owner(s) ANDREW & TIFFANY LINN

Phone Number 205-837-8306 Email alinn@southlandtransportationgroup.com

Name of Surveyor JACKINS BUTLER ADAMS INC.

Phone Number 205-870-3390 Email bbsurv@bellsouth.net

Name of Architect (if applicable) SMELCER DESIGN

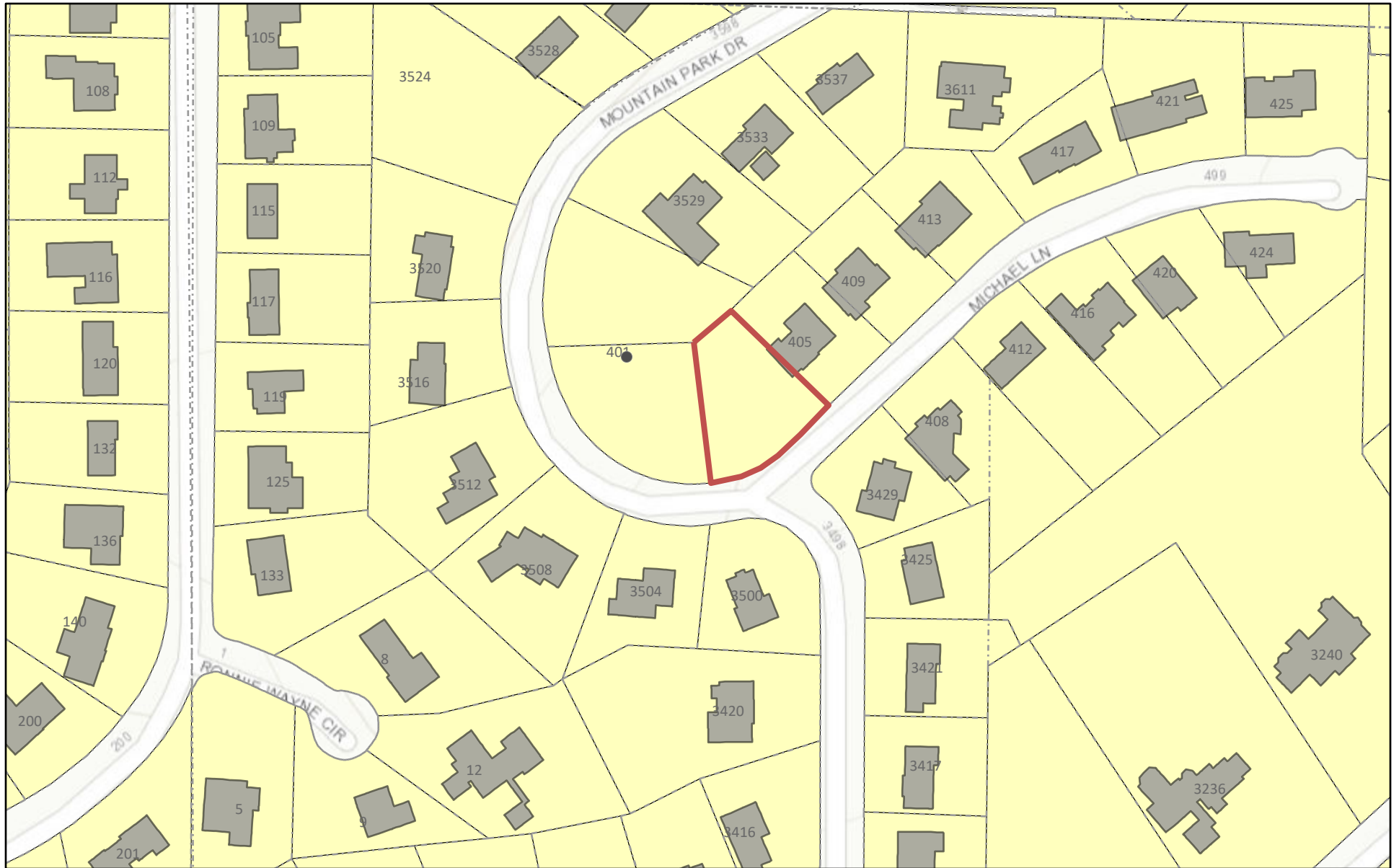
Phone Number 205-219-3835 Email dj.smelcer@yahoo.com

Property owner or representative agent must be present at hearing





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

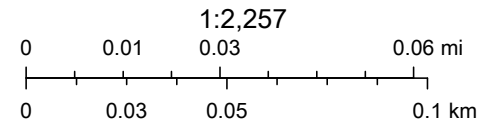
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40 FT		
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less 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	4 FT <del>5 FT</del>		8.9 FT (1 linear ft)
Other		steps down to 6.9 → 5.9 → +/- 2 ft. 40% total linear ft is less than 1/3 to 4 ft.	

# A-23-05 Zoning



2/1/2023, 2:34:21 PM

-  Building Footprints 2020v1
-  Residence A District
-  Lot Lines
-  Tax\_Parcels 2021



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

# A-23-05 Aerial



2/1/2023, 2:36:38 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-23-05

### ***Petition Summary***

Request to allow a retaining wall to be up to 8.9 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet.

### ***Background***

During an erosion control maintenance inspection of this construction site in August 2022, the wall in question was first noted by the city's Inspections Department. This wall was not a part of the permit submittal for construction.

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

The scope of work for this site entails a proposed new single family dwelling with a front retaining wall. The proposed wall will be 8.9 feet at the tallest point near the house. This span of wall is approximately 1 foot in length before tapering down to 6.9 feet in height for approximately 3 linear feet. The wall continues to taper down to 5.9 feet for approximately 23 linear and then progressively steps down to approximately 2 feet in height.

### ***Variance Request for Retaining Wall Height in Front Yard***

**Nexus:** The applicant stated that the slope of the lot made the retaining wall necessary to facilitate the front drive access and to create a usable functional front yards. While it appears true that there is a grade change from the back to the front of the property, it seems as though the desire to create a functional front yard is driving the request for the variance more so than the need for driveway access.

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

- a. Could be detrimental to the streetscape (due to the massing and height)

### ***Impervious Area***

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

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

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

### ***Affected Regulation***

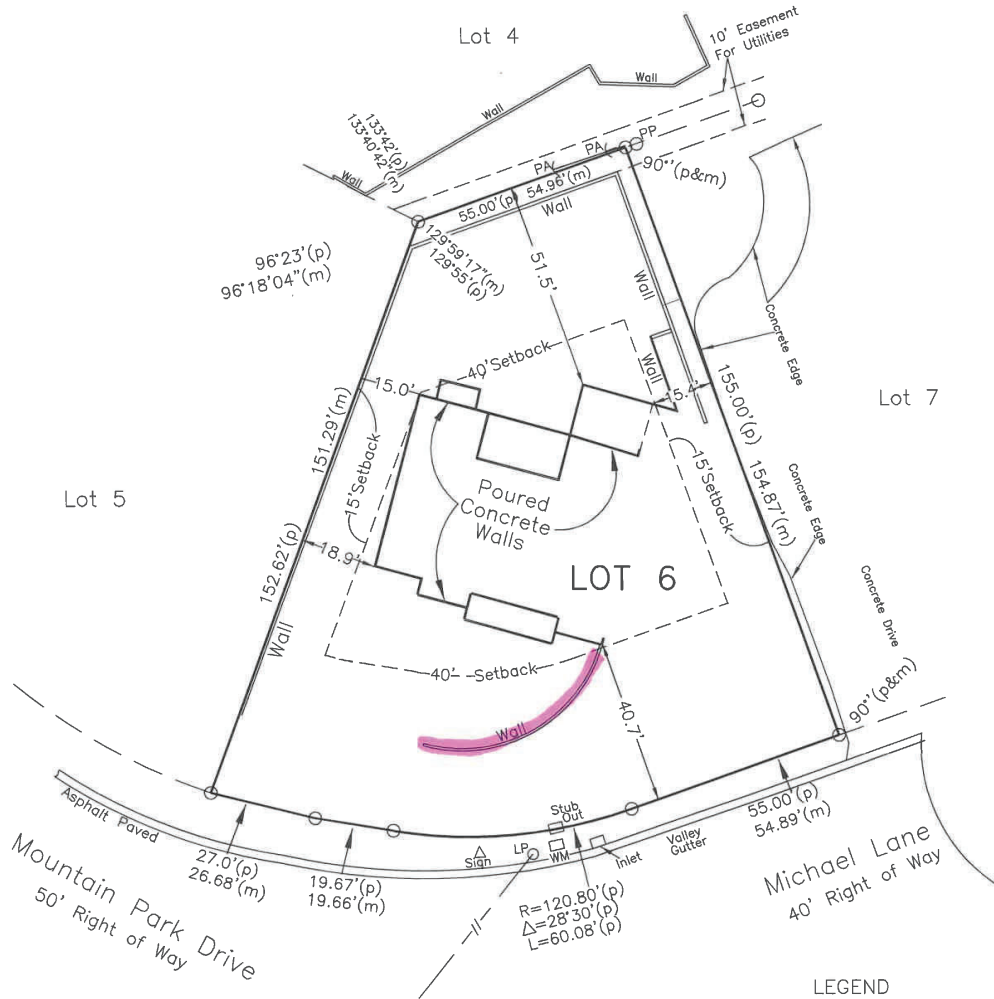
Article XIX, Section 129-315 Fence and walls in residential districts

### ***Appends***

LOCATION: 401 Michael Lane

ZONING DISTRICT: Residence A District

OWNERS: Andrew and Tiffany Linn



### FOUNDATION SURVEY

**LEGEND**

○	PP	POWER POLE
○	LP	LIGHT POLE
□	WM	WATER METER
□	AC	AIR CONDITIONER
—//—		OVERHEAD POWER
-x-		FENCE
100x3		SPOT ELEVATION
(p)		PLAT DIMENSION
(m)		MEASURED DIMENSION

**Notes:**

1. Date of Field Work = October 8, 2021;
2. Area of Lot 6 = 0.38 Acres
3. Site is Zoned Residence A District, per Mountain Brook Zoning Map; Setbacks: Front=40'; Rear=40'; Side=15'; Maximum Building Area = 25 percent of Total Area;
4. Date of Foundation Survey = July 19, 2022;

**CERTIFICATE**

I hereby state that all parts of this survey and drawing have been completed in accordance with the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information, and belief.

July 21, 2022  
Date

*Rowland Jackins*  
Rowland Jackins, Ala. PLS No. 18399

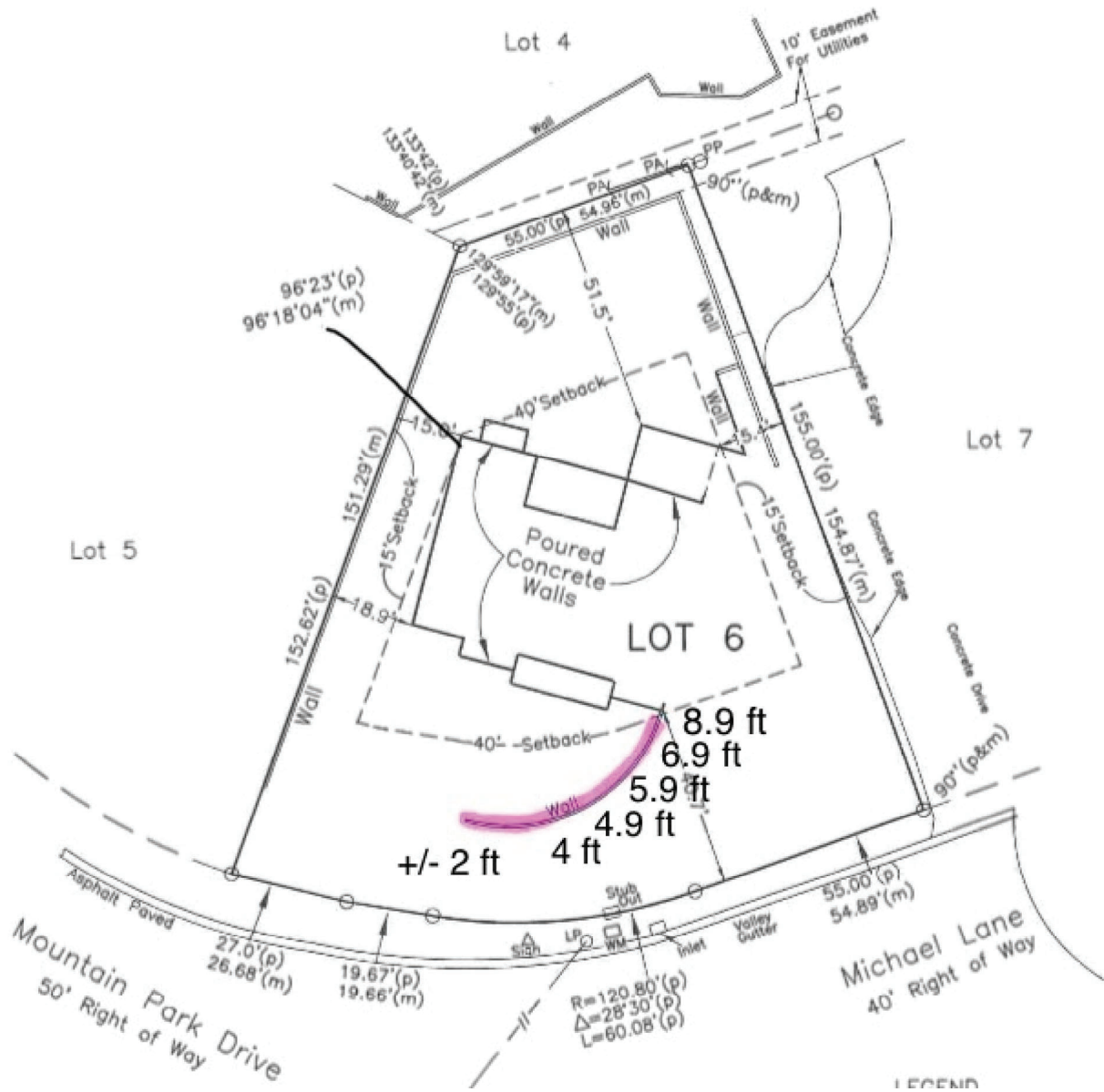


### FOUNDATION SURVEY

Lot 6, Donna Lynn Estates  
Mapbook 38, Page 8, Judge of Probate Office,  
Jefferson County, Alabama  
Scale: 1 Inch = 30 Feet July, 2022



JACKINS, BUTLER & ADAMS, INC.  
SURVEYING-GEOLOGY  
3430 INDEPENDENCE DRIVE, SUITE 30  
BIRMINGHAM, ALABAMA 35209  
(205) 870-3390  
S-1337/21-AAA2 Dwg. 1



LEGEND



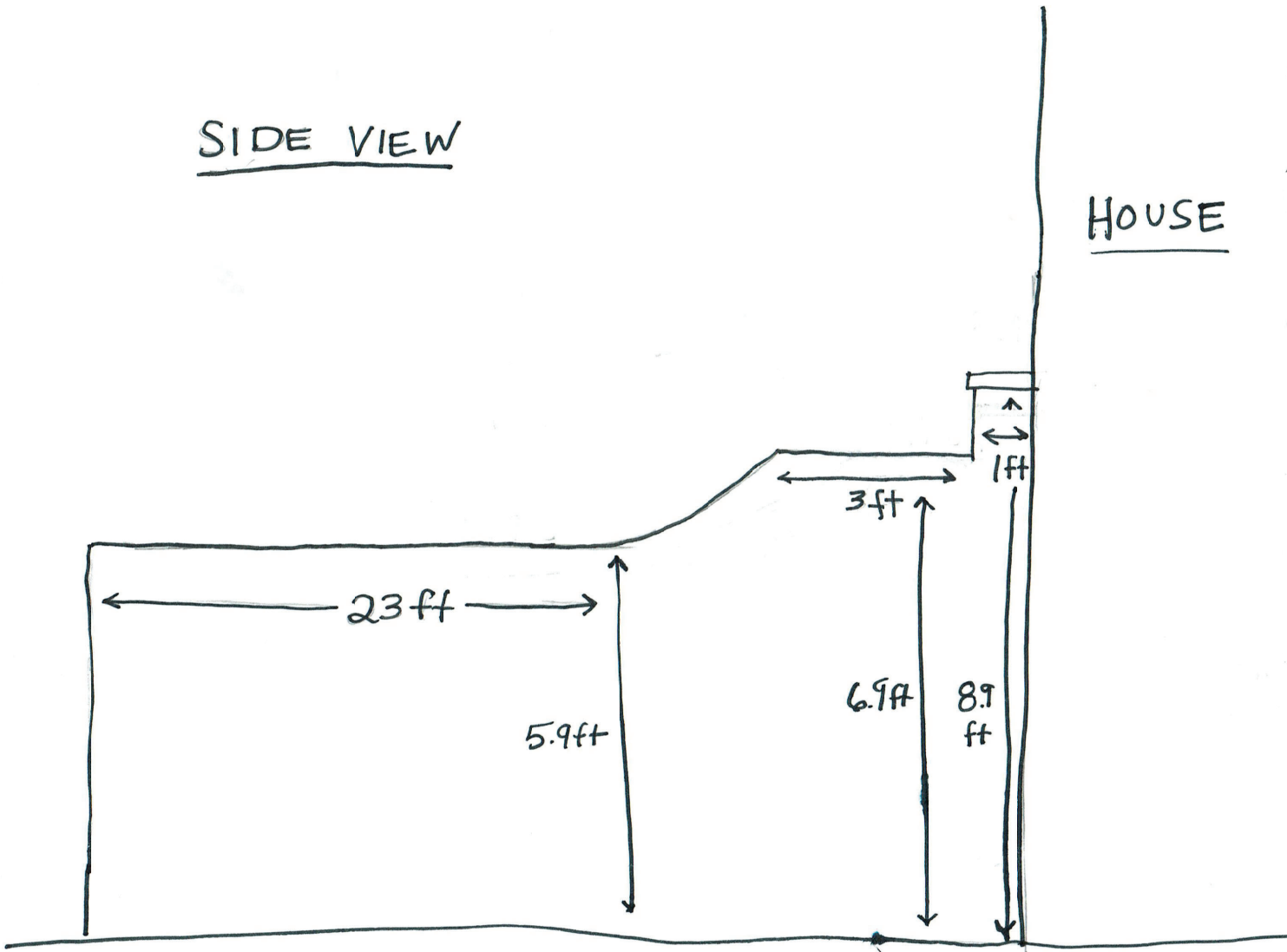


MICHAEL  
LANE

SLATE  
BARGANIER  
INCORPORATED  
Your Vision. Our Partnership.  
slatebarganier.com

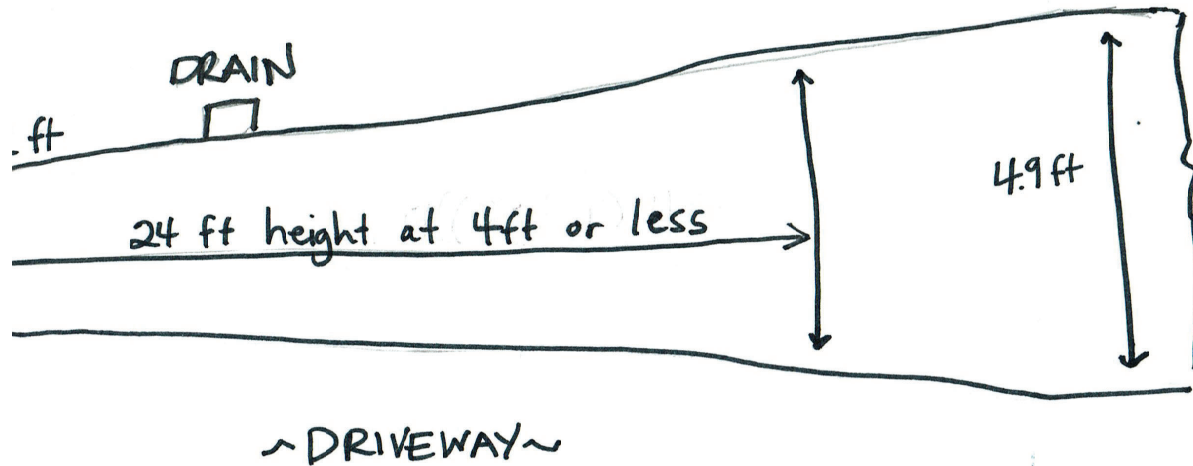
SIDE VIEW

HOUSE



# FRONT VIEW

(40% of linear footage is 4ft or less)















February 8, 2023

Mr. Andrew Linn  
401 Michael Lane  
Mountain Brook, Alabama 35213

**Subject: 401 MICHAEL LANE  
EVALUATION OF SITE PLAN AND DRAINAGE**  
InSite Project No. 21146.00

Dear Mr. Linn:

At your request, InSite Engineering conducted an evaluation of the previously submitted and approved grading and drainage plan for the proposed development of the lot located at 401 Michael Lane. As it is my understanding, the focus of this evaluation is around the retaining wall located at the front of the proposed residence. In the current plan the wall runs along the driveway and the proposed detention facility that was required as part of the City of Mountain Brook's storm water ordinance. The request was to evaluate if the wall height was reduced to 8.9', then step down to 6.9', then another step down to 5.9', and eventually resolve at +/- 2', would the resulting grading and drainage plan previously approved still satisfy the requirements and ordinances regarding storm water for the City of Mountain Brook.

When performing drainage calculations on single residential sites the storm water flows that are typically encountered are small in comparisons to larger residential developments. While the flows are smaller this does create a problem when trying to satisfy detention requirements as it is difficult to "hold back" or detain these types of flows due to small pipe/orifice size, utilization of storage, future maintenance, and clogging of smaller structures. This coupled with trying to maximize usable area around the residence, maintaining required parking on reasonable slopes, and keeping the desired aesthetic becomes quite the balancing act. This all to say that in small low flow detention systems small changes can create situations that result in lack of performance of the detention system and non-conformance with local ordinances. This is just a background of the different aspects that were evaluated on the original design and as we assess the possibility of lowering the retaining wall height.

Upon evaluation of the proposal of changing the wall height, and the effects generated to the previously approved grading plan. We were able to make a determination that the previously approved grading and drainage plan, with a minor modification to the cross slope of the driveway, would still satisfy the stormwater ordinance. The wall height adjustment would create minor revisions to the grading plan, but the proposed drainage infrastructure and associated detention facilities would be adequate and still function in a manner that would satisfy the City of Mountain Brook's Stormwater ordinance.

It is my opinion that the modification to the wall to a height as listed above and delivered to me by the owner would still allow for appropriate and adequate functionality of the detention facility and the associated drainage infrastructure being installed.



We appreciate the opportunity to be of service to you. If you have any questions or need any additional information, please give us a call at (205) 733-9696.

Sincerely,

InSite Engineering, LLC

A handwritten signature in black ink, appearing to read "M. Golab", written in a cursive style.

Matt S. Golab, P.E.

Copy: InSite File 21005.00/7.4

Thursday, January 26, 2023

Dear Board of Zoning Adjustment,

Due to the hardships imposed by the shape and topographic nature of our lot, we are requesting your approval of a retaining wall that exceeds the height restriction of 4ft. Said retaining wall is necessary to ensure access to our front door from our driveway, to manage water runoff/facilitate the drainage system and also to create a useable and functional front yard. We appreciate your consideration.

Sincerely,

Andrew and Tiffany Linn

*Homeowners*

401 Michael Lane

Mountain Brook, AL 35213



## 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)?

DUE TO THE SEVERE SLOPE OF THE LOT, A RETAINING WALL TALLER THAN 4 FEET IS REQUIRED TO FACILITATE THE DRAINAGE SYSTEM/MANAGE WATER RUNOFF, ALLOW ACCESS TO PARKING PAD AND FRONT DRIVE WAY AND TO CREATE A USABLE AND FUNCTIONABLE FRONT YARD.

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 WOULD ALLOW A RETAINING WALL TO BE BUILT FOR A DRIVEWAY, USABLE FRONT YARD AND TO MANAGE WATER RUNOFF.





## Variance Application - Part I

### Project Data

Address of Subject Property 103 Delmar Terrace · Birmingham AL 35213

Zoning Classification Residence B

Name of Property Owner(s) Eugene Erwin Raughley III / Whitney Dowling Raughley

Phone Number 205.365.5125 Email wraughley@eerpipe.com

Name of Surveyor WEYGAND SURVEYORS, INC. / STEWART HAWKING

Phone Number 205.942.0086 Email office@weygandsurveyor.com

Name of Architect (if applicable) JAMES SRANSKY (Israel & Associates)

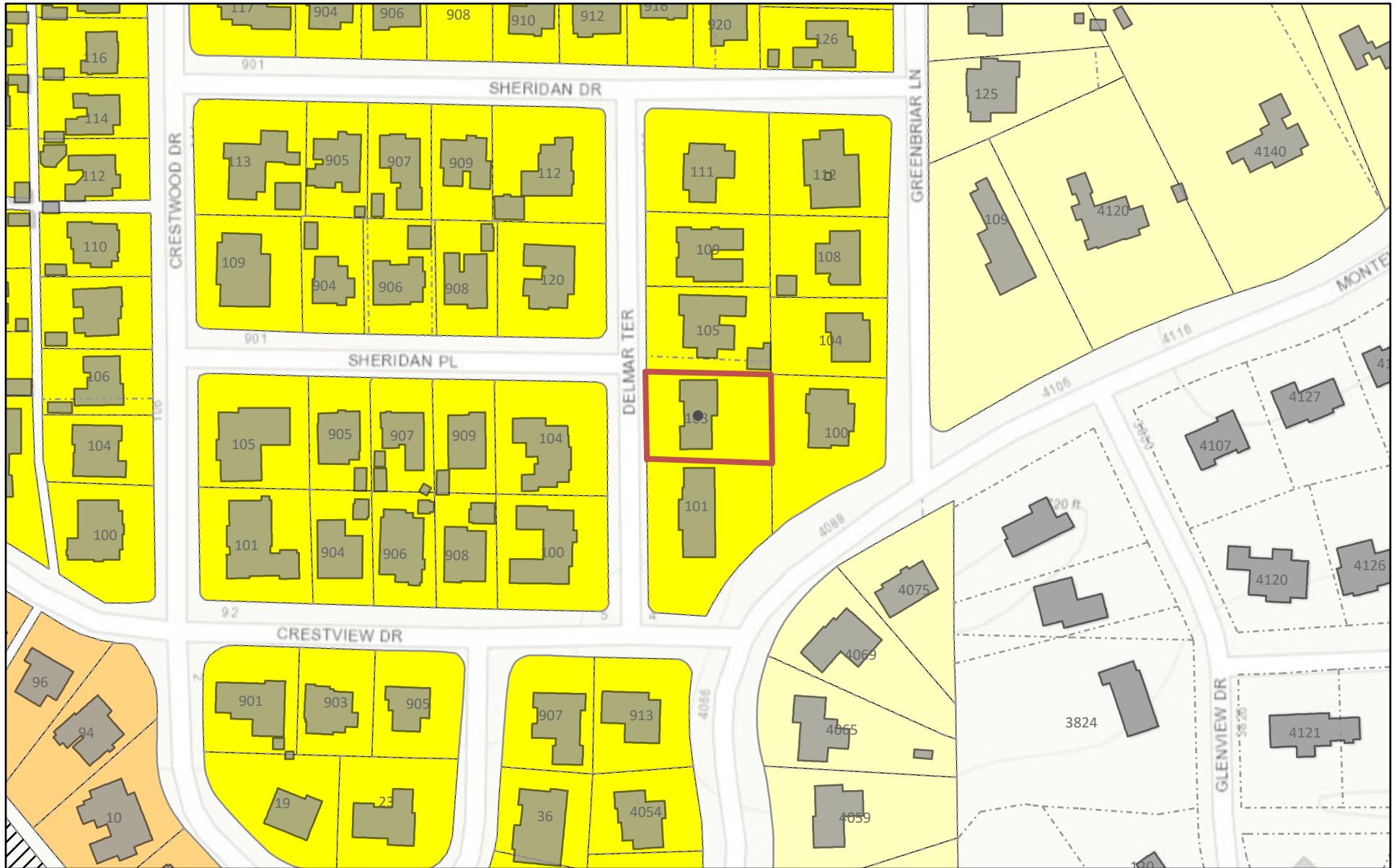
Phone Number 205.803.0075 Email jsransky@ia-arch.com

Property owner or representative agent must be present at hearing

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

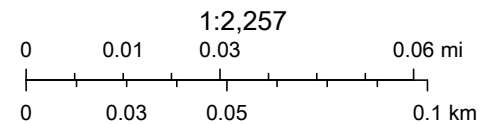
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35'	34.9'	34'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12.5'	12.6'	11.5'
Left Side Setback	12.5'	12.4'	12'
Right Side Setback (ft): For non-conforming 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'	65'	32.5'
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-23-06 Zoning



2/3/2023, 12:34:51 PM

- Building Footprints 2020v1
- Lot Lines
- Tax\_Parcels 2021
- PUD
- Residence B District
- Residence C District
- Residence A District



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


ArcGIS Web AppBuilder



# A-23-06 Aerial

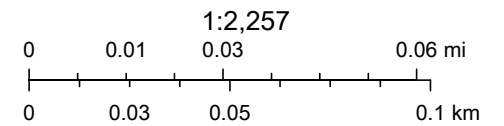


2/3/2023, 12:36:06 PM

Aerial 2021

 Red: Band\_1

 Green: Band\_2  Blue: Band\_3



Jefferson County Department of Information Technology | JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

**LEGEND**

SQ FT	SQUARE FEET
AC	ACRES
M+	MORE OR LESS
Δ	DELTA ANGLE
∠	DEFLECTION ANGLE
T	TANGENT
R	RADIUS
CH	CHORD
L	LENGTH
ESMT	EASEMENT
EX	EXISTING
M+B	MAP BOOK
PG	PAGE
FND	FOUND
RCW	RIGHT-OF-WAY
O	REBAR SET
MIN	MINIMUM
C	CENTERLINE
D+B	DEED BOOK
---	NOT TO SCALE

# NELSON'S RESURVEY OF EUCLID ESTATES

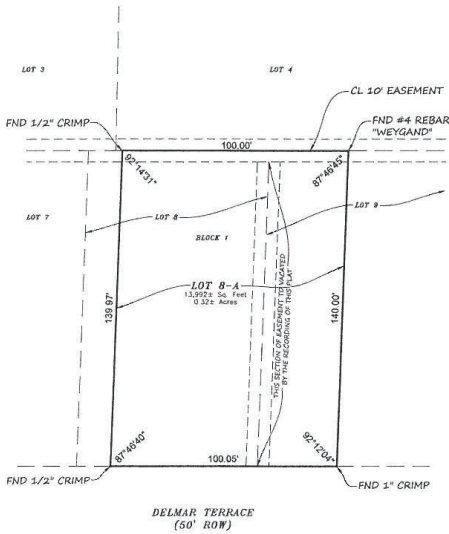
BEING A RESURVEY OF PART OF SOUTH 65 FEET OF LOT 8 AND NORTH 35 FEET OF LOT 9 BLOCK EUCLID ESTATES 1ST SECTOR, AS RECORDED IN MAP BOOK 31 PAGE 35 IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA

SITUATED IN THE SW ¼ OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

SCALE: 1"=20'

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

DATE: JANUARY 2023



**VICINITY MAP**  
(NOT TO SCALE)



**NOTE:**  
 THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE "X") AS PER MAP NO. 01073C0413H, DATED SEPTEMBER 24, 2021.



STATE OF ALABAMA  
 JEFFERSON COUNTY)

The undersigned, Ray Weygand, Registered Land Surveyor, State of Alabama, and Jere Nelson, the Owner, hereby certify that this plat or map was made pursuant to a survey made by said surveyor, and that this plat or map was made of the habitat of said owner, that this plat or map is a true and correct plat or map of land shown therein and known or to be known as NELSON'S RESURVEY OF EUCLID ESTATES, showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of each lot and its number, showing the streets, ditches and public grounds, giving the bearings, length, width and name of each street, as well as the number of each lot and block, and showing the relation of the lands to the map of Euclid Estates (Map 31, PG 35) and to government survey of Section 34, Township 17 South, Range 2 West, and that said plat or map was made in accordance with the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief. Said owner also certifies that it is the center of said lots.

In Witness Whereof, we have hereunto set our hands this the \_\_\_\_ day of \_\_\_\_\_, 2023.

By: Ray Weygand Ray L.S. #24973  
 By: Jere Nelson - Owner

STATE OF ALABAMA  
 JEFFERSON COUNTY)

I, \_\_\_\_\_ a Notary Public in and for said County and State hereby certify that Ray Weygand, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
 Notary Public - My commission expires \_\_\_\_\_

STATE OF ALABAMA  
 JEFFERSON COUNTY)

**NOTE: NO SIGNATURES YET**

I, \_\_\_\_\_ a Notary Public in and for said County and State hereby certify that Jere Nelson, whose name is signed to the foregoing certificate as Land Surveyor and who is known to me, acknowledged before me, on this day that, being informed of the contents of the certificate, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
 Notary Public - My commission expires \_\_\_\_\_

**TO BE ON MARCH 2023**

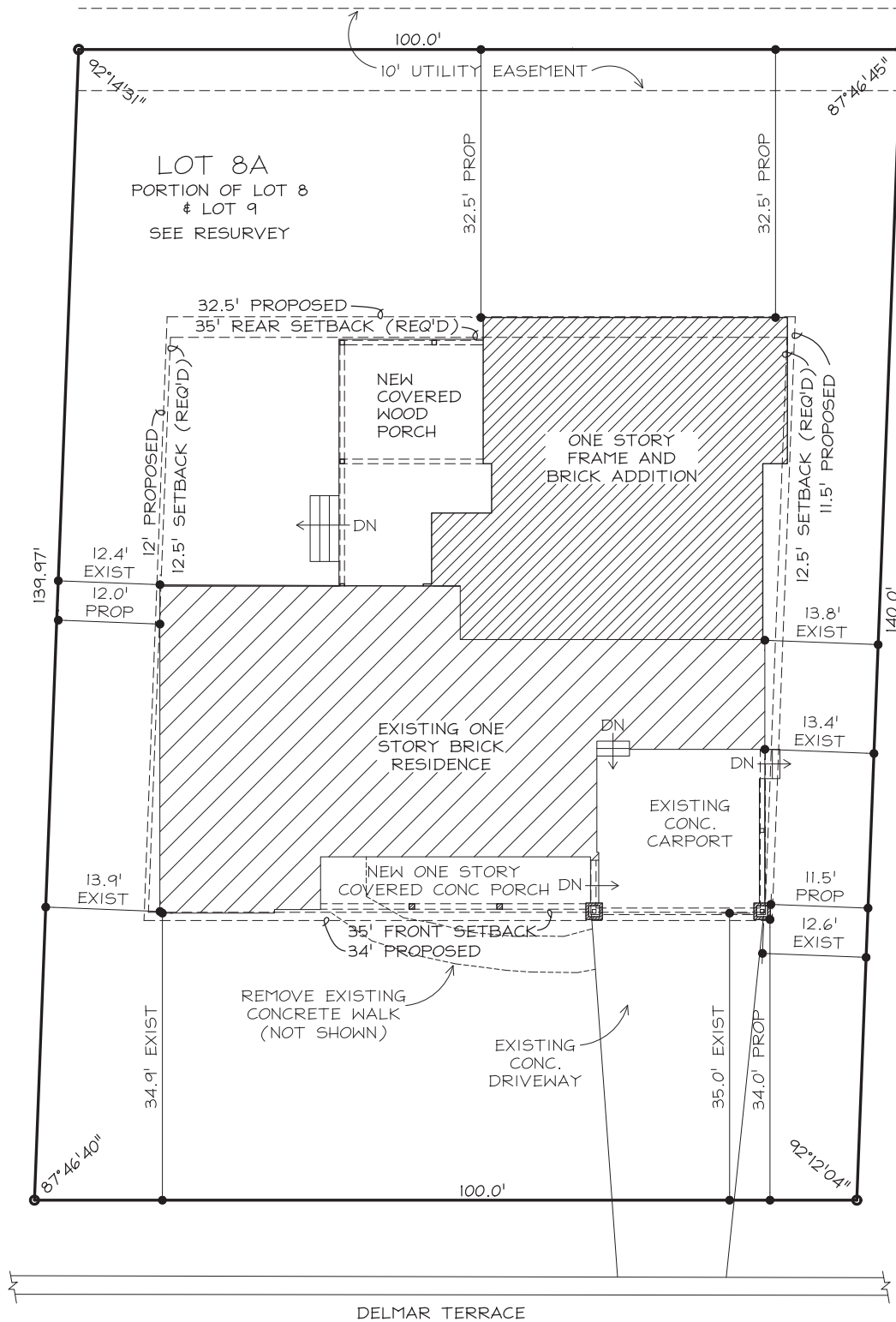
**PLANNING COMMITTEE**  
**AGENDA**

APPROVED: \_\_\_\_\_  
 Chairman, Mountain Brook Planning Commission

APPROVED: \_\_\_\_\_  
 Secretary, Mountain Brook Planning Commission

**NOTES:**  
 ALL EASEMENTS ON THIS MAP ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, PRIVATE TELEVISION CABLE SYSTEMS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION (UNLESS OTHERWISE NOTED). NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DEDICATED EASEMENT.  
 BUILDER IS RESPONSIBLE FOR THE DRAINAGE ON EACH LOT AND IN AND AROUND EACH BUILDING.  
 BUILDER WILL BE RESPONSIBLE FOR ADJUSTING THE LIDS OR TOP ELEVATION FOR ALL MANHOLES AND YARD INLETS ON EACH LOT.  
 THE LOT OWNER/BUILDER SHALL USE APPROPRIATE METHODS, WHETHER PIPES, UNDERDRAIN DITCHES, GRADING OR OTHER MEANS, TO PRODUCE A BUILDING SITE FREE OF SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.  
 THE LOT OWNER/BUILDER SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF SANITARY SEWER SERVICE LINE OR SEPTIC TANK LOCATION PRIOR TO CONSTRUCTION OF BUILDING FOUNDATIONS.  
 ELEVATION OF ALL SANITARY SEWER LATERALS TO EACH LOT SHOULD BE VERIFIED BY BUILDER PRIOR TO SETTING LOWEST FLOOR OF RESIDENCE TO BE SERVICED.  
 NO HOUSE SHALL HAVE A FINISHED FLOOR ELEVATION LESS THAN (2) FEET ABOVE TOP OF ANY ADJACENT STORM SEWER WITHOUT ENGINEER'S APPROVAL.  
 NO FENCE SHALL IMPED THE FLOW OF WATER IN ANY DRAINAGE WAY.  
 WEYGAND SURVEYORS, INC. IS NOT RESPONSIBLE FOR SOIL COMPACTIONS AND DID NOT CONDUCT ANY SURFACE OR SUBSURFACE INVESTIGATIONS.  
 NORTH ARROW SHOWN ON THIS MAP IS NOT TRUE NORTH AND SHOULD ONLY BE CONSIDERED AS APPROXIMATE.

IN PROCESS - SCALED TO FIT 8 1/2 x 11



## ARCHITECTURAL SITE PLAN 1" = 20'-0"

### GENERAL NOTES

- A SITE INFORMATION PROVIDED BY OWNER FROM SURVEY OF THE SOUTH 65' OF LOT 8 AND THE NORTH 35' OF LOT 9, AS RECORDED IN MAP VOLUME 31, PAGE 35 ON 7-30-92. THIS BOOK CAN BE FOUND IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA, BY W. STEWART HAWKING, #18394 A REGISTERED ALABAMA SURVEYOR.
- B NOTE: CURRENT LOT IS IN PROCESS TO BE RESURVEYED INTO ONE LOT 8A. SITE INFORMATION PROVIDED BY OWNER FROM SURVEY OF LOT 8A, AS RESURVEYED TO BE RECORDED IN MAP VOLUME 31, PAGE 35 ON JANUARY 2023. ONCE FILED, THIS BOOK CAN BE FOUND IN THE OFFICE OF THE JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA. SURVEY BY RAY WEYGAND #24973.

THIS IS NOT A LEGAL SURVEY

907 RAUGHLEY

ARCH. PROPOSED SITE

DATE: 26 JANUARY 2023

DRAWING

ISRAEL & ASSOCIATES, P.C., ARCHITECTS © 2730 19TH STREET SOUTH HOMEWOOD, ALABAMA 35209  
 THIS DRAWING SHALL NOT BE COPIED, DUPLICATED, PRINTED, ETC. IN WHOLE OR PART WITHOUT THE EXPRESS, WRITTEN PERMISSION OF ISRAEL & ASSOCIATES, P.C.. THIS AND ALL DRAWINGS SHALL BE RETURNED IMMEDIATELY UPON REQUEST. (205) 803-0075 (205) 803-0086 FAX

SD1

PART OF VARIANCE SUBMITTAL

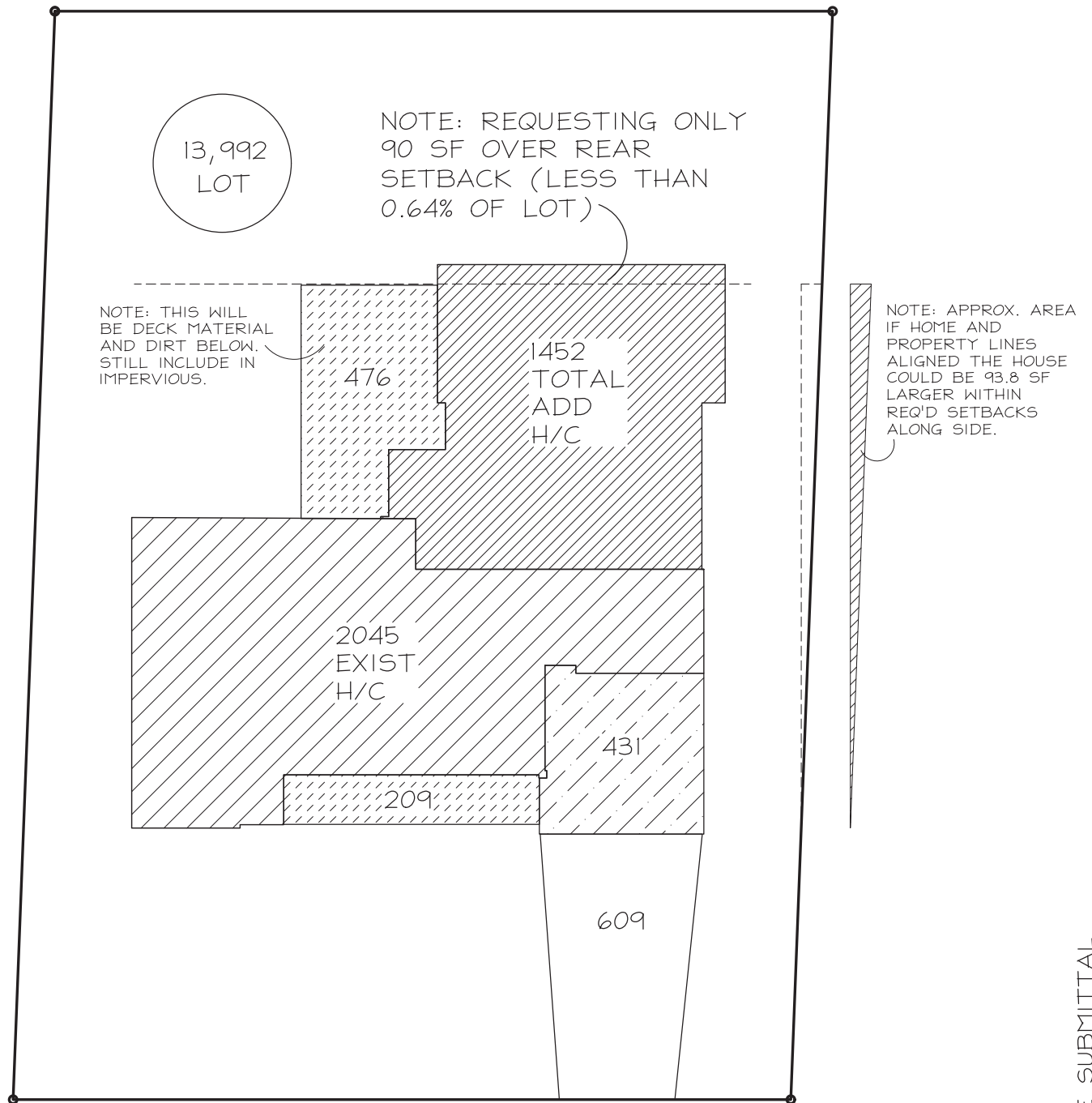


DIAGRAM OF LOT COVERAGE 1" = 20'-0"

HARDSHIPS

3497-TOTAL-HEATED/COOLED

4613-TOTAL HOME FOOTPRINT

32.97% < 35% IMPERVIOUS COVERAGE HOUSE & PORCHES

5222-TOTAL COVERAGE

37.32% < 40% IMPERVIOUS COVERAGE HOUSE, PORCHES & DRIVE

PART OF VARIANCE SUBMITTAL

907 RAUGHLEY ADDITIONAL CONSIDERATIONS

DATE: 26 JANUARY 2023

DRAWING



## 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).

#### QUESTION 1

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)?

SHAPE and LOCATION

SEE ATTACHED FOR

FURTHER EXPLANATION.

#### QUESTION 2

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 ATTACHED

FOR FURTHER

EXPLANATION.

#### QUESTION 3

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

SEE ATTACHED

FOR FURTHER

EXPLANATION.

26 January 2023

2730 19th street south  
homewood, AL 35209  
205.803.0075  
205.803.0086 fax  
www.ia-arch.com

Variance Application

Raughley Residence  
103 Delmar Terrace  
Mountain Brook, AL 35213

Israel and Associates, P.C., Architects  
2730 19<sup>th</sup> St. South  
Homewood, AL 35209

Scope of the Project:

It is proposed to construct a new one story addition to the rear of the current home and maintaining, yet improving the current character of the home to blend with the scale of the other improved homes along the street. We intend to achieve this by adding a new shallow front porch within setbacks and making some minor exterior modifications such as closing in current small porch and increasing the diameter/width of the current carport columns and upgrading materials in the two street facing gables.

James Sransky, Architect

Variance Application – Part II

Question 1 - Hardship/Special Circumstances

The current home is positioned and oriented to face the road on the accompanying slightly irregular shaped lot. The lot shape is an irregular parallelogram shape as the two side property lines slant as indicated on site plan making improvements an additions matching the current orientation more difficult and limiting the preferred building methods. In addition, Some portions of the home are minimally over the setbacks (such as the Right side, NE corner and Front NW corner and the SW thin post of the carport appears to be directly on the required setback. Any improvements to some details of the home, such as appropriately sized columns/proportions at carport would further minimally encroach into front and side setbacks. We are requesting minimal setback variances in all directions as follows:

1. FRONT – 34' this minor reduction of setback by 1' is primarily to allow the current non-conforming conditions to be within setback and to give the option to construction new columns to support current roof bearing in a more well proportioned manner. Each column will likely require a base and the width of the columns would be wider.
2. LEFT SIDE – 12' this minor reduction of 0.5' is primarily to allow the current state of the home to be within setbacks.



3. RIGHT SIDE – 11'6" this minor reduction of setback by 1' is for similar reasons to the front and will allow for properly placed, and appropriate proportioned columns at the existing carport.
4. REAR – 32'6" this minor reduction of setback by 2'6" (for a limit of only 37' in width along the rear) for a maximum area of 90sf (less than 0.64% of total lot). This area is less than the loss of the buildable area this house (93.8 sf) could have if the side property lines were not askew. Rather than request smaller setbacks along the sides, or raise the current home to 2 stories, potentially casting larger shadows, blocking light, or change the scale of the neighborhood within restrictions of the code, we opted for variance request for the most minimal encroachment and still provide a viable one story addition to the Raughley's house for their growing family.  
In addition, despite this proposed addition being one story, the house will remain under the max Lot Coverage for homes on Res B lots of 35% at 32.97% (see SD2), even when including new framed rear porch of 476 SF. Too, All impervious surfaces is 37.32%, even including new framed rear porch, and remains under the 40% coverage limits for Res B lots.

**SEE ATTACHED "ARCHITECTURAL SITE PLAN", SHEET SD1 FOR SETBACK LOCATIONS.**

**SEE "ADDITIONAL CONSIDERATIONS", SHEET SD2 FOR LOT COVERAGE AS WELL AS SQUARE FOOTAGE DIAGRAM OF BUILDABLE AREA LOT DUE TO IRREGULAR LOT SHAPE AND HOUSE LOCATION.**

**QUESTION 2**

No, the condition from which relief is sought is in response to the established setbacks on an irregular shaped lot.

**QUESTION 3**

Granting this variance recognizes the encroachments on setbacks required on an irregular shaped lot and the location of the current non-conforming home's position on the lot.

**ALSO NOTE: CURRENT SITE IS BEING RESURVEYED INTO A NEW PARCEL AND IS SET TO BE BROUGHT TO PLANNING COMMISSION IN MARCH 2023 by SURVEYOR RAY WEYGAND once all signatures of UTILITIES are obtained.**



## Variance Application - Part I

### Project Data

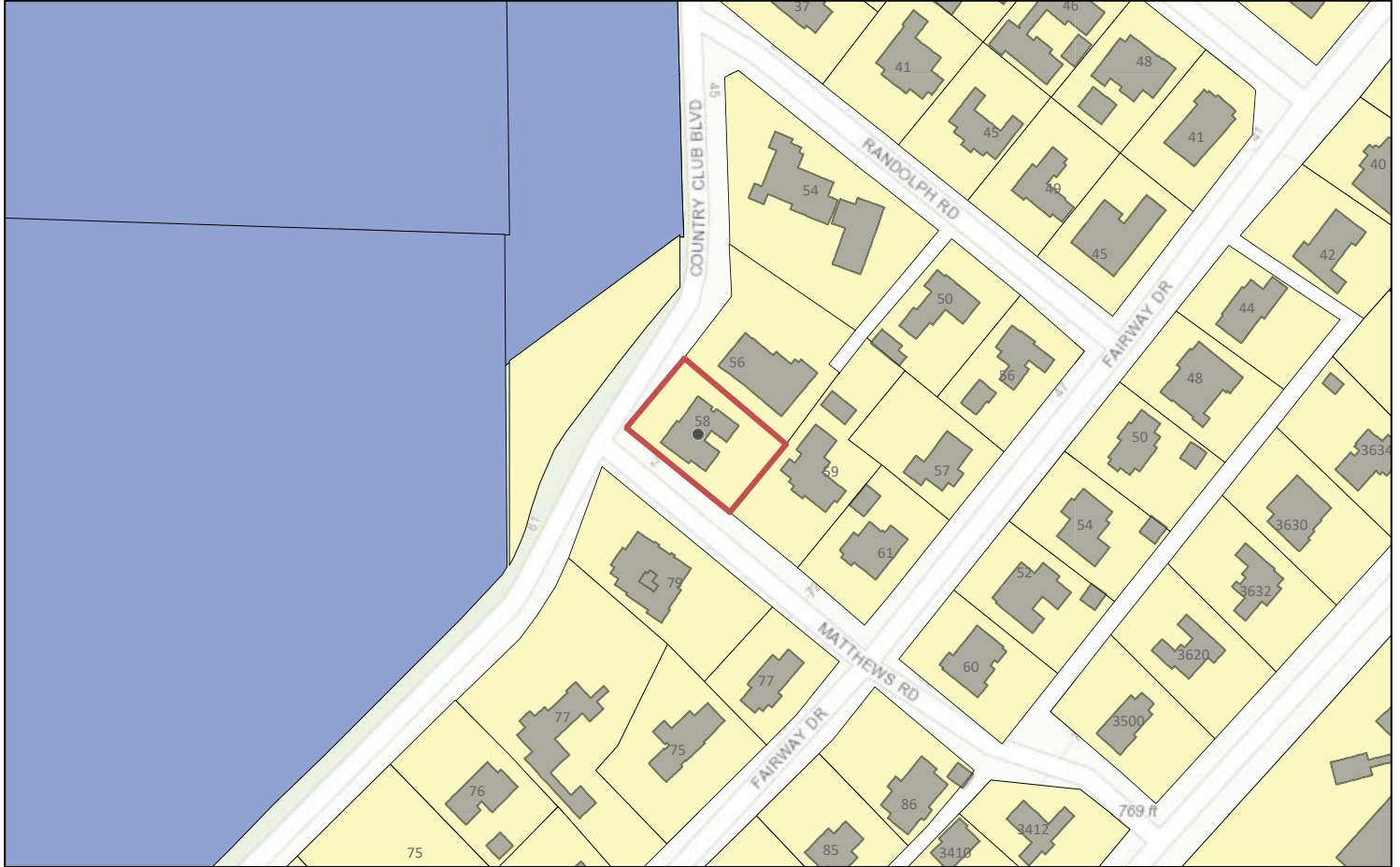
Address of Subject Property 58 COUNTRY CLUB DRIVE ~~DRIVE~~ Boulevard  
 Zoning Classification RES. A  
 Name of Property Owner(s) ENSLEY & JACK DARNALL  
 Phone Number 205.531.2159 Email JDARNALL@DARNALLGROUP.COM  
 Name of Surveyor RAY WEYGAND  
 Phone Number 205.942.0086 Email \_\_\_\_\_  
 Name of Architect (if applicable) TIPPETT SEASE BAKER - CHRIS TIPPETT  
 Phone Number 334.462.2590 Email CHRIS@TSBARCHITECTURE.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)	30,000	15,323	15,323
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40'	40'	40'
Front Setback (ft) <i>secondary</i>			
Right Side Setback	40'	20'	20'
Left Side Setback	15'	15'	15'
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'	40'	32'
Lot Coverage (%)	25% + 5%	21% + 11%	31% + 22%
Building Height (ft)	35'	ONE STORY	30'-6"
Other <i>GR. FLOOR UNDER ROOF</i> (ALLOW) 3,830 SF.		3,223 SF. - 21%	4,050 SF - UNDER ROOF.
Other <i>DRIVES/TERR./WALKS</i> (ALLOW) 766 SF		1,775 SF. - 11%	3,490 SF - DRIVE/TERR. WALKS/WALLS.

# A-23-07 Zoning

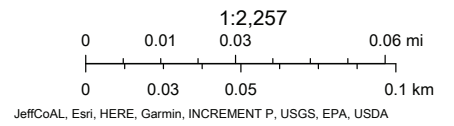


2/6/2023, 9:23:35 AM

Building Footprints 2020v1 Rec-2

Tax\_Parcels 2021

Residence A District



# A-23-07 Aerial



2/6/2023, 9:25:15 AM

Aerial 2021

Red: Band\_1



Green: Band\_2



Blue: Band\_3

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

Jefferson County Department of Information Technology . JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder

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

## Report to the Board of Zoning Adjustment

A-23-07

### ***Petition Summary***

Request to allow a new single family home to be 20 feet from the secondary front property line (Matthews Road) and 32 feet from the rear property line (southeast) both in lieu of the required 40 feet; and to allow the building area to be 31 percent in lieu of the maximum building area allowed of 25 percent.

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

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

### ***Variance Request for Secondary Front Yard Setback***

**Nexus:** The applicant stated that the corner lot configuration is hard as it relates to the secondary frontage. This is reasonably related to the setback request along Matthews Road.

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

- a. Will not be detrimental to the streetscape (due to the fact that Matthews Road does not have a consistent streetscape and the property across Matthews Road from the subject location is similarly oriented with regard to the secondary front as the proposed encroachment).

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

**Nexus:** The applicant's stated hardships of corner lot configuration and lot size are somewhat related to this request.

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

- a. will not impair an adequate supply of light and air to adjacent property (since the house to the southeast presents a side yard to the rear of the subject property meaning that structure can be as close as 15 feet from the shared property line that the applicant is proposing a setback of 32 feet).

### ***Variance Request for Building Area Coverage***

**Nexus:** The applicant stated that the lot size is a hardship related to the proposed coverage. The lot is approximately 15,323 square feet in area and the minimum lot size

for the Residence A zoning district is 30,000 square feet. It is true that the lot size is smaller than the current district minimum. However, the previous Residence A minimum lot size was 15,000 square feet with the same setbacks as currently required.

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

- a. Is not consistent with the purpose and intent of the Zoning regulations (in that the maximum building area allowed for the Residence A zoning district is 25 percent and the proposal exceeds that by 6 percent).

***Impervious Area***

The proposed impervious surfacing (building area plus impervious surfaces) is 53 percent of the lot for this project which exceeds the maximum allowed of 30 percent in residence A. This will require an engineered plan to satisfy the requirement of the city's Stormwater Ordinance.

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

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

***Affected Regulation***

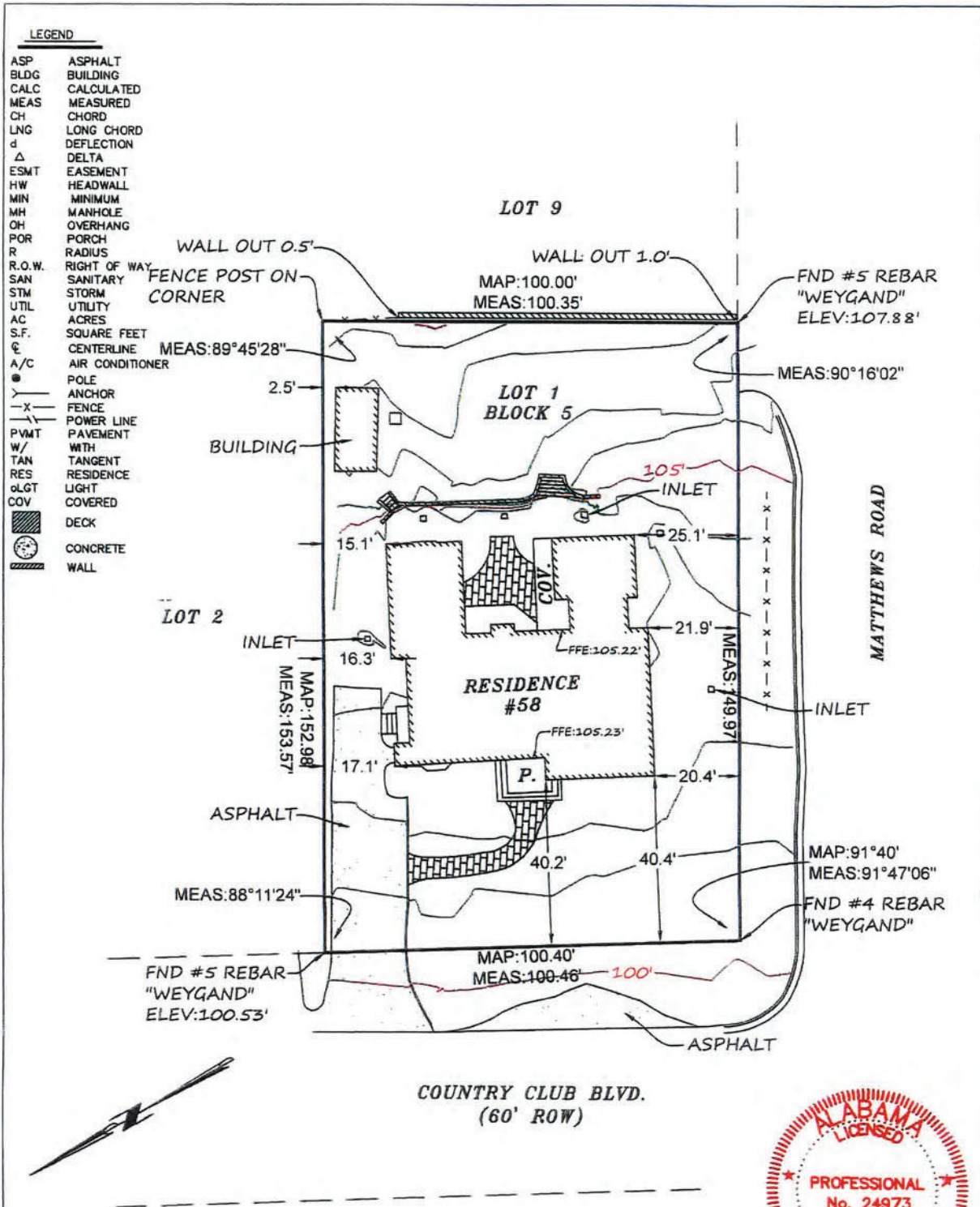
Article III, Section 129-34 Area and dimensional requirements

***Appends***

LOCATION: 58 Country Club Boulevard

ZONING DISTRICT: Residence A District

OWNERS: Ensley and Jack Darnall



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



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

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1 BLOCK 5, COUNTRY CLUB GARDENS, as recorded in Map Volume 15, Page 10, 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 APRIL 19, 2022. Survey invalid if not sealed in red.

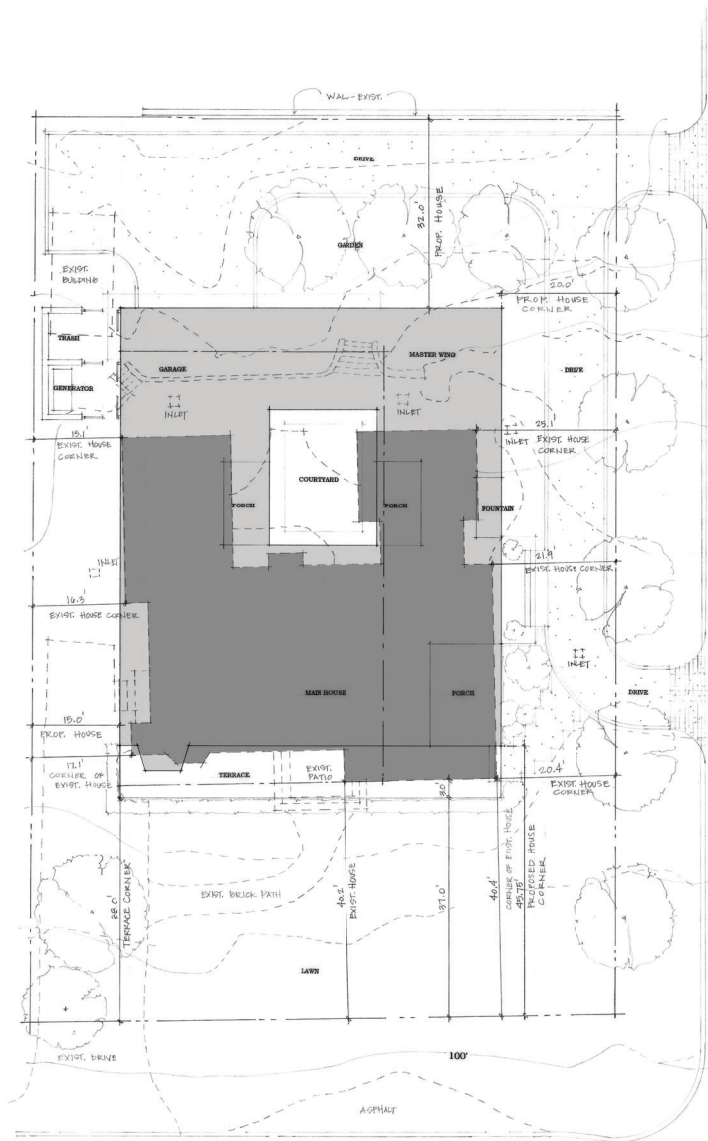
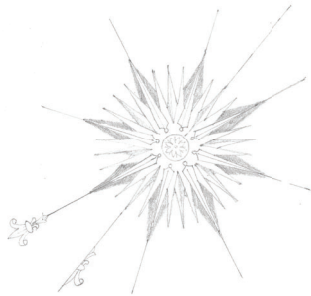
Order No: 20220270  
 Purchaser:  
 Address: 58 COUNTRY CLUB BLVD.

*[Signature]*  
 Ray Weygand, Reg. L.S. #24973  
 159 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.

- LEGEND:
- EXISTING TO BE REMOVED OR ALTERED:
  - PROPOSED HOUSE & HARDSCAPE:
  - PROPERTY LINE:
  - SETBACK LINES:
  - PROPOSED FOOTPRINT
  - EXISTING FOOTPRINT



*A New Residence for*  
**ENSLEY & JACK DARNALL**

58 Country Club Boulevard

Mountain Brook, AL

1" = 6' 10"

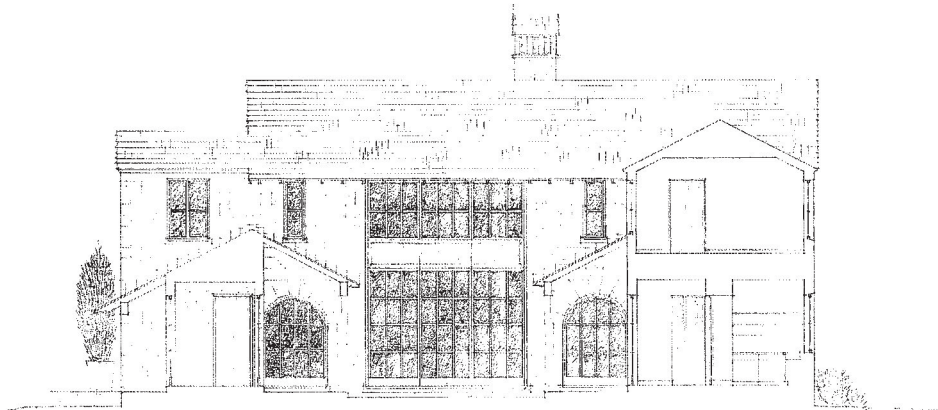
Site Plan



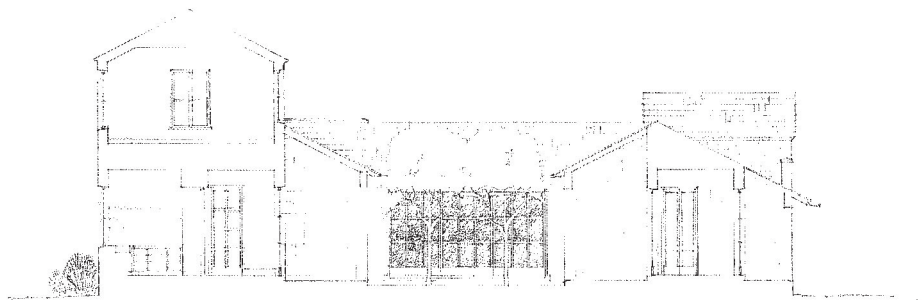




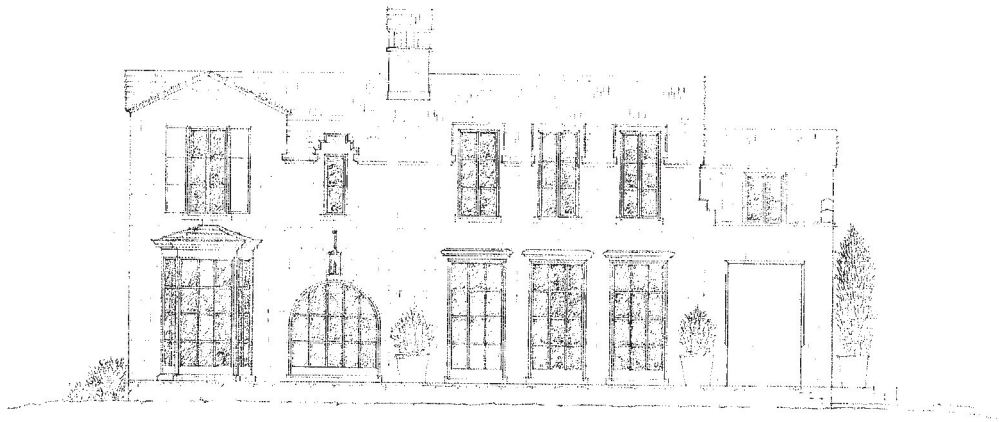
side elevation  
91'-4 1/2"



courtyard section toward dining  
116' - 0"



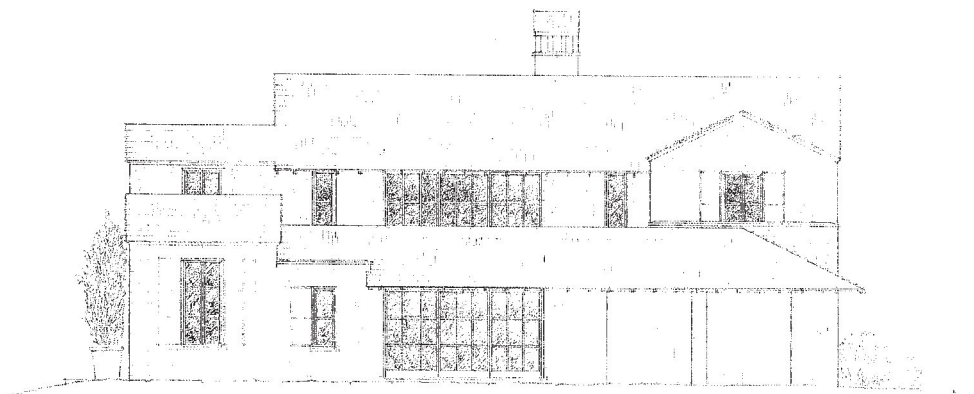
courtyard section toward master  
110'-0"



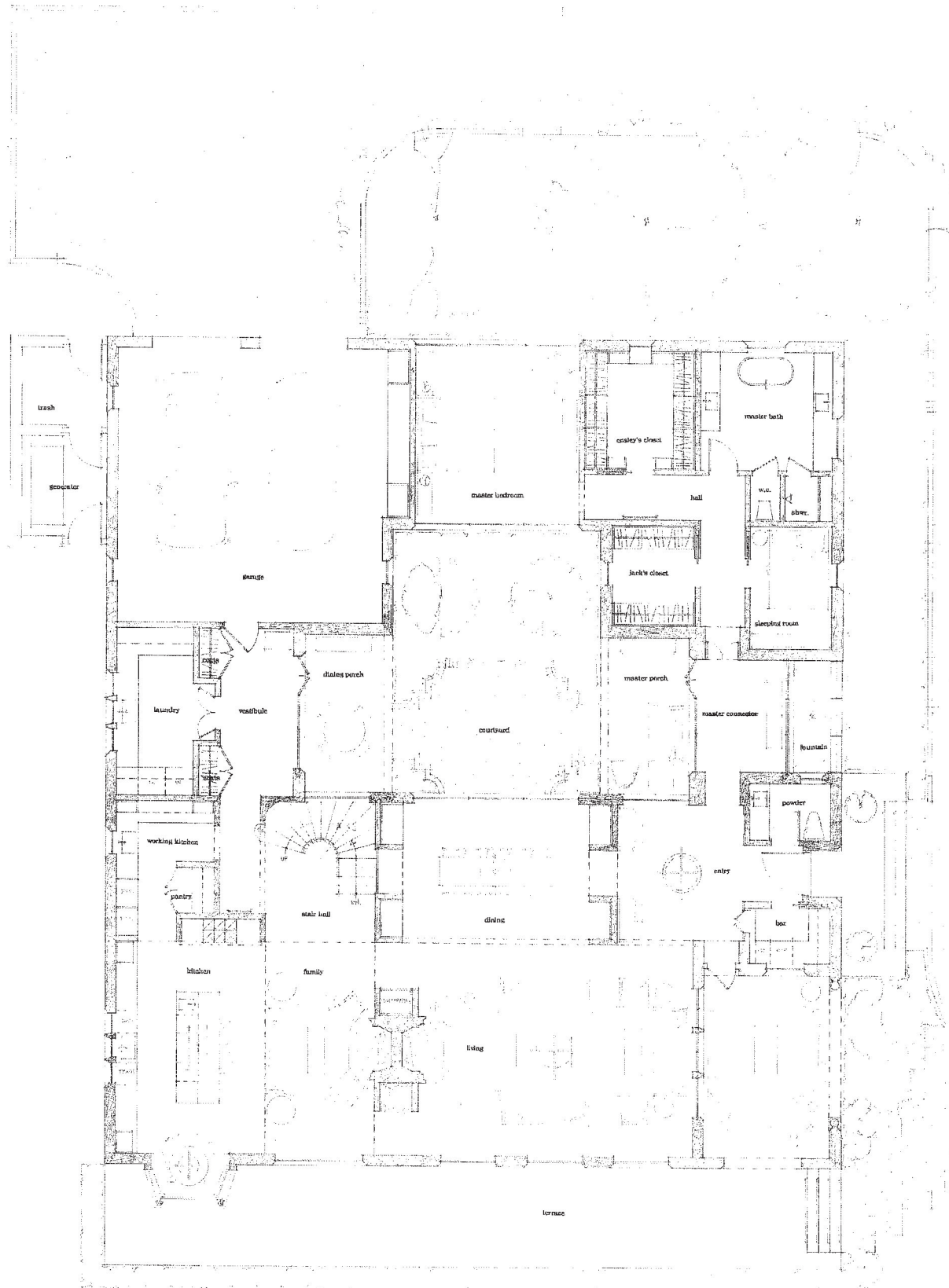
country club elevation  
3/12/10



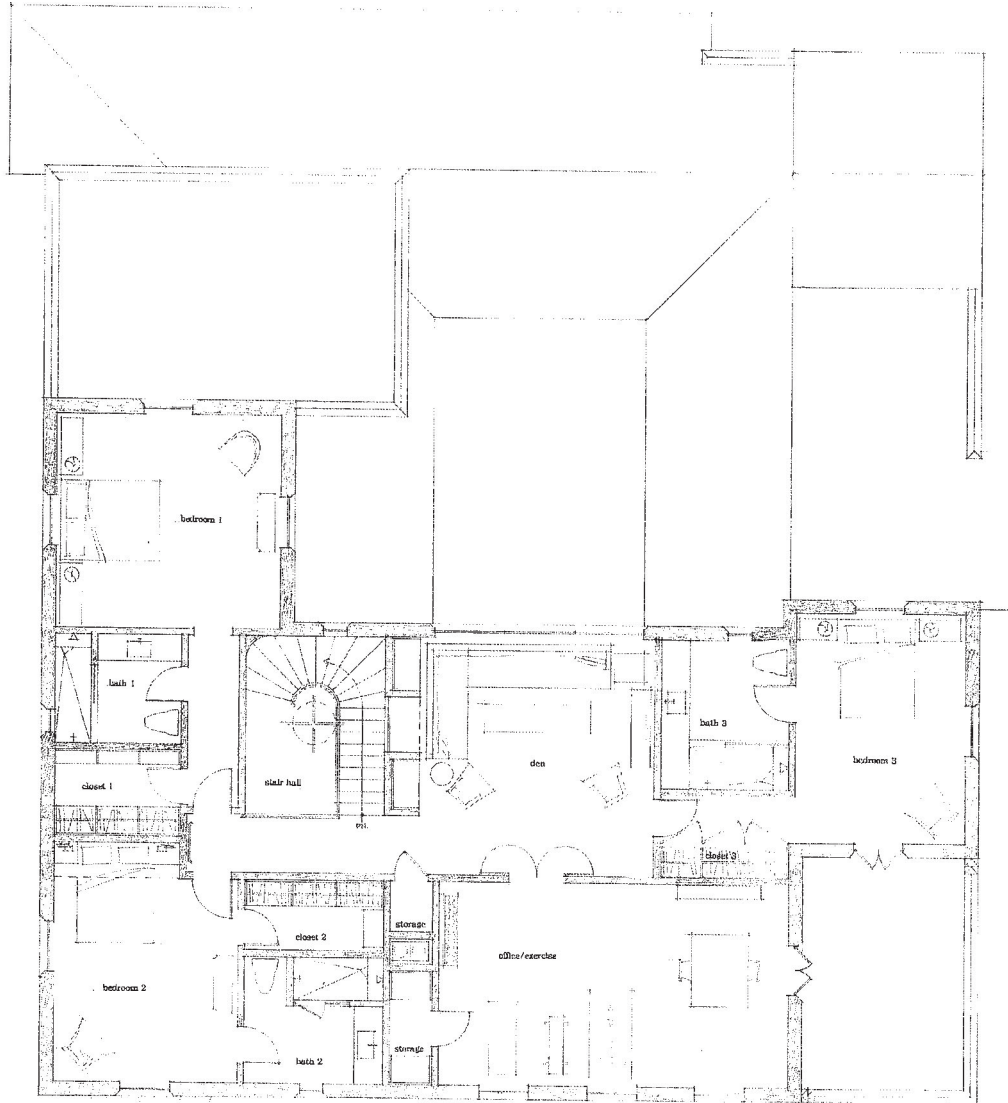
entry elevation  
3/12/10



rear elevation  
3/12/10



first floor plan



second floor plan  
12.1.0



January 27, 2023

Via email: [slaten@mtnbrook.org](mailto:slaten@mtnbrook.org)

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

**Boulevard**

Re: Variance Application for 58 Country Club ~~Drive~~ (Darnall property)

Dear Tyler:

Attached hereto is a collection of documents collectively serving as the submission by Ensley and Jack Darnall for certain variances on their property located at 58 Country Club Drive. As shown in the submission, the subject property is only 51% of the minimum square footage for a "Residence A" property. This situation along with the property being a "corner lot" on Country Club Boulevard and Matthews Road creates hardships which warrant the relief requested.

Specifically, the Darnalls request that the Matthews Road side of the property be considered a side yard with a 20 feet setback, that the rear setback be reduced to 32 feet, and the east/left side of the property have a 15 feet side setback. Apart from the above dimensional variance requests, the Darnalls also request that they be allowed to construct a home with the percentages of impervious surfaces set forth in the submission.

The Darnalls and their architect have gone to great lengths to propose a new residence that is in keeping with the neighborhood and does not unduly seek extreme variances despite the size of the property and the challenging setbacks imposed by the "Residence A" zoning. The Darnalls look forward to presenting their submission to the BZA at its February 2023 meeting.

Sincerely,

Frank C. Galloway III  
Attorney for Ensley and Jack Darnall

FCGIII/twm

Attachments



## 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 subject property is 15,323 sf which is 51.08% of the required minimum SF for Residence A. The property is also a corner, which technically allows only a 20 ft wide house.

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 conditions from which relief is sought are not a result of actions by the applicant.

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

The Zoning Regs contemplate a fair and reasonable use of property. The progression of Residence A size from 15,000 SF to 22,500 SF to 30,000 SF minimums contemplates the creation of a large number of non-conforming lots for which the resulting dimensional hardships warrant (and frequently have been given) variances.



## Variance Application - Part I

### Project Data

Address of Subject Property 817 BEECH CT

Zoning Classification B

Name of Property Owner(s) DAILEY & MARSHALL CLAY

Phone Number 251-766-8399 Email marshall@welchgroup.com

Name of Surveyor Weygand

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

Name of <sup>Designer</sup> Architect (if applicable) MICHAEL ERIC DALE

Phone Number 205-873-1676 Email eric@ericdale.com

Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)	<u>35</u>		<u>27.9</u>
Lot Coverage (%)	<u>35% / 40%</u>		<u>28% / less than 40</u>
Building Height (ft)			
Other			
Other			

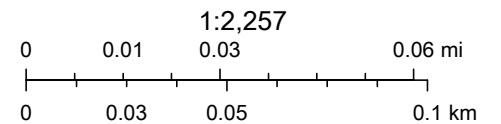


# A-23-08 Zoning



2/7/2023, 1:26:53 PM

- Building Footprints 2020v1
- Tax\_Parcels 2021
- Lot Lines
- Residence B District
- Residence C District
- Residence D District



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

ArcGIS Web AppBuilder

# A-23-08 Aerial



2/7/2023, 1:28:57 PM

Aerial 2021



Green: Band\_2



Blue: Band\_3



Red: Band\_1

1:2,257

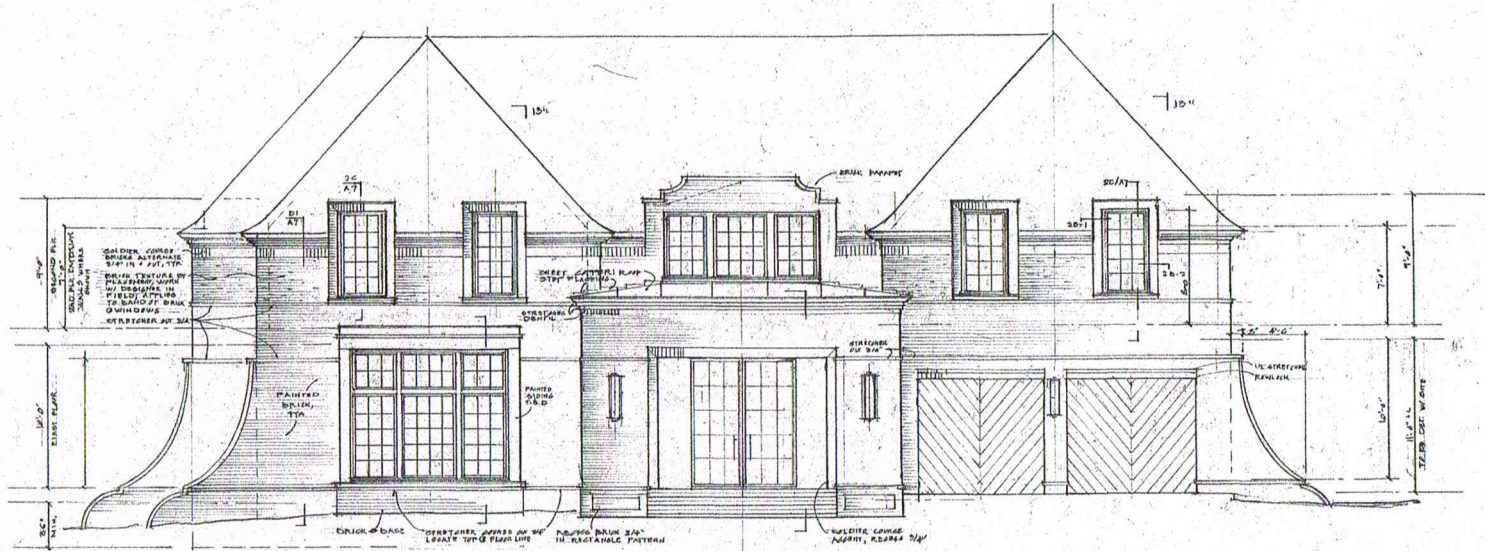
0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

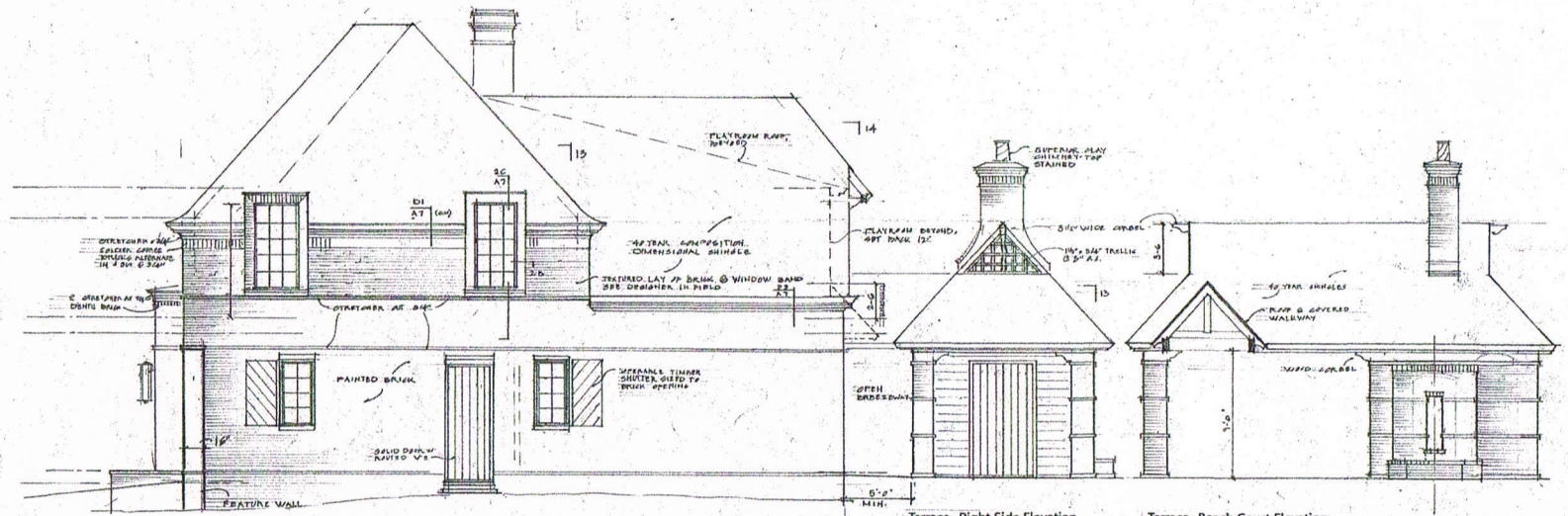
Jefferson County Department of Information Technology , JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder





X1 Front Elevation



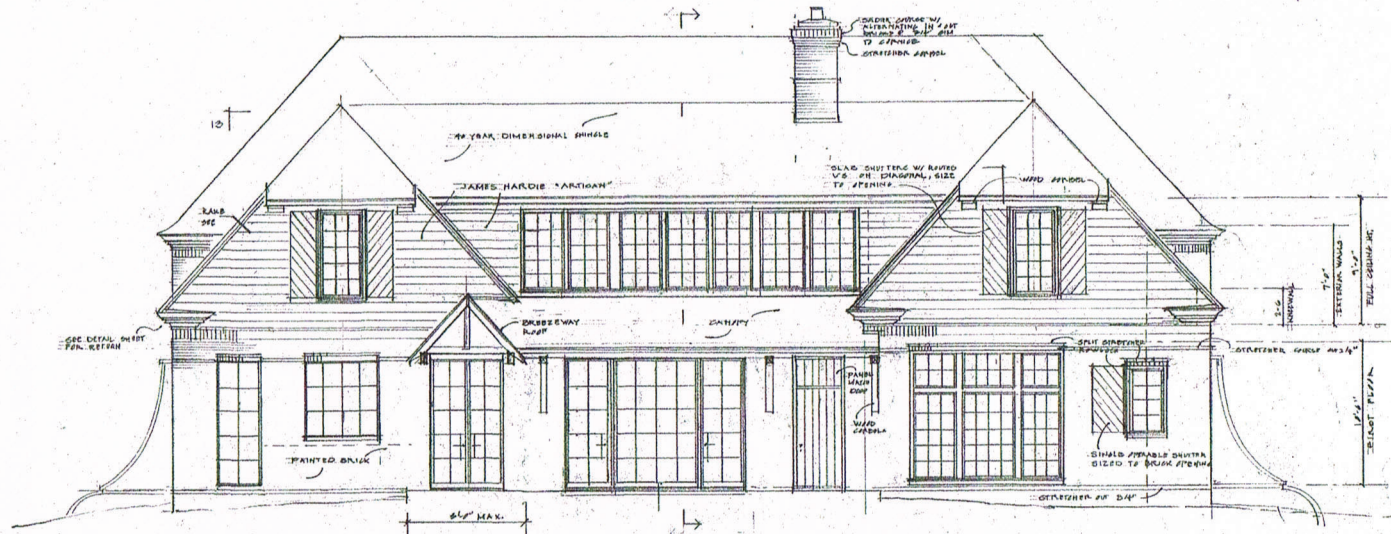
X2 Right Side Elevation

Terrace - Right Side Elevation

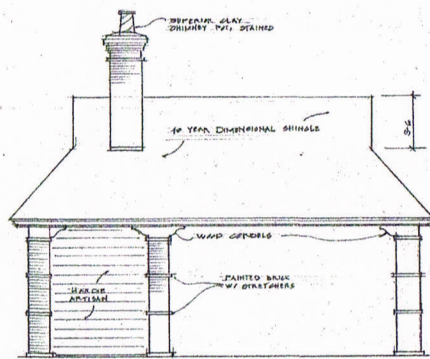
Terrace - Beech Court Elevation

Date  
June 25, 2020  
Description  
Front Elevation  
Right Side Elevation  
Scale  
3/8" = 1'-0"  
Reference Mark Drawing #  
⊕ A-5

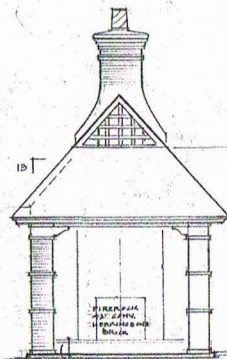
A-23-08



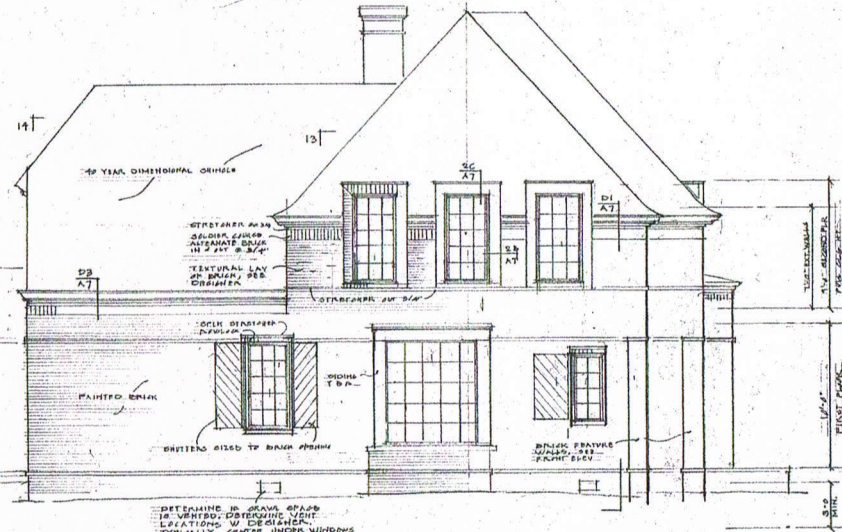
X3 Rear Elevation



Terrace - Rear Elevation



Terrace - Beech Street Elevation



X4 Beech Street Elevation

6-4  
10-1  
10-1

Revised  
Date

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Scale:  
3/4" = 1'-0"

Reference North

Drawing #

A-6

Notes to Contractor:

Contractor must verify all dimensions and

conditions at the site, without exception.

Revert any discrepancies to the Designer and

Coordinate accordingly with all parties.

© The soil reproduction without Designer's permission.

A-23-08

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

January 18, 2023

Board of Zoning Adjustment  
City of Mountain Brook, AL

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

---

Current Property Owners: Dailey & Marshall Clay

Dear Board Members:

We are planning a new home for this lot. The previous existing home was removed by a prior owner. We are asking for a variance to the rear property line. Instead of the required 35 feet, we are asking for a 27.9 feet setback.

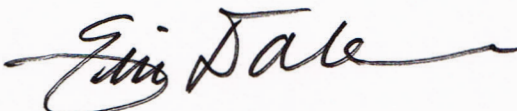
Approval for this same setback was previously granted by the BZA to the former owner on August 19, 2019 and re-granted for the Clays on August 17, 2020. The Clays were unable to proceed with the construction at that time, however they are anxious to move forward with construction now. We are asking that the setback be re-granted.

This is a corner lot with 3 required 35-foot setbacks, yet the lot is only slightly larger than adjacent properties. In the case of the next-door neighbor at 208 Beech Street, this lot is significantly shallower. Also please note that the rear property line of this home is the side property line of that neighbor. Since the required side setback is only 12.5, the 27.9 setback we are requesting will not appear out of step with nearby properties along Beech Street.

We have designed an attractive façade for the Beech Street side to be respectful of the scale and spacing of other homes on that street. The rear portion of the house was purposefully designed to reduce its presence visually from the street- the second floor there is built within the lowered roof structures. Exterior elevations are included in this request.

Another consideration is that the Clays have removed a non-conforming existing double garage that was less than 5 feet from the right-side property line. We are planning a small open accessory structure as a covered terrace, but it will conform to the standard zoning requirements.

Thank you very much for your consideration,



Eric Dale

935 LANDALE ROAD  
BIRMINGHAM, AL 35222  
205.873.1676  
ERIC@ERICDALE.COM



## Variance Application Part II

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

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

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

This is a corner lot with three sides requiring 35 foot setbacks, but the lot is comparable in size to other lots in the vicinity.

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?

The property to the rear of this lot faces Beech Street so the rear of this lot abuts the side of 208 Beech Street. A setback smaller than 35' will fit naturally within the rhythm of placement of homes on the block. We designed a Beech St facade meant to be respectful of the scale and size of homes on the block.



**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](mailto: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, 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 Weygant  
 Phone Number 205/942-0086 Email ray@weygant-surveyor.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.

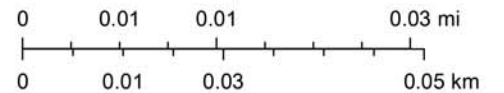
# A-19-27 Zoning



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

Tax\_Parcels  
Residence B District  
Residence C District  
Residence D District

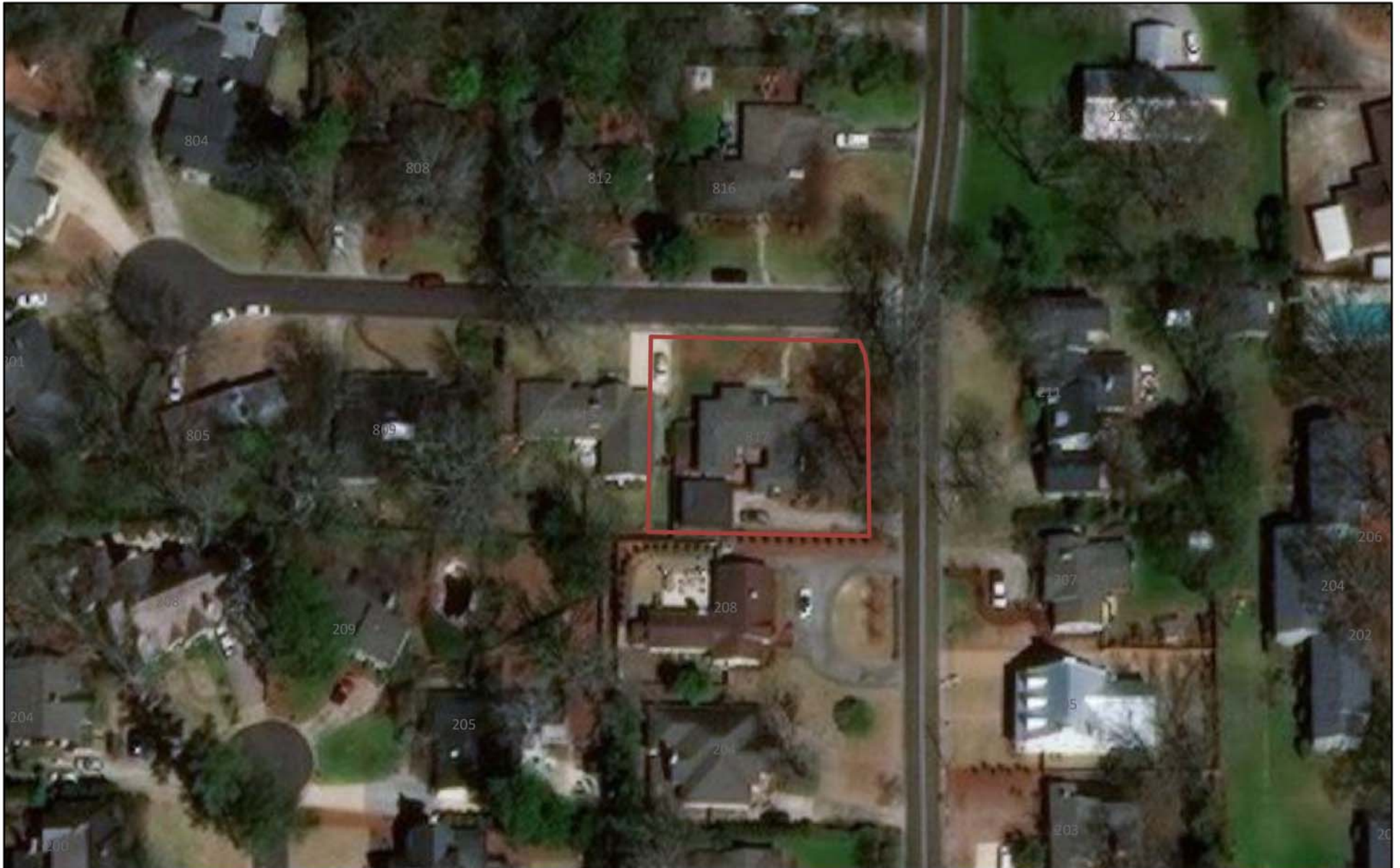
1:1,128



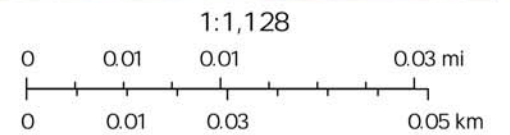
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

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

# A-19-27 Aerial



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



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***

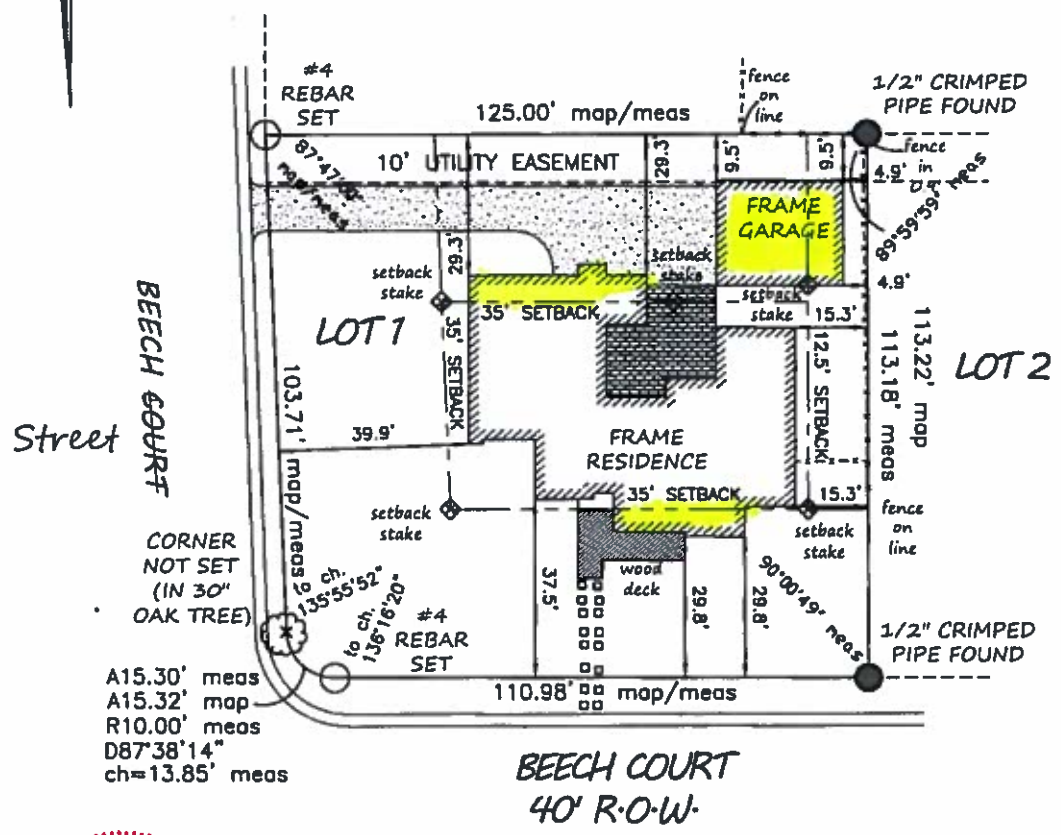
LOCATION: 817 Beech Court

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	DECK	DECK	R.O.W.	RIGHT OF WAY
MEAS	MEASURED	MANHOLE	MANHOLE	CONCRETE	CONCRETE	SAN	SANITARY
CH	CHORD	OVERHANG	OVERHANG	WALL	WALL	STM	STORM
LNG	LONG CHORD	POWER LINE	POWER LINE	FENCE	FENCE	UTL	UTILITY
d	DEFLECTION	PAVEMENT	PAVEMENT	POR	PORCH	AC	ACRES
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ESMT	EASEMENT	TAN	TANGENT			E	CENTERLINE
		RES	RESIDENCE				



STATE OF ALABAMA) JEFFERSON COUNTY)

"Closing Survey"

SCALE: 1"=30'

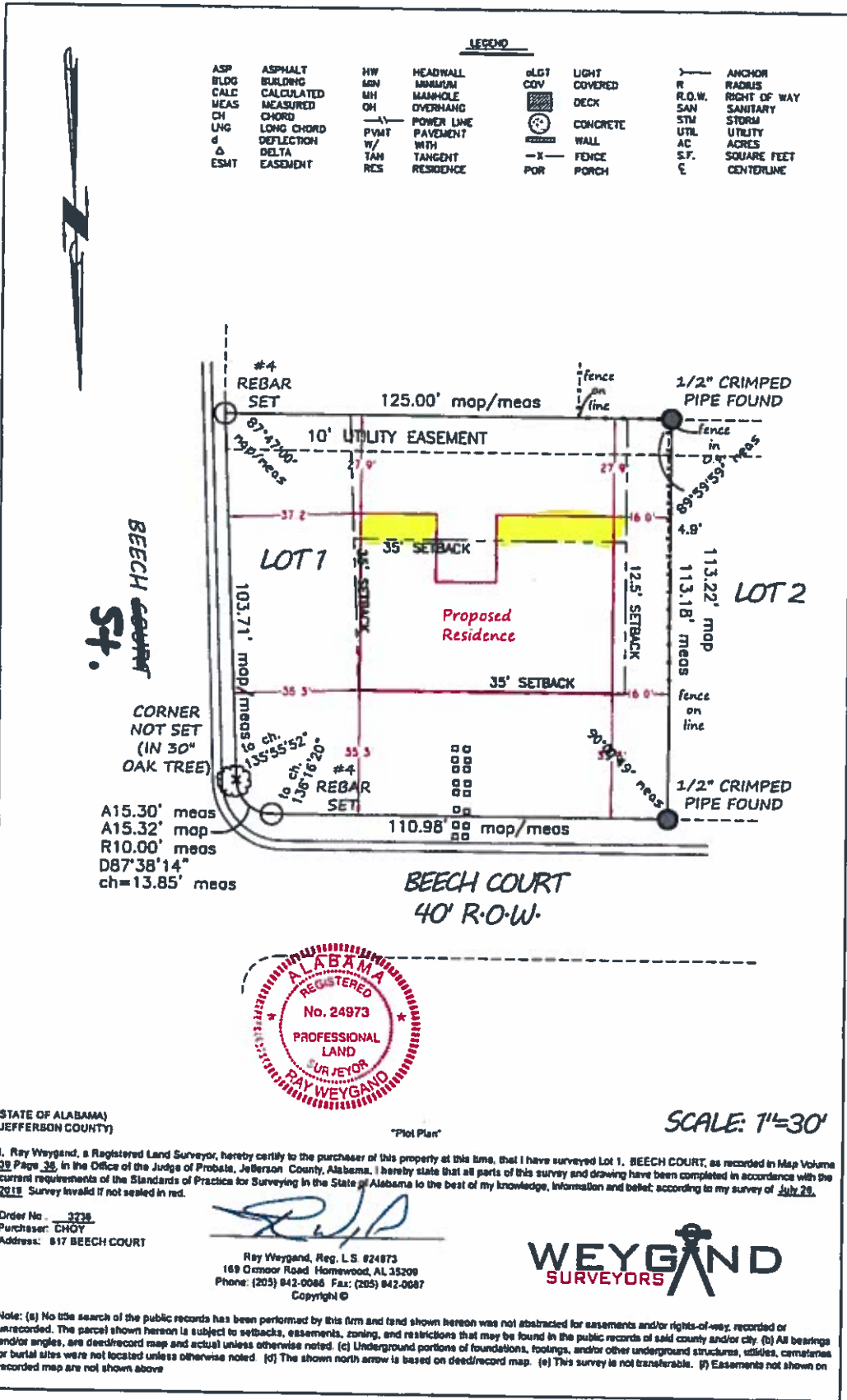
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 1, BEECH COURT as recorded in Map Volume 38 Page 38 in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing 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, 2018. Survey invalid if not sealed in red.

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

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



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



STATE OF ALABAMA  
JEFFERSON COUNTY)

"Plot Plan"

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 39 Page 35, 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 29, 2018. Survey invalid if not sealed in red.

Order No. 2778  
Purchaser: CHOY  
Address: 817 BEECH COURT

*Ray Weygand*

Ray Weygand, Reg. L.S. #24873  
169 Osborn Road, Homewood, AL 35209  
Phone: (205) 842-0086 Fax: (205) 842-0687  
Copyright ©

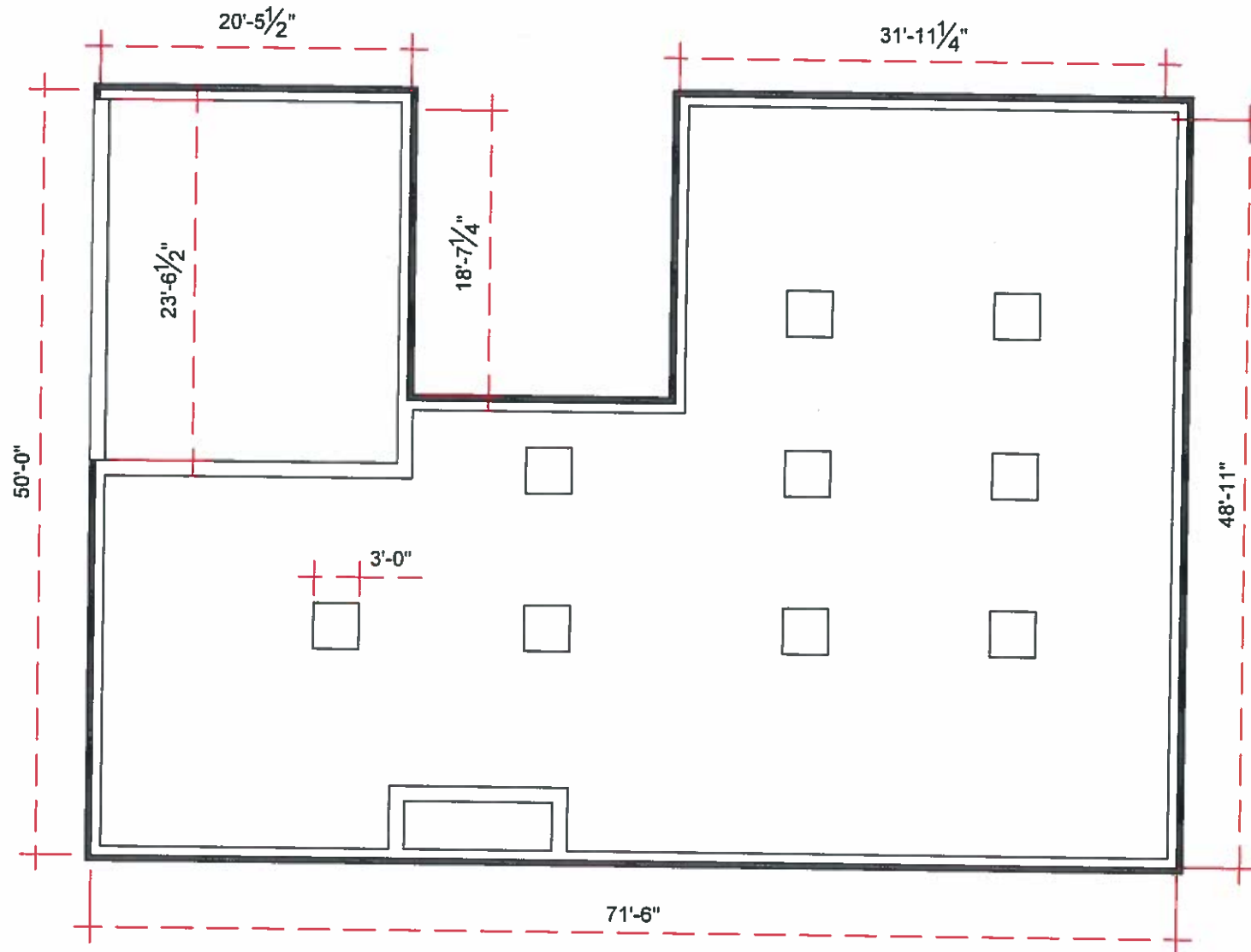


Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records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



WILL BRING site pictures  
Monday 1/30/23



## Variance Application - Part I

### Project Data

Address of Subject Property 4276 OLD BROOK TRAIL, UTN BROOK, AL, 35243

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

Name of Property Owner(s) CHAD TRULL

Phone Number 205.381.0081 Email chad@krowten-capital.com

Name of Surveyor Wojgand - Survey ATTACHED

Phone Number 205.942.0086 Email \_\_\_\_\_

Name of Architect (if applicable) FRUSTERIO & ASSOC. @ SUBMITTAL

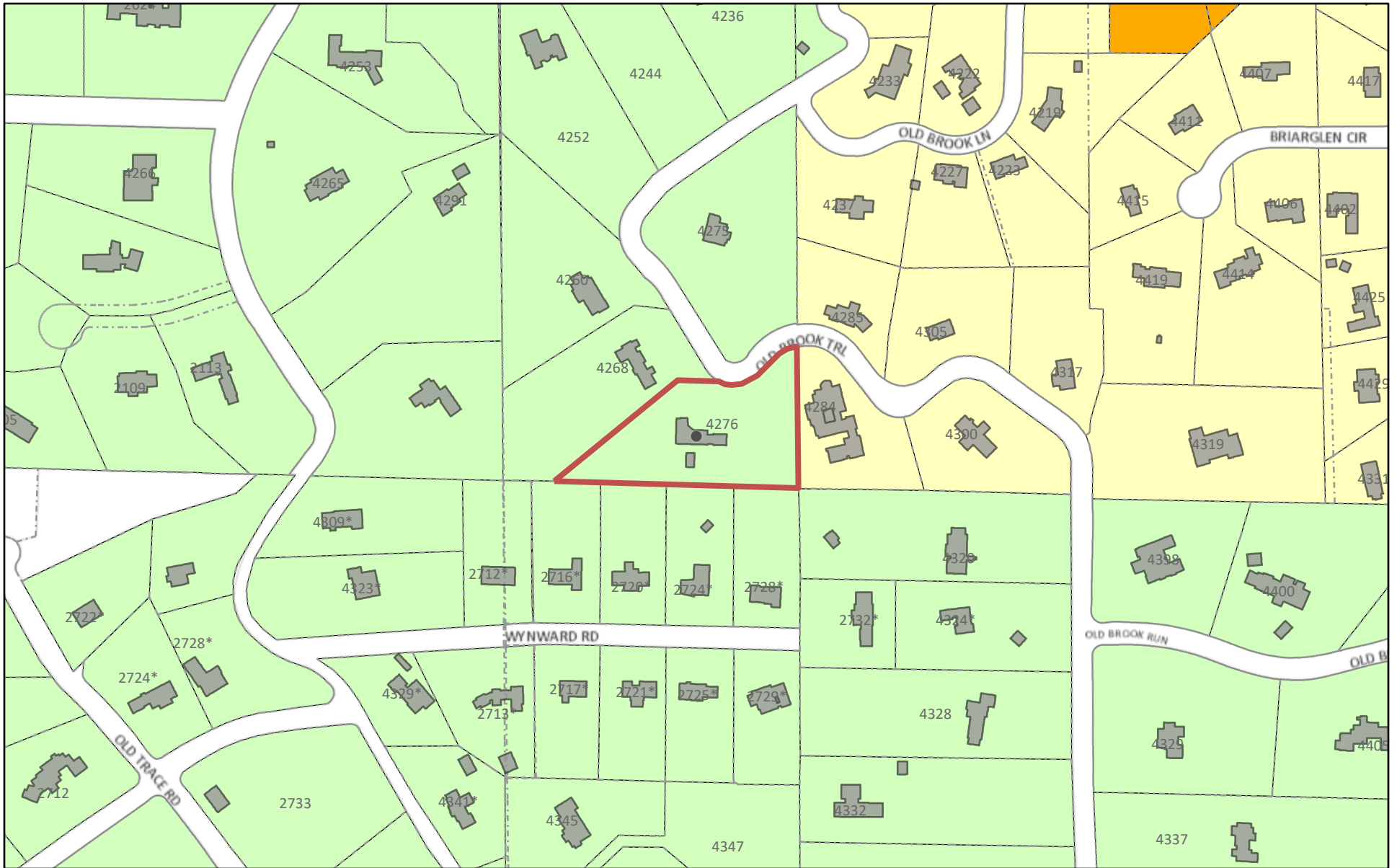
Phone Number 205.944.5299 Email chuck@frusterio.com

Property owner or representative agent must be present at hearing   
 Rep { DAVID BONAMY 205.229.9625  
AR HOMES  
dbonamy@arhomes.com

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

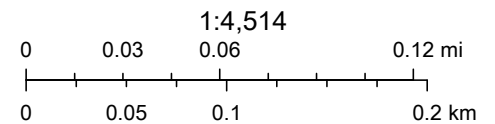
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	104,500sf	104,500	-
Lot Width (ft)	554	554	-
Front Setback (ft) <i>primary</i>	100	100	same
Front Setback (ft) <i>secondary</i>	-	-	-
Right Side Setback	40	40	same
Left Side Setback	40	40	same
Right Side Setback (ft): For 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)	100	100	40' @ garage only (see drawing)
Lot Coverage (%)			
Building Height (ft)	-		new garage max 30'
Other	N/A	N/A	N/A
Other	N/A	N/A	N/A

# A-23-09 Zoning



2/7/2023, 3:26:03 PM

- CADStreetCenterlines
- InterimTaxParcels
- JeffCoMunicipalBoundary
- JeffcoMunicipalBoundary\_Negative
- Building Footprints 2020vl
- Lot Lines
- Tax\_Parcels 2021
- Estate Residence District
- Residence A District



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

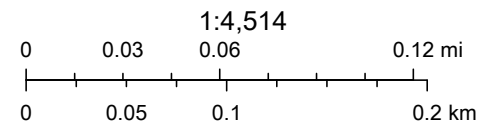
ArcGIS Web AppBuilder

# A-23-09 Aerial



2/7/2023, 3:27:51 PM

- CADStreetCenterlines
- InterimTaxParcels
- JeffCoMunicipalBoundary
- JeffcoMunicipalBoundary\_Negative
- Aerial 2021
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



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

ArcGIS Web AppBuilder

## Report to the Board of Zoning Adjustment

**A-23-09**

### ***Petition Summary***

Request to allow a detached accessory structure to be 40 feet from the rear property line (south) in lieu of the required 100 feet.

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

The scope of work includes the construction of a two story detached accessory structure to serve as a garage with office space above.

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

**Nexus:** The hardship in this case is irregular lot shape. The unusual lot shape and shallow depth for the Estate District zoning constrains the buildable area.

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

- a. will not impair an adequate supply of light and air to adjacent property (since the proposed structure is abutted by a vegetated buffer to the rear)

### ***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 VI, Section 129-72 Area and dimensional requirements

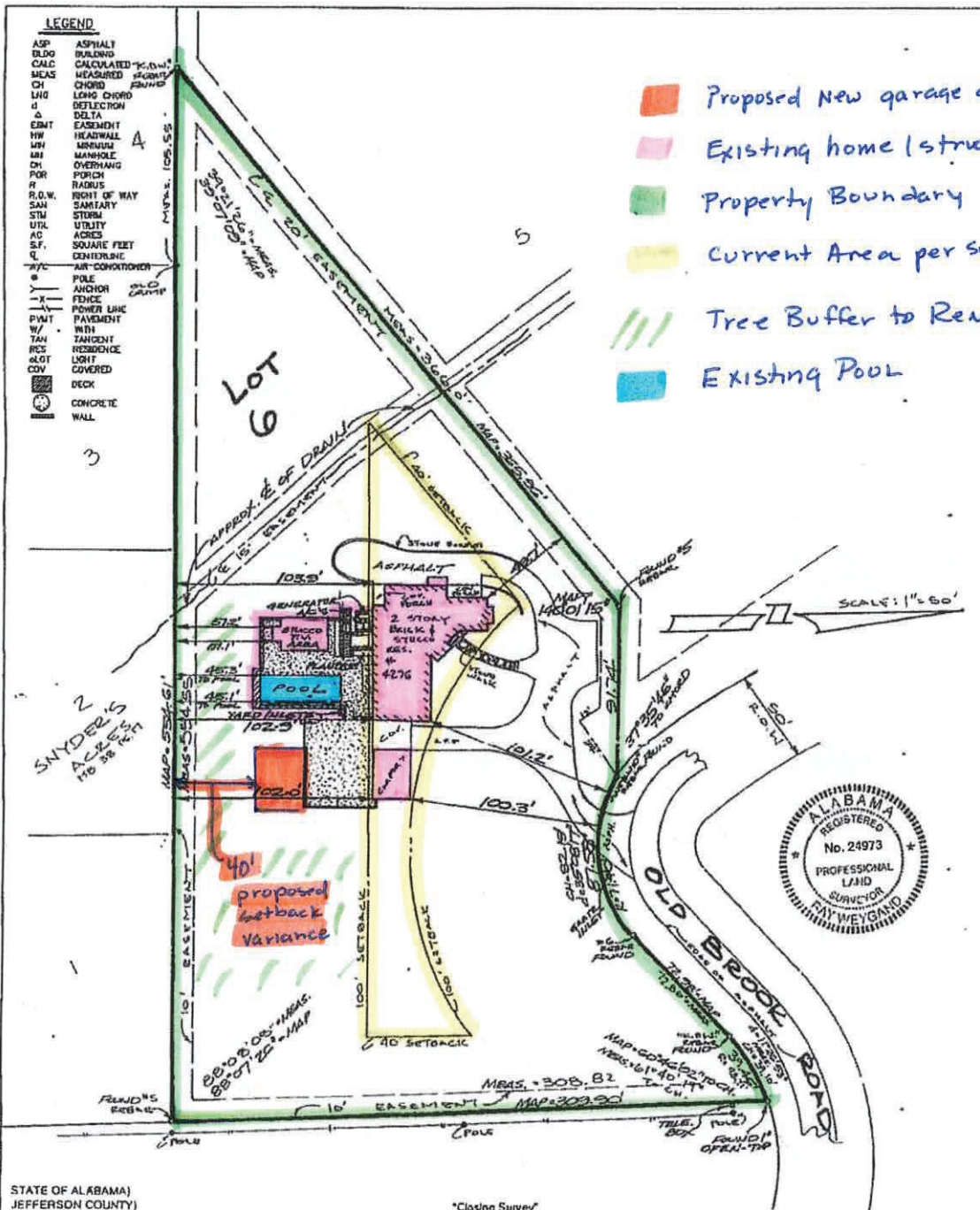
### ***Appends***

LOCATION: 4276 Old Brook Trail

ZONING DISTRICT: Estate Residence

OWNERS: Chad Trull

# 4276 OLD BROOK TRAIL



STATE OF ALABAMA  
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 6, OLD BROOK FARMS as recorded in Map Volume 25 Page 78, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. That I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area" 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 APRIL 23, 2014.  
Survey invalid if not sealed in red.

Order No. 51001  
Purchaser:  
Address: 4276 OLD BROOK TRAIL

Ray Weygand, Reg. LS #24973  
160 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 dead/reco map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cisterns or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on dead/reco map. (e) This survey is not transferable and is only good for 6 years and only good to the person(s) that pays for it at time of survey. (f) Easements not shown on record 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)?

*The subject property contains very restrictive boundaries and an irregular shape which significantly limits the buildable area of the property and as can be seen on an existing survey, this is definitely not consistent or same as neighboring parcels that are subject to same setback 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...")

*NO, and as further depicted, the request and setback does not compromise or seem to impair in any manner whatsoever, an adjacent or neighboring parcel.*

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

*It meets the requirements for granting a variance and does not impair any of the items noted for criteria. The limiting space imposed by the setbacks further creates both a hardship to the owner based on usable, buildable, and valuable property space while maintaining privacy and out of site from neighboring property owners*