

# BZA Packet

April 17, 2023

**Hello All,**

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

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

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

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
April 17, 2023  
PRE-MEETING: 4:45 P.M.  
REGULAR MEETING: 5:00 P.M.

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

NOTICE

*Any variance which is granted today expires and becomes null and void one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months 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: March 20, 2023
  2. **Case A-23-13: Nancy Pless**, property owner, requests a variance from the terms of the Zoning Regulations to allow an addition of a roof to an existing uncovered patio to be 11 feet from the side property line (north) in lieu of the required 15 feet. **-1 Clubview Drive**
  3. **Case A-23-14: Stephen and Holly Gunn**, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to the existing single family home to be 3 feet from the side property line (north) in lieu of the required 15 feet. **-3021 Cambridge Road**
  4. Next Meeting: **May 15, 2023**
  5. Adjournment



## Variance Application - Part I

### Project Data

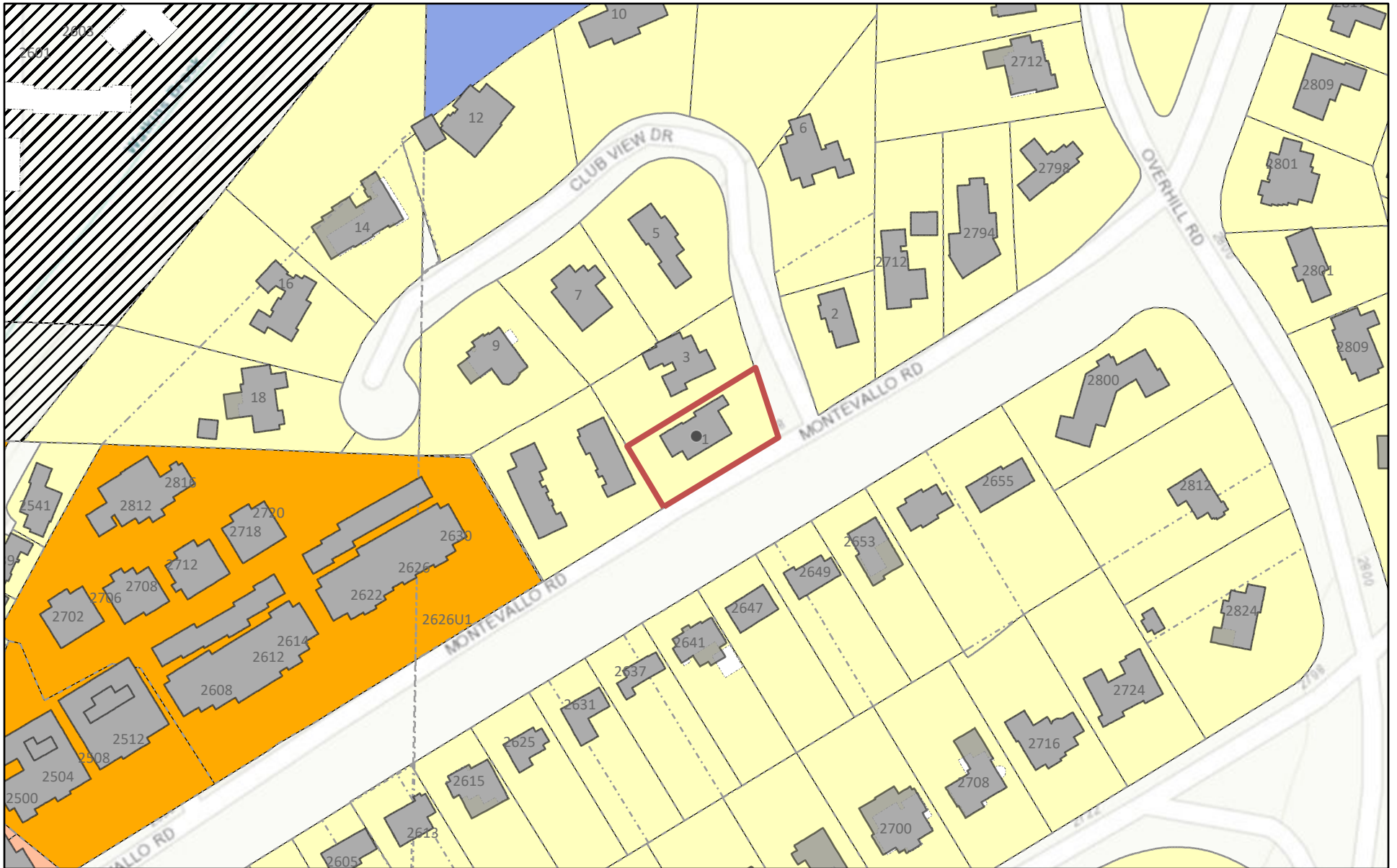
Address of Subject Property 1 Clubview Drive  
 Zoning Classification R-A  
 Name of Property Owner(s) Nancy H. Pless  
 Phone Number 205-970-0079 Email Norman@PlessAppraisal.com  
 Name of Surveyor Amos Reese  
 Phone Number 205-276-5596 Email AmosReese@gmail.com  
 Name of Architect (if applicable) Stephanie Alonso  
 Phone Number 205-739-9358 Email ALONSO DESIGN@CHARTER.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)).

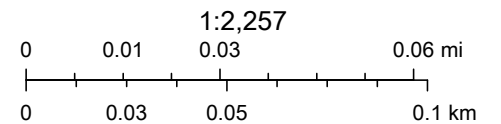
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	30,000 sf	13,967sf	13,967 sf
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
(West Side) Right Side Setback	15 feet	16 feet +/-	11 feet +/-
Left Side Setback			
Right Side Setback (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-23-13 Zoning



3/31/2023, 11:25:12 AM

- |                            |                  |                      |                      |
|----------------------------|------------------|----------------------|----------------------|
| Building Footprints 2020v1 | PUD              | Residence D District | PUD                  |
| Lot Lines                  | RID              | Rec-2                | Residence A District |
| Residence A District       | Tax_Parcels 2021 | Residence A District | Tax_Parcels 2021     |



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

ArcGIS Web AppBuilder



## Report to the Board of Zoning Adjustment

A-23-13

### *Petition Summary*

Request to allow an addition of a roof to an existing uncovered patio to be 11 feet from the side property line (north) in lieu of the required 15 feet.

### *Scope of Work*

The scope of work includes the construction of a new roof over an existing uncovered patio.

### *Variance Request for Side Setback*

**Nexus:** The hardships in this case are the corner lot configuration and the existing design constraint both of which are related to the 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 proposed addition is minor in nature).

### *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, Section 129-34 Area and dimensional requirements

### *Appends*

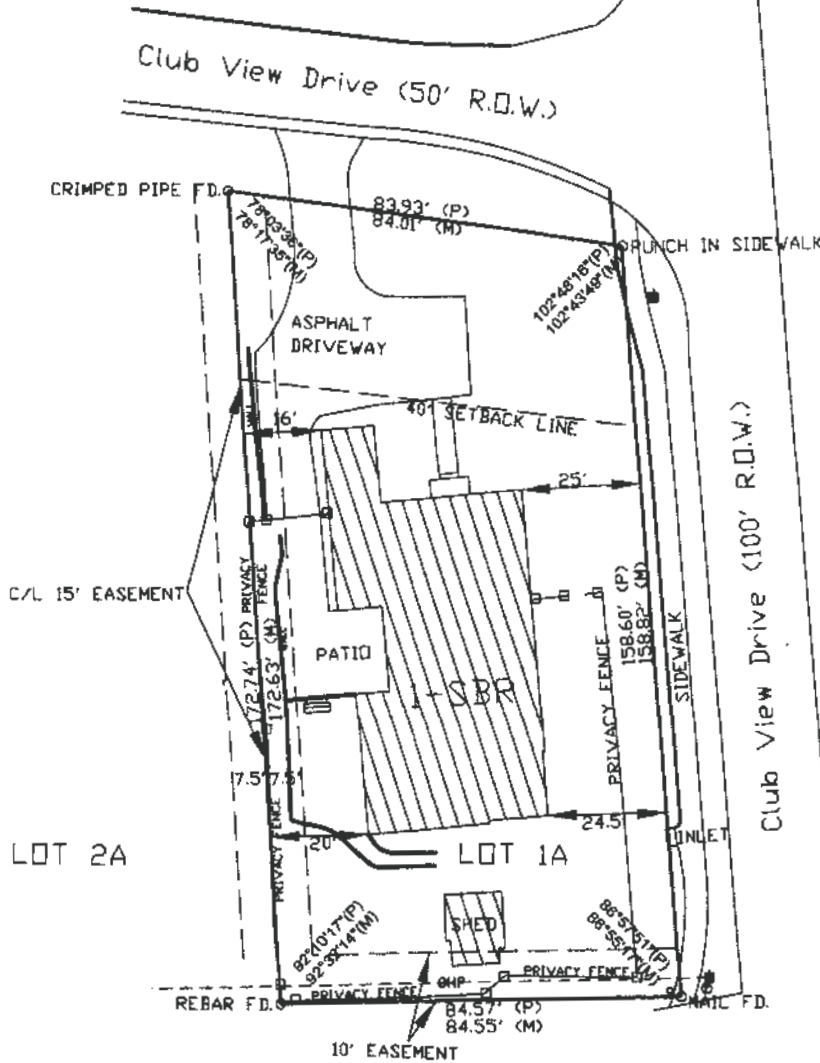
LOCATION: 1 Clubview Drive

ZONING DISTRICT: Residence A District

OWNERS: Nancy Pless



ASSUMED  
SCALE: 1"=40'



STATE OF ALABAMA  
COUNTY OF JEFFERSON

LOT 1A, A RESURVEY OF LOTS 1 AND 2, ACCORDING TO THE SURVEY OF , AS  
RECORDED IN MAP BOOK 194, PAGE 81, IN THE OFFICE OF THE JUDGE OF  
PROBATE OF JEFFERSON COUNTY, ALABAMA.

SOURCE OF TITLE: BOOK 200802 PAGE 23097 (JEFFERSON CO.)

DATE: 8 FEBRUARY 2023

"I hereby (or 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, skill and belief."

Surveyor's Signature:

*Amos F. Reese*

Alabama License No: 31576

Date:

*FEBRUARY 19, 2023*

TYPE: AS-BUILT

1 Clubview Drive  
Mountain Brook, AL 35223

AMOS F. REESE  
3558 GREAT OAK LANE  
BIRMINGHAM, AL 35223  
PHONE: 205.278.5598

CIR- CAPPED IRON ROD  
IPS-1/2" REBAR W/ CAP  
IPF-IRON PIN FOUND  
CALC-CALCULATED  
(P)-PLAT DIMENSION  
(M)-MEASURED DIMENSION  
ROW-RIGHT OF WAY  
MH-MANHOLE  
P-POWER POLE  
A-GAS VALVE  
O-PEDESTAL  
H-FIRE HYDRANT  
W-WATER METER  
PB-POWERBOX

N-NORTH  
S-SOUTH  
W-WEST  
E-EAST  
POC-POINT OF COMMENCEMENT  
POB-POINT OF BEGINNING  
●-POINT SET  
○-POINT FOUND  
○-POINT CALC.  
△-POINT NOT SET  
- - - -EASEMENT LINE  
- - - -EASEMENT LINE  
-OHP- OVERHEAD POWER/TEL  
LP-Light Pole



ALONSO DESIGN LLC



## Schematic Drawing Set

DATE: March 8, 2023

OWNER: Norman & Nancy Pless  
1 Clubview Drive  
Birmingham, AL 35223

COMMISSION: 23-1 Clubview Drive: Pless Residence  
PROJECT: Pless Residence: Courtyard Renovation/Addition

DESCRIPTION: Professional design services in the form of revised free-hand schematic partial plan and partial elevations and site plan for the above referenced project.

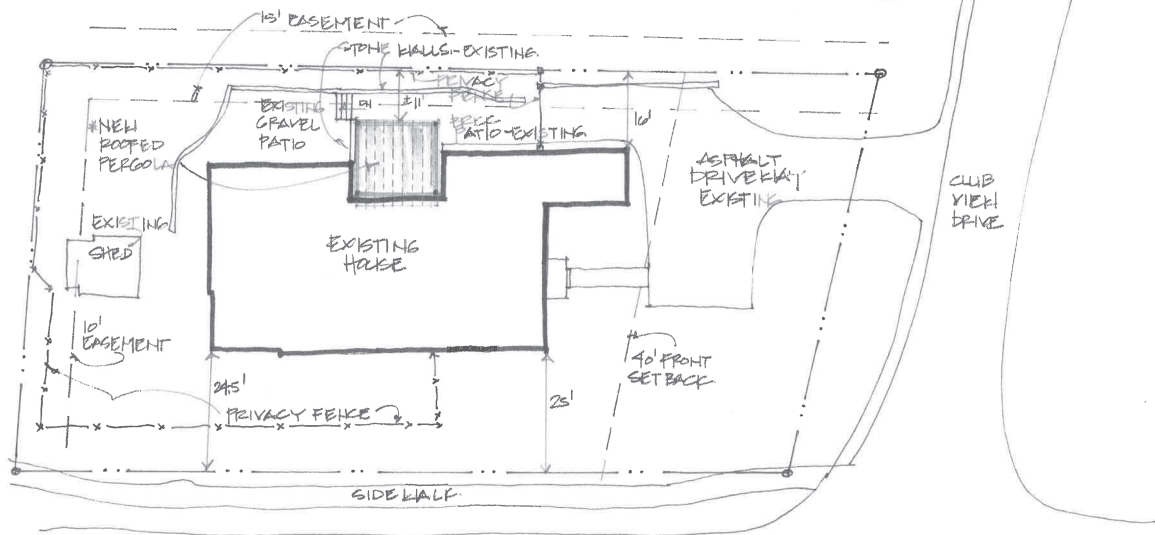
NOTE: *The schematic drawings provided are intended to represent and document the owners design intent. The purpose of these drawings is to communicate the basic design to the contractor. The owner and/or contractor is responsible for verifying all dimensions and hidden conditions prior to construction; any additional information required for construction and permitting of the project is the sole responsibility of the owner and/or contractor.*

ENCLOSED DRAWINGS:

- Schematic Site Plan- Revised: 1" = 20' scale
- Schematic Courtyard Plan-Revised: 1/4" = 1'-0" scale
- Schematic Courtyard Elevations-Revised: 1/4" = 1'-0" scale

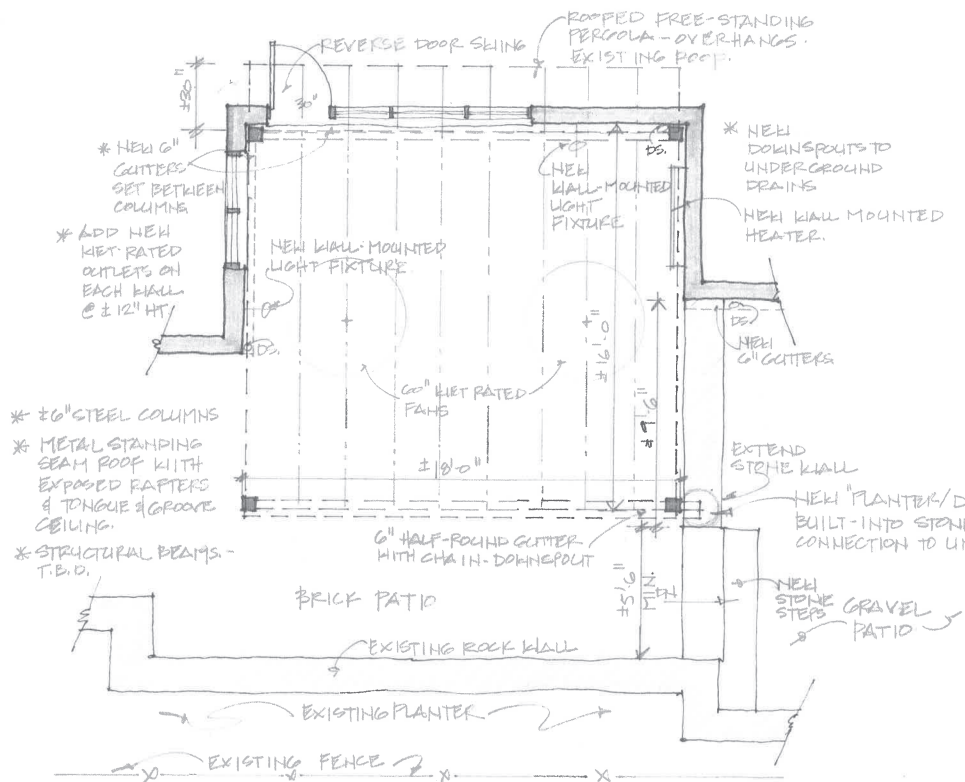


NOTES:  
■ SCHEMATIC DRAWINGS ARE FOR DESIGN INTENT ONLY.  
■ CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS & CONDITIONS.  
■ CONTRACTOR TO VERIFY & PROVIDE ALL CIVIL, ELECTRIC, PLUMBING, MECHANICAL & STRUCTURAL PLANS REQUIRED FOR FINISH, CODE COMPLIANCE & CONSTRUCTION.



### SCHEMATIC SITE PLAN - REVISED

SCALE: 1" = 20'



NOTES:

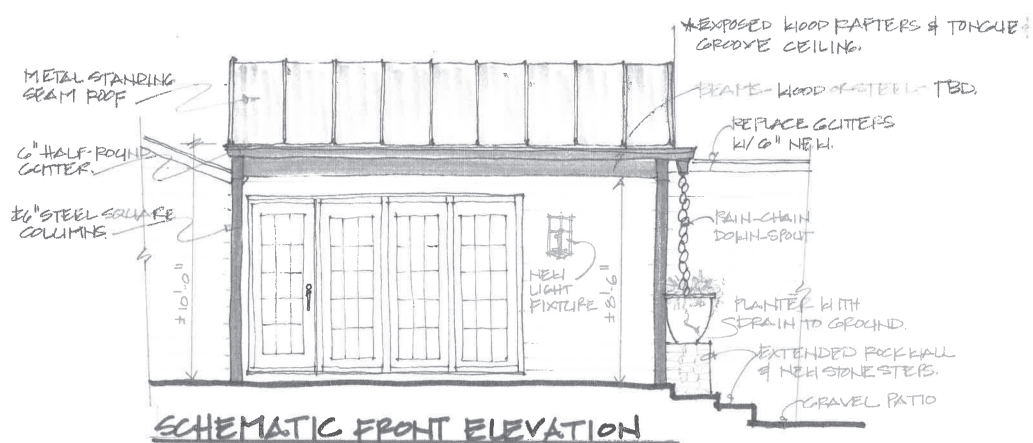
- SCHEMATIC DRAWINGS ARE FOR DESIGN INTENT ONLY.
- CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS & CONDITIONS.
- CONTRACTOR TO VERIFY & PROVIDE ALL CIVIL, ELECTRIC, PLUMBING, MECHANICAL & STRUCTURAL PLANS REQUIRED FOR PRICING, CODE COMPLIANCE & CONSTRUCTION.

**SCHEMATIC COURTYARD PLAN - REVISED**

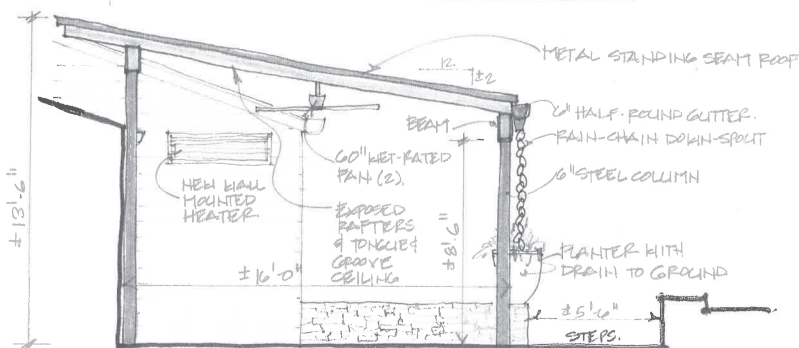
SCALE: 1/4" = 1'-0"



03.08.23



**SCHEMATIC FRONT ELEVATION**



**SCHEMATIC SIDE ELEVATION - REVISED**

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

03.08.23

- NOTES:
- SCHEMATIC DRAWINGS ARE FOR DESIGN INTENT ONLY.
  - CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS & CONDITIONS.
  - CONTRACTOR TO VERIFY & PROVIDE ALL CIVIL, ELECTRIC, PLUMBING, MECHANICAL & STRUCTURAL PLANS REQUIRED FOR PERMITS, CODE COMPLIANCE & CONSTRUCTION.



## 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)?

Very small lot

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...")

CONSTRUCTING A COVER FOR PART OF COURT YARD AND SEEKING A VARIANCE ALLOW THIS COVER TO EXTEND INTO REQUIRED SETBACK AREA.

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

• EXTENDING THIS COVER INTO SETBACK WILL ALLOW FOR MUCH NEEDED LIVING SPACE WITHOUT NEGATIVELY AFFECTING ANY ADJACENT PROPERTIES.

**PLESS APPRAISAL**

1 Clubview Drive  
Birmingham, Alabama 35223

Norman Pless, Jr., MAI  
*norman@PlessAppraisal.com*

(205) 970-0079

March 11, 2023

Dana Hazen  
Director of Planning, Building & Sustainability  
City of Mountain Brook  
Mountain Brook, Alabama 35213

RE: Variance Application – Scope of Project

Dear Ms. Hazen,

My wife Nancy and I have lived at 1 Clubview Drive for about 15 years. The house is on a small lot and we would like more living space. We have a large family and the present space is really tight when everyone comes for a visit. After considering various renovation options we have decided that simply covering a part of our patio area will help meet this need. It will be an open porch with a roof but it will not be enclosed. We want to cover an area that is 18 feet wide and 16 feet deep. Our architect has designed a pergola to meet this need. Anything less than this will not allow us to really get the amount of additional living space that we desire.

We need a variance because this planned pergola will extend a few feet into the required setback for our lot. We are zoned Res-A but have far less area than is normally found with a Res-A lot. I have discussed this plan with my neighbor and he is fully supportive of the plan.

Best regards,



Norman Pless



# Variance Application - Part I

## Project Data

Address of Subject Property 3021 Cambridge Road  
 Zoning Classification Res A  
 Name of Property Owner(s) Holly & Stephen Gunn  
 Phone Number 251.401.9076 Email hollyjw511@gmail.com  
 Name of Surveyor Ray Weygand  
 Phone Number 205.942.0086 Email ray@weygandsurveyor.com  
 Name of Architect (if applicable) Sissy Austin  
 Phone Number 917.860.9615 Email sissy@sissyaustrin.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):

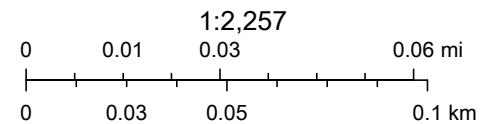
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	<b>15'</b>	<b>15'</b>	<b>3'</b>
Right Side Setback (ft): For non-conforming narrow lots 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-23-14 Zoning



4/6/2023, 12:08:20 PM

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



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

# A-23-14 Aerial



4/6/2023, 12:09:17 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-23-14

### *Petition Summary*

Request to allow an addition to the existing single family home to be 3 feet from the side property line (north) in lieu of the required 15 feet.

### *Scope of Work*

The scope of work includes the construction of a new carport addition on the side of the existing home.

### *Variance Request for Side Setback*

**Nexus:** The applicant stated that the lot width is the hardship in this case. While it is true that the subject lot is narrow as it relates to the Residence A district minimum lot width (75 actual vs 100 required), the lot is approximately the same width as every other lot on this side of Cambridge Road (between Heathermoor Road and Watkins Road). Therefore, the narrowness of the lot is not unique or peculiar to the subject property.

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

- a. could impair an adequate supply of light and air to adjacent property (since the proposed addition is to 3 feet from the side property line);
- b. could increase the risk of fire (since the proximity of the carport is within 5 feet of the property line);

### *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*

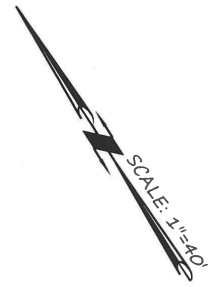
Article III, Section 129-34 Area and dimensional requirements

### *Appends*

LOCATION: 3021 Cambridge Road

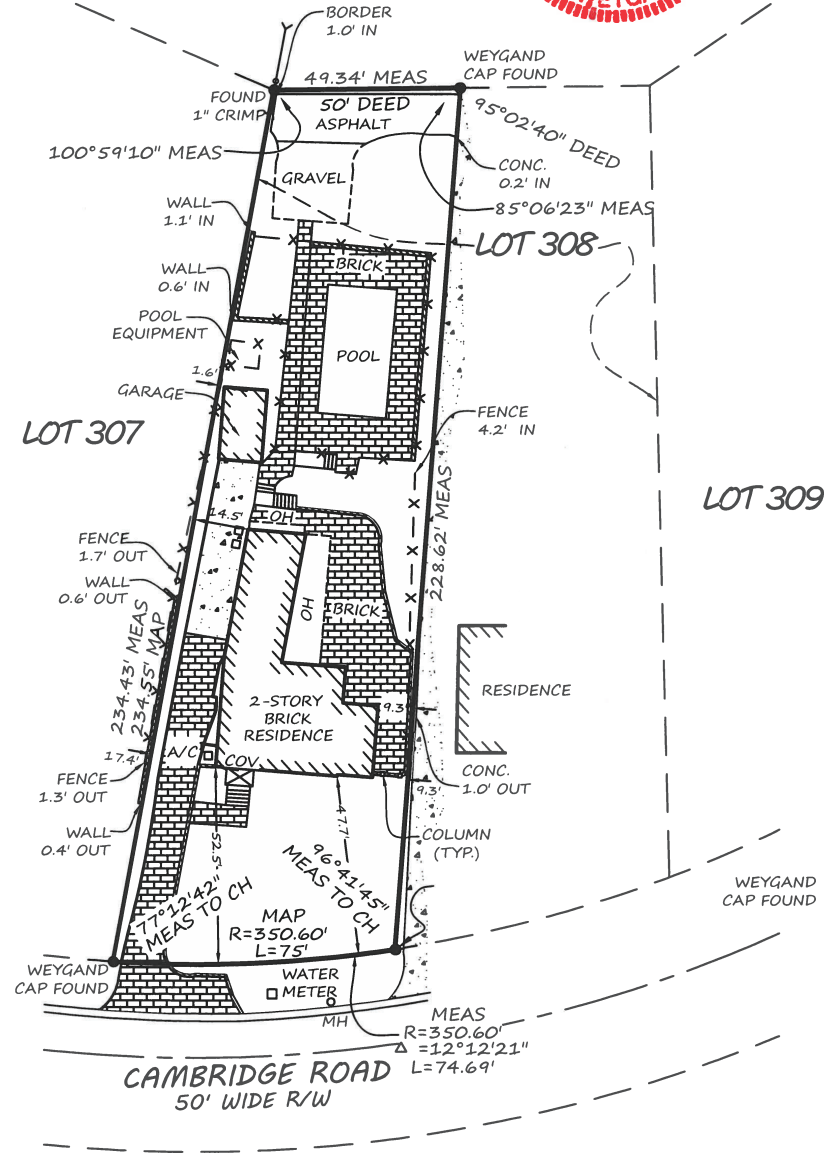
ZONING DISTRICT: Residence A District

OWNERS: Holly and Stephen Gunn



**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
[Hatched]	DECK
[Dotted]	CONCRETE
[Solid]	WALL



**LEGAL DESCRIPTION:**

Part of Estate #308, Canterbury Sector, Mountain Brook Estates, according to map and survey of Canterbury Sector of Mountain Brook Estates, recorded in Map Book 19, Page 40, in the Office of the Judge of Probate of Jefferson County, Alabama, more particularly described as follows: Begin at the point on the easterly line of Cambridge Road where the southerly line of said Estate intersects the line between said Estate and Estate #307, in said survey; run thence in a northeasterly direction along the line dividing said Estates to the northeasterly line of said Estate #308; run thence in a southeasterly direction along the northeasterly line of said Estate #308 for a distance of 50 feet; thence at an angle to the right of 95°-2'-40" run in a southwesterly direction to a point on the southerly line of Estate #308 which is 75 feet southeasterly from the point of beginning; run thence in a northwesterly direction along the southerly line of said Estate #308 to the point of beginning, being all that part of said Estate lying west of a line drawn from the middle point of the northeast line of said Estate to the middle point of the southwest line of said Estate, and being situated in Jefferson County, Alabama, Birmingham Division.

STATE OF ALABAMA)  
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, 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 15, 2021. Survey invalid if not sealed in red.

Order No.: 20210570  
Purchaser: \_\_\_\_\_  
Address: 3021 CAMBRIDGE ROAD

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)?

- Lot width ~ Narrow lot relief
- our lot is 75' wide ~ min Res A is 100'
- runoff/drainage/permeability improvement
- Secondary ~ no covered parking

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

No

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

We have a narrow lot. We have proactively sought out an engineer for drainage and runoff plans to minimize any impact on neighbors. Neighbors on left side are in support as we will be improving their view. Their house is 5' from property line. We are willing to sprinkler and use non-combustible materials if required. If granted we will improve neighbors failing retaining wall, too.

HOLLY & STEPHEN GUNN  
3021 CAMBRIDGE ROAD  
BIRMINGHAM, AL 35223

APRIL 5<sup>th</sup>, 2023

WRITTEN STATEMENT

To Whom it May Concern,

Holly and Stephen Gunn request a variance regarding their left side setback. They would like to add a covered parking area that encroaches 12' into the 15' required setback.

They are requesting relief from their narrow Residence A lot (75').

They have been proactive regarding the impact on their neighbors on all sides, providing a drainage and runoff plan by a Civil Engineer .

They are improving the view and border at property line between 3021 and 3017 Cambridge Road by adding a soft, tall, green vegetation buffer (on their propoerty 3021).

Thank you for your consideration,  
Sissy Austin, RA



City of  
Mountain Brook

Tyler Slaten <slatent@mtnbrook.org>

---

## RE: Gunn Variance

---

Tyler Slaten <slatent@mtnbrook.org>  
To: Tyler Slaten <slatent@mtnbrook.org>

Thu, Apr 6, 2023 at 9:45 AM

---

The information contained in this email is intended for the individual or entity above. If you are not the intended recipient, please do not read, copy, use, forward or disclose this communication to others; also, please notify the sender by replying to this message, and then delete this message from your system. Thank you.

**From:** Blanton, Stan <[SBLANTON@balch.com](mailto:SBLANTON@balch.com)>  
**Sent:** Thursday, April 6, 2023 7:03 AM  
**To:** Orr, Norman <[norr@burr.com](mailto:norr@burr.com)>  
**Subject:** Gunn Variance

[EXTERNAL EMAIL]

Norman

Hope you are well. We miss you at Irontribe.

I understand that Stephen and Holly Gunn have requested a variance on the property line that separates their lot from Billy and Nicole Reed and that it comes before your Board April 17. Our lot adjoins the Gunn's lot on the other side.

The Gunn's have asked that I communicate that I have no objection to the variance. I don't have an objection as long as the Reed's don't have an objection and the variance is limited to the setback between the Gunn's and the Reeds.

Let me know if you have any questions or if I need to communicate this in a different format.

Stan

Sent from my iPhone

M. Stanford Blanton, Partner, Balch & Bingham LLP  
1710 Sixth Avenue North Birmingham, AL 35203-2015  
t:(205) 226-3417 f:(205) 488-5879 e:[sblanton@balch.com](mailto:sblanton@balch.com)  
[www.balch.com](http://www.balch.com)

~~

CONFIDENTIALITY: This email and any attachments may be confidential and/or privileged and are therefore protected against copying, use, disclosure or distribution. If you are not the intended recipient, please notify us immediately by replying to the sender and double deleting this copy and the reply from your system.

~~



Tyler Slaten <slatent@mtnbrook.org>

---

## Variance for 3021 Cambridge Road - April 17 2023 Meeting

1 message

---

**Billy Reed** <breed@slco.com>

Wed, Apr 12, 2023 at 10:54 AM

To: Dana Hazen <hazend@mtnbrook.org>, "slatent@mtnbrook.org" <slatent@mtnbrook.org>

Billy and Nicole Reed of 3017 Cambridge Road have received the letter from the city concerning the variance requested by Holly and Stephen Gunn to construct a car port encroaching 12 feet of the 15 foot setback requirement.

We are not objecting to their proposal.

Thank you

Billy Reed

3017 Cambridge Road

205-835-6977