

BZA Packet

May 15, 2023

Hello All,

Enclosed please find your packet for the meeting of May 15, 2023.

We have:

- 3 new cases

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

www.mtnbrook.org

- Calendar (upper right corner)
- Board of Zoning Adjustment (May 15, 2023)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

If you have any questions about the cases please don't hesitate to give me a call at 802-3811 or send me an email at slatent@mtnbrook.org ...

Looking forward to seeing you on Monday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
May 15, 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: April 17, 2023
 2. **Case A-23-15: Daniel and Sara Morris**, property owners, request a variance from the terms of the Zoning Regulations to allow additions to be 33 feet from the primary front property line (Beech Street) and 14 feet from the secondary front property line (Beech Lane) both in lieu of the required 35 feet; and to be 11 feet from the side property line (north) in lieu of the required 12.5 feet. **-241 Beech Street**
 3. **Case A-23-16: Reid and Maggie Fisher**, property owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 39.8 feet from the rear property line (north) in lieu of the required 40 and to allow the building coverage to be 26.6 percent of the lot in lieu of the maximum allowed of 25 percent. **-2930 Surrey Road**
 4. **Case A-23-17: Craig and Justyn Millar**, property owners, request variances from the terms of the Zoning Regulations to allow a detached accessory structure (treehouse) to be located in a front yard (instead of behind the front building line) and to be 30 feet from the secondary front property line (Wimbleton Road) in lieu of the required 40 feet. **-3703 Dunbarton Drive**
 5. Next Meeting: **June 19, 2023**
 6. Adjournment



Variance Application - Part I

Project Data

Address of Subject Property 241 BEECH ST 35213

Zoning Classification B

Name of Property Owner(s) SARA & DANIEL MORRIS

Phone Number 205-960-3020 Email sara.cmorris@outlook.com

Name of Surveyor STEVEN GILBERT / SOUTHERN

Phone Number 205-613-0375 Email shgilbert@bellsouth.net

Name of ^{DESIGNER} 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>	35	38.9	33
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): <i>Secondary Front</i> For non-conforming narrow lots in Res-B or Res-C:			
Less than 22' high →	35	12.3	14
22' high or greater →	35	12.3	21 +
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C:			
Less than 22' high →	12.5	14.2	11.0
22' high or greater →			12.0
Rear Setback (ft)	35	74	35
Lot Coverage (%) <i>bdg</i>	35%	15.5%	28%
Building Height (ft)			
Other			
Other			

MICHAEL ERIC DALE

RESIDENCE DESIGN
INTERIOR DESIGN

April 19, 2023

Board of Zoning Adjustment
City of Mountain Brook, AL

Re: 241 Beech Street
Owners: Sara & Daniel Morris

Dear Board Members:

The owners of this property, Sara and Daniel Morris, would like to build an addition to the rear of their existing home so that they can remain at their current location as their family grows.

This lot has the physical characteristics of the narrow lots that qualify for the special Sec 129-53 provisions. It is less than 70 feet wide and is located on a corner. The existing home is currently 12.3 feet from the right secondary front property line at its closest point.


The one characteristic that prevents this home from utilizing the special provisions is the absence of a dedicated alley. Otherwise it would meet all the standard criteria for the special allowances. We are asking for the Board's approval to use the special provisions as a guiding principle in developing the addition to this home.

We would like to simplify the structure by extending the existing lines of side walls and main roofline back to the standard 35 feet rear setback line. The house was set at an angle relative to the side property lines which places it closer to the property line at the left rear corner than at the front. The addition's left rear corner setback would be 11 feet, though most of the addition would fall within the 12.5 feet standard requirement.

A screened porch along the secondary-front would protrude from the main alignment and come to 14 feet from the property line; this is the maximum allowance in the special provisions. The remainder of the addition on the secondary-front would be more than 21 feet from the property line. The 14 feet secondary front allowance would also apply to a new open front porch, set in 2 feet from the existing right front corner.

One other request is to allow the new porch at the primary front to come an additional 2 feet into the required 35 feet front setback. This would be an open porch with roof only. This would not be out of alignment with adjacent properties since the home to the left is far closer to the front property line than the required 35 feet. Please see the photos and neighborhood layout that show this condition.

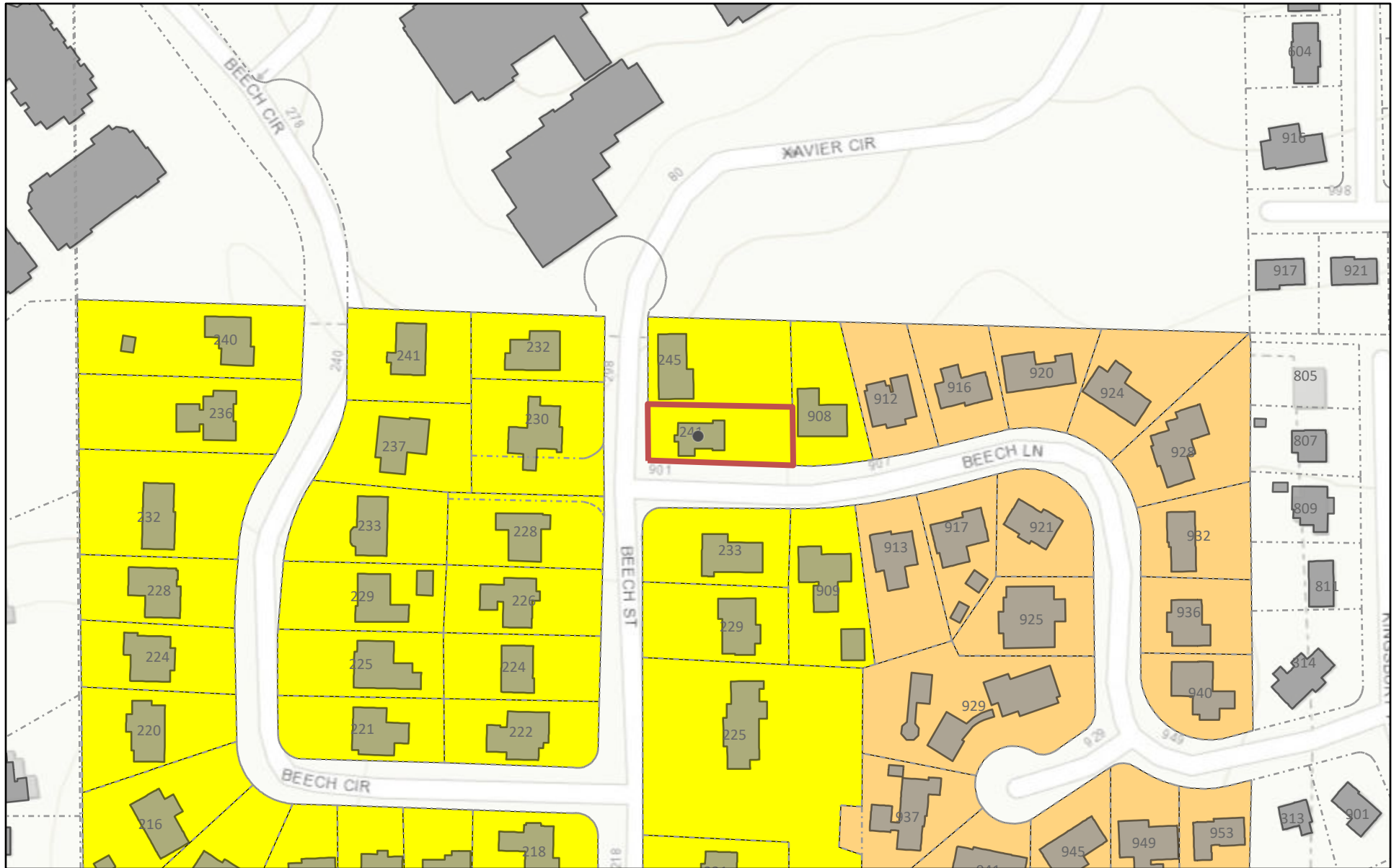
We appreciate your consideration of these requests.



Eric Dale

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

A-23-15 Zoning



4/26/2023, 10:17:48 AM

Building Footprints 2020v1 Tax_Parcels 2021

Lot Lines

Residence B District

Residence C District

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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 |

A-23-15 Aerial



4/26/2023, 10:20:24 AM

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-23-15

Petition Summary

Request to allow additions to be 33 feet from the primary front property line (Beech Street) and 14 feet from the secondary front property line (Beech Lane), both in lieu of the required 35 feet; and to be 11 feet from the side property line (north) in lieu of the required 12.5 feet.

Scope of Work

The scope of work includes an addition to the rear of the single family dwelling as well as new porches along the primary and secondary fronts.

Variance Request for Setbacks

Nexus: The hardships in this case are the corner lot configuration, narrow lot width, and existing design constraints of the non-conforming house. The orientation of the house on the lot is also skewed at an angle. **These appear to be reasonably related to the variance requests.**

Also, as it relates to the narrowness of the lot, the Sec 129-53 of **the zoning code recognizes a lot width of less than 70 feet (in Res-B) to be of exceptional narrowness;** so much so that special provisions are made for side and secondary front setbacks. The allowable secondary front setback is 14 feet; however, the special provision is only strictly applicable when the primary front property line is opposite a dedicated alley in the rear. This front-alley configuration is not present on the subject property, so the required secondary front setback is 35 feet; however, the requested 14-foot secondary front setback is modeled after this provision.

Standard Hardships Required

The subject request appears to meet the following hardship standards:

Section 129-455 of the municipal code outlines the hardships that the board may consider as justification for the granting of a variance:

- a. **exceptional narrowness**
- b. exceptional shallowness
- c. **irregular shape**
- d. exceptional topographic conditions
- e. other extraordinary and exceptional situations or conditions of such parcel which would result in peculiar, extraordinary and **practical difficulties (existing design constraints).**

Applicable findings for any motion to approve should be read into the record of minutes. **The Board may determine that the following findings are applicable to this case:**

1. That special circumstances or conditions apply to the building or land in question, and
2. That these circumstances are peculiar to such building or land, and
3. That these circumstances do not apply generally to other buildings or land in the vicinity;
4. The condition from which relief or a variance is sought did not result from action by the applicant;
5. That the granting of this variance:
 - a. will not impair an adequate supply of light and air to adjacent property; (since the proposed additions and alterations are mostly in line with the existing dwelling);
 - b. will not be detrimental to the streetscape; (in that the streetscape is inconsistent with regard to primary front setback and the adjacent house is considerably closer to Beech Street than what is proposed along the primary front).
 - c. will not increase the danger of fire;
 - d. will not increase noise;
 - e. will not the risk of flooding or water damage;
 - f. does not merely serve as a convenience to the applicant;
 - g. is in harmony with the spirit and intent of the zoning ordinance.

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article IV, Section 129-52 Area and dimensional requirements

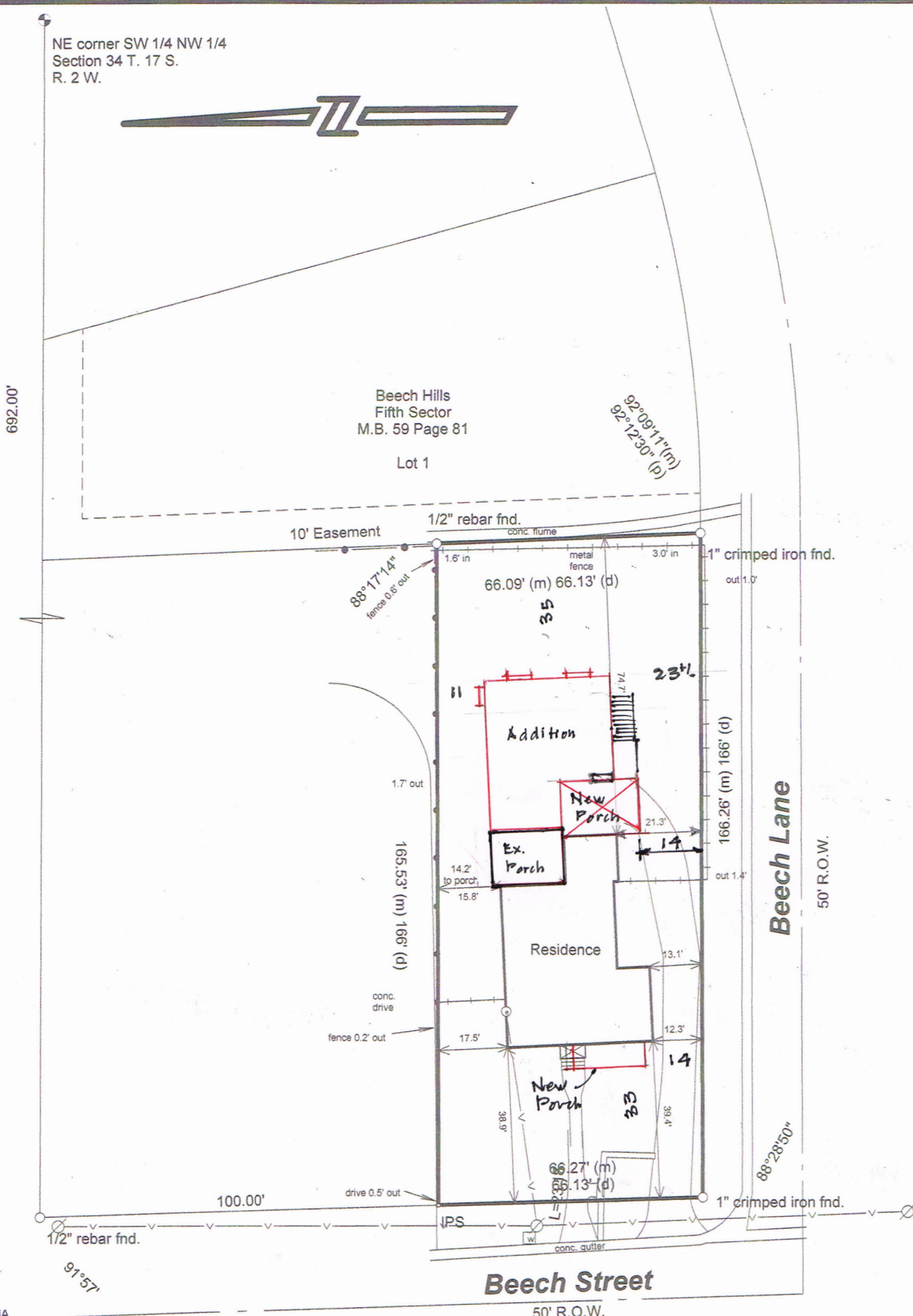
Appends

LOCATION: 241 Beech Street

ZONING DISTRICT: Residence B District

OWNERS: Sara and Daniel Morris

NE corner SW 1/4 NW 1/4
Section 34 T. 17 S.
R. 2 W.



STATE OF ALABAMA
JEFFERSON COUNTY

I, Steven H. Gilbert, a Professional Land Surveyor in the State of Alabama, hereby certify only to the parties listed below that this is a true and correct copy of a map or plat of my survey of a tract of land, located in the SW 1/4 of the NW 1/4 of Section 34, Township 17 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commencing at the NE corner of the SW 1/4 of the NW 1/4 of Section 34, Township 17 South, Range 2 West, Jefferson County, Alabama, thence go west along the North line of said 1/4-1/4 for 692.00' to a 1/2" rebar found; thence left 91°57' and go south along the east right of way line of Beech Street 100.00' to a 5/8" rebar set at the POINT OF BEGINNING; thence continue along said line 66.27' (m) 66.13' (d) to a 1" crimped iron found; thence left 88°28'50" and go east along the north line of Beech Lane 166.26' (m) 166' (d) to a 1" crimped iron found; thence left 92°09'11" and go north 66.09' (m) 66.13' (d) to a 1/2" rebar found; thence left 88°17'14" and go west 165.53' (m) 166' (d) to the POINT OF BEGINNING; said described tract containing 10,972 square feet, more or less.

I further certify that the building(s) now erected on said property are within the boundaries of same except as may be shown; that there are no encroachments from adjacent property except as shown; 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 utility poles, guy wires, lines, structures, or supports therefor (excepting those that serve the premises only), except as shown; that I have consulted the Federal Insurance Administration Flood Hazard Boundary maps and found this property IS NOT located in a Flood Hazard Area (as determined by graphic plotting); and 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.

F.I.R.M. Map no. 01073C 0413 H, effective on September 24, 2021

This survey is invalid unless sealed in red ink.

Legend

○	iron boundary marker	○	utility pole
⊙	open pipe fnd.	⊙	fire hyd.
□	power box	▲	tree
●	capped pipe fnd.	⊠	TV/tel. box
⊕	water valve	+	offset cross
•	guy anchor	⊕	commencing point
PS	5/8" rebar set 17507	⊕	gas valve
D	Drain Manhole	S	Sanitary manhole
T	Tel. Manhole	⊕	Sign
M	measured dim.	(P)	platted dim.
W	water meter	G	gas meter
⊕	power meter	⊕	Sign
—●—	chain link fence	—	center line
—GAS—	gas line		
—W—	water line		
—v—	overhead utility line		
—	wire fence		
—/—	wood fence		
—	center line		

Project No. 20230312
Daniel Morris
As built Survey
241 Beech Street
Mountain Brook, Alabama
March 29, 2023
Revised April 19, 2023
to correct location of the
SE house corner



Scale 1" = 30 feet
SOUTHEASTERN SURVEYORS, INC.
Steven H. Gilbert, P.L.S.
Alabama Reg. Land Surveyor No. 17507
5160 Scenic View Drive
Birmingham, Alabama 35210
(205) 613-0375





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 Zone B lot is 66' wide on a corner, requiring two 35' front setbacks. The lot meets the requirements for Sec. 129-53 special provisions with one exception - there is no dedicated alley.
- The original structure was set at an angle to the side property lines.
- The home to the left is set close to the street, well into the required 35' front required setback.

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 are asking to utilize the 129-53 special provisions as a guide in developing the additions.
- We are asking for a small 2' variance of the front setback for an open porch, but the home to the left is much further out of compliance so there are no alignment issues.



Variance Application - Part I

Project Data


Address of Subject Property 2930 Surrey Road
 Zoning Classification Residential A
 Name of Property Owner(s) Reid and Maggie Fisher
 Phone Number 205-903-0114 Email Rfisher@crcgroup.com
 Name of Surveyor ENGINEERING DESIGN GROUP
 Phone Number 205-403-9158 Email akims@edgalabama.com
 Name of Architect (if applicable) Twin Interiors, LLC.
 Phone Number 205-802-3920 Email william@twincompanies.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	12,904	12,904
Lot Width (ft)	100'	75	75
Front Setback (ft) <i>primary</i>	40	41.6	40
Front Setback (ft) <i>secondary</i>	n/a	n/a	n/a
Right Side Setback	15	16.8	16.5
Left Side Setback	15	16.8	16.5
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	n/a	n/a	n/a
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	n/a	n/a	n/a
Rear Setback (ft)	40	59'	39.8
Lot Coverage (%)	25%	19%	28.5%
Building Height (ft)	35	31.7	31.7
Other			
Other			

MEMORANDUM

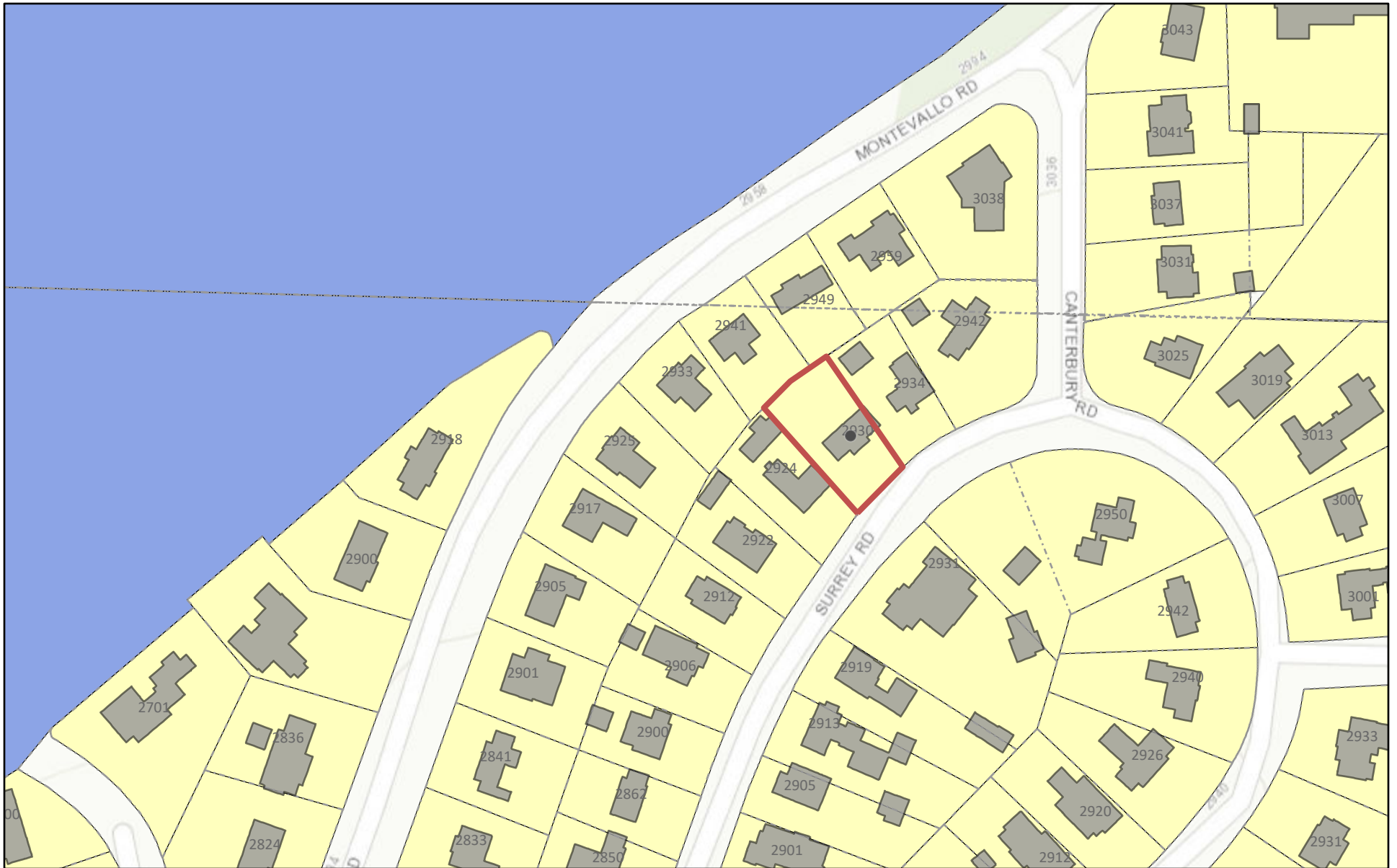
To: The City of Mountain Brook Zoning Board of Adjustment
From: Frank C. Galloway III 
Date: April 21, 2023
Subject: Variance Application for 2930 Surrey Road (the "Property")

Please allow the enclosed materials to serve as Reid Fisher's submission for variances for the Property. Specifically, Mr. Fisher asks for a variance of the rear setback (39.8 feet in lieu of 40 feet), and the Lot Coverage for structure from 25% to 28.5%. Additionally, to the extent a variance is needed to build on a "Residence A" lot (1) 75% +/- feet wide, and/or (2) that is only 12,904 square feet in size, such variances are also requested.






The basis for the requested variance is set forth in Part II of the Application. Principally, the subject plated lot is too small (43% of minimum Residence A lot size), and too narrow (75% +/- of the minimum Residence A lot width). Accordingly, in order to construct a house on this size of a lot in Residence A, variances are appropriate and needed to construct a residence. In this case, the variances sought are modest relative to the size and width of the lot, and the proposed residence is in keeping with the surrounding neighborhood.

Enclosures

A-23-16 Zoning



4/28/2023, 9:40:33 AM

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

1:2,257
0 0.01 0.03 0.06 mi
0 0.03 0.05 0.1 km
JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

A-23-16 Aerial



4/28/2023, 9:42:00 AM

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-23-16

Petition Summary

Request to allow a new single family dwelling to be 39.8 feet from the rear property line (north) in lieu of the required 40 feet, and to allow the building coverage to be 26.6 percent of the lot in lieu of the maximum allowed of 25 percent.

Scope of Work

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

Requests for Variances for New Construction, Generally

Note ** It may be worth revisiting the fact that the zoning code should not be undermined by virtue of variance approvals that are not aligned with findings of true hardships as outlined by Section 129-455 below; especially where new construction is proposed and there is every opportunity to conform to the parameters set forth in the zoning code.

Standard Hardships Required

Section 129-455 of the municipal code outlines the hardships the board may consider as justification for the granting of a variance:

- a. exceptional narrowness
- b. exceptional shallowness
- c. irregular shape
- d. exceptional topographic conditions
- e. other extraordinary and exceptional situations or conditions of such parcel which would result in peculiar, extraordinary and practical difficulties (existing design constraints).

Required Findings for Approval

Section 129-455 of the municipal code indicates that before any variance is granted, the board shall consider the following factors, and may not grant a variance unless it finds that these factors exist (not all of these findings will apply to every type of variance, but should be used wherever they are applicable):

Applicable findings for any motion to approve should be read into the record of minutes:

1. That special circumstances or conditions apply to the building or land in question, and
2. That these circumstances are peculiar to such building or land, and
3. That these circumstances do not apply generally to other buildings or land in the vicinity;
4. The condition from which relief or a variance is sought did not result from action by the applicant;
5. That the granting of this variance:

- a. will not impair an adequate supply of light and air to adjacent property;
- b. will not be detrimental to the streetscape;
- c. will not increase the danger of fire;
- d. will not increase noise;
- e. will not the risk of flooding or water damage;
- f. does not merely serve as a convenience to the applicant;
- g. is in harmony with the spirit and intent of the zoning ordinance.

The original Zoning Code – Year 1947

It is often noted in variance applications for Res-A lots that the lot size or width is a hardship warranting relief from the required setbacks or lot coverage. The following is an excerpt from the original adoption of the city's zoning code in 1947. Please note that the Res-A development regulations included a minimum lot size of 15,000 square feet, and the same front (40'), side (15'), and rear (40') setbacks as are required today. Also, the original regulations imposed the same lot coverage maximum (25%) as today's code.

What has changed is that over the years the city council has voted to raise the minimum lot size (as a means to discourage the subdividing of lots throughout the city) from 15,000 to 17,000 to 22,000 to the 30,000 square feet we have today. However, the minimum setbacks have not gotten larger along with the minimum lot size.

BUILDING AREA

Buildings and other structures shall be located so as to comply with the following requirements:

Minimum required lot area - 15,000 square feet.

Minimum required lot width at the building line (meaning the permitted front line of building) - 75 feet.

Minimum required depth of front yard (meaning depth between

479.212-A

-5-

dwelling or other structures and property line at the street) - 40 feet.

Minimum required rear yard - 40 feet.

Minimum required width of each side yard: Main building one to one and one-half (1 to 1½) stories high - 15 feet.

Minimum required width of each side yard: Main building two to two and one-half (2 to 2½) stories high - 20 feet.

Maximum building area permitted - twenty-five percent (25%) of total lot area.

Please don't miss this point: The original zoning code implies that the same setbacks and lot coverage that are in today's code were deemed appropriate in scale to a 15,000 square foot lot that was 75 feet wide. Thus, the notion that setback or lot coverage relief is warranted when a lot is less than 30,000 square feet or less than 100 feet wide is not a justification for variance approval for such relief.

Subject Variance Request for Rear Yard Setback

Nexus: The applicant's stated hardships of lot size and width do not appear to be reasonably related to this request.

While it is true that the subject property's lot size (12,904) is smaller than the original 15,000 square foot lot/setback ratio, there is not a strong nexus between lot size and a rear encroachment request. Had the lot been exceptionally shallow, then a rear yard encroachment may have been appropriate. Given that the requested rear yard

encroachment is 0.8 feet, it appears to be more a matter of convenience than an undue hardship.

Variance Request for Building Area Coverage

Nexus: The applicant stated that the lot size is a hardship related to the proposed coverage. **It is not possible for a required *percent* of lot coverage to be reasonably related to a static lot size quotient.** In other words, 25% is 25%, regardless of the lot square footage. Again, the zoning code anticipates that no more than 25% of the lot should be covered, regardless of the actual lot size.

Findings for Denial of the Setback and Lot Coverage Requests

Given that the lot size of the subject property is **not peculiar to such land**, and given that this **same lot size applies generally to the majority of land in the immediate vicinity**, an approval of this setback request is not supported by the provisions of the zoning code, and an approval of such would **merely serve as a convenience** to the applicant, and would **not be in harmony with the spirit and intent of the zoning 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: 2930 Surrey Road

ZONING DISTRICT: Residence A District

OWNERS: Reid and Maggie Fisher

PLOT PLAN LOT 248

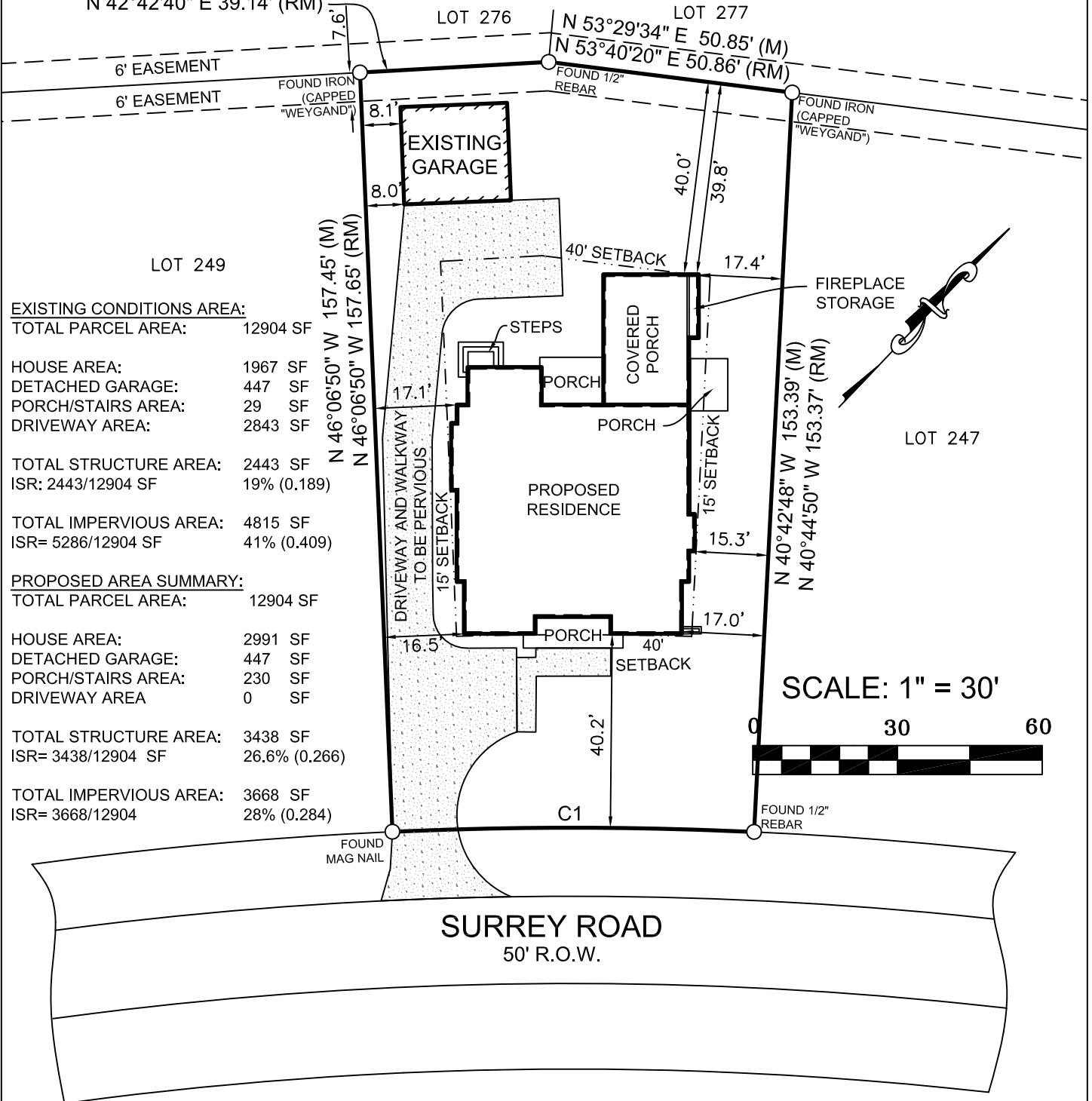
MOUNTAIN BROOK ESTATES, FAIRWAY SECTOR

MAP BOOK 18, PAGE 47

JEFFERSON COUNTY, ALABAMA

N 43°07'50" E 39.16' (M)

N 42°42'40" E 39.14' (RM)



EXISTING CONDITIONS AREA:

TOTAL PARCEL AREA: 12904 SF

HOUSE AREA: 1967 SF

DETACHED GARAGE: 447 SF

PORCH/STAIRS AREA: 29 SF

DRIVEWAY AREA: 2843 SF

TOTAL STRUCTURE AREA: 2443 SF

ISR= 2443/12904 SF 19% (0.189)

TOTAL IMPERVIOUS AREA: 4815 SF

ISR= 5286/12904 SF 41% (0.409)

PROPOSED AREA SUMMARY:

TOTAL PARCEL AREA: 12904 SF

HOUSE AREA: 2991 SF

DETACHED GARAGE: 447 SF

PORCH/STAIRS AREA: 230 SF

DRIVEWAY AREA: 0 SF

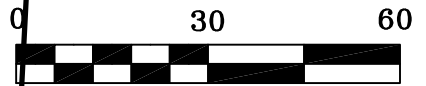
TOTAL STRUCTURE AREA: 3438 SF

ISR= 3438/12904 SF 26.6% (0.266)

TOTAL IMPERVIOUS AREA: 3668 SF

ISR= 3668/12904 28% (0.284)

SCALE: 1" = 30'



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	74.95' (M) 75.0' (RM)	828.90'	5°10'50"	S 46°21'20" W	74.92'

DESCRIPTION

Lot 248 of MOUNTAIN BROOK ESTATES, FAIRWAY SECTOR as recorded in Map Book 18 Page 47 in the Office of the Judge of Probate in JEFFERSON County, Alabama.

I hereby certify 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.

Surveyor's Signature:

Alabama License Number 26013, Date: April 24, 2023



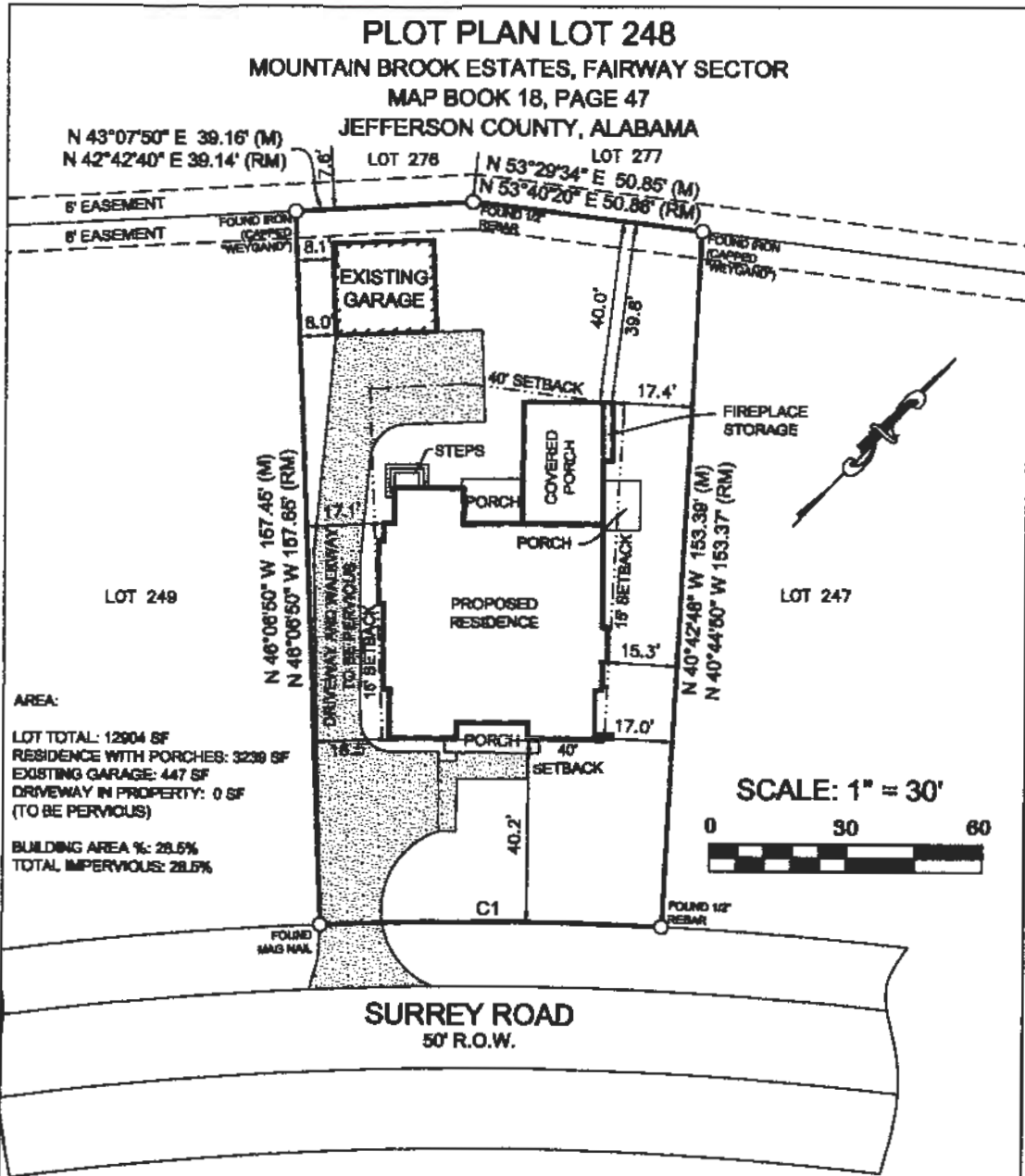
NOTE:

1. North arrow based on PLAT.
2. Survey not valid without original signature.

Address: 2930 SURREY ROAD
 Date of Fieldwork: 2022-09-16
 Date of Survey: 2023-04-11
 Job Number: TWIN0121
 Drawn By: MBA
 Survey For: TWIN COMPANIES
 Type of Survey: PLOT PLAN
 Field Book, Page: FB 1002, PG

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124





CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	74.85' (M) 75.0' (RM)	828.90'	5°10'50"	S 46°21'20" W	74.82'

DESCRIPTION

Lot 248 of MOUNTAIN BROOK ESTATES, FAIRWAY SECTOR as recorded in Map Book 18 Page 47 in the Office of the Judge of Probate in JEFFERSON County, Alabama.

I hereby certify 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.

Surveyor's Signature: *[Signature]*
 Alabama License Number 28013, Date: April 11, 2023



NOTE:
 1. North arrow based on PLAT.
 2. Survey not valid without original signatures.

Address: 2930 SURREY ROAD
 Date of Fieldwork: 2022-09-16
 Date of Survey: 2023-04-11
 Job Number: TWIN0121
 Drawn By: MBA
 Survey For: TWIN COMPANIES
 Type of Survey: PLOT PLAN
 Field Book, Page: EB 1002, PG

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124

EDG
 ENGINEERING DESIGN GROUP, LLC



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 lot is 43% of the size of the minimum in Residence A. It is 75% of the required 100 feet in width at front of lot along Surrey Road. These significant deviations from the minimum lot sizes required by Residence A warrant the modest variance requests.

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 applicant did not effect a subdivision to create a 12904 SF lot in a Residence A zoning.

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

The variances requested are very minimal and would result in a new residence in keeping with the others along Surrey Road.



Variance Application - Part I

Project Data

Address of Subject Property 3703 Danbarton Drive

Zoning Classification _____

Name of Property Owner(s) Craig and Justyn Millar

Phone Number 850-572-8487 Email Craig.Millar@childrensal.org

Name of Surveyor Weygand Surveyors

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

Name of Architect (if applicable) Jared Wilson

Phone Number 256-343-3051 Email Jared@familybackyarddesign.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)	34,848 sf		
Lot Width (ft)	185.89 ft		
Front Setback (ft) <i>primary</i>	40 ft		
Front Setback (ft) <i>secondary</i>	40 ft		30 ft
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 (%)			0.73 %
Building Height (ft)			14 feet
Other			kid's treehouse
Other			

April 27 2023


City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Hello Board Members,

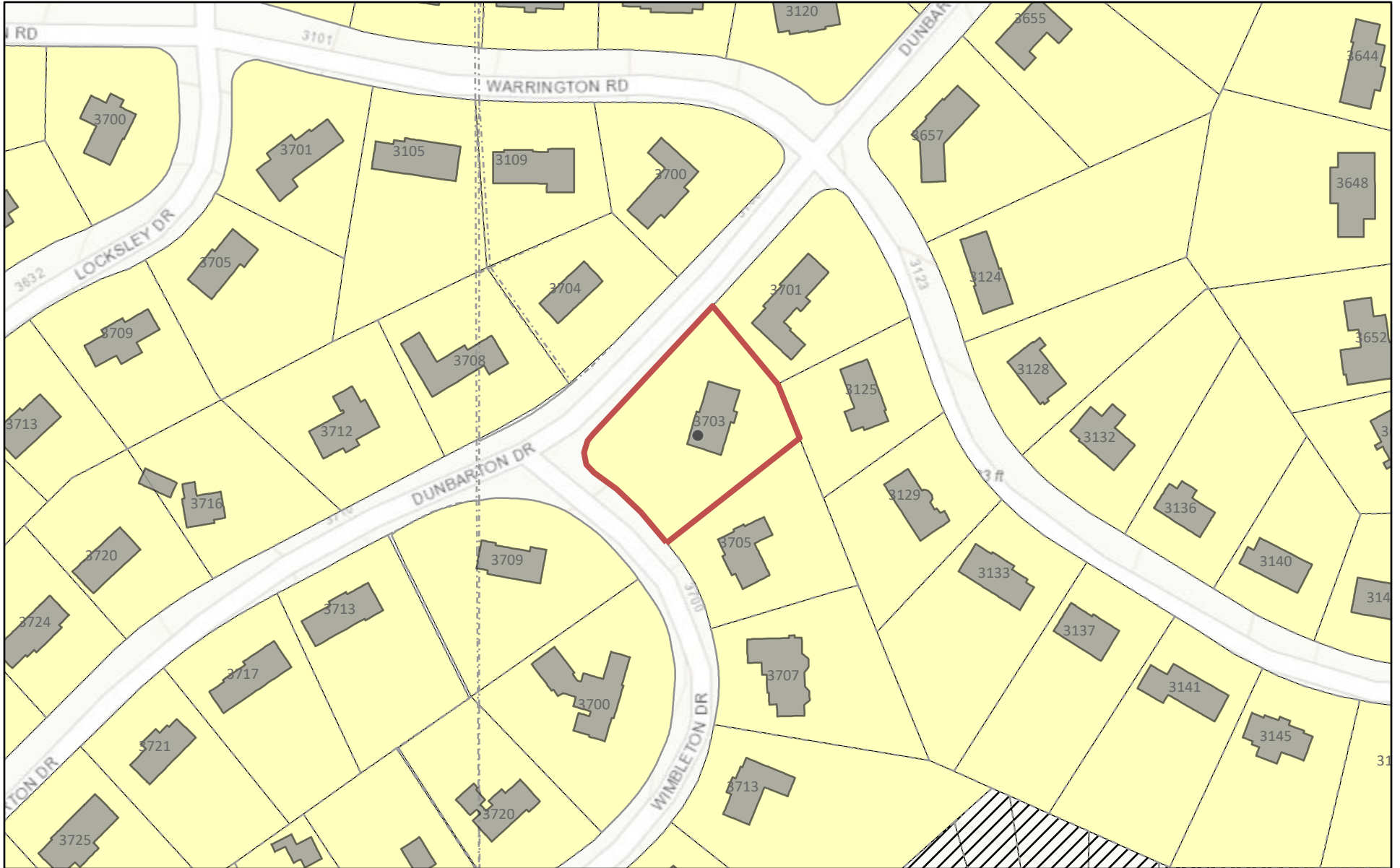
I am applying for a zoning variance with the goal of allowing for a fun treehouse to be built for my children. I have three young children, the oldest of which is at Brookwood Forest with the other two to follow. To engage their youthful energy and creativity, I am hoping to build a treehouse where they can enjoy natural outdoor recreation and form childhood memories outside relatively free of electronics that seem so pervasive in society today. It seems there are few eligible areas for a treehouse on my property, but I believe I have managed to select the best location that allows for immersion in the outdoors without adversely affecting my neighbors or street visibility. Thank you for your time and thoroughness while reviewing these plans. Please feel free to contact me anytime regarding this application or otherwise.

Sincerely,






Craig and Justyn Millar

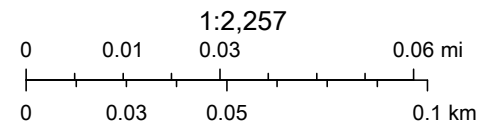
The image shows two handwritten signatures in blue ink. The top signature is for Craig Millar, and the bottom signature is for Justyn Millar. Both signatures are written in a cursive, flowing style.

A-23-17 Zoning



5/4/2023, 12:13:29 PM

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



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 |

A-23-17 Aerial



5/4/2023, 12:14:43 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-23-17

Petition Summary

Request to allow a detached accessory structure (treehouse) to be located in a front yard (instead of behind the front building line of the primary structure), and to be 30 feet from the secondary front property line (Wimbleton Road) in lieu of the required 40 feet.

Scope of Work

The scope of work includes the construction of a new treehouse in a front yard.

Variance Request for Side Setback

Nexus: The applicant states that existing design constraints, as well as the topography of the rear yard, are the hardships related to this request. While it is true that the rear yard is small due to the placement of the house, it may not warrant an approval of the request to place a detached structure in a front yard.

Standard Hardships Required

While the subject property contains some of the follow lot characteristics, these may not be reasonably related to the request for a detached structure in a front yard:

Section 129-455 of the municipal code outlines the hardships that the board may consider as justification for the granting of a variance:

- a. exceptional narrowness
- b. exceptional shallowness
- c. irregular shape
- d. exceptional topographic conditions
- e. other extraordinary and exceptional situations or conditions of such parcel which would result in peculiar, extraordinary and practical difficulties (existing design constraints).

Applicable findings should be read into the record of minutes for any motion to approve. The Board may determine some of the following findings are not applicable to this case:

1. That special circumstances or conditions apply to the building or land in question, and
2. That these circumstances are peculiar to such building or land, and
3. That these circumstances do not apply generally to other buildings or land in the vicinity;
4. The condition from which relief or a variance is sought did not result from action by the applicant;
5. That the granting of this variance:
 - a. will not impair an adequate supply of light and air to adjacent property; (since the proposed additions and alterations are mostly in line with the existing dwelling);

- b. will not be detrimental to the streetscape;
- c. will not increase the danger of fire;
- d. will not increase noise;
- e. will not the risk of flooding or water damage;
- f. does not merely serve as a convenience to the applicant;
- g. is in harmony with the spirit and intent of the zoning ordinance.

It is anticipated that an approval of such variance for a front yard setback encroachment of 25% of the setback requirement:

- a. Could be detrimental to the streetscape (in that all other structures in the immediate vicinity maintain the required front yard setback).

It is anticipated that an approval of such variance for a detached accessory structure (recreational structure) in front of the building line of the primary structure:

- b. Is not in harmony with the intent and purpose of the zoning code (since Chapter 129 was expressly amended in 2012 (Ord 1875) to prohibit recreational facilities in front yards).
- c. Could set a negative precedent for the allowance of other recreational structures in front yards (such as batting cages, basketball courts, tennis courts, and swimming pools).

Impervious Area

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

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article III Residence A, Section 129-34 Area and Dimensional Requirements; and Article XIX, General Area and Dimensional Requirements, Sec 129-314, Accessory Structures and Accessory Buildings on Residential Lots.

Appends

LOCATION: 3703 Dunbarton Drive

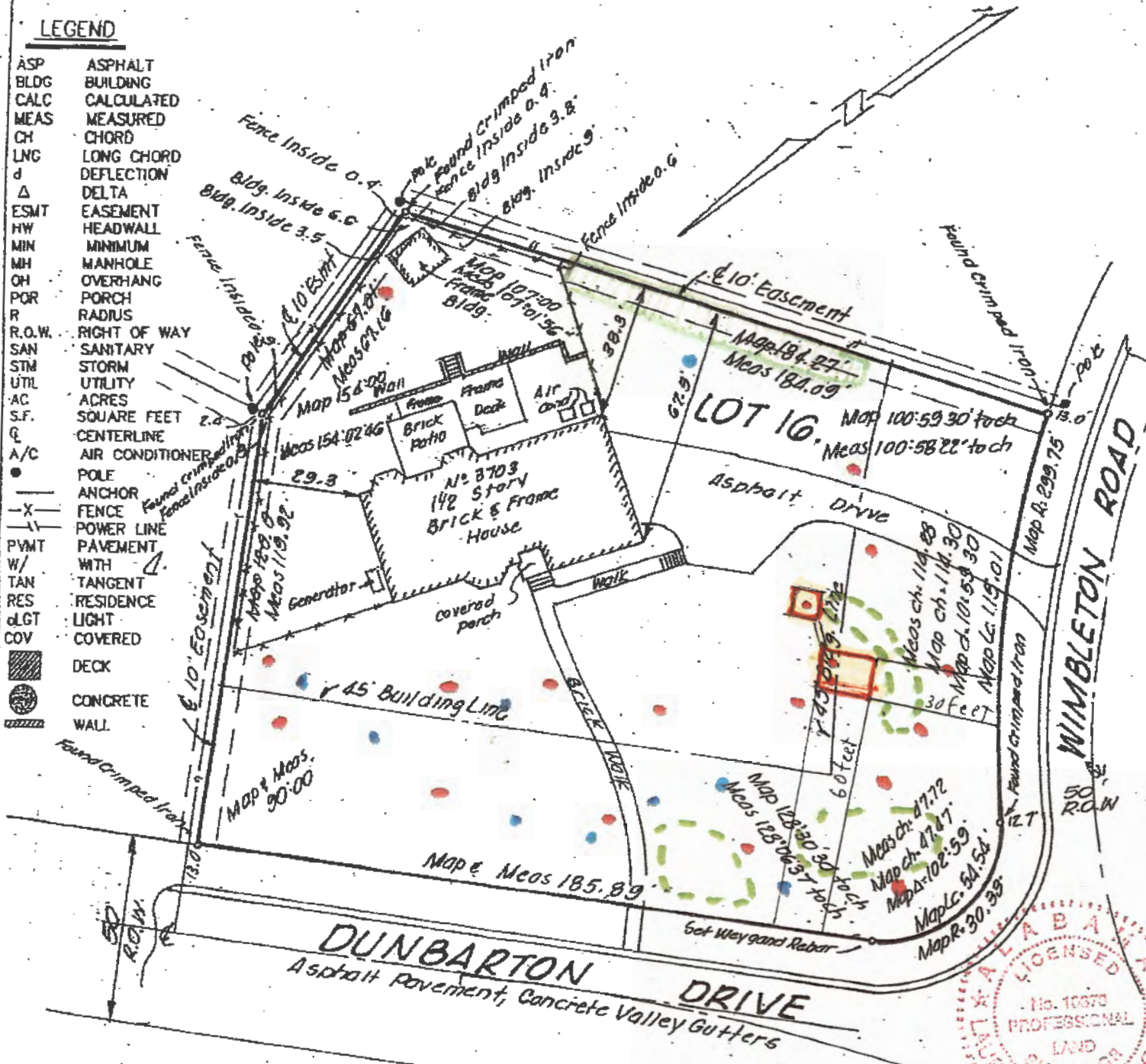
ZONING DISTRICT: Residence A District

OWNERS: Craig and Justyn Millar

$8 \times 8 + 12 \times 16 = 256$ Square feet

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNC 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
- FENCE FENCE
- POWER LINE POWER LINE
- PVMT PAVEMENT
- W/T WITH
- TAN TANGENT
- RES RESIDENCE
- LGT LIGHT
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL



Scale: 1" = 40'

STATE OF ALABAMA
JEFFERSON COUNTY

Closing Survey



I, Laurence D. Weyand, a registered Engineer-Land Surveyor, or Ray Weyand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 10, Block 1, BROOKHILL FOREST FOURTH SECTOR, as recorded in Map Volume 55, Page 3, 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, on or over said premises except as shown; 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"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of SEPT 21, 2005.

Survey invalid if not sealed in red.
Order No.: 29473
Purchaser: EVANS
Address: 3703 Dunbarton Drive
Flood Zone: X Map Number: 01973C 0501E

Laurence D. Weyand
Laurence D. Weyand, Reg. P.E.-LS #10373
Ray Weyand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0085 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 were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map.

Key:

- mature canopy tree, 80-100 feet tall
- mature understory tree, 20-30 feet
-  shrubs mostly 6-7 feet high, range from ~5-13 feet
-  hedge ~20 feet high

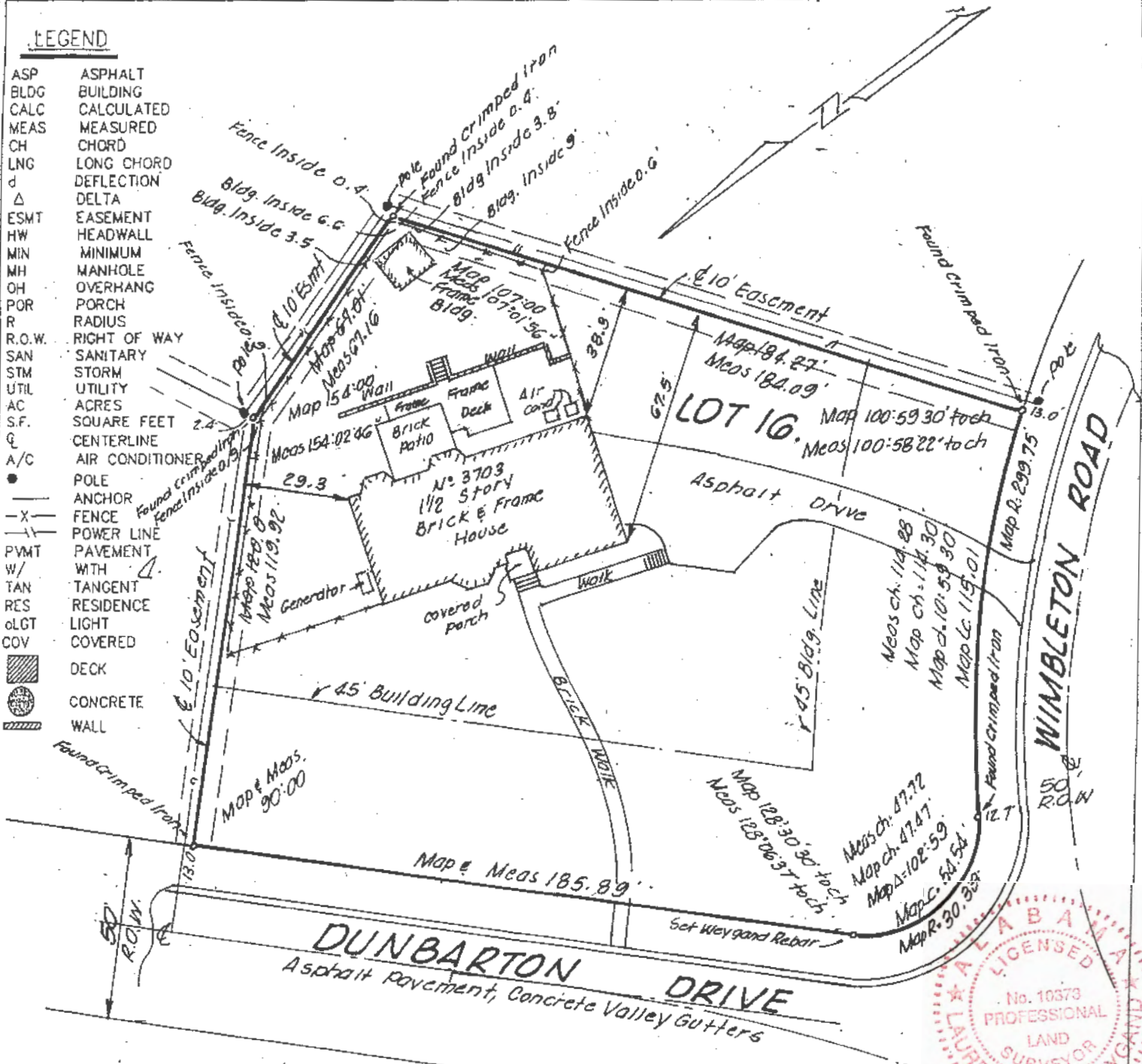
The treehouse is marked as a rectangle and small square with connecting rope bridge.

* around 15 sapling trees also in the front yard, not labeled. 3-10 feet, mostly 6' or greater

Millar

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
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- POR PORCH
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- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL



Scale: 1" = 40'
STATE OF ALABAMA
JEFFERSON COUNTY)

Closing Survey

I, Laurence D. Weygand, a registered Engineer-Land Surveyor, or Roy Weygand, a Registered Land Surveyor, hereby certify that I have surveyed Lot 16, Block 1, BROOKHILL FOREST FOURTH SECTOR, as recorded in Map Volume 55, Page 3, 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, on or over said premises except as shown; 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"; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of SEPT 21, 2005.
Survey invalid if not sealed in red.

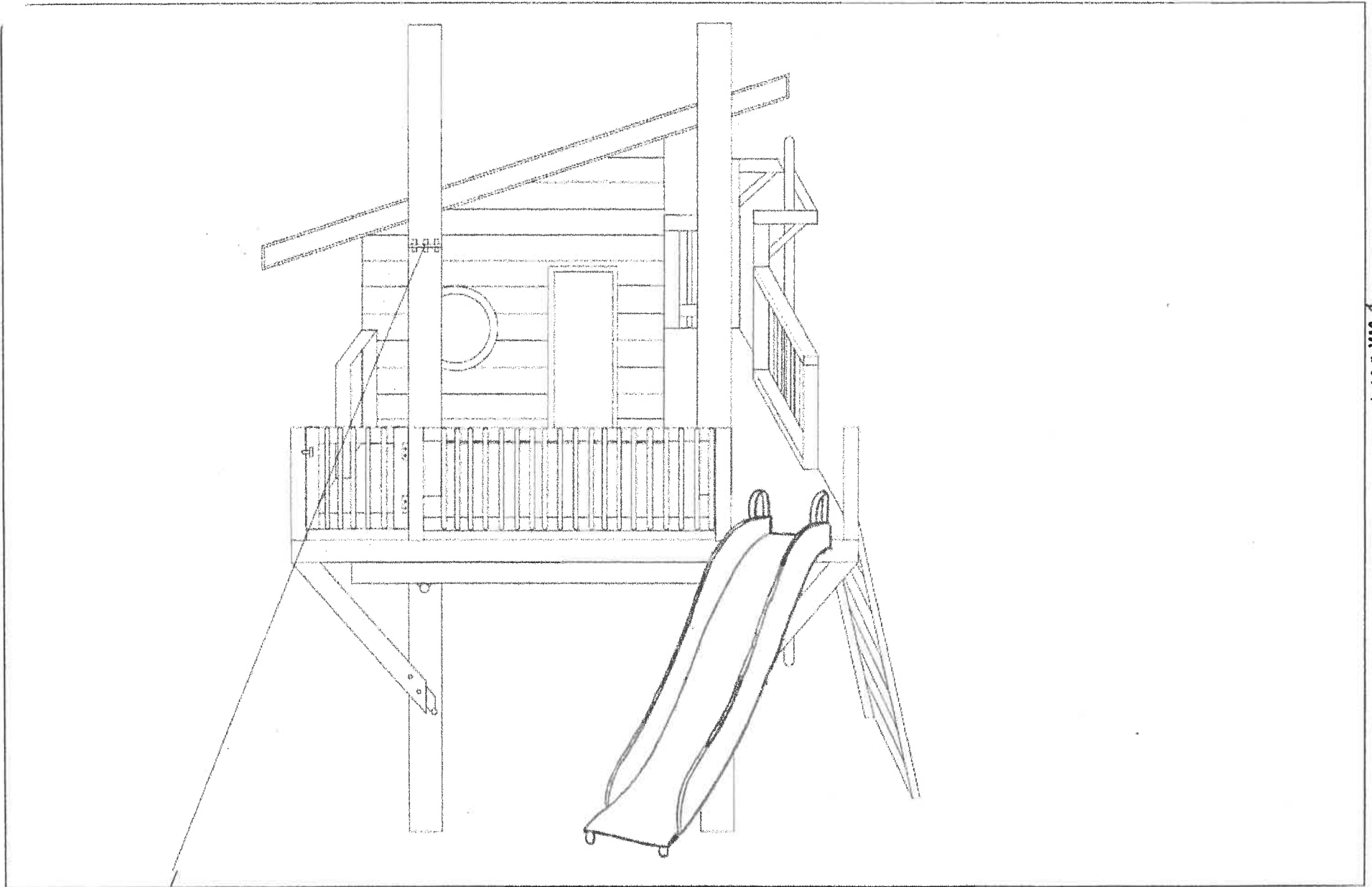
Order No.: 29473
Purchaser: EVANS
Address: 3703 Dunbarton Drive
Flood Zone: X Map Number: 010236 0501E

Laurence D. Weygand
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↑ Wimbledon ↑

A-23-17



↖ Dunbarton ↗



PROJECT
Miller

PROJECT NO.
245.170

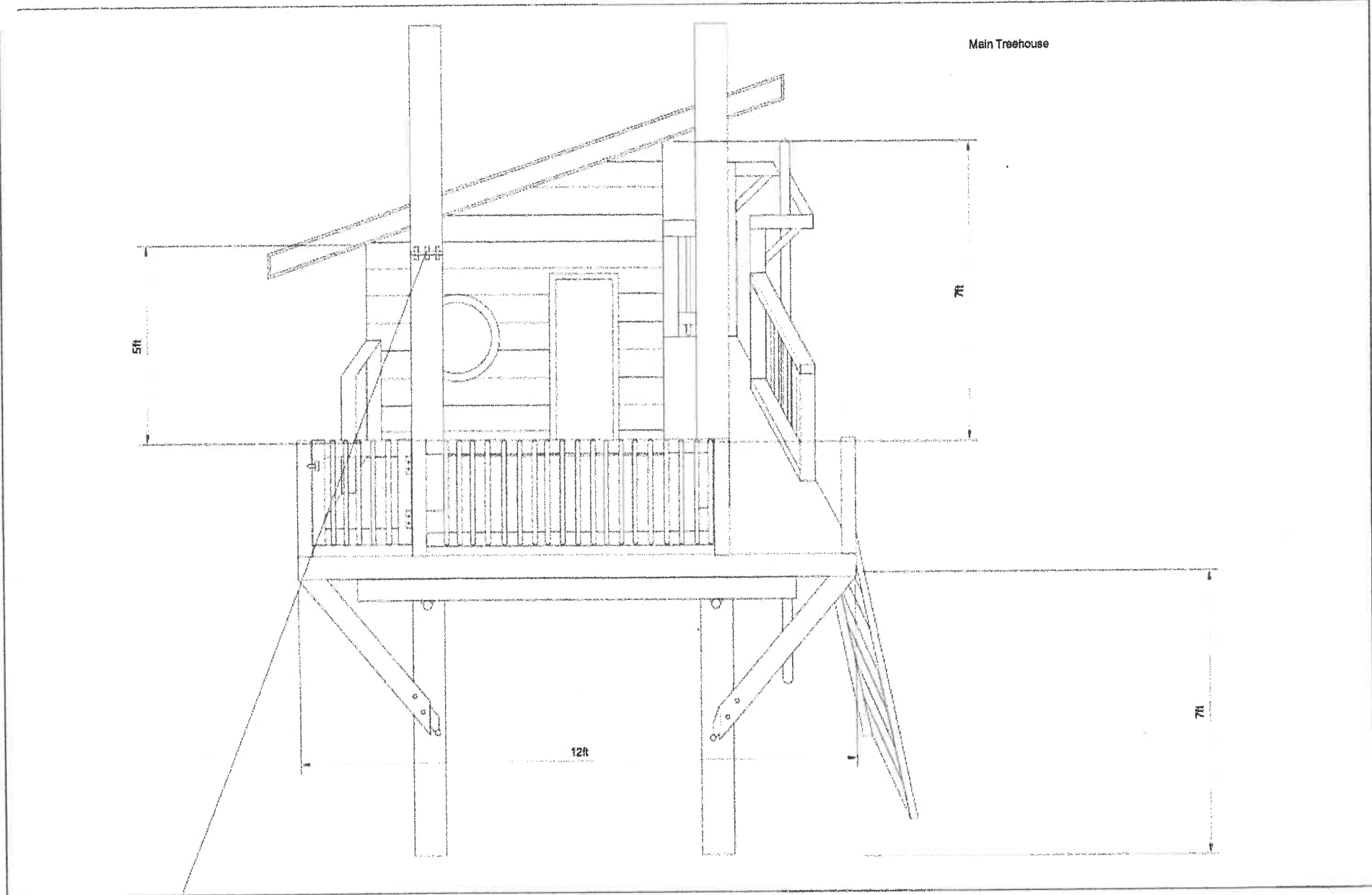
DRAWN BY
SJW

ISSUE
tbd

Overview

↑ Wimbledon ↑

A-23-17



↑ Dunbarton ↑

PROJECT
Miller

PROJECT NO.
245.170

DRAWN BY
SJW

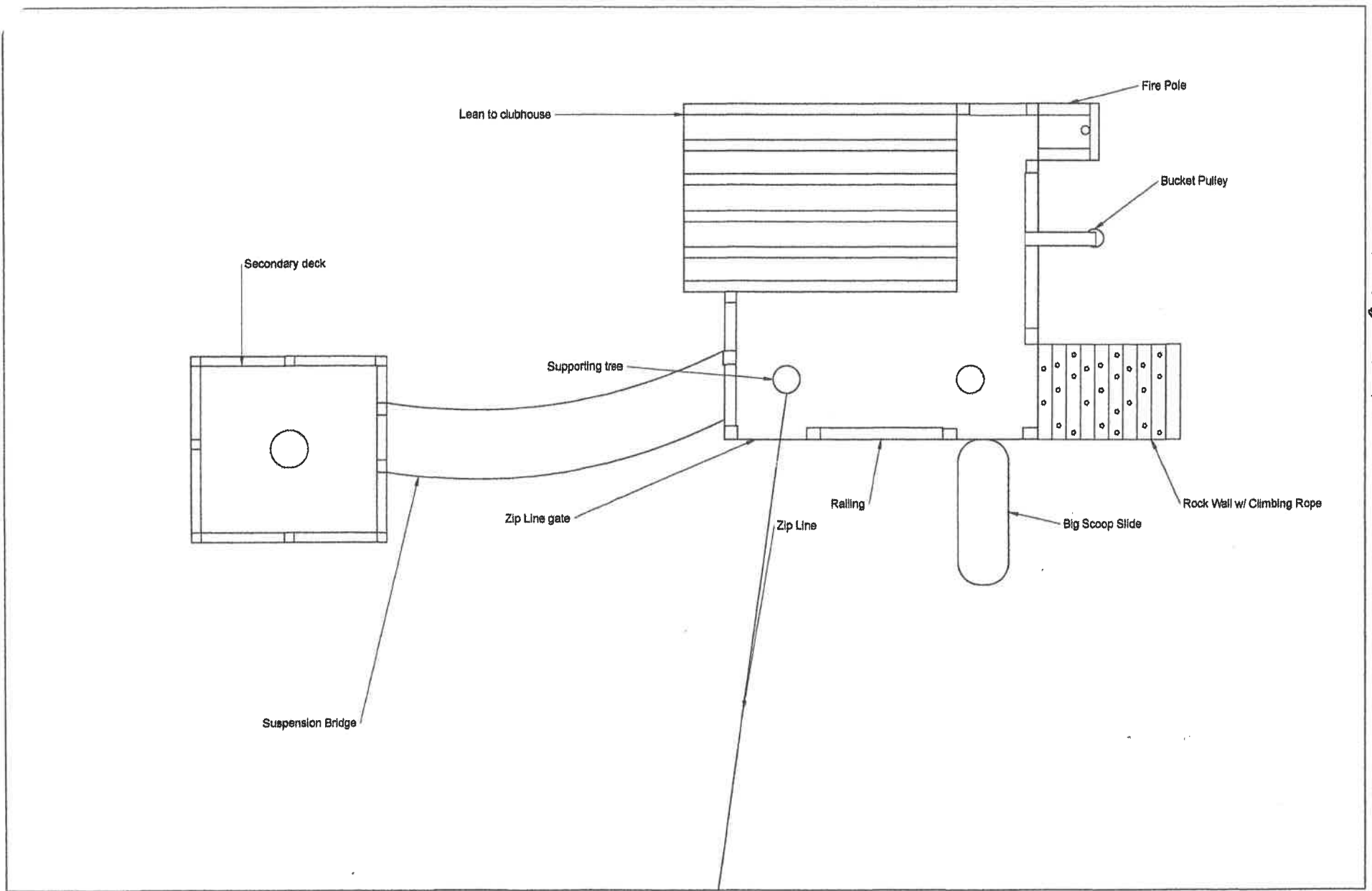
ISSUE
tbd

Overview



↑ Wimbledon ↑

↑ Dunbarton ↑



PROJECT Miller

PROJECT NO. 245.170

DRAWN BY SJW

ISSUE tbd

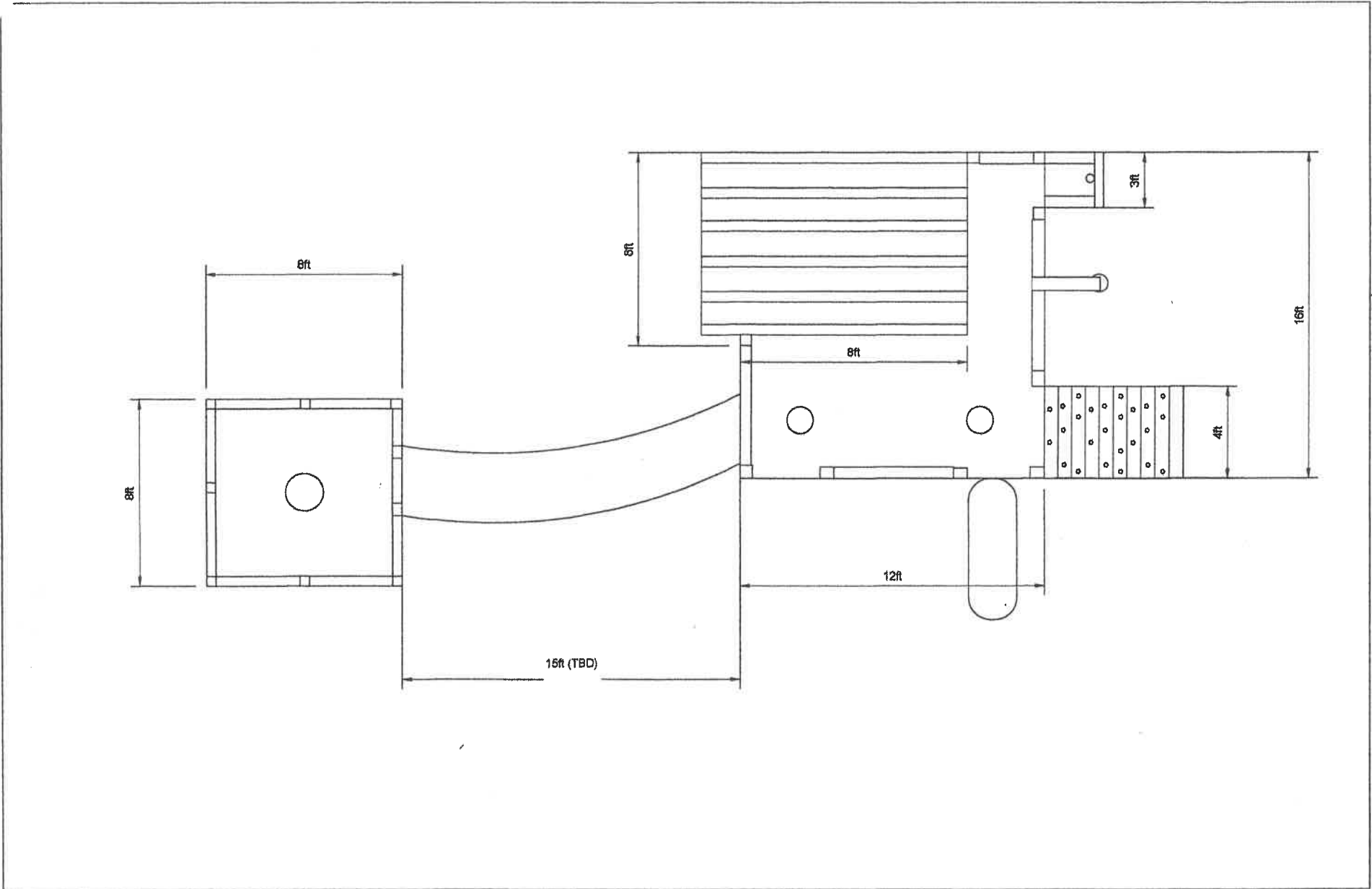
Overview



1
2
3
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7
8
9
10

↑ Wimbledon ↑

↑ Dunbarton ↑



PROJECT Miller

PROJECT NO. 245.170

DRAWN BY SJW

ISSUE tbd

Overview



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 house is on a nice sized lot, but is situated very far back relative to other lots of the same size with a small, mostly sloped backyard with only one mature tree. The backyard would be unsuitable for a treehouse because it would overlook multiple neighbors' fences. We have done our best to select the most objectively suitable site.

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 kids treehouse is well away from the street corner and does not restrict visibility. The treehouse is on a low spot of land relative to Dunbarton and the very top of the structure is estimated to rise only 20 inches above Dunbarton's road surface. The treehouse is well within the bounds of mature trees and further shielded by shrubbery and understory. A child's treehouse in the middle of a forest is in line with the spirit of Brookhill Forest and Mountain Brook, a community that "...landscape architects and engineers have adroitly blended the convenience of city life into this picturesque environment without disturbing nature's craftsmanship."

- Robert Jemison, Jr. (1878 - 1974)

The Father of Mountain Brook