

BZA Packet

June 19, 2023

Hello All,

Enclosed please find your packet for the meeting of June 19, 2023.

We have:

- 1 carry over
- 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 (June 19, 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@mtntbrook.org ...

Looking forward to seeing you on Monday!

Tyler

MEETING AGENDA
CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
June 19, 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: May 15, 2023
 2. **Case A-23-17:** *(Carry-over from the May 15, 2023 meeting.)*
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 (Wimbledon Road) in lieu of the required 40 feet. **-3703 Dunbarton Drive**
 3. **Case A-23-18:** **Sara James**, property owner, requests variances from the terms of the Zoning Regulations to allow additions and alterations to be 24 feet 6 inches from the front property line (Dexter Avenue) in lieu of the required 35 feet, to be 12 feet from the rear property line (northwest) in lieu of the required 30 feet, to be 6 feet from the side property line (northeast) in lieu of the required 8 feet for portions of the building below 22 feet in height, to allow the maximum building area to be 39.9% in lieu of the maximum allowed of 35 percent, to allow walls to be as tall as 12 feet 9 inches in height in a front setback in lieu of the maximum front yard wall height allowed of 4 feet, to allow a wall to be as tall as 12 feet 4 inches in height in a side setback (northeast) in lieu of the maximum wall height allowed in a side setback of 8 feet, to allow a pool to be 0 feet from the rear property line (northwest) in lieu of the required 10 feet, and to allow pool equipment to be located 5 feet from a side property line (southwest) in lieu of the required 10 feet. **-304 Dexter Avenue**
 4. **Case A-23-20:** **Todd and Mary Pat Weiss**, property owners, request variances from the terms of the Zoning Regulations to allow the addition of a covered deck to be 34 feet 6 inches from the rear property line (east) in lieu of the required 40 feet. **-2901 Montevallo Road**

5. **Case A-23-21: John and Shelby Anderson**, property owners, request variances from the terms of the Zoning Regulations to allow an addition to be 8.5 feet from the secondary front property line (Montevallo Road) and 26.92 feet from the rear property line (west) both in lieu of the required 35 feet

2 Montevallo Lane

6. Next Meeting: **July 17, 2023**
7. Adjournment



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

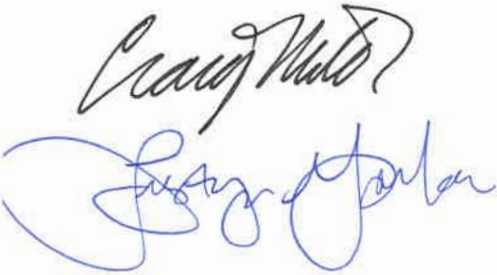
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Hello Board Members,

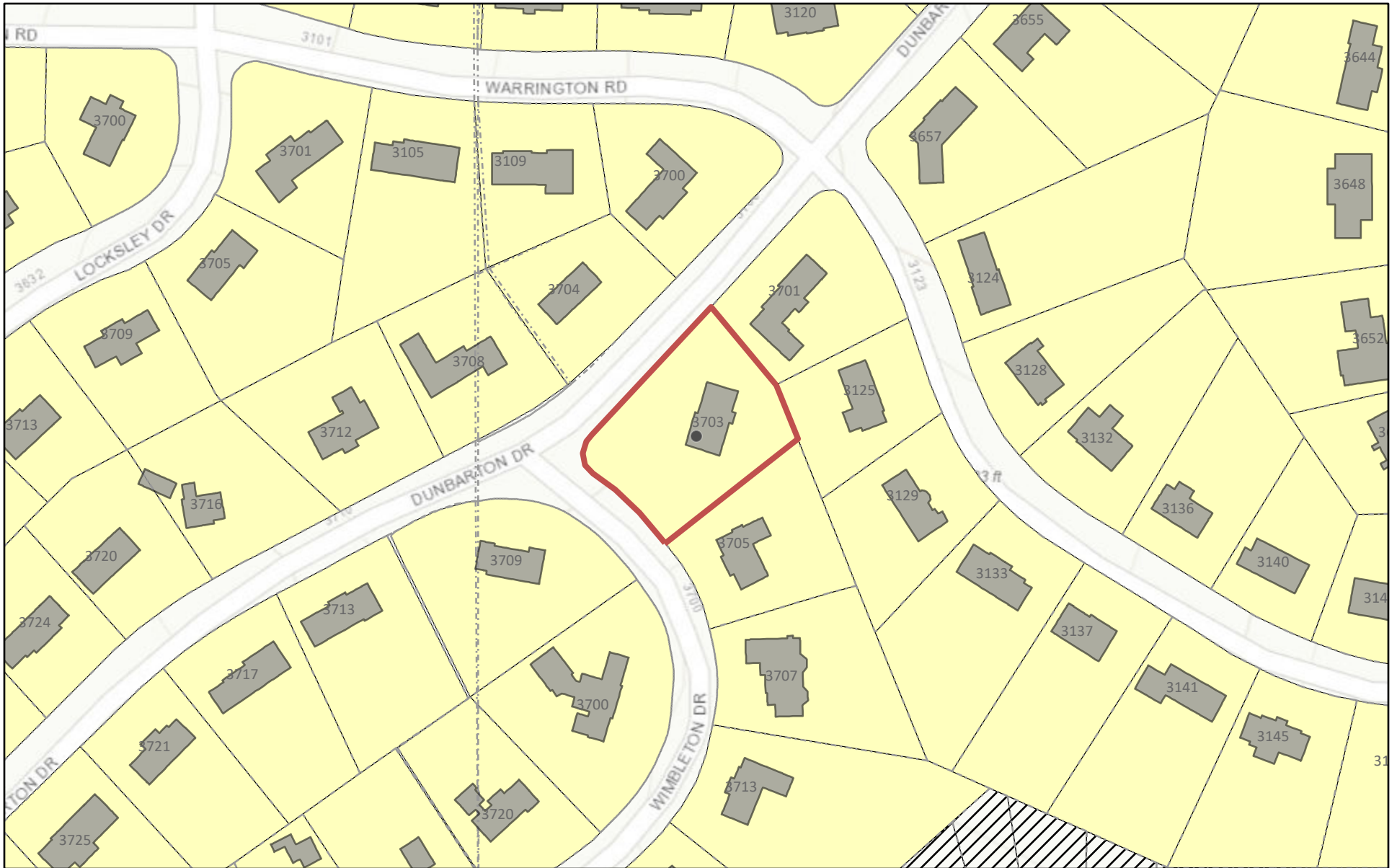
I am applying for a zoning variance with the goal of allowing for a fun treehouse to be built for my children. I have three young children, the oldest of which is at Brookwood Forest with the other two to follow. To engage their youthful energy and creativity, I am hoping to build a treehouse where they 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

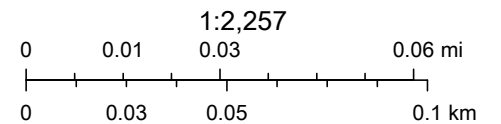
The image shows two handwritten signatures in blue ink. The top signature is for Craig Millar, and the bottom signature is for Justyn Millar. Both signatures are written in a cursive, flowing style.

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

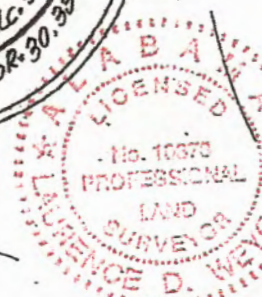
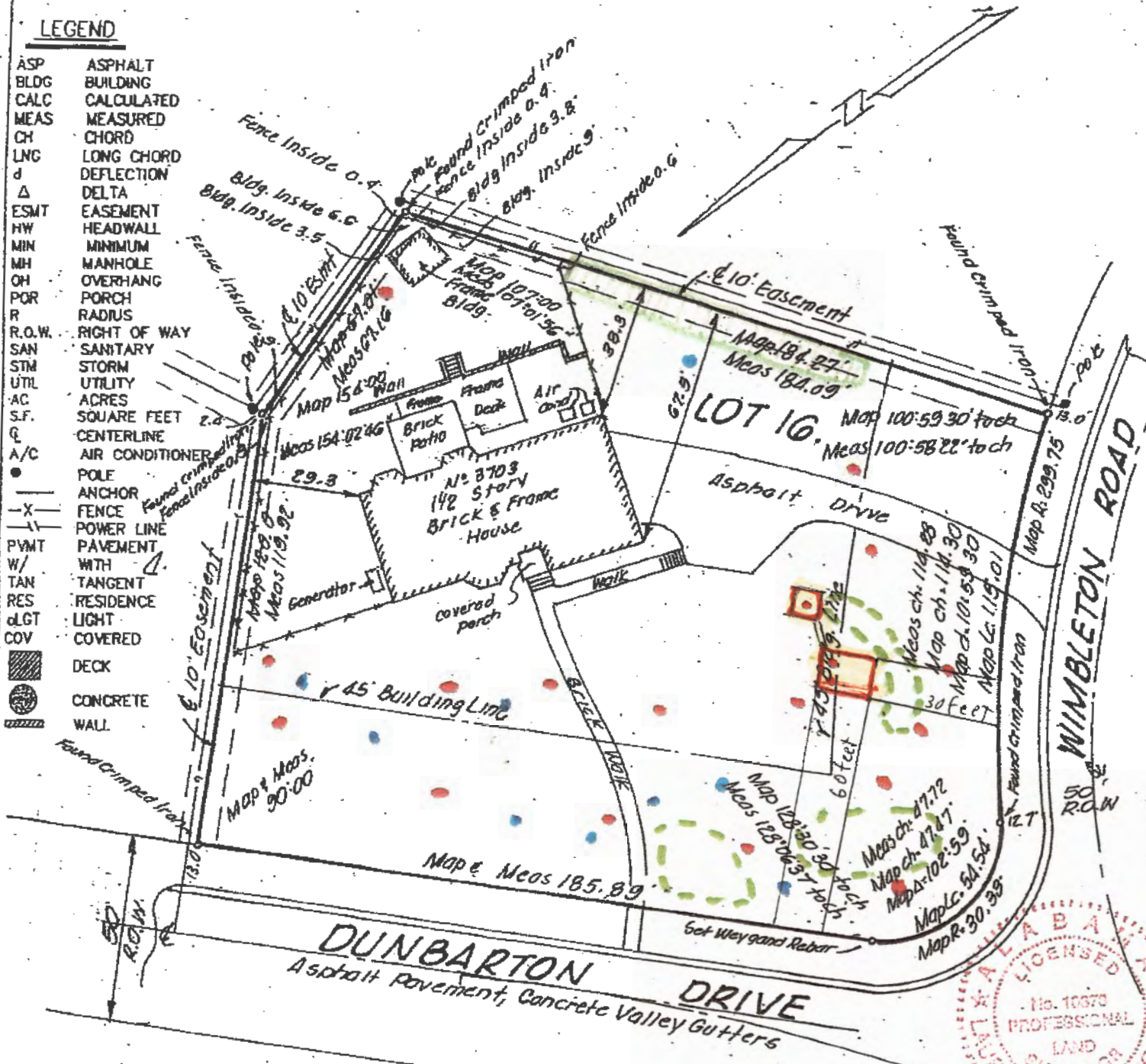
ZONING DISTRICT: Residence A District

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
- X ANCHOR
- X FENCE
- X POWER LINE
- PVMT PAVEMENT
- W/T WITH
- TAN TANGENT
- RES RESIDENCE
- dLGT 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 Ray Weygand, 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. Weygand
Laurence D. Weygand, Reg. P.E.-LS #10373
Ray Weygand, 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

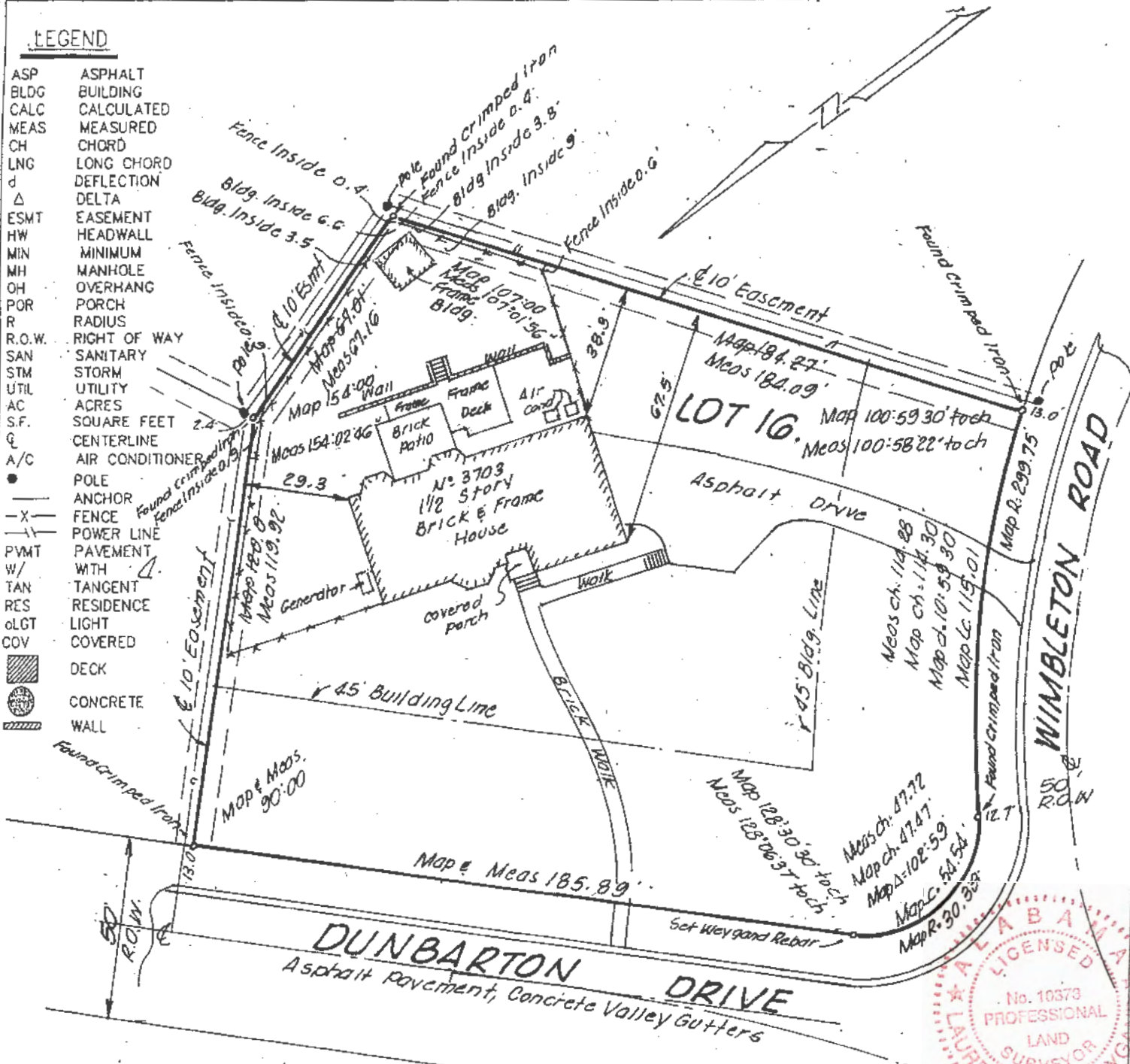
The treehouse is marked as a rectangle and small square with connecting rope bridge.

* 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
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- X— ANCHOR
- X— FENCE
- X— POWER LINE
- PVMT PAVEMENT
- w/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL



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

Closing Survey

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Survey invalid if not sealed in red.

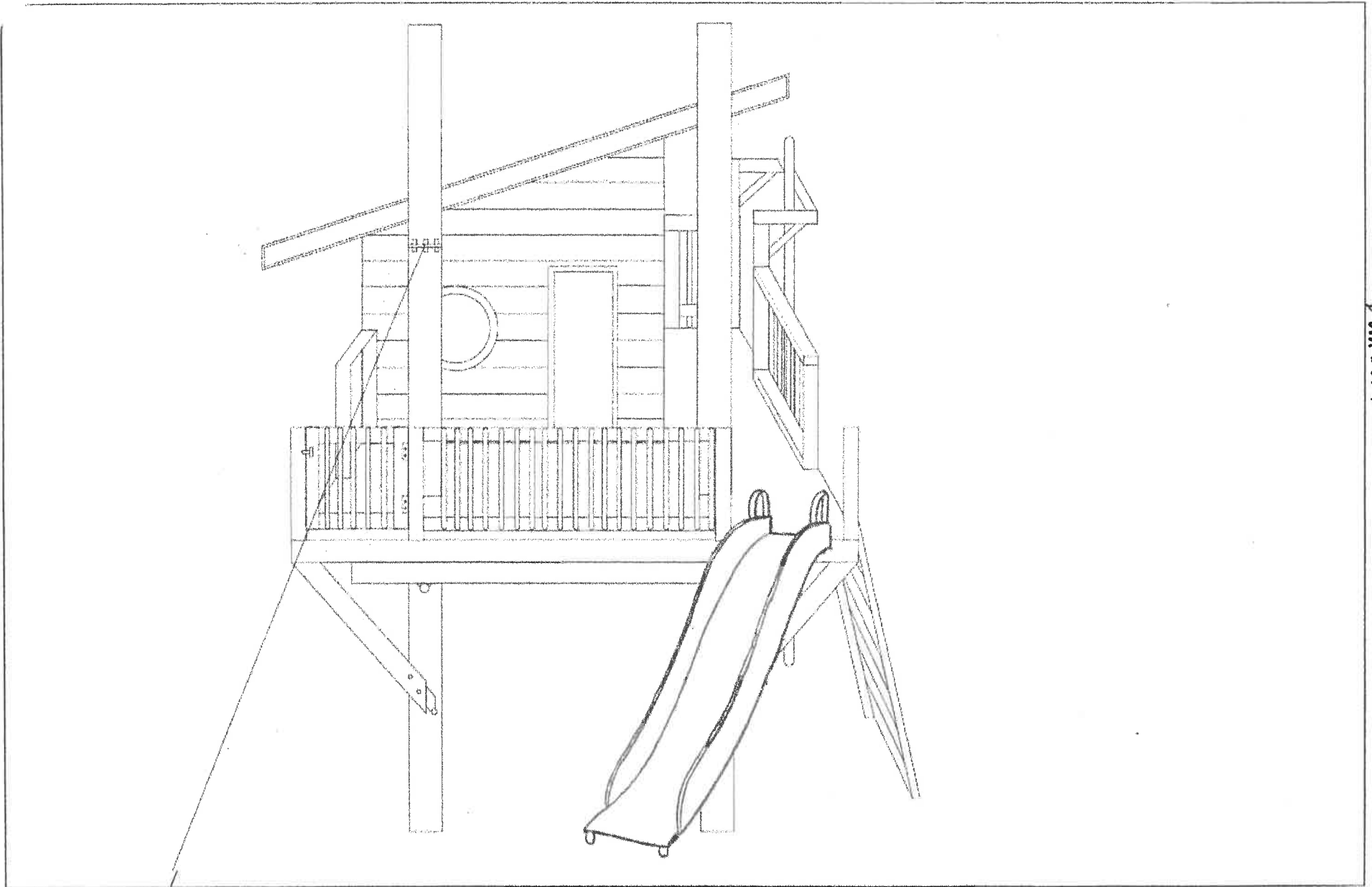
Order No.: 29473
Purchaser: EVANS
Address: 3703 Dunbarton Drive
Flood Zone: X Map Number: 010236 0501E

Laurence D. Weygand
Laurence D. Weygand, Reg. P.E.-LS #10373
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↑ Wimbledon ↑

A-23-17



↖ Dunbarton ↗



PROJECT
Miller

PROJECT NO.
245.170

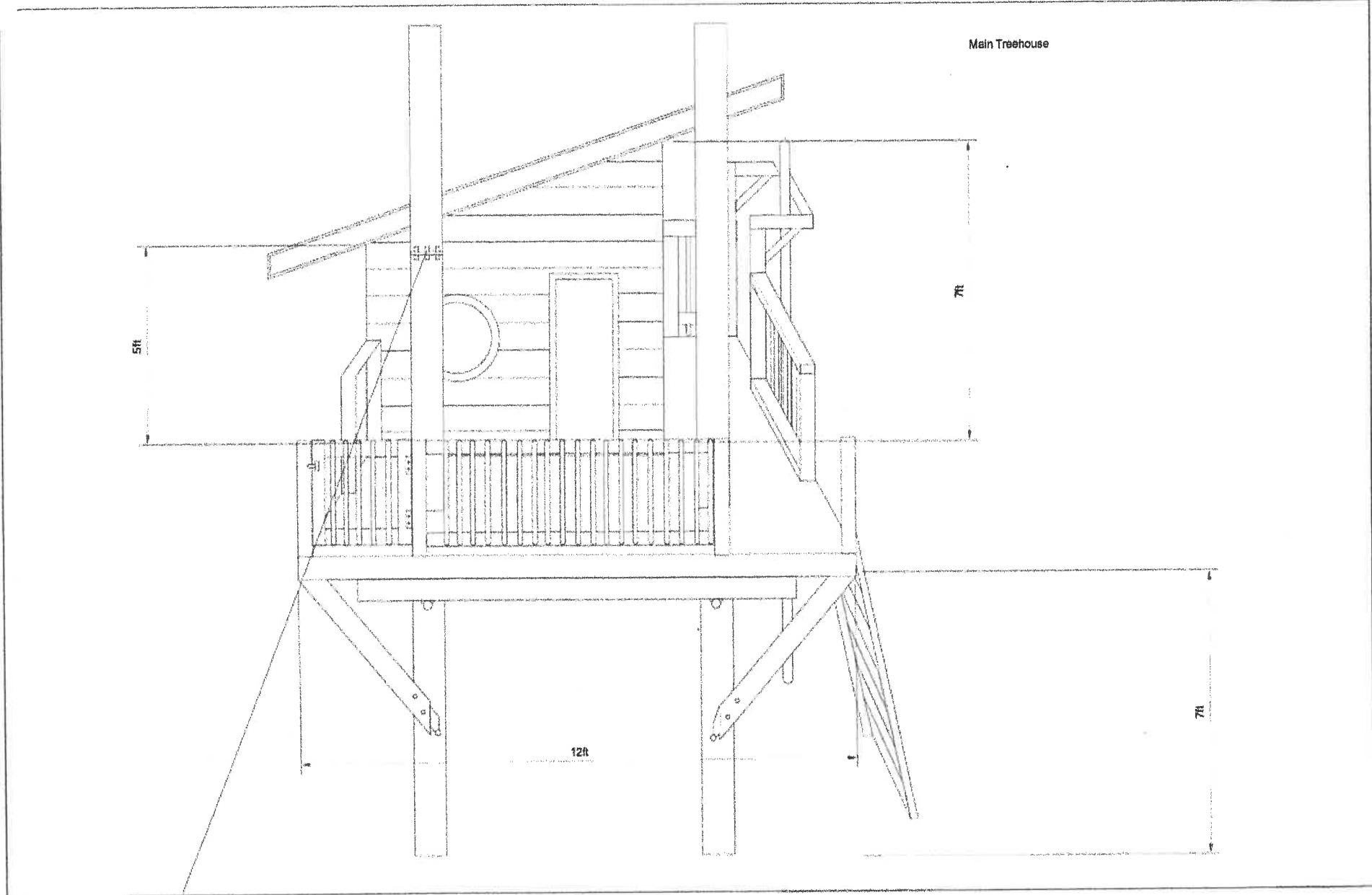
DRAWN BY
SJW

ISSUE
tbd

Overview

↑ Wimbledon ↑

A-23-17



↑ Dunbarton ↑



PROJECT
Miller

PROJECT NO.
245.170

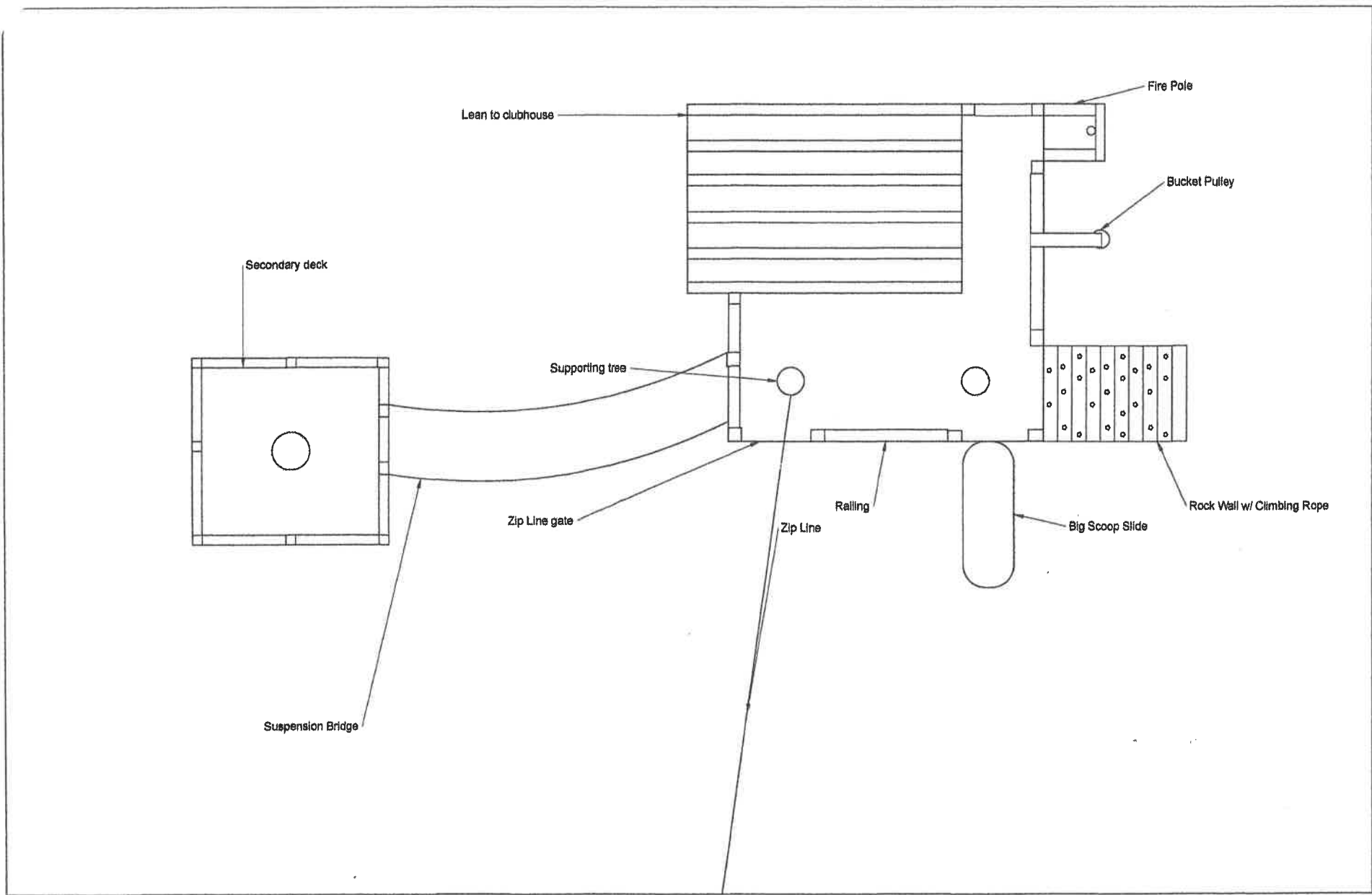
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SJW

ISSUE
tbd

Overview

↑ Wimbledon ↑

↑ Dunbarton ↑



PROJECT Miller

PROJECT NO. 245.170

DRAWN BY SJW

ISSUE tbd

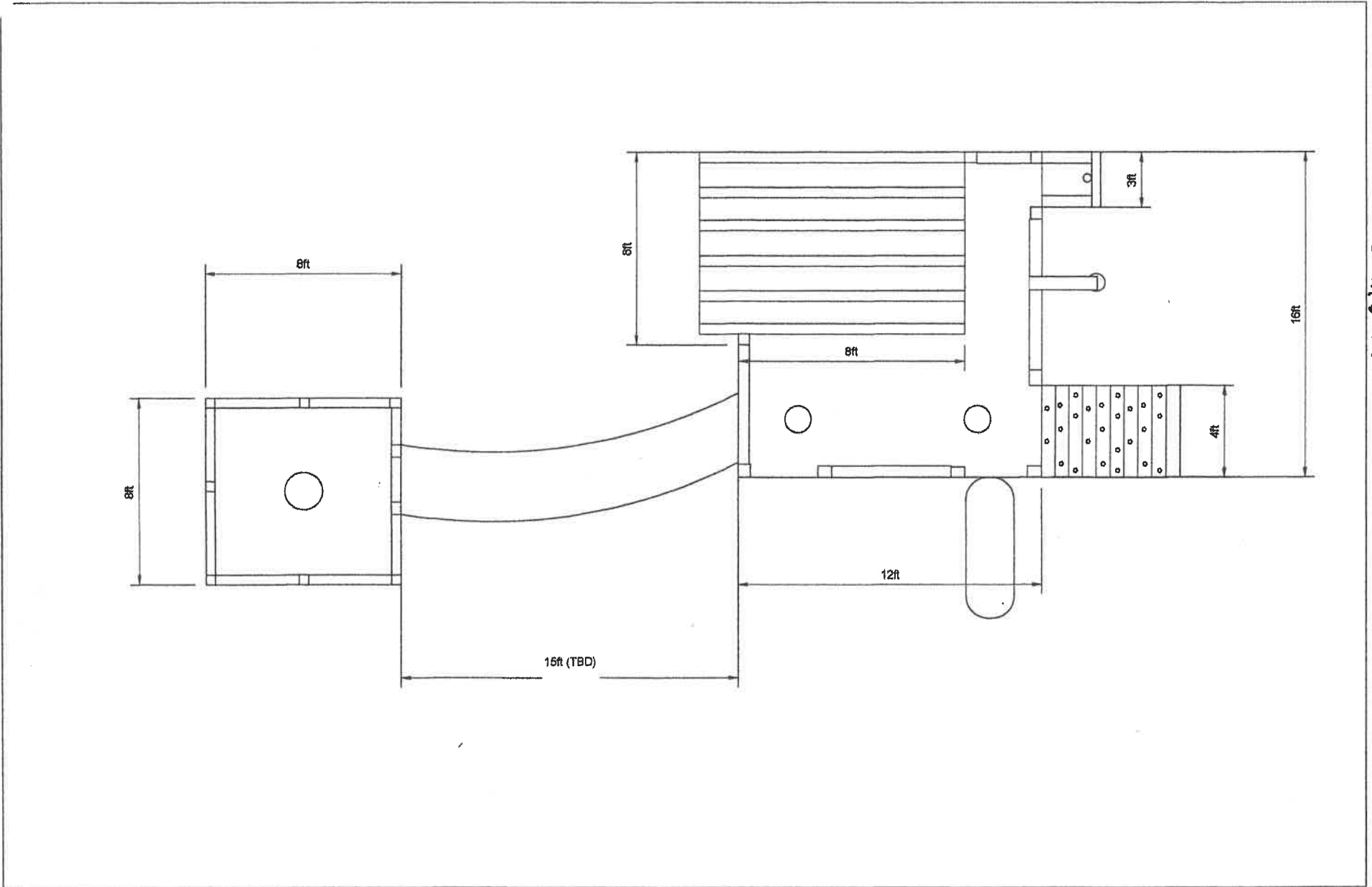
Overview



1
2
3
4
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6
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



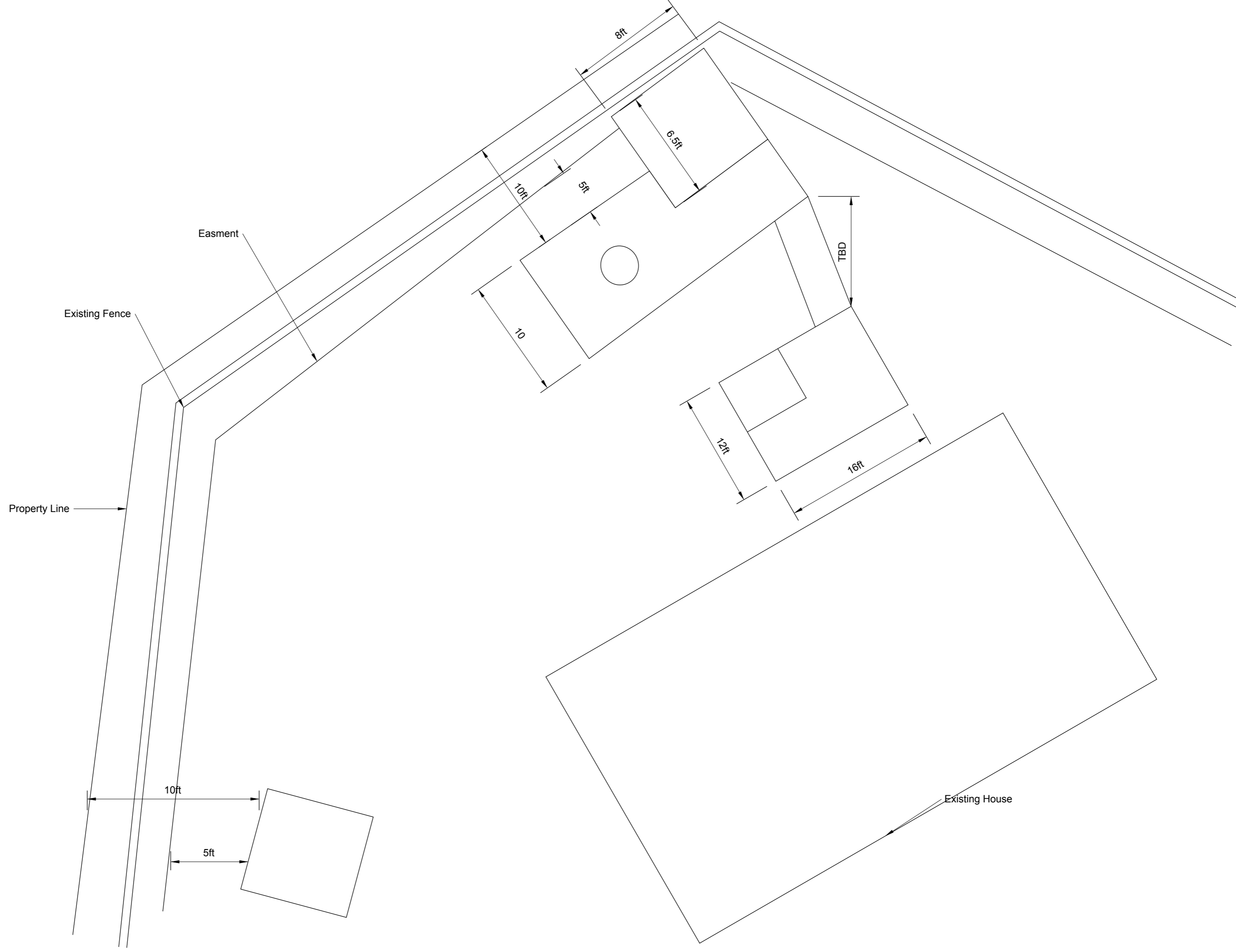






FAMILY BACKYARD DESIGN

Oxford | Alabama



Easement

Existing Fence

Property Line

Existing House

8ft

6.5ft

10ft

5ft

TBD

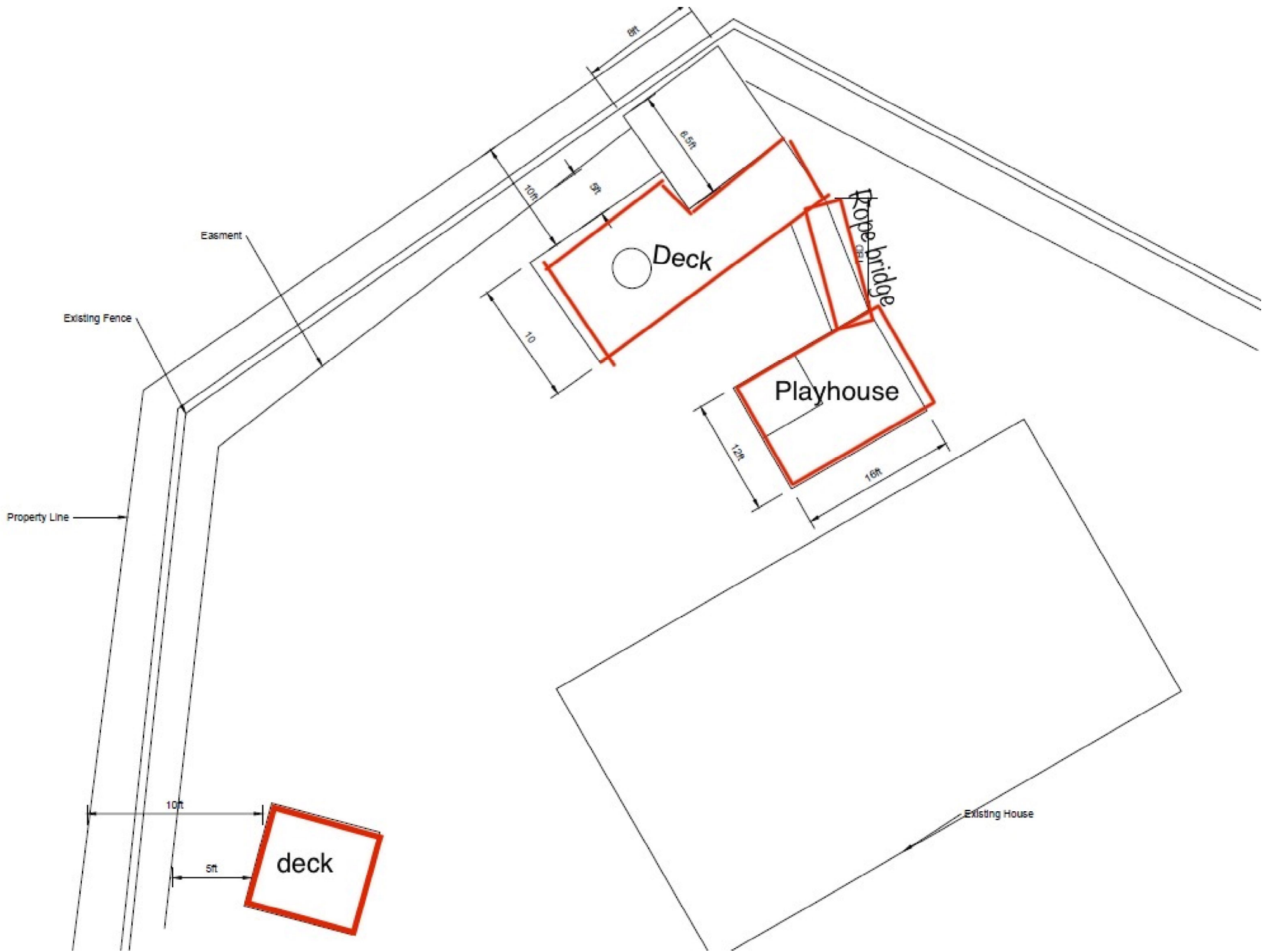
10

12ft

16ft

10ft

5ft





Variance Application - Part I

Project Data

Address of Subject Property 304 DEXTER AVENUE

Zoning Classification RESIDENCE C DISTRICT

Name of Property Owner(s) SARA JAMES

Phone Number (702) 581-2108 Email DENBOJAMES@GMAIL.COM

Name of Surveyor RAY WEYGAND

Phone Number (205) 942-0086 Email _____

Name of Architect (if applicable) EMILY COE - THOMPSON ARCHITECTURE

Phone Number (205) 414-1272 Email ECO@THOMPSONARCHITECTURE.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)	7500	5000	5000
Lot Width (ft)	70'	50'	50'
Front Setback (ft) <i>primary</i>	35'	24.9'	24.9'
Front Setback (ft) <i>secondary</i>	15'	N/A	N/A
Right Side Setback	NONCORMING	11.8'	0-8'
Left Side Setback	NONCORMING	8'	8'
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8' 12'	8' N/A	8' 12'
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	8' 12'	11'-8' N/A	6' @ HOUSE ADDITION 0' @ CARPORT N/A
Rear Setback (ft)	30'	25'	12'
Lot Coverage (%)	40 %	29 %	39.9 %
Building Height (ft)	35'	32'	33'
Other			
Other			

SARA JAMES
403 DEXTER AVENUE
BIRMINGHAM, AL 35213

APRIL 27th, 2023

WRITTEN STATEMENT

To Whom it May Concern,

The James residence is located on a nonconforming lot that is only 50' wide by 100' deep where most properties in this area are 75' wide by 150' deep. Our hardship is that we have a piece of property that is 34% smaller than the minimum property size for this particular zoning classification.

Sara James is requesting the following variance requests regarding their property setbacks:

- 1) Master Suite addition at the rear of the property. The new addition at the rear of the property would require an 18'-0" variance at the rear of the property to reduce the required 30'-0" setback to 12'-0" as well as side property variance of 2'-0" to reduce the required 8'-0" setback to 6'-0".
- 2) Enclose Existing Front Patio & Update Overall Look of Front Facade. Because the existing face of the home sits inside of the 35'-0" required setback (like most of the residents on their street), Mrs James is requesting a variance to allow for the enclosure of the front patio to be allowed - this would not extend out further than the existing facade of the house. She would also like to dress up the front facade of their home and replace the existing stucco with a brick veneer which would sit adjacent to the existing front facade face. The existing setback of 24.9' would only reduce by the brick material, which is approximately 4" thick.
- 4) Wading Pool. The backyard is to be updated to include a small wading pool. This would require a variance to allow the pool to abut the rear property line in lieu of the 10'-0" required setback. A new masonry screen wall would be provided to separate this area from the neighboring properties. The pool would be 6'x14' - closer in size to a hot tub than a traditional swimming pool.

Thank you for your consideration on these matters.

Emily Coe, AIA
Thompson Architecture, Inc.

A-23-18 Zoning



6/8/2023, 12:14:14 PM

Building Footprints 2020v1 Tax_Parcels 2021

Lot Lines

Residence B District

Residence C District

1:1,128

0 0.01 0.01 0.03 mi
0 0.01 0.03 0.05 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-23-18 Aerial



6/8/2023, 12:18:22 PM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 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-23-18

Petition Summary

Request to allow additions and alterations to be 24 feet 6 inches from the front property line (Dexter Avenue) in lieu of the required 35 feet, to be 12 feet from the rear property line (northwest) in lieu of the required 30 feet, to be 6 feet from the side property line (northeast) in lieu of the required 8 feet for portions of the building below 22 feet in height, to allow the maximum building area to be 39.9% in lieu of the maximum allowed of 35 percent, to allow walls to be as tall as 12 feet 9 inches in height in a front setback in lieu of the maximum front yard wall height allowed of 4 feet, to allow a wall to be as tall as 12 feet 4 inches in height in a side setback (northeast) in lieu of the maximum wall height allowed in a side setback of 8 feet, to allow a pool to be 0 feet from the rear property line (northwest) in lieu of the required 10 feet, and to allow pool equipment to be located 5 feet from a side property line (southwest) in lieu of the required 10 feet.

Scope of Work

The scope of work for this site entails additions and alterations to the front of the existing single family dwelling, along with an addition to the rear, new walls in the front and side yards, a new pool in the rear yard, and related pool equipment in the side yard.

Existing Site

As may be seen in this snip of the zoning map, the city inherited an unusual subdivision of what used to be two 50 x 150 lots fronting on Dexter; creating three 50 x 100 lots (2 fronting on Dexter and one fronting on Main).



However, as small as these lots may seem, the existing house on the subject lot was thoughtfully designed and constructed to be proportional to the lot size, width, and depth, without the benefit of any variances on setbacks or lot coverage. See the attached street

images of the existing two-story house that doesn't appear to be lacking in livable square footage, considering the size of the lot on which it is situated.

Incidentally, it appears that a clean-up resurvey has not been approved by the planning commission for this lot unusual configuration, as the legal descriptions for all three lots reflect the portions of the original subdivision lot numbers. A clean-up resurvey for this lot will need to be approved by the planning commission prior to the issuance of any building permits; however, that does not keep BZA from reviewing and acting on this application.

Hardships

The applicant stated that the small lot size, narrow width and shallow depth were hardships related to the requested variances.

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.

Requests for Lesser Variances (new veneer on front façade, and decorative screen walls extending from front façade to side property line)

Nexus: The applicant's stated hardships of lot size and depth are reasonably related to these minor requests.

The existing single family dwelling is non-conforming as it relates to the front setback. The house is currently approximately 25 feet from the front property line. The proposed front façade improvements would only encroach approximately 6 inches beyond the existing façade by replacing the current stucco exterior with a brick veneer. The applicant is also requesting variances to allow decorative screen walls on either side of the house attached to the front façade. **These requests are also related to the existing design constraint of the home.**

Requests for Substantial Variances (rear addition to encroach into rear and side setbacks; swimming pool and related equipment to encroach into rear and side setbacks; and lot coverage excess)

Nexus: While it is true that the subject property's lot size (5,000) is smaller than the required 7,500 square foot lot/setback ratio, and the lot is shallow at 100 feet in depth versus an average of 150, **there is not a strong nexus between lot size, width, and depth and the proposed encroachment requests.** Given the shallowness of the lot, a minor rear yard encroachment may be appropriate; however, the considerable requested rear yard encroachment is 18 feet and appears to be more a matter of convenience than an undue hardship.

The addition in the rear is proposed to be two stories which contributes to the degree the encroachment will impact the adjacent properties if approved to be 12 feet from the rear property line. The two story addition is also proposed to encroach two feet into the right side setback.

The width of this lot is not an outlier among average lot width in the vicinity and the ordinance specifically anticipates and allows side setback relief for lots of narrow width. The ordinance allows any portion of a structure under 22 feet in height to be as close as 8 feet to side property line in lieu of the district requirement of 10 feet for lots less than 60 feet in width.

Nexus: **There is no reasonable justification for the request setback of 0 feet from the rear property line to allow a pool.** The proposed house addition located within the rear setback

is effectively pushing the proposed pool to the rear property line where it might otherwise have room to comply with the required setback of 10 feet for pools. This is a self-imposed hardship.

The applicant is also requesting a setback variance to allow the pool equipment to be 5 feet from the left side property line in lieu of the required 10 feet. The applicant has provided information related to the proposed sound suppression of this equipment, but **it appears as though the proposed house addition is driving the need to locate this equipment in the required setback.**

Nexus: The applicant stated that the lot size is a hardship related to the proposed building 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, 35% is 35%, regardless of the lot square footage. Again, the zoning code anticipates that no more than 35% of the lot should be covered, regardless of the actual lot size.

Impervious Area

The proposed post construction impervious surface area exceeds the maximum allowed.

Subject Property and Surrounding Land Uses

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

Affected Regulation

Article V, Section 129-63 Special provisions for nonconforming Residence C lots

Appends

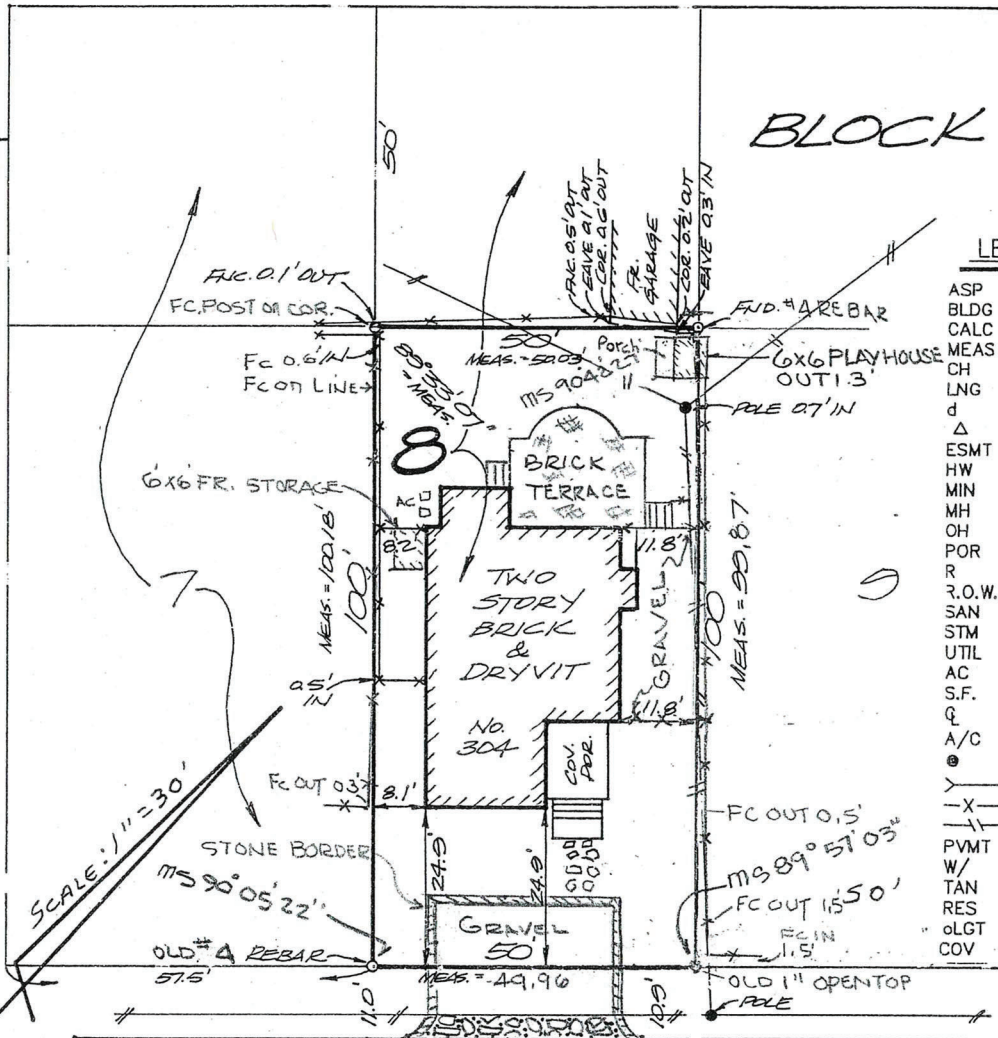
LOCATION: 304 Dexter Avenue

ZONING DISTRICT: Residence C District

OWNERS: Sara James

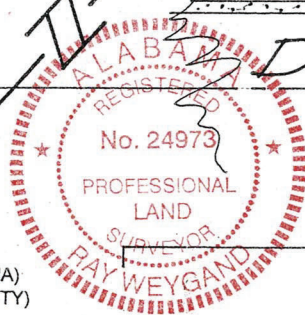
MAIN STREET

BLOCK 15



LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNK	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
—/—	FENCE
— —	OVERHEAD UTILITY
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED



DEXTER AVENUE

*S.E. 100 FEET OF LOT 8

"Closing Survey"

STATE OF ALABAMA
JEFFERSON COUNTY)

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot * Block 15 CRESTLINE HEIGHTS as recorded in Map Volume 7, Page 16 in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of MARCH 23, 2016. Survey invalid if not sealed in red.

Order No.: 82788
 Purchaser:
 Address: 304 DEXTER AVE.

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. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

REQUESTING AN 18' VARIANCE TO ALLOW FOR 12'-0" REAR SETBACK DUE TO HARDSHIP OF LOT SIZE. BUILDING WOULD NOT BE TALLER THAN 22'-0"

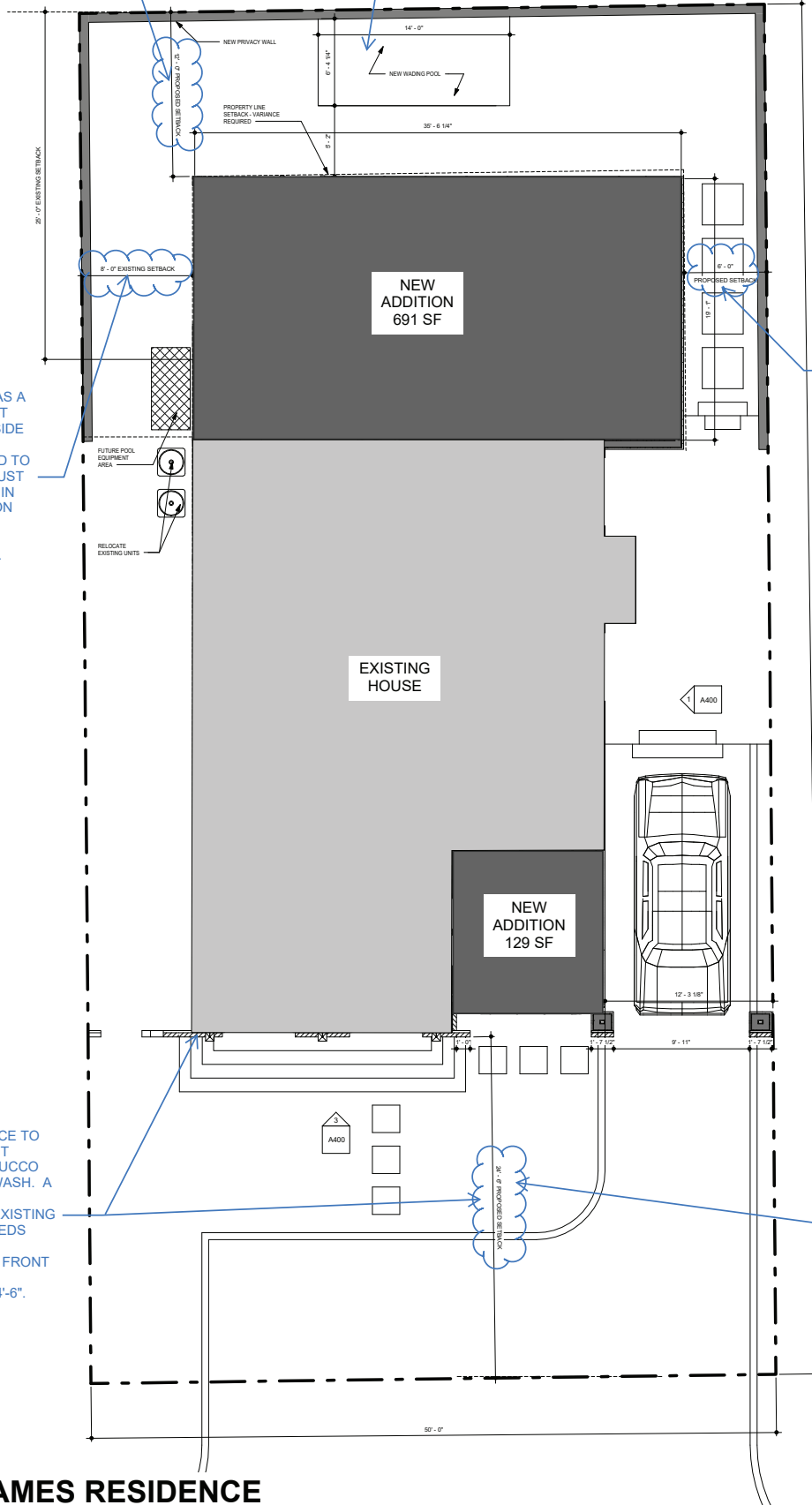
POOLS REQUIRE A 10'-0" SETBACK OFF OF REAR PROPERTY LINE. THIS WOULD NOT BE A FULL SIZE POOL AND WOULD BE MORE OF A DIPPING OR WADING POOL - WE ARE REQUESTING THE POOL BE ALLOWED TO SIT AGAINST THE REAR PRIVACY WALL AND THEREFORE REQUESTING A 10'-0" SETBACK VARIANCE

LOT IS RECOGNIZED AS A NONCONFORMING LOT PER ZONING CODE. SIDE YARD SETBACK IS THEREFORE ALLOWED TO BE 8'-0". BUILDING MUST REMAIN BELOW 22'-0" IN HEIGHT. NEW ADDITION WOULD ALIGN WITH EXISTING HOME. - NO VARIANCE REQUIRED.

LOT IS RECOGNIZED AS A NONCONFORMING LOT PER ZONING CODE. SIDE YARD SETBACK IS THEREFORE ALLOWED TO BE 8'-0". REQUESTING A 2'-0" VARIANCE

REQUEST VARIANCE TO REVISE THE FRONT VENEER FROM STUCCO TO A BRICK LIMEWASH. A 35'-0" SETBACK IS REQUIRED. THE EXISTING RESIDENCE EXCEEDS THIS DIMENSION. REQUESTING THE FRONT SETBACK TO BE REDUCED 4" TO 24'-6".

FRONT YARD SETBACK IS SET AT 35'-0". BUILDING MUST REMAIN BELOW 35'-0" IN HEIGHT. VARIANCE REQUIRED FOR NEW ADDITION



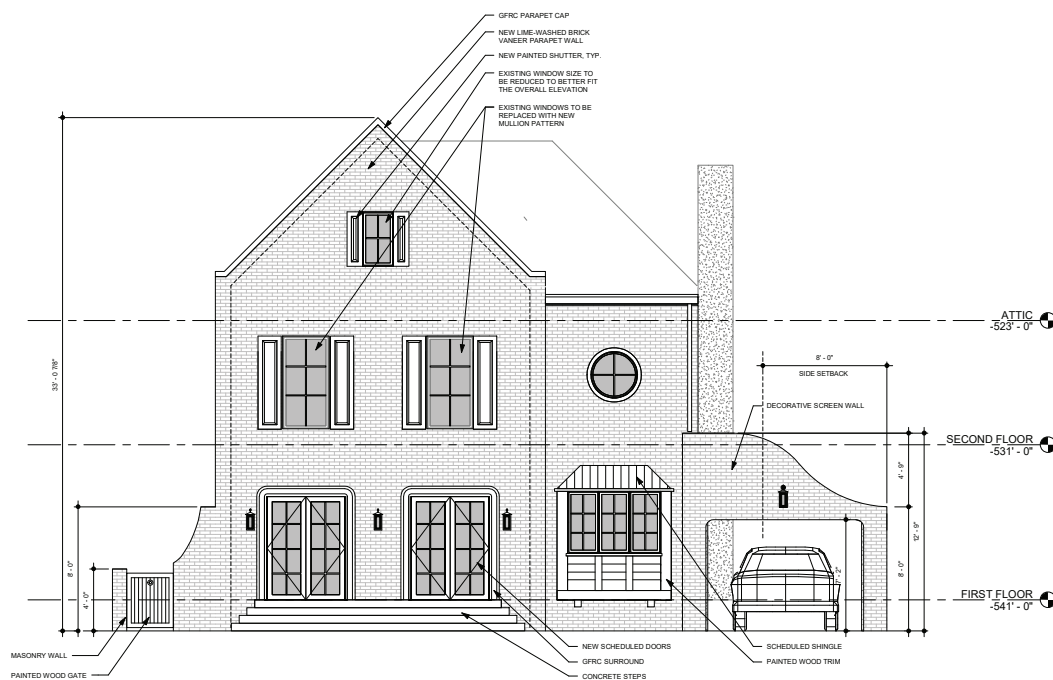
JAMES RESIDENCE
304 DEXTER AVENUE

POTENTIAL FIRST FLOOR ADDITION - 652 SF + 129 SF
POTENTIAL SECOND FLOOR ADDITION - 503 SF + 129 SF
TOTAL PROPOSED ADDITION 1,413 SF

	LOT SIZE	ALLOWABLE	PROVIDED	IF HAD CONFORMING LOT
FOOTPRINT	5,000 SF	35 %	39 %	26.6 %
IMPERVIOUS	1,997 SF	40%	42%	28%
	2103 SF			



EXISTING FRONT ELEVATION
304 DEXTER AVENUE



JAMES RESIDENCE
PROPOSED FRONT ELEVATION
304 DEXTER AVENUE

Serene+

NOISE REDUCTION POOL PUMP EQUIPMENT COVER

"Premier Innovations Inc."

MODEL : L080580U

Dimensions :
15L x 12W x 14H



5
Year
Warranty

FEATURES

- ★ 75% - 90% Sound Reduction
- ★ Easy Assembly. Lays Flat Storage
- ★ Versatile or Custom Fit Available
- ★ Use with your favorite pool pump
- ★ One Year limited warranty
- ★ Various colors available to blend into your landscape
- ★ No Operating Costs
- ★ Lid removes for pump inspection and maintenance
- ★ Durable, lightweight, high-temperature resistant
- ★ Protect against: rust, dirt, rain, snow and sun
- ★ Extends the life of your pump, protects against corrosion

COMPATIBLE WITH

✓ **PENTAIR**
Whisper-Flo
Dynamo
SuperFlo

✓ **HAYWARD**
Tristar
SuperPump II
Max-Flo II
Max-Flo XL

✓ **STA-RITE**
Max-E-Glass
Dura-Glass
Max-E-Pro

✓ **JACCUZI**
Magnum- Force

✓ **JANDY**
Pro Series

U.S. PATENT No.: 7, 874, 400



100% Satisfaction Guaranteed. If you are unhappy with the product you may return it up to 30 days after delivery for a full refund minus 10% restocking fee and the product must be in excellent condition. (The buyer is responsible for shipping cost)



Serene+

NOISE REDUCTION POOL PUMP EQUIPMENT COVER

"Premier Innovations Inc."

MODEL : L080556U

Dimensions :
21L x 14W x 17H



5
Year
Warranty

FEATURES

- ★ 75% - 90% Sound Reduction
- ★ Easy Assembly. Lays Flat Storage
- ★ Versatile or Custom Fit Available
- ★ Use with your favorite pool pump
- ★ One Year limited warranty
- ★ Various colors available to blend into your landscape
- ★ No Operating Costs
- ★ Lid removes for pump inspection and maintenance
- ★ Durable, lightweight, high-temperature resistant
- ★ Protect against: rust, dirt, rain, snow and sun
- ★ Extends the life of your pump, protects against corrosion

COMPATIBLE WITH

- ✓ **JANDY**
SHPF Stealth series
PHPM Stealth series
Plus HP series
- ✓ **HAYWARD**
NorthStar
- ✓ **PENTAIR**
Whisper-Flo XF
- ✓ **Waterway**
SVL56 – High Flow

U.S. PATENT No.: 7, 874,400



100% Satisfaction Guaranteed. If you are unhappy with the product you may return it up to 30 days after delivery for a full refund minus 10% restocking fee and the product must be in excellent condition. (The buyer is responsible for shipping cost)





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 lot is not only a very small lot in width but it is also a very small lot in length.

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. No updates to the property have been made.

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

The granting of this variance would allow for a new master suite off the rear of the property along with an upgraded courtyard area that includes a small wading pool. The homeowners are also wanting to give the front a face-lift.



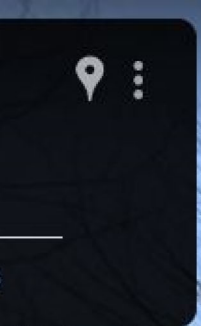


ates

Map Group

Dexter Ave

300



Google



**Margaret A. Burg
75 Main Street
Birmingham, AL 35213
(205) 422-9966**

June 13, 2023

VIA E-MAIL

hazend@mtnbrook.org

slatent@mtnbrook.org

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

Tyler Slaten, Senior Planner

Re: **Case A-23-18: Sara James**
City of Mountain Brook
Board of Zoning Adjustment
June 19, 2023 Meeting

Dear Dana & Tyler,

The purpose of this letter is to strongly oppose the multiple, substantial variance requests outlined in the above-referenced Case A-23-18: Sara James as follows:

1. **Flooding.** My property floods in the area adjacent to 304 Dexter and the variance will exacerbate that problem and does not propose any remediation measures.

First, I am concerned that if the 304 Dexter dwelling is built over capacity additional drainage issues will occur causing additional flooding to my property which could lead to extensive damage to my yard, house, and garage. I have experienced flooding of the garage building on my property (adjacent to the property) and I am concerned that the proposed changes to 304 Dexter will exacerbate that flooding.

Second, I am also concerned that a perimeter wall will impede water flow and cause additional flooding to my property. I have seen no details regarding the type of wall that will be constructed on the property line or the plan for drainage.

I have experienced periodic flooding on my property for the 34 years that I have owned and lived at this property. However, in the last few years, I have experienced severe flooding with water traveling back up the street from the corner of Dexter and Main to flow down the front and side of my property as well as in the backyard of 300 Dexter (next door to James' property) which overflows onto my property. Water has backed up the driveway of 300 Dexter and overflowed into my property. 300 Dexter has a free-standing garage very close to the property line that I believe exacerbated this issue causing water to pour onto my property from the downspout.

Third, the impact of the flooding is so substantial, it is difficult to remediate this issue. For example, in an effort to alleviate the flooding on both of our properties, the owner of 300 Dexter went to great expense and put in 2 pumps to redirect the water off his property and thus my property. He raised the grade of his back yard 12 inches and put

down permeable paving over the entire back yard and driveway. However, I am concerned that the entire back yard of permeable paving may have caused even greater flooding a few weeks ago because the pumps couldn't handle the flow of water that flooded both of our properties. I had 12 inches of water in my front, side and back yards as well as throughout my driveway and my garage completely flooded. The changes made at 300 Dexter are not nearly as extensive as those proposed for 304 Dexter. The flooding I have experienced since the changes to 300 Dexter have been worse than I have ever had in 34 years.

2. Pool. I have an existing wood fence that sits an inch or two inside the property line on my property. Installing a 14' x 6' 4" pool zero feet from the rear property line would probably undermine the stability of my fence as well as obstructing water flow causing flooding. What is the depth of the proposed pool? The pool is only 5' 2" from the proposed house addition.

I suspect the owners are planning to add a patio between the back door and the pool. I would like clarification regarding what surface will be between the back of the house and the pool. I do not see anything on the site plan.

3. Lot Coverage. I strongly disagree with a 12' rear property set back to add an 18' 2-story addition resulting in a 39.9% maximum building area which is 4.9% over of the maximum building area requirement of 35% or a more than 10% increase over the max. This puts the home too close to my property and the second story will be directly overlooking my property, and I believe my property will be adversely affected as a result.

Most importantly, previously this commission rejected a variance requesting a building on this property smaller than the current request and it makes no sense that this larger variance request would be approved. The previous owner was denied a variance to build a detached structure because the structure exceeded the allowable building area of 35%. ZBA determined that the proposed garage exceeded the building area and they were denied a variance. This structure was much smaller than the footprint of the current proposed rear addition.

I strongly oppose the requested variances for the large addition and for a pool on the property line. Each of these variance requests amounts to an overbuilding of the property and will result in damage to and loss of enjoyment of my property. The codes and regulations are in place to protect the property as well as the adjacent homeowners and neighborhoods. This lot is too small and narrow for a house of this size.

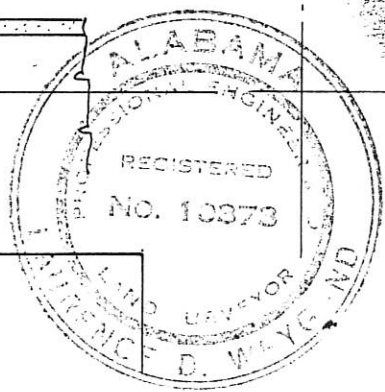
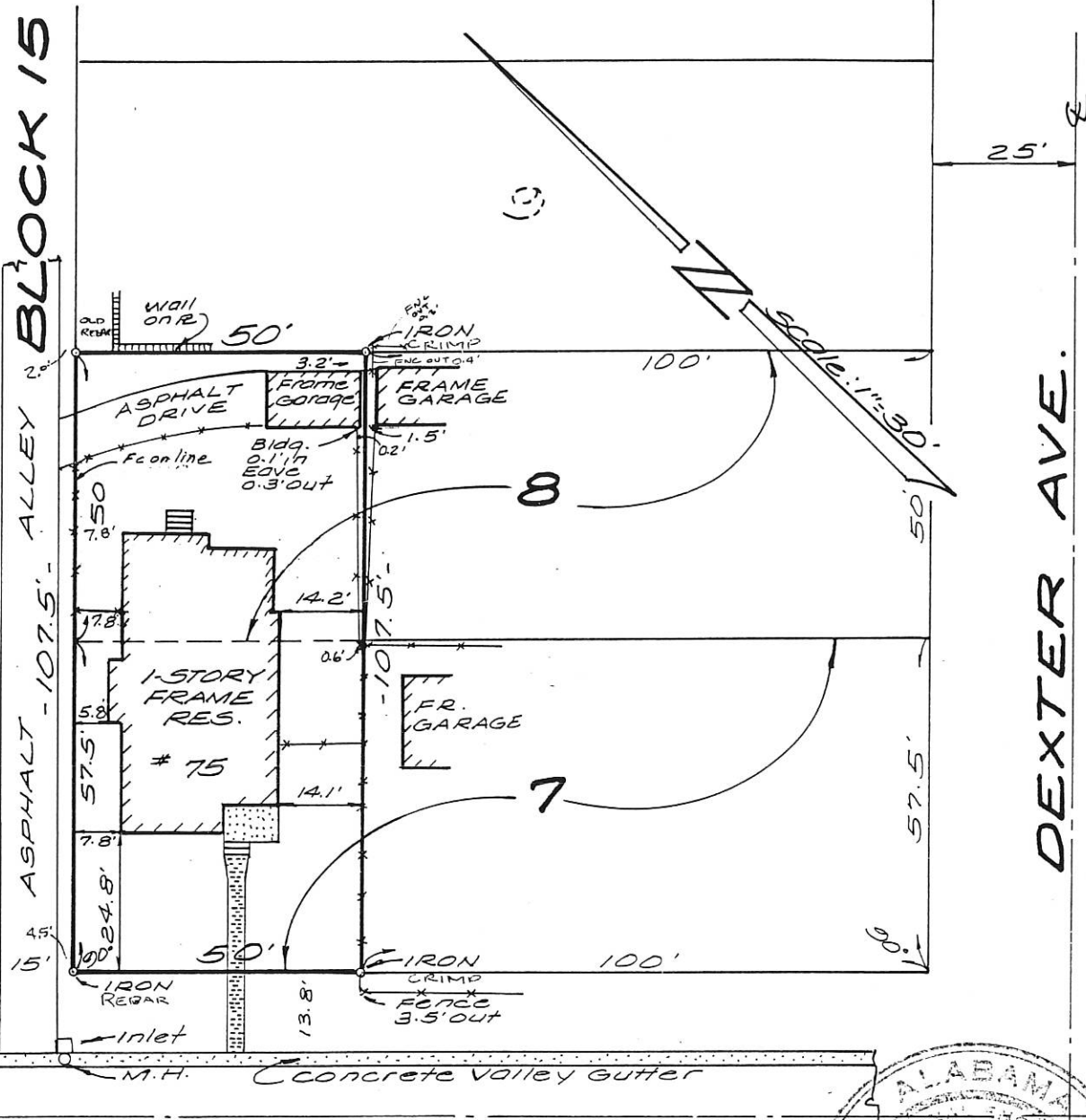
Attached please find the survey for 75 Main Street. Also attached are pictures of the flooding on my property taken several weeks ago. The pictures were taken as the water began to recede. The water line on my garage and fences is visible in the photos. The water was 12 inches high on the privacy fence on the property line between my lot and 304 Dexter.

Kindest regards,



Margaret A. Burg

Attachments



MAIN STREET

AS BUILT SURVEY MEETS M.T.S.

STATE OF ALABAMA } * THE NW 50 FEET OF
 JEFFERSON COUNTY } LOTS 7 AND 8

I, Laurence D. Weygand, a registered Engineer- Land Surveyor, certify that I have surveyed Lot...*...Block...15...CRESTLINE HEIGHTS...as recorded in Map Volume...7... Page...16...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 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; that improvements are located as shown above; and that the correct address is as follows: 75 MAIN STREET; according to my survey of: DEC. 28, 1995

BURG
 Order No. 49495
 Survey invalid if not sealed in red.
 F.I.R.M.: Flood Zone "C"
 C.R.: 010128-00018
 Date: 1-2-81
 Laurence D. Weygand, Reg. No. 10 373 phone: 942-0086
 169 Oxmoor Road; Birmingham, AL 35209

BRUNING 40-21 69212-02











-----Original Message-----

From: Lucy Spann [mailto:mljspann@gmail.com]

Sent: Wednesday, June 14, 2023 9:20 AM

To: gastons@mtnbrook.org

Subject: Sara & Fob James house

Dear Mr. Gaston,

Sara and Fob James and their sons have lived across the street for us for 7 years. I have spoken to Sara about her planned improvements on her house, and I fully support her plan. She showed me the architect's rendering, and I think the house will be very aesthetically pleasing for our neighborhood. We enjoy having the James family as neighbors and look forward to seeing their completed project.

Sincerely,

Lucy Spann

301 Dexter Ave

Contact: George W. Shew Jr. 205-335-7010



Variance Application - Part I

Project Data

Address of Subject Property 2901 Montevallo Rd / Mountain Brook, AL 35216
 Zoning Classification Res
 Name of Property Owner(s) Todd + Mary Pat Weiss
 Phone Number 202-297-3103 Email _____
 Name of Surveyor Weygard
 Phone Number 205-942-0086 Email _____
 Name of Architect (if applicable) Logos Interiors LLC
 Phone Number 205-441-7505 Email Caylee@logosinteriors.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):

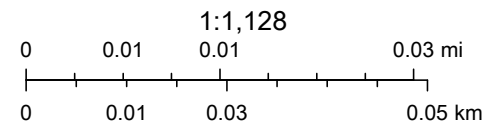
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 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)	40'	38'6"	38'6"
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

A-23-20 Zoning



6/15/2023, 11:00:31 AM

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



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

ArcGIS Web AppBuilder

A-23-20 Aerial



6/15/2023, 11:04:07 AM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 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-23-20

Petition Summary

Request to allow the addition of a covered deck to be 34 feet 6 inches from the rear property line (east) in lieu of the required 40 feet.

Scope of Work

The scope of work includes a new roof addition over a deck on the rear of the home. The project also includes the replacement of the existing decking. Part of the deck that is uncovered is greater than 8 feet in height and extends to the proposed 34 feet 6 inches from the rear property line. The covered portion will be in line with the rear façade of the house at 38 feet 6 inches.

Variance Request for Setbacks

Nexus: The hardship in this case is existing design constraint of the non-conforming house. The rear façade of the existing dwelling is in the rear setback and the proposal would not encroach closer than it does now. This appears to be reasonably related to the variance request.

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;
 - 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 rear yard setback encroachment:

- a. **Is minor in nature** (in that the work being done in the setback is only for a portion of the rear of the house, will match the existing nonconforming dwelling with regard to the rear setback and will not encroach closer to the rear property line).

Impervious Area

The proposed post construction impervious surface area exceeds the maximum allowed.

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

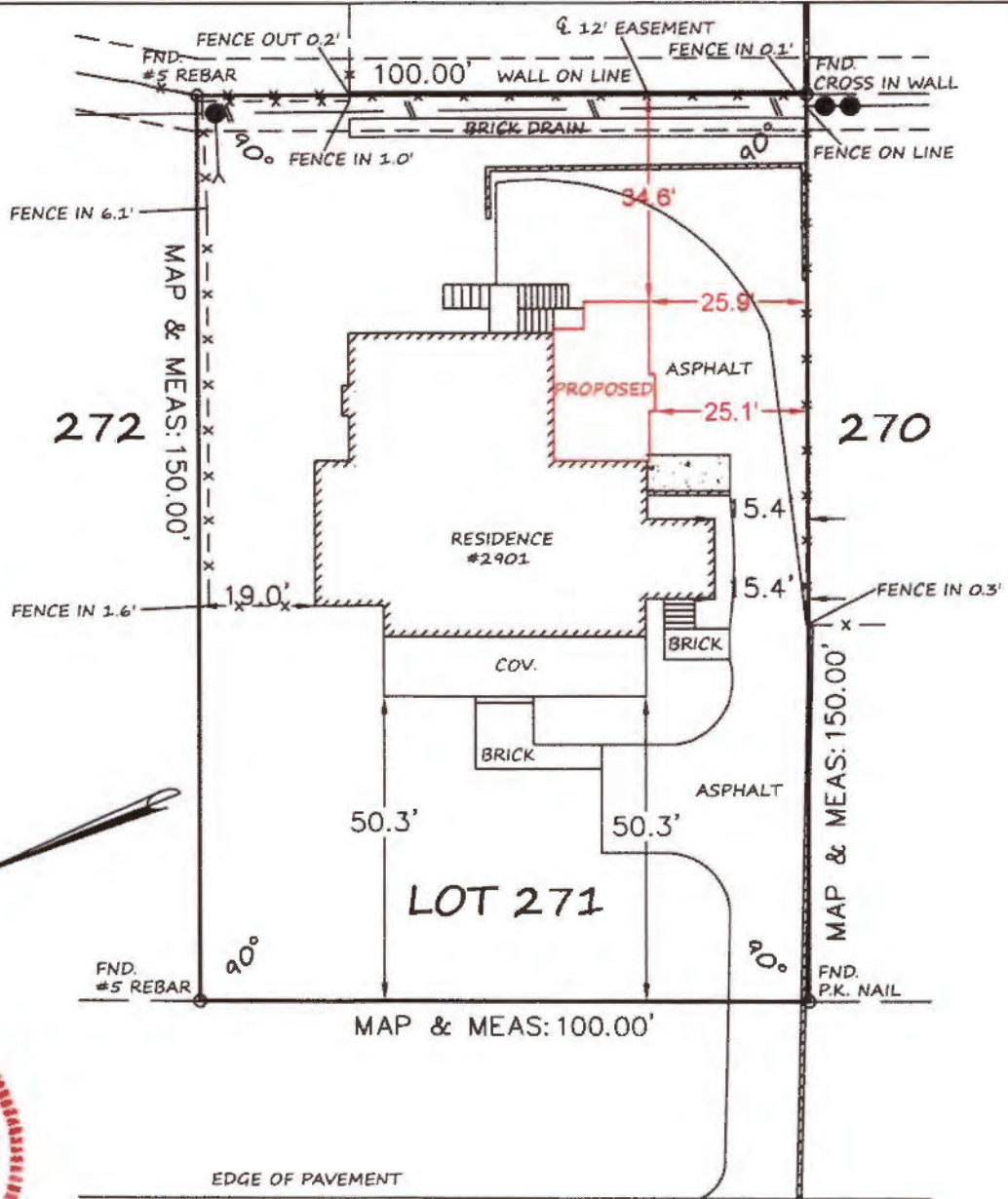
LOCATION: 2901 Montevallo Road

ZONING DISTRICT: Residence A District

OWNERS: Todd and Mary Pat Weiss

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
o	POLE
—	ANCHOR
-X-	FENCE
-X-	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
oLGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



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

"PLOT PLAN"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 271, MOUNTAIN BROOK ESTATES FAIRWAY SECTOR, as recorded in Map Volume 18, Page 47, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of APRIL 25, 2023. Survey invalid if not sealed in red.

Order No.: 20230527
Purchaser:
Address: 2901 MONTEVALLO ROAD

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



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 back of the existing home, which was built in the 1930's, is over the rear setback line.

We would like to have the roof of the covered porch in line with the existing home.

Existing design constraint.

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

No. The home was over the 40' rear setback when the current owners bought it.

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

By granting the variance, the porch addition would be in line with the existing home and would allow centering of a new fire place; more balanced. The addition will not adversely effect any of the surrounding properties.







Variance Application - Part I

Project Data

Address of Subject Property 2 Montevillo Ln, Mtn Brook .35213
 Zoning Classification Non-Conforming B
 Name of Property Owner(s) John & Shelby Anderson
 Phone Number 404-734-9596 Email johnedmundanderson@gmail.com
 Name of Surveyor Steven Allen
 Phone Number 205-663-4251 Email _____
 Name of Architect (if applicable) N/A
 Phone Number N/A Email N/A

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)	<u>No Min</u>	<u>6468 SF</u>	<u>—</u>
Lot Width (ft)	<u>74.83 Front / 58.85 Rear</u>		
Front Setback (ft) <i>primary</i>	<u>35'</u>	<u>20'</u>	<u>20'</u>
Front Setback (ft) <i>secondary</i>	<u>35'</u>	<u>8.5'</u>	<u>8.5'</u>
Right Side Setback			
Left Side Setback	<u>9'</u>	<u>11.6'</u>	<u>11.6'</u>
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 →	<u>9'</u>	<u>11.6'</u>	<u>11.6'</u>
Rear Setback (ft)			
Lot Coverage (%)	<u>35%</u>	<u>24%</u>	<u>26%</u>
Building Height (ft)		<u>15'</u>	<u>15'</u>
Other			
Other			

A-23-21 Aerial



6/6/2023, 11:32:28 AM

Aerial 2021



Green: Band_2



Blue: Band_3



Red: Band_1

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 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-23-21

Petition Summary

Request to allow an addition to be 8.5 feet from the secondary front property line (Montevallo Road) and 26.92 feet from the rear property line (west) both in lieu of the required 35 feet.

Scope of Work

The scope of work includes a new addition to the existing single family dwelling.

Variance Request for Setbacks

Nexus: The hardships in this case are the existing design constraints of the non-conforming house and the corner lot configuration. The proposed addition would be in line with the existing front façade and would not encroach closer to the secondary front property line. The rear of the addition would also be located within the rear setback, but the existing structure is much closer to the rear on this side than the proposed addition.

This appears to be reasonably related to the variance request.

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 addition is in line with the existing façade along the secondary front setback);
- 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 secondary front yard and rear setback encroachment:

- a. Will not be detrimental to the streetscape (in that the addition will be slightly behind the front façade of the existing nonconforming dwelling);
- b. will not impair an adequate supply of light and air to the adjacent property (in that the existing house is closer to the rear property line than what is being proposed).

Impervious Area

The proposed post construction impervious surface area exceeds the maximum allowed.

Subject Property and Surrounding Land Uses

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

Affected Regulation

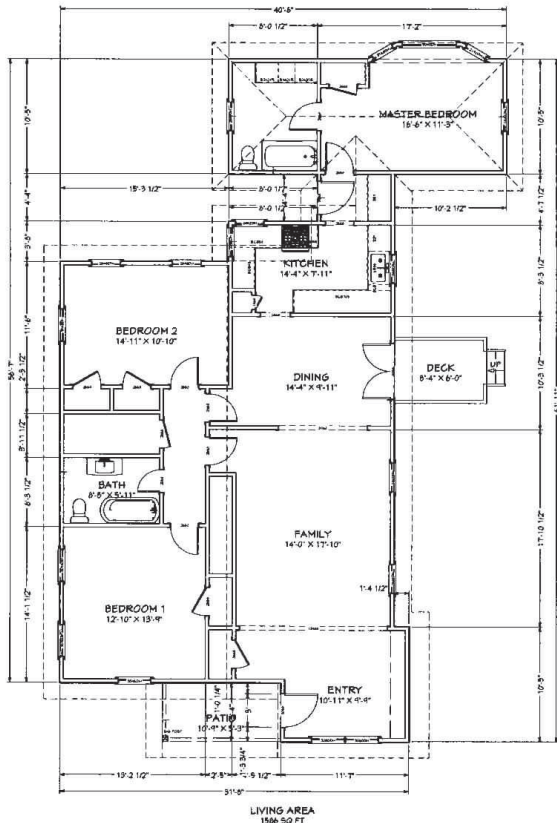
Article IV, Section 129-52 Area and dimensional requirements

Appends

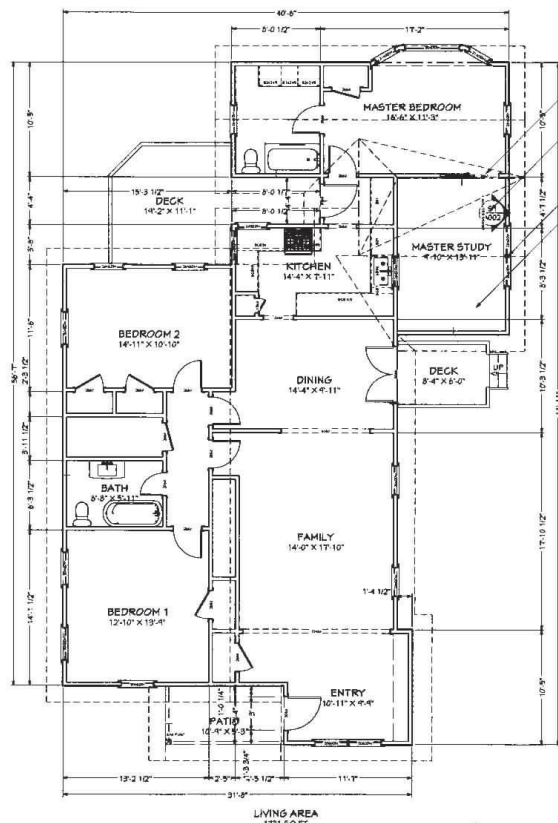
LOCATION: 2 Montevallo Land

ZONING DISTRICT: Residence B District

OWNERS: John and Shelby Anderson



EXISTING RESIDENCE



NEW FLOOR PLAN

- NEW 28 POCKET DOOR CUT INTO EXTERIOR HALL
- NEW MASTER STUDY ADDITION
- NEW MATCHING TRIM AND DOOR SCHEDULE
- HARDWOOD FLOORING TO MATCH EXISTING HOUSE



FLOOR PLAN - MASTER STUDY ADDITION

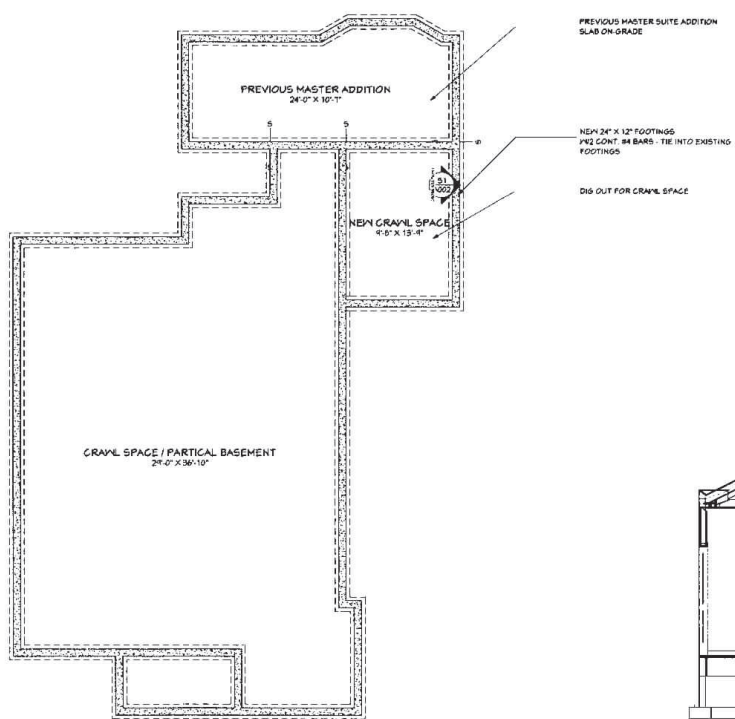
JOHN & SHELBY ANDERSON
2 MONTEVALLO LN
MTN BROOK, AL 35213

DRAWINGS PROVIDED BY:
NATCO BUILDING CO

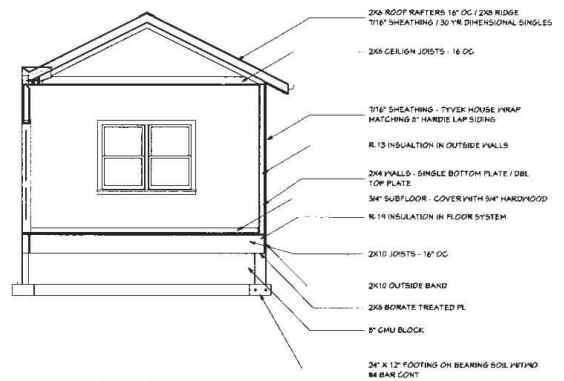
DATE:
3/22/23

SCALE:
1/4" = 1'0"

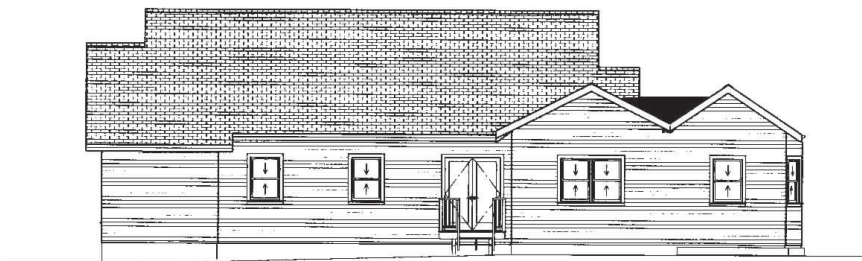
SHEET:
A001



FOUNDATION
1/4" = 1' 0"



SECTION CUTAWAY
3/8" = 1' 0"



FRONT & RIGHT ELEVATION

JOHN & SHELBY ANDERSON
2 MONTEVALLO LN
MTN BROOK, AL 35213

DRAWING PROVIDED BY
NATCO BUILDING CO

DATE:

3/22/23

SCALE:

1/4" = 1' 0"

SHEET:

A004



Variance Application Part II

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

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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 structure already has a room that sits this close to the setback. The addition to the structure would not encroach on the setback any more than it already does.

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?

Yes