

# BZA Packet

September 18, 2023

**Hello All,**

Enclosed please find your packet for the meeting of September 18, 2023.

**We have:**

- 5 new cases

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

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

- Calendar (upper right corner)
- Board of Zoning Adjustment (September 18, 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@mtnbroad.org](mailto:slatent@mtnbroad.org) ...

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

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
September 18, 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.*

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1. **Case A-23-27: Daniel and Mary Balkovetz**, property owners, request variances from the terms of the Zoning Regulations to allow an addition to the existing single family dwelling to be 32.4 feet from the rear property line (southeast) in lieu of the required 40 feet. **4217 Antietam Drive**
2. **Case A-23-28: Jeff and Kate Lloyd**, property owners, request variances from the terms of the Zoning Regulation to allow additions and alterations, including a second story, to an existing single family dwelling to be 30 feet from the front property line (Meadowbrook Lane) in lieu of the required 35 feet, to be 5.8 feet from the secondary front property line (Main Street) in lieu of the required 14 feet, and to be 6 feet from the side property line (south) in lieu of the required 9 feet. **410 Meadow Brook Lane**
3. **Case A-23-29: Daniel and Sara Morris**, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 10 feet from the secondary front property line (Beech Lane) in lieu of the required 35 feet. **241 Beech Street**
4. **Case A-23-30: Alex and Charlotte Getz**, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 34 feet 5 inches from the secondary front property line (Montevallo Road) in lieu of the required 40 feet, and to be 33 feet from the rear property line (west) in lieu of the required 40 feet. **3038 Canterbury Road**
5. **Case A-23-31: Robert and Lisa Nesbitt**, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to be as close as 22.63 feet from the rear property line (east) in lieu of the required 40 feet. **714 Fairway Drive**

6. Next Meeting: **October 16, 2023**

7. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 4217 ANTIETAM DR.

Zoning Classification RESIDENCE A

Name of Property Owner(s) DANIEL + MARY BALKOVETZ

Phone Number 205-276-3123 Email MBALKOVETZ@GMAIL.COM

Name of Surveyor LACKINS, BUTLER + ADAMS, INC.

Phone Number 205-870-3390 Email BBSURV@BELLSOUTH.NET

Name of Architect (if applicable) STUDIO C ARCHITECTURE

Phone Number 205 322 2315 Email CHERRI@STUDIOARCH.COM



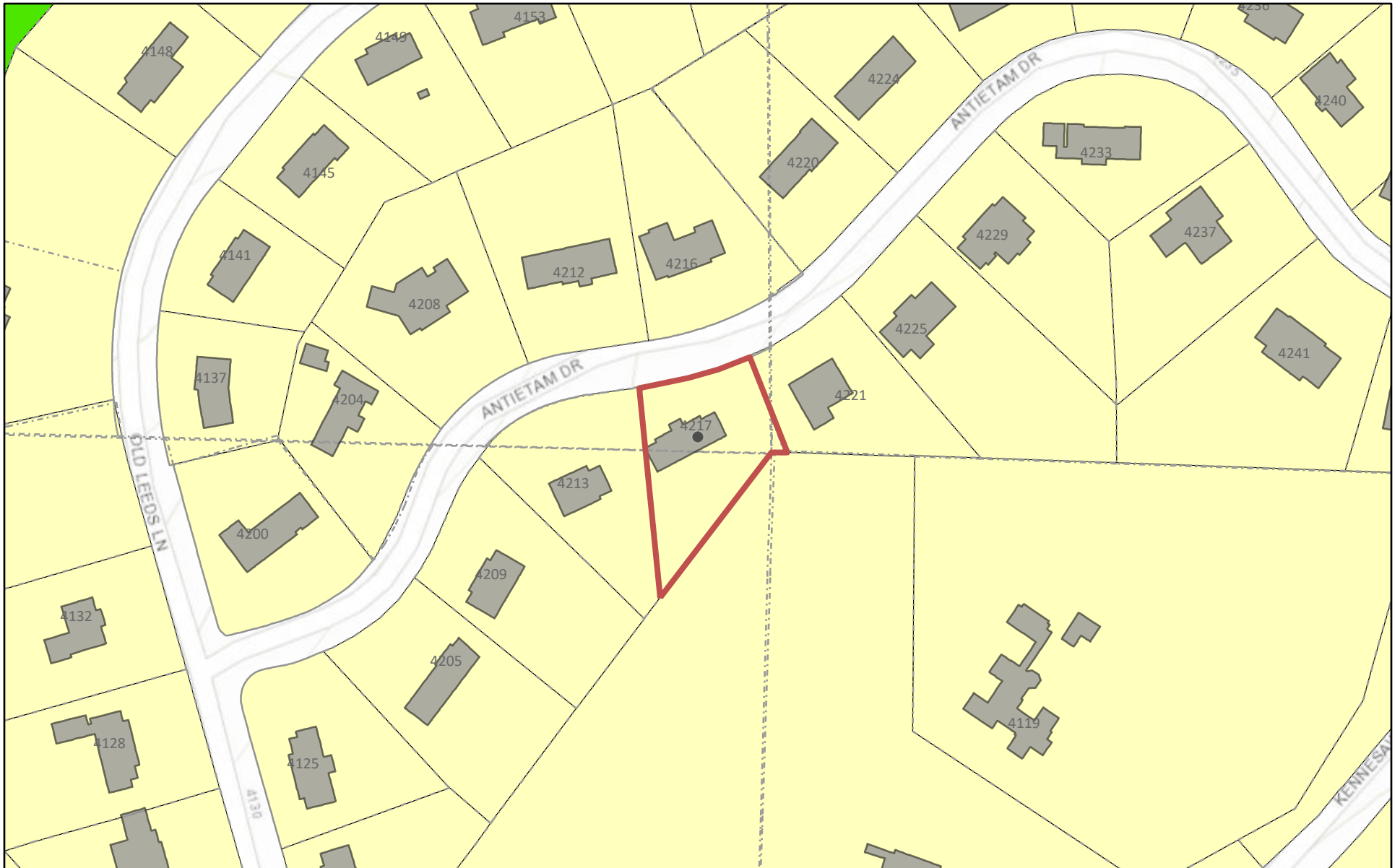
Property owner or representative agent must be present at hearing

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





	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40'	55'-4"	
Front Setback (ft) <i>secondary</i>			
Right Side Setback	15'	15'-6"	
Left Side Setback	15'	45'-6"	
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'	44'	34'-5"
Lot Coverage (%)	25%	15%	16.5%
Building Height (ft)	35'	29'	29'
Other			
Other			

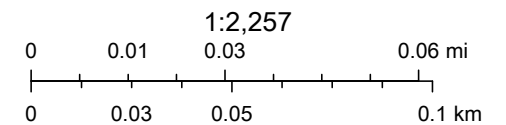


# A-23-27 Zoning



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



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-23-27 Aerial



7/5/2023, 3:33:43 PM

Aerial 2021



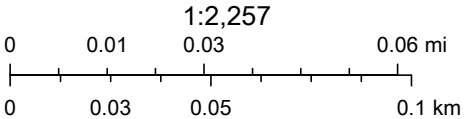
Green: Band\_2



Blue: Band\_3



Red: Band\_1



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-23-27

#### ***Petition Summary***

Request to allow an addition to the existing single family dwelling to be 32.4 feet from the rear property line (southeast) in lieu of the required 40 feet.

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

The scope of work includes a single story addition to the rear of the existing home.

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

**Nexus:** The hardship in this case is unusual lot shape. The rear of the property line is angled in its relationship to the rear façade of the house.

#### ***Standard Hardships Required***

The subject request appears to meet “c.” and “e.” of 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; (in that the nearest adjacent home to the rear is approximately 375 feet away from the proposed addition and the area between the structures is heavily vegetated).
  - e. will not be the risk of flooding or water damage;
  - g. is in harmony with the spirit and intent of the zoning ordinance (in that the house exceeds most required setbacks, given the lot’s unique shape).



***Impervious Area***

The proposal exceeds the maximum impervious surface limit.

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

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

***Affected Regulation***

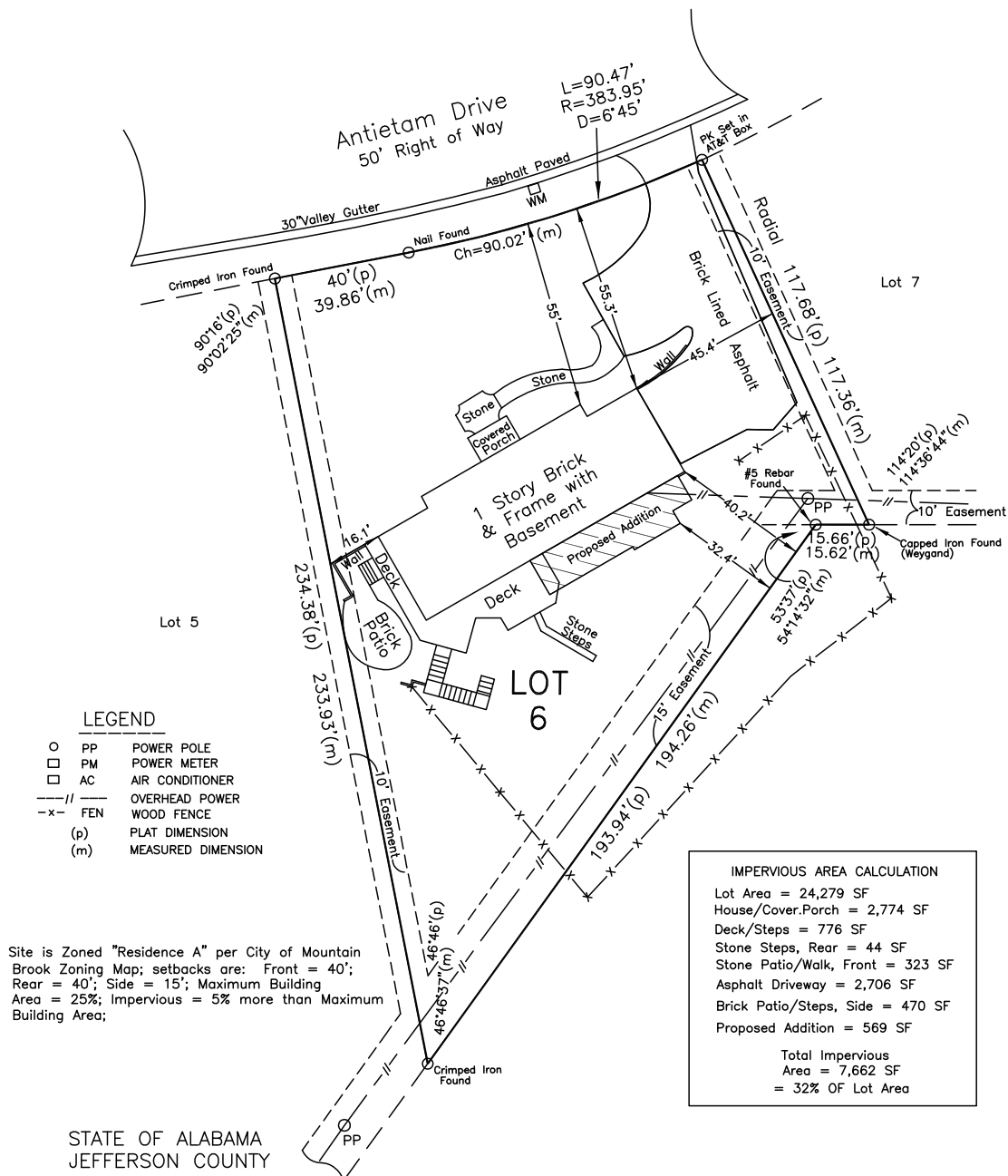
Article III, Section 129-34 Area and dimensional requirements

***Appends***

LOCATION: 4217 Antietam Drive

ZONING DISTRICT: Residence A District

OWNERS: Daniel and Mary Balkovetz



I, Rowland Jackins, a Registered Land Surveyor in the State of Alabama, 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 Land Surveying in the State of Alabama to the best of my knowledge, information and belief for the following described property:

Lot 6, according to the Amended Map of Cherokee Bend, First Sector, as recorded in Map Book 70, Page 21, in the Probate Office of Jefferson County, Alabama;

I further state that there are no rights of ways, 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 those which serve the premises only) or structures or supports thereof, including poles, anchor or guy wires on or over said property except as shown, that there are no encroachments except as shown; that the improvements are located as shown above. No underground utilities were located.

According to my field survey of July 5, 2023;



*Rowland Jackins*  
Rowland Jackins, PLS, Alabama Reg.No.18399  
Jackins, Butler & Adams, Inc.  
3430 Independence Drive, Suite 30  
Birmingham, Alabama 35209  
(205) 870-3390



4025 Kelly Creek Lane, Moody, AL 35004

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## City of Mountian Brook Variance Application

4217 Antietam Drive

June 23, 2023

BECA Residential Construction, LLC proposes to build an addition off the rear of the existing Balkovetz Residence located at 4217 Antietam Drive. Work will be performed under contract with the Owners, Daniel and Mary Balkovetz.

The addition will be a 2 story addition including basement and main level. The addition will be painted brick veneer to be consistent with the existing house, with roofing to match as well, in both slope and material. The new roof line will be lower than the existing main ridge and therefore the work will not be visible from the front. This addition will involve some amount of remodel to the existing structure in order to tie it in. All interior finishes will be consistent with or in upgrade to the existing structure.

Builder will install poured wall foundation with slab foundation. Construction access will be via the existing driveway, as to avoid more ground disturbance than required. Silt fencing will be installed along the lower side of the property as required for erosion control.

This addition will allow for additional living space on the lower level and the main level as well. These spaces would include a guest suite as well as a multi purpose space in the lower level. An expansion of the Master Suite on the main level would allow for a reconfiguration of the bathrooms in order to make them accessible as the owners age. An elevator will be added as well for the same purpose.

A handwritten signature in blue ink, appearing to read "Victor Wright".

Victor Wright  
Owner



## 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)?

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED



4025 Kelly Creek Lane, Moody, AL 35004

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## City of Mountain Brook Variance Application Part 2

### 4217 Antietam Drive

The lot at 4217 Antietam Drive has a hardship due to the uncommon size and shape of the lot. Further, the overall size of the lot is smaller than the current 30,000 SF requirement. The rear property line is skewed rather than relatively square and therefore the left side of the lot is approximately 50% shorter than the right, and shorter than adjacent lots in general. For this reason, a small addition off the rear would encroach slightly on the required rear setback on the left corner only.

The purpose of this relief request is to add a small addition off the back of the house. This addition will allow for additional living space on the lower level and the main level as well. These spaces will include a guest suite as well as a multi purpose space in the lower level. An expansion of the Master Suite on the main level will allow for a reconfiguration of the bathrooms in order to make them accessible as the owners age. An elevator will be added as well for the same purpose.

Granting of this variance would be consistent with the intent of the Zoning Regulations as the improvement would enhance the property and property value. The proposed addition is in the rear and therefore not visible from the street. This particular lot backs up to an oversized lot of over 10 acres with several acres of natural area in the rear, thus the requested variance would not crowd the adjacent lot.





## Variance Application - Part I

### Project Data

Address of Subject Property 410 MEADOW BROOK LANE

Zoning Classification RESIDENCE B DISTRICT

Name of Property Owner(s) KATE AND JEFF LLOYD

Phone Number 251.709.7781 Email KATE.DAMRICH@GMAIL.COM

Name of Surveyor SURVEYING SOLUTIONS, INC., CARL DANIEL MOORE

Phone Number 205.991.8965 Email WWW.SSI-ALA.COM

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

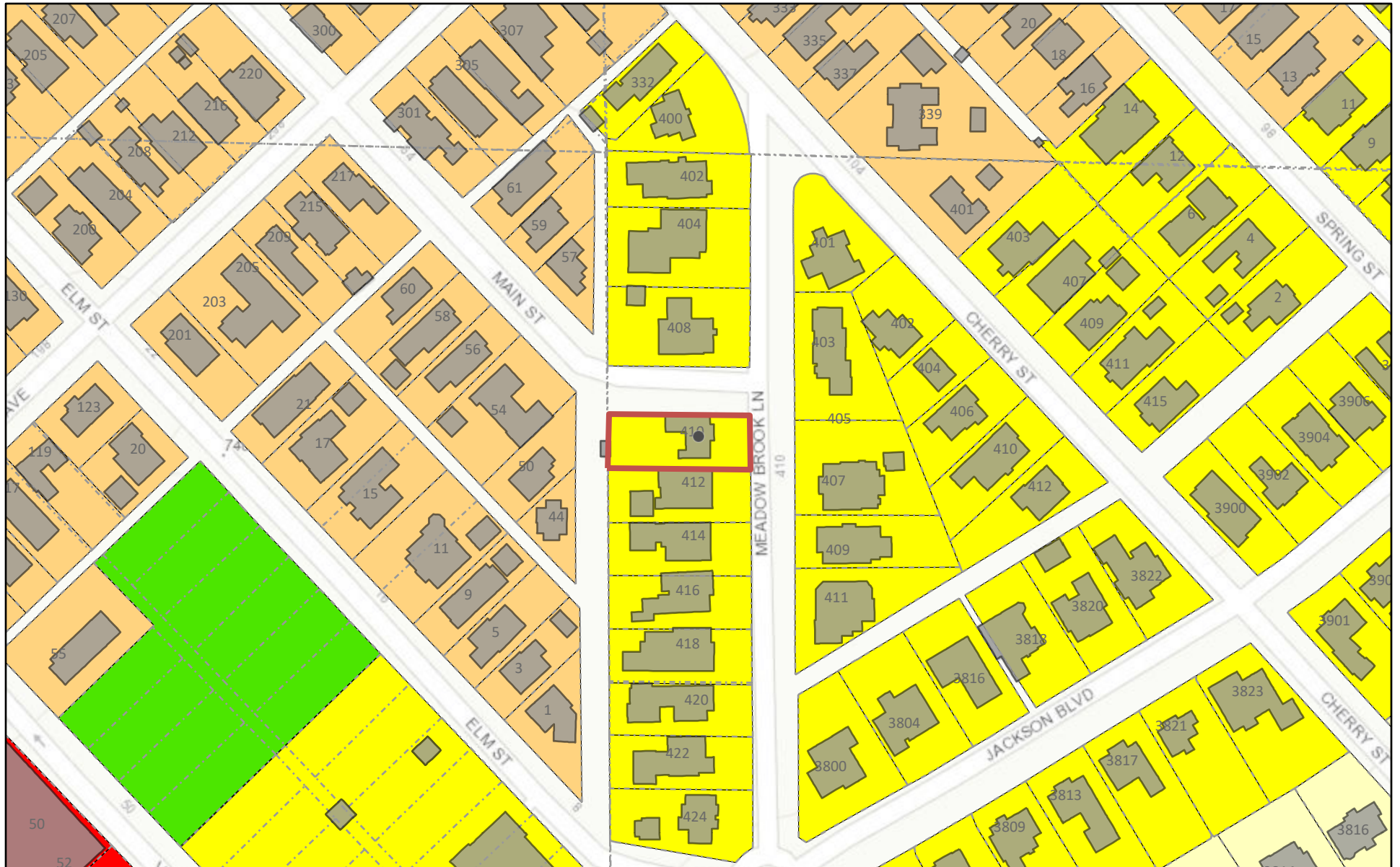
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

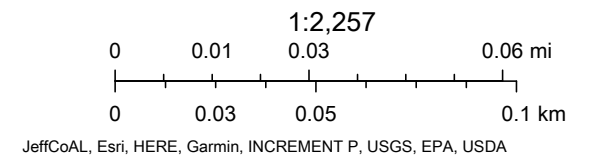
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	10,000	9,415	9,415
Lot Width (ft)	75'	60'	60'
Front Setback (ft) <i>primary</i>	35'	30'	30'
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	14'	6'	6'
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	9'	6'-1"	6'-1"
Rear Setback (ft)	35'	80'-8"	40'-7"
Lot Coverage (%)	40% <sub>35+5</sub>	17%	40%
Building Height (ft)	35'	19'	20'-9"
Other			
Other			

# A-23-28 Zoning



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- Building Footprints 2020v1
- Local Business District
- Residence A District
- Residence C District
- Recreation District
- Lot Lines
- Residence B District
- Residence C District





# A-23-28 Aerial



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Aerial 2021

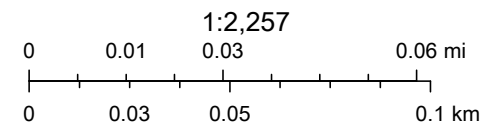
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

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



## Report to the Board of Zoning Adjustment

### A-23-28

#### ***Petition Summary***

Request to allow additions and alterations, including a second story, to an existing single family dwelling to be 30 feet from the front property line (Meadow Brook Lane) in lieu of the required 35 feet, to be 5.8 feet from the secondary front property line (Main Street) in lieu of the required 14 feet, and to be 6 feet from the side property line (south) in lieu of the required 9 feet.

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

The scope of work includes a master story addition and new second floor addition to the existing single story home.

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

**Nexus:** The hardships in this case are the corner lot configuration, existing design constraints, and the lot is narrow lot width of 60 feet. The narrow lot width qualifies for reduced side setbacks in the Residence B zoning district. The required side setback is 9 feet for portions of the home under 22 feet in height instead of base district side setback of 12.5 feet. The required secondary front setback is 14 feet for portions of the home under 22 feet in height due to the primary front being opposite of an alley. The existing single story home is non-conforming with regard to the primary front (30'), secondary front (5.8') and interior side (6') setbacks. The proposal would not increase that nonconformity by encroaching closer to any of those property lines. The scope of work under consideration involves the second story built to match the existing footprint. The total height of the structure will not exceed 20 feet 9 inches.

#### ***Standard Hardships Required***

The subject request appears to meet “a” and “e” of 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; (in that the footprint is not encroaching closer to the side property line from where it exists currently and is staying below 22 feet);
  - e. will not the risk of flooding or water damage;
  - g. is in harmony with the spirit and intent of the zoning ordinance (in that the non-conforming setbacks will not be expanded)

### ***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 129-53 Area and dimensional requirements

### ***Appends***

LOCATION: 410 Meadow Brook Lane

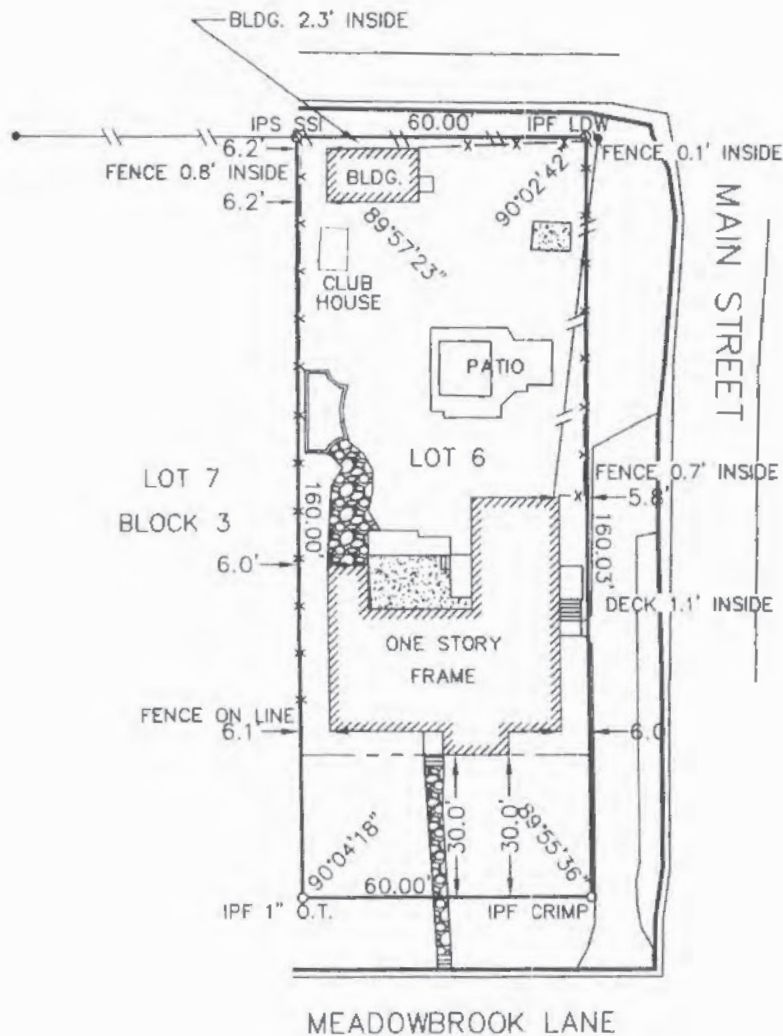
ZONING DISTRICT: Residence B District

OWNERS: Katie and Jeff Lloyd

## LEGEND:

ASPH = asphalt  
 BRG = bearing  
 BLDG = building  
 CALC = calculated  
 CAP = capped iron  
 CL = centerline  
 CH = chord  
 CONC = concrete  
 C = covered  
 d = deflection  
 D = curve delta angle  
 E = east  
 ESMT = easement  
 FC = fence  
 FD = found  
 HW = headwall  
 IPF = iron pin found  
 IPF\* = iron pin found w/KBW cap  
 IPS = iron pin set w/SSI cap  
 L = length  
 MEAS = measured  
 MIN = minimum  
 MH = manhole  
 N = north  
 OH = overhang  
 P = porch  
 PC = point of curve  
 POB = point of beginning  
 POC = point of commencement  
 PT = point of tangent  
 PVMT = pavement  
 R = radius  
 REC = recorded  
 RES = residence  
 ROW = right of way  
 S = south  
 SAN = sanitary  
 STM = storm  
 SWR = sewer  
 SYN = synthetic  
 UTIL = utility  
 U = uncovered  
 W = west  
 YI = yard inlet  
 ° = degrees  
 ' = minutes, in  
 " = bearings or angles  
 ' = seconds, in  
 ' = bearings or angles  
 ' = feet, in distance  
 AC = acres  
 ± = more or less,  
 or plus or minus

SCALE: 1"=40'



STATE OF ALABAMA  
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 6, Block 3, SHADES VALLEY GARDENS as recorded in Map Book 24, Pages 68 in the Office of the Judge of Probate, Jefferson County, Alabama; that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief; that the correct address is as follows: 410 MEADOW BROOK LANE according to my survey of April 25, 2022. Survey is not valid unless it is sealed with embossed seal or stamped in red.



SURVEYING SOLUTIONS, INC.  
 2232 CAHABA VALLEY DRIVE SUITE M  
 BIRMINGHAM, AL 35242  
 PHONE: 205-991-8965

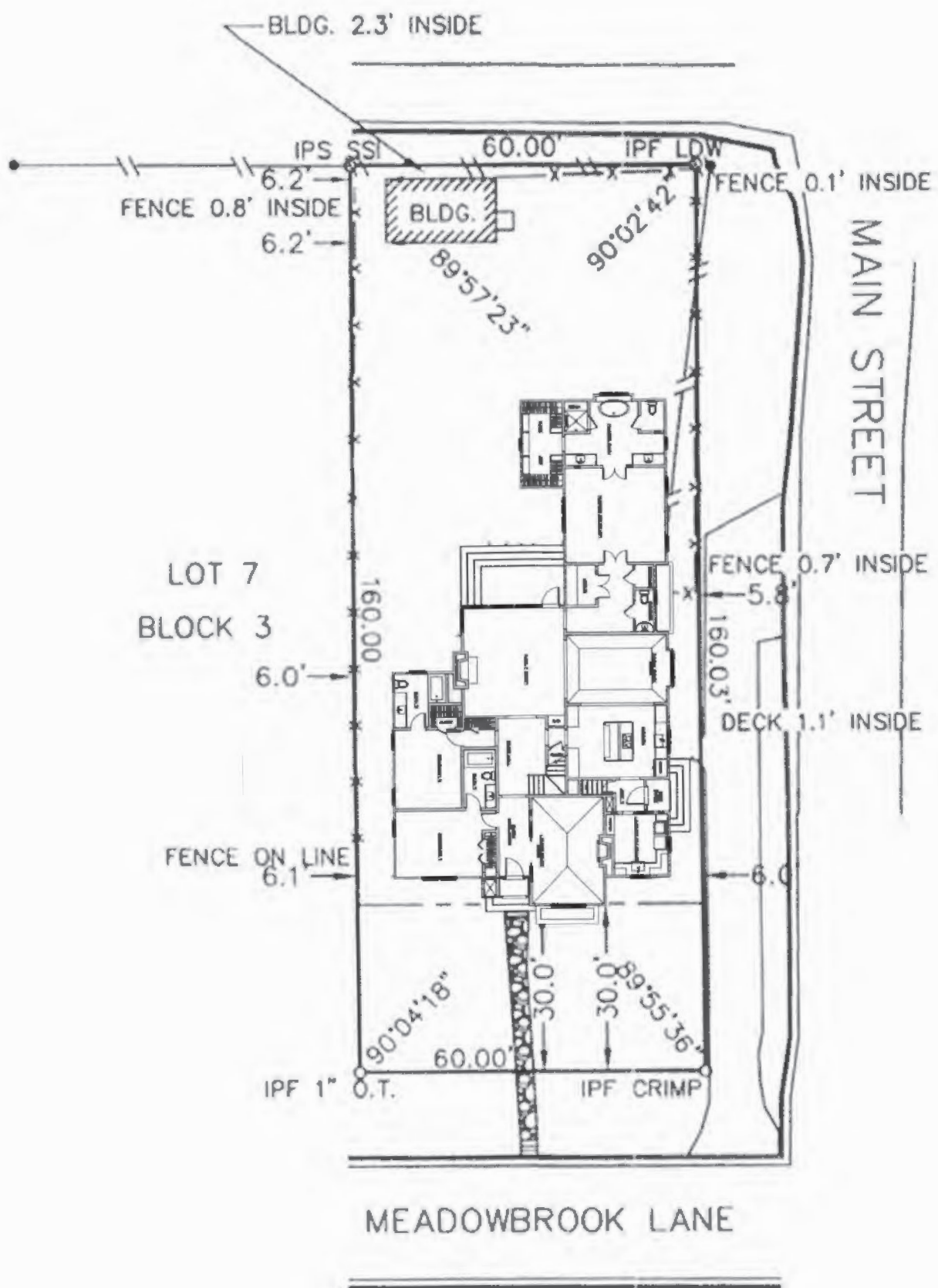
*Carl Daniel Moore*

Carl Daniel Moore, Reg. L.S. #12159

04-29-2022  
 Date of Signature

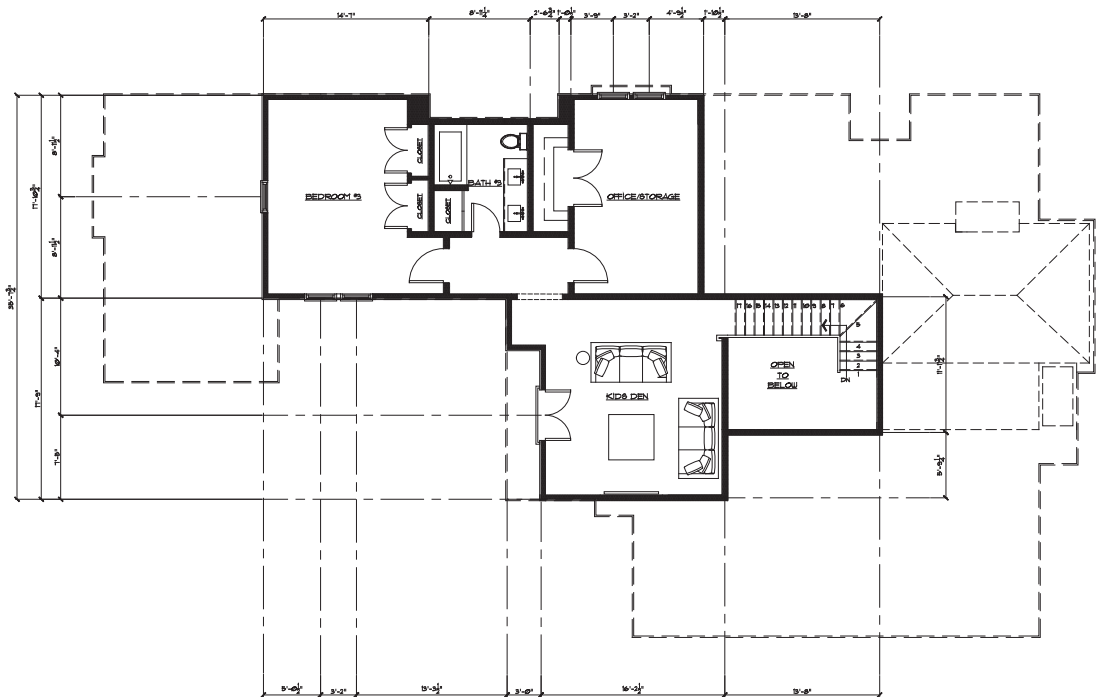
Order No. 889026  
 Purchaser:  
 Type of Survey: Property Boundary

SCALE: 1"=40'









② SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

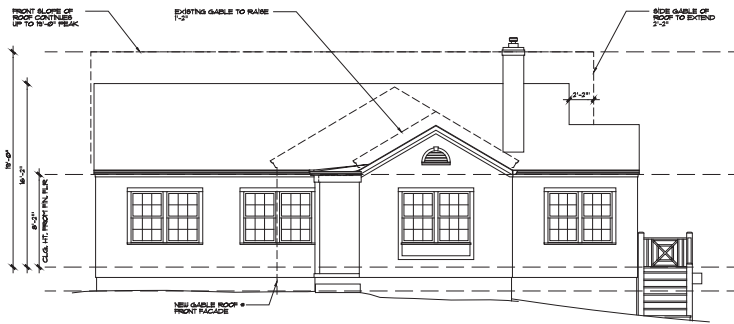
# LLOYD RESIDENCE

410 MEADOW BROOK LANE BIRMINGHAM, AL

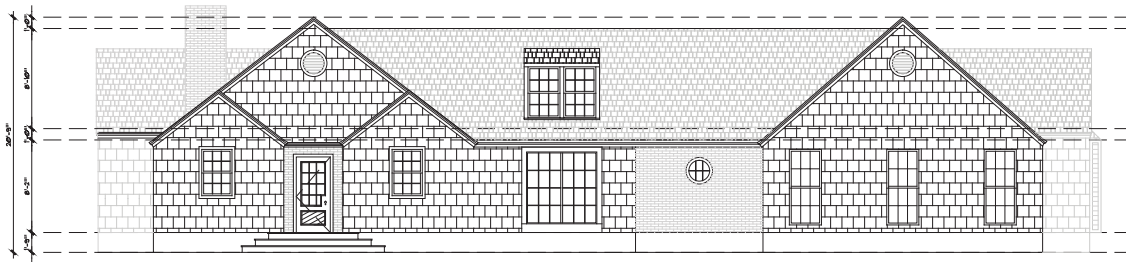


Drawing Title:	
SECOND FLOOR PLAN	
Date:	APRIL 11, 2023
Scale:	AS NOTED
Drawing No.	
A 101	





① EXISTING FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



② PROPOSED NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

# LLOYD RESIDENCE

410 MEADOW BROOK LANE BIRMINGHAM, AL



Drawing Title:  
EXTERIOR  
ELEVATIONS

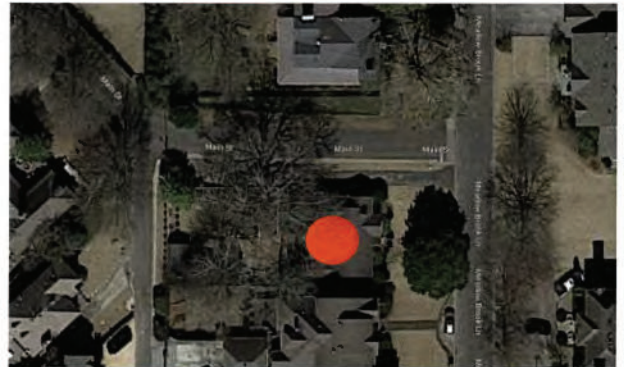
Date: APRIL, 11, 2023

Scale: AS NOTED

Drawing No.

A 102

KATE AND JEFF LLOYD  
410 MEADOW BROOK LANE  
BIRMINGHAM, AL 35213





Overall scope is to convert the existing 3/2 1,822 sf Crestline cottage (originally constructed in 1941) to 4/4 plus office in order to accommodate a family of 4, including two full-time work-from-home adults. The intention is to follow traditional architectural guidelines to maintain the home's historical charm. This will be done by modifying the existing floorplan, adding a new master suite to the rear, and adding a second story for kids and office. This will allow for adequate outdoor space as well as living space for the long term.

Kate Lloyd 7.24.23  
AMZ 7/24/2023



## 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 property is a 60' corner lot with current 6' setbacks on both sides of existing structure. The rear alley coming from Crestline Elementary is highly active and acts as a main thoroughfare for walkers. Many families park along main st. daily at the rear corner of the property where privacy is limited. The rear of the property is highly exposed at the juncture where Main st. turns 45° and is visible from Dexter.

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 footprint is original from 1941 with a minor addition to the back that kept in line with original setbacks.

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

The goal is to maintain the Crestline Cottage integrity by not maximizing the property and only adding necessary sq footage for functionality and privacy. By granting the variance so that the new structure can continue along the side of the property, it would allow privacy from the main st/alley line of site and maximize green space on our smaller lot.



## Variance Application - Part I

### Project Data

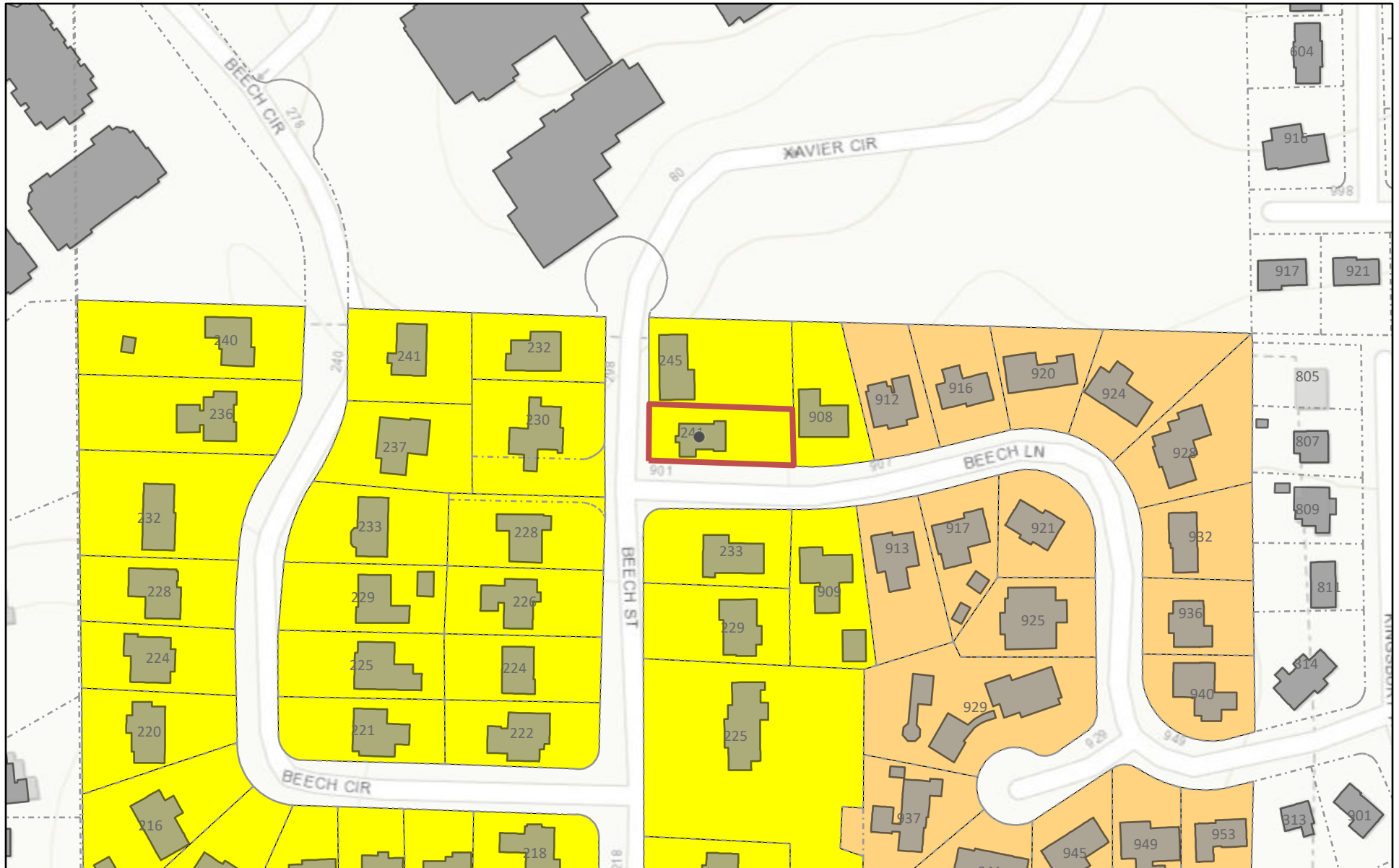
Address of Subject Property 241 Beech Street 35213  
 Zoning Classification B  
 Name of Property Owner(s) Sara & Daniel Morris  
 Phone Number 205-940-3020 Email SARA.CMORRIS@OUTLOOK.COM  
 Name of Surveyor SOUTHEASTERN SURVEYORS / STEVEN GILBERT  
 Phone Number 205-613-0375 Email \_\_\_\_\_  
 Name of <sup>Designer</sup>~~Architect~~ (if applicable) ERIC DALE  
 Phone Number 205-873-1616 Email eric@ericdale.com

☒ Property owner or representative agent must be present at hearing

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

	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	35	12.3	10
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-23-29 Zoning



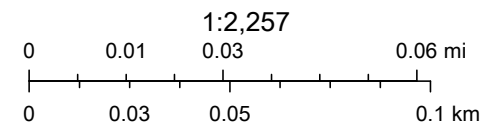
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Building Footprints 2020v1 Tax\_Parcels 2021

Lot Lines

Residence B District

Residence C 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-23-29 Aerial



8/1/2023, 5:03:49 PM

Aerial 2021



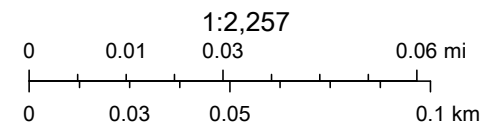
Green: Band\_2



Blue: Band\_3



Red: Band\_1



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

ArcGIS Web AppBuilder

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

## Report to the Board of Zoning Adjustment

### A-23-29

#### ***Petition Summary***

Request to allow additions and alterations to an existing single family dwelling to be 10 feet from the secondary front property line (Beech Lane) in lieu of the required 35 feet.

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

The scope of work includes additions and alterations to an existing single family dwelling.

#### ***Recent Background***

On May 15, 2023 the BZA approved variances for the subject property 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.

The applicants stated that subsequent to the previous approval it was discovered that they did not have enough room to achieve the new front porch and front door relocation. The new request is to allow the addition to be 10 feet from the secondary front property line instead of the 14 feet that was originally approved.

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

**Nexus:** The hardships in this case are the corner lot configuration and existing design constraints. The lot is also narrow in width and qualifies for reduced side setbacks in the Residence B zoning district. However, the primary front on this corner lot is not opposite of an alley which results in the full secondary front setback requirement. This amounts to a greatly reduced buildable area. The existing home is non-conforming as it is situated as close as 12.3 feet from the secondary front property line (Beech Lane) at the front corner. The applicant is requesting an additional 2.3 feet along this corner.

#### ***Standard Hardships Required***

The subject request appears to meet “a” and “e” of 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;
  - e. will not the risk of flooding or water damage;
  - g. is in harmony with the spirit and intent of the zoning ordinance (in that the house exceeds most required setbacks, given the lot's size and corner lot configuration).

### ***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***

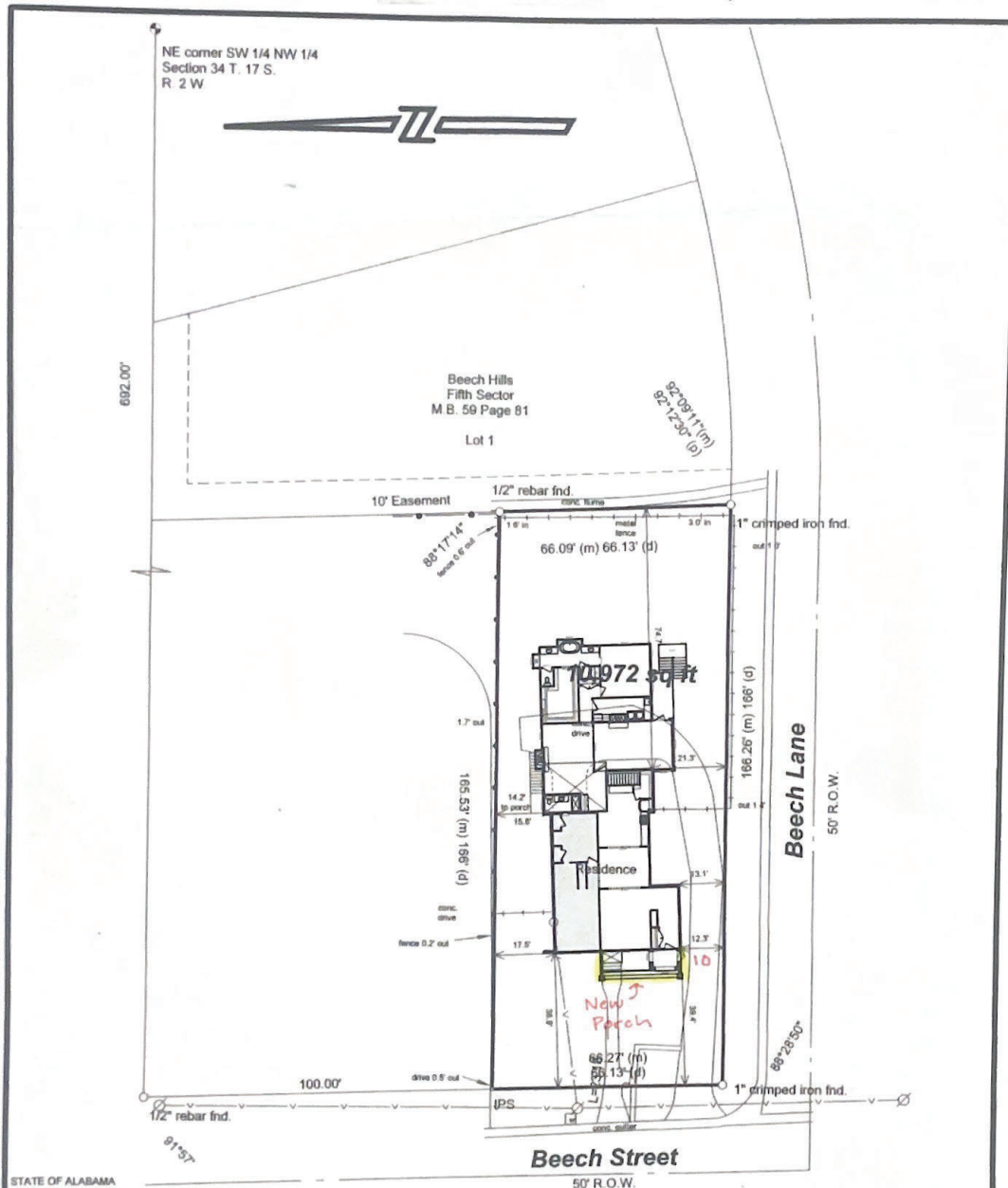
Article IV, Section 129-53 Area and dimensional requirements

### ***Appends***

LOCATION: 241 Beech Street

ZONING DISTRICT: Residence B District

OWNERS: Sara and Daniel Morris



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

This survey is invalid unless sealed in red ink.

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

### 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
5/8" rebar set 17507	gas valve
Drain Manhole	Sanitary manhole
Tel. Manhole	Sign
measured dim.	platted dim.
water meter	gas meter
power meter	Sign
chain link fence	
gas line	
water line	
overhead utility line	
wire fence	
wood fence	
center line	

ATTACHMENT 'A'



ATTACHMENT 'B'





ATTACHMENT 'C'



## 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

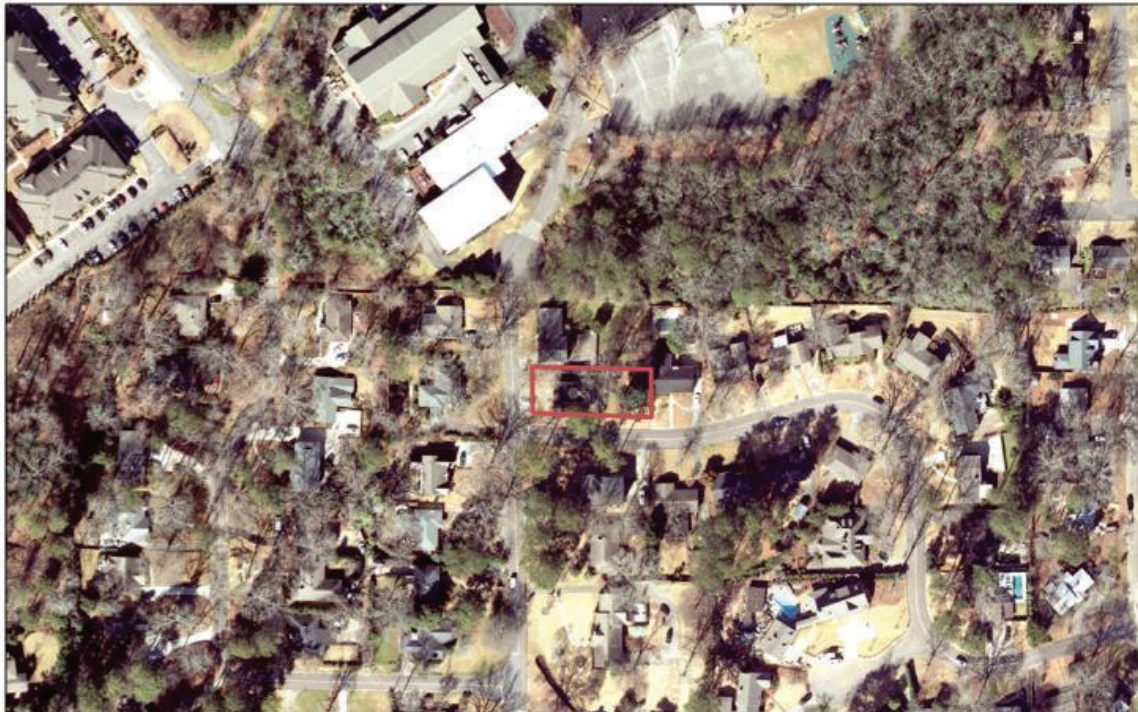
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ArcGIS Web AppBuilder

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1.2,257  
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## A-23-15 Aerial



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Aerial 2021

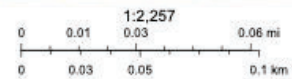
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

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

AvGIS Web AppBuilder



July 27, 2023

Board of Zoning Adjustment  
City of Mountain Brook, AL

Re: 241 Beech Street  
Owners: Daniel and Sara Morris

Dear Board Members:

As our family grows, we would like to make renovations to our home so that we can remain at our current location.

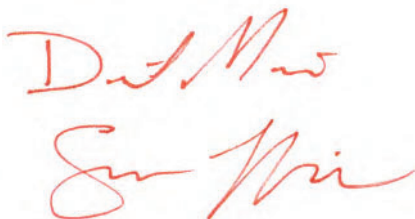
Our home is 37.1 feet wide and is located on a corner. The house was set at an angle relative to the side property lines which places it closer to the property line at the front right corner. The existing home is currently 12.3 feet from the right secondary front property line at its closest point. We believe this creates a hardship resulting from the property lines and street installations being completed after this home was originally built on the property.

We would like to build a new front porch at the primary front, which would be an open porch with roof only and relocate the front door of our home to the right side. The front door will need to be located where the existing right window is (see Attachment A).

Subsequent to having our conceptual drawings, we met with our draftsman who informed us there was not enough room to accomplish this due to the placement of the existing fireplace and the setback on the front right corner.

We appreciate the previously granted variances by the Board in May, but due to the hardship mentioned above and the existing fireplace chimney structure, we would like to adjust our request. We'd like to request a 10-foot secondary front allowance that would allow us to build the new open porch structure in line with the existing right corner of the home in order to accomplish the relocation of the front door (see Attachment B and C for new conceptual drawing).

We appreciate your consideration of this request.

The block contains two handwritten signatures in red ink. The first signature is 'Dan Morris' and the second is 'Sara Morris'. Both are written in a cursive, flowing style.

Daniel and Sara Morris



## 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 lot configuration, requiring two 35' front setbacks
- The original structure is a non-conforming house in the existing design and was set at an angle to the side property lines

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 for a small variance of the secondary front setback for an open porch.





## A-23-15

### CITY OF MOUNTAIN BROOK

Department of Planning, Building &  
Sustainability  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3810  
[www.mtnbrook.org](http://www.mtnbrook.org)

---

#### BOARD OF ZONING ADJUSTMENT MEETING SUMMARY

Meeting Date: May 15, 2023

Case Number: A-23-15

Case Address: 241 Beech Street

Property Owner(s): Daniel and Sara Morris, [sara.cmorris@outlook.com](mailto:sara.cmorris@outlook.com)

Representative(s): Eric Dale, [eric@ericdale.com](mailto:eric@ericdale.com)

**Type Request:** Daniel and Sara Morris, property owners, request variances 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

**Action Taken:** The Board of Zoning Adjustment approved the applicant's variance request as submitted.

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



## Variance Application - Part I

### Project Data

Address of Subject Property 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 ~~Architect~~ <sup>DESIGNER</sup> (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>bldg</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, ALRe: 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.

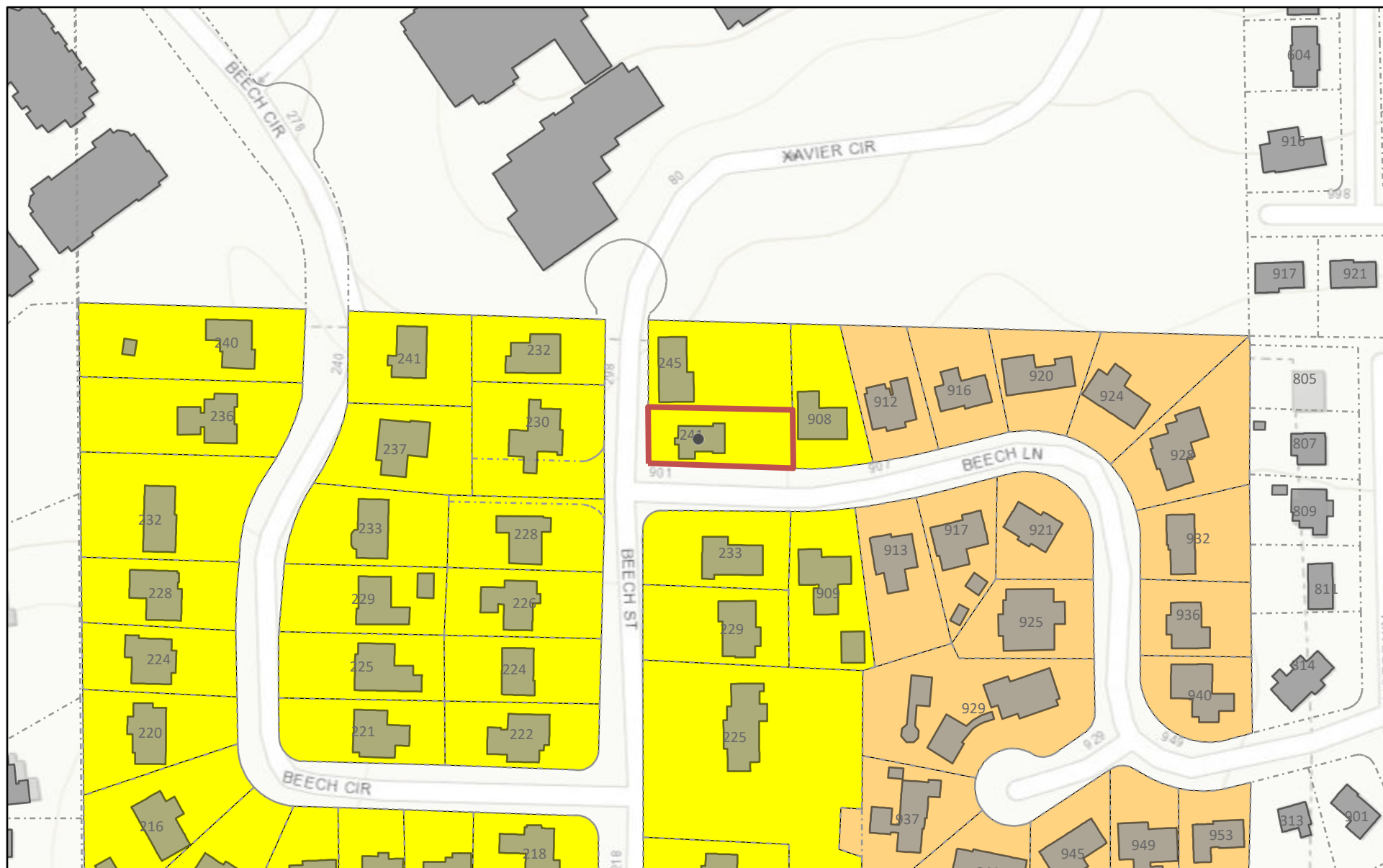
We appreciate your consideration of these requests.



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\_Parcel 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



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Aerial 2021

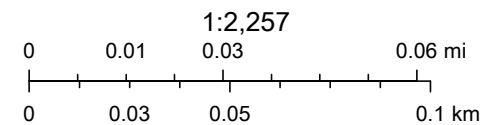
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Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder



## Report to the Board of Zoning Adjustment

### A-23-15

#### ***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

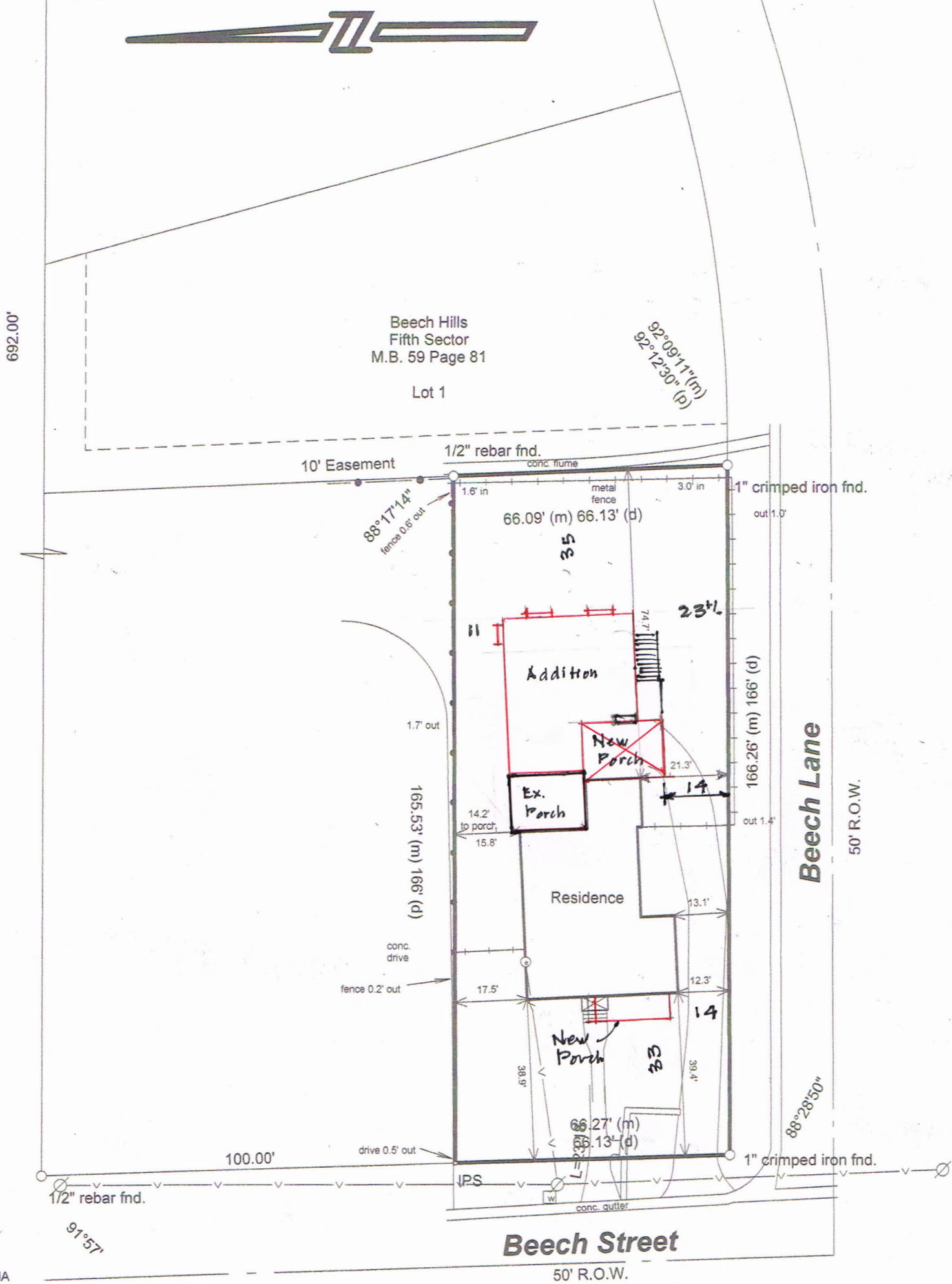
### ***Appends***

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
5/8" rebar set 17507	gas valve
Drain Manhole	Sanitary manhole
Tel. Manhole	Sign
measured dim.	platted dim.
water meter	gas meter
power meter	Sign
chain link fence	
gas line	
water line	
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 3038 Canterbury Road, 35223

Zoning Classification Residence A

Name of Property Owner(s) Charlotte and Alex Getz

Phone Number \_\_\_\_\_ Email alexgetz89@gmail.com

Name of Surveyor Schoel Engineering

Phone Number 205-323-6166 Email \_\_\_\_\_

Name of Architect (if applicable) Mary Coleman Clark Architect LLC

Phone Number \_\_\_\_\_ Email mcc@mccarchitect.com

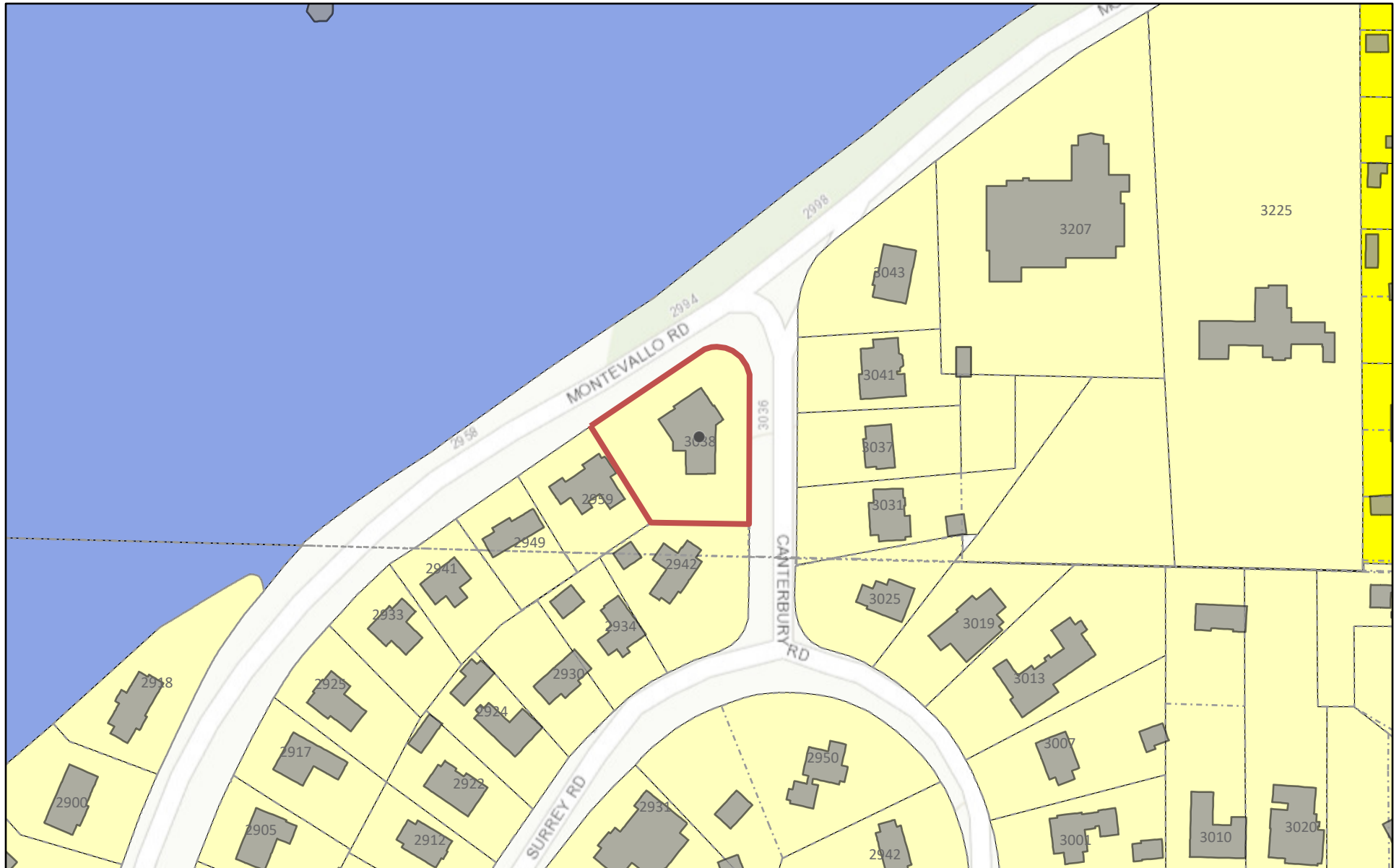


Property owner or representative agent must be present at hearing

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

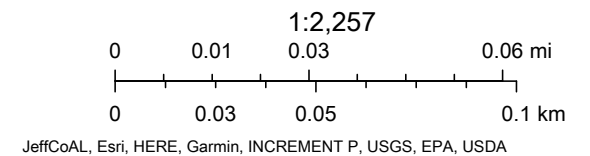
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>	40'-0"	34'-5"	34'-5"
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B 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'-0"		33'-0"
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-23-30 Zoning



8/16/2023, 7:27:19 AM

Building Footprints 2020v1  
 Tax\_Parcels 2021  
 Lot Lines  
 Residence B District  
 Residence A District  
 Rec-2





# A-23-30 Aerial



8/16/2023, 7:28:08 AM

Aerial 2021

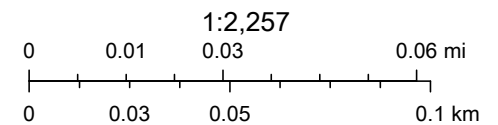
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

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

## Report to the Board of Zoning Adjustment

A-23-30

### ***Petition Summary***

Request to allow additions and alterations to an existing single family dwelling to be 34 feet 5 inches from the secondary front property line (Montevallo Road) in lieu of the required 40 feet, and to be 33 feet from the rear property line (west) in lieu of the required 40 feet.

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

The scope of work includes additions and alterations to an existing single family dwelling.

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

**Nexus:** The hardships in this case are the corner lot configuration and existing design constraints. The corner lot is an irregular trapezoidal shape. The existing home is non-conforming along the secondary front (Montevallo Road). The proposed variance for this front does not involve an expansion of the footprint or increase in encroachment. It is for new windows and a new roofline in the same footprint at 34 feet from the property line.

The request for the rear setback would allow a new addition that would create a triangular encroachment of 68 square feet. The angled rear property line in relation to the home is the hardship for this encroachment.

### ***Standard Hardships Required***

The subject request appears to meet “c” and “e.” of 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 (due to the minor nature of the addition being only 68 square feet);
  - b. will not be detrimental to the streetscape (due to the front encroachment already existing and the footprint of that encroachment remaining the same);
  - e. will not the risk of flooding or water damage;
  - g. is in harmony with the spirit and intent of the zoning ordinance (in that the house currently exceeds the required secondary front setback and given the lot's unique shape).

### ***Impervious Area***

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

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

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

### ***Affected Regulation***

Article III, Section 129-34 Area and dimensional requirements

### ***Appends***

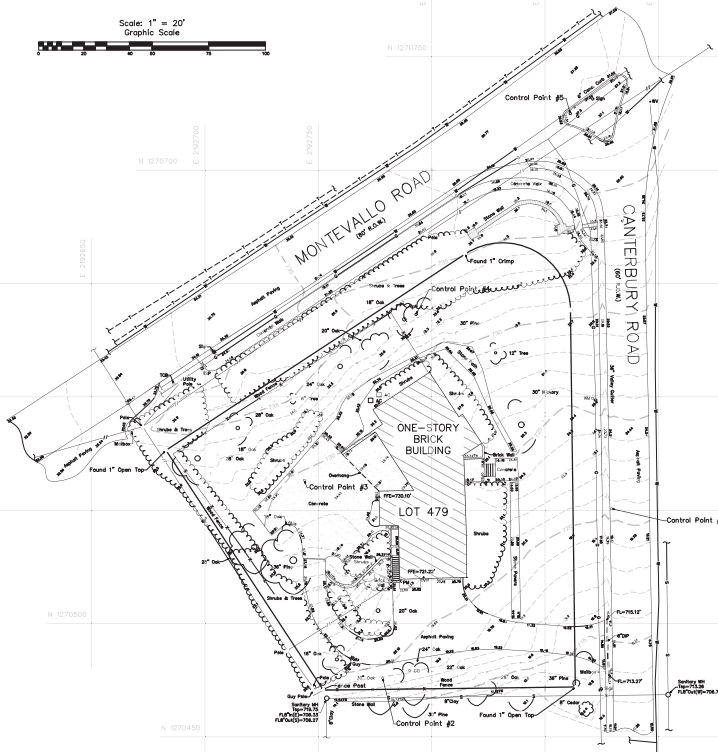
LOCATION: 3038 Canterbury Road

ZONING DISTRICT: Residence A District

OWNERS: Charlotte and Alex Getz



Scale: 1" = 20'  
Graphic Scale



#### STATE OF ALABAMA JEFFERSON COUNTY

I, Christopher R. Ward, a Registered Professional Land Surveyor in the State of Alabama, hereby certify that this is a true and correct copy of the original survey made by me on the 14th day of January, 2023, and all parts of this survey and drawing have been completed in accordance with the current requirements of the knowledge or practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

SCHOOL ENGINEERING COMPANY, INC.

#### PRELIMINARY

Christopher R. Ward, Alabama License No. 37175  
Issue Date: 10-22-2022 UPON FINAL ISSUE

#### LEGEND

- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE
- SANITARY SEWER
- STORM SEWER
- OVERHEAD UTILITIES
- FENCE
- WATER VALVE
- TRAFFIC SIGNAL POLE
- CLEANOUT
- MANHOLE
- AIR CONDITIONING UNIT
- CONCRETE
- WALL
- CONTOUR
- SPOT ELEVATION
- TOP OF WALL ELEVATION

#### LEGAL DESCRIPTION

Lot 479, Mountain Brook Estates - Fairway Sector as recorded in Map Book 18, Page 47, in the Office of the Judge of Probate of Jefferson County, Alabama.

#### NOTES:

1. The control was established by GPS observations. Horizontal datum is NAD83, GRS92 datum. From coordinate system, Best Zone, Vertical datum is NAVD 83.
2. This property is not located within the 100 year flood area and is in Unshaded Zone 1, as determined to be out of 2.25 annual chance floodplain as shown on the National Flood Insurance Program "2.25" Flood Insurance Rate Map of Jefferson County, Alabama, according to Flood 101 of 101, 4th edition, 2015, issued September 24, 2021, as published by the Federal Emergency Management Agency.
3. The underground utilities shown are shown from field survey locations of private utility markings as coordinated by the surveyor, existing markings obtained from appropriate utility companies, and markings by utility companies and shown on official records. The markings are shown to, for, from, along, or across the utility lines, and are not intended to, for, from, along, or across the utility lines.
4. No investigation or research has been performed for the purpose of determining the location of subsurface features, such as footings, foundations or structural supports of the building shown thereon.
5. This topographic survey is not a boundary survey. The property lines shown herein are for reference purposes only.
6. This survey is not valid without the original signature and seal of the Professional Land Surveyor.
7. Christopher R. Ward can be contacted by telephone at (205) 313-1146 or by email at ward@schoolinc.com.

#### SITE CONTROL:

Control Point #1: N 1270850.68, E 2190879.35, Elev. 726.57, PE Nail  
Control Point #2: N 1270875.90, E 2190778.41, Elev. 715.00, PE Nail  
Control Point #3: N 1270843.18, E 2190743.80, Elev. 726.74, PE Nail  
Control Point #4: N 1270848.40, E 2190730.10, Elev. 723.04, Nail  
Control Point #5: N 1270725.00, E 2190861.14, Elev. 737.24, Nail



3038 CANTERBURY ROAD  
BIRMINGHAM, ALABAMA

SITUATED IN THE S.E. 1/4 OF SECTION 15, TOWNSHIP 18 SOUTH, RANGE 2 WEST  
JEFFERSON COUNTY, ALABAMA

#### REVISIONS:

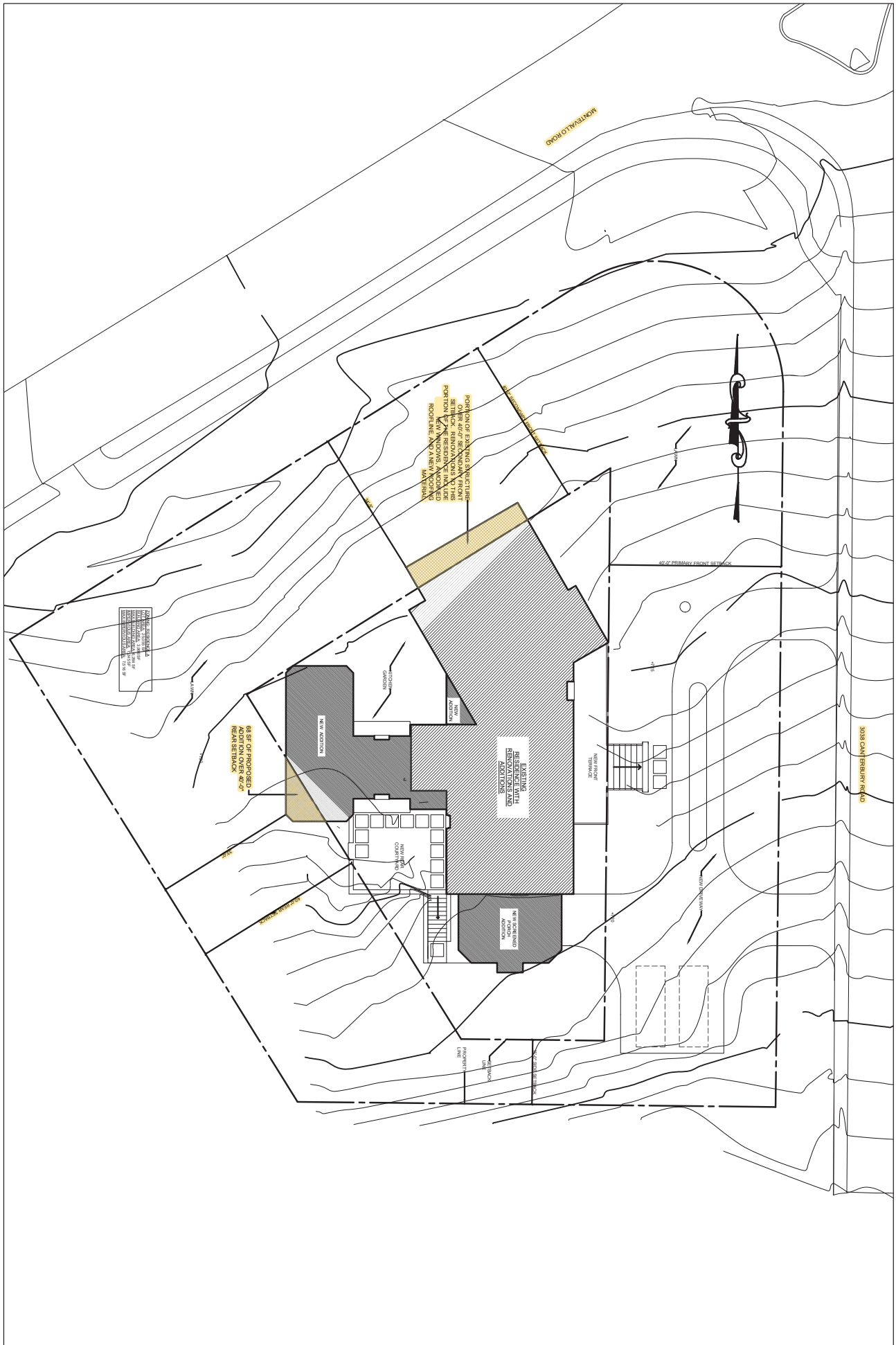
NO.	DATE	DESCRIPTION

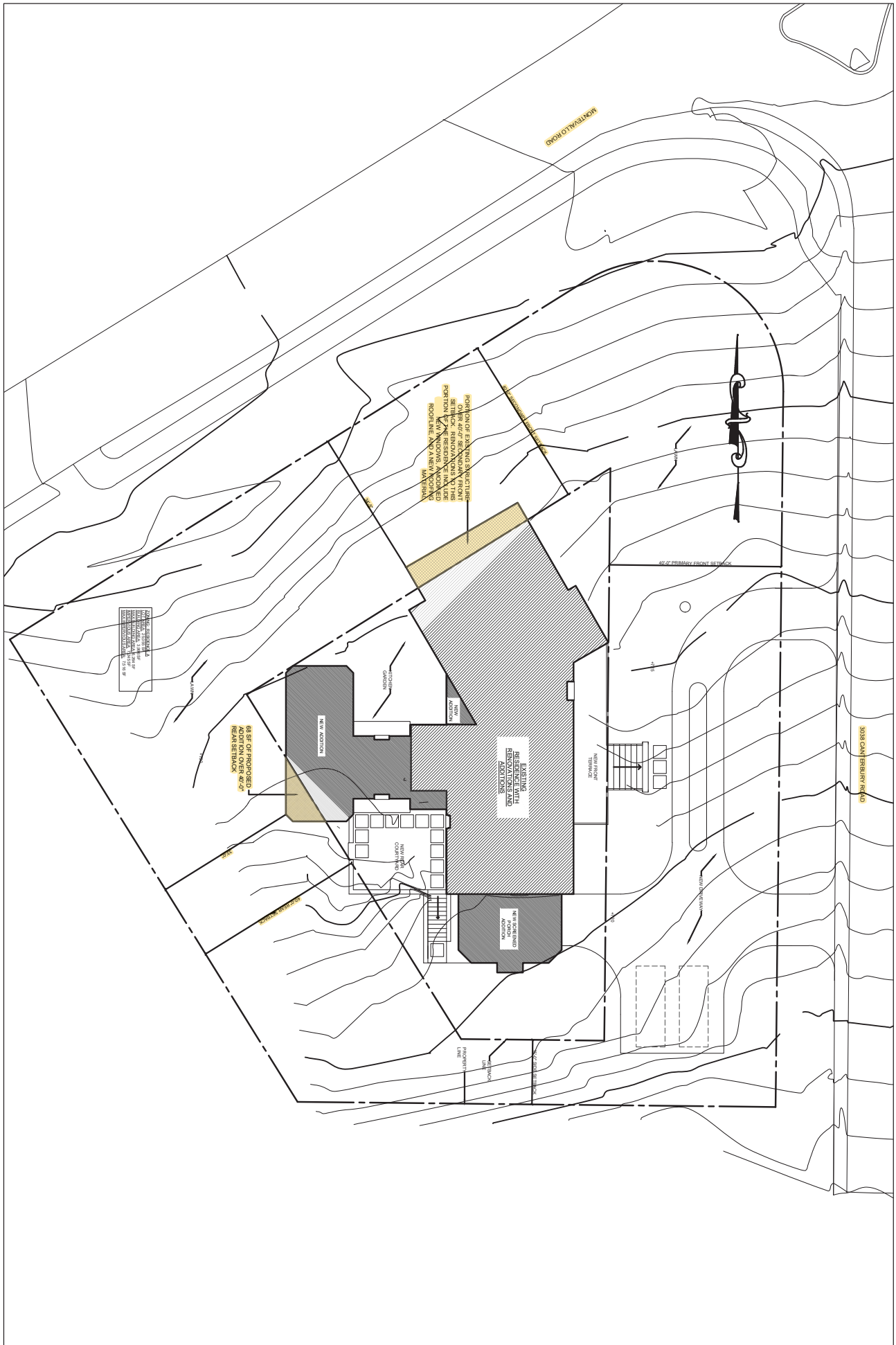
#### TOPOGRAPHIC SURVEY

DATE: JANUARY 2023  
DRAWN BY: WTW  
CHECKED BY: CWW  
FIELD BOOK: 43248, 3279  
FIELD CHECK: N/A  
FILE NAME: 22086\_Topo.DWG  
C:\2023\2023\Survey\Topo

TP1

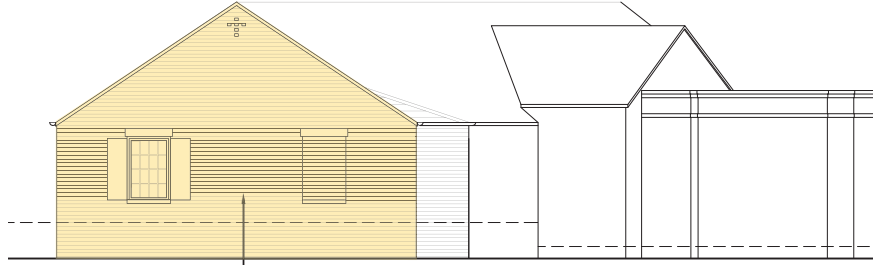








PORTION OF EXISTING STRUCTURE  
OVER 40'-0" SECONDARY FRONT  
SETBACK. RENOVATIONS TO THIS  
PORTION OF THE RESIDENCE  
INCLUDE NEW WINDOWS, A  
MODIFIED ROOFLINE (CHANGING THE  
ROOF FROM A PARTIAL TO A FULL  
GABLE END), AND A NEW ROOFING  
MATERIAL.



PORTION OF EXISTING STRUCTURE  
OVER 40'-0" SECONDARY FRONT  
SETBACK. RENOVATIONS TO THIS  
PORTION OF THE RESIDENCE  
INCLUDE NEW WINDOWS, A  
MODIFIED ROOFLINE (CHANGING THE  
ROOF FROM A PARTIAL TO A FULL  
GABLE END), AND A NEW ROOFING  
MATERIAL.







PARTIAL PROPOSED ELEVATION  
AT REAR SETBACK  
1/8" = 1'-0"

RENOVATIONS AND ADDITIONS FOR  
CHARLOTTE AND ALEX GETZ  
3038 CANTERBURY ROAD

VARIANCE APPLICATION  
JULY 28, 2023  
SUPPLEMENTAL DRAWINGS



EXISTING  
CONDITION  
SHOWING PORTION  
OF STRUCTURE  
OVER 40'-0"  
SECONDARY  
FRONT SETBACK.



MCCA

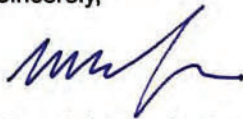
July 28, 2023

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

**Variance Application**

On behalf of the Owners, Charlotte and Alex Getz, enclosed is a variance application for 3038 Canterbury Road, Mountain Brook, AL 35223. The scope of the project includes renovations and additions to an existing residence, as shown in the provided supplemental drawings.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MCC', with a stylized flourish extending from the end.

Mary Coleman Clark



## 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)?

3038 Canterbury Road is a corner lot with a primary front setback requirement of 40'-0" and a secondary front setback requirement of 40'-0". In addition, the corner setback condition resulting from the intersection of Canterbury and Montevallo Roads produces an acute angle (57 degrees), which constricts the space available for development at the primary front and secondary front property lines.

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...")

A portion of the existing residence is built over the secondary front setback and is an existing design constraint. The existing orientation of the residence, square to Canterbury Road, and the acute angularity of the corner setback condition resulting from the intersection of Canterbury and Montevallo Roads limit the options to add a squared (90 degree) and setback-compliant addition to the rear of the existing structure.

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

The proposed window replacements, modified roofline, and new roofing material would not further increase encroachment into the secondary front setback. The proposed rear addition would not restrict the neighbors' access to light and air as the proposed addition is limited to a one-story structure, 68SF of which is proposed to be in the 40'-0" setback.



## Variance Application - Part I

### Project Data

Address of Subject Property 714 Fairway Drive Mountain Brook, AL 35213

Zoning Classification Residence A District

Name of Property Owner(s) Dr. Robert and Lisa Nesbitt

Phone Number 256-338-9797 Email lisanesbitt@mac.com

Name of Surveyor Jackins, Butler & Adams, Inc. Surveying-Geology (contact: Dan Alfred)

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

Name of Architect (if applicable) Pledger Architect, PLLC (contact: Mark Pledger/Peter LoGiudice)

Phone Number 205-900-8820 Email mark@pledgerarchitect.com/  
plogiudice@pledgerarchitect.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	21,009	21,009
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40	50.16	45.58
Front Setback (ft) <i>secondary</i>			
Right Side Setback	20 (15 per zoning)	26.92	16.67
Left Side Setback	20 (15 per zoning)	16.4	15.75
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	25.83	22.63
Lot Coverage (%)	55	48	48.4
Building Height (ft)			
Other			
Other			



# A-23-31 Zoning



8/31/2023, 10:00:30 AM

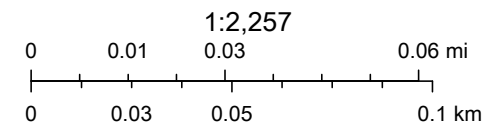
Building Footprints 2020v1 Tax\_Parcels 2021

Lot Lines

Residence A District

Residence B District

Rec-2



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-23-31 Aerial



8/31/2023, 10:01:31 AM

Aerial 2021

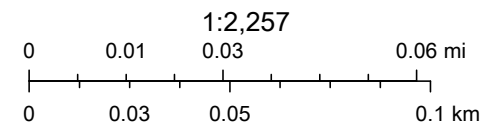
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

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

## Report to the Board of Zoning Adjustment

A-23-31

### ***Petition Summary***

Request to allow additions and alterations to be 22.63 feet from the rear property line (east) in lieu of the required 40 feet.

### ***Background***

On November 15, 2021 the Board of Zoning Adjustment approved variances to allow additions to a single family dwelling to be 36.58 feet from the front property line (Fairway Drive) and 25.83 feet from the rear property line (east), both in lieu of the required 40 feet.

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

The scope of work includes the removal of the existing pool, reconfiguration of the existing front drive and parking areas, and the reconfiguration of building additions that include the kitchen, a two car garage and a screen porch. The project will also include the reconfiguration of existing rooflines.

### ***Revisions from Previous Variance Approval***

In the previously approved plans the side-facing garage was to be rotated to face Fairway Drive and pushed toward the street, so as to allow a screened porch behind the garage; this did not transpire and the garage remains as is.

In the proposed plans the garage remains in its former location and a screened porch is to be added behind it, resulting in a few feet more of encroachment to the rear than was approved in the previous variance.

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

**Nexus:** The hardships in this case are unusual lot shape and existing design constraints. The rear of the property line features an unusual angle. The existing home is non-conforming in the rear.

### ***Standard Hardships Required***

The subject request appears to meet “c.” and “e.” of 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; (in that the existing home is already non-conforming in the rear at 25 feet from the property line and there is an alley separating the properties).
  - e. will not the risk of flooding or water damage;
  - g. is in harmony with the spirit and intent of the zoning ordinance (in that the house exceeds the rear setback, given the lot's unique shape).

### ***Impervious Area***

The proposal exceeds the maximum impervious surface limit.

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

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

### ***Affected Regulation***

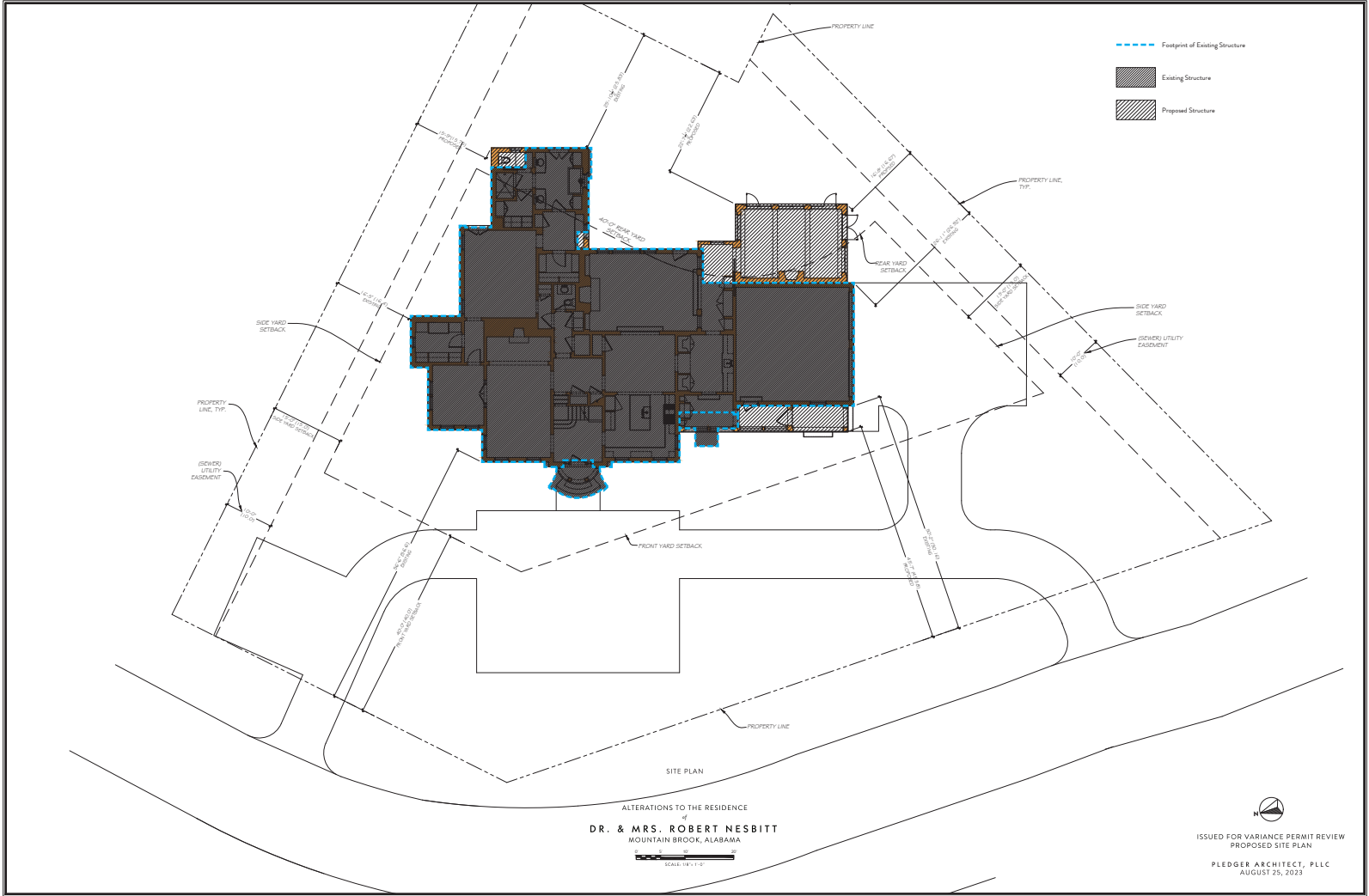
Article III, Section 129-34 Area and dimensional requirements

### ***Appendix***

LOCATION: 714 Fairway Drive

ZONING DISTRICT: Residence A District

OWNERS: Robert and Lisa Nesbitt



## LEGEND

PP	POWER POLE
PM	POWER METER
AC	AIR CONDITIONER
GEN.	GENERATOR
PM	POWER METER
—//—	OVERHEAD POWER/UTILITIES
FEN	FENCE
MH	MANHOLE
GM	GAS METER
FFE	FINISHED FLOOR ELEVATION
IPF	CAPPED IRON FOUND (WEYGAND)
IPS	CAPPED IRON SET
CM	CREPE MYRTLE
(p)	PLAT DIMENSION
(m)	MEASURED DIMENSION

## IMPERVIOUS AREA CALCULATION

Lot Area = 21,009 SF  
 House Footprint = 3,459 SF  
 Conc. Driveway = 3,482 SF  
 Pool/Deck/Patio = 2,763 SF  
 Front Porch/Walk = 179 SF  
 Additional Impervious Surfaces = 196 SF  
 Total Impervious Area = 10,079 SF  
 = 48% OF Lot Area

Lot 2, Block 8  
 Country Club Gardens  
 Mapbook 15, Page 10

Parcel B  
 Randolph Resurvey  
 Mapbook 24, Page 24

## Notes

1. Date of Field Work: 12/18&21/2020;
2. All utilities visible on the surface in the area of the assignment have been shown hereon; underground utilities may exist; and should be verified prior to any excavation;
3. Spot elevations shown are relative and based on an assumed beginning elevation;
4. Contours are drawn at one-foot interval for area specified by client;
5. Legal Description: Lot 1A, Wason Survey, recorded in Map Book 199, Page 68, Judge of Probate Office, Jefferson County; Easements and Setback Lines taken from record plat;

## CERTIFICATE

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.

January 5, 2021

Date



Rowland Jackins, Ala. PLS. No. 18399

## ASBUILT/ TOPOGRAPHIC SURVEY

714 Fairway Drive, Mountain Brook, Alabama  
 Lot 1A, Wason Resurvey; MB.199, PG.68

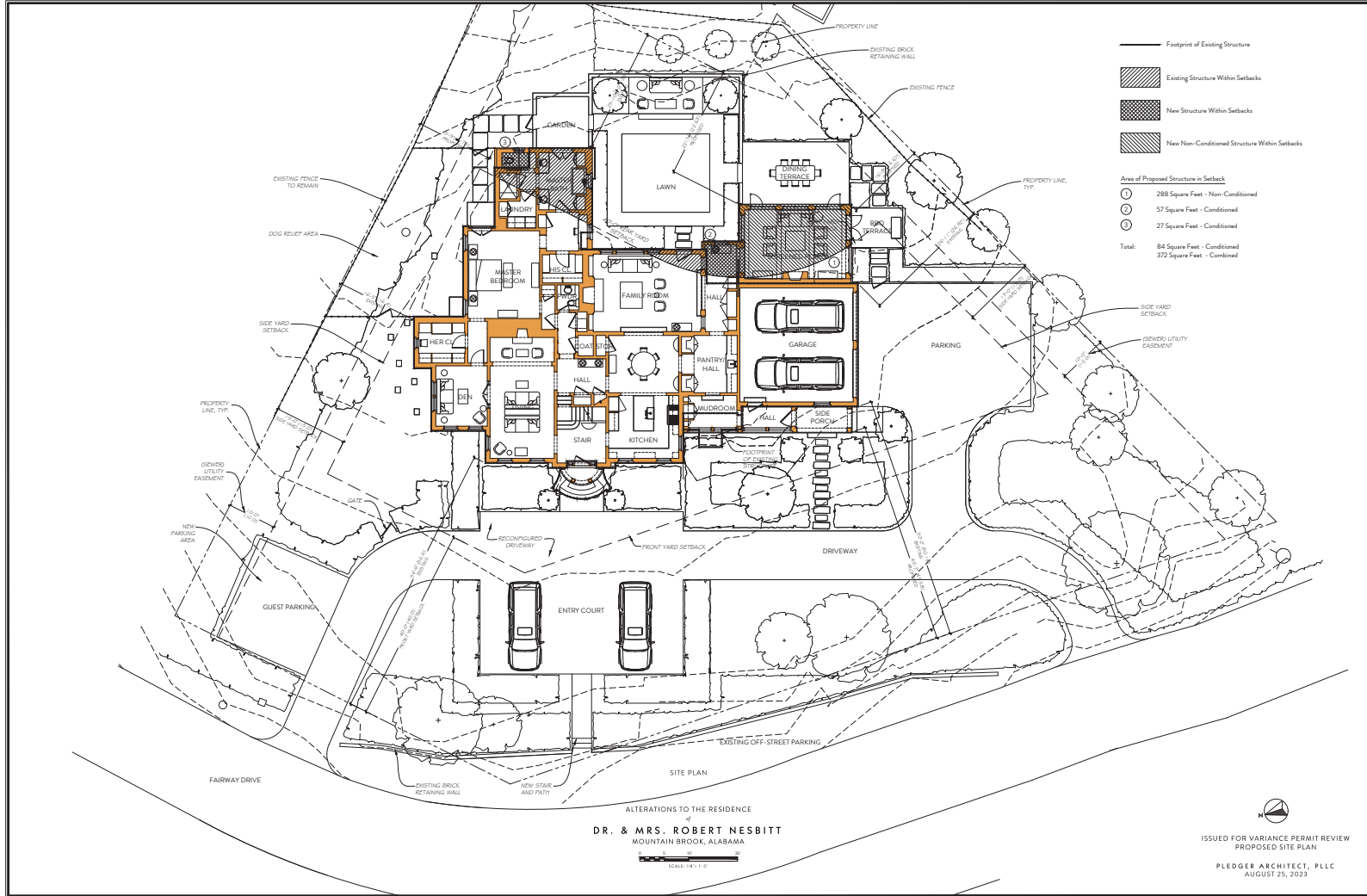
Scale: 1 Inch = 10 Feet December 2020

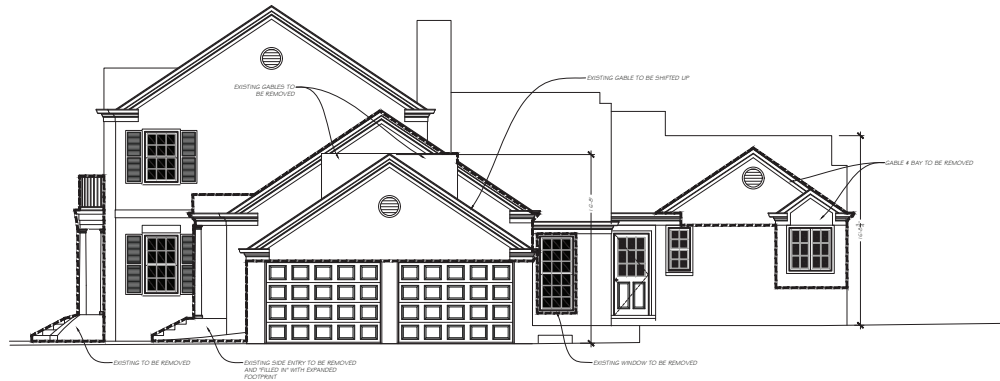
JACKINS, BUTLER & ADAMS, INC.  
 SURVEYING—GEOLOGY  
 3430 INDEPENDENCE DRIVE, SUITE 30  
 BIRMINGHAM, ALABAMA 35209  
 (205) 870-3390

File: S-1554/20-C

Drawing 1







EXISTING SOUTH ELEVATION

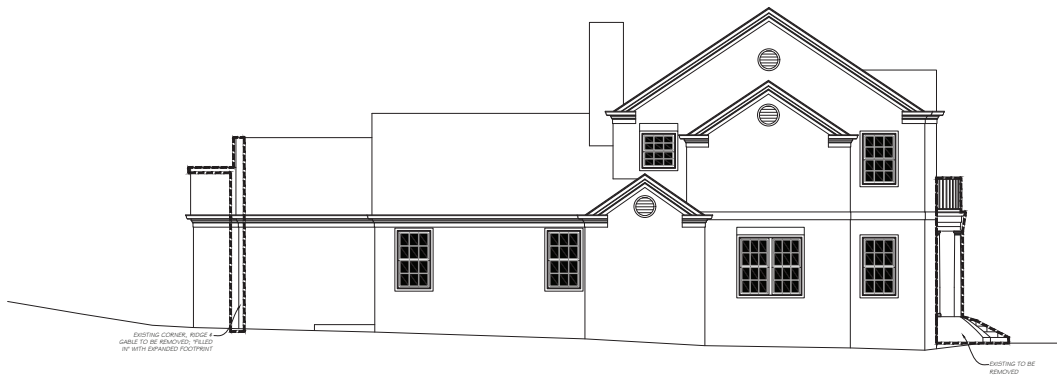


EXISTING WEST ELEVATION

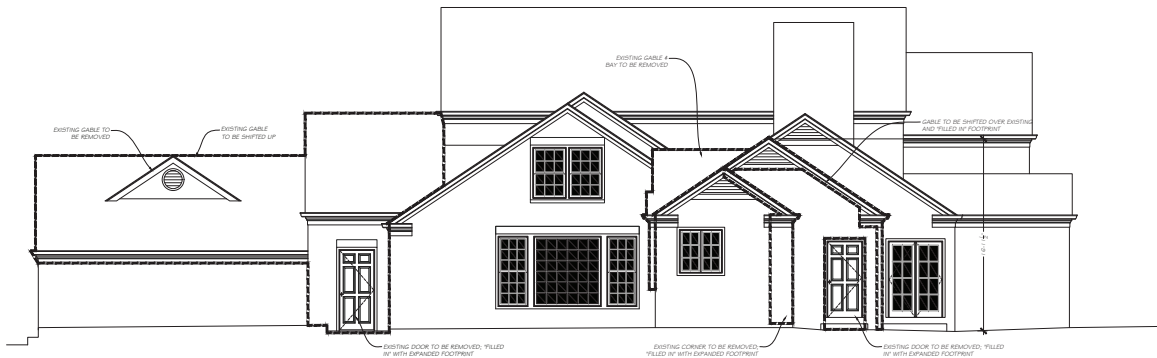
ALTERATIONS TO THE RESIDENCE  
 DR. & MRS. ROBERT NESBITT  
 MOUNTAIN BROOK, ALABAMA



ISSUED FOR VARIANCE PERMIT REVIEW  
 PROPOSED SITE PLAN  
 PLEDGER ARCHITECT, PLLC  
 AUGUST 25, 2023



EXISTING NORTH ELEVATION



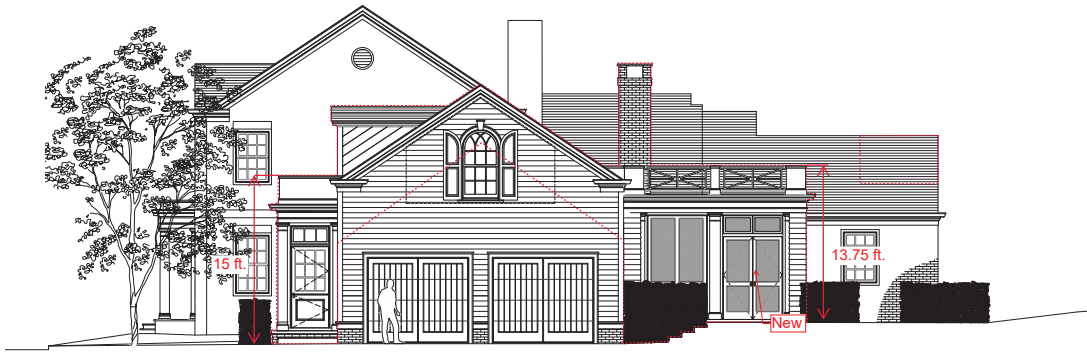
EXISTING EAST ELEVATION

ALTERATIONS TO THE RESIDENCE  
OF  
**DR. & MRS. ROBERT NESBITT**  
MOUNTAIN BROOK, ALABAMA  
SCALE: 1/4" = 1'-0"

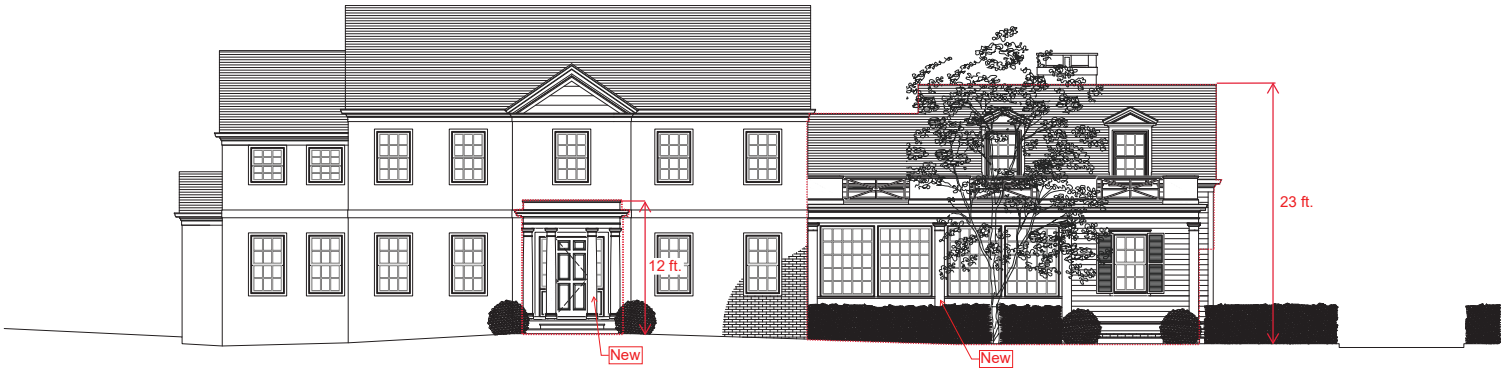


ISSUED FOR VARIANCE PERMIT REVIEW  
PROPOSED SITE PLAN  
PLEDGER ARCHITECT, PLLC  
AUGUST 25, 2023





SOUTH ELEVATION



WEST ELEVATION

ALTERATIONS TO THE RESIDENCE  
OF  
**DR. & MRS. ROBERT NESBITT**  
MOUNTAIN BROOK, ALABAMA



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



ISSUED FOR VARIANCE PERMIT REVIEW  
PROPOSED SITE PLAN

PLEDGER ARCHITECT, PLLC  
AUGUST 25, 2023



NORTH ELEVATION



EAST ELEVATION

ALTERATIONS TO THE RESIDENCE  
OF  
**DR. & MRS. ROBERT NESBITT**  
MOUNTAIN BROOK, ALABAMA



ISSUED FOR VARIANCE PERMIT REVIEW  
PROPOSED SITE PLAN  
PLEDGER ARCHITECT, PLLC  
AUGUST 25, 2023

PLEDGER ARCHITECT, PLLC  
ARCHITECTURE & DESIGN

**Variance-Board of Zoning Adjustment**

**Context Photos**

August 25, 2023

Residence of Dr. Robert & Lisa Nesbitt  
714 Fairway Drive  
Mountain Brook, AL 35213

**Front Yard View from Northwest**





Front Yard View from Southwest



Front Yard View from Southwest (Garage)





**Side Yard View from South**



**Rear Yard View from West (Garage)**





**Rear Yard View from Southwest**



**Rear Yard View of Northeast Corner to be “Filled In”**







# A-21-54

## CITY OF MOUNTAIN BROOK

Department of Planning, Building &  
Sustainability  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3810  
[www.mtnbrook.org](http://www.mtnbrook.org)

---

### BOARD OF ZONING ADJUSTMENT MEETING SUMMARY

Meeting Date: November 15, 2021

Case Number: A-21-54

Case Address: 714 Fairway Drive

Property Owner(s): Dr. Robert and Lisa Nesbitt  
[lisanesbitt@mac.com](mailto:lisanesbitt@mac.com)

Representative(s) Mark Pledger  
[mark@pledgerarchitect.com](mailto:mark@pledgerarchitect.com)

**Type Request:** Dr. Robert and Lisa Nesbitt, property owners, request variances from the terms of the Zoning Regulations to allow additions to a single family dwelling to be 36.58 feet from the front property line (Fairway Drive) and 25.83 feet from the rear property line (east) both in lieu of the required 40 feet.

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

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

10' (15.25') REAR YARD SETBACK

40' OF REAR YARD SETBACK

REAR YARD SETBACK

10' (15.25') REAR YARD SETBACK

10' (15.25') REAR YARD SETBACK

This architectural site plan illustrates a residential property with various rooms and setbacks. The plan includes the following labeled areas:

- Rooms and Structures:** Master Bedroom, Laundry, Family, Kitchen, Pantry, Den, Living, Dining, Hall, Stair, Coat, Mudroom, Garage, Loggia, and a proposed structure.
- Setbacks and Boundaries:** Front Yard Setback, Rear Yard Setback, and Side Yard Setback.
- Other Features:** East Lawn, South Lawn, Gate, and a driveway.
- Shaded Areas:** Four specific areas are highlighted with yellow shading and numbered 1 through 4, likely indicating areas of interest or proposed changes.



## Variance Application - Part I

### Project Data

Address of Subject Property 714 Fairway Drive Mountain Brook, AL 35213

Zoning Classification Residence A District

Name of Property Owner(s) Dr. Robert and Lisa Nesbitt

Phone Number 256-338-9797 Email lisanesbitt@mac.com

Name of Surveyor Jackins, Butler & Adams, Inc. Surveying-Geology (contact: Dan Alfred)

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

Name of Architect (if applicable) Pledger Architect, PLLC (contact: Mark Pledger/Peter LoGiudice)

Phone Number 205-900-8820 Email mark@pledgerarchitect.com/  
plogiudice@pledgerarchitect.com



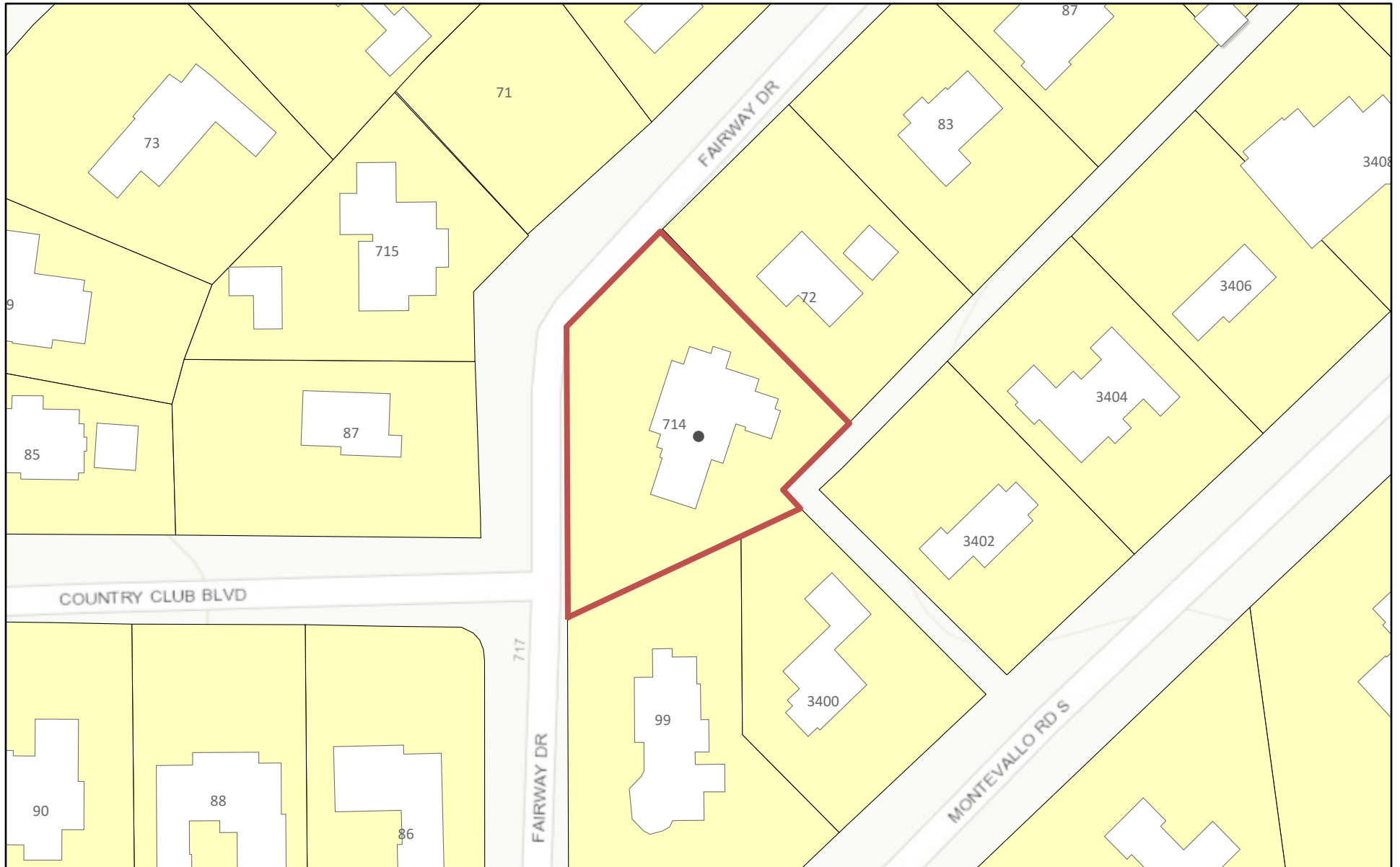
Property owner or representative agent must be present at hearing

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	21,009	21,009
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	40	50.16	36.58
Front Setback (ft) <i>secondary</i>			
Right Side Setback	20 (15 per zoning)	26.92	15.58
Left Side Setback	20 (15 per zoning)	16.4	15.75
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	25.83	25.83
Lot Coverage (%)	55	48	47
Building Height (ft)			
Other			
Other			



# A-21-54 Zoning

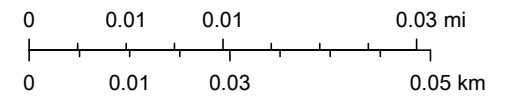


11/5/2021, 1:15:44 PM

Tax\_Parcels 2021

 Residence A District

1:1,128



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

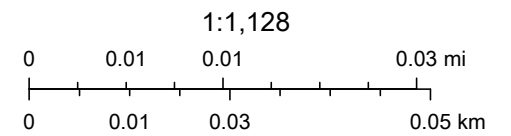
ArcGIS Web AppBuilder

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

## A-21-54 Aerial



11/5/2021, 1:16:56 PM



Maxar, Microsoft

## Report to the Board of Zoning Adjustment

### A-21-54

#### ***Petition Summary***

Request to allow additions to a single family dwelling to be 36.58 feet from the front property line (Fairway Drive) and 25.83 feet from the rear property line (east), both in lieu of the required 40 feet.

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

Generally, the scope of work includes the removal of a pool, reconfiguration of the existing front drive and parking areas, and the removal and reconfiguration of building additions that include the kitchen and two-car garage.

The proposed scope of work within the setbacks will be one story and will include the reconfigured garage, a new screened porch and a master bedroom. The total area for these additions is 94 square feet.

#### ***Variance Requests for Front and Rear Setbacks***

**Nexus:** The hardships in this case are the *irregular lot shape, and existing design constraints*, both of which are reasonably related to the request for the additions to be located in the front and rear yards.

**Possible Findings for Approval:** As may be seen on the attached zoning map, the subject lot is *irregularly shaped*. This shape is unique and can be said to not apply generally to other lots and in the vicinity.

Also, given the footprint of the home as it currently exists, the addition is not merely a convenience to the applicant, but is a *practical hardship/existing design constraint*. And, it is proposed that *only the corners of the proposed construction will encroach* into the front and rear setbacks. Therefore, it is not anticipated that an approval of this request would adversely affect the flow of light and air to the adjoining property, nor be detrimental to the streetscape.

#### ***That the granting of the variances for front and rear additions:***

- a. is minor in nature (in that the encroachment is only for corners of the building in the front and rear, and the encroachments are approximately);
- b. does not merely serve as a convenience to the applicant (in that existing design constraints dictate the location of the proposed additions);
- c. will not be detrimental to the streetscape (since the encroachment is minor and only at one corner).

#### ***Impervious Area***

The proposal exceeds the maximum impervious surface percentage allowed.



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

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

***Affected Regulation***

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

***Appends***

LOCATION: 714 Fairway Drive

ZONING DISTRICT: Residence A District

OWNERS: Robert and Lisa Nesbitt

## LEGEND

PP	POWER POLE
PM	POWER METER
AC	AIR CONDITIONER
GEN.	GENERATOR
PM	POWER METER
—//—	OVERHEAD POWER/UTILITIES
FEN	FENCE
MH	MANHOLE
GM	GAS METER
FFE	FINISHED FLOOR ELEVATION
IPF	CAPPED IRON FOUND (WEYGAND)
IPS	CAPPED IRON SET
CM	CREPE MYRTLE
(p)	PLAT DIMENSION
(m)	MEASURED DIMENSION

## IMPERVIOUS AREA CALCULATION

Lot Area = 21,009 SF  
 House Footprint = 3,459 SF  
 Conc. Driveway = 3,482 SF  
 Pool/Deck/Patio = 2,763 SF  
 Front Porch/Walk = 179 SF  
 Additional Impervious Surfaces = 196 SF  
 Total Impervious Area = 10,079 SF  
 = 48% OF Lot Area

Lot 2, Block 8  
 Country Club Gardens  
 Mapbook 15, Page 10

Parcel B  
 Randolph Resurvey  
 Mapbook 24, Page 24

## Notes

1. Date of Field Work: 12/18&21/2020;
2. All utilities visible on the surface in the area of the assignment have been shown hereon; underground utilities may exist; and should be verified prior to any excavation;
3. Spot elevations shown are relative and based on an assumed beginning elevation;
4. Contours are drawn at one-foot interval for area specified by client;
5. Legal Description: Lot 1A, Wason Survey, recorded in Map Book 199, Page 68, Judge of Probate Office, Jefferson County; Easements and Setback Lines taken from record plat;

## CERTIFICATE

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.

January 5, 2021

Date



Rowland Jackins, Ala. PLS. No. 18399

## ASBUILT/ TOPOGRAPHIC SURVEY

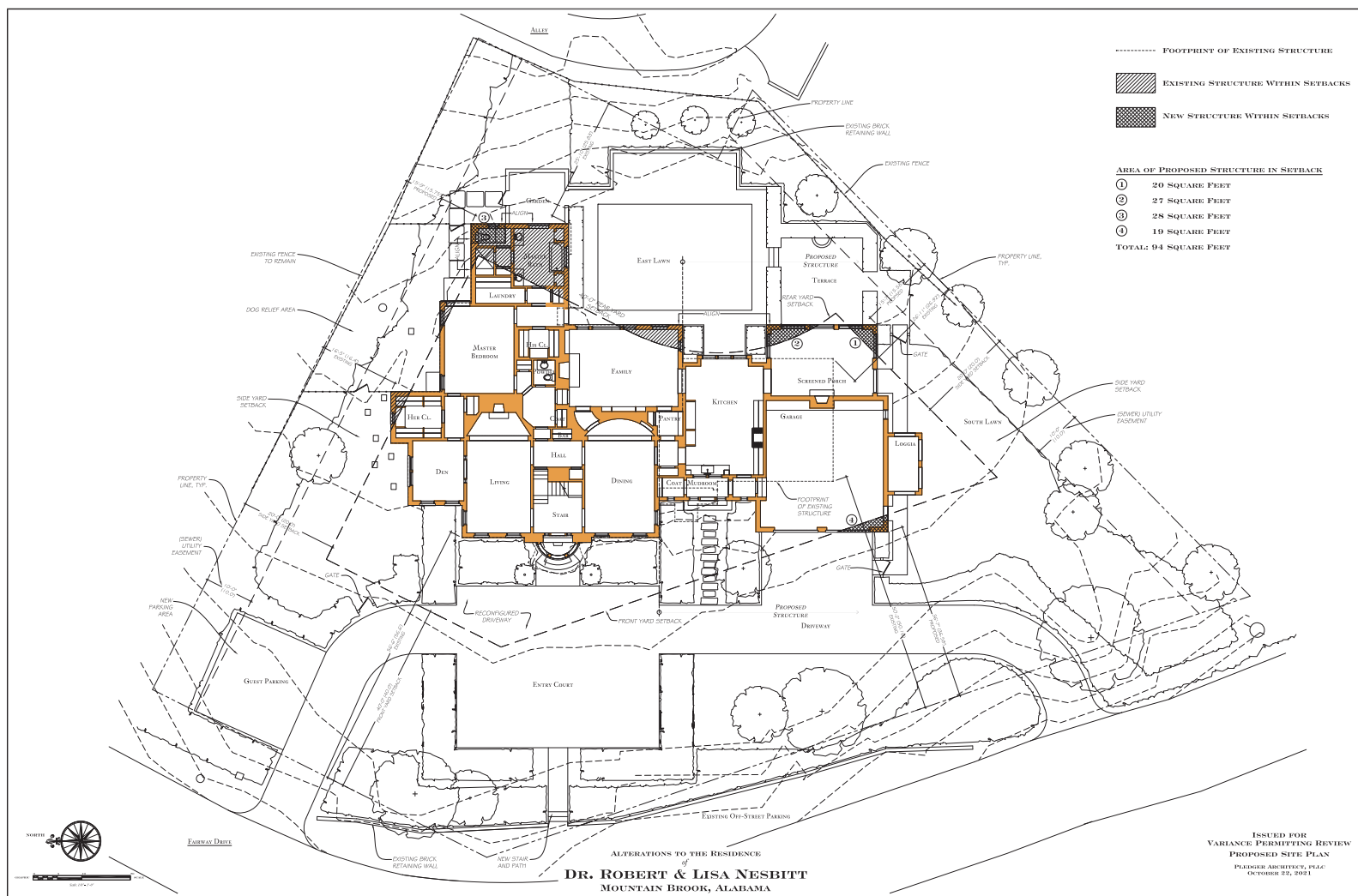
714 Fairway Drive, Mountain Brook, Alabama  
 Lot 1A, Wason Resurvey; MB.199, PG.68

Scale: 1 Inch = 10 Feet December 2020

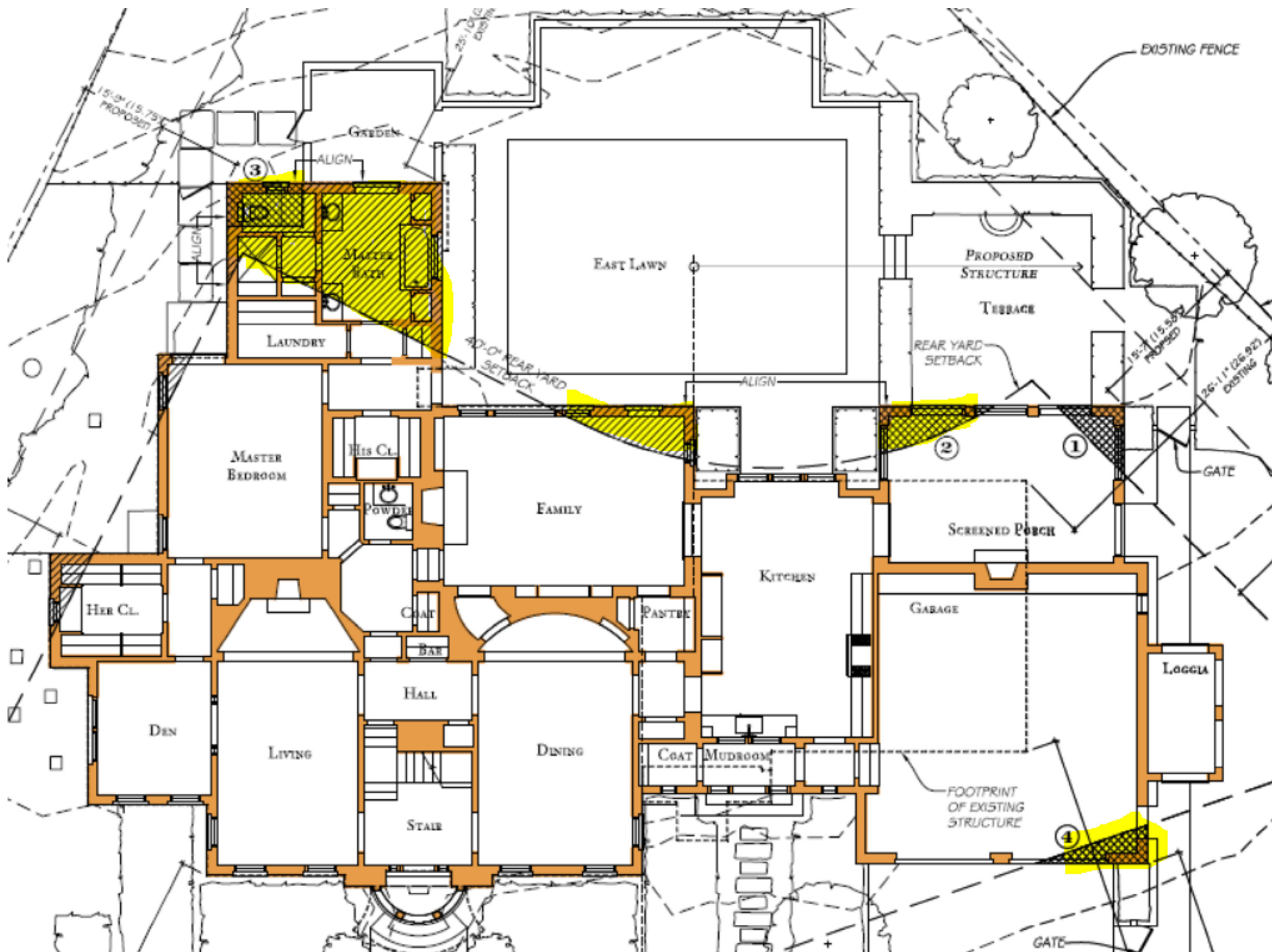
JACKINS, BUTLER & ADAMS, INC.  
 SURVEYING—GEOLOGY  
 3430 INDEPENDENCE DRIVE, SUITE 30  
 BIRMINGHAM, ALABAMA 35209  
 (205) 870-3390

File: S-1554/20-C

Drawing 1

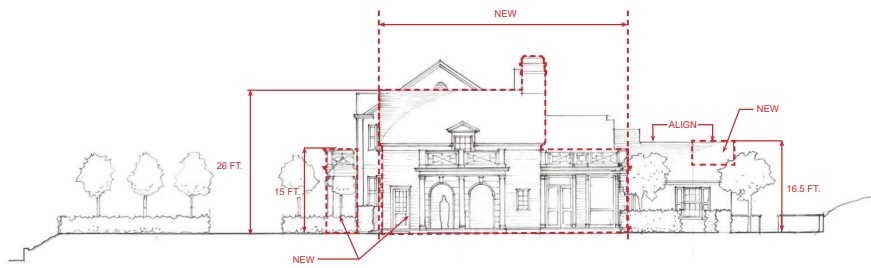




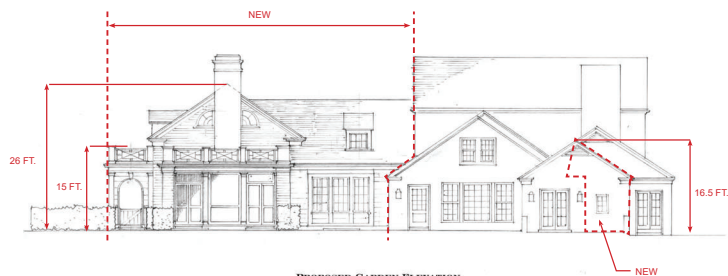




PROPOSED ENTRY ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED GARDEN ELEVATION

ALTERATIONS TO THE RESIDENCE

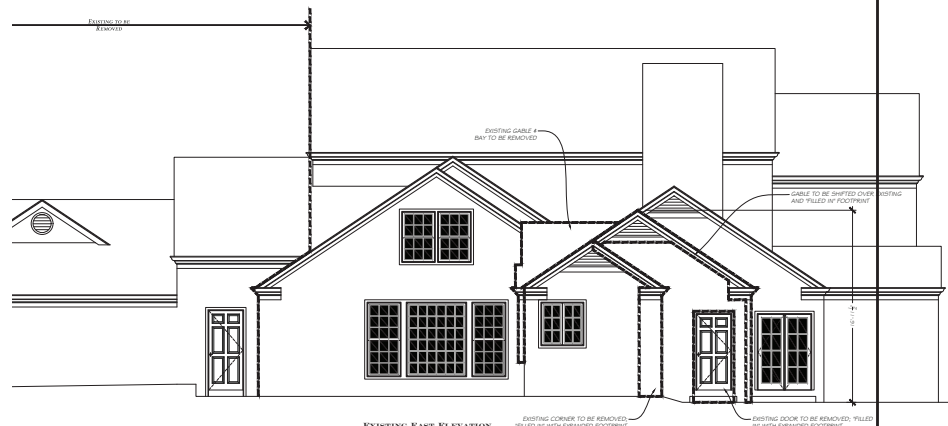
**DR. ROBERT & LISA NESBITT**  
MOUNTAIN BROOK, ALABAMA

ISSUED FOR  
VARIANCE PERMITTING REVIEW  
PROPOSED ELEVATIONS  
PLEDGER ARCHITECT, PLLC  
OCTOBER 22, 2021





EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION

ALTERATIONS TO THE RESIDENCE  
of  
**DR. ROBERT & LISA NESBITT**  
MOUNTAIN BROOK, ALABAMA

ISSUED FOR  
VARIANCE PERMITTING REVIEW  
EXISTING EXTERIOR ELEVATIONS  
PLANNED ARCHITECTS, PLLC  
OCTOBER 22, 2021





ALTERATIONS TO THE RESIDENCE  
of  
**DR. ROBERT & LISA NESBITT**  
MOUNTAIN BROOK, ALABAMA

ISSUED FOR  
VARIANCE PERMITTING REVIEW  
EXISTING EXTERIOR ELEVATIONS  
PLANNED ARCHITECTS, PLLC  
OCTOBER 22, 2021

PLEDGER ARCHITECT, PLLC  
ARCHITECTURE & DESIGN

**By Email**

October 22, 2021

Board of Zoning Adjustment  
c/o Tammy Reid  
Administrative Analyst  
City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213

**Re: Variance Permitting Review-Written Statement  
Dr. Robert & Lisa Nesbitt  
714 Fairway Drive  
Mountain Brook, AL 35213**

Dear Ms. Reid & Board of Zoning Adjustment:

The proposed scope of work relating to the requested variance for 714 Fairway Drive includes the request for 1) minimal new building area within building set-backs, and 2) the reconfiguration of existing roof lines within a portion of the existing structure that is already nonconforming by being located within a setback. The overall scope of the project includes removal of the existing pool, reconfiguration of the existing front drive and parking areas, and the removal and reconfiguration of the later building additions that include the kitchen and 2-car garage. The architectural character of the proposed building modifications will be in keeping with the original 1940's Georgian revival architecture and will add visual interest from the street and neighbors, while at the same time simplifying some of the existing mis-matched roofs, pediments, and projecting bay windows. The scale of the proposed building modifications within the setbacks will be one-story, with architectural components such as roof eaves generally aligned with existing conditions. The proposed new areas that would fall within the setbacks include portions of the reconfigured garage, a new screened porch in the back, and the master bathroom. The total area for these additions is 94 square feet.

Please contact me if you have any questions or need additional information.

Best regards,

A handwritten signature in black ink, appearing to read 'Mark Pledger', with a long horizontal flourish extending to the right.

Mark Pledger  
Principal



## 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 existing lot area of 21,009 Sq. Ft. is almost one third less than the minimum zoning requirement of 30,000 Sq. Ft. Rather than a more standard rectangular shape, the shape of this lot is an atypical "pie-shape" that is wider in the front and narrower in the back. The placement of the existing structure on the lot is further back from the required front yard set back and is currently over the rear set-backs in four locations. The required side yard setbacks of 20 Ft. for this lot are more stringent than zoning the zoning requirement of 15 Ft. The existing front yard setback at its closest location (50.16 Ft.) is over 10 Ft. further than required (40 Ft.). The area of the existing structure covers 19% (25% max.) of the 21,009 Sq. Ft. lot. The same area would cover 13% if the lot met the 30,000 Sq. Ft. min. Impervious surfaces cover 25% (30% max.) of the 21,009 Sq. Ft. lot. The same area would cover 17% if the lot met the 30,000 Sq. Ft. min.

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 placement of the existing structure on the atypical pie-shaped lot and that the existing structure is already over the set-backs in 4 locations significantly limits the ability for the owners to develop any outdoor covered space in the back without partially extending into the set-backs. Additionally, the owner's goal of simplifying the existing architectural character and form requires a variance review because the structure already has non-conforming zoning conditions.

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

Granting the variance would be consistent with the purpose and intent of the Zoning Regulations because 1) there would be less impervious area, 2) the total lot coverage would still remain under the allowable, 3) the proposed new areas within the set-backs would be under allowable building heights and would generally align with or be lower than adjacent roof eaves and ridges, and 4) it would allow for more typical uses by the owner that would generally be allowed on more standard rectangular-shaped lots.