

# BZA Packet

April 15, 2024

**Hello All,**

Enclosed please find your packet for the meeting of April 15, 2024.

**We have:**

- 6 new cases

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

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

- Calendar (upper right corner)
- Board of Zoning Adjustment (April 15, 2024)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and/or survey select link associated with the case number)

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

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

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
April 15, 2024  
PRE-MEETING: 4:40 P.M.  
REGULAR MEETING: 5:00 P.M.

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

NOTICE

*Any variance which is granted today expires and becomes null and void one year from today unless construction is begun in less than one year from today on the project for which the variance is granted. If construction will not be started within one year from today, the applicant may come back in 11 months and ask for a six-month extension, which the Board normally grants.*

*Any variance which is granted, regardless of the generality of the language of the motion granting the variance, must be construed in connection with, and limited by, the request of the applicant, including all diagrams, plats, pictures and surveys submitted to this Board before and during the public hearing on the variance application.*

- 
1. Approval of Minutes: March 18, 2024
  2. **Case A-24-15: Kent Ethridge**, property owner, requests variances from the terms of the Zoning Regulations to allow a fence to be 6 feet tall in the secondary front yard (Bethune Drive) in lieu of the maximum allowed height of 4 feet. **-3571 Oakdale Drive**
  3. **Case A-24-16: Justin and Emily Dean**, property owners, request a variance from the terms of the Zoning Regulations to allow additions to the existing single family dwelling to be 28 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet. **-161 Peachtree Circle**
  4. **Case A-24-17: Taylor and Carlee Arnold**, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 30.8 feet from the front property line (Azalea Road) in lieu of the required 35 feet. **-96 Azalea Road**
  5. **Case A-24-18: Alan and Laing Higgins**, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to the existing single family dwelling to be 60.2 feet from the front property line (Park Brook Road) in lieu of the required 100 feet. **-3010 Park Brook Road**
  6. **Case A-24-19: Steven and Kareth Ferguson**, property owners, request a variance from the terms of the Zoning Regulation to allow an addition to an existing single family dwelling to be 10 feet 1 inch from the left side property line (west) in lieu of the required 12.5 feet. **-116 Crestwood Drive**
  7. **Case A-24-20: Macy and Leigh Smith**, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing single family dwelling to be 7.1 feet from the right side property line (south) in lieu of the required 12.5 feet. **-411 Meadow Brook Lane**

8. Next Meeting: **Monday, May 20, 2024**

9. Adjournment



## Variance Application - Part I

### Project Data

Address of Subject Property 3571 OAKDALE DR.

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

Name of Property Owner(s) KENT ETHRIDGE

Phone Number (205) 960-4583 Email KENT@KEEPAK.COM

Name of Surveyor \_\_\_\_\_

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

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

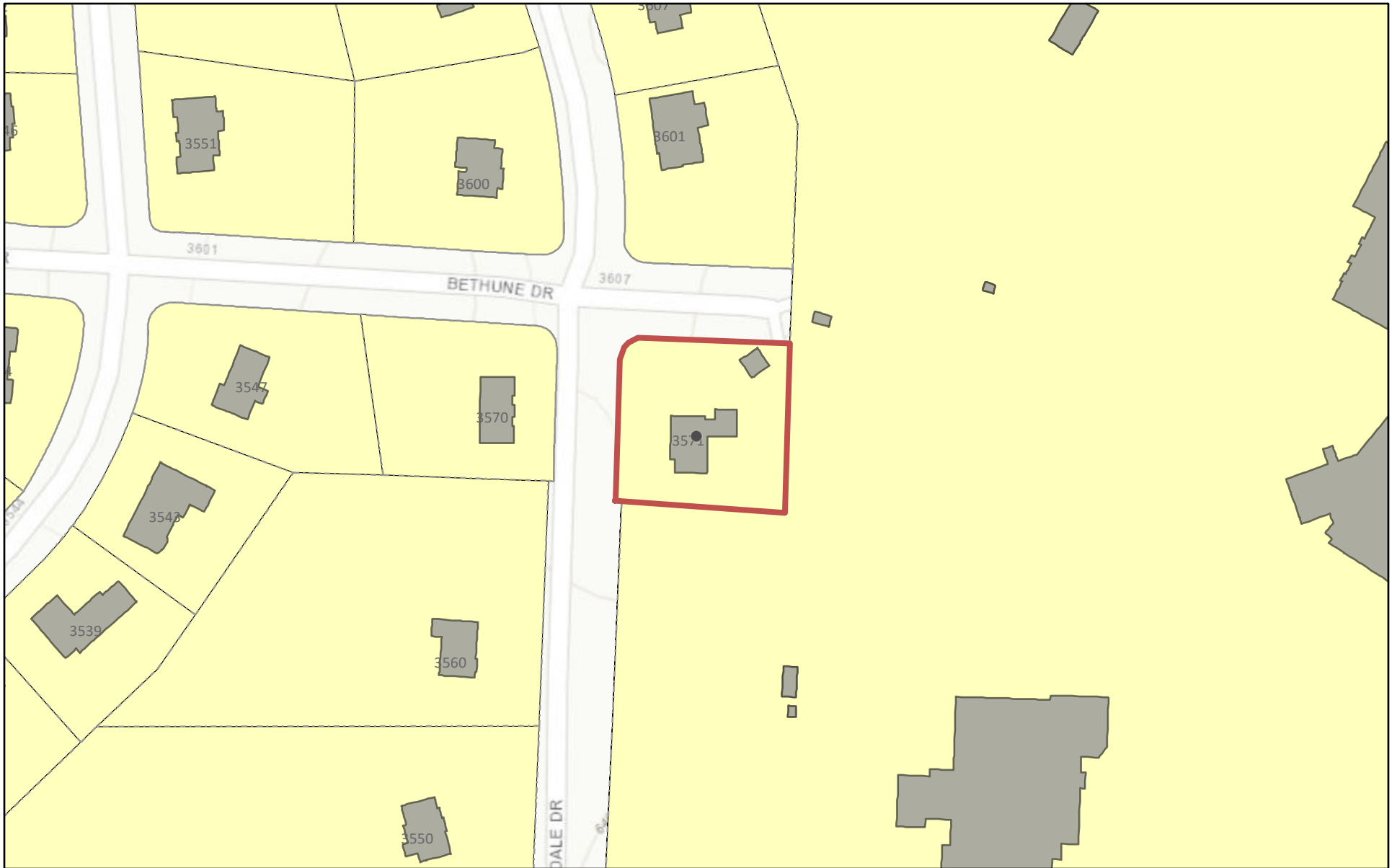
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing





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

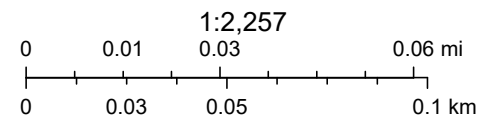
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than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

# A-24-15 Zoning



4/2/2024, 2:28:08 PM

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



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

ArcGIS Web AppBuilder

# A-24-15 Aerial



4/2/2024, 2:30:28 PM

Aerial 2021

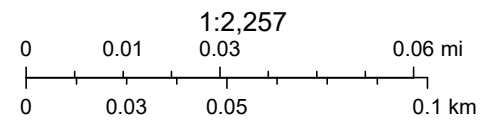
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

## Report to the Board of Zoning Adjustment

### A-24-15

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

Request to allow a fence to be 6 feet tall in the secondary front yard (Bethune Drive) in lieu of the maximum allowed height of 4 feet.

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

The scope of work includes the construction of a fence.

#### ***Variance Request for Fence***

**Nexus:** The hardship in this case is corner lot configuration. The proposed fence would replace an existing fence in the same location.

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

The subject request appears to possibly meet “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 (corner lot configuration)

***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 be detrimental to the streetscape (in that the proposed location is not in a typical resident block as this is the last house leading into the high school and is replacing an existing 6’ fence)

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

The proposal is in compliance with 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 XIX, Section 129-315 Fences and walls in residential districts

***Appends***

LOCATION: 3571 Oakdale Drive

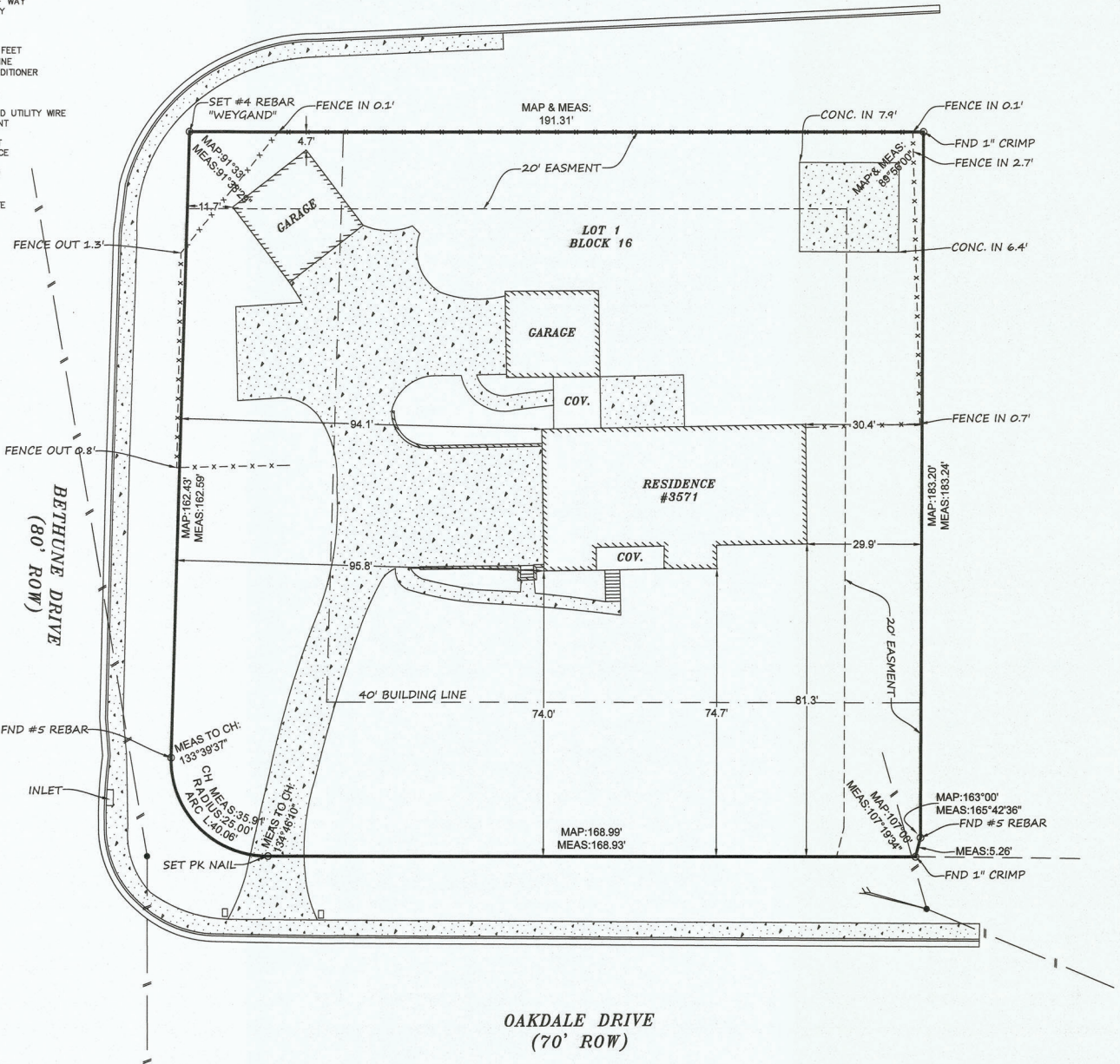
ZONING DISTRICT: Residence A District

OWNERS: Kent Ethridge



LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LONG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- SAN SANITARY
- STM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X— FENCE
- X— OVERHEAD UTILITY WIRE
- PWMT PAVEMENT WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT COVERED
- COV COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL
- COLUMN COLUMN



SCALE: 1"=20'  
 STATE OF ALABAMA  
 JEFFERSON COUNTY

"Property Boundary Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed, LOT 1 BLOCK 16 WUEENSURY ADD TO MOUNTAIN BROOK 1ST SECTOR 2ND ADD., as recorded in Map Volume 118, Page 55, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of JULY 20, 2021. Survey invalid if not sealed in red.

Order No.: 20211383  
 Purchaser:  
 Address: 3571 OAKDALE DRIVE

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



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

# Olympic Fence

Mark Gilbert  
205.663.4632

Proposal/Contract  
P.O. Box 585  
Alabaster, AL 35007

Purchaser Name: <b>KENT ETHRIDGE</b>		Date: <b>3/7/2024</b>
Address: <b>3571 OAKDALE DRIVE</b>		Telephone: <b>2059604583</b>
City: <b>MTN BROOK 35223</b>		Email: <b>KENT@KEEPAK.COM</b>
Special Instructions:		
Height: <b>6</b> Post Spaced: Style Fence: Gauge _____ Ec. nomy Knuckled _____ Twisted _____	*DUE TO FLUCTUATING PRICES, ALL ESTIMATES ARE VALID FOR 14 DAYS*	
COST DETAIL: _____ Linear Feet of _____ \$ _____ Linear Feet of _____ \$ _____ Linear Feet of _____ \$ _____ Clearing/Removal \$ _____ Terminal Posts \$ _____ Gate(s) \$ Other/Misc. \$		
Total Contract Price \$ <b>5,492.00</b> DEPOSIT 50% \$ <b>2,746.00</b> PERMIT FEE IF REQUIRED \$ BALANCE DUE \$	* If removal is needed, an additional charge will apply	

Fence Contract Terms: Olympic Fence hereinafter known as "Company," sells to the "Purchaser," listed above, fence product as described in this contract. Company will not be responsible for damage of the landscape (trees, shrubs, sod, plants, flowers, etc.) and will not be required to remove or reform soil excavated from postholes during fence installation. Purchaser agrees to locate and identify the property lines and easements. Purchaser is solely responsible for location of fence, fence style. The Purchaser is responsible for obtaining approval via HOA or ARC prior to installation. If the property lines are not clearly marked, it is highly recommended that the Purchaser have the property surveyed. Purchaser recognizes that due to the varied surface of the earth, uneven spaces may exist between the fence and the ground. Purchaser will not hold Company liable or responsible for animals or persons crossing the fence boundary in any way. If the project requires attachment of the fence to masonry structures such as concrete or walls, Purchaser recognizes that damage may occur due to natural forces and furthermore will not hold Company liable should damage occur. If Company is unable to dig postholes due to underground obstructions, additional charges of the rental equipment, plus \$25 per hole obstructed will apply. Any changes in fence style or footage requires a signed changed order and possible increase/decrease in contract price. Purchaser agrees to pay minimum 50% of the Total Contract Price, prior to initiating the project and the remaining balance of the Contract Total Price upon completion of the fence project. Purchaser is responsible for location of underground water lines, sewer lines, sprinkler lines and heads, and unmarked private gas lines. Olympic Fence is responsible for calling 811 call before you dig service. One year warranty on workmanship from date of installation.

Accepted by Olympic Fence "Company"	Accepted by "Purchaser"
Mark Gilbert-President	
Date: _____	Date: _____



## 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)?

REPLACING AN OLD FENCE. THE FENCE IS  
FACING BETHUNE DR. AND IS 6' TALL.  
WE WOULD LIKE TO REPLACE THE FENCE WITH  
THE SAME HEIGHT FENCE.

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?

KEEPING PRIVACY BETWEEN OUR PROPERTY  
& THE HIGH SCHOOL.



## Variance Application - Part I

### Project Data

Address of Subject Property 161 PEACHTREE CIRCLE

Zoning Classification RESIDENCE "C"

Name of Property Owner(s) JUSTIN AND EMILY DEAN

Phone Number 205-356-3503 Email JDEAN@CLEMENTSDEAN.COM

Name of Surveyor ARLINGTON ENGINEERING

Phone Number 205-985-9315 Email dave@arringtonengineering.com

Name of Architect (if applicable) SCOTT CARLISLE

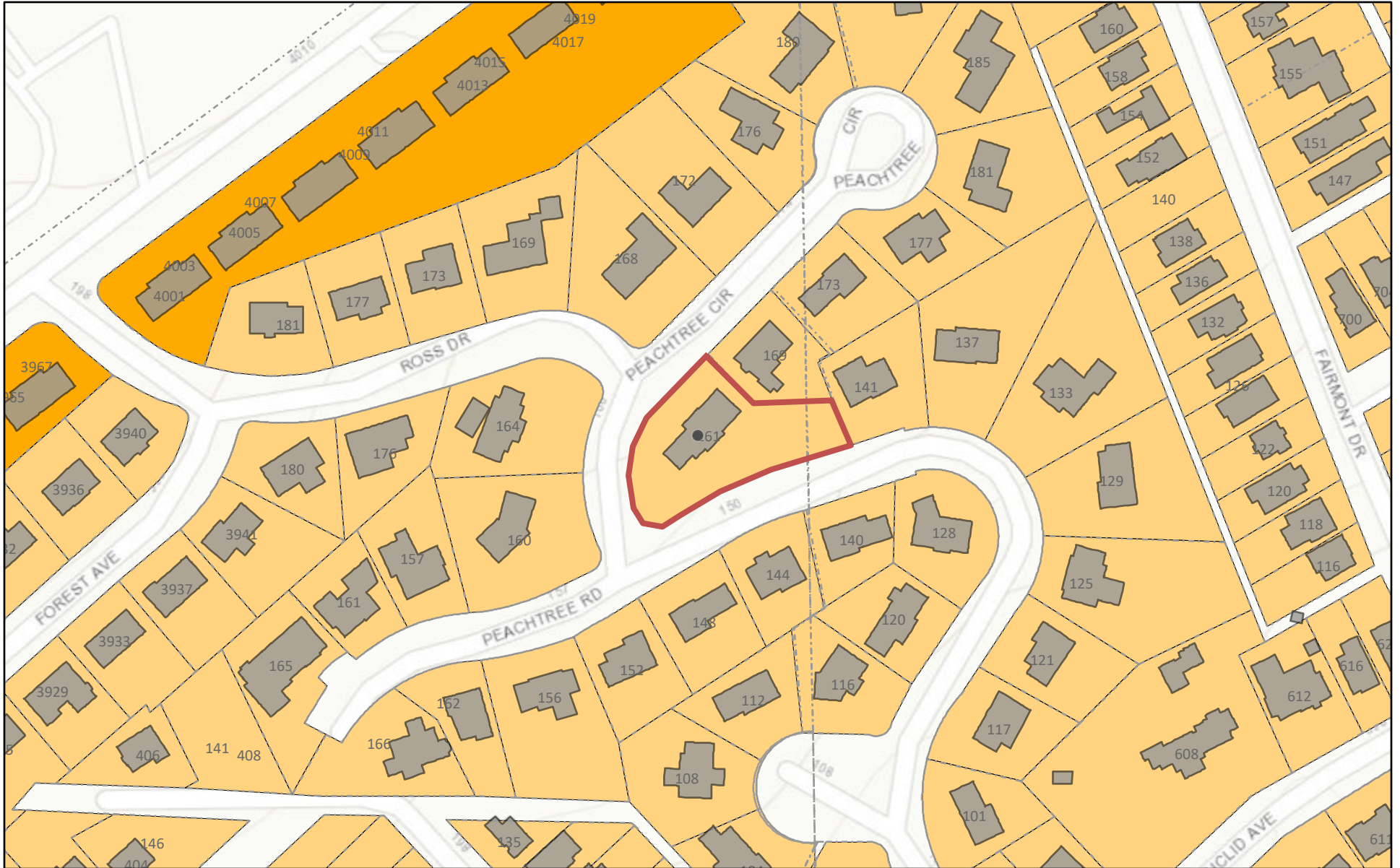
Phone Number 205-587-4868 Email scott@carlislemoorearchitects.com

Property owner or representative agent must be present at hearing






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

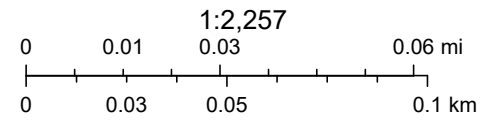
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35 FEET	35 FEET	28'-0"
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-24-16 Zoning



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



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

ArcGIS Web AppBuilder

# A-24-16 Aerial



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Aerial 2021

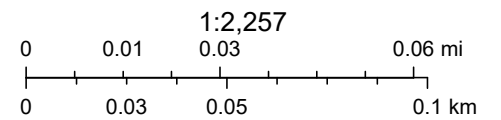
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

## Report to the Board of Zoning Adjustment

### A-24-16

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

Request to allow additions to the existing single family dwelling to be 28 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet.

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

The scope of work includes additions to the rear of the existing single family dwelling featuring adding a screened porch, terrace and additional living space.

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

**Nexus:** The hardships in this case are irregular lot shape and corner lot configuration. The lot is in a curve and has street frontage on three sides constraining the buildable area.

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

The subject request appears to possibly 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 (curved lot)
- d. exceptional topographic conditions
- e. other extraordinary and exceptional situations or conditions of such parcel which would result in peculiar, extraordinary and practical difficulties (corner lot configuration)

***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:
  - b. will not be detrimental to the streetscape (in that the proposed encroachments are relatively minor in nature and the streetscape along the secondary front is irregular)

***Impervious Area***

The proposal is in compliance with 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 V, Section 129-62 Residence C District

***Appends***

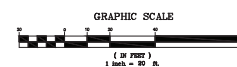
LOCATION: 161 Peachtree Circle

ZONING DISTRICT: Residence C District

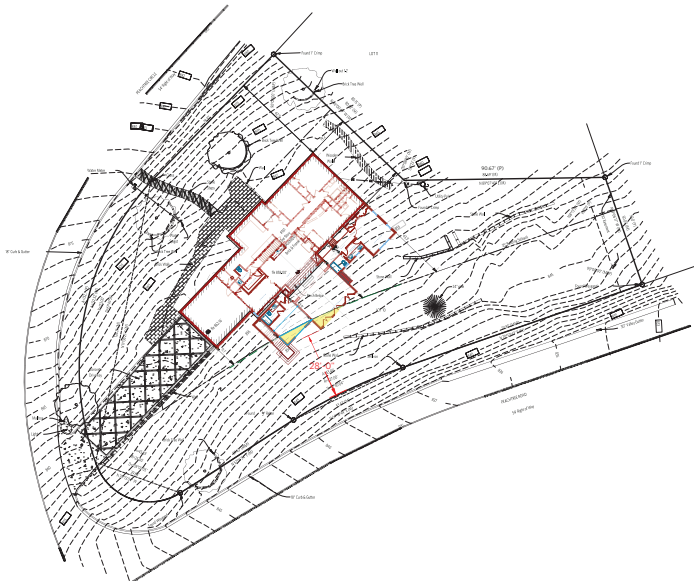
OWNERS: Justin and Emily Dean



# BOUNDARY & TOPOGRAPHIC SURVEY 161 PEACHTREE CIRCLE



LEGEND			
	BENCHMARK		OVERHEAD ELECTRIC
	ELECTRIC SPOT ELEVATION		WATER LINE
	UTILITY POLE		GAS LINE
	LIGHT POLE		MAJOR CONTOURS
	CITY WIRE		MINOR CONTOURS
	ELECTRIC BOX		WALL
	ELECTRIC METER		ASPHALT
	FIRE HYDRANT		CONCRETE
	WATER METER		BRICK
	GAS METER		WOOD
	SANITARY MANHOLE		STONE/FLAGSTONE/ RIP-RAP
	MAILBOX		COVERED WALK/CANOPY
	CORNER MONUMENT		
	AC		



**SURVEY CONTROL**  
THE BASIS OF BEARINGS AND OR COORDINATES SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, CIVIL CONTROL AND BEST AVAILABLE DATA. ALL BEARINGS, DISTANCES AND POSITIONS WERE OBTAINED FROM S.T.A. OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.

STATE OF ALABAMA  
JEFFERSON COUNTY  
I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed the above according to the survey of ALABAMA PROFESSIONAL SURVEYORS. All parts of this survey and drawings have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief. That there are no encroachments on and lot except as shown. That improvements are located as shown above. No Flood Zone Determination was requested or performed as part of this survey.

JEFF D. Arrington, AL Reg. #19864  
Arrington Engineering & Land Surveying, Inc.  
2012 Valleydale Road, Birmingham, AL 35244  
Phone: (205) 965-9393 Fax: (205) 965-9393

- NOTES:**
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY, RECORDED OR UNRECORDED. THE PARCELS SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY.
  - ALL BEARINGS AND/OR ANGLES, AND DISTANCES ARE BEAS AND ACTUAL UNLESS OTHERWISE NOTED. DEEDS(D) MEASURED-(M) RECORD MAP/PLAT-(P) CALCULATED-(C).
  - UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
  - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

**ARRINGTON ENGINEERING**  
Civil Engineers - Surveyors - Land Planners

DRAWING TITLE <b>BOUNDARY &amp; TOPOGRAPHIC SURVEY</b> LOCATION & DESCRIPTION <b>161 PEACHTREE CIRCLE</b>		DRAWN BY: JDA CHECKED BY: JDA DATE: 10-14-2020 SCALE: 1" = 20' PARTY CHIEF: JDA PROJECT NO.: 75926 SHEET: 1 OF 1
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## Variance Application Part II

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

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

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

---

The existing lot is a narrow, oddly shaped lot on an acute corner with three front-facing elevations with 35-foot setbacks at each of the three sides. Due to the lots narrow size and shape, the required setback dimensions box in the house and limit the expansion options.

---

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...")

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No, this is an existing condition

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

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Granting this variance would allow the property owner to expand their house in a manner that would be possible if this lot didn't have the hardships of three front-facing elevations. The "over the setback" areas on the additions to the house are clipped corners and would not unduly impose on the adjacent property owners.

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# ZONING VARIANCE

March 21, 2024

Board of Zoning Adjustment  
56 Church Street  
City of Mountain Brook  
Mountain Brook, AL 35213



Regarding: 161 Peachtree Circle

To The Board:

Thank you for considering our Zoning Variance. This project is a small addition to the existing house at 161 Peachtree Circle. It is an enlargement/addition at the rear of the house, adding a screen porch, terrace, and additional living spaces. Due to the restrictive nature of the site, we are asking for a new setback of 28' at the rear of the house.

Regards

A handwritten signature in black ink, appearing to read 'T. Scott Carlisle'.

T. Scott Carlisle  
For the Firm

T. SCOTT CARLISLE  
2024 77-4262

BILL MOORE  
2024 77-4262

2124 77-10047 AN  
56 CHURCH STREET, AL 35204

WWW.CARLISLEMOOREARCHITECTS.COM



## Variance Application - Part I

### Project Data

Address of Subject Property 96 Azalea Road - 35213  
 Zoning Classification Residence B  
 Name of Property Owner(s) Taylor + Carlee Arnold  
 Phone Number 615-415-3386 Email starnold789@gmail.com  
 Name of Surveyor Weygand  
 Phone Number 205-942-0086 Email \_\_\_\_\_  
 Name of Architect (if applicable) \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

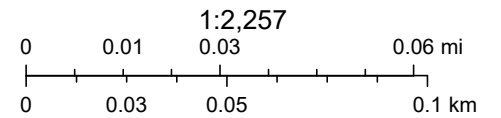
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	35' 0"	31' 7"	30' 8"
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-24-17 Zoning



4/2/2024, 3:48:20 PM

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



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

ArcGIS Web AppBuilder

# A-24-17 Aerial



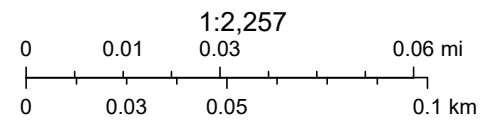
4/2/2024, 3:49:25 PM

Aerial 2021

Red: Band\_1

Green: Band\_2

Blue: Band\_3



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

ArcGIS Web AppBuilder



## Report to the Board of Zoning Adjustment

A-24-17

### *Petition Summary*

Request to allow an addition to be 30.8 feet from the front property line (Azalea Road) in lieu of the required 35 feet.

### *Scope of Work*

The scope of work includes a new roof area along the front of the home. The new roof addition would square off the roofline of the existing structure.

### *Variance Request for Setback*

**Nexus:** The hardships in this case are existing designs constraints and corner lot configuration. The existing single family dwelling is non-conforming as it relates to the front setback along Azalea Road. The current home is 31.7 feet from the front property line and the proposed addition would be 30.8 feet from the front property line. The home is also oriented at a slight angle toward the corner.

### *Standard Hardships Required*

The subject request appears to possibly meet “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 constraint of non-conforming home and corner lot configuration)

***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:
  - b. will not be detrimental to the streetscape (in that the proposed encroachment is relatively minor in nature)

***Impervious Area***

The proposal is in compliance with 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 IV, Section 129-52 Residence B District

***Appends***

LOCATION: 96 Azalea Road

ZONING DISTRICT: Residence B District

OWNERS: Taylor and Carlee Arnold

**LEGEND**

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINATION
- OH OVERHANG
- ASP ASPHALT
- BLDG BUILDING
- RES RESIDENCE
- CALC CALCULATED
- MEAS: MEASURED
- MAP: MAP
- BRG BEARING
- CH CHORD
- R RADIUS
- TAN TANGENT
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- OH OVERHANG
- POR PORCH
- COV COVERED
- R.O.W. RIGHT OF WAY
- A/C AIR CONDITIONER
- IRON PIN SET (IPS)
- IRON PIN FOUND (IPF)
- 1/4 SECTION CORNER
- ECM EXIST. CONC. MON.
- ▲ CALCULATED POINT
- AC ACRES
- S.F. SQUARE FEET
- ± PLUS OR MINUS
- DECK DECK
- CONCRETE CONCRETE
- RETAINING WALL RETAINING WALL
- GUY ANCHOR GUY ANCHOR
- FENCE FENCE
- OVERHEAD POWER OVERHEAD POWER
- PP POWER POLE
- MANHOLE MANHOLE
- WM WATER METER
- UP UTILITY PEDESTAL
- GM GAS METER
- WV WATER VALVE
- FDH FIRE HYDRANT
- LP LIGHT POLE

**SURVEY CONTROL:**

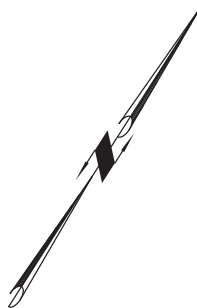
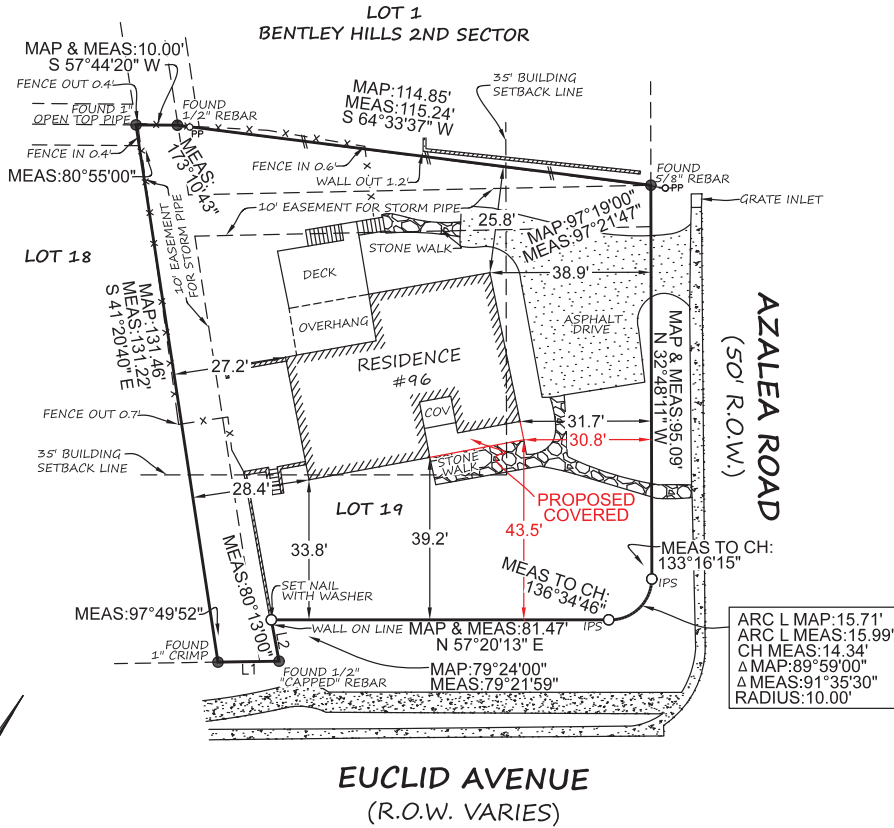
THE BASIS OF BEARINGS SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011), AND THE VERTICAL DATUM IS NAVD 88 (GEOID 12B). ELEVATION AND POSITION WERE OBTAINED FROM R.T.K. OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.

**SURVEYORS NOTES:**

1. THE FIGURES SHOWN IN RED ARE PROPOSED.
2. ZONED: RESIDENCE B DISTRICT.

LINE	MAP:	MEAS:	BEARING:
L1	15.00'	14.75'	N 56°29'12" E
L2	10.17'	10.17'	S 43°17'48" E

LOT 19
±13,070 Sq Feet
±0.30 Acres



STATE OF ALABAMA)  
COUNTY OF JEFFERSON)

**"PROPERTY BOUNDARY SURVEY"**

I, Thomas Scott Dreher, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 19, of HERITAGE HILL, as recorded in Map Volume 67, Page 96, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of MARCH 21, 2024. Survey invalid if not signed and sealed.

Order No.: 20240374  
Purchaser:  
Address: 96 AZALEA RD

BY: *Thomas Scott Dreher* Date: MARCH 21, 2024  
Thomas Scott Dreher, PLS AL 50407  
173 Oxmoor Road  
Homewood, AL 35209  
(205) 942-0086



Notes: (a) No title search of the public records has been performed by this firm, and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles are deed/record map unless otherwise noted in such form as Measured (Deed). (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above. (g) All iron pins set (IPS) by this firm are 1/2" rebar with a orange cap inscribed CA50309 and shall not be removed. (h) All corners set MAG. nails and washer will be silver and inscribed WEYGAND CA50309.

		0' 30' 60' 90'
SCALE: 1" = 30'	APPROVED BY: Thomas Scott Dreher PLS AL REG. NO. 50407	DATE OF SURVEY: 03/21/2024
DATE: 03/21/2024	SURVEYED BY: JW / DRAWN BY: BAB	
		Job #: 20240374 GRAPHIC SCALE: 1" = 30' Copyright ©





New roof area

New front Gable

New roof area





Added roof area

Extend ridge

Add roof



## 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 current home is a corner lot. On the lot the home sits at an angle so it is not parallel to either street. Thus the existing home is an existing non-conforming house.

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

No, the current owners have done nothing to this residence. This is an existing home that currently

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

By granting this variance it would allow the owners to square off the current roof line so the home does not look cut off. Thus what we are asking





## Variance Application - Part I

### Project Data

Address of Subject Property 3010 Park Brook Road, Mountain Brook, AL 35213

Zoning Classification Estate Residence District

Name of Property Owner(s) Alan & Laing Higgins

Phone Number Alan: 513-238-4178 Email alhig@me.com ; lainghiggins@me.com

Name of Surveyor Weygand (Thomas Scott Dreher)

Phone Number 205-942-0086 Email Scottie@weygand.com

Name of Architect (if applicable) Bill Moore, with Carlisle Moore Architects

Phone Number 205-966-2554 Email bill@carlislemoorearchitects.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):

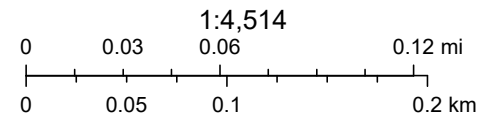
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>	100'-0"	61'-8"	60'-2"
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-24-18 Zoning



4/2/2024, 3:58:44 PM

- |                                  |                            |                      |
|----------------------------------|----------------------------|----------------------|
| CADStreetCenterlines             | Building Footprints 2020v1 | Residence A District |
| InterimTaxParcels                | Lot Lines                  | Residence B District |
| JeffCoMunicipalBoundary          | Tax_Parcels 2021           | Recreation District  |
| JeffcoMunicipalBoundary_Negative | Estate Residence District  |                      |



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

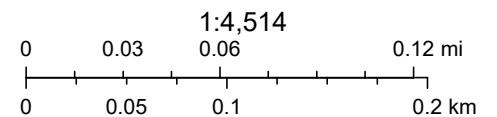
ArcGIS Web AppBuilder

# A-24-18 Aerial



4/2/2024, 3:59:38 PM

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



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

ArcGIS Web AppBuilder

SATELLITE IMAGE (showing front of house relative to neighbor)



## Report to the Board of Zoning Adjustment

### A-24-18

#### *Petition Summary*

Request to allow an addition to the existing single family dwelling to be 60.2 feet from the front property line (Park Brook Road) in lieu of the required 100 feet.

#### *Scope of Work*

The scope of work includes a new covered front stoop.

#### *Variance Request for Setback*

**Nexus:** The hardship in this case is the existing design constraint of the non-conforming home which is 61.7 feet from the front property line. The proposed new porch addition would be 60.2 feet from the front property line.

#### *Standard Hardships Required*

The subject request appears to possibly meet “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 constraint of non-conforming home)

***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:
  - b. will not be detrimental to the streetscape (in that the proposed encroachment is relatively minor in nature)

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

The proposal is in compliance with 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 VI, Section 129-72 Estate Residence District

***Appends***

LOCATION: 3010 Park Brook Road

ZONING DISTRICT: Estate Residence District

OWNERS: Alan and Laing Higgins

**SURVEYOR'S NOTES:**

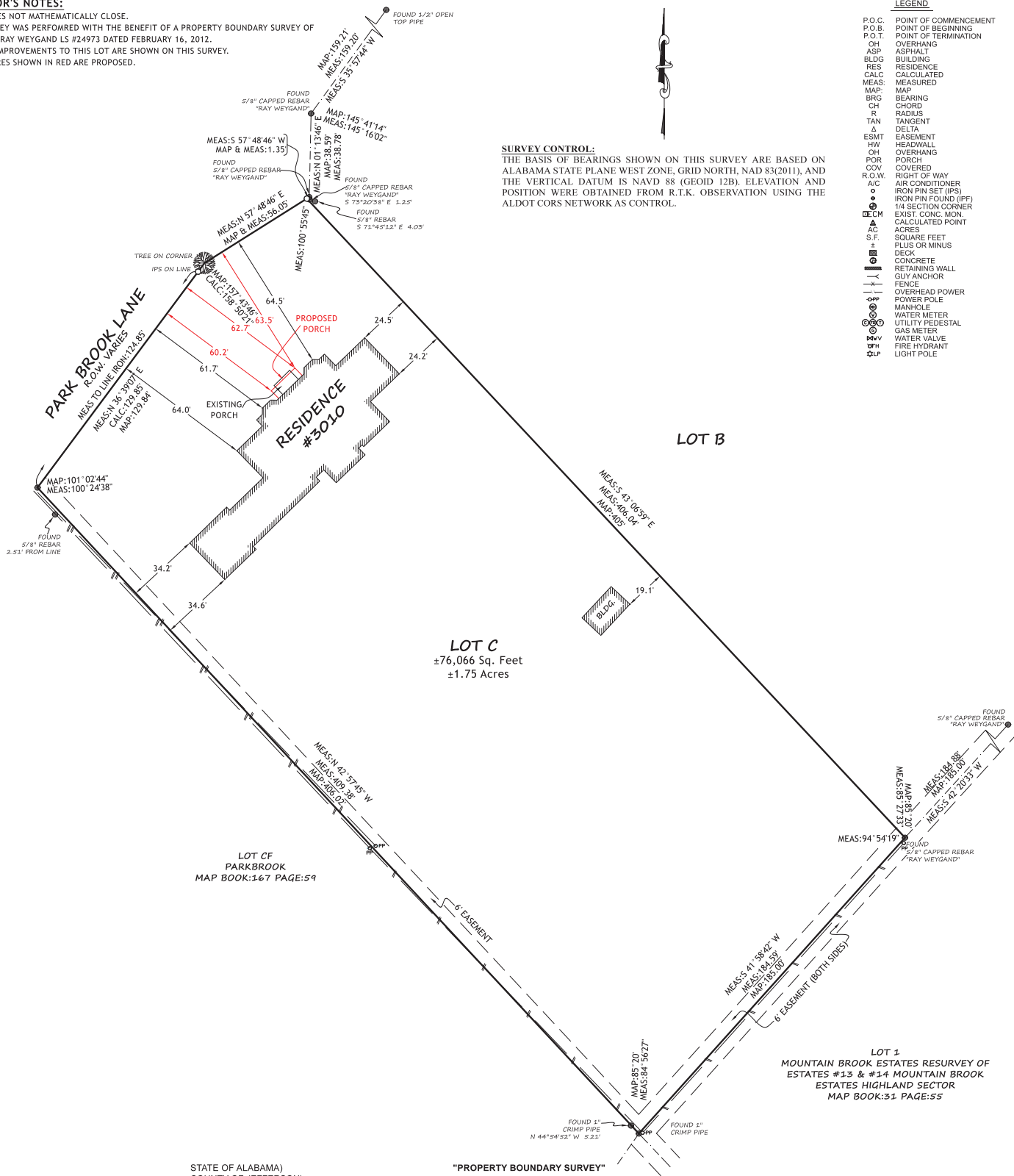
- LOT C DOES NOT MATHEMATICALLY CLOSE.
- THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A PROPERTY BOUNDARY SURVEY OF LOT C BY RAY WEYGAND LS #24973 DATED FEBRUARY 16, 2012.
- NOT ALL IMPROVEMENTS TO THIS LOT ARE SHOWN ON THIS SURVEY.
- THE FIGURES SHOWN IN RED ARE PROPOSED.

**LEGEND**

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.O.T.	POINT OF TERMINATION
OH	OVERHANG
ASP	ASPHALT
BLDG	BUILDING
RES	RESIDENCE
CALC	CALCULATED
MEAS	MEASURED
MAP	MAP
BRG	BEARING
CH	CHORD
R	RADIUS
TAN	TANGENT
DELTA	DELTA
ESMT	EASEMENT
HW	HEADWALL
OH	OVERHANG
POR	PORCH
COV	COVERED
COV	COVERED
R.O.W.	RIGHT OF WAY
A/C	AIR CONDITIONER
IP	IRON PIN SET (IPS)
IPF	IRON PIN FOUND (IPF)
1/4	1/4 SECTION CORNER
EX	EXIST. CONC. MON.
MON.	CALCULATED POINT
+	PLUS OR MINUS
S.F.	SQUARE FEET
+	PLUS OR MINUS
DECK	DECK
CONCRETE	CONCRETE
RETAINING WALL	RETAINING WALL
GLY ANCHOR	GLY ANCHOR
FENCE	FENCE
OVERHEAD POWER	OVERHEAD POWER
POWER POLE	POWER POLE
MANHOLE	MANHOLE
WATER METER	WATER METER
UTILITY PEDESTAL	UTILITY PEDESTAL
GAS METER	GAS METER
WATER VALVE	WATER VALVE
FIRE HYDRANT	FIRE HYDRANT
LIGHT POLE	LIGHT POLE

**SURVEY CONTROL:**

THE BASIS OF BEARINGS SHOWN ON THIS SURVEY ARE BASED ON ALABAMA STATE PLANE WEST ZONE, GRID NORTH, NAD 83(2011), AND THE VERTICAL DATUM IS NAVD 88 (GEOID 12B). ELEVATION AND POSITION WERE OBTAINED FROM R.T.K. OBSERVATION USING THE ALDOT CORS NETWORK AS CONTROL.



STATE OF ALABAMA)  
COUNTY OF JEFFERSON)

**"PROPERTY BOUNDARY SURVEY"**

I, Thomas Scott Dreher, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot C, of A RESURVEY OF LOT 5 OF A RESURVEY OF ESTATES NUMBER 13 & 14 OF HIGHLAND SECTOR OF MOUNTAIN BROOK ESTATES, AS RECORDED IN MAP BOOK 31, PAGE 55, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, as recorded in Map Volume 32, Page 38, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of MARCH 21, 2024. Survey invalid if not signed and sealed.

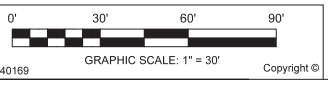
BY: *Thomas Scott Dreher* Date: MARCH 22, 2024

Order No.: 20240169  
Purchaser:  
Address: 3010 PARK BROOK ROAD

Thomas Scott Dreher, PLS AL 50407  
173 Oxmoor Road  
Homewood, AL 35209  
(205) 942-0086

Notes: (a) No title search of the public records has been performed by this firm, and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles are deed/record map unless otherwise noted in such form as Measured (Deed). (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) This survey is not transferable. (e) Easements not shown on recorded map are not shown above. (f) All iron pins set by this firm are 1/2" rebar with a orange cap inscribed WEYGAND CA50309 and shall not be removed.

		<b>WEYGAND</b>	
SCALE: 1" = 30'	APPROVED BY: Thomas Scott Dreher PLS AL REG. NO. 50407	DATE OF SURVEY: 03/21/2024	SURVEYED BY: JTD / DRAWN BY: TSD
		Job #: 20240169	

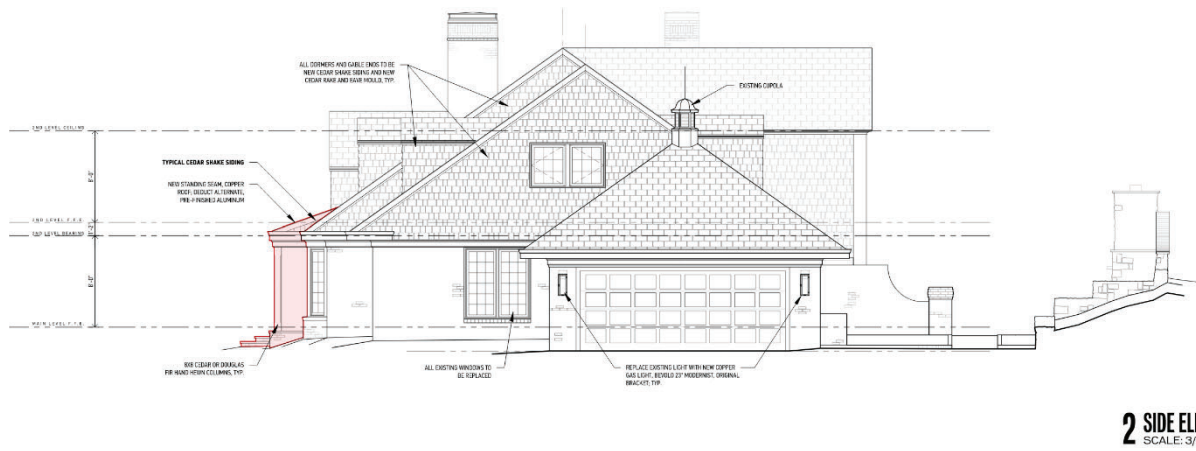
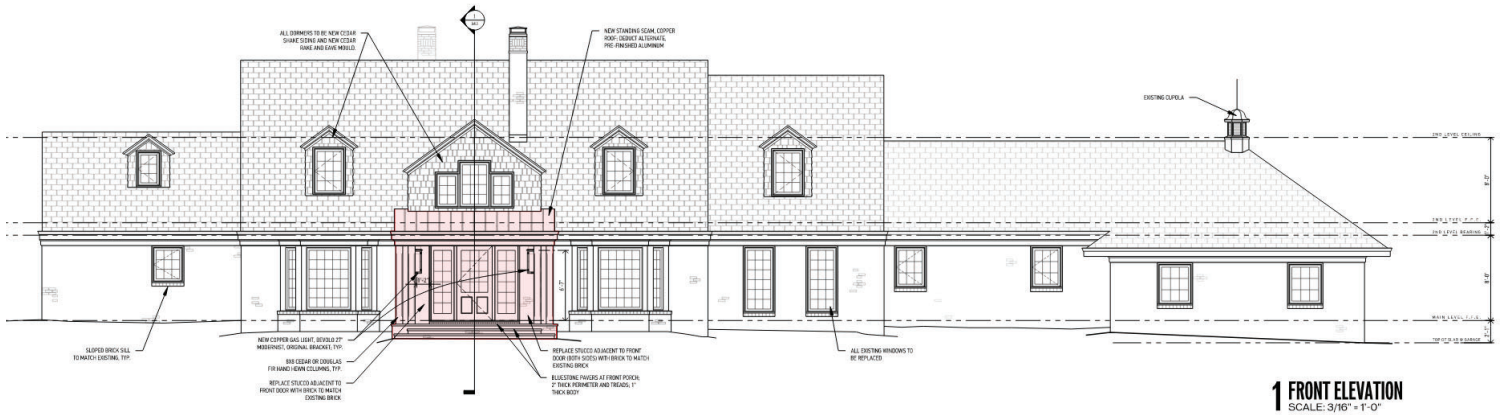


Existing Front Elevation:

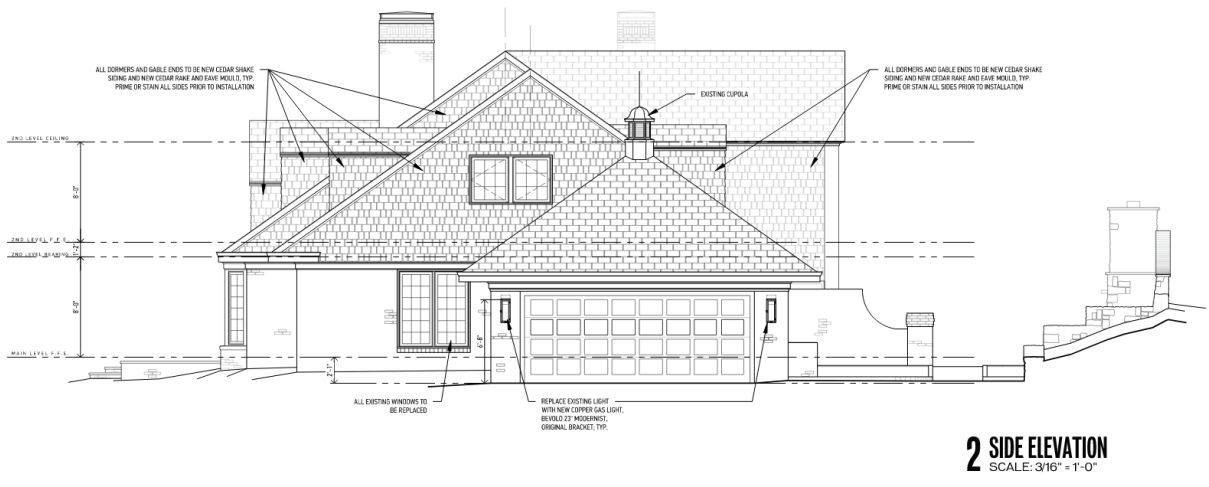
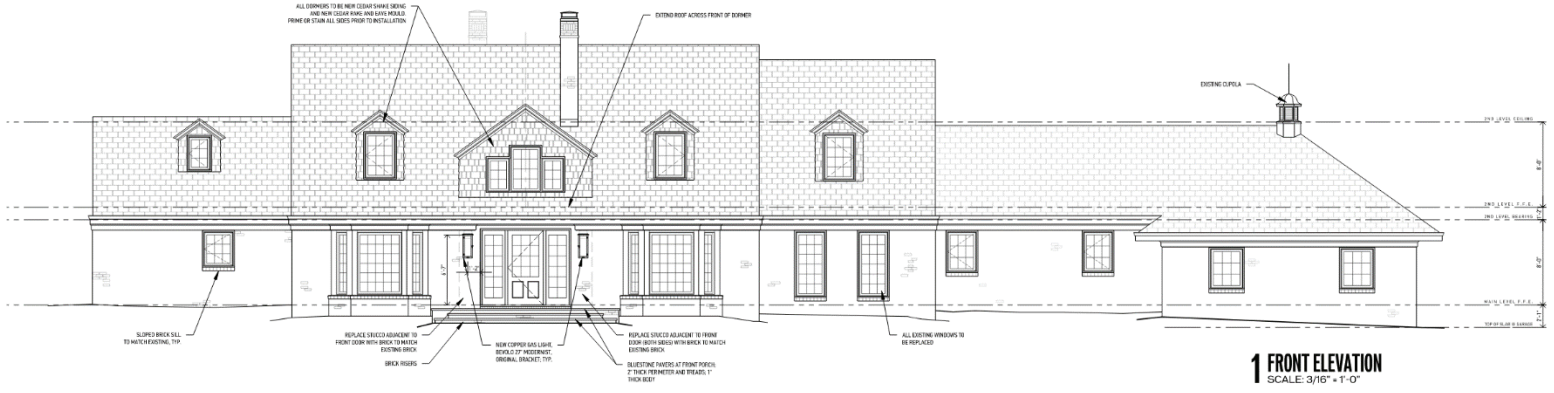




Variance Request (highlighted in red):



Permitted Drawings:





## Variance Application Part II

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

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

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

The lot in question is zoned Estate, though it does not meet the threshold in either width or acreage to be zoned such. Given the fact that all other lots but one on Park Brook and Overbrook (which is part of the perceived street scape) are zoned Residence A, the much greater front setback imposed on this lot and its neighbor to the left present a unique challenge with regard to any exterior modification of the existing home. If zoned Res. A along with the rest of the street, my client would have more than ample room to add a covered front stoop. As it stands, almost the entire home exists over the front 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, the home as it currently exists is situated almost entirely over the front setback.

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

If some of the primary intents of the zoning regulations are to maintain a consistent street scape and to prevent undesirable impacts to neighbors with regard to access to view, light, and air, the variance requested would not be inconsistent with those purposes. In fact, because of the atypical zoning classification of this lot for the street, strict adherence to the zoning regulations here (specifically regarding front setback) would adversely affect the street scape and the view of my client and their neighbors.

**CARLISLE  
MOORE  
ARCHITECTS**

March 19, 2024

City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213  
Re: 3010 Park Brook Road

Dear Board Members,

A current project of ours is a renovation located at 3010 Park Brook Road. We would like to submit a variance request on behalf of the owners, Alan and Laing Higgins.

The permitted work is happening within the existing building envelope and does not require a variance. However, the owners have recently decided to also pursue the addition of a covered front stoop. The dimensions would be 5'-0" deep by 15'-6" wide. The porch addition would extend 2'-9" from the existing eave of the house and would be only 1'-6" or so closer to the front property line than the nearest existing wall on the house. To be clear, we do not propose moving the exterior front wall any closer to the street, but only the addition of a couple pairs of columns and a slightly deeper shed roof than the awning that currently exists.

The property is zone Estate, and the home currently sits 61'-8" from the front property line at the nearest point, instead of the 100'-0" required. The covered front porch would take us to 60'-2" from the front property line. All other neighbors on the streetscape are zoned Residence A, except for the lefthand neighbor (3020), which is also zoned Estate. Our client's home, even with the porch addition, would not project in front of the lefthand neighbor's house, and in our view this addition would not adversely affect the streetscape.

Please see the additional documents attached below, and feel free to reach out to me with any questions.

Thank you for your consideration of this request,



Bill Moore  
205-966-2554  
2814 Petticoat Lane – 2<sup>nd</sup> Floor  
Mountain Brook, AL 35223

March 27, 2024

City of Mountain Brook  
Board of Zoning Adjustment  
56 Church Street  
Mountain Brook, AL 35213

Attn: Mr. Tyler Slaten

Dear Sirs:

**Variance Application for 3010 Park Brook Road**

I am submitting this letter regarding the pending request for a front setback variance filed by Alan and Laing Higgins. I live in the house next door to the Higgins (3004 Park Brook Rd.)

I have discussed with the Higgins the desired renovation of the front porch of the house and reviewed the architectural drawings. The roof over the front porch does not appear to me to be a significant extension on the front of the house. If the roof is allowed, the front of the home will be consistent as to front setback distance with the homes to each side.

We are in favor of the variance being granted.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Clarence James".

Clarence James  
3004 Park Brook Rd.



## Variance Application - Part I

### Project Data

Address of Subject Property 116 CRESTWOOD DRIVE

Zoning Classification RESIDENCE B

Name of Property Owner(s) STEVEN AND KARETH FERGUSON

Phone Number 205.510.3028 Email KARETH@EWMOTIONTHERAPY.COM

Name of Surveyor WEYLAND-THOMAS SCOTT DREHER

Phone Number 205.942.0080 Email SCOTTIE@WEYLAND.COM

Name of Architect (if applicable) KACY CRANE - ARCHITECTURAL DESIGNER

Phone Number 205.335.5229 Email KACY.HOLLOMB@GMAIL.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)):

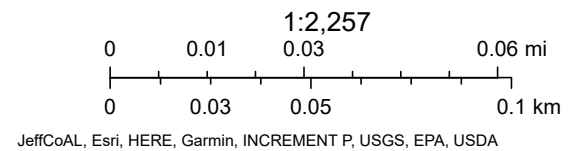
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	10,000 SQ. FT.	8,739 SQ. FT.	8,739 SQ. FT.
Lot Width (ft)	75'	70'	70'
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12'-6"	10'-1"	10'-1"
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

# A-24-19 Zoning



4/2/2024, 4:10:55 PM

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



# A-24-19 Aerial



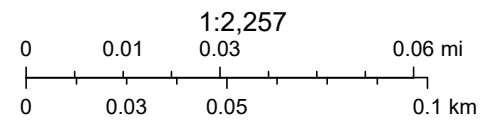
4/2/2024, 4:11:50 PM

Aerial 2021

Red: Band\_1

Green: Band\_2

Blue: Band\_3



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

ArcGIS Web AppBuilder



## Report to the Board of Zoning Adjustment

### A-24-19

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

Request to allow an addition to an existing single family dwelling to be 10 feet 1 inch from the left side property line (west) in lieu of the required 12.5 feet.

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

The scope of work includes a new single story addition on the rear of the home.

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

**Nexus:** The hardships in this case are the existing design constraint of the non-conforming home and slightly irregular lot shape. The structure is currently 10 feet 1 inch from the left side property line. The proposed addition would extend toward the rear of the property while maintaining the same 10 feet 1 inch setback.

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

The subject request appears to possibly 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 (the lot is slightly parallelogram shaped with angles side property lines)
- 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 constraint of non-conforming home)

***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 proposed addition will not move closer to the side property line than the existing home).

***Impervious Area***

The proposal is in compliance with 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 IV, Section 129-52 Residence B District

***Appends***

LOCATION: 116 Crestwood Drive

ZONING DISTRICT: Residence B District

OWNERS: Steven and Kareth Ferguson

**FERGUSON RESIDENCE**  
116 CRESTWOOD DRIVE BIRMINGHAM, AL

3.323 - ISSUED FOR BID  
2.824 - UPDATED PLAN



Drawing Title:  
SITE PLAN

Date: DECEMBER 3, 2023

Scale: AS NOTED

Drawing No:  
A 001

**ZONING ANALYSIS:**  
TOWNSHIP OF MOUNTAIN BROOK  
JEFFERSON COUNTY, ALABAMA  
ZONE: RESIDENCE B DISTRICT  
USE GROUP: R-1B  
CONST. CLASSIFICATION: B-B  
BLOCK: 8271 TAX LOTS: 23 SECTION: 34

LOT REQUIREMENTS		
MIN. LOT AREA:	REQD.	EXISTING
MIN. LOT WIDTH:	15'-0"	17'-0"
MIN. LOT DEPTH:	N/A	33'-0"

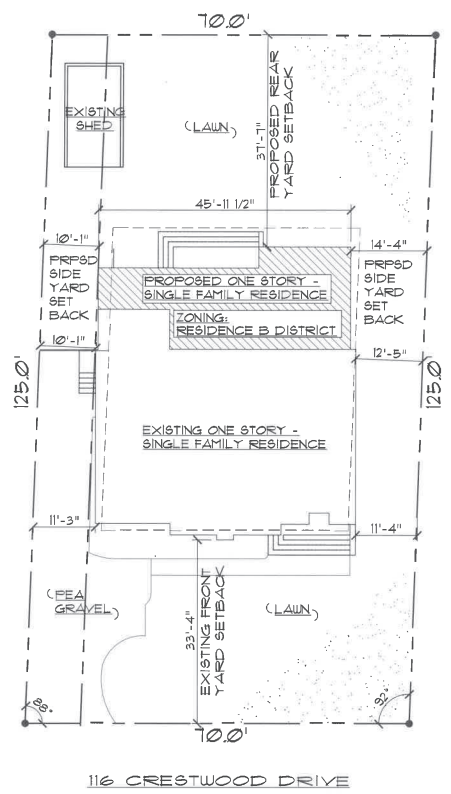
SETBACK REQUIREMENTS		
FEEL YARDS	REQD.	PROPOSED
FRONT (CRESTWOOD DRIVE):	35'-0"	35'-0"
SIDE YARD:	5'-0"	10'-1"
REAR YARD:	35'-0"	31'-1"

LOT COVERAGE REQUIREMENTS		
MAX. LOT COVERAGE, ALL STRUCTURES		
USE	REQD.	PROPOSED
HOUSE:	2.100 SF	
SCREENED PORCH:	300 SF	
DECK:	300 SF	
WALKWAY:	50 SF	
TOTAL:	2,050 SF	

8% OF LOT AREA OR 2,000 SF, WHICHEVER IS GREATER  
PREVIOUS DEVELOPMENT: 0 SF  
TOTAL: 2,050 SF

PROPOSED 2,050 SF < 2,100 SF MAX. ALLOWED

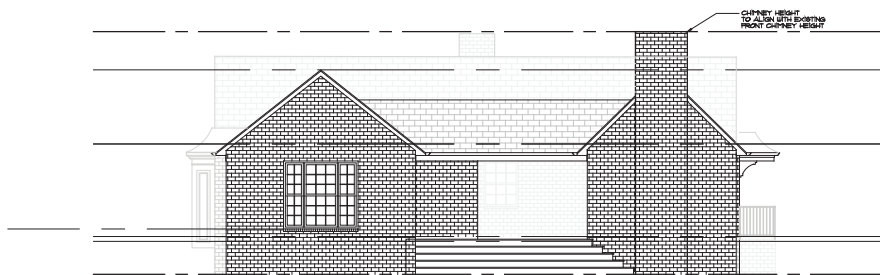
HEIGHT REQUIREMENTS		
STORY HT.	AVERAGE GRADE TO HIGHEST ROOF	REQD.
1 STORY HT.		10'-0"



1 SITE PLAN  
SCALE: 1/8" = 1'-0"



① SIDE ELEVATION - SOUTH  
SCALE: 1/4" = 1'-0"



② REAR ELEVATION - WEST  
SCALE: 1/4" = 1'-0"

**DOW RESIDENCE**  
116 CRESTWOOD DRIVE BIRMINGHAM, AL

D.323 - ISSUED FOR BID



Drawing Title:

SIDE AND REAR ELEVATION

Date: DECEMBER 3, 2023

Scale: AS NOTED

Drawing No.

A 101





## Variance Application Part II

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

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

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

THE LOT SIZE IS CURRENTLY BELOW THE REQUIRED 10,000 SQ. FT. ITS SHAPE IS IRREGULAR IN THAT ITS NOT 90 DEGREES AT THE NORTH AND SOUTH SIDES. THE EXISTING SIDE YARD SET BACK IS 10'-1" COMPARED TO THE 12'-6" REQUIREMENT.

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

NO. THIS HOUSE WAS BUILT IN 1949 AND HAS THE EXISTING FOOTPRINT.

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

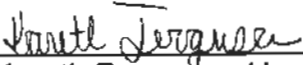
THIS ADDITION WOULD NOT ENCRONCH ANY FURTHER THAN THE SHORTEST EXISTING CONDITION. THE ADDITION WOULD BE LOCATED IN LINE WITH THE CURRENT SOUTH ELEVATION WHICH WOULD NOT SIT ANY CLOSER TO THE NEIGHBORS HOME. IT WONT BLOCK ANY SUNLIGHT TO THE NEIGHBORS.

To the Board of Zoning Adjustment,

Kareth and Steven Ferguson are seeking a variance for the addition of a Keeping Room off the back of their home located at 116 Crestwood Drive. The hardship on this property is due to the angled lot shape. The existing home sits on a 8,739 sq. ft. lot which is less than the required 10,000 sq. ft. The side yard setback currently sits at 10'-1" on the south elevation where we are seeking the variance. If approved, it would allow for a more cohesive elevation. No adjacent property would be affected by light, and the noise would not increase to any of the surrounding neighbors. This addition will only increase the property value and bring extreme joy to the Ferguson Family.

Thank you for your time,

Kacy Holcomb Crane

  
Kareth Ferguson, Homeowner



# Variance Application - Part I

## Project Data

Address of Subject Property 411 Meadow Brook Lane, Mtn Brook, AL 35213

Zoning Classification Residence B District

Name of Property Owner(s) Macy & Leigh Smith

Phone Number 205-478-1760 Email norrile@aol.com

Name of Surveyor Surveying Solutions, Inc.

Phone Number 205-991-8965 Email davidentrekin@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):

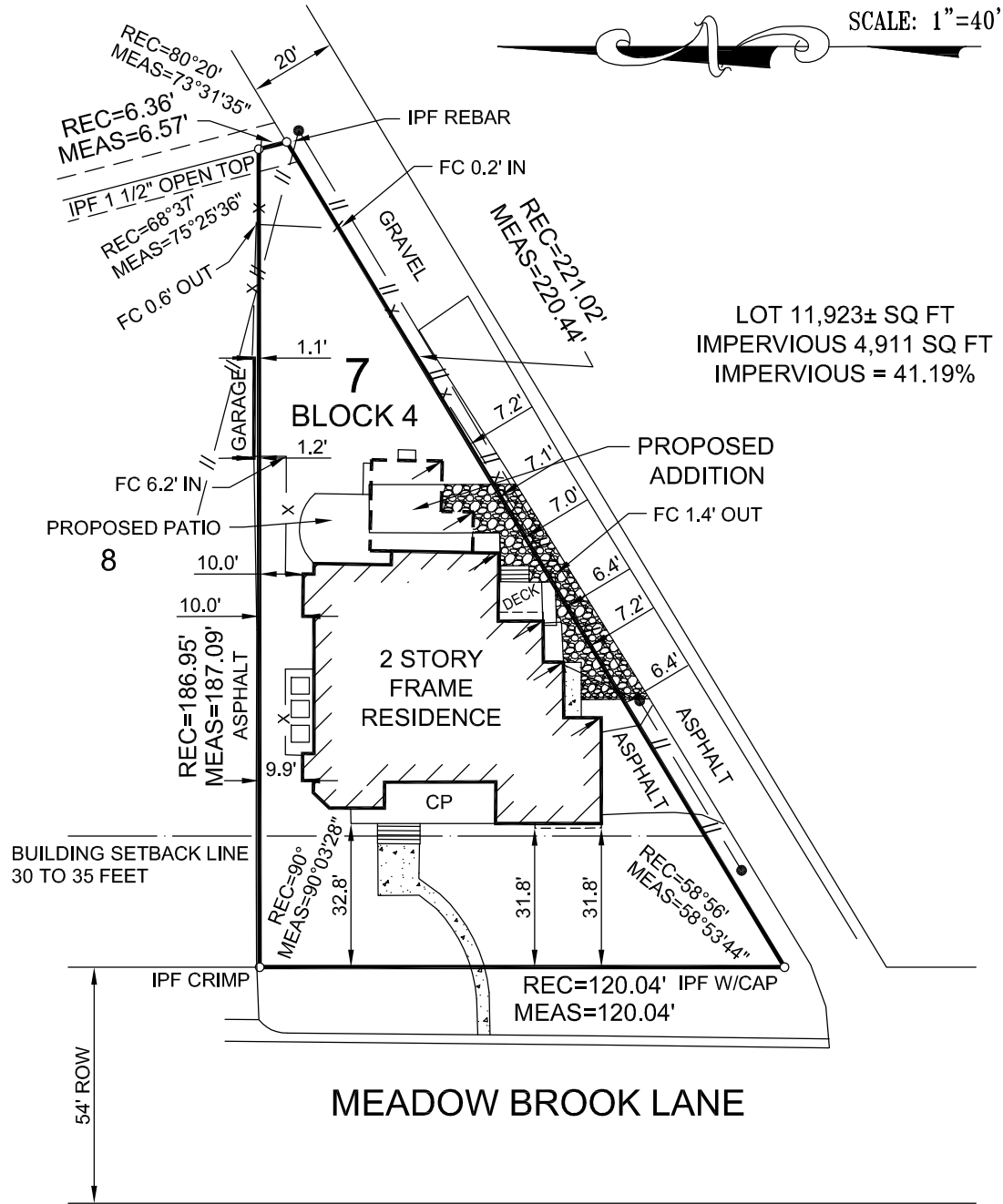
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback	12.5 FT		7.1 FT
Left Side Setback			
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →			
Rear Setback (ft)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			



**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
- '' = 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 7, Block 4, SHADES VALLEY GARDENS as recorded in Map Book 24, Page 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: 411 Meadow Brook Lane according to my survey of February 26, 2024. 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

03-22,2024  
Date of Signature



Order No. 925277  
Purchaser: Elm Construction  
Type of Survey: Property Boundary

# A-24-20 Aerial



4/2/2024, 4:20:57 PM

Aerial 2021

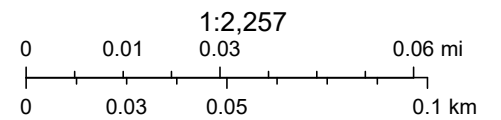
Red: Band\_1



Green: Band\_2



Blue: Band\_3



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

ArcGIS Web AppBuilder

## Report to the Board of Zoning Adjustment

A-24-20

### *Petition Summary*

Request to allow an addition to an existing single family dwelling to be 7.1 feet from the right side property line (south) in lieu of the required 12.5 feet.

### *Scope of Work*

The scope of work includes a new attached covered porch to the rear of the existing home.

### *Variance Request for Setback*

**Nexus:** The hardship in this case is the irregular lot shape. The lot has an extremely angled right side property line that constraints the buildable area. The existing home is as close as 6.4 feet from the side property line.

### *Standard Hardships Required*

The subject request appears to possibly 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 (the right side property line is angled created a triangular shaped lot)
- d. exceptional topographic conditions
- e. other extraordinary and exceptional situations or conditions of such parcel which would result in peculiar, extraordinary and practical difficulties

***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 proposed addition is farther away from the side property line than the existing home).

***Impervious Area***

The proposal is in compliance with 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 IV, Section 129-52 Residence B District

***Appends***

LOCATION: 411 Meadow Brook Lane

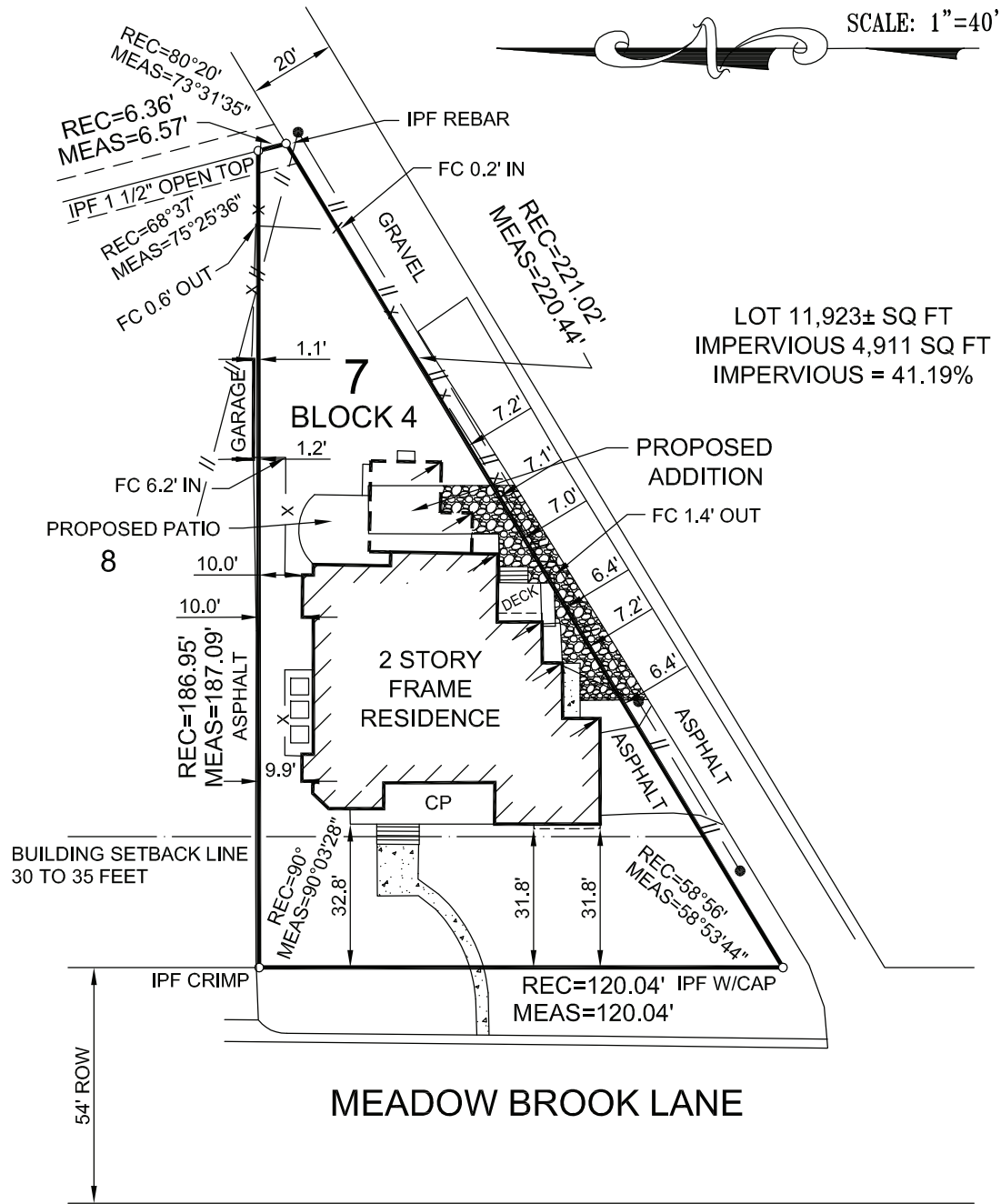
ZONING DISTRICT: Residence B District

OWNERS: Macy and Leigh Smith

LEGEND:

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- SWR = sewer
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- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles
- ' = bearings or angles
- ' = feet, in distance
- AC = acres
- ± = more or less, or plus or minus

SCALE: 1"=40'



LOT 11,923± SQ FT  
 IMPERVIOUS 4,911 SQ FT  
 IMPERVIOUS = 41.19%

STATE OF ALABAMA  
 SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 7, Block 4, SHADES VALLEY GARDENS as recorded in Map Book 24, Page 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: 411 Meadow Brook Lane according to my survey of February 26, 2024. 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*

Order No. 925277  
 Purchaser: Elm Construction  
 Type of Survey: Property Boundary

Carl Daniel Moore, Reg. L.S. #12159  
03-22,2024  
 Date of Signature



4100 AUTUMN LANE  
SUITE 104  
BIRMINGHAM, AL 35243

NEW PROPOSED PLAN

MACY AND LEIGH SMITH  
OUTDOOR LIVING AREA  
411 MEADOW BEGON LANE  
MOUNTAIN BROOK, AL 35213

DRAWN BY:

*Log Kennedy*



DATE:

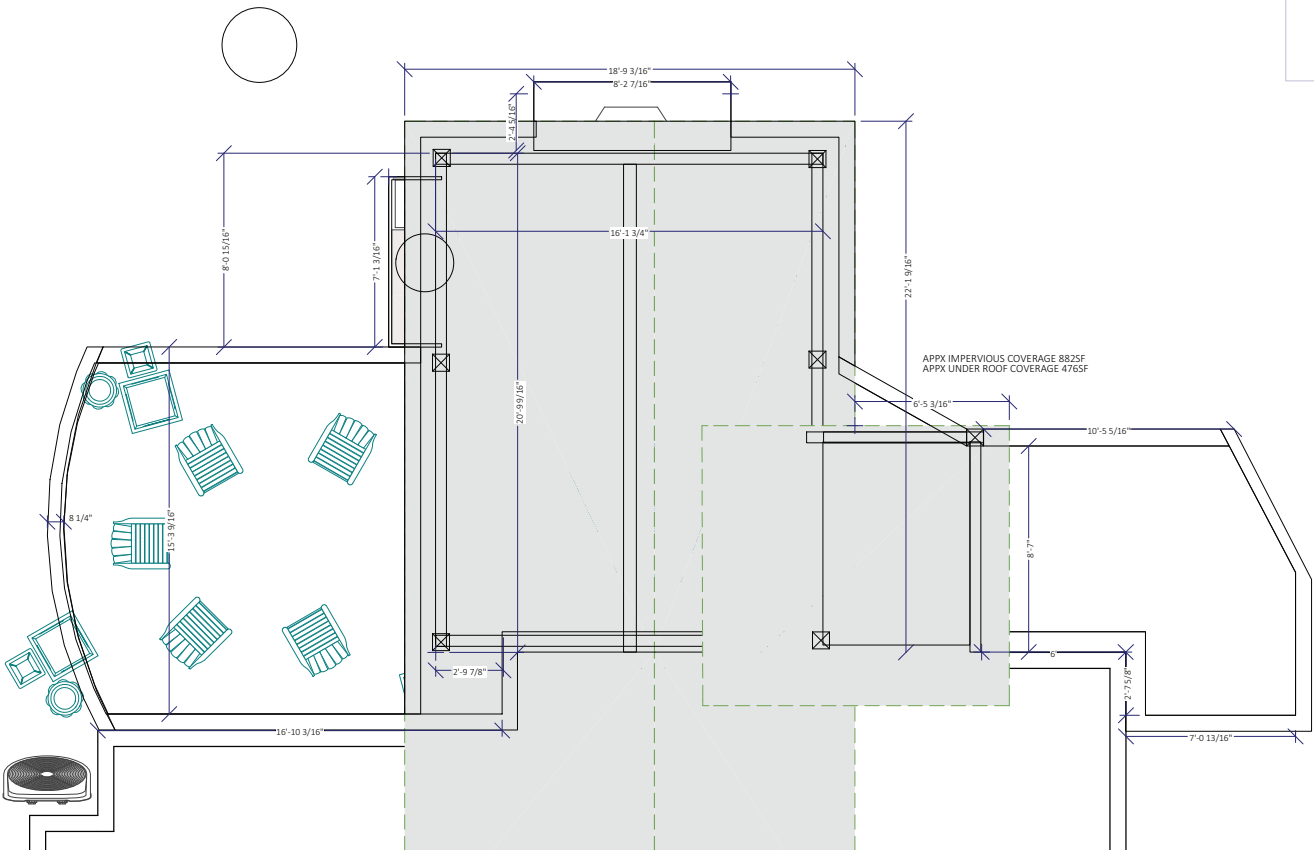
3/22/2024

SCALE:

1/4" = 1'-0"

SHEET:

A-9



SHADED AREA INDICATES NEW COVERED STRUCTURE ROOF LINE INCLUDING OVERHANGS



4100 AUTUMN LANE  
SUITE 104  
BIRMINGHAM, AL 35243

REVISED PERSPECTIVES

MACY AND LEIGH SMITH  
OUTDOOR LIVING AREA  
411 MEADOW BEGON LANE  
MOUNTAIN BROOK, AL 35213

DRAWN BY:  
*By Kennedy*



DATE:  
3/22/2024

SCALE:

SHEET:  
A-10



## 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 irregular shape of the lot limits the Smith Family's ability to fully utilize their backyard space to create the open air outdoor living space they desire. The majority of the lots in the vicinity are rectangular in shape.

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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.

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

The lot limitations are peculiar to this property and requested use, the conditions are not a result from action by the applicant, the impact to the community is minimal.

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Owners:

Macy & Leigh Smith

Property Address:

411 Meadow Brook Lane  
Mountain Brook, AL 35213

Contractor:

ELM Construction LLC  
4100 Autumn Lane, Suite 104  
Vestavia, AL 35243

Proposed Scope of Project:

- Build an attached covered porch off the rear of the existing house, porch to be connected via roof to the existing conditioned sunroom.
- Covered porch to include electrical (fans and outlets), gas fireplace and grill cabinet area.
- Project includes removal of existing pavers in the backyard and installation of new pavers under the covered porch, walk-way from porch to alley, walk-way to existing open deck stairs and open firepit patio.

Adam Martz

ELM Construction LLC  
205-427-8689  
Adam@elmbuilds.com