

# BZA Packet

May 20, 2024

**Hello All,**

Enclosed please find your packet for the meeting of May 20, 2024.

**We have:**

- 1 extension request
- 3 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 (May 20, 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@mtntbrook.org](mailto:slatent@mtntbrook.org) ...

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

**Tyler**

**MEETING AGENDA**  
**CITY OF MOUNTAIN BROOK**  
BOARD OF ZONING ADJUSTMENT  
May 20, 2024  
PRE-MEETING: 4:45 P.M.  
REGULAR MEETING: 5:00 P.M.

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

NOTICE

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

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

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1. Approval of Minutes: April 15, 2024
  1. **Extension request for Case A-23-18: Sara James**, property owner, requests variances from the terms of the Zoning Regulations to allow additions and alterations to be 24 feet 6 inches from the front property line (Dexter Avenue) in lieu of the required 35 feet, to be 12 feet from the rear property line (northwest) in lieu of the required 30 feet, to be 6 feet from the side property line (northeast) in lieu of the required 8 feet for portions of the building below 22 feet in height, to allow the maximum building area to be 39.9% in lieu of the maximum allowed of 35 percent, to allow walls to be as tall as 12 feet 9 inches in height in a front setback in lieu of the maximum front yard wall height allowed of 4 feet, to allow a wall to be as tall as 12 feet 4 inches in height in a side setback (northeast) in lieu of the maximum wall height allowed in a side setback of 8 feet, to allow a pool to be 0 feet from the rear property line (northwest) in lieu of the required 10 feet, and to allow pool equipment to be located 5 feet from a side property line (southwest) in lieu of the required 10 feet. **-304 Dexter Avenue (original variances were approved on June 19, 2023)**
  2. **Case A-24-21: David and Beth Ellis**, property owners, request a variance from the terms of the Zoning Regulation to allow a detached accessory structure to be 2.5 feet from the left side property line (north) in lieu of the required 10 feet. **-11 Elm Street**
  3. **Case A-24-22: Wedgworth Construction Co. Inc.**, property owner, requests a variance from the terms of the Zoning Regulation to allow a new single family dwelling to be 15 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet. **-512 Euclid Avenue**
  4. **Case A-24-23: Robert and Becky Benson**, property owners, request a variance from the terms of the Zoning Regulation to allow an addition (carport) to be 13 feet 6 inches from the left side property line (west) in lieu of the required 15 feet. **-3761 Forest Run Drive**



5. Next Meeting: **Monday, June 17, 2024**

6. Adjournment



## CITY OF MOUNTAIN BROOK

# A-23-18

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

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### BOARD OF ZONING ADJUSTMENT MEETING SUMMARY

Meeting Date: June 19, 2023  
Case Number: A-23-18  
Case Address: 304 Dexter Avenue  
Property Owner(s): Sara James, [denbojames@gmail.com](mailto:denbojames@gmail.com)  
Representative(s): Emily Cole, Thompson Architecture, [ecoe@thompsonarchitecture.com](mailto:ecoe@thompsonarchitecture.com)

#### **Type Request:**

**Sara James**, property owner, requests variances from the terms of the Zoning Regulations to allow additions and alterations to be 24 feet 6 inches from the front property line (Dexter Avenue) in lieu of the required 35 feet, to be 12 feet from the rear property line (northwest) in lieu of the required 30 feet, to be 6 feet from the side property line (northeast) in lieu of the required 8 feet for portions of the building below 22 feet in height, to allow the maximum building area to be 39.9% in lieu of the maximum allowed of 35 percent, to allow walls to be as tall as 12 feet 9 inches in height in a front setback in lieu of the maximum front yard wall height allowed of 4 feet, to allow a wall to be as tall as 12 feet 4 inches in height in a side setback (northeast) in lieu of the maximum wall height allowed in a side setback of 8 feet, to allow a pool to be 0 feet from the rear property line (northwest) in lieu of the required 10 feet, and to allow pool equipment to be located 5 feet from a side property line (southwest) in lieu of the required 10 feet. 304 Dexter Avenue

#### **Action Taken:**

The Board of Zoning Adjustment approves the applicant's request to remove the pool and pool equipment components from the original application.

The Board approves the requested variances as they relate to the front façade, front improvements, and front addition (enclosing existing front porch), including the side wing walls that encroach into the front and side setbacks.

The Board denies the requested variances for the lot coverage and for the rear addition which is proposed to encroach into the side and rear setbacks.

Tyler Slaten, Planner  
City of Mountain Brook  
Office 205-802-3811 – [slatent@mtnbrook.org](mailto:slatent@mtnbrook.org)



# Variance Application - Part I

## Project Data

Address of Subject Property 304 DEXTER AVENUE

Zoning Classification RESIDENCE C DISTRICT

Name of Property Owner(s) SARA JAMES

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

Name of Surveyor RAY WEYGAND

Phone Number (205) 942-0086 Email \_\_\_\_\_

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

Phone Number (205) 414-1272 Email ECO@THOMPSONARCHITECTURE.COM

Property owner or representative agent must be present at hearing

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

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

SARA JAMES  
403 DEXTER AVENUE  
BIRMINGHAM, AL 35213

APRIL 27th, 2023

## WRITTEN STATEMENT

To Whom it May Concern,

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

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

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


Thank you for your consideration on these matters.

Emily Coe, AIA  
Thompson Architecture, Inc.


# A-23-18 Zoning



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

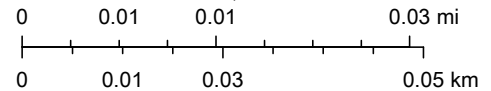
 Building Footprints 2020v1  Tax\_Parcels 2021

 Lot Lines

 Residence B District

 Residence C District

1:1,128



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

ArcGIS Web AppBuilder

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



# A-23-18 Aerial



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

Aerial 2021



Green: Band\_2



Blue: Band\_3



Red: Band\_1

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

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

ArcGIS Web AppBuilder



## Report to the Board of Zoning Adjustment

A-23-18

### *Petition Summary*

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

### *Scope of Work*

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

### *Existing Site*

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



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

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

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

### ***Hardships***

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

### ***Required Findings for Approval***

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

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

1. That special circumstances or conditions apply to the building or land in question, and
2. That these circumstances are peculiar to such building or land, and
3. That these circumstances do not apply generally to other buildings or land in the vicinity;
4. The condition from which relief or a variance is sought did not result from action by the applicant;
5. That the granting of this variance:
  - a. will not impair an adequate supply of light and air to adjacent property;
  - b. will not be detrimental to the streetscape;
  - c. will not increase the danger of fire;
  - d. will not increase noise;
  - e. will not the risk of flooding or water damage;
  - f. does not merely serve as a convenience to the applicant;
  - g. is in harmony with the spirit and intent of the zoning ordinance.

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

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



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

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

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

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

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

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

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

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

Nexus: The applicant stated that the lot size is a hardship related to the proposed building coverage. **It is not possible for a required *percent* of lot coverage to be reasonably related to a static lot size quotient.** In other words, 35% is 35%, regardless of the lot square footage. Again, the zoning code anticipates that no more than 35% of the lot should be covered, regardless of the actual lot size.

### ***Impervious Area***

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

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

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

### ***Affected Regulation***

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

### ***Appends***

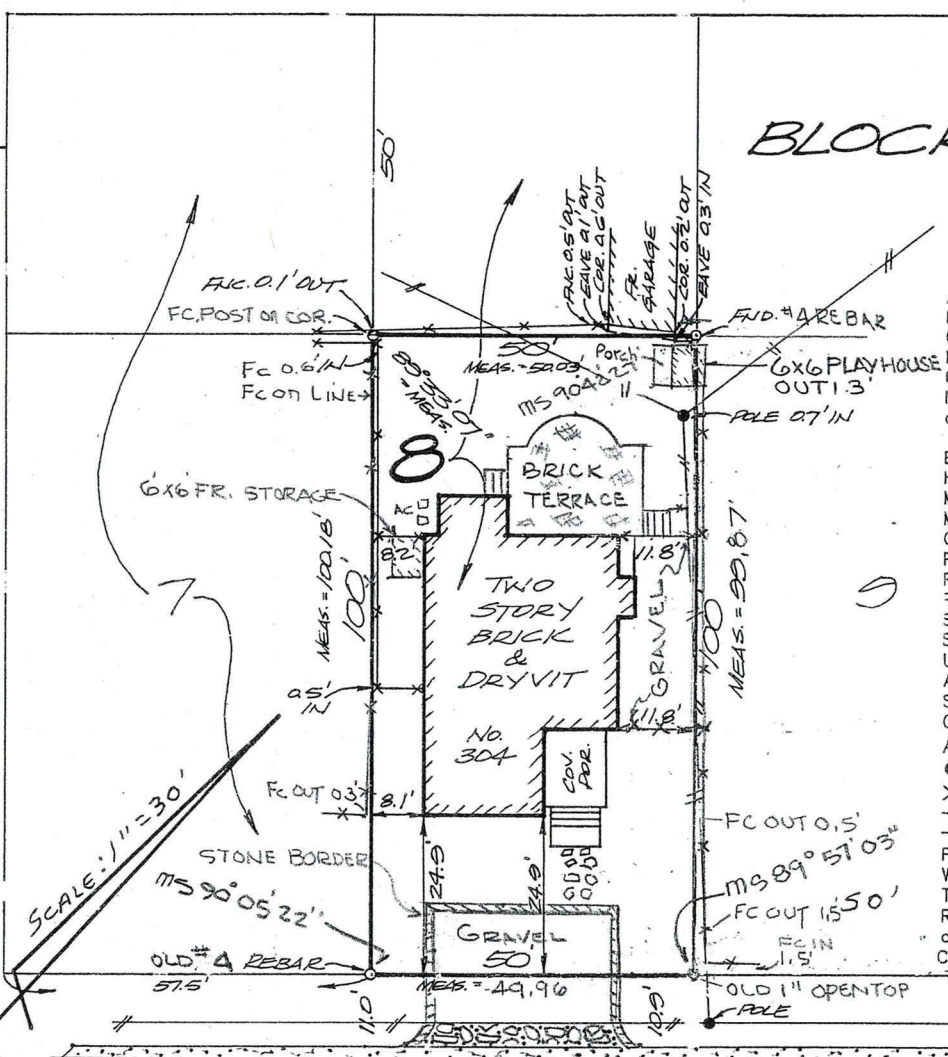
LOCATION: 304 Dexter Avenue

ZONING DISTRICT: Residence C District

OWNERS: Sara James

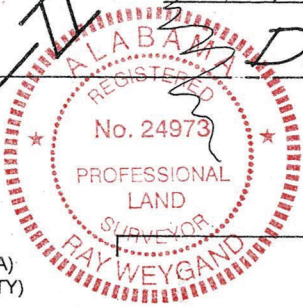
MAIN STREET

BLOCK 15



**LEGEND**

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



DEXTER AVENUE

\*S.E. 100 FEET OF LOT 8

"Closing Survey"

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

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

Ray Weygand, Reg. L.S. #24973  
 169 Oxmoor Road Homewood, AL 35209  
 Phone: (205) 942-0086 Fax: (205) 942-0087  
 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. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

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

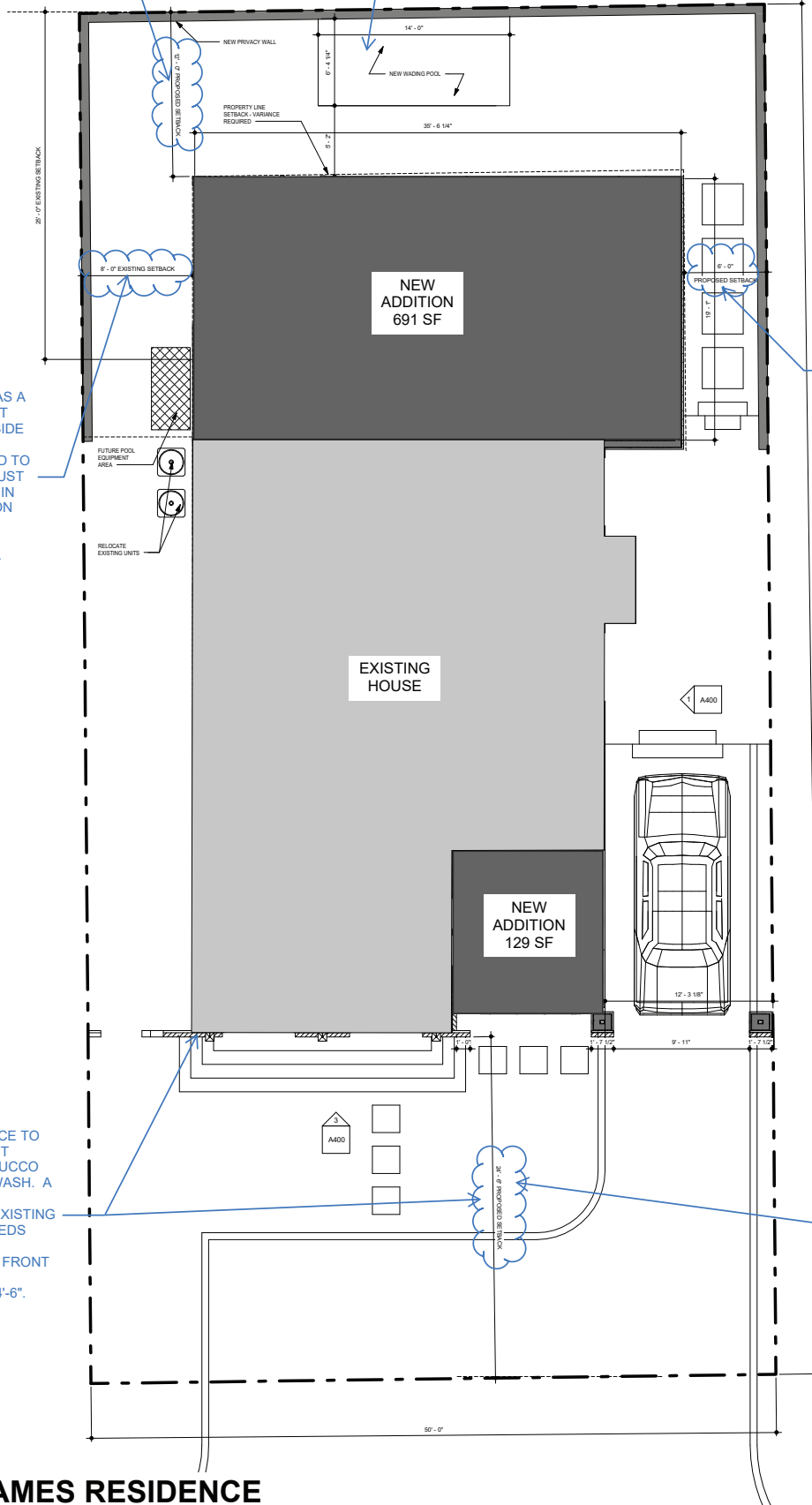
POOLS REQUIRE A 10'-0" SETBACK OFF OF REAR PROPERTY LINE. THIS WOULD NOT BE A FULL SIZE POOL AND WOULD BE MORE OF A DIPPING OR WADING POOL - WE ARE REQUESTING THE POOL BE ALLOWED TO SIT AGAINST THE REAR PRIVACY WALL AND THEREFORE REQUESTING A 10'-0" SETBACK VARIANCE

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

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

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

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



**JAMES RESIDENCE**  
**304 DEXTER AVENUE**

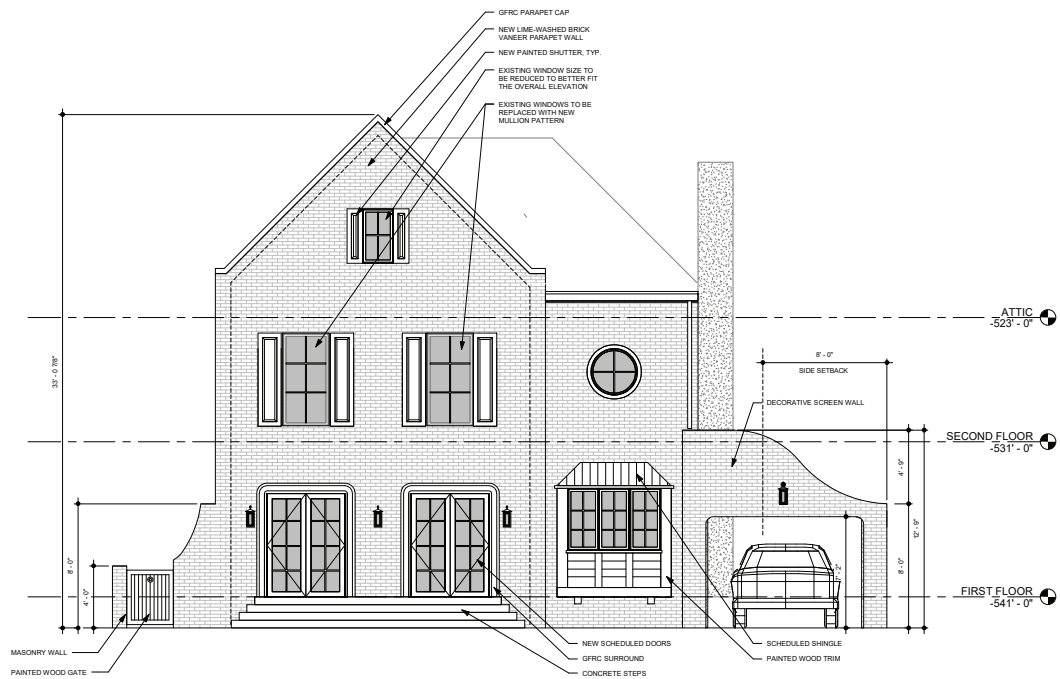
POTENTIAL FIRST FLOOR ADDITION - 652 SF + 129 SF  
POTENTIAL SECOND FLOOR ADDITION - 503 SF + 129 SF  
TOTAL PROPOSED ADDITION 1,413 SF

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





**EXISTING FRONT ELEVATION**  
304 DEXTER AVENUE



**JAMES RESIDENCE**  
**PROPOSED FRONT ELEVATION**  
304 DEXTER AVENUE

# Serene+

## NOISE REDUCTION POOL PUMP EQUIPMENT COVER

"Premier Innovations Inc."

MODEL : L080580U

Dimensions :  
15L x 12W x 14H



**5**  
Year  
Warranty

### FEATURES

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

### COMPATIBLE WITH

✓ **PENTAIR**  
Whisper-Flo  
Dynamo  
SuperFlo

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

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

✓ **JACCUZI**  
Magnum- Force

✓ **JANDY**  
Pro Series

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



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





# Serene+

## NOISE REDUCTION POOL PUMP EQUIPMENT COVER

"Premier Innovations Inc."

MODEL : L080556U

Dimensions :  
21L x 14W x 17H



**5**  
Year  
Warranty

### FEATURES

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

### COMPATIBLE WITH

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

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



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





## Variance Application Part II

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

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

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

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

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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. No updates to the property have been made.

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

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

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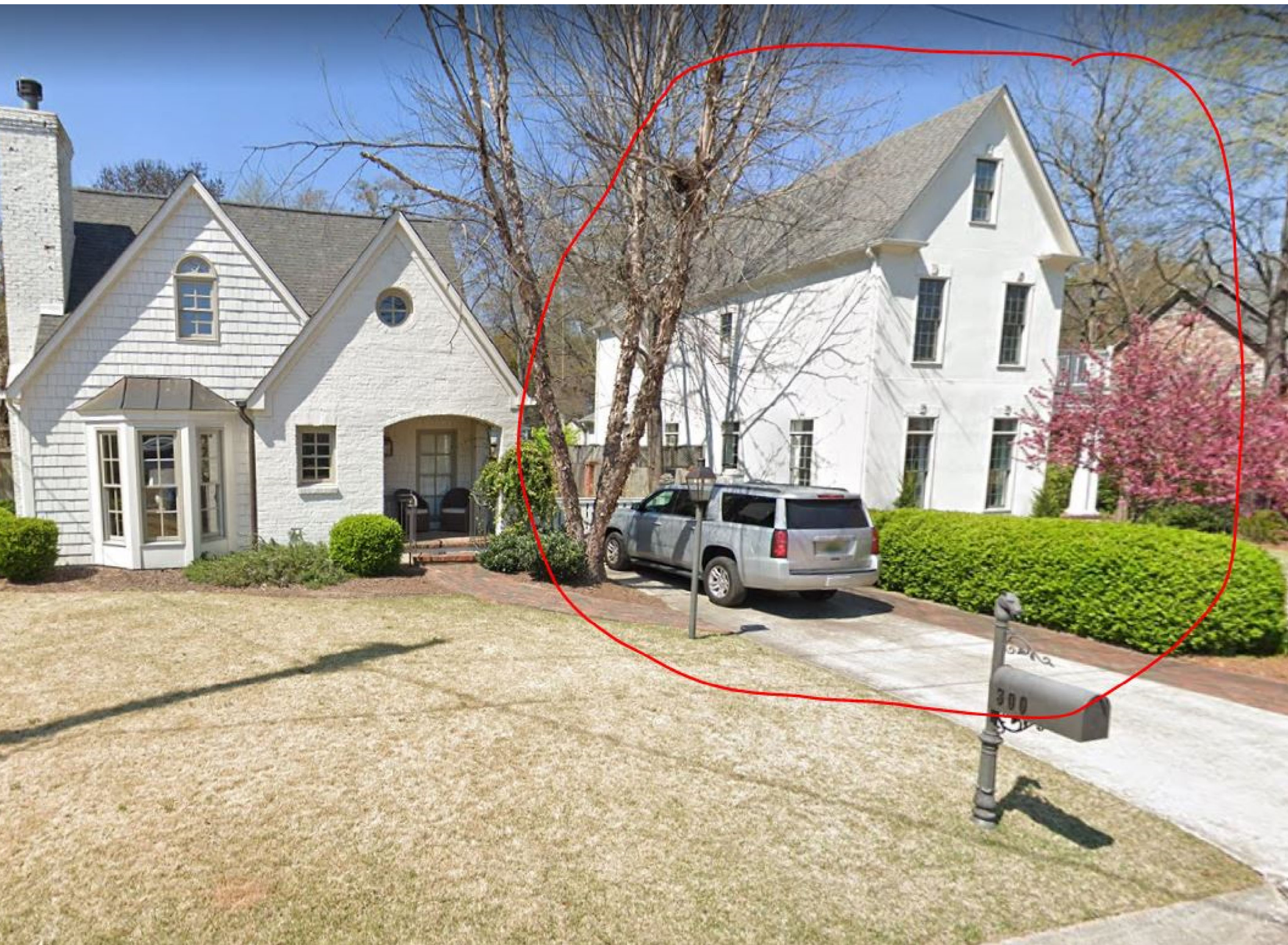
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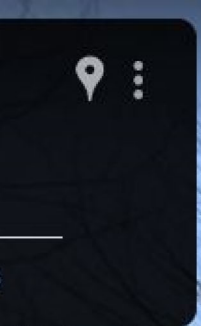
ates

Map Group

Dexter Ave

300





Google







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

June 13, 2023

**VIA E-MAIL**

**[hazend@mtnbrook.org](mailto:hazend@mtnbrook.org)**

**[slatent@mtnbrook.org](mailto:slatent@mtnbrook.org)**

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

Tyler Slaten, Senior Planner

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

Dear Dana & Tyler,

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

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

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

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

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

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

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

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

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

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

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

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

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

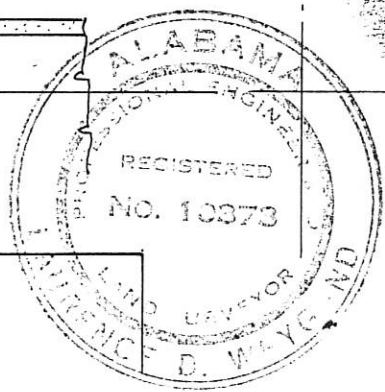
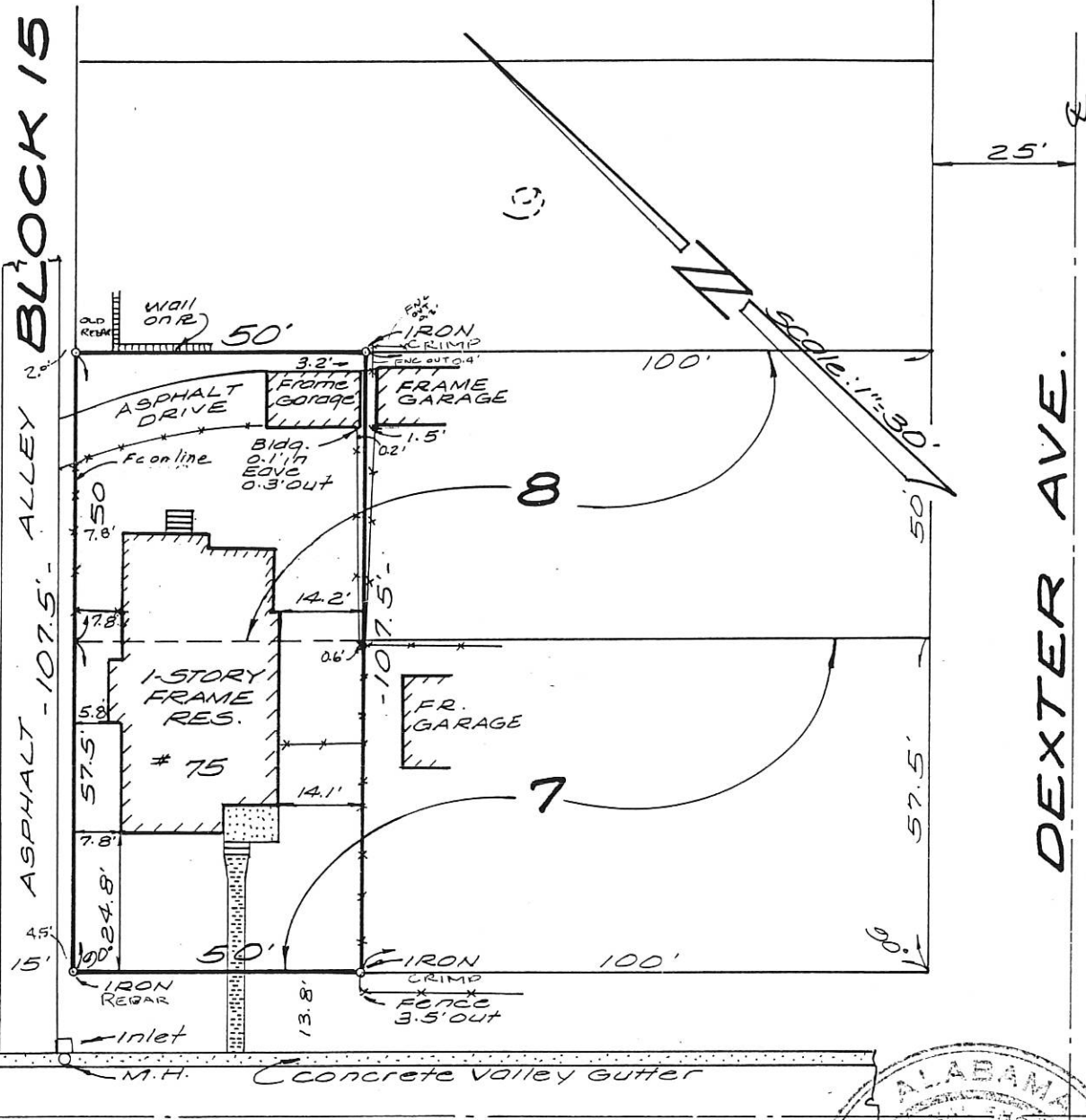
Kindest regards,



Margaret A. Burg

Attachments





**MAIN STREET**

**AS BUILT SURVEY MEETS M.T.S.**

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

I, Laurence D. Weygand, a registered Engineer- Land Surveyor, certify that I have surveyed Lot \* Block 15, CRESTLINE HEIGHTS as recorded in Map Volume 7 Page 16 in the office of the Judge of Probate JEFFERSON County, Alabama; that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area" \*\* that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 75 MAIN STREET; according to my survey of: DEC. 28, 1995

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























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

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

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

To: [gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)

Subject: Sara & Fob James house

Dear Mr. Gaston,

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

Sincerely,

Lucy Spann

301 Dexter Ave



## Variance Application - Part I

### Project Data

Address of Subject Property 11 Elm Street

Zoning Classification Single Family

Name of Property Owner(s) David G. and Beth T. Ellis

Phone Number 205-370-8346 Email dellis@arlingtonproperties.net

Name of Surveyor Ray Weygand

Phone Number 205-942-0086 Email ray@weyganssurveyor.com

Name of Architect (if applicable) NA

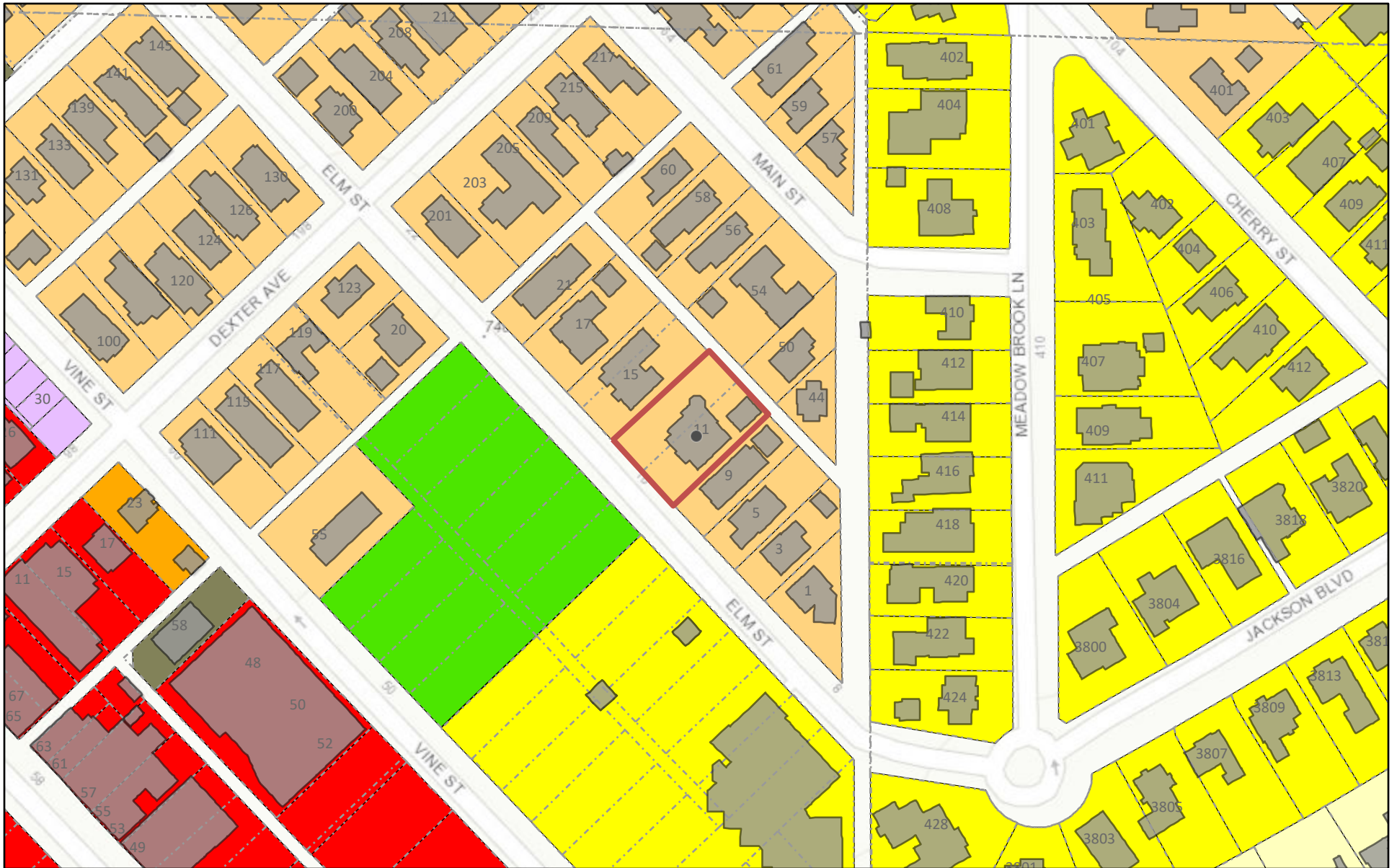
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Property owner or representative agent must be present at hearing

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

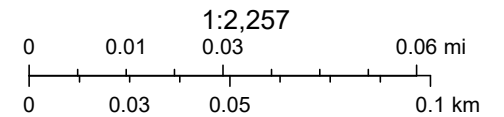
	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)			
Lot Width (ft)			
Front Setback (ft) <i>primary</i>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	10 ft		2.5 feet
Right Side Setback (ft): For non-conforming narrow lots in Res-B or 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)			7 ft
Other			
Other			

# A-24-21 Zoning



5/3/2024, 2:35:57 PM

- |                            |                         |                      |                          |
|----------------------------|-------------------------|----------------------|--------------------------|
| Building Footprints 2020v1 | Local Business District | Residence A District | Residence D District     |
| Lot Lines                  | Professional District   | Residence B District | Residence C District     |
|                            | Recreation District     |                      | Vine Street Transitional |



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

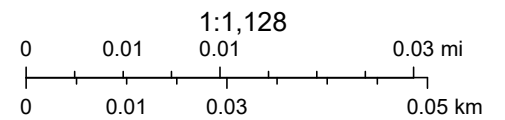
ArcGIS Web AppBuilder



# A-24-21 Aerial



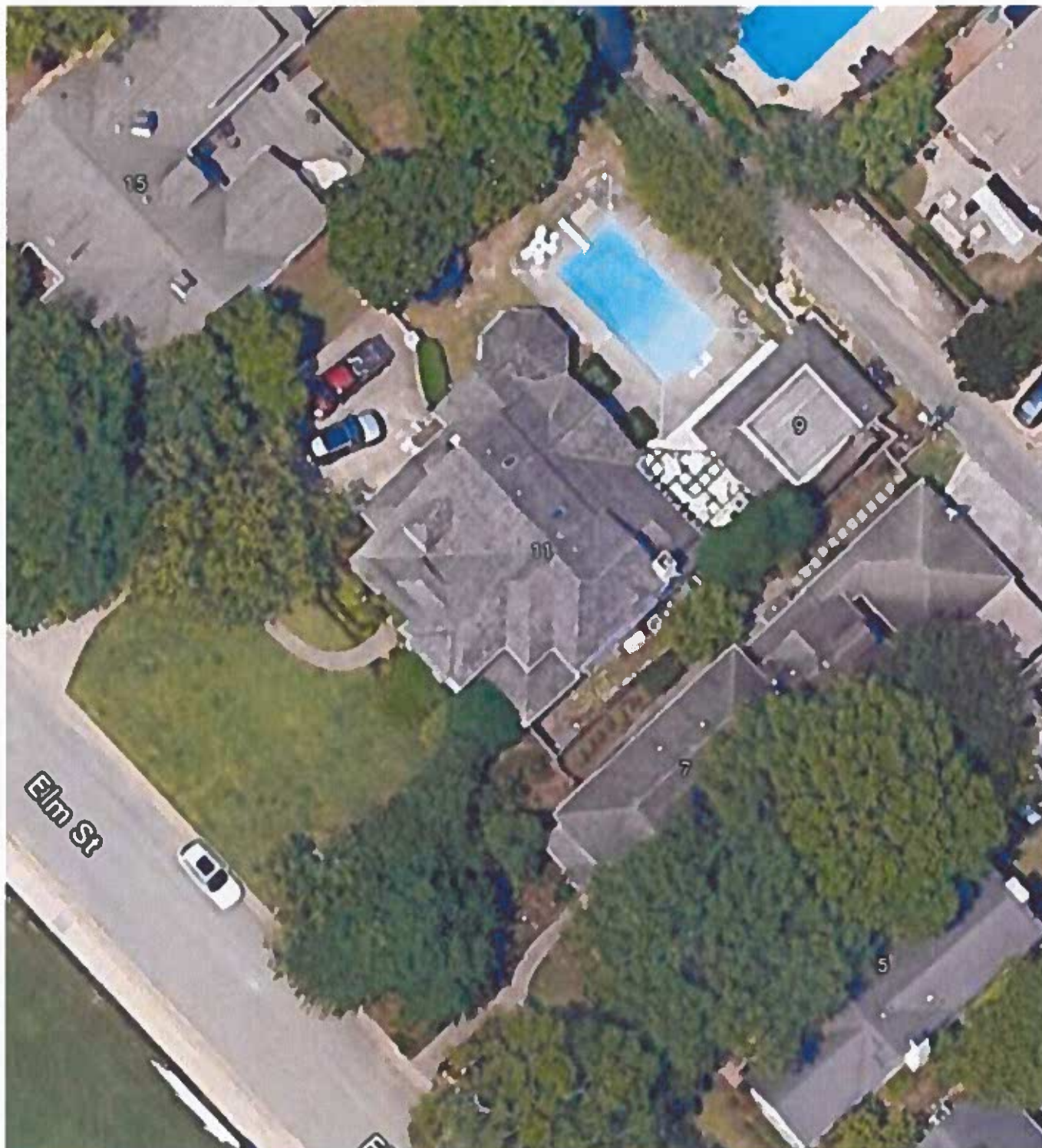
5/15/2024, 1:10:31 PM



G-Squared LLC, Maxar, Microsoft, Esri, HERE, Garmin, iPC



Aerial View of backyard. Pool house and pool deck leave no room outside of setback.



## Report to the Board of Zoning Adjustment

### A-24-21

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

Request to allow a detached accessory structure to be 2.5 feet from the left side property line (north) in lieu of the required 10 feet.

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

The scope of work includes the addition of a detached accessory shed. The proposed structure is 84 square feet in size.

#### ***Variance Request for Accessory Structure***

**Nexus:** The applicant stated that existing design constraints prevent the detached accessory structure from complying with the required setback of 10 feet. There is a pool house, pool deck and a fence with a gate that is limiting the location in which the proposed shed can be placed.

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

Staff could not easily identify a hardship(s) related to the lot.

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

***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. could possibly impair an adequate supply of light and air to adjacent property (due to the close proximity to the side property line)
  - c. could possibly increase the danger of fire (in that the structure will be located within 5 feet of the side property line)

***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 V, Section 129-62 Residence C District

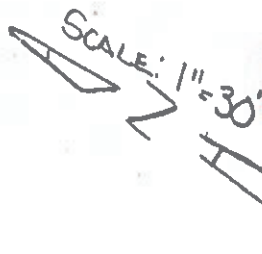
***Appends***

LOCATION: 11 Elm Street

ZONING DISTRICT: Residence C District

OWNERS: David and Beth Ellis





10' setback

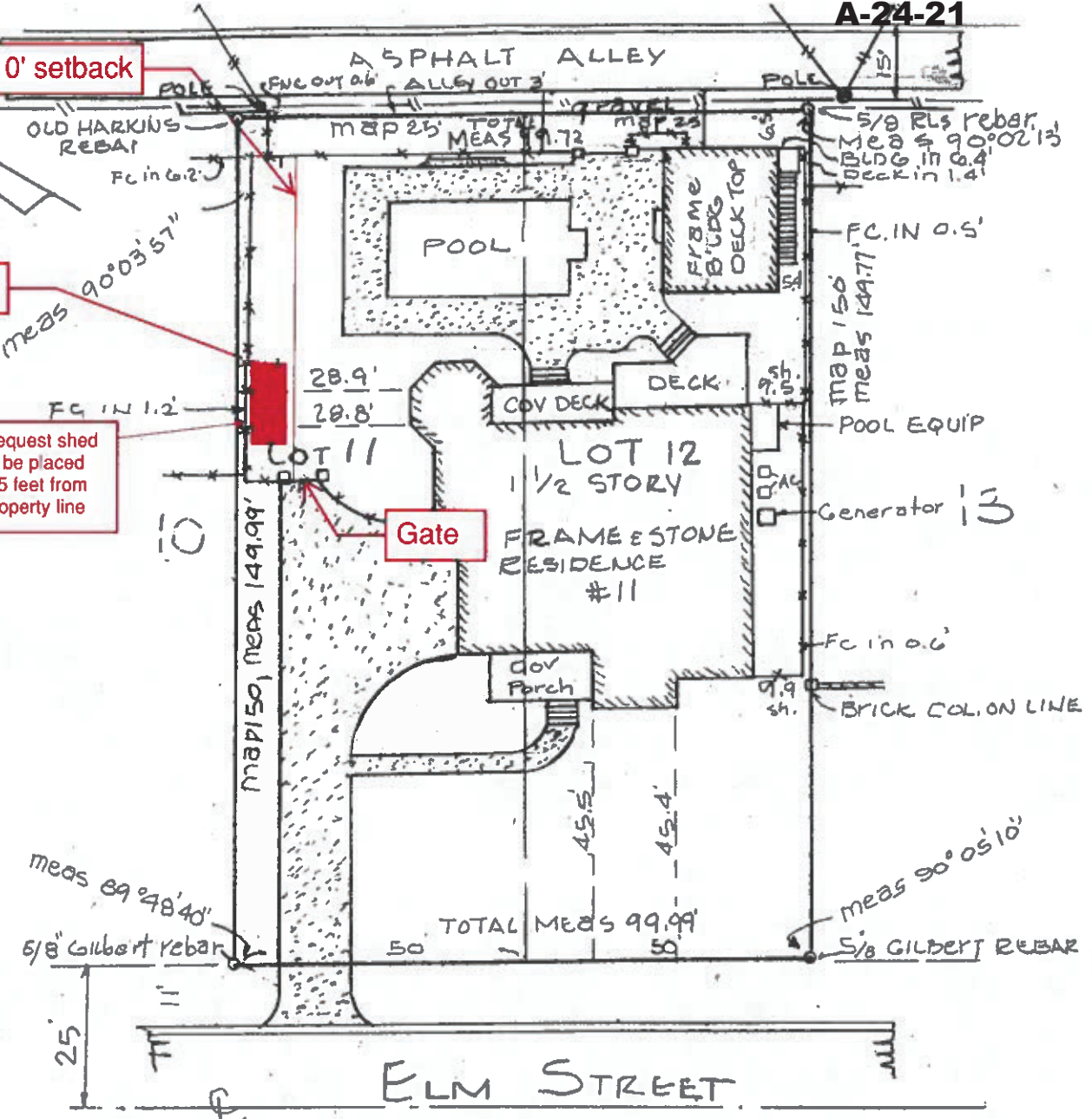
14' x 6' Shed

Request shed to be placed 2.5 feet from property line

Gate

**LEGEND**

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



STATE OF ALABAMA) SHELBY COUNTY)

"Closing Survey"

\* CREST LINE HEIGHTS

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 11 & 12, Block 23 \* as recorded in Map Volume 7, Page 6, in the Office of the Judge of Probate, Shelby County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above, I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of Survey invalid if not sealed in red.

Order No.: 72027  
 Purchaser: EW3  
 Address: 11 ELM STREET

Ray Weygand, Reg. L.S. #24973  
 189 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. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not



Sundance Lean-To - 6' wide by 14' long



**Dave and Beth Ellis  
11 Elm St.  
Mountain Brook, AL 35213**

April 24, 2024

Dear Board Members,

My wife has too much stuff. She has done a great job getting rid of many, many items but we are still in need of additional storage at our home. We have hired a gentleman to design a storage shed that we desire to put in our back yard near our fence. The shed is a "lean-to" shed that would sit below the fence line so that it cannot be seen by our neighbors. I have included a rendering of the shed in the following pages.

We are asking for a variance because we need to place the shed less than 10 feet from our property line, which is the required setback. There is simply no place in our backyard to place the shed outside of the setback. I have included a survey in this package that shows our obstacles. We have a pool house that prevents us from placing the shed on the right-side boundary and a pool deck and fence that prevent us from placing the shed on back boundary. We only have one place the shed can go on the left side of the yard and no place outside of the setback because of the gate and pool deck. Hopefully the survey and aerial photo attached will lay this out more clearly.

We chose a lean-to shed for the sole reason of hiding it from our neighbors. We have spoken with our neighbors about our plan, and they have no objections. We simply have no place in our yard to place the shed and abide by the setback. As such, we respectfully ask the board to grant a variance so we can place the shed 2.5 feet from the side property line in lieu of the required 10 feet. Thanks very much for your consideration.

Dave Ellis





## 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)?

We would like to place a small storage shed against the fence in  
in our backyard. The fence sits inside the property line by 1.2 feet.  
The shed is 6' x 14' or 84 sf total. It is a lean-to shed that will  
be lower than the top of the fence. As seen on the attached survey, we  
have a pool house on the right side of our back yard and a pool in  
the middle. If we keep the shed 10 feet from the fence, it would sit  
on the pool deck. As such, we are requesting to place it against the  
fence. Again, it will be lower than the fence so our neighbors will

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 allow a detached accessory  
structure to be 2.5 feet from  
the side property line in lieu  
of the required 10 feet.

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

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## Variance Application - Part I

### Project Data

Address of Subject Property 512 EUCLID AVE MTN Brook AL 35213

Zoning Classification RES. C DISTRICT

Name of Property Owner(s) WEDGORTH CONSTRUCTION CO. INC

Phone Number 205-542-9940 Email PATRICK@wedgworth.net

Name of Surveyor DAVID ENTREKIN

Phone Number 205-647-2842 Email DAVIDENTREKIN@SSI-AL.COM

Name of Architect (if applicable) WEDGORTH CONSTRUCTION

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

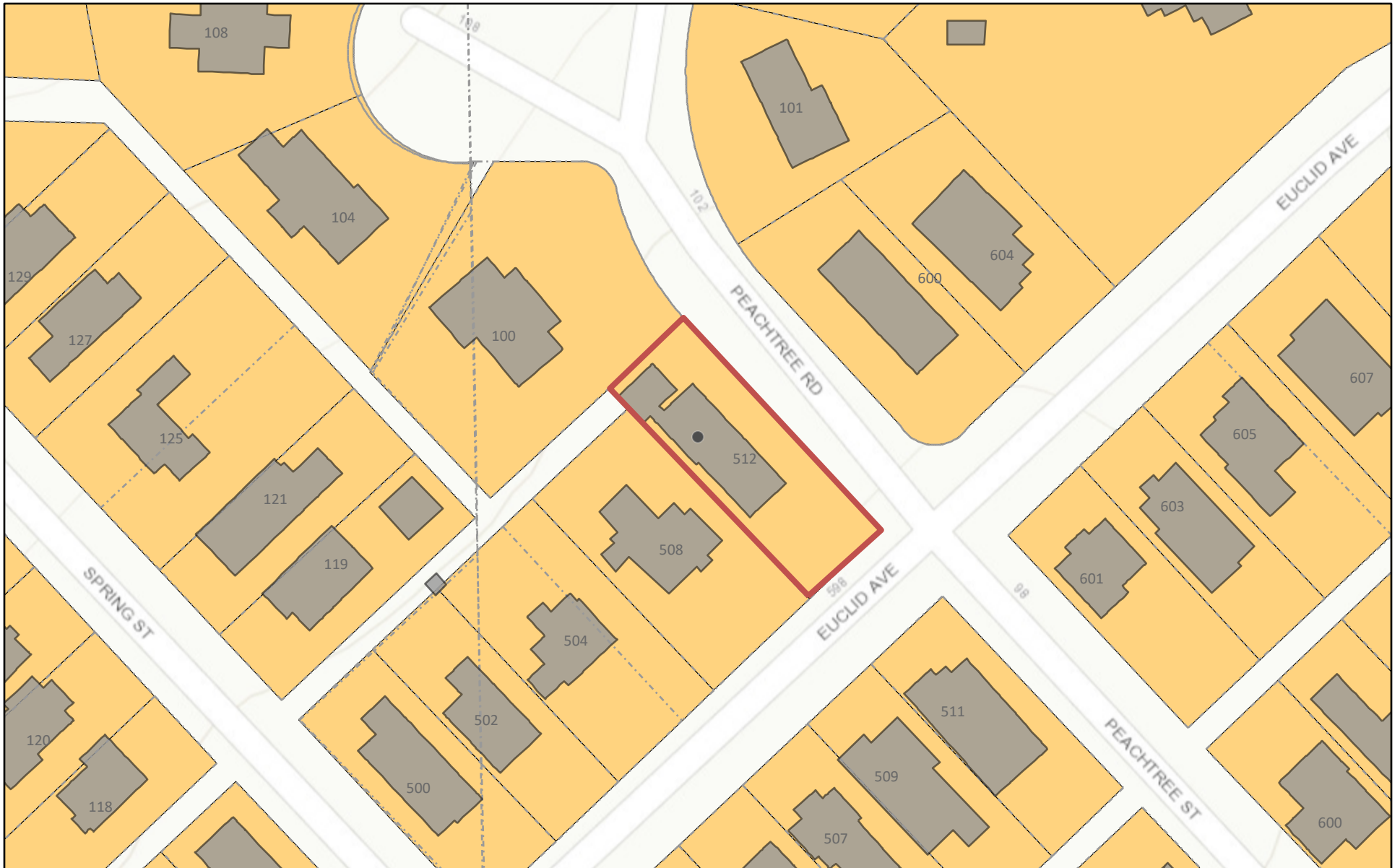
Property owner or representative agent must be present at hearing

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





	Zoning Code Requirement	Existing Development	Proposed Development
Lot Area (sf)	<u>MIN 7500 sqft</u>	<u>9405 sqft</u>	
Lot Width (ft)		<u>57.5</u>	
Front Setback (ft) <i>primary</i>	<u>35</u>	<u>48</u>	<u>48</u>
Front Setback (ft) <i>secondary</i>	<u>35</u>	<u>20.8</u>	<u>15</u>
Right Side Setback	<u>10</u>	<u>"</u>	<u>"</u>
Left Side Setback	<u>10</u>	<u>12</u>	<u>12</u>
Right Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	<u>8</u>		
Left Side Setback (ft): For non-conforming narrow lots in Res-B or Res-C: Less than 22' high → 22' high or greater →	<u>8</u>	<u>12</u>	<u>12</u>
Rear Setback (ft)	<u>35</u>	<u>17.3</u>	<u>36.8</u>
Lot Coverage (%)	<u>35%</u>	<u>32%</u>	<u>35%</u>
Building Height (ft)	<u>35</u>		<u>35</u>
Other			
Other			

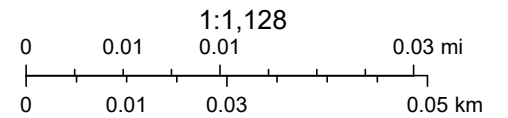


# A-24-22 Zoning



5/14/2024, 2:27:11 PM

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

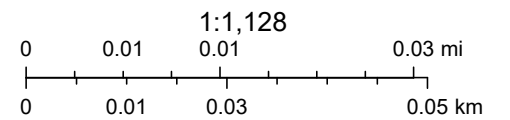


JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

# A-24-22 Aerial



5/14/2024, 2:28:58 PM



G-Squared LLC, Maxar, Microsoft, Esri, HERE, Garmin, iPC



## Report to the Board of Zoning Adjustment

### A-24-22

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

Request to allow a new single family dwelling to be 15 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet.

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

The scope of work includes the construction of a new single family dwelling.

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

**Nexus:** The hardships in this case are the corner lot configuration and lot width. The corner lot configuration requires the primary front (Euclid Avenue) and secondary front (Peachtree Road) to have setbacks of 35 feet. The lot width of 57 is not unusual or peculiar for the area. However if the required setback of 35 along Peachtree Road and the side setback of 12 feet were applied strictly to this lot then the buildable width would only be 10 feet without the need for a variance. The existing dwelling is currently 20.8 feet from the secondary front along Peachtree Road.

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

The subject request appears to possibly 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 (57’ lot width on corner)
- 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:
  - b. will not be detrimental to the streetscape (in that the proposed encroachment

along the secondary front is not uncommon for secondary fronts in the surrounding area)

***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***

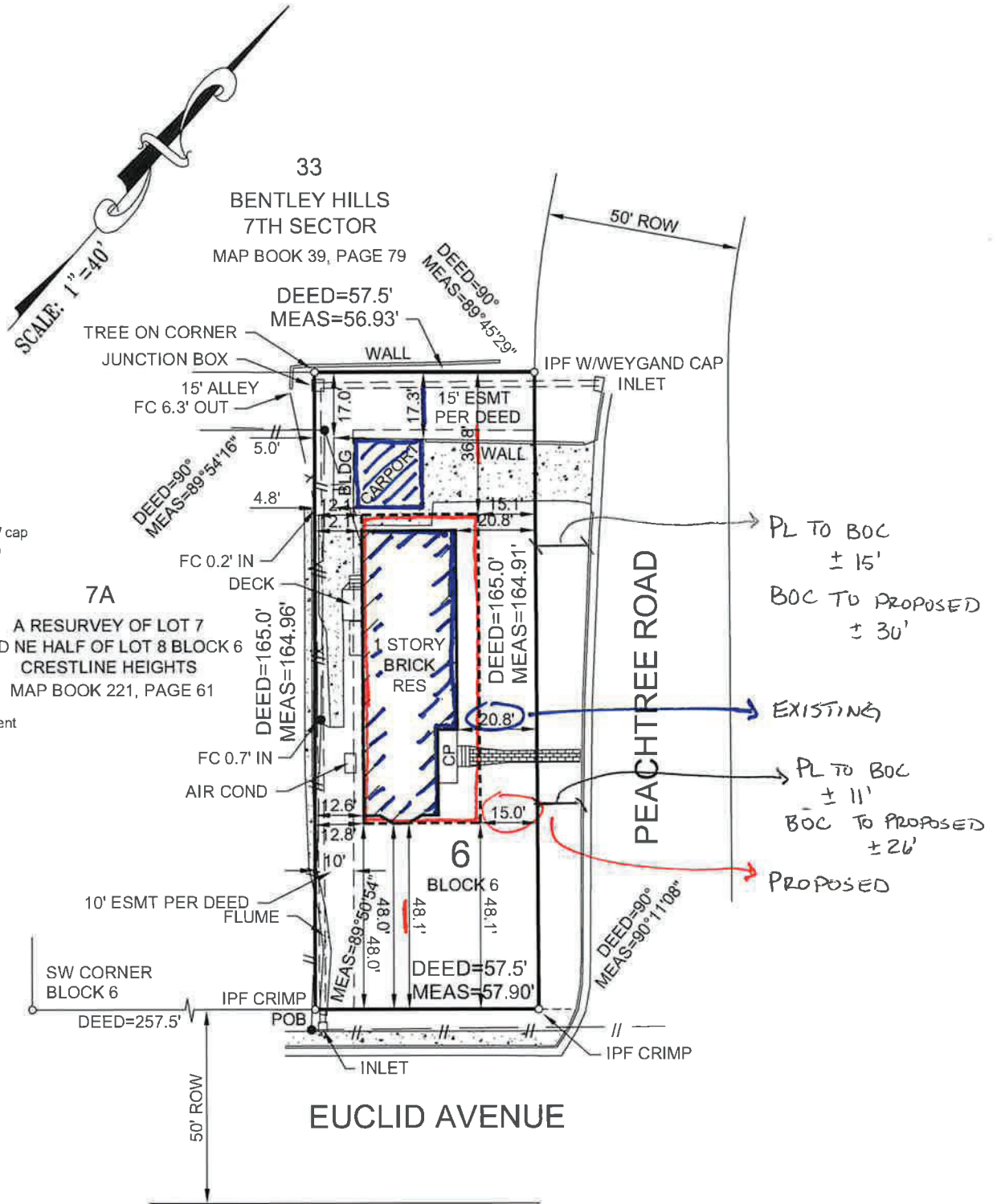
LOCATION: 512 Euclid Avenue

ZONING DISTRICT: Residence C District

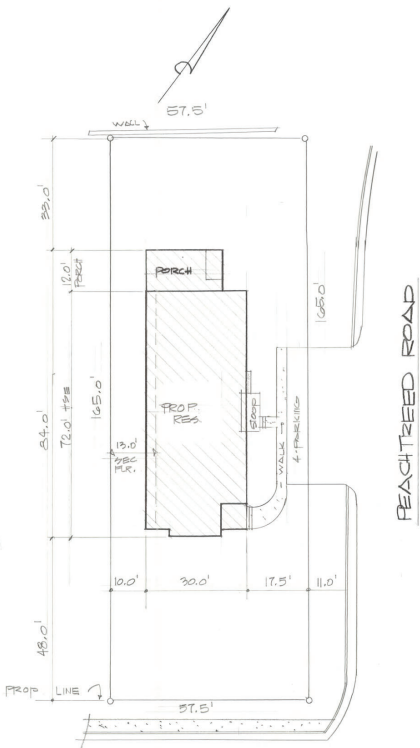
OWNERS: Wedgworth Construction



- asphalt
- bearing
- building
- calculated
- clapped iron
- centerline
- chord
- concrete
- covered
- deflection
- curve delta angle
- east
- basement
- fence
- found
- readwall
- iron pin found
- iron pin found w/KBW cap
- iron pin set w/SSI cap
- length
- measured
- minimum
- manhole
- north
- overhang
- orch
- point of curve
- point of beginning
- point of commencement
- point of tangent
- cavement
- radius
- recorded
- residence
- right of way
- south
- sanitary
- storm
- sewer
- synthetic
- utility
- uncovered
- west
- yard inlet
- degrees
- minutes, in
- bearings or angles
- seconds, in
- bearings or angles
- feet, in distance
- acres
- more or less,
- or plus or minus



— EXISTING  
— PROPOSED



PEACHTREE ROAD



EUCLID AVE.

EUCLID AVE.

26'1" x 20'0"  
LOT-G BLK-G  
CRESTLINE HEIGHTS

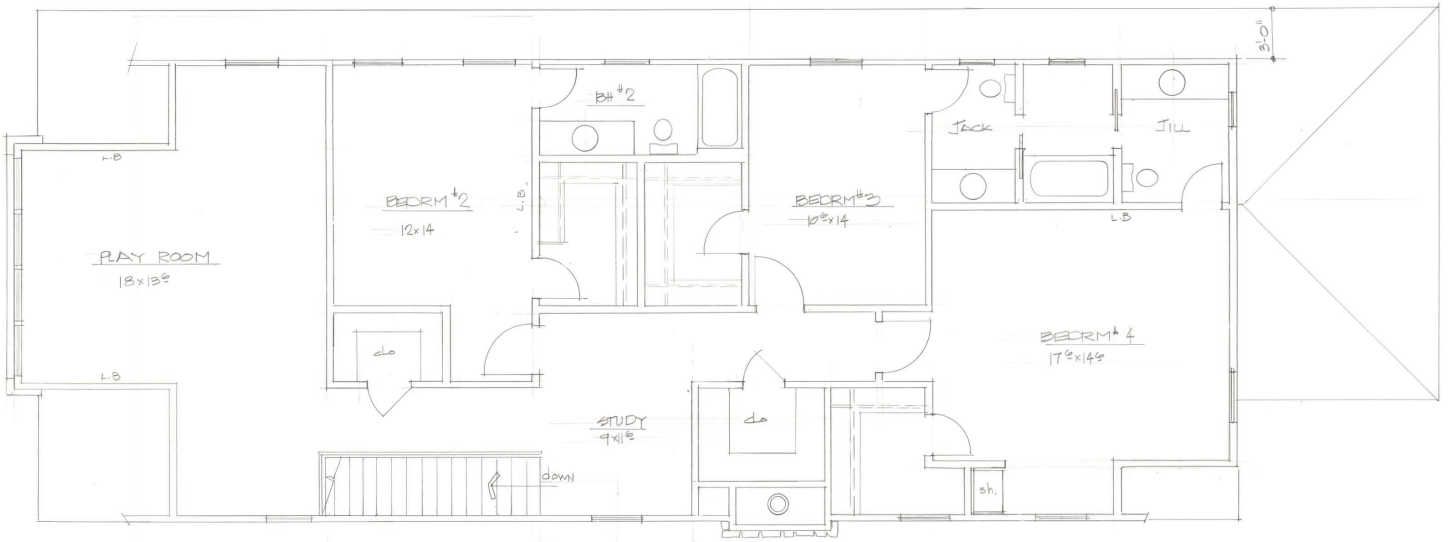
WEDGORTH CASEY  
4-19-2024





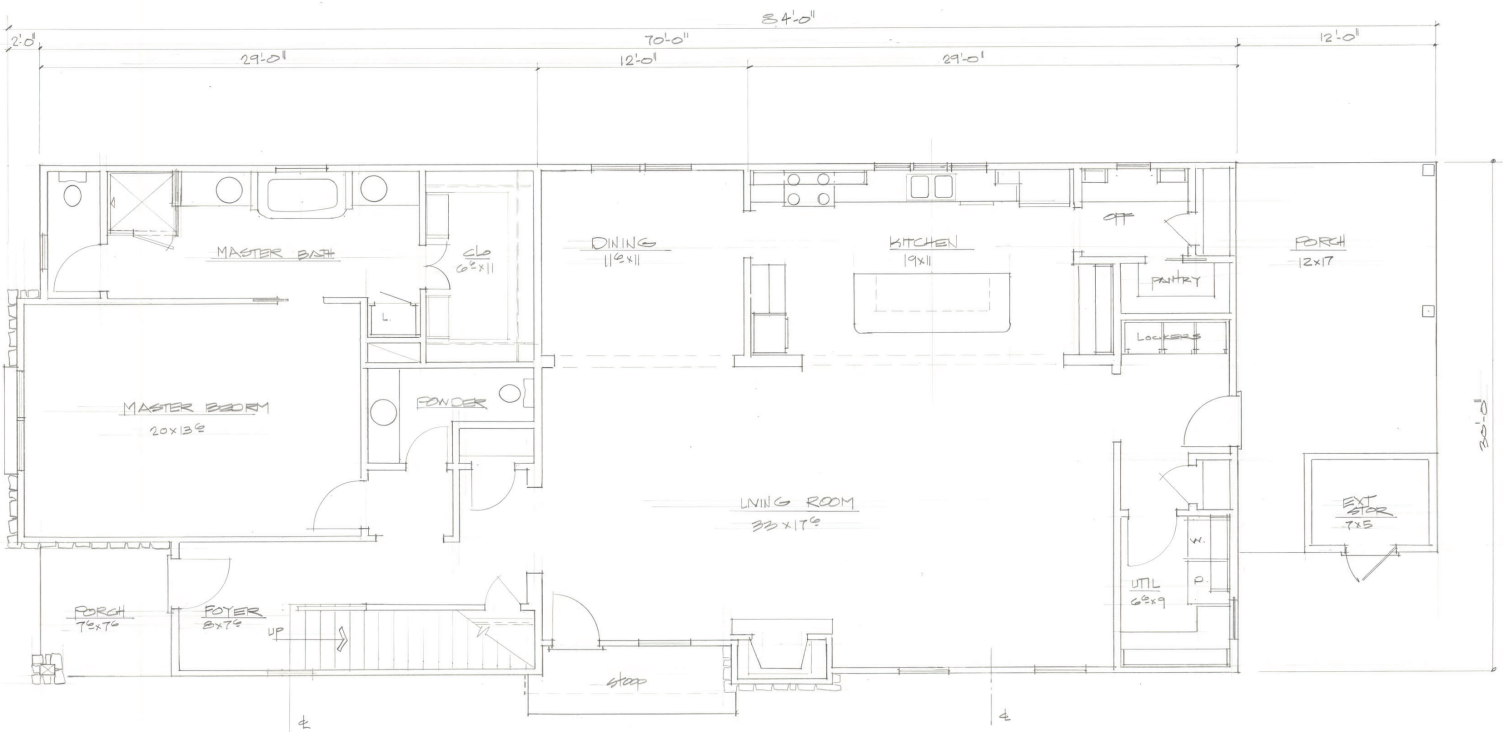
4-CAR PARKING

PEACHTREE ROAD



SECOND FLOOR





FIRST FLOOR PLAN

FIRST FLR	2058
SEC. FLR	1822
TOTAL	3880 SQ. FT.



April 24, 2024

To whom it may concern:

My name is Patrick Gilbert, I am the President of Wedgworth Construction Co. My company recently acquired 512 Euclid Ave. We are seeking a side yard variance for the right-side property line of our lot. Our lot has a hardship on it due to it being a corner lot facing Euclid Ave. and Peachtree. Both require a 35' setback to meet current zoning classification. We are asking to reduce that side yard setback to 15' from the property line.

We have attached a current survey of the lot with the house that is currently on the lot as well as a survey showing our proposed house. We have also attached a preliminary house plan that shows a concept of what we intend to build. This is not the exact plan but shows a general layout and concept.

Sincerely,

A handwritten signature in black ink that reads 'Patrick W. Gilbert'.

Patrick W. Gilbert

President

---

4154 Crosshaven Drive - Birmingham, Alabama 35243 - P 205.379.6053 - F  
205.967.1833





## 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 SPECIAL CIRCUMSTANCES OF HARDSHIP TO THIS LOT ARE DUE TO  
ITS CORNER LOT. WITH THIS LOT BEING NARROW AND HAVING "Z" FRONT  
SET BACKS IT MAKES THE LOT UNBUILDABLE.  
WE ARE REQUESTING A RIGHT SIDE (PEACHTREE ST SIDE) YARD  
VARIANCE OF 15' IN LIEU OF 35' REQUIRED.

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...")

THIS ASK IS NOT A CONDITION OF WORK ALREADY DONE, BUT INSTEAD  
OF WORK WE WISH TO DO.

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

IT WOULD BE CONSISTENT WITH OTHER HOUSES IN THE AREA  
THAT HAVE BEEN CONSTRUCTED. THE MAIN REASON FOR THE ASK  
IS TO GIVE US AN APPROPRIATE BUILDING SITE AND SIZE FOR  
A HOME.



## Variance Application - Part I

### Project Data

Address of Subject Property 3761 Forest Run Road

Zoning Classification RESIDENCE A

Name of Property Owner(s) ROBERT & BECKY BENSON

Phone Number 205-999-9825 Email beckybenson@bellsouth.net

Name of Surveyor ROBERT REYNOLDS

Phone Number (205) 823-7900 Email reynoldsr876@gmail.com

Name of Architect (if applicable) SCOTT CARLISLE - CARLISLE MOORE ARCHITECTS

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>			
Front Setback (ft) <i>secondary</i>			
Right Side Setback			
Left Side Setback	15'	15'	13'-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)			
Lot Coverage (%)			
Building Height (ft)			
Other			
Other			

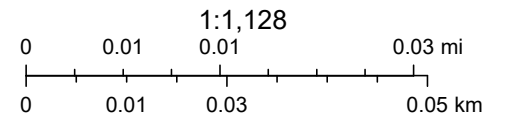


# A-24-23 Zoning



5/15/2024, 1:12:29 PM

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

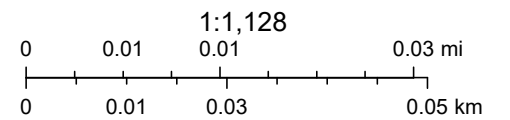


JeffCoAL, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

# A-24-23 Aerial



5/15/2024, 1:13:57 PM



G-Squared LLC, Maxar, Microsoft, Esri, HERE, Garmin, iPC



## Report to the Board of Zoning Adjustment

### A-24-23

#### *Petition Summary*

Request to allow an addition (carport) to be 13 feet 6 inches from the left side property line (west) in lieu of the required 15 feet.

#### *Scope of Work*

The scope of work includes the construction of a new attached carport.

#### *Variance Request for Setback*

**Nexus:** The hardships in this case are the angled side property line and unusual lot shape as well as the existing design constraint of the home. The side property lines are angled inward from back to front. The existing structure is closer to the side property line at the front corner compared to the rear. The proposed attached carport would encroach into the side setback 1 foot 6 inches at the closest point. The total area of encroachment is a small triangular sliver that narrows quickly moving from front to back.

#### *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 (angled 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 (orientation of the home to the side property line)

***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 encroachment is minor)

***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 III, Section 129-35 Residence A District

***Appends***

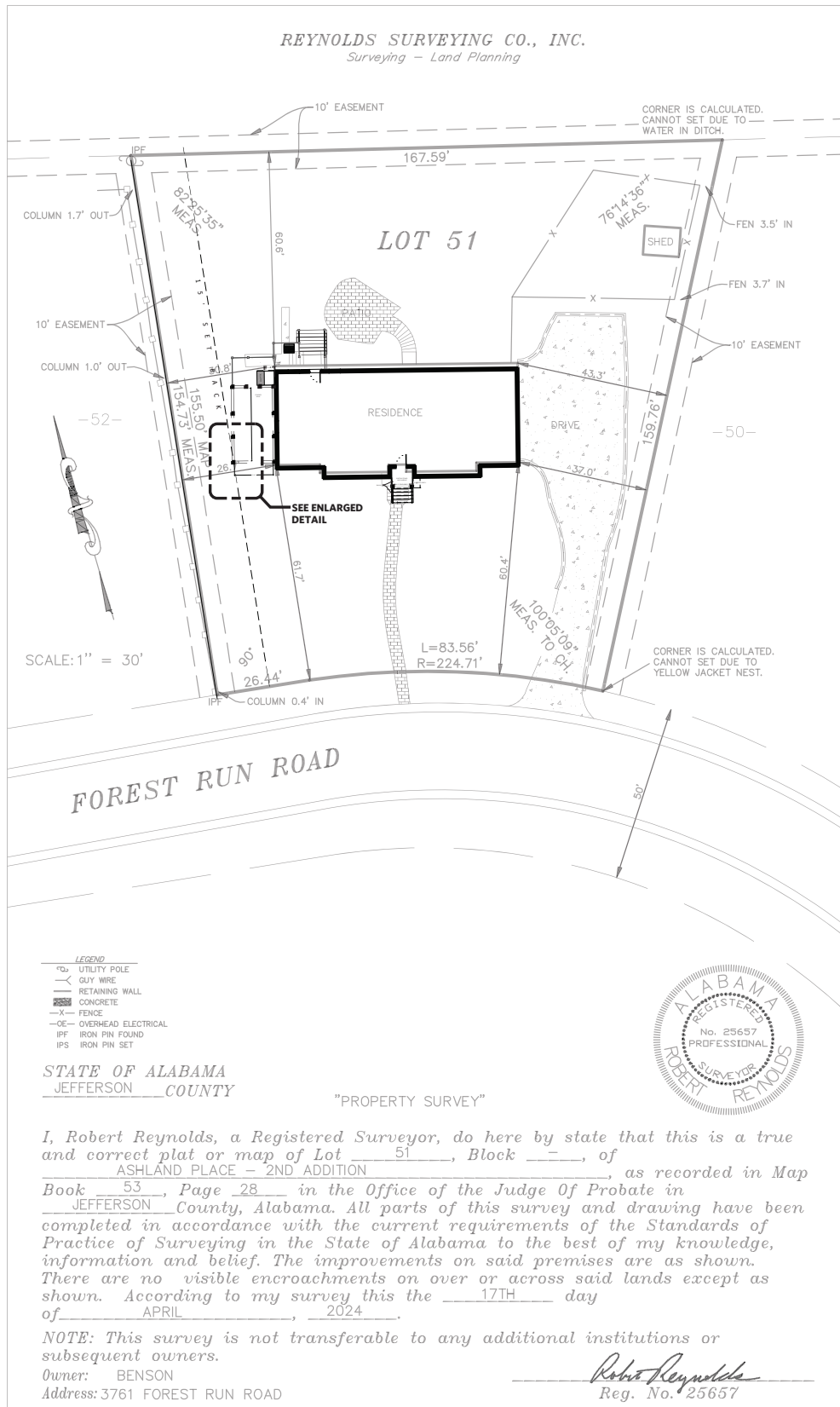
LOCATION: 3761 Forest Run Road

ZONING DISTRICT: Residence A District

OWNERS: Robert and Becky Benson

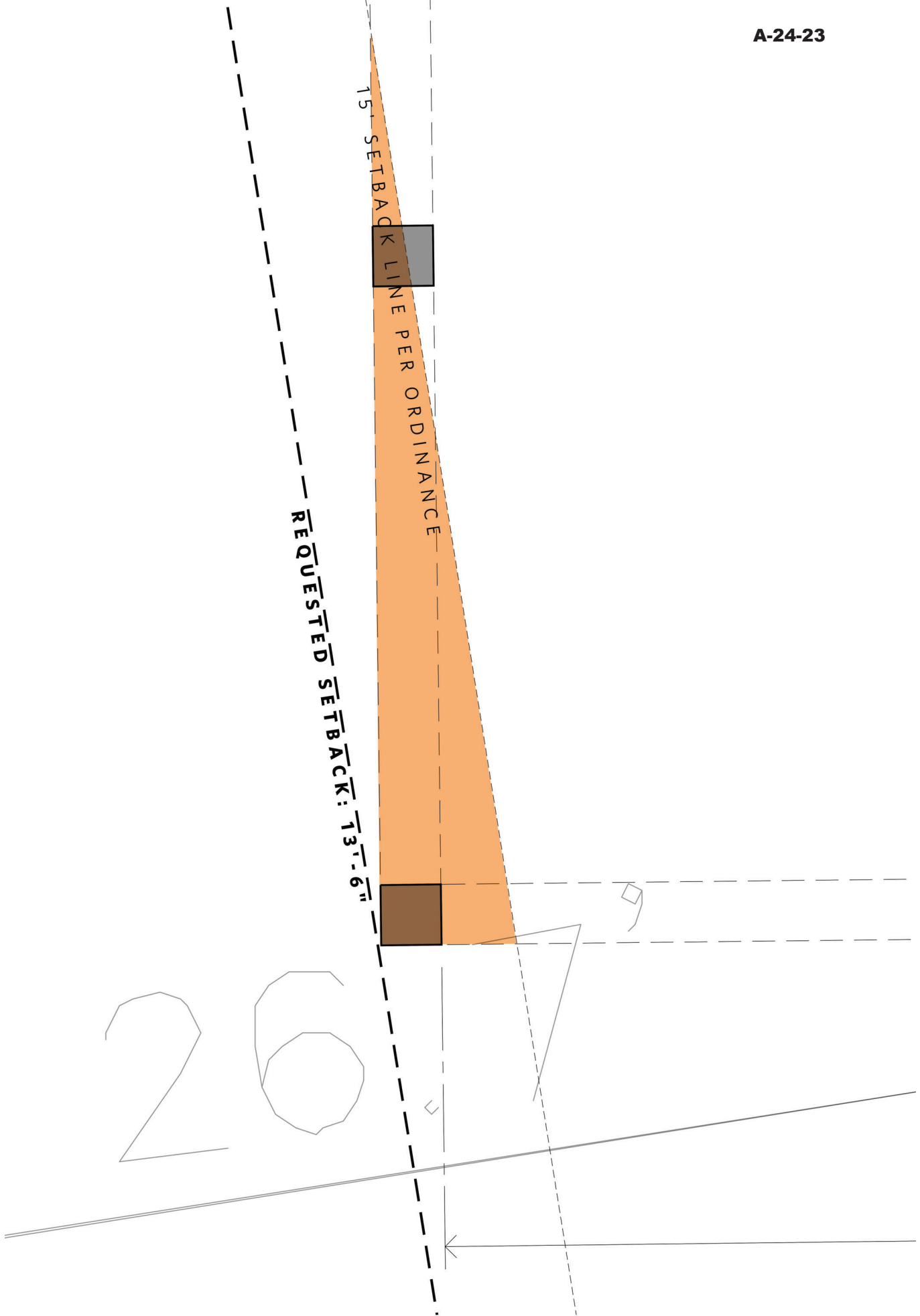


REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning



**SURVEY**

1"=30'



# ENLARGED DETAIL

1/2"=1'-0"





# ZONING VARIANCE

April 25, 2024

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

CARLISLE  
MOORE  
ARCHITECTS

Regarding: 3761 Forest Run Drive

To The Board:

This project is a small addition to the existing house at **3761 Forest Run Drive**. It is a carport addition at the left of the house. Due to the oddly shaped nature of the site, we are asking for a new setback of **13'-6"** at the left side of the house. There is a very small triangle of the new addition that will overlap the existing 15'-0" setback, as indicated on the attached documents.

Thank you for your time and consideration.

Regards



T. Scott Carlisle  
For the Firm

T SCOTT CARLISLE  
(205)587-4868

BILL MOORE  
(205)966-2554

2814 PETTICOAT LANE  
MOUNTAIN BROOK, AL 35223

CARLISLEMOOREARCHITECTS.COM





## Variance Application Part II

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

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

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

The lot is odd shaped. The left property line is at an angle relative to the front property line.

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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...")

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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?

Granting this variance would allow the owner to to preserve and enjoy their property right to expand their home in a reasonable manner without negatively impacting the adjacent properties.

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