

**CITY OF MOUNTAIN BROOK**  
**BOARD OF ZONING ADJUSTMENT**  
**MINUTES**  
**June 17, 2019**

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, June 17, 2019, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

|                |                                |         |                                 |
|----------------|--------------------------------|---------|---------------------------------|
| Board Present: | Patrick Higginbotham, Chairman | Absent: | Norman Orr                      |
|                | William Hereford, Co-Chairman  |         | Chris Mitchell                  |
|                | Rhett Loveman                  |         | Richard Simonton                |
|                | Gerald Garner                  |         | Virginia Smith, Council Liaison |

|               |             |   |
|---------------|-------------|---|
| Also present: | Dana Hazen: | Director of Planning, Building and Sustainability |
|               | Tammy Reid: | Administrative Analyst                            |

Chairman Higginbotham asked if all adjacent property owners in each of the cases on the agenda received legal notice of this hearing. Ms. Reid confirmed that, based on the information supplied by the applicants, they had been notified.

Chairman Higginbotham stated that any variance which is granted today expires and becomes null and void twelve months from today, unless construction is begun in less than twelve months from today on the project for which the variance is granted. If construction will not be started within twelve months from today, the applicant may come back in eleven months and ask for a six-month extension.

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The agenda stood approved as printed. Chairman Higginbotham stated that a variance approval will require four affirmative votes.

**1. Approval of Minutes – May 20, 2019**

Chairman Higginbotham stated that a vote will be taken at the next meeting regarding the May 20, 2019 minutes. There is not a quorum of attendees here tonight that also attended the May meeting.

**2. Case A-19-13: 3021 Cambridge Road**

**EXHIBIT 1**

Charles and Ashley Parrish, property owners, request a variance from the terms of the Zoning Regulations to allow a new detached accessory building to be 1.6 feet from the side property line (northwest) in lieu of the required 10 feet.

**Hardships:** The hardships in this case are the irregular shape of the lot, the lot size (14,451 sf in lieu of the required 30,000), and existing design constraints.

It is noted that on April 15, 2019, the Board approved the applicant's request to carry this case over to the May 20, 2019 meeting so that revisions can be made. The revised plans submitted were to eliminate the second floor of the proposed accessory building and increase the wall height by 3'. At the May 20, 2019 meeting, the applicant requested to carry the case over to the June 17, 2019 meeting.

Charles Beavers (Bradley Arant Boult Cummings LLP, 1819 5<sup>th</sup> Avenue N, Birmingham) and Katrina Porter (Katrina Porter Designs, 9 Office Park Circle, Birmingham) represented the applicants. Mr. Parrish, applicant, also attended the meeting.

Mr. Beavers stated that the amended request is to build a one-story structure with additional sidewall height. The wall height will be 10' on the front, with the roof ridge at a height of 13'-10". The hardships of the lot are that it is long and narrow, small in size for this zone, and the placement of the existing structure.

Billy Reed, 3017 Cambridge Road, Mountain Brook, lives adjacent to the subject property and is the closest neighbor to the proposed structure. He sent written notification that he does not protest the revised plans (he expressed concerns about the height of a two-story structure and the impact it would make on his property at the April 15, 2019 meeting).

Chairman Higginbotham asked for confirmation that the building height will be raised approximately 3'. Ms. Porter confirmed. He stated that the lot is small and has an irregular shape; the new proposal is an improvement from the original proposal, due to the elimination of the second floor portion.

Mr. Beavers added that the grade of the ground may change once construction begins, but that the height requested is based on what it is now. Chairman Higginbotham restated that the absolute height of the building will remain as requested, regardless of any change in the grade of the ground. Mr. Beavers confirmed.

There were no public comments; Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, motion to approve the amended variance request as submitted.

Second: Mr. Loveman

|       |              |             |
|-------|--------------|-------------|
| Vote: | <u>Aye:</u>  | <u>Nay:</u> |
|       | Higginbotham | None        |
|       | Hereford     |             |
|       | Loveman      |             |
|       | Garner       |             |

The variance request is approved as submitted.

### 3. Case A-19-19: 8 Montevallo Terrace

### EXHIBIT 2

Ben and Kate Sutlive, property owners, request variances from the terms of the Zoning Regulations to allow a portion of the first floor to be 8 feet from the side property line (south) in lieu of the required 9 feet; a portion of the second floor to be 9 feet 7 inches from the side property line (south) in lieu of the required 13 feet; and for a chimney to be 7 feet 2 inches from the side property line (south) in lieu of the required 7 feet.

**Hardships:** The hardships in this case are the lot size (9,750 in lieu of the required 10,000) and the lot width (65 feet in lieu of the required 75 feet).

Mary Coleman Clark, Architect, represented the applicants. The existing house encroaches into the front setback; it will be demolished. The new house will conform to all required setbacks with the exception of: a small portion of the first floor is to encroach into the side setback; only two triangular portions of the roof are to encroach into the side setback. The

chimney complies with the required side setback. The lot size and width pose hardships.

The applicant obtained letters of support from all six adjacent property owners.

The proposed right side setback is greater than the required minimum in order to accommodate a driveway that will access the rear of the property. The proposed setback is approximately 13' at the driveway.

Chairman Higginbotham stated that the lot is small and narrow. The original house encroached into the front setback; the proposed structure will not encroach into the front setback.

There being no public comments, Chairman Higginbotham called for a motion.

Motion: Mr. Hereford

Second: Mr. Loveman

Vote: Aye: Nay:  
           Higginbotham     None  
           Hereford  
           Loveman  
           Garner

The variance request is approved as submitted.

#### 4. Case A-19-20: 2900 Thornhill Road

#### EXHIBIT 3

Caroline Clark, property owner, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 9 feet, 4 inches from the side property line (northeast), and to be 13 feet 2 inches from the side property line (southwest); both in lieu of the required 15 feet.

**Hardships:** The hardships in this case are the lot size (17,000 in lieu of 30,000) and the lot width (70 feet in lieu of the required 100).

John Carraway, Carraway and Associates Inc., 2409 Park Lane South, Birmingham, represented the applicant. The plan is to construct a new 1-1/2 story residence. The lot width is 70 feet in lieu of the required 100 feet in this zoning district, limiting allowable building area. The proposed structure is pulled in slightly on the west side to allow more room for an already tight driveway.

Chairman Higginbotham confirmed that the lot is small and narrow. He asked about the east side of the property; what is to be there? Mr. Carraway said they are considering a garden area, fencing, and enclosed hot tub. The applicants are working with adjacent neighbor regarding screening. Chairman Higginbotham stated that there is a question if the hot tub would be considered an accessory structure and, if so, the setback requirements. They will need to get with Glen Merchant, Building Official, regarding the required setback for a hot tub.

There being no public comments, Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, motion to approve the variance request as submitted.

Second: Mr. Loveman

Vote:    Aye:                      Nay:  
         Higginbotham              None  
         Hereford  
         Loveman  
         Garner

The variance request stands approved as submitted.

5. **Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 5:25 p.m. The next meeting is scheduled for Monday, July 15, 2019.



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Tammy Reid, Administrative Analyst