The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, August 19, 2019, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

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

Also present:      Dana Hazen:   Director of Planning, Building and Sustainability
                    Glen Merchant: Building Official
                    Tammy Reid:   Administrative Analyst

In the absence of Patrick Higginbotham, Norman Orr served presided over the meeting.

Mr. Orr 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.

Mr. Orr 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.

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

1. **Approval of Minutes** – May 20, 2019 and July 15, 2019

**May 20, 2019 Minutes**

Motion: Mr. Mitchell, motion to approve the May 20, 2019, minutes as presented.

Second: Mr. Loveman

Vote:  

Aye:  
Garner
Loveman
Mitchell
Simonton

Nay:  
None

The May 20, 2019 minutes stand approved as printed.
July 15, 2019 Minutes

Mr. Orr stated that a vote will be taken at the next meeting regarding the July 15, 2019 minutes. There is not a quorum of attendees at this meeting that also attended the July meeting.


Ann Thomas, property owner, requests variances from the terms of the Zoning Regulations to allow a new single-family dwelling to be 15 feet from the rear property line (north) in lieu of the required 40 feet; also for the lot coverage to be 37% in lieu of the maximum allowable 25%.

**Hardship:** The hardship in this case is the corner-lot configuration.

Edward Goodwin, 3144 Overhill Road, Mountain Brook, addressed the Board. He just purchased this property and is continuing with the variance request started by the previous owner, Ann Thomas. He plans to build a new single-family dwelling. Hank Long is the project architect; building plans have not been drawn at this time. This structure will likely face Country Club Circle. The hardship is that this is a corner lot.

Mr. Orr stated that the corner-lot configuration poses a hardship because it limits the buildable area. The fact that a specific building plan is not submitted is a concern because of the requested lot-cover overage and the to-be-determined placement of the structure on the lot. Mr. Simonton agreed. Mr. Garner expressed his concern as well.

Mr. Orr reminded the applicant that if the percentage of lot coverage is higher than the allowable, a storm water detention study will be required, at the expense of the applicant. Mr. Goodwin said that he is willing to withdraw the request for 37% lot coverage and will uphold the allowable 25% maximum lot coverage.

To confirm, Mr. Orr asked Mr. Goodwin if he is withdrawing the portion of the variance request that asked for a lot coverage percentage of 37%, to comply with the allowable 25% maximum, and that the only variance request up for consideration is a new single-family dwelling to be 15 feet from the rear property line (north) in lieu of the required 40 feet. Mr. Goodwin confirmed.

Adjacent property owner, David Fowler, 2309 Country Club Place, Mountain Brook: Mr. Fowler said that he does not oppose the project; however, there is some concern how the houses will line up since the placement of the house is unknown at this time.

Mr. Orr stated that he would like to see more details of how the structure will be laid out on lot.

Billy Blair, 2312 Country Club Place, Mountain Brook: One consideration is that the topography of the land will affect the flow of water drainage. He feels that architecturally, the proposed project will not detract from the aesthetics of the circle. Mr. Orr said that in the two front yards (corner-lot configuration), the setbacks are kept within the required limits to maintain the continuity of the streetscape.
After consideration of the comments from the Board and the public, Mr. Goodwin confirmed withdrawal of the request to exceed the maximum lot coverage and asked to carry the case over to the next meeting so that a proposed footprint can be presented at that time.

Mr. Orr called for a motion.

Motion: Mr. Loveman, motion to approve the applicant’s request to carry the case over to the September 16, 2019 meeting so that a proposed footprint can be submitted for Board review; motion to approve the request of the applicant to remove the portion of the application requesting to exceed the maximum lot coverage.

Second: Mr. Simonton

Vote: Aye: Loveman
Nay: Garner, None
Loveman
Mitchell
Orr
Simonton

The case will carry over to the September 16, 2019 meeting per the request of the applicant.


Mr. Orr recused himself from participating in this case. Mr. Mitchell presided for this case.

Michael and Elizabeth Choy, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a new single-family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet.

Hardship: The hardships in this case are the corner-lot configuration and the shallowness of the lot.

Mr. Choy, 1412 Wellington Road, Birmingham, addressed the Board. The existing house encroaches into the primary front (Beech Court), and the rear and right side setbacks. The proposed new house is to encroach only into the rear, which is an improvement from the existing setback configuration. This variance will allow for the construction of a two-car garage. The house has been demolished.

Mr. Choy said that he talked with Cindy Marbury, 208 Beech Street, the neighbor to the rear of the subject property; she has no objections to the project.

Mr. Choy stated that water run-off is a concern in some areas of Crestline. The neighbor next to the subject property, Caleb Phillips, 813 Beech Court, showed him his drainage system; Mr. Choy has discussed the possibility of a similar system with his builder.

Mr. Mitchell confirmed the hardship of the corner-lot configuration and the shallowness of the lot. The new construction is proposed further back on property; this is a positive point.

There being no public comments, Mr. Mitchell called for a motion.

Motion: Mr. Simonton, motion to approve the variance request as submitted.
Second: Mr. Loveman
Vote: Aye: Nay: Garner Loveman Mitchell Orr Simonton

The variance request is approved as submitted.


Clayton and Blair Trotter, property owners, request a variance from the terms of the Zoning Regulations to allow a covered porch and chimney of a new single-family dwelling to be 30 feet from the rear property line (west) in lieu of the required 35 feet.

Hardships: The hardship in this case is the shallow depth of the lot.

Blair Trotter, property owner, presented the variance request. The plan is to demolish the existing house and build a new structure. Approval of the variance request will allow for a covered porch and chimney in the rear yard. The hardship in this case is the shallowness of the lot. Also, other houses on this side of Lake Drive encroach in at least an equal amount into the required rear setback.

Mr. Orr confirmed that the shallowness of the lot presents a hardship in that it creates a limited buildable area.

There being no public comments, Mr. Orr called for a motion.

Motion: Mr. Mitchell, motion to approve the variance request as submitted.
Second: Mr. Loveman
Vote: Aye: Nay: Garner Loveman Mitchell Orr Simonton

The variance request stands approved as submitted.

5. Case A-19-29: 742 Euclid Avenue

Clark and Carra Trimmer, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single-family dwelling to be 32.3 feet from the secondary front property line (Azalea Road) and 18.6 feet from the rear property line (north), both in lieu of the required 35 feet.

Hardships: The hardships in this case are the corner-lot configuration, the irregular lot shape, and the existing design constraints.
Adam Gerndt, Adams Gerndt Design Group, 211 Monterey Place, Vestavia, represented the property owners. The applicant would like to renovate the existing one-story home, and then add the following: a second level, a small addition to the main level, and a covered porch at the front. The house will be raised, keeping the existing framing and foundation. The house exists well behind the required front yard setback, aligning with the other houses along this same block of Euclid. The hardships are the corner-lot configuration and existing design constraints. The house will continue facing Euclid Avenue.

Mr. Orr confirmed the hardships presented. He added that the house exists behind the required front yard setback and aligns with the other houses along this same block as seen on the zoning map.

There being no public comment, Mr. Orr called for a motion.

Motion: Mr. Loveman, motion to approve the variance request as submitted.
Second: Mr. Simonton
Vote: Aye: Garner
Loveman Mitchell Orr Simonton
Nay: None

The variance request stands approved as submitted.

6. Case A-19-30: 2312 Brookshire Place

Richard Abernethy, property owner, requests a variance from the terms of the Zoning Regulations to allow a new screened porch to be 24.43 feet from the rear property line in lieu of the required 25 feet.

Hardship: The hardship in this case is the existing design constraint.

Mr. Abernethy said that the proposal is to cover and screen an existing deck on the second floor. The hardship is that the existing structure is non-forming.

Mr. Orr confirmed that the hardship is the existing non-conforming structure.

There being no public comment, Mr. Orr called for a motion.

Motion: Mr. Mitchell, motion to approve the variance request as submitted.
Second: Mr. Simonton
Vote: Aye: Garner
Loveman Mitchell Orr Simonton
Nay: None

The variance request stands approved as submitted.
7. A-19-31: 3744 Rock Brook Lane

Peyton and Kim Paisley, property owners, request a variance from the terms of the Zoning Regulations to allow a new ADA accessible ramp and related walls to be 33 feet, 3 inches from the front property line (Rock Brook Lane) in lieu of the required 40 feet.

**Hardship:** The hardship in this case is the existing design constraint of the existing front setback (43 feet).

Peyton Paisley stated that approval of the variance request will allow for an addition to the front porch of their house in order to add an ADA accessible ramp from the driveway to the front door. This will provide access for his child.

Mr. Orr stated that this request is before the Board because the proposed wall is in excess of the allowable maximum height of 4’ in front of the house. He confirmed that the hardship is the existing design constraint related to the front of the house.

Mr. Mitchell added that the presented drawings demonstrate how the wall serves a beneficial purpose in concealing the ramp; well done. Mr. Orr agreed.

There being no public comment, Mr. Orr called for a motion.

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

**Second:** Mr. Garner

**Vote:**

- **Aye:** Loveman, Garner, Mitchell, Orr, Simonton
- **Nay:** None

The variance request stands approved as submitted.

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8. A-19-32: 2106 English Village Lane

Larry and Kathryn Lavender, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single-family dwelling to be 29 feet from the front property line (in lieu of the required 35 feet), and 7.7 feet from the right side property line (northeast) and 8.7 feet from the left side property line (southwest), both in lieu of the required 9 feet (for portions less than 22 feet high) and 13 feet (for portions exceeding 22 feet high).

**Hardship:** The hardships in this case are the narrow lot width, existing design constraints, and the steep topography in the rear.

The applicants were represented by Ben Shepard and Darla Davis, Shepard & Davis Architecture, 1002D 20th Street South, Birmingham. The approval of the requested variances will allow for a renovation of the main level and the addition of a second floor of this already non-conforming house, as well as an addition to the rear of the structure; encroachment will be into the front and side setbacks. A bay window at the front is included as well as a covered entry. The property is
very steep in the rear.

Mr. Orr confirmed that the narrowness of the lot presents a hardship, as well as the steep slope of the property at the rear, and the existing design constraints. The front encroachment is limited to a bay window and a covered porch; minimal.

There being no public comment, Mr. Orr called for a motion.

Motion: Mr. Simonton, motion to approve the variance request as submitted.
Second: Mr. Loveman
Vote: Aye: Garner, Loveman, Mitchell, Orr, Simonton
Nay: None

The variance request stands approved as submitted.

9. **Adjournment**: There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 5:46 p.m. The next meeting is scheduled for Monday, September 16, 2019.

[Signature]

Tammy Reid, Administrative Analyst