

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
September 16, 2019

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, September 16, 2019, at 5:00 p.m. in the Council Chamber at Mountain Brook City Hall.

Board Present: Patrick Higginbotham, Chairman
 William Hereford, Co-Chairman
 Gerald Garner
 Chris Mitchell
 Richard Simonton

Absent: Rhett Loveman
 Norman Orr

Also present: Virginia Smith: Council Liaison
 Dana Hazen: Director of Planning, Building and Sustainability
 Glen Merchant: Building Official
 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.

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

1. Approval of Minutes – July 15, 2019 and August 19, 2019

July 15, 2019 Minutes

Motion: Mr. Hereford, motion to approve the July 15, 2019, minutes as presented.

Second: Mr. Garner

Vote: Aye: Garner
Nay: None
 Hereford
 Higginbotham
 Simonton

The July 15, 2019 minutes stand approved as printed.

August 19, 2019 Minutes

Chairman Higginbotham stated that a vote will be taken at the next meeting regarding the August 19, 2019 minutes. There is not a quorum of attendees at this meeting that also attended the August meeting.

2. Case A-19-22: 2504 Country Club Circle

EXHIBIT 1

Edward Goodwin, 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.

Hank Long, Henry Sprott Long & Associates, 3016 Clairmont Avenue, Birmingham, represented the property owner. Plans are still at the development stage. The applicant asks that the case carry over to the October 21, 2019 meeting.

Chairman Higginbotham called for a motion.

Motion: Mr. Hereford, motion to approve the applicant's request to carry the case over to the October 21, 2019 meeting so that a proposed footprint can be submitted for Board review.

Second: Mr. Simonton

Vote: Aye: Nay:
 Higginbotham None
 Hereford
 Garner
 Mitchell
 Simonton

The case will carry over to the October 21, 2019 meeting per the request of the applicant.

3. Case A-19-33: 12 Montevallo Lane

EXHIBIT 2

Jerry and Mary Louise Choate, property owners, request variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 22.6 feet from the front property line, and 28.3 feet (house) and 23.3 feet (uncovered stair and rail) from the rear property line, all in lieu of the required 35 feet; and to be 10.1 feet from the side property line (north), and 12.1 feet from the side property line (south), both in lieu of the required 12.5 feet.

Hardships: The hardships in this case are the lot size (7,000 sf in lieu of the required 10,000 sf), the shallow lot depth (100 feet), and the existing design constraints.

Ebee Tullos, Paul Bates Architects, 2336 - 20th Avenue S., Birmingham, represented the property owners. A new house will be built on the foundation of the existing house, which is nonconforming to setback requirements. The existing basement will remain; the new framing will start at the main level of the house. At the back, right rear corner is an existing deck area that will be enclosed with the new build. Also proposed are wooden stairs with

railing at the rear.

Chairman Higginbotham confirmed that the lot is small and shallow. He said that the second story will only be on the front portion of the house. Mr. Higginbotham asked if the impervious area coverage was addressed. Ms. Tullos said that hard surfaces will be replaced with pea gravel to meet code.

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

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

Second: Mr. Garner

Vote: Aye: Nay:
 Higginbotham None
 Hereford
 Garner
 Mitchell
 Simonton

The variance request is approved as submitted.

4. Case A-19-34: 56 Randolph Road

EXHIBIT 3

Justin and Claire Drummond, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to be 27 feet from the primary front property line (Randolph Road), and to be 36.5 feet from the secondary front property line (Fairway Drive), both in lieu of the required 40 feet.

Hardships: The hardships in this case are the existing design constraints and the corner-lot configuration.

Lauren Barrett, Barrett Architecture Studio, 2320 Highland Avenue South, Birmingham, represented the property owners; Mrs. Drummond also attended the meeting. Proposed is a 3-foot deep, cantilevered canopy over the existing front door. The new canopy will be supported from the wall without columns; timber structure with same roofing materials. Also proposed is a request to fill in a portion of a recessed area that will be approximately 37 feet from the property line, but will not extend beyond any portion of the existing house.

Chairman Higginbotham confirmed that there are existing design constraints and that the corner-lot configuration presents a hardship.

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

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

Second: Mr. Mitchell

Vote: Aye: Nay:
 Higginbotham None
 Hereford
 Garner
 Mitchell
 Simonton

The variance request stands approved as submitted.

5. Case A-19-35: 2121 English Village Lane

EXHIBIT 4

Burnham Hawk, property owner, requests variances from the terms of the Zoning Regulations to allow a covered deck (26 feet high at midpoint of roof) to be 5.2 feet from the side property line (northeast), and a stair/handrail (15 feet high) to be 1 foot from the side property line (northeast), both in lieu of the required 8 feet.

Hardships: The hardships in this case are the narrowness of the lot (50 feet), the existing design constraints, and the steep topography at the rear of the property.

Mr. Hawk addressed the Board. The requested variances will allow a new covered/screened rear- yard deck and stairs to replace existing deck and stairs. The new build will be the exact same footprint as the existing deck, with the only change being an added roof covering half of the area to allow for the screened-in section. The hardships are that the lot is narrow, the topography is steep, and there are existing design constraints.

Chairman Higginbotham asked if it they had considered moving the deck and stairs to avoid the need for a variance. Mr. Hawk said support beams would have to be moved in that scenario, which would not allow room for the car to enter into the carport underneath the deck.

Mrs. Hazen asked if the existing support beams will be used. Mr. Hawk said that they will build new posts at the same location.

Chairman Higginbotham said that it appears that approximately three-fourths of the deck will be roofed, and one-half will be screened. Mr. Hawk said that by constructing it that way, it will not block the view from an existing window.

Lauryn Walker, 2131 English Village Lane, Mountain Brook, addressed the Board. Ms. Walker said that she has no problem with the project. The houses are close, but the proposed project will not affect her property.

Chairman Higginbotham called for a motion.

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

Second: Mr. Simonton

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| Vote: | <u>Aye:</u> | <u>Nay:</u> |
| | Higginbotham | None |
| | Hereford | |
| | Garner | |
| | Mitchell | |
| | Simonton | |

The variance request stands approved as submitted.

- 6. 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, October 21, 2019.



Tammy Reid, Administrative Analyst