

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
MINUTES
April 20, 2020

In response to COVID-19 social distancing mandates, the meeting was held via audio conferencing.

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on April 20, 2020, at 5:00 p.m., via audio conferencing. The roll was marked as follows:

Board Present:	Patrick Higginbotham, Chairman Norman Orr, Co-Chairman Scott Boomhover Gerald Garner Rhett Loveman Chris Mitchell	Absent:	Richard Simonton Virginia Smith, Council Liaison Dana Hazen, Director PBS
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Also present:	Tyler Slaten: City Planner Glen Merchant: Building Official Tammy Reid: Administrative Analyst
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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 – February 18, 2020

Motion: Mr. Mitchell, motion to approve the February 18, 2020 minutes as printed.

Second: Mr. Orr

Vote:	<u>Aye:</u> Garner Higginbotham Loveman Mitchell Orr	<u>Nay:</u> None
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The February 20, 2020 minutes stand approved as printed.

2. Case A-19-16: 3031 Canterbury Road (Extension)**EXHIBIT 1**

Mr. and Mrs. Benny LaRussa, property owners, requests variances from the terms of the Zoning Regulations to allow a new single family dwelling to be 10 feet from the side property line (north) in lieu of the required 15 feet; and two chimneys to be 8 feet from the side property line (north) in lieu of the required 13 feet. **3031 Canterbury Road (Extension – Initial approval on May 20, 2019.)**

Hank Long, Henry Sprott Long & Associates, Inc., 3016 Clairmont Avenue, Birmingham, presented the extension request for a period of six months. The applicant does not have completed construction documents at this time but should be ready for bids in June.

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

Motion: Mr. Orr, motion to approve the variance extension for six months as requested.

Second: Mr. Mitchell

Vote: Aye: Nay:
 Boomhover None
 Higginbotham
 Loveman
 Mitchell
 Orr

The variance extension request for a period of six months stands approved.

3. Case A-20-06: 3400 Sherwood Road**EXHIBIT 2**

Jay and Mallie Whatley, property owners, request variances from the terms of the Zoning Regulations to allow the addition of a new master bedroom and attached carport to an existing home to be located be 92 feet from the secondary front property line (Briarcliff Road) in lieu of the required 100 feet and 41.1 feet from the rear property line (southwest) in lieu of the required 100 feet.

Hardships: The hardships in this case are the topography, rock outcropping and secondary frontage.

James Laughlin, 4337 10th Avenue South, Birmingham, presented the variance request.

- The topographical challenge of this property is the fall in elevation across the property from Northwest to Southeast.
- The elevation drops approximately 40 feet across the parcel. There is a rock outcropping that exists on the Northwest side of the property. This outcropping prevents this area from being buildable.
- The subject property is also a corner lot which requires a setback of 100 feet along the secondary front in addition to the required setback of 100 feet along the primary front, limiting the overall buildable area of the lot.
- There is a 4-5' tall concrete and rock retaining wall on the right side between lot 21.
- The proposal consists of an addition of a master bedroom and carport at the Southwest or back right corner of the existing residence.
- All adjacent neighbors were contacted and are agreeable.

Chairman Higginbotham asked for clarification of the location of the rock outcropping location. Mr. Laughlin, Mr. Slaten and the surveyor offered explanations.

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

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

Second: Mr. Loveman

Vote: Aye: Nay:
 Boomhover None
 Higginbotham
 Loveman
 Mitchell
 Orr

The variance request stands approved as submitted.

4. Case A-20-07: 43 Country Club Boulevard Road

EXHIBIT 2

Lee and Jenny Edwards, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing home to be located 26.1 feet from the front property line (Greenway Road) in lieu of the required 40 feet.

Hardships: The hardships in this case are the secondary front setback, the narrowness of the lot (90 feet in lieu of 100), and the existing design constraints.

James Laughlin, 4337 10th Avenue South, Birmingham, presented the variance request. The proposal consists of an addition to the rear of an existing residence. The hardship is the restriction of a secondary front setback along Greenway Road. The proposed addition is scaled and sited in such a way that it is not imposing. The line of the addition is 14' behind that of the furthest projecting existing wall and is a story and a half compared to two stories at the existing house.

Chairman Higginbotham asked about the outbuilding on the survey. Mr. Laughlin stated that the existing outbuilding will be removed.

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

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

Second: Mr. Mitchell

Vote: Aye: Nay:
 Boomhover None
 Higginbotham
 Loveman
 Mitchell
 Orr

The variance request stands approved as submitted.

5. Case A-20-08: 3625 Mountain Park Drive

EXHIBIT 3

Rebecca and Jonathan Doss, property owners, request a variance from the terms of the Zoning Regulations to allow the construction of a pool in the front yard (Mountain Park Drive side) in lieu of the requirement that swimming pools must be located to the rear of the principal dwelling.

Hardship: The hardships in this case are the existing design constraints.

Jonathan Doss presented the variance request. The back of the house faces the street and the front of the house is accessed by a private drive on the rear of the property. The proposed location of the pool is at an elevation that would not allow it to be visible from the street. A variance for a garage was approved in December, 2019.

Chairman Higginbotham stated that the impervious surface percentage is over the allowable amount of 30%. The applicant will need to work with the Building Official to mitigate that amount at the time of permitting.

Public Comments:

Jennifer Neill, 3628 Mountain Park Drive (across the street from the applicant), expressed concern about the runoff water from the pool during maintenance (backwashing, etc.) that will affect the neighbors on Mountain Park Drive. She said that there are no gutters on the street to help with water flow and that there have been problems with runoff before. Chairman Higginbotham stated that this issue will be addressed during the permitting process with the City.

Glen Merchant, Building Official, said that the applicant will probably need to pump the drainage water back on to his property so as not to create a nuisance. Chairman Higginbotham asked Ms. Neill if she is agreeable to the water being pumped onto the applicant's property to prevent runoff. Ms. Neill is agreeable to that solution.

Mr. Mitchell asked the location of the pool area as far as height above Mountain Park Drive. Mr. Doss stated that the pool will be approximately 30 – 40 feet above Mountain Park Drive; yard cannot be seen from the street.

Ms. Neill asked if the construction area will be accessed from the private drive side of the lot or the front. Mr. Doss said access will be via the driveway, so the work area will not be seen from the street.

Motion: Mr. Mitchell, motion to approve the variance application as submitted.

Second: Mr. Orr

Vote: Aye: Boomhover
Nay: None
 Higginbotham
 Loveman
 Mitchell
 Orr

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 5:40 p.m. The next meeting is scheduled for Monday, May 18, 2020.



Tammy Reid, Administrative Analyst