CITY OF MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT MINUTES December 21, 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 December 21, 2020, at 5:00 p.m., via audio conferencing. The roll was marked as follows:

Board Present:	Richard Simonto	n, Co-Chairman	Absent:	Norman Orr, Chairman	
	Scott Boomhover				
	Rhett Loveman				
	Chris Mitchell				
	Noel Dowling, Supernumerary				
	Russ Doyle, Supernumerary				
Also present:	Gerald Garner: Dana Hazen: Tyler Slaten: Glen Merchant: Tammy Reid:	Council Liaison Director PBS City Planner Building Official Administrative Analyst			

Mr. Simonton 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. Simonton 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.

Co-Chairman Simonton chaired the meeting. The agenda stood approved as presented.

Mr. Simonton stated that a variance approval will require four affirmative votes.

1. Approval of Minutes – October 19, 2020

Mr. Simonton presented the October minutes for consideration.

Motion: Mr. Loveman, motion to approve the minutes as presented. Second: Mr. Mitchell Vote: <u>Aye</u>: <u>Nay</u>: None Boomhover Dowling Loveman Mitchell Orr

Simonton

The minutes stand approved.

2. Case A-20-37: 4 Peachtree Street

Bubba and Ginny Willings, property owners, request variances from the terms of the Zoning Regulations to allow a detached accessory structure to be constructed 5 feet from the rear property line in lieu of the required 10 feet.

Hardship(s): A shallow lot and existing non-conforming home.

Elizabeth Tullos (architect), 4 Peachtree Street, Mountain Brook, represented the applicants, Bubba and Ginny Willings. Proposed is a detached, screened pavilion to be constructed 5 feet from the rear property line. The hardship with the lot is that it is very shallow. The proposed structure will be slightly taller than the existing fence; the fence is approximately 8' tall; the pavilion will be approximately 10' tall. There is a garage on the adjacent property behind the pavilion area.

Mr. Simonton stated that the lot is small for the zone.

Mr. Mitchell stated that the plans submitted indicate that the pavilion will be built across an easement. In the pre-meeting, Mr. Merchant, Building Official, stated that the easement holder will have to submit a letter of approval of the construction over the easement before a building permit can be obtained. Mr. Merchant added that a title company or a surveyor can locate the owner of that easement.

There were no public comments. Mr. Simonton called for a motion.

Motion:	Mr. Mitchell, mo	tion to	approve the variance request as submitted.
Second:	Mr. Dowling		
Vote:	<u>Aye</u> :	<u>Nay</u> :	None
	Boomhover		
	Dowling		
	Loveman		
	Mitchell		
	Simonton		

The variance request stands approved as submitted.

3. Case A-20-38: 13 Montrose Circle

EXHIBIT 2

Mr. and Mrs. John Shelfer, property owners, request variances from the terms of the Zoning Regulations to allow additions to an existing home to be constructed 9.4 feet from the side property line in lieu of the required 12.5 feet and 32 feet from the rear property line in lieu of the required 35 feet.

Hardship(s): The irregular shape of the lot and existing design constraints.

The applicant asked that the case be moved to the end of the agenda so that he could contact his representative. Mr. Simonton said that the case will be heard last.

EXHIBIT 1

The hearing of this case resumed at the end of the agenda.

Cary Hollingsworth (architect), 2933 Virginia Road, Mountain Brook, presented the application on behalf of the applicants. The request is for relief from the left side setback and the rear setback to square up the left rear corner of the existing single-story structure; the proposed addition will be twenty square feet in size $(2' \times 10')$. The roof of the previous addition will be removed and rebuilt after raising the ceiling height of the rear addition to 10'. The roof will be rebuilt at approximately the same pitch. The hardship is the irregular shape of the lot.

Public comments: None.

Mr. Simonton called for a motion.

Motion: Mr. Loveman, motion to approve the variance request as submitted. Second: Mr. Boomhover Vote: <u>Aye</u>: <u>Nay</u>: None Boomhover Dowling Loveman Mitchell Simonton

The variance request stands approved as submitted.

4. Case A-20-39: 3337 Sandhurst Road

EXHIBIT 3

Brad Friedman, property owner, requests variances from the terms of the Zoning Regulations to allow the construction of a pool to be located within the secondary front yard setback at 34.5 feet in lieu of the required 40 feet, construction of an accessory structure in the secondary front yard and to allow the accessory structure to be located within in the secondary front setback at 18.11 feet in lieu of the required setback of 40 feet. The applicant revised the application as follows: The new requests just relate to the pavilion. The requested variances are to allow an accessory structure in a secondary front yard (the front yard is established by the location of the existing home that is 30.7 feet from the secondary front property line) and to allow it in the secondary front setback at 25.5 feet from the property line in lieu of the required 40 feet. A second mailing of the required notices was mailed per regulations.

Hardship(s): The corner lot configuration along the cul-de-sac, the shape of the lot and the location of the septic system in the rear yard.

Mr. Friedman, property owner, 3337 Sandhurst Road, Mountain Brook, presented his variance request. The pavilion will have four sides, all will be open, and constructed of cedar with a bluestone patio.

Mr. Mitchell stated that the lot is irregularly shaped, it is a corner lot presenting a secondary front and the location of the septic system could all be considered hardships of this lot.

Public comments: None.

Mr. Simonton called for a motion.

Motion: Mr. Mitchell, motion to approve the variance request as submitted. Second: Mr. Loveman Vote: <u>Aye</u>: <u>Nay</u>: None Boomhover Dowling Mitchell Loveman Simonton

The variance request stands approved as submitted.

Mr. Mitchell stated that at the beginning of the meeting the October minutes were approved rather than the November minutes. Since the November minutes were circulated for review prior to the meeting, Mr. Simonton called for a motion to approve the November 2020 minutes.

Mr. Simonton presented the November minutes for consideration.

Motion: Mr. Mitchell, motion to approve the minutes as presented. Second: Mr. Loveman Vote: <u>Aye</u>: <u>Nay</u>: None Boomhover Dowling Loveman Mitchell Orr Simonton

The November minutes stand approved.

Adjournment: There being no further business to come before the Board at this time, the meeting stood adjourned at approximately 5:22 p.m. The next meeting is scheduled for Tuesday, January 19, 2021.

Tammy Reid Tammy Reid, Administrative Analyst