CITY OF MOUNTAIN BROOK  
BOARD OF ZONING ADJUSTMENT  
MINUTES  
January 19, 2021

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 Tuesday, January 19, 2021, at 5:00 p.m., via audio conferencing. The roll was marked as follows:

Board Present:  
Norman Orr, Chairman  
Richard Simonton, Co-Chairman  
Scott Boomhover  
Rhett Loveman  
Chris Mitchell  
Noel Dowling, Supernumerary  
Russ Doyle, Supernumerary

Absent:  
None

Also present:  
Gerald Garner:  Council Liaison  
Dana Hazen:  Director PBS  
Tyler Slaten:  City Planner  
Glen Merchant:  Building Official  
Tammy Reid:  Administrative Analyst

Chairman 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.

Chairman 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.

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Chairman Orr stated that a variance approval will require four affirmative votes. He welcomed new Board member, Russ Doyle, Supernumerary.

The agenda stood approved as presented.

1. Approval of Minutes – December 21, 2020

Chairman Orr presented the December minutes for consideration.

Motion:  Mr. Simonton, motion to approve the minutes as presented.
Second:  Mr. Boomhover
Vote:  
Aye:  Mr. Boomhover  
Nay:  None

V:/Minutes &Agendas/BZA Minutes/2021/20210119  
January 19, 2021
The December 21, 2020 minutes stand approved.

2. **Case A-21-01: 209 Nash Circle**  

Allison Cease, property owner, requests a variance from the terms of the Zoning Regulations to allow the construction of an attached garage to be located 15’10” from the rear property line in lieu of the required 35 feet.

**Hardship(s):** The unusual lot shape and topography.

Chairman Orr stated that a request to carry the case over to the February meeting was submitted.

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

**Motion:** Mr. Loveman, motion to carry the case over to the February meeting as requested.  
**Second:** Mr. Simonton  
**Vote:**  
- **Aye:** Loveman, Mitchell, Orr, Simonton  
- **Nay:** None  

The request to carry the case over to the February 16, 2021, meeting stands approved.

3. **Case A-21-03: 24 Spring Street**  

Grantland and Lauren Rice, property owners, request a variance from the terms of the Zoning Regulations to allow structural alterations to an existing non-conforming home that is 34 feet from the front property line in lieu of the required 35 feet.

**Hardship(s):** The design constraint of the existing non-conforming home.

Bill Moore, architect for the applicant, presented the variance request. Proposed are structural modifications to the front gabled wall. The wall will not be moved closer to the street. The existing deck will be removed and replaced with a covered patio. Mr. Moore explained that the survey used to design the plans showed the placement of the home on the setback line at 35 feet; however, a recent survey showed that incorrect and that the front wall is almost one foot over the setback line. The height will remain the same; no modification.

Chairman Orr confirmed the hardship of existing design constraint of the non-conforming home.

Mr. Mitchell asked the design constraints that are presenting a hardship. Mr. Moore said that the existing structure is non-conforming and that the request is to leave the front wall as-is rather than rebuilding to comply.
Mrs. Hazen stated that the gabled roof is in place and has a window; the window will be removed and replaced with a vent. The roof will be supported in place and the area underneath will be redone.

Mr. Mitchell reminded the Board of a previous case that was similar where it was determined that the structure had to be demolished and rebuilt to meet setback requirements. He stated that he is not opposed to the requested variance in this case. Chairman Orr stated that Board looks at each case individually based on the facts and circumstances the case.

Public comments: None.

Chairman Orr called for a motion.

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

Boomhover
Loveman
Mitchell
Orr
Simonton

The variance request stands approved as submitted.

4. Case A-21-04: 75 Fairway Drive

Mr. and Mrs. Edmund Seibels, property owners, request a variance from the terms of the Zoning Regulations to allow additions to an existing non-conforming home to be located 34 feet from the rear property line in lieu of the required 40 feet.

Hardship(s): The design constraints of the existing non-conforming house, the irregular lot shape in the rear and the smaller lot size for this zoning district.

Hank Long, Henry Sprott Long & Associates, Inc., represented the applicant. The applicant also attended the meeting. The lot is approximately 20,670 square feet in size which is smaller than the minimum required Residence-A lot size of 30,000 square feet and the lot is irregularly shaped, causing hardships. The scope of work includes two small additions to the front of the home, extending the garage along the left side and adding a screened porch addition to the rear. The request is for a variance to allow the garage extension to the left side and the addition of a screened porch to the rear. The applicant contacted neighbors and they expressed agreement with the proposed plan.

Chairman Orr said that the lot is small and irregularly shaped. He asked if the additions are one-story in height. Mr. Long confirmed.

Public comments: None.

Chairman Orr called for a motion.

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

The variance request stands approved as submitted.

5. Case A-21-05: 913 Crestview Drive EXHIBIT 4

Marshall and Melissa Wood, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to an existing home to be located 19 feet from the rear property line in lieu of the required 35 feet.

Hardship(s): The corner lot configuration that carries two required front yard setbacks of 35 feet, reducing the buildable area of the parcel.

James Laughlin, architect, presented the application on behalf of the applicants. The proposed construction will feature a master bed/bath addition to the rear of the existing home; a portion of an existing carport will also be used for heated/cooled space. The addition is one-story in height. A variance was previously approved a couple of years ago but the timing was not right to proceed.

The corner lot configuration causes a hardship in that it limits buildable area. Also, the addition will bracket Montevallo Road providing a measure of safety; recently a vehicle entered the lot as a result of an accident. Additional buffering will also be added.

Chairman Orr confirmed the corner lot configuration is a hardship of the lot. Also, it appears that the rear of this property adjoins the side yard of 4054 Montevallo Road, where the structure is much closer to the property line than the requested addition will be.

Public comments: None.

Chairman Orr called for a motion.

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

The variance request stands approved as submitted.

6. Case A-21-06: 913 Greenbriar Circle EXHIBIT 5

Kelly Ann Bowman, property owner, requests a variance from the terms of the Zoning Regulations to allow the construction of a covered deck to be located 17 feet from the rear property line in lieu of the
required 35 feet.

**Hardship(s):** The corner lot configuration, existing design constraint and irregular lot shape.

The applicant, Kelly Bowman, presented the variance request. The proposal is to construct a new deck in the same footprint of the existing deck, and two-thirds of that deck will be covered to create additional living space. The existing structure is non-conforming.

Chairman Orr confirmed the hardships of the lot shape and the corner lot configuration. He also stated that emails were received from neighbors supporting the proposal.

Following discussion of a ventless fireplace, Ms. Bowman was advised to consult with Glen Merchant, Building Official. Should the roof structure need to be altered to accommodate a chimney, the request will need to come before the Board. It is noted that the fireplace is not included in this application.

Public comments: None.

Chairman Orr called for a motion.

**Motion:** Mr. Boomhover, motion to approve the variance request as submitted.
**Second:** Mr. Simonton
**Vote:**

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The variance request stands approved as submitted.

**Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned. The next meeting is scheduled for Tuesday, February 16, 2021.

*Tammy Reid*

Tammy Reid, Administrative Analyst