

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
REGULAR MEETING
MINUTES
October 17, 2022

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, October 17, 2022 at 5:00 p.m. The roll was marked as follows:

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

Staff present:	Gerald Garner:	Council Liaison
	Tyler Slaten:	City Planner
	Glen Merchant:	Building Official
	Tammy Reid:	Administrative Analyst

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.

Chairman Orr stated that a variance approval will require four affirmative votes. He reviewed the parameters for a favorable consideration of a variance. These parameters are attached to the end of these minutes.

Chairman Orr asked if all adjacent property owners in each of the cases on the agenda received legal notice of this hearing. Tammy Reid confirmed, based on the information supplied by the applicants, the adjacent property owners were notified.

Chairman Orr called the meeting to order. The agenda stood approved as presented and posted.

1. Approval of Minutes – September 19, 2022

Motion: Mr. Simonton, motion to approve the minutes as submitted.

Second: Mr. Dowling

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Unanimous	None

**2. Case A-21-48: 9 Clarendon Road, Steven and Frances Nichols – Extension
 (Approved on October 18, 2021)**

EXHIBIT 1

Mary Coleman Clark presented the extension request on behalf of the applicants. There are no changes to this previously approved variance request. The applicant anticipates beginning construction within the next six months.

Public Comments: None. Chairman Orr called for a motion.

Motion: Mr. Doyle, motion to approve the variance as requested.

Second: Mr. Williams

Vote: Aye: Nay:
 Unanimous None

3. Case A-22-25: 2855 Surrey Road, Lois and Ingrum Bankston
(Carry-over from the September 19, 2022 meeting.)

EXHIBIT 2

Chairman Orr recused himself from participating in this case. He stated that approval of this request will require unanimous consent.

Lois and Ingrum Bankston, property owners, request variances from the terms of the Zoning Regulations to allow an addition to a single family dwelling to be 10 feet 7 inches feet from the rear property line (east) in lieu of the required 40 feet, to be 11 feet from the side property line (north) in lieu of the required 15 feet and to allow the building area to be 37 percent in lieu of the maximum building coverage allowed of 25 percent. 2855 Surrey Road

Scope of Work

The scope of work entails a proposed storage room addition on the rear of the existing attached garage. The dimensions of the addition would be 18 feet long by 6 feet deep.

Hardship(s): The narrowness of the lot and the angled rear property line.

Mr. Bankston stated that he did not realize that a variance and building permit were necessary for this type of addition. The hardship of the lot is that the rear yard is at an angle.

Mr. Simonton asked if other locations were considered. Mr. Bankston said that all possibilities were considered, but the chosen location seems the least visible and obtrusive. There is a row of magnolia trees as a buffer. The structure is totally open. Storage space is needed for yard equipment.

Mr. Slaten: The proposed variance will bring the percentage of impervious area to 37% in lieu of the maximum allowed of 25%. (The variance approved in 2017 brought the impervious area coverage to 33 %.)

Mr. Simonton stated that the addition is modest, but he is struggling to find a hardship. Mr. Williams agreed. Mr. Doyle also stated that he was trying to see a hardship.

Public Comments:

George Taylor, 2864 Canterbury Road, is adjacent to the subject property at the rear. He presented photos illustrating the elevation from his point of view. His yard is relatively flat. He stated that the structure can only be seen from his property. It is not a hardship, just a convenience. There was an approved variance in 2017 that allowed encroachment into the rear setback. The applicant has not had a conversation with him regarding the project.

Mrs. Taylor, 2864 Canterbury Road, presented photos of the structure; it is approximately one foot from her fence; built in the utility easement. She stated that it is an eyesore.

Lois Bankston, applicant, asked if the roof were lowered, would that help get a variance. Mr. Simonton said that is not before the Board and cannot be addressed. There needs to be a true hardship proven.

Mr. Dowling stated that he is concerned about the lot coverage percentage.

Mr. Slaten said that any structure built off of the rear of the existing house will require a variance.

Mr. Garner, Council Liaison, asked if the existing structure will need to be removed in 30 days if the variance is not approved. Glen Merchant, Building Official, confirmed.

After consideration of the comments from the Board and the options available, the applicant withdrew the variance request.

The variance request stands withdrawn. The structure is to be removed within 30 days of this date.

4. **Case A-22-27: 2801 Pump House Road, Frank and Brandi Dixon**

EXHIBIT 3

Frank and Brandi Dixon, property owners, request variances from the terms of the Zoning Regulations to allow additions to a single-family dwelling to be 84.4 feet from the secondary front property line (Caldwell Mill Road) and 88.6 feet from the rear property line (south) both in lieu of the required 100 feet. 2801 Pump House Road

Scope of Work

The scope of work entails a proposed multi-story addition to the rear of the existing single-family dwelling.

Hardship(s): Corner-lot configuration and existing design constraint of the current non-conforming home.

Frank Dixon, property owner, presented the variance request. The hardship is the corner-lot configuration and that the existing house is non-conforming. The neighbor to the rear sent a letter to the Board, expressing no objection. The addition includes a covered patio and a garage.

Mr. Williams stated that there are clearly multiple hardships.

Public Comments: None. Chairman Orr called for a motion.

Motion: Mr. Simonton, motion to approve the variance as requested.

Second: Mr. Doyle

Vote: Aye: Nay:
 Dowling
 Doyle
 Simonton
 Orr
 Williams

The variance application stands approved.

5. Case A-22-28: 3813 Williamsburg Circle, Cooper and Ashley Killion

EXHIBIT 4

Cooper and Ashley Killion, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to a single family dwelling to be as close as 34 feet to the front property line (Williamsburg Circle) in lieu of the required 40 feet. 3813 Williamsburg Circle

Scope of Work

The scope of work entails a new second story and alterations to the existing single-family dwelling.

Hardship(s): The unusual lot shape and existing design constraints.

Matt Costanzo, Architect, represented the applicants. The applicants also attended the meeting. The hardship is the shape of the lot and existing design constraints. The proposed changes to the existing home include the addition of a second story and changes to the existing roofline. The second story will be outside of the setback and the footprint of the structure will not change as it relates to the front setback encroachment. The proposed changes located in the setback to the single story roofline will be at a similar height to what is currently there.

Mr. Dowling stated that the lot is a unique shape and that the angle of the front presents a hardship. This is not an extreme request.

Chairman Orr: This is a very unique lot.

Public Comments: None. Chairman Orr called for a motion.

Motion: Mr. Dowling, motion to approve the variance as requested.

Second: Mr. Williams

Vote: Aye: Nay:

Doyle
Dowling
Orr
Simonton
Williams

The variance application stands approved.

6. Case A-22-29: 401 Michael Lane, Andres and Tiffany Linn

EXHIBIT 5

Andrew and Tiffany Linn, property owners, request variances from the terms of the Zoning Regulations to allow a retaining wall to be up to 10 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet. 401 Michael Lane

Scope of Work

The scope of work entails a new second story and alterations to the existing single-family dwelling.

Hardship(s): The unusual lot shape and existing design constraints.

There was no one representing this case.

Motion: Mr. Simonton, motion to carry this case over to the November 21, 2022 meeting.
Second: Mr. Doyle
Vote: Aye: Unanimous Nay: None

The variance request will carry over to the November 21, 2022 meeting.

7. **Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned. The next meeting is scheduled for Monday, November 21, 2022.

Tammy Reid

Administrative Analyst