

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
REGULAR MEETING
MINUTES
February 21, 2023

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Tuesday, February 21, 2023 at 5:00 p.m. The roll was marked as follows:

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

Absent: Noel Dowling

Staff present: Virginia Smith: 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 – January 17, 2023

Motion: Mr. Simonton, motion to approve the January 17, 2023 minutes as submitted.
Second: Mr. Loveman
Vote: Aye: Unanimous approval Nay: None

2. Case A-23-04: Joe and Darcy Mosley, 185 Peachtree Circle

EXHIBIT 1

Joe and Darcy Mosley, property owners, request a variance from the terms of the Zoning Regulations to allow an addition to be 15.4 feet from the rear property line (east) in lieu of the required 35 feet.

Scope of Work: The scope of work includes a one-story addition to the rear of a non-conforming single family dwelling.

Hardship(s): The hardships in this case are the existing design constraint of the non-conforming house and the irregular lot shape. The existing house is slightly angled and encroaches into the rear setback. The area of the proposed addition includes what is currently an uncovered rear deck.

Joe and Darcy Mosley presented the variance request. The lot is in a cul-de-sac and is irregularly shaped; the existing home is non-conforming; the lot slopes and has retaining walls. The proposed deck is a one-story addition with stairs. There is significant vegetation between this lot and adjacent properties. The one-story addition will not be taller than the existing roof line.

Chairman Orr agreed that the shape of the lot is a hardship as well as the limited buildable area.

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

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

Second: Mr. Boomhover

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Boomhover	None
	Doyle	
	Loveman	
	Orr	
	Simonton	

3. Case A-23-05: Andrew and Tiffany Linn, 401 Michael Lane

EXHIBIT 2

Andrew and Tiffany Linn, property owners, request a variance from the terms of the Zoning Regulations to allow a retaining wall to be up to 8.9 feet in height in the front yard (Michael Lane) in lieu of the maximum allowed wall height of 4 feet.

Scope of Work: The scope of work for this site entails a proposed new single family dwelling with a front retaining wall. The proposed wall will be 8.9 feet at the tallest point near the house. This span of wall is approximately 1 foot in length before tapering down to 6.9 feet in height for approximately 3 linear feet. The wall continues to taper down to 5.9 feet for approximately 23 linear and then progressively steps down to approximately 2 feet in height.

Hardship(s): The applicant stated that the slope of the lot made the retaining wall necessary to facilitate the front drive access and to create a usable front yard.

Scott Boomhover – recused.

Tiffany Linn, applicant, presented the variance request for a retaining wall.

- There is a significant elevation change of 18%.
- The retaining wall is required to facilitate the drainage system/manage water runoff.

- The wall will allow access to a parking pad and front drive way, and will create a usable front yard.
- After hearing neighborhood concerns about the height of the original wall, a lower wall is now proposed.
- Insite Engineering provided the original reports for this project that support the significance of the wall to help with water retention, storm water runoff, and the proposed drainage system. Insite also stated that the lowered wall height will not affect the drainage system already implemented with a few modifications to grading and vegetation.
- The drainage system is 50% complete at this time and will continue to improve runoff.
- Provided a landscape rendering; vegetation will help with the appearance of wall; the wall should blend in and disappear into the landscape.
- The proposed cut in height is significant.
- Neighbors were included in discussions regarding their concerns.

Mr. Simonton said that he appreciates that they communicated with neighbors regarding their concerns about the wall height.

Chairman Orr agreed that this is a significant reduction in height.

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

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

Second: Mr. Simonton

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Doyle	None
	Loveman	
	Orr	
	Simonton	
	Williams	

4. **Case A-23-06: Eugene Erwin Raughley/Whitney Raughley, 103 Delmar Terrace**

EXHIBIT 3

Eugene Erwin Raughley and Whitney Raughley, property owners, request a variance from the terms of the Zoning Regulations to allow additions and alterations to be 34 feet from the front property line (Delmar Terrace) and 32.5 feet from the rear property line (east) both in lieu of the required 35 feet; and to be 11.5 feet from the side property line (south) and 12 feet from the side property line (north) both in lieu of the required 12.5 feet.

Scope of Work: The scope of work includes alterations to an existing single family dwelling and a one story addition and covered porch to the rear of the home.

Hardship(s): The hardships in this case are the existing design constraint of the non-conforming house and the slightly irregular lot shape. The lot is skewed in the shape of a parallelogram.

James Sransky, Israel & Associates, presented the variance request. Mr. Raughley, applicant, also attended the meeting. The current home is non-conforming. The height of the home will remain under 20'. The request includes minor exterior modifications such as closing in the current small porch and increasing the diameter/width of the current carport columns; also upgrading materials in the two street-facing gables. The vegetative buffer in the rear will remain.

Mr. Doyle stated that he feels these are modest variance requests. Chairman Orr agreed there are existing design constraints and stated that he appreciates that they are not trying to overbuild the lot.

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

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

Second: Mr. Loveman

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Boomhooover	None
	Doyle	
	Loveman	
	Orr	
	Simonton	

5. **Case A-23-07: Jack and Ensley Darnall, 58 Country Club Boulevard**

EXHIBIT 4

Jack and Ensley Darnall, property owners, request variances from the terms of the Zoning Regulations to allow a new single family home to be 20 feet from the secondary front property line (Matthews Road) and 32 feet from the rear property line (southeast) both in lieu of the required 40 feet; and to allow the building area to be 31 percent in lieu of the maximum building area allowed of 25 percent.

Scope of Work: The scope of work for this site entails a proposed new single family dwelling.

Hardship(s): The applicant stated that the corner-lot configuration is the hardship as it relates to the secondary frontage as well as the size of the lot.

Frank Galloway (4144 Stone River Road, MB), attorney for the applicants, presented the variance request. Mr. Galloway stated that a variance request for this property was on the January agenda but was withdrawn. This is a new proposal. Mr. Holcomb, neighbor at 56 Country Club Blvd., expressed his concerns about the initial proposal, so the applicant decided not to seek a variance on the side of the property adjacent to Mr. Holcomb, thereby shifting the proposed structure to the west.

The subject property is approximately 52% of the minimum square footage for a Residence A property. This situation, along with the property having a corner-lot configuration, creates the need for relief via the requested variances. The request is for approval of a buildable area of approximately 31%.

Chris Tippett, architect, was available for questions.

Mr. Loveman said that on the Matthews side there does not seem to be a detriment to the streetscape but is concerned about the overage in percentage of buildable area. He asked if it was consideration to build up instead of out. Mr. Tippett stated that the proposed plan is a better solution for the applicant's use. The overhang at the courtyard added to the percentage of lot coverage.

Mr. Tippett: Regarding the lot coverage ratio: A large portion of driveway will be gravel and cobblestone. They will take the appropriate and required steps to deal with water drainage and runoff.

Public Comments:

Leslie Bashinsky, 79 Country Club Boulevard, MB, stated that she approved of the plans initially proposed but were not brought before the Board. The plans presented now are different.

Tyler Slaten, Planner, stated that the structure has shifted five feet on the Matthews Road side toward her property.

Chairman Orr said that the original plan was not presented to the Board for consideration.

Chris Mitchell represented John Holcomb, 56 Country Club Blvd., MB. Mr. Holcomb's lot adjoins the subject lot. The applicants have been very open and have addressed all of his concerns. Mr. Holcomb approves the plan as presented.

Chairman Orr asked if there is a landscape plan for along Matthews. Mr. Tippett stated that there will be a landscape plan that includes lining Matthews with vegetation; this will be in the median. A landscape architect will provide a plan for the entire property.

Chairman Orr called for a motion.

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

Second: Mr. Loveman

Vote: Aye: Nay:

Boomhover

Doyle

Loveman

Or

Simonton No

6. Case A-23-08: Marshall and Dailey Clay, 817 Beech Court

EXHIBIT 5

Marshall and Dailey Clay, property owners, request a variance from the terms of the Zoning Regulations to allow a new single family dwelling to be 27.9 feet from the rear property line (south) in lieu of the required 35 feet.

Scope of Work: The scope of work includes the construction of a new single family dwelling.

Hardship(s): The hardships in this case are the corner lot configuration and the shallowness of the lot (112 feet).

Eric Dale, 935 Landale Road, Birmingham, represented the applicants. The hardship of the lot is the corner-lot configuration. Variances have been approved in the past, but construction never started.

Mr. Boomhover asked about water retention. Mr. Dale said that lot is fairly flat and that runoff will be considered when grading the property.

Mr. Boomhover stated that the proposed should not be a detriment to the streetscape.

Mr. Slaten stated that the property owner to the rear called him and stated they have no issues with the proposed request.

Chairman Orr appreciates the protection of the front streetscape and that the variance request is minimal.

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

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

Second: Simonton

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Boomhover	None
	Doyle	
	Loveman	
	Orr	
	Simonton	

7. **Case A-23-09: Chad Trull, 4276 Old Brook Trial**

EXHIBIT 6

Chad Trull, property owner, requests variances from the terms of the Zoning Regulations to allow a detached accessory structure to be 40 feet from the rear property line (south) in lieu of the required 100 feet.

Scope of Work: The scope of work includes the construction of a two story detached accessory structure to serve as a garage with office space above.

Hardship(s): The hardship in this case is irregular lot shape. The unusual lot shape and shallow depth for the Estate District zoning constrains the buildable area.

David Bonamy (contractor and builder), AR Homes, represented the applicants. The request is for variance to allow a detached accessory structure that will be two-story in height, providing a two-car garage with an office on the upper floor. The structure should not be visible from any adjacent properties due to the amount of vegetation. The footprint of the structure is no more than 600 square feet; approximately 25' x 24'. The upper floor room will not exceed 200 square feet.

Chairman Orr asked about access to the upper floor. Mr. Bonamy said that the stairs have not been designed yet. If they are outside, they will be open-air with railing. Stairs inside are also an option. Chairman Orr asked Mr. Slaten the requirements for outdoor stairs. Mr. Slaten said that the stairs in this case could not go at the rear because they were not included in the variance request. Mr. Bonamy anticipates entrance from the side.

Chairman Orr agreed that topography and the irregularly shaped lot are hardships. The amount of vegetation is a plus.

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

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

Second: Doyle

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Boomhover	None
	Doyle	
	Loveman	
	Orr	
	Simonton	

8. **Adjournment:** There being no further business to come before the Board at this time, the meeting stood adjourned. The next meeting is scheduled for March 20, 2023.

Tammy Reid, Administrative Analyst