

**CITY OF MOUNTAIN BROOK**  
**BOARD OF ZONING ADJUSTMENT**  
**REGULAR MEETING**  
**MINUTES**  
**September 18, 2023**

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, September 18, 2023 at 5:00 p.m. The roll was marked as follows:

Board Present: Norman Orr, Chairman  
 Scott Boomhover  
 Noel Dowling  
 Rhett Loveman  
 Russ Doyle, Supernumerary  
 Oliver Williams, Supernumerary

Absent: None

Staff present: Virginia Smith: Council Liaison  
 Tyler Slaten: City Planner  
 Glen Merchant: Building Official  
 Tammy Reid: Administrative Analyst (via Zoom)

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 reviewed the parameters for a favorable consideration of a variance. These parameters are attached to the end of these minutes.

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

Chairman Orr called the meeting to order.

**1. Approval of Minutes – July 17, 2023**

The minutes will carry to the October meeting.

**2. Case A-23-27: Daniel and Mary Balkovetz, 4217 Antietam Drive**

**EXHIBIT 1**

Daniel and Mary Balkovetz, property owners, request variances from the terms of the Zoning Regulations to allow an addition to the existing single family dwelling to be 32.4 feet from the rear property line (southeast) in lieu of the required 40 feet. 4217 Antietam Dr.

Scope of Work: The scope of work includes a single-story addition to the rear of the existing home.

Hardship(s): The hardship in this case is the unusual lot shape. The rear property line is angled in its relationship to the rear façade of the house.

Victor Wright, BECA Residential Construction LLC, presented the variance request on behalf of the applicants. Proposed is a main level addition with a basement. The addition will be finished to be consistent with the existing house, with roofing to match as well in both slope and material. The new roof line will be lower than the existing main ridge and therefore will not be visible from the front. The rear backs to an Estate property; several acres of buffer. The hardship is the irregular shape of the lot.

Chairman Orr asked about the proposed basement. Mr. Wright said that there are topography issues where the addition is planned. There is a retaining wall that will be removed and a basement foundation added; there is an 8-foot drop off. Chairman Orr noted that there is also a design related hardship regarding the existing structure - it is catty-cornered to the lot.

Mr. Dowling asked about the topography. Mr. Wright stated there is a negative slope to the rear; the most drastic portion is where the addition will be. The finished floor will be approximately 8 feet off of grade.

Public Comments: None.

Chairman Orr stated that the variance requests seem related to the hardships of the lot.

Motion: Mr. Doyle, motion to approve the variance based on the irregular lot shape, topographical conditions and existing design constraints.

Second: Mr. Loveman

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Loveman	None
	Doyle	
	Orr	
	Boomhover	
	Dowling	
	(Williams)	

Motion carries.

### **3. Case A-23-28: Jeff and Kate Lloyd, 410 Meadow Brook Lane**

### **EXHIBIT 2**

Jeff and Kate Lloyd, property owners, request variances from the terms of the Zoning Regulation to allow additions and alterations, including a second story, to an existing single family dwelling to be 30 feet from the front property line (Meadowbrook Lane) in lieu of the required 35 feet, to be 5.8 feet from the secondary front property line (Main Street) in lieu of the required 14 feet, and to be 6 feet from the side property line (south) in lieu of the required 9 feet. 410 Meadow Brook Lane

Scope of Work: The scope of work includes a master suite addition and new second floor addition to the existing single-story home.

Hardship(s): The hardships in this case are the corner lot configuration, existing design constraints, and lot narrowness (lot width of 60 feet).

Mr. Loveman recused himself from this case.

Kate Lloyd, applicant, addressed the Board. Mrs. Lloyd stated that the hardships of the lot are the corner lot configuration, existing design constraints and that the lot is exceptionally narrow (width of 60'). The intention is to follow traditional architectural guidelines to maintain the home's historical charm. This will be done by modifying the existing floorplan, adding a new master suite to the rear, and the addition of a second story.

Mr. Doyle noted that the structure is non-conforming. He asked about the area where the second-story is planned. Mrs. Lloyd stated that the second story portion will be in the center area.

Mr. Dowling asked about the footprint. Mrs. Lloyd stated that the footprint will change in the rear only.

Chairman Orr said that he is always protective of the streetscape, but in this case it appears that the houses in the area are along the same line and this variance, if approved, will not negatively affect the streetscape.

Public Comments: None.

Chairman Orr called for a motion.

Motion: Mr. Boomhover, motion to approve the variance request as presented based on the exceptional narrowness of the lot and existing design constraints.

Second: Mr. Williams

Vote:	<u>Aye:</u>	<u>Nay:</u>
	Doyle	None
	Orr	
	Boomhover	
	Dowling	
	Williams	

Motion carries.

#### **4. Case A-23-29: Daniel and Sara Morris, 241 Beech Street**

#### **EXHIBIT 3**

Daniel and Sara Morris, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 10 feet from the secondary front property line (Beech Lane) in lieu of the required 35 feet. 241 Beech St.

Scope of Work: The scope of work includes additions and alterations to an existing single-family dwelling.

Hardship(s): The hardships in this case are the corner lot configuration and existing design constraints. The lot is also narrow in width.

### Recent Background

On May 15, 2023 the BZA approved variances for the subject property to allow additions to be 33 feet from the primary front property line (Beech Street) and 14 feet from the secondary front property line (Beech Lane) both in lieu of the required 35 feet; and to be 11 feet from the side property line (north) in lieu of the required 12.5 feet.

The applicants stated in the application that subsequent to the previous approval it was discovered that they did not have enough room to achieve the new front porch and front door relocation. The new request is to allow the addition to be 10 feet from the secondary front property line instead of the 14 feet that was originally approved.

Daniel and Sara Morris, applicants, presented the variance request. The house is set at an angle relative to the side property line, which places it closer to the property line at the front right corner. The existing home is currently 12.3 feet from the right secondary front property line at its closest point. They believe this created a hardship resulting from the property lines and street installations being completed after this home was originally built. Proposed is a new front porch at the primary front, which would be an open porch with roof only and to relocate the front door to the right side.

Note to Board: The audio was spotty. Any additional comments are welcome.

Public Comments: None

Motion: Mr. Doyle, motion to approve the variance as requested based on the hardships relative to the request.

Second: Mr. Boomhover (?)

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

Motion carries.

### 5. **Case A-23-30: Alex and Charlotte Getz, 3038 Canterbury Road**

### **EXHIBIT 4**

Alex and Charlotte Getz, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to an existing single family dwelling to be 34 feet 5 inches from the secondary front property line (Montevallo Road) in lieu of the required 40 feet, and to be 33 feet from the rear property line (west) in lieu of the required 40 feet.  
3038 Canterbury Road

Scope of Work: The scope of work includes additions and alterations to an existing single-family dwelling.

Hardship(s): The hardships in this case are the corner lot configuration and existing design constraints. The corner lot is an irregular trapezoidal shape. The existing home is non-conforming along the secondary front (Montevallo Road).

Mary Coleman Clark, architect, and Alex Getz, applicant, addressed the Board. Ms. Clark presented the requested variances. The hardships: (1) the acute conditions of the intersection of

Montevallo Road and Canterbury Road; (2) existing design constraints; (3) corner lot configuration. She stated that they will replace windows and change roofing material; these changes should not negatively affect the flow of air or light to neighbors on Montevallo Road. The placement on the house on the lot affects the development of the property. This is a one-story addition.

Mr. Dowling asked about the proposed roof changes. Ms. Clark said that the hip will be removed and a full gable installed; the gable will pull back in toward the exterior brick wall; will be less protruding. Mr. Dowling stated that he agrees with the hardship.

Chairman Orr: The lot is unusual due to its relationship to Montevallo Road and has an irregular shape.

Public Comments: None

Motion: Mr. Loveman, motion to approve the variances as requested based on the hardships related to the requests.

Second: Mr. Dowling

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

Motion carries.

#### 6. Case A-23-31: Robert and Lisa Nesbitt, 714 Fairway Drive

#### EXHIBIT 5

Robert and Lisa Nesbitt, property owners, request variances from the terms of the Zoning Regulations to allow additions and alterations to be as close as 22.63 feet from the rear property line (east) in lieu of the required 40 feet. 714 Fairway Drive

Background: On November 15, 2021 the Board of Zoning Adjustment approved variances to allow additions to a single family dwelling to be 36.58 feet from the front property line (Fairway Drive) and 25.83 feet from the rear property line (east), both in lieu of the required 40 feet.

Scope of Work: The scope of work includes the removal of the existing pool, reconfiguration of the existing front drive and parking areas, and the reconfiguration of building additions that include the kitchen, a two car garage and a screen porch. The project will also include the reconfiguration of existing rooflines.

Hardship(s): The hardships in this case are unusual lot shape and existing design constraints. The rear property line has an unusual angle. The existing home is non-conforming in the rear.

Mark Pledger, architect, presented the variance request for the applicants. The hardships: the irregular lot shape, the lot size is 21,000 sf in lieu of the minimum requirement of 30,000 sf, the position of the house is pushed to the rear, and portions of the existing structure are non-conforming.

Mr. Boomhover stated that there is a lot going on with the elevations. Mr. Pledger explained the

changes as shown on the screen.

Chairman Orr said that the variance request and hardships are related.

Public Comments: None

Chairman Orr called for a motion.

Motion: Mr. Doyle, motion to approve the variance as requested, based on the hardships as related to the request.

Second: Mr. Boomhover

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

Motion carries.

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, October 16, 2023.

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Tammy Reid, Administrative Analyst