

CITY OF MOUNTAIN BROOK
BOARD OF ZONING ADJUSTMENT
REGULAR MEETING
MINUTES
April 15, 2024

The regular meeting of the City of Mountain Brook Board of Zoning Adjustment was held on Monday, April 15, 2024 at 5:00 p.m. The roll was marked as follows:

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

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.

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. Tyler Slaten confirmed, based on the information supplied by the applicants, that the adjacent property owners were notified.

Chairman Orr called the meeting to order. The agenda stands approved as printed.

1. Approval of Minutes – March 18, 2024

Motion to approve: Mr. Doyle

Second: Mrs. Self

Unanimous approval.

2. Case A-24-15: Kent Ethridge, 3571 Oakdale Drive

EXHIBIT 1

Kent Ethridge, property owner, requests a variance from the terms of the Zoning Regulation to allow a fence to be 6 feet tall in the secondary front yard (Bethune Drive) in lieu of the

maximum allowed height of 4 feet. 3571 Oakdale Drive

Scope of Work: The scope of work includes the construction of a fence.

Hardship(s): The hardship in this case is corner lot configuration. The proposed fence would replace an existing fence in the same location.

Kent Ethridge, applicant, presented the variance request which involves replacing an existing fence. The fence will be double wood for added privacy; the fence will block his view of the high school entrance.

Public Comments: None

Chairman Orr called for a motion.

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

Second: Mr. Boomhover

Vote: Aye: Nay:

Boomhover

Dowling

Doyle

Loveman

Orr

Motion carries.

3. Case A-24-16: Justin and Emily Dean, 161 Peachtree Circle

EXHIBIT 2

Justin and Emily Dean, property owners, request a variance from the terms of the Zoning Regulation to allow additions to the existing single family dwelling to be 28 feet from the secondary front property line (Peachtree Road) in lieu of the required 35 feet. 161 Peachtree Circle

Scope of Work: The scope of work includes additions to the rear of the existing single family dwelling featuring adding a screened porch, terrace and additional living space.

Hardship(s): The hardships in this case are irregular lot shape and corner lot configuration. The lot is in a curve and has street frontage on three sides constraining the buildable area.

Scott Carlisle, architect, represented the applicants. The lot shape is a hardship. Also, the lot drops approximately 25 feet from the house to the street. This is a two-story addition.

Mr. Doyle agreed that the shape of the lot and the topography are hardships.

Public Comments: None.

Chairman Orr called for a motion.

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

Second: Mr. Boomhover

Vote: Aye: Nay:

Boomhover

Dowling
Doyle
Loveman
Orr

Motion carries.

4. Case A-24-17: Taylor and Carlee Arnold, 96 Azalea Road

EXHIBIT 3

Taylor and Carlee Arnold, property owners, request a variance from the terms of the Zoning Regulation to allow an addition to be 30.8 feet from the front property line (Azalea Road) in lieu of the required 35 feet. 96 Azalea Road

Scope of Work: The scope of work includes a new roof area along the front of the home. The new roof addition would square off the roofline of the existing structure.

Hardship(s): The hardships in this case are existing designs constraints and corner lot configuration. The home is also oriented at a slight angle toward the corner.

Tommy Coggin, builder, represented the applicants. The hardship is that the house sits caddy-cornered on the lot. The request is to build the front out to be square,

Mr. Dowling asked if square footage will be added to the structure. Mr. Coggin responded “no”. Mr. Dowling noted that there are no neighbors that would be impacted negatively regarding light and air flow.

Chairman Orr added that the property also has two front setbacks.

Public Comments: None

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

Second: Mr. Doyle

Vote: Aye: Nay:

Boomhover
Dowling
Doyle
Loveman
Orr

Motion carries.

5. Case A-24-18: Alan and Laing Higgins, 3010 Park Brook Road

EXHIBIT 4

Alan and Laing Higgins, property owners, request a variance from the terms of the Zoning Regulation to allow an addition to the existing single family dwelling to be 60.2 feet from the front property line (Park Brook Road) in lieu of the required 100 feet. 3010 Park Brook Road

Scope of Work: The scope of work includes a new covered front stoop.

Hardship(s): The hardship in this case is the existing design constraint of the non-conforming home which is 61.7 feet from the front property line.

Alan Higgins, property owner, presented the variance request. The request is to replace the front porch and door. He feels the property is zoned incorrectly based on the history of the property.

Chairman Orr stated that the Board is very protective of the streetscape. He noted that even with the proposed variance, the structure will still sit farther back from the street than the adjacent property.

Mr. Higgins stated that he discussed the project with all of his neighbors; no one expressed opposition.

Mr. Boomhover stated that existing design constraints also present a hardship.

Public Comments: None.

Chairman Orr called for a motion.

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

Second: Mr. Loveman

Vote: Aye: Nay:

Bloomhover

Dowling

Doyle

Loveman

Orr

Motion carries.

6. Case A-24-19: Steven and Karat Ferguson, 116 Crestwood Drive

EXHIBIT 5

Steven and Kareth Ferguson, property owners, request a variance from the terms of the Zoning Regulation to allow an addition to an existing single family dwelling to be 10 feet 1 inch from the left side property line (west) in lieu of the required 12.5 feet. 116 Crestwood Drive

Scope of Work: The scope of work includes a new single story addition on the rear of the home.

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

Kacy Crane, Architectural Designer, represented the applicants. The hardships are existing design constraints and an irregularly shaped lot.

Mr. Loveman stated that existing design constraints present a hardship.

Public Comments: None.

Chairman Orr called for a motion.

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

Second: Mr. Doyle

Vote: Aye: Nay:

Boomhover

Dowling

Doyle
 Loveman
 Orr

Motion carries.

7. Case A-24-20: Macy and Leigh Smith, 411 Meadow Brook Lane

EXHIBIT 6

Macy and Leigh Smith, property owners, request a variance from the terms of the Zoning Regulation to allow an addition to an existing single family dwelling to be 7.1 feet from the right side property line (south) in lieu of the required 12.5 feet. 411 Meadow Brook Lane

Scope of Work: The scope of work includes a new attached covered porch to the rear of the existing home.

Hardship(s): The hardship in this case is the irregular lot shape. The lot has an extremely angled right side property line that constraints the buildable area.

Adam Martz, ELM Construction LLC, presented the variance request. The lot is irregularly shaped, presenting a hardship.

Mr. Dowling asked about the alley size. Mr. Martz said that a car and golf cart could pass at the same time.

Mr. Doyle said that he agrees with the hardships presented. Chairman Orr agreed with the hardship of existing design constraints.

Public Comments: None

Chairman Orr called for a motion.

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

Second: Mr. Loveman

Vote: Aye: Nay:

Boomhover
 Dowling
 Doyle
 Loveman
 Orr

Motion carries.

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 May 20, 2024.

Tammy Reid, Administrative Analyst