

THE CITY OF
PELHAM, ALABAMA

ZONING BOARD OF ADJUSTMENT MEETING

November 4, 2021

Meeting called to order by Chairman Joe O'Brien at 7:44 A.M.

Members present were: Joe O'Brien, Mike Kelly, Mike Harris, and Joe Schifano. Building Official Angie Brown, Fire Chief Mike Reid, GIS Director Josh Osborne and Consultant City Engineer Andrew Golden was also present.

The following request was presented:

Applicant: Cole Investment Realty LLC (Grants Mill LLC – Representation)

Location: 14 9 30 0 000 002.000 (Reference attachment for visual of parcel location)

Variance request: To allow a 2:1 slope in lieu of 3:1 slope overlay district requirement

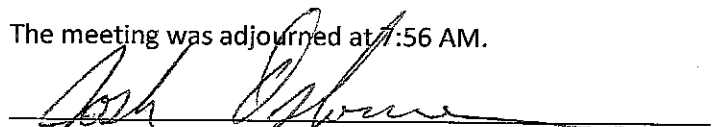
Wade Lowrey with Engineer Design Group presented the request informing the board members they all have a copy of the survey and a subdivision plat put together for the project. Along Huntley Parkway today, Mr. Lowrey said, there is an existing slope and under those existing conditions it is graded at a 2:1 and it varies from 2:1 to 3:1 but for the most part that slope exists today as a 2:1 slope. Their proposed grade and layout shows the continuation of that 2:1 slope and at the bottom of that slope when you are in to the property there is a drainage feature back there to handle the storm water, not only from what would fall from that slope but what would fall from the houses and lots. Mr. Lowrey expressed what they are proposing is to formalize the slope along Huntley Parkway and along the back of the property, opposite Huntley Parkway, they have a short section of a 2:1 slope. The 2:1 versus the 3:1 gives them enough room to create the adequate pads for the lots and a backyard as they can, behind those lots and that's happening on both sides of the site. They hired a geotechnical engineer that has been involved with the project from the beginning to explore the soil. There is a letter in the packet from the geotechnical engineer, stating there isn't a stability issue with the 2:1 slope as long as those slopes do not exceed heights that are noted by the geotech and they will follow those recommendations from the geotechnical engineer with the final construction of these slopes. There is not a stability issue, there isn't a problem. There is not potential of a failure. This is only an overlay district requirement. Mr. Lowrey said they are just asking for a variance on these two areas, 2:1 in lieu of a 3:1. Joe O'Brien asked which lots they are speaking about. Mr. Lowrey answered, lots 26 – 37, essentially the row of lots that parallel with Huntley Parkway and on the opposite side of the site lots 1-14 and that slope back there can be flattened if needed. What the 2:1 does is gives the lots a nice backyard where the lots narrow up and gives them provisions for adequate drainage around both sides. Mike Kelley asked if the natural drain is from the 14:1 is towards Huntley Parkway, also turn towards the detention pond as a compound. Mr. Lowrey answered right, as you come off the backyard of lot 1-14 and you hit a slope to a swell then the ground goes back up. Therefore, essentially they are catching all of that water back there and

diverting it to the storm sewer network. Joe O'Brein asked what type of units they are putting there. Bobby Riss with Tower Development Inc. spoke that they have been in business 25 years and will be overseeing the development, construction and managing the property until the HOA takes over. The product is townhomes with a common wall on the side of the house. They put in the product at Green Valley in Vestavia. Mr. Kelley asked if they are doing anything extra to the townhomes to divert water. Mr. Lowrey explained there will be sheet flow run off from the houses and streets, like any other subdivision, and they have storm water infrastructure network within the development that will capture that run off and take it to their detention pond. Joe O'Brein asked Building Official, Angie Brown, if the inspectors would look at the slopes during inspections to make sure they are following the recommendations from the geotech. Ms. Brown answered that would be between the contractor and our consultant engineer, Andrew Golden or Chris Cousins. Mr. Kelley asked Joe Schifano to weigh in on the project. Mr. Schifano stated he is involved in this project and is leaving the determination of the variance up to the other board members. Mr. Kelley asked Ms. Brown the cities standpoint. Ms. Brown stated from the building department standpoint, there are no issues. Andrew Golden, consultant city engineer, stated they are ok with the exception of the geotech letter we now have. We need some clarification of fencing, fencing over the drainage easement in the back. Mr. Lowrey informed Mr. Golden they just received another set of plan review comments from the city engineer. Behind lots 26-37, those are the ones along Huntley Parkway, they have a slope that comes down to that site, they is a drainage swell at the bottom of that slope between the houses and that slope and what Andrew pointed out in his last comment letter was, they need to put an easement along that swell and make sure in the covenant's that no fences can be put across that to impede drainage and that's not a problem. Josh Osborne, GIS Director/Zoning Official, stated the logic in that, Pelham has had a lot of flooding over the last couple of weeks and they were on site yesterday with the townhouse and it has a fence in the back that backs up to Bearden Road in Chase Creek. One homeowner went in there, and there was a swell behind the fence, they took it upon themselves they wanted to go in and put top soil and decorate their yard. That experience, being able to maintain the easement where they can maintain that through the HOA would alleviate any problems to the homeowners in the future. Mr. Golden added that it's going to happen and when we get the complaint we can go out there and say hey guys I don't know if you read your covenants and we can't enforce those covenants as a private matter but at least we have an answer at least from city perspective. Joe O'Brein asked if there are any further questions.

Mike Kelley made the motion to approve the variance to allow the 2:1 slope in lieu of the 3:1 slope overlay district requirement. Mike Harris seconded the motion and all approved. Variance was granted with the exception of Joe Schifano abstaining his vote.

With no other business to come before the board Joe O'Brien asked for a motion to adjourn. Mike Harris made the motion to adjourn. Joe O'Brein seconded the motion.

The meeting was adjourned at 7:56 AM.


READ AND APPROVED / Josh Osborne, GIS Director/Zoning Official

Respectfully submitted,

Kelsey Cunningham

Secretary