



## ZONING BOARD OF ADJUSTMENT MEETING MINUTES

December 19, 2022

- I. Meeting called to order by Chairman Joe Schifano at 3:00 P.M.
- II. Roll Call: Members present: Ch. Joe Schifano, V.Ch. Le Fran Marks, Bob Burleson, Mike Harris, and Mike Kelly.  
Staff present: Sherri Proctor, Planning & Zoning Administrator; Owen Watkins, Zoning Inspector
- III. Approval of the September 13, 2022 minutes: Mr. Harris made the motion, second by Mr. Kelly. Voice vote recorded all ayes.
- IV. Hearing of Applications:

**Applicant: Randall Goggans**

**Location: High Hampton Drive**

**Request: Variances to Article VIII, Sec. 5 (Area and Dimensional Regulations | R-1 District) to reduce front and rear yard setbacks.**

Mr. Randall Goggans presented the request for the front and rear setbacks and explained that the property was narrowed due to the need for additional right-of-way. Staff's report and recommendation was that the property was not a buildable lot and no hardship exists. After discussion among the Board members, Ch. Schifano called for a motion: ***Mr. Harris made the motion to approve the variance as requested, seconded by Mr. Marks. Ch. Schifano called for further discussion. There being no further discussion a vote was recorded as follows: Yes - none-; No-Mr. Burleson, Mr. Marks, Mr. Harris, Mr. Kelly, Ch. Schifano. Motion did not pass.***

**Applicant: Grants Mill LLC**

**Location: Huntley Park Townhomes Subdivision**

**Request: 1) Variance to Article XXIV, Sec. 9.1.a (Landscaping for residential dwellings) to lessen the required tree plantings. 2) Variance to Article XXIV, Sec. 8.2 (Fence height) to allow a side/rear fence to exceed the minimum height.**

Mr. Bobby Riis presented the request for the variances to tree requirements and fence height and explained the justification that townhouse lots cannot accommodate the tree requirement and their team has provided an alternate plan to provide an equivalent amount of trees-throughout the site. He also discussed the planning commission's condition to provide an 8 foot fence due to the power easement. Staff's report and recommendation stated the tree-planting ordinance did not consider the narrowness of townhouse lots and reiterated the requirement by the commission to provide the taller fence.

Ch. Schifano requested that these two requests be addressed separately and then called for a motion to approve the variance for the tree-planting requirement: ***Mr. Harris made the motion to approve the variance as requested, seconded by Mr. Burleson. There being no further discussion a vote was recorded as follows: Yes – Burleson, Harris, Kelly; Marks; No – None; Abstained – Ch. Schifano abstained. Motion passed.***

Ch. Schifano called for the motion to approve the variance for the fence height:, ***Mr. Kelly made the motion to approve the variance as requested, seconded by Mr. Burleson. There being no further discussion a vote was recorded as follows: Yes – Burleson, Harris, Kelly; Marks; No – None; Abstained – Ch. Schifano abstained. Motion passed.***

**Applicant: Empire Rentals (Luis Murcia)**

**Location: 259 Kings Crest Lane**

**Request: Variance to Article VIII, Sec. 5 (Area and Dimensional Regulations | A-1 District) to reduce the front yard setback.**

Mr. Luis Murcia presented the request for the front setback variance. Mr. Murcia explained that due to the steep incline of the back of the lot, he needed to place the home closer to the street. Staff's report and recommendation noted that the Board has granted several of these same requests for this part of the subdivision. After discussion among the Board members, Ch. Schifano called for a motion: ***Mr. Harris made the motion to approve the variance as requested, seconded by Mr. Burleson. Ch. Schifano called for further discussion. There being no further discussion a vote was recorded as follows: Yes-Mr. Harris, Mr. Kelly; Mr. Burleson, Mr. Marks, Ch. Schifano. Motion passed.***

**Applicant: Jeffrey Purvis**

**Location: 250 Kings Crest Lane**

**Request: Variance to Article VIII, Sec. 5 (Area and Dimensional Regulations | A-1 District) to reduce the front yard setback.**

Mr. Jeffrey Purvis presented the request for the front yard setback variance and also provided explanation of the steep incline at the rear of the lot. Staff's report and recommendation noted the Board has granted previous front setbacks for this area of the subdivision. After discussion among the Board members, Ch. Schifano called for a motion: ***Mr. Harris made the motion to approve the variance as requested, seconded by Mr. Kelly. Ch. Schifano called for further***

***discussion. There being no further discussion a vote was recorded as follows: Yes-Mr. Harris, Mr. Kelly; Mr. Burleson, Mr. Marks, Ch. Schifano. Motion passed.***

**Applicant: Julie Blaising**

**Location: 3442 Indian Lake Drive**

**Request: Variance to Article XXIV, Sec. 11(1) (Accessory Structures) to allow an accessory structure within a front yard.**

Mr. Bill Blaising presented the request for to allow the structure in the front (side) yard and explained the corner lot issue. Mr. Blaising added that the proposed site on the lot would be behind a tree line and not highly visible from the road. Staff report and recommendation noted that although no true hardship existed, the ordinance places an unforeseen restriction on corner lots, creating a special circumstance due to this lot's irregular shape and corner location. After discussion among the Board members, Ch. Schifano called for a motion: ***Mr. Marks made the motion to approve the variance as requested, seconded by Mr. Kelly. Ch. Schifano called for further discussion. There being no further discussion a vote was recorded as follows: Yes-Mr. Harris, Mr. Kelly; Mr. Burleson, Mr. Marks, Ch. Schifano. Motion passed.***

**Applicant: Edwin B. Lumpkin (Brian Lavett)**

**Location: 101 Cahaba Valley Pkwy E**

**Requests: Variance to Article XXII, Sec. 26. (Abandoned signs) to allow a non-conforming free-standing sign to remain.**

Mr. Brian Levett presented the request for the allow the existing non-conforming sign. The existing abandoned restaurant will be reopened and the owner requested the sign remain. Staff report and recommendation noted that non-conforming ordinances exist to allow structures to remain as long as they are un-altered, and to not encourage their survival. After discussion among the Board members, Ch. Schifano called for a motion: ***Mr. Marks made the motion to approve the variance as requested, seconded by Mr. Burleson. Ch. Schifano called for further discussion. There being no further discussion a vote was recorded as follows: Yes-Mr. Harris, Mr. Kelly; Mr. Burleson, Mr. Marks, Ch. Schifano. Motion passed.***

With no other business to come before the board Ch. Schifano asked for a motion to adjourn. Mr. Harris made the motion, second by Mr. Burleson.

The meeting was adjourned at 4:15 PM.



Respectfully submitted,  
Sherri Proctor, Secretary to the Zoning Board of Adjustment