

STATE OF ALABAMA

SHELBY COUNTY

SHELBY COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting – October 15, 2007, 7:00 P.M.

Members Present: Rachel Garrett, Chairwoman; Ralph Thomas, Vice-Chairman; Scott Chambers, Bill Kinnebrew, Bob Land, Robert Taylor and Kenneth Wilder.

Staff Present: Ray E. Hamilton, Manager; David Hunke, Planning Services Supervisor; Tom Wilkins, Senior Planner; Sharman Brooks, Planner II; Christie Pannell, Planner II; Winston Sitton, Civil Engineer.

WORK SESSION

A work session was held prior to the regular meeting at 6:00 p.m. All interested parties were invited to attend. *Note: This was not a public hearing.*

PUBLIC HEARING

The meeting was called to order at approximately 7:00 p.m. by Rachel Garrett, Chairwoman. Ms. Garrett introduced the members of the Planning Commission and the staff. Approximately ten (10) people were present in addition to the Shelby County Planning Commission and staff.

1. Approval of the Minutes of the Regularly Scheduled Meeting of October 1, 2007.

Commissioner Kinnebrew made a motion to approve the minutes of the meeting of October 1, 2007. The Motion was seconded by **Commissioner Wilder** and by a unanimous vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the minutes of the meeting of October 1, 2007 were approved.

2. C-02-07 – New Hope Cumberland Presbyterian Church – Conditional Use

Purpose: A request from New Hope Cumberland Presbyterian Church for the approval of a multipurpose building for worship, classrooms, offices and second-floor storage as a *conditional use* in an *E-2, Estate District*.

Location: The subject property is located at 5521 Double Oak Lane off Cahaba Valley Road, approximately 0.3 miles east of Caldwell Mill Road, in the North Shelby - I-65 Zoning Beat and situated in the S ½ of Section 22, Township 19 South, Range 2 West; Parcel Identification Number 58-10-5-22-0-002-079.000.

Sharman Brooks, Department of Development Services, introduced the case. Ms. Brooks noted that a foundation permit had been issued. She also noted that should this request be approved a

site development plan would be required for review and approval. Reverend Donny Acton, New Hope Cumberland Presbyterian Church, explained that the church was founded in the 1820s and is a significant part of this community. The new building will contain the sanctuary, administrative offices and temporary storage. They are eager to advance the building project and will work with the County to ensure meeting all requirements. No one was present to speak either in favor of or in opposition to this request.

Commissioner Land made a motion to *Approve* the *conditional use*. The motion was seconded by **Commissioner Wilder** and by a unanimous vote of seven (7) (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the following resolution was approved:

WHEREAS, Donny Acton, New Hope Cumberland Presbyterian Church, has petitioned the Shelby County Planning Commission for the approval of a multipurpose building for worship, classrooms, offices and temporary storage as a *conditional use* in an ***E-2, Estate District***; and,

WHEREAS, the subject property is located at 5521 Double Oak Lane off Cahaba Valley Road, approximately 0.3 miles east of Caldwell Mill Road, in the North Shelby - I-65 Zoning Beat and situated in the S ½ of Section 22, Township 19 South, Range 2 West; Parcel Identification Number 58-10-5-22-0-002-079.000; and,

WHEREAS, the Planning Commission finds that the subject property is an appropriate location in the community for the subject church facilities to be expanded;

NOW, THEREFORE, BE IT RESOLVED, that consideration of Case No. **C-02-07**, a request for the approval of a multipurpose building for worship, classrooms, offices and temporary storage as a *conditional use* in an ***E-2, Estate District***, located at 5521 Double Oak Lane and situated in the S ½ of Section 22, Township 19 South, Range 2 West; Parcel Identification Number 58-10-5-22-0-002-079.000, is hereby *Approved*, subject to:

- A site plan meeting the requirements of the *Shelby County Zoning Regulations* must be reviewed and certified prior to issuance of further building permits or inspections.
- Parking for this facility will be limited to onsite parking only. **NO PARKING** will be permitted on Double Oak Lane or Timber Hill Road.
- Compliance with the regulations, policies and guidelines of Shelby County.

3. V-04-07 – Wallace Home Rear Yard Variance

Purpose: A request from Steve and Kay Wallace for the approval of a variance to permit construction of a single-family dwelling having a 25-foot rear setback instead of the minimum 35 feet required in an E-2 zone district; a variance of Section 3, Article IX pursuant to Section 3, Article XXIII.

Location: The subject property, Lot 36B, A Resurvey of Lots 35A, 36A and 37A, Heatherwood - 1st Sector, is located at 124 Oakmont Road off Heatherwood Drive in the North Shelby – I-65 Corridor Zoning Beat and situated in the NE ¼ of Section 9, Township 19 South, Range 2 West, Parcel Identification Number 58-10-2-09-0-001-001.007.

Christie Pannell, Department of Development Services, introduced the case. Steve Wallace, applicant/owner, explained that they had purchased Lots 35A, 36A and 37A from USX. Lot 37A was sold to an individual and a home is currently being completed on that lot. Lots 35A and 36A were resurveyed into one lot, and the drainage easements were reconfigured to better accommodate the construction of a house. The former Lot 35A is proposed to be the location of the field lines for the septic tank. The proposed home is sited on the former Lot 36A. To conform to the topography and stay close to the grade of the street will require significant earthwork. Mr. Wallace also stated that the construction of this type of home (two stories with a basement) on this difficult topography requires a 10-foot rear setback variance. The property at the rear of this lot is a large tract on the other side of a ridge that will not likely be subdivided further. **Commissioners Kinnebrew and Wilder** asked the applicant if he had tried to build a home that would meet the minimum zoning requirements. The applicant stated that he had tried to relocate the proposed house on the lot but was fearful of crowding the drainage easement and was concerned the foundation would encroach on the rear yard setback during actual construction. **Commissioner Garrett** asked about the minimum square footage requirements contained in the restrictive covenants.

Keith Burton, owner of the abutting Lot 37A, came forward to speak in favor of this request. He said that it was difficult to build his house on Lot 37A because of the setback requirements and he would like to see the proposed home built on Lot 36B. No one spoke in opposition to the request.

Commissioner Wilder made a motion to *Grant* the variance. The motion was seconded by **Commissioner Thomas** and by a vote of five (5) (Commissioners Garrett, Thomas, Chambers, Kinnebrew and Wilder) in favor and two (2) (Commissioners Land and Taylor) opposed, the following motion was approved:

WHEREAS, Steve and Kay Wallace, owners, have petitioned the Shelby County Planning Commission for the approval of a variance to permit construction of a single-family dwelling having a 25-foot rear setback instead of the minimum 35 feet required in an E-2 zone district; a variance of Section 3, Article IX pursuant to Section 3, Article XXIII; and,

WHEREAS, the subject property, Lot 36B, A Resurvey of Lots 35A, 36A and 37A, Heatherwood 1st Sector, located at 124 Oakmont Road and situated in the NE ¼ of Section 9, Township 19 South, Range 2 West, Parcel Identification Number 58-10-2-09-0-001-001.007; and,

WHEREAS, the evidence and testimony presented demonstrate the unique and unnecessary hardship to the development of the subject property due to the topographic features; and

WHEREAS, the variance will not will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Shelby County;

NOW, THEREFORE, BE IT RESOLVED, that Case No. **V-04-07**, a request for the approval of a variance to permit the construction of a single-family dwelling having a 25-foot rear set back instead of the minimum 35 feet required in an E-2 zone district; for Lot 36B, A Resurvey of Lots 35A, 36A and 37A, Heatherwood 1st Sector, located at 124 Oakmont Road off Heatherwood Drive, and situated in the NE ¼ of Section 9, Township 19 South, Range 2 West, Parcel Identification Number 58-10-2-09-0-001-001.007 is hereby *Granted*, subject to:

- Compliance with the regulations, policies and guidelines of Shelby County.

Commissioner Thomas inquired about the status of the proposed text amendments to the Zoning Regulations. Tom Wilkins stated that two of the proposed amendments were currently being advertised and would come before the Planning Commission on November 5, 2007. The other amendment would be advanced for consideration within 60 days.

There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner Chambers** and by a unanimous vote of seven (7), (Commissioners Garrett, Thomas, Chambers, Kinnebrew, Land, Taylor and Wilder) in favor, the meeting was adjourned.

ADJOURNMENT 7:45 P.M. October 15, 2007.

David Hunke, AICP
Planning Services Supervisor

Rachel Garrett, Chairwoman,
Shelby County Planning Commission