

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

Regular Meeting –January 21, 2020 – 6:00 PM

Members Present: Michael O’Kelley, Chairman; Jim Davis; Joe Little; Jay Gunther; Samuetta Nesbitt; Kenneth Wilder

Members Absent: Bill Kinnebrew, Vice Chairman

Staff Present: David Willingham, Chief Development Officer; Christie Hester, Planning Services Supervisor; Sharman Brooks, Senior Planner; Kristine Goddard, Principal Planner; Josh Cameron, Principal Planner

PUBLIC HEARING

The meeting was called to order at 6:00 PM by Michael O’Kelley, Chairman. **Commissioner O’Kelley** introduced members of the Planning Commission and County staff. There were nine (9) audience members present in addition to the Planning Commission members and County staff.

1. Approval of the Minutes of the December 16, 2019, Planning Commission Meeting

Commissioner Davis made a motion to approve the minutes of the December 16, 2019, meeting; the motion was seconded by **Commissioner Little**. By a unanimous vote of six (6-0) in favor, the minutes of the December 16, 2019, meeting were approved.

[**Note:** The written staff reports provided to Commissioners with the meeting information packet will be attached to the final signed minutes retained by the Shelby County Development Services Department.]

2. V19-005 Oak Alley Estates Lot 3 Yard Variance

This is a request from Arthur C. Moss, property owner, for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 3 in Oak Alley Estates to allow the construction of a single family home.

The subject property is zoned A-1, Agricultural District and located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision. Parcel Identification No. 58-10-6-13-0-001-003.005.

3. V19-006 Oak Alley Estates Lot 2 Yard Variance

This is a request from Arthur C. Moss, property owner, for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 2 in Oak Alley Estates to allow the construction of a single family home.

The subject property is zoned A-1, Agricultural District and located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision. Parcel Identification No. 58-10-6-13-0-001-003.006.

Ms. Goddard gave a presentation regarding agenda items 2 and 3, based on the written staff reports provided to Commissioners with the meeting information packet. She explained that Development Services received a letter in opposition to the variance request from the Department of Conservation and Natural Resources. Staff distributed the letter to the Commissioners.

Commissioner O’Kelley asked the applicant if they would like to speak.

Arthur “Cliff” Moss, applicant and property owner, explained he is building homes for his children on the two lots, noting he owns the bottom two lots and is a steward of the park. The current setback would require a large retaining wall and the removal of more trees while a reduced setback would allow utilization of the existing flat spot of the ridge and have the least impact of the natural surroundings.

Commissioner O’Kelley opened the floor for public comment.

Commissioner Davis referenced the letter from the Department of Conservation and Natural Resources. Mr. Moss stated he was not aware of the letter. He hoped to get some relief from the 40’ setback requirement; however, he intended to build no matter the outcome of the variance request.

Ms. Goddard reviewed different variances for other properties surrounding the Park in response to **Commissioner O’Kelley’s** inquiry, describing the distances required with R-1, E-1, E-2, R-2, and A-1.

Jennifer Webber, General Counsel for the Department of Conservation and Natural Resources, asked the Planning Commission to keep the 40’ setback requirement by denying any variance.

Commissioner Davis expressed concern there would be no backyard and the Park’s liability related to trees falling onto the house with only a 10-foot building setback. Mr. Moss noted that many homes have side yards in place of a backyard but he had not considered potential trees falling.

Responding to **Commissioner Nesbitt’s** question regarding fences, Mr. Moss noted he planned to have a fence along the property’s border and around the house.

Commissioner Davis inquired about future plans in the nearby area of the Park. Kelley Ezell, Oak Mountain State Park Superintendent, explained that, while not yet documented, there were potential plans for additional trails and the Park has recently added a trail adjacent to the Lake for fishermen, stating there have been many improvements to the lakes in recent years. She noted there are many steep trails throughout the Park popular with hikers.

Frank Kirkwood, a neighbor, stated he had no objection to the variance request and stated the Park area close by is very steep and has not been used for 70 years so he did not believe there are any immediate plans.

With no further discussion, **Commissioner O’Kelley** called for a motion. **Commissioner Davis** made a motion to deny the variance requests for both Lots, **Case V19-005 Oak Alley Estates Lot 3 Yard Variance** and **Case V19-006 Oak Alley Estates Lot 2 Yard Variance**. The motion to deny was seconded by **Commissioner Little** and by a vote of four in favor of the denial, one opposed, and one abstaining, the motion to deny the variance request passed (4-1-1) and the following resolutions were approved with Commissioners Davis, Gunther, Little, and Nesbitt in favor, Commissioner O’Kelley opposed, and Commissioner Wilder abstaining.

V19-005 Oak Alley Estates Lot 3 Yard Variance

WHEREAS, Arthur C. Moss, property owner, has petitioned the Shelby County Planning Commission for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 3 in Oak Alley Estates to allow the construction of a single family home; and,

WHEREAS, the subject property is zoned A-1 and is located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision and identified as Parcel Identification No. 58-10-6-13-0-001-003.005; and,

WHEREAS, the required rear yard setback in an A-1, Agricultural District is 40 feet; and,

WHEREAS, the property contains steep topography covering the majority of the five acre property; and,

WHEREAS, the applicant purchased the property with the intent to develop a single family home; and,

WHEREAS, the property abuts Oak Mountain State Park to the rear; and,

WHEREAS, the State Park expressed concerns about reducing a required setback along the park boundary in the interest of public and private citizen safety; and,

WHEREAS, the applicant expressed the ability to utilize other floor plans and retaining walls if the variance was not granted; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the **application** of Arthur C. Moss, property owner, for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 3 in Oak Alley Estates to allow the construction of a single family home located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision and identified as Parcel Identification No. 58-10-6-13-0-001-003.005; be, and the same is hereby **Denied**.

V19-006 Oak Alley Estates Lot 2 Yard Variance

WHEREAS, Arthur C. Moss, property owner, has petitioned the Shelby County Planning Commission for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 2 in Oak Alley Estates to allow the construction of a single family home; and,

WHEREAS, the subject property is zoned A-1 and is located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision and identified as Parcel Identification No. 58-10-6-13-0-001-003.006; and,

WHEREAS, the required rear yard setback in an A-1, Agricultural District is 40 feet; and,

WHEREAS, the property contains steep topography covering the majority of the five acre property; and,

WHEREAS, the applicant purchased the property with the intent to develop a single family home; and,

WHEREAS, the property abuts Oak Mountain State Park to the rear; and,

WHEREAS, the State Park expressed concerns about reducing a required setback along the park boundary in the interest of public and private citizen safety; and,

WHEREAS, the applicant expressed the ability to utilize other floor plans and retaining walls if the variance was not granted; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the application of Arthur C. Moss, property owner, for approval of a rear yard variance to reduce the required setback from 40 feet to 10 feet for Lot 2 in Oak Alley Estates to allow the construction of a single family home located northeast of Oak Mountain Lake Road on Cahaba Valley Road in the Oak Alley Estates Subdivision and identified as Parcel Identification No. 58-10-6-13-0-001-003.006; be, and the same is hereby **Denied**.

Ms. Brooks reminded everyone the next Planning Commission meeting will be held on Monday, February 3, 2020.

There being no further business, **Commissioner Davis** made a motion to adjourn. The motion was seconded by **Commissioner O’Kelley** and, by a unanimous vote of six (6-0) in favor, the meeting of January 21, 2020, was adjourned at 6:25 PM.

Christie Hester
Planning Services Supervisor

Michael O’Kelley, Chairman
Shelby County Planning Commission