

**STATE OF ALABAMA  
SHELBY COUNTY**

**SHELBY COUNTY PLANNING COMMISSION MINUTES**

**Regular Meeting – February 18, 2019 – 6:00 PM**

**Members Present:** Jim Davis, Chairman; Michael O’Kelley, Vice Chairman; Bob Land; Samuetta Nesbitt; Kenneth Wilder; Jay Gunther

**Members Absent:** Bill Kinnebrew

**Staff Present:** Chad Scroggins, Development Services Manager; Christie Pannell-Hester, Planning Services Supervisor; Sharman Brooks, Senior Planner; Josh Cameron, Principal Planner

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**PUBLIC HEARING**

The meeting was called to order at 6:00 P.M. by Jim Davis, Chairman. **Commissioner Davis** introduced the members of the Planning Commission and the County staff. There were approximately four audience member(s) present in addition to the Planning Commission members and County staff.

**Approval of the Minutes of the February 4, 2019 Planning Commission Meeting.**

Ms. Sharman Brooks stated that in Case SD18-006, John Slaughter’s discussion on pages 23 and 24 was clarified through a discussion with him. Also, in Case SD18-006, failed to include Commissioner O’Kelley in the majority vote.

**Commissioner O’Kelley** made a motion to approve the minutes of the February 4, 2019 meeting with corrections. The motion was seconded by **Commissioner Nesbitt**. By a unanimous vote of six (6-0), with Commissioners Davis, Land, O’Kelley, Nesbitt, Wilder, and Gunther voting in favor, the minutes of the February 4, 2019 meeting were approved.

**1. V18-004 Shoal Creek Lot 131A Yard Variance**

This is a request from George Thompson, representing the property owner, for approval of a side yard variance of 25 feet to reduce the required setback from 75 feet to 50 feet along the golf course (#14 fairway) and for approval of a side yard variance of 50 feet to reduce the required setback from 75 feet to 25 feet along the golf course (#15 fairway) for the construction of a single family home.

The subject property is zoned E-1 SD and is located at 12 Baltusrol Court in the Shoal Creek Subdivision. Parcel Identification No. 58-03-7-26-0-000-031.000.

Mr. Josh Cameron described the case and presented the following information to the Planning Commission:

The subject property was recorded in 1977 as Lot 131 of the Shoal Creek subdivision, a 223 lot master planned golf community. In August 2018, Lot 131 was re-surveyed to correct an encroachment by a golf cart path. This survey reduced the lot size slightly and renamed Lot 131 to Lot 131 A. This re-survey was reviewed and approved by staff on August 31, 2018 (Case Number SA18-031).

In 2015, the Shelby County Planning Commission approved an amendment to the Shoal Creek Master Plan. The intention of this amendment was to allow for smaller “cottage” style lots in the development but it also established setbacks for the entirety of the subdivision. The approved master plan also included a 75 foot setback for lot lines adjacent to the golf course.

The applicant is requesting a 25 foot reduction to the golf course setback from Fairway #14 (adjacent to the southeast property line) and a 50 foot reduction to the golf course setback from Fairway #15 (adjacent to the southwest property line). The proposed variance would result in a 50 foot setback from fairway #14 and a 25 foot setback from fairway #15.

	<b>Required Setback</b>	<b>Requested Setback</b>	<b>Total Reduction of Setback</b>
<b>Golf Course Setback</b>	75’	<b>50’</b>	25’
<b>Golf Course Setback</b>	75’	<b>25’</b>	50’

The applicant states that lot 131A has steep elevations unsuitable for building at both the Northern and Southern end of the lot. The required setbacks, irregular shape and topography of the lot create a scenario where construction would be located on the slope and not in a more suitable location thus creating less cut and fill.

The Shoal Creek Architectural Committee and the Shoal Creek Association Board of Directors have reviewed the proposed setbacks and recommended their approval on November 19, 2018. Please see the attached letter of approval from the Shoal Creek Association Board of Directors.

Section 3 of Article XXIII of the *Zoning Regulations of Shelby County, Alabama* identifies that the Planning Commission may authorize a variance based on the existence of the following conditions:

1. *That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.*
2. *That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.*
3. *That the authorizing of the variance 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.*

Staff acknowledges the irregular shape of the lot and topography challenges on site. The current golf course setbacks present an unusual building circumstance not present on other nearby lots of similar size. The variance request would alleviate the issues created by the shape and topography of the lot. Variances granted by the Shelby County Planning Commissions must meet all criteria of Section 3 of Article XXIII of the *Zoning Regulations of Shelby County*.

Mr. George Thompson, applicant, had nothing to add to the staff presentation but stated he was available to any answer any questions.

No one spoke in favor of the proposal.

No one spoke in opposition to the proposal.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O'Kelley** made a motion in Case **V18-004 Shoal Creek Lot 131A Yard Variance** the evidence and testimony warrant Approval subject to addressing staff comments. The motion was seconded by **Commissioner Gunther** and by a unanimous vote of six (6-0), with Commissioners Davis, O'Kelley, Land, Nesbitt, Wilder, and Gunther voting in favor, the following resolution was approved:

**WHEREAS**, George Thompson, representing the Nancy Thompson, property owner, has petitioned the Shelby County Planning Commission for approval of a side yard variance of 25 feet to reduce the required setback from 75 feet to 50 feet along the golf course (#14 fairway – southwest property line) and for approval of a side yard variance of 50 feet to reduce the required setback from 75 feet to 25 feet along the golf course (#15 fairway – southeast property line) for the construction of a single family home; a variance of Section 3, Article X.A, pursuant to Section 3, Article XXIII; and,

**WHEREAS**, The subject property is zoned E-1 SD and is located at 12 Baltusrol Court in the Shoal Creek Subdivision. Parcel Identification No. 58-03-7-26-0-000-031.000; and,

**WHEREAS**, the subject property is identified as Lot 131A of the Shoal Creek Subdivision in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat, situated in Section 35, Township 18 South, Range 1 West; and,

**WHEREAS**, Shoal Creek is a master planned community and thus setbacks were established in the 2015 master plan approved by the Planning Commission on July 20<sup>th</sup>, 2015; and,

**WHEREAS**, the Shoal Creek master plan requires a 75 foot setback from all lot lines adjacent to the golf course; and,

**WHEREAS**, The Shoal Creek Association Board of Directors and the Shoal Creek Architectural Committee have presented written approval of the request for setback variances; and,

**WHEREAS**, the Planning Commission recognizes the unusual topography and shape of lot 131A; and,

**WHEREAS**, the Planning Commission has determined that the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the area of Shoal Creek Subdivision; and,

**WHEREAS**, the granting of this application is necessary for the construction of a single family home comparable in size and character to other homes located in the Shoal Creek Subdivision; and,

**WHEREAS**, reducing the front yard setback requirement 75 feet to 50 feet along the golf course (#14 fairway - southwest property line) and reducing the required setback from 75 feet to 25 feet along the golf course (#15 fairway - southeast property line) 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; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Shelby County Planning Commission that the application of George Thompson, representing Nancy Thompson, property owner, for approval of a side yard variance of 25 feet to reduce the required setback from 75 feet to 50 feet along the golf course (#14 fairway – southwest property line) and for approval of a side yard variance of 50 feet to reduce the required setback from 75 feet to 25 feet along the golf course (#15 fairway – southeast property line) to permit the construction of a single family residential home in the E-1 SD, Single-Family Estate Special District; a variance of Section 3, Article X.A, pursuant to Section 3, Article XXIII for property located at Lot 131A, Shoal Creek Subdivision, in the Chelsea North – Dunnivant Valley South – Westover North Zoning Beat and situated in Section 35, Township 18 South, Range 1 West; Parcel Identification No. 58-03-7-26-0-000-031.000 be, and the same is hereby **Approved**, subject to:

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

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There being no further business, **Commissioner Wilder** made a motion to adjourn. The motion was seconded by **Commissioner O’Kelley** and by a unanimous vote of six (6-0), with Commissioners Davis, O’Kelley, Land, Nesbitt, Wilder, and Gunther voting in favor, the meeting of February 18, 2019 was adjourned at 6:10 P.M.

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Christie Hester  
Planning Services Supervisor

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Jim Davis, Chairman  
Shelby County Planning Commission