

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
FEBRUARY 15, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: January 18, 2017.

- (1) **BZA-1217-28** Bruce & Lorraine Nelson is requesting a **Variance For a Fence In the Front Yard** for the property located at **1015 Haviland Dr.** The property is owned by Bruce & Lorraine Nelson and is zoned Vestavia Hills R-3.

- (2) **BZA-0218-02** Chappell Reeves is requesting a **Front Setback Variance** for the property located at **3317 Mountainside Rd.** The purpose of this request is for a 15' front setback variance to reduce the setback to 25' in lieu of the required 40'. The property is owned by Chappell Reeves and is zoned Vestavia Hills R-4.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

JANUARY 18, 2018

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

MEMBERS PRESENT: Rick Rice, Chairman
Loring Jones, III
Robert Gower
George Ponder
Jim Griffo

MEMBERS ABSENT: Tony Renta
Brendan Fuller

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of December 21, 2017 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of December 21, 2017 as made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

Mr. Jones – yes
Mr. Gower – yes
Mr. Rice – yes
Motion carried.

Mr. Griffo – yes
Mr. Ponder – yes

SIDE SETBACK VARIANCE

BZA-0118-01 Drew & Sarah Stevens are requesting a **Side Setback Variance** for the property located at **1216 Wickford Rd.** The purpose of this request is for a 6' side setback variance to reduce the setback to 9' in lieu of the required 15'. The property is owned by Drew & Sarah Stevens and is zoned Vestavia Hills R-2.

Mr. Garrison described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Joe Ellis explained the request and stated the house is already out of compliance.

Mr. Ponder noticed the other side of the house was out of compliance and asked the applicants if they would like the Board to include the entire house. The applicants agreed.

Mr. Rice opened the floor for a public hearing. There being no one present in regard to the request, Mr. Rice closed the public hearing and opened the floor for a motion.

MOTION Motion to approve a 6' side setback variance to reduce the setback to 9' in lieu of the required 15' and bring the existing home into compliance for the property at 1216 Wickford Rd. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Jones – yes
Mr. Gower – yes
Mr. Rice – yes
Motion carried.

Mr. Griffo – yes
Mr. Ponder – yes

Conrad Garrison
City Planner

CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: DECEMBER 21, 2017

- **CASE:** BZA-1217-28
- **REQUESTED ACTION:** Variance For a Fence In the Front Yard
- **ADDRESS/LOCATION:** 1015 Haviland Dr.
- **APPLICANT/OWNER:** Bruce & Lorraine Nelson
- **GENERAL DISCUSSION:** Applicants are seeking a variance for an already constructed fence that extends past the front of the house to the property line. Applicant contends that the fence is needed for neighborhood comity. The applicant's property is zoned Vestavia Hills R-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive Plan for low density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted
 4. **Building Safety Review:** No problems noted.

BZA1217-28//28-30-1-13-4
1015 Haviland Drive
Variance for a fence
Bruce & Lorraine Nelson
R-3

BZA Application
vised May 5, 2016
Page 3

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Bruce F. Nelson and Lorraine F. Nelson
Address: 1015 Haviland Drive
Vestavia Hills, Alabama 35216
Phone #: 205-527-0347 Other #: Walter F. Scott III (counsel)
205-949-5580
E-Mail: bnherbalnhc@yahoo.com

Representing Attorney/Other Agent

Name: Walter F. Scott III
Address: 2200 Woodcrest Place, Suite 310
Birmingham, AL 35209
Phone #: 205-949-5580 Other #: 205-949-5580
E-Mail: Walter@gallowayscott.com

II. DESCRIPTION OF PROPERTY:

LOCATION: 1015 Haviland Drive, Vestavia Hills, AL 35216
Street Address
Lot C, Survey recorded in Map Book 77, Page 38, of Lot 17-A of a Resurvey of
Lots 17 & 18, Block 8, South Birmingham Heights Jefferson County, AL
Subdivision name, Lot #, Block #, etc.

III. REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required
_____,
_____ square foot variance to reduce the lot area to _____ square feet in
lieu of the required _____ square feet.
_____ ' front/side/rear (circle one) setback variance to reduce the setback to
_____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to
_____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to
_____ ' in lieu of the required _____ ' .
2. A decision of the Zoning Official which the applicant believes to be
contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of
Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section 4.5).

Fence built beyond building line and front lot line, and has crossbraces on one side only.
See pictures and survey. Height of fence is 8ft or less.

IV. ZONING

Vestavia Hills Zoning for the subject property is R-3.

V. HARDSHIP

Describe those things which you feel justify the action requested. List, when
necessary, the specific sections of the City Code(s) which have a bearing on your request.
(Use additional space on separate page if necessary).

Relationship between neighbors has been difficult. The fence has solved many problems
between them. The fence blocks the view between the houses and the drives and is
designed to prevent conflict, and to keep the neighbors' cats off of the Nelsons' property.

VI. OWNER AFFIDAVIT:

I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Bruce F. Nelson

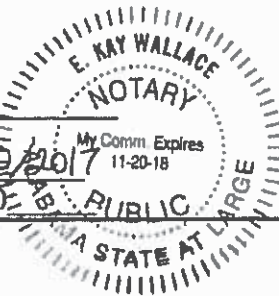
Bruce F. Nelson
Owner Signature/Date

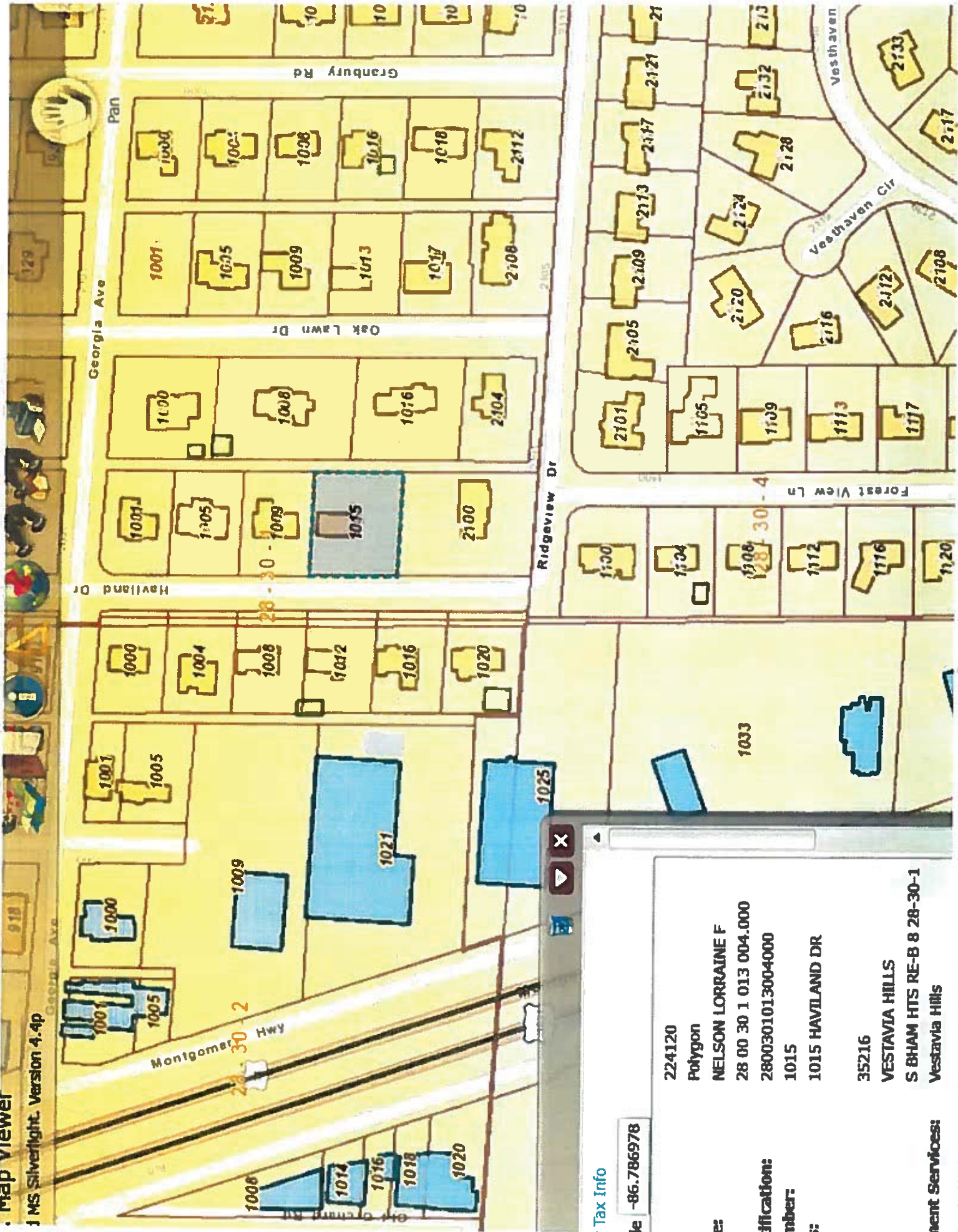
Walter G. Galt 10/18/17
Representing Agent (if any)/date

Given under my hand and seal
this 18 day of October, 2017.

E. Kay Wallace
Notary Public

My commission expires 11/20/2017
day of _____, 2017



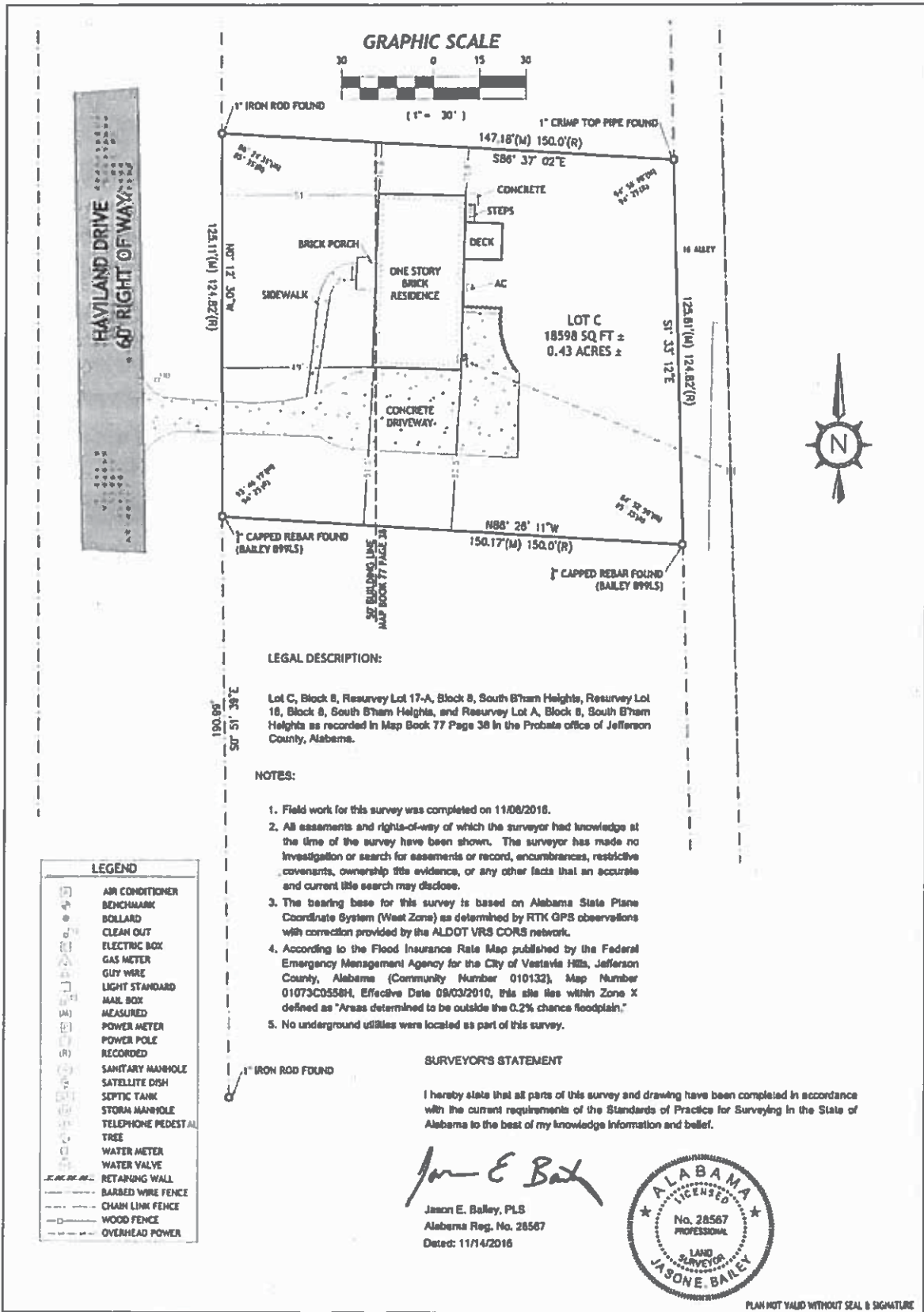


Tax Info

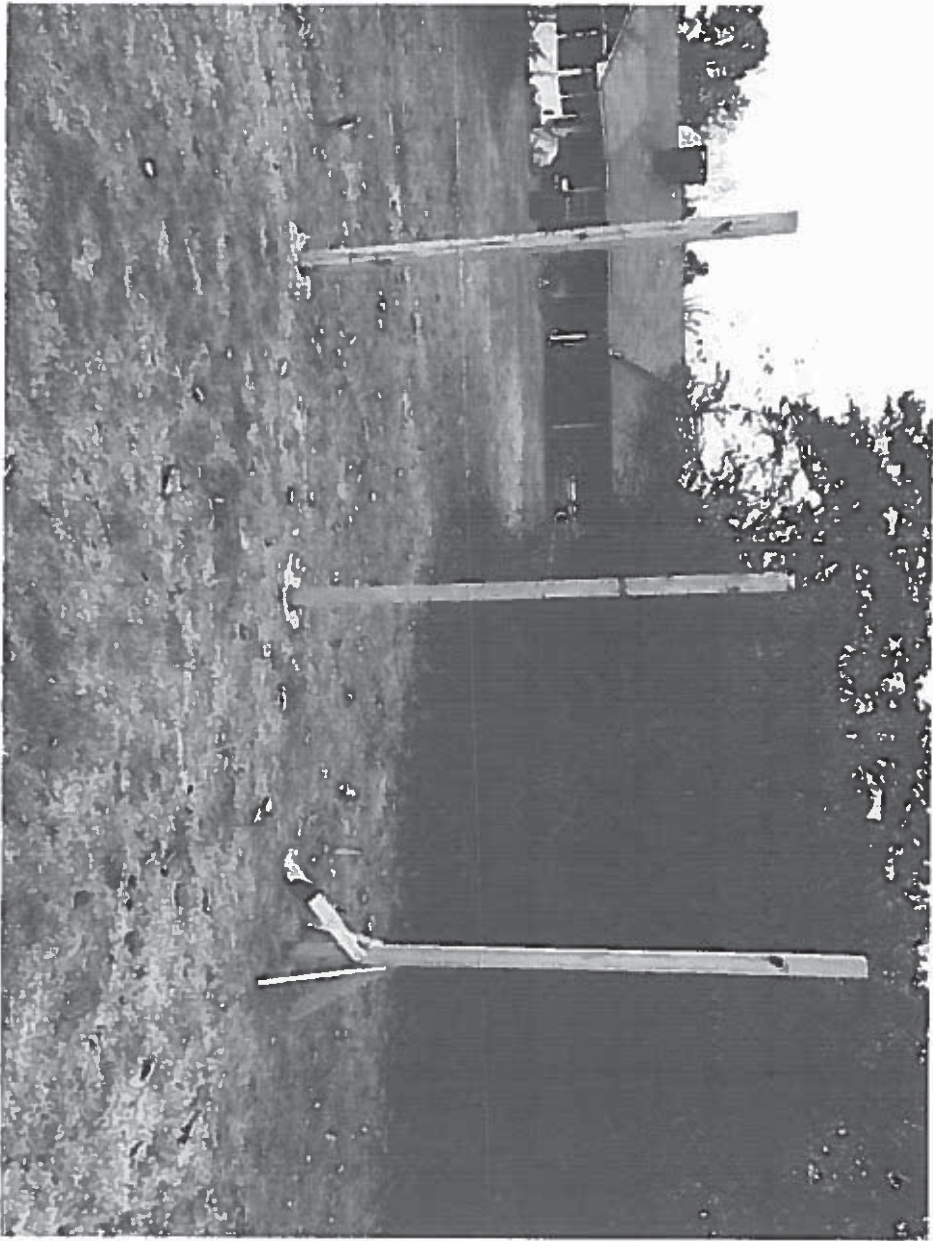
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 Vestavia Hills

ment Services:



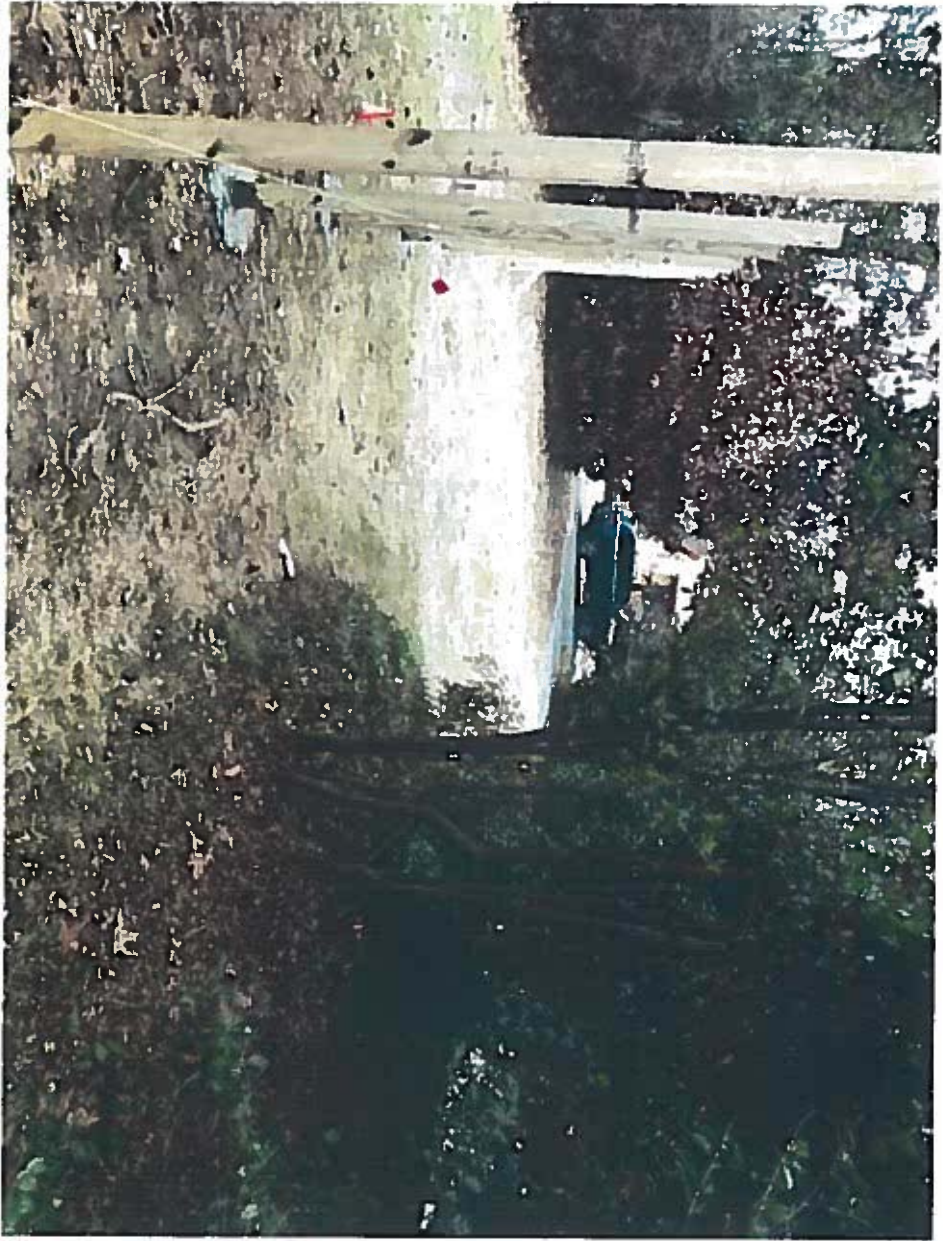
PROJECT NO. 16.208		BAILEY LAND GROUP LAND SURVEYING & ENGINEERING	PROJECT 1015 HAVILAND DR. VESTAVIA HILLS, AL 35216
CLIENT/ARCHITECT PROJECT NO.		2170 CLEARBROOK ROAD, SUITE 206 HOOVER, AL 35226 P: 205.978.0080 F: 205.978.0082 www.baileylandgroup.com	CLIENT BRUCE NELSON VESTAVIA HILLS, AL
SHEET NO. 1 OF 1		CA: AL 999LS	TITLE PROPERTY BOUNDARY SURVEY
		DATE 11/14/2016	DATE 11/14/2016











CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: **FEBRUARY 15, 2018**

- **CASE:** BZA-0218-02
- **REQUESTED ACTION:** 15' front setback variance to reduce the setback to 25' in lieu of the required 40'
- **ADDRESS/LOCATION:** 3317 Mountainside Rd.
- **APPLICANT/OWNER:** Chappell Reeves
- **GENERAL DISCUSSION:** Applicants are seeking a variance to rebuild a home destroyed by the tornado. Applicant contends that the tornado, as well as a septic system, constitutes a hardship. The applicant's property is zoned Vestavia Hills R-4.
- **CAHABA HEIGHTS COMMUNITY PLAN:** This request is consistent with the Comprehensive Plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Chappell Reeves

Address: 3315 Mountainside Road

Vestavia Hills, AL 35243

Phone #: 205-563-5508 Other #: _____

E-Mail: chappellreeves@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 3317 Mountainside Road Vestavia Hills, AL 35243
Street Address

Shades Cahaba Est 2nd Add Lot:3 Blk:3

Subdivision name, Lot #, Block #, etc.

III. REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):

1. A request to vary:
_____ ' variance to reduce the lot width to _____ ' in lieu of the required _____ ' .
_____ square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.
_____ ' front/side/rear (circle one) setback variance to reduce the setback to 25 ' in lieu of the required 40 ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
_____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ ' .
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is R-4.

V. HARDSHIP

Describe those things which you feel justify the action requested. List, when necessary, the specific sections of the City Code(s) which have a bearing on your request. (Use additional space on separate page if necessary).

The home that had been located at this address was torn down due to damage caused by the April 27, 2011 tornadoes. I purchased this lot in August 2017 to build my own personal home. Jefferson County has required me to maintain the existing septic tank in the same current location. Because the prior structure was approximately 20' from the road, as are the other homes on the street, and not 40' from the right of way, the available space to re-build is too small. I simply want to place my new home back in the same approximate location as the original home, and in line with the other homes on the street.

VI. OWNER AFFIDAVIT:

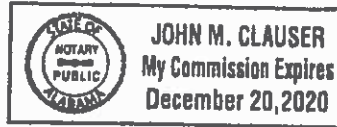
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Chynn S. Rouse 12/26/17
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 26th day of December, 2017.

J. M. Clauser
Notary Public
My commission expires December 20, 2020
day of _____, 20____.



3317 Mountainside Road

Chappell Reeves

Vestavia Hills resident for more than 15 years

The home that was located at this address was torn down due to damage caused by the April 27, 2011 tornados.

I purchased this property in August 2017 to build my own personal home. I received the approval from the Jefferson County Department of Heath to remove and replace the existing septic system. But, I am required to leave the system in the same location as the original or it will void my approval (per Freeman White, JCDH).

Originally, the home was 40' from the road (as are the other homes in the neighborhood) but now the requirements are 40' from the right-of-way.

With the septic system location and current setback requirements, the depth to build a new home would be too small.

I am requesting a variance in order to place my new home in approximately the same location as the original structure.

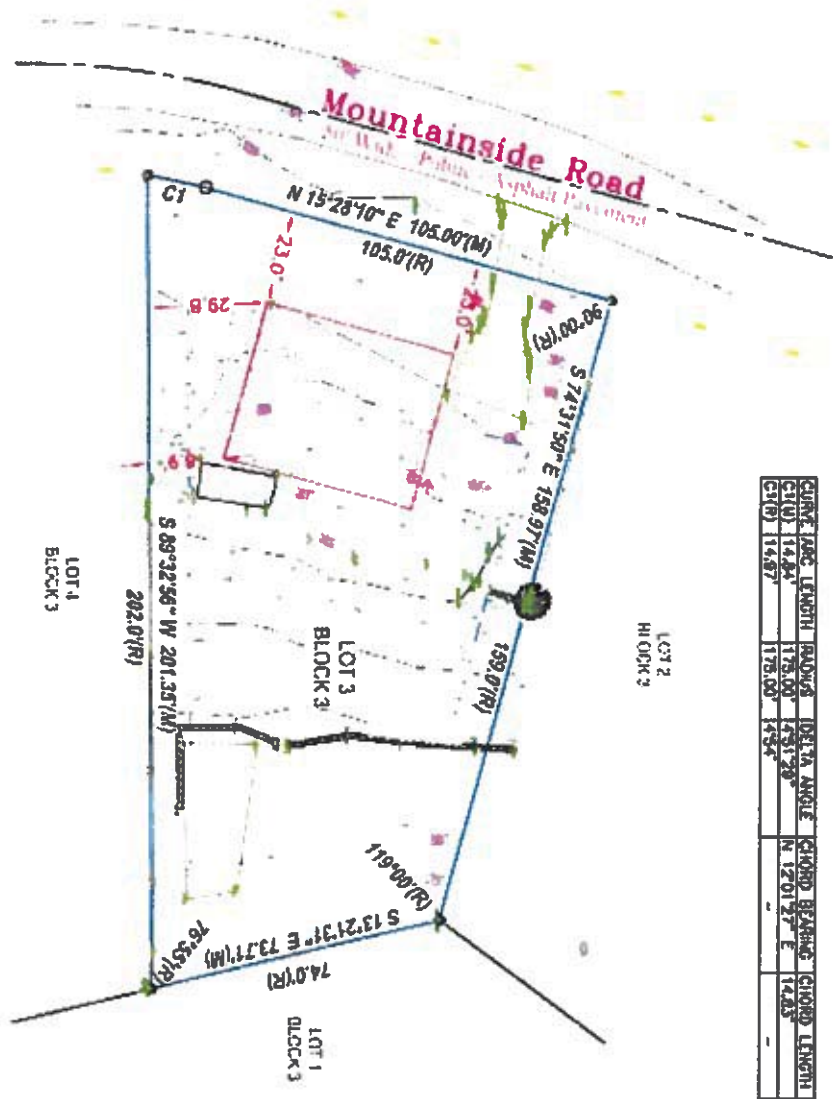
The attached survey has a proposed structure (outlined in red) with a depth of 40' and a width of 48'. This representation is larger than what I wish to build, but still sits 23' off the right-of-way and in the same location as the original structure.



NOT: MEASUREMENTS & CALCULATED VALUES AND DISTANCES ARE THE SOLE RESPONSIBILITY OF THE CLIENT.



LINE	BEARING	LENGTH	AREA	PERIMETER
1	N 15° 25' 10" E	105.00 (M)	14.24	178.00
2	S 74° 37' 59" E	158.97 (M)	14.87	178.00
3	S 89° 32' 56" W	201.55 (M)	14.87	178.00
4	S 13° 21' 31" E	73.77 (M)	14.87	178.00



PROJECT NO. 17-123

N.R.W Construction Staking LLC

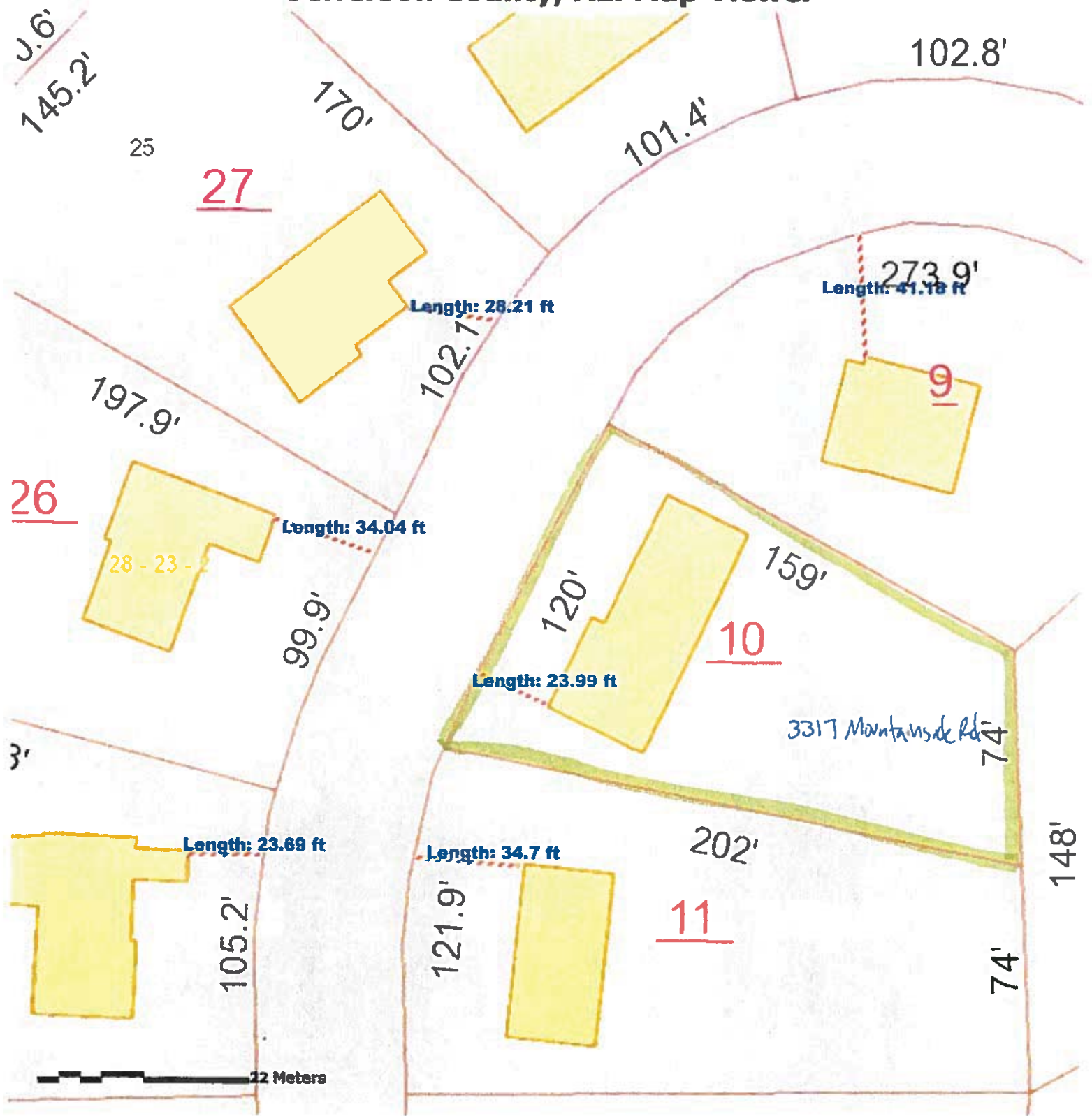
TYPE OF PROJECT: **PLAT PLAN**

Revision	Description	DATE
0000	FOR THE CITY OF SOUTH DAKOTA	
0001	FOR THE CITY OF SOUTH DAKOTA	
0002	FOR THE CITY OF SOUTH DAKOTA	
0003	FOR THE CITY OF SOUTH DAKOTA	
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0019	FOR THE CITY OF SOUTH DAKOTA	
0020	FOR THE CITY OF SOUTH DAKOTA	

LEGEND

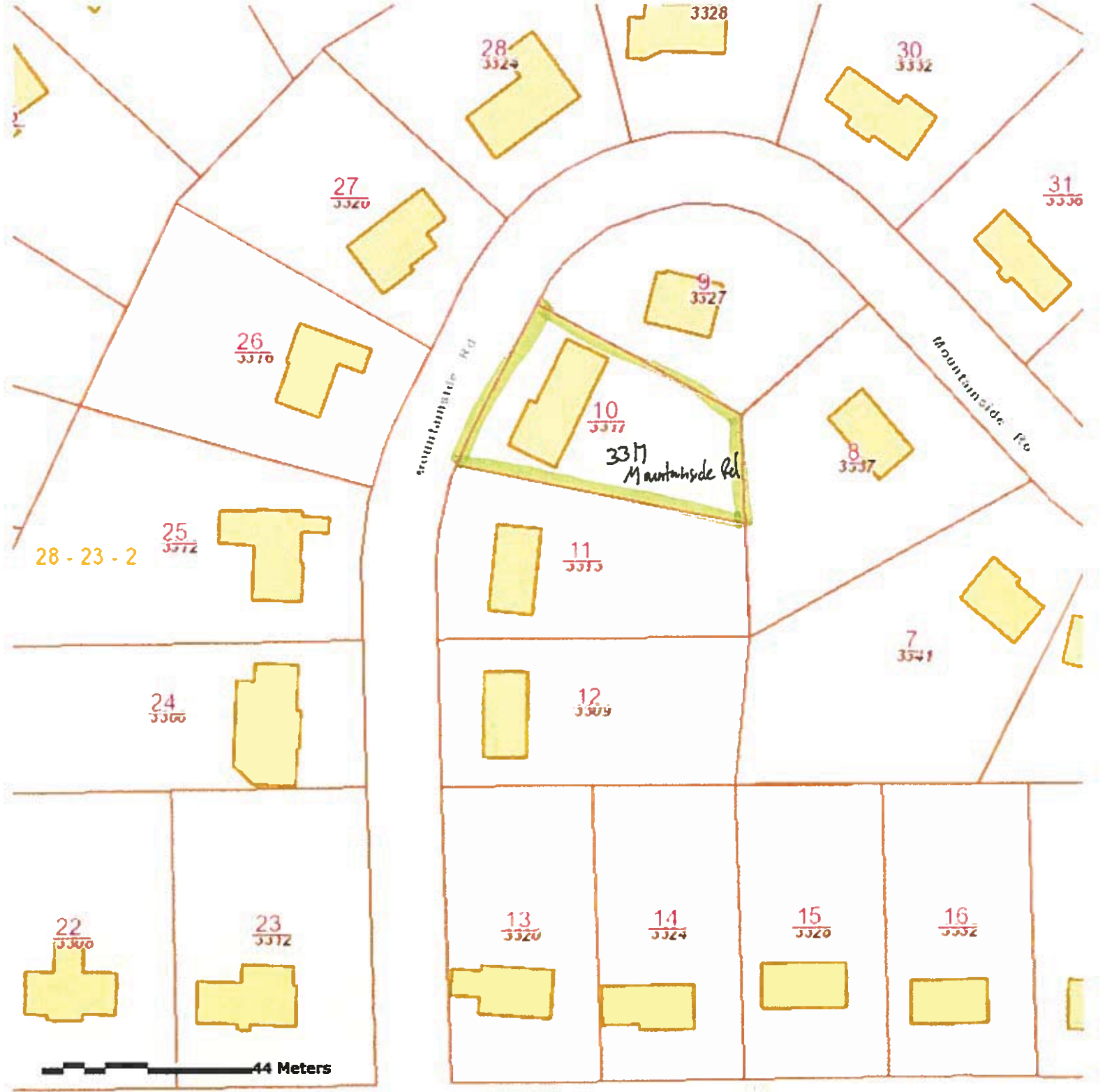
- Center of Lot
- Corner of Lot
- ▲ Stationing
- △ Elevation

Jefferson County, AL. Map Viewer



This map is pulled from the Jefferson County Map Viewer. It will illustrate that none of the homes (except one) in the immediate area would meet the current setback requirements. Allowing this variance would be in line with other homes in the neighborhood.

Jefferson County, AL. Map Viewer





JEFFERSON COUNTY DEPARTMENT OF HEALTH

1400 SIXTH AVENUE, SOUTH • P.O. BOX 2648 • BIRMINGHAM, ALABAMA 35202 • 205/930-1230

Application for On-Site Sewage Disposal Permit

Submit in Triplicate

Date Received

Type of System

Identification Number

- Conventional
- Non-conventional
- Alternate
- Commercial

PERMISSION TO USE

2017-a-161

Part A: Residential To be completed by applicant and/or submitting professional

1. Applicant Chappell Reeves Telephone 205-563-5608

2. Mailing address 3315 Mountainside Road
City Vestavia Hills State Alabama Zip 35243

3. Property location 3317 Mountainside Road Vestavia Hills, AL 35243 S T R

Comments: The former home at this address was torn down due to the April 27, 2011 tornadoes. I am not a builder, I purchased this to build my personal home. I wish to replace the tank and use the existing lines per a discussion w/ my engineer (Brian Atkins) and his conversation with Mr. Farmer.

4. Subdivision: Shades Cahaba Est 2nd Addition
Lot 3 Block 3 Sector Add Phase Lot size

5. Date subdivision recorded Date approved

6. Type residence: New Existing Manufactured home. Number of bedrooms 3

7. Garbage grinder? No Basement plumbing? Spa/hot tub? No Laundry waste? Yes

Commercial Floor plans must be a part of application

1. Type of business Estimated number of employees

2. Kitchen facilities? Commercial food service? Bathing facilities?

3. Estimated water use Gallons per day

4. Brief project description

Water Supply

1. Type: Public Private (Well) Distance to Main Size of Main

2. Name of water supply Birmingham Water Works Individual meter? Yes No

3. Distance to Sewer Connection by gravity? Yes No

Applicant Signature [Signature] Date 10/24/17

Part B: Percolation Test Data (attach added sheets as needed)

Percolation Hole #	Uniform Diameter of Hole in Inches	Total Depth of Hole	Date of Saturation	Date of Percolation Test	Stabilized Percolation Rate in Minutes per Inch



PERMIT TO REPAIR ON SITE SEWAGE DISPOSAL SYSTEM

AR-2017-142

10/26/2017

Freeman White

3317 Mountainside Road Vestavia Hills 35243

Chappell Reeves

JCDH Repair Evaluation

PTU: 2017-A-161

This is a vacant lot that a home was removed because of damage from the tornado of April 2011. They are applying for a permit to build a new house on this lot. They are planning to install a new septic tank and connecting to the existing fieldlines.

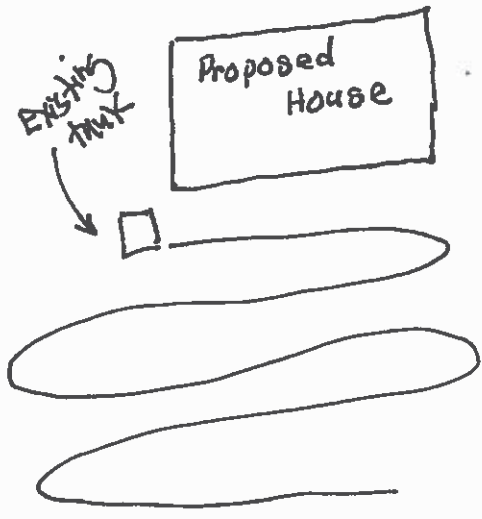
JCDH Recommendations:

- 1. Properly abandon the existing septic tank. Install a 1000 gallon septic tank and tie back into the existing fieldlines:**

If you have any question please contact JCDH, Freeman White at 960-8446

Chappell Reeves
205-563-5508

3317 Mountainside Road



2017A161

APPROVED Freeman White
DATE 10-26-17

2017-A-161

3317 Mountainside Road - Current state
Driveway, septic system and basement hole remain

