CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT AGENDA APRIL 19, 2018 6:00 P.M.

Roll Call.

Approval of Minutes: March 15, 2018.

- (1) **BZA-0418-05** Jerald David Junkin is requesting a **Rear Setback Variance** for the property located at **2064 Lakewood Dr.** The purpose of this request is for a 4' rear setback variance to reduce the setback to 26' in lieu of the required 30'. The property is owned by Jerald David Junkin and is zoned Vestavia Hills R-2.
- (2) BZA-0418-06 Millard & Lynn Barnes are requesting a Side Setback Variance for the property located at 2436 Shades Crest Rd. The purpose of this request is for a 12' side setback variance to reduce the setback to 5' in lieu of the required 17'. The property is owned by Millard & Lynn Barnes and is zoned Vestavia Hills R-1.
- (3) **BZA-0418-07** Kenneth L. Stalnaker is requesting a **Front Setback Variance** for the property located at **2617 Mountain Woods Dr.** The purpose of this request is for an 8' front setback variance to reduce the setback to 42' in lieu of the required 50'. The property is owned by Kenneth L. Stalnaker and is zoned Vestavia Hills R-2.

Time of Adjournment.

CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

MARCH 15, 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 February 15, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of January 18, 2018 as made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a

voice vote as follows:

 $\begin{array}{ll} \text{Mr. Jones - yes} & \text{Mr. Griffo - yes} \\ \text{Mr. Gower - yes} & \text{Mr. Ponder - yes} \end{array}$

Mr. Rice – yes Motion carried.

FRONT SETBACK VARIANCE

BZA-0318-03 Charles Terry, Jr. w/ McConnell White & Terry is requesting a

Front Setback Variance for the property located at **732 Montgomery Highway.** The purpose of this request is for a 22' front setback variance to reduce the setback to 8' in lieu of the required 30'. The property is owned by Charles Terry, Jr. w/

McConnell White & Terry and is zoned Vestavia Hills B-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.

Robert Thompson, attorney for the applicant, stated the applicant wanted to build an addition and the corner lot caused a hardship.

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 22' front setback variance to reduce the setback to 8' in lieu of the required 30' 732 Montgomery Highway was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-0318-04

Jamie & Haley Pursell is requesting a **Side Setback Variance** for the property located at **3100 Starview Cir.** The purpose of this request is for a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'. The property is owned by Jamie & Haley Pursell 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.

Jamie Pursell explained the request and stated the shape of the lot and the tornado causes a hardship.

Mr. Rice opened the floor for a public hearing.

Jeff Holmes lived behind the property and had questions about the easement.

Mr. Rice closed the public hearing and opened the floor for a motion.

MOTION

Motion to approve 7' side setback variance to reduce the setback to 8' in lieu of the required 15' for the property at 3100 Starview Cir. was made by Mr. Jones and 2^{nd} was by Mr. Gower. Motion was carried on a roll call vote as follows:

BZA Minutes

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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: **APRIL 19, 2018**

• <u>CASE</u>: BZA-0418-05

• **REQUESTED ACTION:** 4' rear setback variance to reduce the setback to 26'

in lieu of the required 30'

• ADDRESS/LOCATION: 2064 Lakewood Dr.

• APPLICANT/OWNER: Jerald David Junkin

• **GENERAL DISCUSSION:** Applicants are seeking a variance to build an attached addition. Applicant contends the creek in the front of the lot, recorded setbacks, and easements cause a hardship. The applicant's property is zoned Vestavia Hills R-2.

• <u>VESTAVIA HILLS COMPREHENSIVE PLAN</u>: This request is consistent with the Comprehensive Plan for 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.

BZA0418-05//28-00-30-1-006-007.000 2064 Lakewood Drive Rear Setback Variance Jerald Junkin R2

BZA Application Revised 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.

APPLICANT INFORMATION:		
Owner of Property (This Section Must Be Completed)		
Name:	Jerald David Junkin	
Address:	2064 Lakewood Dr.	
	Vestavia, AL 35216	
Phone #:	205-317-5515 Other #:	
E-Mail:	diunkine ir prewitt.com	
Representing	Attorney/Other Agent	
Name:		
Address:		
Phone #:	Other #:	
E-Mail:		

PG. 42

II.	DESCRIPTION OF PROPERTY:		
	LOCATION: 2064 Lake sood Dr. Vestavia, AL 352/6 Street Address		
	Street Address Vestavia Lake Addition Lot 5 Fourth Addition MB. 45 Subdivision name, Lot #, Block #, etc.		
III.	REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):		
	1. (X) 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 26.7 ' in lieu of the required 30 '.		
	' 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). 		
	ZONTING		
IV.	ZONING Vestavia Hills Zoning for the subject property is R-2.		
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.		
7	(Use additional space on separate page if necessary).		
bui	Iding on the south and west side of our lot		
-			
	ONATED A PRID A VIEW		
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.

Owner Signature/Date

Representing Agent (if any)/date

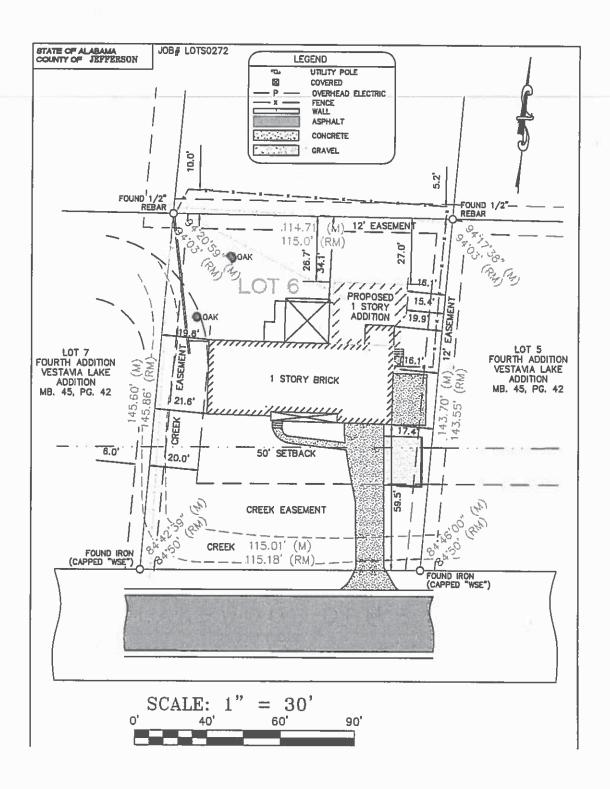
Given under my hand and seal

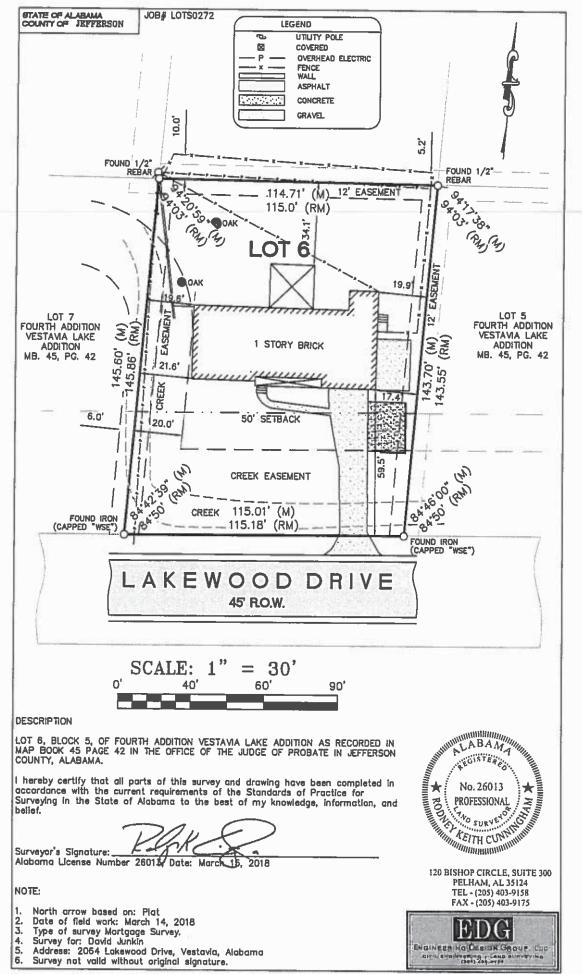
this 19th day of March, 2018.

Notary Public

My commission expires

day of 100 1, 20 20





CITY OF VESTAVIA HILLS

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

Date: **APRIL 19, 2018**

• <u>CASE</u>: BZA-0418-06

• **REQUESTED ACTION:** 12' side setback variance to reduce the setback to 5'

in lieu of the required 17'

• ADDRESS/LOCATION: 2436 Shades Crest Rd.

• APPLICANT/OWNER: Millard & Lynn Barnes

• **GENERAL DISCUSSION:** Applicants are seeking a variance to bring structures on the left side of the property. Structures were constructed before applicable zoning codes. The applicant's property is zoned Vestavia Hills R-1.

• <u>VESTAVIA HILLS COMPREHENSIVE PLAN</u>: This request is consistent with the Comprehensive Plan for 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.

BZA0418-06//2800202003019000 2436 Shades Crest Rd. Side Setback Millard & Lynn Barnes R1

BZA Application Revised May 5, 2016 Page 3

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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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.

Owner of Pr	operty (This Section Must Be Completed)
Name:	Millard + Lynn Barnes
Address:	III Crest Drive
	Birmingham AL 35209
Phone #:	205-910 0605 Other#: 205-910-45
E-Mail:	14nn. barnes@parkline south. com
Representing	g Attorney/Other Agent
Name:	
Address:	
Phone #:	Other #:
E-Mail:	

BZA0418-06//2800202003019000 2436 Shades Crest Rd.

Side Setback Millard & Lynn Barnes

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BZA Application Revised May 5, 2016 Page 4

<u>II. </u>	DESCRIPTION OF PROPER'.
	LOCATION: 2436 Shales Crest load, 35216
	Lot 23, Block 1: Vestavia Hills Subdivision name, Lot #, Block #, etc.
	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).
IV.	ZONING Vestavia Hills Zoning for the subject property is
<u>V.</u>	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).
Con	carport that is currently in place was structed before the current building les were in place, walverunte of wirent carport is 51 from side property
	line /

BZA0418-06//2800202003019000 2436 Shades Crest Rd. Side Setback Millard & Lynn Barnes R1

BZA Application Revised May 5, 2016 Page 5

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.

Jowner Signature/Date

Representing Agent (if any)/date

My Comm. Expires
July 21, 2021

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A STATE ATMINISTRATION

MY COMM. Expires

MY COMM. Expires

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MY COMM. Expires

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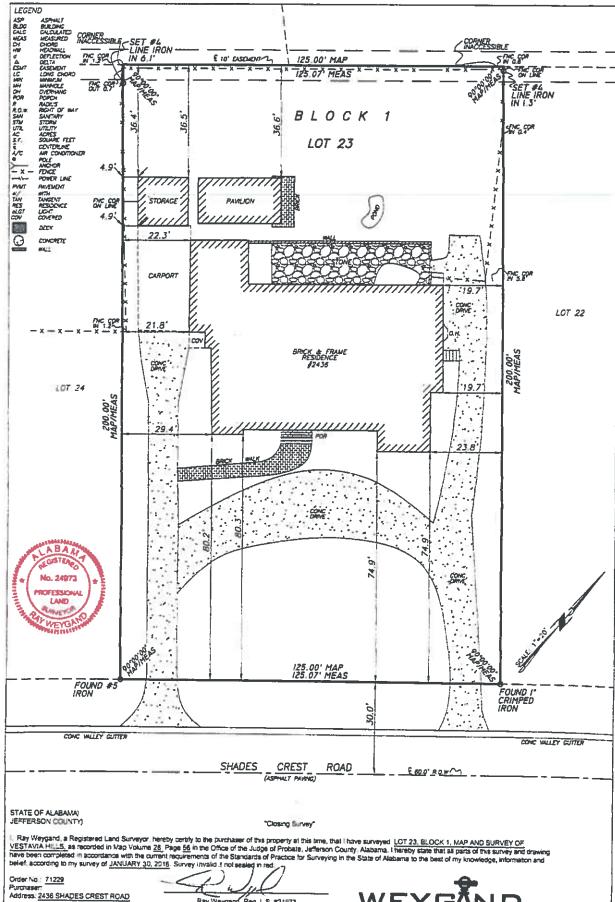
Given under my hand and seal this 19 day of March

,2018

, ________, ____,

Notary Public

My commission expires 21
day of July , 20 21



Ray Weygand, Reg. L.S. #24973 169 Oxmoor Road Homewood, AL 35209 Phone: (205) 942-0067 Fax: (205) 942-0067 Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easuments and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easuments, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of bundations, toolings, and/or other underground structures, utilis correstrates to bruiss sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f)

CITY OF VESTAVIA HILLS

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

Date: **APRIL 19, 2018**

• <u>CASE</u>: BZA-0418-07

• **REQUESTED ACTION:** 8' front setback variance to reduce the setback to

42' in lieu of the required 50'

• ADDRESS/LOCATION: 2617 Mountain Woods Dr.

• **APPLICANT/OWNER:** Kenneth L. Stalnaker

• **GENERAL DISCUSSION:** Applicant is seeking a variance to build a front porch. Applicant contends that a corner lot causes a hardship. There is a recorded setback line; however, signatures have recorded to waive that line. The applicant's property is zoned Vestavia Hills R-2.

• <u>VESTAVIA HILLS COMPREHENSIVE PLAN</u>: This request is consistent with the Comprehensive Plan for 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.

Front Setback Kenneth Stalnaker

R2

BZA Application Revised May 5, 2016 Page 3

BOARD OF ZONING ADJUSTMENT APPLICATION

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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:	Kenneth L. Stalnaker	
	Address:	2617 Mountain woods Drive	
		Vestavia Hixi, Alcheme 35216	
	Phone #:	Other #: Ce/1 265-283-5182	
	E-Mail:	Kstalnaker chitler impenies. com.	
	Representing A	Attorney/Other Agent	
	Name:		
	Address:		
	Phone #:	Other #:	
	E-Mail:		

BZA0418-07//2900361003018000 2617 Mountain Woods Drive

Front Setback Kenneth Stalnaker

R2

BZA Application Revised May 5, 2016 Page 4

DESCRIPTION OF PROPERTY: II. LOCATION: 2617 Mountain Woods Drive Street Address Vestavia Forest Lot 82 Block unknown Subdivision name, Lot #, Block #, etc. REASONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS): III. (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. 'fron/side/rear (circle one) setback variance to reduce the setback to 70 ' în 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. An application to establish a use which must be approved by the Board of 3. Zoning Adjustment (See Section _____.). A request for extension of non-conforming use (See Section _____). 4 5. Sign Code Variance (See Section _____). Other - Explain (See Section _____). 6. ZONING IV. Vestavia Hills Zoning for the subject property is 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). Larver Lot

VI. OWNER AFFIDAVIT:

BZA0418-07//2900361003018000 2617 Mountain Woods Drive Front Setback

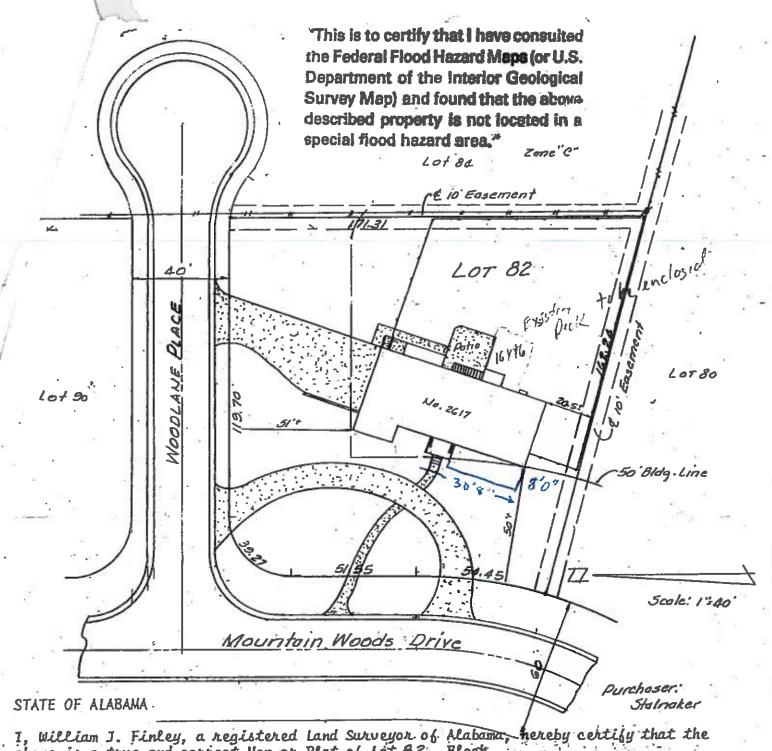
Front Setback Kenneth Stalnaker

R2

BZA Application Revised May 5, 2016 Page 5

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.

Kungh I State	
Owner Signature/Date	Representing Agent (if any)/date
Given under my hand and seal this 19 day of MARCH, 2018.	
	LISA MICHELLE RAYBORN
Ragbern	Notary Public Alabama State at Large
Notary Mobile My commission expires 154	
day of July , 20 19.	



above is a true and correct Map or Plat of Lot 82, Block

Vestavia Forest, 3rd. Sector as shown by the map of same recorded in Map Book 43, Page 73, in the Office of the Judge of Probate of Jefferson County, Alabama; that the building now on said lot is within the bounds of said lot; that there are no visible encroachments, except those shown, from adjoining properties and that there are no rights of ways, easements of joint driveways over or across said land visible on the surface except as shown; that there are no visible electric or telephone wires fexcluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown:

LABAHA EGISTER

No. 6009

The correct street address is No. 2617 Mountain Woods Drive

According to my survey this the 8th day of bowary, 1950.

WILLIAM J. FINLEY/Alabama L.S. Reg. No. 6009 2086 Valleydale Terrace, Birmingham, Al. 35244

"1 YAKOU Kas MA Swner of lot 88 of subdivision plat 3 sectoz
Recorded on 03/24/18 agree to remove the 50' setbacks for lot 82. X Jans Jakor Kashan date: 03/24/6
x Jans ()
Printed Name: Yakov Kasuan date: <u>63/24/</u>
"I ALICE POTTER TURKIDER of lot 92 of subdivision plat 3" sector
Recorded on 03/24/18 agree to remove the 50' setbacks for lot 82.
Printed Name: ALICE POTTER TURK date: 03-24-18
rinted Name: Robert Caponello date: 03/24/18
Printed Name: Robert Capovello date: 03/24/18
Belva Su Calvetowner of lot 137 of subdivision plat 3RD Sector
Recorded on 3-24-18 agree to remove the 50' setbacks for lot 82.
x Debroy (alet
Printed Name: Belve Sue Calvert date: 3-24-18
"1 Eln A. Will owner of lot 131 of subdivision plat 3 - 4 Sector
Recorded on $3-24-18$ agree to remove the 50' setbacks for lot 82.
X
Printed Name: Elmer L. Nolland date: 3-24-18
County Division Code: ALO40

Petition to remove or reduce the current setback requirements (50') for the Vestavia Forest

neighborhood.

Inst. # 2018030897 Pages: 1 of 3 I certify this instrument filed on 3/28/2018 12:14 PM Doc: NOTICE Alan L.King, Judge of Probate Jefferson County, AL. Rec: \$22.00 Petition to remove or reduce the current setback requirements (50') for the Vestavia Forest neighborhood.

"I King deMont 1021 Owner of lot 86 of subdivision plat 3-85-18
Recorded on 3-24-18 agree to remove the 50' setbacks for lot 82.
x K. S Monthy
Printed Name: King de Mont/uzin date: 3-24-18
1
"I Lisa Bryant owner of lot 129 of subdivision plat 3rd Sector
Recorded on $3-27-18$ agree to remove the 50' setbacks for lot 82.
x tra R. Bryant
x Jia R. Bryant Printed Name: Lisa R. Bryant date: 3.27-18
rd sector
"Melanic B. Mulle Nowner of lot 68 of subdivision plat 3 - 2003
Recorded on $3-27-18$ agree to remove the 50' setbacks for lot 82.
x molario B. Mullen
Printed Name: Melanie, B. Mullen date: 3-27-18
"I PC WENG owner of lot 66 of subdivision plat 3 rd Sector
Recorded on $\frac{3/27/18}{}$ agree to remove the 50' setbacks for lot 82.
x pcwery
Printed Name: PC WENG date: 3/27/18
"I Amanda Blownt owner of lot 84 of subdivision plat 3rd Sector
Recorded on 3-27-18 agree to remove the 50' setbacks for lot 82.
x Aul BAX
Printed Name: Amanda Blount date: 3-27-18

neighborhood. owner of lot ______of subdivision plat _____ Recorded on ... agree to remove the 50' setbacks for lot 82. Service date: 3 "I ______ owner of lot _____ of subdivision plat _____ Recorded on _____ agree to remove the 50' setbacks for lot 82. Printed Name: _____ date: _____ "I ______ of subdivision plat _____ Recorded on ______ agree to remove the 50' setbacks for lot 82. Printed Name: _____ date: ____ "I ______ owner of lot _____ of subdivision plat _____ Recorded on ______ agree to remove the 50' setbacks for lot 82. Printed Name: _____ date: ____ "I ______ owner of lot _____ of subdivision plat _____ Recorded on ______ agree to remove the 50' setbacks for lot 82.

Printed Name: _____ date: ____

Petition to remove or reduce the current setback requirements (50') for the Vestavia Forest