

**CITY OF VESTAVIA HILLS  
BOARD OF ZONING ADJUSTMENT  
AGENDA  
DECEMBER 21, 2017  
6:00 P.M.**

Roll Call.

Approval of Minutes: November 16, 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-1217-29** Harrison & Jordan Bishop are requesting a **Front & Side Setback Variances** for the property located at **2209 Southwood Rd.** The purpose of this request is for a 15' front setback variance to reduce the setback to 35' in lieu of the required 50' and for a 3' side setback variance to reduce the setback to 12' in lieu of the required 15'. The property is owned by Harrison & Jordan Bishop and is zoned Vestavia Hills R-2.
- (3) **BZA-1217-30** Zach & Amber Boylan are requesting a **Side & Rear Setback Variances** for the property located at **3416 Norwich Dr.** The purpose of this request is for a 7' side setback variance to reduce the setback to 8' in lieu of the required 15' and for an 8' rear setback variance to reduce the setback to 22' in lieu of the required 30'. The property is owned by Zach & Amber Boylan and is zoned Vestavia Hills R-2.
- (4) **BZA-1217-31** Derrick Duke is requesting a **Variance For a Fence In the Front Yard** for the property located at **2501 Old Oak Ln.** The property is owned by Derrick Duke and is zoned Vestavia Hills R-2.
- (5) **BZA-1217-32** Fred A. Nelson III is requesting a **Side Setback Variance** for the property located at **3148 Woodhaven Dr.** The purpose of this request is for a 2' side setback variance to reduce the setback to 13' in lieu of the required 15'. The property is owned by Fred A. Nelson III and is zoned Vestavia Hills R-2.

Time of Adjournment.

**CITY OF VESTAVIA HILLS**  
**BOARD OF ZONING ADJUSTMENT**  
**MINUTES**

**OCTOBER 6, 2017**

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  
George Ponder  
Jim Griffo  
Tony Renta
- MEMBERS ABSENT:** Brendan Fuller  
Robert Gower
- OTHER OFFICIALS PRESENT:** Conrad Garrison, City Planner

**APPROVAL OF MINUTES**

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

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

Mr. Renta – yes	Mr. Griffo – yes
Mr. Jones – yes	Mr. Ponder – yes
Mr. Rice – yes	
Motion carried.	

**VARIANCE FOR MECHANICAL EQUIPMENT**

**BZA-1017-23** BC South, LLC is requesting a **Variance To Allow Mechanical Equipment In Side Yard Setback** for the property located at **3345 Wisteria Dr.** The purpose of this request is for mechanical equipment within 5’ of the property line. The property is owned by BC South, LLC and is zoned Vestavia Hills R-9.

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.

Taylor Burton and Blake Pittman explained the request.

Mr. Ponder didn't think the Board could approve a variance for the entire subdivision.

Mr. Jones wasn't sure there was a hardship.

Mr. Garrison stated there may be away to approve the mechanical units without a variance.

The applicants agreed to pursue this option and postponed their case.

Case Postponed.

**SIDE SETBACK VARIANCE**

**BZA-1017-24** James F. Askins, Jr. is requesting a **Side Setback Variance** for the property located at **3036 Panorama Trl.** The purpose of this request is for an 8' side setback variance to reduce the setback to 8' in lieu of the required 15'. The property is owned by James F. Askins, Jr. 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.

Carrie Taylor explained the request and stated the shape of the lot causes 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 8' side setback variance to reduce the setback to 8' in lieu of the required 15' for the property at 3036 Panorama Trl. was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Renta – yes  
Mr. Jones – 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.

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### **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

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**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

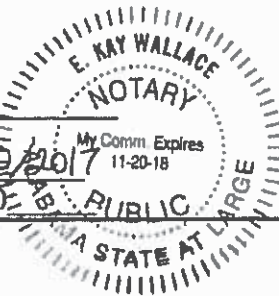
Bruce F. Nelson  
Owner Signature/Date

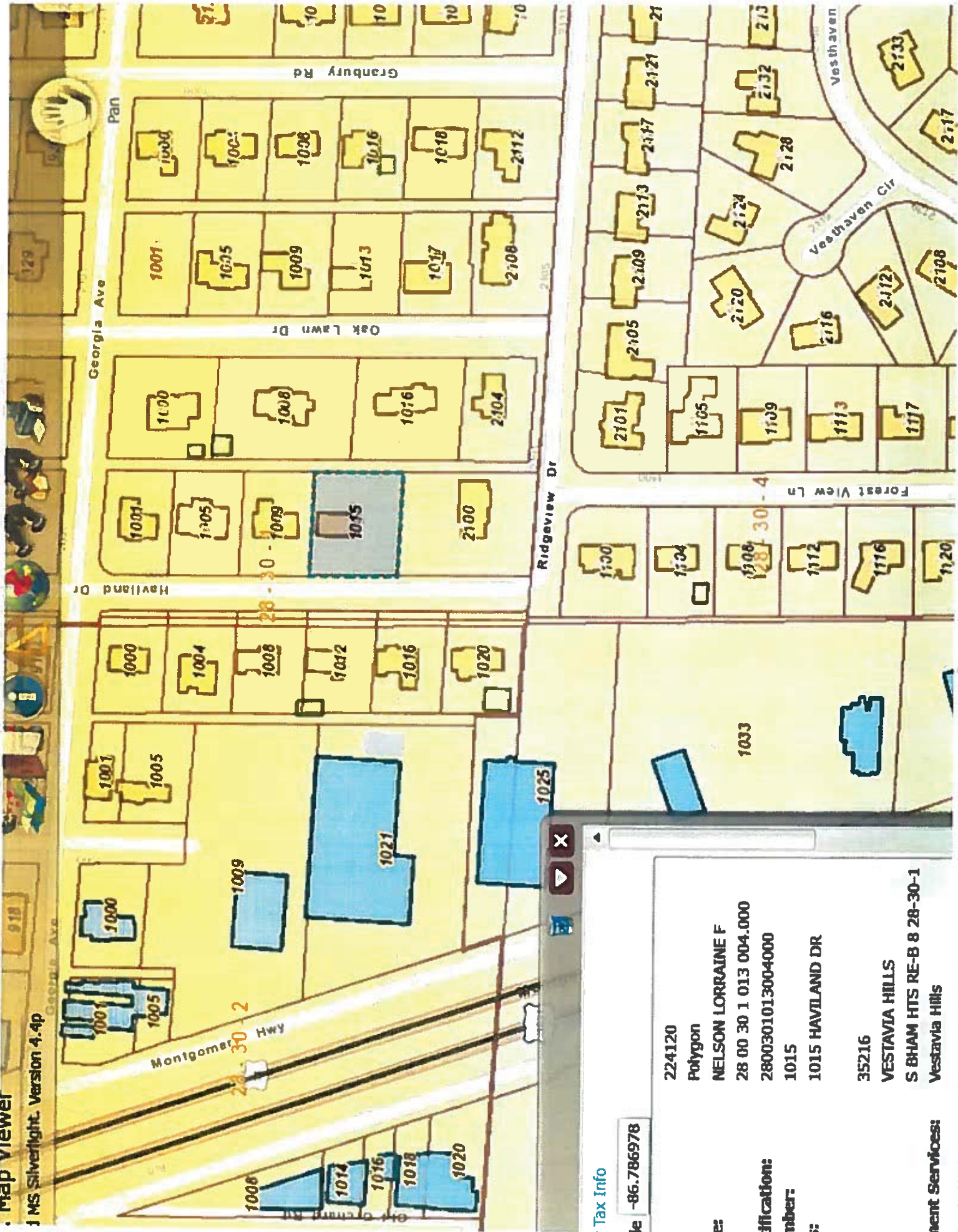
Walter G. Galt 10/18/17  
Representing Agent (if any)/date

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





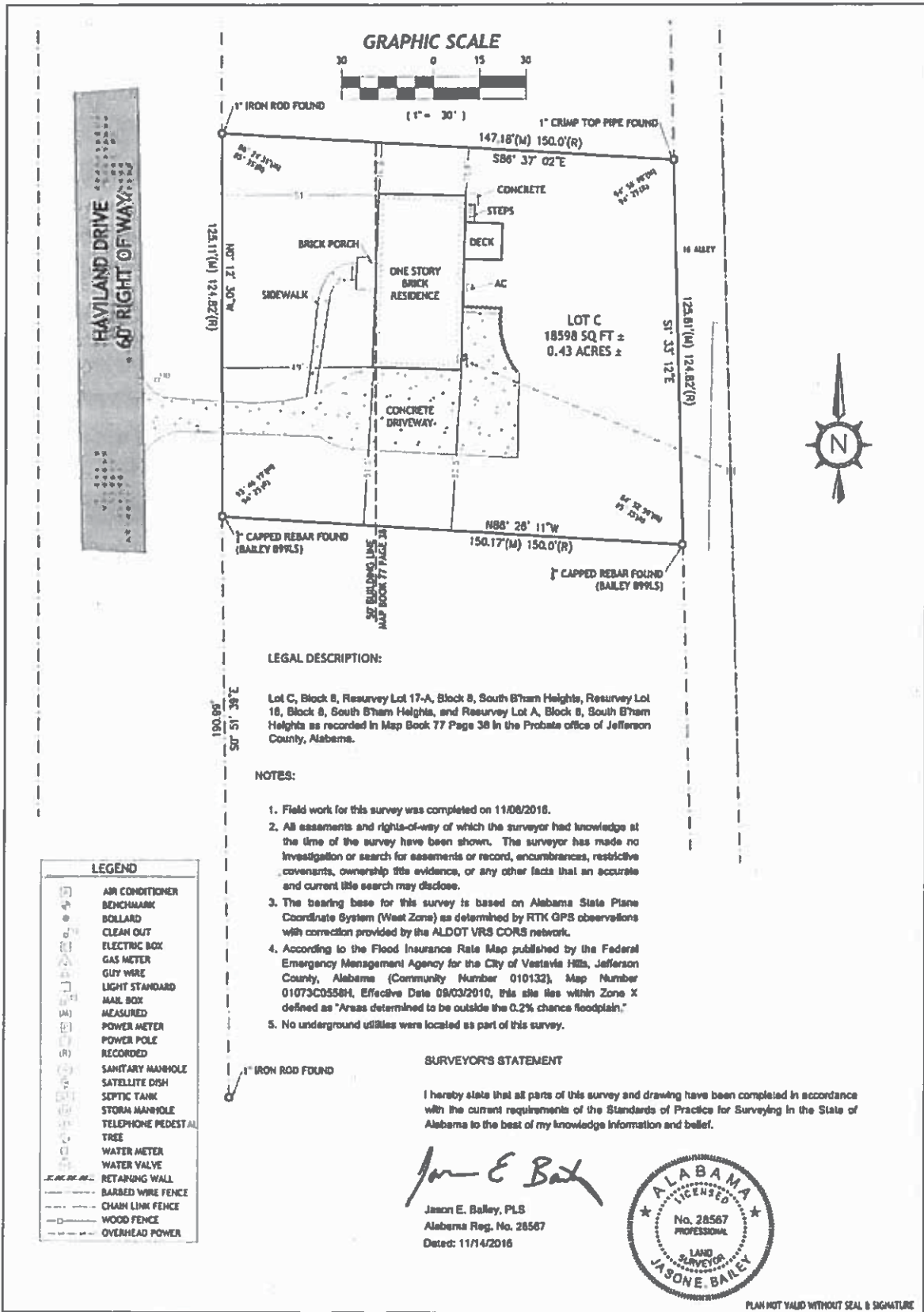
Tax Info

ie -86.786978

224120  
 Polygon  
 NELSON LORRAINE F  
 28 00 30 1 013 004.000  
 2800301013004000  
 1015  
 1015 HAVILAND DR  
 35216  
 VESTAVIA HILLS  
 S BHAM HTS RE-B 8 28-30-1  
 Vestavia Hills

ment Services:





**LEGAL DESCRIPTION:**

Lot C, Block 8, Resurvey Lot 17-A, Block 8, South 8<sup>th</sup>am Heights, Resurvey Lot 18, Block 8, South 8<sup>th</sup>am Heights, and Resurvey Lot A, Block 8, South 8<sup>th</sup>am Heights as recorded in Map Book 77 Page 38 in the Probate office of Jefferson County, Alabama.

**NOTES:**

- Field work for this survey was completed on 11/08/2016.
- All easements and rights-of-way of which the surveyor had knowledge at the time of the survey have been shown. The surveyor has made no investigation or search for easements or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- The bearing base for this survey is based on Alabama State Plane Coordinate System (West Zone) as determined by RTK GPS observations with correction provided by the ALDOT VRS CORN network.
- According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency for the City of Vestavia Hills, Jefferson County, Alabama (Community Number 010132), Map Number 01073C0558H, Effective Date 08/03/2010, this site lies within Zone X defined as "Areas determined to be outside the 0.2% chance floodplain."
- No underground utilities were located as part of this survey.

**SURVEYOR'S STATEMENT**

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge Information and belief.

*Jason E. Bailey*

Jason E. Bailey, PLS  
Alabama Reg. No. 28567  
Dated: 11/14/2016



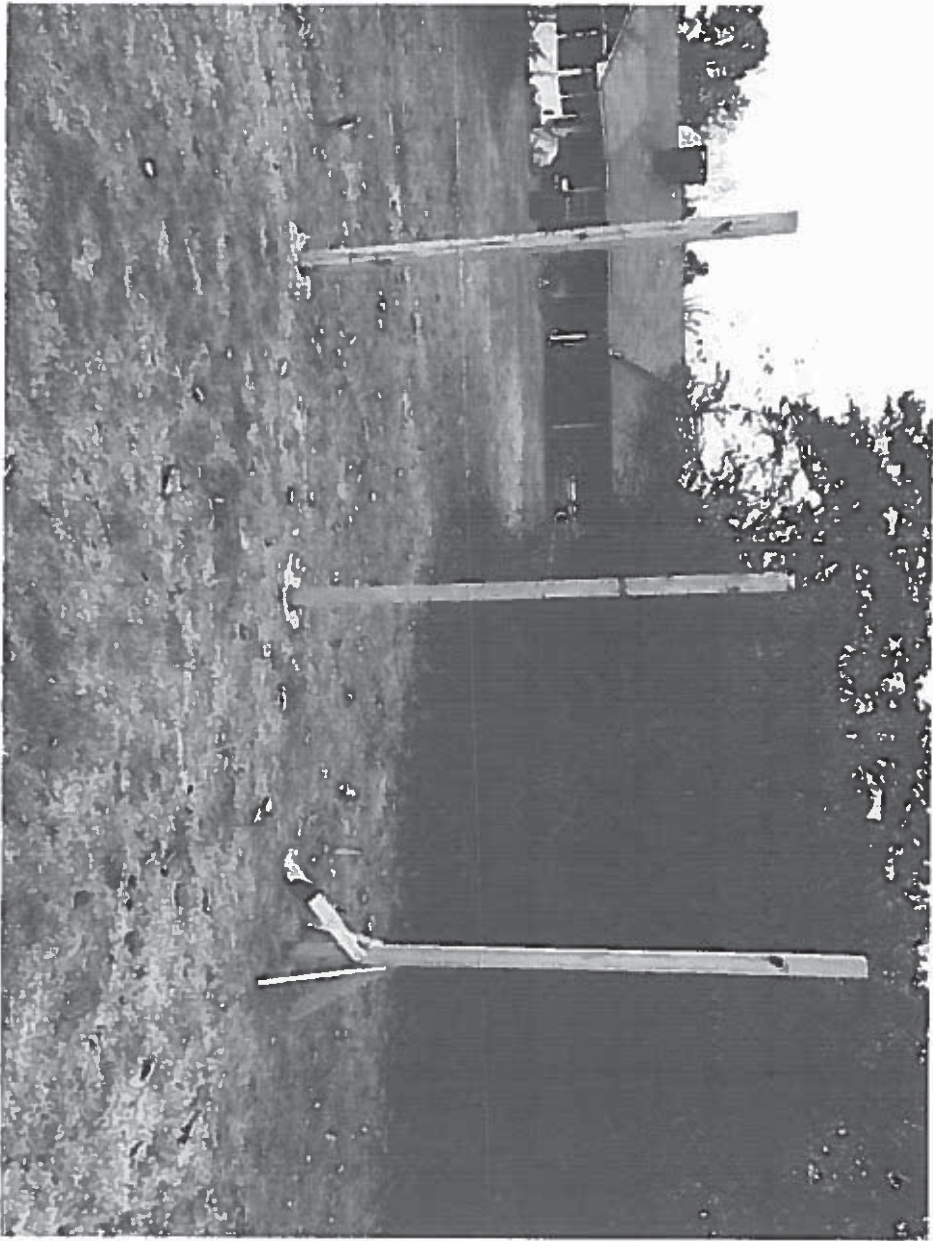
PLAN NOT VALID WITHOUT SEAL & SIGNATURE

**LEGEND**

[Symbol]	AIR CONDITIONER
[Symbol]	BENCHMARK
[Symbol]	BOLLARD
[Symbol]	CLEAN OUT
[Symbol]	ELECTRIC BOX
[Symbol]	GAS METER
[Symbol]	GUY WIRE
[Symbol]	LIGHT STANDARD
[Symbol]	MAIL BOX
(M)	MEASURED
[Symbol]	POWER METER
[Symbol]	POWER POLE
(R)	RECORDED
[Symbol]	SANITARY MANHOLE
[Symbol]	SATELLITE DISH
[Symbol]	SEPTIC TANK
[Symbol]	STORM MANHOLE
[Symbol]	TELEPHONE PEDESTAL
[Symbol]	TREE
[Symbol]	WATER METER
[Symbol]	WATER VALVE
--- ---	RETAINING WALL
--- ---	BARBED WIRE FENCE
--- ---	CHAIN LINK FENCE
--- ---	WOOD FENCE
--- ---	OVERHEAD POWER

<p>PROJECT NO. <b>16.208</b></p> <p>CLIENT/ARCHITECT PROJECT NO.</p> <p>SHEET NO. <b>1 OF 1</b></p>	 <p><b>BAILEY LAND GROUP</b> LAND SURVEYING &amp; ENGINEERING</p> <p>2170 CLEARBROOK ROAD, SUITE 206 HOOVER, AL 35226 P: 205.978.0080 F: 205.978.0082 www.baileylandgroup.com CA: AL 999LS</p>	<p>PROJECT <b>1015 HAVILAND DR.</b> VESTAVIA HILLS, AL 35216</p> <p>CLIENT <b>BRUCE NELSON</b> VESTAVIA HILLS, AL</p> <p>TITLE <b>PROPERTY BOUNDARY SURVEY</b></p> <p>DRAWN BY: MDT    CHECKED BY: JEB    SCALE: 1" = 30'    DATE: 11/14/2016</p>
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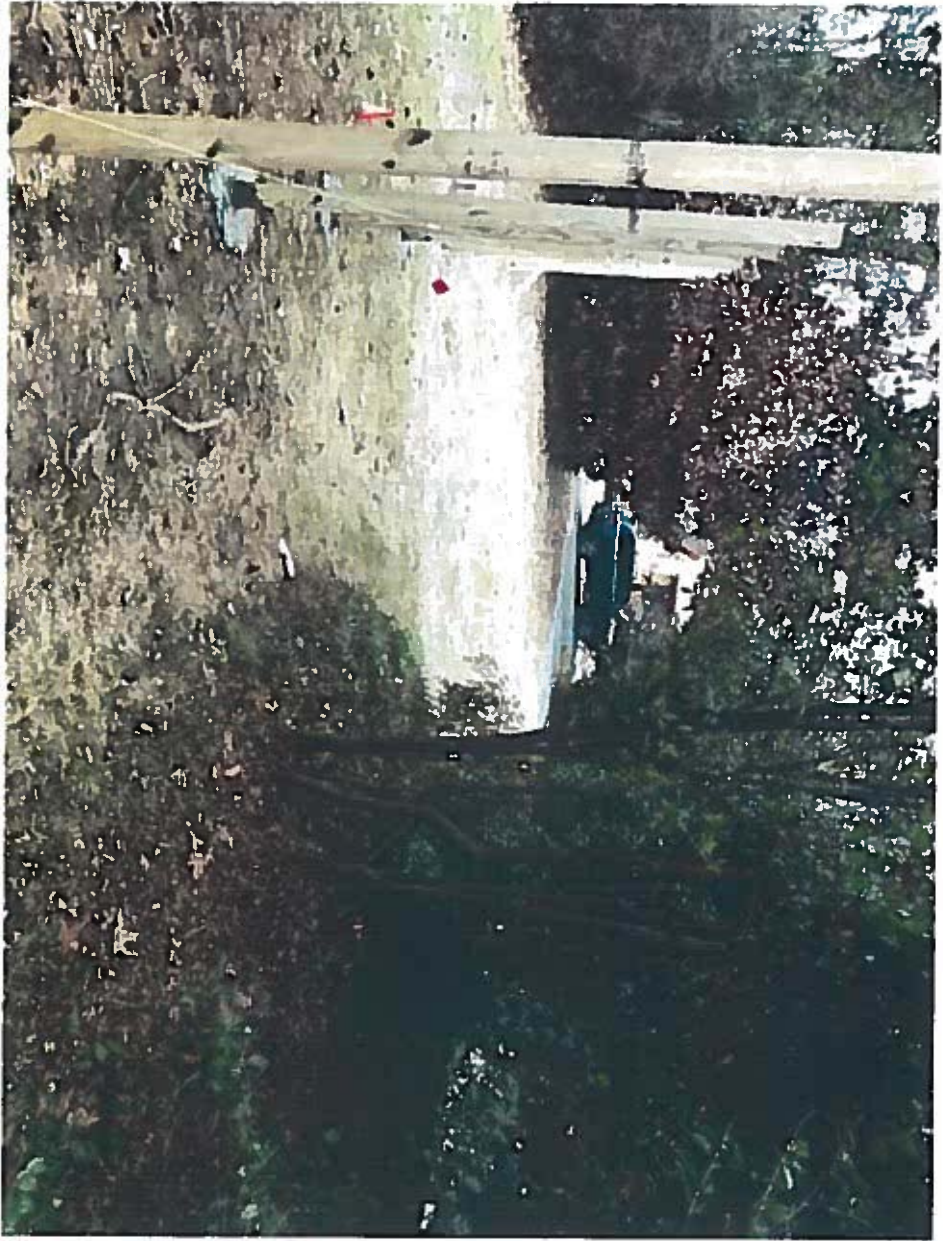
PRINTED TO SCALE ON 11" x 17" PAPER











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

Date: DECEMBER 21, 2017

- **CASE:** BZA-1217-29
- **REQUESTED ACTION:** 15' front setback variance to reduce the setback to 35' in lieu of the required 50' and for a 3' side setback variance to reduce the setback to 12' in lieu of the required 15'
- **ADDRESS/LOCATION:** 2209 Southwood Rd.
- **APPLICANT/OWNER:** Harrison & Jordan Bishop
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a home addition. Applicant contends that the house is already out of compliance. The applicant's property is zoned Vestavia Hills R-2.
- **VESTAVIA HILLS COMPREHENSIVE 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: Harrison and Jordan Bishop

Address: 2209 Southwood Road  
Vestavia Hills, AL 35216

Phone #: 205-447-6677 Other #: \_\_\_\_\_

E-Mail: jordansbishop@hotmail.com

**Representing Attorney/Other Agent**

Name: Richard Long, Long & Long Design

Address: 1616 2nd Ave. S. Suite 102  
Birmingham, AL 35233

Phone #: 205-637-5777 Other #: \_\_\_\_\_

E-Mail: richard@longandlongdesign.com

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**II. DESCRIPTION OF PROPERTY:**

LOCATION: 2209 Southwood Road, Vestavia Hills, AL 35216

*Street Address*

*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.  
23 ' front/side/rear (circle one) setback variance to reduce the setback to 12 / 12 in lieu of the required 15 ' .  
15 ' front/side/rear (circle one) setback variance to reduce the setback to 35 ' in lieu of the required 50 ' .  
\_\_\_\_\_ ' 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-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. (Use additional space on separate page if necessary).

The existing house footprint is non-conforming along the left side. Our garage addition would therefore also be non-conforming, though we are proposing to keep the addition in line with the left side of the existing home. Because the home is not parallel to the side property line, our 22' garage addition will be 12' from the side property, whereas the current corner of the house is 13' from the left side property.

**VI. OWNER AFFIDAVIT:**

BZA1217-29//28-19-4-1-14  
2209 Southwood Rd.  
Front & Side Setback Variance  
Harrison & Jordan Bishop  
R-2

BZA Application  
Revised May 5, 2016  
Page 5

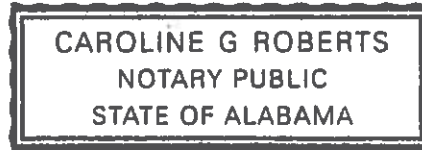
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Jordan Bishop 11-07-17  
Owner Signature/Date

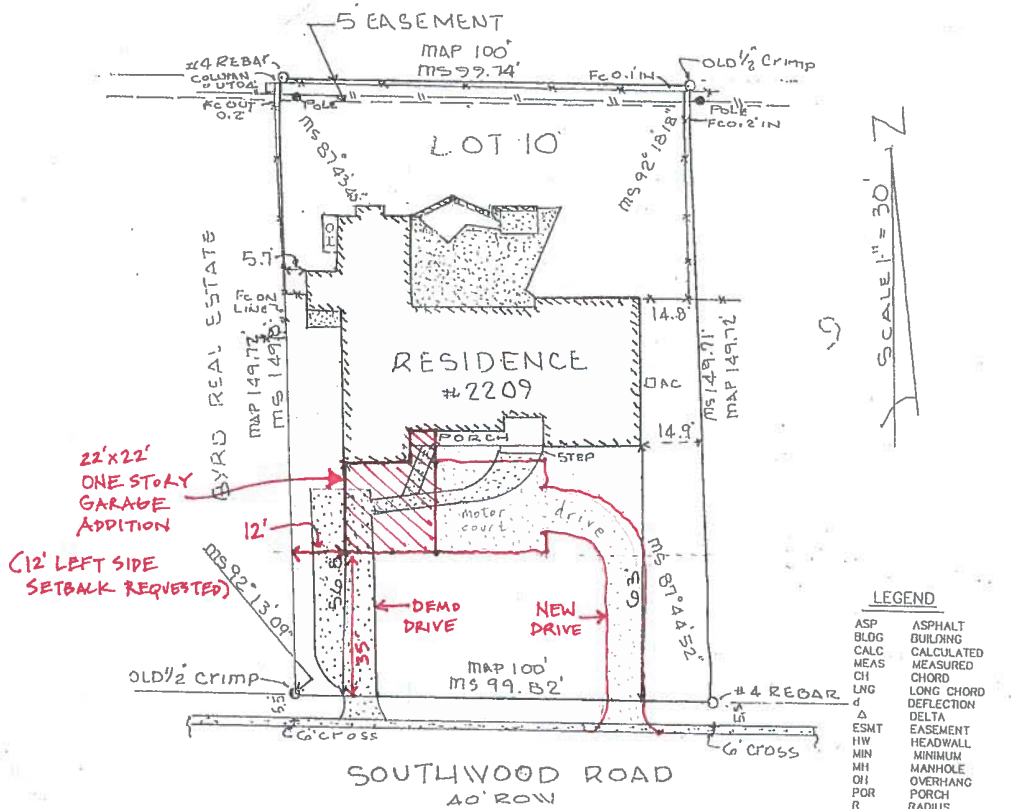
Richard Y 11/7/17  
Representing Agent (if any)/Date

Given under my hand and seal  
this 11 day of NOVEMBER, 2017.

Caroline G. Roberts  
Notary Public



My commission expires 5  
day of MAY, 2021.



\* COMPANY'S RESURVEY OF LOTS 1 TO 7 & LOTS 19 TO 24, BLOCK 14, LOTS 4 TO 18, BLOCK 21 LOT 1 TO 6 BLOK 22, LOTS 1 TO 7 & LOTS 16 TO 21, BLOCK 23 AND ALL OF BLOCK 24 BILTMORE ESTATES RECORDED IN MB BOOK 17, PAGES 59-60



STATE OF ALABAMA  
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 10 BYRD REAL ESTATE \* as recorded in Map Volume 32 Page 46 in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief according to my survey of August 19, 2017. Survey invalid if not sealed in red.

Order No.: 70236  
Purchaser: BISHOP  
Address: 2209 SOUTHWOOD ROAD

Ray Weygand, Reg. L.S. #24873  
169 Oxmoor Road Homewood, AL 35209  
Phone: (205) 942-0086 Fax: (205) 942-0087  
Copyright ©



Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angle are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial 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) Easements not shown on recorded map are not shown above.

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

Date: DECEMBER 21, 2017

- **CASE:** BZA-1217-30
- **REQUESTED ACTION:** 7' side setback variance to reduce the setback to 8' in lieu of the required 15' and for an 8' rear setback variance to reduce the setback to 22' in lieu of the required 30'
- **ADDRESS/LOCATION:** 3416 Norwich Dr.
- **APPLICANT/OWNER:** Zach & Amber Boylan
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a home addition. Applicant contends that the house is already out of compliance. The proposed addition is less than 10' away from the structure so it will need to be connected. The applicant's property is zoned Vestavia Hills R-2.
- **VESTAVIA HILLS COMPREHENSIVE 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.

BZA1217-30//28-29-4-6-2  
3416 Norwich Drive  
Side & Rear Setback Variance  
Zach & Amber Boylan

R2

BZA Application  
Revised May 5, 2016  
Page 3

## CITY OF VESTAVIA HILLS 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: Zach and Amber Boylan  
Address: 3416 Norwich Drive  
Vestavia, AL 35243  
Phone #: 205-790-5048 Other #: 205-790-2419  
E-Mail: awboylan@yahoo.com ; zboylan@me.com

#### Representing Attorney/Other Agent

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

2011-11-14

R2

**II. DESCRIPTION OF PROPERTY:**

LOCATION: 3416 NORWICH DRIVE  
*Street Address*

COVENTRY THIRD AND FOURTH SECTORS, LOT #8, BLOCK #5  
*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.  
15' front/side/rear (circle one) setback variance to reduce the setback to 8' in lieu of the required 15'.  
30' front/side/rear (circle one) setback variance to reduce the setback to 22.25' in lieu of the required 30'.  
 \_\_\_\_\_' 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 \_\_\_\_\_).

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**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).

SEE ATTACHED

**VI. OWNER AFFIDAVIT:**

## 3416 Norwich Drive Variance Application

Request to build a detached two car carport on the West side of the Principal Dwelling at 3416 Norwich Drive. Currently, the Principal Dwelling is 33'9.5" from the West Property Line and 26'3" from the Rear Property Line. The Principal Dwelling currently surpasses the Regulation Rear Setback Requirement by 3'9" creating a Hardship for any additional structures. The proposed new carport will be in line with the Primary Dwelling with a small storage unit off the back of the structure where it will encroach further onto the Rear Property Line and surpass the Regulation Setback by 7'9". Additionally, the current off-street parking for the dwelling is on the West side of the Principal Structure where there is only 33'9" from the dwelling. The current carport will be enclosed to add square footage and living space to the Primary Dwelling. Standard sizing for a two car carport dictates 22' in width leaving less than the Required Side Setback creating a Hardship for the structure to be placed on the property and not encroach on the Setback. The neighbor to the West has a corner lot so their rear property line meets the West/Side property line of 3416 Norwich Drive. There is an approximate 3' wide by 9' tall hedge separating the two properties that will be maintained and continue to add privacy between the two properties.

**BZA1217-30//28-29-4-6-2**  
**3416 Norwich Drive**  
Side & Rear Setback Variance  
Zach & Amber Boylan

R2

BZA1217-30//28-29-4-6-2  
3416 Norwich Drive  
Side & Rear Setback Variance  
Zach & Amber Boylan  
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.

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this 20 day of November, 2017.



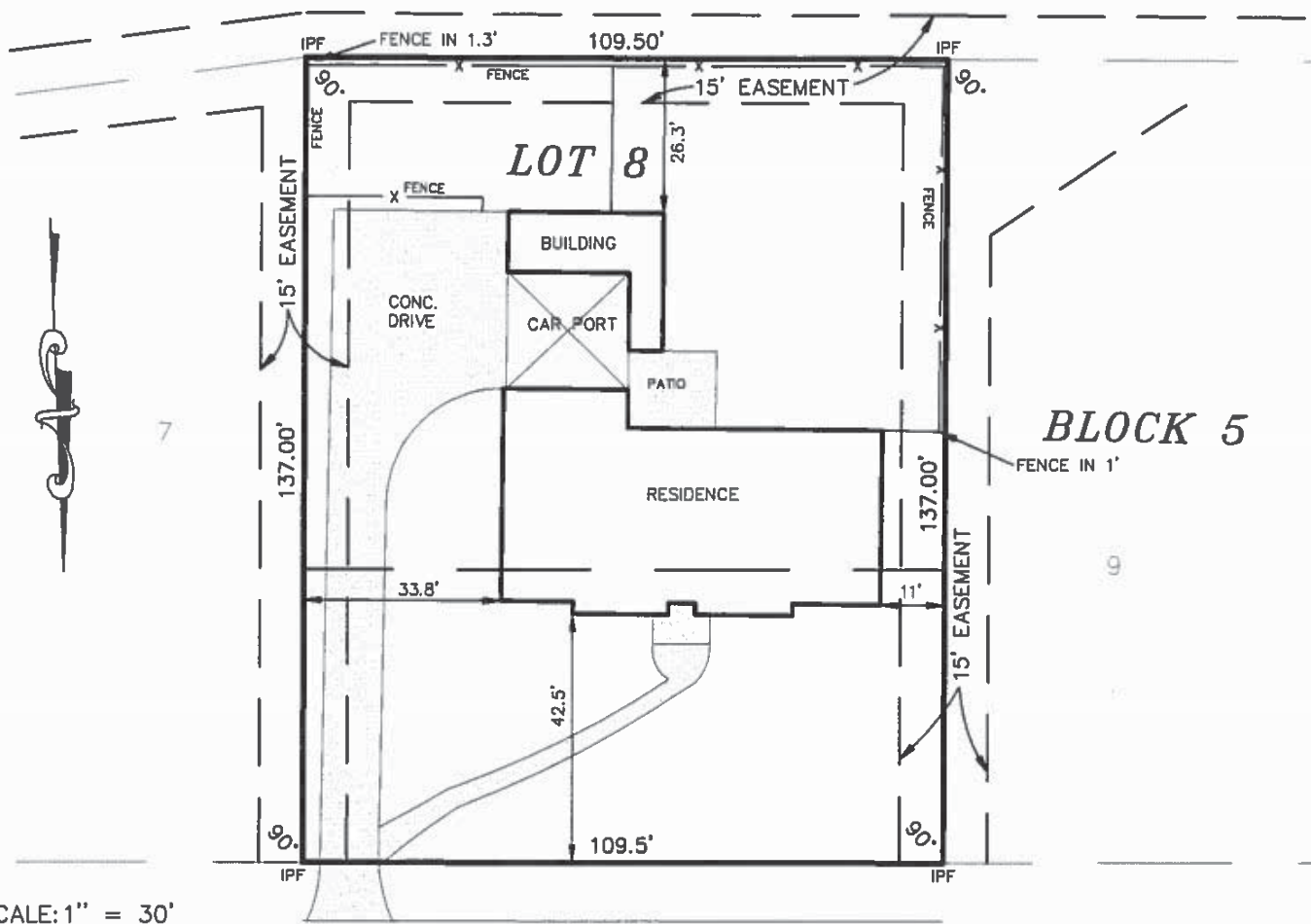
Notary Public

My commission expires March 17, 2018  
day of \_\_\_\_\_, 20\_\_\_\_.





REYNOLDS SURVEYING CO., INC.  
 Surveying - Land Planning

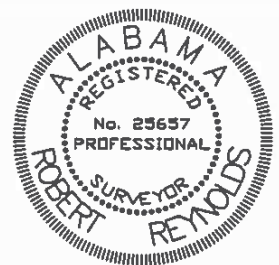


SCALE: 1" = 30'

- LEGEND**
- UTILITY POLE
  - Y— GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - X— FENCE
  - OE— OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET

NORWICH DRIVE

50' R.O.W.



STATE OF ALABAMA \_\_\_\_\_  
 JEFFERSON COUNTY \_\_\_\_\_

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 8, Block 5, of COVENTRY THIRD AND FOURTH SECTORS, as recorded in Map Book 85, Page 43 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 20 th day of September, 2017.

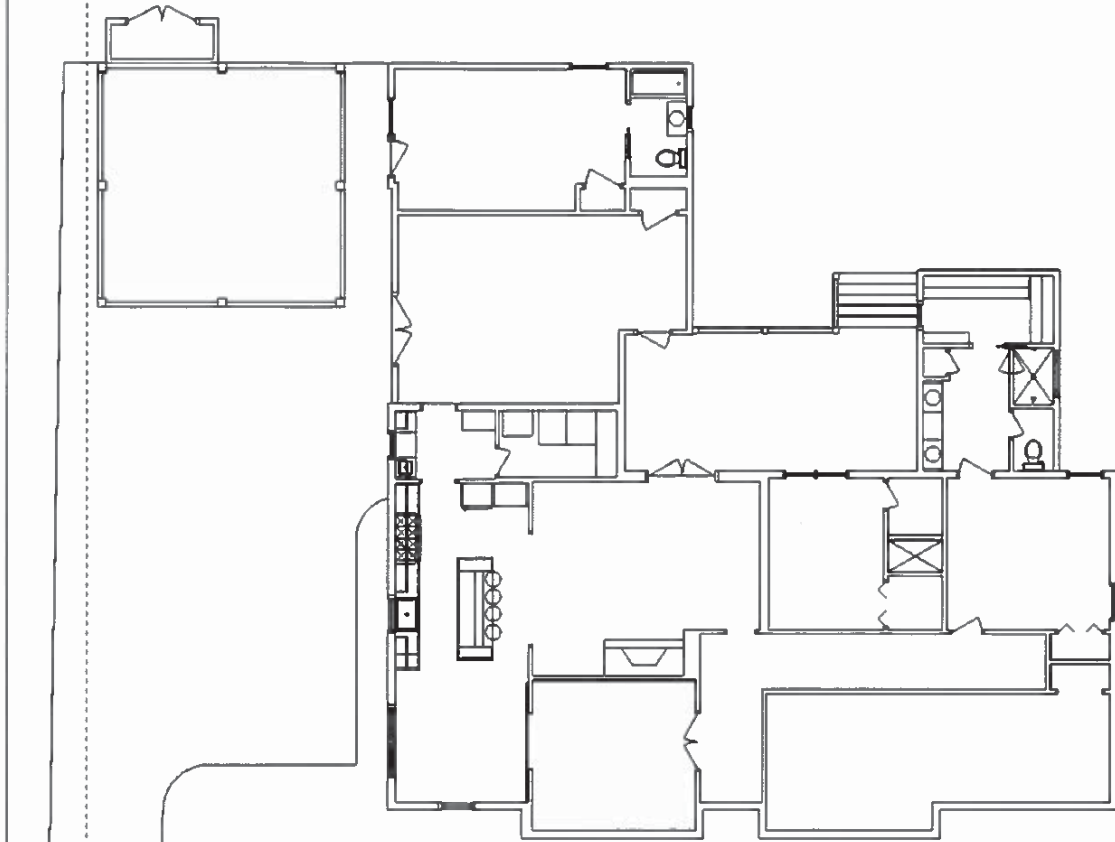
NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Boylan  
 Address: 3416 Norwich Dr.

*Robert Reynolds*  
 Req. No. 25657

# FLOORPLAN

SCALE: 1/16" = 1'0"



11.20.2017

PG. 01

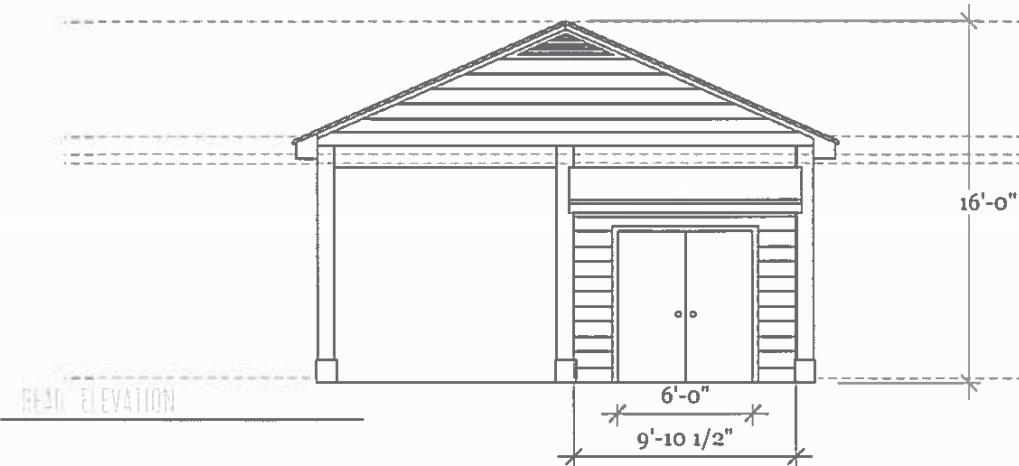
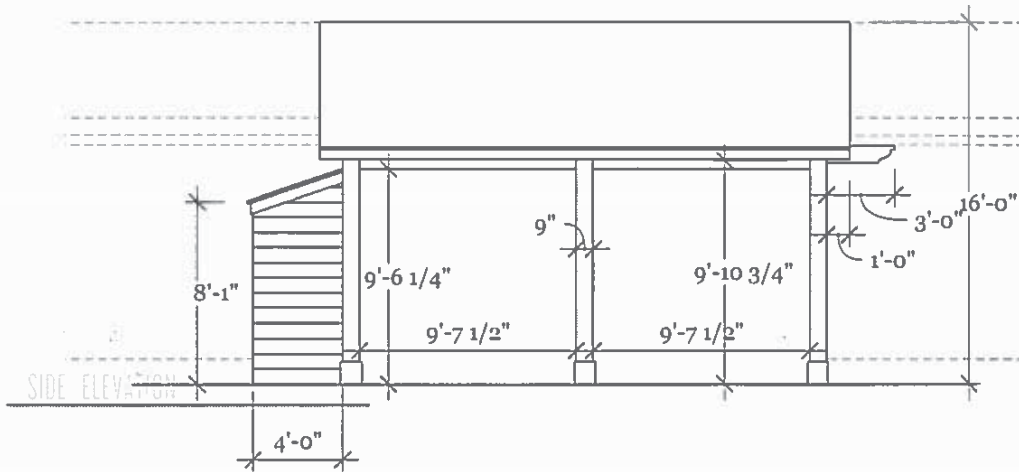
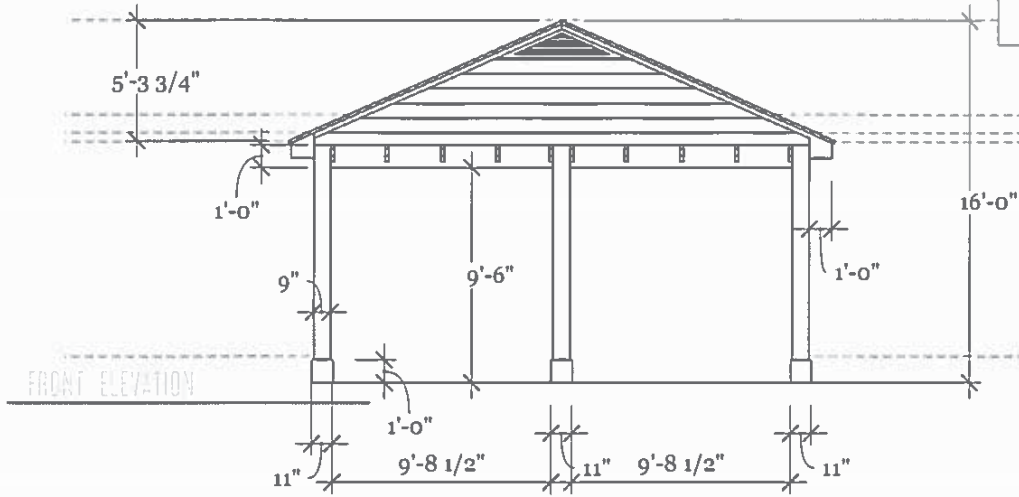
## BOYLAN CARPORT

3416 NORWICH DRIVE VESTAVIA, AL 35216



# ELEVATIONS

SCALE: 1/8" = 1'0"



11.20.2017

PG. 02

## BOYLAN CARPORT

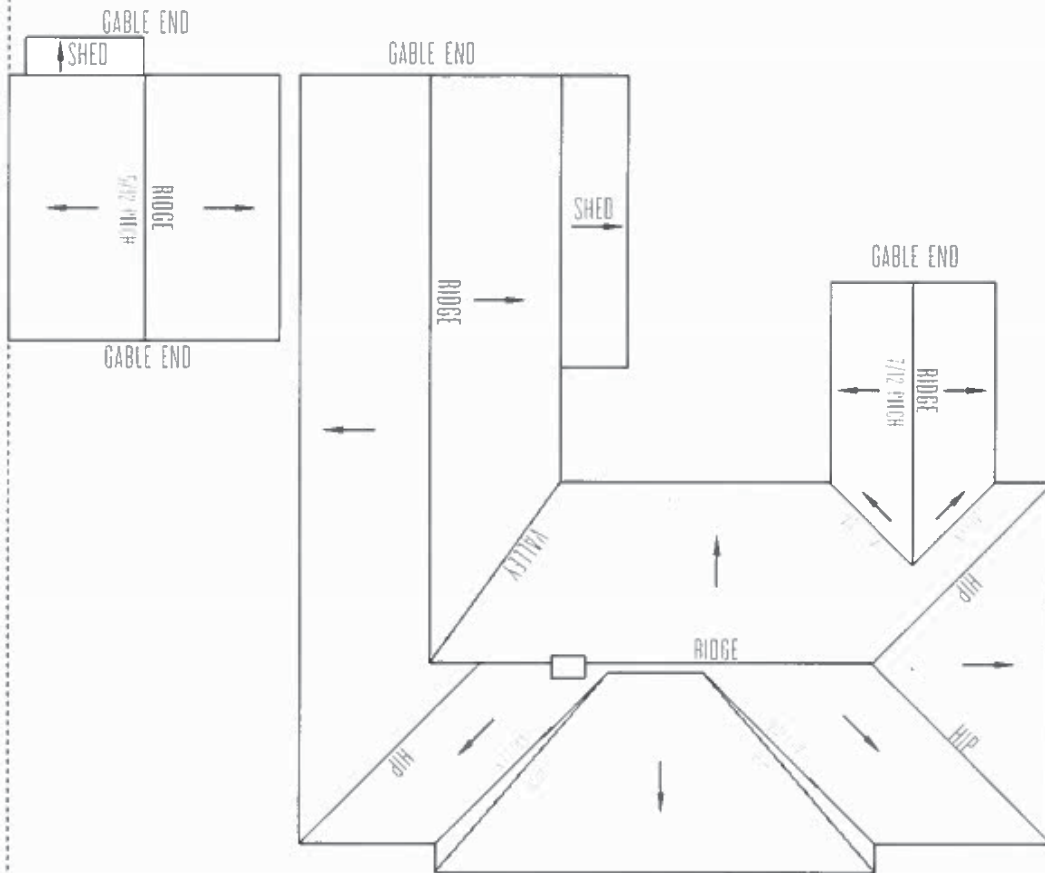
3416 NORWICH DRIVE VESTAVIA, AL 35216



# ROOF PLAN

SCALE: 1/16" = 1'0"

REAR



FRONT

11.20.2017

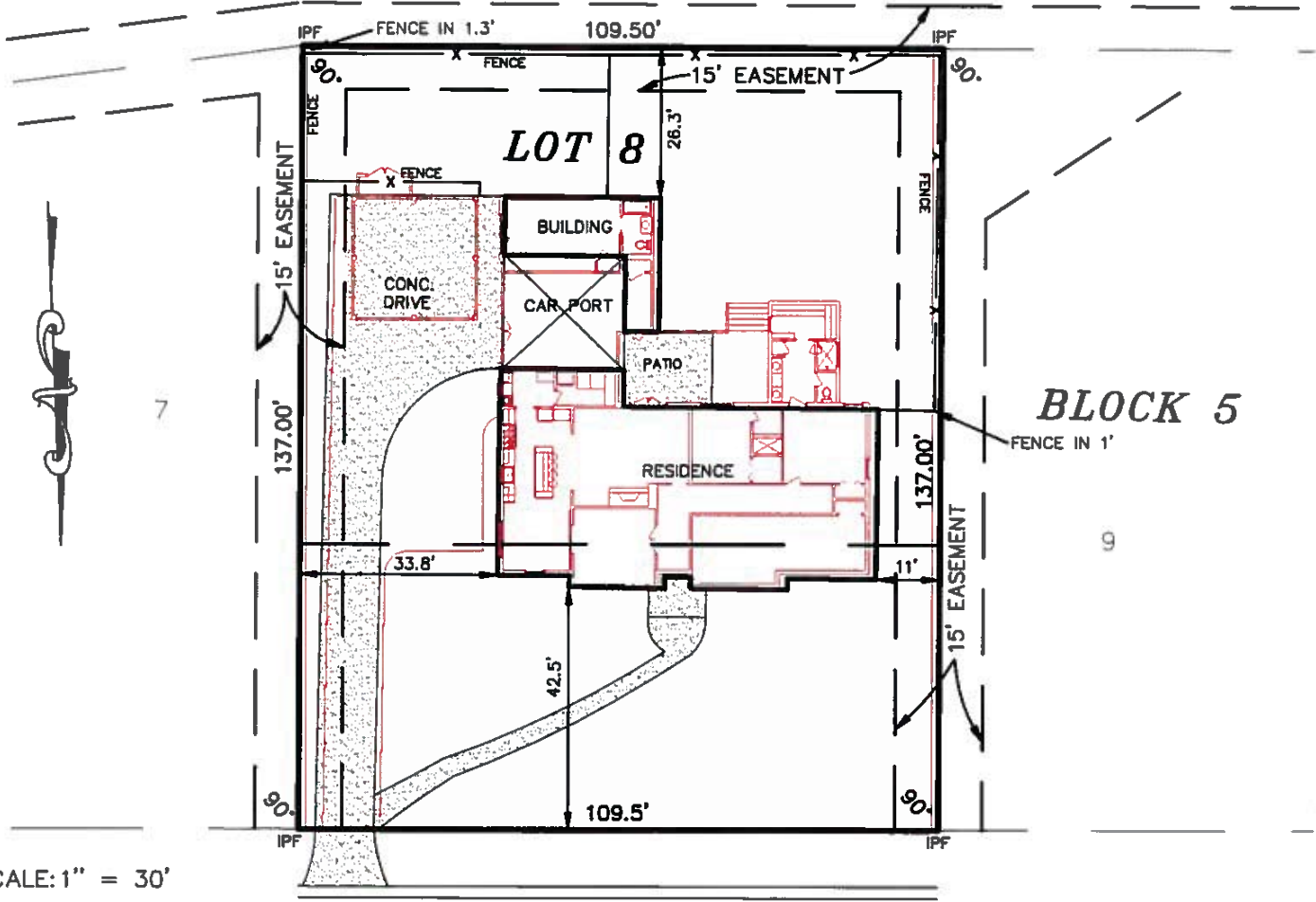
PG. 03

## BOYLAN CARPORT

3418 NORWICH DRIVE VESTAVIA, AL 35216



**REYNOLDS SURVEYING CO., INC.**  
*Surveying - Land Planning*



SCALE: 1" = 30'

- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - RETAINING WALL
  - CONCRETE
  - X- FENCE
  - OE- OVERHEAD ELECTRICAL
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET

**NORWICH DRIVE**

50' R.O.W.



STATE OF ALABAMA  
 JEFFERSON COUNTY

"CLOSING SURVEY"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 8, Block 5, of COVENTRY THIRD AND FOURTH SECTORS, as recorded in Map Book 85, Page 43 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments on over or across said lands except as shown. According to my survey this the 20 th day of September, 2017.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.

Owner: Boylan  
 Address: 3416 Norwich Dr.

*Robert Reynolds*  
 Reg. No. 25657

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

Date: DECEMBER 21, 2017

- **CASE:** BZA-1217-31
- **REQUESTED ACTION:** Variance For a Fence In the Front Yard
- **ADDRESS/LOCATION:** 2501 Old Oak Ln.
- **APPLICANT/OWNER:** Derrick Duke
- **GENERAL DISCUSSION:** Applicants are seeking a variance for a fence in the front yard. Applicant contends that the corner lot causes a hardship. The applicant's property is zoned Vestavia Hills R-2.
- **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.

BZA1217-31//28-32-1-5-16  
2501 Old Oak Lane  
Variance for a fence  
Derrick Duke

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.

---

### **I. APPLICANT INFORMATION:**

#### **Owner of Property (This Section Must Be Completed)**

Name: Derrick Duke  
Address: 2501 Old Oak Ln  
Vestavia, AL 35243  
Phone #: 205-361-9440 Other #: 205-542-4504  
E-Mail: d Dukeua@gmail.com

#### **Representing Attorney/Other Agent**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Other #: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

---

**II. DESCRIPTION OF PROPERTY:**

LOCATION: 2501 Old Oak Ln Vestavia, AL 35243  
*Street Address*

Countrywood, Lot 110, SW Corner of Old Oak Ln and Whetstone Rd  
*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 \_\_\_\_\_).

A request to permit the side of a backyard fence to be built 15' over the 40' building line on the Whetstone Rd side of the property since this is a corner lot. It would be installed 25' from the rd.

**IV. ZONING**

Vestavia Hills Zoning for the subject property is R2 (OF).

**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).**

If the side of a backyard fence is installed on the 40' front building line along Whetstone Rd, the fence will cross directly through an existing tree bed and between two large trees. In order to avoid this, the fence would have to be moved to the inside or outside of said tree bed as the trees are very large. If moved inside, the utilization of our backyard property is severely hindered due to sectioning off a large portion of our property. In order to avoid this, and to improve aesthetics (from the road), we propose installing the fence line 25' from the road as seen in the proposal drawing. Also, due to this being a corner lot, the front building line from Whetstone Rd actually runs through the backyard of the property.


**VI. OWNER AFFIDAVIT:**




BZA1217-31//28-32-1-5-16  
2501 Old Oak Lane  
Variance for a fence  
Derrick Duke 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.

 11/20/17  
Owner Signature/Date Representing Agent (if any)/date

Given under my hand and seal  
this 20~~th~~ day of NOVEMBER, 2017.

  
Notary Public  
My commission expires 8TH  
day of NOV, 2018.



City of Vestavia Hills

Board of Zoning Adjustment

To Whom It May Concern:

It was brought to my attention by Mr. Derrick Duke that after applying to the City of Vestavia Hills for a permit to build a fence in their back yard, it was necessary to apply for a variance in order to receive the necessary permit to install the fence in the proposed location. This proposed location includes the fence crossing the front building line along Whetstone Rd which is located 40' from the street. This proposed fence location will remain within the confines of the Duke's backyard while maintaining a generous distance from the road. Mr. Duke informed me of the location of the fence in person, including where the corner posts would be. After reviewing the proposed path and considering that the back side of our properties meet, this fence will have no effect on my property nor my existing fence.

All things considered, I see no reason as to why a permit would not be granted in order to build a fence in the proposed location. I also told Mr. Duke in person that I agreed with the fence location before he proceeded with a fence contractor.



Michael & Judy Wade

3400 Water Oak Dr.

Vestavia, AL 35243

(Backyard neighbors to The Duke's at 2501 Old Oak Ln)

(205) 531-4978



# City of Vestavia Hills, Alabama Residential Building Permit Application

DATE SUBMITTED
PERMIT NO.

LOCATION OF PROJECT	SUBDIVISION	LOT	PARCEL ID #	ZONING
2501 Old Oak Lane	Countrywood	110		

TYPE OF IMPROVEMENT	DESCRIPTION OF WORK
<input type="checkbox"/> BN - New Building <input type="checkbox"/> BA - Building Addition <input type="checkbox"/> BR - Building Renovation <input type="checkbox"/> BR2 - Roofing/Siding <input type="checkbox"/> BD - Demolition <input type="checkbox"/> FD - Foundation Only <input type="checkbox"/> MO - Moving <input checked="" type="checkbox"/> FE - Fence <input type="checkbox"/> RW - Retaining Wall <input type="checkbox"/> Window Replacement <input type="checkbox"/> AS - Accessory Structure <input type="checkbox"/> Other _____	Install 320' of Exposed Post privacy 6' tall w/ 2 single gates + 2 double gates

I hereby certify the following information and agree to provide addendum prior to final inspection

ELECTRICIAN \_\_\_\_\_ \$ \_\_\_\_\_

PLUMBER \_\_\_\_\_ \$ \_\_\_\_\_

GAS FITTER \_\_\_\_\_ \$ \_\_\_\_\_

MECHANICAL \_\_\_\_\_ \$ \_\_\_\_\_

IRRIGATION \_\_\_\_\_ \$ \_\_\_\_\_

FIRE SPRINKLER \_\_\_\_\_ \$ \_\_\_\_\_

OTHER Fence \$ 5200.00

IS THE PROPERTY LOCATED IN THE FLOOD PLAIN?  
 Yes  No

SELECTED CHARACTERISTICS OF BUILDING		
<b>PRINCIPAL TYPE OF FRAME</b> <input type="checkbox"/> Masonry <input checked="" type="checkbox"/> Wood Frame <input type="checkbox"/> Structural Steel <input type="checkbox"/> Reinforced Steel	<b>TYPE OF SEWAGE DISPOSAL</b> <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Septic Tank <b>PRINCIPAL TYPE OF HEAT</b> <input type="checkbox"/> Electric <input type="checkbox"/> Gas	<b>DIMENSIONS</b> _____ # of stories _____ Height of structure _____ Total SF of all floors based on exterior dimensions _____ Total land area in SF _____ # of Bedrooms _____ # of Full Baths _____ # of Half Baths _____ # of Fireplaces

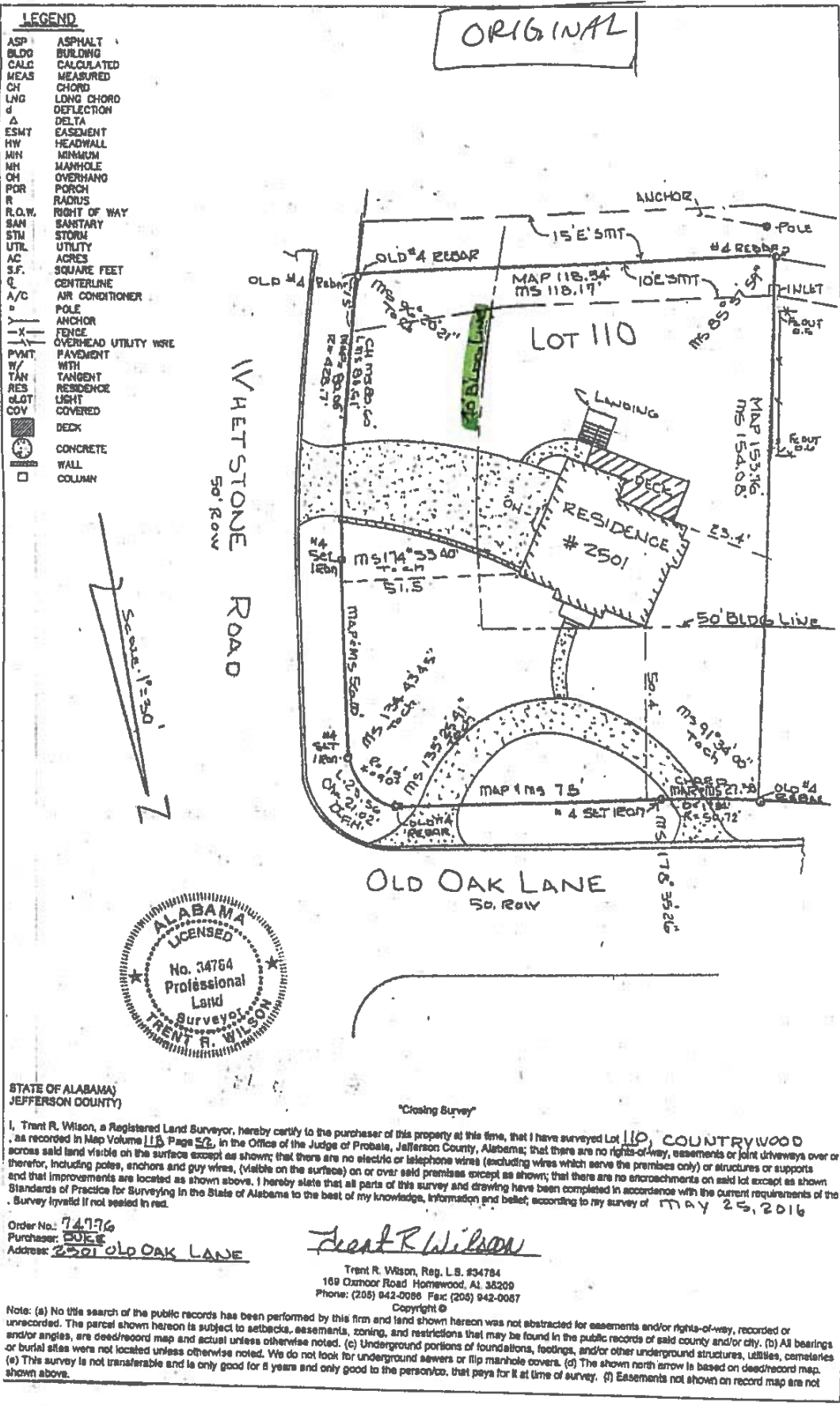
IDENTIFICATION - To be completed by applicants				
	NAME	MAILING ADDRESS	ZIP CODE	TELEPHONE
OWNER	Derrick Duke	2501 Old Oak Lane	35243	361-9440
CONTRACTOR	Shelby Fence Co	1022 Grande View Pass.	35111	OFFICE: 1064-1551 CELL: 1064-1551
ARCHITECT	Same as above			

I HEREBY CERTIFY: THAT I HAVE READ THIS APPLICATION AND ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT; THAT I AGREE TO COMPLY WITH ALL CITY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION; THAT I AM THE OWNER OR CONTRACTOR TO ACT AS THE OWNER'S AGENT FOR THE HEREIN DESCRIBED WORK; AND, THAT THE TOTAL CONTRACT OR VALUATION IS:

CONTRACT COST \$ 5200.00 NAME OF COMPANY Shelby Fence Co LICENSE # \_\_\_\_\_

DATE 11/17/17 SIGNATURE Danielle Strunk PRINT NAME Danielle Strunk  
By Owner or Contractor

FOR OFFICE USE ONLY		
PLANS EXAMINER _____ <small>INITIALS DATE/TIME REVIEWED</small> NOTES _____ _____ _____	ZONING DESIGNATION _____ SETBACKS: Front _____ Rear _____ Left Side _____ Right Side _____ VARIANCE CASE: NUMBER _____ DATE _____	Finished 1st Floor _____ Finished 2nd Floor _____ Finished Basement _____ Unfinished Basement _____ Main Level Garage _____ EVALUATION _____ PERMIT FEE _____ PLAN REVIEW FEE _____



**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
C	CENTERLINE
A/C	AIR CONDITIONER
o	POLE
Y	ANCHOR
-X-	FENCE
— —	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W	WITH
TAN	TANGENT
RES	RESIDENCE
LGT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
□	WALL
□	COLUMN



STATE OF ALABAMA  
JEFFERSON COUNTY)

"Closing Survey"

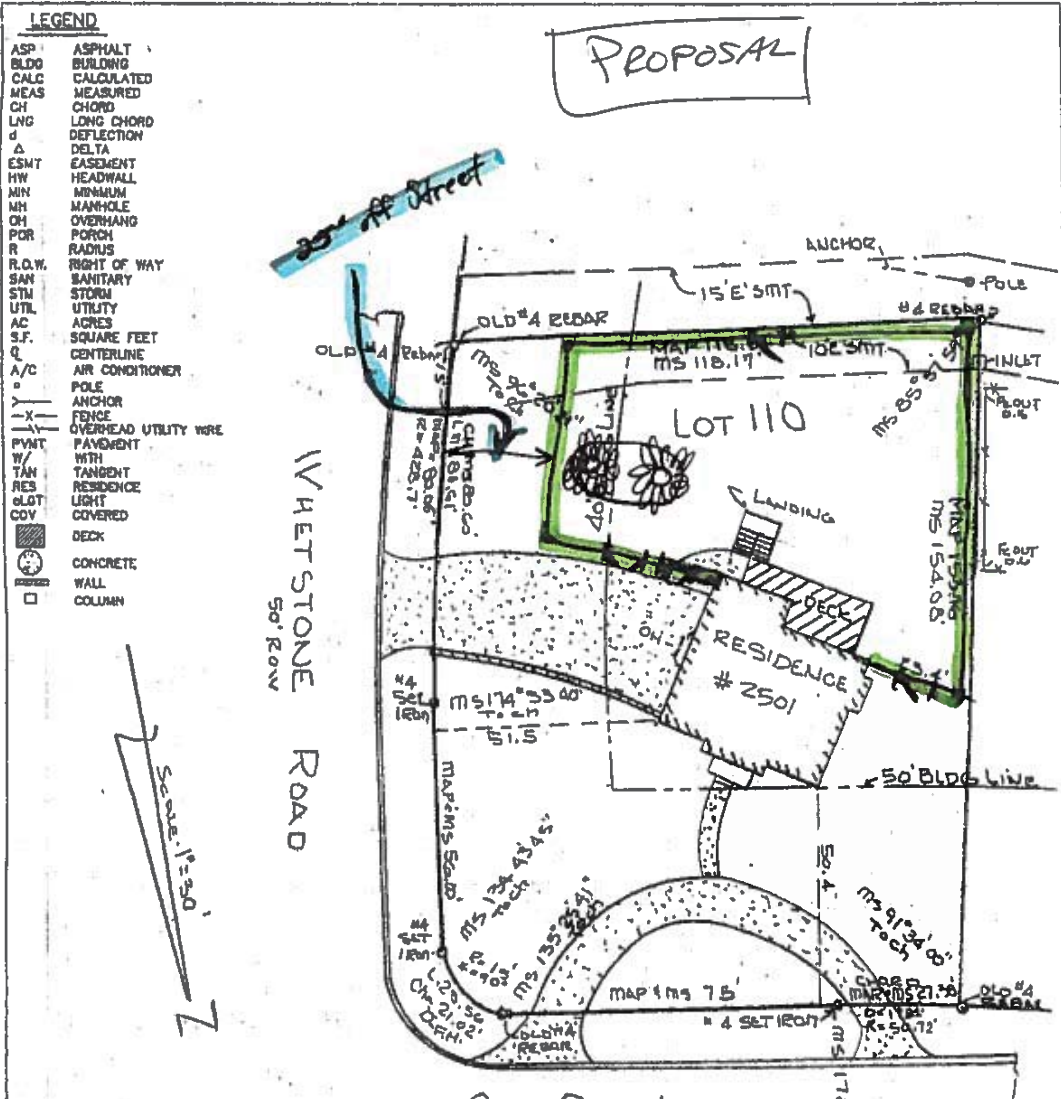
I, Trent R. Wilson, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 110, COUNTRYWOOD as recorded in Map Volume 118 Page 52, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of May 25, 2016. Survey invalid if not posted in red.

Order No: 74776  
Purchaser: BOLE  
Address: 2501 OLD OAK LANE

*Trent R. Wilson*

Trent R. Wilson, Reg. L.S. #34784  
189 Ozmoor Road, Homewood, AL 36209  
Phone: (205) 842-0086 Fax: (205) 842-0087  
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, 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 foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 5 years and only good to the person/ta. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.



**LEGEND**

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LNG	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESWT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
C	CENTERLINE
A/C	AIR CONDITIONER
o	POLE
—X—	ANCHOR
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oLOT	LIGHT COVERED
COV	COVERED
■	DECK
○	CONCRETE
□	WALL
□	COLUMN

**PROPOSAL**



STATE OF ALABAMA  
JEFFERSON COUNTY

"Closing Survey"

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Order No: 74776  
Purchaser: BOE  
Address: 2501 OLD OAK LANE

*Trent R. Wilson*

Trent R. Wilson, Reg. L.S. #34784  
109 Oakmoor Road, Homewood, AL 35209  
Phone: (205) 842-0080 Fax: (205) 842-0087  
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Estimate / Invoice

# Shelby

FENCE COMPANY  
Est. 1989

23761

Email: [Shelbyfence@gmail.com](mailto:Shelbyfence@gmail.com)

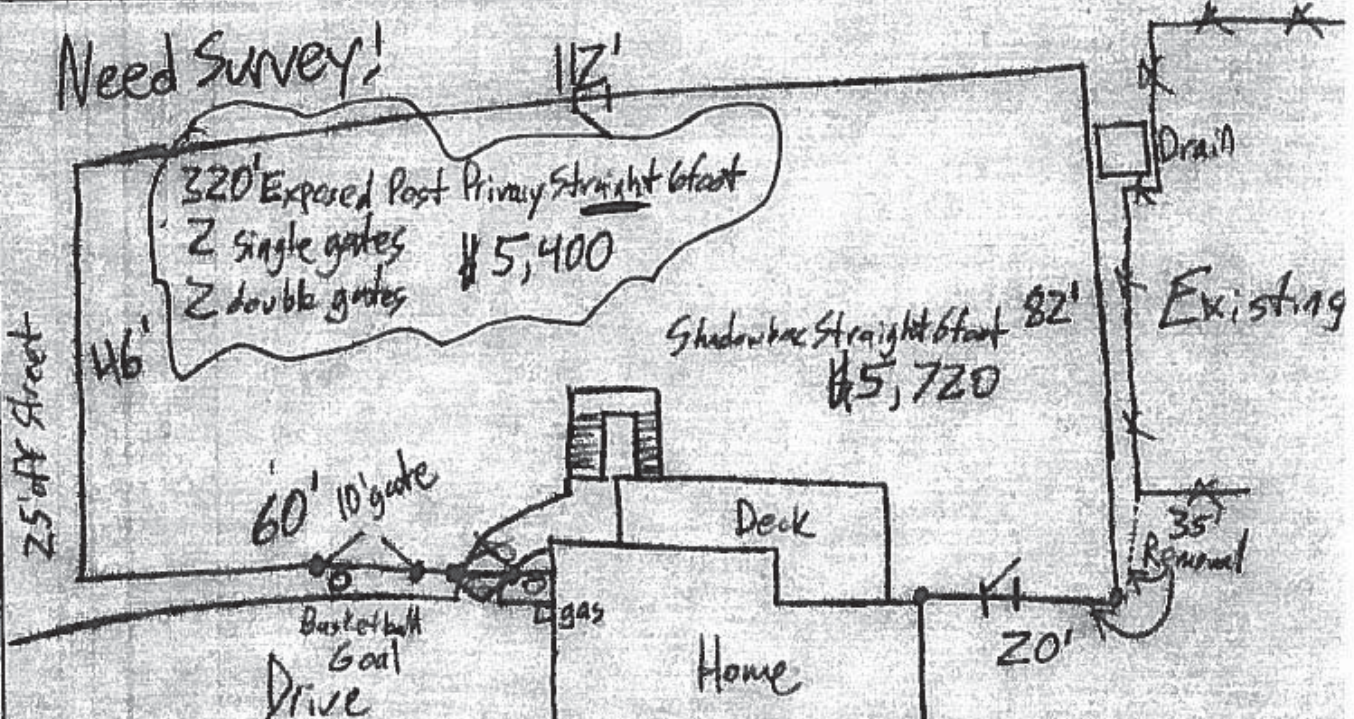
Phone: (205) 664-1551

Fax: (205) 664-1519

[www.Shelbyfencecompany.com](http://www.Shelbyfencecompany.com)

Send Payment to  
PO Box 2131  
Alabaster, AL 35

BUYER <i>Deinck Duke</i>	PHONE <i>205 301-9410</i>	DATE <i>11/7/17</i>
STREET <i>2501 Old Oak Lane</i>	JOB NAME	
CITY, STATE AND ZIP CODE <i>Vestavia AL 35243</i>	JOB LOCATION <i>COUNTRYWOOD</i>	
P.O.# <i>Corner Lot</i>	JOB PHONE	



It is the responsibility of the purchaser to obtain any required permits prior to fence being erected. For warranty to be valid, the fence installation must be visible and adhered to the fence.

Unauthorized or unauthorized use from the manufacturer will never damage against insects and rot. It is a common occurrence for rot to be caused by water and soil, which is not covered under warranty.

Manufacturer is responsible for damage done by insects, rot or other factors associated with fence.

Manufacturer will not be responsible for damage done by animals, birds, dogs or other animals.

Under conditions of this warranty, the installer will provide and equipment to drill post holes under normal conditions only. Any additional cost of labor or the rental of additional equipment to provide post holes through solid rock, concrete or any other material or material, in or on top of the ground will be at extra cost billed solely by the purchaser.

Manufacturer will not assume responsibility for property line location. Fence will be erected where purchaser shows and best interest shall prevail.

Installer will not be responsible for fence on property not belonging to purchaser unless all parties are in agreement.

All materials installed at location will be for construction of fence however property of purchaser at the time of installation.

The purchaser assumes all responsibility for theft or malicious acts against work materials.

Unless specifically stated, a fence installation is not guaranteed to be "dog-proof". Buyer may have to take steps to prevent damage to fence.

All material is guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra work will be accounted only upon written orders, and will involve an extra charge over the above estimate. All specifications are contingent upon storms, additional or delays beyond our control.

**LATE PAYMENTS:** If a payment is 30 days late, you will be charged 8% of the payment or \$10.00, whichever is greater, not to exceed \$100.00.

**ATTORNEY AND COLLECTION FEES:** If the purchaser fails to pay amount due within 30 days of the date of completion of the project, the purchaser agrees to pay all costs of collection and enforcement, including reasonable attorney's fees not exceeding 15% of the unpaid balance, after default or judgment, whichever is first, and referral to an attorney not a selected employee of Shelby Fence Company, insofar as that is at highest interest rate, allowable by Alabama law.

We will hereby furnish materials and labor complete in accordance above specifications, for the sum of:

\$ 5400.00 ) Amount Due To Be Paid As For

- 200.00 - Coupon + Match

**\$ 5200.00 Total**

Authorized Signature/ Title *Chris*

Acceptance: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: *11/14 12/18 wlk*

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

*Sooner if possible!! Sending Sunday*

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

Date: **DECEMBER 21, 2017**

- **CASE:** BZA-1217-32
- **REQUESTED ACTION:** 2' side setback variance to reduce the setback to 13'  
in lieu of the required
- **ADDRESS/LOCATION:** 3148 Woodhaven Dr.
- **APPLICANT/OWNER:** Fred A. Nelson III
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a home addition. Applicant contends that the septic system causes a hardship. The applicant's property is zoned Vestavia Hills R-2.
- **VESTAVIA HILLS COMPREHENSIVE 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.

CL... ..ILLS  
**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.

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**I. APPLICANT INFORMATION:**

**Owner of Property (This Section Must Be Completed)**

Name: FRED A. NELSON III

Address: 3148 WOODHAVEN DRIVE  
VESTAVIA, AL, 35243

Phone #: 205.368.1415 Other #: 205.368.7956

E-Mail: FREDDEE@NELSONGLASS.COM

**Representing Attorney/Other Agent**

Name: JAMES CLAYTON

Address: 3028 LA HAVEN GLEN  
VESTAVIA, AL, 35243

Phone #: 205.492.7047 Other #: \_\_\_\_\_

E-Mail: ABODE.JC@GMAIL.COM

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**II. DESCRIPTION OF PROPERTY:**

LOCATION: 3148 WOODHAVEN DRIVE  
Street Address

DOLLY RIDGE ACRES, 1<sup>ST</sup> ADDITION, LOT 15, BLOCK 3, MAP BOOK 45 PAGE 84  
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 \_\_\_\_\_'.  
2' front/side/rear (circle one) setback variance to reduce the setback to 13' in lieu of the required 15'.
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 R2 (OK)

**V. HARSHIP**

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 ORIGINAL DRAWINGS REQUIRED 4 LARGE HEALTHY TREES TO BE REMOVED.  
THE SEPTIC TANK WAS ALSO A BIT CLOSE.  
NEED THE EXTRA WIDTH TO ALLOW FOR ADDITIONAL PARKING UNDER  
THE PROPOSED ADDITION. 12'2" MADE FOR A TIGHT FIT THROUGH  
GARAGE DOOR.  
LASTLY, IT JUST LOOKS BETTER TO HAVE THE ADDITION OFFSET  
AS OPPOSED TO A 55' LONG 2 STORY WALL.

**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.

*Fred Nelson III*

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this 21<sup>st</sup> day of November, 2017.

*Kay Russon*

Notary Public

My Commission Expires

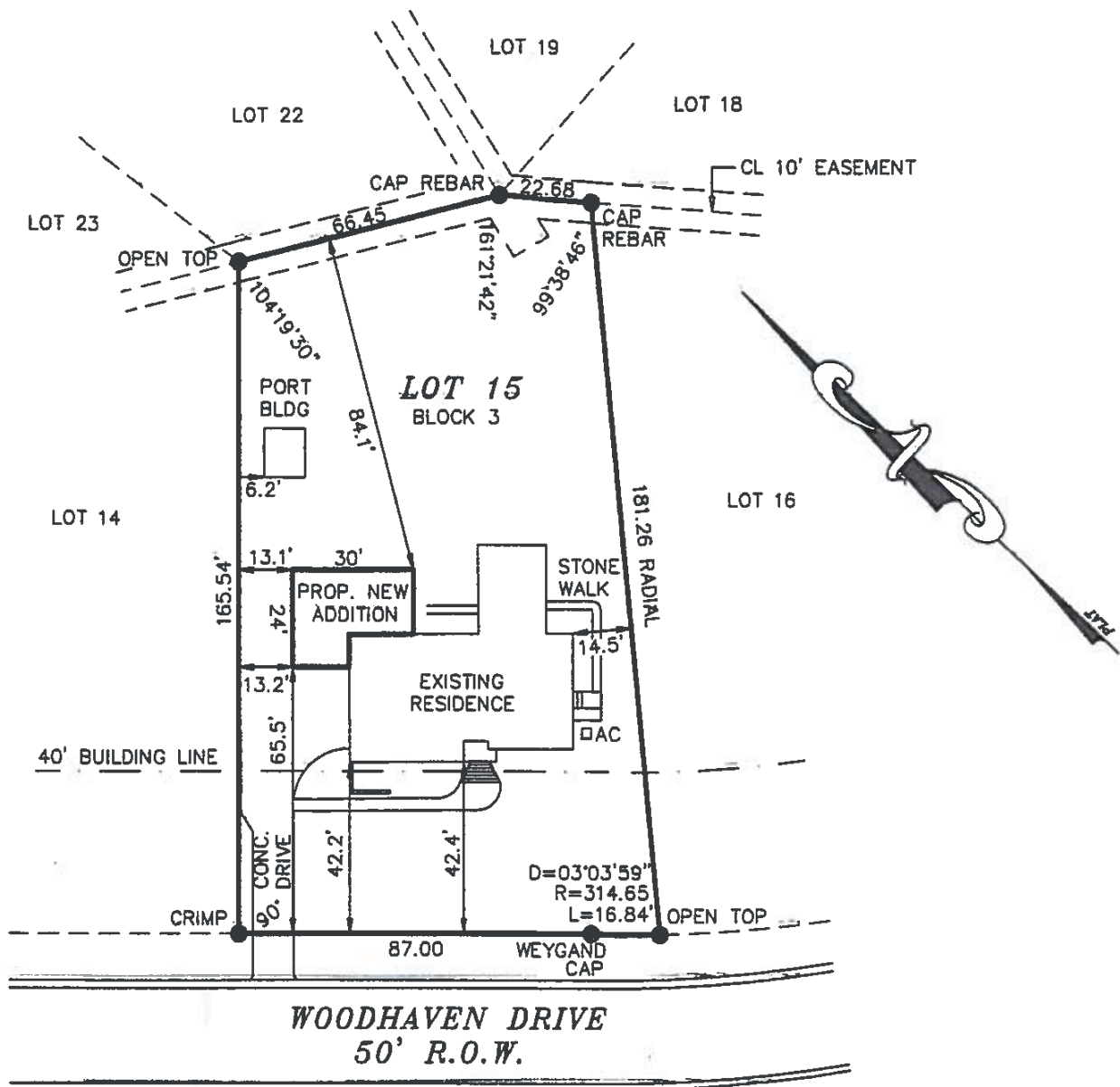
My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

November 8, 2020



BZA1217-32//28-22-3-6-27  
3148 Woodhaven Drive  
Side Setback Variance  
Fred A. Nelson, III

R2



**PLOT PLAN**  
**NEW ADDITION**

Lot 15, Block 3 of Dolly Ridge Acres, 1st Addition, as recorded in Map Book 45, Page 84, in the Office of the Judge of Probate of Jefferson County, Alabama.



LEGEND	
○	1/2" REBAR SET
●	IRON PIN FOUND
—	R.O.W.
—	RIGHT-OF-WAY
—	NOT TO SCALE
—	UTILITY POLE
—	OVERHEAD UTILITIES
(M)	FIELD MEASURED
(P)	PLAT / RECORDED MAP
▢	COVERED DECK/PORCH
▨	DECK/PORCH

JOB NO. 17484  
 DATE 11/21/17 DATE OF FIELD SURVEY 11/17/17  
 ADDRESS 3148 Woodhaven Drive SCALE 1" = 40'  
 DRAWN BY H. LETTS CHECK BY R.Y.S.

**RODNEY SHIFLETT SURVEYING**  
 P.O. BOX 204  
 COLUMBIANA, ALABAMA 35051  
 TEL. 205-669-1205 FAX. 205-669-1298