

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
JANUARY 18, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: December 21, 2017.

- (1) **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.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

DECEMBER 21, 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
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 November 16, 2017 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of November 16, 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

VARIANCE FOR FENCE IN FRONT YARD

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.

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.

Walter Scott explained the request and stated the fence was needed to end a property dispute.

Mr. Ponder asked Mr. Scott what his hardship was.

A discussion ensued on what is or isn't a hardship.

Mr. Scott asked to postpone the case to review the matter.

Case Postponed.

FRONT & SIDE SETBACK VARIANCES

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.

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.

Richard Long explained the request and stated the house is already out of compliance.

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 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' for the property at 2209 Southwood 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

SIDE & REAR SETBACK VARIANCES

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.

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. He stated the addition needed to be attached with a roof.

Zach Boylan explained the request and stated the house is already out of compliance and had no problem connecting the addition with a roof.

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 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’ with the condition that the addition be connected by a roof for the property at 3416 Norwich Dr. was made by Mr. Jones and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

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

VARIANCE FOR FENCE IN FRONT YARD

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.

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. He stated the addition needed to be attached with a roof.

Lindsay Duke explained the request and stated the house is on a corner lot.

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 Variance For a Fence In the Front Yard for the property located at 2501 Old Oak Ln. 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. Ponder – yes
Mr. Rice – yes	
Motion carried.	

SIDE SETBACK VARIANCE

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.

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.

James Clayburn explained the request and stated the septic system 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 2’ side setback variance to reduce the setback to 13’ in lieu of the required 15’ for the property at 3148 Woodhaven Dr. 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. Griffo – yes
Mr. Gower – yes	Mr. Ponder – yes
Mr. Rice – yes	
Motion carried.	

Conrad Garrison
City Planner

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

Date: JANUARY 18, 2018

- **CASE:** BZA-0118-01
- **REQUESTED ACTION:** 6' side setback variance to reduce the setback to 9' in lieu of the required 15'
- **ADDRESS/LOCATION:** 1216 Wickford Rd.
- **APPLICANT/OWNER:** Drew & Sarah Stevens
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a home addition. Applicant contends that the house was built under old codes and 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: DREW AND SARAH STEVENS

Address: 1216 WICKFORD ROAD
35214

Phone #: 256-683-0816 Other #: 205-963-7514

E-Mail: WStevens@bobs21.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 216 WICKFORD ROAD, 35216
Street Address
LOT 8 BLOCK 5 VESTHAVEN
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.
5.4 ' front side / rear (circle one) setback variance to reduce the setback to 9.6 ' in lieu of the required 15 ' .
_____ ' 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-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 LOCATION OF THE EXISTING HOME IS NON-CONFORMING ACCORDING TO THE CURRENT ZONING ORDINANCE (5.3 R-2), SO TO ENLARGE THE CURRENT GARAGE PARKING WE RESPECTFULLY REQUEST A VARIANCE TO THE RIGHT SIDE SETBACK.

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.

Jayal D. Hester 12.18.17
Owner Signature/Date

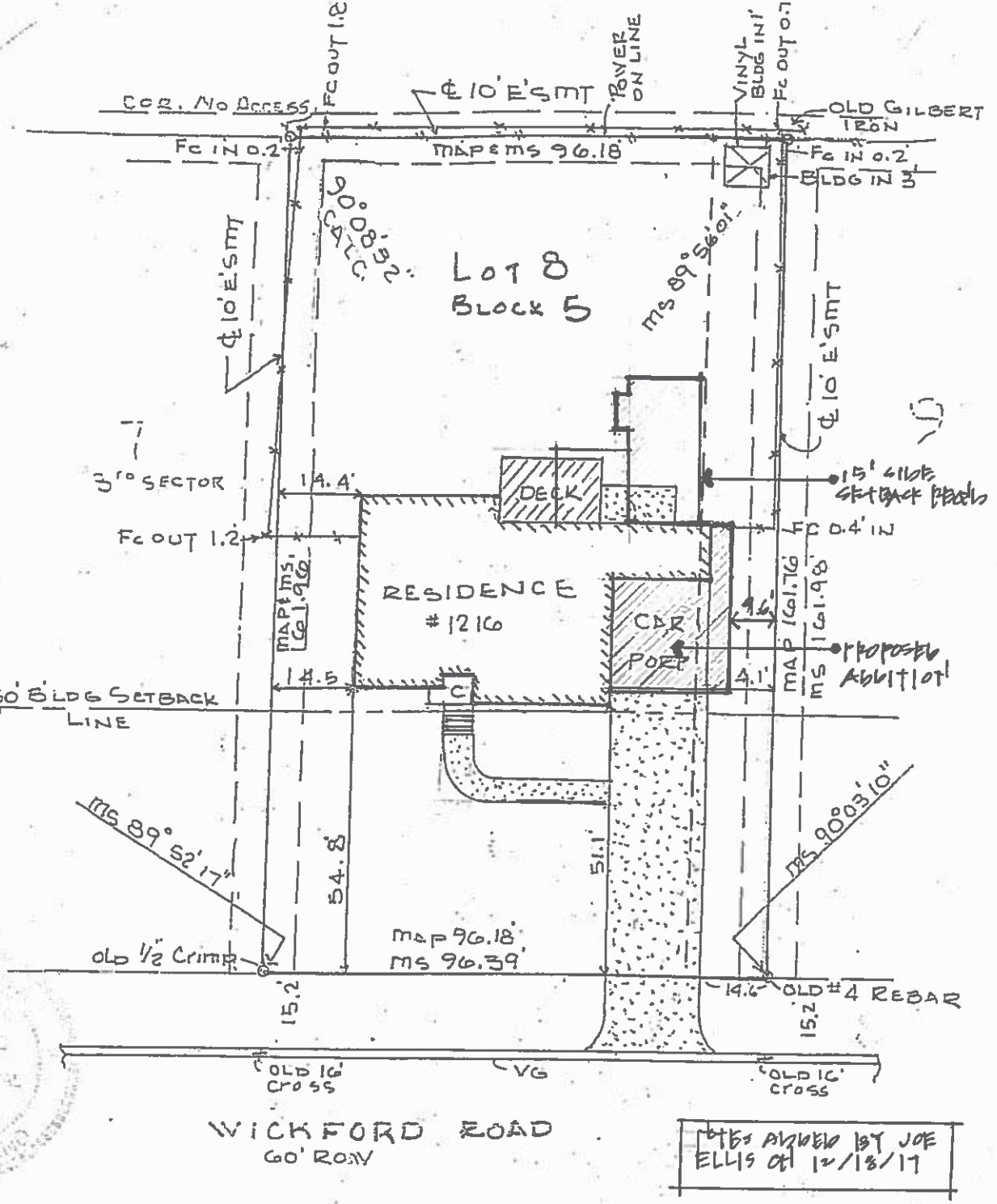
Representing Agent (if any)/date

Given under my hand and seal
this 18th day of December 2017.

Judith J. Amstutz
Notary Public
My commission expires 18th
day of November, 2017.

LEGEND

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT 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
- CL CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X- FENCE
- OVERHEAD UTILITY
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▬ WALL
- COLUMN



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

* FIRST SECTOR *

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 8 Block 5 VESTHAVEN as recorded in Map Volume 45 Page 38 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 JULY 18, 2017. Survey Invalid if not sealed in red.

Order No: 70023
Purchaser:
Address: 1216 WICKFORD RD

[Signature]
Ray Weygand, Reg. L.S. #24973

169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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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 of 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.