

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
JUNE 21, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: May 17, 2018.

- (1) **BZA-0518-09** Suzanne Pizzitola is requesting **Front & Side Setback Variances and a variances to reduce lot and lot width** for the property located at **2118 Hickory Rd.** The purpose of this request is for a 9' front setback variance to reduce the setback to 41' in lieu of the required 50'; a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'; a 26' variance to reduce lot width to 74' in lieu of the required 100'; and a 3,733 square foot variance to reduce the lot area to 11,267 square feet in the lieu of the required 15,000 square feet. The property is owned by Suzanne Pizzitola and is zoned Vestavia Hills R-3.

- (2) **BZA-0618-12** Gary Speegle is requesting **Side & Rear Setback Variances** for the property located at **3029 La Haven Cir.** The purpose of this request is for a 5' side setback variance to reduce the setback to 5' in lieu of the required 10' and a 20' rear setback variance to reduce the setback to 5' in lieu of the required 25'. The property is owned by Gary Speegle and is zoned Vestavia Hills R-4.

- (3) **BZA-0618-13** Clayton Properties Group, Inc. is requesting **Front Setback Variances** for the property located at **1808 & 1816 Altadena Ridge Place.** The purpose of this request is for a 5' front setback variance to reduce the setback to 5' in lieu of the required 10'. The property is owned by Clayton Properties Group, Inc. and is zoned Vestavia Hills R-9.

- (4) **BZA-0618-14** Matthew & Morgan Noto are requesting a **Front Setback Variance** for the property located at **616 Eastwood Pl.** The purpose of this request is for a 40' front setback variance to reduce the setback to 10' in lieu of the required 50'. The property is owned by Matthew & Morgan Noto and is zoned Vestavia Hills R-3.

Time of Adjournment.

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

MINUTES

MAY 17, 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
Tony Renta

MEMBERS ABSENT: Jim Griffo
Brendan Fuller

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

Mr. Jones recognized Boy Scout, Noah Smith, who is working towards his Eagle status.

APPROVAL OF MINUTES

The minutes of April 19, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of April 19, 2018 as made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

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

SIDE SETBACK VARIANCE

BZA-0518-08 Sarah Gilchrist is requesting a **Side Setback Variance** for the property located at **3357 Valley Park Dr.** The purpose of this request is for a 5’ side setback variance to reduce the setback to 5’ in lieu of the required 10’. The property is owned by Sarah Gilchrist and is zoned Vestavia Hills R-4.

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.

Sarah Gilchrist stated the he wanted to build an addition and a slope of the 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 5’ side setback variance to reduce the setback to 5’ in lieu of the required 10’ for the property at 3357 Valley Park Dr. was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

FRONT & SIDE SETBACK VARIANCES AND A VARIANCES TO REDUCE LOT SIZE AND LOT WIDTH

BZA-0518-09 Suzanne Pizzitola is requesting **Front & Side Setback Variances and a variances to reduce lot and lot width** for the property located at **2118 Hickory Rd.** The purpose of this request is for a 9’ front setback variance to reduce the setback to 41’ in lieu of the required 50’; a 7’ side setback variance to reduce the setback to 8’ in lieu of the required 15’; a 26’ variance to reduce lot width ti 74’ in lieu of the required 100’; and a 3,733 square foot variance to reduce the lot area to 11,267 square feet in the lieu of the required 15,000 square feet. The property is owned by Suzanne Pizzitola and is zoned Vestavia Hills R-3.

Case was postponed due to the absence of the applicant.

ASSORTED VARIANCES

BZA-0518-10 Vestavia Hills, LTD is requesting **Variances** for the property located at **300 Royal Tower Dr.** The purpose of this request is for height, setbacks, landscaping, parking, and use variances. The property is owned by Vestavia Hills, LTD and is zoned Vestavia Hills Inst.

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 use request variance was not needed.

Variance Requests

I. Set Backs

Applicant seeks a variance for required setback at the rear of the Lot (as identified on the enclosed survey) from the required fifty (50) foot setback to the existing setback as-built and shown as a zero (0) lot line or zero (0) feet.

Applicant seeks a variance for required setback at the east side of the Lot (as identified on the enclosed survey) from the required thirty-five (35) feet to zero (0) feet.

II. Height

Applicant seeks a variance for the height of the buildings located on the Lot from the current height requirement of no more than 45 feet or 3 stories to the existing height as-built. The enclosed survey identifies the current height of the building at its tallest point as one hundred twenty-seven and 7/10 (127.7) feet and 11 stories above grade and an elevator enclosure located at one hundred thirty-one (131) feet.

III. Landscaping

Applicant seeks a variance related to the landscaping to permit a landscape buffer of zero (0) feet along the entire North and East boundaries of the property.

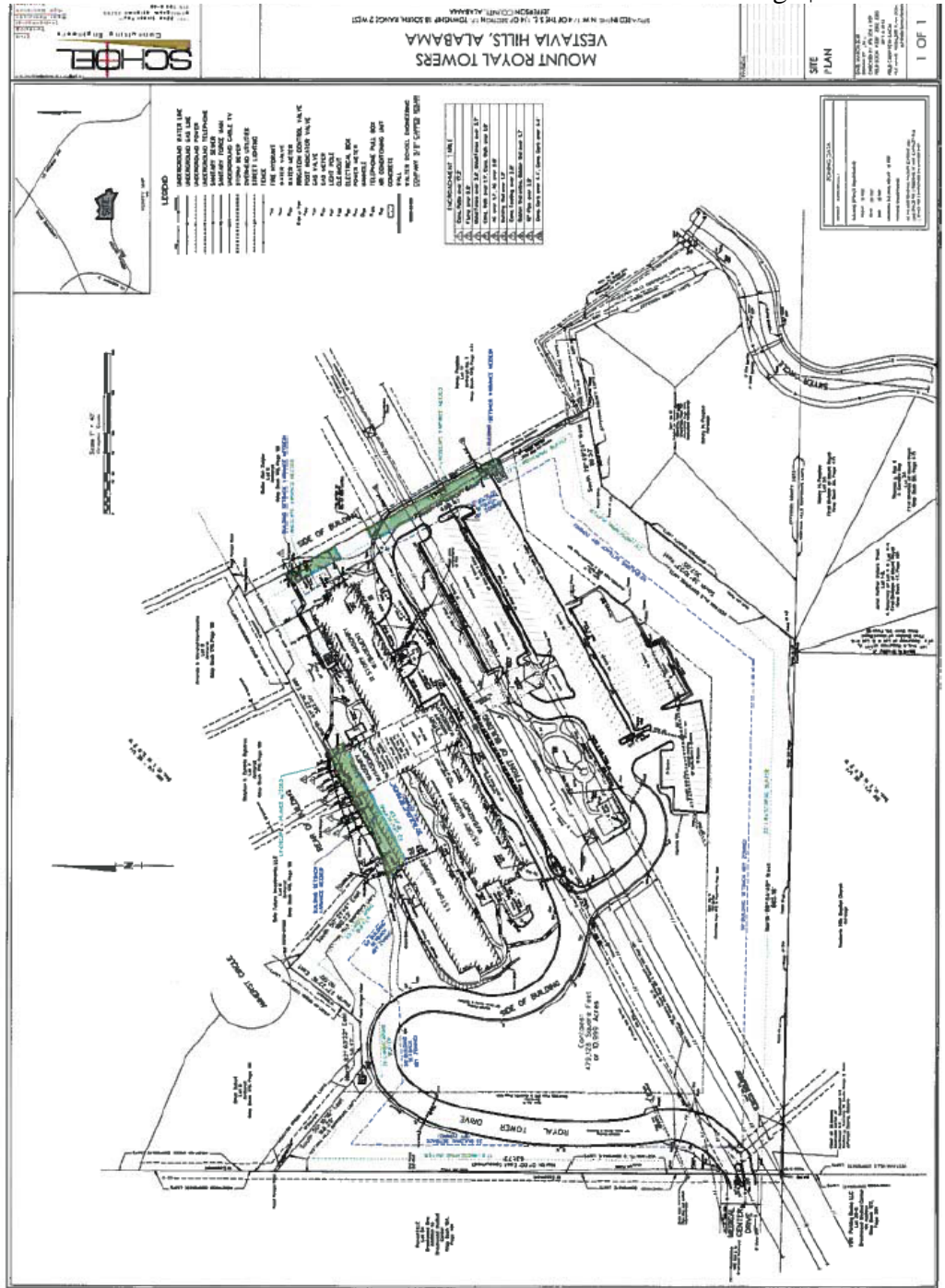
IV. Use

Relating to use, that the proposed use is as Independent Living, Skilled Nursing Facility, Memory Care Facility, and Assisted Living Facility (collectively, "Congregate Care Uses") is, despite the absence of specific reference to one or more such uses in the zoning ordinance, permitted in the Institutional zoning district.

V. Parking

Given the multiple uses of the property that require different calculations, Applicant seeks to confirm by variance that the proposed uses as Congregate Care Uses require parking of no more than 142 parking spaces and there are 148 parking spaces as depicted on the enclosed survey. Applicant's proposed uses of the building and related parking requirements are as follows:

- Independent Living – 148 units – 74 spaces required
- ALF/SCALF – 112 beds (max residents) – 38 spaces required
- Staff – Requirement is 1 space per 2 employees on largest shift. Assuming this to be 60 employees. – 30 spaces required. – 30 spaces required
- SNF – No parking required above/beyond the staff parking included above.



Clark Collier explained the request and stated the property is in the process of being purchased and the request is to bring everything on the property into 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 variance requests I-III, V for the property at 300 Royal Tower Dr. was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

FRONT, SIDE, & REAR SETBACK VARIANCES

BZA-0518-11 Amy & Chris Ferguson are requesting **Front, Side, & Rear Setback Variances** for the property located at **401 Fernwood Dr.** The purpose of this request is for a 6’ front setback variance to reduce the setback to 44’ in lieu of the required 50’; a 6’ side setback variance to reduce the setback to 9’ in lieu of the required 15’; an 18’ rear setback variance to reduce the setback to 13’ in lieu of the required 30’. The property is owned by Amy & Chris Ferguson 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.

Chris Ferguson stated the he 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 6’ front setback variance to reduce the setback to 44’ in lieu of the required 50’; a 6’ side setback variance to reduce the setback to 9’ in lieu of the required 15’; an 18’ rear setback variance to reduce the setback to 13’ in lieu of the required 30’ for the property at 401 Fernwood Dr. was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Renta – yes	Mr. Gower – yes
Mr. Ponder – yes	Mr. Jones – 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: MAY 17, 2018

- **CASE: BZA-0518-09**
- **REQUESTED ACTION:** 9' front setback variance to reduce the setback to 41' in lieu of the required 50'; a 7' side setback variance to reduce the setback to 8' in lieu of the required 15'; a 26' variance to reduce lot width to 74' in lieu of the required 100'; and a 3,733 square foot variance to reduce the lot area to 11,267 square feet in the lieu of the required 15,000 square feet
- **ADDRESS/LOCATION:** 2118 Hickory Rd.
- **APPLICANT/OWNER:** Suzanne Pizzitola
- **GENERAL DISCUSSION:** Applicant is seeking variances to bring lot and existing home into compliance. The applicant's property is zoned Vestavia Hills R-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** 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.

BZA0518-09//2800191012007000
2118 Hickory Rd.
Lot width & area; front & side
setback
Suzanne Pizzitola R3

BZA Application
Revised May 5, 2016
Page 3

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

2018 APR 17 11:20 AM

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: Suzanne Pizzitola

Address: 2118 Hickory Road

Vestavia Hills, AL 35216

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: Drake Homes

Address: 2700 19th Place S. Suite 200

Homewood, AL 35209

Phone #: 205.637.3646 Other #: _____

E-Mail: jeani@drakehomes.net

II. DESCRIPTION OF PROPERTY

Suzanne Pizzitola

R3

LOCATION:

2118
~~2112~~ Hickory Rd
Street Address

Lot 14 East 1/2 of lot 15 Block 12 of Biltmore Estates
Subdivision name, Lot #, Block #, etc.

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

R-3
501530
100

1. A request to vary:

26 ' variance to reduce the lot width to 74 ' in lieu of the required 100 ' square foot variance to reduce the lot area to _____ square feet in lieu of the required _____ square feet.

8.5 ' front side rear (circle one) setback variance to reduce the setback to 4.5 ' in lieu of the required 50 '.

7.2 ' front side rear (circle one) setback variance to reduce the setback to 7.8 ' in lieu of the required 15 '.

_____ ' 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-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).

Pre existing setbacks of home.

VI. OWNER AFFIDAVIT:

2118 Hickory Rd.

Lot width & area; front & side setback

Suzanne Pizzitola

R3

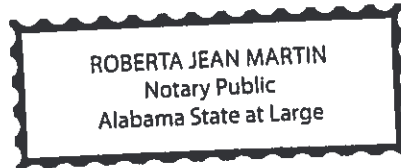
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Suzanne D. Pizzitola
Owner Signature/Date

[Signature]
Representing Agent (if any)/date

Given under my hand and seal
this 20 day of April, 2018.

Roberta Jean Martin
Notary Public



My commission expires 31
day of July, 2021.

A RESURVEY OF LOT 14 AND THE EAST 1/2 OF LOT 15, BLOCK 12 OF BILTMORE ESTATES

AS RECORDED IN MAP BOOK 17 PAGE 59

A SINGLE FAMILY RESIDENTIAL SUBDIVISION SITUATED IN
THE SW 1/4 OF SECTION 19, TOWNSHIP 18 SOUTH,
RANGE 2 WEST, CITY OF VESTAVIA HILLS, JEFFERSON
COUNTY, ALABAMA.

OWNER:
SUZANNE PIZZITOLA
2118 HICKORY ROAD
VESTAVIA HILLS, AL 35216

PREPARED BY:
SOUTH CENTRAL SURVEYING, LLC
166 SUNSET TRAIL
ALABASTER, AL 35007
(205)-229-1993

STATE OF ALABAMA
SHELBY COUNTY

The undersigned, William D. Calhoun, Jr., Professional Land Surveyor, State of Alabama, and Suzanne Pizzitola, as Notary Public, do hereby certify that the foregoing plat or map is a true and correct map of lands shown therein known as A RESURVEY OF LOT 14 AND THE EAST 1/2 OF LOT 15, BLOCK 12 OF BILTMORE ESTATES, showing the sub-divisions into which it is proposed to divide said lands, giving the lengths and angles of each street as well as the number of each lot and showing the relation of the lands to the recorded subdivision, and that iron pins have been installed at all lot corners and curve points as shown and are designated by small open circles on said plat or map. Said owners also certify that they are the owners of said lands and that the same are 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.

By: *William D. Calhoun, Jr.* Date: 4/10/2018
AL Reg No 28251

I, the undersigned, a Notary Public in and for said county and state, do hereby certify that William D. Calhoun, Jr., on this date, that after being duly informed of the contents of said certificate, does execute same voluntarily as such individual with full authority thereof.

Given under my hand and seal this the _____ day of _____ 2018.

Notary Public
MY COMMISSION EXPIRES _____ DATE _____

By: _____ DATE _____
Suzanne Pizzitola, Owner

I, the undersigned, a Notary Public in and for said county and state, do hereby certify that Suzanne Pizzitola, whose name is signed to the foregoing certificate as owner, and who is known to me, acknowledged before me, on this date that after being duly informed of the contents of said certificate, does execute same voluntarily as such individual with full authority thereof.

Given under my hand and seal this the _____ day of _____ 2018.

Notary Public
MY COMMISSION EXPIRES _____ DATE _____

Vestavia Hills City Engineer
Date _____

Vestavia Hills Planning Commission
Date _____

Vestavia Hills Manager
Date _____

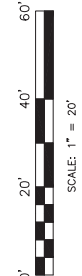
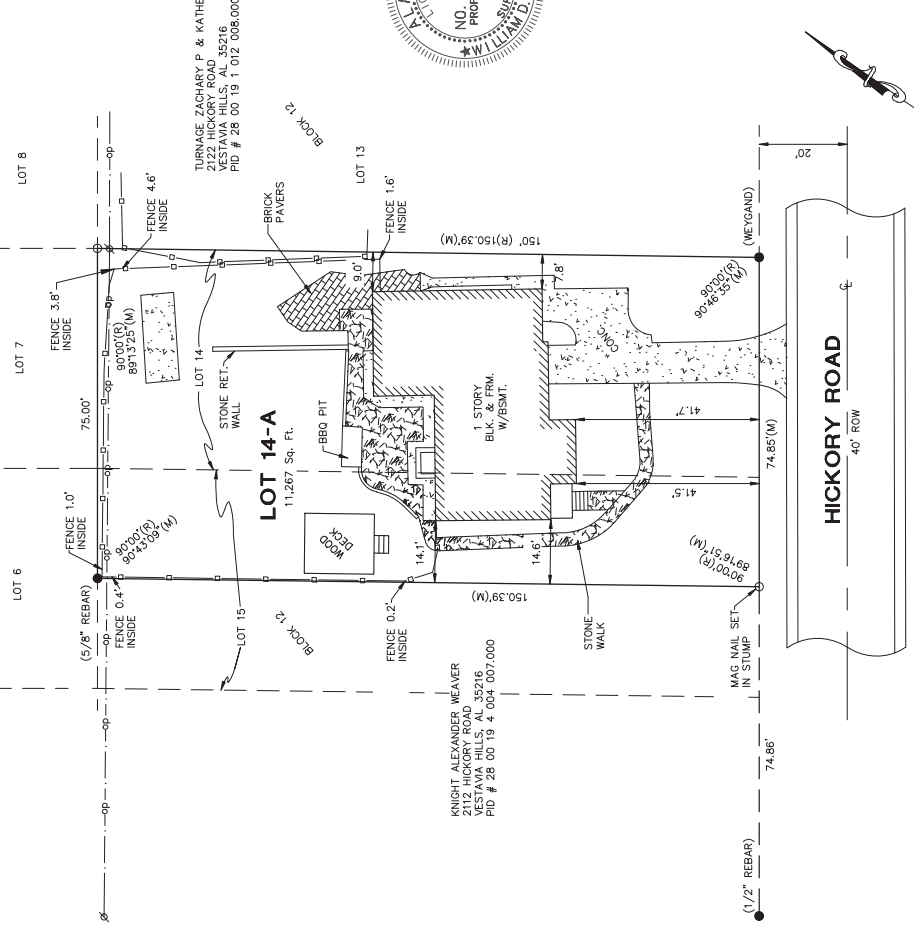
Jefferson County Environmental Services Department hereby approves this record map for sanitary sewer purposes only. Such approval indicates that assessments have been dedicated for future Jefferson County sanitary sewers, however this does not mean sanitary sewers have been built or will be built in the future. Any change in the Right-of-Way or Easement Boundaries after this date may void this approval.

Director of Environmental Services
Approved in Format Only
Date _____

BOONE PATRICK H JR
2113 CHESTNUT ROAD
VESTAVIA HILLS, AL 35216
PID # 28 00 19 1 012 004.001

BRADFORD MATTHEW T & ROBERT L
2122 HICKORY ROAD
VESTAVIA HILLS, AL 35216
PID # 28 00 19 1 012 004.000

RASBERRY JOHN A & MARY C
2122 HICKORY ROAD
VESTAVIA HILLS, AL 35216
PID # 28 00 19 1 012 002.000



LEGEND	
●	IRON PIN FOUND (DESCRIPTION)
○	1/2" CAPPED REBAR SET
⊗	UTILITY POLE
⊘	RIGHT OF WAY
—	OVERHEAD UTILITY LINE(S)
→	FENCE
⊕	FIRE HYDRANT
▨	CONCRETE
D	DEED
AC.	ACRES
℄	CENTERLINE
D.B.	DEED BOOK
M.B.	MAP BOOK
P.S.	PAGE

- NOTES:
- Unless otherwise shown or stated, all easements shown hereon are for storm water runoff, drainage, and egress, and are to serve property both within and without this subdivision.
 - Basis of bearing is based on plat.
 - Surface drainage not within the accepted and maintained Right-of-Way will not be maintained by City of Vestavia Hills.
 - Contractor and/or developer are responsible for providing building sites free of drainage problems.
 - No subsurface investigation of geological conditions was performed by South Central Survey, LLC; therefore no references whatsoever is made as to the suitability for residential construction.
 - Consulted the latest Flood Insurance Rate Map (FIRM), Community Panel Number 000730058H, dated September 3, 2010, and found that the parcel shown DOES NOT lie in a special flood hazard area, Zone X.

South Central Surveying, LLC
RESIDENTIAL & COMMERCIAL LAND SURVEYING
156 SUNSET TRAIL
ALABASTER, ALABAMA 35007
PHONE 205-229-1993
EMAIL: duck@southcentralsurveying.com



PROJECT: RESURVEY
LOT 14 AND THE EAST 1/2 OF LOT 15, BLOCK 12 OF BILTMORE ESTATES

OWNERS:
SUZANNE PIZZITOLA
2118 HICKORY ROAD
VESTAVIA HILLS, AL 35216

SHEET No.: 1 of 1

PROJECT NO.: 18-03012

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

Date: **JUNE 21, 2018**

- **CASE:** BZA-0618-12
- **REQUESTED ACTION:** 5' side setback variance to reduce the setback to 5' in lieu of the required 10' and a 20' rear setback variance to reduce the setback to 5' in lieu of the required 25'
- **ADDRESS/LOCATION:** 3029 La Haven Cir.
- **APPLICANT/OWNER:** Gary Speegle
- **GENERAL DISCUSSION:** Applicants are seeking a variance to rebuild a shed on an already existing concrete slab. Applicant contends that the shed and slab were constructed pre-annexation. If approved, applicant will still not be allowed to build in easement. The applicant's property is zoned Vestavia Hills R-4.
- **CAHABA HEIGHTS COMMUNITY PLAN:** This request is consistent with the Community 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.

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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: GARY SPEEGLE

Address: 3029 LA HAVEN CIRCLE
VESTAVIA, AL 35243

Phone #: 256-466-3434 Other #: _____

E-Mail: Speeggm@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2018 MAY - 9 P 3:14

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II. DESCRIPTION OF PROPERTY:

LOCATION: 3029 LA HAVEN CIRCLE
Street Address

MEADOWLAWN ESTATES, MAPBOOK 44, PAGE 76
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 ' front/side/rear (circle one) setback variance to reduce the setback to 25 ' in lieu of the required 10 '.
 - 25 ' front/side/rear (circle one) setback variance to reduce the setback to 25 ' in lieu of the required _____ '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

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

V. HARDSHIP

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

The slab foundation was in place when I purchased the property. It appears to have been constructed prior to the area being incorporated into Vestavia Hills. I would like to utilize the existing foundation.

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.

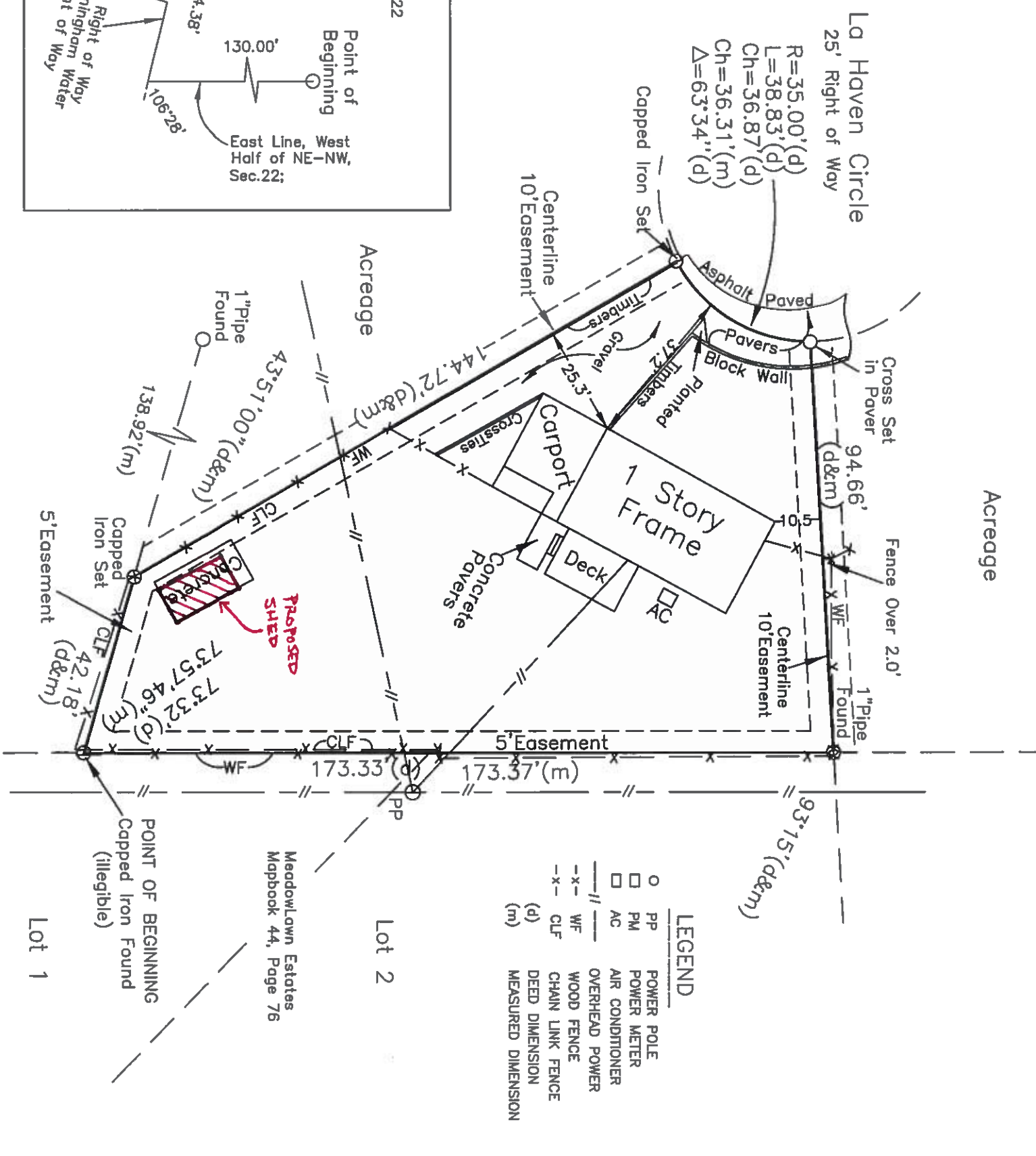
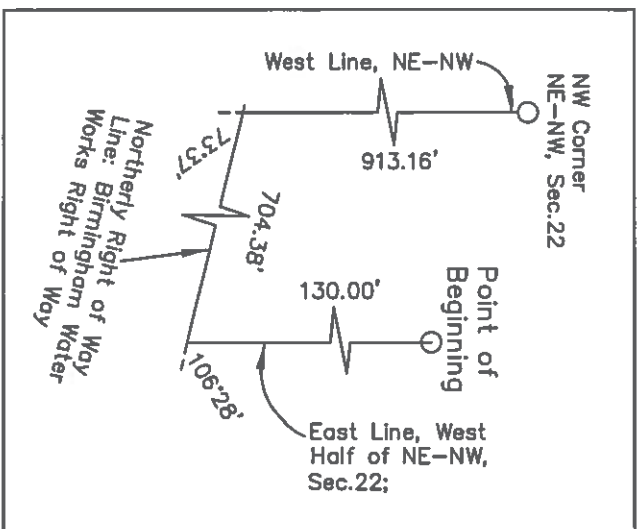
Gary Speegle 4/19/18
Owner Signature Date

Representing Agent (if any) date

Given under my hand and seal
this 19th day of April, 2018.

Amy Marie Gregory
Notary Public
My commission expires 20th
day of March, 2022.





La Haven Circle
25' Right of Way

$R=35.00'(d)$
 $L=38.83'(d)$
 $Ch=36.87'(d)$
 $Ch=36.31'(m)$
 $\Delta=63.34''(d)$

LEGEND

○	PP	POWER POLE
□	PM	POWER METER
□	AC	AIR CONDITIONER
—x—	WF	OVERHEAD POWER
-x-	WF	WOOD FENCE
-x-	CLF	CHAIN LINK FENCE
//	(d)	DEED DIMENSION
//	(m)	MEASURED DIMENSION

Meadowlawn Estates
Mapbook 44, Page 76

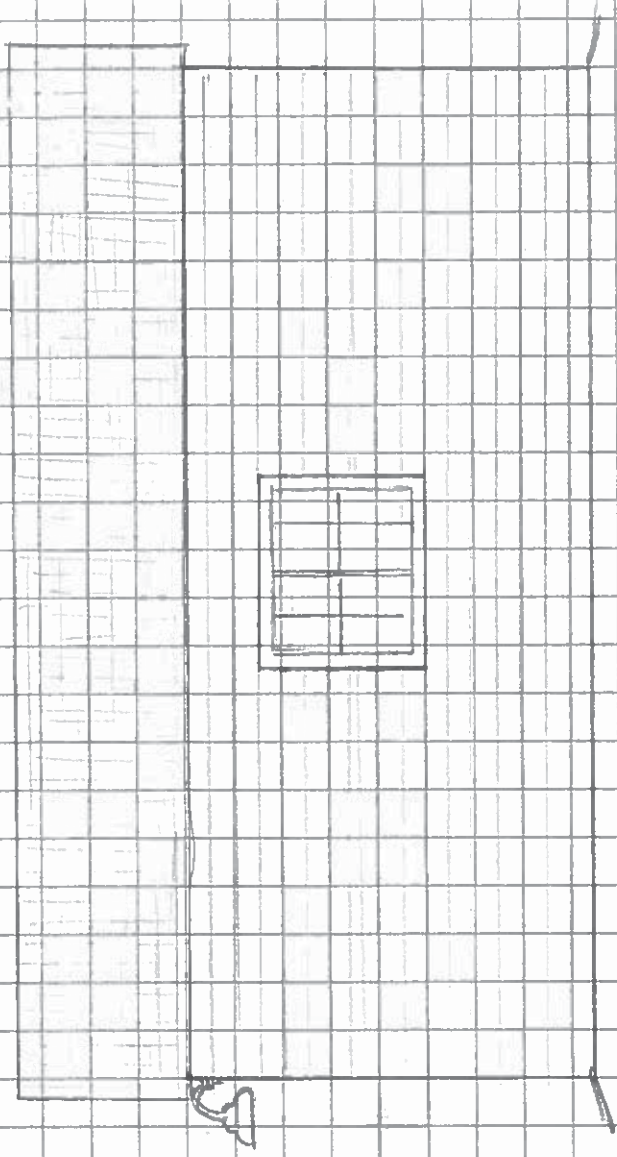
Lot 1

Lot 2

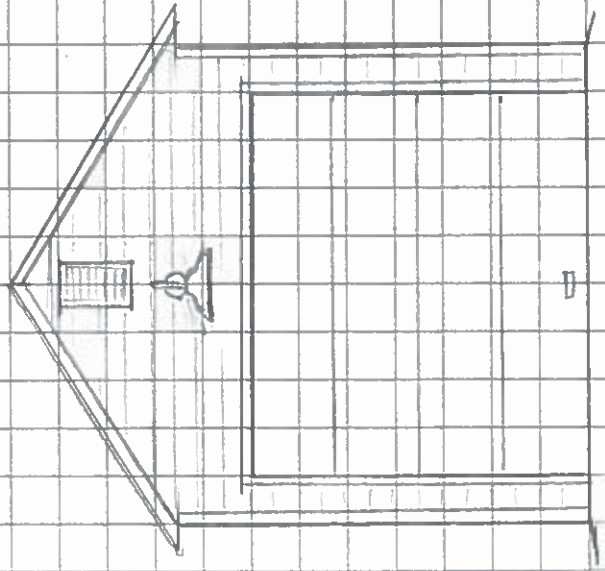
Acreeage

Acreeage

POINT OF BEGINNING
Capped Iron Found
(illegible)



SIDE ELEVATION



FRONT ELEVATION

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

Date: **JUNE 21, 2018**

- **CASE:** BZA-0618-13
- **REQUESTED ACTION:** 5' front setback variance to reduce the setback to 5' in lieu of the required 10'
- **ADDRESS/LOCATION:** 1808 & 1816 Altadena Ridge Place
- **APPLICANT/OWNER:** Clayton Properties Group, Inc., Brooks Harris
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build two new homes in the new Altadena Ridge subdivision (old AVCC). Applicant contends that the slope of the lot in rear constitutes a hardship. There was a recorded setback that was relived with the revision of covenants (copy attached). The applicant's property is zoned Vestavia Hills R-9.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** 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.

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: CLAYTON PROPERTIES GROUP, INC.

Address: 3112 BLUE LAKE DR #100
BERMINGHAM, AL 35243

Phone #: 205-982-2876 Other #: _____

E-Mail: brooks@harrisdoyle.com

Representing Attorney/Other Agent

Name: BROOKS HARRIS

Address: 2112 CHESTNUT RD
VESTAVIA, AL 35216

Phone #: 205-329-9317 Other #: _____

E-Mail: brooks@harrisdoyle.com

2018 MAY 23 P 1 51

II. DESCRIPTION OF PROPERTY:

LOCATION: 1808 AND 1816 ALTADENA RIDGE PLACE
Street Address

LOTS 55 AND 56 ALTADENA RIDGE SUBDIVISION
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 5' in lieu of the required 10' ' .
_____ ' 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 R9.

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).

TOPOGRAPHY ON THESE LOTS SLOPES TOWARD THE LEAK AT A STEEP ANGLE. IN SOME AREAS, THE FOOTPRINT OF THE PROPOSED HOMES WILL GO OVER AN OLD GOLF CART PATH AND ONTO POTENTIALLY UNSTABLE SOIL. ADDITIONALLY, THERE WOULD (OR COULD) BE ADDITIONAL CLEARING OF LARGE TREES THAT WOULD REDUCE THE BUFFER BETWEEN ALTADENA RIDGE AND ACTON RD.

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.

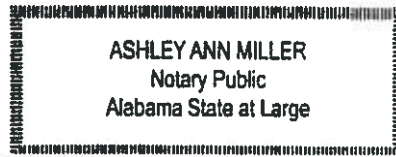

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 21 day of May, 2018.

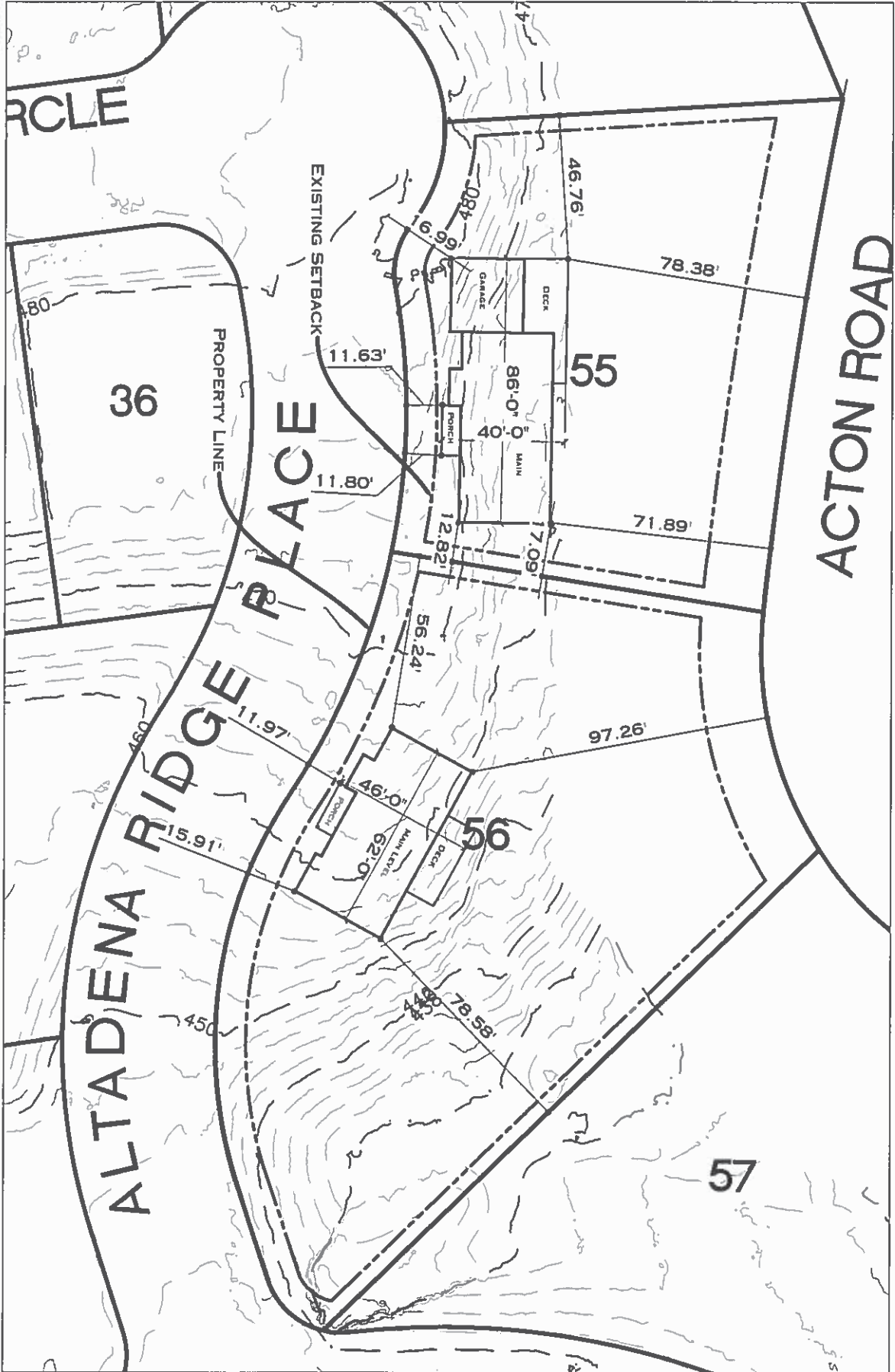

Notary Public

My commission expires 20
day of January, 2022.



1 Preliminary Plot Plan
 A1 1" = 30'-0"

*PRELIMINARY PLOT ONLY - FINAL PLOT TO BE PROVIDED BY ENGINEERING COMPANY



A1.1
 Site Plan

Sheet Index	
#	Name
A1	Site Plan
A2	Site Plan
A3	Site Plan
A4	Site Plan
A5	Site Plan
A6	Site Plan
A7	Site Plan
A8	Site Plan
A9	Site Plan
A10	Site Plan
A11	Site Plan
A12	Site Plan
A13	Site Plan
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A16	Site Plan
A17	Site Plan
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A35	Site Plan
A36	Site Plan
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A39	Site Plan
A40	Site Plan
A41	Site Plan
A42	Site Plan
A43	Site Plan
A44	Site Plan
A45	Site Plan
A46	Site Plan
A47	Site Plan
A48	Site Plan
A49	Site Plan
A50	Site Plan



HARRIS DOYLE
 HOMES

Plan Information	
Project Name:	N/A
Community:	Altadena Ridge
Lot Number:	21
Client Name:	N/A
Template Version:	N/A
PDF Creation Date:	5/27/16 - 1:15 pm
<small>Harris Doyle Homes www.harrisdoylehomes.com 3100 Shaw Lane, Suite 300 Birmingham, AL 35244</small>	

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR
ALTADENA RIDGE SUBDIVISION**

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

County Division Code: AL040
Inst. # 2018053644 Pages: 1 of 2
I certify this Instrument filed on
5/24/2018 12:38 PM Doc: REST
Alan L. King, Judge of Probate
Jefferson County, AL. Rec. \$19.00

Clerk: DAVENPORT

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Clayton Properties Group, Inc., successor-in-interest to AVCC, LLC, (“Developer”) has previously adopted the covenants and limitations for the property (“Property”) as set forth in the protective covenants recorded under Instrument #E2016127876 in the Probate Office of Jefferson County, Alabama, and under Instrument #E20170622000223500 in the Probate Office of Shelby County, Alabama, (“Protective Covenants”) and does hereby amend those Protective Covenants in the manner referenced herein and that the Property and each Lot located within the Property shall be, and the same are hereby, subject to the following easements, covenants, conditions, assessments, limitations and restrictions.

**ARTICLE I
EXCLUSIVE RESIDENTIAL USE AND IMPROVEMENTS**


Pursuant to Section 9.04 of the Protective Covenants, the Developer hereby amends Section 1.04 of the Protective Covenants as follows:

1.04 Subject to the provisions of Articles VII and VIII below and the rights retained below by the Committee, each Lot and any dwelling, building or other structure constructed or placed thereon shall be subject to the following minimum setbacks:

Front: Ten feet, (10) feet from dedicated road right-of-way;
Side: Ten (10) feet between houses;
Rear: Twenty (20) feet from the rear Lot line.

No structure (other than the residential dwelling and any attached garage or guest house) may be constructed closer to the ingress and egress road than the back of the residential dwelling. Any buildings of any nature, including gazebos, decks and outbuildings built on any Lot must conform to a residential nature and must be approved by the Committee.

In addition to the foregoing, Lots # 55 and 56 shall be allowed a front setback distance of 5’ feet from the Dedicated road right-of-way.


20180523000179450 1/2 \$18.00
Shelby Cnty Judge of Probate, AL
05/23/2018 02:29:57 PM FILED/CERT

IN WITNESS WHEREOF, the Developer has executed this instrument on the 22nd day of MAY, 2018.

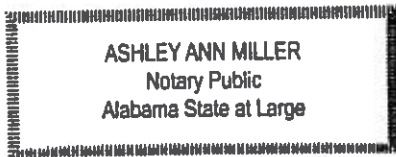
Clayton Properties Group, Inc.


By: 
J. Brooks Harris, VICE PRESIDENT

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

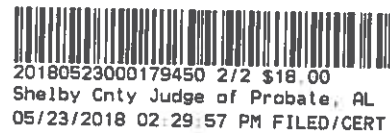
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that J. Brooks Harris, whose name as Vice President of Clayton Properties Group, Inc., is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Member, and with full authority to do so, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22 day of May, 2018.




NOTARY PUBLIC
My Commission Expires: _____ My Commission Expires
January 26, 2022

This Instrument Prepared By:
Chesley P. Payne
MASSEY, STOTSER & NICHOLS, PC
1780 Gadsden Highway
Birmingham, AL 35235
(205) 838-9000



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

Date: **JUNE 21, 2018**

- **CASE:** BZA-0618-14
- **REQUESTED ACTION:** 40' front setback variance to reduce the setback to 10' in lieu of the required 50'
- **ADDRESS/LOCATION:** 616 Eastwood Pl
- **APPLICANT/OWNER:** Matthew & Morgan Noto
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a new home. Lot has two frontages, Eastwood Place and East St. (unopened). Applicant contends that the dual frontages constitute a hardship. The applicant's property is zoned Vestavia Hills R-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** 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.

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: MATTHEW + MORGAN NOTO

Address: 616 EASTWOOD PLACE
VESTAVIA AL 35216

Phone #: 205-704-7097 Other #: _____

E-Mail: MATTHEWNOTO@ME.COM

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2018 MAY 22 P 5:00

II. DESCRIPTION OF PROPERTY:

LOCATION: 616 EASTWOOD PLACE
Street Address

BEACON HILLS 5TH ADDITION LOT 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.
 - 40 front/side/rear (circle one) setback variance to reduce the setback to 10 ' in lieu of the required 50 '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
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5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

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).

LOT 5 HAS A 10'-0" EASEMENT AT REAR OF PROPERTY. THERE IS A ABANDONED "EAST STREET" NOT ACCESSIBLE.

IF THERE IS A 50'-0" FRONT + 50'-0" REAR SET BACK THERE WILL BE NO BUILDABLE SPACE.

WANT TO BUILD HOUSE 5'-0" OFF EASTWOOD PLACE STREET. WILL BE OUT OF 10'-0" EASEMENT IN REAR

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

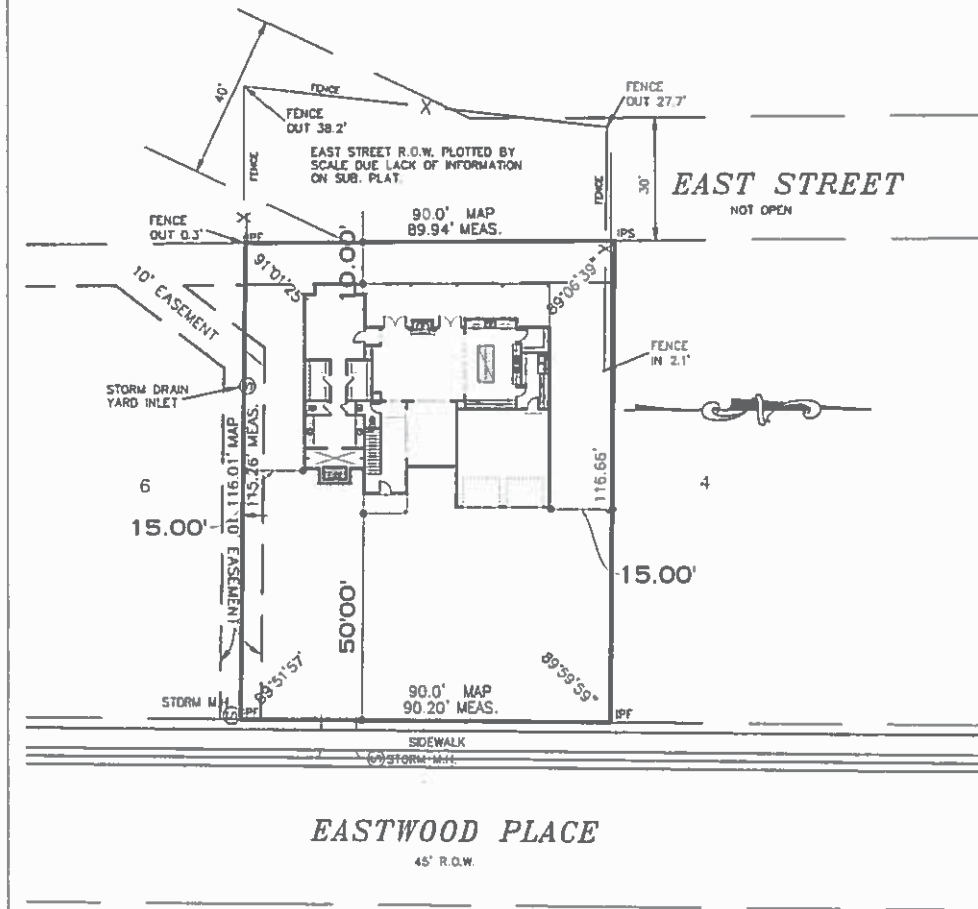
Representing Agent (if any)/date

Given under my hand and seal
this 22ND day of MAY, 20 18.


Notary Public
My commission expires JANUARY
day of 31ST, 20 18.



REYNOLDS SURVEYING CO., INC.
 Surveying - Land Planning



SCALE: 1" = 30'

- (X) — UTILITY POLE
- (X) — CITY WIRE
- (X) — RETAINING WALL
- (X) — CONCRETE
- (X) — FENCE
- (X) — OVERHEAD ELECTRICAL
- IPF — IRON PIN FOUND
- IPS — IRON PIN SET

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 5, Block —, of BEACON HILLS 5TH ADDITION, as recorded in Map Book 38, Page 4 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 5th day of February 2018.

NOTE: This survey is not transferable to any additional institutions or subsequent owners.
 Purchaser: Noto
 Address: 616 Eastwood Place

Robert Reynolds
 Reg. No. 25657

B115/69