

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
MAY 17, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: April 19, 2018.

- (1) **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.

- (2) **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.

- (3) **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.

- (4) **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.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

APRIL 19, 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: Loring Jones, III, Acting Chairman
Robert Gower
George Ponder
Jim Griffo

MEMBERS ABSENT: Rick Rice, Chairman
Tony Renta
Brendan Fuller

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of March 15, 2018 were presented for approval.

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

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

REAR SETBACK VARIANCE

BZA-0418-05 Jerald David Junkin is requesting a **Rear Setback Variance** for the property located at **2064 Lakewood Dr.** The purpose of this request is for a 4' rear setback variance to reduce the setback to 26' in lieu of the required 30'. The property is owned by Jerald David Junkin and is zoned Vestavia Hills R-2.

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.

David Junkin stated the he wanted to build an addition and a creek on the lot caused a hardship.

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

MOTION Motion to approve a 4' rear setback variance to reduce the setback to 26' in lieu of the required 30' for the property at 2064 Lakewood Dr. was made by Mr. Griffo and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-0418-06 Millard & Lynn Barnes are requesting a **Side Setback Variance** for the property located at **2436 Shades Crest Rd.** The purpose of this request is for a 12' side setback variance to reduce the setback to 5' in lieu of the required 17'. The property is owned by Millard & Lynn Barnes and is zoned Vestavia Hills R-1.

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.

Millard Barnes explained the request and stated the home was constructed pre-zoning.

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

MOTION Motion to approve a 12' side setback variance to reduce the setback to 5' in lieu of the required 17' for the property at 2436 Shades Crest Rd. was made by Mr. Griffo and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

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

SIDE SETBACK VARIANCE

BZA-0418-07 Kenneth L. Stalnaker is requesting a **Front Setback Variance** for the property located at **2617 Mountain Woods Dr.** The purpose of this request is for an 8' front setback variance to reduce the setback to 42' in lieu of the required 50'. The property is owned by Kenneth L. Stalnaker and is zoned Vestavia Hills R-2.

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 recorded setback had been relieved by the recording of signatures.

Kenneth L. Stalnaker explained the request and stated the hardship was a corner lot.

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

MOTION Motion to approve a 8' front setback variance to reduce the setback to 42' in lieu of the required 50' for the property at 2617 Mountain Woods Dr. was made by Mr. Griffo and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Griffo – yes
Mr. Ponder – yes
Motion carried.

Mr. Gower – yes
Mr. Jones – yes

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-0518-08
- **REQUESTED ACTION:** a 5' side setback variance to reduce the setback to 5' in lieu of the required 10'
- **ADDRESS/LOCATION:** 3357 Valley Park Dr.
- **APPLICANT/OWNER:** Sarah Gilchrist
- **GENERAL DISCUSSION:** Applicant is seeking a variance to build a carport over an already existing concrete slab. Applicant contends that the slab was poured pre-annexation. The applicant's property is zoned Vestavia Hills R-4.
- **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: Sarah Gilchrist

Address: 3357 Valley Park Drive

Birmingham, AL 35243

Phone #: 205.296.1784 Other #: _____

E-Mail: Sarahgg4au@gmail.com

Representing Attorney/Other Agent

Name: HERBERT McPherson

Address: 1373 Stone Hedge DR

Bham Ala 35235

Phone #: 205 368 2736 Other #: _____

E-Mail: HerbertMcPherson@yahoo.com

2018 APR 13 8:40

II. DESCRIPTION OF PROPERTY:

LOCATION: 3357 Valley Park Drive
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.
 - 5 ' front side / rear (circle one) setback variance to reduce the setback to 7.5 ' in lieu of the required 15.0 '.
 - _____ ' front / side / rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
 - _____ ' front / side / rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

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

V. HARDSHIP

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

Slope of rear lot does not allow placement anywhere else carport

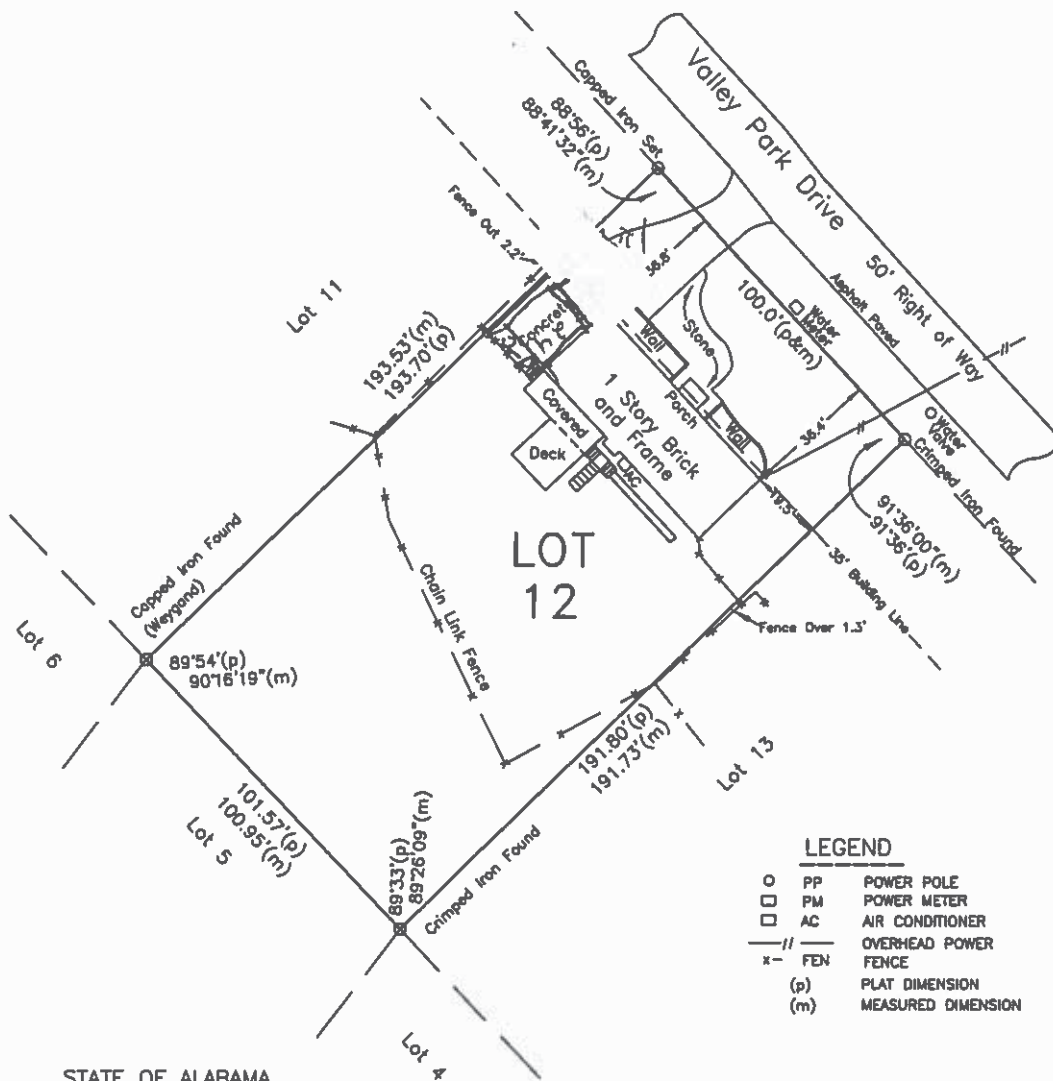
VI. OWNER AFFIDAVIT:

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.

Sarah Gilchrist 3/29/18 Herbert McShee
Owner Signature/Date Representing Agent (if any)/date

Given under my hand and seal
this 29th day of March, 2018.

Robbie O'Stoery
Notary Public
My commission expires 11-03-2020
day of _____, 20____.



STATE OF ALABAMA
JEFFERSON COUNTY

I, Rowland Jackins, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama to the best of my knowledge, information and belief for the following described property:

Lot 12 in Block 3, according to the plat of Third Addition to Shades Cahaba Estates, as recorded in Map Book 41, Page 12, in the Probate Office of Jefferson County, Alabama;

I further state that there are no rights of ways, 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 those which serve the premises only) or structures or supports thereof, including poles, anchor or guy wires on or over said property except as shown, that there are no encroachments except as shown; that the improvements are located as shown above. No underground utilities were located.

According to my field survey of February 20, 2018;



Rowland Jackins, PLS, Alabama Reg.No.18399
Jackins, Butler & Adams, Inc.
3430 Independence Drive, Suite 30
Birmingham, Alabama 35209
(205) 870-3390

Scale: 1 inch = 40 feet File: S-1531/18-A

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 '.
 - 1 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 41.5 ' 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

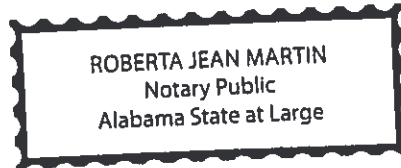
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

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 _____

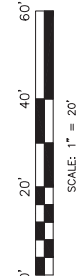
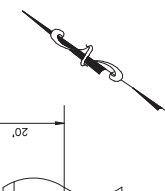
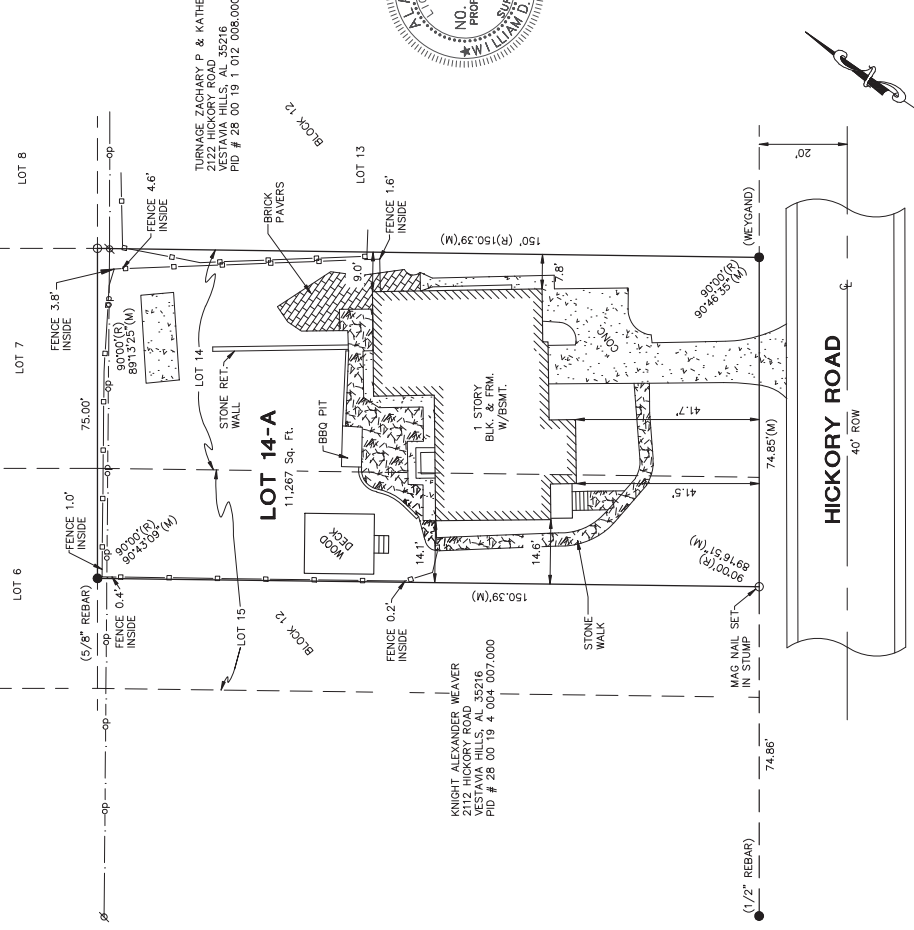
Jefferson County Environmental Services Department hereby approves this record map for sanitary sewer purposes only. Such approval indicates that assessments have been dedicated for future Jefferson County sanitary sewers, however this does not mean sanitary sewers have been built or will be built in 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" CAPFED 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 0072005881, 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: MAY 17, 2018

- **CASE:** BZA-0518-10
- **REQUESTED ACTION:** Height, setbacks, landscaping, parking, and use variances
- **ADDRESS/LOCATION:** 300 Royal Tower Dr.
- **APPLICANT/OWNER:** Vestavia Hills, LTD
- **GENERAL DISCUSSION:** Applicant is seeking variances for Mt. Royal Towers to bring the development into zoning compliance. The structures were constructed before the full implementation of the zoning code. The full list of variance requests is attached. The applicants are not proposing any additional construction on the site. The applicant's property is zoned Vestavia Hills Inst.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive Plan for institutional.
- **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: Vestavia Hills, LTD, an Alabama limited partnership

Address: 9619 Chesapeake Drive, Suite 103
San Diego, CA 92123

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: C. Clark Collier, LLC / C. Clark Collier

Address: 100 Centerview Drive, Suite 120
Vestavia Hills, AL 35216

Phone #: 205-502-7400 Other #: _____

E-Mail: ccc@ccollierlaw.com

II. DESCRIPTION OF PROPERTY:

LOCATION: 300 Royal Tower Drive, Vestavia Hills, AL 35209
Street Address

See Legal Description Attached as Exhibit "A"
Subdivision name, Lot #, Block #, etc.

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

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

IV. ZONING

Vestavia Hills Zoning for the subject property is INST .

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 variances requested would confirm the buildings may continue to be used in their current
locations and height.

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.

Bence Bernard
Owner Signature/Date

C Clark Collins
Representing Agent (if any)/date

Given under my hand and seal
this 18 day of April, 2018.

Misti Morris
Notary Public
My commission expires 27
day of Oct, 2021.



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 fourteen (14) 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 landscaping as shown on Exhibit "___" enclosed herewith.

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 Use") 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

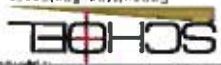
That the proposed uses as Congregate Care Use [____ square feet], requires parking of no more than 142 parking spaces and there are 148 parking spaces as depicted on the enclosed survey. Applicant's proposed use of the building and related parking requirements are as follows:

- 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.

DATE: 10/20/05
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 05-012
 SHEET NO.: 1 OF 1

MOUNT ROYAL TOWERS VESTAVIA HILLS, ALABAMA

LOCATED IN THE N.W. 1/4 OF THE 12, 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 2 WEST
 JEFFERSON COUNTY, ALABAMA



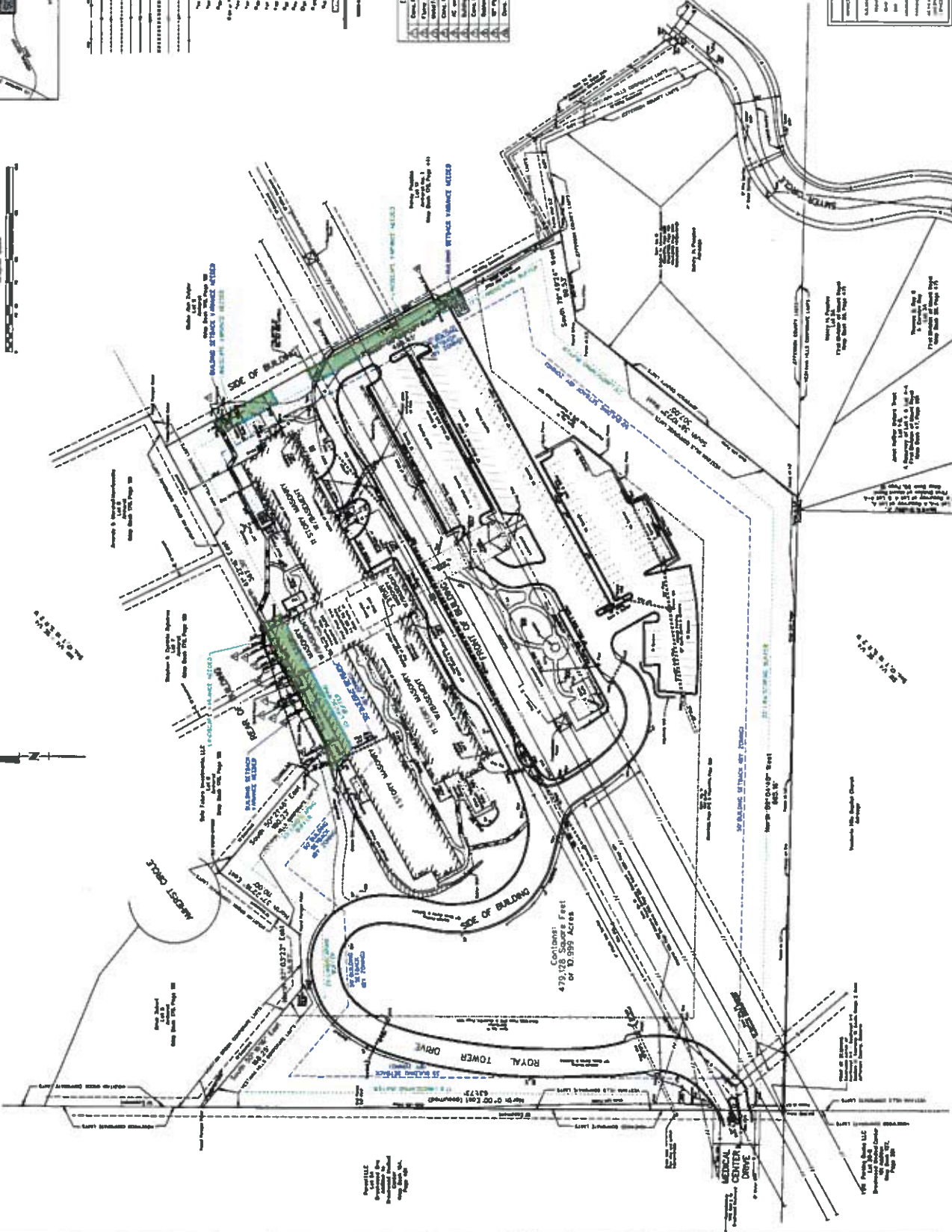
- LEGEND**
- UNDERGROUND WATER LINE
 - UNDERGROUND GAS LINE
 - UNDERGROUND POWER
 - UNDERGROUND TELEPHONE
 - UNDERGROUND CABLE TV
 - STORM SEWER
 - OVERHEAD UTILITIES
 - STREET LIGHTING
 - MANHOLE
 - WATER VALVE
 - WATER METER
 - IRRIGATION CONTROL VALVE
 - POST INDICATOR VALVE
 - WATER METER
 - GAS METER
 - CLEANOUT
 - ELECTRICAL BOX
 - TELEPHONE MANHOLE
 - TELEPHONE PULL BOX
 - WE COMPARTMENT LIFT
 - CONCRETE

ENCLOSURE TABLE

1	Site Plan	Sheet 1 of 1
2	Site Plan	Sheet 2 of 1
3	Site Plan	Sheet 3 of 1
4	Site Plan	Sheet 4 of 1
5	Site Plan	Sheet 5 of 1
6	Site Plan	Sheet 6 of 1
7	Site Plan	Sheet 7 of 1
8	Site Plan	Sheet 8 of 1
9	Site Plan	Sheet 9 of 1
10	Site Plan	Sheet 10 of 1

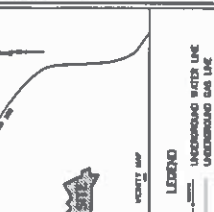
FORMING DATA

Forming Material	Forming Method
Forming Time	Forming Location
Forming Date	Forming Operator
Forming Notes	Forming Remarks



Project No. 05-012
 Date: 10/20/05
 Drawn By: J. B. BROWN
 Checked By: J. B. BROWN

W. B. Brown, LLC
 10000 N. 10th St.
 Suite 100
 Birmingham, AL 35212
 Phone: 205.988.1234
 Fax: 205.988.1235
 www.wbbrown.com



PROJECT MAP

Scale: 1" = 40'
Graphic Scale

PARKING TABLE

STANDARD SPACES:	139
HANDICAPPED SPACES:	9
TOTAL SPACES:	148

LEGEND

- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND POWER
- UNDERGROUND TELEPHONE
- UNDERGROUND CABLE TV
- STORM SEWER
- STORM UTILITIES
- PIPE
- CONCRETE
- WALL
- WATER BOXES, ENCHANCING COMPANY SUPPLIED REMAIN

ENCROACHMENT TABLE

1	Storm Pipes	over 12"
2	Drainage Pipes	over 12"
3	Water Mains	over 24"
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5	Water Mains	over 48"
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29	Water Mains	over 864"
30	Water Mains	over 912"
31	Water Mains	over 960"
32	Water Mains	over 1008"
33	Water Mains	over 1056"
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95	Water Mains	over 4032"
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98	Water Mains	over 4176"
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102	Water Mains	over 4368"
103	Water Mains	over 4416"
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107	Water Mains	over 4608"
108	Water Mains	over 4656"
109	Water Mains	over 4704"
110	Water Mains	over 4752"
111	Water Mains	over 4800"
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114	Water Mains	over 4944"
115	Water Mains	over 4992"
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117	Water Mains	over 5088"
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119	Water Mains	over 5184"
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155	Water Mains	over 6912"
156	Water Mains	over 6960"
157	Water Mains	over 7008"
158	Water Mains	over 7056"
159	Water Mains	over 7104"
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169	Water Mains	over 7584"
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171	Water Mains	over 7680"
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177	Water Mains	over 7968"
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209	Water Mains	over 9504"
210	Water Mains	over 9552"
211	Water Mains	over 9600"
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213	Water Mains	over 9696"
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215	Water Mains	over 9792"
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217	Water Mains	over 9888"
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219	Water Mains	over 9984"
220	Water Mains	over 10032"

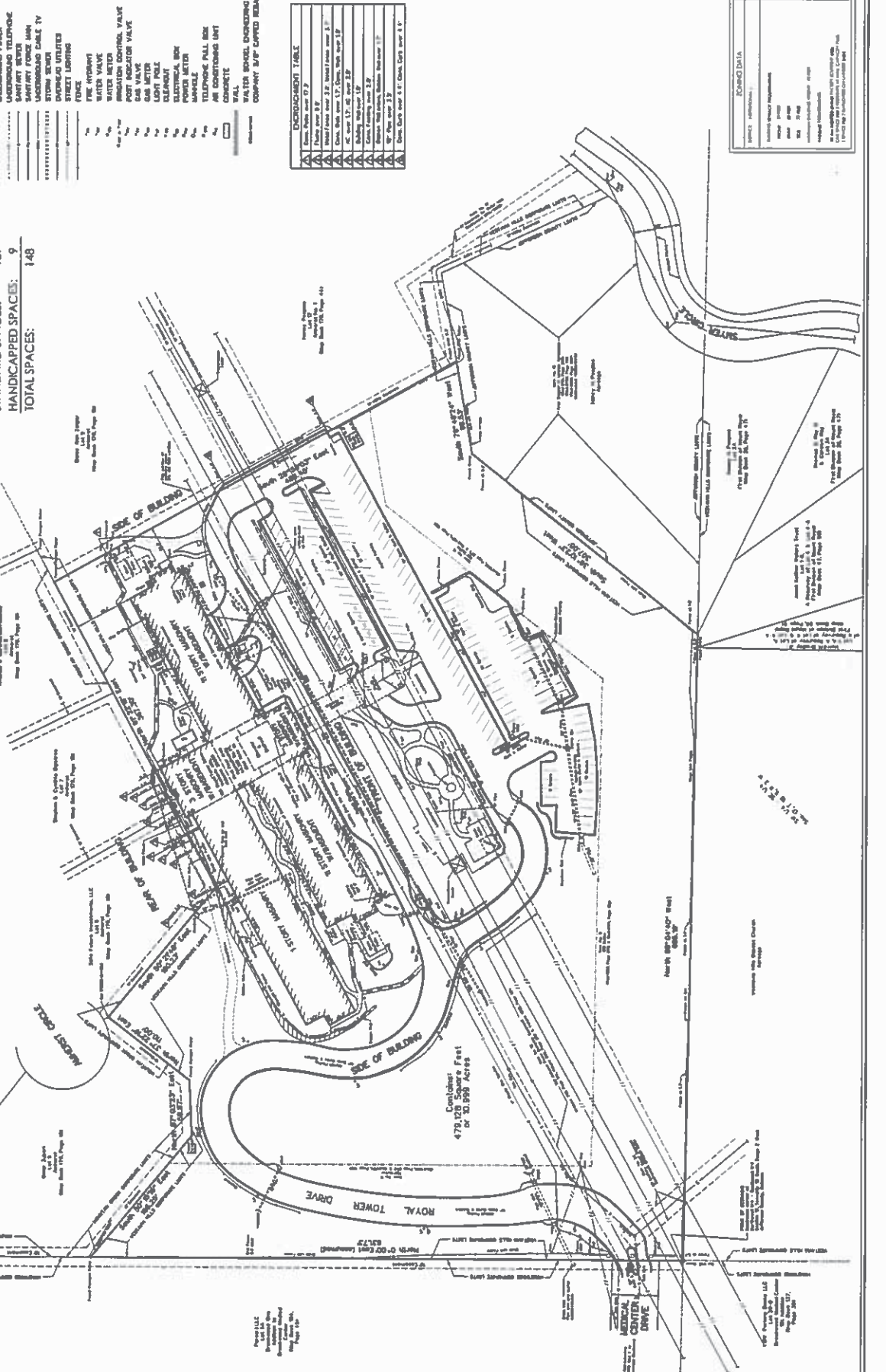
ENCROACHMENT DATA

DATE: 12/22/2010
 DRAWN BY: JMS
 CHECKED BY: JMS
 REVISION: 12/22/2010
 PROJECT: MOUNT ROYAL TOWERS
 LOCATION: VESTAVIA HILLS, ALABAMA
 SHEET: 1 OF 2

STANDARD SPACES: 139
HANDICAPPED SPACES: 9
TOTAL SPACES: 148

LEGEND

- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND POWER
- UNDERGROUND TELEPHONE
- UNDERGROUND CABLE TV
- STORM SEWER
- STORM UTILITIES
- PIPE
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CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: MAY 17, 2018

- **CASE:** BZA-0518-11
- **REQUESTED ACTION:** 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'
- **ADDRESS/LOCATION:** 401 Fernwood Dr.
- **APPLICANT/OWNER:** Amy & Chris Ferguson
- **GENERAL DISCUSSION:** Applicant is seeking variances for a rear addition to the house. Applicant contends the corner lot causes 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.

401 Fernwood Drive
Front, Side & Rear Setback
Amy & Chris Ferguson
R3

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: Amy and Chris Ferguson

Address: 401 Fernwood Drive
Vestavia, AL 35216

Phone #: 823-8565 Other #: 876-3541

E-Mail: amysfers@gmail.com 908-9167

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

12:15

401 Fernwood Drive
Front, Side & Rear Setback
Amy & Chris Ferguson
R3

II. DESCRIPTION OF PROPERTY:

LOCATION: 401 Fernwood Dr
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.
18' front/side/rear (circle one) setback variance to reduce the setback to 15' in lieu of the required 30'.
6' front/side/rear (circle one) setback variance to reduce the setback to 44' in lieu of the required 50'.
6' front/side/rear (circle one) setback variance to reduce the setback to 9' 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 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).

* Need additional space for growing children - keep an eye on them.
And a corner lot

VI. OWNER AFFIDAVIT:

BZA0518-11//2800194012004000
401 Fernwood Drive
Front, Side & Rear Setback
Amy & Chris Ferguson
R3

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.

Amy Fern 4/16/18
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 16th day of April, 2018.

Kay Russon
Notary Public

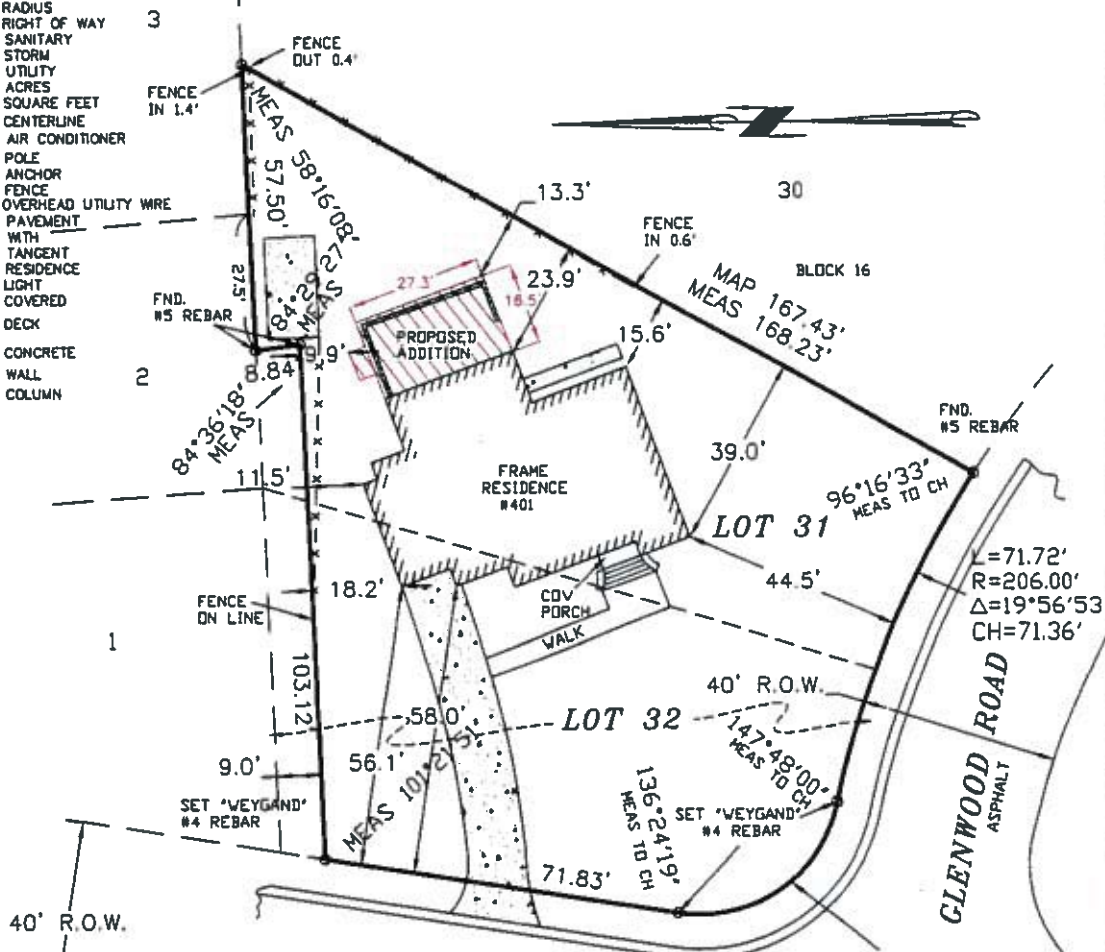
My commission expires _____
day of _____, 20____.

My Commission Expires
November 8, 2020



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
- C CENTERLINE
- A/C AIR CONDITIONER
- POLE POLE
- ANCHOR ANCHOR
- FENCE OVERHEAD UTILITY WRE
- PVMT PAVEMENT
- W/TAN WITH TANGENT
- RES RESIDENCE
- oLGT LIGHT COVERED
- DECK DECK
- CONCRETE CONCRETE
- WALL WALL
- COLUMN COLUMN



L=71.72'
R=206.00'
Δ=19°56'53"
CH=71.36'

L=43.05'
R=28.29'
Δ=87°11'21"
CH=39.01'



* EXCEPT THE NORTH 9 FEET TAKEN EVENLY OFF THE NORTH SIDE OF LOT 32 AND THE NORTH 9 FEET TAKEN EVENLY OFF THE NORTH SIDE OF THAT PART OF LOT 31, WHICH LIES WEST OF A LINE BEGINNING AT THE CENTER OF THE SOUTH LINE OF LOT 2 AND RUNNING SOUTHERLY AND PARALLEL WITH THE WEST LINE OF SAID LOT 31.

SCALE: 1"=30'

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's 31 & 32, Block 16, BILTMORE ESTATES, as recorded in Map Volume 17, Page 59 & 60, 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 APRIL 12, 2018. Survey invalid if not sealed in red.

Order No. 879164
Purchaser:
Address: 401 FERNWOOD DRIVE

[Signature]
Ray Weygand, Reg. L.S. #24973
189 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 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. (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.