

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
NOVEMBER 16, 2017
6:00 P.M.**

Roll Call.

Approval of Minutes: November 16, 2017.

- (1) **BZA-1117-25** Will Choat is requesting a **Two Side Setback Variance** for the property located at **2017 Hickory Rd.** The purpose of this request is for a 3' side setback variance to reduce the setback to 12' in lieu of the required 15' and a 6' side setback variance to reduce the setback to 9' in lieu of the required 15'. The property is owned by Will Choat and is zoned Vestavia Hills R-3.

- (2) **BZA-1117-27** Mary B. Wyatt is requesting a **Two Side Setback Variance** for the property located at **2212 Shades Crest Rd.** The purpose of this request is for two 12' side setback variances to reduce the setback to 5' in lieu of the required 17'. The property is owned by Mary B. Wyatt and is zoned Vestavia Hills R-1.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

OCTOBER 6, 2017

The Board of Zoning Adjustment of the City of Vestavia Hills met in regular session on this date at 6:00 PM. The roll was called with the following:

- MEMBERS PRESENT:** Rick Rice, Chairman
Loring Jones, III
George Ponder
Jim Griffo
Tony Renta
- MEMBERS ABSENT:** Brendan Fuller
Robert Gower
- OTHER OFFICIALS PRESENT:** Conrad Garrison, City Planner

APPROVAL OF MINUTES

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

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

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

VARIANCE FOR MECHANICAL EQUIPMENT

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

Mr. Garrison described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Taylor Burton and Blake Pittman explained the request.

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

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

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

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

Case Postponed.

SIDE SETBACK VARIANCE

BZA-1017-24 James F. Askins, Jr. is requesting a **Side Setback Variance** for the property located at **3036 Panorama Trl.** The purpose of this request is for an 8' side setback variance to reduce the setback to 8' in lieu of the required 15'. The property is owned by James F. Askins, Jr. and is zoned Vestavia Hills R-2.

Mr. Garrison described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

Carrie Taylor explained the request and stated the shape of the lot causes a hardship.

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

MOTION Motion to approve 8' side setback variance to reduce the setback to 8' in lieu of the required 15' for the property at 3036 Panorama Trl. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

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

Mr. Griffo – yes
Mr. Ponder – yes

Conrad Garrison
City Planner

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

Date: NOVEMBER 16, 2017

- **CASE:** BZA-1117-25
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 12' in lieu of the required 15' and a 6' side setback variance to reduce the setback to 9' in lieu of the required 15'
- **ADDRESS/LOCATION:** 2017 Hickory Rd.
- **APPLICANT/OWNER:** Will Choat
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a home addition. Applicant contends that the septic system and the shape of 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 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.

BZA1117-25//28-19-4-15-3
2017 Hickory Rd.
Lot width & 2 side setback
variances
Will Choat

BZA Application
Revised May 5, 2016
Page 3

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

The owner of the property understands that variances are granted based on the zoning code. Variances are not granted on any kind of covenants. Covenants are between property owners.

EXAMPLE: If you are asking for a variance from a building setback line and the building setback line is recorded on the plat and matches the Zoning Code, then the Board of Zoning Adjustment would only hear the case based on the Zoning Code requirements, not what is on the recorded plat. The recorded plat is a covenant between property owners of the subdivision. You must have signatures of every property owner on the recorded plat map to change the covenant portion of the setback. The letter of signatures approving the amendment of the covenants must be filed with the Office of the Probate Court. Again, we can only give a variance based on the Zoning Code and that is the only portion of the building setback changes that the Board of Zoning Adjustment will vote on. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk and we will place it in the file.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Will Choat (Choat)

Address: 2017 Hickory Rd
Vestavia AL 35216

Phone #: (205) 862-9457 Other #: (205) 601-0093

E-Mail: choatwa@choat.com

Representing Attorney/Other Agent

Name: Cross Building Company

Address: 2204 Country Ridge Way
B'ham AL 35243

Phone #: (205) 966-0645 Other #: _____

E-Mail: mattd@crossbuildingcompany.com

II. DESCRIPTION OF PROPERTY

LOCATION: 2017 Hickory Rd
Street Address

Subdivision name, Lot #, Block #, etc.

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

1. A request to vary:
 - 6 variance to reduce the lot width to 9 in lieu of the required 15.
 - square foot variance to reduce the lot area to square feet in lieu of the required square feet.
 - 2.8 ' ~~front~~/side/rear (circle one) setback variance to reduce the setback to 12.4 ' in lieu of the required 15 '.
 - 6 ' front/~~side~~/rear (circle one) setback variance to reduce the setback to 9 ' 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 .

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).

Do to location at septic tank & field lines, this is only
place to build garage.

VI. OWNER AFFIDAVIT:

BZA1117-25//28-19-4-15-3
2017 Hickory Rd.
Lot width & 2 side setback
variances
Will Choat

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.

 10-4-17
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 4th day of October, 20 17.

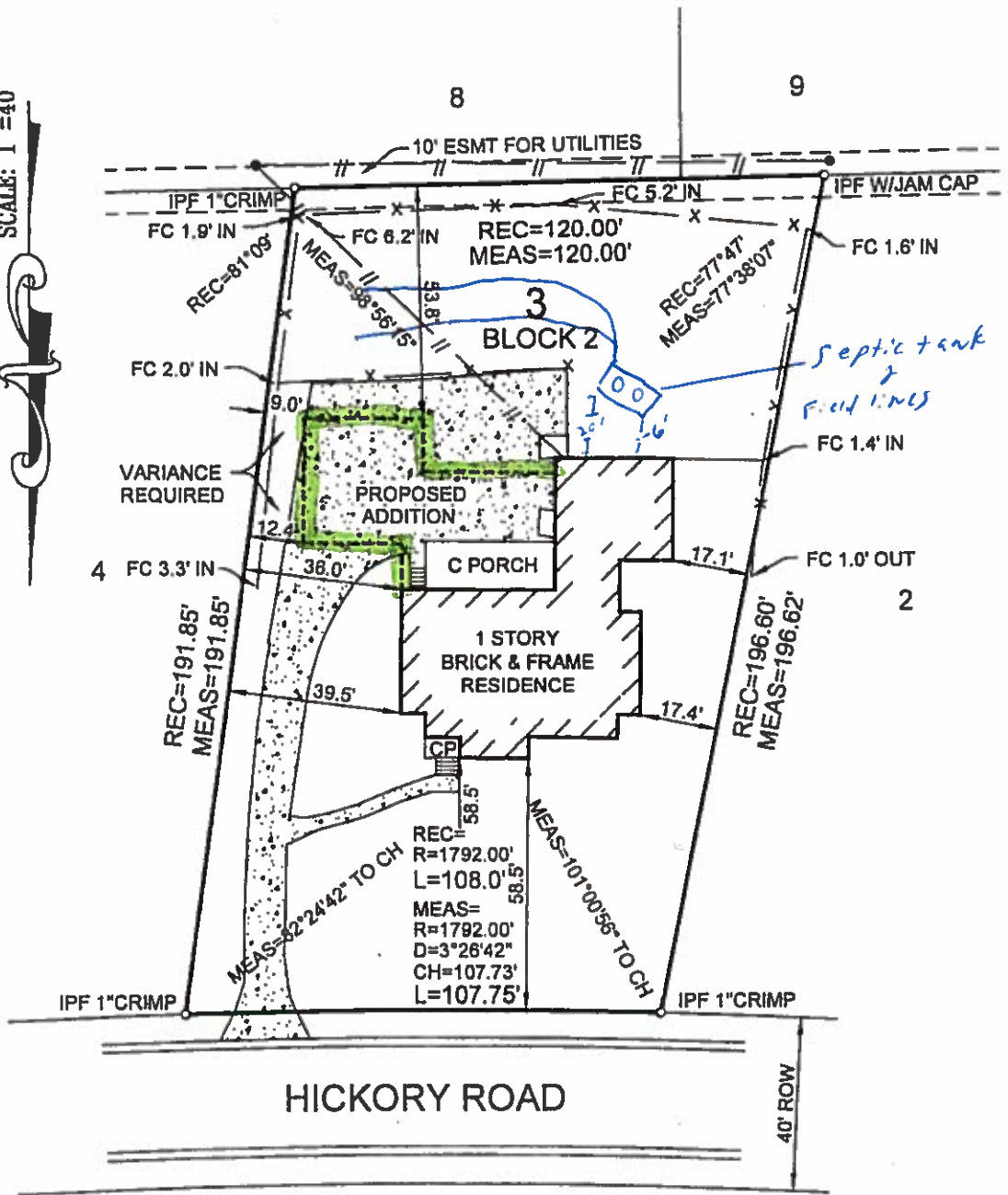

Notary Public
My commission expires 22nd
day of September, 20 21.



LEGEND:

- ASPH = asphalt
- BRG = bearing
- BLDG = building
- CALC = calculated
- CAP = capped iron
- CL = centerline
- CH = chord
- CONC = concrete
- C = covered
- d = deflection
- D = curve delta angle
- E = east
- ESMT = easement
- FC = fence
- FD = found
- HW = headwall
- IPF = iron pin found
- IPF = iron pin found w/KBW cap
- IPS = iron pin set w/SSI cap
- L = length
- MEAS = measured
- MIN = minimum
- MH = manhole
- N = north
- OH = overhang
- P = porch
- PC = point of curve
- POB = point of beginning
- POC = point of commencement
- PT = point of tangent
- PVMT = pavement
- R = radius
- REC = recorded
- RES = residence
- ROW = right of way
- S = south
- SAN = sanitary
- STM = storm
- SWR = sewer
- SYN = synthetic
- UTIL = utility
- U = uncovered
- W = west
- YI = yard inlet
- ° = degrees
- ' = minutes, in
- " = bearings or angles seconds, in
- ' = bearings or angles feet, in distance
- AC = acres
- ± = more or less, or plus or minus

SCALE: 1"=40'



STATE OF ALABAMA
SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 3, Block 2, FIRST ADDITION TO BEACON HILL as recorded in Map Book 31, Page 61 in the Office of the Judge of Probate, Jefferson County, Alabama; 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; that the correct address is as follows: 2017 Hickory Road according to my survey of September 28, 2017. Survey is not valid unless it is sealed with embossed seal or stamped in red.

SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE M
BIRMINGHAM, AL 35242
PHONE: 205-991-8965

Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12159

10-3-17

Date of Signature



Order No. 24087
Purchaser: Cross Building Company
Type of Survey: Special Purpose
to Show Proposed Addition

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

Date: NOVEMBER 16, 2017

- **CASE:** BZA-1117-27
- **REQUESTED ACTION:** 12' side setback variances to reduce the setback to 5' in lieu of the required 17'
- **ADDRESS/LOCATION:** 2212 Shades Crest Rd.
- **APPLICANT/OWNER:** Mary B. Wyatt
- **GENERAL DISCUSSION:** Applicants are seeking a variance to bring home under compliance. The variance will also allow an addition in the rear of the house. The applicant's property is zoned Vestavia Hills R-1.
- **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: Mary B. Wyatt

Address: 2212 Shades Crest Rd
Vestavia, AL 35216

Phone #: 356-6359 Other #: _____

E-Mail: mary@wyattbuilds.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

II. DESCRIPTION OF PROPERTY:

LOCATION: 2212 Shades Crest Rd
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.
12' ~~10'~~ ' front (side) rear (circle one) setback variance to reduce the setback to 5' ~~10'~~ ' in lieu of the required 17' ' on both sides of home
_____ ' 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 _____.

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).

cannot be made to four the address Bring existing house into compliance at 5' & allow addition at 10'.

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.

May B. Upton
Owner Signature/Date

Representing Agent (if any) date

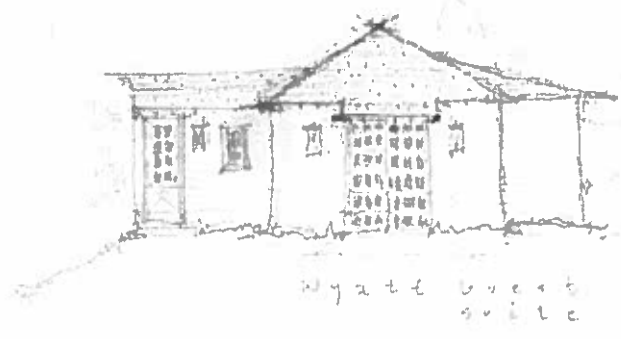
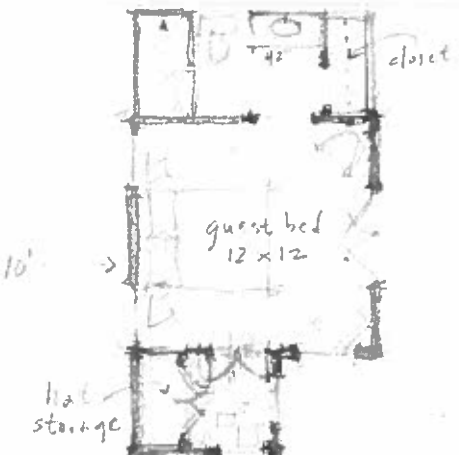
Given under my hand and seal
this 16 day of October, 2017.

Ginger Thompson
Notary Public

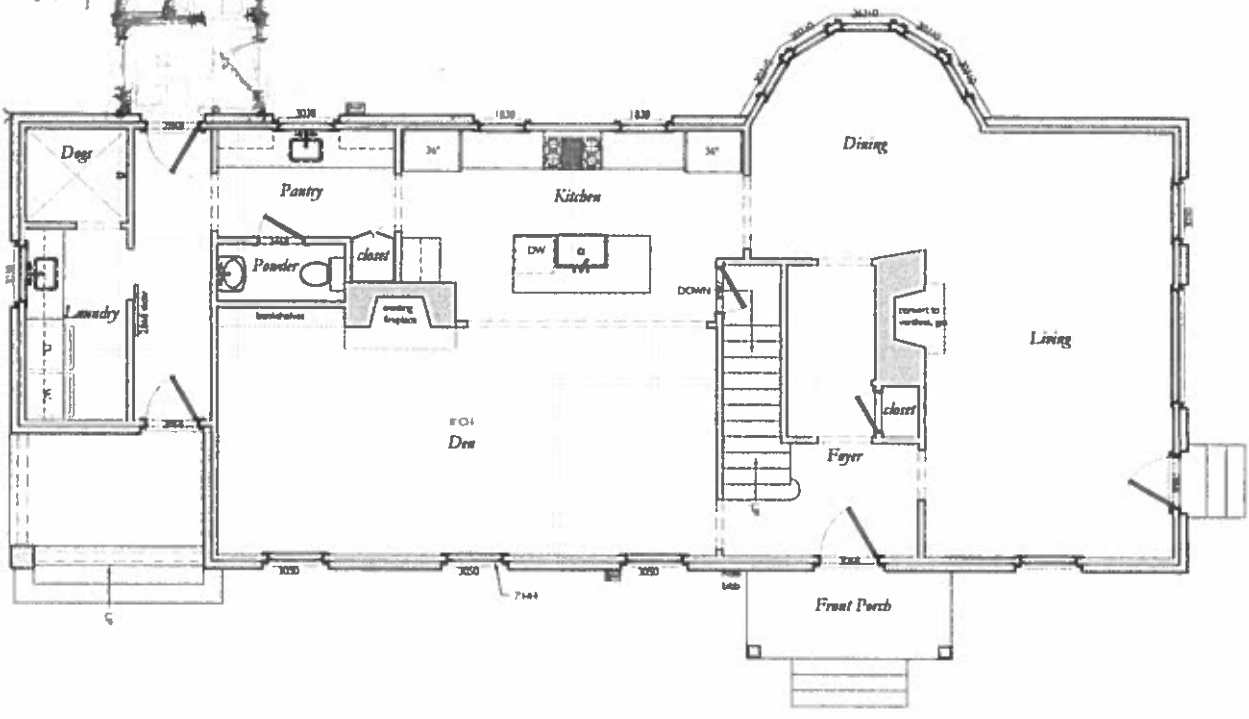
My commission expires 28th
day of Aug, 2019.

GINGER THOMPSON
Notary Public, State of Alabama
Alabama State At Large
My Commission Expires
August 20, 2019

SIDE PROPERTY LINE

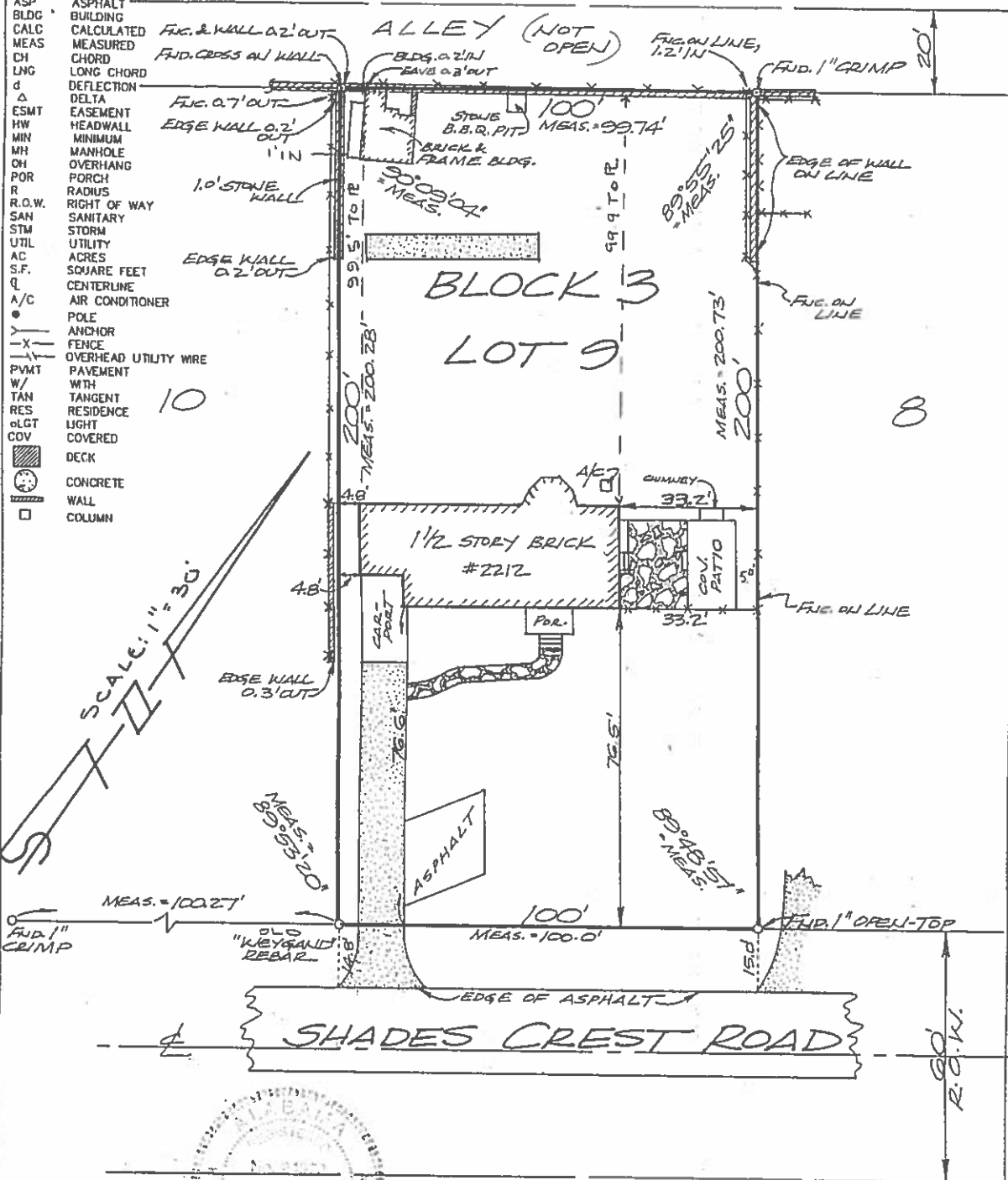


48'



LEGEND -

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LONG 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
- ANCHOR
- X- FENCE
- - - OVERHEAD UTILITY WIRE
- PVMT PAVEMENT
- W/T WITH
- TAN TANGENT
- RES RESIDENCE
- oLCT LIGHT
- COV COVERED
- ▨ DECK
- ◉ CONCRETE
- ◻ WALL
- ◻ COLUMN



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 9, Block 3, Grandview as recorded in Map Volume 7, Page 101 in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown, that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown, that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; according to my survey of DEC. 18, 2015. Survey invalid if not sealed in red.

Order No. 59354
Purchaser:
Address: 2212 SHADES CREST ROAD

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

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 8 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.