

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
AUGUST 16, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: July 19, 2018.

- (1) **BZA-0818-17** Kathryn & Taylor Smith are requesting a **Side Setback Variance** for the property located at **4049 Ida Ln.** The purpose of this request is for a 3' side setback variance to reduce the setback to 7' in lieu of the required 10'. The property is owned by Kathryn & Taylor Smith and is zoned Vestavia Hills R-4.

- (2) **BZA-0818-18** Mike & Lee Ann Allen are requesting a **Side Setback Variance** for the property located at **416 Ves Trace Rd.** The purpose of this request is for a 6' side setback variance to reduce the setback to 11' in lieu of the required 17'. The property is owned by Mike & Lee Ann Allen and is zoned Vestavia Hills R-1.

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: Rick Rice, Chairman
Loring Jones, III
George Ponder
Jim Griffo

MEMBERS ABSENT: Robert Gower
Tony Renta
Brendan Fuller

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of June 21, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of June 21, 2018 was made by Mr. Jones and 2nd was by Mr. Griffo. Motion as carried on a voice vote as follows:

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

FRONT, REAR, & SIDE SETBACK VARIANCE

BZA-0718-16 Greg & Rose Potts are requesting **Front, Side, & Rear Setback Variances** for the property located at **3243 Valley Park Dr.** The purpose of this request is for a 4' front setback variance to reduce the setback to 35' in lieu of the required 40'; a 5' side setback variance to reduce the setback to 5' in lieu of the required 10'; and a 10' rear setback variance to reduce the setback to 5' in lieu of the

required 15'. The property is owned by Greg & Rose Potts 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. The property was originally built in Jefferson County, out of compliance with City codes.

Rose Potts stated the he wanted to build an addition and a creek on 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 4' front setback variance to reduce the setback to 35' in lieu of the required 40'; a 5' side setback variance to reduce the setback to 5' in lieu of the required 10'; and a 10' rear setback variance to reduce the setback to 5' in lieu of the required 15' for the property at 3243 Valley Park Dr. was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

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

Conrad Garrison
City Planner

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

Date: **AUGUST 16, 2018**

- **CASE:** BZA-0818-17
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 7' in lieu of the required 10'
- **ADDRESS/LOCATION:** 4049 Ida Ln.
- **APPLICANT/OWNER:** Kathryn & Taylor Smith
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build a garage. Home was originally constructed in Jefferson County. Applicant contends the shape of the lot causes a hardship. The applicant's property is zoned Vestavia Hills R-4.
- **CAHABA HEIGHTS COMMUNITY 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

NOTE: The Vestavia Hills Board of Zoning Adjustment has no authority to entertain variance requests on setbacks regulated in private restrictive covenants, on plats recorded in Probate Court, on deed restrictions, etc.. These restrictions are private restrictions between property owners. The BZA may only consider variances on setbacks required in the Vestavia Hills Zoning Code and only in cases of unnecessary hardship as defined in Alabama law.

EXAMPLE: If a property owner is requesting a variance from a building setback line which is recorded on the recorded plat and matches the Zoning Code, then the Board of Zoning Adjustment could consider a variance based on the Zoning Code requirements. If granted, this variance does not lessen the private restrictions between property owners of the subdivision. The owner must obtain signatures of every property owner within the recorded plat map in order to amend the covenanted setback requirement. The letter of signatures approving the amendment of the covenants must be recorded in the Office of the Jefferson or Shelby County Probate. Once filed with the Office of the Probate, please bring a copy of the recorded amendment to the Office of the City Clerk to be placed in the file of record.

I. APPLICANT INFORMATION:

Owner of Property (This Section Must Be Completed)

Name: Kathryn Smith - Taylor Smith

Address: 4049 Ida Lane
Vestavia, AL 35243

Phone #: 205-908-3781 Other #: 510-590-2200

E-Mail: katiehornsmith@gmail.com

Representing Attorney/Other Agent

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2018 JUN - 7 P 12:02

II. DESCRIPTION OF PROPERTY:

LOCATION: 4049 Ida Lane, Vestavia, AL 35243
Street Address

Canaba Valley Estates, lot 44
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.
 - 3 ~~8~~ ' front side rear (circle one) setback variance to reduce the setback to 7 ' in lieu of the required ~~15~~ '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
 - _____ ' front/side/rear (circle one) setback variance to reduce the setback to _____ ' in lieu of the required _____ '.
2. A decision of the Zoning Official which the applicant believes to be contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

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

When the home was built in the '60s (and until annexed by Vestavia) the side set back was 7'. Therefore the house is set back 7'. We want to add a front garage, which we believe will add to the home's value and function. However, the current 15' set back will cause the garage to cover 1/3 of the house front, which would hurt the value of the home. Because the corner lots on which this & the immediate neighbor are located is not otherwise usable land, this variance would not inconvenience anyone. In fact, the variance would allow the addition to look more natural/original to the home, adding to the curb-appeal and value.

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 17 day of July, 2018.



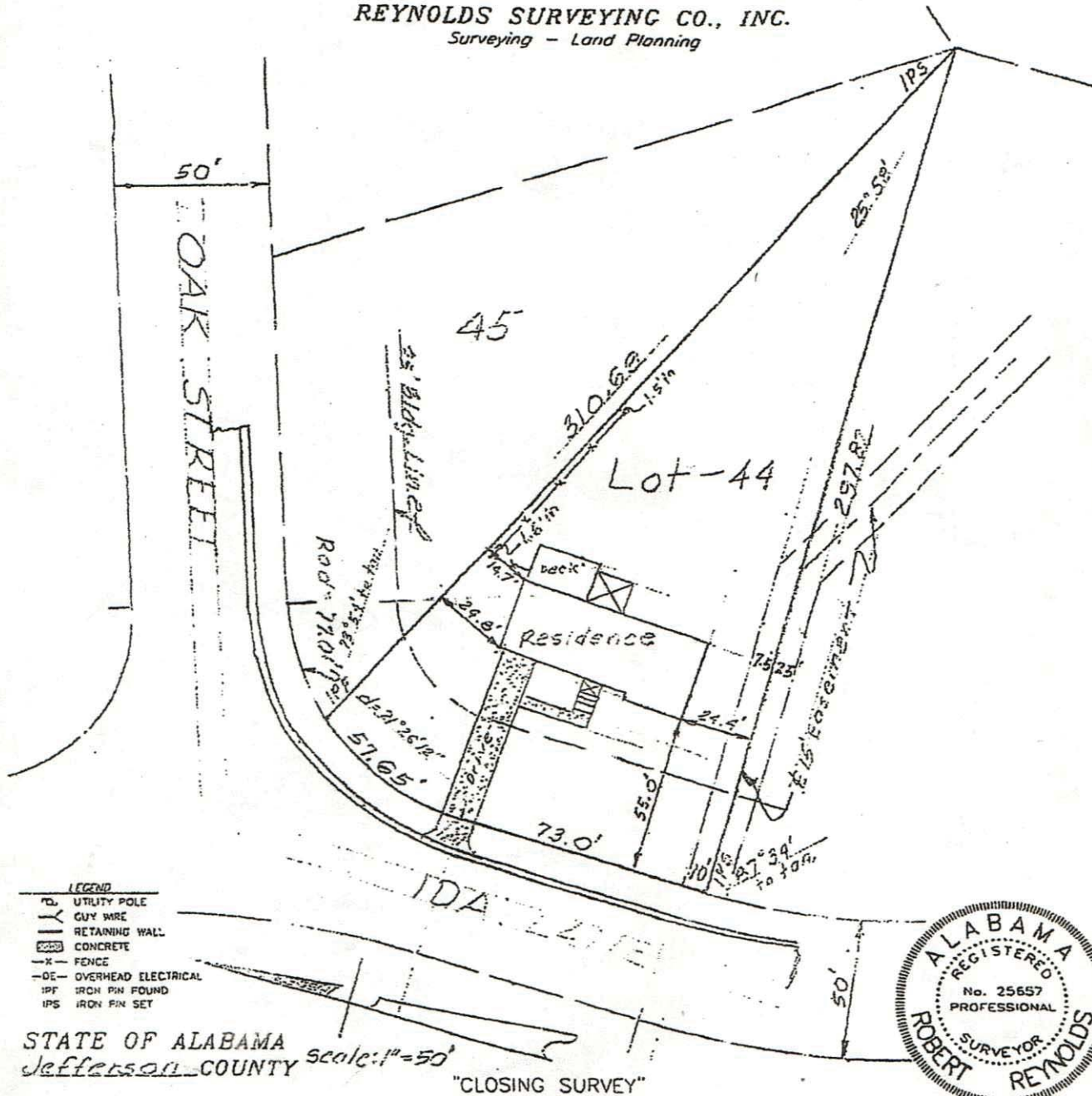
Notary Public

My Commission Expires
November 8, 2020

My commission expires _____
day of _____, 20____.



REYNOLDS SURVEYING CO., INC.
Surveying - Land Planning



- LEGEND
- ⊕ UTILITY POLE
 - GUY WIRE
 - ▬ RETAINING WALL
 - ▭ CONCRETE
 - X- FENCE
 - DE- OVERHEAD ELECTRICAL
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET



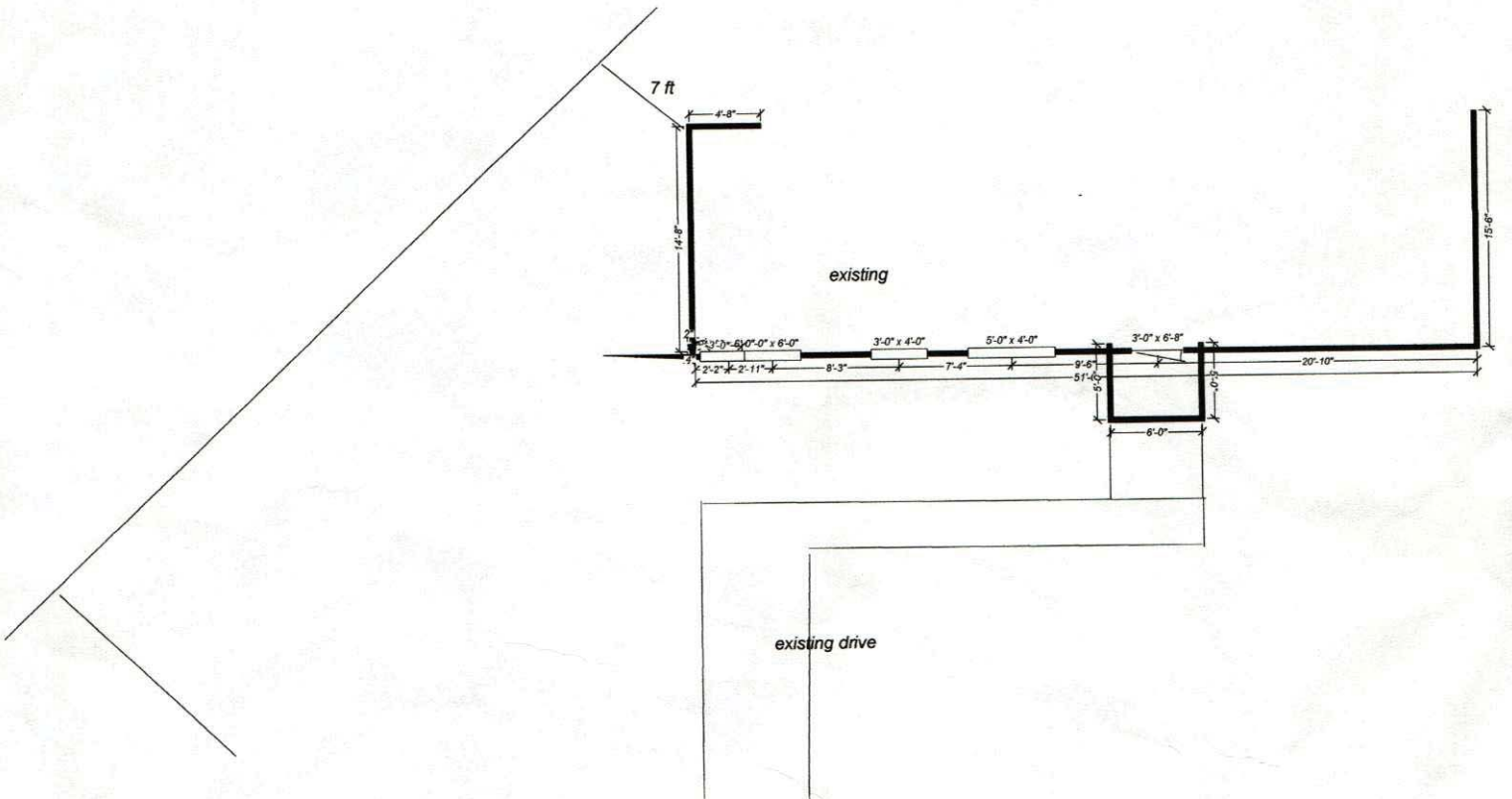
STATE OF ALABAMA
Jefferson COUNTY scale: 1"=50'
"CLOSING SURVEY"

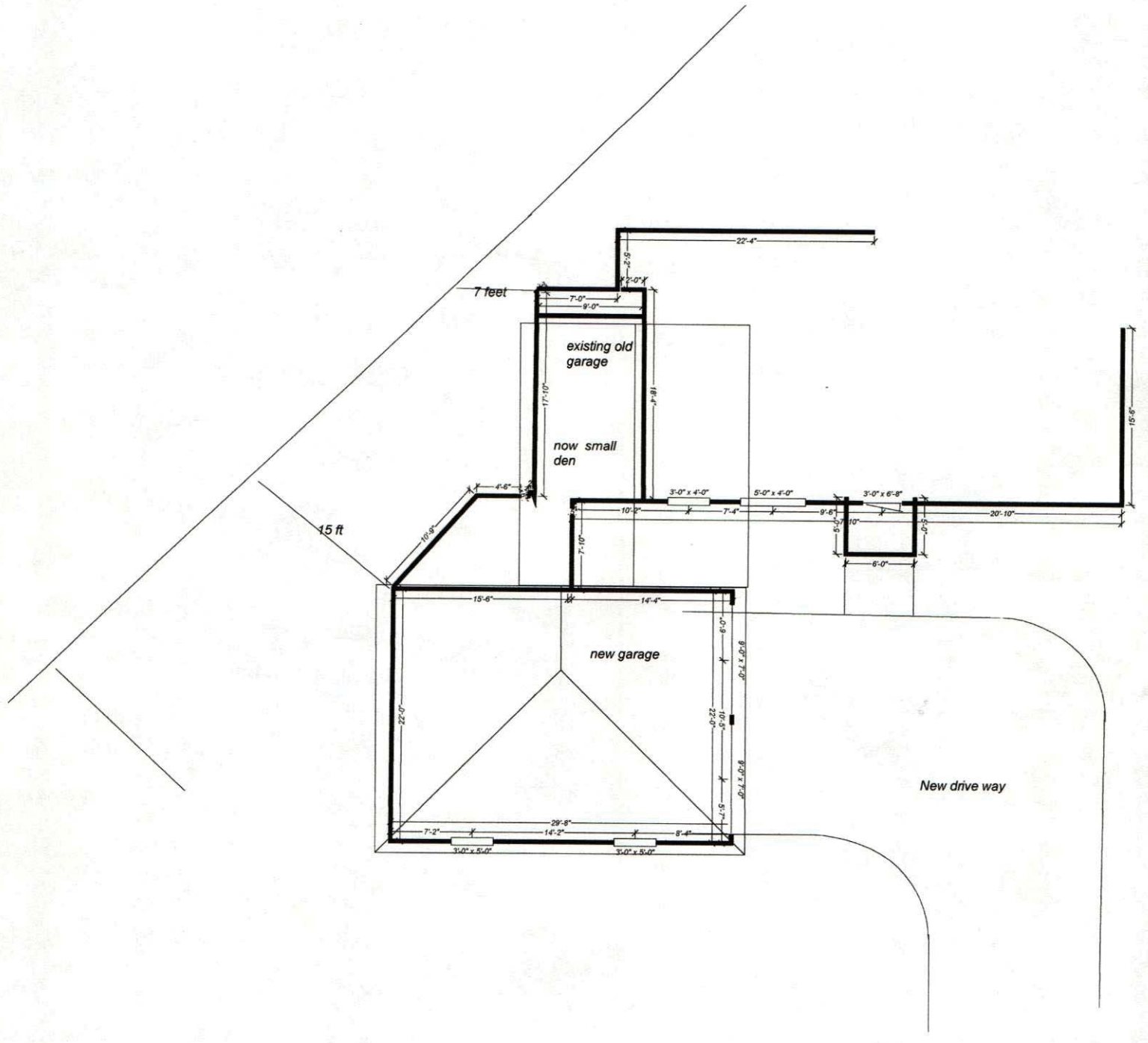
I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 44, Block —, of Cahaba Valley Estates, as recorded in Map Book 63, Page 29 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been 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 6th day of October, 2014.

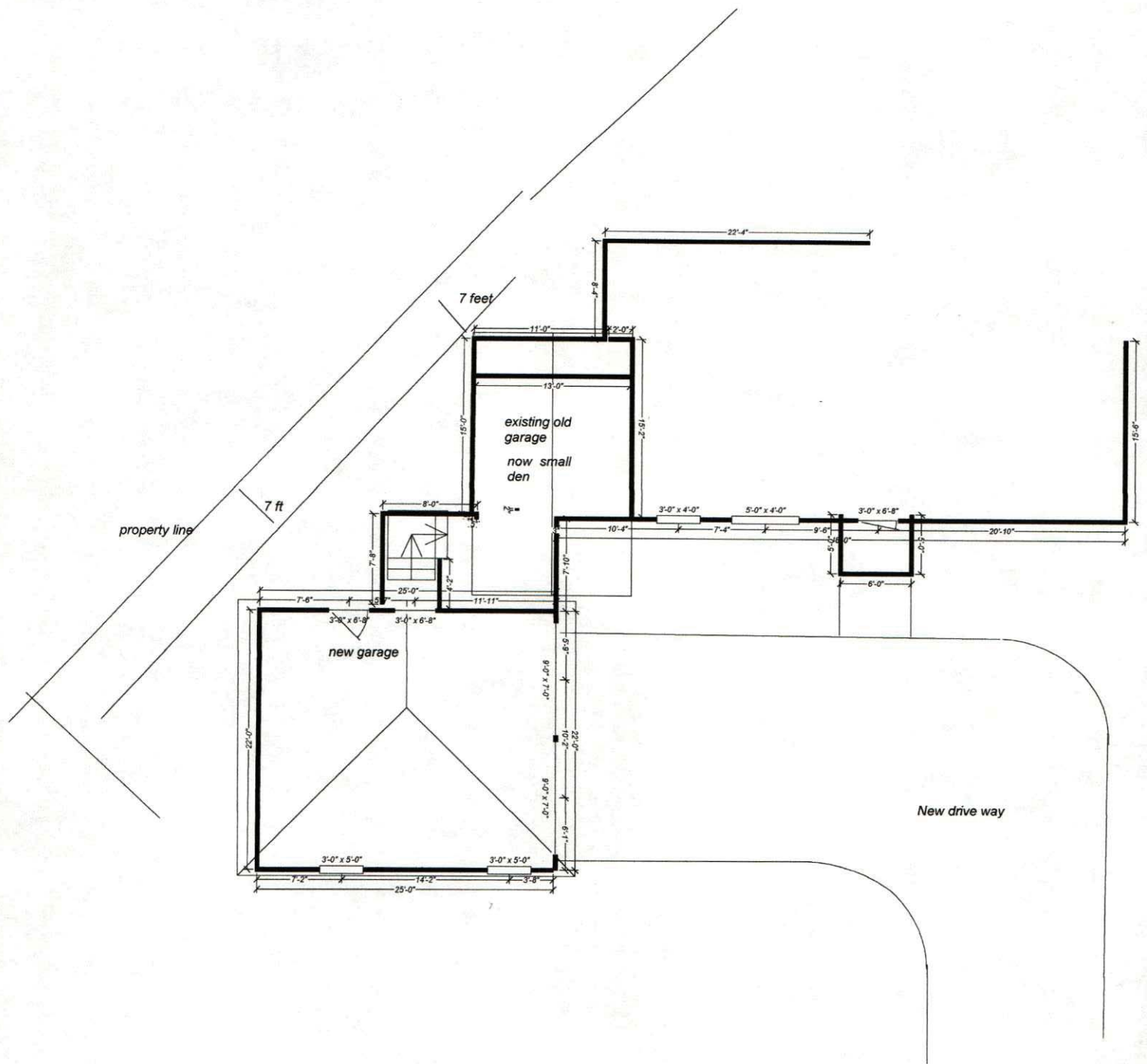
NOTE: This survey is not transferable to any additional institutions or subsequent owners.
Purchaser: Smith
Address: 409 E Ida Lane

Robert Reynolds
Reg. No. 25657

638/62







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

Date: **AUGUST 16, 2018**

- **CASE: BZA-0818-18**
- **REQUESTED ACTION:** 6' side setback variance to reduce the setback to 11' in lieu of the required 17'
- **ADDRESS/LOCATION:** 416 Ves Trace Rd.
- **APPLICANT/OWNER:** Mike & Lee Ann Allen
- **GENERAL DISCUSSION:** Applicants are seeking a variance to build an outdoor addition. Applicant contends the shape of the lot causes a hardship. 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: MIKE and LEE ANN ALLEN
Address: 416 VES TRACE ROAD
VESTAVIA HILLS, ALABAMA 35216
Phone #: 205-616-1298 Other #: 205-335-1657
E-Mail: allendesign78@gmail.com

Representing Attorney/Other Agent

Name: WARREN KYLE
Address: 396 LAKESHORE DRIVE
HOMEWOOD, ALABAMA 35109
Phone #: 205-965-6777 Other #:
E-Mail: wwkestudio@gmail.com

2018 JUL 17 P 3 46
2018 JUL 17 P 3 45

II. DESCRIPTION OF PROPERTY

LOCATION: 416 VES TRACE ROAD, VESTAVIA HILLS, AL 35216
Street Address

LOT 2, VES TRACE MANOR, MAP VOL 221, PAGE 37 JEFFERSON CTY
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.
5.75' front/side/rear (circle one) setback variance to reduce the setback to 11.25' in lieu of the required 17.0'.
 _____' 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-1 ✓.

V. HARSHIP

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

~~As is evident from the the attached survey, the right side property line tapers into the lot as it runs to the back of the property. This tapering property line coupled with the required 17.0' setback prevents placement of proposed improvements; Open Deck @ 3.15' and Fireplace @ the Existing Cov. Por. @ 5.75' (requested variance).~~

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.

[Signature]
Owner Signature/Date

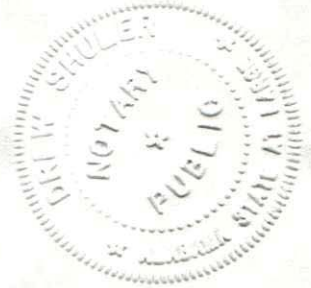
WARREN KYLE 17 JULY 2018
Representing Agent (if any)/date

Given under my hand and seal
this 17th day of July, 2018.

[Signature]
Notary Public

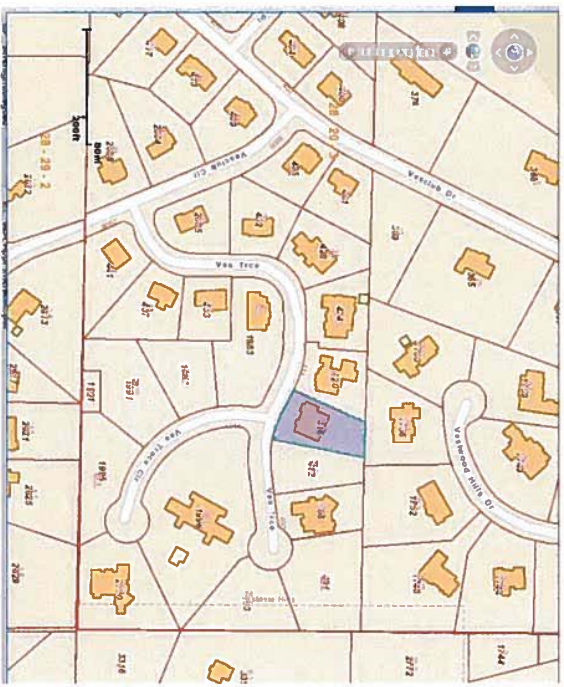
My commission expires _____
day of _____, 20____.

MY COMMISSION EXPIRES NOVEMBER 4, 2020



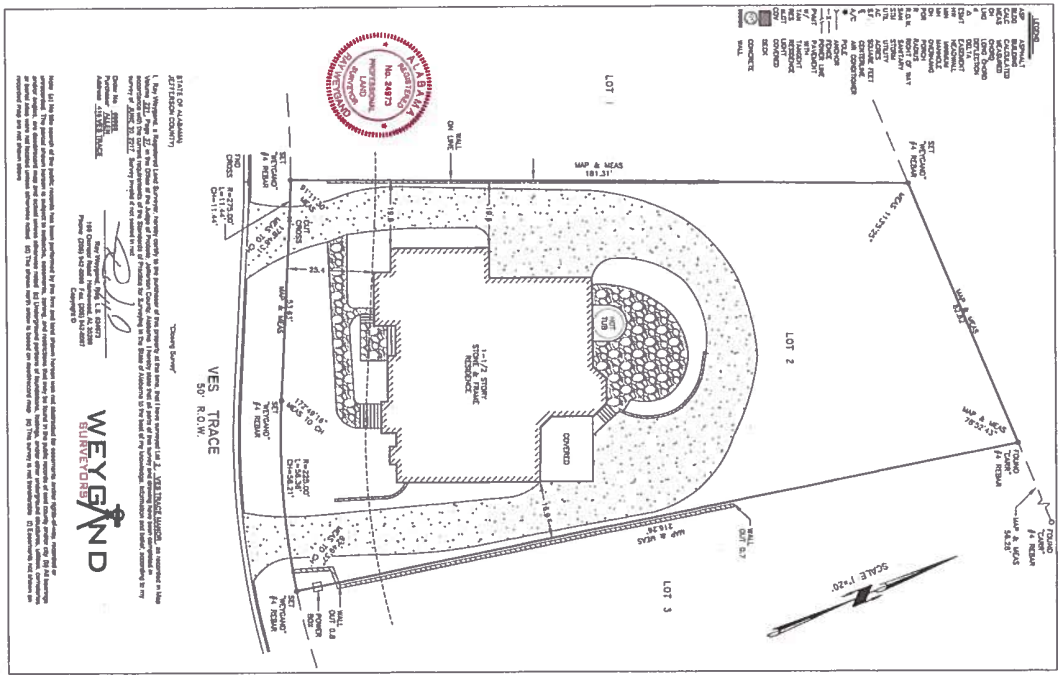


AREAVICINITY MAP



PLOT LOCATION IN SUBDIVISION

July 17, 2018

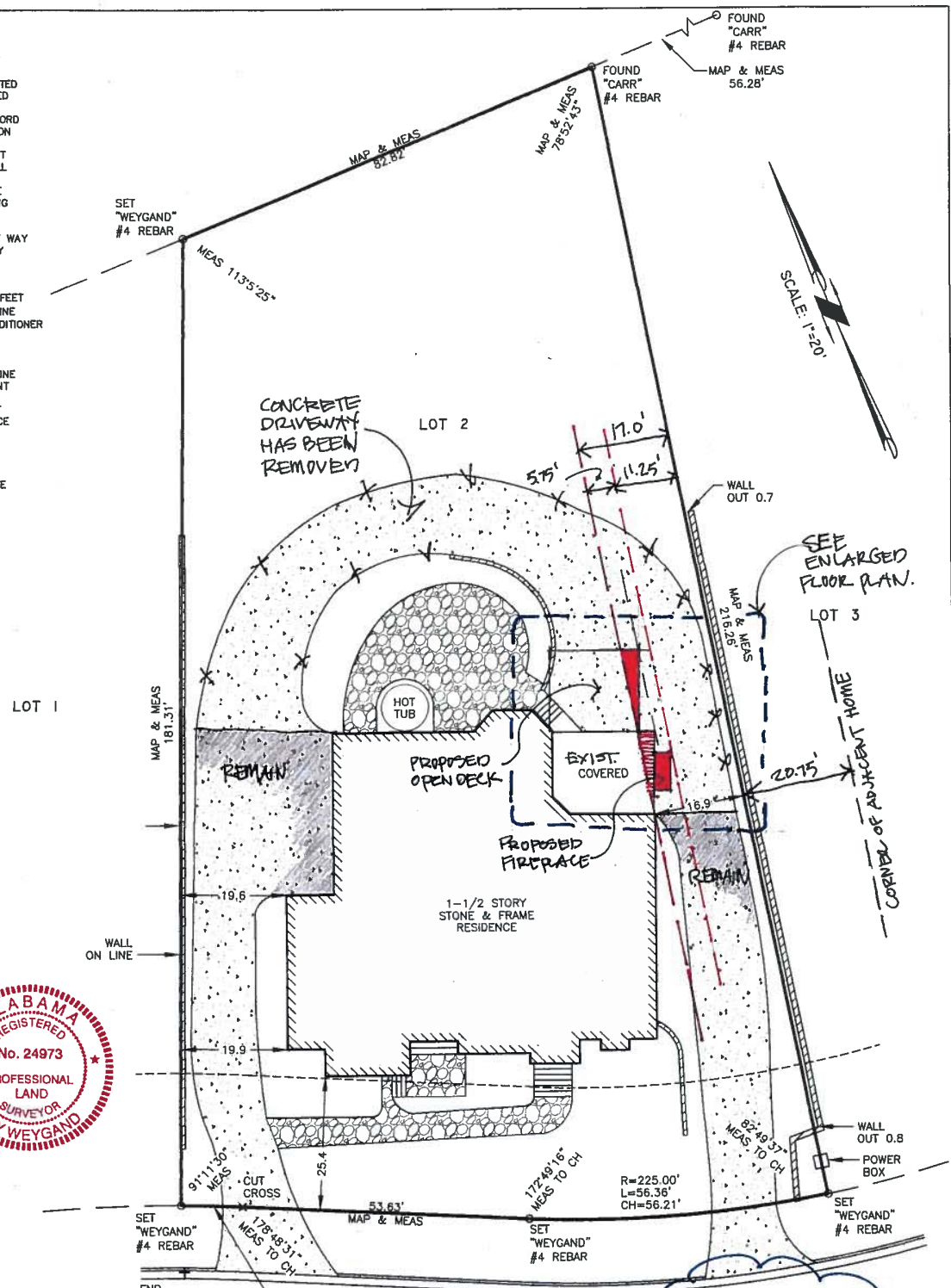


CURRENT SURVEY N.T.S.

WESTAVIA HILLS, ALABAMA | ALLEN VARIANCE

LEGEND

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



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Closing Survey"

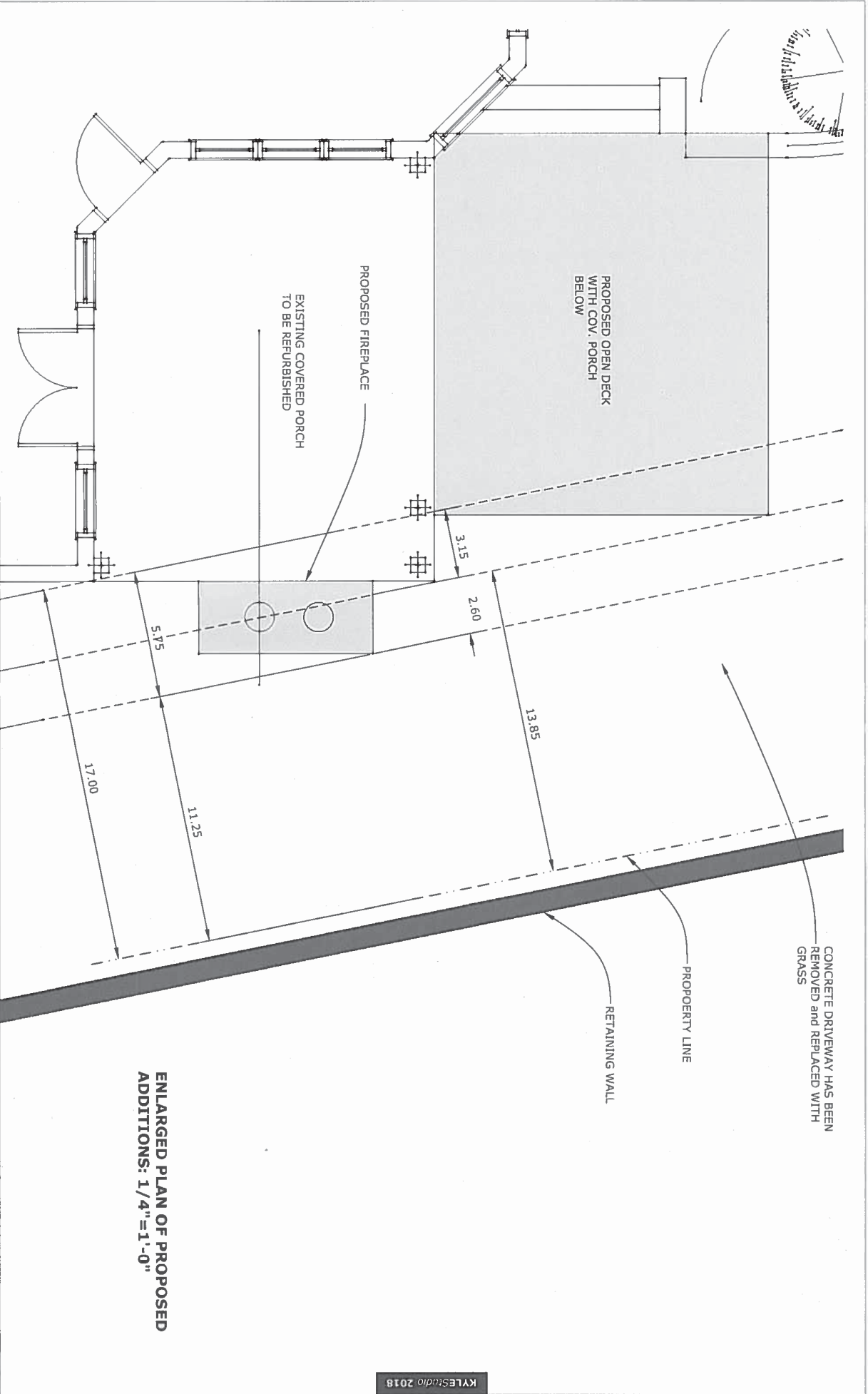
I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 2, VES TRACE #2088, as recorded on Map Volume 221, Page 37, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state that all parts of this survey 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 JUNE 30, 2017. Survey invalid if not sealed in red.

Order No. 89888
Purchaser ALLEN
Address 418 VES TRACE

Ray Weygand, P.S., L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0088 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.





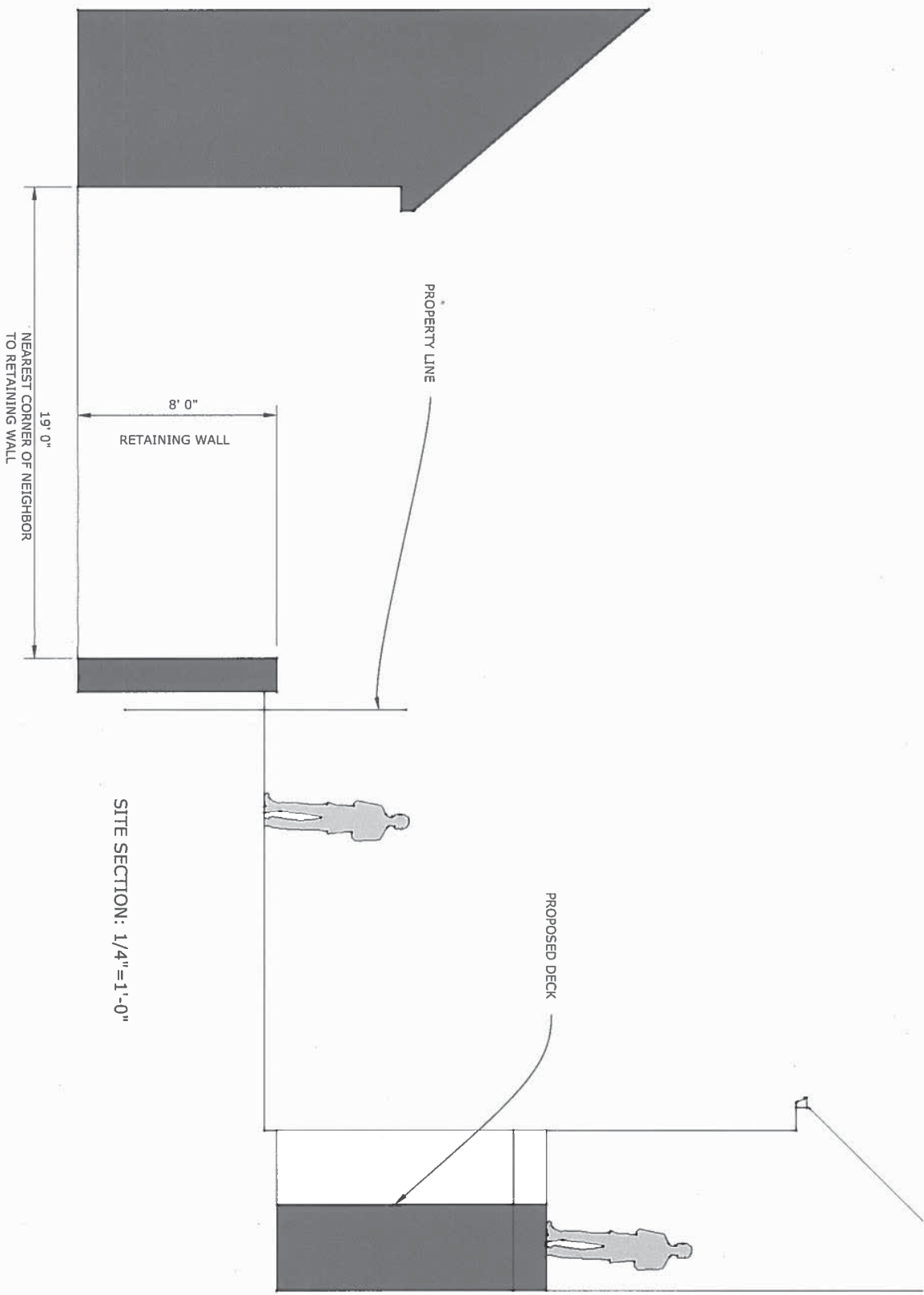
VIEW FROM NEIGHBOR'S DRIVEWAY



8' RETAINING WALL FROM NEIGHBOR'S PROPERTY



FROM BACK YARD OF 416 VES TRACE ROAD TO NEIGHBOR



SITE SECTION: 1/4" = 1'-0"

