

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
SEPTEMBER 20, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: August 16, 2018.

- (1) **BZA-0918-19** Eddie Howard is requesting a **Side Setback Variance** for the property located at **2305 Wexford Ln.** The purpose of this request is for a 6' side setback variance to reduce the setback to 9' in lieu of the required 15'. The property is owned by Eddie Howard and is zoned Vestavia Hills R-2.

- (2) **BZA-0918-20** Brad Weaver is requesting **Front & Rear Setback Variances** for the property located at **432 Sunset Dr.** The purpose of this request is for a 16' front setback variance to reduce the setback to 34' in lieu of the required 50' and a 15' rear setback variance to reduce the setback to 15' in lieu of the required 30'. The property is owned by Brad Weaver and is zoned Vestavia Hills R-3.

Time of Adjournment.

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

AUGUST 16, 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
Robert Gower

MEMBERS ABSENT: Tony Renta
Brendan Fuller

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

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

MOTION Motion to dispense with the reading of the minutes of July 19, 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. Gower – yes
Mr. Rice– yes	Motion carried.

SIDE SETBACK VARIANCE

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.

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.

Kathryn Smith was present to explain the request.

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 7’ in lieu of the required 10’ for the property at 4049 Ida Ln. 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. Gower – yes
Mr. Rice– yes	Motion carried.

SIDE SETBACK VARIANCE

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.

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 is oddly shaped.

Warren Kyle was present to explain the request.

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’ side setback variance to reduce the setback to 11’ in lieu of the required 17’ for the property at 416 Ves Trace Rd. was made by Mr. Jones and 2nd was by Mr. Ponder. Motion was carried on a roll call vote as follows:

Mr. Griffo – yes	Mr. Jones – yes
Mr. Ponder – yes	Mr. Gower – 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: SEPTEMBER 20, 2018

- **CASE:** BZA-0918-19
- **REQUESTED ACTION:** a 6' side setback variance to reduce the setback to 9' in lieu of the required 15'
- **ADDRESS/LOCATION:** 2305 Wexford Ln.
- **APPLICANT/OWNER:** Eddie Howard
- **GENERAL DISCUSSION:** Applicant is seeking a variance to build a carport. Applicant contends the shape of the lot on the cul-de-sac causes a hardship. The applicant's property is zoned Vestavia Hills R-2.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive Plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** No problems noted.
 2. **City Engineer Review:** No problems noted.
 3. **City Fire Marshal Review:** No problems noted.
 4. **Building Safety Review:** No problems noted.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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

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

I. APPLICANT INFORMATION:**Owner of Property (This Section Must Be Completed)**Name: Eddie HowardAddress: 2305 WEXFORD LNVESTAVIA, AL 35216Phone #: 205-223-8096 Other #: _____E-Mail: ehowardal@gmail.com**Representing Attorney/Other Agent**

Name: _____

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2019 AUG - 1 AM 5:52

II. DESCRIPTION OF PROPERTY:

LOCATION: 2305 WEXFORD LN
Street Address
DERBY DOWNS Lot # 216A - BLOCK 11
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.
 9 feet 8 ' front side/rear (circle one) setback variance to reduce the setback to
 _____ ' in lieu of the required ~~15~~ 15
 _____ ' front/side/rear (circle one) setback variance to reduce the setback to
 _____ ' in lieu of the required _____ '
 _____ ' front/side/rear (circle one) setback variance to reduce the setback to
 _____ ' in lieu of the required _____ '.
2. A decision of the Zoning Official which the applicant believes to be
 contrary to the meaning of the Zoning Ordinance.
3. An application to establish a use which must be approved by the Board of
 Zoning Adjustment (See Section _____).
4. A request for extension of non-conforming use (See Section _____).
5. Sign Code Variance (See Section _____).
6. Other - Explain (See Section _____).

IV. ZONING

Vestavia Hills Zoning for the subject property is R-2.

V. HARDSHIP

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

TO CONSTRUCT THE DESIRED PARAPET TO ACCOMMODATE
TWO VEHICLES I NEED THE REQUESTED SETBACK VARIANCE.
MY NEIGHBOR HAS ALREADY BEEN GRANTED THIS SAME
REQUEST. SEE ATTACHED PHOTO

Odd Shaped Lot

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.

Eddie Howard

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 7th day of August, 2018.

Kay Russon

Notary Public

My Commission Expires

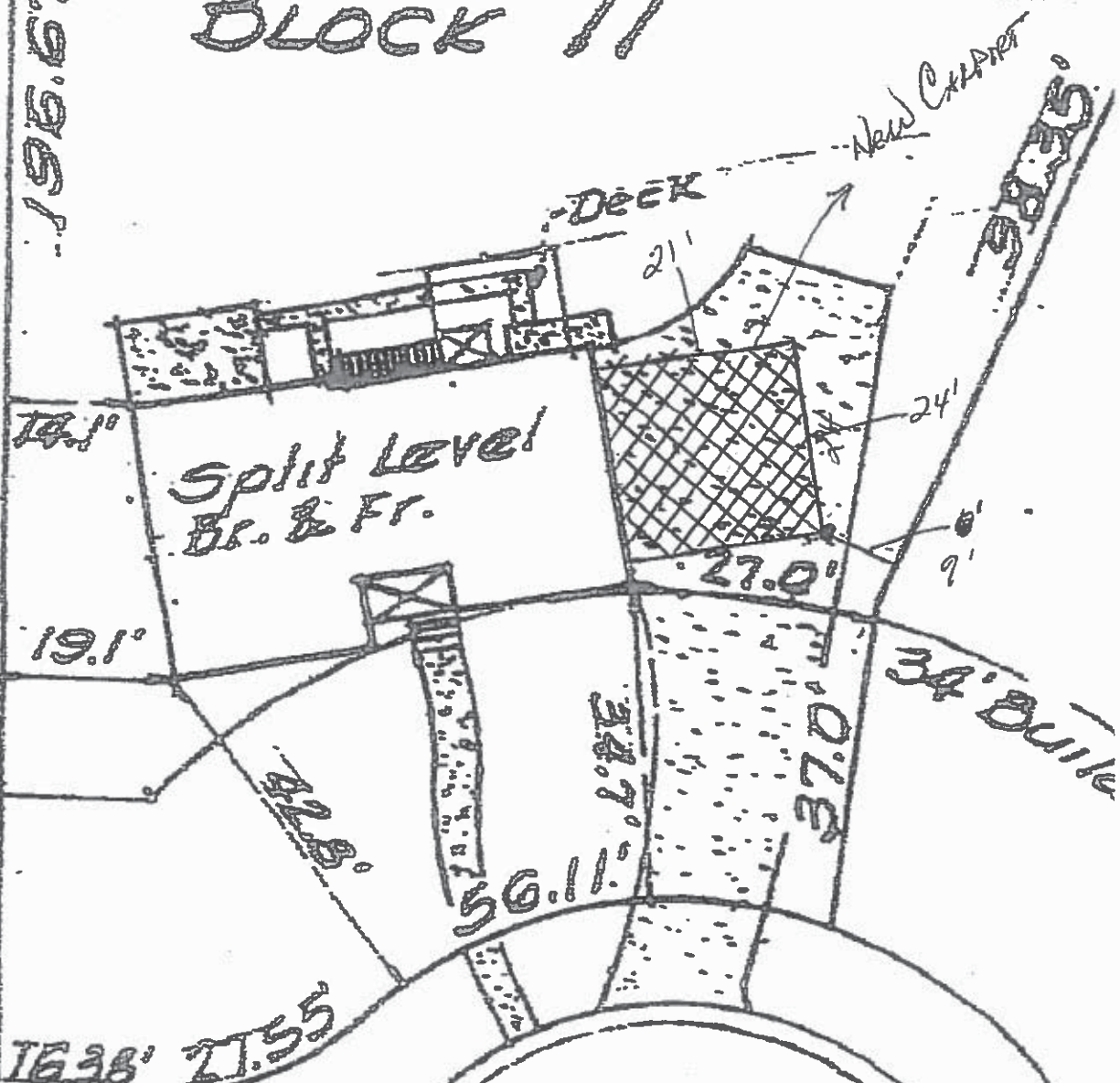
November 8, 2020

My commission expires _____
day of _____, 20_____.



LOT 16-A BLOCK 11

196.67



SON GAP
PAIL

FORD LANE



DRIVEWAY - 2305 WEXFORD LN

PROPERTY LINE IS APPROXIMATELY WHERE THE GUY IN
THE ORANGE SHIRT IS STANDING



Next Door Neighbor to
2305 WEXFORD LN

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

Date: SEPTEMBER 20, 2018

- **CASE: BZA-0918-20**
- **REQUESTED ACTION:** 16' front setback variance to reduce the setback to 34' in lieu of the required 50' and a 15' rear setback variance to reduce the setback to 15' in lieu of the required 30'
- **ADDRESS/LOCATION:** 432 Sunset Dr.
- **APPLICANT/OWNER:** Brad Weaver
- **GENERAL DISCUSSION:** Applicant is seeking variances to build a new home. 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 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

2018 AUG 15 PM 2:18

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: Brad Weaver
Address: 432 Sunset Drive
Vestavia Hills, AL
Phone #: 2059075155 Other #: _____
E-Mail: bradkatie2007@gmail.com

Representing Attorney/Other Agent

Name: Andrew Lange
Address: 2700 19th Place South Suite 200
Homewood, AL. 35209
Phone #: 2056373646 Other #: _____
E-Mail: andrew@drakehomes.net

2018 AUG 15 PM 2:18

II. DESCRIPTION OF PROPERTY:

LOCATION: 432 Sunset Drive

Street Address

Byrd Real Estate Company's Resurvey Lot 27, Block 24

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.
16' front/side/rear (circle one) setback variance to reduce the setback to
34' in lieu of the required 50'.
15' front/side/rear (circle one) setback variance to reduce the setback to
15' in lieu of the required 30'.
 _____' 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).

~~The Usable Septic System in the Yard is located on the Front Left of the Property. To reuse the
existing system we are proposing a variance on the rear of the property and on the side/front
(Biltmore Ave) to be able to achieve off street parking and garage. The existing rear setback on
the covered carport is currently 14.9' to rear property line.~~

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.

Bradley Wear

Owner Signature/Date

[Handwritten Signature]

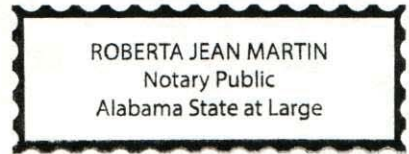
Representing Agent (if any)/date

Given under my hand and seal
this 15 day of Aug., 20 18.

Roberta Jean Martin

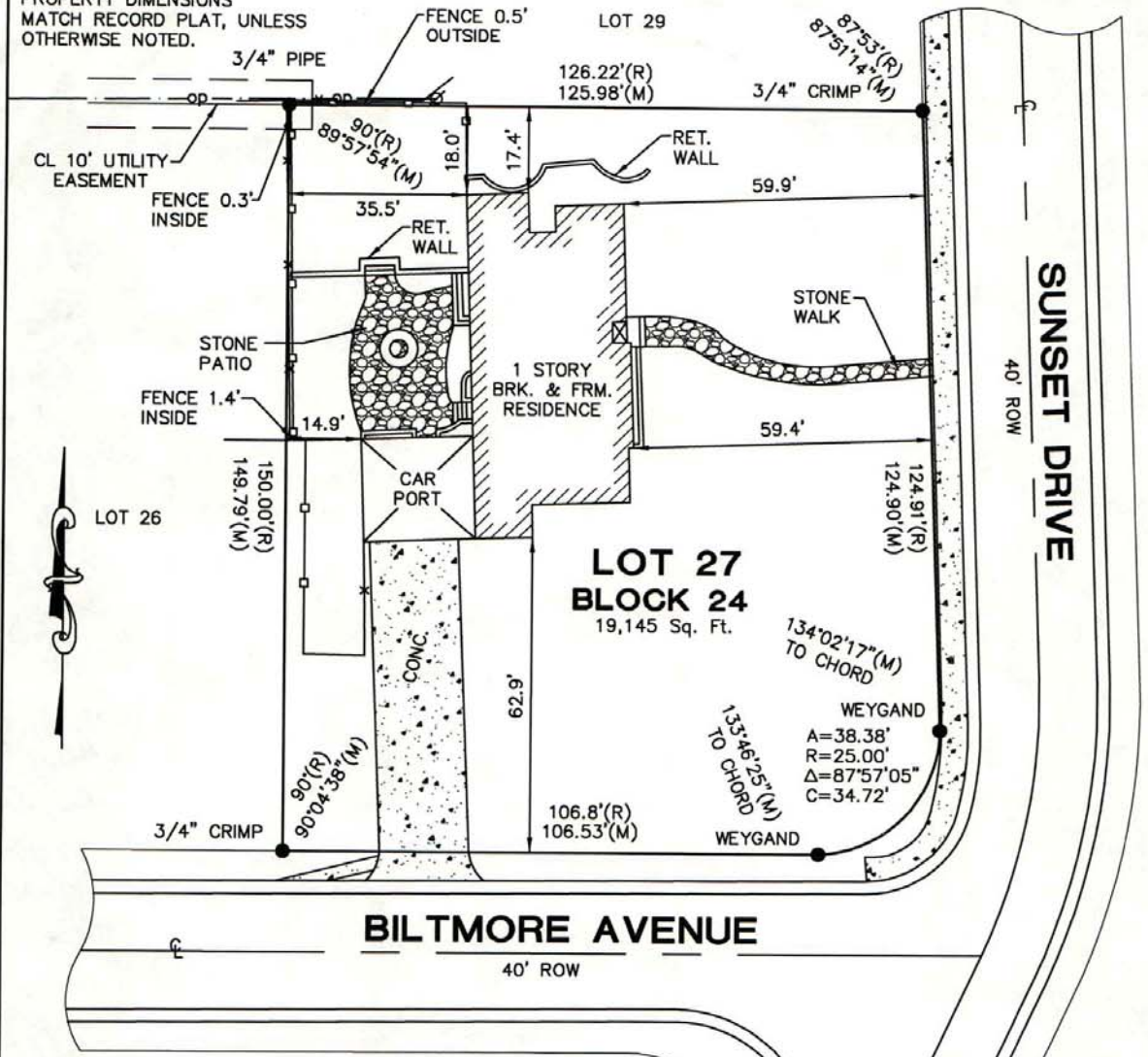
Notary Public

My commission expires 31
day of July, 20 21.



NOTE:
PROPERTY DIMENSIONS
MATCH RECORD PLAT, UNLESS
OTHERWISE NOTED.

PROJECT # 18-07013



Lot Survey

STATE OF ALABAMA
JEFFERSON COUNTY

0' 30' 60' 90' TO ALL INTERESTED PARTIES:
SCALE: 1" = 30'

I hereby state that 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.

Lot 27, Block 24, according to the survey of BYRD REAL ESTATE COMPANY'S RESURVEY OF LOTS 1 TO 7 AND LOTS 19 TO 24, BLOCK 14, LOTS 4 TO 18, BLOCK 21, LOT 1 TO 6, BLOCK 22, LOTS 1 TO 7 AND LOTS 16 TO 21, BLOCK 23, AND ALL OF BLOCK 24, BILTMORE ESTATES, ALSO A RESURVEY OF LOTS 17, 18, 19 & 20, BYRD REAL ESTATES COMPANY'S RESURVEY as the same appears of record in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 32, Page 46.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special hazard area and is shown in a Zone "X" on the Flood Insurance Rate Map for this area (Map No. 01073C0559H, dated September 3, 2010).

GIVEN UNDER MY HAND AND SEAL, this the 24th day of July, 2018.

William D. Callahan, Jr.

William D. Callahan, Jr., PLS
AL Reg # 28251

PROPERTY ADDRESS:
432 SUNSET DRIVE
VESTAVIA HILLS, AL 35216 Field Survey: 07-22-2018

CLIENT:
DRAKE HOMES, INC.



South Central Surveying, LLC
RESIDENTIAL & COMMERCIAL LAND SURVEYING

158 SUNSET TRAIL
ALABASTER, ALABAMA 35007
PHONE 205-229-1993

- = WOOD FENCE
- = CONCRETE
- (— = U.T.S. - UNABLE TO SET
- M— = M.B.L. - MINIMUM BUILDING LINE
- = CHAIN LINK FENCE
- = COVERED PORCH/DECK
- (R) = RECORDED
- (M) = MEASURED
- = CAPPED REBAR SET
- = IRON FOUND (DESCRIPTION)
- SP— = ASPH. - ASPHALT
- OP— = OVERHEAD POWER
- P— = POWER POLE