

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
OCTOBER 18, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: September 20, 2018.

- (1) **BZA-1018-21** Joe Ross Merritt is requesting a **Rear Setback Variance** for the property located at **3432 Southampton Circle**. The purpose of this request is for an 8' rear setback variance to reduce the setback to 22' in lieu of the required 30'. The property is owned by Joe Ross Merritt and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

SEPTEMBER 20, 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 August 16, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of August 16, 2018 was made by Mr. Jones and 2nd was by Mr. Gower. 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-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.

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.

Kathryn Smith was present to explain the request and stated the shape of the lot caused a hardship.

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

MOTION Motion to approve a 6' side setback variance to reduce the setback to 9' in lieu of the required 15' for the property at 2305 Wexford 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. Ponder – yes
Mr. Rice– yes

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

Conrad Garrison
City Planner

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

Date: **OCTOBER 18, 2018**

- **CASE:** BZA-1018-21
- **REQUESTED ACTION:** 8' rear setback variance to reduce the setback to 22' in lieu of the required 30'
- **ADDRESS/LOCATION:** 3432 Southampton Circle
- **APPLICANT/OWNER:** Joe Ross Merritt
- **GENERAL DISCUSSION:** Applicant is seeking a variance to build a rear addition. Applicant contends the shape of the lot. 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: Joe Ross Merritt

Address: 3432 Southampton Circle
Vestavia, AL 35216

Phone #: _____ Other #: _____

E-Mail: _____

Representing Attorney/Other Agent

Name: Korey Nations

Address: 589B Shades Crest Rd.
Hoover, AL 35226

Phone #: 205-965-9678 Other #: _____

E-Mail: knations@nateoLLC.com

2018 SEP 18 P 2:21

II. DESCRIPTION OF PROPERTY:

LOCATION: 3432 Southampton Circle
Street Address

Coventry First & Second Sector, Lot 4, Block 4
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 _____ ' .
8' ' front/side/rear (circle one) setback variance to reduce the setback to 22 ' 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 _____.

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).

pie shape lot at rear creates odd shape. Rear setback is used instead of side setback because of pie shape.

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

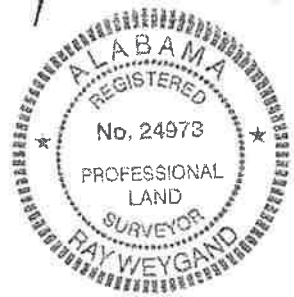
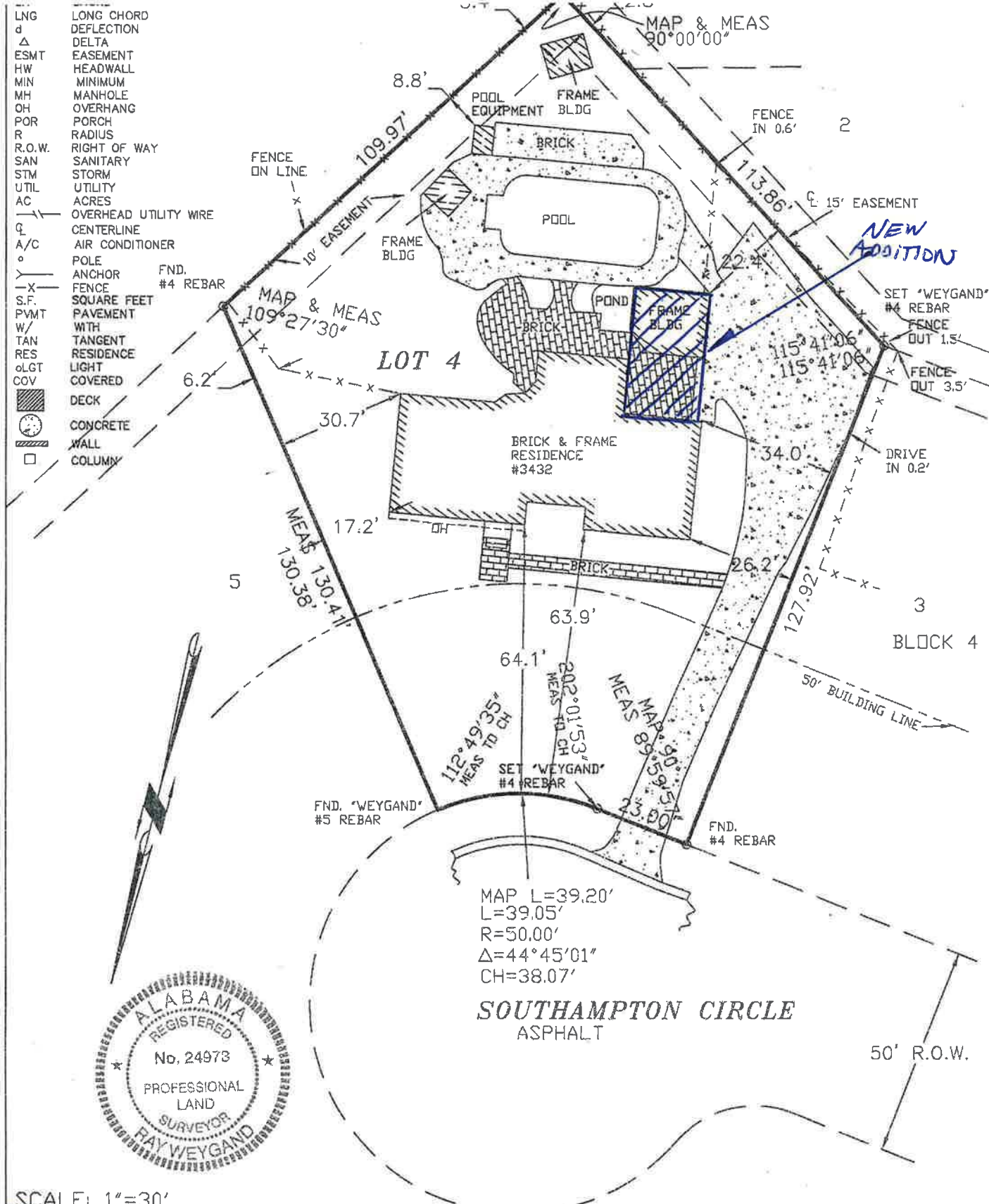

Representing Agent (if any)/date

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


Notary Public

My commission expires 2/4/2019
day of February, 20 19.

- 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
- OVERHEAD UTILITY WIRE
- CENTERLINE
- A/C AIR CONDITIONER
- POLE
- ANCHOR
- FENCE
- S.F. SQUARE FEET
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- CONCRETE
- ▨ WALL
- COLUMN



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 4, Block 4, COVENTRY FIRST AND SECOND SECTOR, as recorded in Map Volume 81, Page 31 A&B, 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 AUGUST 9, 2018. Survey invalid if not sealed in red.

Order No.: 1121
Purchaser:
Address: 3432 SOUTHAMPTON CIRCLE

Ray Weygand
Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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