

**CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
AGENDA
NOVEMBER 15, 2018
6:00 P.M.**

Roll Call.

Approval of Minutes: October 18, 2018.

- (1) **BZA-1118-22** Daniel/Rime Patchwork Farms, LLC is requesting a **Side Setback Variance** for the property located at **2300 Reserve Trail**. The purpose of this request is for a 3' side setback variance to reduce the setback to 32' in lieu of the required 35'. The property is owned by Daniel/Rime Patchwork Farms, LLC and is zoned Vestavia Hills PUD-PB.

- (2) **BZA-1118-23** Brian & Molly Lewis are requesting a **Front & Side Setback Variances and a Variance for an Accessory Structure in the front yard** for the property located at **3112 Starview Cir**. The purpose of this request is for a 45' front setback variance to reduce the setback to 5' in lieu of the required 50' and a 7' side setback variance to reduce the setback to 8' in lieu of the required 15', and a variance for an accessory structure in the front yard. The property is owned by Brian & Molly Lewis and is zoned Vestavia Hills R-2.

Time of Adjournment.

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

OCTOBER 18, 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
George Ponder
Robert Gower
Tony Renta

MEMBERS ABSENT: Rick Rice, Chairman
Brendan Fuller
Jim Griffo

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of September 20, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of September 20, 2018 was made by Mr. Gower and 2nd was by Mr. Ponder. Motion as carried on a voice vote as follows:

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

REAR SETBACK VARIANCE

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.

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.

Corey Nations was present to explain the request and stated the shape of 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 an 8' rear setback variance to reduce the setback to 22' in lieu of the required 30' for the property at 3432 Southampton Circle was made by Mr. Renta and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Renta – yes

Mr. Gower – yes

Mr. Ponder – yes

Mr. Jones – yes

Motion carried.

Conrad Garrison
City Planner

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

Date: **NOVEMBER 15, 2018**

- **CASE:** BZA-1118-22
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 32'
in lieu of the required 35'
- **ADDRESS/LOCATION:** 2300 Reserve Trail
- **APPLICANT/OWNER:** Daniel/Rime Patchwork Farms, LLC
- **GENERAL DISCUSSION:** Applicant is seeking a variances for already constructed garages built within the setback. One garage was staked 4' to close and the other 18". The applicant's property is zoned Vestavia Hills PUB-PB..
- **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: Daniel/Rime Patchwork Farms, LLC

Address: 3075 Healthy Way

Vestavia Hills, Alabama 35203 / Attn: Larry Nickles

Phone #: (205) 991-3555 Other #: _____

E-Mail: rimelsn@aol.com

Representing Attorney/Other Agent

Name: Stephen R. Monk

Address: 1819 Fifth Avenue North

Birmingham, Alabama 35203

Phone #: (205) 521-8429 Other #: (205) 835-6200

E-Mail: smonk@bradley.com

2300 Reserve Trail

Limited Side Setback for 2 garages

Daniel/Rime Patchwork Farms

PUD PB1

II. DESCRIPTION OF PROPERTY:

LOCATION: 2300 Reserve Trail
Street Address

Lot 3B, Resurvey of Patchwork Farms Lot 3 Resurvey Final Plat, Map Book 239, Page 90
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' front side rear (circle one) setback variance to reduce the setback to
 _____ 32' in lieu of the required _____ 35'.
 _____' 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 PB-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).

One garage building has been built four (4) inches into the 35-foot setback. Applicant's civil
engineer had staked the building before construction but upon completion of construction and
preparation of an as-built survey, the four (4) inch encroachment was discovered.

One corner of the second garage building has been determined to encroach 18 inches into the 35-
foot setback. As above, Applicant's civil engineer had staked the building before construction but
upon completion of construction and preparation of an as-built survey, the 18-inch encroachment
of one corner of the building was discovered.

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.

DANIEL/RIME PATCHWORK FARMS, LLC

By: Rime, Inc., Its Manager

By:  10/9/2008
Owner Signature/Date

 10/9/2018
Representing Agent (if any)/date

Given under my hand and seal
this 9th day of OCTOBER, 20 18.



Notary Public
My commission expires 1/15/2020
day of _____, 20 ____.





PROPERTY INFORMATION

OWNER: THE ALABAMA RIVER AUTHORITY
 PROJECT: ALABAMA RIVER AUTHORITY
 ADDRESS: 1000 SOUTH GARDNER AVENUE, SUITE 200, MOBILE, ALABAMA 36688
 COUNTY: ALABAMA COUNTY
 SECTION: 26, TOWNSHIP 18 NORTH, RANGE 2 WEST

SURVEYOR'S CERTIFICATE

I, the undersigned Registered Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the property, and that the same has been prepared in accordance with the provisions of the Alabama Surveying Act of 1901, as amended, and the rules and regulations of the Alabama Board of Surveying Engineers.

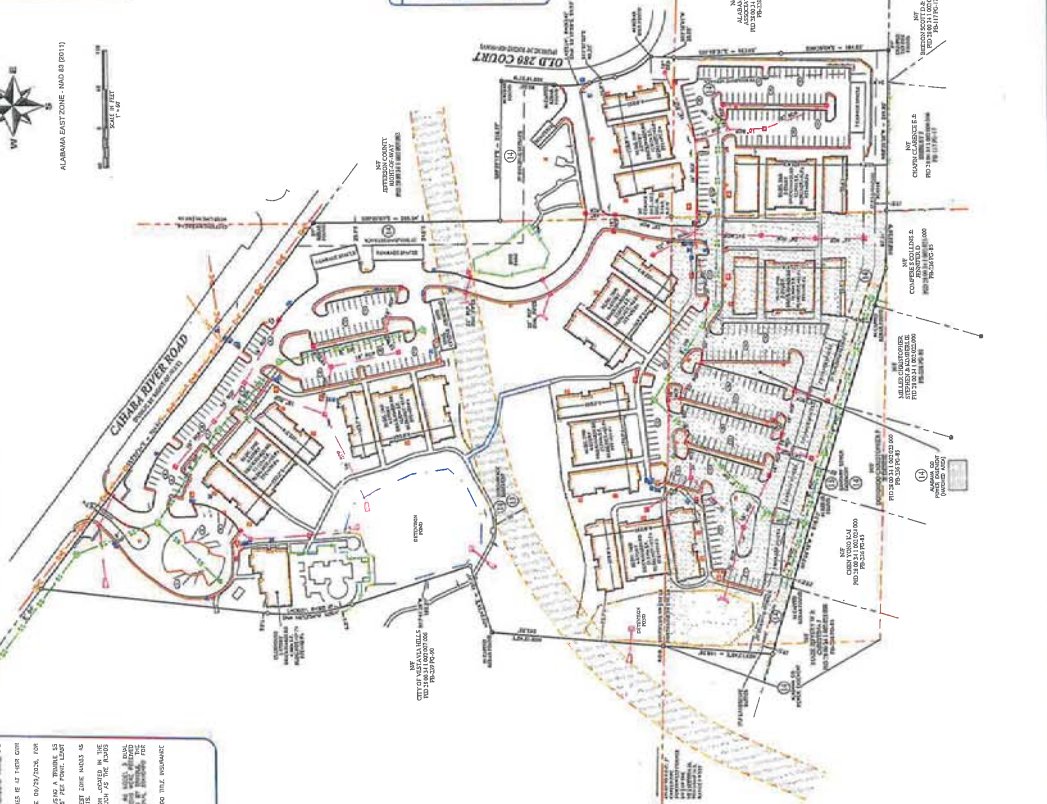
REGISTERED PROFESSIONAL ENGINEER
 STATE OF ALABAMA
 LICENSE NO. 12345

LEGEND

| | |
|---------------------------|--|
| Symbol | Description |
| Circle with cross | Survey Station |
| Circle with dot | Iron Nail |
| Circle with X | Iron Pipe |
| Circle with triangle | Iron Bolt |
| Circle with square | Iron Screw |
| Circle with diamond | Iron Nut |
| Circle with circle | Iron Washer |
| Circle with star | Iron Rivet |
| Circle with plus | Iron Bolt and Nut |
| Circle with asterisk | Iron Bolt and Washer |
| Circle with hash | Iron Bolt and Nut and Washer |
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PRELIMINARY



SURVEYOR'S NOTES

1. THIS SURVEY WAS CONDUCTED ON THE BASIS OF THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR HAS NOT CONDUCTED ANY FIELD VERIFICATION OF THE INFORMATION PROVIDED.

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LEGAL DESCRIPTION (per measured survey)

1. The north-south line of the subject property is 132.25 feet long and is parallel to the centerline of Cahiba River Road. It is bounded on the west by the centerline of Cahiba River Road, on the east by the centerline of Old 300 Court, on the north by the centerline of the subject property, and on the south by the centerline of the subject property.

2. The east-west line of the subject property is 132.25 feet long and is parallel to the centerline of Cahiba River Road. It is bounded on the west by the centerline of Cahiba River Road, on the east by the centerline of Old 300 Court, on the north by the centerline of the subject property, and on the south by the centerline of the subject property.

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CHICAGO PROFESSIONAL ENGINEERING COMPANY
 1000 NORTH LAKE STREET, SUITE 1000, CHICAGO, ILLINOIS 60611
 312.555.5555

REGISTERED PROFESSIONAL ENGINEER
 STATE OF ALABAMA
 LICENSE NO. 12345

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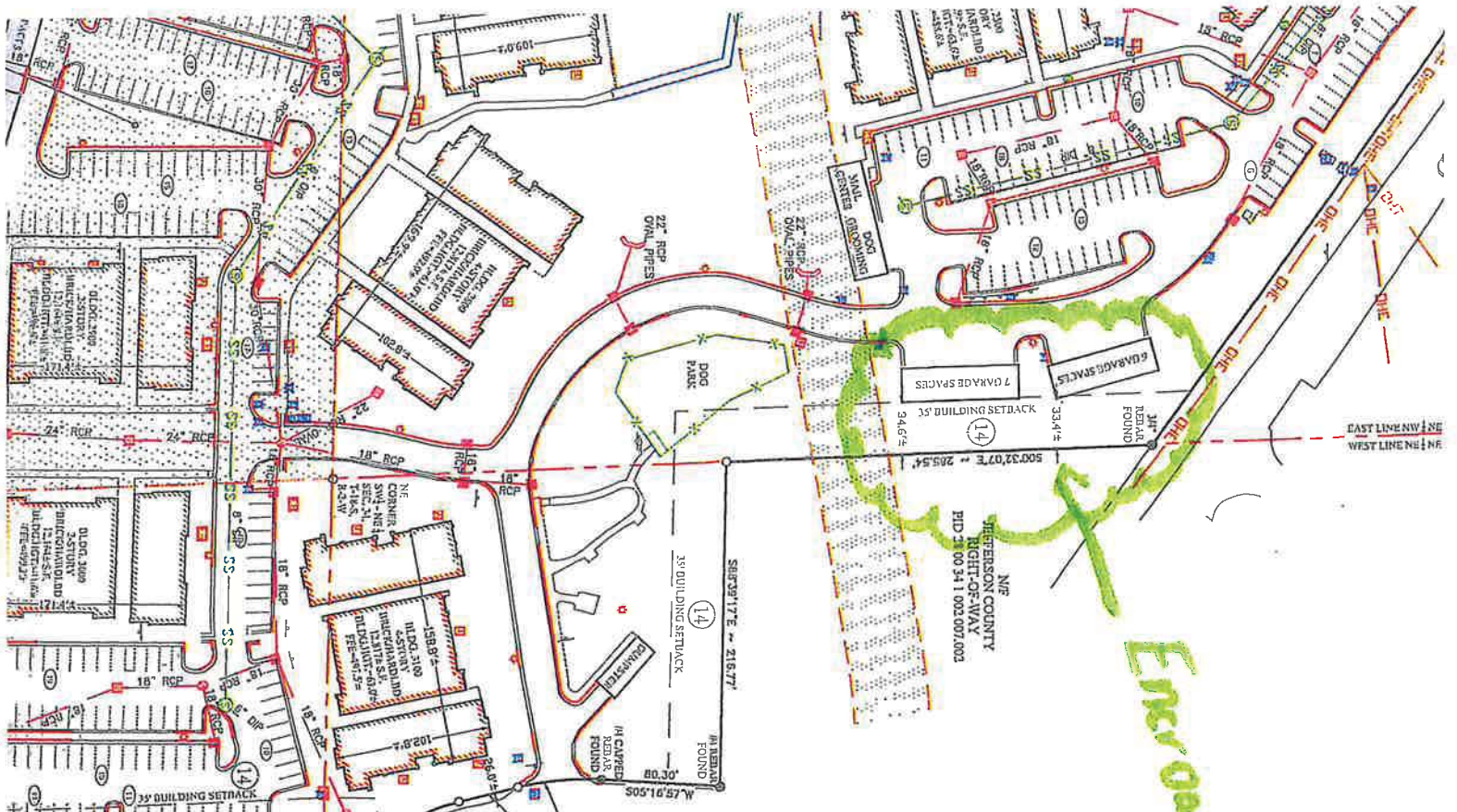
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Encroachments

N/E
ALABAMA GOLF ASSOCIATION INC.
PID 2800341 002 010000
PB-228 FC-36

OLD 280 COURT
(PUBLIC 30' RIGHT-OF-WAY)

N/E
JERRESON COUNTY
RIGHT-OF-WAY
PID 2800341 002 007 002

EAST LINE NEW LINE
WEST LINE NEW LINE

| | |
|--|--|
| 2414 RESERVE TRAIL WESTMAN HILLS, AL | 2414 RESERVE TRAIL WESTMAN HILLS, AL |
| SITE TOTAL = 785,323 S.F. OR 17.87 ACRES | SITE TOTAL = 785,323 S.F. OR 17.87 ACRES |
| ZONING: | ZONING: |
| EXISTING LAND USE: APARTMENT COMPLEX | EXISTING LAND USE: APARTMENT COMPLEX |
| SETBACKS: FRONT: FEET SIDE: FEET REAR: FEET | SETBACKS: FRONT: FEET SIDE: FEET REAR: FEET |
| REQUIRED PARKING: TOTAL SPACES REQUIRED PARKING SPACES: 377 UNRESTRICTED SPACES ACTUAL PARKING COUNT: 9 ADA SPACES 434 TOTAL SPACES | REQUIRED PARKING: TOTAL SPACES REQUIRED PARKING SPACES: 377 UNRESTRICTED SPACES ACTUAL PARKING COUNT: 9 ADA SPACES 434 TOTAL SPACES |

SURVEYOR'S CERTIFICATE

The undersigned, Registered Public Surveyor hereby certifies to: that:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b-1), 7(c), 8, 9, 10(a), 13, 14, 15, 17, 19, 20 & 21 of Table A thereof. This field work was completed on 09/12/18. Pursuant to the Agency Standards as adopted by ALTA and NSPS and in effect on the date of this certification, I further certify that, in my professional opinion as a land surveyor registered in the State of Alabama, the relative positional accuracy of this survey does not exceed that which is specified hereon.

09/12/2018
DONALDY HUTCHINS
ALABAMA PLS NO. 30812
CERTIFICATE OF AUTHORIZATION NO. CA-913 LS

LEGEND

| | |
|--|---------------------|
| | BOUNDARY |
| | P.O.L. BOUNDARY |
| | WALL |
| | YARDS LINC |
| | FENCE |
| | S.W.L. SECTION LINC |
| | LAND LOT LINE |
| | STONE/SPUR LINE |



200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413 MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0020

| | |
|----------------|----------|
| Project No. | 1394.44 |
| Field Surveys: | 09/13/18 |
| Drawn By: | MRE |
| Checked By: | DH |
| Date of Plat: | 09/17/18 |
| Scale: | 1" = 60' |

| | | |
|-----|----|---|
| No. | 1. | ADDED REMAINING BUILDING HEIGHTS, ROOMS |
|-----|----|---|

FOR:
ANGE 2 WEST
MA



Rocky Ridge Fire District

2911 Metropolitan Way
Birmingham, AL 35243
Main: 205.822.0532
Fax: 205.978.9876

ISO CLASS 1

October 10, 2018

Board of Zoning Adjustment
City of Vestavia Hills, Alabama
1032 Montgomery Hwy
Vestavia Hills, AL 35216

RE: Possible garage encroachment into building setback

Greetings:

Rocky Ridge Fire District Station Two is located on Cahaba River Road directly adjacent to the Vestavia Reserve Apartments owned by Daniel/Rime Patchwork Farms, LLC. Daniel/Rime has informed us that there are two (2) small encroachments of garages (which contain roofs) directly adjacent to the fire station property which consist of the following:

1. One garage building extends four (4) inches inside the 35-foot setback next to the fire station property;
2. The corner of another garage building extends eighteen (18) inches inside the 35-foot setback adjacent to the fire station property.

Please accept this letter as our acknowledgement and consent to the foregoing encroachments. Furthermore, by this letter, we support Vestavia Hills Board of Zoning Adjustment granting the variances being requested by Daniel/Rime with respect to this property adjusting the building setback adjacent to the fire station property to 33 feet.

I will be glad to discuss this with you if you have any questions.

Sincerely yours,

Jon Lord – Fire Chief

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

Date: NOVEMBER 15, 2018

- **CASE:** BZA-1118-23
- **REQUESTED ACTION:** 45' front setback variance to reduce the setback to 5' in lieu of the required 50' and a 7' side setback variance to reduce the setback to 8' in lieu of the required 15', and a variance for an accessory structure in the front yard
- **ADDRESS/LOCATION:** 3112 Starview Cir
- **APPLICANT/OWNER:** Brian & Molly Lewis
- **GENERAL DISCUSSION:** Applicant is seeking variances to build a garage. The applicant contends to corner lot causes a hardship. There was a recorded setback which has been relieved with the recordation of signatures. The applicant's property is zoned Vestavia Hills R-2.
- **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: Brian and Molly Lewis

Address: 3112 Starview Circle

Vestavia Hills AL 35243

Phone #: 2059159234 Other #: 2059997667

E-Mail: blewis8686@gmail.com

Representing Attorney/Other Agent

Name: NA

Address: _____

Phone #: _____ Other #: _____

E-Mail: _____

2018 OCT 16 P 3:40

II. DESCRIPTION OF PROPERTY:

LOCATION: 3112 Staview Circle Vestavia Hills AL 35243

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.
 - 45 ' ~~front~~/side/rear (circle one) setback variance to reduce the setback to 5 ' in lieu of the required 50 '.
 - 7 ' front/~~side~~/rear (circle one) setback variance to reduce the setback to 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).

Variance for accessory structure in front yard

IV. ZONING

Vestavia Hills Zoning for the subject property is R2.

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).

Attached

VI. OWNER AFFIDAVIT:

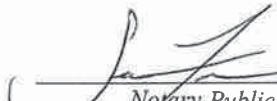
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.



Owner/Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 16 day of October, 20 18.

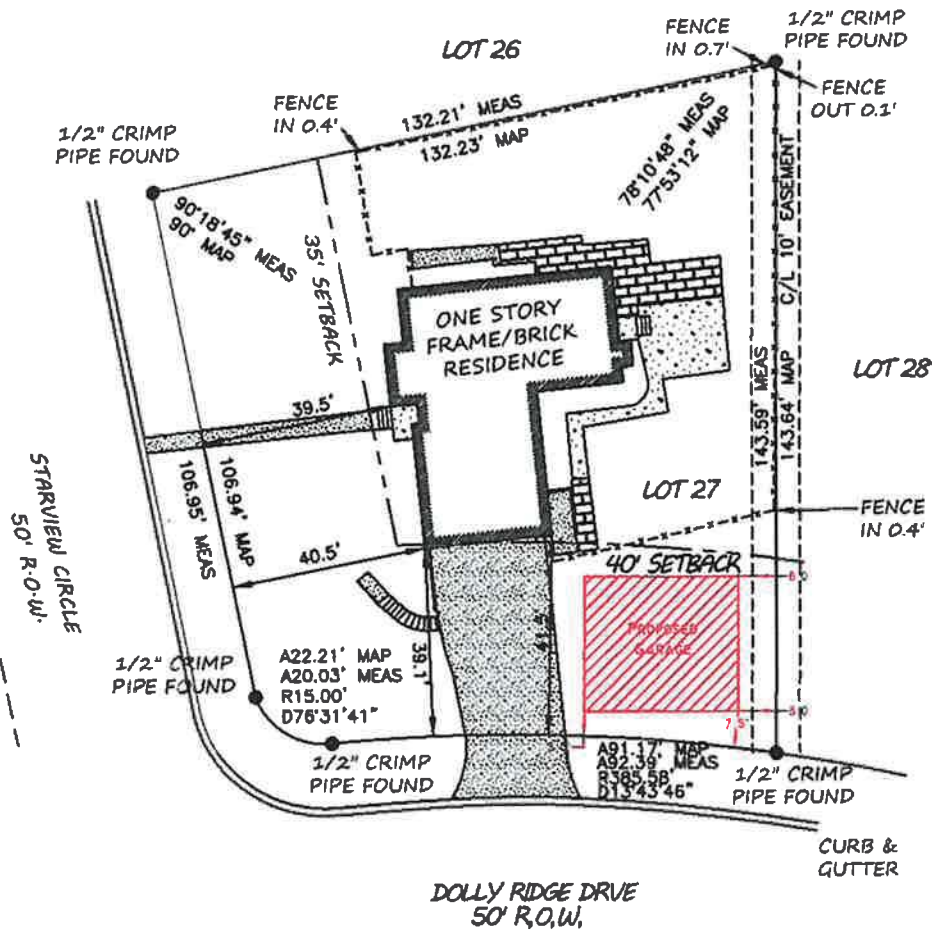


Notary Public
My commission expires 9th 18th
day of September, 20 19.



LEGEND

| | |
|---------------|----------------------|
| ASP | ASPHALT |
| BLOG | 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 |
| o | POLE |
| —X— | ANCHOR |
| —X— | FENCE |
| —X— | OVERHEAD UTILITY WRE |
| PVMT | PAVEMENT |
| W/ | WITH |
| TAN | TANGENT |
| RES | RESIDENCE |
| oLGT | LIGHT |
| COV | COVERED |
| [Hatched Box] | DECK |
| [Circle] | CONCRETE |
| [Dashed Line] | WALL |
| [Square] | COLUMN |



SCALE: 1"=40'



STATE OF ALABAMA)
JEFFERSON COUNTY)

"Plot Plan"

I, Steven J. Clinkscales, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 27, Block 3, DOLLY RIDGE ACRES FIRST ADDITION, as recorded in Map Volume 45, Page 84, 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 OCTOBER 8, 2018. Survey invalid if not signed and sealed.

Steven J. Clinkscales

Order No.: 1439
Purchaser: LEWIS
Address: 3112 STARVIEW CIRCLE

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

The hardship with respect to the subject property is based on the corner lot setbacks of this particular lot. The home owner is hoping to construct a 2-car garage alongside the driveway of the home, however the set back off of Dolly Ridge Dr. is 40'. This setback is greater than the setback on the front of the home (the front set back being 35') The address, mailbox, and front door of the property are located on Starview Circle, so we are asking for a revised setback along Dolly Ridge Dr. to a new distance of 5'. This setback would allow us the necessary area to construct a 24'x28' 1 story garage. This hardship is created by the presence of two large setbacks on a corner lot which greatly reduce the available land for an addition.

BZA1118-23//2800223006039.000
3112 Starview Circle
Front & Side Setback Variance
Brian & Molly Lewis R2

Petition for setback variance at 3112 Starview Cir.

Clerk: PEEPLESC

Molly and Brian Lewis, who reside at 3112 Starview Cir., are petitioning to waive the 40' set back imposed on their lot. They wish to build a 2 car garage adjacent to their driveway, however because they are situated on a corner lot the property has a 40' set back on both Dolly Ridge Rd. and Starview Cir. The garage will be situated on the Dolly Ridge Dr. Side of the lot and will be 20' from the road front. Please sign below to express your support.

Jessica Bordas

[Signature]

[Signature]

Michelle Pittsoni

Sharon Adams

Craig Boyer

Mindy Wade

Halley Purcell

[Signature]

Susan K. Langner-Hammock

[Signature]

Cooking Poythress

Karl Poythress

Ernie D. Keeling

Brenda King

[Signature]

[Signature]

Audrey Ester

DEED
201363/1920 0