

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

Roll Call.

Approval of Minutes: November 15, 2018.

- (1) **BZA-1218-24** Leo Ray Gaines Jr. is requesting a **Variance For An 8' Fence and a Fence in the front yard** for the property located at 4212 White Oak Drive. The purpose of this request is to replace an existing fence and for that fence to go beyond house to original fence line. The property is owned by Leo Ray Gaines Jr. and is zoned Vestavia Hills R-4.

- (2) **BZA-1218-25** Anna & Brooks Harris are requesting a **Side & Rear Setback Variances** for the property located at **2109 Southwood Road**. The purpose of this request is for 3' side setback variance to reduce the setback to 12' in lieu of the required 15' & a 6' rear setback variance to reduce the setback to 24' in lieu of the required 30'. The property is owned by Anna & Brooks Harris and is zoned Vestavia Hills R-3.

Time of Adjournment.

CITY OF VESTAVIA HILLS
BOARD OF ZONING ADJUSTMENT
MINUTES

NOVEMBER 15, 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
Robert Gower
Jim Griffo
Donald Holley, Alt
Tony Renta, Alt

MEMBERS ABSENT:

OTHER OFFICIALS PRESENT: Conrad Garrison, City Planner

APPROVAL OF MINUTES

The minutes of October 18, 2018 were presented for approval.

MOTION Motion to dispense with the reading of the minutes of October 18, 2018 was made by Mr. Jones and 2nd was by Mr. Gower. Motion as carried on a voice vote as follows:

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

SIDE SETBACK VARIANCE

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.

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.

Steve Monk was present to explain the request and stated that a builder error necessitated the application.

Mr. Ponder asked Mr. Monk what his hardship was since contractor error is not considered a one. Mr. Monk stated that moving the already constructed buildings over three feet would encroach on the drive, prohibiting fire truck access.

Mr. Jones was also concerned that the hardship threshold had not been met.

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 3’ side setback variance to reduce the setback to 32’ in lieu of the required 35’ for the property at 2300 Reserve Trail 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. Gower – no
Mr. Ponder – no	Mr. Jones – no
Mr. Rice – no	Motion failed.

FRONT & SIDE SETBACK VARIANCES & A VARIANCE FOR AND ACCESSORY STRUCTURE IN THE FRONT YARD

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.

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.

Brian Lewis was present to explain the request for a detached garage and stated that the corner lot caused a hardship. Mr. Lewis also brought an updated site plan

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 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 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. Ponder – yes

Mr. Rice – yes

Mr. Gower – 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: **DECEMBER 20, 2018**

- **CASE: BZA-01218-24**
- **REQUESTED ACTION:** Two Variances to replace an existing fence and for that fence to go beyond house to original fence line.
- **ADDRESS/LOCATION:** 4212 White Oak Drive
- **APPLICANT/OWNER:** Leo Ray Gaines Jr.
- **GENERAL DISCUSSION:** Applicant is seeking two variances to replace an 8 foot fence in the front yard, and for the fence to go beyond the house to the original fence. The original fence was built under a previous code and the commercial lot next to the applicant necessitates a fence for privacy. The applicant's property is zoned Vestavia Hills R-4.
- **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.

Y 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: LEO Ray Gaines, Jr

Address: 205 Brookshire Lane
Creopwell, AL 35054

Phone #: 205-405-1763 Other #: _____

E-Mail: Janetwood4212@yahoo.com

Representing Attorney/Other Agent

Name: _____

Address: 4212 WHITE OAK DR ?
VESTAVIA AL 35243 ?

Phone #: _____ Other #: _____

E-Mail: citker zip code

NOV 14 A 0:58

(circled in blue)
paying postage

II. DESCRIPTION OF PROPERTY:

LOCATION: 4212 White Oak Drive
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.
 _____' 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 _____'.
 _____' 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 _____). 8' fence in front yard

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).

I AM APPLYING FOR TWO VARIANCES
#1 TO REPLACE EXISTING 8' HIGH FENCE WITH 8' HIGH FENCE
#2 FOR FENCE TO GO BEYOND HOUSE TO ORIGINAL FENCE
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.

Leo Ray Law JR
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 14th day of November 2018.

Kay Russon
Notary Public

My commission expires _____
day of _____, 20_____.

**My Commission Expires
November 8, 2020**



Previous 8ft. fence extending to the power pole in front yard. (Right side)



Previous 8ft fence extending past the front of house
can only see top of building and roof of business



View driving down White Oak Drive NOT blocking
Right of way OR Power lines



Driving down White Oak Drive-View & showing
Not blocking any power lines, etc.



View driving down White Oak Drive



Previous 8'H Fence Across Back yard



Previous 8ft falling down due to age and trees growing between chain link fences.



View of Business Parking Lot without Privacy Fence
(Back of House)



Previous 8ft fence (left side)



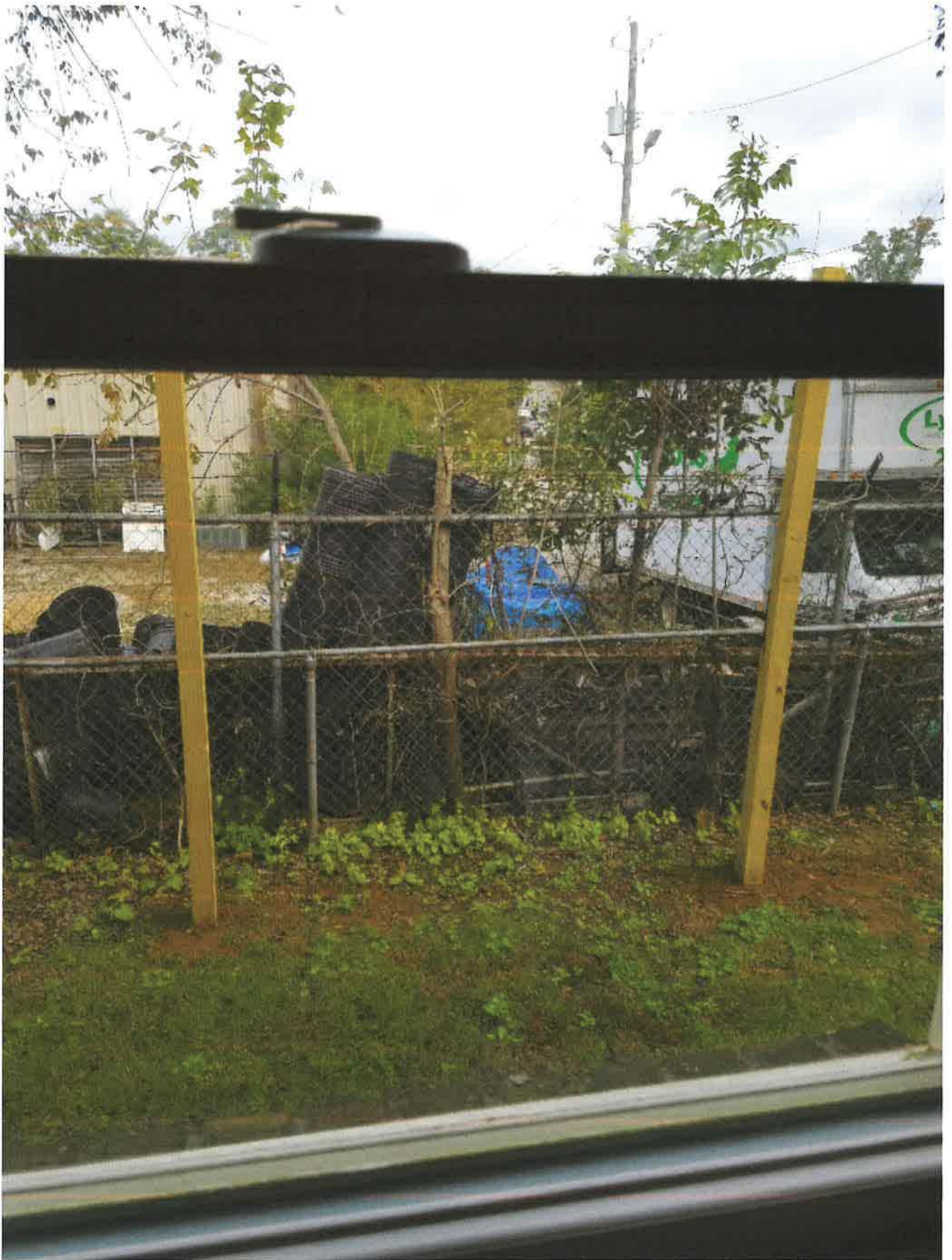
View of Rental Property without 8 ft privacy fence
(Left side)



View of Rental property without 8ft Privacy fence (Left Side)



Previous 8ft Privacy Fence (Right side)



Views of Lyon's Landscaping without privacy fence
(Right Side)

Views of Lyon's Landscaping without privacy fence
(Right side)



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

Date: **DECEMBER 20, 2018**

- **CASE:** BZA-01218-25
- **REQUESTED ACTION:** 3' side setback variance to reduce the setback to 12' in lieu of the required 15' & a 6' rear setback variance to reduce the setback to 24' in lieu of the required 30'.
- **ADDRESS/LOCATION:** 2109 Southwood Road
- **APPLICANT/OWNER:** Anna & Brooks Harris
- **GENERAL DISCUSSION:** Applicants are seeking a side and rear setback variance to build house. The applicants contend that the existing and future septic systems have greatly reduced the buildable area. All this is due to rock and subsurface issues. The applicant's property is zoned Vestavia Hills R-3.
- **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: ANNA AND BROOKS HARRIS

Address: 2112 CHESTNUT ROAD
VESTAVIA HILLS, AL 35216

Phone #: 205.329.9317 Other #: _____

E-Mail: BROOKS@HARRISDOYLE.COM

Representing Attorney/Other Agent

Name: JEREMY / JEREMY CORKERN STUDIO (ARCHITECT)

Address: 2717 HIGHLAND AVENUE SOUTH
BIRMINGHAM, AL 35205

Phone #: 205.527.2062 Other #: _____

E-Mail: JEREMY@JEREMYCORKERNSTUDIO.COM

II. DESCRIPTION OF PROPERTY:

LOCATION: 2109 SOUTHWOOD ROAD
Street Address

BYRD REAL ESTATE COMPANY'S RESURVEY / LOT 1 BLOCK 21
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 12' in lieu of the required 15'.
 - 6' front/side/rear (circle one) setback variance to reduce the setback to 24' 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 EXISTING AND FUTURE SEPTIC SYSTEMS HAVE GREATLY REDUCED BUILDABLE AREA. ALL OF THIS IS DUE TO ROCK AND SUBSURFACE ISSUES.

VI. OWNER AFFIDAVIT:

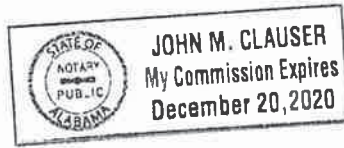
I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. I, also, understand that I am asking for a variance based on the Zoning Code only and not on any or all covenants that are on the subject property.

Blake Adams 11/20/18
Owner Signature/Date

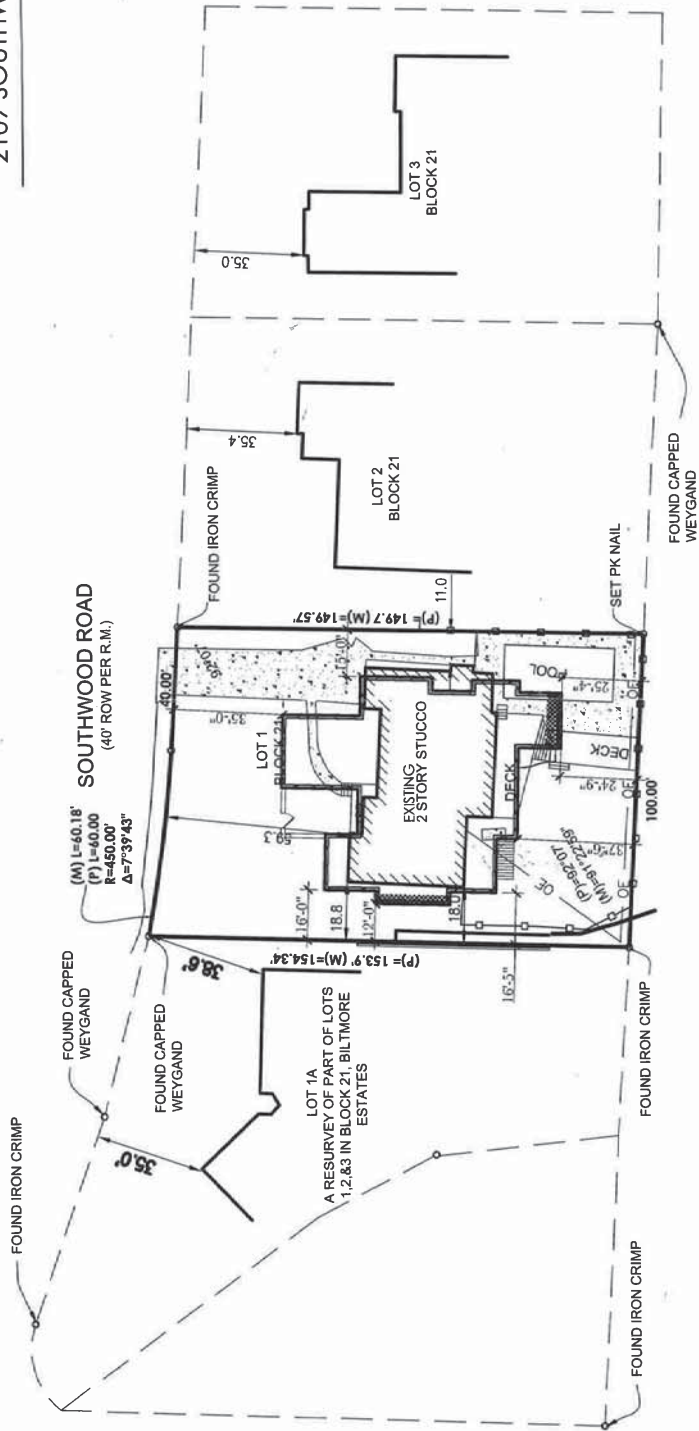
[Signature] 11/20/18
Representing Agent (if any)/date

Given under my hand and seal
this 20th day of November, 2018.

[Signature]
Notary Public
My commission expires 20
day of November, 2020.



SETBACK SURVEY
2109 SOUTHWOOD RD



TYSON DR.

SCALE: 1" = 40'

STATE OF ALABAMA
JEFFERSON COUNTY

I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed Lot 1 Block 21 according to the survey of

BYRD REAL ESTATE COMPANY'S

RESURVEY as recorded in Map Volume 32, Page 46, 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 there are no encroachments on said lot except as shown; That improvements are located as shown above. No Flood Zone Determination was requested or performed as part of this survey.

Jeff D. Arrington, AL Reg. #18664
Arrington Engineering & Land Surveying, Inc.
2032 Valleydale Road, Birmingham, AL 35244
Phone: (205) 985-9315 (Fax: 205-985-9385)

Address: 2109 SOUTHWOOD RD.
Drawing Date: 6-2-2018 By: DBA
Date of Survey: 5-31-2018 Party Chief: YA
Order No. 68451
For: HARRIS

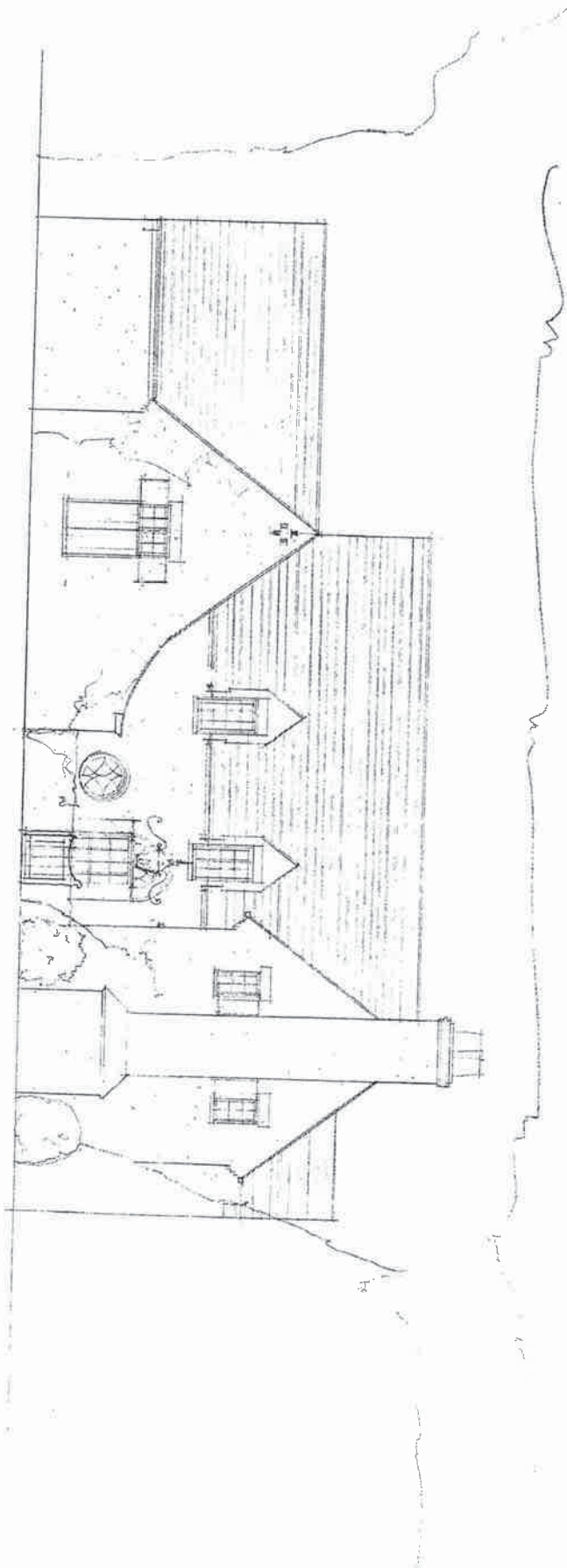
LEGEND

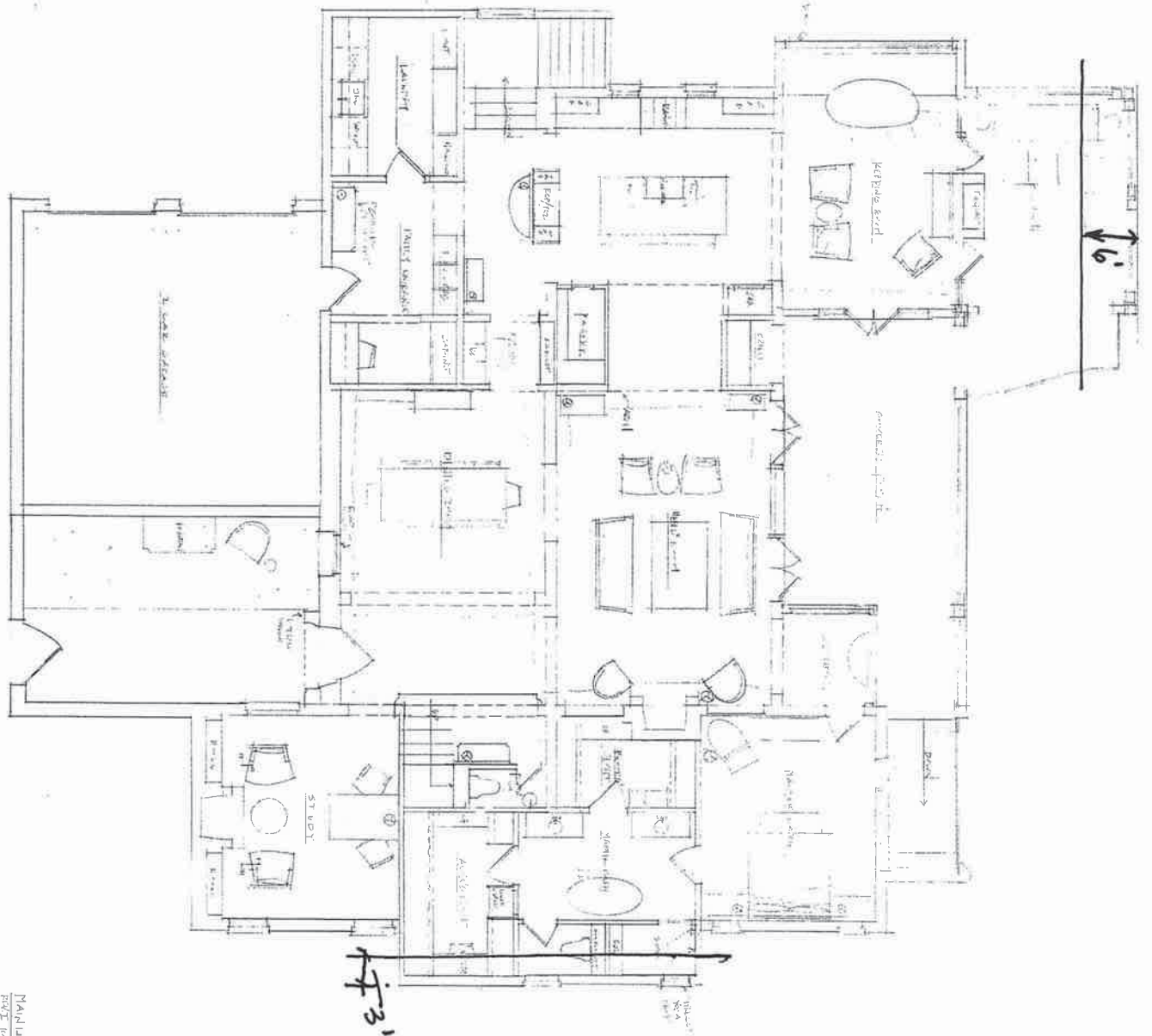
- DEGREE
- FEET OR MINUTES
- INCHES OR SECONDS
- GAS METER
- NORTH
- SOUTH
- POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- CENTER LINE
- EAST
- WEST
- OF BEGINNING
- CENTER LINE
- ARC LENGTH
- CHAIN LINK FENCE
- WOODEN FENCE
- CONCRETE
- UTILITY LINE
- UTILITY POLE
- JUNCTION BOX

NOTES:
1. NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAYS, 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. DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); MEASURED=(M); RECORD MAP/(PLAT)=(P).
2. UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
3. THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.
4. BEARING REFERENCE IS BASED ON RECORDED PLAT AND SOURCE OF INFORMATION IS RECORDED PLAT AND FIELD EVIDENCE.
5. TYPE OF SURVEY: FINAL SURVEY

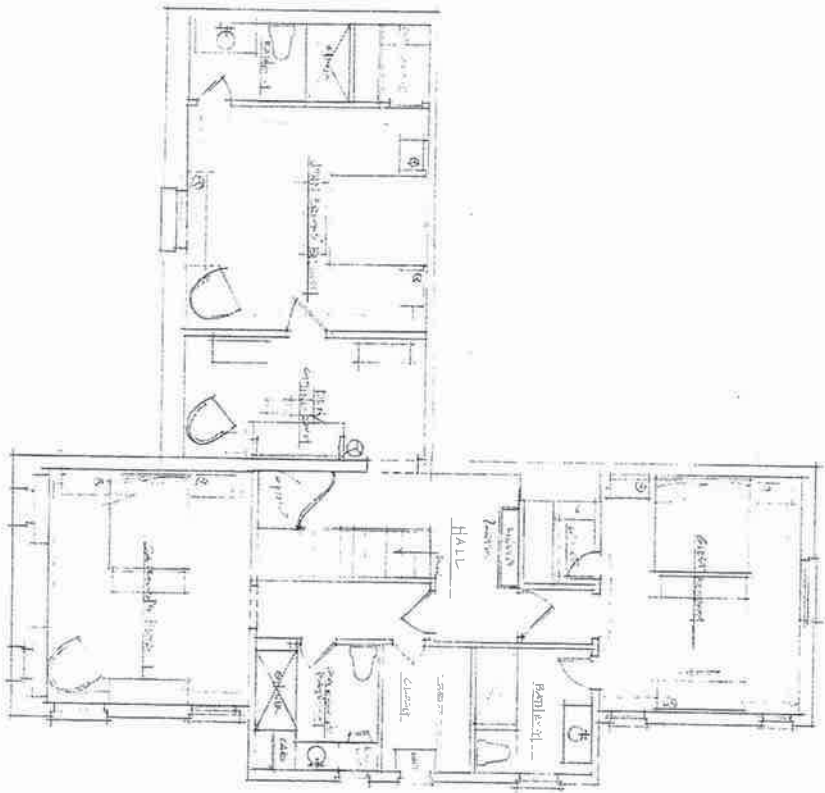


southwood road elevation

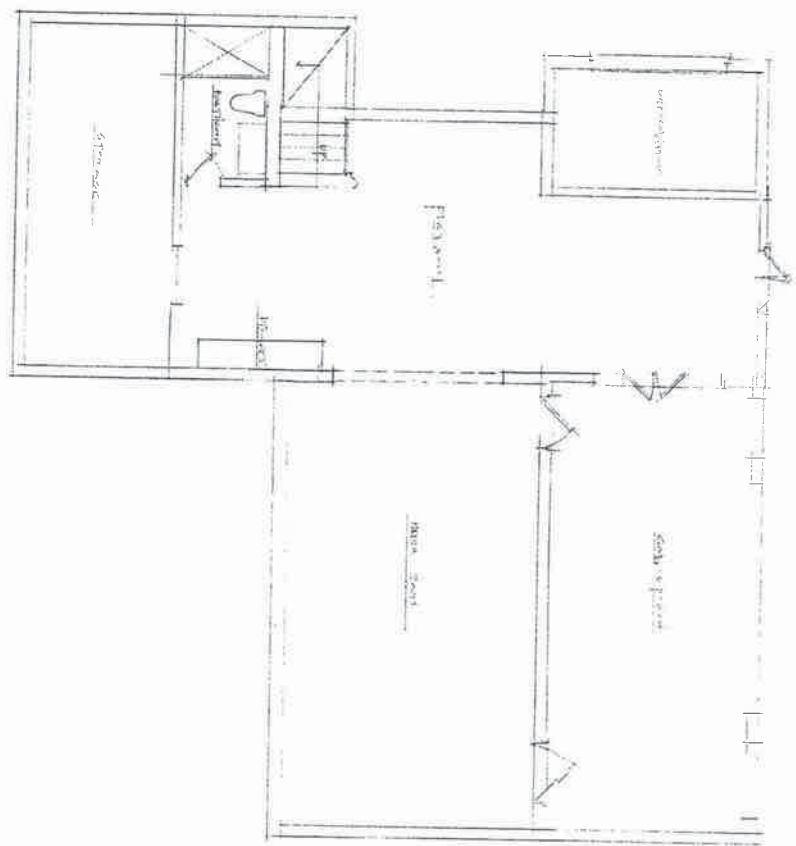




Main Level - Rosewood
 East of 1916



upper level floor plan



Level 1

1/1/20