CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT AGENDA FEBRUARY 21, 2019 6:00 P.M.

Roll Call.

Approval of Minutes: January 17, 2019

- (1) **BZA-0219-02** Brian Lewis is requesting a **Rear Setback Variance** for the property located at **3112 Starview Circle.** The purpose of this request is for a 22' rear setback variance to reduce the setback to 8' in lieu of the required 30'. The property is owned by Brian Lewis and is zoned Vestavia Hills R-2.
- (2) BZA-0219-03 Charles Boyd, II is requesting a Front Setback Variance for the property located at 1829 Nottingham Dr. The purpose of this request is for a 8' front setback variance to reduce the setback to 35' in lieu of the required 43'. The property is owned by Charles Boyd, II and is zoned Vestavia Hills R-2.
- (3) **BZA-0219-04** CRGI, LLC is requesting a **Front Setback Variance** for the property located at **3228 Ridgely Court.** The purpose of this request is for a 10' front setback variance to reduce the setback to 25' in lieu of the allowed 35'. The property is owned by CRGI, LLC and is zoned Vestavia Hills R-4.

Time of Adjournment.

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CITY OF VESTAVIA HILLS

BOARD OF ZONING ADJUSTMENT

MINUTES

JANUARY 17, 2019

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 Robert Gower George Ponder Jim Griffo Tony Renta, Alt

MEMBERS ABSENT:

Donald Holley, Alt

OTHER OFFICIALS PRESENT:

Conrad Garrison, City Planner

APPROVAL OF MINUTES

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

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

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

FENCE VARIANCE

BZA-0119-01 William Peter Morris is requesting a Variance For A Fence In The Front Yard for the property located at 1933 Highfield Drive. The purpose of this request is to replace an existing privacy fence with a new wooden fence. The property is owned by William Peter Morris and is zoned Vestavia Hills R-3.

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Mrs. Dickerson described the area where the property is located and read the review which included the purpose of the request, comprehensive plan and staff review.

William Peter Morris was present to explain the request and stated that the corner lot caused a hardship.

A discussion ensued on the location of the fence as well as an already constructed shed. Mr. Jones stated that the Board cannot approve a variance for a fence that encroaches on a neighbor's property. Mr. Morris stated the fence would not encroach.

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 variance for a fence in the front yard with the condition that the fence not breach the property line for the property at 1933 Highfield Drive 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. 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: **FEBRUARY 21, 2019**

- <u>CASE</u>: BZA-0219-02
- **<u>REQUESTED ACTION</u>**: 22' rear setback variance to reduce the setback to 8' in lieu of the required 30'.
- ADDRESS/LOCATION: 3112 Starview Circle
- **<u>APPLICANT/OWNER</u>**: Brian Lewis
- **GENERAL DISCUSSION:** Applicant is seeking a rear setback variance to build a garage addition. The applicants contend that the corner lot creates a hardship and the two front setbacks limit potential building space. 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.

BZA0219-02//2800223006039.00 3112 Starview Circle Rear Setback Variance Brian Lewis

BZA Application Revised May 5, 2016 Page 3

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.

Ι.	APPLICANT	INFORMATION:

Owner of Prop	erty (This Section Must Be Completed)
Name:	Brin Lewis
Address:	3112 Starview Car.
	Vestavia Hills AL 35243
Phone #:	205-915-9234 Other #:
E-Mail:	205-915-9234 Other #: blanis 8686 Qgmail.com
Representing A	ttorney/Other Agent
Name:	
Address:	
	The SI C SS NAL BIUS
Phone #:	Other #:
E-Mail:	

BZA Application Revised May 5, 2016 Page 4

II	DESC	RIPTION OF PROPERTY:
	LOCA	TION: 312 Starview C. Vestaria Hill, Street Address
		Subdivision name, Lot #, Block #, etc.
III.	REAS	SONS FOR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS):
	1.	(X) 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 square feet.
rear		' front(side/rear (circle one) setback variance to reduce the setback to ' in lieu of the required 15.
		' front/side/rear (circle one) setback variance to reduce the setback t
		' front/side/rear (circle one) setback variance to reduce the setback t
	2.	(A decision of the Zoning Official which the applicant believes to b 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 5. 6.	 A request for extension of non-conforming use (See Section). Sign Code Variance (See Section). Other - Explain (See Section).

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).

Corner lot hardship with two front setbacks

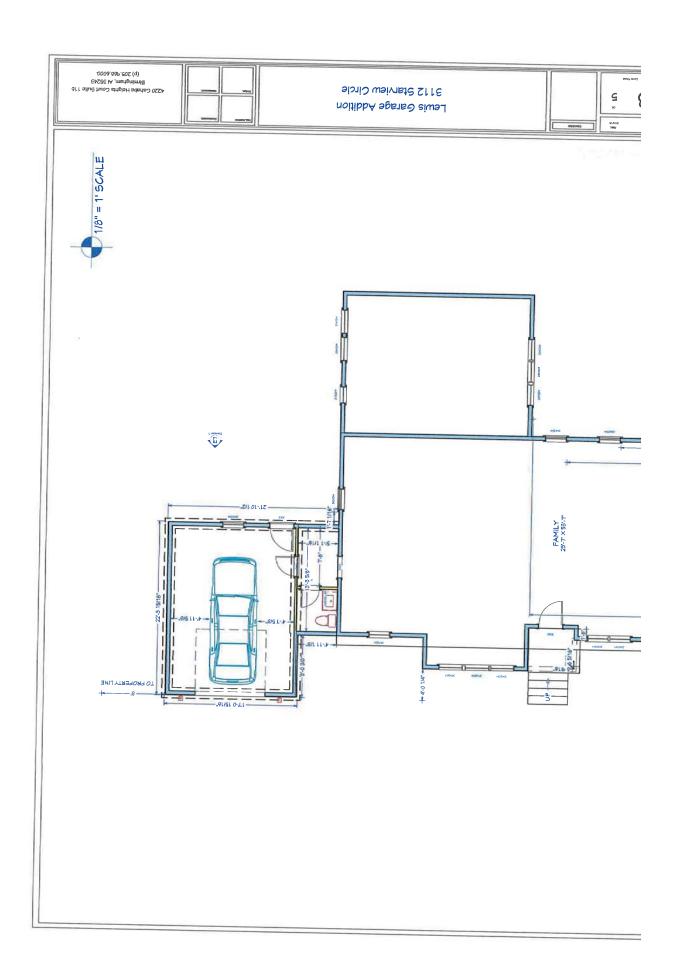
VI. OWNER AFFIDAVIT:

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.

Representing Agent (if any)/date Owner Signature/Date Given under my hand and seal this day of Jan lar. My Commission Expires November 8, 2020 Notary Public My commission expires 20 day of

LEGEND ASP ASPHALT 1/2" CRIMP FENCE BLDG BUILDING CALCULATED PIPE FOUND LOT 26 IN 0.7 CALC MEAS MEASURED 132.21" MEAS CH CHORD FENCE FENCE WESE . HR. OUT O.1' LNG LONG CHORD IN 0.4 1/2" CRIMP d DEFLECTION 132.23 WAR Δ PIPE FOUND ŝ DELTA ESMT EASEMENT EASEME 90-18:45-H₩ HEADWALL MIN MINIMUM MANHOLE MH ŝ ۱ MERS OH OVERHANG SETBACK POR PORCH い R RADIUS ONE STORY R.O.W. RIGHT OF WAY FRAME/BRICK SANITARY SAN RESIDENCE STM STORM Å. LOT 28 UTIL UTILITY AC S.F. ACRES 143.64 201 SQUARE FEET ġ, CENTERLINE 2 STARVIEW CIRCLE 106.94 106.95 A/C AIR CONDITIONER 0 POLE LOT 27 ANCHOR FENCE 50 FENCE OVERHEAD UTILITY WIRE --- X MENS M IN 0.4' 40.51 · R.O.W. RET RET. 40 SETBACK PVMT PAVEMENT WAL W/ TAN RES WITH TITI TANGENT RESIDENCE A91.17' MAP A92.39' MEAS R385.58' oLGT COV å 1/2" IMP COVERED PIPE FO IND R15.00' DECK D13'43'46" D76'31'41 $\overline{\mathbb{O}}$ CONCRETE 1/2" CRIMP WALL 1/2" CRIMI PIPE FOUND COLUMN PIPE FOUND CURB & GUTTER DOLLY RIDGE DRVE 50 R.O.W. * No. 24973 PROFESSION LAND SURVEY SCALE: 1"=40" STATE OF ALABAMA) JEFFERSON COUNTY) "Closing Survey" Ray Weygand, 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 ADDTION, 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 sealed in reg Order No.: 1433 Purchaser: LEWIS 1439 Address 3112 STARVIEW CIRCLE Ray Weygand, Reg L S. #24973 169 Oxmoor Road Homewood, AL 35209 Phone: (205) 942-0086 Fax: (205) 942-0087 Copyright O 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





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

Date: **FEBRUARY 21, 2019**

- <u>CASE</u>: BZA-0219-03
- **<u>REQUESTED ACTION</u>**: 8' front setback variance to reduce the setback to 35' in lieu of the allowed 43'.
- ADDRESS/LOCATION: 1829 Nottingham Drive
- **<u>APPLICANT/OWNER</u>**: Charles E. Boyd
- **<u>REPRESENTING ATTORNEY:</u>** Allen McWilliams
- <u>GENERAL DISCUSSION</u>: Applicant is seeking a front setback variance to build a house. The applicant contends that because the rear of the lot is only suitable for field lines, the buildable area is reduced and the house must be moved closer to the front of the lot. The Health Department recently turned down a proposal that had a setback of 50', but approved the currently proposed 35'. The applicant's property is zoned Vestavia Hills R-2.

• <u>STAFF REVIEW AND RECOMMENDATION</u>:

- 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.

BZA0219-03//2900362008002.000 1829 Nottingham Drive Front Setback Variance Charles Boyd, II R2

BZA Application Revised May 5, 2016 Page 3

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.

<u>I.</u>	APPLICANT INFORMATION:		
	Owner of Property (This Section Must Be Completed)		
	Name: CHARLES E. BOND IL		
	Address:	1829 NOTTINGHAM DEINE	
		VESTAVIA HILLS, AL 35216	
	Phone #:	205-902-2636 Other #: 205-201-9075	
	E-Mail:	CEB397 CGMAIL.COM	
	Representing Attorney/Other Agent		
	Name:	AllenMcWilliams	
	Address:	P.O. Box 43628	
		VESTAVIA Hills AL 35 243	
	Phone #:	<u>Jos 568. 9087</u> Other #:	
	E-Mail:	Allen e Amac Builsens. com	

BZA0219-03//2900362008002.000

1829 Nottingham Drive Front Sethools Ve

A Application 5,2016 Page 4

T	DECONTRACT		Charles Boyd, II	1 May 5, 2016 R2 Page 4
<u>II.</u>	DESCRIPTION	NOF PROPERTY:		
	LOCATION: _	1829 Notting Nam Street Address	Drive, Vestavia Hills	Al.
	Acreage			
	J	Subdivision name, Lo	t #, Block #, etc.	
III.	REASONS FOI	R REQUEST (PLEASI	E FILL IN APPLICABLE	E STATEMENTS).
	1. (🗹) A	request to vary:		STATEMENTS).
		_' variance to reduce th	ne lot width to'	in lieu of the required
		e required squ		
	8 35.0'	(front/side/rear (circle of in lieu of the required	one) setback variance to	reduce the setback to
	·	front/side/rear (circle of in lieu of the required	one) setback variance to	reduce the setback to
	, ,	front/side/rear (circle of in lieu of the required	one) setback variance to	reduce the setback to
	2. (A	decision of the Zonir	ng Official which the app	plicant believes to be
	3. 🗀 A	n application to establis	t the Zoning Ordinance. h a use which must be apr	
	4 🗇 A	request for extension of	Section).	
		gn Code Variance (See ther - Explain (See Secti	Section).	··/

IV. ZONING

Vestavia Hills Zoning for the subject property is <u><u>R-2</u></u>

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 front yard of the lot is unsuitable for field lines. See attached email-from Freeman White with JC Health Depot) Rear of the lotis only suitable avea. We had house at 50' of Freeman turned it down. House is approved at 35 Hardship is the only suitable soil is at rear of house of house, setback. 375. alternative avea. 01 Primary ধ

OWNER AFFIDAVIT: VI.

Attached

BZA0219-03//2900362008002.000 1829 Nottingham Drive Front Setback Variance Charles Boyd, II R2

BZA Application Revised May 5, 2016 Page 5

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

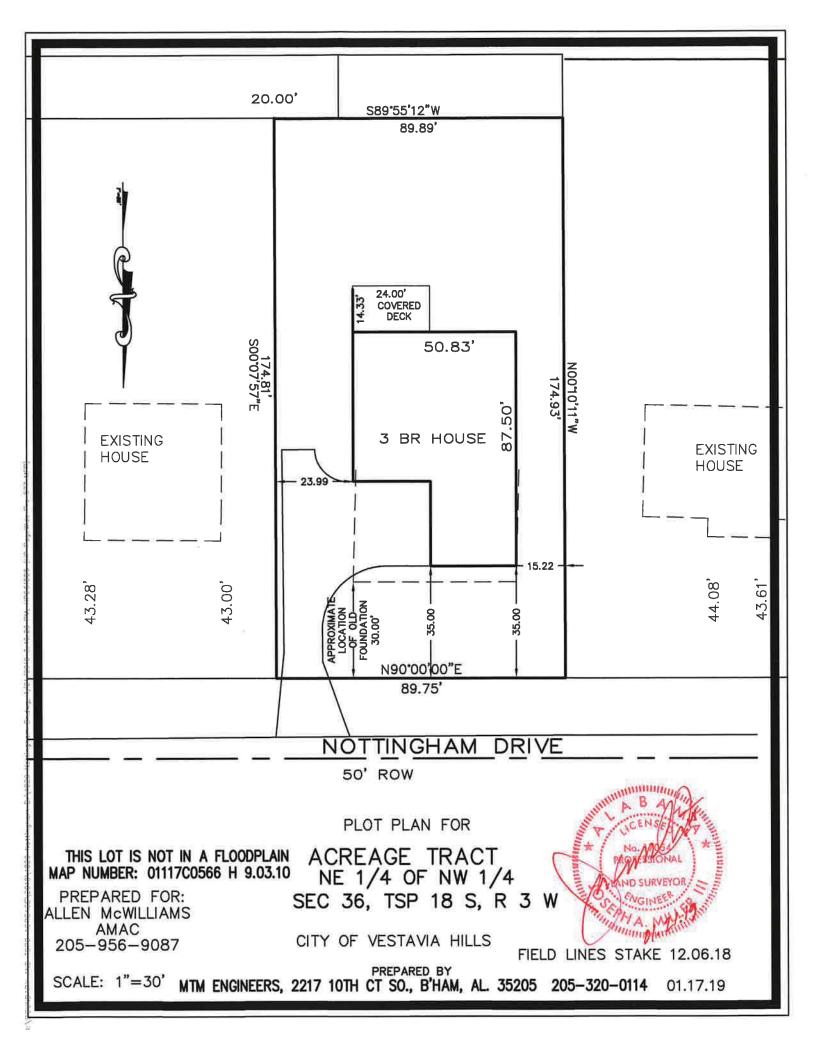
Representing Agent (if any)/date

Notary Public My commission expires 07/18 2022 day of July 202 2

STATE A

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

Date: **FEBRUARY 21, 2019**

- <u>CASE</u>: BZA-0219-04
- **<u>REQUESTED ACTION</u>**: 10' front setback variance to reduce the setback to 25' in lieu of the allowed 35'.
- ADDRESS/LOCATION: 3228 Ridgely Court
- <u>APPLICANT/OWNER</u>: CRGI, LLC
- <u>GENERAL DISCUSSION</u>: Applicant is seeking a front setback variance to build a front porch to the house so that it will conform with the other homes around it. The applicant contends that many of the homes around this property have front porches that are less than the 35' front setback requirement. The applicant notes that when these homes were built they were in unincorporated Jefferson County. 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.

CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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I. APPLICAN	APPLICANT INFORMATION:		
Owner of Pro	Owner of Property (This Section Must Be Completed)		
Name:	CRGI, LLC (Marc Sch	ioll/Amy Stump)	
Address:	4274 Cahaba Heights	Ct.	
	Vestavia, AL 35243		
Phone #:	205-478-2575	Other #:	
E-Mail:	marc@marcscholl.con	n and amy@amystump.com	
Representing	Representing Attorney/Other Agent		
Name:	5 <u> </u>		
Address:	·		
	(
Phone #:	Phone #: Other #: E-Mail:		
E-Mail:			

II. DESCRIPTION OF PROPERTY:

LOCATION: 3228 Ridgely Ct

Street Address

Lot 10, Block C, Cahaba Acres Second Addition

Subdivision	n name	Lot #	Block	#	etc
Duounision	i nume,	цυι π,	DIUCK	π,	CIC

III.	REAS	SONS 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/s)de/rear (circle one) setback variance to reduce the setback to <u>25</u> in lieu of the required <u>35</u> '.
		' 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 5. 6.	 A request for extension of non-conforming use (See Section). Sign Code Variance (See Section). Other - Explain (See Section).

IV. ZONING

Vestavia Hills Zoning for the subject property is R4

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).*

We are requesting the variance to add a front porch to the house so it will conform aestheically to the other homes around it. When the houses on this street were built, this was unincorporated Jefferson County. At that time, the setback was 35'. Many of the houses on the street have front porch additions. Several of them are less than 35' from the front 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.

1/22/19

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal this day of January , 2019 .

Notary Public 8

My commission expires 2021 day of APRUL

