## CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT AGENDA JULY 18, 2019 6:00 P.M.

Roll Call.

Approval of Minutes: June 20, 2019.

- (1) BZA-0719-19 Alan and Debbie Coshatt are requesting a Rear Setback Variance for the property located at 3401 Charter Road. The purpose of this request is to reduce the setback to 18' in lieu of the required 30'. The property is owned by Alan and Debbie Coshatt and is zoned Vestavia Hills R-2.
- (2) BZA-0719-20 Robert and Cathy Laswell are requesting a Front Yard Fence Variance for the property located at 3429 Oakdale Drive. The purpose of this request is to build a fence in the front yard. The property is owned by Robert and Cathy Laswell and is zoned Vestavia Hills R-2.
- (3) BZA-0719-21 Joe Ellis is requesting a Rear Setback Variance for the property located at 1625 Linda Vista Lane. The purpose of this request is to reduce the setback to 13' in lieu of the required 30'. The property is owned by Joe Ellis and is zoned Vestavia Hills R-2.

Time of Adjournment.

#### CITY OF VESTAVIA HILLS

#### **BOARD OF ZONING ADJUSTMENT**

#### **MINUTES**

#### **JUNE 20, 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 George Ponder Donald Holley, Alt

Jim Griffo Robert Gower

MEMBERS ABSENT: Tony Renta, Alt

OTHER OFFICIALS PRESENT: Jack Wakefield, Planner/GIS

Conrad Garrison, City Planner

## **APPROVAL OF MINUTES**

The minutes of May 16, 2019 were presented for approval.

Motion to dispense with the reading of the minutes of May, 16 2019 was made by Mr. Jones and 2<sup>nd</sup> was by Mr. Holley. Motion as carried on a voice vote as follows:

Mr. Jones - yes
Mr. Holley - yes
Mr. Griffo - yes
Mr. Gower - yes
Mr. Gower - yes

Motion carried.

#### FRONT YARD FENCE VARIANCE

BZA-0619-15

**MOTION** 

William and Cassidy Cates are requesting a Variance For A Front Yard Fence for the property located at 3436 Hillway Drive. The purpose of this request is to build a fence in the front yard. The property is owned by William and Cassidy Cates. and is zoned Vestavia Hills R-4.

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

Will Cates was present to explain the request and stated that the corner 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 front yard fence variance for the property at 3436 Hillway Drive was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Jones - yes	Mr. Ponder - yes
Mr. Holley - yes	Mr. Rice - yes
Mr. Griffo - yes	Mr. Gower - yes
Motion carried.	

#### **REAR SETBACK VARIANCE**

**BZA-0619-16** 

Joes Denson is requesting a **Rear Setback Variance** for the property located at **1202 Green Glen Road.** The purpose of this request is 11' rear setback variance to reduce the setback to 19' in lieu of the required 30'. The property is owned by Joe Denson and is zoned Vestavia Hills R-2.

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

Joe Ellis was present representing the applicant to explain the request and stated that 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 an 11' rear setback variance to reduce the setback to 19' in lieu of the required 30' for the property at 1202 Green Glen Road was made by Mr. Jones and 2nd was by Mr. Griffo. Motion was carried on a roll call vote as follows:

Mr. Jones - yes	Mr. Ponder - yes
Mr. Holley - yes	Mr. Rice - yes
Mr. Griffo - yes	Mr. Gower - yes
Motion carried.	

#### **SQUARE FOOTAGE VARIANCE**

**BZA-0619-18** 

Jon Culver is requesting a **Square Footage Variance** for the property located at **3782 Poe Drive.** The purpose of this request is for a 6,700 square foot variance to reduce the lot area to 8,300' in lieu of the required 15,000'. The property is owned by Jon Culver and is zoned Vestavia Hills R-4.

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

Jason Kessler was present representing the applicant to explain the request and stated the hardship.

- Mr. Ponder stated that this request would not benefit the property in question.
- Mr. Garrison stated that this request is to tie up the official resurvey.
- Mr. Rice opened the floor for a public hearing.
- 2 residents, living across the street, asked if roads would be torn up during construction and what would happen to the gas line.
- Mr. Kessler stated that they will not cut up the street and although he did not have enough specifics, he said he didn't think they would do construction work on these resident's side of the street.
  - Mr. Rice closed the public hearing and opened the floor for a motion.

**MOTION** Motion to approve a square footage variance for the property 3782 Poe Drive was made by Mr. Jones and 2nd was by Mr. Gower. Motion was carried on a roll call vote as follows:

Mr. Jones - yes
Mr. Holley - yes
Mr. Griffo - 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: **JULY 18, 2019** 

• <u>CASE</u>: BZA-0719-19

- **REQUESTED ACTION:** 12' rear setback variance to reduce the setback to 18' in lieu of the required 30'.
- ADDRESS/LOCATION: 3401 Charter Road
- APPLICANT/OWNER: Alan & Debbie Coshatt
- **REPRESENTING AGENT:** Tommy Coggin
- **GENERAL DISCUSSION:** Applicants are seeking a rear setback variance to build an addition to the current house. The applicants contend that there is a hardship because of the property is a corner lot, and the house sits at an angle on the property, so there isn't enough buildable space on the left side of the property. 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.

# BZA0719-19//2800294006007.000 3401 Charter Rd.

Rear Setback for an addition Alan & Debbie Coshatt

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.

I. APPLICAN	T INFORMATION:
Owner of Pr	operty (This Section Must Be Completed)
Name:	Alan + Debbie Coshatt
Address:	340 / Charter Rd-
	Vestavia Hills, AL-35243
Phone #:	205-913-919 (Other #:
E-Mail:	Shatt 18 @ bellsouth. NeT
Representing	g Attorney/Other Agent
PF Name:	Tommy Coggia - Harris Loggia Bldg Co, Inc.
Address:	2029 Kertucky AL
	Vestavia Hills, AL 35216
Phone #:	205-368-/671 Other #:
E-Mail:	Toggin @ harriscoggin.com

II.	DESC	CRIPTI	ON OF PROPERTY:
	LOCA	TION:	3401 Charter Rd. Street Address
		1	Street Address
		Love	entry-Lot 1 Block 5 of Covertry 3rd +4th Sectors
***			Subdivision name, Lot #, Block #, etc.
III.	1.		OR REQUEST (PLEASE FILL IN APPLICABLE STATEMENTS): A request to vary:
	1		$\frac{4}{7}$ , variance to reduce the lot width to $\frac{1}{1}$ , in lieu of the required
		lieu o	square foot variance to reduce the lot area to square feet in f the required square feet.
			' front/side/rear (circle one) setback variance to reduce the setback to in lieu of the required 36.
			_' 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.		A request for extension of non-conforming use (See Section).  Sign Code Variance (See Section).
	6.		Other - Explain (See Section).
IV.	ZONI	<u>ING</u>	D 2
			s Zoning for the subject property is R-2.
<u>V.</u>	HAR	DSHIP	
			ose things which you feel justify the action requested. List, when
			e specific sections of the City Code(s) which have a bearing on your request.
16	e hou		al space on separate page if necessary).
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16		, 0	

OWNER AFFIDAVIT:

VI.

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 13th day of JUNC , 201

Notary Public

My commission expires

 EDWARD A HARRIS III
My Commission Expires
January 31, 2023

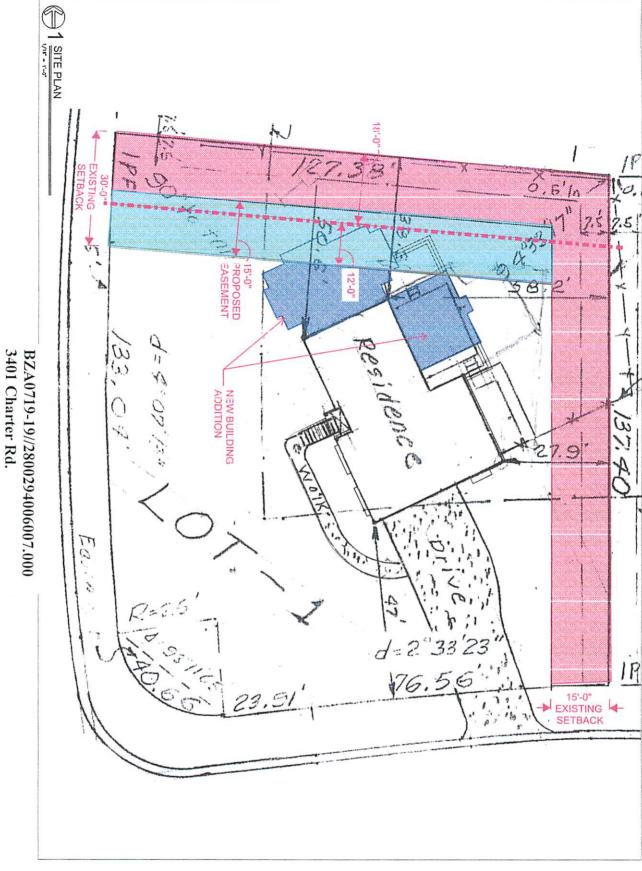
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A2.0

Rear Setback for an addition Alan & Debbie Coshatt

R2

SITE PLAN





A NEW ADDITION FOR
COSHATT RESIDENCE

3401 CHARTER ROAD
VESTAVIA HILL, ALABAMA

LATHAN ASSOCIATES ARCHITECTS, P.C. 300 CHASE PARK SOUTH SHE 200, MORE LABOR 2014 NOOL 201 SE-HILL



map of Lot 1 Block 5 of Coventry 31 to and 4 in Sectors. as recorded in Map Book 85. Page 43 in the Office of the Judge Of Probate in <u>Jeffraen</u> County, visible encroachments on, over or across said lands except as shown. According to my survey this the Alabama. All parts of this survey and drawing have been completed in accordance with the current knowledge, information and belief. The improvements on said premises are as shown. There are no requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my 1. Mewin R. Reynolds, a Registered Surveyor, do hereby state, that this is a true and correct plat or map of Lot 1 ... , Block 5 ... , of Coverntry 319 and 4th 5ectors 2005 - day of BE

NOTE: This survey is not transferable to any additional institution or subsequent owners. Survey is not to

be used for future construction design, planning or any other purposes.

Purchaser. Harris - Coggiin Address: 3401- Charter Rana

RZ Rear Setback for an addition Alan & Debbie Coshatt 3401 Charter Rd.

70017

BZA0719-19//2800294006007.000

## CITY OF VESTAVIA HILLS

# SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: **JULY 18, 2019** 

- <u>CASE</u>: BZA-0719-20
- **REQUESTED ACTION:** Variance For Front Yard Fence
- ADDRESS/LOCATION: 3429 Oakdale Drive
- <u>APPLICANT/OWNER</u>: Robert & Cathy Laswell
- **REPRESENTING AGENT:** N/A
- **GENERAL DISCUSSION:** Applicants are seeking a variance for a fence in the front yard. Applicants contend there is a hardship because the property is a corner lot. The new 6' privacy fence would replace the existing fence, as the existing fence did not serve its intended purpose. The property is currently zoned R-2.

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## • 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.

# BZA0719-20//2800111003007.000 3429 Oakdale Drive

Variance for a fence in front yard Robert & Cathy Laswell 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> 1.                                     </u>	APPLICA	NT INFORMATION:
	Owner of P	Property (This Section Must Be Completed)
	Name:	Robert ? Cathy Laswell
	Address:	3429 Oakdale Wr.
		Vestavia, Al. 35223
	Phone #:	(205) 529-4752 Other #: (205) 903-8902
	E-Mail:	robert/aswc11@ bel/south.net
	Representi	ng Attorney/Other Agent
	Name:	- NA
	Address:	
	Phone #:	Other #:
	E-Mail:	

## BZA0719-20//2800111003007.000 3429 Oakdale Drive

Variance for a fence in front yard Robert & Cathy Laswell BZA Application ised May 5, 2016 Page 4

II.	DESCRIPTION OF PROPERTY: R2
	LOCATION: 3429 Ookdole Drive Street Address
	Stone leigh Sector 1 LO+2  Bubdivision 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).
<u></u>	at york Ferra
IV.	ZONING Vestavia Hills Zoning for the subject property is R-Z.
<u>v.</u>	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).
	See attached letter

## VI. OWNER AFFIDAVIT:

BZA0719-20//2800111003007.000 3429 Oakdale Drive Variance for a fence in front yard Robert & Cathy Laswell 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.

Fretw Lorwell	N/A
Owner Signature Date 6/18/19	Representing Agent (if any)/date
Given under my hand and seal	
this $\frac{18}{18}$ day of $\frac{1}{164}$ , $\frac{1}{16}$ , $\frac{1}{16}$	
1 2001	
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My commission expires My Commission Expires:  day of  June 7, 2023	

I do hereby the hereby declayes the cheese statements are the multipart late of that I the course people my tuly appointed representative with ne atother schedule diseases. It also maderated that I are assume the a various chased on the coning Code that when it are only only or all concentrate that are too in the company.

My Completion Explose:

BZA0719-20//2800111003007.000 3429 Oakdale Drive Variance for a fence in front yard Robert & Cathy Laswell R2

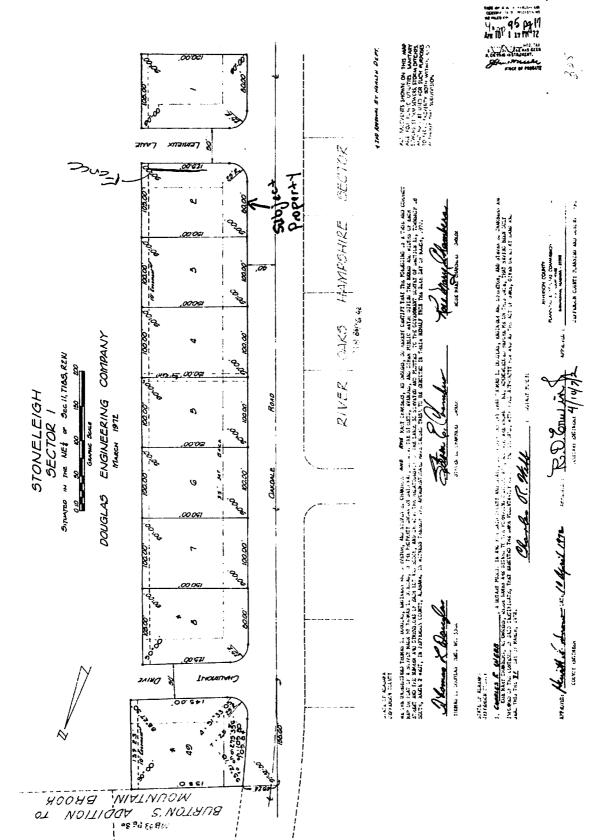
# V. Hardship

Our existing chain link fence was in disrepair and was no longer the original height due to buildup of soil from erosion. The shortening of the height allowed our dogs to stand on their back legs and peer over the fence. The fence no longer served its purpose as our dogs barked at our neighbors and pedestrians both of which expressed concern that the dogs could jump the fence. Since the existing fence did not serve its purpose we decided to replace it, in the same location, with a 6ft tall wood privacy fence. We have a corner lot and the original fence location is on or just inside our property lines. As we have a corner lot we have been advised that we would require a variance to locate the fence in the same location as it did extend beyond the side of the house near Lemieux Lane. To move the fence from its original location would reduce our fenced back yard by approximately a third and impact the usefulness of our large gate and driveway.

We discussed this issue with the building department and were told if we couldn't get a permit that we would need to apply for a variance. I relayed this to the salesman at Olympic Fence. Due to a misunderstanding the owner of Olympic Fence thought that we had obtained a building permit and we thought that Olympic Fence would obtain the permit.

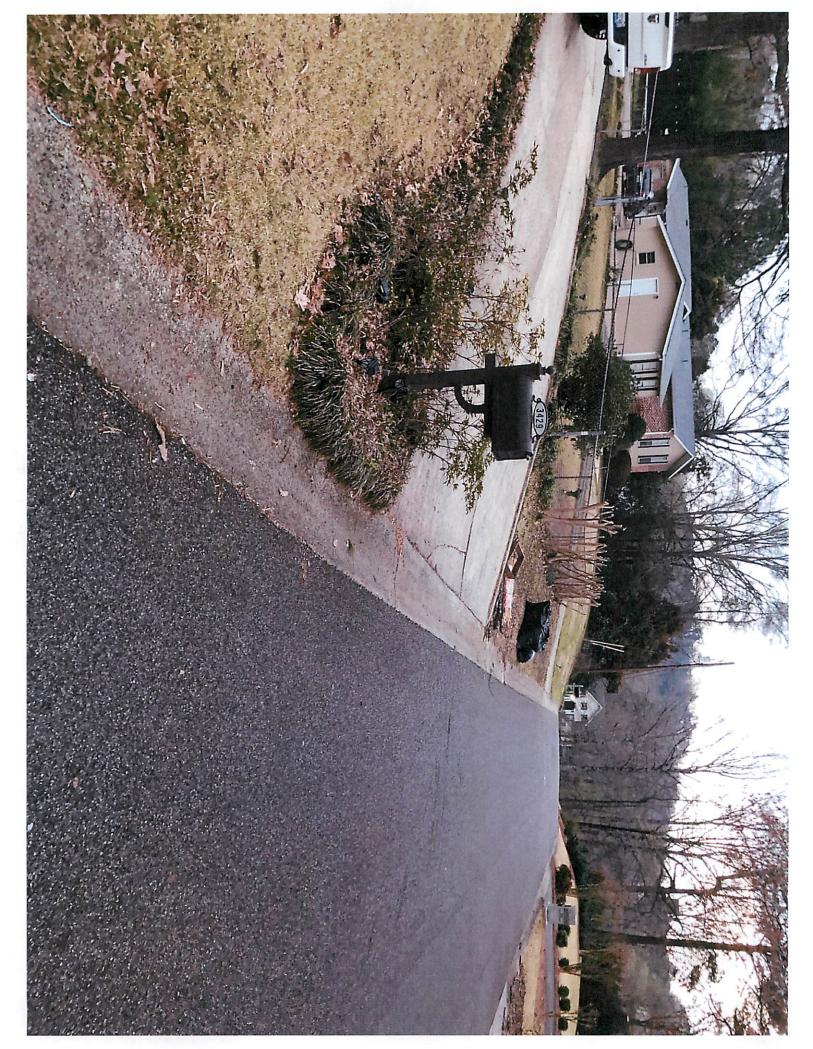
Therefore the fence was built without first obtaining the permit. It was a misunderstanding and was not intentional.

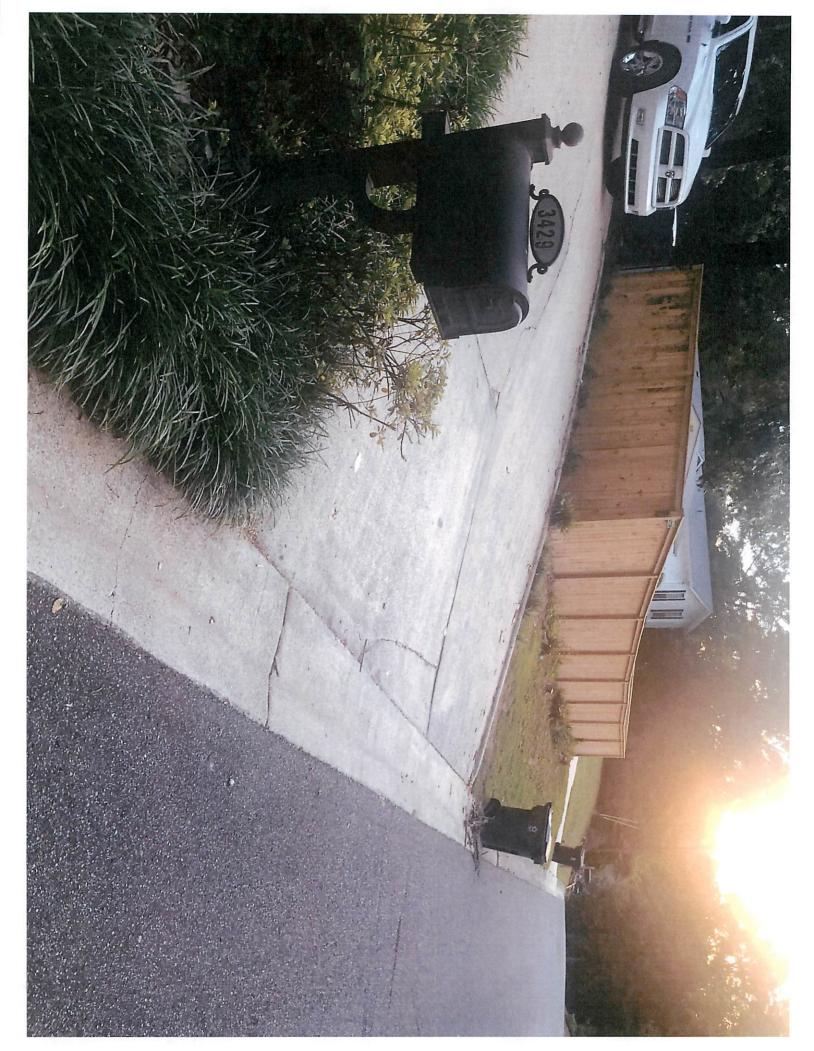
We request that we leave the new wood privacy fence in the same location as the original chain link fence had been since we purchased the property in 2001.



**BZA0719-20//2800111003007.000 3429 Oakdale Drive**Variance for a fence in front yard

Robert & Cathy Laswell





## CITY OF VESTAVIA HILLS

# SYNOPSIS AND STAFF RECOMMENDATION CONCERNING APPLICATION BEFORE THE BOARD OF ZONING ADJUSTMENT

Date: **JULY 18, 2019** 

• <u>CASE</u>: BZA-0719-21

• **REQUESTED ACTION:** 17' rear setback variance to reduce the setback to 13' in lieu of the required 30'.

• ADDRESS/LOCATION: 1625 Linda Vista Lane

• **APPLICANT/OWNER**: Joe Ellis

• **REPRESENTING AGENT**: N/A

• **GENERAL DISCUSSION:** Applicant is seeking a rear setback variance to build an addition to the current house. The applicant contends that there is a hardship because of the property is a corner lot and the house is placed a considerable amount of distance from Columbiana Road, eating space in the back of the property. 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.

BZA Application Revised May 5, 2016 Page 3

# CITY OF VESTAVIA HILLS BOARD OF ZONING ADJUSTMENT APPLICATION

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APPLICAN	INFORMATION:
Owner of Prop	perty (This Section Must Be Completed)
Name:	JOE ELL19
Address:	1625 LINDA VISTA LAME
	YESTAVIA HILLS AL 35226
Phone #:	205 · 790 · 1389 Other #:
E-Mail:	jellis@dwellingarchitecture.com
Representing	Attorney/Other Agent
Name:	<u> </u>
Address:	
Phone #:	Other #:
E-Mail:	

<u>II.</u>	DESCRIPTION OF PROPERTY:
	LOCATION: 1625 UMA VISTA LAME Street Address
	LOT 1 BUOCK 2 GENTILLY FOREST  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/car (circle one) setback variance to reduce the setback to in lieu of the required <u>no</u> .
	front/side/rear (circle one) setback variance to reduce the setback to
	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).
	A request for extension of non-conforming use (See Section).  Sign Code Variance (See Section).
	6. Other - Explain (See Section).
IV.	ZONING Vestavia Hills Zoning for the subject property is <u></u> <u></u> キーレ .
$\overline{V}$ .	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 PERUMENTS OF WITH THE PLACEMENT OF THE ONGIVE STRUCTURE OPENTED AND WITH THE PLACEMENT OF THE ONGIVE STRUCTURE OPENTED ON THIS PROPERTY.
	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

MATTHEW JACOB WHITWORT
My Commission Expires
February 5, 2023

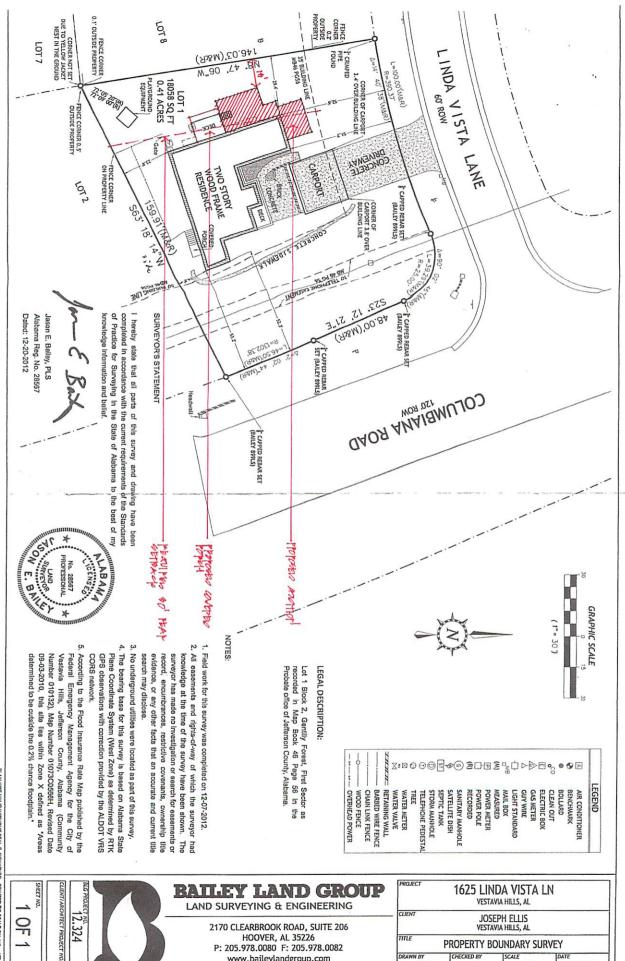
Given under my hand and seal

this 18th day of June . 20 1

Notary Public

5H

My commission expires 5<sup>th</sup> day of February , 20 243



P: 205.978.0080 F: 205.978.0082

www.baileylandgroup.com

CHECKED BY

SCALE

12-20-2012

DRAWN BY

MLT

